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FEDERAL REGISTER

VOLUME 33 · NUMBER 128

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Agricultural Stabilization and Conservation Service
Business and Defense Services Administration
Civil Service Commission
Coast Guard
Commodity Credit Corporation
Comptroller of the Currency
Consumer and Marketing Service
Engineers Corps
Equal Employment Opportunity Commission
Federal Aviation Administration
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Small Business Administration
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Current White House Releases

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS

The *Weekly Compilation of Presidential Documents* began with the issue dated Monday, August 2, 1965. It contains transcripts of the President's news conferences, messages to Congress, public speeches, remarks and statements, and other Presidential material released by the White House up to 5 p.m. of each Friday.

This weekly service includes an Index of Contents preceding the text and a Cumulative Index to Prior Issues at the end. Cumulation of this index terminates at the end of each quarter and begins anew with the following issue. Semiannual and annual indexes are published separately.

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1968 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes and supplements of the Code of Federal Regulations issued to date during 1968. New units issued during the month are announced on the inside cover of the daily FEDERAL REGISTER as they become available.

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that one position of Administrative Assistant engaged in interdepartmental activities of the Office of the Secretary is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (3) of paragraph (c) of § 213.3306 is amended as set out below.

§ 213.3306 Department of Defense.

* * * * * *

(c) *Interdepartmental Programs.* * * *

(3) Two Staff Assistants and one Administrative Assistant.

* * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68–7850; Filed, July 1, 1968; 8:50 a.m.]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that the position of Private Secretary to the Deputy Assistant Secretary for Economic Affairs is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (13) of paragraph (a) of § 213.3314 is revoked.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68–7849; Filed, July 1, 1968; 8:50 a.m.]

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that the position of one Special Assistant to the Administrator is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (3) of paragraph (a) of § 213.3337 is revoked.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-7851; Filed, July 1, 1968; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS [1]

Subpart—Regulations Governing Inspection and Certification

MISCELLANEOUS AMENDMENTS

Statement of considerations leading to amendment of regulations. The cost of maintaining the inspection service for processed fruits and vegetables and other products has increased materially since the last adjustment in fees in November 1962. Consequently, it is necessary to amend the schedules of fees and charges so as to more nearly cover the cost of providing inspection services.

The principal changes in the schedule of fees are as follows:

(1) Increasing the hourly rate from $6 to $8;

(2) Separating grading fee from sampling fee;

(3) Adjusting the unit rate for grading to reflect the separate charge for sampling;

(4) Eliminating the slightly reduced fee for multiple small lot inspections when such lots are offered at one time;

(5) Charging the same fee for unofficially submitted samples regardless of size of the container.

Sampling, condition of container examination, case stamping, checkloading, and related services are charged at the basic hourly rate. Grading time is charged at a revised schedule according to product category and lot size. The total cost for a particular inspection service is the fee charged for the time required for sampling and related services plus the fee for grading plus any additional fee for microanalyses or other analyses necessary for the determination of the quality and condition, or both, of the lot. This method of charging for inspection services relates the various fees to the respective amount of time and effort required to perform such services. Also, applicants for service will get the benefit of savings in sampling costs when more than one lot of processed products is offered for inspection service at the same time.

Other changes include adjustments in charges for special analyses, fees for score sheets and fees for additional copies of inspection certificates. Also, editorial changes have been made for clarification purposes.

In addition to the increase in the fee schedules, changes are made in the definition of "lot" to more clearly identify the processed product sampled with the results of the grading and inspection as shown on the official certificate. Additionally, a change has been made in § 52.13 dealing with the basis of inspection and grade determination. The change provides for consideration of an identifiable portion of a lot as a separate lot when such portion is of lower grade or deficient in other factors.

The Subpart—Regulations Governing Inspection and Certification is hereby amended in the following respects:

1. The definition of "Lot" contained in § 52.2 is revised to read as follows:

§ 52.2 Terms defined.

* * * * *

Lot. "Lot" means any number of containers of the same size and type which contain a processed product of the same type and style located in the same warehouse or conveyance, or which, under in-plant (in-process) inspection, results from consecutive production within a plant and which is available for inspection service at any one time: *Provided,* That (a) if the applicant requests a separate inspection certificate covering a specific portion of a lot, such portion must be separately marked or otherwise identified in such a manner as to permit sampling, inspection, and certification of such portion as a separate lot; and (b) under in-plant (in-process) inspection, the inspector is authorized to limit the number of containers of a processed product that may be included in a lot to the production of a single working shift when such production is not in compliance with specified requirements.

* * * * *

2. Paragraph (b) of § 52.13 is revised to read as follows:

§ 52.13 Basis of inspection and grade or compliance determination.

* * * * *

(b) Unless otherwise approved by the Administrator, compliance with such grade standards, specifications, or instructions shall be determined by evaluating the product, or sample, in accordance with the requirements of such standards, specifications or instructions: *Provided,* That when inspection for quality is based on any U.S. grade standard which contains a scoring system, the grade to be assigned to a lot is the grade indicated by the average of the total of the scores of the respective sample units: *Provided further,* That—

(1) Such sample complies with the applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act;

(2) Such sample complies with the product description;

(3) Such sample meets the indicated grade with respect to factors of quality which are not rated by score points; and

(4) With respect to those factors of quality which are rated by score points, each of the following requirements is met:

(i) None of the sample units falls more than one grade below the indicated grade because of any quality factor to which a limiting rule applies;

(ii) None of the sample units falls more than 4 score points below the minimum total score for the indicated grade;

(iii) The number of deviants does not exceed the applicable acceptance number indicated in the sampling plans contained in § 52.38 ("deviants", as used in this paragraph, means sample units that fall into the next grade below the indicated grade but do not score more than 4 points below the minimum total score for the indicated grade);

(5) If any of the provisions contained in subparagraphs (3) and (4) of this paragraph (b) are not met, the grade is determined by considering such provisions in connection with succeedingly lower grades until the grade of the lot, if assignable, is established; and

(6) When it is determined that a portion of a lot bearing a particular identification mark is of lower quality or deficient in other factors, the grade or compliance of the lot shall be no higher than that of the portion bearing the particular identification mark.

3. Section 52.42 is revised to read as follows:

§ 52.42 Schedule of fees.

(a) Unless otherwise provided in a written agreement between the applicant and the Administrator, the fee for any inspection service performed under the regulations in this part at the request of the United States, or any agency or instrumentality thereof, shall be at the rate of $8 per hour.

(b) Unless otherwise provided in this part, the respective fees for inspection services performed under this part on officially drawn samples shall be based on the applicable rates specified in this section plus the applicable charges for such micro, chemical, and certain other special analyses specified in § 52.47 which may be requested by the applicant or required by the inspector to determine the quality or condition of the processed product.

OFFICIALLY DRAWN SAMPLES

(1) For sampling, checkloading, condition of container examination or for any related services, or any combination thereof, including travel time as provided for in § 52.51—$8 per hour.

(2) For determining the quality and condition of the processed product by examination of the sample, the rate as listed in (i) through (ix) of this subdivision (2) for the applicable method of preservation:

(i) *Canned or similarly processed fruits and vegetables, except canned pineapple and canned pineapple juice packed and inspected in Puerto Rico.*

For each lot packed in containers of a volume not exceeding that of a No. 12 size can (603 x 812):	
Minimum fee for 200 cases, or less	$8.00
For each additional 100 cases, or fraction thereof, but not in excess of a total of 5,000 cases	0.75
For each additional 100 cases, or fraction thereof, in excess of a total of 5,000 cases	0.60
(ii) *Canned pineapple and canned pineapple juice packed and inspected in Puerto Rico.*	
For each case of 24 containers, or less	$0.015
For each case of more than 24 containers	0.020
Minimum fee per lot	8.00
(iii) *Frozen or similarly processed fruits and vegetables.*	
(*a*) Frozen products other than corn-on-the-cob:	
For each lot of 5,000 pounds, or less	$12.00
For each additional 5,000 pounds, or fraction thereof, but not in excess of a total of 100,000 pounds	2.00
For each additional 5,000 pounds, or fraction thereof, in excess of a total of 100,000 pounds	1.75
(*b*) Frozen corn-on-the-cob:	
For each lot of 1,000 dozen ears, or less	12.00
For each additional 1,000 dozen ears, or fraction thereof, but not in excess of a total of 10,000 dozen ears	2.00
For each additional 1,000 dozen ears in excess of a total of 10,000 dozen ears	1.75
(iv) *Dried fruits others than figs and dates.*	
For each lot of 5,000 pounds, or less	$12.00
Each additional 2,000 pounds, or fraction thereof, but not in excess of a total of 50,000 pounds	0.80
Each additional 2,000 pounds, or fraction thereof, in excess of 50,000 pounds	0.60
(v) *Dried figs and dates.*	
For each lot of 5,000 pounds, or less	$12.00
Each additional 2,000 pounds, or fraction thereof, but not in excess of a total of 50,000 pounds	2.00
Each additional 2,000 pounds, or fraction thereof, in excess of 50,000 pounds	1.75
(vi) *Dehydrated fruits and vegetables.*	
For each lot of 5,000 pounds, or less	$12.00
Each additional 2,000 pounds, or fraction thereof, but not in excess of a total of 25,000 pounds	0.80
Each additional 2,000 pounds, or fraction thereof, in excess of 25,000 pounds	0.60
(vii) *Honey, molasses, sirup and similar sugar products.*	
For 3 sample units, or less	$8.00
For each additional sample unit	1.00
(viii) *Coffee.*	
Green bean grade, each sample	$8.00
Cup test, each sample	8.00
Combination green bean grade and cup test, each sample	12.00
(ix) *Tea.*	
Cup test, each sample	$8.00

(c) Unless otherwise provided in this part, the respective fees for inspection services performed on unofficially drawn samples shall be based on the applicable rates specified in this section plus the charges for such micro, chemical, and certain other special analyses specified in § 52.47 which may be requested by the applicant or required by the inspector to determine the quality or condition of the samples.

UNOFFICIALLY DRAWN SAMPLES

(1) *Canned or similarly processed fruits and vegetables.*	
3 sample units, or less	$8.00
Each additional sample unit	2.00
(2) *Frozen or similarly processed fruits and vegetables.*	
2 sample units, or less	$8.00
Each additional sample unit	2.00
(3) *Dried fruits other than figs and dates.*	
Each sample	$8.00
(4) *Dried figs and dates.*	
Each sample	$8.00
(5) *Dehydrated fruits and vegetables.*	
Each sample	$8.00
(6) *Honey, molasses, sirup.*	
3 sample units, or less	$8.00
Each additional sample unit	1.00
(7) *Coffee.*	
Green bean grade, each sample	$8.00
Cup test, each sample	8.00
Combined green bean grade and cup test, each sample	12.00
(8) *Tea.*	
Cup test, each sample	$8.00

(d) The fee for any inspection service performed on any processed product not included in paragraphs (b) and (c) of this § 52.42 shall be at the rate of $8 per hour for the time (including travel time as provided for in § 52.51) required by the inspector in performing the inspection service.

4. Section 52.44 is revised to read as follows:

§ 52.44 Inspection fees when charges for sampling have been collected by a licensed sampler.

For any lot of processed products from which a sample is drawn by a licensed sampler and the applicable sampling fee is collected by the licensed sampler or appropriate authority, as provided in § 52.43, the fees for other inspection services with respect to such lot shall not include charges for sampling.

5. Section 52.45 is revised to read as follows:

§ 52.45 Inspection fees when charges for sampling have not been collected by a licensed sampler.

For any lot of processed products from which a sample is drawn by a licensed sampler and the sampling fee is not collected by the licensed sampler or the appropriate authority, as provided in § 52.43, the fees and charges for inspection services with respect to such lot shall be the applicable fees and charges prescribed in § 52.42.

6. Section 52.47 is revised to read as follows:

§ 52.47 Charges for micro, chemical and certain other special analyses.

(a) The applicable charges listed in this section shall be made for micro, chemical, and certain other special analyses which may be requested by the applicant, or required by the inspector to determine the quality or condition of the processed product. When any of these analyses is made at the request of the applicant and is not in connection with an inspection to determine the quality or condition of the product, the applicable charge shall be increased by 50 percent.

Type of analysis	For first analysis	For each additional analysis
Mold count	$4.00	$2.00
Worm larvae and insect fragment count	8.00	4.00
Fly egg and maggot count	4.00	2.00
Fiber test (green and wax beans)	8.00	4.00
Alcohol insoluble solids	8.00	4.00
Alcohol (distillation and specific gravity)	16.00	12.00
Ascorbic acid (vitamin C)	8.00	2.00
Total ash (carbonated or sulfated)	8.00	4.00
Ash, acid insoluble	12.00	8.00
Ash, water soluble or water insoluble	12.00	8.00
Ash, NaCl Free (approximately method-total ash less NaCl)	12.00	8.00
Ash, NaCl Free (P_2O_5 x 2)	20.00	12.00
Catalase test	4.00	4.00
Diastase test for honey (AOAC Method)	16.00	8.00
Ether extract (crude fat)	12.00	8.00
Fat (acid hydrolysis)	12.00	8.00
Water insoluble solids	12.00	8.00
Iodine number	12.00	8.00
Nitrogen or crude protein	12.00	8.00
Nonvolatile ether extract	12.00	8.00
Oil volatile	8.00	8.00
Phosphorous pentoxide (P_2O_5)	20.00	12.00
Potash (K_2O)	20.00	12.00
Peroxidase test (frozen vegetables)	4.00	4.00
Recoverable oil (citrus juices)	8.00	4.00
Reducing sugars	16.00	8.00
Sucrose (direct polarization)	8.00	4.00
Sucrose (chemical methods)	20.00	12.00
Starch or carbohydrates (direct hydrolysis)	20.00	12.00
Sulfur dioxide (direct titration)	8.00	4.00
Sulfur dioxide (distillation method)	12.00	8.00
Sodium	12.00	8.00
Total solids (drying method)	8.00	4.00
Vanillin (colorimetric)	8.00	4.00
Volatile and nonvolatile ether extract	12.00	8.00
Water-insoluble-inorganic-residue	8.00	4.00

(b) The following charges, as applicable, shall be made for listed analyses which are requested by the applicant and are not in connection with an inspection service to determine the quality or condition of the product; however no such charge shall be made when the analyses are in connection with an inspection to determine the quality or condition of the product:

Brix reading (refractometric or spindle)	$4.00
Brix reading (double dilution)	8.00
Total acidity (direct titration)	4.00
Free fatty acids	4.00
Tough string test (green and wax beans	4.00
Salt (NaCl)—direct titration	4.00
Soluble solids (refractometric method	4.00
Total solids (refractometric method)	4.00
Color determination of extracted honey	4.00
Color determination of sugarcane molasses or sugarcane sirup	4.00

7. Section 52.48 is revised to read as follows:

§ 52.48 Fees and charges not otherwise provided for; and situations when hourly rate required.

With respect to any inspection service for which no applicable fee or charge is

[1] Among such other processed food products are the following: Honey; molasses, except for stockfeed; nuts and nut products, except oil; sugar (cane, beet, and maple); sirups (blended), sirups, except from grain; tea; cocoa; coffee; spices; condiments.

set forth in this part, or when the inspection service performed is such that applicable fees and charges would be inadequate or inequitable, the total fees and charges shall be based upon the time consumed by the inspector in performance of such inspection service at the rate of $8 per hour.

8. Section 52.49 is revised to read as follows:

§ 52.49 Charges for copies of score sheets.

If the applicant for inspection service requires one or more copies of a score sheet referable to the processed product covered thereby he may obtain such copies from the inspector in charge of the office of inspection serving the area where the service was performed at a charge of $4 per copy.

9. Section 52.50 is revised to read as follows:

§ 52.50 Charges for additional copies of inspection certificates.

Charges for additional copies of inspection certificates issued in accordance with § 52.21 may be supplied to any interested party at a charge for such copies at the rate of $4 for each seven (7), or fewer, copies.

Notice of proposed rule making, public procedure thereon, and the postponement of the effective time of this action later than July 15, 1968 (5 U.S.C. 553), are impracticable, unnecessary, and contrary to the public interest in that (1) the Agricultural Marketing Act of 1946 provides that the fees charged shall be reasonable and as nearly as may be cover the cost of the service rendered; (2) the increase in the fee and charges is necessary to more nearly cover such cost including, but not limited to, increased salaries, beginning in July, to Federal employees required by recent legislation; (3) it is imperative that such increase in fees and charges become effective in time to cover such increased costs; and (4) additional time is not required by users of the inspection service to comply with this amendment.

(Secs. 203, 205, 60 Stat. 1087, as amended; 1090 as amended; 7 U.S.C. 1622, 1624)

Dated: June 25, 1968, to become effective July 15, 1968.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 68-7741; Filed, July 1, 1968; 8:45 a.m.]

PART 53—LIVESTOCK, MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

Subpart A—Regulations

FEES FOR GRADING SERVICE

Pursuant to the authority of sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), the provisions of 7 CFR 52.39(a) prescribing fees in connection with the performance of Federal meat grading services are hereby amended by changing the phrases "$8.20 per hour," "$10 per hour," and "$16.40 per hour" to "$8.60 per hour," "$10.40 per hour," and "$17.20 per hour," respectively.

The Agricultural Marketing Act of 1946 provides for the collection of fees equal as nearly as may be to the cost of the services, such as Federal meat grading services, rendered under its provisions. The Postal Revenue and Federal Salary Act of 1967 (Public Law 90-206) has required increases in salaries paid to Federal employees engaged in the performance of Federal meat grading services. It has been determined that in order to cover the increased cost of the service resulting from the salary increases effective the first pay periods after October 1, 1967, and July 1, 1968, respectively, the hourly fee charges in connection with the performance of the services must be increased as provided for herein. The need for the increase and the amount thereby are dependent upon facts within the knowledge of the Consumer and Marketing Service. Therefore, under the provisions of 5 U.S.C. 553 it is found that notice and other public procedure with respect to this amendment are impractical and unnecessary.

This amendment shall become effective July 28, 1968, with respect to all Federal meat grading services rendered on and after that date, including service under commitment agreement whether heretofore or hereafter made (sections 203, 205, 60 Stat. 1087, 1090, 7 U.S.C. 1622, 1624).

Done at Washington, D.C., this 26th day of June 1968.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 68-7804; Filed, July 1, 1968; 8:47 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 728—WHEAT

Subpart—Regulations Pertaining to Farm Acreage Allotments, Yields, and Wheat Certificate Programs for Crop Years 1968-69

1969 NATIONAL ACREAGE ALLOTMENT

The regulations governing the 1968-69 wheat program (33 F.R. 6508), as amended, are amended by deleting §§ 728.351 to 728.355 under centerhead "1968 National Acreage Allotment" and by adding §§ 728.351 to 728.355 to read as follows:

1969 NATIONAL ACREAGE ALLOTMENT

Sec.
728.351 Basis and purpose.
728.352 National marketing quota for wheat for 1969-70 marketing year.
728.353 1969 national acreage allotment for wheat.
728.354 Apportionment of the 1969 national acreage allotment for wheat among the several States.
728.355 Designation of States outside the commercial wheat-producing area for the 1969-70 marketing year.

AUTHORITY: §§ 728.351 to 728.355 issued under secs. 301, 332, 333, 334, 334a, 335, 375, 377, 379b, 52 Stat. 38, as amended, 53, as amended, 54, as amended, 66, as amended, 73 Stat. 393, as amended, 76 Stat. 621, 626, as amended; 7 U.S.C. 1301, 1332, 1333, 1334, 1334b, 1335, 1375, 1377, 1379b.

1969 NATIONAL ACREAGE ALLOTMENT

§ 728.351 Basis and purpose.

(a) The regulations contained in §§ 728.351 to 728.355 are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, to (1) announce that a national wheat marketing quota shall not be in effect for the 1969-70 marketing year, (2) announce the amount of the national marketing quota which would have been determined if a national quota had been proclaimed, (3) proclaim the 1969 national acreage allotment for wheat, (4) apportion the national acreage allotment among the several States, and (5) designate the commercial wheat-producing area for the 1969-70 marketing year.

(b) Section 332(d) of the act provides that the Secretary shall not proclaim a national marketing quota for the crop of wheat planted for harvest in the calendar year 1969, and that farm marketing quotas shall not be in effect for such crop of wheat.

(c) Section 333 of the act provides that the Secretary shall proclaim a national acreage allotment for each crop of wheat; and that "The amount of the national acreage allotment for any crop of wheat shall be the number of acres which the Secretary determines on the basis of the projected national yield and expected underplantings (acreage other than that not harvested because of program incentives) of farm acreage allotments will produce an amount of wheat equal to the national marketing quota for wheat for the marketing year for such crop, or if a national marketing quota was not proclaimed, the quota which would have been determined if one had been proclaimed."

(d) Section 332(b) provides that "The amount of the national marketing quota for wheat for any marketing year shall be an amount of wheat which the Secretary estimates (i) will be utilized during such marketing year for human consumption in the United States as food, food products, and beverages, composed wholly or partly of wheat, (ii) will be utilized during such marketing year in the United States for seed, (iii) will be exported either in the form of wheat or wheat products thereof, and (iv) will be utilized during such marketing year in the United States as livestock (including poultry) feed, excluding the estimated quantity of wheat which will be utilized for such purpose as a result of the substitution of wheat for feed grains under section 328 of the Food and Agriculture Act of 1962; less

(a) an amount of wheat equal to the estimated imports of wheat into the United States during such marketing year and, (b) if the stocks of wheat owned by the Commodity Credit Corporation are determined by the Secretary to be excessive, an amount of wheat determined by the Secretary to be a desirable reduction in such marketing year in such stocks to achieve the policy of the act: *Provided*, That if the Secretary determines that the total stocks of wheat in the Nation are insufficient to assure an adequate carryover for the next succeeding marketing year, the national marketing quota otherwise determined shall be increased by the amount the Secretary determines to be necessary to assure an adequate carryover: *And provided further*, That the national marketing quota for wheat for any marketing year shall be not less than one billion bushels." The amount of national marketing quota for wheat for the 1969-70 marketing year set out in § 728.352 and 1969 national acreage allotment for wheat set out in § 728.353 were computed in accordance with the formulas in the act.

(e) The considerations entering into the determination of the national marketing quota for wheat that would have been determined for the 1969-70 marketing year in the amount of 1,380 million bushels are set out in § 728.352. The projected national yield for the 1969 crop of wheat is determined to be 28.3 bushels per acre. The basis for this determination follows: The national yield per harvested acre of wheat during each of the 5 calendar years 1963 through 1967, as reported by the Statistical Reporting Service, USDA, was found to be 25.2, 25.8, 25.5, 26.3, and 25.8, respectively. The average of these five annual yields was computed to be 25.7. Based on a graphic projection of national annual wheat yields for a 16-year (1952-67) base period to determine trend in wheat yields and with consideration given to annual wheat yields in the various production areas, improved current production practices, abnormal weather, and expected harvested acreage, it was determined that the 5-year average of 25.7 should be adjusted upward to 28.3 for the purposes of the projected national yield for the 1969 crop of wheat. On the basis of a national quota of 1,380 million bushels, a national projected yield of 28.3 bushels per acre, and expected underplantings (acreage other than that not harvested because of program incentives) of 2.9 million acres, a national acreage allotment of 51.6 million acres was determined.

(f) (1) Section 334(a) of the act, as amended, provides that the 1969 national acreage allotment for wheat (less (i) a reserve of not to exceed 1 per centum thereof for apportionment to counties in addition to the county allotments made under section 334(b) of the act on the basis of relative needs of counties for additional allotment because of reclamation and other new areas coming into production of wheat, or because alternative crops are no longer profitable because of plant disease or sustained loss of markets in areas which shifted from wheat to alternative crops prior to 1951, and less (ii) a special reserve not in excess of 1 million acres for the purpose explained in a later paragraph) shall be apportioned by the Secretary among the several States on the basis of the preceding year's allotment for each such State, including all amounts allotted to the State, adjusted to the extent deemed necessary by the Secretary to establish a fair and equitable apportionment base for each State, taking into consideration established crop rotation practices, estimated decrease in farm allotments because of loss of history, and other relevant factors.

(2) The national reserve acreage needed for 1969 is determined to be 10,000 acres. This acreage shall be used (i) to make allotments to counties in addition to the county allotments made under subsection (b) of section 334 on the basis of the relative needs of counties for additional allotments because of reclamation or other new areas coming into production of wheat or (ii) to increase the allotment for any county, in which wheat is the principal grain crop produced, on the basis of its relative need for such increase if the average ratio of wheat acreage allotment to cropland on old wheat farms in such county is less by at least 20 per centum than such average ratio on old wheat farms in an adjoining county or counties in which wheat is the principal grain crop produced or if there is a definable contiguous area consisting of at least 10 per centum of the cropland acreage in such county in which the average ratio of wheat acreage allotment to cropland on old wheat farms is less by at least 20 per centum than such average ratio on th remaining old wheat farms in such county: *Provided*, That such low ratio of wheat acreage allotment to cropland is due to the shift prior to 1951 from wheat to one or more alternative income-producing crops which, because of plant disease or sustained loss of markets, may no longer be produced at a fair profit and there is no other alternative income-producing crop suitable for production in the area or county. The increase in the county allotment under clause (ii) of the preceding sentence shall be used to increase allotments for old wheat farms in the affected area to make such allotments comparable with those on similar farms in adjoining areas or counties but the average ratio of increased allotments to cropland on such farms shall not exceed the average ratio of wheat acreage allotment to cropland on old wheat farms in adjoining areas or counties. Since there have been no requests for additional allotment for reclamation or other new areas coming into wheat production in recent years, this reserve will be used primarily for counties or areas affected by plant disease or sustained loss of markets where alternative crops are no longer profitable.

(3) A special reserve acreage of not in excess of 1 million acres, is also provided for in addition to the national acreage reserve. Such special acreage reserve shall be made available to the States to make additional allotments to counties on the basis of relative need of counties, as determined by the Secretary, for additional allotments to make adjustments in the allotments on old wheat farms (i.e., farms on which wheat has been seeded or regarded as seeded to one or more of the three crops immediately preceding the crop for which the allotment is established) on which the ratio of wheat acreage allotment to cropland on the farms is less than one-half the average ratio of wheat acreage allotment to cropland on old wheat farms in the county. Such adjustments shall not provide an allotment for any farm which would result in an allotment-cropland ratio for the farm in excess of one-half of such county average ratio and the total of such adjustments in any county shall not exceed the acreage made available therefor in the county. Such apportionment from the special acreage reserve shall be made only to counties where wheat is a major income-producing crop, only to farms on which there is limited opportunity for the production of an alternative income-producing crop, and only if an efficient farming operation on the farm requires the allotment of additional acreage from the special acreage reserve. For the purpose of making adjustments from the special acreage reserve, the cropland on the farm shall not include any land developed as cropland subsequent to the 1963 crop year. In determining the amount of the reserve, consideration was given to the acreage required for making such adjustments for past programs. The acreage apportioned to farms for the 1966 program amounted to approximately 23,255 acres. The acreage apportioned to farms in 1967 was 20,562 acres, and in 1968 was 16,420 acres. Accordingly, it is determined that 15,000 acres will be adequate for the purpose of this special reserve for the 1969 crop.

(4) The 1969 national wheat allotment was apportioned among the various States as follows:

(i) To each 1968 State wheat allotment determined under section 334(a) of the act, as amended, and published in the FEDERAL REGISTER of July 6, 1967 (32 F.R. 9821), was added the sum of 1968 allotment acreage allocated to counties in each State from the national and special national acreage reserve to increase allotments on eligible farms in designated counties. The resulting preliminary apportionment bases for each State were (a) adjusted to reflect the net plus or minus change in 1968 wheat allotment resulting from the transfer of farms to other States for administrative purposes, and (b) were adjusted downward to the extent of the sum of 1968 wheat allotments removed from farms going out of agricultural production. Adjustment in State preliminary apportionment bases for established crop rotation practices were determined to be necessary only in the States of Colorado, Oregon, and Washington. Because history loss in 1964 and prior years is already reflected in each 1968 State allotment and section 334(a) of the act, as amended by the Agriculture Act of 1964,

provided for full preservation of history in 1965 and under provisions of section 377 of the act has the effect of preserving history in 1966 and 1967, no adjustment of State preliminary apportionment bases was made because of history loss. The national wheat allotment of 51.6 million acres, less the national reserve and the special reserve, was distributed pro rata to States on the basis of each State's apportionment base determined in accordance with the foregoing.

(g) Section 334(a) of the act provides that if the acreage allotment for any State for any crop of wheat is 25,000 acres or less, the Secretary may designate such State as outside the commercial wheat-producing area for the marketing year for such crop in order to promote efficient administration of the act and the Agricultural Act of 1949. From the standpoint of efficient and equitable administration of the marketing quota and marketing allocation program for the 1969–70 marketing year, it is considered desirable that wheat marketing certificates be made available to wheat producers in all States on precisely the same basis. Therefore, no State for which a State acreage allotment was determined will be designated outside the commercial wheat-producing area for the 1969–70 marketing year.

(h) The findings and determinations by the Secretary contained in §§ 728.352 through 728.355 have been made on the basis of the latest available statistics of the Federal Government as required by section 301(c) of the act.

(i) Since farmers need to know their 1969 farm acreage allotments as soon as possible in order to plan their 1969 seeding operations, and since farm acreage allotments cannot be determined until the national acreage allotment is determined and apportioned among States and counties, it is necessary that this document become effective as soon as possible. Moreover, since farm marketing quotas will not be in effect on the 1969 crop of wheat, this document relates only to loans, grants, and benefits, and is exempted from the notice, public procedure, and effective date provisions of 5 U.S.C. 553. Accordingly, the apportionment and determinations herein shall become effective upon the date of the filing of this document with the Director, Office of the Federal Register.

§ 728.352 National marketing quota for wheat for 1969–70 marketing year.

(a) A national marketing quota for wheat shall not be in effect for the 1969–70 marketing year. In order that a national acreage allotment may be determined for the 1969 crop of wheat, it is necessary to determine the amount of the national wheat marketing quota which would have been determined if one had been proclaimed for the 1969–70 marketing year.

(b) Based upon (1) estimated human consumption in the United States during the 1969–70 marketing year of 520 million bushels for food, food products, and beverages, composed wholly or partly of wheat, (2) estimated use for seed in the United States during each marketing year of 90 million bushels, (3) estimated exports of wheat and wheat products during such marketing year of 700 million bushels, and (4) the estimated amount which will be utilized during such marketing year as livestock (including poultry) feed, excluding the estimated quantity of wheat which will be utilized for such purpose as a result of the substitution of wheat for feed grains under section 328 of the Food and Agriculture Act of 1962, of 101 million bushels; less estimated imports into the United States during such marketing year of 1 million bushels, the amount of the national marketing quota for wheat for the 1969–70 marketing year would be 1,380 million bushels. It is determined that stocks of wheat owned by the Commodity Credit Corporation are not excessive and no reduction in such stocks is necessary to achieve the policy of the Act. It is also determined that the total stocks of wheat in the Nation are sufficient to assure an adequate carryover for the 1969–70 marketing year. Therefore, the national quota for the 1969–70 marketing year is determined to be 1,380 million bushels.

§ 728.353 1969 national acreage allotment for wheat.

Based upon the projected national yield of wheat of 28.3 bushels per acre which is hereby determined, and expected underplantings, the 1969 national acreage allotment which will make available a supply of wheat equal to the national marketing quota is determined to be 51.6 million acres, and a 1969 national acreage allotment in that amount is hereby proclaimed.

§ 728.354 Apportionment of the 1969 national acreage allotment of wheat among the several States.

The national acreage allotment, less a national reserve of 10,000 acres and a special acreage reserve of 15,000 acres for additional allotments to counties, is hereby apportioned among the several States as follows:

State	Acreage Allotment
Alabama	62,337
Arizona	39,207
Arkansas	134,203
California	367,716
Colorado	2,337,893
Connecticut	317
Delaware	25,944
Florida	16,935
Georgia	123,773
Idaho	1,081,842
Illinois	1,622,392
Indiana	1,247,978
Iowa	138,115
Kansas	9,670,690
Kentucky	204,549
Louisiana	38,153
Maine	248
Maryland	157,013
Massachusetts	181
Michigan	1,079,086
Minnesota	928,778
Mississippi	53,469
Missouri	1,516,452
Montana	3,555,612
Nebraska	2,881,036
Nevada	15,379
New Jersey	46,225
New Mexico	427,349
New York	300,938
North Carolina	392,791
North Dakota	6,628,472
Ohio	1,476,808
Oklahoma	4,454,409
Oregon	771,570
Pennsylvania	534,144
Rhode Island	160
South Carolina	177,022
South Dakota	2,505,829
Tennessee	188,430
Texas	3,704,021
Utah	269,587
Vermont	448
Virginia	268,656
Washington	1,799,601
West Virginia	27,491
Wisconsin	53,002
Wyoming	248,749
Total apportioned to States	51,575,000
Special acreage reserve	15,000
National reserve	10,000
Total national allotment	51,600,000

§ 728.355 Designation of States outside the commercial wheat-producing area for the 1969–70 marketing year.

No State for which a State acreage allotment was determined is designated as outside the commercial wheat-producing area for the 1969–70 marketing year. Accordingly, the commercial wheat-producing area for the 1969–70 marketing year shall consist of all States in the United States except New Hampshire, Alaska, and Hawaii.

Effective date: Upon filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., this 26th day of June 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-7862; Filed, July 1, 1968; 8:52 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

PART 842—BEET SUGAR AREA

1968 and Subsequent Crops

Pursuant to the provisions of section 303 of the Sugar Act of 1948, as amended, § 842.2 (22 F.R. 2994, 23 F.R. 6784, 28 F.R. 1584, 29 F.R. 4139) is revised to read as follows:

§ 842.2 Eligibility for acreage abandonment and crop deficiency payments.

(a) *Eligibility requirements.* For sugar beet acreage on a farm to be eligible for acreage abandonment or crop deficiency payments with respect to the 1968 or any subsequent crop of sugar beets under the provisions of the Sugar Act of 1948, as amended (hereinafter referred to as "Act"), the following requirements shall be met:

(1) The sugar beets were planted on the farm on land suitable for the production of the crop;

(2) The sugar beets were cared for up to the time of abandonment or harvest, as the case may be, in a manner which could have been expected, under average conditions, to produce a normal crop;

(3) The abandoned acreage could not have been reseeded to sugar beets in the same crop cycle under conditions offering at least a fair opportunity for production;

(4) The abandonment of planted sugar beet acreage on the farm, or the crop deficiency below 80 percent of the normal yield of the harvested sugar beet acreage on the farm, resulted directly from drought, flood, storm, freeze, disease, or insects;

(5) With respect to acreage abandonment, the Agricultural Stabilization and Conservation (hereinafter referred to as "ASC") county office was notified of the intention to abandon the acreage before the sugar beets were destroyed or the acreage was used for other purposes;

(6) The farm was located in a county or a local producing area in which the ASC county committee determines for the applicable crop year that due to drought, flood, storm, disease, freeze, or insects, the actual yields of commercially recoverable sugar from the acreages planted to a crop of sugar beets on farms in such county or local producing area were below 80 percent of the applicable normal yields either for 10 percent or more of the number of such farms, or for those farms on which were planted 10 percent or more of the total acres of sugar beets planted on all farms in such county or local producing area. A farm shall be regarded as located in the State, county, and local producing area in which the farm headquarters is situated, or if there is no farm headquarters, the farm shall be regarded as located in the State, county, and local producing area in which the major portion of land in the farm suitable for the production of sugar beets is situated. With the exception of the local producing areas particularly established as provided in subdivision (i) of this subparagraph, in all States other than Texas and Utah a local producing area shall mean a township as established by Federal survey or in the absence of a Federal survey a local producing area shall mean a township as such term is commonly used and generally accepted in the State for land descriptions and other public purposes; and in Texas and Utah, a local producing area shall mean an ASC community with boundaries as fixed by the ASC State committee at the time of issuance of this determination and as shown on maps available for inspection in the respective ASC county offices.

(i) The designated counties and designated combinations of townships or ASC communities within counties identified and listed in paragraph (c) of this section are established as local producing areas for the purposes of this section effective beginning with the 1968 crop of sugar beets. Selection of these specific counties and combinations of townships listed in paragraph (c) of this section have been established on the basis of the 1967 count of sugar beet farms in such counties and townships and the following requirements as to minimum number of farms. Eleven farms on which sugar beets are produced are deemed to be the desirable minimum number of farms within a local producing area. Counties which cannot be subdivided into two or more local producing areas, each with 11 or more farms, are considered to be a local producing area in their entirety. In other counties, townships with 10 or less sugar beet farms are combined with other townships to constitute local producing areas of 11 or more farms. However, no townships are combined if separated by long distances, natural barriers or if they had obviously dissimilar soil types.

(7) The conditions for payment specified in Title III of the Act are met.

(b) *Approval and certification.* The ASC county committee shall first ascertain as to each crop of sugar beets whether the determination of yields as provided for in paragraph (a)(6) of this section may be made on the county level, and if not, it shall ascertain whether such determination of yields may be made as to a local producing area. If a member of the ASC county committee determines, on behalf of such committee, that the requirements specified in paragraph (a) of this section have been met with respect to sugar beet acreage on a farm, he shall approve such farm as eligible for an abandonment payment, or a crop deficiency payment, or both, as applicable, by executing the certification on the application for payment submitted for such farm.

(c) *List of particularly established local producing areas.*

ARIZONA

Individual county which is a local producing area.

GREENLEE

Combinations of townships which are local producing areas.

Local Producing Areas by County

COCHISE

1. Tps. 12 and 13 S., R. 24 E.
2. T. 15 S., R. 25 E.; T. 16 S., Rs. 24, 25, and 26 E., T. 17 S., Rs. 25 and 26 E.

GRAHAM

1. T. 4 S., Rs. 23 and 24 E.; T. 5 S., Rs. 23 and 24 E.; T. 6 S., R. 24 E.
2. T. 6 S., Rs. 25, 26, and 28 E.; T. 7 S., Rs. 25, 26, 27, and 28 E.; T. 8 S., R. 26 E.

MARICOPA

1. T. 1 N., R. 6 E.; T. 1 S., R. 6 E.; T. 2 S., Rs. 6 and 7 E.
2. T. 2 S., R. 5 E.; T. 1 S., Rs. 2, 3, 4, and 5 E.; Tps. 1 and 2 N., R. 4 E.
3. T. 1 N., Rs. 1 and 2 E.; T. 2 N., R. 2 E.
4. T. 2 N., Rs. 1 W., 2 W., and 1 E.; T. 3 N., Rs. 1 W. and 1 E.
5. T. 1 N., Rs. 1 and 2 W.; T. 1 S., R. 2 W.
6. T. 6 S., R. 6 W.; T. 3 S., Rs. 1 and 4 W.; T. 2 S., Rs. 1, 2, and 5 W.; T. 1 S., R. 3 W.; T. 1 N., R. 3 W.
7. T. 1 S., Rs. 4, 5, 6, and 9 W.; T. 1 N., Rs. 4 and 6 W.; T. 2 N., R. 6 W.

PINAL

1. T. 2 S., R. 6 E.; T. 3 S., Rs. 7 and 6 E.; T. 4 S., Rs. 6 and 9 E.; T. 5 S., Rs. 7, 6, and 9 E.; T. 6 S., R. 8 E.
2. Tps. 4 and 5 S., R. 2 E., Tps. 5 and 6 S., R. 4 E.; Tps. 6 and 7 S., R. 5 E.; T ps. 5, 6, and 7 S., R. 6 E., Tps. 6 and 8 S., R. 7 E.; T. 9 S., R. 8 E.

CALIFORNIA

Individual counties which are local producing areas.

Alameda. San Bernardino.
Contra Costa. Santa Clara.
Los Angeles. Santa Cruz.
Madera. Stanislaus.
Orange. Tehama.
Riverside. Yuba.
San Benito.

Combinations of townships which are local producing areas.

Local Producing Areas by County

BUTTE

1. Tps. 22 and 23 N., R. 1 W.; T. 22 N., R. 1 E.
2. Tps. 20 and 21 N., R. 1 E.; T. 20 N., R. 2 E.; T. 21 N., R. 1 W.

COLUSA

1. Tps. 15, 16, 17, and 18 N., Rs. 1 and 2 W.; T. 15 N., R. 3 W.
2. T. 14 N., Rs. 1, 2, and 3 W.
3. T. 13 N., Rs. 1 and 2 W.; Tps. 13 and 14 N., R. 1 E.

FRESNO

1. T. 10 S., R. 13 E.; T. 11 S., Rs. 12 and 13 E.
2. T. 12 S., Rs. 11, 12, 13, and 14 E.; T. 13 S., Rs. 12, 13, and 14 E.; T. 14 S., Rs. 13 and 14 E.
3. T. 13 S., Rs. 15 and 16 E.; T. 14 S., Rs. 15 and 16 E.; T. 15 S., Rs. 14, 15, 16, and 17 E.
4. T. 16 S., Rs. 15, 16, and 17 E.; T. 17 S., Rs. 15, 16, 17, and 18 E.; T. 16 S., Rs. 15, 16, 17, and 18 E.; T. 19 S., Rs. 16, 17, and 18 E.; T. 20 S., Rs. 15, 16, 17, and 18 E.
5. T. 13 S., Rs. 17, 18, and 19 E.; T. 14 S., Rs. 17, 18, and 19 E.
6. T. 15 S., Rs. 18 and 19 E.; T. 16 S., Rs. 18, 19, and 20 E.; T. 17 S., Rs. 19, 20, 21, and 22 E.

GLENN

1. T. 19 N., R. 3 W.; Tps. 20, 21, and 22 N., R. 2 W.; T. 21 N., R. 1 W.
2. Tps. 18 and 19 N., R. 1 W.; Tps. 18 and 19 N., R. 1 E.

IMPERIAL

1. T. 11 S., Rs. 13, 14, and 15 E.
2. Tps. 12 and 13 S., R. 12 E.; T. 12 S., R. 13 E.
3. Tps. 14 and 15 S., R. 13 E.
4. Tps. 14 and 15 S., R. 14 E.
5. Tps. 13 and 14 S., R. 16 E.; T. 14 S., R. 15 E.
6. T. 15 S., Rs. 15 and 16 E.
7. Tps. 15 and 16 S., R. 12 E.
8. Tps. 16 and 17 S., R. 14 E.; T. 16 S., R. 13 E.
9. Tps. 16 and 17 S., Rs. 15 and 16 E.

KERN

1. T. 25 S., Rs. 24, 25, and 26 E.; T. 26 S., Rs. 23, 24, 25, and 26 E.
2. T. 27 S., Rs. 23 and 24 E.
3. T. 27 S., Rs. 25 and 26 E.; T. 28 S., Rs. 25 and 26 E.
4. Tps. 28, 29, and 30 S., R. 24 E.
5. T. 29 S., Rs. 25, 26, and 27 E.; T. 30 S., R. 27 E.
6. T. 30 S., Rs. 28 and 29 E.; T. 31 S., Rs. 27, 28, and 29 E.
7. T. 32 S., Rs. 24, 25, and 26 E.; Tps. 11 and 12 N., R. 21 W.
8. T. 32 S., Rs. 28 and 29 E.; T. 11 N., R. 19 W.
9. Tps. 27 and 28 S., R. 22 E.; Tps. 28 and 29 S., R. 23 E.

KINGS

1. T. 17 S., Rs. 21 and 22 E.; Tps. 18 and 19 S., Rs. 19, 20, 21, 22, and 23 E.; T. 20 S., Rs. 18, 19, 20, 21, and 22 E.

2. T. 21 S., Rs. 17, 18, 19, 20, 21, and 22 E.; Tps. 22, 23, and 24 S., Rs. 17, 18, 19, 21, and 22 E.

MERCED

1. T. 8 S., R. 9 E.; T. 11 S., R. 10 E.; Tps. 9 and 11 S., R. 11 E.; Tps. 9, 10, and 11 S., R. 12 E.
2. T. 5 S., R. 12 E.; Tps. 7 and 9 S., R. 14 E.; T. 8 S., Rs. 15 and 16 E.

MONTEREY

1. Tps. 12, 13, and 14 S., R. 2 E.; T. 13 S., R. 3 E.
2. Tps. 14 and 15 S., R. 4 E.; T. 15 S., R. 5 E.
3. T. 16 S., Rs. 4 and 5 E.
4. T. 17 S., Rs. 4, 5, and 6 E.
5. T. 19 S., Rs. 6 and 7 E.
6. T. 20 S., Rs. 8 and 9 E.
7. T. 21 S., Rs. 8 and 9 E.; T. 22 S., R. 10 E.

SACRAMENTO

1. T. 10 N., Rs. 3 and 4 E.; T. 9 N., R. 4 E.
2. T. 8 N., R. 6 E.; T. 7 N., Rs. 7 and 8 E.; T. 6 N., R. 6 E.
3. Tps. 6 and 7 N., R. 4 E.; Tps. 4 and 5 N., Rs. 3 and 4 E.; T. 3 N., Rs. 3 and 4 E.; T. 3 N., R. 2 E.

SAN JOAQUIN

1. Tps. 1 and 2 N., R. 6 E.; Tps. 1, 2, 3, and 4 N., R. 5 E.
2. T. 3 N., Rs. 6 and 7 E.; T. 2 N., Rs. 7 and 8 E.
3. Weber, Grant.
4. T. 1 N., R. 7 E.; T. 1 S., R. 7 E.
5. T. 1 S., R. 8 E.; T. 1 N., R. 9 E.
6. T. 1 S., Rs. 4, 5, and 6 E.
7. T. 2 S., R. 4 E.; T. 3 S., R. 5 E.
8. T. 2 S., Rs. 5 and 6 E.
9. T. 2 S., R. 7 E.; T. 3 S., Rs. 6 and 7 E.

SAN LUIS OBISPO

1. T. 29 S., Rs. 10 and 11 E.; T. 30 S., Rs. 11 and 12 E.; T. 31 S., Rs. 12 and 13 E.; T. 11 N., Rs. 33 and 35 W.
2. T. 26 S., Rs. 12, 13, 14, and 15 E.; T. 27 S., Rs. 12 and 13 E.; T. 28 S., R. 12 E.

SANTA BARBARA

1. T. 8 N., Rs. 33 and 34 W.; T. 9 N., Rs. 32 and 33 W.; T. 10 N., Rs. 33, 34, and 35 W.
2. T. 7 N., Rs. 34 and 35 W.
3. T. 6 N., Rs. 30, 31, and 32 W.; T. 7 N., R. 30 W.

SOLANO

1. T. 8 N., Rs. 1 and 2 E.; T. 8 N., R. 1 W.
2. T. 4 N., R. 2 W.; Tps. 5, 6, and 7 N., R. 1 W.
3. T. 6 N., Rs. 1 and 2 E.
4. T. 4 and 5 N., R. 2 E.; T. 4 N., R. 3 E.

1. T. 14 N., NE¼ R. 1, R. 2, and W½ R. 3 E.; T. 15 N., Rs. 1, 2, and W½ 3 E.; T. 16 N., R. 2 E.; W½ T. 16 N., R. 3 E.; S½ T. 17 N., Rs. 2 and W½ 3 E.
2. T. 11 N., Rs. 3 and 4 E.; T. 12 N., Rs. NW¼ 1, 2, 3, and 4 E.; T. 13 N., Rs. W½ 1, 2, and 3 E.; T. 14 N., Rs. 4 and 5 E.

TULARE

1. T. 16 S., Rs. 23 and 24 E.; T. 17 S., Rs. 24 and 25 E.
2. T. 18 S., Rs. 23, 24, and 25 E.
3. T. 19 S., Rs. 23, 24, 25, and 26 E.
4. T. 21 S., Rs. 23, 24, and 25 E.
5. T. 21 S., Rs. 26 and 27 E.
6. T. 22 S., Rs. 23, 24, 25, and 26 E.; T. 23 S., Rs. 23, 24, and 26 E.; T. 24 S., Rs. 23 and 24 E.

VENTURA

1. T. 1 N., Rs. 20 and 21 W.; T. 2 N., R. 22 W.
2. Tps. 2 and 3 N., R. 21 W.
3. T. 2 N., Rs. 18, 19, and 20 W.; T. 3 N., R. 20 W.

YOLO

1. Tps. 8, 9, and 10 N., R. 1 W.; T. 10 N., R. 2 W.
2. Tps. 10, 11, and 12 N., R. 1 E.; Tps. 11 and 12 N., R. 1 W.; Tps. 11 and 12 N., R. 2 W.
3. Tps. 10, 11, and 12 N., R. 2 E.; Tps. 10 and 11 N., R. 3 E.
4. Tps. 8 and 9 N., R. 1 E.; Tps. 8 and 9 N., R. 2 E.; T. 9 N., Rs. 3 and 4 E.
5. T. 8 N., Rs. 3 and 4 E.
6. T. 7 N., Rs. 3 and 4 E.
7. T. 6 N., Rs. 3 and 4 E.

COLORADO

Individual counties which are local producing areas.

Alamosa.	Ouray.
Arapahoe.	Phillips.
Bent.	Rio Grande.
Cheyenne.	Saguache.
Crowley.	Washington.
Kiowa.	

Combinations of townships which are local producing areas.

Local Producing Areas by County

ADAMS

1. T. 1 S., Rs. 67 and 68 W.; T. 2 S., Rs. 67 and 68 W.
2. T. 1 S., Rs. 65 and 66 W.
3. T. 1 S., Rs. 60 and 62 W.; T. 2 S., Rs. 60 and 61 W.; T. 3 S., R. 61 W.

BACA

1. T. 28 S., Rs. 41, 42, 43, 44, and 45 W.; T. 29 S., Rs. 41, 42, 43, 44, and 45 W.
2. T. 30 S., Rs. 44 and 45 W.; T. 31 S., Rs. 44 and 45 W.
3. T. 30 S., Rs. 41, 42, and 43 W.; T. 31 S., Rs. 41, 42, and 43 W.; T. 32 S., Rs. 41 and 42 W.

BOULDER

1. T. 1 N., R. 69 W.; T. 2 N., Rs. 69 and 70 W.

DELTA

1. T. 51 N., Rs. 10 and 11 W.
2. T. 14 S., Rs. 94 and 95 W.; T. 15 S., Rs. 94 and 95 W.

KIT CARSON

1. T. 6 S., Rs. 42, 43, and 44 W.; T. 7 S., Rs. 42, 43, and 44 W.
2. Tps. 8 and 9 S., R. 42 W.
3. T. 8 S., Rs. 43 and 44 W.
4. T. 9 S., Rs. 43 and 44 W.; T. 10 S., Rs. 42, 43, and 44 W.; T. 11 S., Rs. 43 and 44 W.
5. T. 7 S., R. 45 W.; T. 8 S., Rs. 45 and 46 W.; Tps. 9 and 10 S., R. 45 W.

LARIMER

1. T. 9 N., Rs. 68 and 69 W.; T. 10 N., R. 69 W.
2. T. 8 N., Rs. 68 and 69 W.
3. T. 7 N., Rs. 68 and 69 W.
4. T. 6 N., Rs. 68 and 69 W.
5. T. 5 N., Rs. 68 and 69 W.

LOGAN

1. T. 11 N., Rs. 48, 49, and 50 W.
2. T. 10 N., Rs. 48, 49, and 50 W.
3. T. 10 N., Rs. 51 and 52 W.
4. T. 9 N., Rs. 50 and 51 W.
5. T. 9 N., Rs. 52 and 53 W.
6. T. 8 N., Rs. 52 and 53 W.
7. T. 7 N., Rs. 52 and 53 W.
8. T. 6 N., Rs. 53 and 54 W.

MESA

1. Tps. 1 and 2 N., R. 3 W.
2. Tps. 1 and 2 N., R. 2 W.
3. T. 1 N., Rs. 1 W. and 1 E.; T. 1 S., Rs. 1 W. and 1 E.

MONTROSE

1. Tps. 50 and 51 N., R. 11 W.
2. Tps. 50 and 51 N., R. 10 W.; T. 50 N., R. 9 W.
3. Tps. 48 and 49 N., R. 10 W.
4. T. 49 N., Rs. 8 and 9 W.; T. 48 N., R. 9 W.

MORGAN

1. T. 5 N., Rs. 55, 56, and 57 W.; T. 4 N., R. 55 W.
2. T. 3 N., R. 56 W.; T. 2 N., Rs. 55, 56, and 57 W.; T. 1 N., R. 56 W.
3. T. 1 N., Rs. 59 and 60 W.
4. Tps. 2 and 3 N., R. 59 W.
5. T. 5 N., Rs. 59 and 60 W.

OTERO

1. T. 22 S., Rs. 54, 55, and 56 W.; T. 23 S., Rs. 54, 55, and 56 W.; T. 24 S., Rs. 55 and 56 W.
2. T. 22 S., Rs. 57, 58, and 59 W.; T. 23 S., Rs. 57, 58, and 59 W.; T. 24 S., R. 57 W.

PROWERS

1. T. 21 S., R. 43 W.; T. 22 S., Rs. 43, 44, 45, and 46 W.
2. T. 23 S., Rs. 42, 43, and 44 W.

PUEBLO

1. Tps. 18 and 19 S., R. 64 W.; T. 18 S., R. 65 W.
2. T. 20 S., Rs. 63 and 64 W.
3. T. 21 S., Rs. 63 and 64 W.

SEDGWICK

1. Tps. 11 and 12 N., R. 45 W.
2. T. 12 N., R. 46 W.; T. 11 N., Rs. 46 and 47 W.

WELD

1. T. 4 N., Rs. 61 and 63 W.; T. 5 N., R. 63 W.
2. T. 6 N., Rs. 63 and 64 W.
3. Tps. 1, 2, and 3 N., R. 64 W.
4. T. 1 N., Rs. 61, 62, and 63 W.
5. T. 2 N., Rs. 61, 62, and 63 W.
6. T. 1 N., Rs. 67 and 66 W.
7. T. 2 N., Rs. 65, 66, and 67 W.

YUMA

1. Tps. 1, 2, 3, 4, and 5 N., R. 46 W.; Tps. 1, 2, 3, 4, and 5 N., R. 47 W.; Tps. 1, 2, 3, 4, and 5 N., R. 48 W.
2. Tps. 1, 2, 3, 4, and 5 S., R. 42 W.; Tps. 1, 2, 3, 4, and 5 S., R. 43 W.; Tps. 1, 2, 3, 4, and 5 S., R. 44 W.; Tps. 1, 2, 3, 4, and 5 S., R. 45 W.

IDAHO

Individual counties which are local producing areas.

Blaine.	Gem.
Caribou.	Lincoln.
Elmore.	Oneida.
Fremont.	

Combinations of townships which are local producing areas.

Local Producing Areas by County

ADA

1. T. 4 N., Rs. 1 E. and 1 W.; T. 3 N., Rs. 1 E. and 1 W.
2. T. 2 N., Rs. 1 E. and 1 W.; T. 1 N., Rs. 1 E. and 1 W.
3. T. 1 S., R. 1 W.; T. 2 S., R. 1 E.

BANNOCK

1. T. 5 S., Rs. 33, 34, and 35 E.; T. 6 S., R. 34 E.; T. 7 S., R. 35 E.
2. T. 9 S., Rs. 36, 37, 38, and 39 E.; T. 10 S., Rs. 36 and 37 E.; T. 11 S., R. 37 E.

BINGHAM

1. Tps. 3 and 4 S., R. 31 E.; Tps. 4 and 5 S., R. 32 E.
2. Tps. 2 and 3 S., R. 32 E.
3. Tps. 1 and 2 S., R. 34 E.; Tps. 1 and 2 S., R. 35 E.

4. T. 1 S., R. 36 E.; T. 1 N., Rs. 35, 36, and 37 E.
5. T. 2 S., Rs. 36, 37, 38, and 39 E.
6. T. 3 S., Rs. 34 and 35 E.; T. 4 S., Rs. 34 and 35 E.

BONNEVILLE

1. T. 2 N., R. 35 E.; T. 3 N., Rs. 36 and 37 E.
2. T. 2 N., R. 37 E.; T. 3 N., R. 38 E.
3. Tps. 1 and 2 N., R. 38 E.; T. 2 N., R. 39 E.

CANYON

1. T. 6 N., Rs. 5 and 6 W.
2. T. 5 N., Rs. 5 and 6 W.
3. T. 5 N., Rs. 2 and 3 W.
4. T. 4 N., Rs. 5 and 6 W.
5. T. 3 N., Rs. 4 and 5 W.
6. T. 3 N., Rs. 1 and 2 W.
7. T. 2 N., Rs. 1 and 2 W.
8. T. 2 N., Rs. 3 and 4 W.
9. Tps. 1 N. and 1 S., R. 2 W.

CASSIA

1. Tps. 10, 11, and 12 S., R. 21 E.; Tps. 12 and 13 S., R. 20 E.
2. T. 11 S., Rs. 23 and 24 E.
3. T. 12 S., Rs. 22 and 23 E.; T. 13 S., R. 22 E.
4. T. 9 S., Rs. 25 and 27 E.; T. 10 S., Rs. 25, 26, and 27 E.
5. T. 11 S., Rs. 26, 27, and 28 E.; T. 12 S., Rs. 26, 27, and 28 E.; T. 13 S., Rs. 26 and 27 E.

FRANKLIN

1. Tps. 13 and 14 S., R. 40 E.; T. 14 S., R. 39 E.; Tps. 13 and 14 S., R. 38 E.
2. Tps. 15 and 16 S., R. 38 E.
3. Tps. 15 and 16 S., R. 40 E.

GOODING

1. T. 5 S., Rs. 14, 15, and 16 E.; T. 6 S., Rs. 15 and 16 E.
2. T. 6 S., R. 14 E.; T. 7 S., Rs. 14, 15, and 16 E.
3. T. 8 S., Rs. 14, 15, and 16 E.

JEFFERSON

1. T. 7 N., Rs. 33 and 34 E.; T. 8 N., Rs. 33 and 34 E.
2. T. 4 N., Rs. 35, 36, and 37 E.; T. 5 N., Rs. 35 and 36 E.
3. T. 4 N., Rs. 36, 39, 40, and 41 E.; T. 5 N., Rs. 37 and 38 E.

JEROME

1. T. 7 S., Rs. 16, 17, and 16 E.
2. Tps. 8 and 9 S., R. 16 E.
3. Tps. 8 and 9 S., R. 18 E.
4. Tps. 7, 8, and 9 S., R. 19 E.
5. T. 10 S., Rs. 18 and 19 E.
6. T. 7 S., R. 20 E.; T. 8 S., Rs. 20 and 21 E.
7. Tps. 9 and 10 S., R. 20 E.

MADISON

1. T. 6 N., Rs. 39 and 40 E.

MINIDOKA

1. T. 6 S., R. 24 E.; T. 7 S., Rs. 23, 24, and 25 E.
2. T. 8 S., Rs. 22 and 23 E.

OWYHEE

1. T. 4 N., Rs. 5 and 6 W.
2. T. 2 N., Rs. 4 and 5 W.
3. T. 1 N., Rs. 3 and 4 W.; T. 1 S., Rs. 2 and 3 W.
4. T. 4 S., R. 2 E.; T. 5 S., Rs. 2 and 3 E.
5. T. 6 S., Rs. 5, 6, 7, and 8 E.

PAYETTE

1. Tps. 8 and 9 N., R. 5 W.
2. Tps. 6 and 7 N., R. 5 W.
3. T. 8 N., R. 4 W.; T. 7 N., Rs. 3 and 4 W.

POWER

1. T. 6 S., Rs. 29, 30, and 31 E.; T. 7 S., Rs. 29, 30, and 31 E.
2. T. 8 S., Rs. 32 and 33 E.; T. 7 S., Rs. 31, 32, and 33 E.; T. 8 S., Rs. 30 and 31 E.; T. 9 S., R. 29 E.

TWIN FALLS

1. Tps. 8, 9, and 10 S., R. 13 E.; Tps. 9 and 10 S., R. 14 E.
2. Tps. 9 and 10 S., R. 17 E.
3. Tps. 10 and 11 S., R. 16 E.
4. Tps. 10 and 11 S., R. 15 E.

WASHINGTON

1. T. 11 N., Rs. 4, 5, and 6 W.
2. T. 10 N., Rs. 4 and 5 W.

ILLINOIS

Combinations of townships which are local producing areas.

Local Producing Area by County

COOK

1. Bloom, Rich, and Thornton.

IOWA

Individual counties which are local producing areas.

Cerro Gordo.	Kossuth.
Franklin.	Worth.

KANSAS

Individual counties which are local producing areas.

Cheyenne.	Haskell.
Grant.	Sheridan.
Greeley.	Stanton.

Combinations of townships which are local producing areas.

Local Producing Areas by County

FINNEY

1. Tps. 22, 23, and 24 S., R. 34 W.
2. Tps. 22, 23, and 24 S., R. 33 W.

KEARNY

1. T. 24 S., Rs. 35 and 36 W.; T. 25 S., R. 36 W.
2. T. 23 S, Rs. 36, 37, and 38 W.; T. 24 S., Rs. 37 and 38 W.
3. Tps. 22 and 23 S., R. 35 W.

SHERMAN

1. Grant, Stateline, and Lincoln.
2. Logan, Smokey, Itaska, and Voltaire.

WALLACE

1. That portion of Tps. 13, 14, and 15 S., R. 43 W. lying in Wallace County; Tps. 13, 14, and 15 S., R. 42 W.; Tps. 14 and 15 S., R. 41 W.; Western two-thirds of Tps. 14 and 15 S., R. 40 W.
2. T. 15 S., R. 36 W.; Tps. 14 and 15 S., R. 39 W.; Eastern one-third of Tps. 14 and 15 S., R. 40 W.

MAINE

Individual counties which are local producing areas.

Androscoggin.	Piscataquis.
Franklin.	Sagadahoc.
Hancock.	Oxford.
Knox.	Somerset.
Penobscot.	Washington.

Combinations of townships which are local producing areas.

Local Producing Areas by County

AROOSTOOK

1. Grande Isle, Madawaska, St. Agatha, Frenchville, New Canada, and Fort Kent.
2. Van Buren, Cyr Plantation, and Hamlin.
3. Caswell and Conner.
4. Caribou, Woodland, and Perham.
5. Mapleton, Castle Hill, Ashland, and Chapman.
6. Westfield, Mars Hill, and Blaine.
7. Monticello, Littleton, Hammond, and Bridgewater.
8. Houlton, Hodgdon, Linneus, New Limerick, Ludlow, Smyrna Mills, Merrill, and Oakfield.
9. Island Falls, Crystal, Sherman, and Bendicta.

MICHIGAN

Individual counties which are local producing areas.

Clinton.	Isabella.
Genessee.	Lapeer.
Gladwin.	Macomb.
Ingham.	Shiwassee.

Combinations of townships which are local producing areas.

Local Producing Areas by County

ARENAC

1. AuGres, Sims, Turner, and Whitney.
2. Arenac, Lincoln, and Standish.

BAY

1. Gibson, Mount Forest, and Garfield.
2. Bangor and Monitor.

GRATIOT

1. Pine River and Bethany.
2. Wheeler and Lafayette.
3. Sumner, Arcada, and Emerson.
4. North Star, Hamilton, and Elba.

HURON

1. Caseville, Lake, Chandler, and Meade.
2. Dwight, Bloomfield, and Lincoln.
3. Gore and Rubicon.
4. Oliver, Grant, Sheridan, and Colfax.
5. Verona and Sigel.
6. Paris and Sherman.

LENAWEE

1. Ogden and Riga.
2. Macon, Ridgeway, Deerfield, Blissfield, and Palmyra.

MIDLAND

1. Edenville, Hope, Mills, Geneva, and Lincoln.
2. Porter and Ingersoll.

MONROE

1. Dundee, Raisinville, and Frenchtown.
2. Summerfield and Ida.
3. La Salle and Monroe.
4. Whiteford and Bedford.

SAGINAW

1. Kochville and Zilwaukee.
2. Saginaw and Carrollton.
3. Jonesfield and Lakefield.
4. Fremont, Brant, and Chapin.
5. James and Swan Creek.
6. Chesaning and St. Charles.
7. Taymouth and Birch Run.

ST. CLAIR

1. Lynn and Brockway.
2. Greenwood, Grant, Burtchville, Clyde, Fort Gratiot, and Port Huron.
3. Mussey, Berlin, and Riley.

SANILAC

1. Minden, Delaware, and Wheatland.
2. Marion, Forester, Bridgehampton, Washington, and Sanilac.
3. Lamotte, Moore, and Elmer.
4. Flynn, Elk, Maple Valley, and Speaker.
5. Buell and Lexington.
6. Fremont and Worth.

TUSCOLA

1. Elmwood and Elkland.
2. Arbella and Millington.
3. Denmark and Juniata.
4. Almer, Ellington, and Indianfields.
5. Kingston and Koylton.

MINNESOTA

Individual counties which are local producing areas.

Big Stone.	Redwood.
Faribault.	Sibley.
Grant.	Traverse.
Kandiyohi.	Waseca.
Lac Qui Parle.	Watonwan.
Martin.	Yellow Medicine.
Nicollet.	

Combinations of townships which are local producing areas.

Local Producing Areas by County

CHIPPEWA

1. Kragerd, Big Bend, Mandt, Grace, Louriston, and Woods.
2. Crate, Lone Tree, and Rheiderland.
3. Leenthrop and Stoneham.

CLAY

1. Georgetown and Kragnes.
2. Felton, Flowing, and Moland.
3. Riverton and Elmwood.

FREEBORN

1. Freeborn and Carlston.
2. Geneva, Newry, and Moscow.
3. Riceland, Hayward, and Oakland.

KITTSON

1. St. Vincent, Clow, Hill, North Red River, and Hallock.
2. South Red River and Svea.
3. Thompson, Tegnew, Jupiter, Davis, and Springbrook.

MARSHALL

1. Eagle Point and Donnelly.
2. Sinnott, Angsburg, and Wanger.
3. Fork and Big Woods.
4. Parker and Bloomer.
5. Middle River and Alma.
6. Warrenton, McCrea, and Boxville.

NORMAN

1. Mary, Winchester, and Lake Ida.
2. Hendrum and Lee.
3. Pleasant View, Good Hope, and Shelly.

WEST POLK

1. Higdem and Sandsville.
2. Farley and Tabor.
3. Brislet and Angus.
4. Esther and Northland.
5. Sullivan and Keystone.
6. Rhinehart and Huntsville.
7. Nesbit and Fanny.
8. Crookston, Fairfax, and Kertsonville.
9. Vineland and Hammond.
10. Hubbard, Scandia, and Russia.

RENVILLE

1. Palmyra, Martinsburg, and Wellington.
2. Osceola, Brookfield, Hector, and Preston Lake.
3. Kingman, Bird Island, Norfolk, and Beaver Falls.
4. Wang, Sacred Heart, Emmet, Winfield, Troy, and Henryville.

SWIFT

1. Hegbert, Fairfield, Shible, Moyer, Edison, and West Bank.
2. Benson, Camp Lake, Torning, Kildare, Cashel, and Dublin.

WILKIN

1. Wolverton and Roberts.
2. Akron, Nilsen, Andrea, Sunnyside, and Foxhome.

MONTANA

Individual counties which are local producing areas.

Broadwater.	Phillips.
Lewis and Clark.	Ravalli.

Combinations of townships which are local producing areas.

Local Producing Areas by County

BIG HORN

1. Tps. 2 and 3 S., R. 33 E.; T. 3 S., R. 32 E.
2. T. 4 S., Rs. 32 and 33 E.; T. 5 S., Rs. 31 and 32 E.; T. 6 S., R. 31 E.
3. Tps. 1 and 2 S., R. 34 E.; T. 4 S., R. 35 E.
4. T. 2 N., Rs. 32 and 33 E.

BLAINE

1. T. 33 N., Rs. 18 and 19 E.
2. T. 33 N., Rs. 20 and 21 E.; T. 32 N., Rs. 20 and 21 E.
3. T. 32 N., Rs. 22 and 23 E.

CARBON

1. T. 3 S., R. 23 E.; Tps. 2 and 3 S., R. 24 E.
2. T. 4 S., Rs. 22 and 23 E.
3. Tps. 6, 7, and 8 S., R. 23 E.; Tps. 7, 8, and 9 S., R. 22 E.

CUSTER

1. That part of T. 10 N., R. 49 E. that lies east of the Yellowstone River.
2. T. 9 N., Rs. 47 and 48 E.; T. 10 N., R. 48 E.; and those parts of Tps. 9 and 10 N., R. 49 E. that lie west of the Yellowstone River.
3. T. 8 N., Rs. 47 and 48 E.; T. 7 N., Rs. 47 and 48 E.

DAWSON

1. T. 16 N., R. 55 E; N½ T. 15 N., R. 55 E.
2. S½ T. 15 N., R. 55 E.; T. 15 N., R. 54 E.
3. N½ T. 14 N., R. 54 E.; N½ T. 14 N., R. 55 E.
4. T. 13 N., Rs. 53 and 54 E.

PRAIRIE

1. T. 13 N., Rs. 52 and 53 E.; T. 12 N., R. 53 E.; E½ T. 12 N., R. 52 E.
2. T. 12 N., R. 51 E.; W½ T. 12 N., R. 52 W.; T. 11 N., R. 50 E.

RICHLAND

1. Tps. 24, 25, and 26 N., R. 59 E.; that portion of T. 24 N., R. 60 E., lying in Richland County.
2. T. 23 N., R. 59 E. and that portion of T. 23 N., R. 60 E. lying in Richland County.
3. T. 22 N., Rs. 58 and 59 E.
4. T. 21 N., Rs. 58 and 59 E.
5. Tps. 19 and 20 N., R. 58 E.; T. 19 N., R. 57 E.

ROSEBUD

1. T. 6 N., R 39 E.; that portion of T. 6 N., R. 38 E. lying in Rosebud County.
2. T. 6 N., Rs. 41 and 42 E.
3. T. 6 N., Rs. 43 and 44 E.

STILLWATER

1. T. 2 S., R. 20 E.; T. 3 S., R. 20 E.; that portion of T. 3 S., R. 21 E. lying in Stillwater County.
2. T. 2 S., R. 22 E.; that portion of T. 2 S., R. 23 E. lying in Stillwater County; those portions of T. 3 S., Rs. 22 and 23 E. lying in Stillwater County.

TREASURE

1. T. 6 N., Rs. 36 and 37 E.; T. 7 N., R. 36 E.
2. T. 6 N., Rs. 34 and 35 E.; T. 5 N., R. 34 E.

YELLOW STONE

1. T. 4 N., Rs. 32, 33, and 34 E.; T. 5 N., Rs. 33 and 34 E.
2. T. 3 N., Rs. 30 and 31 E.
3. T. 3 N., Rs. 28 and 29 E.; T. 2 N., Rs. 28 and 29 E.
4. Tps. 1, 2, and 3 N., R. 27 E.
5. T. 1 N., Rs. 25 and 26 E.; T. 1 S., Rs. 24, 25, and 26 E.
6. T. 2 S., Rs. 23 and 24 E.

NEBRASKA

Individual counties which are local producing areas.

Buffalo.	Dundy.
Burt.	Garden.
Chase.	Kearney.
Cheyenne.	Lincoln.
Dawson.	Perkins.
Deuel.	Red Willow.

Combinations of townships which are local producing areas.

Local Producing Areas by County

BOX BUTTE

1. T. 28 N., Rs. 49 and 50 W.; T. 27 N., Rs. 49 and 50 W.
2. T. 27 N., Rs. 47 and 48 W.; T. 26 N., Rs. 47 and 48 W.
3. T. 24 N., Rs. 47 and 48 W.
4. T. 24 N., R. 49 W.; T. 25 N., Rs. 49 and 50 W.; Tps. 26 and 27 N., R. 51 W.

KEITH

1. Tps. 12 and 13 N., R. 40 W.; Tps. 12 and 13 N., R. 41 W.
2. T. 13 N., Rs. 37, 38, and 39 W.; T. 14 N., R. 39 W.

MORRILL

1. T. 18 N., Rs. 47, 48, and 49 W.; T. 19 N., Rs. 48 and 49 W.; T. 20 N., R. 49 W.
2. Tps. 19, 20, and 21 N., R. 50 W.
3. T. 22 N., Rs. 51 and 52 W.

SCOTTS BLUFF

1. T. 21 N., Rs. 56, 57, and 58 W.
2. T. 23 N., Rs. 53 and 54 W.
3. T. 20 N., Rs. 53, 54, and 55 W.

SIOUX

1. T. 24 N., R. 58 W.; T. 25 N., Rs. 57 and 58 W.
2. T. 24 N., Rs. 55 and 56 W.

NEW MEXICO

Individual county which is a local producing area.

GRANT

Combinations of townships which are local producing areas.

Local Producing Areas by Counties

CURRY

1. T. 1 N., Rs. 36 and 37 E.; T. 2 N., Rs. 36 and 37 E.; T. 3 N., Rs. 36 and 37 E.
2. T. 4 N., Rs. 36 and 37 E.; T. 5 N., Rs. 36 and 37 E.; T. 6 N., Rs. 36 and 37 E.
3. T. 2 N., Rs. 34 and 35 E.; T. 3 N., Rs. 34 and 35 E.; T. 4 N., Rs. 34 and 35 E.

HIDALGO

1. T. 18 S., R. 22 W.; T. 19 S., Rs. 21 and 22 W.
2. T. 22 S., Rs. 18 and 19 W.; T. 23 S., Rs. 17 and 18 W.; T. 24 S., R. 17 W.
3. T. 25 S., R. 19 W.; T. 26 S., Rs. 19 and 20 W.; T. 27 S., R. 19 W.
4. T. 28 S., Rs. 21 and 22 W.; T. 29 S., R. 22 W.

NEW YORK

Individual counties which are local producing areas.

Cortland.	Onondaga.
Genesee.	Ontario.
Herkimer.	Orleans.
Livingston.	Oswego.
Madison.	Seneca.
Monroe.	Tompkins.
Niagara.	Wayne.
Oneida.	Yates.

Combination of townships which are local producing areas.

Local Producing Areas by County

CAYUGA

1. Victory, Conquest, Cato, Mentz, Throop, Sennett, and Aurelius.
2. Springsport and Ledyard.
3. Fleming and Scipio.
4. Owasco, Venice, Moravia, and Genoa.

NORTH DAKOTA

Individual counties which are local producing areas.

Burleigh.	Oliver.
Foster.	Steele.
McKenzie.	Williams.
McLean.	

Combinations of townships which are local producing areas.

Local Producing Areas by County

CASS

1. Noble, Wiser, Harwood, Berlin, and Rush River.
2. Amenia, Casselton, Wheatland, and Gill.
3. Harmony, Raymond, and Durbin.
4. Addison, Warren, Stanley, Leonard, Normanna, and Pleasant.

GRAND FORKS

1. Strabane, Johnstown, Gilby, Lakeville, Mekinock, Blooming, and Chester.
2. Falconer, Grand Forks, and Walle.
3. Allendate, Michigan, Americus, and Bentru.

PEMBINA

1. Walhalla, St. Joseph, and Advance.
2. Beaulieu, Akra, Thingvalla, Park, Gardar, and Crystal.
3. Lodema and Elora.
4. Joliette and Lincoln.

RICHLAND

1. Walcott, Colfax, Eagle, Abercrombie, and Nansen.
2. Ibsen, Dwight, Barney, Mooreton, Center, Liberty Grove, Belford, Brandenberg, Summit, Devillo, and Fairmount.

TRAILL

1. Viking, Lindaas, Roseville, and Mayville.
2. Stavanger, Ervin, and Bingham.
3. Norway, El Dofado, Bloomfield, and Hillsboro.
4. Herberg, Kelso, and Elm River.

WALSH

1. Dundee, Glenwood, Kensington, and Fertile.
2. Grafton and Oakwood.
3. Prairie Center and Walsh Centre.
4. Harriston and Pulaski.
5. Ops and Forest River.
6. Ardoch and Walshville.

OHIO

Individual counties which are local producing areas.

Allen.	Mercer.
Defiance.	Van Wert.
Fulton.	Wyandot.
Hardin.	Huron.

Combinations of townships which are local producing areas.

Local Producing Areas by County

ERIE

1. Margaretta and Groton.
2. Perkins, Oxford, Milan, and Berlin.

HANCOCK

1. Blanchard, Pleasant, and Portage.
2. Eagle, Liberty, and Union.
3. Delaware, Jackson, Madison, Orange, and Van Buren.
4. Biglick and Washington.
5. Cass and Marion.

HENRY

1. Ridgeville, Freedom, and Liberty.
2. Napoleon and Flatrock.
3. Damascus, Richfield, and Bartlow.

LUCAS

1. Richfield, Sylvania, Washington, Monclova, Waterville, and Providence.

OTTAWA

1. Carroll and Salem.

PUTNAM

1. Palmer and Greenlsburg.
2. Jackson, Union, and Sugar Creek.
3. Monterey and Jennings.

SANDUSKY

1. Jackson and Scott.
2. Rice and Sandusky.
3. Green Creek, Townsend, and York.

SENECA

1. Jackson, Liberty, Hopewell, and Seneca.
2. Clinton, Adams, and Thompson.

WOOD

1. Middleton, Washington, Weston, and Plain.
2. Webster, Troy, and Center.
3. Milton and Liberty.
4. Jackson and Henry.
5. Portage, Bloom, Montgomery, and Perry.

OREGON

Combinations of townships which are local producing areas.

Local Producing Areas by County

MALHEUR

1. T. 15 S., Rs. 42 and 43 E.; T. 16 S., R. 43 E.; Tps. 17 and 18 S., R. 44 E.; T. 19 S., Rs. 43 and 44 E.
2. T. 15 S., Rs. 46 and 47 E.; T. 16 S., Rs. 47 and 48 E.; T. 17 S., R. 47 E.
3. T. 20 S., Rs. 45, 46, and 47 E.; T. 21 S., R. 45 E.
4. T. 21 S., Rs. 46 and 47 E.; T. 22 S., Rs. 46 and 47 E.

UMATILLA

1. Tps. 4 and 5 N., R. 34 E.; Tps. 6 and 7 N., R. 35 E.; T. 6 N., R. 36 E.
2. T. 2 N., R. 27 E.; Tps. 3 and 4 N., R. 28 E.; Tps. 3 and 4 N., R. 29 E.

TEXAS

Individual counties which are local producing areas.

Bailey.	Oldham.
Dallam.	Randall.
Floyd.	Sherman.
Hale.	Swisher.
Hartley.	Yoakum.
Moore.	

Combinations of townships which are local producing areas.

Local Producing Areas by County

CASTRO

1. Communities A and B.

DEAF SMITH

1. Communities C and D.

UTAH

Individual counties which are local producing areas.

Carbon.	Juab.
Iron.	Millard.

Combination of townships which are local producing areas.

Local Producing Areas by County

BOX ELDER

1. Communities A and D.

CACHE

1. Communities A and B.
2. Communities G and H.

DAVIS

1. Communities A, D, and E.

SALT LAKE

1. Communities A, E, and F.
2. Communities B and C.

SANPETE

1. Communities C, E, and F.
2. Communities J, K, and L.
3. Communities M and N.

SEVIER

1. Communities A and B.

UTAH

1. Communities B, C, and D.
2. Communities E and P.
3. Communities H and I.

WEBER

1. Communities B and D.

WASHINGTON

Individual counties which are local producing areas.

Kittitas.	Walla Walla.

Combinations of townships which are local producing areas.

Local Producing Areas by Counties

ADAMS

1. T. 16 N., Rs. 28, 29, and 30 E.; Tps. 17 and 18 N., R. 31 E.
2. T. 15 N., Rs. 28, 29, 30, and 31 E.

BENTON

1. Tps. 8, 9, and 10 N., R. 24 E.; T. 9 and 10 N., R. 25 E.
2. T. 9 N., R. 28 E.; Tps. 7 and 8 N., R. 30 E.

FRANKLIN

1. T. 14 N., Rs. 30 and 31 E.
2. T. 13 N., Rs. 28 and 29 E.; T. 14 N., R. 29 E.
3. T. 12 N., Rs. 28 and 29 E.
4. T. 11 N., Rs. 28 and 29 E.
5. T. 11 N., R. 30 E.; T. 10 N., Rs. 28, 29, and 30 E.; T. 9 N., Rs. 28 and 29 E.

GRANT

1. Tps. 19, 20, 21, and 22 N., R. 26 E.; Tps. 19 and 20 N., R. 25 E.
2. T. 19 N., Rs. 28 and 29 E.; T. 20 N., R. 29 E.
3. Tps. 18 and 18 N., R. 30 E.
4. T. 18 N., Rs. 28 and 29 E.
5. T. 16 N., Rs. 29 and 30 E.; T. 17 N., Rs. 28, 29, and 30 E.
6. T. 16 N., Rs. 27 and 28 E.; T. 17 N., R. 27 E.
7. T. 16 N., Rs. 25 and 26 E.; T. 17 N., R. 26 E.
8. Tps. 16 and 17 N., R. 24 E.; T. 17 N., R. 25 E.
9. T. 18 N., Rs. 23 and 24 E.; T. 19 N., Rs. 23 and 24 E.
10. Tps. 20 and 21 N., R. 23 E.
11. Tps. 20 and 21 N., R. 24 E.

YAKIMA

1. Tps. 10 and 11 N., R. 21 E.; T. 11 N., R. 20 E.
2. Tps. 8 and 9 N., R. 21 E.; T. 8 N., R. 22 E.
3. Tps. 10 and 11 N., R. 19 E.
4. T. 9 N., Rs. 22 and 23 E.; T. 8 N., R. 23 E.
5. Tps. 10 and 11 N., R. 23 E.
6. T. 10 N., Rs. 17 and 18 E.

WYOMING

Individual counties which are local producing areas.

Converse.	Laramie.
Hot Springs.	Sheridan.

Combination of townships which are local producing areas.

Local Producing Areas by Counties

BIG HORN

1. T. 49 N., Rs. 92 and 93 W.
2. Tps. 50, 51, and 52 N., R. 93 W.
3. T. 51 N., Rs. 94, 95, and 96 W.
4. T. 52 N., Rs. 95 and 96 W.
5. Tps. 54, 55, and 56 N., R. 97 W.
6. T. 57 N., Rs. 96 and 97 W.

FREMONT

1. T. 3 N., Rs. 1, 2, and 3 E.
2. T. 3 N., Rs. 4 and 5 E.; T. 2 N., Rs. 3 and 4 E.
3. T. 2 N., R. 2 E.; T. 1 N., Rs. 2 and 3 E.
4. T. 2 N., R. 5 E.; T. 1 N., R. 4 E.
5. T. 1 S., Rs. 1, 2, and 3 E.

GOSHEN

1. Tps. 19, 20, and 21 N., R. 61 W.; T. 21 N., R. 62 W.; T. 21 N., R. 60 W.
2. T. 22 N., Rs. 61 and 62 W.
3. Tps. 23 and 24 N., R. 63 W.; T. 23 N., R. 62 W.
4. T. 24 N., R. 60 W.; T. 25 N., R. 61 W.
5. T. 26 N., Rs. 62, 63, and 64 W.; T. 25 N., R. 62 W.

PARK

1. Tps. 53 and 54 N., R. 101 W.
2. Tps. 57 and 58 N., R. 101 W.; T. 57 N., R. 102 W.
3. Tps. 56 and 57 N., R. 98 W.
4. Tps. 54 and 55 N., R. 98 W.

PLATTE

1. T. 23 N., Rs. 68 and 69 W.
2. T. 24 N., Rs. 68 and 69 W.
3. T. 25 N., Rs. 67 and 68 W.

WASHAKIE

1. T. 45 N., Rs. 93 and 94 W.; T. 46 N., Rs. 92 and 93 W.
2. T. 47 N., Rs. 92 and 93 W.
3. T. 48 N., Rs. 92 and 93 W.

Statement of bases and considerations. Section 303 of the Act authorizes the Secretary to make payments to producers of sugar beets with respect to bona fide abandonment of planted acreage and crop deficiencies of harvested acreage when certain uncontrollable conditions have caused a prescribed amount of damage in the same factory district, county, parish, municipality, or local producing areas, as determined in accordance with regulations issued by the Secretary.

Prior to the 1957 sugar beet crop, a local producing area comprised all contiguous farms within a county which were similar with respect to types of soil or with respect to topography. As this created many problems, particularly in delineating the areas, it was determined that the areas should be established upon a fixed geographical basis. The township was designated as the local producing area for all States except Texas and Utah. In those two States the ASC communities became the local producing areas. Beginning with the 1964 sugar beet crop, the definition of a local producing area was further amended to provide that counties with only a few sugar beet farms would be local producing areas in their entirety. Also, based on uniform guidelines, the county committees of all sugar beet producing counties were asked to recommend combinations of townships or ASC communities to form new local producing areas consisting of at least 11 farms. However, no townships would be combined if separated by long distances, natural land barriers, or if they had obviously dissimilar soil types. These recommendations were reviewed by the respective State offices and Department officials in Washington and were published in the FEDERAL REGISTER (29 F.R. 4139). The local producing areas listed in paragraph (c) represent a redetermination of the counties, combinations of townships and combinations of ASC communities which are determined to be local producing areas. The same procedure was followed as was used in the 1964 amendment (29 F.R. 4139) except that the farm count was that for the 1967 sugar beet crop. This included farms on which beets were planted and those on which no beets were planted but which were approved for prevented acreage credit.

Accordingly, I hereby find and conclude that the aforestated revision will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; sec. 303, 61 Stat. 930; 7 U.S.C. 1133)

Effective date: Date of publication.

Signed at Washington, D.C., on June 26, 1968.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-7863; Filed, July 1, 1968; 8:52 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Grapefruit Reg. 66, Amdt. 11]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found and determined, in accordance with paragraph (5) of section 602 of the act, that the continuation for the remainder of the marketing season of regulation of shipments of grapefruit, as hereinafter provided, is necessary and will tend to avoid a disruption of the orderly marketing; and such continuation of regulation will be in the public interest.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of grapefruit grown in Florida.

Order. The provisions of § 905.495 (Grapefruit Regulation 66; 32 F.R. 12907, 16525, 17925; 33 F.R. 221, 847, 3214, 4561, 5579, 5941, 6094, 8266) are hereby amended in the following respects:

Paragraph (a)(1) (i) and (ii) is revised to read as follows:

§ 905.495 Grapefruit Regulation 66.

(a) • • •
(1) • • •

(i) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 1 Bronze: *Provided,* That beginning July 1, 1968, such grapefruit may be shipped if the grapefruit grade not less than U.S. No. 2 Russet;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3^{15}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Grapefruit: *Provided,* That, beginning July 1, 1968, the term "$3^{15}/_{16}$ inches in diameter" shall read "$3^{12}/_{16}$ inches in diameter";

• • • • • • •

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated, June 28, 1968, to become effective July 1, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-7917; Filed, July 1, 1968; 8:52 a.m.]

[Lemon Reg. 326, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674) and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.626 (Lemon Reg. 326, 33 F.R. 9251) are hereby amended to read as follows:

§ 910.626 Lemon Regulation 326.

• • • • • •

(b) *Order.* (1) • • •
(ii) District 2: 372,000 cartons;

• • • • • •

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: June 27, 1968.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-7823; Filed, July 1, 1968; 8:49 a.m.]

[Grapefruit Reg. 9, Amdt. 8]

PART 944—FRUIT; IMPORT REGULATIONS

Grapefruit

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), the provisions of paragraph (a) of Grapefruit Regulation 9 (§ 944.105, 32 F.R. 12938, 17425, 33 F.R. 848, 3215, 4561, 5579, 5941, 6096) are hereby amended as follows:

The introductory text and subparagraph (1) of paragraph (a) are amended to read as follows:

§ 944.105 Grapefruit Regulation 9.

(a) On and after July 1, 1968, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 2 Russet and be of a size not smaller than $3^{12}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the U.S. Standards for Florida Grapefruit; and

• • • • • •

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports of all grapefruit as the grade and size restrictions being made applicable to the shipment of all grapefruit grown in Florida under amended Grapefruit Regulation 66 (§ 905.495); (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of grapefruit.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated, June 28, 1968, to become effective July 1, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-7918; Filed, July 1, 1968; 8:52 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Amdt. 4]

PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

Subpart A—Financing of Export Sales of Agricultural Commodities From Private Stocks Under CCC Export Credit Sales Program (GSM-4)

MISCELLANEOUS AMENDMENTS

The regulations in this Subpart A, Part 1488, containing the terms and conditions governing the Commodity Credit Corporation Export Credit Sales Program, published in the FEDERAL REGISTER of April 27, 1967 (32 F.R. 6496-6500), as corrected on May 4, 1967 (32 F.R. 6836), and as amended on May 19, 1967 (32 F.R. 7437), August 8, 1967 (32 F.R. 11416-17), and December 16, 1967 (32 F.R. 18018-19), are further amended as follows:

1. Paragraph (c)(5), the introductory text of paragraph (d), and paragraph (d)(4) of § 1488.3 are revised to read as follows:

§ 1488.3 Submission of applications for financing.

• • • • • •

(c) • • •

(5) Justification for a financing period in excess of 12 months for cotton, tobacco, and vegetable oils and 6 months for all other eligible commodities.

• • • • • •

(d) A financing period in excess of 12 months for cotton, tobacco, and vegetable oils and 6 months for all other eligible commodities, but not in excess of 36 months, may be approved by the General Sales Manager when such longer period will achieve one or more of the following results:

• • • • • •

(4) Substitute commercial dollar sales for sales for local currencies and sales on long term credits.

• • • • • •

2. The first sentence of paragraph (a) of § 1488.7 *Expiration of period for export* is amended to permit a period for export of less than 90 days to be specified in the financing approval or any amendment thereof. As amended, the sentence will read:

§ 1488.7 Expiration of period for export.

(a) Unless export is made within such export period as may be provided in the financing approval or in any amendment thereof, or under paragraph (b) of this section, or, if no such period is so provided, within a period of 90 days from the date of the financing approval, the financing approval will no longer be valid. • • •

• • • • • •

3. The first sentence of § 1488.11 *Evidence of entry into country of destination* is amended to read:

§ 1488.11 Evidence of entry into country of destination.

For a financing agreement under which the financing period is in excess of 12 months for cotton, tobacco, and vegetable oils, or is in excess of 6 months for all other eligible commodities, within 90 days, or such extension of time as may be granted by the General Sales Manager in writing, following shipment from the United States of any agricultural commodity exported under the financing agreement, the exporter shall furnish to the General Sales Manager documentary evidence satisfactory to the General Sales

Manager of customs entry of the commodity into the country of destination specified in the financing agreement. * * *

4. The following new paragraph is added to "Supplement I—Beef Breeding Cattle":

E. *Dual purpose breeds.* When these breeds are eligible for financing under the provisions of both Supplement I and Supplement II to GSM–4, as amended, the exporter has the option of qualifying such animals under the provisions of either Supplement. Such option must be stated in the application filed pursuant to § 1488.3. In the event such dual purpose breeds are approved for export hereunder, the provisions of this Supplement shall apply.

5. Item "Option A (to be specified by purchaser)" of "Exhibits I and II of Supplement I—Beef Breeding Cattle" is amended by adding additional breed units as follows:

i. Milking Shorthorn [1]
j. Red Poll [1]
k. Other beef cattle breeds described in Farmers' Bulletin No. 2228 entitled "Beef Cattle Breeds", issued January 1968.

6. Item "Option B (to be specified by purchaser)" of "Exhibits I and II of Supplement I—Beef Breeding Cattle" is amended by changing item 4 of Exhibit I to read "Bred Cow—(24–48 months old)", and by changing Exhibit II item 4 to read "Mature Bull—(24–48 months old)".

7. The sentence following paragraph "C. Minimum Conformation—Choice" under "General Requirements" of "Exhibit I of Supplement I—Beef Breeding Cattle" is amended to read as follows:

All nonregistered females must be dehorned or naturally polled unless otherwise specified in the application. Horn stubs in excess of 1 inch will not be acceptable on dehorned cattle.

8. Item 2 of paragraph "E. Statement of Service" under "General Requirements" of "Exhibit I of Supplement I—Beef Breeding Cattle" is amended to read as follows:

2. Bred females must be at least 2 months but no more than six months pregnant at time of inspection.

(Sec. 5(f), 62 Stat. 1072, 15 U.S.C. 714c; sec. 407, 63 Stat. 1055, as amended, 7 U.S.C. 1427; sec. 4, Public Law 89–808, 80 Stat. 1538)

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 26, 1968.

RAYMOND A. IOANES,
Vice President, Commodity Credit Corporation, and Administrator, Foreign Agricultural Service.

[F.R. Doc. 68–7806; Filed, July 1, 1968; 8:47 a.m.]

[1] Dual Purpose Breeds (See paragraph E, Supplement I or II).

[Amdt. 5]

PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

Subpart A—Financing of Export Sales of Agricultural Commodities From Private Stocks Under CCC Export Credit Sales Program (GSM–4)

DAIRY BREEDING CATTLE

The regulations in this Subpart A, Part 1488, containing the terms and conditions governing the Commodity Credit Corporation Export Credit Sales Program, published in the FEDERAL REGISTER of April 27, 1967 (32 F.R. 6496–6500), as corrected on May 4, 1967 (32 F.R. 6836), and as amended on May 19, 1967 (32 F.R. 7437), August 8, 1967 (32 F.R. 11416–17), December 16, 1967 (32 F.R. 18018–19), and as amended by Amendment 4 published simultaneously with this Amendment 5, are further amended by adding the following additional subheading and special provisions with respect to the financing of export credit sales of dairy breeding cattle under this Subpart A:

SUPPLEMENT II—DAIRY BREEDING CATTLE

A. Additional definitions.
B. Submission of applications for financing.
C. Additional documents required after export.
D. Miscellaneous.
E. Dual purpose breeds.

A. *Additional definitions.* 1. "Port value" means the net amount of the exporter's sales price means the contract price for the exported under the financing agreement, basis f.a.s. or f.o.b. export carrier at U.S. ports, at U.S. border points of exit, or at U.S. points of flight if transported by air freight; provided the point of exportation is designated for animals by the Agricultural Research Service, U.S. Department of Agriculture. The port value shall not include the ocean freight for a c.&f. sale or ocean freight and marine and war risk insurance for a c.i.f. sale, and shall also not include any animal care or servicing cost incurred after such animals are loaded aboard the export carrier. The net amount of the exporter's sales price maens the contract price for the animals less any payments made by the importer and less any discounts, credits, or allowances to the importer.

Such net amount shall not exceed (a) $1,200 each for registered bulls which have an Acceptable performance index as set out in paragraph D1, Exhibit II to this supplement, or, with prior approval of the General Sales Manager, $2,500 if such animal has a Superior performance index as set out in paragraph D2 of Exhibit II; (b) $750 each for registered females which have an Acceptable performance index as set out in paragraph D1, Exhibit I to this supplement, or with prior approval of the General Sales Manager, $1,200 if such animal has a Superior performance index as set out in paragraph D2 of Exhibit I; (c) with prior approval of the General Sales Manager, $1,200 each for registered mature cows which have a Superior performance index as set out in paragraph D3 of Exhibit I; (d) with prior approval of the General Sales Manager, $750 each for nonregistered mature cows which have a Superior performance index as set out in paragraph D3 of Exhibit I; or (e) $600 average for the sale of nonregistered females, other than mature cows with a Superior performance index, if each such animal has an Acceptable performance index as set out in paragraph D1 of Exhibit I. The difference, if any, between the maximum net amount specified in (a), (b), (c), (d), or (e) of this paragraph 1 and the contract price for individual registered animals or nonregistered mature cows with a Superior performance index, or the average contract price for nonregistered females, other than mature cows, with a Superior performance index, shall not be included as a part of the part value.

2. "Producer" means the person holding legal title to the animal at time of birth and who has had continuous ownership of such animal until sold for export under an approved financing agreement.

3. "Bred female" means either a bred heifer or bred cow as set forth in Exhibit I, Option B, which has been certified to as pregnant at the time of inspection.

4. "Breeder" means the person holding legal title to the female animal at the time she was served to qualify such animal hereunder as a bred female.

5. "Eligible animal" means an animal which meets all the following requirements:

(a) The animal must be the progeny of a nationally recognized dairy cattle breed (Exhibits I and II);

(b) The animal must have been owned by a person who had continuous title to such animal for a period of at least 90 days immediately before acquisition by the exporter, unless the exporter is the producer of the animal;

(c) The animal must, at the time of export, have an eartag attached by USDA testing authority; and

(d) The animal must qualify under the specifications of Exhibit I for females and Exhibit II for bulls.

6. "Registered animal" means an eligible animal which the appropriate national breed association has officially registered or otherwise classified as a purebred animal of that breed. Such animal must be marked with a legible tattoo or brand which corresponds with the number shown in the certificate of registration or other official document issued by the appropriate national breed association.

7. "Nonregistered animal" means an eligible animal, whether or not purebred, which is predominantly of the color characteristics and body conformation of the dairy breed stated in the contract between the exporter and the importer. (See Exhibits I and II.)

B. *Submission of applications for financing.* 1. In addition to the information required by § 1488.3(c) (2) through (7), applications for financing export credit sales of dairy breeding cattle shall include the following:

(a) A general description by breed of the animals to be exported, separately describing the animals under the following classes:
(1) Registered bulls;
(2) Registered bred females;
(3) Registered unbred females;
(4) Nonregistered bred females; and
(5) Nonregistered unbred females.

(b) A statement that such animals will conform to the general specification requirements set forth in Exhibits I or II, as applicable to the class of animals to be exported.

2. In addition to the justifications specified in § 1488.3(d), a financing period in excess of 6 months but not in excess of 36 months for dairy breeding cattle may be justified when it will result in the use by the importer, or by purchasers from the importer, of the animals in the destination country under conditions which will promote expanded demand for additional breeding animals or feed stuffs from the United States.

3. An application for financing an export credit sale of dairy breeding cattle shall be accompanied by a written statement, by (a) an official of the appropriate ministry or department of the importing country or (b) the U.S. agricultural attache or other designated U.S. employee, that the importer is qualified, by experience or otherwise, to receive, unload and clear for import, feed, and house cattle.

C. *Additional documents required after export.* In addition to the documents specified in § 1488.9(a) (1), (2), (3), (4), (6), and (7), the exporter shall submit the following documents to the Treasurer, Commodity Credit Corporation:

1. Separate tag lists for each group of animals described in paragraphs A1 (a), (b), (c), (d), and (e) of this supplement, containing the following information:

(a) Eartag identification number;

(b) For each registered animal or nonregistered mature cow with a Superior performance index, show separately opposite the identification number the sales price as specified in the sales invoice to the foreign importer;

(c) For nonregistered females other than mature cows with a Superior performance index, show for each lot group by tag list the average sales price per animal based upon the sales invoice to the foreign importer.

2. Production Performance Index records as follows:

(a) For registered bulls the applicable *Acceptable* or *Superior* performance index records of Sire and Dam as described in paragraph D1 or D2 of Exhibit II;

(b) For registered females if applicable, the *Superior* performance index records of Sire and Dam as described in paragraph D2 of Exhibit I;

(c) For registered or nonregistered mature cows if applicable, the *Superior* performance index records of Sire and Dam as described in paragraph D3 of Exhibit I.

3. A certification by the exporter that animals of the description in the exporter's sales contract with the foreign importer have been delivered, and that the exporter knows of no defenses to the account receivable assigned to CCC.

D. *Miscellaneous.* The following documents or certifications, as applicable, shall be furnished to the importer by the exporter:

1. The certificates issued by an agent of the Consumer and Marketing Service, U.S. Department of Agriculture, as to official registration of the animal(s) and listing the eartag number(s), corresponding registration certificate and tattoo numbers for each registered animal showing that such numbers have been verified as legible and accurate for such animal, and that the person holding legal title to the animal at the time of export sale has appropriately executed such certificate for transfer to the party designated by the importer. (See Exhibit I or II.)

2. A certification by the breeder of females sold as "bred females" showing the eartag numbers and stating that the service bull was a registered bull of the same dairy cattle breed as the female to which bred. (See Exhibit I.)

3. The certificates issued or endorsed by the Animal Health Division, Agricultural Research Service, listing the eartag number(s) and showing that such animal has been inspected for compliance with "Health" requirements. (See Exhibit I or II.)

4. The certificates issued by the Consumer and Marketing Service listing the eartag number(s) for each animal showing for such animal compliance with breed, age, weight, and conformation specifications, for the class, as shown in Exhibit I or II, as applicable.

5. Certificates issued by a veterinarian accredited by the Agricultural Research Service, showing that bred females, sold as such, were examined and found to be with calf at time of inspection.

6. A semen certification by a veterinarian accredited by the Agricultural Research Service, for bulls over 1 year of age.

E. *Dual purpose breeds.* When these breeds are eligible for financing under the provisions of both Supplement I and Supplement II to G&M–4, as amended, the exporter has the option of qualifying such animals under the provisions of either Supplement. Such option must be stated in, the application filed pursuant to § 1488.3. In the event such dual purpose breeds are approved for export hereunder, the provisions of this supplement shall apply with the exception that the General Sales Manager is authorized, at the request of the applicant, to establish a minimum weight schedule and DHIR Milk Production Breed Average.

(Sec. 5(f), 62 Stat. 1072, 15 U.S.C. 714c; sec. 407, 63 Stat. 1055, as amended, 7 U.S.C. 1427; sec. 4, Public Law 89–808, 80 Stat. 1538)

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 26, 1968.

RAYMOND A. IOANES,
Vice President, Commodity Credit Corporation, and Administrator, Foreign Agricultural Service.

EXHIBIT I TO SUPPLEMENT II (GSM–4)

USDA APPROVED DAIRY CATTLE EXPORT SPECIFICATIONS—FEMALES

Option A (to be specified by purchaser).

1. *Registered* [1] *Breed.*
a. Ayrshire.
b. Brown Swiss.
c. Guernsey.
d. Holstein.
e. Jersey.
f. Milking Shorthorn.*
g. Red Poll.*

2. *Nonregistered* [2] *Predominant Breed.* (Specify from breed above.)

Option B (to be specified by purchaser).

Age.[3]
1. Calf—6 to 12 months.
2. Yearling open—12 to 18 months.
3. Heifer open—18 to 30 months.
4. Bred heifer—18 to 30 months.
5. Mature cows—24 to 48 months.

General requirements:

A. *Health.*[4]

1. Tested negative for tuberculosis within 30 days of loading aboard export carrier.

2. Tested negative for brucellosis within 30 days of loading aboard export carrier, or is an official vaccinate under 30 months of age.

3. Certified that the United States is a country where foot and mouth disease has not existed since 1929, contagious bovine pleuropneumonia has not existed since 1892, and rinderpest has never occurred.

4. Animals come from farms that have not been under State or Federal quarantine for any communicable disease during the past year.

5. Animals have been inspected and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto, and free of mites, ticks, and ringworms, or freed from the same.

6. Mature cows must be physically examined at time of inspection for the presence of mastitis by manipulating and stripping the udder and found not to have evidence of such infection. The exporter, at his option, may require the person from whom he purchases a mature cow to supply additional evidence of non-mastitis infection as he sees fit.

B. *Minimum Weight.*[5]

1. *Registered Animals.*

Age [1]	Holstein and Brown Swiss	Guernsey and Ayrshire	Jersey
a. 6 months	360	295	260
b. 8 months	470	385	340
c. 10 months	565	455	410
d. 12 months	640	525	470
e. 14 months	710	585	520
f. 16 months	775	635	555
g. 18 months	835	685	600
h. 20 months	900	745	645
i. 22 months	970	790	695
j. 24 months	1,015	845	735
k. 26 months	1,045	870	760
l. 28 months	1,070	895	780
m. 30 months	1,090	910	790
n. 36 months and over	1,180	990	865

[1] Minimum weights for ages between the ages shown shall be determined proportionately.

2. *Nonregistered Animals.*

Class	Holstein and Brown Swiss	Guernsey and Ayrshire	Jersey
a. Calf	360	295	260
b. Yearling—open	640	525	470
c. Heifer—open	835	685	600
d. Heifer—bred	835	685	600
e. Mature cows	1,015	845	735

C. *Minimum Conformation.*[5]

All animals must meet the minimum body conformation specifications as described in Appendix I to this Exhibit I.

D. *Production Performance Index.*[6]

1. *Acceptable.* An Acceptable performance index for *Registered* or *Nonregistered Females* will be considered to exist if such animals meet the minimum conformation of item C above.

2. *Superior.* A Superior performance index for a "Registered Female" will be considered to exist if:

(a) *Sire* has a Plus (+) USDA Predicted Difference [7] equal to 2 percent of DHIR breed average as shown in item E below, and

(b) *Dam* has a DHIA or DHIR record [8] equal to the DHIR breed average as shown in item E below.

*Dual purpose breeds (see paragraph E, Supplement I or II).

[1] Animals must be officially registered with the appropriate National Breed Association and be so certified by C&MS agent.

[2] Nonregistered animals will be certified for breed by C&MS agent.

[3] Certification by C&MS agent, USDA.

[4] Certification or endorsement furnished by Animal Health Division, Agricultural Research Service.

[5] Certification or endorsement furnished by Livestock Division, C&MS, USDA. Conformation specifications to be based on standards as set out in Appendix I to Exhibit I attached. Weights may be determined by weighing or by estimates using a girth measurement tape.

[6] DHIA or DHIR milk production records mature equivalent based on 305-day, two times day milking.

[7] Source: USDA-DHIA Sire Summary Records—Agricultural Research Service.

[8] Source: Breed Association, or Dairy Records Processing Center serving the DHIA Association where tested.

3. *Superior.* A Superior performance index for a *Registered* or *Nonregistered Mature Cow* will be considered to exist if such animal has a DHIA or DHIR production record[8] 15 percent above the DHIR breed average as shown in item E below.

E. *DHIR Milk Production Breed Averages* (Mature Equivalent).

The following breed averages are applicable to these specifications:

Breed	Breed average (pounds)	2 percent of breed average (pounds)	15 percent of breed average (pounds)
Ayrshire	12,556	251	1,883
Brown Swiss	13,187	264	1,978
Guernsey	10,483	210	1,572
Holstein	15,204	304	2,281
Jersey	9,465	189	1,420

F. *Statement of Service.*

1. Bred females must have been bred to a registered bull of the same breed.[9]

2. Bred females must be at least 2 months pregnant but not more than 6 months pregnant at time of inspection.[10]

APPENDIX I TO EXHIBIT I

MINIMUM BODY CONFORMATION SPECIFICATIONS FOR FEMALES

In addition to meeting the minimum weight for the breed as specified in Exhibit I, the animal shall possess femininity, normal breed conformation, quality and body capacity. She shall have the general appearance of thrift and vitality with eyes bright and ears alert. The feet and legs shall be well formed with the legs straight, strong, and well set. The mammary system, if sufficiently developed, shall be strongly attached, well balanced and of fine texture. The teats shall be of acceptable size. There shall be no evidence of lameness or other serious body defects. She shall possess normal dairy character by showing a lack of obvious excess fatty condition for the age class. Females officially classified by the respective breed association as "Good Plus" (or equivalent) or higher shall be acceptable if found at time of inspection not to have developed a physical defect in conflict with the above-stated conditions.

EXHIBIT II TO SUPPLEMENT II (GSM-4)

USDA APPROVED DAIRY CATTLE EXPORT SPECIFICATIONS—BULLS

Option A (to be specified by purchaser). *Registered*[1] *Breed.*

a. Ayrshire.
b. Brown Swiss.
c. Guernsey.
d. Holstein.
e. Jersey.
f. Milking Shorthorn.[6]
g. Red Poll.[6]

Option B (to be specified by purchaser). *Age:*[2]

a. Calf—(6 to 12 months old).
b. Yearling—(12 to 18 months old).
c. Young bull—(18 to 24 months old).
d. Mature bull—(24 to 48 months old).

General Requirements:

A. *Health.*[3]

1. Tested negative for tuberculosis and brucellosis within 30 days of loading aboard export carrier.

2. Animals come from farms that have not been under quarantine for any communicable disease during the past year.

3. Certified that the United States is a country where foot and mouth disease has not existed since 1929, contagious bovine pleuropneumonia has not existed since 1892, and rinderpest has never occurred.

4. Animals have been inspected and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto and free of mites, ticks, and ringworm or freed from the same.

B. *Minimum Weight.*[4]

Age[1]	Holstein and Brown Swiss	Guernsey and Ayrshire	Jersey
a. 6 months	450	370	315
b. 8 months	585	480	410
c. 10 months	710	555	490
d. 12 months	820	655	565
e. 14 months	930	755	645
f. 16 months	1,040	840	745
g. 18 months	1,155	920	815
h. 21 months	1,320	1,065	950
i. 24 months	1,455	1,210	1,050
j. 27 months	1,570	1,310	1,140
k. 30 months	1,670	1,395	1,215
l. 36 months and over	1,840	1,545	1,350

[1] Minimum weights for ages between the weights shown shall be determined proportionately.

C. *Minimum Conformation.*[4]

All animals must meet the minimum body conformation as described in Appendix I to Exhibit II.

D. *Production Performance Index.*[5]

1. *Acceptable.* An Acceptable performance index for a *Registered Bull* will be considered to exist if:

(a) *Sire* has a Plus (+) USDA Predicted Difference,[6] and

(b) *Dam* has a DHIA or DHIR record[7] 15 percent above the DHIR breed average as shown in item E below.

2. *Superior.* A Superior performance index for a *Registered Bull* will be considered to exist if:

(a) *Sire* has a Plus (+) USDA Predicted Difference[6] equal to 2 percent of DHIR breed average as shown in item E below.

(b) *Dam* has a DHIA or DHIR record[7] 25 percent above the DHIR breed averages as shown in item E below.

E. *DHIR Milk Production Breed Averages* (Mature Equivalent).

The following breed averages are applicable to these specifications:

Breed	Breed average (pounds)	2 percent of breed average (pounds)	15 percent of breed average (pounds)	25 percent of breed average (pounds)
Ayrshire	12,556	251	1,883	3,139
Brown Swiss	13,187	264	1,978	3,297
Guernsey	10,483	210	1,572	2,621
Holstein	15,204	304	2,281	3,801
Jersey	9,465	189	1,420	2,366

F. A semen check indicating at least 60 percent sperm motility must be supplied for bulls over 1 year of age.[3]

APPENDIX TO EXHIBIT II

MINIMUM BODY CONFORMATION SPECIFICATIONS FOR BULLS

In addition to meeting the minimum weight for the breed as specified in Exhibit II, the animal shall possess masculinity, normal breed conformation, quality, and body capacity. He shall have the general appearance of thrift and vitality with eyes bright and ears alert. The feet and legs shall be well formed with legs straight, strong, and well set. There shall be no evidence of lameness or other serious body defects. He shall possess normal dairy character by showing a lack of obvious excess fatty condition for the age class. Bulls officially classified by the respective breed association as "Good Plus" (or equivalent) or higher shall be acceptable if found at time of inspection not to have developed a physical defect in conflict with the above-stated conditions.

[F.R. Doc. 68-7805; Filed, July 1, 1968; 8:47 a.m.]

*Dual purpose breeds (see paragraph E, Supplement I or II).

[9] Must be certified to by the breeder of the female at time of sale to exporter.

[10] The certification of pregnancy shall be by an accredited veterinarian.

[1] Animals must be officially registered with the appropriate National Breed Association and be so certified by C&MS agent.

[2] Certified by C&MS agent, USDA.

[3] Certification or endorsement furnished by Animal Health Division, Agricultural Research Service, USDA.

[4] Certification or endorsement furnished by Livestock Division, C&MS, USDA. Conformation specifications to be based on standards as set out in Apepndix I to Exhibit II attached. Weights may be determined by weighing or by estimates using a girth measurement tape.

[5] DHIA or DHIR milk production records. Mature equivalent based on 305-day, two times day milking.

[6] Source: USDA-DHIA Sire Summary Records, Agricultural Research Service.

[7] Source: Breed Association or Dairy Records Processing Center serving the DHIA Association where tested.

[8] Certification must be issued by an accredited veterinarian.

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Securities Eligible for Underwriting and Unlimited Holding

§ 1.211 County of Palm Beach, Fla., Courthouse and Jail Certificates of Indebtedness.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $7 million Courthouse and Jail facilities (including newness of the County of Palm Beach, Fla., for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The proceeds from the sale of the Certificates will be used for the construction of additions, extensions and improvements to the Courthouse and Jail facilities (including new branch facilities) at various locations within the County. A board of county commissioners is specifically authorized by Florida statutes to determine the necessity for such construction and to provide for the payment of the cost of construction by the levying of an additional ad valorem tax of up to 5 mills for a period of up to 30 years to be assessed at the same time and in the same manner as other state and county taxes.

(2) The Board of County Commissioners of the County of Palm Beach has provided for and secured the payment of the Certificates by levying the authorized tax in an amount sufficient to pay principal, interest, and other debt service requirements and by pledging the proceeds of the levy for such purposes. On the basis of current taxable assessed valuation a tax rate of 0.25 mills will be sufficient to meet these requirements. The 5 mill limitation is, therefore, without substance.

(c) *Ruling.* It is our conclusion that the $7 million Courthouse and Jail Certificates of Indebtedness of the county of Palm Beach, Fla., are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Comptroller's letter dated May 1, 1968.)

§ 1.212 Los Angeles County Southeast General Hospital Authority.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $22,500,000 Los Angeles County Southeast General Hospital Authority Revenue Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Los Angeles County Southeast General Hospital Authority is a public entity created under the laws of California by an agreement between the city of Los Angeles and the county of Los Angeles to finance and construct a general hospital to be leased to and operated by the county. The Authority is issuing these bonds for that purpose.

(2) Under the lease rental agreement the County has unconditionally promised to pay annual rentals to the Authority in an amount sufficient to meet annual principal and interest payments on the bonds. The County which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $22,500,000 Los Angeles County Southeast General Hospital Authority Revenue Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Comptroller's letter dated May 7, 1968.)

§ 1.213 Los Angeles County-San Dimas Civic Center Authority.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $1,600,000 Los Angeles County-San Dimas Civic Center Authority Building Revenue Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Los Angeles County-San Dimas Civic Center Authority is a public entity created under the laws of California by an agreement between the City of San Dimas and the County of Los Angeles. Under this agreement the Authority is authorized to acquire land, construct and lease public buildings and to issue bonds to finance such projects. The Authority is issuing these bonds for the purpose of constructing a city hall and a community building which will be leased to the City. This construction represents the first stage of a planned Civic Center development. A later stage is expected to include a regional library building to be leased to the County.

(2) Under the lease rental agreement the City has unconditionally promised to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The City, which possesses general powers of taxation and also receives substantial revenues from statutory allocations of State and county taxes, has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $1,600,000 Los Angeles County-San Dimas Civic Center Authority Building Revenue Bonds are general obligations of a State or political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks. (Comptroller's letter dated May 20, 1968.)

§ 1.214 Virginia Public School Authority.

(a) *Request.* The Comptroller of the Currency has been requested to consider whether the ruling of June 14, 1963 (§ 1.124) that bonds of the Virginia Public School Authority are eligible for purchase, dealing in, underwriting and unlimited holding by national banks is now applicable with respect to outstanding and future bond issues of the Authority.

(b) *Opinion.* (1) The Virginia Public School Authority was created by an Act of the General Assembly of Virginia as a public body corporate, political subdivision, and an agency and instrumentality of the Commonwealth of Virginia. Its purpose is to facilitate the construction of public schools through the purchase of local school bonds with the proceeds from the sale of its own bonds which in turn are secured by all of the resources of the Authority. These resources now include purchased bonds in the amount of $20,500,000 and a portfolio of local school notes having a value in excess of $60 million transferred to the Authority as a reserve fund. The local school bonds and notes are general obligations of Virginia local governments possessing powers of general property taxation.

(2) The bonds of the Authority are supported by general obligations of political subdivisions of the Commonwealth of Virginia to make payments in annual amounts which assure that there will be funds sufficient to provide for all payments required in connection with the bonds.

(c) *Ruling.* It is our conclusion that bonds of the Virginia Public School Authority are general obligations of a State or political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks. (Comptroller's letter dated June 3, 1968.)

§ 1.215 San Diego City-County Camp Authority.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $1,740,000 San Diego City-County Camp Authority Revenue Bonds for purchase, dealing in, underwriting, and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The San Diego City-County Camp Authority is a public entity created under the laws of California by an agreement between the City of San Diego and the County of San Diego. Under this agreement the Authority is authorized to acquire, construct and lease park and recreation camp facilities, to acquire sites for such facilities, and to finance such projects.

(2) The City and County operate an outdoor educational program for school children throughout the academic year at several camps located on State park land. It is proposed to improve and expand the camp facilities used in this program through the construction of dormitories, educational and service buildings, recreational facilities, site improvements and utilities services and the remodeling of some existing facilities. In order to carry out this project the State has leased the camp sites to the Authority and the Authority is issuing these bonds. The completed facilities will be leased to the County for operation under an operating agreement between the County and the City.

(3) Under the lease rental agreement the County has unconditionally promised to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds and to furnish the Authority with necessary working capital and reserves. The County which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $1,740,000 San Diego City-County Camp Authority Revenue Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Comptroller's letter dated June 7, 1968.)

§ 1.216 Hillsborough County Aviation Authority, Florida (Post Office Facility).

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $5,770,000 Hillsborough County Aviation Authority,

Florida, Special Purpose Bonds (Post Office Facility) for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Hillsborough County Aviation Authority, a body politic and corporate created by an Act of the Florida legislature for the purpose of operating airports and aviation facilities now operates the Tampa International Airport. The Authority is issuing these bonds to finance the construction at the airport of a regional postal facility to be leased to the Post Office Department.

(2) Under the lease rental agreement the United States of America acting through the Post Office Department has unconditionally promised to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as certain other necessary expenses. The agreement recites that funds for the facility are to be provided by these bonds, that the rentals are for the purpose of retiring the bonds and that the Government therefore agrees to guarantee the rental payments until the bonds are retired.

(c) *Ruling.* It is our conclusion that the Hillsborough County Aviation Authority, Florida, Special Purpose Bonds (Post Office Facility) are eligible for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24. (Comptroller's letter dated June 21, 1968.)

§ 1.217 Fountain Valley Improvement Authority Revenue Bonds.

(a) Request: The Comptroller of the Currency has been requested to rule on the eligibility of the $1,050,000 Fountain Valley Improvement Authority Revenue Bonds, for purchase, dealing in, underwriting, and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) Opinion: (1) The Fountain Valley Improvement Authority is a public entity created under the laws of California by an agreement between the City of Fountain Valley and the County of Orange. Under this agreement the Authority is authorized to acquire land, construct and lease public buildings and to issue bonds to finance such projects. The Authority is issuing these bonds for the purpose of financing the construction of buildings for the police, for public meetings and recreation, for the storage of city and county vehicles and equipment, an addition to an existing library and related facilities. The Authority will lease the entire project to the City and the City is expected to sublease the library facility to the County.

(2) Under the lease rental agreement the City has unconditionally promised to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The City, which possesses general powers of taxation and also receives substantial revenues from statutory allocations of State and county taxes has, thus committed its faith and credit in support of the bonds.

(c) It is our conclusion that the $1,050,000 Fountain Valley Improvement Authority Revenue Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks. (Comptroller's letter dated June 21, 1968.)

Dated: June 26, 1968.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 68-7843; Filed, July 1, 1968; 8:50 a.m.]

PART 8—ASSESSMENT OF FEES; NATIONAL BANKS, DISTRICT OF COLUMBIA BANKS

Filing Fee for Applications for Mergers

By memorandum dated September 11, 1967, the Comptroller of the Currency determined that the rising cost of processing applications for mergers required the assessment of a filing fee of $1,000 for each bank involved in the application.

Part 8, Chapter I, Title 12 of the Code of Federal Regulation is amended to reflect this increased assessment by revising § 8.4 to read as follows:

§ 8.4 Filing fee for applications for mergers.

A filing fee of $2,000 is assessed for investigating and processing each application for a merger, consolidation, or purchase of assets and assumption of liabilities. When three or more banks are involved in each merger, consolidation, or purchase and assumption, the filing fee is $1,000 for each participating institution.

(R.S. 5240, 12 U.S.C. 482; sec. 3, 47 Stat. 1566, 26 D.C. Code 102)

Dated: June 25, 1968.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 68-7844; Filed, July 1, 1968; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 68-EA-68; Amdt. 39-616]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend Airworthiness Directive 68-3-1 so as to increase the inspection time required for the elevator trim tab on the Fairchild Hiller FH-227 type airplanes.

Airworthiness Directive 68-3-1 required under subparagraph (h) an inspection of the modified elevator trim tab prior to accumulating 500 hours time in service and every 25 hours thereafter. Fairchild Hiller has demonstrated an improved service life on the modified trim tab thereby permitting an increase in inspection periods.

Since this amendment imposes no additional burden, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89, 31 F.R. 13697, § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending Airworthiness Directive 68-3-1 as follows:

Delete paragraph (h) and insert in lieu thereof:

(h) For aircraft with a modified elevator trim tab approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, inspections under this Airworthiness Directive need not be accomplished until prior to accumulating 600 hours time in service on this modified tab and, thereafter, at intervals not to exceed 600 hours time in service from the last inspection.

This amendment is effective June 29, 1968.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Jamaica, N.Y., on June 20, 1968.

R. M. BROWN,
Acting Director, Eastern Region.

[F.R. Doc. 68-7789; Filed, July 1, 1968; 8:46 a.m.]

[Docket No. 68-EA-67; Amdt. 39-615]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive which will require a periodic inspection of the fuel tank and related components and alteration of the fuel tank filler neck drain tube on PA-24 type aircraft.

There have been reported accidents involving PA-24 aircraft resulting from fuel exhaustion. This cause has been attributable to collapsed fuel bladder cells and loose filler caps. Since this condition is likely to exist or develop in other airplanes of the same type, an airworthiness directive is being issued to require a periodic inspection of the fuel supply system and alteration of one of its components.

Since a situation exists that requires immediate adoption of this regulation notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

Applies to Piper Models PA-24 and PA-24-250 aircraft S/N 24-1 through 24-3530 inclusive.

Compliance required as indicated.

To prevent fuel exhaustion caused by fuel cell collapse and loss of fuel through the tank filler caps accomplish the following:

1. Within 25 hours time in service after the effective date of this AD and every 100 hours time in service thereafter perform the following inspections:

(a) Visually inspect the main fuel cells and the auxiliary fuel cells if installed for indications of fuel cell collapse. Inspect the upper and lower fasteners of the main fuel cells and the upper fasteners of the auxiliary fuel cells which retain the bladder cells to assure security in accordance with section VIII of Piper Comanche Service Manual No. 753516 or an equivalent inspection approved by the Chief, Engineering and Manufacturing Branch, Eastern Region. The fuel cells shall be empty when performing this inspection. Also, with the tank filler caps removed, inspect the tank vent tubes under the wing for dirt or ice blockage. Apply suction to each vent tube outlet to assure that there is no blockage.

(b) Inspect all fuel cell filler caps for secureness and assure installation of proper part number cap. If the rubber portion of the "thermos" type filler caps (S/N 24-581 and up) shows indications of dryness or hardness which can cause the cap to gradually loosen, the cap must be replaced.

(c) Accomplish a fuel quantity gauge sending unit check in accordance with section VIII of Piper Comanche Service Manual No. 753516 or an equivalent inspection approved by the Chief, Engineering and Manufacturing Branch, Eastern Region.

2. Within 100 hours time in service after the effective date of this AD, unless already accomplished on aircraft S/N 24-581 through 24-3495 inclusive, alter the fuel cell drain tubes in accordance with Piper Service Bulletin No. 216 dated June 21, 1963, or an equivalent alteration approved by the Chief, Engineering and Manufacturing Branch, Eastern Region.

(Piper Service Bulletins Nos. 216 and 231A and Service Letter No. 367 pertain to this subject.)

This amendment is effective June 29, 1968.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421 and 1423)

Issued in Jamaica, N.Y., on June 20, 1968.

R. M. BROWN,
Acting Director, Eastern Region.

[F.R. Doc. 68-7790; Filed, July 1, 1968; 8:46 a.m.]

[Airspace Docket No. 68-SO-29]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones and Transition Area

On May 10, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 7042), stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Biloxi, Miss., control zone and the Gulfport, Miss., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 22, 1968, as hereinafter set forth.

In § 71.171 (33 F.R. 2058), the Biloxi, Miss., control zone is amended to read:

BILOXI, MISS.

Within a 5-mile radius of Keesler AFB (lat. 30°24'39.2" N., long. 88°55'25.9" W.); within 2 miles each side of the 036° bearing from the Keesler RBN, extending from the 5-mile radius zone to 8 miles northeast of the RBN; within 2 miles each side of the Keesler TACAN 041° radial, extending from the 5-mile radius zone to 6.5 miles northeast of the TACAN; within 2 miles each side of the Keesler TACAN 208° radial, extending from the 5-mile radius zone to 6 miles southwest of the TACAN, excluding the portion west of long. 89°00'00" W.; effective from 0600 to 2200 hours, local time daily.

In § 71.171 (33 F.R. 2058), the Gulfport, Miss., control zone is amended to read:

GULFPORT, MISS.

Within a 5-mile radius of Gulfport Municipal Airport (lat. 30°24'27.5" N., long. 89°04'-05" W.); within 2 miles each side of the Gulfport VORTAC 050° radial, extending from the 5-mile radius zone to 8 miles northeast of the VORTAC; within 2 miles each side of the Gulfport VORTAC 129° radial, extending from the 5-mile radius zone to 8 miles southeast of the VORTAC; within 2 miles each side of the Gulfport VORTAC 213° radial, extending from the 5-mile radius zone to 8 miles southwest of the VORTAC; within 2 miles each side of the Gulfport VORTAC 325° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC, excluding the portion that coincides with the Biloxi, Miss., control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airman. The effective date and time thereafter will be continuously published in the Airman's Information Manual.

In § 71.181 (33 F.R. 2137), the Gulfport, Miss., 700-foot transition area is amended to read:

GULFPORT, MISS.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Gulfport Municipal Airport (lat. 30°24'27.5" N., long. 89°04'05" W.); within an 8-mile radius of Keesler AFB (lat. 30°24'-39.2" N., long. 88°55'25.9" W.); within 2 miles each side of the 036° bearing from the Keesler RBN, extending from the 8-mile radius area to 8 miles northeast of the RBN; within 2 miles each side of the Keesler TACAN 041° radial, extending from the 8-mile radius area to 13 miles northeast of the TACAN; within 2 miles each side of the Keesler TACAN 208° radial, extending from the 8-mile radius area to 13 miles southwest of the TACAN;

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on June 19, 1968.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 68-7791; Filed, July 1, 1968; 8:46 a.m.]

[Airspace Docket No. 67-SO-40]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones, Designation of Transition Areas, and Revocation of Control Area Extension

On April 18, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 5956) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the controlled airspace within the San Juan domestic control area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t. August 22, 1968, as hereinafter set forth.

1. In § 71.165 (33 F.R. 2057) the San Juan, P.R., control area extension is revoked.

2. Section 71.171 (33 F.R. 2058) is amended as follows:

a. The Aguadilla, P.R., control zone is amended to read as follows:

AGUADILLA, P.R.

Within a 6-mile radius of Ramey AFB (lat. 18°29'50" N., long. 67°07'45" W.); within 2 miles each side of the 253° bearing from the Ramey RBN, extending from the 6-mile radius zone to 12 miles west of the RBN; within 2 miles each side of the ILS localizer west course, extending from the 6-mile radius zone to 11 miles west of the Airport; within 2 miles each side of the Ramey VORTAC 256° radial, extending from the 6-mile radius zone to 8 miles west of the airport.

b. The Roosevelt Roads, Puerto Rico, Control Zone is amended to read as follows:

ROOSEVELT ROADS, P.R.

Within a 5-mile radius of NS Roosevelt Roads (lat. 18°15'05" N., long. 65°38'35" W.); within 2 miles each side of the Roosevelt Roads TACAN 040° radial, extending from the 5-mile radius zone to 8 miles northeast of the TACAN; within 2 miles each side of the 052° bearing from the Roosevelt Roads RBN, extending from the 5-mile radius zone to 8 miles northeast of the RBN; within 2 miles each side of the extended centerline of the northeast/southwest runway, extending from the 5-mile radius zone to 6 miles southwest of the airport.

c. The San Juan, P.R. (International Airport) control zone is amended to read as follows:

SAN JUAN, P.R. (INTERNATIONAL AIRPORT)

Within a 5-mile radius of Puerto Rico International Airport (lat. 18°26'45" N., long. 66°00'05" W.); within a 3-mile radius of Isla

Grande Airport (lat. 18°27'30" N., long. 66°05'55" W.); within 2 miles each side of the 067° and 281° bearings from the San Pat RBN, extending from the 5-mile radius zone to 8 miles west of the RBN; within 2 miles each side of the San Juan VORTAC 058° radial, extending from the 5-mile radius zone to 8 miles northeast of the VORTAC; within 2 miles each side of the San Juan VORTAC 086° radial, extending from the 5-mile radius zone to 11 miles east of the VORTAC; within 2 miles each side of the San Juan VORTAC 296° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC.

3. In § 71.181 (33 F.R. 2137) the following transition areas are added:

AGUADILLA, P.R.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of Ramey AFB (lat. 18°29'50" N., long. 67°07'45" W.); within a 9-mile radius of Mayaguez Airfield (lat. 18°15'25" N., long. 67°09'09" W.); within 2 miles each side of the 263° bearing from the Mayaguez RBN, extending from the 9-mile radius area to 11 miles west of the beacon.

CHARLOTTE AMALIE, ST. THOMAS, V.I.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Harry S. Truman Airport (lat. 18°-20'25" N., long. 64°58'10" W.); and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of the Harry S. Truman Airport.

CHRISTIANSTED, ST. CROIX, V.I.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Alexander Hamilton Airport (lat. 17°42'15" N., long. 64°47'55" W.); that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of the Alexander Hamilton Airport and that airspace within 8 miles north and 5 miles south of the St. Croix VOR 069° radial extending from the 15-mile radius area to 12 miles east of the VOR.

ROOSEVELT ROADS, P.R.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of NS Roosevelt Roads (lat. 18°15'05" N., long. 65°38'35" W.), excluding the portion within the San Juan 700-foot transition area.

SAN JUAN, P.R.

That airspace extending upward from 700 feet above the surface south of lat. 18°23'-00" N.; within a 20-mile radius of Puerto Rico International Airport (lat. 18°26'45" N., long. 66°00'05" W.); that airspace north of lat. 18°23'00" N. within a 12-mile radius of Puerto Rico International Airport; within 2 miles each side of the San Juan VORTAC 273° radial, extending from the 12-mile radius area to the San Juan (SJU) RBN; within 2 miles each side of the 281° bearing from the San Pat RBN, extending from the 12-mile radius area to the San Juan (SJU) RBN; within 8 miles north and 5 miles south of the 281° bearing from the San Pat RBN, extending from the 12-mile radius area to 12 miles west of the San Pat RBN; and that airspace extending upward from 1,200 feet above the surface beginning at the intersection of a line 4 nautical miles north of and parallel to the centerline of Route 2 and the arc of a 41-mile radius circle centered at Puerto Rico International Airport west of San Juan VORTAC; thence clockwise along this arc to the centerline of Route 3; thence southeast along the centerline of Route 3 to the arc of a 23-mile radius circle centered at Puerto Rico International Airport; thence clockwise along this arc to long. 65°55'00" W.; thence south to lat. 18°40'00" N., long. 65°55'00" W.; thence east to lat. 18°40'00" N., long. 65°26'00" W.; thence south along long. 65°26'00" W. to a line 4 nautical miles north of and parallel to the centerline of Route 2; thence east and southeast along this line to the arc of a 15-mile radius circle centered at Harry S. Truman Airport (lat. 18°20'25" N., long. 64°58'10" W.); thence counterclockwise along this arc to a line 3 nautical miles southwest of and parallel to the centerline of Route 2; thence northwest and west along this line to long. 65°26'00" W.; thence south along long. 65°26'00" W. to the arc of a 15-mile radius circle centered at NS Roosevelt Roads Airport (lat. 18°15'-05" N., long. 65°38'35" W.); thence clockwise along this arc to the intersection of a line 5 miles southeast of and parallel to the 052° bearing from the Point Tuna RBN; thence southwest along this line to lat. 18°-00'00" N.; thence west along lat. 18°00'00" N., to long. 66°19'20" W.; thence south to lat. 17°59'30" N., long. 66°23'30" W.; thence west to the intersection of long. 66°25'30" W. and the arc of a 15-mile radius circle centered at Mercedita Airport (lat. 18°00'-40" N., long. 66°33'50" W.); thence clockwise along this arc to lat. 18°00'00" N.; thence west to lat. 18°07'00" N., long. 67°22'00" W.; thence north to the intersection of long. 67°23'00" W. and the arc of a 25-mile radius circle centered at Ramey AFB (lat. 18°29'50"N., long. 67°07'45" W.); thence clockwise along this arc to a line 4 nautical miles north of and parallel to the centerline of Route 2 east of Ramey AFB; thence east along this line to the point of beginning; and that airspace extending upward from 2,000 feet MSL within a 100 nautical mile radius of the Isla Grande Airport (lat. 18°27'30" N., long. 66°05'55" W.) San Juan, P.R.; excluding the portion that coincides with the 1,200-foot floor portions of the San Juan, St. Croix, and St. Thomas transition areas.

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1343, 1510); Executive Order 10854 (24 F.R. 9565))

Issued in Washington, D.C., on June 24, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-7792; Filed, July 1, 1968; 8:46 a.m.]

[Docket No. 8153; Amdt. 137-3]

PART 137—AGRICULTURAL AIRCRAFT OPERATIONS

Miscellaneous Amendments

The purpose of this amendment to Part 137 of the Federal Aviation Regulations is to modify the definition of agricultural aircraft operation; to relax the requirement regarding carriage in the aircraft of airworthiness and registration certificates; to change the title of § 137.37 to reflect the proper meaning of that section; and to restrict operations over noncongested areas to the actual dispensing operation.

This amendment is based upon a notice of proposed rule making (Notice 67-20) published in the FEDERAL REGISTER on May 12, 1967 (32 F.R. 7183).

Part 137 requires a person to have an agricultural aircraft operator certificate to conduct agricultural aircraft operations. The definition of agricultural aircraft operation as presently worded in § 137.3 limits the meaning of the term to the dispensing of economic poison and any other substance intended for plant nourishment, soil treatment, propogation of plant life, or pest control, but clause (3) of the definition does not limit the other activities covered to dispensing operations.

The specialized experience, training, and testing required to assure safety in dispensing material from an aircraft is not required, in the interest of safety, of a person who wishes to conduct activities which do not involve any dispensing of materials, such as bird chasing and antifrost agitation of the air. The same considerations apply in the case of a person who drops live insects for pest control purposes, to the extent that the dispensing of economic poisons or other substances is not involved.

Accordingly, this amendment to clause (3) of § 137.3 limits other activities directly affecting agriculture, horticulture, or forest preservation to those involving dispensing and expressly excludes the dropping of live insects as a dispensing activity. This permits persons other than Part 137 certificate holders to conduct nondispensing type agricultural activities without an agricultural aircraft operator certificate if, where appropriate, they obtain a waiver from the provisions of FAR Part 91. On the other hand, the holder of an agricultural aircraft operator certificate, by virtue of the certificate, has demonstrated his ability to safely conduct nondispensing operations as well as dispensing operations. For this reason, paragraph (c) is added to § 137.29 by this amendment to permit a Part 137 certificate holder to deviate from FAR Part 91 to the extent authorized for dispensing operations by Part 137, without obtaining a certificate of waiver, when conducting certain nondispensing activities in accordance with the operating rules of Part 137.

The notice recognized that as a result of the chemical properties of certain materials dispensed from aircraft and the frequent cleaning of aircraft to remove the residue of chemicals, the airworthiness and registration certificates, which must be permanently displayed in the aircraft, often are damaged and must be replaced with new certificates obtained from the FAA. This creates a burden on both the owner and the FAA. As proposed in the notice, this amendment permits the airworthiness and registration certificate to be removed from the aircraft. When any airworthiness or registration certificate is removed from an aircraft, it must be kept at the base from which the dispensing operation is conducted and available for inspection by appropriate authorities. For the purpose of this amendment, the base from which the dispensing operation is conducted is intended to mean the permanent base of the operator, unless dispensing operations are being conducted from a temporary base where the operator has temporarily stationed maintenance facilities and personnel. If such a temporary base is established, it is the intent of the amendment that such base be considered the base from which the dispensing operation is conducted and, therefore, the place where the certificates removed from the aircraft must be kept and made available for inspection by appropriate authorities.

This amendment changes the title to § 137.37 to read "Manner of Dispensing" so that it will more accurately reflect the purpose of that section.

Section 137.49 is also amended to clearly reflect that it covers only the actual dispensing operation, but includes the approaches, departures, and turnarounds reasonably necessary for the operation. In addition, this amendment deletes § 137.13 and references to it, since the section is no longer applicable.

Finally, there is the matter of § 137.39 which presently prohibits, in part, the dispensing of an economic poison for a use other than that for which it is registered with the U.S. Department of Agriculture (USDA). Notice 67-20 proposed to amend § 137.39 to permit the dispensing of a USDA registered economic poison for other than registered uses when approved by the State in which it is to be used.

However, by letter dated February 21, 1968, the Assistant Secretary, U.S. Department of Agriculture requested that FAA withdraw the proposed amendment to § 137.39. The following excerpts from that letter explain the reasons for the USDA request:

> We have again reviewed the notice of proposed rule making concerning agricultural aircraft operations published in the FEDERAL REGISTER on May 12, 1967, which would permit the dispensing of an economic poison for a purpose other than that for which it was registered with the U.S. Department of Agriculture or contrary to use limitations. After further consideration, we are concerned about the serious problems in administering the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135–135K), which would result from the enactment of this proposal.
>
> This amendment would hamper our enforcement activities.
>
> • • • one effect of the proposed amendment to § 137.39 would be that a manufacturer could ship a registered economic poison into a State for a use entirely consistent with the proposed amendment and yet violate the criminal provision of the Federal Insecticide, Fungicide, and Rodenticide Act if the intended use differed in substance from that accepted in connection with the registration.
>
> • • • Section 137.39 could be construed as condoning a use which we believe to be improper under our Act and regulations.
>
> It is conceivable that some States may not have the technical competence to evaluate the safety of an economic poison that has not been registered with the U.S. Department of Agriculture, particularly in regard to residues in food. This could lead to seizure and condemnation of the crops shipped in interstate commerce.
>
> Although our letter of October 12, 1966, does not support our present views, we hope you will give serious consideration to withdrawing § 137.39 of the notice of proposed rule making. The Federal Aviation Administration's regulations now in effect provide the States with adequate control measures. In the past, delays in registration may have presented a problem to the States in cases of emergency situations, but this should no longer be considered an obstacle since the Department is now prepared to handle such matters on an emergency basis.

Accordingly, in response to the foregoing request of the Assistant Secretary of the U.S. Department of Agriculture, the proposal published in Notice 67-20 to amend FAR 137.39 is hereby withdrawn.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all comments received.

In consideration of the foregoing, Part 137 of the Federal Aviation Regulations is amended, effective August 1, 1968, as follows:

1. By amending subparagraph (3) of the definition of Agricultural Aircraft Operation in § 137.3 to read as follows:

§ 137.3 Definition of terms.

• • • • • • •

• • • (3) engaging in dispensing activities directly affecting agriculture, horticulture, or forest preservation, but not including the dispensing of live insects.

• • • • • • •

§ 137.11 [Amended]

2. By striking out the words "§ 137.13 and" in § 137.11(a).

§ 137.13 [Deleted]

3. By deleting § 137.13.

4. By adding a new paragraph (c) to § 137.29 to read as follows:

§ 137.29 General.

• • • • • • •

(c) The holder of an agricultural aircraft operator certificate may deviate from the provisions of Part 91 of this chapter without a certificate of waiver, as authorized in this subpart for dispensing operations, when conducting nondispensing aerial work operations related to agriculture, horticulture, or forest preservation in accordance with the operating rules of this subpart.

5. By amending § 137.33 by designating the provisions of that section as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 137.33 Carrying of certificates.

• • • • • • •

(b) Notwithstanding Part 91 of this chapter, the registration and airworthiness certificates issued for the aircraft need not be carried in the aircraft. However, when those certificates are not carried in the aircraft they shall be kept available for inspection at the base from which the dispensing operation is conducted.

§ 137.37 [Amended]

6. By striking out the word "hazardous" in the title of § 137.37 and inserting the words "manner of" in place thereof.

7. By amending § 137.49 to read as follows:

§ 137.49 Operations over other than congested areas.

Notwithstanding Part 91 of this chapter, during the actual dispensing operation, including approaches, departures, and turnarounds reasonably necessary for the operation, an aircraft may be operated over other than congested areas below 500 feet above the surface and closer than 500 feet to persons, vessels, vehicles, and structures, if the operations are conducted without creating a hazard to persons or property on the surface.

(Secs. 307(c), 313(a), 601, 607, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421, 1427)

Issued in Washington, D.C., on June 26, 1968.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 68-7793; Filed, July 1, 1968; 8:47 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[11th Gen. Rev. of Export Regs., Amdt. 3]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Parts 370, 371, 372, and 373 of the Code of Federal Regulations are amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–63 Comp.)

Effective date: June 26, 1968.

RAUER H. MEYER,
Director, Office of Export Control.

I. *Revision of the requirement of an export order in support of an application for an export license.* Purpose and effect: The Office of Export Control has revised the Export Regulations as they relate to the provisions requiring an export order in support of an application for an export license. In addition to a clarification and redefinition of the term "order" as used in the Export Regulations, the provisions for requesting a waiver of the required order have been amplified and explained in greater detail. Further, the willingness of the Office of Export Control to provide, in advance of submission of an application, a preliminary opinion as to the outlook for approval of a license or other export control action has been set forth in the Export Regulations.

An order, for purposes of the Export Regulations, is defined as a communication from a person abroad or his representative expressing an intent to import commodities or technical data from the proposed U.S. exporter or a U.S. order party.

An order need not necessarily be an unconditional offer to buy which, if accepted by either the proposed exporter or the order party, results in a binding contract. Moreover, although the order must be more than a mere inquiry regarding a possible export, it may be contingent upon variable conditions. These conditions may include market price, time of delivery, or availability of the commodities in the kinds and quantities desired. Such a contingent offer is still considered an order under the Export Regulations. If, however, all of the terms of an order are not finally determined, before an application is submitted all negotiations toward the settlement of the terms must have been advanced sufficiently to establish the intent of the person placing the order to consummate the proposed transaction.

The Export Regulations have been further clarified to point out specifically that the order requirement is also applicable to a request for authorization to reexport U.S. origin commodities or technical data to certain specified destinations.

The provisions regarding exceptions to the order requirement have also been explained more fully. The Office of Export Control will consider granting an exception to, or a waiver of, the order requirement in cases where the applicant shows that an exception is warranted. A request for waiver of the order requirement shall accompany an application for an export license, and shall state in full the reasons for the request. Whenever possible, all supporting documentation must be obtained and submitted with the request for waiver of the export order. If it is not possible to obtain such documentation at the time the waiver request is submitted, these supporting documents shall, nevertheless, be submitted as soon as they are obtainable. The following are examples which, if fully substantiated, might warrant an exception:

1. An unusual expenditure of time, money, or technical skill, in excess of ordinary sales expenses, is necessary before a bid can be submitted and an order obtained.

2. The applicant is under an unusual obligation to export immediately the commodities or technical data covered, because of a special trade or industry practice.

3. The export involves a sample, gift, relief or charitable shipment, or other shipment where an order is not normally an element of the export transaction.

Regardless of whether an order was obtained prior to applying for an export license, exporters are reminded that any validated or general license or other authorization to export or reexport may be revised, suspended, or revoked at any time without notice; e.g., whenever this is necessary to prevent an unauthorized export or reexport. If a shipment is already en route, it may further be necessary to order the return or unloading of such shipment at any port of call.

Exporters are also reminded that an application for a Periodic Requirements (PRL) License or a Time Limit (TL) License does not require the support of an export order. An exporter eligible to apply under either of these bulk license procedures, is advised to do so rather than to request an exception to the requirement of an order in support of an application for an individual license. (See Parts 376 and 377 of the Code of Federal Regulations.)

The Office of Export Control issues a formal licensing decision respecting a specific license application or other request for an export control action only by means of a license or other document. Such decisions are issued only on the basis of the actual submission of a formal application or other formal request setting forth all of the facts relevant to the export transaction and supported by all required documentation. Upon request, however, the Office of Export Control will, to the extent practicable, provide a preliminary opinion regarding the outlook for approval of a prospective transaction. If the negotiation of the terms of an export order depends upon an indication of the prospects of obtaining an export license, the person proposing the export may submit an inquiry, prior to the submission of an application for an export license, explaining the proposed transaction in full detail and explaining why advance indication of the Office of Export Control action is needed. To the extent feasible, the Office of Export Control will discuss with the prospective applicant the outlook for approval of the proposed export.

Accordingly, §§ 370.2(c), 372.4(f) (1), (2), and (3), 372.5(j)(5), and 372.12(c)(2)(ii)(c) of the Export Regulations are revised as set forth below:

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

Paragraph (c) of § 370.2 is revised to read as follows:

§ 370.2 Prohibited exports.

* * * * * * *

(c) *Revocation of export licenses and other authorizations.* All export licenses and other authorizations to export or reexport are subject to revision, suspension, or revocation without notice. It may be necessary for the Office of Export Control to stop a shipment or an export transaction at any stage of its progress; e.g., in order to prevent an unauthorized export or reexport. If a shipment is already en route, it may be further necessary to order the return or unloading of such shipment at any port of call in accordance with the provisions set forth in § 379.11 of this chapter.

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

1. Paragraph (f) (1), (2), and (3) of § 372.4 is revised to read as follows:

§ 372.4 Applications for validated licenses.

* * * * * * *

(f) *Substantiation of representations made in license application—(1) Orders and substantiation of other material facts.* Except as provided in subparagraph (3) of this paragraph, or except in connection with the submission of an application for a Time Limit License or a Periodic Requirements License, no application for an export license and no request for reexport authorization subject to the provisions of § 372.12(c)(2), shall be made unless and until the applicant has, supported by documentary evidence in his possession, or in the possession of the order party (as defined in paragraph (a)(2) of this section) who signs the application in accordance with the requirements of paragraph (a)(2) of this section:

(i) An order for export for the commodities or technical data covered by the application. If the applicant for the export license is not the person who conducted the direct negotiations or correspondence relative to the order with the ultimate consignee or foreign purchaser, as designated in the application for export license, and did not receive the order from the ultimate consignee or foreign purchaser, the application must be completed in accordance with paragraph (a)(2) of this section.

(2) *Definitions—(i) Order.* "Order", used in this Part 372, means a communication from a person in a foreign country or his representative expressing an intent to import commodities or technical data from the proposed U.S. exporter or order party as defined in paragraph (a)(2) of this section. While an order must, in any case, be more than a mere business inquiry relating to a possible export, it need not be an agreement that can presently be executed or that would become a binding contract upon acceptance. Furthermore, an order need not be an unconditional offer to buy. An order, for instance, may be contingent upon certain variable conditions such as market price, time of delivery, availability of the commodities in kinds and quantities desired, and other undetermined factors. Such a contingent offer still constitutes an order within the meaning of these provisions. Similarly, a continuing or "open" order that remains at all times flexible in some respects may be acceptable. If, however, all of the terms of the order are not finally determined, before an application is submitted all negotiations toward the settlement of the terms must have been advanced sufficiently to establish the intent of the person placing the order to consummate the proposed transaction.

(ii) *Evidence of an order.* Evidence of an order as used herein means any document or documents emanating from the foreign purchaser which set forth the terms and conditions of his offer to buy the materials or articles for which the export license is requested. Such evidence may take the form of a contract signed by both parties, or of letters, telegrams, cables, confirmations, or other documents which set forth in definite terms the offer of the foreign purchaser to buy or the acceptance by the foreign purchaser of the exporter's offer to sell.

(iii) *Evidence of facts relating to the purchase transaction.* Evidence of the facts relating to the purchase transaction means any documents emanating from the purchaser or ultimate consignee which relate to statements in the application enumerated in subparagraph (1) of this paragraph. Such evidence may be contained in the document or documents constituting evidence of the order, or in additional documents emanating from the purchaser or ultimate consignee. The printed name, address, or nature of business of the ultimate consignee or purchaser appearing on his letterhead or order form shall not constitute evidence of either his identity, the country of ultimate destination, or end use of the commodities described in the application.

(iv) *Order from foreign agent.* An order from the foreign agent of the U.S. exporter does not qualify as a proper order under this requirement where it is based on an order in the agent's hands from a specific purchaser. The regulations require that in such cases the purchaser's order must be transmitted to the U.S. exporter. However, an order from the foreign agent of the exporter would be acceptable if the goods are intended for general resale to presently unknown end users.

(3) *Export transactions where no order has been received—(i) Exceptions to the order requirement. (a) If no order* has been received, or if an inquiry has been received which does not clearly meet the requirements of an order as defined in subparagraph (2)(i) of this paragraph, the Office of Export Control will consider granting a request for an exception to, or a waiver of, the order requirement where the applicant is able to show that an exception is warranted. The request for an exception to the order requirement shall accompany the application for an export license, and shall explain fully why an exception is warranted. Whenever possible, all required supporting documentation must be obtained and submitted with the request for waiver of the export order. If it is not possible to obtain such documentation at the time the waiver request is submitted, these supporting documents shall, nevertheless, be submitted as soon as they are obtainable.

(*b*) An exporter eligible to apply for a Periodic Requirements (PRL) License or a Time Limit (TL) License is advised to do so rather than request an exception to the requirement of an order in support of an individual license application. An order is not required in support of an application for a Periodic Requirements License or a Time Limit License. (See Parts 376 and 377 of this chapter.)

(*c*) If such license application is approved, the license issued may include certain conditions precedent to, or impose certain limitations on, exports made under the license.

NOTE: The following are examples of reasons which, if fully substantiated, might warrant an exception:

1. An unusual expenditure of time, money, or technical skill, in excess of ordinary sales expenses, is necessary before negotiations for an order may be pursued and before a bid can be submitted or an order obtained.

2. The applicant is under an unusual obligation to export immediately the commodities or technical data covered, because of a special trade or industry practice.

3. The export involves a sample, gift, relief, or charitable shipment, or other shipment where an order is not normally an element of the export transaction.

(ii) *Inquiry regarding prospects of obtaining license or other authorization.* The Office of Export Control gives a formal decision respecting a specific license application or other request for an export control action only through the issuance of a license or other document based upon the actual submission of a formal application or other formal request setting forth all of the facts relevant to the export transaction and supported by all required documentation. (See § 372.5(j)(5).) Upon request, however, the Office of Export Control will, to the extent practicable, provide a preliminary opinion regarding the outlook for approval of a prospective transaction with respect to particular commodities and destinations. If the negotiations of the terms of an export order depend upon an indication of the prospects of obtaining an export license covering the transaction, the person proposing to export may submit an inquiry, prior to the submission of an application for an export license, describing the proposed transaction in full detail and explaining why an advisory opinion of the Office of Export Control regarding the transaction is needed in advance. To the extent feasible, the Office of Export Control will discuss with the prospective applicant the outlook for approval of the proposed export.

* * * * * * *

2. Paragraph (j)(5) of § 372.5 is revised to read as follows:

§ 372.5 How to file an application for a validated license.

* * * * * * *

(j) * * *

(5) *Decisions given on application or request only.* (i) The Office of Export Control gives a formal decision regarding a specific license application or other request for an export control action only through the issuance of a license or other document based upon the actual submission of a formal application or other formal request setting forth all of the facts relevant to the export transaction and supported by all required documentation.

(ii) If unusual circumstances exist which any person believes warrant an exception to this rule, he may submit a request for an exception to the Office of Export Control, describing the proposed transaction in full detail and explaining why an advisory opinion of the Office of Export Control respecting the proposed export is needed in advance of the submission of a license application. To the extent feasible, the Office of Export Control will endeavor to discuss with the person requesting an exception the outlook for approval of the proposed export.

* * * * * * *

3. Paragraph (c)(2)(ii)(c) of § 372.12 is revised to read as follows:

§ 372.12 Reexport.

* * * * * * *

(c) * * *

(2) * * *

(ii) * * *

(c) Consignee/purchaser statement or other documentation from the new ultimate consignee which would be required by Part 373 of this chapter if the reexport were a direct export from the United States to the new country. Where this document is a Yugoslav End-Use Certificate or a Swiss Blue Import Certificate, and the same document must be furnished to the export control authorities of the country from which reexport will be made, the Office of Export Control will accept a reproduced copy of the document being furnished to the country of reexport. The order requirements of § 372.4(f) also apply to these reexports. If the required documentation or order cannot be obtained, waiver may be requested in accordance with the applicable provisions of the Export Regulations. (See § 373.65(b)(6) of this chapter for waiver of a Consignee/Purchaser Statement; § 373.2(j) of this chapter for waiver of an Import Certificate; § 373.67(d) of this chapter for waiver of a Swiss Blue Import Certificate; and § 373.70(d) of this chapter for waiver of a Yugoslav End-Use Certificate.)

* * * * * * *

PART 371—GENERAL LICENSES

II. *Prohibited shipments under general license provisions.* Purpose and effect: The Export Regulations have been revised to emphasize that no general license may be used to export commodities that are not listed on the Commodity Control List. Generally, when commodities are not on the Commodity Control List, they come under the export jurisdiction of a Federal Government agency other than the Department of Commerce, as described in § 370.5 of the Export Regulations.

Accordingly, § 371.2(c)(1) of the Export Regulations is amended to read as set forth below.

In § 371.2 paragraph (c)(1) is revised to read as follows:

§ 371.2 General provisions.

* * * * * * *

(c) *Applicability—(1) Prohibited shipments.* No general license set forth in this Part 371 or in Part 385 of this chapter may be used to effect an export of:

(i) Commodities and/or technical data to a destination for which such license has been suspended or revoked;

(ii) Commodities and/or technical data that will be unladen from a vessel or aircraft in Country Group Y or Z or that will move in transit through Country Group Y or Z en route to another country, except as provided by § 370.10 of this chapter; or

(iii) Commodities that are not listed on the Commodity Control List, § 399.1 of this chapter.

* * * * * * *

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

III. *Additional country adhering to limited nuclear test ban treaty.* Purpose and effect: Section 373.7 of the Export Regulations sets forth the procedures to be followed when exporting commodities and technical data related to nuclear weapons, nuclear explosive devices, or nuclear testing. Certain provisions of these regulations do not apply to countries that are adherents to the Limited Nuclear Test Ban Treaty. A list of countries adhering to this treaty is set forth in Supplement No. 4 to Part 373 of the Export Regulations.

The country of Botswana on March 4, 1968, notified the U.S. Department of State that it considers itself unrestrictedly bound by the prior ratification of the treaty by the United Kingdom. Consequently, Botswana is now added to the list of countries adhering to the Limited Nuclear Test Ban Treaty.

Accordingly Supplement No. 4 to Part 373 of the Export Regulations is amended as set forth below.

Supplement 4—Countries Adhering to the Limited Nuclear Test Ban Treaty is amended by adding "Botswana".

[F.R. Doc. 68-7810; Filed, July 1, 1968; 8:48 a.m.]

[11th Gen. Rev. of Export Regs., Amdt. 1]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 385—EXPORTS OF TECHNICAL DATA

Miscellaneous Amendments

Parts 373 and 385 of the Code of Federal Regulations are amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–63 Comp.)

Effective date: May 10, 1968.

RAUER H. MEYER,
Director, Office of Export Control.

1. Section 373.9 is hereby added to read as follows:

§ 373.9 Samples exported to Country Groups W and Y.

(a) *Scope.* (1) In considering an application for a license to export, or a request for authorization to reexport, a sample of the commodities described in paragraph (b) of this section to Country Groups W and Y, the Office of Export Control usually considers concurrently the question of whether a commercial quantity of the commodity to be shipped as a sample could also be approved. In many cases the latter question requires an extensive and time-consuming review. As a result, there may be a considerable delay in reaching a decision. To avoid this delay where it is not essential to have an advance indication of whether a commercial quantity of the sample commodity would be approved, this § 373.9 provides a procedure to permit an exporter to apply to the Office of Export Control for a license to export, or for authorization to reexport, such samples without the usual review to determine whether a commercial quantity of the commodity sent as a sample could also be approved.

(2) Neither a license to export nor an authorization to reexport a sample under this procedure implies that the Office of Export Control intends, or is committed, to approve an application for a license to export any quantity of the commodity sent as a sample. All persons sending a sample under this procedure are therefore advised to include in any contract to sell the commodity a provision relieving themselves of liability in the event that an export license is not approved by the Office of Export Control. The sample procedure does not apply if an indication is requested of the prospects of approval of an application for a license to export a commercial quantity of the sample commodity. Again, however, it must be emphasized that an indication of the prospects of approval of an application for a license does not imply that the Office of Export Control is committed to approve an application.

(b) *Applicability.* The provisions set forth in this § 373.9 apply to applications for licenses to export, and requests for authorizations to reexport, to Country Group W or Y any sample of a commodity in any of the categories listed in subparagraphs (1) through (5) of this paragraph valued at no more than two hundred dollars ($200.00); provided further that the sample is sent in accordance with established business practices and is sent either without charge or at no more than the usual charge.

(1) Chemicals, drugs, and pharmaceuticals;

(2) Synthetic rubber;

(3) Petroleum and petroleum products;

(4) Lubricants, additives, and operational fluids; or

(5) Metals and minerals.

(c) *Definition.* As used in this § 373.9, a sample is defined as a small quantity of a commodity to be sent to a prospective purchaser for his examination, evaluation, or comparison in deciding upon subsequent orders for commercial quantities.

(d) *Application or letter of request.* (1) An applicant for a license to export a sample described above who wishes to request action on the proposed sample under this procedure without consideration of possible future commercial quantity shipments shall enter across the top of each application for a license, Form FC–419, the word "Sample" immediately over the printed words "United States of America." A person requesting similar authorization to reexport a sample shall similarly enter the word "Sample" across the top of his letter of request.

(2) The value of the sample shall be indicated in each reexport request. The value shall be indicated in the space provided for the commodity description on each license application if the value is not the same as the selling price.

(3) A license to export, or an authorization to reexport, a sample under this procedure will be accompanied by a written notice that the license or other authorization is not a commitment by the Office of Export Control to approve a future export license application or request for authorization to reexport a commercial quantity of the approved sample. The notice will caution all persons sending samples under this procedure to include in any contracts for the sale of such commodities, a provision relieving themselves of liability in the event that authorization for an export or reexport of a commercial quantity of the sample commodity is not granted.

(4) If an indication of the prospects of approval of a commercial quantity of the commodity sent as a sample is desired prior to exporting or reexporting the sample, this information must be requested specifically. The proposed commercial transaction should be described in full detail, giving the quantities, values, end-uses, and all other information normally required by the Office of Export Control in considering an export license. The Office of Export Control will indicate in advance the prospects of approval of a license application only upon receiving a specific request for this information showing that the request is clearly warranted. In no case, however, does an indication of the prospects of approval of a license application constitute a commitment by the Office of Export Control to take the action indicated. Obviously, changing circumstances may require a different action at the time an application is actually submitted.

(e) *Statement by exporter.* An application for a license to export, or a request for authorization to reexport, a sample described above shall include immediately after the commodity description the following statement:

> The commodity described above is a sample sent without charge or at no more than our usual price for examination, evaluation, or comparison by a prospective purchaser.

(f) *Decision by the Office of Export Control.* The Office of Export Control will render its decision regarding the export or reexport of a sample as promptly as possible, regardless of whether expedited action is requested under this § 373.9. In some cases, however, the Office of Export Control may find that it is unable to avoid extended deliberation resulting in a delayed decision. Such extended deliberation is usually necessary when the sample:

(1) Is not a commodity within any of the categories set forth in paragraph (b) of this section;

(2) Is valued in excess of $200;

(3) Is identified by the symbol "A" in the last column of the Commodity Control List;

(4) Contains or incorporates unique or advanced extractable technical data that would make a significant contribution to the military or economic potential of the country of destination to the detriment of the national security and welfare of the United States; or

(5) Is to be sent only upon receipt of an indication from the Office of Export Control that there is a favorable prospect that a commercial quantity of the commodity to be sent as a sample would be approved for the same destination.

2. Section 373.20, paragraphs (a)(2), (b)(2), and the last sentence of (b)(3) are revised to read as follows:

§ 373.20 Copper ores, concentrates, matte, ash, residues, waste, scrap and blister copper.

(a) *Copper ores, concentrates, matte, and blister copper.* • • •

(2) *Exceptions to general policy of denial.* Consideration will be given to approval of applications covering the proposed export of commodities described in subparagraph (1) of this paragraph which because of technological or economic reasons, cannot be processed commercially in the United States. Such an application shall include:

(i) A statement describing the commodities, an analysis of the metal content, and an explanation of the difficulty in processing the commodity in the United States;

(ii) The following certifications:

> I (We) certify that to my (our) best knowledge and belief the commodities described on this application cannot be commercially processed in the United States;

(iii) The identification of the foreign consumer by setting forth one of the following applicable statements in the space on the license application entitled "Additional Information" or on an attachment thereto:

> The foreign consumer of the commodities covered by this application is the same as that shown in the "ultimate consignee in foreign country" space on this license application.

or, if the foreign consumer is not the same as that shown in the space on the license application entitled "Ultimate Consignee in Foreign Country":

> The name and address of the foreign consumer is ----------;

and

(iv) A Single Transaction Statement by Consignee and Purchaser, Form FC–842, submitted in accordance with the provisions of § 373.65 and bearing the endorsement of the designated representative of the U.S. Agency for International Development (AID) Mission, Saigon, if the proposed shipment, regardless of value, is destined for the Republic of Vietnam (area not under Communist control). To obtain this endorsement, the consignee and/or purchaser shall submit his statement, in original and two copies, to the U.S. AID Mission, Saigon, Vietnam. Upon endorsement, the original of the statement will be returned to the consignee or purchaser, for forwarding to the U.S. exporter; the copies will be retained by the U.S. AID Mission.

(b) *Copper and copper-base alloy waste and certain nickel scrap.* • • •

(2) *Shipments not commercially processable in the United States.* An application for a license to export any of the commodities described in subparagraph (1) of this paragraph that for any technological or economic reasons cannot be processed commercially in the United States will be considered for licensing without a charge against the copper export quota. Where an application covers commodities that cannot be processed for a technological reason, such application shall be accompanied by a copy(ies) of a letter(s) received by the applicant from a recognized scrap processor(s) who has (have) declined to process the scrap described on the application. Additionally, such an application shall be accompanied by the documentation set forth in paragraph (a)(2) of this section. An application for license to export any of the commodities described above that cannot be processed for an economic reason shall include a statement setting forth such reason in full detail.

(3) *Other shipments.* • • •

(ii) In addition, the foreign consumer shall be identified on the license application in the manner set forth in paragraph (a)(2)(iii) of this section; and if the proposed shipment, regardless of value, is destined for the Republic of Vietnam, the application shall be supported by a Single Transaction Statement, Form FC–842, endorsed by the designated representative of the U.S. Agency for International Development Mission, Saigon, as set forth in paragraph (a)(2)(iv) of this section.

• • • • • •

3. Section 373.43(b)(2)(i) is revised to read as follows:

§ 373.43 Blister and refined copper, copper-base alloy ingots, master alloys; and semifabricated copper products.

• • • • • •

(b) • • •

(2) • • •

(i) The application is submitted to the Office of Export Control within 3 months following the date of the related Customs Import Entry. However, such an application may be submitted to the Office of Export Control subsequent to the 3 months following the date of the Customs Import Entry: *Provided*, That the Customs Import Entry is dated on or after May 15, 1967, and the application is submitted not later than May 15, 1968.

• • • • • •

4. In Part 385 a new (*kk*) is added to § 385.2(c)(4)(iii), reading as follows:

§ 385.2 General licenses.

• • • • • •

(c) *General License GTDU; unpublished technical data.* • • •

(4) *Requirement of written assurance for certain data, services, and materials.* • • •

(iii) Technical data relating to the following materials and equipment:

• • • • • •

(*kk*) Transonic (Mach 0.8 to 1.4), supersonic (Mach 1.4 to 5.5), hypersonic (Mach 5.5 to 15), and hypervelocity (above Mach 15) wind tunnels and devices (including hot-shot tunnels, plasma, arc tunnels, shock tunnels, gas tunnels, shock tubes, and light gas guns) for simulating environments at Mach 0.8 and above; and specially designed parts and accessories, n.e.c. (Export Control Commodity Nos. 71980, 72952, 86182, 86191, 86193, 86195, 86196, 86197, 86198, and 86199).

[F.R. Doc. 68-7808; Filed, July 1, 1968; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Promotional Assistance Based on Percentage of Purchases During a Fixed Time Period

§ 15.261 Promotional assistance based on percentage of purchases during a fixed time period.

(a) The Commission was requested to render an advisory opinion with respect to the legality of a supplier's proposed promotional program under an outstanding Commission order which, in pertinent part, prohibits the supplier from making promotional payments to its customers in a discriminatory manner. According to information provided by the supplier, all its sales are made to retailer customers—distributors or other intermediaries are not utilized in the the distribution of the supplier's products.

(b) Under the proposed program as set forth and explained by the supplier, promotional allowances would be made available to all customers of the supplier and could be applied by the customers to the costs incurred by them in three categories of advertising and promotional activity: Point-of-sale materials, cooperative advertising in daily and Sunday newspapers listed in Standard Rate and Data; and so-called other store promotions, including advertising in newspapers not listed in Standard Rate and Data, catalog and local radio and T.V. advertising, envelope stuffers, and sales incentive programs and contests.

(c) Further, the amounts of such allowances would be determined at the rate of 7 percent of each participating customer's net purchases from the supplier in a 6-month period, although this figure could be adjusted within any given trading area (defined by Management Survey of Metropolitan County Areas) as operating experience requires. In the case of Standard Rate and Data newspapers, the allowances could be applied to two-thirds the cost of such advertising, and for all other forms of eligible advertising and promotional activity, allowances could be applied to the full cost of the activity. In

all cases, and whether any customer chooses to participate in any or all of said categories of advertising and promotional activity, the supplier's total contribution to the customer's costs would be subject to the 7 percent of purchases limit. Allowances earned but not used by any customer in a 6-month period could not be carried forward to the following such period.

(d) Regarding the point-of-sale materials, the supplier would mail or deliver quantities of these materials to all customers, and each customer would be advised in advance that such point-of-sale materials would be charged against his available promotional and advertising allowances, unless returned to the supplier within 10 (ten) days of receipt, by mail or delivery to the supplier's salesman.

(e) The supplier was advised that the proposed promotional program, if implemented in a nondiscriminatory manner, would not be in violation of the Commission's order or section 2(d) of the Clayton Act.

(f) The Commission cautioned that its opinion was predicated upon the supplier's assurance that all provisions of the proposed program, particularly that concerning the availability of cooperative advertising allowances for advertising in non-Standard Rate and Data newspapers, providing only that such newspapers have verifiable costs and circulation, and that concerning the return privilege regarding point-of-sale materials which would be mailed or delivered to the supplier's customers, would be effectively communicated to all customers of the supplier.

(g) The Commission further cautioned that a customer who is located on the periphery of a particular trading area and who competes in fact with a customer located within such trading area, should be offered the particular promotional plan available to the customer within the trading area so as to preclude discrimination between customers competing in the resale of the supplier's products.

(38 Stat. 717, as amended; 15 U.S.C. 41–58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: July 1, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68–7699; Filed, July 1, 1968; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Use of Manufacturers' Suggested Retail Prices Accompanied by a Disclaimer

§ 15.262 Use of manufacturers' suggested retail prices accompanied by a disclaimer.

(a) The Commission was recently requested to render an advisory opinion as to the propriety of an advertisement referring to a product as "$1.09 size, for 69¢" accompanied by a statement that "All regular prices are the manufacturers' suggested retail prices and are furnished here to help you identify the size being offered for sale."

(b) The opinion advised that the answer to this question depended wholly upon whether or not the prices used as the basis for comparison complied with Guide III of the Guides Against Deceptive Pricing, since, in the Commission's view, the use of the phrase "$1.09 size" in the body of the advertisement and the reference to "manufacturers' suggested retail prices" in the statement place the representation in the category of a trade area price comparison. Therefore, the opinion added, unless the higher prices used do in fact represent the prices at which substantial sales are made by the principal retail outlets in the area, their use would be deceptive.

(c) The Commission further stated that it was of the opinion that the capacity of such advertisements to deceive would not be relieved or removed by the statement or disclaimer proposed in situations where the prices used do not meet the test of the guides. At best, such a statement would simply render the advertisement ambiguous and leave it subject to two interpretations, one of which is false. It would still leave substantial numbers of consumers under the impression that the higher prices used were in fact the actual trade area prices within the meaning of the guides.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: July 1, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68–7700; Filed, July 1, 1968; 8:45 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Reg. 22]

PART 422—ORGANIZATION AND PROCEDURES

Availability of Information and Records of Social Security Administration to the Public

To comply with the provisions of section 552 of title 5, United States Code, as amended by Public Law 90–23, new Subpart E is added to Part 422 of Chapter III of Title 20 of the Code of Federal Regulations (Regulations No. 22 of the Social Security Administration). New Subpart E reads as follows:

Subpart E—Availability of Information and Records to the Public

Sec.
422.401 Scope and purpose.
422.402 Record defined.
422.406 Publication.
422.408 Statements of policy and interpretations not published in the FEDERAL REGISTER.
422.410 Publications for sale.
422.412 Availability of administrative staff manuals.
422.416 Availability of records upon request.
422.418 Deletion of identifying details.
422.420 Creation of records.
422.426 Information or records that are not available.
422.428 Where requests for information or records may be made.
422.430 Materials in district offices and branch offices.
422.432 Materials in field offices of the Bureau of Hearings and Appeals.
422.436 Requests for information or records.
422.440 Fees and charges.
422.444 Denials of requests.
422.448 Review by the Commissioner.
422.452 Court review.

AUTHORITY: The provisions of this Subpart E issued under secs. 205, 1102, and 1871, 53 Stat. 1368, as amended, 49 Stat. 647, as amended, 79 Stat. 331; sec. 5, Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405, 1302, and 1395hh; 5 U.S.C. 552, as amended by Public Law 90–23.

Subpart E—Availability of Information and Records to the Public

§ 422.401 Scope and purpose.

The regulations in this subpart relate to the availability to the public, pursuant to 5 U.S.C. 552, of records of the Social Security Administration and its components, other than the Bureau of Federal Credit Unions. (For regulations relating to availability of records of the Bureau of Federal Credit Unions, see 45 CFR Part 320.) They set out what records are available and how they may be obtained. These regulations do not revoke, modify, or supersede the regulations of the Social Security Administration relating to disclosure of information published in Part 401 of this chapter. Further, the regulations in this subpart supplement the regulations of the Department of Health, Education, and Welfare relating to availability of information pursuant to 5 U.S.C. 552, set out in 32 F.R. 9315 (6–30–67), codified in 45 CFR 5.1 et seq., and do not replace or restrict them.

§ 422.402 Record defined.

As used in this subpart, the term "record" has the same meaning as that provided in 45 CFR 5.5 (32 F.R. 9316).

§ 422.406 Publication.

(a) *Methods of publication.* Materials required to be published pursuant to the provisions of 5 U.S.C. 552(a)(1) have been and shall continue to be so published, in one of the following ways:

(1) By publication in the FEDERAL REGISTER of Social Security Administration regulations, and by their subsequent inclusion in the Code of Federal Regulations;

(2) By publication in the FEDERAL REGISTER of appropriate general notices; and

(3) By other forms of publication, when incorporated by reference in the FEDERAL REGISTER with the approval of the Director of the Federal Register.

(b) *Availability for inspection.* Those materials which are published in the FEDERAL REGISTER pursuant to 5 U.S.C. 552(a)(1) shall, to the extent practicable and to further assist the public, be made available for inspection at the places specified in § 422.428.

§ 422.408 Statements of policy and interpretations not published in the "Federal Register."

Precedent final opinions and orders and statements of policy and interpretations that have been adopted by the Administration and that are not published in the FEDERAL REGISTER will be made available by publication in the Social Security Rulings (see § 422.410 (d)).

§ 422.410 Publications for sale.

The following publications containing information pertaining to the program, organization, functions, and procedures of the Social Security Administration may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

(a) Title 20 of the Code of Federal Regulations.

(b) FEDERAL REGISTER issues.

(c) Compilation of the Social Security Laws.

(d) Social Security rulings.

(e) Social Security Handbook: The information in the Handbook is not of precedent or interpretative force.

(f) Social Security Bulletin.

(g) Directory of Providers of Services, Hospitals, Title XVIII.

(h) Directory of Providers of Services, Extended Care Facilities, Title XVIII.

(i) Directory of Providers of Services, Home Health Agencies, Title XVIII.

(j) Directory of Suppliers of Services, Independent Laboratories, Title XVIII.

§ 422.412 Availability of administrative staff manuals.

Administrative staff manuals of the Social Security Administration and instructions to staff personnel which contain policies, procedures, or interpretations that affect the public are available to the public for inspection and copying. Materials which provide guidelines or instructions to employees relating to tolerances, selection of cases, quantums of proof, and the like, or instructions relating to clerical or machine operations, are not available for inspection or copying (see 45 CFR 5.72). For a list of staff manuals and instructions to staff which are available for inspection and copying in the Social Security Administration district offices and branch offices and the Bureau of Hearings and Appeals field offices, see §§ 422.430(b) and 422.432(b).

§ 422.416 Availability of records upon request.

(a) *General.* In addition to the records made available pursuant to §§ 422.406, 422.408, 422.410, and 422.412, the Social Security Administration will, upon request made in accordance with this subpart, make identified records available to any person, unless they are exempt from disclosure under the provisions of section 552(b) of Title 5, United States Code (see § 422.426), or any other provision of law.

(b) *Misappropriation, alteration, or destruction of records.* No person may remove any record made available to him for inspection or copying under this part, from the place where it is made available. In addition, no person may steal, alter, mutilate, obliterate, or destroy in whole or in part, such a record. See sections 641 and 2071 of title 18 of the United States Code.

§ 422.418 Deletion of identifying details.

When the Social Security Administration publishes or otherwise makes available an opinion or order, statement of policy, or other record which relates to a private party or parties, the name or names or other identifying details will be deleted.

§ 422.420 Creation of records.

Records will not be created by compiling selected items from the files, and records will not be created to provide the requester with such data as ratios, proportions, percentages, per capitas, frequency distributions, trends, correlations, and comparisons. If such data have been compiled and are available in the form of a record, the record shall be made available as provided in this subpart.

§ 422.426 Information or records that are not available.

(a) *Specific exemptions from disclosure.* Pursuant to paragraph (b) of 5 U.S.C. 552 certain classes of records are exempt from disclosure. For the classes of records which are exempt and some examples of the kinds of materials which are exempt see Subpart F of the public information regulation of the Department of Health, Education, and Welfare and Appendix A to such regulation (45 CFR 5.70–5.79).

(b) *Matters exempt from disclosure by statute.* Pursuant to paragraph (b)(3) of 5 U.S.C. 552, matters described in section 1106 of the Social Security Act, as amended, are prohibited from disclosure except as authorized by Part 401 of this chapter or as expressly authorized by the Commissioner of Social Security.

(c) *Effect of exemption.* Neither 5 U.S.C. 552 nor this regulation (except insofar as they refer to section 1106 of the Social Security Act and Regulation No. 1 of the Social Security Administration) directs the withholding of any record or information. Materials exempt from mandatory disclosure will nevertheless be made available when this can be done consistently with obligations of confidentiality and administrative necessity. The disclosure of materials or records under these circumstances in response to a specific request, however, is of no precedent force with respect to any other request.

§ 422.428 Where requests for information or records may be made.

Requests for information, for copies of records, or to inspect or copy records may be made at any of the Social Security Administration district offices or branch offices. Similar requests relating to information or records available in the Bureau of Hearings and Appeals may be made at any of its field offices. For materials in district offices and branch offices, see § 422.430. For materials in Bureau of Hearings and Appeals field offices, see § 422.432. The materials available at district offices and branch offices are also available at the Social Security Administration headquarters, Social Security Building, 6401 Security Boulevard, Baltimore, Md. 21235, and at the Washington Inquiries Section of the Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4193, 330 Independence Avenue SW., Washington, D.C. 20201. The materials available at the Bureau of Hearings and Appeals field offices are also available at the latter office. In addition, a request for information or a record may be submitted through any office of the Social Security Administration or to any employee of the Social Security Administration in the regular course of his conduct of official business.

§ 422.430 Materials in district offices and branch offices.

(a) *Materials available for inspection.* The following are available for inspection in the district offices and branch offices:

(1) Compilation of the Social Security Laws.

(2) The Public Information Regulation of the Department of Health, Education, and Welfare (45 CFR Part 5).

(3) Regulations of the Social Security Administration under the retirement, survivors, disability, and health insurance program, i.e., Regulation No. 1 (Part 401 of this chapter), Regulations No. 4 (Part 404 of this chapter), Regulations No. 5 (Part 405 of this chapter), and Regulations No. 22 (this Part 422).

(4) Social Security rulings.

(5) Social Security Handbook.

(b) *Materials available for inspection and copying.* The following materials are available for inspection and copying in the district offices and branch offices:

(1) Claims Manual of the Social Security Administration.

(2) Department Staff Manual on Organization, Department of Health, Education, and Welfare, Part 8, Chapter 8–000.

(3) Handbook for State Social Security Administrators.

(4) Disability Insurance State Manual.

(5) Part 3 of Part A Intermediary Manual (Provider Services).

(6) Part 3 of Part B Intermediary Manual (Physician and Supplier Services).

(7) BHI (Bureau of Health Insurance) Intermediary Letters Related to Parts 3 of the Part A and Part B Intermediary Manuals.

(8) BHI State Buy-In Handbook and Letters.

(9) BHI Group Practice Prepayment Plan Letters.

(10) BHI Letters to State Agencies.

(11) Service Area Directory (including the addresses and geographic areas serviced by district offices, branch offices, regional offices, and payment centers).

(12) Indexes to the materials listed in this paragraph (b) and paragraph (a) of this section and an index to the Bureau of Hearings and Appeals Handbook.

§ 422.432 Materials in field offices of the Bureau of Hearings and Appeals.

(a) *Materials available for inspection.* The following materials are available for inspection in the field offices of the Bureau of Hearings and Appeals:

(1) Title 45 of the Code of Federal Regulations (including the public information regulation of the Department of Health, Education, and Welfare and regulations of the Bureau of Federal Credit Unions).

(2) Regulations of the Social Security Administration (see § 422.430(a)(3)).

(3) Title 5, United States Code.

(4) Compilation of the Social Security Laws.

(5) Social Security rulings.

(6) Social Security Handbook.

(b) *Handbook available for inspection and copying.* The Bureau of Hearings and Appeals Handbook is available for inspection and copying in the field offices of the Bureau of Hearings and Appeals.

§ 422.436 Requests for information or records.

A request for information or records may be made orally or in writing. The requester has the sole responsibility to identify each record sought in sufficient detail so that it can be located by personnel familiar with the filing of Administration records. When more than one item is requested, the requester shall clearly itemize each record or other item of information requested so that it may be identified and its availability separately determined. A request for copies should include a check or money order in the amount of the necessary fee (see § 422.440) made payable to the Social Security Administration.

§ 422.440 Fees and charges.

(a) *Applicability.* The provisions of this section do not apply to a request for information pursuant to Part 401 of this chapter (see §§ 401.5 and 401.6 of Part 401 of this chapter) or to a request for a detailed statement of earnings for a purpose not related to title II of the Act (see § 422.125(e)(2)).

(b) *Policy on fees.* It is the policy of the Social Security Administration to provide routine information to the general public without charge. Special information services involving a benefit that does not accrue to the general public are subject to the payment of fees which are fixed in such amounts as to recover the cost to the Government of providing such services. Fees will be charged for the following special services:

(1) Reproduction, duplication, or copying of records;

(2) Searches of or for records;

(3) Certification or authentication of records; and

(4) Forwarding records or copies thereof.

(c) *Copying.* A charge of 25 cents per page (one side of a sheet) will be made for each copy of documents or records.

(d) *Searches.* No fee will be charged for searching for materials described in §§ 422.430 and 422.432. In the event a search is required to locate other materials, a charge of $5 per hour will be made (fractional parts of an hour will be charged on a quarter-hour basis). If it appears that the cost of the search will exceed $5 per hour, e.g., where machine costs are involved, a fee based on such cost will be established prior to search.

(e) *Certification.* A fee of $5 will be charged for each certification of records or documents if certification is requested.

(f) *Forwarding costs.* Postage, registration, packaging, or other forwarding fees will be charged on an actual cost basis.

§ 422.444 Denials of requests.

(a) *Oral requests.* If it is determined, in accordance with this subpart, that information or a record requested orally is not to be disclosed, the request will be denied orally and the basis for the denial explained orally. If the requester takes exception to the denial, he will be advised that he may put his request in writing and that he may submit any written argument in support of his request. If he files a written request, he will be furnished a written acknowledgment of the previous denial and notification that the matter is being submitted for review in accordance with § 422.448.

(b) *Written requests.* Denials of written requests will be in writing. The requester will also be informed in writing of the basis for the denial. If he expresses dissatisfaction, he will be informed of his right to have such denial reviewed as provided in § 422.448, and that if he does request a review, he may submit any written argument in support of his request for information or a record. A request for review must be in writing and signed by the requester. It must be filed within 30 days of the date on which he is notified of his right to request a review, and may be filed at the office which denied the request or with any district office, branch office, or Bureau of Hearings and Appeals field office of the Social Security Administration.

§ 422.448 Review by the Commissioner.

The Commissioner of Social Security or his delegate will, when a request for review has been filed as provided in § 422.444, review the decision in question and the findings upon which it was based, and upon the basis of the data considered in connection with the decision and whatever other evidence and written argument is submitted by the person requesting the review or which is otherwise obtained, the Commissioner or his delegatee will affirm or revise in whole or in part the findings and decision in question. Written notice of the decision of the Commissioner or his delegatee shall be mailed to the person who requested the review. The decision shall state the basis therefor.

§ 422.452 Court review.

Where the Commissioner or his delegatee upon review affirms the denial of a request for records, in whole or in part, the requester may seek court review by instituting a civil action in the district court of the United States pursuant to 5 U.S.C. 552(a)(3).

Effective date. The foregoing regulations shall become effective upon publication in the FEDERAL REGISTER.

Dated: June 5, 1968.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: June 24, 1968.

WILBUR J. COHEN,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 68-7824; Filed, July 1, 1968; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority Subpart M—Organization

MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055, as amended; 21 U.S.C. 371(a)) and delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 2 is amended as follows to reflect changes regarding organization and delegations of authority:

1. In § 2.121, paragraphs (f), (h), and (i) are revised to read as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

* * * * *

(f) *Delegations regarding certification of color additives.* The Director of the Bureau of Science and the Director of the Division of Colors and Cosmetics of that Bureau are authorized to certify batches of color additives for use in food, drugs, or cosmetics, pursuant to section 706 of the Federal Food, Drug, and Cosmetic Act.

* * * * * *

(h) *Delegations regarding certification of insulin.* The Director of the Office of Certification Services, a unit within the Office of the Associate Commissioner for Compliance, is authorized to exercise the functions and duties of the Commissioner under the regulations insofar as such duties and functions involve the certification of batches of drugs containing insulin as contemplated by § 164.3 (a) and (c) of this chapter or approval of the use of materials as contemplated by § 164.2 (j) and (k) of this chapter.

(i) *Delegations regarding certification of antibiotic drugs.* The Director of the Office of Certification Services, a unit within the Office of the Associate Commissioner for Compliance, is authorized to certify or reject batches of antibiotic drugs, or any derivative of these drugs, pursuant to section 507(a) of the Federal Food, Drug, and Cosmetic Act.

* * * * *

§ 2.171 [Amended]

2. Section 2.171 *Washington headquarters* is amended by inserting under the item "Associate Commissioner for Compliance" a subitem reading "Office of Certification Services."

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: June 20, 1968.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 68-7825; Filed, July 1, 1968; 8:49 a.m.]

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Medicated Feeds; Approval of New-Drug Applications

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 505, 701(a), 52 Stat. 1052–53, as amended, 1055, 72 Stat. 1785–88, as amended; 21 U.S.C. 348, 355, 371(a)) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 3 is amended by adding thereto the following new section setting forth a statement of policy on approval of new-drug applications for medicated feeds:

§ 3.68 Medicated feeds; approval of new-drug applications.

(a) The Food and Drug Administration cannot approve an initial new-drug application for a drug that is to be added to animal feed until a food additive regulation providing for the safe use of the new-drug substance as a food additive has been promulgated by publication in the FEDERAL REGISTER in accordance with section 409 of the Federal Food, Drug, and Cosmetic Act.

(b) In the past the Food and Drug Administration has received many medicated feed new-drug applications from feed manufacturers prior to the promulgation of the required food additive regulation, and these applications could not or cannot be reviewed until such promulgation. Frequently when such applications were finally reviewed after issuance of the food additive regulation, they were found to contain information and labeling not in conformance with such regulation. This resulted in considerable unnecessary work on the part of the applicants and the Food and Drug Administration.

(c) Accordingly, effective on date of publication of this section in the FEDERAL REGISTER, the following is the policy of the Food and Drug Administration regarding the processing of medicated feed new-drug applications:

(1) Only those applications for a new drug for which a food additive regulation has been established in Subpart C of Part 121 of this chapter will be accepted and reviewed.

(2) Applications for new drugs for which no such regulation has been established will be returned to the applicant without review or comment.

(Secs. 409, 505, 701(a), 52 Stat. 1052–53, as amended, 1055, 72 Stat. 1785–88, as amended; 21 U.S.C. 348, 355, 371(a))

Dated: June 24, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-7826; Filed, July 1, 1968; 8:49 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Diuron

No comments were received in response to the notice published in the FEDERAL REGISTER of May 7, 1968 (33 F.R. 6880), proposing that the tolerance for residues of the herbicide diuron in or on the raw agricultural commodity bananas be reduced from 0.2 to 0.1 part per million for reasons specified in said notice. Also, no requests were received for referral of the proposal to an advisory committee pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act.

The Commissioner of Food and Drugs concludes that the amendments should be adopted as proposed. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)) and delegated to the Commissioner (21 CFR 2.120), § 120.106 is amended by deleting the item "0.2 part per million in or on bananas" and by changing the item "0.1 part per million * * *" to read as follows:

§ 120.106 Diuron; tolerances for residues.

* * * * *

0.1 part per million (negligible residue) in or on bananas, nuts.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: June 24, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-7829; Filed, July 1, 1968; 8:49 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

α-Naphthaleneacetic Acid

No comments were received in response to the notice published in the FEDERAL REGISTER of May 7, 1968 (33 F.R. 6881), proposing the establishment of a tolerance of 0.05 part per million for residues of the plant regulator α-naphthaleneacetic acid in or on the raw agricultural commodity pineapples. Also, no requests were received for referral of the proposal to an advisory committee pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Establishment of the tolerance was requested by the Pineapple Research Institute of Hawaii, Honolulu, Hawaii 96822, and their request was designated as a pesticide petition (PP 8E0663).

The Commissioner of Food and Drugs concludes that the proposal should be adopted without change. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)) and delegated to the Commissioner (21 CFR 2.120), § 120.155 is revised to read as follows:

§ 120.155 α-Naphthaleneacetic acid; tolerances for residues.

Tolerances are established for residues of the plant regulator α-naphthaleneacetic acid in or on raw agricultural commodities as follows:

1 part per million in or on apples, pears, quinces.

0.05 part per million (negligible residue) in or on pineapples from the application of the sodium salt to the growing crop.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 406(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: June 24, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-7828; Filed, July 1, 1968; 8:49 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Trifluralin

A petition (PP 8F0715) was filed with the Food and Drug Administration by the Elanco Products Co., a division of Eli Lilly & Co., Indianapolis, Ind. 46206, proposing the establishment of a tolerance of 0.05 part per million for negligible residues of the herbicide trifluralin in or on the raw agricultural commodity sugarcane.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerance is being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerance established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner (21 CFR 2.120), § 120.207 is amended to establish the subject tolerance by revising the paragraph "0.05 part per million • • •" to read as follows:

§ 120.207 Trifluralin; tolerances for residues.

• • • • •

0.05 part per million (negligible residue) in or on alfalfa (fresh), cottonseed, cucurbits, forage legumes, fruiting vegetables, leafy vegetables, peanuts, potatoes, safflower seed, seed and pod vegetables, sugar beets, sugarcane, sunflower seed.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: June 24, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-7830; Filed, July 1, 1968; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

DIOCTYL SODIUM SULFOSUCCINATE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 7A2151) filed by American Cyanamid Co., Fine Chemicals Department, Pearl River, N.Y. 10965, and Yoo-Hoo Beverage Co., 600 Commercial Avenue, Carlstadt, N.J. 07072, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use as set forth below of dioctyl sodium sulfosuccinate as an emulsifying agent for cocoa fat in noncarbonated beverages containing cocoa. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner (21 CFR 2.120), § 121.1137 is amended by adding thereto a new paragraph, as follows:

§ 121.1137 Dioctyl sodium sulfosuccinate.

• • • • •

(d) As an emulsifying agent for cocoa fat in noncarbonated beverages containing cocoa, whereby the amount of the additive does not exceed 25 parts per million of the finished beverage.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 24, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-7827; Filed, July 1, 1968; 8:49 a.m.]

Title 29—LABOR

Chapter XIV—Equal Employment Opportunity Commission

PART 1600—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Outside Employment and Other Activity

Pursuant to Executive Order 11408 of April 25, 1968, which revoked Executive Order 9 of January 17, 1873, various Executive orders that interpreted Executive Order 9, and Executive Order 9367 of August 4, 1943, the EEOC is hereby revising Part 1600 of its regulations, Title 29, Code of Federal Regulations, to conform its own regulations to the corresponding amendments of the Civil Service Regulations.

The changes in the revised Part 1600 concern § 1600.735-203 (b) and (c).

Paragraph (c) of § 1600.735-203 is now revoked. Paragraph (b) of § 1600.735-203 is amended to read as follows:

§ 1600.735-203 Outside employment and other activity.

• • • • •

(b) Employees are encouraged to engage in teaching, lecturing and writing that is not prohibited by law, the Executive order, this part, or the agency regulations. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Commission or Board of Examiners for the Foreign Service, that depends on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the agency head gives written authorization for use of nonpublic information on the basis that the use is in the public interest. In addition, an employee who is a Presidential appointee covered by section 401(a) of the order shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to the responsibilities, programs, or operations of his agency, or which draws substantially on official data or ideas which have not become part of the body of public information.

(c) [Revoked]

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This revision is effective upon publication in the FEDERAL REGISTER.

Approved by the Civil Service Commission May 10, 1968.

CLIFFORD L. ALEXANDER, JR.,
Chairman.

JUNE 28, 1968.

[F.R. Doc. 68-7933; Filed, July 1, 1968; 10:28 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

[Dept. Circ. 655, Amdt. 3]

PART 211—DELIVERY OF CHECKS AND WARRANTS TO ADDRESSES OUTSIDE THE UNITED STATES, ITS TERRITORIES AND POSSESSIONS

Withholding of Delivery of Checks

On the basis of information available to the Secretary of the Treasury, including advice received from the Department of State, the Secretary has determined that postal, transportation and banking facilities in general, and local conditions in Hungary are such that there is a reasonable assurance that the payee of a check or warrant drawn against funds of the United States, or any agency or instrumentality thereof, will actually receive such a check or warrant and be able to negotiate it for full value. The Treasury Department therefore finds it necessary to amend its regulations at 31 CFR Part 211 (Treasury Department Circular No. 655, as amended) so as to delete Hungary from the list of restricted areas in § 211.2(a) to which such a check or warrant may not be sent from the United States for delivery. The Department also finds, in accord with 5 U.S.C. 553, that notice and public procedure thereon are not necessary since the amendment involves a foreign affairs function of the United States.

Accordingly, § 211.2(a), Subchapter A, Chapter II of Title 31 of the Code of Federal Regulations is amended to read as follows:

§ 211.2 Withholding of delivery of checks.

(a) It is hereby determined that postal, transportation or banking facilities in general or local conditions in Albania, Communist-controlled China, Cuba, Estonia, Latvia, Lithuania, North Korea, North Viet-Nam, the Union of Soviet Socialist Republics, the Russian Zone of Occupation of Germany, and the Russian Sector of Occupation of Berlin, Germany, are such that there is not a reasonable assurance that a payee in those areas will actually receive checks or warrants drawn against funds of the United States, or agencies or instrumentalities thereof, and be able to negotiate the same for full value.

• • • • •

(Sec. 5, 54 Stat. 1087; 31 U.S.C. 127)

Effective date. This amendment shall become effective upon signature.

Dated: June 27, 1968.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 68-7894; Filed, July 1, 1968; 8:52 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

White, Arkansas, and Verdigris Rivers, Ark. and Okla.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.275 is hereby prescribed to govern the use, administration and navigation of the White, Arkansas, and Verdigris Rivers and the Arkansas Post Canal, Arkansas and Oklahoma, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.275 White River, Arkansas Post Canal, Arkansas River, and Verdigris River between Mississippi River, Ark., and Catoosa, Okla.; use, administration, and navigation.

(a) The regulations in this section shall apply to:

(1) *Waterways.* White River between Mississippi River and Arkansas Post Canal, Ark.; Arkansas Post Canal, Ark.; Arkansas River between Arkansas Post Canal, Ark., and Verdigris River, Okla.; Verdigris River between Arkansas River and Catoosa, Okla.; and reservoirs on these waterways between Mississippi River, Ark., and Catoosa, Okla.

(2) *Locks.* All locks and appurtenant structures in the waterways described in subparagraph (1) of this paragraph.

(3) *Bridges, wharves and other structures.* All bridges, wharves, and other structures in or over the waterways described in subparagraph (1) of this paragraph.

(4) *Vessels and rafts.* The term "vessels" as used in this section includes every description of watercraft used, or capable of being used, as a means of transportation on water, other than rafts.

(b) Authority of District Engineers: The use, administration, and navigation of the waterways and structures to which this section applies shall be under the direction of the officers of the Corps of Engineers, U.S. Army, detailed in charge of the respective districts, and their authorized assistants. The cities in which these District Engineers are located, and the limits of their jurisdictions, are as follows:

(1) *District Engineer, U.S. Army Engineer District, Little Rock, Ark.* From Mississippi River, Ark., to Arkansas-Oklahoma State line at Fort Smith, Ark.

(2) *District Engineer, U.S. Army Engineer District, Tulsa, Okla.* From Arkansas-Oklahoma State line at Fort Smith, Ark., to Catoosa, Okla.

(c) Commercial statistics:

(1) As required by section 11 of the River and Harbor Act of September 22, 1922 (42 Stat. 1043; 33 U.S.C. 555), owners, agents, masters, and clerks of vessels plying upon the waterways to which this section applies shall furnish information on such activities for statistical purposes.

(2) The Waterway Traffic Report, ENG Form 3102, is prescribed for collecting information and data on vessels transiting locks and regulated canals. Copies of this form may be obtained free of charge from the District Engineer or the lockmaster at each lock.

(3) A report on the prescribed form shall be made and presented to the lockmaster at any of the federally operated locks for each trip made. Where no federally operated lock is passed, the report shall be mailed promptly to the District Engineer. Upon receipt of a written request from persons or corporations making frequent use of the waterways, permission may be granted to submit monthly reports in lieu of reports by trips.

(4) All persons rafting and towing logs shall submit reports giving such statistical information as may be required by the District Engineer.

(d) Locks:

(1) *Authority of lockmasters.* The lockmaster shall be charged with the immediate control and management of the lock and of the area set aside as the lock area, including the lock approach channels. He shall ensure that all laws, rules, and regulations for the use of the lock and lock area are duly complied with, to which end he is authorized to give all necessary orders and directions in accordance therewith, both to employees of the Government and to any and every

person within the limits of the lock or lock area, whether navigating the lock or not. No one shall cause any movement of any vessel or other floating thing in the lock or approaches except by or under the direction of the lockmaster or his assistants. For the purpose of the regulations in this section, the "lock area" is considered to extend from the downstream to the upstream arrival posts.

(2) *Sound signals.* Vessels desiring passage through a lock in either direction shall give notice to the lockmaster by one long and distinct blast of a horn or whistle when not less than one-half mile from the lock. When carrying dangerous cargo, the signal will be one long and one short blast of the horn or whistle. When the lock is ready for entrance, the lockmaster shall reply with one long blast of a horn or whistle. When the lock is not ready for entrance, the lockmaster shall reply by four or more short, distinct blasts of a horn or whistle (danger signal). Permission to leave the lock shall be indicated by the lockmaster by one short blast. A distinct blast is defined as a clearly audible blast of any length. A long blast means a blast of from 4 to 6 seconds' duration. A short blast is of about 1 second's duration.

(3) *Visual signals.* Signal lights will be displayed outside each lock gate to supplement the sound signals, as follows:

(i) One flashing green light to indicate that the lock is open to approaching navigation.

(ii) One flashing red light to indicate that the lock is not open to approaching navigation. Vessels shall stand clear.

(iii) One flashing amber light to indicate that the lock is being made ready to receive vessels for lockage.

(iv) Navigation over the dam is possible only at Lock and Dam No. 1 during high water. When this condition exists, a flashing purple light, visable upstream and downstream, will be displayed to indicate that traffic will bypass the lock and pass over the dam.

(4) *Radiotelephone.* Two-way radio equipment is provided at all locks. The "Safety and Calling" channel (Channel 16, frequency of 156.8mhz), will be monitored at all times for initial communication with vessels. Information transmitted or received in these communications shall in no way affect the requirements for the use of sound signals or display of visual signals as provided in subparagraphs (2) and (3) of this paragraph.

(5) *Precedence at locks.* (i) The vessel arriving first at a lock will be first to lock through. In the case of vessels approaching the lock simultaneously from opposite directions, the vessel approaching at the same elevation as the water in the lock chamber will be locked through first. Precedence shall be given to vessels belonging to the United States, passenger vessels, commercial vessels, rafts, and pleasure craft, in the order named. Arrival posts or markers will be established ashore above and below the locks. Vessels arriving at or opposite such posts or markers will be considered as having arrived at the lock within the meaning of this subparagraph. The lockmaster may prescribe such departure from the normal order of precedence stated above as, in his judgment, is warranted under prevailing circumstances to achieve best lock utilization.

(ii) The lockage of pleasure boats, houseboats, or like craft may be expedited by locking them through with commercial craft (other than barges carrying dangerous cargoes). If, after the arrival of such craft, no combined lockage can be accomplished within a reasonable time, not to exceed the time required for three other lockages, then separate lockage shall be made. Dangerous cargoes are described in Part 146, Title 46, Code of Federal Regulations.

(iii) Vessels, tows, or rafts with overall dimensions greater than 105 feet wide, 600 feet long, and 9 feet draft, or tows or rafts requiring breaking into two or more sections to pass through the lock may transit the lock at such time as the lockmaster determines that they will neither unduly delay the transit of craft of lesser dimensions, nor endanger the lock structure and appurtenances because of wind, current or other adverse conditions. These craft are also subject to such special handling requirements as the lockmaster finds necessary at the time of transit.

(6) *Entrance to and exit from locks.* No vessel or raft shall enter or leave locks before being signaled to do so. While waiting their turn, vessels or rafts must not obstruct navigation and must remain at a safe distance from locks. Before entering a lock they shall take position in the rear of any vessels or rafts that precede them, and there arrange the tow for locking in sections if necessary. Masters and pilots of vessels or persons in charge of rafts shall cause no undue delay in entering or leaving locks upon receiving the proper signal. They shall take such action as will insure that the approaches are not at any time unnecessarily obstructed by parts of a tow awaiting lockage or already passed through. They shall provide sufficient men to move through locks promptly without damage to the structures. Vessels or tows shall enter locks with reasonable promptness after being signaled to do so.

(7) *Lockage and passage of vessels.* (i) Vessels shall enter and leave locks under such control as to prevent any damage to the locks, gates, guide walls, guard walls, and fenders. Vessels shall be provided with suitable lines and fenders, shall always use fenders to protect the walls and gates, and when locking at night shall be provided with suitable lights and use them as directed. Fenders on vessels shall be water-soaked or otherwise fireproofed before being utilized in the lock or approaches. Vessels shall not meet or pass each other anywhere between the guide walls or fender system at the approaches to locks.

(ii) Vessels which do not have a draft of at least 2 feet less than the depth over sills, or which have projections liable to damage gates, walls, or fenders, shall not enter the approaches to or pass through locks. Information concerning depth over sills may be obtained from the lockman on duty.

(iii) Vessels having chains, lines, or drags either hanging over the sides or ends or dragging on the bottom for steering or other purposes will not be permitted to pass locks or dams.

(iv) Towing vessels shall accompany all tows or partial tows through locks.

(v) No vessel whose cargo projects beyond its sides will be admitted to lockage.

(vi) Vessels in a sinking condition shall not enter locks or approaches.

(vii) The lockmaster may refuse to lock vessels which, in his judgment, fail to comply with the regulations in this paragraph.

(8) *Lockage of rafts.* Rafts shall be locked through in sections as directed by the lockmaster. No raft will be locked that is not constructed in accordance with the requirements stated in paragraph (f) of this section. The person in charge of a raft desiring lockage shall register with the lockmaster immediately upon arriving at the lock and receive instructions for locking.

(9) *Number of lockages.* Tows or rafts locking in sections will generally be allowed only two consecutive lockages if individual vessels are waiting for lockage, but may be allowed more in special cases. If tows or rafts are waiting above and below a lock for lockage, sections will be locked both ways alternately whenever practicable. When two or more tows or rafts are waiting lockage in the same direction, no part of one shall pass the lock until the whole of the one preceding it shall have passed.

(10) *Mooring.* (i) Vessels and rafts when in a lock shall be moored where directed by the lockmaster by bow, stern, and spring lines to the bitts provided for that purpose, and lines shall not be let go until the signal is given for the vessel or raft to leave. Tying to the lock ladders is prohibited.

(ii) The mooring of vessels or rafts near the approaches to locks except while waiting for lockage, or at other places in the pools where such mooring interferes with general navigation, is prohibited.

(11) *Operating locks.* The lock gates, valves, and accessories will be moved only under the direction of the lockmaster; but, if required, all vessels and rafts using the locks shall furnish ample help on the lock walls for handling lines under the direction of the lockmaster.

(e) Waterways:

(1) *Fairway.* A clear channel shall at all times be left open to permit free and unobstructed navigation by all types of vessels and rafts that normally use the various waterways or sections thereof. The District Engineer may specify the width of the fairway required in the waterways under his charge.

(2) *Anchoring or mooring in waterway.* (i) No vessels or rafts shall anchor or moor in any of the land cuts or other narrow parts of the waterway, except in an emergency. Whenever it becomes necessary for a vessel or raft to stop in any such portions of the waterway, it shall be securely fastened to one bank and as close to the bank as possible. This shall be done only at such a place and under such conditions as will not obstruct or prevent the passage of other vessels or rafts. Stoppages shall be only for such periods as may be necessary.

(ii) Except temporarily, as authorized in subdivision (i) of this subparagraph, no vessel or raft will be allowed to use any portion of the fairway as a mooring place without written permission from the District Engineer.

(iii) When tied up individually, all vessels shall be moored by bow and stern lines. Rafts and tows shall be secured at sufficiently close intervals to insure their not being drawn away from the bank by winds, currents, or the suction of passing vessels. Towlines shall be shortened so that the different parts of the tow will be as close together as possible. In narrow sections, no vessel or raft shall be tied abreast of another if the combined width of vessels or rafts is greater than 70 feet.

(iv) Lights shall be displayed in accordance with provisions of the Federal Pilot Rules for Western Rivers.

(v) When a vessel is moored under an emergency condition, as provided in subdivision (i) of this subparagraph, at least one crew member shall remain in attendance to display proper lights and signals and tend the mooring lines. The crew member shall be provided with an adequate means of communication or signalling a warning in the event that, for any reason, the vessel or tow should go adrift. Immediately after completion of the emergency mooring, the lockmaster of the first lock downstream shall be notified of the character and cargo of the vessel and the location of such mooring.

(vi) Vessels will not be permitted to load or unload in any of the land cuts, except at a regular established landing or wharf, without written permission secured in advance from the District Engineer.

(vii) Except in an emergency, no vessel or raft shall anchor over revetted banks of the waterway, nor shall any type vessel except launches and other small craft land against banks protected by revetment except at regular commercial landings.

(3) *Speed.* (i) Excessive speed in narrow sections is prohibited. Official signs indicating limiting speeds through critical sections shall be strictly obeyed.

(ii) When approaching and passing through a bridge, all vessels and rafts, regardless of size, shall control their speed so as to insure that no damage will be done to the bridge or its fenders.

(iii) Within the last mile of approach to unattended, normally open automatic, movable span bridges, the factor of river flow velocity, of vessel (and tow) velocity, and of vessel power and crew capability are never to be permitted to result in a condition whereby the movement of vessel (and tow) cannot be completely halted or reversed within a 3-minute period.

(iv) A vessel shall reduce its speed sufficiently to prevent any damage when approaching another vessel in motion or tied up, a wharf or other structure, works under construction, plant engaged in river and harbor improvement, levees withstanding floodwaters, buildings submerged or partially submerged by high waters, or any other manner of structure or improvements likely to be damaged by collison, suction, or wave action.

(4) *Assembly and handling of tows.* (i) All vessels drawing tows not equipped with rudders in restricted channels and land cuts shall use two towlines, or a bridle on one towline, shortened to the greatest possible extent so as to have maximum control at all times. The various parts of a tow shall be securely assembled with the individual units connected by lines as short as practicable. In open water, the towlines and fastenings between barges may be lengthened so as to accommodate the wave surge. In the case of lengthy or cumbersome tows, or tows in restricted channels, the District Engineer may require that tows be broken up, and may require the installation of a rudder or other approved steering device on the tow in order to avoid obstructing navigation or damaging the property of others. Pushing barges with towing vessel astern, towing barges with towing vessel alongside, or pushing and pulling barges with units of the tow made up both ahead and astern of the towing vessel is permissible provided that adequate power is employed to keep the tow under full control at all times.

(ii) No tow shall be drawn by a vessel that has insufficient power or crew to permit ready maneuverability and safe handling.

(iii) No vessel or tow shall navigate through a drawbridge until the movable span is fully opened.

(5) *Projections from vessels.* No vessels carrying a deck load which overhangs or projects over the side, or whose rigging projects over the side, so as to endanger passing vessels, wharves, or other property, shall enter or pass through any of the narrow parts of the waterway.

(6) *Meeting and passing.* Vessels on meeting or overtaking shall give the proper signals and pass in accordance with Federal Pilot Rules for Western Rivers. Rafts shall give to vessels the side demanded by proper signal. All vessels approaching dredges or other plant engaged on improvements to a waterway shall give the signal for passing and slow down sufficiently to stop if so ordered or if no answering signal is received. On receiving the answering signal, they shall then pass at a speed sufficiently slow to insure safe navigation. Vessels approaching an intersection or bend where the view is obstructed must exercise due caution. At certain intersections where strong currents may be encountered, sailing directions may be issued from time to time through navigation bulletins or signs posted on each side of the intersections which must be observed.

(f) Rafts: Rafts will be permitted to navigate a waterway only if properly and securely assembled. The passage of loose logs over any portion of a waterway is prohibited. Each section of a raft shall be so secured within itself as to prevent the sinking of any log and so fastened or tied with chains or wire rope that it cannot be separated or bag out so as to materially change its shape. All dogs, chains, and other means used in assembling rafts shall be in good condition and of ample size and strength to accomplish their purpose.

(1) No section of a raft will be permitted to be towed over any portion of a waterway unless the logs float sufficiently high in the water to make it evident that the section will not sink en route.

(2) All rafts shall carry sufficient men to enable them to be managed properly, and to keep them from being an obstruction to other craft using the waterway. To permit safe passage in a narrow channel rafts shall, if necessary, stop and tie up alongside the bank. Care must be exercised both in towing and mooring rafts to avoid the possibility of damage to aids to navigation maintained by or under authority of the United States.

(3) When rafts are left for any reason with no one in attendance, they shall be securely tied at each end and at as many intermediate points as may be necessary to keep the timbers from bagging into the stream and must be moored so as to conform to the shape of the bank. From sunset to sunrise, rafts moored to the bank shall have lights at 200-foot intervals along their entire length. Rafts shall not be moored at prominent projections of the bank or at critical sections.

(4) Logs may be stored in certain tributary stream provided at least one-half the width of the stream be left for navigation. Such storage spaces shall be protected by booms and, if necessary to maintain an open channel, piling shall also be used. Authority for placing such booms and piling shall be obtained by written permit from the District Engineer.

(5) The building, assembling, or breaking up of a raft in a waterway will be permitted only upon special authority obtained from the District Engineer and under such conditions as he may prescribe.

(g) Damage: This section shall not affect the liability of the owners and operators of vessels for any damage caused by their operations to canal revetments, lock piers and walls, bridges, and bridge fenders, or for displacing or damaging buoys, stakes, spars, range lights, or other aids to navigation. Should any part of a revetment, lock, or bridge be damaged, the master shall report that fact, and furnish a clear statement of how the damage occurred, to the nearest Government lockmaster, or bridgetender, and by mail to the District Engineer in charge of the section of the waterway in which the damage occurred. Should any aid to navigation be damaged, the master shall report that fact immediately to the Commander, Second Coast Guard District, St. Louis, Mo.

(h) Marine accidents: Masters, mates, pilots, owners, or other persons using the waterways to which the regulations in

this section apply shall report to the District Engineer or his authorized representative by the most expeditious means available all marine accidents, such as fire, collision, sinking, or stranding, where there is possible obstruction of the channel or interference with navigation, furnishing a clear statement as to the name, address, and ownership of the vessel or vessels involved, the time and place, and the action taken. In all cases, the owner of a sunken vessel shall take immediate steps to mark the wreck properly.

(i) Trespass on U.S. property: Trespass on lock grounds or other waterway property or injury to the banks, lock entrances, locks, cribs, dams, piers, fences, trees, buildings, or any other property of the United States pertaining to the waterway is strictly prohibited. No landing of freight, passengers, or baggage will be allowed on or over Government piers, lock walls, guide or guard walls, except by permission of the lockmaster. No person except employees of the United States or persons assisting with the locking operations under the direction of the lockmaster will be allowed on the dam, lock walls, guide walls, guard walls, abutments, or appurtenant structures.

(j) Vessels to carry regulations: A copy of the regulations in this section shall be kept at all times on board each vessel regularly navigating the waterways to which the regulations in this section apply. Copies may be obtained free of charge at any of the locks or from the District Engineers upon request.

[Regs., June 5, 1968. 1507-32 (White, Arkansas, and Verdigris Rivers, Ark. and Okla.)-ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

J. W. HURD,
Colonel, AGC, Comptroller, TAGO.

[F.R. Doc. 68-7760; Filed, July 1, 1968; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4457]

[Anchorage 2673]

ALASKA

Withdrawal for Native School

By virtue of the authority contained in the act of May 31, 1938 (52 Stat. 593; 48 U.S.C. 353a), it is ordered as follows:

1. Subject to valid existing rights, the following described lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for school purposes in connection with the Kodiak-Aleutian Vocational School:

KODIAK

Beginning at a point from which corner 4 of U.S. Survey 562 bears S. 47°30' W., 228.57 feet, the true point of beginning of this description; thence N. 36°58' E., 469.88 feet; thence N. 43°52'30" E., 149.32 feet; thence S. 34°43' E., 323.51 feet; thence N. 55°17' E., 100 feet; thence S. 34°43' E., 25 feet; thence S. 43°38' W., 350.30 feet; thence W. 425 feet to the true point of beginning.

The tract described contains 3.17 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JUNE 24, 1968.

[F.R. Doc. 68-7765; Filed, July 1, 1968; 8:45 a.m.]

[Public Land Order 4458]

[Sacramento 080122]

CALIFORNIA

Withdrawal for National Forest Administrative Site and Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights and the provisions of existing withdrawals, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

MOUNT DIABLO MERIDIAN

SIERRA AND STANISLAUS NATIONAL FORESTS

Merced River Recreation Areas and Administrative Site

T. 3 S., R. 19 E.,
Sec. 13, S½N½ lot 13, S½N½ lot 14, S½N½ lot 15;
Sec. 14, NE¼NE¼SW¼, E½W½NE¼SW¼, W½SE¼NE¼SW¼, NW¼SE¼SE¼, W½NE¼SE¼SE¼, N½SW¼SE¼SE¼, NE¼NE¼SW¼SE¼;
Sec. 20, W½SW¼NE¼SW¼, S½NW¼SW¼;
Sec. 22, E½SE¼ lot 2, N½SW¼ lot 4;
Sec. 23, S½NW¼NW¼NW¼, NW¼NW¼SW¼NW¼, W½SW¼NW¼NW¼, W½E½SW¼NW¼NW¼ (except a 1.25-acre tract in the NW¼NW¼SW¼NW¼ and W½SW¼NW¼NW¼ occupied by Indian Flat substation, Power Project 1153);
Sec. 30, W½NW¼ lot 2, E½NE¼ lot 3, N½SE¼ lot 3, E½SW¼ lot 3.

The areas described aggregate 145.25 acres in Mariposa County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest land under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JUNE 24, 1968.

[F.R. Doc. 68-7764; Filed, July 1, 1968; 8:45 a.m.]

[Public Land Order 4459]

[Montana 1170; 1188]

MONTANA

Withdrawal for National Forest Administrative Sites and Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, and to the provisions of existing withdrawals, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

(Montana 1170)

FLATHEAD NATIONAL FOREST

PRINCIPAL MERIDIAN

Summit Recreation Area

Unsurveyed, but probably will be when surveyed:

T. 30 N., R. 13 W.,
Sec. 31, those portions of the N½NW¼SW¼, SE¼SW¼NW¼, that lie south of the Flathead National Forest boundary.

Fielding Recreation Area

Unsurveyed, but probably will be when surveyed:

T. 29 N., R. 14 W.,
Sec. 16, SW¼ except HES 663, W½SE¼ except HES 819, W½E½SE¼ except HES 819, W½SE¼NE¼, and SE¼SW¼NE¼.

Devil Creek Campground

T. 29 N., R. 15 W.,
Sec. 26, lot 1, N½SE¼NE¼, and NE¼SW¼NE¼.

Bear Creek-Middle Fork Picnic Ground

T. 29 N., R. 15 W.,
Sec. 31, lot 3.

Holland Lake Recreation Area

T. 19 N., R. 16 W.,
Sec. 2, N½NE¼NW¼ and N½N½NW¼NW¼.
T. 20 N., R. 16 W.,
Sec. 34, lot 2, and E½W½SE¼;
Sec. 35, lots 1 to 8, inclusive, S½NW¼NW¼, and N½SW¼SE¼;
Sec. 36, lots 1 to 6, inclusive.

Crossover Recreation Area

Unsurveyed, but probably will be when surveyed:

T. 26 N., R. 16 W.,
Sec. 14, W½E½NE¼, and that portion of the W½NE¼ above the Bureau of Reclamation first form reclamation withdrawal of December 15, 1947.

Paola Creek Recreation Area

Unsurveyed, but probably will be when surveyed:

T. 30 N., R. 16 W.,
Sec. 21, those portions of the E½SW¼SE¼ and W½SE¼SE¼ that lie west of the Flathead National Forest boundary;
Sec. 28, E½NW¼NE¼, and that portion of W½NE¼NE¼ that lies west of the Flathead National Forest boundary.

Lindberg Lake Recreation Area

T. 19 N., R. 17 W.,
Sec. 14, lots 1 to 7, inclusive, S½N½NE¼.

Devil's Corkscrew Campground

Unsurveyed, but probably will be when surveyed:

T. 27 N., R. 17 W.,
Sec. 12, SW¼SW¼SW¼SE¼, and that portion of the S½SE¼SE¼SW¼ above the Bureau of Reclamation first form reclamation withdrawal of April 8, 1946;
Sec. 13, those portions of lot 1 and the W½NW¼NW¼NE¼ above the Bureau of Reclamation first form reclamation withdrawal of April 8, 1946.

Murray Creek Recreation Area

Unsurveyed, but probably will be when surveyed:

T. 29 N., R. 17 W.,
Sec. 18, SW¼NE¼SW¼SE¼, and those portions of the NW¼SW¼SE¼ and S½SW¼SE¼ above the Bureau of Reclamation first form reclamation withdrawal of April 8, 1946;
Sec. 19, those portions of the N½NE¼ and SW¼NE¼ above the Bureau of Reclamation first form reclamation withdrawal of April 8, 1946.

Cascade Creek-Nyack Recreation Area

T. 31 N., R. 17 W.,
Sec. 18, lots 11 and 12;
Sec. 19, lots 1 and 2;
Sec. 20, lot 3.

Cascadilla Recreation Area

T. 31 N., R. 17 W.,
Sec. 21, lots 6 and 7;
Sec. 27, lot 4;
Sec. 28, lot 1.

Emery Bay Recreation Area

Unsurveyed, but probably will be when surveyed:

T. 30 N., R. 18 W.,
Sec. 30, SE¼NW¼, S½SW¼NW¼, and those portions of the SW¼NE¼, SW¼, and NW¼SE¼ above the Bureau of Reclamation first form reclamation withdrawal of December 15, 1947.

Flathead Picnic Grounds

T. 25 N., R. 19 W.,
Sec. 9, NW¼SW¼.

Half Moon Recreation Area

T. 31 N., R. 19 W.,
Sec. 11, lots 1 and 2.

The areas described aggregate 1,900.45 acres in Glacier, Flathead, Missoula, and Lake counties.

(Montana 1188)

KOOTENAI NATIONAL FOREST

PRINCIPAL MERIDIAN

Sunday Mountain Lookout

T. 33 N., R. 25 W.,
Sec. 29, SW¼NE¼SE¼.

Murphy Lake Recreation Area

T. 34 N., R. 25 W.,
Sec. 5, lot 11;
Sec. 8, lot 1.

South Dickey Lake Recreation Area

T. 34 N., R. 25 W.,
Sec. 15, lot 6.

Marston Lookout

Unsurveyed, but which probably will be when surveyed:

T. 35 N., R. 25 W.,
Sec. 26, SW¼NW¼SE¼.

Big Therriault Lake Recreation Area

Unsurveyed, but which probably will be when surveyed:

T. 37 N., R. 25 W.,
Sec. 29, N½SE¼SW¼ and SW¼SE¼SW¼.

Stahl Peak Lookout

Unsurveyed, but which probably will be when surveyed:

T. 37 N., R. 25 W.,
Sec. 33, S½NE¼SE¼SE¼ and N½SE¼SE¼SE¼.

Horse Hill Lookout

T. 30 N., R. 26 W.,
Sec. 30, SW¼ of lot 3.

Frank Lake Recreation Area

T. 35 N., R. 26 W.,
Sec. 17, lot 1.

Pinkham Mountain Lookout

T. 33 N., R. 27 W.,
Sec. 9, NE¼NW¼NE¼.

Black Butte Lookout

T. 36 N., R. 27 W.,
Sec. 20, NE¼SW¼SW¼.

Calx Mountain Lookout

T. 28 N., R. 27½ W.,
Sec. 10, SE¼NW¼NE¼.

Ziegler Mountain Lookout

T. 33 N., R. 28 W.,
Sec. 31, SW¼NE¼SE¼.

Sylvan Lake Recreation Area

T. 25 N., R. 29 W.,
Sec. 24, lots 2 and 3.

Kenelty Mountain Lookout

T. 27 N., R. 29 W.,
Sec. 22, SE¼NE¼SE¼.

Webb Mountain Lookout

T. 35 N., R. 29 W.,
Sec. 10, NE¼NW¼NW¼.

Horse Mountain Lookout

T. 28 N., R. 30 W.,
Sec. 33, SW¼SW¼SW¼.

Big Swede Lookout

T. 30 N., R. 30 W.,
Sec. 17, SW¼ of lot 2.

Blue Mountain Lookout

T. 32 N., R. 30 W.,
Sec. 32, S½NE¼NE¼.

Mount Henry Lookout

T. 36 N., R. 30 W.,
Sec. 17, NE¼NW¼SW¼.

Big Creek Baldy Lookout

T. 33 N., R. 31 W.,
Sec. 12, SW¼NW¼SE¼.

Turner Mountain Winter Sports Area

T. 33 N., R. 31 W.,
Sec. 20, W½SE¼, N½SW¼, and S½NW¼.

Scenery Lookout

Unsurveyed, but which probably will be when surveyed:

T. 31 N., R. 32 W.,
Sec. 29, NE¼SW¼SE¼.

Garver Mountain Lookout

Unsurveyed, but which probably will be when surveyed:

T. 37 N., R. 32 W.,
Sec. 32, SE¼SW¼NE¼.

Bad Medicine Recreation Area

T. 28 N., R. 33 W.,
Sec. 4, lot 4.

Baldy Mountain Lookout

T. 35 N., R. 33 W.,
Sec. 6 (unsurveyed). Beginning at a point from which the center of the fire lookout tower on Baldy Mountain bears west 5 chains, thence south 5 chains; west 10 chains; north 10 chains; east 10 chains; south 5 chains to point of beginning.

Yaak Mountain Lookout

T. 32 N., R. 34 W.,
Sec. 2, SE¼SW¼SW¼.

The areas described aggregate 717.18 acres in Flathead, Lincoln, and Phillips Counties.

The total of the areas described in this order aggregates 2,617.63 acres.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JUNE 24, 1968.

[F.R. Doc. 68-7766; Filed, July 1, 1968; 8:45 a.m.]

[Public Land Order 4460]

[Nevada 047439]

NEVADA

Partial Revocation of Stock Driveway Withdrawal

By virtue of the authority contained in section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The departmental order of November 26, 1919, creating Stock Driveway Withdrawal No. 117, is hereby revoked so far as it affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 38 N., R. 58 E.,
Sec. 12.
T. 37 N., R. 59 E.,
Secs. 2 and 14;
Sec. 24, W½NW¼.
T. 38 N., R. 59 E.,
Secs. 18, 20, 28, and 34.

The areas described aggregate 4,564.56 acres in Elko County.

The lands are situated northwest of Deeth, Nev. Topography is flat to rolling and supports a vegetative cover of sagebrush and weeds.

2. At 10 a.m. on July 30, 1968, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law and procedures. All valid applications received at or prior to 10 a.m. on July 30, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws subject to the regulations in 43 CFR 3400.3.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nev.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JUNE 24, 1968.

[F.R. Doc. 68-7767; Filed, July 1, 1968; 8:45 a.m.]

[Public Land Order 4461]

[Utah 5255]

UTAH

Modification of Uinta National Forest Boundary

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

That portion of the boundary of the Uinta National Forest established by Proclamation of August 3, 1901, lying from 0.5 to 1.5 chains east of the third meridional line of T. 11 S., R. 3 E., Salt Lake Meridian, is hereby modified to coincide with that line as it was surveyed in 1916 and approved March 6, 1920.

The lands excluded from the national forest by this order aggregate approximately 46 acres of nonpublic land in Utah County.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JUNE 24, 1968.

[F.R. Doc. 68-7768; Filed, July 1, 1968; 8:45 a.m.]

[Public Land Order 4462]

[Nevada 051779]

NEVADA

Revocation of Air Navigation Site Withdrawal No. 220

By virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The departmental order of October 7, 1944, which withdrew the following described public land as Air Navigation Site Withdrawal No. 220, is hereby revoked:

MOUNT DIABLO MERIDIAN

T. 2 N., R. 44 E.,
Sec. 32, NW¼NW¼SE¼.

Containing 10 acres in Nye County, Nev.

The land lies approximately 9 miles southeast of Tonopah, Nev., in Ralston Valley. Topography is nearly level with a sparse salt tolerant desert shrub and grass vegetative cover.

2. At 10 a.m. on July 30, 1968, the land shall be open to operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law and procedures. All valid applications received at or prior to 10 a.m. on July 30, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The land has been open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nev.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JUNE 24, 1968.

[F.R. Doc. 68-7769; Filed, July 1, 1968; 8:45 a.m.]

[Public Land Order 4463]

[Montana 1171]

MONTANA

Withdrawal for National Forest Administrative Sites and Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws in aid of programs of the Department of Agriculture:

PRINCIPAL MERIDIAN

DEERLODGE NATIONAL FOREST

Elkhorn Picnic Ground

T. 6 N., R. 3 W.,
Sec. 18, lot 7, SW¼ of lot 13, SE¼ of lot 14, N½NE¼SW¼SW¼, and NW¼NW¼SE¼SW¼.

Pigeon Campground

T. 1 N., R. 6 W.,
Sec. 30, S½ of lot 4;
Sec. 31, N½NE¼NE¼NW¼ and NE¼NW¼NE¼NW¼.

Anaconda Job Corps Spike Camp

T. 2 N., R. 6 W.,
Sec. 4, E½NE¼, SW¼NE¼, S½NW¼, NE¼SW¼, and N½SE¼ of lot 10.

Homestake Lake Recreation Area

T. 2 N., R. 6 W.,
Sec. 18, W½ of lot 8, and NW¼ of lot 9.
T. 2 N., R. 7 W.,
Sec. 13, SE¼NE¼, NE¼SE¼, and E½NW¼SE¼.

Delmoe Lake Recreation Area

T. 3 N., R. 6 W.,
Sec. 21, SW¼ of lot 5, lot 8, E½NE¼SW¼SW¼, and NE¼SE¼SW¼SW¼;
Sec. 22, SW¼ of lot 2 and NW¼ of lot 4;
Sec. 27, W½ of lot 6;
Sec. 28, lot 1, lot 2, NE¼SW¼NE¼, E½NW¼SW¼NE¼, and N½SE¼SW¼NE¼.

Cinderella Campground

T. 4 N., R. 6 W.,
Sec. 18, W½NE¼NE¼SE¼, W½NE¼SE¼, NW¼SE¼NE¼SE¼, E½NW¼SE¼, E½NW¼NW¼SE¼, and NE¼SW¼NW¼SE¼.

Jack Mountain Lookout

T. 7 N., R. 6 W.,
Sec. 24, S½SE¼SW¼SE¼;
Sec. 25, N½NE¼NW¼NE¼.

Lime Kiln Campground

T. 1 N., R. 7 W.,
Sec. 15, W½NW¼SW¼SW¼, and NW¼SW¼SW¼SW¼;
Sec. 16, NE¼SE¼SE¼, and N½SE¼SE¼SE¼.

Lowland Campground

T. 5 N., R. 7 W.,
Sec. 32, SE¼NE¼SW¼, NE¼SE¼SW¼, W½SW¼NW¼SE¼, SE¼SW¼NW¼SE¼, and N½NW¼SW¼SE¼.

Blizzard Hill Lookout

T. 6 N., R. 8 W.,
Sec. 23, S½SW¼SE¼SW¼;
Sec. 26, N½NW¼ of lot 2.

Beaver Dam Campground

T. 2 N., R 10 W. (unsurveyed but when surveyed will probably be),
Sec. 36, SW¼NE¼NE¼, SW¼SE¼NE¼NE¼, NE¼SE¼NW¼NE¼, S½SE¼NW¼NE¼, NE¼SW¼NE¼, E½NW¼SW¼NE¼, N½SE¼SW¼NE¼, NW¼NE¼SE¼NE¼, and NW¼SE¼NE¼.

Anaconda Job Corps Camp

T. 5N., R 12 W.,
Sec. 17, S½SE¼SW¼NW¼ and SW¼SW¼SE¼NW¼;
Sec. 20, NE¼NE¼NW¼, E½NW¼NE¼NW¼, and N½SE¼NE¼NW¼.

Georgetown Lake Recreation Area

T. 5 N., R. 13 W.,
Sec. 6, lots 1 and 2;
Sec. 20, lot 20.
T. 5 N., R. 14 W.,
Sec. 12, lots 1 through 8 inclusive, NW¼NE¼, NE¼NW¼, and SW¼NW¼;
Sec. 14, lots 1, 4, and 5, all of lot 2 except N½ and N½S½, all of lot 3 except W½NW¼, E½NW¼NE¼, E½W½NW¼NE¼, SE¼NE¼NW¼SW¼, S½S½NW¼SW¼, and SW¼SW¼;
Sec. 22, N½NE¼NE¼, N½S½NE¼NE¼, W½NE¼, E½NE¼NE¼SE¼, NE¼SE¼NE¼SE¼, N½NW¼SE¼, N½S½NW¼SE¼, and SW¼SW¼NW¼SE¼;
Sec. 24, S½NW¼SE¼.

Stewart Lake Recreation Area

T. 7 N., R. 13 W. (unsurveyed but when surveyed will probably be),
Sec. 16, W½SW¼NW¼NE¼, W½NW¼SW¼NE¼, S½NE¼NW¼, N½N½SE¼NW¼, and SE¼NE¼SE¼NW¼.

East Fork Recreation Area

T. 5 N., R. 14 W.,
Sec. 32, SW¼NW¼SW¼SW¼, SW¼SW¼SW¼, and SW¼SE¼SW¼SW¼.

Black Pine Lookout

T. 8 N., R. 15 W.,
Sec. 26, SE¼SE¼NW¼NW¼, N½NE¼SW¼NW¼, and NW¼NW¼SE¼NW¼.

Silver Plume Recreation Area

T. 3 N., R. 16 W.,
Sec. 24, SW¼NE¼NE¼NE¼, SE¼NW¼NE¼NE¼, SW¼NE¼NE¼, W½SE¼NE¼NE¼, W½NE¼SE¼NE¼, W½SE¼NE¼, and NW¼SE¼SE¼NE¼.

Moose Lake Guard Station

T. 4 N., R. 16 W.,
Sec. 25, S½N½NE¼NE¼, N½S½NE¼NE¼, SE¼SW¼NE¼NE¼, S½SE¼NE¼NE¼, and NW¼NE¼SE¼NE¼.

Emerine Lookout

T. 5 N., R. 16 W. (unsurveyed but when surveyed will probably be),
Sec. 7, NE¼NE¼NE¼SE¼;
Sec. 8, SW¼SW¼SW¼NW¼, N½NW¼NW¼SW¼, and SW¼NW¼NW¼SW¼.

Bridge Campground

T. 6 N., R. 16 W. (unsurveyed but when surveyed will probably be),
Sec. 29, E½SW¼SE¼NW¼, SW¼SW¼SE¼NW¼, W½SE¼SE¼NW¼, SE¼SE¼SE¼NW¼, N½NE¼NE¼SW¼, SW¼NE¼NE¼SW¼, N½NW¼NE¼SW¼, and SE¼NW¼NE¼SW¼.

Medicine Lake Recreation Area

T. 4 N., R. 17 W. (unsurveyed but when surveyed will probably be),
Sec. 2, S½N½SW¼NE¼, SW¼SW¼SE¼NE¼, S½NE¼SE¼NW¼, SE¼SE¼NW¼, S½SW¼NE¼, E½NE¼SW¼, SE¼NW¼NE¼SW¼, E½SW¼NE¼SW¼, NW¼NW¼NE¼SE¼, N½NW¼SE¼, SW¼NW¼SE¼, and N½SE¼NW¼SE¼.

Hell's Canyon Guard Station

T. 2 S., R. 7 W.,
Sec. 1, NW¼NW¼SW¼;
Sec. 2, NE¼NE¼SE¼.

The areas described aggregate approximately 1,828.10 acres in Jefferson, Powell, Silver Bow, Deer Lodge, Granite, and Madison Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JUNE 24, 1968.

[F.R. Doc. 68-7770; Filed, July 1, 1968; 8:45 a.m.]

[Public Land Order 4464]

[Montana 8255 (Minn.)]

MINNESOTA

Restoration of Lands to Tribal Ownership

Whereas, pursuant to the authority contained in the act of March 1, 1907 (34 Stat. 1032), the townsite of White Earth was established within the White Earth Indian Reservation, Minn.; and

Whereas, there are certain undisposed of lands within the townsite; and

Whereas, the Tribal Council and the Commissioner of Indian Affairs have recommended restoration of the townsite lands involved to tribal ownership;

Now, therefore, by virtue of the authority contained in sections 3 and 7 of the act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 463(a)), I hereby find that the restoration to tribal ownership of the lands described below will be in the public interest, and the said lands are hereby restored to tribal ownership of the Minnesota, Chippewa Tribe of the White Earth Indian Reservation, Minn., subject to any valid existing rights:

FIFTH PRINCIPAL MERIDIAN

TOWNSITE OF WHITE EARTH

T. 142 N., R. 41 W.,
In sec. 23,
Block 4, lots 4 and 5;
Block 9, N½ of lot 5;
Block 16, lots 1, 2, and 4.

The areas described aggregate approximately 6 acres in Becker County.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JUNE 24, 1968.

[F.R. Doc. 68-7771; Filed, July 1, 1968; 8:45 a.m.]

[Public Land Order 4465]

[Montana 7705]

MONTANA AND SOUTH DAKOTA

Revocation of National Forest Administrative Site and Ranger Station Withdrawals

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The departmental orders of November 14, 1906, January 12, 1907, February 18, May 7, June 16, 22, and 29, August 12, September 4, and December 24, all in 1908, January 30, 1909, November 23, 1914, June 3, 1957, and May 4, 1959, withdrawing lands as administrative sites and ranger stations, are hereby revoked so far as they affect the following described lands:

MONTANA PRINCIPAL MERIDIAN

CUSTER NATIONAL FOREST

Breakneck Administrative Site

T. 5 S., R. 13 E. (unsurveyed),
Sec. 34, W½NW¼NE¼, E½NE¼NW¼.

Wounded Man Administrative Site

T. 6 S., R. 13 E. (unsurveyed),
Sec. 35, NW¼SE¼.

Bad Canyon Creek Ranger Station

T. 4 S., R. 15 E.,
Sec. 10, NE¼NE¼.

Woodbine Administrative Site

T. 5 S., R. 15 E.,
Sec. 32, SW¼NE¼ and N½NW¼SE¼.

Crooked Creek Ranger Station

T. 9 S., R. 27 E.,
Sec. 14, E½SW¼ (public domain).

Cub Creek Administrative Site

T. 7 S., R. 45 E.,
Sec. 14, NW¼SE¼SW¼ and SE¼SE¼SW¼.

Tooley Creek Administrative Site

T. 7 S., R. 45 E.,
Sec. 20, N½SE¼.

Tooley Creek Administrative Site

T. 7 S., R. 45 E.,
Sec. 20, N½SW¼.

Daily Creek Administrative Site

T. 2 S., R. 45 E.,
Sec. 25, N½NE¼ and SE¼NE¼.
T. 2 S., R. 46 E.,
Lots 3 and 4.

Liscon Creek Administrative Site

T. 1 S., R. 46 E.,
Sec. 3, NW¼SE¼.

Taylor Creek Ranger Station

T. 6 S., R. 46 E.,
Sec. 34, SE¼.

Three Mile Administrative Site

T. 4 S., R. 47 E.,
Sec. 8, SW¼NE¼.

Dot Bar Ranger Station

T. 1 S., R. 57 E.,
Sec. 15, S½SE¼NE¼, S½N½SE¼NE¼, E½NE¼SE¼, and E½W½NE¼SE¼.

Welcome Ranger Station

T. 2 N., R. 58 E.,
Sec. 35, NE¼.

Lonesome Ranger Station

T. 1 S., R. 60 E.,
Sec. 24, SE¼SE¼.
T. 1 S., R. 61 E.,
Sec. 19, lots 3 and 4;
Sec. 20, S½SW¼;
Sec. 29, NW¼NW¼;
Sec. 30, lot 1.

Maverick No. 3 Ranger Station

T. 2 S., R. 61 E.,
Sec. 32.
T. 3 S., R. 61 E.,
Sec. 5.
(A total of 158 acres described by metes and bounds in above two sections.)

The areas described aggregate 1,459.67 acres in Carbon, Carter, Powder River, Stillwater, and Sweetgrass Counties.

SOUTH DAKOTA BLACK HILLS MERIDIAN

CUSTER NATIONAL FOREST

Green Granite Ranger Station

T. 16 N., R. 3 E.,
Sec. 10, E½SE¼ and SE¼NE¼;
Sec. 11, NW¼SW¼ and S½SW¼.

Hay Creek Administrative Site

T. 20 N., R. 5 E.,
Sec. 4, lots 1, 2, and 3, SE¼NE¼.
T. 21 N., R. 5 E.,
Sec. 33, S½SW¼.

Eagle's Nest Administrative Site

T. 22 N., R. 5 E.,
Sec. 9, NE¼ and NE¼SE¼;
Sec. 10, NW¼SW¼.

Riley Pass Administrative Site

T. 22 N., R. 5 E.,
Sec. 27, S½NE¼ and N½SE¼.

Harper Jones Administrative Site

T. 18 N., R. 8 E.,
Sec. 5, SW¼SW¼;
Sec. 6, SE¼ and SW¼NE¼.

Basin Ranger Station Administrative Site

T. 18 N., R. 8 E.,
Sec. 19, E½NW¼.

The areas described aggregate 1,189.65 acres in Harding County.

2. Except for the E½SW¼ sec. 14, T. 9 S., R. 27 E., Principal Meridian, Montana, the lands shall be open at 10 a.m. on July 30, 1968, to such forms of disposition as may by law be made of national forest lands.

3. Until 10 a.m. on December 23, 1968, the State of Montana shall have a preferred right of application to select the E½SW¼ sec. 14, T. 9 S., R. 27 E., Principal Meridian, as provided by R.S. 2276, as amended (43 U.S.C. 852). After that time the lands shall be open to the operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable laws. All valid applications received at or prior to 10 a.m. on December 23, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The lands have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands described in paragraph 3 should be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Mont.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JUNE 24, 1968.

[F.R. Doc. 68-7772; Filed, July 1, 1968; 8:45 a.m.]

[Public Land Order 4466]

[Montana 6495]

MONTANA

Revocation of Executive Order No. 1664

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Executive Order No. 1664 of December 17, 1912, withdrawing the following described lands as the Pishkun Reservation, the name of which has been changed to Pishkun National Wildlife Refuge, is hereby revoked:

PRINCIPAL MERIDIAN

T. 22 N., R. 7 W.,
Sec. 1, lots 3 and 4, S½NW¼, SW¼;
Sec. 2;
Sec. 3, lots 1 and 2, S½NE¼, SE¼, and S½SW¼;
Sec. 9, NE¼, N½SE¼, and SE¼SE¼;
Sec. 10;
Sec. 11, W½, NE¼, and NE¼SE¼;
Sec. 12, NE¼, NW¼SW¼;
Sec. 15, NE¼.

The areas described aggregate 3,154.80 acres in Teton County. These lands remain withdrawn for reclamation purposes.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JUNE 25, 1968.

[F.R. Doc. 68-7773; Filed, July 1, 1968; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 725]

FLUE-CURED TOBACCO

Farm Acreage Allotments and Marketing Quotas for 1966–67 and Subsequent Marketing Years

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended and supplemented, the Department is preparing to amend the regulations (31 F.R. 9775, including amendments) for establishing farm acreage allotments and marketing quotas, the issuance of marketing cards, the identification of marketings of tobacco, the collection and refund of penalties, and the records and reports incident thereto for flue-cured tobacco.

The Department gave notice in the FEDERAL REGISTER of June 7, 1968 (33 F.R. 8458), of proposed changes in the regulations. Among the changes was a proposal to change the definition of "leaf account tobacco" to limit the amount of floor sweepings authorized in the States of South Carolina, North Carolina, and Virginia, but to make no change in the percentage figure of 1.10 for the States of Florida and Georgia. The purpose of this document is to give notice that it is now proposed to change this percentage in Florida and Georgia from 1.10 to 0.50.

Prior to the issuance of the proposed regulations, any data, views, or recommendations pertaining thereto which are submitted to the Director, Farmer Programs Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, will be given consideration, provided such submissions are postmarked not later than 10 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in the manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C., on June 28, 1968.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-7887; Filed, July 1, 1968; 8:52 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

β-NAPHTHOXYACETIC ACID

Proposed Establishment of Pesticide Tolerance

The Pineapple Research Institute of Hawaii, Honolulu, Hawaii 96822, and its member companies, have requested the Commissioner of Food and Drugs to establish a tolerance of 0.06 part per million for negligible residues of the plant regulator β-naphthoxyacetic acid in or on the raw agricultural commodity pineapples, and the request has been designated as a pesticide petition (PP 8E0703). Data submitted with the request to support the proposed tolerance show that a tolerance level of 0.05 part per million is adequate. The residue would result from application of the sodium salt of β-naphthoxyacetic acid to the growing crop to delay ripening of the fruit to prevent peaks of harvest whereby the amount of ripened fruit would exceed cannery capacity.

The Secretary of Agriculture has certified that the plant regulator is useful for the purpose for which the tolerance is being proposed.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner concludes that the tolerance proposed herein is safe and would protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (e), 68 Stat. 514; 21 U.S.C. 346a(e)) and delegated to the Commissioner (21 CFR 2.120), it is proposed that Part 120 be amended by adding to Subpart C a new section as follows:

§ 120.__ β-Naphthoxyacetic acid; tolerances for residues.

A tolerance of 0.05 part per million is established for negligible residues of the plant regulator β-naphthoxyacetic acid in or on the raw agricultural commodity pineapples from the application of the sodium salt of β-naphthoxyacetic acid to the growing crop.

Any person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide Fungicide, and Rodenticide Act containing β-naphthoxy acetic acid may request, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, that the proposal herein be referred to an advisory committee in accordance with section 408(e) of the act.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments on this proposal, preferably in quintuplicate. Comments may be accompanied by a memorandum or brief in support thereof.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: June 19, 1968.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 68-7831; Filed, July 1, 1968; 8:49 a.m.]

[21 CFR Part 120]

O,O-DIETHYL O-[p-(METHYLSULFINYL)PHENYL] PHOSPHOROTHIOATE

Proposed Tolerance

Chemagro Corp., Post Office Box 4913, Hawthorn Road, Kansas City, Mo. 64120, in behalf of Farbenfabriken Bayer of West Germany, has requested that a tolerance of 0.02 part per million be established for residues of the insecticide *O,O*-diethyl *O*-[*p*-(methylsulfinyl) phenyl] phosphorothioate in or on bananas. Submitted data show (1) that application of 30 grams of a 10 percent granular formulation in a band approximately 30 centimeters wide around each cluster of the carrying plant is effective in the control of banana root worm, (2) that residues in or on bananas from this use would not exceed 0.02 part per million, and (3) that such residues in or on bananas will not be a hazard to man.

The U.S. Department of Agriculture advises that this insecticide is useful for the purpose proposed.

Based on consideration given the data submitted, and other relevant information, the Commissioner of Food and Drugs concludes that such a tolerance is safe and would protect the public health. Accordingly, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)) and delegated to the Commissioner (21 CFR 2.120), it is proposed that § 120.234 be amended by inserting the following tolerance after the tolerance "0.1 part per million * * *":

§ 120.234 *O,O-Diethyl O-[p-(methylsulfinyl)phenyl] phosphorothioate; tolerances for residues.*

* * * * *

0.02 part per million (negligible residue) in or on bananas.

Any person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing the subject insecticide may request, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments on this proposal, preferably in quintuplicate. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: June 21, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-7832; Filed, July 1, 1968; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 68-AL-9]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Unalakleet, Alaska, control zone and transition area.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO, International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The VOR instrument approach procedure to the Unalakleet, Alaska Airport has been revised to provide for a descent over open water after procedure turn, thereby permitting lower landing minimums.

It, therefore, is proposed to redesignate the Unalakleet control zone as that airspace within a 5-mile radius of the Unalakleet Airport (lat. 63°53'10" N., long. 160°47'40" W.); within 2 miles each side of the Unalakleet RR northwest course, extending from the 5-mile radius zone to 14 miles northwest of the RR; within 2 miles each side of the Unalakleet VOR 225° radial, extending from the 5-mile radius zone to 14 miles southwest of the VOR; and within 2 miles each side of the Unalakleet TACAN 175° radial, extending from the 5-mile radius zone to 10.5 miles south of the TACAN. The control zone is effective from 0545 to 2145 hours, local time.

It is also proposed to redesignate the Unalakleet transition area as that airspace extending upward from 700 feet above the surface within 5 miles north and 8 miles south of the Unalakleet RR northwest course, extending from the RR to 17 miles northwest of the RR; and within 8 miles northwest and 5 miles southeast of the Unalakleet VOR 225° radial, extending from the VOR to 17 miles southwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within 7 miles northeast and 8 miles southwest of the RR southeast and northwest courses, extending from 7 miles southeast to 23 miles northwest of the RR.

The proposed alteration of the control zone and transition area would provide the necessary controlled airspace for aircraft executing the revised prescribed instrument approach procedure for the Unalakleet Airport.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510) and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on June 24, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-7794; Filed, July 1, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-EA-16]

TRANSITION AREAS

Proposed Alteration and Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Nantucket, Mass., transition area and designate a transition area in the vicinity of Gloucester, Mass.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since these actions involve, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

An air traffic control requirement exists for the airspace within W-104, when it is not utilized by the using agency. In addition, several adjacent small areas of uncontrolled airspace are also required.

It, therefore, is proposed to alter the Nantucket, Mass., transition area by deleting, in the last line of the text, "the arc of a 10.2-mile radius circle centered on the Nantucket CONSOLAN station" and substitute therefor, "the arc of a 10.2-mile radius circle centered on the Nantucket CONSOLAN station; the airspace northeast of Nantucket bounded on the northwest by Control 1143, on the southeast by Control 1146, and the east by a line along long. 67°00'00" W. The airspace east of long. 68°00'00" W., is excluded below 5,500 feet MSL.

It is also proposed to designate a transition area in the vicinity of Gloucester, Mass., which includes Warning Area W-104, as that airspace extending upward from 11,000 feet MSL east of Gloucester, Mass., bounded by Control 1141, 1142, and 1143, which would be in effect 1801 to 2359 and 0000 to 0600 hours, local time, Monday through Friday; continuous on Saturday and Sunday.

The additional controlled airspace would be used to provide air traffic control service, primarily radar vectoring, for air traffic operating between European and United States terminals ingressing and egressing Jet Routes/High Level Airways 575 and 585, Controls 1141, 1142, 1143, 1144, and 1146. In conjunction with that portion of the transition area coinciding with Warning Area W-104, ancillary non-rule-making action would be taken to establish joint-use procedures to obtain maximum utilization of the airspace within said area at 11,000 feet MSL and above.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510) and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on June 24, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-7795; Filed, July 1, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-SO-41]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Vicksburg, Miss., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Vicksburg transition area described in § 71.181 (33 F.R. 2137) would be redesignated as follows:

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Vicksburg Municipal Airport (lat. 32°-14'20" N., long. 90°55'40" W.); within 2 miles each side of the Vicksburg VOR 311° radial, extending from the 10-mile radius area to 8 miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the 096° bearing from Vicksburg Municipal Airport, extending from the airport to 12 miles east; within 8 miles south and 5 miles north of the 276° bearing from Vicksburg Municipal Airport, extending from the airport to 12 miles west; within 8 miles southwest and 5 miles northeast of the Vicksburg VOR 311° radial, extending from the VOR to 12 miles northwest.

Since the original designation of the Vicksburg transition area, turbojet aircraft have begun utilizing the Vicksburg Municipal Airport. Current transition area criteria appropriate to this airport requires an increase in the basic radius circle to 10 miles. The proposed alteration permits the revocation of the 700-foot transition area extension predicated on the 276° bearing from the Vicksburg Municipal Airport.

The Vicksburg VOR to be located at lat. 32°18'05" N., long. 91°00'42" W. is scheduled to be commissioned on or about October 15, 1968. A VOR standard instrument approach procedure to Vicksburg Municipal Airport is proposed in conjunction with the commissioning of the VOR and the alteration of this transition area.

The proposed additional 700-foot and 1200-foot transition area extensions predicated on the VOR 311° radial are required to provide controlled airspace protection for aircraft executing the VOR standard instrument approach procedure.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on June 19, 1968.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 68-7796; Filed, July 1, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-WE-14]

VOR FEDERAL AIRWAY

Withdrawal of Proposed Designation

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 68-WE-14 on March 30, 1968 (33 F.R. 5225), it was proposed to designate a VOR Federal airway from Baker, Oreg., via Walla Walla, Wash., Moses Lake, Wash.; to Ephrata, Wash.

Three comments were received in response to the notice. The Air Transport Association of America concurred in the proposal while the other two comments received from the U.S. Air Force strongly opposed the proposed action.

The Air Force opposition was based on the fact that the proposed airway would

bisect the Pasco, Wash., low altitude Intercept Training Area and thus seriously impair the Aerospace Defense Command (ADC) training activities. The Federal Aviation Administration has given full consideration to the comments received and is of the opinion that the proposed route would place an undue burden on ADC training activities. The FAA is in the process of reviewing the activities in the affected airspace in order to provide for the movement of en route traffic and ADC training activities.

Accordingly, in consideration of the foregoing, the notice of proposed rule making contained in Airspace Docket No. 68–WE–14 is hereby withdrawn.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 24, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68–7797; Filed, July 1, 1968; 8:47 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 68–WE–47]

JET ROUTE

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate a jet route from Wilson Creek, Nev., direct to Meeker, Colo. This proposed jet route would provide a transition segment for routing westbound high altitude air traffic between Jet Routes Nos. 84 and 80 destined to land in the San Francisco/Oakland, Calif., terminal area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on June 24, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68–7798; Filed, July 1, 1968; 8:47 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 68–SW–39]

JET ROUTE

Proposed Establishment

The Federal Aviation Administration is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate J–131 from San Antonio, Tex., via the intersection of San Antonio 007° T (358° M) and Greater Southwest, Tex., 219° T (210° M) radials; to Greater Southwest. This would provide an additional jet route to codesignated J–21/25 between San Antonio and Greater Southwest and relieve the heavy congestion of traffic at Austin, Tex. En route mileage via the proposed route would be the same as that via J–21/25.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on June 24, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68–7799; Filed, July 1, 1968; 8:47 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

AMERICAN DENTISTS FOR FOREIGN SERVICE, INC.

Registration as Voluntary Foreign Aid Agency

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3) 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a Certificate of Registration [1] as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

American Dentists for Foreign Service, Inc., 619 Church Avenue, Brooklyn, N.Y. 11218.

Dated: June 24, 1968.

HERBERT SALZMAN,
Assistant Administrator for Private Resources.

[F.R. Doc. 68–7788; Filed, July 1, 1968; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Portland Area Office Redelegation Order 1, Amdt. 20]

SUPERINTENDENTS ET AL.

Redelegation of Authority With Respect to Leases and Permits (Non-Mineral)

Portland Order 1, 20 F.R. 234 (an Order by which the Area Director, Portland Area, redelegates authority to Superintendents, School Superintendent, Project Engineer, and Assistant Superintendents), as amended, is further amended as hereinafter indicated:

Section 2.12, under the heading "Functions Relating to Lands and Minerals," is amended to read as follows:

SEC. 2.12 *Leases and permits (Non-mineral).* All those matters set forth in 25 CFR Part 131 except

(1) The approval of leases which provide for a duration in excess of 10 years, inclusive of any provisions for extensions or renewals thereof; and, the approval of any amendment of such lease changing the use purpose or reducing the rental. This exception does not apply to the leasing of tribal land for homesite purposes to members of the tribe or to tribal housing authorities.

(2) Modification of any forms approved by the Secretary of the Interior, the Commissioner of Indian Affairs, or the Area Director.

DALE M. BALDWIN,
Area Director.

Approved: June 24, 1968.

ROBERT L. BENNETT,
Commissioner.

[F.R. Doc. 68–7812; Filed, July 1, 1968; 8:48 a.m.]

[Portland Area Office Redelegation Order 1, Amdt. 21]

SUPERINTENDENTS ET AL.

Redelegation of Authority With Respect to Title Transfers and Alienations of Trust or Restricted Indian Lands

Portland Order 1, 20 F.R. 234 (an Order by which the Area Director, Portland Area, redelegates authority to Superintendents, School Superintendent, Project Engineer, and Assistant Superintendents), as amended, is further amended as hereinafter indicated:

A new section, No. 2.4, is added under the heading "Functions Relating to Lands and Minerals" as follows:

SEC. 2.4 *Sales, fee patents, and other matters in 25 CFR Part 121.* The approval of applications by individuals for acquisition, sale, exchange, partition, patent in fee, certificate of competency, and removal of restrictions on Indian land. The approval by the respective officials of applications, by those tribes possessing statutory authority, for acquisition, sale, and exchange of trust or restricted Indian lands. The authority herein does not extend to the issuance of land sale advertisements without the prior approval of the Area Director.

DALE M. BALDWIN,
Area Director.

Approved: June 24, 1968.

ROBERT L. BENNETT,
Commissioner.

[F.R. Doc. 68–7813; Filed, July 1, 1968; 8:48 a.m.]

[Portland Area Office Redelegation Order 1, Amdt. 22]

SUPERINTENDENTS ET AL.

Redelegation of Authority With Respect to Closure of Indian Service Road

Portland Order 1, 20 F.R. 234 (an Order by which the Area Director, Portland Area, redelegates authority to Superintendents, School Superintendent, Project Engineer, and Assistant Superintendents), as amended, is further amended as hereinafter indicated:

A new section, No. 2.28, is added under the heading "Functions Relating to Lands and Minerals" as follows:

SEC. 2.28 *Roads.* The closure of roads, as defined in 25 CFR 162.2(b), to public use when required for public safety, fire prevention or suppression, or fish or game protection, or to prevent damage to unstable roadbed (25 CFR 162.6; Secretarial Order 2508, sec. 28; and Bureau Order 551, sec. 28).

DALE M. BALDWIN,
Area Director.

Approved: June 24, 1968.

ROBERT L. BENNETT,
Commissioner.

[F.R. Doc. 68–7814; Filed, July 1, 1968; 8:48 a.m.]

Bureau of Land Management

[A 1908]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The U.S. Forest Service, Department of Agriculture, has filed an application, Serial Number A 1908, for the withdrawal of the lands described below, from mineral location and entry under the general mining laws; subject to valid existing claims.

The Forest Service desires to enlarge the Tusayan Ranger Station site which presently occupies a part of the lands. The additional lands will be used to accommodate housing and office space for additional personnel.

For a period of 30 days from the date of publication of this notice all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Ariz. 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

[1] Certificate filed as part of original document.

GILA AND SALT RIVER MERIDIAN, ARIZONA

KAIBAB NATIONAL FOREST

Tusayan Ranger Station Administrative Site

T. 30 N., R. 2 E.,
Sec. 13. N½NE¼NE¼, N½S½NE¼NE¼, SW¼SW¼NE¼NE¼, SE¼SE¼NE¼NE¼, NW¼NW¼SE¼NE¼, NE¼NE¼SE¼NE¼, S½N½SE¼NE¼, and S½SE¼NE¼.
Sec. 18, W½W½NW¼ (W½ lots 1 and 2).

The areas described aggregate approximately 110 acres within the Kaibab National Forest.

Dated: June 25, 1968.

FRED J. WEILER,
State Director.

[F.R. Doc. 68-7763; Filed, July 1, 1968; 8:45 a.m.]

Geological Survey

[Order No. 15]

WYOMING

Phosphate Land Classification Order

Correction

In F.R. Doc. 68-7351 appearing at page 9203 in the issue of Friday, June 21, 1968, Sec. 26 under "Nonphosphate Lands" should read as follows:

Sec. 26, W½NE¼, SE¼NE¼, W½, SE¼;

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

PUBLIC AFFAIRS ADVISER

Notice of Basic Compensation

Pursuant to the provisions of section 309 of Public Law 88-246, as modified by the Federal Employees Salary Act of 1967 (Public Law 90-206), and in conformance with Executive Order No. 11413 of June 11, 1968, issued by the President under section 212 of said Act, notice is hereby given that the rate of basic compensation of the Public Affairs Adviser of the U.S. Arms Control and Disarmament Agency has been adjusted to $30,239 per annum, but limited by section 216 of said Act and section 4 of said order to $28,000 until such time as the rate of compensation for level V of the Executive Schedule in section 5316 of Title 5, United States Code is increased. If the rate of compensation for level V of said Executive Schedule is increased during the period the adjustments effected by sections 1, 2, and 3 of the order are in effect, the new higher rate for level V or $30,239, whichever is the lesser, shall automatically become effective as the rate of basic compensation of the Public Affairs Adviser. The rate of basic compensation of $28,000 shall take effect on July 14, 1968.

Dated: June 20, 1968.

WILLIAM C. FOSTER,
Director.

[F.R. Doc. 68-7761; Filed, July 1, 1968; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

BOWMAN STOCK YARDS ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
ALABAMA	
Bowman Stock Yards, Montgomery, Nov. 1, 1921	Montgomery Livestock Commission Co., Jan. 1, 1968.
COLORADO	
Alsbury's Sales Pavilion, Glenwood Springs, Mar. 23, 1957.	Alsbury Sales Pavilion, Inc., Nov. 20, 1967.
Limon Livestock Sales Company, Limon, Mar. 6, 1957.	Limon Livestock Commission Co., Aug. 9, 1967.
ILLINOIS	
Stoutenborough Sales, Inc., Springfield, Nov. 18, 1959.	Stoutenborough Auction, Feb. 1, 1968.
INDIANA	
Etna Bourbon Livestock Sales, Etna Green, June 18, 1959.	Wallace Investments, Incorporated, Jan. 20, 1968.
IOWA	
Low Moor Sales Company, Inc., Low Moor, Apr. 3, 1957.	Low Moor Sales Company, May 1, 1968.
Marvel Livestock Market Center, Inc., Webster City, Feb. 10, 1941.	Webster City Livestock Auction, Mar. 4, 1968.
MISSISSIPPI	
Tupelo Stock Yard, Tupelo, Jan. 17, 1962	Tupelo Stock Yard, Inc., May 14, 1968.
NORTH CAROLINA	
Norlina Stock Yards, Norlina, July 1, 1959	Creech Livestock Market, Inc., May 1, 1968.
OREGON	
Eugene Livestock Auction, Junction City, Apr. 27, 1967.	Eugene Livestock Auction, Inc., May 9, 1968.
Klamath Stockmen's Commission Company, Inc., Klamath Falls, Sept. 25, 1959.	Klamath Auction Yard, Inc., Apr. 23, 1968.
TEXAS	
Cleveland Commission Company, Inc., Cleveland, Apr. 7, 1959.	Cleveland Livestock Market, Apr. 1, 1968.
Hico Commission Company, Hico, Sept. 11, 1961	Hico Commission Company Ltd., Mar. 1, 1967.
WASHINGTON	
Farmers Auction Sale Barn, Inc., Snohomish, Oct. 2, 1959.	The Farmers Auction Sale Barn, Inc., Apr. 5, 1968.

Done at Washington, D.C., this 25th day of June 1968.

G. H. HOPPER,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 68-7807; Filed, July 1, 1968; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

INSTITUTE FOR MEDICAL RESEARCH

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00548-00-46040. Applicant: Institute for Medical Research, Sheridan and Copewood Streets, Camden, N.J. 08103. Article: Decontamination device for Elmiskop IA electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used for reduction of specimen contamination during high resolution electron microscopy. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory to an electron microscope now in the applicant's possession, which was manufactured by Siemens Aktiengesellschaft of West Germany.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with the foreign article.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68-7779; Filed, July 1, 1968; 8:45 a.m.]

LANE COMMUNITY COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00478-98-26000. Applicant: Lane Community College, 200 North Monroe, Eugene, Oreg. 97102. Article: One each; EG ZA/ZT Dr. Clemenz standard construction device for the theory of electricity, Ba ring frame and Bb rectangular frame. Manufacturer: Dr. Clemenz, Dusseldorf, West Germany. Intended use of article: The article will be used for teaching the basic theory of electricity. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The application relates to a set of units that are to be assembled by the student as an objective demonstration of the principles underlying alternating current and direct current generators, three-phase motors, and other electrical apparatus.

The Department of Commerce knows of no comparable apparatus being manufactured in the United States, which is capable of fulfilling the purposes for which the foreign article is intended to be used.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68-7777; Filed, July 1, 1968; 8:45 a.m.]

PENNSYLVANIA STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00270-60-31550. Applicant: The Pennsylvania State University, Commonwealth of Pennsylvania, Department of Property and Supplies, Harrisburg, Pa. 17125. Article: Vacuum induction glass melting equipment, Model TI 30 FE/SV. Manufacturer: Siatem, Italy. Intended use of article: Applicant states: "Undergraduate and graduate research and instruction in field of Glass Science involving melting special glasses." Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a relatively simple unit designed for melting special types of glass in connection with a program of instruction in glass science. For this purpose, the applicant requires an apparatus which can be readily operated by students. The only known similar unit being manufactured in the United States is a melting furnace manufactured by the Arthur D. Little, Inc. The domestic apparatus is a relatively highly complex unit which was primarily developed for research by trained scientists. Therefore, for instructional purposes for which the foreign article is intended to be used, we find that the Arthur D. Little, Inc.'s unit is not of equivalent scientific value to the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68-7780; Filed, July 1, 1968; 8:45 a.m.]

SEATTLE SCHOOL DISTRICT NO. 1

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00512-98-26000. Applicant: Seattle School District No. 1, 815 Fourth Avenue North, Seattle, Wash. 98109. Article: Standard construction device for the theory of electricity. Manufacturer: Dr. Max Clemenz, West Germany. Intended use of article: The article will be used for teaching the basic theory of electricity. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The application relates to a set of units that are to be assembled by the student as an objective demonstration of the principles underlying alternating current and direct current generators, three-phase motors, and other electrical apparatus.

The Department of Commerce knows of no comparable apparatus being manufactured in the United States, which is capable of fulfilling the purposes for which the foreign article is intended to be used.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68-7782; Filed, July 1, 1968; 8:45 a.m.]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00537-00-46040. Applicant: University of California, 405 Hilgard Avenue, Los Angeles, California 90024. Article: Exposure meter for Elmiskop IA electron microscope. Manufacturer: Siemens, West Germany. Intended use of article: The article will be

used to measure exact exposure time in conjunction with electron microscopy. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory to an electron microscope now in the applicant's possession, which was manufactured by Siemens Aktiengesellschaft of West Germany.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with the foreign article.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68-7775; Filed, July 1, 1968; 8:45 a.m.]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00538-00-46040. Applicant: University of California, 405 Hilgard Avenue, Los Angeles, Calif. 90024. Article: Lens for Elmiskop IA electron microscope, Manufacturer: Siemens, AG, West Germany. Intended use of article: The article will be used for high resolution electron microscopy with the Elmiskop IA electron microscope. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article; for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a component of an electron microscope now in the possession of the applicant institution, which was manufactured by Siemens AG of West Germany.

The Department of Commerce knows of no similar component which is interchangeable with the foreign article.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68-7776; Filed, July 1, 1968; 8:45 a.m.]

UNIVERSITY OF MICHIGAN

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897), and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00477-91-46040. Applicant: University of Michigan, Ann Arbor, Michigan 48104. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics, The Netherlands. Intended use of article: The article will be used for both teaching and research programs which will include examining a wide variety of biological materials using the techniques of thin sectioning, negative staining, replication, etc. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed resolution of 5 Angstroms. The only known comparable domestic electron microscope is the Model EMU-4 manufactured by the Radio Corporation of America (RCA), which has a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the additional resolving capabilities of the foreign article are pertinent. (2) The foreign article provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU-4 provides only two accelerating voltages of 50 and 100 kilovolts. It has been experimentally established that the lower accelerating voltages provide optimum contrast for unstained biological specimens and that the accelerating voltages intermediate between 50 and 100 kilovolts provide optimum contrast for negatively stained specimens. Since the experiments to be conducted with the foreign article require the use of negatively stained and unstained biological specimens, the additional accelerating voltages of the foreign article are pertinent.

For the foregoing reasons we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68-7778; Filed, July 1, 1968; 8:45 a.m.]

UNIVERSITY OF ROCHESTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897), and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00383-00-77050. Applicant: University of Rochester, River Campus Station, Rochester, N.Y. 14627. Article: Microwave cavity for electron spin resonance spectrometer. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used for detection of organic radicals. Comments: Comments have been received from one domestic manufacturer which alleges inter alia that "a microwave cavity for electron spin resonance spectrometer of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States." (Letter from Varian Associates (Varian) dated Mar. 21, 1968, par. 2.) Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for an electron spin resonance spectrometer already in the possession of the applicant. In order to function properly, the accessory must be electrically compatible with the instrument with which it is intended to be used. We are advised by the National Bureau of Standards (NBS) that "The domestic Varian Associates did not have a unit for sale that was capable of providing the essential microwave cavity at the time of the original purchase." (Memorandum from NBS dated Apr. 15, 1968, par. 3.) We are similarly advised by the Department of Health, Education, and Welfare (HEW) that "no scientifically equivalent article is manufactured in the United States as an interchangeable accessory for the foreign ESR (electron spin resonance) spectrometer." (Memorandum from HEW dated Apr. 17, 1968.) We also note that Varian Associates states "Doubt in our minds, as to the V-4535 (model of microwave cavity manufactured by Varian), being compatible with the JEOL spectrometer is expressed due to odd dimensions of waveguides of foreign manufacturer, as well as electrical compatibility." (Item V, page 2 of attachment to Varian letter cited above.)

For the foregoing reasons, we find that the Varian model V-4535 microwave cavity is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68-7781; Filed, July 1, 1968; 8:45 a.m.]

UNIVERSITY OF VERMONT

Amendment to Notice of Application for Duty-Free Entry of Scientific Article

The following notice of application published in Vol. 33, No. 118 of the FEDERAL REGISTER (Tuesday, June 18, 1968) pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) is hereby amended to read Docket No. 68-00604-00-41895, instead of Docket No. 68-00064-00-4189.

Docket No. 68-00604-00-41895. Applicant: University of Vermont, Department of Surgery, Division of Urology, Burlington, Vt. 05401. Article: Nikkor Lens, 500 mm, CTMZ 193. Manufacturer: Nikon, Japan. Intended use of article: The article will be used for taking photographs in the operating room for demonstrating operating room techniques to students, as well as for collecting historical photographs at the various national urological meetings. Application received by Commissioner of Customs: May 22, 1968.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68-7783; Filed, July 1, 1968; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CERTIFIED COLOR INDUSTRY COMMITTEE

Notice of Filing of Petition Regarding FD&C Blue No. 2

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 402; 21 U.S.C. 376(d)), notice is given that a petition (CAP 64) has been filed by the Certified Color Industry Committee, c/o Hazleton Laboratories, Inc., Post Office Box 30, Falls Church, Va. 22046, proposing the issuance of a regulation to provide for the safe use and certification of FD&C Blue No. 2 (the disodium salt of 5,5'-disulfo-3,3'-dioxo-Δ2,2'-biindoline) as a color for foods and ingested drugs in amounts consistent with good manufacturing practice.

Dated: June 24, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-7833; Filed, July 1, 1968; 8:49 a.m.]

CERTIFIED COLOR INDUSTRY COMMITTEE

Notice of Filing of Petition Regarding FD&C Red No. 3

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 402; 21 U.S.C. 376(d)), notice is given that a petition (CAP 67) has been filed by the Certified Color Industry Committee, c/o Hazleton Laboratories, Inc., Post Office Box 30, Falls Church, Va. 22046, proposing the issuance of a regulation to provide for the safe use and certification of FD&C Red No. 3 (the disodium salt of 9-o-carboxyphenyl-6-hydroxy-2,4,5,7-tetraiodo-3-isoxanthone) as a color for foods (including dietary supplements) and ingested drugs in amounts consistent with good manufacturing practice.

Dated: June 19, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-7834; Filed, July 1, 1968; 8:49 a.m.]

CIBA AGROCHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 8F0729) has been filed by the CIBA Agrochemical Co., Post Office Box 1105, Vero Beach, Fla. 32960, proposing the establishment of a tolerance of 0.2 part per million for residues of the herbicide N-(*p*-bromophenyl)-N'-methyl-N'-methoxyurea in or on the raw agriculture commodity potatoes.

The analytical method proposed in the petition for determining residues of the herbicide is a colorimetric technique in which the residue is hydrolyzed to *p*-bromoaniline, steam distilled and extracted into isooctane, diazotized, and coupled with *alpha*-naphthol to provide a colored compound. Plant material is separated from the colored compound by thin-layer chromatography. The absorbance of the colored compound is measured on a spectrophotometer at 500 millimicrons.

Dated: June 20, 1968.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 68-7835; Filed, July 1, 1968; 8:50 a.m.]

DIMETHOATE AND ITS OXYGEN ANALOG

Notice of Extension of Temporary Tolerances

At the request of the American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540, temporary tolerances were established for total residues of the insecticide dimethoate (*O,O*-dimethyl *S*-(*N*-methylcarbomoylmethyl) phosphorodithioate) and its oxygen analog (*O,O*-dimethyl *O*-(*N*-methylcarbomoylmethyl) phosphorothioate) in or on wheat at 0.1 part per million and in or on wheat straw at 0.5 part per million (notice was published in the FEDERAL REGISTER of July 25, 1967; 32 F.R. 10871). These temporary tolerances will expire on July 18, 1968.

In order to obtain additional data to help define the effective dosage rates needed for control of aphid and mite populations and to obtain additional residue data, the company has requested an extension of these temporary tolerances for another year. The Commissioner of Food and Drugs has determined that such extension of the temporary tolerances will protect the public health.

A condition under which these temporary tolerances are extended is that the insecticide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the American Cyanamid Co. name.

These temporary tolerances expire on July 18, 1969.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and delegated to the Commissioner (21 CFR 2.120).

Dated: June 24, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-7836; Filed, July 1, 1968; 8:50 a.m.]

NEO-DECANOIC ACID

Notice of Extension of Temporary Tolerance

A temporary tolerance of 1 part per million for residues of the desiccant and defoliant neo-decanoic acid (a mixture of 10-carbon trialkyl acetic acids (calculated as $C_9H_{19}COOH$)) in or on cottonseed, which was established at the request of Enjay Chemical Co., New York,

N.Y. 10020, expired February 13, 1968. The company has requested an extension of the temporary tolerance to permit additional tests in accordance with the temporary permit issued by the U.S. Department of Agriculture.

The Commissioner of Food and Drugs has determined that extension of this temporary tolerance will protect the public health; therefore, an extension has been granted that will expire February 13, 1969.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a (j)) and delegated to the Commissioner (21 CFR 2.120).

Dated: June 20, 1968.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 68-7837; Filed, July 1, 1968; 8:50 a.m.]

[Docket No. FDC-D-110; NDA No. 10-729V]

STERWIN CHEMICALS, INC.

Trithiadol; Withdrawal of Approval of New-Drug Application

A notice of Opportunity for Hearing was published in the FEDERAL REGISTER of March 26, 1968 (33 F.R. 5020), extending to Sterwin Chemicals, Inc., subsidiary of Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016, and to any interested person who might be adversely affected an opportunity for a hearing on the proposal of the Commissioner of Food and Drugs to issue an order withdrawing approval on specified grounds of new-drug application No. 10-729V and all amendments and supplements thereto held by Sterwin Chemicals, Inc., for the drug "Trithiadol (bithionol methiotriazamine)" for veterinary use in poultry feeds.

Neither the applicant nor any interested person who might be adversely affected filed an appearance of election within the 30 days provided by said notice, and this is construed as an election by such persons not to avail themselves of the opportunity for a hearing. Therefore, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and delegated to the Commissioner (21 CFR 2.120), and on the grounds set forth in said notice, approval of new-drug application No. 10-729V, including all amendments and supplements thereto, is hereby withdrawn.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

Dated: June 20, 1968.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 68-7838; Filed, July 1, 1968; 8:50 a.m.]

WHITMOYER LABORATORIES, INC.

Notice of Filing of Petition for Food Additives Carbarsone (Not U.S.P.), Bacitracin Methylene Disalicylate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Whitmoyer Laboratories, Inc., 19 North Railroad Street, Myerstown, Pa. 17067, proposing that the food additive regulations be amended (21 CFR Subpart C) to provide for the safe use of carbarsone (not U.S.P.) in combination with bacitracin methylene disalicylate in turkey feed as an aid in the prevention of blackhead and for the prevention and treatment of infectious sinusitis and blue comb (mud fever).

Dated: June 20, 1968.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 68-7839; Filed, July 1, 1968; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 68-76]

PORTION OF NAVIGABLE WATERS OFF COAST OF BRUNSWICK COUNTY, N.C.

Closure to Navigation for Use as Explosive Anchorage

JUNE 26, 1968.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 49 CFR 1.4 (32 F.R. 5606) and Executive Order 10173 as amended by Executive Orders 10277, 10352, and 11249, I hereby affirm for publication in the FEDERAL REGISTER the order of E. C. Allen, Jr., Rear Admiral, U.S. Coast Guard, Commander, 5th Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

PORTION OF THE NAVIGABLE WATERS OF THE UNITED STATES OFF THE COAST OF BRUNSWICK COUNTY, N.C.

Under the authority of Title II of the Espionage Act of June 15, 1917, 40 Stat. 220, 50 U.S.C. 191 and Executive Order 10173, as amended, I declare that the following area is a security zone and I order that it be closed to any person or vessel due to the area being utilized as an explosive anchorage.

The navigable waters of the United States off the coast of Brunswick County, N.C., within the coordinates of a line drawn from latitude 33°52'31" N., longitude 78°18'49" W. to latitude 33°51'31" N., longitude 78°18'42" W. thence to latitude 33°51'51" N., longitude 78°14'35" W. thence to latitude 33°52'52" N., longitude 78°14'40" W. thence to origin.

This anchorage is reserved for the exclusive use of ammunition laden vessels. With the permission of the Captain of the Port, acting for the District Commander, this anchorage may be used by other vessels.

Vessels in this anchorage shall not anchor closer than 1,500 yards to one another. This provision is not intended to prohibit barges or lighters from lying alongside vessels for transfer of cargo.

Vessels shall not anchor closer than 1,000 yards to the limits of this anchorage.

Every vessel laden with explosives shall, while within an explosives anchorage, display by day at its masthead, or at least 10 feet above the upper deck if the vessel has no masthead, a red flag 16 square feet or more in area, and shall display by night, in the same position specified for the flag, an electric red light visible through 360° for a distance of at least 1 mile.

The maximum quantity of explosives aboard any ship that may be in this anchorage is 8,000 short tons.

No person or vessel may remain in or enter this security zone without permission from the Captain of the Port, acting for the District Commander.

The Captain of the Port, acting for the District Commander, shall enforce this order.

The Captain of the Port may be assisted by employees and facilities of any State or political subdivision thereof or any Federal Agency.

Nothing in this order shall be construed as relieving the owner or person in charge of any vessel from the penalties of law for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating the law.

For violation of this order Title II of the Espionage Act of June 15, 1917 (40 Stat. 220 as amended, 50 U.S.C. 192) provides:

"If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or obstructs or interferes with the exercise of any power, conferred by this chapter, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than 10 years and may, in the discretion of the court, be fined not more than $10,000.

"If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or knowingly obstructs or interferes with the exercise of any power conferred by this chapter, he shall be punished by imprisonment for not more than ten years and may, at the discretion of the court, be fined not more than $10,000."

This security zone will remain in effect until a permanent explosive anchorage is established.

Dated: June 26, 1968.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 68-7842; Filed, July 1, 1968; 8:50 a.m.]

Office of the Secretary

DIRECTOR, DIVISION OF DEMONSTRATION PROGRAMS AND STUDIES, URBAN MASS TRANSPORTATION ADMINISTRATION

Redelegation of Authority With Respect to Urban Mass Transportation Program

Pursuant to the authority delegated to me by § 1.4(e) of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.4(e)), the Director, Division of Demonstration Programs and Studies, Urban Mass Transportation Administration, is hereby authorized in connection with the administration of contracts for grants for demonstration projects under section 6(a) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1605(a)), to approve requisitions for funds; third-party contracts; and project budget amendments.

This redelegation of authority becomes effective on July 1, 1968.

Issued in Washington, D.C., on June 26, 1968.

JOHN E. ROBSON,
Urban Mass Transportation Administrator.

[F.R. Doc. 68-7800; Filed, July 1, 1968; 8:47 a.m.]

DIRECTOR, DIVISION OF PROJECT DEVELOPMENT, URBAN MASS TRANSPORTATION ADMINISTRATION

Redelegation of Authority With Respect to Urban Mass Transportation Program

Pursuant to the authority delegated to me by § 1.4(e) of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.4(e)), the Director, Division of Project Development, Urban Mass Transportation Administration, is hereby authorized in connection with the administration of contracts for grants or loans under section 3, and of contracts for grants under section 9, of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602 and 1607a), to approve requisitions for funds; third-party contracts; and project budget amendments.

This redelegation of authority becomes effective on July 1, 1968.

Issued in Washington, D.C., on June 26, 1968.

JOHN E. ROBSON,
Urban Mass Transportation Administrator.

[F.R. Doc. 68-7801; Filed, July 1, 1968; 8:47 a.m.]

DEPUTY ADMINISTRATOR, URBAN MASS TRANSPORTATION ADMINISTRATION

Delegation of Authority

The officer appointed to the position of Deputy Administrator, Urban Mass Transportation Administration, is hereby authorized to act for and perform the duties of the Administrator, Urban Mass Transportation Administration, in the absence or disability of the Administrator and as otherwise directed by the Administrator.

This designation becomes effective on July 1, 1968.

Issued in Washington, D.C., on June 26, 1968.

JOHN E. ROBSON,
Urban Mass Transportation Administrator.

[F.R. Doc. 68-7802; Filed, July 1, 1968; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 18219-18220; FCC 68M-992]

BRADLEY AVIATION CO., INC., AND SKYTEL AVIATION, INC.

Order Scheduling Hearing

In re applications of Bradley Aviation Co., Inc., Fort Lauderdale, Fla., Docket No. 18219, File No. 23-A-L-127; Skytel Aviation, Inc., Fort Lauderdale, Fla., Docket No. 18220, File No. 140-A-AL-107; for aeronautical advisory station to serve the Executive Airport, Fort Lauderdale, Fla.:

It is ordered, That Millard F. French shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on August 13, 1968, at 10 a.m.; and that a prehearing conference shall be held on July 31, 1968, commencing at 9 a.m.:

And, it is further ordered, That all proceedings shall take place in the Offices of the Commission, Washington, D.C.

Issued: June 26, 1968.

Released: June 26, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JAMES D. CUNNINGHAM,
Chief Hearing Examiner.

[F.R. Doc. 68-7855; Filed, July 1, 1968; 8:51 a.m.]

[Docket Nos. 18223, 18224; FCC 68-647]

WALMAC CO.

Memorandum Opinion and Order and Notice of Apparent Liability Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Howard W. Davis, trading as The Walmac Co., Docket No. 18223, File No. BR-411; for renewal of license of station KMAC, San Antonio, Tex.; and Howard W. Davis, trading as The Walmac Co., Docket No. 18224, File No. BRH-691; for renewal of license of station KISS (FM), San Antonio, Tex.

1. The Commission has under consideration (1) the above-captioned renewal applications, (2) Official Notices of Violation issued November 13, 1964, May 26, 1965, and July 17, 1967, concerning violations of rules and terms of station authorization by Station KMAC, (3) Official Notice of Violations of Commission rules and regulations issued July 12, 1967 to Station KISS-FM; and (4) various replies and correspondence in connection with these notices.

2. Station KMAC was cited on November 13, 1964, for violation of §§ 73.47(a) (failure to make equipment performance measurements), 73.46(d) (the latest equipment performance measurements were improper), 73.55 (improper modulation), 73.58(b)(2) (failed to notify that the base current meter was defective), 73.57(b) (excessive deviation of base and loop current ratios), and violation of the license in that antenna base currents were not logged, tower lights were not proper, and field strength readings at various monitoring points deviated excessively from licensed values. The licensee submitted a series of responses to the Official Notices of Violations issued November 13, 1964, which assured the Commission that remedial action was being taken.

3. Subsequent inspections of Station KMAC on May 19, 20, 1965, disclosed many of the same violations found in the previous inspections still extant. The station was cited again on May 26, 1965, for violation of §§ 73.47(a) (failure to make equipment performance measurements), and 73.57(b) (excessive deviation of base and loop current ratios), and for violation of the terms of the station license in that the field strength readings at many monitoring points deviated excessively from licensed values, and the nighttime indications at towers 2 and 3 deviated excessively.

4. The most recent inspection of KMAC conducted on June 28, 29, and 30, 1967[1] disclosed numerous violations of the Commission's rules and serious noncompliance with the terms of the station's authorizaztion and that in many instances the licensees' responses concerning these violations were evasive and otherwie unacceptable and that many of these violations are repetitive and continuing.

5. Difficulties in the KMAC directional antenna were noted as long ago as 1951. The subsequent inspections and engineering data filed by the licensee showed that the directional antenna continued to be out of adjustment at least through June 1967.[2]

[1] That inspection disclosed the following violations: § 73.39(d)(1)(vi) (failure to maintain calibration curves at the transmitter showing the relationship between arbitrary scales of the phase monitor and scales of the base meters); § 73.60(b) (failure to notify the Commission that the frequency monitor is out of service; failure to obtain and log results of an external frequency measurement at least weekly; failure to obtain authorization to operate in excess of 60 days without a frequency monitor, which at at the time of inspection had been out of service since Febraury 4, 1967); § 73.113(a)(5) (inability of operators to operate phase monitor to obtain phase indications despite consistent hourly loggings of fictitious "normal" readings); § 73.922 (required EBS receiver has not been provided at the transmitter for at least several months). In addition, the inspection also disclosed the noncompliance with terms of the station authorization and indicated that measured field strength at various licensed monitoring points greatly exceeded the licensed maximum values.

[2] On Apr. 18, 1968, Davis submitted an extensive and detailed proof of performance, which, at the time of this writing, has not been evaluated.

6. We must also inquire into the question of whether the licensee of Station KISS–FM is guilty of willful and repeated violations of the Commission's rules and regulations. The most recent inspection of KISS–FM, for which an Official Notice of Violation was issued on July 12, 1967, disclosed the following rule violations: § 73.254(c)—failure to provide data on equipment performance measurements; § 73.268—faulty modulation; § 73.267(b)(1)—operating substantially below power; § 73.267(b)(2)—failure to calibrate transmission line meter; § 73.267(c)—failure to notify FEB when operating on reduced power; and § 73.922—required EBS receiver not at transmitter. Several of these violations were repeated from the May 1965 inspection and, in the judgment of our Field Engineering Bureau, none of the applicant's responses to these violations were satisfactory.

7. The continuing engineering problems at these stations, and the recurring rule violations and apparent derelictions by this applicant, as licensee of KMAC and KISS–FM, raise the question of whether he is technically qualified to be a licensee of the Commission. There is also a question of whether the applicant's many responses contained misrepresentations of material facts or lacked candor.

8. Also to be explored is the question of whether the licensee Howard Davis has willfully misrepresented to the Commission material facts concerning his alleged employment of consulting engineer Kenneth Hyman at KISS–FM during August 1967. Davis' representations regarding his employment of Hyman have been denied under oath by Mr. Hyman; also to be examined is the related question of whether Howard Davis has knowingly made a false statement to the Commission in connection with a statement required to be submitted to the Commission.

9. After consideration of the foregoing, the Commission is unable to find that a grant of the above-captioned renewal applications would serve the public interest, convenience, and necessity; and that therefore the applications must be designated for hearing.

10. *Therefore, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the KMAC and KISS–FM renewal applications are designated for consolidated hearing at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the nature and extent of the violations of the Commission's Rules and the terms of the station licenses of KMAC and KISS–FM as disclosed by the above-mentioned Official Notices of Violation issued to these stations, by the applicant's replies, and other information;

(2) To determine, in the light of the evidence adduced under the foregoing issue, whether the applicant possesses the technical qualifications to be a licensee of the Commission;

(3) To determine whether the applicant, in replying to the Official Notices of Violations concerning Station KMAC, and Station KISS–FM has made misrepresentations of fact to the Commission, failed to disclose information, or was lacking in candor;

(4) To determine whether Howard Davis misrepresented to the Commission material facts concerning his alleged employment of consulting engineer, Kenneth Hyman at KISS–FM during August 1967;

(5) To determine whether, in light of the evidence adduced under the foregoing issues, the applicant possesses the requisite character qualifications to be a licensee of the Commission;

(6) To determine whether, in light of the evidence adduced under the foregoing issues, a grant of the above-captioned application for renewal of licenses of Stations KMAC and KISS–FM would serve the public interest, convenience and necessity.

11. *It is further ordered,* That if the Hearing Examiner shall determine that the entire hearing record does not warrant an order denying the application for renewal of license for KMAC or renewal of license of KISS–FM, he shall make findings of fact as to whether any willful or repeated violations of the Communications Act or the rules thereunder (as specified above and in the Bill of Particulars) have taken place within 1 year of the issuance of this order and, if so, shall recommend to the Commission whether or not a forfeiture shall be issued against the licensee of each station in the amount of $10,000 or less pursuant to section 503(b) of the Communications Act.

12. *It is further ordered,* That for the purposes above stated, this order is to be considered as a Notice of Apparent Liability pursuant to section 503(b)(2) of the Communications Act.

13. *It is further ordered,* That pursuant to section 309(e) of the Communications Act, the Chief of the Broadcast Bureau is directed to serve upon the licensee within 10 days of the release of this order a Bill of Particulars setting forth the basis for adoption of the issues designated above.

14. *It is further ordered,* That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to the issues one through six above and that Howard Davis trading as The Walmac Co. proceed with the introduction of his evidence; the burden of showing that he possesses the requisite qualifications to be a licensee of the Commission and of showing that the grant of the KMAC and KISS–FM renewal applications would serve the public interest, convenience, and necessity shall rest with the applicant.

15. *It is further ordered,* That to avail himself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

16. *It is further ordered,* That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by § 1.594 of the rules.

Adopted: June 19, 1968.

Released: June 27, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68–7856; Filed, July 1, 1968; 8:51 a.m.]

[Docket No. 18221; FCC 68–650]

WFRV, INC.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of WFRV, Inc., Brampton, Mich., Docket No. 18221, File No. BPCT–3997; for construction permit for new television broadcast station.

1. The Commission has before it for consideration: (a) The captioned application filed by WFRV, Inc. (WFRV); (b) "Petition to Deny," filed July 26, 1967, by the Post Corp. (Post), directed against "a," above; (c) informal objections filed by Northern Michigan University, directed against "a," above (d) "Opposition to Petition to Deny," filed August 22, 1967, by WFRV; (e) "Reply to Opposition to Petition to Deny," filed September 1, 1967, by Post; (f) and various related pleadings.[1]

2. Post is the 100 percent owner of WLUC, Inc., licensee of Television Broadcast Station WLUC–TV, Channel 6, Marquette, Mich. The television station proposed by WFRV will place a principal-city signal over Marquette. Post claims standing as a "party in interest," within the meaning of section 309(d) of the Communications Act of 1934, as amended, on the grounds that the proposed television station will compete for advertising revenues and audience with Station WLUC–TV. We find, therefore, that Post has standing. Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470, 60 S. Ct. 693, 9 R.R. 2008 (1940). Northern Michigan University (NMU) filed a letter commenting on WFRV's proposed television station, which we shall consider as an informal objection pursuant to § 1.587 of the Commission's rules. The NMU letter brought to the Commission's attention a proposed rule-making proceeding involving changes in the table of television allocations in northern Michigan. NMU's petition for rule making (RM–1191) was subsequently denied, FCC 68–164. The other consideration raised by NMU was also raised by Post, so that NMU's objections will not be separately considered.

3. Channel 3, for which WFRV is applying, is assigned to Escanaba, Mich. WFRV proposes to use the channel in Brampton, Mich., pursuant to § 73.607(b) of the rules, the "15-mile rule." The 1960 Census indicates that Escanaba has a population of 15,391, and Brampton Township has 589 residents. WFRV's transmitter is located approximately 30 miles north of Brampton. From this site, the proposed station will place a principal-city signal over Marquette and Brampton, and a Grade B signal over Escanaba. Channel 3 is the only channel assigned to Escanaba, while Channels 6, 13, and *19 are assigned to Marquette. Channel 6 is licensed to Station WLUC–TV, there are three pending applications (BPCT–4051, BPCT–4090, and BPCT–4118) for Channel 13, and there are no pending applications for reserved Channel *19.

4. Post alleges that even though the proposed site is technically within the Commission's rules, by placing a principal-city signal over Marquette, and only a Grade B signal over Escanaba, the city to which Channel 3 is allocated, WFRV has effectuated a de facto reallocation of channels without going through a rule-making proceeding, depriving Escanaba of a channel that would have local service obligations. This, Post argues, contravenes 307(b) of the Communications Act of 1934, as amended. Post notes that if it is essential to place a principal-city signal over Marquette, Channel 13 is allocated to Marquette and is available for application. Post claims that operation from the proposed site will result in an inefficient use of the channel since one-fourth to one-third of its principal-city signal, and one-third to one-half of its Grade B signal will be over water. Post alleges that other sites are available that would provide comparable service without so much of the signal extending over water. Accordingly, Post requests that WFRV's application be denied or designated for hearing.

5. In its "Opposition," WFRV alleges that a grant of the application would serve the public interest by providing the first NBC programing and second free off-the-air service in the area. WFRV states that the site that was chosen was not motivated by a desire to reallocate the channel, but rather by a desire to serve the entire central portion of the Upper Peninsula. Citing Triad Television Corp., 25 FCC 848 (1958), WFRV states that licensing a station to a small community to provide areawide service is in keeping with past Commission practice. WFRV contends that economic necessity requires that both Escanaba and Marquette be served by the proposed station, and that in terms of population, terrain and minimization of overlap with existing NBC stations,[2] the site finally chosen was one from which the area could best be served. WFRV also claims that Escanaba will not be deprived of a channel in view of a station's obligation to serve its entire service area, and notes that Escanaba is well within the Grade B contour of the proposed station. As to the alleged inefficient use of the channel due to the amount of signal over water, WFRV claims that any station proposing to serve the entire area would have the same problem due to the geography of the area.

6. In regard to Post's claim that the proposed operation is an inefficient use of the assigned channel in that large portions of the area within the proposed contours will be over water, we must agree with WFRV. The area in question varies from approximately 40 to 60 miles in width, bounded by Lake Michigan and Lake Superior. Any station broadcasting on one of the channels assigned to Escanaba or Marquette, using maximum height and power, would place large parts of its signal over water. We do not believe, therefore, that it is proper to criticize WFRV's proposal on grounds that would be present, to a substantial degree, for any station in the area. We turn now to the alleged reallocation of Channel 3 from Escanaba to Marquette. Triad Television Corp., above, cited by WFRV in support of using a small community in order to provide areawide service, involved mutually exclusive applications for Channel 10, Parma-Onondaga, Mich. Channel 10 was allocated to those communities after a rule-making proceeding, 10 R.R. 71 (1954), in which one of the factors considered was areawide service. Neither of these opinions says that providing areawide service is a consideration of such weight as to permit changes in the table of assignments without rule-making. As to the claims that Escanaba will be deprived of an allocated channel, we recognize that the proposed station must serve its entire service area. But this obligation does not preclude a station "from placing greater emphasis on meeting the local needs" of the community of assignment, NTA Television Broadcasting Corp. 22 R.R. 273, 295 (1961). It appears that Escanaba may lose, and Marquette gain, this "greater emphasis" on local events, if WFRV's application is granted.[5] We also note that Brampton, as principal community, falls just within the principal-city contour of the proposed station. The transmitter site is approximately 18 miles from Marquette, 29 miles from Brampton and 39 miles from Escanaba. The proposed station will place a principal-city signal over Marquette and a Grade B signal over Escanaba.[6] We conclude, on the facts presented, that a sufficient showing has been made so as to require a hearing to determine whether operation from the proposed site would constitute a de facto reallocation of Channel 3 to Marquette. Accordingly, an appropriate issue has been specified.

7. Although not raised by the parties, we find WFRV's proposal questionable in another respect. The proposed station will operate as a 100 percent satellite of Television Broadcast Station WFRV–TV, Channel 5, Green Bay, Wis.,[6] and will be in direct competition with Station WLUC–TV, Channel 6, Marquette. The Grade B contour of the proposed station will be almost coextensive with that of Station WLUC–TV. Since a 100 percent satellite does not originate local programing, it does not require a local studio and fewer employees are required to operate the station.[7] It is clear that operating as a 100 percent satellite will afford substantial savings in the operating costs of the proposed station, while still permitting a full program schedule. Station WLUC–TV, on the other hand, does originate local programing and is required to maintain a studio and the equipment necessary to present these programs, as well as a full complement of employees. It would appear, therefore, that a grant of WFRV's application would place Station WLUC–TV in competition with another station that has considerably lower operating costs. Accordingly, an issue has been specified to determine whether the operation of the proposed station as a 100 percent satellite would have such an impact on the service now provided by Station WLUC–TV as to result in the loss or degradation of that service. We have also specified an issue to determine whether the use of the assigned channel by a satellite station, as opposed to a regular station, would be an efficient use of that channel.

8. WFRV, Inc., is a Wisconsin corporation. The Commission has no information as to whether it has authority to do

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[3] Commissioner Johnson absent.

[1] Also under consideration are a "Motion for Leave to File Additional Pleading," and a "Response," filed Sept. 28, 1967, by WFRV, and an "Opposition to Motion for Leave to File Additional Pleading," filed Oct. 9, 1967, by Post. The Commission, in its discretion, accepts the additional pleading.

[2] Since the parent station is an NBC affiliate, the proposed satellite would, of necessity, present NBC programing. The question of overlap with other NBC affiliates is not, in this case, a public interest question. It is, rather, a private consideration that is worked out between the network and its affiliates.

[5] We recognize that the proposed facility will be a 100 percent satellite. Consequently, considerations as to local programing are not immediately pertinent. However, the whole rational behind authorizing satellite stations is that they will eventually become full-fledged stations that do present local programs. Our concern is that Escanaba may lose this potential for local programing.

[6] It should be noted that a grant of this application, and one of the three pending applications for Channel 13, Marquette, would mean that Marquette would receive three principal-city signals and Escanaba three Grade B signals.

[6] There will be a slight overlap of Grade B contours between the proposed station and the parent station, involving an area of 45 square miles in which 1,453 persons reside. Note 4 to § 73.636 of the Commission's rules provides that overlap questions involving satellite stations will be considered on a case-by-case basis. In this case, the slight overlap does not stand as a bar to the grant of the application.

[7] For example, Station WLUC–TV maintains a staff of 31 employees. The proposed satellite will be staffed by four full-time engineers and an undetermined number of part-time reporters.

business in Michigan. Accordingly, an issue has been specified to determine whether WFRV, Inc., is, or can be, authorized to do business in Michigan.

9. WFRV's response to paragraph 1, section IV–B, FCC Form 301, in regard to the ascertainment of community needs and interests, and the manner in which WFRV plans to meet those needs and interests, is inadequate in view of the Commission's decision in Minshall Broadcasting Company, Inc., FCC 68–184, 11 FCC 2d 796. Accordingly, an appropriate issue has been specified.

10. Except as indicated below, the applicant is legally, financially, technically, and otherwise qualified to construct as proposed.

It is ordered, That, to the extent indicated above, the "Petition to Deny," filed by the Post Corp., is granted, and the application (BPCT–3997) of WFRV, Inc., is designated for hearing, at a time and place specified in a subsequent order, on the following issues:

1. Whether a grant of the application would be consistent with section 307(b) of the Communications Act of 1934, as amended, § 73.606 of the Commission's rules, and the principles upon which the assignment of television broadcast channels has been made by the Commission.

2. Whether the operation of the proposed station as a 100 percent satellite would have such impact on the service now provided by Station WLUC–TV as to result in loss or degradation of that service.

3. Whether operation of the proposed station as a 100 percent satellite, as opposed to a regular television station, would be an efficient use of the assigned channel.

4. Whether WFRV, Inc., is, or can be, authorized to do business in Michigan.

5. To determine the efforts made by WFRV, Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposed to meet those needs and interests.

6. To determine, in light of the evidence adduced pursuant to the above issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That Post Corp. is made a party respondent in this proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, WFRV, Inc., and the Post Corp., pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, WFRV, Inc., shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in that rule, and shall advise the Commission of the publication of the notice as required by § 1.594(g) of the rules.

Adopted: June 19, 1968.

Released: June 27, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68–7857; Filed, July 1, 1968; 8:51 a.m.]

[Docket Nos. 18208, 18209; FCC 68M–989]

JEFF DAVIS BROADCASTING SERVICE (WKPO) AND MISS LOU BROADCASTING CORP. (WYNK)

Order Scheduling Hearing

In re applications of Jesse R. Williams and Albert Mack Smith, doing business as Jeff Davis Broadcasting Service (WKPO), Prentiss, Miss., Docket No. 18208, File No. BP–17136; Miss Lou Broadcasting Corp. (WYNK), Baton Rouge, La., Docket No. 18209, File No. BP–17572; for construction permits:

It is ordered, That Forest L. McClenning shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 8, 1968, at 10 a.m.; and that a prehearing conference shall be held on August 8, 1968, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: June 26, 1968.

Released: June 26, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JAMES D. CUNNINGHAM,
Chief Hearing Examiner.

[F.R. Doc. 68–7858; Filed, July 1, 1968; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

PORT OF SEATTLE AND ALASKA STEAMSHIP CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. T. P. McCutchan, Manager, Property Management Department, Port of Seattle, Post Office Box 1209, Seattle, Wash. 98111.

Agreement No. T–2185, between the Port of Seattle and Alaska Steamship Co. (Company), provides for the lease of certain premises at Seattle, Wash., which Company will use in its steamship business, including cargo storage, storage and maintenance of vans and Thermo-King units, and an automobile parking lot. The lease will be on a month-to-month basis at a fixed rental, and supersedes and cancels leases presently covering the premises to be leased under this agreement. Agreement No. T–2185 is an interim arrangement and a new term lease will be executed when other, more suitable facilities become available.

Dated: June 27, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68–7859; Filed, July 1, 1968; 8:51 a.m.]

TRANS-PACIFIC FREIGHT CONFERENCE (HONG KONG)

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Charles F. Warren, Esq., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

Agreement No. 14–26, between the member lines of the Trans-Pacific Freight Conference (Hong Kong), modifies the basic conference agreement by the addition of a new class of conference membership entitled "Associate Membership." Parties having not more than four (4) sailings a year in the trade may qualify for associate membership under which the associate will (1) have no conference voting rights, (2) contribute to the conference administrative and legal expenses at a rate of one-fourth of that payable by the regular members, and (3) abide by the terms and conditions of the Conference Agreement, Tariffs, Rules, and Regulations. Any party having more than four sailings per annum will automatically become a regular member entitled to all rights and privileges attendant thereto.

Dated: June 26, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68–7861; Filed, July 1, 1968; 8:51 a.m.]

[Docket No. 68–35]

SEATRAIN LINES, INC.

Rate Increases on Canned Foodstuffs From Puerto Rico to U.S. Atlantic and Gulf Ports; Order of Investigation and Suspension

There have been filed with the Federal Maritime Commission by Seatrain Lines, Inc., the following revised pages to its Tariff FMC–F No. 3, which result in increased rates and charges on canned fruit, fruit juice, molasses, syrup, and vegetables currently scheduled to become effective July 3, 1968, pursuant to Supplement No. 17 thereto:

29th Revised Page 29.
2d Revised Page 29–A.
6th Revised Page 32–A.
23d Revised Page 33.
24th Revised Page 33.
25th Revised Page 33.
17th Revised Page 36.
10th Revised Page 38.

Upon consideration of said schedules there is reason to believe that the above designated increased rates should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable or otherwise unlawful in violation of section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefor:

It is ordered, That pursuant to the authority of sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates on canned fruit, fruit juice, molasses, syrup, and vegetables with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is changed, amended, or reissued upon termination of the suspension period before the investigation has been concluded, such changed, amended, or reissued matter will be included in this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, the operation of the said increased rates on canned fruit, fruit juice, molasses, syrup, and vegetables is suspended and the use thereof be deferred to and including November 2, 1968, unless otherwise ordered by this Commission.

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said schedules under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933;

It is further ordered, That there shall be filed immediately with the Commission by Seatrain Lines, Inc., a consecutively numbered supplement to the aforesaid schedules which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspension matter is described and shall state that the aforesaid matter is suspended and may not be used until November 3, 1968, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Domestic Regulation of the Federal Maritime Commission;

It is further ordered, That Seatrain Lines, Inc., be named as respondent in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent; (II) the said respondent be duly notified of the time and place of the hearing; and (III) this order be published in the FEDERAL REGISTER and notice of said hearing be served upon respondent.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(l) (46 CFR 502.72).

By the Commission, June 26, 1968.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 68–7860; Filed, July 1, 1968; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI68–677, etc.]

SUN OIL CO. ET AL.

Order Accepting Contract Amendment, Providing for Hearings on and Suspension of Proposed Changes in Rates[1]

JUNE 20, 1968.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68–677..	Sun Oil Co. (Operator) et al., Post Office Box 2880, Dallas, Tex. 75221.	139	6	Northern Natural Gas Co. (Hansford Field, Hutchinson County, Tex.) (RR. District No. 10).	$1,500	5–27–68	[2] 7–1–68	12–1–68	[3] 17.5	[4][5] 18.5	RI68–101.
RI68–678..	Thornton Petroleum Corp. (Operator) et al., 11th Floor Philtower Bldg., Tulsa, Okla. 74103.	7	3	Northern Natural Gas Co. (Hansford Field, Hansford County, Tex.) (RR. District No. 10).	216	5–27–68	[2] 6–27–68	11–27–68	[3] 17.0	[4][5] 18.0	

See footnotes at end of table.

[1] Commissioner Johnson absent.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-679..	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	67	4	Northern Natural Gas Co. (John Creek Field, Hutchinson County, Tex.) (RR. District No. 10).	67	5-29-68	[3] 7-1-68	12-1-68	[5] 17.0	[6] [8] 17.25	RI64-9.
RI68-680..	Pan American Petroleum Corp. (Operator) et al., Post Office Box 591, Tulsa, Okla. 74102.	247	[7] 15	Texas Gas Transmission Corp. (Minden Field, Webster Parish, La.) (North Louisiana).	2,281	5-31-68	[9] 7-1-68	12-1-68	[5] [10] 18.75	[5] [8] [10] 19.75	
RI68-681..	Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co., Post Office Box 747, Dallas, Tex. 75221.	24	6	Cimarron Transmission Co. (Northwest Enville Field, Love County, Okla.) (Oklahoma "Other" Area).	2,176	5-31-68	[3] 7-1-68	12-1-68	[11] 15.5	[8] [11] 17.5	
RI68-682..	Sunset International Petroleum Corp., 8920 Wilshire Blvd., Beverly Hills, Calif.	16	5	Northern Natural Gas Co. (Share Field, Ochiltree County, Tex.) (RR. District No. 10).	2,820	5-29-68	[3] 7-1-68	12-1-68	[5] 17.5	[5] [8] 18.5	RI64-724.
	....do	20	10	Transwestern Pipeline Co. (Hansford and Ochiltree Counties, Tex.) (RR. District No. 10).	128	5-22-68	[3] 6-27-68	11-27-68	[5] 17.0	[5] [8] 19.5	
	....do	22	12	Natural Gas Pipeline Co. of America (Wise County Area, Wise County, Tex.) (RR. District No. 9).	4,500	5-27-68	[3] 6-27-68	11-27-68	[13] [14] 14.25	[6] [13] [14] 16.25	
RI68-683..	Sunset International Petroleum Corp. et al.	31	[12] 10	Colorado Interstate Gas Co. (Oklahoma-Mocane Field, Beaver County, Okla.) (Panhandle Area).		5-31-68	[3] 7-1-68	(Accepted)			
		31	11		11,100	5-31-68	[3] 7-1-68	12-1-68	[15] 17.130	[5] [16] [17] 20.556	
	....do	40	14	El Paso Natural Gas Co. (Buzzard Lease acreage, Ochiltree County, Tex.) (RR. District No. 10).	10,800	6-3-68	[3] 7-4-68	12-4-68	17.0	[6] [18] 23.0	
	....do	41	11	Michigan Wisconsin Pipe Line Co. (Laverne Field, Beaver County, Okla.) (Panhandle Area).	398	6-3-68	[3] 7-4-68	12-4-68	[19] 18.107	[5] [8] [19] 20.607	
RI68-684..	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	335	2	Lone Star Gas Co. (East Doyle Field, Stephens County, Okla.) (Oklahoma "Other" Area).	1,093	5-29-68	[3] 7-1-68	12-1-68	15.0	[5] [8] 16.01	
RI68-685..	Northern Pump Co., agent (Operator), et al., 1915-57th Ave., North Minneapolis, Minn. 55430.	37	3	Kansas-Nebraska Natural Gas Co., Inc. (Hugoton Field, Finney and Kearny Counties, Kans.).	380	5-31-68	[3] 7-1-68	12-1-68	[5] 11.0	[5] [8] [5] 12.0	
RI68-686..	L. L. Robinson, Post Office Box 272, Shreveport, La.	2	7	Texas Eastern Transmission Corps. (Greenwood-Waskom Field, Caddo Parish, La.) (North Louisiana).	103	5-31-68	[3] 7-1-68	12-1-68	[19] 15.8007	[5] [8] [19] 16.8263	
RI68-687..	Helmerich & Payne, Inc. (Operator) et al., Utica at 21st St., Tulsa, Okla. 74114.	31	2	Lone Star Gas Co. (Doyle Field, Stephens County, Okla.) (Oklahoma "Other" Area).	1,196	6-3-68	[3] 7-4-68	12-4-68	16.0	[6] 17.01	RI63-445.
RI68-688..	Sohio Petroleum Co., 970 First National Annex, Oklahoma City, Okla. 73102, Attn: E. B. Harry, Jr., Esq.	122	2	South Texas Natural Gas Gathering Co. (Frado Field, Jim Hogg County, Tex.) (RR. District No. 4).	11,162	5-27-68	[3] 7-1-68	12-1-68	[5] 16.0	[5] [8] 18.0	RI67-30.
RI68-689..	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102, Attn: Arthur F. Whitt, Esq.	87	8	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Bully Camp Field, Lafourche Parish, La.) (South Louisiana).	4,750	5-31-68	[2] 7-1-68	12-1-68	[22] 18.50	[5] [20] [21] 18.75	
	....do	89	7	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (South Pass Block 24 Field, Plaquemines Parish, La.) (South Louisiana).	1,625	5-31-68	[2] 7-1-68	12-1-68	[22] 18.50	[5] [20] [21] 18.75	
RI68-690..	Gulf Oil Corp. (Operator) et al.	88	[23] 10	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Timbalier Bay et al. Fields, Lafourche Parish, La.) (South Louisiana).	72,500	5-31-68	[3] 7-1-68	12-1-68	[22] 18.50	[6] [20] [21] 18.75	
RI68-691..	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	106	14	United Gas Pipe Line Co. (Eugene Island Area, Offshore Louisiana) (South Louisiana).	6,674	5-31-68	[3] 7-1-68	12-1-68	[24] 14.00	[5] [24] [25] 16.75	RI68-525.
					1,215				[26] 15.75	[5] [24] [25] 16.75	RI68-525.

[1] The stated effective date is the effective date requested by Respondent.
[2] Periodic rate increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] Subject to a downward B.t.u. adjustment.
[5] "Fractured" rate increase. Respondent contractually due 18.5 cents per Mcf.
[6] Applies only to acreage added by Amendment dated Sept. 22, 1967 (Supplement No. 13).
[7] The stated effective date is the first day after expiration of the statutory notice.
[8] Pressure base is 15.025 p.s.i.a.
[9] Includes 1.75 cents tax reimbursement.
[10] Subject to upward and downward B.t.u. adjustment. Buyer also deducts 0.75 cent for cost of treating gas.
[11] Two-step periodic rate increase.
[12] Subject to upward and downward B.t.u. adjustment and a delivery pressure adjustment for gas delivered above or below 650 p.s.i.g.
[13] Price includes 0.25 cent paid by buyer to seller for dehydrated gas.
[14] Contract Amendment dated Feb. 27, 1962, eliminates indefinite pricing provisions and provides for 17 cents price from June 1, 1962 through May 31, 1967, and 1 cent periodic increases every 5 years thereafter.
[15] Renegotiated rate increase.
[16] Includes base price of 15 cents plus 2.130 cents upward B.t.u. adjustment (1.142 B.t.u. gas) before increase and base price of 18 cents plus 2.556 cents upward B.t.u. adjustment after increase. Base price subject to upward and downward B.t.u. adjustment.
[17] Filing from conditioned permanently certificated rate to first periodic increase under contract. (Initial contract rate is 21 cents.)
[18] Includes base rate of 17 cents before increase and base rate of 19.5 cents after increase plus 1.107 cents upward B.t.u. adjustment (1,107 B.t.u. gas). Base rate subject to upward and downward B.t.u. adjustment.
[19] "Fractured" rate increase. Respondent contractually entitled to a base rate of 19 cents per Mcf, plus applicable tax reimbursement.
[20] Includes applicable tax reimbursement.
[21] Settlement rate per Docket Nos. G-9520 et al. Settlement issued Apr. 25, 1963. Moratorium on filing increases expired Apr. 1, 1965.
[22] Does not apply to acreage dedicated to basic contract by Supplement No. 8 to Gulf's Rate Schedule No. 88.
[23] From fractured rate to contractually provided for renegotiated rate.
[24] Pertains to gas produced from Areas in Federal Domain.
[25] Pertains to gas produced from Areas subject to the taxing jurisdiction of the State of Louisiana.
[26] Pertains to gas produced from Areas not subject to the taxing jurisdiction of the State of Louisiana.

Pan American Petroleum Corp. (Operator) et al. (Pan American), request a retroactive effective date of January 1, 1968, the contractural effective date, for their proposed rate increase. L. L. Robinson (Robinson) requests a retroactive effective date of November 1, 1963, the contractural effective date, for his rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Pan American and Robinson's rate filings and such requests are denied.

Concurrently with the filing of its rate increase, Sunset International Petroleum Corp., et al. (Sunset), submitted a contract amendment dated February 27, 1962, designated as Supplement No. 10 to Sunset's FPC Gas Rate Schedule No. 31, which provides the basis for their proposed rate increase. We believe that it would be in the public interest to accept for filing Sunset's proposed contract amendment to become effective on July 1, 1968, the proposed effective date, but not the proposed rate contained therein which is suspended as hereinafter ordered.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing Sunset's contract amendment dated February 27, 1962, designated as Supplement No. 10 to Sunset's FPC Gas Rate Schedule No. 31, and for permitting such supplement to become effective on July 1, 1968, the proposed effective date.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered (except for the supplement referred to in paragraph (1) above).

The Commission orders:

(A) Supplement No. 10 to Sunset's FPC Gas Rate Schedule No. 31 is accepted for filing and permitted to become effective on July 1, 1968, the proposed effective date.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except the supplement set forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)), on or before August 6, 1968.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 68-7738; Filed, July 1, 1968; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

UNION BOND & MORTGAGE CO.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Union Bond & Mortgage Co., Port Angeles, Wash., for approval of acquisition of 274.5 voting shares of Forks State Bank, Forks, Wash.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Union Bond & Mortgage Co., Port Angeles, Wash., for the Board's prior approval of acquisition of 274.5 voting shares of Forks State Bank, Forks, Wash.

As required by section 3(b) of the Act, the Board notified the Supervisor of Banking for the State of Washington of the application and requested his views and recommendation. The Supervisor of Banking advised the Board that he had no objection to the proposal.

Notice of receipt of the application was published in the FEDERAL REGISTER on May 7, 1968 (33 F.R. 6899), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

It is hereby ordered, For the reasons set forth in the Board's statement [1] of this date, that said application be and hereby is approved: *Provided,* That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

Dated at Washington, D.C., this 24th day of June 1968.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[F.R. Doc. 68-7815; Filed, July 1, 1968; 8:48 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of San Francisco.

UNION BOND & MORTGAGE CO.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Union Bond & Mortgage Co., Port Angeles, Wash., for approval of acquisition of 190 voting shares of The First American National Bank of Port Townsend, Port Townsend, Wash.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Union Bond & Mortgage Co., Port Angeles, Wash., for the Board's prior approval of acquisition of 190 voting shares of The First American National Bank of Port Townsend, Port Townsend, Wash.

As required by section 3(b) of the Act, on April 30, 1968, the Board notified the Comptroller of the Currency of the application and requested his views and recommendation. The Comptroller has not expressed any views or made any recommendation with regard to the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on May 7, 1968 (33 F.R. 6899), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement [3] of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Daane, and Sherrill. Absent and not voting: Governors Maisel and Brimmer.

[3] Filed as part of original document 68-7815. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or the Federal Reserve Bank of San Francisco.

(b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

Dated at Washington, D.C., this 24th day of June 1968.

By order of the Board of Governors.[1]

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 68-7816; Filed, July 1, 1968; 8:48 a.m.]

UNION BOND & MORTGAGE CO.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Union Bond & Mortgage Co., Port Angeles, Wash., for approval of acquisition of 1,388 voting shares of Bank of Sequim, Sequim, Wash.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 22.3(a)), an application by Union Bond & Mortgage Co., Port Angeles, Wash., for the Board's prior approval of acquisition of 1,388 voting shares of Bank of Sequim, Sequim, Wash.

As required by section 3(b) of the Act, the Board notified the Supervisor of Banking for the State of Washington of the application and requested his views and recommendation. The Supervisor of Banking advised the Board that he had no objections to the proposal.

Notice of receipt of the application was published in the FEDERAL REGISTER on May 7, 1968 (33 F.R. 6899), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[2] of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

Dated at Washington, D.C., this 24th day of June 1968.

By order of the Board of Governors.[3]

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 68-7817; Filed, July 1, 1968; 8:48 a.m.]

[1] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Daane, and Sherrill. Absent and not voting: Governors Maisel and Brimmer.

[2] Filed as part of original document 68-7815. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of San Francisco.

[3] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Daane, and Sherrill. Absent and not voting: Governors Maisel and Brimmer.

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PAKISTAN

Entry and Withdrawal From Warehouse for Consumption

JUNE 26, 1968.

On July 3, 1967, the Government of the United States, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a new comprehensive bilateral cotton textile agreement with the Government of Pakistan, concerning exports of cotton textiles from Pakistan to the United States over a 4-year period beginning on July 1, 1966. Under this agreement the Government of Pakistan has undertaken to limit its exports to the United States of all cotton textiles and cotton textile products to an aggregate limit of 71,662,500 square yards equivalent for the third agreement year beginning July 1, 1968. Among the provisions of the agreement are those applying specific export limitations to categories 9, 15, 18/19, 22, parts of 26, part of 31, and 41/42.

Accordingly, there is published below a letter of June 26, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that for the 12-month period beginning July 1, 1968, and extending through June 30, 1969, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in the indicated categories produced or manufactured in Pakistan and exported to the United States on or after July 1, 1968, be limited to the designated levels. This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

JUNE 26, 1968.

DEAR MR. COMMISSIONER: Under the terms of Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of July 3, 1967, between the Governments of the United States and Pakistan, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed, effective July 1, 1968, and for the 12-month period extending through June 30, 1969, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9, 15, 18/19, 22, parts of 26, part of 31, and 41/42, produced or manufactured in Pakistan, in excess of the following designated levels of restraint;

Category		12-month level of restraint
9	square yards	31,421,250
15	do	2,756,250
18/19 and parts of 26 (print cloth)[1]	square yards	11,025,000
22	do	3,748,500
Part of 26 (bark cloth)[2]	do	3,858,750
Part of 26 (duck)[2]	do	7,717,500
Part of 31 (only T.S.U.S.A. No. 366.2740)	pieces	4,299,750
41/42	dozen	367,068

[1] In category 26, only T.S.U.S.A. Nos.:

320.--34	322.--34	327.--34
321.--34	326.--34	328.--34

[2] Only T.S.U.S.A. Nos.:

320.--88	328.--88	324.--92
321.--88	329.--88	325.--92
322.--88	330.--88	326.--92
323.--88	331.--88	327.--92
324.--88	320.--92	328.--92
325.--88	321.--92	329.--92
326.--88	322.--92	330.--92
327.--88	323.--92	331.--92

[3] Only T.S.U.S.A. Nos.:
320.--01 through 04, 06, 08
321.--01 through 04, 06, 08
322.--01 through 04, 06, 08
326.--01 through 04, 06, 08
327.--01 through 04, 06, 08
328.--01 through 04, 06, 08

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 9, 15, 18/19, part of 26 (print cloth),[1] 22, part of 26 (bark cloth),[2] part of 26 (duck),[3] part of 31 only (T.S.U.S.A. No. 366.2740), and 41/42, produced or manufactured in Pakistan and exported to the United States prior to July 1, 1968, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period July 1, 1967, through June 30, 1968. In the event that the levels of restraint established for such goods for that period have been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of July 3, 1967, between the Governments of the United States and Pakistan which provide in part that within the aggregate and applicable group limits of the agreement, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directive, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles and cotton textile products from Pakistan have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965-66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

HOWARD J. SAMUELS,
Acting Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 68-7784; Filed, July 1, 1968; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2932]

GIANT YELLOWKNIFE MINES, LTD.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JUNE 26, 1968.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Giant Yellowknife Mines, Ltd., File No. 7-2932.

Upon receipt of a request, on or before July 11, 1968, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-7818; Filed, July 1, 1968; 8:48 a.m.]

[File No. 1-1740]

KENNEBEC CONSOLIDATED MINING CO.

Order Suspending Trading

JUNE 26, 1968.

The common stock, 1-cent par value, of Kennebec Consolidated Mining Co., Salt Lake City, Utah, being listed and registered on the Salt Lake Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Kennebec Consolidated Mining Co., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Salt Lake Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 26, 1968, through July 5, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-7819; Filed, July 1, 1968; 8:48 a.m.]

NATIONAL SWEEPSTAKES CORP.

Order Suspending Trading

JUNE 26, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of National Sweepstakes Corp., 555 East Fourth South, Salt Lake City, Utah, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 27, 1968, through July 6, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-7820; Filed, July 1, 1968; 8:48 a.m.]

[File No. 7-2933]

NORTHWEST INDUSTRIES, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JUNE 26, 1968.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the preferred stock of the following company, which, security is listed and registered on one or more other national securities exchange:

Northwest Industries, Inc., 5 percent cumulative preferred stock, series A if earned; File No. 7-2933.

Upon receipt of a request, on or before July 11, 1968, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-7821; Filed, July 1, 1968; 8:48 a.m.]

PARAMOUNT GENERAL CORP.

Order Suspending Trading

JUNE 26, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Paramount General Corp., Los Angeles, Calif., and all other securities of Paramount General Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 27, 1968, through July 6, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-7822; Filed, July 1, 1968; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[License No. 05/04-0044]

GOODYEAR CAPITAL CORP.

Notice of Order Revoking License

Notice is hereby given that the Goodyear Capital Corp., Charlotte, N.C., was incorporated on July 6, 1961, under the laws of the State of North Carolina and on January 5, 1962, was licensed by the Small Business Administration to operate solely under the Small Business Investment Act of 1958.

A civil suit was filed by the Small Business Administration against Goodyear Capital Corp. for issuance of an injunction, determination and adjudication of violations of the Act and SBA rules and regulations, judgment on indebtedness to SBA, and the appointment of a receiver.

The U.S. District Court for the Western District of North Carolina, entered an order dated May 29, 1968, in United States of America v. Goodyear Capital Corp., Civil Action No. 2343, by which the court determined and adjudged that Goodyear Capital Corp. violated, or failed to comply with, the provisions of the Act and of the regulations promulgated thereunder.

Section 308 of the Act provides that the license of a Small Business Investment Company may be forfeited if said company is determined and adjudged by a Court of the United States to have violated, or failed to comply with, the provisions of the Small Business Investment Act.

Now, therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, it is hereby ordered that License No. 05/04-0044 issued to Goodyear Capital Corp. be, and the same hereby is, revoked and all of the rights, privileges, and franchises derived therefrom forfeited, and that notice of this revocation be served upon the receiver and be published in the FEDERAL REGISTER.

Dated: June 21, 1968.

For the Small Business Administration.

JAMES T. PHELAN, *Acting Associate Administrator for Investment.*

[F.R. Doc. 68-7786; Filed, July 1, 1968; 8:46 a.m.]

[Declaration of Disaster Loan Area 675]

TEXAS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of June 1968, because of the effects of certain disasters, damage resulted to residences and business property located in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in all areas affected in the State of Texas, suffered damage or destruction resulting from tropical storm Candy and resulting tornadoes and floods occurring on or about June 22, 1968.

OFFICES

Small Business Administration Regional Office, 808 Travis Street, Houston, Tex. 77002.
Small Business Administration Regional Office, 301 Broadway, San Antonio, Tex. 78205.

2. A temporary office will be established at Port Lavaca, Tex., address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1968.

Dated: June 25, 1968.

HOWARD GREENBERG, *Deputy Administrator.*

[F.R. Doc. 68-7787; Filed, July 1, 1968; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 637]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 26, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 35628 (Sub-No. 288 TA) (Correction), filed June 12, 1968, published FEDERAL REGISTER issue of June 22, 1968, and corrected this issue. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard J. Verdier, Jr., 1 Vandenberg Center, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods and commodities in bulk), serving the distribution center of the Arrow Co. at Elysburg, Pa., as an off-route point in connection with applicant's regular route operations, between Rochester, N.Y., and Harrisburg, Pa., over U.S. Highway 15 and Pennsylvania Highway 147, as authorized at sheet 16 of certificate MC 35628; and in connection with applicant's regular route operations between Shamokin, Pa., and Philadelphia, Pa., over U.S. Highways 122 and 422, as authorized at sheet 3 of certificate MC 35628, Sub 239, for 180 days. NOTE: Applicant intends to tack this authority with its other operating authority. The purpose of this republication is to correctly set forth the authority applied for. Supporting shipper: The Arrow Co., a division of Cluett, Peabody & Co., Inc., 433 River Street, Troy, N.Y. 12180. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich. 48933.

No. MC 59640 (Sub-No. 12 TA), filed June 19, 1968. Applicant: PAULS TRUCKING CORPORATION, 833 Flora Street, Elizabeth, N.J. 07201. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, for the account of Supermarkets General Corp., from the warehouse facilities of Supermarkets General Corp. at Jersey City, N.J., to points in Suffolk, Westchester, and Rockland Counties, N.Y.; Bucks and Delaware Counties, Pa.; New Castle and Kent Counties, Del.; and Fairfield County, Conn. Restriction: The authority sought herein is limited to shipments moving to retail stores, for 180 days. Supporting shipper: Supermarkets General Corp., 3 Commerce Drive, Cranford, N.J. 07016. Send protests to: District Supervisor Walter J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 70083 (Sub-No. 13 TA), filed June 24, 1968. Applicant: DRAKE MOTOR LINES, INC., 20 Olney Avenue, Cherry Hill, N.J. 08034. Applicant's representative: Joseph W. Watson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores, between Cherry Hill, N.J., on the one hand, and, on the other, Washington, D.C., points in New Jersey, Delaware, and Maryland, points in that part of Pennsylvania east of a line beginning at the Pennsylvania-New York State line, and extending along U.S. Highway 11 to Leymoyne, Pa., and thence along U.S. Highway 111 to the Pennsylvania-Maryland State line, and points in that part of New York south and east of a line beginning at the New York-Massachusetts State line, and extending along New York Highway 2 to Troy, N.Y., and thence along New York Highway 7 to the New York-Pennsylvania State line, including points on the indicated portions of the highways specified. NOTE: Applicant intends to tack this authority with existing permanent authority in MC 70083, paragraph 2 and MC 70083 Sub 11, which jointly authorize an identical service and, thus, provide single-line service between all points within the territory indicated through Cherry Hill, N.J., for 180 days. Supporting shippers: There are approximately 140 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, 402 East State Street, Trenton, N.J. 08608.

No. MC 111401 (Sub-No. 252 TA) (Correction), filed June 12, 1968, published FEDERAL REGISTER issue of June 20, 1968, and republished as corrected this issue. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Salina, Kans., to points in Webster, Thayer, Jefferson, Gage, Adams, Clay, Fillmore, Salina, York, and Nuckolls Counties, Nebr., for 180 days. NOTE: The purpose of this republication is to show destination points are "Counties," inadvertently omitted from previous publication. Supporting shipper: Allied Chemical Corp., Walter Brody, Manager-Motor Analysis, 40 Rector Street, New York, N.Y. 10006. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 115931 (Sub-No. 19 TA), filed June 21, 1968. Applicant: TIM A. BABCOCK, doing business as BABCOCK TRANSPORTATION CO., 910 Wyoming Avenue, Billings, Mont. 59103. Applicant's representative: Clayton Brown, 912 Wyoming Avenue, Billings, Mont. 59102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building stone*, from Montana Marble, Inc., plantsite at or near Dryhead, Carbon County, Mont., to points in Montana, Idaho, Washington, Oregon, Colorado, Utah, Wyoming, North Dakota, South Dakota, Minnesota, Wisconsin, Nebraska, Iowa, Nevada, and California, for 150 days. Supporting shipper: Montana Marble, Inc., 1813 Broadwater Avenue, Billings, Mont. 59102. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 118159 (Sub-No. 52 TA), filed June 19, 1968. Applicant: EVERETT LOWRANCE, Post Office Box 10216, 4916 Jefferson Highway, New Orleans, La. 70121. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts, and articles distributed by packinghouses* as described in sections A and C of appendix I to *Descriptions of Motor Carrier Certificates* 61 M.C.C. 209 and 766, from York, Nebr., to points in Louisiana, Arkansas, Florida, Texas, Tennessee, Kentucky, North Carolina, Alabama, and Georgia, for 180 days. Supporting shipper: Sunflower Packing Co., Inc., 1410 East 21st Street, Post Office Box 8183, Wichita, Kans. 67208. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 118159 (Sub-No. 53 TA), filed June 19, 1968. Applicant: EVERETT LOWRANCE, Post Office Box 10216, 4916 Jefferson Highway, New Orleans, La. 70121. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packaged and cartoned new furniture, mirrors, and furniture parts*, from Selma, Ala., to points in Kansas, Oklahoma, Texas, Missouri, Arkansas, Louisiana, Illinois, Indiana, Kentucky, Tennessee, Georgia, and Florida, for 180 days. Supporting shipper: Western-Stickley, 3757 South Ashland Avenue, Chicago, Ill. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 118159 (Sub-No. 54 TA), filed June 19, 1968. Applicant: EVERETT LOWRANCE, Post Office Box 10216, 4916 Jefferson Highway, New Orleans, La. 70121. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packaged and cartoned new furniture, mirrors, and furniture parts*, from Toccoa, Ga., to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, Texas, and Wisconsin, for 180 days. Supporting shipper: Western-Stickley, 3757 South Ashland Avenue, Chicago, Ill. 60609. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 127689 (Sub-No. 21 TA), filed June 20, 1968. Applicant: PASCAGOULA DRAYAGE COMPANY, INC., Post Office Box 1326, 705 East Pine Street, Hattiesburg, Miss. 39401. Applicant's representative: W. N. Innis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cans, containers*, liquid capacity exceeding 1 gallon but not exceeding 5 gallons, from Picayune, Miss., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, North Carolina, South Carolina, Tennessee, Texas, and Virginia, for 180 days. Supporting shipper: Standard Container Co., Homerville, Ga. 31634 (J. D. Lee, Vice President). Send protests to: District Supervisor Floyd A. Johnson, Interstate Commerce Commission, Bureau of Operations, 312-A U.S. Post Office Building, Jackson, Miss. 39201.

No. MC 129945 (Sub-No. 1 TA), filed June 24, 1968. Applicant: HENRY BOUWMA, doing business as H. BOUWMA TRUCKING, 3604 Four Mile Road, Racine, Wis. 53404. Applicant's

representative: Paul B. Lange, 220 Ninth Street, Racine, Wis. 53401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Castings, forgings, and semifinished metals parts* to be heat-treated for the account of Harris Metals, Inc., from points in Illinois within a 100-mile radius of Racine, Wis., to Racine, Wis., and return, for 150 days. Supporting shipper: Harris Metals, Inc., 4210 Douglas Avenue, Racine, Wis. 53401 (G. G. Van Remmen, Vice President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 129946 (Sub-No. 1 TA), filed June 24, 1968. Applicant: JOHN HOWARD McCONNEL, doing business as McCONNEL TRUCK LINE, General Delivery, Durango, Colo. 81301. Applicant's representative: Jerry R. Murphy, 708 La Veta NE., Albuquerque, N. Mex. 87108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feeds*, from Cheraw and Durango, Colo., to points in San Juan County, N. Mex., for 150 days. Supporting shipper: Basin Co-Op, Inc., Post Office Box 697, Durango, Colo. 81301. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 129977 TA, filed June 21, 1968. Applicant: HERMAN MANESS, doing business as HERMAN MANESS AUTO TRANSPORTERS, 1340 Highway 45 South, Jackson, Tenn. 38301. Applicant's representative: Dale Woodall, Memphis Bank Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, from warehouse facilities of G. N. Gonzales Motors, Baton Rouge, La., to points in Alabama, Mississippi, Tennessee, Arkansas, and Missouri, for 180 days. Supporting shippers: Datson-G. N. Gonzales Motors, 1928 Third Street, Post Office Box 548, Baton Rouge, La.; Datson Cars, a division of Import Cars, Inc., 2443 Lamar Avenue, Memphis, Tenn. 38114. Send protests to: William W. Garland, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, Memphis, Tenn. 38103.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-7852; Filed, July 1, 1968; 8:51 a.m.]

[Notice 168]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 27, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70555. By order of June 12, 1968, the Transfer Board approved the transfer to A. T. Pinto, Inc., Philadelphia, Pa., of the remaining portion of the operating rights in certificate No. MC-35463, issued November 26, 1965, to Proctor Express, Inc., Philadelphia, Pa., authorizing the transportation of: General commodities, with the usual exceptions, and certain specified commodities, between specified points in New York, New Jersey, Connecticut, Pennsylvania, and Rhode Island. V. Baker Smith, 123 South Broad Street, Philadelphia, Pa. 19109, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-7853; Filed, July 1, 1968; 8:51 a.m.]

[Notice 168A]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 27, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70234. By order of June 10, 1968, Division 3, acting as an Appellate Division, approved the transfer to James J. Shanahan, doing business as Shanahan's Express, Merchantville, N.J., of a portion of the operating rights in certificate No. MC-35463 issued November 26, 1965, to Proctor Express, Inc., Philadelphia, Pa., authorizing the transportation of: General commodities, with the usual exceptions, between Philadelphia, Pa., on the one hand, and, on the other, points in specified portions of New Jersey. Alfred N. Lowenstein, 123 South Broad Street, Philadelphia, Pa. 19109, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-7854; Filed, July 1, 1968; 8:51 a.m.]

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1949–1963

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Reference to this list will enable the user to find the precise text of CFR provisions which were in force and effect on any given date during the period covered.

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PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3184 is amended to show that four positions of Program Assistant engaged in interdepartmental activities of the Department are excepted under Schedule A. Effective on publication in the FEDERAL REGISTER, paragraph (c) is added to § 213.3184 as set out below.

§ 213.3184 Department of Housing and Urban Development.

* * * * *

(c) *Interdepartmental Programs.* (1) Four Program Assistants.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-7976; Filed, July 2, 1968; 8:50 a.m.]

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3273 is amended to reflect changes in the Schedule B exception covering positions at GS–9 through GS–15 in new, experimental programs for which existing registers are inadequate. The expiration date of the exception is extended to June 30, 1969, and the number of positions that it covers is reduced from 50 to 35. Effective July 1, 1968, paragraph (f) of § 213.3273 is amended as set out below.

§ 213.3273 Office of Economic Opportunity.

* * * * *

(f) Not to exceed 35 positions at GS–9 through GS–15 in new, experimental programs or special projects when it is determined that existing registers are not appropriate or do not permit appointment expeditiously. This authority may not be used after June 30, 1969.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-7977; Filed, July 2, 1968; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[948.357, Area 3]

PART 948—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.) and upon the basis of the recommendation of the Area No. 3 Committee, established pursuant to the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of potatoes as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Area No. 3 Potato Committee on June 25, 1968. Such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting. The provisions of this regulation are identical with the Committee's recommendations, and information concerning such provisions and effective time has been disseminated among handlers of such potatoes. Also, such provisions are identical with the regulation issued last year for Area No. 3 potatoes, effective through June 30, 1968. They are also identical to the regulation which has been issued under the State order for intrastate shipments, so producers and handlers are already aware of the provisions of this regulation under this Federal program. It is necessary, in order to effectuate the declared policy of the act, to make this regulation effective beginning on the date hereinafter specified, so as to provide for the regulation of all shipments of 1968 crop potatoes grown in Area No. 3 which are expected to begin on or about such effective date. Compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by such effective date.

§ 948.357 Limitation of shipments.

During the period July 8, 1968, through June 30, 1969, no person may handle any lot of potatoes grown in Area No. 3 unless such potatoes meet the requirements of paragraphs (a), (b), and (c) of this section, or unless such potatoes are handled in accordance with paragraphs (d) through (h) of this section.

(a) *Grade and size requirements*—(1) *Round varieties.* U.S. No. 1, or better grade, 2 inches minimum diameter; or U.S. No. 2, or better grade up to but not including U.S. No. 1 grade and not less than 1⅞ inches minimum diameter.

(2) *Long varieties.* U.S. No. 1, or better grade, 2 inches minimum diameter or 4 ounces minimum weight; or U.S. No. 2, or better grade up to but not including U.S. No. 1 grade and not less than 1⅞ inches minimum diameter or 4 ounces minimum weight.

(3) *All varieties.* Size B, if U.S. No. 1, or better grade.

(b) *Maturity (skinning) requirements—All varieties.* For U.S. No. 2 grade, not more than "moderately skinned," and for all other grades, not more than "slightly skinned."

(c) *Container requirements.* Potatoes may be handled only in containers classified by weight as follows:

(1) 5 pounds;
(2) 10 pounds;
(3) 20 pounds;
(4) 25 pounds;
(5) 50 pounds; or
(6) 100 pounds and larger.

(d) *Special purpose shipments.* (1) Chipping stock. Potatoes may be handled for chipping if they meet the requirements of U.S. No. 2, or better grade, 1½ inches minimum diameter, if such potatoes are handled in accordance with paragraph (e) of this section.

(2) The quality, maturity and container requirements of paragraphs (a), (b), and (c) of this section and the inspection and assessment requirements of this part shall not be applicable to shipments of potatoes for:

(i) Livestock feed; or

(ii) Charity.

(3) The maturity requirements set forth in paragraph (b) of this section shall not be applicable to shipments of potatoes for:

(i) Chipping; or

(ii) Prepeeling.

(4) The quality, maturity and container requirements of paragraphs (a), (b), and (c) of this section shall not be applicable to shipments of seed potatoes (§ 948.6) but such shipments shall be subject to assessments.

(e) *Safeguards.* Each handler making shipments of potatoes for chipping or prepeeling pursuant to paragraph (d) of this section shall:

(1) Prior to shipment, apply for and obtain a Certificate of Privilege from the committee;

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver on the use of such potatoes; and

(3) Bill each shipment directly to the applicable processor or receiver.

(f) *Shipment by motor vehicle.* No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by, and made available for examination at any time upon request, a copy of the inspection certificate applicable thereto or such other document as the committee may specify.

(g) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not exceed 1,000 pounds of potatoes without regard to the requirements of paragraphs (a) and (b) of this section, but this exception shall not apply to any shipment of over 1,000 pounds of potatoes.

(h) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "moderately skinned" and "slightly skinned," shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. The term "prepeeling" means potatoes, which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (U.S. Standards for Grades of Peeled Potatoes, §§ 52.2421–52.2433 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended and this part.

(i) *Applicability to imports.* Pursuant to section 608e–1 of the act and section 980.1, "Import regulations" (§ 980.1 of this chapter), round white varieties of Irish potatoes, except certified seed potatoes, imported into the United States during the period August 1, 1968, through June 14, 1969, shall meet the grade, size, quality, and maturity requirements specified in paragraphs (a) and (b) of this section.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated June 28, 1968, to become effective July 8, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68–7919; Filed, July 2, 1968; 8:49 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 15]

PART 1015—MILK IN CONNECTICUT MARKETING AREA

Order Terminating Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Connecticut marketing area (7 CFR Part 1015), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act:

In § 1015.53(b)(2) the provision "packaged form containing at least 3 percent butterfat or in", the provision "or to any plant from which a greater aggregate quantity of fluid milk products is disposed of as route disposition in the New York-New Jersey marketing area than in the Connecticut marketing area", and the provision "or is assigned to Class I–A but not subjected to charges specified in § 1002.44 of such order".

This termination will result in the provisions of § 1015.53(b)(2) reading as follows:

§ 1015.53 Class II transfers and diversions of fluid milk products.

* * * * * * *

(b) * * *

(2) In bulk to a pool plant as defined in Federal Order No. 2 to the extent it is not assigned to Class I–B.

* * * * * * *

(b) Thirty days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This termination order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This termination order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) The provisions being terminated provide a Class II classification for skim milk and butterfat moved in the form of packaged fluid milk products containing at least 3 percent butterfat to an Order No. 2 pool plant, or moved in such form or in bulk fluid milk products to any other plant from which the greater aggregate quantity of fluid milk products is disposed of as route disposition in the New York-New Jersey marketing area than in the Connecticut marketing area if under Order No. 2 the receipts are not assigned to Class I–B or are assigned to Class I–A under specified conditions. The provisions were drafted as complementary provisions to the then current Order No. 2 provisions to implement the orderly disposition of Connecticut order reserve milk without adversely affecting returns to Order No. 2 producers.

(4) Under the provisions of Order No. 2, as amended, effective July 1, 1968 (33 F.R. 8201) it is provided that packaged fluid milk products from other Federal orders (including Connecticut) should be allocated to Class I–A utilization and it is intended that the proceeds of such Class I–A assignment accrue to producers in the originating market. In addition, a specific assignment procedure is prescribed with respect to Federal order receipts at nonpool plants which procedure provides equitable treatment among producers in the several markets when more than one Federal order market's receipts are involved. Accordingly, termination of the provisions as herein provided is necessary to insure the compatibility of treatment of Connecticut order milk contemplated under the provisions of Order No. 2 prior to the amendment effective July 1, 1968.

(5) Interested parties were afforded opportunity to file written data, views or arguments concerning this termination (33 F.R. 8777). None were filed in opposition to the proposed termination.

Therefore, good cause exists for making this order effective July 1, 1968.

It is therefore ordered, That the aforesaid provisions of the order are hereby terminated.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: July 1, 1968.

Signed at Washington, D.C., on June 28, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 68–7890; Filed, July 2, 1968; 8:46 a.m.]

[Milk Order 36]

PART 1036—MILK IN EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area (7 CFR Part 1036), it is hereby found and determined that:

(a) The following provisions of § 1036.51(a)(2) of the order no longer tend to effectuate the declared policy of the Act for the month of July 1968:

1. The word "computed" in the introductory text.

2. Subdivisions (i), (ii), (iii), and (iv) in their entireties.

3. The language and portion of the table in subdivision (v) as follows:

"Determine the amount of the supply-demand adjustment from the following table: *Provided,* That if the deviation percentage does not fall within a listed bracket, the amount of the adjustment shall be determined by the adjacent bracket that is the same as or nearest to the bracket used in the preceding month:

Deviation percentage:	
13 or over	−25
10 or 11	−19
7 or 8	−13
4 or 5	−7
2 or −2	
−4 or −5	7
−7 or −8	13
−10 or −11	19
−13 or below	25

The suspension of these provisions results in § 1036.51(a)(2) reading as follows:

§ 1036.51 Class prices.

* * * * * * *

(a) * * *

(2) Add or subtract a supply-demand adjustment as follows:

Amount of supply-demand adjustment (cents)
0

* * * * * * *

(b) Thirty days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing in the marketing area.

(3) Federal orders in nearby markets with which competitive relationships exist either have no supply-demand adjustment provisions or have zero or plus supply-demand adjustments to their Class I prices. The supply-demand adjustor under this order causes misalignment of Class I prices with Class I prices under other nearby orders. This misalignment results from the negative price adjustments under Order No. 36, which in recent months have been the maximum minus 25 cents.

Further, effective July 1, 1968, substantial territory in Pennsylvania and the marketing areas of the Greater Youngstown-Warren and Greater Wheeling orders are to be added to the marketing area of the Northeastern Ohio order. There is uncertainty as to the supply-sales relationship in the new marketing area, which raises a question as to the appropriateness of the supply-demand adjustor now in the order.

(4) This suspension action was requested by producers at a public hearing held June 26, 1968, at Cleveland, Ohio. At the hearing witnesses testified that emergency action in the form of a suspension order is necessary to eliminate the supply-demand adjustor pending the completion of proceedings to amend the order.

Therefore, good cause exists for making this order effective July 1, 1968.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the month of July 1968.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: July 1, 1968.

Signed at Washington, D.C., on June 28, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 68–7920; Filed, July 2, 1968; 8:49 a.m.]

[Milk Order 44]

PART 1044—MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Michigan Upper Peninsula marketing area (7 CFR Part 1044), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act for the month of July 1968:

(1) In the introductory text of § 1044.51(a), the language "and plus or minus a supply-demand adjustment of not more than 24 cents computed pursuant to this paragraph" and "The supply-demand adjustment shall be computed as follows:".

(2) In § 1044.51(a), subparagraphs (1), (2), and (3) in their entireties.

(b) Thirty days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing in the marketing area.

(3) Federal orders in nearby markets with which competitive relationships exist have no supply-demand adjustment provisions. The supply-demand adjustor under this order causes misalignment of Class I prices with Class I prices under other nearby orders. This misalignment results from the negative price adjustments (supply-demand adjustor) under Order No. 44, which in recent months has been at the maximum minus 24 cents level.

The termination of the nearby Northeastern Wisconsin order, effective July 1, and the incorporation of that marketing area in the Chicago Regional order could substantially affect the results of the supply-demand adjustor under the Michigan Upper Peninsula order. Since the supplies and sales of the Northeastern Wisconsin market have been an integral part of the supply-demand adjustment provision of the Michigan Upper Peninsula order, the elimination of the supplies and sales of the Northeastern market from the computation so changes the effect of the adjustor as to make it improper under these new conditions. The suspension of the supply-demand adjustor will more properly assure Class I price alignment with the adjacent markets.

(4) This suspension action was requested by producers at a public hearing held June 26, 1968, at Cleveland, Ohio. At the hearing witnesses testified that emergency action in the form of a suspension order is necessary to eliminate the supply-demand adjustor pending the completion of proceedings to amend the order.

Therefore, good cause exists for making this order effective July 1, 1968.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the month of July 1968.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: July 1, 1968.

Signed at Washington, D.C., on June 28, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 68–7921; Filed, July 2, 1968; 8:49 a.m.]

PART 1050—MILK IN CENTRAL ILLINOIS MARKETING AREA

PART 1062—MILK IN ST. LOUIS, MO., MARKETING AREA

PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

PART 1070—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

PART 1078—MILK IN NORTH CENTRAL IOWA MARKETING AREA

PART 1079—MILK IN DES MOINES, IOWA, MARKETING AREA

Order Suspending Certain Provisions and Suspension of Determination of Equivalent Price

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the orders regulating the handling of milk in the above-listed marketing areas, it is hereby found and determined that:

(a) The following provisions of the orders and the following determination do not tend to effectuate the declared policy of the Act for the month of July 1968.

(1) In § 1050.51(a) of the Central Illinois order, the language *"Provided,* That such price shall be reduced 24

cents by the Class I equivalent price factor (determined Apr. 10, 1966 (31 F.R. 5685)) applicable pursuant to Part 1062 of this chapter (St. Louis)."

(2) In § 1062.51(a) of the St. Louis, Mo., order, the language "Such price shall be increased or decreased by whatever amount the Class I price computed pursuant to Part 1030 (Chicago) is increased or decreased by the supply-demand adjustor computed for such month under such part."

(3) In §§ 1063.50(b), 1070.50(b), 1078.50(b), and 1079.50(b), of the respective Quad Cities-Dubuque, Cedar Rapids-Iowa City, North Central Iowa and Des Moines, Iowa, orders the language "*Provided*, That such Class I prices shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio."

(4) The determination of equivalent prices issued April 8, 1966 (31 F.R. 5685) by the Assistant Secretary with respect to the orders regulating the handling of milk in the Northwestern Indiana; Suburban St. Louis (now Southern Illinois); Rock River Valley; Milwaukee, Wis.; Madison, Wis.; St. Louis, Mo.; Quad Cities-Dubuque; Cedar Rapids-Iowa City; North Central Iowa; and Des Moines, Iowa, marketing areas. The equivalent factor was determined to be "minus 24 cents" and was based upon the supply-demand adjustor of Part 1030 (former Chicago order) which was effective prior to May 1, 1966.

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) The suspension orders do not require of persons affected substantial or extensive preparation prior to the effective date.

(2) The suspension orders are necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing areas.

(3) An order issued by the Department to regulate the handling of milk in the Chicago Regional marketing area has been issued to be effective July 1, 1968. This order contains a different pricing structure than the prior Chicago order upon which the minus 24-cent factor was based. It also does not contain a supply-demand adjustor. The marketing area of this Chicago Regional order includes the marketing areas formerly regulated under the Milwaukee, Wis.; Madison, Wis.; Northwestern Indiana; and Rock River Valley milk order Nos. 1039, 1051, 1031, and 1038, respectively.

(4) The suspension order will have the effect of increasing Class I prices in nine markets by eliminating the minus 24-cent price equivalent factor pursuant to the determination of April 8, 1966, as described. The applicable provisions are suspended from the Central Illinois; St. Louis, Mo.; Quad Cities-Dubuque; Cedar Rapids-Iowa City; North Central Iowa; and Des Moines orders. The same effect of increasing the respective Class I prices 24 cents per hundredweight will result in the Southern Illinois; Paducah, Ky., and Ozarks marketing areas, due to the fixed relationship of the Class I prices of these orders to the St. Louis order Class I price.

The minus 24-cent factor, pursuant to the determination of equivalent prices issued April 8, 1966, was based upon provisions in the St. Louis; Quad Cities-Dubuque; Cedar Rapids-Iowa City; North Central Iowa; and Des Moines orders, which specified that the Class I price in the respective order would be increased or decreased by the amount of the supply-demand adjustor of the Chicago order Part 1030, which was effective until May 1, 1966. At the time of the issuance of the Central Illinois order, January 1, 1967, the minus 24-cent factor was provided as part of the price mechanism.

(5) At a hearing held at Minneapolis, Minn., June 25, 1968, representatives of producers in markets affected by this suspension order testified that emergency action is necessary to eliminate the effect of the minus 24-cent factor on Class I prices in each one of these orders, such action to be effective on the same date that the Chicago Regional order becomes effective. They stated that action was necessary by July 1 to provide price alignment with the Chicago Regional order which is to become effective on that date.

(6) This suspension action is necessary to remove a price factor based upon the prior Chicago order which has been superseded and to provide proper price alignment with the new Chicago Regional order and among Federal orders in the areas affected. Without such price alignment action, disorderly marketing conditions could develop. It is evident that amendatory action based upon this hearing cannot be completed by July 1, 1968.

Therefore, good cause exists for making this order effective July 1, 1968.

It is therefore ordered, That the aforesaid provisions of the orders and the aforesaid determination are hereby suspended for the month of July 1968.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: July 1, 1968.

Signed at Washington, D.C., on June 28, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 68–7923; Filed, July 2, 1968; 8:49 a.m.]

[Milk Order 68]

PART 1068—MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Minneapolis-St. Paul, Minn., marketing area (7 CFR Part 1068), it is hereby found and determined that:

(a) The following provisions of the order do not tend to effectuate the declared policy of the Act for the month of July 1968, and are hereby suspended: Section 1068.52 (supply and demand ratio), and the proviso and the tabulated material following the proviso in § 1068.53 (Class I price).

Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension will remove, for the effective period, the supply-demand adjustor provision in the Minneapolis-St. Paul milk order as a factor in computing the Class I price.

(4) This supply-demand factor is also used as a basis of adjusting Class I prices under the Eastern South Dakota milk order. The prevailing supply-demand adjustments to Class I prices in both the Minneapolis-St. Paul and Eastern South Dakota markets in recent months have been minus 24 cents and minus 13.5 cents, respectively. This suspension order, therefore, will have the effect of increasing the Class I prices in both markets by these respective amounts.

(5) This suspension action was requested by representatives of producers in the Minneapolis-St. Paul and Eastern South Dakota markets at a public hearing held June 25, 1968, at Minneapolis, Minn. Producer representatives claimed that the supply-demand adjustment does not properly reflect marketing conditions and that the alignment of the prices in these markets with the price of the Chicago Regional order to become effective July 1, 1968, requires elimination of the Minneapolis-St. Paul order supply-demand adjustor. At the hearing the producer witnesses testified that emergency action in the form of a suspension order effective July 1, 1968, is necessary to maintain orderly marketing conditions pending amendment of the order.

(6) The action is necessary to align the Class I prices in the Minneapolis-St. Paul market with the Chicago Regional market order (to become effective July 1, 1968) while consideration is being given to the record. The consequent effect on the Eastern South Dakota order Class I price will maintain alignment between the Minneapolis-St. Paul market and Eastern South Dakota market. It is evident that amendatory action based upon this hearing cannot be completed by July 1, 1968.

Therefore, in view of the foregoing reasons, good cause exists for making this order effective July 1, 1968.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the month of July 1968.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: July 1, 1968.

Signed at Washington, D.C., on June 28, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 68–7922; Filed, July 2, 1968; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 9—FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Fiduciary Funds; Collective Investment

This amendment, issued pursuant to the authority conferred in section 1(j) of Public Law 87–722, 76 Stat. 668, 12 U.S.C., 92a, revises § 91.18 of Part 9 of Title 12 of the Code of Federal Regulations, relating to the collective investment of fiduciary funds.

It requires that the cost as well as the current market value of each investment be shown in the annual report for all collective investment funds. The amendment also deletes the requirement that a summarized financial report for the fund be published in a local newspaper. Notice of these proposed revisions was published in the FEDERAL REGISTER on May 24, 1968 (33 F.R. 7687).

In addition, this revision deletes two obsolete provisions. When this part was revised in 1963, it replaced provisions reflecting the prior Regulation F of the Board of Governors of the Federal Reserve System. To provide for the transition, § 9.18(b)(11)(iii) and the proviso in § 9.18(b)(1) permitted continued adherence to the prior regulations for a reasonable period. In 1965, the Comptroller ruled that a reasonable period had expired, and that all collective investment funds should thereafter conform to this part. Accordingly, these provisions have become obsolete, and are being deleted.

Part 9, Chapter I, Title 12 of the Code of Federal Regulations is amended by amending paragraph (b) of § 9.18 as follows: 1. Delete the proviso from subparagraph (1); 2. Delete subdivision (iii) of subparagraph (11) in its entirety; 3. Revise subdivisions (ii) and (iv) of subparagraph (5) to read as follows:

§ 9.18 Collective investment.

• • • • • •

(b) • • •

(5) • • •

(ii) A bank administering a collective investment fund shall at least once during each period of 12 months prepare a financial report of the fund which shall be filed with the Comptroller of the Currency. This report, based upon the above audit, shall contain a list of investments in the fund showing the cost and the current market value of each investment; a statement for the period since the previous report showing purchases, with cost; sales, with profit or loss, and any other investment changes; income and disbursements; and an appropriate notation as to any investments in default.

• • • • • •

(iv) A copy of the financial report shall be furnished, or notice shall be given that a copy of such report is available and will be furnished without charge upon request, to each person to whom a regular periodic accounting would ordinarily be rendered with respect to each participating account. In addition, a full report shall be furnished upon request to any person, and the fact of the availability of such material may be given publicity solely in connection with the promotion of the fiduciary services of the bank. Except as herein provided, the bank shall not advertise or publicize its collective investment fund(s). The cost of printing and distribution of the report shall be borne by the bank.

• • • • • •

Dated: June 28, 1968.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 68–7895; Filed, July 2, 1968; 8:47 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 10]

PART 101—ADMINISTRATION

List of Public-Use SBA Forms

Part 101 of Title 13 of the Code of Federal Regulations is hereby amended by revising § 101.4 thereof to read as follows:

§ 101.4 List of public-use SBA forms.

Number	Date	Reference [1]	Title	Code [2]
1	7–67	ND 135–5A	Purchase Order	P
1A	1–58	ND 135–5A	Purchase Order (Continuation Sheet)	P
4 Part I	9–67	ND 510–1	Application for Loan	P
4 Part II	12–67	ND 510–1	Application for Loan—Statement of Personal History	P
4 Schedule A	8–66	ND 510–1	Summary of Collateral Offered by Applicant as Security for Loan and SBA Appraiser's Valuation Report.	P
4A	9–67	ND 510–1	Instruction Sheet (Form 4, Part I and Schedule A)	P
4B	4–66	ND 510–1	Essential Information Required for Loans to Producers of Minerals, Metals, Fuel Except Oil, and Gas (Mining Loans).	P
4C	9–64	ND 560–1	Essential Information for Substantial Economic Injury Disaster Loans.	P
4H	3–65	ND 510–1	Convalescent Nursing Homes	P
5	8–67	ND 560–1	Application for Disaster Loan—Business	P
5B	7–67	ND 560–1	Application for Disaster Loan of $2500 or Less	P
5C	7–67	ND 560–1	Application for Disaster Loan—Home	P
6B	6–67	ND 510	Application for Loan	P
74	2–68		Application for Certificate of Competency	P
74A	2–68		Instructions for the Preparation of SBA Forms 74 and 74B.	P
74B	6–66		Monthly Cash Flow Projection	P
115ML	3–68		Mailing List Application—Free Management Assistance Publications.	P
136	2–66	ND 510–1	Participation Agreement (For Immediate Participation by SBA in Loan Made by Bank).	P
136B	12–66	ND 510–1	Simplified Early Maturities Participation Agreement	P
137	8–65	ND 510–1	Participation Agreement (Form Immediate Participation by Bank in Loan Made by SBA and Administered by SBA).	
138A	1–67	ND 560–1	Disaster Participation Agreement (Immediate)	P
138B	1–68	ND 560–1	Disaster Participation Agreement Program (Immediate Participation).	P
139	2–68	ND 510–1	Standby Agreement	P
143	8–67	ND 560–1	Request for Credit Information	R
147	9–63	ND 510–1	Note	P
147A	7–65		Note	P
148	11–67	ND 510–1	Guaranty	P
148A	9–63	ND 520–1A	Guaranty	P
148B	2–64	ND 520–1A	Guaranty (Loan Guaranty Plan)	P
152	10–67		Participation Certificate	P
152A	4–66		Participation Certificate	P
153	11–67	ND 520–1A	Loan Agreement	P
153A	10–67		Loan Agreement (Loan Guaranty Plan)	P
154	1–65		Note	
154B	7–65		Note	
155	10–67	ND 520–1A	Standby Agreement (Participation Loan)	P
156	1–65	ND 520–1A	Certificate of Interest	P
156A	10–66	ND 520–1A	Certificate of Interest	P
156B	12–66	ND 520–1A	Certificate of Interest	P
157	11–67		Participation Certificate	P
159	6–67	ND 510–1	Compensation Agreement for Services in Connection with Application and Loan from (or in Participation with) SBA.	P
160	11–67	ND 510–1	Resolution of Board of Directors	P
160A	9–64	ND 510–1	Certificate as to Partners	P
161	12–67		Loan Agreement	P
166	10–67	ND 620–1A	Registration of Manufacturing Facilities for Small Business Concerns.	R
166B	3–65	ND 620–1A	Registration of Construction-General Contractor or Service Facilities for Small Business Concerns.	R

See footnotes at end of table.

Number	Date	Reference [1]	Title	Code [2]
500	8-67		Analysis and Recommendation of Repayments	P
502	12-67	ND 535-1	Application for Loan (502)	P
502 Addendum	2-68	ND 535-1	Instruction to SBA Form 502	P
502B	6-67	ND 535-1	Information To Be Submitted by the Small Business Concern To Be Assisted by a Development Company Under Title IV of the Small Business Investment Act of 1958.	P
502C	12-67	ND 535-1	Statement of Personal History	P
502D	4-65	ND 535-1	Exhibit ___ to SBA Form 502D	P
502E	4-65	ND 535-1	Exhibit ___ to SBA Form 502	P
503	1-68	ND 510-1	Note (Timber Access Road Loan Program)	P
508A	12-66	ND 510-1	Note (Timber Access Road Loan Program)	P
509	4-61	ND 510-1	Assignment of Rights Under Timber Sale Contract	P
509A	9-62	ND 510-1	Assignment of Rights Under Contract for Sale of Timber	P
510	1-67		Loan Amendment and Extension	R
510A	8-61		Questionnaire—SBA Loans to Local Development Companies.	P
527	10-67	ND 510-1	Bank Request for Loan Guaranty or Immediate Participation (SBLP-SEMP).	P
528	9-67	ND 510-1	Applicant's Statement (Bank Serviced—SBA Participation).	P
529	6-67	ND 510-1	Authorization Approving Bank's Request for SBA Participation.	P
529A	8-67	ND 510-1	Authorization Approving Bank's Request for SBA Participation (SEMP).	P
529B	8-66	ND 510-1	Authorization Approving Bank's Request for SBA Guaranty.	P
530	9-61	ND 510-1	Note (SBLP)	P
530A	7-65	ND 510-1	Note (SBLP)	P
530B	8-67	ND 510-1	Note (SBLP—Immediate Participation Only)	P
531	1-68		Application for Loan Guaranty	P
543	1-67	ND 625-1	Sales Assistance Register—Information	P
548	2-62		Assignment Agreement	P
554	7-67		Semiannual Report on Guaranteed Loans	P
556	3-67	ND 535-1	Contents of Portfolio	P
557	4-62		Contractor's Proposal of Costs	P,C
558	4-62		Invitation of Direct Costs—Equipment	P,C
558A	4-62		Invitation of Direct Costs—Salaries	P,C
558B	4-62		Invitation of Direct Costs—Transportation and Communications.	P,C
558C	4-62		Recapitulation of Direct Costs—Supplies and Equipment.	P,C
563	4-67		Conference ID Card	P
574	1-68	ND 535-1	Certificate of Incorporation of ..... Development Company.	P
578A	8-63	ND 1030-1	Subpoena Duces Tecum	P,C
579	5-68	ND 1030-1	Subpoena	P,C
601	3-63	ND 610-1	Certification of Fees Paid in Connection with SBLP or SEMP Loan.	P
602	10-67		Starting a New Business—Workshop Outline	P
603	8-67		Workshop for Prospective Small Business Owners—Worksheets.	P
603 Supplement A	7-65		Industrial Plant Requirements for Laundry and Cleaning Plants and Agencies.	P
607	2-64	ND 510-1	Guaranty Agreement (Deferred Participation)	P
608	7-67	ND 520-1A	Application for Liquidity Privilege	P
609	9-67	ND 1500-2H	Applicant's Agreement of Compliance	P,C
609A	9-67	ND 1500-2H	Agreement of Amendment of Contract to Conform with Requirements of SBA Form 609	P,C
610	11-67		Application for Registration as a SCORE Volunteer Business Industry Counseling Assignment.	R
613	6-67		Address Query (Postal Card)	P
630	12-67		Request for Counseling (SCORE)	R
630A	6-67		SCORE Case Report	P
641	4-68		Communication Acknowledgment (Postal Card)	P
650	1-67	ND 150-2H	Applicant's Assurance of Compliance	P,C
652	11-67	ND 1500-3A	Applicant Licensee's Assurance of Compliance	P,C
652A	10-67	ND 1500-3A	Applicant's Assurance of Compliance	P,C
652H	11-67	ND 1500-3A	Applicant's Contingent Assurance of Compliance	P,C
652I	11-67	ND 1500-3A	Assurance of Compliance	P,C
652J	8-67	ND 1500-3A	Control Report	P
656	2-66	ND 200-1	Agreement	P
663	3-66		Guaranty Agreement	R
666	11-65	ND 1030-1	Portfolio Confirmation Request	P
667	11-65	ND 1030-1	Custodian Confirmation Request	R
668	11-65		Insurance Company Confirmation Request	R
670	11-65		Participation Sold Confirmation Request	R
671	11-65		Participation Purchased Confirmation Request	R
672	11-65		Confirmation Request on Stock Certificates or Debentures.	R
674	11-65		Confirmation Request for Amount Due	R
680	6-66	ND 510-1	SBDC Client Interview Form	R
684	1-68		Program Evaluation Report	P,C
685	10-65		Notice—Mailing List Revision for Aids	P
699	11-65		Liability Certificate	R
702	3-66		"Thank You"	P
707	5-67		Compliance Report	R
714	8-66	ND 560-1	Letter for DBL Notification	P
722	9-66	ND 1500-8	Equal Employment Opportunity Poster	P
723	9-66	ND 625-1	Small Business Certification Required on All Preferential Sales of Set-Aside Timber.	P
727	9-66		Membership Card for SCORE Volunteers	P
729	2-68	ND 510-1	Special Conditions for RAA Nonresidential Rehabilitation Loans.	P
740	12-66		Certification and Receipt	P
750	9-67	ND 510-1	Blanket Loan Guaranty Agreement Between ..... and the SBA.	P
751	1-68	ND 510-1	Application for Loan Under Blanket Guaranty	P
770	10-67	ND 530-1	Financial Statement of Debtor	P
774	6-67	ND 1250-2	Request for SBA Forms, Documents, Records and Other Information.	P
775	7-67		Form Letter—Status of Indebtedness	P,C
778	7-67	ND 1250-2	Request for Agency Information or Records	P
779	7-67		Interest Paid During the Calendar Year	P,C
786	4-68		Form Letter re Voluntary Deductions	P,C
787	8-67		Form Letter to CPAs re Bank's Participation	P,C
788	8-67	ND 205-1	Returned Unpaid Remittance	P
791	8-67		Letter re Participation Loan	P,C
793	9-67	ND 1500-10	Notice to New SBA Borrowers	P
798	10-67		Certificate—Small Business Advisory Council—Member.	P,C
799	10-67		Certificate—Small Business Advisory Council—Chairman.	P,C
800	4-68		Application for Lease Guarantee (Part I)	P
800A	4-68		Application for Lease Guarantee (Part II)	P
800B	4-68		Application for Lease Guarantee (Part III)	P
801	11-67		Small Business Advisory Council ID Card	P,C
803	11-67		Lease Guarantee Insurance Policy	P,C
806	12-67		Certificate re Small Business Contributions	P,C
807	12-67		Letter re Tax Statement and Treasury Check	P,C
808	12-67		Letter re Publications Inquiry	P,C
809	12-67		Letter re Bill of Lading	P,C
810	12-67		Letter re Purchase Order	P,C
811	12-67		Inquiry for Delivery of Purchase	P,C
813	12-67		Certificate—Chairman of SBA National Advisory Council.	P,C
815	12-67		NASA Tech Brief Letter	P
818	1-68		Film Information Sheet	P,C
819	2-68		Certificate National SBIC Advisory Council (Member)	P,C
820	2-68		Certificate National SBIC Advisory Council (Chairman).	P,C
824	2-68	ND 560-10	Personal Property Damaged or Destroyed by Disaster	P
828	3-68		Bill for Collection	P,C
829	4-68		Underwriting Report for Lease Guarantee	P
835	5-68		Certificate of Reinsurance	P,C

[1] Explanation of refrence symbols:
ND—SBA National Directive, e.g., ND 135-5.

[2] Explanation of code symbols:
P&PC—SBA forms used by the public when applying for or obtaining SBA assistance or when providing services for SBA.
(Forms available in both the Central Office and field offices.) ..... P
(Forms available only in the Central Office.) ..... P,C
R&RC—SBA forms used by SBA or under SBA sponsorship to solicit information from 10 or more persons (other than Federal employees). These forms have Bureau of the Budget approval, as required by the Federal Reports Act of 1942.
(Forms available in both the Central Office and field offices.) ..... R
(Forms available only in the Central Office.) ..... R,C

Effective date: June 3, 1968.

R. C. MOOT,
Administrator.

[F.R. Doc. 68-7785; Filed, July 2, 1968; 8:45 a.m.]

[Rev. 7; Amdt. 13]

PART 121—SMALL BUSINESS SIZE STANDARDS

Protest of Small Business Status

Section 121.3-5(a) of Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by revising the second sentence thereof. As amended, paragraph (a) reads as follows:

§ 121.3-5 Protest of small business status.

(a) *How to protest.* Any bidder or offerer on a Government procurement or disposal may challenge the small business status of any other bidder or offerer on the same procurement or disposal. Such challenge shall be made by delivering a protest to the Contracting Officer responsible for the particular procurement or disposal prior to the close of business on the fifth day, exclusive of Saturdays, Sundays, and legal holidays, after bid or proposal opening, except that in the case of negotiated procurements a protest may be filed by a bidder or offerer within 5 days after receipt of the identity of another bidder or offerer from a Contracting Officer: *Provided, however,* That a protest received after such time shall be deemed to be timely and shall be considered if, in the case of mailed protests, such protest is sent by registered or certified mail and the postmark thereon indicates that the protest would have been delivered within this time limit but for delays beyond the control of the protestant or, in the case of telegraphed protests, the telegram date and time line indicates that the protest would have been delivered within this time limit but for delays beyond the control of the protestant. Any Contracting Officer who receives such timely protest shall promptly forward such protest to the SBA regional office serving the area in which the principal office of the protested concern is located. A Contracting Officer may question the small business status of any bidder or offerer by filing a protest with the SBA regional office serving the area in which the principal office of the protested concern is located. Failure to make a timely protest shall not prejudice the right to challenge the small business status of the same or any other concern in the future.

* * * * * *

Effective date. This amendment shall become effective on publication in the FEDERAL REGISTER.

NOTE: In accordance with 50 U.S.C. 553, notice of and public procedure on this amendment to Part 121 of Chapter I of Title 13 of the Code of Federal Regulations, is omitted as it contains only a procedural rule.

Dated: June 27, 1968.

ROBERT C. MOOT,
Administrator.

[F.R. Doc. 68-7916; Filed, July 2, 1968; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-541, Amdt. 20]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Schedule B-43 in Section 33

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of June 1968.

In Regulation ER-530, effective December 31, 1967, the text of schedule B-43 in section 33 was inadvertently amended to provide that certain account totals shall agree with corresponding amounts on schedule B-5. Since supplemental air carriers are not required to file schedule B-5, that provision is being deleted.

This regulation is issued by the undersigned, pursuant to a delegation of authority from the Board to the General Counsel, in 14 CFR 385.19, and shall become effective 20 days after publication in the FEDERAL REGISTER. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385 (14 CFR 385.50-385.54).

Accordingly, the Board hereby amends the text for "Schedule B-43—Inventory of Airframes and Aircraft Engines" in section 33 of Part 241 (14 CFR 241.33) by deleting present paragraph (e) and redesignating present paragraphs (f), (g), (h), (i), (j), and (k) as paragraphs (e), (f), (g), (h), (i), (j), respectively.

Number	Date	Reference [1]	Title	Code [2]
160C	10-67	ND 620-1A	Record of Conversa Activity in the Forest Products Industry	R
172D	12-66	ND 620-1A	Report of Transactions on Loan Serviced by Bank (EMI-SEMP).	P
175	12-67	ND 206-1	Notice of Assignment	P
193	12-66	ND 205-1	Loan Repayment Schedule	P
193A	12-67	ND 205-1	Amortization Schedule	P
204	9-67	ND 205-1	Notice of Loan Payment Past Due	P
204A	10-66		Delinquency Report	P,C
204B	10-67		Inventory Record and Ticker	P
224	2-66	ND 520-1A	Substitution of Assigned Accounts Receivable	P
225	4-56	ND 205-1	Notice of Loan Payment Due	P
230	6-65	ND 205-1	Receipt for Payment	P
247	8-54	ND 530-1	No Trespassing	P
281	12-67	ND 510-1	Request for Name Check	P
284	8-62		Invoice	P,C
303	12-66	ND 560-1	Financial Bank Credit Report	P
304	12-66	ND 560-1	Authorization (Disaster-Residential-Direct)	P
305	7-65	ND 560-1	Authorization (Disaster Business Loan-Direct)	P
310	12-65		Blanket Bond	P,C
319	1-68	ND 560-1	Report and Confirmation of Loan	P
326A	12-66		Note (For All Immediate Participation Loans Not Over $25,000 SBA's Share)	P
326B	11-67		Note (For all "L" and "SL" Immediate Participation Loans Not Over $25,000, SBA'S Share)	P
326C	7-65		Note (For all "L" and "SL" Immediate Participation Loans Not Over $25,000, SBA'S Share).	P
326D	12-67		Note (For Direct Loan Not Over $25,000)	P
347	2-66		Computation and Transmittal Notice (Bank's Share)	P
348	4-68		SBA Listing of Field Office Addresses	P
348A	4-68	ND 510-1	Authorization (Limited Participation)	P
349B	1-68	ND 510-1	Authorization (Immediate Participation)	P
349C	11-67	ND 510-1	Authorization (Loan Guaranty Plan)	P
350	11-67	ND 205-1	Past Due Notice—Participation Loan	P
355	9-67	ND 400-4	Application for Small Business Size Determination	P
362	12-67	ND 520-1A	Financial Statement	P
362A	12-67	ND 520-1A	Data to Support Balance Sheet	P
368	10-67	ND 205-1	Monthly Report of Collections—Disaster Deferred Participation Loans Purchased.	P
368A	12-66	ND 205-1	Monthly Report of Collections—Disaster Deferred Participation Loans.	P
388	1-66	ND 205-1	Fee Invoice	P,C
389	11-65	ND 205-1	Advice of Transactions	P,C
391	12-67	ND 205-1	Quarterly Report on Deferred Participation or Guaranteed Loans.	P
393	3-67		Qualifications Inquiry	R
394	8-67	ND 1100-4	Policy and Regulations Concerning Representatives and Their Fees.	P
403	9-67	ND 560-1	Note (Disaster Loans Only)	P
408	9-65	ND 510-1	Authorization—Direct Loan	P
408A	10-65	ND 510-1	Authorization—Immediate Participation—Small Loan	P
408H	12-67	ND 510-1	Authorization—Loan Guaranty Plan—Small Loan	P
408C	11-67	ND 510-1	Authorization—Direct Loan—EOL Program	P
408D	3-67	ND 510-1	Authorization—Immediate Participation—EOL Program	P
408E	12-66	ND 510-1	Authorization—Loan Guaranty Plan—EOL Program	P
412	8-67	ND 620-1A	Personal Financial Statement	P,C
413	2-68		License Application	P,C
416	2-68		Statement of Personal History and Qualification of Management.	P,C
416A	3-68		Information and General Instructions for License Applicants.	P,C
415B	2-68		Application for, Approval of, or Proposal to Operate a Small Business Investment Company.	P,C
415C	2-68		Application for Membership in Small Business Production or Research and Development Pool.	P,C
416	2-68		Application for Funds	P
419	21-66		Small Business Administration License (SBIC)	P,C
435	3-59		Debenture	P,C
444	1-68		Debenture	P,C
444A	1-68		Statement of Account	P,C
446	9-67		Financial Report	P
446A	9-67		Instructions for Preparation of the Financial Report	P
478	3-66		Compliance Examination Report	R
480	2-68		Size Status Declaration	P
482	2-62	ND 625-1	Application for Personal Property Sales Assistance Register.	R
482A	2-62	ND 625-1	Application for Personal Property Sales Assistance Letter.	R
483	9-66		Unfilled Orders—Publications (Postal Card)	P

See footnotes at end of table.

(Secs. 204 and 407 of the Federal Aviation Act, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377)

By the Civil Aeronautics Board.

[SEAL] JOSEPH B. GOLDMAN,
General Counsel.

[F.R. Doc. 68-7906; Filed, July 2, 1968; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

[11th Gen. Rev. of Export Regs., Amdt. 2]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

Exports of Copper, July–December 1968

Part 373 of the Code of Federal Regulations is amended as set forth below.

Commodity	*Quota*
(a) Copper scrap, as follows: Copper metalliferous ash and residues (Export Control Commodity No. 28401); copper or copper-base alloy waste and scrap, including copper alloy waste and scrap of less than 40 percent copper content where the copper is the component of chief weight (Export Control Commodity No. 28402); Nickel waste and scrap containing 50 percent or more copper irrespective of nickel content (Export Control Commodity No. 28403).	25,000 copper content short tons.
(b) Refined copper of domestic origin including remelted, in cathodes, billets, ingots (except copper-base alloy ingots), wire bars, and other crude forms (Export Control Commodity No. 68212).[1]	25,000 copper content short tons.
(c) Copper-base alloy ingots composed essentially of copper with one or more other metals, for example: beryllium copper ingots, devarda alloy ingots, guinea alloy ingots, ounce metal ingots, etc. (Export Control Commodity No. 68212).	1,500 copper content short tons.
(d) Semifabricated copper products and master alloys of copper, as follows: [2]	9,000 copper content short tons.

[1] Shipments of refined copper produced from foreign-origin copper raw materials, and refined copper produced from material which was declared as an offset against an equivalent quantity of foreign-origin copper raw materials entered into the United States under a recent U.S. Customs Import Entry, may be licensed for export without a charge against the quota (see § 373.43(b)(2) of the Export Regulations).

[2] Shipments of semifabricated copper products and master alloys of copper under U.S. military contracts or under contracts financed by the U.S. Agency for International Development will be licensed without a charge against the quota.

Export Control Commodity No. and Commodity Description			
51470	Master alloys of copper containing 8 percent or more phosphor.	72310	Wire and cable coated with, or insulated with, fluorocarbon polymers or copolymers.
68213	Master alloys of copper.	72310	Coaxial-type communications cable as follows: (a) Containing fluorocarbon polymers or copolymers; (b) using a mineral insulator dielectric; (c) using a dielectric aired by discs, beads, spiral, screw, or any other means; (d) designed for pressurization or use with a gas dielectric; or (e) intended for submarine laying.
68221	Bars, rods, angles, shapes, sections, and wire of copper or copper-base alloy.	72310	Other coaxial cable.
68222	Plates, sheets, and strips of copper or copper-base alloy.	72310	Communications cable containing more than one pair of conductors of which any one of the conductors, single or stranded, has a diameter exceeding 0.9 mm. (0.035 inch), as follows: (a) Cable in which the nominal mutual capacitance of paired circuits is less than 53 nanofarads/mile (33 nanofarads/km) except conventional paper and air dielectric types; (b) submarine cable; or (c) cable containing fluorocarbon polymers or copolymers.
68223	Copper foil.	72310	Other communications cable containing more than one pair of conductors and containing any conductor, single or stranded, exceeding 0.9 mm. in diameter.
68223	Paper backed copper foil.	72310	Other copper or copper-base alloy insulated wire and cable.
68224	Copper or copper alloy powders and flakes.		
68225	Tubes, pipes, and blanks therefor, and hollow bars of copper or copper-base alloy.		
69892	Copper and copper-base alloy castings and forgings.		

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–63 Comp.)

Effective date: June 25, 1968.

RAUER H. MEYER,
Director, Office of Export Control.

Purpose and effect. This announces the short supply export quotas and application submission dates for copper and related commodities for the second half of 1968.

During the 6-month period July–December 1968, the Office of Export Control will consider applications for licenses against the export licensing quotas set forth below. The quotas for refined copper and for semifabricated copper products and master alloys of copper are the same as those announced for the first half of 1968; the quotas for copper scrap and copper-base alloy ingots have been increased by approximately 50 percent.

The newly established quotas are as follows:

Licensing under past participation in exports licensing method. The quotas set forth above for copper-base scrap, refined copper, and copper-base alloy ingots will be licensed in accordance with the Past Participation in Exports licensing method described in § 373.8 of the Export Regulations, except as otherwise indicated in the footnotes to the quota announcement in this document.

Of the total quota of 9,000 copper content short tons established for semifabricated copper products and master alloys of copper, 65 percent (or 5,850 copper content short tons) will be allocated in accordance with the Past Participation in Exports licensing method. The remaining portion of the quota, 35 percent (or 3,150 copper content short tons), will be reserved to meet essential export requirements that cannot be satisfied under the Past Participation in Exports licensing method.

Notification to each exporter of his share of the quotas set forth above will be as follows:

(a) For copper-base scrap and for copper-base alloy ingots, the Office of Export Control will notify each exporter of his share;

(b) For refined copper and for semifabricated copper products and master alloys of copper, quantities allocated to each exporter will be the same as during the previous 6-month period (January–June 1968), and there will be no specific notification to exporters by the Office of Export Control.

Time schedules for submitting applications. An exporter of any commodities for which a quota has been established, except for semifabricated copper products and master alloys of copper, who qualifies as a "historical exporter" under the Past Participation in Export licensing method shall submit his applications no later than December 2, 1968. An exporter of these quota commodities who does not qualify as a "historical exporter" shall submit his applications no later than August 9, 1968.

The submission of applications for licenses to export semifabricated copper products and master alloys of copper is not subject to time schedules. Applications for these products may be submitted at any time.

Applicability of other provisions. Exporters are reminded that all other special copper provisions continue in effect. These provisions are set forth in §§ 373.20 and 373.43 of the Export Regulations.

It should be noted in particular that applications for licenses to export copper ores, concentrates, matte, blister copper, and other unrefined copper generally are denied. However, applications for licenses to export these commodities, as well as copper and copper-base alloy waste and certain nickel scrap, that cannot be processed commercially in the United States for technological or economic reasons will continue to be considered for licensing without a charge against the export quota.

Accordingly, Part 373, Supplement No. 1, is amended to read as follows:

Supplement No. 1—Time Schedules for Submission of Applications for Certain Commodities

Export control commodity No.	Commodity	Submission dates for non-historical applicants (no later than date shown below)	Submission dates for historical applicants (no later than date shown below)
28401	Copper metalliferous ash and residues	Aug. 9, 1968	Dec. 2, 1968
28402	Copper or copper-base alloy waste and scrap, including copper alloy waste and scrap of less than 40 percent copper content where copper is the component of chief weight.	do	Do.
28403	Nickel alloy waste and scrap containing 50 percent or more copper irrespective of nickel content.	do	Do.
68212	Refined copper of United States origin, including remelted, in cathodes, billets, ingots (except copper-base alloy ingots), wire bars and other crude forms.	do	Do.
68212	Copper-base alloy ingots composed essentially of copper with one or more other metals, for example: beryllium copper ingots, devarda alloy ingots, guinea alloy ingots, ounce metal ingots, etc.	do	Do.

[F.R. Doc. 68-7809; Filed, July 2, 1968; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6962]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Consolidated Returns; Allocation of Tax Liability Among Members of an Affiliated Group

On February 15, 1968, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under sections 1502 and 1552 of the Internal Revenue Code of 1954, to provide more specific rules for, and additional methods of, allocating the consolidated tax liability among the members of an affiliated group of corporations, and to conform the regulations under section 1552 to section 234(b)(8) of the Revenue Act of 1964 (78 Stat. 116), was published in the FEDERAL REGISTER (33 F.R. 2997). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Paragraphs (c)(4)(iii) and (d) of § 1.1502–33, as set forth in the appendix to the notice of proposed rule making, are changed by revising so much of paragraph (c)(4)(iii) as follows subdivision (*d*) thereof, by revising so much of paragraph (d)(2)(i) as follows subdivision (*b*) thereof, by revising paragraph (d)(3), and by adding a heading to paragraph (d)(4).

PAR. 2. Paragraphs (a)(1)(ii)(*a*) and (2)(ii)(*f*), and (c) of § 1.1552–1, as set forth in the appendix to the notice of proposed rule making, are revised.

(Secs. 1502, 1552, and 7805 of the Internal Revenue Code of 1954; 68A Stat. 367, 371, 917; 26 U.S.C. 1502, 1552, 7805)

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

Approved: June 27, 1968.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to provide more specific rules for, and additional methods of, allocating the consolidated tax liability among the members of an affiliated group of corporations, and in order to conform the regulations under section 1552 of the Internal Revenue Code of 1954 to section 234(b)(8) of the Revenue Act of 1964 (78 Stat. 116), the Income Tax Regulations (26 CFR Part 1) under sections 1502 and 1552 are amended as follows:

PARAGRAPH 1. Section 1.1502–33 is amended by revising so much of paragraph (c)(4)(iii) as follows subdivision (*d*) thereof, and by adding a new paragraph (d). These revised and added provisions read as follows:

§ 1.1502–33 Earnings and profits.

* * * * *

(c) *Stock and obligations.* * * *

(4) *Investment adjustment.* * * *

(iii) *Election to adjust currently.* * * *

(*d*) * * *

Such election shall be made by submitting a statement, on or before the due date (including any extensions of time) of the consolidated return for the first taxable year for which the election is to apply, to the internal revenue officer with whom the group files such return. However, such election may be made for any taxable year beginning after December 31, 1965, within 60 days from July 3, 1968, if it is made in conjunction with an election under paragraph (d) of this section. If an election is made under this subdivision, it may not thereafter be revoked.

* * * * * *

(d) *Federal income tax liability*—(1) *In general.* For the purpose of determining the earnings and profits of each member of a group for a consolidated return year beginning after December 31, 1965, the tax liability of the group for such year may be allocated among the members in accordance with subparagraph (2)(i), (ii), or (iii) of this paragraph, if an election is made in accordance with subparagraph (3) of this paragraph. Allocations of tax liability made in accordance with subparagraph (2) of this paragraph shall be treated as allocations of the tax liability of the group for taxable years beginning after December 31, 1965, even though the sum of the amounts allocated for a taxable year may exceed the tax liability of the group as determined under paragraph (b)(1) of § 1.1552–1. See paragraph (b)(2) of § 1.1552–1 for the effect of the allocations.

(2) *Methods of allocation.* (i) The tax liability of the group, as determined under paragraph (b)(1) of § 1.1552–1, shall be allocated to the members in accordance with paragraph (a)(1), (2), or (3) of § 1.1552–1, whichever is applicable, but—

(*a*) The amount of tax liability allocated to any member for a taxable year shall not exceed the excess of (*1*) the total of the tax liabilities of such member on a separate return basis for all taxable years to which the election under this paragraph applies, and for which such member joined in the filing of a consolidated return of such group (including the current taxable year), computed as if it had actually filed separate returns for all such years, over (*2*) the total of the portions of the tax liability of the group allocated to such member for all previous taxable years to which the election under this paragraph applies; and

(*b*) The amount of any excess tax liability which would be allocated to a member of a group but for (*a*) of this subdivision (i) shall be apportioned among the other members in direct proportion to, but limited to, the reduction in tax liability resulting to such other members. Such reduction for any member shall be the excess, if any, of (*1*) the total of its tax liabilities on a separate return basis for all taxable years to which the election under this paragraph applies, and for which such member joined in the filing of a consolidated return of such group (including the current taxable year), computed as if it had actually filed separate returns for all

such years, over (2) the total of the portions of the tax liability of the group allocated to such member for all taxable years to which the election under this paragraph applies (including for the current taxable year only the amount allocated under § 1.1552–1(a) (1), (2), or (3)).

If any excess tax liability remains after being apportioned among members with a reduction in tax liability to the extent of such reduction, as provided in (*b*) of this subdivision (i), such remaining amount shall, notwithstanding (*a*) of this subdivision (i), be allocated to the members in accordance with § 1.1552–1(a) (1), (2), or (3), whichever is applicable. In computing the tax liability of a member on a separate return basis for purposes of (*a*)(*1*) and (*b*)(*1*) of this subdivision (i), its surtax exemption shall be an amount equal to $25,000 divided by the number of members in the group for such year (or such portion of $25,000 which is apportioned to such member pursuant to a schedule attached to the consolidated return for the taxable year), and an election under section 243(b)(2) shall be deemed to be in effect for the group. (However, if for the taxable year some or all of the members are component members of a controlled group of corporations (within the meaning of section 1563) and if there are other such component members which do not join in filing the consolidated return for such year, the amount to be divided among the members filing the consolidated return shall be (in lieu of $25,000) the sum of the amounts apportioned to the component members which join in filing the consolidated return (as determined under § 1.1561–2(a)(2) or § 1.1561–3, whichever is applicable).) If a group elects to use the method of allocation provided by this subdivision, it must maintain specific records to substantiate the tax liability of each member on a separate return basis for purposes of (*a*)(*1*) and (*b*)(*1*) of this subdivision (i).

(ii) (*a*) The tax liability of the group, as determined under paragraph (b)(1) of § 1.1552–1, shall be allocated to the members in accordance with paragraph (a)(1), (2), or (3) of § 1.1552–1, whichever is applicable;

(*b*) An additional amount shall be allocated to each member equal to a fixed percentage (which does not exceed 100 percent) of the excess, if any, of (*1*) the separate return tax liability of such member for the taxable year (computed as provided in paragraph (a)(2)(ii) of § 1.1552–1), over (2) the tax liability allocated to such member in accordance with (*a*) of this subdivision (ii); and

(c) The total of any additional amounts allocated pursuant to (*b*) of this subdivision (ii) (including amounts allocated as a result of a carryback) shall be credited to the earnings and profits of those members which had items of income, deductions, or credits to which such total is attributable pursuant to a consistent method which fairly reflects such items of income, deductions, or credits, and which is substantiated by specific records maintained by the group for such purpose.

(iii) Allocations of tax liability to the members shall be made in accordance with any other method approved by the Commissioner. A condition of any such approval shall be that the group maintains specific records to substantiate its computations pursuant to such method.

(3) *Method of election.* (i) In the event a group desires to allocate its tax liability in accordance with a method provided in subparagraph (2) (i) or (ii) of this paragraph, for a consolidated return year beginning after December 31, 1965, an election to that effect shall be made within the time prescribed by law for filing the consolidated return for the first taxable year to which the group desires the election to apply (including extensions thereof), or within 60 days after July 3, 1968, whichever is later. The election shall be made by attaching a statement to the consolidated return for the first taxable year to which the group desires the election to apply, or if such election is made within the time prescribed above but after such return is filed, by filing a statement with the internal revenue officer with whom such return was filed. Such statement shall indicate which method is elected, and which method under paragraph (a) (1), (2), or (3) of § 1.1552–1 is elected in conjunction with the election under this subparagraph; in addition, if the method elected is the method provided in subparagraph (2)(ii) of this paragraph, such statement shall state the percentage used pursuant to subparagraph (2)(ii)(*b*) of this paragraph. In the event a group desires to allocate its tax liability in accordance with a method pursuant to subparagraph (2)(iii) of this paragraph, approval of such method by the Commissioner must be obtained (or, for a taxable year ending before July 1, 1968, a request for approval must be made) within the time prescribed above. The request shall state fully the method which the group wishes to use. An election once made under this subparagraph shall be irrevocable and shall be binding upon the group with respect to the year for which made and for all future consolidated return years of the group unless the Commissioner authorizes a change to another method prior to the time prescribed by law for filing the return for the year in which such change is to be effective.

(ii) If a group does not make an election under this subparagraph for a taxable year ending before January 1, 1968, it may not thereafter make such an election without the approval of the Commissioner unless the election is made for the first consolidated return year of the group.

(iii) An election under this subparagraph shall not be effective unless the group has also made an election under paragraph (c)(4)(iii) of this section.

(4) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). (i) Corporation P is the common parent owning all of the stock of corporations S1 and S2, members of an affiliated group. A consolidated return is filed for the taxable year ending December 31, 1966, by P, S1, and S2. The group has made an election in accordance with subparagraph (3) of this paragraph to use the method of allocation provided in subparagraph (2)(i) of this paragraph in conjunction with paragraph (a)(1) of § 1.1552–1. For 1966, the corporations had the following taxable incomes or losses computed as if separate returns were actually filed for such year:

P	0
S1	$2,000
S2	(1,000)

Assuming that each member's portion of consolidated taxable income attributable to it is the same as its taxable income computed as if separate returns were actually filed (see paragraph (a)(1) of § 1.1552–1), the tax liability of the group for the year (assuming a 22-percent rate) is $220, all of which is allocated to S1. S1 accordingly reduces its earnings and profits in the amount of $220, irrespective of who actually pays the tax liability. If S1 pays the $220 tax liability there will be no further effect upon the income, earnings and profits, or the basis of stock of any member. If, however, P pays the $220 tax liability (and such payment is not in fact a loan from P to S1), then P shall be treated as having made a contribution to the capital of S1 in the amount of $220. On the other hand, if S2 pays the $220 tax liability (and such payment is not in fact a loan from S2), then S2 shall be treated as having made a distribution with respect to its stock to P in the amount of $220, and P shall be treated as having made a contribution to the capital of S1 in the amount of $220. (See paragraph (b)(2) of § 1.1552–1.)

(ii) For the 1967 taxable year, P, S1, and S2 had the following taxable incomes computed as if separate returns were actually filed, but without regard to any carryover from 1966:

P	0
S1	$1,000
S2	3,000

Assuming that each member's portion of the consolidated taxable income attributable to it is the same as its taxable income computed as if separate returns were actually filed, the tax liability of the group for 1967 is $880; $440 is allocated to S1 and $440 is allocated to S2, determined as follows: If S2 had filed separate returns for 1966 and 1967 it would have had no tax liability for 1966 and a tax liability for 1967 of $440 (taking into account a $1,000 net operating loss carryover from 1966). Thus, $440 is the maximum amount which may be allocated to S2 for 1967, pursuant to the method of allocation elected by the group. The entire excess of $220 (which would otherwise be allocated to S2 under § 1.1552–1(a)(1)) is allocated to S1 because S1 had a $220 reduction in tax liability, as determined under subparagraph (2)(i)(*b*) of this paragraph. Such reduction is the excess of S1's 1966 and 1967 tax liabilities on a separate return basis ($660) over its allocated portion of the tax liability of the group for 1966 ($220) plus the amount allocated to it for 1967 under § 1.1552–1(a)(1) ($220). The effect of the allocation of $440 to S1 and $440 to S2 is determined under § 1.1552–1(b)(2).

Example (2). Assume the same facts as in example (1) except that the group elected in accordance with subparagraph (3) of this paragraph to use the method of allocation provided in subparagraph (2)(ii) of this paragraph, choosing a fixed percentage of 100 percent under subparagraph (2)(ii)(*b*) of this paragraph. Assume also that the taxable incomes and losses of the corporations shown in example (1) would be the same

amount if computed as provided in paragraph (a)(2)(ii) of § 1.1552–1. Thus, for 1966, $440 is allocated to S1 (the $220 tax liability of the group, and an additional $220 pursuant to subparagraph (2)(ii)(*b*) of this paragraph). The earnings and profits of S1 are reduced in the amount of $440, and the earnings and profits of S2 are increased in the amount of $220 because the $220 allocated to S1 which is in addition to the tax liability of the group is attributable to deductions of S2. If S1 pays the $220 tax liability of the group and pays $220 to S2, no further adjustments will be made, as a result of the 1966 tax liability, to the income, earnings and profits, or basis of stock of any member. If S1 pays the $220 tax liability of the group, and pays the other $220 to P instead of S2, because, for example, of an agreement among P, S1, and S2, S2 is treated as having made a distribution with respect to its stock to P in the year that S1 makes the payment to P. See paragraph (b)(2) of § 1.1552–1.

For 1967, $220 is allocated to S1 and $660 is allocated to S2. No additional amounts are allocated pursuant to subparagraph (2)(ii)(*b*) of this paragraph.

PAR. 2. Section 1.1552 is amended by revising section 1552(a)(3) and by adding a historical note. These amended provisions and the historical note read as follows:

§ 1.1552 Statutory provisions; earnings and profits.

SEC. 1552 *Earnings and profits*—(a) *General rule.* * * *

(3) The tax liability of the group (excluding the tax increases arising from the consolidation) shall be allocated on the basis of the contribution of each member of the group to the consolidated taxable income of the group. Any tax increases arising from the consolidation shall be distributed to the several members in direct proportion to the reduction in tax liability resulting to such members from the filing of the consolidated return as measured by the difference between their tax liabilities determined on a separate return basis and their tax liabilities based on their contributions to the consolidated taxable income.

* * * * * *

[Sec. 1552 as amended by sec. 234(b)(8), Rev. Act 1964 (78 Stat. 116)]

PAR. 3. Section 1.1552–1 is amended to read as follows:

§ 1.1552–1 Earnings and profits.

(a) *General rule.* For the purpose of determining the earnings and profits of each member of an affiliated group which is required to be included in a consolidated return for such group filed for a taxable year beginning after December 31, 1953, and ending after August 16, 1954, the tax liability of the group shall be allocated among the members of the group in accordance with one of the following methods, pursuant to an election under paragraph (c) of this section:

(1) (i) The tax liability of the group shall be apportioned among the members of the group in accordance with the ratio which that portion of the consolidated taxable income attributable to each member of the group having taxable income bears to the consolidated taxable income.

(ii) For consolidated return years beginning after December 31, 1965, a member's portion of the tax liability of the group under the method of allocation provided by subdivision (i) of this subparagraph is an amount equal to the tax liability of the group multiplied by a fraction, the numerator of which is the taxable income of such member, and the denominator of which is the sum of the taxable incomes of all the members. For purposes of this subdivision the taxable income of a member shall be the separate taxable income determined under § 1.1502–12, adjusted for the following items taken into account in the computation of consolidated taxable income:

(*a*) The portion of the consolidated net operating loss deduction, the consolidated charitable contributions deduction, the consolidated dividends received deduction, the consolidated section 247 deduction, the consolidated section 582(c) net loss and the consolidated section 922 deduction, attributable to such member;

(*b*) Such member's net capital gain (determined without regard to any net capital loss carryover attributable to such member);

(*c*) Such member's net capital loss and section 1231 net loss, reduced by the portion of the consolidated net capital loss attributable to such member; and

(*d*) The portion of any consolidated net capital loss carryover attributable to such member which is absorbed in the taxable year.

If the computation of the taxable income of a member under this subdivision results in an excess of deductions over gross income, then for purposes of this subdivision such member's taxable income shall be zero.

(2) (i) The tax liability of the group shall be allocated to the several members of the group on the basis of the percentage of the total tax which the tax of such member if computed on a separate return would bear to the total amount of the taxes for all members of the group so computed.

(ii) For consolidated return years beginning after December 31, 1965, a member's portion of the tax liability of the group under the method of allocation provided by subdivision (i) of this subparagraph is an amount equal to the tax liability of the group multiplied by a fraction, the numerator of which is the separate return tax liability of such member, and the denominator of which is the sum of the separate return tax liabilities of all the members. For purposes of this subdivision the separate return tax liability of a member is its tax liability computed as if it has filed a separate return for the year except that—

(*a*) Gains and losses on intercompany transactions shall be taken into account as provided in § 1.1502–13 as if a consolidated return had been filed for the year;

(*b*) Gains and losses relating to inventory adjustments shall be taken into account as provided in § 1.1502–18 as if a consolidated return had been filed for the year;

(*c*) Transactions with respect to stock, bonds, or other obligations of members shall be reflected as provided in § 1.1502–14 as if a consolidated return had been filed for the year;

(*d*) Excess losses shall be included in income as provided in § 1.1502–19 as if a consolidated return had been filed for the year;

(*e*) In the computation of the deduction under section 167, property shall not lose its character as new property as a result of a transfer from one member to another member during the year;

(*f*) A dividend distributed by one member to another member during the year shall not be taken into account in computing the deductions under section 243(a)(1), 244(a), 245, or 247 (relating to deductions with respect to dividends received and dividends paid);

(*g*) Basis shall be determined under §§ 1.1502–31 and 1.1502–32, and earnings and profits shall be determined under § 1.1502–33, as if a consolidated return had been filed for the year;

(*h*) Subparagraph (2) of § 1.1502–3(*f*) shall apply as if a consolidated return had been filed for the year; and

(*i*) For purposes of subtitle A of the Code, the surtax exemption of the member shall be an amount equal to $25,000 divided by the number of members (or such portion of $25,000 which is apportioned to the member pursuant to a schedule attached to the consolidated return for the taxable year). (However, if for the taxable year some or all of the members are component members of a controlled group of corporations (within the meaning of section 1563) and if there are other such component members who do not join in filing the consolidated return for such year, the amount to be divided among the members filing the consolidated return shall be (in lieu of $25,000) the sum of the amounts apportioned to the component members which join in filing the consolidated return (as determined under § 1.1561–2(a)(2) or § 1.1561–3, whichever is applicable).)

If the computation of the separate return tax liability of a member under this subdivision does not result in a positive tax liability, then for purposes of this subdivision such member's separate return tax liability shall be zero.

(3) (i) The tax liability of the group (excluding the tax increases arising from the consolidation) shall be allocated on the basis of the contribution of each member of the group to the consolidated taxable income of the group. Any tax increases arising from the consolidation shall be distributed to the several members in direct proportion to the reduction in tax liability resulting to such members from the filing of the consolidated return as measured by the difference between their tax liabilities determined on a separate return basis and their tax liabilities (determined without regard to the 2-percent increase provided by section 1503(a) and paragraph (a) of § 1.1502–30A for taxable years beginning before Jan. 1, 1964) based on their contributions to the consolidated taxable income.

(ii) For consolidated return years beginning after December 31, 1965, a member's portion of the tax liability of the group under the method of allocation provided by subdivision (i) of this subparagraph shall be determined by—

(*a*) Allocating the tax liability of the group in accordance with subparagraph (1)(ii) of this paragraph, but

(*b*) The amount of tax liability allocated to any member shall not exceed the separate return tax liability of such member, determined in accordance with subparagraph (2)(ii) of this paragraph, and

(c) The sum of the amounts which would be allocated to the members but for (*b*) of this subdivision (ii) shall be apportioned among the other members in direct proportion to, but limited to, the reduction in tax liability resulting to such other members. Such reduction for any member shall be the excess, if any, of (*1*) its separate return tax liability determined in accordance with subparagraph (2)(ii) of this paragraph, over (*2*) the amount allocated to such member under (*a*) of this subdivision (ii).

If any amount remains after being apportioned among members with a reduction in tax liability to the extent of such reduction, as provided in (c) of this subdivision (ii), such remaining amount shall, notwithstanding (*b*) of this subdivision (ii), be allocated to the members in accordance with the fractions determined under subparagraph (1)(ii) of this paragraph.

(4) The tax liability of the group shall be allocated in accordance with any other method selected by the group with the approval of the Commissioner. No method of allocation may be approved under this subparagraph which may result in the allocation of a positive tax liability for a taxable year, among the members who are allocated a positive tax liability for such year, in a total amount which is more or less than the tax liability of the group for such year. (However, see paragraph (d) of § 1.1502–33.)

(b) *Application of rules*—(1) *Tax liability of the group.* For purposes of section 1552 and this section, the tax liability of the group for a taxable year shall consist of the Federal income tax liability of the group for such year determined in accordance with § 1.1502–2 or § 1.1502–30A, whichever is applicable. Thus, in the case of a carryback of a loss or credit to such year, although the earnings and profits of the members of the group may not be adjusted until the subsequent taxable year from which the loss or credit was carried back, the effect of the carryback, for purposes of this section, shall be determined by allocating the amount of the adjustment as a part of the tax liability of the group for the taxable year to which the loss or credit is carried. For example, if a consolidated net operating loss is carried back from 1969 to 1967, the allocation of the tax liability of the group for 1967 shall be recomputed in accordance with the method of allocation used for 1967, and the changes resulting from such recomputation shall, for accrual method taxpayers, be reflected in the earnings and profits of the appropriate members in 1969.

(2) *Effect of allocation.* The amount of tax liability allocated to a corporation as its share of the tax liability of the group, pursuant to this section, shall (i) result in a decrease in the earnings and profits of such corporation in such amount, and (ii) be treated as a liability of such corporation for such amount. If the full amount of such liability is not paid by such corporation, pursuant to an agreement among the members of the group or otherwise, the amount which is not paid will generally be treated as a distribution with respect to stock, a contribution to capital, or a combination thereof, as the case may be.

(c) *Method of election.* (1) The election under paragraph (a)(1), (2), or (3) of this section shall be made not later than the time prescribed by law for filing the first consolidated return of the group for a taxable year beginning after December 31, 1953, and ending after August 16, 1954 (including extensions thereof). If the group elects to allocate its tax liability in accordance with the method prescribed in paragraph (a)(1), (2), or (3) of this section, a statement shall be attached to the return stating which method is elected. Such statement shall be made by the common parent corporation and shall be binding upon all members of the group. In the event that the group desires to allocate its tax liability in accordance with any other method pursuant to paragraph (a)(4) of this section, approval of such method by the Commissioner must be obtained within the time prescribed above. If such approval is not obtained in such time, the group shall allocate in accordance with the method prescribed in paragraph (a)(1) of this section. The request shall state fully the method which the group wishes to apply in apportioning the tax liability. Except as provided in subparagraph (2) of this paragraph, an election once made shall be irrevocable and shall be binding upon the group with respect to the year for which made and for all future years for which a consolidated return is filed or required to be filed unless the Commissioner authorizes a change to another method prior to the time prescribed by law for filing the return for the year in which such change is to be effective.

(2) Each group may make a new election to use any one of the methods prescribed in paragraph (a)(1), (2), or (3) of this section for its first consolidated return year beginning after December 31, 1965, or in conjunction with an election under paragraph (d) of § 1.1502–33, or may request the Commissioner's approval of a method under paragraph (a)(4) of this section for its first consolidated return year beginning after December 31, 1965, irrespective of its previous method of allocation under this section. If such new election is not made in conjunction with an election under paragraph (d) of § 1.1502–33, it shall be effective for the first consolidated return year beginning after December 31, 1965, and all succeeding years. (See paragraph (d)(3) of § 1.1502–33 for the method of making such new election in conjunction with an election under paragraph (d) of § 1.1502–33.) Any other such new election (or request for the Commissioner's approval of a method under paragraph (a)(4) of this section) shall be made within the time prescribed by law for filing the consolidated return for the first taxable year beginning after December 31, 1965 (including extensions thereof), or within 60 days after July 3, 1968, whichever is later. Such new election shall be made by attaching a statement to the consolidated return for the first taxable year beginning after December 31, 1965, or if such election is made within the time prescribed above but after such return is filed, by filing a statement with the internal revenue officer with whom such return was filed.

(d) *Failure to elect.* If a group fails to make an election in its first consolidated return, or any other election, in accordance with paragraph (c) of this section, the method prescribed under paragraph (a)(1) of this section shall be applicable and shall be binding upon the group in the same manner as if an election had been made to so allocate.

(e) *Definitions.* Except as otherwise provided in this section, the terms used in this section shall have the same meaning as provided in the regulations under section 1502.

(f) *Example.* The provisions of this section may be illustrated by the following example:

Example. Corporation P is the common parent owning all of the stock of corporation S1 and S2, members of an affiliated group. A consolidated return is filed for the taxable year ending December 31, 1966, by P, S1, and S2. For 1966 such corporations had the following taxable incomes or losses computed in accordance with paragraph (a)(1)(ii) of this section:

P	0
S1	$2,000
S2	(1,000)

The group has not made an election under paragraph (c) of this section or paragraph (d) of § 1.1502–33. Accordingly, the method of allocation provided by paragraph (a)(1) of this section is in effect for the group. Assuming that the consolidated taxable income is equal to the sum of the members taxable income and losses, or $1,000, the tax liability of the group for the year (assuming a 22-percent rate) is $220, all of which is allocated to S1. S1 accordingly reduces its earnings and profits in the amount of $220, irrespective of who actually pays the tax liability. If S1 pays the $220 tax liability there will be no further effect upon the income, earnings and profits, or the basis of stock of any member. If, however, P pays the $220 tax liability (and such payment is not in fact a loan from P to S1), then P shall be treated as having made a contribution to the capital of S1 in the amount of $220. On the other hand, if S2 pays the $220 tax liability (and such payment is not in fact a loan from S2), then S2 shall be treated as having made a distribution with respect to its stock to P in the amount of $220, and P shall be treated as having made a contribution to the capital of S1 in the amount of $220.

[F.R. Doc. 68–7896; Filed, July 2, 1968; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 822—BUREAUS AND OFFICES

Bureau of Operations

Paragraphs (e)(1) and (e)(2) of § 822.3 are revised to realign the branch functional statements under the Postmasters, Post Office Changes and Rural Appointments Division of the Bureau of Operations by renaming the division and branches as follows: (a) Postmasters and Rural Carriers Division; (b) Appointments Branch; (c) Postal Changes Branch; and (d) Postmaster Appraisal Branch.

As these revisions in the organization statement of the Department do not affect substantive rights, advance notice or a delayed effective date are unnecessary.

§ 822.3 Bureau of Operations.

* * * * *

(e) *Office of the Deputy Assistant Postmaster General—Postmasters and Patron Relations*—(1) *Deputy Assistant Postmaster General.* (i) Advises and assists the Assistant Postmaster General and acts for him at his direction.

(ii) Directs the staff and activities of Postmasters and Rural Carriers Division, Customer Relations Division and Classification and Special Services Division.

(2) *Postmasters and Rural Carriers Division* (i) Performs functions pertaining to selection, appointment installation, indoctrination, and training of postmasters and acting postmasters.

(ii) Performs functions pertaining to selection and appointment of rural carriers; and consolidation of rural routes.

(iii) Establishes criteria and administers the program for appraising the conduct and performance of postmasters and acting postmasters; executes disciplinary action when warranted and maintains a historical record of postmasters and acting postmasters.

(iv) Maintains liaison with the Congress, the Civil Service Commission, and with other interested agencies and parties as necessary in order to perform the functions of the division.

(v) Develops policies and procedures and issues directives, regulations and instructions for the establishment, consolidation, conversion, and discontinuance of independent post offices; naming of post offices; and wording in the circular portion of dating stamps.

(*a*) *Appointments Branch.* (*1*) Ascertains qualifications and suitability of candidates for postmaster and acting postmaster.

(*2*) Recommends candidates and processes the nomination, confirmation, and appointment actions.

(*3*) At time of appointment, arranges for ceremonies attendant to the installation of acting postmasters and postmasters, including departmental or regional representation where appropriate.

(*4*) Determines method of filling rural carrier vacancies; ascertains qualifications and suitability of applicants; and issues instructions for the appointment of rural carriers.

(*5*) Recommends policies and procedures relating to seasonal and regular rural carrier appointments.

(*b*) *Postal Changes Branch.* (*1*) Develops policies and procedures, and issues directives, regulations, and instructions for the establishment, consolidation, conversion, and discontinuance of independent post offices.

(*2*) Conducts studies, performs analyses, coordinates action with other interested branches, divisions and bureaus, and authorizes changes relating to the consolidation of post offices, their conversion to stations and branches, or their replacement with rural or star route service.

(*3*) Determines the discontinuance or consolidation of rural carrier routes when carrier vacancies occur, coordinating this activity with the Distribution and Delivery Division.

(*4*) Evaluates requests for changes in name of independent post offices, determines advisability of effecting change, coordinates action with the Board of Geographic Names, and when appropriate authorizes change in name.

(*5*) Prescribes regulations governing the wording to be shown in the circular portion of postmarks at all postal facilities. Authorizes exception to published regulations whenever circumstances require.

(c) *Postmaster Appraisal Branch.* (*1*) After installation, issues instructions governing the indoctrination of newly appointed acting postmasters and postmasters.

(*2*) Conducts performance appraisal program; analyses and evaluates reports of regional officials and postal inspectors, and when required initiates special investigation pertaining to conduct and performance of acting postmasters and postmasters; issues commendations, reprimands, withholding of periodic salary increases, or removal notices.

(*3*) Performs personnel management functions for postmasters and acting postmasters.

(*4*) Maintains historical records of postmasters and acting postmasters.

* * * * *

NOTE: The corresponding Postal Manual sections are 822.351 and 822.352, respectively.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

JUNE 27, 1968.

[F.R. Doc. 68–7885; Filed, July 2, 1968; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 68–681]

PART 1—PRACTICE AND PROCEDURE

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Miscellaneous Amendments

Report and order. In the matter of amendment of § 1.227(b)(3) of the Commission's rules relating to applications for common carrier facilities; and the amendment of §§ 21.26(b) and 21.27(f) of the Commission's rules relating to applications for the Domestic Public Radio Services (other than Maritime Mobile).

1. The Commission has under consideration its rules governing the processing of applications in the Domestic Public Radio Services (§§ 21.26 and 21.27) and the timely filing of common carrier applications for comparative consideration and consolidation for hearing with applications already on file (§ 1.227(b)(3)):

2. The Commission is concerned with the continual problem of backlog and resultant inordinate time lapse between the filing of applications and Commission action either by grant or designation for hearing. Under our present procedure (§§ 21.26(b), 21.27(f), and 1.227(b)(3)), an application is entitled to consideration with a prior filed application or applications if it is on file by the close of business 1 day preceding the day on which the prior filed application or applications are granted or designated for hearing. Additionally, under § 21.23(a) of the rules an application may be freely amended as a matter of right at any time prior to designation for hearing merely by filing the appropriate number of copies of the amendments. It is, therefore, not unusual for a completely processed application, ready for action, to require reprocessing in consideration of a newly filed application or applications, or one subsequently amended. Nor is it uncommon for an application under these circumstances to be reprocessed many times over before action can be taken.

3. Staff response and improved processing techniques have permitted a substantial reduction in both the number of applications awaiting action and the time within which applications are reached for processing. This condition exists notwithstanding the substantial increase in the rate of filing of applications during the past year over previous years. However, proceedings involving multiple applications continue to remain unresolved although the applications have been reprocessed numerous times. Moreover, the Commission has reason to

believe that recent rule changes[1] affecting the Domestic Public Radio Services will result in an appreciable increase in the number of applications filed and again occasion a significant backlog problem.

4. If applications ready for processing are to be permitted to reach fruition, orderly administrative procedure requires that steps be taken to establish a more meaningful cutoff date than the present one, beyond which applications will not be considered if it is determined that they are mutually exclusive with the application ready for processing. We will therefore, amend our rules as indicated in the attached appendix to specify that henceforth applications will be considered to be mutually exclusive with those filed earlier only if the later filed applications have been on file either (a) by the close of business one business day preceding the day on which the Commission takes action on the earlier filed application, or (b) within 60 days of the date of public notice[2] listing the first prior filed application as having been accepted for filing, whichever date occurs earlier. In the event an application is subsequently amended by a major change,[3] the amended application will be considered, for the purposes of this rule, as a newly filed application.

5. It is to be noted that the cutoff dates set forth in §§ 1.227(b)(3) and 21.26(b), as amended, are stated in the alternative, whichever is earlier: (1) The close of business on the day before action on the first filed application, or (2) within 60 days from the date of the public notice listing the acceptance of the first application for filing. Thus, the date fixed by the public notice is no guarantee that an application will be entitled to consideration with listed applications if filed by the end of the 60-day period, but rather that that date is the last possible filing date for comparative consideration even if the earlier application has not been acted upon by that time.

6. It is also noted that according to the language and intent of these sections as amended, the consolidation rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications. Thus, e.g., if application B is timely filed for consideration with application A, and application C is not timely filed for consideration with application A, application C will not be consolidated in the hearing on applications A and B even though it was timely filed as to B. With respect to pending applications already placed on public notice as having been accepted for filing, where the Commission does not take action at the earlier alternative date, the 60-day cutoff period shall be measured from the effective date of the rule.

7. We believe that the adoption of the foregoing amendments to the Commission's rules will conduce materially to the more expeditious processing of Domestic Public Radio Service applications and that the public interest, convenience, and necessity will be served thereby.

8. Since the subject amendments are procedural and prospective in application, the prior notice provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) are not applicable. Authority for the amendments ordered herein are contained in sections 4(i), 4(j), and 303(r) of the Communications Act of 1934, as amended.

9. In view of the foregoing: *It is ordered*, That, effective July 29, 1968, §§ 21.26(b), 21.27(f), and 1.227(b)(3) of the Commission's rules are amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: June 26, 1968.

Released: June 28, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE, *Secretary.*

1. In § 1.227, paragraph (b)(3) is revised to read as follows:

§ 1.227 Consolidations.

* * * * * *

(b) * * *

(3) In common carrier cases, except those involving Domestic Public Radio Services, any application that is mutually exclusive with another previously filed application will be considered with such prior filed application only if the later filed application is substantially complete and tendered for filing prior to the close of business on the day preceding the day the earlier filed application is designated for hearing. In the Domestic Public Radio Services no application will be consolidated for hearing as mutually exclusive with a previously filed application or applications unless such application, or such application as amended so as to constitute a major change therein as defined in § 21.33 of this chapter, is substantially complete and tendered for filing by whichever date is earlier: (i) The close of business 1 business day preceding the day on which the Commission designates the earlier filed application for hearing; or (ii) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will, for the purpose of this section, be considered to be a newly filed application. Where major changes which do not relate to the mutually exclusive aspect of a proceeding are warranted, or in the case of multiple mutually exclusive issues where the warranted major changes serve to resolve one or more of the issues but do not relate to the mutually exclusive aspect of the proceeding, such changes or amendments will not serve to alter the existing mutually exclusive status so long as new conflicts are not created.

* * * * * *

2. In § 21.26, paragraph (b) is revised to read as follows:

§ 21.26 Grants without a hearing.

* * * * * *

(b) In making its determinations pursuant to the provisions of paragraph (a) of this section, the Commission will not consider any other application, or any other application amended so as to constitute a major change therein (as defined in § 21.33), as being mutually exclusive with the application or applications under consideration unless such other application was substantially complete and tendered for filing by whichever date is earlier: (1) The close of business 1 business day preceding the day on which the Commission takes action with respect to the application under consideration; or (2) within 60 days after the date of the public notice listing the first prior application (with which the subsequent application is in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will, for the purposes of this section, be considered to be a newly filed application. Where major changes which do not relate to the mutually exclusive aspect of a proceeding are warranted, or in the case of multiple mutually exclusive issues where the warranted major changes serve to resolve one or more of the issues but do not relate to the mutually exclusive aspect of the proceeding, such changes or amendments will not serve to alter the existing mutually exclusive status so long as new conflicts are not created. An application filed after the appointed date as specified herein will be subject to disposal in accordance with the provisions of § 21.24(d) of the rules. As an exception, however, in dealing with the frequency bands 3700–4200 and 5925–6425 Mc/s, which are shared on a coequal, primary basis by the Point-to-Point Microwave Radio Service under this part and the Communication Satellite Service under Part 25, the Commission may consider planned future expansion of existing communication-satellite earth stations as being mutually exclusive with the application under consideration if brought to the attention of the Commission by the close of business 1 business day preceding the day on which the Commission takes action with respect to the application under consideration. To qualify for such mutual consideration the earth station must lie within coordination distance of the site of the point-to-point station in question and the earth station licensee must be able to document his planned expansion to the satisfaction of the Commission. Reciprocal treatment shall be afforded stations in the Point-to-Point Microwave Service in Part 25 of this chapter.

* * * * * *

3. In § 21.27, paragraph (f) is revised to read as follows:

§ 21.27 Processing of applications.

* * * * * *

(f) If, in the case of any application to which § 21.26(a) applies, a substantial and material question of fact is presented, or the Commission, for any reason, is unable to make the finding specified in that section, it shall formally designate the application for hearing on the grounds or reasons then obtaining and shall forthwith notify the applicant and all other known parties in interest of such action and the grounds and reasons therefor, specifying with particularity the matters and things in issue, but not including issues or requirements phrased generally. Before an application may be considered to be mutually exclusive with the application or applications so designated for hearing, the filing of the later application must be consistent with section 21.26(b). When the Commission has so designated an application for hearing, any party in interest who is not notified by the Commission of such action, may acquire the status of a party to the proceeding thereon by filing a petition for intervention, showing the basis of his interest, at any time not more than 30 days after the publication in the FEDERAL REGISTER of the hearing issues or any substantial amendment thereto. Any hearing subsequently held upon such application shall be a full hearing in which the applicant and all other parties in interest shall be permitted to participate. The burden of proceeding with the introduction of evidence and the burden of proof shall be upon the applicant, except that, with respect to any issue presented by a petition to deny or a petition to enlarge the issues, such burdens shall be as determined by the Commission.

* * * * * *

[F.R. Doc. 68-7909; Filed, July 2, 1968; 8:48 a.m.]

[1] E.g.—(a) *Report and Order* in Docket 17023 (FCC 68-243 released Mar. 8, 1968), split channels in the 450–460 Mc/s band for both the Domestic Public Land Mobile Radio and Rural Radio Services and reduced separation between frequencies.

(b) *Report and Order* in Docket 16778 (FCC 67-957 released Aug. 16, 1967), made available to Domestic Public Land Mobile Radio Services four previously unassignable channels used as guard bands to prevent interference; by *Report and Order* in Docket 16778 (FCC 68-515 released May 13, 1968), separate frequency pairs where assigned to wireline and nonwireline carriers exclusively for one-way signaling service. (Petition for reconsideration pending.)

[2] During the course of each week a public notice is issued listing, inter alia, the applications accepted for filing in the Domestic Public Land Mobile Radio Service, Rural Radio Service, Point-to-Point Microwave Service, and applications requesting major amendments.

[3] In view of the nature of the services covered herein, major changes are sometimes found warranted in portions of the application which do not necessarily relate to the mutually exclusive aspect of the proceeding, or in the case of multiple mutually exclusive issues, would serve to resolve one or more of the issues. If such major amendments will not create any new conflicts, the amendments will not alter the existing mutually exclusive status.

[4] Commissioner Loevinger not participating.

[Docket No. 17858; FCC 68-678]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

PART 87—AVIATION SERVICES

Miscellaneous Amendments

Report and order. In the matter of amendment of parts 2 and 87 of the Commission's rules to permit use of high frequency (HF) channels for flight test purposes and in support of off-shore drilling operations, Docket No. 17858, RM 1000.

1. The Commission on November 8, 1967, adopted a notice of proposed rule making in the above-entitled matter (FCC 67-1227) which made provisions for filing comments. The notice was published in the FEDERAL REGISTER on November 11, 1967 (32 F.R. 15712). The time for filing comments and reply comments has passed.

2. The notice proposed revisions of the rules, governing the use of high frequencies (HF) in the Aeronautical Mobile (R) Service in the United States, to permit the use of HF for certain flight test purposes and in support of off-shore well drilling operations.

3. Comments were filed by Aerospace and Flight Test Radio Coordinating Council (AFTRCC); Aeronautical Radio, Inc. (ARINC); Collins Radio Co. (Collins); and Central Committee on Communications Facilities of the American Petroleum Institute (API).

4. AFTRCC and Collins both supported the rule making in nearly all the major aspects with the exception of the limitation to "over open water areas" as unduly restrictive and not responsive to the essential requirement which exists for flight tests over land areas. They also commented on the inclusion of A3A emission in the rules as being a potential source of incompatability between A3A and A3J systems where the generally accepted practice is to employ A3J emission in aeronautical single sideband (SSB) communications.

5. AFTRCC, in the original petition, made no showing of a requirement for low level flight tests over land areas. Both AFTRCC and Collins have submitted additional information showing that a substantial number of critical flight tests, requiring reliable communications between the crew and ground personnel, are conducted over land out of the range of VHF coverage because the tests are performed at low altitudes. Adequate VHF coverage could only be provided by establishing additional fixed or mobile VFH ground stations. The location of these stations would vary depending upon any special requirements of the test to be performed; such as, operational requirements, weather conditions, terrain features, or any other limiting factors to satisfy a particular flight test. It is not feasible to establish temporary VHF flight test stations at these locations due to the difficulties of completing the necessary coordination and licensing on a timely basis. Additionally, moving the VHF station equipment and personnel along with the ancillary facilities for flight test operations is costly and does not meet the operational requirements. Flight test aircraft, particularly those flying at low altitudes, are only within range of a particular VHF flight test station for a short period of time.

6. The requirement to establish and maintain continuous and reliable communications between the flight test crew and engineering personnel is recognized. HF is the most satisfactory method of establishing and maintaining continuous communications for control of the flight test aircraft during the entire flight test. AFTRCC has stated that the message relay service provided by ARINC cannot meet the essential and instantaneous communications required between the flight test crew and engineering personnel when testing the aircraft. Any common user system dependent upon relay of information or third party connection of service cannot be responsive to the specialized and timely communications requirements arising during an actual flight test; therefore, it is essential that the manufacturer operate and control the communications in support of the flight test.

7. The proposed rules relative to reduced carrier (A3A) emission are permissive rather than directive. The rules pertaining to type acceptance require that a single sideband transmitter be capable of operation in both full carrier (A3H) and suppressed carrier (A3J) with no requirement for reduced carrier. Reduced carrier, however, is a valid classification of emission and will continue to be permitted.

8. ARINC in their comments supported the proposed rule making with the exception of several frequencies which had sideband overlap in certain parts of the world. The proposed rule making included frequencies with overlaps to elicit comments from either Government or non-Government sources. The comments

have been considered and the necessary adjustments and/or restrictions are included in the report and order.

9. API, in supporting the proposal, further proposed that additional frequencies be allocated for use between heliports and helicopters for communications of an industrial nature or company communications relating to the operation of the helicopter fleet. The Commission has before it another petition, RM 1107, which is considering the allocation of a family of high frequencies for business communications. The comments of API directed to business communications will be considered in connection with RM 1107. It is noted that petroleum refiners and distributors are parties to this petition.

10. In addition, the subject amendments specify frequencies that are to be used for SSB communications. The present rules, § 87.67 restricts the emissions 3A3A and 3A3J to a developmental basis except for Civil Air Patrol stations and stations operating in the aeronautical fixed service. These restrictions have been removed to permit operation with reduced or suppressed carrier provided that service is rendered to stations equipped for double sideband operation. Aircraft stations equipped for SSB operation shall use full carrier except when it is known that the receiving station is capable of receiving either reduced or suppressed carrier, and shall use full carrier upon the request of any station using the same frequency.

11. In summary, all the commenters favored the basic rule changes as proposed. The specific comments and suggested revisions have been considered individually in the preceding paragraphs. The rules are essentially as proposed except for the deletion of the restriction to "over open water areas" in the first sentence § 87.331(c), an editorial change to the penultimate sentence of this section to change and to or to make A3A emission permissive rather than directive, and the deletion of/or restrictions added to several frequencies in this section.

12. In view of the foregoing: *It is ordered*, Pursuant to the authority contained in sections 4(i) and 303 (b), (c), (f), and (r) of the Communications Act of 1934, as amended, that effective August 6, 1968 Parts 2 and 87 of the Commission's rules are amended as set forth below. *It is further ordered*, That this proceeding is terminated.

Adopted: June 26, 1968.

Released: June 28, 1968.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

§ 2.106 [Amended]

1. Section 2.106 is amended in part as follows:

a. A new footnote designator (NG60) is added in column 7 for the aeronautical mobile (R) band, 4650–4700 kc/s.

b. A new footnote designator (NG61) is added in column 7 for the aeronautical mobile (R) bands:

Kc/s	*Kc/s*
2850–3025	10,005–10,100
3400–3500	11,275–11,400
4650–4700	13,260–13,360
5450–5680	17,900–17,970
6525–6685	

c. New NG footnotes are added in appropriate numerical sequence to read as follows:

NG60 Frequencies in this band may be authorized for communication with helicopters in support of off-shore drilling operations on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

NG61 Frequencies in this band may be authorized for flight test purposes on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

2. Footnote 2 to the table in § 87.67 (b) (1) is amended to read as follows:

§ 87.67 Types of emission.

* * * * * * *

(b) * * *

[2] Each aeronautical en route station authorized to use 3A3A and/or 3A3J emission shall render service to those aircraft stations which are equipped for double sideband (DSB) operation as well as those equipped for single sideband (SSB). Aircraft stations equipped for SSB operation shall use full carrier except when it is known that the receiving station is capable of receiving reduced or suppressed carrier emissions, and shall use full carrier upon request of any station using the same frequency. 3A3A, 3A3H, and 3A3J emissions will be authorized only below 25,000 kc/s.

* * * * * * *

3. In § 87.293, the note is deleted and paragraph (f) is amended to read:

§ 87.293 Frequencies available.

* * * * * * *

(f) Regular use of high frequencies for aeronautical mobile (R) communications in the Domestic Service within the continental U.S. (excluding Alaska), will not be permitted.

4. Section 87.295 is amended to read as follows:

§ 87.295 Continental United States (excluding Alaska).

(a) The following frequency is available for assignment for emergency and backup to serve aircraft operating in support of off-shore drilling operations in open water areas beyond the range of VHF propagation on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

Prior to September 17, 1970:
4654.5 kc/s [1]
After 0001 G.m.t. September 17, 1970:
4654 kc/s [2]

[1] When A3A, A3H, or A3J emission is used, the assigned frequency will be 4656 kc/s (4654.5 kc/s carrier frequency).

[2] When A3A, A3H, or A3J emission is used, the assigned frequency will be 4655.5 kc/s (4654 kc/s carrier frequency).

(b) Frequencies available to serve domestic routes in the continental United States (excluding Alaska), are as follows:

Mc/s	*Mc/s*	*Mc/s*	*Mc/s*
128.85	129.65	130.45	131.25
128.90	129.70	130.50	131.30
128.95	129.75	130.55	131.35
129.00	129.80	130.60	131.40
129.05	129.85	130.65	131.45
129.10	129.90	130.70	131.50
129.15	129.95	130.75	131.55
129.20	130.00	130.80	131.60
129.25	130.05	130.85	131.65
129.30	130.10	130.90	131.70
129.35	130.15	130.95	131.75
129.40	130.20	131.00	131.80
129.45	130.25	131.05	131.85
129.50	130.30	131.10	131.90
129.55	130.35	131.15	131.95
129.60	130.40	131.20	132.00

5. In § 87.331, the present paragraphs (b), (c), and (d) are redesignated (d), (e), and (f); paragraph (a) is amended and new paragraphs (b) and (c) are added to read as follows:

§ 87.331 Frequencies available.

(a) The following frequencies are available for assignment to ground and aircraft flight test stations.

3281 kc/s [1]	123.3 Mc/s [2]
123.1 Mc/s [2]	123.4 Mc/s
123.2 Mc/s	123.5 Mc/s [2]

[1] When A3A, A3H, or A3J emission is used, the assigned frequency will be 3282.5 kc/s (3281 kc/s carrier frequency).

[2] Available for assignment to ground and aircraft instructional stations on the basis that interference is not caused to flight test stations.

(b) The following additional frequencies are available for assignment to flight test stations of aircraft manufacturers.

Mc/s	*Mc/s*
123.15	123.45
123.25	123.55
123.35	

(c) The following frequencies are available for assignment to flight test stations for emergency and backup use only for communication with aircraft operating beyond the range of VHF propagation on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations. Types A3A, A3H, or A3J emission shall be employed. The carrier frequency in parentheses is 1.5 kc/s below the assigned frequency.

Prior to September 17, 1970:

kc/s	*kc/s*
2897.5(2896)	10010.5(10009)
2995.5(2994)	
3490(3488.5)	11282(11280.5)
4662.5(4661)	11376.5(11375)
4677(4675.5)	
5455.5(5454)	13357.5(13356)[4]
5598(5596.5)	17902.5(17901)
6660.5(6659)	17966.5(17965)
8946.5(8943)[3]	

After 0001 G.m.t. September 17, 1970:

kc/s	*kc/s*
2869.5(2868)[5]	8918.5(8917)
2995.5(2994)	10010.5(10009)
3475.5(3474)	
4676.5(4675)	11288.5(11287)
4683.5(4682)	11376.5(11375)
5470.5(5469)	
5597.5(5596)	13357.5(13356)[4]
	17902.5(17901)
6660.5(6659)	17966.5(17965)

[3] Restricted to use west of Mississippi River.

[4] Restricted to use continental United States and Atlantic Ocean Areas.

[5] Restricted to use south of 40° N. over Atlantic Ocean.

* * * * * * *

[F.R. Doc. 68–7910; Filed, July 2, 1968; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC–37 (Sub-No. 2)]

PART 1048—COMMERCIAL ZONES

Minneapolis-St. Paul, Minn., Commercial Zone

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the fifth day of June 1968.

It appearing, that on July 19, 1948, the Commission, Division 5, made and entered its report 48 M.C.C. 441, and order in this proceeding specifically defining the zone adjacent to and commercially a part of Minneapolis-St. Paul, Minn.;

It further appearing, that by petition filed May 10, 1966, the Minneapolis Traffic Association seeks redefinition and extension in certain respects of the Minneapolis-St. Paul, Minn., commercial zone limits;

It further appearing, that investigation of the matters and things involved in said petition having been made, and said division having made and filed a report herein containing its findings of fact and conclusions thereon, which report is hereby, made a part hereof:

It is ordered, That said proceeding be, and it is hereby, reopened for further consideration;

It is further ordered, That § 1048.26 of Chapter X of Title 49 of the Code of Federal Regulations is amended to read as follows:

§ 1048.26 Minneapolis-St. Paul, Minn.

The zone adjacent to and commercially a part of Minneapolis-St. Paul, Minn., within which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage to or from a point beyond the zone is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8)) includes and it is comprised of all as follows:

Beginning at the southern boundary of Fort Snelling Reservation and the Minnesota River and extending along the Minnesota River to the southwest corner of the city of Bloomington, thence north along the western boundaries of the city of Bloomington and the village of Edina to the southern boundary of the village of Hopkins, thence over along the southern, western, and northern boundaries of the village of Hopkins to the western boundary of the village of St. Louis Park, thence north along the western boundaries of the villages of St. Louis Park and Golden Valley to the southeast corner of the village of Plymouth, thence west along the southern boundary of Plymouth to Interstate Highway 494, thence north along Interstate Highway 494 to Minnesota Highway 55, thence southeast along Minnesota Highway 55 to the western boundary of Golden Valley, thence north along the western boundaries of the villages of Golden Valley and New Hope to the northwestern corner of the village of New Hope, thence east along the northern boundary of the villages of New Hope and Crystal to the western boundary of the village of Brooklyn Center, thence north along the western boundary of the village of Brooklyn Center to its northern boundary, thence east along such northern boundary to the Hennepin County-Anoka County line, thence north along such county line to the northwestern corner of Fridley Township in Anoka County, thence east along the northern boundary of Fridley Township to the northwest corner of Mounds View Township in Ramsey County, thence east and south along the northern and eastern boundaries of Mounds View Township to the northwestern corner of New Canada Township, thence east and south along the northern and eastern boundaries of New Canada Township to the northeastern corner of the village of North St. Paul, thence south along the eastern boundary of the village of North St. Paul to the southeast corner of such village, thence south along the eastern boundary of New Canada Township to the northeastern corner of the village of Newport, thence south and west along the eastern and southern boundaries of the village of Newport to U.S. Highway 61, thence southeasterly along U.S. Highway 61 to the eastern boundary of the village of St. Paul Park, thence along the eastern, southern, and western boundaries of the village of St. Paul Park to a point on the Mississippi River opposite the southeast corner of the village of Inver Grove, thence westerly across the river and along the southern and western boundaries of the village of Inver Grove to the northwest corner of such village, thence due north to the southern boundary of Mendota Township in Dakota County, thence west along the southern boundary of Mendota Township to County Road 31, thence southerly along County Road 31 to junction County Road 28, thence westerly along County Road 28 to junction Minnesota Highway 13, thence northerly along Minnesota Highway 13 to the southern boundary of Mendota Township, thence west along the southern boundary of Mendota Township to the Minnesota River, thence west across the river and southwesterly along the river to point of beginning.

(49 Stat. 43, as amended, 544, as amended, 546, as amended; 543 U.S.C. 302, 303, 304)

It is further ordered, That this order shall become effective on July 18, 1968, and shall continue in effect until the further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Division 1.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–7897; Filed, July 2, 1968; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1033]

MILK IN THE GREATER CINCINNATI MARKETING AREA

Notice of Proposed Suspension of a Certain Provision of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a certain provision of the order regulating the handling of milk in the Greater Cincinnati marketing area is being considered.

The provision proposed to be suspended is in § 1033.15(d) and relates to the pricing of milk diverted from a pool distributing plant located less than 50 miles from Cincinnati to another plant. Specifically, the provision proposed to be suspended is as follows: "• • • if at least 20 days' production of the producer during the month is received • • •". The elimination of this provision would price all milk diverted from such a pool distributing plant on the basis of its location in the base pricing zone. Contrarily under present provisions, some milk diverted from such a plant is priced at the location of the plant to which diverted.

The pricing of milk diverted from pool distributing plants and certain related provisions were modified by amendments to the order effective May 1, 1968 (33 F.R. 6604). Under such provisions certain producers whose milk must be diverted temporarily to plants in zones with location adjustments would receive lower prices for their milk.

Suspension of the subject provision has been requested by cooperative associations representing the majority of producers on the market, pending reconsideration of the matter in a hearing on a proposal to amend the order. Pursuant to the request, the suspension would apply to milk diverted on and after June 1, 1968.

Proponents contend that because of current marketing practices of cooperatives and handlers, it is necessary to divert milk of certain producers to several plants where location differentials apply. They point out that paying several different uniform prices within the month based on the location of each plant has confused producers and could affect the supply of milk for the market. Further, that the present provision with respect to the pricing of milk diverted from pool distributing plants may reduce unduly the uniform prices received by certain producers. The proposed suspension would result in the identical pricing for all milk of producers diverted from a pool distributing plant in the base pricing zone at the location of such plant and consequently avoid any reduction in returns to the producers involved.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on June 28, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68–7924; Filed, July 2, 1968; 8:49 a.m.]

[7 CFR Part 1090]

MILK IN THE CHATTANOOGA, TENN., MARKETING AREA

Notice of Proposed Termination of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the termination of certain provisions of the order regulating the handling of milk in the Chattanooga, Tenn., marketing area is being considered.

The following provisions in § 1090.44 are proposed to be terminated:

(1) Paragraph (c) in its entirety; and

(2) In the introductory text of paragraph (d) the language "located less than 250 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from the City Hall in Chattanooga, Tennessee,".

These provisions relate to the classification of milk or skim milk transferred or diverted from pool plants to nonpool plants located 250 miles or more from Chattanooga. The order now provides that milk or skim milk so transferred or diverted in bulk form shall be classified as Class I milk regardless of ultimate use. The proposed termination would result in the classification being based on the utilization at the nonpool plant. This is the same basis now used in classifying similar transfers or diversions to nonpool plants located less than 250 miles from Chattanooga.

Tennessee Valley Milk Producers, which represents about 75 percent of the producers in the Chattanooga market, requested the proposed termination. The cooperative claims that the closing of nearby milk manufacturing plants and the availability of distant manufacturing outlets for surplus milk warrants this action.

All persons who desire to submit written data, views, or arguments in connection with the proposed termination should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on June 27, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68–7891; Filed, July 2, 1968; 8:46 a.m.]

[7 CFR Part 1098]

MILK IN THE NASHVILLE, TENN., MARKETING AREA

Notice of Proposed Termination of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the termination of certain provisions of the order regulating the handling of milk in the Nashville, Tenn., marketing area is being considered.

The following provisions in § 1098.44 are proposed to be terminated:

(1) Paragraph (c) in its entirety, and

(2) In the introductory text of paragraph (d) the language "located less than 250 miles by the shortest hard-surfaced highway distance as determined by the market administrator, from the State Capitol at Nashville, Tennessee,".

These provisions relate to the classification of milk transferred or diverted from pool plants to nonpool plants located 250 miles or more from Nashville. The order now provides that milk, skim milk or cream so transferred or diverted in bulk form shall be classified as Class I milk regardless of ultimate use. The proposed termination would result in the classification being based on the utilization at the nonpool plant. This is the same basis now used in classifying similar transfers or diversions to nonpool plants located less than 250 miles from Nashville.

Nashville Milk Producers, which represents over 90 percent of the producers in the Nashville market, requested the proposed termination. The cooperative claims that the closing of nearby milk manufacturing plants and the availability of distant manufacturing outlets for surplus milk warrants this action.

All persons who desire to submit written data, views, or arguments in connection with the proposed termination should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on June 27, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68–7892; Filed, July 2, 1968; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[15 CFR Part 7]

FLAMMABLE FABRICS ACT PROCEDURES

Notice of Proposed Rule Making

Notice is hereby given that the Department of Commerce proposes to issue procedures for the discharge of the Secretary's responsibilities under sections 4 and 17 of the Flammable Fabrics Act, as amended (secs. 3 and 10, Public Law 90–189, 81 Stat. 568).

Interested persons are invited to participate in the proposed rule-making by submitting written comments or suggestions in at least four (4) copies to the Assistant Secretary for Science and Technology, Room 5884, U.S. Department of Commerce, Washington, D.C. 20230, within 30 days after date of publication of this notice in the FEDERAL REGISTER.

A public docket will be available for examination by interested persons at the Central Reference and Records Inspection Facility of the Department of Commerce, Room 2122, Main Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington, D.C. 20230.

The following proposals are under consideration:

Subpart A—Procedures for the Development of Flammability Standards

Sec.
7.1 Purpose.
7.2 Definitions.
7.3 Records of proceedings.
7.4 Authority of the Secretary to obtain testimony or records by regulation or subpoena.
7.5 Advance notice of finding that a flammability standard may be needed.
7.6 Proceedings for development of a proposed flammability standard.
7.7 Publication of proposed flammability standard.
7.8 Participation of interested persons in rule-making proceedings.
7.9 Informal public oral hearings.
7.10 Adoption of a final flammability standard.
7.11 Effective date.
7.12 Exemption for items in inventory.
7.13 Petitions for rule-making.

Subpart B—National Advisory Committee for the Flammable Fabrics Act

7.21 Purpose.
7.22 Membership.
7.23 Compensation.
7.24 Organization.
7.25 Duties and procedures.

AUTHORITY: The provisions of this Part 7 issued under the Act of June 30, 1953, 67 Stat. 111, as amended by the Act of Dec. 14, 1967, 81 Stat. 568.

Subpart A—Procedures for the Development of Flammability Standards

§ 7.1 Purpose.

The purpose of this subpart is to establish procedures relating to the discharge of responsibilities granted the Secretary of Commerce under section 4 of the Flammable Fabrics Act (15 U.S.C. 1193), as amended (sec. 3, Public Law 90–189, 81 Stat. 568, hereinafter referred to as the "Act"), or otherwise provided by law.

§ 7.2 Definitions.

For the purposes of this part, the following definitions shall apply:

(a) "Secretary" means the Secretary of Commerce or his duly authorized delegate.

(b) "Article of wearing apparel" means any costume or article of clothing worn or intended to be worn by individuals.

(c) "Interior furnishing" means any type of furnishing made in whole or in part of fabric or related material and intended for use or which may reasonably be expected to be used, in homes, offices, or other places of assembly or accommodation.

(d) "Fabric" means any material (except fiber, filament, or yarn for other than retail sale) woven, knitted, felted, or otherwise produced from or in combination with any natural or synthetic fiber, film, or substitute therefor which is intended for use or which may reasonably be expected to be used in any product as defined in paragraph (f) of this section.

(e) "Related material" means paper, plastic, rubber, synthetic film, or synthetic foam which is intended for use or which may reasonably be expected to be used in any product as defined in paragraph (f) of this section.

(f) "Product" means any article of wearing apparel or interior furnishing.

(g) "Person" means an individual, partnership, corporation, association, or any other form of public or business organization.

(h) "Flammability standard" means any standard (including conditions and manner of testing), or other regulation, including any labeling regulation, or any revision or amendment thereto, relating to the flammability of a fabric, related material, or product.

(i) "Written comments" means legible comments, data, arguments, views, or other information, submitted, in writing, by interested persons in at least four copies and for the public record.

§ 7.3 Records of proceedings.

Records of the Department of Commerce relating to rule-making proceedings which are made available for public inspection and copying, may be obtained at the Central Reference and Records Inspection Facility of the Department of Commerce, Room 2122, Main Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington, D.C. Interested persons may obtain copies upon payment of the prescribed fees.

§ 7.4 Authority of the Secretary to obtain testimony or records by regulation or subpoena.

(a) Subsection 4(c) of the Act authorizes the Secretary to obtain from any person by regulation or subpoena issued pursuant thereto, such information in the form of testimony, books, records, or other writings as is pertinent to any findings or determinations which he is required or authorized to make under the Act.

(b) All information reported to or otherwise obtained by the Secretary pursuant to subsection 4(c) of the Act which contains or relates to a trade secret or other matter referred to in 18 U.S.C. 1905 shall be considered confidential for the purposes of section 1905 and withheld from the public record; except, however, that such information may be disclosed to other Departments, agencies, or officials concerned with carrying out the provisions of the Act or disclosed when relevant to any proceeding under the Act.

§ 7.5 Advance notice of finding that a flammability standard may be needed.

Whenever the Secretary finds on the basis of investigations or research conducted under the authority of subsections 14 (a) or (b) of the Act that a flammability standard for a fabric, related material, or product may be needed to protect the public against unreasonable risk of the occurrence of fire leading to death or personal injury, or significant property damage, he shall publish notice in the FEDERAL REGISTER that such standard may be needed, together with a concise statement of the basis therefor.

§ 7.6 Proceedings for development of a proposed flammability standard.

(a) Whenever notice is published under § 7.5, the Secretary shall also publish simultaneously notice in the FEDERAL REGISTER instituting proceedings for the development of an appropriate flammability standard, and inviting any interested person to submit written comments to the Secretary relative to:

(1) The finding published under § 7.5 that a flammability standard may be needed; and.

(2) The terms or substance of a flammability standard that might be adopted in the event that a final finding is made by the Secretary that such a flammability standard is needed.

(b) Written comments shall be postmarked or delivered within 30 days after publication of notice under this paragraph, unless otherwise specified. All materials considered relevant to any statement of fact or argument should be submitted with such written comments.

(c) In order to obtain additional information for the development of a proposed flammability standard and to protect the public interest, the Secretary may invite the views of local, State, or Federal agencies or other interested persons, and may provide also to interested persons the opportunity for oral presentation, as provided in 5 U.S.C. 553, which may include an informal oral hearing.

§ 7.7 Publication of proposed flammability standard.

(a) As soon as practicable following the conclusion of the initial proceedings under § 7.6, the Secretary shall publish in the FEDERAL REGISTER either—

(1) Notice withdrawing his finding that a new or amended flammability standard may be needed: *Provided, however,* That in no event shall the withdrawal of such finding operate to preclude the conduct of further investigation or research under subsections 14 (a) or (b) of the Act or to preclude the initiation of another proceeding regarding the same or similar subject matter under these procedures; or

(2) Notice of a proposed flammability standard.

(b) Notice of a proposed flammability standard under paragraph (a) (2) of this section shall include—

(1) The provisions of such proposed flammability standard, stated in objective terms; and

(2) The preliminary findings of the Secretary, together with a concise statement of the basis therefor, that such a flammability standard—

(i) Is needed to adequately protect the public against unreasonable risk of the occurrence of fire leading to death, injury, or significant property damage;

(ii) Is reasonable, technologically practicable, and appropriate; and

(iii) Is limited to such fabrics, related materials, or products which have been determined to present such unreasonable risks.

§ 7.8 Participation of interested persons in rule-making proceedings.

(a) Within 30 days, unless otherwise specified, after publication of notice of a proposed flammability standard under § 7.7, any interested person may participate in these rule-making proceedings in accordance with 5 U.S.C. 553 by submitting written comments relevant to such proposed flammability standard.

(b) The Secretary may solicit the comments of local, State, or Federal agencies or other interested persons, and may provide also to interested persons the opportunity for oral presentation as provided in 5 U.S.C. 553, so as to assure the development of an appropriate standard and protect the public interest.

§ 7.9 Informal public oral hearings.

(a) The Secretary, in his discretion, may include in the notice published in the FEDERAL REGISTER under § 7.7, an invitation to any interested persons to participate in an informal oral hearing under 5 U.S.C. 553. If no provision for such hearing is contained in the published notice of a proposed flammability standard under § 7.7, any interested person may request, in writing, within fifteen (15) days after publication of such notice, an informal oral hearing under 5 U.S.C. 553. Upon receipt by the Secretary of such a request, an informal public oral hearing shall be granted and notice of this hearing shall be published in the FEDERAL REGISTER at least ten (10) days in advance thereof.

(b) 5 U.S.C. 556 and 557 do not apply to hearings held under this section. Unless otherwise specified, such hearings shall be informal, nonadversary proceedings, at which there are no formal pleadings or adverse parties. A stenographic transcript of such hearings and exhibits submitted thereat shall be made a part of the public record.

(c) Any oral hearing held under this section shall be conducted by a presiding officer designated by the Secretary and empowered to establish reasonable procedures governing the conduct of such hearing.

§ 7.10 Adoption of a final flammability standard.

(a) All oral and written comments and other materials received by the Secretary in accordance with any proceedings under §§ 7.8 and 7.9 shall be considered. Comments filed after expiration of the designated time periods may be considered insofar as practicable.

(b) As soon as practicable following the consideration of public comment under paragraph (a) of this section, and after consultation with the National Advisory Committee for the Flammable Fabrics Act, the Secretary shall publish in the FEDERAL REGISTER either—

(1) A final flammability standard stated in objective terms, and the Secretary's final findings with respect to the requirements set forth in subsection 4(b) of the Act, together with a concise statement of the basis of such findings; or

(2) Notice terminating or otherwise suspending or amending the instant proceedings for the adoption of the flammability standard concerned.

(c) In no event shall notice of the termination of proceedings under this section operate to preclude the conduct of further investigation or research under subsections 14 (a) or (b) of the Act or to preclude the initiation of another proceeding regarding the same or similar subject matter under these procedures.

§ 7.11 Effective date.

Each flammability standard issued under this subpart A shall become effective 12 months after publication in the FEDERAL REGISTER, unless the Secretary finds for good cause shown that an earlier or later effective date is in the public interest. Any such finding by the Secretary will be published in the FEDERAL REGISTER along with a concise statement of the reasons upon which it is based.

§ 7.12 Exemption for items in inventory.

Each flammability standard issued in accordance with this part shall exempt fabrics, related materials, or products in inventory or with the trade as of the date that such standard becomes effective: *Provided, however,* That if the Secretary finds that any such fabric, related material or product is so highly flammable as to be dangerous when used by consumers for the purposes for which is intended, he may under such conditions as he prescribes, withdraw or limit the exemption for such fabric, related material, or product. Any such finding by the Secretary will be published in the FEDERAL REGISTER along with a concise statement of the facts upon which it is based.

§ 7.13 Petitions for rule-making.

(a) Any interested person may petition the Secretary to issue, amend, or repeal a flammability standard or the procedural rules established in this part.

(b) Each petition filed under this section shall—

(1) Be submitted in duplicate to the Secretary;

(2) Set forth the text or substance of the proposed flammability standard or procedural rule, or proposed amendment thereto, or specify the flammability standard or procedural rule the petitioner seeks to have repealed, as the case may be;

(3) Explain the interest of the petitioner in the action requested; and

(4) Contain any information and arguments available to the petitioner in support of the action sought.

(c) Unless the Secretary otherwise specifies, no public hearing, argument, or other proceeding shall be held on a petition before its disposition. If the Secretary determines that a peition does not justify rule-making, he shall deny such petition. If the Secretary determines that the petition contains adequate justification, he shall take appropriate action, including where necessary the institution of proceeding to consider the issuance, amendment or repeal of the flammability standard or procedural rule concerned.

(d) The Secretary shall notify each petitioner, in writing, of the action taken on his petition.

(e) The filing of a petition under this section does not of itself stay the effective date of any flammability standard or procedural rule concerned.

Subpart B—National Advisory Committee for the Flammable Fabrics Act

§ 7.21 Purpose.

The purpose of this subpart B is to establish a National Advisory Committee for the Flammable Fabrics Act (hereinafter referred to as the "Committee") as provided under section 17 of the Flammable Fabrics Act, as amended (Sec. 10, Public Law 90–189; 81 Stat. 568, hereinafter referred to as the "Act"), or otherwise provided by law.

§ 7.22 Membership.

(a) The Committee shall be composed of not less than nine (9) members appointed by the Secretary of Commerce. It shall, in the judgment of the Secretary, contain a fair representation of the manufacturers and distributors of the products covered by the Act, and of the consuming public.

(b) All appointments shall be for a term of not more than 2 years. Any member may be reappointed, however, upon the expiration of his term.

(c) The Secretary shall also designate full-time salaried employees of the Department of Commerce as Chairman and alternate to the Chairman of the Committee. The Chairman and alternate to the Chairman shall not be members of the Committee.

§ 7.23 Compensation.

(a) Members of the Committee, except those who are officers or employees of the United States, are entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including travel time, while attending meetings or conferences of the Committee or otherwise engaged in business of the Committee.

(b) Members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized in 5 U.S.C. 5703 while away from their homes or regular places of business.

(c) Payments made under this section shall not render members of the Committee employees or officials of the United States for any purpose.

§ 7.24 Organization.

(a) The Chairman, or alternate to the Chairman in his absence, shall preside at all meetings of the Committee and shall have the usual powers of a presiding officer. The Chairman shall make provision for the necessary secretarial services to the Committee. The Chairman may adjourn any meeting.

(b) All meetings of the Committee shall be called by the Secretary or by the Committee Chairman. The agenda for each meeting shall be formulated or approved by the Chairman, and furnished in advance to each member of the Committee, along with a copy of any proposed flammability standard to be considered by the Committee.

(c) Minutes shall be taken of all meetings of the Committee. Such minutes shall include, as a minimum, a record of persons present, a description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the Committee. The accuracy of all minutes shall be certified to by the Chairman or alternate to the Chairman, in his absence, prior to the distribution of the minutes to the members of the Committee.

§ 7.25 Duties and procedures.

(a) The Secretary may consult with the Committee whenever such action is deemed appropriate by him and shall consult with the Committee before prescribing any final flammability standard under the Act.

(b) At the request of the Secretary or the Chairman, the Committee shall meet to consider the provisions of proposed flammability standards or other relevant matters.

(c) After the Committee has considered the provisions of a proposed flammability standard under paragraph (b) of this section, each member of the Committee shall prepare an individual report advising the Secretary, in writing, of his views and recommendations concerning proposed flammability standards being considered. Unless otherwise specified by the Secretary, such reports shall be submitted to the Secretary within 15 days after the conclusion of the Committee meeting concerned.

Issued: June 27, 1968.

JOHN F. KINCAID,
Assistant Secretary
for Science and Technology.

[F.R. Doc. 68-7866; Filed, July 2, 1968; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 81, 83]

[Docket No. 18218; FCC 68-639]

TRANSITION OF SHIP AND COAST RADIOTELEGRAPH STATIONS

Notice of Proposed Rule Making

In the matter of amendments of Parts 2, 81, and 83—to establish a schedule of dates, revised technical standards, frequencies, and other requirements for the orderly transition of ship and coast radiotelegraph stations from present frequency assignments in the low, medium, and high frequency bands to new assignments within allotments and/or frequency usage as adopted by the ITU World Administrative Radio Conference on marine matters, Geneva, 1967.

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. In the instant proceeding the Commission proposes to amend Parts 2, 81, and 83 to bring those parts, to the extent necessary, into accord with the final acts of the World Administrative Radio Conference (WARC), convened by the International Telecommunication Union (ITU) and concluded at Geneva on November 3, 1967, as they relate to use of radiotelegraphy in the maritime mobile service in the low, medium, and high frequency bands between 90 and 23,000 kc/s.

3. The WARC, in regard to the exclusive frequency allocations to the maritime mobile service between 4 and 23 Mc/s, reapportioned the allotments to the several maritime mobile services to increase the spectrum available for radiotelephony, and to provide spectrum for two new services: Oceanographic Data Transmission; and Narrow-Band Direct-Printing Telegraph and Data Transmission Systems. For Oceanographic Data Transmission, the WARC allotted 10 frequencies of 0.3 kc/s each in each band. For Narrow-Band Direct-Printing Telegraph and Data Transmission Systems, the WARC allotted 20 frequencies of 0.5 kc/s in each band except at 4 Mc/s, where 12 frequencies of 0.5 kc/s were allotted.

4. While the spectrum available for radiotelegraphy was decreased by 170 kc/s, the spacing between ship station radiotelegraphy channels for calling was reduced to one-half; and for high traffic ships, was reduced to one-third. The number of ship radiotelegraph calling frequencies for each band was increased from nine to 17; and, for high traffic ships, was unchanged at 4 and 6 Mc/s, but were substantially increased in the 8, 12, 16, and 22 Mc/s bands. The number of frequencies available in each band for low traffic ships was decreased from 98 to 84, except at 22 Mc/s, which was decreased from 50 to 41 frequencies.

5. In regard to coast station radiotelegraphy, the WARC, to accommodate the new services and increase space for radiotelephony, shifted the limits of each coast station radiotelegraph band, but increased the available spectrum by only 3 kc/s.

6. In parallel with the changes in allotments and frequency usage, the WARC adopted a worldwide schedule for effecting the transition from present coast and ship station radiotelegraph frequencies to the new frequencies.

7. In addition to providing spectrum for Narrow-Band Direct-Printing Telegraph and Data Transmission Systems, the WARC adopted (minimum) technical standards applicable to those systems. Inasmuch as these standards are substantially more stringent than those applicable to other ship station radiotelegraph transmitters, it will be necessary to relicense ships desiring use of these frequencies. Further, it is proposed that transmitters to be used on frequencies designated for Narrow-Band Direct-Printing Telegraph and Data Transmission Systems conform to the Commission's type-acceptance program.

8. In studying the radiotelegraph calling procedure and ways to reduce the time required to establish communication between a ship and a coast station, the WARC designated one frequency each in the 4, 6, 8, 12, 16, and 22 Mc/s bands as special calling frequencies and adopted an abbreviated calling procedure which shall be used by ship stations when calling on these frequencies. Under the concept discussed at the WARC, the coast station would maintain a continuous watch, during its hours of service, on one or more of these frequencies. This would permit the ship station to raise the coast station by use of the abbreviated calling procedure.

9. The changes in available radiotelegraph frequencies outlined above necessitate substantial amendment of the frequency tables included in Parts 81 and 83 and to the allocations set forth in Part 2. In preparing the new tabulation of ship station radiotelegraph frequencies, the harmonic relationships between frequencies in the 4, 6, 8, 12, and 16 Mc/s bands have been retained. This relationship has not been possible between frequencies in the 22 Mc/s band and those in the bands 4, 6, 8, 12, and 16 Mc/s. Similarly, this relationship is not provided in the bands for Narrow-Band Direct-Printing Telegraph and Data Transmission Systems.

10. In preparing the new tabulation of ship station radiotelegraph frequencies attention has been given, to the extent practicable:

To avoiding relicensing of ship stations in order to use the revised calling, low traffic and high traffic frequencies;

To retaining present frequencies under the same frequency column symbol (i.e., "C1", "L1", "H1", to minimize piezoelectric crystal changes on ships); and

To making the special calling frequencies available to currently licensed ship stations without necessity for relicensing.

11. The WARC adopted various changes in frequency usage, including:

Replacement of the ship working frequency 448 kc/s, which was limited to Region 2, by 512 kc/s, which is available on a worldwide basis;

Made permissive the use of eight single sideband radiotelephony frequencies in the band 2065–2107 kc/s, which previously had been limited to radiotelegraph.

In Region 3, designated the band 2089.5–2092.5 kc/s as the calling and safety band for the maritime mobile service of radiotelegraph in those parts of the 1605–2850 kc/s band where radiotelegraphy is used.

12. With regard to the band 2065–2107 kc/s, the Commission proposes to delete availability to ship radiotelegraph stations of frequencies in this band, except for the band 2089.5–2092.5 kc/s, for ship station radiotelegraph calling; and frequencies 2071 and 2076 kc/s, for use as set forth in § 83.324(h). While appropriate to another rulemaking now under consideration within the Commission, it is contemplated that the spectrum thus vacated be utilized to form eight single sideband radiotelephony channels for use by the maritime mobile service.

13. In addition to amendment of the various sections, several editorial changes have been incorporated below. It will be noted that the tabulation of ship station radiotelegraph frequencies has been shifted from Subpart Y and added at the beginning of Subpart N, in order that all ship station radiotelegraph frequencies may appear in one place in the rules.

14. An application for modification submitted solely for a frequency change that is necessary to comply with any rule amendments adopted as a result of this proceeding may be submitted without a fee.

15. The proposed amendments, as set forth in the attached appendix, are issued pursuant to the authority contained in sections 4(i) and 303 (c), (e), and (r) of the Communications Act of 1934, as amended.

16. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 1, 1968, and reply comments on or before August 12, 1968. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into consideration other relevant information before it, in addition to the specific comments invited by this notice.

17. In accordance with the provisions set forth in § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: June 19, 1968.

Released: June 25, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

A. Part 2, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations, is amended as follows:

§ 2.106 [Amended]

1. In § 2.106, Footnote 171 is deleted in Column 4 from the 130–160 kc/s frequency band, the entries in Column 7–11 for the 130–160, 2065–2107, 4063–4438, 6200–6525, 8195–8815, 12,330–13,200, 16,460–17,360, 22,000–22,720 kc/s bands are amended to read as follows:

[1] Commissioner Johnson absent.

FEDERAL COMMUNICATIONS COMMISSION

Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature of services (of stations)
7	8	9	10	11
• • •	• • •	• • •	• • •	• • •
130–160	FIXED. MARITIME MOBILE.	Coast. Fixed. Ship.		FIXED (in Alaska). INTERNATIONAL FIXED. PUBLIC MARITIME MOBILE.
• • •	• • •	• • •	• • •	• • •
2065–2089.5 (200)	MARITIME MOBILE.	Coast. Ship.		MARITIME MOBILE.
2089.5–2092.5	MARITIME MOBILE.	Ship.		Ship (telegraphy).
2092.5–2107 (200)	MARITIME MOBILE.	Coast. Ship.		MARITIME MOBILE.
• • •	• • •	• • •	• • •	• • •
4063–4139.5	MARITIME MOBILE.	Ship.		Ship (telephony).
4139.5–4142.5 (US82)	MARITIME MOBILE.	Ship. Coast.		Ship. Coast (telephony, simplex).
4142.5–4162.5	MARITIME MOBILE.	Ship.		Ship (wideband telegraphy, facsimile, and special transmission systems).
4162.5–4166	MARITIME MOBILE.	Ship. Buoy. Interrogating. Coast.		Ship. Buoy. Interrogating Coast (Oceanographic data transmission).
4166–4172.25	MARITIME MOBILE.	Ship.		Ship (narrow-band direct-printing telegraph and data transmission systems).
4172.25–4221	MARITIME MOBILE.	Ship.		Ship (telegraphy).
4221–4361	MARITIME MOBILE.	Coast.		Coast (wide-band and manual telegraphy, facsimile, special and data transmission systems and direct-printing telegraph systems).
4361–4438	MARITIME MOBILE.	Coast.		Coast (telephony).
• • •	• • •	• • •	• • •	• • •
6200–6210.4	MARITIME MOBILE.	Ship.		Ship (telephony).
6210.4–6216.5 (US82)	MARITIME MOBILE.	Ship. Coast.		Ship. Coast (telephony, simplex).

FEDERAL COMMUNICATIONS COMMISSION—Continued

Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature of services (of stations)
7	8	9	10	11
12503.25–12569	MARITIME MOBILE.	Ship.		Ship (telegraphy):
12569–13107.5	MARITIME MOBILE.	Coast.		Coast (wide-band and manual telegraphy, facsimile, special and data transmission systems and direct-printing telegraph systems).
13107.5–13200	MARITIME MOBILE.	Coast.		Coast (telephony).
• • •	• • •	• • •	• • •	• • •
16460–16565	MARITIME MOBILE.	Ship.		Ship (telephony).
16565–16576 (US82)	MARITIME MOBILE.	Ship. Coast.		Ship. Coast (telephony, simplex).
16576–16636.5	MARITIME MOBILE.	Ship.		Ship (wideband telegraphy, facsimile, and special transmission systems).
16636.5–16640	MARITIME MOBILE.	Ship. Buoy. Interrogating. Coast.		Ship. Buoy. Interrogating Coast (Oceanographic data transmission).
16640–16660.5	MARITIME MOBILE.	Ship.		Ship (narrow-band direct-printing telegraph and data transmission systems).
16660.5–16917.5	MARITIME MOBILE.	Ship.		Ship (telegraphy).
16917.5–17255	MARITIME MOBILE.	Coast.		Coast (wide-band and manual telegraphy, facsimile, special and data transmission systems and direct-printing telegraph systems).
17255–17360	MARITIME MOBILE.	Coast.		Coast (telephony).
• • •	• • •	• • •	• • •	• • •
22000–22094.5	MARITIME MOBILE.	Ship.		Ship (telephony).
22094.5–22112 (US82)	MARITIME MOBILE.	Ship. Coast.		Ship. Coast (telephony, simplex).
22112–22160.5	MARITIME MOBILE.	Ship.		Ship (wideband telegraphy, facsimile, and special transmission systems).
22160.5–22164	MARITIME MOBILE.	Ship. Buoy. Interrogating. Coast.		Ship. Buoy. Interrogating Coast (Oceanographic data transmission).
22164–22184.5	MARITIME MOBILE.	Ship.		Ship (narrow-band direct-printing telegraph and data transmission systems).
22184.5–22374	MARITIME MOBILE.	Ship.		Ship (telegraphy).
22374–22624.5	MARITIME MOBILE.	Coast.		Coast (wide-band and manual telegraphy, facsimile, special and data transmission systems and direct-printing telegraph systems).
22624.5–22720	MARITIME MOBILE.	Coast.		Coast (telephony).
• • •	• • •	• • •	• • •	• • •
6216.5–6244.5	MARITIME MOBILE.	Ship.		Ship (wide-band telegraphy, facsimile, and special transmission systems).
6244.5–6248	MARITIME MOBILE.	Ship. Buoy. Interrogating. Coast.		Ship. Buoy. Interrogating Coast (Oceanographic data transmission).
6248–6258.25	MARITIME MOBILE.	Ship.		Ship (narrow-band direct-printing telegraph and data transmission systems).
6258.25–6345.5	MARITIME MOBILE.	Ship.		Ship (telegraphy).
6345.5–6514	MARITIME MOBILE.	Coast.		Coast (wide-band and manual telegraphy, facsimile, special and data transmission systems and direct-printing telegraph systems). (NG27)
6514–8195	MARITIME MOBILE.	Coast.		Coast (telephony).
• • •	• • •	• • •	• • •	• • •
8195–8281.2	MARITIME MOBILE.	Ship.		Ship (telephony).
8281.2–8288 (US82)	MARITIME MOBILE.	Ship. Coast.		Ship. Coast (telephony, simplex).
8288–8328	MARITIME MOBILE.	Ship.		Ship (wide-band telegraphy, facsimile, and special transmission systems).
8328–8331.5	MARITIME MOBILE.	Ship. Buoy. Interrogating. Coast.		Ship. Buoy. Interrogating Coast (Oceanographic data transmission).
8331.5–8341.75	MARITIME MOBILE.	Ship.		Ship (narrow-band direct-printing telegraph and data transmission systems).
8341.75–8459.5	MARITIME MOBILE.	Ship.		Ship (telegraphy).
8459.5–8728.5	MARITIME MOBILE.	Coast.		Coast (wide-band and manual telegraphy, facsimile, special and data transmission systems and direct-printing telegraph systems).
8728.5–8815	MARITIME MOBILE.	Coast.		Coast (telephony).
• • •	• • •	• • •	• • •	• • •
12330–12421	MARITIME MOBILE.	Ship.		Ship (telephony).
12421–12431.5 (US82)	MARITIME MOBILE.	Ship. Coast.		Ship. Coast (telephony, simplex).
12431.5–12479.5	MARITIME MOBILE.	Ship.		Ship (wideband telegraphy, facsimile, and special transmission systems).
12479.5–12483	MARITIME MOBILE.	Ship. Buoy. Interrogating. Coast.		Ship. Buoy. Interrogating Coast (Oceanographic data transmission).
12483–12503.25	MARITIME MOBILE.	Ship.		Ship (narrow-band direct-printing telegraph and data transmission system).

2. In § 2.106, footnotes to the table, Geneva footnotes, number (171) is deleted; and numbers (158), (167), and (200) are amended to read as follows:

• • • • •

(158) Limited to coast telegraph stations (A1 and F1 only). Exceptionally, the use of class A7J emission is permissible subject to the necessary bandwidth not exceeding that normally used for class A1 or F1 emissions in the bands concerned.

• • • • •

(167) Only classes A1 or F1, A4 or F4 emissions are authorized in the band 90–160 kc/s for stations of the fixed and maritime mobile services. Exceptionally, class A7J emission is also authorized in the band 90–160 kc/s for stations of the maritime mobile service.

• • • • •

(200) In Region 2, except in Greenland, coast stations and ship stations using radiotelephony shall be limited to class A3A or A3J emission and to a peak envelope power not exceeding 1 kw. Preferably, the following carrier frequencies should be used: 2065.0 kc/s, 2079 kc/s, 2082.5 kc/s, 2086.0 kc/s, 2093.0 kc/s, 2096.5 kc/s, 2100.0 kc/s, 2103.5 kc/s.

3. In § 2.106, footnotes to the table, U.S. footnotes, US14 and US82 are amended to read as follows:

• • • • •

US14 This frequency band is not available to non-Government stations except that the frequency 512 kc/s is available for use by non-Government ship telegraph stations, as a working frequency. When 500 kc/s is being used for distress purposes, ship and coast stations may use 512 kc/s for calling.

• • • • •

US82 The assignable frequencies in this band may be authorized on a shared non-priority basis to Government and non-Government ship and coast stations (SSB telephony, with peak envelope power not to exceed 1 kw).

4. In § 2.106, footnotes to the table, NG footnotes, NG29 is deleted, and NG27 is amended to read as follows:

• • • • •

NG27 The carrier frequencies 6451.9 and 6455 kc/s may be authorized to ship telephone stations and coast telephone stations operating in the Mississippi River maritime mobile service system on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations and that any interference from such services must be accepted.

B. Part 81, Stations on Land in the Maritime Services, is amended as follows:

1. In § 81.131, subparagraph (3) of paragraph (b) is amended to read as follows:

§ 81.131 Authorized frequency tolerance.

• • • • •

(b) • • •

(3) From 4000 to 27,500 kc/s:	
(i) For A3A, A3B, A3H, and A3J emissions	20 c/s
(ii) For narrow-band direct-printing telegraph and data transmission systems	40 c/s
(iii) For other than (i) and (ii), above	15

• • • • •

2. In § 81.133, the table in paragraph (a) is amended to read as follows:

§ 81.133 Authorized bandwidth.

(a) • • •

Class of emission	Emission designator	Authorized bandwidth (kc/s)
A1	0.16A1	0.3
A2	2.66A2	2.8
A3	6A3	8.0
A3A	2.8A3A	3.5
A3B	5.6A3B	7.0
A3H	2.8A3H	3.5
A3J	2.8A3J	3.5
F1	0.3F1 [1]	[1] .5
F3	16F3 [2]	[2] 20.0
F3	36F3 [3]	[3] 40.0
P0	(4)	(4)

[1] Narrow-band Direct-printing Telegraph and Data Transmission Systems.
[2] Applicable when maximum authorized frequency deviation is 5 kc/s. See paragraph (c) of this section.
[3] Applicable when maximum authorized frequency deviation is 15 kc/s. See paragraph (c) of this section.
[4] Variable.

• • • • •

3. Add a new § 81.143 to Subpart E, to read as follows:

§ 81.143 Narrow-band direct printing radiotelegraph equipment.

Radiotelegraph equipment operating on frequencies in the band 4–23 Mc/s allotted for narrow-band direct-printing radiotelegraph and data transmission systems shall fulfill the following conditions:

(a) Be capable of transmission and reception of signals conforming to the International Alphabet Code No. 2 at a modulation rate of 50 bauds and shall provide similar signals at its output for extension to the public telegraph network;

(b) The modulation rate over the radio path shall not exceed 100 bauds; and

(c) Class F1 emission shall be used, with a total frequency shift of 170 cycles per second.

4. In § 81.190, paragraph (a) is amended to read as follows:

§ 81.190 Radiotelegraph watch by coast stations.

(a) All coast stations (public and limited) licensed to use telegraphy on frequencies within the band 405–535 kc/s shall, during their hours of service, take the necessary measures to insure an efficient safety watch by a duly licensed radiotelegraph operator on the international distress frequency 500 kc/s for three minutes twice each hour, beginning at x h. 15 and x h. 45 Greenwich mean time. The safety watch maintained shall be efficient for classes A1, A2, and A2H emissions. For this purpose, either headphones or loudspeaker may be used, on condition that use of the loudspeaker is not less effective than use of headphones. While maintaining this watch, the operator shall not use or operate any radio equipment (such as, for examples, broadcast receivers, or amateur transmitters or receivers) not actually required in connection with maritime mobile service.

• • • • •

§ 81.206 [Amended]

5. In § 81.206, the tabulation of frequencies following paragraph (a) is amended to read as follows:

Area	90–160 (kc/s)	415–525 (kc/s)	2 Mc/s	4 Mc/s	6 Mc/s	8 Mc/s	12 Mc/s	16 Mc/s	22 Mc/s
North Atlantic	112.85	418	2036	[4] 4238	[5] 6351.5	8502	12745.5	[6] 16933.2	22407
	124.05	436	2040.5	4268	6376	8514	12925.5	16968.8	22485
	130.35	442	2046.5	4331	6414.5	8586	12948.0	16973.6	22503
	132.10	460	2051	4343	6418	8610	12961.5	16997.6	22521
	134.55	472	2054	4346	6502	8630	12997.5	16021.6	22599
	137.00	476	2060	[4] 4367	6505.5	8658	13030.0	17093.6	22617
		482			6512.5	8686	13024.5	17242.4	
	146.80	[2] 500			[5] 6519.5		13033.5	[6] 17271.2	
	147.50	[3] 512					13060.5		
Central Atlantic		428	2063	4346	6484.5	8502	12885.0		
		[2] 500							
		[3] 512							
South Atlantic	137.70	434	2039	4250	6390	8486	12952.5	[7] 16918.8	22431
		464	2043.5	4292	6407.5	8526	12970.5	17093.6	22503
		472	2051		6411	8686	13011.0	17160.8	22569
		488	2057			8722	13078.5	17170.4	
		[2] 500						17199.2	
		[3] 512						[7] 17256.8	
North Pacific		482	2058.5	4340	6411	8582	12907.5	17007.2	22539
		488	2063			8658	12916.5		
		[2] 500							
		[3] 512							
Central Pacific	126.25	426	2037.5	4247	[8] 6348	8558	[9] 12695.5	17016.8	22425
		436	2045	4274	6365.5	8618	12808.5	16026.0	22479
	147.85	460	2061.5	4338	6477.5	8642	12844.5	17088.8	22515
		476			6488	8714	13002.0	17184.8	22557
		[2] 500			[8] 6516		[9] 13114.5		
		[3] 512					13033.5		
South Pacific		418	2049.5	[4] 4238	[10] 6355	8590	[11] 12691	17064.8	22413
		464	2055.5	4283	6463.5	8606	12912	17088.8	22467
		482		[4] 4367	[10] 6523	8642	12993	17218.4	
		[2] 500					13033.5		
		[3] 512					[11] 13110		
Gulf of Mexico	153.0	416	2042	4256	6369	[12] 8473	[13] 12704.5	[7] 16918.8	22431
		420	2048	4274	6435.5	8550	12826.5	17147.6	22467
		434	2049.5	4310	6446	8570	12840	17170.4	22569
		438	2052.5	4322	6495	8666	13038	17172.4	
		478	2055.5			8714	13051.5	17208.8	
		484	2063			8722	13078.5	[7] 17256.8	
		[2] 500				[12] 8742	[13] 13123.5		
		[3] 512							
Great Lakes		482		4316	6474	8534			
		[2] 500							
		[3] 512							
Hawaii		484	2052.5	4295	6407.5	8542	12029	16978.4	22509
		[2] 500							
		[3] 512							
Puerto Rico	153.0	486	2052.5	4244		8726	13119		
		[2] 500							
		[3] 512							

[1] [Reserved].
[2] Calling and distress frequency.
[3] Supplementary calling frequency when 500 kc/s is being used for distress communication.
[4] Present frequency 4367 kc/s; replacement frequency 4238 kc/s; see 14.
[5] Present frequency 6519.5 kc/s; replacement frequency 6351.5 kc/s; see 14.
[6] Present frequency 17271.2 kc/s; replacement frequency 16933.2 kc/s; see 14.
[7] Present frequency 17256.8 kc/s; replacement frequency 16918.8 kc/s; see 14.
[8] Present frequency 6516 kc/s; replacement frequency 6348 kc/s; see 14.
[9] Present frequency 13114.5 kc/s; replacement frequency 12695.5 kc/s; see 14.
[10] Present frequency 6523 kc/s; replacement frequency 6355 kc/s; see 14.
[11] Present frequency 13110 kc/s; replacement frequency 12691 kc/s; see 14.
[12] Present frequency 8742 kc/s; replacement frequency 8473 kc/s; see 14.
[13] Present frequency 13123.5 kc/s; replacement frequency 12704.5 kc/s; see 14.
[14] The replacement frequency is available on Feb. 2, 1970; the present frequency is discontinued on February 28, 1970; the shift to the replacement frequency shall be made during the period Feb. 2, 1970 to Feb. 28, 1970.

6. In § 81.207, add a new subparagraph (4) to paragraph (a) to read as follows:

§ 81.207 Frequencies for call and reply.

(a) • • •

(4) When the frequency 500 kc/s is being used for distress, the coast station shall normally reply on its working frequency to a ship station call made on the supplementary calling frequency 512 kc/s,[1] however, when requested to do so by the calling ship station, the coast station may reply on 512 kc/s. Under these circumstances, coast stations may also use 512 kc/s as a calling frequency, however, transmissions on 512 kc/s shall be limited to the minimum necessary to establish communications and to shift to its working frequency.

• • • • •

[1] Available for assignment to ship and coast stations on Apr. 1, 1969.

C. Part 83, Stations on Shipboard in the Maritime Services, is amended as follows:

1. In § 83.105, paragraph (a) is amended to read as follows:

§ 83.105 Required channels for radiotelegraphy.

(a) Each ship station using telegraphy on frequencies within the band 405–535 kc/s shall be capable of:

(1) Transmitting class A2 or A2H emission and receiving classes A2 and A2H emissions with a carrier frequency of 500 kc/s.

(2) Transmitting, in addition, class A1 and either A2 or A2H emissions on at least two working frequencies.

(3) Receiving, in addition, classes A1, A2, and A2H emissions on all other frequencies necessary for their service.

(4) When a radiotelegraph installation is compulsorily fitted for safety purposes, a fourth frequency within this

band which is authorized specifically for direction finding must be provided also.

• • • • • •

2. In § 83.131, subparagraph (7) of paragraph (b) is amended to read as follows:

§ 83.131 Authorized frequency tolerance.

• • • • • •

(b) • • •

(7) Stations when using frequencies within the band 4000–27,500 kc/s:	
(i) Ship stations using A1 emission [1]	50
(ii) Ship stations using frequencies allotted for narrow-band direct-printing telegraph and data transmission systems [2]	100 c/s
(iii) Ship stations using A3A, A3B, A3H, or A3J emissions	50 c/s
(iv) Ship stations using emissions other than (i), (ii), or (iii), above	50
(v) Survival craft stations on 8364 kc/s	200

[1] The tolerance shown in the table is applicable to all types of transmitters after Jan. 1, 1973, and to new types of transmitters brought into service after Jan. 1, 1970. Types of transmitters authorized in ship stations prior to Jan. 1, 1970, may continue with a tolerance of 200 parts in 10^6 until Jan. 1, 1973.

[2] The maximum deviation for any 15-minute period shall not exceed 40 cycles per second.

• • • • • •

3. In § 83.133, the table in paragraph (a) is amended to read as follows:

§ 83.133 Authorized bandwidth.

(a) • • •

Class of emission	Emission designator	Authorized bandwidth (kc/s)
A1	0.16A1	0.3
A2	2.66A2	2.8
A3	6A3	8.0
A3A	2.8A3A	3.5
A3B	5.6A3B	7.0
A3H	2.8A3H	3.5
A3J	2.8A3J	3.5
F1	0.3F1 [1]	[1] 0.5
F3	16F3 [2]	[2] 20.0
F3	36F3 [3]	[3] 40.0
PO	(4)	(4)

[1] Narrow-band Direct-printing Telegraph and Data Transmission Systems.
[2] Applicable when maximum authorized frequency deviation is 5 kc/s. See paragraph (c) of this section.
[3] Applicable when maximum authorized frequency deviation is 15 kc/s. See paragraph (c) of this section.
[4] Variable.

• • • • • •

4. Add a new § 83.143, to read as follows:

§ 83.143 Narrow-band direct-printing radiotelegraphy equipment.

Radiotelegraph equipment operating on frequencies in the band 4–23 Mc/s allotted for narrow-band direct-printing radiotelegraph and data transmission systems shall fulfill the following conditions:

(a) Be capable of transmission and reception of signals conforming to the International Alphabet Code No. 2 at a modulation rate of 50 bauds;

(b) The modulation rate over the radio path shall not exceed 100 bauds; and

(c) Class F1 emission shall be used, with a total frequency shift of 170 cycles per second.

5. In Subpart N, §§ 83.315 through 83.320 are added to read as follows:

§ 83.315 Authorized frequencies.

(a) The tables in §§ 83.316, 83.317, 83.318, 83.319, 83.320, and 83.321, indicate the carrier frequencies, except for § 83.320 which indicates assigned frequencies, which when authorized by station license, may be used by ship stations employing radiotelegraphy for communication with ship or coast stations (public or limited). The assigned frequencies of § 83.320 are midway between the minimum and maximum values of instantaneous frequency.

(b) Frequencies in the bands between 2 and 23 Mc/s assigned in accordance with this section to a station on a particular vessel, may be retained at the option of the applicant despite subsequent relicensing of the station to a different licensee.

(c) Frequencies available for assignment in the bands between 2 and 23 Mc/s are designated in the ship radiotelegraph frequency plan appearing in Table 2 of § 83.321. Table 2 of § 83.321 provides appropriate cross-reference, by symbol, to the applicable table and, in turn, to a specific series of frequencies:

(1) Table 1a, § 83.317—High traffic ship radiotelegraph working frequencies.

(2) Table 1b, § 83.318—Ship radiotelegraph calling frequencies.

(3) Table 1c, § 83.319—Low traffic ship radiotelegraph working frequencies.

(4) Table 1d, § 83.320—Ship radiotelegraph working frequencies—narrow-band direct-printing telegraph and data transmission systems.

(d) The frequencies 4186.5, 6279.75, 8373, 12559.5, 16746, and 22262.5 kc/s are special ship station calling frequencies and shall be used only for calling those coast stations which maintain, during their hours of service, a continuous watch on these frequencies. These special calling frequencies may be used by ship stations which have been authorized use of frequencies in accordance with § 83.318.

§ 83.316 Frequencies in the bands 90–160 kc/s and 405–535 kc/s available to ship stations for radiotelegraphy.

(a) 90–160 kc/s:

kc/s	kc/s
152	156
153	157
154	158
155	

(b) 405–535 kc/s:

kc/s	kc/s
[1] 410	468
425	480
[1] 444	500 Calling
[1] 448	and distress
454	[1] 512

[1] Subject to the special conditions and limitations set forth in paragraph (c) of this section.

(c) (1) Except for distress communication, the frequency 444 kc/s is for communication with U.S. Government stations only. Its use is subject to the condition that harmful interference is not caused to the service of any coast station.

(2) The frequency 410 kc/s may be used for radiodetermination and for communication by radiotelegraph with direction finding stations concerning radiodetermination.

(3) The frequency 512 kc/s may be used by ship stations:

(i) As a supplementary calling frequency when 500 kc/s is being used for distress purposes;

(ii) As a working frequency, except in those areas where it is in use as a supplementary calling frequency when 500 kc/s is being used for distress purposes.

(4) The frequency 512 kc/s will replace 448 kc/s. 512 kc/s is available on the effective date of the report and order in this docket. 448 kc/s will not be available after July 1, 1970.

§ 83.317 High traffic ship radiotelegraph working frequencies.

(a) High traffic ship radiotelegraph working frequencies in the bands between 4 and 23 Mc/s are set forth in Table 1a. Application may be made for two high traffic ship working frequency column symbols from the "H" series, which includes one or more frequencies in each of the 4, 6, 8, 12, 16, and 22 Mc/s bands. If more than two symbols of the "H" series are allocated for a particular licensee, the frequency symbols should be applied for in rotation for successive vessels as for calling frequencies (see § 83.318), except that the first symbol for each vessel must be the one after the last of the series of two or more symbols of the previous vessel.

TABLE 1A—HIGH TRAFFIC SHIP RADIOTELEGRAPH WORKING FREQUENCIES (KC/S)

Symbol	4 Mc/s Available— Until 6-30-69	4 Mc/s Available— After (1)	6 Mc/s Available— Until 6-30-69	6 Mc/s Available— After (1)	8 Mc/s Available— Until 6-30-69	8 Mc/s Available— After (1)	12 Mc/s Available— Until 6-30-69	12 Mc/s Available— After (1)	16 Mc/s Available— Until 6-30-69	16 Mc/s Available— After (1)	22 Mc/s Available— Until 6-30-69	22 Mc/s Available— After (1)
H1	4161	4172.5	6241.5	6258.75	8322	8342 8343 8344 8345	12474 12478.5 12483	12505.5 12513 12514.5 12516 12517.5	16626 16632 16638 16644	16662 16674 16684 16686 16688 16690	22151 22157	22189 22215
H2	4162.5	4173.5	6243.75	6260.25	8325	8342 8343 8344 8347	12474 12478.5 12487.5	12505.5 12513 12514.5 12516 12520.5	16626 16632 16638 16650	16662 16674 16684 16686 16688 16694	22151 22163	22191 22219
H3	4164	4174	6246	6261	8328	8342 8343 8344 8348	12474 12478.5 12492	12511.5 12513 12514.5 12516 12522	16626 16632 16638 16656	16666 16682 16684 16686 16688 16696	22151 22169	22195 22219
H4	4165.5	4175	4248.25	6262.5	8311	8342 8343 8344 8350	12474 12478.5 12496.5	12504 12513 12514.5 12516 12525	16626 16632 16638 16662	16670 16672 16684 16686 16688 16700	22151 22175	22197 22209
H5	4167	4175.5	6250.5	6263.25	8334	8342 8343 8344 8351	12474 12478.5 12501	12507 12513 12514.5 12516 12526.5	16626 16632 16638 16668	16668 16676 16684 16686 16688 16702	22151 22181	22201 22213
H6	4168.5	4176.5	6252.75	6264.75	8337	8342 8343 8344 8353	12474 12478.5 12505.5	12505.5 12513 12514.5 12516 12529.5	16626 16632 16638 16674	16662 16674 16684 16686 16688 16706	22151 22187	22215 22187
H7	4170	4177	6255	6265.5	8340	8342 8343 8344 8354	12474 12478.5 12510	12510 12513 12514.5 12516 12531	16626 16632 16638 16680	16664 16680 16684 16686 16688 16708	22151 22193	22207 22193
H8	4171.5	4177.5	6257.25	6266.25	8343	8342 8343 8344 8355	12474 12478.5 12514.5	12511.5 12513 12514.5 12516 12532.5	16626 16632 16638 16686	16666 16682 16684 16686 16688 16710	22151 22199	22213 22199
H9	4173	4173	6259.5	6259.5	8346	8342 8343 8344 8346	12474 12478.5 12519	12504 12513 12514.5 12516 12519	16626 16632 16638 16692	16670 16672 16684 16686 16688 16692	22151 22205	22221 22205
H10	4174.5	4174.5	6261.75	6261.75	8349	8342 8343 8344 8349	12474 12478.5 12523.5	12507 12513 12514.5 12516 12523.5	16626 16632 16638 16698	16668 16676 16684 16686 16688 16698	22151 22211	22221 22211
H11	4176	4176	6264	6264	8352	8342 8343 8344 8352	12474 12478.5 12528	12508.5 12513 12514.5 12516 12528	16626 16632 16638 16704	16662 16678 16684 16686 16688 16704	22151 22217	22203 22217

[1] Effective date of the Report and Order in this Docket.

§ 83.318 Ship radiotelegraph calling frequencies.

(a) Ship radiotelegraph calling frequencies in the bands between 2 and 23 Mc/s are set forth in Table 1b. Application may be made for one calling frequency column symbol from the "C" series, which includes one frequency in each of the 4, 6, 8, 12, 16, and 22 Mc/s bands. One 2 Mc/s calling frequency is also included in frequency column symbols "C2B" through "C7B". If more than one symbol of the "C" series is allocated for a particular licensee, the general principle to follow is to apply for the first vessel under the first symbol, the second symbol for the second vessel, etc., until the allocated symbols are exhausted. The procedure is then repeated, beginning again with the first symbol.

TABLE 1B—SHIP RADIOTELEGRAPH CALLING FREQUENCIES (KC/S)

Symbol	2 Mc/s Available— Until	2 Mc/s Available— After	4 Mc/s Available— Until	4 Mc/s Available— After	6 Mc/s Available— Until	6 Mc/s Available— After	8 Mc/s Available— Until	8 Mc/s Available— After	12 Mc/s Available— Until	12 Mc/s Available— After	16 Mc/s Available— Until	16 Mc/s Available— After	22 Mc/s Available— Until	22 Mc/s Available— After
	7-1-69	7-1-69	7-1-70	7-1-69	7-1-70	7-1-69	7-1-70	7-1-69	7-1-70	7-1-69	7-1-70	7-1-69	7-1-70	7-1-69
C1	2089		4178	4178.5	6267	6267.75	8356	8357	12534	12535.5	16712	16714	22225	22225
C2A	2089.5		4179	4179	6268.5	6268.5	8358	8358	12537	12537	16716	16716	22230	22230
B		2089.75		4179.5		6269.25		8359		12538.5		16718		22227.5
C3A	2090	2090	4180	4180	6270	6270	8360	8360	12540	12540	16720	16720	22235	22235
B		2090.25		4180.5		6270.75		8361		12541.5		16722		22232.5
C4A	2090.5	2090.5	4181	4181	6271.5	6271.5	8362	8362	12543	12543	16724	16724	22240	22240
B		2090.75		4181.5		6272.25		8363		12544.5		16726		22237.5
C5A	2091	2091	4182	4182	6273	6273	8364	8364	12546	12546	16728	16728	22245	22245
B		2091.25		4182.5		6273.75		8365		12547.5		16730		22242.5
C6A	2091.5	2091.5	4183	4183	6274.5	6274.5	8366	8366	12549	12549	16732	16732	22250	22250
B		2091.75		4183.5		6275.25		8367		12550.5		16734		22247.5
C7A	2092	2092	4184	4184	6276	6276	8368	8368	12552	12552	16736	16736	22255	22255
B		2092.25		4184.5		6276.75		8369		12553.5		16738		22252.5
C8A	2092.5		4185	4185	6277.5	6277.5	8370	8370	12555	12555	16740	16740	22260	22260
B				4185.5		6278.25		8371		12556.5		16742		22257.5
C9	2093		4186	4186	6279	6279	8372	8372	12558	12558	16744	16744	22265	22265
Special				4186.5		6279.75		8373		12559.5		16746		22262.5

§ 83.319 Low traffic ship radiotelegraph working frequencies.

(a) Low traffic ship radiotelegraph working frequencies are set forth in Table 1c. Application may be made for one low traffic working frequency column symbol from the "L" series, which includes two frequencies from the 4, 6, 8, 12, 16, and 22 Mc/s bands. A primary frequency to be used for working in each frequency band having two frequencies available must be indicated by suffixing the frequency column symbol with the letter "A" for the lower frequency in each band and the letter "B" for the higher frequency in each band. If more than one symbol of the "L" series is allocated for a particular licensee, the frequency column symbols, to include the suffix "A" or "B", should be applied for in rotation for successive vessels as for calling frequencies (see § 83.318), otherwise either "A" or "B" may be applied for.

(b) TABLE 1C—LOW TRAFFIC SHIP WORKING FREQUENCIES[1] (KC/S)

Symbol	4 Mc/s Group "A" Available— Until	4 Mc/s Group "A" Available— After	4 Mc/s Group "B" Available— Until	4 Mc/s Group "B" Available— After	6 Mc/s Group "A" Available— Until	6 Mc/s Group "A" Available— After	6 Mc/s Group "B" Available— Until	6 Mc/s Group "B" Available— After	8 Mc/s Group "A" Available— Until	8 Mc/s Group "A" Available— After	8 Mc/s Group "B" Available— Until	8 Mc/s Group "B" Available— After
	2-1-70	(2)	2-1-70	(2)	2-1-70	(2)	2-1-70	(2)	2-1-70	(2)	2-1-70	(2)
L1	4188	4188	4212.5	4212.5	6282	6282	6318.75	6318.75	8376	8376	8425	8425
L2	4188.5	4188.5	4213	4213	6282.75	6282.75	6319.5	6319.5	8377	8377	8426	8426
L3	4189	4189	4213.5	4213.5	6283.5	6283.5	6320.25	6320.25	8378	8378	8427	8427
L4	4189.5	4189.5	4214	4214	6284.25	6284.25	6321	6321	8379	8379	8428	8428
L5	4190	4190	4214.5	4214.5	6285	6285	6321.75	6321.75	8380	8380	8429	8429
L6	4190.5	4190.5	4215	4215	6285.75	6285.75	6322.5	6322.5	8381	8381	8430	8430
L7	4191	4191	4215.5	4215.5	6286.5	6286.5	6323.25	6323.25	8382	8382	8431	8431
L8	4191.5	4191.5	4216	4216	6287.25	6287.25	6324	6324	8383	8383	8432	8432
L9	4192	4192	4216.5	4216.5	6288	6288	6324.75	6324.75	8384	8384	8433	8433
L10	4192.5	4192.5	4217	4217	6288.75	6288.75	6325.5	6325.5	8385	8385	8434	8434
L11	4193	4193	4217.5	4217.5	6289.5	6289.5	6326.25	6326.25	8386	8386	8435	8435
L12	4193.5	4193.5	4218	4218	6290.25	6290.25	6327	6327	8387	8387	8436	8436
L13	4194	4194	4218.5	4218.5	6291	6291	6327.75	6327.75	8388	8388	8437	8437
L14	4194.5	4194.5	4219	4219	6291.75	6291.75	6328.5	6328.5	8389	8389	8438	8438
L15	4195	4195	4219.5	4219.5	6292.5	6292.5	6329.25	6329.25	8390	8390	8439	8439
L16	4195.5	4195.5	4220	4220	6293.25	6293.75	6330	6330	8391	8391	8440	8440
L17	4196	4196	4220.5	4220.5	6294	6294	6330.75	6330.75	8392	8392	8441	8441
L18	4196.5	4196.5	4221	4221	6294.75	6294.75	6331.5	6331.5	8393	8393	8442	8442
L19	4197	4197	4221.5	4221.5	6295.5	6295.5	6332.25	6332.25	8394	8394	8443	8443
L20	4197.5	4197.5	4222	4222	6296.25	6296.25	6333	6333	8395	8395	8444	8444
L21	4198	4198	4222.5	4222.5	6297	6297	6333.75	6333.75	8396	8396	8445	8445
L22	4198.5	4198.5	4223	4223	6297.75	6297.75	6334.5	6334.5	8397	8397	8446	8446
L23	4199	4199	4223.5	4223.5	6298.5	6298.5	6335.25	6335.25	8398	8398	8447	8447
L24	4199.5	4199.5	4224	4224	6299.25	6299.25	6336	6336	8399	8399	8448	8448
L25	4200	4200	4224.5	4224.5	6300	6300	6336.75	6336.75	8400	8400	8449	8449
L26	4200.5	4200.5	4225	4225	6300.75	6300.75	6337.5	6337.5	8401	8401	8450	8450
L27	4201	4201	4225.5	4225.5	6301.5	6301.5	6338.25	6338.25	8402	8402	8451	8451
L28	4201.5	4201.5	4226	4226	6302.25	6302.25	6339	6339	8403	8403	8452	8452
L29	4202	4202	4226.5	4226.5	6303	6303	6339.75	6339.75	8404	8404	8453	8453
L30	4202.5	4202.5	4227	4227	6303.75	6303.75	6340.5	6340.5	8405	8405	8454	8454
L31	4203	4203	4227.5	4227.5	6304.5	6304.5	6341.25	6341.25	8406	8406	8455	8455
L32	4203.5	4203.5	4228	4228	6305.25	6305.25	6342	6342	8407	8407	8456	8456
L33	4204	4204	4228.5	4228.5	6306	6306	6342.75	6342.75	8408	8408	8457	8457
L34	4204.5	4204.5	4229	4229	6306.75	6306.75	6343.5	6343.5	8409	8409	8458	8458
L35	4205	4205	4229.5	4208.5	6307.5	6307.5	6344.25	6312.75	8410	8410	8459	8417
L36	4205.5	4205.5	4230	4209	6308.25	6308.25	6345	6313.5	8411	8411	8460	8418
L37	4206	4206	4230.5	4209.5	6309	6309	6345.75	6314.25	8412	8412	8461	8419
L38	4206.5	4206.5	4231	4210	6309.75	6309.75	6346.5	6315	8413	8413	8462	8420
L39	4207	4207	4231.5	4210.5	6310.5	6310.5	6347.25	6315.75	8414	8414	8463	8421
L40	4207.5	4207.5	4232	4211	6311.25	6311.25	6348	6316.5	8415	8415	8464	8422
L41	4208	4208	4232.5	4211.5	6312	6312	6348.75	6317.25	8416	8416	8465	8433
L42	4208.5	4187.5	4233	4212	6312.75	6281.25	6349.5	6318	8417	8375	8466	8424
L43	4209	4188	4233.5	4212.5	6313.5	6282	6350.25	6318.75	8376	8376	8467	8425
L44	4209.5	4188.5	4234	4213	6314.25	6282.75	6351	6319.5	8419	8377	8468	8426
L45	4210	4189	4234.5	4213.5	6315	6283.5	6351.75	6320.25	8420	8378	8469	8427
L46	4210.5	4189.5	4235	4214	6315.75	6284.25	6352.5	6321	8421	8379	8470	8428
L47	4211	4190	4235.5	4214.5	6316.5	6285	6353.25	6321.75	8422	8380	8471	8429
L48	4211.5	4190.5	4236	4215	6317.25	6285.75	6354	6322.5	8423	8381	8472	8430
L49	4212	4191	4236.5	4215.5	6318	6286.5	6354.75	6323.25	8424	8382	8473	8431

See footnotes at end of table.

§ 83.320 Ship radiotelegraph working frequencies—narrow-band direct-printing telegraph and data transmission systems.

(a) Ship radiotelegraph working frequencies—narrow-band direct-printing telegraph and data transmission systems in the bands between 4 and 23 Mc/s are set forth in Table 1d. Application may be made for one narrow-band direct-printing frequency column symbol from the "N" series, which includes one frequency in the 4 Mc/s band and two frequencies in each of the 6, 8, 12, 16, and 22 Mc/s bands. A primary frequency to be used for working in each frequency band having two frequencies available must be indicated by suffixing the frequency column symbol with the letter "A" for the lower frequency in each band and the letter "B" for the higher frequency in each band. If more than one symbol of the "N" series is allocated for a particular licensee, the frequency column symbols, to include the suffix "A" or "B", should be applied for in rotation for successive vessels as for calling frequencies (see § 83.318), otherwise either "A" or "B" may be applied for.

TABLE 1D—SHIP RADIOTELEGRAPH WORKING FREQUENCIES—NARROW-BAND DIRECT-PRINTING TELEGRAPH AND DATA TRANSMISSION SYSTEMS

Symbol	4 Mc/s[1] Available after 7-1-69	6 Mc/s Available after 7-1-69	8 Mc/s Available after 7-1-69	12 Mc/s Available after 7-1-69	16 Mc/s Available after 7—1-69	22 Mc/s Available after 7-1-69
N1A	4166.5	6248.5	8332	12494	16641	22165
B	4166.5	6253.5	8337	12494	16651	22175
N2A	4167	6249	8332.5	12495	16642	22166
B	4167	6254	8337.5	12495	16652	22176
N3A	4167.5	6249.5	8333	12496	16643	22167
B	4167.5	6254.5	8338	12496	16653	22177
N4A	4168	6250	8333.5	12497	16644	22168
B	4168.5	6255	8338.5	12497	16654	22178
N5A	4168.5	6250.5	8334	12498	16645	22169
B	4168.5	6255.5	8339	12498	16655	22179
N6A	4169	6251	8334.5	12499	16646	22170
B	4169	6256	8339.5	12499	16656	22180
N7A	4169.5	6251.5	8335	12500	16647	22171
B	4169.5	6256.5	8340	12500	16657	22181
N8A	4170	6252	8335.5	12501	16648	22172
B	4170	6257	8340.5	12501	16658	22182
N9A	4170.5	6252.5	8336	12502	16649	22173
B	4170.5	6257.5	8341	12502	16659	22183
N10A	4171	6253	8336.5	12503	16650	22174
B	4171	6258	8341.5	12503	16660	22184

[1] In addition, 4171.5 and 4172 kc/s are available after July 1, 1969, for use when frequency column symbols N1 through N10 are assigned.

§ 83.321 Ship radiotelegraph frequency plan.

(a) The ship radiotelegraph frequency plan for the bands between 2 and 23 Mc/s is set forth in Table 2. Applicants other than the companies listed in Table 2 must apply for the frequency column symbols shown, in alphabetic groups according to the first letter of their name. As an example, if the applicant's name begins with A, B, or C, he may apply only for frequency column symbols C1, C5, or C8, H2, and H11 for a high traffic ship, or C1, C5, or C8 and

(b) TABLE 1C—LOW TRAFFIC SHIP WORKING FREQUENCIES[1] (KC/S)—Continued

Symbol	12 Mc/s Group "A" Available— Until	12 Mc/s Group "A" Available— After	12 Mc/s Group "B" Available— Until	12 Mc/s Group "B" Available— After	16 Mc/s Group "A" Available— Until	16 Mc/s Group "A" Available— After	16 Mc/s Group "B" Available— Until	16 Mc/s Group "B" Available— After	22 Mc/s Group "A" Available— Until	22 Mc/s Group "A" Available— After	22 Mc/s Group "B" Available— Until	22 Mc/s Group "B" Available— After
	2-1-70	(2)	2-1-70	(2)	2-1-70	(2)	2-1-70	(2)	2-1-70	(2)	2-1-70	(2)
L1	12564	12564	12637.5	12637.5	16752	16752	16830	16830	22272.5	22272.5	22335	22335
L2	12565.5	12565.5	12639	12639	16754	16754	16832	16832	22272.5	22272.5	22333	22335
L3	12567	12567	12640.5	12640.5	16756	16756	16834	16834	22275	22275	22337.5	22337.5
L4	12568.5	12568.5	12642	12642	16758	16758	16836	16836	22275	22275	22337.5	22337.5
L5	12570	12570	12643.5	12643.5	16760	16760	16838	16838	22277.5	22277.5	22340	22340
L6	12571.5	12571.5	12645	12645	16762	16762	16840	16840	22280	22280	22340	22340
L7	12573	12573	12646.5	12646.5	16764	16764	16842	16842	22282.5	22282.5	22342.5	22342.5
L8	12574.5	12574.5	12648	12648	16766	16766	16844	16844	22282.5	22282.5	22342.5	22342.5
L9	12576	12576	12649.5	12649.5	16768	16768	16846	16846	22285	22285	22345	22345
L10	12577.5	12577.5	12651	12651	16770	16770	16848	16848	22285	22285	22345	22345
L11	12579	12579	12652.5	12652.5	16772	16772	16870	16870	22287.5	22287.5	22347.5	22347.5
L12	12580.5	12580.5	12654	12654	16774	16774	16872	16872	22287.5	22287.5	22347.5	22347.5
L13	12582	12582	12655.5	12655.5	16776	16776	16874	16874	22290	22290	22350	22350
L14	12583.5	12583.5	12657	12657	16778	16778	16876	16876	22292.5	22292.5	22352.5	22352.5
L15	12585	12585	12658.5	12658.5	16780	16780	16878	16878	22292.5	22292.5	22352.5	22352.5
L16	12586.5	12586.5	12660	12660	16782	16782	16880	16880	22290	22290	22352.5	22352.5
L17	12588	12588	12660.5	12660.5	16784	16784	16882	16882	22292.5	22292.5	22355	22355
L18	12589.5	12589.5	12663	12663	16786	16786	16884	16884	22292.5	22292.5	22355	22355
L19	12591	12591	12664.5	12664.5	16788	16788	16886	16886	22295	22295	22357.5	22357.5
L20	12592.5	12592.5	12666	12666	16790	16790	16888	16888	22295	22295	22357.5	22357.5
L21	12594	12594	12667.5	12667.5	16792	16792	16890	16890	22297.5	22297.5	22360	22360
L22	12595.5	12595.5	12669	12669	16794	16794	16892	16892	22297.5	22297.5	22360	22360
L23	12597	12597	12670.5	12670.5	16796	16796	16894	16894	22300	22300	22362.5	22362.5
L24	12598.5	12598.5	12672	12672	16798	16798	16896	16896	22300	22300	22362.5	22362.5
L25	12600	12600	12673.5	12673.5	16800	16800	16898	16898	22302.5	22302.5	22365	22365
L26	12601.5	12601.5	12675	12675	16802	16802	16900	16900	22302.5	22302.5	22365	22365
L27	12603	12603	12676.5	12676.5	16804	16804	16902	16902	22305	22305	22367.5	22367.5
L28	12604.5	12604.5	12678	12678	16806	16806	16904	16904	22307.5	22307.5	22370	22370
L29	12606	12606	12679.5	12679.5	16808	16808	16906	16906	22307.5	22307.5	22370	22370
L30	12607.5	12607.5	12681	12681	16810	16810	16908	16908	22307.5	22307.5	22370	22370
L31	12609	12609	12682.5	12682.5	16812	16812	16910	16910	22310	22310	22372.5	22372.5
L32	12610.5	12610.5	12684	12684	16814	16814	16912	16912	22310	22310	22372.5	22372.5
L33	12612	12612	12685.5	12685.5	16816	16816	16914	16914	22312.5	22312.5	22375	22375
L34	12613.5	12613.5	12687	12687	16818	16818	16916	16916	22312.5	22312.5	22375	22325
L35	12615	12615	12688.5	12625.5	16820	16820	16918	16834	22315	22315	22377.5	22327.5
L36	12616.5	12616.5	12690	12627	16822	16822	16920	16836	22317.5	22317.5	22377.5	22330
L37	12618	12618	12691.5	12628.5	16824	16824	16922	16838	22317.5	22317.5	22380	22330
L38	12619.5	12619.5	12693	12630	16826	16826	16924	16840	22317.5	22317.5	22380	22330
L39	12621	12621	12694.5	12631.5	16828	16828	16926	16842	22320	22320	22382.5	22332.5
L40	12622.5	12622.5	12696	12633	16830	16830	16928	16844	22320	22320	22382.5	22332.5
L41	12624	12624	12697.5	12634.5	16832	16832	16930	16846	22322.5	22322.5	22385	22335
L42	12625.5	12502.5	12699	12636	16834	16750	16932	16848	22322.5	22322.5	22385	22335
L43	12627	12504	12700.5	12637.5	16836	16752	16934	16850	22325	22325	22387.5	22337.5
L44	12628.5	12505.5	12702	12639	16838	16754	16936	16852	22325	22325	22387.5	22340
L45	12630	12567	12703.5	12640.5	16840	16756	16938	16854	22327.5	22327.5	22390	22340
L46	12631.5	12568.5	12705	12642	16842	16758	16940	16856	22327.5	22327.5	22390	22340
L47	12633	12570	12706.5	12643.5	16844	16760	16942	16858	22330	22277.5	22392.5	22342.5
L48	12634.5	12571.5	12708	12645	16846	16762	16944	16860	22330	22277.5	22392.5	22342.5
L49	12636	12573	12709.5	12646.5	16848	16764	16946	16862	22332.5	22280	22395	22345

[1] The frequency symbols are suffixed by the letters "A" or "B" to indicate the primary working frequency in each band. (See §§ 83.324(c) and 83.319(a).)

[2] Effective date of the Report and Order in this Docket.

L22 for a low traffic ship. For this purpose, the alphabetic group of first letters of the name will be selected by using the first word of a trade name omitting "The"; the last name of a personal name; or the last name of the first person appearing in a series of personal names. As examples, the following names would all apply for the third, or "M" group: Marine Communications, Inc.; A. B. Miller and Co.; C. D. Muncey; E. F. Murphy, Alfred Abrams, et al.

TABLE 2—SHIP RADIOTELEGRAPH FREQUENCY PLAN

(For columns of frequencies designated by these symbols, see § 83.315)

	Calling frequency column symbols	High traffic ship working frequency column symbols	Low traffic ship working frequency column symbols	Narrow-band direct-printing working frequency column symbols
RCA Communications, Inc.	C3, C5, C7, C9.	H1, H3, H5, H7, H9.	L1, L3, L5, L7, L9, L11, L13, L15, L17, L19, L21, L23, L25, L27, L29, L31, L33, L35, L37, L39, L41, L43, L45, L47.	N1, N3, N5, N7.
ITT World Communications, Inc.	C2, C4, C5, C6.	H4, H6, H8, H10.	L2, L6, L8, L10, L14, L16, L18, L20, L24, L28, L32, L34, L36, L40, L42, L48, L49.	N4, N6, N8.
Tropical Radio Telegraph Co.	C1, C5, C8.	H2, H11	L4	N2, N9.
Matson Navigation Co.	do	do	L12	N10.
Other applicants:				
A–C	do	do	L22	Do.
D–L	do	do	L26	Do.
M	do	do	L30	Do.
N–R	do	do	L38	Do.
S	do	do	L44	Do.
T–Z	do	do	L46	Do.

6. In § 83.322, paragraph (a) is amended to read as follows:

§ 83.322 Frequencies for use in distress.

(a) The international distress frequency is 500 kc/s; it is used as an assigned frequency for this purpose by ship, survival craft, or aircraft stations using frequencies in the band 405–535 kc/s, when requesting assistance from the maritime services. It is used, preferably with A2 emission, for the distress call, distress traffic and for the transmission of urgent and safety messages.

* * * * *

7. In § 83.323, subparagraph (3) of paragraph (a) is amended; existing paragraphs (b) and (d) are deleted; a new paragraph (b) is added; and paragraph (c) is amended, to read as follows:

§ 83.323 Frequencies for call and reply.

(a) * * *

(3) In order to facilitate the reception of distress calls, all transmissions on 500 kc/s shall be reduced to a minimum. Preparatory operating signals or brief communications concerning the operation of the station may be included on 500 kc/s provided the overall duration of the transmission is not longer than 10 seconds. Transmissions of longer duration shall be made on the working frequency.

(b) In Region 3, the band 2089.5–2092.5 kc/s is the calling and safety band for the maritime mobile service of radiotelegraphy in those parts of the bands between 1605 and 2085 kc/s in which radiotelegraphy is authorized. Frequencies in the band 2089.5–2092.5 kc/s may be used for calls, replies, and safety. These frequencies may also be used for messages preceded by the urgency or safety signals.

(c) In Region 2, the frequency 2091 kc/s is the international calling frequency for ship stations using telegraphy within the band 2089.5–2092.5 kc/s. It shall be used for call, reply and signals preparatory to traffic by all ship stations using telegraphy to establish communication with other ship stations operating in the band 2089.5–2092.5 kc/s or with coast stations using telegraphy and operating in the band 2035–2065 kc/s: *Provided*, That transmission by ship stations for this purpose on any calling frequency within the band 2089.5–2092.5 kc/s is permissible as a practical operating procedure to minimize interference in lieu of transmission on the frequency 2091 kc/s. A ship station, after establishing communication on a calling frequency, except safety and distress, shall change to an authorized working frequency in the bands between 4 and 23 Mc/s for the transmission of traffic.

8. In § 83.324, paragraphs (a), (b), (c), (g) (1), and (h) are amended to read as follows:

§ 83.324 Frequencies for working.

(a) Each assigned frequency listed in § 83.316(a), and which is not identified therein with a specific use or function, is authorized as an assigned frequency for "working".

(b) Ship and aircraft stations using telegraphy and working on frequencies within the band 415 to 525 kc/s shall use whenever practicable, an authorized working frequency of which 425, 448,[1] 454, 468, 480, or 512[1] kc/s is the assigned frequency.

(c) Except as provided in §§ 83.316, 83.322, 83.323, and 83.401, use of 500 kc/s for working is prohibited.

* * * * *

(g) (1) In addition to use of the frequency assignment designated for telegraphy in the license of a ship station, such station when communicating by telegraphy with a mobile or land station of the U.S. Government may transmit on a Government frequency assignment when authorized or directed to do so by the Government station responsible or by the Government department or agency for which use of such frequency assignment is authorized; on condition that the emission-bandwidth and frequency tolerance of the ship station shall be within the respective limits thereof required to be maintained by the Government station. Under these circumstances, the ship station assigned frequency, the class of emission, and the permissible class of traffic shall be designated and controlled by the responsible Government station, department, or agency.

* * * * * *

(h) The frequencies 2072.5 kc/s[2] and 2077.5 kc/s[2] are authorized for wideband telegraphy, facsimile, and special transmission systems when designated in the ship station license.

9. In § 83.328, a new paragraph (d) is added to read as follows:

§ 83.328 Radiotelegraph operating procedure.

* * * * *

(d) Operation on frequencies set forth in § 83.315(e) shall, in addition to other applicable provisions, conform to the special calling procedure set forth in Article 29 of the ITU Radio Regulations, as amended by Geneva, 1967.

10. In § 83.552, the table in paragraph (b) is amended to read as follows:

§ 83.552 Requirements for main transmitter.

* * * * *

(b) * * *

[1] The frequency 512 kc/s will replace 448 kc/s. 512 kc/s will become available on Apr. 1, 1969. The frequency 448 kc/s will not be available after July 1, 1970.

[2] The frequencies 2072.5 and 2077.5 kc/s shall be replaced, during the period Nov. 1, 1969 to Dec. 31, 1969, by the frequencies 2071 and 2076 kc/s. The frequencies 2072.5 and 2077.5 kc/s will not be available for assignment or use after Dec. 31, 1969.

Operating carrier frequency	Frequency tolerance (parts in 10^6)	Class of emission	Percentage modulation (for amplitude modulation)	Modulation frequency for amplitude modulation	Antenna power
[illegible] kc/s	1,000	A2	Not less than 70; not more than 100.	At least 1 frequency between 300 and 1250 cycles per second; except for transmitters installed after July 1, 1951, at least 1 frequency between 450 and 1250 cycles per second.	Not less than 200 watts into an average ship station antenna.
Do	1,000	A1			Not less than 160 watts into an average ship station antenna.
410 kc/s and 2 authorized working frequencies in the band 415 to 525 kc/s.	1,000	A2	Not less than 70; not more than 100.	At least 1 frequency between 300 and 1250 cycles per second; except for transmitters installed after July 1, 1951, at least 1 frequency between 450 and 1250 cycles per second.	Not less than 200 watts into an average ship station antenna.
Do	1,000	A1			Not less than 160 watts into an average ship station antenna.

* * * * * * *

11. In § 83.553, the table in paragraph (b) is amended to read as follows:

§ 83.553 Requirements for reserve transmitter.

* * * * * * *

(b) * * *

Operating carrier frequency	Frequency tolerance (parts in 10^6)	Class of emission	Percentage modulation (for amplitude modulation)	Modulation frequency (for amplitude modulation)	Antenna power
500 kc/s	1,000 except for reserve transmitters whose use is confined solely to safety communications as defined in § 83.6(a). Such transmitters shall maintain a frequency tolerance of 3,000 parts in 10^6.	A2	Not less than 70; not more than 100.	At least 1 frequency between 300 and 1250 cycles per second; except for transmitters installed after July 1, 1951, at least 1 frequency between 450 and 1250 cycles per second.	Not less than 25 watts into an average ship station antenna.
410 kc/s and 1 authorized working frequency in the band 415 to 525 kc/s.	do	A2	do	do	Do.

* * * * * * *

12. The title to Subpart Y of Part 83 is amended to read as follows:

Subpart Y—Exemption Orders

§ 83.801 [Deleted]

13. Section 83.801 is deleted in its entirety.

[F.R. Doc. 68–7639; Filed, July 2, 1968; 8:45 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 561]

[No. 21,911]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Definition of Scheduled Items

JUNE 27, 1968.

Resolved that the Federal Home Loan Bank Board considers it desirable to amend § 561.15 of the rules and regulations for Insurance of Accounts (12 CFR 561.15) for the purposes of excluding from the definition of "scheduled items" certain loans and contracts which have the benefit of a guaranty by the Federal Savings and Loan Insurance Corporation and including within such definition any real estate owned as a result of default by a contract purchaser, and, for such purposes, it is hereby proposed that said § 561.15 be amended by revising paragraphs (c) and (d) to read as follows:

§ 561.15 Scheduled items.

* * * * * *

(c) The total amount invested in real estate owned as a result of foreclosure, or acquired by deed in lieu of foreclosure, and any other real estate owned on which a contract purchaser has defaulted and the contract canceled, other than real estate owned pending transfer to an insuring or guaranteeing agency of the U.S. Government.

(d) Such real estate and real estate previously owned or held by the insured institution for development or investment purposes, sold on contract or by a loan (other than an insured or guaranteed loan or any loan or contract which has the benefit of any guaranty by the Federal Savings and Loan Insurance Corporation) during the period that the unpaid principal balance or the unexpired portion of the term exceeds that permitted under otherwise applicable lending limitations, or, in the absence of otherwise applicable lending limitations, the unpaid principal balance exceeds 90 percent of the value of the security or the unexpired portion of the term exceeds 30 years.

* * * * * *

(Secs. 402, 403, 48 Stat. 48 Stat. 1256, 1257, (Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, by July 22, 1968, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 68–7928; Filed, July 2, 1968; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 2152]

ARIZONA

Notice of Proposed Classification of Public Lands for Multiple-Use Management; Correction

In F.R. Doc. 68-7257 appearing on pages 9114-9117 of the issue of June 20, 1968, the following changes should be made:

Under T. 9 S., R. 11 E., sec. 6, should be changed to read: lots 1 to 7, inclusive, SE¼NW¼, S½NE¼, E½SW¼, and SE¼.

The date, June 13, 1968, should be shown at the bottom of the notice.

FRED J. WEILER,
State Director.

JUNE 25, 1968.

[F.R. Doc. 68-7880; Filed, July 2, 1968; 8:46 a.m.]

[A 2153]

ARIZONA

Notice of Proposed Classification of Public Lands for Transfer Out of Federal Ownership; Correction

In F.R. Doc. 68-7258 appearing on pages 9117-9119 of the issue of June 20, 1968, the following changes should be made:

Under T. 7 S., R. 16 E., sec. 13 should be changed to read: E½, N½NW¼, E½SE¼NW¼, and SW¼.

Under T. 8 S., R. 16 E., sec. 12 should be changed to read: W½W½, E½SW¼, and W½SE¼.

FRED J. WEILER,
State Director.

JUNE 25, 1968.

[F.R. Doc. 68-7881; Filed, July 2, 1968; 8:46 a.m.]

[Colorado 4254]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 27, 1968.

The Bureau of Reclamation, Department of the Interior, has filed an application, Serial No. Colorado 4254, for the withdrawal of the Grand Mesa National Forest lands described below from prospecting, location, and entry under the General Mining Laws but not the mineral leasing laws subject to existing valid rights.

The Bureau of Reclamation desires the lands for reclamation purposes in connection with the Owens Reservoir of the Battlement Mesa Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado Land Office, Room 15019, Federal Building, 1961 Stout Street, Denver, Colo. 80202.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved are:

SIXTH PRINCIPAL MERIDIAN

T. 10 S., R. 92 W.,
Sec. 1, W½NW¼SW¼, W½SW¼NW¼ (fractional);
Sec. 2, SE¼NE¼SE¼.

The area described aggregates approximately 42.5 acres.

J. ELLIOTT HALL,
Land Office Manager.

[F.R. Doc. 68-7913; Filed, July 2, 1968; 8:46 a.m.]

[Utah 1397—Utah 1400; Utah 2629—Utah 2640]

UTAH

Notice of Proposed Classification

JUNE 26, 1968.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), notice is hereby given of a proposal to classify the lands described below under section 7 of the Act of June 28, 1934 (48 Stat. 1272, 43 U.S.C. 315f), as amended, as proper for selection by and transfer to the State of Utah in satisfaction in part of the State's outstanding land grant accorded them under the provisions of sections 2275 and 2276 of the Revised Statutes (43 U.S.C. 851, 852), as amended. The selection is made as indemnity for an equal acreage of mineral land lost to the State by reservation or appropriation of what would have been school sections in place when surveyed. Title will pass subject to all valid existing rights. If the proposal is effected, the State of Utah will obtain title to both the surface and the mineral estates owned by the United States in these lands.

The selected lands aggregate 10,483.72 acres located in Utah between the Wyoming-Utah State line and the Ashley-Wasatch National Forests. They consist of 14 separate tracts lying west of Manila, Utah.

Available information indicates that these lands meet the criteria for classification for selection by the State as provided for in 43 CFR 2410.1-1(a)(2), and 2410.1-3(a). The lands are surrounded by private and State-owned lands and are not required for public programs.

The areas represent reasonable management units for administration by the State, and the State will recognize existing uses in determining future management programs if the selection is consummated.

Information concerning this proposal is available at the Bureau's Vernal District Office, 91 West Main Street, Vernal, Utah 84078, or the office of the State Director, 8239 Federal Building, 125 South State, Salt Lake City, Utah 84111. For a period of 60 days from the date of this publication, interested parties may submit comments to the District Manager or the State Director.

The lands affected by this proposal are located in Daggett and Summit Counties and are described as follows:

SALT LAKE MERIDIAN

T. 3 N., R. 15 E.,
Sec. 13, lots 3, 4;
Sec. 17, lots 3, 4, N½SW¼;
Sec. 20, S½.
T. 3 N., R. 16 E.,
Sec. 13, lots 2, 3, 4, SW¼, NW¼SE¼, SE¼SE¼;
Sec. 14, lots 1, 2, 3, 4, S½;
Sec. 15, lots 1, 2, 3, 4, S½;
Sec. 22, NE¼NE¼;
Secs. 23 and 24, all;
Sec. 27, S½NE¼, S½;
Sec. 28, SW¼NW¼, S½.
T. 3 N., R. 18 E.,
Sec. 13, E½SW¼, SW¼SW¼;
Sec. 14, S½S½;
Sec. 17, lots 1, 2, 3, 4;
Sec. 18, lots 1, 2, 3, 4;
Sec. 19, lot 3, E½SW¼, W½SE¼ (minerals only);
Sec. 23, all;
Sec. 24, SE¼NE¼, W½NE¼, NW¼;
Sec. 29, SE¼SW¼;
Sec. 30, lots 2, 3, 4, W½NE¼, E½NW¼, NE¼SW¼ (minerals only).
T. 2 N., R. 19 E.,
Sec. 3, lots 1, 2, 3, 4.
T. 3 N., R. 19 E.,
Sec. 13, lots 2, 3, 4, N½SW¼, SW¼SW¼;
Sec. 14, lots 1, 2, 3, 4, S½S½;
Sec. 15, E½SE¼;
Sec. 23, N½N½, NW¼SW¼;
Sec. 24, NW¼NW¼;
Sec. 29, W½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 30, SE¼;
Sec. 31, NE¼, NE¼SE¼;
Sec. 33, SW¼NE¼, NW¼NW¼, S½NW¼, S½;
Sec. 34, W½SW¼.
T. 2 N., R. 20 E.,
Sec. 5, lots 3, 4, S½NW¼, N½SW¼;
Sec. 6, lots 1, 2, S½NE¼.
T. 3 N., R. 20 E.,
Sec. 27, all;
Sec. 28, lots 2, 3, 4, 5, S½NE¼, E½NW¼, E½SE¼, SW¼SE¼;
Sec. 29, lots 2, 3, 4, SW¼NE¼, SW¼, W½SE¼;
Sec. 30, S½SE¼;
Sec. 33, lots 1, 2, 3, 4, E½, E½W½.

The areas described aggregate 10,483.72 acres.

R. D. NIELSON,
State Director.

[F.R. Doc. 68-7882; Filed, July 2, 1968; 8:46 a.m.]

ANTILITTER CAMPAIGN SYMBOLS

JUNE 27, 1968.

The symbols depicted below[1] are hereby prescribed as official symbols for a public service antilitter program designed to maintain the beauty and utility of the Nation's public lands sponsored by the Bureau of Land Management, U.S. Department of the Interior. In making this prescription, notice is hereby given that whosoever manufactures, sells, or uses these symbols in any manner or any colorable imitation thereof, or photographs, prints or in any other manner makes or executes any engraving, photograph, or print, or impression in the likeness of these symbols or any colorable imitation thereof, without authorization from the Bureau of Land Management, U.S. Department of the Interior is subject to the penalty provisions of section 701 of Title 18 of the United States Code.

Requests to use these symbols in connection with antilitter campaigns should be addressed to the Chief, Office of Information, Bureau of Land Management, Washington, D.C. 20240. Each request should contain exact and explicit information as to the intended use of the symbols, with full details as to the product, method of reproduction, and any other data which would be helpful in appraising such a request.

J. P. BEIRNE,
Acting Director.

[F.R. Doc. 68-7931; Filed, July 2, 1968; 8:50 a.m.]

[1] Symbols filed as part of the original document.

Office of the Secretary

[Order No. 2508, Amdt. 75]

BUREAU OF INDIAN AFFAIRS

Forestry Matters

Section 16 of Order No. 2508, as amended, is further amended to delete paragraph (c), which contains authority for the fixing of fair stumpage value of the annual timber cut of the former Menominee Reservation, Wis.; and to redesignate the succeeding paragraphs, so that section 16, in its entirety, now reads as follows:

SEC. 16. *Forestry.* The Commissioner may exercise the authority of the Secretary in relation to the following classes of matters; actions taken hereunder shall be subject to appeal to the Secretary in accordance with section 1 of this order.

(a) All those matters set forth in 25 CFR Chapter I, Subchapter M—Forestry.

(b) The adjustment of stumpage rates and the performing of all other administrative actions to be taken by the Secretary pursuant to timber sales contracts now in effect.

(c) The administration of existing and the negotiation and execution of new cooperative fire suppression agreements with Federal, State, and private agencies.

(d) The taking of any action necessary to prevent waste of timber from fire, decay, windthrow, insect infestation, disease, or other natural catastrophe on Indian lands held in trust by the United States.

(e) (1) The performance of the functions enumerated in Executive Order 7868, dated April 15, 1938, which transferred to the Secretary of the Interior jurisdiction over certain lands acquired pursuant to the following acts:

Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200).
Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115).
Section 55, Title I of the Act of August 24, 1935 (49 Stat. 750, 781).

(2) In the performance of the functions delegated in (1) above, the regulations with respect to the disposal of timber on Indian trust lands, in 25 CFR 141, shall govern, where applicable, the disposal of timber on these Government lands. All receipts from sales of timber under this authority shall be deposited in the U.S. Treasury, Account 142229, "Sale of Timber, Wildlife and Other Natural Land Products, not otherwise classified." These receipts shall not be subject to the administrative deduction authorized from receipts for sale of Indian-owned timber by the Act of February 14, 1920, as amended (25 CFR 141.18).

STEWART L. UDALL,
Secretary of the Interior.

JUNE 26, 1968.

[F.R. Doc. 68-7883; Filed, July 2, 1968; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

KENTUCKY

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Kentucky, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

KENTUCKY

Crittenden.	Livingston.
Daviess.	McLean.
Hancock.	Union.
Henderson.	Webster.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1969, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 27th day of June 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-7893; Filed, July 2, 1968; 8:47 a.m.]

FARMERS HOME ADMINISTRATION

Assignment of Functions

Pursuant to R.S. 161 (5 U.S.C. 301) and Reorganization Plan No. 2 of 1953 (67 Stat. 633), subsection 145(1) of the Secretary's Order of November 27, 1964, as amended (29 F.R. 16210, 32 F.R. 6650) is revised to include in the functions assigned to the Farmers Home Administration the financial assistance program under Part D of Title I of the Economic Opportunity Act of 1964 (42 U.S.C. 2763-2768) delegated to the Secretary of Agriculture by the Director of the Office of Economic Opportunity by document dated June 17, 1968, and to read as follows:

SEC. 145. *Assignment of functions.*

* * * * * *

(1) Financial assistance programs under Part D of Title I and Part A of Title III and the necessarily related functions in Title VI of the Economic Opportunity Act of 1964 (42 U.S.C. 2763-2768, 2841-2854, 2941-2980) delegated by the Director of the Office of Economic Opportunity to the Secretary of Agriculture by documents dated October 23, 1964, and June 17, 1968, respectively.

Done at Washington, D.C., this 21st day of June 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-7926; Filed, July 2, 1968; 8:49 a.m.]

MEAT IMPORT LIMITATIONS

Quarterly Estimates

Public Law 88-482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles prescribed by section 2(a) of the Act.

In accordance with the requirements of the Act the following third quarterly estimates are published:

1. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act, be imported during calendar year 1968 is 935 million pounds.

2. The estimated quantity of such articles prescribed by section 2(a) of the Act during the calendar year 1968 is 950.3 million pounds.

Since the estimated quantity of imports does not equal or exceed 110 percent of the estimated quantity prescribed by section 2(a) of the Act, limitations for the calendar year 1968 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep (TSUS 106.20), are not authorized to be imposed pursuant to Public Law 88-482 at this time.

Done at Washington, D.C., this 28th day of June 1968.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 68-7927; Filed, July 2, 1968; 8:49 a.m.]

Packers and Stockyards Administration

STIEFEL BROS. LIVESTOCK MARKET ET AL.

Proposed Posting of Stockyards

The Acting Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

Stiefel Bros. Livestock Market, Chino, Calif.
Canaan Sales Stables, East Canaan, Conn.
Cowanesque Valley Livestock Market, Knoxville, Pa.
Amarillo Horse Auction, Amarillo, Tex.
Clear Lake Livestock Market, Clear Lake, Wis.

Notice is hereby given, therefore, that the said Acting Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Acting Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after publication in the FEDERAL REGISTER.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 27th day of June 1968.

G. H. HOPPER,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 68-7925; Filed, July 2, 1968; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

UNIVERSITY OF DELAWARE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00501-90-16500. Applicant: University of Delaware, Physics Department, Newark, Del. 19711. Article: Ultrahigh vacuum cold-finger with Hecryostat. Manufacturer: Laybold, West Germany. Intended use of article: The article will be used for bond excitons studies at helium temperatures in cadmiums. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, was available within the United States promptly so that the applicant could have obtained the article without unreasonable delay. Reasons: The foreign article is a custom-made instrument that was originally produced for a research scientist in the Federal Republic of Germany for the study of certain bond fixations. The scientist has been engaged by the applicant to perform similar studies in the United States and has brought the foreign article for that purpose. The Department of Commerce knows of at least one domestic manufacturer which could most likely have manufactured a comparable instrument to the same specifications as the foreign article. However, this would have involved at least a delivery time of 4 months. The domestic instrument would then have to be shipped to the Federal Republic of Germany in order to make the necessary adjustments and establish the test parameters after the instrument was functionally related to ancillary equipment. After this had been accomplished, the complete system would be shipped to the United States. Situations of this kind are relevant to § 602.1(f)(2) of the regulations cited above, which reads as follows: "With respect to instruments, apparatus or accessories which are generally custom-made (made to purchasers' specifications) by domestic manufacturers of such articles or articles of the same general type, if a United States manufacturer is able and willing to produce the instrument, apparatus or accessory within the United States and have it available promptly so that it may be obtained by the applicant without unreasonable delay. In determining whether a United States manufacturer is able and willing so to produce such a domestic article and have it so available, the Administrator shall take into account the normal commercial practice applicable to the production and distribution of instruments or apparatus of the same general type, as well as other factors which in his judgment are reasonable to take into account under the circumstances of a particular proceeding."

Under the circumstances described above, the Department of Commerce has determined that a domestic instrument of equivalent scientific value to the foreign article, for such purposes for which such article is intended to be used, was not available without unreasonable delay at the time the foreign article was shipped to the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68-7867; Filed, July 2, 1968; 8:45 a.m.]

UNIVERSITY OF HAWAII

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00493-16-29900. Applicant: University of Hawaii, Institute of Astronomy, 2525 Correa Road, Honolulu, Hawaii 96822. Article: Birefringent filter, Lyot-Ohmann type. Manufacturer: Bernhard-Halle Nachfi, West Germany. Intended use of article: The article will be used to obtain clear photographic observations of H-Alpha radiation from the solar surface. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The applicant requires for the intended use of the foreign article, a Lyot-Ohman type of birefringent filter with a band pass of 0.5 Angstroms for the H-Alpha spectral line. We find that this characteristic is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar birefringent filter being manufactured in the United States, which possesses the characteristic of 0.5 Angstroms for the H-Alpha spectral line.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68-7868; Filed, July 2, 1968; 8:45 a.m.]

FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00490-90-79900. Applicant: U.S. Department of Interior Fish and Wildlife Service, Patuxent Wildlife Research Center, Laurel, Md. 20810. Article: Microclimate telemetry station. Manufacturer: Ontario Department of Agriculture and Food, Canada. Intended use of article: The article will be used for research on effects of selected environmental parameters on nesting bird populations. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which the foreign article is intended to be used, is being manufactured in the United States. Reasons: The foreign article was especially designed and constructed for obtaining and recording telemetered information from areas in which sources of electricity are not available. The article has been used in Canada in connection with a research program centered around the environmental conditions prevailing at remote bird nesting locations. The scientist currently assigned to this program will use the article in conducting a similar research project in the United States.

The Department of Commerce knows of no comparable instrument or apparatus being manufactured in the United States, which possesses the unique performance and other characteristics of the foreign article that are pertinent to the purposes for which such article is intended to be used.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68-7869; Filed, July 2, 1968; 8:45 a.m.]

UNIVERSITY OF WISCONSIN

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00488-98-54700. Applicant: The University of Wisconsin, 750 University Avenue, Madison, Wis. 53706. Article: Hough Powell flying spot digitizer, Model HPD Mark II. Manufacturer: Sogenique (Service) Ltd., United Kingdom. Intended use of article: The article will be used for scanning and measuring bubble chamber film for research in high energy physics. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is intended to be used for scanning photographic film that has been exposed in bubble chambers or spark chambers in connection with research in high energy physics. The foreign article has the capability of accurately measuring the horizontal (x) and vertical (y) coordinates of elementary particles moving within the chamber. For the purposes for which the foreign article is intended to be used, this capability is pertinent.

The Department of Commerce knows of no instrument or apparatus being manufactured in the United States, for the purposes for which the foreign article is intended to be used, which has this pertinent capability.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68-7870; Filed, July 2, 1968; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT SECRETARY FOR MORTGAGE CREDIT AND FEDERAL HOUSING COMMISSIONER

Redelegation of Authority With Respect to Homeowners Assistance Program, Department of Defense

SECTION A. The Assistant Secretary for Mortgage Credit and Federal Housing Commissioner is hereby authorized to exercise the following authority delegated to the Secretary of Housing and Urban Development under Article VII of the agreement between the Department of Defense and the Department of Housing and Urban Development dated June 8 and June 18, 1968, respectively, with respect to section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (Public Law 89-754, enacted November 3, 1966, 42 U.S.C. 3374):

1. With respect to acquired properties, to acquire title to, hold, manage, sell for cash or credit by taking a purchase money mortgage in the name of the Secretary of Housing and Urban Development and, in connection therewith, to execute deeds of conveyance and all other instruments necessary to fulfill the purposes of section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966, 42 U.S.C. 3374, to issue rules and regulations and to make any or all determinations and to take any or all further actions in connection with acquired properties which the Secretary of Defense is authorized to undertake pursuant to the provisions of the Act.

2. To redelegate to one or more employees under his jurisdiction any of the functions, powers, and duties redelegated

under section A1, and authorize successive redelegations thereof to subordinate employees.

3. To redelegate to Regional Administrators and to Deputy Regional Administrators any of the authority redelegated under section A1, and authorize successive redelegations thereof to Regional employees.

(Article VII of agreement signed by Assistant Secretary of Defense (Installations and Logistics) and by Secretary of Housing and Urban Development dated June 8 and June 18, 1968, respectively, published at 33 F.R. ------, ---------- 1968.)

Effective date. This redelegation of authority shall be effective as of July 3, 1968.

ROBERT C. WEAVER,
Secretary of Housing and Urban Development.

[F.R. Doc. 68-8003; Filed, July 2, 1968; 10:30 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-144]

CAROLINAS VIRGINIA NUCLEAR POWER ASSOCIATES, INC., AND CAROLINAS VIRGINIA TUBE REACTOR FACILITY

Notice of Termination of Facility License

The Atomic Energy Commission has terminated Facility License No. DPR-8 which authorizes the Carolinas Virginia Nuclear Power Associates, Inc. (CVNPA), to possess the Carolinas Virginia Tube Reactor Facility (CVTR) located in Parr, S.C. On June 14, 1967, the Commission issued an order authorizing the CVNPA to dismantle the CVTR and decontaminate the facility in accordance with the CVTR Decommissioning Report.

CVNPA has reported, and a Commission inspector has confirmed, that the facility has been dismantled and the component parts have been disposed of in accordance with the CVTR Decommissioning Report as modified in three minor respects. The Commission has reviewed these modifications and determined that the dismantling, as modified, involves no significant hazard considerations different from those previously evaluated.

Accordingly, the Commission has found that the CVTR has been dismantled and disposition made of the component parts pursuant to the Commission's order dated June 14, 1967, and in accordance with its regulations in 10 CFR Chapter I, and in a manner not inimical to the common defense and security or to the health and safety of the public.

Concurrent with the termination of Facility License No. DPR-8, the Commission has issued Byproduct Material License No. 39-08625-02 which authorizes CVNPA to possess and store the byproduct material induced and entrained in the remaining structures and dismantled parts. The byproduct material license also authorizes CVNPA to perform tests in the vapor container.

Copies of the Commission's (1) License Termination Order, (2) the CVNPA application for termination dated May 10, 1968, and (3) Byproduct Material License No. 39-08625-02, are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 25th day of June 1968.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 68-7873; Filed, July 2, 1968; 8:45 a.m.]

[Docket Nos. 50-280, 50-281]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Issuance of Provisional Construction Permits

Notice is hereby given that, pursuant to the initial decision of the Atomic Safety and Licensing Board, dated June 25, 1968, the Director of the Division of Reactor Licensing has issued Provisional Construction Permits Nos. CPPR-43 and CPPR-44 to Virginia Electric and Power Co. for the construction of two pressurized water nuclear reactors at the company's site in Surry County, Va. The reactors, known as the Surry Power Station Units 1 and 2, are each designed for initial operation at approximately 2,441 thermal megawatts with a net electrical output of approximately 780 megawatts each.

A copy of the initial decision is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 25th day of June 1968.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 68-7872; Filed, July 2, 1968; 8:45 a.m.]

[Docket Nos. 50-282, 50-306]

NORTHERN STATES POWER CO.

Notice of Issuance of Provisional Construction Permits

Notice is hereby given that, pursuant to the initial decision of the Atomic Safety and Licensing Board, dated June 24, 1968, the Director of the Division of Reactor Licensing has issued Provisional Construction Permits Nos. CPPR-45 and CPPR-46 to Northern States Power Co. for the construction of two pressurized water nuclear reactors, designated as the Prairie Island Nuclear Generating Plant Units 1 and 2 to be located on the company's site on Prairie Island near Red Wing in Goodhue County, Minn.

A copy of the initial decision is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 25th day of June 1968.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 68-7871; Filed, July 2, 1968; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19364 etc.; Order E-26990]

TRANS WORLD AIRLINES, INC., ET AL.

Order for Applications of Exemption and Approval of Equipment Interchange Lease Agreement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of June 1968.

Application of Trans World Airlines, Inc. for an exemption pursuant to section 416(b) of the Federal Aviation Act of 1958, as amended, Docket 19364; application of Northwest Airlines, Inc. and Pan American World Airways, Inc., for approval of an equipment interchange lease agreement pursuant to sections 408 and 412 of the Federal Aviation Act of 1958, as amended, Docket 19472; application of Northwest Airlines, Inc., for an exemption pursuant to section 416(b) of the Federal Aviation Act of 1958, as amended, Docket 19473.

On December 7, 1967, Trans World Airlines, Inc. (TWA), filed an application for a temporary exemption, pursuant to section 416(b) of the Federal Aviation Act of 1958, as amended (Act), so as to be able to serve Minneapolis/St. Paul, Minn., as a coterminal point on its Route 147, between the United States and Europe and beyond. The carrier requests that the exemption be effective pending final action in its application for similar certificate authority in Docket 19363.

TWA proposes to serve Minneapolis/St. Paul by extending flights now serving Detroit,[1] which is presently a coterminal point on its Route 147, and to provide three weekly round trips off-season, and a daily service on-season, operating Minneapolis/St. Paul-Detroit-London, also serving Frankfurt, eastbound only. Service would commence April 1, 1968.

On January 2, 1968, Pan American World Airways, Inc. (Pan American), and Northwest Airlines, Inc. (Northwest), filed an application for approval of an interchange lease agreement, pursuant to sections 408 and 412 of the Act, to permit through-plane service to be offered over Northwest's domestic Route 3 between Minneapolis/St. Paul and Detroit, and over Pan American's Route 132 between Detroit and Europe. In order for

[1] TWA does not request interstate authority between Minneapolis/St. Paul and Detroit and therefore would not carry local traffic.

Northwest to participate in such a service under its existing authority it requests, in an application also filed on January 2, 1968, an exemption to modify a long-haul restriction in its certificate.[2]

Pan American and Northwest propose to offer, beginning on June 1, 1968, a daily round-trip flight operating Minneapolis/St. Paul-Detroit-London, and such other points in Europe served by Pan American pursuant to its certificate as may be subsequently determined.

The Minneapolis/St. Paul Metropolitan Airports Commission filed answers in support of both TWA's exemption application and the joint Pan American-Northwest interchange application.[3] In addition, Seaboard World Airlines, Inc. (Seaboard), filed a letter in Docket 19472 objecting to the interchange application unless the Board excludes authority to carry property, or alternatively, prohibits all-cargo aircraft operations.

In various pleadings[4] the applicants commonly assert that there is a present need for Minneapolis/St. Paul-Europe single-plane service. It is pointed out, for example, that the Twin Cities-Europe market is substantial, generating on the order of 25,000 passengers in 1966; and that the Twin Cities is the largest traffic generating point in the United States to be without any single-plane service to Europe. Moreover, it is noted by TWA that the great majority of Minneapolis/St. Paul-Europe traffic now connects at Chicago and New York, and that such traffic contributes to congestion at the international airports of these cities. Neither proposal involves the provision of service via Chicago or New York.

Pan American and Northwest oppose TWA's exemption application, although Pan American states that it would not oppose an interchange application on the part of TWA and United Air Lines, Inc., which, like Northwest, possesses domestic authority to serve the Minneapolis/St. Paul-Detroit market. For its part, TWA opposes the Pan American-Northwest interchange application and Northwest's exemption application only insofar as these involve the provision of service to London and Frankfurt.

Pan American and Northwest assert that the interchange proposal is superior because it will make use of existing certificate authority. They point out that interchange through flights will be more economical since they will carry local Minneapolis/St. Paul-Detroit traffic, and that Northwest's long-standing identity in the Twin Cities will enhance the promotion of traffic. In addition, Pan American claims that TWA has not met the requirements of section 416(b).

TWA argues that its proposal is superior because TWA will offer single-carrier service. It also states that Northwest will not have an incentive to promote interchange traffic which will generate revenue for Northwest only between the Twin Cities and Detroit, 528 miles, and therefore divert Twin Cities-Europe traffic carried by Northwest that now connects at Chicago and New York.

The applicants assert that if the Board dismisses one application and grants the other, the unsuccessful applicant will suffer diversion. In addition, each claims that the other application was filed as a response.

We have decided to set the Pan American-Northwest interchange agreement for hearing, to deny TWA's exemption application, and to dismiss Northwest's exemption application.

The Pan American-Northwest interchange agreement has not previously been submitted to the Board for approval. The application seeks approval pursuant to sections 408 and 412 of the Act. Under the circumstances present here, and the requirements of section 408, we will direct that the application be set for expedited hearing.[5] We are cognizant of TWA's certificate application but we have decided in the exercise of our discretion not to consolidate it in this proceeding. Our decision is, however, without prejudice to TWA filing an appropriate interchange agreement with any other carrier for through-plane service between Minneapolis/St. Paul and Europe via any route junction point other than Chicago and New York.[6] If an application for approval of such an interchange agreement is filed we will promptly set it for hearing. We would also consider, upon appropriate motion, consolidating such an application for contemporaneous hearing with Docket 19472.

Regarding TWA's application for exemption in Docket 19364, we find the application should be denied. In this situation, TWA has not demonstrated a sufficient basis for finding that the enforcement of section 401 of the Act and the terms and conditions of its certificate of public convenience and necessity would be an undue burden on it. Northwest's exemption application in Docket 19473 will be dismissed as moot since the Board, subsequent to the filing of the application herein, has granted to Northwest the relief sought.[7]

Accordingly, it is ordered, That:

1. Northwest-Pan American application for approval of an equipment interchange lease agreement in Docket 19472 be, and it hereby is, set down for hearing before an examiner of the Board at a time and place to be hereafter designated;

2. TWA's exemption application in Docket 19364 be, and it hereby is, denied;

3. Northwest's exemption application in Docket 19473 be, and it hereby is, dismissed;

4. The joint motion of Pan American and Northwest, filed on January 23, 1968, for the receipt of an otherwise unauthorized document be, and it hereby is, granted; and

5. A copy of this order shall be served on the cities of St. Paul and Minneapolis and the Minneapolis/St. Paul Metropolitan Airports Commission, and Pan American, Northwest, TWA, and Seaboard.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 68-7907; Filed, July 2, 1968; 8:48 a.m.]

[Docket No. 17665]

WASHINGTON/BALTIMORE HELICOPTER SERVICE INVESTIGATION

Notice of Postponement of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter now assigned to be held on July 17 is postponed to July 24, 1968, 10 a.m., e.d.s.t., Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., June 26, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 68-7908; Filed, July 2, 1968; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18221; FCC 68M-996]

WFRV, INC.

Order Scheduling Hearing

In re application of WFRV, INC., Brampton, Mich., Docket No. 18221, File No. BPCT-3997; for construction permit for new television broadcast station.

[2] Condition (4) of Northwest's certificate for Route 3 requires that flights serving Minneapolis/St. Paul and Detroit also serve New York, Philadelphia, or Washington.

[3] The Commission does not express any preference as between the applications; neither does it advocate that both should be granted.

[4] Pan American and Northwest separately filed answers to TWA's exemption application dated, respectively, Dec. 15, and Dec. 18, 1967; TWA filed a reply to such answers on Dec. 28, 1967, and filed answers to the interchange application and Northwest's exemption application on Jan. 12, 1968. On Jan. 23, 1968, Pan American and Northwest jointly filed a motion for receipt of an unauthorized document, namely a reply to TWA's answer to the interchange application. We shall grant the motion and receive the reply in order to have before us all pertinent facts and arguments bearing on the interchange application.

[5] The application will be set for expedited hearing in accordance with section 399.60 of the Board's policy statements relating to standards for determining priorities of hearing. It may be noted that neither Pan American nor Northwest has sought to dispense with a hearing or applied for exemption from section 408, although these factors do not control our determination.

[6] We exclude these cities because of airport congestion considerations.

[7] Order E-26406, dated Feb. 27, 1968.

It is ordered, That Isadore A. Honig shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on September 19, 1968, at 10 a.m.; and that a prehearing conference shall be held on August 9, 1968, commencing at 9 a.m.: *And, it is further ordered*, that all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: June 26, 1968.

Released: June 27, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JAMES D. CUNNINGHAM,
Chief Hearing Examiner.

[F.R. Doc. 68-7911; Filed, July 2, 1968; 8:48 a.m.]

[Docket Nos. 18223, 18224; FCC 68M-995]

WALMAC CO.

Order Scheduling Hearing

In re applications of Howard W. Davis, trading as the Walmac Co., Docket No. 18223, File No. BR-411; for renewal of license of Station KMAC, San Antonio, Tex., and Howard W. Davis, trading as the Walmac Co., Docket No. 18224, File No. BRH-691; for renewal of license of Station KISS (FM), San Antonio, Tex.

It is ordered, That Charles J. Frederick shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 9, 1968, at 10 a.m., in San Antonio, Tex.; and that a prehearing conference shall be held on August 13, 1968, commencing at 9 a.m., in the offices of the Commission, Washington, D.C.

Issued: June 26, 1968.

Released: June 27, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JAMES D. CUNNINGHAM,
Chief Hearing Examiner.

[F.R. Doc. 68-7912; Filed, July 2, 1968; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

WSUP ALLOCATION AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Edward D. Ransom, Attorney, Lillick, McHose, Wheat, Adams & Charles, 311 California Street, San Francisco, Calif. 94104.

Agreement No. T-2188 between Castle and Cooke Terminals, Ltd., C. Brewer Corp., McCabe, Hamilton & Renny Co., Ltd., Kahului Trucking & Storage, Inc., Kauai Sugar Storage Corp., Kawaihae Terminals, Inc., Oahu Transport Co., Ltd., Matson Terminals, Inc., Honolulu Terminals Co., Ltd., and Theo. H. Davies & Co., Ltd. (Employers) provides for an allocation among the Employers of the costs of a Work Stabilization and Utilization Program (WSUP) Fund for their employees in Hawaii. The agreement sets forth the basis for computing each Employers' contribution to the fund. An amendment to the agreement provides that, pursuant to principles laid down by the U.S. Supreme Court in Volkswagenwerk Aktiengesellschaft v. Federal Maritime Commission dated March 6, 1968, the interim Employer contributions will ultimately be adjusted to conform with an arbitrator's decision as it may be approved by this Commission.

Dated: June 27, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-7929; Filed, July 2, 1968; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. CP65-57, CP67-159]

BACA GAS GATHERING SYSTEM, INC.

Notice of Petition To Amend

JUNE 24, 1968.

Take notice that on June 14, 1968, Baca Gas Gathering System, Inc. (Petitioner), 1818 Republic Bank Building, Dallas, Tex. 75201, filed in Docket Nos. CP65-57 and CP67-159 a petition to amend the orders issuing certificates of public convenience and necessity in said dockets pursuant to section 7(c) of the Natural Gas Act by authorizing Petitioner to transport and sell natural gas with a minimum heating value of 925 B.t.u.'s per cubic foot in lieu of 975 B.t.u.'s per cubic foot, by authorizing the sale of natural gas produced from additional acreage, and by deleting from said orders authorization to sell natural gas from certain acreage, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner has been authorized in the subject dockets to transport and sell to Panhandle Eastern Pipe Line Co., natural gas produced by independent producers in Baca County, Colo., at a rate of 16 cents per Mcf at 14.65 p.s.i.a. Petitioner states that no gas has been produced from expired leases which are proposed to be deleted.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before July 19, 1968.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-7874; Filed, July 2, 1968; 8:45 a.m.]

[Project No. 2205]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Order Granting Rehearing and Setting Proceeding for Hearing

JUNE 21, 1968.

On June 6, 1968, Central Vermont Public Service Corp. (Petitioner), filed an application for rehearing on the Commission's license order issued May 7, 1968, in this proceeding.

On July 9, 1953, Petitioner acquired ownership of the four existing hydroelectric developments located on the Lamoille River in Vermont which are the subject of this proceeding, i.e. Fairfax Falls, Clark Falls, Milton, Peterson. On April 18, 1955, Petitioner filed a Declaration of Intention pursuant to section 23(b) of the Federal Power Act (16 U.S.C. 817) to construct a proposed East Georgia hydroelectric development at river mile 15.5 on the Lamoille River. By an order dated December 2, 1955, this Commission found that the Lamoille River is a navigable stream up to river mile 46, and further that operation of the proposed development and the four above-mentioned developments would affect the downstream navigability of the river. Thereafter, on May 28, 1956, Petitioner filed an application with this Commission for authorization of the construction and operation of its proposed East Georgia development, and by an amendment of October 16, 1958, Petitioner included the four existing plants in its application. Further amendments to the application were filed on February 6 and 27, 1959, and on September 29, 1959, however, the basic authority sought was not altered.

The Commission by order dated January 26, 1959, granted intervention in this proceeding to Vermont Electric Cooperative, Inc., who had pending an application for a license for its proposed Project No. 2152 which involved the same river site as Petitioner's proposed East Georgia development, Project No. 2205. The two matters were consolidated for hearing and at a prehearing conference held on February 4, 1964, the Cooperative stated its intention to request withdrawal of its application. It subsequently did so and the Commission granted withdrawal of the application and intervention respectively by order dated April 7, 1964.

Petitioner then filed on March 9, 1965, an amendment to its application which deleted the unconstructed East Georgia development leaving the four remaining plants as the subject of its application in Project No. 2205.

Petitioner contends in its Petition For Rehearing that the Commission should not set the effective and termination dates of the license without giving it further opportunity for a hearing. In this connection it is noted that Petitioner waived hearing at the prehearing conference on February 4, 1964. However, by letter dated May 16, 1968, and subsequent to the issuance of the order in question here, the Department of the Interior expressed its views concerning Petitioner's amended application with respect to water quality control in the Lamoille River. The letter states that to provide for the present and future maintenance of water quality below the project dams, the Federal Water Pollution Control Administration recommends that the license include the following provisions:

1. The Licensee shall, in the interests of maintaining water quality in the Lamoille River, maintain an instantaneous flow at least equal to the 7-day mean low flow having a recurrence frequency of once in 10 years under natural conditions below each development, except when limited by inflow or water in storage or when other flows are agreed to from time to time by the Company, the Vermont Department of Water Resources, and the Federal Water Pollution Control Administration and approved, after notice and opportunity for hearing by the Federal Power Commission.

2. The Licensee shall, following completion and review of water quality studies by Federal and/or State agencies in the Lamoille River Basin, install such facilities or modify project operations as may be necessary in the interests of maintaining water quality in the Lamoille River; these actions to be ordered from time to time, after notice and opportunity for hearing, by the Commission upon its own motion or upon the recommendation of appropriate Federal or State agencies.

This Commission believes that in light of the Department of Interior's recommendations concerning water quality together with Petitioner's appeal for presentation of evidence in support of its position on rehearing, a hearing should be held for the submission of evidence by the Secretary of the Interior and the Petitioner in support of their respective positions concerning the effective and termination dates of a license and water quality control.

The Commission finds: It is appropriate and in the public interest to grant rehearing of the aforesaid order and set this proceeding for a hearing, as hereinafter provided.

The Commission orders:

(A) Rehearing on the aforesaid order issued May 7, 1968, is hereby granted.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 4(e), 10(a), 308, and 313(a) thereof, and pursuant to the Commission's rules of practice and procedure, a public hearing shall be held in the above-entitled matter on July 30, 1968 at 10 a.m. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., before the Presiding Examiner respecting the effective and termination dates of a license for Project No. 2205, and respecting the aforesaid water quality conditions proposed by the Secretary of the Interior.

(C) The Applicant and the Secretary of the Interior shall on or before July 19, 1968, file in writing with the Commission's Secretary 10 copies of their direct testimony in support of their respective positions. Copies of such testimony shall be served concurrently on all parties, including the Secretary of Interior and Commission staff.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-7875; Filed, July 2, 1968; 8:45 a.m.]

[Docket No. CP68-356]

EL PASO NATURAL GAS CO.

Notice of Application

JUNE 24, 1968.

Take notice that on June 17, 1968, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP68-356 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the delivery of natural gas to Southern Union Gathering Co. (Gathering Company) on an exchange basis in the San Juan Basin area of the State of New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it presently delivers to Gathering Company, on an exchange basis, gas produced from some 55 wells in the San Juan Basin area which are connected to Gathering Company's gathering system. Exchange is effected by deducting from the quantity of gas purchased by Applicant from Gathering Company a quantity of gas equal to the quantity delivered by Applicant to Gathering Company. Applicant requests authorization to continue exchange deliveries now made from the 55 wells and from such future wells as, through agreement between Applicant and Gathering Company, may be later added to the exchange transaction.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before July 19, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-7876; Filed, July 2, 1968; 8:45 a.m.]

[Project No. 2620]

LOCKHART POWER CO.

Notice of Application for License for Constructed Project

JUNE 24, 1968.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Lockhart Power Co. (correspondence to: W. F. Tribble, Assistant Treasurer and Manager, Lockhart Power Co., Post Office Box 137, Lockhart, S.C. 29364) for constructed Project No. 2620, known as Lockhart Hydro Plant, located on Broad River, with backwater on Pacolet River, in Union, York, Chester, and Cherokee Counties, S.C. in the vicinity of the town of Lockhart.

The existing project consists of: (1) A 1,300-foot-long concrete gravity-type dam composed of a 156-foot west abutment nonoverflow section about 25 feet high, a canal headworks section some 25 feet high and 205 feet long containing sixteen 8- x 8-foot wooden gates with electric hoists, a sand sluice gate section about 25 feet high and 60 feet long having six 6- x 7.5-foot metal gates, a 16-foot-high and 862-foot-long spillway section having a crest elevation of 397.35 feet, and a 23-foot-high east abutment section some 17 feet long; (2) a 300-acre reservoir with a normal surface elevation of 397.35 feet (spillway crest), usable storage of 1,500 acre-feet at a 5-foot drawdown, and extending approximately 2 miles upstream on the Broad River—affecting the Pacolet River; (3) a 100-400-foot-wide power canal extending about 1.4 miles downstream of the project dam along the west bank of the Broad River to the powerhouse; (4) a reinforced concrete and brick powerhouse containing four 4,500-horsepower turbines and one 1,600-horsepower turbine connected to four 2,800-kw generators and one 1,100-kw generator, respectively; (5) a 1,600-foot tailrace extending downstream from the powerhouse to its confluence with the Broad River; and (6) appurtenant facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 14, 1968, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-7877; Filed, July 2, 1968; 8:45 a.m.]

[Docket No. E-7410]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Order Amending Prior Order for Hearing and Suspension of Notices of Cancellation of Certain Filed Rate Schedules

JUNE 21, 1968.

Public Service Company of Indiana, Inc. (PSCI), Plainfield, Ind., on May 24, 1968, tendered for filing, pursuant to Part 35.15 of the Commission's regulations under the Federal Power Act, notices of cancellation of filed rate schedules under which the company provides electric service to Daviess-Martin County REMC, Southeastern Indiana REMC, and Utilities District of Western Indiana REMC at their Odon, Dillsboro, and Vicksburg delivery points, respectively. The notices of cancellation terminating service to the three Indiana cooperatives at the named points of delivery have been designated in the files of the Commission as (1) Supplement No. 2 to PSCI's Rate Schedule FPC No. 109 for service at Daviess-Martin County REMC's Odon delivery point proposed to be effective July 26, 1968; (2) Supplement No. 2 to PSCI's Rate Schedule FPC No. 173 for service at Southeastern Indiana REMC's Dillsboro delivery point proposed to be effective June 26, 1968; and (3) Supplement No. 2 to PSCI's Rate Schedule FPC No. 197 for service to Utilities District of Western Indiana REMC's Vicksburg delivery point proposed to be effective June 25, 1968.

On April 22, 1968, the Commission suspended for a period of 5 months after their respective termination of service dates the operation and effectiveness of certain proffered notices of cancellation by PSCI of service to 14 rural electric cooperatives at 48 individual delivery points, and directed a hearing on the lawfulness of those notices of cancellation. The terminations of electric service reflected in the additional notices of cancellation involve similar cessations of service to three of the same cooperatives at three additional delivery points.

The Commission finds: It is necessary and appropriate for purposes of the Federal Power Act, particularly sections 205, 206, 308, and 309 thereof, that paragraph (A) of the Commission's order issued April 22, 1968, be amended to include within the scope of the hearing ordered therein the issue of the lawfulness of three PSCI Rate Schedule Supplements referred to above; and that the operation or effectiveness of the three above-mentioned Rate Schedule Supplements be suspended, and the use thereof deferred, all as hereafter provided.

The Commission orders:

(A) Paragraph (A) of the Commission's order issued April 22, 1968, in Docket No. E-7410 is hereby amended to include in the scope of the hearing ordered therein, the issue of lawfulness of the three PSCI Rate Schedule Supplements referred to in the finding above.

(B) Pending such hearing and decision thereon, the operation or effectiveness under the Federal Power Act of PSCI's three Rate Schedule Supplements referred to in ordering paragraph (A) above are suspended and the use thereof deferred until 5 months after the respective effective dates therefor as set forth in the recital above, the first such Rate Schedule Supplement becoming effective November 25, 1968. Five months after those respective dates commencing November 25, 1968, the proffered Rate Schedule Supplements shall take effect in the manner prescribed by the Federal Power Act unless this proceeding has been disposed of prior thereto.

(C) During the period of suspension, PSCI's Rate Schedules currently in effect during the period for service to the three Indiana cooperatives at the delivery points specified above and now on file with the Commission, shall remain and continue in effect.

(D) Unless otherwise ordered by the Commission, PSCI shall not change the terms and provisions of its Rate Schedule Supplements as referred to in ordering paragraph (B) above or those of its Rate Schedules now on file with the Commission as referred to in ordering paragraph (C) above, until this proceeding has been disposed of or until the period of suspension has expired.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-7878; Filed, July 2, 1968; 8:46 a.m.]

[Docket No. CI62-578 etc.]

THORNTON PETROLEUM CORP. ET AL.

Order Amending Orders Issuing Certificates, Redesignating Proceedings, and Redesignating FPC Gas Rate Schedules; Correction

JUNE 12, 1968.

Thornton Petroleum Corp. (Operator), et al. (formerly Rodman Petroleum Corp. (Operator), et al.), Docket No. CI62-578; Thornton Petroleum Corp. and Late, et al. (formerly Rodman Petroleum Corp. and Late, et al.), Docket No. CS66-48; Thornton Petroleum Corp. (Operator), et al. (formerly Rodman Petroleum Corp. (Operator), et al.), Docket No. CS66-52.

In order amending orders issuing certificates, redesignating proceedings, and redesignating FPC gas rate schedules, issued April 4, 1968, and published in the FEDERAL REGISTER April 13, 1968 (F.R. Doc. 68-4403), 33 F.R. 5780, Appendix: After "New Rate Schedule Designation", insert column titled "Related Rate Proceeding", corresponding as follows:

New rate schedule designation	*Related rate proceeding*
No. 1	G-19996
No. 2	RI65-419
No. 3	G-19994
No. 4	G-19952
No. 6	RI65-60

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-7879; Filed, July 2, 1968; 8:46 a.m.]

GENERAL ACCOUNTING OFFICE

STATEMENT OF ORGANIZATION AND FUNCTIONS

The following statement is issued for the purpose of furthering the information of members of the public concerning the organization and functions of the General Accounting Office.

Sec.
1 Nature, general functions, and headquarters location.
2 The Comptroller General.
3 Office of the Comptroller General.
4 Office of the General Counsel.
5 Office of Policy and Special Studies.
6 Civil Division.
7 Defense Division.
8 International Division.
9 Field Operations Division.
10 Transportation Division.
11 Claims Division.
12 Report Department.
13 Office of Administrative Services.
14 Office of Personnel.
15 Public Information.
16 Addresses of GAO regional and overseas branch offices.

SECTION 1. *Nature, general functions, and headquarters location.* The General Accounting Office, created by the Budget and Accounting Act, 1921 (31 U.S.C. 1, 41), is an independent agency in the legislative branch of the Federal Government. Its headquarters is in the District of Columbia: 441 G Street NW., Washington, D.C. 20548. As an agency of the Congress to whom it is directly responsible, it conducts independent reviews, audits, and investigations of the programs, activities, and financial transactions of the Federal agencies; renders legal decisions relating to Government fiscal matters; reviews and evaluates Federal agency accounting systems; settles certain claims for and against the Government, and advises and assists the Congress and Government agencies in matters relating to public funds.

SEC. 2. *The Comptroller General.* The Comptroller General is the head of the General Accounting Office. He controls and directs the Office in the performance of its statutory functions. Appointed by the President with the advice and consent of the Senate, the Comptroller General holds office for 15 years and is not eligible for reappointment.

SEC. 3. *Office of the Comptroller General.* In the Office of the Comptroller General there is also an Assistant Comptroller General, who like the Comptroller General is appointed by the President with the advice and consent of the Senate for a term of 15 years. The Assistant Comptroller General performs the duties assigned by the Comptroller General and acts as Comptroller General during the absence or incapacity of the Comptroller General, or during a vacancy in that Office.

The staff of the Office of the Comptroller General includes an Assistant to the Comptroller General; a Program Planning Staff, created for the purpose of aiding the Comptroller General in the effective operation of the General Accounting Office; and an Information Officer, who prepares general information publications and is the principal liaison with the various news media.

SEC. 4. *Office of the General Counsel.* Under the supervision and direction of the General Counsel, the chief legal officer of the General Accounting Office, the Office of the General Counsel is responsible for the legal and legislative activities of the General Accounting Office.

The functions of the Office of the General Counsel include the preparation of the decisions of the Comptroller General, rendered at the request of appropriate Federal officers or upon review or reconsideration of claims before the General Accounting Office; the preparation of memoranda instructing the heads of offices and divisions on legal questions arising in the work performed by the General Accounting Office; the review of audit report drafts and correspondence having legal significance; collaborating with the Department of Justice, when requested, in the development and trial of suits involving matters in which the General Accounting Office has an interest; responsibility for the legislative program of the General Accounting Office, and the maintenance of congressional liaison services.

In the Office of the General Counsel there is maintained, under the supervision of the Chief of Legal Reference Services, an Index-Digest Section, which indexes and digests decisions of the Comptroller General and assists members of the public in the search of Comptroller General decisions pertinent to their purpose; an Index and Files Section, which correlates and records incoming and outgoing correspondence; a Legislative Digest Section, which compiles and distributes legislative materials for use by the divisions and offices of the General Accounting Office; and a Law Library for the use of the staff of the Office of the General Counsel and other divisions and offices of the General Accounting Office, and which may be used by other persons having the special permission of the Chief of Legal Reference Services.

SEC. 5. *Office of Policy and Special Studies.* Under the supervision and direction of a Director, the Office of Policy and Special Studies is responsible for (1) prescribing the principles, standards, and related requirements for accounting to be observed by executive agencies, (2) prescribing standardized fiscal procedures and accounting forms, (3) participating in the review of agency systems of accounting for purposes of approval by the Comptroller General, (4) providing advice and assistance to the Congress and to various divisions of the General Accounting Office in the use and evaluation of systems analyses and in the review and evaluation of planning, programming, and budgeting systems, and (5) coordinating the participation of the General Accounting Office with the Bureau of the Budget and the Treasury Department in a continuous program for the improvement of financial management in the Federal Government.

Other responsibilities include (1) developing, coordinating, and reviewing auditing and investigative policies and practices of the General Accounting Office, (2) making studies and advising on the management and operation of automatic data processing systems operated by, or at the expense of, Federal agencies, and (3) developing statements of objectives, principles, and standards for internal auditing for the guidance of Federal agencies.

This office is also responsible for recruiting competent personnel from colleges, universities, professional fields, and industry to fill accounting, auditing, and other related technical positions; developing and carrying out a professional training and career development program; exercising general control over assignment of staff in cooperation with the accounting and auditing divisions; and obtaining appropriate recognition of the professional character of the accounting, auditing, and investigative work performed in the General Accounting Office.

SEC. 6. *Civil Division.* Under the supervision and direction of a Director, this Division is responsible for carrying out the accounting, auditing, and investigative functions of the General Accounting Office in all departments and agencies of the Federal Government, other than those departments and agencies and programs and activities for which responsibility has been assigned to the Defense Division, the International Division, and the Transportation Division, and in the Government of the District of Columbia.

The responsibilities of the Civil Division include examining into the adequacy and effectiveness of the system of management and internal control which the head of each Federal agency maintains over the programs and activities for which he is responsible. The scope of this interest extends to Federal-aid programs administered by State and local governments and educational institutions and to activities conducted under contracts with Government contractors as well as those programs and activities which the Federal Government itself conducts.

General provisions relating to the General Accounting Office's access to records pertaining to activities which are performed under contract are contained in the Federal Property and Administrative Services Act of 1949, as amended. Section 304(c) of that act, 41 U.S.C. 254 (c), provides with respect to purchases and contracts for property or services made by any executive agency except the military departments, Coast Guard, and the National Aeronautics and Space Administration, that:

> All contracts negotiated without advertising pursuant to authority contained in this Act shall include a clause to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall until the expiration of 3 years after final payment have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of and involving transactions related to such contracts or subcontracts.

Similar provisions for those agencies excepted above are contained in other legislation.

The provisions relating to access to records pertaining to grants, subsidies, and contributions under Federal-aid programs are contained in applicable program legislation and regulations of the Federal agency administering the program.

SEC. 7. *Defense Division.* Under the supervision and directio nof a Director, this Division is responsible for carrying out the accounting, auditing, and investigative functions of the General Accounting Office in the Department of Defense, including the military departments, except the programs and activities assigned to the International Division and the Transportation Division.

Through its cooperative consultation and task force efforts, the Division assists the Department of Defense and the military departments in developing management control systems and subsystems, encompassing both financial and nonfinancial data, and reviews accounting systems submitted to the Comptroller General for approval.

The Department of Defense, through contracts and grants, spends billions of dollars each year to obtain vehicles, weapons, aircraft, electronic equipment and other supplies, equipment, and services. One of the control procedures that the Congress has established is the authorization for the General Accounting Office to make independent examinations of the affairs of the departments and agencies and of the records of grantees and contractors having grants and negotiated contracts.

Many contracts are awarded by negotiation, often without benefit of effective competition. They may be fixed-price contracts, or they may contain provisions for price redetermination, escalation or incentive adjustment. They may be cost reimbursement contracts. Many are priced on the basis of estimated or actual costs. Thus, the Government has a direct financial interest in these costs.

It also has an interest in Government-owned property, equipment, and material furnished grantees and contractors, and in quality controls over the products to be furnished under these contracts, as well as certain interests in inventions and other aspects of contracted work.

A booklet prepared primarily for the information of Government contractors whose contracts are subject to audit by the General Accounting Office explains generally the authority vested in the Office to audit contracts and the policies and practices followed in carrying out and reporting on its examinations. The booklet is entitled "Audits of Government Contracts by the General Accounting Office" and is for sale at 15 cents per copy by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

SEC. 8. *International Division.* Under the supervision and direction of a Director, this Division is responsible for carrying out the accounting, auditing, and investigative functions of the General Accounting Office relating to all U.S. Government programs and activities conducted in Hawaii and in foreign countries, except those specifically exempt from audit and investigation by law. This includes military and civil activities of the various Government agencies that are responsible for programs and activities administered in foreign countries. It also includes activities of contractors having Government contracts negotiated without advertising and certain recipients of Federal financial assistance such as loans, advances, grants, or contributions insofar as they are involved in overseas activities. It does not include the audit of transportation charges and traffic management activities assigned to the Transportation Division.

U.S. Government programs having an international character, and the elements of departments and agencies having responsibility for administering these programs or segments of them, are assigned to the Director, International Division, for the development and execution of work plans and audit programs. Work plans and programs developed by the Washington staffs of the Civil, Defense, and Transportation Divisions requiring performance by the International Division are coordinated with the Director, International Division.

The International Division consists of a central office in Washington, D.C.; a European Branch with headquarters in Frankfurt; and a Far East Branch with headquarters in Honolulu. The addresses of the overseas branch offices are shown in section 16.

The European Branch is responsible for carrying out its functions in the European area, including the Near East and South Asia, and North Africa. The Branch is headed by a Director, who is responsible to the Director, International Division.

The Far East Branch is responsible for carrying out its functions in and around the Hawaiian Islands and the Far East area, including Southeast Asia and the Southwest Pacific. The Branch is headed by a Director, who is responsible to the Director, International Division.

The overseas branches perform within their assigned geographic areas, work programs of the Civil Division, the Defense Division, and the Transportation Division upon request of those divisions.

Work assignments in foreign areas outside the geographic jurisdictions of the overseas branches are performed by staff members on temporary duty from Washington and the regional offices.

SEC. 9. *Field Operations Division.* The Field Operations Division is under the supervision and direction of a Director who is responsible to the Comptroller General for the administration and operation of the Division. The Division has a central office, in Washington, D.C., and 16 regional offices located throughout the continental United States. The address of each regional office and its assigned geographic area are shown in section 16.

The Director participates in the review of work programs involving regional offices and is responsible for:

(1) Administrative direction of the regional offices, and all regional managers report to him on administrative, staffing, work scheduling, and housekeeping matters.

(2) Cooperation with the Directors of the Civil, Defense, International, and Transportation Divisions in carrying out the work programs emanating from these divisions.

(3) Coordination of accounting, auditing, and investigative policy matters affecting regional offices with the Director, Office of Policy and Special Studies.

(4) Cooperation with the Director, Office of Policy and Special Studies, in matters relating to staffing, recruiting, and training for regional offices.

Each regional office is under the supervision and direction of a Regional Manager who is responsible to the Directors of the Civil, Defense, International, and Transportation Divisions for the accomplishment and technical adequacy of all phases of accounting, auditing, and investigative work assignd by them, and to the Director, Field Operations Division, for the overall quality of performance and the supervision of all regional administrative matters.

SEC. 10. *Transportation Division.* Under the supervision and direction of a Director, this Division performs both audit and claims settlement functions in its specialized field. It determines whether amounts paid to carriers by disbursing officers are correct and whether rates used are proper, and adjudicates supplemental bills submitted by carriers. It collects amounts due from carriers by securing refunds or by making deductions from amounts otherwise payable.

It also plans, programs, and conducts transportation and traffic management surveys, audits, and reviews in Government organizations.

In addition, the Transportation Division performs various advisory functions. It participates with representatives of carriers and those from other Government agencies in conducting surveys of mutual problems involving traffic management, accounting, claims, records, rates, and other related problems, and in developing more efficient procedures. It furnishes legal and technical data to be used by the Department of Justice in prosecuting and defending suits involving transportation charges, and supplies experts to testify and assist in the conduct of such litigation.

SEC. 11. *Claims Division.* Except for claims involving transportation charges, the claims-settlement function of the General Accounting Office is performed by the Claims Division under the supervision and direction of a Director. Claims referred to the General Accounting Office for settlement fall under two general classes, namely (1) claims against the United States and (2) claims by the United States.

Claims against the United States are generally referred to the General Accounting Office for settlement because there is such doubt regarding the facts or law involved as to prevent accountable officers from making payment in the normal course of business. Some claims are submitted to the General Accounting Office by the claimants following administrative denial, others are submitted pursuant to the requirements of law and regulations. Claims by the United States are referred to the General Accounting Office if they involve doubt as to the liability of the debtor, uncertainty as to the amount due the United States, or if the administrative office concerned has been unable to collect, compromise, terminate, or suspend action thereon pursuant to the authority contained in the Federal Claims Collection Act of 1966, and the regulations issued pursuant thereto.

The Division is responsible for maintaining contacts with the various Government departments and agencies to coordinate claims settlement and debt collection activities. Also, representatives of the Division confer with claimants and departmental representatives on matters pertaining to individual claims and procedures.

SEC. 12. *Report Department.* The Report Department is responsible for the editing, typing, reproducing, and distributing of final audit reports of the Comptroller General to the Congress, congressional committees, Members of the Congress, and the Government agencies concerned, and for other reports, statements, and documents of the accounting and auditing divisions that are produced in the General Accounting Office.

Related responsibilities include the distributing of publications within the General Accounting Office and to other agencies, and the maintaining of extra copies of audit reports submitted to the Congress, which usually are available to the general public at $1 a copy. Orders for audit reports should be accompanied by cash or by check made payable to the U.S. General Accounting Office.

Except for those publications which are available for purchase from the Superintendent of Documents, U.S. Government Printing Office, requests for publications of the General Accounting Office should be addressed to the Report Department, U.S. General Accounting Office, Washington, D.C. 20548.

SEC. 13. *Office of Administrative Services.* This Office is responsible for preparing and executing the budget of the General Accounting Office, for the administrative control of available funds, for maintaining its administrative accounting and payroll systems, for performing the electrical accounting machine operations, and for furnishing graphic arts services and a variety of general office services. It also performs both the internal and external records management functions of the General Accounting Office, such as forms control, considering proposals of Government agencies and contractors covering the disposition of their fiscal records, files maintenance and disposal, and supplying information from or copies of records or documents of the General Accounting Office.

SEC. 14. *Office of Personnel.* The Office of Personnel is responsible for planning, developing, and administering the personnel management program of the General Accounting Office. The Director provides advice and assistance to the Comptroller General and other officials on personnel matters, and is responsible for encouraging sound personnel practices throughout the Office. The Office of Personnel administers and operates various programs, including recruitment of nonprofessional personnel, placement, promotion, position classification, performance standards and performance ratings, in-service training, personnel security, and employee relations, including matters of conduct, grievances, morale, and health; coordinates the incentive awards program, the health benefits program, and the administration of laws and regulations concerning leave.

SEC. 15. *Public Information.* For general information about the General Accounting Office inquiries should be addressed to the Information Officer, General Accounting Office, Room 7015, 441 G Street NW., Washington, D.C. 20548.

The General Accounting Office, at its Washington office and the regional and overseas branch offices shown in section 16, provides for the public inspection of a weekly list of decisions and other materials issued by the Office and available to the public. Requests for copies of such materials may be submitted to the regional or overseas branch office which will transmit the requests to Washington, D.C., if copies are not locally available.

A request of a member of the public for an opportunity to inspect or for a copy of an identifiable record of the General Accounting Office which has not otherwise been made available to the public should be submitted on GAO Form 339, Request for Access To Official Record. The prescribed form may be obtained at and delivered to any of the regional or overseas branch offices for referral to the Records Management and Services Officer, Office of Administrative Services, General Accounting Office, Washington, D.C. 20548. A requestor may, if he wishes, send his request directly to the Records Management and Services Officer at the above address. The regulations of the General Accounting Office regarding public availablity of Office records, the procedures to be followed in connection with such a request, and the fees to be charged are set forth in the Code of Federal Regulations, Title 4, part 81.

Current publications of the General Accounting Office are available to the public either at a nominal charge or free upon request. A pamphlet entitled "List of GAO Publications" is issued every 6 months and may be obtained without charge from the Report Department, General Accounting Office, Washington, D.C. 20548. The sources from which various types of publications may be obtained are noted in the pamphlet.

SEC. 16. *Addresses of GAO regional and overseas branch offices.* This section geographically lists the regional offices and the overseas branch offices of the General Accounting Office and shows the territorial area assignment of each of the regional offices.

REGIONAL OFFICES

ATLANTA

Regional Manager, U.S. General Accounting Office, Room 204, 161 Peachtree Street NE., Atlanta, Ga. 30303. Phone: 526-4455.
Alabama (except Mobile and Baldwin counties).
Florida (except that part west of the eastern boundaries of Jackson, Calhoun, and Gulf counties).
Georgia.
South Carolina.
Tennessee (that part east of the western boundaries of Stewart, Benton, Decatur, and Wayne counties).
North Carolina (that part west of the eastern boundaries of Ashe, Wilkes, Yadkin, Davie, Rowan, Stanly, and Anson counties).

BOSTON

Regional Manager, U.S. General Accounting Office, Room 1903, John F. Kennedy Federal Building, Boston, Mass. 02203. Phone: 223-6536
Connecticut.
Maine.
Massachusetts.
New Hampshire.
Rhode Island.
Vermont.

CHICAGO

Regional Manager, U.S. General Accounting Office, Room 603, U.S. Customhouse, 610 South Canal Street, Chicago, Ill. 60607. Phone: 353-6174.
Iowa.
Minnesota.
Wisconsin.
Illinois (that part north of the southern boundaries of Hancock, McDonough, Fulton, Tazewell, McLean, Ford, and Iroquois counties).
Indiana (that part north of the southern boundaries of Benton, White, Carroll, Howard, Grant, Blackford, and Jay counties).

CINCINNATI

Regional Manager, U.S. General Accounting Office, 8112 Federal Office Building, Fifth and Main Streets, Cincinnati, Ohio 45202. Phone: 684-2107.
Kentucky (that part east of the western boundaries of Union, Crittenden, Lyon, and Trigg counties).
Indiana (that part south of the northern boundaries of Warren, Tippecanoe, Clinton, Tipton, Madison, Delaware, and Randolph counties).
Ohio (that part south of the northern boundaries of Darke, Shelby, Logan, Marion, Morrow, Knox, Holmes, Tuscarawas, Carroll, and Jefferson counties).
West Virginia (that part west of the eastern boundaries of Hancock, Brooke, Ohio, Marshall, Wetzel, Doddridge, Gilmer, Clay, Kanawha, Boone, Logan, and Mingo counties).
Virginia (that part west of the eastern boundaries of Buchanan, Russell, and Washington counties).

DALLAS

Regional Manager, U.S. General Accounting Office, Room 600, Rio Grande National Building, 251 North Field Street, Dallas, Tex. 75202. Phone: 749-3437.
New Mexico.
Texas.

DENVER

Regional Manager, U.S. General Accounting Office, 7014 Federal Building, 1961 Stout Street, Denver, Colo. 80202. Phone: 297-4621.
Colorado.
Montana.
North Dakota.
South Dakota.
Utah.
Wyoming.
Idaho (that part north of the southern boundaries of Benewah and Shoshone; and east of the western boundaries of Lemhi, Custer, Elmore, and Twin Falls counties).
Nebraska (that part west of the eastern boundaries of Cherry, Thomas, Logan, Lincoln, Frontier, and Redwillow counties).

DETROIT

Regional Manager, U.S. General Accounting Office, 2006 Washington Boulevard Building, 234 State Street, Detroit, Mich. 48226. Phone: 226-6044.
Michigan.
Ohio (that part north of the southern boundaries of Mercer, Augliaze, Hardin, Wyandot, Crawford, Richland, Ashland, Wayne, Start, and Columbiana counties).

FALLS CHURCH

Regional Manager, U.S. General Accounting Office, Penn Park Building, 803 West Broad Street, Falls Church, Va. 22046. Phone: 557-8920.
District of Columbia.
Maryland (Anne Arundel, Calvert, Carroll, Charles, Frederick, Howard, Montgomery, Prince Georges, St. Marys, and Washington counties).
Virginia (Arlington, Fairfax, Fauquier, Loudoun, Prince William, and Stafford counties).

KANSAS CITY

Regional Manager, U.S. General Accounting Office, Room 1800, Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106. Phone: 374-5056.
Kansas.
Missouri.
Oklahoma.

Illinois (that part south of the northern boundaries of Adams, Schuyler, Mason, Logan, De Witt, Piatt, Champaign, and Vermillion counties).
Kentucky (that part west of the eastern boundaries of Livingston, Marshall, and Calloway counties).
Nebraska (that part east of the western boundaries of Keyapaha, Brown, Blaine, Custer, Dawson, Gosper, and Furnas counties).
Tennessee (that part west of the eastern boundaries of Henry, Carroll, Henderson, and Hardin counties).

LOS ANGELES

Regional Manager, U.S. General Accounting Office, Room 7054, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012. Phone: 688–3813.
Arizona.
California (that part south of the northern boundaries of San Luis Obispo, Kings, and Tulare counties).
California and Nevada (that part of both States located south of a line running due east from the northeast corner of Tulare County, Calif., to the northeast corner of Clark County, Nev.).

NEW ORLEANS

Regional Manager, U.S. General Accounting Office, Room T–8040, Federal Office Building, 701 Loyola Avenue, New Orleans, La. 70113. Phone: 527–6115.
Arkansas.
Louisiana.
Mississippi.
Alabama (Mobile and Baldwin counties).
Florida (that part west of the eastern boundaries of Jackson, Calhoun, and Gulf counties).

NEW YORK

Regional Manager, U.S. General Accounting Office, 341 Ninth Avenue, New York, N.Y. 10001. Phone: 971–7531.
New York.
New Jersey (that part northeast of the southwestern boundaries of Warren, Hunterdon, Somerset, Middlesex and Monmouth counties).

NORFOLK

Regional Manager, U.S. General Accounting Office, 423 Federal Building, 600 Granby Street, Norfolk, Va. 23510. Phone: 627–7267.
Virginia (except Arlington, Fairfax, Fauquier, Loudoun, Prince William, and Stafford counties and that portion west of the eastern boundaries of Buchanan, Russell, and Washington counties).
West Virginia (that part east of the western boundaries of Monongalia, Marion, Harrison, Lewis, Braxton, Nicholas, Fayette, Raleigh, Wyoming, and McDowell counties).
Maryland (Allegany and Garrett counties).
North Carolina (that part east of the western boundaries of Alleghany, Surry, Forsyth, Davidson, Montgomery, and Richmond counties).

PHILADELPHIA

Regional Manager, U.S. General Accounting Office, 502 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106. Phone: 597–4333.
Delaware.
Pennsylvania.
New Jersey (that part south and west of the northern and eastern boundaries of Mercer County, and south of the northern boundary of Ocean County).
Maryland (Baltimore, Cecil, and Hartford counties and all counties east of the Chesapeake Bay).

SAN FRANCISCO

Regional Manager, U.S. General Accounting Office, 143 Federal Office Building, 50 Fulton Street, San Francisco, Calif. 94102. Phone: 556–6200.
California (that part north of the southern boundaries of Monterey and Fresno counties).
California and Nevada (that part of the State of California and Nevada north of a line running due east from the southeast corner of Fresno County, Calif., to the southeast corner of Lincoln County, Nev.)

SEATTLE

Regional Manager, U.S. General Accounting Office, 330 Federal Office Building, 909 First Avenue, Seattle, Wash. 98104. Phone: 583–5356.
Alaska.
Oregon.
Washington.
Idaho (that part south of the northern boundaries of Latah and Clearwater; and west of the eastern boundaries of Idaho, Valley, Boise, Ada, and Owyhee counties).

OVERSEAS BRANCH OFFICES

FAR EAST BRANCH

Director, Far East Branch, U.S. General Accounting Office, Room 619, 1833 Kalakaua Avenue, Honolulu, Hawaii 96815.

EUROPEAN BRANCH

Director, European Branch, U.S. General Accounting Office, Platenstrasse 7, Frankfurt/Main, Germany.

[SEAL] ELMER B. STAATS,
Comptroller General of the United States.

[F.R. Doc. 68–7905; Filed, July 2, 1968; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 2–13978 (22–2328)]

AMERICAN CAN CO.

Notice of Application and Opportunity for Hearing

JUNE 27, 1968.

Notice is hereby given that American Can Co. (the "Company") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of United States Trust Company of New York ("United States Trust") under an indenture heretofore qualified under the Act, and a second indenture not qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify United States Trust from acting as Trustee under any such indenture.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall within 90 days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Company alleges that:

(1) As of May 17, 1968 it had outstanding $66,619,000 principal amount of its Thirty Year 3¾ percent Debentures Due 1988 issued under an Indenture dated as of April 1, 1958 between the Company and United States Trust which has been qualified under the Act.

(2) Its wholly owned subsidiary, American Can International Corp. ("International"), a Delaware corporation issued and sold $30 million principal amount of its 4¾ percent Convertible Guaranteed Debentures Due 1988 (the "New Debentures") pursuant to an indenture dated as of May 15, 1968, among International, the Company, as Guarantor, and the United States Trust, as Trustee. The New Debentures have been unconditionally guaranteed as to payment of principal, premium, if any, and interest by the Company. The New Debentures were not registered under the Securities Act of 1933 nor was the New indenture qualified under the Act. The underwriters who purchased the New Debentures have agreed not to offer any of the New Debentures in the United States or to nationals or residents thereof.

(3) The 1958 Indenture and the New Indenture are wholly unsecured. All debentures issued under the 1958 Indenture rank equally with the guarantee by the Company of the New Debentures. The Company is not in default under either of the indentures. Except for variations as to amounts and interest rates, maturity dates, places, and dates of payment of principal and interest, redemption and refunding procedures, redemption dates and redemption prices, there are, with certain exceptions set forth in the application, no material variations between the indentures.

(4) Such differences as exist between the 1958 Indenture and the New Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify United States Trust from acting as Trustee under either of said indentures.

The Company has waived notice of hearing, hearing, and any and all rights to specify procedures under the rules of practice of the Securities and Exchange Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice if further given that any interested person may, not later than July 25, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68–7914; Filed, July 2, 1968; 8:48 a.m.]

[812–2315]

NARRAGANSETT CAPITAL CORP.

Notice of Filing of Application

JUNE 27, 1968.

Notice is hereby given that Narragansett Capital Corp. ("Narragansett"), 10 Dorrance Street, Providence, R.I. 02903, a Rhode Island corporation, registered as a closed-end, nondiversified, management investment company under the Investment Company Act of 1940 ("Act") and licensed as a small business investment company under the Small Business Investment Act of 1958, has filed an application pursuant to section 17(b) of the Act to exempt from section 17(a) of the Act the proposed merger of Blackstone Industries, Inc. ("Blackstone"), into Bevis Industries, Inc. ("Bevis"), and pursuant to Rule 17d–1 promulgated under section 17(d) of the Act to exempt said merger from section 17(d) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Background. Narragansett owns approximately 78.24 percent of the outstanding Common Stock of Blackstone, a California corporation, and 80 percent of the outstanding Common Stock of Bevis, a Florida corporation. On February 2, 1968, the Boards of Directors of Bevis and Blackstone authorized an Agreement of Merger ("Merger Agreement") under the terms of which Blackstone would merge into Bevis and each Blackstone shareholder would receive 0.4059287 shares of Bevis Common Stock for each share of Blackstone Common Stock.

The Merger Agreement was approved by 93 percent and 92.5 percent of the stockholders of Bevis and Blackstone, respectively at special meetings of Stockholders called for this purpose on May 29, 1968. There were no votes cast against the proposed merger. The proxy material stated that the merger is subject to the approval by the Commission of the application filed by Narragansett pursuant to the Act.

Commission jurisdiction. Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company from selling any security to or purchasing any security from such registered investment company or any company controlled by any such registered investment company. The proposed merger, whereby Narragansett will acquire the Common Stock of Bevis, the surviving company, in return for its stock of Blackstone, involves the sale and purchase of a security within the meaning of section 17(a).

The exemption from the provisions of section 17(a) provided in Rule 17a–6 for certain transactions involving a small business investment company, is not available to Narragansett because of the financial interests of certain persons in the proposed transaction, who are affiliated with a director of Narragansett. Clarke Simonds, a director of Narragansett, is a partner in the investment banking firm of G. H. Walker & Co. ("Walker"). Walker is the employer of Robert G. Huckins, who is a director and stockholder of Bevis. In addition, Walker has maintained a market for Bevis stock, and, although the application states Walker has never maintained an investment account, it may be deemed to have a "direct or indirect" financial interest in Bevis within the meaning of Rule 17a–6.

Notwithstanding the unavailability of the exemption contained in Rule 17a–6, the Commission, upon application pursuant to section 17(b), may grant an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of the registered investment company and the general purposes of the Act.

Section 17(d) of the Act and Rule 17d–1 thereunder, taken together, provide, as here pertinent, that it shall be unlawful for an affiliated person of a registered investment company or any affiliated person of such person, acting as principal, to participate in, or to effect any transaction in connection with any joint enterprise or other joint arrangement in which such registered company, or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by the Commission. In passing upon such application, the Commission must consider whether the participation of such registered company or controlled company in such arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. Narragansett seeks an exemption to the extent necessary to permit the merger of Blackstone into Bevis.

Supporting statements. Narragansett states that the proposed merger is fair and reasonable to all parties involved. Narragansett owns approximately the same percentage of outstanding stock in each corporation (78.24 percent for Blackstone and 80 percent for Bevis), so that its percentage interest in the successor corporation will not vary substantially from its percentage interest in Blackstone and Bevis prior to the merger. The Applicant further points out that Bevis has an option set forth in the Plan of Reorganization for Bevis under the Federal Bankruptcy Act confirmed by the U.S. District Court for the Middle District of Florida, Tampa Division, on August 27, 1964, to purchase the 80 percent stock less Bevis, Narragansett, acquires a new company or companies providing pretax earnings of at least $200,000 by 1968. The addition of Blackstone, with pretax earnings of $326,836 for the fiscal year ending June 30, 1967, will insure that this requirement of the Plan of Reorganization has been complied with and, the application states, will protect Narragansett's equity position in Bevis. The exchange ratio provided for in the Merger Agreement was determined independently of Narragansett by White, Weld & Co. ("White, Weld") and Walker, who were selected to represent the minority interests of Blackstone and Bevis, respectively.

The reports of these investment banking firms are included as exhibits to the Application and indicate, Applicant states, that the exchange ratio is fair to all stockholders. As stated in the reports, a combination of factors was taken into account in order to arrive at valuations for Bevis and Blackstone. The reports indicate that these companies are roughly equivalent in value, Bevis having a value of $1,619,000 and Blackstone having a value of $1,602,000. Among the factors cited by White, Weld, and Walker are present and prospective earning power, nature and history of the businesses, management, financial conditions and tax considerations. An element stressed in both reports was the large tax loss carry forward (estimated at $5.7 million) which would be contributed to the combination by Bevis. In view of the evaluations of White, Weld, and Walker, each share of Common Stock of Blackstone outstanding at the effective date of the merger will be changed into 0.4059287 shares of Common Stock of Bevis.

In addition, the application states that the proposed transaction does not involve overreaching on the part of any person concerned. The proposed transaction is

a merger in which all stockholders will participate on a pro rata basis. Therefore, Applicant states, no stockholder or group of stockholders, including those parties affiliated with a director of Narragansett and who have a financial interest in Bevis, is being given special treatment. Narragansett represents that the proposed transaction is consistent with its investment policy, as recited in its Registration Statement and reports filed under the Act, and is consistent with the general purposes of the Act. The proposed merger does not involve any additional investment by Narragansett; it is a merger of two corporations in which Narragansett has approximately the same interest. The merger has been approved by the Small Business Administration and the application represents that the proposed merger in no way violates or is inconsistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than July 19, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Narragansett at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It is ordered, That the Secretary of the Commission shall send a copy of this notice by certified mail to the Director, Office of Investment Assistance, Small Business Administration, Washington, D.C. 20416.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68–7915; Filed, July 2, 1968; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

CAPITAL MARKETING CORP.

Approval of Application for License as a Small Business Investment Company

On February 28, 1968, a notice of application for a license as a small business investment company was published in the FEDERAL REGISTER (33 F.R. 3450) stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR Part 107; 33 F.R. 326) for a license as a small business investment company for Capital Marketing Corp., 9001 Ambassador Row, Dallas, Tex. 75222.

Interested persons were given until the close of business March 8, 1968, to submit to SBA their written comments. No comments were received.

SBA, having considered the application and all other pertinent information and facts with regard thereto, hereby approves the application for a license as a small business investment company for Capital Marketing Corp., and issues License Number 10/10–0150.

Issued at Washington, D.C. on June 21, 1968.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[F.R. Doc. 68–7886; Filed, July 2, 1968; 8:46 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary's Order No. 11–68]

ASSISTANT SECRETARY FOR LABOR-MANAGEMENT RELATIONS

Redelegation of Authority and Assignment of Responsibility Within the Department of Labor for Administration and Enforcement of the Age Discrimination in Employment Act of 1967

1. *Purpose.* To redelegate authority and assign responsibility for the performance of functions assigned to the Assistant Secretary for Labor-Management Relations by Secretary's Order No. 10–68.

2. *Background.* Secretary's Order No. 10–68 assigned responsibilities under the Age Discrimination in Employment Act to the Assistant Secretary for Labor-Management Relations with authority to redelegate such authority except as that order delimits such redelegation.

3. *Redelegation of authority and assignment of responsibilities.* a. The Assistant Secretary for Manpower is hereby delegated authority and assigned responsibility for:

1. Undertaking studies concerning the needs and abilities of older workers, and their potentials for continued employment and contribution to the economy,

2. Undertaking or promoting research, with a view to reducing barriers to the employment of older persons, and the promotion of measures for utilizing their skills including publishing and otherwise making available to employers, professional societies, and the various media of communication, and other interested persons the findings of research studies,

3. Helping employers and workers find ways of meeting problems arising from the impact of age on employment other than the administrative and enforcement activities (including conciliation) delegated to the Administrator, WHPC,

4. Undertaking an appropriate study of institutional and other arrangements, giving rise to involuntary retirement, and preparing for the Assistant Secretary for Labor-Management Relations a report of findings and appropriate legislative recommendataions, pursuant to section 5 of the Age Discrimination in Employment Act, and undertaking other studies and preparing appropriate recommendations to the Assistant Secretary for Labor-Management Relations concerning the Age Discrimination in Employment Act, and,

5. Promoting employment of older workers through the public employment service system and through cooperative effort (including regional, State, and local agencies and employers, labor organizations, and employment agencies), the development of facilities of public and private associations for expanding the opportunities and potentials of older persons.

b. The Administrator of the Wage and Hour and Public Contracts Divisions is hereby delegated authority and assigned responsibility for:

1. Issuing interpretations, rules, and regulations, and establishing reasonable exemptions to and from any or all provisions of the Age Discrimination in Employment Act,

2. Effecting voluntary compliance and attempting to eliminate alleged discriminatory practices and barriers to employment through informal methods of conciliation, conference, and persuasion,

3. Carrying on a continuing program of education and information including preparing and disseminating posters, pamphlets, and other information aids to promote voluntary compliance and to assist in the enforcement of the law, and, in this connection, cooperating with regional, State, local, and other agencies and cooperating with and furnishing technical assistance to employers, labor organizations, and employment agencies,

4. Enforcing the provisions of the Act in accordance with the applicable provisions of the Fair Labor Standards Act and the Age Discrimination in Employment Act, including making investigations and requiring the keeping of records necessary or appropriate for administration of the Age Discrimination in Employment Act,

5. Notifying promptly all persons named as prospective defendants in a proposed civil action by an individual and seeking to eliminate any alleged unlawful practices by informal methods,

6. Undertaking appropriate studies to evaluate and appraise the effectiveness of the Act and preparing an annual report of findings and appropriate legislative recommendations pursuant to section 13 of the Act,

7. Preparing for the Assistant Secretary for Labor-Management Relations recommendations with respect to desirable measures to change the lower or upper age limits specified in the Age Discrimination in Employment Act, pursuant to section 3b of the Act, and,

8. Representing the Department of Labor at inter-agency councils or committees relating to matters concerning discrimination in employment on the basis of age.

c. The Assistant Secretary for Wage and Labor Standards shall have the responsibility for assisting States in developing laws prohibiting age discrimination and sponsoring programs to achieve that end.

4. *Effective date.* This order is effective immediately.

Signed at Washington, D.C., this 6th day of June 1968.

THOMAS R. DONAHUE,
Assistant Secretary for Labor-Management Relations.

[F.R. Doc. 68–7884; Filed, July 2, 1968; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

KEITH H. LYRLA

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (20 F.R. 10086; 21 F.R. 3475, 9198; 22 F.R. 3777, 9450; 23 F.R. 3798, 9501; 24 F.R. 4187, 9502; 25 F.R. 102; 26 F.R. 1692, 6284; 27 F.R. 634, 6409; 28 F.R. 197, 7059; 29 F.R. 585, 8388; 30 F.R. 769, 8145, 17186; 31 F.R. 8988; 32 F.R. 245, 10277, and 33 F.R. 522) during the period from January 1, 1968, and June 30, 1968.

No change.

Dated: June 20, 1968.

KEITH H. LYRLA.

[F.R. Doc. 7898; Filed, July 2, 1968; 8:47 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 28, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

AGGREGATE-OF-INTERMEDIATES

FSA No. 41374—*Increased passenger fares—Chicago, Burlington & Quincy Railroad Co., et al.* Filed by H. B. Siddall, agent (No. 13), for and on behalf of interested rail carriers. This is in relation to the transportation of passengers, between points within Western Railroad Passenger Association territory and between points in this territory, on the one hand, and points in the United States, on the other.

Grounds for relief—Establishment of increased fares by applicant carriers and maintenance of depressed joint through rates.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–7899; Filed, July 2, 1968; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JUNE 28, 1968.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 68–28–MF/O filed January 30, 1968. Applicant: KODIAK DISPOSAL COMPANY, Post Office Box 727, Kodiak, Alaska. Applicant's representative: Roy H. Madsen, Post Office Box 726, Kodiak, Alaska. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *trailers*, including house trailers, mobile homes, and their contents, boat trailers with or without boats, all designed to be drawn by passenger vehicles, in towaway service; *vehicles and their contents impounded by law enforcement agencies* and *vehicles repossessed;* in towaway service; *junk, salvage, or scrap materials*, the nature of which requires wrecker or boom service for the loading, unloading, and/or transportation, between points in Zone 8 (Kodiak Island). Both interstate and intrastate authority sought.

HEARING: Hearing on the above matter may be held at a date and place to be set by the Commission. Notice of the time and place of hearing will be furnished to parties who have expressed interest or filed protests in writing and notice will be posted on the bulletin board at the Commission's office. If no protest or statement of interest is filed, the Commission may dispense with the hearing. The Commission staff is hereby made a party in this matter and will be present at the hearing, if one is held, and will participate therein to such extent as the said staff may deem necessary. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Alaska Transportation Commission, 750 McKay Building, 338 Denali Street, Anchorage, Alaska 99501, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–7900; Filed, July 2, 1968; 8:47 a.m.]

[Notice 505]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 28, 1968.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 200 (Deviation No. 14), RISS & COMPANY, INC., 903 Grand Avenue, Kansas City, Mo. 64106, filed June 19, 1968. Carrier's representative: Ivan G. Moody, same address as applicant.

Carrier proposes to operate as a *common carrier*, by motor vehicle, of *classes A and B explosives*, and *military ordnance stores*, moving on Government bills of lading, over a deviation route as follows: From Grand Island, Nebr., over Interstate Highway 80 to junction Interstate Highway 80S, thence over Interstate Highway 80S to Denver, Colo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Grand Island, Nebr., over U.S. Highway 281 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction U.S. Highway 81, thence over U.S. Highway 81 to junction U.S. Highway 24, thence over U.S. Highway 24 to Riley, Kans., thence over U.S. Highway 77 to Fort Riley, Kans., thence over U.S. Highway 40 to Denver, Colo., and return over the same route.

No. MC 10761 (Deviation No. 47), TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209, filed June 21, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 40 and Interstate Highway 57 (at or near Effingham, Ill.), over Interstate Highway 57 to junction Illinois Highway 16 (at or near Mattoon, Ill.), thence over Illinois Highway 16 to junction U.S. Highway 150 (at or near Paris, Ill.), thence over U.S. Highway 150 to junction U.S. Highway 40 (at or near Terre Haute, Ind.), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction U.S. Highway 40 and Interstate Highway 57 over U.S. Highway 40 to Terre Haute, Ind., and return over the same route.

No. MC 54837 (Sub-No. 4) (Deviation No. 1), QUINN DISTRIBUTING COMPANY, doing business as Quinn Transfer Co., Box 508, Watertown, Minn. 55388, filed June 18, 1968. Carrier's representative: Earl H. Schudder, Jr., 300 N.S.E.A. Building, Post Office Box 2028, Lincoln, Nebr. 68501. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, over deviation routes as follows: (1) From St. Paul-Minneapolis, Minn., over Minnesota Highway 7 to St. Bonifacius, Minn., (2) from St. Bonifacius, Minn., over Minnesota Highway 7 to junction Carver County Road 33, thence over Carver County Road 33 to New Germany, Minn., and (3) from St. Bonifacius, Minn., over Minnesota Highway 7 to junction Carver County Road 10, thence over Carver County Road 10 to junction Carver County Road 20, thence over Carver County Road 20 to junction Minnesota Highway 25, thence over Minnesota Highway 25 to junction Carver County Road 30, thence over Carver County Road 30 to New Germany, Minn., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From St. Paul-Minneapolis, Minn., over U.S. Highway 12 to junction Minnesota Highway 110, east of Maple Plain, Minn., thence over Minnesota Highway 110 to junction Hennepin County Road 6, thence over Hennepin County Road 6 to the east boundary line of Carver County, thence over Carver County Road 5 (now Carver County Road 20) to Watertown, Minn., thence over Minnesota Highway 25 to junction Carver County Road 107 (now Carver County Road 20), thence over Carver County Road 107 (now Carver County Road 20) to junction Carver County Road 6 (now Carver County Road 20), thence over Carver County Road 6 (now Carver County Road 20) to Hazelton, Minn., and (3) from New Germany, Minn., over unnumbered highways via Mayer, St. Bonifacius, Mound, and Spring Park, Minn., to St. Paul-Minneapolis, Minn., and return over the same routes.

No. MC 64600 (Deviation No. 2), WILSON TRUCKING CORPORATION, Post Office Box 340, Waynesboro, Va. 22980, filed June 19, 1968. Carrier's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Lynchburg, Va., over U.S. Highway 29 to junction Virginia Highway 130, thence over Virginia Highway 130 to junction U.S. Highway 501, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Lynchburg, Va., over U.S. Highway 501 to junction Virginia Highway 130 east of Glasgow, Va., and return over the same route.

No. MC 110193 (Deviation No. 1), SAFEWAY TRUCK LINES, INC., Post Office Box 2628, 20450 Ireland Road, South Bend, Ind. 46613, filed June 18, 1968. Carrier's representative: William J. Monheim, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Chicago, Ill., over Interstate Highway 90 (also Interstate Highway 80) to junction Interstate Highways 90–80 (near Burns Harbor, Ind.), thence over Interstate Highway 90–80 to junction Indiana Toll Road, thence over the Indiana Toll Road to junction Ohio Turnpike, thence over the Ohio Turnpike to junction Ohio Highway 8 (near Boston Heights, Ohio), thence over Ohio Highway 8 to junction Interstate Highway 271, thence over Interstate Highway 271 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Interstate Highway 87, thence over Interstate Highway 87 to junction Interstate Highway 287, thence over Interstate Highway 287 to junction Interstate Highway 87, thence over Interstate Highway 87 to New York, N.Y.; (2) from junction Ohio Highway 8 and the Ohio Turnpike (near Boston Heights, Ohio), over the Ohio Turnpike (Interstate Highway 80) to junction Interstate Highway 80S, thence over Interstate Highway 80S to junction Ohio Highway 7; (3) from Akron, Ohio, over Interstate Highway 80S (or Ohio Highway 18 as to those portions of the interstate highway not completed) to junction Ohio Turnpike; (4) from junction Interstate Highways 90 and 490 over Interstate Highway 490 to Rochester, N.Y.; and (5) from Camden, N.J., over New Jersey Highway 70 to junction New Jersey Turnpike, thence over the New Jersey Turnpike to junction U.S. Highway 1, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 6 to junction Indiana Highway 2, thence over Indiana Highway 2 to South Bend, Ind., thence over U.S. Highway 20 to Auburn, N.Y., thence over New York Highway 5 to Albany, N.Y., thence over U.S. Highway 9 to New York, N.Y.; (2) from junction U.S. Highway 6 and Indiana Highway 2 over U.S. Highway 6 to junction U.S. Highway 20; (3) from junction U.S. Highways 6 and 23 over U.S. Highway 23 to junction U.S. Highway 224, thence over U.S. Highway 224 to Boardman, Ohio, thence over Ohio Highway 7 to North Lima, Ohio; (4) from junction U.S. Highway 20 and Ohio Highway 18 over Ohio Highway 18 to Akron, Ohio; (5) from Buffalo, N.Y., over New York Highway 33 to Rochester, N.Y.; (6) from New York, N.Y., over U.S. Highway 1 to Philadelphia, Pa.; and (7) from junction U.S. Highways 1 and 130 over U.S. Highway 130 to Camden, N.J., and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 458), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio, filed June 14, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Scranton, Pa., over Interstate Highway 81 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Pennsylvania Highway 42, thence over Pennsylvania Highway 42 to junction U.S. Highway 11 just south of Bloomsburg, Pa.; (2) from Bloomsburg, Pa., over Pennsylvania Highway 487 to junction Interstate Highway 80; (3) from Berwick, Pa., over Pennsylvania Highway 93 to junction Interstate Highway 80; (4) from Berwick, Pa., over certificated U.S. Highway 11 to junction Interstate Highway 80; (5) from Wilkes-Barre, Pa., over Pennsylvania Highway 309 to junction Interstate Highway 81; and (6) from Wilkes-Barre, Pa., over certificated Pennsylvania Highway 115 to junction Interstate Highway 81, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passenger and the same property, over pertinent service routes as follows: (1) From Scranton, Pa., over U.S. Highway 11 to Northumberland, Pa.; (2) from Wilkes-Barre, Pa., over unnumbered highway to Pittston, Pa.; and (3) from Wilkes-Barre, Pa., over Pennsylvania Highway 115 to Kingston, Pa., thence over U.S. Highway 11 via West Pittston and Scranton, Pa., to Hallstead, Pa., and return over the same routes.

No. MC 1515 (Deviation No. 459) (Cancels Deviation No. 224), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed June 17, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Columbus, Ohio, over Interstate Highway 70 to Washington, Pa.; (2) from Cambridge, Ohio, over Ohio Highway 209 to junction Interstate Highway 70 south of Cambridge, Ohio; and (3) from Washington, Pa., over U.S. Highway 40 to junction Interstate Highway 70 west of Washington, Pa., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Pittsburgh, Pa., over unnumbered highway to junction U.S. Highway 19, thence over U.S. Highway 19 to Washington, Pa., thence over U.S. Highway 40 via Springfield, Ohio, to Brandt, Ohio, and return over the same route.

No. MC 1515 (Deviation No. 460) (Cancels Deviation No. 301), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed June 20, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Chicago, Ill., over Interstate Highway 57 to Marion, Ill.; (2) from Harvey, Ill., over U.S. Highway 6 to junction Interstate Highway 57; (3) from junction Interstate Highway 94 and Interstate Highway 80, east of Thornton over Interstate Highway 80 to junction Interstate Highway 57; (4) from Chicago Heights, Ill., over U.S. Highway 30 to junction Interstate Highway 57; (5) from Peotone, Ill., over unnumbered highway to junction Interstate Highway 57; (6) from Manteno, Ill., over unnumbered highway to junction Interstate Highway 57; (7) from Kankakee, Ill., over U.S. Highway 54 to junction Interstate Highway 57 north of Bradley; (8) from Kankakee, Ill., over U.S. Highway 45 to junction Interstate Highway 57, 2 miles south of Kankakee; (9) from Gilman, Ill., over U.S. Highway 24 to junction Interstate Highway 57; (10) from Onarga, Ill., over U.S. Highway 54 to junction Interstate Highway 57; (11) from Paxton, Ill., over Illinois Highway 9 to junction Interstate Highway 57; (12) from Rantoul, Ill., over U.S. Highway 136 to junction Interstate Highway 57 west of Rantoul; (13) from junction U.S. Highway 45 and Interstate Highway 74 north of Urbana, over Interstate Highway 74 to interchange of Interstate Highways 74 and 57 northwest of Champaign, Ill.

(14) From Champaign, Ill., over Neil Street to junction Interstate Highway 74 north of Champaign, thence over Interstate Highway 74 to junction Interstate Highway 57; (15) from Champaign, Ill., over U.S. Highway 150 to junction access road, thence over access road to junction Interstate Highway 74 north of Champaign thence over Interstate Highway 74 to junction Interstate 57; (16) from Urbana, Ill., over Lincoln Avenue to junction Interstate Highway 74, thence over Interstate Highway 74 to junction Interstate Highway 57; (17) from Champaign, Ill., over access road to Interstate Highway 57 west of Champaign; (18) from Tuscola, Ill., over U.S. Highway 36 to junction Interstate Highway 57; (19) from Mattoon, Ill., over Illinois Highway 16 to junction Interstate Highway 57; (20) from Mattoon, Ill., over U.S. Highway 45 to junction Interstate Highway 57 south of Mattoon; (21) from Effingham, Ill., over U.S. Highway 45 to junction Interstate Highway 57 north of Effingham; (22) from Effingham, Ill., over access road to junction Interstate Highway 57 west of Effingham; (23) from junction unnumbered highway and Illinois Highway 37, 2 miles south of Watson, Ill., over unnumbered highway to junction Interstate Highway 57; (24) from Farina, Ill., over Illinois Highway 185 to junction Interstate Highway 57; (25) from Salem, Ill., over U.S. Highway 50 to junction Interstate Highway 57; (26) from Mount Vernon, Ill., over U.S. Highway 460 to junction Interstate Highway 57.

(27) From Benton, Ill., over Illinois Highway 14 to junction Interstate Highway 57; (28) from West Frankfort, Ill., over Illinois Highway 149 to junction Interstate Highway 57; (29) from Johnston City, Ill., over unnumbered highway to junction Interstate Highway 57; (30) from Herrin, Ill., over Illinois Highway 148 to junction unnumbered highway, thence over unumbered highway to junction Interstate Highway 57; and (31) from Marion, Ill., over Illinois Highway 13 to junction Interstate Highway 57, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes, as follows: (1) From Chicago over Halsted Avenue, to junction South Park Avenue, thence over South Park Avenue, to junction U.S. Highway 54, thence over U.S. Highway 54 via junction U.S. Highway 30 to Kankakee, Ill., thence over U.S. Highway 45 to Effingham, Ill., thence over U.S. Highway 40 to Mulberry Grove, Ill. * * * (also from Chicago over U.S. Highway 41 to Hammond, Ind., thence over Sibley Boulevard, to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Illinois Highway 1, thence over Illinois Highway 1 to Norris City, Ill.; (3) from junction Illinois Highway 1 and Illinois Highway 17 over Illinois Highway 17 to Kankakee, Ill.; and (4) from Effingham, Ill., over Illinois Highway 37 via Mount Vernon and Benton, Ill., to Boles (West Vienna), Ill., thence over Illinois Highway 146 to Vienna, Ill., thence over U.S. Highway 45 via Paducah, Ky., to Fulton, Ky., thence over U.S. Highway 51 via Union City, Dyersburg, and Memphis, Tenn., to Jackson, Miss., and return over the same routes.

No. MC 56810 (Sub-No. 1) (Deviation No. 1), TEXAS MOTOR COACHES, INC., 815 Calhoun Street, Fort Worth, Tex. 76102, filed June 21, 1968. Carrier's representative: Gregory M. Rebman, 1230 Boatmen's Bank Building, St. Louis, Mo. 63102. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggages, and express* in the same vehicle with passengers, over a deviation route as follows: Between the junction of U.S. Highway 80 and the Fort Worth-Dallas Turnpike in Fort Worth, Tex., and junction U.S. Highway 80 and the Fort Worth-Dallas Turnpike in Dallas, Tex., over the Fort Worth-Dallas Turnpike, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: Between Forth Worth, Tex., and Dallas, Tex., over U.S. Highway 80.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-7901; Filed, July 2, 1968; 8:47 a.m.]

[Notice 1194]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 28, 1968.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 2228 (Sub-No. 55) (Republication), filed February 12, 1968, published FEDERAL REGISTER issue of February 29,

1968, and republished this issue. Applicant: MERCHANTS FAST MOTOR LINES, INC., East U.S. Highway 80, Post Office Drawer 270, Abilene, Tex. 79604. Applicant's representative: Reagan Sayers, Century Life Building, Post Office Drawer 170007, Fort Worth, Tex. 76102. By application filed February 12, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicles, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment) between Lubbock and Amarillo, Tex., over U.S. Highway 84 to its junction with U.S. Highway 385, thence over U.S. Highway 385 to its junction with U.S. Highway 60, thence over U.S. Highway 60 to Amarillo, and return over the same route, serving Hereford, Dimmitt, and Dawn as intermediate points. An order of the Commission, Operating Rights Board, dated May 31, 1968, and served June 18, 1968, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, transporting general commodities (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) between Lubbock and Amarillo, Tex., from Lubbock over U.S. Highway 84 to its junction with U.S. Highway 385, thence over U.S. Highway 385 to its junction with U.S. Highway 60, thence over U.S. Highway 60 to Amarillo, and return over the same route, serving Hereford, Dimmitt, those on U.S. Highway 385 between Hereford and Dimmitt; and Dawn, Tex., as intermediate points; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC '7002 (Sub-No. 42) (Republication), filed July 31, 1967, published FEDERAL REGISTER issue of August 17, 1967, and republished this issue. Applicant: CASE DRIVEWAY, INC., 6001 U.S. Route 60, East, Huntington, W. Va. 25714. In the above-entitled proceeding the examiner recommended the granting to applicant a certificate of public convenience and necessity, as modified, authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of *New and used mining and tunneling machinery and parts thereof*, between points in Boyd County, Ky., on the one hand, and, on the other, points in Alabama, Arizona, Colorado, Idaho, Illinois, Michigan, Missouri, Montana, Nevada, New Jersey, New Mexico, New York, Ohio, Pennsylvania, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming; restricted to traffic originating at or destined to the plantsites and warehouse facilities of National Mines Service Co., located in Boyd County, Ky. A Decision and Order of the Commission, Review Board Number 3, dated June 10, 1968, and served June 18, 1968, as modified, find that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, (1) *of mining and tunneling machinery*, and (2) *of mining and tunneling machinery parts* between points in Boyd County, Ky., on the one hand, and, on the other, points in Alabama, Arizona, Colorado, Idaho, Illinois, Michigan, Missouri, Montana, Nevada, New Jersey, New Mexico, New York, Ohio, Pennsylvania, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming, restricted to the transportation of shipments originating at or destined to the plantsites and warehouse facilities of National Mine Service Co., located in Boyd County, Ky.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 107583 (Sub-No. 27) (Republication), filed July 16, 1964, published FEDERAL REGISTER issue of July 29, 1964, and republished this issue. Applicant: SALEM TRANSPORTATION CO., INC., 1222 Jerome Avenue, Bronx, N.Y. 10452. Applicant's representative: George H. Rosen, 265 Broadway, Monticello, N.Y. 12701. By application filed July 16, 1964, as modified, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of passengers and their baggage and effects, in special operations in door-to-door service limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof and not including children under 10 years of age who do not occupy a seat or seats, between points in Montgomery, Chester, and Delaware Counties, Pa., on the one hand, and, on the other, Philadelphia, Pa. A report of the Commission on reconsideration, decided June 7, 1968, and served June 19, 1968, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of passengers and their baggage and effects, in special operations in nonscheduled door-to-door service limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats, between points in Montgomery, Chester, and Delaware Counties, Pa., on the one hand, and, on the other, John F. Kennedy International Airport at New York, N.Y., restricted to passengers having an immediately prior or immediately subsequent movement by air; that applicant is fit, willing, and able to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 109478 (Sub-No. 111), filed June 13, 1968. Applicant: WORSTER MOTOR LINES, INC., East Main Road, Rural Delivery No. 1, North East, Pa. 17428. Applicant's representative: William W. Knox, 23 West 10th Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Shoe last blocks and lumber*, from Ellicottville and Salamanca, N.Y., to Lewisburg, Millersburg, Philadelphia, Montrose, Johnstown, Williamsport, Lansdowne, Harrisburg, and Thompsontown, Pa., Lewiston and Auburn, Maine, and points in Massachusetts; (2) *lumber*, from Ellicottville and Salamanca, N.Y., to Arlington, Vt., Ivoryton and Bridgeport, Conn., and Nashua, N.H.; (3) *shoe last blocks*, from Galeton, Pa., to Ellicottville and Salamanca, N.Y.; and, (4) *plastic scrap*, from points in Massachusetts, to Ellicottville and Salamanca, N.Y. NOTE: Applicant states this is an application to convert the contract carrier permit of Raymond T. Sutton, MC 127056, to a common carrier certificate. This application is directly related to a section 5 application MC-F-10157, published in the FEDERAL REGISTER issue of June 19, 1968, filed by Worster Motor Lines, Inc., to purchase the operating rights of Raymond T. Sutton. Applicant states this application is filed as a precaution in the event the Commission should find that dual operations are not permissible. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10160 and No. MC-F-10161. (Supplement) (CONTINENTAL TRAILWAYS, INC.—Consolidation—Transcontinental Bus System, Inc.) and (Continental Trailways, Inc.—Control—American Buslines, Inc., et al.), both published in the June 26, 1968, issue of the FEDERAL REGISTER, on pages 9372–9374. This supplement is to show that Applicants filed a motion June 20, 1968, to dismiss the applications for want of jurisdiction.

No. MC-F-10164. (Correction) (Beaufort Transfer Co.—Purchase—St. Louis, Washington, Union Express, Inc.), published in the June 26, 1968, issue of the FEDERAL REGISTER, on page 9371. This correction is to show the Docket number as MC-F-10164, in lieu of MC-10164.

No. MC-F-10167. Authority sought for purchase by AMERICAN SECURITY MOVING & STORAGE CO., INC., 1240 Oakleigh Drive, East Point, Ga. 30044, of the operating rights of JOHNSTON STORAGE WAREHOUSE, INC., 322 North Second Street, Fort Smith, Ark. 72901, and for acquisition by HAROLD W. BREFFLE, 2007 North Ridgeway Road NE., Atlanta, Ga. 30329, of control of such rights through the purchase. Applicants' attorney: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109. Operating rights sought to be transferred: *Household goods* as defined by the Commission, as a *common carrier*, over irregular routes, between Fort Smith, Ark., on the one hand, and, on the other, points in Oklahoma, Arkansas, Kansas, and Missouri. Vendee is authorized to operate as a *common carrier* in New Hampshire, Vermont, Rhode Island, Connecticut, Delaware, Maine, Mississippi, Louisiana, Texas, Oklahoma, Arkansas, Texas, Kentucky, Virginia, Ohio, Indiana, Illinois, Michigan, Pennsylvania, New York, New Jersey, Maryland, Georgia, Florida, Alabama, Tennessee, North Carolina, South Carolina, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10168. Authority sought for purchase by FEUER TRANSPORTATION, INC., Federal and Knowles Streets, Yonkers, N.Y. 10702, of a portion of the operating rights of ARROW CARRIER CORPORATION (WILL WEISS, RECEIVER), 24 Commerce Street, Newark, N.J. 07102, and for acquisition by JORDAN LIPPNER, also of Yonkers, N.Y., of control of such rights through the purchase. Applicants' attorneys: Herbert Burstein, 160 Broadway, New York, N.Y. 10038 and Robert H. Griswold, 100 Pine Street, Post Office Box 432, Harrisburg, Pa. 17108. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Troy, N.Y., and Paterson, N.J., serving all intermediate points, and the off-route points of Schenectady, Cohoes, Hudson, and Poughkeepsie, N.Y., without restriction, New York, N.Y., restricted against transportation to or from points in New Jersey, and those within 50 miles of the described route restricted to the delivery of mail order catalogs only, between Albany, N.Y., and Fair Haven, Vt., serving all intermediate points, and the off-route points of Argyle, Cohoes, Cossayuna, Easton, Gansevoort, Glens Falls, North Argyle, North Granville, North Hebron, Rensselaer, Schaghticoke, Smiths Basin, South Argyle, South Glens Falls, Truthville, and West Hebron, N.Y., and East Poultney, Poultney, and West Pawlet, Vt.; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between points in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665, those in Bergen and Passaic Counties, N.J., east of the Ramapo River, those in Essex and Union Counties, N.J., and those in Middlesex County, N.J., north of the Raritan River, on the one hand, and, on the other, points in Albany, Rensselaer, Greene, Ulster, Orange, Rockland, Columbia, Dutchess, Putnam, and Westchester Counties, N.Y., between points in Bergen and Passaic Counties, N.J., on the one hand, and, on the other, points in Westchester, Orange, and Rockland Counties, N.Y., between points in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665, and those in Hudson and Essex Counties, N.J., on the one hand, and, on the other, points in Ulster County, N.Y., between New York, N.Y., on the one hand, and, on the other, points in Orange, Sullivan, Rockland, Delaware, and Dutchess Counties, N.Y., between points in Hudson and Essex Counties, N.J., on the one hand, and, on the other, points in Orange County, N.Y., between Port Jervis, N.Y., and Matamoras, Pa., on the one hand, and, on the other, Paterson, N.J., and points in Hudson and Union Counties, N.J.

Machinery, between points in Orange and Rockland Counties, N.Y., and Hudson and Passaic Counties, N.J., and between New York, N.Y., and points in Orange and Rockland Counties, N.Y., between Matamoras, Pa., and points in Orange and Rockland Counties, N.Y., on the one hand, and, on the other, Worcester and Pittsfield, Mass., and Rahway, N.J.; *roofing and building materials, hardware, and floor coverings*, from Port Jervis, N.Y., to points in Sussex County, N.J.; and *glassware*, from Port Jervis, N.Y., to Trenton, N.J. Vendee is authorized to operate as a *common carrier* in New Jersey and New York. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10169. Authority sought for control and merger by GEORGIA FLORIDA ALABAMA TRANSPORTATION COMPANY, Post Office Box 1327, Dothan, Ala. 36301, of the operating rights and property of CATON TRANSFER COMPANY, INC., West Bypass, Andalusia, Ala. 36420, and for acquisition by G. MILTON ADAMS, also of Dothan, Ala., of control of such rights and property through the transaction. (GEORGIA FLORIDA ALABAMA TRANSPORTATION COMPANY proposes also the purchase of JAMES B. CATON and JOHN G. CATON, doing business as CATON TRUCK LINE (which holds no authority from this Commission), West Bypass, Andalusia, Ala. 36420). Applicants' attorney: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Operating rights sought to be controlled and merged: Under a certificate of registration, in No. MC-120358 Sub-2, covering the transportation of property, as a common carrier in intrastate commerce, within the State of Alabama. GEORGIA FLORIDA ALABAMA TRANSPORTATION COMPANY is authorized to operate as a *common carrier* in Alabama, Florida, Georgia, Louisiana, Tennessee, and Mississippi. Application has been filed for temporary authority under section 210a(b). NOTE: MC-61788 Sub 26 is a matter directly related.

No. MC-F-10170. Authority sought for purchase by R. A. CORBETT TRANSPORT, INC., Post Office Box 86, Lufkin, Tex. 75902, of a portion of the operating rights of YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14048, Houston, Tex. 77021, and for acquisition by GRACE LEE CORBETT, RALPH A. CORBETT, JR., both also of Lufkin, Tex., H. B. CORBETT and C. WADE SHEMWELL, both of Post Office Box 447, Waskom, Tex., of control of such rights through the purchase. Applicants' attorney: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. 78701. Operating rights sought to be transferred: *Petroleum and petroleum products*, in bulk, in tank trucks, as a *common carrier*, over irregular routes, between Superior, La., on the one hand, and, on the other, certain specified points in Arkansas and Texas. Vendee is authorized to operate as a *common carrier* in Texas, Louisiana, Arkansas, Oklahoma, Missouri, Tennessee, Alabama, Colorado, New Mexico, Florida, Georgia, Kansas, Mississippi, Illinois, Arizona, and Indiana. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10171. Authority sought for purchase by IML FREIGHT, INC., 2175 South 3270 West, Post Office Box 2277, Salt Lake City, Utah 84110, of the operating rights of M & B TRANSFER COMPANY, doing business as BATTLE GROUND TRUCK SERVICE, East Second Avenue and Alder, Portland, Oreg. 97204, and for acquisition by GATES CORPORATION, and, in turn by CHARLES C. GATES, JR., both of 999 South Broadway, Denver, Colo., of control of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman and Steiner, 39 South La Salle Street, Chicago, Ill. 60603, and James G. Smith, Standard Plaza, Portland, Oreg. 97204. Operating rights sought to be transferred: *General commodities*, excepting, among others, commodities in bulk, but not excepting, household goods, as a *common carrier*, over regular routes, between Portland, Oreg., and Amboy, Wash., serving all intermediate points, between Amboy, Wash., and Swift Creek, Wash., serving no intermediate points; and *general commodities*, with exceptions as above, over irregular routes, between Portland, Oreg., on the one hand, and, on the other, points in Clark County, Wash., and those in Cowlitz County, Wash., within 12 miles of Yale, Wash. Vendee is authorized to operate as a *common carrier* in California, Missouri, Kentucky, Indiana, Wyoming, Kansas, Illinois, Pennsylvania, Ohio, New Jersey, Massachusetts, New York, Connecticut, Colorado, Utah, Nevada, Iowa, Arizona, Nebraska, Idaho, Oregon, and Washington. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–7902; Filed, July 2, 1968; 8:47 a.m.]

[Notice 639]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 28, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2368 (Sub-No. 18 TA), filed June 26, 1968. Applicant: BRALLEY-WILLETT TANK LINES, INC., 200 Stockton Street, Richmond, Va. 23224. Applicant's representative: G. C. Kirkmyer, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Animal oils*, in bulk, in tank vehicles, from Portsmouth, Va., to Waterbury, Conn.; Boston, Mass.; Indianapolis, Whiting, and Muncie, Ind.; Newark, Cleveland, Cincinnati, and Columbus, Ohio; Chicago, Wood River, Ill.; New Orleans, La.; and Providence, R.I., for 180 days. Supporting shipper: Murro Chemical Co., Inc., Post Office Box 7182, Portsmouth, Va. 23707. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10–502 Federal Building, Richmond, Va. 23240.

No. MC 30657 (Sub-No. 22 TA), filed June 22, 1968. Applicant: DIXIE HAULING COMPANY, a corporation, 959 Bankhead Avenue NW., Atlanta, Ga. 30318. Applicant's representative: Charles M. Wilbanks (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Culvert pipe and tanks*, from points in Rockdale County, Ga., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee, for 180 days. Supporting shipper: Armco Steel Corp., Metal Products Division, Middletown, Ohio. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street, NW., Atlanta, Ga. 30309.

No. MC 30837 (Sub-No. 354 TA), filed June 24, 1968. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53140. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Display materials* in shipper-owned demonstration trucks and tractor-trailer units, between points in Arizona, California, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, for 150 days. Supporting shipper: Honeywell, Inc., 1885 Douglas Drive, Minneapolis, Minn. 55422 (Raymond R. Murray, Traffic Analyst). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 76177 (Sub-No. 318 TA), filed June 26, 1968. Applicant: BAGGETT TRANSPORTATION COMPANY, a corporation, 2 South 32d Street, Birmingham, Ala. 35233. Applicant's representative: H. E. Durden (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives*, between Crane, Ind.; Milan, Tenn.; and Denver, Colo., for interline only, for 180 days. Supporting shipper: Department of the Army, Office of Judge Advocate General, Washington, D.C. 20310. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 823 2121 Building, Birmingham, Ala. 35203.

No. MC 102616 (Sub-No. 827 TA), filed June 25, 1967. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. 17403. Applicant's representative: S. E. Smith (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline*, not refined, in bulk, in tank vehicles, from Tamarack, Pa., to Baltimore, Md., for 180 days. Supporting shipper: The Mebtex Co., Milford, Ohio. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 218 Central Industrial Building, 100 North Cameron Street, Harrisburg, Pa. 17101.

No. MC 103880 (Sub-No. 397 TA), filed June 25, 1968. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Post Office Box 7211, Akron, Ohio 44306. Applicant's representative: T. J. Bird (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from the plantsite and storage facilities of Occidental Chemical Co. at Kenton, Ohio, to the port of entry on the international boundary line between the United States and Canada located at Detroit, Mich., for 120 days. Supporting shipper: Occidental Chemical Co., 4671 Southwest Freeway, Post Office Box 1185, Houston, Tex. 77001. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 110420 (Sub-No. 566 TA), filed June 26, 1968. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Fred H. Figge (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, from Burlington, Wis., to Kankakee, Ill.; Evansville and Indianapolis, Ind., and St. Louis, Mo., for 180 days. Supporting shipper: Wisconsin Hi-Liter, Inc., 256 South Pine Street, Burlington, Wis. 53105 (Glen L. Hintz, Secretary Treasurer). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 114364 (Sub-No. 169 TA), filed June 26, 1968. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 1191, 1401 North Little, Cushing, Okla. 74023. Applicant's representative: Joe Ballard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers* from Waxahachie, Tex., to Golden, Colo., for 180 days. Supporting shippers: Armstrong Cork Co., Lancaster, Pa. 17604; Adolph Coors Co., Golden, Colo. 80401. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 114533 (Sub-No. 162 TA), filed June 24, 1968. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and prints, complimentary replacement film, and incidental dealer handling supplies* (except motion picture film and materials and supplies used in connection with commercial and television motion pictures); (2) *eye glasses, frames, lenses, and parts thereof*, between Omaha, Nebr., on the one hand, and, on the other, those points in Kansas on and east of U.S. Route No. 183 and those points in Missouri on and west of U.S. Route No. 63, for 180 days. Supporting shippers: (1) Bri-tone Snapshots, 116 North 42d Street, Post Office Box 3301, Omaha, Nebr.; (2) Commercial Optical Co., Post Office Box 1215, Omaha, Nebr. Send protests to: Robert L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 123502 (Sub-No. 25 TA), filed June 26, 1968. Applicant's representative: FREE STATE TRUCK SERVICE, INC., 10 Vernon Avenue, Glen Burnie, Md. 21061. Applicant's representative: William C. Nolte (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys*, in bulk and in bins, from Bridgeport, Conn., to points in New York, Pennsylvania, Massachusetts, Ohio, Maryland, New Jersey, and Rhode Island, for 150 days. Supporting shipper: Derby Co., Ltd., Two Gateway Center, Pittsburgh, Pa. 15222. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 125608 (Sub-No. 9 TA), filed June 25, 1968. Applicant: VALER LUPU, doing business as VALER TRANSPORTATION COMPANY, 18615 Dix Avenue, Melvindale, Mich. 48122. Applicant's representative: Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (1) from Columbus, Ohio, to Hamtramck, Mich.; (2) from Columbus, Ohio, to Pontiac, Mich.; (3) from Columbus, Ohio, to Detroit, Mich., for 150 days. Supporting shippers: (1) Hamtramck Distributors, 11618 Sobieski Avenue, Hamtramck, Mich.; (2) Hubert Distributors, Inc., 125 East Columbia, Pontiac, Mich.; (3) Central Distributors, Inc., 795 South Oakwood, Detroit, Mich. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 David Broderick Tower Building, 10 Witherell Street, Detroit, Mich. 48226.

No. MC 127668 (Sub-No. 1 TA), filed June 24, 1968. Applicant: WILLIAM WELCH AND JOHN WELCH, a partnership, doing business as WELCH TRUCKING COMPANY, 1105 South Boulder, Portales, N. Mex. 88130. Applicant's representative: Edwin E. Piper, Jr., Suite 715, Simms Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hides, pelts, hair, tails, and switches*, from Denver, Pueblo, Colorado Springs, Montrose, Grand Junction, Durango, and Cortez, Colo.; Lubbock, El Paso, Dallas, Fort Worth, Amarillo, Hereford, Plainview, and Friona, Tex.; Guymon, Okla.; Albuquerque and Clovis, N. Mex., to Phoenix, Ariz.; and from Phoenix, Ariz., to Fort Worth and Dallas, Tex., with the operations authorized to be limited to a transportation service to be performed under a continuing contract, or contracts, with Southwest Hide Co. of Phoenix, Ariz., for 180 days. Supporting shipper: Southwest Hide Co., 1134 West Lincoln, Phoenix, Ariz. 85007. Send protests to: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10515 U.S. Courthouse and Post Office Building, Albuquerque, N. Mex. 87101.

No. MC 129852 (Sub-No. 2 TA), filed June 26, 1968. Applicant: NEEPAWA TRANSPORT, INC., Box 113, Granville, Ill. 61326. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, from Minneapolis-St. Paul, Minn., to Jacksonville, Danville, and Springfield, Ill., for 150 days. Supporting shippers: Reifsteck Distributing Co., 601 East Fairchild Street, Danville, Ill. 61832; Geo. A. Mueller & Co., 511 East Jefferson Street, Springfield, Ill. 62705; C. Gaudio Distributing Company, 204 Anna Street, Jacksonville, Ill. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operation, U.S. Courthouse, Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 129989 TA, filed June 26, 1968. Applicant: JOSEPH GAPPA, Rapp Dam Road, Post Office Box 428, Phoenixville, Pa. 19460. Applicant's representative: Charles L. Frank, Thompson Building, Pottsville, Pa. 17901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fleshings, lime splits and pieces, and heads of animal hides*, from Reading, Pa., to Gowanda, N.Y., and Woburn, Mass., for 120 days. Supporting shipper: Garden State Tanning Inc., Fleetwood, Pa. 19522. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–7903; Filed, July 2, 1968; 8:47 a.m.]

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Chapter I—Civil Service Commission

PART 550—PAY ADMINISTRATION (GENERAL)

Payment of Hazard Pay Differential

Section 550.905 is revised to entitle an employee to payment for hazardous duty for all hours worked on a day on which hazardous duty is performed. Effective the first day of the first pay period following publication in the FEDERAL REGISTER, § 550.905 is revised as set out below.

§ 550.905 Payment of hazard pay differential.

When an employee performs duty for which hazard pay differential is authorized, the agency shall pay him the hazard differential for the hours in a pay status on the day (calendar day or, to avoid problems involving uncommon tours of duty, and when designated by the agency, a 24-hour period) on which the duty is performed. For purposes of this section hours in a pay status for work performed during a continuous period extending over 2 days shall be considered to have been performed on the day on which the work began and allowable differential shall be charged to that day.

(5 U.S.C. 5545(d), 5548(b))

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-7978; Filed, July 3, 1968; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 246]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.546 Valencia Orange Regulation 246.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 2, 1968.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 5, 1968, through July 11, 1968, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 300,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 3, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-8086; Filed, July 3, 1968; 11:19 a.m.]

Chapter XI—Consumer and Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture

PART 1205—COTTON RESEARCH AND PROMOTION

Subpart—Members of Cotton Board

DETERMINATION OF MEMBERSHIP

On May 16, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 7243) regarding a proposed revision of § 1205.402 of the Subpart—Members of Cotton Board (7 CFR 1205.402; 32 F.R. 1083).

Interested parties were given 15 days to submit written data, views, or arguments regarding the proposed revision. No comments were received and the proposed revision is adopted as hereinafter set forth:

Section 1205.402 is revised to read as follows:

§ 1205.402 Determination of Cotton Board membership.

In determining whether any cotton-producing State is entitled to be represented by more than one member on the Cotton Board pursuant to § 1205.318, average annual production of upland cotton in terms of 500-pound gross weight bales for the 5 crop years 1961 through 1965 shall be used as the basis for determination of such additional members. Accordingly, Texas is entitled to be represented on the Cotton Board by a total of five members, California by a total of two members, Mississippi by a total of two members, and each other cotton-producing State by one member each.

Effective date. This revision shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: July 1, 1968.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 68-7973; Filed, July 3, 1968; 8:48 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Financial Qualifications

On June 13, 1967, the Commission published for comment in the FEDERAL REGISTER (32 F.R. 8423) proposed amendments to its regulations, "Licensing of Production and Utilization Facilities," 10 CFR Part 50, which would provide further guidance as to what information would be required to establish financial qualifications for a facility construction permit and for an operating license. The proposed amendments were accompanied by "A Guide for the Financial Data and Related Information Required To Establish Financial Qualifications for Facility Construction and Operating Licenses," designated proposed Appendix C to Part 50. All interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within 60 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. The Commission withdrew the proposed guide, Appendix C to Part 50, on July 22, 1967 (32 F.R. 10816).

After careful consideration of the comments received and other factors involved, the Commission has adopted the amendments set forth below which, except for Appendix C, are the same as those set out in the notice of proposed rule making.

Section 182a of the Atomic Energy Act of 1954, as amended, provides, among other things, that each application for a license shall state such information as the Commission, by rule or regulation, may determine to be necessary to decide such of the financial qualifications of the applicant as the Commission may deem appropriate for the license. The Act and the Commission's regulations reflect that the fundamental purpose of the financial qualifications provision of that section is the protection of the public health and safety and the common defense and security.

Although the Commission's safety determinations required for the issuance of facility licenses are based upon extensive and detailed technical review, an applicant's financial qualifications can also contribute to his ability to meet his responsibilities on safety matters. The amendment to § 50.33(f) of Part 50 set forth below provides further guidance as to what information is required to establish the financial qualifications of an applicant for a facility construction permit or an operating license. The amendment to § 50.71 provides for the filing of the annual financial reports, including the certified financial statements, of facility licensees with the Commission. The requirements of the amendments for a showing of availability of funds to cover the cost of operating the facility for a period of at least 5 years and for the filing of annual financial reports, and those pertaining to newly formed entities, apply only to applicants for licenses for production or utilization facilities of types described in § 50.21(b) or § 50.22 of Part 50, and testing facilities as defined in § 50.2(r), Part 50.

A guide intended to aid applicants in satisfying the requirements of § 50.33(f) with respect to the preparation and submission of information sufficient to demonstrate the financial ability of the applicant to carry out the particular activity for which the permit or license is sought is set out in Appendix C, "A Guide for the Financial Data and Related Information Required to Establish Financial Qualifications for Facility Construction Permits and Operating Licenses." Much of the detail appearing in the guide published for comment on June 13, 1967, and later withdrawn, has been eliminated.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to 10 CFR Part 50 are published as a document subject to codification, to be effective 60 days after publication in the FEDERAL REGISTER. The provisions of the amendments will be used as interim guidance pending effectiveness, to the extent that they are not inconsistent with the present regulations in 10 CFR Part 50. The Commission invites all interested persons who desire to submit written comments or suggestions regarding Appendix C of Part 50, "A Guide for the Financial Data and Related Information Required to Establish Financial Qualifications for Facility Construction Permits and Operating Licenses," to send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 60 days after publication of this notice in the FEDERAL REGISTER. Consideration will be given such submission with the view to possible amendments of Appendix C. Copies of comments received may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

1. Paragraph (f) of § 50.33 of 10 CFR Part 50 is revised to read as follows:

§ 50.33 Contents of applications; general information.

Each application shall state:

* * * * *

(f) Information sufficient to demonstrate to the Commission the financial qualifications of the applicant to carry out, in accordance with the regulations in this chapter, the activities for which the permit or license is sought. If the application is for a construction permit, such information shall show that the applicant possesses the funds necessary to cover estimated construction costs and related fuel cycle costs or that the applicant has reasonable assurance of obtaining the necessary funds, or a combination of the two. If the application is for an operating license, such information shall show that the applicant possesses the funds necessary to cover estimated operating costs or that the applicant has reasonable assurance of obtaining the necessary funds, or a combination of the two. With respect to any production or utilization facility of a type described in § 50.21(b) or § 50.22, or a testing facility, the following specific requirements shall apply:

If the application is for an operating license, such information shall show that the applicant possesses or has reasonable assurance of obtaining the funds necessary to cover the estimated costs of operation for the period of the license or for 5 years, whichever is greater, plus the estimated costs of permanently shutting the facility down and maintaining it in a safe condition. Without limitation on the generality of the foregoing requirements, each application for a construction permit or an operating license submitted by an entity organized for the primary purpose of constructing or operating a facility shall include information showing the legal and financial relationships it has or proposes to have with its stockholders or owners, and their financial ability to meet any contractual obligation to such entity which they have incurred or propose to incur, and any other information necessary to enable the Commission to determine the applicant's financial qualifications.

* * * * *

2. Section 50.71 is revised to read as follows:

§ 50.71 Maintenance of records, making of reports.

(a) Each licensee and each holder of a construction permit shall maintain such records and make such reports, in connection with the licensed activity, as may be required by the conditions of the license or permit or by the rules, regulations, and orders of the Commission in effectuating the purposes of the Act, including section 105 of the Act.

(b) With respect to any production or utilization facility of a type described in § 50.21(b) or § 50.22, or a testing facility, each licensee and each holder of a construction permit shall, upon each issuance of its annual financial report, including the certified financial statements, file a copy thereof with the Commission.

3. A new Appendix C is added to 10 CFR Part 50 to read as follows:

APPENDIX C—A GUIDE FOR THE FINANCIAL DATA AND RELATED INFORMATION REQUIRED TO ESTABLISH FINANCIAL QUALIFICATIONS FOR FACILITY CONSTRUCTION PERMITS AND OPERATING LICENSES

GENERAL INFORMATION

This appendix is intended to apprise applicants for licenses to construct and operate production or utilization facilities of the types described in § 50.21(b) or § 50.22, or a testing facility, of the general kinds of financial data and other related information that will demonstrate the financial qualifications of the applicant to carry out the activities for which the permit or license is sought. The kind and depth of information described in this guide is not intended to be a rigid and absolute requirement. In some instances, additional pertinent material may be needed. In any case, the applicant should include information other than that specified if such information is pertinent to establishing the applicant's financial ability to construct and operate the proposed facility.

Since separate findings of financial qualifications will be made by the Commission at the construction permit stage of the licensing process and at the operating license stage, the nature of the information to be included in the application at each of these stages is discussed separately.

It is important to observe also that both § 50.33(f) and this appendix distinguished between applicants which are established organizations and those which are newly formed entities organized primarily for the purpose of engaging in the activity for which the permit or license is sought. Those in the former category will normally have a history of operating experience and be able to submit financial statements reflecting the financial results of past operations. With respect, however, to the applicant which is a newly formed company established primarily for the purpose of carrying out the licensed activity, with little or no prior operating history, somewhat more detailed data and supporting documentation will generally be necessary. For this reason, the appendix describes separately the scope of information to be included in applications by each of these two classes of applicants.

In determining an applicant's financial qualifications, the Commission will require the minimum amount of information necessary for that purpose. No special forms are prescribed for submitting the information. In many cases, the financial information usually contained in current annual financial reports, including summary data of prior years, will be sufficient for the Commission's needs. The Commission reserves the right, however, to require additional financial information at the construction permit stage, at the operating license stage, and during operation of the facility, particularly in cases in which the proposed power generating facility will be commonly owned by two or more existing companies or in which financing depends upon long-term arrangements for the sharing of the power from the facility by two or more electrical generating companies.

Applicants, permit holders, and licensees are encouraged to consult with the Commission with respect to any questions they may have relating to the requirements of the Commission's regulations or the information set forth in this appendix.

I. APPLICANTS WHICH ARE ESTABLISHED ORGANIZATIONS

A. *Applications for construction permits*—1. *Estimate of construction costs.* For electric utilities, each applicant's estimate of the total cost of the proposed facility should be broken down as follows and be accompanied by a statement describing the bases from which the estimate is derived:

(a) Total nuclear production plant costs ---------- $_____
(b) Transmission, distribution, and general plant costs---------- $_____
(c) Nuclear fuel inventory cost for first core[1]---------- $_____
Total estimated cost--------- $_____

[1] Section 2.790 of 10 CFR Part 2 and § 9.5 of 10 CFR Part 9 indicate the circumstances under which information submitted by applicants may be withheld from public disclosure.

If the fuel is to be acquired by lease or other arrangement than purchase, the application should so state. The items to be included in these categories should be the same as those defined in the applicable electric plant and nuclear fuel inventory accounts prescribed by the Federal Power Commission or an explanation given as to any departures therefrom.

Since the composition of construction cost estimates for production and utilization facilities other than nuclear power reactors will vary according to the type of facility, no particular format is suggested for submitting such estimates. The estimate should, however, be itemized by categories of cost in sufficient detail to permit an evaluation of its reasonableness.

2. *Source of construction funds.* The application should include a brief statement of the applicant's general financial plan for financing the cost of the facility, identifying the source or sources upon which the applicant relies for the necessary construction funds, e.g., internal sources such as undistributed earnings and depreciation accruals, or external sources such as borrowings.

3. *Applicant's financial statements.* The application should also include the applicant's latest published annual financial report, together with such current interim financial statements as are pertinent. If such report is not published, the balance sheet and operating statement covering the latest complete accounting year together with all pertinent notes thereto and certification by a public accountant should be furnished.

B. *Applications for operating licenses.* An application for a facility operating license will usually be filed near the time of completion of construction of the facility. Section 50.33(f) requires that all applications for operating licenses show that the applicant possesses the funds necessary to cover estimated operating costs, or has reasonable assurance of obtaining the necessary funds, or a combination of the two. In addition, each application for a license for a facility other than a medical or research reactor is required to show that the applicant possesses or has reasonable assurance of obtaining the funds necessary to pay the estimated costs of operation for the period of the license or for 5 years, whichever is greater, plus the estimated costs of permanently shutting down the facility and maintaining it in a safe condition. For purposes of the latter requirement, it will ordinarily be sufficient to show at the time of filing of the application, availability of resources sufficient to cover estimated operating costs for each of the first 5 years of operation plus the estimated costs of permanent shutdown and maintenance of the facility in safe condition. It is also expected that, in most cases, the applicant's annual financial statements contained in its published annual reports will enable the Commission to evaluate the applicant's financial capability to satisfy this requirement.

II. APPLICANTS WHICH ARE NEWLY FORMED ENTITIES

A. *Applications for construction permits*—1. *Estimate of construction costs.* The information that will normally be required of applicants which are newly formed entities will not differ in scope from that required of established organizations. Accordingly, applicants should submit estimates as described above for established organizations.

2. *Source of construction funds.* The application should specifically identify the source or sources upon which the applicant relies for the funds necessary to pay the cost of constructing the facility, and the amount to be obtained from each. With respect to each source, the application should describe in detail the applicant's legal and financial relationships with its stockholders, corporate affiliates, or others (such as financial institutions) upon which the applicant is relying for financial assistance. If the sources of funds relied upon include parent companies or other corporate affiliates, information to support the financial capability of each such company or affiliate to meet its commitments to the applicant should be set forth in the application. This information should be of the same kind and scope as would be required if the parent companies or affiliates were in fact the applicant. Ordinarily, it will be necessary that copies of agreements or contracts among the companies be submitted.

As noted earlier in this appendix, an applicant which is a newly formed entity will normally not be in a position to submit the usual types of balance sheets and income statements reflecting the results of prior operations. The applicant should, however, include in its application a statement of its assets, liabilities, and capital structure as of the date of the application.

B. *Applications for operating licenses*—1. *Current financial statements.* In its application for a license to operate the facility, the applicant should include a statement of its current financial condition.

2. *Estimates of operating income and expense.* In order to enable the Commission to evaluate the applicant's financial qualifications to operate the completed facility and, if necessary, to shut it down, as required by § 50.33(f), the application for a license to operate a facility other than a medical or research reactor should include a statement of the applicant's estimate of annual income and expense for the first 5 years of operation. The statement should list operating revenues and expense in sufficient detail to permit an assessment of the reasonableness of the estimates. In addition, the applicant should include its estimate of costs to permanently shut down the facility and maintain it in safe condition if that should become necessary.

III. ANNUAL FINANCIAL STATEMENTS

Each licensee and each holder of a construction permit for a production or utilization facility of a type described in § 50.21(b) or § 50.22, or a testing facility is required by § 50.71(b) to file its annual financial report with the Commission at the time of issuance thereof. This requirement does not apply to licensees or holders of construction permits for medical and research reactors.

IV. ADDITIONAL INFORMATION

The Commission may, from time to time, request the applicant or licensee, whether an established organization or newly formed entity, to submit additional or more detailed information respecting its financial arrangements and status of funds if such information is deemed necessary to enable the Commission to determine an applicant's financial qualifications for the license or a licensee's financial qualifications to continue the conduct of the activities authorized by the license and to shut down the facility and maintain it in safe condition.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201. Interpret or apply sec. 182, 68 Stat. 953; 42 U.S.C. 2232)

Dated at Germantown, Md., this 26th day of June 1968.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 68-7932; Filed, July 3, 1968; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 68–WE–16–AD; Amdt. 39–617]

PART 39—AIRWORTHINESS DIRECTIVES

Hughes Model 269A, 269A–1, 269A–2, and 269B Helicopters

Amendment 39–12 (29 F.R. 16967), AD 64–28–2, requires initial and periodic inspection of the main rotor blade flapping hinge bearings for damage, removal from service before further flight of damaged bearings, and removal or inspection of the corresponding main rotor blades, depending upon the degree of bearing damage detected, on Hughes Model 269A, 269A–1, and 269B helicopters. After issuance of Amendment 39–12, Hughes new Model 269A–2 was approved and added to Type Certificate No. 4H12. As the Model 269A–2 incorporates the same main rotor head design features as the prior models, it will be susceptible to the same service difficulties and, therefore, the same mandatory corrective action as specified in AD 64–28–2 must be accomplished. Therefore, the AD is being amended to add the Model 269A–2 to the applicability statement.

In addition, the Hughes Service Information Notice numbering system has been revised such that the identification of those notices listed in AD 64–28–2 is not consistent with the current issues of the notices or future revisions thereto. Therefore, the AD is also being amended to list this alternate identification of the applicable Hughes Service Information Notices.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–12 (29 F.R. 16967), AD 64–28–2, is amended as follows:

1. Amend the applicability statement to read:

HUGHES. Applies to Models 269A, 269A–1, 269A–2, and 269B helicopters.

2. Delete the parenthetical note after (g).

3. Add a new (h) to read:

(h) The following Hughes Service Information Notices or later FAA-approved revisions are approved alternatives to those specified in (d), (e), (f), and (g) above:

Notice No. N–10.1 dated December 14, 1967, is an approved alternate to Notices 2A–38, 2A–1–05, and 2B–06.

Notice No. N–47 dated April 18, 1968, is an approved alternate to Notices 2A–39.1, 2A–1–06.1, and 2B–07.1.

This amendment becomes effective on July 6, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Hughes Tool Co., Aircraft Division, Centinela Avenue and Teale Street, Culver City, Calif. 90230. These documents may also be examined at FAA Western Region, 5651 West Manchester Avenue, Los Angeles, Calif. 90045, and FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. 20553. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at FAA Western Region.

Issued in Los Angeles, Calif., on June 25, 1968.

LEE E. WARREN,
Acting Director,
FAA Western Region.

The incorporation by reference provisions in this document were approved by the Director of the Federal Register on July 3, 1968.

[F.R. Doc. 68–7967; Filed, July 3, 1968; 8:48 a.m.]

[Airspace Docket No. 68–CE–59]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Zone

The purpose of this amendement to Part 71 of the Federal Aviation Regulations is to revoke the Glasgow, Mont., control zone.

Glasgow AFB, Montana will not provide communications and weather reporting services after June 30, 1968. Therefore, rescission of the Glasgow control zone is necessary since those services required for designation of this control zone will not be available after said date.

Since this revocation will reduce the amount of designated controlled airspace at Glasgow, Mont., it will not impose any additional burden on any person. Therefore, notice and public procedure hereon will be unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., July 1, 1968, as hereinafter set forth:

In § 71.171 (33 F.R. 2058) the following control zone is rescinded:

Glasgow, Mont.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on June 14, 1968.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 68–7969; Filed, July 3, 1968; 8:48 a.m.]

[Airspace Docket No. 68–SO–44]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Designation of Control Zones

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter the Miami, Fla. (International Airport), control zone and designate the Miami, Fla. (Opa Locka Airport), part-time control zone.

The Miami (International Airport) control zone is described in § 71.171 (33 F.R. 2058 and 4367) and, in part, encompasses the controlled airspace required for protection of IFR operations at Opa Locka Airport.

On July 25, 1968, the Federal Aviation Administration plans to establish weather observations at Opa Locka Airport during the time Opa Locka Airport control tower is in operation. In conjunction with the establishment of this additional service, it is necessary to redesignate the International Airport control zone to exclude the airspace encompassing the Opa Locka Airport, and to designate the Opa Locka Airport part-time control zone to encompass this airspace. The designation of the Opa Locka Airport control zone will, to some degree, increase safety for the high volume of VFR aeronautical activity in this area. Special VFR operations are currently either prohibited or limited in the contiguous control zones with IFR operations extending for a distance of some 20 miles, beginning south of International Airport and terminating north of Opa Locka Airport. Therefore, with the designation of the Opa Locka Airport control zone, special VFR operations at this airport will not necessarily be subjected to the limitations which are presently applicable.

Additionally, the volume of aeronautical activity has increased substantially at Opa Locka Airport in recent years, and there is a need to vary the effective hours of the control zone in order to provide air traffic services during peak periods. Therefore, a proviso is provided in the control zone to allow for changes to be made in the effective hours through the publication of an appropriate Notice to Airmen.

Since these amendments are editorial, less restrictive and in the interest of safety, notice and public procedure hereon are unnecessary, and good cause exists for making these amendments effective within less than 30 days from publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 25, 1968, as hereinafter set forth.

In § 71.171 (33 F.R. 2058), the Miami, Fla. (International Airport), control zone (33 F.R. 4367) is amended to read:

MIAMI, FLA. (INTERNATIONAL AIRPORT)

Within a 5-mile radius of Miami International Airport (lat. 25°47'35" N., long. 80°17'10" W.); within 2 miles each side of the Miami VORTAC 139° radial, extending from the 5-mile radius zone to 10 miles southeast of the VORTAC; within 2 miles each side of the Miami Runway 9L ILS localizer west course, extending from the 5-mile radius zone to the Runway 9L LOM; and within 2 miles each side of the Miami Runway 27L ILS localizer west course, extending from the 5-mile radius zone to the intersection of the runway 27L ILS localizer west course and the Miami VORTAC 161° radial.

In § 71.171 (33 F.R. 2058), the following control zone is added:

MIAMI, FLA. (OPA LOCKA AIRPORT)

Within a 5-mile radius of Opa Locka Airport (lat. 25°54'25" N., long. 80°16'40" W.); within 2 miles each side of the Miami VORTAC 108° radial, extending from the 5-mile radius zone to 5.5 miles east of the VORTAC; excluding the portion which coincides with the Miami (International Airport) control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on June 28, 1968.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 68–7975; Filed, July 3, 1968; 8:48 a.m.]

[Airspace Docket No. 67–WE–72]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Route

On January 3, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 25) stating that the Federal Aviation Administration was considering an amendment to Part 75 of the Federal Aviation Regulations that would realign J–4 from Blythe, Calif., via the INT of Blythe 096° and Gila Bend, Ariz., 299° True radials, to Gila Bend.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments.

The Air Transport Association of America offered no objection to the proposal. However, they indicated that a direct route is justified by the known volume of IFR traffic involved.

The Department of the Air Force originally objected to the proposed alignment of J–4, as they anticipated a conflict with Luke AFB training missions operating VFR and below area positive control in local flying areas Nos. 4 and 5. However, after consultations with the agency, the Department of the Air Force agreed that no undue burden would be imposed on the training missions as the pilots could monitor ARTC center radio frequencies and request radar advisory service when they believed such service to be appropriate.

No other comments were received.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 22, 1968, as hereinafter set forth.

Section 75.100 (33 F.R. 2349) is amended as follows:

In Jet Route No. 4 "Gila Bend, Ariz., 315° radials;" is deleted and "Gila Bend, Ariz., 299° radials;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 26, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68–7968; Filed, July 3, 1968; 8:48 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 68–172]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Listing of Cargo on Outward Foreign Manifests

Section 4.63, Customs Regulations, now requires that the cargo laden aboard a vessel be shown either on the outward foreign manifest (customs Form 1374) or on bills of lading attached thereto, provided the bills of lading are incorporated by reference and each contains the information required by the form of manifest. It has been decided that the Customs Regulations should be amended to authorize the use of other commercial forms as well as bills of lading.

Section 4.63(b) is accordingly amended to read as follows:

§ 4.63 Outward foreign manifest; shippers' export declarations.

* * * * *

(b) The list of cargo may be shown on bills of lading, cargo lists, or other similar commercial forms, provided the manifest is completely executed on customs Form 1374, except for particulars as to cargo; and provided also that the commercial forms are securely attached to the customs form in such manner as to constitute one document; that they are incorporated by suitable reference on the face of the form such as "Cargo as per attached commercial forms"; and that there is shown on the face of each such commercial form the information required by customs Form 1374 for the cargo covered by that form.

* * * * *

(Sec. 301, 80 Stat. 379, R.S. 4197, as amended, 4199; 5 U.S.C. 301, 46 U.S.C. 91, 93)

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: June 26, 1968.

JOSEPH M. BOWMAN,
Assistant Secretary of the Treasury.

[F.R. Doc. 68–7993; Filed, July 3, 1968; 8:50 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Ethyl 4,4'-Dichlorobenzilate

No comments were received in response to the notice published in the FEDERAL REGISTER of May 14, 1968 (33 F.R. 7120), proposing that the tolerance for residues of the insecticide ethyl 4,4'-dichlorobenzilate in or on almonds be reduced from 0.25 to 0.2 part per million for reasons specified in said notice. Also, no requests were received for referral of the proposal to an advisory committee pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act.

The Commissioner of Food and Drugs concludes that the amendments should be adopted as proposed. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)) and delegated to the Commissioner (21 CFR 2.120), § 120.109 is amended by deleting the item "0.25 part per million in or on almonds" and by changing the item "0.2 part per million in or on walnuts" to read as follows:

§ 120.109 Ethyl 4,4'-dichlorobenzilate; tolerances for residues.

* * * * *

0.2 part per million in or on almonds, walnuts.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections

are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: June 26, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-7979; Filed, July 3, 1968; 8:48 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER E—EDUCATION OF INDIANS

PART 32—ADMINISTRATION OF EDUCATIONAL LOANS, GRANTS AND OTHER ASSISTANCE FOR HIGHER EDUCATION

Appropriations for Loans or Grants

JUNE 26, 1968.

This notice is published in the exercise of rule-making authority (hereinafter referred to) delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2, 32 F.R. 13938.

Section 32.1, Part 32, Chapter I, Title 25 of the Code of Federal Regulations is revised to permit the extension of higher education aids to Indian students in schools of their own free choice. Since this revision removes a restriction, advance notice and public procedure thereon have been deemed unnecessary and are dispensed with under the exception provided in subsection (d)(1) of 5 U.S.C. 553 (Supp. II, 1965–66). Accordingly, the revised rule will become effective upon publication in the FEDERAL REGISTER.

As so revised, § 32.1 reads as follows:

§ 32.1 Appropriations for loans or grants.

Funds appropriated by Congress for the education of Indians may be used for making educational loans and grants to aid students of one-fourth or more degree of Indian blood attending accredited institutions of higher education or other accredited schools offering vocational and technical training who reside within the exterior boundaries of Indian reservations under the jurisdiction of the Bureau of Indian Affairs or on trust or restricted lands under the jurisdiction of the Bureau of Indian Affairs. Such educational loans and grants may be made also to students of one-fourth or more degree of Indian blood who reside near the reservation when a denial of such loans or grants would have a direct effect upon Bureau programs within the reservation. After students meeting these eligibility requirements are taken care of, Indian students who do not meet the residency requirements but are otherwise eligible may be considered.

T. W. TAYLOR,
Acting Commissioner.

[F.R. Doc. 68-7947; Filed, July 3, 1968; 8:46 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

[Dept. Circular No. 655, 4th Amdt.]

PART 211—DELIVERY OF CHECKS AND WARRANTS TO ADDRESSES OUTSIDE THE UNITED STATES, ITS TERRITORIES AND POSSESSIONS

Withholding of Delivery of Checks

On the basis of information available to the Secretary of the Treasury, including advice received from the Department of State, the Secretary has determined that postal, transportation and banking facilities in general, and local conditions in Estonia, Latvia, Lithuania, and the Union of Soviet Socialist Republics are such that there is a reasonable assurance that the payee of a check or warrant drawn against funds of the United States, or any agency or instrumentality thereof, will actually receive such a check or warrant and be able to negotiate it for full value. The Treasury Department therefore finds it necessary to amend its regulations at 31 CFR Part 211 (Treasury Department Circular No. 655, as amended) so as to delete those countries from the list of restricted areas in § 211.2(a) to which such a check or warrant may not be sent from the United States for delivery. The Department also finds, in accord with 5 U.S.C. 553, that notice and public procedure thereon are not necessary since the amendment involves a foreign affairs function of the United States.

Accordingly, § 211.2(a), Subchapter A, Chapter II of Title 31 of the Code of Federal Regulations is amended to read as follows:

§ 211.2 Withholding of delivery of checks.

(a) It is hereby determined that postal, transportation, or banking facilities in general or local conditions in Albania, Communist-controlled China, Cuba, North Korea, North Viet-Nam, the Russian Zone of Occupation of Germany, and the Russian Sector of Occupation of Berlin, Germany, are such that there is not a reasonable assurance that a payee in those areas will actually receive checks or warrants drawn against funds of the United States, or agencies or instrumentalities thereof, and be able to negotiate the same for full value.

* * * * *

(Sec. 5, 54 Stat. 1087; 31 U.S.C. 127)

Effective date. This amendment shall become effective upon signature.

Dated: June 28, 1968.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 68-7994; Filed, July 3, 1968; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4467]

[Idaho 1566]

IDAHO

Partial Revocation of National Forest Administrative Site Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 1358 of November 5, 1956, withdrawing national forest lands in the Payette National Forest for administrative and public service sites, is hereby revoked so far as it affects the following described lands:

BOISE MERIDIAN

CHAMBERLAIN BASIN ADMINISTRATIVE SITE

T. 24 N., R. 10 E., unsurveyed,
Those lands withdrawn for the site in secs. 23, 24, 25, and 26.

The areas described aggregate approximately 840 acres in Idaho County.

2. At 10 a.m. on August 2, 1968, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JUNE 27, 1968.

[F.R. Doc. 68-7948; Filed, July 3, 1968; 8:46 a.m.]

[Public Land Order 4468]

[Colorado 1489]

COLORADO

Powersite Restoration No. 673; Partial Revocation of Powersite Reserves No. 356 and No. 427

By virtue of the authority contained in section 24 of the act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission in DA-484-Colorado, it is ordered as follows:

1. The Executive orders of May 27, 1913, and March 21, 1914, creating Powersite Reserves No. 356 and No. 427 respectively, are hereby revoked so far as they affect the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 3 N., R. 71 W.,
Sec. 20, SW¼NW¼, NE¼SW¼.

The areas described aggregate approximately 80 acres in the Roosevelt National Forest, Boulder County.

In DA-484-Colorado, the Federal Power Commission vacated the withdrawal for Project 347 as to the lands.

2. At 10 a.m. on August 2, 1968, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JUNE 27, 1968.

[F.R. Doc. 68-7949; Filed, July 3, 1968; 8:46 a.m.]

[Public Land Order 4469]

[Arizona 71]

ARIZONA

Withdrawal From Mineral Entry

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, minerals in the following described lands, the surface of which has been patented to the State of Arizona, are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, for protection of valuable public park and recreation resources:

GILA AND SALT RIVER MERIDIAN

T. 6 N., R. 1 E.,
Sec. 4, lots 1 to 4, inclusive, SE¼NW¼, S½NE¼, and S½;
Sec. 5, lots 1, 3, and 4, S½NW¼, and SW¼SW¼;
Sec. 6, lots 1 and 2, and SE¼NE¼;
Sec. 7, E½SE¼ and SE¼NE¼;
Sec. 8, W½NW¼ and S½SW¼;
Sec. 9, N½, SE¼, and N½SW¼;
Sec. 15, SW¼;
Sec. 17, W½, S½SE¼, and SW¼NE¼;
Sec. 20, N½;
Sec. 21.
T. 7 N., R. 1 E.,
Sec. 22, S½;
Sec. 23, SW¼;
Sec. 27;
Sec. 31, lots 1 to 4, inclusive, E½W½, and E½;
Sec. 33.
T. 4 N., R. 6 E.,
Sec. 30, E½ and E½W½;
Sec. 31, lots 1 to 4, inclusive, E½W½, and E½.

The areas described aggregate 6,859.02 acres in Maricopa County.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JUNE 27, 1968.

[F.R. Doc. 68-7950; Filed, July 3, 1968; 8:46 a.m.]

[Public Land Order 4470]

[Fairbanks 022930]

ALASKA

Amendment of Public Land Orders No. 2323 and No. 2557

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The description of lands withdrawn in the Barrow Area under jurisdiction of the Public Health Service, Department of Health, Education, and Welfare, by Public Land Order No. 2323 of April 5, 1961, and by Public Land Order No. 2557 of December 11, 1961, is hereby amended to read as follows:

BARROW AREA

U.S. SURVEY 4615

Block 20, lots 1 and 2.

Containing approximately 11.143 acres.

2. The description of lands withdrawn in the Barrow Area under jurisdiction of the Department of the Army for National Guard use, by Public Land Order No. 2323 of April 5, 1961, as modified by Public Land Order No. 2557 of December 11, 1961, is amended to read as follows:

BARROW AREA

U.S. SURVEY 4615

Block 20, lot 3.

Containing approximately 0.894 acre.

3. The Executive order of May 4, 1907, so far as it withdrew not to exceed 40 acres at Barrow for educational purposes, was revoked in part by Public Land Order No. 1624 of April 29, 1958, and entirely by Public Land Order No. 3594 of April 1, 1965. The lands in the area being then utilized by the Bureau of Indian Affairs, and which were among the lands transferred to the jurisdiction of the Public Health Service, Department of Health, Education, and Welfare by the act of August 5, 1954 (68 Stat. 675), are now described in terms of the public land surveys as follows:

BARROW AREA

U.S. SURVEY 2244

Tract B.

Containing 3.63 acres, which are contiguous to those described in paragraph 1 of this order.

4. All the lands are within the withdrawal made by Exexcutive Order No. 3797-A of February 27, 1923, for oil and gas as Naval Petroleum Reserve No. 4, and to the jurisdiction granted to the Department of the Navy over Naval Petroleum Reserves by the Act of August 10, 1956 (70 Stat. 457-462; 10 U.S.C. 7421-7438).

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JUNE 27, 1968.

[F.R. Doc. 68-7951; Filed, July 3, 1968; 8:46 a.m.]

[Public Land Order 4471]

[Utah 2476]

UTAH

Withdrawal for Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for an administrative site for the Castle Valley Job Corps Center:

SALT LAKE MERIDIAN

T. 15 S., R. 10 E.,
Sec. 5, lots 5 to 43, inclusive.

The areas described aggregate 119.11 acres in Carbon County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws. However, leases, licenses, or permits will be issued only if the proposed use of the lands will not interfere with the proper operation of the Castle Valley Job Corps Center facilities on the lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JUNE 27, 1968.

[F.R. Doc. 68-7952; Filed, July 3, 1968; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Crab Orchard National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations: upland game; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of black, gray, and fox squirrels on the Crab Orchard National Wildlife Refuge, Ill., is permitted, from sunrise August 1, 1968, to sunset October 15, 1968, only on the area designated by

signs as open to hunting. This open area, comprising 9,380 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations concerning the hunting of squirrels.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50 Code of the Federal Regulations, Part 32, and are effective through October 15, 1968.

L. A. MEHRHOFF, Jr.,
Project Manager, Crab Orchard National Wildlife Refuge, R.R. No. 2, Carterville, Ill.

JUNE 28, 1968.

[F.R. Doc. 68-7946; Filed, July 3, 1968; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

NEW DRUGS

Drugs for Human Use That Do Not Now Require Approved New-Drug Application and Listing of Metyrapone and Metyrapone Ditartrate as Such Drugs; Extension of Time for Filing Comments

The notice published in the FEDERAL REGISTER of May 28, 1968 (33 F.R. 7762), proposing that two new sections be added to the new-drug regulations (21 CFR 130.301, 130.302) regarding (1) drugs for human use that do not now require an approved new-drug application and (2) the listing of metyrapone and metyrapone ditartrate as such drugs, provided for the filing of comments within 30 days of said publication date.

The Commissioner of Food and Drugs has received a request for an extension of such time, and good reason therefor appearing, the time for filing comments concerning the subject proposal is extended to July 27, 1968.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(p), 502 (a), (f), 505, 701(a), 52 Stat. 1041, 1050–53, 1055, as amended 76 Stat. 781–84; 21 U.S.C. 321(p), 352 (a), (f), 355, 371(a)) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 25, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-7980; Filed, July 3, 1968; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 52]

PROCESSED RAISINS

Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering amendments to the U.S. Standards for Grades of Processed Raisins (7 CFR 52.1841–52.1852) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (sec. 203, 60 Stat. 1087, as amended; 7 U.S.C. 1622).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same in duplicate, not later than 30 days after publication hereof in the FEDERAL REGISTER, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Statement of consideration leading to the proposed amendments. The U.S. Standards for Grades of Processed Raisins have been amended only in minor respects since 1956. Improving the U.S. Grade Standards would encourage the production and marketing of better quality raisins to the end that consumer demands may be met, raisin markets maintained, and new and wider markets developed and expanded. The raisin industry's interest in improving raisin quality has prompted the Raisin Administrative Committee (RAC) to unanimously request more restrictive allowances for undeveloped berries and maturity limits in each grade classification of the Thompson Seedless type. The RAC is the administrative agency of the Federal Marketing Agreement and Order for California Raisins. Its membership includes persons representing raisin producers, dehydrators, and handlers.

In response to that request, the Department proposes to amend the U.S. Standards for Grades of Processed Raisins to include the requested maturity limits, and to permit no more than the following "undeveloped" raisins in the respective grades of Thompson Seedless raisins:

(1) For "Small" (or Midget) sizes—

Grade A—1 percent (1 percent in the present standards).

Grade B—2 percent (2 percent in the present standards).

Grade C—2 percent (3 percent in the present standards).

(2) For sizes other than "Small" (or Midget)—

Grade A—1 percent (1 percent in the present standards).

Grade B—1 percent (2 percent in the present standards).

Grade C—1 percent (2 percent in the present standards).

No changes are proposed in other types, such as Muscat or Sultana Raisins.

The proposed amendments are:

A. Section 52.1845 is amended in the following respects: The text of paragraph (a) preceding subparagraph (1), subparagraph (3) of paragraph (a), the text of paragraph (b) preceding subparagraph (1), subparagraph (3) of paragraph (b), the text of paragraph (c) preceding subparagraph (1), and subparagraph (3) of paragraph (c) are revised to read as follows:

§ 52.1845 Grades of Thompson Seedless Raisins.

(a) "U.S. Grade A" or "U.S. Fancy" is the quality of Thompson Seedless Raisins that possess similar varietal characteristics; that in Unbleached and Soda Dipped raisins possess a good typical color; that possess a good characteristic flavor; that show development characteristics of raisins prepared from well-matured grapes with not less than 80 percent, by weight, of raisins that are well-matured or reasonably well-matured raisins and not more than 1 percent, by weight, of raisins may have substandard development (including undeveloped raisins); that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table I of this subpart:

* * * * * *

(3) Not more than 1 percent, by weight, of raisins of all sizes may be undeveloped;

* * * * * *

(b) "U.S. Grade B" or "U.S. Choice" is the quality of Thompson Seedless Raisins that possess similar varietal characteristics; that in Unbleached and Soda Dipped raisins possess a reasonably good typical color; that possess a good characteristic flavor; that show development characteristics of raisins prepared from reasonably well-matured grapes with not less than 70 percent, by weight, of raisins that are well-matured or reasonably well-matured raisins and not more than 2 percent, by weight, of raisins may have substandard development (including undeveloped raisins); that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table I of this subpart:

* * * * * *

(3) Not more than 2 percent, by weight, of "small (or midget) size" raisins may be undeveloped; and not more than 1 percent, by weight, of raisins other than "small (or midget) size" may be undeveloped;

* * * * * *

(c) "U.S. Grade C" or "U.S. Standard" is the quality of Thompson Seedless Raisins that possess similar varietal characteristics; that in Unbleached and Soda Dipped raisins possess a fairly good typical color; that possess a fairly good flavor; that show development characteristics of raisins prepared from fairly well-matured grapes with not less than 55 percent, by weight, of raisins that are well-matured or reasonably well-matured raisins and not more than 3 percent, by weight, of raisins may have substandard

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

development (including undeveloped raisins); that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table I of this subpart:

• • • • •

(3) Not more than 2 percent, by weight, of "small (or midget) size" raisins may be undeveloped; and not more than 1 percent, by weight, of raisins other than "small (or midget) size" may be undeveloped;

• • • • •

B. A new § 52.1845a is added reading as follows:

§ 52.1845a Definitions of maturity in Thompson Seedless Raisins.

(a) "Well-matured raisins or reasonably well-matured raisins" means raisins that are full-fleshed and rounded in appearance.

(b) "Fairly well-matured" raisins means raisins that are thin fleshed and angular in appearance.

(c) "Substandard development" means raisins that are practically lacking in flesh.

C. Table I is revised to read as follows:

TABLE I—ALLOWANCES FOR DEFECTS IN TYPE I, THOMPSON SEEDLESS RAISINS

Defects	U.S. Grade A or U.S. Fancy	U.S. Grade B or U.S. Choice	U.S. Grade C or U.S. Standard
	Maximum count (per 96 ounces)		
Pieces of stem	1	2	4
	Maximum count (per 16 ounces)		
Capstems	15	25	35
	Maximum (by weight) (percent)		
Undeveloped	All sizes—1	Small size—2 Other sizes—1	Small size—2. Other sizes—1.
Damaged	2	3	5
Sugared	5	10	15
	Maximum (by count) (percent)		
Moldy raisins	2	3	4
Damaged by fermentation	Appearance or edibility of product		
	May not be affected	May not be more than slightly affected.	May not be materially affected.
Grit, sand, or silt	None of any consequence may be present that affects the appearance or edibility of the product.		Not more than a trace may be present that affects the appearance or edibility of the product.

(Sec. 203, 60 Stat. 1087, as amended; 7 U.S.C. 1622)

Dated: July 1, 1968.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 68-7995; Filed, July 3, 1968; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 68-CE-10-AD]

AIRWORTHINESS DIRECTIVES

Beech Model 18 Series Airplanes; Advance Notice

The Federal Aviation Administration is considering rule making action with respect to Beech Model 18 series airplanes. This action would involve amending Part 39 of the Federal Aviation Regulations by issuing an airworthiness directive requiring either inspection or reinforcement of the entire steel lower spar cap on these model airplanes.

This advance notice of proposed rule making is being issued in accordance with the FAA's policy for the early institution of public rule making proceedings. An "advance" notice is issued when it is found that the resources of the FAA and reasonable inquiry outside of the FAA do not yield a sufficient basis to identify and select a tentative course or alternate courses of action, or where it would be helpful to invite public participation in the identification and selection of a course or alternative courses of action with respect to a particular rule making problem. The subject matter of this notice involves a situation contemplated by that policy.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, 1548 Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before October 1, 1968, will be considered by the Administrator before taking action upon the proposed rule. All comments will be available, both before and after the closing date for comments, in the Regional Office for examination by interested persons. If it is determined to be in the public interest to proceed further, after consideration of the available data and comments received in response to this notice, a notice of proposed rule making will be issued.

Presently, AD-67-8-2 and AD-67-16-1 require recurring inspection of selected areas in the steel lower spar cap because of the steel lower spar cap. Following a failures in these areas. The fatigue history on the Beech 18 series airplane dates back to 1947 when a crash occurred at Wellsburg, W. Va. As a result of this crash, an airworthiness directive was issued requiring an inspection in an area just outboard of the wing hinge fittings of the steel lower spar cap. Following a June 1964 accident, which was caused by a fatigue failure of the left lower spar cap at the tip of the outboard slide tube cluster gusset on a Beech G18S Model aircraft, the agency issued AD's 64-21-1, 64-21-2, and 64-21-3 requiring an X-ray or magnetic particle inspection of the lower spar cap areas on each side of the slide tube cluster and at the side of the fuselage. Following the crash of a Beech C45H Model airplane (military version of the Beech Model D18S aircraft) at Wilmington, Del., in February 1967, which resulted from a fatigue failure of the steel lower spar cap just outboard of the wing hinge fittings, AD 67-8-2 was issued requiring recurring inspections of the failed area. As a result of a crash in April 1967, of a Beech E18S Model aircraft at Ackworth, Ga., AD-67-16-1 was issued requiring recurring multiple type inspections (X-ray, magnetic particle, and visual inspections) of the steel lower spar cap at the inboard tips of the wing hinge fittings, on each side of the centerline of the nacelle, and at the side of the fuselage. This airworthiness directive superseded portions of ADs 64-21-1, 64-21-2, and 64-21-3. Some Beech Model 18 series aircraft have had the steel lower spar cap wall thickness increased to 0.120 inches and are excluded from the requirements of ADs 67-8-2 and 67-16-1.

Less than one-quarter of the steel lower spar cap is being inspected pursuant to the provisions of the outstanding ADs. Two fatigue cracks have been detected in areas not covered by these inspections. These cracks developed as a result of inservice damage to the truss. A third crack was also detected in 1967 in an area of the truss not being inspected. The 1g calculated stress levels in all areas of the lower spar cap are generally in the 20,000 to 25,000 p.s.i. range. Also, heat treated 4130 steel is highly notch sensitive. Any in-service damage or manufacturing defect can precipitate a fatigue crack. The crack, if undetected, will progress to failure. In view of the fatigue susceptibility of this structure, the FAA believes that some amendment of Part 39 of the Federal Aviation Regulations may be desirable to assure that the entire area of the steel lower spar cap is either inspected or reinforced to prevent failures, except for those areas where the lower spar cap wall thickness has been increased to 0.120 inch.

In this advance notice the FAA is interested in opinions as to the desirability of regulatory action by the issuance of an airworthiness directive to require either inspection or reinforcement of the lower steel spar cap. The agency is especially interested in opinions or comments on the following:

A. 1. Should the FAA issue an airworthiness directive requiring an inspection of the entire steel lower spar cap from wing station 0 to wing station 180 at 500-hour intervals on all Beech Model 18 Series Aircraft with 1,500 hours or more total time in service?

2. As an alternative, should longer intervals apply to the recurrent inspections specified in A1 above?

3. Should there be one inspection of the entire steel lower spar cap from wing station 0 to wing station 180 to determine whether inservice damage exists with no current inspections involved, unless damage is found?

B. 1. Should the steel lower spar cap be reinforced from wing station 0 to wing station 94.1 by any of the presently approved reinforcement kits that are available? The kits presently approved are STC SA1192-WE, STC SA832-SW, and STC SA1533-WE.

2. Alternatively, should the entire steel lower spar cap be reinforced from wing station 0 to wing station 180?

The FAA realizes that in some instances comments on this notice could conceivably take the form of "yes" or "no" answers. However, since the purpose of an advance notice is to obtain public participation in the identification and selection of a course or courses of action, it is obvious that comments in that form would be of little value to the FAA in determining proper future courses of action. Therefore, the FAA asks that comments contain supporting statements and data, where available, to justify all recommendations and conclusions. Factors that may have a bearing on the above possible courses of action could include whether inspections have been or are being conducted on areas of the spar where inspections are not now required, the frequency of such inspection, the means of inspection, and the results of the inspections.

This advance notice of proposed rule making is issued under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421).

Issued in Kansas City, Mo., on June 25, 1968.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 68-7970; Filed, July 3, 1968; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-CE-60]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Vincennes, Ind.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Two new public use instrument approach procedures have been developed for the Lawrenceville-Vincennes Municipal Airport, Vincennes, Ind., utilizing a Bi-State Airport Authority VOR as a navigational aid. Consequently, it is necessary to provide controlled airspace for the protection of aircraft executing these new approach procedures by altering the transition area at Vincennes, Ind. The new procedures will become effective concurrently with the alteration of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

VINCENNES, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of O'Neal Airport (latitude 38°41'30" N., longitude 87°33'10" W.); within a 7-mile radius of Lawrenceville-Vincennes Municipal Airport (latitude 38°45'35" N., longitude 87°36'30" W.); within 2 miles each side of the 258° bearing from O'Neal Airport, extending from the 5- and 7-mile radii areas to 8 miles west of O'Neal Airport; and within 2 miles each side of the 356° bearing from Lawrenceville-Vincennes Municipal Airport, extending from the 7-mile radius area to 8 miles north of the Lawrenceville-Vincennes Municipal Airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on June 20, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 68-7971; Filed, July 3, 1968; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18109]

AUTOMATIC AND SELF-MONITORED FM BROADCAST TRANSMITTERS

Installation and Use; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Part 73 of the Commission's rules to provide for the installation and use of automatic and self-monitored FM broadcast transmitters, Docket No. 18109, RM-1122.

1. On March 27, 1968, the Commission adopted a notice of inquiry in this proceeding (FCC 68-331) concerning the feasibility of automatic and self-monitored FM broadcast transmitters. The dates for comments and reply comments are respectively June 27, and July 28, 1968.

2. On June 26, 1968, the Electronic Industries Association (EIA) requested a 90-day extension of time to file comments because the matters raised are complex, the desire to file comprehensive comments, and the need to obtain the consensus of all members of EIA.

3. It would appear that there is good cause for granting the requested extension. *Accordingly it is ordered*, That the times for filing comments and reply comments are extended to and including September 23, and October 28, 1968, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(i), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: June 27, 1968.

Released: June 28, 1968.

[SEAL] JAMES O. JUNTILLA,
Acting Chief, Broadcast Bureau.

[F.R. Doc. 68-7987; Filed, July 3, 1968; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ADMINISTRATIVE OFFICER, TILLAMOOK JOB CORPS, CIVILIAN CONSERVATION CENTER, OREG.

Delegation of Authority Regarding Contracts and Leases

JUNE 28, 1968.

State Director, Tillamook Job Corps Civilian Conservation Center; Supplement to Bureau of Land Management Manual 1510.

A. Pursuant to delegation of authority contained in Bureau Manual 1510–03B2c, the Administrative Officer is authorized:

1. To enter into contracts with established sources for supplies and services, excluding capitalized equipment, regardless of amount, and

2. To enter into contracts on the open market for supplies and materials, excluding capitalized equipment, not to exceed $2,500 per transaction ($2,000 for construction), provided that the requirement is not available from established sources.

RICHARD W. SCHLACHTER,
State Director.

[F.R. Doc. 68–7953; Filed, July 3, 1968; 8:46 a.m.]

[Anchorage Serial No. 064236]

ALASKA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

JUNE 28, 1968.

Notice of an application, Anchorage Serial No. 064236, for withdrawal and reservation of lands was published as F.R. Doc. 66–1187 on page 1284 of the issue for February 2, 1966. The Alaska Railroad, Department of Transportation, has canceled its application in its entirety, involving the lands described herein. Therefore, pursuant to the regulations contained in 43 CFR Part 2300, such lands will be, at 10 a.m. on July 17, 1968, relieved of the segregative effect of the application.

The lands involved in this notice of termination are:

SEWARD MERIDIAN, ALASKA

T. 12 N., R. 4 W., S.M.,
Sec. 8, NE¼SE¼, lying above mean high tide. (This area is now sec. 8, lot 6.)

The area described aggregates 37.09 acres and is located near the International Airport, Anchorage, Alaska.

T. G. BINGHAM,
Acting State Director.

[F.R. Doc. 68–7983; Filed, July 3, 1968; 8:49 a.m.]

[M 7991]

MONTANA

Notice of Classification of Lands for Multiple-Use Management

JUNE 27, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and the regulations in 43 CFR Parts 2410 and 2411, the public lands within the areas described below, together with any lands therein which may become public lands in the future, are hereby classified for multiple-use management. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Publication of this notice has the effect of segregating the lands described in paragraphs 4 and 5 from (a) appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334); from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171); and (b) of further segregating the lands described in paragraph 5 of this notice from operation of the general mining laws (30 U.S.C. 21). Except as provided in (a) and (b) above, the lands shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws.

3. Comments were received following publication of the notice of proposed classification published in the FEDERAL REGISTER (33 F.R. 5107, 5108) dated March 28, 1968, and at the public hearing of May 8, 1968. All comments and letters were carefully considered and no changes were deemed necessary because of the testimony offered. The record showing the comments received and other information is on file and can be examined in the Billings District Office, Billings, Mont., and the Land Office, Bureau of Land Management, Federal Building, Billings, Mont.

4. The public lands are located within Carbon County and are shown on maps on file in the Billings District Office, Billings, Mont., and on maps and plats in the Land Office, Bureau of Land Management, 316 North 26th Street, Billings, Mont.

The overall description of the area is as follows:

PRINCIPAL MERIDAN, MONTANA

CARBON COUNTY

T. 2 S., R. 22 E.,
Sec. 34, lot 5;
Sec. 35, lots 6 to 9, inclusive;
Sec. 36, lots 5 and 6.

T. 2 S., R. 23 E.,
Sec. 34, lot 3;
Sec. 35, lots 5 and 6;
Sec. 36, lots 5 to 8, inclusive, SE¼SW¼, NE¼SE¼, S½SE¼.

T. 2 S., R. 24 E.,
Sec. 20, lot 4;
Sec. 29, lots 3 to 6, inclusive, E½NE¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 30, lot 7;
Sec. 31, lots 2 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 32, lots 1 to 3, inclusive, N½, SW¼, NW¼SE¼.

T. 3 S., R. 21 E.,
Sec. 10, lots 6 to 9, inclusive;
Sec. 11, lots 5 to 8, inclusive;
Sec. 12, lots 7, 12, and 13;
Sec. 13 to 15, inclusive.

T. 3 S., R. 22 E.,
Sec. 1 and 2;
Sec. 3, lots 2 to 5, inclusive, S½NE¼, SE¼NW¼, S½;
Sec. 4, lots 7 to 11, inclusive, SE¼;
Sec. 5, lot 8;
Sec. 7, lots 7 to 10 inclusive;
Sec. 8, lots 3 to 5, inclusive, NE¼NE¼, S½NE¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 9 to 12, inclusive;
Sec. 18.

T. 3 S., R. 23 E.,
Sec. 1 and 2;
Sec. 3, lots 1 to 3, inclusive, lots 5 to 8, inclusive, lots 10 to 13, inclusive; SE¼SW¼; NE¼SE¼; S½SE¼;
Sec. 4, lots 5 to 9, inclusive;
Sec. 5, lots 5 to 8, inclusive, SW¼SW¼;
Sec. 6, lots 5 to 8, inclusive, S½S½;
Sec. 7 to 13, inclusive;
Secs. 24 and 25;
Sec. 36.

T. 3 S., R. 24 E.,
Sec. 5, lots 3 to 6, inclusive, lots 9 to 11, inclusive, SW¼NW¼, NW¼SW¼;
Sec. 6 and 7;
Sec. 8, lots 2 and 3;
Sec. 18 and 19;
Sec. 28 to 33, inclusive.

T. 4 S., R. 23 E.,
Sec. 1 and 2;
Sec. 11 to 14, inclusive;
Sec. 23 to 27, inclusive;
Sec. 34 to 36, inclusive.

T. 4 S., R. 24 E.

T. 4 S., R. 25 E.,
Sec. 28, lot 4;
Sec. 29, lots 4 to 6, inclusive, NE¼NE¼, W½NE¼, NW¼, N½SW¼, SW¼SW¼;
Sec. 30;
Sec. 31, lots 3 to 21, inclusive, NE¼;
Sec. 32, lots 4 and 5.

T. 5 S., R. 22 E.,
Sec. 13;
Secs. 24 and 25;
Sec. 36.

T. 5 S., R. 23 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 36, inclusive.

T. 5 S., R. 24 E.

T. 5 S., R. 25 E.,
Sec. 6, lots 6 to 17, inclusive;
Sec. 7, lots 5 to 16, inclusive;
Sec. 18, lots 5 to 12, inclusive;
Sec. 19, lots 5 to 12, inclusive;
Sec. 30, lots 11 to 14, inclusive;
Sec. 31, lots 14 and 15.

T. 6 S., R. 22 E.,
Secs. 19 to 36, inclusive.

T. 6 S., Rs. 23 and 24 E.

T. 6 S., R. 25 E.,
Sec. 6, lots 1 to 16, inclusive;
Sec. 7, lots 1 to 16, inclusive;
Sec. 18, lots 1 to 16, inclusive;
Sec. 19, lots 1 to 16, inclusive;
Sec. 30, lots 1 to 16, inclusive;
Sec. 31, lots 1 to 16, inclusive.

T. 7 S., Rs. 21 to 24 E., inclusive.

T. 7 S., R. 25 E.,
Secs. 6 and 7;
Secs. 18 and 19;
Sec. 20, lots 1 to 4, inclusive, S½N½, S½;
Sec. 21, lots 1 to 4, inclusive, S½N½, S½;
Sec. 22, lots 1 to 4, inclusive, S½N½, S½;
Sec. 23, lots 1 to 4, inclusive, S½N½, S½;
Sec. 24, lots 1 to 4, inclusive, S½N½, S½;
Secs. 27 to 34, inclusive.

T. 7 S., R. 28 E.,
Sec. 13, lots 5 to 8, inclusive;
Sec. 14, lots 5 to 8, inclusive;
Sec. 15, lots 5 to 8, inclusive;
Sec. 16, lots 5 to 8, inclusive;
Sec. 17, lots 5 to 8, inclusive;
Sec. 18, lots 7 to 10, inclusive;
Secs. 19 to 30, inclusive.
Secs. 32 to 36, inclusive.

T. 7 S., R. 29 E.,
Sec. 17, lots 1 to 4, inclusive;
Sec. 18, lots 1 to 4, inclusive;
Sec. 19 and 20;
Sec. 29 to 31, inclusive;
Sec. 32, N½.

T. 8 S., R. 20 E.,
Sec. 1 to 4, inclusive;
Sec. 9 to 15, inclusive;
Sec. 22, N½;
Sec. 23 to 26, inclusive;
Sec. 35 and 36.

T. 8 S., Rs. 21 to 24 E., inclusive.

T. 8 S., R. 25 E.,
Sec. 3 to 10, inclusive;
Sec. 14 to 36, inclusive.

T. 8 S., R. 26 E.,
Sec. 31 and 32.

T. 8 S., R. 28 E.,
Sec. 1 to 5, inclusive;
Sec. 6, lot 1, SE¼NE¼, E½SE¼;
Sec. 7, E½E½;
Sec. 8 to 12, inclusive;
Sec. 16 and 17;
Sec. 18, E½E½;
Sec. 19, E½E½;
Sec. 20;
Sec. 29;
Sec. 30, E½E½;
Sec. 31, E½E½;
Sec. 32.

T. 8 S., R. 29 E.,
Sec. 5, W½;
Sec. 6 and 7.

T. 9 S., R. 20 E.,
Sec. 1 and 2;
Sec. 11 to 14, inclusive;
Sec. 23 to 26, inclusive;
Sec. 35, lots 1 to 4, inclusive;
Sec. 36, lots 1 to 4, inclusive.

T. 9 S., R. 21 to 27 E., inclusive.

T. 9 S., R. 28 E.,
Sec. 4, W½;
Sec. 5 to 8, inclusive;
Sec. 9, W½, W½E½;
Sec. 15, SW¼SW¼;
Sec. 16 to 21, inclusive;
Sec. 22, W½NW¼, SW¼;
Sec. 27, W½;
Sec. 28 to 33, inclusive;
Sec. 34, lots 1 and 2, lots 7 and 8, NW¼, N½SW¼.

T. 10 S., Rs. 22 and 27 E.

The public lands in the area described aggregate approximately 205,719.95 acres.

5. As provided in paragraph 2 above, the following lands are further segregated from appropriation under the mining laws:

PRINCIPAL MERIDIAN, MONTANA

CARBON COUNTY

T. 6 S., R. 24 E.,
Sec. 29, E½SW¼, SE¼.

T. 6 S., R. 28 E.,
Sec. 4, SW¼NW¼, W½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 5, lots 3 and 4, S½N½, S½;
Sec. 6, lot 1, SE¼NE¼, E½SE¼;
Sec. 7, E½E½;
Sec. 8 and 9;
Sec. 10, NW¼NW¼, S½NW¼, SW¼;
Sec. 16 and 17;
Sec. 18, E½E¼;
Sec. 19, E½E¼;
Sec. 20;
Sec. 29;
Sec. 30, E½E¼;
Sec. 31, E½E¼;
Sec. 32.

T. 9 S., R. 26 E.,
Sec. 26, S½;
Sec. 35, lots 1 to 3, inclusive, lots 6 to 11, inclusive, NE¼, E½NW¼.

T. 9 S., R. 27 E.,
Sec. 2 and 3;
Sec. 10 and 11;
Sec. 14 and 15.

T. 9 S., R. 28 E.,
Sec. 4, W½;
Sec. 5;
Sec. 6, E½E½;
Sec. 8, E½;
Sec. 9, W½E½, W½;
Sec. 16;
Sec. 17, E½E½;
Sec. 20, NE¼NE¼;
Sec. 21, E½, N½NW¼;
Sec. 22, W½NW¼, SW¼;
Sec. 27, W½;
Sec. 28, E½;
Sec. 33, lots 3 to 6, inclusive, NE¼, N½SE¼;
Sec. 34, lots 1 and 2, lots 7 and 8, NW¼, N½SW¼.

The public lands in the area described aggregate approximately 14,271.81 acres.

6. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2211.1–2(d)).

HAROLD TYSK,
State Director.

[F.R. Doc. 68–7954; Filed, July 3, 1968; 8:46 a.m.]

MONTANA

Notice of Change of District Office Address

The Missoula District Office, Bureau of Land Management, 316 Savings Center, Missoula, Mont. 59801, will move to the Equitable Building, 1819 Holborn Avenue. The District Office will be open for business on July 1, 1968, in its new headquarters. The mailing address remains the same—Post Office Box 1227.

DON C. MELLGREN,
District Manager.

Approved:

HAROLD TYSK,
State Director.

[F.R. Doc. 68–7990; Filed, July 3, 1968; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Withdrawal of Petition for Food Additives Chlortetracycline, Sodium Sulfate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540, has withdrawn its petition, notice of which was published in the FEDERAL REGISTER of April 21, 1966 (31 F.R. 6142), proposing an amendment to § 121.208 *Chlortetracycline* to provide for the safe use of chlortetracycline at 400 grams per ton in turkey feed containing 1.0 percent of dietary calcium and 1.0–1.5 percent of sodium sulfate for purposes specified in said notice.

Dated: June 26, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–7981; Filed, July 3, 1968; 8:49 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT SECRETARY FOR MODEL CITIES AND GOVERNMENTAL RELATIONS

Designation

The officials appointed to, or designated to serve as Acting during a vacancy in, the following listed positions are hereby designated to serve as Acting Assistant Secretary for Model Cities and Governmental Relations during the absence of the Assistant Secretary for Model Cities and Governmental Relations, with all the powers, functions, and duties delegated or assigned to the Assistant Secretary for Model Cities and Governmental Relations: *Provided*, That no official is authorized to serve as Acting Assistant Secretary for Model Cities and Governmental Relations unless all other officials whose appointed, or designated Acting, position titles precede his in this designation are unable to act by reason of absence:

1. Deputy Assistant Secretary for Model Cities and Governmental Relations.

2. Director, Model Cities Administration.

3. Deputy Director, Model Cities Administration.

This designation supersedes the designation effective September 26, 1967 (32 F.R. 13467).

(Sec. C of Secretary's delegation effective July 1, 1966 (31 F.R. 9752, July 19, 1966), as amended (32 F.R. 13466, Sept. 26, 1967))

Effective date. This designation shall be effective as of July 4, 1968.

H. RALPH TAYLOR,
Assistant Secretary for Model Cities and Governmental Relations.

[F.R. Doc. 68-7982; Filed, July 3, 1968; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

STATE OF IDAHO

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Idaho for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A résumé, prepared by the State of Idaho and summarizing the State's proposed program for control over sources of radiation, is set forth below as an appendix to this notice. A copy of the program, including proposed Idaho regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 30 days after initial publication of this notice in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; September 22, 1965, 30 F.R. 12069; and March 19, 1966, 31 F.R. 4668. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Germantown, Md., this 11th day of June 1968.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

PROPOSED AGREEMENT BETWEEN THE U.S. ATOMIC ENERGY COMMISSION AND THE STATE OF IDAHO FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of Idaho is authorized under sections 39-3001 through 39-3019, Idaho Code (as passed by the Legislature in 1967) to enter into this agreement with the Commission; and

Whereas, the Governor of the State of Idaho certified on May 28, 1968, that the State of Idaho (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on _____ that the program of the State for the regulation of the materials covered by this agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this agreement; and

Whereas, this agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ART. II. This agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ART. IV. This agreement shall not affect the authority of the Commission under subsection 161 b or i of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ART. V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection, and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ART. VIII. This Agreement shall become effective on October 1, 1968, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

Done at _____, in triplicate, this _____ day of _____.

FOR THE ATOMIC ENERGY COMMISSION

FOR THE STATE OF IDAHO

FOREWORD

The Governor, on behalf of the State of Idaho, is authorized to enter into agreements with the Federal Government providing for discontinuance of certain of the Federal Government's responsibilities with respect to sources of ionizing radiation. This authority is granted in section 39-3009 of the Idaho Code as amended in 1967.

The Atomic Energy Commission (AEC) is authorized to enter into an agreement with the governor of a State whereby the Commission may transfer to the State certain licensing and regulatory control of byproduct material, source material, and special nuclear material in quantities not sufficient to form a critical mass. This authority is found in section 274b of the Atomic Energy Act of 1954 as amended.

This document briefly describes some of the past activities and accomplishments of the Radiological Health Program within the Idaho Department of Health in the control and regulation of ionizing radiation for the protection of the State's citizens. Proposed programs, staffing, equipment, and facilities are presented for the assumption of additional responsibilities with respect to sources of ionizing radiation, as well as supporting information on authority, regulation, and organization.

HISTORY

Introduction. The Idaho Department of Health's involvement in radiation control activities began in 1954. In that year the Department established recommended standards pertaining to fluoroscopic shoe-fitting devices and, through a voluntary educational inspection program, the use of these machines was discontinued in Idaho.

In 1958 the State Board of Health adopted general regulations covering the control, regulation, and registration of radioactive materials and radiation machines. The use of ionizing radiation in the healing arts was specifically exempted in these regulations, thereby essentially limiting the regulations to industrial and other nonmedical uses of ionizing radiation. In 1959 a voluntary survey of dental X-ray machines was initiated. Approximately two-thirds of these machines in Idaho were surveyed during 1959 and 1960.

In 1961 the 36th Session of the Idaho Legislature enacted the Radiation Control Act. This enabling legislation delegated to the Department of Health and the Department of Labor the responsibility of adopting regulations and standards for radiation protection, and required the registration of all sources of radiation located within the State. In addition, the legislation authorized the Governor to enter into negotiations with the U.S. Atomic Energy Commission for the assumption of the control and regulation by the State of certain radioactive materials presently under Federal jurisdiction. While regulations and standards for radiation control were being considered and drafted, the X-ray surveillance program was conducted on a voluntary basis. Also, the Department of Health began acquiring laboratory equipment for conducting certain radiological analyses.

In 1963 an Environmental Radiological Surveillance Network was established throughout various areas of the State and consisted of stations for the collection of air, water, milk, and precipitation samples.

After 3½ years and two public hearings, regulations were prepared by the Idaho Department of Health with assistance from the Governor's Committee on Atomic Energy and Radiation Hazards, and presented to and adopted by the Idaho State Board of Health in September 1964. These regulations covered the use of sources of radiation and required the registration of radiation machines and of the users of radioactive materials in the State of Idaho. With the adoption of the 1964 regulations, a program was begun for surveying the remainder of the X-ray machines in the State and for the registration of all sources of radiation.

In 1967 the 39th session of the Idaho Legislature enacted legislation which established the Idaho Nuclear Energy Commission and designated the Idaho State Board of Health as the State Radiation Control Agency. This new legislation, which superseded the 1961 Radiation Control Act, also authorized the governor to enter into an agreement with the Federal Government for the transfer of the control and regulation of certain radioactive materials. The Idaho Nuclear Energy Commission was to be the focal point in the State government for coordination of the promotion and development of nuclear energy for peaceful and productive purposes in Idaho. The Idaho State Board of Health is responsible for the protection of the occupational and public health and safety with regard to ionizing radiation.

X-ray program. The voluntary dental X-ray survey of 1959–60 covered approximately two-thirds of the dentists in Idaho. Of the 283 dentists contacted, 195 voluntarily requested surveys of their equipment. The survey of the dental installations consisted of (1) a visual check of the overall condition of the equipment; (2) a determination as to the adequacy of the beam filtration and collimation; (3) discussion of X-ray radiographic techniques; and (4) assessment of levels of radiation in various areas within the dental office.

In 1962, while anticipating the adoption of radiation control regulations, a follow-up survey was initiated for all dental X-ray units, including those that were previously surveyed. The reason initial efforts dealt with dental X-ray equipment was because of the dental profession's interest in radiation protection which had been fostered by the cooperative efforts of the Idaho Dental Society and the Dental Health Section of the Idaho Department of Health. It was also felt that follow-up inspections would give valuable information as to compliance with recommendations for radiation protection, and also aid in formulating the required frequency of visits in order to maintain a continuing upgrading of radiation protecton techniques. Also during this survey, preregistration information was obtained about each X-ray unit inspected.

With the adoption of the 1964 regulations, physical surveys of other than dental X-ray installations were started on a routine basis. Fifty-two hospitals, with a total of 165 X-ray units, have been surveyed and written reports submitted to the persons in charge of the hospitals. Also, approximately 70 medical radiographic units have been surveyed in the offices of physicians and veterinarians. Inspections of these facilities have been conducted in a similar manner, as were those for the dental X-ray units. However, because of the larger energy output of the medical X-ray machines, a more detailed inspection was made of the shielding characteristics of the facilities. Six industrial X-ray installations have been surveyed with the protection of the operators of primary concern in most of these surveys.

Radioactive materials. While inspecting X-ray equipment in hospitals and medical offices, inquiries were also made as to whether or not radioactive materials were used. If radioactive materials were present, information was obtained as to the types of isotopes used and the maximum amount of each isotope that would be on hand at any one time. This information was used for radioactive material registration which became effective in 1964. The storage and use of the radioactive materials were reviewed with the person(s) in responsible charge. Using survey instruments, the working areas were monitored to determine levels of radioactivity. In some instances wipe tests were made in laboratory working areas and the swaba analyzed in our radiological health laboratory. This nonroutine inspection of radioactive materials was not confined to radium. All isotopes used, whether or not they were licensed by the Atomic Energy Commission, were included in the registration and inspection program. Two special radium surveys are currently being made.

A survey of bank safety-deposit boxes for unshielded radioisotopes, particularly radium, was started in 1965 and is continuing. There is the possibility, as was found in other parts of the country, that radium left in estates after the death of some members of the medical profession would turn up in safety-deposit boxes, presenting a hazard to those people working nearby. In the 60 banks and savings and loan companies surveyed thus far, no sources have been found.

Surveys have also been conducted of some of the liquid waste effluents from the phosphate industries in Southeastern Idaho. Initial results indicated that these effluents contained considerable quantities of radium-226, as did the receiving streams and shallow wells in the vicinity of the operations. A sampling program has been carried out by the Radiological Health Section with the Southwestern Radiological Health Laboratory in Las Vegas doing the radium analyses. This program is continuing at the present time.

When inspections are made of licensees in Idaho by members of the Atomic Energy Commission's regional office in Denver, every effort is made to have staff members of the Radiological Health Section accompany the inspectors on their visit. This procedure has been followed whenever possible since 1960. These inspections covered not only users within the healing arts, but also industrial applications of radioactive materials.

Environmental surveillance. In 1963 an Environmental Surveillance Network was established throughout the State. The network now consists of nine stations. Five of these stations submit daily air particulate samples, six collect precipitation samples, and six routinely submit milk samples for radioanalysis. Currently, participation is also maintained in the Public Health Service National Air Surveillance Network and the offsite air surveillance network conducted by the Public Health Service out of Las Vegas, Nev. Also, special milk samples are collected from 11 selected dairies in the State and sent to the Public Health Service Laboratory in Las Vegas whenever this special network is alerted. Additional surveillance is being conducted on surface and ground waters in various sections of the State to provide basic background information. Location of three Atomic Energy Commission nuclear energy facilities either in Idaho or adjacent States, and the advent of nuclear power facilities, point toward an active future for this program.

A radiological laboratory was included in the new State Health Laboratory built in 1965. At the present time the Laboratories Division is furnishing a chemist to handle the radiological analyses. The wet chemistry facilities of the radiological laboratory are quite sufficient. A vacuum hood and electric muffle furnace are also provided. A separate room is provided for the counting equipment. This equipment consists of a low background alpha-beta particle counting system with automatic sample changer and print out, an internal gas proportional counter, and a single-channel gamma analyzer with a 3" x 3" NaI crystal scintillation detector with an X-Y plotter.

Radiation emergencies. A Department of Health radiological emergency team was formed in 1963. The function of the team was not only to assist in protecting the public in any radiological emergency, but also to handle other nonradiation type emergencies which involve public health and safety. The emergency team was composed of four staff members, each one having two backup re-

placements. An attempt was made to have one person with radiological health training on the team, along with a physician and a chemist and a public health engineer, all of whom had knowledge of radiation monitoring. An emergency kit was prepared with all the apparatus and radiation surveying equipment which could be useful in emergency situations. Due to departures of personnel from the Department and educational leaves, the emergency team is presently being reorganized.

The Federal Radiological Assistance Team Network notifies the Department of Health when any accidents occur involving radioactive materials. In the same way they would be notified if the Department of Health is the first to gain knowledge of such an accident. State Law Enforcement personnel and County Sheriffs are also instructed to notify the nearest Radiological Assistance Team, and also the Department of Health.

Organization, Staffing, and Responsibility

The State government and Idaho Department of Health organization for the purpose of regulation of sources of ionizing radiation is illustrated in Figure 1.[1]

The Idaho Nuclear Energy Commission is appointed by the governor and consists of five members. The Commission is to be the focal point in the State government for coordination of the promotion and development of nuclear energy for peaceful and productive purposes in the State. It is to provide evaluation, review and coordination of the activities of the State departments relating to nuclear energy.

The Radiological Health Advisory Committee is appointed by the Board of Health and has five members, all of whom are knowledgeable and active in the use of ionizing radiation and are well qualified in aspects of radiation protection. Four of the committee members are physicians licensed in Idaho—two of the physicians being radiologists—and the fifth member is a certified health physicist. The committee is to be advisory to the Board in connection with its responsibilities as the State radiation control agency, and, also more directly, to be advisory to the Radiological Health Section in matters concerning licensing of users of radioactive materials and the registration of radiation producing machines in the medical profession.

By legislative mandate, the Idaho State Board of Health was delegated to have the sole responsibility for the control and regulation of radiation in the State. However, close liaison will be maintained with other State Departments such as Law Enforcement, Highways, Labor, Mines, etc., so that any possible radiation hazards can be brought to the attention of the Department of Health as quickly as possible.

The Radiological Health Section is located in the Engineering and Sanitation Division of the Idaho Department of Health. Radiological health activities involve other sectional and divisional disciplines of the Department of Health, thereby requiring close cooperation with these offices. One of these is the Hospital Facilities Division, which has the responsibility of licensing hospitals and nursing homes in the State. The hospital licensing requirements on X-ray facilities are met when the Radiological Health Section issues a satisfactory report on these facilities. The Radiological Health Section will continue to register and will begin licensing appropriate sources of radiation in these facilities. Inspectors of the Hospital Facilities staff are also quite helpful in bringing to the attention of the Radiological Health Section questionable uses of sources of radiation. The Dental Health Section of the Child Health Division is helpful as a liaison between the dental profession and the radiological health programs. The Preventive Medicine Division assists in a similar way with the medical profession. The sections of Water Pollution Control, Air Pollution Control, Industrial Hygiene, and Milk and Food—all within the Engineering and Sanitation Division—and the Laboratories Division assist greatly in environmental radiological surveillance activities through the collection and analysis of environmental samples.

Legal services are provided by the State Attorney General's office. Data processing is available from the Bureau of Vital Statistics and Data Processing Section of the Department of Health.

The present functional organization which deals with radiological health consists of the part- and full-time services of five people. They are: (1) One half-time public health engineer who is the Radiological Control Officer and Chief of the Radiological Health Section; (2) one full-time public health engineer; (3) one full-time radiological health specialist; (4) a part-time radiochemist, and (5) a part-time secretary. Budget requests have been made for a full-time radiochemist and a full-time secretary.

Other personnel of the department staff are involved on a part-time basis, with administrative duties, additional clerical duties, and assignment to the Radiological Emergency Team.

REGULATORY PROCEDURES AND POLICY

Licensing and Registration

The Idaho radiation control program extends to all sources of radiation. The regulations require licensing of all radioactive materials and registration of all radiation-producing machines except such sources as may be specifically exempted from these requirements in accordance with the regulations.

Licensing procedures and criteria will be consistent with those of the Atomic Energy Commission as provided in Part B of the Rules and Regulations for the Control of Radiation in the State of Idaho.

General licenses are effective by regulation without the filing of applications with the Department or the issuance of licensing documents. General licenses are issued for specified materials under specified conditions when it is determined that the issuance of specific licenses is not necessary to protect the public and occupational health and safety. Specific licenses or amendments thereto are issued upon review and approval of an application. A specific licensing document will be issued to named persons and will incorporate appropriate conditions and expiration date. Prelicensing inspections will be conducted when appropriate.

The Department, when it determines such to be appropriate, will request the advice of the Radiological Health Advisory Committee, or appropriate members thereof, with respect to any matter pertaining to a license application, or to criteria for reviewing applications.

All applications for nonroutine medical uses of radioactive materials will be referred for advice and consultation to those members of the Radiological Health Advisory Committee who have appropriate training and experience in nonroutine human uses of radioactive materials, or to the Atomic Energy Commission's Advisory Committee on the medical use of isotopes. Appropriate research protocols will be required as part of an application. The Department will maintain knowledge of current developments, techniques and procedures for medical uses applicable to the licensing program through continuing contact and information exchange with the U.S. Atomic Energy Commission and other agreement states.

The registration program will be a continuation of the current activity except that (a) all radiation machines will be subject to the applicable provisions of the regulations, and (b) radium and accelerator-produced radionuclides which were formerly registered must now be licensed.

Inspection

Inspections for the purpose of evaluating radiation safety and determining compliance with appropriate regulations and provisions of licenses will be conducted as needed.

Inspection frequency will be based upon the extent of the hazard-potential and experience with the particular facility. It is expected that all specific licensees will be inspected at least once each year. The following frequency is anticipated:

Use of classification	*Usual inspection frequency*
Industrial radiography:	
Fixed installations	Once each 6 months.
Mobile operations	Do.
All commercial waste disposal operations.	Do.
Broad licenses—industrial, medical, or academic.	Once each 6–12 months.
Other specific licenses — industrial, medical, or academic.	Once each 12 months.

Inspections will be made by prearrangement with the licensee or may be unannounced at reasonable times, as the Department, in its judgment, determines to be most constructive. Consultation visits will be made frequently in the early years of the licensing and compliance program in order to establish understanding and cooperation.

Inspections will include the observation of pertinent facilities, operators, and equipment; a review of use procedures, radiation safety practices and user qualifications; a review of records of radiation surveys, personnel exposure, and receipt and disposition of licensed materials—all as appropriate to the scope and conditions of the license and applicable regulations. In addition, independent measurements will be made as appropriate.

At the start and conclusion of an inspection, personal contact will be made at management-level whenever possible. Following the inspections, results will be discussed with the licensee management.

Investigations will be made of all reported or alleged incidents to determine the conditions and exposures incident thereto and to determine the steps taken for correction, cleanup, and the prevention of similar incidents in the future.

Radiological assistance in the form of monitoring, liaison with appropriate authorities and recommendations for area security and cleanup will be available from the Department.

Reports will be prepared covering each inspection or investigation. The reports will be reviewed by the Radiological Control Officer.

Compliance and Enforcement

The status of compliance with regulations, registration, or license conditions will be determined through inspections and evaluations of inspection reports.

When there are items of noncompliance, the licensee will be so informed at the time of inspection. When the items are minor and the licensee agrees at the time of inspection to correct them, written notice at the completion of the inspection will list the items of noncompliance, confirm corrections made at the time, and inform the person that a review of other corrective action will be made at the next inspection.

Where items of noncompliance of a more serious nature occur, the licensee will be informed by letter of the items of noncompliance and required to reply within a stated time as to the corrective action taken and the date completed. Assurance of corrective action will be determined by a followup inspection or at the time of the next regular inspection.

Upon request by the licensee, the terms and conditions of a license may be amended, consstent with the Act or regulations, to meet changing conditions in operations or to remedy technicalities of noncompliance of a minor nature. The Department may amend, suspend or revoke a license in the event of continuing refusal of the licensee to comply with terms and conditions of the license, the Act or regulations, or failure to take adequate action concerning items of noncompliance. Prior to such action, the Department shall notify the licensee of its intent to amend, suspend or revoke the license and provide the opportunity for a hearing.

The Department will use its best efforts to attain compliance through cooperation and education. Only in instances where real or potential hazards exist, or cases of repeated noncompliance or willful violation will the full legal procedures normally be employed.

Where the Department finds that the public health, safety or welfare imperatively requires emergency action, and incorporates such findings in its order, it may summarily suspend the license pending proceedings for revocation which shall be promptly instituted and determined upon request of any interested person.

In the event of an emergency relating to any source of ionizing radiation which endangers the public peace, health, or safety, the Department shall have the authority to issue such orders for the protection of the public health and safety as may be appropriate, including orders to lay an embargo upon or impound radioactive materials and other sources of ionizing radiation in the possession of any person who is not equipped to observe or fails to observe the provisions of the Act or any rules or regulations promulgated thereunder.

Effective Date of License Transfer

Any person who, on the effective date of the agreement with the Atomic Energy Commission, possesses a license issued by the Federal Government shall be deemed to possess a like license issued under sections 39–3001 through 39–3019, Idaho Code (as passed by the Legislature in 1967), which shall expire either 90 days after the receipt from the Department of a notice of expiration of such license, or on the date of expiration specified in the Federal license, whichever is earlier.

Rules of Administration, Practice, and Procedure

The Idaho State Board of Health, pursuant to the authority granted in Title 39, Chapter 1, Idaho Code, and in compliance with Title 67, Chapter 52, Idaho Code, adopted rules of practice and procedure governing administrative procedures with reference to promulgation of rules and regulations, conducting of hearings, appeals, proceedings, decisions, and orders, etc., by resolution of February 3, 1966. These rules provide for:

1. Due notice to interested persons and opportunity to present data or views either orally or in writing prior to the adoption, amendment, or repeal of any rule.

2. Adoption or amendment of rules in emergency situations without observance of the normal requirements of notice and hearing, upon a finding by the Department that immediate action is necessary for the preservation of the public health, safety, or general welfare.

3. Petition to the Department requesting the promulgation, amendment, or repeal of any rule.

4. Declaratory judgment procedure available on petition by proper party to determine validity of statute, rule, or final decision of Department.

5. Right to hearing after reasonable notice in a case in which legal rights, duties or privileges of specific parties are required by law or constitutional right to be determined.

6. Judicial review in the district court by any person aggrieved by a final decision of the Department, and appeal to the State supreme court for review of a final judgment of the district court.

Compatibility and Reciprocity

The Idaho State Board of Health has adopted rules and regulations for the control of radiation which are consistent with those of the U.S. Atomic Energy Commission and those of the other agreement States. In promulgating rules and regulations, the Board has, insofar as practicable, avoided requiring dual licensing and has provided for reciprocal recognition of other State and Federal licenses.

Routine staff meetings will be conducted involving all members of the division who are involved with the radiological health program to determine and maintain compatible programs with the U.S. Atomic Energy Commission and other agreement States. Periodic internal evaluation exercises will be conducted concerning all phases of the program. Written reports, inspection reports, records, and statistics will be compatible with the current Atomic Energy Commission program.

RADIATION SURVEY AND LABORATORY RESOURCES

Monitoring and Survey Instruments:

Rate Meters:

Alpha Detection:
- 1—Eberline PAC–ISA Portable Alpha Scintillation Counter.
- 1—Juno Model 3 (Alpha Beta and Gamma).

Beta-Gamma Detection:
- 1—Tracer Lab Cutie Pie Model SE–IF.
- 2—Nucor Model CS 40A.
- 2—THY..C II Model 489.
- 1—THYAC III Model 490.
- 1—Radector Victoreen Model AGB–50B–SR.

Integrating Meters:

Condenser R Meters:
- 2—Model 570 with medium energy chambers from 0.25R to 25R.

Dosimeters:
- 1—CDV 756 Charger with 4 Model 610 and 4 Model 611 Dismeters.

Air Sampling Equipment:
- 5—Gelman Air Samplers located at various locations throughout the State.
- 1—Portable Air Pump, Gelman.

USPHS and AEC have networks established throughout the State.

X-Ray Survey Kit:

Radiation Emergency Kit:

The Radiological Health Section of the Division of Engineering and Sanitation has its own laboratory for preparation and counting of environmental samples.

Laboratory Equipment includes:
- 1—Beckman Wide Beta Counter.
- a. Beckman Lister Printer.
- 1—PHA–18 Single Channel Analyzer.
  - a. 3 x 3 NaI Crystal.
  - b. Photo-Mul 15050.
  - c. Lead Detector Shield.
  - d. X-Y Recorder N.M.C.
- 2—Internal Proportional Counter. PC–3B and Scaler. NMC Model PCC 10A.

Accessory equipment for the instrumentation includes gas regulators, transformers, ion exchange resins, and calibration sources, etc.

The department has capabilities of contracting additional services from the AEC National Testing Site at Idaho Falls, Idaho, and the Southwestern Radiological Health Laboratory at Las Vegas, Nev.

STAFF

MELVIN D. ALSAGER

RADIOLOGICAL CONTROL OFFICER

Education and Training

B.S. Chemical Engineering, University of Idaho, 1958.
M.E. Civil Engineering (Radiological Health), Oklahoma University, 1964.
Basic Radiological Health USPHS (2 weeks).
Medical X-ray Protection, USPHS (2 weeks).
Occupational Radiological Protection, USPHS.
AEC Orientation Course in Practice and Procedures of Licensing and Regulations, Bethesda.

Experience and Related Activity

Idaho Department of Health, Engineering & Sanitation Division.
Public Health Engineer, 1958–62.
Radiological Health Officer, 1962–present.
Responsibility for the development and administration of the Radiological Health program for the State of Idaho.
Ex-Officio member of the Idaho Nuclear Energy Commission.
Registered Professional Engineer in Idaho, 1963.

JERRY L. YODER

PUBLIC HEALTH ENGINEER

Education and Training

Pre-Engineering, Morningside College, Sioux City, 1959.
B.S. Civil Engineering, Iowa State University, 1962.
M.E. Civil Engineering (Radiological Health), Oklahoma University, 1965.
Basic Radiological Health, USPHS.
Occupational Radiation Protection, USPHS.
Medical X-ray Protection, USPHS.
Emergency Radiological Procedures, USPHS.
AEC Orientation Course in Practices and Procedures of Licensing and Regulations, Bethesda.
Health Physics Course, AEC, Oak Ridge, 1968.

Experience and Related Activity

USPHS, Assistant Sanitary Engineer, 1962–64, State Assignee Working in State Radiological Health.
Idaho Department of Health, Engineering & Sanitation Division, Public Health Engineer, 1964 to present. Responsibility for carrying out functions of State Radiological Health Program, including registration and inspection of sources of radiation and the implementation of a radiological environmental surveillance program.
Registered Professional Engineer in Idaho, 1968.

[1] Figure 1 filed as part of the original document.

Member of Conference on Radiological Health.
Member of the Health Physics Society.

C. NEWELL MAUGHAN

RADIOLOGICAL HEALTH SPECIALIST II

Education and Training

B.S. Public Health, Chemistry Minor, Utah State University, 1961.
M.S. Health Physics (Sponsored by USPHS Traineeship), North Dakota State University, 1967.
USPHS:
Radium Hazards and Control, N.D.S.U., North Dakota, 1967.
Medical X-Ray Protection, Southwestern Radiological Health Laboratory, 1968.
Civil Defense:
Radiological Monitoring Training Course, California, 1962.
Civil Defense for Food & Drug Officials, F.D.A., Idaho, 1963.

Experience and Related Activity

City-County Health Department, Boise, Idaho, 1961–64. Sanitarian for Air Monitoring and Civil Defense Activities.
Nevada State Health Department, 1964–66, Environmental Health, including Radiological Health Program in five counties surrounding the Nevada Test Site. Was involved with Environmental Surveillance with the USPHS around the site.
Idaho State Radiological Health Program, 1967 to present, Radiological Health Specialist.

ROBERT D. FUNDERBURG

CHEMIST I

Education and Training

B.S. Idaho State University, 1966, Chemistry (Radiological).
USPHS Basic Radiological Health, 1966, Southwestern Radiological Health Laboratory.

Experience and Related Activity

Kerr-McGee, Chemical Analyst (Research Project) 1966.
Idaho State Department of Health, 1966 to present, Radiological Health Program.

MINIMUM QUALIFICATIONS OF PERSONNEL TO BE EMPLOYED IN THE REGULATORY CONTROL OF RADIATION

The following classifications have been submitted by the Board of Health for the approval of the Idaho Personnel Commission. The stated qualifications reflect minimum requirements for personnel in existing and planned radiological health program activities.

Radiological Health Specialist I.
Radiological Health Specialist II.
Radiological Health Specialist III.
Radiological Health Specialist IV.

Pay Group 53 610–742.

RADIOLOGICAL HEALTH SPECIALIST I

Definition:

Under close supervision, to perform duties related to the detection, measurement, and evaluation of radiation exposure as part of the radiological health program, and to perform related work as required.

Duties:

To make routine field studies and investigations which are conducted as part of the radiological health programs; to assist in making radiation safety surveys of radiation producing machines and of installations using radioactive materials; to perform radiation monitoring in the field by using portable instruments such as Geiger-Muller counters, ionization chambers, and scintillation-type survey meters, and in the laboratory by operating radiation counting equipment; to assist in the care and maintenance of air sampling and radiation monitoring equipment; to assist in the preparation of reports and tabulation of data.

Minimum Qualifications:

A. Education and Experience.

Bachelor Degree involving major study in engineering, physics, chemistry or a related physical science. Experience none.

B. Knowledge, Skill, and Ability.

General knowledge of the principles of physics, chemistry, biology, and mathematics. Skill in the operation of mechanical and electronic equipment and the ability to learn and apply the principles of radiation protection, and to use basic radiation detection equipment.

Pay Group 62 706–858.

RADIOLOGICAL HEALTH SPECIALIST II

Definition:

Under general supervision, to perform advanced technical radiological work dealing with the investigation, surveillance, and control of sources of radiation, and to perform related duties as required.

Duties:

In some instances to supervise the activities of subordinate Radiological Health Specialists in conducting surveys and investigations as required by the program; to inspect medical fluoroscopic and therapeutic equipment; to inspect medical, dental, and industrial radiographic equipment, and any other radiation machines; to observe the procedures used by the operators of radiation producing equipment, dark room technicians, processors, and others, and recommend improvement; to determine the adequacy of radiation shielding and interview personnel regarding their compliance with safe and proper practices in the use of ionizing radiation; to conduct inspection of premises, records, and operations of licensed users of radioactive materials and determine the status of their compliance with terms of their licenses; to provide detailed information on the laws and regulations regarding standards for protection against radiation; to instruct radioisotope technicians and licensees on safe methods of storage, handling, and disposal of sealed and unsealed sources of ionizing radiation; and to maintain records on all users of radiological equipment and prepare reports on all investigations.

Minimum Qualifications:

A. Education and Experience.

Bachelor degree involving major study in engineering, physics, chemistry, or a related physical science and 2 years full-time experience in radiological health; graduate work in radiological health, plus experience in related public health work may be substituted for the required radiological health experience.

B. Knowledge, Skill, and Ability.

Extensive knowledge of modern developments in techniques of clinical radiography including the less common procedures, the effects of voltage, current and filtration on radiographic results, the effects of film processing variables. Considerable knowledge of industrial and medical uses of radioactive isotopes. Ability to interpret radiological rules and regulations, establish and maintain cooperative relationships with individuals and groups, analyze situations accurately and take effective action, speak and write effectively and be willing to travel extensively within the State.

Pay Group 71 817–992.

RADIOLOGICAL HEALTH SPECIALIST III

Definition:

Under direction, to be responsible for performing professional work in health physics, and to assist in the planning, organizing, and directing of a statewide radiological health program, and to perform related duties as required.

Duties:

To perform responsible professional and supervisory work in radiological health; to assist in developing State requirements for the control and regulation of sources of radiation; to conduct comprehensive environmental surveys and instruct others in techniques and instrumentation used in collecting environmental samples and preparing them for analysis; to analyze radiological health data taken from such samples and identify types of isotopes detected; to investigate radiation hazards, calculate activity concentrations and make dosimetric calculations; to determine whether radiation levels are within permissible levels; to plan and organize the procedures and operations required for handling emergencies involving possible exposure of persons to radiation; to operate, calibrate, and maintain radiation detection instruments; to review, evaluate, and make suggestions for proposed layouts, equipment, and facilities for the control of radiation hazards; to assist in planning and carrying out in-service radiological health training of state and local health department staffs; to work with personnel of universities, Federal agencies, State agencies, and others in organizing and coordinating technical training; to develop public information for radiological health activities; to prepare talks and reports on radiological health for interested professional and lay groups; and to prepare technical reports covering radiological health activities.

Minimum Qualifications:

A. Education and Experience.

Bachelor degree involving major study in engineering, physics, chemistry, or a related physical science, plus satisfactory completion of at least 1 year of graduate work with emphasis in radiological health or equivalent training in radiological health, and at least 2 years of responsible experience in radiological health, including advanced technical assignments or a satisfactory equivalent combination of experience and training.

B. Knowledge, Skill, and Ability.

Thorough knowledge of the theory and practice of health physics and radiation protection; considerable knowledge of biological effects of ionizing radiation, and atomic and nuclear physics; considerable knowledge of radioactive waste disposal techniques and procedures; working knowledge of radiological ecology and radiochemistry; ability to plan, conduct, and correlate technical investigations of radiological health hazards; ability to prepare technical reports and correspondence; ability to deal with public and other officials and promote public relations; judgment and skill in radiological health techniques and practices, and a high degree of initiative and resourcefulness in solving difficult radiological health problems.

Pay Group 72 901–1094.

RADIOLOGICAL HEALTH SPECIALIST IV

Definition:

Under administrative direction, with considerable latitude for independent judgment, performs professional work in health physics and assists in planning, organizing and directing a statewide radiological health program to protect the public health and safety against radiation hazards in the development and utilization of radiation sources for peaceful purposes; does related work as required.

Duties:

To develop and assume administrative responsibility for assigned programs in the field of radiological health; to assist in the organization and direction of the technological functions of the Radiological Health Section; to survey, identify and evaluate health hazards associated with the manufacture, use, handling, transportation, storage, or disposal of radiation sources, such as radioactive materials or X-ray machines; to provide technological services to other State agencies and to local health departments in matters pertaining to radiological health; to act for the Chief of the Radiological Health Section in his absence; to assist in developing State requirements for radiation protection; to conduct comprehensive environmental surveys and instruct others in techniques and instrumentation used in collecting environmental samples and preparing them for analysis; to analyze radiological health data taken from such samples and identify types of isotopes detected, to investigate radiation hazards, calculate activity concentrations, and make dosimetric calculations to determine whether radiation levels are within permisaible levels, and that health physics safety regulations are followed; to write reports covering analysis and recommendations; to plan and organize the procedures and operations required for handling emergencies involving possible exposure of persons to radiation; to operate, calibrate, and maintain radiation detection instruments; to review, evaluate, and make suggestions for proposed layouts, equipment, and facilities for the control of radiation hazards; to assist in planning and carrying out in-service radiological health training of State and local health department staffs; to work with personnel of universities, Federal agencies, State agencies, and others in organizing and coordinating technical training; to develop public information for radiological health activities; and to prepare talks and reports on radiological health for interested professional and lay groups.

Minimum Qualifications:

A. Education and Experience.

Masters degree in science, engineering, or public health with emphasis in radiological health and 4 years of responsible supervisory experience in radiological health. Provided that each year, beyond 1 year, of graduate study may be substituted for 1 year of full-time employment in radiological health up to a maximum of two (2) years.

B. Knowledge, Skill, and Ability.

Thorough knowledge of the theory and practice of health physics, and radiation protection; considerable knowledge of biological effects of ionizing radiation, and atomic and nuclear physics; considerable knowledge of radioactive waste disposal techniques and procedures; working knowledge of radiological ecology and radiochemistry; ability to plan, conduct, and correlate technical investigations of radiological health hazards; ability to prepare technical reports and correspondence; ability to deal with public and other officials and promote public relations; judgment and skill in radiological health techniques and practices, and a high degree of initiative and resourcefulness in solving difficult radiological health problems.

RADIOLOGICAL HEALTH ADVISORY COMMITTEE

George R. Baker, M.D., Boise, Idaho.
Claude W. Barrick, M.D., Radiologist, St. Alphonsus' Hospital, Boise, Idaho.
Mr. John W. McCaslin, Manager, Health and Safety Branch, Idaho Nuclear Corp., Idaho Falls, Idaho.
C. R. McWilliams, M.D., Radiologist, Magic Valley Memorial Hospital, Twin Falls, Idaho.
George L. Voelz, M.D., Atomic Energy Commission, Idaho Falls, Idaho.

[F.R. Doc. 68–7025; Filed, June 12, 1968; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19561; Order E–26999]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority June 28, 1968.

By notice of intent filed on February 6, 1968, pursuant to 14 CFR Part 298, the Postmaster General petitioned the Board to establish for Sedalia, Marshall, Boonville Stage Line, Inc. (Stage Line), an air taxi operator, a final service mail rate of 28.4 cents per great circle aircraft mile for the transportation of mail by aircraft between Wichita, Kans., and Oklahoma City, Okla. Subsequently, this final mail rate was established by Order E–26697, April 22, 1968.

On June 11, 1968, the Postmaster General and Stage Line filed an amended petition stating that at the request of the Post Office Department Stage Line is now using a larger aircraft, the twin-engine Beechcraft D–18 equipped for all weather operation, in order to handle increased mail volumes.[1] Because of this change in type and size of aircraft, the Postmaster General and Stage Line petition amendment of the present service mail rate from 28.4 cents to 35.5 cents per great circle aircraft mile. The Postmaster General states that the proposed amended rate is acceptable to the Department and the carrier and represents a fair and reasonable rate of compensation for the performance of these services with Beechcraft D–18 aircraft.

The Board finds it is in the public interest to adjust, determine, and fix the fair and reasonable rate of compensation to be paid to Stage Line by the Postmaster General for transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the Postmaster General's petitions, and other matters officially noticed, the Board proposes to issue an order[2] to include the following findings, and conclusions:

1. That on and after June 11, 1968, the fair and reasonable final service mail rate to be paid to Sedalia, Marshall, Boonville Stage Line, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Wichita, Kans., and Oklahoma City, Okla., shall be 35.5 cents per great circle aircraft mile; and

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14 (f):

It is ordered, That:

1. All interested persons and particularly Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Braniff Airways, Inc., and Continental Air Lines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above as the fair and reasonable rate of compensation to be paid to Stage Line for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rate or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other precedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Braniff Airways, Inc., and Continental Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 68–7985; Filed, July 3, 1968; 8:49 a.m.]

[1] Stage Line initiated service in this market with twin-engine Piper Aztec aircraft.

[2] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in § 385.14(g).

[Docket No. 19097, etc.]

TWIN CITIES-MILWAUKEE LONG-HAUL INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on August 6, 1968, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner William J. Madden.

In order to facilitate the conduct of the conference, interested parties are instructed to submit to the examiner and other parties on or before July 26, 1968, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information and evidence; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., June 28, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 68-7986; Filed, July 3, 1968; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16928, etc.; FCC 68M-1001]

CALIFORNIA WATER AND TELEPHONE CO. ET AL.

Order Continuing Prehearing Conference

In the matter of California Water and Telephone Co., Docket No. 16928, Tariff FCC No. 1 and Tariff FCC No. 2 applicable to channel service for use by community antenna television systems; in the matter of The Associated Bell System Companies, Docket No. 16943, tariffs for channel service for use by community antenna television systems; and in the matter of The General Telephone System, and United Utilities, Inc., Companies, Docket No. 17098, tariffs for channel service for use by community antenna television systems:

It is ordered, That a further prehearing conference will be held in the above matter commencing at 9:30 a.m., July 10, 1968, in the Commission's offices in Washington, D.C., for the primary purpose of establishing a hearing date.

Issued: June 27, 1968.

Released: June 28, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-7988; Filed, July 3, 1968; 8:49 a.m.]

[Docket Nos. 17410, 18174; FCC 68M-1000]

CORNBELT BROADCASTING CORP. AND KFMQ, INC. (KFMQ-FM)

Statement and Order Following Prehearing Conferences

In re applications of Cornbelt Broadcasting Corp., Lincoln, Nebr., Docket No. 17410, File No. BPH-5424; KFMQ, Inc. (KFMQ-FM), Lincoln, Nebr., Docket No. 18174, File No. BPH-6016; for construction permits.

Following conferences on June 19 and June 27, 1968, a stipulation was entered into by counsel for the parties setting forth, inter alia, future procedural steps to be taken in this proceeding. The stipulation was approved by the Examiner. Set forth below are those procedural steps and the dates governing them:

(1) On September 9, 1968, the parties will exchange all written exhibits on which they intend to rely and give notification of the witnesses to be presented for oral testimony, with a brief description of the nature and scope of their testimony. Exhibits shall be exchanged under the signature of the sponsors of the exhibits, unless such sponsors are proposed to be called to testify orally. The sponsors of exhibits submitted under signature will not appear to testify unless listed as witnesses to be called by the applicant or requested by an opposing party for cross-examination.

(2) On or before September 16, 1968, any party may request an applicant to produce and exchange voluntarily other relevant exhibits or data.

(3) On or before September 30, 1968, additional exhibits or data which are voluntarily agreed to be furnished shall be exchanged.

(4) On October 7, 1968, notification shall be given of witnesses desired for cross-examination.

(5) On October 14, 1968, the hearing will commence (continued from July 29, 1968).

So ordered.

Issued: June 27, 1968.

Released: June 28, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-7989; Filed, July 3, 1968; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP68-362]

EL PASO NATURAL GAS CO.

Notice of Application

JUNE 28, 1968.

Take notice that on June 20, 1968, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP68-362 an application pursuant to section 7(c) of the Natural Gas Act for a limited-term certificate of public convenience and necessity authorizing the sale and delivery of natural gas to Northern Natural Gas Co. (Northern) for the period commencing on the date the requested certificate issues and continuing through December 31, 1969, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that both it and Northern receive natural gas supplies at the tailgate of the Coyanosa Gasoline Plant operated by Mobil Oil Corp., in Pecos County, Tex.; that Northern can utilize a temporary supply of natural gas to augment other supplies utilized in satisfaction of its overall system requirements; and that Applicant has available at the tailgate of the Coyanosa Gasoline Plant a supply of gas which is temporarily in excess of its present requirements. Further, Applicant states that it has entered into a limited-term agreement with Northern, whereby Applicant is to deliver to Northern, on a firm basis, a minimum quantity of 25,000 Mcf per day (at 14.65 p.s.i.a.) averaged over each calendar month during a term continuing through December 31, 1969, with the right in Northern to purchase up to an additional 75,000 Mcf of gas per day, subject to Applicant having such quantity available.

The application states that construction of facilities will not be necessary on the part of either Applicant or Northern to implement the proposal. The rate proposed for the sale and delivery is 18 cents per Mcf.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before July 26, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-7934; Filed, July 3, 1968; 8:45 a.m.]

[Docket No. CP68-357]

INDIANA NATURAL GAS CORP. AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

JUNE 26, 1968.

Take notice that on June 18, 1968, Indiana Natural Gas Corp. (Applicant), Paoli, Ind., filed in Docket No. CP68-357 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Michigan Wisconsin Pipe Line Co. (Respondent) to establish physical connection with the proposed facilities of Applicant and to sell and deliver to Applicant the natural gas requirements for the incorporated community of Nashville and environs, Brown County, Ind., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the community proposed herein to be served is presently without natural gas service, and that there is no natural gas pipeline nearer to Nashville than that of Respondent. Accordingly, Applicant submits that Respondent constitutes the most feasible source of supply for the community.

Applicant has received permission from the Public Service Commission of Indiana to construct facilities for the distribution of the natural gas requested herein. The total estimated cost of such facilities is $348,780, which is to be financed by first mortgage bonds in the amount of $350,000.

The application states that Respondent has indicated its willingness to provide the proposed service.

The application states that the third year annual and peak day requirements of Applicant are 106,330 Mcf and 1,095 Mcf, respectively.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 22, 1968.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-7935; Filed, July 3, 1968; 8:45 a.m.]

[Docket No. RI68-335, etc.]

MARATHON OIL CO. ET AL.

Order Amending Order Accepting Contract Amendment, Providing for Hearings on and Suspension of Proposed Changes in Rates To Permit Substitute Rate Filing

JUNE 27, 1968.

On December 11, 1967, Calvert Exploration Co. (Operator) et al. (Calvert), filed with the Commission a proposed change in rate from 15 cents to 22 cents per Mcf [1] which pertains to its jurisdictional sales of natural gas from the Woodward Area, Dewey County, Okla. (Panhandle Area) to Michigan Wisconsin Pipe Line Co. The Commission by order issued January 10, 1968, in Docket No. RI68-352, suspended for 5 months Calvert's rate filing until June 11, 1968, and thereafter until made effective in the manner prescribed by the Natural Gas Act. Calvert's proposed rate increase has not been made effective pursuant to section 4(e) of the Natural Gas Act.

On June 6, 1968, Calvert submitted an amended notice of change in rate [2] amending the supplement to the aforementioned rate schedule to provide for a rate increase to 22.015 cents per Mcf instead of the 22 cents per Mcf rate filed on December 11, 1967. Calvert now proposes to further increase the suspended rate to include partial tax reimbursement for the increase in the Oklahoma Excise Tax which became effective on July 1, 1967.

Calvert's proposed 22.015 cents per Mcf rate exceeds the area ceiling for increased rates in the Panhandle Area as announced in the Commission's statement of general policy No. 61-1, as amended, as did the previously suspended rate in said docket. Since Calvert's amended filing includes partial reimbursement for the tax increase imposed by the State of Oklahoma, we believe that it would be in the public interest to accept the amended rate filing subject to the suspension proceeding in Docket No. RI68-352, with the suspension period of such amended rate filing to terminate concurrently with the suspension period (June 11, 1968) of the original rate filing in said docket.

Calvert requests that the instant filing be given the same effective date (Jan. 11, 1968) as the previous 22-cent rate increase that was suspended in Docket No. RI68-352. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit a January 11, 1968, effective date for Calvert's rate filing and such request is denied. However, good cause exists for waiving the 30-day notice requirement to the extent necessary to permit the suspension period for Calvert's rate filing to be shortened to coincide with the suspension period (June 11, 1968) ordered in Calvert's proceeding in Docket No. RI68-352.

The Commission orders:

(A) The suspension order issued January 10, 1968, in Docket No. RI68-352, is amended only so far as to permit the 22.015-cent rate provided in Supplement No. 1 to Supplement No. 3 to Calvert's FPC Gas Rate Schedule No. 2 to be filed to supersede the 22-cent rate contained in Supplement No. 3 to Calvert's FPC Gas Rate Schedule No. 2, subject to the suspension proceeding in Docket No. RI68-352. The suspension period for such substitute filing shall terminate concurrently with the suspension period (June 11, 1968) presently in effect in said docket.

(B) In all other respects, the order issued by the Commission on January 10, 1968, in Docket No. RI68-352, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-7936; Filed, July 3, 1968; 8:45 a.m.]

[1] Designated as Supplement No. 3 to Calvert's FPC Gas Rate Schedule No. 2.

[2] Designated as Supplement No. 1 to Supplement No. 3 to Calvert's FPC Gas Rate Schedule No. 2.

[Docket No. CP68-363]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

JUNE 28, 1968.

Take notice that on June 20, 1968, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP68-363 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas during the Winter Period December 1, 1968, through April 30, 1969, and succeeding Winter Periods, of up to 52,000 Mcf per day of firm Winter Service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to offer the Winter Service to customers purchasing gas under Applicant's existing CD-1, CD-2 and PL-1 Rate Schedules, pursuant to the terms of a new WS Rate Schedule to be filed by Applicant. The application states that under the terms of such WS Rate Schedule, Applicant will advise its customers by August 1 of each year of the exact quantity of Winter Service gas which Applicant will be able to make available during the next succeeding Winter Period, such quantity to be determined by Applicant based upon operating conditions then existing on Applicant's system, but no more than 52,000 Mcf per day.

Applicant states that it will charge 57.04 cents per Mcf for all Winter Service gas delivered during the Winter Period up to and including a volume equal to 60 times the customers daily Winter Service quantity and 29.83 cents per Mcf for all additional gas. Applicant further proposes to make Winter Service gas available on a reoffering basis in the event that a Winter Service customer fails to take its full Winter Service quantity and proposes to charge 29.83 cents per Mcf for Winter Service gas sold on such reoffering basis.

Applicant states that no additional facilities are required to effectuate the proposed Service and that such Service will be performed by utilizing existing capacity which is available during the Winter Period.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the

regulations under the Natural Gas Act (§ 157.10) on or before July 25, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-7937; Filed, July 3, 1968; 8:45 a.m.]

[Docket No. G-7004, etc.]

PENNZOIL UNITED, INC.

Notice of Petition To Amend

JUNE 28, 1968.

Pennzoil United, Inc. (successor to Pennzoil Co.), Docket Nos. G-7004, G-7412, G-7413, G-7414, G-7415, G-7416, G-7417, G-7418, CI61-945, CI66-94, CI67-372, CI67-662, CI67-1471, CI68-466.

Take notice that on June 17, 1968, Pennzoil United, Inc. (Petitioner), 900 Southwest Tower, Houston, Tex. 77002, filed in Docket No. G-7004 et al., a petition to amend the orders issuing certificates of public convenience and necessity in said dockets pursuant to section 7(c) of the Natural Gas Act by authorizing Petitioner to continue the sales of natural gas authorized therein in lieu of Pennzoil Co., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The petition states that effective April 1, 1968, Pennzoil Co. and United Gas Corp. were consolidated to form Petitioner corporation and that Petitioner proposes to continue without change the sales of natural gas authorized to be made by Pennzoil Co. pursuant to contracts on file with the Commission as FPC gas rate schedules.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 22, 1968.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-7938; Filed, July 3, 1968; 8:45 a.m.]

[Docket No. RI68-692]

SOHIO PETROLEUM CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

JUNE 26, 1968.

On May 27, 1968, Sohio Petroleum Co. (Sohio)[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is designated as follows:

Description: Notice of change, dated May 23, 1968.
Purchaser and producing area: South Texas Natural Gas Gathering Co. (Prado Field, Jim Hogg County, Tex.) (Railroad District No. 4).
Rate schedule designation: Supplement No. 4 to Sohio's FPC Gas Rate Schedule No. 121.
Effective date: July 1, 1968.[2]
Amount of annual increase: $12,453.
Effective rate: 16.70 cents per Mcf.[3,4]
Proposed rate: 19.75 cents per Mcf.[5,6]
Pressure base: 14.65 p.s.i.a.

Sohio's proposed increased rate and charge exceeds the area increased rate ceiling of 14 cents per Mcf for Texas Railroad District No. 4 as announced in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56) and should be suspended for 5 months from July 1, 1968, the proposed effective date.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 4 to Sohio's FPC Gas Rate Schedule No. 121 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Sohio's FPC Gas Rate Schedule No. 121.

(B) Pending such hearing and decision thereon, Supplement No. 4 to Sohio's FPC Gas Rate Schedule No. 121 is hereby suspended and the use thereof deferred until December 1, 1968, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 15, 1968.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-7943; Filed, July 3, 1968; 8:45 a.m.]

[1] Address is: 970 First National Office Building, Oklahoma City, Okla. 73102.
[2] The stated effective date is the effective date requested by Respondent.
[3] Subject to refund in Docket No. RI63-393.
[4] Includes 1.70 cents compression charge paid by buyer.
[5] Periodic rate increase.
[6] Includes 1.75 cents compression charge paid by buyer.

[Docket No. CP68-360]

TENNESSEE GAS PIPELINE CO.

Notice of Application

JUNE 27, 1968.

Take notice that on June 19, 1968, Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Applicant), Tennessee Building, Houston, Tex., filed in Docket No. CP68-360 an application pursuant to section 7(b) of the Natural Gas Act for authorization to abandon and sell certain of its existing facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to abandon a segment of its system designated as the Allied-New Hampshire Delivery Line and consisting of 1,081 feet of 6-inch gas transmission pipeline extending from Essex County, Mass. to Rockingham County, N.H. Upon the receipt of such authorization Applicant proposes to sell the Allied-New Hampshire Delivery Line to Granite State Gas Transmission Co. (Granite State).

Applicant states that the purchase price will be equal to its original book cost less the depreciation accrued thereon as of the closing date. Based on the proposed closing date on November 1, 1968, Applicant's depreciated book cost is estimated to be $7,013.00.

Applicant states that it uses the Allied-New Hampshire Delivery Line only to deliver natural gas to Granite State and that after the sale this line will become an integral part of the Granite State system and will continue to be used to receive gas from Applicant. Applicant states that there will be no interruption of service.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before July 22, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-7939; Filed, July 3, 1968; 8:45 a.m.]

[Docket No. CP68-361]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

JUNE 27, 1968.

Take notice that on June 20, 1968, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP68-361 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction, during the 12 months succeeding that date on which the certificate requested herein is issued, or succeeding August 28, 1968, whichever is later, and operation of such facilities as are necessary to enable Applicant to take into its certificated pipeline system deliveries of natural gas from existing and new sources of supply purchased from independent producers or other similar sellers in the general area of Applicant's existing system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of the instant application is to permit it, when necessary, to contract for and attach to its system with reasonable dispatch, supplies of natural gas which become available adjacent to its system. In addition, authorization will enable Applicant to fully utilize gas supplies which it presently has under contract, thus assuring the maintenance of adequate and economical service to its customers.

The total cost of the proposed facilities, which will include lateral, metering and field facilities, will not exceed $5 million and no single project will exceed a cost of $750,000 for any offshore facility and $500,000 for any onshore facility. Applicant requests a waiver of § 2.58(a)(2) of the Commission's rules of practice and procedure as to the cost of any single offshore facility.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 25, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-7940; Filed, July 3, 1968; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive of April 2, 1968

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on April 2, 1968.[1]

The information reviewed at this meeting indicates that overall economic activity has expanded at a very rapid pace in early 1968, with prices rising substantially, and that prospects are for a continuing rapid advance in activity and persisting inflationary pressures in the period ahead. Since late fall, growth rates of bank credit, the money supply, and time and savings accounts at financial institutions have moderated considerably. Speculative activity in gold and foreign exchange markets, which was intense in early March, abated after the midmonth agreement on gold policy by gold pool members and appears to have slackened further following the Stockholm agreement regarding Special Drawing Rights. The foreign trade surplus, however, has remained at a sharply reduced level in recent months and the imbalance in U.S. international payments continues to be a matter of serious concern. Most market interest rates have fluctuated widely, although rising on balance, in reaction to international financial developments, the firming of monetary policy, and uncertainties regarding military and fiscal prospects. In this situation, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to resistance of inflationary pressures and attainment of reasonable equilibrium in the country's balance of payments.

To implement this policy, System open market operations until the next meeting of the Committee shall be conducted with a view to attaining slightly firmer conditions in the money market: *Provided, however,* That operations shall be modified if bank credit appears to be deviating significantly from current projections or if unusual liquidity pressures should develop.

Dated at Washington, D.C., the 26th day of June 1968.

By order of the Federal Open Market Committee.

ARTHUR L. BROIDA,
Assistant Secretary.

[1] The Record of Policy Actions of the Committee for the meeting of Apr. 2, 1968, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

[F.R. Doc. 68-7945; Filed, July 3, 1968; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

ALSCOPE CONSOLIDATED, LTD.

Order Suspending Trading

JUNE 27, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Alscope Consolidated, Ltd., Passaic, N.J., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 28, 1968, through July 7, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-7956; Filed, July 3, 1968; 8:47 a.m.]

AMERICAN CHECKMASTER SYSTEM, INC.

Order Suspending Trading

JUNE 28, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of American Checkmaster System, Inc., Houston, Tex., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities

otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 1, 1968, through July 10, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-7957; Filed, July 3, 1968; 8:47 a.m.]

[31-692]

INTER-CITY GAS UTILITIES, LTD.

Notice of Filing of Application for Exemption

JUNE 28, 1968.

Notice is hereby given that Inter-City Gas Utilities, Ltd. ("Utilities"), 203 Portage Avenue, Winnipeg 2, Canada, a gas utility subsidiary company of Inter-City Gas Limited ("Inter-City"), a registered holding company, has filed an application, and an amendment thereto, with this Commission requesting an exemption from all provisions of the Public Utility Holding Company Act of 1935 ("Act"), pursuant to section 3(b) thereof. All interested persons are referred to the application which is summarized below.

Utilities conducts its gas utility business solely within the Province of Manitoba, Canada, and neither it nor its wholly owned subsidiary company, Inter-City Gas Transmission, Ltd., is engaged in any business within the United States. As of December 31, 1967, Utilities had total consolidated assets of $7,263,423 and for the year then ended, consolidated revenues were $2,399,731. Utilities' first mortgage bonds then outstanding in the principal amount of $2,950,000 are held by a Canadian insurance company, and its debentures then outstanding in the principal amount of $615,000 are held substantially by Canadians. None of the debentures were offered for sale in the United States. All of the outstanding equity securities of Utilities are held by Inter-City.

Inter-City had, as of December 31, 1967, total consolidated assets of $17,917,950, and for the year then ended, consolidated revenues were $6,021,615. Over 98 percent of the outstanding voting securities of Inter-City are held by Canadians. No public offering of its securities has even been made in the United States, nor are its securities traded in the United States.

Notice is further given that any interested person may, not later than July 19, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-7958; Filed, July 3, 1968; 8:47 a.m.]

[812-2331]

KIDDER, PEABODY & CO., INC.

Notice of Filing of Application for Exemption

JUNE 28, 1968.

Notice is hereby given that Kidder, Peabody & Co., Inc. ("applicant"), 20 Exchange Place, New York, N.Y. 10005, prospective representative of a group of underwriters of a proposed offering of shares of The Diebold Technology Venture Fund, Inc. ("Fund"), a registered closed-end investment company, has filed an application for an exemptive order pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"). Applicant requests that they, and their co-underwriters to the extent necessary, be exempted from section 30(f) of the Act to the extent that it adopts section 16(b) of the Securities Exchange Act of 1934 ("Exchange Act") in connection with their transactions incident to the distribution of Fund shares. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Fund shares are to be purchased by the underwriters at a price of $18.32 per share, pursuant to a "firm commitment" underwriting agreement to be entered into between the Fund and the underwriters represented by applicant. Upon the effective date of the Fund's registration statement under the Securities Act of 1933, the shares will be sold to the public at a maximum public offering price of $20 per share, the gross underwriting commission thus being $1.68 per share. Sales to selected dealers may be made by applicant, but not by other underwriters, at the offering price less a concession of $1.10 per share. The several underwriters are to pay applicant a fee of 33 cents per share for its management of the offering and its assumption of certain expenses of the organization of the Fund and of the offering of the shares.

While the number of shares covered by the registration statement on file under the Securities Act of 1933 is stated as 500,000 shares, it is contemplated that this number of shares may be increased before the Underwriting Agreement is signed and such registration statement is effective.

It seems likely that applicant and at least one other underwriter will acquire individually from the Fund in accordance with the provisions of the Underwriting Agreement more than 10 percent of the Capital Stock of the Fund (thus making them "insiders" subject to the provisions of section 16(b) and together more than 50 percent of the Capital Stock of the Fund which will be outstanding at the time of the closing with the underwriters.

The purpose of the purchase by applicant and the other underwriters is for resale in connection with the initial distribution of shares of the Fund. It will thus be a transaction effected in connection with a distribution of a substantial block of securities within the purpose and spirit of the Commission's Rule 16b-2.

Applicant states that it was necessary for it to obtain the exemption requested by this application because of the requirements of the last clause of the first sentence of paragraph (a)(3) of Rule 16b-2 since it appears likely that the aggregate participation of underwriters who would not require an exemption under that rule will not be at least equal to the participation of applicant and the other possible underwriter which do require the exemption.

In addition to purchases from the Fund and sales to customers there may be the usual transactions of purchase or sale incident to a distribution such as stabilizing purchases, over-allotments, purchases to cover over-allotments, and sales of shares purchased in stabilization.

Applicant states that no underwriter has any inside information or possibility of using inside information and, in fact, there is no inside information in existence since the Fund prior to the initial distribution will have virtually no assets or business of any sort. No director or officer of any underwriter is a director or officer of the Fund.

Section 30(f) of the Act imposes the duties and liabilities of section 16 of the Exchange Act upon, among others, beneficial owners of more than 10 percent of any class of outstanding securities of, and directors of, a registered closed-end investment company. Section 16(b) of the Exchange Act contains provisions for accountability for profits from purchases and sales or sales and purchases within 6 months of any equity security of the related issuer by those persons covered thereby. Applicant represents that the requested exemption from the provisions of section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. They state that the transactions sought to be exempted cannot lend themselves to the practices to which section 16(b) of the Exchange Act was enacted to apply.

Section 6(c) authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 10, 1968, at 12 Noon, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-7959; Filed, July 3, 1968; 8:47 a.m.]

LEEDS SHOES, INC.

Order Suspending Trading

JUNE 28, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Leeds Shoes, Inc., Tampa, Fla., and all other securities of Leeds Shoes, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 29, 1968, through July 8, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-7960; Filed, July 3, 1968; 8:47 a.m.]

[File No. 24W-2846]

NATIONWIDE TAX SERVICES, INC.

Order Permanently Suspending Exemption

JUNE 27, 1968.

I. Nationwide Tax Services, Inc. (issuer), 602 Massachusetts Avenue NW., Washington, D.C., incorporated in the State of Delaware on September 1, 1967, filed with the Commission on February 6, 1968, a notification on Form 1-A and an offering circular relating to an offering of 150,000 shares of its 50 cents par value common stock at $2 per share for an aggregate offering price of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission, on May 20, 1968, temporarily suspended the Regulation A exemption of Nationwide Tax Services, Inc., stating it had reason to believe from information reported to it by its staff that:

A. The offering was and is being made in violation of the antifraud provisions of section 17 of the Securities Act of 1933, as amended, in that the sales literature, prepared by or under the direction of the issuer, and used in connection with the offer and sale of issuer's securities, contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading, particularly with respect to the following:

1. The representations expressed and implied that: Issuer will be as successful financially as a well-known highly successful competitor; the market value of the securities of the issuer will show the same rapid capital appreciation as that of the competitor; an investment in the issuer's securities will produce an abnormally high return on invested capital; and, the issuer's stock will raise from $2 to $53 within 5 years.

2. The representation that a local broker-dealer was and is very interested in maintaining a market in issuer's securities in the Washington, D.C. area after the completion of the present offering.

3. The representation that exploratory talks had been held with another company with a view towards a possible merger or acquisition.

B. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer violated Rule 258 of Regulation A by failing to file sales literature used in connection with the offer and sale of its securities.

2. The issuer used false and misleading sales literature in connection with the offer and sale of its securities.

III. Nationwide Tax Services, Inc., having been ordered to answer the allegations contained in the temporary suspension order and having failed to do so within the time limit permitted in such order, has admitted, pursuant to Rule 7(c) of the Commission's rules of practice, the allegations contained in the temporary suspension order of May 20, 1968.

It is ordered, On the basis of the temporary suspension order and issuer's failure to respond to the charges, that the exemption of Nationwide Tax Services, Inc., be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-7961; Filed, July 3, 1968; 8:47 a.m.]

PLANET OIL AND MINERAL CORP.

Order Suspending Trading

JUNE 28, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Planet Oil and Mineral Corp., 700 Fidelity Union Tower, Dallas, Tex. 75201, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 30, 1968 through July 9, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-7962; Filed, July 3, 1968; 8:47 a.m.]

ROVER SHOE CO.

Order Suspending Trading

JUNE 28, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Rover Shoe Co., Bushnell, Fla., and stock purchase warrants of Rover Shoe Co. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of

1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 30, 1968, through July 9, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-7963; Filed, July 3, 1968; 8:47 a.m.]

[File No. 1-2879]

ROYSTON COALITION MINES, LTD.

Order Suspending Trading

JUNE 28, 1968.

The capital stock 1 cent par value, of Royston Coalition Mines, Ltd., being listed and registered on the Salt Lake Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Royston Coalition Mines, Ltd., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Salt Lake Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 30, 1968, through July 9, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-7964; Filed, July 3, 1968; 8:47 a.m.]

[812-2263]

STATE BOND AND MORTGAGE CO.

Notice of Filing of Application

JUNE 27, 1968.

Notice is hereby given that State Bond and Mortgage Co. ("State Bond"), New Ulm, Minn., a Minnesota corporation registered under the Investment Company Act of 1940 ("Act") as a face-amount certificate company, has filed an application pursuant to section 17(b) of the Act requesting an order of the Commission exempting from the provisions of section 17(a) a proposed transaction whereby State Bank of New Ulm ("Bank") will be merged into a subsidiary of State Bond. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

The parties. State Bond, since 1914 has continually engaged in selling face-amount certificates. In addition, State Bond distributes the mutual fund shares for which Broad Street Sales Corp. acts as underwriter and acts as principal underwriter and investment adviser to Common Stock Fund of State Bond and Mortgage Co., a growth-type mutual fund organized by State Bond in 1961 and to Diversified Fund of State Bond and Mortgage Co., an income-type fund organized by State Bond in 1964. State Bond through its wholly owned subsidiary, State Bond and Mortgage Life Insurance Co., sells life insurance including completion insurance in connection with the sale of face-amount certificates.

On November 30, 1967, fiscal year-end, State Bond had a net worth of $2,487,646 after providing for the certificate reserves required to discharge liabilities to its face-amount certificate holders. As of February 1, the assets of the mutual funds managed by State Bond totaled approximately $15 million.

Bank was incorporated as a state bank under Minnesota law in 1904, and since that time has continually engaged in the banking business in New Ulm. Bank engages in activities customary to state banking institutions, including demand deposits, savings accounts, real and personal property loans and sale of credit life insurance in connection with installment loans and similar activities. Its net income before dividends was $52,000 for 1967.

Proposed transaction. State Bond proposes to establish a new shell bank, Winslow State Bank of New Ulm ("Winslow Bank"), with the minimum $90,000 capital required by Minnesota law.

Winslow Bank and Bank will be merged pursuant to Minnesota consolidation procedures and the consolidated corporation will be a wholly owned subsidiary of State Bond. The exchange ratio will be 4.7 shares of State Bond for each share of Bank.

On November 16, the directors of State Bond and the directors of Bank approved in principle the Agreement and Plan of Reorganization and Consolidation and in March 1968 the shareholders of both companies approved the merger.

Commission jurisdiction. Since certain of the directors of State Bond are also directors of Bank and an individual is a 5 percent stockholder of each, State Bond and Bank may be deemed to be affiliated persons of each other under section 2(a)(3) of the Act. Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company from selling to or purchasing from such registered company any securities or other property and thus would prohibit the proposed merger, unless the Commission upon application under section 17(b) of the Act grants an exemption from such prohibition. Section 17(b) states that the Commission shall grant such application and issue an order of exemption if evidence establishes that the terms of the proposed transactions, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; if the proposed transactions are consistent with the policies of Applicants as recited in their registration statements and reports filed under the Act; and if the proposed transactions are consistent with the general purposes of the Act.

Section 6(c) of the Act provides that the Commission, by order upon application, may exempt any person, security, or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Background. Outside appraisals were obtained by the directors of both companies. Smith, Barney & Co., appraiser to State Bond, suggested a ratio of 4.3 to 1 and the Northwestern National Bank of Minneapolis, appraiser to the Bank, suggested a ratio between 5.3 to 1 and 6.5 to 1. At a joint meeting of the boards of directors of both companies, a 4.7 to 1 ratio of State Bond's stock for Bank stock was adopted. The application states that this ratio was based upon a study of the first two appraisals as well as the boards' own views of relative values. A third appraisal was made by The First National Bank of Minneapolis which is the trustee of trusts holding either State Bond or Bank stock and suggested a ratio between 4.2 to 1 and 4.8 to 1.

Supporting statements. While the relative book values of State Bond and Bank suggest a 5.75 to 1 ratio, the application points out that an exchange ratio of 4.7 to 1 would have increased the Bank's 1967 pro forma per share earnings from $25.90 to $32.57, a 25.5 percent increase and would have increased its pro forma dividends per share from $8 to $10.34. Historically, State Bond has paid between 25 percent and 30 percent of its earnings in dividends, whereas the Bank has paid out appproximately 50 percent of its earnings.

The First National Bank of Minneapolis assumed that $100,000 additional capital would be required immediately to increase the Bank's capital to a minimum of 8 percent of deposits as recommended by the State Banking Commissioner. It further assumed that the Bank could expect net operating earnings before taxes of around $100,000 per year for the next few years, and that one who purchased the Bank would expect to receive a return on his total investment at least equal to the 14.2 percent average return for Minnesota State Banks. Upon these assumptions, and using a valuation of $62 per share for State Bond, roughly its book value, its appraisal concluded that a ratio between 4.2 to 1 and 4.8 to 1 would be fair.

The application states that State Bond will be diversifying its operations by merging with Bank, whose operations are technically compatible with State Bond's and which presents an outlook for conservative growth through increased earnings. State Bond represents that the transaction will not have any adverse effect upon its certificate holders, since they are adequately protected by the reserve requirements of section 28 of the Act.

The application also states that Bank views the merger as providing it with diversification, an interest in a larger and stronger financial entity, and the preservation of its New Ulm identity. The application further states that there will be sizable savings to Bank in the use of State Bond's computer facilities and in the use of the financial experience of State Bond personnel in managing a large portfolio of obligations such as might customarily be utilized by a bank.

The application states that the terms of the proposed transaction are reasonable and fair, that there has been no overreaching on the part of any person concerned and that the transaction is consistent with State Bond's investment policies and objectives. The application also states that the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 17, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-7965; Filed, July 3, 1968; 8:47 a.m.]

ZIMOCO PETROLEUM CORP.

Order Suspending Trading

JUNE 27, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zimoco Petroleum Corp., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 28, 1968, through July 7, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-7966; Filed, July 3, 1968; 8:48 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

COMMUNITY NURSING HOMES CONTRACTING WITH VETERANS ADMINISTRATION

Exemptions From Certain Labor Standards

Upon the petition of the U.S. Veterans Administration, and pursuant to section 4 of the McNamara-O'Hara Service Contract Act of 1965 (41 U.S.C. 353) and section 105 of the Contract Work Hours Standards Act (40 U.S.C. 331), I propose to determine whether reasonable variations, tolerances, or exemptions to and from any or all provisions of the two Acts should be allowed for contracts of the U.S. Veterans Administration with community nursing homes for veteran-patient care. Accordingly, interested persons are invited to submit, both orally and in writing, data, views, or argument regarding the issues (1) whether variations, tolerances, or exemptions to and from any or all provisions of the McNamara-O'Hara Service Contract Act of 1965 for such contracts are necessary and proper in the public interest or to avoid serious impairment of the conduct of Government business; and (2) whether variations, tolerances, or exemptions to and from any or all provisions of the Contract Work Hours Standards Act for such contracts are necessary and proper in the public interest to prevent injustice or undue hardship or to avoid serious impairment of the conduct of Government business.

Opportunity will be provided for interested persons to make oral presentations of relevant data, views, or argument before hearing examiner E. West Parkinson or hearing examiner John B. Mealey in Room 216 A, B, C, and D, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C., on July 15, 1968, at 10 a.m., e.d.t.

The presiding hearing examiner shall govern the course of the proceedings, hold presentations to relevant matters, regulate the content of the record, and see that the proceedings are recorded and that transcripts are available on such terms as he may prescribe. The hearing examiner shall have disciplinary power to regulate the conduct of persons participating in, or attending, the proceedings, so that the oral presentations may be made in an orderly and expeditious manner. The hearing examiner shall certify the record of the proceedings to me for consideration of all relevant matters presented.

Interested persons may also submit written data, views, or arguments concerning the issues by mail to the Administrator of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210, not later than July 15, 1968.

Signed at Washington, D.C., this 28th day of June 1968.

WILLARD WIRTZ, *Secretary of Labor.*

[F.R. Doc. 68-7955; Filed, July 3, 1968; 8:46 a.m.]

[Secretary's Order No. 10-68]

ASSISTANT SECRETARY FOR LABOR-MANAGEMENT RELATIONS

Delegation of Authority and Assignment of Responsibility for Administration and Enforcement of Age Discrimination in Employment Act of 1967

1. *Purpose.* This order delegates authority and assigns responsibility for the performance of functions assigned to the Secretary of Labor pursuant to the Age Discrimination in Employment Act of 1967.

2. *Background.* The Age Discrimination in Employment Act of 1967 was enacted to promote employment of older persons based on their ability; to prohibit arbitrary age discrimination in employment; and to help employers and workers find ways of meeting problems arising from the impact of age on employment. The Secretary of Labor, in order to achieve the purposes of the Act, is responsible for carrying out a continuing program of education and information, is empowered to make investigations and to enforce the Act in accordance with the powers, remedies and procedures of the Fair Labor Standards Act of 1938, as amended; is responsible for effecting voluntary compliance through informal methods of conciliation, conference and persuasion; and is authorized to issue rules and regulations.

3. *Delegation of authority and assignment of responsibilities.* a. The Assistant Secretary for Labor-Management Relations is hereby delegated authority and assigned overall responsibility, except as hereinafter provided, for carrying out the Department's programs and activities under the Age Discrimination in Employment Act of 1967 (Public Law 90-202).

In carrying out this authority and responsibility, the Assistant Secretary:

1. Shall perform the functions of policy development, planning, programing,

budgeting, executing programs and reviewing and analyzing performance and production, as set forth in Secretary's Order No. 16–67,

2. Shall, in the discharge or delegation of the responsibilities assigned herein, make maximum utilization of existing capability and resources of other organizations of the Department,

3. Shall recommend the bringing of legal proceedings in the courts, and,

4. May redelegate such authority as may be delegated by the Secretary of Labor, except as such delegation may be specifically limited.

b. The Solicitor of Labor shall have the responsibility for providing legal advice and assistance to all officers of the Department relating to the administration of the Age Discrimination in Employment Act of 1967.

4. *Reservation of authority.* The following functions are reserved to the Secretary:

(a) Submission of reports and recommendations to the President and the Congress concerning the administration of the Age Discrimination in Employment Act.

b. The bringing of legal action under the Age Discrimination in Employment Act, the determination in each case whether such proceedings are appropriate to be made by the Solicitor of Labor. When agreement is not reached between the Assistant Secretary for Labor-Management Relations and the Solicitor regarding the bringing of such proceedings, the Assistant Secretary shall refer the matter to the Secretary for decision.

5. *Directives affected.* This order further extends the scope of authority and responsibilities of the Assistant Secretary for Labor-Management Relations as set forth in Secretary's Orders 14–67 and 16–67. Secretary's Order 29–65 remains in force to the extent that it is not inconsistent with responsibilities assigned in this order.

6. *Effective date.* This order is effective immediately.

Signed at Washington, D.C., this fifth day of June 1968.

WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 68–7984; Filed, July 3, 1968; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1195]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JUNE 28, 1968.

The following applications are governed by Special Rule 1.247 [1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 1375 (Sub-No. 14) (Correction), filed May 14, 1968, published in the FEDERAL REGISTER issue of May 30, 1968, corrected and republished as corrected this issue. Applicant: BELL LINES, INC., 6414 McCorkle Avenue, Charleston, W. Va. 25304. Applicant's representative: Francis W. McInerny, 100 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment; (1) between Bluefield, Va.-W. Va., and Columbia, S.C.; from Bluefield, over U.S. Highway 19 to Johnson City, Tenn., thence over U.S. Highway 23 to Asheville, N.C., thence over Interstate Highway 26 to Columbia, S.C. Also, from Asheville over U.S. Highway 25 to Greenville, S.C., thence over U.S. Highway 25 to junction U.S. Highway 178 at or near Greenwood, S.C., thence over U.S. Highway 178 to Saluda, S.C., thence over U.S. Highway 378 to Columbia, S.C. Also, from Greenville, S.C., to Columbia, S.C., over U.S. Highway 276 to junction Interstate Highway 26 at or near Clinton, S.C., thence over Interstate Highway 26 to Columbia, S.C.; (2) between Greenville, S.C., and North Augusta, S.C., over U.S. Highway 25; (3) between Greenville, S.C., and Chester, S.C., from Greenville over U.S. Highway 29 to Arcadia, S.C., thence over South Carolina Highway 9 to Chester, and return over the same route.

NOTE: The purpose of this republication is to correctly describe Route (1), below, and to correct the Note to show that it is proposed that Bell Lines conduct operations between points in South Carolina located on, and "West" of U.S. Highway 21, in lieu of "East", as was originally shown. Applicant states service is authorized at all intermediate points on the routes specified in South Carolina and at off-route points in South Carolina on and west of a line beginning at North Carolina-South Carolina State line, thence over U.S. Highway 21 to Columbia, S.C., thence over U.S. Highway 1 to North Augusta, S.C. Service is not authorized in that portion of the North Augusta, S.C., commercial zone located in Georgia. No service may be provided at points in North Carolina, Tennessee, or Virginia (other than Bluefield), except as otherwise authorized. The purpose of this application is to permit Bell Lines to conduct operations between points in South Carolina located on, and west of U.S. Highway 21 and north and west of U.S. Highway 1, on the one hand, and, on the other, Bluefield, Va.-W. Va., and points on the Bell Lines, existing authority north thereof. Under its existing authority in MC–1375 and subs thereunder, and under authority granted but not yet issued in Docket MC 1375 Sub 11, Bell may conduct operations between Bluefield, Va.-W. Va., on the one hand, and, points in South Carolina, on the other. Such operations must be conducted through Charlotte, N.C., as a gateway. This application is one for an alternate route pursuant to which Bell will conduct operations between points and territories involved without the need of observing Charlotte, N.C. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Charleston, W. Va.

No. MC 2900 (Sub-No. 158), filed June 13, 1968. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: W. D. Beatenbough (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading; (1) between Moreland, Ga., and Opelika, Ala.; from Moreland over U.S. Highway 29 to Opelika, and return over the same route as an alternate route for operating convenience only; (2) between Huntsville and Gadsden, Ala., from Gadsden over U.S. Highway 431 to Huntsville, Ala., and return over the same route as an alternate route for operating convenience only; (3) between Cullman and Gadsden, Ala.; from Cullman over U.S. Highway 278 to Gadsden, Ala., and return over the same route as an alternate route for operating convenience only; (4) between Tuscumbia and Cullman, Ala.; from Tuscumbia over Alabama Highway 157 to Cullman, Ala., and return over the same route as an alternate route for operating convenience only; (5) between Lincoln and Sylacauga, Ala.; from Lincoln over Alabama Highway 77 to the junction of Alabama Highway 21 and thence over Alabama Highway 21 to Sylacauga, Ala., and return over the same route as an alternate route for operating convenience only; (6) between Opelika and Cuba, Ala., from Opelika over U.S. Highway 29 to U.S. Highway 80, thence over U.S. Highway 80 to Cuba, Ala., and return over the same route as an alternate route for operating convenience only; serving no intermediate points in connection with (1), (2), (3), (4), (5), and (6) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 9050 (Sub-No. 30), filed June 5, 1968. Applicant: SEEGER BROS., a corporation, Hillside Avenue, Kenvil, N.J. 07847. Applicant's representative: James J. Farrell, 201 Montague Place, South Orange, N.J. 07079. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives and similar dangerous articles*, between Frackville and Suscon, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, Vermont, and the District of Columbia, under contract with Hercules Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 25587 (Sub-No. 2), filed June 18, 1968. Applicant: EDWARD J. BELL, doing business as BELL STORAGE & WAREHOUSE, 1931 East York Street, Philadelphia, Pa. 19125. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New household furnishings and appliances*, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey, Delaware, and those in Maryland on the east of U.S. Highway 1 and those in New York within 25 miles of the New York entrance of the Holland Tunnel. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 29392 (Sub-No. 12), filed June 18, 1968. Applicant: LES JOHNSON CARTAGE COMPANY, a corporation, Post Office Box 305, Denmark, Wis. 54208. Applicant's representative: Nancy J. Johnson, 111 South Fairchild Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Green Bay, Wis., to points in Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 29988 (Sub-No. 113), filed June 17, 1968. Applicant: DC INTERNATIONAL, INC., 45th and Jackson, Denver, Colo. 80216. Applicant's representative: Raymond B. Danks, 401 First National Bank Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, automobiles, coal, sand, gravel, portland cement, and commodities requiring special equipment), between Kansas City, Mo., and Chicago, Ill., from Kansas City over Interstate Highway 35 to junction U.S. Highway 36 at or near Cameron, Mo., thence over U.S. Highway 36 to junction Interstate Highway 55 at or near Springfield, Ill., thence over Interstate Highway 55 to Chicago, and return over the same route, as an alternate route, in connection with carrier's presently authorized regular-route operations between Chicago, Ill., on the one hand, and, on the other, Los Angeles and San Diego, Calif., serving no intermediate points and serving the termini for the purpose of joinder only, restricted against the transportation of any traffic moving between Chicago, Ill., and points in its commercial zone, or points east thereof, on the one hand, and, on the other, Kansas City, Mo., and points in its commercial zone; points east of Kansas City, Mo., or points (including points in the commercial zones) west of Kansas City, Mo., on U.S. Highway 40. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 30837 (Sub-No. 353), filed June 14, 1968. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53140. Applicant's representative: Paul F. Sullivan, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wheeled amphibious craft*, from Chico, Calif., to points in the United States, excluding Hawaii and Alaska. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 34767 (Sub-No. 42) (Amendment), filed March 18, 1968, published in FEDERAL REGISTER issue of March 28, 1968, amended June 20, 1968, and republished, as amended, this issue. Applicant: GOOD'S TRANSFER, INCORPORATED, 234 Charles Street, Harrisonburg, Va. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients and feed supplements*, from Linville and Harrisonburg, Va., to points in West Virginia. NOTE: The purpose of this republication is to correctly set forth the commodities sought to be transported. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 40978 (Sub-No. 11), filed May 29, 1968. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, a corporation, 3321 Highway 141 South, Sheboygan, Wis. 53081. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts, including new box springs, new mattresses, new hide-a-beds, and new hospital beds*, from Munster and Gary, Ind., to points in the Upper Peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 42166 (Sub-No. 1), filed June 17, 1967. Applicant: GILBERT TRUCKING CO., INC., 56 Gold Street, Brooklyn, N.Y. 11201. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the warehouse facilities of General Motors Corp. (General Motors Overseas Operations at Carlstadt, N.J.) and points in the New York, N.Y., commercial zone in New York and New Jersey, under contract with General Motors Overseas Operations. NOTE: Applicant states that the points in the New York, N.Y., commercial zone in New York and New Jersey will be those that are piers and wharves. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 42487 (Sub-No. 692), filed June 21, 1968. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, 7101 South Cicero Avenue, Post Office

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those requiring armored vehicles or armed guards, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Manheim (Lancaster County), Pa., as an off-route point in connection with applicant's presently authorized regular route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, or Washington, D.C.

No. MC 56082 (Sub-No. 63), filed June 17, 1968. Applicant: DAVIS & RANDALL, INC., 154 Chautauqua Road, Fredonia, N.Y. 14063. Applicant's representative: Ronald W. Malin, Bank of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising materials*, from Newark, N.J., to points in Tennessee and *empty malt beverage containers* on return. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., Chicago, Ill., or Washington, D.C.

No. MC 59640 (Sub-No. 13), filed June 18, 1968. Applicant: PAULS TRUCKING CORPORATION, 847 Flora Street, Elizabeth, N.J. 07201. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the warehouse facilities of Supermarkets General Corp. at Jersey City, N.J., to points in Suffolk, Westchester, and Rockland Counties, N.Y.; Bucks and Delaware Counties, Pa.; New Castle and Kent Counties, Del.; and Fairfield County, Conn. Restrictions: The authority sought herein is limited (1) to shipments moving to retail stores, and (2) to a service to be performed, under a continuing contract or contracts with Supermarkets General Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 59694 (Sub-No. 4) (Correction), filed May 29, 1968, published FEDERAL REGISTER issue June 27, 1968, corrected and republished as corrected this issue. Applicant: MISSSOURI VALLEY EXPRESS, INC., 4440 Buckingham, Post Office Box 7078, South Omaha Station, Omaha, Nebr. 68101. Applicant's representative: Earl H. Scudder, Jr., Post Office Box 2028, 605 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and dairy products*, as described in sections A and B of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Fort Dodge, Denison, Waterloo, Sioux City, and Iowa Falls, Iowa, to New York, N.Y., under contract with W. M. Tynan & Co., with no transportation for compensation on return except as otherwise authorized. NOTE: The purpose of this republication is to include "meat byproducts" to the commodity description, which was inadvertently omitted from previous publication. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or New York, N.Y.

No. MC 69833 (Sub-No. 94), filed June 17, 1968. Applicant: ASSOCIATED TRUCK LINES, INC., Vandenberg Center, Grand Rapids, Mich. 49502. Applicant's representative: Harry Pohlad (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value), classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plantsite of Republic Powdered Metals, Inc., in Brunswick Hills Township (Medina County), Ohio, as an off-route point in connection with applicant's authorized regular route operations to and from Cleveland, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 76025 (Sub-No. 9), filed June 17, 1968. Applicant: OVERLAND EXPRESS, INC., Post Office Box 2667, 498 First Street NW., New Brighton, Minn. 55112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, and advertising materials*, from (1) points in Cottonwood, Dakota, Douglas, Freeborn, Goodhue, Jackson, Meeker, Olmstead, Pine, Ramsey, Rice, Waseca, and Washington Counties, Minn., and (2) from points in Clark, Chippewa, Columbia, Eau Claire, Green, Juneau, Marathon, Sauk, Trempealeau, and Wood Counties, Wis., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Vermont, and the District of Columbia, under a continuing contract or contracts with Land O'Lakes Creameries, Inc., of Minneapolis, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., Chicago, Ill., or Washington, D.C.

No. MC 77972 (Sub-No. 12), filed June 10, 1968. Applicant: MERCHANTS TRUCK LINE, INC., Summer Street, Post Office Box 209, New Albany, Miss. Applicant's representative: Rubel L. Phillips, Post Office Box 22533, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading (1) between Louisville, Philadelphia, and Decatur, Miss.; from Louisville over Mississippi Highway 15 to Decatur and return over the same route serving all intermediate points, including Philadelphia, Miss., and serving Sebastapol, Miss., as an off-route point, (2) between Louisville, Carthage, and Walnut Grove, Miss.; from Louisville over Mississippi Highway 25 to Carthage, thence over Mississippi Highway 35 to Walnut Grove and return, over the same route serving all intermediate points including Carthage, Miss., (3) between Philadelphia and Carthage, Miss., over Mississippi Highway 16 with closed doors for operating convenience only. NOTE: The above authority will be joined with Applicant's present authority between Memphis, Tenn., on the one hand, and, on the other various Mississippi points, including Louisville, Miss., (4) between Ackerman and Weir, Miss., from Ackerman over Mississippi Highway 12 to intersection of Mississippi Highway 413, thence over Mississippi Highway 413 to Weir, Miss., and return, over the same route serving all intermediate points. NOTE: The authority named in (4) above will be joined with Applicant's present authority between Memphis, Tenn., on the one hand, and on the other various Mississippi points, including, Ackerman, Miss. If a hearing is deemed necessary applicant requests it be held at Meridian or Jackson, Miss.

No. MC 88368 (Sub-No. 20) (Clarification), filed May 9, 1968, published in the FEDERAL REGISTER issue of May 30, 1968, clarified and republished this issue. Applicant: CARTWRIGHT VAN LINES, INC., 4411 East 119th Street, Grandview, Mo. 64030. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Interstate Commerce Commission, between Earp, Calif., and 50-mile radius and points in California. NOTE: Applicant states it intends to tack the above proposed authority with its present authority in MC 88368 and subs and to interline with other carriers. The purpose of this republication is to add the above tacking information. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo. or Washington, D.C.

No. MC 94350 (Sub-No. 189), filed June 17, 1968. Applicant: TRANSIT HOMES, INC., Haywood Road at Transit Drive, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr., Post Office Box 1628, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Crawford County, Ohio (excluding Galion, Ohio), to points in Wisconsin, Minnesota, Illinois, Iowa, North Dakota, South Dakota, Nebraska, Missouri, Kansas, Indiana, Michigan (excluding Mount Clemens, Detroit, and Flint), Kentucky, Tennessee, Arkansas, Ohio, Pennsylvania, New York, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 94350 (Sub-No. 190), filed June 19, 1968. Applicant: TRANSIT HOMES, INC., Haywood Road at Transit Drive, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements and/or buildings moving on their own or removable undercarriage equipped with hitchball or pintle connectors, from points in Lancaster County, S.C., to points in the United States, excluding Hawaii, and said *undercarriages*, on return. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 95084 (Sub-No. 66) (amendment), filed February 13, 1968, published FEDERAL REGISTER issue of February 29, 1968, amended June 12, 1968, and republished as amended this issue. Applicant: HOVE TRUCK LINE, a corporation, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, farm machinery, and agricultural implement parts, and attachments and farm machinery parts and attachments*, from Clay Center, Dodge City, Durham, Holton, Manhattan, and Salina, Kans., to points in the United States (except Alaska and Hawaii). NOTE: The purpose of this republication is to add the origin point of Dodge City, Kans. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., Chicago, Ill., or Omaha, Nebr.

No. MC 96324 (Sub-No. 13) (Correction), filed June 5, 1968, published in the FEDERAL REGISTER issue of June 20, 1968, and republished as corrected, this issue. Applicant: GENERAL DELIVERY, INC., 1822 Morgantown Avenue, Post Office Box 1816, Fairmont, W. Va. Applicant's representative: Harold G. Hernly, 711 14th Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt liquor*, packaged in bottles and cans, from the brewery site of Champale, Inc., located at Trenton, N.J., to points in West Virginia. NOTE: The purpose of this republication is to correctly set forth the commodity proposed to be transported. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 96563 (Sub-No. 1) (Correction), filed June 3, 1968, published in FEDERAL REGISTER issue of June 27, 1968, and republished as corrected this issue. Applicant: PARENT GARAGE LIMITED, 525 Hill Street, Windsor, Ontario, Canada. Applicant's representative: Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and commodities in bulk), between Willow Run Airport, near Ypsilanti, Mich., on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada located at Detroit, Mich., restricted to the transportation of traffic moving from or destined to points in Canada and having a prior or subsequent movement by air. NOTE: The purpose of this republication is to add the restriction which was previously omitted from the publication. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 98542 (Sub-No. 3), filed June 18, 1968. Applicant: COLLINS & SIMMONS, INC., Box 134, Wolcott, N.Y. 14590. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Groceries*, (a) between New York, N.Y., on the one hand, and, on the other, points in Monroe, Onondaga, and Wayne Counties, N.Y.; (b) from points in Orleans County to New York, N.Y., and *empty pallets*, on return; (2) *paper products*, from points in Monroe County, N.Y., to New York, N.Y.; (3) *frozen foods*, between points in Wayne County, N.Y., on the one hand, and, on the other, New York, N.Y.; (4) *canned goods*, except as set forth in (1) above, from points in Wayne County, N.Y., to New York, N.Y.; and (5) *sugar*, except as set forth in (1) above, from New York, N.Y., to points in Genesee, Ontario, and Wayne Counties, N.Y. NOTE: Applicant states it would tack at New York, N.Y., to enable service to Trenton, N.J., Philadelphia, Pa., and points in Hudson, Essex, Middlesex, Union, and Monmouth Counties, N.J. The purpose of this instant application is to convert the certificate of registration MC 98542 into a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be at Rochester, Syracuse, or New York, N.Y.

No. MC 103880 (Sub-No. 396), filed June 12, 1968. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio 44306. Applicant's representative: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Seneca, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Missouri, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 105566 (Sub-No. 5), filed June 18, 1968. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 68, East Prairie, Mo. 63845. Applicant's representative: Thomas F. Kilroy, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden boxes*, from Gideon, Mo., to points in Colorado and Utah. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 106023 (Sub-No. 6), filed June 20, 1968. Applicant: BARNUM MOVING & STORAGE CO., 755 South Brooklyn Avenue, Post Office Box 101, Sidney, Ohio 45365. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Auglaize, Allen, Logan, Hardin, Hancock, and Shelby Counties, Ohio, on the one hand, and, on the other, the Cox Municipal Airport near Dayton, Ohio, restricted to traffic having an immediately prior or immediately subsequent movement by aircraft. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 106398 (Sub-No. 364), filed June 19, 1968. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Houseboats*, from Salina, Kans., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 107064 (Sub-No. 65), filed June 20, 1968. Applicant: STEERE TANK LINES, INC., 2808 Fairmount Street, Post Office Box 2998, Dallas, Tex. 75201. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid ethylene*, from points in Ector County, Tex., to points in the United States (excluding Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 107403 (Sub-No. 748), filed June 17, 1968. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Ennis, Tex., to points in Texas, restricted to traffic having a prior movement by rail. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 749), filed June 20, 1968. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050 Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium silicofluoride*, in bulk, in tank vehicles, from Baltimore, Md., to Charlerol, Pa.

No. MC 107515 (Sub-No. 618), filed June 13, 1968. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga.

30310. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products*, from Salem and Roanoke, Va., to points in Georgia, Florida, Alabama, North Carolina, South Carolina, Tennessee, Mississippi, Louisiana, Texas, Kentucky, and Cincinnati, Ohio. NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 107544 (Sub-No. 78), filed June 19, 1968. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, Post Office Box 580, Marion, Va. 24354. Applicant's representative: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials and latex*, in bulk, from Perryville, Md., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant has contract carrier authority in MC 113959 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110193 (Sub-No. 163), filed June 18, 1968. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, Post Office Box 2628, South Bend, Ind. 46613. Applicant's representative: William Monheim (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing paper*, from Glens Falls, N.Y., to points in Berks, Dauphin, Indiana, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Northampton, and York Counties, Pa. NOTE: Applicant states it could tack with its presently held authority in Subs 133 and 141 at York, Pa., to serve Troy, Ohio, and points in Illinois, Indiana, the Lower Peninsula of Michigan, Wisconsin, Iowa, Minnesota, Missouri, Nebraska, and Kansas. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111201 (Sub-No. 13), filed June 17, 1968. Applicant: J. N. ZELLNER & SON TRANSFER COMPANY, a corporation, Post Office Box 818, East Point, Ga. 30044. Applicant's representatives: Archie B. Culbreth and Guy H. Postell, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, 1 gallon or less in capacity; *caps, covers, and discs* for bottles and jars, from Skyland, N.C., to points in Alabama, Florida, Georgia, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 111302 (Sub-No. 48), filed June 17, 1968. Applicant: HIGHWAY TRANSPORT, INC., Post Office Box 79, Powell, Tenn. 37849. Applicant's representative: Paul E. Weaver, 1120 West Griffin, Lakeland, Fla. 33801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, liquid sugar, and blends of corn syrup and liquid sugar*, in bulk, in tank vehicles, from Knoxville, Tenn., to points in Virginia and Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 111401 (Sub-No. 253), filed June 17, 1968. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, from points in Kansas to points in Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Oklahoma City, Okla.

No. MC 111401 (Sub-No. 254), filed June 20, 1968. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, between Bradford and Franklin, Pa., on the one hand, and, on the other, points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, or Dallas, Tex.

No. MC 111812 (Sub-No. 368), filed June 17, 1968. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from Chicago, Ill., to points in Idaho, Iowa, Montana, Minnesota, Nebraska, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming; (2) *frozen foods*, from Deerfield, Ill., to points in Nebraska and Minnesota; (3) *frozen foods*, from Black River Falls, Wis., to points in California, Idaho, Montana, Nevada, Oregon, Utah, Washington, Minnesota (except St. Paul and Minneapolis), North Dakota, South Dakota, and Wyoming; (4) *frozen foods*, from Traverse City, Mich., to points in Idaho, Illinois, Indiana, Iowa, Minnesota, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming; (5) *frozen fish products and frozen foods*, from Fort Atkinson and Rice Lake, Wis., to points in Idaho, Iowa, Montana, North Dakota, Oregon, South Dakota, Washington, and Wyoming; (6) *whip topping, coffee whitener, sour dressing* (nondairy products requiring refrigeration) from Chicago, Ill., to points in California, Oregon, and Washington; (7) *frozen foods*, from Cudahy and Milwaukee, Wis., to points in Iowa, Idaho, Minnesota, Montana, Nebraska, North Dakota, Oregon, South Dakota, California, Utah, Washington, and Wyoming.

(8) *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* as described in appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except in bulk, and hides); (a) from Chicago, Ill., to points in Idaho (except Boise and Payette), Iowa, Minnesota, Nebraska, North Dakota, Oregon (except Cornelius and Portland), South Dakota, Utah, Wisconsin, and Wyoming; and (b) from Cudahy and Milwaukee, Wis., to points in Idaho, Iowa, Minnesota, Montana, Nebraska, North Dakota, Oregon, South Dakota, California, Utah, Washington, and Wyoming; (9) (a) *meats*, fresh, cured, and smoked; (b) *flour, syrup, cheese, and advertising materials* when transported with commodities specified in (a), from Fort Atkinson, Wis., to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota; (10) *flour, syrup, cheese, and advertising materials* when transported with commodities presently authorized from Fort Atkinson, Wis., to points in Idaho, Montana, Oregon, and Washington; (11) *meats, meat products, and meat byproducts*, as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except in bulk, and hides), from Pekin, Ill., to Denver, Colo., and points in California and Utah (except Salt Lake City); (12) *dairy products and articles distributed by meat packinghouses* as described in sections B and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766; (a) from Omaha, Nebr., to Boise, Burley, and Pocatello, Idaho; (b) from Sioux Falls, S. Dak., to points in Oregon and Washington; (c) from Mitchell, S. Dak., to points in Idaho, Montana, Nevada, Oregon, and Washinton; (d) from Madison, S. Dak., to points in California and Nevada.

(13) *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from Mitchell, S. Dak., to Austin, Minn. NOTE: The purpose of (13) is to eliminate the underlined restrictions in Sub 90 which reads, "*Fresh meats, suspended, in vehicles equipped with trolley rails*, and commodities described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, *when moving with fresh meats, suspended, in vehicles equipped* with trolley rails."; (14) *meats, packinghouse products, and commodities used by packinghouses* as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; (a) from points in Wisconsin to points in Arizona, California, Idaho, Montana, Nevada, Oregon, and Washington; (b) from points in Iowa and Minnesota to points in California, Idaho, Montana, Nevada, and Utah; (c) from Chicago, Ill., to points in California, Idaho, Montana, Nevada, Oregon, and Washington; and (d) from Omaha, Nebr., to points in Montana, Oregon, and Washington. NOTE: The purpose of (14) is to eliminate gateways and/or interlining with All-American Transport, Inc., a commonly controlled company (see MC-F-8280) to perform the same service presently authorized by the Commission in applicant's Subs 11, 13, 18, 51, 62, 69, 90, 91, 95, 128, 130, 139, 183, 225, and 252. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112184 (Sub-No. 29), filed June 14, 1968. Applicant: THE MANFREDI MOTOR TRANSIT COMPANY, a corporation, Route 87, Newbury, Ohio 44065. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hydrofluoric acid*, in bulk, in shipper-owned tank vehicles, from Cleveland, Ohio, to points in New Jersey; those in Pennsylvania east of U.S. Highway 15 except Steelton, Hazleton, and Jermyn, Pa.; and those in New York except Buffalo, Syracuse, and New York City; and Georgia, under contract with Harshaw Chemical Corp., Division of Kewanee Oil Co. NOTE: Applicant has common carrier authority in MC 128302 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 112520 (Sub-No. 184), filed June 13, 1968. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk*, (1) between points in Leon County, Fla., on the one hand, and, on the other, points in Alabama and Georgia, and (2) between points in Leon County, Fla., on the one hand, and, on the other, points in Florida having a prior or subsequent movement by water or rail. NOTE: Applicant states that it could tack the proposed authority with its presently held authority in its Sub-Nos. 9, 15, 16, 18, 22, 24, 25, 27, 29, 33, 35, 68, 75, 77, 81, 83, 87, 91, 92, 102, 116, 132, 144, and 167, wherein it conducts operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, and Texas. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 113514 (Sub-No. 102), filed June 19 1968. Applicant: SMITH TRANSIT, INC., 3300 Republic National Bank Building, Dallas, Tex. 75201. Applicant's representative: Wm. E. Livingstone, III, Suite 4555, First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, from Fort Worth, Tex., to points in Oklahoma and New Mexico. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 114019 (Sub-No. 189), filed June 12, 1968. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60529. Applicant's representative: Axelrod, Goodman & Steiner, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas, and agricultural commodities and commodities*, the transportation of which is partially exempt pursuant to section 203(b)(6) of the Interstate Commerce Act, when moving in mixed shipments with bananas, from New York, N.Y.; Philadelphia, Pa.; and, Baltimore, Md., to points in North Carolina, South Carolina, and Virginia; (2) *agricultural commodities and commodities*, the transportation of which is partially exempt pursuant to section 203(b)(6) of the Interstate Commerce Act when moving in mixed shipments with bananas (a) from Baltimore, Md., to Chicago, Ill., Indianapolis, Fort Wayne, and South Bend, Ind.; Louisville, Ky.; Madison and Milwaukee, Wis.; and points in Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia; (b) from port facilities in the New York, N.Y., harbor area, as defined by the Commission in Ex Parte No. MC-140, Determination of the Limits of New York Harbor and Harbors Contiguous Thereto, 49 CFR 303, to Louisville, Ky.; Madison, Milwaukee, and Butler, Wis.; and points in Michigan, New Jersey, and West Virginia. NOTE: Applicant presently holds authority to transport bananas from and to points named in part (2) of application, under MC 114019, Sub 66. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114045 (Sub-No. 322), filed June 20, 1968. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, chemical compounds, and cleaning compounds*, other than in bulk, when moving in mechanically refrigerated vehicles, from Utica, Ill., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Tennessee, Texas, and New Mexico. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 115523 (Sub-No. 147), filed June 20, 1968. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 Beck Street, Salt Lake City, Utah 84116. Applicant's representative: Keith E. Taylor, 520 Kearns Building, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* in bulk and *commodities other than commodities in bulk* when moving in combination with a shipment of commodities in bulk, between points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington. NOTE: Applicant indicates tacking possibilities with its presently held authorities. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, Las Vegas, Nev., or San Francisco, Calif.

No. MC 116063 (Sub-No. 111), filed June 18, 1968. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2400 Cold Springs Road, Fort Worth, Tex. 76101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oil and vegetable oils*, including products and blends thereof, in bulk, in tank vehicles, from Champaign, Ill., to points in Maryland, North Carolina, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Dallas, Tex.

No. MC 117190 (Sub-No. 4), filed June 17, 1968. Applicant: WILLIAM LUSTBERG, doing business as WILCO GARMENT DELIVERY, 812 79th Street, North Bergen, N.J. 07047. Applicant's representative: Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Wearing apparel* and *materials and supplies* used in the manufacture of wearing apparel, (1) Over regular routes; (a) between Union City, N.J., and Middletown and Suffern, N.Y.: (a) From Union City over U.S. Highway 1 to Ridgefield, N.J., thence over U.S. Highway 46 (formerly New Jersey Highway 6) to Hasbrouck Heights, N.J., thence over New Jersey Highway 17 (formerly New Jersey Highway 2) to junction U.S. Highway 202, thence over U.S. Highway 202 to Suffern, N.Y., thence over New York Highway 59 to junction New York Highway 17, thence over New York Highway 17 to junction New York Highway 17M (formerly New York Highway 17), thence over New York Highway 17M to junction New York Highway 17, thence over New York Highway 17M (formerly New York Highway 17), thence over New York Highway 17M to Middleton; and (b) from Union City, N.J., to Suffern, N.Y., serving no intermediate points, from Union City over U.S. Highway 1 to Englewood, N.J., thence over city streets via Tenafly, Bergenfield, Dumont, New Milford, and Oradell, N.J., to junction New Jersey Highway 17 (formerly New Jersey Highway 2), thence as specified above to Suffern; (2) over irregular routes: (a) Between New York, N.Y., and Essex, Hudson, and Bergen Counties, N.J., on the one hand, and, on the other, points in Greene, Orange, Sullivan, and Ulster Counties, N.Y.; (b) between Kingston, N.Y., on the one hand,

and, on the other, points in Essex, Hudson, and Bergen Counties, N.J. NOTE: Applicant states it intends to tack as presently authorized in certificate No. MC 117190. Applicant further states the purpose of the instant application is to correct existing authority in MC 117190 which certificate will be surrendered for cancellation. The instant application duplicates all authority but seeks clarification. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 118457 (Sub-No. 6), filed June 17, 1968. Applicant: ROBBINS DISTRIBUTING COMPANY, INC., 300 Dodge Street, Racine, Wis. 53402. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen foods*, in vehicles equipped with mechanical refrigeration, (1) from points in Wisconsin to points in Illinois, Indiana, Ohio, and Lower Peninsula of Michigan, Kentucky, and Missouri, and (2) from points in Illinois to points in Wisconsin. NOTE: All duplicating authority to be eliminated. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 118884 (Sub-No. 2), filed June 14, 1968. Applicant: RELIABLE MACHINERY HAULERS, INC., 107 Belden Avenue NE., Canton, Ohio 44704. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Undercarriage assemblies*, and (2) *parts, attachments, and accessories* for the commodity described in (f) above; between New Philadelphia, Ohio, on the one hand, and, on the other, Winona, Minn., and Fort Dodge, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119229 (Sub-No. 2), filed June 14, 1968. Applicant: CHARLES ORLANDO, doing business as ORLANDO TRUCKING, 133–39 122d Street, Ozone Park, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Upholstered furniture and studio couches*, from Lebanon, N.J., to points in Ohio, West Virginia, Indiana, Illinois, and Michigan; (2) *materials and supplies*, as used in the manufacture or distribution of upholstered furniture and studio couches, from points in Ohio, West Virginia, Indiana, Illinois, and Michigan to Lebanon, N.J. and *rejected shipments*, on return, under contract with Eclipse Sleep Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 119531 (Sub-No. 85), filed June 10, 1968. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper products and paper products combined with metal and plastic*, from Chesterfield and St. Louis, Mo., to points in Illinois, Indiana, Kentucky, and Ohio; and, (2) *materials and supplies used in the manufacture, sale, and distribution of paper products and paper products combined with metal and plastic* from points in Illinois, Indiana, Kentucky, and Ohio, to Chesterfield and St. Louis, Mo. NOTE: Applicant states a possible tack with its Sub 7 would exist at Cleveland, Ohio, to serve points in New York and Pennsylvania. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119777 (Sub-No. 111), filed June 18, 1968. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box 1, Madisonville, Ky. 42431. Applicant's representative: Fred F. Bradley, 213 St. Clair Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tanks*, from points in Warren County, Miss. to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Nebraska, North Carolina, North Dakota, New Jersey, New York, Maryland, Michigan, Minnesota, Missouri, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Common control may be involved. Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 126970 and Sub 1, therefor, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., Memphis, Tenn., or New Orleans, La.

No. MC 123111 (Sub-No. 4), filed June 19, 1968. Applicant: QUEENSWAY TANK LINES, LIMITED, Chesterville, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid aluminum sulphate* in tank trucks, from ports of entry on that portion of the international boundary line between the United States and the Province of Ontario, Canada, to points in New York and Vermont, restricted to foreign commerce only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123263 (Sub-No. 3), filed June 13, 1968. Applicant: BELGIUM TRUCKING CO., INC., Belgium, Wis. 53004. Applicant's representative: John T. Perter, 16 North Carroll Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed specialties*, from Fond du Lac, Wis., to points in Iowa, Minnesota, Illinois on and north of Interstate Highway 80, and to Circleville, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 123544 (Sub-No. 3) (Amendment), filed April 24, 1968, published in FEDERAL REGISTER issue of May 9, 1968, amended June 17, 1968, and republished, as amended this issue. Applicant: BERTSCH TRUCKING, INC., Box 15, Hillsboro, N. Dak. 58045. Applicant's representative: William S. Rosen, 639 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and implements and parts thereof*, from points of entry on the international boundary line of the United States and Canada at Neche and Pembina, N. Dak., and Noyes, Minn., to points in Arkansas, California, Idaho, Illinois, Indiana, Iowa, Louisiana, Missouri, Ohio, Texas, and Wisconsin, under contract with Versatile Manufacturing, Ltd. NOTE: The purpose of this republication is to broaden the scope of authority sought, by adding the states of California and Idaho. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Fargo, N. Dak.

No. MC 124078 (Sub-No. 333) (Correction), filed May 13, 1968, published in the FEDERAL REGISTER issue of May 30, 1968, corrected and republished in part, as corrected, this issue. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). NOTE: Applicant states it intends to tack at Butler, Pa., to serve points in Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia. The purpose of this republication is to add Georgia, New Hampshire, Rhode Island, South Carolina, Vermont, Wisconsin, and the District of Columbia to the points served by tacking in the description above. The caption, otherwise, remains as originally published in the FEDERAL REGISTER.

No. MC 125477 (Sub-No. 3), filed June 19, 1968. Applicant: BRAKE TRUCKING, INC., Rural Route No. 2, Springfield, Ill. 62707. Applicant's representative: Robert T. Lawley, 308 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden kitchen and bathroom cabinets*, from New Salisbury, Ind., to points in Illinois, Missouri, and Kansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 126222 (Sub-No. 4) filed June 14, 1968. Applicant: JOSEPH A. SIEFERT AND JOSEPH J. SIEFERT, a partnership, doing business as SIEFERT BROS. TRUCKING CO., Post Office Box 310, Du Quoin, Ill. Applicant's representative: Ernest A. Brooks II, Ambassador Building, 411 North Seventh Street, St. Louis, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Laundry clotheslines, umbrella type; clothesline poles; carts; ironing caddies and parts, attachments, and accessories thereof;* (2) *sleds; chalkboard desks; bulletin boards; chalkboards; tracing boards; flannel boards; and parts, accessories, and attachments thereof;* and (3) *component parts of backyard playground equipment and of the above items*, from the plantsite of Turco Manufacturing Co. at Du Quoin, Ill., to points in the United States (except Alaska and Hawaii), under contract with Turco Manufacturing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 126625 (Sub-No. 3), filed June 17, 1968. Applicant: MURPHY SURFAIR TRUCKING COMPANY, INC., Blue Grass Field, Lexington, Ky. 40500. Applicant's representative: Herbert D. Liebman, 403 West Main Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between points in Fayette, Franklin, Scott, Bourbon, Madison, Clark, Harrison, Boyle, Woodford, Jessamine, Anderson, Shelby, Montgomery, Rowan, Fleming, Jefferson, Rockcastle, Trimble, Estill, Nicholas, Pulaski, Whitley, Knox, Boone, Laurel, Mercer, Bath, Owen, Henry, Grant, Oldham, Gallatin, Bell, Garrard, Lincoln, Carroll, Pendleton, Warren, Barren, Washington, Nelson, Casey, and Taylor Counties, Ky., on the one hand, and, on the other, Weir-Cook Airport near Indianapolis, Ind., O'Hare Field, Chicago, Ill., and James Cox Municipal Airport, Vandalia, Ohio; (2) between points in Marion County, Ky., on the one hand, and, on the other, O'Hare Field, Chicago, Ill., and James Cox Municipal Airport, Vandalia, Ohio. Restriction: The service proposed herein is restricted to shipments having an immediately prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Frankfort, Lexington, or Louisville, Ky.

No. MC 127584 (Sub-No. 3), filed June 19, 1968. Applicant: AERO TRANSPORTERS, INC., Box 551, Ellenville, N.Y. 12428. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Television antennas, tubing, hardware, junction blocks, wire, rods, rivets, television antenna rotating devices, talking machines and parts, radio receiving sets and parts, radio tubes, advertising matter, and cathode ray tubes*, between points in the town of Wawarsing, Ulster County, N.Y., on the one hand, and, on the other, (1) points in the New York, N.Y., commercial zone, as defined by the Commission, restricted to the transportation of shipments having a prior or subsequent movement by water, and, (2) Port Jervis, N.Y., restricted to shipments having a prior or subsequent movement by railroad under contract with Channel Master Corp., Division of Avnet, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 127705 (Sub-No. 14), filed June 10, 1968. Applicant: KREVDA BROS. EXPRESS, INC., Post Office Box 68, Gas City, Ind. 46933. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bottle handles*, from Cleveland, Ohio, to Parker, Pa. NOTE: Applicant holds authority under MC 123934 as a contract carrier, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Pittsburgh, Pa.

No. MC 128054 (Sub-No. 1), filed May 31, 1968. Applicant: EDWARD I. JURY, doing business as EDWARD I. JURY TRUCKING, Hurxthal Street, Karthaus, Pa. 16845. Applicant's representative: John K. Reilly, Jr., Keystone Building, Box 487, Clearfield, Pa. 16830. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt and brewed beverages and empty containers for same*, from Du Bois, Clearfield County, Pa., to points in New York, New Jersey, Maryland, West Virginia, Ohio, North Carolina, Virginia, and Delaware. NOTE: If a hearing is deemed necessary, applicant requests it be held at Clearfield or Ridgway, Pa.

No. MC 128503 (Sub-No. 2), filed June 18, 1968. Applicant: WORLDWIDE PET TRAVEL SERVICE, a corporation, 1546 South 53d Street, Philadelphia, Pa. 19143. Applicant's representative: Martin Armstrong, 314 South Lippincott Avenue, Maple Shade, N.J. 08052. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animals*, of all kinds, other than horses for racing or show purposes, such as dogs, cats, monkeys, and reptiles used for pets, resale, research, or exhibit, between points in Delaware, New Jersey, New York, N.Y., points in Nassau County, N.Y., and points in Bucks, Chester, Delaware, Montgomery, and Philadelphia, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Trenton, N.J.

No. MC 128646 (Sub-No 1), filed June 14, 1968. Applicant: ISREAL TRANSFER & STORAGE COMPANY, a corporation, 1918 Locust Street, Kansas City, Mo. 64108. Applicant's representative: Michael J. Drape, 925 Argyle Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Display equipment, paraphernalia, and materials*, between the commercial zone of Kansas City, Mo., on the one hand, and, on the other, points in Missouri and Kansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Topeka, or Jefferson City, Mo.

No. MC 129368 (Sub-No. 2), filed June 17, 1968. Applicant: O'BRIEN TRANSPORT CORPORATION, 720 West Witzel Avenue, Post Office Box 437, Oshkosh, Wis. 54901. Applicant's representative: Rolfe E. Hanson, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from Oshkosh, Wis., to points in the Upper Peninsula of Michigan. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Madison, Wis.

No. MC 129459 (Sub-No. 2), filed June 19, 1968. Applicant: KEARNEY'S TRUCKING SERVICE, INC., U.S. Route Alternate 611, Portland, Pa. 18331. Applicant's representative: Kenneth R. Davis, 1106 Dartmouth St., Scranton, Pa. 18504. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry salt*, in bulk for highway use only, from Port Newark, N.J., to points in New York, New Jersey, Pennsylvania, Maryland, Delaware, Connecticut, Massachusetts, and Rhode Island, under contract with Diamond Crystal Salt Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129550 (Sub-No. 2), filed June 18, 1968. Applicant: HOWARD W. MIXON AND FRED MIXON, JR., a partnership, doing business as MIXON BROS., Box 131, Idabel, Okla. 74745. Applicant's representative: Wilburn L. Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, unfrozen, from Hope, Ark., to points in Washington, Oregon, California, Arizona, Nevada, Idaho, Montana, Wyoming, Colorado, New Mexico, Texas, Utah, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Oklahoma City, Okla.

No. MC 129815 (Sub-No. 1), filed June 10, 1968. Applicant: KEITH BRINKERHOFF, 807 Second Avenue, Salt Lake City, Utah 84103. Applicant's representative: William S. Richards, 1610 Walker Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *bananas* and, (2) *agricultural products*, in mixed shipments, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles at the same time with (1) above, from points in California and Washington to the port of entry on the international boundary line between the United States and Canada located at Sweetgrass, Mont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 129887 (Sub-No. 1) (Correction), filed May 27, 1968, published FEDERAL REGISTER issue of June 27, 1968, corrected and republished as corrected this

issue. Applicant: CAL-PINE TRANSPORTATION, INC., 270 Henderson Street, Jersey City, N.J. 07302. Applicant's representative: Roger B. Pepper, 297 Academy Street, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soaps, cleaning compounds, sanitary liquids and powders*, in containers (other than bulk); (1) from the plantsite and warehouse of West Chemical Products, Inc., Long Island City, N.Y., to the warehouses of West Chemical Products, Inc., in Atlanta, Ga., Buffalo, N.Y., Chicago, Ill., Cleveland, Ohio, Dallas, Tex., Denver, Colo., Detroit, Mich., Houston, Tex., Los Angeles, Calif., New Orleans, La., Oakland, Calif., Pittsburgh, Pa., Portland, Oreg., Richmond, Va., St. Paul, Minn., Salt Lake City, Utah, and Seattle, Wash.; and (2) from the plantsite and warehouse of West Chemical Products, Inc., Chicago, Ill., to the warehouses of West Chemical Products, Inc., in Atlanta, Ga., Buffalo, N.Y., Cleveland, Ohio, Dallas, Tex., Denver, Colo., Detroit, Mich., Houston, Tex., Indianapolis, Ind., Kansas City, Mo., Lockland, Ohio, Long Island City, N.Y., Los Angeles, Calif., New Orleans, La., Oakland, Calif., Philadelphia and Pittsburgh, Pa., Portland, Oreg., and Richmond, Va., St. Louis, Mo., St. Paul, Minn., Salt Lake City, Utah, and Seattle, Wash., under a continuing contract with West Chemical Products, Inc. NOTE: The purpose of this republication is to add the destination points of Pittsburgh, Pa., and Portland, Oreg., in (2) above. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129890, filed May 6, 1968. Applicant: FREDERICK A. JOHNSON, SR., doing business as JOHNSON'S MOVING & DELIVERY, 180 Boston Post Road, East Lyme, Conn. 06333. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, soap, printed matter, cosmetics, prizes and premiums, office furniture, and materials*, between points in New London County, Conn., and points in that part of Connecticut bounded on the south by Long Island Sound, on the east by the Rhode Island State line, and on the north by Connecticut Highway 6, thence along Connecticut Highway 6 to Connecticut Highway 66, thence along Connecticut Highway 66 to Connecticut Highway 9, thence along Connecticut 9 to Connecticut Highway 17, thence along Connecticut Highway 17 to Connecticut Highway 79, thence along Connecticut Highway 79 to Long Island Sound, including points on the indicated portions of the highways specified, restricted to shipments originating in Rye, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New London, New Haven, or Hartford, Conn., or Providence, R.I.

No. MC 129930 (Correction), filed May 22, 1968, published in FEDERAL REGISTER issue of June 27, 1968, and republished as corrected this issue. Applicant: FAIRPORT TRUCKING, INC., Williams Street, Grand River, Ohio 44045. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement and mortar*, from points in Lake County, Ohio, to points in that part of New York on and west of a line beginning at Oswego, N.Y., thence along New York Highway 57 to Syracuse, N.Y., thence along U.S. Highway 11 to the Pennsylvania-New York State line; that part of Pennsylvania on and west of U.S. Highway 11 (including Harrisburg, Pa.) and that part of West Virginia on, west and north of a line beginning at the Virginia-West Virginia State line, thence along U.S. Highway 219 to junction West Virginia Highway 4, thence along West Virginia Highway 4 to Charleston, W. Va., thence along U.S. Highway 60 to the West Virginia-Kentucky State line, under contract with Bessemer Cement Co., Subsidiary of Louisville Cement Co. of Cleveland, Ohio. NOTE: The purpose of this republication is to include *"that part of Pennsylvania on and"*, in authority sought, which was erroneously omitted. If a hearing is deemed necessary applicant requests it be held at Columbus, Ohio.

No. MC 129974, filed June 17, 1968. Applicant: THOMPSON BROS., INC., Box 437, Toronto, S. Dak. 57268. Applicant's representative: Frank Denholm, Brookings, S. Dak. 57006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used electrical supplies, such as transformers, regulators, breakers, capacitors, conductor wiring and miscellaneous supplies, such as minor fittings, brackets, bolts and nuts*, between Colman, S. Dak., on the one hand, and, on the other, points in the United States (excluding Alaska and Hawaii), under contract with T & R Electric Supply Co., Inc. NOTE: Applicant is also authorized to conduct operations as a common carrier in certificate No. MC 124408 and subs, therefor, dual operations may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 129978, filed June 18, 1968. Applicant: HAP TRUCKING, INC., 26–30 Borough Place, Woodside, Queens, N.Y. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, and packaging materials*, (1) from New York, N.Y., to points in Richland County, N.Y., and points in Bergen, Hudson, Essex, Middlesex, Monmouth, Morris, Passaic, Somerset, and Union Counties, N.J., and (2) from Newark, N.J., to points in Rockland, Westchester, Nassau, and Suffolk Counties, N.Y., and New York, N.Y., under contract with Herbert A. Post, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 129984, filed June 17, 1968. Applicant: GLENN PETERSON, doing business as PETERSON TRANSIT, Route 2, Merrill, Wis. 54452. Applicant's representative: George W. Curtis, 100 South Court Street, Merrill, Wis. 54452. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured wire products and materials for their manufacture*, from Merrill, Wis., to points in the United States (excluding Alaska and Hawaii), under contract with Wire Products Manufacturing Corp., Merrill, Wis. NOTE: (1) Applicant states the proposed operations will be to points in the State of Illinois primarily, but all other States upon occasion. (2) If a hearing is deemed necessary, applicant requests it be held at Merrill, Wausau, or Madison, Wis.

No. MC 129987, filed June 19, 1968. Applicant: TERRA COTTA TRUCK SERVICE, INC., Junction Routes 31 and 176, Crystal Lake, Ill. 60014. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt* in bulk, and *salt* in bags or packages, from Chicago, Ill., to points in Indiana, Illinois, and Wisconsin, under contract with Cargill, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 29890 (Sub-No. 34), filed June 7, 1968. Applicant: ROCKLAND COACHES, INC., 126 North Washington Avenue, Bergenfield, N.J. 07621. Applicant's representative: S. S. Eisen, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, (1) between points in Montvale, N.J., from junction Grand Avenue with Railroad Avenue over Grand Avenue to junction Garden State Parkway (Interchange No. 172); and return over the same route, serving all intermediate points. NOTE: On an intermediate segment of this route, the south half of Grand Avenue lies in Park Ridge, N.J., (2) between points in River Vale, N.J., from junction Rivervale Road (formerly River Vale Avenue) with Old Tappan Road West, over Rivervale Road to junction Piermont Avenue, and return over the same route, serving all intermediate points, (3) between points in Harrington Park, N.J., from junction Harriot Avenue with Carman Road, over Harriot Avenue to junction Harriot Avenue with Carman Road, over Harriot Avenue to junction Schraalenburgh Road, and return over the same route serving all intermediate points, (4) between Northvale and Rockleigh, N.J., from junction Paris Avenue with Livingston Street in Northvale, over Paris Avenue to junction Piermont Road in Rockleigh, and return over the same route, serving all intermediate points, (5) between points in Rockleigh, N.J., from junction Piermont Road with King Road, over King Road, Pond Road, and Link Drive to junction Piermont Road, and return over the same route, serving all intermediate points, (6) between points in Englewood, N.J., from junction Engle Street with Hudson Avenue, over Hudson Avenue to North Dean Street, thence over North Dean Street and South Dean Street to Van Nostrand Avenue to junction Grand Avenue, and return over the same route, serving all intermediate points, and (7) between Secaucus and North Bergen, N.J., from junction southbound New Jersey Turnpike (Interstate Highway 95) with access road to Interstate Highway 495 in Secaucus, over access road and Interstate Highway 495 to present route on New Jersey Highway 3 (Interstate Highway 495) in North Bergen, N.J., and return over the same route, as an alternate route, for operating convenience only, serving no intermediate points. NOTE: Applicant proposes to tack the various segments of authority here sought with its existing authority in Docket No. MC 29890 and sub numbers thereunder. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 117806 (Sub-No. 14), filed May 22, 1968. Applicant: ANTIETAM TRANSIT COMPANY, INC., 437 East Baltimore Street, Hagerstown, Md. 21741. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle, in round trip charter operations, beginning and ending at points in Washington County, Md., Berkeley County, and Berkeley Springs, W. Va., and that area in Pennsylvania bounded by a line beginning at the junction of the Pennsylvania-Maryland boundary line and Pennsylvania Highway 75, thence along Pennsylvania Highway 75 to junction Pennsylvania Highway 416, thence over Pennsylvania Highway 416 to junction U.S. Highway 30 thence over U.S. Highway 30 to junction Pennsylvania Highway 997, thence over Pennsylvania Highway 997 to junction Pennsylvania Highway 16, thence over Pennsylvania Highway 16 to junction Pennsylvania-Maryland boundary line, including points on the indicated portions of the highways specified, and extending to points in the United States, excluding Alaska and Hawaii. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Hagerstown, Md.

No. MC 123748 (Sub-No. 22), filed June 10, 1968. Applicant: CONNECTICUT LIMOUSINE SERVICE, INC., 1060 State Street, New Haven, Conn. 06511. Applicant's representative: Palmer S. McGee, Jr., 1 Constitution Plaza, Hartford, Conn. 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, (1)(a) between New Haven, Conn., and La Guardia Field Airport, New York, N.Y., and New York International Airport, Idlewild, N.Y., from New Haven over city streets and access roads to Interstate Highway 95 (Connecticut Turnpike), thence over Interstate Highway 95 to Exit No. 32 and Stratford, Conn., thence over Stratford city streets to Interstate Highway 95, Entrance No. 32, thence over Interstate Highway 95 to Fairfield, Conn., thence over Fairfield city streets to Interstate Highway 95, thence over Interstate Highway 95 to the Connecticut-New York State line, thence over the New England Thruway to New York, N.Y., and thence over city streets, highways and other passageways to La Guardia Field Airport, New York, N.Y., and New York International Airport, Idlewild, N.Y., and return over the same routes serving the intermediate points of Fairfield and Stratford, Conn., with service at Fairfield and Stratford limited to the transportation of passengers and their baggage to and from La Guardia Field Airport and New York International Airport:

(b) Between Waterbury, Conn., and La Guardia Field Airport, New York, N.Y., and New York International Airport, Idlewild, N.Y. From Waterbury over city streets to Connecticut Highway 8, thence over Connecticut Highway 8 to Bridgeport, Conn., thence over Bridgeport city streets to Stratford, Conn., thence over Stratford city streets to Interstate Highway 95, thence over Interstate Highway 95 to Fairfield, Conn., thence over Fairfield city streets to Interstate Highway 95, thence over Interstate Highway 95 to the Connecticut-New York State line, thence over the New England Thruway to New York, N.Y., and thence over city streets, highways and other passageways to La Guardia Field Airport, New York, N.Y., and return over the same routes serving the intermediate points of Derby, Stratford, and Bridgeport, Conn., with service at Derby, Stratford, and Bridgeport limited to the transportation of passengers and their baggage to and from La Guardia Field Airport and New York International Airport; (c) between Shelton, and Stratford, Conn., from Shelton over Connecticut Highway 110 to junction Interstate Highway 95 at Stratford, and return over the same route as an alternate route for operating convenience only, in connection with the route described immediately above, serving no intermediate points and service at Shelton, Conn., limited to joinder purposes only with carrier's otherwise authorized regular route limousine service: *Certificate of Public Convenience and Necessity dated June 12, 1963, MC–123748.*

(2) Between Stamford, Conn., and New York International Airport (Idlewild) and La Guardia Airport, New York, N.Y. From Stamford over city streets to Interstate Highway 95, thence over Interstate Highway 95 to New York, N.Y., thence over New York City streets to New York International Airport (Idlewild) and La Guardia Airport, and return over the same route serving no intermediate points: *Certificate of Public Convenience and Necessity dated March 30, 1964, MC–123748, Sub 9.* (3)(a) Between New Haven, Conn., and Newark Airport, Newark, N.J., from New Haven over city streets and Interstate Highway 95 to Stratford, Conn., thence over city streets and Interstate Highway 95 to Bridgeport, Conn., thence over city streets and Interstate Highway 95 to Fairfield, Conn., thence over city streets and Interstate Highway 95 to Norwalk, Conn., thence over city streets and Interstate Highway 95 to Darien, Conn., thence over city streets and Interstate Highway 95 to Stamford, Conn., thence over city streets and Interstate Highway 95 to the Connecticut-New York State line, thence over Interstate Highway 95 to the New York City line, thence over New York City streets, boulevards, expressways, and avenues to the Cross-Bronx Expressway, thence over the Cross-Bronx Expressway to the George Washington Bridge, thence over U.S. Highway 46 to the New Jersey Turnpike, thence over the New Jersey Turnpike to the Newark Airport Interchange, and thence to the Newark Airport, and return over the same routes, serving the intermediate points of Stratford, Bridgeport, Fairfield, Norwalk, Darien, and Stamford Conn.

Restriction: Service at Stratford, Bridgeport, Fairfield, Norwalk, Darien, and Stamford, Conn., limited to the transportation of passengers and their baggage to and from Newark Airport. (b) Between Bridgeport, Conn., and the Kennedy International Airport and La Guardia Airport at New York, N.Y. From Bridgeport over city streets to Interstate Highway 95, thence over Interstate Highway 95 to the New York City line, thence over New York City streets, boulevards, expressways and avenues, and Whitestone Bridge, Throgs Neck Bridge or Triborough Bridge to La Guardia Airport and Kennedy International Airport at New York City, and return over the same routes serving no intermediate points: *Certificate of Public Convenience and Necessity dated December 4, 1964, MC-123748, Sub 13.* (4) Between North Haven, Conn., and Kennedy International Airport and La Guardia Airport, New York City, N.Y. From North Haven over city streets to Hamden, Conn., thence over city streets to Connecticut Highway 10A, thence over Connecticut Highway 10A to New Haven, Conn., thence over city streets to Interstate Highway 95 (Connecticut Turnpike), thence over Interstate Highway 95 to the Connecticut-New York State line, thence over Interstate Highway 95 (Thomas E. Dewey Thruway) to New York City, thence over city streets, boulevards, expressways, and avenues and Whitestone Bridge, Throgs Neck Bridge, or Triborough Bridge to Kennedy International Airport and La Guardia Airport, and return over the same route serving the intermediate point of Hamden, Conn.

Restriction: The operations authorized herein are restricted to the transportation of passengers whose trips originate or terminate at either Kennedy International Airport or La Guardia Airport, New York City, N.Y. *Certificate of Public Convenience and Necessity dated May 13, 1966, MC–123748, Sub 17.* (5)(a) Between Milford, Conn., and La Guardia and Kennedy International Airports, New York, N.Y. From Milford over Interstate

Highway 95 to New York, N.Y., thence over city streets, highways and other passengerways to La Guardia and Kennedy International Airports, and return over the same route, serving the intermediate points of Westport, Darien, Stamford, and Greenwich, Conn. (b) Between New Canaan, Conn., and junction Connecticut Highway 29 and Interstate Highway 95. From New Canaan over city streets and highways to junction Connecticut Highway 29, thence over Connecticut Highway 29 to junction Interstate Highway 95, and return over the same route, serving no intermediate points, and serving the termini for purposes of joinder only with the route described above: Restriction: The operations authorized herein are restricted to the transportation of passengers moving from and to the above airports. *Certificate of Public Convenience and Necessity dated October 3, 1967, MC–123748, Sub 21.*

(6) Between Danbury, Conn., and La Guardia Airport, New York, N.Y., and John F. Kennedy International Airport, Idlewild, N.Y. From Danbury over U.S. Highway 7 to junction Connecticut Highway 35, thence over Connecticut Highway 35 to Ridgefield, Conn., thence over Connecticut Highway 33 to Wilton, Conn., thence over U.S. Highway 7 to Norwalk, Conn., thence over Interstate Highway 95 to the corporate limits of New York, N.Y., thence over city streets and highways to La Guardia Airport and John F. Kennedy International Airport, and return over the same route serving the intermediate points of Ridgefield, Wilton, and Norwalk, Conn.: *Certificate of Public Convenience and Necessity dated April 26, 1966, MC–124732, Sub 5.* NOTE: (1) Applicant states it presently has authority to serve all points covered by this application as shown in the above-referenced certificates but limited to 11-passenger vehicles, and the purpose of the instant application is to seek authority to serve the identical points with any size vehicle. (2) Applicant further states that Connecticut Limousine Service–Danbury, Inc. MC 124732 is a wholly owned subsidiary of applicant and has pending in MC–F–10139 an application for merger of said subsidiary into applicant. Subsidiary presently holds authority in MC 124732 Sub 5. If a hearing is deemed necessary, applicant requests it be held at New Haven or Bridgeport, Conn.

No. MC 129768 (Sub-No. 2), filed June 17, 1968. Applicant: EDWARD S. JOHNSON, doing business as JOHNSON'S LIMOUSINE SERVICE, Box 215, Frederica, Del. 19946. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, transporting not more than 11 passengers in any one vehicle in special operations, from Dover Air Force Base, near Dover, Del., to Baltimore, Md.; McGuire Air Force Base, near Wrightstown, N.J.; Newark, N.J.; Washington, D.C.; Dulles International Airport in Loudoun County, Va., Philadelphia, Pa., and New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Wilmington, Del.

No. MC 129939, filed May 16, 1968. Applicant: S. C. WILLIAMS, doing business as PIEDMONT BUS LINES, 2428 Greenland Avenue, Charlotte, N.C. 28208. Applicant's representative: Hugh L. Lobdell, 1210 North Carolina National Bank Building, Charlotte, N.C. 28202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and express, newspapers, and baggage of passengers* in the same vehicle with passengers; (A) (1) between Charlotte, N.C., and Belmont, N.C.: From a point at or near the intersection of Trade and Graham Streets in Charlotte over West Trade Street to the Tuckaseegee Road to the Cannon Airport; thence over County Highway No. 17 via Mulberry Church to the intersection of said county road with County Highway No. 181; thence over County Highway 181 to Thrift, N.C., thence over County Highway No. 178 passing through the village of Thrift to the intersection of that road with County Highway No. 180; thence over County Highway No. 180 to its intersection with County Highway No. 172 at Moores Chapel; thence over County Highway No. 172 to its intersection with U.S. Highway No. 29 near the Catawba River Bridge; thence across the Catawba River Bridge to North Carolina State Highway No. 7; thence over North Carolina Highway 7 to Belmont, and return over the same route, serving all intermediate points, subject to the following restrictions: Passengers shall not be transported between the intersection of Graham and Trade Streets and Green Boulevard which may be transported from origin to destination on the city buses of the Duke Power Co.; (2) between Belmont, N.C., and Clover, S.C.: Beginning at the intersection of Main and Catawba Streets in Belmont, Gaston County, N.C., and running thence along Main Street and SR 2519 to SR 2302, a distance of about 3.6 miles; thence along SR 2302 to the South Carolina State line, a distance of about 4.5 miles; thence along South Carolina State road S–46–177 to South Carolina Highway 272, a distance of about 1.9 miles; thence along South Carolina Highway 274 to South Carolina Highway 557, a distance of about 0.9 mile; thence along South Carolina Highway 557 to South Carolina Highway 55, a distance of about 6 miles; thence along South Carolina Highway 55 to junction U.S. Highway 321 to Clover, a distance of about 3 miles, and return over the same route, serving all intermediate points. (B) Irregular routes: Special or charter operations, beginning and ending at points on the above-described routes and extending to points in Wisconsin, Illinois, Kentucky, Tennessee, Mississippi, Louisiana, Michigan, Indiana, Alabama, Ohio, New York, New Jersey, Vermont, Pennsylvania, West Virginia, Virginia, Georgia, Florida, Maryland, Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, Delaware, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

APPLICATIONS OF FREIGHT FORWARDERS

FREIGHT FORWARDERS OF PROPERTY

No. FF–346 INTERNATIONAL EXPORT PACKERS, INC., Freight Forwarder Application, filed June 13, 1968. Applicant: INTERNATIONAL EXPORT PACKERS, INC., 5360 Wheeler Avenue, Alexandria, Va. 22304. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought under Part IV of the Interstate Commerce Act as a freight forwarder in interstate or foreign commerce, in the transportation of *used household goods, used automobiles, unaccompanied baggage, and such articles, including objects of art, displays, and exhibits*, which because of their unusual nature or value, require specialized handling and equipment within the meaning of the third proviso of Household Goods, as defined by the Commission, in *Practices of Motor Carriers of Household Goods*, 17 M.C.C. 467, between points in the United States, including Alaska and Hawaii.

No. FF–348 W. R. ZANES & CO. OF LA., INC., Freight Forwarder Application, Filed June 24, 1968. Applicant: W. R. ZANES & CO. OF LA., INC., 223 Tchoupitoulas Street, New Orleans, La. 70130. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought under Part IV of the Interstate Commerce Act as a freight forwarder in Interstate or foreign commerce, through the use of facilities of common carriers by railroad, motor vehicle and water, in the transportation of *general commodities*, suitable for containerization, from Chicago, Ill., St. Louis, Mo., and Memphis, Tenn., to New Orleans, La., as intermediate container station, with final destination in Central American countries.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 124328 (Sub-No. 32), filed June 19, 1968. Applicant: BRINK'S, INCORPORATED, 234 East 24th Street, Chicago, Ill. 60616. Applicant's representative: F. D. Partlan (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cash (currency and coin) and checks*, between Niles, Mich., and South Bend, Ind., under contract with Lou Ann Valley Farm Stores, Dowagiac, Mich. NOTE: Common control may be involved.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–7904; Filed, July 3, 1968; 8:45 a.m.]

[Notice 638]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 27, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 60428 (Sub-No. 7 TA), filed June 24, 1968. Applicant: FOLEY & SHELDON, INC., 24 Hillside Avenue, Chatham, N.J. 07928. Applicant's representative: William J. Hanlon, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline*, in tank vehicles, from Newark, N.J., to the town of Ulster, N.Y., limited to operations under continuing contract with Lloyd's Auto Service Center, Inc., for 150 days. Supporting shipper: Lloyd's Shopping Centers, Inc., Rural Delivery 3, Middletown, N.Y. 10940. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 76032 (Sub-No. 227 TA), filed June 21, 1968. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: E. Kenworthy, 1205 South Platte River Drive, Denver, Colo. 80223. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in Kentucky, Indiana, Illinois, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Kansas, and Colorado, on the one hand, and, on the other, points in Washington, California, Nevada, Utah, and Arizona. Restriction: Service performed hereunder shall be restricted to traffic moving on Government bills of lading, for 180 days. NOTE: Applicant intends to tack this authority, if granted, with other authority presently held by it. Supporting shipper: Department of Defense, Washington, D.C. 20301. Send protests to: District Supervisor C. W. Buckner, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, 1961 Stout Street, Denver, Colo.

No. MC 92806 (Sub-No. 28 TA), filed June 24, 1968. Applicant: MILES & SONS TRUCKING SERVICE, Post Office Box 859, 1743 Ashby Road, Merced, Calif. 95340. Applicant's representative: Berol, Loughran & Geernaert, Shell Building, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Zamora, Calif., to Dunnigan, Calif., for 150 days. Supporting shipper: Nevada Cement Co., 1 East First Street, Reno, Nev. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue Box 36004, San Francisco, Calif. 94102.

No. MC 113509 (Sub-No. 3 TA), filed June 17, 1968. Applicant: DANTE GENTILINI TRUCKING, INC., 10821 Prairie, Chicago, Ill. 60628. Applicant's representative: Philip A. Lee, 110 South Dearborn Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Perlite, vermiculite, and plaster* in bags, *expanded polystyrene boards, shapes or forms*, and *glass wool*, (1) from the plantsite of Zonolite, Division of W. R. Grace & Co., Chicago (Calumet Park), Ill., to points in that part of Iowa on and east of U.S. Highway 69, and points in that part of Wisconsin beginning at Port Washington, Wis., and extending along Wisconsin Highway 33 to junction Wisconsin Highway 67, thence over Wisconsin Highway 67 to junction Wisconsin Highway 60, thence over Wisconsin Highway 60 to the Wisconsin-Iowa State line, and (2) from the plantsite of Zonolite, Division of W. R. Grace & Co., located in Milwaukee, Wis., to the plantsite of Zonolite, Division of W. R. Grace & Co., located in Chicago, (Calumet Park), Ill., for 180 days. Supporting shipper: Zonolite, Division of W. R. Grace & Co., 12300 South Ashland Avenue, Chicago (Calumet Park), Ill. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 120240 (Sub-No. 5 TA), filed June 24, 1968. Applicant: FREEMAN TRANSFER, INC., 4216 Commercial Avenue, Post Office Box 632 DTS, Omaha, Nebr. 68101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, including, but not limited to, boxes, fiberboard, setup or knockeddown, and accessories, bands, caps, closures, covers, disks, ends, parts, rings and tops for containers*, from Omaha, Nebr., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, and South Dakota, for 180 days. Supporting shipper: Weyerhaeuser Co., 100 South Wacker Drive, Chicago, Ill. 60606. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 123681 (Sub-No. 12 TA), filed June 24, 1968. Applicant: WIDING TRANSPORTATION, INC., Post Office Box 03159, Portland, Oreg. 97203. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Formaldehyde, formaldehyde solutions, glue, and phenol*, in bulk, in tank vehicles, from White City, Oreg., to points in California; (2) *formaldehyde, formaldehyde solutions, glue, and sizings*, in bulk, in tank vehicles, from Springfield, Oreg., to points in California; (3) *Glue*, in bulk, in tank vehicles, from Fremont, Calif., to points in Oregon, for 180 days. Supporting shippers: Reichhold Chemicals, Inc., RCI Building, White Plains, N.Y. 10602; The Borden Chemical Co., 630 Norton Building, Seattle, Wash. 98104. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 126276 (Sub-No. 13 TA), filed June 24, 1968. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, Ill. 60463. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty cans and ends*, from St. Louis, Mo., to Evansville, Ind., for 150 days. Supporting shipper: Robert D. Anderson, Traffic Manager, Crown Cork & Seal Co., Inc., 3501 West 31st Street, Chicago, Ill. 60623. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 129913 (Sub-No. 1 TA), filed June 25, 1968. Applicant: W. C. DEAN SR. TRUCKING, INC., 495 South Road, Poughkeepsie, N.Y. 12601. Applicant's representative: Frederick & Rolison, 11 Market Street, Poughkeepsie, N.Y. 12601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies*, for the account of Western Electric Co., Inc., from Wappinger Falls, N.Y., to points in counties of Dutchess, Orange, Putnam, and Ulster, Counties, N.Y., and return, on traffic having a prior or subsequent out-of-State movement, for 120 days. Supporting shipper: Western Electric Co., Inc., 222 Broadway, New York, N.Y. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

No. MC 129958 (Sub-No. 2 TA) (Correction), filed June 17, 1968, published FEDERAL REGISTER issue of June 22, 1968, and republished as corrected this issue. Applicant: HARRY T. GERBER, doing business as HARRY T. GERBER TRUCKING, Rural Route 4, Bluffton, Ind. 46714. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, and animal and poultry feed ingredients*, dry, in bags, and in bulk, from Fairbury, Ill., and Fostoria, Ohio, to Bluffton, Ind., for 180 days. NOTE: The purpose of this

republication is to show that applicant proposes to operate as a contract carrier rather than as a common carrier as set forth in error in the previous publication. Supporting shipper: Gerber Feed Mill, Box 186, Bluffton, Ind. 46714. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 129978 (Sub-No. 1 TA), filed June 24, 1968. Applicant: HAP TRUCKING, INC., 26–30 Borough Place, Woodside, N.Y. 11377. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products and packaging materials*, from New York, N.Y., to points in Rockland County, N.Y., and Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Somerset, and Union Counties, N.J.; and from Newark, N.J., to points in Rockland, Westchester, Nassau, and Suffolk Counties, N.Y., and New York, N.Y., for 180 days. Supporting shipper: Herbert A. Post, Inc., 26–30 Borough Place, Woodside, N.Y. 11377. Send protests to: E. N. Carignan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 129979 TA, filed June 21, 1968. Applicant: AUBREY THOMAS, doing business as DEL RIO MOVING & STORAGE, 103 Avenue J, Del Rio, Tex. 78840. Applicant's representative: Wallace H. Nations, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, restricted to shipments having a prior or subsequent movement beyond Texas in specially designed containers, and movement beyond Texas in specially designed containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such shipments, between Del Rio, Tex., on the one hand, and, on the other, points in Val Verde County, Tex., for 180 days. Supporting shippers: Sunpak Movers, Inc., 534 Westlake Avenue North, Seattle, Wash. 98109, and Department of Defense, Military Traffic Management and Terminal Service, Washington, D.C. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Manion Building, San Antonio, Tex. 78205.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-7991; Filed, July 3, 1968; 8:50 a.m.]

[Notice 640]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 1, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 19193 (Sub-No. 9 TA), filed June 26, 1968. Applicant: FRED B. LAFFERTY AND J. D. LAFFERTY, a partnership, doing business as LAFFERTY TRUCKING COMPANY, 3703 Beale Avenue, Altoona, Pa. 16603. Applicant's representative: S. Berne Smith, 100 Pine Street, Post Office Box 432, Harrisburg, Pa. 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between Altoona, Pa., on the one hand, and, on the other, Belington, Elkins, Grafton, Kingwood, Masontown, Morgantown, Parsons, Philippi, and Rowlesburg, W. Va. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with The Great Atlantic & Pacific Tea Co. of New York, N.Y., for 180 days. Supporting shipper: The Great Atlantic & Pacific Tea Co., Inc., 3440 Forbes Avenue, Pittsburgh, Pa. 15213. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 113855 (Sub-No. 182 TA), filed June 26, 1968. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum mill products*, from the plantsite and storage facilities of Amax Aluminum Mill Products, Inc., at or near Beven (Grundy County), Ill., to points in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Washington, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Amax Aluminum Mill Products, Inc., 1495 Columbia Avenue, Post Office Box 5437, Riverside, Calif. 92507. Send protests to: District Supervisor A. N. Spath, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 118661 (Sub-No. 8 TA), filed June 26, 1968. Applicant: HERMAN R. EWELL, INC., East Earl, Pa. 17519. Applicant's representative: Lewis S. Kunkel, Jr., 123 South Broad Street, Philadelphia, Pa. 19109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ice cream, frozen dairy products, and frozen desserts*, in shipper's trailers equipped with mechanical refrigeration; and *ice cream cabinets, signs, and advertising materials*, moving at the same time and on the same vehicle with ice cream, frozen dairy products and/or frozen desserts, from Harrisburg, Pa., to Manchester, N.H., and (2) *Ice cream cabinets, signs and advertising materials*, from Manchester, N.H., to Harrisburg, Pa., for 180 days. Supporting shipper: Hershey Creamery Co., Post Office Box 1821, Harrisburg, Pa. 17105. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 218 Central Industrial Building, 100 North Cameron Street, Harrisburg, Pa. 17101.

No. MC 119317 (Sub-No. 29 TA) (Correction), filed June 17, 1968, published FEDERAL REGISTER issue of June 27, 1968, and republished as corrected this issue. Applicant: GROSS AND SONS TRANSPORT COMPANY, 9804 East 36th Street, Independence, Mo. 64052. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and ice cream, sherbet, ice milk, vegetable fat frozen desserts, ice cream novelties, buttermilk, homogenized milk, chocolate drink, fat free, half and half, bulk cream and condensed, condensed and skim milk powder, cream, low fat milk, orange drink, lemonade, fresh orange, 50 percent orange juice, butter, margarine, sour cream, sour half and half, french onion dip, puddings, salads, fruits fresh and frozen, eggs fresh and frozen, zip whipt, half and half creamers, cottage cheese, yogurt, dehydrated whey solids, sugar, stabilizers, food acids, flavors, confections, nuts, syrup, chocolate, cocoa, paper supplies, dry ice, ice cream and milk containers, artificial sweetening agents, emulsifiers, dehydrated milk solids, office supplies, buttermilk powder, poly overwrap, sodium caseinate, candy, soap, bread, and miscellaneous premiums*, between Atlanta, Ga.; New Orleans, La., and Jacksonville, Fla., on the one hand, and, on the other, Omaha, Nebr., under a continuing contract with Sealtest Foods, Division of National Dairy Products Corp., for 150 days. NOTE: The purpose of this republication is to show the Supporting Shipper and the District Supervisor's address as Kansas City, Mo., in lieu of Kansas City, Miss., as shown in previous publication. Supporting shipper: Sealtest Foods, Division of National Dairy Products Corp., Post Office Box 1007, Kansas City, Mo. 64141. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 125161 (Sub-No. 10 TA), filed June 26, 1968. Applicant: UNITED FREIGHTWAYS, INC., 671 Chestnut Street, North Andover, Mass. 01845. Applicant's representative: George C. O'Brien, 33 Broad Street, Boston, Mass. 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal grain feed*, in bulk in pneumatic tank vehicles, from Dighton, Mass., and Mansfield, Mass., to the following points: Claremont, Keene, and Manchester, N.H.; Brattleboro, Castleton, Newport, Richford, St. Johnsbury, and Westminster, Vt.; Derby, Franklin, Manchester, Shelton, and Moosup, Conn.; Amenia, Albany, Millbrook, Millerton, and Woodridge, N.Y.; Warren and West Warwick, R.I., for 150 days. Supporting shipper: Lockwood Nutrition Service, Inc., 177 Milk Street, Boston, Mass. 02109. Send protests to: Max Gorenstein, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2211–B, John F. Kennedy Federal Building, Boston, Mass. 02203.

No. MC 129983 (Sub-No. 1 TA), filed June 26, 1968. Applicant: PIER AIR CARGO TRUCKING, INC., 182 10th Street, Brooklyn, N.Y. 11215. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Athletic goods*, such as goods for sporting and outdoor use, between points in New York, N.Y., harbors and harbors contiguous thereto as defined in Title 49 CFR 1070.1 and Suffern, N.Y., for 180 days. Supporting shipper: Precise Imports Corp., 3 Chestnut Street, Suffern, N.Y. 10901. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 129991 TA, filed June 26, 1968. Applicant: JENSEN TRUCKING CO., INC., 880 North First East Street, American Fork, Utah 84003. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm production supplies, such as fencing and wire products, steel posts, baler and binder twine, tires, antifreeze, insecticides and weed killers, fertilizers, animal and poultry feeds, grain and seed*, under a contract with Intermountain Farmers Association, between points in Arizona, California, Colorado, Idaho, Nevada, Oregon, Washington, and Utah, for 180 days. Supporting shipper: Intermountain Farmers Association, Post Office Box 1620, 1800 South West Temple Street, Salt Lake City, Utah 84110. Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-7992; Filed, July 3, 1968; 8:50 a.m.]

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Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Imported Fire Ant

Pursuant to sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), Notice of Quarantine No. 81 relating to the imported fire ant and regulations supplemental to said quarantine (7 CFR 301.81, 301.81–1, 301.81–2, 301.81–3 through 301.81–10), are hereby revised to read as follows:

QUARANTINE AND REGULATIONS

Sec.
301.81 Quarantine; restriction on interstate movement of specified regulated articles.
301.81–1 Definitions.
301.81–2 Authorization for Director to designate regulated areas and suppressive or generally infested areas; and articles which are exempt from certification and permit requirements.
301.81–3 Conditions governing the interstate movement of regulated articles from quarantined States.
301.81–4 Issuance and cancellation of certificates and permits.
301.81–5 Compliance agreements; and cancellation thereof.
301.81–6 Assembly and inspection of regulated articles.
301.81–7 Attachment and disposition of certificates or permits.
301.81–8 Inspection and disposal of regulated articles and pests.
301.81–9 Movement of live imported fire ants.
301.81–10 Nonliability of the Department.

AUTHORITY: The provisions of this subpart issued under secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended, 30 F.R. 5799, as amended.

§ 301.81 Quarantine; restriction on interstate movement of specified regulated articles.

(a) *Notice of Quarantine.* Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the Secretary of Agriculture heretofore determined, after public hearing, that it was necessary to quarantine the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Texas, in order to prevent the spread of the imported fire ant (*Solenopsis saevissima richteri* Forel), a dangerous insect injurious to cultivated crops, not theretofore widely prevalent or distributed within and throughout the United States. Under the authority of said provisions, the Secretary hereby continues such quarantine in effect with respect to the interstate movement from the quarantined States of the articles described in paragraph (b) of this section, issues the regulations in this subpart governing such movement, and gives notice of said quarantine and regulations.

(b) *Quarantine restrictions on interstate movement of specified regulated articles.* No common carrier or other person shall move interstate from any quarantined State any of the following articles (defined in § 301.81–1(n) as regulated articles), except in accordance with the conditions prescribed in this subpart:

(1) Soil, compost, decomposed manure, humus, muck and peat, separately or with other things.

(2) Plants with roots with soil attached.

(3) Grass sod.

(4) Hay and straw.

(5) Logs, pulpwood, and stumpwood.

(6) Used mechanized soil-moving equipment.

(7) Any other products, articles, or means of conveyance, of any character whatsoever, not covered by subparagraphs (1) through (6) of this paragraph, when it is determined by an inspector that they present a hazard of spread of imported fire ant, and the person in possession thereof has been so notified.

§ 301.81–1 Definitions.

Terms used in the singular form in this subpart shall be deemed to import the plural, and vice versa, as the case may demand. The following terms, when used in this subpart, shall be construed, respectively, to mean:

(a) *Certificate.* A document issued or authorized to be issued under this subpart by an inspector to allow the interstate movement of regulated articles to any destination.

(b) *Compliance agreement.* A written agreement between a person engaged in growing, handling, or moving regulated articles, and the Plant Pest Control Division, wherein the former agrees to comply with the requirements of this subpart identified in the agreement by the inspector who executes the agreement on behalf of the Division as applicable to the operations of such person.

(c) *Director.* The Director of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, or any other officer or employee of said Service to whom authority to act in his stead has been or may hereafter be delegated.

(d) *Generally infested area.* Any part of a regulated area not designated as a suppressive area in accordance with § 301.81–2.

(e) *Imported fire ant.* The live insect known as the imported fire ant (*Solenopsis saevissima richteri* Forel) in any stage of development.

(f) *Infestation.* The presence of the imported fire ant or the existence of circumstances that make it reasonable to believe that imported fire ant is present.

(g) *Inspector.* Any employee of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, or other person, authorized by the Director to enforce the provisions of the quarantine and regulations in this subpart.

(h) *Interstate.* From any State, territory, or district into or through any other State, territory, or district of the United States (including Puerto Rico).

(i) *Limited permit.* A document issued or authorized to be issued by an inspector to allow the interstate movement of noncertified regulated articles to a specified destination for limited handling, utilization, or processing or for treatment.

(j) *Mechanized soil-moving equipment.* Mechanized equipment used for moving or transporting soil, e.g., draglines, bulldozers, road scrapers, and dumptrucks.

(k) *Moved (movement, move).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved or allowed to be moved by any means. "Movement" and "move" shall be construed accordingly.

(l) *Person.* Any individual, corporation, company, society, or association, or other organized group of any of the foregoing.

(m) *Regulated area.* Any quarantined State, or any portion thereof listed as a regulated area in § 301.81–2a or otherwise designated by the Director in accordance with § 301.81–2(a).

(n) *Regulated articles.* Any articles listed in § 301.81(b).

(o) *Restricted destination permit.* A document issued or authorized to be issued by an inspector to allow the interstate movement of regulated articles not certifiable under all applicable Federal domestic plant quarantines to a specified destination for other than scientific purposes.

(p) *Scientific permit.* A document issued by the Director to allow the interstate movement to a specified destination of regulated articles for scientific purposes.

(q) *Soil.* That part of the upper layer of earth in which plants can grow.

(r) *Suppressive area.* That part of a regulated area where eradication of infestation is undertaken as an objective, as designated by the Director under § 301.81–2(a).

(s) *Treatment manual.* The provisions currently contained in the "Manual of

Administratively Authorized Procedures to be Used Under the Imported Fire Ant Quarantine" and the "Fumigation Procedures Manual" and any amendments thereto.[1]

§ 301.81–2 Authorization for Director to designate regulated areas and suppressive or generally infested areas; and articles which are exempt from certification and permit requirements.

The Director shall publish and amend from time to time as the facts warrant, the following lists:

(a) *List of regulated areas and suppressive or generally infested areas.* The Director shall list as regulated areas in a supplemental regulation designated as § 301.81–2a, the quarantined States or portions thereof in which the imported fire ant has been found or in which there is reason to believe that the imported fire ant is present, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. The Director, in the supplemental regulation, may divide any regulated area into a suppressive area and a generally infested area in accordance with the definitions thereof in § 301.81–1. Less than an entire quarantined State will be designated as a regulated area only if the Director is of the opinion that:

(1) The State has adopted and is enforcing a quarantine or regulation which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as those which are imposed with respect to the interstate movement of such articles under this subpart; and

(2) The designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the imported fire ant.

The Director may temporarily designate any other premises in a quarantined State as a regulated area, in accordance with the criteria specified above for listing regulated areas, by serving written notice thereof on the owner or person in possession of such premises, and thereafter the interstate movement of regulated articles from such premises by any person having notice of this designation shall be subject to the applicable provisions of this subpart. As soon as practicable, such premises shall be added to the list in § 301.81–2a if a basis then exists for their designation.

(b) *List of articles which are exempt from certification and permit requirements.* The Director may, in a supplemental regulation designated as § 301.81–2b, list regulated articles which shall be exempt from the certification and permit requirements of §§ 301.81–3 and 301.81–4 under such conditions as he may prescribe, if he finds that facts exist as to the pest risk involved in the movement of such regulated articles which make it safe to so relieve such requirements.

§ 301.81–3 Conditions governing the interstate movement of regulated articles from quarantined States.[2]

Any regulated articles may be moved interstate from any quarantined State under the following conditions:

(a) From any regulated area, with certificate or permit issued and attached in accordance with §§ 301.81–4 and 301.81–7 if moved:

(1) From any regulated area into or through any point outside of the regulated areas; or

(2) From any generally infested area into or through any suppressive area; or

(3) Between any noncontiguous suppressive areas; or

(4) Between contiguous suppressive areas when it is determined by the inspector that the regulated articles present a hazard of the spread of the imported fire ant and the person in possession thereof has been so notified; or

(b) From any regulated area, without certificate or permit if moved:

(1) Under the provisions of § 301.81–2b which exempts certain articles from certificate and permit requirements; or

(2) From a generally infested area to a contiguous generally infested area; or

(3) From a suppressive area to a contiguous generally infested area; or

(4) Between contiguous suppressive areas unless the person in possession of the articles has been notified by an inspector that a hazard of spread of the imported fire ant exists; or

(5) Through or reshipped from any regulated area if the articles originated outside of any regulated area and if the point of origin of the articles is clearly indicated, their identity has been maintained and they have been safeguarded against infestation while in the regulated area in a manner satisfactory to the inspector; or

(c) From any area outside the regulated area, without a certificate or permit if the regulated articles are exempt under the provisions of § 301.81–2b or if the point of origin of such movement is clearly indicated on the articles or shipping document which accompanies the articles, and if the movement is not made through any regulated area.

§ 301.81–4 Issuance and cancellation of certificates and permits.

(a) Certificates may be issued for any regulated articles by an inspector if he determines that they are eligible for certification for movement to any destination under all Federal domestic plant quarantines applicable to such articles and:

(1) Have originated in noninfested premises in a regulated area and have not been exposed to infestation while within the regulated areas; or

(2) Upon examination, have been found to be free of infestation; or

(3) Have been treated to destroy infestation in accordance with the treatment manual; or

(4) Have been grown, produced, manufactured, stored, or handled in such manner that no infestation would be transmitted thereby.

(b) Limited permits may be issued by an inspector to allow interstate movement of regulated articles, not eligible for certification under this subpart, to specified destinations for limited handling, utilization, or processing, or for treatment in accordance with the treatment manual, when upon evaluation of the circumstances involved in each specific case he determines that such movement will not result in the spread of the imported fire ant and requirements of other applicable Federal domestic plant quarantines have been met.

(c) Restricted destination permits may be issued by the inspector to allow the interstate movement (for other than scientific purposes of regulated articles to any destination permitted under all applicable Federal domestic plant quarantines if such articles are not eligible for certification under all such quarantines but would otherwise qualify for certification under this subpart.

(d) Scientific permits may be issued by the Director to allow the interstate movement of regulated articles for scientific purposes under such conditions as may be prescribed in each specific case by the Director.

(e) Certificate, limited permit and restricted destination permit forms may be issued by an inspector to any person for use by the latter for subsequent shipments provided such person is operating under a compliance agreement; and any such person may be authorized by an inspector to reproduce such forms on shipping containers or otherwise. Any such person may use the certificate forms, or reproductions of such forms, for the interstate movement of regulated articles from the premises of such person identified in the compliance agreement if such person has made appropriate determinations specified in paragraph (a) of this section with respect to such articles. Any such person may use the limited permit forms, or reproductions of such forms, for interstate movement of regulated articles to specific destinations authorized by the inspector in accordance with paragraph (b) of this section. Any such person may use the restricted destination permit forms, or reproductions of such forms, for the interstate movement of regulated articles not eligible for certification under all Federal domestic plant quarantines applicable to such articles, under the conditions specified in paragraph (c) of this section.

(f) Any certificate or permit which has been issued or authorized may be withdrawn by the inspector if he determines that the holder thereof has not complied with any condition for the use of such document imposed by this subpart.

§ 301.81–5 Compliance agreements; and cancellation thereof.

(a) Any person engaged in the business of growing, handling, or moving regulated articles may enter into a compliance agreement to facilitate the movement of such articles under this subpart. Compliance agreement forms may be obtained from the Director or an inspector.

(b) Any compliance agreement may be cancelled by the inspector who is supervising its enforcement whenever he finds, after notice and reasonable opportunity to present views has been accorded to the other party thereto, that such other party has failed to comply with the conditions of the agreement.

§ 301.81–6 Assembly and inspection of regulated articles.

Persons (other than those authorized to use certificates, limited permits, or restricted destination permits, or reproductions thereof, under § 301.81–4(e)) who desire to move interstate regulated articles which must be accompanied by a certificate or permit shall, as far in advance as possible, request an inspector to examine the articles prior to movement. Such articles shall be assembled at such points and in such manner as the inspector designates to facilitate inspection.

§ 301.81–7 Attachment and disposition of certificates or permits.

(a) If a certificate or permit is required for the interstate movement of regulated articles, the certificate or permit shall be securely attached to the outside of the container in which such articles are moved, except that, where the certificate or permit is attached to the waybill or other shipping document, and the regulated articles are adequately described on the certificate, permit, or shipping document, the attachment of the certificate or permit to each container of the articles is not required.

(b) In all cases, certificates or permits shall be furnished by the carrier to the consignee at the destination of the shipment.

§ 301.81–8 Inspection and disposal of regulated articles and pests.

Any properly identified inspector is authorized to stop and inspect, and to seize, destroy, or otherwise dispose of, or require disposal of regulated articles and imported fire ants as provided in section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and section 105 of the Plant Pest Act (7 U.S.C. 150dd), in accordance with instructions issued by the Director.

§ 301.81–9 Movement of live imported fire ants.

Regulations requiring a permit for, and otherwise governing the movement of live imported fire ants in interstate or foreign commerce are contained in the Federal Plant Pest regulations in Part 330 of this chapter. Applications for permits for the movement of the pest may be made to the Director.

§ 301.81–10 Nonliability of the Department.

The U.S. Department of Agriculture disclaims liability for any costs incident to inspections or compliance with the provisions of the quarantine and regulations in this subpart, other than for the services of the inspector.

This revision shall become effective upon publication in the FEDERAL REGISTER when it shall supersede the notice of quarantine and regulations as republished December 29, 1959.

This revision simplifies and clarifies the imported fire ant quarantine and regulations. The only substantive changes made are as follows:

Provision is made for the Director temporarily to designate any premises in a quarantined State as a regulated area by serving written notice thereof on the owner or person in possession of such premises. A requirement is added for persons moving regulated articles from portions of quarantined States not included within the "regulated areas" to provide proof of origin in connection with such shipments. Provisions are also added under which certificates will not be issued or authorized to be issued for regulated articles unless the articles are certifiable under all applicable Federal domestic plant quarantine requirements; restricted destination permits are authorized; and all certificates or permits are required to be surrendered to the consignee at the destination of the shipments.

This revision imposes restrictions that are necessary in order to prevent the dissemination of the imported fire ant, and should be made effective promptly to accomplish its purpose in the public interest. Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to this revision are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this first day of July 1968.

[SEAL] R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 68–8048; Filed, July 5, 1968; 8:49 a.m.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Imported Fire Ant

REGULATED AREAS

Under the authority of § 301.81–2 of the Imported Fire Ant Quarantine regulations, 7 CFR 301.81–2, as amended, 33 F.R. 9750, a supplemental regulation designating regulated areas is hereby issued to appear in 7 CFR 301.81–2a, as follows:

§ 301.81–2a Regulated areas; suppressive and generally infested areas.

The civil divisions, and parts of civil divisions, described below, are designated as imported fire ant regulated areas within the meaning of the provisions of this subpart; and such regulated areas are hereby divided into generally infested areas or suppressive areas as indicated below:

ALABAMA

(1) *Generally infested areas.*

Autauga County. The entire county.
Baldwin County. The entire county.
Barbour County. The entire county.
Bibb County. The entire county.
Blount County. That portion of the county lying south of the north line of T. 12 S.; and those portions of Tps. 10 and 11 S., Rs. 1 and 2 W., lying in the county.
Bullock County. The entire county.
Butler County. The entire county.
Calhoun County. The entire county.
Chambers County. The entire county.
Chilton County. The entire county.
Choctaw County. The entire county.
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Clay County. The entire county.
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Shelby County. The entire county.
Sumter County. The entire county.
Talladega County. The entire county.
Tallapoosa County. The entire county.
Tuscaloosa County. The entire county.
Walker County. The entire county.
Washington County. The entire county.
Wilcox County. The entire county.

(2) *Suppressive areas.*

Cleburne County. That portion of the county lying south of the north line of T. 16 S., and west of the east line of R. 10 E.

Cullman County. That portion of the county lying south of the north line of T. 12 S.

Etowah County. S½, T. 11 S., R. 5 E.; T. 12 S., R. 5 E.; and that portion of T. 13 S., R. 5 E., lying in the county; and that portion of the county lying east of the west line of R. 6 E.

Limestone County. S½, T. 3 S., R. 4 W.; T. 4 S., R. 4 W.; all of T. 5 S., R. 4 W., lying north of the Tennessee River; SE¼, T. 3 S., R. 5 W.; and that part of the E½ T. 4 S., R. 5 W., lying north of the Tennessee River.

Morgan County. N½, T. 6 S., Rs. 4 and 5 W.; and those portions of T. 5 S., Rs. 4 and 5 W.; and T. 4 S., R. 5 W., lying south of the Tennessee River.

[1] Pamphlets containing such provisions are available upon request from the Director, Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, Hyattsville, Md. 20782, or from an inspector.

[2] Requirements under all other applicable Federal domestic plant quarantines must also be met.

Randolph County. That portion of the county lying south of the north line of T. 21 S.; and those portions of the county lying in Rs. 12 and 13 E., T. 20 S.

ARKANSAS

(1) *Generally infested areas.* None.

(2) *Suppressive areas.*

Ashley County. Those portions of Tps. 18 and 19 S., Rs. 6, 7, 8, 9, and 10 W., lying in Ashley County.

Union County. The entire county.

FLORIDA

(1) *Generally infested areas.*

Baker County. That portion of the county lying south of the north line of T. 2 S.

Bay County. The entire county.

Bradford County. That part of the county north of State Road 16 and east of the west boundary line of R. 22 E., excluding the city of Starke.

Calhoun County. The entire county.

Clay County. That portion of the county lying north of the south line of T. 6 S.

Columbia County. NE¼, T. 3 S., R. 17 E., and NW¼, T. 3 S., R. 18 E.

Duval County. The entire county.

Escambia County. The entire county.

Franklin County. That portion of the county lying west of the east boundary line of R. 7 W.

Gadsden County. The entire county.

Gulf County. The entire county.

Hamilton County. That portion of the county lying west of State Highway 100, excluding the cities of White Springs and Jasper.

Hernando County. The entire county.

Hillsborough County. The entire county.

Holmes County. The entire county.

Jackson County. The entire county.

Jefferson County. The entire county.

Lake County. That portion of the county lying south of State Highway 50, excluding the cities of Mascotte, Groveland, and Clermont.

Leon County. The entire county.

Liberty County. The entire county.

Madison County. That portion of T. 1 N., R. 6 E., lying in Madison County.

Nassau County. That portion of the county beginning at the junction of the St. Marys River and the north boundary line of T. 2 N., thence extending east along said line to its junction with the west boundary line of R. 25 E., thence north along said line to its junction with the St. Marys River, thence southeast along said river to its junction with State Road 5, thence south along said road to its junction with the Nassau-Duval County line, thence southwest along said line to its junction with the Nassau-Baker County line, thence north along said line to its junction with the St. Marys River, thence north along said river to the point of beginning.

Okaloosa County. The entire county.

Pasco County. The entire county.

Pinellas County. The entire county.

Polk County. That portion of the county lying west of the east line of R. 25 E.

St. Johns County. That portion of the county lying north of the south boundary line of T. 6 S.

Santa Rosa County. The entire county.

Sumter County. That portion of the county lying south of the north boundary line of T. 20 S.

Suwannee County. That portion of the county lying within an area bounded by a line beginning at the intersection of State Road 249 and the Suwannee River and extending eastward along the Suwannee River to the intersection of the Suwannee River with the Suwannee-Columbia County line and extending south along the Suwannee-Columbia County line to its intersection with State Road 136, thence westward along State Road 136 to its intersection with northeast section line of sec. 19, T. 2 S., R. 14 E., thence southward along the east section line of secs. 19, 30, 31, T. 2 S., R. 14 E., thence westward along the south section line of sec. 31, T. 2 S., R. 14 E., and secs. 36, 35, 34, and 33, T. 2 S., R. 13 E., thence north along the western section lines of secs. 33, 28, 21, 16, 9, and 4, T. 2 S., R. 13 E., and sec. 33, T. 1 S., R. 13 E., to its intersection with State Road 249, thence northwestward along State Road 249 to the point of beginning.

Union County. That portion of T. 4 S., Rs. 21 and 22 E., lying in Union County.

Wakulla County. The entire county.

Walton County. The entire county.

Washington County. The entire county.

(2) *Suppressive areas.*

Alachua County. Secs. 2, 3, 10, and 11, T. 10 S., R. 20 E.

Brevard County. That portion of the county lying within an area 4 miles wide with Interstate Highway 95 as centerline beginning at the intersection of Interstate Highway 95 and State Road 46 and extending southward to the south section lines of secs. 13, 14, 15, and 16, T. 27 S., R. 36 E.

Charlotte County. That portion of the county lying north of the Myakka and Peace Rivers.

Citrus County. That portion of T. 17 S., Rs. 15 and 16 E., lying in Citrus County, and T. 19 S., R. 17 E.

De Soto County. The entire county.

Dixie County. That portion of the county beginning at the junction of sec. 7, T. 9 S., R. 11 E., and State Road 358, thence extending east and southeast along said road to its junction with State Road 55, thence southeast along said road to its junction with the south boundary line of T. 9 S., thence west along said line to its junction with the west boundary line of R. 11 E., thence north along said line to the point of beginning.

Hardee County. The entire county.

Highlands County. That portion of the county beginning at the point where U.S. Highway 27 intersects the Highlands-Polk County line, thence extending southeast along U.S. Highway 27 to its junction with State Highway 634, thence westward along State Highway 634 to the Highlands Hammock State Park, thence due west along the southern boundary lines of secs. 33, 32, 31, T. 34 S., R. 28 E., to the Highlands-Hardee County line, thence north along the Highlands-Hardee County line to the Highlands-Polk County line, thence east along the Highlands-Polk County line to the point of beginning.

Lake County. That portion of the county beginning at a point where State Highway 44A intersects State Highway 437, thence extending east along Highway 44A to the junction of State Highway 44, thence northeast along Highway 44 to the St. Johns River, thence south along the east boundary line of Lake County to the Orange County line, thence west along the Lake-Orange County line to the west boundary line of sec. 35, T. 19 S., R. 27 E., thence north along the west boundary line of sec. 35, T. 19 S., R. 27 E., to the junction of State Highway 46, thence east along Highway 46 to the junction of State Highway 437, thence north along Highway 437 to the point of beginning; an area 1 mile wide on each side of the Sunshine State Parkway beginning at its intersection with State Highway 19 and extending southeastward to the Orange County line; secs. 13, 14, 23, 24, 25, 26, 35, and 36, T. 20 S., R. 26 E., and secs. 1, 2, 11, and 12, T. 21 S., R. 26 E.

Manatee County. The entire county.

Marion County. That portion of the county beginning at the junction of State Road 316 and State Road 225, thence east along State Road 316 to its junction with State Road 25A, thence south along said road to its junction with State Road 225A, thence west and north along said road to the point of beginning.

Orange County. The entire county.

Osceola County. T. 25 S., Rs. 27 E. and 28 E.; and W⅔, T. 25 S., R. 29 E.

Polk County. That portion of the county lying east of the west line of R. 26 E.

Sarasota County. The entire county.

Seminole County. The entire county.

Sumter County. That portion of the county lying north of the south line of T. 19 S.

Volusia County. That portion of the county beginning at the junction of the north boundary line of sec. 19, T. 18 S., R. 30 E., and the St. Johns River, thence extending east along the north boundary line of secs. 19, 20, 21, 22, 23, and 24 of T. 18 S., R. 30 E., to the junction of the eastern right-of-way of Interstate Highway 4, thence north along said right-of-way to the junction of the north boundary line of T. 18 S., thence east along said boundary line to the junction of the east boundary line of R. 32 E., thence south along said range line to the junction of the St. Johns River, thence west and north along said river to the point of beginning; secs. 23, 24, 25, 26, 35, and 36, T. 16 S., R. 30 E.; E½, T. 17 S., R. 30 E.; S½, T. 16 S., R. 31 E.; and T. 17 S., R. 31 E.

GEORGIA

(1) *Generally infested areas.*

Baker County. The entire county.

Ben Hill County. The entire county.

Calhoun County. The entire county.

Chattahoochee County. The entire county.

Clay County. The entire county.

Colquitt County. The entire county.

Crawford County. The entire county.

Crisp County. The entire county.

Decatur County. The entire county.

Dooly County. The entire county.

Dougherty County. The entire county.

Early County. The entire county.

Grady County. The entire county.

Harris County. The entire county.

Houston County. The entire county.

Irwin County. That portion of the county lying within Georgia Militia Districts 1643, 1388, 1661, 901, 1662, 1670, 1529, and 1421.

Lee County. The entire county.

Macon County. The entire county.

Marion County. The entire county.

Meriwether County. The entire county.

Miller County. The entire county.

Mitchell County. The entire county.

Muscogee County. The entire county.

Peach County. The entire county.

Pulaski County. The entire county.

Quitman County. The entire county.

Randolph County. The entire county.

Schley County. The entire county.

Stewart County. The entire county.

Sumter County. The entire county, excluding Georgia Militia Districts 884 and 759.

Talbot County. The entire county.

Taylor County. The entire county.

Terrell County. The entire county.

Thomas County. The entire county.

Troup County. The entire county.

Turner County. The entire county.

Upson County. The entire county.

Webster County. That portion of the county lying within Preston Georgia Militia District 978 and Slaughter Creek Georgia Militia District 1105.

Wilcox County. The entire county.

Worth County. The entire county.

(2) *Suppressive areas.*

Baldwin County. That Portion of the county lying west of the Oconee River.

Bibb County. The entire county.

Bleckley County. The entire county.

Brantley County. That portion of the county lying within the Georgia Militia Districts 590, 1534, and that portion of 1308, 1565, and 1768 lying west of U.S. Highway 301.

Bryan County. The entire county.

Brooks County. That portion of the county lying within Georgia Militia Districts 790, 660, 1198, 1230, 1402, 1571, 1199, and 1712.

Bulloch County. That portion of the county lying within Georgia Militia Districts 1803, 1340, 47, and 1523.

Butts County. That portion of the county lying within Buttrill Georgia Militia District 615, Jackson Georgia Militia District 612, Towaliga Georgia Militia District 610, and Goodys Georgia Militia District 613.

Chatham County. The entire county.

Clayton County. The entire county.

Coffee County. That portion of the county lying within Broxton Georgia Militia District 1127, Ambrose Georgia Militia District 1556, Douglas Georgia Militia District 748, Bridgetown Georgia Militia District 1804, and West Green Georgia Militia District 437.

De Kalb County. The entire county.

Dodge County. The entire county.

Effingham County. The entire county.

Evans County. That portion of the county lying within Daisy Georgia Militia District 401.

Fayette County. The entire county, excluding Georgia Militia District 624.

Fulton County. That portion of the county lying in the corporate limits of Hapeville, College Park, East Point, and Atlanta; that portion of the county lying north of the corporate limits of Atlanta to the Chattahoochee River; and that portion of the county lying within Georgia Militia Districts 1204, 1725, 499, 479, and 1762.

Gwinnett County. That portion of the county lying south and west of Georgia Highway 120 and Georgia Highway 124, including all of the area in the corporate limits of Snellville, Lawrenceville, and Duluth.

Henry County. The entire county.

Jeff Davis County. That portion of the county lying within Ocmulgee Georgia Militia District 1622 and Whitehead Georgia Militia District 1620.

Jones County. The entire county.

Lamar County. The entire county.

Laurens County. The entire county.

Liberty County. The entire county.

Monroe County. That portion of the county lying in Georgia Militia Districts 473, 618, 523, 632, 554, and 474.

Pierce County. The entire county.

Pike County. The entire county.

Richmond County. That portion of the county lying north of Butler Creek.

Rockdale County. That portion of the county lying south of Interstate Highway 20, including the corporate limits of Conyers.

Seminole County. The entire county.

Spalding County. The entire county except Georgia Militia District 490.

Telfair County. The entire county.

Tift County. The entire county.

Twiggs County. The entire county.

Ware County. That portion of the county lying within Haywood Georgia Militia District 1030, James-Town Georgia Militia District 1372, Waresboro Georgia Militia District 451, Waycross Georgia Militia District 1231, Braganzia Georgia Militia District 1404, and Beach Georgia Militia District 1669.

Wheeler County. The entire county.

Wilkinson County. That portion of the county lying west of State Highway 29, including the cities of McIntyre and Irwinton.

LOUISIANA

(1) *Generally infested areas.*

Acadia Parish. The entire parish.

Allen Parish. The entire parish.

Ascension Parish. The entire parish.

Assumption Parish. The entire parish.

Avoyelles Parish. The entire parish.

Beauregard Parish. The entire parish.

Calcasieu Parish. The entire parish.

Cameron Parish. The entire parish.

East Baton Rouge Parish. The entire parish.

East Feliciana Parish. The entire parish.

Evangeline Parish. The entire parish.

Iberia Parish. The entire parish.

Iberville Parish. The entire parish.

Jefferson Parish. The entire parish.

Jefferson Davis Parish. The entire parish.

Lafayette Parish. The entire parish.

Lafourche Parish. The entire parish.

Livingston Parish. The entire parish.

Orleans Parish. The entire parish.

Plaquemines Parish. The entire parish.

Pointe Coupee Parish. The entire parish.

St. Bernard Parish. The entire parish.

St. Charles Parish. The entire parish.

St. Helena Parish. The entire parish.

St. James Parish. The entire parish.

St. John the Baptist Parish. The entire parish.

St. Landry Parish. The entire parish.

St. Martin Parish. The entire parish.

St. Mary Parish. The entire parish.

St. Tammany Parish. The entire parish.

Tangipahoa Parish. The entire parish.

Terrebonne Parish. The entire parish.

Vermilion Parish. The entire parish.

Washington Parish. The entire parish.

West Baton Rouge Parish. The entire parish.

West Feliciana Parish. The entire parish.

(2) *Suppressive areas.*

Bienville Parish. That portion of the parish lying west of the east line of R. 9 W., and that portion of the parish lying in T. 18 N., west of the east line of R. 7 W.

Bossier Parish. The entire parish.

Caddo Parish. The entire parish.

Caldwell Parish. The entire parish.

Catahoula Parish. The entire parish.

Concordia Parish. The entire parish.

De Soto Parish. That portion of the parish lying north of the south line of T. 14 N., and east of the west line of R. 15 W.

East Carroll Parish. The entire parish.

Franklin Parish. The entire parish.

Grant Parish. That portion of Grant Parish lying south of the north line of T. 6 N., and east of the west line of R. 1 W.

Jackson Parish. That portion of the parish lying north of the south line of T. 15 N., and east of the west line of R. 2 W.

La Salle Parish. The entire parish.

Lincoln Parish. That portion of the parish lying east of the west line of R. 2 W.

Madison Parish. The entire parish.

Morehouse Parish. The entire parish.

Natchitoches Parish. Tps. 10 and 11 N., Rs. 7 and 8 W.; and that portion of the parish lying south of the north line of T. 11 N., and east of the west line of R. 6 W.

Ouachita Parish. The entire parish.

Rapides Parish. The entire parish.

Red River Parish. The entire parish.

Richland Parish. The entire parish.

Sabine Parish. That portion of the parish lying south of the north line of T. 5 N., and west of the east line of R. 12 W.

Tensas Parish. The entire parish.

Union Parish. The entire parish.

Vernon Parish. That portion of the parish lying within Tps. 1 and 2 S., and Tps. 1 and 2 N., west of the east line of R. 8 W.; and that portion of the parish lying in T. 3 N., west of the east line of R. 11 W.

Webster Parish. That portion of the parish lying south of the north line of T. 19 N.

West Carroll Parish. The entire parish.

Winn Parish. That portion of the parish lying east of the west line of R. 2 W.

MISSISSIPPI

(1) *Generally infested areas.*

Adams County. The entire county.

Amite County. The entire county.

Calhoun County. Tps. 12 and 13 S., R. 1 E.; and E½, T. 13 S., R. 1 W.; and that portion of the county south of the south lines of T. 13 S., and T. 24 N.

Chickasaw County. The entire county.

Choctaw County. The entire county.

Clarke County. The entire county.

Clay County. The entire county.

Copiah County. The entire county.

Covington County. The entire county.

Forrest County. The entire county.

George County. The entire county.

Greene County. The entire county.

Grenada County. NE¼ T. 22 N., R. 7 E.; and SE¼ T. 23 N., R. 7 E.

Hancock County. The entire county.

Harrison County. The entire county.

Hinds County. The entire county.

Itawamba County. That portion of the county lying south of the north line of T. 8 S.

Jackson County. The entire county.

Jasper County. The entire county.

Jefferson County. That portion of the county lying west of the west line of R. 3 E.

Jefferson Davis County. The entire county.

Jones County. The entire county.

Kemper County. The entire county.

Lamar County. The entire county.

Lauderdale County. The entire county.

Lawrence County. The entire county.

Leake County. That portion of the county south of the south line of T. 12 N., and T. 12 N., R. 6 E.

Lee County. That portion of the county lying south of the north line of T. 8 S., and that portion of T. 7 S., R. 5 E., lying in the county.

Lincoln County. The entire county.

Lowndes County. The entire county.

Madison County. The entire county.

Marion County. The entire county.

Monroe County. The entire county.

Neshoba County. The entire county.

Newton County. The entire county.

Noxubee County. The entire county.

Oktibbeha County. The entire county.

Pearl River County. The entire county.

Perry County. The entire county.

Pike County. The entire county.

Rankin County. The entire county.

Scott County. The entire county.

Simpson County. The entire county.

Smith County. The entire county.

Stone County. The entire county.

Union County. T. 7 S., and N⅔, T. 8 S., R. 4 E.; and those portions of Tps. 7 and 8 S., R. 5 E., lying in the county.

Walthall County. The entire county.

Wayne County. The entire county.

Webster County. The entire county.

Wilkinson County. The entire county.

Winston County. The entire county.

(2) *Suppressive areas.*

Attala County, N½, T. 14 N., R. 6 E.; S⅔, T. 15 N., R. 6 E.; N½, T. 13 N., R. 7 E.; Tps. 14 and 15 N., R. 7 E.; SE¼ and N½, T. 15 N., R. 9 E.; and S⅓, T. 16 N., R. 9 E.

Claiborne County. That portion of the county lying west of the west line of R. 3 E.

Franklin County. T. 6 N., Rs. 1, 2, 3, 4, and 5 E.; T. 7 N., R. 5 E.; and those portions of Tps. 6 and 7 N., R. 6 E., lying in Franklin County.

Issaquena County. That portion of T. 17 N., R. 3 E., lying in Issaquena County; that portion of the county south of the south line of T. 12 N., and west of the west line of R. 7 W., and that portion of T. 12 N., R. 7 W., lying in Issaquena County.

Pontotoc County. T. 11 S., R. 1 E.; S½, T. 9 S., Rs. 2 and 3 E.; Tps. 10 and 11 S., Rs. 2, 3, and 4 E.; T. 9 S., R. 4 E.; and that portion of T. 8 S., R. and 4 E., lying in the county.

Sharkey County. The entire county.

Warren County. Those portions of Tps. 15, 16, 17, and 18 N., Rs. 1 and 2 E.; and those

portions of Tps. 15, 16, and 17 N., Rs. 3 and 4 E., lying in the county.

Washington County. The entire county.

Yazoo County. Those portions of T. 9 N., Rs. 1 and 2 W.; T. 10 N., Rs. 1 W. and 1 and 2 E.; S½, T. 11 N., Rs. 1, 2, and 3 E., lying in Yazoo County; and that portion of the county west of the west line of R. 4 W., and north of the Yazoo River.

SOUTH CAROLINA

(1) *Generally infested areas.*

Berkeley County. That portion of the county bounded by a line beginning at the intersection of U.S. Interstate Highway 26 and State Primary Highway 27, thence extending north along said highway to its junction with State Secondary Highway 135, thence northeast along said highway to its junction with State Primary Highway 6, thence southeast along said highway to its intersection with the town limits of Moncks Corner, thence south, east, and north along said town limits to its northern intersection with U.S. Highway 52, thence northeast along said highway to its junction with State Primary Highway 402, thence southeast, east, and south along said highway to its junction with State Secondary Highway 133, thence southeast along said highway to its junction with the Berkeley-Charleston County line, thence in a southwesterly and northwesterly direction along said county line to its junction with the Berkeley-Dorchester County line, thence northwest along said county line to the point of beginning.

Charleston County. That portion of the county bounded by a line beginning at a point where U.S. Highway 78 intersects the Charleston-Dorchester County line and extending northeast along said county line to its junction with the Charleston and Berkeley County line, thence south and east along said county line to its junction with Cooper River, thence in a southerly direction along said river to its junction with the Wando River, thence northeast along the Berkeley-Charleston County line to its junction with State Secondary Highway 1032, thence southeast along said highway to its junction with U.S. Highway 17 at Awendaw, thence in a westerly direction along said highway to its intersection with State Primary Highway 171, thence south along said highway to its junction with State Primary Highway 700, thence west along said highway to its intersection with State Secondary Highway 20, thence northwest and north along said highway to its intersection with U.S. Highway 17, thence west along said highway to its intersection with the Edisto River, thence north along said river to the Charleston-Dorchester County line, thence along said county line to the point of beginning.

Dorchester County. That portion of the county bounded by a line beginning at a point where the Edisto River junctions with the Dorchester-Charleston County line, thence extending north along said river to its intersection with State Primary Highway 61, thence southeast along said highway to its intersection with U.S. Alternate Highway 17, thence east along said highway to its junction with State Primary Highway 642, thence east along said highway to its intersection with State Primary Highway 165, thence northeast along said highway to its intersection with the southern boundary of the corporate limits of Summerville, thence northeast along said corporate limits to its intersection with the Charleston-Dorchester County line, thence in a southeasterly, southerly, and westerly direction along said county line to the point of beginning.

Horry County. That portion of the county bounded by a line beginning at a point where U.S. Highway 17 intersects the Intracoastal Waterway, thence extending southwest along said waterway to its junction with the Horry-Georgetown County line at Bull Creek, thence north along the county line to its intersection with U.S. Highway 701, thence northeast along said highway to its junction with State Secondary Highway 237, thence northwest along said highway to its junction with State Secondary Highway 24, thence north along said highway to its junction with State Secondary Highway 97, thence east along said highway to its junction with State Secondary Highway 139, thence southeast along said highway to its junction with State Secondary Highway 66, thence north along said highway to its intersection with State Primary Highway 9, thence east and southeast along said highway to its junction with U.S. Highway 17, thence southeast along said highway to the point of beginning.

Jasper County. That portion of the county bounded by a line beginning at a point where the Savannah River junctions with the Jasper-Hampton County line, thence extending northeast along said county line to its intersection with the Southern Railway, thence south along said railway to its junction with State Primary Highway 336, thence east along said highway to its junction with State Secondary Highway 110, thence southeast along said highway to its junction with U.S. Highway 17, thence southwest along said highway to its junction with State Secondary Highway 141, thence northeast along said highway to its intersection with New River, thence south along said river to the Atlantic Ocean, thence southwest to a point where the Savannah River enters the Atlantic Ocean, thence northwest along said river to the point of beginning.

Orangeburg County. That portion of the county bounded by a line beginning at a point where U.S. Highway 21 intersects the Orangeburg-Calhoun County line, and extending in a southeasterly direction along said county line to its intersection with Four Hole Swamp, thence southeast along said swamp to its intersection with U.S. Highway 301, thence east along U.S. Highway 301 to its intersection with U.S. Highway 176, thence in a southeasterly direction along U.S. Highway 176 to its intersection with State Primary Highway 121, thence in a southwesterly direction along said highway to its intersection with Interstate Highway 26, thence southeast along said highway to its intersection with the Orangeburg-Dorchester County line, thence along said county line in a southwesterly direction to its intersection with U.S. Highway 78, thence northwest along U.S. Highway 78 to its intersection with Branchville city limits, thence along the northern boundary of said city to State Secondary Highway 63, thence northwest along said highway to its intersection with U.S. Highway 601, thence northeasterly along said highway to its intersection with the extension of U.S. Highway 376, thence in a northwesterly direction along this extension and U.S. Highway 376 to its junction with State Secondary Highway 74, thence in a northeasterly direction along said highway to its junction with U.S. Highway 178, thence in a southeasterly direction along said highway to its junction with State Secondary Highway 61, thence in a northerly direction along said highway to its junction with the Calhoun-Orangeburg County line, thence along said county line to the point of beginning.

(2) *Suppressive areas.* None.

TEXAS

(1) *Generally infested areas.*

Angelina County. The entire county.

Austin County. The entire county.

Bexar County. The entire county.

Brazoria County. The entire county.

Chambers County. The entire county.

Colorado County. The entire county.

Dallas County. The entire county.

Denton County. The entire county.

Fort Bend County. The entire county.

Galveston County. The entire county.

Gregg County. The entire county.

Grimes County. The entire county.

Hardin County. The entire county.

Harris County. The entire county.

Jasper County. The entire county.

Jefferson County. The entire county.

Liberty County. The entire county.

Montgomery County. The entire county.

Nacogdoches County. The entire county.

Newton County. The entire county.

Orange County. The entire county.

Polk County. The entire county.

Sabine County. The entire county.

San Augustine County. The entire county.

San Jacinto County. The entire county.

Tarrant County. That portion of the county bounded by a line beginning at a point where Texas State Highway 114 intersects the Denton-Tarrant County line, and extending east along said county line to the Tarrant-Dallas County line, thence south along said county line to its intersection with Harwood-Dallas County Line Road, thence westerly along said road to its junction with Arlington-Webb-Britton Road, thence south along said road to its junction with Poly-Webb Road, thence westerly along said road to its junction with Texas Farm Road 157, thence northerly and easterly along said road to its intersection with Texas State Highway 114, thence northwesterly along said highway to the point of beginning including the entire cities of Grand Prairie, Arlington, and Grapevine but excluding the cities of Euless, Bedford, Colleyville, Southlake, and Westlake.

Tyler County. The entire county.

Waller County. The entire county.

Wharton County. The entire county.

(2) *Suppressive areas.* None.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33, 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161, 29 F.R. 16210, as amended; 7 CFR 301.81–2)

This supplemental regulation shall become effective upon publication in the FEDERAL REGISTER when it shall supersede P.P.C. 629, 8th Revision, 7 CFR 301.81–2a, effective August 27, 1966.

The Director of the Plant Pest Control Division has determined that infestations of the imported fire ant exist or are likely to exist in the civil divisions, and parts of civil divisions, listed above, or that it is necessary to regulate such areas because of their proximity to imported fire ant infestations or their inseparability for quarantine enforcement purposes from imported fire ant infested localities. The Director has further determined that each of the quarantined States is enforcing a quarantine or regulation with restrictions on intrastate movement of the regulated articles substantially the same as the restrictions on interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the imported fire ant. Accordingly, such civil divisions and parts of civil divisions listed above, are designated as imported fire ant regulated areas.

This document classifies as regulated, suppressive, and generally infested areas, respectively, all areas heretofore designated as regulated, eradication, and generally infested areas.

This revision adds to the regulated areas parts of the following previously nonregulated counties and parishes: Cullman and Randolph in Alabama; Bradford, Columbia, Hamilton, Madison, Nassau, Suwannee, Union, Alachua, Brevard, Charlotte, Citrus, Dixie, Highlands, Marion, and Osceola in Florida; Brooks and Wilkinson in Georgia; Natchitoches and Winn in Louisiana; Tarrant in Texas; and Union in Mississippi; and the entire previously nonregulated counties of De Soto in Florida; and Angelina, Austin, Brazoria, Chambers, Colorado, Dallas, Denton, Fort Bend, Galveston, Gregg, Grimes, Nacogdoches, Polk, Sabine, San Augustine, San Jacinto, Waller, and Wharton in Texas. It also extends the regulated areas in two counties in Alabama, seven counties in Florida, 12 counties in Georgia, four parishes in Louisiana, five counties in Mississippi, and four counties in South Carolina. In addition, this revision transfers from suppressive to generally infested status the regulated areas in Calhoun, Crawford, Houston, Peach, and Upson Counties in Georgia; and in Florida transfers from generally infested to suppressive status the regulated areas in Hardee, Manatee, and Sarasota Counties and a portion of the regulated areas in Sumter and Polk Counties.

This document imposes restrictions that are necessary in order to prevent the dissemination of the imported fire ant, and should be made effective promptly to accomplish its purpose in the public interest. Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing regulations are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this first day of July 1968.

[SEAL] J. F. SPEARS,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 68–8049; Filed, July 5, 1968; 8:49 a.m.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Imported Fire Ant

EXEMPTIONS

Under the authority of § 301.81–2 of the Imported Fire Ant Quarantine regulations (7 CFR 301.81–2, as amended, 33 F.R. 9750), a supplemental regulation exempting certain articles from specified requirements of the regulations is hereby issued to appear in 7 CFR 301.81–2b as set forth below. The Director of the Plant Pest Control Division has found that facts exist as to the pest risk involved in the movement of such articles which make it safe to relieve the requirements as provided therein.

§ 301.81–2b Exempted articles.

(a) The following articles are exempt[1] from the certification and permit requirements of this subpart if they meet the applicable conditions prescribed in subparagraphs (1) through (4) of this paragraph and have not been exposed to infestation after cleaning or other handling as prescribed in said subparagraphs:

(1) Compost, decomposed manure, humus, and peat, if dehydrated, ground, pulverized, or compressed.

(2) Logs and pulpwood; provided, the railroad loading site has been treated in accordance with the treatment manual.

(3) Stumpwood, if free of excessive amounts of soil; provided, the railroad loading site has been treated in accordance with the treatment manual and the stumpwood is consigned to a processing plant.

(4) Used mechanized soil-moving equipment, if cleaned and repainted.

(b) The following articles are exempt from the certification and permit requirements of this subpart under the applicable conditions prescribed in subparagraphs (1) and (2) of this paragraph:

(1) Soil samples of any size if collected, and shipped to any U.S. Army Corps of Engineers soil laboratory located within the conterminous United States, in accordance with a compliance agreement with the shipper pertaining to such consignments.

(2) Soil sampless of 1 pound or less which are packaged so that no soil will be spilled in transit, and are consigned to a laboratory approved by the Director for such purpose.[2] *Provided,* That soil samples originating in areas under Federal or State regulation because of infestation with soybean cyst nematode, golden nematode, or witchweed are not exempted: *And provided further,* That soil samples originating in areas under such regulation because of the burrowing nematode may not be shipped into the States of Arizona, California, Lousiana, or Texas. One pound samples meeting the requirements set forth above may be assembled in a single package for shipping purposes.[2]

(Secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.81–2)

This list of exempted articles shall become effective upon publication in the FEDERAL REGISTER when it shall supersede the list of exempted articles in 7 CFR 301.81a (PPC 638, 1st Revision), which became effective March 15, 1966.

The principal purpose of this document is to add used mechanized soil moving equipment, if cleaned and repainted, to the list of exempted articles, and to delete the requirement that pulpwood and stumpwood be treated with an insecticide after being loaded into the railroad cars.

This document relieves certain restrictions which are not deemed necessary to prevent the interstate spread of the imported fire ant, and should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions being relieved. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this document are impracticable and unnecessary and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this first day of July 1968.

[SEAL] J. F. SPEARS,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 68–8050; Filed, July 5, 1968; 8:49 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 15]

PART 719—RECONSTITUTION OF FARMS, ALLOTMENTS AND BASES

Allocation of Allotments by Landowner

(a) This amendment is issued pursuant to sections 375(b) and 379 of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1375(b) and 1379), section 124 of the Soil Bank Act (7 U.S.C. 1812), and the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590 g–q). This amendment provides that the method of division by allocation of allotments (other than burley tobacco) by landowner shall not be applicable in cases where the land from which ownership is being transferred was owned for a period of less than 3 years unless approved by the Deputy Administrator.

(b) Since farms are now being reconstituted, it is essential that this amendment be made effective as soon as possible. It is hereby determined and found that compliance with the notice, public procedure, and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and this amendment shall be effective

[1] The articles hereby exempted remain subject to applicable restrictions under other quarantines.

[2] Any laboratory is eligible for approval by the Director for purposes of this paragraph if it is operated under a compliance agreement as defined in § 301.81–1(b). A notice listing approved laboratories will be published periodically in the FEDERAL REGISTER. Copies of the current list may also be obtained from the Director, Plant Pest Control Division, Agriculture, Research Service, U.S. Department of Agriculture, Hyattsville, Md. 20782, or from an inspector.

upon publication in the FEDERAL REGISTER.

The regulations in Part 719—Reconstitution of Farms, Allotments, and Bases (29 F.R. 13370, as amended) are amended as follows:

Paragraph (j) of § 719.8 is amended by adding a new subparagraph (6) as follows:

§ 719.8 Rules for determining allotments and bases where reconstitution is made by division.

* * * * *

(j) *Allocation of allotments other than burley tobacco by landowner.* * * *

(6) If the part of the farm from which the ownership is being transferred was owned for a period of less than 3 years, the provisions of this paragraph shall not be applicable to such transfer: *Provided*, That the State committee upon approval of the Deputy Administrator, may permit the use of the owner designation method under this paragraph for such farm upon a determination that a division of allotments that would otherwise be applicable under paragraphs (a) through (i) of this section would cause an undue hardship or create inequity.

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 2, 1968.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-8051; Filed, July 5, 1968; 8:49 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Orange Reg. 60, Amdt. 7]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Notice was published in the May 17, 1968, issue of the FEDERAL REGISTER (33 F.R. 7328) that consideration was being given to a proposal by the Growers Administrative Committee, established under the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), to extend through September 15, 1968, the grade and size limitations in Orange Regulation 60, as amended (32 F.R. 17616; 33 F.R. 2378, 4514, 4729, 5792, 6706), applicable to the handling of oranges between the production area and any point outside thereof in the continental United States, Canada, or Mexico. Subsequent to publication of that notice, restrictions on the handling of Florida oranges, except Temple and Murcott Honey oranges, were relaxed by further amendment (33 F.R. 8198) of the grade and size limitations.

An additional amendment, as hereinafter provided, further relieves restrictions on the handling of said oranges, except Temple and Murcott Honey oranges, during the period July 8 through September 8, 1968, and extends the relaxed restrictions through September 15, 1968.

Pursuant to the aforesaid marketing agreement and order and upon the basis of the recommendations of the committees established thereunder and upon other available information, it is hereby found that further amendment of the grade and size restrictions of said Orange Regulation 60, as hereinafter provided, will tend to effectuate the declared policy of the act.

After consideration of all relevant matters presented with respect to said notice, including the proposal set forth therein and the recommendations of said committees, it is hereby found that the amendment hereinafter set forth, relieving the grade and size restrictions on the handling of oranges, except Temple and Murcott Honey oranges, and extending the period of grade and size limitations on the handling of all oranges through September 15, 1968, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and July 8, 1968—the time when this amendment must become effective in order to effectuate the declared policy of the act—is insufficient; and this amendment relieves restrictions on the handling of oranges during the period July 8 through September 8, 1968. No data, views, or arguments were filed with the Department with respect to the aforementioned notice concerning the proposed extension, through September 15, 1968, of grade and size limitations on the handling of oranges grown in Florida; and no useful purpose would be served by postponing the effective date of this amendment which extends, as aforesaid, the period of regulation.

Order. The provisions of § 905.505 (Orange Regulation 60; 32 F.R. 17616, 33 F.R. 2378, 4514, 4729, 5792, 6706, 8198) are hereby amended in the following respects:

The introductory text of paragraph (a)(2) and subdivisions (i), (ii), and (iii) thereof are revised to read as follows:

§ 905.505 Orange Regulation 60.

(a) * * *

(2) During the period July 8, 1968, through September 15, 1968, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple and Murcott Honey oranges, grown in Regulation Area I, which do not grade at least U.S. No. 2 Russet; or

(ii) Any oranges, except Temple and Murcott Honey oranges, grown in Regulation Area II, which do not grade at least U.S. No. 2 Russet;

(iii) Any oranges, except Temple and Murcott Honey oranges, grown in the production area, which are of a size smaller than 2$^{1}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges, smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2$^{1}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$^{10}/_{16}$ inches in diameter and smaller;

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 2, 1968, to become effective July 8, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-8012; Filed, July 5, 1968; 8:46 a.m.]

PART 946—IRISH POTATOES GROWN IN WASHINGTON

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 113 and Order No. 946 (7 CFR Part 946), regulating the handling of Irish potatoes grown in the State of Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the State of Washington Potato Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments regulation as hereinafter established, limiting the grade, size, and quality of such potatoes will maintain orderly marketing conditions tending to increase returns to producers of such potatoes.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the committee on June 27, 1968. Such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting. The provisions of this regulation are identical with the committee's recommendations, and information concerning such provisions and effective time has been disseminated among handlers of such potatoes. Also, such provisions are identical with the initial regulation issued last year. It is necessary, in order to effectuate the declared policy of the act, to make this regulation effective beginning on the date hereinafter specified, so as to provide for the regulation of all shipments of 1968 crop potatoes grown in the production area which are expected to begin on or about such effective date. Compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by such effective date.

§ 946.323 Limitation of shipments.

During the period July 8, 1968, through July 15, 1969, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c) through (f) of this section.

(a) *Minimum quality requirements*—(1) *Grade.* All varieties—U.S. No. 2, or better grade.

(2) *Size.* (i) Round varieties—1$^{7}/_{8}$ inches minimum diameter.

(ii) Long varieties—2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness.* All varieties—at least "fairly clean."

(b) *Minimum maturity requirements*—(1) *Round and long white (White Rose) varieties.* "Moderately skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-half of the skin missing or "feathered."

(2) *Other long varieties (including but not limited to Russet Burbank, Norgold, and Early Gems).* "Slightly skinned" which means that not more than 10 percent of the potatoes in the lot have more than one-fourth of the skin missing or "feathered."

(c) *Special purpose shipments.* The minimum grade, size, cleanliness and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of seed potatoes or to shipments of potatoes for any of the following purposes:

(1) Livestock feed;
(2) Charity;
(3) Starch;
(4) Canning or freezing;
(5) Dehydration;
(6) Export;
(7) Potato chipping; or
(8) Prepeeling.

(d) *Safeguards.* Each handler making shipments of potatoes for canning, freezing, dehydration, export, potato chipping, or prepeeling pursuant to paragraph (c) of this section, unless such potatoes are handled in accordance with paragraph (e) of this section, shall:

(1) Notify the committee of intent so to ship potatoes by applying on forms furnished by the committee for a certificate applicable to such special purpose shipment;

(2) Obtain a Washington State Shipping Permit as issued by the Washington State Department of Agriculture in lieu of a Federal-State Inspection Certificate, except shipments for export; and

(3) Prepare on forms furnished by the committee a special purpose shipment report on each such shipment. The handler shall forward copies of each such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee office. Failure of handlers or receivers to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for cancellation of such handler's certificate applicable to such special purpose shipments and/or the receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of such certificate, the handler may appeal to the committee for reconsideration. Such appeal shall be in writing.

(4) Before diverting any such special purpose shipment from the receiver of record as previously furnished to the committee by the handler, such handler shall submit to the committee a revised special purpose shipment report.

(e) *Special purpose shipments exempt from safeguards.* In the case of shipments of potatoes: (1) To freezers or dehydrators in the counties of Grant, Adams, Franklin, Benton, and Yakima in the State of Washington and (2) for canning, freezing, dehydration, potato chipping or prepeeling within the district where grown, the handler of such potatoes shall be exempt from safeguard requirements of paragraph (d) of this section whenever the processor of such potatoes has signed an agreement with the committee to meet the reporting and other requirements of this part specified by the committee.

(f) *Minimum quantity exception.* Each handler may ship up to, but not to exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment over 5 hundredweight of potatoes.

(g) *Definitions.* The terms "U.S. No. 2," "fairly clean," "slightly skinned" and "moderately skinned" shall have the same meaning as when used in the U.S. Standard for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in the prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (U.S. Standards for Grades of Peeled Potatoes §§ 52.2421–52.2433 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and this part (Order No. 946).

(h) *Applicability to imports.* Pursuant to section 608e–1 of the Act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the round red skinned varieties imported during the period July 8, through August 31, 1968, shall meet the grade, size, quality, and maturity requirements specified for round varieties in paragraphs (a) and (b) of this section.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated July 2, 1968, to become effective July 8, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-8013; Filed, July 5, 1968; 8:46 a.m.]

[Lemon Reg. 328]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.628 Lemon Regulation 328.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication

hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 2, 1968.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period July 7, 1968, through July 13, 1968, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325,500 cartons;

(iii) District 3: unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C 601–674)

Dated: July 3, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68–8118; Filed, July 5, 1968; 9:26 a.m.]

[947.326]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in the production area defined therein, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the Oregon-California Potato Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1968 crop potatoes grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the effective period, (3) producers and handlers have operated under the said marketing order program since 1948 so special preparation by handlers is not required, (4) information regarding the committee's recommendations relating to the marketing policy and proposed regulations were made available to producers and handlers in the production area on June 20, 1968, and interested persons were afforded an opportunity to submit their views on same, (5) the regulations hereinafter set forth are identical with those recommended and contained in the initial regulation made effective at the beginning of last season, (6) the committee's recommendations as to the regulation hereinafter set forth were submitted promptly to the Department, and received on June 28, 1968, and (7) compliance with these regulations will not require special preparation by handlers which cannot be completed by the effective date.

§ 947.326 Limitation of shipments.

During the period July 8 through October 14, 1968, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), (f), and (g) of this section.

(a) *Minimum quality requirements*—(1) *Grade:* All varieties—U.S. No. 2, or better grade.

(2) *Size:* (i) Round varieties—1⅞ inches minimum diameter.

(ii) All other varieties—2 inches minimum diameter or 4 ounces minimum weight.

(iii) All varieties—Size B if U.S. No. 1, or better grade.

(3) *Cleanliness:* All varieties—"Generally fairly clean."

(b) *Minimum marturity requirements*—(1) *All varieties.* (i) Through August 31, 1968: "Moderately skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-half of the skin missing or "feathered."

(ii) Beginning September 1, 1968: "Slightly skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-fourth of the skin missing or "feathered."

(2) Not to exceed a total of 100 hundredweight of any variety of a lot of potatoes may be handled for any producer any 7 consecutive days without regard to the aforesaid maturity requirements. Prior to each shipment of potatoes exempt from the above maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Special purpose shipments.* The minimum grade, size, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed.

(2) Grading and storing, planting, or livestock feed: *Provided,* That potatoes may not be shipped for such purposes outside of the district where grown except that: (i) Potatoes grown in District No. 2 or District No. 4 may be shipped for grading and storing, for planting, or for livestock feed within, or to, such districts for such purposes; (ii) potatoes grown in any one district may be shipped to a receiver in any other district within the production area for grading if such receiver is substantiated and recognized by the committee as a processor of canned, frozen, dehydrated, potato chips, or prepeeled products.

(3) Charity.

(4) Starch.

(5) Canning or freezing.

(6) Dehydration.

(7) Export.

(8) Potato chipping.

(9) Prepeeling.

(d) *Safeguards.* (1) Each handler making shipments of certified seed, except those lots with a maximum size of 2 inches in diameter which are handled for planting within the district where grown or between District No. 2 and District No. 4, pursuant to paragraph (c) of this section shall pay assessments on such shipments and shall furnish the committee with either a copy of the applicable certified seed inspection certificate or shall apply for and obtain a Certificate of Privilege and, upon request of the committee, furnish reports of each shipment made pursuant to each Certificate of Privilege.

(2) Each handler making shipments of potatoes for canning, freezing, dehydration, export, potato chipping, or prepeeling pursuant to subparagraphs 5 through 9 of paragraph (c) of this section and each receiver receiving potatoes pursuant to subparagraph (2), (ii) of paragraph (c) of this section, shall:

(i) First, apply to the committee for and obtain a Certificate of Privilege to make such shiments.

(ii) Prepare, on forms furnished by the committee, a diversion report in quadruplicate on each individual shipment diverted from fresh market channels to the authorized outlets specified in this subparagraph (2).

(iii) Forward one copy of such diversion report to the committee office and forward two copies to the receiver with instructions to the receiver that he sign and return one copy to the committee office. The handler and receiver may each keep one copy for their files. Failure of handler or receiver to report such shipments by promptly signing and returning the applicable diversion report to the committee office shall be cause for cancellation of such handler's Certificate of Privilege and/or the receiver's eligibility to receive further shipments pursuant to any Certificate of Privilege. Upon the cancellation of any such Certificate of Privilege the handler may appeal to the committee for reconsideration. Such appeal shall be in writing.

(e) *Minimum quantity exception.* Each handler may ship up to but not to exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment that exceeds 5 hundredweight of potatoes.

(f) *Inspection.* For the purpose of operation under this part, unless exempted from inspection by the provisions of this section, or unless handled for potato chipping or prepeeling in accordance with paragraph (c) of this section, each required inspection certificate is hereby determined, pursuant to § 947.60(c), to be valid for a period of not to exceed 14 days following completion of inspection as shown on the certificate. The validity period of an inspection certificate covering inspected and certified potatoes that are stored in refrigerated storage within 14 days of the inspection shall be the entire period such potatoes remain in such storage.

(g) Any lot of potatoes previously inspected pursuant to § 947.60(a) is not required to have additional inspection under §947.60(b) after regrading, resorting, or repacking such potatoes, if the inspection certificate is valid at the time of handling such regraded, resorted, or repacked potatoes.

(h) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "fairly clean," "moderately skinned," and "slightly skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. The term "generally fairly clean" means that at least 90 percent of the potatoes in a given lot are "fairly clean." The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (U.S. Standards for Grades of Peeled Potatoes, §§ 52.2421–52.2433 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated July 3, 1968, to become effective July 8, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68–8119; Filed, July 5, 1968; 9:26 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 6]

PART 1464—TOBACCO

Subpart—Tobacco Loan Program

AVAILABILITY OF PRICE SUPPORT AND ELIGIBLE PRODUCE AND TOBACCO

The regulations issued by Commodity Credit Corporation, published in 31 F.R. 9679, 32 F.R. 10249, 32 F.R. 11416, 32 F.R. 14203, 33 F.R. 136, and 33 F.R. 910, with respect to the tobacco price support loan program are hereby amended as follows:

1. In § 1464.1756, paragraph (d)(1)(iv) is amended to provide price support on untied flue-cured tobacco throughout the marketing season. The amended subdivision reads as follows:

§ 1464.1756 Availability of price support.

* * * * * * *

(d) * * *

(1) * * *

(iv) In the case of flue-cured tobacco, price support will be available on flue-cured tobacco markets in the Georgia-Florida belt only if such tobacco is in untied form. On flue-cured tobacco markets in belts other than the Georgia-Florida belt, price support will be available on tobacco in either tied or untied form.

2. In § 1464.1762 paragraph (a) is amended to include burley as a kind of tobacco for which, pursuant to marketing quota regulations, an eligible producer will be issued a marketing card which does not bear the words "No Price Support," and to exclude burley tobacco from the kinds of tobacco for which a marketing card issued to an eligible producer will be designated a "Within Quota" marketing card. The amended paragraph reads as follows:

§ 1464.1762 Eligible producer.

(a) All producers of Puerto Rican tobacco are eligible producers, since Puerto Rican tobacco is not under U.S. marketing quotas. Any producer of another kind of tobacco is an eligible producer if, under the applicable regulations of the Secretary of Agriculture with respect to tobacco marketing quotas for the applicable marketing year, a marketing card has been issued for his farm which, (1) if for flue-cured or burley tobacco, does not bear the words "No Price Support," and (2) if for other than flue-cured or burley tobacco, is designated a "Within Quota" marketing card. In general, the marketing quota regulations provide for the issuance of marketing cards designated "Within Quota" or not marked "No Price Support" where the tobacco acreage harvested for each kind of tobacco produced on the farm is not in excess of the applicable acreage allotment established under the marketing quota program for the farm. However, a "Within Quota" marketing card is not issued or a marketing card is marked "No Price Support" where (1) the farm operator fails to comply with provisions of Part 718 of this chapter with respect to disposition of excess acreage or certification of acreage or (2) tobacco is produced on land owned by the Federal Government in violation of the provisions of a lease restricting the production of tobacco.

* * * * * *

3. Section 1464.1763 is amended to include burley tobacco in the kinds of tobacco which will be identified by a marketing card which does not bear the notation "No Price Support," rather than by a memorandum of sale issued from a Within Quota Marketing Card. The amendment also deletes reference to 1967 crop flue-cured tobacco delivered directly to the association. The amended section reads as follows:

§ 1464.1763 Eligible tobacco.

Eligible tobacco shall be United States and Puerto Rican tobacco (as defined in the Agricultural Adjustment Act of 1938, as amended) which (a) is of a kind and crop for which price support is available; (b) if marketing quotas are in effect, has been properly identified in accordance with applicable tobacco Marketing Quota Regulations by (1) a Within Quota Marketing Card, if other than flue-cured or burley tobacco, or (2) a Marketing Card which does not bear the words "No Price Support," if flue-cured or burley tobacco; (c) if flue-cured tobacco is offered for marketing on a Tobacco Sale Bill which is not marked "No Price Support," and is for a number of pounds which, when added to the pounds of flue-cured tobacco previously marketed, does not exceed 110 percent of the applicable farm marketing quota; (d) has been delivered to the association by the producer, either directly or through an auction warehouse, prior to sale to any other person; (e) has been delivered to the association by the producer, either directly or through an auction warehouse, in lots identified by not more than one marketing card for each lot; (f) is in sound and merchantable condition; (g) was not produced on land owned by the Federal Government in violation of the provisions of a lease restricting the production of tobacco; (h) has been graded by USDA official tobacco inspectors in a grade for which price support is available.

(Sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, sec. 125, 70 Stat. 198, 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423, 7 U.S.C. 1813, 15 U.S.C. 714b, 714c.)

Effective date: Date of filing with Office of the Federal Register.

Signed at Washington, D.C., on July 1, 1968.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 68–8011; Filed, July 5, 1968; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8963; Amdt. 603]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Del Rio, Tex.—Del Rio International, VOR 1, Amdt. 3, 15 May 1965 (established under Subpart C).

2. By amending § 97.11 of Subpart B to cancel low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Sidney, Nebr.—Sidney Municipal, VOR-1, Amdt. 4, 4 Nov. 1967, Canceled effective 25 July 1968.

3. By amending § 97.19 of Subpart B to cancel radar procedures as follows:

San Diego, Calif.—San Diego International-Lindbergh Field, Radar 1, Amdt. 3, 4 March 1967, canceled effective 25 July 1968.

4. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 7.4 miles after passing DLF VOR.
				Climbing right turn to 4000′ on 340° heading, then right turn direct to DLF VOR. Supplementary charting information: UNICOM—122.8. CAUTION: 1512′ tower 3.2 miles SE; 1408′ tower 3.5 miles NE; 1320′ tower 3.2 miles E; 1275′ tower 1.2 miles NE; and 1157′ tower 1 mile E of airport.

Procedure turn S side of crs, 081° Outbnd, 261° Inbnd, 3000′ within 10 miles of DLF VOR.
FAF, DLF VOR. Final approach crs, 261°. Distance FAF to MAP, 7.4 miles.
Minimum altitude over DLF VOR, 3000′.
MSA: 000°–180°—2700′; 180°–270°—2500′; 270°–360°—3200′.
NOTES: (1) ASR. (2) Use Laughlin AFB altimeter setting when Del Rio International altimeter setting is not received. (3) MDA increased 20′ when Del Rio International altimeter is not received. (4) Extensive jet training conducted at Laughlin AFB.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C*	1640	1	641	1640	1	641	1640	1½	641	NA
A	Not authorized.		T 2-eng. or less—500-2 required Runway 13; Standard all other runways.				T over 2-eng.—500-2 required Runway 13; Standard all other runways.			

City, Del Rio; State, Tex.; Airport name, Del Rio International; Elev., 999′; Facility DLF; Procedure No. VOR-1, Amdt. 4; Eff. date, 25 July 68; Sup. Amdt. No. VOR 1, Amdt. 3; Dated, 15 May 65

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: TUL R 077°, 22-mile DME.
				Climb to 2000′ turning right to TUL, R 079° to Inola Int and hold.

Procedure turn not authorized. Approach crs (profile) starts at TUL VORTAC.
Minimum altitude over TUL VORTAC, 2000′; over TUL R 077°, 17-mile DME, 2000′; over TUL R 077°, 22-mile DME, 1200′
MSA: 000°–090°—2100′; 090°–180°—3600′; 180°–360°—3200′.
NOTE: Radar vectoring available.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C		D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS		VIS
C	1200	1	570	1200	1	570	NA		NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.		

City, Pryor; State, Okla.; Airport name, Pryor; Elev., 630′; Facility, TUL VORTAC; Procedure No. VOR/DME-1, Amdt. Orig.; Eff. date, 25 July 68

5. By amending § 97.25 of Subpart C to amend localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.1 miles after passing Elm Fork Int.
				Climb to 2000′ on LOC crs 128° within 20 miles or climb to 2000′, left turn, direct to Dallas VORTAC. Supplementary charting information: Depict Quarry VFH INT as stepdown fix. TDZ elevation, 475′.

Procedure turn not authorized. Approach crs (profile) starts at Elm Fork Int.
FAF, Elm Fork Int. Final approach crs, 128°. Distance FAF to MAP, 6.1 miles.
Minimum altitude over Elm Fork Int, 1700′; over Quarry Int, 900′.

‡Radar required.
*RVR 24, Runways 13L and 31L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13R	900	¾	425	900	¾	425	900	¾	425	900	1	425
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	920	1	435	1000	1	515	1000	1½	515	1080	2	595
	LOC/VOR Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13R	840	¾	365	840	¾	365	840	¾	365	840	1	365
A	Standard.		T 2-eng. or less—Standard.*				T over 2-eng.—Standard.*					

City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 485′; Facility, I-LVF; Procedure No. LOC (BC) Runway 13R, Amdt. 2; Eff. date, 25 July 68; Sup. Amdt. No. 1; Dated, 11 July 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 3.2 miles after passing Ross Ave Int.
Argyle Int	Fair Park Int	Direct	2200	Climb to 2000′ on LOC crs, 308° within 20 miles or climb to 2000′, right turn, direct to Dallas VORTAC.
Kleberg Int	Fair Park Int (NOPT)	Direct	2000	Supplementary Charting Information: Depict DDA NDB as stepdown fix. TERPs par. 289 7:1 descent applied to Ross Ave Int and 1049′ building 24,500′ from threshold, 4800′ left of centerline. TDZ elevation, 485′.

Procedure turn S side of crs, 128° Outbnd, 308° Inbnd, 2000′ within 10 miles of Ross Ave Int.
FAF, Ross Ave Int. Final approach crs, 308°. Distance FAF to MAP, 3.2 miles.
Minimum altitude over Fair Park Int, 2000′; over Ross Ave Int, 1500′; over DDA NDB, 1000′.
NOTE: ASR.
*RVR 24, Runways 31L and 13L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31R	1000	¾	515	1000	¾	515	1000	¾	515	1000	1	515
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1000	1	515	1000	1	515	1000	1½	515	1060	2	595
LOC/NDB Minimums:												
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31R	880	¾	395	880	¾	395	880	¾	395	880	1	395
A	Standard.			T 2-eng. or less—Standard.*				T over 2-eng.—Standard.*				

City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 487′; Facility I-DAL; Procedure No. LOC (BC) Runway 31R, Amdt. 14; Eff. date, 25 July 68; Sup. Amdt. No. 13; Dated 11 July 68

6. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 5.5 miles after passing COE NDB.
Carlin Bay VHF/LF Int	COE NDB	Direct	6500	Climbing left turn direct to COE NDB, continue climb to 5500′ in holding pattern.
GEG VOR	COE NDB	Direct	6500	Supplementary charting information: $Chart in Plan View. TDZ elevation, 2290′.

Procedure turn N side of crs, 231° Outbnd, 051° Inbnd, 5500′ within 10 miles of COE NDB.
FAF, COE NDB. Final approach crs, 051°. Distance FAF to MAP, 5.5 miles.
Minimum altitude over COE NDB, 4000′.
MSA: 000°–270°—6700′; 270°–360°—7100′.
NOTES: (1) Procedure turn required. (2) Radar vectoring. (3) Use Felts Field, Spokane, Wash., altimeter setting when Coeur d'Alene altimeter setting not available.
*Circling and straight-in minimums increased 100′ when Coeur d'Alene weather not available; inoperative table does not apply to HIRL Runway 5.
%IFR departure procedures: Runway 5 turn left; Runway 14 turn right; climb direct to COE NDB, continue climb on bearing 231° within 10 miles of COE NDB so as to cross COE NDB at or above: Eastbound V2N 5000′; westbound V2N 5000′.
#Alternate minimums: Category B 1000–2, Category C 1500–3; alternate minimums not authorized when Coeur d'Alene weather not available.
$Final approach from holding pattern at COE NDB not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-5*	3000	1	710	3200	1½	910	3500	2¼	1210	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*	3000	1	682	3200	1½	882	3500	2¼	1182	NA
A	Standard for category A.#		T 2-eng. or less—Standard Runways 5, 14, 23; 1700–1, Runway 32.				T over 2-eng.—Standard Runways 5, 14, 23; 1700–1, Runway 32.			

City, Coeur d'Alene; State, Idaho; Airport name, Coeur d'Alene Air Terminal; Elev., 2318′; Facility COE; Procedure No. NDB (ADF) Runway 5, Amdt. Orig.; Eff. date, 25 July 68

7. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: ILS DH 675′. LOC 4.9 miles after passing LV LOM.
DAL VORTAC	LV LOM	Direct	2000	Climb to 2200′ on LOC (BC) 308° within 15 miles or climb to 2000′, right turn, direct to Dallas VORTAC.
GSW VORTAC	LV LOM	Direct	2000	
ADS VOR	LV LOM	Direct	2000	
Forest Int	LV LOM (NOPT)	Direct	2000	
Hutchins Int	LV LOM (NOPT)	Direct	2000	Supplementary charting information: Depict Central VHF INT as stepdown fix for LOC S-31L. Depict 1049′ building 23,300′ from threshold, 1800′ left of centerline. TDZ elevation, 475′.

Procedure turn S side of crs, 128° Outbnd, 308° Inbnd, 2000′ within 10 miles of LV LOM.
FAF, LV LOM. Final approach crs, 308°. Distance FAF to MAP, 4.9 miles.
Minimum altitude over Central VHF INT, 1500′.
Minimum glide slope interception altitude, 2000′. Glide slope altitude at OM, 2060′; at MM 687′.
Distance to runway threshold at OM, 4.9 miles; at MM, 0.6 mile.
MSA: 000°–180°—2200′; 180°–270°—3400′; 270°–360°—2300′.
NOTE: ASR.
*RVR 24, Runway 31L and 13L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-31L	675	RVR 18	200	675	RVR 18	200	675	RVR 18	200	675	RVR 20	200
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C-ILS	920	1	435	1000	1	515	1000	1½	515	1060	2	595
LOC	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31L	1500	RVR 50	1025	1500	RVR 50	1025	1500	RVR 60	1025	1500	1½	1025
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C-LOC	1500	1	1015	1500	1	1015	1500	1½	1015	1500	2	1015
LOC/VOR Minimums:												
LOC	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31L	1120	RVR 40	645	1120	RVR 40	645	1120	RVR 50	645	1120	RVR 50	645
A	Standard.			T 2-eng. or less—Standard.*				T over 2-eng.—Standard.*				

City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 485′; Facility, I-LVF; Procedure No. ILS Runway 31L, Amdt. 2; Eff. date, 25 July 68; Sup. Amdt. No. 1; Dated, 11 July 68

8. By amending § 97.31 of Subpart C to establish precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
												1. Final approach within 3-mile radius of airport reference point from 100° clockwise to 340° within limits of U.S. border. 2. CAUTION: 1512' tower 3.2 miles SE; 1408' tower 3.5 miles NE; 1375' tower 1.2 miles NE; and 1157' tower 1 mile E of airport. 3. Radar antenna site at Laughlin AFB. 4. Use Laughlin AFB altimeter setting when Del Rio International altimeter setting is not received. *5. MDA increased 15' when Del Rio International altimeter is not received. *6. This procedure not available during periods when Laughlin AFB Radar not operating. Contact HOU ARTCC prior to planned arrival to ascertain facility will be in operation.

As established by Laughlin AFB ASR minimum vectoring altitude chart.

Missed approach:
Final approach from southeast—Climb to 4000', right turn to heading of 340° within 15 miles.
Final approach from northwest—Climbing left turn to 4000' on heading of 340° within 15 miles.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C*.....	1580	1	581	1580	1	581	1580	1½	581	NA
A.....	Not authorized.			T 2-eng. or less—500-2 required Runway 13; Standard all other Runways.			T over 2-eng.—500-2 required Runway 13; standard all other Runways.			

City, Del Rio; State, Tex.; Airport name, Del Rio International; Elev., 999'; Facility Laughlin Radar; Procedure No. Radar-1, Amdt. Orig.; Eff. date, 25 July 68

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on June 18, 1968.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 68-7536; Filed, July 5, 1968; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-542, Amdt. 10]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Filing of Joint Tariffs for Through Services With Certificated Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the second day of July 1968.

On March 22, 1968, by notice of proposed rule making EDR-135, Docket 19743 (33 F.R. 5046), the Board proposed to amend Part 298 of the economic regulations to permit air taxi operators to file joint tariffs with certificated air carriers. Written data, views, and arguments were filed in response to the notice by 13 parties.[1]

With one exception, all respondents favored the proposal. The comments urged, in general, that the ability of air taxi operators to file joint rates and fares with certificated carriers would benefit passengers, shippers, localities not receiving certificated service, and the air taxi and air transport industry. These benefits would stem from possibility of lower rates and fares, the availability of the air taxi operators to participate in an integrated long-haul service, and the dissemination of knowledge to the public of the availability of the service.

With respect to individual comments, Ozark stated that it did not concur in permitting air taxi operators to file joint tariffs and that Ozark would not participate in such joint tariffs. No reason for its position was given. In any event, it is not required to participate in such joint tariffs.

Skymark Airlines, Inc., requested the Board to "specifically permit a wholly intrastate air carrier not subject to its [Board's] jurisdiction to file such a joint tariff with a Board certificated air carrier without thereby subjecting such wholly intrastate air carrier to the Board's jurisdiction." Such a carrier would be engaged in air transportation within the meaning of the Act by virtue of its holding out to carry passengers or cargo moving in through interstate transportation. Disclaimer of jurisdiction under such circumstances would thus be in contravention of the Act. The request is therefore denied.

The National Air Taxi Conference (NATC) supports the regulation to the extent that the regulation is interpreted as permitting but not requiring the filing of joint tariffs covering connecting or through services of certificated carriers and air taxi operators; in other words, the filing of joint tariffs should be discretionary with the carriers. NATC also suggests that the Board issue a supplemental explanatory statement as to possible legal consequences of the rule before promulgating the rule.

As indicated in the notice, the rule does not require the establishment of joint rates by any particular air taxi operator or certificated carrier, but if such carriers voluntarily establish joint rates or fares, these rates or fares must now be set forth in applicable tariffs. Air taxi operators are cautioned that the joint tariffs, if filed, become the only lawful basis for charging passengers and shippers using the through services covered by the tariffs, except to the extent that free or reduced rate transportation is permissible under section 403(b).

In consideration of the foregoing, the Board hereby amends Part 298 (14 CFR Part 298), effective August 5, 1968, by revising paragraphs (b), (c), and (d) of § 298.11 to read as follows:

§ 298.11 Exemption authority.

* * * * *

(b) Section 403, except that the requirements of that section shall apply to tariffs for through rates, fares, and charges filed jointly by air taxi operators and certificated air carriers;

(c) Subsection 404(a), except the requirements that air taxi operators shall provide safe service, equipment, and facilities in connection with air transportation; shall observe and enforce just and reasonable joint rates, fares, and charges, and just and reasonable classifications, rules, regulations, and practices as provided in tariffs filed jointly by air taxi operators and certificated air carriers; and shall establish just, reasonable, and equitable divisions of such joint rates, fares, and charges as between air carriers participating therein which shall not unduly prefer or prejudice any of such participating air carriers;

(d) Subsection 404(b), except that the requirements of that subsection shall apply to through service provided pursuant to tariffs filed jointly by air taxi operators and certificated air carriers;

* * * * *

(Secs. 204 and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 771; 49 U.S.C. 1324, 1386)

Adopted: July 2, 1968.

Effective: August 5, 1968.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 68-8027; Filed, July 5, 1968; 8:47 a.m.]

[1] Association of Commuter Airlines; Cable Commuter Airlines, Inc.; Commuter Airlines, Inc.; Eastern Air Lines, Inc.; Hawaiian Air Tour Service; Management Enterprises, Inc.; National Air Taxi Conference; Outagamie County Board of Supervisors, Appleton Area Chamber of Commerce, and Air Wisconsin, Inc., jointly; Ozark Air Lines, Inc.; Provincetown-Boston Airline, Inc.; Skymark Airlines, Inc.; Trans-East Airlines, Inc.; and Trans World Airlines, Inc.

Title 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary of Commerce

PART 0—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Miscellaneous Amendments

Executive Order 11408 of April 25, 1968, revoked Executive Order 9 of January 17, 1873, and various Executive orders that interpreted or granted exceptions to Executive Order 9, relating to dual Federal-State and local employment. In addition, Executive Order 11408 revoked Executive Order 9367 of August 4, 1943, which prohibited Government employees from instructing persons with a view to their special preparation for Civil Service and Foreign Service examinations.

In connection with the issuance of Executive Order 11408, the Civil Service Commission has revoked Part 734 of the Civil Service Regulations, "Holding State or Local Office," and has directed the revision of agency regulations in conformity with the revision of paragraph (c) of § 735.203 and with the revocation of paragraph (d) of § 735.203 of the Civil Service Regulations, as set forth in FPM Letter No. 735-4, dated May 21, 1968, issued by the Civil Service Commission.

In conformity with the foregoing provisions by the Civil Service Commission, paragraphs (c) and (d) of § 0.735-12 of Part 0 of Subtitle A of Title 15, Code of Federal Regulations, as published in the FEDERAL REGISTER on November 2, 1967 (32-F.R. 15224), are revised as set forth below, effective on publication in the FEDERAL REGISTER. This revision may be considered as approved by the Civil Service Commission in accordance with FPM Letter No. 735-4, cited above.

In addition, Appendix C to Part 0 of Subtitle A of Title 15, Code of Federal Regulations, as published in the FEDERAL REGISTER on November 2, 1967 (32 F.R. 15231), has been revised to specify certain additional categories of positions below grade GS-13 the incumbents of which are required to submit statements of financial interests.

This revision of Appendix C was approved by the Civil Service Commission on June 5, 1968, and is effective upon publication in the FEDERAL REGISTER.

As hereby revised, paragraphs (c) and (d) of § 0.735-12 of Part 0 provide as follows:

§ 0.735-12 Outside employment or other activity.

* * * * *

(c) *Teaching, lecturing, and writing.* Employees are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law, Executive Order 11222, 5 CFR Part 735, or the regulations in this part and Administrative Order 201-4, "Writing for Outside Publication," subject to the following conditions:

(1) An employee shall not, either for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or the Board of Examiners for the Foreign Service, that depends on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Assistant Secretary for Administration or his designee gives written authorization for the use of nonpublic information on the basis that the use is in the public interest.

(2) No employee shall receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the Department of Commerce, or which draws substantially on official data or ideas which have not become part of the body of public information. As used in this subparagraph, "the body of public information" shall mean information which has been disseminated widely among segments of the public which may be affected by or interested in the information concerned, or which is known by such segments of the public to be freely available on request to a Government agency.

(d) [Reserved]

As hereby revised, Appendix C to Part 0 provides as follows:

APPENDIX C—POSITION CATEGORIES BELOW GS-13 REQUIRING STATEMENTS OF EMPLOYMENT AND FINANCIAL INTERESTS BY INCUMBENTS

(1) Employees in the Maritime Administration who are in the following categories of positions:

(a) Shipbuilding inspector, GS-9 to 12.

(b) Marine surveyor, GS-11 and 12.

(c) Ship repair and maintenance specialist, marine survey specialist, and ship repair cost estimator, GS-10 to 12.

(d) Supervisory ship inventory surveyor, GS-12.

(e) Chief, Freight and Passenger Traffic Section.

(f) Chief, Foreign Transfer Branch.

(g) Assistant Chief, Insurance Claims Branch.

(h) Supervisory procurement, supply, ship sales, and disposal personnel, GS-11 and 12.

(i) Head, Department of Public Works, U.S. Merchant Marine Academy.

(j) Professional engineers, naval architects, and engineer and naval architect technicians, GS–12.

Dated: July 1, 1968.

C. R. SMITH,
Secretary of Commerce.

[F.R. Doc. 68–8015; Filed, July 5, 1968; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 68–173]

PART 12—SPECIAL CLASSES OF MERCHANDISE

Requirements for Importation of Certain Kinds of Wildlife or Eggs Thereof

JULY 1, 1968.

Section 42, Title 18, United States Code, as amended, prohibits the importation, except as may be authorized by the Secretary of the Interior, of certain species of mammals named therein, and such other wild mammals, wild birds, fish (including mollusks and crustacea), amphibians, reptiles, or the offspring or eggs of any of the foregoing which the Secretary of the Interior may prescribe by regulation to be injurious to human beings, to the interests of agriculture, horticulture, forestry, or to wildlife or the wildlife resources of the United States. The following amendments are made to conform provisions of the Customs Regulations to amended and revised regulations (50 CFR 13.1–13.13) of the Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior, effective July 1, 1968, published in the FEDERAL REGISTER (32 F.R. 20655; 33 F.R. 6827).

Section 12.26(a) is amended to read as follows:

§ 12.26 Importations of wild animals or birds; certain species prohibited; permits required.

(a) (1) The importation into the United States, the Commonwealth of Puerto Rico, and the territories and possessions of the United States of live specimens of (i) any species of the so-called "flying fox" or fruit bat of the genus Pteropus; (ii) any species of mongoose or meerkat of the genera Atilax, Cynictis, Helogale, Herpestes, Ichneumia, Mungos, and Suricata; (iii) any species of European rabbit the genus Oryctolagus; (iv) any species of Indian wild dog, red dog, or dhole of the genus Cuon; (v) any species of multimammate rat or mouse of the genus Mastomys; (vi) any live specimens or egg of the species of so-called "pink starling" or "rosy pastor" Sturnus roseus; (vii) the species of dioch (including the subspecies black-fronted, red-billed, or Sudan dioch) Quelea quelea; (viii) any species of Java sparrow, Padda oryzivora; (ix) the species of red-whiskered bulbul, Pycnonotus jocosus; (x) and any other species of wild mammals, wild birds, fish (including mollusks and crustacea); amphibians, reptiles, or the offspring or eggs of any of the foregoing which the Secretary of the Interior may prescribe by regulations to be injurious to human beings, to the interests of agriculture, horticulture, forestry, or to wildlife or the wildlife resources of the United States, is prohibited, except as may be authorized by the issuance of a permit by the Director, Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, or his authorized representative. If any such prohibited specimen is imported, release thereof to the importer shall be refused unless a proper permit has been issued and immediate exportation or destruction shall be required. Additional species which are prohibited importation without a permit may be published from time to time in 50 CFR, Part 13.

(2) Fish and eggs of salmonids of the fish family Salmonidae, except processed or prepared dead fish or eggs and dead fish otherwise exempted from the requirement of certification, are prohibited entry into the United States for any purpose unless such importations are by direct shipment, accompanied by the signed certification of a qualified fish pathologist in substantially the form as prescribed in 50 CFR 13.12.

(3) A Declaration for Importation of Wildlife on Bureau of Sport Fisheries and Wildlife Form 3–177 available through customs at ports of entry shall be required to be filed for any authorized importation, without a permit, of other species of live wildlife (except game mammals from Mexico, migratory birds other than migratory waterfowl, importations of which are governed by other Federal regulations, and domesticated canaries and psittacine birds), other live fish, mollusks, and crustaceans or their eggs, unprocessed or unprepared dead salmonids of the fish family Salmonidae, live amphibians or their eggs, and live reptiles or their eggs. Such declaration shall be filed by the importer or his broker with the appropriate customs officer at the port of entry where actual customs inspection for clearance or release occurs, and shall list the name and address of the importer and broker if any; the name and address of the consignor; the number of specimens; and the common and scientific names of each species imported.

(4) Federal agencies, subject to requirements in subparagraph (2) of this paragraph, may import solely for their own use live wildlife except migratory birds, or their eggs, without a permit from the Bureau of Sport Fisheries and Wildlife, upon filing the declaration on Form 3–177. Importation of bald or golden eagles, or their eggs is prohibited.

(Sec. 42, 32 Stat. 687, as amended; 18 U.S.C. 42)

Effective date: These amendments shall be effective as of July 1, 1968.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: June 27, 1968.

MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 68–8055; Filed, July 5, 1968; 8:50 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. 4]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950–)

Subpart J—Procedures, Payment of Benefits, and Representation of Parties

EXPEDITED BENEFIT PAYMENTS

Regulations No. 4 of the Social Security Administration, as amended (20 CFR 404.1 et seq.), are further amended as follows:

1. Section 404.968a is added to read as follows:

§ 404.968a Expedited benefit payments.

(a) *General.* To insure the prompt payment of benefits, it is the policy of the Social Security Administration to certify initial claims for benefits and to process any subsequent actions thereon as soon as practical. It accordingly has in effect procedures designed to fully carry out this policy. Section 171 of the Social Security Amendments of 1967, Public Law 90–248, January 2, 1968, provides, however, an additional method for the certification of payments in claims and the processing of subsequent actions thereon where the payment or processing of an action cannot be accomplished at an early date despite diligent efforts to do so because of the occurrence of unusual circumstances in an individual case. The special procedure to which this section relates provides, therefore, for the certification of initial claims and the processing of any subsequent actions thereon in such cases where application of the procedures otherwise provided cannot result in early certification for payment or the processing of an action.

(b) *Applicability of section.* (1) This section applies to monthly benefits payable under title II of the Act, including benefits payable under section 228, except as provided in subparagraph (2) of this paragraph.

(2) This section does not apply: (i) To any claim wherein there is pending for disposition a request for a reconsideration, a hearing, a review by the Appeals Council, or review by a court, on any issue pertinent to entitlement to or payment of a benefit; or

(ii) To a benefit for any month for which a check has been negotiated; or

(iii) To any benefit alleged to be due under section 223; or

(iv) To any benefit alleged to be due under section 202 to a husband, wife, or child of an individual entitled to or applying for benefits under section 223; or

(v) To any benefit alleged to be due under section 202 to a child who has attained age 18 and is under a disability or to a widow or widower on the basis of being under a disability.

(c) *Request for payment.* An individual who desires to have a benefit certified for payment to him under the provisions of this section shall, subsequent to June 30, 1968, submit a request therefor in writing to the Administration in accordance with subparagraph (1) or (2) of this paragraph, whichever is applicable. (Subparagraph (1) applies where the beneficiary has been receiving checks regularly and then fails to receive a check for one or more months, due, e.g., to loss of a check or delay in transition from one type of benefit to another. Subparagraph (2) applies where there has been no prior determination regarding the individuals's entitlement to benefits, or payment of benefits has been suspended or withheld, due, e.g., to the applicability of deductions because of his work and excess earnings or to recovery of an overpayment.

(1) Where the individual received a regular monthly benefit in the month preceding the month in which a payment was allegedly due him, the request for payment may be made 30 days or more after the 15th day of the month in which the payment was allegedly due. Such request should not be made prior to the end of the month in which the payment was alleged to be due. If made prior to the expiration of the 30-day period, it is deemed to have been made as of the expiration of such period.

(2) Where the individual did not receive a regular monthly benefit in the month preceding the month in which a payment was allegedly due him, the request for payment may be made 90 days or more after the later of:

(i) The date on which such benefit is alleged to have been due; or

(ii) The date on which such individual furnished the last information requested by the Administration.

(3) A written request made prior to the end of the 90-day period described in subparagraph (2) of this paragraph will be deemed to be made as of the expiration of such period.

(d) *Certification by Secretary.* Where a request has been made for expedited payment of a benefit that is due but has not been paid, it shall be certified for payment in sufficient time so that payment may be made within 15 days after the request for payment is made or deemed to have been made as provided in paragraph (c) of this section.

(e) *Preliminary certification for payment.* (1) A preliminary certification of payment of a benefit alleged to be due but not paid may be made, either on the Administration's own motion or based on a request from the beneficiary, when it is determined, on the basis of the evidence available, that an allegation made pursuant to paragraph (a) of this section is true. Such preliminary certification may be made even though the 30-day or 90-day period described in paragraph (c) of this section has not elapsed and even though additional evidence may be required for a final determination.

(2) For the purpose of determining the liability of a certifying or disbursing officer, no payment made pursuant to a preliminary certification under subparagraph (1) of this paragraph shall be considered an incorrect payment.

(Sec. 171, 81 Stat. 876, 42 U.S.C. 405)

These amendments shall become effective on July 1, 1968.

Dated: June 27, 1968.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: June 28, 1968.

WILBUR J. COHEN,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 68–8044; Filed, July 5, 1968; 8:49 a.m.]

[Regs. 5]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965–)

Subpart C—Exclusions, Recovery of Overpayment; Liability of Certifying Officer

Subpart C of Part 405 of Chapter III of title 20 of the Code of Federal Regulations is amended as follows:

1. Section 405.310, paragraph (c) is revised to show that all procedures during any eye examination, on or after January 2, 1968, to determine the refractive state of the eyes are excluded from coverage; and paragraph (1) which sets forth the exclusion applicable to specific foot care services whether performed by a podiatrist or medical doctor, is added. Paragraphs (c) and (1) of § 405.310, as hereinafter amended, read as follows:

§ 405.310 Types of expenses not covered.

* * * * *

(c) Eye examinations for the purpose of prescribing, fitting, or changing eyeglasses or contact lenses for refractive error only and procedures performed in the course of any eye examination to determine the refractive state of the eyes, whether performed by an ophthalmologist or other physician, or by an optometrist, and without regard to the reason for the performance of the refractive procedure (including all refractive procedures performed in connection with the diagnosis or treatment of an eye disease or injury, and prescribing or providing prosthetic lenses): Except that, during the period July 1, 1966, through January 1, 1968, refractive procedures performed by a physician as part of an eye examination performed in connection with the diagnosis or treatment of an eye disease (such as glaucoma or cataracts) or injury, and refractive procedures performed by any individual in connection with prescribing or providing prosthetic lenses, are covered;

* * * * *

(l) (1) Any services, regardless of the individual performing them, furnished in connection with:

(i) Routine foot care, including the cutting or removal of corns, warts, or calluses, the trimming of nails, routine hygienic care (preventive maintenance care of the type ordinarily within the realm of self-care), and any services performed in the absence of localized illness, injury, or symptoms involving the feet;

(ii) The treatment, including evaluations, of subluxations of the feet (structural misalignments, other than fractures or complete dislocations, of the joints of the feet which require treatment only by nonsurgical methods, regardless of underlying pathology);

(iii) The treatment (including evaluations and the prescription of supportive devices) of the local condition of flattened arches regardless of the underlying pathology:

(2) Except that any such services which are furnished as an incident to, at the same time as, and as a necessary integral part of a primary covered procedure performed on the foot; or as initial diagnostic services in connection with a specific symptom or complaint which might arise from a condition whose treatment would be covered, regardless of the resulting diagnosis, are covered.

2. Section 405.315 is revised to read as follows:

§ 405.315 Nonreimbursable expenses; charges imposed by immediate relatives or members of beneficiaries' household.

Payment on a reasonable charge basis may not be made under Part B of title XVIII of the Act (see Subpart B of this part) for expenses incurred by an individual, if such expenses constitute charges (including the professional component of services of hospital-based physicians—see § 405.480 et seq.) imposed by physicians or other persons who are immediate relatives of such individual or members of his household, to the extent that such charges exceed the actual costs incurred by such physicians or other persons in procuring items furnished such individual.

(a) Any person who has any of the following degrees of relationship to any other person is an "immediate relative": (1) Husband and wife; (2) natural parent, child, and sibling; (3) adopted child and adoptive parent; (4) stepparent, stepchild, stepbrother, and stepsister; (5) father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, and sister-in-law; (6) grandparent and grandchild.

* * * * *

(c) • • •

(1) Physician or other practitioner, the exclusion would apply to charges imposed for personal services, if the physician or other practitioner has the excluded relationship to the beneficiary.

• • • • • •

(Secs. 1102, 1862, 1871, 49 Stat. 647, as amended, 79 Stat. 325, 81 Stat. 846–847, 79 Stat. 331; 42 U.S.C. 1302, 1395 et seq.)

(3) *Effective date.* These revisions shall become effective on the date of publication in the FEDERAL REGISTER.

Dated: June 13, 1968.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: June 28, 1968.

WILBUR J. COHEN,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 68-8043; Filed, July 5, 1968; 8:48 a.m.]

[Regs. 5]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965–)

Subpart I—Premiums for Supplementary Medical Insurance Benefits

On March 14, 1968, there was published in the FEDERAL REGISTER (33 F.R. 4517) a notice of proposed rule making and regulations in tentative form which set forth policies and procedures for the payment of premiums under the Supplementary Medical Insurance program—Part B of title XVIII of the Social Security Act, as amended.

With minor editorial and clarifying changes in §§ 405.902(b), 405.902(b)(2), 405.903(b), 405.912(b), 405.941(b), 405.956(b), and 405.962, Subpart I of Part 405 is adopted essentially as proposed on March 14, 1968.

Chapter III, Title 20 is amended by adding thereto Subpart I of Part 405 to read as set forth below. The addition of Subpart I of Part 405, Title 20, shall be effective upon publication in the FEDERAL REGISTER.

Dated: June 13, 1968.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: June 28, 1968.

WILBUR J. COHEN,
Secretary of Health, Education, and Welfare.

Subpart I—Premiums for Supplementary Medical Insurance Benefits

Sec.

405.901 Scope of subpart.
405.902 Amount of premiums.
405.903 Months for which premiums are due; payment obligation.
405.904 Payment of premiums; general.
405.905 Collection from individual entitled under both the Social Security Act and the Railroad Retirement Act.
405.908 Payment by direct remittance; rules governing payment.
405.911 Collection from enrollees in monthly benefit payment status.
405.912 Collection of premiums while monthly benefits are suspended.
405.913 Collection of overdue premiums for months in a closed taxable year.
405.914 Payment within the grace period.
405.915 Possible entitlement to social security or railroad retirement benefits.
405.916 Effect of entitlement to age-72 special payment.
405.920 Premium payment; individual not entitled to monthly benefits and not enrolled pursuant to Federal-State agreement.
405.921 Payment of premium on monthly or 3-month basis.
405.927 Due date and grace period.
405.928 Extension where last day of grace period is a nonworkday.
405.936 Enrollee changes from 3-month to monthly premium payment basis after coverage begins.
405.940 Group collection; general.
405.941 Rules governing payment of premiums due from a group of enrollees; single notice arrangement.
405.942 Payment by groups.
405.946 Quarterly billing; group payment plan.
405.947 Enrollee dropped from group payment plan.
405.948 Responsibilities of parties to group collection arrangements.
405.949 Termination of group billing.
405.956 When an enrollee's premiums are considered paid.
405.957 Action affecting supplementary medical insurance coverage at end of grace period.
405.958 Premium payment by check.
405.959 When premiums may be deemed paid timely.
405.960 Changes in methods of premium payment.
405.962 Limitation of efforts to recoup unpaid premiums.

AUTHORITY: The provisions of this Subpart I issued under secs. 1102, 1838–1840, 1843, 1871, 49 Stat. 647, as amended, 79 Stat. 305–308; 79 Stat. 312; 79 Stat. 331; 81 Stat. 249; 81 Stat. 821; 42 U.S.C. 1302, 1395 et seq.

Subpart I—Premiums for Supplementary Medical Insurance Benefits

§ 405.901 Scope of subpart.

Subpart I of Part 405 sets forth the Administration's policy and general procedure for collection of premiums for supplementary medical insurance benefits (see Subpart B of this Part 405). These policies are designed to promote the security of the enrollees to the maximum degree feasible compatible with reasonable safeguards for the integrity of the Federal Supplementary Medical Insurance Trust Fund.

§ 405.902 Amount of premiums.

(a) *Enrollment in initial enrollment period.* Where an individual enrolls during his initial enrollment period (see § 405.212) or under the "good cause" provisions discussed in § 405.224, the monthly premium under the supplementary medical insurance program is $3 for each month of coverage (see § 405.220) before April 1968, and $4 for each month of coverage beginning April 1968, and continuing through June 1969. During December 1968, and each December thereafter, the Administration will determine and announce the dollar amount which shall be applicable for premiums for months occurring in the 12-month period commencing July 1 of each succeeding year.

(b) *Enrollment after initial enrollment period.* In the case of an individual who first enrolls after the close of his initial enrollment period (not including an enrollment under the "good cause" provisions discussed in § 405.224) or reenrolls after termination of his supplementary medical insurance coverage (see § 405.214), the monthly premium, as determined under paragraph (a) of this section will be increased by 10 percent for each full 12 months in the following total (no increase is made for a fractional portion of 12 months); but no such increase will apply to any individual enrolled under a Federal-State agreement or during a continuous period of an enrollee's coverage beginning immediately after termination of his coverage under such an agreement (see § 405.904(d)):

(1) The number of months between the close of his initial enrollment period and the close of the general enrollment period in which he first enrolled, but not including the 3 months January through March 1968 for any person who enrolled during the first general enrollment period, October 1967 through March 1968; plus, in the case of an individual who enrolls for the second time:

(2) The months between the date of termination of his coverage period and the close of the general enrollment period (see § 405.213) in which he thereafter enrolled, but not counting any months of coverage under a Federal-State agreement (see § 405.904(d)), and not including the 3 months January through March of 1968 for any person who enrolled during the first general enrollment period, October 1967 through March 1968.

Example 1: J, who became age 65 and otherwise eligible for enrollment in November 1965, first enrolls in March 1968. The months to be included in determining the amount of the increase in J's premiums begin with June 1966 (the first month after the close of his initial enrollment period (see § 405.212)) and extend through December 1967 (the period January through March of 1968 is excluded in determining the total months) for a total of 19 months. Since there is only one full 12-month period in 19 months, J's premiums will be 10 percent greater than if he had enrolled in his initial enrollment period.

Example 2: V, who enrolled in December 1965, voluntarily terminates his enrollment effective midnight December 31, 1967. He enrolls for a second time in January 1969. The months to be included in determining the amount of the increase in V's premiums are January 1968 through March 1969, a total of 15 months. Since this totals one full 12-month period, V's monthly premium, as determined under paragraph (a) of this section will be increased by 10 percent.

Example 3: N becomes age 65 in July 1965 and first enrolls in December 1967. She pays premiums increased by 10 percent above the regular rate, beginning July 1968 the first month of her coverage under Subpart B. N fails to pay the premiums for the calendar quarter ending June 30, 1970, and her coverage is terminated on that date, the end of her grace period. N enrolls for a second time in January 1971. The months to be included in determining the amount of the increase in N's premiums are June 1968 through December 1967, a total of 19 months, and July 1970 through March 1971, a total of 9 months, for a grand total of 28 months. Since this totals two full 12-month periods, N's monthly premium as determined under paragraph (a) of this section will be increased by 20 percent.

(c) *Rounding the monthly premium.* Any monthly premium which is not a multiple of 10 cents will be rounded to the nearest multiple of 10 cents, and any odd multiple of 5 cents will be rounded to the next higher multiple of 10 cents.

§ 405.903 Months for which premiums are due; payment obligation.

(a) *Months for which premiums are due.* A premium is due for each month of supplementary medical insurance coverage, beginning with the first month of coverage and continuing through the month of death, or, if earlier, the month in which coverage terminates, including each month of the grace period, if applicable. A premium is due for the month of death, if supplementary medical insurance coverage was not previously ended, even though the enrollee dies on the first day of the month.

(b) *Payment obligation.* Where overdue premiums have not been paid by the last day of the applicable grace period (as provided in this subpart), coverage will terminate as of that day, and notice of termination (with information regarding the enrollee's rights of appeal) will be sent promptly to the enrollee and also to any intermediary who had been advised that the enrollee had met his $50 deductible (see § 405.245) for the year in which the termination occurs. The premiums owed (including premiums for each month of the grace period, if applicable), will be collected by deduction from subsequent monthly benefits (see § 405.904) payable to the enrollee. Such arrears constitute an obligation enforceable against the enrollee or his estate and will be collected directly from the enrollee or his estate. Premium arrears may also be offset against any supplementary medical insurance payments due an enrollee as reimbursement for medical or other expenses (including such payments due under section 1870(e) after the death of an enrollee on the basis of a paid bill for covered services furnished to him).

§ 405.904 Payment of premiums; general.

The two basic methods by which premiums for supplementary medical insurance will be collected are deduction from monthly benefits payable under title II of the Social Security Act, the Railroad Retirement Act, or an act administered by the Civil Service Commission providing retirement or survivorship protection, and payment by direct remittance in response to a premium notice:

(a) *Individual entitled to monthly social security or railroad retirement benefits.* Where an enrollee is receiving social security or railroad retirement benefits, his supplementary medical insurance premiums except as indicated in paragraph (d) of this section, will be deducted from such benefits (see § 405.911).

(b) *Individual entitled to civil service annuity only.* If an enrollee is not entitled to social security or railroad retirement benefits and is receiving a civil service annuity, his premium must be deducted from his annuity. Where such annuitant's spouse is also enrolled for supplementary medical insurance and is not entitled to a civil service annuity or any benefits (under either the Social Security Act or the Railroad Retirement Act) and the annuitant consents, the spouse's supplementary medical insurance premiums will be withheld from such annuitant's monthly annuity. The annuitant may withdraw his consent by giving notice of withdrawal. Such withdrawal will be effective with the third month after the month in which such notice is received or with the month specified on the notice, whichever is later.

(c) *Individual entitled to both social security and railroad retirement monthly benefits.* If an enrollee is entitled to monthly benefits under both the Social Security Act and the Railroad Retirement Act, his premiums will be deducted in accordance with the provisions of § 405.905. Where supplementary medical insurance premiums are deducted from railroad retirement benefits in accordance with § 405.905(b), the Railroad Retirement Board will make such deductions.

(d) *Individual enrolled pursuant to a Federal-State agreement.* Notwithstanding the provisions of paragraphs (a), (b), and (c) of this section, where an individual is enrolled pursuant to a Federal-State agreement (see § 405.217), his premiums are paid by the State which has thus enrolled him. If an enrollee's coverage under the Federal-State agreement is terminated (see § 405.223), such enrollee's premiums will be collected by deduction from social security, railroad, or civil service retirement benefits, as appropriate, or by direct remittance.

(e) *Individual not entitled to monthly benefits or enrolled pursuant to a Federal-State agreement.* Premiums not deducted from social security, railroad retirement, or civil service benefits, and not paid under a Federal-State agreement will be paid by direct remittance. These premiums will be billed for on a quarterly or monthly basis.

§ 405.905 Collection from individual entitled under both the Social Security Act and the Railroad Retirement Act.

Where an enrollee not covered under a Federal-State agreement is entitled to both a social security and a railroad retirement benefit, premiums for supplementary medical insurance coverage will be collected as follows:

(a) *Deduction from social security benefits.* Premiums for supplementary medical insurance coverage will be deducted from social security benefits when an individual:

(1) Is entitled to both social security and railroad retirement benefits at the time of enrollment; or

(2) Is entitled only to social security benefits at the time of enrollment, or becomes entitled to such benefits after enrollment and before he becomes entitled to railroad retirement benefits; or

(3) Becomes simultaneously entitled to both social security and railroad retirement benefits and his entitlement to social security benefits begins with the same month as his railroad retirement benefits or earlier.

(b) *Deduction from railroad retirement benefits.* Premiums for supplementary medical insurance coverage will be deducted from monthly railroad retirement benefits when an individual:

(1) Is entitled only to a railroad retirement benefit at the time of enrollment or becomes entitled to a railroad retirement benefit after enrollment and before he becomes entitled to a social security benefit; or

(2) Becomes simultaneously entitled to both a railroad retirement and a social security benefit, and the first month for which he is entitled to the railroad retirement benefit is earlier than the first month for which he is entitled to the social security benefit.

§ 405.908 Payment by direct remittance; rules governing payment.

Except for the provisions of § 405.904(d), enrollees not in receipt of, or not entitled to, monthly benefits from which premiums can be deducted are required to pay premiums by direct remittance. The following rules govern payment by direct remittance:

(a) Payment should be made by mail.

(b) The enrollee should remit payment in the form of a check or money order made payable to "Social Security Medical Insurance." Stamps will not be accepted.

(c) The name and claim number of a person whose premiums are being paid should be shown on the check or money order. Payment may be mailed in the preaddressed envelope which will be furnished with the premium notice, and the premium notice should be returned with the premium payment in the same envelope.

§ 405.911 Collection from enrollees in monthly benefit payment status.

(a) The purpose of collection by deduction from monthly benefits is to keep premium collection costs to a minimum. Where the enrollee is receiving monthly benefits (see §§ 405.904–405.905), 1 month's premium will be deducted from each month's benefit and the premium for any given month will be deducted from the benefit paid for the previous month. The enrollee does not have the choice of paying his premiums by direct remittance to avoid the deduction.

(b) When an enrollee receives a monthly benefit check after an initial award or after a period of suspension, the amount of the check will, when administratively feasible, be reduced or increased as appropriate because of unpaid premiums or premiums paid in advance by direct remittance. Thereafter, a single month's premium deduction will

ordinarily be made from the benefit for each subsequent month.

(c) Premiums due or overdue will, when administratively feasible, be deducted from any monthly benefit before payment is made. For discussion of provisions relating to persons entitled to an age-72 special payment, see § 405.916.

§ 405.912 Collection of premiums while monthly benefits are suspended.

(a) *Benefit payments being resumed during current year.* When an enrollee's monthly cash benefit payments (other than age-72 special payments (see § 405.916)) being suspended are scheduled to be resumed within his current taxable year (see subtitle A of the Internal Revenue Code of 1954 for definition of a taxable year), such enrollee will not be billed for premiums. However, the enrollee's obligation for premium payments continues during the period for which monthly cash benefits are suspended (see § 405.911).

(b) *Collection of premiums where monthly benefit payments will not be resumed during the current taxable year.* Where an enrollee's monthly cash benefit payments (other than age-72 special payments (see § 405.916)) are being suspended for an indefinite period or for a definite period which will not permit collection of all premiums due from monthly benefits payable in the current taxable year, the enrollee should pay his premiums by direct remittance when he is billed. The first billing will be for an amount not exceeding whatever premiums are necessary to place him in a regular calendar quarter cycle. Thereafter, the enrollee is to be billed for 3 months' premiums on a calendar quarter basis (see § 405.913). If the enrollee, however, wishes to pay premiums for more than one quarter at a time, he may do so.

§ 405.913 Collection of overdue premiums for months in a closed taxable year.

(a) *General.* Where the premiums for months in a taxable year cannot be collected from monthly benefits payable because such benefit payments are suspended, the enrollee may during that year pay such portion of the monthly premiums for such period as he desires. However, this privilege does not extend indefinitely; each enrollee whose premiums for months in a taxable year are in arrears, will be notified at the end of such year that premiums for such taxable year are due and must be paid. Failure thereafter to pay such premiums due by the end of the grace period will terminate his supplementary medical insurance coverage. (For special instructions concerning persons entitled to an age-72 special payment, see § 405.916.)

(b) *Enrollee reports his earnings on a calendar year basis.* Where an enrollee files his income tax return on a calendar year basis and owes premiums for 1 or more months in a closed calendar year, the due date for all such overdue premiums is the third day of February after the end of that year. Such person's grace period ends on the last day of the second month after the month in which the due date occurs, and his coverage will terminate on the same day if the premiums for the past calendar year are not paid on or before that day. Accordingly, a person owing for premiums during the calendar year will be given notice in December of such year (the second month before the due date) to pay his premium arrears for such year. Those enrollees who have not paid their premium arrears for the closed taxable year will be notified further to pay all such arrears by April 30 and failing such payment, their supplementary medical insurance coverage will be terminated on April 30.

(c) *Enrollee reports his earnings on a fiscal year basis.* Where an enrollee files his income tax return on a fiscal year basis and owes premiums for 1 or more months in a closed fiscal year, he will be treated as discussed in paragraph (b) of this section, except as follows: The due date for all such overdue premiums is the third day of the second month after the close of his fiscal year. A person owing premiums for months in a fiscal year will be given notice of such premium arrears at the end of such year. Such person's grace period ends on the last day of the second month after the month in which the due date occurs, and his coverage will terminate on the same day if the premiums for the past fiscal year are not paid on or before that day.

Example. H became enrolled for supplementary medical insurance effective July 1966. He reported work and earnings which precluded payment of monthly social security benefits for months after May 1966. Although billed, he paid no premiums by direct remittance thereafter. H reports his earnings on a fiscal year basis that ends on May 31. Early in May 1967, H is notified of his unpaid premiums. ($33) for the fiscal year ending May 31, 1967, and advised that these premiums are overdue and should be paid on or before July 3, 1967. However, he fails to pay by September 30, 1967, despite such notice and delinquency notices sent in August and September reminding him of his unpaid premium obligation and advising him of the end of the grace period for payment and of the consequences in the event he fails to pay by September 30. His supplementary medical insurance coverage is terminated effective midnight September 30, 1967, and he owes $45 (for the 15 months July 1966–September 1967 inclusive) which will be recovered from the first monthly benefits payable to him unless paid before then.

(d) *Enrollment adjudicated after the end of year in which enrollee's supplementary medical insurance begins.* There may be cases where an enrollee's coverage begins in one taxable year, but his supplementary medical insurance entitlement is not adjudicated until after the end of such year. Where premiums for months in the closed taxable year cannot be collected from benefits payable for any reason (e.g., because of a suspension event) the enrollee will be billed for all such premiums immediately after adjudication of his enrollment. The due date for premiums for the closed taxable year is the third day of the month following the month of notice. In such a case, the enrollee's grace period (during which all such premium arrears must be paid if coverage is to continue) will end with the second month after the month in which the due date occurs.

§ 405.914 Payment within the grace period.

Overdue premiums will be considered paid within the grace period in the following situations:

(a) *Resumption of benefits during the grace period.* The premium arrears will be considered paid timely if:

(1) Monthly cash benefit payments are payable for the last month in the grace period or earlier months on the basis of a notice filed by the enrollee before the grace period ends; and

(2) All overdue premiums can be collected from such payments.

Example. B, an enrollee whose monthly social security benefits had been suspended, notified the Administration in April 1967, that he will be doing no work of any kind in that month. The amount of the benefit for that month is $78, and he owes premiums for all months after June 1966. Since the $18 he owes for premiums for 1966 can be collected by deduction from his April benefit, his supplementary medical insurance coverage will be continued. ($33 will be deducted from his monthly benefit check for April 1967 to pay premiums for July 1966 through May 1967.)

If B had waited until May 1967 to notify the Administration that he had stopped work as of March 31, 1967, and had not otherwise paid the overdue premiums by April 30, 1967, his supplementary medical insurance coverage would terminate with the latter date and could not be reinstated upon receipt of such notice. He could obtain supplementary medical insurance coverage thereafter by enrolling in a general enrollment period which begins within 3 years after the effective date of the termination of his prior enrollment.

(b) *Annual accounting or other report shows a benefit is due.* Premiums are to be considered paid timely if:

(1) An enrollee submits a report before the grace period ends which clearly shows that a monthly cash benefit payment, previously withheld, should be made for 1 or more months in a closed taxable year; and

(2) The full amount of the overdue premiums can be collected from the benefit.

(c) *Payment of premium arrears by direct remittance.* Premiums are considered paid timely if the enrollee makes a direct remittance of all overdue premiums before the grace period ends (see § 405.908).

§ 405.915 Possible entitlement to social security or railroad retirement benefits.

(a) In those cases where it is clear that the enrollee is entitled to monthly benefits as well as supplementary medical insurance, the supplementary medical insurance enrollment will be processed simultaneously with his claim for monthly benefits and his premiums will be deducted from benefits payable. However, if an enrollee's monthly benefits are subject to complete or indefinite suspension of payment, he must make payment upon receipt of a notice of premium due in accordance with the provisions of §§ 405.912–405.913.

(b) (1) When the enrollee is clearly eligible for supplementary medical insurance but there is a substantial question as to eligibility for monthly benefits (other than age-72 special payments (see § 405.916)) whether raised initially or during subsequent processing of the benefit claim, the supplementary medical insurance enrollment and hospital insurance benefits claim may have to be processed independently of the monthly benefit claim.

(2) If the supplementary medical insurance enrollment is processed independently of the monthly benefit claim (other than a claim for an age-72 special payment (see § 405.916)) the enrollee will be treated for supplementary medical insurance premium purposes, in accordance with the provisions of §§ 405.912 and 405.913, pending resolution of the monthly benefit issue.

(3) If the monthly benefit claim is denied before the end of the enrollee's taxable year and the enrollee's premiums are then in arrears, such enrollee must pay all premiums due through the 3-month period (or month, if a monthly payer) following the month of notice with a due date of the third day of the month following the month of notice.

§ 405.916 Effect of entitlement to age-72 special payment.

(a) Section 228 of the Social Security Act provides that starting with October 1966, special monthly payments may be paid to persons who are not insured for regular social security monthly benefits if such persons are 72 years old and meet certain other requirements. Premiums due or overdue will be deducted from the age-72 special payment which is payable, in accordance with the policies discussed in §§ 405.904, 405.905, and 405.911. If an enrollee's age-72 special payment is not payable, or if his claim for the age-72 special payment is pending but unadjudicated, the due date and grace period will be determined under the rules discussed in §§ 405.920–405.936. When the enrollee has received his initial notice of premiums due, his premium for a month or quarter is due on the third day of the month or quarter and every subsequent month or 3-month period thereafter; and his grace period ends with the second month after the month in which the due date occurs.

(b) If premiums which were being deducted from the age-72 special payment can no longer be collected by deduction because the special payment is suspended, the enrollee will be notified to pay his premiums by direct remittance (see § 405.908) with a due date of the third day of the month following the month of notice and a grace period to extend through the end of the second month after the month in which the due date occurs. Where the age-72 special payment is resumed for a month before the end of the grace period and all premium arrears can be deducted from such special payments, supplementary medical insurance coverage will continue. Subsequent special payments will be reduced by the amount of the premium for as long as the enrollee receives such payments.

§ 405.920 Premium payment; individual not entitled to monthly benefits and not enrolled pursuant to Federal-State agreement.

Where an enrollee is not entitled to monthly benefits payable under the Social Security Act, the Railroad Retirement Act, or an act administered by the Civil Service Commission providing retirement or survivorship protection, and is not enrolled pursuant to a Federal-State agreement, such enrollee is required to pay his monthly premium (except as otherwise provided in § 405.959) in accordance with the following rules:

(a) Though premium payments may be accepted under the provisions of paragraph (d) of this section, an enrollee will not be asked to pay premiums at the time he enrolls. He will be informed of his premium payment obligation (see § 405.903) and that his initial premium payment should, in accordance with the rules discussed in § 405.908, be made upon receipt of a premium notice from the Administration. The premiums need not be paid by the enrollee himself; payment may be made by another person on his behalf. In other cases, the premiums may be paid on a group basis by a lodge, union, employer, or other organization (see §§ 405.940–405.949). (See § 405.904 on payment of premiums by the State pursuant to a Federal-State agreement.)

(b) Except for persons making monthly premium payments (see § 405.921), the initial notice of premiums due will cover a period of 3 months or, if greater, the period from the first month of coverage through the end of the third month after the month of billing; subsequent billings will be for periods of 3 months.

(c) The first notice of premiums due for the monthly payer (see § 405.921) will cover 1 month's premium or, if greater, the period from the first month of coverage through the end of the first month after the month of billing; subsequent billings will be for a period of 1 month.

(d) Where the enrollee offers to make a premium payment at the time of enrollment for months beginning with the first month of his coverage period, he is permitted to pay from 1 to 12 months' premiums at that time. Enrollees receiving 3-month notices of premiums may pay premiums for one, two, three, or four 3-month periods at a time. Where an enrollee wishes to pay for two to four 3-month periods at a time, he should make sure his remittance is in the correct amount and return the 3-month premium notice with the payment.

(e) In the case of an individual whose coverage pursuant to a Federal-State agreement or whose entitlement to monthly benefits terminates for reasons other than death so that monthly premiums will not be paid by the State and cannot be collected by deducting the amount thereof from such monthly benefits, the individual shall be notified by the Administration, to pay premiums by direct remittance in accordance with the provisions of this section.

§ 405.921 Payment of premium on monthly or 3-month basis.

(a) Payment of premiums on a 3-month basis is standard for enrollees (including enrollees whose monthly benefits are subject to complete or indefinite suspension). However, an enrollee who is unwilling or unable to make payments on a 3-month basis for financial reasons will be permitted to make monthly payments.

(b) The due date for the payment of premiums on a 3-month basis is the third day of the first month of such 3-month period. The grace period (for enrollees not entitled to monthly benefits) ends with the last day of such 3-month period. The due date for premiums paid monthly is the third day of the month for which the premium is payable and the grace period ends at the end of the second month after such month. See § 405.903(b) regarding payment obligation for the grace period.

§ 405.927 Due date and grace period.

Where an initial notice of premiums due is forwarded under the provisions of § 405.916(a) or § 405.920 (b) or (c):

(a) The initial premium payment is due on the third day of the month after the month of billing. The grace period for the initial premium payment ends with the last day of the third month after the month of billing (see § 405.903 re payment obligation).

(b) With respect to payment of the premiums for each subsequent billing period payment is due in accordance with the provisions of § 405.921.

§ 405.928 Extension where last day of grace period is a nonworkday.

Where the last day of the grace period falls on a nonworkday (Saturday, Sunday, legal holiday, or a day, all or part of which is declared to be a nonworkday for Federal employees by statute or Executive order), the premiums will be considered to have been paid within the grace period if received, or deposited in the U.S. mails, on the first workday thereafter.

§ 405.936 Enrollee changes from 3-month to monthly premium payment basis after coverage begins.

When an enrollee on a 3-month billing basis arranges to pay premiums monthly, his first monthly bill (if he is paid up under the 3-month cycle) will be for 1 month's premium with a due date of the third day of the month following the month of notice. However, if he is in arrears when his monthly pay arrangement is approved, he will be billed for all premiums due. The grace period for the payment of at least 1 month's premium ends on the last day of the second month after the earliest month for which a premium is due and has not been paid.

Example. In December 1968, E is billed for premiums for January, February, and March 1969 with a due date of January 3, 1969. E fails to pay any of the premiums and on February 3, 1969, he is notified of his delinquency. On February 20, 1969, E contacts the

district office of the Social Security Administration and asks to be put on a monthly premium basis.

Early in March 1969, E is billed for premiums for January, February, March, and April 1969. He is advised that all such premiums ($16) are now due and should be paid promptly and unless at least $4 of this amount (his January premium) is paid by March 31, 1969, his coverage terminates effective with that date.

§ 405.940 Group collection; general.

(a) An organization, employer, or other source may pay premiums on behalf of one or many enrollees. The premiums must be paid timely, with the premium notices attached, so that the payment can be identified readily with the appropriate enrollee.

(b) If an organization making premium payments on behalf of a number of enrollees wishes to receive a single notice of premiums due from the Social Security Administration, the Administration may arrange to send such a premium notice but only if such organization meets the requirements set forth in § 405.941.

(c) A single notice for the payment of premiums due from a group of enrollees will be sent only under conditions which protect the rights of the enrollee and only so long as these conditions are met by the payer organization. However, a single notice for the payment of premiums due from a group of enrollees is not permitted if the enrollees in the group must pay any costs for such premium collection. The single notice arrangement is intended primarily to apply in cases where funds other than the enrollee's are used to pay at least a substantial part of the premiums or where the group payer deducts the premiums from periodic payments it makes to the enrollees in the group.

§ 405.941 Rules governing payment of premiums due from a group of enrollees; single notice arrangement.

The following rules apply to arrangements for a single notice for the payment of premiums due from a group of enrollees:

(a) *Origin of request for group payment.* An organization may be billed for premiums on behalf of a group of enrollees only if it requests permission and receives approval from the Administration for such billing. Approval will be granted only if premium payments are made (in whole or in part) from funds of the payer or from funds of the enrollee in the payer's possession. However, the organization may not charge the enrollee for the service of making premium payments or for the administrative costs thereof; i.e., record-keeping, etc.

(b) *Enrollees eligible for group collection.* Premiums can be accepted only for persons who are already enrolled for supplementary medical insurance and who are billed for their premiums. This does not include persons entitled to cash monthly benefits under the Social Security, Railroad Retirement, or Civil Service Retirement Acts, if they are actually receiving such benefits, nor does it include persons enrolled under a Federal-State agreement; premiums for such enrollees must be deducted from these benefits, or paid pursuant to the Federal-State agreement.

(c) *Size of a group.* A group payer may be billed for a group of enrollees who would otherwise be sent individual premium notices if the number is at least 100, or if less, is sufficiently large to permit efficient billing and collection of premiums by the Administration. Notice of premiums due cannot be sent to a union, employer, or other "payer" who wishes to pay premiums for a smaller group. The payer can, of course, notify enrollees in a smaller group to turn their notices over to such payer as soon as received. The payer for such a smaller group should then promptly mail all the notices accepted in a single package to the nearest Administration payment center with a check for the correct total amount of the premiums due. Prompt payment is essential, since an enrollee's supplementary medical insurance coverage will terminate if his premium is not paid by the end of the grace period.

(d) *Authorization by enrollee.* The rights of the enrollee must be protected. His right to enroll or not to enroll, or to terminate once enrolled, his right to pay premiums for himself if he desires, his right to notice of any action affecting his supplementary medical insurance benefits, and his right to confidentiality, shall not be jeopardized in any way by a group payment arrangement. To assure that these rights are protected to the maximum degree feasible, the group payer may not be billed on behalf of an enrollee without written authorization by such enrollee. Such authorizations will permit the Administration to send bills and the minimum information necessary for a group payment directly to the group payer. This signed authorization will be retained by the Administration except where the group payer is an entity of the State or local government. In such case the individual authorizations may be retained by each such State or local entity. However, the State entity must certify to the Administration that it has such authorizations for each enrollee participating in its group payment arrangement. Where enrollees regularly turn over their billing notices to group payers, no such authorization is necessary.

(e) *When payment must be made.* Organizations under a group payment arrangement must pay premiums promptly. Group payers must make their payments by the due date for such payments, or at least in the first month for which the premium is payable. The purposes of this policy are: To avoid infringing on the grace period during which premiums may be paid by the enrollee in the event he is dropped from the group arrangement; and to enhance the integrity of the trust fund by collecting all premiums when due.

(f) *Finality of payment.* Any payment by a group payer is considered a payment by the enrollee. Once paid, premiums will not be refunded, except for (1) premiums paid for a month after the end of the enrollee's supplementary medical insurance coverage (e.g., premiums paid for months after the month of the enrollee's death or termination of enrollment); or (2) premiums paid by a group payer for any months after the month in which the payer has claimed refund and given notice by the 20th day of the month that the enrollee is no longer eligible for group payment. Such excess premiums when paid by a group will be refunded to the group. Where, however, the Administration has information clearly showing that the payment was made from an enrollee's funds, the excess premiums will be refunded to the enrollee.

Example. F, the wife of J, a retiree of Corporation X, which pays premiums on behalf of all of its retirees and their dependents, obtains a divorce from J on October 20, 1966, and thus disqualifies herself for further premium payments by the corporation. The corporation gives notice on November 10, 1966, that a refund is due because F has been dropped from the list of persons for whom it has agreed to pay premiums. The premium paid for December 1966 would be refunded to the group payer.

§ 405.942 Payment by groups.

Generally, group payers will be billed and will pay supplementary medical insurance premiums on a calendar quarter or monthly basis. Although billed for premiums for a month or a calendar quarter, a group payer may remit premiums for as many as 12 months in advance. While quarterly billing will be the standard, some organizations will be billed for supplementary medical insurance premiums on a monthly basis because of administrative considerations (i.e., the organization may wish to deduct premiums from monthly payments made by such organizations to the enrollee or may wish to pay premiums on a monthly basis because of a rapid turnover of enrollee personnel).

§ 405.946 Quarterly billing; group payment plan.

(a) *Initial premium notice.* The initial premium notice in all cases will be sent to the enrollee. An enrollee who wishes to have his premiums paid by a group payer willing to pay them should, by prearrangement, turn his premium notice over to the organization along with his authorization for the Administration to bill the group for his premiums thereafter, and to release the minimum of information required for a group billing arrangement. The organization, if a nongovernmental entity, forwards all authorizations, premium notices, and payments covering the total premiums shown on such notices to the Social Security Administration.

(b) If the organization is a governmental entity, it may retain the authorizations and forward to the Administration premium notices, payments, and a certification that it maintains an authorization in its files for each enrollee for whom it makes payment.

§ 405.947 Enrollee dropped from group payment plan.

(a) When an organization gives notice that an enrollee is (or was) no longer eligible for group payment as of a particular date for a reason other than death, the enrollee must pay his premiums by direct remittance. Similarly, the Administration in some cases will be notifying the group payer that premiums are no longer to be paid for specified persons (e.g., the premiums must be deducted from social security benefits which become payable because a beneficiary is no longer working, or because he has attained age 72, etc.). In such cases, the enrollee's premiums will be deducted from benefits or, where appropriate, he will be sent individual premium notices. In order to preserve the confidentiality of communications from enrollees, no explanation will be given by the Administration of the reason it is deleting the enrollee from the group payment arrangement.

(b) If the enrollee owes a premium for a month at the time the Administration is notified that the group payer has dropped him, the enrollee will be sent a premium notice for that month's premium, and his grace period (if he is not entitled to monthly benefits) extends through the end of the second month after the month for which the premium is due, after which he will be billed on a 3-month basis. Should the enrollee upon receipt of the 3-month premium notice, make arrangements to pay premiums monthly, the provisions of § 405.936 would be applicable.

Example. On January 1, 1967, Lodge A submits premiums for its members for the calendar quarter beginning January 1967. Upon review of the payment listing, the name of enrollee M (a nonbeneficiary) was struck from the listing; no explanation was given, and M failed to remit his premium. On February 1, 1967, a reminder notice was sent to both Lodge A and M. Shortly after this, Lodge A notified the Social Security Administration that M resigned from the organization effective December 31, 1966, and the lodge would pay no premiums for him after that date. In February 1967, the Social Security Administration sent M a bill for premiums now due for January, February, March, and April 1967 with a notice that unless the January 1967 premium ($3) is paid by March 31, 1967, his supplementary medical insurance coverage would terminate as of that date. If payment of all premiums due is made timely, M will, early in April 1967, be billed for his premium of $9 for May, June, and July 1967.

§ 405.948 Responsibilities of parties to group collection arrangements.

(a) *Enrollee.* While an organization may act on behalf of an enrollee in forwarding supplementary medical insurance premiums, the enrollee still is responsible for making his premium payments. The organization merely acts as his agent. Any notice sent to the agent is considered as notice to the enrollee (the enrollee will, however, be notified of any delinquency in accordance with paragraph (c) of this section) and the enrollee suffers the consequences in the event of default (nonpayment or incorrectly identified payment) on the part of the payer. The enrollee is obligated to notify promptly both the payer and the Administration of any change of address.

(b) *Group payer.* The group payer is obligated to make payments promptly upon receipt of bills; to notify promptly both the enrollee and the Administration when dropping an enrollee from the group; to report premiums in a manner which facilitates economical processing; to hold in confidence all information obtained from the Administration in carrying out its function as a group payer.

(c) *The Administration.* The Administration will give premium notice to the payer upon authorization from the enrollee and not less often than it would have had there been no group payer; will notify both the payer and the enrollee of delinquency in the event the payer does not make timely payments; and will make premium refunds available to the group payer in accordance with § 405.941(f).

§ 405.949 Termination of group billing.

The group billing arrangement may be terminated either by the group payer or by the Administration, upon 30 days notice. The Administration may terminate the group payment arrangement if it finds that the group payer is not acting in the best interest of the enrollees or that for any other reason the arrangement has proven inconvenient to the Administration.

§ 405.956 When an enrollee's premiums are considered paid.

(a) *Deduction from benefits; social security beneficiaries and railroad annuitants.* In general, a premium will be considered paid if deducted from a monthly benefit even though it may be determined later that the benefit was paid in error. Conversely, a subsequent determination that the withholding of a benefit for a month was incorrect will not be the basis for a retroactive finding that the premium was paid at the time the benefit was first withheld.

Example 1. C, an enrollee entitled to social security benefits of $100 per month, is paid $97 for each month of 1967 and is credited with premium payments for all such months. A determination is made in 1969 that C's work and earnings in 1967 precluded any monthly benefit payments throughout that year. He would then be found to owe $1,200 in benefit overpayments, but would not be found to owe any premiums for 1967.

Example 2. An enrollee, M, reported work and earnings on the basis of which his monthly social security benefits are withheld throughout 1967. His premiums could not be deducted from benefits payable and he fails to make any premium payments in cash, although he was billed regularly for such payments. He is sent notice in January 1968 informing him of his premium obligation and subsequently is notified that his supplementary medical insurance coverage will terminate on April 30, 1968, unless his premiums are paid by that time. His benefits remain suspended and he fails to make any cash premium payments; consequently, his supplementary medical insurance coverage terminates effective April 30, 1968. In March 1970, he submits an annual report for 1967, showing that he had done no work whatever in December 1967, and is subsequently paid a benefit for the latter month.

Such an annual report, submitted during the 3 months ending April 30, 1968, might have permitted payment of a benefit from which all of M's 1967 premiums could have been deducted so as to permit continuance of his supplementary medical insurance coverage. However, the report was not submitted by the end of the grace period nor did M choose to make timely payment by check or money order which would have assured continuance of his coverage. M's supplementary medical insurance coverage may not be reinstated, but the Administration will deduct all supplementary medical insurance premiums owed through the month of termination of enrollment.

(b) *Payment by direct remittance.* Where supplementary medical insurance premium payments are made through the mail, the premium will be considered paid when a letter transmitting the premium payment to the Social Security Administration is deposited in the U.S. mail, as indicated by the postmark. If the date of payment of supplementary medical insurance premiums is material, the postmark is illegible or missing, and the payment originated in continental United States, a 7-day tolerance will apply (i.e., if the payment is received during the first 7 days of the month following the end of the grace period, it will be presumed in the absence of any evidence to the contrary, that the premium was mailed within the grace period). In those cases where the postmark is illegible or missing, and the payment originates in Alaska, Hawaii, Puerto Rico, Virgin Islands, Guam, or the American Samoa, the mailing date will have to be determined on a case-by-case basis. Where the payment is mailed in a foreign country, the date of receipt will be (if material) the date the payment entered the U.S. postal system as usually shown by the postmark.

§ 405.957 Action affecting supplementary medical insurance coverage at end of grace period.

(a) A premium is considered to be paid timely so as to permit continuation of coverage, if it is mailed on or before the last day of the grace period.

(b) Where the Administration records reflect nonpayment of premiums by the end of the grace period, notice of termination of enrollment (with information regarding the right of appeal) for nonpayment of premiums will be mailed to the enrollee within 30 days after the end of the grace period. This 30-day period provides time for processing into the central records any premiums received late in the grace period.

§ 405.958 Premium payment by check.

(a) A premium payment by check is considered paid when the check is mailed, unless and until it is determined that the check will not be honored.

(b) Where a check for the full amount of a premium is paid on initial presentment or representment to the maker's bank, the premium will be deemed paid as of the time the check was initially tendered.

§ 405.959 When premiums may be deemed paid timely.

(a) *General.* Notwithstanding any other provision of this Subpart I, where an enrollee has failed to pay his premiums within the applicable grace period because of Administration fault or error (e.g., as a result of the Administration's fault he did not know that the premiums were due or that they were unpaid), such premiums may be considered to have been paid timely if (1) the enrollee asks for relief by the end of the month after the month in which his termination notice is sent, (2) he alleges, and it is found, that through no fault of his own he did not receive adequate and timely notice that his premiums were due and unpaid, and (3) he pays, within 30 days of the Administration's subsequent request therefor, all premiums due through the month in which he asked for relief.

(b) *Bases for granting relief.* (1) Relief may be granted where, in the absence of evidence to the contrary, the evidence establishes that:

(i) The enrollee acted diligently to pay his premiums or seek relief upon receiving a premium billing notice very late in the grace period or shortly after its end, and such delayed notice was caused by no fault on his part, e.g., where the preimum billing notice was misaddressed or lost in the mails; or

(ii) On the basis of information received from the Administration the enrollee had reasonable basis for believing that the premiums were being paid by deduction from benefits or by some other source than direct payment, such as where he had been advised by the Administration that the premiums would be paid by a welfare agency or group payer or would be deducted from the civil service annuity of a nonenrolled spouse.

(2) No relief can be granted where (i) the enrollee received timely notice of premiums due but failed because of limited income or resources to pay premiums within the applicable grace period, or (ii) relief was requested more than 1 month after the month in which the Administration notified the enrollee that his coverage has terminated.

(c) *Procedures.* When found eligible to have his supplementary medical insurance coverage reinstated, as provided in paragraph (a) of this section, an enrollee will be given written notice to pay within 30 days all premiums due through the month in which he requested relief. Upon receipt of the appropriate payment within the 30-day period, the Administration will set aside the prior termination and supplementary medical insurance enrollment will be reinstated without any interruption of coverage.

§ 405.960 Changes in methods of premium payment.

(a) *Checkoff to direct payment.* (1) Where an enrollee's entitlement to social security or railroad retirement benefits is terminated for reasons other than death, continuance of his supplementary medical insurance coverage (unlike hospital insurance in this respect) will not be affected by such termination. Supplementary medical insurance coverage will continue similarly for the person who was enrolled pursuant to a Federal-State agreement when he is later found ineligible for State coverage because he no longer qualifies for money payments; and also for the person whose premiums can no longer be deducted from a civil service annuity.

(2) In all such cases, the enrollee's premiums, if they can no longer be deducted from monthly benefits or paid by a State, must be paid by direct remittance. Concurrently with, or as soon as possible after termination of his entitlement to such monthly benefits or coverage pursuant to a Federal-State agreement, the enrollee will be billed for premiums in accordance with the provisions of § 405.920. The first billing will be for premiums for the 3 months following the month in which notice is sent, plus any premiums for earlier months which are still unpaid. The due date for the total amount thus billed is the third day of the month after the month in which he is billed; and the grace period ends on the last day of the second month after the month in which the due date occurs.

(b) *Direct payment to checkoff.* When an enrollee becomes entitled to monthly benefits under the Social Security Act, Railroad Retirement Act, or Civil Service Retirement Act, his premiums for supplementary medical insurance coverage will be collected by deduction from such monthly benefits. He will be notified of the premium deduction, and of any adjustment of his first check which may be required because of premium arrears or advance payment of premiums.

§ 405.962 Limitation of efforts to recoup unpaid premiums.

Generally, unpaid premiums will be collected from any subsequent benefits to which the enrollee becomes entitled (including any accrued monthly benefits due the enrollee at the time of his death), or will be deducted from benefits payable to the enrollee under title XVIII, and benefits payable under section 1870(e) of the Act after the enrollee's death on the basis of receipted physicians' or suppliers' bills.

[F.R. Doc. 68-8045; Filed, July 5, 1968; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Demeton

A petition (PP 8F0635) was filed with the Food and Drug Administration by the Chemagro Corp., Post Office Box 4913, Kansas City, Mo. 64120, proposing the establishment of tolerances for residues of the insecticide demeton in or on the raw agricultural commodities: Nectarines at 0.75 part per million; filberts at 0.5 part per million; watermelons at 0.3 part per million; and cherries, eggplants, and sorghum grain and straw at 0.1 part per million. The petitioner changed his request regarding eggplant to 0.5 part per million; however, the data in the petition show that a tolerance of 0.3 part per million is adequate.

Subsequently, the petitioner amended the petition (1) by withdrawing the request for tolerances regarding cherries and watermelons and (2) by changing the requested tolerances regarding filberts to 0.75 part per million and sorghum grain and sorghum straw (or forage) to 0.2 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner (21 CFR 2.120), § 120.105 is amended to establish the subject tolerances by revising the last three paragraphs and by adding a new final paragraph, as follows:

§ 120.105 Demeton; tolerances for residues.

* * * * *

0.75 part per million in or on almonds, apples, apricots, barley grain, broccoli, brussels sprouts, cabbage, cauliflower, celery, cottonseed, filberts, grapefruit, lemons, lettuce, muskmelons, nectarines, oat grain, oranges, peaches, pears, peas, pecans, peppers, plums (fresh prunes), potatoes, strawberries, tomatoes, walnuts, wheat grain.

0.5 part per million in or on sugar beets.

0.3 part per million in or on beans, eggplants.

0.2 part per million in or on sorghum grain, sorghum forage.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: June 27, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8037; Filed, July 5, 1968; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8B2287) filed by E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, Del. 19898, and other relevant material, has concluded (1) that the food additive regulations should be amended to provide for the use of an additional monomer, vinyl alcohol (from alcoholysis or hydrolysis of vinyl acetate units), in polymers used in the formulation of food-packaging adhesives and (2) that, to avoid duplication, polyvinyl alcohol as a separate item should be removed from the list of components of adhesives. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1)), 72 Stat. 1786; 21 U.S.C. 348(c)(1) and under the authority delegated to the Commissioner (21 CFR 2.120), § 121.2520(c)(5) is amended by deleting the item "Polyvinyl alcohol" from the list of components and by alphabetically inserting in the list a new subitem under the item "Polymers: Homopolymers * * *," as follows:

§ 121.2520 Adhesives.

* * * * *

(c) * * *
(5) * * *

COMPONENTS OF ADHESIVES

Substances	*Limitations*
* * *	* * *
Polymers:	
Homopolymers * * *	------
* * *	* * *
Vinyl alcohol (from alcoholysis or hydrolysis of vinyl acetate units).	------
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 27, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8038; Filed, July 5, 1968; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

MISCELLANEOUS AMENDMENTS

In § 200.77 a new paragraph (bb) is added to read as follows:

§ 200.77 Assistant Commissioner-Comptroller and Deputy.

* * * * *

(bb) With respect to section 1013, pursuant to the Demonstration Cities and Metropolitan Development Act of 1966: To perform all fiscal duties and functions necessary to comply with the requirements of the agreement entered into between the Department of Defense and the Department of Housing and Urban Development.

In § 200.83 paragraph (b) and the introductory text of paragraph (c) are amended to read as follows:

§ 200.83 Assistant Commissioner for Property Disposition and Deputy.

* * * * *

(b) To formulate procedures for the operation and management of all properties conveyed to the Federal Housing Commissioner, all properties held during foreclosure proceedings by the Commissioner as mortgagee in possession pursuant to court orders, and all properties held pursuant to the agreement entered into between the Department of Defense and the Department of Housing and Urban Development with respect to section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966.

(c) To develop and maintain a program for the management, operation and disposition of all properties conveyed to the Federal Housing Commissioner and, as required, to operate and manage such properties, properties held as mortgagee in possession, and all properties held pursuant to the agreement entered into between the Department of Defense and the Department of Housing and Urban Development with respect to section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966, in accordance with general policies promulgated by the Property Management Committee and approved by the Commissioner, including authority with respect to such property to:

In § 200.95 paragraphs (u), (v), and (w) are amended to read as follows:

§ 200.95 Field Office Chiefs of Operations and Assistants to the Directors.

* * * * *

(u) In connection with the sale, rental, maintenance, or management of acquired properties or properties of the United States over which FHA has been granted custody or possession by another agency or agencies of the United States or properties held as mortgagee in possession, to execute contracts for supplies and services and to issue orders for the publication of notices and advertisements in newspapers, magazines, and periodicals, all in accordance with the provisions of the FHA manual.

(v) To approve offers to rent or purchase individually acquired 1- to 4-family units and to execute contracts for the sale of any properties and projects owned by the Federal Housing Commissioner or over which FHA has been granted custody or possession by another agency or agencies of the United States upon approval of any such sale by competent authority.

(w) In connection with the sale of Commissioner-owned properties or projects or properties of the United States over which FHA has been granted custody or possession by another agency or agencies of the United States, to convey and to execute in the name of the Commissioner, deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest therein heretofore or hereafter acquired by the Commissioner pursuant to the provisions of the National Housing Act or pursuant to an agreement with another agency or agencies of the United States, and to consent to the assignment of the interest of the contract purchaser under a contract for deed and to the substitution of mortgagor under a mortgage held by or entrusted to the Commissioner.

* * * * *

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., July 1, 1968.

[SEAL] PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 68-7930; Filed, July 5, 1968; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-12—LABOR

Subpart 9-12.52—Unemployment Compensation

PART 9-15—CONTRACT COST PRINCIPLES AND PROCEDURES

Subpart 9-15.50—Cost Principles and Procedures

MISCELLANEOUS AMENDMENTS

These amendments add AEC policy and requirements concerning provision for unemployment compensation by cost-type contractors and provide additional guidance on the application of AEC's basic cost principles to severance pay plans of operating contractors.

1. The following subpart is added to Part 9-12, Labor: Table of Contents.

Subpart 9-12.52—Unemployment Compensation

Sec.
9-12.5200 Scope of subpart.
9-12.5201 Policies and requirements.
9-12.5201-1 General.
9-12.5201-2 Contractors exempt from State laws.

AUTHORITY: The provisions of this Subpart 9-12.52 issued under sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.

Subpart 9-12.52—Unemployment Compensation

§ 9-12.5200 Scope of subpart.

This subpart establishes policies and requirements concerning provision for unemployment compensation by AEC cost-type contractors.

§ 9-12.5201 Policies and requirements.

§ 9-12.5201-1 General.

Each State has its own unemployment compensation system to provide payments to workers who become unemployed involuntarily and through no fault of their own. Funds are provided for unemployment compensation benefits through a payroll tax on employers. Most AEC contractors are subject to the unemployment compensation tax laws of the States in which they are located. It is the policy of AEC to assure, both in the negotiation and administration of cost-type contracts, that economical and practical arrangements are made and practiced with respect to unemployment compensation.

§ 9-12.5201-2 Contractors exempt from State laws.

(a) Some contractors are exempt from State unemployment compensation laws, usually on grounds that they are nonprofit organizations or subdivisions of State governments. Most States, however, permit such employers to elect unemployment compensation coverage on a voluntary basis. Under such circumstances, it is AEC policy that all existing or prospective cost-type contractors shall be encouraged to provide unemployment compensation coverage or equivalent substitutes.

(b) It is also AEC policy that, prior to the award or extension of a cost-type contract for the operation of a Government-owned facility, exempt contractors or prospective contractors shall be required to submit to AEC a statement that they will either elect coverage or provide equivalent substitutes for unemployment compensation or, in the alternative, submit evidence that it is impractical to do so. In all cases where an exempt contractor or prospective contractor submits evidence that it is impractical to elect coverage, or to provide an equivalent substitute, appropriate Headquarters staff shall review the position of the contractor prior to recommending an award or extension of the contract. If it is found that there are substantial reasons for not electing coverage or for not providing equivalent substitutes, a contract may be awarded or extended. Headquarters staff review and recommendation shall be based on such factors as:

(1) The specific provisions of the unemployment compensation law of the State.

(2) The extent to which the establishment of special conditions on AEC work may have an adverse effect on the contractor's general policies and operating costs in his private operations.

(3) The numerical relationship between the contractor's private work force and his employees performing only AEC work.

(4) The contractor's record with respect to work force stability and the general outlook with respect to future work force stability.

(5) In a replacement contractor situation, whether or not the prior contractor had coverage or suitable substitutes.

(6) The particular labor relations implications involved.

2. Section 9-15.5010-8, *Severance pay,* is revised to read as follows:

§ 9-15.5010-8 Severance pay.

(a) Severance pay is a payment, in addition to regular salaries and wages but exclusive of payments for vested rights under pension plans, by an organization to personnel whose employment is terminated. Severance pay is allowable as a cost only to the extent that it is required by law, employer-employee agreement, or established policy that constitutes in effect an implied agreement on the contractor's part.

(b) Severance payments are divided into two categories as follows:

(1) Those due to normal, recurring turnover. The actual costs of such payments shall be regarded as expense applicable to the current fiscal year and equitably apportioned to the contractor's activities during that period. Accruals of such normal severance pay will be acceptable in lieu of actual severance pay if the accruals are reasonable in the light of payments actually made due to normal severance over a representative past period.

(2) Those due to abnormal or mass terminations resulting from abrupt cessation of substantial work and inability of remaining work to afford continuing employment at the same level. The actual costs of such severance payments shall be regarded as expense applicable to the approximate average of the entire periods of employment of the terminated employees and equitably apportioned to the contractor's activities during such average period. (Accruals of such abnormal or mass severance pay are not allowable in view of its conjectural nature.)

(c) It will usually be acceptable to apportion severance payments on the basis of the ratio of total severance payments to a suitable base for the period established pursuant to paragraph (b) (1) or (2) of this section, such as payrolls of all employees, direct salaries and wages, etc. The rate so determined shall be applied to the corresponding element of cost on the individual contracts. The rate should be determined on the basis of the operations of individual activities or other organizational units, such as departments, where such separate computations effect more accurate and equitable results. Severance pay should ordinarily not be considered as directly applicable to any particular contract or contracts. The foregoing applies to cost-type supply and research contracts with commercial organizations.

(d) Subject to paragraph (a) of this section, the following standards apply in determining allowability of costs for severance pay plans of operating contractors:

(1) Payments should be made only upon involuntary termination by reduction in force (RIF) of an employee which results in a permanent separation from the employment of the contractor. However, payments may also be made upon voluntary separation of an employee within a RIF grouping but not otherwise scheduled for termination which thereby eliminates the need for terminating another employee involuntarily.

(2) Payments should not be provided for in the event of (i) temporary layoffs, (ii) employment with a replacement contractor (employer) where continuity of employment with credit for prior length of service is preserved under substantially equal conditions of employment, (iii) early or normal retirement, or (iv) continued employment by the contractor at another facility, subsidiary, affiliate, or parent company of the contractor.

(e) The subject of severance pay with reference to educational institutions is discussed in FPR 1-15.309-36.

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 28th day of June 1968.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[F.R. Doc. 68-7996; Filed, July 5, 1968; 8:45 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER B—ARCHIVES AND RECORDS

PART 101-11—RECORDS MANAGEMENT

Subpart 101-11.4—Disposition of Federal Records

Subpart 101-11.7—Vital Records: Records During an Emergency

MISCELLANEOUS AMENDMENTS

Part 101-11 is amended to reflect the revised and retitled GSA Records Management Handbook, Federal Vital Records Program.

Section 101-11.404-2 is amended to provide that new General Records Schedules will be announced by GSA bulletins, as follows:

§ 101-11.404-2 Approved General Records Schedules.

The General Records Schedules governing the retention and disposal of the following types of records common to several or all agencies, and instructions for using the schedules, are available at the Office of Federal Records Centers, National Archives and Records Service, GSA. All new schedules, as they are prepared, will be announced by GSA bulletins issued and signed by the Archivist of the United States.

* * * * *

1. Sections 101-11.701-3(b) and 101-11.701-5(b) are revised to provide the new title of the GSA Records Management Handbook, Federal Vital Records Program, as follows:

§ 101-11.701-3 Background.

* * * * *

(b) *Protection criteria and guides.* The GSA Records Management Handbook, Federal Vital Records Program, presents the basic assumptions and mechanics for protecting vital records.

§ 101-11.701-5 Definitions.

* * * * *

(b) The GSA Records Management Handbook entitled, "Federal Vital Records Program," provides further clarification of the two categories of records.

2. Sections 101-11.701-6(b) and 101-11.701-6(f) are revised to provide for the inclusion of regional or field program reports within bureau or service level reports and to delete the prohibition against overall agency summaries, as follows:

§ 101-11.701-6 Preparing offices and coverage.

* * * * *

(b) A report is required for each individual vital records program. Generally, this means that each bureau, service, or office of a department or large agency will prepare a report. Regional or field program reports shall be incorporated within the reports for bureau or service level or above before being transmitted to the General Services Administration. If the department or agency operates a centralized program covering all organizational elements, only one report is required.

* * * * *

(f) All reports for a department or agency will be transmitted together as a package.

3. Section 101-11.701-7 is revised to clarify the security classification of reports, as follows:

§ 101-11.701-7 Security.

Where a detailed description of the records and their locations is considered a security matter, the report should be security classified appropriate to the degree of classified information it contains.

4. Section 101-11.701-10 is revised to cite a new organizational title, as follows:

§ 101-11.701-10 Availability of forms.

The reporting forms illustrated in §§ 101-11.4917 and 101-11.4918 are available from General Services Administration Region 3, Office of Administration, Printing and Publications Division—3BRD, Washington, D.C. 20407.

(Sec. 205(c); 63 Stat. 390; 40 U.S.C. 486(e))

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: June 28, 1968.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 68-8047; Filed, July 5, 1968; 8:49 a.m.]

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

PART 101-19—MANAGEMENT OF BUILDINGS AND GROUNDS

Subpart 101-19.8—Auditoriums, Conference Rooms, and Other Meeting Places

New Subpart 101-19.8 sets forth guidelines and rules to be followed by agencies in permitting the use of meeting places within the periphery of the building lines of buildings controlled for space assignment and reassignment purposes by the General Services Administration. The term "meeting places" includes auditoriums, conference rooms, and any other space within the periphery of the building lines which may be used for conducting meetings.

Part 101-19 is amended by adding new Subpart 101-19.8 as follows:

Subpart 101-19.8—Auditoriums, Conference Rooms, and Other Meeting Places

Sec.
101-19.800 Scope of subpart.
101-19.801 Authorized use.
101-19.802 Scheduling.
101-19.803 Posting.
101-19.804 Conduct.
101-19.805 Provision of services and equipment.
101-19.806 Supplementary directives.
101-19.807 Agency implementation.

AUTHORITY: The provisions of this Subpart 101-19.8 are issued under sec. 205(c) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 390, as amended, 40 U.S.C. 486(c); 40 U.S.C. 285; 40 U.S.C. 490(e); 40 U.S.C. 490(h); Executive Order No. 6166, dated June 10, 1933; Reorganization Plan No. 18 of 1950 (40 U.S.C. 490 Note); and Executive Order No. 11035, dated July 9, 1962.

Subpart 101-19.8—Auditoriums, Conference Rooms, and Other Meeting Places

§ 101-19.800 Scope of subpart.

This subpart prescribes guidelines and rules to be followed by agencies in permitting the use, as meeting places, of auditoriums, conference rooms, and any other space within the periphery of the building lines of Government owned or leased buildings or portions thereof which are, pursuant to statute, reorganization plan, or Executive order, controlled for space assignment and reassignment purposes by GSA. Agencies occupying buildings which are not controlled by GSA for space assignment and reassignment purposes may elect to follow the guidelines and rules prescribed by this subpart.

§ 101-19.801 Authorized use.

(a) Except as provided in paragraph (b) of this section, agencies having exclusive use of and/or exercising authority over meeting places may permit their use for:

(1) Meetings to carry out the assigned functions of Federal agencies.

(2) Meetings of recognized Federal employee groups and organizations including retired Federal employee groups.

(3) Meetings (including meetings of civic, community, or veterans organizations and professional, scientific, educational, and other similar societies or organizations) that are sponsored by, and related to the activities of, a Federal agency and are conducted by or actively participated in by employees of the agency.

(4) Presentation to the public of lectures, concerts, or similar performances by a Federal agency or at which its employees participate in an official capacity, or for the presentation of such a performance by a recognized employee group.

(5) Meetings or performances not directly related to Federal agencies or employee groups when (i) authorized by the head of the Federal agency occupying the building and controlling the use of the meeting place, (ii) such agency head determines that such meetings or performances would not adversely affect the Government but, conversely, would

enhance the program to improve the public image of the Government, and (iii) such agency head determines that the proposed use would not be inconsistent with the principles set forth herein. (See § 101–19.805 concerning possible reimbursement.)

(b) Use of meeting places may not be permitted for:

(1) Meetings or performances sponsored or conducted by any organization, individual, or activity practicing or advocating discrimination based on race, creed, color, sex, or national origin.

(2) Meetings or performances having a partisan political, sectarian, or similar nature or purpose.

(3) Meetings or performances sponsored or conducted by or for commercial enterprises for profit making purposes through the direct sale of articles, charging of admission fees or the making of an indirect assessment for admission, or the taking of a collection.

§ 101–19.802 Scheduling.

Generally, no meetings shall extend beyond midnight or be scheduled for Saturdays, Sundays, holidays, or other days during which the building is ordinarily closed.

§ 101–19.803 Posting.

Posting of any material about the premises will be subject to the approval of the GSA buildings manager, or other appropriate approving official, in accordance with any controlling guidelines.

§ 101–19.804 Conduct.

All persons attending meetings or performances will be subject to the rules and regulations governing public buildings and grounds contained in Subpart 101–19.3.

§ 101–19.805 Provision of services and equipment.

Special building services, such as but not limited to projectionists to operate installed equipment, guards, elevator operators, or additional utilities when required to supplement normal building services or outside regular building hours, will be provided to the extent available, if requested by the agency, by the GSA buildings manager on a reimbursable basis. The furnishing of program requirements, such as music racks, ushers, cloakroom attendants, tickets, etc., will be the responsibility of the applying or sponsoring Federal agency or activity. See also Subpart 101–19.4, Standard Practices for Financing.

§ 101–19.806 Supplementary directives.

After appropriate coordination with the affected agency or agencies, GSA Regional Administrators may supplement these regulations by issuing procedures, instructions, and any necessary forms, consistent with this subpart, which apply to specific areas used for meeting places. Supplementary procedures, instructions, and forms should cover such items as: How to apply for permission to use the facilities; how much detail is required to describe the proposed use or program to be presented; who is authorized to request, and who grants the permission; priorities of use; reimbursement requirements; records of use; and any other conditions which may be applicable to a given location.

§ 101–19.807 Agency implementation.

Agencies having exclusive use of and/or exercising authority over auditoriums, conference rooms, and other meeting places within the periphery of the building lines of Government owned or leased buildings which are controlled for space assignment or reassignment purposes by GSA may also supplement these regulations by issuing procedures, instructions, and any necessary forms, consistent with this subpart, which apply to such areas.

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: June 28, 1968.

LAWSON B. KNOTT, JR.
Administrator of General Services.

[F.R. Doc. 68–8046; Filed, July 5, 1968; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER I—ANCHORAGES

[CGFR 68–75]

PART 110—ANCHORAGE REGULATIONS

Subpart B—Anchorage Grounds

ANCHORAGE No. 21, UPPER BAY, NEW YORK HARBOR

1. The revised description of Anchorage No. 21 in Upper Bay, Port of New York in 33 CFR 110.155(d)(5) was published in the FEDERAL REGISTER of June 12, 1968 (33 F.R. 8595). The second coordinate in § 110.155(d)(5)(i) is wrong and the purpose of this document is to change it from "latitude 40°41'21", longitude 74°01'34"," to latitude "40°40'-21", longitude 74°01'34"."

2. By the authority vested in me as Commandant, U.S. Coast Guard, by 14 U.S.C. 632 and the delegation in 49 CFR 1.4(a)(3) of the Secretary of Transportation under 49 U.S.C. 1655(g)(1), the text of § 110.155(d)(5)(i) is amended to reflect the above correction and reads as follows:

§ 110.155 Port of New York.

* * * * *

(d) *Upper Bay.* * * *

(5) *Anchorage No. 21.* * * *

(i) *Anchorage No. 21–A (for barges).* That portion of Anchorage No. 21 north of the fairway and east of a line connecting a point at latitude 40°39'09", longitude 74°02'22" and a point at latitude 40°40'21", longitude 74°01'34".

* * * * *

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1), 80 Stat. 940; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1); 49 CFR 1.4(a)(3))

Dated: June 27, 1968.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 68–8009; Filed, July 5, 1968; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER I—MILITARY PERSONNEL

PART 888—ENLISTMENT IN THE REGULAR AIR FORCE

Applicants Ineligible To Enlist and Grade Determination

Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

1. Section 888.5 is amended by deleting line (r) of the chart and by adding a new line (pp) at the end of the chart.

§ 888.5 Applicants ineligible to enlist.

* * * * *

Any of the conditions indicated by an "X" is disqualifying for enlistment if applicant is—	Rule 1	2	3	4
. . .				
(R) [Deleted]				
. . .				
(PP) Separated from active service in excess of 3 years unless currently serving in Drill Pay Status in Reserves of the Air Force for a period of at least 1 year immediately prior to enlistment in the Regular Air Force			X	X

2. Section 888.8 is amended by revising the first table to read as follows:

§ 888.8 Grade determination.

* * * * *

NONPRIOR SERVICE ENLISTEES

If applicant—	*Then grade authorized is—*
Was credited with over 90 days active duty service and last separated in pay grade E–2 or higher.	E–2 (see note).
Presents certificate of proficiency, letter from CAP-USAF Maxwell AFB, AL, or a letter from CAP unit commander showing successful completion of the CAP Training Program.	
Has completed 2 or more years of college AFROTC and possesses a letter of recommendation from the professor of Aerospace Studies (PAS).	
Has satisfactorily completed the entire high school AFJROTC program, is high school graduate, and presents official Air Force certificate of completion.	
Is a Service Academy excadet with over 90 days service.	
None of the above	E–1.

NOTE: Documents presented after enlistment is completed may not be used as a basis for changing the authorized enlistment grade.

* * * * *

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted) [AFM 33–3, Nov. 9, 1968, Change 5, May 9, 1968]

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 68–8002; Filed, July 5, 1968; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 17430; FCC 68–664]

PART 87—AVIATION SERVICES

Requirements for Aircraft Identification in Radio Communications

Report and order. In the matter of Amendment of Part 87 of the Commission's rules to change the requirements for aircraft identification in radio communications.

1. The Commission on May 10, 1967, adopted a notice of proposed rule making in the above-entitled matter (FCC 76–554) which made provision for the filing of comments and was duly published in the FEDERAL REGISTER on May 17, 1967 (32 F.R. 7345).

2. This rule making is intended to provide standardized aircraft identification procedures in the use of radio by airborne stations licensed under Part 87 of the Commission's rules. This requirement arises from the evolution of aviation, from the FCC and International Telecommunication Union (ITU) requirements with respect to identification of radio stations, and from the findings of such meetings as the International Civil Aviation Organization (ICAO) Communications/Operations Division meeting of 1966 and the Fifth ICAO Air Traffic Control Automation Panel (ATCAP). The rule changes are designed to ensure that aircrews and aeronautical stations adhere to safe and uniform procedures regarding identification of their radio transmissions. The identification procedures, as prescribed, are in conformity with international requirements and practice.

3. Comments were filed by the Aircraft Owners and Pilots Association (AOPA), Air Transport Association (ATA), Aerospace & Flight Test Radio Coordinating Council (AFTRCC), and the Federal Aviation Administration (FAA). Comments directed to Aeronautical Radio, Inc. (ARINC), by American Airlines, Inc., on the proposed amendment were forwarded to the Commission and have been considered herein.

4. Comments from AOPA were directed to the subdivision of the proposed amendment which pertains only to aircraft other than those of U.S. registry. Apparently this resulted from a misunderstanding. In any event, these provisions are in accordance with the ITU Radio Regulations (Geneva 1959, RR 762).

5. American Airlines comments submitted by ARINC questioned whether or not their normal domestic operations and specifically military charter operations were in accordance with the proposed amendment. The Commission feels that the subject amendments fully define the recognized means of identification used by all U.S. registered civil nongovernment aircraft operating within the air space of the United States including those used for military charter. In the case of Scheduled Airline Carriers such as American Airlines, the recognized procedure for station identification using the company designator e.g., "American" plus the trip number of one or more digits is correct and in accordance with the amendments adopted herein.

6. Comments from AFTRCC and ATA were in general support of the proposed amendment. AFTRCC, however, raised the question of whether any changes were introduced in the proposed amendment that would restrict the aerospace manufacturers in their identification procedures used for flight test operations. In reference to the query by AFTRCC, the aerospace manufacturer's procedure of using the radiotelephony designator of the aircraft operating agency followed by the flight identification number, as prescribed in the amendment, remains unchanged. The call sign to be used must be coordinated and approved by the FAA Air Traffic Service, AT–400. ATA proposed that examples be provided in the rules so that aircraft operators can readily determine the procedure which applies to their aircraft station. The Commission is of the opinion that the two methods of radiotelephony identification for U.S. registered aircraft require no further definition. The authorized company designator e.g., "American" plus the trip number is explicit. Equally, the registration marking ("N" number) preceded by the type of aircraft is also explicit in terms of usage e.g., "Tri-Pacer 12345". Examples of the identification for foreign registry aircraft are published in detail in the ICAO Annex 10 (Recommendation 15/1) as well as the FAA Airman's Information Manual (AIM).

7. FAA recommended that paragraph (c) within the proposed § 87.115(e) be deleted in order to avoid duplication of information already provided under § 87.115(c). The Commission concurs with this recommendation and, accordingly, has deleted this paragraph. Additional changes that were made by the Commission to the appendix include:

(1) The interchanging of the subdivisions previously labeled (i) and (ii) in the notice of proposed rule making was made in order to place the procedure with the maximum usage first on the list;

(2) The reference to flight identification number in subdivision (i) was further defined in the footnote as "trip number";

(3) In order to disassociate the domestic identification procedures from the international, the provisions have been placed in separate subparagraphs.

8. In view of the foregoing: *It is ordered,* Pursuant to the authority contained in sections 4(i) and 303 (o), (p), and (r) of the Communications Act of 1934, as amended, that effective August 9, 1968, Part 87 of the Commission's rules is amended as set forth below. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: June 26, 1968.

Released: July 3, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Section 87.115 is amended to read as follows:

§ 87.115 Station identification.

(a) Transmissions without station identification, except as provided for in paragraphs (h) and (i) of this section, or transmissions with false identification are prohibited.

(b) Except for specific provisions contained in paragraphs (e) through (g) of this section, a station shall be identified either by a call sign or other recognized means of identification. Such recognized means of identification may be one or more of the following necessary for complete identification: Name of station, location of station, operating agency, official registration, flight identification number, characteristic signal, characteristic of emission, or other clearly distinguishing features readily recognized.

(c) Except as provided in paragraph (d) of this section and after communication has been established, continuous two-way communication may be conducted without further identification or callup (if no mistake in identity is liable to occur) until the termination of the exchange of communication.

(d) In order that stations may be readily identified, each station shall transmit its identification as frequently as practicable during the course of transmissions, including those made for tests, adjustments, or experiments. However, identification shall be transmitted at least hourly, preferably within the period from 10 minutes before to 10 minutes after the hour, unless to do so would cause unreasonable interruption of traffic.

(e) Aircraft radiotelephony stations shall be identified either by a call sign or other recognized means of identification. Such recognized means of identification may be one of the following:

(1) U.S. registered aircraft:

(i) The characters corresponding to the registration marking ("N" number) of the aircraft preceded by the type of the aircraft; or

(ii) The radiotelephony designator of the aircraft operating agency followed by the flight identification number.

NOTE: The operating agency radiotelephony designators referred to in subdivision (ii) of this subparagraph are designators assigned and authorized by the Federal Aviation Administration. The flight identification number referred to in subdivision (ii) of this subparagraph is the "trip number" assigned by the company.

(2) Foreign aircraft operating in the United States may use, in lieu of the identification procedure set forth in paragraph (e)(1) of this section, the foreign registry identification of their aircraft consisting of either five letters or one figure followed by four letters as follows:

(i) The five-character call sign corresponding to the registration marking of the aircraft; or

(ii) The five-character call sign referred to in subdivision (i) of this subparagraph preceded by the radiotelephony designator of the aircraft operating agency; or

(iii) The five-character call sign referred to in subdivision (i) of this subparagraph preceded by the type of the aircraft.

(3) Aircraft radio stations shall use full call signs or complete identification as shown in subparagraph (1) and (2) of this paragraph when establishing communications during the initial contact. Abbreviated radiotelephone call signs or identification may be used after satisfactory communication has been established and provided that no confusion is likely to arise, however, an aircraft station may use its abbreviated identification only after it has been addressed in this manner by the ground station. The ground station operator shall determine whether or not conditions warrant the use of abbreviations and shall initiate their use at his discretion. The appropriate abbreviations, depending on the call signs and other identification listed in paragraph (e) (1) and (2) of this section shall be in the following forms:

U.S. registered aircraft:

(i) The type of aircraft followed by the last three characters of the registration marking.

(ii) No abbreviation is authorized for operating agency designators and flight numbers.

Foreign registered aircraft:

(i) The first letter or figure and the last two letters of the call sign;

(ii) The radiotelephony designator of the aircraft operating agency followed by the last two letters of the call sign;

(iii) The type of the aircraft followed by the last two letters of the call sign.

(4) An aircraft shall not change the type of its radiotelephony full identification during flight except that the abbreviation of that same full identification may be used.

(f) An aeronautical public service aircraft station may use the identification of the aircraft station with which it is associated, or an assigned telephone number or automatic signal provided that adequate records are maintained to permit ready identification of the aircraft station.

(g) A land station in the aviation service may use radio station call letters, its location, or the name of the city, area, or airdrome which it serves together with such additional identification as may be required.

(h) Survival craft stations: When transmitting distress signals automatically, the requirements of identification need not apply. When transmitting distress or emergency signals manually, identification shall be accomplished, so far as practicable, by transmitting an appropriate reference associating the survival craft station with its parent aircraft. One or more of the following may be used: The radio station call sign, air carrier parent aircraft flight number or identification, aircraft registration, aircraft manufacturer, aircraft owner, or any other pertinent factor which might reasonably be expected to provide some means of identification. Transmissions other than distress or emergency signals, i.e., for equipment testing or adjustment, shall be identified by the call sign or by the official aircraft registration number of the parent aircraft followed by a single digit other than 0 or 1.

(i) Radio systems, where the transmission of specific identification is considered to be impracticable, are exempted from the provisions of this section; e.g., airborne weather radar, radio altimeter, air traffic control transponder, distance measuring equipment, collision avoidance equipment, racon, radiosonde, radio relay, and radionavigation land test station (MFT).

[F.R. Doc. 68-8031; Filed, July 5, 1968; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 997, Amdt. 1]

PART 1033—CAR SERVICE

Louisville and Nashville Railroad Co. Authorized To Operate Over Trackage of Seaboard Coast Line Railroad

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 28th day of June 1968.

Upon further consideration of Service Order No. 997 (32 F.R. 14953), and good cause appearing therefor:

It is ordered, That § 1033.997 *Service Order No. 997* (Louisville and Nashville Railroad Co.) authorized to operate over trackage of Seaboard Coast Line Railroad be, and it is hereby amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1968, unless otherwise modified, changed, or suspended by the order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1968.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8024; Filed, July 5, 1968; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Integration of Qualified Plans With Social Security

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 45 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request. In writing, to the Commissioner within the 45-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] SHELDON S. COHEN, *Commissioner of Internal Revenue.*

In order to conform the Income Tax Regulations (26 CFR Part 1) to reflect the Social Security Amendments of 1965 (79 Stat. 286) and the Social Security Amendments of 1967 (81 Stat. 821) such regulations are amended as follows:

PARAGRAPH 1. Paragraph (e)(2) of § 1.401–3 is amended to read as follows:

§ 1.401–3 Requirements as to coverage.

* * * * * * *

(e) * * *

(2)(i) For purposes of determining whether a plan is properly integrated with the Social Security Act, the amount of old-age and survivors insurance benefits which may be considered as attributable to employer contributions under the Federal Insurance Contributions Act is computed on the basis of the following:

(*a*) The rate at which the maximum monthly old-age insurance benefit is provided under the Social Security Act is considered to be the average of (*1*) the rate at which the maximum benefit currently payable under the Act (i.e., in 1968) is provided to an employee retiring at age 65, and (*2*) the rate at which the maximum benefit ultimately payable under the Act (i.e., in 2006) is provided to an employee retiring at age 65. The resulting figure is 36 percent of the average monthly wage on which such benefit is computed.

(*b*) The total old-age and survivors insurance benefits with respect to an employee is considered to be 150 percent of the employee's old-age insurance benefits. The resulting figure is 54 percent of the average monthly wage on which it is computed.

(*c*) In view of the fact that social security benefits are funded through equal contributions by the employer and employee, 50 percent of such benefits is considered attributable to employer contributions. The resulting figure is 27 percent of the average monthly wage on which the benefit is computed.

Under these assumptions, the maximum old-age and survivors insurance benefits which may be attributed to employer contributions under the Federal Insurance Contributions Act is an amount equal to 27 percent of the earnings on which they are computed. These computations take into account all amendments to the Social Security Act through the Social Security Amendments of 1967 (81 Stat. 821). It is recognized, however, that subsequent amendments to this Act may increase the percentages described in (*a*) or (*b*) of this subdivision, or both. If this occurs, the method used in this subparagraph for determining the integration formula may result in a figure under (c) of this subdivision which is greater than 27 percent and a plan could be amended to adopt such greater figure in its benefit formula. In order to minimize future plan amendments of this nature, an employer may elect to anticipate future changes in the Social Security Act by immediately utilizing such a higher figure, but not in excess of 30 percent, in developing its benefit formula.

(ii) Under the rules provided in this subparagraph, a classification of employees under a noncontributory pension or annuity plan which limits coverage to employees who receive compensation with respect to which old-age and survivors insurance benefits are not provided under the Social Security Act will not be considered discriminatory within the meaning of section 401(a)(3)(B), where:

(*a*) Normal annual retirement benefits for any employee cannot exceed 30 percent of his average annual compensation in excess of the maximum amount of compensation with respect to which old-age and survivors insurance benefits may be provided for him under the Social Security Act (hereinaftetr referred to as "covered compensation"), as provided in the following table:

If the employee reaches age 65 in—	His covered compensation is—
1968	$4,944
1969	5,160
1970	5,352
1971	5,520
1972	5,652
1973	5,784
1974	5,892
1975	6,000
1976	6,084
1977	6,168
1978	6,240
1979	6,312
1980	6,372
1981	6,432
1982	6,480
1983	6,528
1984	6,576
1985	6,612
1986	6,660
1987	6,696
1988	6,720
1989	6,756
1990	6,792
1991	6,816
1992	6,840
1993	6,864
1994	6,900
1995	6,984
1996	7,080
1997	7,176
1998	7,260
1999	7,332
2000	7,416
2001	7,500
2002	7,572
2003	7,656
2004	7,728
2005	7,764
2006 and later	7,800

(*b*) Average annual compensation is defined to mean the average annual compensation over the highest 5 consecutive years.

(*c*) There are no benefits payable in case of death before retirement.

(*d*) The normal form of retirement benefit is a straight life annuity, and if there are optional forms, the benefit payments are adjusted so that the total value of the optional form is the same as the value of the normal form of retirement benefits.

(*e*) Normal retirement benefits for any employee who reaches normal retirement age before completion of 15 years of service with the employer cannot exceed 2 percent of average annual compensation in excess of the amount of such employee's covered compensation (as determined under (*a*) of this subdivision) for each year of service.

(*f*) Normal retirement age is not lower than age 65.

(*g*) Benefits payable in case of retirement or severance of employment before normal retirement age cannot exceed the actuarial equivalent of that proportion of the maximum normal retirement

benefits, which might be provided in accordance with (*a*) through (*f*) of this subdivision, earned to the date of actual retirement or severance, where such proportion is determined by the ratio that the actual number of years of service of the employee at retirement or severance bears to the total number of years of service he would have had if he had remained in service until normal retirement age.

(iii) (*a*) If a plan was properly integrated with old-age and survivors insurance benefits on [the day before the date of publication of this notice of proposed rule making] (hereinafter referred to as an "existing plan"), then, notwithstanding the fact that such plan does not satisfy the requirements of subdivision (ii) of this subparagraph, it (*1*) will continue to be considered properly integrated with such benefits until January 1, 1971, and (*2*) will be considered properly integrated after December 31, 1970, so long as it satisfies the requirements of (*b*), (*c*), or (*d*) of this subdivision.

(*b*) A plan is considered to be properly integrated for purposes of (*a*)(2) of this subdivision if the benefits provided under the plan for each employee equal the sum of—

(*1*) The benefits to which he would be entitled under a plan which would have been considered properly integrated with old-age and survivors insurance benefits on [the day before the date of publication of this notice of proposed rule making], and under which—

(*i*) Benefits are provided with respect to the same portion of compensation with respect to which benefits are provided under the existing plan, and

(*ii*) Benefits are provided at a rate which does not exceed the greater of 30 percent or the rate at which benefits are provided under the existing plan,

multiplied by the percentage of his total service with the employer performed before a specified date not later than January 1, 1971; and

(*2*) The benefits to which he would be entitled under a plan satisfying the requirements of subdivision (ii) of this subparagraph, except that—

(*i*) Benefits are provided with respect to the same portion of compensation with respect to which benefits are provided under the existing plan, and

(*ii*) Benefits are provided at a rate which is the lesser of 30 percent or the rate at which benefits are provided under the plan described in (*1*) of this subdivision,

multiplied by the percentage of his total service with the employer performed on and after such specified date.

(c) A plan is considered to be properly integrated for purposes of (*a*)(2) of this subdivision if the benefits provided under the plan for each employee equal the sum of—

(*1*) The benefits to which he would be entitled under a plan which would have been considered properly integrated with old-age and survivors insurance benefits on [the day before the date of publication of this notice of proposed rule making], and under which—

(*i*) Benefits are provided with respect to the same portion of compensation with respect to which benefits are provided under the existing plan, and

(*ii*) Benefits are provided at a rate which does not exceed the greater of 30 percent or the rate at which benefits are provided under the existing plan,

multiplied by the percentage of his total service with the employer performed before a specified date not later than January 1, 1971; and

(*2*) The benefits to which he would be entitled under a plan satisfying the requirements of subdivision (ii) of this subparagraph, multiplied by the percentage of his total service with the employer performed on and after such specified date.

(*d*) A plan is considered to be properly integrated for purposes of (*a*)(2) of this subdivision if the benefits provided under the plan for each employee equal the sum of—

(*1*) The benefits to which he would be entitled under a plan satisfying the requirements of subdivision (ii) of this subparagraph, except that benefits may be provided at the same rate at which benefits are provided under the existing plan, multiplied by the percentage of his total service with the employer performed before a specified date not later than January 1, 1971, and

(*2*) The benefits to which he would be entitled under a plan satisfying the requirements of subdivision (ii) of this subparagraph, multiplied by the percentage of his total service with the employer performed on and after such specified date.

(*e*) A plan which, on [the day before the date of publication of this notice of proposed rule making, was properly integrated with old-age and survivors insurance benefits will not be considered not to be properly integrated with such benefits thereafter merely because such plan provides a minimum benefit for each employee equal to the benefit to which he would be entitled under the plan as in effect on such day if he continued to earn until retirement the same amount of compensation as he earned in calendar year 1967, multiplied by the percentage of his total service with the employer performed before a specified date not later than January 1, 1971.

(iv) In the case of an integrated plan providing benefits different from those described in subdivision (ii) or (iii) (whichever is applicable) of this subparagraph, or providing benefits related to years of service, or providing benefits purchasable by stated employer contributions, or under the terms of which the employees contribute, or providing a combination of any of the foregoing variations, the plan will be considered to be properly integrated only if, as determined by the Commissioner, the benefits provided thereunder by employer contributions cannot exceed in value the benefits described in subdivision (ii) or (iii) (whichever is applicable) of this subparagraph. Similar principles will govern in determining whether a plan is properly integrated if participation therein is limited to employees earning in excess of amounts other than those specified in subdivision (ii) of thus subparagraph, or if it bases benefits or contributions on compensation in excess of such amounts, or if it provides for an offset of benefits otherwise payable under the plan on account of old-age and survivors insurance benefits. In the case of a profit-sharing or stock bonus plan in which participation is limited to employees earning in excess of a stated dollar amount, or under the terms of which contributions are based on compensation in excess of a stated dollar amount, similar principles will govern in determining whether the plan is discriminatory provided that the employer does not also have in existence a pension or annuity plan which is integrated with old-age and survivors insurance benefits and which provides for contributions by the employer based upon all or part of the same compensation considered under the profit-sharing or stock bonus plan.

* * * * * * *

PAR. 2. Paragraph (c)(2)(i) of § 1.401–11 is amended by revising the seventh and eighth sentences thereof and as so amended reads as follows:

§ 1.401–11 General rules relating to plans covering self-employed individuals.

* * * * * * *

(c) *Requirements as to coverage.* * * *

(2)(i) section 401(a)(3)(B) provides that a plan may satisfy the coverage requirements for qualification if it covers such employees as qualify under a classification which is found not to discriminate in favor of employees who are officers, shareholders, persons whose principal duties consist in supervising the work of other employees, or highly compensated employees. Section 401(a)(5) sets forth certain classifications that will not in themselves be considered discriminatory. Under such section, a classification which excludes all employees whose entire remuneration constitutes "wages" under section 3121(a)(1), will not be considered discriminatory merely because of such exclusion. Similarly, a plan which includes all employees will not be considered discriminatory solely because the contributions or benefits based on that part of their remuneration which is excluded from "wages" under section 3121(a)(1) differ from the contributions or benefits based on that part of their remuneration which is not so excluded. However, in determining if a classification is discriminatory under section 401(a)(3)(B), consideration will be given to whether the total benefits resulting to each employee under the plan and under the Social Security Act, or under the Social Security Act only, establish an integrated and correlated retirement system satisfying the tests of section 401(a). A plan which covers self-employed individuals, none of whom is an owner-employee, may also

be integrated with the contributions or benefits under the Social Security Act. In such a case, the portion of the earned income (as defined in section 401(c)(2)) of such an individual which does not exceed the maximum amount which may be treated as self-employment income under section 1402(b)(1), and which is derived from the trade or business with respect to which the plan is established, shall be treated as "wages" under section 3121(a)(1) subject to the tax imposed by section 3111 (relating to the tax on employers) for purposes of applying the rules of paragraph (e)(2) of § 1.401–3, relating to the determination of whether a plan is properly integrated. However, if the plan covers an owner-employee, the rules relating to the integration of the plan with the contributions or benefits under the Social Security Act contained in paragraph (h) of § 1.401–12 apply.

PAR. 3. Paragraph (h)(3) of § 1.401–12 is amended to read as follows:

§ 1.401–12 Requirements for qualification of trusts and plans benefiting owner-employees.

* * * * * * *

(h) *Integration with social security.* * * *

(3) If a plan covering an owner-employee satisfies the requirement of subparagraph (1) of this paragraph, and if the employer wishes to integrate such plan with the contributions or benefits under the Social Security Act, then—

(i) The employer contributions under the plan on behalf of any owner-employee shall be reduced by an amount determined by multiplying the earned income of such owner-employee which is derived from the trade or business with respect to which the plan is established and which does not exceed the maximum amount which may be treated as self-employment income under section 1402(b)(1), by the rate of tax imposed under section 1401(a); and

(ii) The employer contributions under the plan on behalf of any employee other than an owner-employee may be reduced by an amount not in excess of the amount determined by multiplying the employee's wages under section 3121(a)(1) by the rate of tax imposed under section 3111(a). For purposes of this subdivision, the earned income of a self-employed individual which is derived from the trade or business with respect to which the plan is established and which is treated as self-employment income under section 1402(b)(1), shall be treated as "wages" under section 3121(a)(1).

* * * * * * *

[F.R. Doc. 68–7974; Filed, July 5, 1968; 11:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 3, 15, 16, 17, 18, 45, 121, 125]

VITAMIN D

Withdrawal of Proposed Rulemaking

In the matter of amending Title 21, Chapter I, with reference to vitamin D intake:

A notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of August 28, 1935 (30 F.R. 11140), proposing a policy statement on vitamin D and changes in references to vitamin D in various food-standard, food-additive, and food-for-special-dietary-uses regulations.

In response to the proposal, over 90 comments were filed which with minor exceptions raised objections; however, the recommendations made in the comments were widely divergent.

In view of the time that has elapsed since the proposal was published and the comments were received, the Commissioner of Food and Drugs concludes that it should be withdrawn. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 403(j), 409(d), 502(f), 503(b)(4), 701 (a), (e), 52 Stat. 1046, 1048, 1051–52, 1055, 70 Stat. 919, 72 Stat. 1787; 21 U.S.C. 341, 343(j), 348(d), 352(f), 353(b)(4), 371 (a), (e)) and under authority delegated to the Commissioner (21 CFR 2.120), the proposed rulemaking published in the FEDERAL REGISTER of August 28, 1965 (30 F.R. 11140–41), regarding vitamin D is hereby withdrawn.

This action is entirely separate from and independent of the orders published in the FEDERAL REGISTER of June 18, 1966 (31 F.R. 8521, 8524, 8525), and the subsequent proceedings concerning foods for special dietary uses and dietary supplements.

Dated: May 14, 1968.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 68–8039; Filed, July 5, 1968; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

ACTING ADMINISTRATOR ET AL.

Redelegations of Authority

The following Redelegations of Authority, effective July 1, 1968, are issued under the authority of Secretary's Order No. 2563, 15 F.R. 3193; Secretary's Order No. 2860, as amended, 27 F.R. 591, 28 F.R. 5273, and 31 F.R. 13560; Secretary's Order No. 2883, 29 F.R. 14081; 50 Stat. 731, as amended, 16 U.S.C. Chapter 12B (1964). Additional authority relating to specific sections is cited following those sections. These redelegations supersede the Redelegations of Authority published in the FEDERAL REGISTER on November 14, 1964 (29 F.R. 15295), as amended January 29, 1965 (30 F.R. 957); August 13, 1965 (30 F.R. 10121); April 8, 1966 (31 F.R. 5577); May 28, 1966 (31 F.R. 7724); April 21, 1967 (32 F.R. 6304); May 19, 1967 (32 F.R. 7464); December 8, 1967 (32 F.R. 17602); and April 20, 1968 (33 F.R. 6132). The chapter and section numbering is that of the BPA Manual.

CHAPTER 10

DELEGATIONS OF AUTHORITY HAVING PUBLIC APPLICABILITY

10.1 *Acting Administrator—succession and authority.* a. The line of succession as Acting Administrator is prescribed in the Departmental Manual (302 DM 4.12) and provides that in case of the death, resignation, or absence of the Administrator, the following officers or employees shall act as Administrator in the order indicated:

(1) Deputy Administrator.

(2) Assistant Administrator for Power Management (Power Manager).

(3) Assistant Administrator for Operation and Maintenance (O&M Manager).

(4) Assistant Administrator for Engineering and Construction (Chief Engineer).

(5) Assistant Administrator for Administrative Management.

(6) In the event the above officials are unavailable, the Administrator may designate any one of the following to act as Administrator for a period not to exceed 7 days: Assistant Power Manager, Engineering Manager, Assistant to the Administrator—Operations and Policy, or Executive Assistant to the Administrator.

b. The Acting Administrator shall perform the duties and exercise the powers of the Administrator except where otherwise provided by law, or Departmental regulation. Any person exercising the functions of the Acting Administrator shall sign documents as "Acting Administrator."

(302 DM 4.12)

10.2 *Civil defense emergencies.* a. The line of succession as Emergency Administrator in a civil defense emergency is prescribed in the Departmental Manual (205 DM 4). This provides that to assure the continuity of Bonneville Power Administration's direction of its activities in the event of the inability of the Administrator, or an official designated in section 10.1, to exercise this direction, the officials listed below—in the order given—are designated to exercise the authority of the Administrator in a civil defense emergency:

(1) Manager, Portland Area Office.

(2) Manager, Seattle Area Office.

(3) Manager, Spokane Area Office.

(4) Manager, Walla Walla Area Office.

(5) Manager, Idaho Falls Area Office.

(6) District Manager, Eugene, Oreg.

(7) District Manager, Wenatchee, Wash.

(8) District Manager, Kalispell, Mont.

b. The foregoing officials are authorized to exercise the full authority of the Administrator when the nature of the situation requires emergency action or does not permit referral to higher authority. However, before exercising such authority the official shall determine insofar as possible that neither the Administrator nor anyone authorized to act for him nor anyone whose title precedes his in the above listing, is able to exercise such authority.

c. Officials exercising emergency authority as Administrator under section 10.2a shall sign documents as "Emergency Administrator, Bonneville Power Administration."

d. Delegation of authority to heads of field installations: To enable the heads of field installations to take emergency actions in a civil defense emergency during the inability of a superior in the normal chain of command to exercise authority, the head of a field installation, or his authorized representative, may exercise the authority of the Administrator with respect to the field installation (205 DM 4.4). When the official exercising the emergency authority is other than the normal head of the installation, he shall use the title of the latter prefixed with "Emergency," for example: "Emergency Area Manager, Portland Area Office, Bonneville Power Administration," etc. This authority may be exercised only when the nature of the situation requires immediate emergency action that does not permit referral to higher authority.

e. Officials exercising emergency authority shall:

(1) Keep a record of important actions they have taken and the period during which they have exercised the authority; and

(2) Continue to exercise the authority until normal arrangements become operative again or other delegations of authority are made.

(205 DM 4)

f. Emergency procurement and hiring: Personnel who have been issued valid "Disaster Authority" cards (Form BPA 83) are authorized on behalf of the United States to acquire materials, services, and equipment, and to employ, for periods of not to exceed 30 days, temporary personnel needed to maintain continuity of power service and operation of the Bonneville Power Administration transmission system in emergency situations caused by military attack, serious fire, flood, earthquake, or similar disaster.

(Secretary's Order No. 2751, as amended)

10.3 *Designation of acting officials other than acting administrator.* a. The assistant head of an organizational unit shall serve as the acting head during the unavailability of the head of the unit, in the absence of a specific designation to the contrary.

b. When a position to which authority has been delegated becomes vacant or the incumbent is unavailable, the person having supervisory authority over the position shall designate someone to serve in an acting capacity.

c. Employees serving in an acting capacity shall perform the duties and exercise the powers of the position and shall sign all documents in an acting capacity. Records shall be kept of periods during which and by whom the duties of the position are temporarily assumed.

(302 DM 1)

10.4 *Delegated authority—limitation.* a. Except as otherwise expressly provided, all authority delegated herein may be exercised by any of the supervisors of the delegatee.

b. Failure to comply with administrative policy, procedures, or controls shall not impair the legality of an action as far as the public is concerned, but may be grounds for appropriate disciplinary action.

c. The following contracting authority is retained by the Administrator:

(1) Power contracts, except as provided in section 10.13 of these redelegations;

(2) Contracts negotiated without advertising for services to be rendered by any educational institution;

(3) Contracts negotiated without advertising for professional services for industrial, economic, engineering and related studies necessary to carry out the power planning and power marketing activities except as provided in section 10.10 of these redelegations;

(4) Sale and acquisition of electric utility system real properties;

(5) Compromise or final settlement of any claim pursuant to section 2(f) of the Bonneville Act except as provided in section 10.13b. with regard to power contracts, and as provided in section 10.16a. with regard to all other contracts.

(200 DM 1, 200 DM 2, 25 F.R. 324)

10.5 *Deputy Administrator.* a. The Deputy Administrator may perform all duties and exercise the powers of the Administrator except those which the Administrator cannot redelegate.

b. The Deputy Administrator is designated the Administration's Inspection Officer with responsibility for carrying out its activities as part of the Departmental inspection program. (351 DM 2)

10.6—10.9 [Reserved]

10.10 *Negotiated contracts without advertising.* a. The Chief of Program Control, Division of Engineering and Construction, may negotiate and execute contracts without advertising, for professional engineering and architectural services pursuant to section 302(c) (4) and (10) of the Federal Property and Administrative Services Act of 1949 as amended, 41 U.S.C. 252, and the limitations prescribed by the Secretary of the Interior.

(205 DM 11.4) (404 DM 1)

b. Officials who are authorized to execute contracts for materials, equipment, and services (including construction and clearing) may negotiate for property and services (except as provided in section 10.4) within the scope of their general redelegations, and within the limitations prescribed by the Secretary of the Interior. Such authority to negotiate includes circumstances where laws or regulations applicable to the Administrator, and redelegable by him, exempt the contracts from advertising requirements, including those circumstances where prerequisite determinations to negotiate are made by the Administrator or higher authority.

10.11 *Construction and clearing contracts.* a. The Construction Contracting Officer may execute contracts and amendments to contracts for construction or clearing.

b. The Chief, Branch of Construction, may authorize changes, extra work, or adjustments necessary because of changed conditions, and appropriate time extensions therefor, for transactions not exceeding $5,000 or 25 percent of the amount of the original contract, whichever is smaller.

(205 DM 11.1, 26 F.R. 11748)

10.12 *Materials and equipment contracts.* a. The Chief, Branch of Supply, may:

(1) Execute contracts, amendments to contracts, and procurement transactions for materials, equipment, and services, including the exchange or sale of personal property for replacement purposes, except personal services and services in connection with the transfer or transmission of electrical energy;

(2) Execute contracts and amendments to contracts for the disposal of surplus property, except electric utility system real properties, for which the Administration is the authorized disposal agency under delegations heretofore or hereafter made pursuant to the provisions of the Federal Property and Administrative Services Act of 1949, 63 Stat. 378, as amended, 40 U.S.C. 471 to 492 (1958);

(3) Authorize the publication of advertisements, notices, or proposals, pursuant to section 3828 of the Revised Statutes, 16 Stat. 308, 44 U.S.C. 324 (1958).

b. The head of the Procurement Section may exercise the authority delegated to the Chief, Branch of Supply, when the amount involved does not exceed $200,000.

c. The Purchasing Agents each may exercise the authority described in section 10.12a (1) and (3) when the amount involved does not exceed $2,500.

d. The head of the Inspection Section is designated the authorized representative of the contracting officer with regard to the inspection and expediting functions of the administration of materials and equipment contracts. As authorized representative, he may exercise the contracting officer's authority to approve changes in contract technical provisions with the consent of the designer or user as appropriate, direct extra work, increase or decrease quantities, and approve changes in delivery time in connection therewith, when the net increase or decrease in the contract amount does not exceed $500 in any one instance.

(205 DM 5.1; 205 DM 9.3; 205 DM 9.4; 205 DM 10, 28 F.R. 9884; 205 DM 11.1, 26 F.R. 11748; 404 DM 1, 31 F.R. 5577)

10.13 *Power management.* a. The Assistant Administrator for Power Management (Power Manager) may execute any document and exercise any authority conferred upon the former Director of Operations and Maintenance or former Deputy Director of Operations and Maintenance (which positions no longer exist) under contracts executed prior to March 15, 1961.

b. The Assistant Power Manager may compromise and finally settle any claim for charges arising under any contract for power delivered or transferred to or for a customer.

c. The Chief, Branch of Power Supply and Scheduling, may:

(1) Execute agreements for the storage and release of energy;

(2) Make agreements with customers which establish capabilities of their generating facilities for the purpose of applying the computed demand provision of rate schedules;

(3) Make interim arrangements for the short term sale, purchase, exchange, or wheeling of power including the charges applicable thereto, such arrangements to be confirmed in writing and subsequently formalized by contracts executed by the Administrator or Deputy Administrator.

d. The head of Rates and Statistics may approve, in writing, a purchaser's resale rate schedules and any additions or modifications thereof, pursuant to a power contract providing therefor.

e. The Chief, Branch of Power Marketing, may approve load estimates of customers for use in resale rate determinations and service planning.

10.14 *Operation and maintenance.* a. The Chief, Branch of System Operations, may:

(1) Execute agreements with customers for the operation or maintenance of their equipment installed on premises of BPA or the customer;

(2) Execute agreements for the operation or maintenance by customers of BPA equipment;

(3) Execute agreements and make arrangements with customers and other persons for the performance of emergency repair service by or for BPA when an outage or similar emergency requires the immediate performance of the service and the furnishing of materials. Such arrangements may involve purchase, hire, or loan of equipment, materials, and services deemed necessary to correct the outage or emergency.

b. The Power Dispatchers of the Branch of System Operations each may make emergency arrangements for the sale, purchase, exchange, or wheeling of power including the charges applicable thereto, when an outage or similar emergency requires such action to prevent disruption of service or to restore interrupted service on the BPA system or an interconnected system.

c. The Area Managers, with respect to matters wholly within their respective areas, may:

(1) Exercise the authority described in section 10.13c(3) and section 10.14a;

(2) Exercise the authority described in section 10.14b when communication facilities are disrupted so that the Power Dispatchers of the Branch of System Operations are unable to exercise the authority of said paragraph;

(3) Execute joint pole contact agreements.

d. The Superintendents of Transmission Maintenance of the respective Area Offices each may, when the payment involved does not exceed $200, make arrangements and execute agreements with property owners or tenants for temporary access to BPA rights-of-way. This authority may be exercised only when it is advantageous to the Government in terms of efficiency and economy to use such temporary access.

e. The Chief, Branch of Maintenance, may exercise the authority described in section 10.14a(3).

10.15 *Land activities.* a. The Chief, Branch of Land, may:

(1) Authorize the acquisition of all interests in real estate necessary for the Administration's program, except electric utility system real properties, and authorize payment therefor;

(2) Negotiate and execute agreements for the acquisition of all interests in real estate and other rights and privileges pertaining to real property necessary for the Administration's program, except electric utility system real properties;

(3) Approve appraisals;

(4) Negotiate for the disposal of land and real property rights, except electric

utility system real properties, for which the Administration is the authorized disposal agency under delegations heretofore or hereafter made pursuant to the provisions of the Federal Property and Administrative Services Act of 1949, 63 Stat. 378, as amended, 40 U.S.C. 471 to 492 (1964);

(5) Execute conveyances for the full or partial release of easement rights relating to roads or highways to a State, political subdivision thereof, instrumentality of a State, and to a municipal corporation;

(6) Execute conveyances for the full or partial release of land and real property rights which are excess to the Administration's needs where the appraised value of the property being conveyed is less than $1,000;

(7) Determine, for the purpose of making reimbursements pursuant to the Act of May 29, 1958, 72 Stat. 152, 43 U.S.C. 1231 to 1234 (1958), the fair value of any parcel of land acquired by the Administration, fix the amounts of reimbursement to which owners and tenants of such parcels of land may be entitled under said Act for moving expenses, losses and damages, and authorize payment therefor;

(8) Execute agreements under which the Administration grants rights or privileges pertaining to real property;

(9) Authorize the publication of advertisements, notices, or proposals when required by law, and authorize payment therefor, pursuant to section 3828 of the Revised Statutes, 16 Stat. 308, 44 U.S.C. 324 (1964);

(10) Execute trust fund agreements for the accomplishment of work for others relating to real property owned by the Government, and other agreements necessary for the protection of land rights obtained by the Government, except those involving power contracts;

(11) Issue purchase orders for procuring title services.

b. The head, Appraisal Section, may exercise the authority described in section 10.15a(3).

c. The Assistant Chief, Branch of Land, the Head, Acquisition Section, and the head, Title Section, each may exercise the authority described in sections 10.15a (2) and (4). When the amount involved does not exceed $2,500, they may exercise the authority described in sections 10.15a (1), (8), (9), and (10).

d. The head, Title Section, may exercise the authority described in section 10.15a(11) when the amount of the purchase order does not exceed $1,500. The Conveyances Examiner for title services may exercise similar authority when the amount of the purchase order does not exceed $100.

e. The Engineering Division Tort Claims Officer and the Field Contact Officers may, when the payment involved does not exceed $200, negotiate and execute agreements with property owners or tenants for temporary access to BPA rights-of-way. This authority may be exercised only when it is advantageous to the Government in terms of efficiency and economy to use such temporary access.

(Secretary's Order No. 2840, 24 F.R. 3615; 205 DM 5.1; 205 DM 10, 28 F.R. 9884)

10.16 *Claims.* a. The head of the Disbursement Audit Section may compromise and finally settle such claims arising under contracts (except power contracts) as the Administrator is authorized to settle under the Bonneville Project Act as amended, 50 Stat. 731, 16 U.S.C. Chapter 12B (1964).

b. (1) The Assistant Administrator for Operation and Maintenance may, when the amount involved does not exceed $500, exercise the authority of the Administrator under section 12(a) of the Bonneville Project Act as amended, with respect to determining, settling, compromising, or paying claims of or against the Administration for damage to real or personal property.

(2) Area Managers, designated Field Contact Officers, and the Engineering Division Tort Claims Officer each may exercise the authority described in subparagraph b.(1) of this section when the amount allowed does not exceed $200.

10.17–10.19 [Reserved]

10.20 *Personnel—paid advertising for recruitment purposes.* The Chief, Branch of Personnel Management, may authorize paid advertising for recruiting for occupations that are in short supply, in accordance with the standards relative to paid advertising contained in the Federal Personnel Manual.

(379 DM 8.9)

10.21 *Employment of physicians.* The Chief, Branch of Personnel Management, and Servicing Personnel Officers may employ physicians to make authorized physical examinations of applicants and employees.

(379 DM 7; sec. 10(b), Bonneville Project Act, 50 Stat. 731 as amended, 16 U.S.C. Chapter 12B (1964))

10.22 *Testimony of employees.* The Chief, Branch of Personnel Management, may grant permission to BPA employees to testify concerning matters related to the business of the Government or the contents of official records in any judicial or administrative proceeding, in accordance with the provisions of 43 CFR 2.6.

(387 DM 2.11)

10.23 *Equal opportunity program—employment and contract compliance.* a. The Chief, Branch of Personnel Management, is designated Bureau Employment Policy Officer, Bureau Contracts Compliance Officer, and Bureau Coordinator to the Office for Equal Opportunity, Office of the Secretary.

b. The Area Managers are designated Area Employment Policy Officers for their respective areas.

c. These officers are responsible for implementing equal opportunity programs so as to comply with Departmental policies, procedures, and regulations, the Civil Rights Act, related statutes and applicable parts of Executive orders (including E.O. 10925, 11114, and 11197).

(Secretary's Order 2891, 30 F.R. 12500; 380 DM 3.1 and 404 DM 2.4; Executive Orders Nos. 11246 and 11247)

10.24—10.98 [Reserved]

10.99 *Revocation.* All other delegations of authority issued by the Administrator inconsistent with these delegations are hereby revoked.

Dated: June 28, 1968.

JOHN F. BALDINO,
Deputy Administrator.

[F.R. Doc. 68-8016; Filed, July 5, 1968; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

BOARD OF TRADE OF KANSAS CITY

Designation as Contract Market for Live Beef Feeder Cattle Under Commodity Exchange Act

Pursuant to the authorization and direction contained in the Commodity Exchange Act, as amended (7 U.S.C. 1–17b), I hereby designate the Board of Trade of Kansas City, Mo., as a contract market for live beef feeder cattle, effective on the date hereof, shown below. The said board of trade has applied for and has otherwise complied with the requirements imposed by the said act as a condition precedent to such designation.

This designation is subject to suspension or revocation in accordance with the provisions of the said act. For the purpose of any such suspension or revocation, this designation and the order issued by the Secretary of Agriculture on May 5, 1923, designating the said board of trade as a contract market under the provisions of the Grain Futures Act (42 Stat. 998), together with the orders issued by the Secretary of Agriculture on September 14, 1936, and September 10, 1956, under the provisions of the Commodity Exchange Act, designating the said board of trade as a contract market for the commodities specified in such orders, shall constitute a single designation.

Issued this second day of July 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-8054; Filed, July 5, 1968; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

BATTELLE MEMORIAL INSTITUTE ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains, and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 68-00636-50-02000. Applicant: Battelle Memorial Institute, Pacific Northwest Laboratory, Post Office Box 999, Richland, Wash. 99352. Article: Sonic anemometer thermometer, Model PAT-311-1. Manufacturer: Kaijo Denki Co., Ltd., Japan. Intended use of article: The article will be used for precise measurement of the turbulent character of the atmosphere to determine correlations between temperature fluctuation and wind fluctuation for the same point in the atmosphere as well as correlations between wind fluctuation components at a number of points. Application received by Commissioner of Customs: June 7, 1968.

Docket No. 68-00637-50-02000. Applicant: Battelle Memorial Institute, Pacific Northwest Laboratory, Post Office Box 999, Richland, Wash. 99352. Article: Sonic anemometer and Anemometer-thermometer, Models PA-311 and PAT 311-1. Manufacturer: Kaijo Denki Co., Ltd., Japan. Intended use of article: The articles will be used for precise measurement of the turbulent character of the atmosphere to determine correlations between temperature fluctuation and wind fluctuation for the same point in the atmosphere as well as correlations between wind fluctuation components at a number of points. Application received by Commissioner of Customs: June 7, 1968.

Docket No. 68-00640-33-46500. Applicant: Michael Reese Hospital and Medical Center, 29th Street and Ellis Avenue, Chicago, Ill. 60616. Article: Ultramicrotome, Model LKB 8800, Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for cutting large areas of tissue of uniform thickness from 50 Angstroms to 2 microns for studying the vasculature of the lung under different conditions of disease processes and experimental situations. Application received by Commissioner of Customs: June 7, 1968.

Docket No. 68-00641-33-46500. Applicant: American Registry of Pathology, Armed Forces Institute of Pathology, Washington, D.C. 20305. Article: Ultramicrotome, Model SIDEA ("Om U2"). Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used for sectioning sections of bone-containing tissue about 600 Angstrom units in thickness for electron microscopy associated with research concerning calcification and bone formation. Application received by Commissioner of Customs: June 10, 1968.

Docket No. 68-00642-33-46500. Applicant: Duke University Medical Center, Durham, N.C. 27706. Article: Ultramicrotome, Model SIDEA ("Om U2"). Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used to produce uniform, high quality ultrathin sections for study of membrane ultrastructure by electron microscopy. The study contemplated concerns evidence of subunit organizations in unit membranes. Application received by Commissioner of Customs: June 11, 1968.

Docket No. 68-00643-33-47295. Applicant: Texas A&M University, Department of Biology, College Station, Tex. 77843. Article: Monitoring tank for recording movement of fish. Manufacturer: Assembled by scientists and technicians at McMasters University, Canada. Intended use of article: The article will be used for research in the role of sensory information in orientation of fish and their movements. Application received by Commissioner of Customs: June 11, 1968.

Docket No. 68-00644-33-46500. Applicant: Armed Forces Institute of Pathology, Room 318, 14th and Alaska Avenues NW., Washington, D.C. 20305. Article: Ultramicrotome, LKB 8800 Ultrotome III. Manufacturer: LKB Produkter, AB, Sweden. Intended use of article: The article will be used to section nerve tissue, rendering it suitable for examination with the electron microscope at magnifications of up to 50,000 times. The tissues to be studied include normal human and animal material as well as tissues suffering from natural diseases, including the aging process. Application received by Commissioner of Customs: June 12, 1968.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68-8000; Filed, July 5, 1968; 8:45 a.m.]

MARYLAND STATE DEPARTMENT OF HEALTH ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 68-00615-33-29595. Applicant: Maryland State Department of Health, 301 West Preston Street, Baltimore, Md. 21201. Article: Extractor hooks, No. 34768. Manufacturer: Glaxo-Allenburys Ltd., Canada. Intended use of article: The article will be used by clinicians in family planning clinics to remove an intrauterine device from the female vaginal area. Application received by Commissioner of Customs: May 29, 1968.

Docket No. 68-00618-33-46060. Applicant: Polyclinic Hospital, 345 West 50th Street, New York, N.Y. 10019. Article: Operation microscope, Model SN MD. Manufacturer: Nagashima Medical Instrument Co., Japan. Intended use of article: The article will be used for postgraduate training of otolaryngologists in the field of otologic microsurgery as well as for research in the same area. Application received by Commissioner of Customs: June 3, 1968.

Docket No. 68-00624-01-28200. Applicant: North Carolina State University, 107 1911 Building, Raleigh, N.C. 27607. Article: Electron spin resonance instrument, Model JES-ME-3X. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article:

The article will be used for specific projects involving:

(1) The analytical determination of free radical intermediates in gas samples produced by the photolysis of hexafluoroacetone in the presence of various halogens, hydrogen halides, and water additives.

(2) Fundamental studies of the wave functions for polycyclic alternate hydrocarbon cation and anion radicals necessitate the determination of high resolution spectra for these compounds since the unpaired electron wave function for these molecules is delocalized over many carbon atoms and shows a large number of proton hyperfine lines in a relatively small range of magnetic fields.

(3) The electron paramagnetic resonance hyperfine structure for radicals of trithioorthoformate and tetrathioorthocarbonate esters and the conjugating effect of sulfur in these radicals will be determined.

Application received by Commissioner of Customs: June 3, 1968.

Docket No. 68-00629-00-11000. Applicant: Washington University School of Medicine, Lindell and Skinker, St. Louis, Mo. 63130. Article: Gas chromatograph-mass spectrometer accessories; one mass marker and one heated inlet. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The articles will be used in conjunction with a gas chromatograph-mass spectrometer for medical research. Application received by Commissioner of Customs: June 6, 1968.

Docket No. 68-00630-88-46040. Applicant: Yale University, Bureau of Purchases, 20 Ashmun Street, New Haven, Conn. 06520. Article: Electron microscope, Model EM6-G. Manufacturer: Associated Electronics Industries, United Kingdom. Intended use of article: The article will be used for a wide range of research projects which include investigations of the structure of near-amorphous thin films, studies of the crystallographic perfection of epitaxial thin films, and platelets, observation of surface uniformity of thin films, and platelets, structure of oxide surface layers, and observation of microstructure in materials of geological interest. Application received by Commissioner of Customs: June 6, 1968.

Docket No. 68-00633-85-14040. Applicant: Colorado State University, Fort Collins, Colo. 80521. Article: Stereocomparator, Model Wild STK-1. Manufacturer: Wild Heerbrugg Instruments, Inc., Switzerland. Intended use of article: The article will be used as a research tool to obtain precise coordinate measurements of selected points from photographs of hydraulic river models: prototype terrain models of hydraulic, hydrologic, and geologic interest; and from models of certain phenomena in atmospheric science, physics, structures, and biomedical science. Application received by commissioner of customs: June 7, 1968.

Docket No. 68-00634-00-00500. Applicant: The Pennsylvania State University, University Park, Pa. 16802. Article: Ray scattering table, Mark I. Manufacturer: Machinefabriek Stork-Jansen and Sutorius, N.V., the Netherlands. Intended use of article: The article will be used in conjunction with a Van de Graff accelerator to investigate gamma-ray cascades emitted from highly excited nuclei. Application received by commissioner of Customs: June 7, 1968.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68-8001; Filed, July 5, 1968; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

α,α,α-TRIFLUORO-2,6-DINITRO-N,N-DIPROPYL-p-TOLUIDINE

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 8F0731) has been filed by the Elanco Products Co., a division of Eli Lilly and Co., Indianapolis, Ind. 46206, proposing the establishment of a tolerance of 0.05 part per million for negligible residues of the herbicide trifluralin (α,α,α-trifluoro-2,6-dinitro-*N*,*N*-dipropyl-*p*-toluidine) in or on the raw agricultural commodity group citrus fruits.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic technique.

Dated: June 27, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8040; Filed, July 5, 1968; 8:48 a.m.]

GEIGY INDUSTRIAL CHEMICALS

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8B2305) has been filed by Geigy Industrial Chemicals, Division of Geigy Chemical Corp., Ardsley, N.Y. 10502, proposing the issuance of a regulation to provide for the safe use of tetrakis [methylene(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)] methane as an antioxidant and/or stabilizer in ethylene-methacrylic acid copolymers complying with § 121.2582 (21 CFR 121.2582) and in ethylene-acrylic acid copolymers complying with § 121.2564 (21 CFR 121.2564) when such copolymers are used in the manufacture of food-contact articles.

Dated: June 27, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8041; Filed, July 5, 1968; 8:48 a.m.]

W. R. GRACE & CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8B2371) has been filed by W. R. Grace & Co., Dewey and Almy Chemical Division, 62 Whittemore Avenue, Cambridge, Mass. 02140, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of naphthalene sulfonic acid-formaldehyde condensate, sodium salt, in sealing compounds intended for use in the seams of food pails and drums.

Dated: June 27, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8042; Filed, July 5, 1968; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-268]

GENERAL ELECTRIC CO.

Notice of Amendment of Provisional Construction Permit

Please take notice that the Atomic Energy Commission has issued the amendment set forth below modifying Construction Permit No. CPCSF-3 issued December 28, 1967, authorizing the General Electric Co. to construct the Midwest Fuel Recovery Plant (MFRP) at its site near Morris, Ill. The amendment provides that in the event the Commission establishes a policy and regulations for ultimate disposition of fuel reprocessing plant radioactive wastes, the Commission may require the applicant to remove from the MFRP for storage at a regional or national disposal site designated by the Commission the radioactive wastes stored inside the MFRP, particularly the high level wastes.

By a letter dated April 10, 1968, the Commission notified the General Electric Co. that the Commission intended to modify Construction Permit No. CPCSF-3 to incorporate this requirement. In its reply to the Commission by letter dated June 5, 1968, and telegram dated June 25, 1968, the applicant agreed to the amendment in the form in which it has been issued.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person whose interest may be affected by the issuance of this amendment to Construction Permit No. CPCSF-3 may file a petition for leave to intervene and request for hearing. Petitions to intervene shall be filed in accordance with the provisions of the Commission's "Rules of Practice", 10 CFR Part 2. If a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this issuance, see (1) the transcript of record of hearing on the application for a construction permit for the MFRP, (2) the Commission's letters dated September 15, 1967, and April 10, 1968, and (3) the applicant's letter dated June 5, 1968, and telegram dated June 25, 1968, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 28th day of June 1968.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director,
Division of Materials Licensing.

[CONSTRUCTION PERMIT No. CPCSF-3, AMDT. 1]

AMENDMENT TO PROVISIONAL CONSTRUCTION PERMIT

In accordance with the notice given by letter from the Commission dated April 10, 1968, and the response by the applicant in communications dated June 5, and June 25, 1968, and the Commission's "Rules of Practice", 10 CFR Part 2, and "Licensing of Production and Utilization Facilities", 10 CFR Part 50, Construction Permit No. CPCSF-3 issued to the General Electric Co. is hereby amended by adding the following subparagraph to paragraph 2:

D. In the event the Commission establishes a policy and regulations for ultimate disposition of fuel reprocessing plant radioactive wastes, the Commission may require the applicant to remove from the MFRP for storage at a regional or national disposal site designated by the Commission the radioactive wastes stored inside the MFRP, particularly the high activity wastes.

Date of issuance: June 28, 1968.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director,
Division of Materials Licensing.

[F.R. Doc. 68-7997; Filed, July 5, 1968; 8:45 a.m.]

[Docket No. 50-1]

IIT RESEARCH INSTITUTE

Notice of Issuance of Amended Facility License

The Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 8 set forth below, to Facility License No. R-3. The amendment authorizes IIT Research Institute to possess, but not to operate its homogeneous solution type nuclear research reactor located in Chicago, Ill.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amended facility license may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's "Rules of Practice," 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this proposed issuance, see (1) the application dated November 17, 1967, and amendments thereto, and (2) the related Safety Evaluation prepared by the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 26th day of June 1968.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[License No. R-3, Amdt. 8]

AMENDMENT OF UTILIZATION FACILITY LICENSE

The Atomic Energy Commission ("the Commission") has found that:

1. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations set forth in Title 10, CFR, Chapter 1;

2. There is reasonable assurance that the facility can be possessed at the designated location without endangering the health and safety of the public;

3. IIT Research Institute is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations;

4. Issuance of this license amendment will not be inimical to the common defense and security or to the health and safety of the public; and

5. Prior public notice of the proposed issuance of this amendment is not required since possession of the reactor does not involve significant hazards considerations different from those previously evaluated.

Accordingly, Facility License No. R-3, as amended, is amended in its entirety to read as follows:

1. This license applies to the reactor facility which is owned by the IIT Research Institute and located in Chicago, Ill., and for which Construction Permit (later designated CPRR-2) was issued by the Commission on March 28, 1955, to Armour Research Foundation of Illinois Institute of Technology (later changed to IIT Research Institute).

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses IIT Research Institute:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities," to possess, but not to operate, the facility as a utilization facility in accordance with the application for amendment dated November 17, 1967, as supplemented December 1, 1967, and March 6, 1968, and as specified otherwise in this license;

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material," to possess:

(1) 1.800 kilograms of contained uranium-235 in uranyl sulphate solution as fuel for the facility;

(2) 10 grams of contained uranium-235 in neutron measuring instruments incorporated in the facility; and

(3) 16 grams of plutonium encapsulated in a 1 curie Pu-Be neutron source for the reactor.

C. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Rules of General Applicability to Licensing of Byproduct Material," to possess, but not to separate, such byproduct material as may have been produced by operation of the facility.

3. This license shall be deemed to contain and be subject to the conditions specified in 10 CFR Part 20, § 30.34 of Part 30, §§ 50.54 and 50.59 of Part 50 and § 70.32 of Part 70; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect, and is subject to the additional conditions specified below:

A. IIT shall not operate the facility unless the Commission has authorized such operation by further amendment to this license.

B. IIT shall not permit the transfer of fuel solution from the reactor vessel into shipping containers until the procedures for such transfer are submitted to and approved by the Commission.

C. The control rods shall be kept fully inserted in the core and mechanical stops shall be provided to prevent any lifting of the rods. The control rod drives shall remain deenergized.

D. As long as the fuel solution remains in the reactor vessel, the nuclear and temperature sensors in the reactor, and all radiation monitors in the reactor bay and in the ventilation stack shall remain in operation. The status of the facility, including the condition of the fuel solution, the operability of the nuclear and temperature sensors and of the ventilation system shall be checked on a daily basis.

E. The reactor bay ventilation system shall remain in operation to maintain a negative pressure relative to the surrounding areas.

F. All doors to the reactor bay, subpile room, and the reactor control room shall be kept locked, and access limited to duly authorized personnel.

G. The 1 curie Pu-Be neutron source previously used for startup of the reactor shall be leak tested on the schedule described in the application for amendment of license dated March, 15, 1963.

4. In addition to those records previously required under this license and applicable regulations, IIT shall keep the following records:

A. Facility inspection records, including a log of the daily inspections performed while the fuel solution remains in the reactor vessel.

B. Records showing radioactivity released or discharged into the air or water beyond the effective control of IIT as measured at the point of such release or discharge.

5. In addition to those reports required by applicable AEC regulations, IIT shall report any indication or occurrence of a possible unsafe condition relating to the facility or to the public. For each occurrence, IIT shall promptly notify, by telephone or telegraph, Region III, AEC Division of Compliance, and shall submit within 10 days a report in writing to the Director, Division of Reactor Licensing, with a copy to the Regional Compliance Office.

6. This license is effective as of the date of issuance and shall expire at midnight, March 28, 1975, unless sooner terminated.

Date of issuance: June 26, 1968.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 68-7998; Filed, July 5, 1968; 8:45 a.m.]

[Docket No. 50-188]

KANSAS STATE UNIVERSITY

Notice of Proposed Issuance of Facility License Amendment

The Atomic Energy Commission ("the Commission") is considering the issuance of Amendment No. 3, in the form set forth below, to Facility License No. R-88. The license authorizes Kansas State University to operate its TRIGA Mark II pool-type nuclear reactor on the campus at Manhattan, Kans., at power levels up to 100 kwt. The amendment would authorize the University to operate the reactor at power levels up to 250 kwt and in a pulsing mode, in accordance with Technical Specifications to be incorporated into the amended license.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for hearings and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated May 23, 1967, and amendment thereto dated February 20, 1968, and (2) a related Safety Evaluation prepared by the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545. Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 26th day of June 1968.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[License No. R-88, Amdt. 3]

PROPOSED AMENDED FACILITY LICENSE

The Atomic Energy Commission (hereinafter "the Commission") has found that:

A. The application for license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter "the Act"), and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

B. The reactor has been constructed in conformity with Construction Permit No. CPRR-66 and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

C. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

D. Kansas State University is technically and financially qualified to operate the reactor, to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed activities in accordance with the Commission's regulations;

E. The possession and operation of the reactor and the receipt, possession, and use of special nuclear and byproduct materials in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

F. Kansas State University is a nonprofit educational institution and will use the reactor for the conduct of educational activities, and is therefore exempt from the financial protection requirement of subsection 170a of the Act. The University has executed an indemnity agreement pursuant to 10 CFR Part 140.

Facility License No. R-88, as amended, is hereby amended in its entirety to read as follows:

1. This license applies to the TRIGA Mark II nuclear reactor (hereinafter "the reactor") which is owned by Kansas State University and located on the University's campus in Manhattan, Kans., and described in the University's application for license dated April 7, 1961, and amendments thereto, including the application for amendment dated May 23, 1967, and amendment thereto dated February 20, 1968 (herein referred to as "the application"), and authorized for construction by Construction Permit No. CPRR-66.

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Kansas State University (hereinafter "the licensee").

A. Pursuant to section 104c of the Act and Title 10, Chapter 1, CFR, Part 50, "Licensing of Production and Utilization Facilities," to possess, use and operate the reactor as a utilization facility at the designated location in Manhattan, Kans., in accordance with the procedures and limitations described in the application and this license;

B. Pursuant to the Act and Title 10, Chapter 1, CFR, Part 70, "Special Nuclear Material," to receive, possess and use up to 2.680 kilograms of contained uranium-235 for use in connection with operation of the reactor; and

C. Pursuant to the Act and Title 10, Chapter 1, CFR, Part 30, "Rules of General Applicability to Licensing of Byproduct Material," to receive, possess, and use a 2-curie sealed americium-beryllium neutron source and a 7-curie sealed polonium-beryllium neutron source (Monsanto Item NS-1, Serial No. N-693) for reactor startup; and to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

3. This license shall be deemed to contain and be subject to the conditions specified in Part 20, § 30.34 of Part 30, §§ 50.54 and 50.59 of Part 50, and section 70.32 of Part 70, and is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. *Maximum Power Level.* The licensee may operate the reactor at steady-state power levels up to a maximum of 250 kilowatts (thermal).

B. *Technical Specifications.* The Technical Specifications for operation at power levels up to 250 kilowatts (thermal) contained in Appendix A hereto are hereby incorporated into this license. The licensee shall operate the reactor in accordance with these Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in section 50.59 of 10 CFR Part 50.

C. *Records.* In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

1. Reactor operating records, including power levels and periods of operation at each power level.

2. Records showing reactivity released or discharged into the air or water beyond the effective control of the licensee as measured at or prior to the point of such release or discharge.

3. Records of emergency shutdowns and inadvertent scrams, including reasons therefor.

4. Records of maintenance operations involving substitution or replacement of reactor equipment or components.

5. Records of experiments installed including description, reactivity worths, locations, exposure time, total irradiation and any unusual events involved in their handling.

6. Records of tests and measurements performed pursuant to the Technical Specifications.

D. *Reports.* In addition to reports otherwise requried by applicable regulations:

1. The licensee shall inform the Commission of any incident or condition related to the operation of the reactor which prevented or could have prevented a nuclear system from performing its safety function as described in the Technical Specifications. For each such occurrence, the licensee shall promptly notify by telephone or telegraph the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of 10 CFR Part 20 and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing (hereinafter, "Director, DRL"), with a copy to the Regional Compliance Office.

2. The licensee shall report to the Director DRL, in writing within thirty (30) days of its occurrence, any substantial variance disclosed by operation of the reactor from performance specifications contained in the safety analysis report or the Technical Specifications.

3. The licensee shall report to the Director, DRL, in writing within thirty (30) days of its occurrence, any significant change in the transient or accident analysis, as described in the safety analysis report.

4. This amendment is effective as of the date of issuance, and shall expire at midnight, August 15, 2001.

Date of issuance:

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

Attachment: Appendix A.[1]

[F.R. Doc. 68-7999; Filed, July 5, 1968; 8:45 a.m.]

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

CIVIL AERONAUTICS BOARD

ALLEGHENY AIRLINES, INC.

Notice of Application for Amendment of Certificate of Public Convenience and Necessity

JULY 1, 1968.

Notice is hereby given that the Civil Aeronautics Board on July 1, 1968, received an application, Docket 20012, from Allegheny Airlines, Inc., for amendment of its certificate of public convenience and necessity for route 97 to authorize it to engage in nonstop service between Dayton, Ohio, and New York, N.Y., and between Indianapolis, Ind., and New York, N.Y. The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 68-8028; Filed, July 5, 1968; 8:47 a.m.]

EMERY AIR FREIGHT CORP.

Notice of Application for Tariff-Filing Authority Pickup and Delivery Zone

JULY 2, 1968.

In accordance with Part 222 (14 CFR, Part 222) of the Board's Economic Regulations (effective June 12, 1964), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 20009, from Emery Air Freight Corp., Post Office Box 322, Wilton, Conn. 06897, for authority to provide for pickup and delivery service between Newark, N.J., and the following points:

MERCER COUNTY

Clarksville.	Penns Neck.
East Windsor.	Princeton.
Ewing.	Robbinsville.
Hamilton.	Rosedale.
Hopewell.	Trenton.
Kingston.	Titusville.
Lawrenceville.	West Trenton.
Mercerville.	West Windsor.
Pennington.	Yardville.

MIDDLESEX COUNTY

Dayton.	Plainsboro.
Helmetta.	South Brunswick.
Monroe.	

MONMOUTH COUNTY

Allentown.	New Shrewsbury.
Englishtown.	Red Bank.
Fort Monmouth.	Roosevelt.
Highlands.	West Long Branch.
Manalapan.	

MORRIS COUNTY

Chester.	Mount Arlington.
Harding Township.	Mount Olive.
Jefferson Township.	Netcong.
Kinnelon.	Passaic Township.
Mendham.	Randolph Township.
Mine Hill.	Roxbury.
Morris Township.	Victory Gardens.

PASSAIC COUNTY

Ringwood.	West Milford.
Wanaque.	

SOMERSET COUNTY

Bedminster.	Gladstone.
Bernards.	Hillsborough.
Bernardsville.	Millstone.
Branchburg.	Montgomery.
Bridgewater.	Neshanic.
Far Hills.	Peapack.
Franklin.	Rocky Hill.

Under the provisions of section 222.3 (c) of Part 222, interested persons may file an answer in opposition to or in support of this application within fifteen (15) days after publication of this notice in the FEDERAL REGISTER. An executed original and 19 copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and include such economic data and facts as are relied upon, and shall be served upon the applicant and state the date of such service.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 68-8029; Filed, July 5, 1968; 8:48 a.m.]

[Docket 19201; Order 68-7-10]

SERVICE TO WHITE PLAINS, NEW YORK

Order Regarding Petitions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of July 1968.

By Order E-25913, November 2, 1967, the Board instituted an investigation to determine whether it should authorize air service over new segments between White Plains, N.Y., on the one hand, and Chicago, Ill., Cincinnati and Cleveland, Ohio, Pittsburgh, Pa., and St. Louis, Mo., on the other hand. On April 25, 1968, the Board issued an order, E-26711, disposing of various petitions for reconsideration, motions to consolidate, answers to such pleadings, and petitions for leave to intervene. Order E-26711, among other things, (1) expanded the scope of the investigation to include service to Islip; (2) denied requests to include in the investigation service to Bridgeport and New Haven, Conn., Trenton, N.J., and Columbus, Ohio; (3) imposed pretrial restrictions (a) to preclude single-plane service to Boston, Mass., or Providence, R.I., on the one hand, and each of the western terminals, on the other hand, and (b) to preclude service to Kennedy, La Guardia and Newark Airports on flights operated over a newly awarded segment in this proceeding.

On May 6, 1968, a petition for reconsideration and clarification of Order E-26711 was filed by Mohawk, and a petition for reconsideration was filed by the city of Bridgeport. In addition, amended applications to serve Islip, together with motions for consolidation, have been filed by Allegheny, Docket 19375; American, Docket 19305; Eastern, Docket 19372; Frontier, Docket 19268; Northwest, Docket 19371; and Ozark, Docket 19286. Mohawk has also filed a motion for consolidation of its application to serve Islip, Docket 19374.

Mohawk's petition for reconsideration and clarification requests the Board to impose the same pretrial restrictions precluding single-plane service in the Islip markets which the Board has imposed in the White Plains markets. It also asks that a pretrial restriction be imposed to prohibit single-plane service between Hartford/Springfield and the five western terminals in issue. Bridgeport seeks reconsideration of Order E-26711 insofar as it denies Bridgeport's motion for consolidation of Docket 16696 and insofar as it denies Bridgeport's prior petition for reconsideration to expand the proceeding to include Bridgeport-midwest service issues. Bridgeport does not contest the inclusion of service to Islip in this case, but contends that the standards which dictate inclusion of Islip also dictate the inclusion of Bridgeport.

Upon consideration of the matters set forth in these documents, we have decided to grant Mohawk's petition. The same pretrial restrictions should be imposed in the White Plains and Islip markets. We also believe that the reasons for imposing a pretrial restriction prohibiting single-plane service between Boston or Providence, on the one hand, and the five western terminals, on the other hand, are equally applicable to Hartford/Springfield. We will therefore impose a pretrial restriction prohibiting single-plane service between Hartford/Springfield, on the one hand, and the five western terminals, on the other hand. Upon consideration of Bridgeport's petition for reconsideration, we find that the matters set forth in the petition were previously considered and rejected by the Board. Bridgeport's petition will therefore be dismissed. We further find that the amended applications to serve Islip and the application of Mohawk should be consolidated with this proceeding.

Accordingly, it is ordered, That:

1. The petition for reconsideration and clarification of Mohawk Airlines, Inc., be and it hereby is granted;

2. The petition for reconsideration filed by the city of Bridgeport, Conn., be and it hereby is dismissed;

3. Ordering paragraph 2 of Order E-26711 be and it hereby is amended to read:

"2. The following applications be and they hereby are consolidated with Docket 19201 for hearing, except as otherwise provided: Allegheny Airlines, Inc., amendment No. 1 to Docket 19375; American Airlines, Inc., amendment No. 1 to Docket 19305; Braniff Airways, Inc., Docket 19377; Eastern Air Lines, Inc., amendment No. 1 to Docket 19372; Frontier Airlines, Inc., amendment to Docket 19268 requesting the authorization of White Plains and Islip as separate terminal points; [1] Lake Central Airlines, Inc., Docket 19328; Mohawk Airlines, Inc., Dockets 19366 and 19374; Northwest

[1] Frontier's amendment No. 1 to Docket 19268, which seeks White Plains and Islip as coterminals, is outside the scope of the issues and will not be consolidated.

Airlines, Inc., amendment No. 1 to Docket 19371; Ozark Air Lines, Inc., amendment No. 1 to Docket 19286; Trans World Airlines, Inc., Docket 19290; and United Air Lines, Inc., Docket 19373; subject to the following conditions:

"(a) Single-plane service between Boston, Mass., or Providence, R.I., or Hartford, Conn./Springfield, Mass., on the one hand, and Chicago, Ill., or Cincinnati or Cleveland, Ohio, or Pittsburgh, Pa., or St. Louis, Mo., on the other hand, shall not be authorized; and

"(b) Any award herein shall not authorize service to Kennedy, La Guardia, or Newark Airports on flights operated over a newly awarded segment;"

4. Except to the extent granted herein, all motions, petitions, and requests for relief be and they hereby are denied.

5. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc 68-8030; Filed July 5, 1968; 8:48 a.m.]

CIVIL SERVICE COMMISSION

ECONOMIST-ANALYST, PUBLIC LAND LAW REVIEW COMMISSION

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Commission found a manpower shortage on June 10, 1968, for the position of Economist-Analyst, Public Land Law Review Commission, Washington, D.C. This finding will terminate automatically when the position is filled.

Assuming other legal requirements are met, the appointee to this position may be paid for the expenses of travel and transportation to his first duty station.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-8019; Filed, July 5, 1968; 8:47 a.m.]

DEAN OF ACADEMIC AFFAIRS, WASHINGTON TECHNICAL INSTITUTE

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on June 4, 1968, for the single position of Dean of Academic Affairs, Washington Technical Institute, Washington, D.C. This finding is self-canceling after the agency has utilized the authority.

Assuming other legal requirements are met, the appointee to this position may be paid for the expense of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-8020; Filed, July 5, 1968; 8:47 a.m.]

VOCATIONAL REHABILITATION PROGRAM SPECIALIST (MENTALLY HANDICAPPED)

Manpower Shortage; Notice of Listing

Under the provision of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on June 14, 1968, for the single position of Vocational Rehabilitation Program Specialist (Mentally Handicapped), GS-101-12, Rehabilitation Services Administration, Social and Rehabilitation Service, Department of Health, Education, and Welfare, Washington, D.C. This finding terminates when the position is filled.

Assuming all other legal requirements are met, the appointee to this position may be paid for the expenses of travel and transportation to the first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-8021; Filed, July 5, 1968; 8:47 a.m.]

STATISTICIAN (AGRICULTURE)

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on June 18, 1968, for the single position of Statistician (Agriculture) GS-1530-14, Bureau of the Census, Department of Commerce, Washington, D.C. This finding terminates when the position is filled.

Assuming all other legal requirements are met, the appointee to this position may be paid for the expenses of travel and transportation to the first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-8022; Filed July 5, 1968; 8:47 a.m.]

LAW CLERK TRAINEE (ESTATE TAX), NATIONWIDE

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has established special minimum salary rates and rate ranges as follows:

GS-954 Law Clerk Trainee (Estate Tax)

Geographic coverage: Nationwide.
Effective date: First day of the first pay period beginning on or after June 16, 1968.

Grade	PER ANNUM RATES									
	1[1]	2	3	4	5	6	7	8	9	10
GS-7	$7,634	$7,859	$8,084	$8,309	$8,534	$8,759	$8,984	$9,209	$9,434	$9,659
GS-9	8,592	8,861	9,130	9,399	9,668	9,937	10,206	10,475	10,744	11,013

[1] Corresponding statutory rates: GS-7—fifth; GS-9—third.

NOTE: This action further extends to this newly established job category the special rates established for Estate Tax Examiner, GS-920-7/9 and previously extended to cover Attorney (Estate Tax), GS-905-7/9. The action is being taken primarily as an interim device to permit a period of orderly transition as the recruitment of persons for estate tax work in the Internal Revenue Service is shifted from series GS-920 to GS-905 and GS-954.

As of the effective date, the agency will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the statutory rates shall receive basic compensation at the corresponding numbered rate authorized by this letter on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

Under the provisions of section 3-2b, Chapter 571, FPM, agencies may pay the travel and transportation expenses to first post of duty, under 5 U.S.C. 5723, of new appointees to these positions.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-8023; Filed, July 5, 1968; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 18225, 18226; FCC 68-671]

MACE BROADCASTING CO. AND HERB NEWCOMB

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of James Mace trading as Mace Broadcasting Co., Globe, Ariz., request: 1240 kc, 250 w, U, Class IV, Docket No. 18225, File No. BP-17008; Herb Newcomb, Globe, Ariz., requests: 1240 kc, 250 w, U, Class IV, Docket No. 18226, File No. BP-17495; for construction permits.

1. The Commission has before it for consideration (a) the above-captioned mutually exclusive applications, as amended; (b) petitions to deny the applications, filed by Willard Shoecraft, licensee of Station KIKO, Miami, Ariz.; and (c) pleadings in opposition and reply thereto.

2. Willard Shoecraft (hereafter KIKO) bases his claim of standing as a party in interest on the ground that the proposed stations would be in direct competition with Station KIKO for advertising revenue and audience and would divert advertising revenue and listeners from KIKO, resulting in an adverse economic impact on the Miami station. Globe and Miami, with populations of 6,217 and 3,350, respectively, are only about 4 miles apart and both are in Gila County, population 25,745.[1] Since the applicants would provide service to Miami, the Commission finds that the petitioner does have standing as a party in interest within the meaning of section 309(d)(1) of the Communications Act of 1934, as amended, and § 1.580(i) of the Commission's rules. FCC v. Sanders Bros. Radio Station, 309 U.S. 470, 9 RR 2008 (1940).

3. Petitioner first contends that neither applicant is financially qualified. According to the Mace application, first-year cash requirements for construction and operation total $32,625, consisting of: $1,715 for station equipment (in addition to that already owned by the applicant); $2,800 for payments on land; $500 for building; $2,250 miscellaneous; and $25,360 for working capital. As to Mace's documented resources to cover the above expenses, KIKO states that after deducting $12,300 in current notes payable, the applicant's available liquid funds total only $8,375, and therefore are $24,250 short of the requirement. In amendments filed subsequent to the petition,[2] Mace documents a total of $22,801 in net liquid available assets, consisting of land option fee payment of $100, advance application expense payments of $1,890, a substantial personal loan of $5,000, and cash or liquid assets in excess of current liabilities in the amount of $15,811. Also, subsequent to KIKO's petition, Mace submitted $10,700 in prospective advertising commitments which can be credited to the applicant under the Ultravision standard,[3] thus making a total of $33,501 to meet the $32,625 requirement.

4. Petitioner also argues that Mace's $25,360 first-year operating expense estimate is unrealistically low, pointing out that its own yearly broadcast expenses (KIKO is also a Class IV operation) were almost three times as high. KIKO asserts that neither the salaries for the proposed three employees (three announcers @ $3,000 per annum), nor a staff of only five persons (Mr. Mace will act as chief engineer as well as general manager, and Mrs. Mace "will be available for duties at the station during all hours of operation") is realistic. By way of comparison, KIKO indicates that its operation utilizes a staff (part and full-time) of 13 persons. KIKO indicates that Mace will have to pay salaries higher than $3,000 or $4,000 per year, and points out that despite the proposed 125 hour schedule, no provision is made in the budget for overtime pay.

5. Although KIKO apparently confines its challenge of Mace's staffing proposal to the financial considerations, we are of the view that a staffing issue is also necessary. In Semo Broadcasting Corp., FCC 62R-132, 24 RR 605 (1962), the "basic staff" of one of the applicants was listed as a manager, two announcers, a chief engineer and a copywriter-stenographer. Also, as pointed out by the competing applicant in that case, the proposal contemplated 7.75 percent live programing, and there was no provision for salesmen. A staffing issue was included on the basis that "* * * the employment of the one engineer as proposed will not suffice in light of the proposed 84 hour per week operation", and that "a similar question obtains as to the employment of two announcers".[4] The sum and substance of the Mace staff is only three engineer-announcers, one of whom will have a first class license and each of whom will work an 8-hour day, with Mr. and Mrs. Mace "available for duties at the station during all hours of the operation". Furthermore, 12.2 percent live programing is proposed in a 125 hour weekly schedule.

6. As to KIKO's comparison with its own staff, while this is not necessarily a true measure of minimum staff requirements in the area it does provide some concrete indicia of staffing needs and practices in the market. In any case, we find that the applicant's proposed staff and estimated operating expenses of $25,360 are marginal at best, and raise a substantial question of fact as to whether this staff would be adequate to properly effectuate the proposal. Accordingly, we are adding a staffing issue and, in light of the inordinately low operating expense estimate, a financial issue to determine the basis for that estimate.

7. Based on his most recent balance sheet,[5] the remaining applicant, Herb Newcomb, will have a total of $18,400 available consisting of $3,900 in cash and $14,500 in readily marketable securities. The applicant also shows as an asset

[1] All population figures are from the 1960 U.S. Census.

[2] In its responsive pleading entitled "Motion to Dismiss Opposition to Petition to Deny Application and Reply to Showing in Applicant's Amendment to Application", filed Dec. 13, 1966, KIKO contends that the applicant's opposition, filed Nov. 23, 1966, in effect incorporated by reference the comprehensive amendment to said application, which amendment, dated Nov. 22, 1966, "contains many alleged facts, which are presented in an effort to rebut the deficiencies in the proposal cited in the Petition to Deny." KIKO states that although the amendment is "subscribed and sworn to" by the applicant, the allegations of fact therein and incorporated by reference in the opposition, are not "supported by affidavit of a person or persons with personal knowledge thereof," as required (for pleadings) by section 309(d)(1) of the Act and § 1.580(j) of the rules, and that accordingly Mace's opposition pleading should be dismissed. We find this argument lacks merit. Although the applicant's opposition was not supported by affidavit (being merely signed by the attorney for the applicant), the amendment is properly executed by the applicant, Mr. Mace, in accordance with section 308(b) of the Act and § 1.513(a) of the rules. In the brief two page opposition pleading, Mace does not actually allege any new specific facts, but merely argues that petitioner's financial and programing objections have been obviated by the amendment.

[3] Ultravision Broadcasting Company, 1 FCC 2d 544, 5 RR 2d 343 (1965).

[4] Similarly, in Little Dixie Radio, Inc., FCC 67-1329, 11 RR 2d 1083 (1967), where the applicant proposed a staff consisting of a general manager, a combined station manager and program director, and an engineer, with 2.75 percent live programing per week we added a staffing issue. See also Clarkston Broadcasters, FCC 68-377, released Apr. 16, 1968.

[5] KIKO also challenges this submission on procedural grounds, alleging that although there is considerable factual data in Newcomb's opposition, filed June 16, 1967, and attachments thereto (including said balance sheet), there is no supporting affidavit by the applicant or any other person in accordance with section 309(d)(1) of the Act and § 1.580(j) of the rules. KIKO's argument on this is well taken, insofar as it applies to Newcomb's opposition arguments, since the opposition pleading is merely signed (with no affidavit of personal knowledge of the facts) by Newcomb's attorneys. However, since the attached balance sheet is signed by the applicant, we are treating it as a properly filed amendment to the application. The opposition pleading itself (apart from the attachments) will not be considered.

$25,000 notes receivable, representing demand notes from Hillcrest Broadcasting Co., licensee of Station KAWT, Douglas, Ariz., of which he is manager and 57 percent owner. Newcomb also supplies a balance sheet for Hillcrest which includes an asset item listed under readily marketable securities as "Litigation suit awarded $50,000." Newcomb had previously filed, on May 9, 1967, an affidavit explaining the sources of the award as the settlement of a cause of action against The Insurance Company of North America, on which there was a balance due Hillcrest in the amount of $63,500. Although the affiant also stated that said balance should be forthcoming by June 1, 1967, Newcomb has filed nothing in this proceeding indicating that said balance has in fact been received by Hillcrest. Thus, since the Hillcrest balance sheet does not show the necessary quick assets to substantiate its ability to meet the aforesaid $25,000 demand notes, that amount cannot be credited to Newcomb.

8. Newcomb shows that his first-year cash requirements for construction and operation of the proposed station will be $4,195 for his down payment and $5,556 for payments on principal sum and interest (14 months) on his equipment, $2,850 for engineering fees, and $25,000 for costs of operation. KIKO contends, however, that Newcomb failed to provide for legal and hearing expenses and also made no provision for nontechnical studio furnishings and fixtures. KIKO also attacks the $25,000 operating cost estimate on substantially the same grounds as it did in the case of the other applicant, pointing out that a total of $51,000 was expended by KIKO for salaries alone. The applicant does not provide further information as to its staffing plans, or otherwise rebut the petitioner on these points. Thus, we find that the applicant's construction cost estimates do not appear to include all of the necessary items, and, in the absence of an adequate explanation, that the first-year operating costs estimate ($25,000 for a staff of eight persons) is inordinately low. Since substantial questions do exist as to the accuracy and validity of Newcomb's first-year cost estimates, as well as to his means and ability to meet these costs, an appropriate financial issue will be included.

9. KIKO also makes a case for a programing issue as to Newcomb on the basis that this applicant has not effected an adequate survey and that the proposed programing is not responsive to needs and interests described by Newcomb. As to his ascertainment of these needs and interests, Newcomb stresses the fact that having lived for several years in the "mining and cattle area", he is aware of the different kinds of interests reflected in "this small cross section of an Arizona community." (Newcomb has been majority stockholder and manager of KAWT in Douglas, for the last 8 years). The applicant originally contacted a few city officials, as well as "leading merchants of Globe" to ascertain their respective needs. Subsequently, Newcomb submitted a list of 21 community leaders and citizens, which he referred to and described simply as "a list of persons who were contacted concerning the programing for the proposed station." KIKO argues that Newcomb has failed to translate the contacts into specific findings, or relate and apply the results to its programing plans. The petitioner also challenges the validity of the applicant's survey, wherein blank questionnaires were left at the Globe public library for completion "by interested persons," with no explanation or indication therein as to either the purpose or the sponsorship of the questionnaire.[6]

10. As stated in our En Banc Programing Inquiry, 20 RR 1901 (1960), the sample to be representative must cover both the listening public who will receive the signal and the community leaders, i.e., representatives of political, educational, business, professional, and eleemosynary groups, who speak for informed group opinion in the community. Considering the haphazard method of distribution of questionnaires in this case, we cannot conclude that this survey fulfills these requirements. Furthermore, the personal informal contacts are inadequate inasmuch as there is nothing reported by the applicant as to the responses or suggestions of the 21 community leaders contacted.

11. In view of the aforementioned inadequacies in Newcomb's survey and the absence of evaluation detailing the suggestions he received, we find that the applicant has not provided sufficient information to enable the Commission to determine whether he is aware of and responsive to the needs of the Globe area. Minshall Broadcasting Company, Inc., 11 FCC 2d 796, 12 RR 2d 502 (1968). Accordingly, a Suburban[7] issue will be specified.

12. KIKO also requests a Suburban issue as to the other applicant, Mace Broadcasting, alleging that there is no indication that Mace has any familiarity with the community of Globe and its environs and that he has not made any effort to determine the needs of the service area as a basis for his proposed program plans. Mace filed a narrative statement describing in general terms the personal contacts he and Mrs. Mace had made on recent visits to the Globe area and the general programing needs and interests indicated by these local citizens, along with letters from seven civic leaders and town officials. In its responsive pleading, KIKO challenged Mace's survey mainly on the basis that of the letters in the applicant's exhibit, only two indicate specific broadcast needs and four indicate nothing but a willingness to cooperate with the proposed station. KIKO observes that no changes in the program schedule were prompted by these "cursory visits," and further, that no reference or provision was made for local news.

13. Mace subsequently filed an amendment of his proposed program schedule, consisting of six minor changes in the typical week analysis, a few small and insignificant shifts in the program category percentage allocations, and a list of 45 local citizens and merchants whom the applicant states were "contacted in our last surveys". In a still later amendment Mace filed 15 more letters—from community citizens, civic leaders and town officials, which were secured in response to a "further inquiry" by the applicant. Although these letters generally indicate an interest and desire for a new station of the kind described to them, there is little, and in some cases nothing, in the way of specific suggestions as to programing contained in the letters. Further, there is no analysis or appraisal on the part of the applicant, and indeed nothing whatever reported as to the specific responses of the 45 local citizens and merchants contacted. Furthermore, there is no indication as to how, with the six minor changes in programing, the proposal will significantly meet and fulfill the needs and interests of the community as derived from the aforesaid letters and contacts.

14. Although this applicant has made an effort to satisfy the four informational requirements[8] set out in the Minshall case, supra, the showing with respect to each of the four requirements is marginal at best. Thus, when all of the various interviews and responses referred to by Mace, along with the informal contacts and inquiries, are taken together in the light of the foregoing requirements, we are unable to make the necessary finding that Mace is aware of and responsive to the needs of the Globe area. Accordingly, the requested programing issue will also be specified as to Mace.

15. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

16. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

[6] The questionnaire, consisting of 13 simple yes-no, short-phrase-answer questions concerning personal program interests and preferences, was filled out by 220 persons. KIKO contends that at least one person filled out the questionnaire while under the impression that it was for Station KIKO, and provides affidavits indicating that two of the alleged respondents subsequently denied that they had participated or had had any contact with Newcomb in this regard.

[7] Suburban Broadcasters, 30 FCC 1201, 20 RR 961 (1961).

[8] We instructed applicants to provide full information on (i) the steps they have taken to inform themselves of the real needs and interests of the area; (ii) the suggestions they have received; (iii) their evaluation of those suggestions; and (iv) the programing proposed to meet the community needs as they have been evaluated.

(1) To determine, with respect to the application of Mace Broadcasting Co.:

(a) The basis of the applicant's estimated operating expenses for the first year of operation.

(b) In the light of evidence adduced pursuant to (a), above, whether the applicant is financially qualified.

(2) To determine whether the staff proposed by Mace Broadcasting Co. is adequate to effectuate its proposal.

(3) To determine, with respect to the application of Herb Newcomb:

(a) The basis for the applicant's estimated operating expenses for the first year of operation.

(b) Whether the applicant's estimated construction costs include necessary provisions for legal and hearing expenses and for nontechnical studio furnishings and fixtures.

(c) Whether the $25,000 in notes receivable is available to the applicant.

(d) Whether, in light of the foregoing (a) through (c) above, the applicant is financially qualified.

(4) To determine the efforts made by the applicants to ascertain the community needs and interests of the area to be served, and the means by which they propose to meet those needs and interests.

(5) To determine which of the proposals would better serve the public interest.

(6) To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

17. *It is further ordered,* That Willard Shoecraft is made a party to the proceeding.

18. *It is further ordered,* That the petitions to deny filed by Willard Shoecraft are granted to the extent indicated above and are denied in all other respects.

19. *It is further ordered,* That, in the event of a grant of either of the applications, the construction permit shall contain the following conditions:

Before program tests are authorized, permittee shall submit sufficient field intensity measurement data to establish that the inverse distance field at 1 mile has been reduced essentially to 150 mv/m/kw as proposed.

Permittee shall accept such interference as may be imposed by the operation of existing 250 watt Class IV stations in the event that such stations are ultimately authorized to operate with 1000 watts power.

20. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

21. *It is further ordered,* That the applicants herein shall, pursuant to section 311(2)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: June 26, 1968.

Released: July 3, 1968.

By the Commission.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-8032; Filed, July 5, 1968; 8:48 a.m.]

[Docket Nos. 16290, 16291; FCC 68M-998]

WMGS, INC., AND OHIO RADIO, INC.

Order Rescheduling Hearing

In re applications of WMGS, Inc. (WMGS), Bowling Green, Ohio, Docket No. 16290, File No. BR-3097 for renewal of license; Ohio Radio, Inc.; Bowling Green, Ohio, Docket No. 16291, File No. BP-16423, for construction permit.

The Hearing Examiner having under consideration communication dated June 25, 1968, on behalf of WMGS, Inc., requesting that the hearing now scheduled for September 24 be rescheduled for September 30, 1968;

It appearing, that good cause exists why said request should be granted and counsel for WMGS, Inc., states that counsel for the Broadcast Bureau and Ohio Radio, Inc., interpose no objection to the request;

Accordingly, it is ordered, The request is granted and the hearing now scheduled for September 24 be and the same is hereby rescheduled for September 30, 1968, 10 a.m., in the Commission's offices, Washington, D.C.

Issued: June 27, 1968.

Released: July 2, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-8033; Filed, July 5, 1968; 8:48 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN TRINIDAD AND TOBAGO

Entry and Withdrawal From Warehouse for Consumption; Level of Restraint

JULY 2, 1968.

On March 5, 1968, there was published in the FEDERAL REGISTER (33 F.R. 4156) a letter dated February 27, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, establishing a level of restraint of 42,550 dozen on cotton textile products in Category 61, produced or manufactured in Trinidad and Tobago, and exported to the United States during the 12-month period beginning December 29, 1967, and extending through December 28, 1968. On the basis of revised data, it has been determined that the level of restraint referred to above should have been 58,374 dozen instead of 42,550 dozen.

Accordingly, there is published below a letter of July 1, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs amending the directive of February 27, 1968.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

JULY 1, 1968.

DEAR MR. COMMISSIONER: This directive amends but does not cancel the directive issued to you on February 27, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee, regarding imports into the United States of cotton textile products in Category 61, produced or manufactured in Trinidad and Tobago.

The first paragraph of the directive of February 27, 1968, is amended to read as follows:

"Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible after February 27, 1968, and for the 12-month period beginning December 29, 1967, and extending through December 28, 1968, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 61, produced or manufactured in Trinidad and Tobago, in excess of a level of restraint for the period of 58,374 dozen."

The actions taken with respect to the Government of Trinidad and Tobago and with respect to imports of cotton textiles and cotton textile products from Trinidad and Tobago have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965-66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

C. R. SMITH,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 68-8014; Filed, July 5, 1968; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–3193, etc.]

POOL AND HOOPER ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JUNE 27, 1968.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 22, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, statement of general policy and interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G–3193 E 6–10–68 [1]	Pool & Hooper (successor to Paul J. Fly, Operator, deceased) c/o Joe N. Pratt, partner, Post Office Box 1476, Victoria, Tex. 77901.	Texas Eastern Transmission Corp., Helen Gohlke Field, Victoria County, Tex.	14.6733	11 73
G–3821 E 6–13–68	R. Morgan Properties (successor to Estate of R. Morgan, deceased) c/o Hayden W. Head, attorney, 707 Wilson Tower Corpus Christi, Tex. 78401.	South-Tex Corp., Farenthold Field, Nueces and Jim Wells Counties, Tex.	13.78069	14.65 14.65
G–6159 D 6–12–68	The Superior Oil Co., Post Office Box 1521, Houston, Tex. 77001 (partial abandonment).	Lone Star Gas Co., Garvin County Field Area, Garvin County, Okla.	(3)	-------
G–6178 D 6–12–68	do	Colorado Interstate Gas Co., Weaver Unit, Greenwood Field, Morton County, Kans.	(3)	-------
G–7648 D 6–10–68	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001.	United Gas Pipe Line Co., acreage in Nueces County, Tex.	(4)	-------
CI62–1067 E 6–10–68	Petroleum Promotions, Inc. (successor to Bear Run Oil & Gas Co.), c/o John S. Holy, attorney, Post Office Box 643 Weston, W. Va. 26452.	Equitable Gas Co., Salt Lick District, Braxton County, W. Va.	25.0	15.325
CI62–1210 C 6–11–68	Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co., Post Office Box 747, Dallas, Tex. 75221.	Arkansas Louisiana Gas Co., Wilburton Field, Pittsburg County, Okla.	[5] 15.015	14.65
CI63–489 C 6–12–68	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	Michigan Wisconsin Pipe Line Co., Northwest Cedardale Field, Woodward County, Okla.	[6] 17.52	14.65
CI63–611 C 6–10–68	Mobil Oil Corp.	Natural Gas Pipeline Co. of America, Chitwood (Deep) Field, Grady County, Okla.	15.0	14.65
CI65–736 D 6–7–68	The Superior Oil Co. (partial abandonment).	Colorado Interstate Gas Co., Weaver Unit, Sparks Field, Stanton County, Kans.	(3)	-------
CI65–1253 D 6–1–68	do	El Paso Natural Gas Co., Custer Mountain Unit, Lea County, N. Mex.	(7)	-------
CI67–1502 D 6–7–68	McWilliams-Moffett Corp. (Operator) et al., 1012 Pere Marquette Bldg., New Orleans, La. 70112 (partial abandonment).	Florida Gas Transmission Oil Co., West Addis Field, Iberville Parish, La.	(4)	-------
CI68–23 E 6–1–68	Hicks Durham, operator (successor to Thomas C. Buchanan), 226 Johnson Bldg., Shreveport, La.	Trunkline Gas Co., West Olla Field, La Salle, Parish, La.	17.0	15.025
CI68–240 C 6–1–68	Edwin L. Cox (Operator), et al., 3800 First National Bank Bldg., Dallas, Tex. 75202.	Natural Gas Pipeline Co. of America, acreage in Harper County, Okla.	[8] 18.375	14.65
CI68–1312 A 5–1–68	R. L. McCulty, agent for J. M. Carper Lease, Spencer, W. Va. 25276.	Harry C. Boggs Natural Gas Co., Geary District, Roane County, W. Va.	12.0	15.325
CI68–1360 A 6–3–68	W. H. Mossor et al., d.b.a. Garrett Oil & Gas Co., 101 East Main St., Harrisville, W. Va. 26362.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	20.0	15.325
CI68–1362 A 5–2–68	B. J. Brown, 4405 Ridgeton Rd., Fort Worth, Tex. 76116.	Arkansas Louisiana Gas Co., Mansfield Field, Scott County, Ark.	15.0	14.65
CI68–1363 (CI67–402) F 5–2–68	Lyons Petroleum, et al., c/o J. A. Dykes, attorney, 1500 Beck Bldg., Shreveport, La. 71101.	Texas Gas Transmission Corp., South Bell City Field, Calcasieu Parish, La.	16.75	15.025
CI68–1369 B 6–6–68	Moss Gas Co.	United Fuel Gas Co., Oriskany Field, Kanawha County, W. Va.	[10]	-------
CI68–1384 A 6–12–68	Hershberger-Scott, 124 Valley St., Salem, W. Va.	Consolidated Gas Supply Corp., Grant District, Doddridge County, W. Va.	[11] 25.0–28.0	15.325
CI68–1385 B 6–12–68	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., Chegby Field, Lafourche Parish, La.	Depleted	-------
CI68–1386 A 6–11–68	CRA, Inc., Post Office Box 7305, Kansas City, Mo. 64116.	United Gas Pipe Line Co., Pistol Ridge Field, Pearl River County, Miss.	20.0	15.025
CI68–1387 A 6–11–68	George Mitchell & Associates, Inc., 12th Floor Houston Club Bldg., Houston, Tex. 77002.	Arkansas Louisiana Gas Co., acreage in Sebastian County, Okla.	15.0	14.65
CI68–1388 A 6–11–68	Tom Sinclair, agent, et al., 1705 Wilshire Blvd., Oklahoma City, Okla. 73116.	Panhandle Eastern Pipe Line Co., Southeast Arnett Field, Ellis County, Okla.	17.0	14.65
CI68–1389 A 6–11–68	J. Harry Henderson, Jr., Post Office Box 1907, Alexandria, La. 71301.	Southern Natural Gas Co., South Barataria Field, Jefferson Parish, La.	14.0	15.025
CI68–1390 (CI60–607) F 6–10–68	Exchange Oil & Gas Co. (successor to U.S. Oil of Louisiana, Inc., et al.), 1200 Oil & Gas Bldg., New Orleans, La. 70112.	Southern Natural Gas Co., Diamond Field Area, Plaquemines Parish, La.	20.75	15.025
CI68–1391 (CI60–607) F 6–10–68	McMoRan Properties, Inc. (successor to U.S. Oil of Louisiana, Inc., et al.), 1012 Pere Marquette Bldg., New Orleans, La. 70112.	do	20.75	15.025
CI68–1393 A 6–10–68	Brooks Hall et al., c/o Ferrill H. Rogers, attorney, 1420 Liberty Bank Bldg., Oklahoma City, Okla. 73102.	Panhandle Eastern Pipe Line Co., Northeast Avard Field, Woods County, Okla.	[12] 17.0	14.65
CI68–1394 A 6–11–68	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, West Cameron Area, Offshore Louisiana.	20.0	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI68–1396 B 6–14–68	N. Bruce Calder and Curtis E. Calder, Jr., d.b.a. Horizon Oil & Gas Co., 1216 Hartford Bldg., Dallas, Tex. 75201.	Panhandle Eastern Pipe Line Co., Hansford Field, Hansford County, Tex.	Depleted	-------
CI68–1397 A 6–13–68	Exchange Oil & Gas Co.	Transcontinental Gas Pipe Line Corp., Block 17, Block 16 Field, Vermilion Area, La.	21.25	15.025
CI68–1399 A 6–17–68	Forest Oil Corp. (Operator) et al., 1300 National Bank of Commerce Bldg., San Antonio, Tex. 78205.	Natural Gas Pipeline Co. of America, West Cameron Area, Block 225 and 229 Fields, Offshore Louisiana.	20.0	15.025
CI68–1400 A 6–17–68	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	Natural Gas Pipeline Co. of America, Block 163 Field, West Cameron Area, Offshore Louisiana.	20.0	15.025
CI68–1401 (CI62–545) F 6–10–68	Lionel R. Levinson (successor to Sherman F. Wagenseller), 585 Mountain Dr., Beverly Hills, Calif.	El Paso Natural Gas Co., Pictured Cliffs Formation, Rio Arriba County, N. Mex.	12.0	15.025
CI68–1402 A 6–13–68	Mobil Oil Corp.	Phillips Petroleum Co., Panhandle Field, Hutchinson County, Tex.	13.0	14.65
CI68–1403 A 6–17–68	Petroleum, Inc., 300 West Douglas, Wichita, Kans. 67202.	Northern Natural Gas Co., Northwest Tyrone Field, Texas County, Okla.	17.0	14.65
CI68–1404 A 6–17–68	Wessely Petroleum, Ltd., et al., 2002 Republic Bank Bldg., Dallas, Tex. 75201.	Michigan Wisconsin Pipe Line Co., Laverne Field, Beaver County, Okla.	[13] 17.0	14.65
CI68–1405 A 6–17–68	Lyons Petroleum (Operator), et al.	United Gas Pipe Line Co., Chauvin Field, Terrebonne Parish, La.	21.25	15.025
CI68–1406 A 6–17–68	Ocean Drilling & Exploration Co., Operator, 200 Jefferson Ave., El Dorado, Ark. 71730.	Transcontinental Gas Pipe Line Corp., Block 17, Vermilion Area, Vermilion Parish, La.	21.25	15.025
CI68–1407 A 6–17–68	J. C. Baker & Son, Inc., Gassaway, W. Va.	Equitable Gas Co., Otter District, Braxton County, W. Va.	25.0	15.325
CI68–1408 A 6–17–68	Union Producing Co., c/o I. A. Harper, manager, Gas Sales & Regulations, 900 Southwest Tower, Houston, Tex. 77002.	Transcontinental Gas Pipe Line Corp., Southeast Greenbranch Field, McMullen County, Tex.	15.0	14.65
CI68–1409 A 6–17–68	The Superior Oil Co. (Operator) et al.	Transcontinental Gas Pipe Line Corp., South Crowley Field, Acadia Parish, La.	20.0	15.025
CI68–1410 A 6–17–68	The Superior Oil Co.	Lone Star Gas Co., Garvin County Area Field, Garvin County, Okla.	15.0	14.65
CI68–1411 A 6–17–68	Union Texas Petroleum, a division of Allied Chemical Corp., Post Office Box 2120, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., Block 66 Field, South Marsh Island Area, Gulf of Mexico.	19.5	15.025
CI68–1412 B 6–13–68	Ashland Oil & Refining Co.	J. E. Farrell Co. of Louisiana, Monroe Field, Union and Morehouse Parishes, La.	Depleted	-------
CI68–1413 A 6–3–68	Carl E. Walters, Alvy, W. Va. 26322.	Pennzoil United, Inc.,[14] acreage in Tyler County, W. Va.	12.0	15.325
CI68–1414 A 6–17–68	D. R. Lauck Oil Co., Inc., 301 South Broadway, Wichita, Kans. 67202.	Northern Natural Gas Co., acreage in Pawnee County, Kans.	16.0	14.65
CI68–1415 A 6–18–68	Myron A. Smith et al., 702 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	Arkansas Louisiana Gas Co., Mansfield Field, Scott County, Ark.	15.0	14.65
CI68–1416 A 6–18–68	Nu-San Co., 815 Brown Bldg., Austin, Tex. 78701.	United Gas Pipe Line Co., West Reynolds Field, Jim Wells County, Tex.	16.0	14.65
CI68–1417 (CI–4282) F 6–13–68	North Central Oil Corp., (successor to Gulf Oil Corp.), 1300 Main St., Suite 1000, Houston, Tex. 77002.	Natural Gas Pipeline Co. of America, Booneville "B" Field, Wise, Jack, and Parker Counties, Tex.	14.5	14.65

[1] Applicant is filing to succeed Paul J. Fly as Operator.
[2] Acreage formerly dedicated has been reassigned because of decrease in pressure of production.
[3] Leases in unit have expired.
[4] Lease is nonproducing and no deliveries have ever taken place.
[5] Subject to deduction for compression if such service is performed by Buyer.
[6] Includes 0.52 cent upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[7] Leases have terminated.
[8] Release of nonproductive acreage.
[9] Includes 1.36 cents upward B.t.u. adjustment and 0.015-cent tax reimbursement.
[10] Applicant seeks to abandon service due to insufficient quantity of gas for production.
[11] Price determined by volume of gas sold.
[12] Subject to upward and downward B.t.u. adjustment.
[13] Formerly Pennzoil Co.

[F.R. Doc. 68–7941; Filed, July 5, 1968; 8:45 a.m.]

[Docket No. RI68–693, etc.]

SHELL OIL CO., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JUNE 26, 1968.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 15, 1968.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-693	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	199	2	Lone Star Gas Co. (Southeast Big Mineral Field, Grayson County, Tex.) (RR. District No. 9).	$516	6-4-68	[2] 7-5-68	12-5-68	16.56	[3] [4] 17.595	RI65-475.
	do	258	4	Lone Star Gas Co. (Manziel Field, Wood County, Tex.) (RR. District No. 9).	2,833	6-4-68	[2] 7-5-68	12-5-68	16.56	[3] [4] 17.595	RI65-475.
RI68-694	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052.	9	23	Northern Natural Gas Co. (West Panhandle Field, Carson County, Tex.) (RR. District No. 10).	167	6-7-68	[2] 7-8-68	12-8-68	13.0192	[4] [5] 13.2669	RI68-65.
RI68-695	Signal Oil & Gas Co. (Operator), 1010 Wilshire Blvd., Los Angeles, Calif. 90017.	14	4	Lone Star Gas Co. (North Healdton Field, Carter County, Okla.) (Oklahoma "Other" Area).	1,959	6-7-68	[2] 7-8-68	12-8-68	12.0	[3] [4] 13.0	RI63-178.
RI68-696	Sunset International Petroleum Corp., 8920 Wilshire Blvd., Beverly Hills, Calif. 90211.	12	8	Northern Natural Gas Co. (Hansford Field, Ochiltree County, Tex.) (RR. District No. 10).	180	[6] 5-27-68	[7] 6-27-68	11-27-68	[8] 16.5	[4] [9] [10] 18.5	
	do	15	4	Northern Natural Gas Co. (Horizon (Cleveland) Field, Hansford County, Tex.) (RR. District No. 10).	1,269	6-6-68	[7] 9-1-68	2-1-69	[10] 17.5	[3] [4] [10] 18.5	RI64-724.
	do	26	5	Southern Union Gas Co. (acreage in San Juan County, N. Mex.) (San Juan Basin Area.)	53	6-3-68	[7] 7-4-68	12-4-68	13.0	[11] [12] 14.0593	
RI68-697	Sunset International Petroleum Corp. et. al.	43	7	Northern Natural Gas Co. (Horizon (Cleveland) Field, Hansford County, Tex.) (RR. District No. 10).	760	6-6-68	[7] 9-1-68	2-1-69	[10] 17.5	[3] [4] [10] 18.5	RI64-725.

[1] The stated effective date is the first day after expiration of the statutory notice.
[2] Periodic rate increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] Redetermined rate increase.
[5] Filing completed June 6, 1968, by corrected notice of change dated June 3, 1968.
[6] The stated effective date is the effective date required by Respondent.
[7] Two-step periodic rate increase.
[8] Includes 1 cent paid by buyer for seller giving up its right to recover liquifiable hydrocarbons.
[9] Subject to a downward B.t.u. adjustment.
[10] Favored-nation rate increase.
[11] Pressure base is 15.025 p.s.i.a.

[F.R. Doc. 68-7942; Filed, July 5, 1968; 8:45 a.m.]

[Docket No. RI68-702]

CRA, INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates

JUNE 27, 1968.

On May 31, 1968, CRA, Inc. (Operator) et al. (CRA),[1] tendered for filing proposed changes in their presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Address is: Post Office Box 7305, Kansas City, Mo. 64116, Attention: Ralph E. Hoke, Esq.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-702	CRA, Inc. (Operator) et al., Post Office Box 7305, Kansas City, Mo. 64116, Attn: Ralph E. Hoke, Esq.	25	9	El Paso Natural Gas Co. (Bar X Field, Mesa County, Colo., and Grand County, Utah).	$3,697	5-31-68	[2] 7-1-68	12-1-68	[3] 13.0	[4] [5] 14.0	
	do	26	10	do	3,697	5-31-68	[2] 7-1-68	12-1-68	[6] 13.0	[4] [7] 14.0	

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] Periodic rate increase.
[4] Pressure base is 15.025 p.s.i.a.
[5] Subject to downward B.t.u. adjustment—presently estimated at 0.77 cents per Mcf for 945 B.t.u. gas.
[6] Subject to downward B.t.u. adjustment—presently estimated at 0.715 cents per Mcf for 945 B.t.u. gas.
[7] Subject to downward B.t.u. adjustment (no adjustment appliable at this time—estimated B.t.u. content is 1,060).

CRA request that their proposed rate increase be permitted to become effective on June 1, 1968. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for CRA's rate filings and such request is denied.

CRA's related contracts cover adjoining leases in Utah and Colorado, and the proposed rates of 14 cents per Mcf exceed the 13 cents per Mcf increased rate ceiling for Colorado as announced in the Commission's statement of general policy No. 61-1, as amended. No formal ceiling has been announced for Utah; however, in the past the increased and initial rates ceilings in adjacent Colorado have been utilized for sales made from Grant County, Utah. Accordingly, we conclude that CRA's proposed 14 cents per Mcf rates should be suspended for 5 months from July 1, 1968, the expiration date of the statutory notice.

The proposed rates and charges may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes, and that Supplement Nos. 9 and 10 to CRA's FPC Gas Rate Schedule Nos. 25 and 26, respectively, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement Nos. 9 and 10 to CRA's FPC Gas Rate Schedule Nos. 25 and 26, respectively.

(B) Pending such hearing and decision thereon, Supplement Nos. 9 and 10 to CRA's FPC Gate Rate Schedule Nos. 25 and 26, respectively, are hereby suspended and the use thereof deferred until December 1, 1968, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 15, 1968.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 68-8007; Filed, July 5, 1968; 8:45 a.m.]

[Docket Nos. RI68-698, etc.]

TEXACO INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JUNE 27, 1968.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 15, 1968.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in increased	Cents per Mcf: Proposed effect rate	Rate in effect subject to refund in docket Nos.
RI68-698	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052.	201	8	Phillips Petroleum Co. [1] (Texas Hugoton Field, Moore and Sherman Counties, Tex.) (RR. District No. 10).	$13,062	6-7-68	[2] 7-21-68	[3] 7-22-68	[4] [5] 13.0	[2] [5] [7] 14.0	(6)
RI68-699	Sarkeys, Inc. (Operator) et al., 4400 North Lincoln Blvd., Oklahoma City, Okla.	2	1	Natural Gas Pipeline Co. of America (Dewey County, Okla.) (Oklahoma "Other" Area).	22	6-10-68	[2] 7-11-68	[3] 7-12-68	[8] 15.0	[2] [9] [10] 15.015	
RI68-700	Calvert-Mid America, Inc., 2300 4th National Bank Bldg., Tulsa, Okla. 74119.	1	3	Michigan Wisconsin Pipe Line Co., (Laverne Field, Harper County, Okla.) (Panhandle Area).	30	6-6-68	[2] 7-7-68	[2] 7-8-68	[8] 17.0	[2] [9] [10] 17.015	
RI68-701	Calvert Exploration Co. (Operator) et al. 2300 4th National Bank Bldg., Tulsa, Okla. 74119.	11	2	Northern Natural Gas Co. (Mocane Field, Beaver County, Okla.) (Panhandle Area).	77	6-6-68	[2] 7-7-68	[2] 7-8-68	[8] 17.0	[2] [9] [10] 17.015	

[1] The acreage involved is located between Phillips' Sherman and Dumas Plants and it cannot be determined to which plant the acreage is dedicated. Phillips resells the gas from such plants to Michigan Wisconsin Pipe Line Co. and El Paso Natural Gas Co. under Phillips' FPC Gas Rate Schedule Nos. 4 and 32, respectively, at rates of 15.22 cents and 19.5 cents plus tax reimbursement which are in effect subject to refund in Docket Nos. RI65-526 and G-20403, respectively.
[2] The stated effective date is the effective date proposed by Respondent.
[3] The suspension period is limited to 1 day.
[4] Periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Subject to a deduction of 0.4466 cent for sour gas that may be delivered.
[7] Rate in effect subject to refund in Docket No. RI66-331 for production from initial dedicated acreage and acreage added by Supplement Nos. 2 and 3. 13 cents per Mcf rate is initial certificated rate for production from acreage added by Supplement No. 4. Proposed increase pertains to acreage added by Supplement No. 4.
[8] The stated effective date is the first day after expiration of the statutory notice.
[9] Tax reimbursement increase.
[10] Subject to a downward B.t.u. adjustment.
[11] Subject to upward and downward B.t.u. adjustment.

[F.R. Doc. 68-8008; Filed, July 5, 1968; 8:45 a.m.]

[Docket No. RI68-407 etc.]

ATLANTIC RICHFIELD CO. ET AL.

Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JUNE 27, 1968.

Atlantic Richfield Co. et al., Docket No. RI68-407 etc.; Mobil Oil Corp., Docket No. RI68-408; Mobil Oil Corp. (Operator) et al., Docket No. RI68-409; Texaco Inc., Docket No. RI68-411; Shell Oil Co., Docket No. RI68-412.

In our rate suspension orders issued January 30 and 31, 1968, in Sunray DX Oil Co. et al., Docket No. RI68-405 et al., and in Mobil Oil Corp. (Operator) et al., Docket No. RI68-413 et al., respectively, we stated that since January 1, 1968, the date of expiration of the moratorium in Opinion No. 468 on the filing of increased rates, fell on a holiday and thus no filing could be made on that date, that we would waive our 30-day notice requirement to the extent necessary to permit an effective date for such filings of February 1, 1968, as the commencement date of the five month suspension period.

Mobil Oil Corp. (Mobil) has requested the Commission to grant it similar relief with respect to the increased rates filed by it on January 2, 1968, and suspended in Docket Nos. RI68-408 and RI-68-409, in the suspension order issued January 31, 1968, in Atlantic Richfield Co. et al., Docket No. RI68-407 et al. Specifically, Mobil's request relates to Supplement Nos. 2, 4, and 2 to its FPC Gas Rate Schedule Nos. 398, 315, and 377 respectively, in Docket No. RI68-408 and to Supplement No. 5 to Mobil Oil Corp. (Operator) et al., FPC Gas Rate Schedule No. 260 in Docket No. RI68-409.

We agree that the subject filings not only of Mobil but also all of those of Texaco Inc., in Docket No. RI68-411 and Shell Oil Co. in Docket No. RI68-412 should reflect, for the same reasons, a filing date of January 1, 1968, for the purpose of computing the 30-day notice requirement. We shall therefore amend the suspension order to provide for a terminal date of July 1, 1968, for the 5-month suspension period for these rate filings.

The Commission orders: Pages 2, 3, and 4 of Appendix A of the Commission's order issued January 31, 1968, in Atlantic Richfield Co. et al., Docket No. RI68-407 et al., insofar as they pertain to Supplement Nos. 2, 4, and 2 to Mobil's FPC Gas Rate Schedule Nos. 398, 315, and 377, respectively, in Docket No. RI68-408, to Supplement No. 5 to Mobil Oil Corp. (Operator) et el., FPC Gas Rate Schedule No. 260 in Docket No. RI68-409, to all of Texaco Inc.'s, increased rate filings in Docket No. RI68-411 and to all of Shell Oil Co.'s increased rate filing in Docket No. RI68-412, are amended by substituting "2-1-68" for "2-2-68" in the column entitled "Effective Date Unless Suspended" and by substituting "7-1-68" for "7-2-68" in the column entitled "Date Suspended Until".

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 68-8004; Filed, July 5, 1968; 8:45 a.m.]

[1] This order, like the initial suspension order amended herein, does not consolidate for hearing or dispose of the several matters involved herein.

[Docket No. CP68-358]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

JUNE 27, 1968.

Take notice that on June 19, 1968, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP68-358 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of certain existing facilities to enable Applicant to exchange gas with Transwestern Pipeline Co. (Transwestern) during periods of emergency, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to operate a measuring station in Eddy County, N. Mex.; two side tap connections in Hansford County, Tex.; and one side tap connection in Gray County, Tex., all of which facilities were constructed under the authorization issued Applicant in Docket No. CP65-325 and used to effectuate the temporary exchange of gas between Applicant and Transwestern which was authorized under the same docket. Said temporary exchange of gas ended in November 1967.

Applicant states that the proposed facilities will be used as emergency interconnections to assist in maintaining continuity of service to the respective customers of Applicant and Transwestern in the event that emergencies occur on either pipeline system.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before July 22, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 68-8005; Filed, July 5, 1968; 8:45 a.m.]

[Docket No. CP68-359]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

JUNE 27, 1968.

Take notice that on June 19, 1968, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP68-359 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to construct and operate facilities for the receipt into its system of natural gas to be produced from reserves located in the Buffalo Wallow Field, Hemphill County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct approximately 15 miles of 12-inch pipeline extending in a northeasterly direction from a point on Applicant's existing 26-inch Oklahoma extension, approximately 3 miles northwest of the town of Wheeler, Wheeler County, Tex., to the Buffalo Wallow Field, 0.4 miles, of 8-inch and 0.6 mile, of 6-inch gathering pipeline, a side tap connection on Applicant's existing 26-inch line at the point described above, two 6-inch wellhead meters, and miscellaneous appurtenant facilities.

Total estimated cost of the proposed facilities is $673,000, which cost will be financed from funds on hand.

The application also states that Applicant will construct, at an estimated cost of $1,200,000, auxiliary facilities to treat the Hemphill County gas for removal of nonhydrocarbon components under § 2.55(a) of the Commission's statements of general policy.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before July 22, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 68-8006; Filed, July 5, 1968; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4672]

CAMEO-PARKWAY RECORDS, INC.

Order Suspending Trading

JULY 1, 1968.

The common stock, 10 cents par value, of Cameo-Parkway Records, Inc., Philadelphia, Pa., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Cameo-Parkway Records, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 2, 1968, through July 11, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-8018; Filed, July 5, 1968; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 595 (31 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners, and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Aalfs Manufacturing Co., Storm Lake, Iowa; 6-5-68 to 6-4-69; 10 learners (boys' jeans).

Aalfs Manufacturing Co., Spencer, Iowa; 5-18-68 to 5-17-69; 10 learners (boys' jeans).

Arkay Knitting Mills, Inc., Reading, Pa.; 4-8-68 to 4-7-69 (men's, boys', and ladies' shirts).

The Arrow Co., Gilbert, Minn.; 6-24-68 to 6-23-69 (men's dress shirts).

The Arrow Co., Gilbert, Minn.; 6-24-68 to 6-23-69 (collars and cuffs for men's dress shirts).

Aynor Manufacturing Co., Inc., Aynor, S.C.; 4-23-68 to 4-22-69 (ladies' and children's capris, jamaicas, and bermudas).

Barad Lingerie Co., Salem, Mo.; 6-2-68 to 6-1-69 (ladies' sleepwear).

Bee & Gee Pants Co., Inc., Dickson City, Pa.; 5-15-68 to 5-14-69 (men's and boys' trousers).

Bishop & Co., Weissport, Pa.; 5-9-68 to 5-8-69 (ladies' and children's blouses).

Blue Bell, Inc., Seminole, Okla.; 5-17-68 to 5-16-69 (men's and boys' jeans).

Blue Bell, Inc., Coalgate, Okla.; 4-12-68 to 4-11-69 (children's jeans).

Brundidge Shirt Corp., Brundidge, Ala.; 5-16-68 to 5-15-69 (men's dress and sport shirts).

Brunswick Manufacturing Co., Brunswick, Ga.; 5-20-68 to 5-19-69 (ladies' and children's outerwear jackets).

Cal-Crest Outerwear, Inc., Murphysboro, Ill.; 6-9-68 to 6-8-69 (men's outerwear jackets).

Carwood Manufacturing Co., Cornelia, Ga.; 5-26-68 to 5-25-69 (work shirts and sport shirts).

Covington Industries, Inc., Opp, Ala.; 5-4-68 to 5-3-69 (men's outerwear coats).

Crane Manufacturing Co., Crane, Mo.; 6-5-68 to 6-4-69 (men's and boys' jeans).

Crane Manufacturing Co., Republic, Mo.; 6-5-68 to 6-4-49; 10 learners (men's trousers).

Decaturville Sportswear Co., Decaturville, Tenn.; 5-30-68 to 5-29-69 (ladies' surfers, capris, and jamaicas).

Dee-Mure Brassiere Co., Inc., Hamlin, W. Va.; 4-22-68 to 4-21-69 (brassieres).

Don Juan Manufacturing Corp., Hertford, N.C.; 6-6-68 to 6-5-69 (men's and boys' shirts).

Duncan Manufacturing Co., Duncan, Okla.; 5-1-68 to 4-30-69 (men's trousers).

Durant Sportswear, Inc., Durant, Miss.; 5-28-68 to 5-27-69 (men's and boys' outerwear jackets).

Eagle Pass Manufacturing Co., Eagle Pass, Tex.; 6-4-68 to 6-3-69 (work clothes).

Eastern Shore Sportswear Corp., Cambridge, Md.; 4-27-68 to 4-26-69; 10 learners (children's clothing).

Elder Manufacturing Co., Carl Junction, Mo.; 5-5-68 to 5-4-69 (boys' shirts and pajamas).

Empire Manufacturing Co., Winder, Ga.; 4-8-68 to 4-7-69 (men's and boys' pants).

E & W of Heber Springs, Inc., Heber Springs, Ark.; 4-23-68 to 4-22-69 (men's work shirts).

E & W of Ilimo, Inc., Ilimo, Mo.; 4-30-68 to 4-29-69 (men's and boys' dungarees).

Federal Corset Co., Douglas, Ga.; 4-17-68 to 4-16-69 (ladies' girdles and brassieres).

Flushing Shirt Manufacturing Co., Grantsville, Md.; 5-27-68 to 5-26-69 (men's work shirts).

Formflex of Arizona, Inc., Phoenix, Ariz.; 4-26-68 to 4-25-69 (ladies' girdles).

Frayne Sportswear Manufacturing, Inc., Tampa, Fla.; 4-28-68 to 4-27-69; 10 learners (ladies' slacks and blouses).

Fred Ronald Manufacturing Co., Neodesha, Kans.; 5-31-68 to 5-30-69; 10 learners (boys' shirts).

Freeland Sportswear Co., Inc., Freeland, Pa.; 5-25-68 to 5-24-69 (men's outerwear jackets).

Garen, Inc., Adamsville, Tenn.; 5-17-68 to 5-16-69 (men's and boys' sport shirts).

Greer Shirt Corp., Greer, S.C.; 4-13-68 to 4-12-69 (men's and boys' sport shirts).

Grifton Clothing Co., Grifton, N.C.; 5-1-68 to 4-30-69 (boys' and girls' outerwear jackets).

Gwen Fashions, Inc., McAlisterville, Pa.; 6-5-68 to 6-4-69 (dresses).

Harris Hogan Corp., Wilkes-Barre, Pa.; 4-30-68 to 4-29-69 (children's dressea and sportswear).

Imperial Reading Corp., La Follette, Tenn.; 5-17-68 to 5-16-69 (men's dress shirts).

Iolani Sportswear, Ltd., Eleele, Kauai, Hawaii; 5-8-68 to 5-7-69; 5 learners (men's and boys' sport shirts).

Jackson Apparel Co., Inc., Scotts Hill, Tenn.; 4-26-68 to 4-25-69 (ladies' dresses).

The Jacy Manufacturing Co., Wilburton, Pa.; 5-12-68 to 5-11-69; 10 learners (women's dresses).

J. H. Rutter Rex Manufacturing Co., Inc., Franklinton, La.; 4-22-68 to 4-21-69 (men's and boys' work pants).

Jimmy Richard Co., Hawkinsville, Ga.; 4-8-68 to 4-7-69; 10 learners (men's and boys' outerwear jackets).

Kellwood Co., Oxford, Miss.; 5-8-68 to 5-7-69 (boys' pants).

Kellwood Co., Monticello, Miss.; 4-24-68 to 4-23-69 (men's trousers).

Key Manufacturing Co., Inc., Tompkinsville, Ky.; 4-25-68 to 4-24-69 (men's and boys' pants).

Lavonia Industries, Inc., Lavonia, Ga.; 5-18-68 to 5-17-69 (women's dresses).

Leco Manufacturing Co., Mountain City, Tenn.; 6-4-68 to 6-3-69 (ladies' and children's night gowns and pajamas).

Levi Strauss & Co., Amarillo, Tex.; 5-8-68 to 5-7-69 (jeans).

Linn Manufacturing Co., Linn, Mo.; 5-1-68 to 4-30-69 (men's trousers).

Lynn Manufacturing Co., Johnston, S.C.; 5-29-68 to 5-28-69; 10 learners (women's dresses).

Lyons Manufacturing Co., Inc., Lyons, Ga.; 5-18-68 to 5-17-69 (men's and boys' shirts, ladies' blouses).

Maryhill, Inc., Shallotte, N.C.; 5-28-68 to 5-27-69; 10 learners (women's and children's dresses).

McColl Manufacturing Co., McColl, S.C.; 5-9-68 to 5-8-69; 10 learners (ladies' dresses).

McEwen Manufacturing Co., McEwen, Tenn.; 4-29-68 to 4-28-69 (men's overalls).

McKinney Pant Manufacturing Co., McKinney, Tex.; 4-24-68 to 4-23-69 (men's and boys' pants).

Meadow Sportswear, Inc., Okolona, Miss.; 5-23-68 to 5-22-69 (men's dress slacks).

Midstate Sportswear, Inc., Sumner, Miss.; 5–1–68 to 4–30–69; 10 learners (men's and boys' outerwear jackets).

Mode O'Day Co., Salt Lake City, Utah; 6–3–68 to 6–2–69 (women's and children's dresses).

Mode O'Day Co., Logan, Utah; 4–24–68 to 4–23–69 (women's and children's dresses).

Modern Industries, Inc., Athens, Tenn.; 4–26–68 to 4–25–69; 10 learners (girls' pajamas, nightwear and sportswear).

The Newton Co., Newton, Miss.; 5–17–68 to 5–16–69 (men's and ladies' slacks).

Opp Textiles, Inc., Opp, Ala.; 5–18–68 to 5–17–69 (sportswear).

Oterp Manufacturing Co., Alamogordo, N. Mex.; 4–24–68 to 4–23–69 (men's and boys' slacks).

Paducah Shirt Co., Inc., Paducah, Ky.; 6–21–68 to 6–20–69 (boys' shirts).

Paramount Sportswear Corp., Fall River, Mass.; 5–25–68 to 5–24–69; 10 learners (children's clothing).

Piedmont Shirt Co., Greenville, S.C.; 5–25–68 to 5–24–69 (boys' dress and sport shirts).

Portland Manufacturing Corp., Portland, Tenn.; 5–1–68 to 4–30–69 (women's and girls' dresses and blouses).

Prepshirt Manufacturing Corp., Greenville, N.C.; 4–15–68 to 4–14–69 (boys' dress and sport shirts).

Princess Peggy, Inc., Vandalia, Ill.; 5–1–68 to 4–30–69 (ladies' dresses and sportswear).

Putnam Manufacturing Co., Cookeville, Tenn.; 5–16–68 to 5–15–69 (men's work pants).

Raritan Sportswear Co., Perth Amboy, N.J.; 5–17–68 to 5–16–69; 5 leaners (men's and boys' outerwear jackets).

Reed Manufacturing Co., Inc., Tupelo, Miss.; 5–22–68 to 5–21–69 (men's work shirts and work pants).

Reidbord Bros. Co., Philippi, W. Va.; 6–7–68 to 6–6–69; 10 learners (men's work trousers).

Renmar Manufacturing Corp., Parkersburg, W. Va.; 6–10–68 to 6–9–69 (infants' and juniors' playwear, sportswear, slacks, and outerwear jackets).

Renovo Shirt Co., Inc., Mena, Ark.; 5–1–68 to 4–30–69 (ladies' dresses and girls' slacks and blouses).

Fred Ronald Manufacturing Co., Parsons, Kans.; 5–20–68 to 5–19–69 (boys' slacks).

Saf-T-Bak, Inc., Altoona, Pa.; 5–3–68 to 5–2–69 (men's and boys' sport clothes).

Sagamore Manufacturing Co., Spruce Pine, N.C.; 5–8–68 to 5–7–69; 10 leaners (men's and boys' dress shirts).

Scranton Pants Manufacturing Co., Scranton, Pa.; 5–23–68 to 5–22–69 (men's dress pants).

Sherman Manufacturing Co., Darlington, S.C.; 5–7–68 to 5–6–69 (ladies' dresses).

Shutzer Manufacturing Co., Inc., Lawrence, Mass.; 4–8–68 to 4–7–69 (men's and women's outerwear jackets).

Henry I. Siegel Co., Inc., Gleason, Tenn.; 6–23–68 to 6–22–69 (men's and boys' pants).

The Solomon Co., Leeds, Ala.; 5–6–68 to 5–5–69 (men's and boys' slacks).

Spartans Industries, Inc., Spencer, Tenn.; 5–11–68 to 5–10–69 (ladies' and girls' capris and jeans, men's and boys' pants).

Spartans Industries, Inc., Smithville, Tenn.; 4–26–68 to 4–25–69 (men's, boys', ladies', and girls' sport shirts).

Springfield Garment Manufacturing Co., Springfield, Mo.; 4–24–68 to 4–23–69 (men's dress slacks).

Spring Hope Manufacturing Co., Inc., Spring Hope, N.C.; 6–25–68 to 6–24–69 (children's sportswear).

Stadium Manufacturing Co., Hattiesburg, Miss.; 5–18–68 to 5–17–69 (men's and boys' pajamas).

Stone Manufacturing Co., Greenville, S.C.; 5–27–68 to 5–26–69 (ladies' and children's playwear).

Sweet-Orr & Co., Inc., Dawsonville, Ga.; 5–28–68 to 5–27–69 (boys' shirts).

I. Taitel & Son, Drew, Miss.; 5–8–68 to 5–7–69 (men's and boys' work pants and outerwear jackets).

Tamaqua Garment Co., Tamaqua, Pa.; 5–25–68 to 5–24–69; 10 learners (women's dresses).

Technical Investments d.b.a. Glick Manufacturing Co., Berryville, Ark.; 4–13–68 to 4–12–69 (boys' slacks and outerwear jackets).

Toccoa Garment Co., Inc., Toccoa, Ga.; 4–18–68 to 4–17–69 (ladies' blouses).

Trousdale Manufacturing Co., Hartsville, Tenn.; 5–4–68 to 5–3–69 (ladies' blouses).

Van Heusen Co., Des Arc, Ark.; 6–7–68 to 6–6–69 (men's dress shirts).

Van Heusen Corp., Patton, Pa.; 6–10–68 to 6–9–69 (men's dress and sport shirts).

Wallace Sewing Co., Inc., Wallace, N.C.; 5–12–68 to 5–11–69 (children's outerwear).

E. Weinshel & Bro. Co., Milwaukee, Wis.; 5–10–68 to 5–9–69; 10 learners (men's and boys' outerwear).

Wentworth Manufacturing Co., Florence, S.C.; 5–1–68 to 4–30–69 (ladies' dresses).

J. M. Wood Manufacturing Co., Inc., Waco, Tex.; 5–18–68 to 5–17–69 (men's and boys' work pants and shirts).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Barad Lingerie Co., Salem, Mo.; 6–2–68 to 12–1–68; 20 learners (ladies' sleepwear).

Forest Hills Sportswear Co., Lawrenceburg, Tenn.; 6–3–68 to 12–2–68; 35 learners, (men's dress trousers).

Renmar Manufacturing Corp., Parkersburg, W. Va.; 4–29–68 to 10–28–68; 50 learnera (infants' and children's playwear).

Salant & Salant, Inc., Loretto, Tenn.; 4–23–68 to 10–22–68; 30 learners (men's and boys' outerwear jackets and jeans).

Tri-County Shirt Corp., Salem, Ark.; 5–26–68 to 11–25–68; 50 learners (men's dress shirts).

Wentworth Manufacturing Co., Andrews, Tex.; 5–1–68 to 10–31–68; 50 learners (women's dresses).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

N. Churchill Manufacturing Co., Inc., Centralia, Wash.; 5–25–68 to 5–24–69; 10 learners for normal labor turnover purposes (work gloves).

Indianapolis Glove Co., Inc., Glenwood, Ark.; 5–11–68 to 5–10–69; 10 percent of the total number of workers in the authorized occupations for normal labor turnover purposes (work gloves).

Jasper Glove Co., Inc., Jasper, Ind.; 5–28–68 to 5–27–69; 10 learners for normal labor turnover purposes (leather gloves).

Wells Lamont Corp., McGehee, Ark.; 4–10–68 to 4–9–69; 10 learners for normal labor turnover purposes (work gloves).

Wells Lamont Corp., Philadelphia, Miss.; 5–24–68 to 5–23–69; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.40 to 522.43, as amended).

Elizabeth City Hosiery Mills, Elizabeth City, N.C.; 3–4–68 to 3–3–69; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

W. Y. Shugart & Sons, Inc., Fort Payne, Ala.; 5–26–68 to 5–25–69; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Warren Hosiery Mills, Wise, N.C.; 6–6–68 to 12–5–68; 10 learners for plant expansion purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

The Arrow Co., Eveleth, Minn.; 6–15–68 to 6–14–69; 5 learners for normal labor turnover purposes (men's pajamas).

The Arrow Co., Eveleth, Minn.; 6–24–68 to 6–23–69; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's underwear).

Dawson Industries, Inc., Dawson, Ga.; 5–25–68 to 11–24–68; 50 learners for plant expansion purposes (ladies' and children's panties, gowns, and pajamas).

Louis Gallet, Inc., Uniontown, Pa.; 4–27–68 to 4–26–69; 5 learners for normal labor turnover purposes (men's and ladies' sweaters and banlon shirts).

Mullins Textile Mills, Inc., Mullins, S.C.; 6–9–68 to 6–8–69; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knitted underwear and sportswear).

Reidler Knitting Mills, Inc., Hazleton, Pa.; 5–29–68 to 5–28–69; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's, women's, and children's knit underwear).

Each learner certificate has been issued upon the representations of the employer, which, among other things, were that employment of learners at special minimum wages is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., 28th day of June 1968.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 68–8017; Filed, July 5, 1968; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 2, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41375—*Clay, kaolin or pyrophyllite from Letohatchie and Montgomery, Ala.* Filed by O. W. South, Jr., Agent (No. A6027), for interested rail carriers. Rates on clay, kaolin or pyrophyllite, in carloads, from Letohatchie and Montgomery, Ala., to specified points in Illinois.

Grounds for relief—Rate relationship.

Tariff—Supplement 22 to Southern Freight Association, agent, tariff ICC S–751.

FSA No. 41376—*Clay, kaolin or pyrophyllite from points in southern territory.* Filed by O. W. South, Jr., agent (No. A6028), for interested rail carriers. Rates on clay, kaolin or pyrophyllite, in carloads, from specified points in Georgia, North Carolina, and South Carolina, to Rileys, Maine.

Grounds for relief—Rate relationship.

Tariff—Supplement 23 to Southern Freight Association, agent, tariff ICC S–751.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–8025; Filed, July 5, 1968; 8:47 a.m.]

[Notice 169]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 2, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–70432. By order of June 25, 1968, the Transfer Board approved the transfer to William B. Johnson, doing business as Johnson Van Lines, 7621 Maplecrest, Dallas, Tex. 75240, of that portion of the operating rights in certificate No. MC–98289 (Sub-No. 1) issued June 24, 1964, to Riteway Transport, Inc., Phoenix, Ariz., authorizing the transportation of household goods, as defined by the Commission, between points in McKinley, San Juan, and Valencia Counties, N. Mex., on the one hand, and, on the other, Durango, Colo., and points in Colorado within 10 miles of Durango, Lupton, Ariz., and points in Arizona within 200 miles of Lupton, and Monticello, Utah, and points in Utah within 100 miles of Monticello; and, household goods, between points in McKinley, San Juan, and Valencia Counties, N. Mex., other than between points both of which are served by rail lines or both of which are served by regular route motor common carriers.

No. MC–FC–70590. By order of June 27, 1968, the Transfer Board, approved the transfer to Baldwin-Scott Horse Transportation, Inc., Route No. 73 and Baker Boulevard, Marlton, N.J. 08053 of the operating rights in certificates Nos. MC–42251 and MC–42251 (Sub-No. 1) issued May 7, 1942, and October 23, 1943, respectively, to J. P. Lehrer, Inc., Route No. 73 and Baker Boulevard, Marlton, N.J. 08053 authorizing transportation service in interstate or foreign commerce, respectively of livestock, other than ordinary livestock, and in connection therewith, personal effects of attendants, and supplies and equipment used in the care or exhibition of such animals, over irregular routes, between points and places in New York, on the one hand, and, on the other, points and places in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, West Virginia, Virginia, South Carolina, and the District of Columbia, traversing Vermont and North Carolina for operating convenience only, and flowers and plants, in flats, potted or otherwise, including cut flowers, over irregular routes, from points and places in Nassau County, N.Y., to points and places in New York, Connecticut, Maryland, Massachusetts, New Jersey, Rhode Island, Pennsylvania, Virginia, Delaware, and the District of Columbia, and return with no transportation for compensation.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–8026; Filed, July 5, 1968; 8:47 a.m.]

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SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1464—TOBACCO

Subpart—Tobacco Loan Program

FLUE-CURED TOBACCO; 1968 CROP

Set forth below is a schedule of advance rates, by grades, for the 1968 crop of types 11–14 Flue-cured tobacco, under the tobacco price support loan program.

§ 1464.1777 1968 Crop—Flue-Cured Tobacco, Types 11–14, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance Rate	Grade	Advance Rate
A1F	87.25	B4F	71.25
A2F	85.25	B5F	67.25
B1L	81.25	B6F	63.25
B2L	76.25	B1FR	80.25
B3L	73.25	B2FR	74.25
B4L	71.25	B3FR	71.25
B5L	67.25	B4FR	67.25
B6L	63.25	B5FR	63.25
B1F	81.25	B6FR	58.25
B2F	76.25	B3R	58.25
B3F	73.25	B4R	53.25

[1] The advance rates listed are applicable only to untied Flue-cured tobacco identified on a 1968 tobacco marketing card which does not bear either the notation "No Price Support" or "Discount Variety Limited Support" and which does not, together with all other tobacco previously marketed and currently being offered for marketing on a single tobacco sales bill, exceed 110 percent of the applicable farm marketing quota. Rates for tobacco identified on a marketing card which bears the notation "Discount Variety Limited Support," which does not bear the notation "No Price Support" and which does not, together with all other tobacco previously marketed and currently being offered for marketing on a single tobacco sales bill, exceed 110 percent of the applicable farm marketing quota, are 50 percent plus twelve and one-half cents ($0.125) per hundred pounds of the advance rates listed. Rates for tied Flue-cured tobacco are three dollars ($3.00) per hundred pounds more for each grade than for untied tobacco similarly identified. Tobacco is eligible for advances only if consigned by the original producer and only if produced by a cooperator.

In the Georgia-Florida belt price support will be available only on untied tobacco as in past years. In all belts except in the Georgia-Florida belt, price support will be available for all grades of both tied and untied tobacco throughout the entire marketing season.

Tobacco graded "W" (doubtful keeping order), "U" (unsound), N2, No–G, or scrap will not be accepted. The cooperative association through which price support is made available is authorized to deduct 25 cents per hundred pounds to apply against overhead costs.

[Dollars per hundred pounds, farm sales weight]

Grade	Advance Rate	Grade	Advance Rate
B5R	47.25	H6FR	61.25
B6R	42.25	H4K	69.25
B3LV	69.25	H5K	65.25
B4LV	65.25	H6K	59.25
B5LV	61.25	C1L	82.25
B3FV	69.25	C2L	78.25
B4FV	65.25	C3L	77.25
B5FV	61.25	C4L	76.25
B4KV	55.25	C5L	75.25
B5KV	49.25	C1F	82.25
B6KV	44.25	C2F	78.25
B3K	65.25	C3F	77.25
B4K	63.25	C4F	76.25
B5K	59.25	C5F	75.25
B6K	53.25	C4LV	71.25
B3KL	55.25	C4FV	71.25
B4KL	53.25	C4K	73.25
B5KL	49.25	C4KL	68.25
B6KL	44.25	C4KF	68.25
B3KR	65.25	C4KM	68.25
B4KR	63.25	C4KR	73.25
B5KR	59.25	C4LS	67.25
B3KF	55.25	C5LS	64.25
B4KF	53.25	X1L	77.25
B5KF	49.25	X2L	76.25
B6KF	43.25	X3L	75.25
B3KM	58.25	X4L	72.25
B4KM	56.25	X5L	68.25
B5KM	52.25	X1F	77.25
B6KM	46.25	X2F	76.25
B4GL	57.25	X3F	75.25
B5GL	54.25	X4F	72.25
B6GL	48.25	X5F	68.25
B4GF	57.25	X3LV	68.25
B5GF	52.25	X4LV	65.25
B6GF	47.25	X3FV	68.25
B4GR	50.25	X4FV	65.25
B5GR	44.25	X4KV	55.25
B6GR	38.25	X4KL	62.25
B4GK	52.25	X4KF	62.25
B5GK	47.25	X3KM	66.25
B6GK	42.25	X4KM	61.25
B4GG	40.25	X4KR	66.25
B5GG	38.25	X3LS	64.25
B3LS	63.25	X4LS	60.25
B4LS	61.25	X3FS	63.25
B5LS	57.25	X4FS	60.25
B6LS	50.25	X4G	54.25
B3FS	60.25	X5G	48.25
B4FS	58.25	X4GK	52.25
B5FS	54.25	P2L	73.25
B6FS	48.25	P3L	71.25
B5RR	42.25	P4L	67.25
B5RG	39.25	P5L	59.25
H1L	82.25	P2F	73.25
H2L	78.25	P3F	71.25
H3L	77.25	P4F	66.25
H4L	75.25	P5F	56.25
H5L	73.25	P4G	50.25
H6L	69.25	P5G	42.25
H1F	82.25	N1L	42.25
H2F	78.25	N1XL	50.25
H3F	77.25	N1F	43.25
H4F	75.25	N1K	49.25
H5F	73.25	N1R	35.25
H6F	69.25	N1GL	35.25
H3FR	71.25	N1GF	39.25
H4FR	68.25	N1GR	34.25
H5FR	65.25	N1GG	31.25

(Sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, sec. 125, 70 Stat. 198, 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423, 7 U.S.C. 1813, 15 U.S.C. 714b, 714c)

Effective date: Date of filing with the Office of the Federal Register.

Signed at Washington, D.C., on July 1, 1968.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 68–8010; Filed, July 8, 1968; 8:45 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 70—SPECIAL NUCLEAR MATERIAL

General License for Ownership of Special Nuclear Material

The Atomic Energy Commission has amended its regulation, "Special Nuclear Material", 10 CFR Part 70, by the addition of a new § 70.20, providing a general license for ownership of special nuclear material. A general license is effective without the filing of an application with the Commission or the issuance of licensing documents to a particular person.

The general license includes the right both to receive and transfer ownership of special nuclear material. The amendment does not affect the Commission's existing rules applicable to transfer, receipt, possession, use, import, or export of special nuclear material.

Ownership alone of special nuclear material does not present any problems of radiation safety or the common defense and security. It is expected that the general license will simplify and expedite the Commission's regulatory processes without prejudicing in any way Commission controls over possession, use and physical transfer of special nuclear material. General licenses for the ownership of byproduct material and source material are already included in Parts 31 and 40, respectively. The addition of § 70.20 makes Part 70 consistent with those parts in that respect.

The new § 70.20 has the effect of relieving persons of the necessity of filing applications for specific licenses for ownership of special nuclear material. Therefore, the Commission has found that good cause exists why general notice of proposed rule making and public procedures thereon are unnecessary.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendment of 10 CFR Part 70 is published as a document subject to codification, to be effective 30 days after publication in the FEDERAL REGISTER.

A new § 70.20 is added to 10 CFR Part 70 to read as follows:

§ 70.20 General license to own special nuclear material.

A general license is hereby issued to receive title to and own special nuclear material without regard to quantity. Notwithstanding any other provision of this chapter, a general licensee under this section is not authorized to acquire, deliver, receive, possess, use, transfer, import, or export special nuclear material, except as authorized in a specific license.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 27th day of June 1968.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 68-8076; Filed, July 8, 1968; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 8855; Amdt. 39-619]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corp. BAC 1-11 200 and 400 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) requiring periodic replacement of certain parts in the rudder and elevator feel simulator units on British Aircraft Corp. BAC 1-11 200 and 400 Series airplanes was published in 33 F.R. 6719.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORP. Applies to Model BAC 1-11 200 and 400 Series airplanes.

Compliance required as indicated, unless already accomplished.

To prevent erratic functioning of the rudder and elevator feel simulator units and to provide a warning to the flight crew in the event of a malfunctioning of the rudder or elevator feel simulator units, accomplish the following:

(a) *For BAC 1-11 200 and 400 Series Airplanes.* Within the next 1,000 hours' time in service after the effective date of this AD, or before the accumulation of 6,000 hours' time in service, whichever occurs later, and thereafter at intervals not to exceed 6,000 hours' time in service from the last replacement, replace those rudder and elevator feel simulator valves, Hobson P/N's CHA 504-374 or CHA 504-405, which have been operated for any period with Skydrol 500A hydraulic fluid only, with new valves of the same part number or valves of the same part number that have been inspected and found free of corrosion and other defects and that have never been used with Skydrol 500A hydraulic fluid only.

(b) *For BAC 1-11 200 Series Airplanes.* Within the next 1,000 hours' time in service after the effective date of this AD, replace the ¼-inch diameter hydraulic pipe run between the roof of the main undercarriage bay and the rear pressure bulkhead in the No. 1 and No. 2 hydraulic systems with either $^{5}/_{16}$-inch or $^{3}/_{8}$-inch diameter pipe, in accordance with British Aircraft Corp. Service Bulletins Nos. 29-PM3234 Revision 1 dated December 1, 1967, or 29-PM3345 Revision 3, dated February 28, 1968, or later ARB-approved revision or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region.

(c) *For BAC 1-11 200 and 400 Series Airplanes.* Within the next 1,000 hours' time in service after the effective date of this AD replace the restrictor assembly Hobson P/N CHA 504-496 with new restrictor assembly Hobson P/N CHA 504-502 in the rudder and elevator feel simulator units in accordance with British Aircraft Corp. Service Bulletin No. 27-PM3371 dated February 28, 1968, or later ARB-approved revision or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region.

(d) *For BAC 1-11 200 and 400 Series Airplanes.* Within the next 3,000 hours' time in service after the effective date of this AD modify the rudder feel simulator system by incorporating a warning indicator assembly in accordance with British Aircraft Corp. Service Bulletin No. 27-PM3372 dated February 15, 1968, or later ARB-approved revision or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region.

This amendment becomes effective August 5, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 1, 1968.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 68-8065; Filed, July 8, 1968; 8:45 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 68-EA-37]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On page 6247 of the FEDERAL REGISTER for April 24, 1968, the Federal Aviation Administration published a proposed regulation which would alter the Elkins, W. Va., control zone.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., August 22, 1968 as follows:

Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Elkins, W. Va., control zone, the words "Elkins Radio Range" and insert in lieu thereof "Randolph County Radio Range."

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamacia, N.Y., on June 21, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68-8066; Filed, July 8, 1968; 8:46 a.m.]

[Airspace Docket No. 68-CE-26]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Routes

On April 20, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 6130) stating that the Federal Aviation Administration was considering amendments to Part 75 of the Federal Aviation Regulations that would extend Jet Route No. 548 from Sault Ste. Marie, Mich., to Pullman, Mich., via intersection of Sault Ste. Marie 207° and Pullman 010° radials and extend Jet Route No. 590 from Sault Ste. Marie to Carleton, Mich.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Due consideration was given to all comments received. The Department of the Air Force objected to the extension of Jet Route No. 590 as proposed stating that it would conflict with published high altitude jet penetrations serving the primary runway at Wurtsmith Air Force Base, Mich., and also believed it would add to the workload of the air traffic control facility by increasing coordination. They suggested alternative routes which would somewhat bypass the climb corridor.

After a review of the USAF alternative proposal in conjunction with the existing air traffic control environment within that area, we have determined that extension of Jet Route No. 590 as proposed in the notice of proposed rule making will not create a problem to the air traffic control capability of the air route traffic control center or restrict the flow of air traffic as it is in an area of good radar coverage. Additionally, the degree of coordination between affected air traffic control facilities is the same regardless of the route selected, as each requires the same type of coordination.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended effective, 0901 G.m.t., August 22, 1968, as hereinafter set forth.

Section 75.100 (32 F.R. 17518, 33 F.R. 2349) is amended as follows:

1. Jet Route No. 548 is amended to read as follows:

Jet Route No. 548 (Pullman, Mich., to the United States/Canadian Border) (joins Canadian high level airway No. 548).

From Pullman, Mich.; via the INT Sault Ste. Marie, Mich., 207° and Pullman 010° radials; Sault Ste. Marie, to the United States/Canadian border via the Sault Ste. Marie to Timmins, Ontario, RR direct radial.

2. Jet Route No. 590 is amended to read as follows:

Jet Route No. 590 (Lakehead, Ontario, Canada, to Carleton, Mich.) (joins Canadian high level airway No. HL-590).

From the Lakehead, Ontario, Canada, RBN; Sault Ste. Marie, Mich., to Carleton, Mich. The portion within Canada is excluded.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 27, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-8067; Filed, July 8, 1968; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8982; Amdt. 604]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Watertown, S. Dak.—Watertown Municipal, VOR 1, Amdt. 6, 15 May 1965 (established under Subpart C).

2. By amending § 97.15 of Subpart B to delete very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

Watertown, S. Dak.—Watertown Municipal, VOR/DME No. 1, Amdt. 1, 15 May 1965 (established under Subpart C).

3. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.6 miles after passing ATY VOR.
R 080°, ATY VORTAC clockwise	R 020°, ATY VORTAC	7-mile Arc	3500	Climb to 3100′ on R 177° within 10 miles, return to VOR.
R 020°, ATY VORTAC clockwise	R 357°, ATY VORTAC	7-mile Arc	3000	
R 285°, ATY VORTAC clockwise	R 320°, ATY VORTAC	7-mile Arc	3300	Supplementary charting information: TDZ elevation, 1739′.
R 320°, ATY VORTAC clockwise	R 357°, ATY VORTAC	7-mile Arc	3000	
7-mile DME Arc	ATY VORTAC (NOPT)	R 357°	2800	

Procedure turn W side of crs, 357° Outbnd, 177° Inbnd, 3000′ within 10 miles of ATY VORTAC.
FAF, ATY VORTAC. Final approach crs, 177°. Distance FAF to MAP, 3.6 miles.
Minimum altitude over ATY VORTAC, 2800′.
MSA: 000°-090°—3100′; 090°-180°—3200′; 180°-360°—4300′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-17	2060	¾	341	2060	¾	341	2060	¾	341	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	2260	1	513	2260	1	513	2260	1½	513	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Watertown; State, S. Dak.; Airport name, Watertown Municipal; Elev., 1747′; Facility, ATY; Procedure No. VOR Runway 17, Amdt. 7; Eff. date, 1 Aug. 68; Sup. Amdt No. VOR 1, Amdt. 6; Dated, 15 May 65

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.7-mile DME Fix R 176°.
ATY VOR	10-mile DME Fix, R 176°	Direct	3400	Climb to 3000' on R 350° ATY VOR within 10 miles, return to ATY VOR.
R 229°, ATY VORTAC counterclockwise	R 176°, ATY VORTAC	16-mile Arc	3400	
R 077°, ATY VORTAC clockwise	R 176°, ATY VORTAC	16-mile Arc	3400	Supplementary charting information: TDZ elevation, 1744'.
16-mile DME Arc	10-mile DME Fix, R 176° (NOPT)	R 176°	3300	

Procedure turn E side of crs, 176° Outbnd, 356° Inbnd, 3400' within 10 miles of 10-mile DME Fix, R 176° ATY VORTAC.
Final approach crs, 356°.
Minimum altitude over 10-mile DME Fix, R 176°, 3300'.
MSA: 000°-090°—3100'; 090°-180°—3200'; 180°-360°—4300'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-35	2160	¾	416	2160	¾	416	2160	¾	416	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	2260	1	513	2260	1	513	2260	1½	513	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Watertown; State, S. Dak.: Airport name, Watertown Municipal; Elev., 1747'; Facility, ATY; Procedure No. VOR/DME Runway 35, Amdt. 2; Eff. date, 1 Aug. 68; Sup. Amdt. No. VOR/DME No. 1, Amdt. 1; Dated, 15 May 65

4. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2 miles after passing SRW NDB.
High Rock Int	SRW NDB	Direct	2400	Climb to 2400', right turn, direct to SRW NDB and hold.
Hazel Int	SRW NDB	Direct	2400	
Barber Int	SRW NDB	Direct	2400	Supplementary charting information: Hold N, 1-minute right turns 197° Inbnd.

Procedure turn W side of crs, 017° Outbnd, 197° Inbnd, 2400' within 10 miles of SRW NDB.
FAF, SRW NDB. Final approach crs, 197°. Distance FAF to MAP, 2 miles.
Minimum altitude over SRW NDB, 1700'.
MSA: 000°-090°—2400'; 090°-180°—2400'; 180°-270°—3000'; 270°-360°—2400'.
NOTE: Use Winston-Salem altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	1480	1	705	1480	1	705	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Salisbury; State, N.C.; Airport name, Rowan County; Elev., 775'; Facility, SRW; Procedure No. NDB (ADF) Runway 20, Amdt. Orig.; Eff. date, 1 Aug. 68

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on June 25, 1968.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 68-7972; Filed, July 8, 1968; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1350]

PART 13—PROHIBITED TRADE PRACTICES

Grand Union Co.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Cease and desist order, The Grand Union Co., East Paterson, N.J., Docket C-1350, June 21, 1968]

In the Matter of The Grand Union Co., a Corporation

Consent order prohibiting a large grocery chain with headquarters in East Paterson, N.J., from acquiring for a period of 10 years, without prior approval of the Commission, any grocery store or chain of more than five units, or whose annual sales exceed $5 million, or whose combined annual sales of respondent and proposed acquired store exceeds 5 percent of the trade area sales.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That, for a period of ten (10) years following the effective date of this order, The Grand Union Co. shall not (A) merge with or acquire, directly or indirectly, through subsidiaries, or in any other manner, except with the prior approval of the Commission upon written application, the whole or any part of any grocery store (an establishment classified in Industry No. 5411, Standard Industrial Classification Manual, 1967 revision, or a grocery department in a nonfood store), where such acquisition or merger involves (1) five or more grocery stores, (2) annual grocery store sales of more than five (5) million dollars, or (3) combined (respondent and the grocery stores to be acquired or merged) grocery store sales of more than five (5) percent of total grocery or food store sales in any city or county in the United States; and (B) without sixty (60) days prior notification to the Commission, merge with or acquire, directly or indirectly, through subsidiaries or in any other manner, any grocery store establishment for which prior approval is not required pursuant to subparagraph A.

II. Within thirty (30) days from the effective date of this order, and annually thereafter until it has fully complied with this order, Grand Union shall submit a verified written report to the Federal Trade Commission setting forth in detail the manner and form in which it intends to comply, is complying, or has complied with this order.

III. *It is further ordered,* That the respondent corporation shall forthwith distribute a copy of this order to each person having authority to approve grocery store acquisitions and mergers.

Issued: June 21, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-8080; Filed, July 8, 1968; 8:47 a.m.]

[Docket No. C-1349]

PART 13—PROHIBITED TRADE PRACTICES

Leed's Luggage Shops, Inc., and Aaron Horowitz

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-235(m) Manufacturer; § 13.155 *Prices:* 13.155-40 Exaggerated as regular and customary; 13.155-70 Percentage savings. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1400 *Dealer as manufacturer;* Misrepresenting oneself and goods—Prices: § 13.1805 *Exaggerated as regular and customary.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Leed's Luggage Shops, Inc., et al., New York, N.Y., Docket C-1349, June 20, 1968]

In the Matter of Leed's Luggage Shops, Inc., a Corporation, and Aaron Horowitz, Individually and as Manager of Said Corporation

Consent order requiring a New York City retailer of leather and travel goods to cease making deceptive pricing and savings claims for its merchandise and misrepresenting it business status.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Leed's Luggage Shops, Inc., a corporation, and its officers, and Aaron Horowitz, individually and as manager of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of luggage, gifts, or other leather or travel goods or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "List" or any word or words of similar import or meaning to refer to any amount unless substantial sales of such merchandise are being made at that or a higher price by principal retail outlets in respondents' trade area; or misrepresenting, in any manner, the price at which merchandise is sold in respondents' trade area.

2. Using the abbreviation "Reg." or any words or other abbreviations of similar import or meaning to refer to any amount which is in excess of the price at which such merchandise has been sold or openly and actively offered for sale in good faith by respondents for a reasonably substantial period of time in the recent, regular course of their business; or misrepresenting, in any manner, the price at which such merchandise has been sold or offered for sale by respondents.

3. Falsely representing, in any manner, that savings are available to purchasers or prospective purchasers of respondents' merchandise, or misrepresenting, in any manner, the amount of savings available to purchasers or prospective purchasers of respondents' merchandise at retail.

4. Representing, directly or by implication, that they are manufacturers or that they own, operate, or control a factory or other manufacturing facility or facilities or that they manufacture any of the merchandise offered for sale by them.

5. Representing, directly or by implication, that as a manufacturer they are associated with other manufacturers and thereby enabled to offer or sell goods at lower prices; or misrepresenting, in any manner, their trade connections, associations, or status.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 20, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-8081; Filed, July 8, 1968; 8:47 a.m.]

[Docket No. 7492]

PART 13—PROHIBITED TRADE PRACTICES

Fred Meyer, Inc., et al.

Subpart—Discriminating in price under sec. 2, Clayton Act—Knowingly inducing or receiving discriminating price under 2(f): § 13.855 *Inducing and receiving discriminations.* Subpart—Discriminating in price under section 5, Federal Trade Commission Act: § 13.892 *Knowingly inducing or receiving discriminating payments.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Modified order to cease and desist, Fred Meyer, Inc., et al., Portland Oreg., Docket 7492, June 13, 1968]

In the Matter of Fred Meyer, Inc., a Corporation, and Fred G. Meyer and Earle A. Chiles, Individually and as Officers of Said Corporation

Order modifying an order dated July 9, 1963, 28 F.R. 8023, pursuant to an opinion of the Supreme Court, 390 U.S.

341 (1968), and an order of the U.S. Court of Appeals, Ninth Circuit, of May 16, 1968, which prohibited a Portland, Oreg., supermarket chain from knowingly inducing discriminatory prices by including in the prohibition those retailers who buy through wholesalers as well as direct-buying retailers.

The modified order to cease and desist, is as follows:

It is ordered, That respondent Fred Meyer, Inc., a corporation, its officers, agents, representatives, and employees, and Fred G. Meyer and Earle A. Chiles, individually and as officers of and in connection with activities related to the business of respondent Fred Meyer, Inc., in connection with the offering to purchase or purchase by or on behalf of respondent Fred Meyer, Inc., in commerce, as "commerce" is defined in the amended Clayton Act, of products for resale in outlets operated by respondent Fred Meyer, Inc., do forthwith cease and desist from:

Knowingly inducing, or knowingly receiving or accepting, in connection with any promotional scheme consisting of distribution of coupons to and return of coupons by consumers in connection with the purchase by consumers of products offered for resale in retail outlets of respondent Fred Meyer, Inc., or in connection with any comparable scheme, any discrimination in the price of such products by directly or indirectly inducing, receiving or accepting from any seller a net price respondents know or should know is:

(a) Below the net price at which such products of like grade and quality are being sold by such seller to any other purchaser with whom respondent Fred Meyer, Inc., competes, or with whose customer or customers said respondent competes, and

(b) Not a price differential which makes only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which products are sold and delivered by such seller, and

(c) Not a price change in response to changing conditions affecting the market for or marketability of such products, such as but not limited to actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in dicontinuance of business in the goods concerned, and

(d) Not a price made in good faith to meet an equally low price of a competitor of the seller.

For the purpose of determining "net price" under the terms of this order, there shall be taken into account all discounts, rebates, allowances, deductions, or other terms and conditions of sale by which net prices are effected.

It is further ordered, That respondent Fred Meyer, Inc., a corporation, its officers, agents, representatives, and employees, and Fred G. Meyer and Earle A. Chiles, individually and as officers of and in connection with activities related to the business of respondent Fred Meyer, Inc., directly or through any corporate or other device in or in connection with any purchase by or on behalf of respondent Fred Meyer, Inc., in commerce, as "commerce" is defined in the Federal Trade Commission Act, of products for resale in outlets operated by respondent Fred Meyer, Inc., do forthwith cease and desist from:

Inducing or receiving anything of any value from any supplier as compensation for or in consideration of advertising, promotion, or display services or facilities furnished by or through Fred Meyer, Inc., in connection with any promotional scheme consisting of distribution of coupons to and return of coupons by consumers in connection with the purchase by consumers of products offered for resale in retail outlets of respondent Fred Meyer, Inc., or in connection with any comparable program, or in connection with any actual or purported promotion or special sale of particular products to be conducted by or on behalf of respondent Fred Meyer, Inc., when respondents know or should know that such compensation or consideration is not being offered or otherwise made available by such supplier on proportionally equal terms to all of its other customers, including retailer customers who do not purchase directly from such supplier, who compete with respondent Fred Meyer, Inc., in the sale of such supplier's products.

It is further ordered, That respondent Fred Meyer, Inc., a corporation, and its officers, and Fred G. Meyer and Earle A. Chiles, individually and as officers of corporate respondent, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist set forth herein.

Issued: June 13, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-8079; Filed, July 8, 1968; 8:47 a.m.]

[Docket No. C-1348]

PART 13—PROHIBITED TRADE PRACTICES

Punch Card Machine Training Service, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.115 *Jobs and employment service;* § 13.185 *Refunds, repairs, and replacements;* § 13.240 *Special or limited offers.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1670 *Jobs and employment;* § 13.1725 *Refunds;* § 13.1747 *Special or limited offers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Punch Card Machine Training Service, Inc., et al., Kansas City, Mo., Docket C-1348, June 14, 1968]

In the Matter of Punch Card Machine Training Service, Inc., a Corporation, Punch Card Training of Memphis, Inc., a Corporation, and Walter G. Ottman, Bette K. Ottman, Mary A. Vonck, and Leona Thelen, Individually and as Officers of Said Corporations

Consent order requiring two affiliated business machine schools located in Missouri and Tennessee to cease using deceptive offers of employment, exaggerating the demand for its graduates, misrepresenting that enrollments are limited, that lack of a high school diploma is no handicap, and that refunds will be made.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Punch Card Machine Training Service, Inc., a corporation, Punch Card Training of Memphis, Inc., a corporation, and their officers, and Walter G. Ottman, Bette K. Ottman, Mary A. Vonck, and Leona Thelen, individually and as officers of said corporations, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of courses of study, training, and instruction in the operation of business machines or data processing machines or courses of study and instruction in any other subject or subjects, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that inquiries are solicited for the purpose of offering employment to qualified applicants: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that a bona fide offer of employment was made as represented.

2. Representing, directly or by implication, that respondents' placement service will guarantee or assure the placement of graduates in jobs for which they have been trained, or will find them jobs in the geographical areas of their choice; or misrepresenting, in any manner, their ability or their facilities for assisting graduates of their courses in finding employment, or the assistance actually afforded by respondents to graduates in obtaining employment.

3. Representing, directly or by implication, that a great demand by employers exists for graduates of respondents' schools or that such demand is greater than respondents' ability to supply graduates to fill such jobs; or misrepresenting, in any manner, the employment opportunities for graduates of respondents' schools or courses: *Provided, however,* That nothing herein shall be construed to prohibit the respondents from truthfully and nondeceptively stating that there is a great demand for experienced tabulating machine personnel with high school education in the Kansas City area and surrounding territory.

4. Representing, directly or by implication, that respondents accept only qualified persons for their courses of instruction and training or are selective as to which applicants they accept: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that a bona fide selection is made of applicants based on established guides and standards clearly disclosed in immediate conjunction with the representation made.

5. Representing, directly or by implication, that respondents only accept as students those persons who apply for enrollment in respondents' courses at the time the offer is made; or that enrollment therein cannot be accepted thereafter; or that only a limited number of students can be accepted for respondents' courses of instruction and training; or that only a specified number of applicants responding to a particular advertisement of respondents or from a particular area can be accepted for enrollment in respondents' courses; or that there are any limitations on the number of students who can be enrolled.

6. Representing, directly or by implication, that the lack of a high school education is not a handicap or impediment for a person to take and complete respondents' course or courses of instruction or training or to obtain employment; or misrepresenting, in any manner, the educational or other requirements for such training and employment.

7. Representing, directly or by implication, that persons completing respondents' courses will earn starting or average salaries in excess of salaries actually and customarily paid to persons of like age, experience, and training; or misrepresenting, in any manner, the earnings which will be realized by persons completing said courses of instruction.

8. Representing, directly or by implication, that respondents' school occupies all of the building in which it is located, or is larger than it in fact is, or that such school provides or has available physical facilities which are not, in fact, available.

9. Representing, directly or by implication, that respondents will refund sums paid by or in behalf of a student.

10. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of the respondents' courses to purchasers; and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 14, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-8082; Filed, July 8, 1968; 8:47 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Lower Price to "Stocking" Dealers

§ 15.263 Lower price to "stocking" dealers.

(a) The Commission rendered an advisory opinion in which it said that it could not give its approval to a plan whereby manufacturers would give a lower price to "stocking" dealers who compete with "non-stocking" dealers. The opinion was given to a trade association which represents manufacturers of a household product.

(b) As justification for the variance in the proposed pricing schedules, the association pointed out that "stocking" dealers experience a higher cost of doing business and, therefore, must sell at higher prices than their competing "non-stocking" dealers. It was also contended that such a price differential would stimulate the purchase of the product in question for inventory.

(c) Expressing the view that it could not give its approval to such two price schedules if the "stocking" and "non-stocking" dealers compete and if the pricing differentials are of sufficient magnitude to adversely affect competition, the Commission concluded that the proposed plan could result in illegal price discrimination under section 2(a) of the Clayton Act, as amended. In its opinion, the Commission went on to point out that such price differences would be illegal unless they could be justified on the basis of one of the specific defenses provided in sections 2 (a) and (b) of the statute.

(d) "For example," the Commission said, "the law permits price differences which can be justified by provable cost differences in the manufacture, sale, or delivery of such products resulting from the differing methods or quantities in which the products are sold or delivered. Accordingly, section 2(a) does not preclude prices reflecting less costly and, therefore, more efficient methods of distribution provided that the standards inherent in the statute's cost justification proviso are met."

(e) Although the party seeking the advisory opinion did not raise the question, the Commission's opinion touched upon another point of interest in this type of a situation. Specifically, the Commission said: "• • • it is conceivable that certain members may wish to compensate their customers for services which the customers may render for them in connection with the handling or resale of products manufactured by such members. The law provides a means by which this may be done, but if it is done, the manufacturer must comply with the requirements of section 2(d) of the Act. This requirement is simply that compensation for such services, if made by a manufacturer to one customer, must be made available on proportionally equal terms to other customers of that manufacturer who compete with the favored customer in the sale of the manufacturer's products. This means, among other things, that any plan or program, under which the payments are made must, if necessary, provide for alternative services or facilities which, as a practical matter, can be provided by all competing customers."

(f) Concluding its opinion, the Commission cautioned as follows: "It should be noted, however, that payments by manufacturers to their customers 'to stimulate the purchase of their goods for inventory,' are not payments of the type contemplated by section 2(d). Such a payment would merely be a reduction in price to induce the purchase of the manufacturer's goods and, if given to some but not all of the manufacturer's customers, might be unlawful price discrimination within the meaning of section 2(a)."

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 49 Stat. 1526; 15 U.S.C., as amended)

Issued: July 8, 1968.

By the direction of the Commission.[1]

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-8035; Filed, July 8, 1968; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Stocking, Quantity, and Cumulative Discounts

§ 15.264 Stocking, quantity, and cumulative discounts.

(a) The Commission rendered an advisory opinion to a manufacturer of food serving equipment which involved a proposal to use stocking, quantity, and cumulative price discounts.

(b) Under the first category, a discount of 50 percent and 15 percent would be given to stocking dealers who continually order in large quantities and maintain a regular stock of the product in question for local delivery to restaurants, hospitals, etc.

(c) The second category involves the following quantity discount schedule to dealers based upon each order:

Amount purchased	*Discount*
1-11 dozen	50 percent.
11-24 dozen	50 percent and 5 percent.
25 and more dozen	50 percent and 10 percent.

[1] Dissenting statements of Commissioners Elman and Nicholson filed as part of original document.

(d) Each dealer will receive the following additional cumulative volume discount at the end of each year based upon the total dollar volume of purchases for that year:

Annual purchases	*Discount (percent)*
$1–$3,499	0
$3,500–$5,999	1
$6,000–$8,499	2
$8,500–$10,499	3
$11,000–$14,999	4
$15,000–Up	5

(e) Stocking dealers will be in competition with nonstocking dealers and nonstocking dealers will also compete with each other. Under the terms of the proposed pricing schedules, stocking dealers could get a price advantage of as much as 15 percent over nonstocking dealers, and nonstocking dealers could also receive up to 15 percent price advantage over their nonstocking competitors.

(f) After making a brief explanation of the requirements of section 2(a) of the amended Clayton Act, the Commission advised the requesting party as follows: "It is, of course, impossible to reach a definitive conclusion as to the economic impact of such a pricing proposal without an investigation. However the Commission has given your request careful consideration, and it has concluded that it cannot give its approval to the proposal because it believes that the necessary ingredients are present from which it can reasonably infer that such a proposal would likely result in the anticompetitive effects proscribed by the statute. A pricing schedule which results in a price advantage of as much as 15 percent under the facts outlined in this case would therefore probably be illegal, unless it can be justified by provable cost differences in the manufacture, sale, or delivery of such products or unless the lower price is made in good faith to meet an equally low price of a competitor."

(38 Stat. 717, as amended, 15 U.S.C. 41–58; 49 Stat. 1526, 15 U.S.C. 13, as amended)

Issued: July 8, 1968.

By direction of the Commission.[1]

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68–8036; Filed, July 8, 1968; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Personal Deodorant Spray

§ 15.265 Personal deodorant spray.

(a) The Commission rendered an advisory opinion to a manufacturer of a personal deodorant spray concerning the legality of some proposed advertising.

(b) Specifically, the Commission advised the requesting party that the product was not a drug but a cosmetic, nor had it been cleared, approved, or endorsed by the Food and Drug Administration. Therefore, any claims which represent the product as a drug, or that it has been cleared, approved, or endorsed by the Government agency in question would be improper.

(c) Based upon all the facts and scientific information available to it, the Commission also advised the requesting party that any advertising representations which go beyond the claim that the product inhibits the growth of body odor causing bacteria would violate sections 5 and 12 of the FTC Act.

(d) Finally, the Commission stated that, as a general rule, it would be inclined to question the use of any claim that a product is "new" for a period of time longer than 6 months.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: July 8, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68–8034; Filed, July 8, 1968; 8:45 a.m.]

[1] Commissioners Elman and Nicholson dissent from that part of the Advisory Opinion relating to discounts for stocking dealers.

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart B—Contract Rights and Obligations

SUBCHAPTER I—CONDOMINIUM HOUSING INSURANCE

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations—Individually Owned Units

MISCELLANEOUS AMENDMENTS

The following miscellaneous amendments have been made to this chapter:

Section 203.375 is amended to read as follows:

§ 203.375 Property condition.

(a) When the property is transferred, or a mortgage is assigned to the Commissioner, the property shall be undamaged by fire, earthquake, flood, or tornado, except as set forth in this subpart.

(b) The mortgagee shall not be liable for damage to the property by waste in connection with mortgage insurance claims paid on or after July 2, 1968.

Sections 203.376, 203.377, and 203.378 are revoked as follows:

§ 203.376 Waste defined. [Revoked]

§ 203.377 Mortgagee's liability for waste. [Revoked]

§ 203.378 Adjustment for waste. [Revoked]

Section 203.380 is amended to read as follows:

§ 203.380 Certificate of property condition.

The mortgagee shall either certify that as of the date of the filing for record of the deed, or assignment of the mortgage to the Commissioner, the property was undamaged by fire, flood, earthquake, or tornado, or shall describe the damage to such property resulting from such hazards as of such date. In the absence of evidence to the contrary, the mortgagee's certificate or description of the damage shall be accepted by the Commissioner as establishing the condition of the property, as of the date of the filing of the deed or assignment of the mortgage.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

In § 234.270 the introductory text of paragraph (a) is amended and a new paragraph (d) is added to read as follows:

§ 234.270 Condition of the multifamily structure.

(a) When a family unit is conveyed or a mortgage is assigned to the Commissioner, the family unit and the common areas and facilities designated for the particular unit shall be undamaged by fire, earthquake, tornado, or boiler explosion, except if the property has been damaged, either of the following actions shall be taken:

* * * * *

(d) The mortgagee shall not be liable for damage to the property by waste in connection with mortgage insurance claims paid on or after July 2, 1968.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 234, 75 Stat. 160; 12 U.S.C. 1715y)

Issued at Washington, D.C., July 2, 1968.

PHILIP N. BROWNSTEIN, *Federal Housing Commissioner.*

[F.R. Doc. 68–8085; Filed, July 8, 1968; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6962]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Consolidated Returns; Allocation of Tax Liability Among Members of an Affiliated Group

Correction

In F.R. Doc. 68–7896 appearing at page 9653 in the issue of Wednesday July 3, 1968, the reference to "January 1, 1968" in § 1.1502–33(d)(3)(ii) should read "July 1, 1968".

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 397–68]

BUREAU OF NARCOTICS AND DANGEROUS DRUGS

Under and by virtue of the authority vested in me by sections 509 and 510 of Title 28 and section 301 of Title 5 of the United States Code; Subparts A, U, V, and W of Part 0, and Subparts A and C of Part 47, Chapter I, of Title 28 of the Code of Federal Regulations are amended as follows:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart A—Organizational Structure of the Department of Justice

§ 0.1 Organizational units.

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BUREAUS

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Bureau of Narcotics and Dangerous Drugs.

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Subpart U—Additional Assignments of Functions and Designation of Officials To Perform the Duties of Certain Offices in Case of Vacancy or Absence Therein or in Case of Inability or Disqualification To Act

§ 0.134 Vacancy in the Office of Director, Bureau of Narcotics and Dangerous Drugs.

In the event of a vacancy in the Office of Director, Bureau of Narcotics and Dangerous Drugs, the powers and functions of the Director may be exercised, separately or jointly, by the Associate Directors of the Bureau.

Subpart V—Authorizations With Respect to Personnel and Certain Administrative Matters

§ 0.136 Assistant Attorney General for Administration.

Except for the authority conferred in §§ 0.137 and 0.138, the Assistant Attorney General for Administration is authorized to exercise the power and authority vested in the Attorney General by law to take final action on matters pertaining to the employment, separation, and general administration of personnel, except attorneys, in the Department of Justice in Classification Act grades GS–1 through GS–14, and in wage board positions, and to classify positions in the Department under the Classification Act and wage board systems regardless of grade. He shall also have authority to postaudit and correct any personnel actions throughout the Department, and to inspect at any time any personnel operations of the Federal Bureau of Investigation, the Bureau of Prisons, the Federal Prison Industries, the Immigration and Naturalization Service, and the Bureau of Narcotics and Dangerous Drugs.

§ 0.138 Bureau of Prisons, Federal Prison Industries, Immigration and Naturalization Service, and Bureau of Narcotics and Dangerous Drugs.

The Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, and the Director of the Bureau of Narcotics and Dangerous Drugs are, as to their respective jurisdictions, authorized to exercise the power and authority vested in the Attorney General by law to take final action in matters pertaining to the employment, direction, and general administration (including appointment, assignment, training, promotion, demotion, compensation, leave, classification, and separation) of personnel, except attorneys, in the Bureau of Prisons, Federal Prison Industries, the Immigration and Naturalization Service, and the Bureau of Narcotics and Dangerous Drugs, respectively, in Classification Act grades GS–1 through GS–13 and in wage board positions. All personnel actions taken under this section shall be subject to postaudit and correction by the Assistant Attorney General for Administration and to review by the Deputy Attorney General.

§ 0.139 Procurement matters.

The following shall control as to procurement matters:

(a) Except as to those matters designated by the Assistant Attorney General for Administration, to whom the responsibility for control of expenditures is assigned by § 0.75, the Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, and the Director of the Bureau of Narcotics and Dangerous Drugs are, as to their respective jurisdictions, authorized to exercise the authority vested in the Attorney General by law with respect to procurement matters.

(b) The Assistant Attorney General for Administration is authorized to postaudit and correct any procurement transactions throughout the Department, and to inspect at any time the procurement operations of the Federal Bureau of Investigation, the Bureau of Prisons, the Federal Prison Industries, the Immigration and Naturalization Service, and the Bureau of Narcotics and Dangerous Drugs.

§ 0.140 Authority relating to advertisements, and purchase of certain supplies and services.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs, as to their respective jurisdictions, and the Assistant Attorney General for Administration, as to all other organizational units of the Department (including U.S. Attorneys and Marshals), are authorized to exercise the power and authority vested in the Attorney General by law to take final action in the following-described matters:

* * * * *

§ 0.141 Audit and ledger accounts.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Immigration and Naturalization, and the Director of the Bureau of Narcotics and Dangerous Drugs are, as to their respective jurisdictions, authorized to audit vouchers and to maintain general ledger accounts with respect to appropriations allotted to them.

§ 0.142 Per diem and travel allowances.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs, as to their respective jurisdictions, and the Assistant Attorney General for Administration, as to all other organizational units of the Department (including U.S. Attorneys and Marshals), are authorized to exercise the power and authority vested in the Attorney General by law to take final action in the following-described matters:

* * * * *

§ 0.143 Incentive Awards Plan.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs, as to their respective jurisdictions, and the Assistant Attorney General for Administration, as to all other organizational units of the Department (including U.S. Attorneys and Marshals), are authorized to exercise the power and authority vested in the Attorney General by law with respect to the administration of the Incentive Awards Plan and to approve honorary awards and cash awards under such plan not in excess of $500.

§ 0.144 Determination of basic work week.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs, as to their respective jurisdictions, and the Assistant Attorney General for Administration, as to all other organizational units of the Department (including U.S. Attorneys and Marshals), are authorized to exercise the authority vested in the Attorney General by section 6101(b) of Title 5, United States Code, to determine that the

organizational unit concerned would be seriously handicapped in carrying out its functions or that costs would be substantially increased except upon modification of the basic work week, and whenever such determination is made to fix the basic work week of officers and employees of the unit concerned.

§ 0.145 Overtime pay.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs, as to their respective jurisdictions, and the Assistant Attorney General for Administration, as to all other organizational units of the Department (including U.S. Attorneys and Marshals), may, subject to any regulations which the Attorney General may prescribe, authorize overtime pay (including additional compensation in lieu of overtime of not less than 10 percent nor more than 25 percent pursuant to section 5545(c)(2) of Title 5, United States Code, as amended by section 217 of the Postal Revenue and Federal Salary Act of 1967) for such positions as may be designated by them.

§ 0.146 Seals.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Chairman of the Board of Parole, and the Director of the Bureau of Narcotics and Dangerous Drugs shall each have custody of the seal pertaining to his respective jurisdiction and he, or such person or persons as he may designate, may execute under seal any certification required to authenticate any books, records, papers, or other documents as true copies of official records of their respective jurisdictions. The Assistant Attorney General for Administration shall have custody of the seal of the Department of Justice, and he, or such person or persons as he may designate, may execute under seal any certification required to authenticate any books, records, papers, or other documents as true copies of official records of the Department of Justice.

§ 0.147 Certification of obligations.

The following-designated officials are authorized to make the certifications required by section 1311(c) of the Supplemental Appropriation Act, 1955 (68 Stat. 831; 31 U.S.C. 200(c)); for the Federal Bureau of Investigation, the Assistant Director, Administrative Division; for the Bureau of Prisons, the Deputy Assistant Director, Administrative Services; for Federal Prison Industries, the Secretary; for the Immigration and Naturalization Service, the Assistant Commissioner, Administrative Division; for the Bureau of Narcotics and Dangerous Drugs, the Assistant Director for Administration; and for all other organizational units of the Department (including U.S. Attorneys and Marshals), the Assistant Attorney General for Administration.

§ 0.148 Certifying officers.

The following-named officials are authorized to designate employees to certify vouchers under section 1 of the Act of December 29, 1941, 55 Stat. 875 (31 U.S.C. 82b), and to certify that such persons are bonded pursuant to the Act of August 9, 1955, 69 Stat. 618; for the Federal Bureau of Investigation, the Director; for the Bureau of Prisons, the Director, and the Associate Commissioner, Federal Prison Industries; for the Federal Prison Industries, the Associate Commissioner, and the Director, Bureau of Prisons; for the Immigration and Naturalization Service, the Commissioner; for the Bureau of Narcotics and Dangerous Drugs, the Director; and for all other organizational units of the Department (including U.S. Attorneys and Marshals), the Assistant Attorney General for Administration.

§ 0.149 Disbursing employees.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, and the Director of the Bureau of Narcotics and Dangerous Drugs, as to their respective jurisdictions, and the Assistant Attorney General for Administration as to all other organizational units of the Department (including U.S. Attorneys and Marshals), are authorized to request Treasury Department designation of disbursing employees (including cashiers), and to certify that such employees are bonded pursuant to the Act of August 9, 1955, 69 Stat. 618. Existing authorizations to request designations and approve bonds shall remain in effect until terminated by the official who by this section would be authorized to request such designations.

§ 0.150 Collection of erroneous payments.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs, for their respective jurisdictions, and the Assistant Attorney General for Administration, for all other organizational units of the Department (including U.S. Attorneys and Marshals), are authorized, in accordance with the regulations prescribed by the Attorney General under section 5514(b) of Title 5, United States Code, to collect indebtedness resulting from erroneous payments to employees. The Assistant Attorney General for Administration is authorized to redelegate his authority under this section to U.S. Marshals with respect to the collection of such indebtedness from U.S. Attorneys and Marshals.

§ 0.151 Administering Oath of Office.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs, as to their respective jurisdictions, and the Assistant Attorney General for Administration, as to all other organizational units of the Department (including U.S. Attorneys and Marshals), are authorized to designate, in writing, pursuant to the provisions of sections 2903(b) and 2904 of Title 5, United States Code, officers or employees to administer the oath of office required by section 3331 of Title 5, United States Code, and to administer any other oath required by law in connection with employment in the executive branch of the Federal Government.

§ 0.152 Approval of funds for attendance at meetings.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs, as to their respective jurisdictions, and the Assistant Attorney General for Administration, as to all other organizational units of the Department (including U.S. Attorneys and Marshals), are authorized to exercise the power and authority vested in the Attorney General by law to prescribe regulations for the expenditure of appropriated funds available for expenses of attendance at meetings of organizations.

§ 0.153 Selection and assignment of employees for training.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, and the Director of the Bureau of Narcotics and Dangerous Drugs, as to their respective jurisdictions, and the Assistant Attorney General for Administration, as to all other organizational units of the Department (including U.S. Attorneys and Marshals), are hereby authorized to exercise the authority vested in the Attorney General by section 4109 of Title 5, United States Code, with respect to the selection and assignment of employees for training by, in, or through Government facilities and the payment or reimbursement of expenses for such training.

§ 0.154 Advance and evacuation payments and special allowances.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, and the Director of the Bureau of Narcotics and Dangerous Drugs, as to their respective jurisdictions, and the Assistant Attorney General for Administration, as to all other organizational units of the Department (including U.S. Attorneys and Marshals), are hereby authorized to exercise the authority vested in the Attorney General by sections 5522–5527 of Title 5, United States Code, and Executive Order No. 10982 of December 25, 1961, and to administer the regulations adopted by the Attorney General in Order No. 269–62 with respect to advance and evacuation payments and special allowances.

§ 0.159 Redelegation of authority.

Except as to the authority delegated by § 0.147, the authority conferred by this Subpart V upon the Deputy Attorney General and the Assistant Attorney General for Administration may be redelegated by them, respectively, to any of their subordinates or to any other officers or employees of the Department. Subject to the same limitation, the authority conferred by this Subpart V upon the Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, and the Director of the Bureau of Narcotics and Dangerous Drugs may be redelegated by them, respectively, to such officers and employees under their jurisdiction and to such U.S. Attorneys as they may designate. Existing delegations of authority to officers and employees and to U.S. Attorneys, not inconsistent with this Subpart V, made by any officer named in this section shall continue in force and effect until modified or revoked.

Subpart W—Authority to Compromise and Close Civil Claims and Responsibility for Judgments, Fines, Penalties, and Forfeitures

§ 0.179 Authority; Federal tort claims.

(a) The Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, and the Director of the Bureau of Narcotics and Dangerous Drugs shall have authority to adjust, determine, compromise, and settle a claim involving the Bureau of Prisons, Federal Prison Industries, the Immigration and Naturalization Service, and the Bureau of Narcotics and Dangerous Drugs, respectively, under section 2672 of Title 28, United States Code, relating to the administrative settlement of Federal tort claims, if the amount of a proposed adjustment, compromise, settlement or award does not exceed $2,500. When in the opinion of one of the said Directors or one of the said Commissioners such a claim pending before him presents a novel question of law or a question of policy, he shall obtain the advice of the Assistant Attorney General in charge of the Civil Division.

* * * * *

PART 47—RECONSIDERATION AND REVIEW OF ADVERSE ACTIONS IN THE DEPARTMENT OF JUSTICE

Subpart A—General Provisions

§ 47.4 Implementation.

The Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, and the Director of the Bureau of Narcotics and Dangerous Drugs, with respect to employees under their respective jurisdictions, and the Assistant Attorney General for Administration, with respect to all other organizational units of the Department, shall be responsible for implementing this part. These officials shall be responsible for (a) issuing such implementing instructions as may be appropriate; (b) providing advice and assistance to supervisors and employees in the use of the systems for reconsideration and review established by this part and the applicable regulations of the Civil Service Commission; (c) taking appropriate action to insure that employees are advised of their rights under this part, and the regulations of the Civil Service Commission herein referred to, and that copies of this part, and those regulations, are available to employees and their representatives; and (d) insuring that individual cases are processed in accordance with this part and the applicable regulations of the Civil Service Commission.

Subpart C—Appeals

§ 47.10 Right to appeal.

* * * * *

(c) Subject to the provisions of paragraph (d) of this section, appeals shall be decided (1) by the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs, or an official designated by them, for employees under their respective jurisdictions regardless of grade or type of appointment; and (2) by the Assistant Attorney General for Administration, or an official designated by him, for all other employees.

* * * * *

Effective date. This order shall be effective upon signature.

Dated: July 2, 1968.

RAMSEY CLARK,
Attorney General.

[F.R. Doc. 68–8098; Filed, July 8, 1968; 8:49 a.m.]

Title 29—LABOR

Chapter I—National Labor Relations Board

PART 101—STATEMENTS OF PROCEDURE, SERIES 8

Subpart A—General Statement

PART 102—RULES AND REGULATIONS, SERIES 8

Subpart K—Records and Information

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in it by the National Labor Relations Act, approved July 5, 1935, the National Labor Relations Board hereby issues the following further amendments to its Statements of Procedure and to its Rules and Regulations, Series 8, as amended, which it finds necessary to carry out the provisions of said Act, such amendments to be effective July 8, 1968.

National Labor Relations Board Statements of Procedure and Rules and Regulations, Series 8, as hereby further amended, shall be in force and effect until further amended, or rescinded by the Board.

Dated: Washington, D.C., July 2, 1968.

By direction of the Board.

HOWARD W. KLEEB,
Acting Executive Secretary.

1. Section 101.1 is amended to read as follows:

§ 101.1 General statement.

By virtue of the authority vested in it by section 6 of the National Labor Relations Act, 49 Stat. 449, as amended, the National Labor Relations Board has issued and published simultaneously herewith its Rules and Regulations, Series 8, as amended. The following statements of the general course and method by which the Board's functions are channeled and determined are issued and published pursuant to 5 U.S.C. section 552(a)(1)(B).

2. Section 102.118 is amended to read as follows:

§ 102.118 Board employees prohibited from producing files, records, etc., pursuant to subpoena ad testificandum or subpoena duces tecum; prohibited from testifying in regard thereto; production of witnesses' statements after direct testimony.

(a) No regional director, field examiner, trial examiner, attorney, specially designated agent, general counsel, member of the Board, or other officer or employee of the Board shall produce or present any files, documents, reports, memoranda, or records of the Board or testify in behalf of any party to any cause pending in any court or before the Board, or any other board, commission, or other administrative agency of the United States, or of any State, territory, or the District of Columbia with respect to any information, facts, or other matter coming to his knowledge in his official capacity or with respect to the contents of any files, documents, reports, memoranda, or records of the Board, whether in answer to a subpena, subpoena duces tecum, or otherwise, without the written consent of the Board or the chairman of the Board if the official or document is subject to the supervision or control of the Board; or the general counsel if the official or document is subject to the supervision or control of the general counsel. Whenever any subpoena ad testificandum or subpoena duces tecum, the purpose of which is to adduce testimony or require the production of records as described hereinabove, shall have been served on any such person or other officer or employee of the Board, he will, unless otherwise expressly directed by the Board or the chairman of

the Board or the general counsel, as the case may be, move pursuant to the applicable procedure, whether by petition to revoke, motion to quash, or otherwise, to have such subpena invalidated on the ground that the evidence sought is privileged against disclosure by this rule.

(b) (1) Notwithstanding the prohibitions of paragraph (a) of this section, after a witness called by the general counsel or by the charging party has testified in a hearing upon a complaint under section 10(c) of the act, the trial examiner shall, upon motion of the respondent, order the production of any statement (as hereinafter defined) of such witness in the possession of the general counsel which relates to the subject matter as to which the witness has testified. If the entire contents of any such statement relate to the subject matter of the testimony of the witness, the trial examiner shall order it to be delivered directly to the respondent for his examination and use for the purpose of cross-examination.

(2) If the general counsel claims that any statement ordered to be produced under this section contains matter which does not relate to the subject matter of the testimony of the witness, the trial examiner shall order the general counsel to deliver such statement for the inspection of the trial examiner in camera. Upon such delivery the trial examiner shall excise the portions of such statement which do not relate to the subject matter of the testimony of the witness. With such material excised the trial examiner shall then direct delivery of such statement to the respondent for his use on cross-examination. If, pursuant to such procedure, any portion of such statement is withheld from the respondent and the respondent objects to such withholding, the entire text of such statement shall be preserved by the general counsel, and, in the event the respondent files exceptions with the Board based upon such withholding, shall be made available to the Board for the purpose of determining the correctness of the ruling of the trial examiner. If the general counsel elects not to comply with an order of the trial examiner directing delivery to the respondent of any such statement, or such portion thereof as the trial examiner may direct, the trial examiner shall strike from the record the testimony of the witness.

(c) The provisions of paragraph (b) of this section shall also apply after any witness has testified in any postselection hearing pursuant to § 102.69(d) and any party has moved for the production of any statement (as hereinafter defined) of such witness in possession of any agent of the Board which relates to the subject matter as to which the witness has testified. The authority exercised by the trial examiner under paragraph (b) of this section shall be exercised by the hearing officer presiding.

(d) The term "statement" as used in paragraphs (b) and (c) of this section means: (1) A written statement made by said witness and signed or otherwise adopted or approved by him; or (2) a stenographic, mechanical, electrical, or other recording, or a transcription thereof, which is a substantially verbatim recital of an oral statement made by said witness to an agent of the party obligated to produce the statement and recorded contemporaneously with the making of such oral statement.

(40 Stat. 449; 29 U.S.C. 151–166, as amended by act of June 23, 1947 (61 Stat. 136; 29 U.S.C. Supp. 151–167), act of Oct. 22, 1951 (65 Stat. 601; 29 U.S.C. 158, 159, 168), and act of Sept. 14, 1959 (73 Stat. 519; 29 U.S.C. 141–168))

[F.R. Doc. 68–8063; Filed, July 8, 1968; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5—General Services Administration

PART 5–30—CONTRACT FINANCING

Illustrations

Correction

In F.R. Doc. 68–7728 appearing at page 9547 in the issue of Saturday, June 29, 1968, the ratio in § 5–30.551–3(c)(1) should read as follows:

Percentages (B,C, or D):	Percentage A=Costs of direct labor and materials:	Total costs.
(B,C, or D):	0.85=$63,000	:$90,000.

Chapter 9—Atomic Energy Commission

PART 9–1—GENERAL

Subpart 9–1.7—Small Business Concerns

PART 9–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

PART 9–7—CONTRACT CLAUSES

Subpart 9–7.50—Use of Standard Clauses

PART 9–9—PATENTS AND COPYRIGHTS

Subpart 9–9.50—Patents, Inventions, Technical Data

MISCELLANEOUS AMENDMENTS

1. In § 9–1.751, *AEC-SBA Agreement*, paragraphs (a) and (b) and subparagraph (c)(1) are revised to read as follows:

§ 9–1.751 AEC-SBA Agreement.

• • • • •

(a) *Introduction.* The purpose of this document is to revise and to continue an agreement between the Atomic Energy Commission (AEC) and the Small Business Administration (SBA), which has resulted in a friendly cooperative relationship since the agreement was established originally in 1953. The agreement provides a basis for cooperation between the two agencies in order to further the AEC small business program and the intent of Congress which is set forth in the Small Business Act. To the extent applicable, the agreement is supplemented by the Federal Procurement Regulations (FPR's) pertaining to Small Business, which include definitions and uniform procedures for setasides and Certificates of Competency.

(b) *Agreement.* The AEC and SBA will continue to establish and maintain liaison between appropriate combinations of AEC Operations Offices and SBA Area Offices for exchanges of information regarding AEC opportunities for small businesses, additional sources of qualified small business concerns, and appropriate matters.

(c) *Liaison*—(1) *Establishment.* SBA Area Offices will continue to establish and maintain liaison with the AEC Operations Offices within their respective geographical regions. Such liaison may include arrangements with respect to the AEC Area Offices and cost-type contractors administered by an Operations Office.

Where an AEC Operations Office is located in one SBA area and the AEC Area Offices and cost-type operating contractors are located in other SBA areas, the SBA Area Office serving the area in which the AEC Area Office or cost-type operating contractor is located shall contact the AEC Operations Office concerned regarding the establishment of liaison procedures for such Area Office or cost-type contractor.

• • • • •

2. In § 9–4.000–50, *Policy, AEC contractors*, paragraph (a) is amended to correct the title of Subpart 9–4.54. As amended, § 9–4.000–50(a) reads as follows:

§ 9–4.000–50 Policy, AEC contractors.

(a) The following portions of this part constitute specific provisions which the contracting officer shall bring to the attention of AEC contractors, where applicable, for appropriate action.

Section or subpart	*Subject*
AECPR 9–4.5008	"Representation" for use in subcontracts and purchase orders of prime contractor holding statutory indemnity agreement.
AECPR 9–4.54	Contracts and Subcontracts Utilizing Uranium Enriched in the Isotope U^{235}.

• • • • •

3. The following section is inserted in § 9–7.5006:

§ 9–7.5006–16 Background patent rights and background technical data.

See AECPR 9–9.5008.

4. In § 9–9.5008, *Background patent rights*, the title is changed to read as follows:

§ 9–9.5008 Background patent rights and background technical data.

• • • • •

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this first day of July 1968.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[F.R. Doc. 68–8074; Filed, July 8, 1968; 8:46 a.m.]

PART 9–5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Subpart 9–5.52—Procurement of Special Items

PART 9–9—PATENTS AND COPYRIGHTS

Subpart 9–9.50—Patents, Inventions, Technical Data

MISCELLANEOUS AMENDMENTS

1. Section 9–5.5206–14, *Gold*, is revised to read as follows:

§ 9–5.5206–14 Gold.

Purchase of gold or gold scrap by the AEC or its cost-type contractors does not require licensing as long as title to the gold is vested in the Government. All such purchases, however, unless made from another Government agency shall be made from a commercial firm holding a U.S. Treasury Department gold license authorizing such transactions.

2. Section 9–5.5207–1, *Special grade calcium and gallium*, is revised by deleting reference to special grade calcium. As amended, § 9–5.5207–1 reads as follows:

§ 9–5.5207–1 Gallium.

The Division of Production controls the procurement and production of this material for AEC use.

(a) *Designated procurement office.* Oak Ridge Operations Office has been designated as the procurement office for AEC requirements.

(b) *Placing orders.* AEC offices and cost-type contractors shall place orders directly with the procurement office designated.

§ 9–5.5207–5 [Deleted]

3. Section 9–5.5207–5, *Zirconium*, is deleted.

4. In § 9–9.5003, *Type A patent provisions*, the footnote to paragraph (e) of the patent clause is revised to read as follows:

§ 9–9.5003 Type A patent provisions.

• • • • •

TYPE A PATENT PROVISIONS

• • • • •

(e) • • • [1]

[1] For publication and indemnity clauses for use in research and development contracts with educational institutions, see AECPR 9–16.5002–8, Articles B–III and B–VIII, for special research support agreements; and see AECPR 9–16.5002–9, Articles B–6 and B–7, for cost-type contracts.

• • • • •

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this first day of July 1968.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[F.R. Doc. 68–8075; Filed, July 8, 1968; 8:46 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 52—GRANTS FOR RESEARCH PROJECTS

Miscellaneous Amendments

Notice of proposed rule making and public rule making procedures have been omitted as unnecessary in the issuance of the following amendments to Part 52 which relate solely to grants for research projects.

These amendments (1) modify certain provisions to reflect Reorganization Plan No. 3 of 1966, and the Reorganization Orders of the Secretary of Health, Education, and Welfare of August 15, 1967 (32 F.R. 12068), and of March 13 and April 1, 1968 (33 F.R. 4894, 5426), (2) permit additional extensions of a project period and the grantee utilization of unencumbered balances beyond a 7-year project period, and (3) authorize adjustment of grant amounts awarded provisionally. These amendments shall be effective on July 1, 1968.

Part 52 of Title 42 CFR is amended as follows:

1. All references contained in Part 52 to the "Surgeon General" are deleted and the term "Secretary" inserted in lieu thereof.

§§ 52.1, 52.11, 52.13, 52.14 [Amended]

2. The reference to "Public Health Service" in § 52.1 and the terms "from the Public Health Service" in § 52.11(a) (3), "of the Service" in § 52.13(a), and "within the Public Health Service" in § 52.14(c), are deleted.

3. Paragraphs (a) and (b) of § 52.2 are revised to read as follows:

§ 52.2 Definitions.

• • • • • •

(a) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved may be delegated.

(b) "Project period" means the period of time, not exceeding 7 years, which the Secretary finds is reasonably required to initiate and conduct a research project meriting support by means of one or more research project grants within the scope of § 52.10, except that such period may be extended by the Secretary beyond 7 years solely to permit continuation or completion of the same approved project by use of funds previously awarded but remaining unencumbered by the grantee at the end of such 7 years. The project period may include the time required for initial staffing and acquisition of facilities and for the preparation and publication of the results of the project. The approval and support of a research project for the maximum project period shall not preclude additional support of that project beyond such period if such support of the continued project is requested, evaluated and approved on the same basis as a new or initial application in accordance with §§ 52.12 and 52.13.

4. Paragraphs (a) and (b) of § 52.14 are revised to read as follows:

§ 52.14 Grant awards.

(a) *General.* Within the limits of funds available for such purpose, the Secretary shall award a grant to those applicants whose approved projects will in his judgment best promote the purposes of § 52.10. The date specified by the Secretary as the beginning of the project period shall be no later than 9 months following the date of any initial or new award statement unless the Secretary finds that because of the nature of a project or the grantee's particular circumstances earlier assurance of grant support is required to initiate the project. All grant awards shall be in writing, shall set forth the amount of funds granted, which may include an estimated provisional amount for indirect costs or for designated direct costs (such as hospital per diem rates or fringe benefit rates) subject to adjustment as set forth below, and shall constitute for such amounts the encumbrance of Federal funds available for such purpose on the date of the award. Within the limits of available funds, provisional amounts shall be subject to upward as well as downward adjustment to actual costs when the amount properly expended by the grantee for provisional items has been

determined by the Secretary. All amounts awarded, whether provisional or otherwise, remain subject to accountability as provided under Subpart E of this part.

(b) *Determination of award amount.* The amount of any award shall be determined by the Secretary on the basis of his estimate of the sum necessary for all or a designated portion of direct project costs (as set forth in §§ 52.31 and 52.33) for either the project period or for such lesser period as he may designate in making the award, plus an additional amount, if any, for overhead or indirect costs (as set forth in § 52.32). Neither the approval of any project nor a grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation or other award with respect to any approved project or portion thereof, but this provision shall not preclude the Secretary from making upward adjustments to actual costs as to amounts awarded on a provisional basis as provided in paragraph (a) of this section.

• • • • •

5. Paragraph (c) of § 52.20 is revised to read as follows:

§ 52.20 Use of funds: changes.

• • • • •

(c) *Changes in project period.* The project period determined pursuant to § 52.13(b) may be extended by the Secretary, with or without additional grant support, for such an additional period as he determines may be required to complete, or fulfill the purposes of, the approved project provided the total period as extended does not exceed 7 years except with respect to the grantee's unencumbered balances as provided in § 52.2(b).

(Sec. 215, 58 Stat. 690, as amended; Reorganization Plan No. 3 of 1966, 31 F.R. 8855; 80 Stat. 1610, 42 U.S.C. 216; 3 CFR, 1966 Comp.; Reorganization Orders and Delegations of August 15, 1967 (32 F.R. 12068), and March 13 and April 1, 1968 (33 F.R. 4894, 5426))

Dated: June 28, 1968.

ROBERT Q. MARSTON,
Administrator, Health Services and Mental Health Administration.

[SEAL] JAMES A. SHANNON,
Director, National Institutes of Health.

MARY E. SWITZER,
Administrator, Social and Rehabilitation Service.

Approved: June 28, 1968.

WILBUR J. COHEN,
Secretary.

[F.R. Doc. 68-8100; Filed, July 8, 1968; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4473]

[Oregon 017530; 017526]

OREGON

Withdrawal for Civil Works Project; Partial Revocation of Public Land Order No. 3871

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public land is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved under the jurisdiction of the Department of the Army, Corps of Engineers, for the John Day Lock and Dam Project:

WILLAMETTE MERIDIAN

(Oregon 017530)

T. 3 N., R. 17 E.,
Sec. 24, W½W½.

The area described contains approximately 160 acres in Gilliam County.

2. Public Land Order No. 3871 of November 22, 1965, withdrawing lands for the John Day Lock and Dam Project, is hereby revoked so far as it affects the following described lands:

WILLAMETTE MERIDIAN

(Oregon 017526)

T. 3 N., R. 17 E.,
Sec. 24, E½NW¼ and NE¼SW¼.

The areas described aggregate approximately 120 acres. The lands are patented.

3. The withdrawal made by paragraph 1 of this order does not alter the applicability of the public land laws governing the use of the land under lease, license, or permit, or governing the disposal of its mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 2, 1968.

[F.R. Doc. 68-8057; Filed, July 8, 1968; 8:45 a.m.]

[Public Land Order 4474]

UTAH

Withdrawal of Minerals

By virtue of the authority contained in section 3 of the act of June 3, 1966 (80 Stat. 192), it is ordered as follows:

1. Subject to valid existing rights, the minerals in the lands described in paragraph 3 hereof, other than brines and minerals in solution in brines, or precipitated or extracted therefrom, are hereby withdrawn from appropriation under the public land laws of the United States, including the mining laws (30 U.S.C., Ch. 2), except as provided in paragraph 2 hereof.

2. The minerals referred to in paragraph 1 hereof may be disposed of under any of the provisions of the mineral leasing laws as the authorized officer shall deem appropriate, provided that any lease shall not be inconsistent, as determined by the authorized officer, with the other uses of the lands by the State of Utah, its grantees, lessees or permittees.

3. The lands referred to in this order are those lying below the record meander lines of the Great Salt Lake in the State of Utah, whether such lands now are, or in the future may become uncovered by the recession of the waters of said lake, except the following:

a. Any lands within the Bear River Migratory Bird Refuge;

b. Any lands within the Weber Basin Federal Reclamation Project;

c. School lands situated between the record meander line of the Great Salt Lake and the considered location of the margin of the said lake on the date the State of Utah was admitted to the Union;

d. Islands in existence in the Great Salt Lake on the date the State of Utah was admitted to the Union; and

e. Any lands within the Hill Air Force Range withdrawn by Executive Order 8579 which extend to the waters of the Great Salt Lake.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 2, 1968.

[F.R. Doc. 68-8058; Filed, July 8, 1968; 8:45 a.m.]

[Public Land Order 4475]

[Oregon 711]

OREGON

Correction of Public Land Order No. 4395

Public Land Order No. 4395 of April 1, 1968, withdrawing lands as an addition to the Oregon Islands National Wildlife Refuge, appearing in 33 F.R. 5419 as F.R. Doc. 68-4089, so far as it identifies the Sea Lion Rocks as being in Range 10 West, is corrected to read "Range 11 West".

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 2, 1968.

[F.R. Doc. 68-8059; Filed, July 8, 1968; 8:45 a.m.]

[Public Land Order 4476]

[Sacramento 079611]

CALIFORNIA

Withdrawal for National Forest Administrative Site and Campgrounds

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

MOUNT DIABLO MERIDIAN

SHASTA NATIONAL FOREST

Bear Creek Campground

T. 39 N., R. 7 W.,
Sec. 34, E½SE¼.

KLAMATH NATIONAL FOREST

Tree of Heaven Campground

T. 46 N., R. 7 W.,
Sec. 16, portion of lot 11, which approximates the E½E½SE¼SE¼ and E½W½E½SE¼SE¼.

Gottville Scaling Station

T. 46 N., R. 7 W.,
Sec. 8, NW¼SW¼NW¼, N½SE¼SW¼NW¼, and SW¼NE¼SW¼NW¼.

The areas described aggregate approximately 113 acres in Trinity and Siskiyou Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 2, 1968.

[F.R. Doc. 68-8060; Filed, July 8, 1968; 8:45 a.m.]

[Public Land Order 4477]

[Oregon 017843]

OREGON

Withdrawal for National Forest Administrative Site and Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

UMATILLA NATIONAL FOREST

WILLAMETTE MERIDIAN

Fairview Campground

T. 7 S., R. 25 E.,
Sec. 14, SW¼NW¼SW¼, NW¼SW¼SW¼, and S½SW¼SW¼.

Pearson Recreation Residential Area

T. 6 S., R. 33 E.,
Sec. 21, S½SW¼NE¼ and N½NW¼SE¼.

Battle Creek Administrative Site

T. 8 S., R. 33 E.,
Sec. 3, E½SW¼SE¼.

Frazier Recreation Residential Area

T. 5 S., R. 33½ E.,
Sec. 11, E½NW¼NE¼ and NE¼SW¼NE¼.

Clear and Granite Creeks Anadromous Fish Habitat Rehabilitation Area No. 2

T. 8 S., R. 34 E.,
Sec. 24, NE¼ and N½SE¼.
T. 8 S., R. 35 E.,
Sec. 19, lot 3, E½SW¼;
Sec. 28, S½NW¼SW¼, N½S½SW¼, S½NW¼SE¼, and NW¼SW¼SE¼;
Sec. 29, S½NW¼NE¼, S½NE¼, S½NE¼NW¼, NW¼NW¼, N½S½NW¼, and NE¼SE¼;
Sec. 30, N½N½NE¼ and N½NE¼NW¼.

The areas described aggregate 870.99 acres in Grant, Umatilla, and Wheeler Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 2, 1968.

[F.R. Doc. 68-8061; Filed, July 8, 1968; 8:45 a.m.]

[Public Land Order 4478]

[Riverside 05240]

CALIFORNIA

Withdrawal for Rifle Range

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for use of the Department of the Navy in connection with the U.S. Marine Corps Rifle Range, at Barstow, Calif.:

SAN BERNARDINO MERIDIAN

T. 9 N., R. 1 W.,
Sec. 22, E½E½ and E½E½W½E½;
Sec. 27, NE¼NE¼ and E½E½NW¼NE¼.

The areas described aggregate approximately 250 acres in San Bernardino County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws. However, leases, licenses, or permits will be issued only if the Department of the Navy finds that the proposed use of the lands will not interfere with the purposes of this withdrawal.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 2, 1968.

[F.R. Doc. 68-8062; Filed, July 8, 1968; 8:45 a.m.]

Title 46—SHIPPING

Chapter III—Coast Guard (Great Lakes Pilotage), Department of Transportation

[CGFR 68-78]

PART 401—GREAT LAKES PILOTAGE REGULATIONS

Subpart A—General

Subpart C—Establishment of Pools by Voluntary Associations of U.S. Registered Pilots

DISTRICT NO. 3 FOR ST. MARYS RIVER

1. The purpose of this document is to amend 46 CFR 401.300 to conform with revised geographical boundaries for District No. 3 for the St. Marys River established by Presidential Proclamation No. 3855, dated June 10, 1968, and effective on July 10, 1968. This Proclamation amended the original boundaries set forth in 46 CFR 401.300, which were prescribed by Presidential Proclamation No. 3385, dated December 22, 1960. These Proclamations are based on the authority in subsection 3(a) of the Great Lakes Pilotage Act of 1960 (74 Stat. 259; 46 U.S.C. 216a(a)). Additionally, the statutory citation to the Statutes at Large in the definitions in 46 CFR 401.110 for the word "Act" is corrected by changing the page number from "239" to "259".

2. By virtue of the aforementioned Presidential Proclamation No. 3855 I find that compliance with the requirements of the Administrative Procedure Act (respecting notice of proposed rule making, public procedure thereon, and effective date requirements) is unnecessary as a condition precedent to the amendment of 46 CFR 401.110 and 401.300, as set forth in this document.

3. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, U.S.C., and 49 CFR 1.4(a)(1) to promulgate rules and regulations in accordance with the laws cited in 46 CFR Part 401, the following amendments are prescribed and shall be effective on and after July 10, 1968.

4. Paragraph (a)(1) of § 401.110 is amended by changing the reference to the page numbers in the Statutes at Large from "239–262" to "259–262" so that this subparagraph reads as follows:

§ 401.110 Definitions.

(a) • • •

(1) "Act" means the Great Lakes Pilotage Act of 1960, as amended (Public Law 86-555, 74 Stat. 259–262; 46 U.S.C. 216–216i).

• • • • •

5. Section 401.300 is amended by revising the introductory sentence of paragraph (a) and paragraph (a)(3) to read as follows:

§ 401.300 Authorization for establishment of pools.

(a) Voluntary associations of U.S. registered pilots will be authorized to establish a pool or pools in the following

areas of the U.S. waters of the Great Lakes designated by the President in Proclamation No. 3385 of December 22, 1960, as amended by Proclamation No. 3855 of June 10, 1968, or in such other areas as the Director may deem necessary to assure adequate and efficient pilotage services for the U.S. waters of the Great Lakes:

* * * * *

(3) *District No. 3.* All U.S. waters of the St. Marys River, Sault Sainte Marie Locks and approaches thereto between latitude 45°59′ N. at the southern approach and longitude 84°33′ W. at the northern approach.

* * * * *

(Sec. 4, 74 Stat. 260, sec. 6(a)(4), 80 Stat. 938; 46 U.S.C. 216b, 49 U.S.C. 1655(a)(4); 49 CFR 1.4(a)(1))

Dated: July 2, 1968.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 68-8071; Filed, July 8, 1968; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 26]

WHEAT

Official Grain Standards

Pursuant to the administrative procedure provisions of 5 U.S.C., section 553, notice is hereby given that the U.S. Department of Agriculture has under consideration proposed revisions of § 26.127(a) of the Official Grain Standards of the United States for Wheat (7 CFR 26.101 et seq.) promulgated under the authority of the U.S. Grain Standards Act, 39 Stat. 482, as amended (7 U.S.C. 71 et seq.).

Statement of consideration. Wheat producers in Washington, Oregon, and Idaho have requested that consideration be given to changing the minimum test weight per bushel requirements for the subclass White Club Wheat in grades Nos. 1, 2, 3, 4, and 5 from 60, 58, 56, 54, and 51 to 58, 57, 55, 53, and 50 pounds per bushel, respectively. The request resulted from the development of rust-resistant varieties of White Club Wheat with high flour yields. Available data indicates that while such varieties predominate over earlier varieties of White Club Wheat in the Pacific Northwest, they usually have a lower test weight per bushel than earlier varieties of White Club Wheat. The test weight per bushel is an indication of the flour milling yield of wheat; however, the White Club Wheat producers submit that the present test weight per bushel requirements do not adequately reflect flour yield of the newer varieties of White Club Wheat.

Available data indicate that the newer varieties of White Club Wheat weighing 58 pounds per bushel give a flour yield about equal to other white wheat weighing 60 pounds. White Club Wheat is often downgraded because of the test weight per bushel factor and producers of White Club Wheat claim that such grade reductions result in undue price discounts. In view of the request by the wheat producers for changes in the test weight per bushel requirements for White Club Wheat and the supporting data available to the Department, a change in the test weight per bushel requirements for White Club Wheat is proposed.

During the past 5 years about 70 percent of the white wheat produced in the Pacific Northwest was exported. The test weight per bushel requirements are not a problem in the export market because White Club Wheat weighing less than 60 pounds per bushel is mixed with other white wheat weighing 60 pounds or more per bushel.

No requests have been received for lowering the test weight per bushel requirements for any wheat except White Club Wheat. Accordingly, no changes in the test weight per bushel requirements for other wheat are being proposed.

The present definition for Sample grade goes not include the factors which are presently considered under "otherwise of distinctly low quality." It is therefore proposed to provide a more specific definition for Sample grade in § 26.127 (a) by expressly including various conditions that now result in the wheat being considered to be "of distinctly low quality" and therefore Sample grade. This would make it possible to state on the grade certificate the specific reason or reasons for assigning such grade in most instances, without resorting to the general statement "distinctly low quality."

The proposed changes are as follows:

(1) In the table in § 26.127(a), it is proposed to change the present minimum requirements of test weight per bushel for White Club Wheat in grades Nos. 1, 2, 3, 4, and 5 from 60, 58, 56, 54, and 51 pounds per bushel to 58, 57, 55, 53, and 50 pounds per bushel, respectively; and under the heading "Minimum test weight per bushel," to change the subheading "Hard Red Spring Wheat" to read "Hard Red Spring Wheat or White Club Wheat."

(2) It is proposed to change the definition for Sample grade under § 26.127 (a) by inserting the following into the present definition: "* * * or which contains more than two crotalaria seeds (*Crotalaria* spp.) in 1,000 grams of grain, or contains castor beans (*Ricinis communis*), stones, broken glass, animal filth, unknown foreign substances, or commonly recognized harmful or toxic substances; * * *".

The amended table would read as follows:

§ 26.127 Numerical grades and Sample grade and grade requirements.

(a) *Numerical grades and Sample grade and grade requirements for all classes of wheat except Mixed Wheat.* (See also § 26.128.)

WHEAT

Grade	Minimum test weight per bushel		Maximum limits of—						
			Defects					Wheat of other classes [1]	
	Hard Red Spring Wheat or White Club Wheat	All other classes	Heat-damaged kernels	Damaged kernels (total)	Foreign material	Shrunken and broken kernels	Defects (total)	Contrasting classes	Wheat of other classes (total)
	Pounds	*Pounds*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
1	58	60	0.1	2.0	0.5	3.0	3.0	1.0	3.0
2	57	58	.2	4.0	1.0	5.0	5.0	2.0	5.0
3	55	56	.5	7.0	2.0	8.0	8.0	3.0	10.0
4	53	54	1.0	10.0	3.0	12.0	12.0	10.0	10.0
5	50	51	3.0	15.0	5.0	20.0	20.0	10.0	10.0
Sample grade	Sample grade shall be wheat which does not meet the requirements for any of the grades from No. 1 to No. 5, inclusive; or which contains more than two crotalaria seeds (*Crotalaria* spp.) in 1,000 grams of grain, or contains castor beans (*Ricinus communis*), stones, broken glass, animal filth, unknown foreign substances, or commonly recognized harmful or toxic substances; or which is musty, sour, or heating; or which has any commercially objectionable foreign odor except of smut or garlic; or which contains a quantity of smut so great that any one or more of the grade requirements cannot be applied accurately; or which is otherwise of distinctly low quality.								

[1] Red Durum Wheat of any grade may contain not more than 10 percent of wheat of other classes.

The U.S. Grain Standards Act requires that public notice be given on any amendment of the standards not less than 90 days in advance of the effective date of such amendment. If the proposals as set forth herein are adopted, it is intended that they be made effective on or about April 1, 1969.

Public hearings will not be held, but all persons who desire to submit written data, views, or recommendations in connection with these proposals may file the same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 45 days after the proposals have been published in the FEDERAL REGISTER. All comments filed will be available for public inspection during official hours of business (7 CFR 1.27(b)).

Consideration will be given to all written comments filed with the Hearing Clerk and to all other information available to the U.S. Department of Agriculture in arriving at a decision on the proposed amendment of the wheat standards.

Copies of the current wheat standards may be obtained from the Director, Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, or from any Field Office of the Grain Division.

Done at Washington, D.C., this second day of July 1968.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 68-8053; Filed, July 8, 1968; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 68-SW-41]

CONTROL ZONE AND TRANSITION AREAS

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Cotulla, Tex., Del Rio, Tex., Junction, Tex., San Antonio, Tex., and Ulvalde, Tex., transition areas and the Laredo, Tex., control zone and transition area. Specific changes are more fully described in the following portions of this notice.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Forth Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

The proposed Cotulla transition area 1,200-foot portion entirely encompasses the Cotulla 3,000-foot portion. It will provide additional controlled airspace for flight operations and radar vectors in this area.

An amended description of the Del Rio transition area 4,500-foot portion is necessary since part of the current portion is incorporated in the proposed Uvalde transition area 1,200-foot portion.

In the proposed Junction transition area 700-foot portion, the 5-mile radius area and the extension based on the Junction VORTAC 150° (140° magnetic) radial will provide controlled airspace for aircraft executing arrival/departure procedures at the Kimble County Airport during periods when the Junction control zone is not in effect. The 700-foot portion based on the Junction VORTAC 150° and 330° (320° magnetic) radials will provide controlled airspace for aircraft executing a procedure turn.

The proposed Junction transition area 1,200-foot portion includes part of the current San Antonio transition area 4,500-foot portion as well as segments of currently uncontrolled airspace south, west, and northeast of Junction. It will provide controlled airspace for flight operations and radar vectors.

The current San Antonio transition area 4,500-foot portion is encompassed in the proposed Junction and Uvalde transition areas' 1,200-foot portions.

The proposed Uvalde transition area 1,200-foot portion entirely encompasses the current Uvalde 4,500-foot portion as well as a part of the Del Rio, Laredo, and San Antonio 4,500-foot portions. It will provide controlled airspace for flight operations and radar vectors.

The amended Laredo control zone contains a minor change of the current extension and adds several others. The revised current extension is based on the Laredo VORTAC 326° (317° magnetic) radial. This is necessary to delete any reference to the "RBN." The additional extensions are based on the Laredo VORTAC 149° (140° magnetic) and 329° (320° magnetic) radials and the Border TACAN 185° (176° magnetic), 337° (328° magnetic), 348° (339° magnetic) and 360° (351° magnetic) radials. The amended control zone will provide airspace protection for aircraft executing arrival/departure procedures at Laredo, Tex.

The amended Laredo transition area contains a minor change of the current 700-foot extension to the northwest, deletes the one to the southeast, and adds several others. The revised extension is based on the Laredo VORTAC 326° (317° magnetic) radial. This is necessary to delete any reference to the "RBN." The additional 700-foot extensions are based on the Laredo VORTAC 149° (140° magnetic) radial and the Border TACAN 337° (328° magnetic), 348° (339° magnetic) and 360° (351° magnetic) radials. The proposed 700-foot extensions will provide controlled airspace for aircraft executing arrival/departure procedures at Laredo, Tex. An amended description of the 4,500-foot portion is necessary since part of the current portion is incorporated in the proposed Uvalde transition area 1,200-foot portion.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.181 (33 F.R. 2167), the Cotulla, Tex., transition area is amended by deleting the 1,200- and 3,000-foot portions and substituting therefor, "* * * and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 28°52'00" N., long. 99°25'00" W. to lat. 28°54'00" N., long. 99°05'00" W. to lat. 28°43'30" N., long. 98°17'30" W. to lat. 28°34'00" N., long. 98°23'00" W. to lat. 28°27'00" N., long. 98°14'00" W. to lat. 28°07'00" N., long. 98°27'00" W. to lat. 28°05'00" N., long. 98°48'00" W. to lat. 28°06'00" N., long. 99°08'00" W. to lat. 28°08'20" N., long. 99°18'20" W. to lat. 28°32'00" N., long. 99°28'00" W., to point of beginning."

(2) In § 71.181 (33 F.R. 2170), the Del Rio, Tex., transition area is amended to read:

DEL RIO, TEX.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of lat. 29°23'00" N., long. 100°50'15" W.; and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of Laughlin AFB (lat. 29°21'35" N., long. 100°46'35" W.); and that airspace extending upward from 4,500 feet MSL bounded by a line beginning at lat. 30°00'00" N., long. 100°30'00" W., thence south along long. 100° 30'00" W. to and counterclockwise along the arc of a 35-mile radius circle centered at Laughlin AFB to the United States-Mexico border, thence northwest along the United States-Mexico border to the arc of a 60-mile radius circle centered at Laughlin AFB, thence clockwise along this arc to lat. 30°10'40" N. east of long. 100°30'00" W. thence to point of beginning excluding portions outside of the United States.

(3) In § 71.181 (33 F.R. 2202), the Junction, Tex., transition area is amended to read:

JUNCTION, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Kimble County Airport (lat. 30°30'35" N., long. 99°45'45" W.), within 5 miles northeast and 8 miles southwest of the Junction VORTAC 150° and 330° radials extending from the VORTAC to 12 miles northwest and 5 miles southeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 30°47'15" N., long. 100°22'15" W. to lat. 30°49'45" N., long. 100°12'45" W. to lat. 31°12'20" N., long. 99°41'15" W. to lat. 31°13'00" N., long. 98°38'00" W. to lat. 30°33'30" N., long. 98°31'30" W. to lat. 30°10'40" N., long. 99°18'40" W., thence west along lat. 30°10'40" N. to the arc of a 60-mile radius circle centered at lat. 29°21'35" N., long. 100°46'35" W. to point of beginning.

(4) In § 71.181 (33 F.R. 2251), the San Antonio, Tex., transition area 4,500-foot portion is deleted.

(5) In § 71.181 (33 F.R. 2266), the Uvalde, Tex., transition area is amended by deleting the 1,200- and 4,500-foot portions and substituting therefor, "* * * and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 28°52'00" N., long. 99°25'00" W. to lat. 28°54'00" N., long. 99°05'00" W. to lat. 30°10'40" N., long. 99°18'40" W., thence west along lat. 30°10'40" N. to the arc of a 60-mile radius circle centered at lat. 29°21'35" N., long. 100°46'35" W. to lat. 30°00'00" N., long. 100°30'00" W., thence south along long. 100°30'00" W. to and clockwise along the arc of a 35-mile radius circle centered at lat. 29°21'35" N., long. 100°46'35" W. to the United States-Mexico border, thence southeast along the United States-Mexico border to lat. 28°20'00" N. to lat. 28°32'00" N., long. 99°58'00" W. to lat. 28°32'00" N., long. 99°28'00" W., thence to point of beginning."

(6) In § 71.171 (33 F.R. 2096), the Laredo, Tex., control zone is amended to read:

LAREDO, TEX.

Within a 5-mile radius of Laredo AFB (lat. 27°32'35" N., long. 99°27'40" W.), within 2 miles each side of the Laredo VORTAC 326° radial extending from the 5-mile radius zone to 16 miles northwest of the VORTAC, within 2 miles each side of the Laredo VORTAC 149° and 329° radials, extending from the 5-mile radius zone to 8 miles southwest of the VORTAC, within 2 miles each side of the Border TACAN 185° radial extending from the 5-mile radius zone to 12 miles south of the TACAN, within 2 miles each side of the Border TACAN 337° radial extending from the 5-mile radius zone to 12 miles northwest of the TACAN, within 2 miles each side of the Border TACAN 348° radial extending from the 5-mile radius zone to 12 miles north of the TACAN, and within 2 miles each side of the Border TACAN 360° radial extending from the 5-mile radius zone to 6.5 miles north of the TACAN, excluding those portions outside the United States.

(7) In § 71.181 (33 F.R. 2208), the Laredo, Tex., transition area is amended to read:

LAREDO, TEX.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Laredo AFB (lat. 27°32'35" N., long. 99°-27'40" W.), within a 12-mile radius of the Laredo VORTAC extending from a line 5 miles northeast of and parallel to the Laredo VORTAC 149° radial clockwise to the United States-Mexico border, within 2 miles each side of the Laredo VORTAC 326° radial extending from the 9-mile radius area to 20 miles northwest of the VORTAC, within 2 miles each side of the border TACAN 337° radial extending from the 9-mile radius area to 21 miles northwest of the TACAN, within 2 miles each side of the border TACAN 348° radial extending from the 9-mile radius area to 17.5 miles north of the TACAN and within 2 miles each side of the border TACAN 360° radial extending from the 9-mile radius area to 15 miles north of the TACAN, excluding those portions outside the United States; and that airspace extending upward from 1,200 feet above the surface bounded by the arc of a 35-mile radius circle centered at lat. 27°35'22" N., long. 99°29'54" W., excluding that portion outside the United States; and that airspace extending upward from 4,500 feet MSL within an area bounded by a line beginning at lat. 27°24'00" N., long. 98°27'00" W. to lat. 28°07'00" N., long. 98°27'00" W. to lat. 28°05'00" N., long. 98°-48'00" W. to lat. 28°06'00" N., long. 99°08'00" W. to lat. 28°08'20" N., long. 99°18'20" W. to lat. 28°32'00" N., long. 99°28'00" W. to lat. 28°32'00" N., long. 99°58'00" W. to lat. 28°20'00" N. at the United States-Mexico border, thence southeast along the United States-Mexico border to the northwest portion of the arc of a 35-mile radius circle centered at lat. 27°35'22" N., long. 99°29'54" W.; thence clockwise along this arc to lat. 27°15'-00" N., to point of beginning, excluding the portion extending upward from 4,500 feet MSL within Federal Airways.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on June 14, 1968.

D. E. MCHAM,
Acting Director, Southwest Region.

[F.R. Doc. 68-8068; Filed, July 8, 1968; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-WE-24]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Monterey, Calif., transition area.

As parts of this proposal relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its standards and recommended practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes to alter the Monterey, Calif., transition area by adding the airspace extending upward from 17,500 feet MSL to and including flight level 240 within 10 miles north and 16 miles south of the Navy Monterey TACAN 280° True radial, extending from 17 to 61 miles west of the TACAN.

Concurrent with the final rule effective date of this docket, Warning Area W-283 would be amended by excluding that airspace extending upward from 17,500 feet MSL to and including flight level 240 bounded by a line beginning at lat. 36°52'40" N., long. 122°53'45" W., thence to lat. 36°49'50" N., long. 122°32'-40" W., to lat. 36°24'30" N., long. 122°-15'10" W., to lat. 36°30'25" N., long. 122°58'15" W., thence to point of beginning.

The proposed alteration is required to provide controlled airspace for aircraft holding preparatory to executing instrument approach procedures to Monterey Peninsula NALF.

This amendment is proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510) and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on June 27, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-8069; Filed, July 8, 1968; 8:46 a.m.]

[14 CFR Parts 71, 73]

[Airspace Docket No. 68-WE-28]

RESTRICTED AREA AND CONTROLLED AIRSPACE

Proposed Designation and Alteration

The Federal Aviation Administration is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate additional restricted airspace to be associated with the existing Sailor Creek, Idaho, Restricted Area R-3202, and alter the description of the continental control area to reflect the establishment of such special use airspace.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention:

Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the Office of the Regional Air Traffic Division Chief.

The Department of the Air Force (AF) has requested the designation of three additional joint-use restricted areas which, with existing R–3202, would form a weapons range which the AF states is required to support expanded tactical training programs to be conducted from Mountain Home Air Force Base, Idaho. The present R–3202 would become Area A and the additional areas would be Area B, Area C, and Area D.

The expanded training activities include requirements for air-to-ground gunnery and practice modern weapons delivery. Range activities will include conventional weapons delivery by F–4D aircraft to encompass strafing (20-mm. cannon), low altitude bombing, rocket delivery, dive bombing, and training in the techniques for delivery of the newer weapons.

There will generally be a maximum of four flights of four aircraft each per day scheduled for the weapons range. All weapons delivery runs in to the target area will be from south to north and will consist of both supersonic and subsonic flight. Time on the range will be approximately 45 minutes per flight. Night use of the air-to-ground range is estimated at two flights of four aircraft each, one night per week. Night photography utilization of R–3202A should remain at approximately 15 sorties per night, four nights per week, with an average range time of 45 minutes per sorties. Up to four such sorties may be scheduled on the range simultaneously.

The AF has initiated action to acquire required surface areas with grazing rights to be permitted, except for actual impact areas and has assured that appropriate actions and preventive measures would be executed to ensure the safety of persons and property on the ground within the restricted areas.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are proposed to be amended as hereinafter set forth.

1. R–3202 Sailor Creek, Idaho, restricted area would be revoked.

2. The R–3202 Sailor Creek, Idaho, restricted area complex would be designated as follows:

AREA A

Boundaries: Beginning at lat. 42°48'45" N., long. 115°38'14" W.; to lat. 42°48'45" N., long. 115°32'41" W.; to lat. 42°40'00" N., long. 115°32'41" W.; to lat. 42°40'00" N., long. 115°38'14" W.; to point of beginning.

Designated altitudes: Surface to 12,000 feet MSL.

Time of designation: Sunrise to 8 hours after sunset, Monday through Friday.

Controlling agency: FAA, Salt Lake ARTC Center.

Using agency: Commander, 67th Tactical Reconnaissance Wing, Mountain Home AFB, Idaho.

AREA B

Boundaries: Beginning at lat. 42°53'00" N., long. 115°42'20" W.; to lat. 42°53'00" N., long. 115°24'15" W.; to lat. 42°36'00" N., long. 115°24'15" W.; to lat. 42°36'00" N., long. 115°42'20" W.; to point of beginning.

Designated altitudes: Surface to flight level 240.

Time of designation: Sunrise to 8 hours after sunset, Monday through Friday.

Controlling agency: FAA, Salt Lake ARTC Center.

Using agency: Commander, 67th Tactical Reconnaissance Wing, Mountain Home AFB, Idaho.

AREA C

Boundaries: Beginning at lat. 42°36'00" N., long. 115°37'00" W.; to lat. 42°36'00" N., long. 115°30'00" W.; to lat. 42°33'00" N., long. 115°30'00" W.; to lat. 42°33'00" N., long. 115°37'00" W.; to point of beginning.

Designated altitudes: Surface to 14,000 feet MSL.

Time of designation: Sunrise to 8 hours after sunset, Monday through Friday.

Controlling agency: FAA, Salt Lake City ARTC Center.

Using agency: Commander, 67th Tactical Reconnaissance Wing, Mountain Home AFB, Idaho.

AREA D

Boundaries: Beginning at lat. 42°33'00" N., long. 115°37'00" W.; to lat. 42°33'00" N., long. 115°30'00" W.; to lat. 42°07'00" N., long. 115°30'00" W.; to lat. 42°07'00" N., long. 115°37'00" W.; to point of beginning.

Designated altitudes: Surface to 11,000 feet MSL.

Time of designation: Sunrise to 8 hours after sunset, Monday through Friday.

Controlling agency: FAA, Salt Lake City ARTC Center.

Using agency: Commander, 67th Tactical Reconnaissance Wing, Mountain Home AFB, Idaho.

3. The description of the continental control area would be altered to include R–3202B.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on June 27, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68–8070; Filed, July 8, 1968; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 389]

[Docket Nos. 19794, 19857; ODR–4]

FEES AND CHARGES FOR SPECIAL SERVICES

Filing Fees for Tariff Matters

JULY 2, 1968.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Part 389 of the Board's regulations (14 CFR Part 389) concerning filing fees for tariff matters. The principal features of the proposed amendments are further described in the explanatory statement, and the proposed amendments are set forth in the proposed rule. This regulation is proposed under the authority of section 204(a) of the Federal Aviation Act of 1958 (72 Stat. 743, 49 U.S.C. 1324) and Title V of the Act of August 31, 1951 (65 Stat. 290, 5 U.S.C. 140).

Interested persons may participate in the proposed rule-making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before August 8, 1968, will be considered by the Board before taking final action on the proposals. Copies of communications will be available for examination by interested persons in the Docket Section, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

Explanatory statement. On April 1, 1968, 17 foreign air carriers filed a joint petition requesting amendment of Organization Regulations, Part 389.[1] The foreign carriers request deletion of the clause in § 389.25(p) which subjects certain mixed foreign-U.S. carrier tariffs to filing fees. Pending final action on the foreign carriers' petition, the Board granted a waiver relieving foreign carriers of the obligation to pay fees.

On May 1, 1968, International Air Traffic Tariffs Corp. and Pan American World Airways jointly petitioned the Board to amend Part 389 so as "to clarify that filing fees payable by United States tariff publishing agents for filing tariffs on behalf of foreign air carrier principals are the same as though the tariffs were filed by the foreign air carriers * * *."

The Board tentatively finds that it will be in the public interest to amend the rule so that foreign carriers will be exempt from filing fees for tariffs. Revised § 389.25(p) is therefore limited to tariffs issued by "air carriers" and exempts tariffs issued by foreign air carriers.

A new § 389.25(q) deals with tariffs issued by publishing agents. If an agent files a tariff for U.S. carriers exclusively or for foreign carriers exclusively, the agent will be treated just as its principals would be. But where a tariff is filed on behalf of U.S. carriers and foreign carriers jointly, the rule proposes that an agent must pay a filing fee for tariff matter or changes unless it certifies that the tariff matter or changes pertain only to foreign air carriers. Recognizing that tariff agents my incur work or expense in some cases in order to ascertain whether a tariff change is exempt or not, we propose in effect to give agents an option to pay the $1-per-page fee instead of seeking an exemption. Our tentative view is that the rule is the most equitable resolution of the problem.

Pan American and International Air Traffic Tariffs Corp. also ask the Board to eliminate filing fees for so-called "back-up" tariff pages.[2] Although petitioners say that backup pages do not contribute to the Board's cost of reviewing tariffs, the Board's staff does examine backup pages in some respects and thus incurs a cost. Moreover, the general $1-per-page tariff fee is an average figure which was derived by allocating one-quarter of direct costs against all filed tariff pages, including backup pages. If the Board had excluded backup pages from the computations used in deriving filing fees, it would have assigned more costs to other tariff pages and thus affected the basic $1 fee computation. The Board will therefore decline to propose the suggested rule.

Proposed rules. It is proposed to amend Part 389 of the Organization Regulations (14 CFR Part 389) to delete § 389.25 (k) and (p) and to substitute instead new § 389.25 (k), (p), and (q), reading as follows:

§ 389.25 Schedule of filing and license fees.

* * * * * *

(k) *Free or reduced-rate authority, waiver of tariff regulations, and special tariff permission.* The filing fee for applications (1) under § 223.8 of this chapter for authority to furnish free or reduced-rate overseas or foreign air transportation (except an application filed at the request of a U.S. Government agency or a foreign government), (2) under § 221.200 of this chapter for waiver or modification of the provisions of Part 221 of this chapter with respect to the filing and posting of tariffs, or (3) for special tariff permission under § 221.133 or § 221.191 of this chapter, is $7. With respect to applications for waiver or special tariff permission, such fee does not apply to an application which a foreign air carrier files or which a tariff publishing agent files on behalf of foreign air carriers exclusively.

* * * * * *

(p) *Tariffs issued by carriers.* (1) The filing fee for tariffs (including supplements and revised or additional original pages thereto) issued by an air carrier pursuant to sections 403 or 1003 of the Act is $1 per page. That fee is applicable notwithstanding that the tariff contains participating foreign air carriers, but it is not applicable to a blank looseleaf page unless it cancels matter on the preceding issue of the page.

(2) There shall be no filing fee for tariffs issued by a foreign air carrier notwithstanding that the tariff contains participating air carriers.

(q) *Tariffs issued by publishing agents.* The filing fee for tariffs (including supplements and revised or additional original pages thereto) issued by a publishing agent pursuant to section 403 or section 1003 of the Act is $1 per page subject to the following conditions:

(1) If the tariff is issued on behalf of one or more air carriers exclusively, the filing fee is applicable to any page.

(2) If the tariff is issued on behalf of one or more foreign air carriers exclusively, no filing fee is applicable to any page.

(3) If the tariff is issued on behalf of one or more air carriers and one or more foreign air carriers, the filing fee is applicable to any page except to a page which the issuing agent states in his accompanying letter of tariff transmittal contains only:

(i) Matters pertaining exclusively to foreign air carriers; or

(ii) Changes only in matter pertaining exclusively to foreign air carriers when included on the same page together with matter (other than matter pertaining exclusively to foreign air carriers) which is reissued without change.

(4) The filing fee is not applicable to a blank looseleaf page unless it cancels matter on the preceding issue of the page other than matter pertaining only to foreign air carriers exclusively.

(5) Where two pages are published back-to-back on the same leaf and one page is not subject to a fee pursuant to § 389.25(q)(3) and the page on the reverse side is issued without change (except for pagination, correction number, and issued and effective dates), no fee is applicable to the latter page.

(6) The filing fee is applicable to a looseleaf page containing a correction number check sheet unless all other pages of the tariff are exempt from filing fees.

[F.R. Doc. 68–8095; Filed, July 8, 1968; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18179]

NONAVAILABILITY OF TELEVISION PROGRAMS PRODUCED BY NON-NETWORK SUPPLIERS

Order Extending Time for Filing Comments and Reply Comments

1. This proceeding was instituted by notice of proposed rule making adopted and released May 8 and May 10, 1968, respectively, which set dates of July 8 and August 8, respectively, for comments and reply comments. Two groups—the National Association of Broadcasters (NAB) by petition filed June 14, and seven television film producers represented by the law firm of Phillips, Nizer, Benjamin, Krim, and Ballon in a petition filed June 26—seek a lengthy extension of the time for filing comments, to December 9, 1968, for initial comments and January 6 or January 9, 1969, for reply comments.[1]

2. NAB asserts in support of its request the need to gain information concerning the many and varied exclusivity arrangements now in use, to evaluate the information obtained (as to territory, duration, costs, etc.) in arriving at appropriate standards to recommend for adoption (referring to the observation in the notice that relatively little information is now available), and, in general, to acquire familiarity in this area. The pendency of the "copyright" case (pending at the time of the petition but since decided), in which a decision might furnish guidelines to be used in the present proceeding, is also cited as reason for extension. The film producers also refer to the need for gathering information in this new area (said not to be now readily available in the form set forth in the notice) and the need for careful consideration of complex problems in determining appropriate standards—all of which, it is said, will require considerable time on the part of the officers and employees of these suppliers.

3. The Commission recognizes the need for getting and evaluating a substantial amount of pertinent information in this area, and of careful consideration in formulating standards to be applied. Therefore a fairly long extension appears appropriate. However, it does not appear at this point that all of the time requested—which would be 7 months from the date of adoption of the notice—will be necessary, or that such a lengthy extension would be warranted. Accordingly, we are herein extending the time for 3 months, until October 8, 1968, for comments and November 8 for reply comments.

4. *Accordingly, it is ordered,* That the time for filing comments herein is extended to and including October 8, 1968, and the time for filing reply comments is extended to and including November 8, 1968; and the petitions for extension of time filed by National Association of Broadcasters on June 14, 1968, and various program producers on June 26, 1968, are granted to that extent and in all other respects are denied. Authority for this action is found in sections 4(i) and 303(r) of the Communications Act of

[1] Other parties have also filed requests for extension of time, for lesser periods, all of which are in effect granted by the present action.

[1] Air Canada; Air-India; Aerlinte Eireann Teoranta; Alitalia-Linee Aeree Italiane, S.p.A.; British Overseas Airways Corp.; Compagnie Nationale Air France; Deutsche Lufthansa Aktiengesellschaft; El Al Israel Airlines Ltd.; Iberia, Lineas Aereas de Espana, S.A.; Japan Air Lines Co., Ltd.; K.L.M. Royal Dutch Airlines; Olympic Airways, S.A.; Scandinavian Airlines System; Societe Anonyme Belge D'Exploitation de la Navigation Aerienne; Swissair, Swiss Air Transport Co., Ltd.; Transportes Aereos Portugueses—S.A.R.L.; S.A. Empresa de Viacao Aerea Rio Grandense. Two other carriers—Canadian Pacific Air Lines, Ltd., and Aerolineas Peruanas, S.A.—support the petition.

[2] A "back-up" tariff page is the side of a tariff sheet which is reprinted without substantive change when a change is made on the other side.

1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: June 27, 1968.

Released: July 2, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JAMES O. JUNTILLA,
Acting Chief,
Broadcast Bureau.

[F.R. Doc. 68-8101; Filed, July 8, 1968; 8:49 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 1502 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 367, 917; 26 U.S.C. 1502, 7805).

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

In order to provide rules for application of the tax on accumulated earnings imposed by section 531 of the Internal Revenue Code, and to make other changes, the Income Tax Regulations (26 CFR Part 1) are amended as follows:

PARAGRAPH 1. Section 1.531–1 is amended to read as follows:

§ 1.531–1 Imposition of tax.

Section 531 imposes (in addition to the other taxes imposed upon corporations by chapter 1 of the Code) a graduated tax on the accumulated taxable income of every corporation described in section 532 and § 1.532–1. In the case of an affiliated group which makes, or is required to make, a consolidated return, see the regulations under section 1502. All of the taxes on corporations under chapter 1 of the Code are treated as one tax for purposes of assessment, collection, payment, period of limitations, etc. See section 535 and §§ 1.535–1, 1.535–2, and 1.535–3 for the definition and determination of accumulated taxable income.

PAR. 2. Section 1.532–1(a) is amended by adding a new subparagraph (3) to read as follows:

§ 1.532–1 Corporations subject to accumulated earnings tax.

(a) *General rule.* • • •

(3) See § 1.533–1(a)(3) for cases where a subsidiary corporation is deemed to have been availed of for the purpose of avoiding the income tax with respect to the shareholders of its parent corporation when the parent relies on the underlying value of its investment in the subsidiary to obtain funds for nondividend distributions to its shareholders.

• • • • •

PAR. 3. Section 1.533–1(a) is amended by adding a new subparagraph (3) to read as follows:

§ 1.533–1 Evidence of purpose to avoid income tax.

(a) *In general.* • • •

(3) (i) If one corporation (hereinafter referred to as the "parent") owns, directly or indirectly, the stock of another corporation (hereinafter referred to as the "subsidiary"), the earnings and profits of the subsidiary may provide, directly or indirectly, the principal source of funds for distributions by the parent to its shareholders. Normally, the subsidiary will distribute its earnings and profits to the parent, which in turn will make distributions to its shareholders that are treated as dividends under section 301(c)(1). However, in some cases the parent may rely upon the underlying value of its investment in the subsidiary to obtain funds for distributions to its shareholders, rather than cause the subsidiary to distribute its earnings and profits. If this occurs, the subsidiary will be deemed to have been availed of for the purpose of avoiding the income tax with respect to shareholders of the parent (including a parent whose outstanding stock is traded on a stock exchange or in an over-the-counter market), if—

(*a*) Part or all of the distribution by the parent is treated by its shareholders in the manner provided in section 301(c)(2) or (3), and

(*b*) Such distribution would have been treated as provided in section 301(c)(1) if the subsidiary had distributed its earnings and profits to the parent.

(ii) All the circumstances which might be construed as evidence that the parent has relied upon the underlying value of its investment in the subsidiary to obtain funds for distributions to its shareholders cannot be outlined, but the following factors, among others, will be considered as evidence of such reliance:

(*a*) The parent borrows money and secures the loan with stock or securities of the subsidiary;

(*b*) The parent borrows money and the loan agreement contains conditions relating to the earnings or net assets of the subsidiary;

(*c*) The parent borrows money and under the loan agreement the subsidiary is required to maintain bank balances related to the amount borrowed; or

(*d*) Stock or securities are issued for money or property by the parent, the value of which stock or securities is based in part on the underlying asset value of the subsidiary.

(iii) In the case of an affiliated group of corporations which files or is required to file a consolidated return, see § 1.1502–43 for inapplicability of this subparagraph where the tax imposed by section 531 is based on consolidated accumulated taxable income because of an election under § 1.1502–33(c)(4)(iii) to adjust earnings and profits to reflect increases or decreases in a member's basis or excess loss account for the stock of a subsidiary.

(iv) The application of this subparagraph may be illustrated by the following examples:

Example (1). (a) P Corporation, a publicly held corporation, owns all the capital stock of S Corporation. P and S file separate returns for the calendar year 1967. P has no earnings and profits for 1967 and had a deficit in accumulated earnings and profits as of December 31, 1966. S has earnings and profits of $100,000 for 1967 and has accumulated earnings and profits as of December 31, 1966. A cash distribution to the shareholders of P in the amount of $25,000 is made in 1967.

(b) If during 1967 S distributes $25,000 to P, and P in turn distributes $25,000 to its shareholders and this amount is treated as a dividend under section 301(c)(1), S will not be deemed under this subparagraph to have been availed of to avoid the income tax on the shareholders of P.

(c) If P relies upon the underlying value of its investment in S to obtain funds for the distribution to its shareholders rather than obtaining such funds by causing S to distribute its earnings and profits (for example, if P borrows $25,000 from a bank and secures the loan with the capital stock of S) and if such distribution to the P shareholders is not treated as a dividend under section 301(c)(1), S will be deemed to have been availed of for the purpose of avoiding the income tax on the shareholders of P.

Example (2). (a) P Corporation owns all the capital stock of S Corporation. P conducts a business, as well as providing certain administrative services to S. P and S file separate returns for the calendar year 1967. P has a loss of $10,000 for 1967 and had a deficit in accumulated earnings and profits as of December 31, 1966. S has earnings and profits of $100,000 for 1967 and had accumulated earnings and profits as of December 31, 1966. No intercompany distributions are made in 1967. A cash distribution to the shareholders of P in the amount of $25,000 is made in 1967. P obtains the funds for this distribution by the sale of assets for $25,000 on which it does not realize any gain or loss.

(b) This subparagraph does not apply because P did not obtain funds for the distribution to its shareholders by relying upon the underlying value of its investment in S.

(v) This subparagraph shall apply only for taxable years beginning after July 9, 1968.

• • • • •

PAR. 4. Section 1.535–1(a) is amended to read as follows:

§ 1.535–1 Definition.

(a) The accumulated earnings tax is imposed by section 531 on the accumulated taxable income. Accumulated taxable income is the taxable income of the corporation with the adjustments prescribed by section 535(b) and § 1.535–2, minus the sum of the dividends paid deduction and the accumulated earnings credit. See section 561 and the regulations thereunder, relating to the definition of the deduction for dividends paid, and section 535(c) and § 1.535–3, relating to the accumulated earnings credit.

• • • • •

PAR. 5. Section 1.535–3 is amended by revising paragraph (a) and by adding a new subdivision (iii) to paragraph (b)(1). These revised and added provisions read as follows:

§ 1.535–3 Accumulated earnings credit.

(a) *In general.* As provided in section 535(a) and § 1.535–1, the accumulated earnings credit, provided by section 535(c), reduces taxable income in computing accumulated taxable income. In the case of a corporation, not a mere holding or investment company, the accumulated earnings credit is determined as provided in paragraph (b) of this section and, in the case of a holding or investment company, as provided in paragraph (c) of this section.

(b) *Corporation which is not a mere holding or investment company*—(1) *General rule.* • • •

(iii) In a case to which subparagraph (3) of § 1.533–1(a) applies, that is, a case in which a parent relies upon the underlying value of its investment in a subsidiary to obtain funds for nondividend distributions to its shareholders, there is a presumption that all or a part of the subsidiary's earnings and profits for the taxable year are not retained for the reasonable needs of the business. The amount to which the presumption applies is an amount equal to the sum of the distributions to the parent's shareholders during the taxable year which are treated as provided in section 301(c)(2) or (3). The burden of overcoming such presumption and showing that earnings and profits have been retained for the reasonable needs of the business is on the taxpayer.

• • • • •

PAR. 6. Paragraph (d) of § 1.1502–2 is revised to read as follows:

§ 1.1502–2 Computation of tax liability.

• • • • •

(d) If paragraph (b) of this section does not apply, the tax imposed by section 531 on the consolidated accumulated taxable income (see § 1.1502–43), or the aggregate of the taxes imposed by section 531 on the separate accumulated taxable income of those members that are formed or availed of for the purpose set forth in section 532 (see § 1.1502–47);

• • • • •

PAR. 7. Subdivisions (i), (ii), and (iii) of § 1.1502–33(c)(4) are revised to read as follows:

§ 1.1502–33 Earnings and profits.

• • • • •

(c) *Stock and obligations.* • • •

(4) *Investment adjustment*—(i) *Taxable years beginning before January 1, 1976.* Except as provided in subdivision (iii) of this subparagraph, for taxable years beginning before January 1, 1976—

(*a*) Adjustments made by a member under § 1.1502–32(e)(1) and (2), and (g) shall not be reflected in the earnings and profits of such member.

(*b*) For purposes of computing the earnings and profits of a member on the disposition of stock of a subsidiary, the adjusted basis of such stock shall be—

(*1*) The adjusted basis determined without regard to adjustments under § 1.1502–32(e)(1) and (2), and (g), plus

(*2*) The amount of any excess loss account includible in income by such member under § 1.1502–19(a) on such disposition.

(ii) *Taxable years beginning after December 31, 1975.* For taxable years beginning after December 31, 1975—

(*a*) There shall be reflected in the earnings and profits of each member for a taxable year an amount equal to any increase or decrease for such taxable year pursuant to § 1.1502–32(e)(1) and (2), and (g) in such member's basis or excess loss account for its stock in a subsidiary.

(*b*) For purposes of computing the earnings and profits of a member on the disposition of stock of a subsidiary, the adjusted basis of such stock shall be determined by taking into account any adjustments under § 1.1502–32(e)(1) and (2), and (g).

(*c*) If subdivision (i) of this subparagraph applies for one or more taxable years before this subdivision applies—

(*1*) Adjustments shall be made to the extent necessary to prevent duplication or omission of items of earnings and profits. For example, basis shall be determined under (*b*) of this subdivision by taking into account adjustments under § 1.1502–32(e)(1) and (2), and (g) only for years for which this subdivision applies.

(*2*) The negative adjustment applicable under § 1.1502–32(b)(2)(iii)(*a*) or (c)(2)(i) to distributions made in years for which this subdivision applies out of earnings and profits accumulated in years for which this subdivision did not apply shall be eliminated in computing earnings and profits and in determining adjusted basis for purposes of computing earnings and profits on the disposition of the subsidiary's stock.

(iii) *Election to adjust currently.* For any taxable year beginning before January 1, 1976, the group may elect to apply the provisions of subdivision (ii) of this subparagraph. Such election shall be made by submitting a statement, on or before the due date (including any extensions of time) of the consolidated return for the first taxable year for which the election is to apply, to the internal revenue officer with whom the group files such return. However, such election may be made for any taxable year beginning after December 31, 1965, within 60 days after (insert date on which the regulations proposed on Feb. 15, 1968 (33 F.R. 2997) are published in final form in the FEDERAL REGISTER), if it is made in conjunction with an election under paragraph (d) of this section. If an election is made under this subdivision for any taxable year, it may not thereafter be revoked and shall apply for all subsequent taxable years beginning before January 1, 1976.

• • • • •

PAR. 8. Immediately after § 1.1502–42 there is added the following:

§ 1.1502–43 Accumulated earnings tax on a consolidated basis.

(a) *General rule.* (1) Except as provided in subparagraph (2) of this paragraph, the application of the tax imposed by section 531 shall be on a consolidated basis. In such case the tax imposed by section 531 shall be applied with respect to any group (other than a group that is a personal holding company under section 542) that is formed or availed of for the purpose of avoiding the income tax with respect to the shareholders of any member of the group, or the shareholders of any other corporation, by permitting earnings and profits to accumulate instead of being divided or distributed. If it is determined that a group is so formed or availed of, the tax imposed by section 531 shall be imposed on the consolidated accumulated taxable income (as defined in § 1.1502–44).

(2) This section shall not apply for taxable years beginning after July 9, 1968, and before January 1, 1976, unless the group elects under paragraph (c)(4)(iii) of § 1.1502–33 to adjust earnings and profits to reflect increases or decreases in a member's basis or excess loss account for the stock of a subsidiary. If such election is not made, see § 1.1502–47.

(b) *Evidence of purpose to avoid income tax.* (1) The fact that the earnings and profits of the group are permitted to accumulate beyond the reasonable needs of the business of the group shall be determinative of the purpose to avoid the income tax with respect to shareholders, unless the group by the preponderance of the evidence shall prove to the contrary. For purposes of the preceding sentence, the earnings and profits of the group shall be the aggregate of the earnings and profits of corporations that are members at the close of the taxable year, determined in accordance with § 1.1502–33, other than the earnings and profits of members that are subject to the tax imposed by section 541 on separate undistributed personal holding company income for the taxable year.

(2) The fact that the group is a mere holding or investment group shall be prima facie evidence of the purpose to avoid the income tax with respect to shareholders.

(c) *Reasonable needs of the business.* The reasonable needs of the business of the group shall include the reasonable needs of the business of any corporation that is a member of the group at the close of the taxable year, other than a corporation that is subject to the tax imposed by section 541 on separate undistributed personal holding company income for the taxable year. Thus, the earnings and profits of one member of the group may be accumulated with respect to the reasonable business needs of another member of the group. If under the rules of paragraph (b) of § 1.537–3 the business of a corporation that is not a member of the group is considered the business of a member, then the earnings and profits of any member may be accumulated with respect to such nonmember corporation's reasonable business needs.

(d) *Burden of proof.* For purposes of section 534(a)—

(1) The notification described in section 534(b) informing the group that the proposed notice of deficiency includes an amount with respect to the accumulated earnings tax imposed by section 531 shall be mailed to the common parent corporation, and

(2) The statement described in section 534(c) shall be submitted by the common parent corporation.

§ 1.1502–44 Consolidated accumulated taxable income.

(a) *In general.* For purposes of the computation of the tax liability under § 1.1502–3, "consolidated accumulated taxable income" means the consolidated taxable income of the group (determined without regard to § 1.1502–15) adjusted in the manner provided in paragraph (b) of this section, minus the sum of—(1) the consolidated dividends paid deduction determined under § 1.1502–45, and (2) the consolidated accumulated earnings credit determined under § 1.1502–46. If any member of the group is subject to the tax imposed by section 541 on separate undistributed personal holding company income for the taxable year, then the consolidated taxable income and the adjustments (under paragraph (b) of this section) to consolidated taxable income shall be computed by excluding the items of income and deduction of such member and by including dividends distributed by such member to another member (other than a member that is subject to the tax imposed by section 541 on separate undistributed personal holding company income).

(b) *Adjustments to consolidated taxable income.* As required by section 535(b), the consolidated taxable income is adjusted as follows:

(1) *Consolidated taxes.* Under section 535(b)(1), there shall be allowed as a deduction—

(i) The amount of the consolidated tax liability (determined under § 1.1502–2, but without regard to paragraphs (b) through (d) of such section) accrued during the taxable year, and

(ii) The taxes deductible under paragraph (a)(2) of § 1.535–2.

(2) *Consolidated charitable contributions.* In lieu of the consolidated charitable contributions deduction provided by § 1.1502–24, there shall be allowed the aggregate charitable contributions of the members of the group allowable under section 170, determined without regard to section 170(b)(2). For this purpose, any excess of the amount of the charitable contributions made in a prior taxable year over the amount allowed as a deduction under section 170 for such year shall not be allowed as a deduction from consolidated taxable income in computing consolidated accumulated taxable income for the taxable year.

(3) *Special deductions disallowed.* Under section 535(b)(3), the deductions provided in section 242 and §§ 1.1502–26 and 1.1502–27 shall not be allowed.

(4) *Net operating loss deduction disallowed.* Under section 535(b)(4), the consolidated net operating loss deduction determined under § 1.1502–21 shall not be allowed.

(5) *Capital losses.* Under section 535(b)(5), there shall be allowed as a deduction the consolidated net capital loss, determined under paragraph (a) of § 1.1502–22.

(6) *Long-term capital gains.* Under section 535(b)(6), there shall be allowed as a deduction the excess of the consolidated net long-term capital gain (determined under paragraph (b) of § 1.1502–41) over the consolidated net short-term capital loss (determined under paragraph (b) of § 1.1502–41, but without regard to the consolidated net capital loss carryovers to the taxable year), minus the taxes attributable to such excess.

(7) *Capital loss carryovers.* Under section 535(b)(7), the consolidated net capital loss carryovers (determined under paragraph (b) of § 1.1502–22) shall not be allowed.

(8) *Bank affiliates.* Under section 535(b)(8), there shall be allowed the aggregate deductions of the several members of the group under section 601. For purposes of the determination of the amount of earnings and profits devoted by a member of the group during the year to the acquisition of readily marketable assets other than bank stock, there shall be disregarded earnings and profits devoted to the acquisition of assets, directly or indirectly, from another member of the group. For purposes of the taxable income limitation in section 601, the taxable income of a member of the group shall be determined under § 1.1502–12 (without regard to the deduction under section 242), adjusted for the following items taken into account in the computation of consolidated taxable income:

(i) The portion of the consolidated net operating loss deduction, the consolidated charitable contributions deduction, and the consolidated section 922 deduction attributable to such member;

(ii) Such member's net capital gain (determined without regard to any net capital loss carryover attributable to such member);

(iii) Such member's net capital loss and section 1231 net loss, reduced by the portion of the consolidated net capital loss attributable to such member; and

(iv) The portion of any consolidated net capital loss carryover attributable to such member that is absorbed in the taxable year.

§ 1.1502–45 Consolidated dividends paid deduction.

(a) *General rule.* The consolidated dividends paid deduction shall be the sum of—

(1) The aggregate deductions of the several members of the group under section 561(a)(1) and (2), and

(2) In the case of a group computing its tax liability under paragraph (b) of § 1.1502–2, the consolidated dividend carryover.

(b) *Special rules.* (1) The deductions allowable under section 561(a)(1) and (2) to the members of the group with respect to dividends shall be determined without regard to any deductions attributable to dividends paid, or considered as paid, to other members of the group.

(2) In the case of a group computing its section 531 tax liability on a consolidated basis under § 1.1502–43, the deductions allowable to the members of the group under section 561(a)(1) and (2) shall be determined without regard to any deductions attributable to dividends paid, or considered as paid, by members that are subject to the tax imposed by section 541 on separate undistributed personal holding company income.

§ 1.1502–46 Consolidated accumulated earnings credit.

(a) *In general.* As provided in paragraph (a) of § 1.1502–44, the consolidated accumulated earnings credit is subtracted from the consolidated taxable income in computing consolidated accumulated taxable income. In the case of a group that is not a mere holding or investment group, the consolidated accumulated earnings credit shall be determined as provided in paragraph (b) of this section. In the case of a mere holding or investment group, the consolidated accumulated earnings credit shall be determined as provided in paragraph (c) of this section.

(b) *Group that is not a mere holding or investment group—(1) General rule.* In the case of a group that is not a mere holding or investment group, the consolidated accumulated earnings credit shall be the greater of the two following amounts:

(i) The excess (if any) of such part of the earnings and profits of the group for the taxable year that are retained for the reasonable needs of the business of the group, over the long-term capital gains deduction under paragraph (b)(6) of § 1.1502–44, or

(ii) The amount by which $100,000 exceeds the aggregate of the accumulated earnings and profits at the close of the preceding taxable year of the corporations that are members of the group at the close of the current taxable year, other than corporations that are subject to the tax imposed by section 541 on separate undistributed personal holding company income for the taxable year.

(2) *Special rules.* (i) For purposes of subparagraph (1)(i) of this paragraph—

(a) The terms "earnings and profits of the group" and "reasonable needs of the business of the group" shall have the meanings assigned to such terms under paragraphs (b)(1) and (c) of § 1.1502–43, and

(b) The amount of the earnings and profits of the group for the taxable year that are retained shall be the amount by which such earnings and profits exceed the consolidated dividends paid deduction for the taxable year (determined under § 1.1502–45).

(ii) For purposes of subparagraph (1)(ii) of this paragraph, the earnings and profits of members accumulated at the close of the preceding taxable year shall be reduced by any dividends paid after the close of such taxable year that are considered paid during such taxable year under section 563(a).

(c) *Holding and investment groups.* In the case of a group that is a mere holding or investment group, the consolidated accumulated earnings credit shall be the amount by which $100,000 exceeds the aggregate of the accumulated earnings and profits at the close of the preceding taxable year of corporations that are members of the group at the close of the current taxable year, other than corporations that are subject to the tax imposed by section 541 on separate undistributed personal holding company income for the taxable year. For purposes of the preceding sentence, the earnings and profits of members accumulated at the close of the preceding taxable year shall be reduced by any dividends paid after the close of such taxable year under section 563(a).

§ 1.1502–47 Accumulated earnings tax on separate basis.

(a) *In general.* (1) For taxable years beginning after July 9, 1968, and before January 1, 1976, if the group does not elect under paragraph (c)(4)(iii) of § 1.1502–33 to adjust earnings and profits to reflect increases or decreases in a member's basis or excess loss account for the stock of a subsidiary, then the tax imposed by section 531 shall apply to the separate accumulated taxable income of each member (other than a member that is subject to the tax imposed by section 541 on separate undistributed personal holding company income) that is formed or availed of for the purpose set forth in section 532. For this purpose, the separate accumulated taxable income of any member of the group shall be the separate taxable income of such member (determined in accordance with subparagraph (2) of this paragraph) adjusted in the manner provided in section 535(b), minus the dividends paid deduction as defined in section 561 and the accumulated earnings credit as defined in section 535(c). For purposes of the computation of the dividends paid deduction, a distribution by one member to another member shall be considered as a dividend if such distribution would constitute a dividend under the provisions of section 562 to a recipient that is not a member of the group.

(2) For purposes of this section, the separate taxable income of a member shall be determined under § 1.1502–12, except that—

(i) Dividend distributions from another member of the group shall not be eliminated,

(ii) Paragraph (b) of § 1.1502–12 shall not apply, and

(iii) There shall be taken into account the following items:

(a) Such member's net capital gain (determined without regard to any net capital loss carryover attributable to such member);

(b) Such member's net capital loss and section 1231 net loss, reduced by the portion of the consolidated net capital loss attributable to such member; and

(c) That portion of the consolidated section 922 deduction that is attributable to such member.

(b) *Special rules.* (1) A member's deduction for taxes under section 535(b)(1) shall include that portion of the consolidated tax liability of the group (as determined under § 1.1502–2, but without regard to paragraphs (b) through (d) of such section) accrued during the taxable year that is allocated to such member pursuant to section 1552 (and paragraph (d) of § 1.1502–33, if applicable).

(2) In determining the deduction described in section 535(b)(6), the taxes attributable to the excess of the member's net long-term capital gain over its net short-term capital loss shall be the difference between—

(i) The taxes imposed by subtitle A of the Code (except the tax imposed by section 531) for the taxable year with respect to the group, and

(ii) Such taxes computed for such year without including such excess in taxable income.

(3) In determining the deduction described in section 535(b)(8), the term "taxable income" as used in section 601 shall be the separate taxable income (determined in accordance with paragraph (a)(2) of this section but without regard to any deduction under section 242), minus—(i) the portion of the consolidated net operating loss deduction and the consolidated charitable contributions deduction attributable to the member, and (ii) the portion of any consolidated net capital loss carryover attributable to such member that is absorbed in the taxable year.

§§ 1.1502–48 to 1.1502–74 [Reserved]

[F.R. Doc. 68–8094; Filed, July 8, 1968; 8:48 a.m.]

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[21 CFR Part 166]

DEPRESSANT AND STIMULANT DRUGS

Proposed Listing of Synthesized Tetrahydrocannabinols as Subject to Control

The Bureau of Narcotics and Dangerous Drugs has recommended, on the basis of its investigations and the recommendations of an advisory committee appointed pursuant to section 511(g)(1) of the Federal Food, Drug, and Cosmetic Act, that the drugs set forth below be listed as "depressant or stimulant" drugs within the meaning of section 201(v) of the Act because of their hallucinogenic effect. Having considered such recommendations, pursuant to the provisions of the Act (secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371) and under the authority vested in the Attorney General by Reorganization Plan No. 1 of 1968 (33 F.R. 5611), it is proposed that § 166.3(c)(3) be amended by alphabetically inserting in the list of drugs a new item, as follows:

§ 166.3 Listing of drugs defined in section 201(v) of the Act.

* * * * * *

(c) * * *

(3) * * *

Synthetic equivalents of the substances contained in the plant, or in the resinous extractives of *Cannabis* sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following:

Δ^1 cis or trans tetrahydrocannabinol, and their optical isomers,

Δ^6 cis or trans tetrahydrocannabinol, and their optical isomers,

$\Delta^{3,4}$ tetrahydrocannabinol, and its optical isomers.

(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions are covered)

* * * * * *

All interested persons are invited to submit their views in writing regarding this proposal. Comments concerning any additional trade or other names that may be properly listed for the subject drugs are also invited. Views and comments should be submitted, preferably in quintuplicate, addressed to the Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Room 613, 633 Indiana Avenue, Washington, D.C. 20226, within 30 days following the date of publication of this notice in the FEDERAL REGISTER, and may be accompanied by a memorandum or brief in support thereof.

Dated: July 6, 1968.

RAMSEY CLARK,
Attorney General.

[F.R. Doc. 68–8189; Filed, July 8, 1968; 11:51 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Countervailing Duties—ATS 644]

MERCHANDISE FROM FRANCE

Notice of Countervailing Duty Proceedings

Information has been received which appears to indicate that certain measures adopted by the Government of France in Decree No. 68–581, dated June 29, 1968 (English translation set forth below as Appendix A), with respect to the exportation of merchandise from France constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303), upon the manufacture, production, or exportation of the merchandise to which the measures apply.

After the expiration of the time limits set forth in this notice, a determination will be made whether a bounty or grant is being paid or bestowed in connection with any such manufacture, production, or export. If it is determined that a bounty or grant is being paid or bestowed, an appropriate countervailing duty order will be issued and published in accordance with § 16.24 of the Customs Regulations (19 CFR 16.24).

Before a determination is made consideration will be given to any relevant data, views, or arguments submitted in writing with respect to the existence or nonexistence, and the net amount, of a bounty or grant. Such submissions should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

This notice is published pursuant to § 16.24(d) of the Customs Regulations (19 CFR 16.24(d)).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: July 8, 1968.

JOSEPH M. BOWMAN,
Assistant Secretary of the Treasury.

APPENDIX A

Following Text Decree and two annexes published Journal Officiel No. 153, June 30, 1968, pages 6156–7:

Decree No. 68–581 of June 29, 1968, granting a special, temporary allowance to exporters.

Upon the recommendation of the Minister of the Economy and Finance:

In view of Decree No. 62–1587 of December 29, 1962, providing General Regulations for Government Accounting, particularly Article 104; in view of the Customs Code; in view of the General Tax Code,

The Prime Minister Decrees:

ARTICLE 1. A special, temporary allowance is hereby granted to exporters for exports made on a definitive basis.

ARTICLE 2. The following shall be excluded from the benefit of this allowance: Exports composed of the products appearing on the attached list in Annex I to this decree; exports composed of all products intended for the overseas departments and territories.

ARTICLE 3. The amount of the allowance pertaining to exports covered by an "Economic Risks" policy issued by the Compagnie Francaise d'Assurances pour le Commerce Exterieur, shall be deducted from the sum to be paid by that company at the time of payment of the claim due.

ARTICLE 4. (A) The period for which the allowance may be granted shall run from July 1, 1968 to January 31, 1969.

(B) For transactions carried out between July 1, 1968, and October 31, the allowance shall be granted at the full rate; from November 1 on, it shall be reduced by half.

(C) The date to be considered in granting the allowance shall be the date of the registration of the Export Customs Declaration.

ARTICLE 5. The allowance shall be computed in accordance with the following formula:

$$X: \frac{6}{100} \times \frac{E}{CA} \left(S \text{ plus} \frac{M}{3}\right)$$

In which, for the month under consideration: X represents the amount of the allowance to be computed; 6 over 100 the base index at the full rate; E the value of the month's exports that may be considered in computing the allowance under the conditions laid down by this decree; CA the total sales of the concern for the month under consideration.

It is equal to the total appearing on line 38 of the return on Form CA3 filed by taxpayers in connection with the taxes on gross sales.

For concerns placed under the lump-sum system, CA represents one-twelfth of the lump-sum sales established for 1968, increased, should the case arise, by the total of the transactions not included in the lump-sum that were effected during the month under consideration. If the lump-sum is not yet established, CA represents one-twelfth of the sales for the year 1967 as shown on the return on Form 951 submitted in January 1968.

The total sales referred to in the two preceding subparagraphs shall be reduced by the total of the taxes on gross sales levied on the transactions effected on the domestic market.

In no case may the ratio $\frac{E}{CA}$ be greater than 1.

S: 27 times the amount of the tax on wages pertaining to the wages of the month under consideration.

M: The total, including taxes, of the purchases of all types of goods and services of French origin made on the domestic market and of the imports from overseas departments and territories.

ARTICLE 6. When the exports that can be considered in computing the allowance are composed of products on the list that constitutes Annex II of this decree, the allowance shall be computed by the following formula:

$$X: \frac{6}{100} \times \frac{E}{CA} (S)$$

The elements of which are determined as stated in Article 5 above.

ARTICLE 7. (A) The allowance shall be granted to the natural or juridical person shown on the Export Customs Declaration as being responsible for the repatriation of the foreign exchange covering the exportation.

(B) The value of the exports to be considered in applying the computation formulas defined in Articles 5 and 6 is composed of the total amount to be repatriated, after deducting, in case of a sale c.i.f. or f.o.b. destination or f.o.b. through customs, the expenses incurred outside France.

(C) When the natural or juridical person responsible for the repatriation is not the manufacturer of the product exported but a commission agent or an exporting trader, or any other person acting in any capacity whatever in the marketing of the product exported, such person must transfer back to his supplier the amount of the allowance.

ARTICLE 8. (A) Any natural or juridical person who is to obtain the allowance must, to that end, deposit a monthly declaration, the form of which is fixed by an *Arrêté* of The Director General for Customs and Indirect Taxes.

(B) The transactions to be included on each monthly declaration are those for which an export declaration was filed with the customs authorities during the same month.

(C) The conditions under which exports listed on the monthly declaration must be substantiated are fixed by *Arrêté* of The Director General for Customs and Indirect Taxes.

ARTICLE 9. Export transactions whose monthly total, computed by the formula set forth in Article 5 or in Article 6, as the case may be, does not amount to 250 francs, shall not entail payment of the allowance.

ARTICLE 10. The Bureau of Customs and Indirect taxes shall be responsible for the payment of the allowances.

ARTICLE 11. False declarations or acts the purpose or effect of which is to obtain, in whole or in part, an allowance that is not due or is greater than the total resulting from the application of this decree shall fall within the purview of the customs code, particularly paragraph 4 of Article 426 thereof.

ARTICLE 12. The Minister of the Economy and Finance shall be responsible for enforcing this decree, which shall be published in the *Journal Officiel de la République Francaise.*

Done in Paris, June 29, 1968,
Georges Pompidou.

By the Prime Minister:
Maurice Couve de Murville,
Minister of the Economy and Finance.

ANNEX I

LIST OF PRODUCTS WHICH ARE EXCLUDED FROM THE BENEFITS OF THE EXPORT AID MEASURES

Customs tariff position	*Description of the products*
Chapters 1 to 24	All products listed in these chapters except those forming the subject of Annex II, which enjoy special aid measures.
Chapter 27	Mineral fuels, mineral oils and products of their distillation, bituminous substances, mineral waxes.
41–01	Raw hides and skins (fresh, salted, dried, limed, or pickled), including sheepskins in the wool.
54–01	Raw flax; flax tow and waste.
Chapter 72	Coin.
89–04	Ships, boats and other vessels for breaking up.
Chapter 99	Works or art, collectors' pieces, and antiques.
Miscellaneous	Waste and debris of all sorts.
Ex Chapter 73	Products to which the Treaty of April 18, 1951, establishing a European Coal and Steel Community applies, marked [with its French abbreviation] C.E.C.A. in column 2 of the Customs Tariffs on Imports.

ANNEX II

LIST OF PRODUCTS THAT ARE ENTITLED TO THE ALLOWANCE UNDER THE CONDITIONS SPECIFIED IN ARTICLE 6 OF THE DECREE

Customs tariff position	*Description of the products*
07–02	Vegetables (whether or not cooked), preserved by freezing.
07–03	Vegetables preserved in brine, in sulphur water or in other substances.
07–04	Dried, dehydrated or evaporated vegetables.
08–10	Fruit (whether or not cooked), preserved by freezing, not containing added sugar.
08–11	Fruit provisionally preserved but unsuitable for consumption as it is.
08–12	Fruit, dried, other than that falling within heading No. 08–01 to 08–05 inclusive.
13–03	Vegetable saps and extracts; pectic substances, pectinates and pectates, agar-agar and other mucilages and thickeners derived from vegetable materials.
15–07	Fixed vegetable oils, fluid or solid, crude, refined or purified.
Chapter 16	Preparations of meat, of fish, or crustaceans, or molluscs.
17–04	Sugar confectionery, not containing cocoa.
18–06	Chocolate and other food preparations containing cocoa.
Chapter 19	Preparations of cereals, flour or starch, pastrycooks' products.
Chapter 20	Preparations of vegetables, fruit, or other parts of plants.
Chapter 21	Miscellaneous edible preparations.
22–01	Waters, including SPA waters and aerated waters.
22–02	Lemonade, flavored aerated waters and other nonalcoholic beverages, not including fruit and vegetable juices falling within heading No. 20–07.
22–03	Beer made from malt.
22–06	Vermouths and wines of fresh grapes flavored with aromatic extracts.
22–10	Vinegar and substitutes for vinegar.
23–07	Sweetened forage; other preparations of a kind used in animal feeding.
Chapter 71	All products in this chapter with the exception of those listed under the following positions: 71–3. Synthetic or reconstructed precious or semiprecious stones. 71–15BII. Articles consisting of, or incorporating precious or semiprecious stones (natural, synthetic, or reconstructed). Others: 71–16. Imitation jewelry, which benefits from the aid under the conditions laid down in article 8 of the decree.

[F.R. Doc. 68–8183; Filed, July 8, 1968; 10:04 a.m.]

Comptroller of the Currency

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 68–8088, Federal Deposit Insurance Corporation, *infra*.

Office of Foreign Assets Control

ALMOND JELLY, CANNED

Importation Directly From Taiwan (Formosa); Available Certifications

Notice is hereby given that certificates of origin issued by the Ministry of Economic Affairs of the Republic of China under procedures agreed upon between that government and the Office of Foreign Assets Control in connection with the Foreign Assets Control Regulations are now available with respect to the importation into the United States directly, or on a through bill of lading, from Taiwan (Formosa) of the following additional commodity:

Almond jelly, canned.

[SEAL] MARGARET W. SCHWARTZ,
Director, Foreign Assets Control.

[F.R. Doc. 68–8093; Filed, July 8, 1968; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

DOMESTIC BEET SUGAR PRODUCING AREA

1969-Crop Proportionate Shares; Notice of Hearing

Notice is hereby given that the Secretary of Agriculture, acting pursuant to the Sugar Act of 1948, as amended, will conduct a hearing to receive the views and recommendations of interested persons on the need for establishing proportionate shares (farm acreage allotments) for the 1969 crop of sugar beets in the Domestic Beet Sugar Area.

In accordance with the provisions of paragraph (1), subsection (b) of section 302 of the Sugar Act of 1948, as amended (7 U.S.C. 1132(b)), the Secretary must determine for each crop year whether the production of sugar from any crop of sugar beets will, in the absence of proportionate shares, be greater than the quantity needed to enable the area to meet its quota and provide a normal carryover inventory, as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed. Such determination may be made only after due notice and opportunity for an informal public hearing.

The hearing on this matter will be conducted in the Brown Palace Hotel, Denver, Colo., beginning at 10 a.m. on July 25, 1968.

Proportionate shares are not in effect for the current crop and were not in effect for the 1967 crop of sugar beets. Latest estimates indicate that sugar production from 1967 acreage of about 1,190,000 will total 2,700,000 short tons, raw value. Industry estimates indicate that 1968 crop acreage planted or to be planted will be somewhat higher than the March intentions of 1,414,000 acres.

Views and recommendations on the need for establishing proportionate shares may be presented orally at the hearing, preferably supported in writing by an original and two copies of the oral statement. Views and recommendations may also be submitted in writing (original and two copies) at the hearing or they may be mailed to the Director, Sugar Policy Staff, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, postmarked not later than August 16, 1968.

Oral and written views proposing that proportionate shares be established for the 1969 crop should include recommendations as to the level of the national sugar beet acreage requirement and as to the details of a program. These would include such items as methods (formulae) of establishing State allocations, area allotments and farm bases, the level of set asides for new producers, appeals and adjustments.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places in a manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C., on July 2, 1968.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68–8104; Filed, July 8, 1968; 8:49 a.m.]

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

July Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The U.S. Department of Agriculture announced the prices at which CCC commodity holdings are available for sale beginning at 3 p.m., e.d.t., on June 28, 1968, and, subject to amendment, continuing until superseded by the August Monthly Sales List.

The following commodities are available: Cotton (upland and extra long staple), wheat, corn, oats, barley, rye, rice, grain sorghum, peanuts, tung oil, butter, cheese, and nonfat dry milk.

With the 1968 crop marketing year beginning July 1 for wheat, barley, oats, and rye, the July list includes formula minimum pricing for these commodities based on 1968 price-support loan rates. The beginning markups used in CCC minimum sales prices for these grains in-store have been adjusted to reflect changes in receiving rate under the Uniform Grain Storage Agreement.

Corn offerings for export are being resumed on a limited basis. This will involve only 1967 crop corn taken over under the price-support program starting about August 1, 1968, in the southeastern States where it is not feasible for CCC to continue storage of this grain.

Information on the availability of commodities stored in Commodity Credit Corporation bin sites may be obtained from ASCS State offices shown at the end of the sales list, and for commodities stored at other locations from ASCS commodity and grain offices also shown at the end of the list.

Corn, oats, barley, or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

In the following listing of commodities and sale prices or method of sales, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality, and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Commodity Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM–3 or 4) for July 1968 are 6 percent for U.S. bank obligations and 7 percent for foreign bank obligations. Commodities now eligible for financing under the CCC Export Credit Sales Program include oats, wheat, wheat flour, barley, bulgur, corn, cornmeal, grain sorghum, upland and extra long staple cotton, tobacco, cottonseed oil, soybean oil, dairy products, tallow, lard, and breeding cattle, and rye. Commodities purchased from CCC may be financed for export as private stocks under Announcement GSM–4.

Information on the CCC Export Credit Sales Program and on commodities available under Title I, Public Law 480, private trade agreements, and current information on interest rates and other phases of these programs may be obtained from the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250.

The following commodities are currently available for new and existing barter contracts: Oats, cotton (upland and extra long staple), and tobacco. Wheat and grain sorghum are also available under conditions noted in the individual commodity listings. In addition, free market stocks of corn, grain sorghum, barley, oats, wheat, and wheat flour, under Announcement PS–1; tobacco under Announcement PS–3; cottonseed oil and soybean oil under Announcement PS–2; and upland and extra long staple cotton under Announcement PS–4; are eligible for programing in connection with barter contracts covering procurement for Federal agencies that will reimburse CCC. (However, Hard Red Winter 13 percent protein or higher, Hard Red Spring 14 percent protein or higher Durum wheats, and flour produced from these wheats may not be exported under Barter through west coast ports. Hard Red Winter 12.99 percent protein or less may be exported under Barter from the west coast only with benefit of the west coast payment rate or certificate cost applicable to Hard Red Winter "all proteins". Hard Red Winter 13 percent protein and higher may be exported under Barter from the gulf coast to any destination only with benefit of the gulf coast payment rate or certificate cost which applies to Hard Red Winter "all proteins".) Further information on private-stock commodities may be obtained from the Office of Barter and Stockpiling, Foreign Agricultural Service, USDA, Washington, D.C. 20250.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchase from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C. 20250, with respect to all commodities or—for specified commodities—with the designated ASCS commodity office.

Commodity Credit Corporation reserves the right to amend from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office

in the United States, its territories or possessions and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to U.S. Government agencies, with only minor exceptions will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or reexportation by anyone of any commodities under this program to Cuba, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Viet Nam except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule § 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

Sales Price or Method of Sale

WHEAT, BULK

Unrestricted use.

A. *Storable.* All classes of wheat in CCC inventory are available for sale at market price but not below 115 percent of the 1968 price-support loan rate for the class, grade, and protein of the wheat plus the markup shown in C below applicable to the type of carrier involved.

B. *Nonstorable.* At not less than market price, as determined by CCC.

C. *Markup and examples (dollars per bushel in-store).*[1]

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.04	$0.01½	Minneapolis—No. 1 DNS ($1.56) 115 percent +$0.01½; $1.81½. Portland—No. 1 SW ($1.44) 115 percent +$0.01½; $1.67½. Kansas City—No. 1 HRW ($1.44) 115 percent +$0.01½; $1.67½. Chicago—No. 1 RW ($1.46) 115 percent +$0.01½; $1.69½.

See footnotes at end of article.

Export.

A. CCC will sell limited quantities of Hard Red Winter and Hard Red Spring wheat at west coast ports at domestic market price levels for export under Announcement GR–345 (Revision IV, Oct. 30, 1967, as amended) as follows:

(1) Offers will be accepted subject to the purchasers' furnishing the Portland ASCS Branch Office with a Notice of Sale containing the same information (excluding the subsidy acceptance number) as required by exporters who wish to receive an export payment under GR–345. The Notice of Sale must be furnished to the Commodity Office within 5 calendar days after the date of purchase.

(2) Sales will be made only to fill dollar market sales abroad and exporter must show export from the west coast to a destination west of the 170th meridian, west longitude, and east of the 60th meridian, east longitude, and to countries on the west coast of Central and South America.

B. CCC will sell wheat for export under Announcement GR–261 (Revision II, Jan. 9, 1961, as amended and supplemented) subject to the following:

(1) All classes will be sold subject to offers which include the price at which the buyer proposes to purchase the wheat.

(2) All classes will be sold to fill dollar market sales abroad and exporter must show export from the west coast to a destination within the geographical limitation shown in A(2) above.

(3) All classes will be sold for application to barter contracts entered into pursuant to invitations for barter offers dated prior to August 26, 1966. However, CCC-owned wheat will not be sold for barter at west coast ports.

C. Announcement GR–262 (Revision II, Jan. 9, 1961, as amended) for export as flour as follows: All classes will be sold for application to barter contracts entered into pursuant to invitations for barter offers dated prior to August 26, 1966. However, sales for barter will not be made at west coast ports.

D. CCC will not sell wheat under Announcement GR–346 until further notice.

Available. Chicago, Kansas City, Minneapolis, and Portland ASCS offices.

CORN, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of corn as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The price at which corn shall be valued for such dispositions shall be the market price as determined by CCC, but not less than 115 percent of the applicable 1967 price-support loan rate[2] for the class, grade, and quality of the corn plus the markup shown in C of this unrestricted use section.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable corn as CCC may designate as general sales will be made during the month at market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1967 price-support rate[2] (published loan rate plus 19 cents per bushel) for the class, grade, and quality of the corn, plus the markup shown in C of this unrestricted use section.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store[1] basis No. 2 yellow corn 14 percent M.T. 2 percent F.M.).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.29¼	$0.25¼	Feed grain program domestic PIK certificate minimums: Hale County, Tex. ($1.59) 115 percent +$0.29¼; $2.12¾. Kansas City, Mo. (ex-rail) ($1.85) 115 percent +$0.25¼; $2.38¼. Agricultural Act of 1949; stat. minimums: Hale County, Tex. ($1.59+$0.34); 105 percent +$0.29¾; $2.32¾. Kansas City, Mo. (ex-rail) ($1.85 +$0.34); 105 percent +$0.25¼; $2.55¾.

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.17½		Feed grain program domestic PIK certificate minimums: McLean County, Ill. ($1.08+$0.02½) 115 percent +$0.17½; $1.45½. Agricultural Act of 1949; stat. minimums: McLean County, Ill. ($1.08+$0.02½ +$0.10); 105 percent +$0.17½; $1.53½.

Available. Chicago, Kansas City, Minneapolis, and Portland ASCS grain offices.

Export. Limited quantities of corn at South Atlantic and eastern gulf ports for cash at the market price, as determined by CCC, for export under Announcement GR–212 (Revision 2, Jan. 9, 1961). The statutory minimum price referred to in GR–212 is computed in accordance with B1 of the unrestricted use section for corn.

Available. Kansas City ASCS Commodity Office.

GRAIN SORGHUM, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of grain sorghum as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which grain sorghum shall be valued for such dispositions shall be market price, as determined by CCC, but not less than 115 percent of the applicable 1967 price-support loan rate[2] for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable grain sorghum as CCC may designate as general sales will be made during the month at market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1967 price-support rate[2] (published loan rate plus 34 cents per hundredweight) for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per hundredweight in-store[1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.29¼	$0.25¼	Feed grain program domestic PIK certificate minimums: Hale County, Tex. ($1.59) 115 percent +$0.29¼; $2.12¾. Kansas City, Mo. (ex-rail) ($1.85) 115 percent +$0.25¼; $2.38¼. Agricultural Act of 1949; stat. minimums: Hale County, Tex. ($1.59+$0.34); 105 percent +$0.29¾; $2.32¾. Kansas City, Mo. (ex-rail) ($1.85 +$0.34); 105 percent +$0.25¼; $2.55¾.

Export.

Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1967 price-support loan rate plus carrying charges in section C. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in C of the unrestricted use section for grain sorghum. Sales will be made pursuant to the following announcement:

A. Announcement GR-212 (Revision 2, Jan. 9, 1961) for application to barter contracts entered into pursuant to invitations for barter offers dated prior to August 26, 1966, and for cash or other designated sales.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

BARLEY, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1967 price-support rate[2] for the class, grade, and quality of the barley plus the applicable markup.

B. *Markups and examples (dollars per bushel in-store[1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.04	$0.01½	Cass County, N. Dak. ($0.87): 115 percent +$0.04; $1.03. Minneapolis, Minn. (ex-rail) ($1.10); 115 percent +$0.01½; $1.28½.

C. *Nonstorable.* At not less than market price as determined by CCC.

Export.

Sales are made at the higher of the domestic market price, as determined by CCC or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section B. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcement is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for barley. Sales will be made pursuant to the following announcement:

A. Announcement GR-212 (Revision 2, Jan. 9, 1961) for cash or other designated sales.

Available. Chicago, Kansas City, Minneapolis, and Portland grain offices.

OATS, BULK

Unrestricted use.

A. Market price, as determined by CCC, but not less than 115 percent of the applicable 1968 price-support rates[2] for the class, grade, and quality of the oats plus the markup shown in B below.

B. *Markups and examples (dollars per bushel in-store[1] Basis No. 2 XHWO).*

Markup in-store received by—	Examples—Agricultural Act of 1949; Stat. minimum
Truck	
$0.04	Redwood County, Minn. ($0.60+$0.03 quality differential); 115 percent +$0.04; $0.77.

C. *Nonstorable.* At not less than the market price as determined by CCC.

Export. Sales are made at the higher of the domestic market price, as determined by

See footnotes at end of article.

CCC, or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section B. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for oats. Sales will be made pursuant to the following announcement:

A. Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to barter contracts and for cash or other designated sales.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

RYE, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 115 percent[2] of the applicable 1968 price-support rate for the class, grade, and quality of the grain plus the markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store[1] No. 2 or better).*

Markup in-store received by—		Examples—Agricultural Act of 1949: Stat. minimum
Truck	Rail or barge	
$0.04	$0.01½	Rolette County, N. Dak. ($0.80): 115 percent +$0.04; $1.07. Minneapolis, Minn. (ex-rail) ($1.23); 115 percent +$0.01½; $1.43½.

C. *Nonstorable.* At not less than market price as determined by CCC.

Export

Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section B. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcement is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for rye. Sales will be made pursuant to the following announcement:

A. Announcement GR-212 (Revision 2, Jan. 9, 1961) for cash or other designated sales.

Available. Chicago, Kansas City, Portland, and Minneapolis ASCS grain offices.

RICE, ROUGH

Unrestricted use.

Market price but not less than 1967 loan rate plus 5 percent plus 44 cents per hundredweight, basis in store.

Export.

As milled or brown under Announcement GR-369, Revision III, as amended, Rice Export Program.

Available. Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

COTTON, UPLAND

Unrestricted use.

A. Competitive offers under the terms and conditions of Announcement NO-C-32 (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price-support programs will be sold at the highest price offered but in no event at less than the higher of (a) 110 percent of the current loan rate for such cotton, or (b) the market price for such cotton, as determined by CCC.

B. Competitive offers under the terms and conditions of Announcement NO-C-31 (Disposition of Upland Cotton—In Redemption of Payment-In-Kind Certificates or Rights in Certificate Pools, In Redemption of Export Commodity Certificates, Against the "Short-fall," and Under Barter Transactions), as amended. Cotton may be acquired for immediate delivery at its current market price, as determined by CCC, but not less than a minimum price determined by CCC. Cotton may be acquired for delivery on August 1, 1968, at the market price for cotton for delivery at such future time, as determined by CCC, but not less than a minimum price determined by CCC. Minimum prices for both immediate and delayed delivery will in no event be less than 120 points (1.2 cents) per pound above the loan rate for such cotton at the time it is to be delivered.

Export.

CCC disposals for barter. Competitive offers under the terms and conditions of Announcements CN-EX-28 (Acquisition of Upland Cotton for Export Under the Barter Program), and NO-C-31 (described above), as amended.

COTTON, EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcements NO-C-6. (Revised July 22, 1960), as amended, and NO-C-10, as amended. Under these announcements extra long staple cotton (domestically grown) will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC.

Export.

A. *CCC sales for export.* Competitive offers under the terms and conditions of Announcements CN-EX-22 (Extra Long Staple Cotton Export Program) and NO-C-27 (Sale of Extra Long Staple Cotton), as amended.

B. *Barter.* Competitive offers under the terms and conditions of Announcement CN-EX-27 (Acquisition of Extra Long Staple Cotton for Export Under the Barter Program), and NO-C-27 (Sale of Extra Long Staple Cotton), as amended.

COTTON, UPLAND OR EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcement NO-C-20 (Sale of Special Condition Cotton). Any such cotton (Below Grade, Sample Loose, Damaged Pickings, etc.) owned by CCC will be offered for sale periodically on the basis of samples representing the cotton according to schedules issued from time to time by CCC.

Availability information.

Sale of cotton will be made by the New Orleans ASCS Commodity Office. Sales announcements, related forms and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and location may be obtained for a nominal fee from that office.

PEANUTS, SHELLED

When stocks are available in their area of responsibility, the quantity, type, and grade offered and whether for restricted or unrestricted use are announced in weekly lot lists are invitations to bid issued by the following:

GFA Peanut Association, Camilla, Ga.

Peanut Growers Cooperative Marketing Association, Franklin, Va.

Southwestern Peanut Growers' Association, Gorman, Tex.

A. *Restricted use sales.* Announcement PR-1 as amended, and the lot list contain terms and conditions of sales restricted to domestic crushing or export.

1. Shelled peanuts of less than U.S. No. 1 grade may be purchased for foreign or domestic crushing.

All sales are made on the basis of competitive bids each Wednesday, by the Producer Associations Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250, to which all bids are submitted.

TUNG OIL

Unrestricted use.

Sales are made periodically on a competitive bid basis. Bids are submitted to the Producer Association Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250.

The quantity offered and the date bids are to be received are announced to the trade in notices of Invitation to Bid, issued by the National Tung Oil Marketing Cooperative, Inc., Poplarville, Miss. 39470.

Terms and conditions of sale are as set forth in Announcement NTOM-PR-4 of April 6, 1967, as amended, and the applicable Invitation to Bid.

Bids will include, and be evaluated on the basis of, price offered per pound f.o.b. storage location. For certain destinations, CCC will as provided in the Announcement, as amended, refund to the buyer a "freight equalization" allowance.

Copies of the Announcement or the Invitation may be obtained from the Cooperative or Producer Associations Division, ASCS, Telephone Washington, D.C., area code 202, DU 8-3901.

DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products.

Submission of offers.

Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

Unrestricted use.

Announced prices, under MP-14: Spray process, U.S. Extra Grade, 25.40 cents per pound packed in 100-pound bags and 25.65 cents per pound packed in 50-pound bags.

Export.

Announced prices, under MP-23, pursuant to invitations issued by Minneapolis ASCS Commodity Office. Invitations will indicate the type of export sales authorized, the announced price and the period of time such price will be in effect.

BUTTER

Unrestricted use.

Announced prices, under MP-14: 74 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 73.25 cents per pound—Washington, Oregon, and California. All other States 73 cents per pound.

CHEDDAR CHEESE (STANDARD MOISTURE BASIS)

Unrestricted use.

Announced prices, under MP-14: 52.750 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 51.750 cents per pound.

FOOTNOTES

[1] The formula price delivery basis for bin-site sales will be f.o.b.

[2] Round product up to the nearest cent.

USDA AGRICULTURE STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Kansas City ASCS Commodity Office, 8930 Ward Parkway (Post Office Box 205), Kansas City, Mo. 64141. Telephone: Area Code 816, Emerson 1-0860.

Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Hawaii, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming (domestic and export). California (domestic only), Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (export only).

Branch Office—Chicago ASCS Branch Office, 226 West Jackson Boulevard, Chicago, Ill. 60606. Telephone: Area Code 312, 353-6581.

Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (domestic only).

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn. 55415. Telephone: Area Code 612, 334-2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin (domestic and export).

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg. 97205. Telephone: Area Code 503, 226-3361.

Idaho, Oregon, Utah, and Washington (domestic and export sales), California (export sales only).

PROCESSED COMMODITIES OFFICE—(ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55435. Telephone: Area Code 612, 334-3200.

COTTON OFFICE (ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112. Telephone: Area Code 504, 527-7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, Federal Building, Room 1759, 26 Federal Plaza, New York, N.Y. 10007. Telephone: Area Code 212, 264-8439, 8440, 8441.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraisers' Building, Room 802, 630 Sansome Street, San Francisco, Calif. 94111. Telephone: Area Code 415, 556-6185.

ASCS STATE OFFICES

Illinois, Room 232, U.S. Post Office and Courthouse, Springfield, Ill. 62701. Telephone: Area Code 217, 525-4180.

Indiana, Room 110, 311 West Washington Street, Indianapolis, Ind. 46204. Telephone: Area Code 317, 633-8521.

Iowa, Room 937, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309. Telephone: Area Code 515, 284-4213.

Kansas, 2601 Anderson Avenue, Manhattan, Kans. 66502. Telephone: Area Code 913, JE 9-3531.

Michigan, 1405 South Harrison Road, East Lansing, Mich. 48823. Telephone: Area Code 517, 372-1910.

Missouri, I.O.O.F. Building, 10th and Walnut Streets, Columbia, Mo. 65201. Telephone: Area Code 314, 442-3111.

Minnesota, Room 230, Federal Building and U.S. Courthouse, 316 Robert Street, St. Paul, Minn. 55101. Telephone: Area Code 612, 228-7651.

Montana, Post Office Box 670, U.S.P.O. and Federal Office Building, Bozeman, Mont. 59715. Telephone: Area Code 406, 587-4511, Ext. 3271.

Nebraska, Post Office Box 793, 5801 O Street, Lincoln, Nebr. 68501. Telephone: Area Code 402, 475-3361.

North Dakota, Post Office Box 2017, 15 South 21st Street, Fargo, N. Dak. 58103. Telephone: Area Code 701, 237-5205.

Ohio, Room 202, Old Federal Building, Columbus, Ohio 43215. Telephone: Area Code 614, 469-5644.

South Dakota, Post Office Box 843, 239 Wisconsin Street SW., Huron, S. Dak. 57350. Telephone: Area Code 605, 352-8651, Ext. 321 or 310.

Wisconsin, Post Office Box 4248, 4601 Hammersley Road, Madison, Wis. 53711. Telephone: Area Code 608, 254-4441, Ext. 7535.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, 307, 76 Stat. 614-617; 7 U.S.C. 1441 (note))

Signed at Washington, D.C., on July 1, 1968.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 68-8052; Filed, July 8, 1968; 8:45 a.m.]

Consumer and Marketing Service

COTTON RESEARCH AND PROMOTION

Applications for Certification of Cotton Producer Organizations

Pursuant to section 14 of the Cotton Research and Promotion Act (80 Stat. 284; 7 U.S.C. 2113) and § 1205.337 of the Cotton Research and Promotion Order (7 CFR Part 1205), the U.S. Department of Agriculture is required to certify the eligibility of cotton producer organizations for participation in the nomination of members and alternate members of the Cotton Board. Notice is hereby given that the U.S. Department of Agriculture will accept applications for certification from any cotton producer organization not currently certified for this purpose.

Any such cotton producer organization desiring to request certification should submit its application in duplicate to the Director, Cotton Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

A formal application form is not required but each application must contain the following information:

1. Geographic territory within the State covered by the organization's active membership.

2. Nature and size of the organization's active membership in the State, proportion of total of such active membership accounted for by farmers, a map showing the cotton producing counties in such State in which the organization has members, the volume of cotton produced in each such county for the 1965 crop, the number of cotton producers in each such county, and the size of the organization's active cotton producer membership in each such county.

3. The extent to which the cotton producer membership of such organization is represented in setting the organization's policies.

4. Evidence of stability and permanency of the organization.
5. Sources from which the organization's operating funds are derived.
6. Functions of the organization.
7. A statement concerning the organization's ability and willingness to further the aims and objectives of the Cotton Research and Promotion Act.

In order to be considered, applications must be postmarked no later than 11:59 p.m. on July 26, 1968.

Dated: July 3, 1968.

S. C. RADEMAKER,
Director, Cotton Division,
Consumer and Marketing Service.

[F.R. Doc. 68-8105; Filed, July 8, 1968; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 134-3. Amdt. 1]

OFFICE OF BUDGET AND FINANCE

Organization and Functions

This material amends the material appearing at 32 F.R. 10381 of July 14, 1967.

Department Order 134-3 of October 18, 1966, is hereby amended as follows:

In section 4 *Organization and functions*, paragraphs .01 and .07 are amended, and a new paragraph .08 is added, to read:

.01 The Office of Budget and Finance shall comprise:

a. Office of the Director:
Director.
Deputy Director.
b. Financial Systems Policy Division.
c. Budget Coordination Division.
d. Budget Review and Analysis Staff.
e. Financial Management Services Division.
f. Central Accounting Division.

.07 The Financial Management Services Division shall manage the Working Capital Fund, and on a reimbursable basis through the Working Capital Fund, shall provide financial management services, except accounting, payrolling, and related financial reporting, to the Office of the Secretary and, as determined by the Assistant Secretary for Administration to be more advantageously performed as central services, to operating units of the Department. The head of the Financial Management Services Division shall serve as budget officer for General Administration, operating units as assigned, and miscellaneous accounts of the Department of Commerce.

.08 The Central Accounting Division shall, on a reimbursable basis through the Working Capital Fund, provide accounting, financial reporting, payrolling and related services to the Office of the Secretary and, as determined by the Assistant Secretary for Administration to be more advantageously performed as central services, to operating units of the Department and related independent agencies and commissions. The Central Accounting Division shall render consolidated financial reporting for the Department.

Effective date: July 1, 1968.

DAVID R. BALDWIN,
Assistant Secretary
for Administration.

[F.R. Doc. 68-9077; Filed, July 8, 1968; 8:47 a.m.]

[Dept. Order 134-2, Amdt. 1]

OFFICE OF AUDITS

Organization and Functions

This material amends the material appearing at 32 F.R. 13679 of September 29, 1967.

Department Order 134-2 is hereby amended as follows:

In section 4 *Organization and functions*, the following is added at the end of the listings in paragraph .01 and paragraph .07 as indicated:

(a) .01 • • •

• • • • • •

Comprehensive Internal Audit Division 4.

(b) .07 • • •

Comprehensive Internal Audit Division 4.

Maritime Administration.

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Effective date: June 25, 1968.

DAVID R. BALDWIN,
Assistant Secretary
for Administration.

[F.R. Doc. 68-8078; Filed, July 8, 1968; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

HAZLETON LABORATORIES, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 8B2302) has been filed by Hazleton Laboratories, Inc., Post Office Box 30, Falls Church, Va. 22046, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* be amended to provide for the safe use of sodium *n*-dodecylpolyethoxy (50 moles) sulfate as a component of paper and paperboard intended for use in contact with foods of types II, III, IV-B, and VI-A as described in table 1 of § 121.2526(c).

Dated June 27, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-8099; Filed, July 8, 1968; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 68-81]

PORTION OF DELAWARE RIVER, CHESTER, PA.

Closure to Navigation During Launching of Hull No. 642, "SS American Liberty"

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 49 CFR 1.4 (32 F.R. 5606) and Executive Order 10173 as amended by Executive Orders 10277, 10352, and 11249, I hereby affirm for publication in the FEDERAL REGISTER the order of A. J. Carpenter, Rear Admiral, U.S. Coast Guard, Commander, 3d Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

PORTION OF DELAWARE RIVER, CHESTER, PA.

Under the authority of Title II of the Espionage Act of June 15, 1917, 40 Stat. 220, 50 U.S.C. 191, and Executive Order 10173 as amended, I declare that from 1 p.m., e.d.t., on Tuesday, July 9, 1968, until completion of the launching at 2 p.m., e.d.t., Tuesday, July 9, 1968, the following area is a security zone and I order that it be closed to any person or vessel due to the launching of Hull No. 642, the "SS American Liberty":

The waters of the Delaware River, Chester, Pa., within the coordinates of latitude 39°50'55" N., longitude 75°20'46" W., at the shoreline of Chester, Pa., thence southeasterly to latitude 39°50'34" N., longitude 75°19'29" W., thence north to latitude 39°51'22" N., longitude 75°19'32" W.

No person or vessel may remain in or enter this security zone.

The Captain of the Port, Philadelphia, Pa., shall enforce this order.

The Captain of the Port may be assisted by employees and facilities of any State or political subdivision thereof or any Federal agency.

For violation of this order Title II of the Espionage Act of June 15, 1917 (40 Stat. 220 as amended, 50 U.S.C. 192), provides:

"If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or obstructs or interferes with the exercise of any power conferred by this chapter, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the Customs Revenue Laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than 10 years and may, in the discretion of the court, be fined not more than $10,000.

"If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this chapter, knowingly obstructs or interferes with the exercise of any power conferred by this chapter, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than $10,000."

Dated: July 2, 1968.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 68-8072; Filed, July 8, 1968; 8:46 a.m.]

[CGFR 68-80]

PORTION OF WARWICK RIVER, NORFOLK—NEWPORT NEWS HARBOR

Closure to Navigation During Naval Amphibious Training Exercises

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 49 CFR 1.4 (32 F.R. 5606) and Executive Order 10173 as amended by Executive Orders 10277, 10352, and 11249, I hereby affirm for publication in the FEDERAL REGISTER the order of E. C. Allen, Jr., Rear Admiral, U.S. Coast Guard, Commander, 5th Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

PORTION OF WARWICK RIVER, NORFOLK—NEWPORT NEWS HARBOR

Under the authority of Title II of the Espionage Act of June 15, 1917, 40 Stat. 220, 50 U.S.C. 191 and Executive Order 10173, as amended, I declare that during the below specified times and dates the following area is a security zone and I order that it be closed to any person or vessel due to Naval Amphibious Training Exercises:

The waters of the Warwick River, Warwick-Newport News area, Va., between points established by the coordinates of latitude 37°08'15" N., longitude 76°34'45" W., and latitude 37°08'15" N., longitude 76°34'15" W.

No person or vessel may remain in or enter this security zone when set during the periods specified below.

The Captain of the Port may be assisted by employees and facilities of any State or political subdivision thereof or any Federal agency.

The Commander, Amphibious Training Command, U.S. Atlantic Fleet, shall enforce this order.

This security zone shall be set during the following times and dates: 7 a.m., e.d.t., to 11 a.m., e.d.t., and from 12 p.m., e.d.t., to 4 p.m., e.d.t.; ninth (Tuesday), 11th (Thursday), 16th (Tuesday), 18th (Thursday), 30th (Tuesday) of July 1968, and second (Friday), sixth (Tuesday), 13th (Tuesday) of August 1968.

For violation of this order Title II of the Espionage Act of June 15, 1917 (40 Stat. 220, as amended, 50 U.S.C. 192) provides:

"If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or obstructs or interferes with the exercise of any power conferred by this chapter, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than 10 years and may, in the discretion of the court, be fined not more than $10,000.

"If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or knowingly obstructs or interferes with the exercise of any power conferred by this chapter, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than $10,000."

Dated: July 2, 1968.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 68-8073; Filed, July 8, 1968; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20015; Order 68-7-21]

CARIBBEAN-ATLANTIC AIRLINES, INC.

Order of Suspension and Investigation Regarding Proposed Charter Provisions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of July 1968.

By tariff revisions filed June 4 and 20, 1968, and marked to become effective July 5, 1968, Caribbean-Atlantic Airlines, Inc. (Caribair), proposes to amend its payment and refund charter rule. The proposal[1] requires a deposit of an amount equal to 25 percent of the charter price when a charter agreement is signed and provides that this deposit will be forfeited if the charterer cancels the agreement prior to the planned departure time of the flight.

The carrier has presented no factual data or any other justification in support of its proposal.

Upon consideration of all relevant matters, the Board finds that Caribair's proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation.

Carriers have been permitted deposit and forfeiture requirements to deter frivolous reservations and cancellations, and to protect themselves from loss. The Board, however, has considered that the forfeiture requirements should be no greater than necessary to serve this purpose and that forfeiture should not be considered as a source of revenue for the carriers. In reviewing penalty provisions the Board has recognized that in some situations the carriers will have an opportunity to resell the service, and in some instances the service would not be utilized in any event.

The amount proposed to be forfeited, 25 percent, involves a very sharp rise above the 10 percent currently in effect for Caribair. The forfiture applies to cancellations long before the planned departure while the present 10 percent charge is applicable only to cancellations within 24 hours of departure. This raises a question whether the carrier would have the opportunity to reschedule its equipment or otherwise avoid losses from a cancellation in most circumstances. Accordingly a reasonableness issue is presented by the absence of an economic basis or other circumstances justifying these charges for cancellations which may be made well in advance of departure. Domestic airlines do not generally have any penalty provisions. Moreover, the failure to provide a maximum charge also raises a question of unjust discrimination, or undue preference or prejudice. In this regard, cancellation of both long distance and short distance charters may subject the carrier to a similar loss exposure; however, the long distance charterer would be subject to a penalty many times that of the short distance charterer. For these reasons the Board has concluded that it will not permit the designated changes to become effective[2] pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 403 and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the provisions described in Appendix A attached hereto,[3] and rules, regulations, and practices affecting such provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, the provisions described in Appendix A hereto,[3] except insofar as they apply to foreign air transportation, are suspended and their use deferred to and including October 2, 1968, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. This investigation be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order be filed with the aforesaid tariff and served upon Caribbean-Atlantic Airlines, Inc., which is made a party to this proceeding.

[1] Rule 20(b) appearing on second revised page 4 to Caribair's Tariff CAB No. 12, filed June 20, 1968. On the first revised page 4 filed June 4, Rule 20(b) stipulated that the carrier would retain the 25 percent deposit as damages and that the charterer shall be entitled to a refund of all monies in excess of 25 percent of the total charter fee. The bases for suspension and investigation, and the order herein are applicable to the rule as it appeared on both the first and second revised page 4 of the tariff.

[2] The effect of this suspension order will be to leave in force all of the provisions of Rule 20(b) appearing on original page 4 and permit to become effective the proposed provisions appearing in Rule 20(b) on the second revised page 4 which provide that at the time the charter agreement is signed, charterer shall deposit with the carrier an amount equal to 25 percent of the total charter charge.

[3] Appendix A filed as part of the original document.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 68-8096; Filed, July 8, 1968; 8:48 a.m.]

[Docket No. 19834; Order 68-7-13]

MOHAWK AIRLINES, INC.

Order Setting Application for Hearing

Adopted by the Civil Aeronautics Board as its office in Washington, D.C., on the 2d day of July 1968.

On April 18, 1968, Mohawk Airlines, Inc. (Mohawk), filed an application, pursuant to Subpart M of Part 302 of the Board's procedural regulations, for amendment of its certificate of public convenience and necessity for route 94 to eliminate condition 4(b), which requires that flights between Syracuse and Cleveland serve at least one intermediate stop.

The city of Syracuse and other Syracuse civic interests[1] have filed a joint statement requesting that the Board grant Mohawk's application.

Trans-East Airlines, Inc. (Trans-East), filed an answer seeking denial or deferral of the application, on the principal ground that similar authority, subject to a long-haul restriction, is in issue in the Northern New England-Great Lakes Investigation, Docket 18322 (Investigation).[2] Mohawk points out in its reply that the Investigation is oriented toward Northern New England service requirements and that Trans-East did not propose any Syracuse-Cleveland service therein.

Upon consideration of the pleadings and all the relevant facts, we have determined to exercise our discretionary right in accordance with Rule 1311 of the Board's procedural regulations and direct that a hearing be held under the expedited procedures set forth in Rule 1312.

Accordingly, it is ordered, That:

1. The application of Mohawk Airlines, Inc., in Docket 19834 be and it hereby is set for hearing before an Examiner of the Board at a time and place hereafter designated; and

2. This order shall be served upon all parties served by Mohawk in its application and Trans-East Airlines, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 68-8097; Filed, July 8, 1968; 8:49 a.m.]

[1] The Greater Syracuse Chamber of Commerce, The Metropolitan Development Association of Syracuse and Onondaga County, and the Automobile Club of Syracuse.

[2] Trans-East has applied for such authority in Docket 16333, as amended. Orders E-25310, June 16, 1967, and E-25489, August 3, 1967.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 18229—18233; FCC 68-688]

LONE STAR TELEVISION SERVICE, INC., ET AL.

Memorandum Opinion and Order Instituting Consolidated Hearing

In re petitions by Lone Star Television Service, Inc., Longview, Tex., Docket No. 18229, File No. CATV 100-34; Telecom Cable Co., Texarkana, Tex., Docket No. 18230, File No. CATV 100-48; Cypress Valley Cable Television Service, Inc., Marshall, Tex., Docket No. 18231, File No. CATV 100-96; Kilgore Video, Inc., Kilgore, Tex., Docket No. 18232, File No. CATV 100-244; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Shreveport television market (ARB 68); and in re applications of Telecom Cable Co., Jefferson, Atlanta, Edgewood, Mineola, Big Sandy, Ashland, and Terrell, Tex., Docket No. 18233, File Nos. 15908 through 13-IB-116X, 24276-IB-26X; for construction permits for new point-to-point microwave radio stations in the business radio service.

1. These petitioners propose to establish CATV systems in various Texas communities and seek waiver of the hearing requirements in order to import distant television signals into the Shreveport market (ARB 68), which has a net weekly circulation of 289,300. Channel assignments in the market and their status are:

Shreveport—3 (ABC), 12 (CBS), *24 (Idle), 33 (Idle);
Texarkana—6 (NBC), 17 (Idle), *34 (Idle);
Marshall—*22 (Idle), 35 (Idle);
Longview—16 (CP, Indep.).

2. The Shreveport market encompasses a tri-State area: Louisiana, Texas, and Arkansas. All of the CATV proposals are for the Texas part of the market and involve four separate communities. In general, petitioners wish to carry the distant signals from Dallas and Fort Worth, which are 100–150 miles from the communities involved.

3. The proposals, and contentions in support and opposition, are as follows:

A. Lone Star Television Service, Inc. (CATV 100-34), plans to operate in Longview, Tex. (40,050), which is located about 54 miles southwest of Shreveport and 80 miles southwest of Texarkana. Petitioner would carry:

LOCAL SIGNALS

Channels	
3 (ABC)	Shreveport, La.
12 (CBS)	Do.
6 (NBC)	Texarkana, Tex.
7 (ABC NBC)	Tyler, Tex.

DISTANT SIGNALS

Channels	
5 (NBC)	Fort Worth, Tex.
11 (Indep.)	Do.
4 (CBS)	Dallas, Tex.
8 (ABC)	Do.

In support of its request, petitioner claims: (1) It has a construction deadline to meet; (2) Longview is located 54 miles from Shreveport; (3) the city receives no instate television service and there is a lack of service from Texas-oriented stations; (4) Longview is in competition with Tyler, Tex., 30 miles away, in attracting new industry and that city has a grandfathered CATV system already carrying the Dallas and Fort Worth stations; (5) there will be no leapfrogging of signals; (6) the community is a link in a chain for potential microwave service and it is essential that Longview receive the same signals as the other communities; (7) petitioner has gone to considerable expense in obtaining and planning the operation in Longview; and (8) economically, politically, educationally, and culturally the community is identified with Texas, not Louisiana.

The petition is opposed by KTBS, Inc., and KSLA-TV, Inc. They claim: (1) The showing made does not justify waivers; (2) carriage of the Dallas-Fort Worth stations would have a serious adverse impact on existing and potential television stations in the Shreveport market.

B. Telecom Cable Co. (CATV) 100-48), plans to operate in Texarkana (50,006), which is located in both Texas and Arkansas, and is situated about 65 miles from Shreveport. The following signals will be carried:[1]

LOCAL SIGNALS

Channels:	
3 (ABC)	Shreveport, La.
12 (CBS)	Do.
6 (CBS)	Texarkana, Tex.

DISTANT SIGNALS

Channels:	
7 (ABC, NBC)	Tyler, Tex.
4 (CBS)	Little Rock, Ark.
11 (CBS)	Do.
5 (NBC)	Fort Worth, Tex.
11 (Indep.)	Do.
*13 (Educ.)	Dallas, Tex.
4 (CBS)	Do.
8 ABC)	Do.

C. Cypress Valley Cable Television Service, Inc. (CATV 100-96), plans to build a CATV system in Marshall, Tex., (23,846), which is situated approximately 36 miles southwest of Shreveport, 65 miles southwest of Texarkana, and outside the predicted Grade B contour of Channel 16, Longview. It proposes to carry the following signals:

LOCAL

Channels:	
3 (ABC)	Shreveport, La.
12 (CBS)	Do.
6 (NBC)	Texarkana, Tex.

DISTANT

Channels:	
11 (Indep.)	Fort Worth, Tex.
*13 (Educ.)	Dallas, Tex.
7 (ABC/NBC)	Tyler, Tex.

Waiver of hearing is requested for the following reasons: (1) Marshall is not part of any SMSA or urbanized area; (2) the system does not have the potential for "explosive growth;" (3) no pay-TV operations, program originations, or sale of advertising time are contemplated;

[1] Telecom Cable has requested a hearing and thus has advanced no arguments in support of waiver.

(4) economically, politically, educationally, and culturally, the community is identified with Texas, not Louisiana; (5) its size, and distance from Shreveport, makes Marshall no threat to a potential Shreveport UHF; (6) it is unrealistic to assume that Channel 35, Marshall, will be activated within the foreseeable future in light of the proposal to construct and operate a station on Channel 16 at Longview, which is about 20 miles away; and (7) although not listed as a distant signal to be carried, the system would carry Channel 16 if activated.

Opposition comes from KTBS, Inc., and KSLA-TV, Inc.[2] It is argued that: (1) Marshall will be relied on by future market UHF stations; (2) such stations would be threatened by importation of distant independents; (3) a future UHF in Marshall would be stifled by petitioner's CATV system, not the UHF station proposed for Longview; (4) importation of a distant educational station will prevent the development of local educational television; and (5) hearing is necessary to assess the growing fragmentation of the market by CATV systems.

D. Kilgore Video, Inc. (CATV 100-244), proposes to operate at Kilgore, Tex. (10,092), located 65 miles southwest of Shreveport and approximately 15 miles southwest of Longview, Tex. The system will carry the following signals: [3]

LOCAL

Channels:	
7 (ABC, NBC)	Tyler, Tex.
3 (ABC)	Shreveport, La.
12 (CBS)	Do.
6 (NBC)	Texarkana, Tex.
16 (CP, Indep.)	Longview, Tex.

DISTANT

Channels:	
4 (CBS)	Dallas, Tex.
8 (ABC)	Do.
5 (NBC)	Fort Worth, Tex.
11 (Indep.)	Do.
9 (NBC)	Lufkin, Tex.

Petitioner makes the following supporting arguments: (1) Kilgore lies on the periphery of the Shreveport market and is 65 miles from the central city; (2) the community receives practically no in-state television service; (3) any future UHF Shreveport station would not meet the needs and interests of Kilgore residents; and (4) § 74.1103 will protect the Longview UHF.

Objections have been filed by Radio Longview, Inc., Channel Seven, Inc., licensee of Channel 7, Tyler, Tex., and KSLA-TV, Inc., claiming: (1) The Longview UHF will rely on Kilgore, will not be protected by program exclusivity, and will be threatened by importation of distant independents; (2) the Shreveport stations do provide coverage of Texas events; and (3) Kilgore is an integral part of the Shreveport market. Additionally, a nonmarket station, Channel 7, Tyler, has objected on the basis that there are already nine CATV systems carrying distant signals in its service area and the authorization of another one in Kilgore will only mean further fragmentation of its market.

4. Hearing will be ordered for these proposals. The communities are the larger population centers of the market; two have UHF allocations. With respect to Longview and Kilgore especially, hearing is necessary to weigh the impact on Channel 16 (CP), Longview, which proposes an independent operation in that city. We fully appreciate the need for in-state programing by Kilgore and Longview residents and that issue will be taken up in hearing. But that consideration is not a sufficient basis for waiver in this case.

5. Telecom Cable Co. has applied for construction permits for microwave stations to relay distant signals from Dallas-Fort Worth to CATV systems in Gladewater, Jefferson, and Texarkana, all in Texas, and, except as noted below, is legally, technically, and financially qualified. A § 74.1107 request has been filed only with respect to the Texarkana CATV proposal. KTBS, Inc., Channel 3, Shreveport, has filed a petition to deny the applications. The matter of extending service to Texarkana will be designated for hearing. No action is being taken with respect to the other communities alleged to be served.

Accordingly, it is ordered, That the petition to dismiss or deny, filed by KTBS, Inc., in regard to the microwave applications of Telecom Cable Co. (File Nos. 15908/13-IB-116X, 24276-IB-26X) is granted to the extent indicated above and is otherwise denied.

It is further ordered, That the request of Telecom Cable Co. for hearing is granted and the requests of Cypress Valley Cable Television Service, Inc., Kilgore Video, Inc., and Lone Star Television Service, Inc., for waiver of the hearing provisions of § 74.1107 of the rules are denied, and pursuant to sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, and § 74.1107 of the rules, a consolidated hearing is ordered as to said matters and the supporting microwave applications (File Nos. 15908/13-IB-116X and 24276-IB-26X) on the following issues:

1. To determine the present and proposed penetration and extent of CATV service in the Shreveport market.

2. To determine the effects of current and proposed CATV service in the Shreveport market upon existing, proposed and potential television broadcast stations in the market.

3. To determine (a) the present policy and proposed future plans of petitioners with respect to the furnishing of any service other than the relay of the signals of broadcast stations; (b) the potential for such services; and (c) the impact of such services upon television broadcast stations in the market.

4. To determine whether there are unsatisfied needs in Longview, Texarkana, and Kilgore, Tex., for in-state television programing, and if so, the extent to which the applicants' proposed CATV services would meet those needs for their respective communities.

5. To determine in light of the above whether grant of the applications and the proposals would be consistent with the public interest.

Radio Longview, Inc., KTBS, Inc., KSLA-TV, Inc., KCMC, Inc., and Channel Seven, Inc., are made parties to this proceeding and, to participate, must comply with the applicable provisions of § 1.221 of the Commission's rules. The burden of proof is upon the petitioners. A time and place for hearing will be specified in another order.

Adopted: June 26, 1968.

Released: July 3, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-8102; Filed, July 8, 1968; 8:49 a.m.]

[Docket Nos. 17889, 17890; FCC 68M-1009]

LONG ISLAND VIDEO, INC., AND GRANIK BROADCASTING CO., INC.

Order Regarding Procedural Dates

In re applications of Long Island Video, Inc., Patchogue, N.Y., Docket No. 17889, File No. BPCT-3242; Granik Broadcasting Co., Inc., Patchogue, N.Y., Docket No. 17890, File No. BPCT-3422; for construction permit for new television broadcast station (Channel 67).

The Hearing Examiner has for consideration a letter received June 27, 1968, from counsel for Granik Broadcasting Co., Inc.;

It appearing, that the applicants have filed with the Review Board certain pleadings which may obviate the necessity for hearing;

It further appearing, that the Broadcast Bureau, the only other party to this proceeding, has orally advised the Examiner that it does not object to the postponement of further proceedings pending Review Board action on the said pleadings:

It is ordered, That the previously established procedural dates, including the commencement of hearing on July 16, 1968, are continued pending further order.

Issued: July 1, 1968.

Released: July 3, 1968.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-8103; Filed, July 8, 1968; 8:49 a.m.]

[2] Channel 16 does not object to carriage of distant signals but asks that appropriate inquiry be made into the plans of Cypress for program origination or the sale of advertising time.

[3] In Kilgore Video, Inc., FCC 67-1259, 10 FCC 2d 737, the Commission authorized carriage of the following local signals: 3 (ABC), 12 (CBS), Shreveport, and 6 (NBC), Texarkana. Section 74.1105 notice having been given and no objection having been filed, Kilgore Video may, of course, carry Channel 7, Tyler, and Channel 16, Longview, when activated.

[4] Commissioner Bartley dissenting; Commissioners Loevinger and Wadsworth absent.

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act each insured bank is required to make a Report of Condition as of the close of business June 29, 1968, to the appropriate agency designated herein, within 10 days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original report of condition on Office of the Comptroller Form, Call No. 466,[1] and shall send the same to the Comptroller of the Currency, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original Report of Condition on Federal Reserve Form 105—Call 188,[1] and shall send the same to the Federal Reserve Bank of the District wherein the bank is located, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State Bank not a member of the Federal Reserve System except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition on FDIC Form 64—Call No. 84,[1] and shall send the same to the Federal Deposit Insurance Corporation.

The original Report of Condition required to be furnished hereunder to the Comptroller of the Currency and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for preparation of Reports of Condition by National Banking Associations," dated January 1961, and any amendments thereto.[1] The original Report of Condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated June 1968, and any amendments thereto.[1] The original Report of Condition required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64, by insured State banks not members of the Federal Reserve System," dated January 1961, and any amendments thereto.[1]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original Report of Condition on FDIC Form 64 (Savings),[1] prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings) by Mutual Savings Banks," dated December 1962, and any amendments thereto,[1] and shall send the same to the Federal Deposit Insurance Corporation.

K. A. RANDALL,
Chairman, Federal Deposit Insurance Corporation.

WILLIAM B. CAMP,
Acting Comptroller of the Currency.

J. L. ROBERTSON,
Vice Chairman, Board of Governors of the Federal Reserve System.

[F.R. Doc. 68-8088; Filed, July 8, 1968; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-2683 etc.]

ASSOCIATED PROGRAMS, INC., ET AL.

Findings and Order

JUNE 25, 1968.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, substituting respondents, making successor co-respondent, redesignating proceedings, accepting agreements and undertakings for filing, requiring filing of agreements and undertakings, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC gas rate schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

Associated Programs, Inc., Applicant in Docket Nos. G-2683, G-3999, G-4229, G-8408, CI62-927, and CI63-1560, proposes to continue the sales of natural gas heretofore authorized in said dockets to be made pursuant to Associated Oil & Gas Co. FPC Gas Rate Schedule Nos. 1, 15, 6, 4, 9, and 14, respectively. Said rate schedules have been redesignated as those of Applicant. The presently effective rates under said rate schedules are in effect subject to refund in Docket Nos. G-17358, RI65-286, RI65-581, RI65-580, RI66-206, and RI67-452, respectively. Applicant has requested to be substituted in lieu of Associated Oil & Gas Co. as respondent in each of said proceedings and has submitted agreements and undertakings to assure the total refunds of all amounts collected, from the time that the increased rates became effective subject to refund, in excess of the amounts determined to be just and reasonable in said proceedings. Therefore, Applicant will be substituted as respondent in each of said proceedings; the proceedings will be redesignated accordingly; and the agreements and undertakings will be accepted for filing.

Consolidated Oil & Gas, Inc. (Operator), et al., Applicant in Docket No. CI62-1037, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Shell Oil Co. (Operator) et al., FPC Gas Rate Schedule No. 269. Said rate schedule will be redesignated as that of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI67-169, and Applicant has requested in its certificate application that it be made a party to said proceeding and has indicated that it intends to be responsible for the total refund from the date that the increased rate was made effective subject to refund. Therefore, Applicant will be substituted in lieu of Shell as respondent; the proceeding will be redesignated accordingly; and Applicant will be required to file an agreement and undertaking to assure the refund of all amounts collected in excess of the amount determined to be just and reasonable in said proceeding.

Colorado Oil and Gas Corp., Applicant in Docket No. CI68-1203, proposes to continue in part the sale of natural gas heretofore authorized in Docket Nos. G-11022 and G-11023 to be made pursuant to Bruce Anderson et al., FPC Gas Rate Schedule No. 2. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. G-20454. Therefore, Applicant will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and Applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice, a joint petition to intervene by Pacific Lighting Service and Supply Co., Southern California Gas Co., and Southern Counties Gas Company of California, and a notice of intervention by The People of the State of California and The Public Utilities Commission of the State of California were filed in Docket Nos. CI67-946 and CI67-985, in the matter of the applications filed on January 31, 1967, and February 6, 1967, respectively, in said dockets. The joint petition to intervene and the notice of intervention have been withdrawn, and no other petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on June 20, 1968, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments, and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record;

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in the following dockets should be amended as hereinafter ordered and conditioned:

G-2683	CI61-1355	CI66-1213
G-3999	CI61-1745	CI67-174
G-4229	CI62-927	CI67-931
G-4676	CI62-1037	CI67-932
G-5967	CI63-173	CI67-933
G-6304	CI63-1560	CI67-934
G-8408	CI64-841	CI67-935
G-10739	CI65-207	CI67-936
G-10937	CI65-817	CI67-1458
G-14679	CI66-727	CI67-1617
G-17203	CI66-853	
CI61-922	CI66-1184	

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued in the following dockets should be amended to reflect the deletion of acreage where new certificates are issued herein:

Amend to delete acreage	*New certificate*
G-11022	CI68-1203
G-11023	CI68-1203
G-13633	CI68-1077
G-13876	CI68-1209
G-14361	CI68-1139
G-15714	CI67-946
G-15714	CI67-985
CI63-258	CI68-1239
CI63-1515	CI68-1222

(7) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Associated Programs, Inc., should be substituted in lieu of Associated Oil & Gas Co. as respondent in the proceedings pending in Docket Nos. G-17358, RI65-286, RI65-580, RI65-581, RI66-206, and RI67-452, that said proceedings should be redesignated accordingly, and that the agreements and undertakings submitted in said dockets by Associated Programs, Inc., should be accepted for filing.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Consolidated Oil & Gas, Inc. (Operator) et al., should be substituted in lieu of Shell Oil Co. (Operator), et al. as respondent in the proceeding pending in Docket No. RI67-169, that said proceeding should be redesignated accordingly, and that Consolidated should be required to file an agreement and undertaking.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Colorado Oil and Gas Corp. should be made a co-respondent in the proceeding pending in Docket No. G-20454, that said proceeding should be redesignated accordingly, and that Colorado should be required to file an agreement and undertaking.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements, and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61-1, as amended, shall be filed prior to the applicable date as indicated by footnote 15 in the attached tabulation.

(E) The initial rate for the sale authorized in Docket No. CI68-1077 shall be 13.453 cents per Mcf at 15.025 p.s.i.a., including tax reimbursement.

[1] Filed as part of original document.

(F) The initial rate for sales authorized in Docket Nos. CI67–1617 and CI68–1123 shall be 15 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement, subject to B.t.u. adjustment; however, in the event that the Commission amends its policy statement No. 61–1, by adjusting the boundary between the Panhandle area and the Oklahoma "Other" area so as to increase the initial wellhead price for new gas in the area involved herein, Applicants thereupon may substitute the new rates reflecting the amounts of such increases, and thereafter collect such new rates prospectively in lieu of the initial rate herein required.

(G) The initial rate for the sale authorized in Docket No. CI68–1161 shall be 15 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement.

(H) The certificate issued herein in Docket No. CI68–1123 is conditioned upon any determination which may be made in the proceeding pending in Docket No. R–338 with respect to the transportation of liquefiable hydrocarbons.

(I) The certificate issued herein in Docket No. CI68–1203 involving the sale of gas by Colorado Oil and Gas Corp., to its affiliate, Colorado Interstate Gas Co., determines the rate which legally may be paid by the buyer to the seller, but is without prejudice to any action which the Commission may take in any rate proceeding involving either company.

(J) Certificates are issued herein in Docket Nos. CI67–485 and CI68–1238 authorizing Applicants to continue the sales of natural gas being rendered on June, 7, 1954.

(K) The certificates heretofore issued in Docket Nos. G–4676, G–10739, CI64–841, CI65–817, CI66–853, CI66–1213, CI67–174, CI67–1458, and CI67–1617 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations pursuant to the rate schedule supplements as indicated in the tabulation herein.

(L) The certificate heretofore issued in Docket No. G–14679 is amended by deleting therefrom authorization to sell natural gas pursuant to the rate schedule supplement as indicated in the tabulation herein, and Applicant shall not be relieved of any refund obligations which may be imposed in the related rate suspension proceedings pending in Docket Nos. G–15370, G–17423, G–19767, RI61–213, RI62–104, RI64–202, RI65–259, RI66–132, and RI67–91, insofar as it pertains to the acreage being released.

(M) The certificates heretofore issued in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificate*
G–11022	CI68–1203
G–11023	CI68–1203
G–13633	CI68–1077
G–13876	CI68–1209
G–14361	CI68–1139
G–15714	CI67–946
G–15714	CI67–985
CI63–258	CI68–1239
CI63–1515	CI68–1222

(N) The certificates heretofore issued in Docket Nos. G–2683, G–3999, G–4229, G–5967, G–6304, G–8408, G–10937, G–17203, CI61–922, CI61–1355, CI61–1745, CI62–927, CI62–1037, CI63–173, CI63–1560, CI65–207, CI66–727, CI66–1184, CI67–931, CI67–932, CI67–933, CI67–934, CI67–935, and CI67–936 are amended by substituting the respective successors in interest as certificate holders as indicated in the tabulation herein.

(O) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein are granted.

(P) The certificates heretofore issued in Docket Nos. CI63–288, CI63–691, and CI63–958 are terminated.

(Q) Associated Programs, Inc., is substituted in lieu of Associated Oil & Gas Co. as respondent in the proceedings pending in Docket Nos. G–17358, RI65–286, RI65–580, RI65–581, RI66–206, and RI67–452; said proceedings are redesignated accordingly;[1] and the agreements and undertakings submitted in said proceedings by Associated Programs, Inc., are accepted for filing.

(R) Associated Programs, Inc., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder; and the agreements and undertakings filed by it in Docket Nos. G–17358, RI65–286, RI65–580, RI65–581, RI66–206, and RI67–452 shall remain in full force and effect until discharged by the Commission.

(S) Consolidated Oil & Gas, Inc. (Operator), et al., is substituted in lieu of Shell Oil Co. (Operator) et al., as respondent in the proceeding pending in Docket No. RI67–169, and said proceeding is redesignated accordingly.[2]

(T) Within 30 days from the issuance of this order, Consolidated Oil & Gas, Inc. (Operator), et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI67–169 to assure the refund of all amounts collected, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(U) Consolidated Oil & Gas, Inc. (Operator), et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by it in Docket No. RI67–169 shall remain in full force and effect until discharged by the Commission.

(V) Colorado Oil and Gas Corp. is made a co-respondent in the proceeding pending in Docket No. G–20454, and said proceeding is redesignated accordingly.[3]

(W) Within 30 days from the issuance of this order, Colorado Oil and Gas Corp. shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. G–20454 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(X) Colorado Oil and Gas Corp. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by it in Docket No. G–20454 shall remain in full force and effect until discharged by the Commission.

(Y) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[1] Docket Nos. RI65–286, RI65–580, and RI67–452, Associated Programs, Inc.; Docket Nos. G–17358, RI65–581, and RI66–206, Associated Programs, Inc. (Operator), et al.

[2] Consolidated Oil & Gas, Inc. (Operator), et al.

[3] Bruce Anderson et al., and Colorado Oil and Gas Corp.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–17203 E 4–15–68	Warren Petroleum Corp. (Operator) (successor to Sinclair Oil & Gas Co. (Operator).	El Paso Natural Gas Co., Tatum Gasoline Plant, Lea County, N. Mex.	Sinclair Oil & Gas Co. (Operator), FPC GRS No. 168.	50	
			Supplement Nos. 1–7	56	1–7
			Notice of succession 4–1–68		
			Assignment 4–1–68 [11]	50	8
			Effective date: 4–1–68		
CI61–922 E 4–9–68	First National Bank in Dallas, Trustee (Operator) et al. (successor to Jake L. Hamon (Operator) et al.).	South Texas Natural Gas Gathering Co., Northeast Thompsonville Field, Jim Hogg County, Tex.	Jake L. Hamon (Operator) et al., FPC GRS No. 28.	1	
			Supplement No. 1	1	1
			Notice of succession 4–4–68		
			Assignment 2–29–68 [12]	1	2
			Effective date: 3–1–68		
CI61–1355 E 4–5–68	Turner & Fiske (Successor to Dulaney Oil Co.).	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., El Puerto Field, Starr County, Tex.	Dulaney Oil Co., FPC GRS No. 2.	1	
			Supplement No. 1	1	1
			Notice of succession 3–25–68		
			Assignment 2–1–68 [13]	1	2
			Effective date: 2–1–68		
CI61–1745 E 4–8–68	First National Bank in Dallas, Trustee (Operator) et al. (successor to Jake L. Hamon (Operator) et al.).	South Texas Natural Gas Gathering Co., Northeast Thompsonville Field, Jim Hogg County, Tex.	Jake L. Hamon (Operator) et al., FPC GRS No. 31.	2	
			Supplement No. 1	2	1
			Notice of succession 4–4–68		
			Assignment 2–29–68 [12]	2	2
			Effective date: 3–1–68		
CI62–927 E 4–5–68	Associated Programs, Inc. (Operator) et al. (successor to Associated Oil & Gas Co. (Operator) et al.).	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. New Tulon Field, Wharton County, Tex.	Associated Oil & Gas Co. (Operator) et al., FPC GRS No. 9.	4	
			Supplement Nos. 1–2	4	1–2
			Notice of succession 3–1–68		
CI62–1037 E 3–25–68	Consolidated Oil & Gas, Inc. (Operator) et al. (successor to Shell Oil Co. (Operator) et al.).	El Paso Natural Gas Co., East Boundary Butte Field, Apache County, Ariz.	Shell Oil Co., (Operator) et al., FPC GRS No. 209.	33	
			Supplement No. 1–7	33	1–7
			Notice of succession 3–22–68		
			Assignment 10–10–67 [14]	33	8
			Effective date: 10–12–67		
CI63–173 E 4–5–68	Associated Programs, Inc. (Operator) et al. (successor to Associated Oil & Gas Co. (Operator), et al.).	Kansas-Nebraska Natural Gas Co., Inc., Hilton Field, Morgan County, Colo.	Associated Oil & Gas Co. (Operator) et al., FPC GRS No. 13.	5	
			Supplement No. 1	5	1
			Notice of succession 3–1–68		
CI63–1560 E 4–5–68	Associated Programs, Inc. (successor to Associated Oil & Gas Co.).	Valley Gas Transmission, Inc., Koopmann and San Diego East Fields, Jim Wells and Duval Counties, Tex.	Associated Oil & Gas Co., FPC GRS No. 14.	6	
			Supplement No. 1	6	1
			Notice of succession 3–1–68		
			Assignment 1–10–68 [1]	6	2
			Associated Oil & Gas Co., FPC GRS No. 15.	6	
CI64–841 C 11–24–67 D 11–24–67 [15]	St. Clair Oil Co.	Equitable Gas Co., Skin Creek and Collins Settlement Districts, Lewis County, W. Va.	Assignment 1–10–68 [1]	12	2
			Letter agreement 5–8–67 [16]	12	8
			Letter agreement 5–19–67 [16]	12	9
			Supplemental agreement 10–13–67 [16]	12	10
			Letter agreement 4–22–68 [17]	12	11
CI65–207 E 4–5–68	Associated Programs, Inc. (successor to Associated Oil & Gas Co.).	Texas Eastern Transmission Corp., Engelhart Field, Colorado County, Tex.	Associated Oil & Gas Co., FPC GRS No. 18.	8	
			Supplement Nos. 1–12	8	1–12
			Notice of succession 3–1–68		
			Assignment 1–10–68 [1]	8	1

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–2683 E 4–5–68	Associated Programs, Inc. (Operator), et al. (successor to Associated Oil & Gas Co. (Operator), et al.).	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Travis-Tex Field, Wharton County, Tex.	Associated Oil & Gas Co. (Operator), et al., FPC GRS No. 1.	1	
			Supplement Nos. 1–7	1	1–7
			Notice of succession 3–1–68		
			Assignment 1–10–68 [1]	1	8
			Effective date: 4–1–68		
G–3999 E 4–5–68	Associated Programs, Inc. (successor to Associated Oil & Gas Co.).	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Agua Dulce Field, Nueces County, Tex.	Associated Oil & Gas Co., FPC GRS No. 15.	7	
			Supplement Nos. 1–12	7	1–12
			Notice of succession 3–1–68		
			Assignment 1–10–68 [1]	7	13
			Associated Oil & Gas Co. (Operator), et al., FPC GRS No. 6.	3	
G–4229 E 4–5–68	Associated Programs, Inc. (Operator), et al. (successor to Associated Oil & Gas Co. (Operator), et al.).	Trunkline Gas Co., Cage Ranch Field, Brooks County, Tex.	Supplement Nos. 1–6	3	1–6
			Notice of succession 2–1–68		
			Assignment 1–10–68 [1]	3	7
			Amendment 3–30–62 [3]	44	13
			Amendment 2–28–68 [4]	44	14
G–4676 D 3–21–68	Sinclair Oil & Gas Co. (partial abandonment).	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., acreage in Colorado and Austin Counties, Tex.			
G–5967 E 4–22–68	Elsie S. Roush, et al. (successor to Wilbur D. Roush, et al.).	The Ohio Fuel Gas Co., Sutton Township, Meigs County, Ohio.	Wilbur D. Roush, et al., FPC GRS No. 3.	2	
			Supplement No. 1	2	1–4
			Notice of succession 4–19–68		
			Assignment 5–14–66 [1]	2	5
			Effective date: 3–4–67		
G–6304 E 4–4–68	Lone Star Producing Co. (successor to D. E. & R. J. Whelan, Inc.).	Texas Eastern Transmission Corp., Whelan Field, Harrison and Marion Counties, Tex.	D. E. & R. J. Whelan, Inc., FPC GRS No. 1.	87	1–8
			Supplement Nos. 1–8	87	1–8
			Notice of succession 4–2–68		
			Assignment 11–1–67 [5]	87	9
			Assignment 11–30–67 [6]	87	10
			Effective date: 11–1–67		
G–8408 E 4–5–68	Associated Programs, Inc. (successor to Associated Oil & Gas Co.).	Trunkline Gas Co., Alfred Johnson Field, Jim Wells County, Tex.	Associated Oil & Gas Co., FPC GRS No. 4.	2	
			Supplement Nos. 1–4	2	1–4
			Notice of succession 3–1–68		
			Assignment 1–10–68 [1]	2	5
			Amendment 10–17–67 [7]	100	29
G–10739 D 11–20–67	Atlantic Richfield Co. (Operator) et al.	Texas Eastern Transmission Corp., Clinton, Creek and other fields, De Witt, McMullen and other counties, Tex.			
G–10937 E 3–15–68	W. M. Laughlin (successor to Coastal States Gas Producing Co.).	Trunkline Gas Co., Fremont Field, Jim Wells County, Tex.	Coastal States Gas Producing Co., FPC GRS No. 3.	4	
			Supplement Nos. 1–4	4	1–4
			Notice of succession 3–12–68		
			Conveyance 9–1–67 [8]	4	5
			Effective date: 9–1–67		
G–14679 D 4–8–68	Pineld Oil Co. (Operator) et al.	H. L. Hunt, Whelan Field, Harrison County, Tex.	Release Agreement 10–10–67 [9]	[10] 29	8

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI65-817 C 4-10-68 [13] D 4-10-68	Jennings Petroleum Corp.	Equitable Gas Co., Salt Lick and Otter Districts, Braxton County, W. Va.	Letter agreement 4-2-68. [14] [15]	2	3
CI66-727 E 4-15-68	Consolidated Production Corp. (successor to G. M. Close).	Panhandle Eastern Pipe Line Co., acreage in Dewey County, Okla.	G. M. Close, FPC GRS No. 1.	1	
			Notice of succession 4-11-68.		
			Assignment 12-1-67	1	1
			Effective date: 12-1-67		
CI66-853 C 4-11-68 [13]	Service Gas Products Co. (Operator) et al.	do	Amendatory agreement 12-21-67. [15] [16]	7	4
CI66-1184 E 4-17-68	W. G. Kennedy (successor to Gibson Oil Co. et al., First National Bank of Quincy, agent).	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	Gibson Oil Co. et al., First National Bank of Quincy, agent, FPC GRS No. 1.	1	
			Notice of succession (undated).		
			Assignment 7-6-67	1	1
			Effective date: 7-6-67		
CI66-1213 C 4-19-68 [13]	J. Gregory Merrion (Operator) et al.	El Paso Natural Gas Co., Undesignated Chacra and South Blanco Pictured Cliffs Fields, Rio Arriba County, N. Mex.	Agreement 10-30-67	4	1
			Agreement 4-4-68	4	2
CI67-174 C 4-16-68 [13]	Southland Royalty Co. (Operator) et al.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Amendatory agreement 3-8-68. [15] [20]	23	2
CI67-485 A 10-14-66 [21]	Bank of Wadestown, agent for S. O. Eddy et al.	Consolidated Gas Supply Corp., Lincoln District, Marion County, W. Va.	Contract 4-1-41	1	
			Supplemental agreement 11-1-40. [22]	1	1
			Supplemental agreement 4-4-51. [23]	1	2
			Supplemental Agreement 4-5-56. [23]	1	3
CI67-931 E 4-11-68	Universal Major Industries Corp. et al. (successor to Transamerican Petroleum Corp. et al.).	Consolidated Gas Supply Corp., Banks Township, Indiana County, Pa.	Transamerican Petroleum Corp. et al., FPC GRS No. 2.	1	
			Notice of succession 4-4-68.		
			Letter Agreement 8-19-65. [24]	1	1
			Assignment 3-22-67 [25]	1	2
			Effective date: 3-22-67		
CI67-932 E 4-11-68	Universal Major Industries Corp. (Operator) et al. (anccessor to Transamerican Petroleum Corp. et al.).	Consolidated Gas Supply Corp., Gaskill Township, Jefferson County, Pa.	Transamerican Petroleum Corp. et al., FPC GRS No. 3.	2	
			Notice of succession 4-4-68.		
			Assignment 3-22-67	2	1
			Effective date: 3-22-67		
CI67-933 E 4-11-68	do	Consolidated Gas Supply Corp., Gaskill Township, Jefferson County, and Banks Township, Indiana County, Pa.	Transamerican Petroleum Corp. et al., FPC GRS No. 4.	3	
			Notice of succession 4-4-68.		
			Assignment 3-22-67	3	1
			Effective date: 3-22-67		
CI67-934 E 4-11-68	Universal Major Industries Corp. et al. (successor to Transamerican Petroleum Corp. et al.).	Consolidated Gas Supply Corp., Gaskill Township, Jefferson County, Pa.	Transamerican Petroleum Corp. et al., FPC GRS No. 5.	4	
			Notice of succession 4-4-68.		
			Assignment 3-22-67 [25]	4	1
			Effective date: 3-22-67		
CI67-935 E 4-11-68	do	Consolidated Gas Supply Corp., Bell Township, Jefferson County, Pa.	Transamerican Petroleum Corp. et al., FPC GRS No. 6.	5	
			Notice of succession 4-4-68.		
			Assignment 3-22-67 [25]	5	1
			Effective date: 3-22-67		
CI67-936 E 4-11-68	Universal Major Industries Corp. (successor to Transamerican Petroleum Corp. et al.).	Consolidated Gas Supply Corp., Gaskill and Bell Townships, Jefferson County, Pa.	Transamerican Petroleum Corp. et al., FPC GRS No. 7.	6	
			Notice of succession 4-4-68.		
			Assignment 3-22-67 [25]	6	1
			Effective date: 3-22-67		
CI67-946 (G-15714) F 1-31-67	Midwest Oil Corp. (successor to Humble Oil & Refining Co.).	Transwestern Pipeline Co., Mammoth Creek Field, Lipscomb County, Tex.	Ratified 8-30-66 [26]	43	
			Contract 7-7-58 [27]	43	1
			Letter agreement 10-8-59.	43	2
			Letter agreement 3-11-60.	43	3
			Letter agreement 5-25-60.	43	4
			Letter agreement 10-19-62	43	5
			Letter agreement 4-7-64.	43	6
CI67-985 (G-15714) F 2-6-67	Explorer Oil Co. (successor to Humble Oil & Refining Co.).	do	Ratified 1-20-67 [28]	1	
			Contract 7-7-58 [27]	1	1
			Letter agreement 10-8-59.	1	2
			Letter agreement 3-11-60.	1	3
			Letter agreement 5-25-60.	1	4
			Letter agreement 10-19-62.	1	5
			Letter agreement 4-7-64.	1	6
CI67-1167 A 2-27-67	Royis Ward	Almos Gas Gathering Co., North Mathis Field, San Patricio County, Tex.	Contract 1-23-67	1	
CI67-1241 A 3-10-67	Almos Gas Gathering Co.	United Gas Pipe Line Co., North Mathis Field, San Patricio County, Tex.	Contract 2-24-67	2	
CI67-1267 A 3-16-67	J. E. Hillier	Almos Gas Gathering Co., North Mathis Field, San Patricio County, Tex.	Contract 1-31-67	3	
CI67-1458 C 4-18-68 [13]	Anadarko Production Co.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Amendatory agreement 3-1-68. [15]	129	1
CI67-1617 C 1-22-68 [13]	W. B. Osborn, Jr. (Operator), et al. [29]	Panhandle Eastern Pipe Line Co., acreage in Woods County, Okla.	Amendment 12-18-67 [15]	25	2
CI68-1077 (G-13633) F 3-6-68	William Herbert Hunt Trust Estate (Operator) et al. (successor to Union Producing Co.).	Arkansas Louisiana Gas Co., Colquitt Field, Claiborne Parish, La.	Contract 3-25-57 [30]	13	
			Amendment 3-25-57	13	1
			Letter agreement 3-25-57.	13	2
			Letter agreement 8-15-58.	13	3
			Assignment 8-2-67 [30]	13	4
			Assignment 8-5-67 [30]	13	5
			Compliance 4-24-68 [31]	13	6
CI68-1110 A 3-14-68 [13]	Douglas Resources Corp. et al.	Northern Natural Gas Co., North Sulon Area, Ellis County, Okla.	Contract 12-21-67 [32]	5	
CI68-1123 A 3-18-68 [13]	Sarkeys, Inc.	Panhandle Eastern Pipe Line Co., Peek Area, Roger Mills County, Okla.	Contract 2-22-68 [33]	6	
			Compliance 4-26-68 [34]	6	1
CI68-1125 A 3-18-68 [13]	Frank J. Hall (Operator) et al.	Mississippi River Transmission Corp., Walnut Bayou Field, Caddo Parish, La.	Contract 3-4-68	4	
CI68-1136 (CI63-691) B 3-18-68	Signal Oil & Gas Co.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., West Bishop Field, Nueces County, Tex.	Notice of cancellation 4-29-68. [4] [6]	9	7

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI68-1139 (G-14361) F 3-18-68	William P. Quan (successor to Davis Oil Co.).	El Paso Natural Gas Co., Aneth Area, White Mesa Unit, San Juan County, Utah.	Contract 11-12-57 [35]	1	
			Letter 11-6-57	1	1
			Letter agreement 11-22-57. [36]	1	2
			Letter agreement 1-8-58.	1	3
			Letter agreement 7-30-58.	1	4
			Letter agreement 11-15-59.	1	5
			Letter agreement 11-20-59.	1	6
			Letter (undated) [37]	1	7
			Assignment 12-1-67 [25]	1	8
			Effective date: 9-1-67		
CI68-1161 A 3-25-68 [13]	T. F. Hodge	Arkansas Louisiana Gas Co., North Drummond Area, Garfield County, Okla.	Contract 11-4-66 [38]	7	
			Contract 7-2-62 [13]	[40] 7	1
CI68-1174 (CI63-958) B 4-3-68	Grace E. and Robert A. Lowther.	Consolidated Gas Supply Corp., Meade District, Tyler County, W. Va.	Notice of cancellation 4-1-68. [4] [41]	1	3
CI68-1203 (G-11022) (G-11023) F 4-9-68	Colorado Oil & Gas Corp. (successor to Bruce Anderson et al.).	Colorado Interstate Gas Co., Greenwood Field, Morton County, Kans.	Contract 11-18-58 [42]	62	
			Assignment 6-14-67 [43]	62	1
			Assignment 6-14-67 [44]	62	2
			Effective date: 6-14-67		
CI68-1209 (G-13870) F 4-15-68	Consolidated Oil & Gas, Inc. (Operator), et al. (successor to Shell Oil Co.).	El Paso Natural Gas Co., Boundary Butte Field, San Juan County, Utah.	Contract 11-4-57 [45]	34	
			Letter Agreement 1-8-58.	34	1
			Assignment 10-10-67 [46]	84	2
			Effective date: 10-12-67		
CI68-1212 A 4-17-68 [13]	JenningsPetroleum Corp.	Equitable Gas Co., Salt Lick District, Braxton County, W. Va.	Contract 4-2-68 [13]	7	
CI68-1216 A 4-18-68 [13]	Sidwell Oil & Gas, Inc.	Northern Natural Gas Co., acreage in Hansford County, Tex.	Contract 3-21-68 [24]	7	
CI68-1219 A 4-19-68 [13]	King Resources Co.	Kansas-Nebraska Natural Gas Co., Inc., Camrick Field, Texas County, Okla.	Contract 1-31-68 [18]	13	
CI68-1220 A 4-19-68 [13]	Clayton's Oil Co. (Operator), agent, et al.	Cities Service Gas Co., acreage in Pawnee County, Okla.	Contract 3-29-68	1	
CI68-1221 (CI63-288) B 4-19-68	Anadarko Production Co.	Panhandle Eastern Pipe Line Co., Light Field Area, Beaver County, Okla.	Notice of cancellation 4-17-68. [4] [6]	69	3
CI68-1222 (CI63-1515) F 4-17-68	Humble Oil & Refining Co. (successor to The Redco Corp.).	Northern Natural Gas Co., Northwest Hokit Field, Pecos County, Tex.	Contract 4-7-63 [47]	445	
			Assignment 1-11-68 [47]	445	1
			Quality statement 3-4-68. [48]	445	2
			Effective date: 1-1-68		
CI68-1223 A 4-22-68 5-16-68 [13] [49]	Allen Beard et al.	United Fuel Gas Co., Rocky Fork Field, Union District, Kanawha County, W. Va.	Contract 2-16-68 [13]	6	
CI68-1224 A 4-22-68 [13]	do	United Fuel Gas Co., Rocky Fork Field, Kanawha County, W. Va.	Contract 3-20-68 [13] [50]	7	
CI68-1225 A 4-22-68 5-16-68 [13] [49]	do	do	Contract 2-16-68 [13] [50]	8	
CI68-1226 A 4-22-68 [13]	Magness Petroleum Co. (Operator) et al.	Northern Natural Gas Co., Doby Springs Field, Harper County, Okla.	Contract 4-2-68	5	
CI68-1228 A 4-22-68	Frank H. Walsh	Kansas-Nebraska Natural Gas Co., Inc., Armstrong Field, Logan County, Colo.	Contract 2-1-68	7	
CI68-1230 A 4-22-68 5-10-68 [13] [51]	Magness Petroleum Co. (Operator) et al.	Arkansas Louisiana Gas Co., Hitchcock Field, Blaine County, Okla.	Contract 2-19-68 [52]	6	
			Contract 9-27-67 [53]	6	1
			Amendment 4-30-68 [54]	6	2
CI-68-1236 A 4-24-68 [13]	Montlar Oil & Gas Co. et al.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	Contract 2-14-68 [13]	4	
CI68-1238 A 4-22-68 [21]	Eber S. Roush et al.	The Ohio Fuel Gas Co., Sutton Township, Meigs County, Ohio.	Contract 9-5-46 [55]	1	
CI68-1239 (CI63-258) F 4-24-68 as amended 6-17-68	Wessely Petroleum, Ltd. (successor to Sunset International Petroleum Corp. et al.).	Panhandle Eastern Pipe Line Co., Mocane Morrow Field, Beaver County, Okla.	Contract 8-6-62 [56]	7	
			Assignment 3-29-68 [57]	7	1
			Assignment 4-18-68 [58]	7	2
			Effective date: 4-1-68		

[1] From Associated Oil & Gas Co. to Associated Programs, Inc.
[2] Transfers acreage from Sinclair Oil & Gas Co. to H. B. Lively to a depth of 9,100 feet (filed Mar. 9, 1968).
[3] Declines acreage remaining dedicated to the contract (filed Feb. 29, 1968).
[4] Effective date: Date of this order.
[5] From Wilbur D. Roush to Eber Roush.
[6] Conveys acreage from D. E. & R. J. Whelan, Inc. to Lone Star Producing Co.
[7] Deletes from dedication the leases in the Tulsita-Wilcox Field, Bee County, Tex., District No. 2. Casinghead gas deleted is subject by prior contract to Pan American Petroleum Corp. (Operator) et al., FPC GRS No. 114; gas-well gas deleted because of no reserves.
[8] Transfers properties from Coastal States Gas Producing Co. to W. M. Laughlin.
[9] Source of gas depleted.
[10] Rate effective subject to refund in Docket No. RI67-91; also subject to proceedings in Docket Nos. G-15370, G-17423, G-19767, RI61-213, RI62-104, RI64-202, RI65-259, and RI66-132.
[11] From Sinclair Oil & Gas Co. to Warren Petroleum Corp.
[12] Transfers acreage from Jake L. Hamon to First National Bank in Dallas to a depth of 100 feet below the base of The First Hinnant (Wilcox) Sand.
[13] Assigns acreage from Dulaney Oil Co. to R. C. Turner and Vivian Sloane Fiske.
[14] From Shell Oil Co. to Consolidated Oil & Gas, Inc. et al.
[15] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[16] Adds acreage and deletes various expired leases.
[17] Adds acreage and includes clause to protect Equitable's gas storage reservoir.
[18] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[19] Accept as to that part pertaining to the Dewey County acreage (shown on page 16 of Exhibit "A"), not previously certificated.
[20] Adds acreage and provides for a 5-year makeup period for gas paid for but not taken.
[21] Sale being rendered on June 7, 1954.
[22] Farmout agreement.
[23] Extends term of contract.
[24] Adds acreage.
[25] Assignment from Transamerican Petroleum Corp. to Universal Major Industries Corp.
[26] Covers acreage acquired by assignment from Humble.
[27] Basic contract between Transwestern and Humble; on file as Humble Oil & Refining Co. (Operator) et al., FPC GRS No. 230.
[28] By letter filed May 1, 1968, Applicant advised willingness to accept authorization conditioned to a rate of 15 cents plus B.t.u. adjustment.
[29] Currently on file as Union Producing Co. (Operator) et al., FPC GRS No. 66.
[30] Conveys interest of Union Producing Co. to Applicant only with respect to the formations between the base of the Taylor Sand and the base of the Smackover Formation.
[31] Complies with temporary certificate issued Apr. 18, 1968.
[32] Acreage committed limited to all depths shallower than the base of the Mississippian System.
[33] Applicant is filing to cover its own interest of 24.87455 percent of Moore Unit.
[34] Complies with temporary certificate issued Apr. 18, 1968. Applicant has stated willingness to accept a permanent certificate at an initial base rate of 15 cents and subject to the ultimate disposition of Docket No. R-338.
[35] On file as Davis Oil Co. FPC GRS No. 1.
[36] Favored Nations Agreement with regard to price, quantities of gas, provisions relating to liquids or liquid settlements.
[37] Applicant's predecessor, Davis Oil Co., filed notice of acceptance of reduced rate pursuant to Opinion No 335.
[38] From Davis Oil Co. to William P. Quan.
[39] Adopts terms of contract dated July 2, 1962, except as to indefinite pricing provisions.
[40] Applicant proposed the contractual rate of 16.015 cents (includes 0.015-cent tax reimbursement); however, by letter filed May 8, 1968, Applicant advised willingness to accept a permanent certificate conditioned to 15 cents per Mcf including tax reimbursement.
[41] Production of gas no longer economically feasible.
[42] Currently on file as Bruce Anderson et al., FPC GRS No. 2.
[43] Assigns 75 percent of the operating rights in all formations below 3,500' in the NW¼ of sec. 9, T. 34S, R. 42 W., from Bruce Anderson and M. A. Machris to Applicant.
[44] Assigns 75 percent of the operating rights in all formations below 3,500' in the NE¼ of sec. 9, T. 34S, R. 42 W., from Bruce Anderson and M. A. Machris to Applicant.
[45] Between Shell Oil Co. and El Paso; on file as Shell Oil Co. FPC GRS No. 178
[46] On file as The Redco Corp. FPC GRS No. 1.
[47] The Redco Corp. assigns 50 percent working interest in the Mary A. Simmons Lease to Applicant.
[48] Shows applicable area rate of 17.21 cents per Mcf.

[46] Revised contract summary filed to reflect a rate of 27.5 cents per Mcf in lieu of the original proposed rate of 28 cents.
[47] Production from the Newburg Sand only.
[48] Amendment to the application filed to change price to read 15 cents per Mcf in lieu of 17 cents per Mcf.
[49] Ratifies contract dated Sept. 27, 1967, between Apache Corp. and Arkansas Louisiana Gas Co.
[50] Also on file as Apache Corp. (Operator) et al., FPC GRS No. 42.
[51] Provides for downward B.t.u. adjustment; B.t.u. to be measured on a wet basis.
[52] Rate schedule previously accepted for filing but no certificate filing was ever made for this sale.
[53] Currently on file as Sunset International Petroleum Corp. FPC GRS No. 9.
[54] From Sunset International Petroleum Corp. to Applicant.
[55] From Robert J. Nolt to Applicant.

Suggested agreement and undertaking:

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent ----------)

Docket No.-------

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. ------ (and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto [1]) this ------ day of ----------, 196--.

(Name of Respondent)

By ----------

Attest:

[F.R. Doc. 68-7944; Filed, July 8, 1968; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

PIEDMONT TRUST BANK

Order Granting Temporary Exemption

In the matter of the application of Piedmont Trust Bank, Martinsville, Va., for exemption from the registration requirements of the Securities Exchange Act of 1934.

There has come before the Board of Governors, pursuant to section 12(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78l), an application by Piedmont Trust Bank, Martinsville, Va., a member State bank of the Federal Reserve System, for exemption from the registration requirements of section 12(g) of the Act.

Notice of receipt of the application was published in the FEDERAL REGISTER on May 17, 1968 (33 F.R. 7338), providing an opportunity for interested persons to submit comments and recommendations with respect to the application and to request a hearing on the matter. Time for filing comments and for requesting a hearing has expired and no such comments or requests have been received.

On the basis of the information set forth in the application, or otherwise available, the Board finds that:

(1) The bank has assets of $31.9 million and equity capital of $2.9 million;

(2) The bank has outstanding 219,615 shares of capital stock, owned by 539 shareholders as of December 31, 1967;

(3) There is some trading activity and a regular market in the bank's stock, with considerable, although primarily local, interest in such stock; and

(4) Compliance, at this time, with the registration and reporting requirements of the Act would impose a severe burden on the bank and its personnel.

Upon consideration of all the circumstances, the Board concludes that the granting of a temporary exemption until April 30, 1969, would not be inconsistent with the public interest or the protection of investors.

It is hereby ordered, That Piedmont Trust Bank be, and hereby is, exempted from the registration requirements of section 12(g) of the Securities Exchange Act of 1934 until April 30, 1969.

Dated at Washington, D.C., this 2d day of July 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-8056; Filed, July 8, 1968; 8:45 a.m.]

[1] If a corporation.

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 68-8088, Federal Deposit Insurance Corporation, *supra*.

GENERAL SERVICES ADMINISTRATION

STANDING INTERAGENCY COMMITTEES CHAIRED BY GENERAL SERVICES ADMINISTRATION

Bureau of the Budget Circular No. A-63 of March 2, 1964, requires that notice of the establishment or extension of standing interagency committees be published in the FEDERAL REGISTER "in order to facilitate convenient and permanent reference by Federal agencies, unless this would be inconsistent with law or regulations, or where such publication would not be in the national interest." In compliance with this requirement the following information is provided relating to standing interagency committees chaired by the General Services Administration.

A. Continuing interagency committees established by legislation, Executive order, or at the direction of the President:

Administrative Committee of the Federal Register.
Federal Fire Council.
National Archives Trust Fund Board.
National Historical Publications Commission.

B. Standing committee established during fiscal year 1968:

Interagency Committee for Improvement in Procurement and Management of Property.

C. Standing committees and subcommittees extended beyond June 30, 1968:

Interagency Advisory Committee on Disposal of Natural Rubber.
Interagency Advisory Committee on Security Equipment.
Interagency Advisory Committee on Standardization Planning.
Interagency Committee for Review of Federal Supply Schedules.
Interagency Coordinating Committee on Medical Stockpile Shelf-Life Items.
Interagency Procurement Policy Committee.
Interagency Transportation and Traffic Management Committee.
Southwest Employment Area Transportation Committee.
Southwest Employment Area Transportation Working Committee.
Southwest Employment Area Transportation Working Subcommittee.

Dated: July 1, 1968.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 68-8089; Filed, July 8, 1968; 8:48 a.m.]

OFFICE OF ECONOMIC OPPORTUNITY

SECRETARY OF LABOR ET AL.

Delegation of Authorities Regarding Special Impact Programs

1. The Delegation of Authorities dated March 10, 1967, approved by the President March 14, 1967 (32 F.R. 4588), is hereby rescinded insofar as it applies to programs under title I, Part D, of the Economic Opportunity Act of 1964, as amended, 81 Stat. 688, 42 U.S.C. 2763-68.

2. Pursuant to section 602(d) of the Economic Opportunity Act, the following powers of the Director are hereby delegated concurrently and severally to the Secretary of Labor, the Secretary of Commerce, and the Secretary of Agriculture:

(a) The power to provide financial assistance under section 151 of the Economic Opportunity Act;

(b) The power to make such determinations as may be necessary or appropriate in the administration of grants or contracts made by them pursuant to section 151; and

(c) The powers of the Director under sections 602, 603(b), and 611 of the Economic Opportunity Act to the extent they deem necessary or appropriate for carrying out their functions in exercising the foregoing powers.

The powers delegated herein may be redelegated with or without authority for further redelegation.

3. Allotments of funds by the Office of Economic Opportunity under title I-D will be based on prior understanding between the Director and the appropriate Secretary of the special impact areas in which they are to be used and the principal features of the projects involved.

4. Concurrent authority is retained by the Director of the Office of Economic Opportunity for the purpose of providing financial assistance for projects other than those to be administered by the Secretary of Labor, the Secretary of Commerce, or the Secretary of Agriculture.

5. All operating information, evaluation reports, and other data concerning the programs administered under the delegated powers shall be freely exchanged between the Director and the appropriate Secretary. Each agreement made under the delegated authority with any public or private agency shall contain provisions adequate to assure that information needed for evaluation purposes will be made available to the Director at his request.

BERTRAND M. HARDING,
Acting Director,
Office of Economic Opportunity.

JUNE 17, 1968.

Approved: June 27, 1968.

LYNDON B. JOHNSON,
President of the United States.

[F.R. Doc. 68-8087; Filed, July 8, 1968; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2328]

STATE STREET INVESTMENT CORP.

Notice of Filing of Application for Order Exempting Sale by Open-End Company of Its Securities at Other Than Public Offering Price

JULY 2, 1968.

Notice is hereby given that State Street Investment Corp. ("Applicant"), 225 Franklin Street, Boston, Mass., a Massachusetts corporation registered under the Investment Company Act of 1940, 15 U.S.C. Sec. 80a-1 et seq. ("Act"), as an open-end diversified management investment Company, has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price in exchange for substantially all the assets of Adams Securities Company ("Adams"). All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Adams, a Massachusetts corporation, is a personal holding company all of whose outstanding stock is owned by 25 stockholders and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Adams has conducted its business as a private investment company since its formation in 1916.

Pursuant to an agreement between Applicant and Adams, assets owned by Adams with a value of approximately $2,571,243 on May 17, 1968 will be transferred to Applicant in exchange for shares of Applicant's stock.

The number of shares of Applicant to be issued to Adams is to be determined by dividing the aggregate market value of the assets of Adams (subject to certain adjustments set forth in the application) to be transferred to Applicant by Applicant's net asset value per share (as defined in the agreement), both to be determined as of the valuation time. If the valuation in the agreement had taken place on May 17, 1968, Adams would have received 48,407 shares of Applicant's stock.

When received by Adams, the shares of Applicant are to be distributed to the Adams shareholders on the liquidation of Adams. Applicant has been advised by the management of Adams that the stockholders of Adams do not have any present intention of distributing the shares of Applicant to be received on such liquidation following the sale of assets transaction or of redeeming any substantial number thereof. Applicant does presently intend to sell a portion of the securities subsequent to their acquisition from Adams as set out in the application.

Applicant represents that there is no affiliation or relationship between the officers and directors of the Applicant and the officers and directors of Adams and that the proposed transaction is the result of arms-length negotiations by the principals of both corporations.

Section 22(d) of the Act provides that registered open-end investment companies may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act, other than section 22(d) and submits that the granting of the application would be in accordance with established practice of the Commission, is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 22, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8064; Filed, July 8, 1968; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30 (Midwestern Area); Rev. 2]

AREA COORDINATORS ET AL.

Delegation of Authority To Conduct Program Activities in Midwestern Area

Pursuant to the authority delegated to the Area Administrator by Delegation of Authority No. 30 (Rev. 12), 32 F.R. 179, dated January 7, 1967, and Amendment 1, 32 F.R. 8113, dated June 6, 1967, the following authority is hereby redelegated to the positions as indicated herein:

I. Area Coordinators:

A. *Development Company Assistance Coordinator—1. Eligibility determinations (for financial assistance only).* To determine eligibility of applicants for assistance under the sections 501 and 502 programs of the Agency in accordance with Small Business Administration standards and policies.

2. *Size determinations (for financial assistance only).* To make initial size determinations in all sections 501 and 502 loans within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for sections 501 and 502 loans only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Liquidation and Disposal Coordinator.* 1. To take all necessary actions in connection with the liquidation and disposal of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. To take all necessary action in liquidating Economic Development Administration loans and acquired collateral when and as authorized by Economic Development Administration.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

C. *Supervisory Liquidation and Disposal Officer.* 1. To take all necessary actions in connection with the liquidation and disposal of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy, or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. To take all necessary action in liquidating Economic Development Administration loans and acquired collateral when and as authorized by Economic Development Administration.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; and (3) the cancellation of authority to liquidate.

D. *Area Claims Review Committee.* To consist of the liquidation and disposal coordinator, area counsel, and the area supervisory appraiser who will meet and consider reasonable and properly supported compromise proposals of indebtedness owed to the Agency and to take final action on such proposals provided such action represents the majority recommendation of the committee on claims not in excess of $5,000 (including CPC advances but excluding interest), or represents the unanimous recommendation of said committee on claims in excess of $5,000 but not exceeding $100,000 (including CPC advances but excluding interest).

E. *Financial Assistance Coordinator*—1. *Eligibility determinations (for financial assistance only).* To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies.

2. *Size determinations (for financial assistance only).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans; and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

F. *Procurement and Management Assistance Coordinator*—1. *Eligibility determinations (for PMA activities only).* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

2. *Size determinations (for PMA activities only).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

G. *Area Administrative Officer.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; and (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. Regional Directors:

A. *Financial assistance.* 1. To approve business and disaster loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To decline business, economic opportunity, and disaster loans of any amount.

3. To close and disburse approved loans.

4. To enter into business, economic opportunity, and disaster loan participation agreements with banks.

5. To execute loan authorizations for Washington and area approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator

By ----------
(Name)
Regional Director
(City)

6. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

**10. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

11. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

B. *Development company assistance.* **1. To approve or decline section 501 State Development Company loans and section 502 Local Development Company loans up to $350,000 (SBA share).

2. To close and disburse sections 501 and 502 loans.

3. To extend the disbursement period on sections 501 and 502 loan authorizations or undisbursed portions of sections 501 and 502 loans.

4. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

5. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

C. *Size determinations.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

D. *Eligibility determinations.* To determine eligibility of applicants for assistance under any program of the Agency, with the exception of the 501 and 502 programs, in accordance with Small Business Administration standards and policies.

E. *Administration.* 1. To purchase reproductions of loan statements, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration to reimburse the General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

F. *Chiefs, Financial Assistance Divisions (and Assistant Chiefs, if assigned)*—1. *Size determinations for financial assistance only.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

2. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies.

3. To approve business and disaster loans not exceeding $350,000 (SBA share), and economic opportunity loans not exceeding $25,000 (SBA share).

4. To close and disburse approved business, economic opportunity, and disaster loans.

5. To decline business, economic opportunity, and disaster loans of any amount.

6. To enter into business, economic opportunity, and disaster loan participation agreements with banks.

7. To execute loan authorizations for Central Office, area, and regional approved loans and loans approved under the delegated authority, said execution to read as follows:

(Name), Administrator

By ----------
(Name)
Title of person signing.

8. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

12. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of

claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

G. *Supervisory Loan Officer and/or Assistance Team Leader.* 1. To approve or decline business and disaster direct loans not in excess of $50,000 and participation loans not in excess of $50,000 (SBA share).

2. To approve or decline economic opportunity loans not in excess of $25,000 (SBA share).

3. To close and disburse approved business, economic opportunity and disaster loans.

4. To enter into business loan participation agreements with banks.

5. To execute loan authorizations for Central Office, area, and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator

By ----------
(Name)
Title of person signing.

6. To cancel, reinstate, modify and amend authorizations for business, economic opportunity and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

10. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

11. *Size determinations for financial assistance only.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

12. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies.

H. *Loan Officer (Financial Assistance).* 1. To approve final actions concerning current direct or participation loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to application against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

2. To close and disburse approved business, economic opportunity, and disaster loans.

I. *Chief, Development Company Assistance Division.* 1. To close and disburse sections 501 and 502 loans.

2. To extend the disbursement period on sections 501 and 502 loan authorizations or undisbursed portions of sections 501 and 502 loans.

3. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

4. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy, or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank application for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

J. *Loan Officer (Development Company Assistance).* 1. To close and disburse sections 501 and 502 loans.

2. To extend the disbursement period on sections 501 and 502 loans.

3. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

4. To approve final actions concerning current direct, participation, and First Mortgage Plan 502 loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to applications against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

K. *Regional Counsel.* [Reserved]

L. *Chief, Accounting, Clerical, and Training Division.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

**5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

**6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans, except sections 501 and 502 loans.

**7. To approve final actions concerning current direct or participation loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to application against premiums.

c. Minor modifications in the authorization.

d. Adjustment of interest payment dates.

e. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

f. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

M. *Assistant Chief, Accounting, Clerical, and Training Division.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

III. Branch Manager—Marquette, Mich.:

A. *Financial assistance.* 1. To approve or decline direct loans not in excess of $50,000 and participation loans not in excess of $50,000 (SBA share).

2. To approve or decline economic opportunity loans not in excess of $25,000 (SBA share).

3. To close and disburse approved business, economic opportunity, and disaster loans.

4. To enter into business loan participation agreements with banks.

5. To execute loan authorizations for Washington, area, and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator

By ----------
(Name)
Title of person signing.

6. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

10. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

11. *Size determinations for financial assistance only.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans; and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

12. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans; in accoradnce with Small Business Administration Standards and policies.

IV. The specific authority delegated herein, indicated by double asterisks (**) cannot be redelegated.

V. The authority delegated herein to a specific position may be exercised by any SBA employee designated as acting in that position.

VI. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective date: June 1, 1968.

RICHARD E. LASSAR,
Area Administrator,
Midwestern Area.

[F.R. Doc. 68-8084; Filed, July 8, 1968; 8:47 a.m.]

[Delegation of Authority No. 4.1-1; Rev. 2]

DIRECTOR, OFFICE OF BUSINESS LOANS, ET AL.

Delegation of Authority Regarding Financial Assistance

Delegation of Authority No. 4.1-1 (Rev. 1) 32 F.R. 2484, February 4, 1967, is hereby revised to read as follows:

I. Pursuant to the authority delegated by the Associate Administrator for Financial Assistance to the Deputy Associate Administrator for Financial Assistance in Delegation of Authority No. 4.1 (Rev. 1) 32 F.R. 938, January 26, 1967, and Amendment 1, 33 F.R. 8624, the following authority is hereby redelegated to the specific positions as indicated herein:

A. *Director, Office of Business Loans.* 1. To approve or decline business, disaster, and economic opportunity loan applications, including reconsiderations thereof, and to execute authorizations and amendments pertaining to such loans.

2. To cancel, reinstate, modify and amend authorizations for business, disaster, and economic opportunity loans.

3. To take all necessary actions in connection with the servicing, administration and collection of partially or fully disbursed loans and other obligations, but is not authorized:

(a) To sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon.

(b) To accept or reject a compromise settlement of an indebtedness owed to the Agency for a sum less than the total amount due thereon.

(c) To deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

B. *Deputy Director, Office of Business Loans.* 1. To approve or decline business, disaster, and economic opportunity loan applications, including reconsiderations thereof, and to execute authorizations and amendments pertaining to such loans.

2. To cancel, reinstate, modify and amend authorizations for business, disaster, and economic opportunity loans.

3. To take all necessary actions in connection with the servicing, administration and collection of partially or fully disbursed loans and other obligations, but is not authorized:

(a) To sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon.

(b) To accept or reject a compromise settlement of an indebtedness owed to the Agency for a sum less than the total amount due thereon.

(c) To deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

C. *Chiefs, Eastern and Western Divisions.* 1. To approve or decline business, disaster, and economic opportunity loan applications, including reconsiderations thereof, and to execute authorizations and amendments pertaining to such loans.

2. To cancel, reinstate, modify and amend authorizations for business, disaster, and economic opportunity loans.

3. To take all necessary actions in connection with the servicing, administration and collection of partially or fully disbursed loans and other obligations, but is not authorized:

(a) To sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon.

(b) To accept or reject a compromise settlement of an indebtedness owed to the Agency for a sum less than the total amount due thereon.

(c) To deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

D. *Director, Office of Disaster Loans.* 1. To determine eligibility of disaster loan applicants.

2. To authorize acceptance of disaster loan applications after expiration of the original disaster period.

E. *Director, Office of Development Company Assistance.* 1. To approve or decline development company loan applications, including reconsiderations thereof, and to execute authorizations and amendments pertaining to such loans.

2. To cancel, reinstate, modify and amend authorizations for section 501 and 502 loans.

3. To take all necessary actions in connection with the servicing, administration and collection of partially or fully disbursed loans and other obligations, but is not authorized:

(a) To sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon.

(b) To accept or reject a compromise settlement of an indebtedness owed to the Agency for a sum less than the total amount due thereon.

(c) To deny liability of a Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

F. *Deputy Director, Office of Development Company Assistance.* 1. To approve or decline development company loan applications, including reconsiderations thereof, and to execute authorizations and amendments pertaining to such loans.

2. To cancel, reinstate, modify and amend authorizations for sections 501 and 502 loans.

3. To take all necessary actions in connection with the servicing, administration and collection of partially or fully disbursed loans and other obligations, but is not authorized:

(a) To sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon.

(b) To accept or reject a compromise settlement of an indebtedness owed to the Agency for a sum less than the total amount due thereon.

(c) To deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

G. *Chiefs, Eastern and Western Divisions.* 1. To approve or decline development company loan applications, including reconsiderations thereof, and to execute authorizations and amendments pertaining to such loans.

2. To cancel, reinstate, modify and amend authorizations for sections 501 and 502 loans.

3. To take all necessary actions in connection with the servicing, administration and collection of partially or fully disbursed loans and other obligations, but is not authorized:

(a) To sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon.

(b) To accept or reject a compromise settlement of an indebtedness owed to the Agency for a sum less than the total amount due thereon.

(c) To deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

H. *Director, Office of Liquidation and Disposal.* To take all necessary actions in connection with the liquidation and disposal of partially or fully disbursed loans, other obligations and acquired property, but is not authorized:

1. To sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon.

2. To accept or reject a compromise settlement of an indebtedness owed to the Agency for a sum less than the total amount due thereon.

3. To deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

I. *Deputy Director, Office of Liquidation and Disposal.* To take all necessary actions in connection with the liquidation and disposal of partially or fully disbursed loans, other obligations and acquired property, but it is not authorized:

1. To sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon.

2. To accept or reject a compromise settlement of an indebtedness owed to the Agency for a sum less than the total amount due thereon.

3. To deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

J. *Chiefs, Business and Disaster, Development Company Assistance, and SBIC Divisions.* To take all necessary actions in connection with the liquidation and disposal of partially or fully disbursed loans, other obligations and acquired property, but is not authorized:

1. To sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon.

2. To accept or reject a compromise settlement of an indebtedness owed to the Agency for a sum less than the total amount due thereon.

3. To deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

K. *Director, Administrative Operations Staff.* To determine eligibility of business and economic opportunity loan applicants.

II. The authority delegated herein may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting in that position.

IV. All authority previously delegated by the Assistant Deputy Administrator for Financial Assistance (Business Loans Assistance) to the Director, Office of Loan Administration; Chief, Loan Servicing Division; Chief, Loan Liquidation Division; Director, Office of Loan Processing; Chiefs, Eastern and Western Loan Groups; all authority previously delegated by the Assistant Deputy Administrator for Financial Assistance (Economic Development Assistance) to the Director, Office of Disaster Loans; Director, Office of Area Redevelopment; Director, Office of Economic Opportunity Assistance; and all authority previously delegated by the Deputy Administrator for Financial Assistance to the Director, Administrative Operations Staff, Financial Assistance is hereby rescinded without prejudice to actions taken under such delegations of authority prior to the date hereof.

V. All action taken by the Directors, Deputy Directors and Chiefs, Office of Business Loans, Office of Disaster Loans, Office of Development Company Assistance, Office of Liquidation and Disposal, and Administrative Operations Staff, authorized by this redelegation, but taken prior to the redelegation, are hereby ratified.

Effective date: May 8, 1968.

HOWARD W. ROGERSON,
Deputy Associate Administrator for Financial Assistance.

[F.R. Doc. 68-8083; Filed, July 8, 1968; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JULY 3, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41377—*Lime from Roberta, Ala., to Canton, N.C.* Filed by O. W. South, Jr., agent (No. A6029), for and on behalf of the Southern Railway Co. Rates on lime, in bulk, in covered hopper cars, in carloads, from Roberta, Ala., to Canton, N.C.

Grounds for relief—Market competition.

Tariff—Supplement 87 to Southern Freight Association, agent, tariff ICC S-257.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-8090; Filed, July 8, 1968; 8:48 a.m.]

[Notice 641]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 2, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 52574 (Sub-No. 38 TA), filed June 28, 1968. Applicant: ELIZABETH FREIGHT FORWARDING CORP., 120 South 20th Street, Irvington, N.J. 07111. Applicant's representative: Edward Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products, potato chips, and popcorn*, from Linden, N.J., to Baltimore, Md., and Washington, D.C., for 150 days. Supporting shipper: Gourmet Bakers, Inc., 1601 West Edgar Road, Post Office Box 543, Linden, N.J. 07036. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 66562 (Sub-No. 2313 TA) (Correction), filed May 29, 1968, published FEDERAL REGISTER issue of June 8, 1968, and republished as corrected this issue. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: William H. Marx, 219 East 42d Street, New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Hagerstown, Md., and Cumberland, Md., from Hagerstown over Interstate Highway 70 to junction U.S. Highway 40, thence over U.S. Highway 40 to Cumberland, and return over the same route, serving the intermediate point of Hancock, Md.; (2) between Cumberland, Md., and Oakland, Md., from Cumberland over U.S. Highway 220 to junction Maryland Highway 135, thence over Maryland Highway 135 to Oakland, and return over the same route, serving no intermediate points; (3) between Frederick, Md., and Harpers Ferry, W. Va., over U.S. Highway 340, serving the intermediate point of Brunswick, Md.; and (4) between Martinsburg, W. Va., and Chambersburg, Pa., over Interstate Highway 81, serving the intermediate or off-route point of Hagerstown, Md., for 150 days. NOTE: Applicant intends to tack the authority sought herein with its existing authority under MC 66562 and subs thereunder. The purposes of this republication is to include tacking information. Supporting shippers: There are approximately (9) statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Jack G. Takakjian, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, N.Y. 10007.

No. MC 54567 (Sub-No. 7 TA), filed July 1, 1968. Applicant: RELIANCE TRUCK COMPANY, a corporation, 2500 North 24th Avenue, Phoenix, Ariz. 85009. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, 3550 North Central, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities which because of size or weight require the use of special equipment*, between points in that part of Arizona bounded on the north by the Colorado River, on the east by the eastern boundaries of Mohave and Yuma Counties, and on the south by the United States-Mexico international boundary line; and that part of California bounded on the north by the California-Nevada line, on the west by a north-south line beginning at the said State line directly north of Nipton, Calif., and extending south through Nipton and Desert Center to the northern boundary of Imperial County, thence west along the northern boundary of Imperial County to the Imperial-San Diego, Calif., county line, thence south along the Imperial-San Diego County line to the United States-Mexico international boundary line, and on the south by said international boundary line, including points on the indicated portions of the highways and county lines specified, for 180 days. NOTE: Applicant indicates tacking possibilities with its presently held

authority in MC 54567 Sub-4. Supporting shippers: Broadway Equipments, Inc., Post Office Box 687, Blythe, Calif. 92225; M. A. Dunlap Construction Co., 915 East Bethany Home Road, Phoenix, Ariz. 85014; Morris Land Leveling, 1800 West Seventh Street, Yuma, Ariz. 85364, Norm Bingham Equipment Co., 2450 North 32d Street, Yuma, Ariz. 85364; Zeidler Machinery Co., Hobson Road, Blythe, Calif. 92225. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 108449 (Sub-No. 288 TA), filed June 28, 1968. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylleneck (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, from Duluth, Minn., and Superior, Wis., to Spirit Lake, Iowa, for 180 days. Supporting shipper: Cutler-Magner Co., 1116 Fidelity Building, Duluth, Minn. 55802. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Sourth Street, Minneapolis, Minn. 55401.

No. MC 110525 (Sub-No. 868 TA), filed June 28, 1968. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Edwin H. van Deusen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium tripolyphosphate*, in bulk, from Fernald, Ohio, to Jeffersonville, Ind., for 180 days. Supporting shipper: Mobil Chemical Co., Division of Mobil Oil Corp., 401 East Main Street, Richmond, Va. 23219. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 129386 (Sub-No. 3 TA), filed June 28, 1968. Applicant: REESE, REESE & SHERMAN, INC., 233 Orchard Lane, Billings, Mont. 59101. Applicant's representative: R. F. Hibbs, Post Office Box 1321, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, fresh, salted, cooked, cured, or preserved*, from Billings, Mont., to points in Oregon other than the counties of Malheur, Baker, Wallowa, Umatilla, Morrow, Gilliam, Sherman, Wasco, Hood River, Multnomah, Columbia, and Clatsop, for 180 days. Supporting shipper: Midland Empire Packing Co., Inc., Post Office Box 1375, Billings, Mont. 59103. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 129454 (Sub-No. 1 TA) (Correction), filed June 17, 1968, published FEDERAL REGISTER issue of June 27, 1968, and republished as corrected this issue. Applicant: PAUL H. ENGELKE, doing business as ENGELKE FEED SERVICE, Post Office Box 135, Chadwick, Ill. 61014. Applicant's representative: Karl Yost, 207 East Lincolnway, Morrison, Ill. 61270. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds made of mineral mixtures, insecticides, fungicides, herbicides, rodenticides, insect repellent, vermin exterminators, and related dispensing equipment and advertising materials, and premiums*, from Chadwick, Ill., to points in Wisconsin, for 180 days. NOTE: The purpose of this republication is to correct commodity description published in error of previous publication. Supporting shipper: Standard Chemical Manufacturing Co., Box 3844, Main Office Station, Omaha, Nebr. 68103. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse and Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 129506 (Sub-No. 3 TA), filed June 27, 1968. Applicant: GENE BAILEY, doing business as AMERICAN BROKERAGE COMPANY, 20 Peters Street, Bristol, Va. 24201. Applicant's representaitve: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel containers*, from Washington and Alpha, N.J., to the Army Ammunition Plant near Parsons, Kans., for 150 days. Supporting shipper: M. C. Ricciardi Co., Post Office Box 1032, Alpha, N.J. 08865. Send protests to: George S. Hales, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 129993 (Sub-No. 1 TA), filed June 27, 1968. Applicant: LIMESTONE TRANSIT, INC., Post Office Box 80, Fairbury, Ill. 61739. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed grade urea*, in bulk, in tank vehicles, from the plantsite of Meiners Farm Service at Colfax, Ill., to points in Indiana, Wisconsin, Iowa, and Missouri, for 150 days. Supporting shipper: American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540. Send protests to: William E. Gallagher, District Supervisor Interstate Commerce Commission, Bureau of Operations, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8092; Filed, July 8, 1968; 8:48 a.m.]

[Notice 170]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 3, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

Finance Docket No. 24978. By order of June 27, 1968, the Transfer Board approved the transfer to Import Freight Carriers, Inc., Chicago, Ill., second amended permit and order No. FF-67 (corrected), issued July 9, 1962, to Gallagher & Ascher Co., Chicago, Ill., authorizing freight forwarder operations of commodities generally, to points in the Chicago, Ill., commercial zone, from all ports or points of import in the United States when moving from points outside the continental limits of the United States and Canada. Paul J. Maguire, 111 West Washington Street, Chicago, Ill. 60602, attorney for applicants.

No. MC-FC-70482. By order of June 28, 1968, the Transfer Board, on reconsideration, approved the transfer to The Sentinel Star Express Co., a corporation, Orlando, Fla., of the operating rights in certificate No. MC-127110 issued May 2, 1966, to Krogel Air Freight Service, Inc., Orlando, Fla., authorizing the transportation of general commodities, with exceptions, between Herndon Airport and McCoy Air Force Base, Orlando, Fla., on the one hand, and, on the other, Daytona Beach and Melbourne, Fla. James E. Wharton, 506 First National Bank Building, Post Office Box 231, Orlando, Fla. 32802, attorney for applicants.

No. MC-FC-70601. By order of June 28, 1968, the Transfer Board approved the transfer to Essex Van & Storage Inc., Baltimore, Md., of that portion of the operating rights set forth in certificate No. MC-128838 issued August 16, 1967, to Armond B. Dillon, doing business as Dillon Moving & Storage Co., Aurora, Ill., authorizing the transportation of household goods, between Glassport, Pa., and points within 10 miles thereof, on the one hand, and, on the other, points in New York and Ohio, and household goods as defined by the Commission, between Greensburg, Pa., on the one hand, and, on the other, points in Ohio and West Virginia. Joseph S. Nagengast, 1500 Eastern Avenue, Baltimore, Md. 21221, representative for applicant.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8091; Filed, July 8, 1968; 8:48 a.m.]

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PART 213—EXCEPTED SERVICE

Department of State

Section 213.3304 of Chapter I of Title 5 of the Code of Federal Regulations is amended to bring the listing of the positions excepted under Schedule C up-to-date and to show that (1) one of two positions listed under Schedule C as Secretary and Personal Assistant to the U.S. Representative to the Council of the Organization of American States is no longer excepted under Schedule C and that the other is transferred to the Bureau of International Organization Affairs; (2) the position of the Administrator of the Bureau of Security and Consular Affairs is excepted by statute rather than under Schedule C; and (3) the positions of the Chief of Protocol, his two Staff Assistants, and his Private Secretary have been transferred to the Office of the Secretary. Effective on publication in the FEDERAL REGISTER, § 213.3304 is amended as set out below.

§ 213.3304 Department of State.

(a) *Office of the Secretary.* * * *
(6) [Revoked]

* * * * *

(19) [Revoked]

* * * * *

(21) [Revoked]
(22) [Revoked]
(23) The Chief of Protocol.
(24) Two Staff Assistants and One Private Secretary to the Chief of Protocol.
(b) *Bureau of Security and Consular Affairs.* (1) [Revoked]
(2) [Revoked]
(3) [Revoked]

* * * * *

(5) [Revoked]
(c) *Office of the Assistant Secretary for Congressional Relations.* * * *
(2) [Revoked]
(3) [Revoked]

* * * * *

(9) [Revoked]
(d) *Office of the Assistant Secretary for Public Affairs.* (1) [Revoked]

* * * * *

(4) [Revoked]

* * * * *

(7) [Revoked]
(e) *Bureau of Economic Affairs.* (1) [Revoked]

* * * * *

(f) *Bureau of Intelligence and Research.* * * *
(3) [Revoked]
(4) [Revoked]
(g) *Bureau of Near Eastern and South Asian Affairs.* (1) [Revoked]

* * * * *

(3) [Revoked]
(h) *Bureau of International Organization Affairs.* (1) [Revoked]

* * * * *

(3) [Revoked]
(4) [Revoked]
(5) One Secretary and Personal Assistant to the U.S. Representative to the Council of the Organization of American States.
(i) *Bureau of European Affairs.* (1) [Revoked]

* * * * *

(3) [Revoked]
(j) *Bureau of East Asian and Pacific Affairs.* (1) [Revoked]

* * * * *

(3) [Revoked]
(5) [Revoked]

* * * * *

(k) *Bureau of Inter-American Affairs.* (1) [Revoked]

* * * * *

(4) [Revoked]
(5) [Revoked]

* * * * *

(4) [Revoked]
(5) [Revoked]
(6) [Revoked]
(7) [Revoked]
(l) *Office of the Legal Adviser.* (1) [Revoked]

* * * * *

(m) *Executive Secretariat.* * * *
(2) [Revoked]
(n) *Policy Planning Council.* * * *
(2) [Revoked]
(3) [Revoked]

* * * * *

(o) *Office of the Assistant Secretary for Administration.* (1) [Revoked]
(2) [Revoked]
(p) *Office of the Deputy Under Secretary for Administration.* * * *
(2) [Revoked]

* * * * *

(4) [Revoked]
(5) [Revoked]

* * * * *

(7) [Revoked]
(8) [Revoked]
(9) [Revoked]
(10) [Revoked]
(q) *Office of the Deputy Under Secretary for Political Affairs.* * * *
(3) [Revoked]
(4) [Revoked]
(r) *Bureau of African Affairs.* (1) [Revoked]

* * * * *

(3) [Revoked]

* * * * *

(5) [Revoked]
(s) *Bureau of Educational and Cultural Affairs.* * * *
(2) [Revoked]
(3) [Revoked]
(4) [Revoked]

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68–8143; Filed, July 9, 1968; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that the position of Assistant to the Deputy Secretary of Defense is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (53) is added to paragraph (a) of § 213.3306 as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* * * *
(53) One Assistant to the Deputy Secretary of Defense.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68–8142; Filed, July 9, 1968; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

PART 250—MISCELLANEOUS INTERPRETATIONS

Effective immediately this Part 250 is added. It is designed to include interpretations by the Board that do not

relate specifically to subjects on which the Board has adopted regulations. In this connection the following interpretations in Part 208, "Membership of State banking institutions in the Federal Reserve System", are transferred to Part 250 and redesignated as follows:

Former section number	New section number
208.102	250.101
208.103	250.102
208.104	250.103
208.105	250.120
208.106	250.160
208.107	250.121
208.108	250.161
208.109	250.122
208.111	250.162
208.113	250.123
208.114	250.181
208.115	250.180
208.118	250.140
208.119	250.141
208.120	250.142
208.121	250.200

The text of the new part reads as follows:

INTERPRETATIONS

Sec.

250.101 Necessity for Board approval of stock dividend by State member bank.

250.102 Payment of dividends; effect of net losses.

250.103 Payment of dividends exceeding net profits to date of declaration.

250.120 Underwriting bonds payable from proceeds of State sales taxes.

250.121 Application of investment securities regulation to member State banks.

250.122 Underwriting of public Authority bonds payable from rents under lease with governmental entity having general taxing powers.

250.123 Underwriting of notes payable from proceeds of subsequent sale of general obligation bonds.

250.140 Member bank acquisition of stock of another bank.

250.141 Member bank purchase of stock of "operations subsidiaries."

250.142 Meaning of "obligor or maker" in determining limitation on securities investments by member State banks.

250.160 Federal funds transactions.

250.161 Capital notes and debentures as "capital," "capital stock," or "surplus."

250.162 Whether undivided profits may be considered part of capital or surplus of member banks.

250.180 Reports of changes in control of management.

250.181 Reports of change in control of bank management incident to a merger.

250.200 Investment in bank premises by holding company banks.

250.220 Whether member bank acting as trustee is prohibited by section 20 of the Banking Act of 1933 from acquiring majority of shares of mutual fund.

AUTHORITY: The provisions of this Part 250 issued under 12 U.S.C. 248(i) and as otherwise noted.

INTERPRETATIONS

§ 250.101 Necessity for Board approval of stock dividend by State member bank.

(a) The opinion of the Board of Governors has been requested as to whether section 5199(b) of the Revised Statutes of the United States, as amended September 8, 1959 (12 U.S.C. 60), requires the Board's approval for the declaration of a stock dividend by a State member bank in an amount which would exceed the total of net profits for the present year combined with the retained net profits of the preceding 2 years. This statute is made applicable to State member banks by the sixth paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 324).

(b) The purpose of this provision is to prevent the depletion of the capital structure of a bank by the payment of excessive dividends. Since a stock dividend does not result in the distribution of cash or assets, the Board does not consider the term "dividend" in this statute as including stock dividends. Consequently, the Board's approval for the declaration of a stock dividend is not required.

(12 U.S.C. 60)

§ 250.102 Payment of dividends; effect of net losses.

(a) Section 5199(b) of the Revised Statutes (12 U.S.C. 60), as amended in 1959: *Provides*, That:

> The approval of the Comptroller of the Currency shall be required if the total of all dividends declared by [a national bank] in any calendar year shall exceed the total of its net profits of that year combined with its retained net profits of the preceding 2 years • • •

Under the sixth paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 324), member State banks are required "to conform to the provisions of section 5199(b) • • • with respect to the payment of dividends", except that the approval of the Board of Governors is required in lieu of the approval of the Comptroller.

(b) The question has arisen whether it is necessary in determining whether a bank's dividends in a particular year "exceed the total of its net profits of that year combined with its retained net profits of the preceding two years", to take into consideration the amount of a net loss in the current year or in one or both of the preceding 2 years.

(c) The purpose of the 1959 amendment of section 5199(b) was to prevent a bank from paying a dividend (except with supervisory approval) unless it has on hand, from operations during the 3 latest years, sufficient net profits to cover the proposed dividend. If a net loss for one or more of those 3 years was disregarded in making the calculation called for by section 5199(b), a member State bank could pay dividends, without the approval of the Board of Governors, even though the aggregate results of the 3 latest years' operations was a net deficit. This was precisely the sort of situation in which Congress intended to prevent the payment of a dividend unless the supervisory authority was satisfied that special circumstances justified the proposed dividend.

(d) Accordingly, it is the position of the Board that, in making the calculation required by section 5199(b), it is necessary to take into consideration the actual results of operations during the current year and the 2 preceding years, whether the figures for those years are plus or minus figures. For example, if a bank had

(1) Retained net profits of $30,000 from 1959;

(2) A net loss of $40,000 in 1960 (and dividends of $10,000 were paid in that year, with the Board's approval); and

(3) Net profits of $20,000 in 1961,

It could not pay any dividend in 1961 without the Board's approval, since the calculation required by section 5199(b) would result in a zero figure ($30,000 minus $50,000 plus $20,000). It will be noted that, for the purposes of section 5199, any dividends paid in a loss year must be included in the "net loss" for that year, just as dividends paid in a profitable year must be deducted from "net profits" in calculating "retained net profits".

(12 U.S.C. 60)

§ 250.103 Payment of dividends exceeding net profits to date of declaration.

(a) Section 5199(b) of the Revised Statutes of the United States (12 U.S.C. 60) and the sixth paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 324), provide in effect that "the approval of the Comptroller of the Currency (or the Board of Governors) shall be required if the total of all dividends declared by such association (a national bank or a member State bank) in any calendar year shall exceed the total of its net profits of that year combined with its retained net profits of the preceding two years."

(b) The question has been presented whether the Board's approval must be obtained when the amount of a dividend proposed to be declared by a member State bank, prior to the end of the calendar year, would exceed the total of the bank's net profits up to the date of the declaration, combined with its retained net profits of the preceding 2 years.

(c) If the question related only to the literal meaning of words, divorced from the statute's underlying purpose and from the factual situations to which it relates, it might be contended that since the statute refers to "all dividends declared • • • in any calendar year" and "the total of its net profits of that year", its applicability cannot be determined until the calendar year is completed. As explained below, however, such an interpretation is not required by the language of the statute and would substantially defeat its purpose, as revealed by the legislative history; and consequently it is believed that the statute should be construed as relating to dividends declared, and to net profits, in the calendar year up to the date of such declaration.

(d) The purpose of the statute was described as follows by the Senate Banking Committee:

> This provision is designed to restrict the payment of dividends • • • where such payments would result in dissipating needed capital funds. This provision strengthens the regulatory authority of the Comptroller [and the Board of Governors]. Under it, he will be able to prevent the declaration of dividends which are not justified by current and recent accumulated earnings, and which would result in a weakened and undercapitalized bank and violate safe and sound banking practice.

(S. Rep. No. 730, 86th Cong. (Aug. 19, 1959), pp. 6–7)

(1) It seems that Congress had in mind the following test: At the time the dividend is declared, does the bank have available, from profits of the current calendar year and the 2 preceding calendar years, enough profits to cover the dividend? If not, the dividend may not be declared and paid unless the Comptroller or the Board of Governors specifically approves, in view of the circumstances of the particular case.

(2) Bearing in mind the Senate Committee's reference to "dissipating needed capital funds," it is obvious that the danger that a proposed dividend would unduly weaken a bank's capital structure is just as great if the dividend is declared in June as if it is declared in December. If a bank does not have profits on hand sufficient to cover a proposed dividend, the fact that the declaration is made in 1 month rather than in another has little or no bearing on the extent to which payment of the dividend may unduly diminish the capital "cushion" on which depend the bank's continued existence and the safety of its depositors.

(e) An illustration may be helpful. For simplicity, let us assume that a member State bank opened for business on January 1, 1959, with a capital structure of $300,000, as required by the supervisory authorities. The bank had no net profit in 1959 or 1960. Up to June 30, 1961, it still has no net profits, but nevertheless the directors declare a dividend of $20,000 on that date. The bank's capital structure is thereby reduced from $300,000 to $280,000. It seems that this was precisely what Congress intended should not happen unless the Board of Governors approved the dividend, for adequate reasons. An undesirable situation would exist, and the Congressional purpose would be defeated, if such a weakening of the bank's capital structure were permissible if the dividend was declared and paid (without supervisory approval) in June, whereas the same action would involve a violation of the statute if the dividend was declared and paid, instead, in December. This might actually mean that no violation of section 5199(b) could occur except with respect to end-of-year dividends—unless, perhaps, it could be established that the bank's directors, when they declared the dividend earlier in the year, knew (or had reason to believe) that the bank's net profits for the entire year would not be sufficient.

(f) The statutory reference to "all dividends declared • • • in any calendar year" can be interpreted, even from the viewpoint of literal meaning, as referring to dividends declared in a calendar year up to the date of declaration. Particularly because the clear Congressional purpose would otherwise be largely defeated, it is concluded that this is the correct interpretation and that, consequently, the declaration by the member State bank, without the Board's approval, of a dividend in the amount of $20,000 would be in violation of the applicable statutes, since the amount of that dividend would exceed "the total of (the bank's) net profits of that year combined with its retained net profits of the preceding two years."

(12 U.S.C. 60)

§ 250.120 Underwriting bonds payable from proceeds of State sales taxes.

(a) The opinion of the Board of Governors of the Federal Reserve System has been requested with respect to the authority of member State banks to underwrite securities issued by States and political subdivisions thereof, with particular reference to $35,750,000 of Public Building Bonds, 1961, Series D, and Public School Plant Facilities Bonds, 1961, Series C, of the State of Washington. The Comptroller of the Currency has held that said bonds are eligible for underwriting by national banks.

(b) Paragraph Seventh of section 5136 of the Revised Statutes (12 U.S.C. 24) provides that a national bank "shall not underwrite any issue of securities", but further provides that this restriction "shall not apply to • • • general obligations of any State or of any political subdivision thereof". The 20th paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 335) subjects State member banks to the same limitations with respect to the underwriting of investment securities "as are applicable in the case of national banks under paragraph 'Seventh' of section 5136."

(c) Under the statutory provisions quoted above, member banks are prohibited from underwriting securities issued by a State unless those securities are "general obligations". In the opinion of the Board of Governors, securities are not "general obligations" unless they are backed by the full faith and credit of the issuer. As stated in paragraph 520 of the "Digest of Opinions of the Office of the Comptroller of the Currency", "Securities payable only out of particular funds or out of the obligor's revenues from a particular source are not general obligations." In order to be eligible for underwriting by member banks, the issuer must possess the power of general property taxation and the securities must be supported by that power, as a part of the "full faith and credit" of the issuer.

(d) The bonds in question are issued pursuant to Washington Laws of 1961, Ex. Sess., Chapters 3 and 23. These statutes provide that the bonds "shall not be a general obligation of the state of Washington but shall be payable • • • from the proceeds of retail sales taxes • • •." The statutes also provide that "the state undertakes to continue to levy the taxes referred to herein and to fix and maintain said taxes in such amounts as will provide sufficient funds to pay said bonds and interest thereon until all such obligations have been paid in full."

(e) The statutory provisions that the bonds in question "shall not be a general obligation of the State of Washington" and "shall be payable • • • from the proceeds of retail sales taxes" appear to indicate that the bonds will not be supported by the full faith and credit of the state, including its power of general property taxation. If this is correct, it follows, on the principles previously stated, that these bonds would not be "general obligations" of the State within the meaning of R.S. 5136 and would not be eligible to be underwritten by member banks. The undertaking to levy retail sales taxes that will provide sufficient funds to pay the bonds in full reflects the intent of the State that the bonds (and interest thereon) shall be paid, but it does not negate the plain statement in the Washington statute that the bonds shall be payable from a particular source—namely, the proceeds of retail sales taxes—and are not general obligations.

(f) This conclusion does not conflict with the decision of the Supreme Court of Washington in State of Washington v. Martin, decided August 7, 1963. It was there held that bonds of this nature are "issued upon the credit of the state and are in truth debts of the state." However, the Court made it quite clear that such bonds are not supported by the full faith and credit of the State and its plenary taxing power. Under the State constitutional and statutory provisions dealt with in that decision, bonds of the State of Washington that are payable from a particular source of revenue constitute a debt of that State but are not general obligations thereof.

(g) For these reasons, the Board concludes that the bonds in question are not "general obligations" within the purview of section 5136 of the Revised Statutes and consequently are not eligible for underwriting by State banks that are members of the Federal Reserve System.

(12 U.S.C. 24, 335)

§ 250.121 Application of investment securities regulation to member State banks.

(a) *General.* A revision of the Investment Securities Regulation (Part 1 of this title) was issued recently by the Comptroller of the Currency. Under section 9 of the Federal Reserve Act (12 U.S.C. 335) the regulation is applicable to member State banks as well as to national banks, insofar as it conforms to paragraph Seventh of section 5136 of the Revised Statutes (R.S. 5136; 12 U.S.C. 24).

(b) *Provisions of regulation with respect to "exempt securities".* (1) Paragraph Seventh refers to two areas of securities transactions by a bank: (i) Underwriting and dealing, which are grouped as "underwriting" herein, and (ii) investing (called "purchasing for its own account" in the statute).

(2) The statute contains a general prohibition against a member bank (i) underwriting securities or (ii) investing more than 10 percent of its capital and surplus in the securities of any one obligor. In addition to this 10 percent limitation, the power of national banks and member State banks to purchase securities for investment is subject to "such limitations and restrictions as the Comptroller of the Currency may by regulation prescribe". The term "investment securities" is defined in paragraph Seventh and is subject to "such further definition * * * as may by regulation be prescribed by the Comptroller".

(3) The statute also provides, however, that "The limitations and restrictions herein contained as to dealing in, underwriting and purchasing for [the bank's] own account, investment securities shall not apply to obligations of the United States or general obligations of any State or of any political subdivision thereof," or certain other securities. In other words, national banks and member State banks are legally free (i) to underwrite such "exempt securities" and (ii) to invest therein without regard to the 10 percent limitation mentioned in this section.

(4) The authority of the Comptroller of the Currency to issue investment regulations pursuant to R.S. 5136 does not include authority to exempt additional kinds of securities from the prohibition against underwriting or the prohibition against investing more than 10 percent of capital and surplus in securities of any one obligor. Despite this, § 1.3 of this title, the Comptroller's recent revision of the Investment Securities Regulation, contains a definition of "public security" and § 1.4 of this title states that "A bank may deal in, underwrite, purchase and sell for its own account a public security subject only to the exercise of prudent banking judgment." The term "public security" is so defined that, in effect, the regulation purports to authorize national banks and member State banks to underwrite, and to purchase without limitation on amount, securities that are not exempted by law from the statutory prohibition against underwriting and against investing in excess of the 10 percent limitation. For example, the terms of the regulation would authorize such banks to underwrite some securities of public corporations that are payable solely out of revenues derived from the operation of a tunnel, turnpike, bridge, or the like, despite the fact that the applicable statute does not exempt such securities from the general prohibition against underwriting by banks.

(5) Since the Comptroller is not authorized by law to expand the category of exempt securities established and described in paragraph Seventh of R.S. 5136, the current regulation does not have the force and effect of law insofar as it attempts to do this. Accordingly, member State banks are informed that, in the opinion of the Board of Governors, the only securities that are exempt from the limitations and restrictions of paragraph Seventh are those specified in R.S. 5136. Unless a particular issue of securities is exempt by virtue of that provision of law, member State banks may not underwrite the issue, and the 10 percent limit is applicable to investments therein. Since so-called "revenue obligations" of the kinds mentioned above, as well as other revenue obligations, are not exempt from the limitations and restrictions of R.S. 5136, it would be unlawful for a member State bank to underwrite such securities or to invest in them in excess of the 10 percent limit.

(c) *Convertible securities.* (1) From time to time corporations issue debentures or similar securities that constitute an obligation to pay a specified dollar amount of principal (as well as interest) and in addition give the holder an option to convert the security into a specified number of shares of the corporation's stock. When the market value of the stock into which such a debenture is convertible is substantially less than the face value of the debenture, the debenture ordinarily will sell at a price that reflects principally its value as a corporate obligation, without regard to the conversion option. However, the market value of the stock sometimes increases to such an extent that the shares into which a debenture is convertible have a market value that is much greater than the face value of the debenture. For example, a number of convertible debentures traded on the New York Stock Exchange sell at prices of $2,000, $3,000, or more, for securities with a face value of $1,000. These prices approximate very closely the current market value of the shares of stock for which the convertible may be exchanged at the holder's option.

(2) A question has arisen as to the circumstances in which a member State bank may purchase convertible debentures for its investment portfolio under the provisions of the Investment Securities Regulation of the Comptroller of the Currency, as recently revised.

(3) Section 1.3(b) of this title defines "investment security" to exclude securities "which are predominantly speculative in nature", so that, under R.S. 5136 and the regulation, the purchase of "predominantly speculative" securities is not permissible. When the market price of a convertible debenture is far in excess of its face value because of the conversion feature, and its price fluctuations parallel the fluctuations in the price of the stock into which it is convertible, the debenture is necessarily speculative. Market conditions may induce price fluctuations that may have no relationship to the quality of the debenture or even of the particular stock into which it can be converted.

(4) Accordingly, it would appear that a bank is prohibited from purchasing convertible debentures in the circumstances described. However, uncertainty as to this matter could arise from the terms of § 1.10 of this title (Comptroller's Revised Regulation), which might be read as indicating that a bank may purchase convertible securities generally, provided that the cost of such a security is written down promptly "to an amount which represents the investment value of the security considered independently of the conversion feature".

(5) Quite apart from questions of interpretation of the revised regulation, however, it is to be noted that the law itself (paragraph Seventh of R.S. 5136) in effect forbids national banks and member State banks to purchase "any shares of stock of any corporation". When the market price of a convertible security reaches 200 percent or 300 percent of its face value due to a rise in the price of the related stock, purchase of the convertible security is, for practical purposes, equivalent to the purchase of the stock it represents.

(6) In the light of these statutory and regulatory provisions, it is the position of the Board of Governors that a member State bank may not lawfully invest in a convertible security whose price exceeds, by more than an insignificant amount, the investment value of the obligation, considered independently of the conversion feature. Adherence to this principle will avoid violations of the statute and regulation that would occur if a bank were to purchase convertible securities in such circumstances that the security necessarily would be "predominantly speculative in nature", for the reasons described, and the transaction would be tantamount to a purchase of corporate stock.

(12 U.S.C. 24, 335)

§ 250.122 Underwriting of public Authority bonds payable from rents under lease with governmental entity having general taxing powers.

(a) The Board of Governors has been asked whether securities of a public Authority that are to be paid from rents payable under a lease of the Authority's facilities to a governmental entity that possesses general powers of taxation, including property taxation, constitute "general obligations" within the meaning of section 5136 of the U.S. Revised Statutes (12 U.S.C. 24). In cases where this question can be answered in the affirmative, member State banks of the Federal Reserve System may lawfully underwrite and deal in such securities, and invest therein without limitation on amount, as far as Federal banking law is concerned.

(b) The Board understands that the issuing Authorities usually have no taxing powers and that their obligations are not, under pertinent State constitutional and statutory provisions as interpreted by the courts, "debts" of the lessee—that is, the governmental entity with general powers of taxation. However, whether a security constitutes a "debt" for purposes of State law is not determinative as to whether it is a "general obligation" within the meaning of section 5136, a Federal statute. (See § 250.120.)

(c) During recent Hearings before the Committee on Banking and Currency of the House of Representatives, published under the title "Increased Flexibility for Financial Institutions—1963", the Board expressed its understanding of the meaning of the phrase "general obligations of any State or of any political subdivision thereof" as used in section 5136.

(d) As the House Committee was informed, the Board understands that phrase to include "only obligations that are supported by an unconditional promise to pay, directly or indirectly, an aggregate amount which (together with any other funds available for the purpose) will suffice to discharge, when due, all interest on and principal of such obligations, which promise (1) is made by a governmental entity that possesses general powers of taxation, including property taxation, and (2) pledges or otherwise commits the full faith and credit of said promisor; said term does not include obligations not so supported that are to be repaid only from specified sources such as the income from designated facilities or the proceeds of designated taxes." (Hearings, p. 1018.)

(e) A major requirement of the foregoing definition is that a "general obligation" must be supported by general powers of taxation, including property taxation. The Board recognizes, however, that such support by general powers of taxation may be indirect as well as direct.

(f) If a State (or other governmental entity having general powers of taxation) agrees unconditionally to pay to an Authority rentals that will be sufficient and will be used, in all events, to cover required payments of interest and principal on the relevant securities when due, the securities, in the opinion of the Board, are indirectly supported by general taxing powers, and, accordingly, constitute "general obligations" within the meaning of R.S. 5136. On the other hand, if the lease does not contain an unconditional promise of the State to provide sums sufficient, in all events, to cover required payments of interest and principal on the bonds of the lessor Authority as they become due, the securities cannot be considered "general obligations."

(g) The status of a particular issue of such lease-supported bonds thus depends upon the terms of the lease involved. Where the lease is for a term of years not less than the maximum maturity of the relevant bond issue, and the State unconditionally promises to pay rentals sufficient to cover all payments on the bonds as they become due, the bonds ordinarily will qualify as "general obligations". Where the promise of the State is to pay a fixed dollar rental, the securities will not qualify as "general obligations" unless the lease provides that rental payments in amounts sufficient to service the bonds cannot be expended by the authority for any other purpose than the payment of principal and interest thereon.

(h) This interpretation is intended to indicate the circumstances in which securities isssued by public Authorities without taxing powers constitute "general obligations" that are eligible for underwriting by member banks, under R.S. 5136. The status of any particular issue can only be determined through examination of all relevant laws and contracts, in order to ascertain the actual legal and financial arrangements.

(12 U.S.C. 24, 335)

§ 250.123 Underwriting of notes payable from proceeds of subsequent sale of general obligation bonds.

(a) The Board of Governors has received inquiries whether California Bond Anticipation Notes constitute "general obligations" of the State of California within the meaning of paragraph Seventh of section 5136 of the U.S. Revised Statutes (12 U.S.C. 24).

(b) The Board understands that, in anticipation of the sale of general obligation bonds duly authorized, Finance Committees of certain public authorities of the State are empowered, under section 16736 of the Government Code of California, to direct the State Treasurer to issue Bond Anticipation Notes whenever "the committee deems it in the best interests of the State".

(c) Although there appears to be no judicial decision as to the nature of Bond Anticipation Notes under California law, the State Attorney General has issued an opinion (No. 63/182 of Nov. 8, 1963) concluding that the Notes do not constitute "a general obligation of the State in the sense that they are secured by the State General Fund and general taxing power of the State".

(d) While the California Attorney General's opinion is not controlling in a determination as to whether the Notes are "general obligations" within the meaning of section 5136, a Federal statute, it is significant in such a determination insofar as it indicates that the Notes are not secured by the State's "general powers of taxation, including property taxation", a sine qua non of "general obligations" under section 5136. (See § 250.122.)

(e) Although the Board of Governors has recognized that the pledge of the "general powers of taxation, including property taxation" may be indirect as well as direct, with respect to payment of the principal of its Bond Anticipation Notes the State of California does not commit its general taxing powers either directly or indirectly. The principal of such Notes is payable solely from the proceeds of subsequent sale of other securities, which means that the State retires the Notes through the exercise of its borrowing powers as distinct from its taxing powers.

(f) That the general obligation bonds, from the proceeds of whose sale the Notes are expected to be paid, will pledge the State's taxing powers cannot be considered an indirect pledge of that power to secure the Notes, because the pledge of the State's taxing powers attaches to the general obligation bonds only after they are sold and can in no way be utilized for the payment of the Notes. In order for obligations to be secured directly or indirectly by general taxing power, that power must be available for use, if necessary, to provide funds for the required payments of both principal and interest.

(g) The Board of Governors accordingly concludes that California Bond Anticipation Notes do not constitute general obligations within the meaning of section 5136. The Notes, therefore, would not be eligible for underwriting and dealing in by member State banks.

(12 U.S.C. 24, 335)

§ 250.140 Member bank acquisition of stock of another bank.

(a) The Board of Governors has recently considered, in several cases, whether a member bank may lawfully acquire stock of another bank. In some instances, a direct acquisition was involved; in another, the stock was to be purchased by a wholly owned subsidiary of the member bank. In one instance, the bank stock was to be purchased for cash; in others, the consideration was to consist of newly issued shares of stock of the acquiring bank. All of the cases involved acquisition of a majority of the stock of the "subsidiary" bank.

(b) The Board reaffirmed its position, originally taken shortly after enactment of the Banking Act of 1933 (1933 Federal Reserve Bulletin 449), that such acquisitions by member banks are not legally permissible. Section 5136 of the U.S. Revised Statutes (12 U.S.C. 24) forbids a national bank to purchase "for its own account * * * any shares of stock of any corporation." That prohibition is also applicable to State member banks, under section 9 of the Federal Reserve Act (12 U.S.C. 335). Legislative history and judicial interpretations in this field support the view that Congress did not intend to permit national banks or State member banks to acquire, for their own account, the stock of other banks, either directly or through intermediary corporations. The statutory prohibition applies to any voluntary acquisition of the stock of another bank, whether the consideration given for the stock consists of cash, other bank assets, or shares of stock of the acquiring bank.

(c) The Board concluded that such acquisitions would also violate the provisions of section 5155 of the Revised Statutes and section 9 of the Federal Reserve Act (12 U.S.C. 36 and 321) that prohibit the establishment of branches

by member banks except under prescribed conditions. Those provisions of law were intended to permit national banks and State member banks to operate additional banking offices only with the prior approval of the Comptroller of the Currency or the Board of Governors, respectively. When one bank owns all or a majority of the stock of another, the offices and resources of the latter are a part of the banking organization owned by, and subject to the control of, the parent bank, despite the existence of separate corporate entities. Consequently, if such acquisitions of stock were permissible, member banks could conduct banking operations through additional offices without obtaining supervisory approval, which would undermine an important regulatory purpose of the Federal statutes relating to multiple-office banking.

(d) This incompatibility with the Federal banking statutes is particularly apparent when the offices of the "subsidiary" bank are situated in places where the acquiring bank may not lawfully establish and maintain direct branches, under applicable State and Federal laws. If a bank in those circumstances could acquire an existing bank or establish a new one, it could effectively circumvent public policy and accomplish indirectly what it could not accomplish directly—namely, ownership and control of banking offices in places (even in another State) where it is forbidden by law to conduct banking operations.

(12 U.S.C. 24, 36, 321, 335)

§ 250.141 Member bank purchase of stock of "operations subsidiaries."

(a) In response to several inquiries, the Board of Governors has reexamined the question whether member banks may establish and purchase the stock of "operations subsidiaries"; that is, organizations designed to serve, in effect, as separately incorporated departments of the bank, performing functions that the bank is empowered to perform directly. That question involves the interpretation of the following provision of section 5136 of the Revised Statutes (12 U.S.C. 24), the so-called "stock-purchase prohibition":

> Except as hereinafter provided or otherwise permitted by law, nothing herein contained shall authorize the purchase by [a national bank] for its own account of any shares of stock of any corporation.

(b) The Board's reexamination has confirmed its previous position that the stock-purchase prohibition, which is made applicable to member State banks by the 20th paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 335), forbids the purchase by a member State bank "for its own account of any shares of stock of any corporation" (the statutory language), except as specifically permitted by provisions of Federal law or as comprised within the concept of "such incidental powers as shall be necessary to carry on the business of banking," referred to in the first sentence of paragraph "Seventh" of R.S. 5136.

(c) The Federal banking statutes explicitly permit the purchase of stock of a number of kinds of corporations, including stock of Federal Reserve Banks, bank premises subsidiaries, safe deposit companies, "Edge" and "Agreement" corporations, small business investment companies, bank service corporations, and certain foreign banks. In addition, it has been held that, in the process of collecting defaulted loans that were contracted in good faith, the "incidental powers" of national banks include the power to purchase corporate stock where that action constitutes a reasonable and appropriate step toward the collection of the indebtedness.

(d) In one proposal presented to the Board, the stock to be purchased would have been that of one or more corporations engaged in the business of leasing personalty to customers of the member bank and in the business of selling money orders. The Federal statutes contain no express permission for the purchase of stock of corporations of these kinds, and the Board of Governors concluded that the power to purchase the stock of such corporations may not properly be regarded as comprised within "such incidental powers as shall be necessary to carry on the business of banking", within the meaning of section 5136.

(e) One of the inquiring member banks contended that the above-cited provisions of the National Bank Act and Federal Reserve Act:

> were intended to restrict member banks in dealing in securities and stock in the sense of trading therein or in the sense of the purchase of the stock of a going concern and, perhaps, further to restrict national and member [State] banks from engaging through subsidiaries in activities in which such banks were not directly empowered to engage, but not in the sense of holding the entire stock of an operating corporation created by the bank.

Along the same lines, the contention has been advanced that the stock-purchase prohibition was intended by Congress only to prevent banks from investing depositors' funds in corporate stock for income and appreciation, in the way that banks invest in debt obligations of the Federal Government, municipalities, and private corporations.

(f) The Board did not adopt either of these constructions of the statutory provisions. Although the prevention of such investment in stocks undoubtedly was a major Congressional purpose, it appeared to the Board that the stock-purchase prohibition was intended generally to prevent the purchase of the stock of corporations, including those created to perform functions that could be performed by the bank itself. The provisions have been so interpreted and applied by the Board (and by the Comptroller of the Currency until recently) since their enactment in the Banking Act of 1933.

(g) One of the banking problems that principally concerned Congress in the early 1930's and that led to the enactment of the Banking Acts of 1933 and 1935 was the "affiliate system," including member banks' ownership of other corporations. Among the objectives of the Banking Act of 1933, as expressed by the Senate Banking Committee, was "To separate as far as possible national and member banks from affiliates of all kinds." (S. Rept. No. 77, 73d Cong., p. 10.) Together with a number of other provisions of the Banking Act of 1933, the stock-purchase prohibition of R.S. 5136 served the purpose of confining the bank-affiliate system by preventing banks from purchasing the stock of other corporations, except to the limited extent specified in that general prohibition.

(h) The Board also considered, among other contentions, the assertion that, despite the apparent intent of the terms of the pertinent statute and its legislative history, it should not be interpreted to prevent the separate incorporation of a banking department engaged in a legitimate activity. The supporting argument would be that, if a proposed course of action cannot possibly produce the evil effect at which a statutory provision was directed, a construction of the provision that would prevent such action would be unrealistic, and, by emphasizing statutory language rather than underlying purpose, would injure rather than safeguard the public interest.

(i) The Board agreed that, if a proposed course of action could not result in any evil at which a statute is aimed, interpretation of the statute to prohibit such action should be avoided, if possible. However, it appeared to the Board that this principle does not apply to the situation presented by the inquiries. Experience in the supervision of banks has revealed that the likelihood of unsafe and unsound practices, violations of law, and other developments contrary to the public interest is significantly greater when banks operate through subsidiary corporations. There appears to be an inevitable tendency for some banks, in time, to regard their subsidiary corporations as separate enterprises and thereupon to conduct their operations in a way that is unsuitable for a part of a banking enterprise, to disregard pertinent restrictions and requirements, and, in particular, to venture through their subsidiaries into activities that are beyond the powers of the parent bank. It is reasonable to infer that Congress, having in mind the predepression affiliate system, concluded that the American banking system and the general welfare would be benefited by limiting the authority of member banks to conduct their operations through separately incorporated organizations.

(12 U.S.C. 24, 335)

§ 250.142 Meaning of "obligor or maker" in determining limitation on securities investments by member State banks.

(a) From time to time the New York State Dormitory Authority offers issues of bonds with respect to each of which a different educational institution enters into an agreement to make "rental" payments to the Authority sufficient to cover interest and principal thereon when due. The Board of Governors of the Federal Reserve System has been asked whether a member State bank may invest up to 10 percent of its capital and surplus in each such issue.

(b) Paragraph Seventh of section 5136 of the U.S. Revised Statutes (12 U.S.C. 24) provides that "In no event shall the total amount of the investment securities of any one obligor or maker, held by [a national bank] for its own account, exceed at any time 10 per centum of its capital stock * * * and surplus fund". That limitation is made applicable to member State banks by the 20th paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 335).

(c) The Board considers that, within the meaning of these provisions of law, "obligor" does not include any person that acts solely as a conduit for transmission of funds received from another source, irrespective of a promise by such person to pay principal or interest on the obligation. While an obligor does not cease to be such merely because a third person has agreed to pay the obligor amounts sufficient to cover principal and interest on the obligations when due, a person that promises to pay an obligation, but as a practical matter has no resources with which to assume payment of the obligation except the amounts received from such third person, is not an "obligor" within the meaning of section 5136.

(d) Review of the New York Dormitory Authority Act (N.Y. Public Authorities Law §§ 1675–1690), the Authority's interpretation thereof, and materials with respect to the Authority's "Revenue Bonds, Mills College of Education Issue, Series A" indicates that the Authority is not an "obligor" on those and similar bonds. Although the Authority promises to make all payments of principal and interest, a bank that invests in such bonds cannot be reasonably considered as doing so in reliance on the promise and responsibility of the Authority. Despite the Authority's obligation to make payments on the bonds, if the particular college fails to perform its agreement to make rental payments to the Authority sufficient to cover all payments of bond principal and interest when due, as a practical matter the sole source of funds for payments to the bondholder is the particular college. The Authority has general borrowing power but no resources from which to assure repayment of any borrowing except from the particular colleges, and rentals received from one college may not be used to service bonds issued for another.

(e) Accordingly, the Board has concluded that each college for which the Authority issues obligations is the sole "obligor" thereon. A member State bank may therefore invest an amount up to 10 percent of its capital and surplus in the bonds of a particular college that are eligible investments under the Investment Securities Regulation of the Comptroller of the Currency (12 CFR Part 1), whether issued directly or indirectly through the Dormitory Authority.

(12 U.S.C. 24, 335)

§ 250.160 Federal funds transactions.

(a) It is the position of the Board of Governors of the Federal Reserve System that, for purposes of provisions of law administered by the Board, a transaction in Federal funds involves a loan on the part of the "selling" bank and a borrowing on the part of the "purchasing" bank.

(b) For example, for purposes of section 23A of the Federal Reserve Act (12 U.S.C. 371c), a "sale" of Federal funds by a member bank, whether State or national, to an affiliate of the member bank is subject to the limitations prescribed in that section.

(12 U.S.C. 371c)

§ 250.161 Capital notes and debentures as "capital," "capital stock," or "surplus."

(a) The Board of Governors has been presented with the question whether capital notes or debentures issued by banks, that are subordinated to deposit liabilities, may be considered as part of a bank's "capital stock," "capital," or "surplus," for purposes of various provisions of the Federal Reserve Act that impose requirements or limitations upon member banks.

(b) A "note" or "debenture" is an evidence of debt, embodying a promise to pay a certain sum of money on a specified date. Such a debt instrument issued by a commercial bank is quite different from its "stock," which evidences a proprietary or "equity" interest in the assets of the bank. Likewise, the proceeds of a note or debenture that must be repaid on a specified date cannot reasonably be regarded as "surplus funds" of the issuing corporation.

(c) Federal law (12 U.S.C. 51c) expressly provides that the term "capital," as used in provisions of law relating to the capital of national banks, shall mean "the amount of unimpaired common stock plus the amount of preferred stock outstanding and unimpaired." In addition, when Congress in 1934 deemed it desirable to permit certain notes and debentures—those sold by State banks to the Reconstruction Finance Corporation—to be considered as "capital" or "capital stock" for purposes of membership in the Federal Reserve System, Congress felt it necessary to implement that objective by a specific amendment to section 9 of the Federal Reserve Act (12 U.S.C. 321). These plain evidences of Congressional intent compel the conclusion that, for purposes of statutory limitations and requirements, "capital" notes and debentures may not properly be regarded as part or either "capital" or "capital stock."

(d) Accordingly, under the law, capital notes or debentures do not constitute "capital," "capital stock," or "surplus" for the purposes of provisions of the Federal Reserve Act, including, among others, those that limit member banks with respect to loans to affiliates (12 U.S.C. 371c), purchases of investment securities (12 U.S.C. 24, 335), investments in bank premises (12 U.S.C. 371d), loans on stock or bond collateral (12 U.S.C. 248(m)), deposits with nonmember banks (12 U.S.C. 463), and bank acceptances (12 U.S.C. 372, 373), as well as provisions that limit the amount of paper of one borrower that may be discounted by a Federal Reserve Bank for any member bank (12 U.S.C. 84, 330, 345).

(12 U.S.C. 24, 84, 248, 321, 330, 335, 345, 371c, 371d, 372, 373, 463)

§ 250.162 Whether undivided profits may be considered part of capital or surplus of member banks.

(a) The Board of Governors has been presented with the question whether a bank's undivided profits may be considered as part of its "capital stock," "capital," or "surplus" for the purposes of provisions of law imposing requirements or limitations upon member banks of the Federal Reserve System.

(b) It is obvious that undivided profits are not a part of a bank's "capital stock"; and Congress has explicitly indicated in the national banking laws that the more general term "capital" is limited to common stock and preferred stock (12 U.S.C. 51c).

(c) In the banking field, the undivided profits account traditionally represents a fluctuating amount as distinguished from the relatively fixed and permanent amount of a bank's "surplus" or "surplus fund." This distinction has been explicitly recognized by the Supreme Court of the United States:

> By incorporated banks the term [undivided profits] is commonly employed to designate the account in which profits are carried more or less temporarily, in contradistinction to the account called surplus in which are carried amounts treated as permanent capital, and which may have been derived from payments for stock in excess of par, or from profits which have been definitely devoted to use as capital. Edwards v. Douglas, 269 U.S. 204, 215 (1925)

(d) The Federal banking laws use the terms "undivided profits" and "surplus" as having different meanings. For example, with respect to the admission to membership in the Federal Reserve System of mutual savings banks having no capital stock, the Federal Reserve Act requires such a bank to have "surplus and undivided profits" not less than the amount of capital required for the organization of a national bank in the place in which the savings bank is located (12 U.S.C. 333). Similarly, various provisions of the National Bank Act distinguish between "undivided profits" and "surplus fund." Thus, a national bank may not declare dividends if its losses have exceeded its "undivided profits" (12 U.S.C. 56); and, until a national bank's "surplus fund" equals its common capital, it may not declare dividends unless a special percentage of its net profits is carried to its "surplus fund" (12 U.S.C. 60).

(e) If undivided profits were regarded as a part of a bank's surplus or "surplus fund," such provisions for transfer of

profits to surplus would be meaningless and the application of other provisions would be uncertain and impracticable. For example, subscriptions by member banks to Federal Reserve Bank stock are based upon the amount of the member bank's "capital stock and surplus" (12 U.S.C. 287), so that, if undivided profits were regarded as a part of "surplus," the amount of a bank's subscription to Reserve Bank stock would have to be increased and decreased continuously, an inconvenient and costly procedure that could not have been contemplated by Congress.

(f) It is recognized that the question whether undivided profits may be added to capital stock and surplus in calculating the lending limitations governing member banks is a matter for determination under applicable State law in the case of State banks and under the National Bank Act in the case of national banks, except as further limited by particular provisions of the Federal Reserve Act. For the reasons indicated above, it is the Board's opinion that undivided profits do not constitute "capital," "capital stock," or "surplus" for the purposes of provisions of the Federal Reserve Act, including those that limit member banks with respect to loans to affiliates (12 U.S.C. 371c), purchases of investment securities (12 U.S.C. 335), investments in bank premises (12 U.S.C. 371d), loans on stock or bond collateral (12 U.S.C. 248(m)), deposits with nonmember banks (12 U.S.C. 463), and bank acceptances (12 U.S.C. 372, 373), as well as provisions that limit the amount of paper of one borrower that may be discounted by a Federal Reserve Bank for any member bank or accepted as security for an advance to a member bank (12 U.S.C. 330, 345, 347).

(12 U.S.C. 24, 84, 248, 287, 345, 347, 371c, 371d, 372, 373, 463)

§ 250.180 Reports of changes in control of management.

(a) Under a statute enacted September 12, 1964 (Public Law 88–593; 78 Stat. 940) all insured banks are required to report promptly (1) changes in the outstanding voting stock of the bank which will result in control or in a change in control of the bank and (2) any instances where the bank makes a loan or loans, secured, or to be secured, by 25 percent or more of the outstanding voting stock of an insured bank.

(b) Reports concerning changes in control of a State member bank are to be made by the president or other chief executive officer of the bank, and shall be submitted to the Federal Reserve Bank of its district.

(c) Reports concerning loans by an insured bank on the stock of a State member bank are to be made by the president or other chief executive officer of the lending bank, and shall be submitted to the Federal Reserve Bank of the State member bank on the stock of which the loan was made.

(d) Paragraphs 3 and 4 of this legislation specify the information required in the reports which, in cases involving State member banks, should be addressed to the Vice President in Charge of Examinations of the appropriate Federal Reserve Bank.

(12 U.S.C. 1817)

§ 250.181 Reports of change in control of bank management incident to a merger.

(a) A State member bank has inquired whether Public Law 88–593 (78 Stat. 940) requires reports of change in control of bank management in situations where the change occurs as an incident in a merger.

(b) Under the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), no bank with Federal deposit insurance may merge or consolidate with, or acquire the assets of, or assume the liability to pay deposits in, any other insured bank without prior approval of the appropriate Federal bank supervisory agency. Where the bank resulting from any such transaction is a State member bank, the Board of Governors is the agency that must pass on the transaction. In the course of consideration of such an application, the Board would, of necessity, acquire knowledge of any change in control of management that might result. Information concerning any such change in control of management is supplied with each merger application and, in the circumstances, it is the view of the Board that the receipt of such information in connection with a merger application constitutes compliance with Public Law 88–593. However, once a merger has been approved and completely effectuated, the resulting bank would thereafter be subject to the reporting requirements of Public Law 88–593.

(12 U.S.C. 1817)

§ 250.200 Investment in bank premises by holding company banks.

(a) The Board of Governors has been asked whether, in determining under section 24A of the Federal Reserve Act (12 U.S.C. 371d) how much may be invested in bank premises without prior Board approval, a State member bank, which is owned by a registered bank holding company, is required to include indebtedness of a corporation, wholly owned by the holding company, that is engaged in holding premises of banks in the holding company system.

(b) Section 24A provides, in part, as follows:

> Hereafter * * * no State member bank, without the approval of the Board of Governors of the Federal Reserve System, shall (1) invest in bank premises, or in the stock, bonds, debentures, or other such obligations of any corporation holding the premises of such bank or (2) make loans to or upon the security of the stock of any such corporation, if the aggregate of all such investments and loans, together with the amount of any indebtedness incurred by any such corporation which is an affiliate of the bank, as defined in section 2 of the Banking Act of 1933, as amended [12 U.S.C. 221a], will exceed the amount of the capital stock of such banks.

(c) A corporation that is owned by a holding company is an "affiliate of each of the holding company's majority-owned banks as that term is defined in said section 2. Therefore, under the explicit provisions of section 24A, each State member bank, any part of whose premises is owned by such an affiliate, must include the affiliate's total indebtedness in determining whether a proposed premises investment by the bank would cause the aggregate figure to exceed the amount of the bank's capital stock, so that the Board's prior approval would be required. Where the affiliate holds the premises of a number of the holding company's banks, the amount of the affiliate's indebtedness may be so large that Board approval is required for every proposed investment in bank premises by each majority-owned State member bank, to which the entire indebtedness of the affiliate is required to be attributed. The Board believes that, in these circumstances, individual approvals are not essential to effectuate the purpose of section 24A, which is to safeguard the soundness and liquidity of member banks, and that the protection sought by Congress can be achieved by a suitably circumscribed general approval.

(d) Accordingly the Board hereby grants general approval for any investment or loan (as described in section 24A) by any State member bank, the majority of the stock of which is owned by a registered bank holding company, if the proposed investment or loan will not cause either (1) all such investments and loans by the member bank (together with the indebtedness of any bank premises subsidiary thereof) to exceed 100 percent of the bank's capital stock, or (2) the aggregate of such investments and loans by all of the holding company's subsidiary banks (together with the indebtedness of any bank premises affiliates thereof) to exceed 100 percent of the aggregate capital stock of said banks.

(12 U.S.C. 221a, 371d)

§ 250.220 Whether member bank acting as trustee is prohibited by section 20 of the Banking Act of 1933 from acquiring majority of shares of mutual fund.

(a) The Board recently considered whether section 20 of the Banking Act of 1933 (12 U.S.C. 377) would prohibit a member bank, while acting as trustee of a tax exempt employee benefit trust or trusts, from, under the following circumstances, acquiring a majority of the shares of an open-end investment company ("Fund") registered under the Investment Company Act of 1940, or more than 50 percent of the number of Fund's shares voted at the preceding election of directors of the Fund.

(b) The bank has acted as trustee, since December 1963, pursuant to a trust agreement with a county medical society to administer its group retirement program, under which individual members of the society could participate in accordance with the provisions of the Self-Employed Individuals Tax Retirement Act of 1962 (commonly referred to as "H.R. 10").

(c) Under the trust agreement as presently constituted, each employer, who is a participating member of the medical society, directs the bank to invest his contributions to the retirement plan in such proportions as he may elect in insurance or annuity contracts or in a diversified portfolio of securities and other property. The diversified portfolio held by the bank is invested and administered by the bank solely at the direction of a committee of the medical society.

(d) It has now been proposed that the trust agreement be amended to provide that all investments constituting the trust fund, apart from insurance and annuity contracts, will be made exclusively in shares of a single open-end investment company to be named in the trust agreement and that the assets constituting the diversified portfolio now held by the bank, as trustee, will be exchanged for the Fund's shares. The bank will, in addition to holding the shares of the Fund, allocate income and dividends to the accounts of the various participants in the retirement program, invest and reinvest income and dividends, and perform other ministerial functions.

(e) In addition, it is proposed to amend the trust agreement so that voting of the shares held by the bank as trustee will be controlled exclusively by the participants. Under the proposed amendment, the bank will sign all proxies prior to mailing them to the participants, "it being intended that the Participant(s) shall vote the proxies notwithstanding the fact that the Trustee is the owner of the shares * * *".

(f) The bank believes that amendments are now under consideration that will also require investment of the assets of these plans exclusively in the Fund's shares. Accordingly, the bank may eventually own the Fund's shares in several separate trust accounts and in an aggregate amount equal to a majority of the Fund's shares.

(g) Section 20 of the Banking Act of 1933 provides in relevant part that "no member bank shall be affiliated in any manner described in section 2(b) hereof with any corporation * * * engaged principally in the issue, flotation, underwriting, public sale, or distribution at wholesale or retail or through syndicate participation of stocks * * * or other securities: * * *".

(h) Section 2(b) defines the term "affiliate" to include "any corporation, business trust, association or other similar organization (1) Of which a member bank, directly or indirectly, owns or controls either a majority of the voting shares or more than 50 per centum of the number of shares voted for the election of its directors, trustees, or other persons exercising similar functions at the preceding election, or controls in any manner the election of a majority of its directors, trustees, or other persons exercising similar functions; * * *".

(i) The Board has previously taken the position, in an interpretation involving the term "affiliate" under the Banking Act of 1933, that it would not require a member bank to obtain and publish a report of a corporation the majority of the stock of which is held by the member bank as executor or trustee, provided that the member bank holds such stock subject to control by a court or by a beneficiary or other principal and that the member bank may not lawfully exercise control of such stock independently of any order or direction of a court, beneficiary or other principal. 1933 Federal Reserve Bulletin 651. The rationale of that interpretation—which was reaffirmed by the Board in 1957—would appear to be equally applicable to the facts in the present case. In the circumstances, and on the basis of the Board's understanding that the bank will not vote any of Fund's shares or control in any manner the election of any of its directors, trustees, or other persons exercising similar functions, the Board has concluded that the situation in question would not fall within the purpose or coverage of section 20 of the Banking Act of 1933 and, therefore, would not involve a violation of the statute.

Dated at Washington, D.C., the third day of July 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68–8113; Filed, July 9, 1968; 8:45 a.m.]

[Reg. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

Computation of Interest

§ 217.145 Payment of interest on basis that 360 days equals 1 year.

(a) The question has arisen whether a member bank may pay interest on 1-year deposits on the basis that 360 days entities a depositor to a full year's interest and add interest at the maximum permissible rate on the type of deposit in question for the remaining days (5 or 6) of the calendar year. Under such a practice, the depositor would, in effect, receive 370 days of interest on the deposit in one year.

(b) The Board of Governors considers that practices of this type violate Regulation Q. Such regulation does not authorize a bank to use "grace periods" in computing interest on time deposits at the maximum permissible rate. In other words, the terms of Regulation Q are not designed to permit a bank to pay interest at the maximum rate for more days than funds are on deposit.

(c) Nevertheless, the Board of Governors has concluded that no useful purpose would be served by preventing banks from computing interest, as a matter of mathematical simplicity, on the basis that 30 days equals 1 month or one-twelfth of a year, 90 days equals 3 months or one-quarter of a year, 180 days equals 6 months or one-half of a year, or even that 360 days equals 1 year. Although it is recognized that a bank which computes interest on such a basis will be paying interest at an effective annual rate of interest slightly in excess of the applicable maximum simple interest rate compounded continuously for the number of days the funds are on deposit, the Board will disregard this insignificant violation of its regulation.

(d) However, a bank that does compute interest on the basis of 360 days equals 1 year, or the like, may not add any interest computed on a daily basis. The mathematical simplicity argument supporting disregard of the violation that arises from the 360-days-equals-1-year basis falls with respect to such a bank.

(e) The Board also considers that it would be inappropriate for a bank to advertise an effective annual rate of interest on deposits in excess of the rate that results from computing interest at the maximum permissible simple interest rate on the type of deposit involved, compounded continuously for a full year. This means, for example, that a member bank may not advertise an effective annual rate of interest in excess of 5.13 percent on a 5 percent multiple maturity time deposit.

(12 U.S.C. 248(i). Interprets and applies 12 U.S.C. 371b)

Dated at Washington, D.C., the first day of July 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68–8112; Filed, July 9, 1968; 8:45 a.m.]

Chapter VI—Farm Credit Administration

SUBCHAPTER D—FEDERAL INTERMEDIATE CREDIT BANKS AND PRODUCTION CREDIT ASSOCIATIONS

PART 640—FEDERAL INTERMEDIATE CREDIT BANKS

Direct Loans to Production Credit Associations

Chapter VI of Title 12 of the Code of Federal Regulations is amended by revising § 640.231 (31 F.R. 16249) to read as follows:

§ 640.231 Direct loans to production credit associations.

The bank may make direct loans to production credit associations on an unsecured basis or secured by such collateral as may be approved by the Governor of the Farm Credit Administration. Except as otherwise approved by the Farm Credit Administration, the total of all direct loans (both secured and unsecured) to any production credit association shall not at any time exceed the total of its capital and surplus accounts less the total of (a) the amount of class B stock of the bank owned by the association and (b) the legal reserve of the bank allocated to the association.

(Sec. 209, 42 Stat. 1459, as amended; 12 U.S.C. 1101)

HAROLD T. MASON,
Acting Governor,
Farm Credit Administration.

[F.R. Doc. 68–8150; Filed, July 9, 1968; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter XI—Consumer and Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture

PART 1205—COTTON RESEARCH AND PROMOTION

Subpart—Cotton Board Rules and Regulations

MISCELLANEOUS AMENDMENTS

On May 15, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 7157) regarding proposed amendments of the Subpart—Cotton Board Rules and Regulations (7 CFR 1205.500–1205.540; 32 F.R. 7068).

Interested persons were given 15 days to submit written data, views, or arguments regarding the proposed amendments. Comments were received from five sources. Copies of all comments were made available to the Cotton Board. The Cotton Board requested approval of the proposed amendments without change.

After consideration of the data, views, and arguments which were filed, the Cotton Board's request for approval, and all other relevant matters, the regulations are hereby amended as hereinafter set forth:

1. In § 1205.520, the first sentence of paragraph (b) is amended by adding the words "by such producer" at the end of the first sentence and as amended reads as follows:

§ 1205.520 Procedure for obtaining refund.

* * * * *

(b) *Submission of refund application to Cotton Board.* Any producer requesting a refund shall mail an application on the prescribed form to the Cotton Board within 90 days from the date the assessment was paid on the cotton by such producer. * * *

* * * * *

2. Section 1205.530 is revised to read as follows:

§ 1205.530 Gin reports and reporting schedule.

(a) *Gin reports.* Each year each cotton gin in the United States shall submit reports to the Cotton Board on forms or certificates made available or approved by the Cotton Board as follows:

(1) *End-of-season report.* Except as provided in subparagraph (2) of this paragraph, each gin shall report to the Cotton Board an alphabetical listing of producer names, their addresses, and the number of bales ginned for each such producer during its ginning season.

(2) *Certificate in lieu of end-of-season report.* If a gin is the collecting handler on every bale ginned at such gin and collecting handler reports and remittances of assessments have been made in accordance with § 1205.513, a certification to that effect may be made to the Cotton Board in lieu of an end-of-season report.

(b) *Reporting schedule.* The schedule for submitting gin reports is as follows:

(1) Each gin that completes ginning operations prior to January 16 shall make a report to the Cotton Board within 10 days after completion of ginning.

(2) Each gin that operates on or after January 16 will make a report to the Cotton Board not later than January 25 covering bales ginned through January 15.

(3) Each gin that operates after January 15 shall make a supplemental report to the Cotton Board within 10 days after the close of ginning operations covering bales ginned after January 15.

Effective date. This amendment shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Signed at Memphis, Tenn., this 28th day of June 1968.

GEORGE C. CORTRIGHT,
Chairman, Cotton Board.

Approved at Washington, D.C., this third day of July 1968.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

Attest:

CARLTON H. POWER,
Assistant Secretary, Cotton Board.

[F.R. Doc. 68-8146; Filed, July 9, 1968; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 68-WE-21-AD; Amdt. 39-618]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model D55, 56TC and E95 Airplanes

Pursuant to the authority delegated to me by the Administrator (14 CFR 11.81), an airworthiness directive (AD) was adopted on May 29, 1968, and made effective by telegram immediately to all known owners of Beech Model D55, 56TC and E95 airplanes equipped with Beechcraft pneumatic de-icer system and Beechcraft Model B5 Autopilot (manufactured as Brittain Model B-5P). The AD requires that the Beechcraft Model B5 autopilot must not be operated simultaneously with the Beechcraft pneumatic de-icer system.

Telegraphic issuance of this directive was necessitated because of an unsafe condition wherein the simultaneous operation of the Model B5 Autopilot and the pneumatic de-icer system might cause the airplane to exceed the structural limits.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known owners of Beech Model D55, 56TC, and E95 airplanes. This condition still exists and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.81), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BEECH. Applies to Model D55, 56TC and E95 airplanes equipped with Beechcraft pneumatic de-icer system and Beechcraft Model B5 Autopilot (manufactured as Brittain Model B-5P).

Compliance required as indicated.

An unsafe condition exists wherein the simultaneous operation of the Model B5 Autopilot and the pneumatic de-icer system might cause the airplane to exceed the structural limits. Since a potential unsafe condition exists, the following operating limitations are prescribed for all affected aircraft:

A. Aircraft must not be operated with Beechcraft Model B5 Autopilot and Beechcraft pneumatic de-icer system operating simultaneously.

B. Within the next 10 hours time in service after receipt of the telegram a placard must be installed in clear view of the pilot near the autopilot controller stating as follows: "Autopilot must be turned OFF whenever the de-icer system is ON."

C. Placard is to remain installed in aircraft until such time as Brittain Industries, Inc., Service Bulletin No. 68-1, Revision A, or a satisfactory equivalent modification approved by the Chief, Aircraft Engineering Division, FAA, Western Region, has been accomplished and incorporated into the autopilot system.

This amendment becomes effective on July 10, 1968, for all persons except those to whom it was made effective immediately by telegram dated May 29, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Los Angeles, Calif., on June 28, 1968.

LEE E. WARREN,
Acting Regional Director, FAA Western Region.

[F.R. Doc. 68-8181; Filed, July 9, 1968; 8:51 a.m.]

[Airworthiness Docket No. 68-WE-22-AD; Amdt. 39-620]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

There has been a recent malfunction of the main landing gear downlock actuating system on a Boeing Model 727 airplane which caused the main landing gear on one side of the airplane to be jammed by the gear door in the partially retracted position. That malfunction resulted from the rotation of a bellcrank on a torque tube. There is adequate reason to conclude that such a deficiency may exist in the torque tube assembly on other Model 727 airplanes. Accordingly, it is necessary to require inspection or rework to minimize the probability of recurrence of the malfunction.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.81), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

BOEING. Applies to all Model 727 Series Airplanes.

a. Unless already accomplished, within the next 250 hours time in service after the effective date of this AD, install in each main landing gear downlock actuating system, a torque tube assembly, Boeing P/N 65-26921 in which the brazed joint at each end has been inspected and found to be acceptable in the manner described in Boeing Alert Service Bulletin No. 32-160 dated July 1, 1968, or later FAA-approved revision, or which has been modified to incorporate special structural fasteners in the locations and in the manner described in that Bulletin or in another manner approved by the Chief, Aircraft Engineering Division, FAA Western Region.

b. Prior to return to service following the replacement of any torque tube assembly, Boeing P/N. 65-26921, inspect the replacement assembly of the same part number in the manner described in Boeing Alert Service Bulletin No. 32-160 dated July 1, 1968, or later FAA-approved revision, unless the assembly has been modified to install structural fasteners in the manner prescribed in *a*, above, or unless there is conclusive evidence that the assembly has been inspected in the manner described in Boeing Service Bulletin No. 32-160 dated July 1, 1968, or later FAA-approved revision, and found to be satisfactory.

NOTE: Conclusive evidence may consist of markings or other identification placed on the assembly by the airplane manufacturer or airplane operator, when it is known that such marking or identification verifies compliance with the prescribed inspection and acceptance requirement.

c. Airplanes inspected and found to have downlock torque tube assemblies with unacceptable brazed joints may be flown in accordance with FAR 21.97 and with landing gear extended and locked to a base where replacement or modification of the torque tube assembly can be accomplished.

This amendment becomes effective July 11, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Los Angeles, Calif., on July 2, 1968.

A. E. HORNING,
Acting Director, FAA Western Region.

[F.R. Doc. 68-8182; Filed, July 9, 1968; 8:51 a.m.]

[Airspace Docket No. 68-WE-22]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

On March 30, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 5223) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend VOR Federal airway No. 287 from North Bend, Oreg., 1,200 feet AGL to Medford, Oreg.

Interested persons were offered an opportunity to participate in the proposed rule making through the submission of comments. Due consideration was given to all comments received.

The Department of the Navy objected in principle to the proposed airway.

The Departments of the Navy and the Air Force both expressed concern about the increased designation of small segments of controlled airspace for en route operations with the resultant reduction of "elsewhere area" airspace available to the military and other users who have a requirement for various types of flying activity incompatible with airway route structure and procedures.

The Department of the Air Force was of the opinion that if there were supporting factors for designation of the airway sufficient to outweigh the obvious disadvantages, the adverse impact of the reduction in "elsewhere area" could be partially offset by revoking the segment of the Medford transition area extending from Medford to Rouge River Intersection.

All other comments received were favorable.

The proposed airway would make it possible to provide air traffic service to aircraft operating between Medford and North Bend during IFR weather conditions. It is the policy of the agency to provide such service where possible.

There is no known national defense activity nor known use of this airspace by other operators. Contrary to the opinions expressed by the Departments of the Navy and the Air Force, the agency believes that it would be in the public interest to provide the measure of safety attendant to air traffic services to IFR operations along this route.

Consideration was given to revocation of the segment of the Medford transition area between Medford and Rouge River Intersection. However, this controlled airspace is used for a standard instrument departure procedure from Medford and its revocation would require cancellation of the procedure with the resultant derogation to air traffic service.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., September 19, 1968, as hereinafter set forth.

Section 71.123 (33 F.R. 2009) is amended as follows: In V-287 "From North Bend, Oreg.," is deleted and "From Medford, Oreg., 12 AGL North Bend, Oreg.;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 28, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-8130; Filed, July 9, 1968; 8:46 a.m.]

[Airspace Docket No. 68-EA-35]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 6939 of the FEDERAL REGISTER for May 8, 1968, the Federal Aviation Administration published a proposed regulation which would alter the Jamestown, N.Y., transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In reviewing the proposed regulation, it was determined that there is still a need for the extension predicated on a 060° bearing from the airport. It will therefore be retained, but described by reference to the Jamestown, N.Y., RBN. In addition, the description will be rewritten.

The amendment to the proposed regulation is clarifying in nature and therefore notice and public procedure herein are unnecessary and may be made effective in less than 30 days.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., August 22, 1968, as follows:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Jamestown, N.Y., transition area and insert in lieu thereof:

JAMESTOWN, N.Y.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center of Jamestown Municipal Airport, Jamestown, N.Y. (42°09'10" N., 79°-15'30" W.); within 2 miles each side of the Jamestown VOR 071° and 251° radials, extending from the 7-mile radius area to 8 miles northeast of the VOR; and within 2 miles each side of a 053° bearing from the Jamestown, N.Y., RBN (42°11'02" N., 79°-11'15" W.) extending from the 7-mile radius area to 8 miles northeast of the RBN; within 2 miles each side of the Jamestown, N.Y., ILS localizer northeast course extending from the 7-mile radius area to 8 miles northeast of the ILS OM.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on June 24, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68-8131; Filed, July 9, 1968; 8:47 a.m.]

[Airspace Docket No. 68-EA-23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 6937 of the FEDERAL REGISTER for May 8, 1968, the Federal Aviation Administration published a proposed regulation which would alter the Covington, Ky., control zone and Cincinnati, Ohio, 700-foot floor transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., August 22, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on June 24, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Covington, Ky., control zone the coordinates "39°02'56" N., 84°39'53" W.," and insert in lieu thereof "39°02'50" N., 84°40'00" W.". Following the words "for 5 miles" add "and within 2 miles each side of the Greater Cincinnati Airport ILS localizer south course, extending from the 5-mile radius zone to the Runway 36 OM."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Cincinnati, Ohio, transition area the coordinates "39°02'56" N., 84°39'53" W.," and insert in lieu thereof "39°02'50" N., 84°40'00" W.,".

[F.R. Doc. 68-8132; Filed, July 9, 1968; 8:47 a.m.]

[Airspace Docket No. 68-SW-23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter controlled airspace in the Roswell, N. Mex., terminal area.

On May 16, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 7259) stating the Federal Aviation Administration proposed to alter the Roswell, N. Mex., control zone and transition area.

Interested persons were provided an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

A review of the proposed extensions to the Roswell, N. Mex., transition area has indicated that utilization of the Wink, Tex., VOR 322° radial (311° magnetic) would be more accurate than the 321° radial (310° magnetic) as was proposed in the notice. The airspace description is being altered accordingly by substituting the Wink, Tex., VORTAC 322° radial for the 321° radial as was initially proposed. As this correction or refinement is considered minor in nature and imposes no additional burden on the public, notice and public procedure are deemed unnecessary.

In consideration of the foregoing Part 71 of the Federal Aviation Regulations is amended, effective 0901 e.s.t., August 22, 1968, as hereinafter set forth.

In § 71.171 (33 F.R. 2120) (33 F.R. 2628), the Roswell, N. Mex., control zone is amended as follows:

ROSWELL, N. MEX.

That airspace within a 6-mile radius of the Roswell Industrial Air Center Airport (lat. 33°17'59" N., long. 104°31'48" W.); within 2 miles each side of the extended centerline of runway 3 extending from the 6-mile radius zone to the LOM; and within 2 miles each side of the extended centerline of runway 21 extending from the 6-mile radius zone to 6 miles southwest of the lift-off end of runway 21. This control zone is effective during the dates and times published in the Airman's Information Manual.

In § 71.181 (33 F.R. 2248) the Roswell, N. Mex., transition area is amended as follows:

ROSWELL, N. MEX.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 33°35'25" N., long. 104°46'45" W., thence to lat. 33°37'00" N., long. 104°20'00" W., to lat. 33°29'15" N., long. 104°10'05" W., to lat. 33°24'30" N., long. 104°07'00" W., to lat. 33°07'00" N., long. 104°12'00" W., to lat. 33°06'25" N., long. 104°32'30" W., to lat. 33°12'40" N., long. 104°43'25" W., to lat. 33°30'35" N., long. 104°49'55" W., thence to the point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 32°50'40" N., long. 105°15'00" W., thence to lat. 32°58'00" N., long. 105°09'00" W., to lat. 33°41'30" N., long. 105°09'00" W., thence clockwise via the arc of a 45-mile radius circle centered at lat. 33°17'59" N., long. 104°31'48" W., to lat. 32°33'35" N., long. 104°54'55" W., to lat. 32°40'38" N., long. 104°58'25" W., thence to the point of beginning; within 5 miles each side of the Roswell VORTAC 319° radial and the Albuquerque, N. Mex., VORTAC 128° radial extending from the 45-mile radius area to 93.5 miles northwest of the Roswell VORTAC, including that airspace within lines diverging at 4.5° from the Albuquerque VORTAC 128° radial extended to intersect with the bisector of the angle formed by the Albuquerque VORTAC 128° radial and the Roswell VORTAC 319° radial and extending from those points of intersection to the Roswell VORTAC, excluding that portion within the Corona, N. Mex., and Albuquerque, N. Mex., transition areas; within 5 miles each side of the Roswell VORTAC 051° radial extending from the 45-mile radius area to 93.5 miles northeast of the VORTAC including that airspace within lines diverging at 4.5° each side of the 051° radial from the VORTAC but excluding that portion within the Clovis, N. Mex., transition area; within 5 miles each side of the Roswell VORTAC 141° radial and of the Wink, Tex. 322° radial extending from the 45-mile radius area to 93.5 miles southeast of the Roswell VORTAC; within 5 miles each side of the Roswell VORTAC 215° radial extending from the 45-mile radius area to 93.5 miles southwest of the VORTAC, including that airspace within lines diverging at 4.5° each side of the 215° radial from the VORTAC but excluding that portion within the El Paso, Tex., transition area.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on June 27, 1968.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 68-8133; Filed, July 9, 1968; 8:47 a.m.]

[Airspace Docket No. 68-EA-62]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Federal Airway Segment

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate VOR Federal airway No. 431 segment from Keene, N.H., direct to Gardner, Mass., VOR Federal airway No. 431 is presently designated from Boston, Mass., to Gardner, Mass., and from Keene, N.H., via Glens Falls, N.Y., to the Gateway, N.Y., intersection. Action is being taken herein to designate V-431 segment as a common airway segment with V-151 between Gardner and Keene, thereby facilitating flight planning and route continuity of air traffic operating between Glens Falls and Boston.

Since this action is editorial in nature and does not require the designation of additional airspace and imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., September 19, 1968, as hereinafter set forth.

In § 71.123 (33 F.R. 2009) V-431 is amended by deleting "12 AGL Gardner. From" and substituting "12 AGL Gardner; 12 AGL" therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 28, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-8134; Filed, July 9, 1968; 8:47 a.m.]

[Airspace Docket No. 68-EA-58]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to revoke the Bristol, Pa., transition area.

The instrument approach to 3 M Airport, Bristol, Pa., has been canceled thereby withdrawing the need for the Bristol, Pa., transition area.

Since the amendment relieves a restriction and imposes no burden on any person, notice and public procedure herein are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, § 71.181 of Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, by revoking the Bristol, Pa., transition area.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on June 24, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68-8135; Filed, July 9, 1968; 8:47 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter V—Federal Water Pollution Control Administration, Department of the Interior

PART 620—WATER QUALITY STANDARDS

Adoption, Identification, and Availability of State Standards

1. Section 10(c)(1) of the Federal Water Pollution Control Act provides as follows:

> If the Governor of a State or a State water pollution control agency files, within 1 year after the date of enactment of this subsection, a letter of intent that such State, after public hearings, will before June 30, 1967, adopt (A) water quality criteria applicable to interstate waters or portions thereof within such State, and (B) a plan for the implementation and enforcement of the water quality criteria adopted, and if such criteria and plan are established in accordance with the letter of intent, and if the Secretary determines that such State criteria and plan are consistent with paragraph (3) of this subsection, such State criteria and plan shall thereafter be the water quality standards applicable to such interstate waters or portions thereof.

In accordance with that provision, the Secretary of the Interior issued regulations on January 30, 1968, at 33 F.R. 2632.

Part 620 is revised to read as follows:

Sec.
620.1 Scope and purpose.
620.2 State adoption.
620.3 Availability.
620.10 Standards adopted.

AUTHORITY: The provisions of this Part 620 issued under sec. 1, 70 Stat. 506, as amended; 33 U.S.C. 466l.

§ 620.1 Scope and purpose.

This part applies to procedures for the adoption of water quality standards pursuant to section 10(c) of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 466g(c), hereinafter the Federal Act, and identifies and describes those State-adopted water quality standards which the Secretary of the Interior, hereinafter the Secretary, has determined meet the criteria of the Federal Act.

§ 620.2 State adoption.

(a) Water quality standards consisting of water quality criteria and a plan for the enforcement and implementation of such criteria, if adopted by a State after notice and public hearing, and if determined by the Secretary to be such standards as will protect the public health or welfare, enhance the quality of water and serve the purposes of the Federal Act, shall thereafter be the water quality standards applicable to the interstate waters or portions thereof for which adopted.

(b) Determination by the Secretary that State-adopted water quality standards meet the criteria of paragraph (a) of this section shall be published in the FEDERAL REGISTER. Documents containing such standards shall be incorporated by reference into this part.

§ 620.3 Availability.

State-adopted water quality standards which the Secretary has determined meet the criteria of § 620.2 shall be available for inspection at the Regional Offices of the Federal Water Pollution Control Administration and at the Headquarters of the Federal Water Pollution Control Administration in Washington, D.C., where the official historic file of water quality standards shall be maintained.

§ 620.10 Standards adopted.

Water quality standards consisting of water quality criteria and plans of enforcement and implementation thereof which the Secretary has determined meet the criteria of section 10(c) of the Federal Act, except as otherwise noted, have been established by the States as follows:

2. Pursuant to the authority of section 10(c) of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 466g(c), the Secretary of the Interior hereby determines that the water quality standards adopted by the States listed, and contained in the documents identified in § 620.10, except as otherwise indicated, are consistent with paragraph (3) of section 10(c) of the Federal Water Pollution Control Act, as amended, and are such standards as protect the public health or welfare, enhance the quality of water and serve the purposes of the Federal Act; such standards shall hereafter be the standards applicable to the interstate waters for which adopted.

The documents containing such standards are incorporated herein and made a part hereof.

Section 620.10 is amended by adding the following:

ALABAMA

Water quality standards established by Alabama on May 5, 1967, for interstate waters subject to its jurisdiction, and which are contained in the document entitled, "Water Quality Standards for Waters of Alabama and a Plan of Implementation, June, 1967," except for temperature and dissolved oxygen criteria for those interstate waters for which shellfish harvesting, and fish and wildlife propagation are the established uses, together with appendixes and supporting documents; as amended.

ALASKA

Water quality standards established by Alaska on June 29, 1967, for interstate waters subject to its jurisdiction, and which are contained in the document entitled "Water Quality Standards for Interstate Waters Within the State of Alaska and A Plan for Implementation and Enforcement of the Criteria, June 29, 1967," as amended by "Water Quality Standards for Interstate Waters Within the State of Alaska, revised November 10, 1967," except for items 8 and 9 entitled "Sediment" and "Toxic Or Other Deleterious Substances, Pesticides and Related Organic and Inorganic Materials."

ARKANSAS

Water quality standards established by Arkansas on May 26, 1967, for interstate waters subject to its jurisdiction, and which are contained in the document entitled, "Water Quality Criteria and Plan of Implementation of the State of Arkansas, Arkansas Pollution Control Commission," consisting of one volume with six sections, section VI thereof containing criteria for interstate streams, which criteria are identified as "Regulation No. 2 of the Arkansas Pollution Control Commission," and section V thereof containing the "Implementation and Enforcement Plan," together with appendixes and supporting documents; as amended.

CONNECTICUT

Water quality standards established by Connecticut on June 19, 1967, for interstate waters subject to its jurisdiction, and which are contained in the document entitled "Water Quality Standards, State of Connecticut, Submitted to the Secretary of the Interior by the Water Resources Commission, State of Connecticut, June 28, 1967," except for the dissolved oxygen criteria for waters with a use designation of "Protection of Fish, Shellfish and Wildlife" in waters classified as "C," "CC," "SC," and "SCC"; as amended.

DELAWARE

Water quality standards established by Delaware on May 17, 1967, for interstate waters subject to its jurisdiction, and which are contained in the document entitled "Water Quality Standards For Interstate Streams, June 1967," as amended; except for treatment requirements for Delaware City and Milton, and except for dissolved oxygen criteria of 50 percent saturation where so designated for fresh waters.

DISTRICT OF COLUMBIA

Water quality standards established by the District of Columbia on June 29, 1967, for interstate waters subject to its jurisdiction, and which are contained in the document entitled "Water Quality Criteria, Implementation And Enforcement Plan, Potomac River And Tributaries, June 1967," as amended; except for temperature and dissolved oxygen criteria.

GEORGIA

Water quality standards established by Georgia in June 1967, for interstate waters subject to its jurisdiction, and which are contained in the documents entitled "Establishment of Water Quality Standards and Classifications For Interstate Waters In the State of Georgia In Compliance With the Federal Water Pollution Control Act, As Amended by the Water Quality Act of 1965—Section 10(c)(1), Under Authority of the Georgia Water Quality Control Act, Act 870, As Amended Through 1966," consisting of 11 sections, including criteria contained in "Rules of State, Water Quality Control Board, Chapter 730-3, Water Use Classifications and Water Quality Standards" adopted by the State Water Quality Control Board on April 21, 1967, and contained in section 1 of the aforesaid 11 sections, together with appendixes and supporting documents.

HAWAII

Water quality standards established by Hawaii on June 29, 1967, for interstate waters subject to its jurisdiction, and which are contained in the document entitled "Water Quality Standards, June 29 1967," including Chapter 37-A of the Public Health Regulations containing the water quality criteria, as amended.

IDAHO

Water quality standards established by Idaho in June 1967, for interstate waters subject to its jurisdiction, and which are contained in the documents entitled "Rules And Regulations For Standards of Water Quality For The Interstate Waters Of Idaho And Disposal Therein Of Sewage And Industrial Wastes," and "Implementation, Enforcement And Surveillance Plan For The Interstate Waters of Idaho," together with appendixes and supporting documents, as amended.

INDIANA

Water quality standards established by Indiana in June 1967, for interstate waters subject to its jurisdiction, and which are contained in the following documents:

1. "Report On Water Quality Criteria And Plan Of Implementation, Whitewater River Basin, June 1967," as amended.
2. "Report On Water Quality Criteria And Plan Of Implementation, St. Joseph River Basin, June 1967," as amended.
3. "Report On Water Quality Criteria And Plan Of Implementation, Maumee River Basin, June 1967," as amended.
4. "Report On Water Quality And Plan Of Implementation, Upper And Middle Wabash River Basins (Down to Terre Haute), June 1967," as amended.
5. "Report On Water Quality And Plan Of Implementation, Patoka River Basin And The Indiana Waters Of The Lower Wabash River Basin Excluding The Waters Of The White River Basin, June 1967," as amended.
6. "Report On Water Quality And Plan Of Implementation, The Indiana Waters Of The Main Stem Of The Ohio River And Its Indiana Tributary Basins Excluding The Waters Of The Wabash River Basin, June 1967," as amended.
7. "Report On Water Quality And Plan Of Implementation, Indiana Waters Of The Kankakee River Basin, June 1967," as amended.
8. "Report On Water Quality And Plan Of Implementation, Lake Michigan Basin, June 1967," as amended.

LOUISIANA

Water quality standards established by Louisiana on June 27, 1967, for interstate waters subject to its jurisdiction, and which are contained in the documents entitled "Louisiana Stream Control Commission, Baton Rouge, Louisiana, Water Quality Criteria for Waters of the State of Louisiana," and "Plan For Implementation and Enforcement of Water Quality Standards, Louisiana Stream Control Commission," together with appendixes and supporting documents, as amended; except for dissolved oxygen criteria for those interstate waters for which a use includes the propagation of acquatic life, and for which the dissolved oxygen criterion is established at "not less than 50 percent of saturation at existing water temperature."

MARYLAND

Water quality standards established by Maryland for interstate waters subject to its jurisdiction and which are contained in the documents entitled, "Water Resources Regulation 4.8, General Water Quality Criteria and Specific Water Quality Standards for All Maryland Waters," of the Maryland Water Resources Commission, May 22, 1967; and "Maryland's Water Quality Program, Maryland Plan, Binder No. 1," together with appendixes and supporting documents.

MICHIGAN

Water quality standards established by Michigan on June 28, 1967, for interstate waters subject to its jurisdiction, and which are contained in the following documents:

1. "Water Resource Uses, Present and Prospective for the St. Joseph River Basin in Michigan and Water Quality Standards and Plan of Implementation, Revised June 1967";
2. "Water Resource Uses, Present and Prospective for Lake Michigan and Water Quality Standards and Plan of Implementation, Revised June 1967";
3. "Water Resource Uses, Present and Prospective for Lake Huron and Water Quality Standards and Plan of Implementation, Revised June 1967";
4. "Water Resource Uses, Present and Prospective for St. Clair River, Lake St. Clair, Detroit River, Lake Erie, Maumee River Basin and Water Quality Standards and Plan of Implementation, Revised June 1967";
5. "Water Resource Uses, Present and Prospective for Lake Superior and the St. Marys River and Water Quality Standards and Plan of Implementation, Revised June 1967";
6. "Water Resource Uses, Present and Prospective for the Menominee and Montreal River Basins in Michigan and the Other Michigan-Wisconsin Interstate Boundary Waters and Water Quality Standards and Plan of Implementation, Revised June 1967";

as amended; except temperature criteria for waters classified for the protection of fish, wildlife and other aquatic life.

MISSISSIPPI

Water quality standards established by Mississippi on June 19, 1967, for interstate waters subject to its jurisdiction, and which are contained in the document entitled "Water Quality Standards For Interstate Waters, June 19, 1967," as amended; except for the dissolved oxygen criteria for fresh waters and open ocean waters classified for fish and wildlife or higher uses; and temperature change limits in waters classified for fish and wildlife or higher uses.

MISSOURI

Water quality standards established by Missouri in June 1967, for interstate waters subject to its jurisdiction, and which are contained in the following documents:

1. "St. Francis River, Little River, Lower Mississippi River Basin, Water Quality Standards, June 1967," as amended.
2. "Osage-Marais des Cygnes River, Lake of the Ozarks, Marmaton, and Little Osage Rivers, Missouri River Basin, Water Quality Standards, June 1967," as amended.
3. "Nishnabotna, Tarkio, West Tarkio, Nodaway, Platte, One Hundred And Two, Grand, East Fork Grand, Thompson, Little Weldon, and Charlton Rivers, Missouri River Basin, Water Quality Standards, June 1967," as amended.
4. "White, North Fork White, Spring, Eleven Point, Current and Black Rivers, White River Basin, Southwest Lower Mississippi, Water Quality Standards, June 1967," as amended.
5. "Missouri River, Water Quality Standards, June 1967," as amended; except for dissolved oxygen criteria.
6. "Mississippi River, Water Quality Standards, June 1967," as amended; except for dissolved oxygen criteria for portion below Alton Lock Dam.
7. "Big Blue River, Missouri River Basin, Water Quality Standards, June 1967," as amended.
8. "Des Moines, Fox, Wyaconda, and North Fabius Rivers, Upper Mississippi River Basin, Water Quality Standards, June 1967," as amended.
9. "Spring River, Shoal Creek, and Turkey Creek, Elk River, Buffalo Creek, and Lost Creek, Grand (Neosho) River Basin, South-West Lower Mississippi, Water Quality Standards, June 1967," as amended.

MONTANA

Water quality standards established by Montana on June 5, 1967, for interstate waters subject to its jurisdiction, and which are contained in the documents entitled "Missouri River Drainage, Water Quality Standards For The Surface Waters Of Montana," and "Columbia River Drainage, Water Quality Standards For The Surface Waters Of Montana," as amended by "Water Quality Standards For the Surface Waters Of Montana, September 27, 1967."

NEW JERSEY

Water quality standards established by New Jersey on August 10, 1964, for interstate waters subject to its jurisdiction, and which are contained in the document entitled "New Jersey State Department of Health, Division of Clean Air and Water, Water Pollution Control Program, Stream Classification, Standards of Quality—Implementation," as amended; except dissolved oxygen criteria in interstate waters classified for FW-2, FW-3, TW-1, CW-1, CW-2, and except for temperature criteria for all coastal and tidal waters, except Delaware Bay and Estuary, and except for temperature change limits for trout waters classified FW-2 and FW-3.

NEW YORK

Water quality standards established by New York for interstate waters subject to its jurisdiction, and which are contained in the following documents:

1. "Interstate Waters, Classifications, Water Quality Standards and Criteria and Implementation Plan for the Delaware River Drainage Basin, Volume I, November 1966;
2. "Interstate Waters, Classifications, Water Quality Standards and Criteria and Implementation and Enforcement Plan for the Susquehanna River Drainage Basin, Volume II, February 1967;
3. "Interstate Waters Classifications, Water Quality Standards and Criteria and Implementation and Enforcement Plan for the St. Lawrence River Basin, Volume III, May 1967;
4. "Interstate Waters, Classifications, Water Quality Standards and Criteria and Implementation Plan for the Lake Ontario Basin, Volume IV, June 1967;
5. "Interstate Waters, Classifications, Water Quality Standards and Criteria and Implementation and Enforcement Plan for the Hudson River Basin, Volume V, June 1967;
6. "Interstate Waters, Classifications, Water Quality Standards and Criteria and Implementation and Enforcement Plan for the Lake Erie-Niagara River Basin, Volume VI, June 1967;
7. "Interstate Waters, Classifications, Water Quality Standards and Criteria and Implementation and Enforcement Plan for the Allegheny River Basin, Volume VII, June 1967;
8. "Interstate Waters, Classifications, Water Quality Standards and Criteria and Implementation and Enforcement Plan for the Coastal Waters of New York State, Volume VIII, June 1967;"

together with all appendixes and attachments thereto, and all of which as amended.

NORTH CAROLINA

Water quality standards established by North Carolina on June 23, 1967, for interstate waters subject to its jurisdiction, and which are contained in the document entitled "Excerpt: North Carolina Water Quality Standards and Plan of Implementation, Interstate and Coastal Waters," as amended; except for dissolved oxygen criteria for fresh waters classified as "A," "B," and "C," and open ocean waters classified as "SA," "SB," "SC," and except for maximum temperature limit of 95° F. and temperature change limits for trout propagation waters and all "S" classes.

NORTH DAKOTA

Water quality standards established by North Dakota on May 16, 1967, for interstate waters subject to its jurisdiction, and which are contained in the document entitled "Water Quality Standards for Surface Waters of North Dakota, Plan for Implementation of Water Quality Standards," together with appendixes and supporting documents, all of which as amended; except for the Red River of the North Drainage Basin.

OHIO

Water quality standards established by Ohio in June 1967, for interstate waters subject to its jurisdiction, and which are contained in the following documents:

1. "Water Quality Standards For Great Miami, Whitewater and Wabash River Basins, June 21, 1967," as amended; except for temperature and dissolved oxygen criteria in waters classified "Aquatic Life A".
2. "Water Quality Standards For Mahoning River, Yankee and Pymatuning Creeks, and Little Beaver Creek, June 20, 1967," as amended; except for the Mahoning River and except for odor criterion for Little Beaver, Yankee, and Pymatuning Creeks, and except for temperature and dissolved oxygen criteria for waters classified "Aquatic Life A".
3. "Water Quality Standards For The Ashtabula River, Conneaut Creek, and Turkey Creek, Including Interstate Waters of Ohio-Pennsylvania, June 1967," as amended; except for temperature and dissolved oxygen criteria for waters classified "Aquatic Life A".
4. "Water Quality Standards for Interstate Waters of the Ohio River Between Ohio-West Virginia and Ohio-Kentucky, June 26, 1967," as amended; except for temperature and dissolved oxygen criteria for waters classified "Aquatic Life A".
5. "Report on Water Quality Standards For The Maumee River Basin Including Interstate Waters, June 1967," as amended; except for temperature and dissolved oxygen criteria for waters classified "Aquatic Life A".
6. "Report on Water Quality Standards For Interstate Waters Of Lake Erie, May 1967, as amended; except for temperature and dissolved oxygen criteria for waters classified "Aquatic Life A".

OKLAHOMA

Water quality standards established by Oklahoma on October 10, 1967, for interstate waters subject to its jurisdiction, and which are contained in the document entitled "Water Quality Criteria And Stream Standards For Oklahoma, 1967," as amended; except for dissolved oxygen criteria for waters with a use designated "Protection of fish and wildlife propagation, including smallmouth bass fisheries."

OREGON

Water quality standards established by Oregon on June 1, 1967, for interstate waters subject to its jurisdiction, and which are contained in the document entitled "Chapter 334, Oregon Administrative Rules, State Sanitary Authority, Division 1, Water Pollution, Subdivision 1, Standards of Quality for Public Waters of Oregon and Disposal therein of Sewage and Industrial Wastes," together with appendixes and supporting documents, all of which as amended; except section 11-021, entitled "Special Water Quality Standards for Public Waters of Goose Lake in Lake County," and section 11-023 entitled "Special Water Quality Standards for Public Waters of the Main Stem Klamath River."

PENNSYLVANIA

Water quality standards established by Pennsylvania on June 28, 1967, for interstate waters subject to its jurisdiction, and which are contained in the document entitled "Water Quality Standards For Pennsylvania's Interstate Streams, June 1967," as amended, including criteria and use classifications contained in Article 301 of the Pennsylvania Sanitary Water Board's rules and regulations.

SOUTH DAKOTA

Water quality standards established by South Dakota on February 16, 1967, for interstate waters subject to its jurisdiction, and which are contained in the document entitled "Water Quality Standards For The Surface Waters Of South Dakota, February 16, 1967," together with appendixes and supporting documents, as amended.

TENNESSEE

Water quality standards established by Tennessee on May 26, 1967, for interstate waters subject to its jurisdiction, and which are contained in the document entitled "Water Quality Criteria And Implementation Plan For State Of Tennessee," as amended; except for temperature criteria in all interstate waters classified for fish and aquatic life.

TEXAS

Water quality standards established by Texas on June 26, 1967, for interstate waters subject to its jurisdiction, and which are contained in the document entitled "State of Texas, Water Quality Requirements," as amended.

WASHINGTON

Water quality standards established by Washington on June 29, 1967, for interstate waters subject to its jurisdiction, and which are contained in the documents entitled "A Regulation Relating to Water Quality Standards for Interstate and Coastal Waters of the State of Washington and A Plan For Implementation and Enforcement of Such Standards Promulgated June 29, 1967," and "Implementation and Enforcement Plan for Interatate and Coastal Waters, June 1967," as amended by "A Regulation Relating To Water Quality Standards For Interstate and Coastal Waters of the State of Washington and a Plan For Implementation and Enforcement of Such Standards, December 4, 1967" and "Implementation and Enforcement Plan for Interstate and Coastal Waters, December 1967," together with appendixes and supporting documents, as amended.

WEST VIRGINIA

Water quality standards established by West Virginia on January 26, 1967, for interstate waters subject to its jurisdiction and which are contained in the document entitled "Report On Water Quality Criteria And Plan Of Implementation, Interstate Streams Of West Virginia," as amended; except for iron and aluminum criteria for interstate waters classified under Section 5.03 (a) of State Regulations.

WISCONSIN

Water quality standards established by Wisconsin on April 26, 1967, for interstate waters subject to its jurisdiction, and which are contained in the document entitled "Water Quality Standards For Interstate Waters With Report On Implementation And Enforcement, June 1967," including Wisconsin Administrative Code Sections RD 2.01, RD 2.02, RD 2.03, RD 3.01 through RD 3.09, together with appendixes and supporting documents.

VIRGIN ISLANDS

Water quality standards established by the Virgin Islands on July 7, 1967, for interstate waters subject to its jurisdiction, and which are contained in the document entitled "Report On Water Quality Criteria And Plan Of Implementation, Virgin Islands, United States Of America, July 1967," as amended by "Report On Water Quality Criteria And Plan Of Implementation, Virgin Islands, United States Of America, August 25, 1967."

3. The water quality standards adopted by Massachusetts, and which have been determined by the Secretary of the Interior meet the criteria of section 10(c) of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 466g(c), and which were published in the FEDERAL REGISTER of May 17, 1968 (33 F.R. 7332), are hereby added to section 620.10. The documents containing such standards are incorporated herein and made a part hereof.

Section 620.10 is amended by adding the following:

MASSACHUSETTS

Water quality standards established by Massachusetts for the interstate waters subject to its jurisdiction and which are contained in the documents entitled:

1. "Volume 1, Water Quality Standards, Laws, Policy and Standards," including "Water Quality Standards" adopted by the Commonwealth of Massachusetts Water Resources Commission, Division of Water Pollution Control, on March 3, 1967;
2. "Volume 2, Water Quality Standards, Blackstone, French and Quinebaug River Basins;
3. "Volume 3, Water Quality Standards, Housatonic and Hoosic River Basins;
4. "Volume 4, Water Quality Standards, Taunton and Ten Mile River Basins;
5. "Volume 5, Water Quality Standards, Nashua River Basin;
6. "Volume 6, Water Quality Standards, Connecticut River Basins;
7. "Volume 7, Water Quality Standards, Merrimack River Basin;
8. "Volume 8, Water Quality Standards, Coastal Waters;" together with appendixes and supporting documents.

(Sec. 1, 70 Stat. 506, as amended; 33 U.S.C. 466i)

Dated: July 3, 1968.

STEWART L. UDALL,
Secretary of the Interior.

NOTE: Incorporation by reference provisions in these regulations approved by the Director of the Federal Register on July 9, 1968.

[F.R. Doc. 68-8116; Filed, July 9, 1968; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Malathion

A petition (PP 8F0713) was filed with the Food and Drug Administration by the American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540, proposing the establishment of tolerances for residues of the insecticide malathion in or on the raw agricultural commodities grain sorghum and sorghum forage at 8 parts per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner (21 CFR 2.120), § 120.111 is amended to establish the subject tolerances by revising the third paragraph to read as follows:

§ 120.111 Malathion; tolerances for residues.

* * * * *

From preharvest application: 8 parts per million in or on apples, apricots, asparagus, avocados, barley, beans, beets (including tops), blackberries, blueberries, boysenberries, broccoli, brussels sprouts, cabbage, carrots, cauliflower, celery, cherries, collards, corn forage, cranberries, cucumbers, currants, dandelions, dates, dewberries, eggplants, endive (escarole), figs, garlic, gooseberries, grapefruit, grapes, guavas, horseradish, kale, kohlrabi, kumquats, leeks, lemons, lettuce, limes, loganberries, mangoes, melons, mushrooms, mustard greens, nectarines, oats, onions (including green onions), oranges, parsley, parsnips, passion fruit, peaches, pears, peas, peavines, peavine hay, pecans, peppermint, peppers, pineapples, plums, potatoes, prunes, pumpkins, quinces, radishes, raspberries, rice, rutabagas, rye, salsify (including tops), shallots, sorghum grain and sorghum forage, spearmint, spinach, squash (both summer and winter squash), strawberries, Swiss chard, tangelos, tangerines, tomatoes, turnips (including tops), walnuts, watercress, wheat.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: June 27, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8155; Filed, July 9, 1968; 8:49 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES: DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Foam Novelty; Exemption From Classification as Banned Hazardous Substance

The Commissioner of Food and Drugs has received a request, submitted pursuant to section 2(q)(1)(B)(i) of the Federal Hazardous Substances Act and § 191.62(c) of the regulations thereunder, to exempt the article described below from classification as a "banned hazardous substance," as defined by section 2(q)(1)(A) of the act, because the article's functional purpose requires inclusion of a hazardous substance, it bears labeling giving adequate directions and warnings for safe use, and it is intended for use by children who have attained sufficient maturity, and may reasonably be expected, to read and heed such directions and warnings.

The Commissioner has determined on the basis of the facts submitted, and other relevant information, that the requested exemption is consistent with the purpose of the act. Therefore, pursuant to the provisions of the act (sec. 2(q)(1)(B)(i), 74 Stat. 374, 80 Stat. 1304; 15 U.S.C. 1261) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 191.65(a) is amended by adding thereto a new subparagraph, as follows:

§ 191.65 Exemptions from classification as banned hazardous substances.

(a) * * *

(7) Games containing, as the sole hazardous component, a self-pressurized container of soap solution or similar foam-generating mixture provided that the foam-generating component has no hazards other than being in a self-pressurized container.

* * * * *

Notice and public procedure and delayed effective date are unnecessary prerequisities to the promulgation of this order, and I so find, since the Federal Hazardous Substances Act contemplates such exemptions under certain conditions.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 2(q)(1)(B)(i), 74 Stat. 374, 80 Stat. 1304; 15 U.S.C. 1261)

Dated: June 28, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8156; Filed, July 9, 1968; 8:49 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 4—LABOR STANDARDS FOR FEDERAL SERVICE CONTRACTS

On September 27, 1966, a revision of 29 CFR Part 4 was proposed with the subject matter of the present Part 4 included is Subpart A entitled "Service Contract Labor Standards Provisions and Procedures," and a new Subpart B entitled "Equivalents of Determined Fringe Benefits" (31 F.R. 12646). On July 8, 1967, a new Subpart C entitled "Application of the McNamara-O'Hara Service Contract Act" was proposed to be added. Comments of interested persons were invited on the new Subpart C, and additional time was given to comment on proposed Subparts A and B (32 F.R. 10132).

After consideration of all the comments received, it has been decided to adopt some of the suggested changes in Subparts A and B. In order to eliminate any conflict between § 4.4 and S.F. 98, the proposed § 4.4(a)(1) through § 4.4(a)(8) are eliminated. In their place, language is substituted making reference to S.F. 98. Another suggestion which is adopted was made by several respondents, that the requirement of intra-agency reports contained in the proposed paragraph § 4.4(b) be eliminated, as unduly burdensome. In response to several requests, the term "interested parties" is defined in § 4.6(b).

Several other changes, while not in response to specific suggestions, are made to clarify Part 4 and provide more precision in implementing the McNamara-O'Hara Service Contract Act of 1965. For example, proposed § 4.6(b)(5) is changed to conform it to an amendment to § 4.6 adopted on December 27, 1967 (32 F.R. 21037). Also, a new paragraph (n) is added to § 4.6 to incorporate a tolerance for apprentices, student-learners and handicapped workers, adopted as § 4.10 on February 28, 1967 (32 F.R. 3689), and to provide that tips may be treated under the Service Contract Act in the same manner as they are treated under the Fair Labor Standards Act of 1938. To permit compliance checks in cases where wages and fringe benefits are conformed for classes of service employees who are not included in a wage determination, paragraph (g)(5) is added to § 4.6 to require records concerning the conformed wages and fringe benefits. A new clause is added to §§ 4.6 and 4.7 to inform the parties that contracts which are subject to the Act are also subject to the interpretations expressed in Subpart C. Reference is also made to rules of practice for administrative proceedings enforcing labor standards in Federal service contracts. And, in Subpart B, the 2,000-hour standard year used for the determination of cash equivalents is changed to 2,080 in order to conform this standard with that followed for other statutes administered by the Wage and Hour and Public Contracts Divisions.

Comments regarding the interpretation of the Act as set forth in proposed Subpart C have also been given careful consideration. While it has been decided that no basic changes are required in the proposal, the section on contract modification (§ 4.143) is changed to accord with contract practices as revealed by further review, and § 4.167 is changed to conform its treatment of tips with that under the Fair Labor Standards Act of 1938 and the change in § 4.6(n)(2). Section 4.117 is changed to reflect that rates issued under section 22 of the Interstate Commerce Act will be given the same effect as published tariff rates within the exemption provided by section 7(3) of the McNamara-O'Hara Service Contract Act of 1965. Other minor changes are also made.

Effective 30 days after this document is published in the FEDERAL REGISTER, the table of contents, and Subpart A are revised to read as set forth below, and the proposed Subpart B and Subpart C are hereby adopted as proposed, subject to the changes set forth below.

1. In § 4.52 of Subpart B, the word "law" in the seventh line is changed to "statute".

2. In § 4.53(c) of Subpart B, the figure "$1.50" is changed to "$1.60" in each of the two places where it appears, and the figure "7½" is changed to "8".

3. In § 4.53(e) of Subpart B, the figure "2,000" is changed to "2,080" in each of the two places where it appears; the figure "$1.50" is changed to "$1.60" in each of the two places where it appears; the figure "$72" is changed to "$76.80"; and the figure "$.036" is changed to "$.0369."

4. In § 4.55 of Subpart B, the reference "section 7(d)" is changed to "section 7(e)" in each of the two places where it appears, and the reference "(29 U.S.C. 207(d))" is changed to "(29 U.S.C. 207(e))."

5. In Subpart C, the table of contents immediately following the subpart heading and the authority box are deleted.

6. In § 4.101 of Subpart C, the reference "§ 4.103" on the third line is changed to "§ 4.104."

7. In § 4.104 of Subpart C, paragraph symbol "(a)" for the first paragraph, and the paragraph symbols and texts of paragraphs (b), (c), (d) and (e) are deleted.

8. In § 4.112(b) of Subpart C, the reference "§ 4.6(c)(8) is changed to "§ 4.6(m)(8)", and "CFR" on the ninth line is changed to "§".

9. In § 4.113(a)(2) of Subpart C, the last sentence is changed to read as follows: "Also, any contract for professional services which is performed essentially by professional employees, with the use of service employees being only a minor factor in the performance of the contract, is not covered by the act. While the incidental employment of service employees will not render a contract for professional services subject to the act, a contract which requires the use of service employees to a substantial extent would be covered even though there is some use of professional employees in performance of the contract."

10. In § 4.117 of Subpart C, the fifth sentence is deleted, and the reference "§ 4.6(c)(9)" is changed to "§ 4.6(m)(9)".

11. In § 4.123 of Subpart C, the order of the 10th and 11th lines of paragraph (b) is reversed; the paragraph symbol "o" for the last paragraph is changed to "c"; and the reference "29 CFR 2.6" in said paragraph is changed to "29 CFR Part 70".

12. In § 4.143 of Subpart C, the phrase "by agreement of the parties" in the second and in the third sentences is deleted; the phrase "by the parties" in the fourth and in the fifth sentences is deleted; and the last two sentences are changed to read as follows: "However, contract modifications or amendments (other than contract extensions) that are unrelated to the labor requirements of a contract will not be deemed to create a new contract for purposes of the Act. In addition, only significant changes related to labor requirements will be considered as creating new contracts. This limitation on the application of the Act has been found to be a reasonable one, and necessary and proper in the public interest and to avoid serious impairment of the conduct of Government business in accordance with the provisions of section 4(b) of the Act. Also, a contract will be deemed entered into when the term of an existing contract is extended, pursuant to an option clause or otherwise, so that the contractor furnishes services over an extended period of time, rather than being granted extra time to fulfill his original commitment."

13. In § 4.144 of Subpart C, the phrases "by mutual consent" in the first sentence and "by mutual agreement" in the last sentence are deleted.

14. In § 4.153 of Subpart C, the reference "§ 4.6(b)(1)" at the end of the last sentence is changed to "§ 4.6(b)".

15. In § 4.160(a) of Subpart C, the phrase "which applies to every employer providing any contract services under a contract entered into on or after February 1, 1967 (H. Rept. No. 2004 89th Cong., 2d sess., p. 20) with the United States, or any subcontract thereunder." is deleted.

16. In § 4.164(c) of Subpart C, the reference "(See § 4.6(b)(1))" is changed to "See § 4.6(b))."

17. In § 4.167 of Subpart C, the last three sentences are changed to read as follows: "For purposes of this Act, tips may be included in wages in accordance with the regulations under the Fair Labor Standards Act, contained in Part 531. The general rule under that Act is that the amount paid a tipped employee by his employer is deemed to be increased on account of tips by an amount determined by the employer, not in excess of 50 percent of the minimum wage applicable under section 6 of that Act. Thus, the tip credit taken by an employer subject to the Service Contract Act may not exceed 80 cents per hour."

18. In § 4.173 of Subpart C, the following is added at the end: "Even where a contractor can segregate Government from non-Government work, it is necessary that he comply with the requirements of section 6(e) of the Fair Labor Standards Act discussed in § 4.160."

19. In § 4.183 of Subpart C, the reference "§ 4.6(b)(4)" is changed to "§ 4.6(e)".

20. In § 4.184 of Subpart C, the reference "§ 4.6(b)(4)" is changed to "§ 4.6(e)".

21. In § 4.185 of Subpart C, the phrase "in the performance of contracts" in the first sentence is deleted and the reference "§ 4.6(b)(6)" in the same sentence is changed to "§ 4.6(g)".

Signed at Washington, D.C., this 5th day of July 1968.

WILLARD WIRTZ,
Secretary of Labor.

Subpart A—Service Contract Labor Standards Provisions and Procedures

Sec.
4.1 Purpose and scope.
4.2 Payment of minimum wage specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 under all service contracts.
4.3 Register of wage determinations and fringe benefits.
4.4 Notice of intention to make a service contract.
4.5 Contract minimum wage determinations and fringe benefits specifications.
4.6 Labor standards clauses for Federal service contracts not exceeding $2,500.
4.7 Labor standards clause for Federal service contracts exceeding $2,500.
4.8 Notice of award.

Subpart B—Equivalents of Determined Fringe Benefits

Sec.
4.51 Discharging fringe benefit obligations by equivalent methods.
4.52 Equivalent fringe benefits.
4.53 Cash equivalents.
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Subpart C—Application of the McNamara-O'Hara Service Contract Act

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4.101 Official rulings and interpretations in this subpart.
4.102 The Act.
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4.165 Wage payments and fringe benefits in general.
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AUTHORITY: The provisions of this Part 4 issued under secs. 2(a) and 4, 79 Stat. 1034, 1035; 41 U.S.C. 351, 353, and under 5 U.S.C. 301.

Subpart A—Service Contract Labor Standards Provisions and Procedures

§ 4.1 Purpose and scope.

This part and Part 1516 of this title, which provides safety and health standards, contain the Department of Labor's rules relating to the administration of the McNamara-O'Hara Service Contract Act of 1965, referred to hereinafter as the Act. Rules of practice for administrative proceedings enforcing labor standards in Federal service contracts are contained in Part 6 of this chapter.

§ 4.2 Payment of minimum wage specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 under all service contracts.

Section 2(b)(1) of the Service Contract Act of 1965 provides in effect that, regardless of contract amount, no contractor or subcontractor performing work under any Federal contract the principal purpose of which is to furnish services through the use of service employees shall pay any of his employees engaged in such work less than the minimum wage specified in section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended ($1.60 per hour).

§ 4.3 Register of wage determinations and fringe benefits.

The Administrator of the Wage and Hour and Public Contracts Divisions will determine the minimum monetary wages and specify the fringe benefits to be furnished the various classes of service employees for the several localities in which they are to be employed under contracts subject to such determinations under the Act. These determinations and specifications will be issued as an orderly series constituting a register of such minimum wages and fringe benefits. Such a register will be available for public inspection during business hours at the national, regional, and district offices of the Wage and Hour and Public Contracts Divisions of the U.S. Department of Labor. Provisions may also be made, when practicable, for maintaining such a register at other locations where the needs of procurement agencies for the information contained therein may be better served by such action.

§ 4.4 Notice of intention to make a service contract.

(a) Not less than 30 days prior to any invitation for bids or the commencement of negotiations for any contract exceeding $2,500 which may be subject to the Act, the contracting agency shall file with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor its notice of intention to make a service contract on Standard Form 98, Notice of Intention to Make a Service Contract, completed in accordance with the instructions on the reverse thereof. Copies of Standard Form 98 are available from the General Services Administration.

(b) If exceptional circumstances prevent the filing of the notice of intention required by this section on or before a date 30 days prior to any invitation for bids or the commencement of negotiations, the notice shall be submitted to the Administrator as soon as practicable with a detailed explanation of the special circumstances which prevented timely submission.

§ 4.5 Contract minimum wage determinations and fringe benefit specifications.

Any contract agreed upon in excess of $2,500 shall contain the minimum wages and fringe benefits specified in

any applicable currently effective determination including any expressed in any document referred to in paragraph (a) or (b) of this section.

(a) Any communication from the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor responsive to the notice required by § 4.4; or

(b) Any revision of the register of wages and fringe benefits prior to the award of the contract or contracts, but revisions received by the Federal agency later than 10 days before the opening of bids, in the case of contracts entered into pursuant to competitive bidding procedures, shall not be effective except where the Federal agency finds that there is a reasonable time to notify bidders of the revision. To avoid serious impairment of the conduct of Government business, it is hereby found necessary and proper to provide exemption (1) from the determined wage and fringe benefits section of the Act (2(a) (1) and (2)), but not the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended (2(b) of this Act), of all contracts for which no such wage or fringe benefit has been determined for any class of service employees to be employed thereunder and (2) from the fringe benefits section (2(a)(2)) of all contracts and of all classes of service employees employed thereunder if no such benefits have been determined for any such class of service employees. Accordingly, such exemptions are hereby provided. These exemptions do not extend to undetermined wages or fringe benefits in contracts for which one or more, but not all, classes of service employees are the subject of an applicable wage determination. See § 4.6(b).

§ 4.6 Labor standards clauses for Federal service contracts exceeding $2,500.

The clauses set forth in the following paragraphs shall be included in every contract (and any bid specification therefor) entered into by the United States or the District of Columbia, in excess of $2,500, the principal purpose of which is to furnish services through the use of service employees:

(a) Service Contract Act of 1965: This contract, to the extent that it is of the character to which the Service Contract Act of 1965 (79 Stat. 1034, 41 U.S.C. 351) applies, is subject to the following provisions and to all other applicable provisions of the Act and the regulations of the Secretary of Labor thereunder (this Part 4).

(b) Each service employee employed in the performance of this contract by the contractor or any subcontractor shall be paid not less than the minimum monetary wage and shall be furnished fringe benefits in accordance with the wages and fringe benefits determined by the Secretary of Labor or his authorized representative, as specified in any attachment to this contract. If there is such an attachment, any class of service employees which is not listed therein, but which is to be employed under this contract, shall be classified by the contractor so as to provide a reasonable relationship between such classifications and those listed in the attachment, and shall be paid such monetary wages and furnished such fringe benefits as are determined by agreement of the interested parties, who shall be deemed to be the contracting agency, the contractor, and the employees who will perform on the contract or their representatives. If the interested parties do not agree on a classification or reclassification which is, in fact, conformable, the contracting officer shall submit the question, together with his recommendation, to the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor or his authorized representative for final determination. Failure to pay such employees the compensation agreed upon by the interested parties or finally determined by the Administrator or his authorized representative shall be a violation of this contract. No employee engaged in performing work on this contract shall in any event be paid less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended ($1.60 per hour).

(c) The contractor or subcontractor may discharge the obligation to furnish fringe benefits specified in the attachment or determined conformably thereto by furnishing any equivalent combinations of fringe benefits, or by making equivalent or differential payments in cash, pursuant to applicable rules of the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor. (Subpart B of this part.)

(d) In the absence of a minimum wage attachment for this contract, neither the contractor nor any subcontractor under this contract shall pay any of his employees performing work under the contract (regardless of whether they are service employees) less than the minimum wage specified by section 6(a)(1) of the Fair Labor Standards Act of 1938 ($1.60 per hour). However, in cases where section 6(e)(2) of the Fair Labor Standards Act of 1938 is applicable, the rates specified therein will apply. Nothing in this provision shall relieve the contractor or any subcontractor of any other obligation under law or contract for the payment of a higher wage to any employee.

(e) The contractor and any subcontractor under this contract shall notify each service employee commencing work on this contract of the minimum monetary wage and any fringe benefits required to be paid pursuant to this contract, or shall post a notice of such wages and benefits in a prominent and accessible place at the worksite, using such poster as may be provided by the Department of Labor.

(f) The contractor or subcontractor shall not permit any part of the services called for by this contract to be performed in buildings or surroundings or under working conditions provided by or under the control or supervision of the contractor or subcontractor which are unsanitary or hazardous or dangerous to the health or safety of service employees engaged to furnish these services. Except insofar as a noncompliance can be justified as provided in § 1516.1(c) of this title, this will require compliance with the applicable standards, specifications, and codes developed and published by the U.S. Department of Labor, any other agency of the United States, and any nationally recognized professional organization such as, without limitation, the following:

National Bureau of Standards, U.S. Department of Commerce.
Public Health Service, U.S. Department of Health, Education, and Welfare.
Bureau of Mines, U.S. Department of the Interior.
United States of America Standards Institute (American Standards Association).
National Fire Protection Association.
American Society of Mechanical Engineers.
American Society for Testing and Materials.
American Conference of Governmental Industrial Hygienists.

Information as to the latest standards, specifications and codes applicable to the contract is available at the office of the Director of the Bureau of Labor Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Washington, D.C. 20212, or at any of the regional offices of the Bureau of Labor Standards as follows:

1. North Atlantic Region, 341 Ninth Avenue, Room 920, New York, N.Y. 10001 (Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, New Jersey, and Puerto Rico).
2. Middle Atlantic Region, 1110–B Federal Building, Charles Center, 31 Hopkins Plaza, Baltimore, Md. 21201 (Delaware, District of Columbia, Maryland, North Carolina, Pennsylvania, Virginia, and West Virginia).
3. South Atlantic Region, 1371 Peachtree Street NE., Suite 723, Atlanta, Ga. 30309 (Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee).
4. Great Lake Region, 848 Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604 (Illinois, Indiana, Kentucky, Michigan, Minnesota, Ohio, and Wisconsin).
5. Mid-Western Region, 2100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106 (Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming).
6. Western Gulf Region, 411 North Akard Street, Room 601, Dallas, Tex. 75201 (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas).
7. Pacific Region, 10353 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, Calif. 94102 (Alaska, Arizona, California, Hawaii, Nevada, Oregon, Washington, and Guam).

(g) The contractor and each subcontractor performing work subject to the Act shall make and maintain for 3 years from the completion of the work records containing the information specified below for each employee subject to the Act and shall make them available for inspection and transcription by authorized representatives of the Administrator of the Wage and Hour and Public Contracts Divisions of the U.S. Department of Labor.

(1) His name and address.

(2) His work classification or classifications, rate or rates of monetary wages and fringe benefits provided, rate or rates

of fringe benefit payments in lieu thereof, and total daily and weekly compensation.

(3) His daily and weekly hours so worked.

(4) Any deductions, rebates, or refunds from his total daily or weekly compensation.

(5) A list of monetary wages and fringe benefits for those classes of service employees not included in the minimum wage attachment to this contract, but for which such wage rates or fringe benefits have been determined by the interested parties or by the Administrator or his authorized representative pursuant to the labor standards clause in paragraph (b) of this section. A copy of the report required by the clause in paragraph (k) of this section shall be deemed to be such a list.

(h) The contracting officer shall withhold or cause to be withheld from the Government Prime Contractor under this or any other Government contract with the prime contractor such sums as he, or an appropriate officer of the Labor Department, decides may be necessary to pay underpaid employees. Additionally, any failure to comply with the requirements of these clauses relating to the Service Contract Act of 1965 may be grounds for termination of the right to proceed with the contract work. In such event, the Government may enter into other contracts or arrangements for completion of the work, charging the contractor in default with any additional cost.

(i) The contractor agrees to insert these clauses relating to the Service Contract Act of 1965 in all subcontracts. The term "contractor" as used in these clauses in any subcontract, shall be deemed to refer to the subcontractor, except in the term "Government Prime Contractor."

(j) As used in these clauses relating to the Service Contract Act of 1965, the term "service employee" means guards, watchmen, and any person engaged in a recognized trade or craft, or other skilled mechanical craft, or in unskilled, semiskilled, or skilled manual labor occupations; and any other employee including a foreman or supervisor in a position having trade, craft, or laboring experience as the paramount requirement; and shall include all such persons regardless of any contractual relationship that may be alleged to exist between a contractor or subcontractor and such persons.

(k) If there is a wage determination attachment to this contract and one or more classes of service employees which are not listed thereon are to be employed under the contract, the contractor shall report to the contracting officer the monetary wages to be paid and the fringe benefits to be provided each such class of service employee. Such report shall be made promptly as soon as such compensation has been determined as provided in the clause in paragraph (b) of this section.

(l) All interpretations of the Service Contract Act of 1965 expressed in Subpart C of this part, are hereby incorporated by reference in this contract.

(m) These clauses relating to the Service Contract Act of 1965 shall not apply to the following:

(1) Any contract of the United States or District of Columbia for construction, alteration and/or repair, including painting and decorating of public buildings or public works;

(2) Any work required to be done in accordance with the provisions of the Walsh-Healey Public Contracts Act (49 Stat. 2036);

(3) Any contract for the carriage of freight or personnel by vessel, airplane, bus, truck, express, railway line, or oil or gas pipeline where published tariff rates are in effect, or where such carriage is subject to rates covered by section 22 of the Interstate Commerce Act;

(4) Any contract for the furnishing of services by radio, telephone, telegraph, or cable companies, subject to the Communications Act of 1934;

(5) Any contract for public utility services, including electric light and power, water, steam, and gas;

(6) Any employment contract providing for direct services to a Federal agency by an individual or individuals;

(7) Any contract with the Post Office Department, the principal purpose of which is the operation of postal contract stations.

(8) Any services to be furnished outside the United States. For geographic purposes, the "United States" is defined in section 8(d) of the Service Contract Act to include any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Outer Continental Shelf Lands as defined in the Outer Continental Shelf Lands Act, American Samoa, Guam, Wake Island, Eniwetok Atoll, Kwajalein Atoll, Johnston Island. It does not include any other territory under the jurisdiction of the United States or any United States base or possession within a foreign country.

(9) Any of the following contracts exempted from all provisions of the Service Contract Act of 1965, pursuant to section 4(b) of the Act, which exemptions the Secretary of Labor hereby finds necessary and proper in the public interest or to avoid serious impairment of the conduct of Government business: Contracts entered into by the United States with common carriers for the carriage of mail by rail, air (except air star routes), bus, and ocean vessel, where such carriage is performed on regularly scheduled runs of the trains, airplanes, buses, and vessels over regularly established routes and accounts for an insubstantial portion of the revenue therefrom.

(n) Notwithstanding any of the clauses in paragraphs (b) through (l) of this section, relating to the Service Contract Act of 1965, the following employees may be employed in accordance with the following variations, tolerances, and exemptions, which the Secretary of Labor hereby finds pursuant to section 4(b) of the Act to be necessary and proper in the public interest or to avoid serious impairment of the conduct of Government business:

(1) (i) Apprentices, student-learners, and workers whose earning capacity is impaired by age, physical, or mental deficiency or injury may be employed at wages lower than the minimum wages otherwise required by section 2(a)(1) or 2(b)(1) of the Service Contract Act of 1965, without diminishing any fringe benefits or cash payments in lieu thereof required under section 2(a)(2) of that Act, in accordance with the procedures prescribed for the employment of apprentices, student-learners, handicapped persons, and handicapped clients of sheltered workshops under section 14 of the Fair Labor Standards Act of 1938, in the regulations issued by the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor (Parts 520, 521, 524, and 525 of this title).

(ii) The Administrator will issue certificates under the Service Contract Act of 1965 for the employment of apprentices, student-learners, handicapped persons, or handicapped clients of sheltered workshops not subject to the Fair Labor Standards Act of 1938, or subject to different minimum rates of pay under the two acts, authorizing appropriate rates of minimum wages (but without changing requirements concerning fringe benefits or supplementary cash payments in lieu thereof), applying procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act of 1938 (Parts 520, 521, 524, and 525 of this title).

(iii) The Administrator will also withdraw, annul, or cancel such certificates in accordance with the regulations in Parts 525 and 528 of Title 29 of the Code of Federal Regulations.

(2) An employee engaged in an occupation in which he customarily and regularly receives more than $20 a month in tips may have the amount of his tips credited by his employer against the minimum wage required by section 2(a)(1) or section 2(b)(1) of the Act, in accordance with the regulations in Part 531 of this title: *Provided, however,* That the amount of such credit may not exceed 80 cents per hour.

§ 4.7 Labor standards clause for Federal service contracts not exceeding $2,500.

Every contract with the Federal Government which is not in excess of $2,500 but has as its principal purpose the furnishing of services through the use of service employees shall contain the following clause:

Service Contract Act of 1965. Except to the extent that an exemption, variation or tolerance would apply pursuant to 29 CFR 4.6 if this were a contract in excess of $2,500, the contractor and any subcontractor hereunder shall pay all of his employees engaged in performing work on the contract not less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended ($1.60 per hour). However, in cases where section 6(e)(2) of the Fair Labor Standards Act of 1938 is applicable, the rates specified therein will apply.

All regulations and interpretations of the Service Contract Act of 1965 expressed in 29 CFR Part 4 are hereby incorporated by reference in this contract.

§ 4.8 Notice of award.

Whenever an agency of the United States or the District of Columbia shall award a contract in excess of $2,500 subject to the Act, it shall furnish the Administrator of the Wage and Hour and Public Contracts Divisions, on the form used pursuant to 41 CFR 50–201.1201, the information required by such form.

Subpart B—Equivalents of Determined Fringe Benefits

§ 4.51 Discharging fringe benefit obligations by equivalent methods.

Section 2(a)(2) of the Act, which provides for fringe benefits that are separate from and additional to the monetary compensation required under section 2(a)(1), permits an employer to discharge his obligation to provide the specified fringe benefits by furnishing any equivalent combinations of "bona fide" fringe benefits or by making equivalent or differential payments in cash. However, credit for such payments is limited to the employer's fringe benefit obligations under section 2(a)(2), since the Act does not authorize any part of the monetary wage required by section 2(a)(1) and specified in the wage determination and the contract, to be offset by the fringe benefit payments or equivalents which are furnished or paid pursuant to section 2(a)(2).

§ 4.52 Equivalent fringe benefits.

Under this Act, fringe benefit obligations may be discharged by furnishing, in lieu of those fringe benefits determined by the Secretary and specified in the contract, other bona fide fringe benefits which the contractor or subcontractor is not required by statute to provide, or any combination of such bona fide fringe benefits: *Provided,* That they are "equivalent" in terms of monetary cost to the employer. Thus, if an applicable determination specifies that 10 cents per hour is to be paid into a pension fund, this fringe benefit obligation will be deemed to be met if instead, hospitalization benefits costing not less than 10 cents per hour are provided. The same obligation will be met if hospitalization benefits costing 5 cents an hour and holiday pay equal to 5 cents an hour in cash are provided. No benefit required to be furnished the employee by any other law, such as workmen's compensation, may be credited toward satisfying the fringe benefit requirements of the Act.

§ 4.53 Cash equivalents.

(a) Fringe benefit obligations may be discharged by paying, in addition to the monetary wage required, a cash amount per hour in lieu of the specified fringe benefits provided such amount is equivalent to the cost of the fringe benefits required. If, for example, an employee's monetary rate under an applicable determination is $1.90 an hour, and the fringe benefits to be furnished are hospitalization benefits costing 10 cents an hour and retirement benefits costing 10 cents an hour, the fringe benefit obligation is discharged if instead of furnishing the required fringe benefits the employer pays the employee, in cash, 20 cents per hour as the cash equivalent of the fringe benefits in addition to the $1.90 per hour required under the applicable wage determination.

(b) The hourly cash equivalent of those fringe benefits which are not listed in the applicable determination in terms of hourly cash amount may be obtained by mathematical computation through the use of pertinent factors such as the monetary wages paid the employee and the hours of work attributable to the period, if any, by which fringe benefits are measured in the determination. If the employee's regular rate of pay is greater than the minimum monetary wage specified in the wage determination and the contract, the former should be used for this computation, and if the fringe benefit determination does not specify any daily or weekly hours of work by which benefits should be measured, a standard 8-hour day and 40-hour week will be considered applicable. The application of these rules in typical situations is illustrated in paragraphs (c), (d), and (e) of this section.

(c) Where fringe benefits are stated as a percentage of the monetary rate, the hourly cash equivalent is determined by multiplying the stated percentage by the employee's regular or basic rate of pay. For example, if the determination calls for a 5 percent pension fund payment, and the employee is paid a monetary rate of $1.60 an hour, or if he earns $1.60 an hour on a piece-work basis in a particular workweek, the cash equivalent of that payment would be 8 cents an hour.

(d) If the determination lists a particular fringe benefit in such terms as $25 a year, or as $2 a week, the hourly cash equivalent is determined by dividing the amount stated in the determination by the number of working hours to which the amount is attributable. For example, if a determination lists a fringe benefit as "pension—$2 a week," and does not specify weekly hours, the hourly cash equivalent is 5 cents per hour, i.e., $2 divided by 40, the number of standard working hours in a week.

(e) In determining the hourly cash equivalent of those fringe benefits which are not listed in a determination in terms of hourly cash amount, but are stated, for example, as "six paid holidays per year" or "1-week paid vacation," the employee's hourly monetary rate of pay is multipied by the number of hours making up the paid holidays or vacation. Unless the hours contemplated in the fringe benefit are specified in the determination, a standard 8-hour day and 40-hour week will be considered applicable. The total annual cost so determined will be divided by 2,080, the typical number of nonovertime hours in a year of work, to arrive at the hourly cash equivalent. To illustrate, if a particular determination lists as a fringe benefit "six paid holidays per year," and the employee's hourly rate of pay is $1.60, the $1.60 is multiplied by 48 (6 days of 8 hours each) and the result, $76.80, is then divided by 2,080 to arrive at the hourly cash equivalent, $.0369 an hour. Similarly, where a determination requires 1-week's paid vacation during the year, a computation of this kind for a short term employee who does not receive the vacation with pay would be necessary to determine the cash equivalent payment to which he is entitled for the proportionate part of the vacation earned during his period of employment.

§ 4.54 Combination of equivalent fringe benefits and cash payments.

Fringe benefit obligations may be discharged by furnishing any combination of cash or fringe benefits as illustrated in §§ 4.52 and 4.53, in amounts the total of which is equivalent, under the rules there stated, to the determined fringe benefits specified in the contract.

§ 4.55 Effect of equivalents in computing overtime pay.

The Act (section 6) excludes from the regular or basic hourly rate of an employee, for purposes of determining the overtime pay to which he is entitled under any other Federal law, those fringe benefit payments computed under the Act which are excluded from the regular rate under the Fair Labor Standards Act by provisions of section 7(e) of that Act (29 U.S.C. 207(e)). Fringe benefit payments which qualify for such exclusion are described in Subpart C of Part 778 of this title. When such fringe benefits have been determined by the Secretary to be prevailing for service employees in the locality and are specified in the contract to be furnished to service employees engaged in its performance, the right to compute overtime pay in accordance with the above rule is not lost to a contractor or subcontractor because he discharges his obligation under this Act to furnish such fringe benefits through alternative equivalents as provided in this Subpart B. If he furnishes equivalent benefits or makes cash payments, or both, to such an employee as authorized herein, the amounts thereof, to the extent that they operate to discharge the employer's obligation to furnish such specified fringe benefits, may be excluded pursuant to this Act from the employee's regular or basic rate of pay in computing any overtime pay due the employee under any other Federal law. It is not necessary to consider in such a case whether such amounts would themselves be excludable under section 7(e) of the Fair Labor Standards Act. No such exclusion can operate, however, to reduce an employee's regular or basic rate of pay below the monetary wage rate specified as his minimum wage rate under section 2(a)(1) or 2(b) of this Act or under other law or by employment contract. The application of the rules set out in the regulations in this part will be considered and illustrated in the rulings and interpretations on application of this Act.

Subpart C—Application of the McNamara-O'Hara Service Contract Act

Introductory

§ 4.101 Official rulings and interpretations in this subpart.

The purpose of this subpart is to provide, pursuant to the authority cited in § 4.104 official rulings and interpretations with respect to the application of the McNamara-O'Hara Service Contract Act for the guidance of the agencies of the United States and the District of Columbia which may enter into and administer contracts subject to its provisions, the persons desiring to enter into such contracts with these agencies, and the contractors, subcontractors, and employees who perform work under such contracts. This subpart supersedes all prior rulings and interpretations issued under the Act to the extent, if any, that they may be inconsistent with rules herein stated. Principles governing the application of the Act as set forth in this subpart are clarified or amplified in particular instances by illustrations and examples based on specific fact situations. Since such illustrations and examples cannot and are not intended to be exhaustive, no inference should be drawn from the fact that a subject or illustration is omitted. If doubt arises, inquiries with respect to matters other than safety and health standards should be directed to the Administrator of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, Washington, D.C. 20210, or to any Regional or District Office of the Divisions. Safety and health inquiries should be addressed to the Director, Bureau of Labor Standards, U.S. Department of Labor, Washington, D.C. 20210, or to any Regional Office of the Bureau. A full description of the facts and any relevant documents should be submitted if an official ruling is desired.

§ 4.102 The Act.

The McNamara-O'Hara Service Contract Act of 1965 (Public Law 89–286, 79 Stat. 1034, 41 U.S.C. 351 et seq.), hereinafter referred to as the Act, was approved by the President on October 22, 1965 (1 Weekly Compilation of Presidential Documents 428). It establishes standards for minimum compensation and safety and health protection of employees performing work for contractors and subcontractors on service contracts entered into with the Federal Government and the District of Columbia. It applies to contracts entered into pursuant to negotiations concluded or invitations for bids issued on or after January 20, 1966.

§ 4.103 What the Act provides, generally.

The provisions of the Act apply to contracts, whether negotiated or advertised, the principal purpose of which is to furnish services in the United States through the use of service employees. Under its provisions, every contract subject to the Act (and any bid specification therefor) entered into by the United States or the District of Columbia in excess of $2,500 must contain stipulations requiring (a) that specified minimum monetary wages and fringe benefits determined by the Secretary of Labor (based on wage rates and fringe benefits prevailing in the locality) be paid to service employees employed by the contractor or any subcontractor in performing the services contracted for; (b) that working conditions of such employees which are under the control of the contractor or subcontractor meet safety and health standards; and (c) that notice be given to such employees of the compensation due them under the minimum wage and fringe benefits provisions of the contract. The Act does not permit the monetary wage rates specified in such a contract to be less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act, as amended (29 U.S.C. 206(a)(1)). In addition, it is a violation of the Act for any contractor or subcontractor under a Federal contract subject to the Act, regardless of the amount of the contract, to pay any of his employees engaged in performing work on the contract less than such Fair Labor Standards Act minimum wage (or, in the case of certain linen supply contractors, the alternative minimum wage provided under sec. 6(e)(2) of such Act). Contracts of $2,500 or less are not, however, required to contain the stipulations described above. These provisions of the Service Contract Act are implemented by the regulations contained in Subparts A and B of this Part 4, and are discussed in more detail in subsequent sections of this subpart.

§ 4.104 Administration of the Act.

As provided by section 4 of the Act and under provisions of sections 4 and 5 of the Walsh-Healey Public Contracts Act (49 Stat. 2036, 41 U.S.C. 38, 39) which are made expressly applicable for the purpose, the Secretary of Labor is authorized and directed to administer and enforce the provisions of the McNamara-O'Hara Service Contract Act, to make rules and regulations, issue orders, make decisions, and take other appropriate action under the Act, including the provision of reasonable limitations and the making of such rules and regulations allowing reasonable variations, tolerances, and exemptions to and from provisions of the Act as he may find necessary and proper in the public interest or to avoid serious impairment of the conduct of Government business.

Agencies Whose Contracts May Be Covered

§ 4.107 Federal contracts.

(a) Section 2(a) of the Act covers contracts (and any bid specification therefor) "entered into by the United States" and section 2(b) applies to contracts entered into "with the Federal Government." Within the meaning of these provisions, contracts entered into by the United States and contracts with the Federal Government include generally all contracts to which any agency or instrumentality of the U.S. Government becomes a party pursuant to authority derived from the Constitution and laws of the United States. The Act does not authorize any distinction in this respect between such agencies and instrumentalities on the basis of their inclusion in or independence from the executive, legislative, or judicial branches of the Government, the fact that they may be corporate in form, or the fact that payment for the contract services is not made from appropriated funds. Thus, contracts of wholly owned Government corporations, and those of nonappropriated fund instrumentalities under the jurisdiction of the Armed Forces, are included among those subject to the general coverage of the Act. Contracts with the Federal Government and contracts entered into "by the United States" within the meaning of the Act do not, however, include contracts for services entered into on their own behalf by agencies or instrumentalities of other Governments within the United States such as those of the several States and their political subdivisions, or of Puerto Rico, the Virgin Islands, Guam, or American Samoa.

(b) Where a Federal agency exercises its contracting authority to procure services for the Government or Government personnel, the method of procurement utilized by the contracting agency is not controlling in determining coverage of the contract as one entered into by the United States. Such contracts may be entered into by the United States either through a direct award by a Federal agency or through the exercise by another agency (whether governmental or private) of authority granted to it to procure services for or on behalf of a Federal agency. Thus, sometimes authority to enter into service contracts of the character described in the Act for and on behalf of the Government and on a cost-reimbursable basis may be delegated, for the convenience of the contracting agency, to a prime contractor with the Government under the terms of a contract having a principal purpose other than the furnishing of services through the use of service employees (as, for example, a contract to operate or manage a Federal installation or facility or a Federal program). The contracts entered into by such a prime contractor with secondary contractors for and on behalf of the Federal agency pursuant to such delegated authority, which have such services as their principal purpose, are deemed to be contracts entered into by the United States and contracts with the Federal Government within the meaning of the Act. However, service contracts entered into by Federal contractors or State or local public bodies with purveyors of services are not deemed to be entered into by the United States merely because such services are paid for with funds of the contractor or public body which have been received from the Federal Government as payment for contract work or as a grant under a Federal program. For example, a contract entered into by a municipal housing authority for tree trimming, tree removal, and landscaping for an urban renewal project financed by Federal funds is not a contract entered into by the United States and is not covered by the Service Contract Act.

§ 4.108 District of Columbia contracts.

Section 2(a) of the Act covers contracts (and any bid specification therefor) in excess of $2,500 which are "entered into by the * * * District of Columbia." The contracts of all agencies and instrumentalities which procure contract services for or on behalf of the District or under the authority of the District Government are contracts entered into by the District of Columbia within the meaning of this provision. Such contracts are also considered contracts "entered into with the Federal Government" within the meaning of section 2(b) of the Act. The legislative history indicates no intent to distinguish District of Columbia contracts from the other contracts made subject to the Act, and traditionally, under other statutes, District Government contracts have been made subject to the same labor standards provisions as contracts of other agencies and instrumentalities of the United States.

Covered Contracts Generally

§ 4.110 What contracts are covered.

The Act covers service contracts of the Federal agencies described in §§ 4.107–4.108. Except as otherwise specifically provided (see §§ 4.115 et seq.), all such contracts, the principal purpose of which is to furnish services in the United States through the use of service employees, are subject to its terms. This is true of contracts entered into by such agencies with States or their political subdivisions, as well as such contracts entered into with private employers; however, contracts between a Federal or District of Columbia agency and another such agency are not within the purview of the Act. It makes no difference in the coverage of a contract whether the contract services are procured through negotiation or through advertising for bids. Also, the mere fact that an agreement is not reduced to writing does not mean that the contract is not within the coverage of the Act. The amount of the contract is not determinative of the Act's coverage, although the requirements are different for contracts in excess of $2,500 and for contracts of a lesser amount. The Act is applicable to the contract if the principal purpose of the contract is to furnish services, if such services are to be furnished in the United States, and if service employees will be used in providing such services. These elements of coverage will be discussed separately in the following sections.

§ 4.111 Contracts "to furnish services".

(a) *"Principal purpose" as criterion.* Under its terms, the Act applies to a "contract (and any bid specification therefor) * * * the principal purpose of which is to furnish services * * *" If the principal purpose is to provide something other than services of the character contemplated by the Act and any such services which may be performed are only incidental to the performance of a contract for another purpose, the Act does not apply. However, as will be seen by examining the illustrative examples of covered contracts in §§ 4.130 et seq., no hard and fast rule can be laid down as to the precise meaning of the term "principal purpose." Whether the principal purpose of a particular contract is the furnishing of services through the use of service employees is largely a question to be determined on the basis of all the facts in each particular case. Even where tangible items of substantial value are important elements of the subject matter of the contract, the facts may show that they are of secondary import to the furnishing of services in the particular case.

(b) *Determining whether a contract is for "services", generally.* Except indirectly through the definition of "service employee" the Act does not define, or limit, the types of "services" which may be contracted for under a contract "the principal purpose of which is to furnish services". As stated in the congressional committee reports on the legislation, the types of service contracts covered by its provisions are varied. Among the examples cited are contracts for laundry and dry cleaning, for transportation of the mail, for custodial, janitorial, or guard service, for packing and crating, for food service, and for miscellaneous housekeeping services. Covered contracts for services would also include those for other types of services which may be performed through the use of the various classes of service employees included in the definition in section 8(b) of the Act (see § 4.113). Examples of some such contracts are set forth in §§ 4.130 et seq. In determining questions of contract coverage, due regard must be given to the apparent legislative intent to include generally as contracts for "services" those contracts which have as their principal purpose the procurement of something other than the construction activity described in the Davis-Bacon Act or the materials, supplies, articles, and equipment described in the Walsh-Healey Act. The Committee reports in both House and Senate, and statements made on the floor of the House, took note of the labor standards protections afforded by these two Acts to employees engaged in the performance of construction and supply contracts and observed: "The service contract is now the only remaining category of Federal contracts to which no labor standards protections apply" (H. Rept. 948, p. 1; see also S. Rept. 798, p. 1; daily Congressional Record Sept. 20, 1965, p. 23497). A similar understanding of contracts principally for "services" as embracing contracts other than those for construction or supplies is reflected in the statement of President Johnson upon signing the Act (1 Weekly Compilation of Presidential Documents, p. 428).

§ 4.112 Contracts to furnish services "in the United States."

(a) The Act covers contract services furnished "in the United States". The geographical area included in the "United States" is defined in section 8(d) as "any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Outer Continental Shelf lands as defined in the Outer Continental Shelf Lands Act, American Samoa, Guam, Wake Islands, Eniwetok Atoll, Kwajalein Atoll, Johnston Island." The definition expressly excludes any other territory under the jurisdiction of the United States (e.g. the Canal Zone) and any United States base or possession within a foreign country. Services to be performed exclusively on a vessel operating in international waters outside the geographic areas named in section 8(d) would not be services furnished "in the United States" within the meaning of the Act.

(b) A service contract to be performed in its entirety outside the geographic limits of the United States as thus defined is not covered and is not subject to the labor standards of the Act. See § 4.6(m)(8). However, if a service contract is to be performed in part within and in part without these geographic limits, the stipulations required by § 4.6 or § 4.7, as appropriate, must be included in the invitation for bids or negotiation documents and in the contract, and the labor standards must be observed with respect to that part of the contract services that is performed within these geographic limits. In such a case the requirements of the Act and of the contract clauses will not be applicable to the services furnished outside the United States.

§ 4.113 Contracts to furnish services "through the use of service employees".

(a) *Use of "service employees" in contract performance.* (1) As indicated in § 4.110, the Act covers service contracts in which "service employees" will be used in performing the services which it is the purpose of the contract to procure. A service contract otherwise subject to the Act ordinarily will meet this condition if any of the services which it is the principal purpose of the contract to obtain will be furnished through the use of any service employee or employees. Even where it is contemplated that the services (of the kind performed by service employees) will be performed individually by the contractor himself, the contract cannot be considered outside the reach of the Act unless it is known in advance that the contractor will in no event use any service employee during the term of the contract in furnishing the services called for. If the contracting officer knows when advertising for bids or concluding negotiations that no such employee will be used by the contractor in any event in providing the contract services, the Act will not be deemed applicable to the contract and the contract clauses required by § 4.6 or § 4.7 may be omitted. However, in all other cases such clauses must be included in the contract documents, for application in the event service employees are used in furnishing the services. The fact that the required services will be performed by municipal employees or employees of a State would not remove the contract from the purview of the Act, as this Act does not contain any exemption for contracts performed by such employees. Also, where the services the Government wants under the contract are principally of a type

that will require the use of service employees as defined in section 8(b) of the Act, including supervisory personnel in positions "having trade, craft, or laboring experience as the paramount requirement", the contract is not taken out of the purview of the Act by the fact that the manner in which the services of such employees are performed will be subject to the continuing overall supervision of professional personnel to whose services the Act would not be considered to apply.

(2) The coverage of the Act does not extend, however, to contracts which have as their principal purpose the procurement of a type of service in the furnishing of which no service employees will be used. A contract for medical services is an example of such a contract. So are other contracts under which the desired services called for by the Government are to be performed by bona fide executive, administrative, or professional personnel as defined in Part 541 of this title (see paragraph (b) of this section). Also, any contract for professional services which is performed essentially by professional employees, with the use of service employees being only a minor factor in the performance of the contract, is not covered by the Act. While the incidental employment of service employees will not render a contract for professional services subject to the Act, a contract which requires the use of service employees to a substantial extent would be covered even though there is some use of professional employees in performance of the contract.

(b) *"Service employees" defined.* In determining whether or not any of the contract services will be performed by service employees, the definition of "service employee" in section 8(b) of the Act is controlling. It provides:

> The term "service employee" means guards, watchmen, and any person engaged in a recognized trade or craft, or other skilled mechanical craft, or in unskilled, semiskilled, or skilled manual labor occupations; and any other employee including a foreman or supervisor in a position having trade, craft, or laboring experience as the paramount requirement; and shall include all such persons regardless of any contractual relationship that may be alleged to exist between a contractor or subcontractor and such persons.

It will be noted that the definition expressly includes certain supervisory employees. However, it is not deemed to include those employees who are employed in a bona fide executive, administrative, or professional capacity as defined in Part 541 of this title. The breadth of the definition is indicated by the fact that much of its language is identical with that in the Classification Act Amendments of 1954 (5 U.S.C. 1082(7)) defining the so-called "blue collar workers" or "wage board employees" in the Federal service. The legislative history indicates that such employees are the "counterpart" in Federal service of the contractors' employees to whom the Act was intended to extend. (H. Rept. No. 948, 89th Cong. 1st sess. p. 2.) The definition therefore includes as service employees those classes of employees described in some detail in the Handbook of Blue Collar Occupational Families and Series issued by the Civil Service Commission (the latest being October 1961). Some of the specific types of service employees who may be employed on service contracts are noted in subsequent sections which discuss the application of the Act to employees.

§ 4.114 Subcontracts.

(a) *Requirements applicable to subcontractors.* The Act's provisions apply to the performance not only of the contracts entered into with the United States or the District of Columbia which they cover but also to the performance of any subcontract thereunder. The Act and the regulations (§§ 4.6–4.7) require the Government prime contractor to agree that the required labor standards will be observed by his subcontractors as well as by himself, that the prescribed contract clauses relating thereto will be inserted in all subcontracts, and that appropriate sanctions provided under the Act may be invoked against him in the event of any failure to comply. Subcontractors responsible for violation of the contract stipulations are also liable for underpayments of wages which the stipulations require to be paid and are subject to the enforcement provisions of the Act. The payment by subcontractors to their employees, performing work on covered contracts with the Federal Government, of less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act (29 U.S.C. 206(a)(1)) is expressly prohibited, except as otherwise provided in the case of certain linen supply subcontractors under section 6(e)(2) of such Act.

(b) *"Contractor" as including "subcontractor."* Except where otherwise noted or where the term "Government prime contractor" is used, the term "contractor" as used in this Part 4 shall be deemed to include a subcontractor. The term "contractor" as used in the contract clauses required by Subpart A in any subcontract under a covered contract shall be deemed to refer to the subcontractor, or, if in a subcontract entered into by such a subcontractor, shall be deemed to refer to the lower level subcontractor.

SPECIFIC EXCLUSIONS

§ 4.115 Exemptions and exceptions generally.

The Act, in section 7, specifically excludes from its coverage certain contracts and work which might otherwise come within its terms as procurements the principal purpose of which is to furnish services through the use of service employees. In addition, as noted in § 4.104 provision is made in section 4 of the Act for administrative action by the Secretary of Labor providing reasonable limitations and allowing reasonable variations, tolerances, and exemptions to and from provisions of the Act in accordance with standards set forth in the section. These provisions of the Act apply as explained in the following discussion. The limitations stated in this subpart in defining the scope of the statutory exemptions are reasonable limitations that have been found necessary and proper in the public interest in accordance with the provisions of section (4)b of the Act.

§ 4.116 Contracts for construction activity.

(a) *General scope of exemption.* The Act, in paragraph (1) of section 7, exempts from its provisions "any contract of the United States or District of Columbia for construction, alteration and/or repair, including painting and decorating of public buildings or public works." This language corresponds to the language used in the Davis-Bacon Act to describe its coverage (40 U.S.C. 270a). The legislative history of the McNamara-O'Hara Service Contract Act indicates that the purpose of the provision is to avoid overlapping coverage of the two acts by excluding from the application of the McNamara-O'Hara Act those contracts (and any bid specification therefor) to which the Davis-Bacon Act is applicable and in the performance of which the labor standards of that Act are intended to govern the compensation payable to the employees of contractors and subcontractors on the work. (See H. Rept. 798, pp. 2, 5, and H. Rept. 948, pp. 1, 5, also Hearing, Special Subcommittee on Labor, House Committee on Education and Labor, p. 9 (89th Cong., 1st sess.).) The intent of section 7(1) is simply to exclude from the provisions of the Act those construction contracts which involve the employment of persons whose wage rates and fringe benefits are determinable under the Davis-Bacon Act.

(b) *Contracts not within exemption.* (1) Section 7(1) does not exempt contracts which, for purposes of the Davis-Bacon Act, are not considered to be of the character described by the corresponding language in that Act, and to which the provisions of such Act are therefore not applied. Such contracts are accordingly subject to the McNamara-O'Hara Act where their principal purpose is to furnish services in the United States through the use of service employees. For example, a contract for clearing timber or brush from land or for the demolition or dismantling of buildings or other structures located thereon may be a contract for construction activity subject to the Davis-Bacon Act where it appears that the clearing of the site is to be followed by the construction of a public building or public work at the same location. If, however, no further construction activity at the site is contemplated the Davis-Bacon Act may be considered inapplicable to such clearing, demolition, or dismantling work. In such event, the exemption in section 7(1) of the McNamara-O'Hara Act has no application and the contract will be subject to the Act in accordance with its general coverage provisions.

(2) Also, where the principal purpose of a contract is to furnish services in the United States through the use of service employees whose wage rates and fringe benefits are not determinable under the Davis-Bacon Act, the fact that the contract may, by a literal reading of section 7(1), be considered to come within its exemptive language does not justify an application of the exemption where this would result in no wage determinations for these employees under either Act. This is found to be a reasonable limitation on the exemption, consistent with the rule of narrow construction of exemptions from remedial statutes and with the legislative history of this Act, which is necessary and proper in the public interest, in accordance with the provisions of section 4(b) of the Act.

(3) It should be noted also that contracts in the amount of $2,000 or less and contracts to be performed in geographic areas outside the boundaries of the 50 States and the District of Columbia are not subject to the Davis-Bacon Act. Such a contract is within the general coverage provisions of the McNamara-O'Hara Act, however, if it is to be performed within the "United States" as defined in such Act and if its principal purpose is to furnish services through the use of service employees. If the contract meets these tests, it will not be deemed exempt under section 7(1) of the Act even though it calls for construction activity, since there is no suggestion in the legislative history that the Congress intended this exclusion to apply to contracts not subject to the Davis-Bacon Act or to leave employees performing such contracts outside the protection of either Act. This is found to be a reasonable limitation of the exemption which is necessary and proper in the public interest in accordance with the provisions of section 4(b) of the Act.

(c) *Partially exempt contracts.* Instances may arise in which, for the convenience of the Government, instead of awarding separate contracts for construction work subject to the Davis-Bacon Act and for services of a different type to be performed by service employees, the contracting officer may include separate specifications for each type of work in a single contract calling for the performance of both types of work. For example, a contracting agency may invite bids for the installation of a plumbing system in a public building and for the maintenance of the system for one year, under separate bid specifications. In such a case, the exemption provided by section 7(1) will be deemed applicable only to that portion of the contract which calls for construction activity subject to the Davis-Bacon Act. The contract documents are required to contain the clauses prescribed by § 4.6 for application to the contract obligation to furnish services through the use of service employees, and the provisions of the McNamara-O'Hara Act will apply to that portion of the contract. This is a reasonable limitation of the application of the exemption found to be necessary and proper in the public interest in accordance with the provisions of section 4(b) of the Act.

§ 4.117 Contracts for carriage subject to published tariff rates.

The Act, in paragraph (3) of section 7, exempts from its provisions "any contract for the carriage of freight or personnel by vessel, airplane, bus, truck, express, railway line or oil or gas pipeline where published tariff rates are in effect". In order for this exemption to be applicable, the contract must be for such carriage by a common carrier described by the terms used. It does not, for example, apply to contracts for taxicab or ambulance service, because taxicab and ambulance companies are not among the common carriers specified by the statute. Also, a contract for transportation service does not come within this exemption unless the service contracted for is actually governed by published tariff rates in effect pursuant to State or Federal law for such carriage. The contracts excluded from the reach of the Act by this exemption are typically those where there is on file with the Interstate Commerce Commission or an appropriate State or local regulatory body a tariff rate applicable to the transportation involved, and the transportation contract between the Government and the carrier is evidenced by a bill of lading citing the published tariff rate. It should be noted further that only such contracts for the carriage of "freight or personnel" are exempt. This exemption thus does not exclude any contracts for the transportation of mail from the application of the Act, because the term "freight" does not include the mail. (For an administrative exemption of certain contracts with common carriers for carriage of mail, see § 4.6(m)(g).

§ 4.118 Contracts for services of communications companies.

The Act, in paragraph (4) of section 7, exempts from its provisions "any contract for the furnishing of services by radio, telephone, telegraph, or cable companies, subject to the Communications Act of 1934." This exemption is applicable to contracts with such companies for communication services regulated under the Communications Act. It does not exempt from the Act any contracts with such companies to furnish any other kinds of services through the use of service employees.

§ 4.119 Contracts for public utility services.

The Act, in paragraph (5) of section 7, exempts from its provisions "any contract for public utility services, including electric light and power, water, steam, and gas." This exemption is applicable to contracts for such services with companies whose rates therefor are regulated under State, local, or Federal law governing operations of public utility enterprises. Contracts entered into with public utility companies to furnish services through the use of service employees, other than those subject to such rate regulation, are not exempt from the Act. Among the contracts included in the exemption would be those between Federal electric power marketing agencies and investor-owned electric utilities, Rural Electrification Administration cooperatives, municipalities and State agencies engaged in the transmission and sale of electric power and energy. (See H. Rept. No. 948, 89th Cong., 1st sess., p. 4.)

§ 4.120 Contracts for operation of postal contract stations.

The Act, in paragraph (7) of section 7, exempts from its provisions "any contract with the Post Office Department, the principal purpose of which is the operation of postal contract stations." The exemption is limited to postal service contracts having the operation of such stations as their principal purpose. A provision of the legislation which would also have exempted contracts with the Post Office Department having as their principal purpose the transportation, handling, or delivery of the mails was eliminated from the bill during its consideration by the House Committee on Education and Labor (H. Rept. 948, p. 1, 89th Cong., 1st sess.).

§ 4.121 Contracts for individual services.

The Act, in paragraph (6) of section 7, exempts from its provisions "any employment contract providing for direct services to a Federal agency by an individual or individuals." This exemption, which applies only to an "employment contract" for "direct services," makes it clear that the Act's application to Federal contracts for services is intended to be limited to service contracts entered into with independent contractors. If a contract to furnish services (to be performed by a service employee as defined in the Act) provides that they will be furnished directly to the Federal agency by the individual under conditions or circumstances which will make him an employee of the agency in providing the contract service, the exemption applies and the contract will not be subject to the Act's provisions. The exemption does not exclude from the Act any contract for services of the kind performed by service employees which is entered into with an independent contractor whose individual services will be used in performing the contract, but as noted earlier in § 4.113, such a contract would be outside the general coverage of the Act if only the contractor's individual services would be furnished and no service employee would in any event be used in its performance.

§ 4.122 Work subject to requirements of Walsh-Healey Act.

The Act, in paragraph (2) of section 7, exempts from its provisions "any work required to be done in accordance with the provisions of the Walsh-Healey Public Contracts Act (49 Stat. 2036)." It will be noted that this like the similar provision in the Contract Work Hours Standards Act (40 U.S.C. 329(b)), is an exemption for "work" rather than for "contracts" subject to the Walsh-Healey Act. The purpose of the exemption was to eliminate possible overlapping of the differing labor standards of the two Acts, which otherwise might be applied to employees performing work on a contract covered by the McNamara-O'Hara Act if such contract and their work under it should also be deemed to be covered by

the Walsh-Healey Act. The Walsh-Healey Act applies to contracts in excess of $10,000 for the manufacture or furnishing of materials, supplies, articles or equipment. There is no overlap of coverage, therefore, in the case of contracts in amounts not in excess of $10,000. Nor is there an overlap if the principal purpose of the contract is the manufacture or furnishing of such materials etc., rather than the furnishing of services of the character referred to in the McNamara-O'Hara Act, for such a contract is not within the general coverage of the latter Act. In such cases the exemption in section 7(2) is not pertinent. It is pertinent, however, in the case of contracts exceeding $10,000 which are covered by the McNamara-O'Hara Act, because they have as their principal purpose the furnishing of services through the use of service employees, and are also covered by the Walsh-Healey Act, because it applies to contracts in the required amount, irrespective of their principal purpose, if the furnishing of materials, supplies, articles, or equipment in a substantial amount is called for by the contract or is a significant or independent purpose of the contract. Under such contracts, the "work required to be done in accordance with the provisions of the Walsh-Healey Public Contracts Act," which is exempted by section 7(2), includes only the work of those employees who are "engaged in or connected with the manufacture, fabrication, assembling, handling, supervision, or shipment of materials, supplies, articles, or equipment required under the contract" (41 CFR 50–201.102). Service employees engaged in such work on a contract covered by both Acts are thus exempt under section 7(2) from the provisions of the McNamara-O'Hara Act and subject only to the provisions of the Walsh-Healey Act, while other employees such as guards, watchmen, and employees performing only general office or clerical work are not covered by the Walsh-Healey Act or within this exemption, and are covered by the provisions of the McNamara-O'Hara Act when performing work on a contract subject to its terms.

§ 4.123 Administrative limitations, variations, tolerances, and exemptions.

(a) *Authority of the Secretary.* The Act, in section 4(b) authorizes the Secretary to "provide such reasonable limitations" and to "make such rules and regulations allowing reasonable variations, tolerances, and exemptions to and from any or all provisions of this Act as he may find necessary and proper in the public interest or to avoid serious impairment of the conduct of Government business." This authority is similar to that vested in the Secretary under section 6 of the Walsh-Healey Public Contracts Act (41 U.S.C. 40) and under section 105 of the Contract Work Hours Standards Act (40 U.S.C. 331).

(b) *Administrative action under section 4(b) of the Act.* The authority conferred on the Secretary by section 4(b) of the Act will be exercised with due regard to the remedial purpose of the statute to protect prevailing labor standards and to avoid the undercutting of such standards which could result from the award of Government work to contractors who will not observe such standards, and whose saving in labor cost therefrom enables them to offer a lower price to the Government than can be offered by the fair employers who maintain the prevailing standards. Administrative action consistent with this statutory purpose may be taken under section 4(b) with or without a request therefor, when found necessary and proper in accordance with the statutory standards. No formal procedures have been prescribed for requesting such action. However, a request for exemption from the Act's provisions will be granted only upon a strong and affirmative showing that it is necessary and proper in the public interest or to avoid serious impairment of Government business. If the request for administrative action under section 4(b) is not made by the headquarters office of the contracting agency to which the contract services are to be provided, the views of such office on the matter should be obtained and submitted with the request or the contracting officer may forward such a request through channels to the agency headquarters for submission with the latter's views to the Administrator of the Wage and Hour and Public Contracts Divisions, Department of Labor.

(c) *Documentation of official action under section 4(b).* All papers and documents made a part of the official record of administrative action pursuant to section 4(b) of the Act are available for public inspection in accordance with the regulations in 29 CFR Part 70. Limitations, variations, tolerances and exemptions of general applicability and legal effect promulgated pursuant to such authority are published in the FEDERAL REGISTER and made a part of the rules incorporated in this Part 4. For convenience in use of the rules they are set forth in the sections of this part covering the subject matter to which they relate, rather than as a separate listing. (See, for example, the exemption provided in § 4.5(b) and the limitations set forth in §§ 4.115 et seq.) Any rules that are promulgated under section 4(b) of the Act relating to subject matter not dealt with elsewhere in this Part 4 will be set forth immediately following this paragraph.

PARTICULAR APPLICATIONS OF CONTRACT COVERAGE PRINCIPLES

§ 4.130 Types of covered service contracts illustrated.

The types of contracts, the principal purpose of which is to furnish services through the use of service employees, are too numerous and varied to permit an exhaustive listing. The following list is illustrative, however, of the types of services called for by such contracts that have been found to come within the coverage of the Act.

(a) Aerial spraying.
(b) Aerial reconnaissance for fire detection.
(c) Ambulance service.
(d) Cafeteria and food service.
(e) Chemical testing and analysis.
(f) Clothing alteration and repair.
(g) Custodial and janitorial services.
(h) Electronic equipment maintenance and operation.
(i) Flight training.
(j) Forest fire fighting.
(k) Geological field surveys.
(l) Grounds maintenance.
(m) Guard or watchman service.
(n) Landscaping (other than part of construction).
(o) Laundry and dry cleaning.
(p) Linen supply service.
(q) Lodging and meals.
(r) Mail hauling.
(s) Maintenance and repair of motor equipment.
(t) Maintenance and repair of office equipment.
(u) Miscellaneous housekeeping.
(v) Motor Pool operation.
(w) Packing and crating.
(x) Parking services.
(y) Snow removal.
(z) Stenographic reporting.
(aa) Support services at military installations.
(bb) Taxicab services.
(cc) Tire and tube repairs.
(dd) Transporting property or personnel (except as explained in § 4.117).
(ee) Trash and garbage removal.
(ff) Warehousing or storage.
(gg) Drafting and illustrating.
(hh) Mortuary services.

§ 4.131 Furnishing services involving more than use of labor.

(a) If the principal purpose of a contract is to furnish services in the performance of which service employees will be used, the Act will apply to the contract, in the absence of an exemption, even though the use of nonlabor items may be an important element in the furnishing of the services called for by its terms. The Act is concerned with protecting the labor standards of workers engaged in performing such contracts, and is applicable if the statutory coverage test is met, regardless of the proportion of the labor cost to the total cost of furnishing the contract services, the form in which the contract is drafted, or the necessity of providing tangible nonlabor items in performing the contract obligations. A procurement that requires tangible items to be supplied as a part of the service furnished is covered by the Act so long as the facts show that the contract is chiefly for services, and that the furnishing of tangible items is of secondary importance.

(b) Some examples of covered contracts illustrating these principles may be helpful. One such example is a contract for the maintenance and repair of typewriters. Such a contract may require the contractor to furnish typewriter parts, as the need arises, in performing the contract services. Since this does not change the principal purpose of the contract, which is to furnish the maintenance and repair services through the use of service employees, the contract remains subject to the Act.

The same is true of contracts for maintenance or repair of motor vehicles or other equipment. (As noted in § 4.122, if such contracts exceed $10,000 in amount, the Walsh-Healey Public Contracts Act may also apply to them, in which event the employees performing work required to be done in accordance with its provisions would be exempt from the application of the Service Contract Act.)

(c) Another example of the application of the above principle is a contract for the recurrent supply to a Government agency of freshly laundered items on a rental basis. It is plain from the legislative history that such a contract is typical of those intended to be covered by the Act. Although tangible items owned by the contractor are provided on a rental basis for the use of the Government, the service furnished by the contractor in making them available for such use when and where they are needed, through the use of service employees who launder and deliver them, is the principal purpose of the contract. Similarly, a contract in the form of rental of equipment with operators for the plowing and reseeding of a park area is a service contract. The Act applies to it because its principal purpose is the service of plowing and reseeding, which will be performed by service employees, although as a necessary incident the contractor is required to furnish equipment. For like reasons the contracts for aerial spraying and aerial reconnaissance listed in § 4.130 are covered, even though the use of airplanes, an expensive item of equipment, is essential in performing such services. Contracts under which the contractor agrees to provide the Government with vehicles or equipment on a rental basis with drivers or operators are similarly deemed contracts to furnish services, in the performance of which service employees will be used. (Such contracts are not considered contracts for furnishing equipment within the meaning of the Walsh-Healey Public Contracts Act.)

§ 4.132 Services and other items to be furnished under single contract.

If the principal purpose of a contract specification is to furnish services through the use of service employees within the meaning of the Act, the contract to furnish such services is not removed from the Act's coverage merely because, as a matter of convenience in procurement, it is combined in a single contract document with specifications for the procurement of different or unrelated items. For example, a contracting agency may invite bids for supplying a quantity of new typewriters and for the maintenance and repair of the typewriters already in use, under separate bid specifications. The principal purpose of the latter, but not the former, would be the furnishing of services through the use of service employees. A typewriter company might be the successful bidder on both items and the specifications for each might be included in a single contract for the convenience of the parties. In such a case, the contract obligation to furnish the maintenance and repair services would be subject to the provisions of the Act. The "principal purpose" test would be applicable to the specification for such services rather than to the combined contract. The Act would not apply in such case to the contract obligation to furnish new typewriters, although its performance would be subject to the provisions of the Walsh-Healey Public Contracts Act if the amount was in excess of $10,000.

§ 4.133 Government as beneficiary of contract services.

(a) *In general.* The Act does not say to whom the services under a covered contract must be furnished; so far as its language is concerned, it is enough if the contract is "entered into" by and with the Government and if its principal purpose is "to furnish services in the United States through the use of service employees." The legislative history indicates an intention to cover at least contracts for services of direct benefit to the Government, its property, or its civilian or military personnel for whose needs it is necessary or desirable for the Government to make provision for such services. Such contracts as those for furnishing food service and laundry and dry cleaning service for personnel at military installations, for example, were specifically referred to. Where the principal purpose of the Government contract is to provide these or other services to the Government or its personnel through the use of service employees, the contract is within the general coverage of the Act regardless of the source of the funds from which the contractor is paid for the service and irrespective of whether he performs the work in his own establishment, on a Government installation, or elsewhere. The fact that the contract permits him to provide the services directly to individual personnel as a concessionaire, rather than through the contracting agency, does not require a different conclusion.

(b) *Special situations.* It is not considered that the Act was intended to cover every contract, however, which is entered into with the Government by a contractor to furnish services, no matter how indirect or remote a benefit the Government may derive therefrom. If, for example, a contract with the Government grants the contractor the privilege of operating as a concessionaire in a Government park for the purpose of furnishing services to the public generally rather than to the Government or to personnel engaged in its business, the contract is not considered subject to the Act. Since the statute itself provides no clear line of demarcation, questions of contract coverage where doubt arises because of remoteness of benefit to the Government from the services to be furnished should be referred to the Administrator of the Wage and Hour and Public Contracts Divisions for resolution.

§ 4.134 Contracts outside the Act's coverage.

(a) Contracts entered into by agencies other than those of the Federal Government or the District of Columbia as described in §§ 4.107–4.108 of this subpart are not within the purview of the Act. Thus, the Act does not cover service contracts entered into with any agencies of Puerto Rico, the Virgin Islands, American Samoa, or Guam acting in behalf of their respective local governments. Similarly, it does not cover service contracts entered into by agencies of States or local public bodies, not acting as agents or for or on behalf of the United States or the District of Columbia, even though Federal financial assistance may be provided for such contracts under Federal law of the terms and conditions specified in Federal law may govern the award and operation of the contract.

(b) Further, as already noted in §§ 4.111–4.113, the Act does not apply to Government contracts which do not have as their principal purpose the furnishing of services, or which call for no services to be furnished within the United States or through the use of service employees as those terms are defined in the Act. Clearly outside the Act's coverage for these reasons are such contracts as those for the purchase of tangible products which the Government needs (e.g. fuel, vehicles, office equipment, and supplies), for the logistic support of an air base in a foreign country, or for the services of a lawyer to examine the title to land. Similarly, where the Government contracts for a lease of building space for Government occupancy and as an incidental part of the lease agreement the building owner agrees to furnish janitorial and other building services through the use of service employees, the leasing of the space rather than the furnishing of the building services is the principal purpose of the contract, and the Act does not apply. Another type of contract which is outside the coverage of the Act because it is not for the principal purpose of furnishing services may be illustrated by a contract for the rental of parking space under which the Government agency is simply given a lease or license to use the contractor's real property. Such a contract is to be distinguished from contracts for the live storage of vehicles which are delivered into the possession or custody of the contractor, who will provide the required services including the parking or retrieval of the vehicles.

(c) There are a number of types of contracts which, while outside the Act's coverage in the usual case, may be subject to its provisions under the conditions and circumstances of a particular procurement, because these may be such as to require a different view of the principal purpose of the contract. Thus, the ordinary contract for the recapping of tires would have as its principal purpose the manufacture and furnishing of rebuilt tires for the Government rather than the furnishing of services through the use of service employees, and thus would be outside the Act's coverage. Similarly, contracts calling for printing, reproduction, and duplicating ordinarily would appear to have as their principal purpose the furnishing in quantity of printed, reproduced, or duplicated written materials rather than the furnishing of the reproduction services through the use of service employees. However, in a particular case, the terms, conditions, and circumstances of the procurement would be

such that the facts would show its purpose to be chiefly the obtaining of services (e.g. repair services, typesetting, photostating, editing, etc.), and where such services would require the use of service employees the contract would be subject to the Act unless excluded therefrom for some other reason.

(d) A further category of contracts outside the coverage of the Act includes those service contracts which would otherwise be covered but to which the Act does not apply because they were entered into pursuant to negotiations concluded or invitations for bids issued before January 20, 1966 (see § 4.102) and have remained in effect without change since that date.

DETERMINING AMOUNT OF CONTRACT

§ 4.140 Significance of contract amount.

As set forth in § 4.103 and in the requirements of §§ 4.6–4.7, the obligations of a contractor with respect to labor standards differ in the case of a covered and nonexempt contract, depending on whether the contract is or is not in excess of $2,500. Rules for resolving questions that may arise as to whether a contract is or is not in excess of this figure are set forth in the following sections.

§ 4.141 General criteria for measuring amount.

(a) In general, the contract amount is measured by the consideration agreed to be paid, whether in money or other valuable consideration, in return for the obligations assumed under the contract. Thus, even though a contractor, such as a wrecker entering into a contract with the Government to raze a building on a site which will remain vacant, may not be entitled to receive any money from the Government for such work under his contract or may even agree to pay the Government in return for the right to dispose of the salvaged materials, the contract will be deemed one in excess of $2,500 if the value of the property obtained by the contractor, less anything he might pay the Government, is in excess of such amount.

(b) All bids from the same person on the same invitation for bids will constitute a single offer, and the total award to such person will determine the amount involved for purposes of the Act. Where the procurement is made without formal advertising, in arriving at the aggregate amount involved, there must be included all property and services which would properly be grouped together in a single transaction and which would be included in a single advertisement for bids if the procurement were being effected by formal advertising. However, where an invitation is for services in an amount in excess of $2,500 and bidders are permitted to bid on a portion of the services not amounting to more than $2,500, the amounts of the contracts awarded separately to individual and unrelated bidders will be measured by the portions of the services covered by their respective contracts.

(c) Where a contract is issued in an amount in excess of $2,500 this amount will govern for purposes of application of the Act even though penalty deductions, deductions for prompt payment, and similar deductions may reduce the amount actually expended by the Government to $2,500 or less.

§ 4.142 Contracts in an indefinite amount.

(a) Every contract subject to this Act (and any bid specification therefor) which is indefinite in amount and is not otherwise exempt from the requirements of section 2(a) of the Act and § 4.6 is required to contain the clauses prescribed in § 4.6 for contracts in excess of $2,500, unless the contracting officer has definite knowledge in advance that the contract will not exceed $2,500 in any event.

(b) Where contracts or agreements between a Government agency and prospective purveyors of services are negotiated, which provide terms and conditions under which services will be furnished through the use of service employees in response to individual purchase orders or calls, if any, which may be issued by the agency during the life of the agreement, these agreements would ordinarily constitute contracts within the intendment of the Act under principles judicially established in United Biscuit Co. v. Wirtz, 17 WH Cases 146 (C.A.D.C.), a case arising under the Walsh-Healey Public Contracts Act. Such a contract, which may be in the nature of a bilateral option contract and not obligate the Government to order any services or the contractor to furnish any, nevertheless governs any procurement of services that may be made through purchase orders or calls issued under its terms. Since the amount of the contract is indefinite, it is subject to the rule stated in paragraph (a) of this section. The amount of the contract is not determined by the amount of any individual call or purchase order.

CHANGES IN CONTRACT COVERAGE

§ 4.143 Effects of changes or extensions of contracts, generally.

Sometimes an existing service contract is modified, amended, or extended in such a manner or at such a time that, if originally entered into in its changed form at such time, the application of provisions of the Act to it would be different at such time from the application of the Act's provisions to the original contract at the time it was entered into. One example is a contract to which the Act did not originally apply because invitations for bids thereon were issued prior to January 20, 1966, which is subsequently extended. Another example is a contract which, when originally executed, was exempted from the provisions of section 2(a) of the Act and § 4.6 requiring specification in the contract of predetermined monetary wage rates and fringe benefits, because no wage determination had been made prior to the invitation for bids; and then, at a later time, contract amendments relative to the scope of the work are incorporated after prevailing wage and fringe benefit determinations have been made for classes of service employees in the locality which will be engaged in the contract work. The general rule with respect to such contracts is, that whenever changes are made in the terms of the contract, the provisions of the Act and the regulations thereunder will apply to the changed contract in the same manner and to the same extent as they would to a wholly new contract in the same terms if such a contract were entered into at the time of the change. Under this rule, the contract in the first example would become subject to the Act and regulations when the changes were effected in it, although it was not originally covered. Similarly, the specified monetary wages and fringe benefits would have to be incorporated in the amended contract in the second example, although not required in the contract originally entered into. However, contract modifications or amendments (other than contract extensions) that are unrelated to the labor requirements of a contract will not be deemed to create a new contract for purposes of the Act. In addition, only significant changes related to labor requirements will be considered as creating new contracts. This limitation on the application of the Act has been found to be a reasonable one, and necessary and proper in the public interest and to avoid serious impairment of the conduct of Government business in accordance with the provisions of section 4(b) of the Act. Also, a contract will be deemed entered into when the term of an existing contract is extended, pursuant to an option clause or otherwise, so that the contractor furnishes services over an extended period of time, rather than being granted extra time to fulfill his original commitment.

§ 4.144 Contract modifications affecting amount.

Pursuant to the rule set forth in § 4.143, where a contract which was originally issued in an amount not in excess of $2,500 is later modified so that its amount may exceed that figure, all the provisions of section 2(a) of the Act, and the regulations thereunder are applicable from the date of modification to the date of contract completion. In the event of such modification the contracting officer will immediately insert the required contract clauses into the contract and notify the Department of Labor of such action. In the event that a contract for services subject to the Act in excess of $2,500 is modified so that it cannot exceed $2,500, compliance with the provisions of section 2(a) of the Act and the contract clauses required thereunder ceases to be an obligation of the contractor when such modification becomes effective.

§ 4.145 Extended term contracts.

Sometimes service contracts are entered into for a term of years; however, their continuation in effect is subject to the appropriation by Congress of funds for each new fiscal year. In such event, for purposes of this Act, a contract shall be deemed entered into at the beginning of each new fiscal year during which the terms of the original contract are made effective by an appropriation for the purpose. In other cases a service contract, entered into for a specified term by a Government agency, may contain a provision such as an option clause under which the agency may unilaterally extend the contract for a period of the same length or other stipulated period. If a new appropriation is required to finance such extension, the rule just stated will apply. In any event, however, since the exercise of the option results in the rendition of services for a new or different period not included in the term for which the contractor is obligated to furnish services or for which the Government is obligated to pay under the original contract in the absence of such action to extend it, the contract for the additional period is within the intendment of the Act in the same position as a wholly new contract with respect to application of the Act's provisions and the regulations thereunder.

PERIOD OF COVERAGE

§ 4.146 Contract obligations after award, generally.

A contractor's obligation to observe the provisions of the Act arises on the date he is informed that he has received the award of the contract, not necessarily the date of formal execution. However, he is required to comply with the provisions of the Act and regulations thereunder only while his employees are performing on the contract, provided his records make clear the period of such performance.

EMPLOYEES COVERED BY THE ACT

§ 4.150 Employee coverage generally.

The Act, in section 2(b), makes it clear that its provisions apply generally to all employees engaged in performing work on a covered contract entered into by the contractor with the Federal Government, regardless of whether they are his employees or those of any subcontractor under such contract. All employees who, on or after the date of award, are engaged in working on or in connection with the contract, either in performing the specific services called for by its terms or in performing other duties necessary to the performance of the contract, are thus subject to the Act unless a specific exemption (see §§ 4.115 et seq.) is applicable. All such employees must be paid wages at a rate not less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act (29 U.S.C. 206(a)(1)), as amended, unless the special exception provided in section 6(e)(2) of such Act for certain linen supply contract services is applicable (see § 4.160). Payment of a higher minimum monetary wage and the furnishing of fringe benefits may be required under the contract, pursuant to the provisions of section 2(a)(1), (2), of the Act.

§ 4.151 Employees covered by provisions of section 2(a).

The provisions of section 2(a) of the Act prescribe labor standards requirements applicable, except as otherwise specifically provided, to every contract in excess of $2,500 which is entered into by the United States or the District of Columbia for the principal purpose of furnishing services in the United States through the use of service employees. These provisions apply to all service employees engaged in the performance of such a contract or any subcontract thereunder. The Act, in section 8(b) defines the term "service employee". The general scope of the definition is considered in § 4.113(b) of this subpart.

§ 4.152 Employees subject to prevailing compensation provisions of section 2(a)(1) and (2).

Under section 2(a)(1) and (2) of the Act minimum monetary wages and fringe benefits to be paid or furnished the various classes of service employees performing such contract work are determined by the Secretary of Labor or his authorized representative in accordance with prevailing rates and fringe benefits for such employees in the locality and are required to be specified in such contracts and subcontracts thereunder. All service employees of the classes who actually perform the specific services called for by the contract (e.g. janitors performing on a contract for office cleaning; stenographers performing on a contract for stenographic reporting) are covered by the provisions specifying such minimum monetary wages and fringe benefits for such classes of service employees.

§ 4.153 Inapplicability of prevailing compensation provisions to some employees.

There may be employees, used by a contractor or subcontractor in performing a service contract in excess of $2,500 which is subject to the Act, whose services, although necessary to the performance of the contract, are not subject to minimum monetary wage or fringe benefit provisions contained in the contract pursuant to section 2(a). This may occur either because such employees do not come within the classes of service employees, directly engaged in performing the specified contract services, which are included in the Secretary's determinations of monetary wages and fringe benefits and for which such compensation is specified in the contract (an example might be a laundry contractor's billing clerk performing billing work with respect to the items laundered); or because the contract itself is exempted from the predetermined wage and fringe benefit requirements of section 2(a) (under the provisions of § 4.5) as a contract calling for services of classes of service employees with respect to whom there is no currently applicable wage or fringe benefit determination for the locality. In all such situations the employees, who are engaged in performing work on the contract but for whom no monetary minimum wage or fringe benefits are specified by its provisions, are nevertheless subject to the minimum wage provision of section 2(b) (see § 4.150) requiring payment of not less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act to all employees working on a covered contract, unless specifically exempt. The same is true in situations where minimum monetary wages and fringe benefits have not been specified in the contract for a particular class or classes of service employees because the wage and fringe benefit determinations applicable to the locality have been made only for other classes of service employees who will perform the contract work, and not for these. However, although wages lower than the specified Fair Labor Standards Act minimum may not be paid to such employees in classes omitted from those for which monetary wages or fringe benefits were predetermined and specified in the contract, the employer will be required to pay any higher monetary wages together with fringe benefits which may be specified for them pursuant to agreement of the interested parties as provided in § 4.6(b).

§ 4.154 Employees covered by sections 2(a)(3) and (4).

The safety and health standards of section 2(a)(3) (see § 4.186) and the notice requirements of section 2(a)(4) of the Act (see § 4.183) are applicable, in the absence of a specific exemption, to every service employee engaged by a contractor or subcontractor to furnish services under a contract subject to section 2(a) of the Act.

§ 4.155 Employee coverage does not depend on form of employment contract.

The Act, in section 8(b), makes it plain that the coverage of service employees depends on whether their work for the contractor or subcontractor on a covered contract is that of a service employee as defined in section 8(b) and not on any contractual relationship that may be alleged to exist between the contractor or subcontractor and such persons.

§ 4.156 Employees in bona fide executive, administrative, or professional capacity.

As stated in § 4.113(b), the service employees covered by the Act are not deemed to include employees employed in a bona fide executive, administrative, or professional capacity as defined in 29 CFR Part 541. This has been found to be a reasonable limitation on coverage which is necessary and proper in the public interest (Act, sec. 4(b)). Employees within the definition of service employee who are employed in a professional, administrative, or supervisory capacity are not excluded from coverage, however, even though they are highly paid, if they fail to meet the tests set forth in 29 CFR Part 541. Thus, such employees as laboratory technicians, draftsmen, and air ambulance pilots, though they require a high level of skill to perform their duties and may meet the salary requirements of the regulations in Part 541 of this title, are ordinarily covered by the Act's provisions because they do not typically meet the other requirements of those regulations.

COMPENSATION STANDARDS

§ 4.159 General minimum wage.

The Act, in section 2(b)(1), provides generally that no contractor or subcontractor under any Federal contract subject to the Act shall pay any of his employees engaged in performing work on such a contract less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act. Section 2(a)(1) provides that the minimum monetary wage specified in any such contract exceeding $2,500 shall in no case be lower than this Fair Labor Standards Act minimum wage. Section 2(b)(1) is a statutory provision which applies to the contractor or subcontractor without regard to whether it is incorporated in the contract; however, §§ 4.6–4.7 provide for inclusion of its requirements in covered contracts and subcontracts. Because the statutory requirement specifies no fixed monetary wage rate and refers only to the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act, and because its application does not depend on provisions of the contract, any increase in such Fair Labor Standards Act minimum wage during the life of the contract is, on its effective date, also effective to increase the minimum wage payable under section 2(b)(1) to employees engaged in performing work on the contract. The minimum wage under section 6(a)(1) of the Fair Labor Standards Act was increased from $1.25 to $1.40 an hour effective February 1, 1967; such minimum wage effective February 1, 1968, is $1.60 an hour. As explained in § 4.160(c), in certain establishments providing linen supply services under Government contracts entered into on or after February 1, 1967, section 6(e)(2) of the Fair Labor Standards Act has the effect of modifying the requirement of section 2(b) of the Service Contract Act, as discussed above.

§ 4.160 Effect of section 6(e) of the Fair Labor Standards Act.

(a) *General.* Contractors and subcontractors performing work on contracts subject to the Service Contract Act are, in general, required not only to comply, in paying wages for such work, with the general minimum wage standard provided in section 6(a)(1) of the Fair Labor Standards Act as explained in § 4.159, above, but also to pay those of their employees who are not performing work on or in connection with such contracts in accordance with the compensation requirements of section 6(e) of the Fair Labor Standards Act. In the case of employers providing linen supply services to the United States under such contracts, section 6(e) of such Act also has the effect of modifying the general minimum wage requirement discussed in § 4.159 for their employees engaged in work on such contracts in certain establishments providing such linen supply services. (See par. (c) of this section.)

(b) *Section 6(e)(1) of the Fair Labor Standards Act.* Section 6(e)(1) of the Fair Labor Standards Act applies to "every employer providing any contract services (other than linen supply services) under a contract with the United States or any subcontract thereunder." It provides that every such employer "shall pay to each of his employees whose rate of pay is not governed by the Service Contract Act of 1965", or to whom section 6(a)(1) of the Fair Labor Standards Act is not otherwise applicable, wages at rates not less than the rates provided for in section 6(b) of such Act. The only exemptions permitted from this requirement are those provided in section 13(a)(1) of such Act for employees employed in a bona fide executive, administrative, professional, or outside sales capacity as defined and delimited in 29 CFR Part 541, and in section 13(f) of such Act for employees employed in workplaces in territory not described in that subsection. The minimum wage rates under section 6(b) of such Act, to which section 6(e) refers, are: $1 an hour, beginning February 1, 1967; $1.15 an hour, beginning February 1, 1968; $1.30 an hour, beginning February 1, 1969; $1.45 an hour, beginning February 1, 1970; and $1.60 an hour on and after February 1, 1971.

(c) *Section 6(e)(2) of the Fair Labor Standards Act.* (1) Section 6(e)(2) of the Fair Labor Standards Act which is effective as to contracts entered into on or after February 1, 1967, is limited in its application to "every employer in an establishment providing linen supply services to the United States under a contract with the United States or any subcontract thereunder." It provides that every such employer "shall pay to each of his employees in such establishment wages at rates not less than those prescribed in" section 6(b) of such Act, "except that if more than 50 per centum of the gross annual dollar volume of sales made or business done by such establishment is derived from providing such linen supply services under any such contracts or subcontracts, such employer shall pay to each of his employees in such establishment wages at rates not less than those prescribed in" section 6(a)(1) of the Fair Labor Standards Act.

(2) Where this latter exception is applicable, the effect of section 6(e)(2) is to require all employees in an establishment providing linen supply services under Government contract and not just those performing work on such contracts, to be paid not less than the Fair Labor Standards Act section 6(a)(1) rate of wages which, as explained in § 4.159, is the general minimum wage floor for contract work under section 2(b) of the Service Contract Act.

(3) However, where 50 percent or less of an establishment's gross annual dollar volume of sales made or business done is derived from linen supply services under Government contract, the effect of section 6(e)(2) is to modify the general minimum wage requirement of section 2(b)(1) of the Service Contract Act so as to permit the payment to employees engaged in performing such contracts of wages at a rate not less than the rate applicable under section 6(b) of the Fair Labor Standards Act, in lieu of the rate applicable under section 6(a)(1) of such Act. (For the minimum rates provided under section 6(b), see par. (b) of this section.) If higher minimum wage rates or fringe benefits are determined and specified in the contract under the provisions of section 2(a) of the Service Contract Act for such contract workers, the contractor or subcontractor must provide such compensation to the employees to whom such wage rates or fringe benefits apply, notwithstanding the provisions of section 6(e)(2) of the Fair Labor Standards Act. Section 6(e)(2) of such Act provides an alternative rate only in lieu of the minimum wage floor prescribed in section 2(b)(1) of the Service Contract Act, and does not supersede the provisions of section 2(a). With respect to employees in any establishment providing linen supply services under Government contract and not deriving more than 50 percent of its gross annual dollar volume from such contract services, section 6(e)(2) does, however, require that a minimum wage not less than that prescribed in section 6(b) of the Fair Labor Standards Act be paid to each employee, whether or not subject to the provisions of the Service Contract Act, who is employed in such establishment and for whom no higher monetary wage rate is prescribed under the provisions of section 2(a)(1) of the Service Contract Act.

(4) Like section 6(e)(1), section 6(e)(2) of the Fair Labor Standards Act limits the exemptions from its provisions under such Act to the executive, administrative, professional, outside sales, and geographic exemptions mentioned in paragraph (b) of this section.

(d) *"Linen supply services" under section 6(e).* (1) As noted in paragraphs (b) and (c) of this section, the provisions of section 6(e)(1) of the Fair Labor Standards Act apply to Government contractors and subcontractors providing contract services "other than linen supply services", whereas the provisions of section 6(e)(2) are applicable only to employers in establishments "providing linen supply services to the United States under a contract with the United States or any subcontract thereunder." Section 6(e)(2) thus does not apply in establishments providing only laundry or cleaning, and not linen supply, services under Government contracts or subcontracts, as in the case of contracts for family laundering, or commercial laundering and dry cleaning. Also the legislative history makes it clear that the exception for linen supply services is to be "construed narrowly so as not to place other laundering and cleaning establishments at a competitive disadvantage in bidding for U.S. contracts." (Daily Congressional Record, Sept. 7, 1966, p. 21032.) The stated intent is to include "standard linen supply services, such as for sheets, pillowcases, tablecloths, and so on." Other items recognized as standard linen supply items are dresses, uniforms, bibs, aprons, and other wearing apparel of the type used by barbers, doctors, waitresses, waiters, nurses, food workers, beauticians, retail sales personnel, etc. It is made plain by the legislative history of the provision, however, that it is not intended to include, in the "linen supply services" to which section 6(e)(2) refers, any contract services which involve supplying the Government with cleaned and laundered items of types not normally provided by linen supply services, such as work uniforms worn by mechanics and production workers in heavy industry, machine shops, garages, service stations, and the like, where the garments are likely to be heavily soiled or greasy by the nature of their use. Other examples of contracts which are not for linen supply services within the meaning of the provision are those for diaper service and those providing services for industrial wiping towels, safety equipment salvage, dust control—including treated dust tool covers and cloths, treated dust mops and treated mats or rugs—and other industrial laundering services.

(2) In order for a contract to qualify as a linen supply contract, the linen supply items furnished to the Government must be furnished on a rental basis by the contractor. If the contractor is not furnishing the linen supply items to the Government on a rental basis, he would not be considered as furnishing linen supply services but merely to be furnishing a laundering service to the Government. As such, he would be subject to the provisions of section 6(e)(1) of the Fair Labor Standards Act rather than section 6(e)(2).

§ 4.161 Minimum monetary wages under contracts exceeding $2,500.

The standards established pursuant to the Act for minimum monetary wages to be paid by contractors and subcontractors under service contracts in excess of $2,500 to service employees engaged in performance of the contract or subcontracts are required to be specified in the contract and in all subcontracts (see § 4.6). Section 2(a)(1) requires that every such contract (and any bid specification therefor) which is subject to the Act shall contain a "provision specifying the minimum monetary wages to be paid the various classes of service employees in the performance of the contract or any subcontract thereunder, as determined by the Secretary or his authorized representative, in accordance with prevailing rates for such employees in the locality, which in no case shall be lower than" the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended. If some or all of the determined wages in a contract fall below the level of the Fair Labor Standards Act minimum by reason of a change in that rate by amendment of the law, these rates become obsolete and the employer is obligated under section 2(b)(1) of the Service Contract Act, to pay the new minimum wage rate established by the amendment as of the date it becomes effective. A change in the Fair Labor Standards Act minimum by operation of law would also have the same effect on advertised specifications or negotiations for covered service contracts, i.e., it would make ineffective and would supplant any lower rate or rates included in such specifications or negotiations whether or not determined. However, unless affected by such a change in the Fair Labor Standards Act minimum wage or by contract changes necessitating the insertion of new wage provisions (see §§ 4.143–4.145), the minimum monetary wage rate specified in the contract for each of the classes of service employees for which wage determinations have been made under section 2(a)(1) will continue to apply throughout the period of contract performance. No change in the obligation of the contractor or subcontractor with respect to minimum monetary wages will result from the mere fact that higher or lower wage rates may be determined to be prevailing for such employees in the locality after the award and before completion of the contract. Such wage determinations are effective for contracts not yet awarded, as provided in § 4.5(b).

§ 4.162 Fringe benefits under contracts exceeding $2,500.

(a) Section 2(a)(2) of the Act requires that every covered contract in excess of $2,500 shall contain "a provision specifying the fringe benefits to be furnished the various classes of service employees, engaged in the performance of the contract or any subcontract thereunder, as determined by the Secretary or his authorized representative to be prevailing for such employees in the locality. Such fringe benefits shall include medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, unemployment benefits, life insurance, disability and sickness insurance, accident insurance, vacation and holiday pay, costs of apprenticeship or other similar programs and other bona fide fringe benefits not otherwise required by Federal, State, or local law to be provided by the contractor or subcontractor."

(b) Under this provision, the fringe benefits, if any, which the contractor or subcontractor is required to furnish his service employees engaged in the performance of the contract are specified in the contract documents (see § 4.6). How he may satisfy this obligation is dealt with in §§ 4.170–4.171 and in Subpart B of this part. A change in the fringe benefits required by the contract provision will not result from the mere fact that other or additional fringe benefits are determined to be prevailing for such employees in the locality at a time subsequent to the award but before completion of the contract. Such fringe benefit determinations are effective for contracts not yet awarded (see § 4.5(b)), or in the event that changes in an existing contract requiring their insertion for prospective application have occurred (see §§ 4.143–4.145).

§ 4.163 Locality basis of wage and fringe benefit determinations.

Under section 2(a) of the Act, the Secretary or his authorized representative is given the authority to determine what minimum monetary wages and fringe benefits are prevailing for various classes of service employees "in the locality." The term "locality" has reference to geographic space. However, it has an elastic and variable meaning and, if the statutory purposes are to be achieved, must be viewed in the light of the existing wage structures which are pertinent to the employment by potential contractors of particular classes of service employees on the kinds of service contracts which must be considered, which are extremely varied. It is, accordingly, not possible to devise any precise single formula which would define the exact geographic limits of a "locality" that would be relevant or appropriate for the determination of prevailing wage rates and prevailing fringe benefits in all situations under the Act. The locality within which a wage or fringe benefit determination is applicable is, therefore, defined in each such determination upon the basis of all the facts and circumstances pertaining to that determination. Each such determination applies only to contracts for the locality which it includes.

§ 4.164 Making the determinations and informing contractors.

(a) *Information considered.* The minimum monetary wages and the fringe benefits set forth in determinations of the Secretary are based on information as to wage rates and fringe benefits in effect at the time the determination was made. The Department considers all pertinent information regarding prevailing wage rates and fringe benefits in the locality for the classes of service employees for which determinations are made.

Such information may be derived from area surveys made by the Bureau of Labor Statistics or other Department personnel, from Government contracting officers, and from other available sources including employees and their representatives and employers and their associations. The determinations may be based on the wage rates and fringe benefits contained in union agreements where such have been determined to prevail in a locality for a specified occupational group.

(b) *Provision for consideration of currently prevailing wage rates and fringe benefits.* (1) Determinations will be reviewed periodically and where prevailing wage rates or fringe benefits have changed, such changes will be reflected in new determinations. In a locality where it is determined that the wage rate which prevails for a particular class of service employees is the rate specified in a collective bargaining agreement or agreements applicable in that locality, and such agreement or agreements specify increases in such rates to be effective on specific dates, the prior determinations would be modified to reflect such changes when they become effective, and the revised determinations would apply to contracts entered into after the modification.

(2) The regulations, in § 4.4, provide for the filing with the Administrator by the awarding agency, prior to any invitation for bids or the commencement of negotiations for contracts exceeding $2,500, of a notice of intention to make a service contract which is subject to the

Act. Upon receipt of the notice the Administrator may make a determination of minimum monetary wages and fringe benefits for the classes of service employees who will perform on the contract or may revise a determination which is currently in effect.

(c) *Informing contractors of applicable determinations.* Contractors and subcontractors on contracts subject to the Act are apprised of the Secretary's determinations applicable at the time of the award by specification in the contract of the determined wage rates and fringe benefits. (See § 4.6(b)). A determination of prevailing wages or fringe benefits made after the date of the contract award for classes of employees that will be used in performing the contract does not apply to the performance of the previously awarded contract. Prospective contractors are advised, in the invitations for bids or negotiation papers issued by the contracting agency, of the minimum monetary wages and fringe benefits required under the most recent applicable determinations of the Secretary for service employees who will perform the contract work. These requirements are, of course, the same for all bidders and none will be placed at a competitive disadvantage.

Compliance With Compensation Standards

§ 4.165 Wage payments and fringe benefits—in general.

(a) (1) Monetary wages specified under the Act shall be paid to the employees to whom they are due, promptly following the end of the pay period in which they are earned. No deduction, rebate, or refund is permitted, except as hereinafter stated. The same rules apply to cash payments authorized to be paid with the statutory monetary wages as equivalents of determined fringe benefits (see Subpart B of this part).

(2) The Act makes no distinction, with respect to its compensation provisions, between temporary, part-time, and full-time employees, and the wage and fringe benefit determinations apply, in the absence of an express limitation, equally to all such service employees engaged in work subject to the Act's provisions.

(b) The Act does not prescribe the length of the pay period. However, for purposes of administration of the Act, and to conform with practices required under other statutes that may be applicable to the employment, wages and hours worked must be calculated on the basis of a fixed and regularly recurring workweek of seven consecutive 24-hour workday periods, and the records must be kept on this basis. It is appropriate to use this workweek for the pay period. A biweekly, semimonthly, or monthly pay period may, however, be used if agreed upon by the employer and his employees. A pay period longer than 1 month is not recognized as appropriate for service employees and wage payments at greater intervals will not be considered as constituting proper payments in compliance with the Act.

(c) The prevailing rate established by a wage determination under the Act is a minimum rate. A contractor is not precluded from paying wage rates in excess of those determined to be prevailing in the particular locality. Nor does the Act affect or require the changing of any provisions of union contracts specifying higher monetary wages or fringe benefits than those contained in an applicable determination. However, if a determination for a class of service employees contains a wage or fringe benefit provision which is higher than that specified in an existing union agreement, the determination's provision will prevail for any work performed on a contract subject to the determination.

§ 4.166 Wage payments—unit of payment.

The standard by which monetary wage payments are measured under the Act is the wage rate per hour. An hourly wage rate is not, however, the only unit for payment of wages that may be used for employees subject to the Act. Employees may be paid on a daily, weekly, or other time basis, or by piece or task rates, so long as the measure of work and compensation used, when translated or reduced by computation to an hourly basis, will provide a rate per hour that will fulfill the statutory requirement. Whatever system of payment is used, however, must ensure that each hour of work in performance of the contract is compensated at not less than the required minimum rate. Failure to pay for certain hours at the required rate cannot be transformed into compliance with the Act by reallocating portions of payments made for other hours which are in excess of the specified minimum.

§ 4.167 Wage payments—medium of payment.

The wage payment requirements under the Act for monetary wages specified under its provisions will be satisfied by the timely payment, finally and unconditionally or "free and clear", of such wages to the employee either in cash or negotiable instrument payable at par. Scrip, tokens, credit cards, "dope checks", coupons, and similar devices which permit the employer to retain and prevent the employee from acquiring control of money due for the work until some time after the pay day for the period in which it was earned, are not proper mediums of payment under the Act. If, as is permissible, they are used as a convenient device for measuring earnings or allowable deductions during a single pay period, the employee cannot be charged with the loss or destruction of any of them and the employer may not, because the employee has not actually redeemed them, credit himself with any which remain outstanding on the pay day, in determining whether he has met the requirements of the Act. The employer may not include the cost of fringe benefits or equivalents furnished as required under section 2(a)(2) of the Act, as a credit toward the monetary wages he is required to pay under section 2(a)(1) or 2(b) of the Act (see § 4.51). However, the employer may include, as a part of the applicable minimum wage which he is required to pay under the Act, the reasonable cost or fair value, as determined by the Administrator, of furnishing an employee with "board, lodging, or other facilities" as defined in Part 531 of this title, in situations where such facilities are customarily furnished to employees and the employees' acceptance of them is voluntary and uncoerced. The determination of reasonable cost or fair value will be in accordance with the Administrator's regulations under the Fair Labor Standards Act, contained in such Part 531 of this title. While employment on contracts subject to the Act would not ordinarily involve situations in which service employees would receive tips from third persons, the treatment of tips for wage purposes in the situations where this may occur should be understood. For purposes of this Act, tips may be included in wages in accordance with the regulations under the Fair Labor Standards Act, contained in Part 531. The general rule under that Act is that the amount paid a tipped employee by his employer is deemed to be increased on account of tips by an amount determined by the employer, not in excess of 50 percent of the minimum wage applicable under section 6 of that Act. Thus, the tip credit taken by an employer subject to the Service Contract Act may not exceed 80 cents per hour.

§ 4.168 Wage payments—deductions from wages paid.

The wage requirements of the Act will not be met where unauthorized deductions, rebates, or refunds reduce the wage payment made to the employee below the minimum amounts required under the provisions of the Act and the regulations thereunder, or where the employee fails to receive such amounts free and clear because he "kicks back" directly or indirectly to the employer or to another person for the employer's benefit the whole or part of the wage delivered to him. Authorized deductions are limited to those required by law, such as taxes payable by employees required to be withheld by the employer and amounts due employees which the employer is required by court order to pay to another; deductions allowable for the reasonable cost or fair value of board, lodging, and facilities furnished as set forth in § 4.167; and deductions of amounts which are authorized to be paid to third persons for the employee's account and benefit pursuant to his voluntary assignment or order or a collective bargaining agreement with bona fide representatives of employees which is applicable to the employer. Deductions for amounts paid to third persons on the employee's account which are not so authorized or are contrary to law or from which the employer or any affiliate derives any profit or benefit directly or indirectly, may not be made if they cut into the wage required to be paid under the Act. The principles applied in determining the permissibility of deductions for payments made to third persons are explained in more detail in §§ 531.38–531.40 of this title.

§ 4.169 Wage payments—work subject to different rates.

If an employee during a workweek works in different capacities in the performance of the contract and two or more rates of compensation under section 2 of the Act are applicable to the classes of work which he performs, he must be paid the highest of such rates for all hours worked in the workweek unless it appears from the employer's records or other affirmative proof which of such hours were included in the periods spent in each class of work. The rule is the same where such an employee is employed for a portion of the workweek in work not subject to the Act, for which compensation at a lower rate would be proper if the employer by his records or other affirmative proof, segregated the worktime thus spent.

§ 4.170 Furnishing fringe benefits or equivalents.

(a) *General.* Fringe benefits specified under the Act shall be furnished, in addition to the specified monetary wages, by the contractor or subcontractor to employees engaged in performance of the contract, as provided in the determination of the Secretary or his authorized representative and prescribed in the contract documents, or, in the event that this is not possible or practicable, the obligation to furnish such benefits "may be discharged by furnishing any equivalent combinations of fringe benefits or by making equivalent or differential payments in cash under rules and regulations established by the Secretary." (Act, section 2(a)(2).) The governing rules and regulations for furnishing such equivalents are set forth in Subpart B of this part. The various fringe benefits listed in the Act are illustrative of those which may be found to be prevailing for service employees in a particular locality. The benefits which an employer will actually be required to furnish employees performing on a specific contract will be specified in the contract documents. When an employer has not made any provisions for fringe benefits, he cannot offset an amount of monetary wages paid in excess of the wages required under the determination, in order to satisfy his fringe benefit obligations under the Act. Also, the furnishing to the employee of items the cost or value of which is creditable toward the monetary wages specified under the Act, such as board, lodging, and other facilities in the situations described in § 4.167, may not be used to offset any fringe benefits specified in the contract.

(b) *Meeting the requirements, in general.* A contractor may dispose of certain of his fringe benefit obligations, such as pension, retirement, or health insurance benefits, which may be required by an applicable determination, by irrevocably paying the required contributions for fringe benefits to a trustee or third person pursuant to an existing bona fide fund, plan, or program. Where such a plan or fund does not exist, a contractor must discharge his obligation relating to fringe benefits by furnishing either an equivalent combination of bona fide fringe benefits or by making equivalent payments in cash to the employee, as authorized by the regulations in Subpart B of this part. When a contractor or subcontractor substitutes fringe benefits not specified in the contract for fringe benefits which are so specified, the substituted fringe benefits, like those for which the contract provisions are prescribed, must be "bona fide fringe benefits." No benefit required by Federal, State, or local law is a "bona fide" fringe benefit for purposes of the Act. No contribution toward fringe benefits made by the employees themselves, or fringe benefits provided from monies withheld from the employees' wages, or benefits statutorily required of the contractor or subcontractor (such as unemployment compensation, workmen's compensation, or social security) may be included in satisfying any fringe benefit requirement under the Act. Also, the furnishing of facilities which are primarily for the benefit or convenience of the employer or the cost of which is properly a business expense of the employer is not the furnishing of a "bona fide fringe benefit." This would be true of such items, for example, as tools and other materials and services incidental to the employer's performance of the contract and the carrying on of his business, and the cost of uniforms and of their laundering where the nature of the work he has contracted to perform requires the employee to wear a uniform.

§ 4.171 Meeting requirements for particular fringe benefits.

(a) *Determinations specifying amount of fringe benefit.* Where a fringe benefit determination specifies the amount of the employer's contribution to provide the benefit, the amount specified is the actual amount that must be provided by the employer for the employee. Thus, if prevailing fringe benefits for insurance or retirement are determined in a stated amount, and the employer provides such benefits through contributions in a lesser amount, he will be required to furnish the employee with the difference between the amount stated in the determination and the actual cost of the benefits which he provides. Unless otherwise specified in the particular wage determination, every employee performing on a covered contract must be furnished the fringe benefits required by that determination for all hours spent working on that contract. Where a fringe benefit determination has been made requiring employer contributions for a specified fringe benefit in a stated amount per hour, a contractor employing his regular employees part of the time on contract work and part of the time on other work may credit against the hourly amount required for the hours spent on the contract work the proportionate part of a weekly, monthly, or other amount contributed by him for such fringe benefits or equivalent benefits for such employees. If, for example, the determination requires health and welfare benefits in the amount of 10 cents an hour and the employer provides hospitalization insurance for such employees at a cost of $3.50 a week, the employer may credit 8.75 cents an hour toward his fringe benefit obligation to an employee who, in a particular workweek, works 35 hours on the contract work and 5 hours on other work. He cannot, however, allocate the entire $3.50 to the 35 hours spent on contract work and take credit for 10 cents per hour in that manner.

(b) *Determinations not specifying monetary amount of fringe benefit.* (1) Where a fringe benefit determination provides for a stated number of paid holidays per year, and the contractor does not give the applicable time off for holidays occurring during the period of contract performance to temporary or casual employees, he would be required to pay such employees an equivalent amount in cash or in the form of other fringe benefits proportionate to their period of employment. The amount of such additional payment could be reduced to an hourly basis through the application of an equitable formula, as provided in § 4.53(e).

(2) Some questions have been raised about the application of provisions appearing in some fringe benefit determinations which call for "1 week paid vacation after 1 year of service with a contractor or successor." To determine when an employee meets the "after 1 year of service" test, an employer must take two factors into consideration: (i) the total length of time an employee has been in the employer's service, including both the time he has been performing on regular commercial work and the time he has been performing on the Government contract itself, and (ii) the total length of time an employee has been employed either by the present contractor or predecessor contractors in the performance of similar work on the same base. If an employee has a year of service under either the first or second consideration, he is eligible for 1 week's vacation with pay. For example, if a contractor has an employee who has worked for him for 2 years on regular commercial work and only for 6 months on a Government service contract, that employee would be eligible for the vacation since his total service with the employer adds up to more than 1 year. Similarly, if a contractor has an employee who worked for 2 years under a janitorial service contract on a particular base for two different predecessor contractors, and only 8 months with the present employer, that employee would also be considered as meeting the "after 1 year of service" test and would thus be eligible for the specified vacation. Work performed before, as well as after, a pertinent wage determination is issued must be counted in determining an employee's length of service.

(3) Where, however, a fringe benefit determination requires 1 week's paid vacation per year after 1 year's service with an employer, no employee, temporary or permanent, with less than 1 year's service with the contractor,

whether or not he was working on the contract, would qualify for this benefit.

§ 4.172 Computation of hours worked.

Since employees subject to the Act are entitled to the minimum compensation specified under its provisions for each hour worked in performance of a covered contract, a computation of their hours worked in each workweek when such work under the contract is performed is essential. Determinations of hours worked will be made in accordance with the principles applied under the Fair Labor Standards Act as set forth in Part 785 of this title. In general, the hours worked by an employee include all periods in which he is suffered or permitted to work whether or not he is required to do so, and all time during which he is required to be on duty or to be on the employer's premises or to be at a prescribed workplace. The hours worked which are subject to the compensation provisions of the Act are those in which the employee is engaged in performing work on contracts subject to the Act; however, unless such hours are adequately segregated, as indicated in § 4.173, compensation in accordance with the Act will be required for all his hours of work in any workweek in which he performs any work in connection with the contract, because it will be presumed in the absence of affirmative proof to the contrary that such work continued throughout the workweek.

§ 4.173 Identification of contract work.

Contractors and subcontractors under contracts subject to the Act are required to comply with its compensation requirements throughout the period of performance on the contract and to do so with respect to all employees who in any workweek are engaged in performing work on such contracts. If such a contractor during any workweek is not exclusively engaged in performing such contracts, or if while so engaged he has employees who spend a portion but not all of their worktime in the workweek in performing work on such contracts, it is necessary for him to identify accurately in his records, or by other means, those periods in each such workweek when he and each such employee performed work on such contracts. In cases where contractors are not exclusively engaged in Government contract work, and there are adequate records segregating the periods in which work was performed on contracts subject to the Act from periods in which other work was performed, the compensation specified under the Act need not be paid for hours spent on non-contract work. However, in the absence of records adequately segregating non-covered work from the work performed on or in connection with the contract, all employees working in the establishment or department where such covered work is performed shall be presumed to have worked on or in connection with the contract during the period of its performance, unless affirmative proof establishing the contrary is presented. Similarly, in the absence of such records, an employee performing any work on or in connection with the contract in a workweek shall be presumed to have continued to perform such work throughout the workweek, unless affirmative proof establishing the contrary is presented. Even where a contractor can segregate Government from non-Government work, it is necessary that he comply with the requirements of section 6(e) of the FLSA discussed in § 4.160.

Overtime Pay of Covered Employees

§ 4.180 Overtime pay—in general.

The Act does not provide for compensation of covered employees at premium rates for overtime hours of work. Section 6 recognizes however, that other Federal laws may require such compensation to be paid to employees working on or in connection with contracts subject to the Act (see § 4.181) and prescribes, for purposes of such laws, the manner in which fringe benefits furnished pursuant to the Act shall be treated in computing such overtime compensation, as follows: "In determining any overtime pay to which such service employees are entitled under any Federal law, the regular or basic hourly rate of such an employee shall not include any fringe benefit payments computed hereunder which are excluded from the regular rate under the Fair Labor Standards Act by provisions of section 7(e) thereof." Fringe benefit payments which qualify for such exclusion are described in Part 778, Subpart C of this title. The interpretations there set forth will be applied in determining the overtime pay to which covered service employees are entitled under other Federal statutes. The effect of section 6 of the Act in situations where equivalent fringe benefits or cash payments are provided in lieu of the specified fringe benefits (see § 4.170) is stated in § 4.55 of Subpart B of this part, and illustrated in § 4.182.

§ 4.181 Overtime pay provisions of other Acts.

(a) *Fair Labor Standards Act.* Although provision has not been made for insertion in Government contracts of stipulations requiring compliance with the Fair Labor Standards Act, contractors and subcontractors performing contracts subject to the McNamara-O'Hara Service Contract Act may be required to compensate their employees working on or in connection with such contracts for overtime work pursuant to the overtime pay standards of the Fair Labor Standards Act. This is true with respect to employees engaged in interstate or foreign commerce or in the production of goods for such commerce (including occupations and processes closely related and directly essential to such production) and employees employed in enterprises which are so engaged, subject to the definitions and exceptions provided in such Act. Such employees, except as otherwise specifically provided in such Act, must receive overtime compensation at a rate of not less than 1½ times their regular rate of pay for all hours worked in excess of the applicable standard in a workweek. See Part 778 of this title. However, the Fair Labor Standards Act provides no overtime pay requirements for employees, not within such interstate commerce coverage of the Act, who are subject to its minimum wage provisions only by virtue of the provisions of section 6(e), as explained in § 4.160.

(b) *Contract Work Hours Standards Act.* (1) The Contract Work Hours Standards Act (40 U.S.C. 327–332) applies generally to Government contracts, including service contracts in excess of $2,500, which may require or involve the employment of laborers and mechanics. Guards, watchmen, and many other classes of service employees are laborers or mechanics within the meaning of such Act. However, employees rendering only professional services, seamen, and as a general rule those whose work is only clerical or supervisory or nonmanual in nature, are not deemed laborers or mechanics for purposes of the Act. The wages of every laborer or mechanic for his performance of work on such contracts must include compensation at a rate not less than 1½ times his basic rate of pay for all hours worked in any workweek in excess of 40 or in excess of eight on any calendar days therein, whichever is the greater number of overtime hours. Exemptions are provided for transportation and communications contracts, contracts for the purchase of supplies ordinarily available in the open market, and work required to be done in accordance with the provisions of the Walsh-Healey Act.

(2) Regulations concerning this Act are contained in Part 5, and § 5.14(c) of this subtitle permits overtime pay to be computed in the same manner as under the Fair Labor Standards Act, subject of course to the differences in computations required by reason of the daily overtime provision of the Contract Work Hours Standards Act, which has no counterpart in the Fair Labor Standards Act.

(3) Although the application of the Contract Work Hours Standards Act does not depend on inclusion of its requirements in provisions physically made part of the contract, the regulations of the Secretary require such provisions to be set forth in contract clauses. (See § 5.5(c) of this subtitle.)

(c) *Walsh-Healey Public Contracts Act.* As pointed out in § 4.122, while some Government contracts may be subject both to the McNamara-O'Hara Service Contract Act and to the Walsh-Healey Public Contracts Act, the employees performing work on the contract which is subject to the latter Act are, when so engaged, exempt from the provisions of the former. They are, however, subject to the overtime provisions of the Walsh-Healey Act if, in any workweek, any of the work performed for the employer is subject to such Act and if, in such workweek, the total hours worked by the employee for the employer (whether wholly or only partly on such work) exceed 40 hours in the workweek or 8 hours in any day therein. In any such workweek the Walsh-Healey Act requires payment of overtime compensation at a rate not less than 1½ times the employee's basic rate for such weekly or daily overtime hours, whichever are greater in number. The overtime pay provisions of the Walsh-Healey Act are discussed in greater detail in the Rulings and Interpretations issued under such Act, copies of which are available from any office of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

§ 4.182 Overtime pay of service employees entitled to fringe benefits.

Reference is made in § 4.180 to the rules prescribed by section 6 of the Act and Subpart B of this part which permit exclusion of certain fringe benefits and equivalents provided pursuant to section 2(a)(2) of the Act from the regular or basic rate of pay when computing overtime compensation of a service employee under the provisions of any other Federal law. As provided in § 4.55 of Subpart B, not only those fringe benefits excludable under section 6 as benefits determined and specified under section 2(a)(2), but also equivalent fringe benefits and cash payments authorized under Subpart B to be furnished in lieu of the specified benefits may be excluded from the regular or basic rate of such an employee. The application of this rule may be illustrated by the following examples:

(a) The A company pays a service employee $3.50 an hour in cash under a wage determination which requires a monetary rate of not less than $3 and a fringe benefit contribution of 50 cents which would qualify for exclusion from the regular rate under section 7(e) of the Fair Labor Standards Act. The contractor pays the 50 cents in cash because he made no contributions for fringe benefits specified in the determination and the contract. Overtime compensation in this case would be computed on a regular or basic rate of $3 an hour.

(b) The B Company has for some time been paying $3.25 an hour to a service employee as his basic cash wage plus 25 cents an hour as a contribution to a welfare and pension plan, which contribution qualifies for exclusion from the regular rate under the Fair Labor Standards Act. For performance of work under a contract subject to the Act a monetary rate of $3 and a fringe benefit contribution of 50 cents (also qualifying for such exclusion) are specified because found to be prevailing for such employees in the locality. The contractor may credit his 25-cent welfare and pension contribution toward the discharge of his fringe benefit obligation under the contract and make an additional contribution of 25 cents for the specified or equivalent fringe benefits or pay the employee an additional 25 cents in cash, as authorized in Subpart B of this part. These contributions or equivalent payments may be excluded from the employee's regular rate, which remains $3.25, the rate agreed upon as the basic cash wage.

(c) The C company has been paying $3 an hour as its basic cash wage on which the firm has been computing overtime compensation. For performance of work on a contract subject to the Act the same rate of monetary wages and a fringe benefit contribution of 50 cents an hour (qualifying for exclusion from the regular rate under the Fair Labor Standards Act) are specified in accordance with a determination that these are the monetary wages and fringe benefits prevailing for such employees in the locality. The contractor is required to continue to pay at least $3 an hour in monetary wages and at least this amount must be included in the employee's regular or basic rate for overtime purposes under applicable Federal law. His fringe benefit obligation under the contract would be discharged if 50 cents of the contributions for fringe benefits were for the fringe benefits specified in the contract or equivalent benefits as defined in Subpart B of this part. He may exclude such fringe benefit contributions from the regular or basic rate of pay of the service employee in computing overtime pay due. Exclusion of the remainder of the fringe benefit contributions from the regular rate under the Fair Labor Standards Act would depend on whether they are contributions excludable under section 7(e) of that Act.

Notice to Employees

§ 4.183 Employees must be notified of compensation required.

The Act, in section 2(a)(4), and the regulations thereunder in § 4.6(e), require all contracts subject to the Act which are in excess of $2,500 to contain a clause requiring the contractor or subcontractor to notify each employee commencing work on a contract to which the Act applies of the compensation required to be paid such employee under section 2(a)(1) and the fringe benefits required to be furnished under section 2(a)(2). A notice form provided by the Wage and Hour and Public Contracts Divisions is to be used for this purpose. It may be delivered to the employee or posted as stated in § 4.184.

§ 4.184 Posting of notice.

Posting of the notice provided by the Wage and Hour and Public Contracts Divisions shall be in a prominent and accessible place at the worksite, as required by § 4.6(e). The display of the notice in a place where it may be seen by employees performing on the contract will satisfy the requirement that it be in a "prominent and accessible place". Should display be necessary at more than one site, in order to assure that it is seen by such employees, additional copies of the poster may be obtained without cost from the Divisions. The contractor or subcontractor is required to attach to the poster a listing of all minimum monetary wages and fringe benefits, as specified in the contract, to be paid or furnished to the classes of service employees performing on the contract.

Records

§ 4.185 Recordkeeping requirements.

The records which a contractor or subcontractor is required to keep concerning employment of employees subject to the Act are specified in § 4.6(g) of Subpart A of this part. They are required to be maintained for 3 years from the completion of the work, and must be made available for inspection and transcription by authorized representatives of the Administrator. Such records must be kept for each service employee performing work under the contract, for each workweek during the performance of the contract. If the required records are not separately kept for the service employees performing on the contract, it will be presumed, in the absence of affirmative proof to the contrary, that all service employees in the department or establishment where the contract was performed were engaged in covered work during the period of performance. (See § 4.173.)

Safety and Health Provisions

§ 4.186 Contract requirements for safety and health of workers.

The Act, in section 2(a)(3), requires every service contract in excess of $2,500 subject to its provisions to contain a stipulation that "no part of the services covered by this Act will be performed in buildings or surroundings or under working conditions provided by or under the control or supervision of the contractor or any subcontractor which are unsanitary or hazardous or dangerous to the health or safety of a service employee engaged to furnish the services". Regulations under this provision are set forth in Part 1516 of this title.

Enforcement

§ 4.187 Recovery of underpayments.

(a) The Act, in section 3(a) provides that any violation of any of the contract stipulations required by section 2(a)(1) or (2) or of section 2(b) of this Act shall render the party responsible therefor liable for a sum equal to the amount of any deductions, rebates, refunds, or underpayments of compensation due to any employee engaged in the performance of such contract. So much of the accrued payment due on the contract or any other contract between the same contractor and the Federal Government may be withheld as is necessary to pay such employees. Such withheld sums shall be held in a deposit fund. On order of the Secretary, any compensation which the head of the Federal agency or the Secretary has found to be due pursuant to this Act shall be paid directly to the underpaid employees from any accrued payments withheld under this Act.

(b) The Act, in section 5(b), provides that, if the accrued payments withheld under the terms of the contract are insufficient to reimburse all service employees with respect to whom there has been a failure to pay the compensation required pursuant to this Act, the United States may bring action against the contractor, subcontractor, or any sureties in any court of competent jurisdiction to recover the remaining amount of underpayments. Any sums thus recovered by the United States shall be held in the deposit fund and shall be paid, on the order of the Secretary, directly to the underpaid employee or employees. Any sum not paid to an employee because of inability to do so within 3 years shall be covered into the Treasury of the United States as miscellaneous receipts.

§ 4.188 Ineligibility for further contracts when violations occur.

Section 5 of the Act directs the Comptroller General to distribute a list to all agencies of the Government giving the names of persons or firms that the Federal agencies or the Secretary have found

violated this Act. Unless the Secretary otherwise recommends, no contract of the United States shall be awarded to the persons or firms appearing on this list or to any firm, corporation, partnership, or association in which such persons or firms have a substantial interest until 3 years have elapsed from the date of publication of the list containing the name of such persons or firms. This prohibition against the award of a contract to an ineligible contractor applies to him in the capacity of either a prime contractor or a subcontractor.

§ 4.189 Administrative proceedings relating to enforcement of labor standards.

The Secretary is authorized, pursuant to the provisions of section 4(a) of the Act, to hold hearings and make such decisions based upon findings of fact as are deemed to be necessary to enforce the provisions of the Act. The Secretary's findings of fact after notice and hearing are declared to be conclusive upon all agencies of the United States and, if supported by a preponderance of the evidence, conclusive in any court of the United States. Rules of practice for administrative proceedings under this authority are set forth in Part 6 of this subtitle.

§ 4.190 Contract cancellation.

As provided in section 3 of the Act, when a violation is found of any contract stipulation, the contract is subject upon written notice to cancellation by the contracting agency. Whereupon, the United States may enter into other contracts or arrangements for the completion of the original contract, charging any additional cost to the original contractor.

§ 4.191 Complaints and compliance assistance.

(a) Any employer, employee, labor or trade organization, or other interested person or organization may report to any office of the Wage and Hour and Public Contracts Divisions (or to any office of the Bureau of Labor Standards, in instances involving the safety and health provisions), a violation, or apparent violation of the act, or of any of the rules or regulations prescribed thereunder. Such offices are also available to assist or provide information to contractors or subcontractors desiring to ensure that their practices are in compliance with the Act. Information furnished is treated confidentially.

(b) A report of breach or violation relating solely to safety and health requirements may be in writing and addressed to the Regional Director of a Bureau of Labor Standards' Regional Office, U.S. Department of Labor or to the Director of the Bureau of Labor Standards, U.S. Department of Labor, Washington, D.C. 20210.

(c) Any other report of breach or violation may be in writing and addressed to the Regional Director of a Wage and Hour and Public Contracts Divisions' Regional Office, U.S. Department of Labor, or to the Administrator of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210.

(d) In the event that a Regional Director of the Wage and Hour and Public Contracts Divisions is notified of a breach or violation which also involves safety and health standards, such Director shall notify the appropriate Regional Director of the Bureau of Labor Standards who shall with respect to the safety and health violation take action commensurate with his responsibilities pertaining to safety and health standards.

(e) The report should contain the following:

(1) The full name and address of the person or organization reporting the breach or violations.

(2) The full name and address of the person against whom the report is made.

(3) A clear and concise statement of the facts constituting the alleged breach or violation of any of the provisions of the McNamara-O'Hara Service Contract Act, or of any of the rules or regulations prescribed thereunder.

[F.R. Doc. 68-8178; Filed, July 9, 1968; 8:51 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Reg. 1 (Rev. 5), Amdt. 9]

OI REG. 1—OIL IMPORT REGULATION

Allocation of Imports; Crude Oil and Unfinished Oils

This amendment adds to Oil Import Regulation 1 a new section 25, the purpose of which is, in furtherance of the national security and the fiscal policies of the Government, to encourage the construction of new refineries and new petrochemical plants in the United States and the reactivation of such facilities. The new section 25 will provide for the making of allocations of imports with respect to the projected inputs of a new or reactivated facility in order that an operator of the facility may at the outset of its operations be in a more equitable position with respect to other operators holding allocations. Because the benefits of the new section should be available to new or reactivated facilities that recently have come on stream, the section is applicable to facilities that may have come on stream since January 1, 1967, the beginning of the last allocation period. The new section 25 is issued after careful consideration of comments received following the notice of proposed rulemaking published by the Administrator, Oil Import Administration, in the FEDERAL REGISTER for April 10, 1968 (33 F.R. 5585). Some 51 comments on the proposal were received and, while there were some objections to the proposal in its entirety, most of the comments were favorable. The proposal has been revised after further study in the light of the comments received.

Sections 10 and 11 are amended to provide allocations to refiners in Districts I–IV and District V for the last 184 days of the allocation period January 1 through December 31, 1968.

Because allocations of imports should be made immediately, it is impracticable either to give notice of proposed rulemaking with respect to the amendments made to sections 10 and 11 or to delay the effective date of this Amendment. Accordingly, this Amendment 9 shall become effective immediately.

Allocations under sections 10 and 11—allocations crude oil and unfinished oils—refiners—Districts I–IV and V, respectively, will be made immediately with respect to applications which are on file with the Administrator for allocations under these sections.

Allocations under section 9—allocations crude oil and unfinished oils—petrochemical plants—Districts I–IV, District V, will be made within a period of 2 to 3 weeks from the date of this amendment, such period being required to verify all new applications received for allocations under section 9.

Allocations under new section 25 will be made following July 12, 1968, the date by which applications must be received. Allocations to refiners will be made subject to the amount of oil available for such allocations following the making of allocations under sections 10 and 11. In the event that insufficient oil is available to make full allocations to any person under section 25, the balance will be made up in the next succeeding allocation period. Allocations to new petrochemical plants made under section 25 will be made at the same time that allocations are made under section 9.

Sections 10 and 11 of Oil Import Regulation 1 (Revision 5) are amended to read as set forth below, and a new section 25, reading as follows, is added to the regulation:

Sec. 10 Allocations—crude and unfinished oils—refiners—Districts I–IV.

(a) For the allocation period January 1, 1968, through December 31, 1968, approximately 2,000 b/d of imports of crude oil and unfinished oils into Districts I–IV are made available to the Oil Import Appeals Board. The Administrator shall make, to eligible persons having refinery capacity in these districts, allocations of such imports for the last 184 days of the allocation period as provided in paragraphs (b) and (c) of this section.

(b) Except as provided in paragraph (c) of this section, each eligible applicant shall receive an allocation based on refinery inputs for the year ending September 30, 1967, and computed according to the following schedule:

Average b/d input	Percent of input	Number of days
0–10,000 10–30,000 30–100,000 100,000 plus	(X)	18.8 10.1 6.6 2.7 (X)	184

(c) (1) Except as provided in subparagraph (2) of this paragraph, if an eligible applicant imported crude oil pursuant to an allocation under the Voluntary Oil Import Program and if an allocation computed under paragraph (b) of this section would be less than 45 percent of the applicant's last allocation of imports of crude oil under that program expressed in average barrels daily and multiplied by 184, the applicant shall receive an allocation under this section equal to 45 percent of his last allocation of imports of crude oil under that program expressed in average barrels daily and multiplied by 184.

(2) If an applicant imported crude oil pursuant to an allocation under the Voluntary Oil Import Program which reflected imports of crude oil that would now be exempt from restrictions pursuant to clause (4) of paragraph (a) of section 1 of Proclamation 3279, as amended, and if an allocation computed under paragraph (b) of this section would be less than 33.25 percent of the applicant's last allocation of imports of crude oil under that program expressed in average barrels daily and multiplied by 184, the applicant shall receive an allocation under this section equal to 33.25 percent of his last allocation of imports of crude oil under that program expressed in average barrels daily and multiplied by 184. *Provided, however,* That if the allocation computed on this basis will result in a reduced historical allocation which is smaller than an allocation for this period would be if computed (for the purposes of comparison only) on the basis of a total of inputs to the applicant's refinery which includes inputs of crude oil and unfinished oils imported pursuant to clause (4) of paragraph (a) of section 1 of Proclamation 3279, as amended, the applicant shall nevertheless receive an allocation under this section equal to 37.75 percent of his last allocation of imports of crude oil under the Voluntary Oil Import Program expressed in average barrels daily and multiplied by 184.

(d) No allocation made pursuant to this section shall entitle a person to a license which will allow the importation of unfinished oils in excess of 15 percent of the allocation.

(e) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

Sec. 11 Allocations—crude and unfinished oils—refiners—District V.

(a) For the allocation period January 1, 1968, through December 31, 1968, approximately 500 b/d of imports of crude oil and unfinished oils into District V are made available to the Oil Import Appeals Board. The Administrator shall make to eligible persons having refinery capacity in this district allocations of such imports for the last 184 days of the allocation period as provided in paragraphs (b) and (c) of this section.

(b) Except as provided in paragraph (c) of this section, each eligible applicant shall receive an allocation based on refinery inputs for the year ending September 30, 1967, and computed according to the following schedule:

Average b/d input	Percent of input	Number of days
0–10,000 10–30,000 30–100,000 100,000 plus	(X)	44.3 10.7 5.0 2.2 (X)	184

(c) (1) Except as provided in subparagraph (2) of this paragraph, if an eligible applicant imported crude oil pursuant to an allocation under the Voluntary Oil Import Program and if an allocation computed under paragraph (b) of this section would be less than 28.5 percent of the applicant's last allocation of imports of crude oil under that program expressed in average barrels daily and multiplied by 184, the applicant shall receive an allocation under this section equal to 28.5 percent of his last allocation of imports of crude oil under that program expressed in average barrels daily and multiplied by 184.

(2) If an applicant imported crude oil pursuant to an allocation under the Voluntary Oil Import Program which reflected imports of crude oil that would now be exempt from restrictions pursuant to clause (4) of paragraph (a) of section 1 of Proclamation 3279, as amended, and if an allocation computed under paragraph (b) of this section would be less than 22 percent of the applicant's last allocation of imports of crude oil under that program expressed in average barrels daily and multiplied by 184, the applicant shall, nevertheless, receive an allocation under this section equal to 22 percent of his allocation of imports of crude oil under that program expressed in average barrels daily and multiplied by 184. *Provided, however,* That if the allocation computed on this basis will result in a reduced historical allocation which is smaller than an allocation for this period would be if computed (for the purposes of comparison only) on the basis of a total of inputs to the applicant's refinery which includes inputs of crude oil and unfinished oils imported pursuant to clause (4) of paragraph (a) of section 1 of Proclamation 3279, as amended, the applicant shall nevertheless receive an allocation under this section equal to 34 percent of his last allocation of imports of crude oil under the Voluntary Oil Import Program expressed in average barrels daily and multiplied by 184.

(d) No allocation made pursuant to this section shall entitle a person to a license which will allow the importation of unfinished oils in excess of 25 percent of the allocation.

(e) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

Sec. 25 Allocations of crude and unfinished oils—Districts I–IV, District V—new or reactivated refinery capacity and petrochemical plants—based upon estimated inputs.

(a) (1) The Administrator may make allocations of imports of crude oil and unfinished oils with respect to new or reactivated refinery capacity and petrochemical plants as provided in this section.

(2) Except as provided in paragraph (j) a person seeking such an allocation must file an application with the Administrator no later than 60 days prior to the beginning of an allocation period. The application shall disclose in detail such information as the Administrator may require, including:

(i) The nature of the facility,

(ii) The location of the facility,

(iii) The products and the quantity of each product to be produced,

(iv) The capital outlay involved,

(v) The expected average barrels per day of qualified feedstocks inputs to such facility,

(vi) The identification of the feedstocks, and the source thereof,

(vii) The date that the facility went on stream or is scheduled to go on stream, and

(viii) Whether this facility will replace an existing facility which is to be or has been shut down.

(b) (1) Subject to the limitations set forth in subparagraph (3) of this paragraph, if the new or reactivated refinery capacity is scheduled to come on stream during the allocation period for which the allocation is requested and if the applicant has no other refinery capacity, the allocation shall be computed according to the schedule in paragraph (b) of section 10 or 11 (as the case may be) on the basis of the quantity of inputs (divided by 365) which it is estimated will be made to such capacity during that allocation period. An applicant who receives an allocation for a particular allocation period pursuant to this subparagraph (1) may be eligible for an allocation pursuant to subparagraph (2) of this paragraph for the next succeeding allocation period.

(2) (i) Subject to the limitations set forth in subparagraph (3) of this paragraph, if the new or reactivated refinery capacity has come on stream during the allocation period immediately preceding the allocation period for which the allocation is requested and if the applicant has no other refinery capacity, the allocation shall be computed according to the schedule in paragraph (b) of section 10 or 11 (as the case may be) on the basis of the sum (divided by 365) of (i) the refinery inputs actually made to the new or reactivated refinery capacity during months of the allocation period immediately preceding the allocation period for which the allocation is requested and (ii) the inputs which it is estimated will be made to such capacity during the number of months which, when combined with the months in clause (i), will constitute a period of 12 months.

(ii) An applicant to whom an allocation is made under this subparagraph (2) shall not receive an allocation under section 9, or paragraph (b) of section 10 or 11.

(3) The maximum quantity of estimated inputs which an applicant may claim for the purposes of an allocation

based entirely on estimated inputs pursuant to subparagraph (1) of this section shall be (i) 11 million barrels with respect to all new or reactivated refinery capacity in Districts I–IV, (ii) 11 million barrels with respect to such capacity in District V, (iii) 4 million barrels with respect to all new or reactivated petrochemical plants in Districts I–IV, and (iv) 4 million barrels with respect to such plants in District V. The maximum quantity of estimated inputs which an applicant may claim for the purposes of an allocation based on a combination of actual and estimated inputs pursuant to subparagraph (2) of this paragraph shall be the particular maximum quantity specified in the first sentence of this subparagraph (3) multiplied by the number of months of estimated inputs divided by 12.

(4) If the applicant has other refinery capacity, inputs estimated as provided in subparagraph (1) or (2) of this paragraph shall be added to the inputs of the applicant's other capacity for the purpose of computing an allocation under section 10 or 11.

(c) Allocations with respect to new or reactivated petrochemical plants shall be computed under section 9 of the regulations on the basis of estimated petrochemical plant inputs or a combination of actual and estimated inputs as provided for with respect to refinery capacity in paragraph (b) of this section 25.

(d) (1) If an allocation based in whole or in part on estimated inputs is made to an applicant pursuant to this section, the actual inputs submitted by the applicant as a basis for allocations in succeeding allocation periods will be adjusted upward or downward to compensate for the difference between the estimated inputs and the actual inputs made during the period for which inputs were estimated.

(2) If the estimated inputs upon which an allocation is based exceed the actual inputs made by more than 5 percent of the estimated inputs, in addition to the adjustment downward provided by subparagraph (1) of this paragraph the applicant shall be penalized for the overestimate as provided in this subparagraph (2). As a penalty, the actual inputs submitted by the applicant as a basis for allocations for succeeding allocation periods shall be further reduced by the number of barrels by which the estimated inputs exceeded the actual inputs by more than 5 percent of the estimated inputs. However, to the extent that an applicant demonstrates to the satisfaction of the Administrator that all or a part of the excess of estimated inputs over actual inputs was attributable to acts of God, fires or explosions, the Administrator may reduce the number of barrels of excess for which the penalty will be imposed. This subparagraph (2) shall not apply if an applicant made no use of the allocation based on estimated inputs.

(e) The Administrator shall make an allocation pursuant to this section only if he is satisfied that the applicant's new or reactivated refinery capacity or petrochemical plant constitutes a bona fide business venture. The Administrator shall not issue a license under an allocation made pursuant to this section until the new or reactivated refinery capacity or petrochemical plant has been on stream for not less than 60 days and until an on-the-spot evaluation of the new or reactivated refinery capacity or petrochemical plant has been conducted by authorized representatives of the Oil Import Administration and a determination has been made that the facility has the actual operational capacity which the applicant has certified in his application. Licenses issued under allocations made pursuant to this section shall expire on the last day of the allocation period.

(f) If an allocation made under this section 25 has been made on the basis of the reactivation of particular refinery capacity or of a particular petrochemical plant, no further allocations shall be made under this section on the basis of a change in the status—that is, closure and reactivation—of the particular refinery capacity or petrochemical plant.

(g) New facilities which are constructed in Districts I–IV or District V for the purpose of replacing existing operating facilities in the respective districts which have been shut down or which are scheduled to be shut down will be evaluated on an individual basis, but in no event will the combined actual inputs to the facility which is to be replaced and estimated inputs to the new facility form the basis for computing an allocation under this section or section 9, 10, or 11.

(h) No allocations made under this section may be sold, assigned, or otherwise transferred.

(i) (1) As used in this section 25, "new refinery capacity" or "new petrochemical plants" includes expansion of existing facilities by the addition of equipment, such as stills, towers, pumps, tanks, pipelines, and chemical conversion units if and only if the addition when installed independently of existing equipment would constitute refinery capacity or a petrochemical plant as defined in section 22. Additions which merely increase the throughput of existing equipment do not constitute new refinery capacity or petrochemical plants for the purpose of obtaining an allocation under this section. Transfers of equipment by an applicant from one of its plants or refineries to another of its plants or refineries do not constitute new refinery capacity or petrochemical plants for the purpose of obtaining an allocation under this section.

(2) As used in this section 25, "reactivated refinery capacity" and "reactivated petrochemical plants" means the restoration to operation of refinery capacity or a petrochemical plant which had been shut down for a period of not less than 12 months.

(j) (1) Subject to the limitations set forth in subparagraph (3) of paragraph (b), the Administrator may make allocations of imports of crude oil and unfinished oils with respect to new or reactivated refinery capacity and petrochemical plants for the last 184 days of this allocation period, as provided in this paragraph (j). Applications for allocations of imports of crude oil and unfinished oil under this paragraph (j) must be filed not later than July 12, 1968.

(2) (i) If new or reactivated refinery capacity has come on stream since January 1, 1967, or is scheduled to come on stream at any time during the current allocation period and if the applicant has no other refinery capacity, the allocation shall be computed according to the schedule in paragraph (b) of section 10 or of section 11 as amended by this Amendment 9 on the basis of the quantity of inputs (divided by 184) which it is estimated will be made to such capacity during the last 184 days of the allocation period.

(ii) An applicant eligible for an allocation under this subparagraph (2) may be eligible for an allocation under section 9, 10, or 11; in such instance, the Administrator shall compute allocations under section 25 and under section 9, 10, or 11 and make available to the applicant the larger of the two allocations.

(3) If the applicant has other refinery capacity, the allocation shall be computed under section 10 or 11 (as the case may be) on the basis of inputs to the other capacity plus actual inputs made to the new or reactivated refinery capacity during the period specified in those sections and an allocation shall be computed on the basis of inputs to the other capacity during the period specified in those sections plus estimated inputs to the new or reactivated refinery capacity for the last 184 days, as provided in subparagraph (2) of this paragraph, and the larger allocation shall be made to the applicant.

(4) Allocations with respect to a petrochemical plant shall be computed under section 9 of the regulations in the same manner as provided with respect to refinery capacity under this paragraph (j).

STEWART L. UDALL,
Secretary of the Interior.

JULY 2, 1968.

[F.R. Doc. 68-8186; Filed, July 9, 1968; 8:51 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4472]

[Fairbanks 035290]

ALASKA

Revocation of Air Navigation Site Withdrawal No. 129

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The departmental order of September 22, 1939, so far as it withdrew approximately 19.1 acres at Ruby, Alaska, described by metes and bounds as "Tract 1," as a portion of Air Navigation Site Withdrawal No. 129, is hereby revoked.

The land is an isolated area at Ruby, in close proximity to the Yukon River.

2. Until 10 a.m. on October 2, 1968, the State of Alaska shall have a preferred right of application to select the land as provided by section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 2222.9. After that time the land shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable laws. All valid applications received at or prior to 10 a.m. on October 2, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The land will be open to location under the U.S. mining laws at 10 a.m. on October 2, 1968. It has been open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 2, 1968.

[F.R. Doc. 68-8124; Filed, July 9, 1968; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 45]

MARGARINE

Identity Standards; Liquid, Dried, and Condensed Forms of Sweet Cream Buttermilk as Optional Ingredients

Notice is given that a petition has been filed by the National Association of Margarine Manufacturers, 545 Munsey Building, Washington, D.C. 20004, proposing that the standard of identity for margarine (21 CFR 45.1) be amended to list sweet cream buttermilk and its dried and condensed forms as optional ingredients for margarine. Grounds set forth in support of the proposal are that the use of sweet cream buttermilk and its dried and condensed forms would enhance the flavor of margarine and could be substituted for higher priced dairy products in margarine.

Accordingly, it is proposed that § 45.1 (a)(2) and (b)(2)(i) be revised to read as follows:

§ 45.1 Oleomargarine, margarine; identity; label statement of optional ingredients.

(a) • • •

(2) One of the articles designated in subdivisions (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), or (ix) of this subparagraph is intimately mixed with the fat ingredient or ingredients. The ingredients named in subdivisions (i), (ii), (iii), (iv), (v), (vi), and (vii) of this subparagraph are pasteurized and then may be subjected to the action of harmless bacterial starters. The term "milk" as used in this subparagraph means cow's milk.

(i) Cream.
(ii) Milk.
(iii) Skim milk.
(iv) Liquid sweet cream buttermilk.
(v) Any combination of dry or condensed sweet cream buttermilk and water with a total solids content of not less than 8.5 percent.
(vi) Any combination of nonfat dry milk and water, in which the weight of the nonfat dry milk is not less than 10 percent of the weight of the water.
(vii) Any mixture of two or more of the articles named in subdivisions (i), (ii), (iii), (iv), (v), and (vi) of this subparagraph.
(viii) In case only of the fat ingredient designated in subparagraph (1)(ii) of this paragraph, any combination of finely ground soybeans and water, in which the weight of the finely ground soybeans is not less than 10 percent of the weight of the water. The finely ground soybeans are subjected to a heat treatment before or after mixing with the water. The soybeans may or may not be dehulled.
(ix) Water in lieu of any of the foregoing articles of this subparagraph.

Congealing is effected, either with or without contact with water, and the congealed mixture may be worked.

• • • • • •

(b) • • •
(2) • • •

(i) The optional ingredients butter, salt, water, cream, milk, skim milk, sweet cream buttermilk, dried sweet cream buttermilk and water, condensed sweet cream buttermilk and water, nonfat dry milk and water, ground soybeans and water, lecithin, mono- or diglycerides, sodium sulfo-acetate derivatives of mono- or diglycerides shall each be declared by those terms.

• • • • •

Due to a cross-reference, adoption of the proposed amendment to the standard for margarine (§ 45.1) would have the effect of providing for optional use sweet cream buttermilk and its dried and condensed forms in liquid margarine (§ 45.2).

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120) interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, and may be accompanied by a memorandum or brief in support thereof.

Dated: June 28, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8157; Filed, July 9, 1968; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Proposed Revocations Regarding Amprolium, Oxytetracycline, Zoalene

Based upon petitions filed by Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017, and an evaluation of the information available at the time, the food additive regulations (21 CFR Part 121, Subpart C) were amended by an order published in the FEDERAL REGISTER of August 14, 1963 (28 F.R. 8310), to provide for the safe use of oxytetracycline alone and in specified combinations with amprolium and zoalene. Upon reconsideration, the Commissioner of Food and Drugs concludes that the data fail to provide adequate information to show that the combination drugs of oxytetracycline and amprolium and oxytetracycline and zoalene are efficacious under the conditions specified in the published amendments. Accordingly, the corresponding new-drug applications cannot be approved and the food additive regulations should be amended as proposed below to revoke those portions providing for use of such combinations.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Subpart C of Part 121 be amended:

1. In § 121.207 *Zoalene*, paragraph (c), by deleting from the table items 1c, 2.7g, and 3.4g.

2. In § 121.210 *Amprolium*, paragraph (c), by deleting from table 1 items 1.1h, 2.9l, 3.3l, and 4.3l.

3. In § 121.251 *Oxytetracycline*, paragraph (d), by deleting from table 1 all subitems a and b under items 1 through 12.

All interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal within 30 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, and may be accompanied by a memorandum or brief in support thereof.

Dated: June 28, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8158; Filed, July 9, 1968; 8:49 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 4]

FEDERAL SERVICE CONTRACTS

Inclusion of Minimum Wage and Fringe Benefit Determinations in Cases Where Notices of Intention To Make Such Contracts Are Not Filed Timely

Pursuant to sections 2 and 4 of the McNamara-O'Hara Service Contract Act of 1965 (41 U.S.C. 351, 353), it is proposed to amend 29 CFR 4.5 by adding thereto a new paragraph (c), to read as follows:

§ 4.5 Contract minimum wage determinations and fringe benefit specifications.

• • • • • •

(c) If the notice of intention required by § 4.4(a) is not filed within the time provided in § 4.4(a), the contracting agency shall exercise any and all of its power that may be needed (including where necessary, its power to negotiate, its power to pay any necessary additional costs, and its power under any provision of the contract authorizing changes) to include in the contract any determinations communicated to it within 30 days of the filing of such notice or of the discovery by the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, of such omission.

Interested persons may submit written data, views, and argument regarding the proposed amendment to the Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, Fourteenth Street and Constitution Avenue NW., Washington, D.C. 20210 within 30 days after date of publication of this notice in the FEDERAL REGISTER.

(Secs. 2, 4, 79 Stat. 1034, 1035, as amended; 41 U.S.C. 351, 353)

Signed at Washington, D.C., this fifth day of July 1968.

WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 68-8179; Filed, July 9, 1968; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 68-EA-70]

AIRWORTHINESS DIRECTIVES

Hartzell Propellers

The Federal Aviation Administration is considering amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to require inspection and maintenance of certain Hartzell Propellers.

There have been reports of cracks in the shank of the Hartzell 8433 blades. The blade is retained in the propeller hub by a circumferential groove at the base of the blade and a retention shoulder about three-fourths inch above the groove. No cracks have been found in the upper retention shoulder which could lead to loss of a complete blade. However, if these cracks in the lower groove progress to the point where the retention shoulder loads become excessive, then cracking in the shoulder area could occur. The propellers which have cracked in the lower blade groove are over 5 years old with total time estimated in excess of 2,500 hours. The cracks have been discovered by normal inspection procedures while the propeller has been undergoing overhaul.

Interested persons are invited to participate in the making of the proposed rule by submitting written data and views. Communications should identify the docket number and be submitted in duplicate to the Office of Regional Counsel, FAA, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before taking action upon the proposed rule. The proposals contained in this Notice may be changed in light of comments received. All comments will be available in the Office of Regional Counsel for examination by interested parties.

In consideration of the foregoing, it is proposed to add a new airworthiness directive as follows:

Amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding a new airworthiness directive for Hartzell Propellers described as follows:

HARTZELL: Applies to Models HC-A2XF, BHC-A2XF, HC-A2XK, HC-A2XL, HC-A3XK and HC-A3VK with 8433 or V8433 blades installed on but not limited to Aero Commander 500 series, Cessna 180 series, Cessna 210 series, Cessna 310 series, and Piper PA-23-250 airplanes.

To detect blade shank cracks and prevent possible blade failure, accomplish the following:

(a) Propellers with 2,000 hours or more time in service inspect in accordance with paragraph (c) within the next 100 hours time in service after the effective date of this AD. If no cracks are found, shot peen propeller blade shank area in accordance with Hartzell Bulletin No. 93. Shot peened blades are to be reinspected in accordance with paragraph (c) every 1,000 hours time in service from the last inspection. For propellers which have been inspected within the last 1,000 hours time in service compliance with this paragraph is not necessary until 1,000 hours time in service from the last inspection.

(b) Propellers with less than 2,000 hours time in service, inspect in accordance with paragraph (c) within 2,100 hours total time in service. If no cracks are found, shot peen blade shank area in accordance with Hartzell Bulletin No. 93. Shot peened blades are to be reinspected in accordance with paragraph (c) every 1,000 hours time in service from the last inspection.

(c) Remove propeller from aircraft and remove blades from hub. Inspect blade shank area for cracks by the penetrant method. Replace before further flight any cracked blade with a new blade or blade which has been inspected in accordance with this AD and found satisfactory, and shot peened in accordance with Hartzell Bulletin No. 93.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Jamaica, N.Y., on June 28, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68-8136; Filed, July 9, 1968; 8:47 a.m.]

[14 CFR Part 67]

[Docket No. 8992; Notice 68-14]

CERTIFICATION ACTIONS

Reconsideration

The Federal Aviation Administration is considering amending Part 67 of the Federal Aviation Regulations to provide for an extension of the period during which an FAA official may, on his own initiative, reverse a medical certificate issued by an aviation medical examiner, to 60 days after the FAA receives additional information or the results of medical testing that the FAA requests within 60 days after the original date of issue.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before August 9, 1968, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 67.25(b), as amended by Amendment 67-5, effective July 16, 1966, contains a self-imposed 60-day time limitation upon exercise by FAA officials of reconsideration authority under section 314(b) of the Federal Aviation Act of 1958 to reverse the issue of a medical certificate by an aviation medical examiner. However, although reconsideration may indicate that the correction of an error made by an aviation medical examiner appears essential, the full exercise of the reconsideration authority within the prescribed time may be effectively defeated by the failure (or delay) of the airman in responding to requests for needed additional testing or medical information. This allows the operation of aircraft by airmen whose physical qualifications have not been fully determined and it becomes necessary to invoke section 609 of the Federal Aviation Act to effectively reverse the aviation medical examiner and prevent the airman from further exercising the privileges of his airman certificate. It is considered necessary to correct this situation by providing, in substance, that the time during which additional medical information or the results of additional medical testing is awaited, is not figured as part of the 60-day time limit, if the request therefore was made within 60 days after the certificate was issued.

In consideration of the foregoing, it is proposed to amend the third sentence of § 67.25(b) of the Federal Aviation Regulations to read as follows:

§ 67.25 Delegation of authority.

• • • • •

(b) • • • Unless an FAA official named in this paragraph wholly or partly, and on his own initiative, reverses a certificate issued by an aviation medical examiner within 60 days after the date of issue (or, if within that period the FAA requests additional medical information or medical testing from the certificate holder, within 60 days after the FAA receives that information or the results of that testing), the certificate is considered to be affirmed as issued.

• • • • •

This amendment is proposed under the authority of sections 303(d), 313(a), 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1344, 1354, 1421, 1422).

Issued in Washington, D.C., on July 2, 1968.

P. V. SIEGEL,
Federal Air Surgeon.

[F.R. Doc. 68-8137; Filed, July 9, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket 68-EA-60]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Hagerstown, Md., control zone.

With the availability of additional daily communications and weather reporting services, the hours of control can be extended from 1000–1800 to 0600–2100.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Hagerstown, Md., proposes the airspace action hereinafter set forth:

Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the Hagerstown, Md., control zone the time 1000 to 1800 and insert in lieu thereof 0600 to 2100.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on June 24, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68-8138; Filed, July 9, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket 68-EA-66]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 so as to alter the North Conway, N.H., 1,200-foot floor transition area.

Alteration of the North Conway, N.H., 1,200-foot floor transition area is required in order to provide controlled airspace protection for the transition routes authorized for the NDB (ADF) Runway 33 instrument approach procedure for White Mountain Airport, North Conway, N.H.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of North Conway, N.H., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the North Conway, N.H., transition area the words "east edge of B-63" and all thereafter and insert in lieu thereof:

RBN to 12 miles southeast of the RBN; within 5 miles each side of a direct line extending from the Whitefield, N.H., RBN (44°21'58" N., 71°33'00" W.) to the North Conway, N.H., RBN; within 5 miles each side of a direct line extending from the Montpelier, Vt., VOR to the North Conway, N.H., RBN; within 5 miles each side of a direct line extending from the Lebanon, N.H., VOR to the North Conway, N.H., RBN and within 5 miles each side of a line bearing 116° from the North Conway, N.H., RBN extending from the RBN to the northwest boundary of the Portland, Maine, 1,200-foot transition area, excluding those portions that coincide with the Berlin, N.H., Lebanon, N.H., and Burlington, Vt., 1,200-foot transition areas. This transition area is effective from sunrise to sunset, daily.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on June 24, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68-8139; Filed, July 9, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket 68-EA-57]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Hopkinsville, Ky., control zone and Hopkinsville, Ky. (Campbell AAF), transition area.

Cancellation of the VOR instrument approach procedure, revisions to the NDB (ADF) and TACAN instrument approach procedures for Campbell Army Airfield, Fort Campbell, Ky., and a revision to the VOR instrument approach procedure for Outlaw Field, Clarksville, Tenn., requires alteration of the Hopkinsville, Ky., control zone and Hopkinsville, Ky. (Campbell AAF), 700-foot floor transition area.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Hopkinsville, Ky. (Campbell AAF), proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Hopkinsville, Ky., control zone and insert in lieu thereof:

Within a 5-mile radius of the center, 36°-40'25" N., 87°29'30" W. of Campbell Army Airfield, excluding the area within a 1.5-mile radius of the center, 36°37'15" N., 87°24'55" W. of Outlaw Field, Clarksville, Tenn.; within 2 miles each side of the 224° bearing from the Campbell RBN extending from the 5-mile radius zone to the RBN and within 2 miles each side of the Campbell TACAN 053° radial extending from the 5-mile radius zone to 6 miles northeast of the TACAN.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations in the Hopkinsville, Ky. (Campbell AAF), transition area, by deleting the parenthetical part of the caption; delete in the description of the 700-foot floor transition area, the coordinates "36°40'11" N., 87°29'13" W." and insert in lieu thereof "36°40'25" N., 87°29'30" W."; delete the figures "045°" and insert in lieu thereof "044°"; delete the phrase "within 5 miles northwest and 8 miles southeast of the Clarksville, Tenn., VOR 064° radial extending from the 14-mile radius area to 12 miles northeast of the VOR".

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y. on June 24, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68-8140; Filed, July 9, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-EA-69]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 so as to alter the Houlton, Maine, control zone and 700-foot floor transition area.

A revision to the VOR instrument approach procedure for Houlton International Airport, Houlton, Maine, will require alteration of the control zone and transition area.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation -Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Houlton, Maine, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Houlton, Maine, control zone the figures 018° and insert in lieu thereof 016°; delete "to the VOR" and insert in lieu thereof "to 2 miles north of the VOR."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Houlton, Maine, 700-foot floor transition area the words "within 2 miles" to and including "south of the VOR."

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on June 24, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68-8141; Filed, July 9, 1968; 8:47 a.m.]

Notices

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC–D–112; NDA No. 5960 etc.]

DRUGS FOR HUMAN USE CONTAINING RUTIN, QUERCETIN, HESPERIDIN, OR ANY BIOFLAVONOIDS

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New-Drug Applications

In an announcement published in the FEDERAL REGISTER of January 23, 1968 (33 F.R. 818), holders of new-drug applications for drugs containing rutin, quercetin, hesperidin, or bioflavonoids, and other interested persons, were invited to attend a meeting to discuss a proposal to initiate proceedings to withdraw approval of such applications. The meeting was held on January 31, 1968, at which time the Food and Drug Administration invited the submission of additional scientific, medical information that might be pertinent to the question of the effectiveness of these drugs. The additional information received, considered together with other information available, did not provide substantial evidence of effectiveness of such drugs for use in man for any condition.

Therefore, notice is hereby given to:

Abbott Laboratories.
Arlington-Funk Labs. (Div. of U.S. Vitamin Corp.).
Best Pharmaceuticals.
The Blue Line Chemical Co.
Brayten Pharmaceutical Co.
The Central Pharmacal Co.
Direct Labs., Inc.
Grove Labs. (Subsidiary of Bristol-Myers).
K–V Pharmacal Co.
Lakeside Laboratories (Div. of Colgate-Palmolive Co.).
Lemmon Pharmacal.
Lloyd, Dabney & Westerfield, Inc.
The Maltine Co.
The S. E. Massengill Co.
Merck Sharp & Dohme (Div. of Merck & Co., Inc.).
Metro Med. Inc.
Nadin Co.
Nysco Labs., Inc.
Organon, Inc.
The E. L. Patch Co. (now Smith, Miller & Patch, Inc.).
The Paul Plessner Co.
Physicians Drug & Supply Co.
Rexall Drug & Chemical Co.
Rhodes Pharmacal Co., Inc.
Richlyn Laboratories.
Robin Pharmacal Co.
E. R. Squibb & Sons (Div. Olin Mathieson Chemical Corp.).
R.J. Strasenburgh Co. (Div. of Wallace & Tiernan, Inc.).
Table Rock Labs., Inc.
U.S. Vitamin Corp.
Walker Labs., Inc. (Div. of Richardson-Merrell).
Henry K. Wampole & Co.

and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the following new-drug applications and all amendments and supplements thereto with respect to any drugs included in such applications which contain rutin, quercetin, hesperidin, or any bioflavonoid:

NEW-DRUG APPLICATIONS DEEMED APPROVED FOR DRUGS CONTAINING RUTIN, QUERCETIN, HESPERIDIN, OR BIOFLAVONOIDS

NDA No.	Drug name	Applicant's name and address
5960	Rutin Tablets	Abbott Laboratories, 14th and Sheridan Rd., North Chicago, Ill. 60064.
6020	Rutin Tablets; Rutorbin Tablets	E. R. Squibb & Sons, Division Olin Mathieson Chemical Corp., 745 Fifth Ave., New York, N.Y. 10022.
6070	Rutin Tablets	The Maltine Co., 745 Fifth Ave., New York, N.Y. 10022.
6158	Theoglycinate with Rutin and Phenobarbital	Brayten Pharmaceutical Co., 1715 West 38th Street, Chattanooga, Tenn. 37409.
6291	Glytheonate with Rutin and Phenobarbital	The E. L. Patch Co., now Smith, Miller & Patch, Inc., 902 Broadway, New York, N.Y. 10010.
6333	Synophylate Tablets	The Central Pharmacal Co., 116–128 East Third St., Seymour, Ind. 47274.
8369	Vir-I-Phyl	Lemmon Pharmacal, Temple Ave., Sellersville, Pa. 18960.
8935	Quertine (Quercetin, Abbott)	Abbott Laboratories, 14th Street and Sheridan Rd., North Chicago, Ill. 60600.
9074	Maxitate with Rauwolfia Compound Tablets	R. J. Strasenburgh Co., Division of Wallace & Tiernan, Inc., 755 Jefferson Rd., Rochester, N.Y. 14603.
9118	Raufia Encote Tablets; Neo-Vir-I-Tin Encote Tablets.	Lemmon Pharmacal, Temple Ave., Sellersville, Pa. 18960.
9123	Loten Tablets	Lemmon Pharmacal, Temple Ave., Sellersville, Pa. 18960.
9255	Wollinex	Lloyd, Dabney & Westerfield, Inc., 3941 Brotherton Rd., Cincinnati, Ohio 45209.
9455	Ruserp-C	Lemmon Pharmacal, Temple Ave., Sellersville, Pa. 18960.
9555	Rauhexide Tablets	K-V Parmacal Co., 2503 South Hanley Rd., St. Louis, Mo. 63144.
9557	Ruhexatal with Reserpine	Lemmon Pharmacal, Temple Ave., Sellersville, Pa. 18960.
9605	Neo-Semlyten Capsules	The S. E. Massengill Co., 513–529 Fifth St., Bristol, Tenn. 37620.
9640	Rauwolfia Serpentina-Mannitol Hexanitrate-Rutin Tablets.	Best Pharmaceuticals, 3725 Castor Ave., Philadelphia, Pa. 19124.
9684	Neo-Raufa Tablets	Table Rock Labs., Inc., 812 Hampton Ave., Greenville, S.C. 29601.
9685	Rauwolfia Serpentina-Mannitol Hexanitrate-Rutin-Veratrum Viride Tablets.	Robin Pharmacal Co., 57 Hope St., Brooklyn, N.Y. 11211.
9901	Restolic Tablets; Restolic Forte Tablets	Merck Sharp & Dohme, Division Merck & Co., Inc., West Point, Pa. 19486.
9914	Raumannite-50 Tablets	Nysco Labs., Inc., 34–24 Vernon Blvd., Long Island City, N.Y. 11101.
9965	C.V.P.; C.V.P. w/Vitamin K; Bivan Tablets; Duo-C.V.P. w/Vitamin K Capsules.	U.S. Vitamin Corp., 26 Vark St., Yonkers, N.Y. 10701.
10000	Tenserina Tablets (Spanish name); Tenserine Tablets (English name).	Abbott Laboratories, 14th and Sheridan Rd., North Chicago, Ill. 60064.
10013	"Bio-Flav" Citrus Bioflavonoid Complex and Vitamin C Tablets.	Nadin Co., 1815 Flower St., Glendale, Calif. 91201.
10046	Capilon Tablets	The Paul Plessner Co., 635 30th Ave. North, Post Office Box 7087, St. Petersburg, Fla. 33734.
10063	Citroid Capsules	Grove Labs., Subsidiary of Bristol-Myers, 8420 Delmar Blvd., Post Office Box 7300, St. Louis, Mo. 63177.
10114	Mannitrau Tablets	Richlyn Laboratories, 3725 Castor Ave., Philadelphia, Pa. 19124.
10130	Rauman Tablets	Direct Labs., Inc., 377 Genesee St., Post Office Box 708, Buffalo, N.Y. 14240.
10136	Rautenal Tablets	Physicians Drug & Supply Co., 1458 Chestnut Ave., Hillside, N.J. 07205.
10232	Flavoserp	The Blue Line Chemical Co., 302 South Broadway, St. Louis, Mo. 63102.
10310	Prevoids	Rhodes Pharmacal Co., Inc., 41 East Oak St., Chicago, Ill. 60611.
10572	Bioresp-C	Henry K. Wampole & Co., 35 Commerce Rd., Stamford, Conn. 06902.
10816	Adrestat	Organon, Inc., 375 Mount Pleasant Ave., West Orange, N.J. 07052.
11050	Biosercen	The Central Pharmacal Co., 116–128 East Third St., Seymour, Ind. 47274.
11051	Citroid Compound	Grove Labs., Subsidiary of Bristol-Myers, 8420 Delmar Blvd., Post Office Box 7300, St. Louis, Mo. 63177.
11052	Citroid Compound	Do.
11186	Citroid Jr	Do.
11214	Super Anapac Cough Syrup	Rexall Drug & Chemical Co., 8480 Beverly Blvd., Los Angeles, Calif. 90054.
11240	Serbio Capsules	Metro Med. Inc., 2510 South Blvd., Houston, Tex. 77006.
11474	Prednyl Tablets	Arlington-Funk Labs., Division of U.S. Vitamin Corp., 26 Vark St., Yonkers, N.Y. 10701.
11475	Prednis-C.V.P. Capsules	Do.
11957	Dactil-OB	Lakeside Laboratories, Division of Colgate-Palmolive Co., 1707 East North Ave., Milwaukee, Wis. 53201.
12261	Natorexic Tablets	Walker Labs., Inc., Division of Richardson-Merrell, 1 Bradford Rd., Mount Vernon, N.Y. 10551.

It is proposed to withdraw approval on the grounds that there is a lack of substantial evidence that rutin, quercetin, hesperidin, or any bioflavonoid has the effect which the drugs purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof, or that such articles alone, or as added components with other drugs, are effective for use in man for any condition.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give each applicant and any interested person who would be adversely affected by an order withdrawing such approval an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of any new-drug application listed herein should not be withdrawn. Promulgation of the proposed order will cause any drug for human use containing any rutin, quercetin, hesperidin, or bioflavonoid to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days from the date of publication of this notice in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food and Drug Division, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new-drug application. Failure of such persons to file such a written appearance of election within 30 days following the date of publication of this notice in the FEDERAL REGISTER will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process that the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing by filing a timely written appearance of election, a hearing examiner will be named by the Commissioner and he shall issue a written notice of the time and place for the hearing.

This notice is issued under the authority contained in the Federal Food, Drug, and Cosmetic Act. (sec. 505, 52 Stat. 1052, as amended; 21 U.S.C. 355) and delegated to the Commissioner (21 CFR 2.120).

Dated: June 28, 1968.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 68–8159; Filed, July 9, 1968; 8:49 a.m.]

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8B2303) has been filed by American Cyanamid Co., Wayne, N.J. 07470, proposing an amendment to § 121.2566 *Antioidants and/or stabilizers for polymers* to provide for the safe use of 2,2'-methylenebis(4-ethyl-6-*tert*-butylphenol) as an antioxidant in polymers intended for food-contact use.

Dated: June 28, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–8160; Filed, July 9, 1968; 8:49 a.m.]

COUNTY LINE CHEESE CO. AND DEVELOPMENT CONSULTANTS, INC.

Colby Cheese Deviating From Identity Standard; Temporary Permit for Market Testing

Pursuant to § 10.5 (21 CFR 10.5) concerning temporary permits for interstate shipments of experimental packs of food varying from the standards of identity promulgated pursuant to section 401 (21 U.S.C. 341) of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued jointly to The County Line Cheese Co., Auburn, Ind. 40706, and Development Consultants, Inc., 5657 Vine Street, Cincinnati, Ohio 45216.

The permit covers interstate marketing tests of colby cheese that deviates from the standard of identity (21 CFR 19.510) in that an aqueous solution prepared by condensing or precipitating wood smoke in water has been added to it. The principal display panel of the label of each container shall prominently bear the statement "With added smoke flavoring."

This permit expires December 31, 1968.

Dated: June 28, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–8161; Filed, July 9, 1968; 8:49 a.m.]

MONSANTO CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8B2306) has been filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, proposing an amendment to § 121.2520 *Adhesives* of the food additive regulations to provide for the safe use of terphenyl, chlorinated to 60 weight percent, as an optional component of food packaging adhesives.

Dated: June 27, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–8162; Filed, July 9, 1968; 8:49 a.m.]

Office of the Secretary

REORGANIZATION ORDER

Under the authority of section 6 of Reorganization Plan No. 1 of 1953 and section 2 of Reorganization Plan No. 3 of 1966, and in furtherance of the Reorganization Orders dated March 13, 1968, and April 1, 1968, I hereby order the further reorganization of certain health functions of the Department as follows:

ORGANIZATION

CONSUMER PROTECTION AND ENVIRONMENTAL HEALTH SERVICE

There is hereby established the Consumer Protection and Environmental Health Service within the Public Health Service which shall consist of the following Administrations:

(1) The Food and Drug Administration.

(2) The Environmental Control Administration.

(3) The National Air Pollution Control Administration.

The Consumer Protection and Environmental Health Service shall be headed by an Administrator who shall report to the Assistant Secretary for Health and Scientific Affairs.

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

The organization of the Health Services and Mental Health Administration is hereby modified to reflect the transfers indicated below:

The Division of Regional Medical Programs is hereby transferred from the National Institutes of Health to the Health Services and Mental Health Administration with the Division Director reporting directly to the Administrator, Health Services and Mental Health Administration.

The National Communicable Disease Center (except for its pesticides, Aedes aegypti, rodent control, and environmental sanitation training functions) is hereby transferred from the Bureau of Disease Prevention and Environmental Control to the Health Services and Mental Health Administration with its Director reporting directly to the Administrator, Health Services and Mental Health Administration.

The National Center for Chronic Disease Control is transferred from the Bureau of Disease Prevention and Environmental Control to the National Center for Health Services Research and Development in the Health Services and Mental Health Administration with the

Director of the Chronic Disease Control Programs reporting directly to the Director of the National Center for Health Services Research and Development.

BUREAU OF DISEASE PREVENTION AND ENVIRONMENTAL CONTROL

The office of the Bureau Director is hereby transferred to the office of the Administrator of the Consumer Protection and Environmental Health Service.

The Bureau of Disease Prevention and Environmental Control is hereby abolished.

FUNCTIONS AND RESPONSIBILITIES

OFFICE OF THE ADMINISTRATOR, CONSUMER PROTECTION AND ENVIRONMENTAL HEALTH SERVICE

The Office of the Administrator shall be responsible for the direction of the functions assigned to the Consumer Protection and Environmental Health Service and its Administrations.

FOOD AND DRUG ADMINISTRATION

The Food and Drug Administration shall be responsible for all of the functions presently assigned to the Food and Drug Administration; the responsibilities pertaining to the pesticides functions and certain training functions of the National Communicable Disease Center; the functions pertaining to product safety, milk and food protection, shellfish certification, and interstate carrier certification in the National Center for Urban and Industrial Health; and the functions pertaining to poison control of the Division of Direct Health Services, Bureau of Health Services, Health Services and Mental Health Administration.

The Food and Drug Administration shall be headed by a Commissioner who shall report directly to the Administrator, Consumer Protection and Environmental Health Service.

NATIONAL AIR POLLUTION CONTROL ADMINISTRATION

The National Air Pollution Control Administration shall be responsible for all the functions presently assigned to the National Center for Air Pollution Control, and the functions pertaining to the national air monitoring surveillance network presently assigned to the National Center for Radiological Health.

The National Air Pollution Control Administration shall be headed by a Commissioner who shall report directly to the Administrator, Consumer Protection and Environmental Health Service.

ENVIRONMENTAL CONTROL ADMINISTRATION

The Environmental Control Administration shall be responsible for all the functions presently assigned to the National Center for Urban and Industrial Health except those functions assigned by this order to the Food and Drug Administration; the functions assigned to the National Center for Radiological Health except those functions assigned by this order to the National Air Pollution Control Administration; and the functions pertaining to Aedes aegypti, rodent control, and the basic sanitation training activities of the National Communicable Disease Center.

The Environmental Control Administration shall be headed by a Commissioner who shall report directly to the Administrator, Consumer Protection and Environmental Health Service.

CONTINUATION OF REGULATIONS

Except as inconsistent with this order and the Reorganization Orders of March 13 and April 1, 1968, all regulations, rules, orders, statements of policy, or interpretations with respect to the Public Health Service and to the Food and Drug Adminisration heretofore issued and either in effect immediately prior to the date of this Reorganization Order or to become effective subsequent to said dates are continued in full force and effect.

PRIOR STATEMENTS OF ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

To the extent inconsistent with this Reorganization Order and the orders of March 13, 1968, and April 1, 1968, all previous statements of organization, functions, and delegations of authority, and chapters of the Department's Organization Manual are superseded by this Reorganization Order, except that, pending further delegations, directives, or orders by the Assistant Secretary for Health and Scientific Affairs, the Administrator, Health Services and Mental Health Administration, and the Administrator, Consumer Protection and Environmental Health Service, all delegations to the Surgeon General of the Public Health Service, the Administrator, Health Services and Mental Health Administration, the Director, National Institutes of Health, or the Commissioner of Food and Drugs and all redelegations by these officials to any other officer or employee of any office, institute, bureau, division, center or other organizational unit in effect immediately prior to the effective date of this Reorganization Order shall continue in effect in them or their successors.

Redelegations of appropriate administrative and financial management authorities shall be made by the Assistant Secretary for Administration and the Assistant Secretary, Comptroller, respectively, to the Administrator, Consumer Protection and Environmental Health Service.

This order does not revoke, rescind, or modify any delegations or redelegations to the Surgeon General in relation to administration of the Commissioned Corps, Public Health Service, in effect immediately prior to the effective date of this order.

FUNDS, PERSONNEL, AND EQUIPMENT

Transfers of organizations and functions effected by this order shall be accompanied in each instance by direct and supporting funds, positions, personnel, records, equipment, supplies, and other resources.

Effective date. This reorganization order shall be effective July 1, 1968.

Dated: July 1, 1968.

[SEAL] WILBUR J. COHEN,
Secretary.

[F.R. Doc. 68-8164; Filed, July 9, 1968; 8:49 a.m.]

ADMINISTRATOR, CONSUMER PROTECTION AND ENVIRONMENTAL HEALTH SERVICE

Redelegation of Authority

I hereby revoke the delegation made by me on March 13, 1968, to the Commissioner of Food and Drugs, and the delegation made by me on April 1, 1968, to the Administrator, Health Service and Mental Health Administration, in so far as such delegations pertain to the functions assigned to the Consumer Protection and Environmental Health Service in the Reorganization Order effective July 1, 1968.

I hereby delegate to the Administrator, Consumer Protection and Environmental Health Service, all authority delegated by the Secretary of Health, Education, and Welfare to me by the Reorganization Order of March 13, 1968, which pertains to the functions assigned to the Consumer Protection and Environmental Health Service by the Reorganization Order effective July 1, 1968.

These authorities may be redelegated.

Pending issuance of redelegation, all delegations or redelegations to any other officer or employee of any office, bureau, division, center or other organizational unit which were in effect immediately prior to July 1, 1968, shall continue in effect in them or their successors.

This delegation becomes effective July 1, 1968.

Dated: June 26, 1968.

PHILIP R. LEE,
Assistant Secretary for Health and Scientific Affairs.

[F.R. Doc. 68-8165; Filed, July 9, 1968; 8:49 a.m.]

ADMINISTRATOR, CONSUMER PROTECTION AND ENVIRONMENTAL HEALTH SERVICE

Redelegation of Authority

I hereby delegate to the Administrator, Consumer Protection and Environmental Health Service, all the financial management authorities currently delegated on a common basis to heads of operating agencies within the Department of Health, Education, and Welfare.

These authorities may be redelegated within the restrictions specified within pertinent DHEW manual instructions or other issuances.

Pending issuance of redelegations, all delegations or redelegations to any other officer or employee of any office, bureau, division, center or other organizational unit which were in effect immediately prior to July 1, 1968, shall continue in effect in them or their successors.

This delegation becomes effective July 1, 1968.

Dated: July 1, 1968.

JAMES F. KELLY,
Assistant Secretary, Comptroller.

[F.R. Doc. 68-8166; Filed, July 9, 1968; 8:50 a.m.]

ADMINISTRATOR, CONSUMER PROTECTION AND ENVIRONMENTAL HEALTH SERVICE

Redelegation of Authority

I hereby delegate to the Administrator, Consumer Protection and Environmental Health Services, all the administrative management authorities currently delegated on a common basis to heads of operating agencies within the Department of Health, Education, and Welfare.

These authorities may be redelegated within the restrictions specified within pertinent DHEW manual instructions or other issuances.

Pending issuance of redelegations, all delegations or redelegations to any other officer or employee of any office, bureau, division, center or other organizational unit which were in effect immediately prior to July 1, 1968, shall continue in effect in them or their successors.

This delegation becomes effective July 1, 1968.

Dated: July 1, 1968.

DONALD F. SIMPSON,
Assistant Secretary for Administration.

[F.R. Doc. 68-8167; Filed, July 9, 1968; 8:50 a.m.]

Public Health Service

COMMISSIONER OF FOOD AND DRUG ADMINISTRATION ET AL.

Redelegations of Authority

I hereby delegate to the Commissioners of the Food and Drug Administration, the Environmental Control Administration, and the National Air Pollution Control Administration, respectively, all authorities delegated to me by the Assistant Secretary for Health and Scientific Affairs which pertain to the functions assigned to their respective Administrations by the Reorganization Order effective July 1, 1968.

This authority may be redelegated.

Pending issuance of redelegations, all delegations or redelegations to any other officer or employee of any office, bureau, division, center or other organizational unit which were in effect immediately prior to July 1, 1968, shall continue in effect in them or their successors.

This delegation becomes effective July 1, 1968.

Dated: July 1, 1968.

CHARLES C. JOHNSON, Jr.,
Administrator, Consumer Protection and Environmental Health Service.

[F.R. Doc. 68-8163; Filed, July 9, 1968; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. PRM-30-42]

AMERICAN ATOMICS CORP.

Notice of Filing of Petition

Notice is hereby given that American Atomics Corp., 425 South Plumer Avenue, Tucson, Ariz. 85719, by letter dated June 24, 1968, has filed with the Commission a petition for rule making to amend the Commission's regulations pertaining to the licensing of byproduct material.

The petitioner requests that the Commission amend its regulations to provide a general license for 1 millicurie of krypton-85 in an ice detection device or, in the alternative, to provide an exemption from licensing requirements for 1 millicurie of krypton-85 in an ice detection device.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., this second day of July 1968.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 68-8106; Filed, July 9, 1968; 8:45 a.m.]

[Docket No. 50-193]

RHODE ISLAND AND PROVIDENCE PLANTATIONS ATOMIC ENERGY COMMISSION

Notice of Proposed Issuance of Facility License Amendment

The Atomic Energy Commission ("the Commission") is considering the issuance of Amendment No. 1, in the form set forth below, of Facility License No. R-95. The license authorizes the State of Rhode Island and Providence Plantations Atomic Energy Commission (hereinafter "RIPPAEC") to possess and operate its pool-type nuclear reactor, known as the Rhode Island Nuclear Science Center Reactor, located at Fort Kearney in Narragansett, R.I., at power levels up to 1 megawatt (thermal). The proposed amendment would authorize RIPPAEC to operate the reactor at increased power levels up to 2 megawatts (thermal) and would also republish the license in its entirety mainly for the purpose of incorporating required changes in the record keeping and reporting requirements sections of the license.

Prior to the issuance of the amendment, the facility will be inspected by representatives of the Commission to determine that the modifications described in the application and authorized pursuant to § 50.59 of the Commission's regulations, 10 CFR Part 50, have been completed.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this license amendment may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this license amendment, see (1) the licensee's application for license amendment dated July 21, 1967, and supplements thereto, (2) a related Safety Evaluation prepared by the Division of Reactor Licensing, and (3) related changes to the Technical Specifications, all of which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies of item (2) may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 28th day of June 1968.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

PROPOSED AMENDED FACILITY LICENSE

[License No. R-95, Amdt. 1]

The Atomic Energy Commission ("the Commission") has found that:

A. The application for license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter "the Act"), and the Commission's regulations set forth in Title 10, Chapter I, CFR;

B. The reactor has been constructed in conformity with Construction Permit No. CPRR-73 and will operate in conformity with the application, as amended, and in conformity with the Act and the rules and regulations of the Commission;

C. There is reasonable assurance that the activities authorized by the license, as amended, can be conducted at the designated location without endangering the health and safety of the public;

D. The Rhode Island and Providence Plantations Atomic Energy Commission is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations;

E. The Rhode Island and Providence Plantations Atomic Energy Commission is a nonprofit educational institution and will use the reactor for the conduct of educational activities and is therefore exempt from the financial protection requirement of subsection 170a of the Act. The Rhode Island and Providence Plantations Atomic Energy Commission has executed an indemnity agreement pursuant to 10 CFR Part 140; and

F. The issuance of this license, as amended, for the possession and operation of the reactor and the receipt, possession and use of special nuclear and byproduct materials in the manner proposed in the application, as amended, will not be inimical to the common defense and security or to the health and safety of the public.

Facility License No. R-95 is hereby amended in its entirety to read as follows:

1. This license applies to the pool-type nuclear reactor, known as the Rhode Island Nuclear Science Center Reactor (herein referred to as "the reactor"), which is owned by

Rhode Island and Providence Plantations Atomic Energy Commission and located at Fort Kearney in Narragansett, R.I., and described in the application dated December 21, 1961, and amendments thereto, including the application for license amendment dated July 21, 1967, and supplements thereto dated September 22, 1967, October 9, 1967, December 14, 1967, February 7, 1968, and June 21, 1968 (herein referred to as "the application") and authorized for construction by Construction Permit No. CPRR-73.

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the Rhode Island and Providence Plantations Atomic Energy Commission (hereinafter "the license"):

A. Pursuant to Section 104c of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to possess, use and operate the reactor as a utilization facility at the designated location at Fort Kearney in Narragansett, R.I., in accordance with the procedures and limitations described in the application and this license;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to receive, possess and use at any one time up to 4 kilograms of uranium-235 in connection with operation of the reactor, and up to 32 grams of plutonium encapsulated in two plutonium-beryllium neutron sources for reactor startup; and

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Rules of General Applicability to Licensing of Byproduct Material", to receive, possess and use an antimony-beryllium neutron source, which will be activated to a minimum neutron source strength of 10 curies in connection with operation of the reactor; and to possess, but not to separate, such byproduct material as has been or may be produced by operation of the reactor.

3. This license shall be deemed to contain and is subject to the conditions specified in Part 20, § 30.34 of Part 30, §§ 50.54 and 50.59 of Part 50, and § 70.32 of Part 70, and is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. *Maximum power level.* The licensee may operate the reactor at steady state power levels up to a maximum of 2 megawatts (thermal).

B. *Technical specifications.* The Technical Specifications contained in Appendix A to this license as issued July 21, 1964, and Change Nos. 1, 2, and 3 thereto and Change No. 4, which is appended hereto, are hereby incorporated in this license. The licensee shall operate the reactor in accordance with these Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided by § 50.59 of 10 CFR Part 50.

C. *Records.* In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

(1) Reactor operating records, including power levels and periods of operation at each power level.

(2) Records showing radioactivity released or discharged into the air or water beyond the effective control of the licensee as measured at or prior to the point of such release or discharge.

(3) Records of emergency shutdowns and inadvertent scrams, including reasons therefor.

(4) Records of maintenance operations involving substitution or replacement of reactor equipment or components.

(5) Records of experiments installed including description, reactivity worths, locations, exposure time, total irradiation, and any unusual events involved in their handling.

(6) Records of tests and measurements performed pursuant to the Technical Specifications.

D. *Reports.* In addition to reports otherwise required by applicable regulations:

(1) The licensee shall inform the Commission of any incident or condition relating to the operation of the reactor which prevented or could have prevented a nuclear system from performing its safety function as described in the Technical Specifications. For each such occurrence, the licensee shall promptly notify, by telephone or telegraph, the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of 10 CFR Part 20 and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing (hereinafter, "Director, DRL") with a copy to the Regional Compliance Office.

(2) The licensee shall report to the Director, DRL, in writing within thirty (30) days of its occurrence, any substantial variance disclosed by operation of the reactor from performance specifications contained in the Safety Analysis Report or the Technical Specifications.

(3) The licensee shall report to the Director, DRL, in writing within thirty (30) days of its occurrence, any significant change in the transient or accident analysis, as described in the Safety Analysis Report.

4. This license is effective as of the date of issuance and shall expire at midnight, August 27, 2002.

Attachment A: Change No. 4 to Technical Specifications.[1]

Date of issuance:

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 68-8107; Filed, July 9, 1968; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-2348]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

JULY 2, 1968.

The Department of Agriculture has filed an application, Serial No. I-2348 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes as a recreation area on the Boise National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 334, Federal Building, 550 West Fort Street, Boise, Idaho 83702.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

BOISE NATIONAL FOREST

Dog Creek Campground

T. 2 N., R. 10 E.,
Sec. 7, N½ of lot 1, SW¼ of lot 1, N½ NW¼NE¼, SE¼NW¼NE¼.

The area described aggregates 60 acres in Elmore County, Idaho.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 68-8117; Filed, July 9, 1968; 8:45 a.m.]

[Serial No. Idaho 04561]

IDAHO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

JULY 2, 1968.

Notice of an application Serial No. Idaho 04561, for withdrawal and reservation of lands was published in Vol. 22 No. 53 on page 1786 of the FEDERAL REGISTER issue of March 19, 1957; as corrected by the notice published in Vol. 22 No. 70 on page 2436. The applicant agency has canceled its applicaion insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Subpart 2311, such lands will be at 10 a.m. on July 15, 1968, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

BOISE MERIDIAN, IDAHO

T. 15 S., R. 44 E.,
Sec. 1, NE¼SW¼;
Sec. 14, unsurveyed lands lying south of lots 1 to 4, inclusive;
Sec. 15, unsurveyed lands lying south of lots 1 to 4, inclusive;
Sec. 16, unsurveyed lands lying south of lots 1 to 4, inclusive;
Sec. 17, unsurveyed lands lying south of lots 1 to 4, inclusive;
Sec. 18, unsurveyed lands lying south of lots 2 to 5, inclusive.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 68-8125; Filed, July 9, 1968; 8:46 a.m.]

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

CHIEF, DIVISION OF ADMINISTRATION, AND ADMINISTRATIVE ASSISTANT IN FAIRBANKS DISTRICT AND LAND OFFICE

Delegation of Authority Regarding Contracts and Leases

District Manager, Fairbanks supplement to Bureau of Land Management Manual 1510.

Pursuant to delegation of authority contained in Bureau Manual 1510–03B2 and Alaska Supplement thereto, the Chief, Division of Administration, Fairbanks District and Land Office, and Administrative Assistant, Fairbanks District and Land Office are authorized:

1. To enter into contracts with established sources for supplies and services, excluding capitalized equipment, regardless of amount, and

2. To enter into contracts on the open market for supplies and materials, excluding capitalized equipment, not to exceed $2,500 per transaction ($2,000 for construction), provided that the requirement is not available from established sources.

JAMES W. SCOTT,
District Manager.

[F.R. Doc. 68-8152; Filed, July 9, 1968; 8:48 a.m.]

Office of the Secretary

ADMINISTRATOR, SOUTHWESTERN POWER ADMINISTRATION ET AL.

Adjustment of Salaries

JULY 3, 1968.

Pursuant to the provisions of sections 1 and 4 of Executive Order 11413, the salaries of the Administrator, Southwestern Power Administration, the Governor of Guam and the Governor of the Virgin Islands were adjusted to $28,000 per annum.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 68-8126; Filed, July 9, 1968; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CALIFORNIA

Extension of Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of California, natural disasters have caused a continuing need for agricultural credit nor readily available from commercial banks, cooperative lending agencies, or other responsible sources.

California	*Original designation*
Fresno	33 F.R. 422.
Madera	33 F.R. 422.
Merced	33 F.R. 422.
San Joaquin	33 F.R. 922.
Stanislaus	33 F.R. 422.
Tulare	33 F.R. 422.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1969, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this third day of July 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-8147; Filed, July 9, 1968; 8:48 a.m.]

COLORADO

Extension of Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Colorado, natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Colorado	Original designation	First extension	Present extension
Baca	29 F.R. 7784	31 F.R. 14958	32 F.R. 8821.
Cheyenne	32 F.R. 7717		
Kiowa	32 F.R. 7717		
Kit Carson	32 F.R. 10756		
Prowers	32 F.R. 8047		

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1969, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this third day of July 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-8148; Filed, July 9, 1968; 8:48 a.m.]

INDIANA

Extension of Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Indiana, natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Indiana	*Original designation*
Adams	32 F.R. 20742.
Allen	32 F.R. 20742.
Bartholomew	33 F.R. 2572.
Benton	32 F.R. 20742.
Blackford	32 F.R. 20742.
Boone	32 F.R. 20742.
Brown	33 F.R. 2572.
Carroll	32 F.R. 15840.
Cass	32 F.R. 20742.
Clay	32 F.R. 20742.
Clinton	32 F.R. 15840.
Daviess	33 F.R. 2572.
Decatur	32 F.R. 20742.
De Kalb	32 F.R. 20742.
Delaware	32 F.R. 15840.
Dubois	33 F.R. 2572.
Elkhart	32 F.R. 20742.
Fayette	32 F.R. 20742.
Fountain	32 F.R. 20742.
Fulton	32 F.R. 20742.
Gibson	33 F.R. 2572.
Grant	32 F.R. 20742.
Greene	33 F.R. 2572.
Hamilton	32 F.R. 20742.
Hancock	32 F.R. 15840.
Hendricks	32 F.R. 20742.
Henry	32 F.R. 20742.
Howard	32 F.R. 20742.
Huntington	32 F.R. 20742.
Jasper	32 F.R. 20742.

Indiana	Original destination
Jay	32 F.R. 20742.
Jennings	33 F.R. 2572.
Johnson	32 F.R. 15840.
Knox	33 F.R. 2572.
Kosciusko	32 F.R. 20742.
Lagrange	32 F.R. 20742.
Lake	32 F.R. 20742.
La Porte	32 F.R. 20742.
Madison	32 F.R. 15840.
Marion	32 F.R. 20742.
Marshall	32 F.R. 20742.
Miami	32 F.R. 20742.
Monroe	33 F.R. 2572.
Montgomery	32 F.R. 20742.
Morgan	32 F.R. 20742.
Newton	32 F.R. 20742.
Noble	32 F.R. 20742.
Owen	33 F.R. 2572.
Parke	32 F.R. 20742.
Perry	33 F.R. 2572.
Pike	33 F.R. 2572.
Porter	32 F.R. 20742.
Posey	33 F.R. 2572.
Pulaski	32 F.R. 20742.
Putnam	32 F.R. 20742.
Randolph	32 F.R. 15840.
Rush	32 F.R. 20742.
St. Joseph	32 F.R. 20742.
Shelby	32 F.R. 15840.
Spencer	33 F.R. 2572.
Starke	32 F.R. 20742.
Steuben	32 F.R. 20742.
Sullivan	32 F.R. 20742.
Tippecanoe	32 F.R. 20742.
Tipton	32 F.R. 20742.
Union	32 F.R. 20742.
Vanderburgh	33 F.R. 2572.
Vermillion	32 F.R. 20742.
Vigo	32 F.R. 20742.
Wabash	32 F.R. 20742.
Warren	32 F.R. 20742.
Warrick	33 F.R. 2572.
Wayne	32 F.R. 20742.
Wells	32 F.R. 20742.
White	32 F.R. 15840.
Whitley	32 F.R. 20742.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1969, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this third day of July 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-8149; Filed, July 9, 1968; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

COLORADO STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 89 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00502-33-46040. Applicant: Colorado State University, Fort Collins, Colo. 80521. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for a morphological and histo-cyto-chemical study of the mammalian lens. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides accelerating voltages of 25 and 50 kilovolts. The 25-kilovolt accelerating voltage affords optimum contrast for unstained ultrathin specimens. For the purposes for which the foreign article is intended to be used, the high contrast available with the lower accelerating voltage is pertinent. The only known comparable domestic instrument is the Model EMU-4 electron microscope manufactured by the Radio Corporation of America (RCA). The RCA Model EMU-4 provides accelerating voltages of 50 and 100 kilovolts. Consequently, the domestic instrument cannot furnish the necessary contrast to accomplish the purposes for which the foreign article is intended to be used. We therefore find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Acting Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68-8120; Filed, July 9, 1968; 8:46 a.m.]

NEW YORK STATE DEPARTMENT OF HEALTH

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00508-33-46040. Applicant: New York State Department of Health, Division of Laboratories and Research, New Scotland Avenue, Albany, N.Y. 12201. Article: Electron microscope, Model Elmiskop IA. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used for research in the following areas: (a) Rubella virus group; (b) California eucephalitis virus group; (c) Kidney infections by some pathogenic fungi such as Candida Albicans. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article provides a resolution of 5 Angstroms. The only known domestic electron microscope is the Model EMU-4 manufactured by the Radio Corporation of America (RCA), which provides a resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the additional resolving capabilities of the foreign article are pertinent. (2) The foreign article provides accelerating voltages of 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU-4 provides only 50 and 100 kilovolt accelerating voltages. It has been experimentally demonstrated that the lower accelerating voltage of the foreign article furnishes better contrast for unstained specimens and that the voltages intermediate between 50 and 100 kilovolts afford optimum contrast for negatively stained specimens. For the purposes for which the foreign article is intended to be used, the lower and intermediate accelerating voltages of the foreign article are pertinent.

For the foregoing reasons, we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Acting Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68-8121; Filed, July 9, 1968; 8:46 a.m.]

SACRAMENTO STATE COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00514-33-46040. Applicant: Sacramento State College, 6000 J Street, Sacramento, Calif. 95819. Article: Electron microscope, Model EM 9A. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used by students in various upper division and graduate courses and in master's degree research problems. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The applicant requires a small, compact and relatively simple electron microscope, for teaching students in an introductory course in the use of electron microscopes. The only known domestic electron microscope, the Model EMU-4 manufactured by the Radio Corporation of America (RCA), is a relatively complex instrument which is designed for research. The foreign article provides a magnification range which is low enough to overlap considerably with the magnification range of optical microscopes. In addition, the foreign article provides three viewing windows, whereas the RCA Model EMU-4 provides only one. The additional viewing windows permit the instructor and students to simultaneously view and discuss the image of the specimen under the microscope. The characteristics of the foreign article, which are not possessed by the RCA Model EMU-4, are pertinent to the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Acting Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68-8122; Filed, July 9, 1968; 8:46 a.m.]

Office of the Secretary

INTERAGENCY COMMITTEES

Committees Chaired by Department of Commerce

The following information on interagency committees chaired by the Department of Commerce is published pursuant to the provisions of Bureau of the Budget Circular No. A-63.

Committees in existence for 2 years on June 30, 1968, which have been continued:

- Federal Committee for Meteorological Services and Supporting Research.
- Interdepartmental Committee for Atmospheric Sciences (ICAS).
- Interdepartmental Committee for Hemisfair.
- Interdepartmental Committee for Interama.
- Interagency Shoe Committee.
- Interdepartmental Committee on Radiation Preservation of Food.
- Pilot Plant Meat Irradiator Task Force.
- Subcommittee on Import and Export Commodity Classification.
- Committee on Balance of Payments Information.
- Executive Committee of U.S. Board on Geographic Names.
- Interdepartmental Committee for Applied Meteorological Research (ICAMR).
- Interdepartmental Committee for Meteorological Services (ICMS)
- Subcommittee on Basic Meteorological Services/ICMS.
- Subcommittee on Climatological Services/ICMS.
- Subcommittee on Marine Meteorological Services/ICMS.
- Subcommittee on Operational Meteorological Satellites/ICMS.
- The Joint Committee of Marine Research Education and Facilities/ICAS.
- Air/Sea Interaction Panel.
- Executive Committee on Port Utilization and Control.
- Committee on Government Patent Policy.
- Committee on Systems and Equipment.
- Interdepartmental Screw Thread Committee.
- NBS-Air Force Working Group on Standards.
- NBS-DoD Consultative Committee on Measurement Standards.

Committees established since July 1, 1967:

- Committee on Ocean Exploration and Environmental Services.
- Federal Advisory Council on Regional Economic Development.
- Interagency Committee on Standards Policy.
- Interagency Committee for the World Weather Program (ICWWP).

Dated: July 2, 1968.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 68-8123; Filed, July 9, 1968; 8:46 a.m.]

Maritime Administration

[Docket No. S-214]

LYKES BROS. STEAMSHIP CO., INC.

Notice of Application

Notice is hereby given that a letter dated May 27, 1968, from Lykes Bros. Steamship Co., Inc., is being treated as an application by that company for written permission under section 805(a) of the Merchant Marine Act, 1936, as amended, (Act) to utilize subsidized vessels in domestic service between Hawaiian ports and U.S. Gulf ports.

Interested parties may inspect this application in the Office of Government Aid, Maritime Administration, Room 4077, GAO Building, 441 G Street NW., Washington, D.C.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit a written statement with reference to the application must, by close of business on July 22, 1968, file same with the Secretary, Maritime Subsidy Board/Maritime Administration in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in § 201.78 of the rules of practice and procedure (46 CFR Part 201), petitions for leave to intervene received after the close of business on July 22, 1968, will not be considered in this proceeding.

If no petitions for leave to intervene are received within the specified time, or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board/Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for July 30, at 10 a.m. in Room 4519, General Accounting Office Building, 441 G Street NW., Washington, D.C. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm or corporation operating exclusively in the proposed domestic service involved or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

Dated: July 5, 1968.

By order of the Maritime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 68-8187; Filed, July 9, 1968; 8:51 a.m.]

[Docket No. S-215]

DELTA STEAMSHIP LINES, INC.

Notice of Application

Notice is hereby given of the application dated June 27, 1968, of Delta Steamship Lines, Inc., for written permission under section 805(a) of the Merchant Marine Act, 1936, as amended, to carry cargo between U.S. Gulf of Mexico ports and San Juan, Ponce, and Mayaguez, P.R., on its freight ships operating on Trade Routes Nos. 14-2 and 20.

Interested parties may inspect this application in the Office of Government Aid, Maritime Administration, Room 4077, GAO Building, 441 G Street NW., Washington, D.C.

Any person, firm, or corporation having any interest (within the meaning

of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit a written statement with reference to the application must, by close of business on July 22, 1968, file same with the Secretary, Maritime Subsidy Board/Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in § 201.78 of the rules of practice and procedure (46 CFR Part 201), petitions for leave to intervene received after the close of business July 22, 1968, will not be considered in this proceeding.

If no petitions for leave to intervene are received within the specified time, or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board/Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for July 31, 1968, at 10 a.m., in Room 4519 GAO Building, 441 G Street NW., Washington, D.C. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the proposed domestic service involved, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

Dated: July 5, 1968.

By order of the Maritime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 68-8188; Filed, July 9, 1968; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19955; Order 68-7-19]

ROSS AVIATION, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

JULY 2, 1968.

Issued under delegated authority.

The Postmaster General filed a notice of intent June 13, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 34.9 cents per great circle aircraft mile for the transportation of mail by aircraft between Cheyenne, Wheatland, and Newcastle, Wyo.

No protest or objection has been filed against the services proposed in the notice of intent, and the time for filing such objections has now expired. The Postmaster General states that the proposed rate is acceptable to the Department and the carrier, and represents a fair and reasonable rate of compensation for the services which the carrier will perform. In addition, the Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Piper Aztec Model P.A. 23 aircraft equipped for all-weather operation.

Since no mail rate is presently in effect for this carrier in this market, it is in the public interest to fix and determine the fair and reasonable rate of compensation to be paid to it by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Ross Aviation, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Cheyenne, Wheatland, and Newcastle, Wyo., shall be 34.9 cents per great circle aircraft mile; and

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f);

It is ordered, That:

1. Ross Aviation, Inc., the Postmaster General, and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above, the final rate specified above, as the fair and reasonable rate of compensation to be paid to Ross Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rate or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Ross Aviation, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 68-8153; Filed, July 9, 1968; 8:48 a.m.]

[1] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in § 385.14(g).

[Docket No. 19949; Order 68-7-20]

SUN AIRLINE CORP.

Order To Show Cause Regarding Establishment of Service Mail Rate

JULY 2, 1968.

Issued under delegated authority.

The Postmaster General filed a notice of intent June 7, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 29 cents per great circle aircraft mile for the transportation of mail by aircraft between Nashville, Tenn., Birmingham, Ala., Montgomery, Ala., and Mobile, Ala.

No protest or objection has been filed against the services proposed in the notice of intent, and the time for filing such objections has now expired. The Postmaster General states that the proposed rate is acceptable to the Department and the carrier, and represents a fair and reasonable rate of compensation for the services which the carrier will perform. In addition, the Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with twin-engine Beech, Model Super E aircraft equipped for all-weather operation.

Since no mail rate is presently in effect for this carrier in this market, it is in the public interest to fix and determine the fair and reasonable rate of compensation to be paid to it by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Sun Airline Corp. pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Nashville, Tenn., Birmingham, Ala., Montgomery, Ala., and Mobile, Ala., shall be 29 cents per great circle aircraft mile; and

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f);

It is ordered, That:

1. Sun Airline Corp., the Postmaster General, Delta Air Lines, Inc., Eastern Air Lines, Inc., Southern Airways, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above, the final rate specified above, as the fair and reasonable rate of compensation to be paid to Sun Airline Corp.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rate or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer; except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sun Airline Corp., the Postmaster General; Delta Air Lines, Inc., Eastern Air Lines, Inc., Southern Airways, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 68-8154; Filed, July 9, 1968; 8:49 a.m.]

[1] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in § 385.14(g).

CIVIL SERVICE COMMISSION

SOCIAL SCIENTISTS, NATIONAL SCIENCE FOUNDATION

Manpower Shortage; Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on May 31, 1968, for positions at GS-12 (or equivalent) and above in the GS-100 group requiring the services of qualified social scientists, National Science Foundation, Washington, D.C.

Assuming other legal requirements are met, appointees to those positions may be paid for the expenses of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-8144; Filed, July 9, 1968; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 68-27]

PORT OF OAKLAND ET AL.

First Supplemental Order, Expansion of Investigation

In the matter of Agreement No. T-2138 and T-2138-1 between the Port of Oakland and Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., and Yamashita-Shinnihon Steamship Co., Ltd.

Docket No. 68-27 was instituted by the Commission on May 31, 1968 (33 F.R. 8365), to determine whether Agreement No. T-2138 should be approved, modified or disapproved pursuant to section 15, Shipping Act, 1916.

On June 13, 1968, the Port of Oakland filed with the Commission First Supplemental Agreement dated June 10, 1968, which has been designated Federal Maritime Commission Agreement No. T-2138-1. This amendment enlarges the assigned area, reduces the option area, adjusts the compensation therefor and should be included within the scope of the investigation in Docket No. 68-27.

Now therefore, it is ordered, That, pursuant to sections 15 and 22 of the Shipping Act, 1916, the Commission, upon its own motion, expand the investigation in Docket No. 68-27 to determine whether Agreement No. T-2138, as amended by First Supplemental Agreement No. T-2138-1, should be approved, modified, or disapproved pursuant to section 15 of the said Act;

It is further ordered, That notice of this order and notice of hearing be published in the FEDERAL REGISTER and copy of such order and notice of hearing be served upon respondents and petitioners;

It is further ordered, That persons other than respondents, petitioners, and Hearing Counsel who desire to become parties in this proceeding and to participate therein shall file a petition to intervene pursuant to Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72).

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-8177; Filed, July 9, 1968; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP68-349]

HORNER AND SMITH

Notice of Application; Correction

JULY 1, 1968.

In notice of application, issued June 18, 1968, and published in the FEDERAL REGISTER, June 26, 1968 (F.R. Doc. 68-7547), 33 F.R. 9361, Docket No. CP68-349, Lines 17 and 26: Change "American Louisiana Pipe Line Company" to read "Michigan Wisconsin Pipe Line Company," and Line 12: Change "Humble Oil and Refining Company" to read "Humble Gas Transmission Company."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8108; Filed, July 9, 1968; 8:45 a.m.]

[Docket No. RP68-20]

MICHIGAN WISCONSIN PIPE LINE CO.

Order Providing for Hearing, Suspending Proposed Revised Tariff Sheets, and Providing Hearing Procedures

JUNE 28, 1968.

Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin) on May 31, 1968, tendered for filing proposed changes in its presently effective FPC Gas Tariff, Second Revised Volume No. 1.[1] The pro-

[1] Proposed revised tariff sheets: First Revised Sheet Nos. 9E and 9F; Second Revised Sheet Nos. 8, 9B, 9C, 14A, and 14D; Third Revised Sheet No. 12; Fifth Revised Sheet No. 5; Sixth Revised Sheet No. 13; Eighth Revised Sheet Nos. 7, 10, and 11; Tenth Revised Sheet No. 6. Michigan Wisconsin's existing rates became effective as of March 1, 1967, by order of the Commission issued April 13, 1967 in Docket No. RP64-38.

posed changes would increase the company's jurisdictional rates, resulting in an annual revenue increase of approximately $20,517,152 based on the estimated billing demand units and sales volumes for the year commencing September 1, 1968. The increased rates are proposed to become effective on July 1, 1968.

In setting forth its reasons for the filing, Michigan Wisconsin states that the proposed gas sales rates are designed to recover its increased overall cost of service, and cites specifically the increases in (1) the cost of purchased gas, (2) the costs for labor, supplies, and other operating expenses, (3) local, State, and Federal taxes (including a possible 10 percent Federal surtax subject to elimination and refund if such surtax does not materialize), and (4) the costs of capital (requiring a minimum rate of return of 7.5 percent).

A review of the filing indicates that certain issues are raised therein which require development in an evidentiary proceeding. These issues include, but are not necessarily restricted to, the adjustments to purchased gas costs, other operating expenses, sales volumes and revenues, depreciation reserves and rate base; the classification of certain costs; the possible surcharge upon and computation of the Federal Income Tax allowance; rate design; and the need for a 7.5 percent rate of return. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

We contemplate that among the issues mentioned above and others, some may be susceptible of hearing and decision within the 5-month suspension period. In order that the collection and refunding of any possible excess charges may be avoided, we will prescribe a procedure under which such issues may be tried in an initial phase of the hearing.

Following publication of the Commission's notice of Michigan Wisconsin's rate increase filing, 26 notices of, and petitions for, intervention were filed. Notices of intervention were filed by the Public Service Commission of Wisconsin, the Michigan Public Service Commission, and the Iowa State Commerce Commission. Petitions for intervention were filed by (1) American Gas Company of Wisconsin, Inc., (2) Wisconsin Natural Gas Co., (3) Wisconsin Michigan Power Co., (4) Wisconsin Fuel and Light Co., (5) Wisconsin Power and Light Co., (6) Paris-Henry County Public Utility District of Henry County, Tenn., (7) Iowa Southern Utilities Co., (8) Wisconsin Gas Co., (9) Michigan Gas and Electric Co., (10) Lincoln Natural Gas Co., Inc., (11) Iowa Electric Light and Power Co., (12) North Central Public Service Co., (13) Wisconsin Public Service Corp., (14) Madison Gas and Electric Co., (15) City Gas Co., Antigo, Wis., (16) Michigan Gas Utilities Co., (17) Illinois Power Co., (18) Chevron Chemical Co., (19) Sinclair Petrochemicals, Inc., (20) Northern Indiana Public Service Co., (21) Michigan Consolidated Gas Co., (22) Keokuk Gas Service Co., and (23) County of Wayne, Mich.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Michigan Wisconsin's FPC Gas Tariff, as proposed to be amended herein, and that the proposed tariff sheets listed above be suspended, and the use thereof be deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the disposition of this proceeding be expedited in accordance with the procedures set forth below.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held commencing July 30, 1968 at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Michigan Wisconsin's FPC Gas Tariff, as proposed to be amended herein.

(B) Pending such hearing and decision thereon, Michigan Wisconsin's proposed revised tariff sheets listed above are hereby suspended and the use thereof is deferred until December 1, 1968, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) At the hearing on July 30, 1968, Michigan Wisconsin's prepared testimony (Statement P) filed and served on June 17, 1968, together with its entire rate filing as submitted and served on May 31, 1968, shall be admitted to the record as Michigan Wisconsin's complete case-in-chief as provided in the Commission's regulations, § 154.63(e)(1), and Order No. 254, 28 FPC 495, 496, subject to appropriate motions, if any, by parties to the proceeding.

(D) Following admission of Michigan Wisconsin's complete case-in-chief, the parties shall present their views and the Presiding Examiner, in the exercise of his discretion, shall determine whether there shall be an initial phase and, if so, which issues shall be heard therein. If he determines that there shall be an initial phase hearing, he shall fix dates for service of Staff's and Interveners' evidence and Michigan Wisconsin's rebuttal evidence on such issues; fix dates for witnesses to appear for adoption of their testimony and to stand cross-examination thereon; and proceed with such hearing as expeditiously as feasible. The Presiding Examiner shall thereafter fix dates for service of testimony and cross-examination on all issues not being heard in the initial phase hearing.

(E) Presiding Examiner Arthur H. Fribourg, or any other designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided; and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-8109; Filed, July 9, 1968; 8:45 a.m.]

[Docket No. G-17960 etc.; Opinion 499-A]

TURNBULL & ZOCH DRILLING CO. ET AL.

Opinion and Order Confirming Order Requiring Refunds, Denying Motions for Stay, and Severing Docket

JULY 1, 1968.

On July 25, 1966, the Commission issued Opinion No. 499 (36 F.P.C. 164) and its accompanying order in this proceeding, requiring refunds by natural gas producers in 32 dockets of part of the amounts collected by them in excess of the initial rates later determined to be proper.[1] These excess amounts were collected while operating under temporary certificates without express refund conditions. Because a balancing of the equities indicated that refunds in full should not be ordered, no refund was required of certain excess amounts collected but later disbursed in production tax payments which cannot be recouped or in royalty payments. Timely applications for rehearing were filed by Shell Oil Co., George H. Coates, Livingston Oil Co., V. F. Neuhaus, Austral Oil Co., Inc., Jonnell Gas, Inc., American Petrofina Co. of Texas, Appell Petroleum Corp. et al., Bright & Schiff, H. J. Mosser, Blanco Oil Co. (Operator) et al., and Killam & Hurd. The last four named also applied for stay of the ordering paragraphs of Opinion No. 499. Bright & Schiff also moved that the Commission establish a procedure whereby producers who are dissatisfied with Opinion and Order No. 499 and who now desire to abandon their service may do so.

On September 2, 1966, the Commission granted rehearing for the purpose of joint consideration of all applications. Upon this reconsideration we have considered upon the merits the application of Tenneco Oil Co. While this was filed too late to be a timely application for rehearing, we have treated it as a motion for reconsideration.

On June 17, 1968, Turnbull & Zoch Drilling Co. (Operator) et al. (one of the respondents in this proceeding) filed an offer of settlement covering not only Docket No. G-17960 in this proceeding but also Docket No. RI62-543, which is not involved here. In the settlement offer

[1] The initial rates applicable in this proceeding were fixed in Opinion No. 478, 34 FPC 1001, rehearing denied 34 FPC 1367, affirmed 378 F 2d. 510 (CA 5, 1967), cert. den. —— U. S. ——, May 20, 1968.

formal abandonment of service was also sought.

The Supreme Court of the United States has now upheld the Commission's requirement of refunds of amounts in excess of an in-line price collected under a temporary certificate containing no express refund condition. FPC v. Sunray DX Oil Company, —— U.S. ——, May 6, 1968. The general arguments presented by the applications for rehearing or reconsideration to the effect that the Commission may not or should not take such action need no further discussion in view of this decision.

Bright & Schiff. Bright & Schiff contends that it was not given a hearing or fair opportunity to be heard. It states that, while the Commission permitted the filing of briefs and statements of fact, Bright & Schiff was never advised and never understood that the Commission would make a final determination as to refunds on the basis of such briefs and statements.

No other producer has made this complaint. If Bright & Schiff did not understand at the time it presented its brief and statement of facts that the Commission might made a final determination based thereon, it was certainly aware of this at the time of its application for rehearing. It has included no new facts in this application that would alter that determination.

The motion of Bright & Schiff that the Commission establish a procedure whereby producers dissatisfied with Opinion and Order No. 499 may abandon service is denied. Existing procedure may be followed by any producer who wishes to abandon service. Mere dissatisfaction with a Commission decision is not ground for abandonment of service.

Livingston Oil Co. Livingston is a successor of Crescent Oil & Gas Corp., now liquidated and dissolved. Livingston protests that it should not be required to make refunds with respect to amounts collected by Crescent, but only with respect to amounts by Livingston itself after it succeeded to Crescent's interest. Livingston further points out that the Commission sent a letter to Crescent, at the time of the transfer of Crescent's interest to Livingston was approved, stating that Crescent would be responsible for any refunds during the period of its ownership. It also sent a letter to Livingston stating that, while Livingston might be responsible for refunds of amounts collected in excess of the in-line price during the period of deliveries under the temporary certificate without express refund condition, it would be responsible for such refunds only from the date it succeeded to Crescent's interest. We think Livingston should not be required to make refunds for the period prior to taking over from Crescent and this order will so provide.

Jonnell Gas, Inc. (Operator et al.). In Opinion No. 499 we stated that if Jonnell were financially unable to make the required refunds immediately, it should be allowed to make payments over a period of time. We see no benefit to the consumer or to the economy in forcing liquidation or bankruptcy on a small producer. On the other hand, we see no reason to cancel an obligation in order to allow dividends to be paid to stockholders or even to allow them to recover their original investment. One who invests in a small producer operation must accept the risk of loss if that operation is not successful. Accordingly, we adhere to the terms of our original order permitting Jonnell to arrange to make payments over a period of time. The Commission Staff will be available for consultation as to what these payments may be, although the matter will be determined ultimately by the Commission. We expect that a schedule of payments will be worked out that will permit Jonnell to continue in operation while gradually reducing its refund obligation.

Interest on retained refunds. Ordering Paragraph (G) accompanying Opinion No. 499 provided for interest at the rate of 5¾ percent on refunds retained by certificate holders. The Commission has customarily provided that interest on such amounts should be paid at the prime rate. In the nearly two years that has elapsed since Opinion No. 499 was issued on July 25, 1966, the prime rate has risen to 6½ percent. We believe that our prior order should be amended to reflect this change. The rate of interest to be paid should be the prime rate at or near the time the certificate holder makes his decision either to retain or not to retain the funds. Paragraph (G) of the order accompanying Opinion No. 499 will be amended accordingly.

Turnbull & Zoch. The settlement offer made by Turnbull & Zoch Drilling Co. (Operator) et al. is not yet ripe for consideration since the time for others to respond to the offer has not yet run. The offer includes matters not within the scope of this proceeding. It will be necessary to consider the offer as a whole, once there has been sufficient time for responses to it. Under these circumstances, in order not to delay further a decision with respect to the many other dockets in this proceeding, we will sever Docket No. G-17960 for later consideration as part of our consideration of the settlement offer. The other provisions of the accompanying order shall not apply to Docket No. G-17960.

The Commission finds:

The assignments and grounds for rehearing or reconsideration set forth in the applications for rehearing and reconsideration filed in this proceeding present no facts or legal principles which would warrant any change in or modification of Commission Opinion No. 499 except as specified below.

The Commission orders:

(A) Livingston Oil Co. shall not be required to make refunds of amounts received by its predecessor in interest, but only of amounts received by it.

(B) Except as provided in Ordering Paragraphs (A) and (E) hereof the applications for rehearing or reconsideration filed in this proceeding are in all respects denied.

(C) Paragraph (G) of the order accompanying Opinion No. 499 is hereby amended by substituting "6½ percent" for "5¾ percent" in the second sentence of said paragraph.

(D) The motion of Bright & Schiff that the Commission establish additional abandonment procedure is denied.

(E) Docket No. G-17960 is severed from this proceeding and none of the other provisions of this order shall apply to said docket.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-8110; Filed, July 9, 1968; 8:45 a.m.]

[Docket No. E-7427]

WISCONSIN ELECTRIC POWER CO.

Notice of Application

JULY 2, 1968.

Take notice that on June 25, 1968, Wisconsin Electric Power Co. (Applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of up to $40 million in short-term promissory notes.

Applicant is incorporated under the laws of the State of Wisconsin with its principal business office at Milwaukee, Wis., and is engaged in the electric utility business in southeastern Wisconsin.

The Notes are to be issued to both commercial banks and commercial paper dealers. The Notes issued to commercial banks will be issued in varying amounts, as needed, during 1968 and 1969. No note will mature at a date more than 12 months from the date of issue. The Notes issued to commercial paper dealers will be issued in varying amounts, as needed, during 1968 and 1969. No note will mature at a date more than 270 days from date of issue.

The proceeds from the notes will be used to provide current funds to finance in part expenditures to be made in 1968 and 1969 in connection with Applicant's construction program. This program has an estimated cost of $104.7 million in 1968 and $47.3 million in 1969. Principal items in this program include $22.5 million for construction work on the conventional steam Valley Power Plant in Milwaukee consisting of two 140,000 kw. generating units, $42.1 million for construction work on the 908 mw. Point Beach Nuclear Plant, $12 million for transmission line construction and $18.2 million for distribution lines.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 25 1968, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8111; Filed, July 9, 1968; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

BANK SECURITIES, INC. (NSL)

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Bank Securities, Inc. (NSL), Alamogordo, N. Mex., for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquisition of 91.47 percent of the voting shares of Security Bank and Trust, Alamogordo, N. Mex., and 74.59 percent of the voting shares of Citizens State Bank, Vaughn, N. Mex. Applicant presently owns 64.63 percent of the voting shares of The First State Bank, Cuba, N. Mex.

Section 3(c) of the Act, as amended, provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Dallas.

Dated at Washington, D.C., this third day of July 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-8114; Filed, July 9, 1968; 8:45 a.m.]

FIRST WISCONSIN BANKSHARES CORP.

Order Approving Application

In the matter of the application of First Wisconsin Bankshares Corp., Milwaukee, Wis., for approval of acquisition of 80 percent or more of the voting shares of First Northwestern National Bank of Milwaukee, Milwaukee, Wis., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Wisconsin Bankshares Corp., Milwaukee, Wis., for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of First Northwestern National Bank of Milwaukee, Milwaukee, Wis., a proposed new bank.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of receipt of the application and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 29, 1967 (32 F.R. 11098), which provided an opportunity for interested persons to submit comments and views with respect to the proposed acquisition. A copy of the application was forwarded to the U.S. Department of Justice for its consideration.

Opposition to the proposal was filed on behalf of The Brown Deer Bank, Silver Spring Bank, and Hampton State Bank ("Protestants"), all located in Milwaukee, Wis. Acting in its discretion, the Board ordered that an oral presentation of views be conducted before the Board, in order that the Protestants would have an opportunity to fully state and support their opposing views, and that Applicant would have the opportunity to respond. Notice of the oral presentation was published in the FEDERAL REGISTER (32 F.R. 18126), and, in accordance therewith, an oral presentation was held at the Board's offices on January 12, 1968. All participants were afforded full opportunity to support their positions by oral statement and documentary evidence, and were permitted an opportunity, following the oral presentation, for the filing of briefs.

Having considered all matters properly before the Board in this proceeding,

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago pursuant to delegated authority, and that First Northwestern National Bank of Milwaukee shall be open for business not later than 6 months after the date of this order.

Dated at Washington, D.C., this second day of July 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-8115; Filed, July 9, 1968; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago. Dissenting Statement of Governor Robertson also filed as part of the original document and available upon request.

INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

ST. CROIX PAPER CO.

Application for Approval To Construct Dam at Forest City, Maine-New Brunswick

Notice is hereby given that there has been transmitted to and filed with the International Joint Commission, an application by the St. Croix Paper Co. (a subsidiary of Georgia-Pacific Corp.) for approval of plans to reconstruct an existing timber dam in the St. Croix River at Forest City, Maine-Forest City, New Brunswick. The applicant states that there will be no change in the maximum or minimum water levels of East Grand Lake of the past, i.e., 434.94 feet and 427.94 feet M.S.L. datum 1929 as referenced to RM 56 prior to December 1966.

Governments and any interested person may present a statement in response to the Commission prior to August 12, 1968; such statement to set forth facts and arguments bearing on the subject matter of the application and tending to oppose or support the application in whole or in part. If it is desired that conditional approval be granted, the statement in response should set forth the particular condition or conditions desired.

Copies of the application and drawings are available on request to the Secretaries of the Commission. The Commission will conduct a public hearing on this matter in St. Stephen, New Brunswick, on September 17 for which further notice will be given.

W. A. BULLARD,
Secretary, U.S. Section, International Joint Commission, Washington, D.C.

D. G. CHANCE,
Secretary, Canadian Section, International Joint Commission, Room 850, 151 Slater Street, Ottawa 4, Ontario, Canada.

JULY 5, 1968.

[F.R. Doc. 68-8202; Filed, July 9, 1968; 8:51 a.m.]

[2] Voting for this action: Chairman Martin and Governors Mitchell, Maisel, and Sherrill. Voting against this action: Governor Robertson. Absent and not voting: Governors Daane and Brimmer.

SECURITIES AND EXCHANGE COMMISSION

GOLDEN AGE MINES, LTD.

Order Suspending Trading

JULY 3, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Golden Age Mines, Ltd., 250 University Avenue, Toronto, Canada, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 5, 1968, through July 14, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8127; Filed, July 9, 1968; 8:46 a.m.]

[812-2311]

MASSACHUSETTS INVESTORS TRUST

Notice of Filing an Application

JULY 3, 1968.

Notice is hereby given that Massachusetts Investors Trust ("Applicant"), 200 Berkeley Street, Boston, Massachusetts 02216, a common law trust existing under the laws of Massachusetts and registered under the Investment Company Act of 1940, 15 U.S.C. section 80a-1 et seq. ("Act"), as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price in exchange for substantially all the assets of Cobasco Corp. ("Cobasco"). All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Cobasco, an Ohio corporation, is a personal holding company all of whose common stock is owned of record and beneficially by less than 100 persons and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof.

Pursuant to an agreement between Applicant and Cobasco, assets owned by Cobasco with a value of $1,678,243 on June 10, 1968, will be transferred to Applicant in exchange for shares of Applicant's stock. The number of Applicant's shares to be issued to Cobasco is to be determined by dividing the aggregate market value of the assets of Cobasco (subject to certain adjustments set forth in the application) to be transferred to Applicant by Applicant's net asset value per share (as defined in the agreement, similarly adjusted), both to be determined as of the last business day preceding the closing of the transfer of assets, as provided in the agreement. If the sale of assets transaction described in the agreement had taken place on June 10, 1968, when the net asset value per share of Applicant's stock was $17.52, Cobasco would have received 95,790 shares of Applicant's stock. When received by Cobasco, the shares of Applicant are to be distributed to the Cobasco shareholders on the liquidation of Cobasco. Applicant presently intends to sell a portion of the assets received from Cobasco.

Applicant represents that there is no connection between Applicant and Cobasco and that no officer or shareholder of Cobasco is affiliated with Applicant. Applicant represents that its management considers the proposed acquisition of substantially all of the assets of Cobasco in exchange solely for Applicant's shares to be at a fair price, arrived at by arms-length bargaining.

Section 22(d) of the Act provides that registered open-end investment companies may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt a transaction from the provisions of section 22(d) if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant submits that the granting of the application is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act and that the proposed acquisition will be beneficial to the shareholders of Applicant for the reasons that:

(1) Those expenses of Applicant which do not rise proportionately with an increase in portfolio size will be spread over a larger number of shares and therefore will amount to a smaller amount per share to the benefit of existing shareholders;

(2) The proposed acquisition will enable Applicant to acquire for its own portfolio at one time substantial additions to its existing portfolio securities without affecting the market in said securities; and

(3) The transfer of securities pursuant to the proposed acquisition will cause Applicant less expense than the purchase of such securities in the open market for the reason that said transfer will not be subject to brokers' commissions.

Notice is further given that any interested person may, not later than July 19, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8128; Filed, July 9, 1968; 8:46 a.m.]

[54-244]

PEOPLES GAS CO. AND PEOPLES GAS LIGHT AND COKE CO.

Order Directing Elimination of Publicly Held Common Stock Interest and Approving Plan

JUNE 28, 1968.

The Commission having instituted a proceeding under section 11(b)(2) of the Public Utility Holding Company Act of 1935 ("Act") with respect to Peoples Gas Co. ("Peoples Illinois"), Chicago, Ill., a registered holding company, and its subsidiary company, The Peoples Gas Light and Coke Co. ("Peoples Gas"), and Peoples Illinois having filed, pursuant to section 11(e) of the Act, a plan and

amendments thereto ("plan") for the elimination of the publicly held interest in the common stock of Peoples Gas; and the Commission having consolidated the proceeding under section 11(b)(2) with the proceeding under section 11(e);

A public hearing having been held, after appropriate notice, with respect to the consolidated proceeding, at which hearing all interested persons were afforded an opportunity to be heard;

Peoples Illinois having, pursuant to section 11(e) of the Act, requested that the Commission apply to an appropriate U.S. District Court to enforce and carry out the terms and provisions of the plan;

Peoples Illinois having further requested that, if the Commission approves the plan, the Commission's order contain the findings and recitals necessary to meet the requirements of section 1081(f) of the Internal Revenue Code of 1954;

The Commission having considered the record and having this day issued its findings and opinion, on the basis of such findings and opinion:

It is ordered, Pursuant to section 11(b)(2) of the Act, that Peoples Illinois and Peoples Gas be, and each hereby is, directed to take appropriate action to effect the elimination of the publicly held shares of common stock of Peoples Gas.

It is further ordered, Pursuant to section 11(e) of the Act, that the plan filed by Peoples Illinois be, and it hereby is, approved, subject to the following terms and conditions:

(1) This order shall not be operative to authorize any transaction proposed in the plan until an appropriate U.S. District Court shall, upon application thereto enter an order approving and enforcing the plan;

(2) Jurisdiction is specifically reserved to determine the reasonableness of all fees and expenses and all other remuneration incurred or to be incurred by Peoples Illinois in connection with the plan, the transactions incident thereto, and all proceedings on or related thereto; and

(3) Jurisdiction is specifically reserved with respect to the entering of such further orders and the taking of such further action as the Commission may deem necessary or appropriate to effectuate the requirements of section 11(b) of the Act.

It is further ordered and recited, In accordance with section 1081(f) of the Internal Revenue Code of 1954, as amended, that the plan and the transactions set forth therein and all action required for carrying out the plan are necessary or appropriate to effectuate the provisions of section 11(b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8129; Filed, July 9, 1968; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 20 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

Anton Alkek Grocery & Market, foodstore; 714 South Bridge Street, Victoria, Tex.; 4-26-68 to 4-25-69.

B & S Grocery, foodstore; 319 West 12th Street, Tifton, Ga.; 3-24-68 to 3-23-69.

Ben Franklin, variety store; No. 7455, Joplin, Mo.; 4-23-68 to 4-22-69.

Big Bear Supermarket, foodstores from 3-18-68 to 3-17-69; No. 9, Asheboro, N.C.; No. 15, Burlington, N.C.; Nos. 12 and 16, Greensboro, N.C.; Nos. 3, 4, 5, and 6, High Point, N.C.; No. 8, Thomasville, N.C.; No. 10, Winston-Salem, N.C.

Bill's Clothes, Inc., apparel store; 15119 St. Clair Avenue, Cleveland, Ohio; 4-25-68 to 4-24-69.

Billups Plantation, Inc., agriculture; Indianola, Miss.; 4-25-68 to 4-24-69.

Bladenboro Cash Store, Inc., foodstore; Main Street, Bladenboro, N.C.; 3-27-68 to 3-26-69.

Brett's Department Store, department store; 325-29 South Front Street, Mankato, Minn.; 2-20-68 to 2-19-69.

Buchanan Nursing Home of Okeene, Inc., nursing home; Okeene, Okla.; 4-22-68 to 4-21-69.

Buckmaster's Market, Inc., foodstore; 343 West Grand Avenue, Decatur, Ill.; 4-1-68 to 3-31-69.

Buehler Market, foodstores from 4-27-68 to 4-26-69; 90 Broad Street SW., Atlanta, Ga.; 104 Georgia Avenue SE., Atlanta, Ga.; 429 Market Street, Chattanooga, Tenn.

Buehler Markets, Inc., foodstore; 408 East Main Street, Streator, Ill.; 3-26-68 to 3-25-69.

Burnette's Self Service, foodstore; Forsyth Street, Barnesville, Ga.; 3-24-68 to 3-23-69.

Byrd's Supermarkets, Inc., foodstore; Mount Olive, Miss.; 4-28-68 to 4-27-69.

Carlisle-Allen Co., department stores from 4-17-68 to 4-16-69: 4509 Main Avenue, Ashtabula, Ohio; 87 West Main Street, Geneva, Ohio; 60 South Park Place, Painesville, Ohio.

Carson Pirie Scott & Co., department store; Kewanee, Ill.; 4-28-68 to 4-27-69.

John Casemier's Food Market, foodstore; 120 West Savidge Street, Spring Lake, Mich.; 4-3-68 to 4-2-69.

Castree Bros. Food Stores, Inc., foodstore; 3402 11th Street, Rockford, Ill.; 4-1-68 to 3-31-69.

Charming Shoppes, Inc., apparel store; 8 East Main Street, Norristown, Pa.; 4-1-68 to 3-31-69.

Chase Gardens, agriculture; Eugene, Oreg.; 3-14-68 to 3-13-69.

H. S. Cohen Co. Inc., apparel store; Shelby, N.C.; 3-23-68 to 3-22-69.

Cold's Super Markets, Inc., foodstore; Traer, Iowa; 3-17-68 to 3-16-69.

Community Hospital, hospital; Newman Grove, Nebr.; 4-24-68 to 4-23-69.

Erdman Supermarkets, Inc., foodstore; Chatfield, Minn.; 2-21-68 to 2-20-69.

F & C Enterprises, Inc., restaurants from 4-1-68 to 3-31-69: 130 North Main Street, Elkhart, Ind.; 2620 Lincolnway West, Mishawaka, Ind.; 402 North Michigan Street, South Bend, Ind.

Fauerbach Fine Foods, Inc., foodstore; 1864 Monroe Street, Madison, Wis.; 4-17-68 to 4-16-69.

Field-Schlick, Inc., department store; 14 West Fifth Street, St. Paul, Minn.; 4-10-68 to 4-9-69.

J. H. Galley Florists, Inc., agriculture; 2244 Union Road, West Seneca, N.Y.; 4-17-68 to 4-16-69.

Georgiatown Farms, agriculture; Alheimer, Ark.; 4-3-68 to 4-2-69.

Gifford Memorial Hospital, Inc., hospital; 44 South Main Street, Randolph, Vt.; 4-22-68 to 4-21-69.

Wm. Y. Gilmore & Sons, Inc., department store; 137 North Oak Park Avenue, Oak Park, Ill.; 2-14-68 to 2-13-69.

Gold Crown Inn, Inc., restaurant; 203 Oak Street, Red Oak, Iowa; 4-1-68 to 3-31-69.

Goldblatt Bros. Inc., department store; 443-57 East 34th Street, Chicago, Ill.; 4-3-68 to 4-2-69.

Gouldchaux's, department store; 1500 Main Street, Baton Rouge, La.; 4-3-68 to 4-2-69.

W. T. Grant Co., variety stores from 4-26-68 to 4-25-69 except as otherwise indicated: No. 769, Augusta, Ga. (4-5-68 to 4-4-69); No. 836, Midland, Mich.; No. 373, Cleveland, Ohio.

H & J Food Basket, foodstores from 3-8-68 to 3-7-69: No. 11, Artesia, N. Mex.; No. 14, Las Cruces, N. Mex.; No. 13, Tularosa, N. Mex.

Hekkema Brothers, agriculture; 1131 Cadillac Drive, North Muskegon, Mich.; 4-17-68 to 4-16-69.

Hellmans Inc., variety store; 2202 Central Avenue, Kearney, Nebr.; 4-1-68 to 3-31-69.

Hillcrest Home, nursing home; 915 West First Street, Summer, Iowa; 2-22-68 to 2-21-69.

Hunt's Markets, Inc., foodstore; Red Oak, Iowa; 4-1-68 to 3-31-69.

Johnson's Super Market, foodstore; East Washington Street, Bedford, Va.; 4-18-68 to 4-17-69.

Kalispell General Hospital, hospital; Kalispell, Mont.; 3-25-68 to 3-24-69.

Kaufman's, apparel store; 1040 Main Street, Wheeling, W. Va.; 4-1-68 to 3-31-69.

Kramer's Department Store, department store; 121 West Main Street, Wallace, N.C.; 3-23-68 to 3-22-69.

Kreher's Poultry Farm, agriculture; 11066 Main Street, Clarence, N.Y.; 4-24-68 to 4-23-69.

Geo. F. Kremer Co., Inc., variety store; 323 First Avenue West, Grand Rapids, Minn.; 4-3-68 to 4-2-69.

S. S. Kresge Co., variety stores; No. 713, Atlanta, Ga. (4-28-68 to 4-27-69); No. 117, Terre Haute, Ind. (2-6-68 to 2-5-69).

S. H. Kress and Co., variety stores from 4-26-68 to 4-25-69 except as otherwise indicated: 1106 Noble Street, Anniston, Ala.) 4-24-68 to 4-23-69); 101 West Main Street, Dothan, Ala. (4-24-68 to 4-23-69); 30 North Wilson Avenue, Prichard, Ala. (4-24-68 to 4-23-69); 121 Broad Street, Selma, Ala. (4-24-68 to 4-23-69); 2223 Broad Street, Tuscaloosa, Ala. (4-24-68 to 4-23-69); 901 G Avenue, Douglas, Ariz. (4-27-68 to 4-26-69); 119 Morley Avenue, Nogales, Ariz. (4-27-68 to 4-26-69); 22 West Washington Street, Phoenix, Ariz. (4-27-68 to 4-26-69); 326 Main Street, Pine Bluff, Ark. (4-24-68 to 4-23-69); 500 Duval Street, Key West, Fla. (4-28-68 to 4-27-69); 475 Central Avenue, St. Petersburg, Fla.; 400 Clematis Street, West Palm Beach, Fla.; 121 Washington Street, Albany, Ga.; 118 Jackson Street, Americus, Ga.; 153 East Clayton Street, Athens, Ga.; 50 Broad Street, SW., Atlanta, Ga.; 1505 Newcastle Street, Brunswick, Ga.; 1117 Broad Street, Columbus, Ga.; 137 Main Street, La Grange, Ga.; 620 Cherry Street, Macon, Ga.; 120 Broughton Street West, Savannah, Ga.; 105 North Patterson Street, Valdosta, Ga.; 308 Mary Street, Waycross, Ga.; 1102 Third Street, Alexandria, La. (4-24-68 to 4-23-69); 439 Third Street, Baton Rouge, La. (4-24-68 to 4-23-69); 316 Texas Street, Shreveport, La. (4-24-68 to 4-23-69); 500 Main Street, Hattiesburg, Miss. (4-24-68 to 4-23-69); 402 Central Avenue, Laurel, Miss. (4-24-68 to 4-23-69); 19 Patton Avenue, Asheville, N.C.; 101 West Main Street, Durham, N.C.; 208 South Elm Street, Greensboro, N.C.; 141 South Main Street, High Point, N.C.; 307 Middle Street, New Bern, N.C.; 162 South Main Street, Rocky Mount, N.C.; 11 North Front Street, Wilmington, N.C.; 3 West Fourth Street, Winston-Salem, N.C.; 300 South Main Street, Anderson, S.C.; 281 King Street, Charleston, S.C.; 1508 Main Street, Columbia, S.C.; 117 West Evans Street, Florence, S.C.; 27 South Main Street, Greenville, S.C.; 311 Main Street, Greenwood, S.C.; 301 Russell Street NE., Orangeburg, S.C.; 115 East Main Street, Spartanburg, S.C.; 49 South Main Street, Sumter, S.C.; 628 State Street, Bristol, Tenn. (4-1-68 to 3-31-69); 822 Market Street, Chattanooga, Tenn. (4-1-68 to 3-31-69).

Kroger Co., foodstores from 4-1-68 to 3-31-69: No. 21, Baytown, Tex.; No. 36, Beaumont, Tex.; Nos. 5, 15, 22, and 27, Houston, Tex.; No. 24, Rosenberg, Tex.

Kuhn's Variety Store, variety stores from 4-19-68 to 4-18-69: 118 Fifth Street, Murray, Ky.; Main and Third Street, Russellville, Ky.; 124 Franklin Street, Clarksville, Tenn.; 129 Main Street, Dickson, Tenn.; 109 South Elk Street, Fayetteville, Tenn.; Natchez Trace Drive, Lexington, Tenn.; 4816 Charlotte Road, Nashville, Tenn.; Public Square, Pulaski, Tenn.; East Linden Street, Tullahoma, Tenn.

L & J Corp., restaurant; 2001 South Michigan Street, South Bend, Ind.; 4-1-68 to 3-31-69.

Inader Store, department store; 41 West Broad Street, Hazleton, Pa.; 4-14-68 to 4-13-69.

Liberty Super Market, foodstore; No. 99, Grenada, Miss.; 4-28-68 to 4-27-69.

Linsenby Hospital, Ltd., hospital; Panama City, Fla.; 3-11-68 to 3-10-69.

Louis Market, foodstore; 5718 Military Avenue, Omaha, Nebr.; 3-25-68 to 3-24-69.

Maison Blanche Co., department stores from 4-17-68 to 4-16-69: 1 Westside Shopping Center, Gretna, La.; 1901 Airline Highway, Metairie, La.; 901 Canal Street, New Orleans, La.; 4125 South Carrollton Avenue, New Orleans, La.; 3071 Gentilly Boulevard, New Orleans, La.; 939 Iberville Street, New Orleans, La.

May Sons, Inc., apparel stores from 4-22-68 to 4-21-69: 871 East 63d Street, Chicago, Ill.; 3160 North Lincoln Avenue, Chicago, Ill.; 4113 West Madison Street, Chicago, Ill.

McMaken's Market, Inc., foodstore; Route 311 and Arlington Road, Brookville, Ohio.; 4-9-68 to 4-8-69.

Clifton L. Meador, agriculture; 400 Court Street, Dumas, Ark.; 4-27-68 to 4-26-69.

G. C. Murphy Co., variety stores from 4-1-68 to 3-31-69 except as otherwise indicated: No. 261, Huntsville, Ala. (4-25-68 to 4-24-69); No. 263, Tuscaloosa, Ala. (4-25-68 to 4-24-69); No. 255, Daytona Beach, Fla. (4-26-68 to 4-25-69); No. 276, Hialeah, Fla. (4-26-68 to 4-25-69); No. 279, Holly Hill, Fla. (4-26-68 to 4-25-69); No. 262, Jacksonville, Fla. (4-26-68 to 4-25-69); No. 264, Miami, Fla. (4-26-68 to 4-25-69); No. 253, Pensacola, Fla. (4-26-68 to 4-25-69); No. 272, St. Petersburg, Fla. (4-26-68 to 4-25-69); No. 274, West Palm Beach, Fla. (4-26-68 to 4-25-69); No. 243, Moultrie, Ga. (4-26-68 to 4-25-69); No. 251, Berwyn, Ill. (4-25-68 to 4-24-69); No. 439, Effingham, Ill. (4-25-68 to 4-24-69); No. 457, Flora, Ill. (4-26-68 to 4-25-69); No. 112, Pontiac, Ill. (4-25-68 to 4-24-69); No. 113, Streator, Ill. (4-27-68 to 4-26-69); No. 449, Vandalia, Ill. (4-25-68 to 4-24-69); No. 461, Aurora, Ind. (4-28-68 to 4-27-69); No. 401, Bluffton, Ind. (4-28-68 to 4-27-69); No. 101, Brazil, Ind. (4-28-68 to 4-27-69); No. 99, Clinton, Ind. (4-28-68 to 4-27-69); No. 81, Columbus, Ind. (4-28-68 to 4-27-69); No. 423, Crawfordsville, Ind. (4-27-68 to 4-26-69); No. 407, Decatur, Ind. (4-28-68 to 4-27-69); No. 404, Elwood, Ind. (4-28-68 to 4-27-69); No. 103, Fort Wayne, Ind. (4-27-68 to 4-26-69); No. 412, Franklin, Ind. (4-27-68 to 4-26-69); No. 223, Greensburg, Ind. (4-26-68 to 4-25-69); No. 408, Hartford City, Ind. (4-28-68 to 4-27-69); No. 425, Huntingburg, Ind. (4-28-68 to 4-27-69); No. 123, Indianapolis, Ind. (4-27-68 to 4-26-69); No. 235, Indianapolis, Ind. (4-28-68 to 4-27-69); No. 244, Indianapolis, Ind. (4-27-68 to 4-26-69); No. 260, Indianapolis, Ind. (4-28-68 to 4-27-69); No. 445, Kendallville, Ind. (4-27-68 to 4-26-69); No. 203, Linton, Ind. (4-28-68 to 4-27-69); No. 405, Portland, Ind. (4-28-68 to 4-27-69); No. 420, Princeton, Ind. (4-28-68 to 4-27-69); No. 100, Rockville, Ind. (4-28-68 to 4-27-69); No. 72, Seymour, Ind. (4-28-68 to 4-27-69); No. 105, Shelbyville, Ind. (4-28-68 to 4-27-69); No. 114, Washington, Ind. (4-28-68 to 4-27-69); No. 204, Paintsville, Ky.; No. 176, Pikeville, Ky.; No. 220, Hancock, Md. (4-17-68 to 4-16-69); No. 270, St. Paul, Minn. (4-25-68 to 4-24-69); No. 249, Hickory, N.C. (4-26-68 to 4-25-69); No. 53, Johnsonburg, Pa. (4-14-68 to 4-13-69); No. 210, Oakmont, Pa. (4-14-68 to 4-13-69); Nos. 198 and 241 Alexandria, Va.; No. 214, Arlington, Va.; No. 24, Newport News, Va.; Nos. 142, 208 and 245, Richmond, Va.; No. 132, Beckley, W. Va.; No. 50, Buckhannon, W. Va.; No. 171, Clarksburg, W. Va.; No. 15, Elkins, W. Va.; No. 22, Keyser, W. Va.; No. 42, Montgomery, W. Va.; No. 197, Morgantown, W. Va.; No. 18, Moundsville, W. Va.; No. 182, Mullens, W. Va.; No. 168, North Fork, W. Va.; No. 213, Oak Hill, W. Va.; No. 212, Parkersburg, W. Va.; No. 49, Piedmont, W. Va.; No. 62, Point Pleasant, W. Va.; No. 154, Princeton, W. Va.; No. 189, Shinnston, W. Va.; No. 207, South Charleston, W. Va.; No. 195, Spencer, W. Va.; Nos. 162 and 254, Weirton, W. Va.; No. 21, Weston, W. Va.; No. 33, Wheeling, W. Va.; No. 131, Williamson, W. Va.; No. 275, Milwaukee, Wis. (4-28-68 to 4-27-69).

Mutzabaugh's Meat Market, foodstore; Main Street and Bloomfield Road, Duncannon, Pa.; 4-26-68 to 4-25-69.

Mrs. Gertrude Nauman, agriculture; 411 Bergner Building, Harrisburg, Pa.; 4-28-68 to 4-27-69.

Neisner Brothers, Inc., variety stores: No. 35, Chicago, Ill. (4-18-68 to 4-17-69); No. 76, Chicago, Ill. (4-25-68 to 4-24-69).

Ocilla Grocery Co., foodstore; East Fourth Street, Ocilla, Ga.; 4-3-68 to 4-2-69.

The Pancake House, Inc., restaurant; 7770 Reading Road, Cincinnati, Ohio; 4-12-68 to 4-11-69.

Park-N-Save, foodstore; Route 725 West, Germantown, Ohio; 4-11-68 to 4-10-69.

B. Peck Co., department store; 184 Main Street, Lewiston, Maine; 4-10-68 to 4-9-69.

John B. Peters, agriculture; Gardners, Pa.; 4-18-68 to 4-17-69.

Piggy Wiggly, Inc., foodstores: Centre, Ala. (4-17-68 to 4-16-69); 501 West Main Street, Hartselle, Ala. (4-3-68 to 4-2-69); 200-204 Southwest Front Street, Walnut Ridge, Ark. (4-1-68 to 3-31-69); Ringgold Avenue, Coushatta, La. (3-27-68 to 3-26-69).

Pittston Hospital, hospital; Pittston, Pa.; 4-4-68 to 4-3-69.

Pleezing Food Store of West Florida, Inc., foodstore; Pensacola, Fla.; 4-27-68 to 4-26-69.

Quality Market, foodstore; Delta, Utah; 3-25-68 to 3-24-69.

Roanoke Memorial Hospital, hospital; Belleview and Lake Avenues, Roanoke, Va.; 4-18-68 to 4-17-69.

The J. C. Robinson Seed Co., agriculture; Waterloo, Nebr.; 4-28-68 to 4-27-69.

Robinsons Co., department store; Osceola, Iowa; 4-3-68 to 4-2-69.

Rockford Dry Goods-Park Store, apparel; 6321 North Second Street, Loves Park, Ill.; 3-15-68 to 3-14-69.

Rockford Standard Furniture Co., furniture store; 1100 11th Street, Rockford, Ill.; 4-1-68 to 3-31-69.

St. Anthony's Hospital, hospital; Eighth and Friedman, Las Vegas, N. Mex.; 4-4-68 to 4-3-69.

St. Joseph Community Hospital, hospital; 308 North Maple Avenue, New Hampton, Iowa; 4-4-68 to 4-3-69.

St. Joseph Hospital, hospital; 312 East Alta Vista, Ottumwa, Iowa; 3-21-68 to 3-20-69.

St. Joseph's Hospital, hospital; 200-210 Michigan Street, Hancock, Mich.; 3-25-68 to 3-24-69.

St. Luke's Home & Center, nursing home; Kearney, Nebr.; 4-24-68 to 4-23-69.

San Rosario Hospital, hospital; 110 Canfield Street, Cambridge Springs, Pa.; 4-1-68 to 3-31-69.

O. P. Skaggs-Skagway, foodstore; 620 West State Street, Grand Island, Nebr.; 4-22-68 to 4-21-69.

Spies Supermarket Inc., foodstores from 4-11-68 to 4-10-69: 521 Sixth Avenue, Brooking, S. Dak.; Watertown, S. Dak.

Stafford's Shopping Center, Inc., foodstore; 1509 Chatsworth Road, Dalton, Ga.; 4-22-68 to 4-21-69.

Star Stores, Inc., apparel; 15th Street and Greenup Avenue, Ashland, Ky.; 4-1-68 to 3-31-69.

Steer House, Inc., restaurant; 1119 Lisbon Street, Lewiston, Maine; 4-1-68 to 3-31-69.

Sudbury's Forest Hills Foodtown, foodstore; 3960 Highland Drive, Salt Lake City, Utah; 3-25-68 to 3-24-69.

Suttons Food Mart, foodstore; 1313 West 21st Street, Topeka, Kans.; 4-2-68 to 4-1-69.

T.G. & Y. Stores Co., variety stores from 3-13-68 to 3-12-69 except as otherwise indicated: No. 183, Phoenix, Ariz. (4-29-68 to 4-28-69); No. 190, Scottsdale, Ariz. (4-17-68 to 4-16-69); No. 2, Norman, Okla. (4-13-68 to 4-12-69); No. 79, Sand Springs, Okla.; No. 1, Tulsa, Okla.; No. 41, Tulsa, Okla. (4-17-68 to 4-16-69); No. 67, Tulsa, Okla. (4-29-68 to 4-28-69); Nos. 68 and 71, Tulsa, Okla.; No. 164, Memphis, Tenn. (3-26-68 to 3-25-69); No. 251, Dallas, Tex. (4-10-68 to 4-9-69); No. 227, Port Arthur, Tex. (4-1-68 to 3-31-69); 107 West Lubbock, Slaton, Tex. (4-10-68 to 4-9-69).

Tradewell Supermarket, foodstore; 1215 16th Street, Huntington, W. Va.; 4-3-68 to 4-2-69.

Valley View Home, nursing home; Third and Sycamore, Valley Falls, Kans.; 4-1-68 to 3-31-69.

Wangsgard's, Inc., foodstore; 120 Washington Boulevard, Ogden, Utah; 3-9-68 to 3-8-69.

J. Watercott & Co., department store; 500 Edward Street, Henry, Ill.; 3-28-68 to 3-27-69.

Webber & Judd Co., drugstore; 123 First Avenue SW., Rochester, Minn.; 4-18-68 to 4-17-69.

White Bros. Enterprise, Inc., foodstore; Middlefield, Ohio; 4-15-68 to 4-14-69.

Wood's 5 & 10 Cent Stores, Inc., variety store; Laurinburg, N.C.; 4-1-68 to 3-31-69.

F. W. Woolworth Co., variety stores from 4-10-68 to 4-9-69 except as otherwise indicated: No. 99, Aurora, Ill.; No. 92, Berwyn, Ill.; No. 802, Blue Island, Ill. (4-3-68 to 4-2-69); No. 2406, Calumet City, Ill.; Nos. 4 and 112, Chicago, Ill. (4-5-68 to 4-4-69); No. 302 and 346, Chicago, Ill.; Nos. 551, 679 and 725, Chicago, Ill. (4-5-68 to 4-4-69); No. 727, Chicago, Ill.; No. 742, Chicago, Ill. (4-6-68 to 4-5-69); Nos. 1104 and 1155, Chicago, Ill. (4-5-68 to 4-4-69); No. 1214, Chicago, Ill. (4-6-68 to 4-5-69); Nos. 1216 and 1259, Chicago, Ill.; No. 1261, Chicago, Ill. (4-6-68 to 4-5-69); No. 1305, Chicago, Ill. (4-5-68 to 4-4-69); Nos. 1404 and 1414, Chicago, Ill. (4-6-68 to 4-5-69); No. 1425, Chicago, Ill.; No. 1431, Chicago, Ill. (4-5-68 to 4-4-69); No. 1447, Chicago, Ill.; No. 1523, Chicago, Ill. (4-5-68 to 4-4-69); No. 1525, Chicago, Ill. (3-12-68 to 3-11-69); Nos. 1630, 1656 and 1748, Chicago, Ill. (4-6-68 to 4-5-69); No. 1847, Chicago, Ill. (4-5-68 to 4-4-69); Nos. 1904 and 1910, Chicago, Ill.; No. 2066, Chicago, Ill. (4-5-68 to 4-4-69); No. 369, Danville, Ill.; No. 93, Decatur, Ill. (4-8-68 to 4-7-69); No. 1638, Des Plaines, Ill. (4-27-68 to 4-26-69); No. 726, Dixon, Ill. (4-14-68 to 4-13-69); No. 1552, Downers Grove, Ill. (4-27-68 to 4-26-69); No. 195, Elgin, Ill. (4-5-68 to 4-4-69); No. 357, Evanston, Ill.; No. 1871, Glen Ellyn, Ill. (4-5-68 to 4-4-69); No. 2343, Glen Ellyn, Ill. (4-8-68 to 4-7-69); No. 1845, Highland Park, Ill. (4-7-68 to 4-6-69); No. 89, Hillside, Ill.; No. 318, Jacksonville, Ill.; No. 82, Joliet, Ill.; No. 2103, Loves Park, Ill. (4-5-68 to 4-4-69); No. 308, Moline, Ill. (4-5-68 to 4-4-69); No. 695, Monmouth, Ill. (4-24-68 to 4-23-69); No. 283, Norridge, Ill. (4-7-68 to 4-6-69); No. 1413, Oak Park, Ill. (4-5-68 to 4-4-69); No. 1823, Park Ridge, Ill. (4-25-68 to 4-24-69); No. 78, Peoria, Ill. (4-7-68 to 4-6-69); No. 116, Quincy, Ill.; No. 163, Rockford, Ill.; No. 63, Springfield, Ill.; No. 333, Waukegan, Ill.; No. 2168, Waukegan, Ill. (4-5-68 to 4-4-69); No. 1373, Wheaton, Ill. (4-27-68 to 4-26-69); No. 2218, Wilmette, Ill. (4-27-68 to 4-26-69); No. 1663, Woodstock, Ill. (4-5-68 to 4-4-69); No. 465, Crawfordsville, Ind. (4-24-68 to 4-23-69); No. 290, Fort Wayne, Ind. (4-3-68 to 4-2-69); No. 549, Frankfort, Ind. (4-3-68 to 4-2-69); No. 676, Hammond, Ind. (4-3-68 to 4-2-69); No. 378, Huntington, Ind. (4-25-68 to 4-24-69); No. 2336, Indianapolis, Ind.; No. 1923, Jeffersonville, Ind. (4-3-68 to 4-2-69); No. 2296, Kokomo, Ind. (4-3-68 to 4-2-69); No. 176, Lafayette, Ind. (4-3-68 to 4-2-69); No. 468, La Porte, Ind. (4-3-68 to 4-2-69); No. 2024, Mishawaka, Ind.; No. 142, Muncie, Ind. (4-3-68 to 4-2-69); No. 2193, Muncie, Ind.; No. 451, New Albany, Ind. (4-3-68 to 4-2-69); Nos. 68, 1023 and 2400, Terre Haute, Ind. (4-3-68 to 4-2-69); No. 447, Wabash, Ind.; No. 87, Topeka, Kans. (3-18-68 to 3-17-69); No. 1240, Baltimore, Md. (4-1-68 to 3-28-69); No. 1047, Salisbury, Md. (3-11-68 to 3-10-69); No. 219, Battle Creek, Mich.; No. 497, Bay City, Mich.; No. 1089, Benton Harbor, Mich. (4-3-68 to 4-2-69); No. 2171, Benton Harbor, Mich. (4-5-68 to 4-4-69); No. 2161, Big Rapids, Mich.; No. 1107, Cheboygan, Mich. (4-3-68 to 4-2-69); No. 190, Flint, Mich. (4-3-68 to 4-2-69); No. 45, Grand Rapids, Mich. (4-3-68 to 4-2-69); No. 167, Kalamazoo, Mich.; No. 2145, Manistee, Mich. (4-25-68 to 4-24-69); No. 1072, Niles, Mich. (4-5-68 to 4-4-69); No. 775, Crookston, Minn. (4-14-68 to 4-13-69); No. 2166, Minneapolis, Minn. (4-14-68 to 4-13-69); No. 2136, N. St. Paul, Minn. (4-14-68 to 4-13-69); No. 226, Winona, Minn. (4-14-68 to 4-13-69); No. 516, Grand Island, Nebr.; No. 1659, Scottsbluff, Nebr. (3-11-68 to 3-10-69); No. 862, McAlester, Okla. (4-28-68 to 4-27-69); No. 2070, Corpus Christi, Tex. (4-28-68 to 4-27-69); Nos. 1007, 1795, 2266 and 2346, El Paso, Tex. (4-22-68 to 4-21-69); No. 2271, Rosenberg, Tex. (4-26-68 to 4-25-69); No. 2195, Victoria, Tex. (4-28-68 to 4-27-69); No. 652, Waco, Tex. (4-28-68 to 4-27-69); No. 400, Ashland, Wis. (4-14-68 to 4-13-69); No. 519, Beloit, Wis. (4-28-68 to 4-27-69); No. 278, Kenosha, Wis. (4-14-68 to 4-13-69); No. 131, La Crosse, Wis.; No. 1744, Madison, Wis. (4-14-68 to 4-13-69).

Wright's Food Service, Inc., foodstore; 731 Elm Street, Union City, Ind.; 4-25-68 to 4-24-69.

Young Memorial Hospital, hospital; 104 North East Street, Weimar, Tex.; 4-4-68 to 4-3-69.

Younker Brothers, Inc., department store; Fourth and Nebraska Street, Sioux City, Iowa; 4-8-68 to 9-2-68.

The following certificates were issued to retail or service establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Arden-Mayfair, Inc., foodstores from 4-1-68 to 3-31-69, box clerk, courtesy clerk, between 21 percent and 25 percent except as otherwise indicated: 1760 East Santa Fe Avenue, Flagstaff, Ariz.; 5121 West Glendale Boulevard, Glendale, Ariz. (between 18 percent and 28 percent); 1422 East Main, Mesa, Ariz. (between 25 percent and 30 percent); 1018 West Main, Mesa, Ariz. (between 25 percent and 30 percent); 3115 North Third Avenue, Phoenix Ariz.; 7830 North 12th Street, Phoenix, Ariz.; 5718 North 15th Avenue, Phoenix, Ariz.; 6025 North 27th Avenue, Phoenix, Ariz.; 1849 East Camelback Road, Phoenix, Ariz.; 3217 East Camelback Road, Phoenix, Ariz.; 5017 North Central Avenue, Phoenix, Ariz.; 6018 South Central Avenue, Phoenix, Ariz.; 3921 East Indian School Road, Phoenix, Ariz.; 5326 West Indian School Road, Phoenix, Ariz.; 2321 East McDowell Road, Phoenix, Ariz.; 4430 East McDowell Road, Phoenix, Ariz.; 3717 East Thomas Road, Phoenix, Ariz.; 3442 West Van Buren, Phoenix, Ariz.; 326 West Indian School Road, Scottsdale, Ariz. (between 31 percent and 41 percent); 929 Mill Avenue, Tempe, Ariz. (between 22 percent and 28 percent); 6321 East 22d Street, Tucson, Ariz. (between 14 percent and 27 percent); 3607 East Broadway, Tucson, Ariz. (between 14 percent and 27 percent); 5560 East Broadway, Tucson, Ariz. (between 14 percent and 27 percent); 1930 East Grant Road, Tucson, Ariz. (between 14 percent and 27 percent); 3360 East Speedway, Tucson, Ariz. (between 14 percent and 27 percent); 367 West 16th Street, Yuma, Ariz. (between 12 percent and 25 percent).

Arnold's Food Market, Inc., foodstore; 14 North Baltimore Avenue, Mount Holly Springs, Pa.; bagger; between 7 percent and 9 percent; 4-13-68 to 4-12-69.

Autry Greer and Sons, Inc., foodstore; 911 South Wilson Avenue, Prichard, Ala.; bagger; 10 percent.

Ben Franklin, variety store; Peachtree Plaza Shopping Center, Greer, S.C.; sales-clerk, stock clerk; between 10 percent and 45 percent; 4-1-68 to 3-31-69.

Bergemanns Market, foodstore; 804 Spring Street, Beaver Dam, Wis.; carryout; between 5 percent and 21 percent; 4-16-68 to 4-15-69.

Big Bear Supermarket, foodstores from 4-22-68 to 4-21-69, courtesy clerk, checker, stock clerk, meat clerk, produce clerk, between 13 percent and 18 percent except as otherwise indicated: No. 19, Greensboro, N.C. (between 11 percent and 14 percent); No. 2, High Point, N.C. (between 18 percent and 20 percent); No. 24, Stanleyville, N.C.; Nos. 18, 20, 22, and 23, Winston-Salem, N.C.

Big K Department Store, department stores from 4-19-68 to 4-18-69 except as otherwise indicated, salesclerk, stock clerk, office clerk, between 11 percent and 21 percent except as otherwise indicated: Athens Shopping Center, Athens, Ala. (between 0 percent and 17 percent, 4-15-68 to 4-14-69); Sheffield, Ala. (between 0 percent and 17 percent, 4-13-68 to 4-12-69); Fort Campbell Boulevard, Madisonville, Ky. (between 11 percent and 59 percent); Midtown Shopping Center, Nashville, Tenn.; 1 Big Spring Shopping Center, Shelbyville, Tenn.

Big Star, foodstores from 4-25-68 to 4-24-69, sacker, stock clerk, 8.5 percent: No. 78, Carmi, Ill.; No. 118, Effingham, Ill.

Bill's Clothes, Inc., apparel stores from 4-25-68 to 4-24-69, salesclerk, stock clerk, cashier, 10 percent: 522 Richmond Mall, Richmond Heights, Ohio; 29900 Lakeshore Boulevard, Willowick, Ohio.

Buehler Market, foodstores from 4-27-68 to 4-26-69, checker, carryout, stock clerk, between 8 percent and 11 percent: 1979 Boulevard Drive SE., Atlanta, Ga.; 1553 Gordon Street SW.; Atlanta, Ga.

C & L Markets, Inc., foodstore; 400 East Division, Rockford, Mich., carryout, stock clerk; between 15 percent and 27 percent; 4-8-68 to 4-7-69.

Carlisle-Allen Co., department store; 6000 Youngstown-Warren Road, Niles, Ohio; stock clerk, salesclerk, mail clerk, gift wrap; between 1 percent and 3 percent; 4-17-68 to 4-16-69.

Carson Pirie Scott & Co., department store; 3232 Lake Avenue, Wilmette, Ill.; salesclerk, stock clerk, wrapper; between 1.7 percent and 3.8 percent; 3-1-68 to 2-28-69; Replacement.

John Casemier's Food Market, foodstore; 244 Randall Street, Coopersville, Mich.; stock clerk, carryout, produce clerk, general clerk, cleanup, dusting; between 25 percent and 35 percent; 4-3-68 to 4-2-69.

Carter's IGA Foodliner, foodstore; 138 South Washington, Charlotte, Mich.; carryout, bagger, stock clerk, checker; 10 percent; 4-2-68 to 4-1-69.

Crosby Super Valu, foodstore; Crosby, Minn.; carryout, stock clerk; between 19 percent and 28 percent; 4-22-68 to 4-21-69.

J. S. Dillon & Sons Stores Co., Inc., foodstores for the occupations of cashier, checker, carryout, wrapper, office clerk, maintenance: No. 40, El Dorado, Kans. (between 9 percent and 17 percent, 4-24-68 to 4-23-69); No. 48, Hutchinson, Kans. (between 11 percent and 32 percent, 4-18-68 to 4-17-69).

Dimeco Corporation of Indiana, Inc., variety store; 15 South First Street, Scottsburg, Ind.; salesclerk, stock clerk, office clerk, cashier; between 2 percent and 6 percent; 4-11-68 to 4-10-69.

Dowden Food Stores, Inc., foodstore; 411 Greenville, Mich.; carryout, stock clerk; between 15 percent and 27 percent; 4-8-68 to 4-7-69.

Durand IGA, foodstore; 221 North Saginaw, Durand, Mich.; carryout, bagger, stock clerk, checker; 10 percent; 4-2-68 to 4-1-69.

Easter Super Valu, food store; 209 North E Street, Oskaloosa, Iowa; bagger, carryout, stock clerk, cashier; between 11 percent and 24 percent; 4-1-68 to 3-31-69.

Edge of the Ledge IGA Foodliner, food store; 512 South Clinton, Grand Ledge, Mich.; carryout, bagger, stock clerk, checker; 10 percent; 4-2-68 to 4-1-69.

Erdman Supermarkets, Inc., food stores from 2-21-68 to 2-20-69, checker, carryout, stock clerk, cleanup: 19 Second Avenue NW., Kasson, Minn.; (between 5 percent and 7 percent); 1652 Highway, 52 North, Rochester, Minn. (10 percent).

Erspamer Super Market, food store; 109 Silver Street, Hurley, Wis.; carryout, stock clerk, cleanup; between 7 percent and 18 percent; 4-16-68 to 4-15-69.

Farmers Discount Center, Inc., food store; 615 West Cherry, Chanute, Kans.; carryout, bottle clerk, sacker; between 15 percent and 26 percent; 4-1-68 to 3-31-69.

Fashion Bug of Plymouth Meeting, Inc., apparel store; Plymouth Meeting Mall, Plymouth Meeting, Pa.; salesclerk, cashier, stock clerk; between 2 percent and 13 percent; 4-25-68 to 4-24-69.

Field-Schlick, Inc., department stores from 4-10-68 to 4-9-69, salesclerk, stock clerk, between 1.3 percent and 6.1 percent: 735 Cleveland Avenue South, St. Paul, Minn.; Har-Mar Mall, St. Paul, Minn.

Food Fair Inc., food store; Harrodsburg, Ky.; bagger, cleanup, carryout, pricing clerk, tagging clerk, stock clerk; between 2 percent and 7 percent; 4-22-68 to 4-21-69.

Goldblatt Bros., Inc., department store; McArthur and Outer Park Drive, Springfield, Ill.; salesclerk, stock clerk, office clerk, porter; between 2 percent and 6 percent; 4-3-68 to 4-2-69.

W. T. Grant Co., variety stores from 4-1-68 to 3-31-69 except as otherwise indicated, salesclerk, stock clerk, office clerk, cashier except as otherwise indicated: No. 1156, Downers Grove, Ill. (between 2 percent and 19 percent); No. 1042, Rockford, Ill. (between 6 percent and 18 percent, 4-22-68 to 4-21-69); No. 1132, Huntington, Ind. (between 6 percent and 10 percent); No. 502, Hopkinsville, Ky. (between 4 percent and 24 percent, 4-22-68 to 4-21-69); No. 49, Mayfield, Ky. (between 4 percent and 24 percent, 4-19-68 to 4-18-69); No. 307, Salisbury, Md. (between 10.6 percent and 15.5 percent); No. 1218, Medina, Ohio (between 2 percent and 15 percent); No. 1022, Bloomsburg, Pa. (between 11 percent and 36 percent); No. 3370, Washington, Pa. (between 0.6 percent and 1 percent, 4-15-68 to 4-14-69); No. 622, Sheboygan, Wis. (between 8 percent and 10 percent).

Grebe's Bakeries, Inc., bakery; 601 West Mitchell Street, Milwaukee, Wis.; bakery clerk; 10 percent; 4-13-68 to 4-12-69.

HEB Food Store, food store; 611 South Market, Brenham, Tex.; 10 percent; 4-9-68 to 4-8-69.

H & J Food Basket, foodstores from 4-22-68 to 4-21-69, carryout, 10 percent; Nos. 17 and 18, Roswell, N. Mex.; No. 15, Ruidoso, N. Mex.

Handy-Andy, Inc., foodstore; No. 30, San Antonio, Tex.; package clerk, stock clerk, checker, office cashier, bakery salesclerk, produce clerk, bottle sorter, dairy box stock clerk, porter; between 24 percent and 33 percent; 4-8-68 to 4-7-69.

J & M Food Markets, Inc., foodstore; 122 South Main Street, Louisiana, Mo.; carryout; between 6 percent and 17 percent; 4-1-68 to 3-31-69.

Jerry's IGA, foodstore; 1113 West Beecher Street, Adrian, Mich.; bagger, stock clerk; between 14 percent and 28 percent; 4-16-68 to 4-15-69.

K-G Men's Store, apparel stores from 4-1-68 to 3-31-69, salesclerk, stock clerk, delivery clerk, office clerk, receiving clerk, between 9 percent and 22 percent: 701 West Hampden Avenue, Englewood, Colo.; 10548 Melody Drive, Northglenn, Colo.

Kay Baum Inc., apparel store; 22283-87 Michigan Avenue, Dearborn, Mich.; stock clerk; between 4 percent and 21 percent; 4-1-68 to 3-31-69.

Kenwood Pharmacies, Inc., drugstores from 4-15-68 to 4-14-69, pharmacy clerk, office clerk, stock clerk, between 8 percent and 10 percent: 2715 West Central Avenue, Toledo, Ohio; No. 2, Toledo, Ohio.

S. S. Kresge Co., variety stores for the occupations of salesclerk, stock clerk, office clerk, checker-cashier except as otherwise indicated: No. 4164, Birmingham, Ala. (salesclerk, between 3 percent and 11 percent, 4-4-68 to 4-3-69); No. 710, Denver, Colo. (between 3 percent and 19 percent, 4-9-68 to 4-8-69); No. 4224, Denver, Colo. (between 3 percent and 19 percent, 4-26-68 to 4-25-69); No. 4198, Columbus, Ga. (salesclerk, cashier, between 11 percent and 22 percent, 4-3-68 to 4-2-69); No. 4154, Aurora, Ill. (salesclerk, office clerk, stock clerk, between 5 percent and 10 percent, 3-28-68 to 3-27-69); No. 4226, Evansville, Ind. (salesclerk, between 3 percent and 7 percent, 4-15-68 to 4-14-69); No. 4039, South Bend, Ind. (10 percent, 2-7-68 to 2-6-69); No. 323, Rochester, Minn. (between 14 percent and 27 percent, 9-3-67 to 9-2-68); No. 4126, Omaha, Nebr. (between 3 percent and 10 percent, 4-4-68 to 4-3-69); No. 4229, Austintown, Ohio (salesclerk, 10 percent, 4-1-68 to 3-31-69).

S. H. Kress and Co., variety stores from 4-26-68 to 4-25-69 except as otherwise indicated, salesclerk, stock clerk: 1015 Randolph Road, Thomasville, N.C. (between 9 percent and 46 percent, 4-17-68 to 4-16-69); 3300 Robinhood Road, Winston-Salem, N.C. (between 3 percent and 22 percent); Guignard Drive, Sumter, S.C. (between 2.7 percent and 19.3 percent).

Kroger Co., foodstores from 4-1-68 to 3-31-69 except as otherwise indicated, sacker, carryout, between 3 percent and 7 percent except as otherwise indicated: No. 952, Lake Charles, La. (between 4 percent and 7 percent, 4-3-68 to 4-2-69); No. 966, Alice, Tex. (between 4 percent and 7 percent); No. 72, Alvin, Tex.; No. 37 Beaumont, Tex. (between 4 percent and 7 percent); No. 151 Bryan, Tex.; Nos. 954 and 962, Corpus Christi, Tex. (between 4 percent and 7 percent); No. 63, Houston, Tex.; No. 64, Houston, Tex. (between 4 percent and 7 percent); Nos. 67, 71, 76, 81, 85, 86, and 901, Houston, Tex.; No. 88, La Porte, Tex. (between 4 percent and 7 percent); No. 950, Orange, Tex. (between 4 percent and 7 percent); No. 84, Pearland, Tex.; No. 75, Seabrook, Tex.; No. 28, South Houston, Tex. (between 4 percent and 7 percent); No. 956, Victoria, Tex. (between 4 percent and 7 percent).

Kuhn's Variety Store, variety stores from 4-19-68 to 4-18-69 except as otherwise indicated, salesclerk, stock clerk, office clerk: 522 Main Street, Shelbyville, Ky. (between 11 percent and 59 percent); Waldron Street and Public Square, Corinth, Miss. (between 8 percent and 28 percent, 4-15-68 to 4-14-69); 401 West Main Street, Tupelo, Miss. (between 0.3 percent and 32 percent, 4-15-68 to 4-14-69); Gallatin Plaza Shopping Center, Gallatin, Tenn. (between 11 percent and 21 percent); North Side Public Square, Huntingdon, Tenn. (between 5 percent and 16 percent); 110 West Broadway, Lenoir City, Tenn. (between 4 percent and 20 percent); Harding Road, Nashville, Tenn. (between 11 percent and 21 percent); 210-214 Cedar Avenue, South Pittsburg, Tenn. (between 4 percent and 20 percent).

A. M. Landry, Inc., variety store; Grand Isle, La.; salesclerk, stock clerk, office clerk; between 3 and 24 percent; 4-15-68 to 4-14-69.

Lerner Shops, apparel stores from 4-12-68 to 4-11-69 except as otherwise indicated, salesclerk, cashier, credit clerk except as otherwise indicated: No. 35, Birmingham, Ala. (salesclerk, stock clerk, credit clerk, between 2 percent and 16 percent, 4-19-68 to 4-18-69); No. 189, Huntsville, Ala. (salesclerk, stock clerk, credit clerk, between 2 percent and 21 percent, 4-19-68 to 4-18-69); Nos. 93 and 112 Montgomery, Ala. (salesclerk, stock clerk, credit clerk, between 10 percent and 17 percent, 4-19-68 to 4-18-69); No. 487, Englewood, Colo. (between 0 percent and 35 percent, 4-17-68 to 4-16-69); No. 65, Clearwater, Fla. (between 1.5 percent and 31.6 percent); No. 139, Daytona Beach, Fla. (between 3.6 percent and 17.4 percent); Nos. 143 and 185, Fort Lauderdale, Fla. (between 13 percent and 26.5 percent); No. 184, Hollywood, Fla. (between 8.8 percent and 19.2 percent); No. 90, Jacksonville, Fla. (between 0 percent and 8 percent); No. 97, Jacksonville, Fla. (between 0 percent and 8 percent, 4-19-68 to 4-18-69); No. 144, Jacksonville, Fla. (between 0 percent and 8 percent); No. 194, Jacksonville, Fla. (between 0 percent and 8 percent, 4-19-68 to 4-18-69); No. 142, Lakeland, Fla. (between 7.8 percent and 27.9 percent, 4-19-68 to 4-18-69); Nos. 60, 91, and 102, Miami, Fla. (between 2.1 percent and 13.5 percent, 4-19-68 to 4-18-69); No. 66, Miami Beach, Fla. (between 2.1 percent and 13.5 percent, 4-19-68 to 4-18-69); No. 147, Ocala, Fla. (between 0.8 percent and 25.3 percent, 4-19-68 to 4-18-69); Nos. 122 and 181, Orlando, Fla. (between 4 percent and 15 percent, 4-19-68 to 4-18-69); No. 71, Panama City, Fla. (between 2 percent and 10 percent); No. 136, Pensacola, Fla. (between 2 percent and 19.1 percent); Nos. 45 and 108, St. Petersburg, Fla. (between 4 percent and 17.9 percent); No. 198, St. Petersburg, Fla. (between 4 percent and 18 percent, 4-24-68 to 4-23-69); No. 44, Tallahassee, Fla. (between 6.7 percent and 28.8 percent); Nos. 95 and 141, West Palm Beach, Fla. (between 8.8 percent and 19.2 percent); No. 88, Augusta, Ga. (between 8 percent and 20 percent, 4-19-68 to 4-18-69); No. 135, Columbus, Ga. (between 7 percent and 19 percent, 3-28-68 to 3-27-69); No. 128, Macon, Ga. (between 8 percent and 19 percent, 4-19-68 to 4-18-69); No. 114, Savannah, Ga. (between 0.9 percent and 22.9 percent, 4-19-68 to 4-18-69); No. 247, Chicago, Ill. (salesclerk, credit clerk, between 14.5 percent and 31.6 percent, 4-25-68 to 4-24-69); Nos. 218, 271 and 273, Indianapolis, Ind. (salesclerk, 8.8 percent); No. 236, Topeka, Kans. (salesclerk, stock clerk, credit clerk, between 10 percent and 17 percent); No. 242, Lexington, Ky. (salesclerk, stock clerk, credit clerk, between 2 percent and 12 percent, 4-19-68 to 4-18-69); No. 149, Alexandria, La. (between 2 percent and 19 percent, 4-25-68 to 4-24-69); Nos. 38 and 133, Baton Rouge, La. (salesclerk, between 0 percent and 20 percent, 4-19-68 to 4-18-69); No. 49, Gretna, La. (salesclerk, stock clerk, credit clerk, between 2 percent and 19 percent, 4-19-68 to 4-18-69); No. 126, Lake Charles, La. (salesclerk, stock clerk, credit clerk, between 2 percent and 19 percent, 4-19-68 to 4-18-69); No. 119, Metairie, La. (salesclerk, stock clerk, credit clerk, between 2 percent and 19 percent, 4-19-68 to 4-18-69); No. 109, New Orleans, La. (salesclerk, stock clerk, credit clerk, between 2 percent and 19 percent, 4-19-68 to 4-18-69); Nos. 41, 55, and 57, Baltimore, Md. (salesclerk, stock clerk, credit clerk, between 27 percent and 38 percent, 4-19-68 to 4-18-69); No. 313, Bethesda, Md. (14 percent, 4-24-68 to 4-23-69); No. 73, Cumberland, Md. (salesclerk, stock clerk, credit clerk, between 13 percent and 52 percent, 4-19-68 to 4-18-69); No. 43, Glen Burnie, Md. (salesclerk, stock clerk, credit clerk, between 27 percent and 38

percent, 4–19–68 to 4–18–69); No. 232, St. Paul, Minn. (salesclerk, 27.5 percent); No. 67, Gulfport, Miss. (salesclerk, stock clerk, credit clerk, between 5 percent and 21 percent, 4–19–68 to 4–18–69); No. 145, Jackson, Miss. (salesclerk, between 1 percent and 12 percent, 4–19–68 to 4–18–69); No. 494, Las Vegas, Nev. (between 9 percent and 10 percent, 4–24–68 to 4–23–69); No. 420, 451, and 468, Albuquerque, N. Mex. (between 4 percent and 27 percent, 4–19–68 to 4–18–69); No. 110, Durham, N.C. (between 4 percent and 19 percent); No. 92, Raleigh, N.C. (between 5 percent and 17 percent, 4–19–68 to 4–18–69); No. 207, Maple Heights, Ohio (between 7 percent and 12 percent); No. 214, Willowick, Ohio (between 7 percent and 12 percent); No. 250, Youngstown, Ohio (salesclerk, credit clerk, stock clerk, between 2 percent and 11 percent). No. 64, Enid, Okla. (between 2 percent and 12 percent, 4–25–68 to 4–24–69); No. 36, Oklahoma City, Okla. (between 2 percent and 12 percent); No. 127, Oklahoma City, Okla. (between 1 percent and 12 percent); No. 301, Tulsa, Okla. (between 1 percent and 12 percent, 4–25–68 to 4–24–69); No. 216, East Liberty, Pa. (salesclerk, between 0 percent and 20 percent, 4–19–68 to 4–18–69); No. 205, (salesclerk, credit clerk, between 2 percent and 16 percent); No. 251, Levittown, Pa. (salesclerk, stock clerk, credit clerk, between 3 percent and 9 percent, 4–25–68 to 4–24–69); Nos. 222, 274, and 308, Pittsburgh, Pa. (salesclerk, between 0 percent and 20 percent, 4–19–68 to 4–18–69); No. 85, Reading, Pa. (salesclerk, stock clerk, between 4 percent and 24 percent); No. 118, Scranton, Pa. (salesclerk, credit clerk, between 2 percent and 15 percent); No. 79, Wilkes-Barre, Pa. (salesclerk, credit clerk, between 2 percent and 15 percent, 4–25–68 to 4–24–69); No. 116, Charleston, S.C. (between 2 percent and 20 percent); No. 137, Columbia, S.C. (between 14 percent and 38 percent); No. 96, Greenville, S.C. (between 8 percent and 20 percent); No. 78, Spartanburg, S.C. (between 7 and 26 percent); No. 186, Chattanooga, Tenn. (between 1 percent and 16 percent); No. 211, Knoxville, Tenn. (between 1 percent and 16 percent, 4–25–68 to 4–24–69); No. 113, Memphis, Tenn. (between 4 percent and 19 percent, 4–27–68 to 4–26–69); No. 213, Memphis, Tenn. (between 4 percent and 19 percent); No. 34, San Antonio, Tex. (between 3.7 percent and 10.8 percent); No. 123, San Antonio, Tex. (between 4.1 percent and 18.5 percent, 4–3–68 to 4–2–69); No. 187, Pasadena, Tex. (between 0.3 percent and 3.9 percent); No. 68, Alexandria, Va. (between 6 percent and 15 percent); No. 87, Arlington, Va. (between 7 percent and 21 percent); No. 120, Newport News, Va. (between 0 percent and 6 percent); No. 32, Portsmouth, Va. (between 0 percent and 6 percent); No. 105, Roanoke, Va. (between 2 percent and 18 percent); No. 310, Virginia Beach, Va. (between 0 percent and 6 percent); No. 86, Charleston, W. Va. (between 3 percent and 12 percent); No. 94, Huntington, W. Va. (between 0 percent and 26 percent).

Lynn & Al's G. W. Foods, Inc., foodstore; 2602, West Norfolk Avenue, Norfolk, Nebr.; cashier, stock clerk; between 19 percent and 33 percent; 4–1–68 to 3–31–69.

Magic Mart Inc., department store; East Race Street, Searcy, Ark.; salesclerk, stock clerk, janitorial; between 2 percent and 14 percent; 4–16–68 to 4–15–69.

Maison Blanche Co., department store; 4101 Chef Menteur Highway, New Orleans, La.; salesclerk; between 3 percent and 4 percent; 4–17–68 to 4–16–69.

May's Drug Store, drugstore; No. 202, Cedar Rapids, Iowa; salesclerk, stock clerk; between 5 percent and 8 percent; 4–16–68 to 4–15–69.

McCrory-McLellan-Green Store, variety stores for the occupations of salesclerk, stock clerk, office clerk: No. 383, Jacksonville, Ill. (between 10.2 percent and 26.9 percent, 4–24–68 to 4–23–69); No. 269, Munster, Ind. (between 7 percent and 15 percent, 3–1–68 to 2–28–69); No. 242, Springfield, Mass. (between 7 percent and 15 percent, 4–9–68 to 4–8–69); No. 352, Toms River, N.J. (between 14 percent and 29 percent, 4–2–68 to 3–31–69); No. 399, Lima, Ohio (between 6 percent and 20 percent, 4–10–68 to 4–9–69); No. 110, Huntingdon, Pa. (between 3 percent and 16 percent, 4–11–68 to 4–10–69).

Minimax Supermarket, foodstores from 4–9–68 to 4–6–69 except as otherwise indicated, carryout except as otherwise indicated, between 11 percent and 14 percent except as otherwise indicated: Belton, Tex. (between 11 percent and 13 percent); 1238 West 43d Street, Houston, Tex. (bagger, carryout, stock clerk, janitorial, between 8 percent and 10 percent, 4–19–68 to 4–18–69); Hallmark and Gray, Killeen, Tex.; 1308 East Rancier, Killeen, Tex.

Morgan & Lindsey, Inc., variety store; No. 3002, Oakdale, La.; salesclerk, office clerk, stock clerk; between 8 percent and 27 percent; 4–25–68 to 4–24–69.

G. C. Murphy Co., variety stores from 4–1–68 to 3–31–69 except as otherwise indicated, salesclerk, office clerk, stock clerk, janitorial, between 9 percent and 16 percent except as otherwise indicated: No. 96, Jasper, Ala. (between 10 percent and 22 percent, 4–15–68 to 4–14–69); No. 289, Gainesville, Fla. (between 9 percent and 27 percent, 4–26–68 to 4–25–69); No. 284, Orlando, Fla. (between 3 percent and 24 percent, 4–26–68 to 4–25–69); No. 287, Panama City, Fla. (between 12 percent and 25 percent, 4–26–68 to 4–25–69); No. 292, Pensacola, Fla. (between 12 percent and 25 percent, 4–26–68 to 4–25–69); No. 290, West Hollywood, Fla. (between 10 percent and 17 percent, 4–26–68 to 4–25–69); No. 277, Mount Prospect, Ill. (between 14.5 percent and 31.6 percent, 4–25–68 to 4–24–69); No. 300, Kokomo, Ind. (between 10.8 percent and 26.2 percent, 4–28–68 to 4–27–69); No. 161, Minneapolis, Minn. (between 13.3 percent and 21.9 percent, 4–25–68 to 4–24–69); No. 321, Belle Vernon, Pa. (between 3 percent and 23 percent, 4–15–68 to 4–14–69); No. 299, Nashville, Tenn. (between 5 percent and 13 percent); No. 295, Chattanooga, Tenn. (between 5 percent and 13 percent); No. 316, San Antonio, Tex. (between 10 percent and 28 percent, 4–15–68 to 4–14–69); No. 308, Culpeper, Va.; No. 107, Danville, Va.; No. 278, Lynchburg, Va.; No. 63, Manassas, Va.; No. 240, Roanoke, Va.; No. 156, Woodbridge, Va. (between 13 percent and 23 percent).

Neisner Brothers, Inc., variety stores: No. 44, Miramar, Fla. (salesclerk, stock clerk, office clerk, between 24 percent and 48 percent, 4–24–68 to 4–23–69); No. 203, Tampa, Fla. (salesclerk, stock clerk, office clerk, maintenance, 16.5 percent, 4–23–68 to 4–22–69).

Pancake House, Inc., restaurant; 7764 Colerain Avenue, Cincinnati, Ohio; bus boy, bus girl, between 3 percent and 8 percent; 4–12–68 to 4–11–69.

Park-N-Save, foodstore; No. 123, Carlisle, Ohio; carryout, stock clerk, cleanup; 10 percent, 4–1–68 to 4–10–69.

Phil's Shoe Store, Inc., shoe store; 224 Union Square, Hickory, N.C.; salesclerk, stock clerk; 10 percent; 4–9–68 to 4–8–69.

Piggy Wiggly, Inc., foodstores for the occupation of sacker except as otherwise indicated: South Market Street, Moulton, Ala. (between 12 percent and 16 percent, 4–22–68 to 4–21–69); No. 3, Columbus, Ga. (sacker, bottle clerk, janitorial, between 10 percent and 13 percent, 4–1–68 to 3–31–69); Fir Avenue, Collins, Miss. (between 9 percent and 10 percent, 4–20–68 to 3–1–69).

Portland IGA Foodliner, foodstore; 288 Bridge Street, Portland, Mich.; carryout, bagger, stock clerk, checker; 10 percent; 4–2–68 to 4–1–69.

Paul H. Rose Corp., department stores from 4–1–68 to 3–31–69 except as otherwise indicated, salesclerk, stock clerk, office clerk, checker except as otherwise indicated: No. 5003, Gastonia, N.C. (between 11 percent and 27 percent); No. 5005, Greensboro, N.C. (between 11 percent and 28 percent); No. 5001, Winston-Salem, N.C. (between 19 percent and 31 percent); Nos. 6001 and 6002, Norfolk, Va. (salesclerk, between 13 percent and 27 percent, 4–22–68 to 4–21–69).

Sarret's, Inc., apparel store; Woodland Mall, Grand Rapids, Mich.; salesclerk, stock clerk, office clerk; between 3 percent and 22 percent; 4–23–68 to 4–22–69.

Shop Rite, foodstore; 1307 North Center, Beaver Dam, Wis.; carryout; between 5 percent and 21 percent; 4–16–68 to 4–15–69.

Skagway Stores, Inc., foodstore; 4911 South 72d Street, Omaha, Nebr.; carryout, cleanup, stock clerk; 10 percent; 4–22–68 to 4–21–69.

Spies Supermarkets, Inc., foodstores from 4–11–68 to 4–10–69, checker, carryout, cleanup, stock clerk, wrapper, from 18 percent to 26 percent except as otherwise indicated: Sixth Street and Breckenridge, Breckenridge, Minn. (between 17.6 percent and 21.7 percent; Ninth and Dakota Avenue, Wahpeton, N. Dak.; 205–09 North Van Epps, Madison, S. Dak.

State Wide Stores, Inc., variety stores from 4–11–68 to 4–10–69, salesclerk, stock clerk, office clerk, cashier, between 2 percent and 6 percent: No. 5, Louisville, Ky.; No. 3, Paris, Ky.

Steak House, Inc., restaurant; Route 202, Winthrop, Maine; dishwasher, waiter-waitress, prep-work; between 12 percent and 32 percent; 4–1–68 to 3–31–69.

Steinbach Co., Inc., variety store; Brick Plaza, Bricktown, N.J.; salesclerk, stock clerk, office clerk; 10 percent; 4–25–68 to 4–24–69.

Sterling Stores Co., variety store; Magnolia Mall Shopping Center, Natchez, Miss.; salesclerk, stock clerk, cleanup; between 2 percent and 21 percent; 4–11–68 to 4–10–69.

Super Drive Ins, grocery store; No. 4, Clarksville, Tenn.; sacker, bottle clerk; between 8 percent and 20 percent; 4–1–68 to 3–31–69.

T.G. & Y. Stores Co., variety stores from 4–17–68 to 4–16–69 except as otherwise indicated, salesclerk, office clerk, stock clerk, 30 percent except as otherwise indicated: Nos. 193, 194, and 195, Phoenix, Ariz. (between 26 percent and 30 percent); No. 189, Yuma, Ariz. (between 26 percent and 30 percent, 4–29–68 to 4–28–69); No. 712, Texarkana, Ark. (between 11 percent and 34 percent, 4–13–68 to 4–12–69); 450 North Baltimore, Derby, Kans. (between 19 percent and 30 percent, 4–1–68 to 3–31–69); No. 133, Olathe, Kans. (between 22 percent and 34 percent, 4–2–68 to 4–1–69); No. 325, Overland Park, Kans. (between 15 percent and 29 percent, 4–2–68 to 4–1–69); No. 154, Shawnee Mission, Kans. (between 15 percent and 29 percent, 4–10–68 to 4–9–69); No. 97, Wichita, Kans. (between 19 percent and 30 percent, 4–1–68 to 3–31–69); No. 463, Belton, Mo. (between 17 percent and 30 percent); No. 86, Nicoma Park, Okla. (between 22 percent and 30 percent, 4–24–68 to 4–23–69); Nos. 70 and 409, Norman, Okla. (between 8 percent and 22 percent); Nos. 244 and 394, Maytown, Tex. (4–13–68 to 4–12–69); No. 837, Garland, Tex. (4–1–68 to 3–31–69); Nos. 343, 382, and 383, Houston, Tex. (4–13–68 to 4–12–69); No. 232, Orange, Tex. (between 7 percent and 20 percent, 4–29–68 to 4–28–69).

Wink's Super Valu, Inc., foodstore; Ninth and Jefferson Streets, Quincy, Ill.; carryout; between 8 percent and 18 percent; 4–22–68 to 4–21–69.

F. W. Woolworth Co., variety stores for the occupation of salesclerk except as otherwise indicated: No. 2673, Bloomington, Ill. (between 5.6 percent and 20.6 percent, 4–14–68 to 4–13–69); No. 1318, Chicago, Ill. (salesclerk, stock clerk, cleanup, between 6 percent and 19 percent, 4–8–68 to 4–7–69); No. 2476, Chicago, Ill. (16.2 percent, 4–7–68 to 4–6–69); No. 2574, Chicago, Ill. (24.4 percent, 4–6–68 to 4–5–69); No. 2606, Chicago, Ill. (between 7 percent and 22.5 percent, 4–6–68 to 4–5–69); No. 2656, Chicago, Ill. (salesclerk, stock clerk, 23 percent, 4–14–68 to 4–13–69); No. 2669, Chicago, Ill. (between 6.3 percent and 19 percent, 4–14–68 to 4–13–69); No. 2675, Chicago, Ill. (between 19.4 percent and 40.3 percent, 4–14–68 to 4–13–69); No. 2615, Decatur, Ill. (between 3 percent and 11 percent, 4–7–68 to 4–6–69); No. 2450, Downers Grove, Ill. (between 6.6 percent and 10 percent, 4–6–68 to 4–5–69); No. 2617, Fox Lake, Ill. (between 8 percent and 10 percent, 4–6–68 to 4–5–69); No. 2454, Kankakee, Ill. (9–1 percent, 4–6–68 to 4–5–69); No. 2645, Lincoln, Ill. (6.1 percent, 4–7–68 to 4–6–69); No. 2623, Naperville, Ill. (salesclerk, stock clerk, between 6.6 percent and 10 percent, 4–10–68 to 4–9–69); No. 2449, Niles, Ill. (between 15 percent and 26 percent, 4–7–68 to 4–6–69); No. 2474, Pontiac, Ill. (between 2.2 percent and 9.4 percent, 4–7–68 to 4–6–69); No. 2573, Rantoul, Ill. (salesclerk, stock clerk, between 2.5 percent and 13.7 percent, 4–6–68 to 4–5–69); No. 704, Sterling, Ill. (13.6 percent, 4–6–68 to 4–5–69); No. 1301, Taylorville, Ill. (checker, salesclerk, between 0 percent and 7.7 percent, 4–7–68 to 4–6–69); No. 2624, Connersville, Ind. (between 4.5 percent and 25.7 percent, 4–3–68 to 4–2–69); No. 2607, Kokomo, Ind. (between 11 percent and 20 percent, 4–3–68 to 4–2–69); No. 2453, South Bend, Ind. (between 9.5 percent and 23.3 percent, 4–5–68 to 4–4–69); No. 505, Bowling Green, Ky. (between 3 percent and 11 percent, 4–9–68 to 4–8–69); No. 2620, Caro, Mich. (between 11 percent and 29 percent, 4–3–68 to 4–2–69); No. 538, Holland, Mich. (between 9 percent and 18 percent, 4–3–68 to 4–2–69); No. 2621, Midland, Mich. (between 11 percent and 12 percent, 4–3–68 to 4–2–69); No. 399, Traverse City, Mich. (between 10 percent and 31 percent, 4–3–68 to 4–2–69); No. 47, Minneapolis, Minn. (salesclerk, stock clerk, checker, between 6 percent and 13.6 percent, 4–10–68 to 4–9–69); No. 338, Hastings, Nebr. (salesclerk, cleanup, between 2 percent and 8 percent, 4–8–68 to 4–7–69); No. 618, Pasadena, Tex. (between 9.9 percent and 15.3 percent, 4–28–68 to 4–27–69); No. 2464, El Paso, Tex. (between 8 percent and 15 percent, 4–22–68 to 4–21–69); No. 59, Milwaukee, Wis. (salesclerk, stock clerk, cleanup, between 10 percent and 27 percent, 4–14–68 to 4–13–69); No. 72, Milwaukee, Wis. (stock clerk, salesclerk, cleanup, between 10 percent and 26.9 percent, 4–14–68 to 4–13–69); No. 437, Milwaukee, Wis. (salesclerk, stock clerk, checker, between 10 percent and 27 percent, 4–14–68 to 4–13–69); Nos. 842 and 2446, Milwaukee, Wis. (salesclerk, stock clerk, between 10 percent and 27 percent, 4–10–68 to 4–9–69); No. 2455, Milwaukee, Wis. (salesclerk, stock clerk, cleanup, between 10 percent and 26.9, 4–24–68 to 4–23–69).

Younker Brothers, Inc., department store; Fairway Shopping Center, Burlington, Iowa; stock clerk, office clerk, salesclerk, messenger, wrapper, marker, delivery clerk, cleanup, porter; between 9 percent and 16 percent; 4–1–68 to 3–31–69.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this third day of July 1968.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 68–8180; Filed, May 9, 1968; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

[No. MC–C–3437 (Sub–No. 2)]

WEIR COOK MUNICIPAL AIRPORT–INDIANAPOLIS, IND.

Exempt Zone

JULY 5, 1968.

Petition seeking individual determination of the zone surrounding the Weir Cook Municipal Airport near Indianapolis, Ind., within which motor transportation of property is incidental to transportation by air and is exempt from economic regulation under section 203(b)(7a) of the Interstate Commerce Act.

Petitioners: Air Freight Motor Carriers Conference, Film Carrier Conference of the American Trucking Association, and Indiana Transit Service, Inc.

Petitioner's representatives: David A. Sutherland, 1120 Connecticut Avenue NW., Washington, D.C. 20036, Counsel for Film Carrier Conference. Bryce Rea, Jr., Thomas M. Knebel, 1329 E Street NW., Washington, D.C. 20004, Counsel for Indiana Transit Service, Inc., and Air Freight Motor Carriers Conference.

By petition filed April 18, 1968, petitioners requests that the Commission individually determine (as provided in section (c) *Individual determination of exempt zones*, to its regulations, 49 CFR 1047.40 (formerly § 210.40) *Motor transportation of property incidental to transportation by aircraft*), the zone surrounding Weir Cook Municipal Airport near Indianapolis, Ind., within which motor transportation of property is incidental to transportation by air and exempt from the Commission's economic regulation under section 203(b)(7a) of the Interstate Commerce Act.

Petitioners state that Indiana Transit Service, Inc., holds certificate No. MC–71452 which authorizes it to transport property between Terre Haute and Greencastle, Ind., and Weir Cook Municipal Airport; that by Order No. E–24231, dated September 27, 1966, in Docket No. 15582, the Civil Aeronautics Board granted to Wings and Wheels Express, Inc., an air freight forwarder, authority to file a pickup and delivery tariff for extended terminal area service between Terre Haute and Weir Cook Municipal Airport; that Emery Air Freight Corp. as well as other air freight forwarders filed with the Civil Aeronautics Board, and the Board accepted tariffs providing for pickup and delivery services between Greencastle and Weir Cook Municipal Airport; that Emery Air Freight Corp. is presently operating between Greencastle and the Airport and that approximately half of petitioner's revenue derived from traffic moving between the Airport and Greencastle has been diverted; and that Terre Haute, Ind., a point 70 miles from Indianapolis, and Greencastle, Inc., a point 30 miles from Weir Cook Municipal Airport, should be excluded from the exempt zone.

Petitioners ask that a proceeding be instituted under the regulations set forth above to determine the proper boundary of the exempt zone surrounding Weir Cook Municipal Airport near Indianapolis, Ind.

Any interested person wishing to make representations in favor of or in opposition to the relief sought by the petition may do so by submitting written statements. All such persons, including motor carriers, air carriers, shippers and receivers of freight, and others, whether or not subject to the Commission's jurisdiction, are invited to submit representations setting forth any facts or argument pertinent to the proper determination of the scope of the exempt zone surrounding the Weir Cook Municipal Airport near Indianapolis, Ind.

Representations are now due on or before August 19, 1968, and copies thereof will be available thereafter at the office of the Commission in Washington, D.C. Persons desiring to file replies to representations may do so on or before September 18, 1968.

An original and 15 copies of each representation and reply, the original of which must be verified with respect to matters of fact contained therein, must be filed with:

Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

In addition, one copy of each representation, reply, or any other pleading must be filed with:

Secretary, Civil Aeronautics Board, Washington, D.C. 20428.

A copy must also be served upon petitioners' representatives, whose addresses appear at the head of this notice, and upon:

Wings and Wheels Express, Inc., 142–42 41st Avenue, Flushing, Long Island, N.Y. 11355.
Emery Air Freight Corp., Post Office Box 322, Wilton, Conn. 06897.

copies of all representations, replies, or other pleadings filed with the Commission must show that service has been made upon the persons named above, in conformity with rule 1.22 of the Commission's general rules of practice.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–8168; Filed, July 9, 1968; 8:50 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JULY 5, 1968.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. M-8323 Supp. 2, filed June 19, 1968. Applicant: JOHN J. TURNER, doing business as O'NEILL TRANSFER, 123 South Madison Street, O'Neill, Nebr. 68703. Applicant's representative: Richard A. Peterson, 1201 J Street, Post Office Box 806, Lincoln, Nebr. 68501. Certificate of public convenience and necessity sought to operate a freight service as follows: *Commodities generally*, except those requiring special equipment; between Springview and O'Neill, Nebr., via U.S. 183 to the junction with Nebraska Highway 12, thence via Nebraska Highway 12 to the junction with U.S. 281, thence via U.S. 281 to O'Neill and return over the same route, serving all intermediate points. Applicant also seeks authority to tack its presently authorized regular-route authority in M-8323, Supp. 1, with the regular-route authority sought in M-8323, Supp. 2. Applicant is seeking authority to engage in transportation in interstate and foreign commerce coextensive with its proposed, extended regular-route intrastate operation in M-8323, Supp. 2.

HEARING: Not yet assigned. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Nebraska State Railway Commission, Motor Transportation Department, 134 South 12th Street, Room 320, Lincoln, Nebr. 68508, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8169; Filed, July 9, 1968; 8:50 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 5, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41378—*Superphosphate from Aurora and Lee Creek, N.C.* Filed by O. W. South, Jr., agent (No. A6030), for interested rail carriers. Rates on superphosphate, not defluorinated superphosphate, nor feed grade superphosphate, in bulk, in carloads, from Aurora and Lee Creek, N.C., to points in western trunkline and northern line territories.

Grounds for relief—Rate relationship.

Tariff—Supplement 39 to Southern Freight Association, agent, tariff ICC S-718.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8170; Filed, July 9, 1968; 8:50 a.m.]

[Notice 506]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 5, 1968.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(d)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(d)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 104), ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309, filed June 24, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Richmond, Va., and St. Louis, Mo., over Interstate Highway 64, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Richmond, Va., over U.S. Highway 1 to Baltimore, Md., thence over U.S. Highway 140 to Gettysburg, Pa., thence over U.S. Highway 30 to Pittsburgh, Pa., thence over U.S. Highway 22 to Cambridge, Ohio, thence over U.S. Highway 40 to St. Louis, Mo., and return over the same route.

No. MC 3560 (Deviation No. 16), GENERAL EXPRESSWAYS, INC., 1205 South Platte River Drive, Denver, Colo. 80223, filed June 10, 1968, amended June 27, 1968. Carrier's representative: William E. Kenworthy, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Louis, Mo., over U.S. Highway 40 (also Interstate Highway 70) to junction Interstate Highway 57 at or near Effingham, Ill., thence over Interstate Highway 57 to junction Illinois Highway 16, near Mattoon, Ill., thence over Illinois Highway 16 to junction U.S. Highway 150 at or near Paris, Ill., thence over U.S. Highway 150 to junction U.S. Highway 40 at or near Terre Haute, Ind., thence over U.S. Highway 40 (also Interstate Highway 70) to Columbus, Ohio, thence over Ohio Highway 1 (also Interstate Highway 71) to Cleveland, Ohio, and return over the same route, for operating convenience only, restricted against use of the proposed route for the transportation of shipments moving between St. Louis, Mo., and Cleveland, Ohio. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Bloomington, Ill., over U.S. Highway 66 to to junction unnumbered highway near Mount Olive, Ill., thence over unnumbered highway via Mount Olive to junction U.S. Highway 66, thence over U.S. Highway 66 to junction bypass U.S. Highway 66 via Edwardsville, Ill., to junction unnumbered highway (formerly portion U.S. Highway 66), thence over unnumbered highway to Mitchell, Ill., thence over Illinois Highway 203 (formerly portions Illinois Highway 3, Nameoki Avenue, Illinois Highway 162, Alternate U.S. Highway 67 and City U.S. Highway 66) to junction U.S. Highway 460 (formerly portion City U.S. Highway 66), thence over U.S. Highway 460 to St. Louis, Mo.; (2) from Chicago, Ill., over U.S. Highway 66 to junction Illinois Highway 53 (formerly Alternate U.S. Highway 66), thence over Illinois Highway 53 to Gardner, Ill., thence over U.S. Highway 66 to junction unnumbered highway near Dwight, Ill., thence over unnumbered highway via Dwight to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway near Odell, Ill., thence over unnumbered highway via Odell to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway near Pontiac, Ill., thence over unnumbered highway to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway near Chenoa, Ill., thence over unnumbered highway via Chenoa to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway near Lexington, Ill., thence over unnumbered highway to junction U.S. Highway 66, thence over U.S. Highway 66 to Bloomington, Ill., and (3) from Chicago, Ill., over U.S. Highway 20 to junction Ohio Highway 120, thence over Ohio Highway 120 to Toledo, Ohio, thence over Ohio Highway 2 to Lorraine, Ohio, thence over Ohio Highway 57 to junction Ohio Highway 254 to Cleveland, Ohio, and return over the same routes.

No. MC 59680 (Deviation No. 70), STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex. 75222, filed June 24, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between New Haven, Conn., and Boston, Mass., over Interstate Highway 95, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From New Haven, Conn., over U.S. Highway 5 to Springfield, Mass., thence over U.S. Highway 20 to Boston, Mass., and return over the same route.

No. MC 64600 (Deviation No. 3), WILSON TRUCKING CORPORATION, Post Office Box 340, Waynesboro, Va. 22980, filed June 24, 1968. Carrier's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Staunton, Va., over Virginia Highway 254 to Buffalo Gap, Va., thence over Virginia Highway 42 via Goshen and Millboro Springs, Va., to junction U.S. Highway 60 east of Clifton Forge, Va., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service route as follows: From Roanoke, Va., over U.S. Highway 11 to junction U.S. Highway 340, thence over U.S. Highway 340 to Waynesboro, Va., thence over U.S. Highway 250 to Staunton, Va.; (2) from Lynchburg, Va., over U.S. Highway 501 to Buena Vista, Va., thence over U.S. Highway 60 to Covington, Va.; and (3) from Fredericksburg, Va., over Virginia Highway 3 to Culpeper, Va., thence over U.S. Highway 522 to Sperryville, Va., thence over U.S. Highway 211 to New Market, Va., thence over U.S. Highway 11 to junction U.S. Highway 340, and return over the same routes, for operating convenience only.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 461), GREYHOUND LINES, INC. (Southern Division), 219 East Short Street, Lexington, Ky. 40507, filed June 28, 1968. Carrier proposes to operate as a common carrier, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Interstate Highway 20 and U.S. Highway 1, approximately 1 mile east of Lexington, S.C., over Interstate Highway 20 to junction U.S. Highway 601, thence over U.S. Highway 601 to junction U.S. Highway 1 at Lugoff, S.C., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Augusta, Ga., over U.S. Highway 1 to junction South Carolina Highway 421, thence over South Carolina Highway 421 to junction U.S. Highway 1, thence over U.S. Highway 1 via Aiken and Columbia, S.C., to Cheraw, S.C., and return over the same route.

No. MC 2890 (Deviation No. 71), AMERICAN BUSLINES, INC., 1501 South Central Avenue, Los Angeles, Calif. 90021, filed June 27, 1968. Carrier's representative: Bruce E. Mitchell, 1735 K Street NW., Washington, D.C. 20006. Carrier proposes to operate as a *common carrier*, by motor vehicles, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Interstate Highway 70 and U.S. Highway 40 at or near Pocahontas, Ill., over Interstate Highway 70 to junction U.S. Highway 40 at or near East St. Louis, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Pittsburgh, Pa., over U.S. Highway 22 to Zanesville, Ohio, thence over U.S. Highway 40 to Columbus, Ohio, thence over U.S. Highway 40 to St. Louis, Mo., and return over the same route.

No. MC 29957 (Deviation No. 13) (Cancels Deviation Nos. 8, 10, and 12), CONTINENTAL SOUTHERN LINES, INC., Post Office Box 4107, Alexandria, La. 71301, filed June 26, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, and *baggage* of passengers in separate vehicles, over deviation routes as follows: (1) From junction U.S. Highway 190 and Louisiana Highway 415 over Louisiana Highway 415 to junction Louisiana Highway 76, thence over Louisiana Highway 76 to junction Louisiana Highway 1, thence over Louisiana Highway 1 to junction Interstate Highway 10, thence over Interstate Highway 10 to Baton Rouge, La.; (2) from junction Louisiana Highway 1 and U.S. Highway 190 (at west end of Mississippi River Bridge) over Louisiana Highway 1 to junction Interstate Highway 10, thence over Interstate Highway 10 to Baton Rouge, La.; (3) from Baton Rouge, La., over Interstate Highway 10 to junction Interstate Highway 12, thence over Interstate Highway 12 to junction U.S. Highway 61; (4) from junction Louisiana Highway 49 and U.S. Highway 61 over Louisiana Highway 49 to junction Interstate Highway 10, thence over Interstate Highway 10 to New Orleans, La.; and (5) from New Orleans, La., over Interstate Highway 10 to junction Louisiana Highway 433, thence over Louisiana Highway 433 to Slidell, La., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Beaumont, Tex., over Texas Highway 12 (formerly Texas Highway 235) via Deweyville, Tex., to the Texas-Louisiana State line, thence over Louisiana Highway 12 (formerly Louisiana Highway 7) via De Quincy, La., to junction U.S. Highway 190, thence over U.S. Highway 190 via Eunice, Opelousas, and Westover, La., and the new bridge to Baton Rouge, La., thence over U.S. Highway 61 via Gonzales, La., to New Orleans, La., and (2) from Mendenhall, Miss., over Mississippi Highway 13 to Columbia, Miss., thence over Mississippi Highway 24 to junction Mississippi Highway 35 (formerly Mississippi Highway 13W), thence over Mississippi Highway 35 via Jamestown and Sandy Hook, Miss., to the Mississippi-Louisiana State line, thence over Louisiana Highway 21 (formerly Louisiana Highway 7) to Bush, La., thence over Louisiana Highway 41 (formerly Louisiana Highway 484) to Talisheek, La., thence over Louisiana Highway 41 (formerly Louisiana Highway 58) to Pearl River, La., thence over U.S. Highway 11 to junction U.S. Highway 90, thence over U.S. Highway 90 to New Orleans, La., and return over the same routes.

No. MC 114271 (Deviation No. 5), CONTINENTAL CRESCENT LINES, INC., Post Office Box 4107, Alexandria, La. 71301, filed June 26, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and express and newspapers in the same vehicle with passengers, over a deviation route as follow: From Austell, Ga., over U.S. Highway 78 to junction Georgia Highway 6, thence over Georgia Highway 6 to junction Interstate Highway 20, thence over Interstate Highway 20 to Atlanta, Ga., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Gadsden, Ala., over U.S. Highway 278 via Piedmont, Ala., to the Alabama-Georgia State line, thence over U.S. Highway 278 via Cedartown and Austell, Ga., to Atlanta, Ga., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8171; Filed, July 9, 1968; 8:50 a.m.]

[Notice 1196]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 5, 1968.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20,

1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 52657 (Sub-No. 655) (Republication) filed August 25, 1967, published FEDERAL REGISTER issue of September 14, 1967, and republished this issue. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. In the above-entitled proceeding, the examiner recommended the granting to applicant a certificate of public convenience and necessity, authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of (a) bodies, hoists (including power gates and lift gates), and steel containers; (b) trailers, trailer chassis (except those designed to be drawn by passenger automobiles) in initial truckaway service; and (c) materials, supplies, and parts used in the manufacture, assembly, and servicing of the commodities described above, when moving in mixed loads with any of such commodities, from Durant, Okla., to Galion and Lima, Ohio, and Kansas City and St. Louis, Mo. A decision and order of the Commission, Review Board Number 3, dated June 20, 1968, and served July 1, 1968, as modified, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of (1) *bodies, hoists, and steel containers*, (2) *trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements, in truckaway service, and (3) *materials, supplies, and parts* used in the manufacture, assembly, and servicing of the commodities described in (1) and (2) above, when moving in mixed loads with such commodities, from Durant, Okla., to Galion and Lima, Ohio, and Kansas City and St. Louis, Mo.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC-107496 (Sub-No. 587) (Republication) filed September 20, 1967, published in the FEDERAL REGISTER issue of October 5, 1967, and republished this issue. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). By application filed September 20, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of petroleum and petroleum products (1) from the Williams Brothers Pipe Line Co. terminal at or near St. Cloud, Minn., and points within 10 miles thereof, to points in Minnesota, North Dakota, South Dakota, Wisconsin, and the Upper Peninsula of Michigan; and (2) from the Williams Brothers Pipe Line Co. terminal at or near Spencer and Spirit Lake, Iowa, and points within 15 miles thereof, to points in Iowa, Illinois, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. A report and order of the Commission, Operating Rights Board, served June 25, 1968, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of petroleum and petroleum products, (1) from the terminal of the Williams Brothers Pipe Line Co. at or near St. Cloud, Minn., to points in Minnesota, North Dakota, South Dakota, Wisconsin, and the Upper Peninsula of Michigan, and (2) from the terminal of the Williams Brothers Pipe Line Co. at or near Spencer and Spirit Lake, Iowa, and from the terminal of Kaneb Pipe Line Co. at or near Milford, Iowa, to points in Iowa, Illinois, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC-121629 (Republication), filed May 31, 1968, published in the FEDERAL REGISTER as State Docket No. T66-4 issue of March 9, 1966, and republished this issue. Applicant: R. E. COOPER, doing business as HOMER TRANSFER COMPANY, Box 182, Homer, Alaska 99603. Applicant's representative: A. Robert Hahn, Jr., 606 Fourth Avenue, Anchorage, Alaska. That applicant, in accordance with the requirements of section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962, and the Commission's rules and regulations promulgated thereunder, has made timely application for a certificate of registration as evidence of the right to conduct operations, in interstate or foreign commerce, within limits which do not exceed the scope of the intrastate operations for which applicant holds a State certificate as a common carrier by motor vehicle, solely within a single State, as referred to below; that said application was not filed within the 30-day time limit specified in Rule 1.245(d)(1) of the Commission's rules of practice, but that for good cause shown, as provided in Rule 1.245(d)(4) of said rules of practice, said 30-day time limit was waived and the application was accepted for filing. Applicant has been issued a State certificate of public convenience and necessity authorizing the motor carrier operations in intrastate commerce described below, and that no one opposed in the State Commission application proceeding the authority sought for corresponding operations in interstate or foreign commerce, that the certificate issued by the State Commission satisfies the provisions of section 206(a)(6) of the Act, and that applicant has otherwise met the requirements for a Certificate of Registration contained in section 206(a)(6) of the Act.

An order of the Commission, Operating Rights Board, dated June 10, 1968, served June 12, 1968, calls for publication in the FEDERAL REGISTER of the State Authority sought which is somewhat more limited than that authorized by the State Commission, and that because it is possible that interested parties, who have relied upon the notice of the application as published in the FEDERAL REGISTER, may have an interest in and would be prejudiced by the lack of proper notice of the authority described herein, a notice of the authority granted by this order will be published in the FEDERAL REGISTER and issuance of a certificate of registration in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate pleading with this Commission. Description of the transportation service authorized to be conducted solely within the State of Alaska, in intrastate commerce, as a common carrier by motor vehicle, pursuant to Permit No. 241, dated January 31, 1968, issued by the Alaska Transportation Commission: General commodities (except classes A and B explosives and commodities in bulk, in tank trucks), water, in bulk, in tank trucks, between all points and places on the Kenai Peninsula: (A) South of the Kasilof River within a 65-mile radius of Homer, Alaska, including Homer. (B) Points and places on the Kenai Peninsula south of the Kasilof River and within 65 miles of Homer on the one hand, and, on the other hand, points in Zone 8.

NOTICE OF FILING OF PETITIONS

No. MC 112627 (Notice of Filing of Petition for the Removal of a Restriction), filed June 21, 1968. Petitioner: OWENS BROS., INC., Danville, N.Y. Petitioner's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Petitioner holds certificate in No. MC 112627 (Sub-No. 7), authorizing the transportation by motor carrier, in interstate or foreign commerce, transporting: Wine, containers, from Naples, N.Y., to points in Indiana and Illinois (except Chicago, Ill.), restricted to stop-off-shipments only. By the instant petition, petitioner requests the elimination of the restriction pertaining to stop-off shipments. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of this publication in the FEDERAL REGISTER.

No. MC 113267 (Sub-No. 47), (Notice of Filing of Petition To Modify Certificate), filed June 19, 1968. Petitioner: CENTRAL & SOUTHERN TRUCK LINES, INC., Caseyville, Ill. Petitioner's representative: R. H. Burroughs, 115 East Main Street, Collinsville, Ill. In No. MC 113267 (Sub-No. 47), petitioner holds authority to operate, over irregular routes, transporting: Fresh poultry, frozen poultry, and poultry products, with or without other ingredients, and frozen meat and meat products, with or without other ingredients, from Athens, Ala., to points in the United States (except points in Maine, Hawaii, and Alaska), with no transportation for compensation on return except as otherwise authorized, *restricted to traffic originating at Athens, Ala., and delivered to the points indicated*. By the instant petition, petitioner prays that the certificate be modified by removing the restriction, restricting the authority to traffic originating at Athens, Ala., and that otherwise said certificate remain as heretofore ordered by the Commission. Any interested person or persons desiring to participate, may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of this publication in the FEDERAL REGISTER. Also, petitioner shall submit verified statements in support of such request within 30 days from this publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10097. (Correction) (W. J. DIGBY, INC.—Purchase—W. J. DIGBY, INC., OF IOWA), published in the April 24, 1968, issue of the FEDERAL REGISTER, on page 6270. This correction to show W. J. DIGBY, INC. seeks to *control and merge* the operating rights and property of W. J. DIGBY, INC., OF IOWA, in lieu of purchase.

No. MC-F-10172. Authority sought for merger into NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223, of the operating rights and property of SAN LEANDRO FREIGHT LINES, 1205 South Platte River Drive, Denver, Colo. 80223, and for acquisition by UNITED TRANSPORTATION INVESTMENT COMPANY, and, in turn by DAVID H. RATNER, both of 310 South Michigan Avenue, Chicago, Ill. 60604, of control of such rights and property through the transaction. Applicants' attorneys: Axelrod, Goodman and Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be merged: *Compressed or liquefied gas*, other than liquefied petroleum gas, in shipper-owned tank vehicles, and *general commodities*, except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, as a *common carrier*, over regular routes, between Richmond, Calif., and San Jose, Calif., between San Francisco, Calif., and San Jose, Calif., serving all intermediate points, using the San Francisco Bay Bridge, San Mateo Bridge, Dumbarton Bridge, and appropriate access roads for operating convenience only in connection with the above-specified routes. NAVAJO FREIGHT LINES, INC., is authorized to operate as a *common carrier* in New Mexico, California, Arizona, Texas, Colorado, Illinois, Missouri, Iowa, Nebraska, Oklahoma, Nevada, Indiana, Kansas, Utah, Louisiana, Virginia, Maryland, Florida, New York, Tennessee, and Wyoming. Application has not been filed for temporary authority under section 210a(b). NOTE: NAVAJO FREIGHT LINES, INC., controls SAN LEANDRO FREIGHT LINES, through ownership of capital stock pursuant to authority granted in Docket No. MC-F-7519, effective June 27, 1961, and consummated August 15, 1961.

No. MC-F-10173. Authority sought for purchase by W. T. BYRNS MOTOR EXPRESS, INC., 646 Coffeen Street, Watertown, N.Y., of the operating rights and property of SEABURY MOTOR EXPRESS, INC., 1056 Arsenal Street, Watertown, N.Y., and for acquisition by LAWRENCE E. SMITH, and HELEN E. SMITH, both of 646 Coffeen Street, Watertown, N.Y., of control of such rights and property through the purchase. Applicants' attorneys: Norman M. Pinsky and Herbert M. Canter, both of 345 South Warren Street, Syracuse, N.Y., 13202, and Francis E. Barrett, Jr., 536 Granite Street, Braintree, Mass. 02184. Operating rights sought to be transferred: *Meat and packinghouse products*, as a *common carrier*, over regular routes, from Syracuse, N.Y., to Ogdensburg, N.Y., serving the intermediate points of Watertown and Adams, N.Y., and points between Adams and Ogdensburg, restricted to delivery only; and *metal curtain fixtures and novelty brass articles*, from Ogdensburg, N.Y., and Syracuse, N.Y., serving the intermediate points of Watertown and Adams, N.Y., and points between Adams and Ogdensburg, restricted to pickup only; and under a certificate of registration, in No. MC-45576 Sub-4, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of New York. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, Rhode Island, Delaware, Maryland, Illinois, Michigan, Ohio, Maine, New Hampshire, Vermont, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

NOTE: No. MC-106275 Sub-39 is a matter directly related.

No. MC-F-10174. Authority sought for purchase by INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue SW., Grand Rapids, Mich. 49502, (1) of the operating rights and property of SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. 66105, and (2) of the operating rights and certain property of DIRECT TRANSPORTS, INC., 1400 Kansas Avenue, Kansas City, Kans. 66105. Applicants' attorneys: Lee Reeder and F. W. Taylor, Jr., 1221 Baltimore, Kansas City, Mo. 64105, and Donald Hults, Post Office Box 225, Lawrence, Kans. 66044. Operating rights sought to be transferred: (1) *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of Illinois, Kansas, Missouri, Iowa, Arkansas, Oklahoma, Nebraska, Colorado, Wyoming, Indiana, South Dakota, Texas, Kentucky, Tennessee, Minnesota, Wisconsin, Louisiana, and North Dakota, with certain restrictions, serving various intermediate and off-route points, as more specifically described in Docket No. MC-29566 and subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof.

(2) *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes; between Omaha, Nebr., and junction Missouri County Road M and U.S. Highway 169, serving no intermediate points and serving junction U.S. Highway 71 and U.S. Highway 136 for purposes of joinder only, between Omaha, Nebr., and junction U.S. Highway 71 and U.S. Highway 136, serving no intermediate points, but serving junction U.S. Highway 136 and U.S. Highway 71 for purposes of joinder only, with restrictions; between St. Joseph, Mo., and Albany, Mo., between Albany, Mo.,

and McFall, Mo., serving all intermediate points, between junction U.S. Highways 169 and 136, and Grant City, Mo., serving the intermediate points of Worth and Gentry, Mo., and certain off-route points; *general commodities*, except money and jewelry, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Albany, Mo., and St. Joseph, Mo., serving all intermediate points, restricted to south bound traffic only; *butter*, from Ravenwood, Mo., to Kansas City, Mo., serving no intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between St. Joseph, Mo., on the one hand, and, on the other, points in Iowa and Nebraska, with restriction, between points in Decatur County, Iowa, on the one hand, and, on the other, points in Mercer and Worth Counties, Mo., between points in Ringgold County, Iowa, on the one hand, and, on the other, Kansas City, Kans., and certain specified points in Missouri, between King City, Mo., and points within 10 miles thereof, on the one hand, and, on the other, Kansas City, Kans., with restriction; *candy*, in truckload lots, from St. Joseph, Mo., to points in Kansas; *flour and seed*, from certain specified points in Nebraska, to Lamoni, Iowa, and certain specified points in Missouri;

Meats, packinghouse products, and commodities used by packinghouses, as described in sections A, C, and D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Fort Dodge, Iowa, to Springfield, Mo., and Fort Smith and Little Rock, Ark., from Springfield, Mo., to Fremont, Nebr., Fort Dodge, Iowa, and Austin and Owatonna, Minn.; *meats, meat products, and meat byproducts*, as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Madison and Sioux Falls, S. Dak., to Trenton, Mo., and *frozen foods*, from certain specified points in Missouri, to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota. Vendee is authorized to operate as a *common carrier* in Ohio, Illinois, Indiana, New York, Missouri, Pennsylvania, Michigan, Minnesota, Wisconsin, Kentucky, West Virginia, Maryland, Massachusetts, New Jersey, Iowa, Delaware, Colorado, Nebraska, Wyoming, Kansas, Connecticut, Rhode Island, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10175. Authority sought for control and merger by J. A. GARVEY TRANSPORTATION, INC., 550 Forest Avenue, Portland, Maine 04101, of the operating rights and property of GARVEY TRANSPORTATION CO., INC., 550 Forest Avenue, Portland, Maine 04101, and for acquisition by SANBORN'S MOTOR EXPRESS, INC., and, in turn by HOWARD L. SANBORN, H. BLAINE SANBORN, and DWIGHT L. SANBORN, all also of Portland, Maine, of control of such rights and property through the transaction. Applicants' attorney: Mary E. Kelley, 10 Tremont Street, Boston, Mass. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between Freehold, N.J., and points in New Jersey within 30 miles of Freehold, N.J., on the one hand, and, on the other, Newark and Jersey City, N.J., New York, N.Y., and Philadelphia, Pa., between New York, N.Y., and Philadelphia, Pa. J. A. GARVEY TRANSPORTATION, INC., is authorized to operate as a *common carrier* in Maine, Massachusetts, New Hampshire, New York, Connecticut, Rhode Island, and New Jersey. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10176. Authority sought for control and merger by CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025, of the operating rights and property of SAGINAW TRANSFER COMPANY, INC., 2130 Midland Road, Saginaw, Mich. 48603, and for acquisition by CONSOLIDATED FREIGHTWAYS, INC., International Building, 601 California Street, San Francisco, Calif. 94108, of control of such rights and property through the transaction. Applicants' attorneys: Eugene T. Liipfert, 1035 Universal Building North, Washington, D.C. 20009, Carl H. Smith, 212 Phoenix Building, Bay City, Mich., and Robert C. Stetson, 175 Linfield Drive, Menlo Park, Calif. 94025. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, from Chicago, Ill., to Bay City, Mich., between Chicago, Ill., and Saginaw, Mich., serving certain intermediate and off-route points, between points in Michigan, between junction U.S. Highway 12 and Indiana Highway 212 and Chicago, Ill., between Saginaw, Mich., and Midland, Mich., serving no intermediate points; between Detroit, Mich., and Chicago, Ill., serving the terminus of Chicago, Ill., and certain intermediate and off-route points, with and without restriction; between Marshall, Mich., and Charlotte, Mich., between Lansing, Mich., and Bay City, Mich., between St. Johns, Mich., and Bay City, Mich., serving all intermediate points, between Detroit, Mich., and Flint, Mich., serving all intermediate points and the off-route points within 8 miles of Detroit, Mich.; over one alternate route for operating convenience;

Flour, from Frankenmuth, Mich., to Chicago, Ill., serving no intermediate points; *sugar and honey*, from Bay City, Mich., to Chicago, Ill., serving no intermediate points, but serving the off-route point of Blue Island, Ill.; *empty containers for sugar and honey*, from Chicago, Ill., to Bay City, Mich., serving no intermediate points, but serving the off-route point of Blue Island, Ill.; *empty petroleum containers*, from Flint, Mich., to Chicago, Ill., serving certain intermediate and off-route points; *honey*, over irregular routes, from certain specified points in Michigan, to Chicago, Ill.; *building and roofing materials*, from Joliet and Chicago Heights, Ill., to certain specified points in Michigan; *iron and steel, iron and steel articles, and chemicals*, between Detroit, Mich., and Chicago, Ill., serving the terminus of Chicago, Ill., and certain intermediate and off-route points, with and without restriction; between Marshall, Mich., and Charlotte, Mich., between Lansing, Mich., and Bay City Mich., between St. Johns, Mich., and Bay City, Mich., serving all intermediate points, between Detroit, Mich., and Flint, Mich., serving all intermediate points and off-route points within 8 miles of Detroit, Mich., with exceptions; points in Cook and Du Page Counties, Ill., and Lake County, Ind., Detroit and Jackson, Mich., and points within 8 miles of Detroit, Mich., to Rockford, Ill.; and

Paper and paper products, chemicals, iron and steel, and iron and steel articles, between certain specified points in Illinois, on the one hand, and, on the other, between Detroit, Mich., and Chicago, Ill., serving the terminus of Chicago, Ill., and certain intermediate and off-route points, with and without restriction; between Marshall, Mich., and Charlotte, Mich., between Lansing, Mich., and Bay City, Mich., between St. Johns, Mich., and Bay City, Mich., serving all intermediate points, between Detroit, Mich., and Flint, Mich., serving all intermediate points and off-route points within 8 miles of Detroit, Mich., with exceptions. CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE is authorized to operate as a *common carrier* in Massachusetts, Rhode Island, Connecticut, Montana, Colorado, Idaho, North Dakota, South Dakota, Delaware, Washington, Wyoming, Wisconsin, Illinois, Nevada, Utah, Louisiana, Nebraska, Arkansas, Florida, New York, Tennessee, Oregon, Oklahoma, California, Maryland, Georgia, Arizona, Minnesota, Iowa, Kansas, Pennsylvania, Kentucky, West Virginia, New Mexico, New Jersey, Indiana, Texas, Ohio, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10177. Authority sought for purchase by C & H TRANSPORTATION CO., INC., 1935 West Commerce, Post Office Box 5976, Dallas, Tex. 75222, of the operating rights of ARTHUR A. GALLAGHER AND LOTTIE GALLAGHER, REMAINING TRUSTEE OF THE ESTATE OF EDWARD A. GALLAGHER, DECEASED, doing business as E. A. GALLAGHER & SONS, 1601 South Delaware, Philadelphia, Pa. 19148, and for acquisition by SATURN INDUSTRIES, INC., 3100 Southland Center, Dallas, Tex. 75202, of control of such rights through the purchase. Applicants' attorney and representative: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102, and Arthur A. Gallagher, 1601 South Delaware, Philadelphia, Pa. 19148. Operating rights sought to be transferred: *Building materials*, as a *common carrier*, over irregular routes, from Philadelphia, Pa., to points in New Jersey; *electrical equipment*, from Philadelphia, Pa., to New York, N.Y., and points in New Jersey; *iron and steel articles*, from Philadelphia, Pa., to New York, N.Y., Baltimore, Md., Washington, D.C., and points in Delaware and New Jersey; *trailers*, from Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., Wilmington, Del., and points in New Jersey; *boats*, between Philadelphia, Pa., and points in Delaware, New Jersey, New York, and Connecticut; *automobiles, automobile parts and accessories, automobile show exhibits, and automobile show displays*, between Philadelphia, Pa., and New York, N.Y., on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Massachusetts, Delaware, and Maryland; *theatrical scenery*, between points in Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Maryland, and the District of Columbia.

Commodities, the transportation of which because of size or weight, require the use of special equipment and *related machinery parts and related contractors' materials and supplies* when their transportation is incidental to the transportation by applicant of commodities which by reason of size or weight require special equipment, between points in Pennsylvania, New York, New Jersey, and Maryland; *prefabricated buildings*, knocked-down and *parts thereof*, and *articles* used or useful in the manufacture and erection of prefabricated buildings, between Wilmington, Del., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, West Virginia, Ohio, Indiana, Illinois, Michigan, Wisconsin, and the District of Columbia; *furs, fur wearing apparel, and fur-trimmed or fur-lined wearing apparel*, between Newark, N.J., and Philadelphia, Pa., between Newark, N.J., and points in the Philadelphia, Pa., commercial zone, as defined by the Commission, on the one hand, and, on the other, Richmond, Va., Baltimore, Md., Wilmington, Del., and points in the Washington, D.C., commercial zone, as defined by the Commission; and *commodities, which because of their weight or size require special equipment*, between Philadelphia, Pa., on the one hand, and, on the other, points in Connecticut, Rhode Island, Massachusetts, Delaware, Virginia, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in all points in the United States (except Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC-F-10178. Authority sought for control by ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309, of WEST BROTHERS, INC., Post Office Box 1569, Hattiesburg, Miss. 39401, and for acquisition by GALEN J. ROUSH, also of Akron, Ohio, of control of WEST BROTHERS, INC., through the acquisition by ROADWAY EXPRESS, INC. Applicants' attorney: Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Meridian, Miss., and New Orleans, La., serving certain intermediate points, between Jackson, Miss., and Hattiesburg, Miss., between Collins, Miss., and Brookhaven, Miss., serving all intermediate points, between Hattiesburg, Miss., and New Orleans, La., serving the intermediate points of Gulfport, Miss., and points on U.S. Highway 11, and the off-route points of Camp Shelby, Miss., located approximately 12 miles south of Hattiesburg, Miss., between Hattiesburg, Miss., and Mobile, Ala., serving all intermediate points, and the off-route point of Richton, Miss., between McComb, Miss., and Hattiesburg, Miss., between Mendenhall, Miss., and Columbia, Miss., between Magee, Miss., and Laurel, Miss., serving all intermediate points, between Gulfport, Miss., and Mobile, Ala., serving certain intermediate points, between Birmingham, Ala., and Mobile, Ala., serving all intermediate points including Chapman, Ala., and the off-route point of Prattville, Ala., between Selma, Ala., and Montgomery, Ala., serving all intermediate points, and the off-route points of Lowndesboro and Hayneville, Ala.

Between Clanton, Ala., and Mobile, Ala., serving the intermediate point of Selma, Ala., between Lucedale, Miss., and Poplarville, Miss., serving all intermediate points, between McLain, Miss., and Fontainebleau, Miss., serving all intermediate points, and serving off-route points within 5 miles of Vancleave, Miss., between Jackson, Miss., and Beaumont, Miss., serving certain intermediate points, between Hattiesburg, Miss., and Waynesboro, Miss., between Enterprise, Miss., and Bay Springs, Miss., between Bay Springs, Miss., and junction Mississippi Highway 528 and U.S. Highway 11, near Heidelberg, Miss., between Georgetown, Miss., and Magee, Miss., between Mount Olive, Miss., and junction Mississippi Highway 532 and U.S. Highway 84 (8 miles east of Collins, Miss.), between Bay Springs, Miss., and junction Mississippi Highway 37 and U.S. Highway 84 (6 miles east of Collins, Miss.), between Taylorsville, Miss., and Raleigh, Miss., between Magee, Miss., and junction Mississippi Highway 541 and Mississippi Highway 18 (3 miles east of Puckett, Miss.), between Columbia, Miss., and junction Mississippi Highway 13 and U.S. Highway 49 (9 miles north of Wiggins, Miss.), between Prentis, Miss., and junction Mississippi Highway 42 and U.S. Highway 49 (approximately 10 miles north of Hattiesburg, Miss.), between Columbia, Miss., and Sumrall, Miss., between Purvis, Miss., and Seminary, Miss., between Lyman, Miss., and Poplarville, Miss., between Biloxi, Miss., and Saucier, Miss., between Lucedale, Miss., and Pascagoula, Miss., between Biloxi, Miss., and Beaumont, Miss., between Wiggins, Miss., and Ellisville, Miss.

Between Lucedale, Miss., and junction Mississippi Highway 57 and U.S. Highway 45 (3 miles north of State Line, Miss.), between Leakesville, Miss., and Richton, Miss., between Waynesboro, Miss., and junction Mississippi Highway 42 and Mississippi Highway 63 (11 miles east of Richton, Miss.), between junction U.S. Highway 98 and Mississippi Highway 57 and the Mississippi-Alabama State line, between Florence, Miss., and junction Mississippi Highway 469 and 28 (6 miles east of Georgetown, Miss.), between junction Mississippi Highways 53 and 603 (19 miles south of Poplarville, Miss.), and junction Mississippi Highway 603 and U.S. Highway 90 (approximately 5 miles west of Bay St. Louis, Miss.), between junction Mississippi Highway 42 and U.S. Highway 45 (1 mile east of State Line, Miss.) and junction Mississippi Highways 42 and 63 (approximately 21 miles north of Leakesville, Miss.), between Seminary, Miss., and junction Mississippi Highway 590 and U.S. Highway 11 (1 mile south of Ellisville, Miss.), between Ellisville, Miss., and Seminary, Miss., between junction Mississippi Highways 588 and 535 (5 miles northeast of Seminary, Miss.), and junction Mississippi Highways 532 and 539 (5 miles east of Mount Olive, Miss.), between Raleigh, Miss., and Mendenhall, Miss., between Mobile, Ala., and Hurley, Miss., between Mobile, Ala., and Harleston, Miss.

Between junction Mississippi Highways 533 and 15 (9 miles south of Bay Springs, Miss.), and junction Mississippi Highways 29 and 588 (1 mile west of Ellisville, Miss.), between Newhebron, Miss., and junction Mississippi Highways 43 and 13 (11 miles south of Prentiss, Miss.), between Pachuta, Miss., and Paulding, Miss., between junction Mississippi Highways 18 and 503 (approximately 17 miles northeast of Bay Springs, Miss.), and junction Mississippi Highways 503 and 528 (approximately 3 miles northwest of Heidelberg, Miss.), serving all intermediate points, between Crystal Springs, Miss., and Tylertown, Miss., serving all intermediate points, and serving Crystal Springs, Miss., as a point of joinder only, between Lucedale, Miss., and Pascagoula, Miss., serving all intermediate points; between Memphis, Tenn. (except that part of the commercial zone of Memphis, Tenn., lying west of the Mississippi River), and Raleigh, Miss., serving no intermediate points, with restriction; over numerous alternate routes for operating convenience only; *general commodities*, excepting, among others, household goods, but not excepting, commodities in bulk, between Laurel, Miss., and Mobile, Ala., serving all intermediate points on U.S. Highway 84 between Laurel and Waynesboro, Miss., including Waynesboro, in transportation of general commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment; and

Building, wall, or insulating fiberboard or pulpboard, including *moldings or fasteners* when shipped therewith, from Meridian, Miss., to Birmingham, Ala., serving no intermediate points. ROADWAY EXPRESS, INC. is authorized to operate as a *common carrier*, in Ohio, Texas, Oklahoma, Missouri, Indiana, Pennsylvania, Kansas, Michigan, Illinois, Tennessee, Kentucky, Alabama, Georgia, North Carolina, South Carolina, New Jersey, New York, Maryland, West Virginia, Virginia, Wisconsin, Mississippi, Louisiana, Massachusetts, Connecticut, Rhode Island, Delaware, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: See also MC-F-10041 (PASCAGOULA DRAYAGE CO., INC.—Purchase (Portion)—WEST BROTHERS, INC.), published in the Febuary 21, 1968, issue of the FEDERAL REGISTER, on page 3252, which was granted April 19, 1968, by Review Board No. 5, effective May 6, 1968, and not yet consummated.

No. MC-F-10179. Authority sought for purchase by HEMPSTEAD DELIVERY CO., INC., 407 West 35th Street, New York, N.Y. 10001, of the operating rights of OAKWOOD TRUCKING CORP., 215 South 11th Avenue, Mount Vernon, N.Y. 10550, and for acquisition by MILTON SEITLES and DOROTHY SEITLES, both also of New York, N.Y., of control of such rights through the purchase. Applicants' attorneys: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y., and Werner & Alfano, 2 West 45th Street, New York, N.Y. 10036. Operating rights sought to be transferred: Under a certificate of registration, in No. MC-98384 Sub 2, covering the transportation of general commodities, as a common carrier in intrastate commerce, within the State of New York. Vendee is authorized to operate as a *common carrier*, in New York. Application has been filed for temporary authority under section 210a(b). NOTE: MC-121393 Sub 4 is a matter directly related.

No. MC-F-10180. Authority sought for purchase by NEW YORK MID-HUDSON TRANS. CORP., 535 West 19th Street, New York, N.Y. 10011, of the operating rights of HARRISON EXPRESS CO., INC. (HAROLD S. OKIN, Receiver), 218 Washington Avenue, Carlstadt, N.J. 08212, and for acquisition by JACK R. STEWART, 197 Furnace Dock Road, Peekskill, N.Y. 10566, and ALAN M. STEWART, 20 Brianbeth Place, Tappan, N.Y. 10983, of control of such rights through the purchase. Applicants' representatives: Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306, and Harold S. Okin (Receiver), 595 Broad Avenue, Ridgefield, N.J. 07657. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except dangerous explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over irregular routes, between points within the territory (inclusive of the points specified) bounded by a line beginning at New York, N.Y., and extending in a westerly direction along New Jersey Highway 4 to Paterson, N.J., thence along U.S. Highway 46 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction U.S. Highway 206, thence along U.S. Highway 206 to Princeton, N.J., thence in a southeasterly direction along an unnumbered highway to Hightstown, N.J., thence along New Jersey Highway 33 to junction U.S. Highway 9, thence along U.S. Highway 9 to Perth Amboy, N.J., and thence in an easterly direction to New York, N.Y. Vendee is authorized to operate as a *common carrier* in New York and New Jersey. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8172; Filed, July 9, 1968; 8:50 a.m.]

[Notice 642]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 3, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 31564 (Sub-No. 4 TA), filed June 28, 1968. Applicant: FRANK CORSO, INC., 270 Wooding Street, Hamden, Conn. 06514. Applicant's representative: William J. Meuser, 101 River Street, Milford, Conn. 06460. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Fall River, Mass., and Providence, R.I., to Hartford, New Britain, New London, and Torrington, Conn., and to Springfield, Mass., for 180 days. Supporting shippers: United Fruit Sales Corp., Prudential Center, Boston, Mass. 02199; John Martinelli, Inc., 105 Avocado Street, Springfield, Mass. 01104; Mariano Cianciolo, 509 South Main Street, Torrington, Conn. 06790; Beck Bros., Building A19–20–21 Regional Market, 101 Reserve Road, Hartford, Conn. 06114. Send protests to: District Supervisor David J. Kiernan, Bureau of Operations, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

No. MC 66562 (Sub-No. 2316 TA), filed June 26, 1968. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: John H. Engel, 2413 Broadway, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* moving in express service; (1) between Louisville, Miss., and Bay Springs, Miss., serving the intermediate and/or off-route points and Newton, Miss., from Louisville, over Mississippi Highway 15 to Bay Springs, Miss., and return over the same route; (2) between Bay Springs, and Meridian, Miss., serving no intermediate and/or off-route points, from Bay Springs, over Mississippi Highway 18 to the intersection with Mississippi Highway 513, thence over Mississippi Highway 513 to the intersection with U.S. Highway 11 and/or Interstate Highway 59 (where and as when completed), thence over U.S. Highway 11/Interstate Highway 59 to Meridian, and return over the same route; (3) between Meridian and Philadelphia, Miss., serving no intermediate and/or off-route points, from Meridian, over Mississippi Highway 19 to Philadelphia, and return over the same route; (4) between Newton and Meridian, Miss., serving no intermediate and/or off-route points, as an alternate route for operating convenience only, from Newton, over Interstate Highway 20 where and as when completed to Meridian and return over the same route, for 150 days. Restriction: (1) The service to that which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc. (2) Shipments transported shall be limited to those moving on through bills of lading or express receipts. Permission to tack requested: Applicant requests that the authority for the proposed operations, if granted, be construed as an extension, to be joined, tacked, and combined with R E A's existing authority in MC 66562 and subs thereunder, thereby negating the restrictions against tacking or joinder customarily placed upon temporary authority. Supporting shippers: There are approximately 12 statements of support attached to the application, which may be examined here at the Commission's offices in Washington, D.C., or at the field office named below. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 106398 (Sub-No. 365 TA), filed June 27, 1968. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Box 8096, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: O. L. Thee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable buildings*, equipped with a hitchball connector, from the plant of Magnolia Homes Manufacturing Co., Vicksburg, Miss., to University Park, Fla., for 180 days. Supporting shipper: Magnolia Homes Manufacturing Corp., Highway 61 South, Post Office Box 230, Vicksburg, Miss. (Carl W. Cappaert, General Manager). Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 108380 (Sub-No. 73 TA), filed June 27, 1968. Applicant: JOHNSTON'S FUEL LINES, INC., 808 Birch Street, Newcastle, Wyo. 82701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, from Sumatra Gas Plant, Mont., to points in Campbell and Crook Counties, Wyo., and return of *contaminated products*, for 180 days. NOTE: Applicant intends to tack the authority sought herein with its existing authority under MC 180380. Supporting shipper: N. C. Ginther Gasoline Plants, 202½ Gillette Avenue, Gillette, Wyo. 82716. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Bureau of Operations, D&S Building, 255 North Center Street, Casper, Wyo. 82601.

No. MC 110525 (Sub-No. 869 TA), filed June 28, 1968. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Edwin H. van Deusen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buffing compound*, in bulk, from Reading (Cincinnati), Ohio, to Lawrenceville, Ill., and Hammond, Ind., for 150 days. Supporting shipper: Carlisle Chemical Works, Inc., Reading, Ohio 45215. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 110525 (Sub-No. 870 TA), filed June 28, 1968. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Edwin H. van Deusen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum grease*, in bulk, from Marcus Hook, Pa., to Saginaw, Mich., for 150 days. Supporting shipper: Sun Oil Co., 1608 Walnut Street, Philadelphia, Pa. 19103. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 118127 (Sub-No. 9 TA), filed June 28, 1968. Applicant: HALE DISTRIBUTING COMPANY, INC., 1315 East Seventh Street, Los Angeles, Calif. 90021. Applicant's representative: William J. Augello, Jr., Bar Building, 36 West 44th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automotive parts such as electrical, ignition, fuel injection, radios, car, tools, industrial power, test benches and equipment for above products and parts thereof*, packed in overseas containers, *empty overseas containers*, between steamship piers in New York Harbor, N.Y., including but not limited to Port Newark, Jersey City, Weehawken, and Woodbury, N.Y.; *cellulose film*, not nitrated nor printed, in overseas steamship containers, between steamship piers in New York Harbor, N.Y., including but not limited to Port Newark, Jersey City, Weehawken, and Glen Cove, N.Y. Supporting shippers: Robert Bosch Corp., 40–11 24th Street, Long Island City, N.Y. 11101 and Peter H. Berg, Inc., Post Office Box 700, Wantagh, N.Y. 11793. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 129992 TA, filed June 26, 1968. Applicant: PIERRE TRANSPORT LTEE, 1595 Champlain Street, Shawinigan, Province of Quebec, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil, animal oil, and fish oil*, from Pawtucket, R.I., to United States-Canada boundary line at or near Norton, Vt., for 180 days. Supporting shipper: Leo Bernard LTEE, Shawinigan, Province of Quebec, Canada. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 129996 TA, filed July 1, 1968. Applicant: SPECIALTY TRANSPORT, INC., Spirit Lake, Iowa 51360. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55420. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned, bottled and packaged food products*, from points in New York, New Jersey, Pennsylvania, Massachusetts, and Ohio, to St. Paul, Minn., for 180 days. Supporting shipper: Gourmet Foods, Inc., 1020 Raymond Avenue, St. Paul, Minn. 55114. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 304 Post Office Building, Sioux City, Iowa 51101.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8173; Filed, July 9, 1968; 8:50 a.m.]

[Notice 643]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 5, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 263 (Sub-No. 181 TA), filed June 28, 1968. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, Idaho 83201. Applicant's representative: Maurice H. Greene, Post Office Box 1554, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Infusorial or diatomaceous earth, asbestos, chemicals, and cleaning compounds, and sulfite woodpulp*, in bags or containers, from plantsites of Eagle-Picher Industries, Inc., at or near Clark or Colado, Nev.,

to points in California south of the southern boundaries of Monterey, Kings, Tulare, and Inyo Counties, Calif., for 180 days. Supporting shipper: Eagle-Picher Industries, Inc., Fibers and Minerals Division, Post Office Box 1869, Reno, Nev. 89505. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, Idaho 83702.

No. MC–2633 (Sub-No. 52 TA), filed July 1, 1968. Applicant: CROSSETT, INC., Post Office Box 946, Warren, Pa. 16365. Applicant's representative: Ronald W. Malin, Bank of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from points in Steuben County, N.Y., to points in Butler County, Pa., for 180 days. Supporting shipper: The Mebtex Co., 733 Forest Avenue, Milford, Ohio. Send protests to: Mr. Frank L. Calvary, District Supervisor, Bureau of Operation, Interstate Commerce Commission, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC–30319 (Sub-No. 134 TA), filed June 27, 1968. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY, 733 South Poydras Street, Post Office Box 6187, Dallas, Tex. 75222. Applicant's representative: R. B. Coghlan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from Austin, Tex., to Stonewall, Tex., over U.S. Highway 290, serving the intermediate points of Hye and LBJ Ranch, for 150 days. NOTE: Applicant intends to tack this authority to other authority held by it. Supporting shippers: Dale Malechek, Hill Country Fertilizer Co., Stonewall, Tex.; Dale Malechek, Foreman, LBJ Ranch, Stonewall, Tex.; Sweeney Table Co., Stonewall, Tex.; Simon J. Burg Sprayer Co., Stonewall, Tex. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 42487 (Sub-No. 693 TA), filed July 1, 1968. Applicant: CONSOLIDATED FREIGHTWAYS, CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: A. John Warren, Post Office Box 3301, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals, clay, catalyst, and plastic pellets* (synthetic plastic granules), in bulk, between points in California within a 350-mile radius of San Francisco, Calif., for 180 days. Supporting shippers: The Dow Chemical Co., 350 Sansome Street, San Francisco, Calif. 94106; Union Oil Company of California, Union Oil Center, Los Angeles, Calif. 90017; Phillips Petroleum Co., 4201 Wilshire Boulevard, Los Angeles, Calif. 90005; American Cyanamid Co., 2300 South Eastern Avenue, Los Angeles, Calif. 90022. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 43654 (Sub-No. 73 TA), filed July 1, 1968. Applicant: DIXIE OHIO EXPRESS, INC., 237 Fountain Street, Post Office Box 750–44309, Akron, Ohio 44304. Applicant's representative: Frank B. Broseman (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conveyor belting*, in packages, from Akron, Ohio, to the Consolidated Coal Co. mine site near Middlesboro, Ky., which mine site is located approximately 11 miles west of Middlesboro, Ky., on Kentucky Highway 186, which becomes Tennessee Highway 132, and deadends at the mine site, for 180 days. NOTE: Applicant intends to tack at Corbin, Ky., and Knoxville, Tenn., limited to traffic originating at Akron, Ohio. Supporting shipper: The Goodyear Tire & Rubber Co., Akron, Ohio 44316. Send protests to: District Supervisor G. J. Baccei, Interstate Commerce Commission, Bureau of Operations, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 47760 (Sub-No. 5 TA), filed July 1, 1968. Applicant: DRENNING DELIVERY SYSTEM, 2300 North Branch Avenue, Altoona, Pa. 16601. Applicant's representative: Paul S. Foreman, 1311 12th Street, Altoona, Pa. 16601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766 (except such commodities in bulk) in vehicles equipped with mechanical refrigeration, from Monroeville, Pa., to points in Allegany and Garrett Counties, Md., and Mineral and Preston Counties, W. Va., for 180 days. Supporting shipper: Oscar Mayer & Co., Inc., 910 Mayer Avenue, Madison, Wis. Send protests to: Mr. Frank L. Calvary, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2109 Federal Building, Pittsburgh, Pa. 15222.

No. MC–95490 (Sub-No. 28 TA), filed July 1, 1968. Applicant: UNION CARTAGE COMPANY, a corporation, 9A Southwest Cutoff, Worcester, Mass. 01604. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over routes, transporting: *Malt beverages*, in containers and *related advertising material*, from Natick, Mass., to Rumford and Augusta, Maine, for 180 days. NOTE: Applicant indicates tacking or interlining possibilities not specified. Supporting shipper: Pine State Beverage Co., 8 Ellis Avenue, Augusta, Maine 04330. Send protests to: District Supervisor Joseph W. Balin, Bureau of Operations, Interstate Commerce Commission, 338 Federal Building, Springfield, Mass. 01103.

No. MC 97009 (Sub-No. 13 TA), filed June 28, 1968. Applicant: VINCENT J. HERZOG, 200 Delaware Street, Honesdale, Pa. Applicant's representative: Kenneth R. Davis, 1106 Dartmouth Street, Scranton, Pa. 18504. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, commodities in bulk, commodities requiring special equipment, articles of unusual value, classes A and B explosives), between Kingsley, Pa., and Carbondale, Pa., for joinder only, for 180 days. Supporting shippers: There are approximately 16 statements of support attached to the application, and a letter of support includes 70 additional shippers, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. NOTE: Applicant intends to tack with MC–97009 at Kingsley, Pa., and Carbondale, Pa. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 114533 (Sub-No. 163 TA), filed June 28, 1968. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and business records*, between Rolling Meadows, Ill., on the one hand, and, on the other, South Bend and Mishawaka, Ind., points in Indiana in the Chicago commercial zone and Milwaukee, Wis., for 150 days. Supporting shipper: The National Cash Register Co., Rolling Meadows, Ill. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 116077 (Sub-No. 238 TA), filed July 1, 1968. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 9527, Houston, Tex. 77023. Applicant's representative: Mr. J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials and blends thereof*, from plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., to points in Colfax County, N. Mex., for 180 days. Supporting shipper: Occidental Chemical Co., 4671 Southwest Freeway, Post Office Box 1185, Houston, Tex. 77001. Send protests to: District Supervisor, John C. Redus, Bureau of Operations, Interstate Commerce Commission, 8610 Federal Building, 515 Rusk Avenue, Houston, Tex. 77002.

No. MC–116142 (Sub-16 TA), filed July 1, 1968. Applicant: BEVERAGE TRANSPORTATION, INC., 1154 Lafayette Street, Post Office Box 423, York, Pa. 17405. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and malt beverage containers*, from Columbus, Ohio, to Harrisburg, York, Pittsburgh, Lancaster, and Lebanon, Pa., and *empty containers*, on return, for 180 days. Supporting shippers: B & B Distributing Co., Lancaster, Pa.; Brewery Products Co., York, Pa.; Pete Maracini, Inc., Pittsburgh, Pa.; A. E. Twigg, Inc., Lebanon, Pa.; Wilsbach Distributors, Inc., Harrisburg, Pa. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operation, Interstate Commerce Commission, 218 Central Industrial Building, 100 North Cameron Street, Harrisburg, Pa. 17101.

No. MC 116273 (Sub-No. 109 TA), filed July 1, 1968. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same address as carrier). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic liquid resins*, in bulk, in tank vehicles, from Hammond, Ind., to North Chicago, Ill., Milwaukee, Wis., Niles, Mich., Lafayette, Ind., Muskegon, Mich., Cleveland, Ohio, and Detroit, Mich., for 150 days. Supporting shipper: American Cyanamid Co., Wayne, N.J. 07470. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse, Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 119539 (Sub-No. 7 TA) filed July 1, 1968. Applicant: BEVERAGE TRANSPORT, INC., Post Office Box 88, Routes 5 and 20, East Bloomfield, N.Y. 14443. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Columbus, Ohio, to points in that part of New York on and west of a line beginning at the Pennsylvania-New York State line and extending north on Interstate Highway 81 to Binghamton, thence over New York Highway 12, to the St. Lawrence River, for 180 days. Supporting shippers: Lake Beverage Corp., 23 Linden Park, Rochester, N.Y. 14625; Try-It Distributing Co., Inc., 666 Tifft Street, Buffalo, N.Y. 14220; Foels Bros., Inc., 212 Williams Street, Tonawanda, N.Y. 14150; R.R. Gamble, Inc., 84 Harvester Avenue, Batavia, N.Y. 14021; Gorge Distributing Corp., 572 56th Street, Niagara Falls, N.Y. 14304; West Distributing, Sandhill Road, Lakeville, N.Y. 14480. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, O'Donnell Building, 301 Erie Boulevard West, Syracuse, N.Y. 13202.

No. MC 120442 (Sub-No. 2 TA), filed July 1, 1968. Applicant: NICK TOTONI & SONS, INC., 1373 West Hubbard Street, Chicago, Ill. 60622. Applicant's representative: Benjamin J. Schultz, 1 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over routes, transporting: *General commodities* from points within Illinois on and north of U.S. Highway 24 from the east bank of the Mississippi River to junction with U.S. Highway 136, and thence on the north of U.S. Highway 136 to the Illinois-Indiana State line, for 180 days. NOTE: Applicant intends to tack the authority applied for to other authority held by it in MC–120442 and also to interline with other carriers. Supporting shipper: Dole Valve Co., 6201 Oakton Street, Morton Grove, Ill. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 123327 (Sub-No. 7 TA), filed July 1, 1968. Applicant: RALPH M. BARTHOLOMEW, doing business as IRELAND TRANSFER & STORAGE CO., 102 Front Street, Ketchikan, Alaska 99901. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in the Seattle, Wash., commercial zone, on the one hand, and, on the other, points in Alaska located east of an imaginary line constituting a southward extension of the international boundary line between the United States and Canada over public highways between Seattle, Wash., commercial zone, and the Puget Sound Terminal of Alaska Marine Highway System, and between said terminal and points in Alaska over said Alaska Marine Highway, for 180 days. NOTE: Applicant proposes to interline traffic with other carriers at Seattle, Wash., and at Haines and Tok Junction, Alaska, and tack the authority here applied for with its Sub-5 authority in order to reach Tok Junction. Supporting shippers: National Bank of Alaska Ketchikan Branch, Box 1538, Ketchikan, Alaska; Von Der Ahe Van Lines, Inc., 600 Rudder Avenue, Fenton, Mo. 63206; Ketchikan Pulp Co., Ketchikan, Alaska 99901. Send protests to: Hugh H. Chaffee, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, Post Office Box 1532, Anchorage, Alaska 99501.

No. MC 123341 (Sub-No. 4 TA) filed July 1, 1968. Applicant: I. L. & C. CORP., 9333 Evenhouse Avenue, Post Office Box 506, Rosemont, Ill. 60018. Applicant's representative: Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sound recording, sound reproducing, and sound amplifying equipment and parts, accessories, materials, and supplies used in connection therewith:* from plantsite of Bell & Howell Co. at Chicago, Ill., to New York City and Farmingdale, N.Y., with return movement of *same commodities* from New York City and Farmingdale, N.Y., to plantsite of Bell & Howell Co. at Chicago, Ill., for 180 days. Supporting shipper: Bell & Howell Co., 7100 McCormick Road, Chicago, Ill. 60645. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse and Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 123681 (Sub-No. 13 TA), filed June 24, 1968. Applicant: WIDING TRANSPORTATION, INC., Post Office Box 03159, Portland, Oreg. 97203. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood preservatives and liquid plastics*, in bulk, in tank vehicles, from Tacoma, Wash., to points in California; (2) *formaldehyde and formaldehyde solutions*, in bulk, in tank vehicles, from points in California to points in Oregon; (3) *paint resins*, in bulk, in tank vehicles, from San Francisco, Calif., to points in Oregon and Washington; (4) *propylene glycol and styrene*, in bulk, in tank vehicles, from points in California to Tacoma, Wash., for 180 days. Supporting shipper: Reichhold Chemicals, Inc., RCI Building, White Plains, N.Y. 10602. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 124679 (Sub-No. 16 TA), filed June 27, 1968. Applicant: C. R. ENGLAND & SONS, INC., 228 West Fifth South Street, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Philadelphia, Pa., to Highland and Newburg, N.Y.; Pittsburgh and New Castle, Pa.; North Haven, Deep River, Suffield, East Hartford, Torrington, South Hartford, and Derby, Conn.; Everett, Chelsea, Raynham, Charlestown, Bedford, Jamaica Place, Woburn, Dorchester, Stamford, Webster, and Southboro, Mass.; White River Junction, Vt.; and Brunswick, Maine, for 180 days. Supporting shipper: Gagliardi Bros., Inc., 300 North 60th Street, Philadelphia, Pa. 19139. Send protests to: John T. Vaugnan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 129149 (Sub-No. 5 TA), filed June 28, 1968. Applicant: ELLIS HAINES, doing business as HAINES TRUCK LINES, 995 Washington Street, Bushnell, Ill. 61422. Applicant's representative: Robert T. Lawley, 306–308 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gravity flow wagon boxes and component parts thereof*, from Bushnell, Ill., to points in Alabama, Arkansas, Georgia, Iowa, Indiana, Kansas, Kentucky, Mississippi, Missouri, Minnesota, Michigan, Nebraska, Ohio, Tennessee, and Wisconsin for the account of Bushnell Illinois Tank Co., for 180 days. Supporting shipper: Bushnell Illinois

Tank Co., 110 East Davis Street, Bushnell, Ill. 61422. Send protests to: Raymond E. Mauk, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse and Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 133000 TA, filed July 1, 1968. Applicant: DIAMOND SAND & STONE CO., 744 Riverside Avenue, Jacksonville, Fla. 32204. Applicant's representative: Richard B. Austin, 1946 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over routes, transporting: *Road building and construction aggregates*, in bulk, from Arlington, Ga., and points within 5 miles thereof, to points in Houston, Henry, Barbour, Dale, Geneva, Coffee, and Pike Counties, Ala., and to points in that part of Florida which is bounded on west by the eastern boundary of Walton County and on the east by the eastern boundary of Jefferson County, Fla., and on the south by the Gulf of Mexico and on the north by the Georgia State line, for 180 days. Supporting shipper: Shands & Baker, Inc., Post Office Box 4667, Jacksonville, Fla. 32201. Send Protests to: District Supervisor, G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8174; Filed, July 9, 1968; 8:50 a.m.]

[Notice 171]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 10, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70549. By order of June 28, 1968, the Transfer Board approved the transfer to Pavlisko Brothers, Inc., East Hanover, N.J., of the operating rights in permit No. MC-103363 (Sub-No. 2) issued September 7, 1966, to Crest Transport, Inc., Livingston, N.J., authorizing the transportation of concrete products and materials, supplies, and equipment used in the manufacture, production, and distribution of concrete products, but not including liquids, in bulk, in tank vehicles, between Kenvil, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, and Vermont; concrete pipe, from Kenvil, N.J., to points in New York, Pennsylvania, Maryland, Delaware, and Connecticut within 250 miles of Kenvil, and rejected shipments of concrete pipe from the named destination points in Kenvil, N.J.; and steel forms and reinforcing rods, used in the construction of concrete pipe, between Morristown and Pittsburgh, Pa., Port Washington, Binghamton, and Syracuse, N.Y., and Kenvil, N.J. Bowes and Millner, 744 Broad Street, Newark, N.J. 07102, attorneys for applicants.

No. MC-FC-70598. By order of June 28, 1968, the Transfer Board approved the transfer to Carl J. Eddy, doing business as Carl J. Eddy Trucking, Independence, Iowa, of the operating rights in certificates Nos. MC-45163, MC-45163 (Sub-No. 1), MC-45163 (Sub-No. 4), MC-45163 (Sub-No. 5), and MC-45163 (Sub-No. 6) issued February 24, 1943, September 26, 1945, January 17, 1950, February 1, 1950, and December 7, 1949, respectively, to Verle C. King and Raleigh H. King, a partnership, doing business as King Bros. Truck Line, Rural Route 1, Mason City, Iowa 50401, authorizing the transportation of agricultural implements, brick and tile, feed, fresh meats and packinghouse products, and silo parts and materials, from and to points, varying with the commodity, in Minnesota, Wisconsin, Illinois, and Iowa, and prefabricated steel buildings, from Ecorse, Mich., and Terre Haute, Ind., to Mason City, Iowa. Ervin E. Nordstrom, 328 Davidson Building, Sioux City, Iowa 51101, attorney for transferee.

No. MC-FC-70599. By order of June 28, 1968, the Transfer Board approved the transfer to Canada Transport, Inc., Lexington, Nebr., of the operating rights set forth in certificate No. MC-11610 issued February 1, 1950, to Earl A. Canada, doing business as Canada Transport, Lexington, Nebr., authorizing the transportation of petroleum products, in bulk, from refining and distributing points in Kansas to named points in Nebraska; refined petroleum products, in bulk, from Kansas City, Kans., to Arcadia, Nebr., and from refining and distributing points in Kansas to Benkelman, Curtis, McCook, Orafino, Wallace, and Wauneta, Nebr.; liquid petroleum products, in bulk, in tank vehicles, from refining and distributing points in Kansas to Curtis, Elwood, Eustis, Loomis, Maywood, and Seneca, Nebr., and rejected shipments of these commodities from the specified destination points to the points of origin. Donald E. Leonard, Box 2028, 605 South 14th, Lincoln, Nebr. 68501, attorney for applicants.

No. MC-FC-70605. By order of June 28, 1968, the Transfer Board approved the transfer to R. E. Mowder, Wm. M. Bryan, and Edwin W. Norris, a partnership, doing business as Wheeling-Barnesville-Woodsfield Express, Wheeling, W. Va., of the operating rights in certificates Nos. MC-30288 and MC-30288 (Sub-No. 3) issued March 14, 1955, and August 27, 1958, respectively, to E. H. Mowder, R. E. Mowder, Wm. M. Bryan, and Edwin W. Norris, doing business as Wheeling-Barnesville-Woodsfield Express, Wheeling, W. Va., authorizing the transportation of general commodities, with exceptions, over regular routes and serving all intermediate and certain off-route points between Wheeling, W. Va., and Woodsfield, Ohio; between Wheeling, W. Va., and Freeport, Ohio, between Freeport, Ohio, and Dover, Ohio: Between Bethesda, Ohio, and Wheeling, W. Va., and between New Lafferty, Ohio, and Wheeling, W. Va., household goods, as defined by the Commission, between points in Belmont County, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Maryland, Michigan, Pennsylvania, and West Virginia, and agricultural commodities, between points in Belmont County, Ohio, on the one hand, and, on the other points in Maryland, Pennsylvania, and West Virginia. D. L. Bennett, Registered Practitioner, 206 First National Bank Building, 2207 National Road, Wheeling, W. Va. 26003, representatives for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8175; Filed, July 9, 1968; 8:50 a.m.]

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FEDERAL REGISTER

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Pages 9941–9998

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Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 8]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas, and Quota Deficits for 1968

Basis and purpose and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act". The purpose of this amendment to Sugar Regulation 811 (32 F.R. 18083), as amended, is to revise the determination of sugar requirements for the calendar year 1968, establish quotas, prorations, and direct-consumption limits consistent with such requirements and to determine and prorate or allocate the deficits in quotas established pursuant to the Act.

Section 201 of the Act requires that the Secretary shall revise the determination of sugar requirements at such time during the calendar year as may be necessary.

The demands of refiners for raw sugar for arrival before the end of September are unusually strong this year. Offerings of raw sugar for arrival during the summer while large have not met the demand. This action will balance the offerings with the demand. It also will enable the countries to plan their exportations of sugar to the United States and will provide adequate time for any country which may not be able to supply the full quantity of its quota and deficit prorations to so notify the Secretary before August 1.

Accordingly, total sugar requirements for the calendar year 1968 are hereby increased by 100,000 short tons, raw value, to a total of 10,800,000 short tons, raw value.

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota or proration of a quota. On the basis of the quota established for the Domestic Beet Sugar Area for the calendar year 1968 in § 811.61 of this part and the supply of sugar expected to be available from that area for marketing in the continental United States during the calendar year 1968, it is herein found that the Domestic Beet Sugar Area will be unable to fill its quota by 100,000 short tons, raw value.

Accordingly, a quota deficit of 100,000 short tons, raw value, for the Domestic Beet Sugar Area is herein determined and is prorated and allocated to foreign countries pursuant to section 204(a) of the Act. If production exceeds the present estimates for the Domestic Beet Sugar Area, the marketing opportunities for that area will not be limited as a result of the deficit determination and proration provided herein.

The Government of the Republic of the Philippines has notified the Department that it will be unable to fill its statutory share of any deficit during the calendar year 1968. Therefore, pursuant to section 204(a) of the Act the entire deficit declaration of 100,000 short tons, raw value, is prorated to Western Hemisphere countries on the basis of quotas established pursuant to Amendment 7 of Sugar Regulation 811 for 1968 (33 F.R. 9529).

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.60, 811.61, 811.62, and 811.63 as follows:

1. Section 811.60 is amended to read as follows:

§ 811.60 Sugar requirements, 1968.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1968 is hereby determined to be 10,800,000 short tons, raw value.

2. Section 811.61 is amended by amending paragraph (a) to read as follows:

§ 811.61 Quotas for domestic areas.

(a) (1) For the calendar year 1968 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in Column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in Column (2) as follows:

[Short tons, raw value]

Area	Quotas (1)	Direct-consumption limits (2)
Domestic beet sugar	3,215,667	No limit
Mainland cane sugar	1,169,333	No limit
Hawaii	1,191,704	36,936
Puerto Rico	1,140,000	162,000
Virgin Islands	15,000	0

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1968 the Domestic Beet Sugar Area, Puerto Rico and the Virgin Islands will be unable by 100,000, 615,000 and 15,000 short tons, raw value, respectively, to fill the quotas established for such areas in subparagraph (1) of this paragraph. Pursuant to section 204(b) of the Act the determination of such deficits shall not effect the quotas established in subparagraph (1) of this paragraph.

* * * * * *

3. Section 811.62 is amended by adding a new paragraph (a)(3) to read as follows:

§ 811.62 Proration and allocation of deficits and quotas in effect.

(a) * * *

(3) Pursuant to section 204(a) of the Act, the deficit in the Domestic Beet Sugar Area quota determined in paragraph (a)(2) of § 811.61 of 100,000 short tons, raw value, is herein prorated to Western Hemisphere countries named in section 202(c)(3)(A) of the Act on the basis of published quotas most recently in effect.

* * * * * *

4. Section 811.63 is amended by amending paragraph (c) to read as follows:

§ 811.63 Quotas for foreign countries.

* * * * * *

(c) For the calendar year 1968, the prorations to individual foreign countries pursuant to section 202 of the Act are shown in columns (1) and (2) of the following table. Deficit prorations and allocations previously established are shown in column (3). In column (4) the deficit in the quota for the Domestic Beet Sugar Area of 100,000 short tons, raw value, is herein prorated to Western Hemisphere countries, listed in section 202(c)(3)(A) of the Act, on the basis of published quotas most recently in effect.

Countries	Basic quotas	Temporary quotas and prorations pursuant to sec. 202(1) [1]	Previous deficit prorations and allocation	New deficit prorations	Total quotas and prorations
	(1)	(2)	(3)	(4)	(5)
	Short tons, raw value				
Mexico	227,024	242,812	105,862	18,772	594,470
Dominican Republic	222,032	297,475	184,323	21,024	664,854
Brazil	222,032	227,472	103,335	18,360	581,399
Peru	177,097	169,413	82,582	14,644	443,736
British West Indies	88,695	84,180	37,241	6,564	206,680
Ecuador	32,306	94,552	15,065	2,671	84,594
French West Indies	27,901	23,336	11,716	2,065	65,018
Argentina	27,313	29,213	12,737	2,259	71,522
Costa Rica	26,139	27,955	12,188	2,161	68,443
Nicaragua	26,139	27,955	12,188	2,161	68,443
Colombia	23,495	25,129	10,955	1,943	61,522
Guatemala	22,027	23,560	10,272	1,821	57,680
Panama	16,447	17,592	7,670	1,360	43,069
El Salvador	16,153	17,278	7,532	1,336	42,299
Haiti	12,335	13,193	5,752	1,020	32,300
Venezuela	11,160	11,935	5,204	923	29,222
British Honduras	6,461	6,911	2,714	478	15,057
Bolivia	2,643	2,826	1,232	219	6,920
Honduras	2,643	2,826	1,232	219	6,920
Australia	105,729	87,853			193,582
Republic of China	44,054	36,605			80,659
India	42,292	34,141			77,433
South Africa	31,131	25,868			56,999
Fiji Islands	23,202	19,279			42,481
Thailand	9,692	8,053			17,745
Mauritius	9,692	8,053			17,745
Malagasy Republic	4,993	4,149			9,142
Swaziland	3,818	3,173			6,991
Ireland	5,351	0			5,351
Total	1,499,996	1,422,280	630,000	100,000	3,672,276

[1] Proration of the quotas withheld from Cuba and Southern Rhodesia.

(Secs. 201, 202, 204, 403; Stat. 923, as amended, 924, as amended; 7 U.S.C. 1111, 1112, 1114, 1115)

Effective date. This action increases quotas for the calendar year 1968 by 100,000 tons and prorates additional deficits of 100,000 tons. In order to promote orderly marketing, it is essential that this amendment be effective immediately so that all persons selling and purchasing sugar for consumption in the continental United States can promptly plan and market under the changed marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable, and contrary to the public interest and this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on July 5, 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-8184; Filed, July 8, 1968; 10:21 a.m.]

[Sugar Reg. 814.6, Amdt. 3]

PART 814—ALLOTMENT OF SUGAR QUOTAS, MAINLAND CANE SUGAR AREA

1968

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 926 as amended), hereinafter called the "Act", for the purpose of amending Sugar Regulation 814.6 (33 F.R. 6851, 8768), which established allotments for the Mainland Cane Sugar Area for the calendar year 1968.

This amendment is necessary to give effect to the 34,666 ton increase in the Mainland Cane Sugar Area Quota which was increased from 1,134,667 tons to 1,169,333 tons by Sugar Regulation 811, Amendment 7 (33 F.R. 9529) and Amendment 8 (33 F.R. 9945) for 1968.

In accordance with paragraphs (5) and (8) of the findings and conclusions set forth in S.R. 814.6, Amdt. 1 (33 F.R. 6851), and pursuant to paragraph (e) of such regulation, paragraph (7) of such findings and conclusions is amended to read as follows:

(7) The calculation of allotment referred to in paragraph (5) above, reflecting the quota for the area of 1,169,333 short tons, raw value, is set forth in the following table:

	Processing of sugar from 1967 crop cane		Average quota marketings within allotments 1965–67		Ability to market				Processor's basic allotment [3]		Processor's adjusted allotment [4]
					Effective inventory Jan. 1, 1968 [1]	New crop quota marketings		Measures used			
	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total		Average 1965–67	Shares of difference [2]	Col. (5) plus Col. (7)	Percent of total	Short tons, raw value	short tons, raw value
					Short tons, raw value						
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Albania Sugar Co	13,037	0.895	10,051	0.897	4,117	9,303	2,219	6,336	0.542	0.825	9,646	9,323
Alma Plantation, Ltd	13,836	.950	9,922	.885	4,642	9,491	2,264	6,906	.591	.865	10,114	9,775
J. Aron & Co., Inc	17,834	1.224	14,125	1.261	4,277	13,946	3,326	7,603	.560	1.117	13,060	12,623
Billeaud Sugar Factory	10,589	.727	10,159	.907	3,557	7,229	1,724	5,281	.452	.708	8,278	8,001
Breaux Bridge Sugar Co-op	13,579	.932	8,817	.787	7,305	6,567	1,566	8,871	.759	.868	10,149	9,809
Wm. T. Burton Industries, Inc	10,643	.731	8,597	.759	4,190	6,394	1,525	5,715	.489	.688	8,044	7,775
Caire & Graugnard	9,044	.621	5,343	.477	4,156	4,768	1,137	5,293	.453	.559	6,536	6,317
Cajun Sugar Co-op., Inc	28,141	1.932	19,733	1.761	28,100	52	12	28,112	2.404	1.992	23,291	[5] 28,100
Caldwell Sugar Co-op., Inc	19,592	1.345	12,856	1.147	7,604	12,553	2,994	10,598	.906	1.218	14,241	13,764
Columbia Sugar Co	10,967	.753	8,283	.739	4,510	6,851	1,634	6,144	.525	.705	8,243	7,967
Cora-Texas Manufacturing Co., Inc	11,144	.765	7,565	.675	8,802	2,894	690	9,492	.812	.756	8,839	8,802
Dugas & LeBlanc, Ltd	22,659	1.556	14,484	1.293	10,111	13,141	3,134	13,245	1.133	1.419	16,591	16,036
Duhe & Bourgeois Sugar Co	13,635	.936	9,979	.891	4,425	9,620	2,294	6,719	.575	.855	9,997	9,662
Erath Sugar Co., Ltd	7,304	.501	7,068	.631	1,570	5,785	1,380	2,950	.252	.477	5,577	5,390
Evan Hall Sugar Co-op., Inc	32,805	2.252	22,266	1.987	12,680	21,103	5,033	17,713	1.515	2.052	23,993	23,190
Frisco Cane Co., Inc	2,923	.201	2,834	.253	590	2,360	563	1,153	.099	.191	2,233	2,158
Glenwood Co-op., Inc	23,017	1.580	15,650	1.397	8,781	14,867	3,546	12,327	1.054	1.438	16,814	16,251
Helvetia Sugar Co-op., Inc	17,716	1.216	11,682	1.042	7,641	10,589	2,525	10,166	.869	1.112	13,002	12,567
Iberia Sugar Co-op., Inc	24,557	1.686	18,882	1.685	12,403	12,660	3,019	15,422	1.319	1.612	18,848	18,217
Lafourche Sugar Co	24,670	1.694	17,537	1.565	9,353	15,884	3,788	13,141	1.124	1.554	18,170	17,562
Harry L. Laws & Co., Inc	20,958	1.439	16,411	1.465	8,076	11,927	2,845	10,921	.934	1.343	15,702	15,176
Levert-St. John, Inc	16,555	1.137	13,856	1.237	3,652	12,879	3,072	6,724	.575	1.045	12,219	11,810
Little Texas, Inc	7,324	.503	4,426	.395	4,209	3,288	784	4,993	.427	.466	5,449	5,267
Louisa Sugar Co-op., Inc	14,839	1.019	11,425	1.020	6,119	9,134	2,178	8,297	.710	.957	11,190	10,815
Louisiana State Penitentiary	5,268	.362	3,481	.311	4,020	1,618	386	4,406	.377	.355	4,151	4,020
Meeker Sugar Co-op., Inc	14,687	1.008	11,179	.998	12,848	2,298	548	13,396	1.146	1.034	12,090	12,090

See footnotes at end of table.

	Processing of sugar from 1967 crop cane		Average quota marketings within allotments 1965–67		Ability to market				Processor's basic allotment [3]		Processor's adjusted allotment [4]
					Effective inventory Jan. 1, 1968 [1]	New crop quota marketings		Measures used			
	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total		Average 1965–67	Shares of difference [2]	Col. (5) plus Col. (7)	Percent of total	Short tons, raw value	short tons, raw value
					Short tons, raw value						
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Milliken & Farwell, Inc	15,082	1.035	10,040	.896	6,738	8,965	2,138	8,876	.759	.952	11,131	10,758
M. A. Patout & Son, Ltd	20,084	1.379	15,765	1.407	6,813	13,969	3,332	10,145	.868	1.282	14,990	14,488
Poplar Grove Planting & Refining Co	12,366	.849	8,676	.774	5,922	6,622	1,579	7,501	.641	.792	9,260	8,950
Savoie Industries	22,402	1.538	14,450	1.290	9,921	13,130	3,131	13,052	1.116	1.404	16,416	15,867
St. James Sugar Co-op., Inc	28,252	1.940	18,385	1.641	21,265	8,201	1,956	23,221	1.986	1.889	22,087	21,348
St. Mary Sugar Co-op., Inc	19,977	1.371	14,469	1.291	7,381	13,233	3,156	10,537	.901	1.261	14,744	14,250
South Coast Corp	53,568	5.737	65,543	5.849	67,257	15,370	3,666	70,923	6.066	5.825	68,108	67,257
Southdown, Inc	48,916	3.358	38,308	3.419	23,084	26,059	6,215	29,299	2.506	3.200	37,416	36,163
Sterling Sugars, Inc	33,970	2.332	26,177	2.336	12,067	23,055	5,499	17,566	1.502	2.167	25,337	24,489
J. Supple's Sons Planting Co	7,942	.545	5,508	.491	3,985	4,099	978	4,963	.424	.510	5,963	5,763
Valentine Sugars, Inc	14,057	.965	11,129	.993	4,336	9,310	2,220	6,556	.561	.890	10,406	10,058
Vida Sugars, Inc	7,021	.482	5,398	.482	2,095	4,998	1,192	3,287	.281	.442	5,168	4,995
A. Wilbert's Sons Lumber & Shingle Co	14,117	.969	10,089	.900	5,733	8,807	2,100	7,835	.670	.895	10,463	10,115
Young's Industries, Inc	7,569	.520	7,592	.677	2,715	4,827	1,151	3,866	.331	.514	6,010	5,809
Louisiana subtotal	742,637	50.985	548,050	48.911	367,052	387,846	92,499	459,551	39.304	48.234	563,968	552,777
Atlantic Sugar Association, Inc	40,383	2.773	32,159	2.870	41,343	58	14	41,357	3.537	2.945	34,434	35,977
Florida Sugar Corp	25,436	1.746	14,906	1.330	24,149	2,992	713	24,862	2.126	1.739	20,333	21,015
Glades County Sugar Co-op. Association	42,973	2.950	43,317	3.866	44,260	0	0	44,260	3.785	3.300	38,584	38,584
Osceola Farms Co	61,028	4.190	46,320	4.134	62,487	0	0	62,487	5.344	4.410	51,563	54,377
South Puerto Rico Sugar Co., Inc	94,216	6.468	74,848	6.680	92,547	5,571	1,329	93,876	8.029	6.823	79,777	80,536
Sugarcane Growers Co-op. of Florida	126,898	8.712	103,638	9.249	130,095	0	0	130,095	11.127	9.302	108,762	113,211
Talisman Sugar Corp	46,791	3.213	42,292	3.775	48,219	79	19	48,238	4.126	3.508	41,017	41,961
United States Sugar Corp	276,213	18.963	214,964	19.185	257,258	30,397	7,249	264,507	22.622	19.739	230,795	230,795
Florida subtotal	713,938	49.015	572,444	51.089	700,358	39,097	9,324	709,682	60.696	51.766	605,265	616,456
Total all mainland cane	1,456,575	100.000	1,120,494	100.000	1,067,410	426,943	101,823	1,169,233	100.000	100.000	1,169,233	1,169,233

[1] Effective inventory, Jan. 1, 1968, is the physical inventory, Jan. 1, 1968, plus processings from 1967 crop cane in 1968.

[2] The difference between 1,169,233 tons (quota for 1968 established by S.R. 811, less 100 tons reserve for Louisiana State University) and the total Jan. 1, 1968, effective inventories for all processors amounting to 1,067,410 tons. This difference of 101,823 tons prorated on the basis of each processor's average 1965–67 new-crop marketings.

[3] Column (10) was determined by weighting "processings" Column (2) by 60 percent, "marketings" Column (4) by 20 percent, and "ability" Column (9) by 20 percent. Column (11) was determined by multiplying the quota, less 100 tons reserved for Louisiana State University, by Column (10).

[4] Basic allotments (Column 11) which were less than the respective processors' Jan. 1, 1968, effective inventories were subject to upward adjustments by a total not to exceed 16,000 short tons, raw value, and the basic allotments of processors having Jan. 1, 1968, effective inventories less than their basic allotments were reduced proportionately as necessary to make total adjusted allotments equal to the area quota less 100 tons reserve for Louisiana State University, except, that no processor's basic allotment was reduced to a level less than the respective processor's Jan. 1, 1968, effective inventory. The basic allotments of those processors having Jan. 1, 1968, effective inventories larger than their basic allotments were subject to upward adjustments (not to exceed 16,000 tons) in the following manner: (1) The basic allotments of processors having physical inventories in excess of such allotments were increased to the level of the physical inventories, (2) the remainder of the 16,000 tons was added to the basic allotments of the other processors in such a manner that will not permit any processor to market a larger percentage of its Jan. 1, 1968, effective inventory by the use of this adjustment than other processors.

[5] Adjusted allotment established to equal Jan. 1, 1968 physical inventory.

Pursuant to provisions of section 205 (a) of the Act and in accordance with paragraph (e) of § 814.6 of this chapter, paragraph (a) of such § 814.6 is amended to read as follows:

§ 814.6 Allotment of the 1968 sugar quota for the Mainland Cane Sugar Area.

(a) The 1968 sugar quota for the Mainland Cane Sugar Area of 1,169,333 short tons, raw value, is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors	Allotments (short tons, raw value)
Albania Sugar Co	9,323
Alma Plantation, Ltd	9,775
J. Aron & Co., Inc	12,623
Billeaud Sugar Factory	8,001
Breaux Bridge Sugar Co-op	9,809
Wm. T. Burton Industries, Inc	7,775
Caire & Graugnard	6,317
Cajun Sugar Co-op, Inc	28,100
Caldwell Sugars Co-op, Inc	13,764
Columbia Sugar Co	7,967
Cora-Texas Manufacturing Co., Inc	8,802
Dugas & LeBlanc, Ltd	16,036
Duhe & Bourgeois Sugar Co	9,662
Erath Sugar Co., Ltd	5,390
Evan Hall Sugar Co-op, Inc	23,190
Frisco Cane Co., Inc	2,158
Glenwood Co-op, Inc	16,251
Helvetia Sugar Co-op, Inc	12,567
Iberia Sugar Co-op, Inc	18,217
Lafourche Sugar Co	17,562
Harry L. Laws & Co., Inc	15,176
Levert-St. John, Inc	11,810
Little Texas, Inc	5,267
Louisa Sugar Co-op, Inc	10,815
Louisiana State Penitentiary	4,020
Louisiana State University	100
Meeker Sugar Co-op, Inc	12,090
Milliken & Farwell, Inc	10,758
M. A. Patout & Son, Ltd	14,488
Poplar Grove Planting & Refining Co	8,950
Savoie Industries	15,867
St. James Sugar Co-op, Inc	21,348
St. Mary Sugar Co-op, Inc	14,250
South Coast Corp	67,257
Southdown, Inc	36,163
Sterling Sugars, Inc	24,489
J. Supple's Sons Planting Co., Inc	5,763
Valentine Sugars, Inc	10,058
Vida Sugars, Inc	4,995
A. Wilbert's Sons Lumber & Shingle Co	10,115
Young's Industries, Inc	5,809
Louisiana subtotal	552,877
Atlantic Sugar Association	35,977
Florida Sugar Corp	21,015
Glades County Sugar Growers Co-op Association	38,584
Osceola Farms Co	54,377
South Puerto Rico Sugar Co., Inc	80,536
Sugarcane Growers Co-op of Florida	113,211
Talisman Sugar Corp	41,961
United States Sugar Corp	230,795
Florida subtotal	616,456
Total, all mainland cane	1,169,333

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; secs. 205, 209; 61 Stat. 926, as amended, 928, as amended; 7 U.S.C. 1115, 1119)

Effective date. Allotments established in this order for almost all processors are larger than the allotments established in S.R. 814.6, Amdt. 2 (33 F.R. 8768). To afford adequate opportunity to plan and to market the additional quantities of sugar in an orderly manner, it is imperative that this amendment becomes effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of 5 U.S.C. 553 (80 Stat. 378) is impracticable and contrary to the public interest and consequently, this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on July 5, 1968.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-8185; Filed, July 8, 1968; 10:21 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 247]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.547 Valencia Orange Regulation 247.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and

Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 9, 1968.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 12, 1968, through July 18, 1968, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 300,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 10, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-8302; Filed, July 10, 1968; 11:27 a.m.]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Expenses and Rate of Assessment and Carryover of Unexpended Funds

On June 22, 1968, notice of rulemaking was published in the FEDERAL REGISTER (33 F.R. 9260) regarding proposed expenses and the related rates of assessment for the fiscal period beginning March 1, 1968, and ending February 28, 1969, and carryover of unexpended funds, pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Control Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 917.207 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred during the fiscal period March 1, 1968, through February 28, 1969, will amount to $297,533.

(b) *Rate of assessment.* The rates of assessment for such fiscal period payable by each handler in accordance with § 917.37 are fixed as follows:

(1) One cent ($0.01) per standard western pear box of pears, or its equivalent in other containers or in bulk;

(2) Three and six-tenths cents ($0.036) per standard four-basket crate of plums, or its equivalent in other containers or in bulk;

(3) Eight mills ($0.008) per California peach box of peaches, or its equivalent in other containers or in bulk.

(c) *Reserve.* Unexpended assessments funds, in excess of expenses incurred during the fiscal period ending February 29, 1968, shall be carried as a reserve in accordance with the applicable provisions of § 917.38 of said marketing agreement and order.

Terms used in the amended marketing agreement and this part shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and this part.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of said amended marketing agreement and this part require that the rates of assessment fixed for a particular season be applicable to all fresh pears, plums, and peaches from the beginning of such fiscal period; and (2) the fiscal period began March 1, 1968, and the rates of assessment herein fixed will automatically apply to all pears, plums, and peaches beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 5, 1968.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-8193; Filed, July 10, 1968; 8:45 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1968 Crop Grain Sorghum Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1968 Crop Grain Sorghum Loan and Purchase Program

The General Regulations Governing Price Support for the 1964 and Subsequent Crops (Revision 1) (31 F.R. 5941) and any amendments thereto and the 1966 and Subsequent Crops Grain Sorghum Loan and Purchase Program regulations (31 F.R. 8000) and any amendments thereto, which contain regulations of a general nature with respect to price support operations are further supplemented for the 1968 crop of grain sorghum as follows:

Sec.
1421.2575 Availability.
1421.2576 Compliance requirements.
1421.2577 Warehouse charges.
1421.2578 Maturity of loans.
1421.2579 Support rates and discounts.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 105, 401, 63 Stat. 1051 as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.2575 Availability.

A producer desiring a price support loan must request a loan on his eligible grain sorghum on or before May 31, 1969, on grain sorghum stored in Oklahoma and Texas and on or before June 30, 1969, on grain sorghum stored in all other States. To obtain price support through a sale to CCC, a producer must give the appropriate ASCS county office notice of his intent to sell his eligible grain sorghum to CCC on or before June 30, 1969, with respect to grain sorghum stored in the States of Oklahoma and Texas and on or before July 31, 1969, with respect to grain sorghum stored in any other State.

§ 1421.2576 Compliance requirements.

To be eligible for a loan or purchase, a producer must qualify for a price support payment under the 1966–69 Feed Grain Program Regulations (31 F.R. 8339), and any amendments thereto, on grain sorghum of the 1968 crop on the farm on which the grain sorghum tendered for loan or purchase was produced except that such qualification is not necessary with respect to grain sorghum produced in an area of the United States in which the feed grain program is not in effect.

§ 1421.2577 Warehouse charges.

Subject to the provisions of § 1421.2569, the following schedule of deductions for grain sorghum stored in an approved warehouse operating under the Uniform Grain Storage Agreement shall apply:

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES BY MATURITY DATES

Maturity date of June 30, 1969	Deduction (cents per hundredweight)	Maturity date of July 31, 1969
(1)	27	(1).
	26	Prior to June 3, 1968.
Prior to June 4, 1968	25	June 3–June 18, 1968.
June 4–June 19, 1968	24	June 19–July 4, 1968.
June 20–July 5, 1968	23	July 5–July 20, 1968.
July 6–July 21, 1968	22	July 21–Aug. 5, 1968.
July 22–Aug. 6, 1968	21	Aug. 6–Aug. 21, 1968.
Aug. 7–Aug. 22, 1968	20	Aug. 22–Sept. 6, 1968.
Aug. 23–Sept. 7, 1968	19	Sept. 7–Sept. 22, 1968.
Sept. 8–Sept. 23, 1968	18	Sept. 23–Oct. 8, 1968.
Sept. 24–Oct. 9, 1968	17	Oct. 9–Oct. 24, 1968.
Oct. 10–Oct. 25, 1968	16	Oct. 25–Nov. 9, 1968.
Oct. 26–Nov. 10, 1968	15	Nov. 10–Nov. 25, 1968.
Nov. 11–Nov. 26, 1968	14	Nov. 26–Dec. 11, 1968.
Nov. 27–Dec. 12, 1968	13	Dec. 12–Dec. 27, 1968.
		Dec. 28, 1968–Jan. 12, 1969.
Dec. 13–Dec. 28, 1968	12	Jan. 13–Jan. 28, 1969.
Dec. 29, 1968–Jan. 13, 1969	11	Jan. 29–Feb. 13, 1969.
Jan. 14–Jan. 29, 1969	10	Feb. 14–Mar. 1, 1969.
Jan. 30–Feb. 14, 1969	9	Mar. 2–Mar. 17, 1969.
Feb. 15–Mar. 2, 1969	8	Mar. 18–Apr. 2, 1969.
Mar. 3–Mar. 18, 1969	7	Apr. 3–Apr. 18, 1969.
Mar. 19–Apr. 3, 1969	6	Apr. 19–May 4, 1969.
Apr. 4–Apr. 19, 1969	5	May 5–May 20, 1969.
Apr. 20–May 5, 1969	4	May 21–June 5, 1969.
May 6–May 21, 1969	3	June 6–June 21, 1969.
May 22–June 6, 1969	2	June 22–July 7, 1969.
June 7–June 30, 1969	1	July 8–July 31, 1969.

[1] Dates storage charges start, all dates inclusive.

§ 1421.2578 Maturity of loans.

Loans mature on demand but not later than: June 30, 1969, on grain sorghum stored in the States of Oklahoma and Texas and July 31, 1969, on grain sorghum stored in all other States.

§ 1421.2579 Support rates and discounts.

(a) *Basic support rates (terminals).* Basic support rates for loan and settlement purposes for grade No. 2 or better grain sorghum stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market	Rate per hundredweight
Sioux City, Iowa	$1.67
Omaha, Nebr	1.71
Council Bluffs, Iowa	1.71
Atchison, Kans	1.81
Kansas City, Kans	1.81
Kansas City, Mo	1.81
St. Joseph, Mo	1.81
Cairo, Ill	1.95
East St. Louis, Ill	1.95
St. Louis, Mo	1.95
Memphis, Tenn	2.00
Beaumont, Tex	2.05
Brownsville, Tex	2.05
Corpus Christi, Tex	2.05
Galveston, Tex	2.05
Houston, Tex	2.05
Port Arthur, Tex	2.05
Baton Rouge, La	2.05
New Orleans, La	2.05
Los Angeles, Calif	2.24
Long Beach, Calif	2.24
Oakland, Calif	2.24
San Francisco, Calif	2.24
Wilmington, Calif	2.24
Stockton, Calif	2.24
Astoria, Oreg	2.22
Portland, Oreg	2.22
Kalama, Wash	2.22
Longview, Wash	2.22
Seattle, Wash	2.22
Tacoma, Wash	2.22
Vancouver, Wash	2.22

(b) *Basic support rates (counties).* Basic county support rates for loan and settlement purposes for farm-stored and country warehouse-stored grain sorghum are established for grain sorghum grading No. 2 or better and are as follows:

County	Rate per hundredweight	County	Rate per hundredweight
ALABAMA			
All counties	$1.62		
ARIZONA			
Apache	$1.52	Mohave	$1.52
Cochise	1.77	Navajo	1.52
Coconino	1.52	Pima	1.82
Gila	1.52	Pinal	1.88
Graham	1.62	Santa Cruz	1.77
Greenlee	1.52	Yavapai	1.52
Maricopa	1.88	Yuma	1.91
ARKANSAS			
Arkansas	$1.72	Hot Spring	$1.55
Ashley	1.66	Howard	1.49
Baxter	1.53	Independence	1.66
Benton	1.45	Izard	1.55
Boone	1.50	Jackson	1.72
Bradley	1.56	Jefferson	1.71
Calhoun	1.54	Johnson	1.50
Carroll	1.48	Lafayette	1.50
Chicot	1.68	Lawrence	1.73
Clark	1.54	Lee	1.78
Clay	1.72	Lincoln	1.69
Cleburne	1.73	Little River	1.49
Cleveland	1.71	Logan	1.49
Columbia	1.50	Lonoke	1.72
Conway	1.68	Madison	1.45
Craighead	1.77	Marion	1.50
Crawford	1.48	Miller	1.49
Crittenden	1.78	Mississippi	1.78
Cross	1.78	Monroe	1.75
Dallas	1.55	Montgomery	1.49
Desha	1.71	Nevada	1.50
Drew	1.67	Newton	1.50
Faulkner	1.69	Ouachita	1.53
Franklin	1.50	Perry	1.54
Fulton	1.61	Phillips	1.76
Garland	1.54	Pike	1.50
Grant	1.55	Poinsett	1.78
Greene	1.75	Polk	1.45
Hempstead	1.50		

ARKANSAS—Continued

County	Rate per hundredweight	County	Rate per hundredweight
Pope	$1.53	Sevier	$1.47
Prairie	1.74	Sharp	1.61
Pulaski	1.71	Stone	1.57
Randolph	1.74	Union	1.50
St. Francis	1.78	Van Buren	1.68
Saline	1.60	Washington	1.45
Scott	1.45	White	1.74
Searcy	1.50	Woodruff	1.76
Sebastian	1.48	Yell	1.53

CALIFORNIA

County	Rate per hundredweight	County	Rate per hundredweight
Alameda	$2.01	San Benito	$1.97
Amador	2.01	San Bernardino	1.97
Butte	1.97	San Diego	1.91
Calaveras	2.01	San Francisco	2.04
Colusa	1.99	San Joaquin	2.05
Contra Costa	2.01	San Luis Obispo	1.92
El Dorado	1.98	San Mateo	2.02
Fresno	1.98	Santa Barbara	1.90
Glenn	1.98	Santa Clara	2.00
Imperial	1.94	Santa Cruz	1.96
Inyo	1.72	Shasta	1.79
Kern	1.95	Sierra	1.68
Kings	1.98	Siskiyou	1.79
Lake	1.92	Solano	2.00
Lassen	1.70	Sonoma	1.99
Los Angeles	1.99	Stanislaus	2.03
Madera	2.02	Sutter	1.98
Marin	2.01	Tehama	1.88
Merced	2.02	Tulare	1.96
Modoc	1.78	Tuolumne	2.02
Monterey	1.95	Ventura	1.98
Napa	2.00	Yolo	2.00
Orange	1.98	Yuba	1.98
Placer	1.99		
Plumas	1.82		
Riverside	1.93		
Sacramento	2.01		

COLORADO

County	Rate per hundredweight	County	Rate per hundredweight
Baca [1]	$1.49	All other counties	$1.44

FLORIDA

Counties	Rate per hundredweight
All counties	$1.62

GEORGIA

All counties	$1.67

IDAHO

All counties	$1.36

ILLINOIS

All counties	$1.49

INDIANA

All counties	$1.52

IOWA

County	Rate per hundredweight	County	Rate per hundredweight
Adair	$1.46	Greene	$1.44
Adams	1.48	Guthrie	1.45
Appanoose	1.48	Hamilton	1.40
Audubon	1.48	Harrison	1.49
Boone	1.42	Henry	1.40
Buena Vista	1.43	Humboldt	1.40
Calhoun	1.43	Ida	1.44
Carroll	1.47	Jasper	1.42
Cass	1.47	Jefferson	1.43
Cherokee	1.45	Keokuk	1.43
Clarke	1.48	Lee	1.42
Clay	1.42	Lucas	1.48
Crawford	1.49	Lyon	1.44
Dallas	1.43	Madison	1.46
Davis	1.45	Mahaska	1.44
Decatur	1.49	Marion	1.45
Des Moines	1.39	Marshall	1.39
Dickinson	1.40	Mills	1.49
Emmet	1.39	Monona	1.49
Fremont	1.49	Monroe	1.45

IOWA—Continued

County	Rate per hundredweight	County	Rate per hundredweight
Montgomery	$1.49	Story	$1.41
O'Brien	1.45	Taylor	1.53
Osceola	1.44	Union	1.50
Page	1.51	Van Buren	1.42
Palo Alto	1.40	Wapello	1.45
Plymouth	1.45	Warren	1.46
Pocahontas	1.41	Washington	1.39
Polk	1.42	Wayne	1.50
Pottawattamie	1.49	Webster	1.42
Ringgold	1.50	Woodbury	1.46
Sac	1.45	Wright	1.36
Shelby	1.49	All other counties	1.37
Sioux	1.45		

KANSAS

Allen[1]	$1.55	Linn	$1.59
Anderson	1.57	Logan	1.42
Atchison	1.59	Lyon[1]	1.54
Barber[1]	1.57	McPherson[1]	1.54
Barton[1]	1.52	Marion[1]	1.54
Bourbon	1.56	Marshall	1.53
Brown	1.58	Meade[1]	1.53
Butler[1]	1.56	Miami	1.58
Chase[1]	1.54	Mitchell[1]	1.52
Chautauqua[1]	1.59	Montgomery[1]	1.59
Cherokee[1]	1.59	Morris[1]	1.54
Cheyenne	1.42	Morton[1]	1.55
Clark[1]	1.53	Nemaha	1.54
Clay[1]	1.52	Neosho[1]	1.57
Cloud[1]	1.52	Ness[1]	1.51
Coffey[1]	1.54	Norton[1]	1.46
Comanche[1]	1.54	Osage	1.56
Cowley[1]	1.59	Osborne[1]	1.51
Crawford[1]	1.57	Ottawa[1]	1.52
Decatur[1]	1.42	Pawnee[1]	1.52
Dickinson[1]	1.54	Phillips[1]	1.48
Doniphan	1.57	Pottawatomie	1.54
Douglas	1.58	Pratt[1]	1.52
Edwards[1]	1.52	Rawlins	1.42
Elk[1]	1.58	Reno[1]	1.54
Ellis[1]	1.50	Republic[1]	1.51
Ellsworth[1]	1.53	Rice[1]	1.54
Finney[1]	1.45	Riley[1]	1.53
Ford[1]	1.51	Rooks[1]	1.49
Franklin	1.58	Rush[1]	1.52
Geary[1]	1.53	Russell[1]	1.50
Gove[1]	1.43	Saline[1]	1.53
Graham[1]	1.45	Scott[1]	1.45
Grant[1]	1.51	Sedgwick[1]	1.56
Gray[1]	1.49	Seward[1]	1.54
Greeley	1.42	Shawnee	1.56
Greenwood[1]	1.56	Sheridan	1.42
Hamilton[1]	1.44	Sherman	1.42
Harper[1]	1.59	Smith[1]	1.50
Harvey[1]	1.55	Stafford[1]	1.52
Haskell[1]	1.53	Stanton[1]	1.48
Hodgeman[1]	1.51	Stevens[1]	1.54
Jackson	1.56	Sumner[1]	1.59
Jefferson	1.58	Thomas	1.42
Jewell[1]	1.50	Trego[1]	1.47
Johnson	1.58	Wabaunsee[1]	1.54
Kearny[1]	1.44	Wallace	1.42
Kingman[1]	1.55	Washington[1]	1.51
Kiowa[1]	1.52	Wichita[1]	1.43
Labette[1]	1.59	Wilson[1]	1.57
Lane[1]	1.47	Woodson[1]	1.56
Leavenworth	1.59	Wyandotte	1.58
Lincoln[1]	1.51		

KENTUCKY

All counties $1.62

LOUISIANA

All parishes $1.62

MICHIGAN

All counties $1.47

MINNESOTA

All counties $1.42

MISSISSIPPI

All counties $1.62

See footnote at end of table.

MISSOURI

County	Rate per hundredweight	County	Rate per hundredweight
Adair	$1.48	Linn	$1.55
Andrew	1.58	Livingston	1.58
Atchison	1.53	McDonald	1.57
Audrain	1.48	Macon	1.53
Barry	1.57	Madison	1.66
Barton	1.57	Maries	1.49
Bates	1.58	Marion	1.47
Benton	1.55	Mercer	1.53
Bollinger	1.68	Miller	1.47
Boone	1.50	Mississippi	1.70
Buchanan	1.59	Montleau	1.49
Butler	1.71	Monroe	1.50
Caldwell	1.59	Montgomery	1.51
Callaway	1.47	Morgan	1.51
Camden	1.45	New Madrid	1.71
Cape Girardeau	1.69	Newton	1.57
Carroll	1.59	Nodaway	1.55
Carter	1.50	Oregon	1.60
Cass	1.58	Osage	1.48
Cedar	1.57	Ozark	1.57
Charlton	1.57	Pemiscot	1.73
Christian	1.57	Perry	1.64
Clark	1.46	Pettis	1.55
Clay	1.59	Phelps	1.48
Clinton	1.59	Pike	1.45
Cole	1.46	Platte	1.59
Cooper	1.53	Polk	1.57
Crawford	1.50	Pulaski	1.46
Dade	1.57	Putnam	1.52
Dallas	1.50	Ralls	1.48
Daviess	1.57	Randolph	1.53
De Kalb	1.58	Ray	1.59
Dent	1.47	Reynolds	1.57
Douglas	1.57	Ripley	1.71
Dunklin	1.72	St. Charles	1.54
Franklin	1.54	St. Clair	1.57
Gasconade	1.50	St. Francois	1.66
Gentry	1.55	St. Louis	1.56
Greene	1.57	Ste. Genevieve	1.64
Grundy	1.55	Saline	1.57
Harrison	1.53	Schuyler	1.47
Henry	1.58	Scotland	1.46
Hickory	1.54	Scott	1.70
Holt	1.55	Shannon	1.50
Howard	1.54	Shelby	1.51
Howell	1.57	Stoddard	1.70
Iron	1.66	Stone	1.57
Jackson	1.59	Sullivan	1.53
Jasper	1.57	Taney	1.57
Jefferson	1.63	Texas	1.57
Johnson	1.58	Vernon	1.56
Knox	1.46	Warren	1.53
Laclede	1.45	Washington	1.64
Lafayette	1.59	Wayne	1.70
Lawrence	1.57	Webster	1.52
Lewis	1.46	Worth	1.54
Lincoln	1.44	Wright	1.57

NEBRASKA

Adams[1]	$1.48	Hall[1]	$1.47
Antelope	1.43	Hamilton[1]	1.48
Boone	1.44	Harlan[1]	1.46
Buffalo	1.45	Howard[1]	1.46
Burt	1.49	Jefferson	1.50
Butler	1.48	Johnson	1.52
Cass	1.51	Kearney[1]	1.46
Cedar	1.45	Knox	1.44
Clay[1]	1.48	Lancaster	1.51
Colfax	1.49	Madison	1.46
Cuming	1.49	Merrick[1]	1.48
Dakota	1.45	Nance	1.44
Dawson	1.42	Nemaha	1.51
Dixon	1.45	Nuckolls[1]	1.49
Dodge	1.49	Otoe	1.51
Douglas	1.49	Pawnee	1.53
Fillmore	1.49	Phelps[1]	1.45
Franklin[1]	1.46	Pierce	1.46
Furnas[1]	1.44	Platte	1.47
Gage	1.51	Polk[1]	1.48
Garfield	1.42	Richardson	1.53
Gosper[1]	1.44	Saline	1.51
Greeley[1]	1.45	Sarpy	1.49

NEBRASKA—Continued

County	Rate per hundredweight	County	Rate per hundredweight
Saunders	$1.46	Washington	$1.49
Scotts Bluff	1.42	Wayne	1.45
Seward	1.48	Webster[1]	1.47
Sherman[1]	1.44	Wheeler	1.44
Stanton	1.48	York[1]	1.48
Thayer[1]	1.49	All other counties	1.42
Thurston	1.48		
Valley[1]	1.42		

NEVADA

All counties $1.46

NEW MEXICO

Bernalillo	$1.54	Luna	$1.53
Curry[1]	1.63	Quay[1]	1.60
Gudalupe[1]	1.57	Roosevelt[1]	1.60
Harding[1]	1.59	Union[1]	1.52
Hidalgo	1.53	All other counties	1.52
Lea[1]	1.53		

NORTH CAROLINA

All counties $1.67

NORTH DAKOTA

All counties $1.37

OHIO

All counties $1.62

OKLAHOMA

Adair[1]	$1.61	Logan[1]	$1.65
Alfalfa[1]	1.63	Love[1]	1.70
Atoka[1]	1.69	McClain[1]	1.70
Beaver[1]	1.57	McCurtain[1]	1.65
Beckham[1]	1.66	McIntosh[1]	1.66
Blaine[1]	1.66	Major[1]	1.65
Bryan[1]	1.71	Marshall[1]	1.71
Caddo[1]	1.68	Mayes[1]	1.64
Canadian[1]	1.66	Murray[1]	1.70
Carter[1]	1.71	Muskogee[1]	1.66
Cherokee[1]	1.66	Noble[1]	1.64
Choctaw[1]	1.71	Nowata[1]	1.61
Cimarron[1]	1.57	Okfuskee[1]	1.66
Cleveland[1]	1.69	Oklahoma[1]	1.66
Coal[1]	1.69	Okmulgee[1]	1.66
Comanche[1]	1.69	Osage[1]	1.61
Cotton[1]	1.70	Ottawa[1]	1.63
Craig[1]	1.62	Pawnee[1]	1.62
Creek[1]	1.66	Payne[1]	1.65
Custer[1]	1.65	Pittsburg[1]	1.67
Delaware[1]	1.63	Pontotoc[1]	1.68
Dewey[1]	1.63	Pottawatomie[1]	1.66
Ellis[1]	1.59	Pushmataha[1]	1.69
Garfield[1]	1.65	Roger Mills[1]	1.64
Garvin[1]	1.70	Rogers[1]	1.64
Grady[1]	1.69	Seminole[1]	1.66
Grant[1]	1.62	Sequoyah[1]	1.66
Greer[1]	1.67	Stephens[1]	1.71
Harmon[1]	1.67	Texas[1]	1.56
Harper[1]	1.58	Tillman[1]	1.67
Haskell[1]	1.66	Tulsa[1]	1.66
Hughes[1]	1.66	Wagoner[1]	1.65
Jackson[1]	1.67	Washington[1]	1.62
Jefferson[1]	1.71	Washita[1]	1.66
Johnston[1]	1.70	Woods[1]	1.61
Kay[1]	1.61	Woodward[1]	1.60
Kingfisher[1]	1.66		
Kiowa[1]	1.67		
Latimer[1]	1.66		
Le Flore	1.67		
Lincoln[1]	1.66		

OREGON

All counties $1.51

PENNSYLVANIA

All counties $1.67

SOUTH CAROLINA

All counties $1.67

SOUTH DAKOTA

County	Rate per hundredweight	County	Rate per hundredweight
Bon Homme	$1.43	Minnehaha	$1.42
Charles Mix	1.39	Moody	1.40
Clay	1.45	Turner	1.42
Douglas	1.40	Union	1.45
Hanson	1.39	Yankton	1.44
Hutchinson	1.41	All other counties	1.38
Lincoln	1.44		
McCook	1.40		

TENNESSEE

All counties $1.62

TEXAS

Anderson	$1.74	Edwards	$1.54
Andrews[1]	1.63	Ellis[1]	1.71
Angelina	1.78	El Paso	1.52
Aransas	1.89	Erath[1]	1.71
Archer[1]	1.68	Falla	1.76
Armstrong[1]	1.64	Fannin[1]	1.74
Atascosa	1.81	Fayette	1.78
Austin	1.83	Fisher[1]	1.67
Bailey[1]	1.63	Floyd[1]	1.63
Bandera	1.75	Foard[1]	1.67
Bastrop	1.76	Fort Bend	1.84
Baylor[1]	1.67	Franklin[1]	1.71
Bee	1.88	Freestone[1]	1.74
Bell[1]	1.74	Frio	1.73
Bexar	1.77	Gaines[1]	1.63
Blanco	1.71	Galveston	1.84
Borden[1]	1.63	Garza[1]	1.63
Bosque[1]	1.74	Gillespie	1.75
Bowie[1]	1.69	Glasscock[1]	1.63
Brazoria	1.84	Goliad	1.87
Brazos	1.79	Gonzales	1.78
Brewster	1.52	Gray[1]	1.63
Briscoe[1]	1.63	Grayson[1]	1.71
Brooks	1.79	Gregg[1]	1.72
Brown[1]	1.71	Grimes	1.80
Burleson	1.78	Guadalupe	1.77
Burnet	1.68	Hale[1]	1.63
Caldwell	1.79	Hall[1]	1.65
Calhoun	1.84	Hamilton[1]	1.71
Callahan[1]	1.67	Hansford[1]	1.59
Cameron	1.86	Hardeman[1]	1.67
Camp[1]	1.74	Hardin	1.78
Carson[1]	1.63	Harris	1.84
Cass[1]	1.71	Harrison[1]	1.73
Castro[1]	1.63	Hartley[1]	1.59
Chambers	1.78	Haskell[1]	1.67
Cherokee	1.73	Hays	1.74
Childress[1]	1.67	Hemphill[1]	1.62
Clay[1]	1.72	Henderson	1.69
Cochran[1]	1.63	Hidalgo	1.84
Coke[1]	1.67	Hill[1]	1.74
Coleman[1]	1.67	Hockley[1]	1.63
Collin[1]	1.71	Hood[1]	1.72
Collingsworth[1]	1.67	Hopkins[1]	1.74
Colorado	1.81	Houston	1.77
Comal	1.77	Howard[1]	1.63
Comanche[1]	1.71	Hudspeth	1.52
Concho[1]	1.71	Hunt[1]	1.71
Cooke[1]	1.73	Hutchinson[1]	1.59
Coryell[1]	1.71	Irion[1]	1.63
Cottle[1]	1.65	Jack[1]	1.72
Crane[1]	1.63	Jackson	1.82
Crockett[1]	1.63	Jasper	1.77
Crosby[1]	1.63	Jeff Davis	1.52
Culberson	1.52	Jefferson	1.80
Dallam[1]	1.59	Jim Hogg	1.79
Dallas[1]	1.74	Jim Wells	1.89
Dawson[1]	1.63	Johnson[1]	1.74
Deaf Smith[1]	1.63	Jones[1]	1.67
Delta[1]	1.67	Karnes	1.83
Denton[1]	1.74	Kaufman[1]	1.69
De Witt	1.82	Kendall	1.76
Dickens[1]	1.63	Kenedy	1.83
Dimmit	1.67	Kent[1]	1.65
Donley[1]	1.64	Kerr	1.75
Duval	1.81	Kimble[1]	1.71
Eastland[1]	1.67	King[1]	1.66
Ector[1]	1.62	Kinney	1.67
		Kleberg	1.87

TEXAS—Continued

County	Rate per hundredweight	County	Rate per hundredweight
Knox[1]	$1.67	Robertson	$1.77
Lamar[1]	1.67	Rockwall[1]	1.74
Lamb[1]	1.63	Runnels[1]	1.67
Lampasas[1]	1.74	Rusk[1]	1.71
La Salle	1.71	Sabine	1.72
Lavaca	1.78	San Augustine	1.72
Lee	1.78	San Jacinto	1.83
Leon	1.76	San Patricio	1.92
Liberty	1.83	San Saba[1]	1.71
Limestone[1]	1.76	Schleicher	1.52
Lipscomb[1]	1.59	Scurry[1]	1.63
Live Oak	1.85	Shackelford[1]	1.67
Llano	1.67	Shelby	1.72
Loving	1.52	Sherman[1]	1.58
Lubbock[1]	1.63	Smith[1]	1.71
Lynn[1]	1.63	Somervell[1]	1.71
McCulloch[1]	1.71	Starr	1.81
McLennan[1]	1.74	Stephens[1]	1.72
McMullen	1.81	Sterling	1.65
Madison	1.79	Stonewall[1]	1.69
Marion[1]	1.74	Sutton	1.52
Martin[1]	1.63	Swisher[1]	1.63
Mason[1]	1.71	Tarrant[1]	1.72
Matagorda	1.79	Taylor[1]	1.67
Maverick	1.66	Terrell	1.52
Medina	1.76	Terry[1]	1.63
Menard[1]	1.71	Throckmorton[1]	1.70
Midland[1]	1.62	Titus[1]	1.71
Milam	1.77	Tom Green[1]	1.67
Mills[1]	1.74	Travis	1.74
Mitchell[1]	1.63	Trinity	1.80
Montague[1]	1.73	Tyler	1.77
Montgomery	1.83	Upshur[1]	1.69
Moore[1]	1.59	Upton[1]	1.63
Morris[1]	1.66	Uvalde	1.72
Motley[1]	1.65	Val Verde	1.62
Nacogdoches	1.72	Van Zandt[1]	1.74
Navarro[1]	1.71	Victoria	1.84
Newton	1.77	Walker	1.81
Nolan[1]	1.66	Waller	1.83
Nueces	1.92	Ward[1]	1.62
Ochiltree[1]	1.59	Washington	1.79
Oldham[1]	1.63	Webb	1.74
Orange	1.76	Wharton	1.82
Palo Pinto[1]	1.71	Wheeler[1]	1.64
Panola	1.69	Wichita[1]	1.68
Parker[1]	1.71	Wilbarger[1]	1.66
Parmer[1]	1.63	Willacy	1.85
Pecos[1]	1.63	Williamson[1]	1.74
Polk	1.80	Wilson	1.78
Potter[1]	1.63	Winkler[1]	1.62
Presidio	1.49	Wise[1]	1.73
Rains[1]	1.74	Wood[1]	1.74
Randall[1]	1.63	Yoakum[1]	1.63
Reagan[1]	1.63	Young[1]	1.72
Real	1.72	Zapata	1.74
Red River[1]	1.71	Zavala	1.67
Reeves	1.52		
Refugio	1.89		
Roberts[1]	1.60		

UTAH

All counties $1.36

VIRGINIA

All counties $1.67

WASHINGTON

All counties $1.51

WISCONSIN

All counties $1.42

WYOMING

All counties $1.41

[1] Refer to paragraph (b) of § 1421.2571 in determining the support value of grain sorghum shipped from points in these counties and stored in transit to a terminal market.

(c) *Discounts.* The basic support rate shall be adjusted by discounts as follows:

	Cents per hundredweight
(1) Class: Mixed grain sorghum	3
(2) Grade: No. 3 (not over 14 percent moisture)	3
No. 4 (not over 14 percent moisture)	5
Smutty	5
(3) Weed control law (where required by § 1421.74)	15

(4) Other factors: Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of the grain sorghum, such as (but not limited to) moisture, heat damage, test weight, weevily, musty, sour, stones, weathered, discolored. Such discounts will be established not later than the time delivery of grain sorghum to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at ASCS county offices.

NOTE: Discounts are cumulative except only one grade discount shall be applied.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 5, 1968.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 68-8190; Filed, July 10, 1968; 8:45 a.m.]

[CCC Grain Price Support Reg.; 1966 and Subsequent Crops Grain Sorghum Supp., Amdt. 4]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1966 and Subsequent Crops Grain Sorghum Loan and Purchase Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 31 F.R. 8000 and 32 F.R. 8124, 9302, and 13962 containing provisions for price support loans and purchases applicable to the 1966 and subsequent crops of grain sorghum are amended as follows:

In § 1421.2571, paragraph (b) is amended to provide with respect to the 1968 and subsequent crops of grain sorghum shipped from designated counties in the States of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, and Texas, and stored in line of transit to gulf terminal markets that: (1) The amount to be deducted from the basic support rate shall be an amount equal to the transit balance of the through-gulf-export freight rate from the point of origin for such grain sorghum to such gulf terminal market as will result in the highest support value, (2) the amount to be added to the basic support rate shall be the amount by which the freight paid from the point of origin to

the point of storage, exceeds the through-gulf-export freight rate, and (3) if the storage point is also in line to a terminal market other than gulf terminal markets, the support rate for the terminal market which will result in the producer receiving the higher support value shall be used. The amended paragraph reads as follows:

§ 1421.2571 Support rates.

* * * * *

(b) *Support rates for grain sorghum in approved warehouse storage at other than designated terminal markets.* In determining the support value for grain sorghum which is shipped by rail or water and which is stored in approved warehouses (other than those situated in the designated terminal markets) there shall be deducted from the basic support rate for the appropriate designated terminal market, as determined by CCC, an amount equal to the transit balance, if any, of the through-freight rate from the point of origin for such grain sorghum to such terminal market: *Provided*, That in the case of 1968 and subsequent crops of grain sorghum shipped from points in counties in the States of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, and Texas, denoted by the footnote "1" in the annual crop supplement, and stored in line of transit to gulf terminal markets there shall be deducted from the basic support rate for the appropriate designated terminal market, as determined by CCC, an amount equal to the transit balance, if any, of the through-gulf-export freight rate from the point of origin of the grain sorghum to the gulf terminal market which will result in the highest support value, and there shall be added to the basic support rate the amount, if any, by which the freight paid from the point of origin to the point of storage exceeds the through-gulf-export freight rate, except that if such storage point is also in line of transit to a terminal market other than a gulf terminal market and the other terminal market support rate less the transit balance at the domestic interstate freight rate would result in a higher support value, such rate shall be used: *Provided further*, That in the case of grain sorghum shipped at other than the domestic interstate freight rate, the basic support rate shall be further reduced by the amount by which the freight rate paid is less than the amount of the domestic interstate freight rate (the through-gulf-export freight rate in the case of grain sorghum for which gulf terminal markets are appropriate terminal markets under the preceding proviso) from the point of origin of such grain sorghum to the point of destination or appropriate terminal market: *And provided further*, That in the case of grain sorghum stored at any railroad transit point, taking a penalty by reason of out-of-line movement to the appropriate designated market, or for any other reason, there shall be added to such transit balance an amount equal to any out-of-line costs or other cost incurred in storing grain sorghum in such position.

* * * * *

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 103, 401, 63 Stat. 1051 as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date: Upon filing with the Office of the Federal Register.

Signed at Washington, D.C., on July 5, 1968.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 68-8236; Filed, July 10, 1968; 8:48 a.m.]

Title 22—FOREIGN RELATIONS

Chapter II—Agency for International Development, Department of State

[A.I.D. Reg. 8]

PART 208—SUPPLIERS OF COMMODITIES AND COMMODITY-RELATED SERVICES INELIGIBLE FOR A.I.D. FINANCING

Miscellaneous Amendments

Part 208 of Chapter II, Title 22 of the Code of Federal Regulations is amended as follows:

1. The following new paragraph (c) is added to § 208.9:

§ 208.9 Extension of suspension.

* * * * *

(c) If during the period of suspension A.I.D. institutes debarment proceedings by giving notice of proposed debarment to the affected person pursuant to § 208.14, the suspension shall be extended without other notice until debarment becomes effective or the affected person is removed from the List of Ineligible Suppliers in accordance with the provisions of this Part 208.

2. Section 208.14 is revised to read as follows:

§ 208.14 Notice after completion of investigation.

(a) After completion of an investigation, A.I.D. shall determine whether to institute debarment proceedings. Affected persons shall be notified in writing accordingly.

(b) Notice of a proposed debarment shall advise affected persons that unless a written request for a hearing is received (Office of the Executive Secretary) within 30 days from the date of mailing, debarment will become effective as of the date stated in the notice without any further action by or notice from A.I.D., and that the suspension of the affected person will be extended until debarment becomes effective or the affected person is removed from the List of Ineligible Suppliers in accordance with the provisions of this Part 208.

3. Section 208.24 is revised to read as follows:

§ 208.24 List of ineligible suppliers.

(a) The List of Ineligible Suppliers consists of all suppliers and affiliates who have been debarred or suspended by A.I.D. The List shall be printed and published as is deemed necessary to disseminate the contents of the List and keep them current, but such printed or published Lists are unofficial insofar as they do not include the names of suppliers and affiliates debarred or suspended subsequent to their preparation.

(b) Organization of printed or published Lists:

(1) The first section shall explain the purpose of the List and the significance of debarment and suspension (in terms of the provisions of this Part 208).

(2) The second section shall describe the contents of the List and shall declare that no prejudice whatsoever attaches to a supplier whose name has been removed from the List.

(3) The third section shall list debarred persons.

(4) The fourth section shall list suspended persons.

(c) Information concerning ineligible suppliers in printed or published Lists:

(1) The supplier shall be identified on the List of Ineligible Suppliers by name, address, and such other descriptive elements as may appear appropriate.

(2) If a supplier engages in several activities or supplies several commodities and the suspension or debarment does not apply to the full range of the supplier's operations, the List shall clearly indicate the limited application of the sanction.

(3) With respect to any debarred supplier, the expiration date of such debarment shall be clearly indicated.

Dated: July 2, 1968.

WILLIAM S. GAUD,
Administrator, Agency for International Development.

[F.R. Doc. 68-8214; Filed, July 10, 1968; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart D—Listing of Color Additives for Food Use Exempt From Certification

DILUENTS IN COLOR ADDITIVE MIXTURES FOR FOOD USE EXEMPT FROM CERTIFICATION; DIOCTYL SODIUM SULFOSUCCINATE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c)(2), (d), 74 Stat. 399–403; 21 U.S.C. 376 (b), (c)(2), (d)) and under the authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs, based on consideration given a petition (CADP 4) filed by Warner-Jenkinson Manufacturing Co., 2526 Baldwin Street, St. Louis, Mo. 63106, and other relevant material, finds that dioctyl sodium sulfosuccinate may be safely used under the conditions prescribed in this order as a diluent in color additive mixtures for foods generally. *Therefore, it is ordered*, That § 8.300(a)(3) be amended by alphabetically inserting in the list of substances a new item, as follows:

§ 8.300 Diluents in color additive mixtures for food use exempt from certification.

* * * * *

(a) * * *

(3) * * *

Substances	Definitions and specification	Restrictions
* * *	* * *	* * *
Dioctyl sodium sulfosuccinate.	As set forth in § 121.1137 of this chapter.	Not more than 0 p.p.m. in the finished food. Labeling of color additive mixtures containing dioctyl sodium sulfosuccinate shall bear adequate directions for use that will result in a food meeting this restriction.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706 (b), (c)(2), (d), 74 Stat. 399–403; 21 U.S.C. 376 (b), (c)(2), (d))

Dated: July 1, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8238; Filed, July 10, 1968; 8:48 a.m.]

PART 8—COLOR ADDITIVES

Subpart D—Listing of Color Additives for Food Use Exempt From Certification

IRON OXIDE; LISTING FOR FOOD USE; EXEMPTION FROM CERTIFICATION

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c)(2), (d), 74 Stat. 399–403; 21 U.S.C. 376 (b), (c)(2), (d)) and under the authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs, based on consideration given a petition (CAP 51) filed by the Pet Food Institute, 333 North Michigan Avenue, Chicago, Ill. 60601, and other relevant material, finds that iron oxide is safe for use as a color additive in dog and cat foods under the conditions prescribed in this order and that certification is not necessary for the protection of the public health. *Therefore, it is ordered*, That Part 8 be amended by adding to Subpart D the following new section:

§ 8.325 Synthetic iron oxide.

(a) *Identity.* (1) The color additive synthetic iron oxide consists of any one or any combination of synthetically prepared iron oxides, including the hydrated forms. It is free from admixture with other substances.

(2) Color additive mixtures for dog and cat food use made with synthetic iron oxide may contain only those diluents that are suitable and that are listed in this subpart as safe for use in color additive mixtures for coloring foods.

(b) *Specifications.* Synthetic iron oxide shall conform to the following specifications, all on an "as is" basis:

Arsenic (as As), not more than 5 parts per million.
Lead (as Pb), not more than 20 parts per million.
Mercury (as Hg), not more than 3 parts per million.

(c) *Uses and restrictions.* Synthetic iron oxide may be safely used for the coloring of dog and cat foods in an amount not exceeding 0.25 percent by weight of the finished food.

(d) *Labeling requirements.* The label of the color additive and any mixture prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 8.32.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706 (b), (c)(2), (d), 74 Stat. 399–403; 21 U.S.C. 376 (b), (c)(2), (d))

Dated: July 1, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8239; Filed, July 10, 1968; 8:48 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

O,O-Dimethyl S-[4-Oxo-1,2,3-Benzotriazin-3(4H)-ylmethyl] Phosphorodithioate

A petition (PP 7F0539) was filed with the Food and Drug Administration by the Chemagro Corp., Post Office Box 4913, Hawthorn Road, Kansas City, Mo. 64120, proposing the establishment of tolerances for residues of the insecticide *O,O*-dimethyl *S*-[4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl] phosphorodithioate in or on the raw agricultural commodities: Blueberries at 5 parts per million (heretofore 2 parts per million); celery, cucumbers, melons (honeydew melons, muskmelons, cantaloups, watermelons, and other melons), and onions (green) at 2 parts per million; peppers at 0.5 part per million; and beans (dry), cowpeas (southern peas, blackeyed peas, crowder peas), eggplants, oats, onions (dry), pecans, potatoes, soybeans, walnuts, and wheat at 0.1 part per million.

Subsequently, the petitioner amended the petition by withdrawing the request for tolerances regarding onions (green), beans (dry), cowpeas (southern peas, blackeyed peas, crowder peas), oats, onions (dry), pecans, potatoes, soybeans, walnuts, and wheat. The proposed tolerances regarding peppers at 0.5 part per million and eggplants at 0.1 part per million were each changed to 0.3 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner (21 CFR 2.120), § 120.154 is revised to read as follows to establish the subject tolerances:

§ 120.154 *O,O*-Dimethyl S-[4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl] phosphorodithioate; tolerances for residues.

10 parts per million in or on almond hulls.

5 parts per million in or on alfalfa hay, blueberries, clover hay, grapes.

2 parts per million in or on alfalfa, apples, apricots, artichokes, barley straw, blackberries, boysenberries, broccoli, brussels sprouts, cabbage, cauliflower, celery, cherries, citrus fruits, clover, crabapples, cranberries, cucumbers, loganberries, melons (honeydew melons, muskmelons, cantaloups, watermelons, and other melons), nectarines, oat straw, onions, peaches, pears, plums (fresh prunes), quinces, raspberries, rye straw, snap beans, spinach, strawberries, tomatoes, wheat straw.

0.5 part per million in or on cottonseed.

0.3 part per million in or on almonds, eggplants, peppers, sugarcane.

0.2 part per million in or on barley grain, oat grain, rye grain, wheat grain.

0.1 part per million in the meat, fat, and meat byproducts of cattle, goats, and sheep.

Zero in milk.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: July 1, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8240; Filed, July 10, 1968; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYURETHANE RESINS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8B2230) filed by Metacham, Inc., 425 Park Avenue, New York, N.Y. 10022, on behalf of Farbenfabriken Bayer, A.G., Leverkusen, Federal Republic of Germany, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of three additional substances, identified below, as reactants in the preparation of polyurethane resins for use in contact with dry bulk food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner (21 CFR 2.120), § 121.2522(a) is amended by alphabetically inserting in the list in subparagraph (1) one new item and in subparagraph (2) two new items, as follows:

§ 121.2522 Polyurethane resins.

* * * * * *

(a) * * *

(1) Isocyanates:

* * * * * *

Hexamethylene diisocyanate.

* * * * * *

(2) List of substances:

* * * * * *

Maleic anhydride.

* * * * * *

Phthalic anhydride.

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 1, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8242; Filed, July 10, 1968; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

PAPER AND PAPERBOARD; CORRECTION

In F.R. Doc. 67-14113 appearing at page 16530 of the issue of Saturday, December 2, 1967, the blank under *"Limitations"* for the item "Petroleum alicyclic hydrocarbon resins * * *" in § 121.2526(b)(2) is corrected to read:

For use only as modifiers in wax-polymer blend coatings for corrugated paperboard intended for use in bulk packaging of raw fruits, raw vegetables, iced meat, iced fish, and iced poultry; and limited to use at a level not to exceed 30 weight-percent of the coating solids.

Dated: July 1, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8241; Filed, July 10, 1968; 8:48 a.m.]

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Supplemental Applications

Section 130.9, the new-drug procedural regulation dealing with supplemental applications, is amended as set forth below (1) to specify certain changes from the conditions in an approved new-drug application that may be made without the submission or prior approval of a supplemental application, on condition that any such changes will be fully described in the next report submitted pursuant to § 130.13(b)(4) or § 130.35(e), and (2) to permit the addition of a new distributor, without the approval of a supplement, provided certain conditions are met.

Also, § 130.13(a) is amended below to indicate those changes that are required to be described as part of the records and reports on an approved new-drug application.

Accordingly, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052–53, as amended, 1055; 21 U.S.C. 355, 371(a)) and delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 130 is amended as follows:

1. Section 130.9 is amended by revising paragraphs (a) and (c) to read as follows:

§ 130.9 Supplemental applications.

(a) (1) After an application is approved, a supplemental application may propose changes. A supplemental application may omit statements made in the approved application concerning which no change is proposed. Each supplemental application shall include up-to-date reports of any of the kinds of information required by § 130.13(a) that has not previously been submitted as part of the application, including such submission under the records and reports requirements of § 130.13 or § 130.35.

(2) A supplemental application should be submitted for any change beyond the variations provided for in the application (including changes in the scale of production, such as from pilot-plant to production batch), that may alter the conditions of use, the labeling, the safety, effectiveness, identity, strength, quality, or purity of the drug, or the adequacy of the manufacturing methods, facilities, or controls to preserve them.

(3) Any mailing or promotional piece used after the drug is placed on the market is labeling requiring a supplemental application if it deviates in any significant respect from the approved labeling.

(4) The supplemental application shall be submitted as follows: A communication proposing a change in a new-drug application should provide for no more than one of the following kinds of changes:

(i) Revision in labeling; such as, updating information pertaining to effects, dosages, and side effects and contraindications, which includes information headed side effects, warnings, precautions, and contraindications.

(ii) Addition of claim.

(iii) Revision in manufacturing or control procedures; for example, changes in components, composition, method of manufacture, analytical control procedures, package or tablet size, etc.

(iv) Change in manufacturing facilities.

(v) Provision for outside firm to participate in the preparation, distribution, or packaging of a new drug (new distributor, packer, supplier, manufacturer, etc.); one firm per submission.

Any number of changes may be submitted at any one time; but if they fall into different categories as listed in subdivisions (i) through (v) of this subparagraph, the proposed changes should be covered by separate communications. Where, however, a change necessitates an overlap in categories, it should be submitted in a single communication. For example, a change in tablet potency would require other changes such as in components, composition, and labeling and should be submitted in a single communication.

(5) The following changes may be placed into effect without the approval of a supplemental application if such change is fully described in the next periodic report required under § 130.13(b)(4) or § 130.35(e) or, when such a report is not required, in a written communication to the Food and Drug Administration within 60 days of the effective date of the change(s). This does not apply to a change proposed because of any mixup or any bacteriological or

significant chemical, physical, or other change or deterioration in the drug or any failure of one or more distributed batches of the drug to meet its specifications.

(i) A different container size for solid oral dosage forms where container and closure are of the same materials as those provided for in the approved application.

(ii) Change in personnel not involving new facilities.

(iii) Change in equipment that does not alter the method of manufacture of a new drug substance or dosage form of a new drug.

(iv) Change from one commercial batch size to another without any change in manufacturing procedure.

(v) Change to more stringent specification without altering the method described in the approved application.

(vi) Inclusion of additional specifications and methods without deletion of those described in the approved application.

(vii) Alteration of specifications or methods for inactive ingredients to bring them into compliance with new or revised specifications or methods in an official compendium.

(viii) Initiation of a product identification coding system.

(ix) Addition to labeling of a reasonable expiration date, where none was previously used, with related conditions of drug storage when appropriate, except when there is evidence that there has been a significant deterioration of the drug under marketing conditions which necessitates the immediate submission of a report under the provisions of § 130.13(b)(1). The report or written communication describing such change in labeling should include stability data justifying the expiration date and recommended conditions of storage.

(x) Change from paper labels to direct printing on glass containers without a change in text.

(6) Approval of a supplemental application will not be required to provide for an additional distributor to distribute a drug which is the subject of an approved new-drug application if the conditions described below are met prior to putting such a change into effect. An order may issue refusing approval if any condition is not met or if any of the reasons for refusing or withdrawing approval, as stated in section 505 (d) and (e) of the act or § 130.5, applies. For the purposes of maintaining records and making reports under the requirements of §§ 130.13 and 130.35, a distributor provided for under this section shall be considered an "applicant" within the meaning of § 130.13(g).

(i) A supplemental application is furnished to the Food and Drug Administration to provide for a designated distributor.

(ii) There are no changes from the conditions of the approved application except for a different and suitable proprietary name of the drug (if one is used) and the name and address of the distributor as used on the label and labeling. The name of the distributor shall be accompanied by an appropriate qualifying phrase such as "manufactured for" or "distributed by."

(iii) A distributor's statement is furnished to the Food and Drug Administration identifying the category of his operations (for example, wholesaler, retailer) and stating: That he will distribute the drug only under the labeling provided for in the new drug application; that any other labeling or advertising for the drug will prescribe, recommend, or suggest its use only under the conditions stated in the labeling provided for in the application; and, if the drug is a prescription article, that he is regularly and lawfully engaged in the distribution or dispensing of prescription drugs.

(iv) Twelve copies of the printed labels and other labeling to be used by the distributor are submitted, identified with the new-drug application number.

* * * * * *

(c) If a material change is made in the components, composition, manufacturing methods, facilities or controls, or in the labeling or advertising from the representations in an approved application for a new drug (except changes conforming to the conditions set forth in paragraph (a) (5) and (6) and/or paragraphs (d), (e), (f), and (g) of this section) and the drug is marketed before a supplement is approved for such change, approval of the application may be suspended or withdrawn as provided in section 505(e) of the act.

* * * * * *

2. Section 130.13(a) is amended by adding thereto a new subparagraph, as follows:

§ 130.13 Records and reports concerning experience on drugs for which an approval is in effect.

(a) * * *

(7) Information concerning any previously unreported changes from the conditions described in an application, including changes conforming to the conditions of § 130.9(a)(5).

* * * * * *

The Food and Drug Administration will consider any categories suggested by interested persons of changes that may be appropriate for inclusion in § 130.9(a)(5) as not requiring prior approval of a supplemental application for implementation.

The amendments in this order relax and clarify existing requirements; therefore, notice and public procedure and delayed effective date are unnecessary prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Secs. 505, 701(a), 52 Stat. 1052–53, as amended, 1055; 21 U.S.C. 355, 371(a))

Dated: July 3, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8243; Filed, July 10, 1968; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

ADOPTED CHILDREN, COMPENSATION AND PENSION

1. In § 3.57, paragraphs (a)(1) and (c)(1) are amended to read as follows:

§ 3.57 Child.

(a) *General.* The term "child" of the veteran means an unmarried person:

(1) Who is a legitimate child, a child legally adopted before the age of 18 years, a stepchild who is a member of a veteran's household or was a member of his household at the time of his death, or an illegitimate child; and

* * * * *

(c) *Adopted child.* Effective August 25, 1959, the term includes, as of the date of death of a veteran, one who was

(1) Under age 18 and living in the veteran's household at the time of his death, and

* * * * *

2. In § 3.403, paragraph (f) is added to read as follows:

§ 3.403 Children.

Awards of pension, compensation, or dependency and indemnity compensation to or for a child, or to or for a veteran or widow on behalf of such child, will be effective as follows:

* * * * *

(f) *Adopted child.* Date from which benefits are otherwise payable or date the final decree of adoption became effective, whichever is later.

§ 3.1560 [Revoked]

3. Section 3.1560 *Liberalization of definition of "child" to include child adopted after death of veteran* is revoked. (72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective date of approval.

Approved: July 3, 1968.

By direction of the Administrator.

[SEAL] A. W. STRATTON,
Deputy Administrator.

[F.R. Doc. 68-8220; Filed, July 10, 1968; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 212]

FORMULAS FOR DENATURED ALCOHOL AND RUM

Notice of Proposed Rule Making

Regulations proposed to be prescribed in 26 CFR Part 212 were published in tentative form with a notice of proposed rule making in the FEDERAL REGISTER for November 30, 1967 (32 F.R. 16433). Notice is hereby given that such proposed regulations are withdrawn.

Further notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director, Alcohol and Tobacco Tax Division, within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

In order to (1) provide in regulations for the use of alcohol of not less than 185° of proof in formulas of specially denatured alcohol; (2) authorize the use, as a denaturant, of ethyl acetate having an ester content of 100 percent for Formula No. 29; (3) modify Formulas Nos. 40 and 40–A and provide new Formulas Nos. 40–B and 40–C; (4) authorize additional uses for alcohol denatured under certain formulas; (5) specify the number of copies of certain applications to be submitted; (6) refer to National Formulary specifications for the denaturant denatonium benzoate (Bitrex) in lieu of specifying those for benzyldiethyl (2:6 xylylcarbamoyl methyl) ammonium benzoate (Bitrex (THS–839)); (7) revise the specifications for the denaturants sucrose octaacetate and wood alcohol; and (8) provide miscellaneous editorial and clarifying changes, the regulations in 26 CFR Part 212, Formulas for Denatured Alcohol and Rum, are amended as follows:

PARAGRAPH 1. Section 212.3 is amended to correct a printing error and to specify the number of copies of applications to be submitted. As amended, § 212.3 reads as follows:

§ 212.3 Stocks of discontinued formulas.

Denaturers, or specially denatured spirits dealers or users, having on hand stocks of denaturants or formulas of specially denatured spirits no longer authorized by this part may (a) continue to supply or use such stocks in accordance with permits until the stocks are exhausted; (b) otherwise dispose of such stocks in a manner satisfactory to the Director, pursuant to approval of an application (to be filed, in triplicate, with the assistant regional commissioner for transmittal to the Director); or (c) on approval by the assistant regional commissioner of an application, filed in duplicate, to do so, destroy such stocks under such supervision as the assistant regional commissioner may prescribe.

PAR. 2. In § 212.15, paragraph (a) is amended to provide for the use of alcohol of not less than 185° of proof in any formula of specially denatured alcohol. As amended, paragraph (a) reads as follows:

§ 212.15 General.

(a) *Formulas.* Specially denatured alcohol shall be denatured in accordance with formulas prescribed in this subpart. Alcohol of not less than 185° of proof shall be used in the manufacture of all formulas of specially denatured alcohol, unless otherwise authorized by the Director. Rum for denaturation shall be of not less than 150° of proof and shall be denatured in accordance with Formula No. 4.

* * * * *

PAR. 3. In §§ 212.16, 212.17, 212.18, 212.19, and 212.23, paragraphs (b)(2) are amended by deleting the parenthetical phrases "(for rubber processing)" and "(ethylamines)" from code 530 and code 540, respectively. As amended, paragraphs (b)(2) in §§ 212.16, 212.17, 212.18, 212.19, and 212.23 read as follows:

§ 212.16 Formula No. 1.

* * * * *

(b) * * *

(2) As a raw material:

* * * * *

530. Ethylamines.
540. Dyes and intermediates.

* * * * *

§ 212.17 Formula No. 2–B.

* * * * *

(b) * * *

(2) As a raw material:

* * * * *

530. Ethylamines.
540. Dyes and intermediates.

* * * * *

§ 212.18 Formula No. 2–C.

* * * * *

(b) * * *

(2) As a raw material:

* * * * *

530. Ethylamines.
540. Dyes and intermediates.

* * * * *

§ 212.19 Formula No. 3–A.

* * * * *

(b) * * *

(2) As a raw material:

530. Ethylamines.
540. Dyes and intermediates.

* * * * *

§ 212.23 Formula No. 12–A.

* * * * *

(b) * * *

(2) As a raw material:

* * * * *

530. Ethylamines.
540. Dyes and intermediates.

* * * * *

PAR. 4. In § 212.30, paragraph (b)(1) is amended to insert, in numerical order, a new authorized use—code 244. As amended, paragraph (b)(1) reads as follows:

§ 212.30 Formula No. 23–A.

* * * * *

(b) *Authorized uses.* (1) As a solvent:

* * * * *

244. Antiseptic solutions (U.S.P. or N.F.).

* * * * *

PAR. 5. In § 212.39, paragraph (a) is revised to provide for an alternate denaturant, and to specify the number of copies of the required application, and paragraph (b)(1) is amended by inserting, in numerical order, a new authorized use—code 511, and by deleting the parenthetical phrases "(for rubber processing)" and "(ethylamines)" from code 530 and code 540, respectively. As amended, paragraphs (a) and (b)(1) read as follows:

§ 212.39 Formula No. 29.

(a) *Formula.* To every 100 gallons of alcohol add:

One gallon of 100 percent acetaldehyde or 5 gallons of an alcohol solution of acetaldehyde containing not less than 20 percent

acetaldehyde, or 1 gallon of ethyl acetate having an ester content of 100 percent, or, where approved by the Director as to material and quantity, not less than 6.8 pounds if solid, or 1 gallon if liquid, of any chemical. Where material other than acetaldehyde or ethyl acetate is proposed to be used, an application therefor shall be submitted, in sextuplet, to the Director. The applicant shall furnish the Director with specifications, assay methods, and duplicate 8-ounce samples of such other material.

(b) *Authorized uses.* (1) As a raw material:

511. Vinegar.

• • • • •

530. Ethylamines.
540. Dyes and intermediates.

• • • • •

PAR. 6. In § 212.40, paragraph (b)(1) is amended to insert, in numerical order, new authorized uses—code 011 and code 012. As amended, paragraph (b)(1) reads as follows:

§ 212.40 Formula No. 30.

• • • • •

(b) *Authorized uses.* (1) As a solvent:

011. Cellulose coatings.
012. Synthetic resin coatings.

• • • • •

PAR. 7. In § 212.46, paragraph (b)(2) is amended by deleting the parenthetical phrases "(for rubber processing)" and "(ethylamines)" from code 530 and code 540, respectively. As amended, paragraph (b)(2) reads as follows:

§ 212.46 Formula No. 36.

• • • • •

(b) • • •

(2) As a raw material:

530. Ethylamines.
540. Dyes and intermediates.

• • • • •

PAR. 8. In § 212.48, paragraph (a) is amended to correct the spelling of the word "Anethole" and to clarify requirements relating to the proposed use of substitute denaturants. As amended, paragraph (a) reads as follows:

§ 212.48 Formula No. 38–B.

(a) *Formula.* To every 100 gallons of alcohol add:

Ten pounds of any one, or a total of 10 pounds of two or more, of the oils and substances listed below:

Anethole, U.S.P.

• • • • •

Where it is shown that none of the above single denaturants or combinations can be used in the manufacture of a particular product, application (in duplicate) may be submitted to the Director, requesting permission to use another essential oil or substance having denaturing properties satisfactory to the Director. In such case the applicant shall furnish the Director with specifications, assay methods, and duplicate 8-ounce samples of the denaturant for examination.

• • • • •

PAR. 9. In § 212.55, paragraph (b)(1) is amended to include an additional class of product in code 122. As amended, paragraph (b)(1) reads as follows:

§ 212.55 Formula No. 39–C.

• • • • •

(b) *Authorized uses.* (1) As a solvent:

• • • • •

122. Toilet waters and colognes.

• • • • •

PAR. 10. Section 212.57 is amended by revising paragraph (a)(1) and by deleting paragraph (a)(2). As amended, § 212.57 reads as follows:

§ 212.57 Formula No. 40.

(a) *Formula.* To every 100 gallons of alcohol add:

One and one-half avoirdupois ounces of brucine (alkaloid), or brucine sulfate (N.F. IX), or quassin, or one and one-half avoirdupois ounces of any combination of two or of three of those denaturants, and ⅛ gallon of *tert.*-butyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

051. Polishes.
111. Hair and scalp preparations.
112. Bay rum.
113. Lotions and creams (hand, face, and body).
114. Deodorants (body).
121. Perfumes and perfume tinctures.
122. Toilet waters and colognes.
141. Shampoos.
142. Soaps and bath preparations.
210. External pharmaceuticals (not U.S.P. or N.F.).
410. Disinfectants, insecticides, fungicides, and other biocides.
450. Cleaning solutions (including household detergents).
470. Theater sprays, incense, and room deodorants.
482. Miscellaneous dye solutions.
485. Miscellaneous solutions.

PAR. 11. Section 212.58 is amended to require 1 pound of sucrose octaacetate instead of 5 pounds and to include codes 051, 450, and 482 in the list of authorized uses. As amended, § 212.58 reads as follows:

§ 212.58 Formula No. 40–A.

(a) *Formula.* To every 100 gallons of alcohol add:

One pound of sucrose octaacetate and ⅛ gallon of *tert.*-butyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

051. Polishes.
111. Hair and scalp preparations.
112. Bay rum.
113. Lotions and creams (hand, face, and body).
114. Deodorants (body).
121. Perfumes and perfume tinctures.
122. Toilet waters and colognes.
141. Shampoos.
142. Soaps and bath preparations.
210. External pharmaceuticals (not U.S.P. or N.F.).
410. Disinfectants, insecticides, fungicides, and other biocides.
450. Cleaning solutions (including household detergents).
470. Theater sprays, incense, and room deodorants.
482. Miscellaneous dye solutions.
485. Miscellaneous solutions.

PAR. 12. New §§ 212.58a and 212.58b, providing two new formulas for specially denatured alcohol, are inserted immediately following § 212.58. New §§ 212.58a and 212.58b read as follows:

§ 212.58a Formula No. 40–B.

(a) *Formula.* To every 100 gallons of alcohol add:

One-sixteenth avoirdupois ounce of denatonium benzoate, N.F., (Bitrex) and ⅛ gallon of *tert.*-buyti alcohol.

(b) *Authorized uses.* (1) As a solvent:

051. Polishes.
111. Hair and scalp preparations.
112. Bay rum.
113. Lotions and creams (hand, face, and body).
114. Deodorants (body).
121. Perfumes and perfume tinctures.
122. Toilet waters and colognes.
141. Shampoos.
142. Soaps and bath preparations.
210. External pharmaceuticals (not U.S.P. or N.F.).
410. Disinfectants, insecticides, fungicides, and other biocides.
450. Cleaning solutions (including household detergents).
470. Theater sprays, incense, and room deodorants.
482. Miscellaneous dye solutions.
485. Miscellaneous solutions.

§ 212.58b Formula No. 40–C.

(a) *Formula.* To every 100 gallons of alcohol add:

Three gallons of *tert.*-butyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

051. Polishes.
111. Hair and scalp preparations.
112. Bay rum.
113. Lotions and creams (hand, face, and body).
114. Deodorants (body).
121. Perfumes and perfume tinctures.
122. Toilet waters and colognes.
141. Shampoos.
142. Soaps and bath preparations.
210. External pharmaceuticals (not U.S.P. or N.F.).
410. Disinfectants, insecticides, fungicides, and other biocides.
450. Cleaning solutions (including household detergents).
470. Theater sprays, incense, and room deodorants.
482. Miscellaneous dye solutions.
485. Miscellaneous solutions.

(c) *Conditions governing use.* This formula shall be used only in the manufacture of products which will be packaged in pressurized containers in which the liquid contents are in intimate contact with the propellant and from which the contents are not easily removable in liquid form.

PAR. 13. Section 212.65 is amended to provide for the submission of an application, in duplicate, for a variation from specifications or for the use of substitute denaturants. As amended, § 212.65 reads as follows:

§ 212.65 General.

Denaturants prescribed in this part shall comply with the specifications set forth in this subpart: *Provided*, That in order to meet requirements of national defense or for other valid reasons, the Director may, pursuant to application, in duplicate, authorize variations from such specifications or authorize the use of substitute denaturants where such variation or substitution will not jeopardize the revenue.

§ 212.69a [Deleted]

PAR. 14. Section 212.69a is deleted.

PAR. 15. Section 212.94 is amended to provide for the use of a purer, whiter form of sucrose octaacetate having a higher melting point. As amended § 212.94 reads as follows:

§ 212.94 Sucrose octaacetate.

Sucrose octaacetate is an organic acetylation product occurring as a white or cream-colored powder having an intensely bitter taste.

Free acid (as acetic acid). Maximum percentage 0.15 by weight when determined by the following procedure: Dissolve 1.0 gram of sample in 50 ml. of neutralized ethyl alcohol (or SDA No. 3–A or No. 30) and titrate with 0.1 N sodium hydroxide using phenolphthalein indicator.

$$\text{Percent acid as acetic acid} = \frac{\text{ml. NaOH used} \times 0.6}{\text{weight of sample}}$$

Insoluble matter. 0.30 percent by weight maximum.

Melting point. Not less than 78.0° C.

Purity. Sucrose octaacetate 98 percent minimum by weight when determined by the following procedure: Transfer a weighed 1.50 gram sample to a 500 ml. Erlenmeyer flask containing 100 ml. of neutral ethyl alcohol (or SDA No. 3–A or No. 30) and exactly 50.0 ml. of 0.5 N sodium hydroxide. Reflux for 1 hour on a steam bath, cool and titrate the excess sodium hydroxide with 0.5 N sulfuric acid using phenolphthalein indicator.

$$\text{Percent sucrose octaacetate} = \frac{(\text{ml. NaOH} - \text{ml. } H_2SO_4) \times 4.2412}{\text{weight of sample}}$$

PAR. 16. In § 212.96, the next-to-last paragraph entitled "Specific gravity 15.56°/15.56° C." is amended to read as follows:

§ 212.96 Wood alcohol.

• • • • •

Specific gravity 15.56°/15.56° C. 0.8072 minimum.

• • • • •

PAR. 17. In § 212.105, various lines in the table, as listed below, are amended to conform the list of products, processes, and authorized formulas; and footnote No. 2 at the end of the table is amended to authorize laboratory use of various formulas in product development under Code 810. As amended, the changed lines in the table in § 212.105, and footnote No. 2 at the end thereof, read as follows:

§ 212.105 Listing of products and processes using specially denatured alcohol and rum and formulas authorized therefor.

• • • • •

USES OF SPECIALLY DENATURED ALCOHOL

Product or process	Code No.	Formulas authorized
• • •	• • •	• • •
Antiseptic solutions, U.S.P. or N.F.	244	23–A, 37, 38–B, 38–F.
Bath preparations	142	1, 3–A, 3–B, 23–A, 30, 36, 38–B, 39–B, 39–C, 40, 40–A, 40–B, 40–C.
Bay rum	112	23–A, 37, 38–B, 39, 39–B, 39–D, 40, 40–A, 40–B, 40–C.
Biocides, miscellaneous	410	1, 3–A, 3–B, 23–A, 23–H, 27–A, 27–B, 30, 37, 38–B, 39–B, 40, 40–A, 40–B, 40–C.
• • •	• • •	• • •
Cellulose coatings	011	1, 23–A, 30.
• • •	• • •	• • •
Cleaning solutions	450	1, 3–A, 23–A, 23–H, 30, 36, 39–B, 40, 40–A, 40–B, 40–C.
• • •	• • •	• • •
Colognes	122	38–B, 39, 39–A, 39–B, 39–C, 40, 40–A, 40–B, 40–C.
• • •	• • •	• • •
Deodorants (body)	114	23–A, 38–B, 39–B, 39–C, 40, 40–A, 40–B, 40–C.
Detergents, household	450	1, 3–A, 23–A, 23–H, 30, 36, 39–B, 40, 40–A, 40–B, 40–C.
• • •	• • •	• • •
Disinfectants	410	1, 3–A, 3–B, 23–A, 23–H, 27–A, 27–B, 30, 37, 38–B, 39–B, 40, 40–A, 40–B, 40–C.
• • •	• • •	• • •
Dye solutions, miscellaneous.	482	1, 3–A, 23–A, 30, 39–C, 40, 40–A, 40–B, 40–C.
• • •	• • •	• • •
Ethylamines	530	1, 2–B, 2–C, 3–A, 12–A, 29, 36.
• • •	• • •	• • •
External pharmaceuticals (not U.S.P. or N.F.).	210	23–A, 23–F, 23–H, 27–A, 27–B, 36, 37, 38–B, 38–F, 39–B, 40, 40–A, 40–B, 40–C.
• • •	• • •	• • •
Fungicides	410	1, 3–A, 3–B, 23–A, 23–H, 27–A, 27–B, 30, 37, 38–B, 39–B, 40, 40–A, 40–B, 40–C.
• • •	• • •	• • •
Hair and scalp preparations.	111	3–B, 23–A, 23–F, 23–H, 37, 38–B, 39, 39–A, 39–B, 39–C, 39–D, 40, 40–A, 40–B, 40–C.
• • •	• • •	• • •
Incense	470	2–A, 22, 37, 38–B, 39–B, 39–C, 40, 40–A, 40–B, 40–C.
• • •	• • •	• • •
Insecticides	410	1, 3–A, 3–B, 23–A, 23–H, 27–A, 27–B, 30, 37, 38–B, 39–B, 40, 40–A, 40–B, 40–C.
• • •	• • •	• • •
Lotions and creams (body, face, and hand).	113	23–A, 23–H, 31–A, 37, 38–B, 39, 39–B, 39–C, 40, 40–A, 40–B, 40–C.
• • •	• • •	• • •
Perfumes and perfume tinctures.	121	38–B, 39, 39–B, 39–C, 40, 40–A, 40–B, 40–C.
• • •	• • •	• • •
Polishes	051	1, 3–A, 30, 40, 40–A, 40–B, 40–C.
• • •	• • •	• • •
Resin coatings, synthetic	012	1, 23–A, 30.
• • •	• • •	• • •
Room deodorants	470	2–A, 22, 37, 38–B, 39–B, 39–C, 40, 40–A, 40–B, 40–C.
• • •	• • •	• • •
Shampoos	141	1, 3–A, 3–B, 23–A, 27–B, 31–A, 36, 38–B, 39–A, 39–B, 40, 40–A, 40–B, 40–C.
• • •	• • •	• • •
Soaps, toilet	142	1, 3–A, 3–B, 23–A, 30, 36, 38–B, 39–B, 39–C, 40, 40–A, 40–B, 40–C.
• • •	• • •	• • •
Solutions, miscellaneous	485	1, 3–A, 23–A, 30, 39–B, 40, 40–A, 40–B, 40–C.
• • •	• • •	• • •
Theater sprays	470	3–A, 22, 37, 38–B, 39–B, 39–C, 40, 40–A, 40–B, 40–C.
• • •	• • •	• • •
Toilet waters	122	38–B, 39, 39–A, 39–B, 39–C, 40, 40–A, 40–B, 40–C.
• • •	• • •	• • •
Vinegar	511	18, 29, 35–A.
• • •	• • •	• • •

[2] Formula No. 3–A and Formula No. 30 are authorized for general laboratory purposes under Code 810. All other formulas are authorized for laboratory use in specific product development under Code 810.

• • • • •

PAR. 18. In § 212.110, relating to the listing of authorized denaturants, the line for benzyldiethyl (2:6 xylylcarbamoyl methyl) ammonium benzoate (Bitrex (THS–839)) is deleted, several other lines as listed below are amended, and a new line for denatonium benzoate, N.F. (Bitrex), is inserted in alphabetical order. As amended, § 212.110 reads as follows:

§ 212.110 Listing of denaturants authorized for denatured spirits.

• • • • •

tert.-Butyl alcohol	S.D.A. 39; 39–A; 39–B; 40; 40–A; 40–B; 40–C.
• • •	• • •
Denatonium benzoate N.F. (Bitrex)	S.D.A. 40–B.
• • •	• • •
Ethyl acetate	S.D.A. 29; 35; 35–A.
• • •	• • •
Sucrose octaacetate	S.D.A. 40–A.

• • • • •

PAR. 19. In the table in § 212.115, the data on the lines for SDA Formulas Nos. 35[2] and 40–A are revised, and new lines showing data for new SDA Formulas Nos. 40–B and 40–C are added in numerical order. As amended, the table in § 212.115 reads as follows:

§ 212.115 Weights and specific gravities of specially denatured alcohol.

• • • • •

SDA Formula No.	Finished formula (gal.)	190° proof		192° proof		200° proof	
		Wt./gal. in air (pounds)	Sp. gr. in vac.	Wt./gal. in air (pounds)	Sp. gr. in vac.	Wt./gal. in air (pounds)	Sp. gr. in vac.
...	...	...	...	...	...	...	...
35 [1]	135.0	6.956	0.8355	6.933	0.8326	6.820	0.8186
...	...	...	...	...	...	...	...
40–A	100.2	6.798	.8164	6.765	.8125	6.613	.7943
40–B	100.1	6.794	.8160	6.761	.8120	6.610	.7939
40–C	103.0	6.788	.8153	6.756	.8114	6.609	.7938
...	...	...	...	...	...	...	...

[1] Calculated on the basis of 85 percent ethyl acetate.

[F.R. Doc. 68–8235; Filed, July 10, 1968; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

CORN PRODUCTS

Enforcement Regulations for Fair Packaging and Labeling Act; Proposed Exemption From Certain Requirements

Notice is given that the American Corn Millers' Federation, Washington, D.C., has submitted a petition requesting that the regulations for the enforcement of the Fair Packaging and Labeling Act (21 CFR Part 1) be amended to exempt corn meal, corn flour, and corn grits packaged: (1) In conventional 2-, 5-, 10-, 25-, 50-, and 100-pound bags from the requirement of § 1.8b(f) that the declaration of the net quantity of contents be placed within the bottom 30 percent of the principal display panel of the label and (2) in conventional 2-pound bags from the requirement of § 1.8b(j) that net contents or 1 pound or more and less than 4 pounds be declared dually (ounces and pounds).

Grounds given in the petition in support of the requested exemption are that consumers compare values of these products on a per pound basis and that rounded corners and edges which develop when such containers are filled may result in obscuring label information at the bottom of the package.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299, 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), it is proposed that § 1.1c(a) be amended by adding thereto a new subparagraph, as follows:

§ 1.1c **Exemptions from required label statements.**

• • • • • •

(a) *Foods.* • • •

( ) Corn flour and related products, as they are defined by §§ 15.500 through 15.514 of this chapter, packaged:

(i) In conventional 2-, 5-, 10-, 25-, 50-, and 100-pound bags are exempt from the placement requirement of § 1.8b(f) that the declaration of net contents be located within the bottom 30 percent of the area of the principal display panel of the label; and

(ii) In conventional 2-pound bags are exempt from the dual quantity of contents declaration requirement of § 1.8b(j) provided the quantity of contents is expressed in pounds.

• • • • •

All interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal within 60 days followng the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, and may be accompanied by a memorandum or brief in support thereof.

Dated: July 1, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–8244; Filed, July 10, 1968; 8:49 a.m.]

[21 CFR Parts 3, 131]

OVER-THE-COUNTER DENTURE RELINERS, REPAIR KITS, PADS, AND CUSHIONS

Further Extension of Time for Filing Comments on Proposed Statement of Policy and Warning Statement

The notice published in the FEDERAL REGISTER of April 4, 1968 (33 F.R. 5365), proposing a statement of policy and warning statement regarding over-the-counter denture reliners, repair kits, pads, and cushions, provided for the filing of comments within 30 days following its date of publication. Subsequently, notice was given in the FEDERAL REGISTER of May 11, 1968 (33 F.R. 7087), that the time for filing comments was extended to July 3, 1968.

The Commissioner of Food and Drugs has received a request for a further extension of such time and, good reason therefor appearing, the time for filing comments on the subject proposal is extended to August 8, 1968.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502 (a), (f), (j), 701(a); 52 Stat. 1050, 1051, 1055, 21 U.S.C. 352 (a), (f), (j), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 1, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–8245; Filed, July 10, 1968; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18244, RM–1144; FCC 68–702]

NONDISCRIMINATION IN EMPLOYMENT PRACTICES OF BROADCAST LICENSEES

Memorandum Opinion and Order and Notice of Proposed Rule Making

I. 1. On April 24, 1967, the Office of Communications, the Board for Homeland Ministries and the Committee for Racial Justice Now of the United Church of Christ filed a petition seeking our adoption of the following broadcast rule:

> No license shall be granted to any station which engages in discrimination in employment practices on the basis of race, color, religion, or national origin. Evidence of compliance with this section shall be furnished with each application for a license and annually during the term of each license upon prescribed forms.

2. Statements in support of or opposition to the petition were filed until July 14, 1967, and replies were filed until July 31, 1967. Comments were received from more than 35 groups and individuals, particularly religious, civil rights, and community action groups. All but one of the comments supported the United Church petition, although minor changes were suggested by some parties.[1] The sole objection was filed by the National Association of Broadcasters. The comments of the NAB were sympathetic to the basic goals of the petition but expressed reservations with regard to the proposed rule's reporting procedures and enforcement powers. The NAB position is that the Commission has not been granted regulatory power over civil rights and that Congress had delegated this function to the Equal Employment Opportunity Commission under Title VII of the Civil Rights Act of 1964.

3. In view of the nature of the petition, we have consulted with the other Federal agencies with specific responsibilities in this area—and particularly the Equal Employment Opportunities Commission (EEOC) and the Department of Justice. Such consultation, while consuming a considerable portion of time, has afforded us helpful insight. We refer here especially to the views of the Department, attached as Appendix A, Letter

[1] A shift from requiring filing reports to giving the Commission the power to request them was the primary suggestion.

of Assistant Attorney General Stephen J. Pollak, dated May 21, 1968. With this as background, we turn to the legal and policy issues raised by the petition.

4. *Legal and related policy considerations.* There is a national policy against discrimination in employment on the basis of race, religion, sex, or nationality. This is particularly embodied in section VII of the Civil Rights Act of 1964, which makes it unlawful for employers in an industry affecting interstate commerce who employ at least 25 persons (until July 2, 1968, the applicable minimum number of employees was 50) to discriminate because of "race, color, religion, sex or national origin" in the hiring, discharging, or training of employees, in fixing their terms and conditions of employment, including compensation, privileges, classification, and in other respects. The EEOC, created as an independent agency of the Federal Government, is responsible, among other things, for receiving complaints from persons aggrieved by an alleged unlawful discriminatory practice, notifying respondent employers, investigating the facts, permitting initial opportunity for resolution of the matter by any State or local authority empowered to act under a State statute making such discriminatory practice unlawful and, failing that, to determine whether there is "reasonable cause to believe that the charge is true" and to "endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion." Absent written consent of both parties, none of the foregoing proceedings may be made public.[2] Section 703 of the Civil Rights Act is also pertinent to our consideration of the pending rule making petition. It provides, in part, that an employer is not required to give preferential treatment on account of race, color, religion, sex, or national origin of an individual or group because of a disparity between the number of percentage of such persons on his employment rolls and the total number or percentage of such persons in any community, State section or other area, or in the available work force in any community.[3]

[2] EEOC is not empowered to enforce employer compliance, although it has proposed amendment of the Civil Rights Act to authorize it to issue cease and desist orders. The Act provides that if the Commission has been unable to secure voluntary compliance by the employer, it shall so notify the aggrieved person, who may bring a civil action for injunctive or affirmative relief in the U.S. District Court where the practice occurred, where pertinent employment records are kept, where the plaintiff would have worked except for the discriminatory practice or in some cases where the employer has his principal office. The Attorney General of the United States may intervene in such judicial proceedings or, where a pattern of employer resistance is found, may initiate judicial enforcement proceedings.

[3] Federal contractors and subcontractors and recipients of Federal financial assistance involving construction contracts are, except for exempted classes, subject to the requirement under Executive Order 11246, as amended, that pertinent contracts include undertakings that the party will not discriminate against any employee because of race, creed, color, religion, sex, or national origin. The Office of Federal Contract Compliance of the Department of Labor and contracting Federal agencies are responsible for compliance with Executive Order 11246. Compliance is sought initially by conference, conciliation, mediation, or persuasion. Preaward compliance reviews are conducted in the field in the case of larger contracts, compliance reports tailored to particular employers and situations are required of contractors, complaints are investigated, and provision is made for notice and opportunity for hearing on violations. Unlike the general case of employers coming within the Civil Rights Act, sanctions against offending contractors under Executive Order 11246 can be administratively applied by the withholding, suspension or termination of the Federal contract or assistance program and by listing the offender as ineligible for further contracts unless and until the offending situation is remedied. Additionally, enforcement action can be initiated by the Department of Justice.

5. A significant number of broadcast licensees come within the nondiscriminatory requirements of the Civil Rights Act. All with 25, or more employees who have been employed full time or on a regular (nonseasonal) part time basis for each working day in each of 20 or more calendar weeks of the current or preceeding year are subject to the nondiscriminatory employment requirements of the Civil Rights Act. On the basis of data compiled by the broadcast industry and summary employment figures reported in annual financial reports to the Commission, we estimate that 80 to 90 percent of the TV stations and 10 percent of the radio broadcast stations come within the nondiscriminatory employment requirements of the Civil Rights Act administered by EEOC.[4]

6. In addition to Federal requirements, employment discrimination on the grounds of race, color, religion, and national origin is unlawful under the statutes of over 30 States and ordinances of several major cities. In all but a few instances, designated State agencies are empowered to grant relief from prohibited discriminatory practices or seek it through civil or criminal proceedings. In most cases the minimum number of employees bringing an employer within such State statutes is smaller than the level of 25 applicable under the Civil Rights Act after July 2, 1968. Many range between two and eight. Under the Civil Rights Act, opportunity must initially be afforded for resolution of apparent Federal violations by State or local authorities having local jurisdiction. Federal legislation thus supplements, and does not supersede corresponding State and local law. In practice numerous cases are referred by EEOC to such non-Federal authorities. The aggregate number of broadcast stations outside EEOC's jurisdiction who come within State statutes or local ordinances is not known. It seems likely, however, that it would include most television stations and a substantial number of radio broadcast stations.

7. With the foregoing as background, we turn to the essential legal and related questions raised by the petition. The Commission can grant an application for a broadcast authorization only after finding that the "public interest, convenience and necessity" would be served thereby. See, e.g., sections 307 (a), (d), and 309(a) of the Communications Act, 47 U.S.C. 307 (a), (d), and 309(a). In making this determination the Commission may consider whether an applicant has violated the laws of the United States, F.C.C. v. American Broadcasting Co., 347 U.S. 190, 222, 224. See also Report on Establishment of Uniform Policy in Connection with Violations by an Applicant of Laws of the United States, 1 Pike & Fischer, Radio Regulation, Part Three, 91: 32 (Uniform Policy). Indeed, it would appear that the Commission has the duty to do so. See, Southern Steamship Co. v. N.L.R.B., 316 U.S. 31 (objectives of mutiny acts must be considered); City of Pittsburgh v. Federal Power Commission, 237 F. 2d 741 (C.A.D.C.) (policies of antitrust laws must be considered in making "public convenience and necessity" determinations). It follows that the Commission should take into account allegations raising substantial questions whether the applicant has violated, or is in violation of, the Civil Rights Act or a pertinent State law in this field. If a violation has been established, this clearly raises a question as to the applicant's qualifications to be a broadcast licensee—a matter which under our established practice, would be evaluated, on the facts of each case. See Uniform Policy, supra.

8. More important, even where no violation of a specific statute is established or alleged, specific allegations may raise serious public interest issues warranting a full hearing. See Uniform Policy, paragraph 15 at 91: 499; National Broadcasting Co. v. United States, 319 U.S. 190; Mansfield Journal Co. v. F.C.C., 180 F. 2d 28 (C.A.D.C.). This point is of crucial importance, and has two facets, with an underlying common thread—that broadcasting is a mass media form federally licensed to serve the public interest.

9. The first facet may be simply stated. There is the aforementioned national policy against discrimination in hiring. And here we note that this is a national

[4] An unascertained portion of the AM licensees whose auxiliary Emergency Broadcasting System facilities have been financed through Federal assistance are subject to nondiscriminatory employment undertakings set out in their contracts with contracting authorities in the Department of Defense (some Army and some Navy). The precise number so covered is not centrally ascertainable, as the contractual provisions are negotiated in individual cases by field offices of the Department according to their findings on the facts of each case as to whether exemptions apply. It is probable, however, that because some of the larger EBS stations come under the Civil Rights Act as well as Executive Order 11246, and also because not all contracts with EBS participants contain provisions relating to nondiscrimination employment practices, the EBS program does not substantially increase the number of radio broadcast stations subject to Federal prohibition of discrimination in their employment practices.

policy. The 25-employee prescription in the Civil Rights Act does not limit that national policy, and specifically, "Title VII was not intended to circumscribe the authority of Federal agencies other than the Equal Employment Opportunity Commission to regulate employment practices." See letter of Assistant Attorney General Pollak, Appendix A, pages 2–3. Second, there is the consideration that broadcasting is an important mass media form which, because it makes use of the airwaves belonging to the public, must obtain a Federal license under a public interest standard and must operate in the public interest in order to obtain periodic renewals of that license. When these two considerations are taken together—the national policy against discrimination and the nature of broadcasting—we simply do not see how the Commission could make the public interest finding as to a broadcast applicant who is deliberately pursuing or preparing to pursue a policy of discrimination—of violating the national policy. In this respect—a mass media service to the public which is based entirely on a Federal license under a public interest standard—the situation clearly parallels the Federal policy in contract awards. We stress that our holding is limited to the broadcast field of Federal licensing—the specific area raised by the petition before us.[5]

10. There is a second and related approach to support the proposition that allegations of discriminatory hiring practices go to the heart of operation in the public interest, and call for careful Commission scrutiny, whether or not a violation of Federal or State law may be involved. As stated, the broadcast licensee is a "public trustee" (Television Corp. of Michigan v. F.C.C., 244 F. 2d 730, 733–34 (C.A.D.C.); McIntire v. William Penn Broadcasting Co., 151 F. 2d 597 (C.A. 3), cert. den. 327 U.S. 779), who "• • • seeks and is granted the free and exclusive use of a limited and valuable part of the public domain; where he accepts that franchise it is burdened by enforceable public obligations." (United Church of Christ v. F.C.C., 359 F. 2d 994, 1003 (C.A.D.C.). One of the most important such obligations is to ascertain the needs and interests of his public to be served (Henry v. F.C.C., 302 F. 2d 191 (C.A.D.C.), cert. den., 371 U.S. 821) and to "• • • reasonably attempt to meet all such needs and interests on an equitable basis" (Report and Statement on Policy Re: Commission's En Banc Programing Inquiry, 25 F.R. 7291, 7295. In passing on a specific complaint in this area, the Commission stated:

• • • The applicant urges that it has never regarded Jackson as two communities, one white and one Negro; that rather it has designed its programing so as to be of interest to the entire area. There is no requirement that a licensee divide his programing so that, in Jackson for example, 55 percent would be of interest to the white community and 45 percent to the Negro, any more than there is a requirement that each minority group (e.g., Irish, Jewish, Polish, etc.) be afforded a specified portion of a Chicago TV station's time, proportionate to the group's percentage of the total Chicago population. Such a pattern of operation would be "broadcast segregation." Further, it would be based upon the false premise that network or local programing of general interest does not serve the needs and interests of the Negro or some other minority group.

But the applicant is incorrect in its assertion that the foregoing consideration is dispositive of the petitioner's contentions. A licensee's programing must be designed in good faith to serve his area. Thus, if a licensee had one rotating church program and never presented Negro churches even though they represented half the churches or population in the area, the obvious question is presented whether the licensee is seeking good faith to serve his area's needs or simply following or acquiescing in a deliberate exclusionary pattern. The same consideration would be true in other programing areas. If, for example, a licensee never sought to ascertain or serve the needs of predominantly Negro colleges in his area—even though there were a large number of such colleges—the question is presented whether the licensee can be said to be "equitably" and in good faith meeting his obligations under the public interest standard. See Report and Statement On Policy Re: Commission's En Banc Programing Inquiry, 20 Pike & Fischer, R.R. 1901. (In re Applications of Capitol Broadcasting Co., 38 FCC 1135, 1139.)

11. The same question is raised when a substantial charge is made that a licensee is deliberately discriminatory in his employment policies. A refusal to hire Negroes or persons of any race or religion clearly raises a question of whether the licensee is making a good faith effort to serve his entire public. Thus, it immediately raises the question of whether he is consulting in good faith with Negro community leaders concerning programing to serve the area's needs and interests. Indeed, the very fact of discriminatory hiring policies may effectively cut the licensee off from success in such efforts. We do not say that the one charge encompasses the other but rather that it constitutes clear cause for exploration by the Commission in the form of a more searching scrutiny of the application in this important respect, with the possible requirement of submission of a detailed showing or an evidentiary hearing.

12. In connection with these policy considerations, we note the following statement of Department of Justice (Appendix A, p. 4):

> Because of the enormous impact which television and radio have upon American life, the employment practices of the broadcasting industry have an importance greater than that suggested by the number of its employees. The provision of equal opportunity in employment in that industry could therefore contribute significantly toward reducing and ending discrimination in other industries. For these reasons I consider adoption of the proposed rule, or one embodying the same principles, a positive step which your Commission appears to have ample authority to take.

13. We conclude that a petition or complaint raising substantial issues of fact concerning discrimination in employment practices calls for full exploration by the Commission before the grant of the broadcast application before it. This is so whether or not the proposed rule were to be adopted. For, while adoption of our policy in rule form would invoke cease and desist procedures and forfeitures under sections 312, 503 of the Act, the matter is of such a serious nature as to call into question the basic grant of operating authority. See sections 307(a), 307(d), 309, 312(a), 47 U.S.C. 307(a), 307(d), 309, 312(a). Furthermore, the issue is one which would in almost all cases where a substantial showing is made, require a hearing for its resolution. Therefore, viewed simply from the aspect of a rule embodying the specific policy (but see pars. 14, 17 for other related considerations), the adoption of a rule would not appear to contribute greatly to the more effective and proper dispatch of the Commission's business (section 4(j) of the Communications Act). Compare U.S. v. Storer Broadcasting Co., 351 U.S. 290. Rather, we shall follow the policies delineated here and in our prior decisions, and shall process petitions or complaints directed to alleged violations of those policies. In view of the considerations set forth above, such petitions are most appropriately directed to an application for a construction permit or renewal of license. We appreciate, however, that a complainant with grounds to believe that there has been discrimination would be most likely to file the complaint promptly, and we will therefore entertain such complaints whenever filed. Specifically, where appropriate, they will be investigated (and/or referred to the appropriate agency) prior to the process of the renewal.

14. Securing evidence of compliance with our policy in each renewal application would essentially be a matter of revision of the renewal application form. But while compliance with the policy is a sine qua non for renewal, we question whether submission of a showing in this respect by every licensee is any more required than, for example, a showing that the licensee has complied with the fairness policy, also a sine qua non for renewal. Here, as in "fairness," we believe that what is critically called for is the careful examination of petitions or complaints raising substantial questions. In this connection, we should note that purely statistical information would not raise a substantial question of discrimination in particular cases, by itself, and we would not ordinarily feel justified in instituting proceedings solely on such a basis. The Commission's staff and resources are too limited.[6] However, we shall keep open this matter of requiring evidence of compliance, and specifically call for comments thereon in the notice of proposed rulemaking (see II, infra).

15. We shall proceed in the following manner:

(i) If a complaint raising a substantial issue of discrimination is received against a station with 25 or more employees, thus making the Civil Rights Act applicable, the Commission will refer the complaint to the EEOC, and will thereafter maintain appropriate liaison with that agency and the Department of Justice.[7] Insofar as this aspect of the matter is concerned, action on a major application would await resolution of the referral; if the results of the liaison indicate that there is a substantial issue, the application will be designated for hearing.

(ii) In the case of complaints pressed against stations which, while not covered by the Civil Rights Act, do come within State or local fair employment laws, the referral by the Commission would be to the appropriate state or local authority; and the same procedure as outlined above would be followed.

(iii) Where substantial complaints are lodged against stations which, due to the small number of their personnel or the absence of State legislation, fall under neither Federal nor State civil rights provisions, the Commission itself will act upon these complaints in accord with the above stated policy.

As to (i) and (ii) above, we wish to make clear that the referral will be of the employment discrimination aspect only. Scrutiny of any possible discrimination in licensee programing efforts would, of course, remain the responsibility of the Commission, and, where appropriate, the Commission would proceed immediately with its consideration and resolution of that facet of the matter.

16. We believe that by proceeding in this manner we can both husband our own limited resources, bring into play the expert agencies which are expressly charged with responsibilities in this area, and "avoid duplication of effort and any unnecessary burden upon broadcast licensees" (p. 4, letter of Assistant Attorney General Pollak). As a further matter, we do not anticipate any unmanageable workload since we would expect that broadcast licensees—as public trustees—will generally comply with this established national policy. If that judgment should prove incorrect and an unexpectedly burdensome workload result, we shall look to Congress for additional funds to carry out these responsibilities, and, in the absence of such funds, may have to take other appropriate action.

II. Notice of proposed rule making:

17. There is one aspect of the matter which does appear to warrant issuance of a notice of proposed rule making. We note that employers (including broadcast licensees) covered by the Civil Rights Act are required to post notices in their employment offices informing the applicant of the equal employment laws and of his right to contact the EEOC if he feels he has been the victim of discrimination. Since the national policy is fully applicable to broadcasting for the reasons stated, it appears that a similar notice would serve a useful purpose in case of those licensees not covered by the Civil Rights Act. Such notice could be posted in a prominent place in the employment office. Further, as to all broadcast licensees, we raise the question whether a similar notice should be placed in bold type on the employment application, in order to inform the prospective employee in this way also that discrimination is prohibited and that any person with grounds to believe that he or she has been discriminated against, should notify the Federal Communications Commission. To adopt such notice requirements, and to be in position to enforce them through section 312(b) and section 503 proceedings, calls for a rule. We therefore propose such a rule and request comments whether the proposed rule would serve the public interest. We stress that the proposed rule does not, of course, delay the application of the policy set forth in Part I. As stated, we also request comments on whether the basic policy should be embodied in a rule and a showing of compliance with the rule (e.g., the specifics of the licensee's equal opportunity program) should be submitted with the application for a construction permit, the assignee's or transferee's application and the application for renewal. Thus, the petition for rule making filed on April 24, 1967, is granted.

18. Authority for the proposed rule is contained in section 4(i), 303, 307, and 309 of the Communications Act of 1934.

19. All interested persons are invited to file written comments on the rule amendment proposed above on or before September 9, 1968, and reply comments on or before October 9, 1968. In reaching its decision in this matter, the Commission may also take into account any other relevant information before it, in addition to the comments invited by this notice.

20. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 17 copies of all comments, replies, pleadings, briefs, or other documents filed in this proceeding shall be furnished the Commission.

III. 21. We do not believe it appropriate to stop with the above. For, it is not just a matter of compliance with the national policy—of avoiding discriminatory practices when applicants come before the licensee. We believe that much more is called for, and that we would be derelict in our responsibility to "promote the larger and more effective use of radio" (section 303(g)), were we to stop with the above point. Therefore, while the foregoing covers the "enforceable public obligations" (United Church of Christ v. F.C.C., supra), we wish to bring to the licensee's attention a further and more important responsibility in this employment area—one of conscience.[8]

22. The nation is confronted with a serious racial crisis. It is acknowledged that the media cannot solve that crisis, but on all sides it has been emphasized that the media can contribute greatly in many significant respects, particularly to understanding by white and black of the nature of the crisis and the possible remedial actions, and that such understanding is a vital first and continuing step. See Report of the National Advisory Commission on Civil Disorders, p. 210. Thus, the report states that the media

> • • • have not communicated to the majority of their audience—which is white—a sense of the degradation, misery, and hopelessness of living in the ghetto. They have not communicated to whites a feeling for the difficulties and frustrations of being a Negro in the United States. They have not shown understanding or appreciation of—and thus have not communicated—a sense of Negro culture, thought, or history.

And, in our judgment, the report makes clear that of all the media, broadcasting is the most important in this respect because it is most turned to by the ghetto. See report, pp. 207–208.

23. If the broadcast media is to fully meet this obligation to communicate in the highest sense of that abused term, the report makes clear what is only common sense in this situation—that there must be greater use of the Negro in journalism, since the Negro journalist provides a most effective link with the ghetto:

> News organizations must employ enough Negroes in positions of significant responsibility to establish an effective link to Negro actions and ideas and to meet legitimate employment expectations. Tokenism—the hiring of one Negro reporter, or even two or three—is no longer enough. Negro reporters are essential, but so are Negro editors, writers, and commentators. Newspaper and television policies are, generally speaking, not set by reporters. Editorial decisions about which stories to cover and which to use are made by editors. Yet, very few Negroes in this country are involved in making these decisions, because very few, if any, supervisory editorial jobs are held by Negroes. We urge the news media to do everything possible to train and promote their Negro reporters to positions where those who are qualified can contribute to and have an effect on policy decisions.

It is not enough, though, as many editors have pointed out to the Commission to search for Negro journalists. Journalism is not very popular as a career for aspiring young Negroes. The starting pay is comparatively low and it is a business which has, until recently, discouraged and rejected them. The recruitment of Negro reporters must extend beyond established journalists, or those who have already formed ambitions along these lines. It must become a commitment to seek out young Negro men and women, inspire them to become—and then train them as—journalists. Training programs should be started at high schools and intensified at colleges. Summer vacation and part-time editorial jobs, coupled with offers

[5] Thus, we are not extending the above holding to an area such as safety and special services. We note that the Uniform Policy may well have different applicability in an area such as safety and special services, where radio is used as an adjunct to some industrial or safety purpose.

[6] Such information would be of interest on an overall basis and should be collected. We understand that EEOC obtains annual racial "profile" data, not as an enforcement tool, but primarily as a fund of statistical information and indication of major problem areas. We believe that we should have such a "profile" of the broadcast industry, and will therefore request that a copy of E.E.O. Form No. 1 be transmitted to the Commission with the renewal form; we will also explore the desirability of obtaining identical information from broadcast licensees not subject to the EEOC reporting requirement. This would give us complete data as to this important medium, and might be useful in individual cases.

[7] We shall also, as requested, refer to the Department of Justice in any case in which there is reasonable cause to believe that a licensee is engaged in a pattern or practice of discrimination (Appendix A, p. 5).

[8] This discussion in Point III does not deal with questions of the licensee's obligations in the area of fairness and of ascertaining and serving the needs and interests of his public. See paragraphs 10–12, supra.

of permanent employment, can awaken career plans.

24. Thus, we stress that simply to comply with the requirements of the national policy—to say, "We can't find qualified Negroes"—is not enough. What is called for is a commitment going beyond the letter of the policy and attuned to its spirit and the demands of the times. That, we believe, is the most important and urgent message of this document—and not the holding in Part I.

25. The same considerations are applicable to the case of the Negro in specific programing. This is not a matter on which this Commission can appropriately intervene. The judgment as to whether to use one performer or another or a particular script approach in a particular program is wisely one beyond the jurisdiction of this Commission. Rather, all we do is again raise the question in context of the conscience of the broadcaster at this juncture of our national affairs. We call his attention specifically to the following portion of the report (p. 212):

Finally, the news media must publish newspapers and produce programs that recognize the existence and activities of the Negro, both as a Negro and as part of the community. It would be a contribution of inestimable importance to race relations in the United States simply to treat ordinary news about Negroes as news of other groups is now treated.

• • • Television should develop programing which integrates Negroes into all aspects of televised presentations. Television is such a visible medium that some constructive steps are easy and obvious. While some of these steps are being taken, they are still largely neglected. For example, Negro reporters and performers should appear more frequently—and at prime time—in news broadcasts, on weather shows, in documentaries, and in advertisements. Some effort already has been made to use Negroes in television commercials. Any initial surprise at seeing a Negro selling a sponsor's product will eventually fade into routine acceptance, an attitude that white society must ultimately develop toward all Negroes.

In addition to news-related programing, we think that Negroes should appear more frequently in dramatic and comedy series. Moreover, networks and local stations should present plays and other programs whose subjects are rooted in the ghetto and its problems.

26. We stress that we are not condemning the broadcast media for past actions or neglect. It is fruitless to focus on the past. Nor are we implying that broadcasters and others are not presently engaged in meeting the challenge set out in the report. We recognize that many are and have already made notable contributions. The thrust of our message is that the nation requires a maximum effort in this vital undertaking and to call upon all broadcasters to make as great a contribution as they can. We stand ready fully to cooperate, as appropriate, in industry endeavors to achieve this important goal.

27. A copy of this document and a copy of the full text of Chapter 15 of the Report of the National Advisory Commission on Civil Disorders will be mailed to the licensee of every broadcast station.

Adopted: July 3, 1968.

Released: July 5, 1968.

FEDERAL COMMUNICATIONS COMMISSION,*

[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX A

DEPARTMENT OF JUSTICE

Honorable ROSEL H. HYDE,
Chairman,
Federal Communications Commission,
Washington, D.C. 20554.

MAY 21, 1968.

DEAR MR. CHAIRMAN: Please refer to the request of your General Counsel for our views as to the legal authority for, and the desirability of, the rule proposed by the United Church of Christ, which seeks to prohibit discrimination based upon race, color, religion, or national origin in employment practices by broadcast licenses (RM–114). We will discuss the question of authority first, and will then address ourselves to the policy considerations.

1. The powers of the Commission under the Federal Communications Act (47 U.S.C. 151 et seq.) to grant, continue, and renew broadcast licenses are of course based upon its determination of what serves the "public convenience, interest, or necessity" (47 U.S.C. 309(a), (307)). The Commission also has broad authority to perform any act, conduct any investigation, make any rule, and issue and enforce any order necessary to effectuate the provisions of the Act (§§ 154(i), 303(r), (403)).

Because a broadcast license permits the licensee to make use of the airwaves, the grant or renewal of a broadcast license in effect confers upon a private person or corporation an exclusive right to enjoy the use of a part of the public domain. Accordingly, it has become well-established that a broadcast licensee is a "trustee" for the public and that the Commission may refuse to renew his license if he has failed to act in the public interest. Television Corp. of Michigan v. FCC, 294 F. 2d 730, 733–34 (D.C. Cir., 1961); McIntire v. Wm. Penn Broadcasting Co., 151 F. 2d 597, 599 (3d Cir., 1945), cert. den., 327 U.S. 779 (1946). For the same reason the Commission may examine the character of a licensee and deny or revoke his license if he is deceitful or untrustworthy. FCC v. WOKO, 329 U.S. 223 (1946); Office of Communication of United Church of Christ v. FCC, 359 F. 2d 994, 1003 (D.C. Cir., 1966).

Judicial decisions also make it clear that the statutory criteria of public interest, convenience, and necessity leave wide discretion, FCC v. RCA Communications, Inc., 346 U.S. 86, 90 (1953); FCC v. Pottsville Broadcasting Co., 309 U.S. 134, 137–8 (1940), that the FCC has "expansive powers," National Broadcasting Co. v. U.S., 319 U.S. 190, 218–219 (1943), and that where a potential licensee violates a general policy of the United States he may be denied a license, Mansfield Journal Co. v. FCC, 180 F. 2d 28, 33–34 (D.C. Cir., 1950).

Nondiscrimination in employment is of course a national policy of high priority. Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq.; Executive Order 11246, 30 F.R. 12319, Sept. 24, 1965. The Commission could reasonably conclude that violation of that policy by a broadcast licensee does not serve the public convenience, need or interest. Moreover, while there are no cases directly in point, the use of the public domain would appear to confer upon broadcast licensees enough of a "public" character to permit the Commission to require the licensee to follow the constitutionally grounded obligation not to discriminate on the grounds of race, color, or national origin. See, Burton v. Wilmington, 365 U.S. 715 (1961).

We are advised that approximately 80 percent of television licensees and 10–12 percent of radio licensees employ 25 or more persons. Title VII of the Civil Rights Act of 1964 now applies to many of those licensees, and by July 2, 1968, will apply to all licensees employing 25 or more persons. Section 701(b), 42 U.S.C. 2000e(b). However, Title VII was not intended to circumscribe the authority of Federal agencies other than the Equal Employment Opportunity Commission to regulate employment practices. 110 Cong. Rec. 13650–52 (June 12, 1964); 110 Cong. Rec. 13085 et seq. (June 9, 1964). On the contrary, the nondiscrimination requirements of Title VII, like the laws of the more than 25 States which prohibit discrimination by employers having fewer than 25 employees, would appear to reinforce the Commission's authority to prohibit such discrimination, under the settled doctrine that each applicant for a license must be law-abiding. FCC v. American Broadcasting Co., 347 U.S. 284, 289–290n (1954).

While we are not aware of any rules or decisions of other regulatory agencies which deal with nondiscrimination in employment, by licensees, such agencies have been permitted or required to prohibit racial discrimination by those they license or certify. Boynton v. Virginia, 364 U.S. 454 (1960), and cases cited; Discrimination in Operation of Interstate Motor Carriers of Passengers, 86 ICC (M.C. Cases) 743 (1961); Hughes Tool, 147 NLRB 1573 (1964); Local 12, United Rubber Workers v. NLRB, 368 F. 2d 12 (5th Cir. 1966) cert. den., 36 Law Week 3144 (Oct. 10, 1967). See also, Colorado Anti-Discrimination Comm. v. Continental Air Lines, 372 U.S. 714, 723 (1963).

Accordingly, in our view your Commission has authority to promulgate a rule or policy, such as that proposed by the United Church of Christ, which would prohibit racial discrimination in the employment practices of broadcast licensees.

2. You have specifically requested our views on the policy considerations underlying the proposed rule. I have the following comments on that regard. Two policy considerations might be advanced against promulgation of the proposed rule. The first is that approximately 80 percent of television and 10–12 percent of the radio licensees are (or will be by July 2, 1968) subject to the nondiscrimination requirements of Title VII of the Civil Rights Act of 1964; and that the efforts of the Commission to enforce the proposed rule would duplicate those of the Equal Employment Opportunity Commission (and the Department of Justice) to enforce Title VII, and would unduly burden and harass the members of the broadcast industry. However, EEOC's primary function is to attempt to conciliate complaints of alleged discrimination. It has no cease and desist power, its investigative resources are very limited, and it has a large backlog of complaints which it has not yet been able to investigate. We have been advised by EEOC that it would welcome adoption of the proposed rule. Similarly, this Department's ability to obtain enforcement of Title VII is limited by the need to prove discrimination and obtain relief on a case by case basis.

Your Commission's authority to inquire into the facts and to act upon license applications and renewals would afford it effective means of obtaining nondiscriminatory practices by broadcast licensees, even though it does not have the staff to make frequent compliance reviews. Thus, in addition to providing nondiscrimination coverage to many licensees not presently within the terms of Federal or State statutes, the proposed rule would provide a significant added incentive toward compliance by broadcast licensees with existing provisions of law. Arrangements between your Commission and EEOC should be made to avoid duplication of effort and any unnecessary burden upon broadcast licensees.

A second argument against the proposed rule might be that the Commission should concern itself with broadcasting, and not with matters of racial or other discrimination. In view of the national policy against such discrimination, the critical importance of reducing it as soon as possible, and the responsibility the Commission has to encourage and require the broadcasting industry to serve the public interest, I do not believe that this contention should be given substantial weight.

Because of the enormous impact which television and radio have upon American life, the employment practices of the broadcasting industry have an importance greater than that suggested by the number of its employees. The provision of equal opportunity in employment in that industry could therefore contribute significantly toward reducing and ending discrimination in other industries. For these reasons I consider adoption of the proposed rule, or one embodying the same principles, a positive step which your Commission appears to have ample authority to take.

3. We would urge that any proposed rule, in addition to providing for the Commission's normal sanctions, contain a provision which permits the Commission to refer to the Department of Justice any case in which there is reasonable cause to believe that a licensee is engaged in a pattern or practice of discrimination.

Please do not hesitate to contact us if we can be of further assistance.

Sincerely,

STEPHEN J. POLLAK,
Assistant Attorney General,
Civil Rights Division.

[F.R. Doc. 68–8229; Filed, July 10, 1968; 8:47 a.m.]

* Commissioner Wadsworth concurring in the result.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I–2088]

IDAHO

Notice of Classification of Public Lands for Multiple-Use Management; Correction

JULY 3, 1968.

In F.R. Doc. 68–7264, filed June 19, 1968, appearing on page 9121 of the issue for June 20, 1968, the following correction should be made: "T. 2 N., R. 4 W., Secs. 28 to 33 inclusive", should read:

T. 2 N., R. 4 W.,
Sec. 29, W½;
Secs. 30, 31, 32, and 33.

JOE T. FALLINI,
State Director.

[F.R. Doc. 68–8191; Filed, July 10, 1968; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

OLIVES GROWN IN CALIFORNIA

Findings and Determinations With Respect to Continuation of Marketing Order

Pursuant to the applicable provisions of Order No. 932 (7 CFR Part 932), regulating the handling of olives grown in California, and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), notice was given in the FEDERAL REGISTER (33 F.R. 7888) that a referendum would be conducted among the producers who, during the current crop year beginning September 1, 1967 (which period was determined to be a representative period for the purposes of such referendum), were engaged, in the State of California, in the production of olives for market to determine whether such producers favor continuation of said marketing order.

Upon the basis of the results of the aforesaid referendum, which was conducted during the period June 15 to June 24, 1968, both dates inclusive, it is hereby found and determined that 50 percent of the producers, by number or volume of production represented in the referendum, do not favor termination of the marketing order.

Dated: July 5, 1968.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 68–8194; Filed, July 10, 1968; 8:45 a.m.]

Federal Crop Insurance Corporation

MANAGER

Notice of Basic Compensation

Pursuant to the provisions of section 309 of the Federal Employees Salary Act of 1964 (Public Law 88–426), notice is hereby given that the basic compensation for the position of Manager of the Federal Crop Insurance Corporation of the U.S. Department of Agriculture, will be adjusted to $28,000 per annum effective July 14, 1968.

Done at Washington, D.C., this eighth day of July 1968.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 68–8195; Filed, July 10, 1968; 8:45 a.m.]

Office of the Secretary

OHIO AND IOWA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Ohio and Iowa, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

OHIO

Adams.	Jackson.
Athens.	Lake.
Clermont.	Lawrence.
Crawford.	Meigs.
Gallia.	Scioto.
Hamilton.	Vinton.
Hocking.	Washington.

IOWA

Boone.	Emmet.
Dickinson.	Osceola.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this fifth day of July 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68–8196; Filed, July 10, 1968; 8:45 a.m.]

EXTRA LONG STAPLE COTTON

Determination of Surplus Supply

Section 3, Public Law 88–638 (7 U.S.C. 1852a) provides that "Notwithstanding any other provision of law, the Commodity Credit Corporation, in order to encourage exports of extra long staple cotton which is in surplus supply at competitive world prices, is directed to offer for sale, whenever extra long staple cotton is in surplus supply, any extra long staple cotton owned by it (except stocks released from the stockpile established pursuant to the Strategic and Critical Materials Stockpiling Act, as amended) at prices not in excess of the prices at which cotton of comparable quality is being offered by other exporting countries, on condition that such cotton be exported or that an equal quantity of extra long staple cotton will be exported within the period specified by the Secretary of Agriculture. The Commodity Credit Corporation may accept bids in excess of the maximum prices specified herein but shall not reject bids at such maximum prices unless a higher bid is received for the same cotton. The Secretary of Agriculture shall make a determination of the amount, if any, of extra long staple cotton which is in surplus supply for the 1964–65 marketing year not later than 30 days after the effective date of this section and for each succeeding marketing year not later than 30 days prior to the beginning of each such marketing year. Extra long staple cotton shall be deemed to be in surplus supply whenever the Secretary of Agriculture determines that the total supply of such cotton (under the formula for determining the 'total supply' of cotton specified in section 301(b)(16)(C) of the Agricultural Adjustment Act of 1938, as amended, but not including cotton released from such stockpile) is in excess of estimated domestic consumption and estimated exports of such cotton excluding estimated exports made under the authority of this section, plus an allowance for carryover equal to 50 per centum of such estimated consumption and exports. Exports hereunder shall be excluded in making any determination with respect to national marketing quotas under the Agricultural Adjustment Act of 1938, as amended. Nothing herein shall preclude the Corporation from accepting bids which may be made at higher than world prices."

The latest available information and statistics for extra long staple cotton for the 1968–69 marketing year are as follows:

A. *Total supply of extra long staple cotton.*

	Bales
1. Estimated carryover August 1, 1968 (excluding cotton released from the stockpile)	206,000
2. Estimated production	77,000
3. Estimated imports	85,000
4. Total supply	368,000

B. *Disappearance plus allowance for carryover.*

	Bales
1. Estimated domestic consumption	120,000
2. Estimated exports (excluding exports which cannot be taken into account in this determination)	0
3. Total estimated consumption and exports	120,000
4. Allowance for a carryover (120,000 times 50 percent)	60,000
5. Estimated domestic consumption and exports plus allowance for carryover	180,000

C. *Surplus supply determination.*

	Bales
1. Total supply	368,000
2. Estimated domestic consumption and exports plus allowance for carryover	180,000
3. Surplus supply for the 1968–69 marketing year (368,000–180,000)	180,000

Pursuant to the provisions of Public Law 88–638, the surplus supply of extra long staple cotton for the 1968–69 marketing year is hereby determined to be 188,000 bales.

(Sec. 3, 78 Stat. 1038; 7 U.S.C. 1852a)

Signed at Washington, D.C., on July 8, 1968.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 68–8237; Filed, July 10, 1968; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S–213]

OCEANIC STEAMSHIP CO.

Amended Notice of Hearing

The notice appearing in the FEDERAL REGISTER issue of June 26, 1968 (33 F.R. 9351), concerning a public hearing to be held July 23, 1968, with respect to an application, dated October 18, 1967, filed by the Oceanic Steamship Co. for a waiver under section 804 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1222), to permit its parent company, Matson Navigation Co., to engage in certain activities in connection with Trans-Pacific foreign commerce operations under a Basic Shoreside Container Service Agreement, No. FMC 9626, with Nippon Yusen Kaisha, a competitive Japanese-flag company, is hereby modified in the following respects:

(1) To reflect an amendment to the aforesaid application which adds thereto a request for a waiver under section 804 "to permit container vessels of Nippon Yusen Kaisha, a Japanese-flag line and container vessels of Showa Shipping Co., a Japanese-flag line, to use, on or after July 1, 1968, the facilities and equipment of the container piers, container yards and container freight stations and the services of Matson Navigation Co. and Matson Terminals, Inc., on the Pacific Coast of North America (which term shall be deemed to include Hawaii) pursuant to the provisions of said Agreement, No. FMC 9626."

(2) By changing the date "July 12, 1968" wherever it appears therein to "July 15, 1968."

In all other respects the aforesaid notice remains unchanged.

Dated: July 9, 1968.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 68–8282; Filed, July 10, 1968; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

TOLONIUM CHLORIDE TABLETS

Drugs for Human Use; Drug Efficacy Study Implementation Announcement

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Tolonium chloride marketed as Blutene Chloride tablets (100 milligrams) by Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064.

The Academy evaluated this drug as ineffective for its one indication, dysfunctional uterine bleeding. The Food and Drug Administration concurs in that evaluation. Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of the new-drug application for this drug.

Prior to initiating such action, however, the Commissioner invites the holder of the new-drug application for this drug and any interested person who may be adversely affected by removal of this drug from the market to submit any pertinent data bearing on the proposal within 30 days following the date of publication of this notice in the FEDERAL REGISTER. Any data should be addressed to the Special Assistant for Drug Efficacy Study Implementation, Bureau of Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This announcement of the proposed action and implementation of the NAS–NRC report for this drug is made to give notice to persons who might be adversely affected by withdrawal of this drug from the market. Promulgation of an order withdrawing approval of the new-drug application will cause any such drug on the market to be a new drug for which an approved new-drug application is not in effect and will make it subject to regulatory action.

The holder of the new-drug application for this drug has been mailed a copy of the NAS–NRC report. Any interested person may obtain a copy of the NAS–NRC report on tolonium chloride tablets by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and delegated to the Commissioner (21 CFR 2.120).

Dated: July 2, 1968.

WINTON B. RANKIN,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 68–8246; Filed, July 10, 1968; 8:49 a.m.]

COMBINATION DRUG CONTAINING PIPERIDOLATE HYDROCHLORIDE, ASCORBIC ACID, AND HESPERIDIN COMPLEX

Drugs for Human Use, Drug Efficacy Study Implementation Announcement

The Food and Drug Administration has evaluated a report from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Dactil-OB tablets containing piperidolate hydrochloride (100 milligrams), ascorbic acid (50 milligrams), and hesperidin complex (50 milligrams), and marketed by Lakeside Laboratories, 1707 East North Avenue, Milwaukee, Wis. 53201.

The Academy report states that this product may possibly be effective; however, the Academy also states that the claims made for the drug—as an aid in the prevention of premature delivery, to increase the chances of fetal survival, to prolong gestation, and to reduce bed rest requirements—are considered inappropriate in the absence of sound documentation for such claims.

The Food and Drug Administration concurs in the opinion that the claims are inappropriate unless there is sound documentation substantiating such indications. The holder of the new-drug application for this drug is invited to submit within 60 days following the date of publication of this notice in the FEDERAL REGISTER documentation (not previously submitted) adequate to support the representations made for the product.

The holder of the new-drug application for this drug has been mailed a copy of the NAS–NRC report. Any interested person may obtain a copy of the NAS–NRC report on Dactil-OB by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

Any written comments on this announcement may be addressed to the Special Assistant for Drug Efficacy Study Implementation, Bureau of Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the authority vested in the Secretary of

Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 2, 1968.

WINTON B. RANKIN,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 68–8247; Filed, July 10, 1968; 8:49 a.m.]

AMERICAN CYANAMID CO.

Notice of Withdrawal of Petition for Food Additive Diethylcarbamazine

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540, has withdrawn its petition, notice of which was published in the FEDERAL REGISTER of May 17, 1966 (31 F.R. 7192), proposing an amendment to § 121.214 *Diethylcarbamazine* to provide for the safe use of diethylcarbamazine in dog food for the prevention of heartworms (filariasis).

Dated: July 1, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–8248; Filed, July 10, 1968; 8:49 a.m.]

ARIZONA FEEDS

Notice of Filing of Petition for Food Additive Disodium EDTA

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Arizona Feeds, Post Office Box 3054, Tucson, Ariz. 85702, proposing that § 121.271 *Disodium EDTA* be amended to provide for the safe use of disodium EDTA as a trace mineral solubilizer in the feed of nonruminant animals.

Dated: July 1, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–8249; Filed, July 10, 1968; 8:49 a.m.]

C. J. PATTERSON CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8A2309) has been filed by C. J. Patterson Co., 3947 Broadway, Kansas City, Mo. 64111, proposing an amendment to § 121.1211 *Sodium stearoyl-2-lactylate* (21 CFR 121.1211) to provide for the safe use of sodium stearoyl-2-lactylate as an emulsifier in puddings and prepared pudding mixes.

Dated: July 1, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–8250; Filed, July 10, 1968; 8:49 a.m.]

CARLISLE CHEMICAL WORKS, INC.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Carlisle Chemical Works, Inc., West Street, Reading, Ohio 45215, has withdrawn its petition (FAP 8B2215), notice of which was published in the FEDERAL REGISTER of September 28, 1967 (32 F.R. 13605), proposing the issuance of a regulation to provide for the safe use of dimyristyl thiodipropionate as an antioxidant in plastics intended for food-contact use.

Dated: July 1, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–8251; Filed, July 10, 1968; 8:49 a.m.]

FULTS-SANKO

Notice of Filing of Petition for Food Additives Lignin Sulfonate, Poloxalene

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Fults-Sanko, Post Office Box 331, Tulare, Calif. 93274, proposing that the food additive regulations be amended to provide for the safe use of:

1. Poloxalene as a nonionic wetting agent; and

2. Lignin sulfonate as a binding aid in the manufacture of steamflaked feed grains.

Dated: July 1, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–8252; Filed, July 10, 1968; 8:49 a.m.]

GULF OIL CORP.

Notice of Withdrawal of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide regulations (21 CFR 120.8), Gulf Oil Corp., Dwight Building, Kansas City, Mo. 64105, has withdrawn its petition (PP 8F0688), notice of which was published in the FEDERAL REGISTER of January 26, 1968 (33 F.R. 1027), proposing the establishment of tolerances for negligible residues of the herbicide barban (4-chloro-2-butynyl *m*-chlorocarbanilate) in or on the raw agricultural commodities barley, flax, lentils, mustard seed, peas, safflower seed, soybeans, sugar beets, sunflower seed, and wheat at 0.1 part per million.

Dated: July 1, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–8253; Filed, July 10, 1968; 8:49 a.m.]

JOHNS-MANVILLE

Notice of Filing of Petition for Food Additive Diatomaceous Earth

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Johns-Manville, Research & Engineering Center, Post Office Box 159, Manville, N.J. 08835, proposing amendment of the food additive regulations to provide for the safe use of up to 2 percent of diatomaceous earth in animal feed as an inert carrier or anticaking agent.

Dated: July 1, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–8254; Filed, July 10, 1968; 8:49 a.m.]

MONSANTO CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8B2308) has been filed by Monsanto Co., Post Office Box 1531, Springfield, Mass. 01101, proposing an amendment to § 121.2536 *Filters, resin-bonded* (21 CFR 121.2536) to provide for the safe use of phenol-formaldehyde resins chemically modified with cyanoguanidine and urea as resins which may be used during fabrication of resin-bonded filters intended for filtering food.

Dated: July 1, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–8255; Filed, July 10, 1968; 8:49 a.m.]

W. R. GRACE & CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8H2310) has been filed by the Dewey and Almy Chemical Division of W. R. Grace & Co., 62 Whittemore Avenue, Cambridge, Mass. 02140, proposing that § 121.2514 *Resinous and polymeric coatings* (21 CFR 121.2514) be amended to provide for the safe use of sodium pentachlorophenate as a preservative in sealing compounds intended for use in food packaging.

Dated: July 1, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–8256; Filed, July 10, 1968; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 18225, 18228; FCC 68M–1021]

MACE BROADCASTING CO. AND HERB NEWCOMB

Order Scheduling Hearing

In re applications of James Mace trading as Mace Broadcasting Co., Globe, Ariz., Docket No. 18225, File No. BP–17008; Herb Newcomb, Globe, Ariz., Docket No. 18226, File No. BP–17495; for construction permits:

It is ordered, That Herbert Sharfman shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 15, 1968, at 10 a.m.; and that a prehearing conference shall be held on August 16, 1968, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: July 5, 1968.

Released: July 5, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JAMES D. CUNNINGHAM,
Chief Hearing Examiner.

[F.R. Doc. 68–8230; Filed, July 10, 1968; 8:47 a.m.]

[Docket No. 18178; FCC 68M–1018]

VERNON BROADCASTING CO.

Order Continuing Hearing

In re application of Vernon Broadcasting Co., Lebanon, Tenn., Docket No. 18178, File No. BP–17551, for construction permit.

Pursuant to agreements arrived at during the prehearing conference held in the above-captioned proceeding on July 3, 1968: *It is ordered,* That the evidentiary hearing in this proceeding scheduled to begin on July 30, 1968, is continued to Monday, September 9, 1968, at 10 a.m., in the offices of the Commission, Washington, D.C.

Issued: July 3, 1968.

Released: July 5, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68–8233; Filed, July 10, 1968; 8:47 a.m.]

[Docket Nos. 18005, 18006; FCC 68M–1014]

WMID, INC., AND ATLANTIC CITY BROADCASTING CO.

Memorandum and Order Following Conference

In re applications of WMID, Inc., Pleasantville, N.J., Docket No. 18005, File No. BPH–5958; Leroy Bremmer and Dorothy Bremmer doing business as Atlantic City Broadcasting Co., Pleasantville, N.J., Docket No. 18006, File No. BPH–6060; for construction permits.

This matter was scheduled for hearing by order released February 15, 1968 (FCC 68–140). Various intermediate procedural steps have been taken, conferences have been held, and several rulings have been made. These actions all, however, have been taken in contemplation of hearing on the issues designated in the above order.

On June 17, 1968, in denying a Broadcast Bureau petition to enlarge issues, the Review Board, on its own, enlarged the issues to include the following:

To determine, with respect to the applications of WMID, Inc., and Atlantic City Broadcasting Co., what efforts have been made by the applicants to ascertain the programing needs and interests of Pleasantville, and the manner in which they propose to meet such needs and interests.

In the order the Board characterized the thrust of the issue and what the parties should do to meet it in the following language:

[I]n view of the unusual circumstances of this case and the fact that disqualifying issues are being added against both applicants, they should be afforded an opportunity to amend their applications in order to make the required showing.

By order released June 26, 1968 (FCC 68M–987), on motion of WMID and with the assent of all other parties, the Examiner vacated previous orders issued establishing procedural steps to be taken in the proceeding, continued hearing to a date to be determined later, and ordered further conference on the date previously set for hearing, July 1, 1968. At this conference the parties agreed upon a new set of procedures. They are approved by the Examiner and are held to be binding on the parties. They read as follows:

July 29, 1968: On or before this date the applicants will exchange such of their direct written presentations as have not been already exchanged.

On or before this date the applicants will also file such amendments as are required to conform their applications to the direct presentations they propose to make in order to meet the Board's recently designated issue.[1]

August 1, 1968: The parties will each notify others of the witnesses they wish to have available at hearing for cross-examination.

August 5, 1968: Hearing.

So ordered.

Issued: July 2, 1968.

Released: July 3, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68–8231; Filed, July 10, 1968; 8:47 a.m.]

[Docket Nos. 18048, 18049; FCC 68M–1017]

WSTE–TV, INC. (WSTE)

Order Scheduling Hearing

In re applications of: WSTE–TV, Inc. (WSTE), Fajardo, P.R., Docket No. 18048, File No. BMPCT–5777, for extension of time within which to construct; WSTE–TV, Inc. (WSTE), Fajardo, P.R., Docket No. 18049, File No. BMPCT–6029, for modification of construction permit (Channel 13).

A prehearing conference having been held on July 3, 1968:

It is ordered, That hearing shall be governed by the procedures set forth on the record of the said conference, and shall commence on September 30, 1968, at 10 a.m., in the offices of the Commission at Washington, D.C.

Issued: July 3, 1968.

Released: July 5, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68–8232; Filed, July 10, 1968; 8:47 a.m.]

[1] Notwithstanding anything to the contrary set forth in the Examiner's memorandum opinion and order of June 14, 1968 (FCC 68M–935), denying a petition for leave to amend filed by WMID, Inc.; however, such amendments as are to be filed are to be addressed only to the subject matter embraced by the new issue. It is not the Examiner's understanding that the Review Board in enlarging the issues at this late date intended to throw the doors open to the filing of new, or virtually new applications.

CIVIL SERVICE COMMISSION

SPECIAL PAY RANGES

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has determined that the minimum rates and rate ranges for the occupations for which special rates are currently established will be adjusted as indicated in the following tables.

SPECIAL SALARY RATES ESTABLISHED

These tables show the salary rates established by the Commission under 5 U.S.C. 5303. Each table shows (1) the occupations to which the rates apply, (2) the geographic coverage, (3) the effective date, and (4) the special salary rates authorized. All tables, are effective the first day of the first pay period on or after July 1, 1968.

TABLE I

GS-690 INDUSTRIAL HYGIENE SERIES

GS-800 ALL PROFESSIONAL SERIES IN THE ENGINEER GROUP

Professional series at present in the GS-800 Group are:

GS-801	General	GS-855	Electronic
GS-803	Safety	GS-861	Aerospace
GS-804	Fire Prevention	GS-870	Marine
GS-809	Materials	GS-871	Naval Architecture
GS-807	Landscape Architecture	GS-880	Mining
GS-808	Architecture	GS-881	Petroleum
GS-810	Civil	GS-890	Agriculture
GS-819	Sanitary	GS-892	Ceramic
GS-830	Mechanical	GS-893	Chemical
GS-840	Nuclear	GS-894	Welding
GS-850	Electrical	GS-896	Industrial

Science Series and Specializations [1]

GS-1221	Patent Adviser	GS-1330	Astronomy and Space Science
GS-1223	Patent Classifying	GS-1340	Meteorology
GS-1224	Patent Examining	GS-1360	Oceanography
GS-1301.1	Physical Science Subseries	GS-1372	Geodesy
GS-1306	Health Physics	GS-1380	Forest Products Technology
GS-1310	Physics	GS-1386	Photographic Technology
GS-1313	Geophysics	GS-1510	Actuary
GS-1315	Hydrology	GS-1515	Operations Research
GS-1320	Chemistry	GS-1529	Mathematical Statistics
GS-1321	Metallurgy		

Geographic coverage: Worldwide.
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1 [2]	2	3	4	5	6	7	8	9	10
GS-5	$7,456	$7,648	$7,840	$8,032	$8,224	$8,416	$8,608	$8,800	$8,992	$9,184
GS-6	8,221	8,433	8,645	8,857	9,069	9,281	9,493	9,705	9,917	10,129
GS-7	9,078	9,311	9,544	9,777	10,010	10,243	10,476	10,709	10,942	11,175
GS-8	9,498	9,755	10,012	10,269	10,526	10,783	11,040	11,297	11,554	11,811
GS-9	10,154	10,436	10,718	11,000	11,282	11,564	11,846	12,128	12,410	12,692
GS-10	10,847	11,157	11,467	11,777	12,087	12,397	12,707	13,017	13,327	13,637
GS-11	11,563	11,903	12,243	12,583	12,923	13,263	13,603	13,943	14,283	14,623
GS-12	12,580	12,980	13,392	13,798	14,204	14,610	15,016	15,422	15,828	16,234

[1] Please note that GS-1520 Mathematics has been removed from Table I, and is now located under Table XLIV.
[2] Corresponding statutory rates: GS-5—tenth; GS-6—tenth; GS-7—tenth; GS-8—eighth; GS-9—seventh; GS-10—sixth; GS-11—fifth; GS-12—second.

TABLE II

GS-1350 GEOLOGY SERIES

Geographic coverage: Worldwide.
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1 [1]	2	3	4	5	6	7	8	9	10
GS-5	$7,456	$7,648	$7,840	$8,032	$8,224	$8,416	$8,604	$8,800	$8,992	$9,184
GS-7	8,845	9,078	9,311	9,544	9,777	10,010	10,243	10,476	10,709	10,942
GS-9	9,872	10,154	10,436	10,718	11,000	11,282	11,564	11,846	12,128	12,410
GS-11	10,883	11,223	11,563	11,903	12,243	12,583	12,923	13,263	13,603	13,943

[1] Corresponding statutory rates: GS-5—tenth; GS-7—ninth; GS-9—sixth; GS-11—third.

TABLE III

GS-403 MICROBIOLOGY

Geographic coverage: Nationwide.
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1 [1]	2	3	4	5	6	7	8	9	10
GS-5	$6,498	$6,690	$6,881	$7,073	$7,265	$7,456	$7,648	$7,840	$8,032	$8,224
GS-7	7,214	7,447	7,680	7,913	8,146	8,379	8,612	8,845	9,078	9,311

[1] Corresponding statutory rates: GS-5—fifth; GS-7—second.

TABLE IV

GS-405 PHARMACOLOGY SERIES

Geographic coverage: Nationwide.
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1 [1]	2	3	4	5	6	7	8	9	10
GS-7	$7,447	$7,680	$7,913	$8,146	$8,379	$8,612	$8,845	$9,078	$9,311	$9,544
GS-9	9,026	9,308	9,590	9,872	10,154	10,436	10,718	11,000	11,282	11,564
GS-11	10,883	11,223	11,563	11,903	12,243	12,583	12,923	13,263	13,603	13,943
GS-12	12,580	12,986	13,392	13,798	14,204	14,610	15,016	15,422	15,828	16,234

[1] Corresponding statutory rates: GS-7—third; GS-9—third; GS-11—third; GS-12—second.

TABLE V

GS-701 VETERINARIAN SERIES

Geographic coverage: Worldwide.
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1 [1]	2	3	4	5	6	7	8	9	10
GS-9	$9,026	$9,308	$9,590	$9,872	$10,154	$10,436	$10,718	$11,000	$11,282	$11,564

[1] Corresponding statutory rate: GS-9—third.

TABLE VI

GS-668 PODIATRIST SERIES

Geographic coverage: Washington, D.C. Standard Metropolitan Statistical Area.
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1 [1]	2	3	4	5	6	7	8	9	10
GS-9	$10,154	$10,436	$10,718	$11,000	$11,282	$11,564	$11,846	$12,128	$12,410	$12,692
GS-10	11,157	11,467	11,777	12,087	12,397	12,707	13,017	13,327	13,637	13,947
GS-11	12,243	12,583	12,923	13,263	13,603	13,943	14,283	14,623	14,963	15,303

[1] Corresponding statutory rates: GS-9—seventh; GS-10—seventh; GS-11—seventh.

TABLE VII

GS-130-15 PROFESSOR OF FOREIGN AFFAIRS

Geographic coverage: National War College, Fort Leslie J. McNair, Washington, D.C.
Effective date: First day of the first pay period beginning on or after July 1, 1968.
GS-15: [1] Increased minimum rate $20,439.

[1] Corresponding statutory rate: GS-15—second.

TABLE VIII

GS-660 PHARMACIST SERIES

Geographic coverage: El Paso, Tex., Standard Metropolitan Statistical Area.
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1 [1]	2	3	4	5	6	7	8	9	10
GS-10	$9,917	$10,227	$10,537	$10,847	$11,157	$11,467	$11,777	$12,087	$12,397	$12,707

[1] Corresponding statutory rate: GS-10—third.

TABLE IX

GS-920 ESTATE TAX EXAMINING SERIES

GS-905 ATTORNEY (ESTATE TAX) [2]

GS-954 LAW CLERK TRAINEE (ESTATE TAX) [2]

Geographic coverage: Nationwide.
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1 [1]	2	3	4	5	6	7	8	9	10
GS-7	$7,913	$8,146	$8,379	$8,612	$8,845	$9,078	$9,311	$9,544	$9,777	$10,010
GS-9	9,026	9,308	9,590	9,872	10,154	10,436	10,718	11,000	11,282	11,564

[1] Corresponding statutory rates: GS-7—fifth; GS-9—third.
[2] The special rates originally established for Estate Tax Examiner, GS-920-7/9, were recently extended to cover the newly established job categories of Attorney (Estate Tax) GS-905-7/9 and Law Clerk Trainee (Estate Tax) GS-954-7/9. The action was taken primarily as an interim device to permit a period of orderly transition as the recruitment of persons for estate tax work in the Internal Revenue Service is shifted from GS-920 to GS-905 and GS-954.

TABLE X

GS-660 PHARMACIST SERIES

Geographic coverage: State of California.

Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1 [1]	2	3	4	5	6	7	8	9	10
GS-7	$9,078	$9,311	$9,544	$9,777	$10,010	$10,243	$10,476	$10,709	$10,942	$11,175
GS-9	10,154	10,436	10,718	11,000	11,282	11,564	11,846	12,128	12,410	12,692
GS-10	10,847	11,157	11,467	11,777	12,087	12,397	12,707	13,017	13,327	13,637
GS-11	11,563	11,903	12,243	12,583	12,923	13,263	13,603	13,943	14,283	14,623
GS-12	12,580	12,986	13,392	13,798	14,204	14,610	15,016	15,422	15,828	16,234

[1] Corresponding statutory rates: GS-7—tenth; GS-9—seventh; GS-10—sixth; GS-11—fifth; GS-12—second.

TABLE XI

GS-356 CARD PUNCH OPERATION SERIES, GRADE 3 ONLY

GS-359 ELECTRIC ACCOUNTING MACHINE OPERATING SERIES, GRADES 3 AND 4

GS-362 ELECTRIC ACCOUNTING MACHINE PROJECT PLANNING SERIES, GRADE 7 ONLY

Geographic coverage: Juneau Election District, Alaska.
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1 [1]	2	3	4	5	6	7	8	9	10
GS-3	$5,060	$5,214	$5,367	$5,521	$5,674	$5,828	$5,981	$6,135	$6,289	$6,443
GS-4	5,658	5,829	6,000	6,171	6,342	6,513	6,684	6,855	7,026	7,197
GS-7	7,680	7,913	8,146	8,379	8,612	8,845	9,078	9,311	9,544	9,777

[1] Corresponding statutory rates: GS-3—fourth; GS-4—fourth; GS-7—fourth.

TABLE XII

GS-602 MEDICAL OFFICER SERIES

Geographic coverage: Worldwide.
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1 [1]	2	3	4	5	6	7	8	9	10
GS-11	$13,263	$13,603	$13,943	$14,283	$14,623	$14,963	$15,303	$15,643	$15,983	$16,323
GS-12	15,828	16,234	16,640	17,046	17,452	17,858	18,264	18,670	19,076	19,482
GS-13	18,249	18,729	19,209	19,689	20,169	20,649	21,129	21,609	22,089	22,569
GS-14	19,771	20,336	20,901	21,466	22,031	22,596	23,161	23,726	24,291	24,856
GS-15	21,098	21,757	22,416	23,075	23,734	24,393	25,052	25,711	26,370	27,029

[1] Corresponding statutory rates: GS-11—tenth; GS-12—tenth; GS-13—ninth; GS-14—sixth; GS-15—third.

TABLE XIII

PFS-602 POSTAL FIELD SERVICE MEDICAL OFFICER

Geographic coverage: Nationwide.
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Level	1 [1]	2	3	4	5	6	7	8	9	10
PFS-13	$14,839	$15,226	$15,613	$16,000	$16,387	$16,774	$17,161	$17,548	$17,935	$18,322
PFS-14	16,455	16,889	17,323	17,757	18,191	18,625	19,059	19,493	19,927	20,361
PFS-15	18,161	18,642	19,123	19,604	20,085	20,566	21,047	21,528	22,009	22,490
PFS-16	19,509	20,036	20,563	21,090	21,617	22,144	22,671	23,198	23,725	24,252
PFS-17	21,011	21,599	22,187	22,775	23,363	23,951	24,539	25,127	25,715	26,303

[1] Corresponding statutory rates: PFS-13—tenth; PFS-14—tenth; PFS-15—tenth; PFS-16—ninth; PFS-17—eight.

TABLE XIV

GS-510 ACCOUNTING SERIES

GS-512 INTERNAL REVENUE AGENT SERIES

PFS-510 POSTAL FIELD SERVICE ACCOUNTANTS AND AUDITORS

Geographic coverage: Worldwide.
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1 [1]	2	3	4	5	6	7	8	9	10
GS-5	$6,881	$7,073	$7,265	$7,456	$7,648	$7,840	$8,032	$8,224	$8,416	$8,608
GS-6	7,377	7,588	7,799	8,010	8,221	8,433	8,645	8,857	9,069	9,281
GS-7	7,913	8,146	8,379	8,612	8,845	9,078	9,311	9,544	9,777	10,010
GS-8	8,213	8,470	8,727	8,984	9,241	9,498	9,755	10,012	10,269	10,526
GS-9	9,026	9,308	9,590	9,872	10,154	10,436	10,718	11,000	11,282	11,564

[1] Corresponding statutory rates: GS-5—seventh; GS-6—sixth; GS-7—fifth; GS-8—third; GS-9—third.

PER ANNUM RATES

Level	1 [2]	2	3	4	5	6	7	8	9	10	11	12
PFS-6	$7,196	$7,408	$7,620	$7,832	$8,044	$8,256	$8,468	$8,680	$8,892	$9,104	$9,316	$9,528
PFS-8	8,258	8,501	8,744	8,987	9,230	9,473	9,716	9,959	10,202	10,445	10,688	
PFS-10	9,103	9,387	9,671	9,955	10,239	10,523	10,807	11,091	11,375	11,659		

[2] Corresponding statutory rates: PFS-6—fifth; PFS-8—fifth; PFS-10—third.

PER ANNUM RATES

Level	1 [2]	2	3	4	5	6	7	8	9	10	11	12
PFS-6	$7,408	$7,620	$7,832	$8,044	$8,256	$8,468	$8,680	$8,892	$9,104	$9,316	$9,528	$9,740
PFS-7	7,711	7,937	8,163	8,389	8,615	8,841	9,067	9,293	9,519	9,745	9,971	10,197

[1] Corresponding statutory rates: PFS-6—6th; PFS-7—fifth.

TABLE XVIII

PFS-801 GENERAL ENGINEER
PFS-803 SAFETY ENGINEER
PFS-806 MATERIALS ENGINEER
PFS-808 ARCHITECT
PFS-830 MECHANICAL ENGINEER
PFS-850 ELECTRICAL ENGINEER
PFS-855 ELECTRONIC ENGINEER
PFS-896 INDUSTRIAL ENGINEER

Geographic coverage: Nationwide.

Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Level	1 [1]	2	3	4	5	6	7	8	9	10	11	12
PFS-6	$7,196	$7,408	$7,620	$7,832	$8,044	$8,256	$8,468	$8,680	$8,892	$9,104	$9,316	$9,528
PFS-7	7,937	8,163	8,389	8,615	8,841	9,067	9,293	9,519	9,745	9,971	10,197	10,423
PFS-8	8,744	8,987	9,230	9,473	9,716	9,959	10,202	10,445	10,688	10,931	11,174	
PFS-9	8,939	9,201	9,463	9,725	9,987	10,249	10,511	10,773	11,035	11,297		
PFS-10	10,239	10,523	10,807	11,091	11,375	11,659	11,943	12,227	12,511	12,795		
PFS-11	10,864	11,179	11,494	11,809	12,124	12,439	12,754	13,069	13,384	13,699		
PFS-12	11,668	12,019	12,370	12,721	13,072	13,423	13,774	14,125	14,476	14,827		
PFS-13	12,517	12,904	13,291	13,678	14,065	14,452	14,839	15,226	15,613	16,000		
PFS-14	12,983	13,417	13,851	14,285	14,719	15,153	15,587	16,021	16,455	16,889		

[1] Corresponding statutory rates: PFS-6—fifth; PFS-7—sixth; PFS-8—seventh; PFS-9—fifth; PFS-10—seventh; PFS-11—sixth; PFS-12—fifth; PFS-13—fourth; PFS-14—second.

TABLE XIX

GS-644 MEDICAL TECHNOLOGIST SERIES

Geographic coverage: State of California.
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1 [1]	2	3	4	5	6	7	8	9	10
GS-5	$6,881	$7,073	$7,265	$7,456	$7,648	$7,840	$8,032	$8,224	$8,416	$8,608
GS-6	7,588	7,799	8,010	8,221	8,433	8,645	8,857	9,069	9,281	9,493
GS-7	8,379	8,612	8,845	9,078	9,311	9,544	9,777	10,010	10,243	10,476
GS-8	8,984	9,241	9,498	9,755	10,012	10,269	10,526	10,783	11,040	11,297
GS-9	9,590	9,872	10,154	10,436	10,718	11,000	11,282	11,564	11,846	12,128
GS-10	10,227	10,537	10,847	11,157	11,467	11,777	12,087	12,397	12,707	13,017
GS-11	10,883	11,223	11,563	11,903	12,243	12,583	12,923	13,263	13,603	13,943

[1] Corresponding statutory rates: GS-5—seventh; GS-6—seventh; GS-7—seventh; GS-8—sixth; GS-9—fifth; GS-10—fourth; GS-11—third.

TABLE XV

GS-1825 CERTAIN AIR CARRIER OPERATIONS INSPECTORS AND SPECIALISTS [1]

Geographic coverage: Worldwide.

GS-1825 AVIATION OPERATIONS SPECIALIST, GRADE 15 ONLY [1]

Geographic coverage: Washington, D.C.
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1 [2]	2	3	4	5	6	7	8	9	10
GS-13	$17,289	$17,769	$18,249	$18,729	$19,209	$19,689	$20,169	$20,649	$21,129	$21,609
GS-14	19,771	20,336	20,901	21,466	22,031	22,596	23,161	23,726	24,291	24,856
GS-15	21,757	22,416	23,075	23,734	24,393	25,052	25,711	26,370	27,029	27,688

[1] (NOTE: Eligibility for these special rates is limited to incumbents of positions cited whose duties require them to be type-rated on one or more turbojet aircraft used by commercial airlines, and to maintain their proficiency by recurrent training.)
[2] Corresponding statutory rates: GS-13—seventh; GS-14—sixth; GS-15—fourth.

TABLE XVI

GS-301 POLICE CADET

Geographic coverage: District of Columbia, Metropolitan Police Department.
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1 [1]	2	3	4	5	6	7	8	8	10
GS-2	$4,937	$5,078	$5,219	$5,360	$5,501	$5,643	$5,785	$5,927	$6,069	$6,211
GS-3	5,367	5,521	5,674	5,828	5,981	6,135	6,289	6,443	6,597	6,751

[1] Corresponding statutory rates: GS-2—sixth; GS-3—sixth.

TABLE XVII

GS-610 NURSE SERIES

GS-615 PUBLIC HEALTH NURSE SERIES

PFS-610 POSTAL FIELD SERVICE NURSE

Geographic coverage: Seattle and Bremerton, Wash.
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1 [1]	2	3	4	5	6	7	8	9	10
GS-4	$6,513	$6,684	$6,855	$7,026	$7,197	$7,368	$7,539	$7,710	$7,881	$8,052
GS-5	6,881	7,073	7,265	7,456	7,648	7,840	8,032	8,224	8,416	8,608
GS-6	7,377	7,588	7,799	8,010	8,221	8,433	8,645	8,857	9,069	9,281
GS-7	7,913	8,146	8,379	8,612	8,845	9,078	9,311	9,544	9,777	10,010
GS-8	8,470	8,727	8,984	9,241	9,498	9,755	10,012	10,269	10,526	10,783
GS-9	9,026	9,308	9,590	9,872	10,154	10,436	10,718	11,000	11,282	11,564
GS-10	9,607	9,917	10,227	10,537	10,847	11,157	11,467	11,777	12,087	12,397
GS-11	10,543	10,883	11,223	11,563	11,903	12,243	12,583	12,923	13,263	13,603

[1] Corresponding statutory rates: GS-4—ninth; GS-5—seventh; GS-6—sixth; GS-7—fifth; GS-8—fourth; GS-9—third; GS-10—second; GS-11—second.

TABLE XX

GS-1811 CRIMINAL INVESTIGATOR [1]

Geographic coverage: Nationwide.
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1 [2]	2	3	4	5	6	7	8	9	10
GS-5	$6,881	$7,073	$7,265	$7,456	$7,648	$7,840	$8,032	$8,224	$8,416	$8,608
GS-6	7,377	7,588	7,799	8,010	8,221	8,433	8,645	8,857	9,069	9,281
GS-7	7,913	8,146	8,379	8,612	8,845	9,078	9,311	9,544	9,777	10,010
GS-8	8,213	8,470	8,727	8,984	9,241	9,498	9,755	10,012	10,269	10,526
GS-9	9,026	9,308	9,590	9,872	10,154	10,436	10,718	11,000	11,282	11,564

[1] (NOTE: Positions are otherwise identified as Special Agents (Intelligence), Internal Revenue Service.)
[2] Corresponding statutory rates: GS-5—seventh; GS-6—sixth; GS-7—fifth; GS-8—third; GS-9—third.

TABLE XXI

GS-644 MEDICAL TECHNOLOGIST SERIES

Geographic coverage: Baltimore, Md., Standard Metropolitan Statistical Area.
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1 [1]	2	3	4	5	6	7	8	9	10
GS-5	$6,690	$6,881	$7,073	$7,265	$7,456	$7,648	$7,840	$8,032	$8,224	$8,416
GS-6	6,955	7,166	7,377	7,588	7,799	8,010	8,221	8,433	8,645	8,857
GS-7	7,447	7,680	7,913	8,146	8,379	8,612	8,845	9,078	9,311	9,544
GS-8	7,956	8,213	8,470	8,727	8,984	9,241	9,498	9,755	10,012	10,269

[1] Corresponding statutory rates: GS-5—sixth; GS-6—fourth; GS-7—third; GS-8—second.

TABLE XXII

GS-1370 CARTOGRAPHER SERIES

GS-1301 PHYSICAL SCIENTIST SERIES

Geographic coverage: Cartographer, GS-1370, in grades GS-5 through 11, in the St. Louis, Mo., Standard Metropolitan Statistical Area, and the Washington, D.C., Standard Metropolitan Statistical Area. Physical Scientist, GS-1301, in grades GS-7 through 11 at the Air Force Aeronautical Chart and Information Center in the St. Louis, Mo., Standard Metropolitan Statistical Area. (Incumbents of these positions perform professional work in cartography in combination with professional work in at least one other recognized scientific occupation, such as geodesy. Such positions are normally filled by reassignment or promotion from positions of cartographer.)
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1 [1]	2	3	4	5	6	7	8	9	10
GS-5	$6,881	$7,073	$7,265	$7,456	$7,648	$7,840	$8,032	$8,224	$8,416	$8,608
GS-6	7,588	7,799	8,010	8,221	8,433	8,645	8,857	9,069	9,281	9,493
GS-7	8,379	8,612	8,845	9,078	9,311	9,544	9,777	10,010	10,243	10,476
GS-8	8,727	8,984	9,241	9,498	9,755	10,012	10,269	10,526	10,783	11,040
GS-9	9,308	9,590	9,872	10,154	10,436	10,718	11,000	11,282	11,564	11,846
GS-10	9,917	10,227	10,537	10,847	11,157	11,467	11,777	12,087	12,397	12,707
GS-11	10,543	10,883	11,223	11,563	11,903	12,243	12,583	12,923	13,263	13,603

[1] Corresponding statutory rates: GS-5—seventh; GS-6—seventh; GS-7—seventh; GS-8—fifth; GS-9—fourth; GS-10—third; GS-11—second.

TABLE XXIII

GS-644 MEDICAL TECHNOLOGIST SERIES

Geographic coverage: Milwaukee, Wis.
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5	$6,881	$7,073	$7,265	$7,456	$7,648	$7,840	$8,032	$8,224	$8,416	$8,608
GS-6	7,166	7,377	7,588	7,799	8,010	8,221	8,433	8,645	8,857	9,069
GS-7	7,680	7,913	8,146	8,379	8,612	8,845	9,078	9,311	9,544	9,777
GS-8	8,213	8,470	8,727	8,984	9,241	9,498	9,755	10,012	10,269	10,526
GS-9	8,744	9,026	9,308	9,590	9,872	10,154	10,436	10,718	11,000	11,282

[1] Corresponding statutory rates: GS-5—seventh; GS-6—fifth; GS-7—fourth; GS-8—third; GS-9—second.

TABLE XXIV

GS-610 NURSE SERIES

GS-615 PUBLIC HEALTH NURSE SERIES

PFS-610 POSTAL FIELD SERVICE NURSE

Geographic coverage: Washington, D.C. Standard Metropolitan Statistical Area including the D.C. Government's Children's Center, Laurel, Md., and the U.S. Marine Corps Base, Quantico, Va.
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-4	$6,513	$6,684	$6,855	$7,026	$7,197	$7,368	$7,539	$7,710	$7,881	$8,052
GS-5	7,073	7,265	7,456	7,648	7,840	8,032	8,224	8,416	8,608	8,800
GS-6	7,588	7,799	8,010	8,221	8,433	8,645	8,857	9,069	9,281	9,493
GS-7	8,146	8,379	8,612	8,845	9,078	9,311	9,544	9,777	10,010	10,243
GS-8	8,727	8,984	9,241	9,498	9,755	10,012	10,269	10,526	10,783	11,040
GS-9	9,308	9,590	9,872	10,154	10,436	10,718	11,000	11,282	11,564	11,846
GS-10	9,917	10,227	10,537	10,847	11,157	11,467	11,777	12,087	12,397	12,707
GS-11	10,543	10,883	11,223	11,563	11,903	12,243	12,583	12,923	13,263	13,603

[1] Corresponding statutory rates: GS-4—ninth; GS-5—eight; GS-6—seventh; GS-7—sixth; GS-8—fifth; GS-9—fourth; GS-10—third; GS-11—second.

Level	1[2]	2	3	4	5	6	7	8	9	10	11	12
PFS-6	$7,620	$7,832	$8,044	$8,256	$8,468	$8,680	$8,892	$9,104	$9,316	$9,528	$9,740	$9,952
PFS-7	7,937	8,163	8,389	8,615	8,841	9,067	9,293	9,519	9,745	9,971	10,197	10,423

[2] Corresponding statutory rates: PFS-6—seventh; PFS-7—sixth.

TABLE XXV

GS-610 NURSE SERIES

GS-615 PUBLIC HEALTH NURSE SERIES

PFS-610 POSTAL FIELD SERVICE NURSE

Geographic coverage: New Orleans, La.
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-4	$5,829	$6,000	$6,171	$6,342	$6,513	$6,684	$6,855	$7,026	$7,197	$7,368
GS-5	6,307	6,498	6,690	6,881	7,073	7,265	7,456	7,648	7,840	8,032
GS-6	6,743	6,955	7,166	7,377	7,588	7,799	8,010	8,221	8,433	8,645
GS-7	7,214	7,447	7,680	7,913	8,146	8,379	8,612	8,845	9,078	9,311

[1] Corresponding statutory rates: GS-4—fifth; GS-5—fourth; GS-6—third; GS-7—second.

PER ANNUM RATES

Level	1[2]	2	3	4	5	6	7	8	9	10	11	12
PFS-6	$6,984	$7,196	$7,408	$7,620	$7,832	$8,044	$8,256	$8,468	$8,680	$8,892	$9,104	$9,316

[2] Corresponding statutory rate: PFS-6—fourth.

TABLE XXVI

GS-610 NURSE SERIES

GS-615 PUBLIC HEALTH NURSE SERIES

PFS-610 NURSE SERIES

Geographic coverage: Philadelphia, Pa.
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-4	$6,342	$6,513	$6,684	$6,855	$7,026	$7,197	$7,368	$7,539	$7,710	$7,881
GS-5	6,990	6,881	7,073	7,265	7,456	7,648	7,840	8,032	8,224	8,416
GS-6	7,166	7,377	7,588	7,799	8,010	8,221	8,433	8,645	8,857	9,069
GS-7	7,680	7,913	8,146	8,379	8,612	8,845	9,078	9,311	9,544	9,777
GS-8	8,213	8,470	8,727	8,984	9,241	9,498	9,755	10,012	10,269	10,526
GS-9	8,744	9,026	9,308	9,590	9,872	10,154	10,436	10,718	11,000	11,282
GS-10	9,607	9,917	10,227	10,537	10,847	11,157	11,467	11,777	12,087	12,397
GS-11	10,543	10,883	11,223	11,563	11,903	12,243	12,583	12,923	13,263	13,603

[1] Corresponding statutory rates: GS-4—eighth; GS-5—sixth; GS-6—fifth; GS-7—fourth; GS-8—third; GS-9—second; GS-10—second; GS-11—second.

PER ANNUM RATES

Level	1[2]	2	3	4	5	6	7	8	9	10	11	12
PFS-6	$7,196	$7,408	$7,620	$7,832	$8,044	$8,256	$8,468	$8,680	$8,892	$9,104	$9,316	$9,528
PFS-8	7,772	8,015	8,258	8,501	8,744	8,987	9,230	9,473	9,716	9,959	10,202	------

[2] Corresponding statutory rates: PFS-6—fifth; PFS-8—third.

TABLE XXVII

GS-610 NURSE SERIES

GS-615 PUBLIC HEALTH NURSE SERIES

PFS-610 POSTAL FIELD SERVICE NURSE

Geographic coverage: Baltimore, Md., Standard Metropolitan Statistical Area.
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-4	$6,342	$6,513	$6,684	$6,855	$7,026	$7,197	$7,368	$7,539	$7,710	$7,881
GS-5	6,990	6,881	7,073	7,265	7,456	7,648	7,840	8,032	8,224	8,416
GS-6	7,166	7,377	7,588	7,799	8,010	8,221	8,433	8,645	8,857	9,069
GS-7	7,680	7,913	8,146	8,379	8,612	8,845	9,078	9,311	9,544	9,777
GS-8	8,213	8,470	8,727	8,984	9,241	9,498	9,755	10,012	10,269	10,526
GS-9	8,744	9,026	9,308	9,590	9,872	10,154	10,436	10,718	11,000	11,282
GS-10	9,607	9,917	10,227	10,537	10,847	11,157	11,467	11,777	12,087	12,397
GS-11	10,543	10,883	11,223	11,563	11,903	12,243	12,583	12,923	13,263	13,603

[1] Corresponding statutory rates: GS-4—eighth; GS-5—sixth; GS-6—fifth; GS-7—fourth; GS-8—third; GS-9—second; GS-10—second; GS-11—second.

PER ANNUM RATES

Level	1[2]	2	3	4	5	6	7	8	9	10	11	12
PFS-6	$7,408	$7,620	$7,832	$8,044	$8,256	$8,468	$8,680	$8,892	$9,104	$9,316	$9,528	$9,740
PFS-7	7,711	7,937	8,163	8,389	8,615	8,841	9,067	9,293	9,519	9,745	9,971	10,197

[2] Corresponding statutory rates: PFS-6—sixth; PFS-7—fifth.

TABLE XXVIII

GS-610 NURSE SERIES

GS-615 PUBLIC HEALTH SERVICE NURSE

PFS-610 POSTAL FIELD SERVICE NURSE

Geographic coverage: State of Nevada; State of California (excluding San Diego County and Division of Indian HealthNurses).
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-4	$6,684	$6,855	$7,026	$7,197	$7,368	$7,539	$7,710	$7,881	$8,052	$8,223
GS-5	7,073	7,265	7,456	7,648	7,840	8,032	8,224	8,416	8,608	8,800
GS-6	7,588	7,799	8,010	8,221	8,433	8,645	8,857	9,069	9,281	9,493
GS-7	8,146	8,379	8,612	8,845	9,078	9,311	9,544	9,777	10,010	10,243
GS-8	8,727	8,984	9,241	9,498	9,755	10,012	10,269	10,526	10,783	11,040
GS-9	9,308	9,590	9,872	10,154	10,436	10,718	11,000	11,282	11,564	11,846
GS-10	9,917	10,227	10,537	10,847	11,157	11,467	11,777	12,087	12,397	12,707
GS-11	10,543	10,883	11,223	11,563	11,903	12,243	12,583	12,923	13,263	13,603

[1] Corresponding statutory rates: GS-4—tenth; GS-5—eight; GS-6—seventh; GS-7—sixth; GS-8—fifth; GS-9—fourth; GS-10—third; GS-11—second.

PER ANNUM RATES

Level	1[2]	2	3	4	5	6	7	8	9	10	11	12
PFS-6	$7,620	$7,832	$8,044	$8,256	$8,468	$8,680	$8,892	$9,104	$9,316	$9,528	$9,740	$9,952
PFS-7	7,937	8,163	8,389	8,615	8,841	9,067	9,293	9,519	9,745	9,971	10,197	10,423
PFS-8	8,258	8,501	8,744	8,987	9,230	9,473	9,716	9,959	10,202	10,445	10,688	------

[2] Corresponding statutory rates: PFS-6—seventh; PFS-7—sixth; PFS-8—fifth.

TABLE XXIX

GS-610 NURSE SERIES

GS-615 PUBLIC HEALTH NURSE SERIES

PFS-610 POSTAL FIELD SERVICE NURSE

Geographic coverage: New York, N.Y.
Effective date: First pay of the first day period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-4	$6,684	$6,855	$7,026	$7,197	$7,368	$7,539	$7,710	$7,881	$8,052	$8,223
GS-5	7,265	7,456	7,648	7,840	8,032	8,224	8,416	8,608	8,800	8,992
GS-6	7,799	8,010	8,221	8,433	8,645	8,857	9,069	9,281	9,493	9,705
GS-7	8,379	8,612	8,845	9,078	9,311	9,544	9,777	10,010	10,243	10,476
GS-8	8,984	9,241	9,498	9,755	10,012	10,269	10,526	10,783	11,040	11,297
GS-9	9,590	9,872	10,154	10,436	10,718	11,000	11,282	11,564	11,846	12,128
GS-10	10,227	10,537	10,847	11,157	11,467	11,777	12,087	12,397	12,707	13,017
GS-11	10,883	11,223	11,563	11,903	12,243	12,583	12,923	13,263	13,603	13,943

[1] Corresponding statutory rates: GS-4—tenth; GS-5—ninth; GS-6—eight; GS-7—seventh; GS-8—sixth; GS-9—fifth; GS-10—fourth; GS-11—third.

PER ANNUM RATES

Level	1[2]	2	3	4	5	6	7	8	9	10	11	12
PFS-6	$7,832	$8,044	$8,256	$8,468	$8,680	$8,892	$9,104	$9,316	$9,528	$9,740	$9,952	$10,164
PFS-7	8,163	8,389	8,615	8,841	9,067	9,293	9,519	9,745	9,971	10,197	10,423	10,649
PFS-8	8,501	8,744	8,987	9,230	9,473	9,716	9,959	10,202	10,445	10,688	10,931	------
PFS-9	8,939	9,201	9,463	9,725	9,987	10,249	10,511	10,773	11,035	11,297	------	------

[2] Corresponding statutory rates: PFS-6—eight; PFS-7—seventh; PFS-8—sixth; PFS-9—fifth.

TABLE XXX

GS-610 NURSE SERIES

GS-615 PUBLIC HEALTH NURSE SERIES

Geographic coverage: Division of Indian Health, Public Health Service, Continental United States except Alaska; Ellsworth Air Force Base, Rapid City, S. Dak.; Albuquerque, N. Mex., including Kirtland Air Force Base and Sandia Base Military Reservation; Fort Sill, Okla.; Job Corps centers at Lydick Lake, Minn., and Box Elder, S. Dak.

Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-4	$5,829	$6,000	$6,171	$6,342	$6,513	$6,684	$6,855	$7,026	$7,197	$7,368
GS-5	6,307	6,498	6,690	6,881	7,073	7,265	7,456	7,648	7,840	8,032
GS-6	6,743	6,955	7,166	7,377	7,588	7,799	8,010	8,221	8,433	8,645
GS-7	7,214	7,447	7,680	7,913	8,146	8,379	8,612	8,845	9,078	9,311

[1] Corresponding statutory rates: GS-4—fifth; GS-5—fourth; GS-6—third; GS-7—second.

TABLE XXXI

GS-2152 AIR TRAFFIC CONTROL SPECIALIST (TOWER) [1]

Geographic coverage: O'Hare International Airport, Chicago, Ill.

Effective date: First day of first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1[2]	2	3	4	5	6	7	8	9	10
GS-12	$13,392	$13,798	$14,204	$14,610	$15,016	$15,422	$15,828	$16,234	$16,640	$17,046

[1] These rates are automatically canceled when new classification standards for the GS-2152 series are implemented at this facility. Date of cancellation is COB of the day immediately prior to the effective date of such implementation.
[2] Corresponding statutory rate: GS-12—fourth.

TABLE XXXII

GS-610 NURSE SERIES

PFS-610 POSTAL FIELD SERVICE NURSE

Geographic coverage: Spokane, Wash. (Including Fairchild Air Force Base).
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1 [1]	2	3	4	5	6	7	8	9	10
GS-5	$6,307	$6,498	$6,690	$6,881	$7,073	$7,265	$7,456	$7,648	$7,840	$8,032
GS-6	6,743	6,955	7,166	7,377	7,588	7,799	8,010	8,221	8,433	8,645
GS-7	7,214	7,447	7,680	7,913	8,146	8,379	8,612	8,845	9,078	9,311

[1] Corresponding statutory rates: GS-5—fourth; GS-6—third; GS-7—second.

PER ANNUM RATES

Level	1 [2]	2	3	4	5	6	7	8	9	10	11	12
PFS-6	$6,984	$7,196	$7,408	$7,620	$7,832	$8,044	$8,256	$8,468	$8,680	$8,892	$9,104	$9,316

[2] Corresponding statutory rates: PFS-6—fourth.

TABLE XXXIII

GS-610 NURSE SERIES

GS-615 PUBLIC HEALTH NURSE SERIES

Geographic coverage: San Diego County, Calif.
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1 [1]	2	3	4	5	6	7	8	9	10
GS-4	$6,171	$6,342	$6,513	$6,684	$6,855	$7,026	$7,197	$7,368	$7,539	$7,710
GS-5	6,690	6,881	7,073	7,265	7,456	7,648	7,840	8,032	8,224	8,416
GS-6	7,166	7,377	7,588	7,799	8,010	8,221	8,433	8,645	8,857	9,069
GS-7	7,680	7,913	8,146	8,379	8,612	8,845	9,078	9,311	9,544	9,777
GS-8	8,213	8,470	8,727	8,984	9,241	9,498	9,755	10,012	10,269	10,526
GS-9	8,744	9,026	9,308	9,590	9,872	10,154	10,436	10,718	11,000	11,282
GS-10	9,607	9,917	10,227	10,537	10,847	11,157	11,467	11,777	12,087	12,397
GS-11	10,543	10,883	11,223	11,563	11,903	12,243	12,583	12,923	13,263	13,603

[1] Corresponding statutory rates: GS-4—seventh; GS-5—sixth; GS-6—fifth; GS-7—fourth; GS-8—third; GS-9—second; GS-10—second; GS-11—second.

TABLE XXXIV

GS-610 NURSE SERIES

GS-615 PUBLIC HEALTH NURSE SERIES

PFS-610 POSTAL FIELD SERVICE NURSE

Geographic coverage: Boston, Mass. Standard Metropolitan Statistical Area; Fort Devens, Mass.
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1 [1]	2	3	4	5	6	7	8	9	10
GS-4	$6,342	$6,513	$6,684	$6,855	$7,026	$7,197	$7,368	$7,539	$7,710	$7,881
GS-5	6,690	6,881	7,073	7,265	7,456	7,648	7,840	8,032	8,224	8,416
GS-6	7,166	7,377	7,588	7,799	8,010	8,221	8,433	8,645	8,857	9,069
GS-7	7,680	7,913	8,146	8,379	8,612	8,845	9,078	9,311	9,544	9,777
GS-8	8,213	8,470	8,727	8,984	9,241	9,498	9,755	10,012	10,269	10,526
GS-9	8,744	9,026	9,308	9,590	9,872	10,154	10,436	10,718	11,000	11,282
GS-10	9,607	9,917	10,227	10,537	10,847	11,157	11,467	11,777	12,087	12,397
GS-11	10,543	10,883	11,223	11,563	11,903	12,243	12,583	12,923	13,263	13,603

[1] Corresponding statutory rates: GS-4—eighth; GS-5—sixth; GS-6—fifth; GS-7—fourth; GS-8—third; GS-9—second; GS-10—second; GS-11—second.

PER ANNUM RATES

Level	1 [2]	2	3	4	5	6	7	8	9	10	11	12
PFS-6	$7,408	$7,620	$7,832	$8,044	$8,256	$8,468	$8,680	$8,892	$9,104	$9,316	$9,528	$9,740
PFS-7	7,711	7,937	8,163	8,389	8,615	8,841	9,067	9,293	9,519	9,745	9,971	10,197

[2] Corresponding statutory rates: PFS-6—sixth; PFS-7—fifth.

TABLE XXXV

GS-610 NURSE SERIES

Geographic coverage: Pierce County, State of Washington.
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1 [1]	2	3	4	5	6	7	8	9	10
GS-4	$6,513	$6,684	$6,855	$7,026	$7,197	$7,368	$7,539	$7,710	$7,881	$8,052
GS-5	6,881	7,073	7,265	7,456	7,648	7,840	8,032	8,224	8,416	8,608
GS-6	7,377	7,588	7,799	8,010	8,221	8,433	8,645	8,857	9,069	9,281
GS-7	7,913	8,146	8,379	8,612	8,845	9,078	9,311	9,544	9,777	10,010
GS-8	8,470	8,727	8,984	9,241	9,498	9,755	10,012	10,269	10,526	10,783
GS-9	9,026	9,308	9,590	9,872	10,154	10,436	10,718	11,000	11,282	11,564
GS-10	9,607	9,917	10,227	10,537	10,847	11,157	11,467	11,777	12,087	12,397
GS-11	10,543	10,883	11,223	11,563	11,903	12,243	12,583	12,923	13,263	13,603

[1] Corresponding statutory rates: GS-4—ninth; GS-5—seventh; GS-6—sixth; GS-7—fifth; GS-8—fourth; GS-9—third; GS-10—second; GS-11—second.

TABLE XXXVI

GS-610 NURSE SERIES

Geographic coverage: Lubbock, Tex. (including Reese Air Force Base).
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1 [1]	2	3	4	5	6	7	8	9	10
GS-5	$6,307	$6,498	$6,690	$6,881	$7,073	$7,265	$7,456	$7,648	$7,840	$8,032
GS-6	6,743	6,955	7,166	7,377	7,588	7,799	8,010	8,221	8,433	8,645
GS-7	7,214	7,447	7,680	7,913	8,146	8,379	8,612	8,845	9,078	9,311

[1] Corresponding statutory rates: GS-5—fourth; GS-6—third; GS-7—second.

TABLE XXXVII

GS-610 NURSE SERIES

GS-615 PUBLIC HEALTH NURSE SERIES

PFS-610 POSTAL FIELD SERVICE NURSE

Geographic coverage: Detroit, Mich., Standard Metropolitan Statistical Area.
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1 [1]	2	3	4	5	6	7	8	9	10
GS-4	$6,684	$6,855	$7,026	$7,197	$7,368	$7,539	$7,710	$7,881	$8,052	$8,223
GS-5	7,073	7,265	7,456	7,648	7,840	8,032	8,224	8,416	8,608	8,800
GS-6	7,588	7,799	8,010	8,221	8,433	8,645	8,857	9,069	9,281	9,493
GS-7	8,146	8,379	8,612	8,845	9,078	9,311	9,544	9,777	10,010	10,243
GS-8	8,727	8,984	9,241	9,498	9,755	10,012	10,269	10,526	10,783	11,040
GS-9	9,308	9,590	9,872	10,154	10,436	10,718	11,000	11,282	11,564	11,846
GS-10	9,917	10,227	10,537	10,847	11,157	11,467	11,777	12,087	12,397	12,707
GS-11	10,543	10,883	11,223	11,563	11,903	12,243	12,583	12,923	13,263	13,603

[1] Corresponding statutory rates: GS-4—tenth; GS-5—eighth; GS-6—seventh; GS-7—sixth; GS-8—fifth; GS-9—fourth; GS-10—third; GS-11—second.

PER ANNUM RATES

Level	1 [2]	2	3	4	5	6	7	8	9	10	11	12
PFS-6	$7,620	$7,832	$8,044	$8,256	$8,468	$8,680	$8,892	$9,104	$9,316	$9,528	$9,740	$9,952
PFS-7	7,937	8,163	8,389	8,615	8,841	9,067	9,293	9,519	9,745	9,971	10,197	10,423

[2] Corresponding statutory rates: GS-6—seventh; GS-7—sixth.

TABLE XXXVIII

GS-610 NURSE SERIES

GS-615 PUBLIC HEALTH NURSE SERIES

Geographic coverage: Galveston, Tex.
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1 [1]	2	3	4	5	6	7	8	9	10
GS-4	$6,342	$6,513	$6,684	$6,855	$7,026	$7,197	$7,368	$7,539	$7,710	$7,881
GS-5	6,690	6,881	7,073	7,265	7,456	7,648	7,840	8,032	8,224	8,416
GS-6	7,166	7,377	7,588	7,799	8,010	8,221	8,433	8,645	8,857	9,069
GS-7	7,680	7,913	8,146	8,379	8,612	8,845	9,078	9,311	9,544	9,777
GS-8	8,213	8,470	8,727	8,984	9,241	9,498	9,755	10,012	10,269	10,526
GS-9	8,744	9,026	9,308	9,590	9,872	10,154	10,436	10,718	11,000	11,282
GS-10	9,607	9,917	10,227	10,537	10,847	11,157	11,467	11,777	12,087	12,397
GS-11	10,543	10,883	11,223	11,563	11,903	12,243	12,583	12,923	13,263	13,603

[1] Corresponding statutory rates: GS-4—eighth; GS-5—sixth; GS-6—fifth; GS-7—fourth; GS-8—third; GS-9—second; GS-10—second; GS-11—second.

TABLE XXXIX

GS-644 MEDICAL TECHNOLOGIST SERIES

Geographic coverage: New Orleans, La.
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1 [1]	2	3	4	5	6	7	8	9	10
GS-5	$6,498	$6,690	$6,881	$7,073	$7,265	$7,456	$7,648	$7,840	$8,032	$8,224

[1] Corresponding statutory rate: GS-5—fifth.

TABLE XL

GS-644 MEDICAL TECHNOLOGIST SERIES

Geographic coverage: U.S. P.H.S. Hospital, Detroit, Mich.
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1 [1]	2	3	4	5	6	7	8	9	10
GS-5	$7,073	$7,265	$7,456	$7,648	$7,840	$8,032	$8,224	$8,416	$8,608	$8,800
GS-7	7,680	7,913	8,146	8,379	8,612	8,845	9,078	9,311	9,544	9,777

[1] Corresponding statutory rates: GS-5—eighth; GS-7—fourth.

TABLE XLIV

GS-1520 MATHEMATICS

Geographic coverage: Worldwide.
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1 1	2	3	4	5	6	7	8	9	10
GS-5	$7,205	$7,456	$7,648	$7,840	$8,032	$8,224	$8,416	$8,608	$8,800	$8,992
GS-6	8,010	8,221	8,433	8,645	8,857	9,069	9,281	9,493	9,705	9,917
GS-7	8,845	9,078	9,311	9,544	9,777	10,010	10,243	10,476	10,709	10,942
GS-8	9,734	9,985	10,236	10,487	10,738	10,989	11,240	11,491	11,742	11,993
GS-9	10,684	10,960	11,236	11,512	11,788	12,064	12,340	12,616	12,892	13,168
GS-10	11,687	11,987	12,287	12,587	12,887	13,187	13,487	13,787	14,087	14,387
GS-11	12,743	13,069	13,395	13,721	14,047	14,373	14,699	15,025	15,351	15,677
GS-12	15,269	15,660	16,051	16,442	16,833	17,224	17,615	18,006	18,397	18,788

[1] Corresponding statutory rates: GS-5—ninth; GS-6—tenth; GS-7—ninth; GS-8—eighth; GS-9—seventh; GS-10—sixth; GS-11—fifth; GS-12—second.

TABLE XLV

GS-356 CARD PUNCH OPERATION SERIES

Geographic coverage: San Francisco-Oakland Standard Metropolitan Statistical Area (includes Alameda, Contra Costa, Marin, San Francisco, and San Mateo Counties); Butte, Placer, Sacramento, Solano, Sutter, Yolo, and Yuba Counties; Los Angeles County; Orange County; Riverside County; San Bernardino County; San Diego County; Santa Barbara County; Ventura County.
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1 1	2	3	4	5	6	7	8	9	10
GS-3	$5,214	$5,367	$5,521	$5,674	$5,828	$5,981	$6,135	$6,289	$6,443	$6,597
GS-4	5,658	5,829	6,000	6,171	6,342	6,513	6,684	6,855	7,026	7,197
GS-5	6,115	6,307	6,498	6,690	6,881	7,073	7,265	7,456	7,648	7,840

[1] Corresponding statutory rates: GS-3—fifth; GS-4—fourth; GS-5—third.

TABLE XLVI

GS-358 CARD PUNCH OPERATION SERIES

Geographic coverage: City of Sacramento and 15-mile radius.
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1 1	2	3	4	5	6	7	8	9	10
GS-3	$5,060	$5,214	$5,367	$5,521	$5,674	$5,828	$5,981	$6,135	$6,289	$6,443
GS-4	5,487	5,658	5,829	6,000	6,171	6,342	6,513	6,684	6,855	7,026
GS-5	5,924	6,115	6,307	6,498	6,690	6,881	7,073	7,265	7,456	7,648

[1] Corresponding statutory rates: GS-3—fourth; GS-4—third; GS-5—second.

TABLE XLVII

GS-081 FIREFIGHTER (GENERAL)
FIREFIGHTER (STRUCTURAL)
FIREFIGHTER (AIRFIELD)

Geographic coverage: Naval Training Center, Great Lakes, Ill., and Federal installations within a 22-mile radius of the Center.
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1 1	2	3	4	5	6	7	8	9	10
GS-3	$5,367	$5,521	$5,674	$5,828	$5,981	$6,135	$6,289	$6,443	$6,597	$6,751
GS-4	5,829	6,000	6,171	6,342	6,513	6,684	6,855	7,026	7,197	7,368
GS-5	6,307	6,498	6,690	6,881	7,073	7,265	7,456	7,648	7,840	8,032
GS-6	6,743	6,955	7,169	7,377	7,588	7,799	8,010	8,221	8,433	8,645
GS-7	7,214	7,447	7,680	7,913	8,146	8,379	8,612	8,845	9,078	9,311

[1] Corresponding statutory rates: GS-3—sixth; GS-4—fifth; GS-5—fourth; GS-6—third; GS-7—second.

TABLE XLVII

GS-1654 PRINTING MANAGEMENT SERIES

NOTE: Eligibility for these special rates is limited to employees who have at least a Baccalaureate Degree with a major field of study in printing management.
Geographic coverage: Nationwide.
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1 1	2	3	4	5	6	7	8	9	10
GS-5	$7,456	$7,648	$7,840	$8,032	$8,224	$8,416	$8,608	$8,800	$8,992	$9,184
GS-7	7,913	8,146	8,379	8,612	8,845	9,078	9,311	9,544	9,777	10,010

[1] Corresponding statutory rates: GS-5—tenth; GS-7—fifth.

TABLE XLIII

GS-180 PSYCHOLOGY SERIES
GS-085 SPEECH PATHOLOGY AND AUDIOLOGY SERIES

Geographic coverage: Worldwide.
Effective date: First day of the first pay period beginning on or after July 1, 1968.

PER ANNUM RATES

Grade	1 1	2	3	4	5	6	7	8	9	10
GS-11	$12,743	$12,583	$12,923	$13,263	$13,603	$13,943	$14,283	$14,623	$14,963	$15,303
GS-12	13,302	13,708	14,204	14,610	15,016	15,422	15,828	16,234	16,640	17,046
GS-13	14,889	15,369	15,849	16,329	16,809	17,289	17,769	18,249	18,729	19,209

[1] Corresponding statutory rates: GS-11—seventh; GS-12—fourth; GS-13—second.

The pay of employees on the rolls will be converted to the new special rate ranges in accordance with § 530.307(b) of the Commission's regulations. If there is no special rate range for a class of positions which previously had a special rate range, the statutory rates apply.

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-8145; Filed, July 10, 1968; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19893]

AUSTRIAN AIRLINES OSTERREICHISCHE LUFTVERKEHRS-AKTIENGESELLSCHAFT

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on July 30, 1968, at 10 a.m., e.d.s.t., in Room 211, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., July 8, 1968.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 68-8224; Filed, July 10, 1968; 8:47 a.m.]

[Docket No. 18361]

BERMUDA SERVICE INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be heard on July 31, 1968, at 10 a.m. e.d.s.t. in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., July 8, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 68-8225; Filed, July 10, 1968; 8:47 a.m.]

[Docket No. 19834]

MOHAWK AIRLINES, INC.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing on the above-entitled application is assigned to be held on July 26, 1968, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Merritt Ruhlen.

Dated at Washington, D.C., July 8, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 68-8226; Filed, July 10, 1968; 8:47 a.m.]

[Docket No. 19929]

"NORDSEEFLUG" SYLTER LUFTTRANSPORT GMBH

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on August 1, 1968, at 10 a.m., e.d.s.t., in Room 211, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., July 8, 1968.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 68-8227; Filed, July 10, 1968; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

DENVER U.S. BANCORPORATION, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Denver U.S. Bancorporation, Inc., which is a bank holding company located in Denver, Colo., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of The Poudre Valley National Bank of Fort Collins, Fort Collins, Colo.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

Dated at Washington, D.C., this third day of July 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-8192; Filed, July 10, 1968; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP65-340]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Petition To Amend

JULY 3, 1968.

Take notice that on June 28, 1968, Algonquin Gas Transmission Co. (Petitioner), 1284 Soldiers Field Road, Boston, Mass. 02135, filed in Docket No. CP65-340 a petition to amend the order of the Commission issued in said docket on August 24, 1965, as amended, requesting that such certificate be further modified to revise the maximum daily quantities (MDQ) of natural gas authorized for delivery to two of its resale customers, Buzzards Bay Gas Co. (Buzzards Bay) and city of Norwich, Conn. (Norwich), commencing November 1968, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Specifically, Petitioner requests authority to revise the presently authorized MDQ increases to be made available to Buzzards Bay and Norwich commencing November 1968, under Petitioner's F-1 and WS-1 rate schedules.

The overall effect of Petitioner's proposal on the MDQ's authorized to be made available to Buzzards Bay and Norwich commencing November 1968, is as follows:

November 1968

	Presently authorized MDQ	Proposed MDQ
Buzzards Bay Gas Co.:		
F-1	9,500	10,500
WS-1	5,500	4,500
Total	15,000	15,000
City of Norwich, Conn.:		
F-1	4,600	4,400
WS-1	800	1,000
Total	5,400	5,400

Furthermore, by reason of the changes proposed in the MDQ's under Rate Schedule WS-1, it is necessary and so proposed to change the Winter Contract

Quantity Volumes authorized for Buzzards Bay and Norwich as follows:

November 1968

	Presently authorized WCQ	Proposed WCQ
Buzzards Bay Gas Co.....	330,000	270,000
City of Norwich, Conn	48,000	60,000

Petitioner states that no additional supply will be required to implement the MDQ modifications proposed, since, as shown in the tabulation above, the customers' total authorized MDQ's commencing November 1968, will not be affected.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before July 31, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8201; Filed, July 10, 1968; 8:45 a.m.]

[Docket No. CP68-365]

HUMBLE GAS TRANSMISSION CO.

Notice of Application

JULY 3, 1968.

Take notice that on June 24, 1968, Humble Gas Transmission Co. (Applicant), 1700 Commerce Building, New Orleans, La. 70112, filed in Docket No. CP 68-365 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a measuring station for the receipt and transportation of natural gas to be purchased from the Americana Oil and Gas Properties of Texas, Inc., produced from the Richland-Dehlco Area, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that is has been the policy of the Applicant to supplement from time to time the supply of gas available to it under its gas purchase contracts and from its producing properties. Applicant states that the instant purchase is consistent with such policy.

Total estimated cost of the measuring station is $3,275, which will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before July 29, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or it the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8198; Filed, July 10, 1968; 8:45 a.m.]

[Docket No. CP68-366]

HUMBLE GAS TRANSMISSION CO.

Notice of Application

JULY 3, 1968.

Take notice that on June 26, 1968, Humble Gas Transmission Co. (Applicant), 1700 Commerce Building, New Orleans, La. 70112, filed in Docket No. CP68-366 an application pursuant to section 7(c) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities in the Baton Rouge, La., area, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that these facilities were originally installed to serve the Copolymer Rubber and Chemical Corp. (Copolymer), but that since service to Copolymer is now being made from Applicant's nonjurisdictional system these facilities are no longer needed.

The application states that the proposed abandonment will not affect service to other customers.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before July 31, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8199; Filed, July 10, 1968; 8:45 a.m.]

[Docket No. CP68-367]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

JULY 3, 1968.

Take notice that on June 26, 1968, Kansas-Nebraska Natural Gas Co., Inc. (Applicant), Hastings, Nebr. 68901, filed in Docket No. CP68-367 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a town border station, adjacent to and connected with its pipeline at Coleridge, Nebr., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the proposed facilities will permit the distribution of gas at retail by Applicant in the village of Belden, Nebr., and environs.

Total estimated cost of Applicant's proposed construction is $2,500, which cost will be financed by working capital.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before July 31, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8200; Filed, July 10, 1968; 8:45 a.m.]

[Docket No. CP68-364]

MANUFACTURERS LIGHT AND HEAT CO. AND HOME GAS CO.

Notice of Application

JULY 3, 1968.

Take notice that on June 30, 1968, The Manufacturers Light and Heat Co. (Manufacturers) and Home Gas Co. (Home), 800 Union Trust Building, Pittsburgh, Pa. 15219, filed in Docket No. CP68-364 a joint application pursuant to section 7(c) of the Natural Gas Act requesting a certificate of public convenience and necessity authorizing the coordination of their operations commencing November 1, 1968, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicants seek authorization to coordinate their operations in order to provide greater operating flexibility to make available the underground storage fields of Manufacturers and Home on a combined basis, and to permit Manufacturers to optimize purchases under its gas supply contracts to the best advantage of both companies.

Applicants state that under the proposed coordinated operations, the present service agreement between Manufacturers and Home would be canceled, Manufacturers would discontinue the separate billing of interstate gas to Home and the market requirements of the customers of Manufacturers and Home would be furnished in a manner which Applicants say would utilize most effectively the interstate pipeline and storage facilities of Manufacturers and Home. Jurisdictional sales hereafter by Manufacturers and Home would be made under a joint FPC gas tariff. Applicants state that the proposed joint tariff would supersede and cancel the FPC gas tariffs of Manufacturers and Home currently in effect.

Applicants state that authorization of the proposed coordinated operations would benefit their systems combined to the extent of $318,318 annually, based upon operations during the 12 months ending October 31, 1969. In contrast, Applicants state that the continuation of their operations on the present noncoordinated basis would result in a net loss to their systems combined of $132,597 annually, based upon projected operations during the same period.

Further, Applicants state that under the proposed joint tariff, the services rendered by them to their respective customers, and the rates charged therefor, would not be changed. Applicants also state that the joint tariff contains one provision not heretofore included in their present tariffs, namely, a minimum commodity obligation requiring customers to purchase at 6-percent load factor commencing November 1, 1968, 62½-percent load factor commencing November 1, 1969, and at 65-percent load factor commencing November 1, 1970, and thereafter.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before July 29, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8215; Filed, July 10, 1968; 8:46 a.m.]

[Docket Nos. CI64-1076, RI66-349]

SALMON CORP.

Order Amending Order

JULY 2, 1968.

Order amending order issuing certificate of public convenience and necessity, redesignating FPC gas rate schedule, accepting notice of succession and supplements to FPC gas rate schedule for filing, substituting respondent, accepting offer of settlement, prescribing refunds, and terminating proceeding.

On March 1, 1968, Salmon Corp. (Petitioner) filed in Docket No. CI64-1076 a petition to amend the order issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said docket by authorizing Petitioner to continue in lieu of Piney Point Petroleums the sale of natural gas to Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), from the Deckers Prairie Field, Montgomery County, Tex., all as more fully set forth in the petition to amend.

Petitioner proposes to continue the sale of natural gas pursuant to the contract presently on file with the Commission as Piney Point Petroleums FPC Gas Rate Schedule No. 1. Said rate schedule will be redesignated as Petitioner's FPC Gas Rate Schedule No. 2 and the notice of succession and rate schedule supplements submitted by Petitioner will be accepted for filing. The presently effective rate under the subject rate schedule is 17.16947 cents per Mcf at 14.65 p.s.i.a. which is in effect subject to refund in Docket No. RI66-349. Pursuant to its motion filed concurrently with the petition to amend, Petitioner will be substituted in lieu of Piney Point Petroleums as respondent in Docket No. RI66-349.

On April 29, 1968, Petitioner filed an offer of settlement in Docket No. RI66-349 consistent with the provisions of the second amendment to the Commission's statement of general policy No. 61-1, 18 CFR 2.56. Petitioner proposes a settlement rate of 15 cents per Mcf with respect to the 17.16947-cent rate which was made effective subject to refund on October 3, 1966, in Docket No. RI66-349. Petitioner states that the contract will be amended to delete therefrom all definite and indefinite price escalations but reserves the right to file for a 75 percent reimbursement of any future tax increases. Petitioner further states that there are at least 5 years of remaining recoverable reserves under the existing contract which has a remaining term of approximately 14 years. Petitioner agrees to refund to Tennessee, together with applicable interest, all amounts collected subject to refund under the subject rate schedule in excess of the settlement rate. Petitioner's revenues will be decreased by approximately $10,800 below those resulting from the increased rate, and Petitioner will refund approximately $16,450 exclusive of interest.

Tennessee is required to flow-through to its jurisdictional customers all refunds attributable to deliveries made by Petitioner on and after January 1, 1967, pursuant to the Commission's order of August 1, 1967, in Docket No. RP67-23; but Tennessee is not under an express obligation to flow-through refunds which it will receive from Petitioner under the settlement with respect to deliveries made before January 1, 1967. Accordingly, and for the reasons set forth in our order in Humble Oil & Refining Co., Docket No. G-9287 et al., issued July 8, 1964, 32 FPC 49, we shall require Petitioner to retain the refundable amounts attributable to pre-January 1, 1967, deliveries pending further Commission order. Petitioner will be permitted either to place such refunds in a special escrow account, without further interest obligations, or to commingle the retained funds with its general assets and to use such funds for its corporate purposes, subject to further interest at the rate of 6½ percent per annum.

Our action in accepting Petitioner's settlement proposal should not be construed as constituting approval of any future rate increases, if any, that may be filed under the subject rate schedule in accordance with Petitioner's reservation of the right to file increases to cover possible future tax increases and is without prejudice to any finding or order of the Commission in any future rate proceedings, including area rate proceedings, involving Petitioner's rate and rate schedule.

No protest or objection to the proposed settlement has been filed. After due notice published in the FEDERAL REGISTER no petition to intervene, notice of intervention, or protest to the granting of the petition to amend has been filed.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the order issuing a certificate of public convenience and necessity in Docket No. CI64–1076 should be amended as hereinafter ordered and that the related rate schedule should be redesignated and the notice of succession and supplements be accepted for filing.

(2) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Petitioner should be substituted in lieu of Piney Point Petroleums as respondent in the proceeding pending in Docket No. RI66–349.

(3) The settlement proposed by Petitioner in Docket No. RI66–349 is in the public interest and appropriate to carry out the provisions of the Natural Gas Act and should be approved and made effective as hereinafter ordered.

The Commission orders:

(A) The order issuing a certificate of public convenience and necessity in Docket No. CI64–1076 is amended by substituting Petitioner in lieu of Piney Point Petroleums as certificate holder, and in all other respects said order shall remain in full force and effect.

(B) Petitioner is substituted in lieu of Piney Point Petroleums as respondent in the proceeding pending in Docket No. RI66–349.

(C) Piney Point Petroleums FPC Gas Rate Schedule No. 1 and Supplement Nos. 1 through 3 thereto are redesignated as Petitioner's FPC Gas Rate Schedule No. 2 and Supplement Nos. 1 through 3 thereto. The notice of succession dated February 28, 1968, is accepted for filing effective as of January 1, 1968. The assignment of acreage from Piney Point Petroleums to Century Gas Corp. dated July 10, 1967, and the conveyance of acreage from Century Gas Corp. to Petitioner dated January 1, 1968, are accepted for filing effective as of January 1, 1968, and are designated as Supplement Nos. 4 and 5 to Petitioner's FPC Gas Rate Schedule No. 2.

(D) The settlement of the proceeding in Docket No. RI66–349 on the basis of the settlement proposal filed by Petitioner on April 29, 1968, is approved in accordance with the provisions of this order.

(E) Within 30 days from the issuance of this order Petitioner shall file as supplements to its FPC Gas Rate Schedule No. 2 a notice of change in rate providing for a rate of 15 cents per Mcf and an executed contract amendment as provided in Petitioner's offer of settlement. The notice and contract amendment shall be submitted in accordance with Part 154 of the regulations under the Natural Gas Act.

(F) Petitioner shall compute the difference between the rate collected subject to refund in Docket No. RI66–349 and the settlement rate for the period from October 3, 1966, until January 1, 1967, together with interest at the rate of seven percent per annum computed to the date of this order; and within 30 days from the date of this order Petitioner shall submit a report to the Commission and serve a copy on Tennessee setting forth the details of such computations, showing separately the principal and interest, the bases for such determination, the periods covered, and a letter from Tennessee concurring in the correctness of such amounts.

(G) Petitioner shall retain the amounts shown in the report required in paragraph (F) above subject to further order of the Commission directing the disposition of those amounts.

(H) If Petitioner elects to commingle the retained refunds with its general assets and use them for its corporate purposes, it shall pay interest thereon at the rate of 6½ percent per annum on all funds thus available from the date of this order to the date on which such funds are paid over to the person ultimately determined to be entitled thereto in a final order of the Commission.

(I) If Petitioner elects to deposit the retained refunds in a special escrow account, Petitioner shall tender for filing within 45 days from the date of this order, an executed escrow agreement conditioned as set out below and accompanied by a certificate showing service of a copy thereof upon Tennessee. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, the escrow agreement shall be deemed to be satisfactory and to have been accepted for filing. The escrow agreement shall be entered into between Petitioner and any bank or trust company used as a depositor for funds of the U.S. Government, and the agreement shall be conditioned as follows:

(a) Petitioner, the bank or trust company, and the successors and assigns of each, shall be held and formally bound unto the Federal Power Commission for the use and benefit of those entitled to all amounts and the interest thereon deposited in a special escrow account subject to such agreement, and such bank or trust company shall be bound to pay over to such person or persons as may be identified and designated by final order of the Commission and in such manner as may be therein specified all or any portion of such deposits and the interest thereon.

(b) The bank or trust company may invest and reinvest such deposits in any short-term indebtedness of the United States or any agency thereof or in any form of obligation guaranteed by the United States which indebtedness or obligation is payable within 120 days, as the said bank or trust company in the exercise of its sound discretion may select.

(c) Such bank or trust company shall be liable only for such interest as the invested funds described in paragraph (b) above will earn and no other interest may be collected from it.

(d) Such bank or trust company shall be entitled to such compensation as is fair, reasonable, and customary for its services as such, which compensation shall be paid out of the escrow account to such bank or trust company. Said bank or trust company shall likewise be entitled to reimbursement for its reasonable expenses necessarily incurred in the administration of this escrow account, which reimbursement shall be made out of the escrow account.

(e) Such bank or trust company shall report to the Secretary of the Commission quarterly, certifying the amount deposited in the bank or trust company for the quarterly period.

(J) Petitioner shall compute the difference between the rate collected subject to refund in Docket No. RI66–349 and the settlement rate for the period beginning on January 1, 1967, together with interest at the rate of 7 percent per annum to the date of this order; and within 30 days from the date of this order Petitioner shall submit a report to the Commission and serve a copy on Tennessee setting forth the details of such computations, showing separately the principal and interest, the bases for such determination, and the periods covered. Within 10 days from the date of submission of the report, Petitioner shall file a letter from Tennessee concurring in the correctness of the amounts in the report. Within 10 days from the filing of the letter from Tennessee, Petitioner shall refund such monies to Tennessee and shall within 10 days from the date on which such refunds are made file a release from Tennessee with respect thereto.

(K) Upon notification by the Secretary of the Commission that Petitioner has complied with the terms and conditions of this order, the rate and charge of 15 cents per Mcf at 14.65 p.s.i.a. specified in the offer of settlement shall be effective as of the date of this order and the proceeding in Docket No. RI66–349 shall be deemed terminated without further order of the Commission.

(L) The acceptance by the Commission of Petitioner's offer of settlement is without prejudice to any findings or determinations that may be made in any proceeding now pending or hereafter instituted by or against Petitioner, including area rate or other similar proceedings.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68–8217; Filed, July 10, 1968; 8:47 a.m.]

[Docket Nos. CP66–40, CP68–166]

TENNESSEE GAS PIPELINE CO.

Notice of Petition To Amend

JULY 3, 1968.

Take notice that on June 24, 1968, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Petitioner), Post Office Box 2511, Houston, Tex. 77001, filed in Docket Nos. CP66–40 and CP68–166, a petition to amend the orders issued in said dockets on November 15, 1965, and May 1, 1968, respectively, by requesting authorization to sell and deliver to Granite State Gas Transmission Inc. (Granite) the maximum daily quantity of 16,640 Mcf per day of natural gas, which represents the total maximum daily quantity previously authorized for delivery to Granite and Northern Utilities, Inc. (Northern) by Petitioner, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Specifically, Petitioner states that it was authorized to sell and deliver natural gas to Granite in a quantity equal to Granite's requirements, up to a maximum daily quantity of 5,940 Mcf per day. Petitioner states that it was authorized to sell and deliver to Northern a quantity of gas equal to Northern's requirements, up to a maximum daily quantity of 7,000 Mcf per day. Furthermore, Petitioner was authorized to increase the maximum daily quantity deliverable to Northern to 10,700 Mcf per day, commencing with the 1968–69 winter heating season.

Petitioner states that the Gas Sales Contract between Petitioner and Northern has been assigned by Northern to Granite. Therefore, Petitioner requests that an amendment to the orders reflect the aforementioned assignment, and thereby permit the sale by Petitioner to Granite of all the natural gas required by Granite for service up to a maximum daily quantity of 16,640 Mcf per day.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before July 29, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68–8219; Filed, July 10, 1968; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

ALCAR INSTRUMENTS, INC.

Order Suspending Trading

JULY 5, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Alcar Instruments, Inc., 225 East 57th Street, New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 6, 1968, through July 15, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68–8203; Filed, July 10, 1968; 8:45 a.m.]

ALSCOPE CONSOLIDATED, LTD.

Order Suspending Trading

JULY 5, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Alscope Consolidated, Ltd., Passaic, N.J., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 8, 1968, through July 17, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68–8204; Filed, July 10, 1968; 8:46 a.m.]

[File No. 1–3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JULY 5, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 6, 1968, through July 15, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68–8205; Filed, July 10, 1968; 8:48 a.m.]

FASTLINE, INC.

Order Suspending Trading

JULY 5, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Fastline, Inc., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 6, 1968, through July 15, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68–8206; Filed, July 10, 1968; 8:46 a.m.]

[812–2264]

HORACE MANN LIFE INSURANCE CO. SEPARATE ACCOUNT B

Notice of Application for Exemptions

JULY 5, 1968.

Notice is hereby given that Horace Mann Life Insurance Co. Separate Account B ("Applicant"), 216 East Monroe Street, Springfield, Ill., a unit investment trust registered under the Investment Company Act of 1940, 15 U.S.C. section 80a–1 et seq. ("Act"), has filed an application pursuant to section 6(c) of the Act for an order exempting Applicant from the provisions of sections 12(d)(1), 14(a), 22(d), 22(e), 26(a)(2), 26(a)(3), 27(c)(1), and 27(c)2) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations which are summarized below.

Horace Mann Life Insurance Co. ("Insurance Company") has established Applicant principally to offer contracts which qualify as tax-deferred annuities under section 403(b) of the Internal Revenue Code. A purchaser makes a series of payments under the contract which are invested (net of deductions for insurance [certain death benefit and mortality guarantees] sales, administrative, and other expenses) through Applicant in the shares of NEA Mutual Fund, Inc. ("Fund"), a diversified, open-end, management investment company.

Commencing upon a maturity date selected by the purchaser, the contracts provide for lifetime annuity payments, either fixed or variable, or other settlement options. The value of a contract will fluctuate as the value of the shares of the Fund credited to such contract fluctuates. If a fixed payment option is elected, the amount of the payments will be determined by the value of the Fund shares at the maturity date of the contract. If a variable payment option is elected, the amount of the initial payment will be determined generally as in the fixed payment option, but subsequent payments will fluctuate as the value of the Fund shares fluctuate. Other factors affecting the amount of the payments are the expected mortality of the purchaser and the type of settlement option elected.

Insurance Company is a stock life insurance company organized under the laws of the State of Illinois. The Applicant is administered and accounted for as a part of the business of the Insurance Company, but under the Illinois Insurance Code, the income, gains, or

losses of the Applicant are credited to or charged against the amounts allocated to the Applicant in accordance with the terms of the contracts without regard to the other income, gains, or losses of the Insurance Company.* The Insurance Company has executed on behalf of Applicant a custodian agreement with a bank, pursuant to which the custodian will hold the assets of Applicant for the exclusive benefit of the purchasers of the contracts. All obligations arising under the contracts are general corporate obligations of the Insurance Company, all of the assets of which are available to meet the obligations and expenses under the contracts.

Applicant requests exemption from the following provisions of the Act to the extent stated below:

Section 12(d)(1), as here pertinent, provides, in substance, that it shall be unlawful for any registered investment company to purchase any security issued by any other investment company if such registered investment company will, as a result of that purchase own more than 3 percent of the outstanding voting securities of the other investment company. Section 12(d)(1)(B) of the Act provides, in substance, that such 3 percent restriction is not applicable with respect to securities purchased with the proceeds of payments on periodic payment plan certificates issued pursuant to the terms of a trust indenture.

Applicant states that the payments under the contracts allocated to Applicant must be invested exclusively in the Fund. Because of the relatively small size of the Fund, it is possible that Applicant may acquire more than 3 percent of the Fund's voting stock. Applicant further states that an exemption from section 12(d)(1) is appropriate because the purchase of Fund shares with such payments will be substantially indentical in all respects relevant to the purchase of securities with the proceeds of payments on periodic payment plan certificates issued pursuant to the terms of a trust indenture.

Section 14(a), as here pertinent, provides in substance that no registered investment company shall make a public offering of securities of which it is the issuer unless it has a net worth of at least $100,000.

Applicant states that under the provisions of the Illinois Insurance Code only payments made under the contracts may be allocated to the Applicant and that all obligations arising under the contracts, including the promise to make annuity payments, are general corporate obligations of the Insurance Company. Applicant further states that the Insurance Company has ample capital and surplus ($10,269,393 as of Dec. 31, 1967) to meet any anticipated expenses of the operation and maintenance of the Applicant. In addition, the Insurance Company and Applicant are bound under the provisions of the Illinois Insurance Code and the regulations thereunder and the supervisory authority of the Director of Insurance to perform their contractual obligations under the contracts.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at the current offering price described in the prospectus. Applicant requests an exemption from the provisions of section 22(d) to permit its group variable annuity contracts to contain a provision for experience rating credits. Insurance Company will annually determine its experience with respect to sales and administrative costs allocable to and mortality experience under each group contract to determine whether its charges exceeded the actual costs and mortality experience for the prior year. On the basis of such determination, it may provide to the employer or individual participants an experience credit in the form of Fund shares for his share of the excess, if any, of the amounts deducted for such expenses over such actual costs. Such Fund shares will be credited without sales or administrative charge. No additional charge is made if the charges fail to cover the Insurance Company's costs and mortality experience. Applicant further states that it will be unable to determine whether an experience credit rating reflects solely a reduction in sales charge, since it is not feasible to determine what portion of its charges are for sales, administrative, insurance and other expenses, as each group contract presents its own peculiar problems and varying costs.

Sections 22(e) and 27(c)(1), as here pertinent, provide, in substance, that Applicant, a unit investment trust, may not suspend the right of redemption or postpone the date of payment of any redeemable security in accordance with its terms for more than 7 days after the tender of such security for redemption and prohibit Applicant, a unit investment trust issuing periodic payment plan certificates, from selling any such certificate unless such certificate is a redeemable security.

Applicant states that prior to their maturity dates the contracts are redeemable and satisfy the redemption provisions of the Act. On their respective maturity dates, the then value of the contracts is determined and applied to provide for lifetime annuity payments of either fixed or variable amounts. Applicant states that because the amount of annuity payments under the variable option are calculated actuarially, based upon the life expectancies of the purchasers of the contracts, if a purchaser were permitted to redeem his contract after the maturity date, it would upset the actuarial computations made with respect to the remaining purchasers. Applicant requests exemption from sections 22(e) and 27(c)(1) to the extent that once a purchaser begins to receive annuity payments he should not be able to redeem the value credited to his contract.

Sections 26(a)(2), 26(a)(3), and 27(c)(2), as here pertinent, provide, in substance, that a unit investment trust or a depositor or underwriter for such an investment company is prohibited from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a qualified bank as trustee or custodian and held under an agreement of custodianship. The agreement must provide (i) that the custodian bank shall have possession of all property of the unit investment trust and shall segregate and hold the same in trust, (ii) that the custodian bank shall not resign until either the unit investment trust has been liquidated or a successor appointed, (iii) that the custodian may collect from the income and, if necessary, from the corpus of the unit investment trust fees for services performed and reimbursement of expenses incurred, and (iv) that no payment to the depositor of principal underwriter shall be allowed the custodian bank as an expense except a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to the custodian.

Applicant requests exemption from the provisions of sections 26(a)(2), 26(a)(3), and 27(c)(2) because the custodianship agreement, which in all other respects meets the requirements of those sections, does not provide that the property of the Applicant will be held in trust. Applicant states that Insurance Company is required under the Illinois Insurance Code to maintain substantial minimum amounts of capital and surplus. In all of its dealings with the purchaser of the contract, Insurance Company will operate as a regulated insurance company subject to the authority and jurisdiction of the Director of Insurance of the State of Illinois, which authority includes extensive supervisory powers respecting the rehabilitation, liquidation, conservation, and dissolution of Illinois insurance companies. Accordingly, Applicant states that such authority and jurisdiction affords the essential protections against the orphanage of the trust by the sponsor which the trusteeship under sections 26(a) and 27(c)(2) is designed to provide. Applicant has consented to the requested exemption being subject to the condition that its charges under the contracts for administrative services shall not exceed such reasonable amount as the Commission shall prescribe, and that the Commission may reserve jurisdiction for such purpose.

Section 6(c) of the Act provide that the Commission, by order upon application, may conditionally or unconditionally exempt any persons or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 23, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8207; Filed, July 10, 1968; 8:46 a.m.]

[File No. 1-1740]

KENNEBEC CONSOLIDATED MINING CO.

Order Suspending Trading

JULY 5, 1968.

The common stock, 1 cent par value, of Kennebec Consolidated Mining Co., Salt Lake City, Utah, being listed and registered on the Salt Lake Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Kennebec Consolidated Mining Co., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Salt Lake Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 6, 1968, through July 15, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8208; Filed, July 10, 1968; 8:46 a.m.]

[812-2314]

LEXINGTON RESEARCH INVESTING CORP.

Notice of Filing of Application for Order Exempting Sale by Open-End Company of Its Securities at Other Than Public Offering Price

JULY 5, 1968.

Notice is hereby given that Lexington Research Investing Corp. ("Applicant"), 163 Engle Street, Englewood, N.J. 07631, a New Jersey corporation registered under the Investment Company Act of 1940, 15 U.S.C. Sec. 80a-1 et seq. ("Act"), as an open-end nondiversified management investment company, has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price in exchange for substantially all the assets of Chugg Carlin, Inc. ("Carlin"). All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Carlin, a New York corporation, is a personal holding company all of whose outstanding stock is owned of record and beneficially by Wallace S. Chugg and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. The assets of Carlin consist of portfolio securities.

Pursuant to an agreement between Applicant and Carlin, assets owned by Carlin with a value of approximately $222,244 will be transferred to Applicant in exchange for shares of Applicant's stock.

The number of shares of Applicant to be issued to Carlin is to be determined by dividing the aggregate market value of the assets of Carlin (subject to certain adjustments set forth in the application) to be transferred to Applicant by Applicant's net asset value per share (as defined in the agreement), both to be determined as of the valuation time. If the valuation in the agreement had taken place on June 21, 1968, Carlin would have received 12,565 shares of Applicant's stock.

When received by Carlin, the shares of Applicant are to be distributed to Wallace S. Chugg on the liquidation of Carlin. Applicant has been advised that Wallace S. Chugg does not have any present intention of redeeming the shares of Applicant to be received and intends to hold them for investment.

Applicant represents that there is no affiliation or relationship between it and Carlin or between the officers and directors of Applicant and the Officers and directors of Carlin and that the proposed transaction is the result of arms-length negotiations by the parties.

Section 22(d) of the Act provides that registered open-end investment companies may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant represents that the proposed exchange is in the interest of its shareholders in that it will be able to acquire a large block of securities without expenses inherent in a purchase program. It submits that the exemption requested is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 25, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8209; Filed, July, 10, 1968; 8:46 a.m.]

NATIONAL SWEEPSTAKES CORP.

Order Suspending Trading

JULY 5, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of National Sweepstakes Corp., 555 East Fourth South, Salt Lake City, Utah, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 7, 1968, through July 16, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-8210; Filed, July 10, 1968; 8:46 a.m.]

PARAMOUNT GENERAL CORP.

Order Suspending Trading

JULY 5, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Paramount General Corp., Los Angeles, Calif., and all other securities of Paramount General Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 7, 1968, through July 16, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-8211; Filed, July 10, 1968; 8:46 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

JULY 5, 1968.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 6, 1968, through July 15, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-8212; Filed, July 10, 1968; 8:46 a.m.]

ZIMOCO PETROLEUM CORP.

Order Suspending Trading

JULY 5, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zimoco Petroleum Corp., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 8, 1968 through July 17, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-8213; Filed, July 10, 1968; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1197]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JULY 5, 1968.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 2368 (Sub-No. 19), filed June 27, 1968. Applicant: BRALLEY-WILLETT TANK LINES, INC., 200 Stockton Street, Richmond, Va. 23204. Applicant's representative: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils*, in bulk, in tank vehicles, from Portsmouth, Va., to points in Connecticut, Massachusetts, Indiana, Ohio, Illinois, Louisiana, and Rhode Island. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 4405 (Sub-No. 461), filed June 20, 1968. Applicant: DEALERS TRANSIT, INC., 7701 South Lawndale Avenue, Chicago, Ill. 60652. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cable reel carriers and self-propelled power hammers, and material handlers*, from Denver, Colo., to points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 5470 (Sub-No. 41), filed June 21, 1968. Applicant: TAJON, INC., Rural Delivery No. 5, Mercer, Pa. 16137. Applicant's representative: Theodore Polydoroff, 917 Munsey Building, 1329 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, in dump vehicles, from Washington, Pa., to Detroit, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 10761 (Sub-No. 226), filed June 24, 1968. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving plantsite of Goodyear Tire & Rubber Co., located at or near Luckey, Ohio, as an off-route point in connection with carrier's authorized regular-route authority. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 16903 (Sub-No. 27), filed June 20, 1968. Applicant: MOON FREIGHT LINES, INC., 120 West Grimes Lane, Bloomington, Ind. 47402. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laminated panels* faced with stone, marble, granite, or slate, (1) from points in Monroe and Lawrence Counties, Ind., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (2) from points in Delaware, Tompkins, and Wyoming Counties, N.Y., to points in Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, that part of Iowa on and east of U.S. Highway 69, and that part of Missouri on and east of U.S. Highway 65; (3) from points in Le Seuer, Blue Earth and Nicollet Counties, Minn., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, West Virginia, Wisconsin, Pennsylvania, and New York.

(4) From points in Holmes County, Ohio, to points in Maine, North Dakota, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Ohio, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Kentucky, Tennessee, Indiana, Michigan, Wisconsin, Illinois, Minnesota, Iowa, Missouri, Arkansas, Louisiana, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Colorado, and New Mexico; (5) from points in Albany County, N.Y., to points in New Jersey, Ohio, Pennsylvania, Massachusetts, Rhode Island, Connecticut, Maryland, Delaware, the District of Columbia, Virginia, and West Virginia; (6) from points in Scioto, Coshocton and Tuscarawas Counties, Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana (except from Coshocton County), Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Oklahoma (except from Coshocton County), Rhode Island, South Carolina, Pennsylvania, Tennessee, Virginia, West Virginia, that part of Kansas on and east of U.S. Highway 75, that part of Minnesota on and south of Minnesota Highway 95 running westward from the Minnesota-Wisconsin State line to junction Minnesota Highway 23, thence along Minnesota Highway 23 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-South Dakota State line, that part of Nebraska on and east of U.S. Highway 81 and that part of Wisconsin on and south of Wisconsin Highway 29 running westward from the eastern boundary of Wisconsin to junction of U.S. Highway 12, thence along U.S. Highway 12 to the Wisconsin-Minnesota State line.

(7) From points in Albemarle, Buckingham, and Nelson Counties, Va., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Indiana, Illinois, Michigan, Tennessee, Texas, Alabama, Louisiana, Wisconsin, Minnesota, and Missouri, and the ports of entry on the international boundary line between the United States and Canada, located at or near Detroit, Mich., Niagara Falls, and Buffalo, N.Y., (8) from points on Fond du Lac, Milwaukee, Racine, and Waukesha Counties, Wis., to points in Alabama, Arkansas, Delaware, the District of Columbia, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, and West Virginia; (9) from points in Campbell County, Va., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, West Virginia, Wisconsin, that part of Texas on, north and east of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 180 to Lamesa, Tex., thence along U.S. Highway 87 to San Antonio, Tex., and thence along U.S. Highway 181 to Corpus Christi, Tex., and the District of Columbia.

(10) From Clifton, N.J., Boston, Mass., points in Hampden County, Mass., and the New York, N.Y., commercial zone as defined by the Commission to Baltimore, Md., Lynchburg, Va., points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, and Wisconsin; points in Rutland County, Vt., points in Pennsylvania west of U.S. Highway 15 (except points in Bedford, Blair, Cambria, Centre, Clearfield, Cumberland, Elk, Franklin, Fulton, Huntington, Indiana, Jefferson, Juniata, Mifflin, Perry, and Somerset Counties) and points in Texas, on, north and east of a line extending from a point on the Texas-New Mexico State line near Hobbs, N. Mex., along U.S. Highway 180 to Lamesa, Tex.; thence along U.S. Highway 87 to San Antonio, Tex., and thence along U.S. Highway 181 to Corpus Christi, Tex.; (11) from points in Providence County, R.I., to points in Delaware, the District of Columbia, Illinois, Indiana, Kentucky, Michigan, New Jersey (except Newark), New York (except New York City), North Carolina, Ohio, South Carolina, Pennsylvania (except Philadelphia), Tennessee, Virginia, and West Virginia.

(12) From points in Franklin County, Ala., to points in Arkansas, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, that part of Texas on, north and east of a line beginning at the Texas-New Mexico State line extending along U.S. Highway 180 to Lamesa, Tex., thence along U.S. Highway 87 to San Antonio, Tex., and thence along U.S. Highway 181 to Corpus Christi, Tex., that part of Minnesota on and south of Minnesota Highway 95 running westward from the Minnesota-Wisconsin State line to its junction with Minnesota Highway 23, thence along Minnesota Highway 23 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-South Dakota State line; that part of Nebraska on and east of

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

U.S. Highway 81 and that part of Wisconsin on and south of Wisconsin Highway 29 running westward from the eastern boundary of Wisconsin to junction U.S. Highway 12, thence along U.S. Highway 12 to the Wisconsin-Minnesota State line, (13) from points in Pickens County, Ga., to points in Connecticut, Iowa, Massachusetts, Minnesota, Nebraska, North Dakota, Rhode Island, South Dakota, Tennessee, and Wisconsin, (14) from Gantts Quarry, Ala., and points within 3 miles thereof, to points in Georgia, Florida, North Carolina, South Carolina, Tennessee, Mississippi, Louisiana, Arkansas, Texas, Oklahoma, Kansas, Missouri, Iowa, and Michigan; (15) from points in Burnet, Williamson, Travis, Llano, San Saba, and Jones Counties, Tex., to points in Tennessee, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, and St. Louis, Mo.

(16) From points in Blount and Knox Counties, Tenn., to points in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, Wisconsin, that part of Texas on, north and east of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 180 to Lamesa, Tex., thence along U.S. Highway 87 to San Antonio, Tex., and thence along U.S. Highway 181 to Corpus Christi, Tex., that part of Minnesota on and south of Minnesota Highway 95 running westward from Minnesota-Wisconsin State line to junction Minnesota Highway 23, thence along Minnesota Highway 23 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-South Dakota State line; and that part of Nebraska on and east of U.S. Highway 81, and (17) from points in Jasper County, Mo., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Nebraska, Ohio, Oklahoma, Tennessee, West Virginia, that part of Texas on, north and east of a line beginning at the Texas-New Mexico State line, and extending along U.S. Highway 180 to Lamesa, Tex., thence along U.S. Highway 87 to San Antonio, Tex., thence along U.S. Highway 181 to Corpus Christi, Tex., that part of Minnesota on and south of Minnesota Highway 95 running westward from the Minnesota-Wisconsin State line to junction Minnesota Highway 23, thence along Minnesota Highway 23 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-South Dakota State line; that part of Pennsylvania on and west of U.S. Highway 219, that part of Wisconsin on and south of Wisconsin Highway 29, running westward from the eastern boundary of Wisconsin to junction U.S. Highway 12, thence along U.S. Highway 12 to the Wisconsin-Minnesota State line. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 31600 (Sub-No. 633), filed June 24, 1968. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn and soybean products and blends*, dry in bulk, in hopper type vehicles, from Beverly and Salem, Mass., to points in Connecticut, Maine, New Hampshire, Rhode Island, and Vermont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 51146 (Sub-No. 97), filed June 21, 1968. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: Donald F. Martin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products, and meat byproducts and articles distributed by meat packinghouses* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Edgar, Wis., to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 51146 (Sub-No. 98), filed June 21, 1968. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: Donald F. Martin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from Manitowoc, Wis., to points in Minnesota, Nebraska, North Dakota, and South Dakota, and (2) *returned and rejected shipments* of the above-described commodities and *materials and supplies* (except commodities in bulk, in tank or hopper type equipment), used in the manufacture and distribution of the above-described commodities, from the above destination area to Manitowoc, Wis. NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52704 (Sub-No. 62), filed June 24, 1968. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Post Office Box 49, Lafayette, Ala. 36862. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries*, when shipped in mixed loads with salt and salt products (otherwise authorized), from the plantsite of Morton Salt, Inc., Weeks Island, La., to points in Georgia, North Carolina, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or New Orleans, La.

No. MC 59694 (Sub-No. 5), filed June 25, 1968. Applicant: MISSOURI VALLEY EXPRESS, INC., 4440 Buckingham, Post Office Box 7078, South, Omaha Station, Omaha, Nebr. 68101. Applicant's representative: Earl H. Scudder, Jr., Post Office Box 2028, 605 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and dairy products*, as described in sections A and B of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), (1) from West Point, Nebr., to New York, N.Y., and Chicago, Ill., and (2) from Fort Dodge and Denison, Iowa, to Chicago, Ill., under continuing contract with Iowa Beef Packers, Inc., Dakota City, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 60186 (Sub-No. 35), filed June 19, 1968. Applicant: NELSON FREIGHTWAYS, INC, 47 East Street, Rockville, Conn. 06066. Applicant's representative: Vernon V. Baker, 1411 K Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic bags, liners and sheeting, plastic containers, closures for the foregoing commodities* and (2) *sewing machines and stands*, from the plantsites of Bemis Bag Co. in Pepperell, Mass. and Nashua, N.H., to points in New York, New Jersey, Delaware, Maryland, and Pennsylvania, and points in Accomack and Northampton Counties, Va., and in that portion of Virginia within 25 miles of the District of Columbia and *refused, rejected, or returned shipments*, on return. NOTE: Applicant holds contract authority in MC 93421, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 60186 (Sub-No. 36), filed June 25, 1968. Applicant: NELSON FREIGHTWAYS, INC., 47 East Street, Rockville, Conn. 06066. Applicant's representative: Vernon V. Baker, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plywood* and *materials and supplies* used in connection with the manufacture thereof, between Greenville, Maine, on the one hand, and, on the other, points in New York, Ohio, and Pennsylvania, and (2) *lumber, wooden fencing, poles, wooden pallets, skids, and plywood*, from points in Maine to points in Delaware, Indiana, Illinois, Maryland, Michigan, New York, Ohio, Pennsylvania, Virginia, and the District of Columbia. NOTE: Applicant holds contract carrier authority under MC 93421, therefore, dual operation may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston Mass., or Washington, D.C.

No. MC 64600 (Sub-No. 34), filed June 18, 1968. Applicant: WILSON TRUCKING CORPORATION, New Hope Road, Post Office Box 340, Waynesboro, Va. Applicant's representative: Francis W. McInerny, 1000 16th Street N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except commodities in bulk, between Petersburg and Appomattox, Va., over U.S. Highway 460, for operating convenience only, serving no intermediate points. Restriction: Operation over the foregoing route is restricted to transportation of traffic moving to, from or through, Norfolk, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 67646 (Sub-No. 62), filed June 24, 1968. Applicant: HALL'S MOTOR TRANSIT COMPANY, a corporation, Fifth and Vine Streets, Sunbury, Pa. 17801. Applicant's representative: John E. Fullerton, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Hampton, Pa., as an off-route point in connection with carrier's authorized regular-route operations over U.S. Highway 30 between York and Gettysburg, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 70272 (Sub-No. 29), filed June 21, 1968. Applicant: KING VAN LINES, INC., Post Office Box 18268, Wichita, Kans. 67218. Applicant's representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in San Diego, Riverside, Orange, and Los Angeles Counties, Calif., restricted to shipments: (1) Moving on the through bill of lading of a forwarder operating under section 402(b)(2) of the Act; (2) having a prior or subsequent line-haul movement by rail, motor, water, or air carrier; and, (3) having a prior or subsequent movement beyond said points in containers. NOTE: Applicant holds broker authority under Docket No. MC 12392. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 72444 (Sub-No. 30), filed June 24, 1968. Applicant: AKRON-CHICAGO, INC., 1016 Triplett Boulevard, Akron, Ohio 44306. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Goodyear Tire & Rubber Co., located at or near Luckey, Ohio, as an off-route point in connection with applicant's regular-route operations between Chicago, Ill., and Cleveland, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 73165 (Sub-No. 251), filed June 20, 1968. Applicant: EAGLE MOTOR LINES, INC., Post Office Box 1348, Birmingham, Ala. 35201. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Construction, excavating, mining, power distribution, and material handling machinery, tools, and equipment*, (2) *self-propelled articles* weighing 15,000 pounds or less and (3) *parts, attachments and accessories* for the commodities described in (1) and (2) above, (a) between points in Illinois, Indiana, Iowa, Michigan, Ohio, Wisconsin, and Erie, Pa., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee, and Texas, and (b) between points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 73165 (Sub-No. 252), filed June 24, 1968. Applicant: EAGLE MOTOR LINES, INC., Post Office Box 1348, Birmingham, Ala. 35201. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products used in the agricultural, water treatment, food processing, wholesale grocery and institutional supply industries*, when shipped in mixed loads with salt and salt products (otherwise authorized), from the plantsite of Morton Salt, Inc., Weeks Island, La., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or New Orleans, La.

No. MC 82841 (Sub-No. 48), filed June 24, 1968. Applicant: R. D. TRANSFER, INC., 801 Livestock Exchange Building, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials, and supplies* used in the manufacture of metal and fiberglass containers, industrial blenders, and dump station machines, frankfurter processing machines, sand blasters, truck hoists, tractor stilts, stock tank heaters, farm fertilizer applicators, and nurse tank wagons, from points in Ohio, Pennsylvania, Indiana, Illinois, Oklahoma, Kentucky, Texas, Iowa, Wisconsin, Minnesota, Kansas, and Missouri, to points in Iowa, Nebraska, and ports of entry on the international boundary line between the United States and Canada located at or near Detroit, Mich. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 87476 (Sub-No. 1), filed June 21, 1968. Applicant: E H K, INC., 201 Merchants Savings Building, Terre Haute, Ind. 47801. Applicant's representative: W. L. Jordan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap and waste metal, iron and/or steel; scrap and waste metal*, loose or in pressed bales and bundles, or in containers, by dump or self unloading vehicle, (1) between points in Indiana, (2) between points in Indiana on the one hand, and, on the other, Dayton, Cleveland, and Xenia, Ohio, and (3) between Dayton, Ohio, and Newport, Ky. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 106398 (Sub-No. 366), filed June 24, 1968. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, from Natchitoches, La., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 106920 (Sub-No. 28), filed June 24, 1968. Applicant: RIGGS FOOD EXPRESS, INC., Post Office Box 26, West Monroe Street, New Bremen, Ohio 45869. Applicant's representative: Carroll V. Lewis, 122 East North Street, Sidney, Ohio 45365. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* as described in appendix I to the report in *Description in Motor Carrier Certificates* 61 M.C.C. 209, *poultry*, and *poultry parts; turkey, and turkey parts* (without other ingredients), cooked or not cooked, frozen; *chicken eggs* (in shell); *ice cream mix* (dry), *returnable pallets, advertising materials, and repacking materials* pertinent to the above named commodities; from Dubuque and Hudson, Iowa, and, Albert Lea, Alexandria, Faribault, Farmington, Lakefield, Litchfield, Mountain Lake, New Richland, Owatonna, Pine City, Pine Island, Rochester, Goodhue, New Prague, Buffalo, Howard Lake, Monticello, Winnamingo, Minneapolis, and St. Paul, Minn., and, Chippewa Falls, Eau Claire, Greenwood, Marshfield, Monroe, Reedsburg, Sauk City, Spencer, Union Center, Whitehall, Wyocena, Turtle Lake, Barron, Boyceville, Jim Falls, and Richland Center, Wis., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 107107 (Sub-No. 393), filed June 24, 1968. Applicant: ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, Miami, Fla. 33142. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Products used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries*, when shipped in mixed loads with salt and salt products (otherwise authorized), from the plantsite of Morton Salt, Inc., Weeks Island, La., to points in Florida and Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or New Orleans, La.

No. MC 107295 (Sub-No. 122), filed June 26, 1968. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flakeboard or particle board, plywood or lauan, hardboard, and when shipped therewith mouldings and accessories*, from points in Chicago, Ill., commercial zone to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states it will tack with its presenty held authority at Chicago, Ill., to enable service to points in Arkansas, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., Chicago, Ill., or Washington, D.C.

No. MC 107605 (Sub-No. 17), filed June 24, 1968. Applicant: ADVANCE-UNITED EXPRESSWAYS, INC., 2501 Broadway Road, Minneapolis, Minn. 55413. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of Cooper-Jarrett, Inc., terminal on Frontage Road, approximately one-half mile west of County Line Road, in Du Page County, Ill., as an off-route point in connection with applicant's presently authorized regular-route operation to and from Chicago, Ill., restricted against the transportation of traffic originating at or destined to points in the Chicago, Ill., commercial zone as defined by the Commission. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107839 (Sub-No. 127), filed June 25, 1968. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 4985 York Street, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, between points in Colorado, on the one hand, and, on the other, points in Texas, Oklahoma, and Louisiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., and Denver, Colo.

No. MC 108053 (Sub-No. 80), filed June 24, 1968. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., Post Office Box 129, Fremont, Nebr. 68025. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lafayette, Ind., to points in Arizona, Nevada, New Mexico, Utah, and Lubbock, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108393 (Sub-No. 13), filed June 25, 1968. Applicant: SIGNAL DELIVERY SERVICE, INC., 782 Industrial Drive, Elmhurst, Ill. 60126. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by mail order and chain retail department stores, from the stores and other places of business of Montgomery Ward & Co., Inc.; (a) located in Baltimore, Md., to points in Adams, York, Lancaster, Franklin, Cumberland, Perry, Dauphin, Lebanon, and Berks Counties, Pa.; and (b) located at points in York County, Pa., to points in Adams, York, Lancaster, Franklin, Cumberland, Perry, Dauphin, Lebanon, and Berks Counties, Pa., and points in Baltimore, Hartford, Cecil, and Carroll Counties, Md. and *returned shipments* of the above commodities from the destination points specified to the origin points specified herein, under contract with Montgomery Ward Co., Inc. NOTE: Applicant holds common carrier authority under Docket No. MC 118459, therefore, dual operations may be involved. Common control may be involved. Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109515 (Sub-No. 9) (Clarification), filed May 20, 1968, published in FEDERAL REGISTER issue of June 13, 1968, and republished as clarified this issue. Applicant: OZELLA KIMBROUGH HARRINGTON, doing business as KIMBROUGH TRUCKING COMPANY, Post Office Box 604, Benson, Ariz. 85602. Applicant's representative: Earl H. Carroll, 363 North First Avenue, Phoenix, Ariz. 85003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Blasting supplies and accessories*, from Curtiss, Ariz., to points in Idaho, Montana, Wyoming, Washington, and Oregon, with a return movement to Curtiss, Ariz.; (2) *PETN* (pentaerythritetetranitrate), from Gomex and Lehi, Utah, to Curtiss, Ariz.; (3) *boosters*, from Gomex and Lehi, Utah, and Louviers, Colo., to Curtiss, Ariz.; and (4) *black powder*, from Gomex and Lehi, Utah, and Louviers, Colo., to Curtiss, Ariz., under contract with Apache Powder Co. NOTE: The purpose of this republication is to redescribe commodity description in (2) and (4) above. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 109584 (Sub-No. 144), filed June 26, 1968. Applicant: ARIZONA-PACIFIC TANK LINES, a corporation, 3201 Ringsby Court, Denver, Colo. 80216. Applicant's representative: Eugene Hamilton (address same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed supplements*, in bulk, in tank vehicles, from Fresno and Tulare, Calif., to points in Arizona, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 109637 (Sub-No. 341), filed June 24, 1968. Applicant: SOUTHERN TANK LINES, INC., Post Office Box 1047, 4107 Bells Lane, Louisville, Ky. 40201. Applicant's representative: Harris G. Andrews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* derived wholly or in part from petroleum, in bulk, in tank vehicles, between the plantsites and storage facilities of Procter & Gamble Co., at St. Bernard, Ohio, on the one hand, and, on the other, the plantsite and storage facilities of the Procter & Gamble Co., at Iowa City, Iowa, and Kansas City, Kans. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Cincinnati, Ohio.

No. MC 110525 (Sub-No. 867), filed June 25, 1968. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as above), and Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* in bulk, from Adams, Mass., to points in New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine. NOTE: Applicant states that the authority sought herein could be joined with its presently held authority in Sub 608 and others at Adams to provide service from other areas to points in Vermont, Maine, and New Hampshire. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 111956 (Sub-No. 16), filed June 19, 1968. Applicant: SUWAK TRUCKING COMPANY, a corporation, 1105 Fayette Street, Washington, Pa. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between Washington, Pa., and points in Pennsylvania within 5 miles thereof, on the one hand, and, on the other, Newark, N.J., restricted to traffic to be interchanged with other motor carriers at Newark, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 112520 (Sub-No. 185), filed June 24, 1968. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, in bulk, from Avondale, La., to points in Illinois, Iowa, Nebraska, Minnesota, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 112588 (Sub-No. 15), filed June 21, 1968. Applicant: RUSSELL TRUCKING LINE, INC., 2011 Cleveland Road, Sandusky, Ohio 44870. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing and building materials, and materials* used in the installation and application of such commodities (except iron and steel, and commodities in bulk) from the plantsite of Certain-teed Products Corp., at Avery, Ohio, to points in Indiana, Kentucky, Michigan, West Virginia; points in New York in and west of Wayne, Seneca, Schuyler, and Chemung Counties; and points in Pennsylvania in and west of Tioga, Potter, Cameron, Clearfield, Cambria, and Somerset Counties, and *returned shipments*, on return, and (2) *materials, equipment, and supplies* used in the manufacture, installation, or application of roofing and building materials from points in the above-described territory to the plantsite of Certain-teed Products Corp., at Avery, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 112697 (Sub-No. 16), filed June 24, 1968. Applicant: SAMUEL A. BRASFIELD, doing business as B & S ENTERPRISES, 1727 Osborn Drive, Memphis, Tenn. 38127. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements, farm machinery, farm equipment, and agricultural implement parts and attachments, farm machinery parts and attachments, farm equipment parts and attachments* (except commodities the transportation of which, because of their size or weight requires the use of special equipment), from Electric Mills, Miss., and points within 5 miles thereof, to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Mississippi, Minnesota, Nebraska, North Dakota, Oklahoma, Tennessee, and Texas; and (2) *materials, supplies, and equipment* used in the manufacture, processing, sale, and distribution of agricultural implements, farm machinery, and farm equipment, from points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Mississippi, Minnesota, Nebraska, North Dakota, Oklahoma, Tennessee, and Texas, to Electric Mills, Miss., and points within 5 miles thereof. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 114019 (Sub-No. 190), filed June 24, 1968. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hog mucus*, liquid, in bulk, in tank vehicles, from points in Missouri, Wisconsin, and Iowa to Chicago, Ill.; (2) *animal fats, animal oils, and vegetable oils, including products and blends thereof*, in bulk, in tank vehicles, from Champaign, Ill., to points in Virginia, West Virginia, North Carolina, and Maryland. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114364 (Sub-No. 170), filed June 24, 1968. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Roger Spahr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in packages and containers, and (2) *advertising materials*, when shipped with (1) above, from Fort Worth, Tex., to points in Colorado and New Mexico. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Albuquerque, N. Mex.

No. MC 114734 (Sub-No. 17), filed June 26, 1968. Applicant: D AND J TRANSFER CO., a corporation, Sherburn, Minn. 56171. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk); (a) from Schuyler, Nebr., Sioux Falls, S. Dak., Spencer, Iowa, and Minneapolis, Minn., to Hartley, Iowa; and (b) from Hartley, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, North Dakota, Nebraska, Ohio, South Dakota, Wisconsin, and Wyoming, under contract with Spencer Packing Co., Spencer, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Minneapolis, Minn.

No. MC 114848 (Sub-No. 41), filed June 21, 1968. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, Memphis, Tenn. 38106. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, from Memphis, Tenn., and Little Rock, Ark., to points in Alabama, Arkansas, Illinois, Kentucky, Missouri, Mississippi, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 115000 (Sub-No. 3), filed June 20, 1968. Applicant: JAMES A. BLOCKER, doing business as BLOCKER TRANSPORTATION, 910 West 14th Avenue, Blythe, Calif. 92225. Applicant's representative: Milton Flack, 1813 Wilshire Boulevard, Los Angeles, Calif. 90057. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alfalfa pellets, cottonseed meal, cottonseed cake and cottonseed flake*, in bulk, in hopper type vehicles, and *commercial fertilizer* (except in bulk), from Blythe, Calif., to points in Arizona, (2) *baling wire*, from Blythe, Calif., to Poston, Ariz., and points within a 20-mile radius thereof, (3) *cottonseed meal, cottonseed cake, and cottonseed flake*, in bulk, in hopper type vehicles, from points in Arizona to Blythe, Calif., and (4) *commercial fertilizer*, from points in Pinal and Maricopa Counties, Ariz., to Blythe, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Blythe or Los Angeles, Calif.

No. MC 115215 (Sub-No. 13) (Correction), filed May 20, 1968, published in the FEDERAL REGISTER issue of June 20, 1968, corrected and republished as corrected this issue. Applicant: NEW TRUCK LINES, INC., 500 West Hampton Springs Avenue, Perry, Fla. 32347. Applicant's representative: Sol H. Proctor, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Explosives, explosive components, and explosive products*, from points in Taylor County, Fla., to points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin; and, (2) *materials and supplies* used by the manufacturer for the commodities named in part (1) above, in reverse direction. NOTE: The purpose of this republication is to show that it is proposed that (2) above, will be transported in reverse direction. If a hearing is deemed necessary, applicant requests it be held at Jacksonville or Tallahassee, Fla.

No. MC 115311 (Sub-No. 86), filed June 24, 1968. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488,

Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products used in the agricultural, water treatment, food processing, wholesale grocery and institutional supply industries*, when shipped in mixed loads with salt and salt products (otherwise authorized), from the plantsite of Morton Salt, Inc., Weeks Island, La., to points in Mississippi, Alabama, Florida, and Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or New Orleans, La.

No. MC 115311 (Sub-No. 87), filed June 24, 1968. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. 31061. Applicant's representative: Bill R. Davis, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry corn sugar*, in bulk, from Atlanta, Ga., to points in Georgia, North Carolina, Alabama, and Tennessee, restricted to traffic having a prior movement by rail. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Chicago, Ill.

No. MC 115840 (Sub-No. 35), filed June 24, 1968. Applicant: COLONIAL FAST FREIGHT LINES, INC., Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products used in the agricultural, water treatment, food processing, wholesale grocery and institutional supply industries*, when shipped in mixed loads with salt and salt products (otherwise authorized), from the plantsite of Morton Salt, Inc., located at Weeks Island, La., to points in Alabama, Florida, Georgia, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or New Orleans, La.

No. MC 115917 (Sub-No. 18), filed June 24, 1968. Applicant: UNDERWOOD & WELD COMPANY, INC., Post Office Box 348, Crossnore, N.C. 28616. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products used in the agricultural, water treatment, food processing, wholesale grocery and institutional supply industries*, when shipped in mixed loads with salt and salt products (presently authorized), from the plantsite of Morton Salt, Inc., Weeks Island, La., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or New Orleans, La.

No. MC 116063 (Sub-No. 111) (Correction), filed June 18, 1968, published FEDERAL REGISTER issue July 3, 1968, and republished as corrected this issue. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2400 Cold Springs Road, Fort Worth, Tex. 76101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oil, and vegetable oils, including products and blends thereof*, in bulk, in tank vehicles, from Champaign, Ill., to points in Maryland, North Carolina, Virginia, and West Virginia. NOTE: The purpose of this republication is to include animal fats in the commodity description erroneously omitted in previous publication. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Dallas, Tex.

No. MC 116077 (Sub-No. 237), filed June 20, 1968. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dichlorobutane waste*, in bulk, in tank vehicles, from La Place, La., to Victoria, Tex. NOTE: If a hearing deemed necessary, applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 116142 (Sub-No. 15), filed June 26, 1968. Applicant: BEVERAGE TRANSPORTATION, INC., 1154 Lafayette Street, York, Pa. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising material*, from Columbus, Ohio, to points in Pennsylvania, and *empty containers*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 116254 (Sub-No. 80), filed June 28, 1968. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, 515 Nashville Bank and Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer solutions, and fertilizer materials*, from Rochelle, Ga., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina. NOTE: Applicant states it intends to tack with its presently held authority in Sub 5 wherein it is authorized to conduct operations in the States of Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Virginia, and with its presently held authority in Sub 33 wherein it is authorized to conduct operations in the States of Alabama, Georgia, Mississippi, Louisiana, and Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Birmingham, Ala., or Nashville, Tenn.

No. MC 116506 (Sub-No. 1), filed June 20, 1968. Applicant: JOHNSTOWN-PITTSBURGH EXPRESS, INC., Progress and Chesbro Streets, Pittsburgh, Pa. 15212. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Pittsburgh, Pa., and Lewistown, Pa., over U.S. Highway 22, serving intermediate points on said route east of Mundy's Corner, Pa., and off-route points in Mifflin, Huntingdon, and Blair Counties, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 116519 (Sub-No. 3), filed June 21, 1968. Applicant: FREDERICK TRANSPORT LIMITED, Merlin, Ontario, Canada, Applicant's representative: S. Harrison Kahn, Suite 732, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, and in bags, from the ports of entry on the international boundary line between the United States and Canada located at Detroit and Port Huron, Mich., to points in Michigan, Ohio, Indiana, and Illinois. NOTE: Applicant has pending an application for contract carrier authority under MC 128477 (Sub-No. 1), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 116949 (Sub-No. 11), filed June 20, 1968. Applicant: BURNS TRUCKING, INC., Route No. 1, South Sioux City, Nebr. Applicant's representative: Paul W. Deck, 222 Davidson Building, Sioux City, Iowa 51101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Semitrailers*, new, used, and/or wrecked, *parts and equipment* therefor, between the plantsite of Transcraft Corp. at or near Anna, Ill., on the one hand, and, on the other, points in the United States (excluding Alaska and Hawaii), under contract with Transcraft Corp., Anna, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 117242 (Sub-No. 6), filed June 25, 1968. Applicant: MATUSZKO FARMS, INC., 19 Ball Lane, Amherst, Mass. 01002. Applicant's representative: Arthur A. Wentzell, Post Office Box 720, Worcester, Mass. 01601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, liquid and dry, in bulk, and packages, (1) from Marlboro, Mass., to points in New Hampshire and Vermont, and those in Clinton, Columbia, Essex, Rensselaer, and Warren Counties, N.Y., (2) from Hazardville, Conn., to points in Massachusetts, New Hampshire, Vermont, and those in Clinton, Columbia, Essex, Rensselaer, and Warren Counties, N.Y. If a hearing is deemed necessary, applicant requests it be held at Springfield or Boston, Mass., or Hartford, Conn.

No. MC 117956 (Sub-No. 4), filed June 24, 1968. Applicant: HUGH H. SCOTT, doing business as SCOTT TRANSFER COMPANY, 920 Ashby Street NW., Atlanta, Ga. 30310. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries*, when shipped in mixed loads with salt and salt products (otherwise authorized), from the plantsite of Morton Salt, Inc., Weeks Island, La., to points in Alabama, Florida, Georgia, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or New Orleans, La.

No. MC 119493 (Sub-No. 44), filed June 23, 1968. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Post Office Box 1196, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods, canned goods in mixed shipments with canned and/or packaged animal feed*, from plantsite and warehouse facilities of Mavar Shrimp & Oyster Co., Ltd., at or near Biloxi, Miss., to points in Arkansas, Missouri, Kansas, Oklahoma, Nebraska, Iowa, Illinois, Minnesota, Wisconsin, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 119547 (Sub-No. 22), filed June 24, 1968. Applicant: EDGAR W. LONG, INC., Route 4, Zanesville, Ohio 43360. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products and materials and supplies* used in the manufacture, installation, sale, and distribution of clay products, between Cincinnati, Ohio, on the one hand, and, on the other, points in the United States (excluding Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119767 (Sub-No. 210), filed June 21, 1968. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst, Post Office Box 339, Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Albert Lea, Farmington, Faribault, Pine Island, New Richland, and Rochester, Minn., to points in Illinois and Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 123048 (Sub-No. 134), filed June 24, 1968. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's representatives: C. E. Carter (same address as above), and Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements*, from points in Kemper County, Miss., to points in Georgia, Alabama, Mississippi, Louisiana, Texas, Oklahoma, Arkansas, Kentucky, Missouri, Ohio, Indiana, Illinois, Michigan, Iowa, Wisconsin, Minnesota, North Dakota, and traversing Kansas, Nebraska, South Dakota, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 123048 (Sub-No. 135), filed June 24, 1968. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representatives: C. Ernest Carter, Post Office Box A, Racine, Wis. 53401, and Paul Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts*, from Brillion, Wis., to points in Arkansas, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis., or Chicago, Ill.

No. MC 123048 (Sub-No. 136), filed June 24, 1968. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representatives: C. Ernest Carter, Post Office Box A, Racine, Wis. 53401, and Paul Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets*, from points in Harrison County, Tex., to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Ohio, Pennsylvania, Tennessee, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Houston, or Fort Worth, Tex.

No. MC 123176 (Sub-No. 9) (Amendment), filed April 18, 1968, published FEDERAL REGISTER issue of May 9, 1968, amended June 21, 1968, and republished as amended this issue. Applicant: WILLIAM D. SMITH, doing business as K. G. & C. TRUCK LINE, 925 Quincy Drive, Hamilton, Ohio 45013. Applicant's representative: Elmer F. Streib, 715 Executive Building, 35 East Seventh Street, Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Peoria Heights, Ill., to Cincinnati, Ironton, Portsmouth, Ripley, and Columbus, Ohio, and points in St. Clair Township, Butler County, Ohio. NOTE: The purpose of this republication is to add the destination point of Columbus, Ohio. If a hearing is deemed necessary, applicant requests it be held at Cincinnati or Hamilton, Ohio.

No. MC 123634 (Sub-No. 5), filed June 25, 1968. Applicant: K. N. DISTRIBUTORS, INC., 31 West 34 Street, New York, N.Y. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General department store merchandise*, from piers and wharves located in the New York, N.Y., commercial zone, as defined in the Fifth Supplemental Report in Commercial Zone and Terminal Areas, 53 M.C.C. 451 within which local operations may be conducted under the exemption provision of section 203(b)(8) of the Act (exempt zone) to the warehouse and storage facility and store location of S. Klein Department Stores, Inc., its subsidiaries and concessionaires located at East Farmingdale, Long Island, N.Y., restricted to traffic having a prior movement by water, under contract with S. Klein Department Stores, Inc., its subsidiaries, corporations and/or concessionaires. NOTE: Applicant states it presently holds authority for the same commodity between the warehouse, storage facilities and store location of S. Klein Department Stores, Inc., its subsidiaries and concessionaires at New York, N.Y., and East Farmingdale, N.Y. The instant application is to enable applicant to serve the piers on import traffic. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 123778 (Sub-No. 14), filed June 20, 1968. Applicant: JOSEPH BAIO, doing business as UNITED NEWSPAPER DELIVERY SERVICE, 75 Cutters Lane, Woodbridge, N.J. 07095. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines, magazine racks, and advertising matter shipped with magazines*, from Albany, N.Y., to points in Connecticut, and New Jersey; that part of Pennsylvania on and east of U.S. Highway 15, and in New York, west of the Hudson River on and east of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 26 to Binghamton, thence on and south of a line extending along New York Highway 7 to Oneonta and thence along New York Highway 28 to Kingston and east of the Hudson River, on and south of the Dutchess-Columbia County line, under contract with Time, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124579 (Sub-No. 3), filed June 19, 1968. Applicant: G. EDWARD WIKEL, doing business as WIKEL MILK CARTAGE, Route No. 1, Huron, Ohio 44839. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Toys*, rubber or plastic, from Sandusky, Ohio, to Cleveland, Ohio. NOTE: Applicant has contract carrier authority under MC 114377 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 125037 (Sub-No. 9), filed June 24, 1968. Applicant: DIXIE MIDWEST EXPRESS, INC., Post Office Box 372, Greensboro, Ala. 36744. Applicant's representative: John W. Cooper, 1301 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feeds, dry animal and poultry mineral mixtures, livestock and poultry feeders, insecticides OTA, and premiums and advertising matters* relating to preceding products when moving in mixed shipments with such products, from Quincy, Ill., to points in Alabama, Georgia, and Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala.

No. MC 125996 (Sub-No. 14), filed June 20, 1968. Applicant: JENSEN TRUCKING COMPANY, INC., Post Office Box 37491, Millard, Nebr. 68137. Applicant's representative: Duane W. Acklie, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and packaged animal and pet food, and canned and packaged foodstuffs*, from Siloam Springs and Gentry, Ark., and the plantsite of Allen Canning Co., located approximately 10 miles northeast of Siloam Springs, Ark., and from Kansas, Okla., and Proctor, Okla., to points in Arizona, California, Iowa, Minnesota, Nebraska, New Mexico, North Dakota, Oregon, South Dakota, Wisconsin, Washington, and those points in Texas located on and west of U.S. Highway 83. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 126629 (Sub-No. 4), filed June 25, 1968. Applicant: J. C. ROSS, 6009 Pamela Lane, Knoxville, Tenn. Applicant's representative: Charles H. Hudson, Jr., 833 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials and compounds*, from the plantsite of the Agrico Chemical Co., Knoxville, Tenn., to points in Kentucky, under contract with Agrico Chemical Co., Knoxville, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Knoxville or Nashville, Tenn.

No. MC 126904 (Sub-No. 8), filed June 24, 1968. Applicant: H. C. PARRISH TRUCK SERVICE, INC., R.F.D. No. 2, Freeburg, Ill. Applicant's representative: B. W. LaTourette, Jr., 611 Olive Street, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, byproducts from paper processing or distribution, and materials, equipment, and supplies, used in the manufacture, processing, or distribution of paper and paper products*, between the plantsite of West Virginia Pulp & Paper Co., at or near Wickliffe, Ky., located in Ballard and Carlisle Counties, Ky., on the one hand, and, on the other, points in Alabama, Arkansas, Illinois, Missouri, Florida, Georgia, Indiana, Minnesota, Oklahoma, Nebraska, Tennessee, Wisconsin, Iowa, Kansas, Kentucky, Ohio, Louisiana, Michigan, and Mississippi. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 127689 (Sub-No. 20), filed June 7, 1968. Applicant: PASCAGOULA DRAYAGE COMPANY, INC., 705 East Pine Street, Hattiesburg, Miss. 39401. Applicant's representative: W. N. Innis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm machinery, agricultural implements and parts, accessories, and attachments therefor*, from points in Jones County, Miss., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin; and (2) *equipment, materials, supplies, and parts* used in the manufacture of farm machinery, agricultural implements, and parts, accessories, and attachments therefor, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 129124 (Sub-No. 3), filed June 24, 1968. Applicant: SAMUEL J. LANSBERRY, Woodland, Pa. 16881. Applicant's representatives: James W. Hagar and S. Berne Smith, 100 Pine Street, Post Office Box 432, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay* in bulk, in dump vehicles, from points in Clearfield County, Pa., to points in Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 129429 (Sub-No. 2), filed June 24, 1968. Applicant: CHARLES J. GREGORY, 805 Richards Street, Post Office Box 392, Gillette, Wyo. 82716. Applicant's representative: Ward A. White, Post Office Box 568, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel* from points in Campbell, Crook, and Johnson Counties, Wyo., and Butte County, S. Dak., to points in Carter and Powder River Counties, Mont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Casper or Cheyenne, Wyo.

No. MC 129863 (Sub-No. 1), filed June 24, 1968. Applicant: FREDERICK L. BULTMAN, INC., 3140 West Fond du Lac Avenue, Milwaukee, Wis. 53210. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lithographed check forms and related raw materials*, between Milwaukee, Wis., and Elmhurst, Ill., under contract with Columbian Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 129949, filed June 4, 1968. Applicant: MEARS DELIVERY SERVICE, INC., 2120 North Vanpelt Street, Philadelphia, Pa. 19121. Applicant's representative: L. W. Harris, L. W. Harris and Associates, 5551 Walnut Street, Philadelphia, Pa. 19139. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical equipment, appliances, furniture and furnishings, and equipment for restaurants*, between Philadelphia, Pa., and points in Philadelphia, Delaware, Chester, Montgomery, and Bucks County, Pa., within a line drawn and connecting Chester, West Chester, Norristown, Doylestown, Morrisville, but not including these towns, on the one hand, and, on the other, points in Delaware, Maryland, New York, New Jersey, Pennsylvania, Virginia, West Virginia, and the District of Columbia, under contract with Clymer Bros. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 129960 (Clarification) filed June 6, 1968, published FEDERAL REGISTER issue of June 27, 1968, and republished as clarified this issue. Applicant: CLARENCE H. FIELDER, SR., doing business as FIELDER'S EXPRESS, 321 South Delaware Street, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber products, rubber tires* mounted or not mounted, *wheels or wheel blanks, plastic*, not laminated nor reinforced with or without tires, *material and supplies* used in the manufacturing of rubber products, between Lineville, Ala., on the one hand, and, on the other, Olney, Ill., Des Moines and Fort Madison, Iowa; Omaha, Nebr.; Windon, Minn., and Janesville, Wis. The purpose of this republication is to show that applicant seeks a radial operation in lieu of nonradial operations previously published. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 129980, filed June 19, 1968. Applicant: ROBERT S. LOCKHART AND WALTER M. LOCKHART, a partnership, doing business as LOCKHART EXPRESS, 726 Woodstock Lane, Winchester, Va. 22601. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from the plantsite of Bowman Apple Products Co. located at Mount Jackson, Va., to points in Tennessee and Alabama. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129981, filed June 17, 1968. Applicant: BRIDGFORD DISTRIBUTING CO., a corporation, 1 Frozen Food Plaza, Secaucus, N.J. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen bread dough*, from Secaucus, N.J., to points in the United States east of the eastern boundaries of North Dakota, South Dakota, Wyoming, Colorado, Oklahoma, and Texas, restricted to traffic originating at the plantsite or warehouse facilities of Bridgford Food Corp. under contract with Bridgford Food Corp. of Secaucus, N.J.; and, (2) *meat, meat products and meat byproducts and packinghouse products* as described by the Commission in sections A and C, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities in bulk), from Sioux City, Iowa, to Newark, N.J.; New York, N.Y.; and Boston, Mass, restricted to traffic originating at the plantsite or warehouse facilities of Raskin Packing Co., under contract with Raskin Packing Co. of Sioux City, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 129993 (Sub-No. 2), filed June 26, 1968. Applicant: LIMESTONE TRANSIT, INC., Post Office Box 80, Fairbury, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed grade urea* from the plantsite of Meiners Farm Service at Colfax, Ill., to points in Indiana, Wisconsin, Iowa, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

MOTOR CARRIERS OF PASSENGERS

No. MC 129277 (Amendment), filed July 31, 1967, published FEDERAL REGISTER issue of August 10, 1967, amended and republished as amended this issue. Applicant: THE TERMINAL TAXI CO., INC., doing business as YELLOW CAB COMPANY AND METROPOLITAN LIMOUSINE SERVICE, 20 Fair Street, New Haven, Conn. 06510. Applicant's representative: Walter Slowinsky, 815 Connecticut Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, and their baggage* in the same vehicle with passengers, in special nonscheduled door-to-door service, limited to the transportation of not more than six passengers, not including the driver thereof, in any one vehicle, between points in New Haven County, Conn., and New York City, N.Y., and airport sites located in New York, N.Y. NOTE: The purpose of this republication is to add New York City, N.Y., as a destination point. If a hearing is deemed necessary, applicant requests it be held at New Haven, Conn., or Washington, D.C.

No. MC 129939 (Correction) filed May 16, 1968, published in the FEDERAL REGISTER dated July 4, 1968, corrected and republished as corrected this issue. Applicant: S. C. WILLIAMS, doing business as PIEDMONT BUS LINES, 2428 Greenland Avenue, Charlotte, N.C. 28208. Applicant's representative: Hugh L. Lobdell, 1210 North Carolina National Bank Building, Charlotte, N.C. 28202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Passengers and express, newspapers, and baggage of passengers* in the same vehicle with passengers; (A) Over regular routes: (1) Between Charlotte, N.C., and Belmont, N.C.: From a point at or near the intersection of Trade and Graham Streets in Charlotte over West Trade Street to the Tuckaseegee Road to the Cannon Airport; thence over County Highway No. 17 via Mulberry Church to the intersection of said county road with County Highway No. 181; thence over County Highway 181 to Thrift, N.C., thence over County Highway No. 178 passing through the village of Thrift to the intersection of that road with County Highway No. 180; thence over County Highway No. 180 to its intersection with County Highway No. 172 at Moores Chapel; thence over County Highway No. 172 to its intersection with U.S. Highway No. 29 near the Catawba River Bridge; thence across the Catawba River Bridge to North Carolina Highway 7; thence over North Carolina Highway 7 to Belmont, and return over the same route, serving all intermediate points, subject to the following restrictions: Passengers shall not be transported between the intersection of Graham and Trade Streets and Green Boulevard which may be transported from origin to destination on the city buses of the Duke Power Co.

(2) Between Belmont, N.C., and Clover, S.C.: Beginning at the intersection of Main and Catawba Streets in Belmont, Gaston County, N.C., and running thence along Main Street and SR 2519 to SR 2302, a distance of about 3.6 miles; thence along SR 2302 to the South Carolina State line a distance of about 4.5 miles; thence along South Carolina State Road S-46-177 to South Carolina Highway 274 a distance of about 1.9 miles; thence along South Carolina Highway 274 to South Carolina Highway 557, a distance of about 0.9 mile; thence along South Carolina Highway 557 to South Carolina Highway 55, a distance of about 6 miles; thence along South Carolina Highway 55 to junction U.S. Highway 321 to Clover, a distance of about 3 miles, and return over the same route, serving all intermediate points. (B) Over irregular routes: Special or charter operations, beginning and ending at points on the above-described routes and extending to points in Wisconsin, Illinois, Kentucky, Tennessee, Mississippi, Louisiana, North Carolina, South Carolina, Michigan, Indiana, Alabama, Ohio, New York, New Jersey, Vermont, Pennsylvania, West Virginia, Virginia, Georgia, Florida, Maryland, Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, Delaware, and the District of Columbia. NOTE: The purpose of this republication is to add North Carolina and South Carolina to the points being served in Part B, above, which were erroneously omitted in previous issue. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

APPLICATION OF FREIGHT FORWARDERS

FREIGHT FORWARDERS OF PROPERTY

No. FF-252 (Sub-No. 1) CHI-CAN FREIGHT FORWARDING, LTD., Extension—CANADA, filed June 24, 1968. Applicant: CHI-CAN FREIGHT FORWARDING, LTD., 4956 South Kedzie Avenue, Chicago, Ill. Applicant's representative: Paul J. Maguire, 111 West Washington Street, Chicago 2, Ill. Authority sought under section 410, Part IV of the Interstate Commerce Act to extend operations as a *freight forwarder* in Interstate or foreign commerce, through use of the facilities of common carriers by railroad, motor vehicle, and water carriers, in the transportation of *general commodities*, from points in Illinois, Iowa, Missouri, and Wisconsin, to points in the Provinces of New Brunswick, Nova Scotia, Newfoundland, and Prince Edward Island, Canada, for export only, to the extent such transportation takes place in the United States.

No. FF-330 (Amendment) HOME-PACK TRANSPORT, INC.—Freight Forwarder Application, filed November 22, 1965, published in the FEDERAL REGISTER issues of December 9, 1965, and April 11, 1968, and republished as amended this issue. Applicant: HOME-PACK TRANSPORT, INC., 57-48 49th Street, Maspeth, N.Y. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. 10036. Authority sought under Part IV of the Interstate Commerce Act as a freight forwarder in interstate or foreign commerce in the forwarding of (a) household goods, as defined by the Commission 17 M.C.C. 467, (b) used automobiles, (c) unaccompanied baggage, and (d) general commodities, except as shown in paragraphs (a), (b), and (c) above; between points in the United States, including Alaska and Hawaii. NOTE: The purpose of this republication is to more clearly set forth the commodity description. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 83539 (Sub-No. 232), filed June 24, 1968. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representatives: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102, and J. P. Welsh, Post Office Box 5976, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit or pipe, with or without couplings, rings, fittings, accessories, or attachments* when moving in connection therewith, from the plantsite of Johns Manville Products

Corp., at or near Denison, Tex., to points in the United States, except Alaska and Hawaii.

No. MC 114965 (Sub-No. 38), filed June 24, 1968. Applicant: CYRUS TRUCK LINE, INC., Post Office Box 327, Iola, Kans. 66749. Applicant's representative: Charles H. Apt, 104 South Washington, Iola, Kans. 66749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* not requiring heat in transit, in bulk, in tank vehicles, from the site of Williams Brothers Pipeline Terminal, referred to as St. Joseph Terminal, located at or near Wathena, Doniphan County, Kans., to points in Missouri, Iowa, and Nebraska.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8176; Filed, July 10, 1968; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 8, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41379—*Chlorine to Naheola, Ala.* Filed by O. W. South, Jr., agent (No. A6031), for interested rail carriers. Rates on chlorine, in tank carloads, from Vicksburg, Miss., to Naheola, Ala.

Grounds for relief—Rate relationship.

Tariff—Supplement 62 to Southern Freight Association, agent, tariff ICC S-699.

FSA No. 41380—*Chlorine to St. Marys, Ga.* Filed by O. W. South, Jr., agent (No. A6032), for interested rail carriers. Rates on chlorine, in tank carloads, from Vicksburg, Miss., to St. Marys, Ga.

Grounds for relief—Rate relationship.

Tariff—Supplement 62 to Southern Freight Association, agent, tariff ICC S-699.

FSA No. 41381—*Soda ash to Atlanta and East Point, Ga.* Filed by O. W. South, Jr., agent (No. A6034), for interested rail carriers. Rates on soda ash, in bulk, in covered hopper cars, in carloads, from Saltville, Va., to Atlanta and East Point, Ga.

Grounds for relief—Rate relationship.

Tariff—Supplement 120 to Southern Freight Association, agent, tariff ICC S-517.

FSA No. 41382—*Lumber from points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-9089), for interested rail carriers. Rates on lumber and related articles, in carloads, from points in southwestern territory, to points in Iowa on the CR&IC, DM&CI, and FDDM&S.

Grounds for relief—Market competition.

Tariff—Supplement 86 to Southwestern Freight Bureau, agent, tariff ICC 4690.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8222; Filed, July 10, 1968; 8:47 a.m.]

[Notice 644]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 8, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 81908 (Sub-No. 2 TA), filed July 3, 1968. Applicant: WILLIAM E. WAMMES, doing business as H. & W. MOTOR FREIGHT, Route 4, Box 196, Bowling Green, Ohio 43402. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, between Toledo, Ohio, on the one hand, and, on the other, Pittsburgh, Pa., points in that part of Indiana on and east of a line beginning at Lake Michigan and extending along U.S. Highway 35 to Logansport, Ind., thence along Indiana Highway 29 (formerly portion U.S. Highway 35) to Burlington, Ind., thence along Indiana Highway 22 (formerly U.S. Highway 35) to junction U.S. Highway 35, thence along U.S. Highway 35 to the Indiana-Ohio State line, and that part of Michigan on and south of Michigan Highway 21, for 150 days. Supporting shipper: H. J. Heinz Co., Pittsburgh, Pa. 15230. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 102682 (Sub-No. 253 TA), filed July 3, 1968. Applicant: HUGHES TRANSPORTATION, INC., Post Office Box 851, 2038 Meeting Street Road, Charleston, S.C. 29402. Applicant's representative: Frank B. Hand, Jr., The Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Class B explosives*, from Kingsbay, Ga., to St. Marks, Fla., for 150 days. Supporting shipper: Olin Mathieson Chemical Corp., St. Marks, Fla. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 601A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 126822 (Sub-No. 25 TA), filed July 1, 1968. Applicant: PASSAIC GRAIN AND WHOLESALE COMPANY, INC., Post Office Box 23, Passaic, Mo. 64777. Applicant's representative: Warren H. Sapp, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, pelts, and pieces thereof*, from Denver and Greeley, Colo.; Rockford, Ill.; Denison, Des Moines, Dubuque, Manchester, Sioux City, and Spencer, Iowa; Garden City, Kansas City, Pratt, Solomon, and Wichita, Kans.; Minneapolis, St. Paul, and Windom, Minn.; Kansas City, Phelps City, and St. Louis, Mo.; Fairbury, Hastings, Omaha, Scotts Bluff, and York, Nebr.; Oklahoma City, Okla.; and Amarillo, Dallas, Fort Worth, Hereford, Lubbock, and San Angelo, Tex., to points in Alameda, Los Angeles, San Diego, San Francisco, and San Mateo Counties, Calif., for 150 days. Supporting shippers: Young-Hides, 1395 Evans Avenue, San Francisco, Calif. 94124; Manassee-Block Tanning Co., 1300 Fourth Street, Berkeley, Calif. 94710; Midcontinent Hide & Supply Corp., Post Office Box 148, Glenview, Ill. 60025; Jack Cramer—Hides and Skins, Post Office Box 54, Mequon, Wis. 53902. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 129928 TA (Correction), filed June 4, 1968, published FEDERAL REGISTER issue of June 4, 1968, and republished as corrected this issue. Applicant: E. B. WILLS COMPANY, INC., 4752 East Carmen Avenue, Fresno, Calif. 93703. Applicant's representative: William H. Kessler, 638 Divisadero Street, Fresno, Calif. 93721. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel* articles, from San Francisco, Calif., Bay Area Ports, to points in California and Nevada; and from Union City, Calif., to points in the States of California, Nevada, and Arizona, for 180 days. NOTE: The purpose of this republication is to include return movement, inadvertently omitted from previous publication. Supporting shippers: Pacific States Steel Corp., 35124 Alvarado-Niles Road, Union City, Calif. 94587: Rods, Western Division, Stressteel Corp., 32420 Central Avenue, Union City, Calif. 94587. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 133003 TA, filed July 3, 1968. Applicant: JOE W. BILLINGSLEY, Route No. 2, Cameron, Okla. 74932. Applicant's representative: Jim Jones, 204 North Elm Street, Sallisaw, Okla. 74955. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Roland, Okla., to points in Arkansas, Missouri, Kansas, and Oklahoma, for 180 days. Supporting shipper: Roland Furniture Manufacturing Co., Post Office Box 59, Roland, Okla. 74954. Send protests to: District Supervisor William H. Land, Jr., 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8223; Filed, July 10, 1968; 8:47 a.m.]

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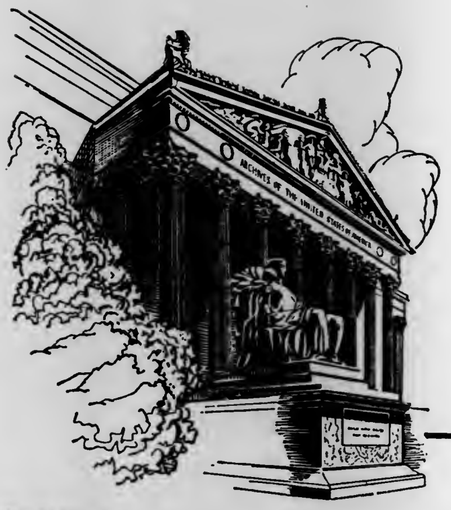
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CAPTIVE NATIONS WEEK, 1968

By the President of the United States of America

A Proclamation

WHEREAS the joint resolution approved July 17, 1959 (73 Stat. 212) authorizes and requests the President of the United States of America to issue a proclamation each year designating the third week in July as "Captive Nations Week" until such time as freedom and independence shall have been achieved for all the captive nations of the world; and

WHEREAS human freedom, national independence, and justice are fundamental rights of all peoples; and

WHEREAS the enjoyment of these rights, to which all peoples justly aspire, remains severely limited or denied in many areas of the world; and

WHEREAS the United States of America, in keeping with the principles on which it was founded, has sought consistently to promote the observance of fundamental human rights throughout the world;

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the week beginning July 14, 1968 as Captive Nations Week.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of July in the year of our Lord nineteen hundred and sixty-eight, and of the Independence of the United States of America the one hundred and ninety-third.

Lyndon B. Johnson

[F.R. Doc. 68–8337; Filed, July 10, 1968; 5:00 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 17—SALES OF AGRICULTURAL COMMODITIES MADE AVAILABLE UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954 AS AMENDED

Subpart A—Regulations Governing the Financing of Commercial Sales of Agricultural Commodities

MISCELLANEOUS AMENDMENTS

The Regulations Governing the Financing of Commercial Sales of Agricultural Commodities pursuant to Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, are amended, as follows:

1. Section 17.13 is amended by changing paragraph (d) (1) to read as follows:

§ 17.13 Documentation.

* * * * * * *

(d) * * *

(1) Signed original of Form CCC–329, "Supplier's Certificate", to be executed by the carrier or its agent, covering the dollar cost of ocean freight or ocean freight differential.

* * * * * * *

2. Section 17.14 is amended by changing paragraph (b) (1) to read as follows:

§ 17.14 Documents in support of drafts drawn on CCC by banking institutions.

* * * * * * *

(b) *Documents originated by banking institutions.* (1) Form CCC–331 "Advice of Payment or Acceptance of Draft" in duplicate, the original containing an authorized signature for the banking institution.

* * * * * * *

3. Section 17.15 is amended by changing paragraph (a) (2) to read as follows:

§ 17.15 Responsibilities of banking institutions for transactions under letters of commitment.

* * * * * * *

(a) * * *

(2) *Advice to approved applicant.* The banking institution shall airmail advice of the amount of dollar disbursement or the dollar amount and maturity date of time drafts accepted to the approved applicant or to the bank or agency authorized by the approved applicant to open related letters of credit. If documents and advice of payment are sent to such bank or agency, another advice of payment shall be airmailed to the approved applicant. The transmittal shall include one of the following:

(i) When the purchase authorization is for sales on long-term credit there shall be included a request that the approved applicant or the bank or agency authorized by the approved applicant to open related letters of credit notify the participant that "the net amount of the supplier's invoice financed by CCC under the transaction is $_____".

* * * * * * *

4. Section 17.16 is amended by changing the address of the New York Field Office of ASCS Fiscal Division to read as follows:

§ 17.16 ASCS Offices.

The addresses of the ASCS Offices are as follows:

* * * * * * *

New York Field Office, Fiscal Division, ASCS, 26 Federal Plaza, Room 1755, New York, N.Y. 10007.

* * * * * * *

(Secs. 101–110, 401–405, 409, 68 Stat. 455, as amended, sec. 8, 72 Stat. 1792, as amended; 7 U.S.C. 1701–1709, 1731–1735, 7 U.S.C. 1701 note)

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER as to purchase authorizations issued on and after such date.

Issued at Washington, D.C., this eighth day of July 1968.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 68–8264; Filed, July 11, 1968; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF ANIMAL DISEASES

PART 56—SWINE DESTROYED BECAUSE OF HOG CHOLERA

Payment of Indemnities

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114, 114a, 114g, 115, 117, 120, 121, 123–126, and 134b), Part 56, Title 9, Code of Federal Regulations relating to the payment of indemnity for swine destroyed because of hog cholera, is hereby amended in the following respects:

1. New paragraphs (g) and (h) are added to § 56.1 to read as follows:

§ 56.1 Definitions.

* * * * * * *

(g) *Purebred swine.* Any breeding swine upon which a certificate of pure breeding has been issued by a purebred swine association.

(h) *Inbred or hybrid swine.* Any breeding swine upon which a certificate of registration has been issued by Inbred Livestock Registry Association or Farmers Hybrid Cos., Inc.

2. Section 56.3 is amended to read as follows:

§ 56.3 Appraisal of swine.

Swine affected with or exposed to hog cholera which are to be destroyed and indemnities paid therefor under this part shall be appraised at their actual value for meat, feeding or breeding purposes at the place and time of appraisal, except that in the case of grade animals only females shall be eligible for appraisal based on breeding value and that no such appraisal shall exceed three times the animals' meat or feeding value. Appraisal shall be made by a Division or State representative or jointly. The record of appraisal shall be signed by the appraiser, or appraisers, and by the owner certifying his acceptance of the appraisal. Swine may be appraised in groups providing they are the same type and providing that where appraisal is by the head each animal in the group is the same value per head or where appraisal is by the pound each animal in the group is the same value per pound. Swine presented for appraisal as purebred swine shall be accompanied by their certificate of pure breeding; swine presented for appraisal as inbred or hybrid swine shall be accompanied by their certificate of registration. Certificates of pure breeding for purebred swine or certificates of registration for inbred or hybrid swine shall be presented at the time of appraisal or such swine will be appraised as grades: *Provided, however,* That in the absence of such certificate of pure breeding; or certificate of registration for inbred or hybrid swine the Director of Division may grant a reasonable time for the presentation of their certificate of pure breeding or registration to the appraiser.

3. Section 56.7(b) is amended to read as follows:

§ 56.7 Payment to owners for swine destroyed.

* * * * * * *

(b) Federal indemnity shall not exceed $40 per head for grade swine or $50 per head for purebred and inbred or hybrid swine.

(Secs. 3–5, 23 Stat. as amended, sec. 2, 32 Stat. 792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 11, 58 Stat. 734, as amended, 75 Stat. 481, 76 Stat. 129–132; 21 U.S.C. 111–113, 114, 114a, 114g, 115, 117, 120, 121, 123–126, 134b)

The purposes of the foregoing amendments are (1) to permit payment of indemnity for registered hybrid and inbred swine at the same rate paid for purebred swine and (2) to permit swine to be appraised by either a representative of the State or a representative of the Division or both.

The amendment will be of benefit to affected persons as it will increase the rate of indemnity for hybrid and inbred swine and will also facilitate the payment of all indemnity claims for swine destroyed because of hog cholera. Accordingly, under the administrative procedure provisions (5 U.S.C. 553) it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this eighth day of July 1968.

R. J. ANDERSON,
Acting Adminstrator,
Agricultural Research Service.

[F.R. Doc. 68-8283; Filed, July 11, 1968; 8:47 a.m.]

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Designation of Free and Infected Areas and Eradication Areas

Pursuant to the provisions of sections 4 through 7 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 1 through 4 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126) Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, is hereby further amended in the following respects:

1. Subparagraph (3) of § 74.2(a) is amended to read as follows:

§ 74.2 Designation of free and infected areas.

(a) • • •

• • • • • •

(3) All counties in Pennsylvania except Chester and Dauphin: *Provided, however,* That the premises known as the State Farm Show Building, located at the northwest corner of Maclay and Cameron Streets, Harrisburg, Dauphin County, Pa., is hereby also designated as a free area.

• • • • • •

2. Subparagraph (2) of § 74.3(a) is amended to read as follows:

§ 74.3 Designation of eradication areas.

(a) • • •

• • • • • •

(2) The following counties in Pennsylvania: Chester and Dauphin, with the exception of the premises known as the State Farm Show Building, located at the northwest corner of Maclay and Cameron Streets, Harrisburg, Dauphin County, Pa.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended, 76 Stat. 129–132; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134–134(h); 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the premises known as the State Farm Show Building in Harrisburg, Pa., to the list of free areas and deletes such premises from the list of infected and eradication areas as sheep scabies is not known to exist therein. Hereafter, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas, as contained in 9 CFR Part 74, as amended, will not apply to the premises of the State Farm Show Building in Harrisburg, Pa. However, the restrictions in said Part 74 pertaining to the interstate movement of sheep from or into free areas will apply to such premises.

The amendment relieves certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this ninth day of July 1968.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 68-8285; Filed, July 11, 1968; 8:47 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[11th Gen. Rev. of Export Regs., Amdt. 4]

PART 368—MUTUAL ASSISTANCE ON U.S. IMPORTS AND EXPORTS (AS APPLIED TO SELECTED U.S. IMPORTS)

PART 385—EXPORTS OF TECHNICAL DATA

Miscellaneous Amendments

Parts 368 and 385 of the Code of Federal Regulations are amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–63 Comp.)

Effective date: July 3, 1968.

RAUER H. MEYER.
Director, Office of Export Control.

I. *Revised Delivery Verification Form.* Purpose and effect: The Delivery Verification, Form FC–908, has been revised, simplified, and retitled "Delivery Verification Certificate." U.S. importers should immediately begin using the revised Form FC–908, Delivery Verification Certificate, bearing the printing date of May 1, 1968, when applying to Customs Offices for certification of delivery of foreign imports. Forms FC–908, dated earlier than May 1, 1968, already prepared, may be presented for certification until July 31, 1968. After that date, only the new form will be certified.

Supplies of the revised form may be obtained from Field Offices of the U.S. Department of Commerce, from Customs Offices, and from the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230.

Accordingly, § 368.1 of the Export Regulations is amended to read as set forth below:

Section 368.1 (d) and (e) are revised to read as follows:

§ 368.1 Import certificate and delivery verification on selected imports into the United States.

• • • • • •

(d) *Delivery Verification Certificate on imports into the United States*—(1) *General.* (i) U.S. importers may be requested by their foreign exporters to supply them with a certified Form FC–908,[1] Delivery Verification Certificate (revised May 1, 1968; see Supplement S–16 for facsimile), covering materials imported into the United States. These requests are made by foreign governments to assure strategic goods shipped to the United States are not diverted from their intended destination. The issuance of an export license by the foreign country, in these instances, is conditioned upon the subsequent receipt of a certified Delivery Verification Certificate from the U.S. importer.

(ii) Failure by the U.S. importer to comply with his foreign exporter's request for a Delivery Verification Certificate will result in the exporter's inability to fulfill his obligation to his government and may result in his being denied further export licenses. Obviously, this would prevent the U.S. importer from participating in further import transactions with that foreign exporter. It also may result in the U.S. importer being cut off from any trade with the exporting country requesting the Delivery Verification Certificate. In addition, the foreign exporter may be subjected to other penalties for his failure to furnish his government a certified Delivery Verification Certificate.

(iii) Where a U.S. person or firm is required to provide a Delivery Verification Certificate and does not wish to disclose to his seller or transferor the name of his customer, he may obtain the Delivery Verification Certificate and send it to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230. The Office of Export Control will then notify the government authorities in the country of the seller or transferor of the satisfactory delivery of the commodities. In notifying the foreign government requesting the Delivery Verification Certificate, the Office of Export Control will forward an appropriately modified Form IA–956, Delivery Compliance Notice, signifying the receipt of satisfactory assurances that the commodities were imported into the United States.

(2) *Completion and disposition of Delivery Verification Certificates.* A U.S. importer who is required by the foreign government to obtain a Delivery Verification Certificate shall present Form FC–908, Delivery Verification Certificate (revised May 1, 1968) in duplicate, to a U.S. Customs Office. The Customs Office will certify a Delivery Verification Certificate after the import has been delivered to the importer. A Delivery Verification Certificate will be certified by a U.S. Customs Office only where the import is made under a warehouse or consumption entry. Form FC–908 shall be completed by the U.S. importer in all respects except as to type of customs entry (warehouse or consumption), entry number, date of entry, and certification at the bottom of the form. The commodities shall be described on the form in the same terms as those shown on the related Import Certificate. The U.S. importer shall dispatch the original of the certified Delivery Verification Certificate to the foreign exporter or otherwise dispose of it in accordance with the instructions of the exporting country. The duplicate copy will be retained by the U.S. Customs Office.

(3) *Lost or destroyed Delivery Verification Certificate.* When a Delivery Verification Certificate is lost or destroyed, the U.S. importer shall submit a letter to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230, certifying:

(i) That the original Delivery Verification Certificate has been lost or destroyed;

(ii) The circumstances under which it was lost or destroyed;

(iii) The type of customs entry (warehouse or consumption), entry number, and date of entry; and

(iv) The number (if known) and date of the related Import Certificate.

The Office of Export Control will, in applicable cases, notify the exporting government that a Delivery Verification Certificate has been issued.

(e) *Penalties and sanctions for violations*—(1) *Administrative.* (i) the enforcement provisions of Part 381 of this chapter and § 384.2(a) of this chapter, and the denial or suspension of export privileges provisions of Part 382 of this chapter (Export Regulations) shall apply to transactions involving imports into the United States covered by this Part 368. Any provisions of Part 381 of this chapter and § 384.2(a) of this chapter, which by their terms relate to "exports" or "exports from the United States" are also deemed to apply and extend to imports into the United States, applications for Import Certificates, Import Certificates, and Delivery Verification Certificates, dealt with in this Part 368. (A Form FC–826, Import Certificate, when presented to the U.S. Department of Commerce for certification or validation, is an application for Import Certificate.)

(ii) Any person, either in the United States or abroad, who violates the Export Control Act or any regulation, order, or license issued thereunder, including the provisions of this Part 368, is subject to administrative action which may result in disqualification from eligibility to obtain a certified Import Certificate from the Office of Export Control; in suspension, revocation, and denial of export privileges under the Export Control Act; and in exclusion from practice before the Bureau of International Commerce.

NOTE: Applications for Import Certificates, and Delivery Verification Certificates, as specified in this Part 368, are included within the definition of export control documents set forth in § 370.1(n) of the Export Regulations.

(2) *Criminal.* The False Statements Act makes it a criminal offense to make a wilfully false statement or conceal a material fact, or knowingly use a document containing a false statement, in any matter within the jurisdiction of a U.S. department or agency. Maximum penalties under this provision are $10,000 fine or imprisonment for 5 years, or both. In addition, a violation of the Export Control Act or any regulation, order, or license issued thereunder is punishable by a fine of not more than $10,000 or by imprisonment for not more than 1 year, or both (also see § 381.1(a) of this chapter).

II. *Revision of General License GTDU.* Simplification of assurance requirement for certain exports of technical data.

Purpose and effect: The requirement in the Export Regulations that an exporter obtain a written assurance regarding the use of certain types of technical data to be exported under the provisions of General License GTDU has been restated in a simpler form without any substantive change. The phrase "technical data related to commodities identified by the symbol W in the column of the Commodity Control List indicating the country groups for which a validated license is required" adequately describes one type of technical data requiring a written assurance. Further identification of this type of technical data has been found unnecessary.

Elimination of assurance requirement for certain exports of technical data.

Purpose and effect: Before exporting unpublished technical data relating to certain materials and equipment under the provisions of General License GTDU, the exporter must obtain from the importer a written assurance that neither the technical data nor the direct product thereof is intended to be shipped, directly or indirectly, to a destination in Country Group W, Y, or Z. This written assurance is no longer required for (a) oil burners and gas combustion burners, ceramic cup type only (Export Control Commodity No. 71913); (b) nonelectric industrial furnaces (heaters) of the following types: (i) Cylindrical having a suspended deflecting cone, or (ii) radiant wall employing multiple independently controlled ceramic cup burners (Export Control Commodity No. 71914); and (c) parts and accessories therefor.

Accordingly, § 385.2(c) (4)(ii) and (5) (i) and (ii) of the Export Regulations are amended as set forth below:

1. In § 385.2(c)(4) the following entries are deleted from subdivision (ii):

Department of Commerce Export Control Commodity Number	*and Commodity Description*
71913	Oil burners and gas combustion burners, ceramic cup type only; and parts and accessories n.e.c., specially designed for ceramic cup burners.
71914	Nonelectronic industrial furnaces (heaters) of the following types: (a) Cylindrical having a suspended deflecting cone, or (b) radiant wall employing multiple independently controlled ceramic cup burners and parts and accessories, n.e.c., specially designed for the furnaces (heaters).

2. Subdivisions (i) (a) and (b) and (ii)(b) of § 385.2(c)(5) are revised to read as follows:

§ 385.2 General licenses.

• • • • • •

(c) *General License GTDU; unpublished technical data.* • • •

(5) *Requirement of written assurance for certain additional products and destinations.* (i) Except for technical data requiring a written assurance in accordance with the provisions of subparagraph (4) of this paragraph, and except as provided in subdivision (v) of this subparagraph no export of technical data relating to the commodities described below in this subdivision (i) may be made under the provisions of this General License GTDU, until the U.S. exporter has received a written assurance from the foreign importer (including any Canadian importer) that, unless prior authorization is obtained from the Office of Export Control, the importer will not knowingly:

(*a*) Reexport, directly or indirectly, to Country Group W, Y, or Z, any technical data relating to commodities identified by the symbol "W" in the column of the Commodity Control List indicating the country groups for which a validated license is required;

[1] Form FC–908 may be obtained from all U.S. Department of Commerce field offices, from the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230, and from U.S. Customs Offices.

(*b*) Export, directly or indirectly, to Country Group Z, any direct product[1] of the technical data if such direct product is identified by the symbol "W" in the column of the Commodity Control List indicating the country groups for which a validated license is required; or

* * * * *

(ii) If the direct product[1] of any technical data is a complete plant or any major component of a plant which is capable of producing a commodity identified by the symbol "W" in the column of the Commodity Control List indicating the country groups for which a validated license is required, or appears in the U.S. Munitions List, a written assurance by the person who is or will be in control of the distribution of the products of the plant (whether or not such person is the importer) shall be obtained by the U.S. exporter (via the foreign importer), stating that, unless prior authorization is obtained from the Office of Export Control, such person will not knowingly:

* * * * *

(*b*) Export, directly or indirectly, to Country Group Z, the plant or the major component of a plant (depending upon which is the direct product[2] of the technical data) or any product of such plant or of such major component if such product of the plant is identified by the symbol "W" in the column of the Commodity Control List indicating the country groups for which a validated license is required, or appears in the U.S. Munitions List; or

* * * * *

[F.R. Doc. 68-8310; Filed, July 11, 1968; 8:47 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 20—OCCUPATIONAL TRAINING OF UNEMPLOYED PERSONS

Subpart D—Allowances and Other Payments Under Title II

AMOUNT OF TRAINING ALLOWANCE

Pursuant to authority contained in section 207 of the Manpower Development and Training Act of 1962 (42 U.S.C. 2587), I hereby amend Title 29, Part 20, of the Code of Federal Regulations as set forth below. The purpose of this amendment is to bring the regulations into conformity with certain changes made by the Social Security Amendments of 1967 (Public Law 90-248; 81 Stat. 821).

Section 4 of the Administrative Procedure Act (5 U.S.C. 553) which requires notice of proposed rule making, opportunity for public participation and delay in effective date is not applicable because these rules only relate to public benefits. I do not believe such procedure will serve a useful purpose here. Accordingly, this amendment shall become effective immediately.

Subparagraph (1) of § 20.35(d) is amended to read as follows:

§ 20.35 Amount of training allowance.

* * * * *

(d) *Training incentive payments and expense allowances to recipients of public assistance benefits.* (1) No training allowance shall be paid to any person for any period for which a money payment has been made with respect to the need of that person under a State plan which has been approved under Title I, IV, X, XIV, or XVI of the Social Security Act.

* * * * *

(Sec. 207, 76 Stat. 29; 42 U.S.C. 2587)

Signed at Washington, D.C., this fifth day of July 1968.

WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 68-8283; Filed, July 11, 1968; 8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Reg. 1 (Rev. 5), Amdt. 9]

OI REG. 1—OIL IMPORT REGULATION

Allocations of Imports; Crude Oil and Unfinished Oils

In the FEDERAL REGISTER for July 10, 1968 (33 F.R. 9902), there appears as a part of Oil Import Regulation 1 (Revision 5), Amendment 9, section 25(j)(1) the statement that applicants for allocations based upon new or reactivated refinery capacity and petrochemical plants must file the application not later than July 12, 1968.

In order to assure adequate time for all applicants to file an application this date is extended to July 17, 1968.

STEWART L. UDALL,
Secretary of the Interior.

JULY 11, 1968.

[F.R. Doc. 68-8370; Filed, July 11, 1968; 11:28 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter IV—Saint Lawrence Seaway Development Corporation

PART 402—TARIFF OF TOLLS

Empty Cargo Containers

Pursuant to an agreement dated May 9, 1968, between the St. Lawrence Seaway Authority of Canada and the Saint Lawrence Seaway Development Corporation, the definition of the term "cargo" in the St. Lawrence Seaway Tariff of Tolls (33 CFR 402.2) is hereby modified and extended to exclude from toll assessment under the Tariff cargo containers having a cubic capacity of 640 feet or more, when carried empty aboard vessels.

The Seaway entities intend this change to encourage the use of containerized shipments on the Seaway. The exclusion of empty cargo containers of 640 cubic feet or more is believed to cover all cargo containers having economic value for Seaway users. Therefore it is considered advisable to give effect to this change without delay to avoid uncertainty as to the status of empty cargo containers in the Seaway system during the 1968 navigation season.

For the foregoing reasons, I find that notice and public procedure are impractical and unnecessary and that good cause exists for making this amendment effective on less than 30 days' notice.

Therefore effective immediately, § 402.2(c) of the St. Lawrence Seaway Tariff of Tolls (33 CFR Part 402) is amended to read as follows:

§ 402.2 Interpretation.

In this tariff,

* * * * *

(c) "Cargo" means all goods aboard a vessel whether carried as revenue or nonrevenue freight or carried for the vessel owner, except empty containers having a cubic capacity of 640 feet or more, ships' fuel, ballast, or stores, and crew or passengers' personal effects;

* * * * *

(68 Stat. 92-96, 33 U.S.C. 981-990; Agreement between the Governments of United States and Canada dated Mar. 9, 1959, TIAS 4192)

Dated: July 8, 1968.

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
[SEAL] JOSEPH H. MCCANN,
Administrator.

[F.R. Doc. 68-8272; Filed, July 11, 1968; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 824—POSTAL DATA CENTERS

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows to revise its organization statement:

I. In Part 824 make the following changes:

§§ 824.3, 824.4, 824.5, 824.6 [Redesignated]

A. A new § 824.2 is inserted and places the data center disbursing function directly under the Director, Postal Data Center. Sections 824.2, 824.3, 824.4, and 824.5 are redesignated as §§ 824.3, 824.4, 824.5, and 824.6 respectively. New § 824.2 reads as follows:

§ 824.2 Disbursing Office.

Responsible for the control, signing, and disbursement of U.S. Treasury checks for all payments made by the data center. Receives and accounts for fund remittances and collections. Verifies deposits and acts as special agent for the Director, PDC for payroll savings bonds. Serves as liaison with regional distributing post offices on matters pertaining to accountable paper. Controls all other negotiable paper.

NOTE: The corresponding Postal Manual section is 824.2.

§§ 824.4 [Amended]

B. In § 824.4 make the following changes:

1. In paragraph (b)(5) delete the words "postal savings depositories" and change the words "local service" to "postal operations."

2. In paragraph (c)(1) delete the words "cases of incompetent and deceased postal savings deposits."

NOTE: The corresponding Postal Manual sections are 824.42 and 824.43a, respectively.

As the foregoing amendments relate to a proprietary function of the Government and do not affect substantive rights, public rule making procedures, advance notice or a delayed effective date are unnecessary.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

JULY 9, 1968.

[F.R. Doc. 68-8271; Filed, July 11, 1968; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

SCREENING PERIODS, RELEASE DATES, WITHDRAWALS

This amendment furnishes definitions of the utilization screening period and the surplus release date; provides for the accommodation of reports of excess property made on data processing equipment media; delineates when excess shall become surplus and the circumstances under which property may be retrieved from excess or surplus status; states when property may be withdrawn from sale for the purpose of donation; and revises the statement on when property may be taken from a sales offering to fill a Federal agency need.

The table of contents for Subchapter H is amended to provided new and revised entries as follows:

Sec.
101-43.104-17a Screening period.
101-43.104-18a Surplus release date.
101-44.101 Withdrawal of donable property.
101-44.320 Donation of property withdrawn from sale.

PART 101-43—UTILIZATION OF PERSONAL PROPERTY

Subpart 101-43.1—General Provisions

Subpart 101-43.1 is amended by the addition of new §§ 101-43.104-17a and 101-43.104-18a as follows:

§ 101-43.104-17a Screening period.

The calendar period of time measured, in the case of reportable excess personal property, from the day following receipt of a report, as prescribed by § 101-43.311-2, in the appropriate GSA office, or, in the case of nonreportable excess personal property, from the day following the date of the determination by the holding agency that the property is available for screening as excess, to and including the day of the surplus release date.

§ 101-43.104-18a Surplus release date.

The predetermined date on which Federal utilization screening of excess personal property is terminated and the property is considered available for disposition as surplus. The date signifies the transition of the property from excess to surplus status. In some publications concerned with personal property management procedures, the words "Automatic Release Date" or "ARD" are used to designate this date.

Subpart 101-43.3—Utilization of Excess

Subpart 101-43.3 is amended by revising § 101-43.311-2 and § 101-43.318 to read as follows:

§ 101-43.311-2 Form and distribution of reports.

Reports of excess property shall be made on Standard Form 120, Report of Excess Personal Property, and Standard Form 120A, Continuation Sheet (Report of Excess Personal Property) (see §§ 101-43.4902 and 101-43.4902-2), in accordance with the instructions in § 101-43.4902-1, or, when acceptable to GSA, on data processing equipment media. Reports on Standard Forms 120 and 120A shall be submitted in original and three copies. Reports on data processing equipment media shall be submitted in the number of copies agreed upon by GSA. Reports shall be submitted to the appropriate GSA regional office for the region in which the property is located (see § 101-43.4903), except that reports of fixed wing and rotary wing aircraft shall be submitted to the General Services Administration, Property Management and Disposal Service, Utilization and Donation Division, Washington, D.C. 20405. Reports of excess Standard forms with samples of such forms shall be made to the General Services Administration Region 3, Federal Supply Service, Washington, D.C. 20407, for potential redistribution under the Standard forms program.

§ 101-43.318 Determination of excess as surplus.

§ 101-43.318-1 Reportable property.

Excess property, when reported to the General Services Administration in accordance with § 101-43.311, and not transferred to other Federal agencies, shall become surplus at the close of business on the surplus release date established by the Administrator of General Services or his designee, and this date should be evidenced on the report of excess personal property. The surplus release date normally will be established to occur 60 days after receipt of the report of excess personal property in the appropriate GSA office. The Administrator of General Services or his designee may extend a surplus release date if such an extension is consistent with utilization objectives. The appropriate GSA regional office will formally notify the reporting activity prior to the surplus release date when an extension is contemplated.

§ 101-43.318-2 Nonreportable property.

Property excepted from the reporting requirements of § 101-43.311 shall become surplus when, after determination by the holding agency that it is excess, such property has been held available for Federal use for a minimum of 15 calendar days in accordance with the provisions of § 101-43.306 and has not been selected for transfer to other Federal agencies. Holding agencies shall annotate property records in a manner that will indicate to authorized Federal agency representatives the date of the excess determination by the holding agency. The surplus release date will be the day on which the Federal utilization screening period ends, and the property will become surplus at the close of business on that day. The surplus release date will normally occur 15 days after the holding agency determines the property to be available for screening as excess, unless extended by GSA. Authorized Federal agency representatives may request and, with the approval of GSA, holding agencies will grant additional time, not to exceed 30 calendar days unless otherwise agreed to by the holding agency concerned, to complete selection for Federal use when the time provided is insufficient. Any additional extension of time shall be as mutually agreed upon by the holding agency and the GSA regional office concerned. The release as surplus of property not transferred to other Federal agencies will be deferred by the same lengths of time. During the screening period following the determination that the property is excess, no holding agency shall take for its use any property in its custody which has been selected by a GSA area utilization officer for further screening or transfer for utilization, except with the approval of the appropriate GSA regional office: *Provided, however,* That holding activities may withdraw such property to meet

[1] The term "direct product" used in this sentence and in this context only is defined to mean the immediate product (including processes and services) produced directly by use of the technical data.

[2] The term "direct product" used in this sentence and in this context only is defined to mean the immediate product (including processes and services) produced directly by use of the technical data.

their essential emergency requirements without this prior approval. The appropriate GSA regional office shall be notified of any such actions. This § 101–43.318–2 is applicable to all nonreportable excess property other than perishables, dangerous property, classified property, trading stamps, and Atomic Energy Commission materials.

§ 101–43.318–3 Donation and sale of surplus property.

Holding agencies shall hold property determined to be surplus, as provided in §§ 101–43.318–1 and 101–43.318–2, available for donation program screening in accordance with Part 101–44 of this subchapter before it shall be assigned for sale, abandonment, or destruction in accordance with Part 101–45 of this subchapter.

PART 101–44—DONATION OF PERSONAL PROPERTY

Subpart 101–44.1—General Provisions

Subpart 101–44.1 is amended by revising § 101–44.101 to read as follows:

§ 101–44.101 Withdrawal of donable property.

Surplus personal property set aside for donation in accordance with § 101–44.304, or approved for donation in accordance with § 101–44.308, may be withdrawn for use by the holding agency, or for transfer to a Federal agency (including the Senate, the House of Representatives, the Architect of the Capitol, and any activities under his direction, the District of Columbia, and mixed-ownership corporations as defined in the Government Corporation Control Act), with the prior approval of GSA: *Provided, however,* That holding activities may withdraw such property to meet their essential valid requirements without this prior approval. The appropriate GSA regional office shall be notified of any such actions. The sponsoring Federal agency which made application for donation of the property will be advised by the GSA regional office at the time a withdrawal is approved.

Subpart 101–44.3—Donation for Educational, Public Health, and Civil Defense, Including Research or Public Airport Purposes

Subpart 101–44.3 is amended by revising § 101–44.304 and by adding new § 101–44.320 to read as follows:

§ 101–44.304 Donation screening period.

(a) A period of 15 calendar days following the surplus release date (see § 101–43.104–18a) shall be provided in which to set aside surplus reportable and nonreportable property determined to be usable and necessary for donation purposes. Reportable surplus property will be set aside for donation when an application for donation is submitted to a GSA regional office for approval within the donation screening period, with an informational copy to the holding agency. Nonreportable surplus property will be set aside for donation upon notification to a holding agency, within the donation screening period, by a responsible Federal official or by an authorized donee representative, that the property is usable and necessary for donation purposes. Holding agencies shall annotate nonreportable property records in a manner which will indicate to authorized donee representatives or responsible Federal officials the date of the surplus determination by the holding agency.

(b) During the prescribed 15-day donation screening period, applications for surplus personal property will be processed by GSA regional offices in accordance with the following sequence:

(1) Department of Defense personal property reportable to GSA in accordance with § 101–43.311 will be reserved for public airport donation during the first 5 days of the donation screening period, and during the next 5 days for service educational activities. During the remaining portion of the donation screening period, the property will be available on a first-come, first-served basis to all donee applicants.

(2) Executive agency personal property, other than personal property of the Department of Defense, reportable to GSA in accordance with § 101–43.311 will be reserved for public airport donation during the first 5 days of the donation screening period. During the remaining portion of the donation screening period, the property will be available on a first-come, first-served basis. This property is not available for donation to service educational activities.

(3) All executive agency personal property not reportable to GSA will be made available for donation on a first-come, first-served basis. Service educational activities are not eligible for donation of nonreportable surplus personal property of executive agencies, other than the Department of Defense.

(c) No holding agency shall take for its own use any property in its custody during the donation screening period following the determination that the property is surplus except as provided in § 101–44.101.

§ 101–44.320 Donation of property withdrawn from sale.

Surplus personal property which is being offered for sale may be withdrawn and approved for donation provided such action is not harmful to the sale, as jointly determined by GSA and the holding or selling activity, but in any event such withdrawal must be made prior to the award of such property. The Federal agency requesting withdrawal of property from sale for purposes of donation will submit the request to GSA for consideration and coordination with the selling activity, together with an adequate justification and a statement as to whether the property had been available for screening during the authorized donation screening period.

PART 101–45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

Subpart 101–45.1—General

Subpart 101–45.1 is amended by revising § 101–45.102 to read as follows:

§ 101–45.102 Needs of Federal agencies paramount.

Any need for personal property expressed by any Federal agency (including the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction, the District of Columbia, and mixed-ownership corporations as defined in the Government Corporation Control Act) shall be paramount to any disposal, if such need is made known to the holding or selling agency prior to actual removal of the property from Government control in the case of sale.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

Dated: July 5, 1968.

J. E. MOODY,
Acting Administrator of General Services.

[F.R. Doc. 68–8269; Filed, July 11, 1968; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 319]

UNSHU ORANGES FROM JAPAN

Notice of Quarantine

Notice is hereby given under the administrative procedure provisions of 5 U.S.C. 553, that, pursuant to sections 5, 7, and 9 of the Plant Quarantine Act of 1912 (7 U.S.C. 159, 160, 162), it is proposed to amend § 319.28(h) of the quarantine relating to the importation of citrus fruit (7 CFR 319.28) to read as follows, so as to permit the importation of Unshu oranges from Japan to destinations in Alaska at any time, subject to the permit and other requirements of the Fruit and Vegetable Quarantine No. 56:

§ 319.28 Notice of quarantine.

* * * * * * *

(h) The foregoing safeguard conditions in paragraphs (b) and (f) of this section will not apply to importations into Alaska during the 1968 shipping season and succeeding seasons unless it is found that such oranges of the Unshu class grown in Japan are moving to other parts of the United States. Such importations, however, are subject to permit and other requirements under the Fruit and Vegetable quarantine, § 319.56.

(Secs. 5, 7, 9, 37 Stat. 316, 317, 318; 7 U.S.C. 159, 160, 162; 29 F.R. 16210, as amended, 30 F.R. 5799, as amended)

Effective July 3, 1967, the quarantine was revised to allow importations of Unshu oranges from approved citrus canker-free areas in Japan into Alaska, Idaho, Montana, Oregon, and Washington under specified requirements. Seasonal growing conditions in Japan in 1967 prevented the harvesting of enough oranges from approved citrus canker-free areas for export to the United States in that year, and oranges from nonapproved areas were admitted into Alaska during the fall of 1967 under an amendment to Quarantine No. 28, effective November 9, 1967.

A further study of the matter suggests that such Japanese oranges imported into Alaska for consumption there would not represent a disease risk to the U.S. citrus production.

The foregoing proposed amendment of the quarantine would permit the importation of such oranges into Alaska for consumption there under the same requirements as were enforced prior to the revision of July 3, 1967. No change would be made in the requirements with respect to imports of oranges from Japan entering into or destined for the other States named.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, within 45 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this eighth day of July 1968.

[SEAL] R. J. ANDERSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 68–8284; Filed, July 11, 1968; 8:47 a.m.]

Consumer and Marketing Service

[7 CFR Part 932]

[Docket No. AO–352–A1]

OLIVES GROWN IN CALIFORNIA

Decision and Referendum Order With Respect to Proposed Amendment of Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in Fresno, Calif., on March 21, 1968, after notice thereof published in the FEDERAL REGISTER (33 F.R. 4107), on proposed amendment of the marketing agreement and Order No. 932 (7 CFR Part 932), regulating the handling of olives grown in California, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

On the basis of the evidence adduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, Consumer and Marketing Service, on May 24, 1968, filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 68–6381; 33 F.R. 7823). No exception was filed.

Material issues. The material issues presented on the record were concerned with amending the order to:

(1) Redefine "natural condition olives," to permit movement of such olives in water or other preserving mediums;

(2) Change the provisions dealing with allocation of handler representation on the Olive Administrative Committee as between cooperative and independent organizations;

(3) Change the provisions relating to assessments;

(4) Revise the provisions authorizing marketing research and development projects to include authority for any form of paid advertising;

(5) Revise the provisions on "Incoming regulations" to provide for changing the minimum standards for natural condition olives to reflect seasonal conditions, and for flexibility in meeting handlers undersize and cull obligations;

(6) Revise the provisions on outgoing regulations to provide for modification of the grade applicable to packaged olives, and for changing minimum size requirements for olives to be used in the halved, sliced, chopped and minced styles of canned ripe olives;

(7) Change the interhandler transfer provisions to provide that the disposition obligation for undersize and cull olives may be transferred with natural condition olives;

(8) Provide for exempting from regulation olives in certain types of shipments, and for specified purposes; and

(9) Make conforming changes.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based on the evidence adduced at the hearing and the record thereof are as follows:

(1) The order defines "natural condition olives" for the purpose of applying size-grading and other requirements at the incoming level. The current definition includes olives in their fresh-harvested state prior to their being placed in water or any curing or preserving solution. Such definition precludes placing olives in water or any curing or preserving solutions previous to their being weighed and size-graded. Up to now, the usual method of harvesting olives has been by hand. In recent years growers have experienced a shortage of harvesting labor. Costs of such labor has increased substantially. The industry has been attempting to develop a more efficient and less costly means of harvesting olives. Some of these methods involve harvesting by mechanical means. It has been found, however, that machine harvesting results in a considerably increased incidence of bruising of the olives, in some incidences near double that incurred in hand picking. Bruises on olives oxidize and the olives deteriorate unless the fruit is handled in a manner that will inhibit oxidization. It appears that placing the olives in water, brine, or similar solutions immediately upon removal from the tree would do this. This practice is used extensively in the handling of mechanically harvested cherries

for processing, and indications are that it will prove so for olives.

To accommodate the handling of olives in water or other preserving mediums a change in the definition of "natural condition olives" is necessary.

Olives continue to manifest an appearance characteristic of fresh harvested olives for a sufficient time to permit transport to the processing plant after being placed in water or a preserving solution, and this appearance is apparent to inspectors and others who are responsible for overseeing procedures under the order. Only so long as the olives continue to manifest such appearance should the olives be considered as natural condition olives. The intent is not to restrict solution handling to mechanically harvested fruit. If it should prove beneficial, such manner of handling should be available for all olives regardless of how harvested. If the committee determines that such are necessary it should develop suitable instructions and procedures governing the handling of fruit from grove to processing plant so as to facilitate certification with respect to size grading. It is therefore concluded that the term "natural condition olives" should be redefined as hereinafter set forth.

(2) The Olive Administrative Committee established under the order consists of sixteen members. Eight positions are allocated to growers and eight to handlers. The order, within prescribed limits, provides for reallocation of the handler member positions as between cooperative handlers and independent handlers. Allocation of handler membership between these two groups is on the basis of the relative volume of olives handled. Currently this allocation is four members to cooperative handlers and four members to independent handlers. Present provisions of the order provide for allocation of not less than three members to the cooperative handler group and four members to the independent handler group with an additional member allocated to the group which handles more than 50 percent of the volume in a specified 2-year period. Initially, on this basis, the cooperative handler group was allocated three members and the independent handler group five members. Reallocation to a four and four relationship was effected in 1967 when the volume of olives handled by the cooperative group exceeded the 50 percent required in the specified period.

The record shows that this four and four relationship should be continued so long as neither group handles 65 percent or more of the volume of olives in the crop year in which nominations are made and in the immediately preceding crop year. But at any time either group handles 65 percent or more of the volume in each of such years reallocation of membership should be made to establish a five and three relationship with the group handling 65 percent being allocated five members. Further, provision should be made for the committee with the approval of the Secretary to prescribe such other allocation as may be found to be desirable to provide for equitable handler representation, generally on the basis of the relative volume of olives handled by each of the two groups. It should be understood, however, that no such reallocation should deprive either the independent or cooperative group of representation on the committee.

The current provisions of the order establishing sub-groups of independent handlers, i.e. the "4 largest" and "all other" for purposes of allocating membership within the independent group are unnecessary. The manner in which the "large" and "all other" independent handlers operate is similar, hence persons can be chosen to represent the independent group on the committee without particular regard to the relative size of operation. Further, it is impractical and undesirable to retain the provisions of the order which limit nominations from any handler organization to not more than those required to fill one member position and one alternate member position on the committee. Currently, there are but three cooperative handling organizations in the industry and such organizations are allocated four cooperative handler positions. Obviously under these circumstances it was necessary to modify this provision, as provided in the order, to permit one such organization to fill two of the positions (32 F.R. 5323). Consolidation of organizations and other changes may further reduce the number of handling organizations, hence, flexibility in the nomination and selection of handler members is essential to meet changing circumstances.

The order now authorizes the committee, with the approval of the Secretary, to redefine the districts into which the area is divided and to reapportion the grower membership among districts. The current assignment of grower membership among districts is on the basis of olive acreage. Authority for redefinition of districts and reapportionment of grower membership is now provided in the duties of the committee to recognize principally shifts in olive acreage within the districts and area. The record shows that the order should provide for reapportionment based on other factors including, in addition to acreage, the number of growers in a district, and the tonnage produced. It is not anticipated that redefinition or reapportionment will be necessary in the near future. However, if conditions should develop which indicate that redefinition or reapportionment, or both, would be desirable to effect a more equitable representation, the committee should be authorized to recommend and, with approval of the Secretary, to effectuate the same.

Based on the foregoing it is concluded that the order should be amended, as hereinafter set forth, to provide a revised basis for allocating handler and grower representations on the committee.

(3) The order should be amended as hereinafter set forth, to provide that handler assessments shall be applied only to olives to be used to produce a regulated product. Currently, assessments are applied to all such olives and to any sublots of olives diverted to nonregulated uses from lots destined for regulated products. Lots of olives acquired and used solely for fresh shipment, olive oil, salt cured oil coated olives such as Greek style, and Sicilian style olives, are not subject to assessment. Also, olives for use in production of canned ripe olives of the "tree ripened" type, or green olives, are not subject to assessment so long as no regulations are made applicable to such packaged olives. Considerable confusion has occurred among handlers in the application of assessments to sublots of olives used in nonregulated products. Moreover, such application results in an advantage to persons who produce nonregulated products from complete lots as compared with those who produce such products from sublots.

The application of assessments only to olives which are to be used to produce a regulated product would be more equitable to handlers, reduce confusion, and improve the administration of the order, and the order should be amended accordingly. Such amendment should include the deletion of the word "solely" from § 932.16 to make it clear that no assessments are to be applied to olives exempted as therein specified. Section 932.39 should be revised to incorporate the provisions now in § 932.56 relating to assessment of olives to be used in production of canned ripe olives of the "tree ripened" type or green olives when regulated as packaged olives pursuant to § 932.52. After such revision said § 932.56 should be deleted in the interest of simplification.

In the application of assessments on the new basis, reporting requirements should be essentially the same as those currently required. Handlers should continue to report their total receipts of canning size olives which would include all olives to be used in regulated products. Undersize and cull olives should not be reported for assessment purposes. From the total canning fruit received, handlers should report the exempt use by varieties. Assessment would then be made on the remaining tonnage to be used for regulated products. Audits of handlers records could be made to verify the reports.

(4) The provisions of the order which authorize the Olive Administrative Committee to establish research and development projects designed to assist, improve, or promote the marketing, distribution and consumption of olives should be amended, as hereinafter set forth, to include authority for any form of marketing promotion, including paid advertising.

Market promotion, including paid advertising, has been engaged in by the olive industry for several years under a State of California marketing order. It was estimated that in the past 10 years sales of olives have increased by 27 percent, and it was asserted that in assessing this increase promotion and advertising should be given credit. It was advanced, without opposition, that both the State and Federal marketing orders should provide for market promotion including paid advertising to provide for essential continuity and to assure that a means of advertising would be available to the industry in the event one or the other of the orders should be terminated. A recent survey was cited which pointed out that increased income in areas of low per capita consumption represents potential new markets for olives. It also pointed out that aggressive olive marketing, including promotion, is necessary to meet competition from the increasing number of food products. The evidence indicates that authority for product promotion and advertising under the order would put the olive industry in a position to advance a more effective marketing program.

The order should authorize any or all of the forms of promotion, including paid advertising, that are permitted under the act. Promotional projects should consider both long term and short term objectives. One example of a long term objective would be to introduce the olives to persons not familiar with them. Another would be a campaign to expand markets in low consumption areas, using various educational means. A project with a short run objective would be a campaign designed to register an immediate sales response in areas where the olives have already been accepted and are being used in volume.

The following promotional and advertising techniques together with relative advantages were cited as examples of techniques which may be employed under the authorization: Publicity education is a good technique to use when promotional funds are limited, particularly if a major portion of the program is directed to the newspaper food pages. Food page publicity makes available product information, stories and recipes, many of them illustrated by color photographs. Such programs may be given free newspaper editorial space. Such space, if paid for at normal advertising rates, would be worth many times the amount paid the publicity agency. It was pointed out that the American housewife looks to the food pages of newspapers and magazines or to the local extension home economist for guidance in meal planning. They readily accept suggestions of these influences as reliable and acceptable information. The authority for promotion under the order would enable the committee to supply olive information, recipes, and publicity materials to food news editors and similar persons for appropriate distribution. It is recognized that publicity education activities do have a disadvantage in that one cannot control the message. Since editorial space cannot be bought; one cannot control an editor's handling of a story. This disadvantage is more than offset, however, by the fact that good publicity education brings the greatest return for the dollar expended.

The second promotional and advertising technique is merchandising. This involves development and distribution of point of sale material. This is a much used promotional device and should be authorized under the order. A survey of 18,000 supermarkets in 1961 showed that on an average that in June of that year there were 3,600,000 promotional pieces displayed. Three-fourths of those were related to food items, and one-fourth had to do with produce. Olives are particularly well adapted to point of sale material directed toward calling shoppers' attention to seasonal uses, stressing their attractiveness as a food garnish. Artistically developed point of sale pieces can serve a dual function of both attracting and educating the consumer. Other merchandising aids that may be utilized in an olive promotional program include recipe folders for distribution at point of sale, brochures which identify and explain olive sizes, and information bulletins on special uses. These may be particularly useful in low per capita consumption areas.

The third technique is paid advertising. This form of promotion is generally expensive, but some things can be done which are reasonable in cost and are still effective. Trade paper advertisements, together with editorial support which trade papers often give an advertiser, offer possibilities in an olive promotional program. Some newspaper advertising may be necessary to encourage the use of olive materials in food page publicity. It is recognized that newspapers are influenced in the favor of advertisers when scheduling food page editorial space. Television and radio network and magazine advertising may be available on an economic basis through development of joint ventures with one or more advertising partners which distribute complimentary food products. This is a possibility that should be explored. The committee should be permitted to consider and to utilize any of these techniques or others or a combination of them in carrying out a promotional program.

If the Olive Administrative Committee (OAC) determines that promotion or advertising should be undertaken, the costs of the program should be taken into account in budget development, both as to the additional items of expense and the assessment. In undertaking an advertisement program the committee, to the extent practicable, should carefully plan and secure approval as far in advance as possible. To the extent practicable the plan should cover more than 1 year. Expenses of planning should be authorized on the basis of budgetary approval since planning and project development must precede project approval. Also, the order authorizes a financial reserve to be used for approved expenditures, under the order. Financial reserves should be available to cover costs of planning and such other costs of the promotional program as may be necessary and approved.

In formulating projects and objectives the OAC should be authorized to secure the advice and services of persons knowledgeable in the promotional and advertising field, as well as those involved in marketing canned ripe olives. Also, to assist in expeditious and efficient planning of a promotional program OAC could establish subcommittees. Such committees could explore promotional methods, develop preliminary projects and programs, contact agencies, and make recommendations to OAC with respect thereto, and thus expedite the work of OAC. Final decisions and implementation of any recommendation of any such subcommittee should be the prerogative of OAC.

In the conduct of any promotional program the OAC should be authorized to conduct promotional projects itself, or to contract for the conduct of such projects with an agency or agencies which specialize in this field.

In its deliberations concerning promotional and advertising projects, the OAC should give particular consideration to the expected supply of olives in relation to market requirements, the supply situation among competing areas and commodities, and the need for marketing research with respect to any marketing development activity and the need for a coordinated effort with USDA's Plentiful Foods Program. To permit the Secretary to discharge his responsibility under the order the committee should be required to submit each such project to him for his approval. In submitting such projects the committee should include recommendations as to the funds to be obtained from assessments under the order, recommendations as to any marketing research projects, and recommendations as to promotional activity and paid advertising. The committee should review its market development program annually to appraise its effectiveness. An annual report on the program should be made available to the industry and the Secretary.

(5) The order requires, among other things, that natural condition olives to be used in packaged olives shall first be size-graded, either by sample or by lot, into prescribed size-designations. These size designations are those set forth in the U.S. Standards for Grades of Canned Ripe Olives, plus two additional size designations "Petite" and "Sub-Petite," covering olives smaller than those in the designations in the Standards. The size designations are in terms of count ranges per pound. Small, the smallest designation in the Standards, includes olives ranging in count from 128 to 140, inclusive, per pound. "Petite" as currently defined in the order ranges from 140 to 180, inclusive, per pound. Hence, there is an apparent conflict between these two designations. The correct range of "Petite" i. 141 to 180, inclusive, per pound, and the order should be amended, as hereinafter set forth, to reflect this range.

For regulatory purposes under the order, varieties of similar size characteristics are grouped together in specified variety groups. Only olives in specified size designations within each established variety group may be packaged as whole and whole pitted styles of canned ripe olives. In addition, the order currently permits olives one size smaller than the minimum size permitted in whole and whole pitted canned ripe olives to be used in halved, sliced, chopped, or minced styles of canned ripe olives. Olives of sizes smaller than those permitted to be used in such styles (undersize), and olives which are deemed unsuitable by the handler (culls), must be disposed of as other than canned ripe olives.

Currently, such disposition is required of all olives of variety group 1, except Ascolano, Barouni, and St. Agostino, smaller than Extra Large (approximate count 82); of all olives of variety group 1, of Ascolano, Barouni, and St. Agostino smaller than Large (approximate count 98); of all olives of variety group 2, except Obliza, smaller than Petite (approximate count 160); and of all olives of variety group 2, of the Obliza variety smaller than Small, Select or Standard (average count 135). These disposition requirements are related to the sizes established for olives at the outgoing level, permitting the use in halved, sliced, chopped, and minced styles of one size smaller for each of the respective variety groups than the minimum size permitted in the whole and whole pitted styles of canned ripe olives. At the time the order was established there was in existence a more than adequate inventory of canned ripe olives in the halved, sliced, chopped, and minced styles. Hence, one size in addition to the olives of larger sizes customarily used in such styles was considered adequate. No provision was made in the order to permit any additional sizes to be used.

In 1967–68 the production of olives was less than one-fourth of an average crop. By the time olives from the 1968–69 crop are available inventories of halved, sliced, chopped, and minced are expected to be depleted or reduced below a desirable carryover level. If such develops additional sizes doubtless will be needed to enable the olive industry to meet demands and replenish inventories. Under circumstances of severely reduced supplies or of increased demand, authority should be available in the order so that sizes which will produce a satisfactory product in such styles can be made available as necessary. The record shows that additional sizes of olives smaller than those currently permitted could be used to produce satisfactory products. Such olives include: Olives of variety group 1, except Ascolano, Barouni, and St. Agostino, of a size which individually weigh 1/105th pound or more; olives of variety group 1 of Ascolano, Barouni, and St. Agostino, of a size which individually weigh 1/180th pound or more; olives of variety group 2, except Obliza, which individually weigh 1/225th pound or more; olives of variety group 2 of the Obliza variety which individually weigh 1/180th pound or more. The order should be amended to establish these sizes as the minimum sizes of natural condition olives which may be authorized for use in the production of such styles, and to provide that the committee may recommend and the Secretary may authorize the use in such styles of any or all sizes not smaller than the foregoing. However, as will hereinafter be discussed in connection with outgoing regulations, it is not known at this time the extent to which sizes of olives smaller than those permitted in whole and whole pitted olives, but not smaller than the minimum sizes, will be needed in any crop year to provide an adequate supply of halved, sliced, chopped, and minced styles. Therefore, the authorization to so use natural condition olives of small sizes should be subject to annual recommendation by the committee and establishment by the Secretary. Such small sizes should be consistent with the sizes prescribed under the outgoing regulatory provisions.

During each crop year, sizes smaller than those authorized for use in such year in halved, sliced, chopped, and minced styles should be disposed of as other than canned ripe olives in accordance with disposition requirements of the order.

Size-grading under the order, which results in the segregation of olives into various size designations, as previously related, is on the basis of the size designations set forth in the U.S. Standards for Grades of Canned Ripe Olives, and two additional designations specified in the order for olives smaller than those covered under the Standards. Each of these size designations is in terms of a count range. For example, in the "Medium" size designation the count of olives in a pound can vary from 106–121, and in "Small" from 128–140. Obviously, olives which count 106 to the pound average larger in size than the olives in a pound which count 121. It would be to the grower's advantage for the olives to be size-graded to the 121 count, thus including a larger proportion of the smaller olives in the "Medium" size category (size designation). Conversely, it would be to the handler's advantage to size-grade the olives to the 106 count, thus including only olives of a greater average size. Ideally, size-grading should produce a count near 113, the midpoint of the range, but due to variation in the shape of olives, and imperfections in the size-grading machinery, absolute precision in size-grading is difficult to achieve. It has been found, however, that it would be practical to require a more precise result than that achieved by allowing the full range. In the past two years of operation under the order inspection procedure has required the grading to be within a narrower range, for example "Medium" was required to be size graded in the range 110–116, instead of 106 to 121. This has produced a satisfactory result, and such more precise grading should be continued. The order provisions should specifically authorize the committee to prescribe narrower limits than those specified in the Standards to govern size-grading so that this can be required if such is found to be practical. It is desirable to require the greatest degree of precision practical so as to assure equitable treatment of growers and to place handlers on the same footing in the acquisition of olives so as to effect orderly marketing and improve grower returns. It is therefore concluded that the order should be amended as hereinafter set forth to specifically authorize the committee to recommend and the Secretary to establish such other size requirements as may be deemed appropriate to accomplish the foregoing.

As previously stated, the order currently requires handlers to dispose of olives of sizes smaller than those permitted to be used in any style of canned ripe olives for other uses under supervision of the inspection service. The determination as to the quantity of each variety group which is required to be so eliminated is arrived at by the size-grading required at the incoming level, mainly on a sample basis. Currently, disposition is required on a variety basis. That is, if the sample size-grading or lot size-grading discloses that the variety group 1 olives of the Ascolano, Barouni, and St. Agostino varieties of a handler contain 2 tons of undersize olives, he is required to dispose of as other than canned ripe olives, 2 tons of the required undersize fruit of such varieties. Likewise, handlers are required to dispose of cull fruit on a variety basis, equal in quantity and character to that disclosed at the incoming level.

The record shows that handlers have found it extremely difficult to meet the undersize and cull obligations on a variety basis. In some instances, the quantity of undersize olives subsequently lot size-graded out in one variety has exceeded the quantity established as the obligation at the incoming level for that variety, while the undersize olives so lot size-graded out of another variety has been less than the obligation so established for such variety. Similar experience was encountered with respect to the cull obligation.

Various causes are responsible for these discrepancies. Undersize and culls often are not removed at the incoming level. Instead, size-grade and cull composition of a lot is determine from a sample at that level. Immediately thereafter the olives are put into storage solutions, or into the initial processing solution. Later the olives are lot size-graded at some intermediate step of processing into the size designations prescribed in the outgoing requirements. In the processing operation olives sometimes change character. In some instances they become smaller than they were in their natural condition state, while in others they increase in size. One type of processing known as "fresh cure" which is used for certain varieties suited to it causes an increase in size. If the olives increase in size the quantity of undersize resulting from the later size-grading will be less than that determined at the incoming level; if the olives shrink the quantity of undersize will be larger. Also, olives which in their natural condition state manifest the appearance of culls may sometimes process into a desirable product, while others which do not manifest such appearance may process into an undesirable product. Because of the foregoing described unpredictable behavior of olives, and the lack of precision in size-grading equipment, it has been extremely burdensome on handlers to meet the undersize and cull obligations on a variety basis. A practical solution to the problem would be to dispense with the disposition requirement on a variety basis and to permit handlers to dispose of in nonregulated outlets a quantity of undersize olives equal to the undersize obligation without regard to variety. Likewise, a handler should be permitted to dispose of a quantity of cull olives

equal to his cull obligation without regard to variety in fulfillment of his cull obligation. This would relieve the handler of burdensome and costly record keeping and other precautionary actions involved in keeping track of obligations and dispositions on a variety group basis, would enable a more efficient operation, and would permit handlers to offset undersize and cull deficits in one variety group by applying the excess undersize and culls from other variety groups. Permitting handlers to meet their undersize and cull obligations on this basis would still result in the practical elimination of the olives of each variety group which the incoming size-grading identified as smaller than those permitted in canned ripe olives, and also would result on the same basis in the elimination of the olives so identified as culls.

The order requires inspection and certification of canned ripe olives at the outgoing level. Olives at that level must meet specified grade and size requirements. Compliance with such requirements at the outgoing level will necessitate elimination of undersize and off quality olives. The purpose of size-grading at the incoming level is to undergird the outgoing requirements and to provide the growers and handlers with information as to the quantities of the different sizes of cannable olives in each lot of fruit as a basis for establishing the value of the lot. Such purpose would still be served by permitting handlers to meet disposition requirements as indicated. It is therefore concluded that the order should be amended as hereinafter set forth to permit a handler to meet his undersize obligation by disposing of a quantity of olives in non-regulated outlets equal to that determined to be undersize at the incoming level, and to so dispose of a quantity of olives equal to his cull obligation as so determined in fulfillment of his cull obligation without the necessity of a precise accounting as to the varietal composition of the olives in the disposition quantities.

The record indicates that while the application of the excess undersize and culls from variety groups which have such to cover the deficits of other variety groups should enable handlers to substantially comply with disposition requirements, it is recognized that even with such application it is possible that a handler may still have a deficit. The excess quantities may not be equal to the deficits. In such instance the handler should not be relieved of the disposition requirements but should be required to fill the deficit in undersize by disposing of olives of sizes larger than undersize, and to fill any cull deficit by disposing of olives of a quality better than culls. Moreover, each handler should be required to have on hand throughout the crop year a quantity of olives equal to that represented by his undersize and cull obligations, less any quantity previously disposed of in the approved manner, so as to assure the handler's continued compliance with the regulatory requirements of the program during the year. It would also enable the committee promptly to receive, investigate, and refer to the Department violations of the program. It is the intent that any time a handler disposes of olives without satisfying his undersize and cull obligations, that he should have on hand an adequate quantity to meet such obligation. It is recognized that prompt compliance by each handler is essential, if orderly marketing is to be achieved. The objective should be to keep handlers on as nearly an equal footing as possible. The foregoing provisions would provide a wider latitude to handlers to meet obligations, and at the same time would give incentive to them to try to meet obligations with fruit which meets undersize and cull specifications. Except in rare circumstances it is not expected that handlers will choose to dispose of cannable olives in fulfillment of obligations but such alternative should be available to them in the interest of the program. It is, therefore, concluded that the order should be amended as hereinafter set forth to reflect the foregoing alternatives for handlers to meet undersize and cull obligations.

(6) The whole and whole-pitted styles of canned ripe olives are the primary products produced in the California olive industry. The larger olives of each variety are preferred for use in the production of such products. Smaller olives of each variety are used to produce canned ripe olives of the halved, sliced, chopped, and minced styles which are considered secondary products. Olives of the smaller sizes which are permitted to be used in the secondary products but not in the primary products are often referred to as "limited use sizes." As previously related, the order now permits one such size in each variety group to be used in the production of secondary products. All styles of canned ripe olives, other than those of the "tree ripened type," are required to grade at least U.S. Grade C at the outgoing level. The order does not now contain authority for changing grade requirements except by amendment, and contains only limited authority for changing size requirements.

When the order was put into effect there was more than adequate inventory of secondary products, consequently the need for olives for such use was limited and this was reflected in setting the size restriction prescribed currently in the order. In the 1967–68 crop year a near crop failure occurred, with less than one-fourth of a crop being produced. As a result, inventories of all olives are now depleted or will be severely reduced by the time olives from the 1968–69 crop are available. The evidence shows that flexibility is needed in the order in establishing grade and size requirements so that the industry can better cope with year-to-year changes affecting the production and marketing of olives. Rigid grade and size requirements as presently fixed in the order do not permit the ready tailoring of requirements to fit the demands of the market. The order should therefore be amended as hereinafter set forth to authorize the committee, with the approval of the Secretary, to modify the grade requirements for olives at the outgoing level. Also, similar authorization, as hereinafter set forth, should be provided to enable the committee to alter size requirements for limited use sizes at the outgoing level with comparable adjustments in related requirements for natural condition olives at the incoming level. While flexibility is necessary as the foregoing indicates, minimum size requirements for the various variety groups should be provided in the order to prohibit the use of sizes which have been found to be unsatisfactory for use in any style of canned ripe olives. The record shows that the following sizes should be eliminated from use in any style of canned olives: Olives of variety group 1, except the Ascolano, Barouni, and St. Agostino varieties of a size smaller than those which individually weigh less than 1/105th pound; olives of variety group 1, of the Ascolano, Barouni, and St. Agostino varieties of a size smaller than those which individually weigh less than 1/180th pound; olives of variety group 2, except the Obliza variety, of a size smaller than those which individually weigh less than 1/225th pound; and olives of variety group 2, of the Obliza variety, of a size smaller than those which individually weigh less than 1/180th pound.

Sizes larger than the foregoing eliminated sizes have been found to produce satisfactory secondary olive products, and in certain circumstances it may be advantageous to authorize the use of any or all such sizes. Depending upon demand and supply conditions, it may be advantageous to authorize the use of only one size smaller than the minimum permitted to be used in the whole and whole pitted styles of canned ripe olives. It is conceivable, too, that under circumstances of very heavy inventory or availability of abundant supplies of larger olives, or both, no sizes of olives smaller than those permitted in whole and whole pitted styles should be so authorized. To provide maximum flexibility for dealing with the many and various supply and demand situations that may develop from year-to-year, the order should provide that the committee may recommend and the Secretary authorize the use in secondary products of any, or all, sizes not smaller than the minimum sizes. In its consideration of any such recommendations the committee should make a careful analysis of the factors set forth in the marketing policy. If it concludes that certain of such sizes of olives should be authorized for such use, it should recommend such specific sizes as it believes should be authorized. If the Secretary concurs, he should issue an appropriate regulation specifying the sizes that can be used in halved, sliced, chopped, and minced styles of canned ripe olives. The objectives should be to permit the use in secondary products of the most desirable sizes as will tend to effectuate the purposes of the act and the order.

Likewise, the committee should be authorized after study of the grade requirements in the light of current and prospective crop and market conditions, to recommend to the Secretary modification of such requirements with respect to any style of olives regulated under

the order. Basically, the grade contemplated should be U.S. Grade C with such modifications effected by increasing or decreasing tolerances for one or more grade factors as may be warranted by the circumstances. The committee in arriving at a recommendation with respect to any such modification should consider all such factors carefully and should consult with representatives of the Processed Products Inspection Service as they are familiar with the development and application of grades, and thus can provide necessary information as to the probable effect and practicability of any proposed modifications.

The notice of hearing contained a provision to fix the foregoing sizes as the size limits for olives permitted to be used in secondary products in the 1968–69 crop year. This was supported at the hearing on the basis that the current olive inventory position indicates that all olives larger than those restricted likely will be needed to replenish supplies of secondary products and to fill demands. However, offsetting testimony was presented, the burden of which was that it is not reasonable to establish specific size requirements before the crop is set on the trees, and, despite the industry's favorable inventory position, the committee should be authorized to review the situation at or near the beginning of the 1968 crop year as in any subsequent year, and to establish requirements based upon conditions then existing. It was pointed out that conditions now appear favorable for a large crop and large crops usually are associated with a production of smaller fruit. In the 1966–67 crop year when the greatest pack of halved, sliced, chopped, and minced styles of olives were packed, there was available 4,844 tons of olives of authorized limited use size available to handlers, and less than 2,000 tons were used in such styles. Returns to growers are enhanced by limiting the use in secondary products to sizes which produce better quality and this means olives of the larger sizes within the limited use category (subcanning sizes). Further, the evidence indicates that it is not in the interest of growers to permit use of a larger quantity of small sized fruit than is necessary to supply the market with secondary products and provide a reasonable carryover, as excessive inventories in the past have exerted a depressing effect upon grower prices, and limiting the use of subcanning sizes is one means of preventing development of such inventories. Under such circumstances, the committee may wish to consider establishment of a more restrictive regulation than that which would be achieved by permitting the use of the full range of subcanning olives. It is therefore concluded that the evidence weighs more heavily in favor of treating 1968 in the same manner as subsequent years. This will permit the committee to study the situation in the light of later crop and market developments and to recommend to the Secretary the sizes it deems advisable for 1968. Such recommendation for 1968 and any subsequent year should be forwarded to the Secretary along with a copy of the required marketing policy and any other information the committee considered in arriving at the recommendation.

(7) The provisions of the order providing for interhandler transfers of olives should be amended, as hereinafter set forth, to permit transfer to the receiving handler (transferee) of the undersize and cull disposition obligations on transferred lots of natural condition olives. Currently the order holds the transferring handler (transferor) responsible for meeting such obligations even though he does not lot size-grade the natural condition olives prior to transfer. It has been difficult in the administration of the order to credit the transferor with dispositions by the transferee who later lot size-graded the olives. Authorization of a procedure enabling the transfer of the obligations to the transferee along with the olives is a reasonable and practical means of overcoming this difficulty, and it would improve order administration. The transferee is in a better position to meet the obligations than the transferor on transferred lots of olives which have not been lot graded prior to transfer because such lots still contain the undersize and cull fruit. Thus, the transferee has the fruit to meet the obligation in his possession.

The current procedure which handlers are required to follow in effecting interhandler transfers requires them to complete a form providing the committee with details of the transfer. Such form can be adapted to include a certification by the transferee acknowledging to the committee his assumption of the disposition obligations on any lot of natural condition olives he receives by transfer from another handler. This should relieve the transferor of the obligation.

(8) The order should be amended, as hereinafter set forth, to provide for exemption from any or all order requirements the handling of olives in such types of shipments, or for such specified purposes, as the committee with the approval of the Secretary may prescribe. Currently, the order authorizes such exemption only for minimum quantities of olives. Occasionally, olives may fail to meet outgoing grade or size regulations. Such olives may be reprocessed to meet requirements. No other form of disposition is provided for.

Under certain circumstances, it may be more advantageous to the handler to donate for charitable consumption olives which have failed to meet requirements, or to divert them to uses or products other than canned ripe olives. It may even be to the handler's advantage to dump olives rather than to reprocess them in an attempt to meet requirements. Also, it may be advantageous to exempt handling of olives from certain requirements in the interest of facilitating research and development. The exemption authority should be on a selective basis so the committee and the Secretary can appraise the situation and relieve the shipment or other handing of olives only from such of the order requirements as may be necessary and practical. No exemption is contemplated nor should any be provided that will permit exempt olives to compete with regulated olives in normal channels of trade. The order now provides for the establishment of safeguards to assure that exempted olives are handled only as authorized. It is concluded that broadened exemption authority should be provided in the order. This would enable the committee to establish alternative avenues for exemption if it appears that order administration, or handlers' operations, would be benefited by such exemption. The record indicates that it may be desirable to require as a safeguard execution of an agreement by the recipient specifying that exempted olives will be used only as authorized. It was testified that authority should be included in the order so any such agreement could provide for liquidated damages in connection with donations for charitable use, in the event the agreement is violated. However, it is not clear from the record how such liquidated damage provision would be used and no authority therefor is included.

(9) It was testified that the phrase "with the approval of the Secretary" in § 932.35(c) appears to contemplate cumbersome approval procedures not required in connection with other duties of the committee, and it should be deleted. However, such specific approval applies to the committee's authority to conduct "scientific and other studies" rather than to the other routine activities specified in such paragraph. No special approval should be or is required for the committee to engage in such activities. However, specific approval should be required for the committee to engage in the special studies indicated. It is therefore concluded that the phrase should not be deleted.

Except as heretofore discussed conforming changes are not required.

Rulings on proposed findings and conclusions. April 10, 1968, was fixed as the latest date for filing proposed findings and conclusions, written arguments or briefs based upon the evidence received at the hearing. Briefs were filed by the following persons and firms all located in California: Alfred A. Holve, Howard L. Rogers, Willard Hamilton, Clyde Irion, all of Lindsay; George Hoag, Herman P. Johnston, Robert C. Jones, all of Corning; Dan Lopopola, Fresno; Willard Turek, Gerber; Ira O. Well, Orinda; Frank J. Oberti, Madera; and Maurice D. L. Fuller, Jr., of Pillsbury, Madison, and Sutro, San Francisco, on behalf of Tri-Valley Growers, and G. Oberti and Sons.

All of the briefs supported the proposed amendment to authorize for years after 1968–69 an annual review and change, within prescribed limits, the minimum size requirements for natural condition olives at the incoming level and for olives used in halved, sliced, chopped, and minced styles, of canned ripe olives. Ten of the briefs, however, opposed fixing such size requirements for the 1968–69 crop year prior to the annual marketing policy meeting, required to be held each year not later than August 15.

Each point included in the briefs was fully and carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that any suggested findings or conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, they are denied on the basis of the facts found and stated in connection with the decision.

General findings. Upon the basis of the evidence adduced at such hearing, and the record thereof, it is found that:

(1) The marketing agreement and order, as hereby proposed to be amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said marketing agreement and order, as hereby proposed to be amended, regulate the handling of olives grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which hearings have been held;

(3) The said marketing agreement and order, as hereby proposed to be amended, is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of olives grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of olives grown in the production area, as defined in said marketing agreement and order, as hereby proposed to be amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period September 1, 1967, through May 31, 1968 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in California, in the production of olives for market as packaged olives to ascertain whether such producers favor the issuance of the said annexed order amending Order No. 932 (7 CFR Part 932), regulating the handling of olives grown in California.

Joe Perrin and Richard P. Van Diest, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR Part 900.400 et seq.).

The ballots used in such referendum shall contain a summary describing the terms and conditions of the proposed amendment of the order.

Copies of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or any appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed amended marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the annexed order which will be published with this decision.

Dated: July 8, 1968.

JOHN A. SCHNITTKER,
Acting Secretary.

Order[1] Amending the Order Regulating the Handling of Olives Grown in California

§ 932.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Fresno, Calif., March 21, 1968, upon proposed amendment of the marketing agreement and to Order No. 932 (7 CFR Part 932) regulating the handling of olives grown in California. Upon the basis of the evidence adduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order as hereby amended, regulates the handling of olives grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order as hereby amended is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of olives grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of olives grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of olives grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order as hereby amended as follows:

1. Section 932.8 is revised to read as follows:

§ 932.8 Natural condition olives.

"Natural condition olives" means olives in their fresh harvested state, whether or not placed in a water or other preserving medium.

2. Section 932.25 is amended by deleting the final sentence and inserting in lieu thereof a sentence to read as follows:

§ 932.25 Establishment and membership.

* * * Allocation of the handler members shall be four members to represent cooperative marketing organizations, herein referred to as "cooperative handlers," and four members to represent handlers who are not cooperative marketing organizations, herein referred to as "independent handlers": *Provided,* That whenever during the crop year in which nominations are made and in the preceding crop year, the cooperative handlers or the independent handlers handled as first handler 65 percent or more of the total quantity of olives so handled by all handlers allocation shall be five members to represent the group which so handled 65 percent or more of such olives and three members to represent the group which handled 35 percent or less. The committee may, with the approval of the Secretary, provide such other allocation of producer or handler membership, or both, as may be necessary to assure equitable representation.

3. Section 932.29 is revised to read as follows:

§ 932.29 Nominations.

(a) *Producer members.* (1) Nominations for producer members of the committee, and their respective alternates, shall be made at meetings of producers held by the committee at such times and places as it shall designate. The names of nominees shall be submitted to the Secretary prior to April 16 of the year

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

in which nominations are made. The committee shall prescribe such procedure for the conduct of such meetings and for voting on the candidates selected thereat as shall be fair to all persons concerned.

(2) Only producers, including duly authorized officers or employees of producers, who are present shall participate in the nomination of producer members and alternate members. Each producer shall be entitled to cast only one vote for each nominee to be selected in the district in which he produces olives. No producer shall participate in the selection of nominees in more than one district. If a producer produces olives in more than one district, he shall select the district in which he will so participate and notify the committee of his choice.

(b) *Handler members.* (1) At a meeting or meetings called by the committee, the cooperative handlers shall nominate a qualified person for each member position and a qualified person for each alternate member position allocated to cooperative handlers as provided in § 932.25.

(2) At a meeting or meetings called by the committee, the independent handlers shall nominate a qualified person for each member position and a qualified person for each alternate member position allocated to independent handlers as provided in § 932.25.

(3) Each handler shall be entitled to cast only one vote for each nominee for cooperative handler member or alternate member or independent handler member or alternate member, as the case may be, which vote shall be weighted by the tonnages of olives handled by such handler during the crop year in which nominations are made and in the previous crop year.

4. Section 932.35 is amended by revising paragraph (k) to read as follows:

§ 932.35 Duties.

The committee shall have, among others, the following duties:

* * * * *

(k) With the approval of the Secretary, to redefine the districts into which the area has been divided in § 932.21 and to reapportion the membership in accordance therewith: *Provided*, That any such changes reflect insofar as practicable shifts in olive acreage within the districts and area, the numbers of growers in the districts, the tonnage produced, and are equitable as to producers; and

* * * * *

5. The first sentence of paragraph (a) of § 932.39 is amended to read as follows:

§ 932.39 Assessments.

(a) As his pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee during a fiscal year, each handler who first handles olives during such year shall pay to the committee, upon demand, assessments on all olives to be used in the production of packaged olives, including olives to be used in canned ripe olives of the "tree ripened" type or green olives when such are regulated as packaged olives pursuant to § 932.52. * * *

* * * * *

6. Section 932.45 is revised to read as follows:

§ 932.45 Marketing research and development.

(a) The committee may, with the approval of the Secretary, establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of California olives. Such projects may provide for any form of marketing promotion, including paid advertising. The expenses of such projects shall be paid from funds collected pursuant to § 932.39.

(b) In recommending projects pursuant to this section, the committee shall give consideration to the following factors:

(1) The expected supply of olives in relation to market requirements;

(2) The supply situation among competing areas and commodities; and

(3) The need for marketing research with respect to any marketing development activity and the need for a coordinated effort with USDA's Plentiful Foods Program.

(c) If the committee should conclude that a program of marketing research or development should be undertaken or continued pursuant to this section in any crop year, it shall submit the following for the approval of the Secretary:

(1) Its recommendations as to funds to be obtained pursuant to § 932.39;

(2) Its recommendations as to any marketing research projects; and

(3) Its recommendations as to promotion activity and paid advertising.

7. Paragraph (a) of § 932.51 is revised to read as follows:

§ 932.51 Incoming regulations.

(a) *Minimum standards for natural condition olives.* (1) Except as otherwise provided in this section, no handler shall process any lot of natural condition olives for use in the production of packaged olives which has not first been:

(i) Weighed on scales sealed by the State of California Department of Weights and Measures, an official certified weight certificate issued thereon, and a copy of such certificate furnished to the Federal or Federal-State Inspection Service and the committee; and

(ii) Size-graded, either by sample or by lot, under the supervision of any such inspection service and classified into separate size designations and a certification issued with respect thereto by such inspection service. Such size designations shall be in accordance with those set forth in Table 1 of the U.S. Standards for Grades of Canned Ripe Olives (§§ 52.3751–52.3766 of this title) or such sizes as may be recommended by the committee and established by the Secretary: *Provided*, That, for the purpose of this part, the size designations in said Table 1 shall be deemed to include the following two additional size designations:

Designations(s)	Approximate count (per pound)	Average count (per pound)
Subpetite		181 and up.
Petite	160	141 to 180, inclusive.

Such certification shall show, in addition to the quantities by weight of the olives in the lot that are classified as being in each size or size designation, the quantity of olives classified as culls by the handler: *Provided*, That when the Secretary, upon the recommendation of the committee, issues a definition of and classification for "culls," the aforesaid quantity of culls shall be determined on the basis of such definition and in accordance with such classification.

(2) Each handler shall, under the supervision of any such inspection service, dispose of as other than canned ripe olives an aggregate quantity of olives, comparable in size and characteristics and equal to the quantities shown on the certification for each lot to be:

(i) Variety Group 1 olives, except the Ascolano, Barouni, and St. Agostino varieties, of a size which individually weigh less than 1/105th pound;

(ii) Variety Group 1 olives of the Ascolano, Barouni, and St. Agostino varities of a size which individually weigh less than 1/180th pound;

(iii) Variety Group 2 olives, except the Obliza variety, of a size which individually weigh less than 1/225th pound;

(iv) Variety Group 2 olives of the Obliza variety of a size which individually weigh less than 1/180th pound;

(v) Such other sizes for the foregoing variety groups as are not authorized for use in the production of halved, sliced, chopped, or minced styles of canned ripe olives pursuant to § 932.52; and

(vi) Olives classified as culls.

(3) Notwithstanding the provisions of subparagraph (2) of this section, a handler may (i) meet any deficit in his undersize obligation in one variety by disposing of under supervision of the inspection service, as other than canned ripe olives, an equal quantity of undersize olives of any other variety, or by so disposing of an equal quantity of olives of that or any other variety of sizes larger than undersize of a quality better than culls, and (ii) meet any deficit in his cull obligation in one variety by so disposing of an equal quantity of cull olives of any other variety, or by so disposing of an equal quantity of olives of any variety of sizes larger than undersize of a quality better than culls.

(4) Each handler shall hold at all times a quantity of olives equal to the quantities required in subparagraph (2) of this paragraph, less any quantity previously disposed of as specified in such subparagraph.

* * * * *

8. Section 932.52 is amended by revising paragraph (a) (1) and (3) to read as follows:

§ 932.52 Outgoing regulations.

(a) *Minimum standards for packaged olives.* * * *

(1) Canned ripe olives, other than those of the "tree-ripened" type, shall grade at least U.S. Grade C, as such grade is defined in the then current U.S. Standards for Canned Ripe Olives (§§ 52.3751–52.3766 of this title) or as modified by the committee, with the approval of the Secretary, for purposes of this part.

* * * * *

(3) Processed olives to be used in the production of canned pitted ripe olives, other than those of the "tree-ripened" type, shall meet the same size requirements as specified in subparagraph (2) of this paragraph: *Provided*, That olives smaller than those so specified, as recommended annually by the committee and established by the Secretary, may be used in the production of halved, sliced, chopped, or minced styles of canned ripe olives, as defined in said U.S. Standards, but any such olives shall be not smaller than the following applicable minimum size:

(i) Variety Group 1 olives, except the Ascolano, Barouni, and St. Agostino varieties, of a size which individually weigh 1/105th pound;

(ii) Variety Group 1 olives of the Ascolano, Barouni, or St. Agostino varieties, of a size which individualy weigh 1/180th pound;

(iii) Variety Group 2 olives, except the Obliza variety, of a size which individually weigh 1/225th pound;

(iv) Variety Group 2 olives of the Obliza variety of a size which individually weigh 1/180th pound.

* * * * *

9. Section 932.54 is revised to read as follows:

§ 932.54 Interhandler transfers.

Transfers within the area of olives from one handler to another for further handling within the area are permitted. Whenever such a transfer of olives is made, the transferring handler shall comply with all applicable regulations up to the time of such transfer, and the receiving handler shall comply with all applicable regulations subsequent to such transfer: *Provided*, That the disposition obligations referable to transferred natural condition olives pursuant to § 932.51(a)(2) may be transferred along with the olives, in which event the receiving handler shall comply with the disposition obligations.

10. Section 932.55 is amended by revising paragraph (b) to read as follows:

§ 932.55 Exemption.

* * * * *

(b) Upon the basis of the recommendation submitted by the committee or from other available information, the Secretary may relieve from any or all requirements under this part the handling of olives in such minimum quantities, in such types of shipments, or for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to § 932.45) as the committee with the approval of the Secretary may prescribe.

* * * * *

11. Section 932.56 is deleted, and the word "solely" is deleted from § 932.16.

[F.R. Doc. 68–8268; Filed, July 11, 1968; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18243, RM–1105; FCC 68–701]

IDENTIFICATION OF BROADCAST STATIONS

Notice of Proposed Rule Making

1. We propose to simplify, clarify, and update the rules prescribing requirements for broadcast identifications of standard and FM broadcast stations (§§ 73.117, 73.287, and 73.587) and act herein on a petition for rule making filed February 1, 1967, by the Columbia Broadcasting System, Inc., seeking amendment of those rules. We propose also conforming amendments to corresponding portions of the rules governing the identification of TV and international broadcast stations (§§ 73.587, 73.652, and 73.787, respectively).

2. The present rules governing the station identification of AM and FM stations encompass numbers of changes engrafted over a period of many years on the rule adpoted shortly after this Commission was established in 1934. The progressive changes, which were intended to reflect evolving conditions in aural broadcasting and experience with station monitoring for compliance with technical requirements, have unduly complicated the present text. Apart from the need of clarification, the present rules need updating of the provisions permitting deferral of regularly scheduled station identifications to avoid interruption of certain kinds of programs.

3. Whatever justifications may have existed for it at earlier stages, we no longer believe it appropriate for the station identification rules to preserve the complicated differentiations embodied in the present rules, which now distinguish, for purposes of avoiding program interruption, between:

(a) Programs over 30 minutes long and shorter programs.

(b) Station identifications normally required to be broadcast on the hour and those required at the half-hour (or alternatively, at the two quarter-hours).

(c) Deferred station identifications requiring three substitute announcements (i.e., at the beginning, first interruption, and end of the program) and those requiring only two substitute announcements (i.e., at the first interruption and end of the program).

(d) Certain types or programs, whose interruption can be avoided by substituting the applicable group of deferred announcements noted in (c) above, and other types whose interruption can be avoided only if the regularly scheduled station identification announcement is broadcast within 5 minutes of the prescribed time (instead of within the 2-minute latitude allowed generally irrespective of the type of program involved).

4. Broadcast station identification serves the purposes of acquainting the audience with the source of the broadcast and of facilitating the identification of stations for purposes of monitoring compliance with technical operating requirements and identifying sources of interference to other stations. Station identification is needed also to comply with international agreements for the indentification of sources of radio transmissions.

5. Technical monitoring would be best facilitated by requiring undeviating station identifications within 2 minutes of each prescribed time. This would maximize the number of potential interference sources which could be checked at a regular time for station identification. It would also minimize the period over which identification would have to be monitored in order to check all the potential sources of interference at a given location. The interests of the listening audience on the other hand, would in most instances be best served by allowing latitude for the deferral, to later times, of station identifications whose broadcast would cause distracting program interruptions. The proposed revision of the rules seeks to strike a desirable balance. It provides, generally, for additional flexibility in the scheduling of station identification announcements, which, if not deferred, would interrupt designated types of programs, while having due regard for monitoring needs.

6. We propose, first, to change the prescribed times for the broadcast of regular station identifications during the operation of AM and FM stations. As heretofore, station identification announcements will be required at the beginning and ending of each time of operation and on the hour during operation. The present rules additionally require station identification on the half-hour or—in lieu of the half-hour announcement—one at each of the two adjacent quarter-hours. We propose to eliminate the provision for quarter-hour announcements, which we believe no longer pertinent to today's aural broadcast practice.

7. The scheduling by all AM and commercial FM stations of regular station identifications on the hour and half-hour will simplify and shorten the performance of technical monitoring tasks by our field inspectors. In view of the other rule amendments we propose to provide against objectional program interruptions for the broadcast of regularly scheduled station identifications, we believe the improved opportunities for technical monitoring will neither inconvenience the public nor burden station operation.

8. We propose also to revise the definition of categories of programs protected from interruption so as to include:

(1) A single, continuous public affairs, religious or instructional program, concert, drama or athletic event; or

(2) Any other type of production whose interruption for station identification would objectionably break program continuity essential to the value of the program to the audience.

9. CBS had proposed that the categories of programs protected from interruption for the broadcast of station identification announcements be revised to include "any type of production". We think the term "any type of production" unduly broad, and therefore propose the qualifying language contained in (2), above.

10. We propose that a regularly scheduled station identification announcement (whether on the hour or half-hour) which falls due in the course of any program of the type defined above may be deferred if station identification announcements are substituted at the first program interruption after the missed station identification was regularly due, and at the end of the program.

11. We propose, additionally, to specify the circumstances in which the first program interruption will be deemed to take place after a regular station identification is missed. (See proposed § 73.117(e)(1)(i) through (v).)

12. CBS's proposal had gone further than our proposed rule, in that it would permit any station identification announcement to be made as much as 5 minutes before or after the hour, half-hour (or quarter-hour) when it becomes due irrespective of whether such latitude would be necessary to avoid program interruption, and regardless of the type of program involved. We find insufficient justification for thus increasing the normal maximum waiting period for monitoring station identifications from the present 4-minute period (from 2 minutes before the designated time to 2 minutes after, as under the present rules) to a 10-minute period.

13. In drafting the proposed rule amendments, we have taken into account comments on the CBS proposal filed April 13, 1967, by Piedmont Publishing Co. and a letter filed March 1, 1967, by Storer Broadcasting Co. relating to compliance with station identification requirements by stations which broadcast taped preprogramed musical selections.

14. Accordingly, we propose to amend §§ 73.117, 73.287, and 73.587 of the rules to read as follows:

§ 73.___ Station identification.

(a) *When regularly required.* A standard (FM, noncommercial educational FM) broadcast station shall announce station identification: (1) At the beginning and ending of each time of operation, and (2) regularly, during operation, within 2 minutes of each hour and half-hour.

(b) *Content.* (1) Official station identification shall consist of the station's call letters immediately followed by the name of the community or communities to which the station is licensed. When given specific written authorization to do so, a station may include in its official station identification the name of an additional community or communities.

(2) A licensee shall not in any identification announcements, promotional announcements or any other broadcast matter either lead or attempt to lead the station's audience to believe that the station has been authorized to identify officially with cities other than those permitted to be included in official station identification under subparagraph (1) of this paragraph.

NOTE: Commission interpretations of this paragraph may be found in a separate public notice issued October 30, 1967, entitled "Examples of Application of Rule Regarding Broadcast of Statements Regarding a Station's Licensed Location." (FCC 67-1132; 10 FCC 2d 407)

(c) *Channel*—(1) *Generally.* Except as provided in subparagraph (2) of this paragraph, in making the identification announcement the call letters shall be given only on the channel of the station identified thereby.

(2) *Simultaneous AM–FM broadcasts.* If the same licensee operates an FM broadcast station and a standard broadcast station and simultaneously broadcasts the same programs over the facilities of both such stations, station identification announcements may be made jointly for both stations for periods of such simultaneous operation. If the call letters of the FM station do not clearly reveal that it is an FM station, the joint announcement shall so identify it.

(d) *Program interruption.* A station identification regularly required on the hour or half-hour need not be broadcast if it would interrupt:

(1) A single, continuous public affairs, religious or instructional program, concert, drama or athletic event; or

(2) Any other type of production whose interruption for station identification would objectionably break program continuity essential to the value of the program to the audience.

(e) *Deferred station identification.* (1) If a station, as permitted, omits a regular station identification announcement, it must broadcast deferred station identification announcements at the first program interruption, and at the end of the program. The first program interruption will be deemed to take place no later than the following times:

(i) In all cases: The first time, after a regular station identification is omitted, that the program is interrupted for the broadcast of any nonprogram matter, such as commercial matter, public service announcements, promotional announcements or any other matter which breaks into the program continuity;

(ii) In the case of an athletic event: At the end of a regular period (e.g., at the end of the current quarter of a football or basketball game, the current half-inning of a baseball game, or the current round of a boxing match);

(iii) In the case of a musical program: At the end of a musical selection (e.g., symphony, concerto, or other musical work) being played;

(iv) In the case of a drama or variety show: At the end of the particular act during which a regular station identification becomes due;

(v) In the case of any other type of production: The first point at which station identification can be announced without objectionably breaking program continuity essential to the value of the program to the audience.

(2) If a subsequent regular station identification becomes due before the time prescribed for a deferred announcement, the broadcast of the subsequent regular announcement will suffice.

15. We also propose to amend § 73.652 of the rules, relating to station identification of television broadcast stations, by: (1) Eliminating the parenthetical matter "(Call letters and location)" from the present paragraph (a); and (2) substituting, in lieu of present paragraph (b), new paragraphs (b), (c), and (d) with the same texts as new paragraphs (b), (d), and (e), respectively, proposed above for § 73.117.

16. We propose similarly to amend § 73.787 of the rules, relating to station identification of international broadcast stations, by substituting in lieu of present paragraph (c), new paragraphs (c) and (d) with the same texts as new paragraphs (d) and (e) proposed above for § 73.117.

17. Authority for the adoption of the proposed amendments is contained in sections 4 (i), (j), and 303 of the Communications Act of 1934, as amended.

18. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before September 9, 1968, and reply comments on or before September 24, 1968. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it in addition to the specific comments invited by this notice.

19. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: July 3, 1968.

Released: July 9, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68-8278; Filed, July 11, 1968; 8:46 a.m.]

[47 CFR Part 87]

[Docket No. 18234; FCC 68-692]

COORDINATION OF CERTAIN FREQUENCIES

Establishment of Industry Frequency Advisory Committee

In the matter of amendment of Part 87 of the Commission's rules to make provision for the establishment of an industry frequency advisory committee for coordination of frequencies in the 1435–1535 Mc/s band, Docket No. 18234, RM 1198.

[1] Commissioner Wadsworth absent.

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. The Aerospace and Flight Test Radio Coordinating Council (AFTRCC) has filed a petition for rule making (RM 1198) to amend Part 87—Aviation Services to make provision for an industry frequency advisory committee for coordination of frequencies in the 1435–1535 Mc/s band. This band is available under provisions of § 87.331(c) of the rules for flight test stations. Frequencies between 1435–1485 Mc/s are assigned primarily for the flight testing of manned aircraft. Frequencies between 1485–1535 Mc/s are assigned primarily for the flight testing of unmanned aircraft and missiles. The band is shared by Government and non-Government users; therefore, frequencies are coordinated with interested Government agencies prior to assignment.

3. Petitioner submits that the recognition of a frequency advisory committee would allow for a more efficient coordination procedure and utilization of the 1435–1535 Mc/s band to the best interests of both the Government and non-Government users. Petitioner cites as an example the specific provision in Part 91—Industrial Radio Services for the coordination of frequency requests through an industry frequency advisory committee. AFTRCC feels that it is the logical organization through which necessary coordination should be effected for proposed non-Government usage.

4. The value of such committees to an applicant and the Commission is recognized. This type of operation has been most successful in other radio services. It is also recognized that the rapid growth in aviation has caused an increase in flight test operations and full and efficient utilization of the flight test frequencies is necessary if flight testers are to be accommodated under existing allocations.

5. The language proposed by petitioner includes a requirement that equipment for which licensing is requested in the band 1435–1535 Mc/s must meet Inter-Range Instrumentation Group Standards 106–66 except as provided under § 87.77(d) (1) and (3) of the Commission's rules. No justification is submitted for the inclusion of new or different technical standards. The petition and supporting information is directed only toward the establishment of a frequency advisory committee. The language proposed in the attached appendix, therefore, does not contain any requirement for equipment to meet Inter-Range Instrumentation Group Standards.

6. In Dockets 17870 and 18004, AFTRCC submitted comments which requested, among other things, that the subject petition for rulemaking be expanded to required coordination procedures for all flight test frequencies. The proposed rules set forth in the attached appendix are limited to coordination of frequencies in the band 1435–1535 Mc/s as originally requested; however, comments detailing the need for coordination of all flight test frequencies will be considered.

7. The proposed amendments to the rules, as set forth below, are issued pursuant to the authority contained in sections 4(i) and 303 (f) and (r) of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules interested persons may file comments on or before August 13, 1968, and reply comments on or before August 26, 1968. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

9. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: July 3, 1968.

Released: July 9, 1968.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

1. A new § 87.334 is added to read as follows:

§ 87.334 Frequency coordination.

(a) An applicant for authority to use frequencies in the band 1435–1535 Mc/s must submit with each application for a new station, or renewal or modification of an existing authorization the information detailed in either paragraph (b) or (c) of this section.

(b) (1) A report may be submitted, based on a field study, indicating the degree of probable interference to existing stations operating in the same area. The applicant shall consider all non-Government stations operating on the frequency or frequencies requested or assigned within 200 miles of the proposed area of operation.

(2) A written statement that all existing licensees within the frequency and mileage limits contained in subparagraph (1) of this subparagraph have been notified of the applicant's intention to file an application shall be included with the report.

(c) (1) A statement may be submitted from a frequency advisory committee commenting upon the frequency or frequencies requested or the proposed changes in the authorized station and giving the opinion of the committee regarding the probable interference of the proposal to existing stations. The committee shall consider, as a minimum, all stations operating on the frequency or frequencies requested or assigned within 200 miles of the proposed area of operation. A statement may be submitted by the frequency advisory committee recommending a specific frequency, which in the opinion of the committee, will result in the least amount of interference to existing stations. In addition, committee recommendations may appropriately include comments on other technical factors and may contain recommended conditions or restrictions which it believes should appear on an authorization to lessen the possibility of interference.

(2) A frequency advisory committee must be so organized that it is representative of all persons who are eligible for non-Government radio flight test facilities. In order to be recognized as a frequency advisory committee under this section, a statement of organization and composition of the committee must be submitted to the Commission for approval. The functions of any advisory committee shall be purely advisory in character to the applicant and the Commission, and its recommendations cannot be considered as binding upon either the applicant or the Commission.

[F.R. Doc. 68-8279; Filed, July 11, 1968; 8:46 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CERTAIN STATES

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Idaho, Illinois, Iowa, Nebraska, Oklahoma, and Virginia, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

IDAHO

Idaho.

ILLINOIS

Adams.
Alexander.
Bond.
Brown.
Calhoun.
Champaign.
Christian.
Clark.
Clay.
Clinton.
Coles.
Crawford.
Cumberland.
De Witt.
Douglas.
Edgar.
Edwards.
Effingham.
Fayette.
Ford.
Franklin.
Gallatin.
Greene.
Hamilton.
Hancock.
Hardin.
Iroquois.
Jasper.
Jefferson.
Jersey.
Johnson.
Lawrence.
Logan.
McDonough.
Macon.
Macoupin.
Marion.
Mason.
Massac.
Montgomery.
Morgan.
Moultrie.
Piatt.
Pike.
Pope.
Pulaski.
Richland.
Saline.
Sangamon.
Schuyler.
Scott.
Shelby.
Union.
Vermilion.
Wabash.
Washington.
Wayne.
White.
Williamson.

IOWA

Adams.
Allamakee.
Appanoose.
Audubon.
Black Hawk.
Bremer.
Buchanan.
Cass.
Chickasaw.
Clarke.
Clayton.
Crawford.
Davis.
Decatur.
Delaware.
Fayette.
Floyd.
Fremont.
Harrison.
Howard.
Lee.
Linn.
Lucas.
Mills.
Mitchell.
Monona.
Monroe.
Montgomery.
Muscatine.
Page.
Pottawattamie.
Ringgold.
Shelby.
Taylor.
Union.
Van Buren.
Wayne.
Winneshiek.
Woodbury.

NEBRASKA

Dawson.
Garfield.
Gosper.
Sherman.
Valley.

OKLAHOMA

Beaver.
Beckham.
Cimarron.
Custer.
Dewey.
Ellis.
Grady.
Greer.
Harmon.
Harper.
Haskell.
Jackson.
Johnston.
Kiowa.
Major.
Marshall.
Roger Mills.
Stephens.
Texas.
Tillman.
Washita.
Woods.
Woodward.

VIRGINIA

Albemarle.
Alleghany.
Amelia.
Appomattox.
Augusta.
Bath.
Bedford.
Bland.
Botetourt.
Brunswick.
Buckingham.
Campbell.
Charlotte.
Chesterfield.
Clarke.
Craig.
Culpeper.
Cumberland.
Dinwiddie.
Essex.
Fauquier.
Floyd.
Fluvanna.
Frederick.
Giles.
Gloucester.
Greene.
Greensville.
Halifax.
Highland.
King and Queen.
King William.
Lancaster.
Loudoun.
Lunenburg.
Madison.
Mathews.
Mecklenburg.
Middlesex.
Montgomery.
Nelson.
Northumberland.
Nottoway.
Orange.
Page.
Patrick.
Pittsylvania.
Powhatan.
Prince Edward.
Prince George.
Pulaski.
Rappahannock.
Richmond.
Roanoke.
Rockbridge.
Rockingham.
Shenandoah.
Surry.
Sussex.
Warren.
Westmoreland.
Wise.
Wythe.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1969, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this third day of July 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-8265; Filed, July 11, 1968; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

STATE UNIVERSITY OF NEW YORK ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Producer Goods, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Producer Goods must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 68-00645-00-46040. Applicant: State University of New York at Stony Brook, Department of Biology, Stony Brook, Long Island, N.Y. 11790. Article: Anticontamination cold trap, Model ACS-2. Manufacturer: Japan Electron Optics Laboratory, Ltd., Japan. Intended use of article: The article will be used in conjunction with a JEM 6A electron miscroscope to enhance specimen observations for longer periods. Application received by Commissioner of Customs: June 12, 1968.

Docket No. 68-00646-00-46040. Applicant: University of California, Lawrence Radiation Laboratory, East End of Hearst Avenue, Berkeley, Calif. 94720. Article: Double-tilting and rotating stage for Elmiskop IA electron miscroscope. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used to alter the Elmiskop electron microscope so as to form a new lens with sufficient chromatic aberration to enable the electron energy spectra to be resolved, allowing researchers to perform chemical analysis down to 50 Angstroms resolution. Application received by Commissioner of Customs: June 12, 1968.

Docket No. 68-00647-65-83500. Applicant: National Aeronautics and Space Administration, Manned Spacecraft Center, White Sand Test Facility, Post Office Drawer MM, Las Cruces, N. Mex. 88001. Article: Thermoanalyzer, Unit II. Manufacturer: Mettler, Analytical and Precision Balances, Switzerland. Intended use of article: The article will be used for basic investigations of the thermal behavior of materials and off gassed products in controlled environments. Scientific objective is to provide the most meaningful, complete, and timely thermal data on nonmetallic materials within the present state-of-the-arts. Application received by Commissioner of Customs: June 13, 1968.

Docket No. 68-00648-00-61800. Applicant: Union Free School District No. 5, North Village Green, Levittown, N.Y. 11756. Article: Hemispherical assembly for planetarium, Type 10. Manufacturer: Sailcraft Ltd., Canada. Intended use of article: The article will be used in connection with a planetarium instrument of this institution for instructional purposes. Application received by Commissioner of Customs: June 13, 1968.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68-8259; Filed, July 11, 1968; 8:45 a.m.]

Maritime Administration

[Report 20]

LIST OF FOREIGN-FLAG VESSELS ARRIVING IN NORTH VIETNAM ON OR AFTER JANUARY 25, 1966

SECTION 1. The President has approved a policy of denying the carriage of U.S. Government-financed cargoes shipped from the United States on foreign-flag vessels which called at North Vietnam ports on or after January 25, 1966.

The Maritime Administration is making available to the appropriate U.S. Government Departments the following list of such vessels which arrived in North Vietnam ports on or after January 25, 1966, based on information received through June 25, 1968. This list does not include vessels under the registration of countries, including the Soviet Union and Communist China, which normally do not have vessels calling at U.S. ports.

FLAG OF REGISTRY AND NAME OF SHIP	*Gross tonnage*
Total, all flags (53 ships)	359,720
Polish (30 ships)	227,834
Andrzej Strug	6,919
Beniowski	10,443
Djakarta	6,915
*Emilia Plater	6,718
Energetyk	10,876
Florian Ceynowa	6,784
General Sikorski	6,785
Hanka Sawicka	6,944
Hanoi	6,914
Hugo Kollataj	3,755
Jan Matejko	6,748
Janek Krasicki	6,904
Jozef Conrad	8,730
Kapitan Kosko	6,629
Kochanowski	8,231
Konopnicka	9,690
Kraszewski	10,363
Lelewel	7,817
*Ludwik Solski	6,904
Marceli Nowotko	6,660
Marian Buczek	7,053
Moniuszko	9,247
Norwid	5,512
*Pawel Finder	4,911
Phenian	6,923
Przyjazn Narodow	8,876
Stefan Okrzeja	6,620
Transportowiec	10,854
Wieniawski	9,190
Wladyslaw Broniewski	6,919
British (15 ships)	84,518
Ardrowan	7,300
Dartford	2,739
Greenford	2,964
Isabel Erica	7,105
Kingford	2,911
**Meadow Court (trip to North Vietnam under ex-name Ardrossmore—British)	5,820
*Pundua	7,295
Rochford	3,324
**Rosetta Maud (trip to North Vietnam under ex-name, Ardtara—British)	5,795
Shienfoon	7,127
Shirley Christine	6,724
Shun Tai	7,085
Taipleng	5,676
Vercharmian	7,265
Yungfutary	5,388
Cypriot (5 ships)	30,981
Acme	7,173
**Agenor (trips to North Vietnam—Greek)	7,139
Amon	7,229
Antonia II	7,303
Marianthi	2,137
Lebanese (1 ship)	7,194
*Rio	7,194
Maltese (1 ship)	7,304
Amalia	7,304
Panamanian (1 ship)	1,889
**Salamanca (trips to North Vietnam under ex-name, Milford—British)	1,889

*Added to Rept. No. 19, appearing in the FEDERAL REGISTER issue of Mar. 26, 1968.
**Ships appearing on the list which have made no trips to North Vietnam under the present registry.

SEC. 2. In accordance with approved procedures, the vessels listed below which called at North Vietnam on or after January 25, 1966, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the North Vietnam trade so long as it remains the policy of the U.S. Government to discourage such trade and;

(b) That no other vessels under their control will thenceforth be employed in the North Vietnam trade, except as provided in paragraph (c) and;

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to January 25, 1966, requiring their employment in the North Vietnam trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report: None.

	Gross tonnage
Italian (1 ship): Agostino Bertani	8,380

b. Previous reports:

	Number of ships
British	1

SEC. 3. The following number of vessels have been removed from this list since they have been broken up.

FLAG OF REGISTRY	*Broken up*
British	2
Cypriot	2
Greek	1
Lebanese	1

Dated: June 27, 1968.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 68-8266; Filed, July 11, 1968; 8:45 a.m.]

[Report 90]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through June 25, 1968, exclusive of those vessels that called at Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.

Flag of Registry and Name of Ship	Gross tonnage
Total, all flags (193 ships)	1,382,201
British (53 ships)	424,044
Antarctica	8,785
Arctic Ocean	8,791
Ardrowan	7,300
Athelcrown (tanker)	11,149
*Athellaird (tanker)	11,150
Athelmere (tanker)	7,524
Athelmonarch (tanker)	11,182
Avisfaith	7,868
Baxtergate	8,813
Changpaishan	8,929
Cheung Chau	8,566
Chiang Kiang	10,481
East Sea	9,679
Eastfortune	8,789
Eastglory	8,995
Fortune Enterprise	7,696
Glaisdale	6,854
Hemisphere	8,718
Ho Fung	7,121
Huntsfield	9,483
Huntsland	9,353
Huntsville	9,486
Inchstuart	7,043
**Jeb Lee (trip to Cuba under ex-name Garthdale—British)	7,542
Jollity	8,819
**Kali Elpis (trips to Cuba under ex-name Ardmore—British)	4,664
**Kelso (trips to Cuba under ex-name Ardgem—British)	6,981
Kinross	5,388
La Hortensia	9,486
Magister	2,239
**Meadow Court (trips to Cuba under ex-name Ardrossmore—British)	5,820
Nancy Dee	6,597
Nebula	8,907
Newglade	7,368
Newheath	7,643
Newmoat	7,151
Oceantramp	6,185
Oceantravel	10,419
Peony	9,037
Red Sea (previous trip to Cuba under ex-name Grosvenor Mariner—British)	7,026
**Rosetta Maud (trips to Cuba under ex-name Ardtara—British)	5,795
Ruthy Ann	7,361
Sea Amber	10,421
Sea Coral	10,421
Sea Empress	9,841
Seasage	4,330
Shienfoon	7,127
Southgate (previous trips to Cuba under ex-name Arlington Court—British)	9,662
Venice	8,611
Vercharmian	7,265
Vergmont	7,381
Yungfutary	5,388
Yunglutaton	5,414
Cypriot (34 ships)	248,468
Acme	7,173
Aegis Hope (previous trips to Cuba under ex-name Huntsmore—British)	5,678
Agenor	7,139
**Aiolos II (trips to Cuba—Lebanese)	7,256
Alice (previous trips to Cuba—Greek)	7,189
Amfithea (previous trip to Cuba under ex-name Antonia—Greek)	5,171
Amon	7,227

See footnotes at end of table.

Flag of Registry and Name of Ship	Gross tonnage
Cypriot—Continued	
Angeliki	8,482
Anka	7,314
Antonia II (previous trip to Cuba under ex-name Stylianos N. Vlassopulos—Greek)	7,281
Apollonian	7,229
Areti (previous trips to Cuba—Lebanese)	7,176
Captain Papallos (tanker)	11,676
Claire (previous trips to Cuba—Lebanese)	5,411
Dorine Papillos (previous trips to Cuba under ex-name Formentor—British)	8,424
E. D. Papallos	9,431
El Toro	5,949
Free Navigator (previous trips to Cuba under ex-name Newdene—British)	7,165
Free Trader (previous trips to Cuba—Lebanese)	7,061
Gloria	7,277
Katerina (previous trips to Cuba—Lebanese)	9,357
Marika (trips to Cuba—Lebanese)	7,290
Mary (previous trips to Cuba—Greek)	7,258
Newforest (previous trips to Cuba—British)	7,189
Newgate (previous trips to Cuba—British)	6,743
**Newlane (trips to Cuba—British)	7,043
Newmoor (previous trips to Cuba—British)	7,168
Olga (previous trips to Cuba—Lebanese and Greek)	7,265
Protoklitos	6,154
**Skepsis (trips to Cuba under ex-name Akamas—Lebanese and Cypriot	7,285
Sunrise (previous trips to Cuba under ex-name Anatoli—Greek)	7,216
Tina (previous trips to Cuba—Greek)	7,362
Vassiliki (previous trips to Cuba—Lebanese)	7,192
Zela M. (previous trips to Cuba—British)	7,237
Lebanese (21 ships)	142,594
Al Faris	1,143
Antonis	6,259
Astir	5,324
Atticos	7,257
Giannis	5,270
Giorgos Tsakiroglou	7,240
Ilena	5,925
Ioannis Aspiotis	7,297
Maistric	7,255
Marichristina	7,124
Mousse	9,307
Nictric	7,296
Noelle	7,251
Panagos	7,134
Rio	7,194
San Spyridon	7,260
Stero	7,066
Tony	7,176
Toula	6,426
Vertolivada	6,339
Yannilas	10,051
Polish (21 ships)	150,590
Baltyk	6,984
Bialystok	7,173
Bytom	5,967
Chopin	9,231
Chorzow	7,237
Energetyk	10,876
Grodziec	3,379
Huta Florian	7,258
Huta Labedy	7,221

Flag of Registry and Name of Ship	Gross tonnage
Polish—Continued	
Huta Ostrowiec	7,179
Huta Zgoda	6,840
Hutnik	10,847
Kopalnia Bobrek	7,221
Kopalnia Czladz	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Narwik	7,065
Piast	3,184
Rejowiec	3,401
Transportowiec	10,854
Greek (13 ships)	85,669
Agios Therapon	7,205
**Aliartos (trip to Cuba under ex-name Loradore—British)	8,078
Andromachi (previous trips to Cuba under ex-name Penelope—Greek)	6,712
**Anna Maria (trips to Cuba under ex-name Helka—British)	2,111
Barbarino	7,084
Calliopi Michalos	7,249
Eftyhia	9,844
**Gold Land (trip to Cuba under ex-name Amfred—Swedish)	2,838
Irena	7,232
Nicolaos F. (previous trip to Cuba under ex-name Nicolaos Frangistas—Greek)	7,199
Nikolis M	7,176
Redestos	5,911
Sophia	7,030
Italian (5 ships)	38,128
Achille	6,950
Elia (tanker)	11,021
**Graziella Zeta (trips to Cuba under ex-name Montiron—Italian	1,595
San Francesco	9,284
Santa Lucia	9,278
Panamanian (8 ships)	52,434
**Ampuria (trips to Cuba under ex-name Roula Maria—Greek)	10,608
**Avranchoise (trips to Cuba under ex-name Avranches—French)	7,199
**Cathay Trader (trips to Cuba under ex-name Suva Breeze—British)	4,996
**Chung Thai (trip to Cuba under ex-name Somalia—Italian)	3,352
**Thalie (trip to Cuba under ex-name Maroudio—Greek)	7,369
**Tynlee (trip to Cuba under ex-name Ardenode—British)	7,036
**White Daisey (trips to Cuba under ex-name Anacreon—Greek)	6,935
**Yu Lee (trips to Cuba under ex-name Dairen—British)	4,939
Finnish (7 ships)	47,099
Atlas	3,916
Augusta Paulin	7,096
Isomeri	3,576
Jytte Paulin	7,010
Ragni Paulin	6,823
Sword (tanker)	11,631
Verna Paulin	7,047
French (6 ships)	19,316
**Atlanta (trip to Cuba under ex-name Enee—French)	1,232
Circe	2,874
Foulaya	3,739
Mungo	4,820
Nelee	2,874
Penja	3,777

Flag of Registry and Name of Ship	Gross Tonnage
Yugoslav (7 ships)	50,843
Bar	8,776
Kolasin	7,217
Mojkovac	7,142
Piva	7,519
Plod	3,657
Subicevac	9,033
Tara	7,499
Maltese (4 ships)	27,097
Amalia (previous trips to Cuba—British)	7,304
Ispahan	7,169
Socityve (previous trips to Cuba—British)	7,291
Timios Stavros (previous trips to Cuba—British and Greek)	5,333
Moroccan (4 ships)	32,746
Atlas	10,392
Marrakech	3,214
Mauritanie	10,392
Toubkal	8,748
Netherlands (2 ships)	1,615
Meike	500
Tempo	1,115
Pakistani (2 ships)	15,762
**Haringhata (trip to Cuba under ex-name Ardpatrick—British)	7,054
**Maulabaksh (trip to Cuba under ex-name Phoenician Dawn and East Breeze—British)	8,708
Somali (4 ships)	36,317
Aragon	7,201
Erato (previous trips to Cuba under ex-name Eretria—Greek)	7,199
**Senanque (trips to Cuba—French)	14,659
*Thios Costas	7,258
Guinean (1 ship)	852
**Drame Oumar (trip to Cuba under ex-name Neve—French)	852
Japanese (1 ship)	8,627
*Chokyu Maru	8,627

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessel under their control will thenceforth be employed in the Cuban trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuban trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report:

	Gross tonnage
Italian (7 ships)	69,300
Agostino Bertani	8,380
Atria (tanker)	12,845
Caprera	7,189
Geremia	2,479
Giuseppe Giulietti (tanker)	17,519
Nino Bixio	8,427
San Nicola (tanker)	12,461

b. Previous reports:

	Number of ships
Flag of registry (total)	112
British	44
Cypriot	3
Danish	1
Finnish	2
French	1
German (West)	1
Greek	29
Israeli	1
Italian	5
Japanese	1
Kuwaiti	1
Lebanese	9
Liberian	1
Norwegian	5
Spanish	6
Swedish	1
Yugoslav	1

SEC. 3. The following number of vessels have been removed from this list, since they have been broken up, sunk, etc.

Flag of registry:	Broken up, sunk or wrecked
British	13
Cypriot	12
Finnish	1
French	1
Greek	12
Italian	3
Lebanese	25
Maltese	1
Monaco	1
Moroccan	1
Norwegian	1
Panamanian	1
South African	2
Swedish	1
Yugoslav	5
Total	80

SEC. 4. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through June 25, 1968.

Flag of registry	Number of trips											
	1963	1964	1965	1966	1967	1968						Total
						Jan.	Feb.	Mar.	Apr.	May	June	
British	133	180	126	101	78	2	5	6	5	4	1	648
Lebanese	64	91	58	25	16	2	----	4	2	----	----	261
Greek	99	27	23	27	29	----	1	1	1	----	----	202
Cypriot	----	1	17	27	42	2	10	6	4	1	3	113
Italian	16	20	24	11	11	----	1	----	2	----	----	85
Yugoslav	12	11	15	10	14	----	----	1	----	1	----	64
French	8	9	9	10	10	----	----	1	----	----	----	47
Finnish	1	4	5	11	12	1	1	1	----	----	----	36
Spanish	8	17	----	----	----	----	----	----	----	----	----	25
Norwegian	14	10	----	----	----	----	----	----	----	----	----	24
Moroccan	9	13	1	----	----	----	----	----	----	----	----	23
Maltese	----	2	6	1	4	2	----	1	----	1	----	17
Netherlands	----	4	2	----	----	----	----	----	----	----	----	6
Swedish	3	3	----	----	----	----	----	----	----	----	----	6
Kuwaiti	----	2	1	----	----	----	----	----	----	----	----	3
Israeli	----	----	2	----	----	----	----	----	----	----	----	2
Danish	1	----	----	----	----	----	----	----	----	----	----	1
German (West)	1	----	----	----	----	----	----	----	----	----	----	1
Haitian	----	----	1	----	----	----	----	----	----	----	----	1
Japanese	1	----	----	----	----	----	----	----	----	----	1	2
Monaco	----	----	----	1	----	----	----	----	----	----	----	1
Somali	----	----	----	----	2	----	1	1	----	1	----	5
Subtotal	370	394	290	224	218	9	19	22	14	8	5	1,573
Polish	18	16	12	10	11	1	----	2	1	1	----	72
Grand total	388	410	302	234	229	10	19	24	15	9	5	1,645

NOTE: Trip totals in this section exceed ship totals in sec. 1 and 2 because some of the ships made more than 1 trip to Cuba. Monthly totals subject to revision as additional data becomes available.

*Added to Rept. 89, appearing in the FEDERAL REGISTER issue of June 6, 1968.

**Ships appearing on the list which have made no trips to Cuba under the present registry.

Dated: June 27, 1968.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 68-8267; Filed, July 11, 1968; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[Interim Policy Issuance 1]

WORK INCENTIVE PROGRAM

Notice of Interim Policies and Requirements

Notice is hereby given that the regulations set forth below (made pursuant to section 1102 of the Social Security Act, 42 U.S.C. 1302) prescribe certain interim policies and requirements for Social and Rehabilitation Service programs which were announced, in a policy statement with binding effect on States, on April 19, 1968, by the Administrator, Social and Rehabilitation Service. Interested persons who wish to submit comments, suggestions, or objections pertaining thereto may present their views in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of these interim policies and requirements in the FEDERAL REGISTER. The final regulations will be codified in Title 45 of the Code of Federal Regulations.

Dated: June 6, 1968.

[SEAL] MARY E. SWITZER,
Administrator, Social and Rehabilitation Service.

Approved: July 3, 1968.

WILBUR J. COHEN,
Secretary.

1. *Subject.* Work Incentive Program.

2. *Purpose.* To implement section 402(a)(19) and Part C of title IV of the Social Security Act.

3. *Regulations—A. State Plan Requirements.* Effective July 1, 1968, unless a State is prevented from complying on that date by State statute, and then no later than July 1, 1969, a State plan for AFDC must provide that:

(1) Except as qualified below, prompt referral of the following will be made to the manpower agency designated by the Secretary of Labor (hereinafter referred to as the Manpower Agency) operating a Work Incentive Program under Part C of title IV, for participation in such program:

(a) Each appropriate individual, age 16 or older, who is receiving AFDC or who lives in the same household as an AFDC recipient and whose needs are taken into account in determining the assistance payment.

(b) Any other individual claiming aid under the program (not included in (a)) who, after being informed of the Work Incentive Program, requests such referral unless the State agency determines that participation therein will be inimical to the welfare of such individual or the family.

Meaning of referral. A referral is the transmission of notice in writing by the State or local agency to the Manpower Agency to the effect that an individual described in (1) above has been determined to meet the criteria for referral, in an area where a Work Incentive Program is operated, and has been directed by the welfare agency to appear in person at an office of the Manpower Agency, when notified. Referrals of such individuals shall be made promptly after such determination, in an orderly manner, and will not be deferred by reason of the fact that there is no project activity under the Work Incentive Program to which such individual can be assigned.

(2) Determinations as to whether individuals are appropriate for referral for participation under a Work Incentive Program will be made in the following order of priority:

(a) AFDC Unemployed Fathers

(i) Unemployed fathers currently participating in a Community Work and Training Program under section 409 of the Social Security Act or in a Work Experience and Training Program under title V of the Economic Opportunity Act.

(ii) Other unemployed fathers.

(b) Mothers and other caretaker relatives and essential persons who volunteer and are currently participating in a Community Work and Training or Title V Work Experience and Training Program.

(c) Youths 16 years of age and over who are not in school or training and for whom there are no educational plans under consideration for implementation within the next 3 months.

(d) Mothers and others who volunteer but are not currently involved in a Community Work and Training Program or a Work Experience and Training Program, and who have no preschool children.

(e) Mothers and others who volunteer and have preschool children.

(f) Any others determined by the State to be appropriate for referral.

(3) No referral will be made to the Manpower Agency for participation under a Work Incentive Program of an individual described in (1)(a) if he is:

(a) A person with illness, incapacity, or advanced age;

(b) A person so remote from any project under the Work Incentive Program that he cannot effectively participate therein;

(c) A child attending school full-time;

(d) A person whose presence in the home on a substantially continuous basis is required because of the illness or incapacity of another member of the household; or

(e) A person whose presence in the home is required because adequate child-care services are not furnished. (Detailed provisions with respect to child-care and other services to be provided by the State agency which are related to the Work Incentive Program will be included in a separate statement regarding services under Part A of title IV of the Act which will soon be issued.)

(4) If the plan includes dependent children of unemployed fathers, referral of such fathers will be made to the Manpower Agency within 30 days after receipt of aid with respect to such children.

(5) AFDC will not be denied because of a referral to the Work Incentive Program or because of an individual's participation on a project under a program of institutional and work experience training or of special work projects under Part C of title IV of the Social Security Act.

(6) If and for so long as an individual described in and referred pursuant to (1)(a) has been determined by the Manpower Agency to have refused without good cause to participate in the Work Incentive Program or to accept a bona fide offer of employment in which he is able to engage:

(a) If such individual is a relative receiving AFDC, his needs will not be taken into account in determining the family's need for assistance, and assistance in the form of protective or vendor payments or of foster care will be made;

(b) If such individual is the only dependent child in the family, assistance for the family will be denied;

(c) If such individual is one of several dependent children in the family, assistance for such child will be denied and his needs will not be taken into account in determining the family's need for assistance; and

(d) If such individual is not a recipient, his needs will not be taken into account in determining the family's need for assistance.

(7) Each individual described in (6) will, for a period of 60 days, be provided counseling or other services aimed at persuading him to participate in the Work Incentive Program or take employment in which he is able to engage.

(8) With respect to each individual described in (6), the actions specified therein shall not be taken during the period of 60 days in which he is being provided the services referred to in (7), except that in the case of the individual described in (6)(a), assistance in the form of protective or vendor payments will be made in behalf of him and his family.

(9) In the determination of need for assistance, the following will be included in the State agency's policies for participation in the Work Incentive Program:

(a) The $30 monthly incentive payment made by the Manpower Agency to any participant in a program of institutional and work experience training will be disregarded.

(b) The wages paid to an individual for his employment or participation in a special work project will be supplemented as provided in (14)(b); and net earnings (after social security, unemployment compensation, and income tax deductions) will be used in determining whether the income of the individual employed on a special work project will be supplemented by an assistance payment.

(c) Such incentive payments or wages of participants will not be taken into consideration in determining the need of any other individual.

(10) Additional expenses reasonably attributable to an individual's participation in a program of institutional and work experience training or of special work projects under the Work Incentive Program will be paid for by the agency. (Additional material relating to such expenses will be included in the separate statement soon to be issued regarding services under Part A of title IV of the Act.)

(11) All persons referred to the Work Incentive Program will be provided a prereferral physical examination to determine the individual's physical condition for participating in work and training activities, unless adequate information for this purpose is already available. States are urged to provide restorative medical services directly related to the participant's employability utilizing all available resources such as the vocational rehabilitation and title XIX programs. Such services include the provision of items such as eyeglasses, hearing aids, cosmetic dentistry, and similar services.

(12) Arrangements will be made by the State agency to assure a non-Federal contribution of 20 percent of the cost of operation of the Work Incentive Program by the Manpower Agency.

(13) There will be joint planning between the State agency and the Manpower Agency on projects, project costs, in-kind resources including facilities, equipment, personnel (for purposes of the non-Federal contribution), and methods of exchange of information concerning wage rates and earnings.

(14) The State agency will make:

(a) Payments each month into the account(s) established by the Manpower Agency for participants in special work projects equal to the money payment which would otherwise be made to or on behalf of the individual (and his family), or 80 percent of the individual's earnings if less; and

(b) Supplemental payments of assistance to the individual participating in a special work project, to the extent necessary to assure that he receives an amount equal to the money payment he would have received for himself and his family if he were not in the project, plus 20 percent of his earnings from the special work project.

(15) The State agency will make arrangements with the Manpower Agency for the return of unexpended payments described in (14)(a), and will make adjustments in overpayments resulting from the return of such unexpended payments at the end of the fiscal year or such other periods as may be determined.

(16) After planning with the individual for his participation in a Work Incentive Program, the welfare agency will notify the individual in writing that he has been referred to the Work Incentive Program and that he has a right to a fair hearing before the State agency with respect to a determination regarding the appropriateness of such referral, the form or amount of payments, or the denial of assistance.

(17) In the event an individual who has been referred to the Work Incentive Program refuses to accept employment which is offered to him by an employer, whether directly or through the employment service or the welfare agency, the determination as to whether the offer was bona fide or there was good cause to refuse the offer will be made only by the Manpower Agency (after providing opportunity for fair hearing) and will be binding on the welfare agency.

B. *Non-Federal contribution.* For purposes of A(12):

(1) A non-Federal contribution may not include funds or expenditures which are used to meet the Federal or State share of other programs receiving Federal financial assistance.

(2) The non-Federal contribution may be in cash or in-kind. A contribution in-kind may be made in the form of the provision of services, staff, space, equipment, or any other goods or services of value essential to the operation of the Work Incentive Program or any project under such program. Where such contribution is in-kind, the amount thereof will be determined on the basis of its reasonable value as established by suitable documentation.

(3) The costs of operation of the Work Incentive Program which may be met by the non-Federal contribution may include the costs of training, supervision, materials, administration, incentive payments, transportation, and other items as are authorized by the Manpower Agency, but may not include any reimbursement for time spent by participants in work, training, or other participation in such program.

(4) If the State welfare agency fails to make arrangements for the non-Federal contribution of 20 percent of the total Statewide Work Incentive Program costs of operation, the Secretary of Health, Education, and Welfare may withhold under the conditions specified in the law the equivalent of amounts to be paid from the grants to the State agency for the public assistance titles.

C. *Referral to the Manpower Agency.* To refer a client to the Work Incentive Program, the welfare agency will complete section I of the Referral and Enrollment Card and send it, accompanied by a résumé on the applicant's history, to the local manpower agency office. When such office notifies the client of a date for a personal interview, it will also notify the welfare agency of this date. It is then the obligation of the agency to follow through with the client and offer assistance, if needed, to help him keep his appointment. If something in the client's situation arises that prevents the client from keeping his appointment another appointment will be made. In some cases, it may be necessary for a caseworker or someone else known to the client to accompany him on his interview.

If the client so referred does not keep his scheduled interview, the welfare agency will work with the client to arrange another appointment and will advise the Manpower Agency of the outcome.

When an individual referred to the Work Incentive Program refuses without good cause to accept employment in which he is able to engage or participate in a Work Incentive Program project, the Manpower Agency shall (after providing opportunity for fair hearing) notify the welfare agency and submit all the information on the refusal. Provision is made for special help for such an individual. The welfare agency is to provide intensive counseling and services for up to 60 days with a view to persuading the client to take employment in which he is able to engage or participate in the Work Incentive Program. If the client accepts these services, his needs are considered in the family assistance payment but a protective or vendor payment is made for 60 days. If the client continues to refuse to participate at the end of the period, he is dropped from the family payment which continues in nonmoney form.

In the event an individual referred to the Manpower Agency should need to be referred back to the welfare agency as having good cause for not continuing on a training plan or a job, the welfare agency shall promptly restore the assistance payment to the individual or make other necessary payment adjustments.

D. *Federal financial participation.* Beginning with the effective date of approval of amendments to the State plan for AFDC, pursuant to section 402(a) (14) and (15) of the Act, Federal financial participation in expenditures for any services furnished by the State agency relating to the Work Incentive Program, including additional expenses attributable to an individual's participation in the Work Incentive Program and the costs of prereferral physical examinations, as found necessary by the Secretary for the proper and efficient administration of the plan, is available at the rate of 85 percent through June 30, 1969, and at the rate of 75 percent thereafter.

Any amounts included in the assistance grants of participants, such as the supplementation of earnings on special work projects, are matchable under the assistance formula. Payments into the account referred to in A(14) are also matchable as assistance.

Any refund from such account to the State welfare agency will be regarded as an overpayment to the State and the Federal share thereof must be adjusted. This may be reflected in the State agency's claim for Federal financial participation for the month in which the money is received.

[F.R. Doc. 68-8311; Filed, July 11, 1968; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19625]

SHULMAN, INC.

Notice of Hearing Regarding Aggregate Weight

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on July 23, 1968, at 10 a.m., e.d.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to Orders E-26395, February 23, 1968, and E-26792, May 14, 1968, the report of prehearing conference served June 12, 1968, and to the documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., July 9, 1968.

[SEAL] ROBERT M. JOHNSON,
Hearing Examiner.

[F.R. Doc. 68-8277; Filed, July 11, 1968; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17899 etc.; FCC 68R-281]

RISNER BROADCASTING, INC., AND LEE MACE

Memorandum Opinion and Order Enlarging Issues

In re applications of Risner Broadcasting, Inc., Lebanon, Mo., Docket No. 17899, File No. BPH-5207; Risner Broadcasting, Inc., Lebanon, Mo., Docket No. 18043, File No. BP-17031; Lee Mace, Bagnell, Mo., Docket No. 18044, File No. BP-17122; for construction permits.

1. The above-captioned applications of Risner Broadcasting, Inc. (Risner), and Lee Mace for construction permits for new AM broadcast stations at Lebanon and Bagnell, Mo., respectively, were consolidated for hearing with Risner's application for an FM broadcast station in Lebanon, Mo., by order, FCC 68-223, released March 8, 1968.[1] Various issues relating to the AM applications, including a section 307(b) issue, were designated by the Commission. Presently before the Review Board is a motion to enlarge issues, filed March 28, 1968, by Risner, which seeks the addition of Rule

[1] Risner's FM application was originally designated for hearing with the mutually exclusive application of Lebanon Broadcasting Co. (order, FCC 67-1305, released Dec. 19, 1967). By order, FCC 68M-225, released Feb. 8, 1968, the Examiner granted Lebanon Broadcasting Co.'s petition to dismiss its application and retained Risner's application in hearing status "on unresolved questions concerning the truthfulness of representations in the Risner application." Inasmuch as identical representations were made in Risner's AM application, the Commission ordered the present consolidated hearing.

73.30(a) and suburban community issues against Lee Mace.[2]

2. In its petition, Risner first requests an issue to determine "whether the proposal of Lee Mace would serve primarily a particular city, town, political subdivision, or community contemplated by § 73.30(a) of the Commission's rules." Noting that the 1960 U.S. Census population for Bagnell was 62 persons, Risner argues that an area such as Bagnell; having only minimal economic, political, and social organization, can have "no identifiable 'community of interest' and, therefore assignment of a local transmission facility to Bagnell is not warranted." The Broadcast Bureau, although it argues that Bagnell must be considered a "community" under Commission precedent, supports the addition of a Rule 73.30(a) issue on the ground that Risner's allegations raise serious questions as to whether Lee Mace's 1 kw proposal "is designed to serve primarily the particular community of Bagnell" as required by the rule.[3]

3. In opposition, Lee Mace contends that while a licensee has a primary responsibility to its principal community, it has a further obligation to serve its entire service area; Lee Mace's expressed intention is to serve and draw revenue from the "Bagnell Dam Area" consisting of Bagnell, Lakeland, Lakeside, Lakeview, and Lake Ozark, Mo. Submitted with the opposition are various letters demonstrating the economic, civic, and social development of the Bagnell area and the need for the proposed facility. Such material shows that the Lake of the Ozarks, created in 1931, has promoted a vast recreational area. There are now 403 lakeshore resorts, motels and hotels which can accommodate 24,000 persons per day, and a large number of family type lakeshore cottages with kitchenettes which constitute the larger proportion of the facilities. Improvements to existing properties and the building of private homes have moved forward at a rate of $2,500,000 annually; and in the past 6 years over $17 million has been invested in five luxury type resorts. In 1966 it is estimated that the lake region entertained over 2,500,000 vacationers who spent at least one night there; that the lake attracted over 2 million 1-day visitors; and that the 1966 business volume was estimated at $60 million. The president of the Bank of Lake of the Ozarks, Lake Ozark, Mo., states that the bank is 1½ miles south of Bagnell Dam, in the city of Lake Ozark, Mo., and serves an area consisting of the city of Lake Ozark, the village of Lakeside, the village of Bagnell, the city of Lakeland, and the city of Lakeview, Mo., all within the proposed 25 mv/m contour; that the bank was established in 1960, with a capital account of $150,000 and deposits of $500,000; that since that time the community which the bank serves has continued to grow at a steady rate, both in business and residential; and that the bank has also grown so that its present deposits are in excess of $6 million, and its capital accounts have grown to $500,000. The clerk of the Bagnell Baptist Church, Lake Ozark, Mo., states that approximately 5 years ago there were only two incorporated communities in the area which were Bagnell and Lakeside, and that there are now five.

4. There is no inflexible standard by which it can be judged whether a particular populated area qualifies as a "city, town, political subdivision, or community" under § 73.30(a) of the rules. While in the instant case there appears to be an identifiable community of interest in the area which includes Bagnell, Lakeland, Lakeside, Lakeview, and Lake Ozark, Mo. (cf. Seven Locks Broadcasting Co., 37 FCC 82, 3 RR 2d 177 (1964), the Board is unable to determine whether the specified station location Bagnell, alone, qualifies as a community under § 73.30(a) of the rules, and must accordingly add an issue. However, Lee Mace implies that the Bagnell Dam area constitutes the community for purposes of § 73.30(a) of the rules and section 307(b) of the Act; that a station may be located in Bagnell to serve this entire community; and this contention finds support in the letters submitted by Lee Mace concerning this area. In this connection, it may be noted that the letter of the Superintendent of Schools, Lake Ozark, Mo., indicates that the school district includes the entire Bagnell Dam area and serves the residents in Bagnell, Lakeland, Lakeside, Lakeview, and Lake Ozark. Likewise, the bank letter indicates that this same geographical area is served by the bank. Thus, to the extent that the applicant seeks the instant authorization on the basis of the character or relationship of the areas involved, the Board will allow the adduction of appropriate evidence in support of a waiver of § 73.30(a) of the rules.

5. In support of its request for a suburban community issue, Risner argues that Lee Mace realistically proposes to serve Eldon, Mo. (population 3,158) or Osage Beach, Mo. (population 741). Risner cites V.W.B., Inc., FCC 67–058, 10 RR 2d 563 and argues that Lee Mace proposes an excessive amount of power (1,000 watts) which will place a 5 mv/m signal over communities substantially larger than Bagnell. In addition, Risner submits that Lee Mace has failed to demonstrate that Bagnell has separate and distinct needs; that any needs which might exist are presently unsatisfied; that its program proposal is designed to meet these needs; and that the proposed facility will derive any substantial revenue from its station location.

6. Petitioner's allegations fail to warrant the addition of a suburban community issue. Where the "population test" of the Policy Statement on Suburban Communities,[4] is not met and it therefore cannot be presumed that an applicant realistically proposes to serve a larger community, a petitioner will be required to make a threshold showing that essentially a "sub-standard central city station" is actually proposed. In V.W.B. Inc., supra, the Commission indicated that the evidentiary burden thus imposed is not a light one: "We are not going to designate applications for hearing (on a suburban community issue) merely because they happen to place a strong signal over a somewhat larger community * * *." In the instant case, Risner has failed to demonstrate any demographic, technical, or other relationship between Bagnell and either Eldon or Osage Beach, and the Board is unable to find any warrant for the addition of a section 307(b) suburban community issue. (Durgin Associates, Inc., FCC 67–1036, 11 RR 2d 205.) Petitioner's failure becomes particularly significant in light of the fact that Lee Mace's opposition clearly specified the areas to be served. (See par. 3, supra.) Moreover, the Commission's Policy Statement is primarily designed to handle urbanized area allocation problems. In the first paragraph of that statement (footnote 7, supra), the Commission indicates it is concerned "* * * when one or more of the proposed stations is to be located in a suburban community and would serve adjacent urbanized areas."

7. Mace filed his application on the unrevised FCC Form 301. Consequently, he made no showing concerning his efforts to ascertain the needs and interests of the community and area which he proposes to serve. In the absence of such a showing, an issue with respect to this matter is appropriate. Accordingly, such an issue will be included in this proceeding on the Board's own motion. See Minshall Broadcasting Co., Inc., 11 FCC 2d 796, 12 RR 2d 502 (1968).

8. *Accordingly, it is ordered,* That the motion to enlarge issues, filed March 28, 1968, by Risner Broadcasting, Inc., is granted to the extent indicated below and denied in all other respects; and

9. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issues:

(1) To determine whether the proposal of Lee Mace would serve primarily a particular city, town, political subdivision, or community as contemplated by § 73.30(a) of the Commission's rules; and if not, whether circumstances exist which warrant a waiver of that rule.

(2) To determine the efforts made by Lee Mace to ascertain the needs and interests of the community and area to be served, and the manner in which the applicant proposes to meet those needs and interests.

10. *It is further ordered,* That the burdens of proceeding with the introduction of evidence and proof as to the issues added herein will be on Lee Mace.

Adopted: July 3, 1968.

Released: July 9, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68–8280; Filed, July 11, 1968; 8:47 a.m.]

[FCC 68–663]

TEST BORING

No Need for Authorization

JUNE 28, 1968.

It has come to the Commission's attention that test boring at a transmitter site to determine suitability of soil to support a radio station may be regarded by members of the communications industry to be "prior construction" within the meaning of section 319(a) of the Communications Act of 1934, as amended.

This provision prevents the issuance of a license to a station on which construction commenced before it was authorized by the Commission.

The making of borings is not considered a part of construction. Rather, it appears to be a matter of prudence in the selection of suitable transmitter sites.

Action by the Commission, June 26, 1968, Commissioners Hyde (Chairman), Bartley, Lee, Cox, Loevinger, Wadsworth, and Johnson.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68–8281; Filed, July 11, 1968; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 68–38]

MATSON NAVIGATION CO.

Order of Investigation and Suspension

Matson Navigation Co.; investigation of practices affecting transportation under freight; all-kinds rates.

There has been filed with the Federal Maritime Commission by Matson Navigation Co., to become effective July 25, 1968, Eighth Revised Page 182 to Tariff FMC–F No. 137, setting forth in Note 6, Item 2000, a new restriction which will preclude over 1,500 pounds of any cargo with density exceeding 175 pounds per cubic foot from moving under the freight-all-kinds rate.

Upon consideration of the said schedule and protest thereto, there is reason to believe that the above-designated change if permitted to become effective would be unjust, unreasonable, or otherwise unlawful under sections 16 and 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and, good cause appearing, therefore:

It is ordered, That pursuant to the authority of section 3 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness under sections 16 and 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, of the new restriction contained in Note 6, Item 2000 on Eighth Revised Page 182, FMC–F No. 137, with a view to making such findings and orders in the premises as the facts and circumstances warrant.

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, the operation of the aforementioned amendment to Note 6 is suspended and the use thereof be deferred to and including November 24, 1968, unless otherwise ordered by this Commission. In the event the matter hereby placed under investigation is changed, amended or reissued upon termination of the suspension period before the investigation has been concluded, such changed, amended, or reissued matter will be included in this investigation.

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said schedule under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933.

It is further ordered, That there shall be filed immediately with the Commission by Matson Navigation Co., a consecutively numbered supplement to Tariff FMC–F No. 137, which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until November 25, 1968, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter, shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Domestic Regulation or the Federal Maritime Commission.

It is further ordered, That Matson Navigation Co. be named as respondent in this proceeding.

It is further ordered, That Kaiser Steel Corp. be named as petitioner in accordance with the Commission's rules of practice and procedure.

It is further ordered, That this proceeding be consolidated for hearing and decision with Docket No. 68–32.

It is further ordered, That (I) a copy of this order shall forthwith be served upon the respondent and petitioner herein; (II) the said respondent and petitioner be duly notified of the time and place of the hearing; and (III) this order to be published in the FEDERAL REGISTER and notice of said hearing be served upon the respondent and petitioner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) with a copy to the respondent and petitioner.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68–8261; Filed, July 11, 1968; 8:45 a.m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Correction

In F.R. Doc. 68–8088, appearing at page 9844, of the issue for Tuesday, July 9, 1968, the second signature should read "William B. Camp, *Comptroller of the Currency.*"

FOREIGN-TRADE ZONES BOARD

[Order 76]

MAYAGUEZ, P.R.

Expansion of Area of Foreign-Trade Zone No. 7

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998–1003; 19 U.S.C. 81a–81u), the Foreign-Trade Zones Board has adopted the following order which is promulgated for the information and guidance of all concerned:

Whereas, the Foreign-Trade Zones Board, acting on an application from the Puerto Rico Industrial Development Co., and by Board Order No. 50, dated June 27, 1960, issued to PRIDCO a grant authorizing the establishment, operation, and maintenance of Foreign-Trade Zone

[2] On Mar. 29, Risner filed a supplement to motion to enlarge issues containing a supporting affidavit for its previously filed motion. The affidavit will be considered since good cause has been shown for the 1-day delay. Also before the Review Board are: (a) Broadcast Bureau's partial support and partial opposition, filed Apr. 4, 1968; (b) opposition, filed Apr. 25, 1968, by Lee Mace; and (c) reply, filed May 20, 1968, by Risner.

[3] Rule 73.30(a) reads in pertinent part: * * * each standard broadcast station will be licensed to serve primarily a particular city, town, political subdivision, or community which will be specified in the station license and the station will be considered to be located in such place.

[4] Policy Statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190, 6 RR 2d 1901 (1965), reconsideration denied 2 FCC 2d 868, 8 RR 2d 1908.

[5] Board Member Pincock absent.

No. 7 at Mayaguez, P.R., to be located on approximately 16.93 acres of land located along State Highway No. 2, 3 miles from the city of Mayaguez.

Whereas, the Puerto Rico Industrial Development Co., Grantee of Foreign-Trade Zone No. 7, filed with the Foreign-Trade Zones Board on January 31, 1968, an application for the expansion of the zone area to include an additional 11.33 acres contiguous to the southwest side of the established zone.

Whereas, the Foreign-Trade Zones Board finds that the present zone area will not serve adequately the convenience of commerce by providing the necessary space to carry out business operations within the zone.

Now, therefore, the Foreign-Trade Zones Board, after consideration and a finding that the proposal is in the public interest, hereby orders:

That the Grantee is authorized to expand the zone to include the area which conforms with Exhibits Nos. 1–13, filed with the application dated January 31, 1968, provided that the means of segregating this area from Customs territory and provisions for safeguarding the revenue meet the requirements of the Bureau of Customs.

It is found that compliance with the notice, public rule making procedure, and effective date requirements of Administrative Procedure (5 U.S.C. 553) is unnecessary in connection with the issuance of this order, because its application is restricted to one foreign-trade zone, and is of such a nature that it imposes no burden on the parties of interest. The effective date is, therefore, upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 28th day of June 1968.

[SEAL] C. R. SMITH,
Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

Attest:
R. H. LAKE,
Executive Secretary, Foreign-Trade Zones Board.

[F.R. Doc. 68-8262; Filed, July 11, 1968; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

EQUILEASE CAPITAL CORP.

Application for License

Notice is hereby given pursuant to § 107.103 of the regulations governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326), that the parties listed below have applied to the Small Business Administration under the name of Equilease Capital Corp., 270 Madison Avenue, New York, N.Y. 10016, for a license to operate in the States of New York, New Mexico, Illinois, Texas, Michigan, California, Louisiana, Georgia, North Carolina, Colorado, Florida, Massachusetts, Washington, and Oklahoma, as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.).

The company is to commence operations with $500,000 in private capital and will furnish equity capital and long-term loan funds to qualified small business concerns in diversified fields.

The Agent for Correspondence, Officers, Directors, and beneficial owners of the common stock are:

George A. Halmos, 301 East 47th Street, New York, N.Y. 10017.	President, Director, no stock ownership.
Glenn E. Taylor, Jr., 47 Woodland Way, Manhasset, Long Island, N.Y. 11030.	Senior Vice President, no stock ownership.
Norbert S. Weissberg, 262 Central Park, West, New York, N.Y. 10024.	Agent for Correspondence, Executive Vice President, Treasurer, Director, no stock ownership.
Harold V. Mendelsohn, 214-35 45th Drive, Bayside, N.Y. 11361.	Vice President, no stock ownership.
Gerard R. Nocera, 231 Meadowbrook Road, Wyckoff, N.J. 07481.	Vice President, no stock ownership.
Henry B. Vess, Jr., 89 Kensington Road, Bronxville, N.Y. 10708.	Vice President, no stock ownership.
David Spiller, Eltra Corp., Post Office Box 931, Toledo, Ohio 43601.	Secretary, no stock ownership.
Daniel M. Fishstein, 163-39, 130 Avenue, Jamaica, N.Y. 11434.	Controller, no stock ownership.
J. A. Keller, Horseshoe Road, Mill Neck, Long Island, N.Y.	Director, no stock ownership.
Equilease Corp., 270 Madison Avenue, New York, N.Y. 10016.	100 percent owner of Equilease Capital Corp.
Eltra Corp., 29 Ryerson Street, Brooklyn, N.Y.	100 percent owner of Equilease Corp.

The Officers and Directors of Equilease Capital Corp. are also Officers and Directors of Eltra Corp., and/or Equilease Corp.

Prior to final action on the application, consideration will be given to any comments pertaining thereto which are submitted in writing, to the Associate Administrator for Investment, Small Business Administration, Washington, D.C. 20416, within a period of fifteen (15) days of the date of publication of this notice.

A copy of this notice shall be published in a newspaper of general circulation in New York, N.Y.

Dated: July 2, 1968.

JAMES T. PHELAN,
Acting Associate Administrator for Investment.

[F.R. Doc. 68-8260; Filed, July 11, 1968; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-442 etc.]

HASSIE HUNT TRUST ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JULY 3, 1968.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 29, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
CI68-1421 ..... A 6-10-68	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	Natural Gas Pipeline Co. of America, East Holly Beach Field, Cameron Parish, La.	21.5	15.025
CI68-1422 ..... B 6-10-68	Thomas N. Berry & Co., Post Office Box 111, Stillwater, Okla. 74074.	Cities Service Gas Co., East Goodnight Area, Lincoln County, Okla.	(2)	.....
CI68-1423 ..... (CI62-213) F 6-10-68	Petroleum Promotions, Inc. (successor to Bear Run Oil & Gas Co.), % John S. Holy, attorney, Post Office Box 643, Weston, W. Va. 26452.	Equitable Gas Co., Hackers Creek District, Lewis County, W. Va.	23.0	15.325
CI68-1424 ..... B 6-20-68	Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co., Post Office Box 747, Dallas, Tex. 75221.	United Gas Pipe Line Co., Lafourche Crossing Field, Lafourche Parish, La.	Depleted	.....
CI68-1425 ..... A 6-20-68	Gulf Oil Corp.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Block 178, West Cameron Area, Offshore Louisiana	21.25	15.025
CI68-1426 ..... B 6-21-68	Hunt Petroleum Corp., 1401 Elm St., Dallas, Tex. 75202.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Calvin Field, Winn Parish, La.	Depleted	.....
CI68-1427 ..... A 6-20-68	Lario Oil & Gas Co., 301 South Market St., Wichita, Kans. 67202.	Cascade Natural Gas Corp., Willow Creek Field, Rio Blanco County, Colo.	15.0	15.025
CI68-1428 ..... A 6-21-68	Sohio Petroleum Co., 970 First National Bldg., Oklahoma City, Okla. 73102.	Phillips Petroleum Co., West Panhandle Field, Hutchinson County, Tex.	13.0	14.65
CI68-1429 ..... A 6-21-68	The Preston Oil Co., Post Office Box 2319, Columbus, Ohio 43216.	Natural Gas Pipeline Co. of America, Block 225 Field and Block 229 Field, West Cameron Area, Offshore Louisiana.	20.0	15.025
CI68-1430 ..... A 6-21-68	Exchange Oil & Gas Co. et al., 1200 Gas Light Bldg., New Orleans, La. 70112.	Trunkline Gas Co., Twin Island Field, Cameron Parish, La.	21.25	15.025
CI68-1431 ..... A 6-24-68	Cities Service Oil Co., Cities Service Bldg., Bartlesville, Okla. 74003.	Panhandle Eastern Pipe Line Co., Aledo Northwest Field, Dewey County, Okla.	[3] 17.0	14.65
CI68-1432 ..... A 6-24-68	Elfohn Petroleum Corp., 1636 Denver Club Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	12.0	15.025
CI68-1433 ..... (CI65-640) F 6-14-68	Pan American Petroleum Corp. (Operator) et al., Post Office Box 591, Tulsa, Okla. 74102.	Natural Gas Pipeline Co. of America, Indian Basin Field, Eddy County, N. Mex.	16.608	14.65
CI68-1434 ..... A 6-24-68	William Gruenerwald, Post Office Box 909, Colorado Springs, Colo. 80901.	Panhandle Eastern Pipe Line Co., acreage in Seward County, Kans.	16.0	14.65
CI68-1435 ..... A 6-24-68	Diamond Shamrock Corp., Post Office Box 631, Amarillo, Tex. 79105.	Arkansas Louisiana Gas Co., acreage in Pittsburg County, Okla.	15.0	14.65
CI68-1436 ..... A 6-24-68	Hunt Goodrich et al., 609 Bank of the Southwest Bldg., Houston, Tex. 77002.	Texas Eastern Transmission Corp., Colony Prene Field, Assumption Parish, La.	20.0	15.025
CI68-1437 ..... B 6-24-68	Mobil Oil Corp.	Shell Oil Co., Provident City Field, Lavaca County, Tex.	(4)	.....
CI68-1438 ..... A 6-24-68	Texas Gas Exploration Corp., 1111 First City National Bank Bldg. Houston, Tex. 77002.	Natural Gas Pipeline Co. of America, Block 225 Field and Block 229 Field, West Cameron Area, Offshore Louisiana.	20.0	15.025

[1] No permanent certificate issued; sale being rendered pursuant to temporary authorization.
[2] No gas reserves are available under this acreage.
[3] Subject to upward and downward B.t.u. adjustment.
[4] Gas reserves insufficient to warrant connection.
[5] For commingling.
[6] Well is no longer capable of producing gas.
[7] Acreage released to landowners.

[F.R. Doc. 68-8197; Filed, July 11, 1968; 8:45 a.m.]

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-4421 ..... B 6-17-68 [1]	Hassie Hunt Trust, 1401 Elm St., Dallas, Tex. 75202.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Magnet Area, Wharton County, Tex.	Depleted	.....
G-7437 ..... E 6-4-68	The Fourth National Bank and Trust Co., Wichita (successor to W. H. Black, deceased) Post Office Box 1090, Wichita, Kansas 67201.	Colorado Interstate Gas Co., Higgston Gas Field, Kearny County, Kans.	11.6	14.65
G-16215 ..... D 6-10-68	Gulf Oil Corp. (Operator) et al, Post Office Box 1589, Tulsa, Okla. 74102.	Transwestern Pipeline Co., Panhandle Area, Harper County, Okla.	(7)	.....
CI66-27 ..... C 6-21-68	Union Texas Petroleum, a division of Allied Chemical Corp., Post Office Box 2120, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., acreage in Alfalfa and Major Counties, Okla.	[5] 15.0	14.65
CI66-478 ..... C 6-24-68	Thomas E. Berry et al, Post Office Box 828, Stillwater, Okla. 74074.	Arkansas Louisiana Gas Co., Pine Hollow Field, Pittsburg County, Okla.	15.0	14.65
CI66-1331 ..... D 6-20-68	William E. Snee et al., c/o Robert E. Eberly, Manager, Downtown Station, Post Office Box 2023, Uniontown, Pa. 15401.	Arkansas Louisiana Gas Co., acreage in Le Flore County, Okla.	(4)	.....
CI67-90 ..... C 6-20-68	American Petroleum Corp., 507 Enterprise Bldg., Tulsa, Okla. 74103.	Arkansas Louisiana Gas Co., Bonanza Field, Sebastian County, Ark.	15.0	14.65
CI67-364 ..... A 10-31-66	Marvin E. Wilhite et al., Post Office Box 230, Orange Park, Fla. 32073.	Cumberland and Allegheny Gas Co., Union District, Barbour County, W. Va.	24.519	15.325
CI67-565 ..... A 10-31-66	do	Cumberland and Allegheny Gas Co., Warren District, Upshur County, W. Va.	24.519	15.325
CI67-566 ..... A 10-31-66	do	do	24.519	15.325
CI67-567 ..... A 10-31-66	do	Cumberland and Allegheny Gas Co., Union District, Barbour County, W. Va.	24.519	15.325
CI67-568 ..... A 10-31-66	do	do	24.519	15.325
CI67-569 ..... A 10-31-66	do	do	24.519	15.325
CI67-570 ..... A 10-31-66	do	do	24.519	15.325
CI67-1551 ..... C 6-24-68	Southwestern Natural Gas, Inc., National Bank of Commerce Bldg., Suite 2018, San Antonio, Tex. 78205.	Northern Natural Gas Co., Follett Field, Lipscomb County, Tex.	[3] 17.0	14.65
CI68-1235 ..... C 6-24-68	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	El Paso Natural Gas Co., Angels Peak, Aztec and Blanco Fields, San Juan Basin, San Juan County, N. Mex.	13.0	15.025
CI68-1313 ..... C 6-24-68	do	El Paso Natural Gas Co., Blanco Field, San Juan Basin, San Juan County, N. Mex.	12.0	15.025
CI68-1415 ..... A 6-18-68	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, West Cameron Block 163 Field, Offshore Louisiana.	20.0	15.025
CI68-1419 ..... A 6-18-68	Pennzoil United, Inc.[1] (Operator) et al., Post Office Drawer 1588, Parkersburg, W. Va. 26101.	United Fuel Gas Co., Rocky Fork Field, Kanawha County, W. Va.	27.5	15.325
CI68-1420 ..... B 6-19-68	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	Natural Gas Pipeline Co. of America, Guthrie Unit, Woodward County, Okla.	Depleted	.....

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[Docket No. RI68-709 etc.]

NEWMONT OIL CO. ET AL.

Order Accepting Contract Amendments, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JULY 3, 1968.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-709..	Newmont Oil Co., 1135 Capital National Bank Bldg., Houston, Tex. 77002, Attn: Robert S. Moehlman, President.	2	13	United Gas Pipe Line Co. (Eugene Island Area, Offshore Louisiana).	$2,225 405	6-12-68	[2] 7-13-68	12-13-68	[3] [6] 14.0 [3] [7] 15.75	[3] [6] 16.75 [3] [6] 16.75	RI68-533. RI68-533.
RI68-710..	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001, Attn: Mr. A. M. Mouser.	37	15	Texas Gas Transmission Corp. (South Lewisburg Field, Acadia and St. Landry Parishes, La.). (South Louisiana).	8,541	6-12-68	[2] 7-13-68	12-13-68	[8] 16.75	[6] [8] [9] 17.75	RI64-762.
RI68-711..	R. W. McMahon et al., 1605 National Bank of Tulsa Bldg., Tulsa, Okla.	1	2	Northern Natural Gas Co., (West Sharon Field, Woodward County, Okla). (Panhandle Area).	1,137	6-10-68	[11] 7-11-68	12-11-68	[10] 19.346	[13] [14] [10] 20.499	
RI68-712..	Standard Oil Co. of Texas, a division of Chevron Oil Co., Post Office Box 1249, Houston, Tex. 77001.	31	2	Lone Star Gas Co. (Durant East Field, Bryan County, Okla.) (Oklahoma "Other" Area).	426	7-18-68	[2] 7-18-68	12-18-68	15.0	[12] [13] 17.9	
RI68-713..	Westmore Drilling Co., Inc. (Operator) et al., Post Office Box 206, Medicine Lodge, Kans.	5 5 1	[20] 4 5 [20] 3	Cities Service Gas Co. (Southwest Medicine Lodge Field, Barber County, Kans.)	---------- 180	6-14-68 6-14-68	[2] 7-15-68 [2] 7-15-68	(Accepted) 12-15-68	---------- [5] 13.0	---------- [5] [15] [17] 14.0	 RI61-75
RI68-714..	Mallonee-Mahoney, Inc. agent, 925 Sutton Pl., Wichita, Kans. 67202.			Northern Natural Gas Co. (Evalyn Field, Seward County, Kans.).	3,600	6-17-68	[11] 7-18-68	12-18-68	[5] [13] 16.0	[5] [13] [14] [13] 17.0	
RI68-715..	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001.	273 273	[20] 8 9	Arkansas Louisiana Gas Co. (West Madlow Field, Stephens County, Okla.) (Oklahoma "Other" Area).	---------- 204	6-10-68 6-10-68	[11] 7-11-68 [11] 7-11-68	(Accepted) 12-11-68	---------- 12.0	---------- [13] [20] 14.0	
RI68-716..	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla. 74102.	316	4	Lone Star Gas Co. (East Durant Field, Bryan County, Okla.) (Oklahoma "Other" Area).	43	6-10-68	[2] 7-11-68	12-11-68	15.0	[12] [13] 17.9	
RI68-717..	The Superior Oil Co., Post Office Box 1521, Houston, Tex. 77001.	117	4	Arkansas Louisiana Gas Co. (Arkoma Area, Latimer, Le Flore and Sequoyah Counties, Okla.) (Oklahoma "Other" Area).	1,360	6-17-68	[2] 9- 1-68	2- 1-69	[22] [23] 15.01556 [22] [23] 14.51556	[13] [15] [22] [23] 16.01556 [13] [15] [22] [23] 15.51556	RI68-83. RI68-253.

[2] The stated effective date is the effective date requested by Respondent.
[3] Remaining increment of contractually due rate.
[4] Pressure base is 15.025 p.s.i.a.
[5] Subject to a downward B.t.u. adjustment.
[6] For gas produced from areas in Federal Domain.
[7] For gas produced from areas subject to the taxing jurisdiction of the State of Louisiana.
[8] Periodic rate increase permitted under Tidewater Oil Co.'s general rate settlement (predecessor in interest to Getty).
[9] Inclusive of 1.75-cent tax reimbursement.
[10] Rate for remaining term of contract.
[11] The stated effective date is the first day after expiration of the statutory notice.
[12] Periodic rate increase.
[13] Pressure base is 14.65 p.s.i.a.
[14] Includes base rate of 17 cents plus 2.346 cents upward B.t.u. adjustment before increase and 18 cents plus 2.484 cents upward B.t.u. adjustment (1,138 B.t.u. gas) plus 0.015-cent tax reimbursement after increase. Base rate subject to upward and downward B.t.u. adjustment.
[15] Respondent filing from conditioned permanent certificated rate to first periodic increase. Initial contract rate is 16.8 cents per Mcf.
[16] Amendment dated Oct. 30, 1964, provides for 14-cent rate for 5-year period beginning Dec. 23, 1964, and 15-cent rate for succeeding 5-year period.
[17] Favored-nation rate increase.
[18] Applicable to production from below the Top of the Morrowan Series of the Pennsylvanian System.
[19] Amendment dated Apr. 26, 1968, which extends the term of the contract to May 31, 1978, and provides that the price on and after June 1, 1968 will be 14 cents per Mcf.
[20] Renogotiated rate increase.
[21] Respondent is contractually due 19 cents per Mcf. Filing from initial certificated rate to first periodic increase.
[22] Includes 0.015-cent Excise Tax reimbursement and 0.00056-cent production tax reimbursement (buyer has previously protested production tax reimbursement).
[23] For Jake Hamon-Galloy and Superior Oil Co.-Crowe wells only.

Mallonee-Mahoney, Inc., Agent (Mallonee) requests a retroactive effective date of May 10, 1968, the date of temporary authorization to continue service as partial successor to Cities Service Oil Co., for its proposed rate increase. Mobil Oil Corp. (Mobil) requests that its proposed contract amendment and rate increase be permitted to become effective on July 10, 1968. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Mallonee and Mobil's rate filings and such requests are denied.

Concurrently with the filing of their rate increases, Westmore Drilling Co., Inc. (Operator), et al. (Westmore), submitted a contract amendment dated October 10, 1964;[24] and Mobil submitted a contract amendment dated April 26, 1968,[25] which provide the basis for Westmore and Mobil's rate increases. We believe that it would be in the public interest to accept for filing Westmore and Mobil's contract amendments to become effective on July 15, 1968 (Westmore), the proposed effective date, and July 11, 1968 (Mobil), the expiration date of the statutory notice, but not the proposed rates contained therein which are suspended as hereinafter ordered.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing the contract amendments filed by Westmore and Mobil, as set forth above, and for permitting such supplements to become effective on July 15, 1968 (Westmore), the proposed effective date, and July 11, 1968 (Mobil), the expiration date of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural

[24] Designated as Supplement No. 4 to Westmore's FPC Gas Rate Schedule No. 5.
[25] Designated as Supplement No. 8 to Mobil's FPC Gas Rate Schedule No. 273.

Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered (except for the supplements referred to in paragraph (1) above).

The Commission orders:

(A) Supplement No. 4 to Westmore's FPC Gas Rate Schedule No. 5, and Supplement No. 8 to Mobil's FPC Gas Rate Schedule No. 273, are accepted for filing and permitted to become effective on July 15, 1968 (Westmore), the proposed effective date, and July 11, 1968 (Mobil), the expiration date of the statutory notice.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except the supplements set forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)), on or before August 19, 1968.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 68-8216; Filed, July 11, 1968; 8:45 a.m.]

[Docket No. RI68-703 etc.]

SINCLAIR OIL & GAS CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JULY 3, 1968.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 19, 1968.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-703..	Sinclair Oil & Gas Co. et al. Post Office Box 521, Tulsa, Okla. 74102, Attn: Mr. P. T. Davis.	[3] 377	3	Consolidated Gas Supply Corp. (South Bosco Field, Lafayette and Acadia Parishes, La.) (South Louisiana).	$2,181	6-10-68	[3] 7-11-68	[4] 7-12-68	[7] [8] [10] 17.5	[6] [7] [8] [10] 19.5	
RI68-704..	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	47	3	Lone Star Gas Co. (Knox Field, Grady and Stephens Counties, Okla.) (Carter-Knox Area).	3	6-17-68	[11] 7-18-68	[4] 7-19-68	17.9	[12] [13] 17.915	RI66-33.
RI68-705..	Calvert Mid-America, Inc., 2300 Fourth National Bank Bldg., Tulsa, Okla. 74119.	3	1	Northern Natural Gas Co. (Beaver County, Okla.) (Panhandle Area).	13	[14] 6- 6-68	[11] 7- 7-68	[4] 7- 8-68	[12] 17.0	[13] [15] [13] 17.015	
RI68-706..	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	[20] 287	2	Panhandle Eastern Pipe Line Co. (Iuka-Carmi Field, Pratt County, Kans.).	1,000	6-11-68	[3] 8- 1-68	[4] 8- 2-68	[20] 15.0	[4] [20] 16.0	
RI68-707..	Flag Oil Corp. of Delaware, Post Office Box 23, Midland, Tex. 79701.	3	1	Northern Natural Gas Co. (Beaver County, Okla.) (Panhandle Area).	1	6-13-68	[11] 7-14-68	[4] 7-15-68	[17] 17.799	[13] [17] [13] 17.814	
RI68-708..	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla. 74102.	274	[20] 6	Oklahoma Natural Gas Gathering Corp.[20] (Ringwood Field, Major County, Okla.) (Oklahoma "Other" Area).	66	6-14-68	[21] 6-14-68	[4] 6-15-68	11.0	[4] [12] 12.0	

[2] Contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1.
[3] The stated effective date is the effective date requested by Respondent.
[4] The suspension period is limited to 1 day.
[5] Periodic rate increase.
[6] Pressure base is 15.025 p.s.i.a.
[7] Inclusive of 1.5 cents tax reimbursement.
[8] Rate for remaining term of contract which expires Jan. 1, 1964.
[9] Initial rate.
[10] Subject to a downward B.t.u. adjustment.
[11] The stated effective date is the first day after expiration of the statutory notice.
[12] Tax reimbursement increase.
[13] Pressure base is 14.65 p.s.i.a.
[14] Filing completed by letter dated June 10, 1968, and filed June 11, 1968.
[15] Subject to upward and downward B.t.u. adjustment.
[16] Contract dated after Sept. 28, 1968, the date of issuance of general policy statement No. 61-1 and proposed price does not exceed initial rate ceiling of 16 cents per Mcf.
[17] Includes base price of 17 cents plus 0.799 cent upward B.t.u. adjustment (1,047 B.t.u. gas). Base rate subject to upward and downward B.t.u. adjustment.
[18] Includes 0.015 cent tax reimbursement.
[19] Applicable to acreage added by Amendment dated Jan. 31, 1968 (Supplement No. 4).
[20] Oklahoma Natural classed as a pipeline company in its certificate (CI61-1408) for resale of gas to Cities Service Gas Co. at an initial rate of 17 cents per Mcf. Oklahoma Natural's related increase to 18.5 cents per Mcf has been approved. However, Oklahoma Natural must flow-through any refunds made by its suppliers.
[21] The stated effective date is the date of filing.

Marathon Oil Co. (Marathon) requests a retroactive effective date of July 1, 1967, the date the Oklahoma excise tax became effective, for its proposed rate increase. Calvert Mid-America, Inc. (Calvert), requests waiver of the statutory notice to permit its proposed rate increase to become effective "immediately." Good cause has not been shown for waiving the 30-day notice requirement provided by section 4(d) of the Natural Gas Act to permit earlier effective dates for Marathon and Calvert's rate filings and such requests are denied.

The contracts related to the rate filings proposed by Sinclair Oil & Gas Co. et al. (Sinclair) and Shell Oil Co. (Shell) were executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed increased rates are above the applicable ceilings for increased rates but below the initial service ceilings for the areas involved. We believe, in this situation, Sinclair and Shell's rate filings should be suspended for 1 day from July 11, 1968 (Sinclair), and August 1, 1968 (Shell), the proposed effective dates.

Marathon, Calvert, and Flag Oil Corporation of Delaware's (Flag) proposed increased rates reflect tax reimbursement for the recently enacted increase in Oklahoma excise tax from 0.02 cent to 0.04 cent per Mcf which became effective on July 1, 1967. The proposed rates exceed the 11 cents per Mcf increased rate ceilings for the Carter-Knox and Panhandle areas as announced in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56). Since the proposed increases relate to tax reimbursement resulting from the increase in the Oklahoma excise tax, it is appropriate to suspend Marathon, Calvert, and Flag's rate filings for 1 day from July 18, 1968 (Marathon), July 7, 1968 (Calvert), and July 14, 1968 (Flag), the dates of expiration of the statutory notice.

Sunray DX Oil Co. (Sunray) proposes a periodic rate increase from 11 cents to 12 cents per Mcf for a wellhead sale of gas to Oklahoma Natural Gas Gathering Corp. (Oklahoma Natural)[2] from the Ringwood Field, Major County, Okla. (Oklahoma "Other" Area) with respect to acreage added by Supplement No. 4 to its FPC Gas Rate Schedule No. 274. The applicable area ceiling for increased rates is 11 cents per Mcf. Although Sunray was contractually due a rate of 12 cents per Mcf at the time of the additional dedication, it was willing to accept a certificated rate of 11 cents per Mcf to be consistent with other certificate authorizations in the Ringwood Area. Sunray was issued a permanent certificate for the additional acreage in Docket No. CI67-1085 on May 31, 1968. Sunray requests waiver of the 30 days notice requirement, a retroactive effective date of June 1, 1968, and a 1 day suspension period if the proposed rate is suspended. Sunray's proposed 12 cents per Mcf rate exceeds the area increased rate ceiling of 11 cents per Mcf for the Oklahoma "Other" Area as announced in the Commission's statement of general policy No. 61-1, as amended, and should be suspended. Consistent with prior Commission action taken on similar increases to Oklahoma Natural in the Ringwood Area, we believe that it would be in the public interest to waive the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an effective date of June 14, 1968, the date of filing, for Sunray's proposed rate increase, and to limit to 1 day the suspension period ordered herein for such rate filing.

[2] By order issued Nov. 3, 1966, in Docket No. RP66-19, an increase by Oklahoma Natural from 17 cents to 18.5 cents designed to compensate only for an increase in the cost of purchased gas was accepted for filing and allowed to become effective June 1, 1966, without obligation to refund, except that Oklahoma Natural is required to flow through any refunds received from its producer-suppliers and to reduce its rate to reflect any rate reductions of such suppliers.

[F.R. Doc. 68-8218; Filed, July 11, 1968; 8:45 a.m.]

[Docket No. G-4579 etc.]

CITIES SERVICE OIL CO. ET AL.

Findings and Order After Statutory Hearing; Correction

JULY 2, 1968.

Cities Service Oil Co., and other Applicants listed herein, Docket No. G-4579 et al.; Gulf Oil Corp., Docket No. CI64-47.

In findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket numbers, amending certificates, permitting and approving abandonment of service, terminating certificates, substituting respondent, making successors co-respondents, redesignating proceedings, accepting agreements and undertakings for filing, requiring filing of agreement and undertaking, and accepting related rate schedules and supplements for filing, issued May 31, 1968, and published in the FEDERAL REGISTER June 12, 1968 (F.R. Doc. 68-6751), 33 F.R. 8618, first column: Change filing date from "4-8-58" to read "4-8-68" relating to Docket No. CI64-47.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8257; Filed, July 11, 1968; 8:45 a.m.]

[Docket No. G-6225 etc.]

SINGER-FLEISHCHAKER OIL CO. ET AL.

Findings and Order After Statutory Hearing; Correction

JULY 2, 1968.

Singer-Fleishchaker Oil Co. et al. (successor to Union Texas Petroleum, a division of Allied Chemical Corp.) and other Applicants listed herein, Docket No. G-6225 et al.; J. M. Huber Corp., Docket No. CI68-1020.

In findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket numbers, amending certificates, permitting and approving abandonment of service, terminating certificates, terminating rate proceeding, making successors co-respondents, redesignating proceedings, accepting agreement and undertaking and accepting related rate schedules and supplements for filing, issued May 20, 1968, and published in the FEDERAL REGISTER May 28, 1968 (F.R. Doc. 68-6230), 33 F.R. 7791, first column: Change compliance date to read "3-18-68" in lieu of "3-18-65" relating to Docket No. CI68-1020.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8258; Filed, July 11, 1968; 8:45 a.m.]

[Docket No. CP67-349, CP68-18]

SOUTH TEXAS NATURAL GAS GATHERING CO. AND TRANSCONTINENTAL GAS PIPELINE CORP.

Order Consolidating Proceedings, Permitting Intervention, Prescribing Procedures, and Fixing Date of Prehearing Conference

JULY 9, 1968.

South Texas Natural Gas Gathering Co., Docket No. CP67-349; Transcontinental Gas Pipeline Corp., Docket No. CP68-18.

Each of the above-proceedings concerns an application filed pursuant to section 7 of the Natural Gas Act. Notice of the filing of each application has been issued.[1]

The Public Service Commission of the State of New York, a regulatory body of the State of New York, having jurisdiction to regulate rates and charges for the sale of natural gas within said State, filed a timely notice of intervention in Docket No. CP67-349 and has requested formal hearing. The Philadelphia Electric Co. petitioned to intervene in Docket No. CP67-349 and the following persons petitioned to intervene in both Docket Nos. CP67-349 and CP68-18 in the event of a formal hearing: Public Service Electric and Gas Co., Long Island Lighting Co., Consolidated Edison Company of New York, the Brooklyn Union Gas Co., and Philadelphia Gas Works Division of the United Gas Improvement Co., all of whom are major customers of Transcontinental Gas Pipeline Corp. (Transco). All the petitions were timely filed.

In its application in Docket No. CP67-349 South Texas Natural Gas Gathering Co. (South Texas) proposes to construct and operate the necessary facilities to sell and deliver additional volumes of natural gas to Transco under its presently effective rate schedule with Transco and under a proposed new rate schedule. The deliveries under its presently effective rate schedule (FPC Gas Rate Schedule No. 2) are to be increased from a maximum daily quantity of 210,000 Mcf to 265,000 Mcf, with a corresponding increase in the minimum daily quantity of 150,000 Mcf to 190,000 Mcf. These additional volumes are to be split between the existing delivery point and the new delivery point at the terminus of South Texas' proposed 98-mile line at Normanna, in Bee County, Tex. No change in the currently effective rate of 19.58 cents is proposed for these increased deliveries regardless of the delivery point. South Texas also proposes to increase its sales to Transco under a proposed new rate schedule at a rate of 20.25 cents per Mcf. This increment will be delivered only at the new delivery point in Bee County and the maximum daily quantity will be 120,000 Mcf with a minimum of 75,000 Mcf.

In its application in Docket No. CP68-18 Transco proposes to construct and operate the necessary facilities to receive into its system the proposed increased deliveries from South Texas. The two applications in CP67-349 and CP68-18 are obviously related and should be heard on a consolidated record.

In a letter dated April 4, 1968, responding to a request of the applicants and staff to summarize its position, the New York Public Service Commission stated that it was concerned with the following issues: (1) The failure of South Texas to make provision for the flow through to Transco of any refunds it might receive from Shell Oil Co. (Shell); and (2) what economic purpose could conceivably be served by South Texas' transportation of Shell's gas from the McAllen Ranch Field to Normanna for resale to Transco at a price that is 4.25 cents to 5.25 cents above the in-line price level for the areas involved—especially since Transco's existing lines extend into the area.

In addition to the issues raised by the intervenor we believe it incumbent upon South Texas to justify the rate it proposes to charge Transco. We recognize that, in the light of its particular mode of operation, we have previously permitted South Texas, though clearly operating as a pipeline rather than a producer, to file and put in effect separate rate schedules for its rates to various pipelines, rather than operating under a general tariff. Such permission obviously does not mean South Texas may lawfully charge any rate it can negotiate; on the contrary if South Texas' rates are to be considered on an ad hoc basis which do not easily lend themselves to an overall company rate case, it is incumbent on it to justify any higher level of rates to be charged in the certificate proceeding. This is particularly true where, as here, the higher new rates are for gas bought in the same field at the same price and delivered to the same pipeline as is involved in other sales now in effect.

We are also of the view that the petitions to intervene have alleged in each instance a sufficient interest in the above-captioned applications to warrant intervention in these proceedings. Based upon our experience in other similar proceedings, it is our belief that resolution of the issues would be expedited by setting the case for prehearing conference prior to the filing of evidence by any of the parties.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the matters in Docket Nos. CP67-349 and CP68-18 be consolidated for hearing and decision.

(2) It is desirable and in the public interest to allow the above-named petitioners to intervene in these consolidated proceedings in order that the petitioners may establish the facts and the law from which the nature and validity of their alleged rights and interest may be determined and show what further action may be appropriate under the circumstances in the administration of Natural Gas Act. The expeditious disposition of these proceedings will be effectuated by providing for a prehearing conference prior to the filing of evidence by any of the parties.

The Commission orders:

(A) The above-captioned proceedings are hereby consolidated for the purpose of hearing and decision.

(B) The above-named petitioners are hereby permitted to intervene in these consolidated proceedings subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene: *And Provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure, a prehearing conference shall be held before a hearing examiner of the Commission to be designated by the Chief Examiner, in order to consider the means by which the conduct of the consolidated proceedings may be facilitated and in order to determine further procedures including the date for commencement of cross-examination. Such conference will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10 a.m., e.d.s.t., on July 17, 1968.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[1] See the following table:

Docket No.	Notice issued	F.R. citation	Publication date
CP67-349	6/1/1967	32 F.R. 8389	6/10/1967
CP68-18	7/21/1967	32 F.R. 11068	7/28/1967

[F.R. Doc. 68-8270; Filed, July 11, 1968; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 9, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41383—*Asphalt from points in Colorado and Wyoming.* Filed by Western Trunk Line Committee, agent (No. A-2557), for interested rail carriers. Rates on asphalt (asphaltum), natural, by-product or petroleum (other than paint, stain, or varnish), in tank carloads, from points in Colorado and Wyoming, to points in Minnesota and Wisconsin.

Grounds for relief—Rate relationship and market competition.

Tariff—Supplement 56 to Western Trunk Line Committee, agent, tariff ICC A-4572.

FSA No. 41384—*Chlorine from Memphis, Tenn., to St. Louis, Mo.* Filed by O. W. South, Jr., agent (No. A-6033), for and on behalf of St. Louis-San Francisco Railway Co. Rates on chlorine, in tank carloads, from Memphis, Tenn., to St. Louis, Mo.

Grounds for relief—Market competition.

Tariff—Supplement 210 to Southern Freight Association, agent, tariff ICC S-272.

FSA No. 41385—*Newsprint paper to points in California.* Filed by Pacific

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs., Temporary Reg. D-9]

SECRETARY OF DEFENSE

Delegation of Authority Regarding Controlling Law at Arlington National Cemetery

1. Purpose: This regulation delegates authority to the Secretary of Defense to assist in controlling violations of law at Arlington National Cemetery, Arlington, Va.

2. Effective date: This regulation is effective immediately.

3. Delegation:

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and the Act of June 1, 1948 (62 Stat. 281), as amended, authority is hereby delegated to the Secretary to Defense to appoint uniformed guards as special policemen and to make all needful rules and regulations for the protection of Arlington National Cemetery, Arlington, Va., over which the Federal Government has exclusive jurisdiction.

b. The Secretary of Defense may redelegate this authority to any officer or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the limitations and requirements of the above-cited acts, and policies, procedures, and controls prescribed by the General Services Administration.

Dated: July 8, 1968.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 68-8273; Filed, July 11, 1968; 8:46 a.m.]

Southcoast Freight Bureau, agent (No. 260), for interested rail carriers. Rates on newsprint paper, in carloads, from Crofthill, British Columbia, Canada, to points in California.

Grounds for relief—Market competition.

Tariff—18th, 11th, 28th, and 15th revised pages 415G, 415GG, 415HH, and 415K, respectively, to Pacific Southcoast Freight Bureau, agent, tariff ICC 1352.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8274; Filed, July 11, 1968; 8:46 a.m.]

[Notice 172]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 9, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70447. By order of June 28, 1968, the Transfer Board approved the transfer to The Sentinel Star Express Co., Orlando, Fla., of the certificate of registration in No. MC-121426 (Sub-No. 1) issued December 9, 1963, in the name of Ewing West Coast Delivery Service, Inc., Sarasota, Fla., and acquired by transferor herein pursuant to approval and consummation in No. MC-FC-70022, authorizing transportation in interstate or foreign commerce of freight in common carriage, limited to parcels weighing not more than 75 pounds in a pickup and delivery service between points and places in Manatee, Sarasota, and Hillsborough Counties, Fla., except that intracounty pickup and delivery in Hillsborough County shall be limited to the city of Tampa, and points south of Tampa along U.S. Highways Nos. 41 and 301 and the city of St. Petersburg and the gulf beaches described as Pass-A-Grille, St. Petersburg Beach, and Maderia Beach, in Pinellas County, Fla., corresponding in scope to the service authorized by certificate of convenience and necessity No. 590, dated November 10, 1961, by the Florida Railroad & Public Utilities Commission. James E. Wharton, Esquire, Arkerman, Senterfitt, Eidson, Mesmer, Robbinson and Wharton, 506 First National Building, Orlando, Fla. 32802, attorney for applicants.

No. MC-70603. By order of June 28, 1968, the Transfer Board approved the transfer to DeForest L. Reed, Carthage, N.Y., of the operating rights in certificate No. MC-116538 (Sub-No. 1), corrected certificate No. MC-116538 (Sub-No. 2), and certificate No. MC-116538 (Sub-No. 4) issued August 7, 1958, December 21, 1960, and February 20, 1964, respectively, to Francis A. Duflo, Croghan, N.Y., authorizing the transportation of lumber, from points in Delaware, Jefferson, Lewis, Montgomery, Oneida, and Schoharie Counties, N.Y., to points in New Hampshire north of New Hampshire Highway 9; from Boonville, N.Y., to ports of entry on the United States-Canada boundary line in New York; and from specified points in New York to Ivorytown, Conn., Baltimore, Frederick, and Hagerstown, Md., Baldwinville, Boston, Fitchburg, Gardner, Leominster, Pittsfield, and Winchendon, Mass., and Boyertown, Lewisburg, and Philadelphia, Pa. Raymond A. Richards, Registered Practitioner, 23 West Main Street, Webster, N.Y. 14580, representative for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8275; Filed, July 11, 1968; 8:46 a.m.]

[Ex Parte No. 259]

INCREASED FREIGHT RATES, 1968 [1]

Order. At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C. on the third day of July A.D. 1968.

It appearing, that by order dated June 19, 1968, the Commission suspended the operation of schedules of increased rates and charges, Tariff No. X-259, and instituted an investigation into and concerning the lawfulness of all increases in rates and charges, and regulations contained in the schedules referred to therein, including the schedules therein authorized to be filed;

It is ordered, That for the purpose of receiving evidence and argument with respect thereto, the Commission has assigned the following subnumbers to the schedules and issues involved herein:

Sub-No. 2—Railroad Cost and Revenue Need.
Sub-No. 3—Coal.
Tariff Item Nos. 1065, 1070, 1075, 1080, 1085, 1090, 1095, 1100.
Sub-No. 4—Iron and Steel Scrap—Pig Iron—Iron Ore.
Tariff Item Nos. 845, 1060.
Sub-No. 5—Grain—Sugar Beets and Cane—Sugar—Molasses—Flour—Coffee—Bakery Products.
Tariff Item Nos. 515, 520, 525, 560, 570, 580, 675, 680.
Sub-No. 6—Accessorial Charges—Line Haul—Minimum Charges — Absorption — Transit.
Tariff Item Nos. 100, 110, 115, 130, 150, 155, 160, 165, 170, 180.
Sub-No. 7—Woodpulp—Pulpwood—Textile and Paper Waste—Paper—Lumber—Cotton—Textiles—Apparel—Synthetic fibers—Wool.
Tariff Item Nos. 500, 505, 510, 690, 695, 700, 705, 710, 715, 720, 725, 900, 925, 970.
Sub-No. 8—Farm Products—Fruits—Nuts—Meat—Canned Goods—Dairy Products—Poultry and Eggs—Starch—Tapioca—Tallow—Liquor—Tobacco—Hides.
Tariff Item Nos. 530, 535, 540, 545, 550, 555, 565, 575, 585, 590, 595, 600, 685, 910, 915, 920, 935, 940.
Sub-No. 9—Fertilizer—Aggregates—Limestone—Sand—Asphalt—Potash—Shells—Cement — Brick — Clay—Lime—Chemicals — Gases — Petroleum Products — Acids—Pulp Mill Byproducts—Paint—Drugs—Soap—Latex—Tires.
Tariff Item Nos. 605, 610, 625, 630, 635, 640, 645, 655, 660, 730, 740, 745, 750, 755, 760, 765, 770, 775, 780, 785, 790, 795, 800, 805, 810, 815, 820, 825, 830, 835, 950, 975, 980, 985, 990, 1020 (Shells).
Sub-No. 10—Miscellaneous Ores—Metal Products—Batteries—Nonferrous Scrap—Salt—Radioactive Materials—Sulphur Phosphates.
Tariff Item Nos. 615, 620, 650, 665, 670, 735, 840, 865, 1000.
Sub-No. 11—Metal Castings—Iron and Steel Products—Pipe—Machinery—Household Appliances—Vehicles—Instruments and Parts — Furniture — Fixtures — Tiles—Miscellaneous Manufactured Items—Guns—Ammunition—Glass—Abrasives—Marine Products—etc.
Tariff Item Nos. 850, 855, 860, 870, 875, 880, 885, 890, 895, 905, 930, 945, 955, 960, 965, 995, 1005, 1010, 1015, 1020 (except shells), 1025, 1030, 1035, 1040, 1045, 1050, 1055.

It is further ordered, That the special rules of practice and procedure hereinafter set forth shall apply:

(a) Verified statements and reply verified statements heretofore filed in this proceeding pursuant to the provisions of subparagraphs (a) and (b) of the second ordering paragraph of the order of March 12, 1968, need not be resubmitted, but any party desiring to have his statement made part of the record must notify the Commission and opposing parties, as described in subparagraphs (c) and (d) herein, on or before the date hereinafter provided for the filing of additional verified statements, of the Sub-Numbers and commodities embraced therein under which he desires such statement to be considered. Such statements, as well as those set forth in subparagraph (b), will be subject to the right of other parties to object to all or any part thereof. If any verified statement submitted pursuant to this order contains cost or other studies, the party submitting such statement shall make available to any other party, upon request, all underlying data supporting such studies.

(b) Verified statements in addition to those heretofore filed in this proceeding may be filed by any person. Each such statement shall be confined, to a specific subnumbered proceeding and the involved commodities which shall be designated on the cover or first page of such statement. All such statements shall be duly verified in the manner provided by Rule 50 and Form No. 6 of the general rules of practice.

(c) An original and 24 copies of additional verified statements in support of respondents shall be furnished to the Commission and a copy served upon each party which filed a protest, verified statement or brief in opposition in this proceeding. One additional copy shall be sent by first-class mail to each of the regional offices of the Commission listed in the appendix hereto, where it will be open to public inspection. Copies of such statements shall be furnished to any interested person upon request. Such statements must be filed on or before August 12, 1968, and shall include a certificate of service on opposing parties.

(d) An original and 24 copies of additional verified statements of persons in opposition to said schedules shall be furnished to the Commission. Service of 25 copies upon Mr. Edward A. Kaier, 1036 Transportation Building, Washington, D.C., shall constitute service upon all respondents. One copy of each additional verified statement shall be sent by first-class mail to each of the regional offices of the Commission, where it will be open to public inspection. These statements must be filed on or before September 3, 1968, and shall contain a certificate of service on opposing parties. Copies shall be furnished to any interested party upon request addressed to the witness or his counsel.

(e) any party desiring to cross-examine witnesses for the respondents must give notice, in writing, of such demand to the witness and his counsel with copy to the Commission on or before August 23, 1968. Respondents must give similar notice of their desire to cross-examine witnesses for the protestants on or before September 9, 1968.

It is further ordered, That the hearings in:

(a) Ex Parte No. 259 (Sub-No. 2) Increased Freight Rates, 1968, will commence on September 9, 1968, at 9:30 a.m., District of Columbia daylight saving time at the offices of the Interstate Commerce Commission, Washington, D.C.

(b) Ex Parte No. 259 (Sub-No. 6) Increased Freight Rates, 1968, Ex Parte No. 259 (Sub-No. 4) Increased Freight Rates, 1968, and Ex Parte No. 259 (Sub-No. 3) Increased Freight Rates, 1968, will commence on September 16, 1968, at 9:30 a.m., District of Columbia daylight saving time at the offices of the Interstate Commerce Commission, Washington, D.C.

(c) Ex Parte No. 259 (Sub-No. 5) Increased Freight Rates, 1968, Ex Parte No. 259 (Sub-No. 7) Increased Freight Rates, 1968, and Ex Parte No. 259 (Sub-No. 8) Increased Freight Rates, 1963, will commence on September 25, 1968, at 9:30 a.m., District of Columbia daylight saving time at the offices of the Interstate Commerce Commission, Washington, D.C.

(d) Ex Parte No. 259 (Sub-No. 9) Increased Freight Rates, 1968, Ex Parte No. 259 (Sub-No. 10) Increased Freight Rates, 1968 and Ex Parte No. 259 (Sub-No. 11) Increased Freight Rates, 1968, will commence on October 7, 1968, at 9:30 a.m., District of Columbia daylight saving time at the offices of the Interstate Commerce Commission, Washington, D.C.

It is further ordered, That this proceeding be, and it is hereby, referred to such hearing examiners as may be hereafter designated for hearing at the times and place set forth above and that this proceeding will not be the subject of an examiner's recommended report and order because due and timely execution of our functions requires an expedited decision.

And it is further ordered, That a copy of this order be filed with the Director, Office of the Federal Register for publication in the FEDERAL REGISTER as notice to interested parties.

By the Commission, Division 2.

[SEAL] H. NEIL GARSON, *Secretary.*

APPENDIX

Regional offices of the Commission to which a copy of verified statements are to be sent. Other copies are to be sent to the Commission, Washington, D.C. 20423, as provided by the order.

Regional Office, Interstate Commerce Commission, John Fitzgerald Kennedy Building, Government Center, Room 2211B, Boston, Mass. 02203.

Regional Office, Interstate Commerce Commission, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

Regional Office, Interstate Commerce Commission, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

Regional Office, Interstate Commerce Commission, 1086 U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

Regional Office, Interstate Commerce Commission, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

Regional Office, Interstate Commerce Commission, Federal Office Building, 450 Golden Gate Avenue, Post Office Box 36004, San Francisco, Calif. 94102.

[F.R. Doc. 68-8276; Filed, July 11, 1968; 8:46 a.m.]

[Notice 1198]

APPLICATIONS BY MOTOR CARRIERS OF PROPERTY

JULY 10, 1968.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Commission Act, and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9921 (2d Republication) (BOWMAN TRANSPORTATION, INC.—Purchase (Portion)—ALABAMA HIGHWAY EXPRESS, INC.), published in the November 1, 1967, and republication published in the June 19, 1968, issues of the FEDERAL REGISTER, on pages 15141 and 9051, respectively. This second republication is to redescribe certain erroneously described routes. The authority should read: *General commodities,* except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier,* over irregular routes, from rail sidings at certain specified points in Alabama, to points in Alabama within 75 miles of each of the same points, from rail sidings at certain specified points in Mississippi, to points in Mississippi within 50 miles of each of the same points, from rail sidings at certain specified points in Tennessee, to points within 50 miles of each of the same points, with restrictions; between points in Alabama within 65 miles of Birmingham, Ala., including Birmingham, on the one hand, and, on the other Louisville, Ky., points in Indiana, and Tennessee, certain specified points in Florida, Illinois, and Ohio, with restrictions; etc., in lieu of the description in the prior republication.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8314; Filed, July 11, 1968; 8:47 a.m.]

[1] The order embraces Ex Parte No. 259, Increased Freight Rates, 1968, Sub-No. 2 through Sub-No. 11.

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FEDERAL REGISTER

VOLUME 33 • NUMBER 135

Friday, July 12, 1968 • Washington, D.C.

PART II

Department of Transportation

United States Coast Guard

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Load Lines for Vessels Engaged in Domestic or Foreign Voyages by Sea



THE NATIONAL ARCHIVES OF THE UNITED STATES
LETTER SCRIPTA MANET
1934

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER A—PROCEDURES APPLICABLE TO THE PUBLIC

SUBCHAPTER E—LOAD LINES

[CGFR 68-60]

LOAD LINES FOR VESSELS ENGAGED IN DOMESTIC OR FOREIGN VOYAGES BY SEA

1. The International Convention on Load Lines, 1966, has been ratified by the required number of signatory countries and will become effective on July 21, 1968. Copies of this new Convention may be obtained from the Government Printing Office, Washington, D.C. 20402, by requesting for "Load Lines: Convention with Regulations—1966"; for $1.25 per copy (It is also identified as "Treaties and other International Acts Series 6331"). This Convention will replace the 1930 International Load Line Convention. Under Article 16(4) of the 1966 Convention, U.S.-flag vessels holding 1930 International Load Line Certificates issued on or before July 20, 1968, will have until July 21, 1970, to apply for and be issued 1966 International Load Line Certificates. On and after July 21, 1970, the United States normally will not accept International Load Line Certificates issued under the 1930 International Load Line Convention. Under Article 4(4) of the International Convention on Load Lines, 1966, existing ships having load lines may not be required to increase their freeboard. However, such ships which do not comply with the requirements of the 1966 Convention will be issued 1966 Convention certificates with appropriate notations.

2. The rules and regulations in this document contain the applicable requirements governing the assignment of load line marks; the certifications of load line marks placed on ships, and editorial corrections and changes to various rules and regulations to reflect the necessary changes in requirements and administration because the International Convention on Load Lines, 1966, supersedes the 1930 International Load Line Convention, on July 21, 1968. The rules and regulations in this document shall be effective on and after July 21, 1968; however, at the option of the owner and to permit for an orderly transition to the new requirements, the owner may request and be issued Coastwise Load Line Certificates as set forth in 46 CFR Part 42 prior to July 21, 1968, if the assigning authority finds the ship in compliance with the revised requirements.

3. The major changes in the load line requirements as set forth in this document from those previously published in 46 CFR Parts 43 to 46, inclusive, may be described as follows:

a. Effective July 21, 1968, no load line certificates will be issued which are based on the forms published in 46 CFR Part 43, but will be of the style and format as shown in 46 CFR Subpart 42.50 in this document.

b. Under the new requirements all vessels engaged in foreign and coastwise voyages will be designated as a Type "A" or a Type "B" ship, and no separate category provided for "tankers," which will be considered normally as a Type "A" ship.

c. Existing vessels will not be automatically eligible for a decrease in freeboard. It will be necessary to show compliance with new requirements applicable to such vessels. For example, a Type "B" ship must have hatch covers meeting the new strength requirements. If the vessel has portable wood or steel plate hatch covers instead of pontoon covers or watertight gasketed hatch covers in an exposed freeboard deck or in the forward quarter-length of an exposed superstructure deck, the penalty applied removes the decrease in freeboard so that the vessel's freeboard will not be changed.

d. The chief differences in the revised load line regulations from those previously in effect are:

(1) Minimum requirements for minimum bow height or prescribed forecastle.

(2) Increased recognition given to subdivision for cargo ships, the modification of the sheer correction, and the elimination of the camber correction, the flush deck penalty, and certain penalties for Winter North Atlantic Service.

(3) Cargo ship subdivision is different from passenger ship subdivision because no margin line concept is required. Instead, the flooding limits are maximum angle of heel, "angle of down-flooding" and/or loss of stability. This is a new concept and the details have been worked out in conjunction with the American Bureau of Shipping.

(4) The basic freeboard tables have been decreased. The 1966 tanker table is represented by the Type A freeboard table. The 1966 steamer table is represented by the Type B curve. Any Type B ship that can show either one compartment or two compartment subdivision will be able to use additionally decreased freeboard.

e. For passenger ships no change was made for calculating subdivision, which is in accordance with the Passenger Vessel Regulations (46 CFR Parts 70 to 80, inclusive, Subchapter H). The margin line and flooding limits, etc., are applied the same as before.

4. In accordance with the notice of proposed rule making published in the FEDERAL REGISTER of February 29, 1968 (33 F.R. 3564-3570), and the Merchant Marine Council Public Hearing Agenda dated March 25, 1968 (CG-249), the Merchant Marine Council held a public hearing on March 25, 1968, for the purpose of receiving comments, views, and data. The proposals considered were identified as Items PH 1-68 to PH 8-68, inclusive. Item PH 1-68 contained proposals regarding "Load Lines" (CG-249, pages 1 to 120, inclusive). These proposals, as revised, are adopted and set forth in this document.

5. Interested persons have been afforded an opportunity to participate in the consideration of these proposals and certain changes were made in the proposals as a result thereof. With respect to the load lines for vessels engaged in international or coastwise voyages (Item PH 1-68), the text of 46 CFR Part 42 was revised to reflect views and comments set forth in 45 written comments and two oral comments received at the public hearing. These changes may be described briefly as follows:

(a) Rearrangement of requirements to parallel those in the International Convention on Load Lines, 1966.

(b) Rearrangement of the "administration" provisions in the proposals designated 46 CFR Subpart 42.01 along the lines used in other Coast Guard regulations and redesignating such practices, procedures, rules, and regulations as 46 CFR Subpart 42.01, authority and purpose; Subpart 42.03, application; Subpart 42.05, definition of terms used in this subchapter; Subpart 42.07, control, enforcement, and rights of appeal; Subpart 42.09, load line assignments and surveys—general requirements; and Subpart 42.11, applications for load line assignments and certificates.

(c) Many comments questioned the applicability of the revised load line regulations, especially those established under the International Convention on Load Lines, 1966, to a specific type of vessel; namely, oceanographic research vessels. The revised regulations designated §§ 42.03-1 to 42.03-15, inclusive, describe in greater detail the application of load line requirements by types of vessels and types of voyages in which vessels may be engaged. Attention is invited to the 1930 Convention which applied only to "merchant vessels" of 150 gross tons or over engaged on international voyages. The 1966 Convention applies to all new vessels of 79 feet or longer in length and to all existing vessels of 150 gross tons or over, which engage in foreign voyages or international voyages by sea (other than solely on Great Lakes voyages) and fly the flag of a country adhering to the Convention, except (i) ships of war; (ii) fishing vessels; (iii) pleasure craft (yachts) not used or engaged in trade or commerce; (iv) new vessels of less than 79 feet in length, and (v) existing vessels of less than 150 gross tons. The 1966 Convention applies to both registered vessels and unregistered vessels of a contracting Government and therefore includes U.S.-flag vessels numbered by a State under the Federal Boating Act of 1958, public vessels, etc., which do not come within one of the above listed exceptions. Those comments requesting that oceanographic research vessels engaged on international voyages be exempted from compliance with the 1966 Convention are rejected since the United States cannot unilaterally exempt such vessels from requirements other than as described in the Convention.

(d) The new regulations in 46 CFR Part 42 are primarily intended for vessels on international voyages and have their origin in the International Convention on Load Lines, 1966. Under the authority

in section 2 of the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88a), these regulations have been made applicable to domestic voyages by sea (coastwise, intercoastal, and special service voyages) by U.S.-flag merchant vessels of 150 gross tons or over, as applicable, to take advantage of reduced freeboards related to improvements in ship design and construction.

(e) The model forms of load line certificates in 46 CFR Subpart 42.50 were edited. The instructions to the assigning authority set forth in the forms were designated as sections, except where the instructions assist the surveyor in completing the form satisfactorily. The model International Load Line Certificates are set forth in a separate § 42.50-5. The model load line certificate for foreign-flag vessels of countries not adhering to the 1966 Convention is in § 42.50-10. The model coastwise load line certificates for U.S.-flag vessels are in § 42.50-15.

(f) Editorial changes are made to the current load line requirements in 46 CFR Part 43 to remove conflicts and duplication of revised requirements now in 46 CFR Part 42. Effective July 21, 1968, no new load line certificates following the model forms in 46 CFR Part 43 shall be issued.

(g) Editorial changes are made to the load line requirements in 46 CFR Parts 44 to 46, inclusive, to bring these regulations up to date, correct cross references, and delete obsolete requirements.

(h) Editorial changes are made to 46 CFR 2.85-1 in Subchapter A (Procedures Applicable to the Public) to bring it up to date and reflect the change in application of requirements implementing the International Convention on Load Lines, 1966.

(i) The following comparison tables show the various sections in 46 CFR Part 42 which are the same as or to similar to specific provisions in the International Convention on Load Lines, 1966, or where no equivalent provision is in the Convention or the regulations.

TABLE A—COMPARISON OF LOAD LINE REGULATIONS WITH 1966 CONVENTION

46 CFR Part 42—Section	*1966 Convention—Article or Regulation*
42.01-1(a)	None.
42.01-1(b)	None.
42.01-1(c)	Art. 2(2).
42.01-5(a)	None.
42.01-5(b)	None.
42.01-10(a)	Art. 12(1).
42.01-10(b)	Art. (1)(2).
42.01-10(c)	Art. (1)(2).
42.03-1(a)	None.
42.03-1(b)	Art. 4(1) (a), (b), (c); 4(2); 5(1); 5(2)(a).
42.03-5(a)(1)	Art. 4(2); 5(2)(a).
42.03-5(a)(2)	Art. 4(4).
42.03-5(a)(3)	None.
42.03-5(b)(1)	None.
42.03-5(b)(1)(i)	None.
42.03-5(b)(1)(ii)	None.
42.03-5(b)(1)(iii)	None.
42.03-5(b)(1)(iv)	None.
42.03-5(b)(1)(v)	None.
42.03-5(b)(1)(vi)	None.
42.03-5(b)(1)(vii)	None.
42.03-5(b)(2)	None.
42.03-5(c)	None.
42.03-10(a)	None.
42.03-10(b)	None.
42.03-10(c)	None.
42.03-10(d)(1)	None.
42.03-10(d)(2)	Art. 16(4).
42.03-15(a)	Art. 5(2)(a).
42.03-15(b)	None.
42.03-17(a)	Reg. 2(2).
42.03-17(b)	None.
42.03-17(c)	None.
42.03-20(a)	Art. 8(1).
42.03-20(b)	None.
42.03-25(a)	Art. 9(1).
42.03-25(b)	Art. 9(1).
42.03-30(a)	None.
42.03-30(b)	None.
42.03-30(b)(1)	Art. 6(1).
42.03-30(b)(2)	Art. 6(2).
42.03-30(b)(3)	Art. 6(4).
42.03-30(c)	None.
42.03-30(d)	Art. 16(2).
42.03-30(e)	None.
42.03-30(f)	None.
42.03-35(a)	None.
42.03-35(b)	None.
42.03-35(c)	None.
42.05-1	Art. 2(3).
42.05-10	None.
42.05-20	None.
42.05-25	None.
42.05-30(a)	Art. 2(7).
42.05-30(b)	None.
42.05-30(c)	None.
42.05-30(d)	None.
42.05-30(e)	None.
42.05-30(f)	None.
42.05-40(a)	Art. 5(2)(a).
42.05-40(b)	None.
42.05-40(c)	Art. 5(2)(a).
42.05-45(a)	Art. 2(4).
42.05-45(b)	None.
42.05-45(c)	Art. 2(4).
42.05-47	None.
42.05-50(a)	Art. 2(6).
42.05-50(a)(1)	Art. 2(6); 16(4).
42.05-50(a)(2)	Art. 28(2).
42.05-50(b)	None.
42.05-50(c)	None.
42.05-50(d)	None.
42.05-50(e)	None.
42.05-50(f)	None.
42.05-55	None.
42.05-60	None.
42.05-65	None.
42.07-1(a)	Art. 3(1).
42.07-1(b)	None.
42.07-1(c)	None.
42.07-1(d)	None.
42.07-1(e)	Art. 16(4).
42.07-1(f)	Art. 16(4); 28 (1), (2), (3).
42.07-5(a)	Art. 12(1).
42.07-5(b)	Art. 16(1).
42.07-5(c)	Art. 16(2).
42.07-10(a)	Art. 12(1).
42.07-10(a)(1)	None.
42.07-10(a)(2)	None.
42.07-10(a)(3)	None.
42.07-10(b)	Art. 12(1).
42.07-10(c)	Art. 12(2).
42.07-10(d)	Art. 12(3).
42.07-15(a)	Art. 11(1).
42.07-15(b)	Art. 11(2).
42.07-20(a)	None.
42.07-20(b)	None.
42.07-20(b)(1)	None.
42.07-20(b)(2)	None.
42.07-20(b)(3)	None.
42.07-20(c)	None.
42.07-25(a)	None.
42.07-25(b)	None.
42.07-30(a)	None.
42.07-30(b)	None.
42.07-35(a)	Art. 13; 16(3).
42.07-35(b)	Art. 13.
42.07-35(c)	Art. 13.
42.07-35(d)	Art. 16 (1), (2), (3).
42.07-35(e)	None.
42.07-35(f)	None.
42.07-35(g)	None.
42.07-35(h)	None.
42.07-35(i)	None.
42.07-40(a)	Art. 13; 16(3).
42.07-40(b)	None.
42.07-43(a)	None.
42.07-43(b)	None.
42.07-45(a)	Art. 16(3).
42.07-45(b)	None.
42.07-45(b)(1)	Art. 16(4).
42.07-45(b)(2)	Art. 16(4); 28 (1), (2), (3).
42.07-45(c)	Art. 19(5).
42.07-45(d)	Art. 19(1), (4)(a).
42.07-45(e)	None.
42.07-45(e)(1)	None.
42.07-45(e)(1)(i)	None.
42.07-45(e)(1)(ii)	None.
42.07-45(e)(1)(iii)	Art. 18(2); Annex III.
42.07-45(e)(2)	None.
42.07-45(e)(2)(i)	None.
42.07-45(e)(3)	None.
42.07-45(e)(3)(i)	None.
42.07-45(e)(3)(ii)	None.
42.07-45(e)(3)(iii)	None.
42.07-45(f)	Art. 18(2); Annex III.
42.07-45(f)(1)	Art. 18(2); Annex III.
42.07-45(f)(1)(i)	Art. 18(2); Annex III.
42.07-45(f)(1)(ii)	None.
42.07-45(f)(2)	None.
42.07-45(g)	None.
42.07-50(a)	None.
42.07-50(b)	None.
42.07-50(b)(1)	None.
42.07-50(b)(2)	None.
42.07-50(b)(3)	None.
42.07-50(b)(4)	None.
42.07-50(b)(5)	None.
42.07-55(a)	Art. 19(3).
42.07-55(b)	Art. 19(3).
42.07-55(b)(1)	None.
42.07-55(b)(2)	Art. 19(3)(a).
42.07-55(b)(3)	Art. 19(3)(b).
42.07-55(b)(4)	Art. 19(3)(c).
42.07-55(b)(5)	Art. 19(3)(d).
42.07-55(b)(6)	None.
42.07-55(b)(7)	None.
42.07-55(b)(8)	None.
42.07-60(a)	None.
42.07-60(b)	None.
42.07-60(b)(1)	Art. 21(1)(c); 21(2).
42.07-60(c)	None.
42.07-60(d)	None.
42.07-60(e)	Art. 21(3).
42.07-60(f)	None.
42.07-60(f)(1)	Art. 21(1), (1)(a), (1)(b), (1)(c).
42.07-60(f)(1)(i)	Art. 19(3)(a).
42.07-60(f)(1)(ii)	Art. 19(3)(b).
42.07-60(f)(2)	Art. 21(1) 2d par.
42.07-60(g)	None.
42.07-75(a)	None.
42.07-75(b)	None.
42.09-1(a)	None.
42.09-1(a)(1)	None.
42.09-1(a)(2)	None.
42.09-1(b)	Art. 16 (1), (2).
42.09-1(c)	None.
42.09-5(a)	Reg. 27(1).
42.09-5(b)	Reg. 27(2).
42.09-5(c)	Reg. 27(5).
42.09-5(d)	None.
42.09-10(a)	None.
42.09-10(a)(1)	None.
42.09-10(a)(2)	None.
42.09-10(b)	None.
42.09-10(c)	None.
42.09-15(a)	Art. 14(1)(a), (b).
42.09-15(b)	Art. 14(1)(a).
42.09-15(c)	Art. 14(1)(b).

46 CFR Part 42—Section	1966 Convention—Article or Regulation
42.09-15(c)(1)	Art. 19(1), (2).
42.09-15(c)(2)	Art. 19(4)(a).
42.09-15(d)	Art. 14(1)(c), (2).
42.09-20(a)	None.
42.09-20(a)(1)	None.
42.09-20(a)(2)	None.
42.09-20(b)	None.
42.09-20(c)	None.
42.09-25(a)	None.
42.09-25(b)	None.
42.09-25(b)(1)	None.
42.09-25(b)(2)	None.
42.09-25(b)(3)	None.
42.09-25(b)(4)	None.
42.09-25(b)(5)	None.
42.09-25(b)(6)	None.
42.09-25(b)(7)	None.
42.09-25(b)(8)	None.
42.09-30(a)	None.
42.09-30(b)	None.
42.09-30(c)	None.
42.09-30(d)	None.
42.09-30(e)	None.
42.09-30(f)	None.
42.09-30(g)	None.
42.09-35(a)	None.
42.09-35(b)	None.
42.09-35(c)	None.
42.09-35(d)	None.
42.09-35(e)	None.
42.09-40(a)	Art. 14(1)(c).
42.09-40(b)	Art. 14(1)(c).
42.09-40(b)(1)	Art. 14(1)(c).
42.09-40(b)(1)(i)	Art. 14(1)(c)(i).
42.09-40(b)(1)(ii)	Art. 14(1)(c)(ii).
42.09-40(b)(1)(iii)	Art. 14(1)(c)(iii).
42.09-40(b)(1)(iv)	Art. 14(1)(c)(iv).
42.09-40(b)(2)	Art. 14(1)(c).
42.09-40(c)	None.
42.09-40(d)	None.
42.09-45(a)	None.
42.09-45(b)	None.
42.09-50(a)	Art. 15.
42.09-50(b)	Art. 10(1).
42.09-50(c)	Art. 10(2).
42.11-1(a)	None.
42.11-1(b)	None.
42.11-1(c)	None.
42.11-5(a)	None.
42.11-5(b)	None.
42.11-10(a)	Art. 17(1), 17(3).
42.11-10(a)(1)	Art. 17(2).
42.11-10(b)	None.
42.11-15(a)	Reg. 2(2).
42.11-20(a)	None.
Subpart 42.13	Annex I.
42.13-1(a)	Annex I, Chapter I General.
42.13-1(b)	Annex I, Chapter I General.
42.13-5(a)	Reg. 1.
42.13-5(b)	Reg. 1.
42.13-10(a)	Reg. 2(2).
42.13-10(b)	Reg. 2(2).
42.13-10(c)	Reg. 2(3).
42.13-10(d)	Reg. 2(4).
42.13-10(e)	Reg. 2(5).
42.13-15(a)	Art. 2(8), Reg. 3(1).
42.13-15(b)	Reg. 3(2).
42.13-15(c)	Reg. 3(3).
42.13-15(d)	Reg. 3(4).
42.13-15(e)(1)	Reg. 3(5)(a).
42.13-15(e)(2)	Reg. 3(5)(b).
42.13-15(e)(3)	Reg. 3(5)(c).
42.13-15(f)(1)	Reg. 3(6)(a).
42.13-15(f)(2)	Reg. 3(6)(b).
42.13-15(g)	Reg. 3(7).
42.13-15(h)	Reg. 3(8).
42.13-15(i)(1)	Reg. 3(9).
42.13-15(i)(2)	Reg. 3(9).
42.13-15(j)(1)	Reg. 3(10)(a).
42.13-15(j)(2)	Reg. 3(10)(b).
42.13-15(j)(2)(i)	Reg. 3(10)(b)(i).
42.13-15(j)(2)(ii)	Reg. 3(10)(b)(ii).
42.13-15(j)(2)(iii)	Reg. 3(10)(b)(iii).
42.13-15(j)(2) Note	Reg. 3(10)(b) 2d par.
42.13-15(j)(3)	Reg. 3(10)(c).
42.13-15(j)(4)	Reg. 3(10)(d).
42.13-15(k)	Reg. 3(11).
42.13-15(l)	Reg. 3(12).
42.13-20(a)	Reg. 4.
42.13-25(a)	Reg. 5.
42.13-30(a)	Reg. 6(1).
42.13-30(b)	Reg. 6(2).
42.13-30(b)(1)	Reg. 6(2)(a).
42.13-30(b)(2)	Reg. 6(2)(b).
42.13-30(b)(3)	Reg. 6(2)(c).
42.13-30(b)(4)	Reg. 6(2)(d).
42.13-30(b)(5)	Reg. 6(2)(e).
42.13-30(b)(6)	Reg. 6(2)(f).
42.13-30(c)	Reg. 6(3).
42.13-30(d)(1)	Reg. 6(4)(a).
42.13-30(d)(2)	Reg. 6(4)(b).
42.13-30(d)(3)	Reg. 6(4)(c).
42.13-30(d)(4)	Reg. 6(4)(d).
42.13-30(d)(5)	Reg. 6(4)(e).
42.13-30(d)(5) Note	Reg. 6(4)(e) 2d par.
42.13-30(d)(6)	Reg. 6(4)(f).
42.13-30(e)	Reg. 6(5).
42.13-30(f)	Reg. 6(6).
42.13-30(g)	Reg. 6(7).
42.13-30(h)	Reg. 6(8).
42.13-30(i)	Reg. 6(9).
42.13-35(a)	Reg. 7.
42.13-40(a)	Reg. 8.
42.13-45(a)	Reg. 9.
42.15-1(a)	Reg. 10(1).
42.15-1(b)	Reg. 10(2).
42.15-5(a)	Reg. 11.
42.15-10(a)	Reg. 12(1).
42.15-10(b)	Reg. 12(2).
42.15-15(a)	Reg. 13, 1st par.
42.15-15(a)(1)	Reg. 13, position one.
42.15-15(a)(2)	Reg. 13, position two.
42.15-20(a)	Reg. 14(1).
42.15-20(b)	Reg. 14(2).
42.15-25(a)(1)	Reg. 15(1).
42.15-25(b)(1)	Reg. 15(2).
42.15-25(b)(2)	Reg. 15(3).
42.15-25(b)(3)	Reg. 15(4).
42.15-25(b)(4)	Reg. 15(5).
42.15-25(c)(1)	Reg. 15(6).
42.15-25(d)(1)	Reg. 15(7).
42.15-25(d)(2)	Reg. 15(8).
42.15-25(e)(1)	Reg. 15(9).
42.15-25(f)(1)	Reg. 15(10).
42.15-25(g)(1)	Reg. 15(11).
42.15-25(h)(1)	Reg. 15(12).
42.15-25(h)(2)	Reg. 15(12).
42.15-25(i)(1)	Reg. 15(13).
42.15-30(a)(1)	Reg. 16(1).
42.15-30(b)(1)	Reg. 16(2).
42.15-30(b)(2)	Reg. 16(3).
42.15-30(c)(1)	Reg. 16(4).
42.15-30(c)(2)	Reg. 16(4).
42.15-35(a)	Reg. 17(1).
42.15-35(b)	Reg. 17(2).
42.15-40(a)	Reg. 18(1).
42.15-40(b)	Reg. 18(2).
42.15-40(c)	Reg. 18(3).
42.15-45(a)	Reg. 19(1).
42.15-45(b)	Reg. 19(2).
42.15-45(c)	Reg. 19(3).
42.15-45(d)	Reg. 19(4).
42.15-45(e)	Reg. 19(5).
42.15-50(a)	Reg. 20.
42.15-55(a)	Reg. 21(1).
42.15-55(b)	Reg. 21(2).
42.15-60(a)	Reg. 22(1).
42.15-60(b)	Reg. 22(2).
42.15-60(c)	Reg. 22(3).
42.15-60(d)	Reg. 22(4).
42.15-60(e)	Reg. 22(5).
42.15-65(a)	Reg. 23(1).
42.15-65(b)	Reg. 23(2).
42.15-65(c)	Reg. 23(3).
42.15-70(a)	Reg. 24(1).
42.15-70(a)(1)	Reg. 24(1).
42.15-70(a)(2)	Reg. 24(1).
42.15-70(a)(3)	Reg. 24(1).
42.15-70(a)(4)	Reg. 24(1).
42.15-70(b)	Reg. 24(2).
42.15-70(c)	Reg. 24(3).
42.15-70(c) Note	Reg. 24(3), 2d par.
42.15-70(d)	Reg. 24(4).
42.15-70(e)	Reg. 24(5).
42.15-70(f)	Reg. 24(6).
42.15-75(a)	Reg. 25(1).
42.15-75(b)	Reg. 25(2).
42.15-75(c)	Reg. 25(3).
42.15-75(d)	Reg. 25(4).
42.15-75(e)	Reg. 25(5).
42.15-80(a)(1)	Reg. 26(1).
42.15-80(b)(1)	Reg. 26(2).
42.15-80(b)(2)	Reg. 26(3).
42.15-80(c)(1)	Reg. 26(4).
42.15-80(d)(1)	Reg. 26(5).
42.15-80(d)(2)	Reg. 26(6).
42.20-1(a)	Reg. 27(1).
42.20-5(a)	Reg. 27(2).
42.20-5(a)(1)	Reg. 27(2)(a).
42.20-5(a)(2)	Reg. 27(2)(b).
42.20-5(b)	Reg. 27(3).
42.20-5(b)(1)	Reg. 27(3)(a).
42.20-5(b)(2)	Reg. 27(3)(b).
42.20-5(b)(3)	Reg. 27(3)(c).
42.20-5(c)	Reg. 27(4).
42.20-10(a)	Reg. 27(5).
42.20-10(b)	Reg. 27(6).
42.20-10(c)	Reg. 27(7).
42.20-10(c)(1)	Reg. 27(7)(a).
42.20-10(c)(2)	Reg. 27(7)(b).
42.20-10(c)(3)	Reg. 27(7)(c).
42.20-10(c)(4)	Reg. 27(7)(d).
42.20-10(c)(5)	Reg. 27(7)(e).
42.20-10(d)	Reg. 27(7), 2d par.
42.20-10(d)(1)	Reg. 27(7), 3d par.
42.20-10(d)(2)	Reg. 27(7), 3d par.
42.20-10(d)(3)	Reg. 27(7), 3d par.
42.20-10(d)(4)	Reg. 27(7), 3d par.
42.20-10(e)	Reg. 27(8).
42.20-10(f)	Reg. 27(9).
42.20-10(g)	Reg. 27(10).
42.20-10(h)	Reg. 27(11).
42.20-15(a)(1)	Reg. 28(1).
42.20-15(b)(1)	Reg. 28(2).
42.20-20(a)	Reg. 29.
42.20-25(a)	Reg. 30.
42.20-30(a)	Reg. 31(1).
42.20-30(b)	Reg. 31(2).
42.20-30(c)	Reg. 31(3).
42.20-35(a)	Reg. 32.
42.20-40(a)	Reg. 33.
42.20-45(a)	Reg. 34(1).
42.20-45(b)	Reg. 34(2).
42.20-50(a)	Reg. 35(1).
42.20-50(b)	Reg. 35(2).
42.20-50(b)(1)	Reg. 35(2), 2d par.
42.20-50(c)	Reg. 35(3).
42.20-50(d)	Reg. 35(4).
42.20-50(e)	Reg. 35(5).
42.20-55(a)	Reg. 36(1).
42.20-55(a)(1)	Reg. 36(1)(a).
42.20-55(a)(2)	Reg. 36(1)(b).
42.20-55(a)(3)	Reg. 36(1)(c).
42.20-55(a)(4)	Reg. 36(1)(d).
42.20-55(a)(5)	Reg. 36(1)(e).
42.20-55(a)(6)	Reg. 36(1)(f).
42.20-55(a)(7)	Reg. 36(1)(g).
42.20-55(a)(8)	Reg. 36(1)(h).
42.20-55(b)	Reg. 36(2).
42.20-55(c)	Reg. 36(3).
42.20-55(d)	Reg. 38(4).
42.20-60(a)	Reg. 37(1).
42.20-60(b)	Reg. 37(2).
42.20-60(c)(1)	Reg. 37(3)(a).
42.20-60(c)(2)	Reg. 37(3)(b).
42.20-60(c)(3)	Reg. 37(3)(c).
42.20-65(a)(1)	Reg. 38(1).
42.20-65(a)(2)	Reg. 38(2).
42.20-65(a)(3)	Reg. 38(3).
42.20-65(a)(4)	Reg. 38(4).
42.20-65(a)(5)	Reg. 38(5).
42.20-65(a)(6)	Reg. 38(6).
42.20-65(a)(7)	Reg. 38(7).
42.20-65(b)(1)	Reg. 38(8).
42.20-65(c)(1)	Reg. 38(9).
42.20-65(c)(2)	Reg. 38(10).
42.20-65(c)(3)	Reg. 38(11).
42.20-65(c)(4)	Reg. 38(12).
42.20-65(c)(4)(i)	Reg. 38(12), 2d par.
42.20-65(d)(1)	Reg. 38(13).
42.20-65(e)(1)	Reg. 38(14).
42.20-65(f)(1)	Reg. 38(15).
42.20-70(a)	Reg. 39(1).
42.20-70(a)(1)	Reg. 39(1).
42.20-70(a)(2)	Reg. 39(1).
42.25-70(b)	Reg. 39(2).
42.20-70(b)(1)	Reg. 39(2)(a).
42.20-70(b)(2)	Reg. 39(2)(b).
42.20-70(c)	Reg. 39(3).
42.20-75(a)(1)	Reg. 40(1).
42.20-75(a)(2)	Reg. 40(2).
42.20-75(b)(1)	Reg. 40(3).
42.20-75(b)(2)	Reg. 40(4).
42.20-75(c)(1)	Reg. 40(5).
42.20-75(d)(1)	Reg. 40(6).
42.20-75(e)(1)	Reg. 40(7).
42.20-75(e)(2)	Reg. 40(8).
42.25-1(a)	Reg. 41.
42.25-5(a)	Reg. 42(1).
42.25-5(b)	Reg. 42(2).
42.25-10(a)	Reg. 43(1).
42.25-10(b)	Reg. 43(2).
42.25-10(c)	Reg. 43(3).
42.25-15(a)(1)	Reg. 44(1).
42.25-15(a)(2)	Reg. 44(2).
42.25-15(a)(3)	Reg. 44(3).
42.25-15(a)(4)	Reg. 44(4).
42.25-15(b)	Reg. 44(5).
42.25-15(c)(1)	Reg. 44(6).
42.25-15(c)(2)	Reg. 44(7).
42.25-15(c)(3)	Reg. 44(8).
42.25-15(c)(4)	Reg. 44(9).
42.25-15(d)(1)	Reg. 44(10).
42.25-15(e)(1)	Reg. 44(11).
42.25-15(f)(1)	Reg. 44(12).
42.25-20(a)	Reg. 45(1).
42.25-20(b)	Reg. 45(2).
42.25-20(c)	Reg. 45(3).
42.25-20(d)	Reg. 45(4).
42.25-20(e)	Reg. 45(5).
42.30-1(a)	Annex II Introduction.
42.30-1(a)(1)	Annex II Introduction.
42.30-1(a)(2)	Annex II Introduction.
42.30-1(b)	Annex II Introduction.
42.30-1(c)	Annex II Introduction.
42.30-5(a)(1)	Reg. 46(1)(a).
42.30-5(a)(1)(i)	Reg. 46(1)(a).
42.30-5(a)(2)	Reg. 46(1)(b).
42.30-5(a)(2)(i)	Reg. 46(1)(b).
42.30-5(b)(1)	Reg. 46(2).
42.30-5(b)(1)(i)(a)	Reg. 46(2).
42.30-5(b)(1)(i)(b)	Reg. 46(2).
42.30-5(c)	Reg. 46(3).
42.30-5(c)(1)	Reg. 46(3).
42.30-10(a)	Reg. 47.
42.30-10(a)(1)	None.
42.30-10(a)(2)	Reg. 47.
42.30-15(a)	Reg. 48(1).
42.30-15(a)(1)	Reg. 48(1).
42.30-15(b)	Reg. 48(2).
42.30-15(b)(1)	Reg. 48(2).
42.30-15(c)	Reg. 48(3).
42.30-15(c)(1)	Reg. 48(3)(a).
42.30-15(c)(1)(i)	Reg. 48(3)(a).
42.30-15(c)(2)	Reg. 48(3)(b).
42.30-15(c)(3)	Reg. 48(3)(c).
42.30-20(a)	Reg. 49(1).
42.30-20(a)(1)	Reg. 49(1).
42.30-20(b)	Reg. 49(2).
42.30-20(b)(1)	Reg. 49(2).
42.30-20(c)	Reg. 49(3).
42.30-20(c)(1)	Reg. 49(3).
42.30-20(d)(1)	Reg. 49(4)(a).
42.30-20(d)(1)(i)	Reg. 49(4)(a).
42.30-20(d)(2)	Reg. 49(4)(b).
42.30-20(d)(2)(i)	Reg. 49(4)(b).
42.30-20(e)	Reg. 49(5).
42.30-20(e)(1)	Reg. 49(5).
42.30-20(e)(2)	Reg. 49(5).
42.30-20(f)(1)	Reg. 49(6)(a).
42.30-20(f)(1)(i)	Reg. 49(6)(a).
42.30-20(f)(2)	Reg. 49(6)(b).
42.30-20(f)(2)(i)	Reg. 49(6)(b).
42.30-20(g)(1)	Reg. 49(7)(a).
42.30-20(g)(1)(i)	Reg. 49(7)(a).
42.30-20(g)(2)	Reg. 49(7)(b).
42.30-20(g)(2)(i)	Reg. 49(7)(b).
42.30-25(a)	Reg. 50.
42.30-25(a)(1)	Reg. 50.
42.30-25(a)(1)(i)	Reg. 50.
42.30-30(a)	Reg. 51(1).
42.30-30(a)(1)	Reg. 51(1).
42.30-30(a)(1)(i)	Reg. 51(1).
42.30-30(b)	Reg. 51(2).
42.30-30(b)(1)	Reg. 51(2).
42.30-30(b)(1)(i)	Reg. 51(2).
42.30-30(c)	Reg. 51(3).
42.30-30(c)(1)	Reg. 51(3).
42.30-30(c)(1)(i)	Reg. 51(3).
42.30-30(d)	Reg. 51(4).
42.30-30(d)(1)	Reg. 51(4).
42.30-30(d)(1)(i)	Reg. 51(4).
42.30-35(a)	Reg. 52.
42.30-35(a)(1)	Reg. 52(a).
42.30-35(a)(2)	Reg. 52(b).
42.35-1(a)	None.
42.35-1(b)	None.
42.35-1(c)	None.
42.35-5(a)	None.
42.35-5(b)	None.
42.35-10(a)	None.
42.35-10(b)	None.
42.35-15(a)	None.
42.50-1(a)	None.
42.50-1(b)	None.
42.50-1(b)(1)	Art. 18(2).
42.50-1(b)(2)	None.
42.50-1(c)	None.
42.50-5(a)	None.
42.50-5(a)(1)	None.
42.50-5(a)(2)	Annex III.
42.50-5(a)(3)	None.
42.50-5(a)(4)	Annex III.
42.50-5(b)	Annex III.
42.50-5(c)	Annex III.
42.50-5(d)	None.
42.50-5(e)	Annex III.
42.50-10(a)	Annex III.
42.50-10(a)(1)	None.
42.50-10(b)	None.
42.50-15(a)	None.
42.50-15(a)(1)	None.
42.50-15(a)(2)	None.
42.50-15(a)(3)	None.
42.50-15(b)	None.
42.50-15(c)	None.
42.50-15(d)	None.
42.50-15(e)	None.

TABLE B—COMPARISON OF 1966 CONVENTION WITH LOAD LINE REGULATIONS

1966 Convention—Article or Regulation	46 CFR Part 42—Section
Art. 1(1)	None.
Art. 1(2)	42.01-1(c); 42.01-10(b), (c).
Art. 2(1)	None.
Art. 2(2)	42.01-1(c).
Art. 2(3)	42.05-1
Art. 2(4)	42.05-45(a), (c).
Art. 2(5)	None.
Art. 2(6)	42.05-50(a), (a)(1).
Art. 2(7)	42.05-30(a).
Art. 2(8)	42.13-15(a).
Art. 3(1)	42.07-1(a).
Art. 3(2)	None.
Art. 4(1)(a)	42.03-1(b).
Art. 4(1)(b)	42.03-1(b).
Art. 4(1)(c)	42.03-1(b).
Art. 4(2)	42.03-1(b); 42.03-5(a)(1).
Art. 4(3)	None.
Art. 4(4)	42.03-5(a)(2).
Art. 4(5)	None.
Art. 5(1)	42.03-1(b).
Art. 5(2)(a)	42.03-1(b); 42.03-15(a); 42.05-40(a), (c).
Art. 5(2)(b)	None.
Art. 5(2)(c)	None.
Art. 6(1)	42.03-30(b)(1).
Art. 6(2)	42.03-30(b)(2).
Art. 6(3)	None.
Art. 6(4)	42.03-30(b)(3).
Art. 7(1)	None.
Art. 7(2)	None.
Art. 8(1)	42.03-20(a).
Art. 8(2)	None.
Art. 9(1)	42.03-25(a), (b).
Art. 9(2)	None.
Art. 10(1)	42.09-50(b).
Art. 10(2)	42.09-50(c).
Art. 11(1)	42.07-15(a).
Art. 11(2)	42.07-15(b).
Art. 12(1)	42.01-10(a); 42.07-5(a); 42.07-10(a), (b).
Art. 12(2)	42.07-10(c).
Art. 12(3)	42.07-10(d).
Art. 13	42.07-35(a), (b), (c); 42.07-40(a).
Art. 14(1)(a)	42.09-15(a), (b).
Art. 14(1)(b)	42.09-15(a), (c).
Art. 14(1)(c)	42.09-40(a), (b), (b)(1).
Art. 14(1)(c)(i)	42.09-40(b)(1)(i).
Art. 14(1)(c)(ii)	42.09-40(b)(1)(ii).
Art. 14(1)(c)(iii)	42.09-40(b)(1)(iii).
Art. 14(1)(c)(iv)	42.09-40(c)(1)(iv).
Art. 14(2)	42.09-15(d).
Art. 15	42.09-50(a).
Art. 16(1)	42.07-5(b); 42.07-35(d); 42.09-1(b).
Art. 16(2)	42.03-30(d); 42.07-5(c); 42.07-35(d); 42.09-1(b).
Art. 16(3)	42.07-35(a); 42.07-35(d); 42.07-40(a); 42.07-45(a).
Art. 16(4)	42.03-10(d)(2); 42.05-50(a)(1); 42.07-1(e)(f); 42.07-45(b)(1), (2).
Art. 17(1)	42.11-10(a).
Art. 17(2)	42.11-10(a)(1).
Art. 17(3)	42.11-10(a).
Art. 17(4)	None.
Art. 18(1)	None.
Art. 18(2)	42.07-45(e)(1)(iii); 42.07-45(f), (f)(1), (f)(1)(i); 42.50-1(b).
Art. 19(1)	42.07-45(d); 42.09-15(c)(1).
Art. 19(2)	42.09-15(c)(1).
Art. 19(3)	42.07-55(a), (b).
Art. 19(3)(a)	42.07-55(b)(2); 42.07-60(f)(1)(i).
Art. 19(3)(b)	42.07-55(b)(3); 42.07-60(f)(1)(ii).
Art. 19(3)(c)	42.07-55(b)(4).
Art. 19(3)(d)	42.07-55(b)(5).
Art. 19(4)(a)	42.07-45(d); 42.09-15(c)(2).
Art. 19(4)(b)	None.
Art. 19(5)	42.07-45(c).
Art. 20	None.
Art. 21(1)	42.07-60(f)(1).
Art. 21(1)(a)	42.07-60(f)(1).
Art. 21(1)(b)	42.07-60(f)(1).
Art. 21(1)(c)	42.07-60(b)(1); 42.07-60(f)(1).
Art. 21(1), 2d par.	42.07-60(f)(2).
Art. 21(2)	42.07-60(b)(1).
Art. 21(3)	42.07-60(e).
Art. 22	None.
Art. 23	None.
Art. 24	None.
Art. 24(1)(a)	None.
Art. 24(1)(b)	None.

1966 Convention—Article or Regulation	*46 CFR Part 42—Section*
Art. 24(2)	None.
Art. 25	None.
Art. 26(1)	None.
Art. 26(1)(a)	None.
Art. 26(1)(b)	None.
Art. 26(1)(c)	None.
Art. 26(2)	None.
Art. 27(1)	None.
Art. 27(1)(a)	None.
Art. 27(1)(b)	None.
Art. 27(1)(c)	None.
Art. 27(2)	None.
Art. 28(1)	42.07–1(f); 42.07–45(b)(2).
Art. 28(2)	42.05–50(a)(2); 42.07–1(f); 42.07–45(b)(2).
Art. 28(3)	42.07–1(f); 42.07–45(b)(2).
Art. 28(4)	None.
Art. 29(1)	None.
Art. 29(2)	None.
Art. 29(2)(a)	None.
Art. 29(2)(b)	None.
Art. 29(2)(c)	None.
Art. 29(3)	None.
Art. 29(3)(a)	None.
Art. 29(3)(b)	None.
Art. 29(3)(c)	None.
Art. 29(3)(d)	None.
Art. 29(3)(e)	None.
Art. 29(4)	None.
Art. 29(4)(a)	None.
Art. 29(4)(b)	None.
Art. 29(4)(c)	None.
Art. 29(4)(d)	None.
Art. 29(5)	None.
Art. 29(6)	None.
Art. 29(7)	None.
Art. 30(1)	None.
Art. 30(2)	None.
Art. 30(3)	None.
Art. 31(1)	None.
Art. 31(2)	None.
Art. 31(3)	None.
Art. 31(4)	None.
Art. 32(1)(a)	None.
Art. 32(1)(b)	None.
Art. 32(2)(a)	None.
Art. 32(2)(b)	None.
Art. 32(3)	None.
Art. 33(1)	None.
Art. 33(2)	None.
Art. 34	None.
Annex I	Subpart 42.13.
Chapter I General	42.18–1 (a) and (b).
Reg. 1	42.13–5 (a) and (b).
Reg. 2(1)	42.13–10(a).
Reg. 2(2)	42.03–17(a); 42.11–15(a); 42.13–10(b).
Reg. 2(3)	42.13–10(c).
Reg. 2(4)	42.13–10(d).
Reg. 2(5)	42.13–10(e).
Reg. 3(1)	42.13–15(a).
Reg. 3(2)	42.13–15(b).
Reg. 3(3)	42.13–15(c).
Reg. 3(4)	42.13–15(d).
Reg. 3(5)(a)	42.13–15(e)(1).
Reg. 3(5)(b)	42.13–15(e)(2).
Reg. 3(5)(c)	42.13–15(e)(3).
Reg. 3(6)(a)	42.13–15(f)(1).
Reg. 3(6)(b)	42.13–15(f)(2).
Reg. 3(7)	42.13–15(g).
Reg. 3(8)	42.13–15(h).
Reg. 3(9)	42.13–15(i)(1), (2).
Reg. 3(10)(a)	42.13–15(j)(1).
Reg. 3(10)(b)	42.13–15(j)(2).
Reg. 3(10)(b)(i)	42.13–15(j)(2)(i).
Reg. 3(10)(b)(ii)	42.13–15(j)(2)(ii).
Reg. 3(10)(b)(iii)	42.13–15(j)(2)(iii).
Reg. 3(10)(b), 2d par	42.13–15(j)(2) Note.
Reg. 3(10)(c)	42.13–15(j)(3).
Reg. 3(10)(d)	42.13–15(j)(4).
Reg. 3(11)	42.13–15(k).
Reg. 3(12)	42.18–15(l).
Reg. 4	42.13–20(a).
Reg. 5	42.13–25(a).
Reg. 6(1)	42.13–30(a).
Reg. 6(2)	42.13–30(b).
Reg. 6(2)(a)	42.13–30(b)(1).
Reg. 6(2)(b)	42.13–30(b)(2).
Reg. 6(2)(c)	42.13–30(b)(3).
Reg. 6(2)(d)	42.13–30(b)(4).
Reg. 6(2)(e)	42.13–30(b)(5).
Reg. 6(2)(f)	42.13–30(b)(6).
Reg. 6(3)	42.13–30(c).
Reg. 6(4)(a)	42.13–30(d)(1).
Reg. 6(4)(b)	42.13–30(d)(2).
Reg. 6(4)(c)	42.13–30(d)(3).
Reg. 6(4)(d)	42.13–30(d)(4).
Reg. 6(4)(e)	42.13–30(d)(5).
Reg. 6(4)(e), 2d par	42.13–30(d)(5) Note.
Reg. 6(4)(f)	42.13–30(d)(6).
Reg. 6(5)	42.13–30(e).
Reg. 6(6)	42.13–30(f).
Reg. 6(7)	42.13–30(g).
Reg. 6(8)	42.13–30(h).
Reg. 6(9)	42.13–30(i).
Reg. 7	42.13–35(a).
Reg. 8	42.13–40(a).
Reg. 9	42.13–45(a).
Reg. 10(1)	42.15–1(a).
Reg. 10(2)	42.15–1(b).
Reg. 11	42.15–5(a).
Reg. 12(1)	42.15–10(a).
Reg. 12(2)	42.15–10(b).
Reg. 13, first par	42.15–15(a).
Reg. 13, position 1	42.15–15(a)(1).
Reg. 13, position 2	42.15–15(a)(2).
Reg. 14(1)	42.15–20(a).
Reg. 14(2)	42.15–20(b).
Reg. 15(1)	42.15–25(a)(1).
Reg. 15(2)	42.15–25(b)(1).
Reg. 15(3)	42.15–25(b)(2).
Reg. 15(4)	42.15–25(b)(3).
Reg. 15(5)	42.15–25(b)(4).
Reg. 15(6)	42.15–25(c)(1).
Reg. 15(7)	42.15–25(d)(1).
Reg. 15(8)	42.15–25(d)(2).
Reg. 15(9)	42.15–25(e)(1).
Reg. 15(10)	42.15–25(f)(1).
Reg. 15(11)	42.15–25(g)(1).
Reg. 15(12)	42.15–25(h)(1).
Reg. 15(12)	42.15–25(h)(2).
Reg. 15(13)	42.15–25(i)(1).
Reg. 16(1)	42.15–30(a)(1).
Reg. 16(2)	42.15–30(b)(1).
Reg. 16(3)	42.15–30(b)(2).
Reg. 16(4)	42.15–30(c)(1).
Reg. 16(4)	42.15–30(c)(2).
Reg. 17(1)	42.15–35(a).
Reg. 17(2)	42.15–35(b).
Reg. 18(1)	42.15–40(a).
Reg. 18(2)	42.15–40(b).
Reg. 18(3)	42.15–40(c).
Reg. 19(1)	42.15–45(a).
Reg. 19(2)	42.15–45(b).
Reg. 19(3)	42.15–45(c).
Reg. 19(4)	42.15–45(d).
Reg. 19(5)	42.15–45(e).
Reg. 20	42.15–50(a).
Reg. 21(1)	42.15–55(a).
Reg. 21(2)	42.15–55(b).
Reg. 22(1)	42.15–60(a).
Reg. 22(2)	42.15–60(b).
Reg. 22(3)	42.15–60(c).
Reg. 22(4)	42.15–60(d).
Reg. 22(5)	42.15–60(e).
Reg. 23(1)	42.15–65(a).
Reg. 23(2)	42.15–65(b).
Reg. 23(3)	42.15–65(c).
Reg. 24(1)	42.15–70(a), (a)(1), (a)(2), (a)(3), (a)(4).
Reg. 24(2)	42.15–70(b).
Reg. 24(3)	42.15–70(c).
Reg. 24(3), 2d par	42.15–70(c) Note.
Reg. 24(4)	42.15–70(d).
Reg. 24(5)	42.15–70(e).
Reg. 24(6)	42.15–70(f).
Reg. 25(1)	42.15–75(a).
Reg. 25(2)	42.15–75(b).
Reg. 25(3)	42.15–75(c).
Reg. 25(4)	42.15–75(d).
Reg. 25(5)	42.15–75(e).
Reg. 26(1)	42.15–80(a)(1).
Reg. 26(2)	42.15–80(b)(1).
Reg. 26(3)	42.15–80(b)(2).
Reg. 26(4)	42.15–80(c)(1).
Reg. 26(5)	42.15–80(d)(1).
Reg. 26(6)	42.15–80(d)(2).
Reg. 27(1)	42.09–5(a); 42.20–1(a).
Reg. 27(2)	42.09–5(b); 42.20–5(a).
Reg. 27(2)(a)	42.20–5(a)(1).
Reg. 27(2)(b)	42.20–5(a)(2).
Reg. 27(3)	42.20–5(b).
Reg. 27(3)(a)	42.20–5(b)(1).
Reg. 27(3)(b)	42.20–5(b)(2).
Reg. 27(3)(c)	42.20–5(b)(3).
Reg. 27(4)	42.20–5(c).
Reg. 27(5)	42.09–5(c); 42.20–10(a).
Reg. 27(6)	42.20–10(b).
Reg. 27(7)	42.20–10(c).
Reg. 27(7)(a)	42.20–10(c)(1).
Reg. 27(7)(b)	42.20–10(c)(2).
Reg. 27(7)(c)	42.20–10(c)(3.
Reg. 27(7)(d)	42.20–10(c)(4).
Reg. 27(7)(e)	42.20–10(c)(5).
Reg. 27(7), 2d par	42.20–10(d).
Reg. 27(7), 3d par	42.20–10(d), (1), (2), (3), (4).
Reg. 27(8)	42.20–10(e).
Reg. 27(9)	42.20–10(f).
Reg. 27(10)	42.20–10(g).
Reg. 27(11)	42.20–10(h).
Reg. 28(1)	42.20–15(a)(1).
Reg. 28(2)	42.20–15(b)(1).
Reg. 29	42.20–20(a).
Reg. 30	42.20–25(a).
Reg. 31(1)	42.20–30(a).
Reg. 31(2)	42.20–30(b).
Reg. 31(3)	42.20–30(c).
Reg. 32	42.20–35(a).
Reg. 33	42.20–40(a).
Reg. 34(1)	42.20–45(a).
Reg. 34(2)	42.20–45(b).
Reg. 35(1)	42.20–50(a).
Reg. 35(2)	42.20–50(b).
Reg. 35(2), 2d par	42.20–50(b)(1).
Reg. 35(3)	42.20–50(c).
Reg. 35(4)	42.20–50(d).
Reg. 35(5)	42.20–50(e).
Reg. 36(1)	42.20–55(a).
Reg. 36(1)(a)	42.20–55(a)(1).
Reg. 36(1)(b)	42.20–55(a)(2).
Reg. 36(1)(c)	42.20–55(a)(3).
Reg. 36(1)(d)	42.20–55(a)(4).
Reg. 36(1)(e)	42.20–55(a)(5).
Reg. 36(1)(f)	42.20–55(a)(6).
Reg. 36(1)(g)	42.20–55(a)(7).
Reg. 36(1)(h)	42.20–55(a)(8).
Reg. 36(2)	42.20–55(b).
Reg. 36(3)	42.20–55(c).
Reg. 36(4)	42.20–55(d).
Reg. 37(1)	42.20–60(a).
Reg. 37(2)	42.20–60(b).
Reg. 37(3)(a)	42.20–60(c)(1).
Reg. 37(3)(b)	42.20–60(c)(2).
Reg. 37(3)(c)	42.20–60(c)(3).
Reg. 38(1)	42.20–65(a)(1).
Reg. 38(2)	42.20–65(a)(2).
Reg. 38(3)	42.20–65(a)(3).
Reg. 38(4)	42.20–65(a)(4).
Reg. 38(5)	42.20–65(a)(5).
Reg. 38(6)	42.20–65(a)(6).
Reg. 38(7)	42.20–65(a)(7).
Reg. 38(8)	42.20–65(b)(1).
Reg. 38(9)	42.20–65(c)(1).
Reg. 38(10)	42.20–65(c)(2).
Reg. 38(11)	42.20–65(c)(3).
Reg. 38(12)	42.20–65(c)(4).
Reg. 38(12), 2d par	42.20–65(c)(4)(i).
Reg. 38(13)	42.20–65(d)(1).
Reg. 38(14)	42.20–65(e)(1).
Reg. 38(15)	42.20–65(f)(1).
Reg. 39(1)	42.20–70(a), (a)(1), (a)(2).
Reg. 39(2)	42.20–70(b).
Reg. 39(2)(a)	42.20–70(b)(1).
Reg. 39(2)(b)	42.20–70(b)(2).
Reg. 39(3)	42.20–70(c).
Reg. 40(1)	42.20–75(a)(1).
Reg. 40(2)	42.20–75(a)(2).
Reg. 40(3)	42.20–75(b)(1).
Reg. 40(4)	42.20–75(b)(2).
Reg. 40(5)	42.20–75(c)(1).
Reg. 40(6)	42.20–75(d)(1).
Reg. 40(7)	42.20–75(e)(1).
Reg. 40(8)	42.20–75(e)(2).
Reg. 41	42.25–1(a).
Reg. 42(1)	42.25–5(a).
Reg. 42(2)	42.25–5(b).
Reg. 43(1)	42.25–10(a).
Reg. 43(2)	42.25–10(b).
Reg. 43(3)	42.25–10(c).
Reg. 44(1)	42.25–15(a)(1).
Reg. 44(2)	42.25–15(a)(2).
Reg. 44(3)	42.25–15(a)(3).
Reg. 44(4)	42.25–15(a)(4).
Reg. 44(5)	42.25–15(b).
Reg. 44(6)	42.25–15(c)(1).
Reg. 44(7)	42.25–15(c)(2).
Reg. 44(8)	42.25–15(c)(3).
Reg. 44(9)	42.25–15(c)(4).
Reg. 44(10)	42.25–15(d)(1).
Reg. 44(11)	42.25–15(e)(1).
Reg. 44(12)	42.25–15(f)(1).
Reg. 45(1)	42.25–20(a).
Reg. 45(2)	42.25–20(b).
Reg. 45(3)	42.25–20(c).
Reg. 45(4)	42.25–20(d).
Reg. 45(5)	42.25–20(e).
Annex II Introduction	42.30–1 (a), (a)(1), (a)(2), (b), (c).
Reg. 46(1)(a)	42.30–5(a)(1), (a)(1)(i).
Reg. 46(1)(b)	42.30–5(a)(2), (a)(2)(i).
Reg. 46(2)	42.30–5 (b)(1), (b)(1)(i)(a), (b)(1)(i)(b).
Reg. 46(3)	42.30–5 (c), (c)(1).
Reg. 47	42.30–10 (a), (a)(2).
Reg. 48(1)	42.30–15 (a), (a)(1).
Reg. 48(2)	42.30–15 (b), (b)(1).
Reg. 48(3)	42.30–15(c).
Reg. 48(3)(a)	42.30–15(c)(1), (c)(1)(i).
Reg. 48(3)(b)	42.30–15(c)(2).
Reg. 48(3)(c)	42.30–15(c)(3).
Reg. 49(1)	42.30–20 (a), (a)(1).
Reg. 49(2)	42.30–20 (b), (b)(1).
Reg. 49(3)	42.30–20 (c), (c)(1).
Reg. 49(4)(a)	42.30–20 (d)(1), (d)(1)(i).
Reg. 49(4)(b)	42.30–20 (d)(2), (d)(2)(i).
Reg. 49(5)	42.30–20 (e), (e)(1), (e)(2).
Reg. 49(6)(a)	42.30–20 (f)(1), (f)(1)(i).
Reg. 49(6)(b)	42.30–20 (f)(2), (f)(2)(i).
Reg. 49(7)(a)	42.30–20 (g)(1), (g)(1)(i).
Reg. 49(7)(b)	42.30–20 (g)(2), (g)(2)(i).
Reg. 50	42.30–25 (a), (a)(1), (a)(1)(i).
Reg. 51(1)	42.30–30(a), (a)(1), (a)(1)(i).
Reg. 51(2)	42.30 (b), (b)(1), (b)(1)(i).
Reg. 51(3)	42.30–30 (c), (c)(1), (c)(1)(i).
Reg. 51(4)	42.30–30 (d), (d)(1), (d)(1)(i).
Reg. 52	42.30–35(a).
Reg. 52(a)	42.30–35(a)(1).
Reg. 52(b)	42.30–35(a)(2).
Annex III	42.50–6 (a)(1), (a)(3), (a)(4), (b), (d), (e).

6. In the administration of the International Convention on Load Lines, 1966, and as stated in Article 16(4) thereof, the 1930 International Load Line Convention certificate requirements will be superseded by the 1966 Convention on July 21, 1968, insofar as the United States of America is concerned. On and after July 21, 1968, the United States will not issue International Load Line Certificates under the provisions of the 1930 Convention. On and after July 21, 1970, the United States normally will not accept International Load Line Certificates under the provisions of the 1930 Convention other than as may be permitted for certain foreign vessels in the administration of Articles 16 and 28 of the 1966 Convention.

7. As provided in Article 24(1) of the International Convention on Load Lines, 1966, the other treaties and agreements with the Government of Canada regarding load lines and marine inspection matters shall continue to have full and complete effect.

8. The actions and recommendations of the Merchant Marine Council with respect to comments and views received and changes in the proposals in Item PH 1–68 (CG–249, pages 1 to 120, inclusive), are hereby adopted.

9. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, United States Code, and 49 CFR 1.4(a)(2) to promulgate regulations in accordance with the laws cited with the regulations below, the following regulations and amendments in this document are prescribed and shall be effective on and after July 21, 1968: *Provided*, That the regulations in this document with respect to coastwise load line requirements, other than the zones and seasonal areas in 46 CFR 42.30–1 to 42.30–35, inclusive, may be complied with during the interim period prior to the effective date specified in lieu of existing requirements.

SUBCHAPTER A—PROCEDURES APPLICABLE TO THE PUBLIC

PART 2—VESSEL INSPECTIONS

1. The Authority note for Part 2 is amended to read as follows:

AUTHORITY: The provisions of this Part 2 issued under R.S. 4405, as amended, 4462, as amended, sec. 3, 60 Stat. 238, as amended, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 375, 416, 5 U.S.C. 552, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2). Additional authority cited with regulations affected.

Subpart 2.85—Load Lines

2. Section 2.85–1 is amended to read as follows:

§ 2.85–1 Assignment of load lines.

(a) The load line marks when placed on a vessel indicate the maximum mean draft to which such vessel can be lawfully submerged, in the various circumstances and seasons applicable to such vessel. See Subchapter E (Load Lines) of this chapter for applicable details governing assignment and marking of load lines.

(b) Merchant vessels of 150 gross tons or over and engaged in international, coastwise, or Great Lakes voyages are required to have load line marks by section 85, 88, or 88a of Title 46, United States Code. The International Convention on Load Lines, 1966, applies to ships engaged in international voyages which are ships registered in countries the Governments of which are Contracting Governments; ships registered in territories to which the 1966 Convention is made applicable; and unregistered ships flying the flag of a State, the Government of which is a Contracting Government. The exceptions are (1) ships of war; (2) new ships of less than 79 feet in length; (3) existing ships of less than 150 gross tons; (4) pleasure yachts not engaged in trade; and (5) fishing vessels.

(c) The procedures for obtaining the assignment of load line marks, the issuance of load line certificates, the surveys and annual inspections required, the causes for cancellation of certificates, the enforcement and control exercised in administration, including the rights of appeal, and the model forms of load line certificates are set forth in Parts 42 to 46, inclusive, in Subchapter E (Load Lines) of this chapter.

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended; 46 U.S.C. 85a, 88a)

SUBCHAPTER E—LOAD LINES

Subchapter E is amended by inserting before Part 43 a new Part 42 reading as follows:

PART 42—DOMESTIC AND FOREIGN VOYAGES BY SEA

Subpart 42.01—Authority and Purpose

Sec.
42.01–1 Authority for regulations.
42.01–5 Assignment of functions.
42.01–10 Purpose of regulations.

Subpart 42.03—Application

42.03–1 Establishment of load lines.
42.03–5 U.S.-flag vessels subject to the requirements of this subchapter.
42.03–10 Foreign vessels subject to the requirements of this subchapter.
42.03–15 The Great Lakes of North America.
42.03–17 Special load line marks for vessels carrying timber deck cargo.
42.03–20 Equivalents.
42.03–25 Experimental installations.
42.03–30 Exemptions for vessels.
42.03–35 U.S.-flag vessels and Canadian vessels navigating solely on sheltered waters of Puget Sound and contiguous west coast waters of United States and Canada.

Subpart 42.05—Definition of Terms Used in This Subchapter

42.05–1 Approved.
42.05–10 Assigning authority.
42.05–20 Commandant.
42.05–25 Coast Guard District Commander or District Commander.
42.05–30 Existing vessel.

Sec.
42.05–40 Great Lakes.
42.05–45 International voyage.
42.05–47 Marine inspector or inspector.
42.05–50 New vessel.
42.05–55 Officer in Charge, Marine Inspection.
42.05–60 Recognized classification society.
42.05–65 Surveyor.

Subpart 42.07—Control, Enforcement, and Rights of Appeal

42.07–1 Load lines required.
42.07–5 Marks placed on vessel to indicate load lines.
42.07–10 Submergence of load line marks.
42.07–15 Zones and seasonal areas.
42.07–20 Logbook entries.
42.07–25 Approval of the Commandant.
42.07–30 Approval of the assigning authority.
42.07–35 American Bureau of Shipping as assigning authority.
42.07–40 Recognized classification society as an assigning authority.
42.07–43 Change in assigning authority.
42.07–45 Load line certificates.
42.07–50 Penalties for violations.
42.07–55 Cancellation of load line certificates or exemption certificates.
42.07–60 Control.
42.07–75 Right of appeal.

Subpart 42.09—Load Line Assignments, and Surveys—General Requirements

42.09–1 Assignment of load lines.
42.09–5 All vessels—division into types.
42.09–10 Stability, subdivision and strength.
42.09–15 Surveys by the American Bureau of Shipping or assigning authority.
42.09–20 Surveys of foreign vessels.
42.09–25 Survey requirements for all vessels.
42.09–30 Additional survey requirements for steel-hull vessels.
42.09–35 Additional survey requirements for wood-hull vessels.
42.09–40 Annual surveys.
42.09–45 Correction of deficiencies.
42.09–50 Repairs or alterations to vessel after it has been surveyed.

Subpart 42.11—Applications for Load Line Assignments, Surveys, and Certificates

42.11–1 General.
42.11–5 Applications for load line assignments, surveys, and certificates for U.S.-flag vessels.
42.11–10 Applications for load line assignments and certificates for vessels other than U.S.-flag vessels.
42.11–15 Application for timber load lines.
42.11–20 Application for annual survey.

Subpart 42.13—General Rules for Determining Load Lines

42.13–1 Assumptions.
42.13–5 Strength of vessel.
42.13–10 Freeboards assigned vessels.
42.13–15 Definitions of terms.
42.13–20 Deck line.
42.13–25 Load line mark.
42.13–30 Lines to be used with the load line mark.
42.13–35 Mark of assigning authority.
42.13–40 Details of marking.
42.13–45 Verification of marks.

Subpart 42.15—Conditions of Assignment of Freeboard

42.15–1 Information to be supplied to the master.
42.15–5 Superstructure end bulkheads.
42.15–10 Doors.
42.15–15 Position of hatchways, doorways and ventilators.
42.15–20 Cargo and other hatchways.
42.15–25 Hatchways closed by portable covers and secured weathertight by tarpaulins and battening devices.
42.15–30 Hatchways closed by weathertight covers of steel or other equivalent material fitted with gaskets and clamping devices.
42.15–35 Machinery space openings.
42.15–40 Miscellaneous openings in freeboard and superstructure decks.
42.15–45 Ventilators.
42.15–50 Air pipes.
42.15–55 Cargo ports and other similar openings.
42.15–60 Scuppers, inlets, and discharges.
42.15–65 Side scuttles.
42.15–70 Freeing ports.
42.15–75 Protection of the crew.
42.15–80 Special conditions of assignment for Type "A" vessels.

Subpart 42.20—Freeboards

42.20–1 Types of vessels.
42.20–5 Type "A" vessels.
42.20–10 Type "B" vessels.
42.20–15 Freeboard tables.
42.20–20 Correction to the freeboard for vessels under 328 feet in length.
42.20–25 Correction for block coefficient.
42.20–30 Correction for depth.
42.20–35 Correction for position of deck line.
42.20–40 Standard height of superstructure.
42.20–45 Length of superstructure.
42.20–50 Effective length of superstructure.
42.20–55 Trunks.
42.20–60 Deduction for superstructures and trunks.
42.20–65 Sheer.
42.20–70 Minimum bow height.
42.20–75 Minimum freeboards.

Subpart 42.25—Special Requirements for Vessels Assigned Timber Freeboards

42.25–1 Application of this subpart.
42.25–5 Definitions of terms used in this subpart.
42.25–10 Construction of ship.
42.25–15 Stowage.
42.25–30 Computation for freeboard.

Subpart 42.30—Zones, Areas, and Seasonal Periods

42.30–1 Basis.
42.30–5 Northern winter seasonal zones and area.
42.30–10 Southern winter seasonal zone.
42.30–15 Tropical zone.
42.30–20 Seasonal tropical areas.
42.30–25 Summer zones.
42.30–30 Enclosed seas.
42.30–35 The winter North Atlantic load line.

Subpart 42.35—Load Line Assignment, Surveys, and Inspections; Fees and Other Expenses

42.35–1 Scale of fees.
42.35–5 Fees for renewal of load line certificates.
42.35–10 Fees for annual load line inspection.
42.35–15 Traveling expenses.

Subpart 42.50—Load Line Certificates—Model Forms

42.50–1 General.
42.50–5 International load line certificates.
42.50–10 Load line certificates for foreign flag vessels.
42.50–15 Coastwise load line certificates for U.S.-flag vessels.

AUTHORITY: The provisions of this Part 42 issued under sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 868, as amended, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 85a, 88a, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2). Interpret or apply International Convention on Load Lines, 1966, Treaties and Other International Acts Series 6331, proclaimed Sept. 7, 1967.

Subpart 42.01—Authority and Purpose

§ 42.01–1 Authority for regulations.

(a) The statutory authority to prescribe rules and regulations requiring certain vessels to have and display load line marks indicating the maximum draft to which such vessels may be safely loaded and the certification thereof by the assigning authority is in the act of March 2, 1929, as amended (46 U.S.C. 85–85g), the Coastwise Load Line Act, as amended (46 U.S.C. 88–88i), and subsection 6(b)(1) of the Department of Transportation Act (49 U.S.C. 1655(b)).

(b) The governing requirements for load line marks and their certification for certain vessels engaged on foreign voyages or international voyages other than Great Lakes voyages are in the International Convention on Load Lines, 1966 (hereinafter referred to as the 1966 Convention). The President on September 7, 1967, issued a Proclamation stating that the International Convention on Load Lines, 1966, on and after July 21, 1968, shall be observed and fulfilled with good faith by the United States of America and by the citizens of the United States and all other persons subject to the jurisdiction thereof. For the United States this 1966 Convention supersedes on July 21, 1968, the International Load Line Convention, London, 1930 (hereinafter referred to as the 1930 Convention) (see Articles 16, 24, and 28 of the 1966 Convention).

(c) In Article 1 of the International Convention on Load Lines, 1966, is stated the general obligation under this Convention of each Contracting Government. All measures which may be necessary to give effect to the 1966 Convention are required for vessels on international voyages. The word "Administration" as used in the 1966 Convention is defined in Article 2(2) thereof as meaning "• • • the Government of the State whose flag the ship is flying." For the United States of America, the Commandant, U.S. Coast Guard, superintends the administration and enforcement of the 1966 Convention. The Commandant also exercises the control provisions in the 1966 Convention applicable to vessels subject thereto when on waters subject to the jurisdiction of the United States. (See 14 U.S.C. 2, 632, 46 U.S.C. 2, 372.)

NOTE: The International Convention on Load Lines, 1966, is for sale at $1.25 per copy by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, as a pamphlet 6331 in the "Treaties and other International Acts Series," and is entitled "Load Lines Convention, with Regulations, Between the United States of America and Other Governments, London, April 5, 1966."

§ 42.01–5 Assignment of functions.

(a) The Department of Transportation Act (Public Law 89–670, 80 Stat. 931–950, 49 U.S.C. 1651–1659), transferred to and vested in the Secretary of Transportation "• • • all functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury and of other officers and offices in the Department of the Treasury" (subsection 6(b)(1), 49 U.S.C. 1655(b)), which included all functions, powers, and duties pertaining to load line marks and their certification. This transfer is subject to certain conditions, modifications, and exceptions as set forth in such act. By a rule in 49 CFR 1.4(a) the Secretary of Transportation delegated to the Commandant, U.S. Coast Guard, authority to exercise certain functions, powers, and duties as set forth in subsections 6(a)(4), 6(b)(1), and 6(g) of such act (49 U.S.C. 1655), subject to conditions, exceptions, and modifications as described in 49 CFR Part 1. By a rule in 49 CFR 1.9 the Secretary of Transportation continued in effect actions taken prior to April 1, 1967.

(b) The Commandant, U.S. Coast Guard, in a notice dated March 31, 1967, and effective April 1, 1967 (32 F.R. 5611), approved the continuation of orders, rules, regulations, policies, procedures, privileges, waivers, and other actions, which had been made, allowed, granted, or issued prior to April 1, 1967, and provided that they shall continue in effect according to their terms until modified, terminated, repealed, superseded, or set aside by appropriate authority.

§ 42.01–10 Purpose of regulations.

(a) The load line marks when placed on a vessel shall indicate the maximum amidships draft to which such vessel can be lawfully submerged, in the various circumstances and seasons applicable to such vessel.

(b) The purpose of the rules and regulations in this subchapter is to set forth the uniform minimum requirements for required load line marks for the various categories of vessels when engaged on specific types of voyages, which by law or the International Convention on Load Lines, 1966, require appropriate load lines, surveys and inspections related thereto, their certification by authorized issuing authorities, and the carriage of required certificates aboard the respective vessels involved at all times.

(c) The rules and regulations in this subchapter also provide for the enforcement of load line requirements and control over vessels when it is believed such vessels may be in violation of applicable load line requirements.

Subpart 42.03—Application

§ 42.03–1 Establishment of load lines.

(a) Load lines are established for merchant vessels of 150 gross tons or over in conformity with the act of March 2, 1929, as amended (46 U.S.C. 85–85g), and the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88–88i).

(b) Load lines are established under the International Convention on Load Lines, 1966, for (1) vessels registered in the United States; (2) vessels registered in U.S. territories to which the Convention is extended under Article 32 thereof; and (3) unregistered vessels flying the U.S. flag; when such vessels are engaged on international voyages: *Provided*, That such requirements shall not apply to: (i) Ships of war; (ii) new vessels of less than 79 feet in length; (iii) existing vessels of less than 150 gross tons; (iv) pleasure yachts not engaged in trade; and (v) fishing vessels: *Provided, further*, That no load line requirements in this part implementing only the 1966 Convention shall apply to vessels solely navigating the Great Lakes of North America (see § 42.05–40).

NOTE: Load lines are not established for vessels solely engaged on voyages on inland navigable waters of the United States (rivers, inland lakes, etc.); i.e., for vessels that, in the usual course of their employment, do not pass outside the line dividing inland waters from the high seas as defined in section 151 of Title 33, United States Code, and implementing regulations in 33 CFR Part 82. Load line requirements for vessels which operate solely on waters of the Great Lakes, including the St. Lawrence River, are contained in Part 45 of this subchapter.

§ 42.03–5 U.S.-flag vessels subject to the requirements of this subchapter.

(a) *Vessels engaged in foreign voyages or international voyages other than solely Great Lakes voyages.* (1) All U.S.-flag vessels as specified in § 42.03–1(b) and with exceptions as indicated, which engage in foreign voyages or international voyages by sea (other than solely in Great Lakes voyages) shall be subject to the applicable provisions of this part.

(2) As provided in Article 4(4) of the 1966 Convention, in order for existing vessels to take advantage of any reduction in freeboards from those previously assigned, the regulations in Subparts 42.13 to 42.25, inclusive, of this part shall be fully complied with. Except for due cause, such vessels shall not be required to increase their freeboards under the provisions of the 1966 Convention.

(3) All U.S.-flag vessels authorized to engage in foreign or international voyages may also engage in domestic voyages by sea and in Great Lakes voyages without additional load line marks and/or certificates. Except for load line marks and certificates, such vessels are subject to the other applicable provisions of Parts 44 and 45 of this subchapter.

(b) *Vessels engaged in domestic voyages by sea.* (1) All U.S.-flag vessels which engage in domestic voyages by sea (coastwise and intercoastal voyages) shall be subject to the applicable provisions of this part except the following:

(i) Merchant vessels of less than 150 gross tons.

(ii) Vessels which are mechanically propelled and numbered by a State or the Coast Guard under the Federal Boating Act of 1958 (46 U.S.C. 527–527g), and not required by other laws to be inspected and certificated by the Coast Guard. (This exception includes all mechanically propelled vessels of less than 150 gross tons, and uninspected motor propelled oceanographic vessels of less than 300 gross tons while operating pursuant to section 445 of Title 46, United States Code.)

(iii) Pleasure craft not used or engaged in trade or commerce.

(iv) Barges of less than 150 gross tons.

(v) Vessels engaged exclusively in voyages on waters within the United States or its possessions and which are determined not to be "coastwise" or "Great Lakes" voyages.

(vi) Ships of war.

(vii) U.S. public vessels other than those vessels of 150 gross tons or over and engaged in commercial activities.

(2) In order for existing vessels to take advantage of any reduction in freeboards from those previously assigned, the regulations in Subparts 42.13 to 42.25, inclusive, of this part shall be fully complied with. Except for due cause, such vessels shall not be required to increase their freeboards from those previously assigned.

(c) *Vessels engaged solely in Great Lakes voyages or special service coastwise voyages.* All U.S.-flag vessels, as specified in paragraph (b) of this section and with exceptions as indicated, which engage solely in Great Lakes voyages or special service coastwise voyages shall be subject to the applicable provisions of Parts 44 and 45 of this subchapter.

§ 42.03–10 Foreign vessels subject to requirements of this subchapter.

(a) *General.* All foreign merchant vessels of 150 gross tons or over, loading at or proceeding to sea from any port or place within the United States or its possessions for a foreign voyage by sea, or arriving within the jurisdiction of the United States or its possessions from a foreign voyage by sea, in both cases the Great Lakes excepted, are subject to the act of March 2, 1929, as amended (46 U.S.C. 85–85g), and the regulations in this part applicable to such service. All foreign merchant vessels of 150 gross tons or over, loading at or proceeding from any port or place within the United States or its possessions to the Great Lakes of North America, or arriving within the jurisdiction of the United States on the Great Lakes, are subject to the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88–88i), and the regulations in Part 45 of this subchapter applicable to such service.

(b) *Canadian vessels.* All vessels of Canadian registry and holding valid certificates issued pursuant to Canadian laws and regulations are assumed to be in compliance with the applicable provisions of the act of March 2, 1929, as amended (46 U.S.C. 85–85g) and the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88–88i), the International Convention on Load Lines, 1930, until July 21, 1970, and the regulations in this subchapter, as permitted by section 5 of said laws.

(c) *Vessels of countries signatory to or adhering to the 1966 Convention.* The enforcement and control of load line requirements regarding vessels of countries signatory to or adhering to the 1966 Convention shall be as described in § 42.07–60 in this part, which is in accord with the provisions of Article 21 of the 1966 Convention. Such vessels when holding currently valid certificates issued pursuant to the 1966 Convention, or

recognized under such Convention, are assumed to be in compliance with the applicable provisions of such Convention. Such vessels are deemed to be in compliance with load line requirements found to be equally effective as those established in this part and therefore in compliance with the applicable load line provisions of the act of March 2, 1929, as amended, the Coastwise Load Line Act, 1935, as amended, and the regulations in this part as authorized by such laws. Vessels engaged in navigation on the Great Lakes are subject to application of seasonal international marks as specified in Part 45 of this subchapter.

(d) *Vessels of countries not signatory to or adhering to the 1966 Convention.* (1) Vessels of countries not signatory to or adhering to the 1966 Convention, when within the jurisdiction of the United States shall be subject to the act of March 2, 1929, as amended, the Coastwise Load Line Act, 1935, as amended, and the regulations in this subchapter as authorized by such laws.

(2) Vessels of countries signatory to or adhering only to the 1930 Convention, and holding valid certificates issued under that Convention prior to July 21, 1968, shall be recognized only until July 21, 1970, or until they expire, whichever date occurs first, or for such additional period as may be applicable under Article 16(4) of the 1966 Convention and § 42.05–50. After the date governing application to a specific merchant vessel of 150 gross tons or over, when within the jurisdiction of the United States, such vessel shall be subject to the applicable law described in paragraph (a) of this section and the regulations prescribed thereunder in this subchapter.

§ 42.03–15 The Great Lakes of North America.

(a) The term "Great Lakes of North America" means those waters of North America which are defined in § 42.05–40, and in the exception in Article 5(2)(a) of the 1966 Convention.

(b) The expressions in the regulations in this part, such as "voyages by sea," "proceed to sea," "arrive from the high seas," etc., shall be construed as having no application to voyages on the Great Lakes or portions thereof unless specifically provided otherwise in Part 45 of this subchapter.

§ 42.03–17 Special load line marks for vessels carrying timber deck cargo.

(a) Certain vessels having load line marks not related to carriage of timber deck cargo may be assigned timber load lines if they are in compliance with the applicable requirements governing timber deck cargoes in this subchapter. The timber load lines apply and may be used only when the vessel is carrying timber deck cargo.

(b) A new or existing vessel having timber load lines assigned to it, when carrying timber deck cargo, may be loaded to the vessel's timber load line applicable to the voyage and season.

(c) When an existing vessel does not completely meet the applicable requirements in §§ 42.13–1 to 42.20–75, inclusive, and the owner requests the load line assigning authority for timber load lines, then the applicable requirements for timber load lines in Part 43 of this subchapter shall be met before assigning such timber load lines.

§ 42.03–20 Equivalents.

(a) Where in this subchapter it is provided that a particular fitting, material, appliance, apparatus, or equipment, or type thereof, shall be fitted or carried in a vessel, or that a particular provision shall be made or arrangement shall be adopted, the assigning authority, with the prior approval of the Commandant, may accept in substitution therefor any other fitting, material, apparatus, or equipment, or type thereof, or any other provision or arrangement: *Provided*, That it can be demonstrated by trial thereof or otherwise that the substitution is at least as effective as that required by the regulations in this subchapter.

(b) In any case where it is shown to the satisfaction of the assigning authority and the Commandant that the use of any particular equipment, apparatus, or arrangement not specifically required by law is unreasonable or impracticable, appropriate alternatives may be permitted under such conditions as are consistent with the minimum standards set forth in this subchapter.

§ 42.03–25 Experimental installations.

(a) Complete information (including plans, necessary instructions and limitations, if any) on proposed experimental installations affecting any fitting, material, appliance, apparatus, arrangement, or otherwise shall be submitted to the assigning authority for evaluation. After acceptance by the assigning authority, the complete information of such installation shall be forwarded to the Commandant for specific approval prior to installation. Complete information shall also be furnished for any associated installation(s) deemed necessary to prevent endangering the vessel during the trial period of proposed experimental installations.

(b) The use of approved experimental installations shall be permitted only when in accordance with instructions and limitations as specifically prescribed for such installations by the Commandant.

§ 42.03–30 Exemptions for vessels.

(a) For an individual vessel or category of vessels, upon the specific recommendation of the assigning authority, the Commandant may authorize an exemption from one or more load line requirements.

(b) Exemptions from specific load line requirements are authorized, subject to certain conditions, as follows:

(1) For vessels engaged on international voyages between the United States and near neighboring ports of its possessions or of foreign countries. The exemptions may be permitted because the requirements are deemed to be unreasonable or impracticable due to the sheltered nature of the waters on which the voyages occur or other conditions. The assigning authority, after obtaining the Commandant's approval, may exempt a vessel from load line requirements. Such a vessel shall comply with the safety requirements which the assigning authority deems are adequate for such a voyage. These exemptions shall be valid only so long as such a vessel shall remain engaged on specific designated voyages. If the voyage involves a foreign country or countries, the United States will require an agreement with such country or countries as to the exemptions to be permitted and added safety features necessary prior to the issuance of the appropriate load line certificate.

(2) For vessels engaged on international voyages, which embody features of a novel kind, and where nonexemption may seriously impede research, development, and incorporation of novel features into vessels. The assigning authority, after obtaining the Commandant's approval, may exempt a vessel from load line requirements in order to permit vessels embodying features of a novel kind, and where nonexemption may seriously impede research, development, etc., if the vessel complies with safety requirements which the assigning authority and the Commandant deem necessary to insure the overall vessel safety in the vessel's intended service. If the voyage or voyages intended involve a foreign country or countries, then the United States will require an agreement with such country or countries as to the exemptions to be permitted and added safety features necessary prior to the issuance of a Load Line Exemption Certificate.

(3) For vessels not normally engaged on international voyages but which are required to undertake single international voyages. In exceptional circumstances the assigning authority, after obtaining the Commandant's approval, may exempt a vessel required to undertake a single international voyage from any of the applicable load line requirements. Such a vessel shall comply with the safety requirements which the assigning authority deems are adequate for such a voyage.

(c) A vessel given one or more exemptions from load line requirements under the provisions of paragraph (b)(1) of this section will be issued the appropriate load line certificate, using Form *A1*, *A2*, or *A3*. In each case the exemptions shall be specified on the load line certificate together with the Convention authority which authorizes such exemptions.

(d) A vessel given one or more exemptions under the provisions of paragraph (b)(2) or (3) of this section will be issued a Load Line Exemption Certificate, using Form *E1*. This certificate shall be in lieu of a regular load line certificate, and the vessel shall be considered as in compliance with applicable load line requirements.

(e) Vessels engaged on domestic voyages by sea or solely on Great Lakes voyages are not granted exemptions from load line requirements. Such vessels which embody features of a novel kind as described in paragraph (b)(2) of this section are given special consideration under the provisions of § 42.03–20. After obtaining the Commandant's approval, the assigning authority shall have the permission describing the substitution or alternate together with the conditions or safety features necessary briefly described on the face of the appropriate certificate issued.

(f) Vessels not normally engaged on domestic voyages by sea or solely on Great Lakes voyages, and required to undertake a single voyage by sea or solely on the Great Lakes shall be subject to the Coastwise Load Line Act, as amended, and the regulations in Part 45 of this subchapter. No authority exists to exempt such a vessel from the applicable load line requirements.

§ 42.03–35 U.S.-flag vessels and Canadian vessels navigating solely on sheltered waters of Puget Sound and contiguous west coast waters of United States and Canada.

(a) In a Treaty between the United States and Canada proclaimed on August 11, 1934, the respective Governments were satisfied of the sheltered nature of certain sheltered waters of the west coast of North America. It was agreed to exempt vessels of the United States and Canadian vessels from load line requirements when such vessels engaged on international voyages originating on, wholly confined to, and terminating on such waters. In Article I of this Treaty these sheltered waters are described as follows: "• • • the waters of Puget Sound, the waters lying between Vancouver Island and the mainland, and east of a line from a point 1 nautical mile west of the city limits of Port Angeles in the State of Washington to Race Rocks on Vancouver Island, and of a line from Hope Island, British Columbia, to Cape Calvert, Calvert Island, British Columbia, the waters east of a line from Cape Calvert to Duke Point on Duke Island, and the waters north of Duke Island and east of Prince of Wales Island, Baranof Island, and Chicagof Island, the waters of Peril, Neva, and Olga Straits to Sitka, and the waters east of a line from Port Althorp of Chicagof Island to Cape Spencer, Alaska, are sheltered waters • • •."

(b) U.S.-flag vessels and Canadian vessels navigating solely on the sheltered waters described in paragraph (a) of this section are by virtue of this Treaty of August 11, 1934, not subject to load line requirements in the load line acts, the 1966 Convention, and the regulations in this subchapter. Vessels navigating these sheltered waters as a part of an international or other type of voyages cannot claim the benefits of this Treaty and shall be in compliance with the applicable load line requirements in the load line acts, the 1966 Convention, and the regulations in this subchapter.

(c) Since subdivision requirements apply to all passenger vessels subject to the 1960 International Convention on Safety of Life at Sea, those passenger vessels navigating solely on the sheltered waters described in paragraph (a) of this section shall be in compliance with such 1960 Convention requirements and the regulations in Part 46 of this subchapter. The Coast Guard issues to such a vessel a stability letter. The assigning authority may issue to such a passenger vessel an appropriate load line certificate, modified to meet the conditions governing such vessel.

Subpart 42.05—Definition of Terms Used in This Subchapter

§ 42.05–1 Approved.

This term means approved by the Commandant, U.S. Coast Guard, unless otherwise stated.

§ 42.05–10 Assigning authority.

This term means the "American Bureau of Shipping" or such other recognized classification society which the Commandant may approve as the load line assigning and issuing authority for a vessel, as provided in sections 3 of the load line acts.

§ 42.05–20 Commandant.

This term means the Commandant, U.S. Coast Guard, Department of Transportation, Washington, D.C. 20591.

§ 42.05–25 Coast Guard District Commander or District Commander.

These terms mean an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his district. This includes enforcement of load line requirements as described in this subchapter.

§ 42.05–30 Existing vessel.

(a) As used in this Part 42, for a vessel engaged on international voyages or on domestic voyages by sea, the term "existing vessel" means a vessel which is not a new vessel. With few exceptions an "existing vessel" is a vessel the keel of which was laid, or which was at a similar stage of construction, prior to July 21, 1968. (See § 42.05–50 for the definition of a new vessel.)

(b) As used in Part 43 of this subchapter, for a vessel engaged on international voyages, the term "existing vessel" means a vessel whose keel was laid prior to July 1, 1932. (See § 43.01–25 of this subchapter.)

(c) As used in Part 43 of this subchapter, for a vessel engaged on domestic voyages by sea and subject to the Coastwise Load Line Act, 1935, as amended, the term "existing vessel" means one whose keel was constructively laid prior to November 27, 1935, if of 4,000 gross tons or over, and prior to August 27, 1936, if less than 4,000 gross tons. (See § 43.01–25 of this subchapter.)

(d) As used in Part 44 of this subchapter, for a vessel marked with load lines for special service on a coastwise or interisland voyage, the term "existing vessel" means one whose keel was laid prior to September 28, 1937. (See § 44.01–20 of this subchapter.)

(e) As used in Part 45 of this subchapter, for a vessel engaged solely on Great Lakes voyages, the term "existing vessel" means one whose keel was laid prior to August 27, 1936. (See § 45.01–10 of this subchapter.)

(f) As used in Part 46 of this subchapter, for a passenger vessel marked with subdivision load lines, the term "existing vessel" means a vessel whose keel was laid or was converted to such service prior to May 26, 1965. (See § 46.05–30 of this subchapter.)

§ 42.05–40 Great Lakes.

(a) This term means the Great Lakes of North America.

(b) As used in this part, the term "solely navigating the Great Lakes" includes any special service coastwise navigation performed by the vessel.

(c) In concurrence with related Canadian regulations, the waters of the St. Lawrence River west of a rhumb line drawn from Cap de Rosiers to West Point, Anticosti Island, and west of a line along 63° W. longitude from Anticosti Island to the north shore of the St. Lawrence River shall be considered as a part of the Great Lakes.

§ 42.05–45 International voyage.

(a) The term "international voyage" as used in this part shall have the same meaning as the term "international voyage" in Article 2(4) of the 1966 Convention. Except for vessels operating solely on the waters indicated in Article 5(2) of the 1966 Convention, an "international voyage" means a sea voyage from any country to a port outside such country, or conversely. For this purpose, every territory for the international relations of which any specific Contracting Government is responsible or for which the United Nations are the administering authority is regarded as a separate country.

(b) The 1966 Convention does not apply to vessels solely navigating the Great Lakes. Accordingly, such vessels shall not be considered as being on an "international voyage" for the purpose of this subchapter.

(c) For the purpose of administration of load line requirements in this subchapter, the Commonwealth of Puerto Rico, the Territory of Guam, the Virgin Islands, and all possessions and lands held by the United States under a protectorate or mandate shall each be considered to be a "territory" of the United States.

§ 42.05–47 Marine inspector or inspector.

These terms mean any person from the civilian or military branch of the Coast Guard assigned under the superintendence and direction of an Officer in Charge, Marine Inspection, or any other person as may be designated for the performance of duties with respect to the inspection, enforcement, and administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 42.05–50 New vessel.

(a) As used in this Part 42, for a vessel engaged on international voyages or on domestic voyages by sea, the term "new vessel" means a vessel, the keel of which is laid, or which is at a similar stage of construction, on or after July 21, 1968.

(See § 42.05–30 for definition of an existing vessel.)

(1) This definition applies to all vessels of countries signatory to or acceding to the 1966 Convention prior to April 21, 1968, and to vessels of countries not adhering to an applicable Convention as indicated in Article 16(4) of the 1966 Convention.

(2) For countries which accede to the 1966 Convention after April 21, 1968, a "new vessel" (foreign) shall be one whose keel is constructively laid 3 months or more after such date.

(b) As used in Part 43 of this subchapter, for a vessel engaged on international voyages, the term "new vessel" means one whose keel was laid on or after July 1, 1932, and prior to July 21, 1968. (See § 43.01–25 of this subchapter.)

(c) As used in Part 43 of this subchapter, for a vessel engaged on domestic voyages by sea and subject to the Coastwise Load Line Act, 1935, as amended, a "new vessel" is one whose keel was constructively laid prior to July 21, 1968, and on or after November 27, 1935, if of 4,000 gross tons and over, or on or after August 27, 1936, if less than 4,000 gross tons. (See § 43.01–25 of this subchapter.)

(d) As used in Part 44 of this subchapter, for a vessel marked with load lines for special service on a coastwise or interisland voyage, the term "new vessel" means one whose keel is laid on or after September 28, 1937. (See § 44.01–20 of this subchapter.)

(e) As used in Part 45 of this subchapter, for a vessel engaged solely on Great Lakes voyages, the term "new vessel" means one whose keel is laid on or after August 27, 1936. (See § 45.01–10 of this subchapter.)

(f) As used in Part 46 of this subchapter, for a passenger vessel marked with subdivision load lines, the term "new vessel" means a vessel whose keel is laid or is converted to such service on or after May 26, 1965. (See § 46.05–25 of this subchapter.)

§ 42.05–55 Officer in Charge, Marine Inspection.

This term means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who, under the superintendence and direction of the Coast Guard District Commander, is in charge of a marine inspection zone, and may supervise or perform the duties of a marine inspector.

§ 42.05–60 Recognized classification society.

The term "recognized classification society" means the American Bureau of Shipping or other classification society recognized by the Commandant, as provided in sections 3 of the load line acts, and who also may be approved as a load line assigning and issuing authority.

§ 42.05–65 Surveyor.

The term "surveyor" means any person designated by the American Bureau of Shipping or other classification society recognized by the Commandant as the person who actually examines the vessel and/or materials associated with such examination, and who ascertains such vessel complies with applicable load line requirements.

Subpart 42.07—Control, Enforcement, and Rights of Appeal

§ 42.07–1 Load lines required.

(a) The vessels listed in §§ 42.03–5 and 42.03–10 as subject to the applicable requirements in this subchapter shall have load lines accurately marked amidships, port and starboard, as provided in this Part 42 or the 1966 Convention, unless otherwise stated. Those vessels issued load line exemption certificates may not be required to have load line marks (see § 42.03–30). The applicable load line marks shall be also described in required load line certificates issued to such vessels by the authorized assigning and issuing authority.

(b) For vessels marked with international load lines and navigating the Great Lakes, such vessels are also subject to the requirements in Part 45 of this subchapter while on the Great Lakes. See § 45.01–75(b) for load line marks used by such vessels.

(c) For Great Lakes vessels operating solely on Great Lakes voyages, the requirements for the applicable load line marks are in Parts 44 and 45 of this subchapter. Great Lakes vessels when making other international or unlimited coastwise voyages shall comply with the applicable requirements in Parts 42, 44, and 45 of this subchapter.

(d) For coastwise steam colliers, barges, and self-propelled barges in special services, the requirements for the applicable load line marks are in Part 44 of this subchapter. These requirements also include the regulations governing such vessels when they additionally engage in Great Lakes voyages, international voyages, or unlimited coastwise voyages. The corresponding load line requirements in this Part 42 do apply to such vessels when engaged on international voyages.

(e) Existing load line requirements for U.S.-flag merchant vessels in Part 43 of this subchapter may apply to all such vessels engaged on international or coastwise voyages until July 21, 1968, and thereafter to existing vessels until their current load line certificates issued pursuant to Part 43 expire or until July 21, 1970, whichever shall occur first. Thereafter, for vessels on international and coastwise voyages, only applicable 1966 Convention certificates will be issued.

(f) For foreign vessels of countries signatory to or adhering to the 1966 Convention, the applicable requirements in this Part 42 shall apply on and after July 21, 1968. For foreign vessels of countries adherent to the 1930 Convention, which do accede to the 1966 Convention between April 21, 1968, and April 21, 1970, the applicable requirements in Part 43 of this subchapter may be extended for 27 months beyond the accession date unless the certificate expires during such time, and thereafter such vessels shall be certificated under the 1966 Convention. For foreign vessels of countries adherent to the 1930 Convention, and not acceding to the 1966 Convention, such vessels shall be subject to the applicable requirements in Part 43 until July 21, 1970, and thereafter shall be surveyed, assigned, and certificated as a foreign vessel under the applicable requirements in this Part 42. For foreign vessels not adhering to either the 1930 Convention or the 1966 Convention and subject to the load line acts, the applicable requirements in Parts 42 and 45 shall apply on and after July 21, 1968, except that such vessels holding valid certificates issued under Part 43 of this subchapter on July 21, 1968, may continue under such certificates until they expire or until July 21, 1970, whichever occurs first.

§ 42.07–5 Marks placed on vessel to indicate load lines.

(a) Load line marks to indicate the maximum amidship's draft to which a vessel can be lawfully submerged, in the various circumstances and seasons, shall be permanently marked on each side of the vessel in the form, manner, and location as required by this subchapter.

(b) The load line marks placed on a vessel shall be attested to by a valid load line certificate. The issuing authority shall not deliver the required load line certificate to the vessel until after it has ascertained that the vessel meets the applicable survey requirements and the placement of the marks on the vessel has been confirmed.

(c) The requirements for load line marks apply to all new and existing vessels as specified in §§ 42.03–5 and 42.03–10, except when a vessel has been issued a load line exemption certificate in lieu of a load line certificate.

§ 42.07–10 Submergence of load line marks.

(a) Except as provided otherwise in this section, vessels of the types described in subparagraphs (1) through (3) of this paragraph shall not be so loaded as to submerge at any time when departing for a voyage by sea, or on the Great Lakes, or during the voyage, or on arrival, the applicable load lines marked on the sides of the vessel for the season of the year and the zone or area in which the vessel may be operating.

(1) Merchant vessels of 150 gross tons or over, as described in §§ 42.03–5 or 42.03–10, and on voyages subject to the load line acts.

(2) All new vessels of 79 feet or over in length on voyages subject to the 1966 Convention.

(3) All vessels of 150 gross tons or over other than merchant vessels covered by subparagraph (1) of this paragraph on voyages subject to the 1966 Convention.

(b) When loading a vessel in a favorable zone for a voyage on which the vessel will enter a less favorable zone, such allowance must be made that the vessel, when crossing into the less favorable zone, will conform to the regulations and freeboard for the less favorable zone.

(c) When a vessel is in fresh water of unit density, the appropriate load line may be submerged by the amount of the fresh water allowance shown on the applicable load line certificate. Where the density is other than unity, an allowance shall be made proportional to the difference between 1.025 and the actual density. This paragraph does not apply to vessels when navigating the Great Lakes.

(d) When a vessel departs from a port situated on a river or inland waters, deeper loading shall be permitted corresponding to the weight of fuel and all other materials required for consumption between the port of departure and the sea. This paragraph does not apply to vessels when navigating the Great Lakes.

§ 42.07–15 Zones and seasonal areas.

(a) A vessel subject to the load line acts or the 1966 Convention shall comply, as applicable, with the requirements regarding the zones and seasonal areas described in Subpart 42.30.

(b) A port located on the boundary line between two zones or areas shall be regarded as within the zone or seasonal area from or into which the vessel arrives or departs.

§ 42.07–20 Logbook entries.

(a) As described in § 3.13–35 of Subchapter A (Procedures Applicable to the Public) of this chapter, official logbooks (Form CG–706–C), are furnished free to certain vessels, and after they have served their purpose they are filed with the applicable Officer in Charge, Marine Inspection.

(b) The master shall be responsible for having entered in the vessel's "official logbook" if carried, otherwise in his own log considered as its official logbook, the data required by sections 6 of the load line acts. These logbook entries shall be made before a vessel departs from her loading port or place and consist of:

(1) A statement of the load line marks applicable to the voyage; and,

(2) A statement of the position of the load line marks, port and starboard, at the time of departing from a port or place; i.e., the distance in inches of the water surface above or below the applicable load line; and,

(3) The actual drafts of the vessel, forward and aft, as nearly as the same can be ascertained, at the time of departing from a port or place.

(c) Where the master uses his own log, it shall be kept by the master or owner for 1 year after the actions noted therein have been completed and upon request shall be furnished to any load line enforcement officer.

§ 42.07–25 Approval of the Commandant.

(a) Where the requirements in this subchapter state that the approval of the Commandant is necessary, the owner or his agent shall furnish all information necessary, including background material, and/or final plans, calculations, and conclusions reached, as will enable the Commandant to obtain a comprehensive understanding of and reach a decision relative to the question or problem at issue prior to proceeding with the work. All information, plans and calculations submitted will remain with the Commandant as a part of the record on the vessel.

(b) If the owner or his agent desires to have information, plans, and calculations returned with Commandant's actions noted thereon, or if distribution of such information is necessary or required by regulations in this subchapter to owners, masters of vessels, etc., then the owner or his agent shall furnish multiple copies of the information as required.

§ 42.07–30 Approval of the assigning authority.

(a) Where the requirements in this subchapter state the approval of an assigning authority is required, the owner or his agent shall furnish the required information, including plans, etc., as required by and which will enable the assigning authority to obtain a comprehensive understanding of the matter and to reach pertinent decisions prior to proceeding with the work. When requested the assigning authority shall furnish the Coast Guard all information, etc., on any question at issue and decisions reached.

(b) All information required under this subchapter by an assigning authority with respect to a specific vessel shall be retained until 5 years after termination of certification by such authority.

§ 42.07–35 American Bureau of Shipping as an assigning authority.

(a) The American Bureau of Shipping, with its home office at 45 Broad Street, New York, N.Y. 10004, is hereby appointed as the prime assigning and issuing authority under the provisions of Articles 13 and 16(3) of the 1966 Convention and as directed by sections 3 of the load line acts. In this capacity the American Bureau of Shipping is empowered to assign load lines, to perform surveys and inspections required for load line assignments, and to determine that the position of and the manner of marking vessels has been done in accordance with applicable requirements.

(b) On behalf of the United States of America, the American Bureau of Shipping is authorized to issue, under its own seal and signature of its officials, the appropriate load line certificates or International Load Line Exemption Certificate as described in Subpart 42.50 of this part or in Parts 44 to 46, inclusive, of this subchapter. Except for the International Load Line Exemption Certificate, the required load line certificate issued to a specific vessel shall certify to the correctness of the load line marks assigned and marked on the vessel and compliance with authorized conditions, restrictions, and/or exemptions, if any. The International Load Line Exemption Certificate when issued to a vessel shall certify as to the compliance with the information applicable to the vessel.

(c) The designation and delegation to the American Bureau of Shipping as an assigning and issuing authority shall be in effect indefinitely unless for due cause it shall be terminated by proper authority and notice of cancellation is published in the FEDERAL REGISTER.

(d) The American Bureau of Shipping is authorized to renew from time to time by endorsement a load line certificate or an International Load Line Exemption Certificate.

(e) Before delivery of any certificate to the vessel identified therein, and before renewing any certificate by endorsement, the American Bureau of Shipping shall verify that the required load line marks assigned are marked on the vessel and the vessel is in compliance with authorized conditions, restrictions, and/or exemptions, if any.

(f) The American Bureau of Shipping shall issue all load line certificates in duplicate; one copy shall be delivered to the owner or master of the vessel, and one copy (together with a summary of data used to determine the assigned load lines) shall be forwarded to the Commandant.

(g) The American Bureau of Shipping shall prepare a load line survey report on each new vessel or existing vessel when brought into complete compliance with this part prior to issuing the required load line certificate described in Subpart 42.50 of this part. At the time the certificate is delivered, one copy of this report shall be delivered to the master of the vessel, and one copy shall be forwarded to the Commandant. When a load line survey report is superseded or revised, one copy shall be delivered to the master of the vessel, and one copy shall be forwarded to the Commandant.

(h) The load line survey report or stability information furnished to a specific vessel shall include a statement of the locations of all watertight subdivision bulkheads, including steps or recesses therein, which may be involved in the vessel's load line assignment.

(i) The authorized scale of maximum fees payable to the American Bureau of Shipping as an assigning and issuing authority is set forth in Subpart 42.35 of this part.

§ 42.07–40 Recognized classification society as an assigning authority.

(a) On behalf of the United States of America, under the provisions of Articles 13 and 16(3) and as provided in sections 3 of the load line acts, the Commandant, at the request of a shipowner, may appoint any other recognized classification society, which he may approve, as the assigning and issuing authority who shall perform the same functions and duties as indicated in § 42.07–35 for the American Bureau of Shipping.

(b) The appointment of a recognized classification society as the assigning and issuing authority will be limited to vessels specifically designated by the Commandant.

§ 42.07–43 Change in assigning authority.

(a) If the owner desires a change in assigning and issuing authority for a vessel, a special request shall be made in writing to the Commandant at least 90 days prior to the expiration date of the

present certificate or the annual endorsement thereon.

(b) A change in the assigning authority does not presume any change in assigned load lines.

§ 42.07–45 Load line certificates.

(a) The load line certificates for which the Government of the United States of America assumes full responsibility may be issued by the Commandant, the American Bureau of Shipping, or a recognized classification society when appointed as an authorized assigning and issuing authority for specifically designated vessels.

(b) The load line certificate shall certify to the correctness of the load line marks assigned to the vessel and that the vessel is in compliance with applicable requirements. A certificate issued under this subchapter also shall describe the applicable load line marks, conditions, restrictions, and/or exemptions, if any, the vessel shall observe, according to the season of the year and the zone or area in which the vessel may operate. The load line exemption certificate issued under § 42.03–30 shall certify the special conditions the vessel shall observe.

(1) For U.S.-flag vessels on international and coastwise voyages, and holding valid certificates issued pursuant to Part 43 of this subchapter on July 21, 1968, the period of validity of such certificates shall be until July 21, 1970, or until date of expiration, whichever shall occur first. For the other U.S.-flag vessels holding valid certificates issued pursuant to Part 43 on July 21, 1968, there is no change in the period of validity and they remain in effect to the date of expiration. Certificates issued after July 21, 1968, to U.S.-flag vessels shall be on the applicable forms described in Subpart 42.50 or in Parts 44 to 46, inclusive, of this subchapter.

(2) For foreign vessels holding valid 1930 Convention certificates on July 21, 1968, such certificates shall be accepted until July 21, 1970, or for such other periods which may apply to foreign vessels of specific countries as described in § 42.07–1(f).

(c) A load line assignment and certificate issued to any vessel under the authority of the regulations in this subchapter (or under the authority of any Government adhering to the 1966 Convention, under the provisions of Article 19(5) of the 1966 Convention) shall cease to be valid upon the transfer of such vessel to the flag of another Government.

(d) Except for the use of the 5-month extension endorsement, no load line certificate or exemption certificate shall be issued for a period in excess of 5 years. The annual survey of a vessel holding a valid load line certificate or exemption certificate shall be evidenced by an endorsement on the back of the certificate, by the attending authorized surveyor, upon satisfactory completion of the inspection.

(e) The form of certificate certifying to the correctness of the load line marks, assigned under the regulations in this part, may be in the form of temporary or provisional certificate, signed by the authorized surveyor pending early issuance of appropriate certificate as shown in Subpart 42.50 of this part as follows:

(1) International Load Line Certificate, 1966, issued to U.S. vessels engaged in foreign voyages, or engaged in coastwise or intercoastal voyages (provided such vessels qualify to engage in foreign voyages without restriction), as follows:

(i) Form *A1*, For general use.

(ii) Form *A2*, For sailing vessels.

(iii) Form *A3*, For general use, combined with timber deck cargo.

(2) Certificate issued to foreign vessels belonging to countries that have not ratified or acceded to the 1966 Convention or the 1930 Convention so long as applicable, as follows:

(i) Form *B*, For general use.

(3) Coastwise load line certificate (other than for special service as provided for by Part 44 of this subchapter) issued to U.S. vessels engaged solely in coastwise and/or intercoastal voyages (which may be subject to restrictions as to manning, routes, seasons, waters of operations, etc., as shown on the face of the certificate), as follows:

(i) Form *C1*, For general use.

(ii) Form *C2*, For sailing ships.

(iii) Form *C3*, For general use, combined with timber deck cargo.

(f) The form of certificate certifying to the correctness of exemptions granted under the regulations in this part shall be as shown in Subpart 42.50 of this part as follows:

(1) International load line exemption certificate issued under special conditions to U.S.-flag vessels engaged in foreign voyages, as follows:

(i) Form *E1*, For general international use.

(ii) Where this certificate is intended to expire after a single voyage, this information shall be noted on the face of the certificate.

(2) International load line certificate Form *A1*, *A2*, or *A3* issued under special conditions to U.S.-flag vessels on international voyages between the United States and near neighboring ports of its possessions or of foreign countries.

(g) The issuing authority shall provide the printed forms it may use under the regulations in this subchapter. These forms shall be approved by the Commandant before final printing. The international load line certificate and exemption certificate forms shall exactly reproduce the arrangement of the printed part of the model Forms *A1*, *A2*, *A3*, and *E1* indicated in Subpart 42.50 of this part for all official copies and any certified copies issued.

§ 42.07–50 Penalties for violations.

(a) The penalties for violation of various provisions of the load line acts or the regulations established thereunder are set forth in Title 46, United States Code, sections 85g and 88g. The Secretary of Transportation by 49 CFR 1.4(a) has transferred to the Commandant authority to assess, collect, remit or mitigate any monetary penalty imposed under these laws.

(b) The master and/or owner of a vessel that is operated, navigated, or used in violation of the provisions of the load line acts, or the regulations in this subchapter will be subject to the penalties as set forth in law, and the vessel shall also be liable therefor. Depending upon the gravity of the violations, the Coast Guard may do any one or more of the following:

(1) Detain a vessel if deemed to be overloaded in violation of Title 46, United States Code, section 85c or 88c, in accordance with section 85f or 88f, and have the vessel surveyed by three disinterested surveyors.

(2) Assess and collect applicable monetary penalties for certain violations as provided in Title 46, United States Code, sections 85g and 88g.

(3) Initiate criminal prosecution for certain violations when required by Title 46, United States Code, section 85g or 88g.

(4) Initiate an action of libel against the vessel involved if there is a failure to pay monetary penalties assessed.

(5) Initiate a suspension or revocation proceeding, in addition to the foregoing actions described in this paragraph against any officer or seaman holding a valid Coast Guard license or merchant mariner's document and who may violate any provision of the load line acts, the 1966 Convention, or the regulations in this subchapter, under the provisions of Title 46, United States Code, section 239, and the regulations prescribed thereunder in Part 137 of Subchapter K (Marine Investigations and Suspension and Revocation Proceedings) of this chapter.

(c) In determining offenses the provisions of Title 46, United States Code, sections 85g and 88g, also provide that "Each day a vessel is in violation of this act shall constitute a separate offense."

(d) The procedures governing the assessment, collection, remission and mitigation of any monetary penalty imposed under Title 46, United States Code, section 85g or 88g, for a violation of either load line law or the applicable regulations in this subchapter, as well as the appeal procedures to be followed, are in Subpart 2.50 of Subchapter A (Procedures Applicable to the Public) of this chapter.

§ 42.07–55 Cancellation of load line certificates or exemption certificates.

(a) Since vessels described in § 42.03–5 or § 42.03–10 when found qualified are issued appropriate load line certificates or load line exemption certificates, such certificates may be canceled by proper authority for due cause, including one or more of the causes as listed in paragraph (b) of this section. Such action may occur prior to the expiration date on the certificate and normal certificate surrender. The cancellation of such certificate means that the correctness of load line marks or special conditions described in the certificate for the named vessel no longer are recognized by the United States. Additionally, this means that the assigned load line marks are voided for such vessel.

(b) Certain causes for automatic cancellation of certificates are:

(1) The conditions of assignment have not been maintained as required by this subchapter.

(2) Material alterations have taken place in the hull or superstructure of the vessel, which will necessitate the assignment of an increased freeboard.

(3) The fittings and appliances have not been maintained in an effective condition for the protection of openings, guardrails, freeing ports, and means of access to crew's quarters.

(4) The structural strength of the vessel is lowered to such an extent that the vessel is unsafe.

(5) The load line certificate or International Load Line Exemption Certificate is not endorsed to show the vessel has been surveyed annually or periodically by the issuing authority as required by this part or the 1966 Convention.

(6) Issuance of a new load line certificate for the same vessel.

(7) Surrender of a certificate for cancellation when required.

(8) The owner, master, or agent of the vessel has furnished false or fraudulent information in or with the application for a certificate.

§ 42.07–60 Control.

(a) The Collector of Customs or the Coast Guard District Commander may detain a vessel for survey if there is reason to believe that the vessel is proceeding on her journey in excess of the draft allowed by the regulations in this part as indicated by the vessel's load line certificate, or otherwise. The Coast Guard District Commander may detain a vessel if it is so loaded as to be manifestly unsafe to proceed to sea.

(b) If the Collector of Customs orders a vessel detained, he shall immediately inform the Coast Guard District Commander thereof, who shall thereupon advise the Collector of Customs whether or not he deems that the vessel may proceed to sea with safety. If the Coast Guard District Commander orders a vessel detained, such officer will furnish the Collector of Customs immediate notification of such detention. The clearance shall be refused to any vessel which shall have been ordered detained, which shall be in effect until it is shown that the vessel is not in violation of the applicable law and the regulations in this part.

(1) Where a vessel is detained for noncompliance with "material alteration" and "effective maintenance" requirements of paragraph (f) (1) of this section, the detention shall only be exercised insofar as may be necessary to ensure that the vessel can proceed to sea without danger to passengers or crew.

(c) The detention of a vessel will be by written order of either the Coast Guard District Commander or the Collector of Customs, depending on who orders the detention. The Coast Guard District Commander will immediately arrange for a survey in the manner prescribed by section 7 of the load line acts. Unless the owner or agent waives in writing and stipulates to accept the Coast Guard's survey, the Coast Guard District Commander shall appoint three disinterested surveyors and, where practicable, one of them shall be from the Surveying Staff of the American Bureau of Shipping. Such surveyors shall conduct a survey to ascertain whether or not the vessel is loaded in violation of the applicable provisions in the load line acts, and the regulations in this subchapter. If the survey confirms the allegation that the vessel is in violation of either law or the applicable regulations in this subchapter, "the owner and agent shall bear the costs of the survey in addition to any penalty or fine imposed", as provided in these laws.

(d) Whenever a vessel is detained, the master or owner may, within 5 days, appeal to the Commandant who may, if he desires, order a further survey, and may affirm, set aside, or modify the order of the detaining officer.

(e) Where a foreign vessel is detained or intervention action of any other kind is taken against a foreign vessel, the officer carrying out the action shall immediately inform in writing the Consul or the diplomatic representative of the State whose flag the vessel is flying, of the decision involved together with all pertinent circumstances under which intervention was deemed necessary.

(f) Under sections 5 of the load line acts a vessel of a foreign country which has ratified the 1966 Convention shall be exempt from the provisions of the regulations in this subchapter insofar as the marking of the load lines and the certificating thereof are concerned, so long as such country similarly recognizes the load lines established by this subchapter for the purpose of a voyage by sea subject to the proviso in subparagraph (1) or the alternative proviso in subparagraph (2) of this paragraph.

(1) If the foreign vessel is marked with load lines and has on board a valid International Load Line Certificate certifying to the correctness of the marks, the control provisions in this part which are in accord with Article 21 of the 1966 Convention shall be observed. In this connection, the vessel shall not be loaded beyond the limits allowed by the certificate. The position of the load lines on the vessel shall correspond with the certificate. The vessel shall not have been so materially altered as to make the vessel manifestly unfit to proceed to sea without danger to human life, in regard to:

(i) The hull or superstructure (if necessitating assignment of an increased freeboard); and/or,

(ii) The appliances and fittings for protection of openings, guardrails, freeing ports, and means of access to crew's quarters (if necessitating replacement or other effective maintenance).

(2) (Alternatively provided) If the foreign vessel has on board an International Load Line Exemption Certificate in lieu of an International Load Line Certificate, 1966, in such case, verify that it is valid and any conditions stipulated therein are met.

(g) A foreign vessel of a nation for which the 1966 Convention has not come into force does not qualify for an International Load Line Certificate, 1966. However, such a vessel shall be required to have on board a valid Form *B* load line certificate or a recognized 1930 Convention certificate.

§ 42.07–75 Right of appeal.

(a) Whenever an owner, master, or agent of a vessel shall feel aggrieved by a decision or action of the American Bureau of Shipping, or a recognized classification society designated as a load line assigning authority, with respect to any matter arising in the performance of activities as an assigning authority, and after exhausting appeal reviews provided by the assigning authority such a person may appeal therefrom to the Commandant within 30 days after the decision or action appealed from shall have been rendered or taken. The decision of the Commandant on the matter shall be final.

(b) Any action or decision which is appealed shall remain in effect pending any decision by the authority to whom the appeal is directed.

Subpart 42.09—Load Line Assignments and Surveys—General Requirements

§ 42.09–1 Assignment of load lines.

(a) The assignment of load lines is conditioned upon the structural efficiency and satisfactory stability of the vessel, and upon the provisions provided on the vessel for her effective protection and the effective protection of the crew. Certain vessels, such as vessels carrying all their cargo as deck cargo, or vessels where design or service require special conditions to be applicable, shall have certain stability limitations imposed on them, as may be necessary. When stability limitations for a vessel are prescribed, the assigning authority shall furnish the master the vessel's maximum draft permitted and other conditions, including operating stability features, which may be applicable.

(1) No load line assignment shall be made under this part to a vessel proceeding on a foreign voyage, or where the load line assignment is related to the flooded stability provisions and the vessel is proceeding on a domestic voyage, until the applicable light ship characteristics are established and incorporated into the vessel's stability data approved by the Commandant and furnished to the master of the vessel.

(2) If load line assignments are made to vessels for coastwise voyages before the results of the required stability characteristics are determined and incorporated into the vessel's stability data approved by the Commandant, then such load line assignments shall be regarded as conditional and shall be subject to verification or modification for removal of the conditional status. Any vessel with conditional load line assignments shall not be loaded beyond a conservative safe draft. Where the Commandant deems it

unnecessary, the requirement for furnishing stability information to the masters of coastwise vessels assigned load lines not related to flooded stability may be omitted and the assigning authority and others concerned will be so notified.

(b) Each vessel subject to load line requirements shall carry on board a valid certificate attesting to compliance with such requirements. (See §§ 42.07–35 and 42.07–40 for additional data furnished to the vessel.)

(c) The master of the vessel for which a load line certificate has been issued shall be responsible for the maintenance of such certificate on board such vessel and for compliance with its terms and conditions. Additionally, the master shall be responsible for having the current load line survey report on board the vessel. This report shall be made available to surveyors when carrying out subsequent load line surveys.

§ 42.09–5 All vessels—division into types.

(a) For the purpose of this part, all vessels shall be considered as either Type "A" or Type "B" vessels.

(b) Type "A" vessels are normally designed to carry only liquid cargo in bulk, are arranged specifically for the purpose, and are assigned the least freeboards.

(c) All other vessels are considered to be Type "B" vessels, and are (except in special cases) assigned freeboards greater than those of Type "A" vessels, dependent upon the efficacy of the protection of openings, protection of crew, the degree of subdivision, etc., provided, as prescribed in this part.

(d) See Subparts 42.20 through 42.25 of this part for specific requirements governing freeboards for all vessels.

§ 42.09–10 Stability, subdivision, and strength.

(a) *All vessels.* Where regulations in this part, or in Part 46 of this subchapter, require or permit load line assignment on the basis of the vessel's ability to meet specified flooding, including damage stability requirements, the owner shall furnish the necessary plans and calculations demonstrating that the vessel is in compliance with the applicable requirements. This material shall be furnished to the assigning authority at the earliest practicable date for approval review, and who will forward it to the Commandant for approval.

(1) When stability information is required, the plans shall include the location and extent of all watertight subdivision bulkheads, etc., involved.

(2) Additional applicable stability, subdivision, and strength requirements are in §§ 42.09–1, 42.13–1 (a) and (b), 42.15–1 (a) and (b). The applicable flooded stability requirements are in §§ 42.20–5 and 42.20–10.

(b) *Passenger vessels.* In passenger vessels where the positions of the maximum load lines may be determined by the application of subdivision and stability requirements in this part or Part 46 of this subchapter, the provisions of both parts shall be accounted for and developed as necessary. See Subchapter H (Passenger Vessels) of this chapter for related data required to be submitted to the Commandant.

(c) *Light ship data.* All plans, etc., necessary for obtaining the Commandant's approval of test results (light ship data) and stability information shall be furnished by the owner. In the absence of existing acceptable light ship stability information, such data shall be obtained from a stability test performed under the supervision of the Commandant. Results of such tests, if satisfactory, will be approved by the Commandant.

§ 42.09–15 Surveys by the American Bureau of Shipping or assigning authority.

(a) *General.* Before issuing a certificate or placement of load line marks on a vessel, the assigning and issuing authority shall make an initial or periodic survey of the vessel as required by this subchapter. A load line survey report shall be made, reflecting information and facts based on initial surveys, including required and special elements as may be deemed necessary by the Commandant.

(b) *Initial survey.* An initial survey shall be made before the vessel is put in service or the first time the assigning authority is requested to survey a vessel. The survey shall include a complete inspection of its structure and equipment insofar as required by the applicable requirements in this subchapter. This survey shall be such as to ensure that the arrangements, materials, scantlings, and subsequent placement of load line marks fully comply with applicable requirements.

(c) *Periodical survey.* A periodical survey shall be made at intervals not exceeding five (5) years from an initial or previous periodic survey. The survey shall be similar to the initial survey insofar as extent and purpose are concerned.

(1) If the load line marks are found to be correct for the condition the vessel is then in, the assigning and issuing authority shall issue a new load line certificate, valid for such time as the condition of the vessel then warrants but in no case for a period of longer than 5 years. After a periodical survey has been performed and a new load line certificate cannot be issued to the vessel prior to the expiration of the existing certificate, the validity of the existing certificate may be extended by endorsement for a period not to exceed 5 months. This endorsement of the assigning authority shall be placed on the back of the certificate, as shown in Subpart 42.50 of this part with the various certificate forms. However, if there have been alterations which affect the vessel's freeboards, such extension is prohibited by Article 19(2) of the 1966 Convention and such extension shall not be granted.

(2) The periodical survey, including certificate extension or renewal, for a vessel holding an international load line exemption certificate for more than one voyage, shall be the same as for any other vessel covered by this section except for load line marks. However, other conditions specified in the exemption certificate shall be verified.

(d) *Annual surveys for endorsements.* Vessels subject to initial and periodic surveys shall have annual surveys, within 3 months either way of the certificate's anniversary date. The annual surveys shall be made by and prove satisfactory to the assigning and issuing authority prior to executing the required annual endorsements on load line certificates or exemption certificates. The scope shall be such as will ensure that the vessel complies with all requirements for this type of survey, and that the applicable load line marks are found to be correct for the condition the vessel is then in.

§ 42.09–20 Surveys of foreign vessels.

(a) *General.* Foreign vessels of countries which have not ratified or acceded to the 1966 Convention, or which do not have valid certificates issued under other international convention or treaty and recognized by the United States of America, if desiring to depart from a port or place in the United States, the Commonwealth of Puerto Rico, the Territory of Guam, or its possessions, shall be subjected to survey, marking, and certification by the American Bureau of Shipping or a recognized load line assigning and issuing authority as approved by the Commandant, unless:

(1) The vessel is exempted by the provisions of section 5 of the Act of March 2, 1929, as amended (46 U.S.C. 85d); or,

(2) The vessel is under tow and carrying neither passengers nor cargo.

(b) *Scope of survey.* A periodical survey described in § 42.09–15(c) shall be conducted by and prove satisfactory to the assigning and issuing authority. It shall be made prior to the issuance or the renewal of the applicable certificate.

(c) *Certification of load lines.* The assigning and issuing authority after determining the vessel meets the applicable requirements in this part may issue a load line certificate subject to requirements in § 42.07–45 and on the applicable form described in Subpart 42.50 of this part: *Provided,* That the load line certificate issued shall be valid for a period of 1 year. The certificate may be validated by endorsement for additional 1 year periods if the condition of the vessel so warrants, but in any event the certificate shall become void five (5) years from date of issue, or at the expiration of the fourth (4th) yearly validation, whichever occurs first. Whenever the condition of the vessel warrants special limitations, such information and facts shall be attested to on the front or back of the certificate as necessary, by the assigning and issuing authority.

§ 42.09–25 Survey requirements for all vessels.

(a) Before a survey may be completed, the vessel shall be placed in a drydock or hauled out. The surveyor shall be given complete access to all parts of the vessel to ensure that the vessel complies with all applicable requirements.

(b) The surveyor shall examine on all vessels the items, etc., listed in this paragraph to determine if in satisfactory condition and meeting applicable requirements in this subchapter.

(1) Cargo hatch coamings, covers, beams and supports, gaskets, clamps, locking bars, tarpaulins, battens, cleats and wedges of hatches on exposed freeboard, quarter and superstructure decks, and elsewhere as may be necessary.

(2) Structure of the vessel, coamings, closures, and all means of protection provided for openings, such as for ventilators, companionways, machinery casings, fiddleys, funnels, enclosed superstructures on the freeboard deck (and their end bulkheads) or equivalent protective deck houses, openings in the freeboard and superstructure decks, and significant openings at higher levels in the vessel.

(3) Transverse watertight subdivision bulkheads, as fitted, including any openings therein and closures for such openings. They shall be examined throughout their vertical and transverse extent.

(4) All air-pipe outlets, their closures, all scuppers, and all sanitary discharges in the vessel's sides, including nonreturn valves installed.

(5) The main and auxiliary sea inlets and discharges in the machinery space, and elsewhere if existent, and the valves and controls for these items.

(6) All gangways, cargo ports, and airports, including dead covers or other similar openings in the vessel's sides and their closures.

(7) All guardrails, bulwarks, gangways, and freeing port shutters, including securing devices, and bars.

(8) All eye plates or similar fittings for timber (or other) deck-cargo lashings, including the lashings, sockets for uprights and protective devices as may be necessary for ventilators and steering arrangements.

§ 42.09–30 Additional survey requirements for steel-hull vessels.

(a) In addition to the requirements in § 42.09–25, the surveyor of the assigning authority shall examine the items, etc., listed in this section, to determine if in satisfactory condition and meeting applicable requirements in this subchapter.

(b) When the vessel is in drydock, the hull plating, etc., shall be examined.

(c) The holds, 'tween decks, peaks, bilges, machinery spaces, and bunkers shall be examined to determine the condition of the framing, etc.

(d) The deep tanks and other tanks which form part of the vessel shall be examined internally.

(e) If a double bottom is fitted, the tanks normally shall be examined internally. Where double bottom and other tanks are used for fuel-oil bunkers, such tanks need not be cleaned out, if the surveyor is able to determine by an external examination that their general condition is satisfactory.

(f) The deck shall be examined.

(g) Where, owing to the age and condition of the vessel or otherwise, the surveyor deems it necessary, the shell and deck plating may be required to be drilled or other acceptable means used, in order to ascertain the then thickness of such plating.

§ 42.09–35 Additional survey requirements for wood-hull vessels.

(a) In addition to the requirements in § 42.09–25, the surveyor of the assigning authority shall examine the items, etc., listed in this section, to determine if in satisfactory condition and meeting the applicable requirements in this subchapter.

(b) When the vessel is in drydock or hauled out, the keel, stem, stern frame or sternpost, outside planking, and caulking shall be examined.

(c) The fastenings shall be examined. Bolts, screws, or equivalent fastenings, as deemed necessary by the surveyor, must be backed out, or otherwise dealt with, to ensure soundness.

(d) The holds, 'tween decks, peaks, bilges, machinery spaces, and bunkers shall be examined.

(e) The entire structure, including decks, shall be examined. If considered necessary by the surveyor, borings shall be made, or other means may be used, to ascertain the condition of the materials. Should these measures disclose sufficient cause, further examination to satisfy the surveyor as to the true condition shall be made and check locations listed. This list shall be submitted to the assigning and issuing authority for record purposes, and for use in subsequent surveys.

§ 42.09–40 Annual surveys.

(a) Relative to §§ 42.09–15(d) and 42.09–20(c), the assigning and issuing authority shall make an annual survey of each vessel holding an appropriate certificate issued under this subchapter.

(b) The annual survey shall be of such scope and extent so as to ensure:

(1) The maintenance in an effective condition of the fittings and appliances for the:

(i) Protection of openings;

(ii) Guardrails;

(iii) Freeing ports; and,

(iv) Means of access to crew's quarters.

(2) That there have not been alterations made to the hull or superstructure which would affect the calculations determining the position of the load line marks.

(c) The assigning and issuing authority shall report on the annual survey made to the owner of the vessel.

(d) The scale of fees payable to the assigning and issuing authority for services is set forth in Subpart 42.35.

§ 42.09–45 Correction of deficiencies.

(a) During and after any survey made by the assigning and issuing authority, those items, fittings, etc., which are found to be in an unsatisfactory condition by the surveyor shall be repaired or renewed in order to place the vessel in a seaworthy condition.

(b) No load line certificate shall be issued, endorsed, extended, or renewed or delivered to a vessel subject to this subchapter until after unsatisfactory conditions have been corrected and the surveyor finds the vessel to be in a seaworthy condition.

§ 42.09–50 Repairs or alterations to vessel after it has been surveyed.

(a) After any survey of the vessel made under §§ 42.09–25 to 42.09–40, inclusive, as applicable, has been completed and deficiencies corrected as provided in § 42.09–45, no change shall be made in the vessel's structure, equipment, arrangement, material, or scantlings as covered by such survey, without the prior specific approval of the assigning and issuing authority.

(b) To avoid a freeboard or other penalty, any vessel which undergoes repairs, alterations, or modifications, including outfitting related thereto, shall continue to comply with the applicable requirements consistent with the load line certificate held.

(c) An existing vessel, originally certified under Part 43 of this subchapter, which undergoes repairs, alterations, or modifications of a major character, shall meet the requirements for a new vessel in this part insofar as the assigning and issuing authority and the Commandant deem reasonable and practicable.

Subpart 42.11—Applications for Load Line Assignments, Surveys, and Certificates

§ 42.11–1 General.

(a) The American Bureau of Shipping and other recognized classification societies approved as load line assigning and issuing authorities perform the duties connected with making load line assignments to vessels, including surveys; determining the position and manner of marking the load lines; and certifying to the correctness of assigned load line marks under their own hand and seal by issuing, endorsing, extending, or renewing appropriate certificates as described in this subchapter.

(b) The Commandant is responsible for the administration of the load line acts, the 1966 Convention, the 1930 Convention, other treaties regarding load lines, and the implementing regulations in this subchapter. The Commandant prescribed the content of applicable load line certificate forms, which are set forth in this subchapter.

(c) Except in special instances for Coast Guard vessels, the Commandant does not perform the duties of a load line assigning authority.

§ 42.11–5 Applications for load line assignments, surveys, and certificates for U.S.-flag vessels.

(a) Normally, the owner, master, or agent of a vessel shall apply in writing, on a timely basis, direct to the nearest local office of the American Bureau of Shipping for the assignment, survey, and certification of load lines. When noncurrent, a separate application shall be made for each function desired and submitted on a timely basis. The mailing address of the home office of American Bureau of Shipping is 45 Broad Street, New York, N.Y. 10004.

(b) After the Commandant has approved a recognized classification society as a load line assigning and issuing authority for a vessel, as described in a written request of the shipowner, the owner shall apply in writing, on a timely basis, direct to the approved assigning and issuing authority for the assignment, survey, and certification of load lines. When noncurrent, a separate application shall be made to such authority for each function desired, and submitted on a timely basis.

§ 42.11–10 Application for load line assignments and certificates for vessels other than U.S.-flag vessels.

(a) The application for the assignment of load lines and certificate for a foreign vessel belonging to (or which will belong to) either a country ratifying or acceding to the International Convention on Load Lines, 1966, or to a country with which the United States of America has a reciprocal load line agreement in effect shall be made by the Government whose flag the vessel flies, or will fly. The application may be made direct to the American Bureau of Shipping, or after receiving the Commandant's approval, to a recognized classification society which that country has requested as an assigning and issuing authority. When the load line assignment and certificate are authorized pursuant to the requirements in this part, the certificate must contain a statement that it has been issued at the request of a specific Government, which shall be named therein.

(1) When the load line assignment is performed under the applicable regulations in this subchapter, the assigning and issuing authority shall transmit to the requesting Government at the earliest practicable date, one copy of each certificate issued, the load line survey report used for computing the freeboard, and the freeboard computations. For information, the assigning and issuing authority shall also notify the Commandant of the names of the vessel and the Government involved and the date and place where the work was done.

(b) For a foreign vessel of a country not included in paragraph (a) of this section, the owner, master, or agent normally applies in writing direct to the nearest local office of the American Bureau of Shipping, or to any other assigning and issuing authority after it is approved by the Commandant, for the assignment, survey, and certification of load lines, or for renewal of a load line certificate, as may be necessary for the vessel to clear ports of the United States, the Commonwealth of Puerto Rico, the Territory of Guam, or its possessions. Normally the same requirements, conditions, procedures, distribution of applicable certificates, etc., shall be applied to such foreign vessels which are applied to similar U.S.-flag vessels of 150 gross tons or over.

§ 42.11–15 Application for timber load lines.

(a) The owner, master, or agent of a vessel having load lines assigned under this subchapter may apply to the assigning and issuing authority for timber load lines when making his application for a load line certificate. The assigning authority, after surveying the vessel and finding it in compliance with the applicable requirements in this subchapter, may have the vessel marked with timber load lines, which will also be certified to in the load line certificate.

§ 42.11–20 Application for annual survey.

(a) The owner, master, or agent of a vessel holding a load line certificate shall apply to the assigning and issuing authority who issued the certificate for the annual survey required by § 42.09–40 or the International Convention on Load Lines, 1966.

Subpart 42.13—General Rules for Determining Load Lines

§ 42.13–1 Assumptions.

(a) The regulations in this part are based on the assumption that the nature and stowage of the cargo, ballast, etc., are such as will secure sufficient stability of the vessel and avoid excessive structural stress.

(b) The regulations in this part are also based on the assumption that, where there are other international requirements relating to stability or subdivision applicable to vessels, these requirements have been met.

§ 42.13–5 Strength of vessel.

(a) The Commandant will satisfy himself that the general structural strength of the vessel is sufficient for the draft corresponding to the freeboard assigned.

(b) Vessels built and maintained in conformity with the requirements of a classification society recognized by the Commandant are considered to possess adequate strength for the purpose of the applicable requirements in this subchapter unless deemed otherwise by the Commandant.

§ 42.13–10 Freeboards assigned vessels.

(a) Vessels with mechanical means of propulsion, or lighters, barges, or other vessels without independent means of propulsion, shall be assigned freeboards in accordance with the provisions of §§ 42.13–1 to 42.30–75, inclusive.

(b) Vessels carrying timber deck cargoes may be assigned, in addition to the freeboard required by paragraph (a) of this section, timber freeboards in accordance with the provisions of §§ 42.25–1 to 42.25–50, inclusive.

(c) Vessels designed to carry sail, whether as the sole means of propulsion or as a supplementary means, and tugs, shall be assigned freeboards in accordance with the provisions of §§ 42.13–1 to 42.20–75, inclusive, and such additional freeboards as determined necessary by the Commandant.

(d) Vessels of wood or of composite construction, or of other materials the use of which the Commandant has approved, or vessels whose constructional features are such as to render the application of the provisions of §§ 42.13–1 to 42.25–20 unreasonable or impracticable, shall be assigned freeboards as determined necessary by the Commandant.

(e) The requirements in §§ 42.15–1 to 42.15–80, inclusive, shall apply to every vessel to which a minimum freeboard is assigned. Relaxations from these requirements may be granted to a vessel to which a greater than minimum freeboard is assigned on condition that the Commandant is satisfied with the safety conditions provided. In each such case the assigning authority shall report to the Commandant the specific matters in which the vessel is deficient, together with recommendations (including freeboard additions), as will enable the Commandant to reach a decision.

§ 42.13–15 Definitions of terms.

(a) *Length.* The length (L) shall be taken as 96 percent of the total length on a waterline at 85 percent of the least moulded depth measured from the keel as defined in paragraph (e)(1) of this section, or as the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater. In vessels designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline.

(b) *Perpendiculars.* The forward and after perpendiculars shall be taken at the forward and after ends of the length (L). The forward perpendicular shall coincide with the foreside of the stem on the waterline on which the length is measured.

(c) *Amidships.* Amidships is at the middle of the length (L).

(d) *Breadth.* Unless expressly provided otherwise, the breadth (B) is the maximum breadth of the vessel, measured amidships to the moulded line of the frame in a vessel with a metal shell and to the outer surface of the hull in a vessel with a shell of any other material.

(e) *Moulded depth.* (1) The moulded depth is the vertical distance measured from the top of the keel to the top of the freeboard deck beam at side. In wood and composite vessels the distance is measured from the lower edge of the keel rabbet. Where the form at the lower part of the midship section is of a hollow character, or where thick garboards are fitted, the distance is measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel.

(2) In vessels having rounded gunwales, the moulded depth shall be measured to the point of intersection of the moulded lines of the deck and sides, the lines extending as though the gunwale were of angular design.

(3) Where the freeboard deck is stepped and the raised part of the deck extends over the point at which the moulded depth is to be determined, the moulded depth shall be measured to a line of reference extending from the lower part of the deck along a line parallel with the raised part.

(f) *Depth for freeboard* (D). (1) The depth for freeboard (D) is the moulded depth amidships, plus the thickness of the freeboard deck stringer plate, where fitted, plus

$$\frac{T(L-S)}{L}$$

if the exposed freeboard deck is sheathed;

where:

T is the mean thickness of the exposed sheathing clear of deck openings; and

S is the total length of superstructures as defined in paragraph (j)(4) of this section.

(2) The depth for freeboard (D) in a vessel having a rounded gunwale with a radius greater than 4 percent of the breadth (B) or having topsides of unusual form is the depth for freeboard of a vessel having a midship section with vertical topsides and with the same round of beam and area of topside section equal to that provided by the actual midship section.

(g) *Block coefficient.* The block coefficient (C_b) is given by

$$C_b = \frac{\nabla}{L.B.d_1}$$

where ∇ is the volume of the moulded displacement of the vessel, excluding bossing, in a vessel with a metal shell, and is the volume of displacement to the outer surface of the hull in a vessel with a shell of any other material, both taken at a moulded draught of d_1; and, d_1 is 85 percent of the least moulded depth.

(h) *Freeboard.* The freeboard assigned is the distance measured vertically downwards amidships from the upper edge of the deck line to the upper edge of the related load line.

(i) *Freeboard deck.* (1) The freeboard deck is normally the uppermost complete deck exposed to weather and sea, which has permanent means of closing all openings in the weather part thereof, and below which all openings in the sides of the vessel are fitted with permanent means of watertight closing. In a vessel having a discontinuance freeboard deck, the lowest line of the exposed deck and the continuation of that line parallel to the upper part of the deck is taken as the freeboard deck. At the option of the owner and subject to the approval of the Commandant a lower deck may be designated as the freeboard deck, provided it is a complete and permanent deck continuous in a fore and aft direction at least between the machinery space and peak bulkheads and continuous athwartships. When this lower deck is stepped the lowest line of the deck and the continuation of that line parallel to the upper part of the deck is taken as the freeboard deck.

(2) When a lower deck is designated as the freeboard deck, that part of the hull which extends above the freeboard deck is treated as a superstructure so far as concerns the application of the conditions of assignment and the calculation of freeboard. It is from this deck that the freeboard is calculated.

(j) *Superstructure.* (1) A superstructure is a decked structure on the freeboard deck, extending from side to side of the vessel or with the side plating not being inboard of the shell plating more than 4 percent of the breadth (B). A raised quarter deck is regarded as a superstructure.

(2) An enclosed superstructure is a superstructure with:

(i) Enclosing bulkheads of efficient construction;

(ii) Access openings, if any in these bulkheads fitted with doors complying with the requirements of § 42.15–10; and,

(iii) All other openings in sides or ends of the superstructure fitted with efficient weathertight means of closing.

NOTE: A bridge or poop shall not be regarded as enclosed unless access is provided for the crew to reach machinery and other working spaces inside the superstructures by alternative means, which are available at all times when bulkhead openings are closed.

(3) The height of a superstructure is the least vertical height measured at side from the top of the superstructure deck beams to the top of the freeboard deck beams.

(4) The length of a superstructure (S) is the mean length of the part of the superstructure which lies within the length (L).

(k) *Flush deck vessel.* A flush deck vessel is one which has no superstructure on the freeboard deck.

(l) *Weathertight.* Weathertight means that in any sea conditions water will not penetrate into the vessel.

§ 42.13–20 Deck line.

(a) The deck line is a horizontal line 12 inches in length and 1 inch in breadth. It shall be marked amidships on each side of the vessel, and its upper edge shall normally pass through the point where the continuation outwards of the upper surface of the freeboard deck intersects the outer surface of the shell (as illustrated in Figure 42.13–20(a)), provided that the deck line may be placed with reference to another fixed point on the vessel on condition that the freeboard is correspondingly corrected. The location of the reference point and the identification of the freeboard deck shall in all cases be indicated on the International Load Line Certificate (1966).

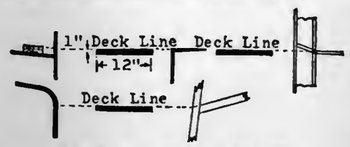


FIGURE 42.13–20(a)—Deck line.

§ 42.13–25 Load line mark.

(a) The load line mark shall consist of a ring 12 inches in outside diameter and 1 inch wide which is intersected by a horizontal line 18 inches in length and 1 inch in breadth, the upper edge of which passes through the center of the ring. The center of the ring shall be placed amidships and at a distance equal to the assigned summer freeboard measured vertically below the upper edge of the deck line (as illustrated in Figure 42.13–25(a)).

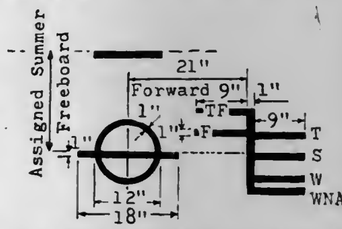


FIGURE 42.13–25(a)—Load line mark and lines to be used with this mark.

§ 42.13–30 Lines to be used with the load line mark.

(a) The lines which indicate the load line assigned in accordance with these regulations shall be horizontal lines 9 inches in length and 1 inch in breadth which extend forward of, unless expressly provided otherwise, and at right angles to, a vertical line 1 inch in breadth marked at a distance 21 inches forward of the center of the ring (as illustrated in Figure 42.13–25(a)).

(b) The following load lines shall be used:

(1) The summer load line indicated by the upper edge of the line which passes through the center of the ring and also by a line marked *S*.

(2) The winter load line indicated by the upper edge of a line marked *W*.

(3) The winter North Atlantic load line indicated by the upper edge of a line marked *WNA*.

(4) The tropical load line indicated by the upper edge of a line marked *T*.

(5) The fresh water load line in summer indicated by the upper edge of a line marked *F*. The fresh water load line in summer is marked abaft the vertical line. The difference between the fresh water load line in summer and the summer load line is the allowance to be made for loading in fresh water at the other load lines.

(6) The tropical fresh water load line indicated by the upper edge of a line marked *TF*, and marked abaft the vertical line.

(c) If timber freeboards are assigned, the timber load lines shall be marked in addition to ordinary load lines. These lines shall be horizontal lines 9 inches in length and 1 inch in breadth which extend abaft unless expressly provided otherwise, and are at right angles to, a vertical line 1 inch in breadth marked at a distance 21 inches abaft the center of the ring (as illustrated in Figure 42.13–30(c)).

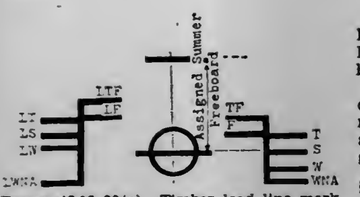


FIGURE 42.13-30(c)—Timber load line mark and lines to be used with this mark.

(d) The following timber load lines shall be used:

(1) The summer timber load line indicated by the upper edge of a line marked *LS*.

(2) The winter timber load line indicated by the upper edge of a line marked *LW*.

(3) The winter North Atlantic timber load line indicated by the upper edge of a line marked *LWNA*.

(4) The tropical timber load line indicated by the upper edge of a line marked *LT*.

(5) The fresh water timber load line in summer indicated by the upper edge of a line marked *LF* and marked forward of the vertical line.

NOTE: The difference between the fresh water timber load line in summer and the summer timber load line is the allowance to be made for loading in fresh water at the other timber load lines.

(6) The tropical fresh water timber load line indicated by the upper edge of a line marked *LTF* and marked forward of the vertical line.

(e) Where the characteristics of a vessel, or the nature of the vessel's service or navigational limits make any of the seasonal lines inapplicable, these lines may be omitted.

(f) Where a vessel is assigned a greater than minimum freeboard so that the load line is marked at a position corresponding to, or lower than, the lowest seasonal load line assigned at minimum freeboard in accordance with the present Convention, only the fresh water load line need be marked.

(g) On sailing vessels only the fresh water load line and the winter North Atlantic load line need be marked (as illustrated in Figure 42.13-30(g)).

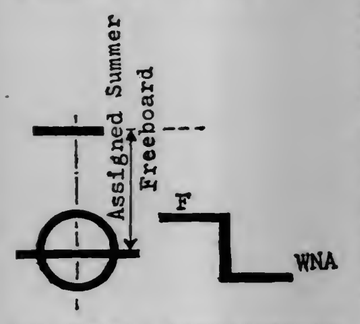


FIGURE 42.13-30(g)—Load line mark on sailing vessel and lines to be used with this mark.

(h) Where a winter North Atlantic load line is identical with the winter load line corresponding to the same vertical line, this load line shall be marked *W*.

(i) Additional load lines required by other international conventions in force may be marked at right angles to and abaft the vertical line specified in paragraph (a) of this section.

§ 42.13–35 Mark of assigning authority.

(a) The mark of the assigning authority by whom the load lines are assigned may be indicated alongside the load line ring above the horizontal line which passes through the center of the ring, or above and below it. This mark shall consist of not more than four initials to identify the assigning authority's name, each measuring approximately 4½ inches in height and 3 inches in width.

§ 42.13–40 Details of marking.

(a) The ring, lines and letters shall be painted in white or yellow on a dark ground or in black on a light ground. They shall also be permanently marked on the sides of the vessels to the satisfaction of the Commandant. The marks shall be plainly visible and, if necessary, special arrangements shall be made for this purpose.

§ 42.13–45 Verification of marks.

(a) The International Load Line Certificate (1966) shall not be delivered to the vessel until the officer or surveyor of the assigning and issuing authority has verified that load lines and marks certified in the certificates are correctly and permanently indicated on the vessel's sides.

Subpart 42.15—Conditions of Assignment of Freeboard

§ 42.15–1 Information to be supplied to the master.

(a) The master of every new vessel shall be supplied by the assigning and issuing authority with sufficient information, in an approved form, to enable him to arrange for the loading and ballasting of his vessel in such a way as to avoid the creation of any unacceptable stresses in the vessel's structure: *Provided*, That this requirement need not apply to any particular length, design or class of vessel where the Commandant considers it to be unnecesary and so notifies the assigning and issuing authority.

(b) The master of every new vessel, which is not already provided with stability information under an international convention for the safety of life at sea in force, shall be supplied with sufficient information in an approved form to give him guidance as to the stability of the vessel under varying conditions of service, and a copy shall be furnished to the Commandant.

§ 42.15–5 Superstructure end bulkheads.

(a) Bulkheads at exposed ends of enclosed superstructures shall be of efficient construction and shall be to the satisfaction of the Commandant.

§ 42.15–10 Doors.

(a) All access openings in bulkheads at ends of enclosed superstructures shall be fitted with doors of steel or other equivalent material, permanently and strongly attached to the bulkhead, and framed, stiffened and fitted so that the whole structure is of equivalent strength to the unpierced bulkhead and weathertight when closed. The means for securing these doors weathertight shall consist of gaskets and clamping devices or other equivalent means and shall be permanently attached to the bulkhead or to the doors themselves, and the doors shall be so arranged that they can be operated from both sides of the bulkhead.

(b) Except as otherwise provided in these regulations, the height of the sills of access openings in bulkheads at ends of enclosed superstructures shall be at least 15 inches above the deck.

§ 42.15–15 Position of hatchways, doorways and ventilators.

(a) For the purpose of this part two positions of hatchways, doorways and ventilators are defined as follows:

(1) Position 1: Upon exposed freeboard and raised quarter decks, and upon exposed superstructure decks situated forward of a point located a quarter of the vessel's length from the forward perpendicular.

(2) Position 2: Upon exposed superstructure deck situated abaft a quarter of the vessel's length from the forward perpendicular.

§ 42.15–20 Cargo and other hatchways.

(a) The construction and the means for securing the weathertightness of cargo and other hatchways in positions 1 and 2 shall be at least equivalent to the requirements of §§ 42.15–25 and 42.15–30.

(b) Coamings and hatchway covers to exposed hatchways on decks above the superstructure deck shall comply with the requirements of the Commandant.

§ 42.15–25 Hatchways closed by portable covers and secured weathertight by tarpaulins and battening devices.

(a) *Hatchway coamings.* (1) The coamings of hatchways closed by portable covers secured weathertight by tarpaulins and battening devices shall be of substantial construction, and their height above the deck shall be at least as follows:

(i) 23½ inches if in position 1.

(ii) 17½ inches if in position 2.

(b) *Hatchway covers.* (1) The width of each bearing surface for hatchway covers shall be at least 2½ inches.

(2) Where covers are made of wood, the finished thickness shall be at least 2⅜ inches in association with a span of not more than 4.9 feet.

(3) Where covers are made of mild steel, the strength shall be calculated with assumed loads not less than 358 pounds per square foot on hatchways in position 1, and not less than 266 pounds per square foot on hatchways in position 2, and the product of the maximum stress thus calculated and the factor 4.25 shall not exceed the minimum ultimate strength of the material. They shall be so designed as to limit the deflection to not more than 0.0028 times the span under these loads.

(4) The assumed loads on hatchways in position 1 may be reduced to 205 pounds per square foot for vessels of 79 feet in length and shall be not less than 358 pounds per square foot for vessels of 328 feet in length. The corresponding loads on hatchways in position 2 may be reduced to 154 pounds per square foot and 266 pounds per square foot respectively. In all cases values at intermediate lengths shall be obtained by linear interpolation.

(c) *Portable beams.* (1) Where portable beams for supporting hatchway covers are made of mild steel the strength shall be calculated with assumed loads not less than 358 pounds per square foot on hatchways in position 1 and not less than 266 pounds per square foot on hatchways in position 2 and the product of the maximum stress thus calculated and the factor 5 shall not exceed the minimum ultimate strength of the material. They shall be so designed as to limit the deflection to not more than 0.0022 times the span under these loads. For vessels of not more than 328 feet in length the requirements of paragraph (b)(4) of this section are applicable.

(d) *Pontoon covers.* (1) Where pontoon covers used in place of portable beams and covers are made of mild steel the strength shall be calculated with the assumed loads given in paragraph (b)(3) of this section, and the product of the maximum stress thus calculated and the factor 5 shall not exceed the minimum ultimate strength of the material. They shall be so designed as to limit the deflection to not more than 0.0022 times the span. Mild steel plating forming the tops of covers shall be not less in thickness than 1 percent of the spacing of stiffeners or 0.24 inches if that be greater. For vessels of not more than 328 feet in length the requirements of paragraph (b)(4) of this section are applicable.

(2) The strength and stiffness of covers made of materials other than mild steel shall be equivalent to those of mild steel to the satisfaction of the Commandant.

(e) *Carriers or sockets.* (1) Carriers or sockets for portable beams shall be of substantial construction, and shall provide means for the efficient fitting and securing of the beams. Where rolling types of beams are used, the arrangements shall ensure that the beams remain properly in position when the hatchway is closed.

(f) *Cleats.* (1) Cleats shall be set to fit the taper of the wedges. They shall be at least 2½ inches wide and spaced not more than 23½ inches center to center; the cleats along each side or end shall be not more than 6 inches from the hatch corners.

(g) *Battens and wedges.* (1) Battens and wedges shall be efficient and in good condition. Wedges shall be of tough wood or other equivalent material. They shall have a taper of not more than 1 in 6 and shall be not less than ½-inch thick at the toes.

(h) *Tarpaulins.* (1) At least two layers of tarpaulin in good condition shall be provided for each hatchway in positions 1 and 2.

(2) The tarpaulins shall be waterproof and of ample strength. They shall be of a material of at least a standard weight and quality as approved by the assigning and issuing authority.

(i) *Security of hatchway covers.* (1) For all hatchways in position 1 or 2, steel bars or other equivalent means shall be provided in order efficiently and independently to secure each section of hatchway covers after the tarpaulins are battened down. Hatchway covers of more than 4.9 feet in length shall be secured by at least two such securing appliances.

§ 42.15–30 Hatchways closed by weathertight covers of steel or other equivalent material fitted with gaskets and clamping devices.

(a) *Hatchway coamings.* At positions 1 and 2 the height above the deck of hatchway coamings fitted with weathertight hatch covers of steel or other equivalent material fitted with gaskets and clamping devices shall be as specified in § 42.15–25(a)(1). The height of these coamings may be reduced, or the coamings omitted entirely, on condition that the Commandant is satisfied that the safety of the vessel is not thereby impaired in any sea conditions. Where coamings are provided they shall be of substantial construction.

(b) *Weathertight covers.* (1) Where weathertight covers are of mild steel the strength shall be calculated with assumed loads not less than 358 pounds per square foot on hatchways in position 1, and not less than 255 pounds per square foot on hatchways in position 2, and the product of the maximum stress thus calculated and the factor of 4.25 shall not exceed the minimum ultimate strength of the material. They shall be so designed as to limit the deflection to not more than 0.0028 times the span under these loads. Mild steel plating forming the tops of covers shall be not less in thickness than one percent of the spacing of stiffeners or 0.24 inches if that be greater. The provisions of § 42.15–25(b)(4) are applicable for vessels of not more than 328 feet in length.

(2) The strength and stiffness of covers made of materials other than mild steel shall be equivalent to those of mild steel to the satisfaction of the Commandant.

(c) *Means for securing weathertightness.* (1) The means for securing and maintaining weathertightness shall be to the satisfaction of the Commandant.

(2) The arrangements shall ensure that the tightness can be maintained in any sea conditions. For this purpose tests for tightness shall be required at the initial surveys, and may be required at periodical surveys and at annual inspections or at more frequent intervals.

§ 42.15–35 Machinery space openings.

(a) Machinery space openings in position 1 or 2 shall be properly framed and efficiently enclosed by steel casings of ample strength, and where the casings are not protected by other structures their strength shall be specifically considered. Access openings in such casings shall be fitted with doors complying with the requirements of § 42.15–10(a), the sills of which shall be at least 23½ inches above the deck if in position 1, and at least 15 inches above the deck if in position 2. Other openings in such casings shall be fitted with equivalent covers, permanently attached in their proper positions.

(b) Coamings of any fiddley, funnel, or machinery space ventilators in an exposed position on the freeboard or superstructure deck shall be as high above the deck as is reasonable and practicable. Fiddley openings shall be fitted with strong covers of steel or other equivalent material permanently attached in their proper positions and capable of being secured weathertight.

§ 42.15–40 Miscellaneous openings in freeboard and superstructure decks.

(a) Manholes and flush scuttles in position 1 or 2 within superstructures other than enclosed superstructures shall be closed by substantial covers capable of being made watertight. Unless secured by closely spaced bolts, the covers shall be permanently attached.

(b) Openings in freeboard decks other than hatchways, machinery space openings, manholes, and flush scuttles shall be protected by an enclosed superstructure, or by a deckhouse or companionway of equivalent strength and weathertightness. Any such opening in an exposed superstructure deck or in the top of a deckhouse on the freeboard deck which gives access to a space below the freeboard deck or a space within an enclosed superstructure shall be protected by an efficient deckhouse or companionway. Doorways in such deckhouses or companionways shall be fitted with doors complying with the requirements of § 42.15–10(a).

(c) In position 1 the height above the deck of sills to the doorways in companionways shall be at least 23½ inches. In position 2 they shall be at least 15 inches.

§ 42.15–45 Ventilators.

(a) Ventilators in position 1 or 2 to spaces below the freeboard deck or decks of enclosed superstructures shall have coamings of steel or other equivalent material, substantially constructed and efficiently connected to the deck. Where the coaming of any ventilator exceeds 35½ inches in height above the deck it shall be specially supported.

(b) Ventilators passing through superstructures other than enclosed superstructures shall have substantially constructed coamings of steel or other equivalent material at the freeboard deck.

(c) Ventilators in position 1 the coamings of which extend to more than 14.8 feet above the deck, and in position 2 the coamings of which extend to more than

7.5 feet above the deck, need not be fitted with closing arrangements unless specifically required by the Commandant.

(d) Except as provided in paragraph (c) of this section ventilator openings shall be provided with efficient weathertight closing appliances. In vessels of not more than 328 feet in length the closing appliances shall be permanently attached; where not so provided in other vessels, they shall be conveniently stowed near the ventilators to which they are to be fitted. Ventilators in position 1 shall have coamings of a height of at least 35½ inches above the deck; in position 2 the coamings shall be of a height at least 30 inches above the deck.

(e) In exposed positions, the height of coamings may be required to be increased to the satisfaction of the Commandant.

§ 42.15–50 Air pipes.

(a) Where air pipes to ballast and other tanks extend above the freeboard or superstructure decks, the exposed parts of the pipes shall be of substantial construction; the height from the deck to the point where water may have access below shall be at least 30 inches on the freeboard deck and 17½ inches on the superstructure deck. Where these heights may interfere with the working of the vessel, a lower height may be approved, provided the Commandant is satisfied that the closing arrangements and other circumstances justify a lower height. Satisfactory means permanently attached, shall be provided for closing the openings of the air pipes.

§ 42.15–55 Cargo ports and other similar openings.

(a) Cargo ports and other similar openings in the sides of vessels below the freeboard deck shall be fitted with doors so designed as to ensure watertightness and structural integrity commensurate with the surroundings shell plating. The number of such openings shall be the minimum compatible with the design and proper working of the vessel.

(b) Unless permitted by the Commandant the lower edge of such openings shall not be below a line drawn parallel to the freeboard deck at side, which has at its lowest point the upper edge of the uppermost load line.

§ 42.15–60 Scuppers, inlets, and discharges.

(a) Discharges led through the shell either from spaces below the freeboard deck or from within superstructures and deckhouses on the freeboard deck fitted with doors complying with the requirements of § 42.15–10 shall be fitted with efficient and accessible means for preventing water from passing inboard. Normally, each separate discharge shall have one automatic nonreturn valve with a positive means of closing it from a position above the freeboard deck. Where, however, the vertical distance from the summer load waterline to the inboard end of the discharge pipe exceeds $0.01L$, the discharge may have two automatic nonreturn valves without positive means of closing: *Provided*, That the inboard valve is always accessible for examination under service conditions; where that vertical distance exceeds $0.02L$ a single automatic nonreturn valve without positive means of closing may be accepted subject to the approval of the Commandant. The means for operating the positive action valve shall be readily accessible and provided with an indicator showing whether the valve is open or closed.

(b) In manned machinery spaces main and auxiliary sea inlets and discharges in connection with the operation of machinery may be controlled locally. The controls shall be readily accessible and shall be provided with indicators showing whether the valves are open or closed.

(c) Scuppers and discharge pipes originating at any level and penetrating the shell either more than 17½ inches below the freeboard deck or less than 23½ inches above the summer load waterline shall be provided with a nonreturn valve at the shell. This valve, unless required by paragraph (a) of this section, may be omitted if the piping is of thickness as specified in Subchapter F (Marine Engineering) of this chapter.

(d) Scuppers leading from superstructures or deckhouses not fitted with doors complying with the requirements of § 42.15–10 shall be led overboard.

(e) All valves and shell fittings required by this section shall be of steel, bronze, or other approved ductile material. Valves of oridinary cast iron or similar material are not acceptable. All pipes to which this section refers shall be of steel or other equivalent material to the satisfaction of the Commandant.

§ 42.15–65 Side scuttles.

(a) Side scuttles to spaces below the freeboard deck or to spaces within enclosed superstructures shall be fitted with efficient hinged inside deadlights arranged so that they can be effectively closed and secured watertight.

(b) No side scuttle shall be fitted in a position so that its sill is below a line drawn parallel to the freeboard deck at side and having its lowest point 2.5 percent of the breadth (B) above the load waterline, or 19½ inches, whichever is the greater distance.

(c) The side scuttles, together with their glasses, if fitted, and deadlights, shall be of substantial and approved construction.

§ 42.15–70 Freeing ports.

(a) Where bulwarks on the weather portions of freeboard or superstructure decks form wells, ample provision shall be made for rapidly freeing the deck of water and for draining them. Except as provided in paragraphs (b) and (c) of this section, the minimum freeing port area (A) on each side of the vessel for each well on the freeboard deck shall be that given by the following formulae in cases where the sheer in way of the well is standard or greater than standard. The minimum area for each well on superstructure decks shall be one-half of the area given by the formulae.

(1) Where the length of bulwark (l) in the well is 66 feet or less $A=7.6+0.115l$ (square feet)

(2) Where l exceeds 66 feet $A=0.23l$ (square feet)

(3) l need in no case be taken as greater than $0.7L$.

(4) If the bulwark is more than 3.9 feet in average height the required area shall be increased by 0.04 square feet per foot of length of well for each foot difference in height. If the bulwark is less than 3 feet in average height, the required area may be decreased by 0.04 square feet per foot of length for each foot difference in height.

(b) In vessels with no sheer the area calculated according to paragraph (a) of this section shall be increased by 50 percent. Where the sheer is less than the standard the percentage shall be obtained by linear interpolation.

(c) Where a vessel is fitted with a trunk which does not comply with the requirements of § 42.20–55(a)(5) or where continuous or substantially continuous hatchway side coamings are fitted between detached superstructures the minimum area of the freeing port openings shall be calculated from Table 42.15–70(c):

TABLE 42.15–70(c)

Breadth of hatchway or trunk in relation to the breadth of vessel	*Area of freeing ports in relation to the total area of the bulwarks*
40 percent or less	20 percent.
75 percent or more	10 percent.

NOTE: The area of freeing ports at intermediate breadths shall be obtained by linear interpolation.

(d) In vessels having superstructures which are open at either or both ends, adequate provision for freeing the space within such superstructures shall be provided to the satisfaction of the Commandant.

(e) The lower edges of the freeing ports shall be as near the deck as practicable. Two-thirds of the freeing port area required shall be provided in the half of the well nearest the lowest point of the sheer curve.

(f) All such openings in the bulwarks shall be protected by rails or bars spaced approximately 9 inches apart. If shutters are fitted to freeing ports, ample clearance shall be provided to prevent jamming. Hinges shall have pins or bearings of noncorrodible material. If shutters are fitted with securing appliances, these appliances shall be of approved construction.

§ 42.15–75 Protection of the crew.

(a) The strength of the deckhouses used for the accommodation of the crew shall be to the satisfaction of the Commandant.

(b) Efficient guard rails or bulwarks shall be fitted on all exposed parts of the freeboard and superstructure decks. The height of the bulwarks or guard rails shall be at least 39½ inches from the deck, provided that where this height would interfere with the normal operation of the vessel, a lesser height may be approved if the Commandant is satisfied that adequate protection is provided.

(c) The opening below the lowest course of the guard rails shall not exceed 9 inches. The other courses shall be not more than 15 inches apart. In the case of vessels with rounded gunwales the guard rail supports shall be placed on the flat of the deck.

(d) Satisfactory means (in the form of guard rails, life lines, gangways or underdeck passages, etc.) shall be provided for the protection of the crew in getting to and from their quarters, the machinery space and all other parts used in the necessary work of the vessel.

(e) Deck cargo carried on any vessel shall be so stowed that any opening which is in way of the cargo and which gives access to and from the crew's quarters, the machinery space and all other parts used in the necessary work of the vessel, can be properly closed and secured against the admission of water. Effective protection for the crew in the form of guard rails or life lines shall be provided above the deck cargo if there is no convenient passage on or below the deck of the vessel.

§ 42.15–80 Special conditions of assignment for Type "A" vessels.

(a) *Machinery casings.* (1) Machinery casings on Type "A" vessels as defined in § 42.20–5 shall be protected by an enclosed poop or bridge of at least standard height, or by a deckhouse of equal height and equivalent strength, provided that machinery casings may be exposed if there are no openings giving direct access from the freeboard deck to the machinery space. A door complying with the requirements of § 42.15–10 may, however, be permitted in the machinery casing, provided that it leads to a space or passageway which is as strongly constructed as the casing and is separated from the stairway to the engine room by a second weathertight door of steel or other equivalent material.

(b) *Gangway and access.* (1) An efficiently constructed fore and aft permanent gangway of sufficient strength shall be fitted on Type "A" vessels at the level of the superstructure deck between the poop and the midship bridge or deckhouse where fitted, or equivalent means of access shall be provided to carry out the purpose of the gangway, such as passages below deck. Elsewhere, and on Type "A" vessels without a midship bridge, arrangements to the satisfaction of the Commandant shall be provided to safeguard the crew in reaching all parts used in the necessary work of the ship.

(2) Safe and satisfactory access from the gangway level shall be available between separate crew accommodations and also between crew accommodations and the machinery space.

(c) *Hatchways.* Exposed hatchways on the freeboard and forecastle decks or on the tops of expansion trunks on Type "A" vessels shall be provided with efficient watertight covers of steel or other equivalent material.

(d) *Freeing arrangements.* (1) Type "A" vessels with bulwarks shall have open rails fitted for at least half the length of the exposed parts of the weather deck or other effective freeing arrangements. The upper edge of the sheer strake shall be kept as low as practicable.

(2) Where superstructures are connected by trunks, open rails shall be fitted for the whole length of the exposed parts of the freeboard deck.

Subpart 42.20—Freeboards

§ 42.20–1 Types of vessels.

(a) For the purposes of freeboard computation vessels shall be divided into Type "A" and Type "B".

§ 42.20–5 Type "A" vessels.

(a) A Type "A" vessel is one which is designed to carry only liquid cargoes in bulk, and in which cargo tanks have only small access openings closed by watertight gasketed covers of steel or equivalent material. Such a vessel necessarily has the following inherent features:

(1) High integrity of the exposed deck; and

(2) High degree of safety against flooding, resulting from the low permeability of loaded cargo spaces and the degree of subdivision usually provided.

(b) A Type "A" vessel, if over 492 feet in length, and designed to have empty compartments when loaded to its summer load waterline, shall be able to withstand the flooding of any one of these empty compartments at an assumed permeability of 0.95, and remain afloat in a condition of equilibrium considered to be satisfactory by the Commandant. In such a vessel, if over 738 feet in length, the machinery space shall be treated as a floodable compartment but with a permeability of 0.85. For guidance of the following limits may be regarded as satisfactory:

(1) The final waterline after flooding is below the lower edge of any opening through which progressive flooding may take place.

(2) The maximum angle of heel due to unsymmetrical flooding is of the order of 15 degrees.

(3) The metacentric height in the flooded condition is positive.

(c) A Type "A" vessel shall be assigned a freeboard not less than that based on Table 42.20–15(a)(1).

§ 42.20–10 Type "B" vessels.

(a) All vessels which do not come within the provisions regarding Type "A" vessels in § 42.20–5 (a) and (b) shall be considered as Type "B" vessels.

(b) Type "B" vessels, which in position 1 have hatchways fitted with hatch covers complying with the requirements of § 42.15–25(d)(1) or § 42.15–30 shall, except as provided in paragraphs (c) to (g), inclusive, of this section be assigned freeboards based on Table 42.20–15(b)(1).

(c) Any Type "B" vessels of over 328 feet in length may be assigned freeboards less than those required under paragraph (b) of this section provided that, in relation to the amount of reduction granted, the Commandant is satisfied that:

(1) The measures provided for the protection of the crew are adequate;

(2) The freeing arrangements are adequate;

(3) The covers in positions 1 and 2 comply with the provisions of § 42.15–30 and have adequate strength; special care being given to their sealing and securing arrangements;

(4) The vessel, when loaded to its summer load waterline, will remain afloat in a satisfactory condition of equilibrium after flooding of any single damaged compartment at an assumed permeability of 0.95 excluding the machinery space; and

(5) In such a vessel, if over 738 feet in length, the machinery space shall be treated as a floodable compartment but with a permeability of 0.85.

(d) For guidance in applying paragraph (c) (4) and (5) of this section the limits given in § 42.20–5(b) (1), (2) and (3) may be regarded as satisfactory. Also, the relevant calculations may be based upon the following main assumptions:

(1) The vertical extent of damage is equal to the depth of the vessel;

(2) The penetration of damage is not more than $B/5$;

(3) No main transverse bulkhead is damaged;

(4) The height of the center of gravity above the base line is assessed allowing for homogeneous loading of cargo holds, and for 50 percent of the designed capacity of consumable fluids and stores, etc.

(e) In calculating the freeboards for Type "B" vessels which comply with the requirements of paragraph (c) of this section the values from Table 42.20–15 (b)(1) shall not be reduced by more than 60 percent of the difference between the "B" and "A" tabular values for the appropriate vessel lengths.

(f) The reduction in tabular freeboard allowed under paragraph (e) of this section may be increased up to the total difference between the values in Table 42.20–15(a)(1) and those in Table 42.20–15(b)(1) on condition that the vessel complies with the requirements of § 42.15–80 (a)(1), (b)(1), (b)(2), (d)(1), and (d)(2), as if it were a Type "A" vessel, and further complies with the provisions of paragraph (c) (1) to (4), inclusive of this section, except that the reference in paragraph (c)(4) of this section to the flooding of any single damaged compartment shall be treated as a reference to the flooding of any two adjacent fore and aft compartments, neither of which is the machinery space. Also any such vessel of over 738 feet in length, when loaded to its summer load waterline, shall remain afloat in a satisfactory condition of equilibrium after flooding of the machinery space, taken alone, at an assumed permeability of 0.85.

(g) Type "B" vessels, which in position 1 have hatchways fitted with hatch covers which comply with the requirements of § 42.15–25, other than paragraph (d)(1) of this section, shall be assigned freeboards based upon the values given in Table 42.20–15(b)(1) increased by the values given in Table 42.20–10(g):

(b) *Type "B" vessels.* (1) The tabular freeboard for Type "B" vessels shall be determined from Table 42.20–15(b)(1):

TABLE 42.20–15(b)(1)—FREEBOARD TABLE FOR TYPE "B" VESSELS

Length of vessel (feet)	Freeboard [1] (inches)	Length of vessel (feet)	Freeboard (inches)	Length of vessel (feet)	Freeboard [1] (inches)
80	8.0	460	83.1	840	161.2
90	8.9	470	85.6	850	162.8
100	9.8	480	88.1	860	164.3
110	10.8	490	90.6	870	165.9
120	11.9	500	93.1	880	167.4
130	13.0	510	95.6	890	169.0
140	14.2	520	98.1	900	170.4
150	15.5	530	100.5	910	171.8
160	16.9	540	103.0	920	173.3
170	18.3	550	105.4	930	174.7
180	19.8	560	107.7	940	176.1
190	21.3	570	110.0	950	177.5
200	22.9	580	112.3	960	178.9
210	24.6	590	114.6	970	180.3
220	26.3	600	116.8	980	181.7
230	28.0	610	119.0	990	183.1
240	29.8	620	121.1	1,000	184.4
250	31.7	630	123.2	1,010	185.8
260	32.4	640	125.3	1,020	187.2
270	34.4	650	127.3	1,030	188.5
280	36.5	660	129.3	1,040	189.9
290	38.6	670	131.3	1,050	191.2
300	40.8	680	133.2	1,060	192.5
310	43.1	690	135.2	1,070	193.8
320	45.4	700	137.1	1,080	194.8
330	47.8	710	139.0	1,090	196.1
340	50.2	720	140.9	1,100	197.3
350	52.7	730	142.7	1,110	198.6
360	55.2	740	144.6	1,120	199.9
370	57.7	750	146.4	1,130	201.2
380	60.2	760	148.1	1,140	202.3
390	62.7	770	149.8	1,150	203.5
400	65.2	780	151.5	1,160	204.6
410	67.7	790	153.2	1,170	205.8
420	70.2	800	154.8	1,180	206.9
430	72.7	810	156.4	1,190	208.1
440	75.2	820	158.0	1,200	209.3
450	77.7	830	159.6	[2] 1,200	----------
460	80.2				

[1] Freeboards at intermediate lengths of vessel shall be obtained by linear interpolation.
[2] Vessels above 1,200 feet in length shall be dealt with by the Commandant.

§ 42.20–20 Correction to the freeboard for vessels under 328 feet in length.

(a) The tabular freeboard for a Type "B" vessel of between 79 feet and 328 feet in length having enclosed superstructures with an effective length of up to 35 percent of the length of the vessel shall be increased by:

$$0.09\ (328-L)\ (0.35-\frac{E}{L})\ \text{inches}$$

where:
L=length of vessel in feet.
E=effective length of superstructure in feet as defined in § 42.20–50.

§ 42.20–25 Correction for block coefficient.

(a) Where the block coefficient (C_b) exceeds 0.68, the tabular freeboard specified in § 42.20–15 as modified, if applicable, by §§ 42.20–10 (e), (g), and 42.20–20(a) shall be multiplied by the factor $\frac{C_b+0.68}{1.36}$.

§ 42.20–30 Correction for depth.

(a) Where D exceeds $\frac{L}{15}$ the freeboard shall be increased by $(D-\frac{L}{15})$ R inches, where R is $\frac{L}{131.2}$ at lengths less than 393.6 feet and 3 at 393.6 feet length and above.

(b) Where D is less than $L/15$ no reduction shall be made except in a vessel with an enclosed superstructure covering at least 0.6L amidships, with a complete trunk, or combination of detached enclosed superstructures and trunks which extend all fore and aft, where the freeboard shall be reduced at the rate prescribed in paragraph (a) of this section.

(c) Where the height of superstructure or trunk is less than the standard height, the reduction shall be in the ratio of the actual to the standard height as defined in § 42.20–40.

§ 42.20–35 Correction for position of deck line.

(a) Where the actual depth to the upper edge of the deck line is greater or less than D, the difference between the depths shall be added to or deducted from the freeboard.

§ 42.20–40 Standard height of superstructure.

(a) The standard height of a superstructure shall be as given in Table 42.20–40(a):

TABLE 42.20–40(a) STANDARD HEIGHTS (IN FEET) [1]

Length (L)	Raised quarter-deck	All other superstructures
98.5 or less	3.0	5.9
246	3.9	5.9
410 or more	5.9	7.5

[1] The standard heights at intermediate lengths of the vessel shall be obtained by linear interpolation.

§ 42,20–45 Length of superstructure.

(a) Except as provided in paragraph (b) of this section, the length of a superstructure (S) shall be the mean length of the parts of the superstructure which lie within the length (L).

(b) Where the end bulkhead of an enclosed superstructure extends in a fair convex curve beyond its intersection with the superstructure sides, the length of the superstructure may be increased. This increase shall be two-thirds of the fore and aft extent of the portion of the superstructure formed by the curved bulkhead. The maximum curvature which may be taken into account in determining this increase is one-half the breadth of the superstructure at the point of intersection of the curved end of the superstructure with its side.

§ 42.20–50 Effective length of superstructure.

(a) Except as provided for in paragraph (b) of this section the effective length (E) of an enclosed superstructure of standard height shall be its length.

(b) In all cases where an enclosed superstructure of standard height is set in from the sides of the vessel as permitted in § 42.13–15(j), the effective length shall be the length modified by the ratio of b/Bs,

where:
"b" is the breadth of the superstructure at the middle of its length;
"Bs" is the breadth of the vessel at the middle of the length of the superstructure.

(1) Where a superstructure is set in for a part of its length, this modification shall be applied only to the set in part.

(c) Where the height of an enclosed superstructure is less than the standard height, the effective length shall be its length reduced in the ratio of the actual height to the standard height. Where the height exceeds the standard, no increase shall be made to the effective length of the superstructure.

(d) The effective length of a raised quarter deck if fitted with an intact front bulkhead, shall be its length up to a maximum of 0.6L. Where the bulkhead is not intact, the raised quarter deck shall be treated as a poop of less than standard height.

(e) Superstructures which are not enclosed shall have no effective length.

§ 42.20–55 Trunks.

(a) A trunk or similar structure which does not extend to the sides of the vessel shall be regarded as efficient on the following conditions:

(1) The trunk is at least as strong as a superstructure;

(2) The hatchways are in the trunk deck, and the hatchway coamings and covers comply with the requirements of §§ 42.15–15 to 42.15–30, inclusive, and the width of the trunk deck stringer provides a satisfactory gangway and sufficient lateral stiffness; however, small access openings with watertight covers may be permitted in the freeboard deck;

(3) A permanent working platform fore and aft fitted with guard rails is provided by the trunk deck, or by permanent gangways;

(4) Ventilators are protected by the trunk and watertight covers, if the height of the ventilator is below that specified in § 42.15–45(c);

(5) Open rails are fitted on the weather parts of the freeboard deck in way of the trunk for at least half their length;

(6) The machinery casings are protected by the trunk, by a superstructure of at least standard height, or by a deckhouse of the same height and of equivalent strength;

(7) The breadth of the trunk is at least 60 percent of the breadth of the vessel; and,

(8) Where there is no superstructure, the length of the trunk is at least 0.6L.

(b) The full length of an efficient trunk reduced in the ratio of its mean breadth to B shall be its effective length.

(c) The standard height of a trunk is the standard height of a superstructure other than a raised quarter deck.

(d) Where the height of a trunk is less than the standard height, its effective length shall be reduced in the ratio of the actual to the standard height. Where the height of hatchway coamings on the trunk deck is less than that required under § 42.15–25(a), a reduction from the actual height of trunk shall be made which corresponds to the difference between the actual and the required height of coaming.

§ 42.20–60 Deduction for superstructures and trunks.

(a) Where the effective length of superstructures and trunks is 1.0L, the deduction from the freeboard shall be 14 inches at 79 feet length of vessel, 34 inches at 279 feet length, and 42 inches at 400 feet length and above; deductions at intermediate lengths shall be obtained by linear interpolation.

(b) Where the total effective length of superstructures and trunks is less than 1.0L the deduction shall be a percentage obtained from Table 42.20–60(b)(1) or Table 42.20–60(b)(2):

TABLE 42.20–60(b)(1)—PERCENTAGE OF DEDUCTION FOR TYPE "A" VESSELS

	Total effective length of superstructures and trunks									
	0	0.1L	0.2L	0.3L	0.4L	0.5L	0.6L	0.7L	0.8L	0.9L	1.0L
Percentage of deduction for all types of superstructures [1]	0	7	14	21	31	41	52	63	75.3	87.7	100

[1] Percentages at intermediate lengths of superstructures and trunks shall be obtained by linear interpolation.

TABLE 42.20–60(b)(2)—PERCENTAGE OF DEDUCTION FOR TYPE "B" VESSELS

Percentage of deduction [1]	Line	Total effective length of superstructures and trunks									
		0	0.1L	0.2L	0.3L	0.4L	0.5L	0.6L	0.7L	0.8L	0.9L	1.0L
Vessels with forecastle and without detached bridge	I	0	5	10	15	23.5	32	46	63	75.3	87.7	100
Vessels with forecastle and detached bridge	II	0	6.3	12.7	19	27.5	36	46	63	75.3	87.7	100

[1] Percentages at intermediate lengths of superstructures and trunks shall be obtained by linear interpolation.

(c) For vessels of Type "B":

(1) Where the effective length of a bridge is less than 0.2L, the percentages shall be obtained by linear interpolation between lines I and II;

(2) Where the effective length of a forecastle is more than 0.4L, the percentages shall be obtained from line II; and,

(3) Where the effective length of a forecastle is less than 0.07L, the percentages in subparagraphs (1) and (2) of this paragraph shall be reduced by:

$$\frac{5\times(0.07L-f)}{0.07L}$$

TABLE 42.20–10(g)—FREEBOARD INCREASE OVER TABULAR FREEBOARD FOR TYPE "B" VESSELS, FOR VESSELS WITH HATCH COVERS NOT COMPLYING WITH § 42.15–25(d)(1) OR § 42.15–30.

Length of vessel (feet)	Freeboard increase [1] (inches)	Length of vessel (feet)	Freeboard increase [1] (inches)
350 and below	2.0	520	10.0
360	2.3	530	10.4
370	2.6	540	10.7
380	2.9	550	11.0
390	3.3	560	11.4
400	3.7	570	11.8
410	4.2	580	12.1
420	4.7	590	12.5
430	5.2	600	12.8
440	5.8	610	13.1
450	6.4	620	13.4
460	7.0	630	13.6
470	7.6	640	13.9
480	8.2	650	14.1
490	8.8	660	14.3
500	9.2	[2] 660	----------
510	9.6		

[1] Freeboards at intermediate lengths of vessel shall be obtained by linear interpolation.
[2] Vessels above 600 feet in length shall be dealt with by the Commandant.

(h) A lighter, barge, or other vessel without independent means of propulsion shall be assigned a freeboard in accordance with the provisions of the regulations in this part. However, in the case of barges which are unmanned the requirements of §§ 42.15–75, 42.15–80(b), and 42.20–70 shall not apply. Such unmanned barges which have on the freeboard deck only small access openings closed by watertight gasketed covers of steel or equivalent material may be assigned freeboards 25 percent less than those calculated in accordance with these regulations.

§ 42.20–15 Freeboard tables.

(a) *Type "A" vessels.* (1) The tabular freeboard for Type "A" vessels shall be determined from Table 42.20–15(a)(1):

TABLE 42.20–15(a)(1)—FREEBOARD TABLE FOR TYPE "A" VESSELS

Length of vessel (feet)	Freeboard [1] (inches)	Length of vessel (feet)	Freeboard (inches)	Length of vessel (feet)	Freeboard [1] (inches)
80	8.0	370	52.7	660	103.3
90	8.9	380	54.7	670	104.4
100	9.8	390	56.8	680	105.5
110	10.8	400	58.8	690	106.6
120	11.9	410	60.8	700	107.7
130	13.0	420	62.9	710	108.7
140	14.2	430	65.0	720	109.7
150	15.5	440	67.0	730	110.7
160	16.9	450	69.1	740	111.7
170	18.3	460	71.1	750	112.6
180	19.8	470	73.1	760	113.5
190	21.3	480	75.1	770	114.4
200	22.9	490	77.1	780	115.3
210	24.6	500	79.0	790	116.1
220	26.2	510	80.9	800	117.0
230	27.8	520	82.7	810	117.8
240	29.5	530	84.5	820	118.6
250	31.1	540	86.3	830	119.3
260	32.8	550	88.0	840	120.1
270	34.5	560	89.6	850	120.7
280	36.3	570	91.3	860	121.4
290	38.0	580	92.9	870	122.1
300	39.7	590	94.1	880	122.7
310	41.4	600	95.5	890	123.4
320	43.2	610	96.9	900	124.0
330	45.0	620	98.3	910	124.6
340	46.9	630	99.6	920	125.2
350	48.7	640	101.0	930	125.7
360	50.7	650	102.1	940	126.2

[1] Freeboards at intermediate lengths of vessels shall be obtained by linear interpolation.
[2] Vessels above 1,200 feet in length shall be dealt with by the Commandant.

where:

L is the length of vessel in feet.
f is the effective length of the forecastle.

§ 42.20–65 Sheer.

(a) *General.* (1) The sheer shall be measured from the deck at side to a line of reference drawn parallel to the keel through the sheer line amidships.

(2) In ships designed with a rake of keel, the sheer shall be measured in relation to a reference line drawn parallel to the design load waterline.

(3) In flush deck ships and in ships with detached superstructures the sheer shall be measured at the freeboard deck.

(4) In ships with topsides of unusual form in which there is a step or break in the topsides, the sheer shall be considered in relation to the equivalent depth amidships.

(5) In ships with a superstructure of standard height which extends over the whole length of the freeboard deck, the sheer shall be measured at the superstructure deck. Where the height exceeds the standard the least difference (Z) between the actual and standard heights shall be added to each end ordinate. Similarly, the intermediate ordinates at distances of $1/6L$ and $1/3L$ from each perpendicular shall be increased by $0.444Z$ and $0.111Z$ respectively.

(6) Where the deck of an enclosed superstructure has at least the same sheer as the exposed freeboard deck, the sheer of the enclosed portion of the freeboard deck shall not be taken into account.

(7) Where an enclosed poop or forecastle is of standard height with greater sheer than that of the freeboard deck, or is of more than standard height, if subparagraph (6) of this paragraph has not been used, an addition to the sheer of the freeboard deck shall be made as provided in subparagraph (4) of paragraph (c) of this section.

(b) *Standard sheer profile.* (1) The ordinates of the standard sheer profile are given in Table 42.20–65(b)(1):

TABLE 42.20-65(b)(1)—STANDARD SHEER PROFILE

(Where L is in feet)

	Station	Ordinate (in inches)		Factor
After half	After Perpendicular	0.1	$L+10$	1
	1/6 L from A.P.	0.0444	$L+4.44$	3
	1/3 L from A.P.	0.0111	$L+1.11$	3
	Amidships		0	1
Forward half	Amidships		0	1
	1/3 L from F.P.	0.0222	$L+2.22$	3
	1/6 L from F.P.	0.0888	$L+8.88$	3
	Forward Perpendicular	0.2	$L+20$	1

(c) *Measurement of variation from standard sheer profile.* (1) Where the sheer profile differs from the standard, the four ordinates of each profile in the forward or after half shall be multiplied by the appropriate factors given in the table of ordinates. The difference between the sums of the respective products and those of the standard divided by 8 measures the deficiency or excess of sheer in the forward or after half. The arithmetical mean of the excess or deficiency in the forward and after halves measures the excess or deficiency of sheer.

(2) Where the after half of the sheer has an excess and the forward half of the sheer has a deficiency, no credit shall be allowed for the part in excess and deficiency only shall be measured.

(3) Where there is an excess in the forward half of the sheer and in the after half there is a deficiency which does not exceed 25 percent, credit shall be allowed for the excess. When the deficiency in the after part of the sheer exceeds 50 percent, then no credit shall be given for the excess sheer forward. When the deficiency of the after sheer is between 25 percent and 50 percent intermediate allowances may be granted for excess sheer forward.

(4) When the actual height of a poop or forecastle at the end ordinate exceeds the standard the following formula shall be used:

$$s=\frac{y}{3}\ \frac{L'}{L}$$

where:

s = sheer credit, to be deducted from the deficiency or added to the excess of sheer.
y = difference between actual and standard height of superstructure at the end of sheer.
L' = mean enclosed length of poop or forecastle up to a maximum of $0.5L$.
L = length of vessel as defined in § 42.13–15(a).

(i) The formula in this subparagraph (4) provides a curve in the form of a parabola tangent to the actual sheer curve at the freeboard deck and intersecting the end ordinate at a point below the superstructure deck a distance equal to the standard height of a superstructure. The superstructure shall not be less than standard height above this curve at any point. This curve shall be used in determining the sheer profile for forward and after halves of the ship.

(d) *Correction for variations from standard sheer profile.* (1) The correction for sheer shall be the deficiency or excess of sheer (see subparagraphs (c)(1) to (4) inclusive of this section) multiplied by:

$$0.75-\frac{S}{2L}$$

where:

S is the total length of enclosed superstructure.

(e) *Addition for deficiency in sheer.* (1) Where the sheer is less than the standard, the correction for deficiency in sheer (see paragraph (d)(1) of this section) shall be added to the freeboard.

(f) *Deduction for excess sheer.* (1) In ships where an enclosed superstructure covers $0.1L$ before and $0.1L$ abaft amidships, the correction for excess of sheer as calculated under the provisions of subparagraph (d)(1) of this section shall be deducted from the freeboard; in ships where no enclosed superstructure covers amidships, no deduction shall be made from the freeboard; where an enclosed superstructure covers less than $0.1L$ before and $0.1L$ abaft amidships, the deduction shall be obtained by linear interpolation. The maximum deduction for excess sheer shall be at the rate of 1½ inches per 100 feet of length.

§ 42.20–70 Minimum bow height.

(a) The bow height defined as the vertical distance at the forward perpendicular between the waterline corresponding to the assigned summer freeboard and the designed trim and the top of the exposed deck at side shall be not less than:

(1) For ships below 820 feet in length,

$$0.672L\left(1-\frac{L}{1640}\right)\ \frac{1.36}{C_b+0.68}\text{ inches;}$$

where:

L is the length of the vessel in feet.
C_b is the block coefficient which is to be taken as not less than 0.68.

(2) For ships of 820 feet and above in length,

$$275.6\ \frac{1.36}{C_b+0.68}\text{ inches;}$$

where:

C_b is the block coefficient which is to be taken as not less than 0.68.

(b) Where the bow height required in paragraph (a) of this section is obtained by sheer, the sheer shall extend for at least 15 percent of the length of the vessel measured from the forward perpendicular. Where it is obtained by fitting a superstructure, such superstructure shall extend from the stem to a point at least $0.07L$ abaft the forward perpendicular, and it shall comply with the following requirements:

(1) For ships not over 328 feet in length it shall be enclosed as defined in § 42.13–15(j); and,

(2) For ships over 328 feet in length it need not comply with § 42.13–15(j) but shall be fitted with closing appliances to the satisfaction of the Commandant.

(c) Vessels which, to suit exceptional operational requirements, cannot meet the requirements of paragraphs (a) and (b) of this section may be given special consideration by the Commandant.

§ 42.20–75 Minimum freeboards.

(a) *Summer freeboard.* (1) The minimum freeboard in summer shall be the freeboard derived from the tables in § 42.20–15, as modified by the corrections in §§ 42.20–5 and 42.20–10, as applicable, §§ 42.20–20, 42.20–25, 42.20–30, 42.20–35, 42.20–60, 42.20–65 and, if applicable, § 42.20–70.

(2) The freeboard in salt water, as calculated in accordance with subparagraph (1) of this paragraph, but without the correction for deck line, as provided by § 42.20–35, shall not be less than 2 inches. For ships having in position 1 hatchways with covers which do not comply with the requirements of §§ 42.15–25(d)(1), 42.15–30, or 42.15–80, the freeboard shall be not less than 6 inches.

(b) *Tropical freeboard.* (1) The minimum tropical freeboard shall be the freeboard obtained by a deduction from the summer freeboard of one forty-eighth of the summer draft measured from the keel (as defined in § 42.13–15(e)(1)) to the center of the ring of the load line mark.

(2) The freeboard in salt water, as calculated in accordance with subparagraph (a)(1) of this section, but without the correction for deck line, as provided by § 42.20–35, shall not be less than 2 inches. For ships having in position 1 hatchways with covers which do not comply with the requirements of § 42.15–25(d)(1), § 42.15–30, or § 42.15–80, the freeboard shall be not less than 6 inches.

(c) *Winter freeboard.* (1) The minimum winter freeboard shall be the freeboard obtained by an addition to the summer freeboard of one forty-eighth (1/48) of summer draft, measured from the top of the keel to the center of the ring of the load line mark.

(d) *Winter North Atlantic freeboard.* (1) The minimum freeboard for ships of not more than 328 feet in length which enter any part of the North Atlantic defined in § 42.30–35 during the winter seasonal period shall be the winter freeboard plus 2 inches. For other ships the winter North Atlantic freeboard shall be the winter freeboard.

(e) *Fresh water freeboard.* (1) The minimum freeboard in fresh water of unit density shall be obtained by deducting from the minimum freeboard in salt water:

$$\frac{\Delta}{40T}\text{ inches}$$

where:

Δ = displacement in salt water in tons at the summer load waterline; and,
T = tons per inch immersion in salt water at the summer load waterline.

(2) Where the displacement at the summer load waterline cannot be certified, the deduction shall be one forty-eighth of summer draft, measured from the keel (as defined in § 42.13–15(e)(1)) to the center of the ring of the load line mark.

Subpart 42.25—Special Requirements for Vessels Assigned Timber Freeboards

§ 42.25–1 Application of this subpart.

(a) The provisions of this Subpart 42.25 apply only to vessels to which timber load lines are assigned.

§ 42.25–5 Definitions of terms used in this subpart.

(a) *Timber deck cargo.* The term "timber deck cargo" means a cargo of timber carried on an uncovered part of a freeboard or superstructure deck. The term does not include wood pulp or similar cargo.

(b) *Timber load line.* A timber deck cargo may be regarded as giving a ship a certain additional buoyancy and a greater degree of protection against the sea. For that reason, ships carrying a timber deck cargo may be granted a reduction of freeboard calculated according to the provisions of § 42.25–20 and marked on the ship's side in accordance with the provisions of § 42.13–30 (c) and (d). However, in order that such special freeboard may be granted and used, the timber deck cargo shall comply with certain conditions which are laid down in § 42.25–15, and the vessel itself shall also comply with certain conditions relating to its construction which are set out in § 42.25–10.

§ 42.25–10 Construction of ship.

(a) *Superstructure.* (1) Ships shall have a forecastle of at least standard height and a length of at least $0.07L$. In addition, if the ship is less than 328 feet in length, a poop of at least standard height, or a raised quarter deck with either a deckhouse or a strong steel hood of at least the same total height shall be fitted aft.

(b) *Double bottom tanks.* (1) Double bottom tanks where fitted within the midship half length of the ship shall have adequate watertight longitudinal subdivision.

(c) *Bulwarks.* (1) The ship shall be fitted either with permanent bulwarks at least 39½ inches in height, specially stiffened on the upper edge and supported by strong bulwark stays attached to the deck and provided with necessary freeing ports, or with efficient rails of the same height and of specially strong construction.

§ 42.25–15 Stowage.

(a) *General.* (1) Openings in the weather deck over which cargo is stowed shall be securely closed and battened down. The ventilators shall be efficiently protected.

(2) Timber deck cargo shall extend over at least the entire available length which is the total length of the well or wells between superstructures. Where there is no limiting superstructure at the after end, the timber shall extend at least to the after end of the aftermost hatchway. The timber shall be stowed as solidly as possible, to at least the standard height of a superstructure.

(3) On a ship within a seasonal winter zone in winter, the height of the deck cargo above the weather deck shall not exceed one-third of the extreme breadth of the ship.

(4) The timber deck cargo shall be compactly stowed, lashed, and secured. It shall not interfere in any way with the navigation and necessary work of the ship.

(b) *Uprights.* (1) Uprights, when required by the nature of the timber, shall be of adequate strength considering the breadth of the ship; the spacing shall be suitable for the length and character of timber carried, but shall not exceed 9.8 feet. Strong angles or metal sockets or equally efficient means shall be provided for securing the uprights.

(c) *Lashings.* (1) Timber deck cargo shall be efficiently secured throughout its length by independent overall lashings spaced not more than 9.8 feet apart. Eye plates for these lashings shall be efficiently attached to the sheer strake or to the deck stringer plate at intervals of not more than 9.8 feet. The distance from an end bulkhead of a superstructure to the first eye plate shall be not more than 6.6 feet. Eye plates and lashings shall be provided 23½ inches and 4.9 feet from the ends of timber deck cargoes where there is no bulkhead.

(2) Lashings shall be not less than ¾-inch close link chain or flexible wire rope of equivalent strength, fitted with sliphooks and turnbuckles, which shall be accessible at all times. Wire rope lashings shall have a short length of long link chain to permit the length of lashings to be regulated.

(3) When timber is in lengths less than 11.8 feet the spacing of the lashings shall be reduced or other suitable provisions made to suit the length of timber

(4) All fittings required for securing the lashings shall be of strength corresponding to the strength of the lashings.

(d) *Stability.* (1) Provision shall be made for a safe margin of stability at all stages of the voyage, regard being given to additions of weight, such as those due to absorption of water and icing and to losses of weight such as those due to consumption of fuel and stores.

(e) *Protection of crew, access to machinery spaces, etc.* (1) In addition to the requirements of § 42.15–75(e) guardrails or life lines spaced not more than 13 inches apart vertically shall be provided on each side of the deck cargo to a height of at least 39½ inches above the cargo.

(f) *Steering arrangements.* (1) Steering arrangements shall be effectively protected from damage by cargo and, as far as practicable, shall be accessible. Efficient provision shall be made for steering in the event of a breakdown in the main steering arrangements.

§ 42.25–20 Computation for freeboard.

(a) The minimum summer freeboards shall be computed in accordance with § 42.20–10 (a), (b), and (h) and §§ 42.20–15, 42.20–20, 42.20–25; 42.20–30, 42.20–60, and 42.20–65, except that § 42.20–60 is modified by substituting the percentages in Table 42.25–20(a) for those given in § 42.20–60:

TABLE 42.25-20(a)—PERCENTAGE OF DEDUCTION FOR SUPERSTRUCTURE

[Total Effective Length of Superstructure]

	0	0.1L	0.2L	0.3L	0.4L	0.5L	0.6L	0.7L	0.8L	0.9L	1.0L
Percentage of deduction for all types of superstructure[1]	20	31	42	53	64	70	76	82	88	94	100

[1] Percentages at intermediate lengths of superstructures shall be obtained by linear interpolation.

(b) The winter timber freeboard shall be obtained by adding to the summer timber freeboard one thirty-sixth of the molded summer timber draft.

(c) The winter North Atlantic timber freeboard shall be the same as the winter North Atlantic freeboard prescribed in § 42.20–75(d)(1).

(d) The tropical timber freeboard shall be obtained by deducting from the summer timber freeboard one forty-eighth of the molded summer timber draft.

(e) The fresh water timber freeboard shall be computed in accordance with § 42.20–75(e) (1) or (2) based on the summer timber load waterline.

Subpart 42.30—Zones, Areas, and Seasonal Periods

§ 42.30–1 Basis.

(a) The zones and areas in this subpart are, in general, based on the following criteria:

(1) Summer: not more than 10 percent winds of force 8 Beaufort (34 knots) or more.

(2) Tropical: not more than 1 percent winds of force 8 Beaufort (34 knots) or more. Not more than one tropical storm in 10 years in an area of 5° square in any 1 separate calendar month.

(b) In certain special areas, for practical reasons, some degree of relaxation has been found acceptable.

(c) A chart is attached to the International Convention on Load Lines, 1966, to illustrate the zones and areas defined in this Convention and in this subpart.

§ 42.30–5 Northern winter seasonal zones and area.

(a) *North Atlantic Winter Seasonal Zones I and II.* (1) The North Atlantic Winter Seasonal Zone I lies within the meridian of longitude 50° W. from the coast of Greenland to latitude 45° N.; thence the parallel of latitude 45° N. to longitude 15° W.; thence the meridian of longitude 15° W. to latitude 60° N.; thence the parallel of latitude 60° N. to the Greenwich Meridian, thence this meridian northwards.

(i) Seasonal periods:

Winter: October 16 to April 15.
Summer: April 16 to October 15.

(2) The North Atlantic Winter Seasonal Zone II lies within the meridian of longitude 68°30′ W. from the coast of the United States to latitude 40° N.; thence the rhumb line to the point latitude 36° N., longitude 73° W.; thence the parallel of latitude 36° N. to longitude 25° W.; and thence the rhumb line to Cape Torinana. Excluded from this zone are the North Atlantic Winter Seasonal Zone I and the Baltic Sea bounded by the parallel of the latitude of The Skaw in the Skagerrak.

(i) Seasonal periods:

Winter: November 1 to March 31.
Summer: April 1 to October 31.

(b) *North Atlantic Winter Seasonal Area.* (1) The boundary of the North Atlantic Winter Seasonal Area is the meridian of longitude 68°30′ W. from the coast of the United States to latitude 40° N.; thence the rhumb line to the southernmost intersection of the meridian of longitude 61° W. with the coast of Canada; and thence the east coasts of Canada and the United States.

(i) Seasonal periods:

(a) For ships over 328 feet in length:

Winter: December 16 to February 15.
Summer: February 16 to December 15.

(b) For ships of 328 feet and under in length:

Winter: November 1 to March 31.
Summer: April 1 to October 31.

(c) *North Pacific Winter Seasonal Zone.* The southern boundary of the North Pacific Winter Seasonal Zone is the parallel of latitude 50° N. from the east coast of the Union of Soviet Socialist Republics, to the west coast of Sakhalin; thence the west coast of Sakhalin to the southern extremity of Cafse Kril'on; thence the rhumb line to Wakkanai, Hokkaido, Japan; thence the east and south coasts of Hokkaido to longitude 145° E., thence the meridian of longitude 145° E. to latitude 35° N., thence the parallel of latitude 35° N. to longitude 150° W. and thence the rhumb line to the southern extremity of Dall Island, Alaska.

(i) Seasonal periods:

Winter: October 16 to April 15.
Summer: April 16 to October 15.

§ 42.30–10 Southern Winter Seasonal Zone.

(a) The northern boundary of the Southern Winter Seasonal Zone is the rhumb line from the east coast of the American continent at Cape Tres Puntas to the point latitude 34° S., longitude 50° W.; thence the parallel of latitude 34° S. to longitude 17° E.; thence the rhumb line to the point latitude 35°10′ S., longitude 20° E.; thence the rhumb line to the point latitude 34° S., longitude 28° E.; thence along the rhumb line to the point latitude 35°30′ S., longitude 118° E.; thence the rhumb line to Cape Grim on the northwest coast of Tasmania; thence along the north and east coasts of Tasmania to the southernmost point of Bruny Island; thence the rhumb line to Black Rock Point on Stewart Island; thence the rhumb line to the point latitude 47° S., longitude 170° E.; thence along the rhumb line to the point latitude 33° S., longitude 170° W.; and thence the parallel of latitude 33° S. to the west coast of the American continent.

(1) Valparaiso is to be considered as being on the boundary line of the Summer and the Winter Seasonal Zones.

(2) Seasonal periods:

Winter: April 16 to October 15.
Summer: October 16 to April 15.

§ 42.30–15 Tropical Zone.

(a) *Northern boundary of the Tropical Zone.* The northern boundary of the Tropical Zone is the parallel of latitude 13° N. from the east coast of the American continent to longitude 60° W.; thence the rhumb line to a point in latitude 10° N., longitude 58° W.; thence the parallel of latitude 10° N. to longitude 20° W.; thence the meridian of longitude 20° W. to latitude 30° N.; thence the parallel of latitude 30° N. to the west coast of Africa; from the east coast of Africa the parallel of latitude 8° N. to longitude 70° E.; thence the meridian of longitude 70° E. to latitude 13° N.; thence the parallel of latitude 13° N. to the west coast of India; thence around the south coast of India to latitude 10°30′ N. on the east coast of India; thence the rhumb line to a point in latitude 9° N., longitude 82° E.; thence the meridian of longitude 82° E. to latitude 8° N.; thence the parallel of latitude 8° N. to the west coast of Malaysia; thence the coast of Southeast Asia to the east coast of Vietnam at latitude 10° N.; thence the parallel of latitude 10° N. to longitude 145° E.; thence the meridian of longitude 145° E. to latitude 13° N.; and thence the parallel of latitude 13° N. to the west coast of the American continent.

(1) Saigon is to be considered as being on the boundary line of the Tropical Zone and the Seasonal Tropical Area.

(b) *Southern boundary of the Tropical Zone.* The southern boundary of the Tropical Zone is the rhumb line from the Port of Santos, Brazil, to the point where the meridian of longitude 40° W. intersects the Tropic of Capricorn; thence the Tropic of Capricorn to the west coast of Africa; from the east coast of Africa the parallel of latitude 20° S. to the west coast of Madagascar; thence the west and north coasts of Madagascar to longitude 50° E.; thence the meridian of longitude 50° E. to latitude 10° S.; thence the parallel of latitude 10°S. to longitude 98° E.; thence the rhumb line to Port Darwin, Australia; thence the coasts of Australia and Wessel Island eastwards to Cape Wessel; thence the parallel of latitude 11° S. to the west side of Cape York; from the east side of Cape York the parallel of latitude 11° S. to longitude 150° W.; thence the rhumb line to the point latitude 26° S., longitude 75° W.; and thence the rhumb line to the west coast of the American continent at latitude 30° S.

(1) Coquimbo and Santos are to be considered as being on the boundary line of the Tropical and Summer Zones.

(c) *Areas to be included in the Tropical Zone.* The following areas are to be treated as included in the Tropical Zone:

(1) The Suez Canal, the Red Sea, and the Gulf of Aden, from Port Said to the meridian of longitude 45° E.

(i) Aden and Berbera are to be considered as being on the boundary line of the Tropical Zone and the Seasonal Tropical Area.

(2) The Persian Gulf to the meridian of longitude 59° E.

(3) The area bounded by the parallel of latitude 22° S. from the east coast of Australia to the Great Barrier Reef, thence the Great Barrier Reef to latitude 11° S. The northern boundary of the area is the southern boundary of the Tropical Zone.

§ 42.30–20 Seasonal Tropical Areas.

The following are Seasonal Tropical Areas:

(a) *In the North Atlantic.* It is an area bounded on the north by the rhumb line from Cape Catoche, Yucatan, to Cape San Antonio, Cuba, the north coast of Cuba to latitude 20° N., thence the parallel of latitude 20° N. to longitude 20° W.; on the west by the coast of the American continent; on the south and east by the northern boundary of the Tropical Zone.

(1) Seasonal periods:

Tropical: November 1 to July 15.
Summer: July 16 to October 31.

(b) *In the Arabian Sea.* An area bounded on the west by the coast of Africa, the meridian of longitude 45° E. in the Gulf of Aden, the coast of South Arabia and the meridian of longitude 59° E. in the Gulf of Oman; on the north and east by the coasts of Pakistan and India; on the south by the northern boundary of the Tropical Zone.

(1) Seasonal periods:

Tropical: September 1 to May 31.
Summer: June 1 to August 31.

(c) *In the Bay of Bengal.* The Bay of Bengal north of the northern boundary of the Tropical Zone.

(1) Seasonal periods:

Tropical: September 1 to May 31.
Summer: May 1 to November 30.

(d) *In the South Indian Ocean.* (1) An area bounded on the north and west by the southern boundary of the Tropical Zone and the east coast of Madagascar; on the south by the parallel of latitude 20° S.; on the east by the rhumb line from a point in latitude 20° S., longitude 50° E., to a point in latitude 15° S., longitude 51°30′ E., and thence by the meridian of longitude 51°30′ E. to latitude 10° S.

(i) Seasonal periods:

Tropical: April 1 to November 30.
Summer: December 1 to March 31.

(2) An area bounded on the north by the southern boundary of the Tropical Zone; on the east by the coast of Australia; on the south by the parallel of latitude 15° S. from longitude 51°30′ E., to longitude 120° E. and thence the meridian of longitude 120° E. to the coast of Australia; on the west by the meridian of longitude 51°30′ E.

(i) Seasonal periods:

Tropical: May 1 to November 30.
Summer: December 1 to April 30.

(e) *In the China Sea.* An area bounded on the west and north by the coasts of Vietnam and China from latitude 10° N. to Hong Kong; on the east by the rhumb line from Hong Kong to the Port of Sual (Luzon Island), and the west coasts of the Islands of Luzon, Samar, and Leyte to latitude 10° N.; on the south by the parallel of latitude 10° N.

(1) Hong Kong and Sual are to be considered as being on the boundary of the Seasonal Tropical Area and Summer Zone.

(2) Seasonal periods:

Tropical: January 21 to April 30.
Summer: May 1 to January 20.

(f) *In the North Pacific.* (1) An area bounded on the north by the parallel of latitude 25° N.; on the west by the meridian of longitude 160° E.; on the south by the parallel of latitude 13° N.; on the east by the meridian of longitude 130° W.

(i) Seasonal periods:

Tropical: April 1 to October 31.
Summer: November 1 to March 31.

(2) An area bounded on the north and east by the west coast of the American continent; on the west by the meridian of longitude 123° W. from the coast of the American continent to latitude 33° N., longitude 123° W.; to the point latitude 13° N., longitude 105° W.; on the south by the parallel of latitude 13° N.

(i) Seasonal periods:

Tropical: March 1 to June 30, and November 1 to November 30.
Summer: July 1 to October 31, and December 1 to February 28/29.

(g) *In the South Pacific.* (1) The Gulf of Carpentaria south of latitude 11° S.

(i) Seasonal periods:

Tropical: April 1 to November 30.
Summer: December 1 to March 31.

(2) An area bounded on the north and east by the southern boundary of the Tropical Zone; on the south by the Tropic of Capricorn from the east coast of Australia to longitude 150° W.; thence by the meridian of longitude 150° W. to latitude 20° S. and thence by the parallel of latitude 20° S. to the point where it intersects the southern boundary of the Tropical Zone; on the west by the boundaries of the area within the Great Barrier Reef included in the Tropical Zone, and by the east coast of Australia.

(i) Seasonal periods:

Tropical: April 1 to November 30.
Summer: December 1 to March 31.

§ 42.30–25 Summer Zones.

(a) The remaining areas constitute the Summer Zones.

(1) However, for ships of 328 feet and under in length, the area bounded on the north and west by the east coast of the United States; on the east by the meridian of longitude 68°30′ W. from the coast of the United States to latitude 40° N. and thence by the rhumb line to the point latitude 36° N., longtitude 73° W.; on the south by the parallel of latitude 36° N.; is a Winter Seasonal Area.

(i) Seasonal periods:

Winter: November 1 to March 31.
Summer: April 1 to October 31.

§ 42.30–30 Enclosed seas.

(a) *Baltic Sea.* This sea bounded by the parallel of latitude of The Skaw in the Skagerrak is included in the Summer Zones.

(1) However, for ships of 328 feet and under in length, it is a Winter Seasonal Area.

(i) Seasonal periods:

Winter: November 1 to March 31.
Summer: April 1 to October 31.

(b) *Black Sea.* This sea is included in the Summer Zones.

(1) However, for ships of 328 feet and under in length, the area north of latitude 44° N. is a Winter Seasonal Area.

(i) Seasonal periods:

Winter: December 1 to February 26/29.
Summer: March 1 to November 30.

(c) *Mediterranean.* This sea is included in the zones.

(1) However, for ships of 328 feet and under in length, the area bounded on the north and west by the coasts of France and Spain and the meridian of longitude 3° E. from the coast of Spain to latitude 40° N.; on the south by the parallel of latitude 40° N. from longitude 3° E. to the west coast of Sardinia; on the east by the west and north coasts of Sardinia from latitude 40° N. to longitude 9° E., thence by the meridian of longitude 9° E. to the south coast of Corsica, thence by the west and north coasts of Corsica to longitude 9° E. and thence by the rhumb line to Cape Sicie; is a Winter Seasonal Area.

(i) Seasonal periods:

Winter: December 16 to March 15.
Summer: March 16 to December 15.

(d) *Sea of Japan.* This sea south of the parallel of latitude 50° N. is included in the Summer Zones.

(1) However, for ships of 328 feet and under in length, the area between the parallel of latitude 50° N. and the rhumb line from the east coast of Korea at latitude 38° N. to the west coast of Hokkaido, Japan, at latitude 43°12′ N., is a Winter Seasonal Area.

(i) Seasonal periods:

Winter: December 1 to February 28/29.
Summer: March 1 to November 30.

§ 42.30–35 The Winter North Atlantic Load Line.

(a) The part of the North Atlantic referred to in § 42.20–75(d)(1) comprises:

(1) That part of the North Atlantic Winter Seasonal Zone II which lies between the meridians of 15° W. and 50° W.; and,

(2) The whole of the North Atlantic Winter Seasonal Zone I, the Shetland Islands to be considered as being on the boundary.

Subpart 42.35—Load Line Assignment, Surveys, and Inspections; Fees and Other Expenses

§ 42.35–1 Scale of fees.

(a) Subject to the conditions as set forth in this section, fees payable by owners will be charged for assignment of load line (including load line and condition survey, verification of markings and issuance of load line certificates) in accordance with Table 42.35–1.

TABLE 42.35–1—FEES FOR ASSIGNMENT OF LOAD LINE

Size of vessel	Classed vessel [1]	Unclassed vessels
Under 200 gross tons	$30.00	$100.00
200 and under 400 gross tons	30.00	125.00
400 and under 700 gross tons	35.00	155.00
700 and under 1,000 gross tons	40.00	190.00
1,000 and under 1,500 gross tons	40.00	230.00
1,500 and under 2,500 gross tons	50.00	270.00
2,500 and under 3,500 gross tons	60.00	310.00
3,500 and under 5,000 gross tons	70.00	350.00
5,000 and under 6,500 gross tons	85.00	390.00
6,500 and under 8,000 gross tons	100.00	430.00
8,000 and under 10,000 gross tons	110.00	470.00
10,000 and under 12,000 gross tons	120.00	510.00
12,000 and under 15,000 gross tons	130.00	550.00
15,000 gross tons and above	140.00	590.00

[1] Classed vessel means vessel in class with the assigning authority.

(b) In the case of unclassed vessels newly built, where an extensive review of construction plans and attendance during construction by the Surveyors of the assigning authority may be required; in the case of existing unclassed vessels where necessary plans are not available; and in cases where alterations or repairs are made, which would require more than a normal attendance by the Surveyors; additional fees, proportional to the amount of work involved, may be charged.

(c) The provisions of this section may be applied to either classed or unclassed vessels in cases where, due to alterations or changes in service, a new freeboard may be required.

§ 42.35–5 Fees for renewal of load line certificates.

(a) For unclassed vessels the fees for condition survey and renewal of load line certificates shall be 50 percent of the scale in § 42.35–1. In cases where alterations or repairs are made which would require more than a normal attendance by the Surveyors, additional fees, proportional to the amount of work involved, may be charged.

(b) For classed vessels where the survey is carried out in conjunction with a survey required for maintenance of class and for which a fee is chargeable, no charge will be made for the survey, but an amount not exceeding $25 for the issuance of the new load line certificate may be charged.

§ 42.35–10 Fees for annual load line inspection.

(a) The fee for annual load line inspection shall be $25 for vessels not exceeding 2,000 gross tons, and $35 for vessels of more than 2,000 gross tons. Where alterations or repairs are made, which would require more than a normal attendance by the Surveyors, additional fees, proportional to the work involved, may be charged.

(b) In the case of a classed vessel, no charge will be made for this inspection if carried out at the same time as a survey to the hull that is required for maintenance of class and for which a fee is chargeable.

§ 42.35–15 Traveling expenses.

(a) For all traveling expenses incurred in connection with the surveys described in this section there will be an additional charge.

Subpart 42.50—Load Line Certificates—Model Forms

§ 42.50–1 General.

(a) The provisions of this Subpart 42.50 set forth the requirements for the text of various load line certificates issued to vessels complying with the applicable requirements in this subchapter. See §§ 42.07–35 and 42.07–40 for requirements regarding load line assigning and issuing authorities. See § 42.07–45 for requirements regarding load line certificates.

(b) The text of the international load line certificate and exemption certificate and arrangement of the printed portions shall be the same as that set forth in this subpart in the model Forms *A1*, *A2*, *A3*, and *E1*, except for the following authorized variations:

(1) The freeboards and load line marks which are not applicable to a specific vessel need not be entered on the certificate issued.

(2) The provisions of Note 3 on the front of the certificate (Forms *A1*, *A2*, *A3*, *B*, *C1*, *C2*, and *C3*) may be changed to correctly describe the situation applicable to the vessel concerning information and instructions furnished the master about loading and ballasting the vessel to provide a guide as to stability under various conditions.

(c) In the load line certificates the assigning and issuing authority shall set forth its full official designation; i.e., its legal name, address of home office, and reference to the authorization from the Commandant.

§ 42.50–5 International load line certificates.

(a) The various forms of certificates certifying to the correctness of the load line marks assigned under the regulations in this subchapter and/or certain exemptions therefrom for U.S.-flag vessels engaged in foreign voyages, or engaged in coastwise or intercoastal voyages (provided such vessels qualify to engage in foreign voyages without restriction), are:

(1) Form *A1*, for general use.

(2) Form *A2*, for sailing vessels.

(3) Form *A3*, for general use, combined with timber deck cargo.

(4) Form *E1*, for general international or coastwise use.

(b) The text and arrangement of the printed portions of Form *A1* (printed front and back) are as follows:

INTERNATIONAL LOAD LINE CERTIFICATE (1966)

[Form A1]

(Official seal of issuing authority.)
(Certificate No. -------.)

Issued under the provisions of the International Convention on Load Lines, 1966, under the authority of the Government of the United States of America, and the Commandant, U.S. Coast Guard:

By ----------
(Insert full official designation of issuing authority)
----

and duly authorized for assigning purposes under the provisions of the Convention.

Name of ship	Distinctive number or letters	Port of registry	Length (*L*) as defined in Article 2(8) i.e., 46 CFR 42.13–15

Freeboard assigned as: [1] {A new ship. / An existing ship.} Type of ship: [1] {Type "A". / Type "B". / Type "B" with reduced freeboard. / Type "B" with increased freeboard.}

FREEBOARD FROM DECK LINE			LOAD LINE
Tropical ----------	——— (inches)	----------(T)	——— (inches) above (S).
Summer ----------	——— (inches)	----------(S)	Upper edge of line at level of center of ring.
Winter ----------	——— (inches)	----------(W)	——— (inches) below (S).
Winter (North Atlantic).	——— (inches)	----------(WNA)	——— (inches) below (S).

Allowance for fresh water for all freeboards---------- ——— (inches).

(All measurements are to upper edge of the respective horizontal lines)

The upper edge of the deck line from which these freeboards are measured is------ inches above or below the top of the ---------- deck at side; i.e., freeboard [1] deck.



[1] The issuing authority is authorized to delete or change words whenever it is inapplicable to a specific vessel and to arrange wording so appropriate word insertions may be made, which accurately describe the facts.

NOTES

4. The Winter North Atlantic Load Line applies only to vessels of 328 feet in length or less, which enter any part of the North Atlantic Ocean during the winter months as defined by the Load Line Regulations in 46 CFR 42.30–5 and 42.30–35. The periods during which the other seasonal load lines apply in different parts of the world are as stated in the Load Line Regulations in 46 CFR 42.30–5 to 42.30–30, inclusive.

5. This Load Line Certificate will be canceled by the Commandant, U.S. Coast Guard, if:

(a) The annual periodic inspections have not been carried out within 3 months either way of each anniversary date of the certificate.

(b) The certificate is not endorsed to show that the ship has been inspected as indicated in (a).

(c) Material alterations have been made to the hull or superstructure of the vessel, such as would necessitate the assignment of an increased freeboard.

(d) The fittings and appliances for the protection of the openings, guardrails, freeing ports, or the means of access to the crew's quarters have not been maintained in as effective a condition as they were when the certificate was issued.

(e) The structural strength of the ship is lowered to such an extent that the ship is unsafe.

6. When this certificate has expired or has been canceled, it must be delivered to the issuing authority.

(c) The text and arrangement of the printed portion of Form *A2* shall be identical with the information on the face and reverse sides of Form *A1* certificate in paragraph (b) of this section except for the identification of model form, description of the "Freeboard from deck line," the "Load Line," and the illustration of load line marks, which shall be as follows:

INTERNATIONAL LOAD LINE CERTIFICATE (1966)

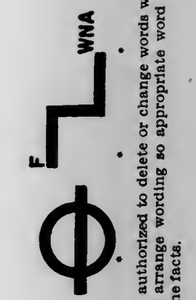
[Form A2]

FREEBOARD FROM DECK LINE			LOAD LINE
Tropical } Summer }	---------- ——— (inches)		Upper edge of line at level of center of ring.
Winter }			
Winter—North Atlantic.-	——— (inches)	(WNA)	Upper edge of line ——— (inches) below upper edge at level of center of ring.

Allowance for fresh water for all freeboards---------- ——— (inches).

(All measurements are to upper edge of the respective horizontal lines)

The upper edge of the deck line from which these freeboards are measured is ------ inches above or below the top of the ---------- deck at side; i.e., freeboard [1] deck.



[1] The issuing authority is authorized to delete or change words whenever it is inapplicable to a specific vessel and to arrange wording so appropriate word insertions may be made, which accurately describe the facts.

Date of initial or periodical survey ----------.

This is to certify that this ship has been surveyed and that the freeboards have been assigned and load lines shown above have been marked in accordance with the International Convention on Load Lines, 1966.

This certificate is valid until ----------,[2] subject to periodical inspections in accordance with Article 14(1)(c) of the Convention, and endorsement thereof on the reverse side of the certificate.

Issued at ----------, ---------- 19---
(Place of issue of certificate) (Date of issue)

(Signature of official issuing the certificate)

[Seal of issuing authority]

The undersigned declares that he is duly authorized by the said Government to issue this certificate.

(Signature)

[2] At the expiration of this certificate, renewal should be obtained in accordance with the Load Line Regulations, and if upon examination the ship is found to be in a satisfactory condition, this certificate will be extended and so endorsed on the reverse side.

NOTES

1. When a ship departs from a port situated on a river or inland waters, deeper loading shall be permitted corresponding to the weight of fuel and all other materials required for consumption between the point of departure and the sea.

2. When a ship is in fresh water of unit density, the appropriate load line may be submerged by the amount of the fresh water allowance shown above. Where the density is other than unity, an allowance shall be made proportional to the difference between 1.025 and the actual density.

3. It is the owner's responsibility to furnish the master with information and instructions for loading and ballasting this vessel to provide guidance as to stability of the vessel under varying conditions of service and to avoid unacceptable stresses in the vessel's structure.

(Reverse Side of Certificate)

ANNUAL INSPECTIONS

This to certify that at a periodical inspection required by Article 14(1)(c) of the Convention, this ship was found to comply with the relevant provisions of the Convention.

Place ---------- Date ----------
(Signature and seal of issuing authority)

Place ---------- Date ----------
(Signature and seal of issuing authority)

Place ---------- Date ----------
(Signature and seal of issuing authority)

Place ---------- Date ----------
(Signature and seal of issuing authority)

RENEWAL OF LOAD LINE CERTIFICATE

The provisions of the Convention being fully complied with by this ship, the validity of this certificate is, in accordance with Article 19(2) of the Convention, extended until ----------.

Place ---------- Date ----------
(Signature and seal of issuing authority)

(d) The text and arrangement of the printed portion of Form *A3* shall be identical with the information on the face and reverse sides of Form *A1* certificate in paragraph (b) of this section except for the identification of model form, description of the "Freeboard from deck line," the "Load Line," and the illustration of load line marks, which shall be as follows:

INTERNATIONAL LOAD LINE CERTIFICATE (1966)

[Form *A3*]

• • • • • • •

The timber freeboards given in this certificate are applicable only when this ship carries a timber deck cargo and complies with special requirements of the Load Line Regulations regarding timber deck cargoes.

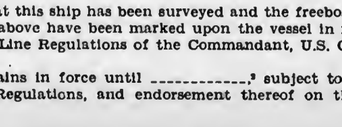
FREEBOARD FROM DECK LINE			LOAD LINE
Tropical	_____(inches)	------(T)	_____(inches) above (S).
Summer	_____(inches)	------(S)	Upper edge of line at level of center of ring.
Winter	_____(inches)	-----(W)	_____(inches) below (S).
Winter—North Atlantic	_____(inches)	---(WNA)	_____(inches) below (S).
Timber—tropical	_____(inches)	-----(LT)	_____(inches) above (LS).
Timber—summer	_____(inches)	-----(LS)	_____(inches) above (S).
Timber—winter	_____(inches)	----(LW)	_____(inches) below (LS).
Timber—winter—North Atlantic.	_____(inches)	--(LWNA)	_____(inches) below (LS).

Allowance for fresh water for all freeboards other than timber ---------- _____(inches).
Allowance for fresh water for all timber freeboards ---------- _____(inches).

(All measurements are to upper edge of the respective horizontal lines)

The upper edge of the deck line from which these freeboards are measured is ------ inches above or below the top of the ---------- deck at side; i.e., freeboard [1] deck.

• • • • • • •



• • • • • • •

[1] The issuing authority is authorized to delete or change words whenever it is inapplicable to a specific vessel and to arrange wording so appropriate word insertions may be made, which accurately describe the facts.

(e) The text and arrangement of the printed portions of Form *E1* are as follows:

INTERNATIONAL LOAD LINE EXEMPTION CERTIFICATE

[Form *E1*]

(Official seal of issuing authority.)
(Certificate No. -------.)

Issued under the provisions of the International Convention on Load Lines, 1966, under the authority of the Government of the United States of America, and the Commandant, U.S. Coast Guard:

By ----------
(Insert full official designation of issuing authority)

---

and duly authorized for assigning purposes under the provisions of the Convention.

Name of ship	Distinctive number or letters	Port of registry

This is to certify that the above-mentioned ship is exempted from the provisions of the 1966 Convention, under the authority conferred by Article 6(2),[1] Article 6(4),[1] of the Convention referred to above.

The provisions of the Convention from which the ship is exempted under Article 6(2) are:

The voyage for which exemption is granted under Article 6(4) is:

From: ----------

To: ----------

Conditions, if any, on which the exemption is granted under either Article 6(2) or Article 6(4):

This certificate is valid until ----------,[2] subject, where appropriate, to periodical inspections in accordance with Article 14(1)(c) of the Convention, and endorsement thereof on the reverse side of the certificate.

Issued at ----------, ----------.
(Place of issue of certificate) (Date of issue)

(Signature of official issuing the certificate)

[Seal of issuing authority]

The undersigned declares that he is duly authorized by the said Government to issue this certificate.

(Signature)

[1] The issuing authority is authorized to delete whichever reference is inapplicable.

[2] At the expiration of this certificate, renewal should be obtained in accordance with the Load Line Regulations, if permitted. If upon examination the ship is found to be in a satisfactory condition, this certificate will be extended and so endorsed on the reverse side.

(Reverse side of exemption certificate)

ANNUAL INSPECTIONS

This is to certify that this ship continues to comply with the conditions under which this exemption was granted.

Place ---------- Date ----------.

(Signature and seal of issuing authority)

Place ---------- Date ----------.

(Signature and seal of issuing authority)

Place ---------- Date ----------.

(Signature and seal of issuing authority)

Place ---------- Date ----------.

(Signature and seal of issuing authority)

RENEWAL OF LOAD LINE CERTIFICATE

This ship continues to comply with the conditions under which this exemption was granted and the validity of this certificate is, in accordance with Article 19(4)(a) of the Convention, extended until ----------.

Place ---------- Date ----------.

(Signature and seal of issuing authority)

§ 42.50–10 Load line certificate for foreign flag vessels.

(a) The form of load line certificate certifying to the correctness of the load line marks assigned under the regulations in this subchapter for foreign flag vessels engaged in voyages subject to the Load Line Act of March 2, 1929, as amended (46 U.S.C. 85–85g), is:

(1) Form *B*, for general use.

(b) The text and arrangement of the printed portion of Form *B* shall be identical with the information on the face and reverse sides of Form *A1* certificate in § 42.50–5(b) except for title of certificate, model form, the first paragraph, and the wording of certification for issuance and renewal, which shall be as follows:

LOAD LINE CERTIFICATE

[Form *B*]

(Official seal of issuing authority.)
(Certificate No. -------.)

Issued under the authority of the Commandant, U.S. Coast Guard, United States of America, under the provisions of the Load Line Act of March 2, 1929, as amended (46 U.S.C. 85–85g), and the Load Line Regulations in 46 CFR Part 42:

By ----------
(Insert full official designation of issuing authority)

---

and duly authorized for assigning purposes under the provisions of the Load Line Act of March 2, 1929, as amended.

• • • • • • •

This is to certify that this ship has been surveyed and the freeboards have been assigned and load lines shown above have been marked upon the vessel in manner and location as required by the Load Line Regulations of the Commandant, U.S. Coast Guard, in 46 CFR Part 42.

This certificate remains in force until ----------,[3] subject to renewal in accordance with the Load Line Regulations, and endorsement thereof on the reverse side of this certificate.

Issued at ----------, ----------.
(Place of issue of certificate) (Date of issue)

(Signature of official issuing the certificate)

[Seal of issuing authority]

• • • • • • •

[3] At the expiration of this certificate, renewal should be obtained in accordance with the Load Line Regulations. If upon examination the ship is found to be in a satisfactory condition, this certificate will be extended and so endorsed on the reverse side.

• • • • • • •

(Reverse side of certificate)

RENEWAL OF LOAD LINE CERTIFICATE

This is to certify the provisions of the Load Line Regulations of the Commandant, U.S. Coast Guard, are being fully complied with by this ship, and this certificate is renewed until ----------.

Place ---------- Date ----------.

(Signature and seal of issuing authority)

This is to certify the provisions of the Load Line Regulations of the Commandant, U.S. Coast Guard, are being fully complied with by this ship, and this certificate is renewed until ----------.

Place ---------- Date ----------.

(Signature and seal of issuing authority)

This is to certify the provisions of the Load Line Regulations of the Commandant, U.S. Coast Guard, are being fully complied with by this ship, and this certificate is renewed until ----------.

Place ---------- Date ----------.

(Signature and seal of issuing authority)

This is to certify the provisions of the Load Line Regulations of the Commandant, U.S. Coast Guard, are being fully complied with by this ship, and this certificate is renewed until ----------.

Place ---------- Date ----------.

(Signature and seal of issuing authority)

§ 42.50–15 Coastwise load line certificates for U.S.-flag vessels.

(a) The forms of the coastwise load line certificate, other than for special service which are provided for in Part 44 of this subchapter, certifying to the correctness of the load line marks assigned under the regulations in this part or Part 43 of this subchapter are:

(1) Form *C1*, for general use.

(2) Form *C2*, for sailing ships.

(3) Form *C3*, for general use, combined with timber deck cargo.

(b) Space shall be provided on the face of each of the coastwise load line certificates so that there may be entered thereon a record of the restrictions applicable to the vessel, if any.

(c) The text and arrangement of the printed portions of Form *C1* are as follows:

COASTWISE LOAD LINE CERTIFICATE

[Form *C1*]

(Official seal of issuing authority.)
(Certificate No. -------.)

Issued under the authority of the Commandant, U.S. Coast Guard, under the provisions of the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88–88g), and the Load Line Regulations in 46 CFR Part 42:

By ----------
(Insert full official designation of issuing authority)

---

and duly authorized for assigning purposes under the provisions of this law for vessels engaging in coastwise and/or intercoastal voyages.

Name of ship	Distinctive number or letters	Port of registry	Length (L) as defined in 46 CFR 42.13–15

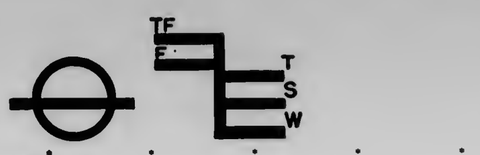
Freeboard assigned as: [1] { A new ship. / An existing ship. } Type of ship: [1] { Type "A". / Type "B". / Type "B" with reduced freeboard. / Type "B" with increased freeboard. }

FREEBOARD FROM DECK LINE		LOAD LINE
Tropical	____(inches)___(T)	____(inches) above (S).
Summer	____(inches)___(S)	Upper edge of line at level of center of ring.
Winter	____(inches)__(W)	____(inches) below (S).

Allowance for fresh water for all freeboards _____ (inches).

(All measurements are to upper edge of the respective horizontal lines)

The upper edge of the deck line from which these freeboards are measured is _____ inches above or below the top of the _____ deck at side; i.e., freeboard [1] deck.



Date of initial or periodical survey _____.

The following is a record of the restrictions applicable to the above named ship:

_____

(List restrictions. If none, insert "None.")

_____

This is to certify that this ship has been surveyed and that the freeboards have been assigned and load lines shown above have been marked in accordance with the Commandant, U.S. Coast Guard, Coastwise Load Line Regulations in 46 CFR Parts 42 to 46, inclusive.

This certificate remains in force until _____,[2] subject to periodical inspections in accordance with applicable Load Line Regulations, and endorsement thereof on the reverse side of the certificate.

Issued at _____, _____

(Place of issue of certificate) (Date of issue)

By _____

(Name of issuing authority)

_____

(Signature of official issuing the certificate)

[Seal of issuing authority]

[1] The issuing authority is authorized to delete or change words inapplicable to a specific vessel and to arrange wording so appropriate word insertions may be made, which accurately describe the facts.

[2] At the expiration of this certificate, renewal should be obtained in accordance with the Load Line Regulations. If upon examination the ship is found to be in a satisfactory condition, this certificate will be extended and so endorsed on the reverse side.

NOTES

1. When a ship departs from a port situated on a river or inland waters, deeper loading shall be permitted corresponding to the weight of fuel and all other materials required for consumption between the point of departure and the sea.

2. When a ship is in fresh water of unit density the appropriate load line may be submerged by the amount of the fresh water allowance shown above. Where the density is other than unity, an allowance shall be made proportional to the difference between 1.025 and the actual density.

3. It is the owner's responsibility to furnish the master with information and instructions for loading and ballasting this vessel to provide guidance as to stability of the vessel under varying conditions of service and to avoid unacceptable stresses in the vessel's structure.

(Reverse side of Coastwise Load Line Certificate)

ANNUAL INSPECTIONS

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

_____ _____ _____

(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

_____ _____ _____

(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

_____ _____ _____

(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

_____ _____ _____

(Signature of Surveyor) (Place) (Date)

RENEWAL OF COASTWISE LOAD LINE CERTIFICATE

The provisions of the Coastwise Load Line Regulations of the Commandant, U.S. Coast Guard, in 46 CFR Parts 42 to 46, inclusive, being fully complied with by this ship, this certificate is renewed until _____.

Place _____ Date _____.

_____

(Name of issuing authority and signature of Surveyor)

NOTES

4. The periods and areas during which the seasonal load lines apply are as stated in the Load Line Regulations in 46 CFR 42.30–5, 42.30–15, 42.30–20, and 42.30–25.

5. This Coastwise Load Line Certificate will be canceled by the Commandant, U.S. Coast Guard, if:

(a) The annual periodic inspections have not been carried out within three months either way of each anniversary date of the certificate.

(b) The certificate is not endorsed to show that the ship has been inspected as indicated in (a).

(c) Material alterations have been made to the hull or superstructure of the vessel, such as would necessitate the assignment of an increased freeboard.

(d) The fittings and appliances for the protection of the openings, guardrails, freeing ports, or the means of access to the crew's quarters have not been maintained in as effective a condition as they were when the certificate was issued.

(e) The structural strength of the ship is lowered to such an extent that the ship is unsafe.

6. When this certificate has expired or has been canceled, it must be delivered to the issuing authority.

(d) The text and arrangement of the printed portion of Form C2 shall be identical with the information on the face and reverse sides of Form C1 certificate in paragraph (c) of this section except for the identification of model form, description of the "Freeboard from deck line", the "Load Line", and the illustration of load line marks, which shall be as follows:

COASTWISE LOAD LINE CERTIFICATE

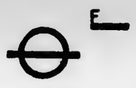
[Form C2]

FREEBOARD FROM DECK LINE		LOAD LINE
Tropical, Summer, Winter	_____(inches).	Upper edge of line at level of center of ring.

Allowance for fresh water for all freeboards _____ (inches).

(All measurements are to upper edge of the respective horizontal lines)

The upper edge of the deck line from which these freeboards are measured is _____ inches above or below the top of the _____ deck at side; i.e., freeboard [1] deck.



[1] The issuing authority is authorized to delete or change words inapplicable to a specific vessel and to arrange wording so appropriate word insertions may be made, which accurately describe the facts.

(e) The text and arrangement of the printed portion of Form C3 shall be identical with the information on the face and reverse sides of Form C1 certificate in paragraph (c) of this section except for the identification of model form, description of the "Freeboard from deck line," the "Load Line," and the illustration of load line marks, which shall be as follows:

COASTWISE LOAD LINE CERTIFICATE

[Form C3]

The timber freeboards given in this certificate are applicable only when this ship carries a timber deck cargo and complies wth the special requirements of the Load Line Regulations regarding timber deck cargoes.

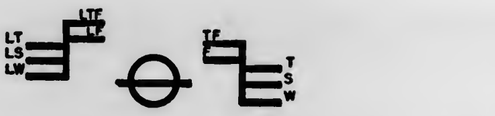
FREEBOARD FROM DECK LINE		LOAD LINE
Tropical	_____(inches) ____(T)	_____(inches) above (S).
Summer	_____(inches) ____(S)	Upper edge of line at level of center of ring.
Winter	_____(inches) ____(W)	_____(inches) below (S).
Timber—tropical	_____(inches) ___(LT)	_____(inches) above (LS).
Timber—summer	_____(inches) ___(LS)	_____(inches) above (S).
Timber—winter	_____(inches) __(LW)	_____(inches) below (LS).

Allowance for fresh water for all freeboards other than timber _____ (inches).

Allowance for fresh water for all timber freeboards _____ (inches).

(All measurements are to upper edge of the respective horizontal lines)

The upper edge of the deck line from which these freeboards are measured is _____ inches above or below the top of the _____ deck at side; i.e., freeboard [1] deck.



[1] The issuing authority is authorized to delete or change words inapplicable to a specific vessel and to arrange wording so appropriate word insertions may be made, which accurately describe the facts.

PART 43—FOREIGN OR COASTWISE VOYAGES BY EXISTING MERCHANT VESSELS

1. The heading for Part 43 is amended to read as set forth above.

2. The authority note for Part 43 is amended to read as follows:

AUTHORITY: The provisions of this Part 43 issued under sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 85a, 88a, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2).

Subpart 43.01—Administration

3. Section 43.01–1 is amended by revising paragraphs (a), (b), (d)(3), and (d)(5) to read as follows:

§ 43.01–1 Establishment of load lines.

(a) Load lines are established for existing merchant vessels of 150 gross tons or over in conformity with the Act of March 2, 1929, as amended (46 U.S.C. 85–85g), the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88–88l), or the current International Load Line Convention.

(b) Load lines for existing merchant vessels of 150 gross tons or over shall be pursuant to the regulations in this part when such vessels are not in compliance with the requirements in Part 42 of this subchapter and:

(1) Engage in foreign voyages by sea, or arrive within the jurisdiction of the United States or her possessions from foreign voyages by sea, in both cases the Great Lakes excepted; or,

(2) Engage in coastwise voyages by sea (domestic), the Great Lakes excepted.

• • • • • •

(d) • • •

(3) Vessels which engage in voyages from one port or place in the United States to a port or place in a possession, or vice versa, or between ports or places in two different U.S. possessions, and pass outside the line dividing inland waters from the high seas are subject to the Coastwise Load Line Act, and the current International Load Line Convention.

• • • • • •

(5) Vessels which engage in foreign voyages and pass outside the line dividing inland waters from the high seas are subject to the Act of March 2, 1929, as amended, and the current International Load Line Convention.

• • • • • •

§ 43.01–5 [Canceled]

4. Section 43.01–5 *Responsibility for administration* is canceled.

§ 43.01–10 [Canceled]

5. Section 43.01–10 *Application of regulations* is canceled.

§ 43.01–13 [Canceled]

6. Section 43.01–13 *Penalties for violations of load line acts* is canceled.

§ 43.01–15 [Amended]

7. Section 43.01–15 *Timber cargoes* is amended by canceling in paragraphs (c) and (d) the reference to "§ 43.01–10."

8. Section 43.01–25 is amended to read as follows:

§ 43.01–25 New and existing vessels.

(a) The definitions of the terms "new vessel" and "existing vessel" are in §§ 42.05–50 and 42.05–30 respectively. For the purposes of regulations in this part these terms are further modified as set forth in this section.

(b) The marking, assignment, and certification of all vessels whose keels are laid, or which are at a similar stage of construction, on or after July 21, 1968, shall meet the requirements in Part 42 of this subchapter.

(c) For the purpose of marking, assignment and certification of load lines on the International Load Line Certificate in § 42.50–5, and based on the requirements in this part, a "new vessel" is one whose keel was laid on or after July 1, 1932, and prior to July 21, 1968. All other vessels whose keels were laid prior to July 1, 1932, and engaged on international voyages are regarded as "existing vessels."

(d) For the purpose of marking, assignment, and certification of load lines on the Coastwise Load Line Certificate in § 42.50–15, and based on the Coastwise Load Line requirements in this part, a "new vessel" is one whose keel was constructively laid prior to July 21, 1968, and on or after November 27, 1935, if of 4,000 gross tons and over, or on or after August 27, 1936, if less than 4,000 gross tons. All other vessels whose keels were laid prior to November 27, 1935, or August 27, 1936, respectively, and engaged on coastwise voyages are regarded as "existing vessels."

9. Section 43.01–60 is amended to read as follows:

§ 43.01–60 Application for assignment, renewal, and certification.

(a) The application for assignment, renewal, and certification of load lines under this part shall be made by the owner, master, or agent in accordance with the procedures and requirements in §§ 42.11–1 to 42.11–20, inclusive, in this subchapter.

10. Section 43.01–75 is amended by revising paragraph (a), canceling paragraph (b), and redesignating paragraph (c) as paragraph (b), and so revised reads as follows:

§ 43.01–75 Validity and renewal of certificates.

(a) The assignment of load lines is conditioned upon the structural efficiency of the vessel and upon the provision of effective protection to vessel and crew. The Act of March 2, 1929, as amended (46 U.S.C. 85–85g), and the Coastwise Load Line Act, 1935, as amended (46 U.S.C. 88–88i), provide that every vessel required to be marked shall be surveyed. The assigning authority at least once in each 5 years shall survey such a vessel to determine that the load lines are then correctly placed as required by this part. If the load line mark be found correct for the vessel in the condition she is then in, the certificate shall be renewed for such time as the condition of the vessel then warrants, but in no case for a period longer than 5 years and the facts shall be attested to by endorsement upon the back of the certificate.

(b) The Commandant shall be notified of every renewal endorsement and the date of its expiration.

§ 43.01–80 [Canceled]

11. Section 43.01–80 *Forms of certificates* is canceled, effective July 21, 1968.

§ 43.01–90 [Amended]

12. Section 43.01–90 *Zones and seasonal areas* is amended in paragraph (a) by changing the phrase from "zones and seasonal areas as described in this part" to "zones and seasonal areas as described in §§ 42.30–5 to 42.30–35, inclusive, in this subchapter."

§ 43.01–97 [Amended]

13. Section 43.01–97 *Control* is amended by changing in paragraph (f), first sentence, the phrase from "section 5 of these acts" to "section 5 of these acts until July 21, 1970".

Subpart 43.03—Special Load Line Provisions Applicable to Certain Ships [Canceled]

14. Subpart 43.03, consisting of §§ 43.03–1 to 43.03–20, inclusive, is canceled, effective July 21, 1968.

Subpart 43.15—Load Lines for Steamers

15. Section 43.15–98 is amended by adding at the end thereof the following new paragraph (c) reading as follows:

§ 43.15–98 Reduced freeboards for steamers having superior design and operational features, and engaged on U.S. coastwise and/or intercoastal voyages.

* * * * *

(c) The provisions of this section shall be applicable only to freeboard assignments made to U.S.-flag vessels engaged on coastwise and/or intercoastal voyages prior to January 6, 1967.

Subpart 43.30—Load Lines for Tankers

16. Section 43.30–75 is amended by adding at the end thereof a new paragraph (b) reading as follows:

§ 43.30–75 Freeboard table for tankers on U.S. coastwise and/or intercoastal voyages.

* * * * *

(b) The provisions of this section shall be applicable only to freeboard assignments made to U.S.-flag vessels engaged on coastwise and/or intercoastal voyages prior to January 6, 1967.

Subpart 43.40—Zone and Seasonal Areas and Miscellaneous Requirements

17. Effective July 21, 1968, the descriptions of the zones and seasonal areas in § 43.40–1 are canceled, and the new text of § 43.40–1 shall read as follows:

§ 43.40–1 Boundaries of the zones and seasonal areas.

(a) For the purpose of the regulations in this part, the boundaries of zones and seasonal areas shall be as set forth in §§ 42.30–1 to 42.30–35, inclusive, in this subchapter.

§ 43.40–10 [Canceled]

18. Section 43.40–10 *Forms of load line certificates* is canceled, effective July 21, 1968.

PART 44—VARIANCE FOR STEAM COLLIERS, BARGES, AND SELF-PROPELLED BARGES (WHEN ENGAGED IN SPECIAL SERVICES ON COASTWISE AND INTER-ISLAND VOYAGES)

1. The authority note for Part 44 is amended to read as follows:

AUTHORITY: The provisions of this Part 44 issued under sec. 2, 49 Stat. 888, as amended, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 88a, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2).

Subpart 44.01—Administration

§ 44.01–5 [Amended]

2. Section 44.01–5 *Administration; special services* is amended by changing in paragraph (a) the reference from "§§ 43.01–1—43.01–100" to "§§ 42.01–1 to 42.11–20, inclusive."

§ 44.01–10 [Amended]

3. Section 44.01–10 *Approval by Commandant, U.S. Coast Guard, of special service* is amended by changing in paragraph (a), first sentence, the phrase "International Load Line Treaty, 1930" to "International Convention on Load Lines, 1966".

§ 44.01–15 [Amended]

4. Section 44.01–15 *Special service certificate* is amended by changing in paragraph (b), last sentence, the reference from "Part 43" to "Part 42."

Subpart 44.05—Rules of Assignment; Special Service

§ 44.05–1 [Amended]

5. Section 44.05–1 *General* is amended by changing in paragraph (a), first sentence, the reference from "Part 43" to "Part 42."

§ 44.05–20 [Amended]

6. Section 44.05–20 *Conditions of assignment* is amended by changing in paragraph (a), first sentence, the reference from "Part 43 of this subchapter and also with the supplementary requirements of §§ 43.30–1 to 43.30–70 of this subchapter in cases where a tanker freeboard is assigned" to "Part 42 of this subchapter".

§ 44.05–25 [Amended]

7. Section 44.05–25 *Freeboards* is amended by changing in paragraph (a)(2) the reference from "§ 43.01–32" to "Part 42 of this subchapter"; in paragraph (b), first sentence, the reference from "§§ 43.15–1 to 43.15–97" to "Part 42", and in last sentence the reference from "by §§ 43.30–1 to 43.30–70" to "under Part 42"; in paragraph (c), last sentence, the reference from "from §§ 43.15–1 to 43.15–97" to "under Part 42"; in paragraph (d), last sentence, the reference from "from §§ 43.15–1 to 43.15–97" to "under Part 42"; in paragraph (f), last sentence, the reference from "from §§ 43.15–1 to 43.15–97" to "under Part 42"; in paragraph (g), last sentence, the reference from "from §§ 43.15–1 to 43.15–97" to "under Part 42"; and in paragraph (h), last sentence, the reference from "from §§ 43.15–1 to 43.15–97" to "under Part 42."

PART 45—MERCHANT VESSELS WHEN ENGAGED IN A VOYAGE ON THE GREAT LAKES

1. The authority note for Part 45 is amended to read as follows:

AUTHORITY: The provisions of this Part 45 issued under sec. 2, 49 Stat. 888, as amended, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 88a, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2).

Subpart 45.01—Administration

§ 45.01–1 [Amended]

2. Section 45.01–1 *Establishment of Great Lakes load lines* is amended by changing in paragraph (c), first sentence, the reference from "Part 43" to "Part 42."

§ 45.01–5 [Canceled]

3. Section 45.01–5 *Responsibility for administration* is canceled.

§ 45.01–10 [Amended]

4. Section 45.01–10 *Application of regulations* is amended by changing in paragraph (a)(1) the reference from "Part 43" to "Part 42 or 43"; by inserting in paragraph (a)(2) after the title "International Load Line Convention 1930" the phrase "or International Convention on Load Lines, 1966,"; and by correcting in the sentence in parentheses at the end of paragraph (a)(3)(iv) the date from "August 27, 1935" to "August 27, 1936."

§ 45.01–13 [Canceled]

5. Section 45.01–13 *Penalties for load line violations* is canceled.

§ 45.01–30 [Amended]

6. Section 45.01–30 *Assignment and certification of load lines; assigning authority* is amended in paragraph (a) by changing the Coast Guard's ZIP number from "20226" to "20591."

§ 45.01–40 [Amended]

7. Section 45.01–40 *Annual load line inspection* is amended in paragraph (a) by changing the Coast Guard's ZIP number from "20226" to "20591."

§ 45.01–75 [Amended]

8. Section 45.01–75 *Seasonal load lines* is amended by changing in paragraph (b)(1), first sentence, the reference from "Part 43" to "Part 42," and in subparagraph (b)(2), first sentence, the reference from "Subpart 43.15 or Subpart 43.30 (exclusive of §§ 43.15–98 and 43.30–75)" to "Subpart 42.15."

§ 45.01–85 [Amended]

9. Section 45.01–85 *Control* is amended by changing in paragraph (c), end of fourth sentence, the reference from "in this part" to "in this part or Part 42, as applicable."; and in paragraph (f), first sentence, the phrase from "section 5 of this act" to "section 5 of this act until July 21, 1970, and a vessel of a foreign country which has ratified or acceded to the International Convention on Load Lines, 1966".

PART 46—SUBDIVISION LOAD LINES FOR PASSENGER VESSELS

1. The authority note for Part 46 is amended to read as follows:

AUTHORITY: The provisions of this Part 46 issued under sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 85a, 88a, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2). Interpret or apply R.S. 4490, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 482, 483, 363, 369, 367, 1333, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp.

Subpart 46.01—Authority and Purpose

§ 46.01–5 [Amended]

2. Section 46.01–5 *Authority* is amended by changing in paragraph (b) the phrase from "International Load Line Convention, 1930," to "International Convention on Load Lines, 1966,".

§ 46.01–10 [Canceled]

3. Section 46.01–10 *Responsibility for administration* is canceled.

§ 46.01–20 [Amended]

4. Section 46.01–20 *Penalties for violations* is amended by changing in paragraph (a) the reference from "§ 43.01–1 or § 45.01–1" to "§ 42.03–5, § 42.03–10, or § 45.01–1"; and in paragraph (b) the reference from "§ 43.01–13" to "§ 42.07–50."

Subpart 46.05—Definitions Used in This Part

§ 46.05–25 [Amended]

5. Section 46.05–25 *New passenger vessel* is amended by changing at the end thereof the date from "November 19, 1952" to "May 26, 1965."

Subpart 46.10—Administration

§ 46.10–5 [Amended]

6. Section 46.10–5 *Load line requirements for subdivision* is amended in paragraph (a) by changing the reference from "Parts 43, 44, 45" to "Parts 42, 44, and 45".

§ 46.10–10 [Amended]

7. Section 46.10–10 *Marks to indicate subdivision load lines* is amended in paragraph (d), at the end of the last sentence, by changing the Coast Guard ZIP number from "20226." to "20591."

§ 46.10–15 [Amended]

8. Section 46.10–15 *Survey for the establishment and renewal of subdivision load line marks* is amended in paragraph (b)(4) by changing the reference from "Parts 43, 44, or 45" to "Parts 42, 44, or 45."

§ 46.10–20 [Amended]

9. Section 46.10–20 *Application for the assignment and renewal of subdivision load lines* is amended in paragraph (a) by changing the Coast Guard ZIP number from "20226" to "20591."

§ 46.10–30 [Amended]

10. Section 46.10–30 *Subdivision load line certificates* is amended in paragraph (a), first sentence, by changing the phrase from "subdivision load lines certificated" to "subdivision load lines certified" and the reference from "International Convention for Safety of Life at Sea, 1948" to "International Convention for Safety of Life at Sea, 1960", and in the second sentence by changing the Coast Guard ZIP number from "20226" to "20591", and in the third sentence by changing the reference from "Part 43" to "Part 42"; in paragraph (b), first sentence, by changing the reference from "Parts 43 or 45" to "Part 42 or 45"; in paragraph (d) by changing the reference from "§§ 43.01–55 and 46.10–15" to "§§ 42.09–40 and 46.10–15" and the reference from "§ 43.01–75" to "§ 42.07–40 (d)"; and in paragraph (e) by changing the reference from "§ 43.01–40 or § 45.01–30" to "§ 42.09–1(c)(1) or § 45.01–30".

§ 46.10–60 [Amended]

11. Section 46.10–60 *Control* is amended in paragraph (b) by changing at the end thereof the reference from "§ 43.01–97 of this chapter" to "Subpart 42.07 of this subchapter"; and in paragraph (c) by changing the reference from "§ 43.01–97 or 45.01–85" to "Subpart 42.07 or § 45.01–85".

Subpart 46.15—Subdivision Load Lines for Passenger Vessels Engaged in Foreign, Coastwise, and Great Lakes Voyages

§ 46.15–10 [Amended]

12. Section 46.15–10 *Subdivision load lines* is amended in paragraph (a) by changing the reference from "Part 43" to "Part 42"; in paragraph (b) changing the reference from "Subpart 43.05" to "Subpart 42.13"; in paragraph (c) by changing the reference from "Part 43" to "Part 42"; in paragraph (e) by changing the reference from "Part 43" to "Part 42" (two times); and in paragraph (j) by changing the reference from "Part 43" to "Part 42".

Dated: June 25, 1968.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 68–7811; Filed, July 11, 1968; 8:45 a.m.]

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FEDERAL REGISTER

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Agricultural Stabilization and Conservation Service
Agriculture Department
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Business and Defense Services Administration
Civil Aeronautics Board
Commodity Credit Corporation
Consumer and Marketing Service
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Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER D—REGULATIONS UNDER THE POULTRY PRODUCTS INSPECTION ACT

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Increase in Hourly Rate for Overtime and Holiday Inspection Service and Frivolous Appeal Inspections

Under authority contained in the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.), the U.S. Department of Agriculture hereby amends the Regulations Governing the Inspection of Poultry and Poultry Products (7 CFR Part 81, as amended) as set forth below.

Statement of considerations. The amendments increase the hourly rate from $7 per hour to $7.40 per hour for overtime and holiday inspection service under the Poultry Products Inspection Act, and from $7.20 to $7.40 per hour for appeal inspections which are found to be frivolous.

These changes are necessary due to the general salary increases of Federal employees, effective July 14, 1968, and the increase in other costs related to furnishing such service.

The amendments are as follows:

1. Section 81.98 is hereby amended by deleting the figure "$7.20," and substituting in lieu thereof "$7.40."

2. Sections 81.170, 81.171, and 81.172 are hereby amended by deleting the figure "$7.00" and substituting in lieu thereof "$7.40."

The Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.), and the regulations promulgated thereunder require the cost of overtime and holiday inspection service be paid for by the applicant or user of the service, and the cost of an appeal inspection, which is determined as frivolous, be paid for by the appellant. The facts upon which are based the determination as to the level of fees and charges necessary to cover these costs are not available to the industry, but are peculiarly within the knowledge of the Department. Therefore, public rule making would not result in the Department receiving additional information on this matter. For the sake of uniformity of accounting, these changes in fees and charges should become effective July 14, 1968. Accordingly, under 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Issued at Washington, D.C., this 10th day of July 1968, to become effective on July 14, 1968.

R. K. SOMERS,
Deputy Administrator, Consumer Protection.

[F.R. Doc. 68-8367; Filed, July 12, 1968; 8:48 a.m.]

Chapter II—Consumer and Marketing Service (Consumer Food Programs), Department of Agriculture

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Appendix—Third Apportionment of Special Milk Program Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1968

Pursuant to section 3 of the Child Nutrition Act of 1966, Public Law 89-642, 80 Stat. 885-6, milk assistance funds available for the fiscal year ending June 30, 1968, are reapportioned among the States as follows, in order to effect a further apportionment of funds:

State	Total apportionment	State agency	Withheld for private schools
Alabama	$1,651,019	$1,589,877	$61,142
Alaska	30,778	30,778	
Arizona	463,640	348,494	115,146
Arkansas	1,121,986	1,063,512	58,474
California	9,295,789	9,295,789	
Colorado	961,045	871,428	89,617
Connecticut	1,763,084	1,763,084	
Delaware	358,961	303,825	55,136
Delaware State District Agency	20,359	20,359	
District of Columbia	581,188	581,188	
Florida	1,992,084	1,821,749	170,335
Georgia	1,645,242	1,609,285	35,957
Hawaii	200,533	150,076	50,457
Idaho	201,488	162,405	39,083
Illinois	6,743,812	6,743,812	
Indiana	2,966,381	2,966,381	
Iowa	1,883,920	1,661,958	221,962
Kansas	1,167,810	1,167,810	
Kentucky	1,830,751	1,830,751	
Louisiana	698,504	698,504	
Maine	522,127	427,348	94,779
Maryland	2,245,482	1,871,656	373,826
Maryland Budget & Procurement	47,361	47,361	
Massachusetts	3,585,173	3,585,173	
Michigan	5,809,729	4,772,508	1,037,221
Minnesota	2,695,378	2,347,800	347,578
Mississippi	1,364,117	1,364,117	
Missouri	2,314,046	2,262,987	51,059
Montana	205,187	168,128	37,059
Nebraska	647,131	519,110	128,021
Nevada	152,456	129,162	23,294
New Hampshire	517,620	446,191	71,429
New Jersey	3,997,745	3,444,172	553,573
New Mexico	774,738	461,170	313,568
New York	9,345,703	9,345,703	
New York Office General Services	444,050	444,050	
North Carolina	3,464,482	3,464,482	
North Dakota	393,318	345,752	47,566
Ohio	6,530,277	5,640,771	889,506
Ohio Department of Public Welfare	196,717	196,717	
Oklahoma	1,056,809	1,056,809	
Oregon	647,139	628,705	18,434
Pennsylvania	5,266,294	4,568,409	697,885
Rhode Island	433,994	433,994	
South Carolina	642,801	522,991	119,810
South Dakota	392,224	392,224	
Tennessee	1,819,671	1,739,270	80,401
Texas	3,771,296	3,456,488	314,808
Utah	359,364	329,973	29,391
Vermont	252,642	243,585	9,057
Virginia	1,824,624	1,637,774	186,850
Washington	1,507,409	1,266,015	241,394
West Virginia	664,856	627,948	36,908
Wisconsin	3,729,421	2,893,970	835,451
Wyoming	132,245	132,245	
Total	103,332,000	95,895,823	7,436,177

(Secs. 2, 3, 6, 8-16, 80 Stat. 885-890; 42 U.S.C. 1771, 1772, 1775, 1777-1785)

Dated: July 10, 1968.

RODNEY E. LEONARD,
Administrator.

[F.R. Doc. 68-8336; Filed, July 12, 1968; 8:48 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime Work at Border Ports, Seaports, and Airports

Section 354.1 of Part 354, Title 7, Code of Federal Regulations, is further amended to read as follows:

§ 354.1 Overtime work at border ports, seaports, and airports.

(a) Any person, firm, or corporation having ownership, custody, or control of plants, plant products, or other commodities or articles subject to inspection, certification, or quarantine under this chapter, who requires the services of an employee of the Plant Quarantine Division on a holiday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday service request the Division inspector in charge to furnish inspection, quarantine, or certification service during such overtime or holiday period, and shall pay the Government therefor at the rate of $7.92 per man-hour per employee. A minimum charge of 2 hours shall be made for any holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning either at least 1 hour before his scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each such period of unscheduled overtime or holiday work to which the 2-hour minimum charge provision applies which requires the employee involved to perform additional travel may include a commuted travel time period the amount of which shall be prescribed in administrative instructions to be issued by the Director of the Plant Quarantine Division for the areas in which the holiday or overtime work is performed and such period shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty if such travel is performed solely on account of such overtime or holiday service. With respect to places of duty within the metropolitan area of the employee's headquarters, such commuted travel period shall not exceed 3 hours. When inspection, quarantine or certification services are performed at locations outside the metropolitan area in which the employee's headquarters is located, one-half of the commuted travel period applicable to the point at which the services are performed shall be charged when duties involve overtime that begins less than 1 hour before the beginning of the regular tour and/or is in continuation of the regular tour of duty. It will be administratively determined from time to time which days constitute holidays.

(b) The Division inspector in charge in honoring a request to furnish inspection, quarantine, or certification service, shall assign employees to such holiday or overtime duty with due regard to the work program and availability of employees for duty.

(64 Stat. 561; 7 U.S.C. 2260)

The foregoing amendment shall become effective July 14, 1968, when it shall supersede 7 CFR 354.1, effective December 24, 1967.

The purpose of this amendment is to increase the hourly rate for overtime or holiday services from $7.52 to $7.92 commensurate with salary increases provided in the Postal Revenue and Federal Salary Act of 1967 (Public Law 90–206). Determination of the hourly rate for overtime services and of the commuted travel time allowances depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the administrative provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 10th day of July 1968.

[SEAL] R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 68-8335; Filed, July 12, 1968; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 329]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.629 Lemon Regulation 329.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 9, 1968.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period July 14, 1968, through July 20, 1968, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 334,800 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 11, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-8369; Filed, July 12, 1968; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Amdt. 5]

PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

Subpart A—Financing of Export Sales of Agricultural Commodities From Private Stocks Under CCC Export Credit Sales Program (GSM–4)

DAIRY BREEDING CATTLE

Correction

In F.R. Doc. 68-7805 appearing at page 9594 in the issue of Tuesday, July 2, 1968, the following changes should be made in Supplement II:

1. The third line of A. should read "sales price for dairy breeding cattle to be".

2. The last line of A. should read: "included as a part of the port value."

3. The fourth line of E. should read: "GSM–4, as amended, the exporter has the".

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime, Night, and Holiday Inspection and Quarantine Activities at Border, Coastal, and Air Ports

Pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 7 U.S.C. 2260), § 97.1 of Part 97, Title 9, Code of Federal Regulations, is further amended to read as follows:

§ 97.1 Overtime work at laboratories, border ports, ocean ports and airports.[1]

Any person, firm, or corporation having ownership, custody, or control of animals, animal byproducts, or other commodities subject to inspection, laboratory testing, certification, or quarantine under this subchapter and Subchapter G of this chapter, and who requires the services of an employee of the Animal Health Division on a holiday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday service request the Division inspector in charge to furnish inspection, laboratory testing, certification, or quarantine service during such overtime or holiday period and shall pay the Administrator of the Agricultural Research Service at the rate of $7.92 per man hour per employee as follows: A minimum charge of 2 hours shall be made for any holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning either at least 1 hour before his scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each such period of unscheduled overtime or holiday work to which the 2-hour minimum charge provision applies which requires the employee involved to perform additional travel may include a commuted travel time period the amount of which shall be prescribed in administrative instructions to be issued by the Director of Animal Health Division for the ports, stations, and areas in which the employees are located and shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from such overtime or holiday duty if such travel is performed solely on account of such overtime or holiday service. With respect to places of duty within the metropolitan area of the employee's headquarters, such commuted travel period shall not exceed 3 hours. When inspection, laboratory testing, quarantine or certification services are performed at locations outside the metropolitan area in which the employee's headquarters are located, one-half of the commuted travel time period applicable to the point at which the services are performed shall be charged when duties involve overtime that either begins less than 1 hour before the beginning of the regular tour and/or is in continuation of the regular tour of duty: *Provided, however,* That periods of unscheduled overtime or holiday service performed by laboratory personnel shall be limited to Saturdays, Sundays, and holidays, and shall further be limited to hours which would normally constitute a regular work day. It shall be administratively determined from time to time which days constitute holidays.

The foregoing amendment shall become effective July 14, 1968, when it shall supersede 9 CFR 97.1, effective December 24, 1967.

The purpose of this amendment is to increase the hourly rate for overtime services from $7.52 to $7.92 commensurate with salary increases provided in the Federal Employees Salary Act of 1967 (Public Law 90–206); Executive Order 11413. It is to the benefit of those who require such overtime services, as well as the public generally that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 7 U.S.C. 2260)

Done at Washington, D.C., this 10th day of July 1968.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 68-8334; Filed, July 12, 1968; 8:48 a.m.]

[1] For designated ports of entry for certain animals, animal semen, poultry, and hatching eggs see 9 CFR 92.1 through 92.3; and for designated ports of entry for certain purebred animals see 9 CFR 151.1 through 151.3.

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to the statutory authorities cited below the fees relating to inspection are hereby amended due to increased cost resulting from the Postal Revenue and Federal Salary Act of 1967 (Public Law 90–206).

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 307—FACILITIES FOR INSPECTION

Section 307.4 is amended to read as follows:

§ 307.4 Overtime work of meat inspection employees.

The management of an official establishment, an importer, or an exporter desiring to work under conditions which will require the services of an employee of the Division on any Saturday, Sunday, or holiday, or for more than 8 hours on any other day, shall, sufficiently in advance of the period of overtime, request the inspector in charge or his assistant to furnish inspection service during such overtime period, and shall pay the Administrator therefor $7.40 per hour to reimburse the Service for the cost of the inspection services so furnished. It will be administratively determined from time to time which days constitute holidays.

(34 Stat. 1264, sec. 306, 46 Stat. 689; 19 U.S.C. 1306, 21 U.S.C. 89)

PART 340—SPECIAL SERVICES RELATING TO MEAT AND OTHER PRODUCT

Section 340.7(c) is amended to read as follows:

§ 340.7 Fees and charges.

* * * * * *

The fees to be charged and collected for service under the regulations in this part shall be at the rate of $6.80 per hour for base time, $7.40 per hour for overtime including Saturdays, Sundays, and holidays, and $8.20 per hour for laboratory service, to cover the costs of the service and shall be charged for the time required to render such service, including but not limited to the time required for the travel of the inspector or inspectors

in connection therewith during the regularly scheduled administrative workweek.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624)

* * * * *

SUBCHAPTER B—VOLUNTARY INSPECTION AND CERTIFICATION SERVICE

PART 355—CERTIFIED PRODUCTS FOR DOGS, CATS, AND OTHER CARNIVORA; INSPECTION, CERTIFICATION, AND IDENTIFICATION AS TO CLASS, QUALITY, QUANTITY, AND CONDITION

Section 355.12 is amended to read as follows:

§ 355.12 Charge for service.

The fees to be charged and collected by the Administrator shall be $6.80 per hour for base time, $7.40 per hour for overtime including Saturdays, Sundays, and holidays, and $8.20 per hour for laboratory service to reimburse the Service for the cost of the inspection services so furnished.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624)

It has been determined that in order to cover these increased costs of the service, the hourly fee charges in connection with the performance of the services must be increased as soon as practicable as provided for herein. The need for the increase and the amount thereof are dependent upon facts within the knowledge of the Consumer and Marketing Service. Therefore, under 5 U.S.C. 553, it is found that notices and other public procedure with respect to this amendment are impracticable and unnecessary and good cause is found for making the amendment effective less than 30 days after its publication in the FEDERAL REGISTER.

This amendment shall become effective July 14, 1968, with respect to all Federal meat inspection services rendered on and after that date.

Done at Washington, D.C., this 10th day of July 1968.

R. K. SOMERS,
Deputy Administrator,
Consumer Protection.

[F.R. Doc. 68-8368; Filed, July 12, 1968; 8:48 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 614—UNEMPLOYMENT COMPENSATION FOR EX-SERVICEMEN

Schedule of Remuneration

The issuance of Executive Order 11414, 33 F.R. 8645, providing increased pay and allowances for members of the uniformed services pursuant to section 8 of Public Law 90-207, 81 Stat. 654, makes it necessary to amend 20 CFR 614.19, which contains the schedule of remuneration for each pay grade of ex-servicemen used in the administration of the program of unemployment compensation for ex-servicemen established by Subchapter II of Chapter 85 of Title 5 of the United States Code (5 U.S.C. 8521-8525).

The provisions of 5 U.S.C. 553 which require notice of proposed rule making, public participation in their adoption, and delay in effective date are not applicable because these rules relate to public benefits. I do not believe such procedures or delay will serve a useful purpose here. Accordingly the following amendment shall become effective immediately.

1. Paragraph (c) of 20 CFR 614.19 is redesignated as paragraph (d) thereof, and a new paragraph (c) is added thereto, so that as amended paragraphs (c) and (d) of 20 CFR 614.19 shall read as follows:

§ 614.19 Schedule of remuneration.

* * * * *

(c) The schedule provided in this paragraph is applicable to first claims for compensation under the UCX program filed on or after September 1, 1968.

Pay grades	*Monthly rate*
1. Commissioned officer:	
O-10	$2,566
O-9	2,298
O-8	2,104
O-7	1,869
O-6	1,594
O-5	1,354
O-4	1,124
O-3	943
O-2	749
O-1	588
2. Warrant officer:	
W-4	1,080
W-3	912
W-2	781
W-1	711
3. Enlisted personnel:	
E-9	902
E-8	796
E-7	705
E-6	620
E-5	526
E-4	425
E-3	328
E-2	286
E-1	274

(d) The omission from this section of schedules of remuneration applicable to periods of time prior to October 1, 1966, and heretofore published in the FEDERAL REGISTER shall not be deemed a revocation of such omitted schedules of remuneration.

(5 U.S.C. 8508, 8521(a)(2))

Signed at Washington, D.C., this 8th day of July 1968.

WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 68-8290; Filed, July 12, 1968; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release Nos. 33-4910 and 34-8336]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Acceleration of Registration Statements and Clearance of Proxy Material; Residual Securities; Pooling of Interests

The Securities and Exchange Commission today called attention to two positions taken recently in matters of interest to issuers and others who file, or participate in the filing of, registration statements, proxy material, and reports with the Commission. The first relates to questions raised on a request for acceleration of the effective date of a registration statement under the Securities Act of 1933 as a result of certain disclosures made by the issuer in its annual report to stockholders and in advertisements in news media. The second relates to questions raised on a request for clearance of proxy material under the Securities Exchange Act of 1934 as a result of circumstances under which convertible preferred shares may be considered residual securities in determining earnings per share applicable to common stock.

1. *Questions raised on published financial information in connection with request for acceleration.* Issuers and underwriters generally request acceleration of the effective date of a registration statement to a specified date as soon as practicable after the filing of an appropriate correcting or completing amendment.[1] The acceleration procedure enables issuers and underwriters to set the terms of the offering on the anticipated

[1] Section 8(a) of the Securities Act of 1933, as amended, provides that a registration statement shall become effective on the 20th day after it is filed (or on the 20th day after the filing of any amendment thereto) or such earlier date as the Commission may determine "having due regard to the adequacy of the information respecting the issuer theretofore available to the public, to the facility with which the nature of the securities to be registered, their relationship to the capital structure of the issuer and the rights of holders thereof can be understood, and to the public interest and the protection of investors."

effective date in view of conditions then existing in the securities market and the granting of acceleration by the Commission on that date permits the sale in that same market of the securities subject to registration.

It has been the long standing policy of the Commission to cooperate with registrants requesting acceleration, giving due consideration to the standards set forth in section 8(a). However, each acceleration request is considered on the basis of the facts and circumstances relevant to it and in certain situations the Commission may deny acceleration. Several of such situations are set forth in the note to rule 460 (17 CFR 230.460) of the general rules and regulations under the Securities Act. Other instances occur from time to time which cause the Commission to deny acceleration requests.[2] There are set out below the circumstances relating to a recent case in which the Commission indicated it would not consider favorably a request for acceleration.

a. Comparison of "pooled" and "unpooled" figures:

A company with a registration statement on file at the Commission issued its Annual Report to Shareholders for fiscal year 1967. Page 1 of that report included a comparative summary purporting to indicate the amounts of sales, net income, and earnings per share for the years 1966 and 1967, together with figures showing substantial "percentage increases" in 1967 based on the amounts shown. References to these percentage increases were also made elsewhere in the report to shareholders.

Paid advertisements in magazines and newspapers also showed similar percentage increases in sales and net income of the company for the year 1967 when compared to 1966.

The figures used in the table (and in the advertisements) as a basis for determining the percentage increases were taken from the company's 1967 consolidated income statement which included the accounts of a significant company acquired in that year in a "pooling of interests" transaction and from the company's 1966 consolidated income statement "as previously reported" without giving effect to retroactive inclusion of the related amounts of the acquired company.[3]

The substantial percentage increases in sales, net income, and earnings per share obtained by such comparisons are misleading as a measure of the growth of the company in 1967. If the comparisons had been made with 1966 figures restated to include the accounts of the acquired company, there would have been reported for 1967 percentage declines in net income and earnings per share and only a nominal percentage increase in sales.

In the opinion of the Commission, it is misleading to make comparisons such as were made in this instance or to invite or draw conclusions as to improvement in a company's operations by comparing pooled figures for a particular year with unpooled figures for the prior year. Comparisons in such case should be made with financial data for the prior period restated on a combined (pooled) basis.[4]

b. Earnings per share determination:

The company had outstanding a class of convertible preferred shares, all held by the company's parent. These shares of stock were convertible into a substantially larger number of shares of common stock. This preferred stock is a "residual security" since it derived the major portion of its value from its conversion rights.[5]

In the present case, the earnings per share figures for 1966 and 1967 in the table on page 1 of the annual report to shareholders for fiscal year 1967 were presented both on the basis of average common shares outstanding, including residual securities, i.e., including common shares issuable upon conversion of the preferred stock (as in the registration statement and in the financial statement section of the shareholders' report), and also on the basis of average common shares "actually outstanding," without giving effect to inclusion of residual securities. The latter determination resulted in higher per share figures and it was only these higher figures which were commented on later in the annual report to shareholders.

In the opinion of the Commission, companies having only common stock and other residual securities outstanding should present earnings per share figures solely on the basis of equivalent outstanding common shares, including residual securities.[6] In such circumstances the presentation of a second earnings per share figure based on outstanding common shares, excluding residual securities, is misleading. Where there are also outstanding options, warrants, or convertible senior securities which may result in material dilution of earnings per share in the future, earnings per share figures should be presented on the basis of outstanding common shares including residual securities, and on a supplementary basis assuming exercise of the options or warrants and conversion of the senior securities.[7]

2. *Convertible preferred stock as a residual security upon issuance in acquisitions in the determination of pro forma earnings per share.* A preliminary proxy statement filed with the Commission relating to a proposed merger indicated that the surviving company was to issue shares of both common and convertible preferred stock in exchange for shares of common stock of the company to be merged into it. The preferred shares were to be convertible into common stock of the merged company on such terms that, assuming conversion of the preferred shares, they had the effect of materially reducing pro forma earnings per share of the company on a merged basis for the most recently completed fiscal year.

It was the opinion of the Commission that the preferred shares in this case should be treated as a residual security in the determination of earnings per share in the financial statements in the proxy statement. In general, if at the time of issuance of a convertible security in an acquisition, the terms are such as to result in immediate material dilution to pro forma earnings per share, assuming conversion, then that security should be considered a residual security whether or not a majority of its value may be derived from its conversion rights.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JUNE 18, 1968.

[F.R. Doc. 68-8292; Filed, July 12, 1968; 8:45 a.m.]

[2] For example, see Securities Act Release No. 3844 (Oct. 8, 1957), (22 F.R. 8359).

[3] A note to the table indicates that 1966 figures are "As reported before restatement for 'pooling of interests' in 1967."

[4] See paragraph 5 of Opinion No. 10 issued by the Accounting Principles Board of the American Institute of Certified Public Accountants. The Commission also recognizes, as indicated in that opinion, that where a "pooling of interests" has occurred, companies may wish to reconcile "restated" sales and net income figures with those previously reported. This may be done by presenting, in addition to restated income statements, separate statements of income for the same periods on a historical basis, i.e., "as previously stated," or by breaking down the sales and net income figures in the restated income statement for each period to show the amounts attributable in that period to the pooled companies. The financial statement section of the company's annual report to shareholders in this instance presented consolidated statements of income for 1966 on both a "restated" (pooled) basis and an "As Previously Reported" (unpooled) basis.

[5] Residual securities include common stock and any other security which "* * * clearly derives a major portion of its value from its conversion rights or its common stock charcteristics * * *." Paragraph 33 of Opinion No. 9 of the Accounting Principles Board.

[6] Paragraph 33 of Opinion No. 9 states: "When used without qualification, earnings per share refers to the amount of earnings applicable to each share of common stock or other residual security outstanding * * *"

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27—CANNED FRUITS AND FRUIT JUICES

Canned Applesauce, Standards of Identity and Fill of Container; Confirmation of Effective Date

In the matter of establishing a definition and standard of identity and a standard of fill of container for canned applesauce:

In response to the order in the above-identified matter published in the FEDERAL REGISTER of March 15, 1968 (33 F.R.

[7] See paragraph 43 of Opinion No. 9 of the Accounting Principles Board.

4574), objections were received as follows:

1. An objection contended that the order should also have included standards for artificially sweetened applesauce. This objection is rejected because standards for artificially sweetened applesauce were not proposed. Persons interested in the establishment of such standards can so propose by submitting petitions pursuant to § 10.2 (21 CFR 10.2) of the regulations and sections 401 and 701(e) of the Federal Food, Drug, and Cosmetic Act.

2. An objection asserted:

a. That failure of the identity standard to require that apples be peeled and cored before cooking and screening may result in production of substandard quality applesauce. This concerns a standard of quality rather than the standard of identity and a standard of quality was neither proposed nor ordered.

b. That the identity standard should prescribe labeling requirements to show whether the food is "strained" or "chunky" style and whether it was made by "cooking peeled fruit followed by screening through a $\frac{3}{32}$-inch minimum screen." The identity standard does not preclude label declarations that accurately inform consumers of the particle size of the product. The conclusion is that the objection does not establish that the objector will be adversely affected.

c. That the identity standard should not require the added acids to be named on the labels. For many years nonstandardized applesauce has been subject to the requirement of the Federal Food, Drug, and Cosmetic Act that its ingredients (including those added) be named on labels. The objection does not show how omitting the names of added acids from applesauce labels would promote honesty and fair dealing in the interest of consumers.

The Commissioner of Food and Drugs concludes that the objections filed in response to the order fail to show reasonable grounds for a public hearing; therefore, the provisions objected to are not stayed and no hearing is scheduled.

Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner (21 CFR 2.120), notice is given that the order in the above-identified matter became effective May 14, 1968.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: July 3, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8308; Filed, July 12, 1968; 8:47 a.m.]

PART 27—CANNED FRUITS AND FRUIT JUICES

Cranberry Juice Cocktail—a Juice Drink; Artificially Sweetened Cranberry Juice Cocktail—a Juice Drink; Order Staying Effective Date of Identity Standards

In the matter of establishing definitions and standards of identity for cranberry juice cocktail—a juice drink (§ 27.127) and artificially sweetened cranberry juice cocktail—a juice drink (§ 27.128):

In response to the order in the above-identified matter published in the FEDERAL REGISTER of April 11, 1968 (33 F.R. 5617), objections were filed and requests made for a public hearing concerning (1) the labeling of the beverages, (2) the lack of provision for adding color, and (3) the minimum percentage of equivalent single strength juice required.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered*, That the effective date of § 27.127 and § 27.128, the subject standards, be stayed pending resolution of the issues raised by the objections at a public hearing. At a later date the Commissioner will publish an announcement scheduling the hearing and specifying the issues therefor.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: July 3, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8309; Filed, July 12, 1968; 8:47 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 7—EMPLOYEE INVENTIONS

The Treasury Department finds it necessary, in order to carry out its obligations under Executive Order 10096, 15 F.R. 389, as amended, and the regulations of the Patent Office concerning Government inventions, 37 CFR Part 300, to establish internal procedures for the consideration and processing of employee inventions. The Department further finds that notice and public procedure are not necessary in the formulation of these regulations under the provisions of 5 U.S.C. 553, since these regulations relate to matters of agency management, procedure and personnel.

Accordingly, Subtitle A of Part 31 of the Code of Federal Regulations is amended by adding a new Part 7 to read as follows:

Sec.
7.1 Purpose.
7.2 Responsibilities of the Department.
7.3 Responsibilities of heads of offices.
7.4 Responsibilities of the General Counsel.
7.5 Responsibilities of employees.
7.6 Effect of awards.
7.7 Appeals.
7.8 Delegation.

AUTHORITY: The provisions of this Part 7 issued under 80 Stat. 379; 5 U.S.C. 301; sec. 6, E.O. 10096, 15 F.R. 389, as amended by E.O. 10930, 26 F.R. 2583.

§ 7.1 Purpose.

Provisions defining the right, title, and interest of the Government in and to an invention made by a Government employee under various circumstances and the duties of Government agencies with respect thereto are set forth in Executive Order No. 10096, 15 F.R. 389, as amended (35 U.S.C. 266 note). Further definition of the circumstances under which the Government will acquire the right to a patent in such an invention or a nonexclusive, irrevocable, royalty-free license in the invention, and the procedures for the determination of these interests, are set forth in the regulations issued under that Executive order by the Patent Office, 37 CFR Part 300. The purpose of this Part 7 is to implement for the Treasury Department the foregoing Executive order and regulations of the Patent Office by (a) bringing to the attention of Treasury employees the law and procedure governing their rights to, and interest in, inventions made by them, (b) defining responsibility within the Department for making the necessary determinations, and, (c) establishing internal procedures for action in conformity with the Executive order and the Patent Office regulations.

§ 7.2 Responsibilities of the Department.

The responsibilities of the Treasury Department are to determine initially (a) the occurrence of an invention by an employee, (b) his rights in the invention and the rights of the Government therein, and (c) whether patent protection will be sought in the United States by the Department, and to furnish the required reports to the Patent Office.

§ 7.3 Responsibilities of heads of offices.

(a) Heads of bureaus or offices in the Department shall be responsible for determining initially whether the results of research, development, or other activity of an employee within that bureau or office constitute an invention which falls within the purview of Executive Order 10096, as amended, and is to be handled in accordance with the regulations in this part.

(b) Heads of bureaus or offices are responsible for obtaining from the employee the necessary information and, if the determination under paragraph (a) of this section is affirmative, preparing

on behalf of the bureau or office a description of the invention and its relationship to the employee's duties and work assignments.

(c) Heads of bureaus or offices, after such examination and investigation as may be necessary, shall refer to the General Counsel all information obtained concerning the invention and such determination as the head of the bureau or office has made with respect to the character of the activity as an invention. These reports shall include any determination as to the giving of a cash award to the employee for his performance relating to that invention.

§ 7.4 Responsibilities of the General Counsel.

(a) The General Counsel shall be responsible for determining, subject to review by the Commissioner of Patents, the respective rights of the Government and of the inventor in and to any invention made by an employee of the Department.

(b) On the basis of the foregoing determination, the General Counsel shall determine whether patent protection will be sought by the Department for such an invention.

(c) The General Counsel will prepare and furnish to the Patent Office the reports required by the regulations of that Office and will serve as the liaison officer between the Department and the Commissioner of Patents.

§ 7.5 Responsibilities of employees.

All employees are required to report to the heads of their bureaus or offices any result of research, development, or other activity on their part which may constitute an invention and the circumstances under which this possible invention came into being.

§ 7.6 Effect of awards.

The acceptance by an employee of a cash award for performance which constitutes an invention shall, in accordance with 5 U.S.C. 4502(c), constitute an agreement that the use by the Government of the idea, method, or device for which the award is made does not form the basis of any further claim against the Government by the employee, his heirs or assigns.

§ 7.7 Appeals.

(a) Any employee who is aggrieved by a determination made by the head of his bureau or office under this part may obtain a review of the determination by filing an appeal with the General Counsel within 30 days after receiving the notice of the determination complained of.

(b) Any employee who is aggrieved by a determination made by the General Counsel under this part may obtain a review of the determination by filing a written appeal with the Commissioner of Patents within 30 days after receiving notice of the determination complained of, or within such longer period as the Commissioner may provide. The appeal to the Commissioner shall be processed in accordance with the provisions in the regulations of the Patent Office for an appeal from an agency determination.

§ 7.8 Delegation.

The heads of bureaus or offices and the General Counsel may delegate, as appropriate, the performance of the responsibilities assigned to them under this part.

Effective date. These regulations shall become effective upon publication in the FEDERAL REGISTER.

Dated: July 9, 1968.

[SEAL] HENRY H. FOWLER,
Secretary of the Treasury.

[F.R. Doc. 68-8319; Filed, July 12, 1968; 8:48 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 23, Amdt. 1]

PART 524—EXEMPTION OF NONEXCLUSIVE TRANSSHIPMENT AGREEMENTS FROM THE APPROVAL REQUIREMENTS OF SECTION 15, SHIPPING ACT, 1916

Connecting Carrier Agreements

Section 35 of the Shipping Act, 1916, as amended, and Commission General Order 23 published in the FEDERAL REGISTER of May 14, 1968 (33 F.R. 7116), provide for exemption of nonexclusive transshipment agreements from the approval requirements of section 15 of the Act. One of the conditions to obtain such exemption under the regulations is the filing with the Commission of a connecting carrier agreement in the form specified in § 524.4 of the order.

Questions have been raised by some ocean carriers and their legal representatives as to interpretation of certain language in paragraphs 3, 4, and 8 of the connecting carrier agreement set forth in § 524.4 of General Order 23 particularly with respect to transshipment agreements which may provide for a combination of local rates rather than a percentage apportionment of one through rate between carriers.

An ambiguity has also arisen with respect to the language in paragraph 8 of the connecting carrier agreement which seems to indicate that all new transshipment agreements and/or modifications will supersede approved Federal Maritime Commission agreements and that an agreement number of these superseded agreements must be inserted at the end of paragraph 8 of the new agreement. The intent of the regulations was to provide this information only where a new agreement between the parties actually superseded a prior Commission approved agreement.

In order to clarify the language of paragraphs 3, 4, and 8 of the connecting carrier agreement (§ 524.4), the Federal Maritime Commission hereby adopts regulations which will appropriately modify footnote 1 to paragraphs 3 and 4 and modify language in paragraph 8 to remove any ambiguities which may be present.

Therefore, pursuant to the provisions of section 4, Administrative Procedure Act (5 U.S.C. 553), and sections 15, 35, and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 833a, 841a), § 524.4 *Form of connecting carrier agreement* of Title 46 CFR is amended as follows:

Footnote 1 to paragraphs 3 and 4 shall read:

[1] Variable—paragraphs 3 and 4 may be modified or expanded to show more detail or minimum revenue to one party and, in the case of a combination of local rates, paragraph 3 shall identify the tariffs of each party by tariff name.

Paragraph 8 shall read:

8. This agreement and/or any modification thereof shall not be effective prior to the effective date of the applicable tariff(s).

Footnote 2 to paragraph 8 shall read:

[2] Whenever an agreement supersedes a previously approved agreement, the following sentence shall be added at the end of paragraph 8:

This agreement supersedes approved Federal Maritime Commission Agreement No. -------.

Notice and public procedure are not necessary prerequisites for the promulgation of this amendment since it merely clarifies the requirements otherwise imposed by the rules of Part 524.

Effective date. Since these rules clarify current regulations in effect under General Order 23 and do not impose

new requirements, they shall be effective upon publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-8298; Filed, July 12, 1968; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

Treaties and Other International Agreements Relating to Radio

Order. 1. The Commission has before it the desirability of making certain editorial changes in Part 2 of its rules and regulations.

2. Authority for the amendments is contained in sections 4(i), (5)(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.261(a) of the Commission's rules. Because the amendments are editorial in nature, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

3. *It is ordered*, Effective July 16, 1968, that Part 2 of the rules and regulations is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: July 1, 1968.

Released: July 8, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. Section 2.601 is amended to read as follows:

§ 2.601 General.

This subpart is corrected to July 1, 1968. The Commission does not distribute copies of these documents. Inquiry may be made to the U.S. Government Printing Office concerning availability for purchase.

2. In § 2.603 paragraphs (a) and (b) are amended to read as follows:

§ 2.603 Treaties and other international agreements relating to radio.

(a) The applicable treaties and other international agreements in force relating to radio and to which the United States of America is a party (other than reciprocal operating agreements for radio amateurs) are listed below:

Date	Citations	Subject
1923	IV Trenwith 4248, 4250 and 4251. TS 734-A.	US-UK (also for Canada and Newfoundland) Bilateral Arrangements providing for the Prevention of Interference by Ships off the Coasts of these Countries with Radio Broadcasting. Effected by exchange of notes Sept. and Oct., 1925. Entered into force Oct. 1, 1925.
1928 and 1929	102 LNTS 143. TS 767-A.	US-Canada Arrangement governing Radio Communications between Private Experimental Stations. Effected by exchange of notes at Washington Oct. 2 and Dec. 29, 1928, and Jan. 12, 1929. Entered into force Jan. 1, 1929. Continued by the arrangement contained in EAS 62.
1929	IV Trenwith 4787. TS 777-A.	US-Canada (including Newfoundland) Arrangement relating to Assignment of High Frequencies on the North American Continent. Effected by exchange of notes at Ottawa Feb. 26 and 28, 1929. Entered into force Mar. 1, 1929. (Originally, Cuba was also a party to this arrangement, but by virtue of notice to the Canadian Government, it ceased to be a party effective Oct. 5, 1933.)
1931	48 Stat. 1876. EAS 62.	US-Canada Arrangement relative to Radio Communications between Private Experimental Stations and between Amateur Stations. Continues the arrangement contained in TS 767-A. Effected by exchange of notes at Ottawa Apr. 23, and May 2 and 4, 1934. Entered into force May 4, 1934.
1934	49 Stat. 3555. EAS 66.	US-Peru Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Lima Feb. 16, and May 23, 1934. Entered into force May 23, 1934.
1934	49 Stat. 3667. EAS 72.	US-Chile Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Santiago Aug. 2 and 17, 1934. Entered into force Aug. 17, 1934.
1937	53 Stat. 1576. TS 938.	Inter-American Radio Communications Convention between the United States and Other Powers. Signed at Havana Dec. 13, 1937. (First Inter-American Radio Conference.) Entered into force for the United States July 21, 1938, for Parts I, III and IV; Apr. 17, 1939, for Part II. Part II of the Convention (Inter-American Radio Office) terminated for all parties Dec. 20, 1958 (TIAS 4079).
1938	54 Stat. 1675. TS 949.	Regional Radio Convention between the United States (in behalf of the Canal Zone) and Other Powers. Signed at Guatemala City Dec. 8, 1938. Entered into force Oct. 8, 1939.
1939	53 Stat. 2157. EAS 143.	US-Canada Arrangement governing the Use of Radio for Civil Aeronautical Services. Effected by exchange of notes at Washington Feb. 20, 1939. Entered into force Feb. 20, 1939.
1946	60 Stat. 1696. TIAS 1527.	US-USSR Agreement on Organization of Commercial Radio Teletype Communication Channels. Signed at Moscow May 24, 1946. Entered into force May 24, 1946.
1947	61 Stat. (3) 3131. TIAS 1652.	US-UK Agreement regarding Standardization of Distance Measuring Equipment. Signed at Washington Oct. 13, 1947. Entered into force Oct. 13, 1947.
1947	61 Stat. (4) 3416. TIAS 1676.	US-UN Agreement relative to Headquarters of the United Nations. Signed at Lake Success June 26, 1947. Entered into force Nov. 21, 1947. Supplemented by the agreement contained in TIAS 5961 which was signed Feb. 9, 1966.
1947	61 Stat. (4) 3800. TIAS 1726.	US-Canada Agreement providing for Frequency Modulation Broadcasting in Channels in the Radio Frequency Band 88-108 Mc/s. Effected by exchange of notes at Washington Jan. 8 and Oct. 15, 1947. Entered into force Oct. 15, 1947.
1948	9 UST 621. TIAS 4044.	Intergovernmental Maritime Consultative Organization (IMCO) Convention. Signed at Geneva Mar. 6, 1948. Entered into force Mar. 17, 1958. Modified by the amendments contained in TIAS 6285 adopted by the IMCO Assembly Sept. 15, 1964.
1949	3 UST (2) 2686. TIAS 2135.	London Telecommunications Agreement between the United States and Certain British Commonwealth Governments. Signed at London Aug. 12, 1949. Entered into force Feb. 24, 1950. Amended by the agreement contained in TIAS 2705 which was signed Oct. 1, 1952.
1949	3 UST (3) 3064. TIAS 2489.	Inter-American Radio Agreement between the United States and Canada and Other American Republics. Signed at Washington July 9, 1949. (Fourth Inter-American Radio Conference.) Entered into force Apr. 13, 1952, subject to the provisions of Article 13.
1950	3 UST (2) 2672. TIAS 2433.	US-Ecuador Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Quito Mar. 16 and 17, 1950. Entered into force Mar. 17, 1950.
1950	11 UST 413. TIAS 4460.	North American Regional Broadcasting Agreement (NARBA). Signed at Washington Nov. 15, 1950. Entered into force Apr. 19, 1960. Effective between United States, Canada, Cuba, Dominican Republic, and the United Kingdom of Great Britain and Northern Ireland for the Bahama Islands. Ratification on behalf of Jamaica pending.
1950 and 1951	2 UST (1) 683. TIAS 2223.	US-Liberia Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Monrovia Nov. 9, 1950, and Jan. 8, 9, and 10, 1951. Entered into force Jan. 11, 1951.
1951	3 UST (3) 3787. TIAS 2508.	US-Canada Convention relating to the Operation by Citizens of Either Country of Certain Radio Equipment or Stations in the Other Country. Signed at Ottawa Feb. 8, 1951. Entered into force May 15, 1952.
1951	3 UST (2) 2860. TIAS 2459.	US-Cuba Agreement concerning the Control of Electromagnetic Radiation. Effected by exchange of notes at Havana Dec. 10 and 18, 1951. Entered into force Dec. 18, 1951.
1951 and 1952	3 UST (3) 3892. TIAS 2520.	US-Cuba Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Havana Sept. 17, 1951, and Feb. 27, 1952. Entered into force Feb. 27, 1952.
1952	3 UST (4) 4926. TIAS 2666.	US-Canada Agreement for the Promotion of Safety on the Great Lakes by Means of Radio. The agreement applies to vessels of all countries as provided for in Article 3. Signed at Ottawa Feb. 21, 1952. Entered into force Nov. 13, 1954.
1952	3 UST (3) 4443. TIAS 2594.	US-Canada Agreement relating to the Assignment of Television Frequency Channels along United States-Canadian Border. Effected by exchange of notes at Ottawa Apr. 23 and June 23, 1952. Entered into force June 23, 1952.
1952	3 UST (4) 5140. TIAS 2705.	London Revision (1952) of the London Telecommunications Agreement (1949) between the United States and Certain British Commonwealth Governments. Signed at London Oct. 1, 1952. Entered into force Oct. 1, 1952. This amends the agreement contained in TIAS 2435 signed Aug. 12, 1949.

Date	Citations	Subject
1953	5 UST (3) 2940. TIAS 3138.	US-Canada Understanding relating to the Sealing of Mobile Radio Transmitting Equipment. Effected by exchange of notes at Washington Mar. 9 and 17, 1953. Entered into force Mar. 17, 1953.
1956	7 UST 2170. TIAS 3617.	US-Panama Agreement relating to the Coordination and Use of Radio Frequencies above 30 Mc/s. Effected by exchange of notes at Panama July 19 and Aug. 1, 1956. Entered into force Sept. 1, 1956. Entered into force Aug. 1, 1956. The technical annex to this agreement was revised by the agreement contained in TIAS 5838 signed June 16 and 24, 1965.
1956	7 UST 2839. TIAS 3665.	US-Costa Rica Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington Aug. 13 and Oct. 19, 1956. Entered into force Oct. 19, 1956.
1956	7 UST 3159. TIAS 3694.	US-Nicaragua Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Managua Oct. 8 and 10, 1956. Entered into force Oct. 10, 1956.
1957	12 UST 734. TIAS 4777.	US-Mexico Agreement regarding Radio Broadcasting in the Standard Broadcast Band. Signed at Mexico Jan. 29, 1957. Entered into force June 9, 1961. Amended by the protocol contained in TIAS 9210 signed Apr. 13, 1966.
1957	9 UST 1037. TIAS 4070.	Multilateral Declaration between the United States and Other Powers Terminating Part II (Inter-American Radio Office) of the Inter-American Radio Communications Convention of Dec. 13, 1937 (TS-938). Signed at Washington Dec. 29, 1957. Entered into force Dec. 29, 1957. Additionally, a Contract on the Exchange of Notifications of Radio Broadcasting Frequencies between the Pan American Union, the United States and Other Powers, 1958 signed at Washington Dec. 20, 1957. Entered into force Jan. 1, 1958.
1958	9 UST 1091. TIAS 4089.	US-Mexico Agreement regarding Use of Ultra High Frequency Channels 14 and 15 and Border Television Stations. Effected by exchange of notes at Mexico July 16, 1958. Entered into force July 16, 1958.
1958	10 UST 2423. TIAS 4300.	US-Mexico Agreement regarding Allocation of Ultra High Frequency Broadcast Stations on Behalf of Third Parties. Effected by exchange of notes at Washington June 1, 1965. Entered into force June 1, 1965.
1959	10 UST 1449. TIAS 4295.	US-Canada Agreement regarding Coordination and Use of Radio Frequencies above 30 Mc/s Revising the Technical Annex to the Agreement of Oct. 24, 1962 (TIAS 5268). Effected by exchange of notes at Ottawa June 16 and 24, 1965. Entered into force June 24, 1965.
1959 and 1960	11 UST 257. TIAS 4442.	US-Honduras Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Tegucigalpa Oct. 26, 1959, and Feb. 17, 1960, and related note of Feb. 19, 1960. Entered into force Mar. 17, 1960.
1959	10 UST 3019. TIAS 4394.	US-Venezuela Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Caracas Nov. 12, 1959. Entered into force Dec. 12, 1959.
1959	12 UST 2577. TIAS 4893.	International Radio Regulations Annexed to the International Telecommunication Convention. Signed at Geneva Dec. 21, 1959. Entered into force with respect to the United States Oct. 23, 1961. Revised by the Final Revisions of the Radio Regulations, Geneva, 1959, contained in TIAS 5603 signed Nov. 8, 1963, and in TIAS 6332 signed Apr. 29, 1966.
1960	11 UST 1. TIAS 4390.	US-Haiti Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Port-au-Prince Jan. 4 and 6, 1960. Entered into force Feb. 1, 1960.
1960	16 UST 185. TIAS 5789.	International Convention for the Safety of Life at Sea and Annexed Regulations. Signed at London June 17, 1960. Entered into force May 26, 1965. Corrections to certain annexes contained in TIAS 6284 signed Feb. 15, 1966.
1960	11 UST 2229. TIAS 4596.	US-Paraguay Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Asuncion Aug. 31 and Oct. 6, 1960. Entered into force Nov. 1, 1960.
1961	12 UST 1574. TIAS 4915.	US-Uruguay Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Montevideo Sept. 12, 1961. Entered into force Sept. 29, 1966.
1961	12 UST 1995. TIAS 4888.	US-Bolivia Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at La Paz Oct. 23, 1961. Entered into force Nov. 22, 1961.
1962	13 UST 997. TIAS 5043.	US-Mexico Agreement relating to the Assignment of VHF Television Channels along United States-Mexican Border. Effected by exchange of notes at Mexico Apr. 18, 1962. Entered into force Apr. 18, 1962.
1962	13 UST 411. TIAS 5001.	US-El Salvador Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at San Salvador Apr. 5, 1962. Entered into force May 6, 1962.
1962	13 UST 2418. TIAS 5208.	US-Canada Agreement relating to the Coordination and Use of Radio Frequencies above 30 Mc/s. Effected by exchange of notes at Ottawa Oct. 24, 1962. Entered into force Oct. 24, 1962. This technical annex was revised by the agreement contained in TIAS 5838 signed June 16 and 24, 1965.
1963	14 UST 817. TIAS 5360.	US-Dominican Republic Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Santo Domingo Apr. 18 and 22, 1963. Entered into force Apr. 22, 1963.
1963	15 UST 887. TIAS 5603.	Partial Revision of the Radio Regulations, Geneva, 1959. Final Acts of the EARC to Allocate Frequency Bands for Space Radiocommunication Purposes. Signed at Geneva Nov. 8, 1963. Entered into force Jan. 1, 1965.
1963	14 UST 1754. TIAS 5483.	US-Colombia Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Bogota Nov. 16 and 29, 1963. Entered into force Dec. 29, 1963.
1964	15 UST 1705. TIAS 5646.	US-Other Governments Agreement Establishing Interim Arrangements for a Global Commercial Communications Satellite System and Special Agreement. Done at Washington Aug. 20, 1964. Entered into force Aug. 20, 1964. Additionally, a Supplementary Agreement on Arbitration was done at Washington June 4, 1965. Entered into force Nov. 21, 1966.
1964	TIAS 6295.	Amendments to Articles 17 and 18 of the IMCO Convention (TIAS 4044). Adopted by the IMCO Assembly at London Sept. 15, 1964. Entered into force Oct. 6, 1967.
1965	16 UST 821. TIAS 5816.	US-Mexico Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington June 1, 1965. Entered into force June 1, 1965.
1965	16 UST 923. TIAS 5883.	US-Canada Agreement regarding Coordination and Use of Radio Frequencies above 30 Mc/s Revising the Technical Annex to the Agreement of Oct. 24, 1962 (TIAS 5268). Effected by exchange of notes at Ottawa June 16 and 24, 1965. Entered into force June 24, 1965.
1965	16 UST 883. TIAS 5827.	US-Israel Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington July 7, 1965. Entered into force Aug. 6, 1965.
1965	18 UST 575. TIAS 6207.	International Telecommunication Convention. Signed at Montreux Nov. 12, 1965. Entered into force with respect to the United States May 29, 1967.
1966	17 UST 74. TIAS 5961.	US-UN Agreement regarding Headquarters of the United Nations. Supplementing the Agreement of June 26, 1947 (TIAS 1676). Signed at New York Feb. 9, 1966. Entered into force Feb. 9, 1966. Amended by Protocol of Rectification to Certain Annexes to the International Convention for the Safety of Life at Sea of June 17, 1960 (TIAS 5780). Done at London Feb. 15, 1966.
1966	TIAS 6284.	US-Mexico Protocol regarding Radio Broadcasting in the Standard Broadcast Band Amending the Agreement of Jan. 29, 1957 (TIAS 4777). Signed at Mexico Apr. 13, 1966. Entered into force Aug. 23, 1967.
1966	18 UST 141. TIAS 6210.	Partial Revision of the Radio Regulations, Geneva, 1959. Final Acts of the EARC to Allocate Maritime Mobile (R) Services. Signed at Geneva Apr. 20, 1966. Entered into force for the United States Aug. 23, 1967, except for the frequency allotment plan contained in Appendix 27 which shall enter into force Apr. 10, 1970.
1966	TIAS 6332.	US-UN Agreement regarding Headquarters of the United Nations Amending the Supplemental Agreement of Feb. 9, 1966 (TIAS 5961). Effected by exchange of notes at New York Dec. 5, 1966. Entered into force Dec. 5, 1966.
1966	17 UST 2310. TIAS 6176.	US-Argentina Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Buenos Aires Mar. 31, 1967. Entered into force Apr. 30, 1967.
1967	18 UST 365. TIAS 6244.	US-Canada Agreement relating to Pre-Sunrise Operation of Certain Standard (AM) Radio Broadcasting Stations. Effected by exchange of notes at Ottawa Mar. 31 and June 12, 1967. Entered into force June 12, 1967.
1967	TIAS 6268.	

(b) The applicable agreements in force between the United States and another country relating to the reciprocal granting of authorizations to permit licensed amateur radio operators of either country to operate their stations in the other country are as follows:

Date	Citations	Subject
1964	15 UST 381; TIAS 5640.	US-Argentina Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Buenos Aires Mar. 31, 1967. Entered into force Apr. 30, 1967.
1965	16 UST 93; TIAS 5706.	US-Dominican Republic Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at San Jose Aug. 17 and 24, 1964. Entered into force Aug. 24, 1964.
1965	TIAS 6390.	US-El Salvador Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at San Salvador May 24 and June 5, 1967. Entered into force June 5, 1967.
1965	TIAS 6273.	US-Norway Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Oslo May 27 and June 1, 1967. Entered into force June 1, 1967.
1965	TIAS 6281.	US-New Zealand Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Wellington June 21, 1967. Entered into force July 21, 1967.
1965	TIAS 6348.	US-Venezuela Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Caracas Sept. 18, 1967. Entered into force Oct. 3, 1967.
1965	TIAS 6378.	US-Austria Agreement regarding Alien Amateur Radio Operators. Done at Vienna Nov. 21, 1967. Entered into force Dec. 21, 1967.
1965	TIAS 6380.	US-Chile Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Washington Nov. 30, 1967. Entered into force Dec. 30, 1967.
1965	TIAS 6406.	US-Finland Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Helsinki Dec. 15 and 27, 1967. Entered into force Dec. 27, 1967.
1965	TIAS 6408.	US-Guyana Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Georgetown May 6 and 13, 1968. Entered into force May 13, 1968.
1965	16 UST 1787; TIAS 6040.	US-Costa Rica Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at San Jose Aug. 17 and 24, 1964. Entered into force Aug. 24, 1964.
1965	16 UST 93; TIAS 5706.	US-Dominican Republic Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Santo Domingo Jan. 28 and Feb. 2, 1965. Entered into force Feb. 2, 1965.
1965	16 UST 185; TIAS 5777.	US-Bolivia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at La Paz Mar. 10, 1965. Entered into force Mar. 10, 1965.
1965	16 UST 181; TIAS 5779.	US-Ecuador Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Quito Mar. 26, 1965. Entered into force Mar. 26, 1965.
1965	16 UST 817; TIAS 5815.	US-Portugal Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Lisbon May 17 and 26, 1965. Entered into force May 26, 1965.
1965	16 UST 860; TIAS 5824.	US-Belgium Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Brussels June 15 and 18, 1965. Entered into force June 18, 1965.
1965	16 UST 973; TIAS 5836.	US-Australia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Canberra June 25, 1965. Entered into force June 25, 1965.
1965	16 UST 1100; TIAS 5860.	US-Peru Agreement regarding Alien Amateur Radio Operators. Entered into force Aug. 11, 1965.
1965	16 UST 1746; TIAS 6000.	US-Luxembourg Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Luxembourg July 7 and 20, 1965. Entered into force July 20, 1965.
1965	16 UST 1131; TIAS 5856.	US-Sierra Leone Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Freetown Aug. 14 and 10, 1965. Entered into force Aug. 10, 1965.
1965	16 UST 1742; TIAS 5999.	US-Colombia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bogota Oct. 19 and 28, 1965. Entered into force Oct. 28, 1965.
1965	16 UST 2047; TIAS 5941.	US-UK Agreement regarding Alien Amateur Radio Operators Effected by exchange of notes at London Nov. 26, 1965. Entered into force Nov. 26, 1965.
1966	17 UST 328; TIAS 5978.	US-Paraguay Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Asuncion Mar. 18, 1966. Entered into force Mar. 18, 1966.
1966	17 UST 719; TIAS 6022.	US-Mexico Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Paris May 6, 1966, with related notes of June 29 and July 6, 1966. Entered into force July 1, 1966.
1966	17 UST 813; TIAS 6035.	US-India Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at New Delhi May 10 and 25, 1966. Entered into force May 25, 1966.
1966	17 UST 790; TIAS 6028.	US-Israel Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Washington June 15, 1966. Entered into force June 15, 1966.
1966	17 UST 2420; TIAS 6139.	US-Netherlands Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at The Hague June 22, 1966. Entered into force Dec 21, 1966.
1966	17 UST 1120; TIAS 6008.	US-Federal Republic of Germany Arrangement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bonn June 23 and 30, 1966. Entered into force June 30, 1966.
1966	17 UST 1080; TIAS 6001.	US-Kuwait Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Kuwait July 19 and 24, 1966. Entered into force July 24, 1966.
1966	17 UST 1560; TIAS 6112.	US-Nicaragua Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Managua Sept. 3 and 20, 1966. Entered into force Sept. 20, 1966.
1966	17 UST 2215; TIAS 6159.	US-Panama Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Panama Nov. 10, 1966. Entered into force Nov. 10, 1966.
1966 and 1967	18 UST 525; TIAS 6230.	US-Ireland Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Dublin Dec. 20, 1966, Jan. 24 and Apr. 17, 1967. Entered into force Apr. 17, 1967.
1967	18 UST 554; TIAS 6264.	US-Switzerland Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bern Jan. 12 and May 10, 1967. Entered into force May 10, 1967.
1967	18 UST 543; TIAS 6261.	US-Trinidad and Tobago Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at St. Ann's and Port of Spain Jan. 14 and Mar. 10, 1967. Entered into force Mar. 10, 1967.

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4479]

[Montana 7196 (N.D.)]

NORTH DAKOTA

Partial Revocation of Coal Withdrawal No. 1

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Executive order of July 7, 1910, withdrawing lands in North Dakota as Coal Land Withdrawal No. 1, North Dakota, is hereby revoked so far as it affects the following described lands:

FIFTH PRINCIPAL MERIDIAN

T. 141 N., R. 83 W.,
Secs. 1 to 12, inclusive;
Sec. 14, N½NE¼, SW¼NE¼, W½;
Secs. 15 to 21, inclusive;
Sec. 22, NE¼, W½;
Sec. 23, W½NW¼;
Sec. 27, W½NE¼, W½, W½SE¼;
Secs. 28 to 33, inclusive;
Sec. 34, NW¼NE¼, NW¼, NW¼SW¼.

The areas described aggregate approximately 17,779 acres of public and nonpublic lands in Oliver County.

2. Until 10 a.m. on January 8, 1969, the State of North Dakota shall have a preferred right of application to select the public lands as provided by R.S. 2276, as amended (43 U.S.C. 852). After that time the lands shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Mont.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 9, 1968.

[F.R. Doc. 68-8227; Filed, July 12, 1968; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 730]

RICE

Determination of Acreage Allotments for 1969 and Subsequent Crops

Notice is hereby given that pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1353, 1363, 1375, 1377, 1378), the Department proposes to issue regulations for determination of acreage allotments for 1969 and subsequent crops of rice. It is proposed that the regulations currently in effect for 1964 and subsequent crops of rice (28 F.R. 13254), as amended, be reissued as provided herein and become applicable to the 1969 and subsequent crops of rice.

Prior to the issuance of the regulations referred to herein, any data, views, or recommendations pertaining thereto which are submitted in writing to the Director, Farmer Programs Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, will be given consideration, provided such submissions are postmarked not later than 30 days from the date of publication in the FEDERAL REGISTER.

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AUTHORITY: The provisions of this subpart issued under secs. 301, 353, 363, 375, 377, 378, 52 Stat. 38, as amended, 61, as amended, 63, as amended, 66, as amended, 70 Stat. 206, as amended, 72 Stat. 995, as amended; 7 U.S.C. 1301, 1353, 1363, 1375, 1377, 1378.

GENERAL

§ 730.61 Basis and purpose.

The regulations contained in this subpart are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of producer and farm allotments for the 1969 and subsequent crops of rice. The purpose of the regulations in this subpart is to provide the procedure for the apportioning in the States of California, Florida, South Carolina, Tennessee, Texas, and the "producer administrative area" within the State of Louisiana, the State rice allotments among rice producers in the State or administrative area and, in the States of Arkansas, Illinois, Mississippi, Missouri, North Carolina, Oklahoma, and the "farm administrative area" within the State of Louisiana, the apportionment of county rice allotments among the farms in the county.

§ 730.62 Definitions.

(a) *General terms.* In determining the meaning of the provisions in this subpart, unless the context indicates otherwise, words imparting the singular include and apply to several persons or things, words imparting the plural include the singular, words imparting the masculine gender include the feminine as well, and words used in the present tense include the future as well as the present. The definitions in Part 719 of this chapter, with the exception of the term "tenant", shall apply to this subpart. The term "tenant" is defined in paragraph (b) of this section. The provisions of Part 720 of this chapter concerning the expiration of time limitations shall apply to this subpart.

(b) *Rice program terms.* The following terms shall have the following meanings:

(1) "Act" means the Agricultural Adjustment Act of 1938, and any amendments or supplements thereto.

(2) "Administrative area" means a group of one or more counties or parishes within a State specifically designated as such for the purpose of establishing rice allotments in the State. In any State in which administrative areas are designated, there shall be two such administrative areas, one designated "producer administrative area" in which farm rice allotments shall be established on the basis of past production of rice by producers on the farm and the other designated "farm administrative area" in which farm rice allotments shall be established on the basis of past production of rice on the farm. For purposes of the regulations contained in this subpart in the States which have been divided into administrative areas, the term "State allotment" shall be deemed to mean the part of the State allotment apportioned to each administrative area and the word "State" shall be deemed to mean "administrative area," where applicable.

(3) "Engaged in the production of rice" means having an interest in the production of an acreage of rice being produced on a farm and receiving, at the time of harvest, a predetermined and fixed portion of such crop or the proceeds thereof by virtue of furnishing land, labor, water, equipment, or "producer" allotment which has been approved as all or a part of the "farm" allotment determined for a farm. Any producer who the county or State committee finds, after allocation of his producer allotment to a farm, is not or was not engaged in the production of rice on the farm as provided in accordance with this subparagraph, shall not be deemed to be engaged in the production of rice on the farm when such determination has been made in accordance with § 730.1521(e) or § 730.72(e).

(4) "Farm rice history acreage" means the acreage determined in accordance with § 730.1516(b) or § 730.67 (b) and § 730.1527(b) or § 730.78(b).

(5) "Farm State" means the States of Arkansas, Illinois, Mississippi, Missouri, North Carolina, Oklahoma, and the "farm administrative area" within the State of Louisiana consisting of the counties or parishes of Union, Lincoln, Jackson, Winn, Grant, Rapides, Avoyelles, St. Landry, St. Martin, Iberia, and St. Mary, and all counties or parishes within the State west of such counties

or parishes, in which farm rice allotments are determined on the basis of past production of rice on the farm and the rice allotments previously established for the farm in lieu of past production of rice by the producer and the allotments previously established for the producer.

(6) "New farm" means any farm other than one defined under subparagraph (8) of this paragraph and for which an allotment is established for the production of rice in the current year.

(7) "New producer" means any producer other than one defined under subparagraph (9) of this paragraph for whom a producer allotment is established for the production of rice in the current year.

(8) "Old farm" means any farm for which rice history acreage other than zero was determined for any one or more of the 5 years immediately preceding the current year.

(9) "Old producer" means any person for whom rice history acreage other than zero was determined for any one or more of the 5 years immediately preceding the current year.

(10) "Producer rice history acreage" means the producer's share(s) of the acreages determined for farms in accordance with §§ 730.67(b) and 730.78 (b), including the acreage, if any, released by such producer in accordance with the applicable provisions for the release of acreage.

(11) "Producer State" means the States of California, Florida, South Carolina, Tennessee, Texas, and the "producer administrative area" within the State of Louisiana consisting of the counties or parishes of Morehouse, Ouachita, Caldwell, La Salle, Catahoula, Concordia, West Feliciana, Pointe Coupee, Iberville, Assumption, and Terrebonne, and all counties or parishes within the State east of such counties or parishes in which farm allotments are determined on the basis of past production of rice in the State by the producer on the farm and the rice acreage allotments previously established in the State for the producer.

(12) "Rice acreage" means the acreage planted to rice and the acreage of volunteer rice which reaches maturity, excluding (i) any acreage of nonirrigated rice produced on any farm on which such acreage is 3 acres or less, (ii) any acreage of sweet, glutenous, or candy rice commonly known as Mochi Gomi, (iii) any acreage of rice grown for experimental purposes only by or under contract to a publicly owned agricultural experiment station, (iv) any acreage of rice grown for the purpose of experiments on mosquito control by or under contract to a Federal, State, or local public health service: *Provided*, That (*a*) the rice is planted in small plots which are designated by the producer and approved by the county committee with the concurrence of the State committee for such purpose before planting, and (*b*) evidence of destruction of the rice produced on such plots satisfactory to the county committee is furnished within 60 calendar days after the date on which the harvesting of rice is normally substantially completed in the county as provided in § 730.10(a), (v) any acreage of rice in excess of the allotment on a wildlife refuge farm consisting solely of Federal- or State-owned land, if such acreage is not harvested, but is left on the land for wildlife feed, (vi) any acreage planted to rice in excess of the farm allotment, or when applicable, the permitted acreage of rice under the conservation and cropland adjustment programs, which is destroyed or otherwise handled or treated (by the producer or from some cause beyond his control) not later than the final date for disposal of excess acreage as provided in Part 718 of this chapter, Determination of Acreage and Compliance, so that rice cannot be harvested therefrom, (vii) any acreage seeded to rice outside of the field border levee where such levee is bounded by a fence or other barrier which would make it impossible to harvest or destroy the rice from such acreage by mechanical means, and any acreage seeded to rice inside of drainage ditch banks where the topography would make it impossible to harvest or destroy the rice from such acreage by mechanical means: *Provided*, That the seeding operations have been performed with an end gate seeder or by airplane, and (viii) any acreage planted to rice for wildlife food plots or for establishing wildlife habitat if (*a*) the rice is planted in small plots which are designated by the producer and approved by the county committee for such purpose before planting, and (*b*) no grazing or harvesting other than by wildlife is permitted. A second planting and maturing of rice on a farm on which one crop has been planted and matured in the same crop year shall be considered additional acreage when determining the farm rice acreage.

(13) "Rice acreage planted and considered planted on a farm" means the sum of the farm rice acreage and any allotment acreage which is (i) preserved under the provisions of Part 719 of this chapter, Reconstitution of Farms, Allotments, and Bases, (ii) adjusted downward at the request of the farm operator to meet cropland limitations as provided in § 730.79(e), and (iii) underplanted in the current year to deplete stored excess rice produced in a prior year as provided in § 730.30(h).

(14) "Rice acreage planted and considered planted by a producer" means the sum of the producer's shares of the rice acreages planted and considered planted for the farm or farms on which he was engaged in the production of rice as provided in subparagraph (3) of this paragraph.

(15) "State office" means the office of the Agricultural Stabilization and Conservation State Committee.

(16) "Tenant" means a producer who is engaged in the production of rice on land owned by another, paying rent either in cash or in shares of the rice crop, and also includes an irrigation company which furnishes water for a share in the crop.

§ 730.63 Extent of calculation and rule of fractions.

All rice allotments and other computations shall be rounded to tenths of acres in accordance with the provisions of Part 793 of this chapter.

§ 730.64 Forms and instructions.

The Deputy Administrator shall cause to be prepared and issued such instructions with respect to internal management and such forms as are necessary for carrying out the regulations in this part.

§ 730.65 Supervision, review, and approval by State committee and additional authority for determination of allotment.

(a) *Supervision, review, and approval by State committee.* State committees shall have overall responsibility for the administration of the regulations in this subpart in their respective States. All producer allotments in producer States and all farm allotments in farm States shall be reviewed by a representative of the State committee and shall be approved before official allotment notices are mailed. The State committee may revise or require revision of any determination made under the regulations in this subpart. Notices of farm allotments in producer States may be mailed without the approval of a representative of the State committee following the allocation of producer rice allotments to farms unless the State committee determines that such approval of the allotments is necessary to facilitate the effective administration of the program in the State. The State committee may take any action required to be taken by the county committee under this subpart which the county committee fails to take or require the county committee to withhold taking any action which is not in accordance with this subpart.

(b) *Additional authority for determination of allotments.* In addition to the authority established in this subpart for determination of allotments for both old and new producers and farms, including revised allotments to correct errors, such determinations may be made by the Secretary, Under Secretary, Administrator of Agricultural Stabilization and Conservation Service, or Deputy Administrator. A notice conforming to the requirements of § 730.70, § 730.74, or § 730.81 executed by any of the foregoing officials and mailed to the operator of the farm shall be deemed to meet the requirements of such section. A copy of each notice shall be kept among the records of the appropriate county committee and copies thereof shall be made available in accordance with the provisions of the applicable section.

FARM ALLOTMENTS BASED ON PAST PRODUCTION OF RICE BY PRODUCERS

§ 730.66 Report of producer data.

In a producer State, each producer, to the extent that such information is found necessary and is not already available to the county committee, shall furnish the county committee of the county in which such producer is or will be engaged in the production of rice in the current year, the names, addresses, and acreage shares of other persons having an interest in each rice crop in which such producer shared during the 5 years immediately preceding the current year. Information not so furnished shall be determined or appraised by the county committee on the basis of records in the county offices, available production and sales records and other available information.

§ 730.67 Establishment of preliminary allotments for old producers.

(a) *Basic factors.* In a producer State, the past production of rice in the State by the producer on farms and the allotments previously established in the State for such producer; abnormal conditions affecting acreage; land, labor, and equipment available for the production of rice; crop-rotation practices; and the soil and other physical factors affecting the production of rice, are the factors for apportioning the State allotment, less appropriate reserves, to farms owned or operated by persons who have produced rice in any one of the 5 calendar years immediately preceding the year for which the allotment is determined. To reflect these factors, the county committee shall, except for a person or irrigation company furnishing water for a share of the rice crop, establish a preliminary allotment of rice for the current year for each old producer in the county. Prior to establishing such preliminary allotments in the county, the county committee shall determine for each old farm:

(1) The farm rice history acreage for the year immediately preceding the year for which the allotment is being established and

(2) Each producer's share of such acreage determined for such farm.

(b) *Farm rice history acreage.* The farm rice history acreage shall be:

(1) If the farm consists of federally owned land and a restrictive lease prohibiting the planting of rice is in effect, the rice history acreage shall be the farm allotment.

(2) For a farm to which subparagraph (1) of this paragraph is not applicable, if 75 percent or more of the farm allotment (before reapportionment) is planted in the year for which the rice history acreage is being determined, or in either of the 2 immediately preceding years, the rice history acreage shall be the farm allotment before reapportionment.

(3) For a farm to which subparagraph (1) of this paragraph is not applicable, if less than 75 percent of the farm allotment (before reapportionment) is planted in the year for which the rice history acreage is being determined and in each of the 2 immediately preceding years, the rice history acreage will be the smaller of the farm allotment before reapportionment or the sum of:

(i) Rice acreage determined for the farm.

(ii) Acreage preserved under the provisions of Part 719 of this chapter.

(iii) Acreage reduced due to cropland limitations.

(iv) Acreage underplanted in the current year to deplete stored excess rice produced in a prior year.

(c) *Maximum farm history limited to allotment.* Notwithstanding the provisions of paragraph (b) of this section, the rice history acreage for any farm shall not exceed the allotment (before reapportionment) determined for such farm.

(d) *Producer's share of farm rice history acreages and the acreage, if any, released for reapportionment.* (1) The rice history acreage determined under paragraph (b) or (c) of this section for any farm for any year shall be divided among the producers who were engaged in the production of rice on the farm in such year in the same proportion that each producer's allotment, or part thereof, allocated to such farm for such year bears to the farm allotment established for such year.

(2) Any producer allotment voluntarily released by a producer to the county committee for reapportionment to farms under § 730.75 shall be added to such producer's share of the farm rice history acreages determined for farms on which he was engaged in the production of rice during the current year. The sum of the acreages determined under this paragraph for any year for any producer shall be his rice history acreage for such year. If a producer was not engaged in the production of rice on any farm, his rice history acreage for such year shall be his released acreage, if any, except as provided under paragraph (f) of this section.

(e) *Recommended producer preliminary allotment.* (1) If the county committee finds for any old producer in a producer State that such producer's share of the farm history acreages determined for farms in the State on which he was a producer in the preceding year, including any acreage released by such producer for reapportionment, adequately reflects the factors referred to in paragraph (a) of this section, such acreage shall be the recommended preliminary allotment for the producer for the current year. In making such finding, the county committee shall take into consideration the factors referred to in subparagraph (2) of this paragraph.

(2) If the county committee finds for any old producer that the acreage determined under paragraph (d) of this section for such producer does not adequately reflect the factors referred to in paragraph (a) of this section because the farm history acreages in the preceding year on such farms are substantially above or below the farm history acreages on other farms in the county which are similar with respect to:

(i) The acreage of cropland on the farm available for the production of rice;

(ii) The number of rice-producing tenants or other labor on the farm;

(iii) The equipment available for producing the rice crop;

(iv) The soil, water, and other physical factors affecting the production of rice; and

(v) The established crop-rotation system being carried out on the farm; the producer's share of such acreage shall, for the purpose of establishing a recommended preliminary allotment for the current year, be adjusted so as adequately to reflect the factors referred to in paragraph (a) of this section: *Provided*, That in no case shall such adjusted acreage exceed 110 percent or be less than 90 percent of the producer allotment established for such producer for the preceding year.

(3) If a definitely established crop-rotation system is being carried out on a farm and the rice history acreage in the preceding year for the landowner is adjusted for the current year the adjusted acreage shall not exceed the largest or be less than the smallest allotment established for such owner for any year during the 3 years immediately preceding the current year: *Provided*, That if a zero allotment was established for a landowner in each of such years because of an established crop-rotation system, and rice will be planted on his farm under such system in the current year, the adjusted acreage shall not exceed his share of the largest rice history acreage determined for any year during the 5 years immediately preceding the current year: *Provided further*, That if rice was planted or considered planted on a farm in each of the 3 years immediately preceding the current year and it is determined that no rice will be planted on the farm in the current year under such a system, an adjusted acreage of zero shall be established for such landowner.

(f) *Preliminary allotment when producer was not engaged in the production of rice.* If a producer was not engaged in the production of rice in the preceding year, including a determination under the provisions of § 730.72(e), his producer rice history acreage for such year shall be zero: *Provided*, That if the producer planted or is regarded to have planted under the conservation and cropland adjustment programs in either of the 2 years immediately preceding such year as much as 75 percent of his producer allotment allocated to the farm or farms on which he was engaged in the production of rice his rice history acreage for the year in question shall be the producer allotment (before release) established for him for such year. The rice history acreage determined for any producer in accordance with this paragraph for the current year, shall become the preliminary allotment for such producer for the succeeding year, unless adjusted in accordance with the provisions of paragraph (e) of this section.

§ 730.68 Determination of allotments for old producers.

(a) *Apportioning allotments.* The preliminary allotments of rice determined for producers under § 730.67 adjusted pro rata to equal the State or area allotment minus (1) a reserve of not to exceed

3 per centum of the State or area allotment for new producers, and (2) the reserve of not to exceed 5 per centum of the State or area allotment for appeals and corrections, missed producers and adjustments under paragraph (b) of this section, except as may be adjusted under paragraphs (b) and (c) of this section, shall be the allotments for old producers. If, as a result of corrections, the total acreage allotted to producers in any State for which corrections are made is less than the total acreage originally allotted to such producers, such difference in acreage shall be added to such State reserve without regard to the limitation thereon.

(b) *Adjustment for small allotments.* The allotment determined for any old producer under paragraph (a) of this section may be increased if the State committee, with the assistance of the county committee, determines that the allotment is small in relation to allotments established for other old producers in the county on the basis of crop-rotation practices; land, labor, water, and equipment available for the production of rice; and the soil and other physical factors affecting the production of rice during the 5 years immediately preceding the current year: *Provided*, That such increased allotments shall not exceed the allotments determined for other producers in the county which are similar with respect to these factors. The acreage used in any State for increasing producer allotments under this paragraph shall not exceed the reserve acreage referred to in paragraph (a) of this section.

(c) *Adjustment for inadequate allotments.* The allotment determined for any producer under paragraph (a) or (b) of this section may be increased if the State committee with the assistance of the county committee, determines that such allotment for the producer is inadequate because of an insufficient State or area allotment or because rice was not planted by the producer during all the preceding 5 years, taking into consideration the producer's investment in equipment and other facilities for the production of rice and the acreage required to make such allotment for the producer an economic unit: *Provided*, That the total of such increases in allotments under this paragraph shall not exceed the acreage, if any, made available to the State from the national reserve provided for by section 353(a) of the act.

§ 730.69 Determination of allotments for new producers.

(a) *Determination.* In a producer State, the State committee, with the assistance of the county committee, shall determine for each eligible new producer, a rice acreage allotment and allocate such allotment to the farm or farms in accordance with the provisions of §730.72.

(b) *Information required.* Each person desiring an allotment as a new producer shall file an application therefor with the county committee on or before January 31 of the current year. Each such application shall contain the following information: The name, address, and age of the applicant; whether arrangements have been made for the land and water necessary to produce a rice crop in the current year; identification of the farm to which the requested allotment will be allocated; the source from which irrigation water will be obtained; whether the applicant owns, or otherwise has readily available, adequate equipment for producing rice in the current year; whether the applicant expects to obtain more than 50 percent of his livelihood in the current year from farming operations on the farm to which the requested allotment will be allocated; and the acreage allotment requested by the applicant.

(c) *Eligibility requirements.* To be eligible for an allotment as a new producer, the applicant shall timely file his application for an allotment and shall establish to the satisfaction of the county committee that:

(1) He does not own or operate any other farm in the United States for which a rice allotment is established for the current crop year;

(2) The land on the farm to which the requested allotment will be allocated is suitable for the production of rice;

(3) He owns or otherwise has readily available, adequate equipment and irrigation water necessary for the production of rice on the farm;

(4) He expects to obtain during the current year more than 50 percent of his income from the production of agricultural commodities or products from the farm to which the requested allotment will be allocated; and

(5) He has not filed his application for the purpose of obtaining an allotment as a new producer which would be used, if obtained, as a device to offset a reduction in the rice acreage of an old producer with whom he was formerly, or will be, associated in financing, producing, or marketing rice.

(d) *Income determination.* In making a determination with respect to paragraph (c)(4) of this section the following will apply:

(1) Credit will not be allowed for estimated return from the production of the rice planted on the requested allotment.

(2) Credit will be allowed for estimated value of home gardens, livestock, and livestock products, poultry, or other agricultural products produced on the farm.

(3) Where the applicant is a partnership, each partner shall expect to obtain more than 50 percent of his income during the current year from agricultural commodities or products from the farm.

(4) Where the applicant is a corporation, it shall have no major corporate purpose other than operation and ownership, where applicable, of the farm, and the officers and general manager of the corporation shall expect to obtain more than 50 percent of their income, including dividends and salary, from the corporation.

(5) Where the applicant is a trustee under a trust arrangement, the trustee and the beneficiary of the trust each shall expect to obtain during the current year more than 50 percent of his income from agricultural commodities or products from the farm.

(e) *Total allotment limited to reserve.* The sum of the acreages allocated to eligible new producers in a State shall not exceed the reserve established by the State committee in accordance with § 730.68.

(f) *No State reserve.* Notwithstanding the provisions of paragraphs (a) and (b) of this section, applications for new producer allotments shall not be accepted for any year for a State for which no State reserve is established for such allotments.

§ 730.70 Notice of producer allotment.

The allotment as determined under § 730.68 or § 730.69 as applicable, for each producer, when approved by a representative of the State committee, shall be the official producer allotment for the producer. The county committee shall officially notify each producer, at his last known address, of the producer allotment established for him. The notice shall bear the actual or facsimile signature of a county committeeman. The facsimile signature may be affixed by the county committeeman or by an employee of the county office. Insofar as practicable, all producer allotment notices in a county shall be mailed on the same date and in time to be received prior to the date on which the referendum to determine whether farmers favor or oppose rice marketing quotas will be held. A copy of each notice approved shall be kept freely available in the county office for a period of not less than 30 calendar days. At the end of such period, the copies of the notices shall remain readily available for further public inspection.

§ 730.71 Right to appeal producer allotment.

Any producer in a producer State or area who is dissatisfied with his producer allotment may request reconsideration of such producer allotment in accordance with Part 780 of this chapter, Appeal Regulations, and any amendments thereto. When a producer has been officially notified of the rice allotment for the farm on which he will be engaged in the production of rice in the current year, he may request a review of such farm allotment in accordance with provisions of § 730.85.

§ 730.72 Allocation of producer allotments to farms.

(a) *Request for allocation.* Each producer who desires to have all or any part of his producer allotment taken into consideration in the establishment of the farm allotment for any farm on which he will be engaged in the production of rice in the current year shall, not later than the final date set forth herein, file a request with the county committee for allocating his producer allotment as determined under §§ 730.68 and 730.69 or § 730.71, as applicable, to such farm or farms, if his allotment acreage is to be considered when establishing the farm allotment. Each request shall be in writing and insofar as the producer has personal knowledge, contain the name (or code number) of the State and county in which the farm is located and the farm number; the total acres in the farm; the cropland acres; the name and address of the farm operator and the name and address of the farm owner where different from the farm operator; the name and address of the applicant; the location of the farm; the applicant's producer allotment; the allotment to be allocated to the farm; the applicant's interest in the rice crop to be produced on the allotment allocated to the farm by virtue of furnishing the land, labor, water, equipment, or producer allotment, and the applicant's percentage share in the production from such acreage.

(b) *Filing date.* The final date for the filing of an application or the correction of any application previously filed under paragraph (a) of this section shall, except as provided herein, be May 1 of the current year. If a producer is unable to file his application on or before this date because of (1) an error on the part of an employee of the county or State committee or (2) physical reasons beyond his control, including inability to plant his intended acreage on the farm indicated, an application accompanied by his written certification giving his reasons for failure to file previously or for correcting a previously filed application may be accepted for further consideration. If the county committee, with the approval of the State executive director, determines from the facts and circumstances that the producer's failure to file previously or his reason for changing an application is because of an error on the part of an employee of the county or State committee, or because of physical reasons beyond his control, the application may be accepted as being timely filed. Any application for the allocation of producer allotment to a farm that is not timely filed in accordance with the provisions of this section shall be disapproved and such allotment cannot be considered when the allotment for the farm is established.

(c) *Conditions of allocation.* The State committee, with the assistance of county committees, shall allocate the allotment determined under § 730.68, § 730.69, or § 730.71, as applicable, for a producer to the farm or farms on which it has been determined that the producer will be engaged in the production of rice in the current year if an application for the allocation of his producer allotment, or any part thereof, was timely filed. The sum of the producer allotments allocated to any farm, adjusted where necessary to establish an allotment for the farm within its capabilities for producing rice consistent with practical farming operations, taking into consideration crop-rotation practices; the land, labor, water, and equipment available for the production of rice, the sizes of fields; the arrangement of levees and drainage facilities; the soil and other physical factors affecting the production of rice on the farm in the current year and the acreage available for such adjustments, shall be the official farm allotment for the farm: *Provided*, That the total acreage allocated to all farms for any producer shall not exceed such producer's allotment determined under § 730.68, § 730.69, or § 730.71, as applicable, by more than 5 per centum or 5 acres, whichever is larger. The sum of the upward adjustments in allocated acreages under this paragraph shall be limited to the sum of the downward adjustments that are not released by the producer for reapportionment to other farms under § 730.75. If the farm history acreage on any farm in which a new producer has an interest in such acreage is less than 75 percent of the farm allotment, the new producer's allotment shall be reduced to the extent of his share in the underplanted allotment for the farm. The acreage resulting from the reduction of new producer allotments under this section shall be transferred to the reserve available to the State committee for appeals, corrections, missed farms, and adjustments under § 730.68.

(d) *Determination of county committee.* Before approving a producer's request for the allocation of allotment to a farm, the county committee shall satisfy itself that the applicant will be engaged in the production of rice on such farm or, if not, that he is requesting the allocation of his producer allotment to the farm for the purpose of participating in the conservation and cropland adjustment programs. To be considered engaged in the production of rice, the applicant shall meet the definition of the term "engaged in the production of rice" as stated in § 730.62(b)(3).

(e) *Hearing to determine if a producer was engaged in the production of rice.* If the county or State committee has reason to believe, after the establishment of any farm allotment in accordance with this section, that a producer whose allotment was allocated to such farm is not, or was not, in fact engaged in the production of the rice crop produced on the farm in the year in question, a hearing shall be scheduled by the county committee and the producer shall be invited to be present, or to be represented, at which time he shall be given an opportunity to substantiate his claim that he is, or was, engaged in the production of rice on the farm as indicated at the time of filing his request for the allocation of this producer allotment to the farm. A summary of the evidence presented at the hearing shall be furnished the State committee. If the county committee, with State committee approval, or the State committee finds that the producer is not, or was not, engaged in the production of the crop on the farm, except where allocation was made for the purpose of participating in the conservation and cropland adjustment programs, the county committee or the State committee shall recall the producer's allotment previously allocated to the farm and adjust the farm allotment accordingly. The county committee shall notify the farm operator of the revised farm allotment. The notice shall be on an official form and shall be accompanied by a letter of explanation as to the reason such action was taken to reduce the farm allotment. A copy of the notice and letter shell be forwarded to all persons engaged in the production of rice on the farm. Any allotment recalled under this section will not be available for apportionment or reallocation to any other farm.

(f) *Allocation limitations.* Notwithstanding any other provisions of this section, approval shall not be given to a producer's request for allocation of his allotment to:

(1) Federally owned land on which a restrictive lease prohibiting the planting of rice is in effect; or

(2) Any farm other than the farm on which the producer has a contract or agreement under a land use adjustment program in effect, unless he allocates to such farm in the current year, the smaller of (i) his producer allotment or (ii) and acreage equal to the average of his producer allotment contribution to the farm allotment which was planted during the years used to establish the farm's land use adjustment program allotment or base, or unless such contract or agreement is modified or terminated as provided under regulations applicable to the land use adjustment programs.

(g) *Allocation across county lines.* A producer who desires to allocate all or any part of his producer allotment to a farm located in a county within the same State or administrative area of a State other than the county in which his producer allotment was established shall file a request with the county committee of the county in which his producer allotment was established to transfer such producer allotment to the county in which the farm to which he desires to allocate his producer allotment is located. The final date for the filing of an application for the transfer of producer allotment from one county to another or the correction of an application previously filed under this paragraph shall, except as provided in this paragraph, be April 15 of the current year for all producer States except the producer administrative area of Louisiana for which such final date shall, except as provided in this paragraph, be April 1 of the current year. If a producer who desires to transfer his producer allotment to another county is unable to file an application for such transfer on or before such date because of (1) an error on the part of an employee of the county or State committee or (2) physical reasons beyond his control, an application accompanied by his written certification giving his reasons for failure to file previously or for correcting a previously filed application may be accepted for further consideration. If the county committee, with approval of the State executive director, determines from the facts and circumstances that the producer's failure to file previously or his reason for changing an application is because of an error on the part of an employee of the county or State committee, or because of physical reasons beyond his control, the application may be accepted as being timely

filed. Any application for the transfer of producer allotment from one county to another that is not timely filed in accordance with the provisions of this paragraph shall be disapproved.

(h) *Hearing to determine status of a producer requesting allocation across county lines.* In any case where an application for transfer of a producer allotment to another county has been approved under paragraph (g) of this section, and an application to allocate such transferred producer allotment to a farm has been timely filed, the county committee shall schedule a hearing and the operator of the farm to which allocation is requested shall be invited to be present. Such operator shall satisfy the county committee that the producer requesting the allocation will be engaged in the production of rice on the farm to the extent shown on the application for allocation. If the application for allocation is approved by the county committee and the representative of the State committee, the provisions of paragraph (c) of this section shall apply. If the application for allocation is disapproved by the county committee or the representative of the State committee, the applicant shall be notified in writing giving reasons for disapproval.

§ 730.73 Determination of allotments for farm to which producer allotments have been allocated.

The sum of the allotments determined for both old and new producers that are allocated to any farm under § 730.72, including the adjustments, if any, as provided for under paragraph (c) of such section, shall be the allotment for the farm for the current year. The sum of the farm allotments so determined in any producer State or area shall not exceed the State allotment for such State or area and the acreage, if any, made available from the national reserve provided for by section 353(a) of the Act, minus any balance which is held in reserve for new producers, appeals, corrections, and missed producers.

§ 730.74 Mailing of notices of allotments for farms to which producer allotments have been allocated.

An official notice of the farm allotment established for a farm in accordance with § 730.73 shall be mailed by the county committee to the operator of the farm and to all other persons who will be engaged in the production of rice on such farm in the current year. A copy of each notice approved shall be kept freely available in the county office for a period of not less than 30 calendar days. At the end of this period, the copies of the notices shall remain readily available for further public inspection.

§ 730.75 Release and reapportionment of producer rice allotments.

(a) *Release.* In a producer State or area, a producer may, not later than the applicable closing date provided in this paragraph, voluntarily release to the county committee all or any part of his producer allotment that will not be allocated to a farm in the current year, except that the following producer allotments shall not be released:

(1) Producer allotment covered by a contract or agreement under the conservation and cropland adjustment programs; and

(2) The allotment established for any new producer.

Any allotment released shall be deducted from the allotment established for the producer, but will be regarded as having been planted in the current year by the producer releasing the allotment if the producer is otherwise eligible for an old producer allotment. Any part of a producer's allotment which the producer does not allocate to his farm by reason of a field-size adjustment under § 730.72 (c) shall, upon request of the producer be considered as released allotment under this paragraph. The closing dates for filing a written release of rice allotment shall be as follows:

California	Apr. 1
Florida	Mar. 15
Louisiana[1]	Mar. 1
South Carolina	Apr. 1
Tennessee	Apr. 1
Texas	Apr. 20

[1] Producer administrative area.

(b) *Reapportionment.* Producer allotment released to the county committee in accordance with paragraph (a) of this section may be reapportioned by the county committee to other producers (old or new) in the same county by whom a request for increase in allotment has been timely made. Apportionments shall be made in amounts determined to be fair and reasonable on the basis of the production of rice by the producer during the 5 years immediately preceding the current year; previous allotments established for the producer; abnormal conditions affecting acreage; land, labor, water, and equipment available for the production of rice; crop-rotation practices; and the soil and other physical factors affecting the production of rice. The closing date for reapportionment to farms of allotment released in each producer State or area shall be a date not later than 15 days after the applicable date for release.

(c) *Request for increase.* To be eligible for an increase in a farm allotment from released allotment, a request must be made by the applicant on or before the applicable release date in paragraph (a) of this section. The State committee shall have the option of determining whether a verbal request will be acceptable, or whether a written request will be required before the county committee may consider reapportioning released allotment. In either event, only those farms for which a request is timely made shall be given consideration when reapportioning released allotment to farms in the State or area.

(d) *Approval for State committee.* The release and reapportionment of allotments under this section shall not become effective until approved by a representative of the State committee.

§ 730.76 Succession of interest in producer allotments.

(a) *Conditions for withdrawal from the production of rice.* (1) If a producer dies or withdraws from the production of rice, his allotment and related history acreages during the applicable base period may be transferred under the provisions of this section to another person or persons: *Provided,* That if a producer has a contract or agreement under a land use adjustment program in effect on a farm to which he allocated rice allotment that was planted during the 2 years prior to entering into such contract or agreement and he is currently receiving a payment under such program, his producer rice allotment and related history shall not be available for transfer under the provisions of this section for the duration of such contract or agreement unless such contract or agreement is modified or terminated as provided under regulations applicable to the land use adjustment programs: *Provided further,* That a person for whom a new producer allotment is approved shall be engaged in the production of rice in at least four out of the next 5 years following approval before his allotment for the current year becomes available for transfer under the provisions of paragraph (b) (2), (3), or (4) of this section. A producer who withdraws in whole from the production of rice under the provisions of paragraph (b) (2) of this section, or who withdraws from the production of rice under the provisions of paragraph (b) (3) of this section, or who transfers his entire interest in the production of rice to the remaining partner(s) under the provisions of paragraph (b) (4) of this section when the partnership is dissolved, shall not be eligible for a producer allotment for any year subsequent to such transfer, except to the extent that he may become eligible for an allotment on the basis of rice history acquired in a year (subsequent to the transfer) for which rice allotments are not in effect.

(2) Each such transfer under this section shall be contingent upon furnishing in writing on or before April 1 of the current year all pertinent information requested by the county committee. Each such transfer will be subject to the approval of the county committee and a representative of the State committee. The transferor's signature date shown on the notice of withdrawal shall be the effective date of the transfer: *Provided,* That the county committee and a representative of the State committee find that the conditions applicable to the transfer of allotment under this section have been met. If it is found that any of the required conditions has not been met, the notice of withdrawal shall be canceled and the interested producers shall be so notified in writing showing reasons for cancellation of the transfer of allotment.

(3) If a producer failed to file an application for transfer of allotment and related history acreage on or before April 1 because of (i) physical reasons beyond his control; (ii) an error on the part of an employee of the county or State committee, or (iii) failure of an employee of the county or State committee to furnish, upon request, full information relating to transfers, an application accompanied by his written certification giving his reasons for failure to file previously may be accepted for further consideration. Any application filed after April 1 of the current year shall be considered for approval in the same manner as applications for the allocation of producer allotment to farms filed under the provisions of paragraph (b) of § 730.72.

(b) *Withdrawal provisions.* (1) If a producer dies, his current allotment and related rice history acreage during the applicable base period shall be apportioned in whole or in part among his heirs or devisees according to the extent to which they may continue or have continued, his farming operations. The heirs or devisees, or their representative, shall furnish the county committee in writing at the earliest practicable date, the names and addresses of the heirs or devisees and the extent each will continue the farming operations of the deceased. The percentage of the total allotment of the deceased that each will receive shall be determined on the basis of the information furnished by the heirs or devisees and any other pertinent information. The rice history acreages credited to the deceased during the applicable base period shall be divided among the heirs or devisees in the same proportion that the allotment is divided.

(2) If a producer withdraws in whole or in part from the production of rice in favor of a member or members of his family who will succeed to his farming operations, that portion of his current allotment and related rice history acreage during the applicable base period as may be ascribed to such withdrawal, may be transferred to such family member or members. For the purpose of this subparagraph (2), a member of the transferor's family shall be limited to the transferor's spouse, father, mother, brother, sister, son, daughter, brother-in-law, son-in-law, grandson, granddaughter, nephew, niece, or any other relative who would be entitled to succeed to the transferor's estate upon death, intestate, according to the laws of the State in which the transferor resides. The transferor shall furnish the county committee in writing at the earliest practicable date, the names and addresses of the transferees, their relationship to him and the extent to which he is to be succeeded in his farming operations by them. The current allotment and related rice history acreages credited to the transferor during the applicable base period shall be divided among the transferor, when applicable, and the transferees in accordance with the transferor's request.

(3) (i) If a producer permanently withdraws from the production of rice as provided in this subparagraph (3), his allotment current at the time of such withdrawal and related rice history acreage during the applicable base period may be transferred to another producer or producers who have had previous rice producing experience, provided the transferee or transferees acquire, except for land, the transferor's entire rice farming operation, including rice production and harvesting equipment and irrigation equipment not permanently attached to the land, except such equipment which will be used by the transferor for farming operations other than rice production, as determined by the county committee with the concurrence of the State committee. The transferor at the earliest practicable date shall inform the county committee in writing of his intention to withdraw from the production of rice and the crop year for which the withdrawal is to become effective. He shall also furnish the names and addresses of the persons who will succeed him in his rice farming operations and the percentage of his current allotment that each person is to receive. The related rice history acreages credited to the transferor during the applicable base period shall be divided among the transferees in the same proportions that the allotment is divided. To qualify as having had previous rice producing experience as referred to in this subparagraph (3), the transferee must have actually participated in producing, harvesting, and marketing one or more crops of rice as a producer.

(ii) In order for the transfer to remain effective, the transferee must actually plant or cause to be planted at least 90 percent of his producer allotment (after release and before reapportionment), including the allotment determined on the basis of the rice history acreage acquired from the transferor, for at least three out of the next 4 years following the transfer. If the transferee fails to comply with this minimum planting provision, the transfer shall become invalid and the county committee shall reduce the transferee's allotment for the year current at the time of such failure in the same proportion that his producer allotment, immediately before the transfer, bears to the total allotment established for the producer as a result of the transfer. The rice history acreages credited to the transferee for each year of the period the transfer was in effect shall be reduced in the same proportion as the allotment is reduced.

(4) If a partnership is dissolved, the partnership's current allotment and related history of rice production shall be divided among the partners in such proportion as agreed upon in writing by the partners or if the partners are unable to agree, among the partners in the same proportion that each partner had an interest in the partnership: *Provided,* That if a partnership was formed in a year in which allotments were in effect and is dissolved in less than three consecutive crop years after the partnership became effective, the allotment established for the partnership and rice history acreage credited to the partnership for each of the years during its existence shall be divided among the partners in the same proportion that each partner contributed to the allotment established for the partnership at the time such partnership was formed and the rice history acreage credited to the partnership for the remaining years of the applicable base period shall revert to the person to whom it was originally credited.

(c) *Conditions for reentry into the production of rice.* Notwithstanding any other provision of this section, a producer who has withdrawn from the production of rice as provided in paragraph (b) (2) or (3) of this section may become a rice producer and reenter the production of rice as provided in paragraph (b) (1) or (2) of this section.

FARM ALLOTMENTS BASED ON PAST PRODUCTION OF RICE ON FARMS

§ 730.77 Report of farm data.

In a farm State, each producer, to the extent that such information is found necessary and is not already available to the county committee, shall furnish the county committee of the county in which such farm is located, information requested by the county committee relative to changes in operations or control of the farm, size of the farm, or changes in the acreage of cropland on the farm. Information not so furnished shall be determined or appraised by the county committees on the basis of records in the county offices, available production and sales records, and other available information.

§ 730.78 Establishment of preliminary allotments for old farms.

(a) *Basic factors.* In a farm State, the past production of rice on the farms and the acreage allotments previously established for such farms; abnormal conditions affecting acreage; land, labor, and equipment available for the production of rice; crop-rotation practices; and the soil and other physical factors affecting the production of rice are the factors for apportioning the State allotment among counties and, less appropriate reserves, to old farms. To reflect these factors, the county committee with the approval of the State committee or its representative shall establish a preliminary allotment of rice for the current year for each old farm in the county. The fact that the production of rice is restricted on federally owned lands on which there are restrictive leases shall not be interpreted to mean that preliminary allotments (and effective allotments) may be established at a level below those established for similar farms. Prior to establishing preliminary allotments in the county, the county committee shall determine for each old farm the farm rice history acreage on the farm for the year immediately preceding the year for which the allotment is being established.

(b) *Farm rice history acreage.* The farm rice history acreage shall be:

(1) If the farm consists of federally owned land and a restrictive lease prohibiting the planting of rice is in effect, the rice history acreage shall be the farm allotment.

(2) For a farm to which subparagraph (1) of this paragraph is not applicable if 75 percent or more of the farm allotment (after release and before reapportionment) is planted in the year for which

the rice history acreage is being determined or in either of the two immediately preceding years, the rice history acreage will be the farm allotment before release and before reapportionment.

(3) For a farm to which subparagraph (1) of this paragraph is not applicable if less than 75 percent of the farm allotment (after release and before reapportionment) is planted in the year for which the rice history acreage is being determined and in each of the 2 immediately preceding years, the rice history acreage will be the smaller of the farm allotment before release and before reapportionment or the sum of:

(i) Acreage released for reapportionment.

(ii) Rice acreage determined for the farm.

(iii) Acreage preserved under the provisions of Part 719 of this chapter.

(iv) Acreage reduced due to cropland limitations.

(v) Acreage underplanted in the current year to deplete stored excess rice produced in a prior year.

(c) *Maximum farm history limited to allotment.* Notwithstanding the provisions of paragraph (b) of this section, the rice history acreage for any farm shall not exceed the allotment (before release and before reapportionment) determined for such farm.

(d) *Recommended farm preliminary allotment.* (1) If the county committee finds for any farm that the farm rice history acreage for the farm in the preceding year adequately reflects the factors referred to in paragraph (a) of this section such acreage shall be the recommended preliminary allotment for the farm for the current year. In making such finding, the county committee shall take into consideration the factors referred to in subparagraph (2) of this paragraph.

(2) If the county committee finds that the farm rice history acreage for any farm in the preceding year does not adequately reflect the factors referred to in paragraph (a) of this section because the farm rice history acreage in the preceding year on such farm is substantially above or below the farm rice history acreage on other farms in the county which are similar with respect to:

(i) The acreage of cropland on the farm available for the production of rice;

(ii) The number of rice producing tenants or other labor on the farm;

(iii) The equipment available for producing a rice crop;

(iv) The soil, water, and other physical factors affecting the production of rice; and

(v) The established crop-rotation system being carried out on the farm; the farm rice history acreage in the preceding year on such farm shall, for the purpose of establishing a recommended preliminary allotment for the current year, be adjusted so as to adequately reflect the factors referred to in paragraph (a) of this section: *Provided,* That in no case shall such adjusted acreage exceed 110 percent or be less than 90 percent of the allotment established for such farm for the preceding year.

(3) If a definitely established crop-rotation system is being carried out on a farm such adjusted acreage shall not exceed the largest or be less than the smallest allotment established for such farm for any year during the 3 years immediately preceding the current year: *Provided,* That if a zero allotment was established for a farm in each of such years because an established crop-rotation system is being carried out on such farm and under such a system rice will be planted on the farm in the current year, the adjusted acreage shall not exceed the largest rice history acreage for the farm during the 5 years immediately preceding the current year: *Provided further,* That if rice was planted on a farm in each of the 3 years immediately preceding the current year and it is determined that no rice will be planted on the farm in the current year under such a system, an adjusted acreage of zero shall be established for such farm.

§ 730.79 Determination of allotments for old farms.

(a) *Apportioning allotment.* The preliminary allotments of rice determined under § 730.78, adjusted pro rata to the county allotment minus the reserve of not to exceed 5 per centum of the county allotment for appeals and corrections, missed farms, and adjustments, shall be the allotments for old farms. If, as a result of corrections, the total acreage allotted to farms in any county for which corrections are made is less than the total acreage originally allotted to such farms, such difference in acreage shall be added to such county reserve without regard to the limitation thereon.

(b) *Adjustment for small allotments.* The allotment determined for any farm under paragraph (a) of this section may be increased if the county committee determines that the allotment is small in relation to allotments for other old farms in the county on the basis of the crop-rotation practices; the land, labor, water, and equipment available for the production of rice and the soil and other physical factors affecting the production of rice; taking into consideration the acreage required for the economic operation of the farm and the acreage available for such increases: *Provided,* That such increased allotments shall not exceed the allotments determined for other farms which are similar with respect to the factors set forth above. The acreage used in any county for increasing allotments under this paragraph shall not exceed the reserve acreage referred to in paragraph (a) of this section.

(c) *Adjustment for inadequate allotments.* The allotment determined for any farm under paragraph (a) or (b) of this section may be increased if the county committee determines that such allotment is inadequate for the farm because of an insufficient county allotment or because rice was not planted on the farm during all of the preceding 5 years, taking into consideration the land, labor, water, and equipment available for the production of rice and the acreage required for the economic operation of the farm: *Provided,* That the total of such increases in allotments under this paragraph shall not exceed the acreage made available to the county from the national reserve provided for by section 353(a) of the Act.

(d) *Exchange of rice allotment for cotton allotment.* The allotment determined for any farm under paragraph (a), (b), or (c) of this section may be exchanged for cotton allotment as provided in Part 722 of this chapter, cotton, as amended (33 F.R. 895).

(e) *Adjustment for cropland limitation.* The allotment determined for any farm under paragraphs (a), (b), (c), and (d) of this section may be reduced for the current year if the sum of the feed grain base, total allotments, and sugar proportionate shares exceeds the cropland for the farm for the current year and the farm operator requests in writing to reduce the rice allotment in lieu of the feed grain base: *Provided,* That such reduction shall not exceed the acreage by which the sum of the feed grain base, total allotments, and sugar proportionate shares exceeds the cropland for the farm: *Provided further,* That such reduction shall be effective for the current year only. For purposes of establishing future State, county, and farm acreage allotments, the acreage not planted under the farm allotment because of a reduction under this paragraph shall be regarded as planted on the farm.

§ 730.80 Determination of allotments for new farms.

(a) *Basis.* In a farm State, the State committee with the assistance of the county committee shall determine a rice allotment for the current year for each eligible new farm for which an allotment is requested in writing on or before January 31 of the current year. The allotments for eligible new farms shall be determined on the basis of tillable land suitable for the production of rice; labor, water, and equipment available for the production of rice and the soil and other physical factors affecting the production of rice and shall not exceed the allotments determined under § 730.79 for old farms which are similar with respect to such factors.

(b) *Information required.* The request for a new farm rice allotment shall be made by the farm operator, who shall furnish the county committee with the following information relating to the farm for which the allotment is requested; the name and address of the farm operator; identification of the farm for which the allotment is being requested, the acreage of total land, cropland, and tillable land on the farm suitable for the production of rice and for which water and other irrigation facilities are readily available for the current year; the sum of other allotments established for the farm for the current year; whether the applicant owns or otherwise has readily available adequate equipment for producing rice in the current year; whether or not either the owner or the operator will own or operate any other farm in the United States on which a rice allotment is established for the current year; whether the applicant expects to obtain more than 50 percent of his livelihood in the current year from farming operation on the farm for which the allotment is being requested; and the allotment requested by the applicant.

(c) *Eligibility requirements.* To be eligible for an allotment as a new farm, the applicant shall timely file his application for an allotment and shall establish to the satisfaction of the county committee that (1) neither the operator nor the owner of the farm covered by the application owns or operates any other farm in the United States for which a rice allotment is established for the current crop year; (2) the available land, type of soil, and topography of the land on the farm for which the allotment is requested is suitable for the production of rice; (3) he owns, or otherwise has readily available, adequate equipment and irrigation water necessary for the production of rice on the farm, and (4) he expects to obtain, during the current year, more than 50 percent of his income from the production of agricultural commodities or products from the farm for which the new farm allotment application is filed.

(d) *Income determination.* In making a determination with respect to paragraph (c)(4) of this section the following will apply:

(1) Credit will not be allowed for estimated return from the production of the rice planted on the requested allotment.

(2) Credit will be allowed for estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced on the farm.

(3) Where the farm operator is a partnership, each partner shall expect to obtain, during the current year, more than 50 percent of his income from agricultural commodities or products from the farm.

(4) Where the farm operator is a corporation, it shall have no major corporate purpose other than operation and ownership, where applicable, of the farm. The officers and general manager of the corporation shall expect to obtain more than 50 percent of their income, including dividends and salary, from the corporation.

(5) Where the farm operator is a trustee under a trust arrangement for a farm, the trustee and the beneficiary of the trust each shall expect to obtain during the current year more than 50 percent of his income from agricultural commodities or products from the farm.

(e) *Individual farm allotment limitations.* The allotment for any new farm shall not exceed the smaller of (1) the allotment requested or (2) the acreage of tillable land on the farm suitable for the production of rice and for which water and other irrigation facilities are readily available: *Provided,* That if the acreage planted to rice on the farm in the current year is less than 75 percent of the allotment established under this section, the allotment for the farm shall be reduced to the acreage planted to rice on the farm. The acreage resulting from any such reduction in each county shall be transferred to the reserve available to the county committee for appeals and corrections, missed farms, and adjustments as provided for under § 730.79.

(f) *Total farm allotments limited to reserve.* The sum of all new farm allotments established in any State or area, as applicable, in accordance with the provisions of this section shall not exceed the reserve made available by the State committee for new farms in the State or area, as applicable, and such reserve shall not exceed 3 percent of the applicable State or area allotment. Any part of such reserve that is not used for the establishment of new farm allotments shall not be used for any other purpose.

(g) *Eligibility limitations.* Notwithstanding any other provision of this section, (1) a farm which includes land acquired by an agency having the right of eminent domain for which the entire rice allotment was pooled pursuant to Part 719 of this chapter, which is subsequently returned to agricultural production, shall not be eligible for a new farm rice allotment for a period of 5 years from the date the former owner was displaced from the acquired farm, (2) a farm which includes land for which no rice allotment was established because the owner of a parent farm did not designate rice allotment for such land in making a reconstitution pursuant to Part 719 of this chapter, shall not be eligible for a new farm rice allotment for a period of 5 years beginning with the year in which the reconstitution becomes effective.

(h) *No State reserve.* Notwithstanding the provisions of paragraph (a) of this section, requests for new farm allotments shall not be accepted for any year for a State for which no State reserve is established for such allotments.

§ 730.81 Mailing of farm allotment notices.

Notice of the farm allotment shall be mailed to the operator of the farm and to each other producer on the farm who will have an interest in the rice crop on the farm in the current year. Such notice shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeeman or by an employee of the county office. Insofar as practicable, all allotment notices in the county shall be mailed on the same date and in time to be received prior to the date on which the referendum to determine whether farmers favor or oppose farm marketing quotas will be held. A copy of each such notice approved shall be kept freely available in the county office for a period of not less than 30 calendar days. At the end of such period, the copies of the notices shall remain readily available for further public inspection.

§ 730.82 Allotment for farms divided or combined.

The allotment determined for a farm shall, if there is a division or combination, be apportioned in accordance with Part 719 of this chapter, Reconstitution of Farms, Allotments, and Bases.

§ 730.83 Farms removed from agricultural production because of acquisition by Federal, State, or other agency having right of eminent domain.

The allotment determined for a farm shall, if the farm is acquired for any purpose other than for the continued production of allotted crops by any Federal, State, or other agency having the right of eminent domain, become available for use in providing allotments for other farms owned by the owner so displaced, and such apportionment shall be made in accordance with Part 719 of this chapter, Reconstitution of Farms, Allotments, and Bases.

§ 730.84 Release and reapportionment of farm rice allotments.

(a) *Release.* In a farm State or area, the operator of the farm may, not later than the applicable closing date provided for in this paragraph, voluntarily release to the county committee all or any part of the farm allotment that will not be planted in the current year, except that the following farm allotments shall not be released:

(1) Farm allotment covered by a contract or agreement under the conservation and cropland adjustment programs;

(2) The allotment established for any new farm;

(3) The allotment established for any farm consisting solely of federally owned land with a restrictive lease prohibiting the planting of rice; and

(4) The allotment for any farm for which the farm owner has filed a written objection at the office of the county committee prior to the release. In the case of a pooled allotment established for a farm acquired under the right of eminent domain, the displaced owner may release such allotment. Any allotment released shall be deducted from the allotment established for the farm, but will be regarded as having been planted in the current year if the farm is otherwise eligible for an old farm allotment. The closing dates in each farm State or area for the release of farm allotments shall be as follows:

Arkansas	May 1
Illinois	May 1
Louisiana [1]	Mar. 1
Mississippi	May 1
Missouri	May 1
North Carolina	Mar. 1
Oklahoma	May 1

[1] Farm administrative area.

(b) *Reapportionment.* Farm allotment released to the county committee in accordance with paragraph (a) of this section may be reapportioned by the county committee to other farms (old or new) in the same county for which requests for increases in allotments have been timely made. Reapportionments shall be made in amounts determined to

be fair and reasonable on the basis of the production of rice on the farm during the five years immediately preceding the current year; previous allotments established for the farm; abnormal conditions affecting acreage; land, labor, water, and equipment available for the production of rice; crop-rotation practices; and the soil and other physical factors affecting the production of rice. The closing date for reapportionment to farms of allotment released in each farm State or area shall be a date not later than 15 days after the applicable date for release.

(c) *Request for increase.* To be eligible for an increase in a farm allotment from released allotment, a request must be made by the applicant on or before the applicable release date in paragraph (a) of this section. The State committee shall have the option of determining whether a verbal request will be acceptable, or whether a written request will be required before the county committee may consider reapportioning released allotment. In either event, only those farms for which a request is timely made shall be given consideration when reapportioning released allotment to farms in the State or area.

(d) *Approval.* The release and reapportionment of allotments under this section shall not become effective until approved by a representative of the State committee.

MISCELLANEOUS

§ 730.85 Right to appeal farm allotment.

(a) *Marketing quotas in effect.* If marketing quotas are in effect for the current year, any producer who is dissatisfied with the farm rice allotment established for the farm on which he will be engaged in the production of rice in the current year may appeal such farm allotment in accordance with Part 711 of this chapter, Marketing Quota Review Regulations, and any amendments thereto.

(b) *Marketing quotas not in effect.* If marketing quotas are not in effect for the current year, any producer who is dissatisfied with the farm rice allotment established for the farm on which he will be engaged in the production of rice in the current year may request reconsideration of such farm allotment in accordance with Part 780 of this chapter, Appeal Regulations, and any amendments thereto.

§ 730.86 Applicability of regulations.

(a) *Coverage.* The regulations in this subpart shall govern the establishment of farm and producer rice allotments in connection with the marketing quota and price support programs for the current year.

(b) *Contingency.* The regulations in this subpart are contingent upon the annual proclamation of a national acreage allotment of rice for the current year by the Secretary pursuant to section 353 of the Act.

§ 730.87 Approval of reporting and record-keeping requirements.

The reporting and recordkeeping requirements contained herein have been approved by, and subsequent reporting and recordkeeping requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Signed at Washington, D.C., on July 8, 1968.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-8333; Filed, July 12, 1968; 8:48 a.m.]

Consumer and Marketing Service

[7 CFR Part 948]

[Area 3]

IRISH POTATOES GROWN IN COLORADO

Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the Area Committee for Area No. 3 established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948).

This marketing order program regulates the handling of Irish potatoes grown in the State of Colorado and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same, in quadruplicate, with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 948.257 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 3 to enable such committee to perform its functions, pursuant to the provisions of Marketing Agreement No. 97, as amended, and this part, during the fiscal period ending May 31, 1969, will amount to $2,860.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 97, as amended, and this part, shall be $0.0013 per hundredweight of potatoes grown in Area No. 3 handled by him as the first handler thereof during said fiscal period.

(c) Unexpected income in excess of expenses for the fiscal period ending May 31, 1969, may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 9, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-8304; Filed, July 12, 1968; 8:46 a.m.]

[7 CFR Parts 1009, 1036, 1041, 1044]

[Docket Nos. AO-268-A16, AO-179-A30, AO-72-A35, AO-279-A16]

MILK IN CLARKSBURG, W. VA., EASTERN OHIO-WESTERN PENNSYLVANIA, NORTHWESTERN OHIO, AND MICHIGAN UPPER PENINSULA MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in each of the marketing areas heretofore specified.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the fifth day after publication of this decision in the FEDERAL REGISER. Five copies of exceptions should be filed. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at Cleveland, Ohio, on June 26, 1968, pursuant to notice thereof which was issued June 20, 1968 (33 F.R. 9090).

The material issues on the record of the hearing relate to:

1. Deletion of the Class I price supply-demand adjustment provisions of the Eastern Ohio-Western Pennsylvania and Michigan Upper Peninsula orders, adjustment of the Class I price differential of the Northwestern Ohio order, and revision of the Clarksburg Class I price provisions.

2. The need for emergency action.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The supply-demand provisions should be removed from the Eastern Ohio-Western Pennsylvania and Michigan Upper Peninsula orders and the Northwestern Ohio Class I price differential should be increased 25 cents to maintain its historical relationship to the Class I price in the Northeastern Ohio order (now the Eastern Ohio-Western Pennsylvania order).

The Eastern Ohio-Western Pennsylvania supply-demand provisions, which are the same as those in the former Northeastern Ohio order, provide for a maximum adjustment of 25 cents. From 1963 through 1967, the supply-demand adjustor averaged minus 20 cents. The most frequent monthly adjustment has been minus 25 cents, the rate currently applicable.

The Northwestern Ohio Class I price has been maintained at a level 17 cents below the Class I price in the Northeastern Ohio order. This relationship has been maintained by providing that the Class I price in the Northwestern Ohio order shall be increased by the amount the Northeastern Ohio Class I supply-demand adjustment is less than minus 25 cents.

The Michigan Upper Peninsula supply-demand formula is based on the combined supply-sales relationship of this order and the former Northeastern Wisconsin order. (Effective July 1, 1968, the Northeastern Wisconsin order was terminated and the marketing area merged into the Chicago regional order.) The supply-demand adjustment has been a minus 24 cents continuously since February 1967.

Cooperatives representing a majority of producers on each market proposed elimination of the respective supply-demand adjustment provisions. They stated that with the present premium price arrangements in each market, the supply-demand adjustors have had no practical effect on total milk supplies relative to Class I sales. They also pointed out that the elimination of the adjustors would keep Class I prices in these markets in closer historical relationship to Class I prices under the new Chicago regional order.

A supply-demand adjustor changes Class I prices in response to changes in the balance between supplies of milk for a market and Class I sales. The resulting price changes are designed to correct any imbalances which may develop in the supply-sales ratio. A supply-demand adjustor will produce appropriate pricing only when the Class I prices resulting from the operation of the adjustor are in fact the effective prices. Where premiums exist in a market, the operation of a supply-demand adjustor will be distorted and it will produce prices which are too low to attain an appropriate supply-sales balance.

In the three markets substantial premiums over Class I prices have been effective for more than 1 year. As a consequence, at the present time the supply-demand adjustors in these markets are resulting in prices which are too low in terms of the price standards of the statute.

The Eastern Ohio-Western Pennsylvania order, which became effective July 1, 1968, resulted from the combining of the Northeastern Ohio, Youngstown-Warren, and Greater Wheeling orders, plus the addition of previously unregulated territory in Ohio and western Pennsylvania. The aggregate producer receipts and Class I sales under the new order are substantially greater than those heretofore used in computing the monthly supply-demand adjustments under the Northeastern Ohio order. Consequently, the supply-sales relationship under the new order could be substantially different from what prevailed under the Northeastern Ohio order. In view of this, producers expressed concern that the supply-demand provisions which had been based on experience in the Northeastern Ohio order would be inappropriate under the new order. Instead, it was urged that stable and orderly marketing conditions would be best realized by eliminating the supply-demand provisions until some actual experience had been obtained under the enlarged order.

Effective July 1, 1968, the Chicago Regional order reestablishes Federal order pricing for milk associated with the former Chicago order market. The Class I price for the Chicago Regional order increases by 20 cents the historical level of Class I prices in the Chicago area. In addition, no provision was made for a supply-demand adjustor.

Class I prices for the Northeastern Ohio, Youngstown-Warren and Wheeling segments of the Eastern Ohio-Western Pennsylvania order have been maintained in a certain alignment with Class I pricing under orders in the Chicago region. Since a significant change in the price level has been effected in the Chicago region by the new order for that area, maintaining the supply-demand adjustment provisions in the Eastern Ohio-Western Pennsylvania order would tend to create a misalignment of prices between the two areas. The elimination of the supply-demand adjustor from the Eastern Ohio-Western Pennsylvania order will tend to preserve historical price relationships with the Chicago area and thus assist in insuring adequate supplies for the market.

Certain Eastern Ohio-Western Pennsylvania handlers proposed suspension of the supply-demand adjustment for that order until supply-sales data for several months are available for the new marketing area. These handlers supported the continuation of a supply-demand adjustment which would reflect in the Class I price changes in the supply-sales relationship for the market.

The present Class I price provisions of the Eastern Ohio-Western Pennsylvania order will expire December 31, 1969. This should provide handlers ample opportunity to submit proposals for a supply-demand adjustor based on supply-sales for the expanded market during the intervening period. Thus, no purpose would be served by continuing such provisions and the proposed suspension for such longer period is denied.

Unless the Class I price differential for the Northwestern Ohio order is revised from $1.25 to $1.50, the spread between Class I prices under this order and the Eastern Ohio-Western Pennsylvania order would be increased from the present 17 cents to 42 cents per hundredweight. Thus, the elimination of the supply-demand adjustor from the Eastern Ohio-Western Pennsylvania order could disrupt supplies for this market since there is a substantial overlap of production areas for the two markets. To avoid such disruption the present Class I price alignment between the Northwestern Ohio and Eastern Ohio-Western Pennsylvania orders should be continued.

Producers proposed that the Class I price at Wheeling, which is a price factor in computing the Clarksburg Class I price, be specified in the Clarksburg order as provided in the equivalent price determination effective July 1, 1968. That action established the Eastern Ohio-Western Pennsylvania Class I price at Wheeling as equivalent to the Class I price for the terminated Wheeling order. Incorporating this action as an amendment to the Clarksburg order will maintain in a reasonable manner the intermarket price alignment contemplated under the present order provisions.

The supply-demand adjustment provisions of the Michigan Upper Peninsula order were constructed to reflect changing supply-sales conditions in the Michigan Upper Peninsula and Northeastern Wisconsin markets. The termination of the Northeastern Wisconsin order and consequent elimination of the supplies and sales for the market from the supply-demand computation under the Michigan Upper Peninsula order makes the current supply-demand provisions improper.

Handlers in the Northeastern Wisconsin area of the Regional Chicago market compete with Michigan Upper Peninsula handlers for Class I sales and producer milk supplies. Similarly, handlers under the Duluth-Superior order compete with handlers from the western segment of the Michigan Upper Peninsula market for Class I sales and producer milk supplies.

In addition, on May 1, 1968, the supply-demand adjustor was removed from the Southern Michigan order. Such adjustor had been at the maximum minus 45 cents in most months of recent years and averaged a minus 41 cents in 1967. The Upstate Michigan order contains no supply-demand adjustment provision. Thus, Federal order markets on both sides of the Michigan Upper Peninsula market now operate without supply-demand adjustor provisions. If the

supply-demand adjustor (presently minus 24 cents) were continued under the Michigan Upper Peninsula order, it would result in an inappropriate Class I price under this order relative to all these surrounding markets and create a threat to the supplies of milk for the market.

2. The recommended decision in this proceeding should not be omitted.

Producers asked that a recommended decision be omitted in order that the elimination of the supply-demand adjustment provisions from the Eastern Ohio-Western Pennsylvania and Michigan Upper Peninsula orders and the maintenance of the alignment of Class I price among these various markets could be assured. In response to requests made at the hearing by producers and handlers, the action proposed by this decision were effectuated by suspension action for July 1968. This action will provide adequate time for normal procedures.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings are hereby made with respect to each of the aforesaid orders:

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the orders as amended regulated the handling of milk in the specified marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

PART 1009—MILK IN CLARKSBURG, W. VA., MARKETING AREA

In § 1009.51 the text of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 1009.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.98 and plus 20 cents through April 1969, subject to the adjustment provided in subparagraph (1) of this paragraph: *Provided,* That the Class I price shall be not more than 35 cents in excess of, nor less than 15 cents in excess of the average of the Class I prices for the same month at Wheeling, W. Va., pursuant to Part 1036 (Eastern Ohio-Western Pennsylvania) of this chapter and at Athens-Scioto district plants pursuant to Part 1005 (Tri-State) of this chapter.

* * * * *

PART 1036—MILK IN EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

§ 1036.51 [Amended]

In § 1036.51(a), subparagraph (2) is revoked.

PART 1041—MILK IN NORTHWESTERN OHIO MARKETING AREA

In § 1041.51, paragraph (a) is revised to read as follows:

§ 1041.51 Class prices.

* * * * *

(a) *Class I milk price.* The monthly Class I milk price shall be the basic formula price for the preceding month, plus $1.50, plus 20 cents through April 1969, subject to adjustment for location pursuant to § 1041.53.

* * * * *

PART 1044—MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

In § 1044.51, paragraph (a) is revised to read as follows:

§ 1044.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price for plants located in Zone 1 shall be the basic formula price for the preceding month plus $0.95, plus 20 cents through April 1969. For plants located in Zone 1(a) the price shall be the price specified for Zone 1 less 10 cents; for plants located in Zone 2 the price shall be the price specified for Zone 1 plus 20 cents; and for plants located outside of the marketing area and west of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 1 and for plants located outside the marketing area and east of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 2.

* * * * *

Signed at Washington, D.C., on July 10, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68-8338; Filed, July 12, 1968; 8:48 a.m.]

[7 CFR Parts 1030, 1047, 1049]

[Docket Nos. AO-319-A14, AO-33-A39, AO-361-A1]

MILK IN INDIANAPOLIS, IND., FORT WAYNE, IND., AND CHICAGO REGIONAL MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing 2828 North Meridian Street, Indianapolis, Ind. 46208, beginning at 1 p.m., local time, on July 29, 1968, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Indianapolis, Ind., Fort Wayne, Ind., and Chicago Regional marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

This notice contains a proposal to remove the Indiana counties of Elkhart, Kosciusko, Lake, La Porte, Marshall, Porter, St. Joseph, and Starke from the newly designated Chicago Regional marketing area by amendment, termination, or suspension procedure. Such proposal is the only issue with respect to the Chicago Regional order to be considered at the hearing.

The proposal to expand the Indianapolis marketing area by adding (1) the marketing area now defined in the Fort Wayne, Ind., order; (2) certain counties now under the Chicago Regional order, and (3) other areas not now under regulation, raises the issue whether the provisions of the Indianapolis order would tend to effectuate the declared policy of the Act, if applied to the entire marketing area as proposed and, if not, what modifications of provisions would be appropriate. The expanded marketing area would be renamed as the "Indiana marketing area".

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Central Indiana Dairymen's Association, Inc.; Miami Valley Milk Producers Association; Pure Milk Association; Wayne Cooperative Milk Producers, Inc.; and Wisconsin Dairies Cooperative, Inc.:

Proposal No. 1. Rename and expand the present Indianapolis, Ind., marketing area (Order No. 49) to include three districts, as follows:

(a) "Indiana marketing area" (hereinafter referred to as the "marketing area") means all the territory within the boundaries of each county, all in the State of Indiana, including territory wholly or partly within such boundaries occupied by Government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments, within the districts described below in this section;

(b) District 1: Counties of—

Bartholomew.	Lawrence.
Benton.	Madison.
Boone.	Marion.
Brown.	Miami.
Cass.	Monroe.
Clay.	Montgomery.
Clinton.	Morgan.
Decatur.	Owen.
Delaware.	Parke.
Fayette.	Putnam.
Fountain.	Randolph.
Franklin.	Rush.
Grant.	Shelby.
Hamilton.	Tippecanoe.
Hancock.	Tipton.
Hendricks.	Union.
Henry.	Vermillion.
Howard.	Vigo.
Jackson.	Warren.
Johnson.	Wayne.

(c) District 2: Counties of—

Adams.	La Grange.
Allen.	Noble.
Blackford.	Steuben.
De Kalb.	Wabash.
Huntington.	Wells.
Jay.	Whitley.

(d) District 3: Counties of—

Elkhart.	Marshall.
Fulton.	Newton.
Jasper.	Porter.
Kosciusko.	Pulaski.
Lake.	St. Joseph.
La Porte.	Starke.

Proposal No. 2. With respect to the Chicago Regional order (No. 30) amend, terminate, or suspend provisions so as to remove from the Chicago Regional marketing area the following Indiana counties: Elkhart, Kosciusko, Lake, La Porte, Marshall, Porter, St. Joseph, and Starke.

Proposal No. 3. Amend § 1049.51(a) to read as follows:

§ 1049.51 Class prices.

Subject to the provisions of §§ 1049.52 and 1049.53, the minimum class prices per hundredweight of milk for the month shall be as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price, plus $1.47 in District 1; $1.40 in District 2; and $1.38 in District 3.

* * * * *

Proposal No. 4. Amend § 1049.53, to read as follows:

§ 1049.53 Location differentials to handlers.

(a) For producer milk which is received at a pool plant located outside the States of Indiana, Ohio, and Michigan (except Berrien and Cass Counties) and 70 miles or more from Monument Circle in Indianapolis, Ind., by the shortest hard-surfaced highway distance as determined by the market administrator and which milk is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, and for other source milk for which a location adjustment credit is applicable, the price specified in § 1049.51(a) shall be reduced at a rate set forth in the following schedule:

	Rate per hundredweight (cents)
Distance (miles):	
70 but less than 80	10.0
For each additional 10 miles or fraction thereof	1.5

(b) For the purpose of calculating such adjustment, transfers between pool plants shall be assigned Class I disposition at the transferee plant, in excess of the receipts at such plant from producers and the volume assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

Proposal No. 5. Retain present § 1049.73 if proposal No. 3 is adopted.

Proposal No. 6. Amend §§ 1049.71 and 1049.80 to provide that each district of the now separately regulated markets involved shall retain their current producer payment plans for the remaining months of 1968.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 7. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the respective orders may be procured from the Market Administrators, Mr. Richard J. Connolly, 1122 South Harrison Street, Fort Wayne, Ind. 47802, Mr. A. W. Colebank, 72 West Adams Street, Room 814, Chicago, Ill. 60603, Mr. Wendell M. Costello, 5130 North Brouse Avenue, Indianapolis, Ind. 46205, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on July 10, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68-8340; Filed, July 12, 1968; 8:48 a.m.]

[7 CFR Parts 1032, 1050, 1062, 1063, 1067, 1068, 1070, 1076, 1078, 1079, 1099]

[Docket No. AO-313-A17 etc.]

MILK IN SOUTHERN ILLINOIS AND CERTAIN OTHER MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR part	Marketing area	Docket No.
1032	Southern Illinois	AO-313-A17.
1050	Central Illinois	AO-355-A6.
1062	St. Louis, Mo.	AO-10-A39-RO3.
1063	Quad Cities-Dubuque	AO-105-A30.
1067	Ozarks	AO-222-A23-RO3.
1068	Minneapolis-St. Paul	AO-178-A24.
1070	Cedar Rapids-Iowa City	AO-220-A20.
1076	Eastern South Dakota	AO-260-A14.
1078	North Central Iowa	AO-272-A15.
1079	Des Moines, Iowa	AO-295-A17.
1099	Paducah, Ky	AO-183-A22.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in each of the marketing areas heretofore specified. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the fifth day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders, as amended, were formulated, was conducted at Minneapolis, Minn., on June 25, 1968, pursuant to notice thereof which was issued June 17, 1968 (33 F.R. 9090).

The material issues on the record of the hearing relate to:

(1) Eliminating the effect of the prior Chicago supply-demand factor (nine markets).

(2) Elimination of the supply-demand adjustment in the Minneapolis-St. Paul milk order.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Chicago supply-demand factor (nine markets).* The provisions should be deleted from the Central Illinois, St. Louis, Quad Cities-Dubuque, Cedar Rapids-Iowa City, North Central Iowa, and Des Moines orders which specify that the Class I price in the respective order shall be increased or decreased by the amount of the supply-demand adjustor of the Chicago order Part 1030, which was effective prior to May 1, 1966. Also, the determination of equivalent price issued April 8, 1966 (31 F.R. 5685) which was determined to be "minus 24 cents", applicable to these orders should be eliminated.

The aforesaid provisions and determination have been suspended for the month of July 1968 pending consideration of amendments to the orders.

Elimination of the above described provisions will have the effect of increasing Class I prices by 24 cents in these six markets. The same effect of increasing the respective Class I prices 24 cents per hundredweight will result in the Southern Illinois, Paducah, and Ozarks marketing areas, due to the fixed relationship of the Class I prices of these orders to the St. Louis order Class I price.

Cooperative associations whose members supply milk to these markets proposed the elimination of these provisions. They testified that it is necessary to eliminate the effect of the minus 24-cent factor on Class I prices in each one of these orders to provide price alignment with the Chicago Regional order which became effective on July 1, 1968.

Prior to termination of the former Chicago order on May 1, 1966, the supply-demand adjustor in that order provided a basis for Class I price adjustment in 11 other orders. Those orders were Northwestern Indiana; Suburban St. Louis (now Southern Illinois); Rock River Valley; Milwaukee, Wis.; Madison, Wis.; St. Louis, Mo.; North Central Iowa; Quad Cities-Dubuque; Cedar Rapids-Iowa City; Des Moines, Iowa; and Ozarks. During 1965, the volume of milk regulated under the applicable orders was about 4.2 billion pounds. Thus, the influence of Chicago order pricing was extended to a volume of milk in other markets not as large as, but comparable to the volume regulated under the Chicago order.

The relationship of other market prices to the Chicago order price gave recognition to the dominant influence of the Chicago milk supply.

With the termination of the Chicago order, the prior effect of the adjustor was retained in the other 11 markets through determination of an equivalent price factor. It was determined (31 F.R. 5685) that the equivalent factor was minus 24 cents per hundredweight. This was the same as the amount of the adjustment which had applied in each month for the 5 preceding years.

The continuance of the same factor meant that the pricing of the other orders would not be disturbed by the disappearance of the Chicago order. There was no appropriate basis in the mere elimination of the Chicago order which would support an increase of 24 cents per hundredweight in the Class I prices in the other orders where pricing had been dependent on the Chicago order. Subsequently, appropriate price adjustments relating to marketing conditions in these markets were from time to time made, based upon regional or national hearings held after the termination of the prior Chicago order.

Inasmuch as the new Chicago Regional order, effective July 1, 1968, has a price structure different from that of the prior Chicago order, Class I prices in the markets here under consideration are no longer aligned appropriately to the new Chicago Class I price. In the now effective Chicago order, there is no supply-demand adjustment factor. The Class I price differential is $1.20 per hundredweight whereas under the prior order the differential was $1.

Elimination of the minus 24 cents factor in each of the markets will restore about the same relationship with the Class I price of the new Chicago Regional order as that which existed when the prior Chicago order was effective. Producer witnesses at the hearing testified that maintenance of such a regional price alignment is desirable.

Four of the markets previously using the Chicago supply-demand factor (Madison, Milwaukee, Rock River Valley, and Northwestern Indiana) were incorporated into the Chicago Regional marketing area on July 1, 1968. Since early 1966, two additional markets became part of the regional pricing group: Central Illinois, for which an order was made effective January 1, 1967, and Paducah, Ky., for which the Class I price was tied to the St. Louis order price on July 1, 1966.

There is an overlapping of supply areas among the markets where the minus 24-cent factor now applies, and Illinois, Iowa, and Missouri market supply areas adjoin or overlap the Chicago supply area. If the existing price alignment were changed, the allocation of supplies among the markets would likely be disturbed. Because declines in milk production in Missouri, Iowa, and Illinois have been more severe than in the Chicago milkshed, the price level in the markets here considered should be maintained in the same relation to Chicago as previously. In Iowa, Missouri, and Illinois, milk production declined from 1964 to 1967 by 14.6 percent, 6.9 percent and 16.3 percent, respectively. In Wisconsin, which is the main supply for the Chicago market, milk production declined 3.9 percent in the same period.[1] Thus, if a lower level of price applied in these markets relative to Chicago than the previous relationship, the relatively greater production decline in these areas could be accelerated.

It is also necessary that the Paducah Class I price be increased in the same amount as other markets in the region so as to maintain a market supply and provide appropriate price relationships with nearby markets. Class I utilization of Paducah producer milk has averaged about 90 percent in the first four months of this year. The Paducah marketing area adjoins the St. Louis marketing area and sales areas of handlers overlap. The Paducah market supply has also been closely related with the Southern Illinois market.

2. *Supply-demand adjustment—Minneapolis-St. Paul order.* The supply-demand adjustor of the Minneapolis-St. Paul order should be deleted.

At the hearing, producer cooperative associations in the Minneapolis-St. Paul market asked that the supply-demand adjustor be eliminated from the order. They testified that this is necessary to provide proper price alignment with other markets, particularly Chicago, since there is a considerable overlapping of the supply areas of the two orders. They also stated that the adjustor is ineffective since prices paid by handlers are higher than order prices.

Pending consideration of amendment of the order, the adjustor has been suspended for the month of July 1968.

The supply-demand adjustor under the order is based on a ratio of Class I disposition of pool plants (excluding shrinkage and unaccounted for milk) to the quantity of producer milk during the second and third preceding months. The amount of price adjustment is based upon the deviation of this ratio from standard percentages for each such 2-month period. A limit of 24 cents, plus or minus, applies to the total amount of adjustment.

During 1966, the average adjustment was approximately minus 6 cents. During 1967, the maximum negative adjustment of 24 cents applied in each month, and similarly in each of the months of January through June 1968.

A supply-demand adjustor changes Class I prices in response to changes in the balance between supplies of milk for a market and Class I sales. The resulting price changes are designed to correct any imbalances which may develop in the supply-sales ratio. A supply-demand adjustor will produce appropriate pricing only when the Class I prices resulting from the operation of the adjustor are in fact the effective prices. Where premiums exist in a market, the operation of a supply-demand adjustor will be distorted and it will produce prices which are too low to attain an appropriate supply-sales balance.

In this market substantial premiums over Class I prices have been effective for more than 1 year. As a consequence, at the present time the supply-demand adjustor in this market is resulting in prices which are too low in terms of the price standards of the statute.

The elimination of the supply-demand adjustor will also serve to maintain existing alignment with order prices in other markets in the region. In other markets being considered in this hearing, a price factor of the same amount (minus 24 cents) would be eliminated by amendments herein proposed. In the Chicago order, just issued effective July 1, no supply-demand adjustor applies.

The provision of the Eastern South Dakota order which adjusts the Class I price by whatever amount the supply-demand adjustment in the Minneapolis-St. Paul order exceeds 10.5 cents should also be deleted. When this provision was incorporated in the Eastern South Dakota order it was found that intermarket price relationships were thrown out of balance, and disruptive competitive situations threatened to develop whenever the supply-demand adjustor in the Minneapolis-St. Paul order exceeded 10.5 cents. Accordingly, it was found necessary to adjust the Eastern South Dakota Class I price by whatever amount the Minneapolis-St. Paul supply-demand adjustor exceeded 10.5 cents. With the deletion of the supply-demand adjustor from the Minneapolis-St. Paul order, the reference to it should likewise be deleted from the Eastern South Dakota order.

A witness for the cooperative associations, which furnish virtually the entire supply of milk for the Eastern South Dakota market, supported the elimination of the effect of the Minneapolis-St. Paul supply-demand adjustor on the Class I price in the Eastern South Dakota order. In every month since January 1967, the Class I price has been reduced 13.5 cents as a result of the action of the supply-demand adjustor.

This witness stated that restoration of the 13.5 cents was necessary, not only to maintain the historical price relationship with the Minneapolis-St. Paul market, but also to restore the price relationship that previously existed between Eastern South Dakota and markets in Nebraska and Western Iowa.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findngs and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings are hereby made with respect to each of the aforesaid orders:

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the orders, as amended, regulating the handling of milk in the specified marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended:

PART 1050—MILK IN CENTRAL ILLINOIS MARKETING AREA

Section 1050.51(a) is revised to read as follows:

§ 1050.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price applicable at plants at which no location adjustment pursuant to § 1050.53 is applicable, shall through April 1969, be the basic formula price for the preceding month plus $1.19 and plus an additional 20 cents through April 1969; and

* * * * *

PART 1062—MILK IN ST. LOUIS, MO., MARKETING AREA

Section 1062.51(a) is revised to read as follows:

§ 1062.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $1.40, and plus 20 cents through April 1969.

* * * * *

PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

Section 1063.50(b) is revised to read as follows:

§ 1063.50 Basic formula and class prices.

* * * * *

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.10, and plus 20 cents through April 1969.

* * * * *

PART 1068—MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

§ 1068.52 [Revoked]

1. Section 1068.52 is revoked.

2. Section 1068.53 is revised to read as follows:

§ 1068.53 Class I price.

Subject to differentials provided in §§ 1068.55 and 1068.56(a) the price per hundredweight for Class I milk each month shall be the basic formula price for the preceding month plus 86 cents, and plus 20 cents through April 1969.

PART 1070—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

Section 1070.50(b) is revised to read as follows:

§ 1070.50 Basic formula and class prices.

* * * * *

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.10, and plus 20 cents through April 1969.

* * * * *

PART 1076—MILK IN EASTERN SOUTH DAKOTA MARKETING AREA

Section 1076.51(a) is revised to read as follows:

§ 1076.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $1.30 and plus 20 cents through April 1969.

* * * * *

[1] Official notice is taken of milk production data published by U.S. Department of Agriculture in "Milk Production Disposition and Income, Revised Estimates 1960–64", Statistical Bulletin 398, April 1967; and "Milk Production Disposition and Income, 1966–67". Percent change adjusted because of additional day in 1964.

PART 1078—MILK IN NORTH CENTRAL IOWA MARKETING AREA

Section 1078.50(b) is revised to read as follows:

§ 1078.50 Basic formula and class prices.

* * * * *

(b) *Class I milk price.* The Class I milk price at plants in Zone 1 shall be the basic formula price for the preceding month plus $1.05, and plus 20 cents through April 1969. "Zone 1" means all the territory in the counties of Humboldt, Wright, Franklin, Butler, Bremer, Webster, Hamilton, Hardin, Grundy, Black Hawk, and Buchanan, all in the State of Iowa.

* * * * *

PART 1079—MILK IN DES MOINES, IOWA, MARKETING AREA

Section 1079.50(b) is revised to read as follows:

§ 1079.50 Basic formula and class prices.

* * * * *

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.25, and plus 20 cents through April 1969. For milk received from approved dairy farmers at an approved plant outside the base zone the price otherwise applicable pursuant to this paragraph shall be reduced 10 cents.

* * * * *

Signed at Washington, D.C., on July 10, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68-8339; Filed, July 12, 1968; 8:48 a.m.]

[7 CFR Part 1050]

MILK IN CENTRAL ILLINOIS MARKETING AREA

Notice of Proposed Suspension of Certain Provision of Order

Notice is hereby given that pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a certain provision of the order regulating the handling of milk in the Central Illinois marketing area is being considered for the month of July 1968.

The provision proposed to be suspended is in § 1050.14(b)(2) and reads as follows, "during the months of May and June and in any other month for not more than 8 days of production of producer milk by such producer", relating to diversion of producer milk to nonpool plants.

The suspension action is requested by the Pure Milk Association to accommodate the handling of reserve milk of the market. The association claims that supplies of reserve milk in the month of July exceed the quantity that can be handled under the 8-day diversion limitation. The association states that it is faced with loss of producer status for some dairy farmers, or, in the alternative, undue expense of receiving the milk first at pool plants for reshipment to manufacturing plants.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in duplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on July 10, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68-8341; Filed, July 12, 1968; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 211, 302, 399]

[Docket No. 20029; PSDR-21, EDR-140, PDR-27]

FILING AND PROCESSING OF CERTAIN APPLICATIONS FOR FOREIGN PERMITS

Notice of Proposed Rule Making

JULY 10, 1968.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Parts 399, 211, and 302 of the Board's regulations (14 CFR Parts 399, 211, and 302) concerning the filing and processing of certain applications for foreign air carrier permits. The principal features of the proposed amendments are further described in the explanatory statement, and the proposed amendments are set forth in the proposed rule. This regulation is proposed under the authority of sections 204(a), 402, 1001, and 1102 of the Federal Aviation Act of 1958 (72 Stat. 743, 757, 788, and 797; 49 U.S.C. 1324, 1372, 1481, and 1502).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter or communications received on or before August 12, 1968, will be considered by the Board before taking final action on the proposals. Copies of communications will be available for examination by interested persons in the Docket Section, Room 712 Universal Building, 1825 Connecticut Avenue NW., D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Section 402 empowers the Board to issue a foreign air carrier permit if it finds that an applicant is fit, willing, and able and that the proposed foreign air transportation will be in the public interest. Many foreign air carrier applicants have been designated by their countries to operate routes granted to their countries by the United States in bilateral air transport services agreements. Section 1102 directs the Board, in exercising and performing its duties under the Act, to act consistently with any obligation assumed by the United States in bilateral agreements. Under section 801, the President controls the ultimate disposition of applications for foreign air carrier permits.

The Board has never considered itself bound by section 1102 to recommend to the President that foreign air carrier applicants be granted permits merely because their applications conform to bilateral agreements. Rather, in its proceedings the Board has received evidence directed to the section 402 issues. And, in appropriate cases, the Board's recommendations to the President have taken due account of any allegations that the grant of a permit will be detrimental to the interests of U.S. carriers and thereby contrary to the public interest.

At the same time, the Board has viewed the existence of a bilateral agreement and the designation of a foreign air carrier thereunder as constituting highly significant evidence bearing on the public interest. The establishment by bilateral agreement of a sound intercontinental route system for U.S. carriers necessarily involves the grant of rights to carriers of other nations. Recognizing this elementary principle of reciprocity, the Board has regularly issued permits implementing bilaterals where no affected U.S. carrier showed that the economic consequences of a route grant would be disastrous to its system.[1]

One effect of the Board's precedents has been to refine the issues in bilateral cases, thereby pinpointing the crucial areas for evidentiary proof. Yet foreign air carriers still file much evidence directed to matters which are not disputed in routine cases. Submission of the unnecessary evidence delays the Board's processing of section 402 applications, is a source of friction with foreign governments, and imposes an undesirable burden on all concerned.

In order to speed up and simplify foreign air carrier permit proceedings, the Board proposes several new or amended regulations. An amendment to Part 399 establishes a new policy statement articulating the Board's decisional standards for foreign permit applications in conformity with bilateral agreements. Under normal circumstances, the proposed transportation will be deemed to be in the public interest. And established carriers which hold foreign permits to operate to the United States and which seek routes under bilaterals will be deemed to be fit, willing, and able if their existing operations to the United States are similar in character and extent to the proposed new services.

Revised Part 211 specifies the information which foreign carriers must file to support their permit applications.[2] In normal circumstances, foreign air carriers applying for authority under bilateral agreements will not submit any evidence in addition to that listed in Part 211. Foreign air carriers now customarily file virtually all the evidence listed in Part 211, and more, in response to evidentiary requests submitted during the course of foreign permit proceedings. Moreover, revised Part 211 liberalizes current rules allowing incorporation by reference of evidence presented in prior proceedings.

The policy statement contemplates that the presumptions underlying the standards can be rebutted. In advance of hearing, the Board will not deem the proposed foreign air transportation to be in the public interest if it appears that evidence may be presented showing that the transportation may substantially impair a U.S. carrier's ability to operate its system economically. Nor, in advance of hearing, will the Board deem the transportation to be in the public interest if it appears that the transportation may preclude the grant of authority to a U.S. carrier to perform similar transportation and thereby prejudice the development of a sound pattern of U.S. carrier services. Other policy statement standards will not be relied on before hearing if it appears that evidence may be presented showing that the applicant is unfit or that special permit restrictions are warranted.

New procedures for invoking and rebutting the policy statement standards are spelled out in revised Part 302. Unless the Board or the examiner decides to the contrary, the notice of prehearing conference will state that at the prehearing conference the examiner will give consideration to relying upon the policy statement standards. In their petitions to intervene, persons opposing Board reliance upon the policy statement standards must describe the evidence which they will present to support their position.

Where the examiner decides that the policy statement standards are applicable, he will conduct an expedited proceeding in accordance with the new Part 302 procedures.

Proposed rules. It is proposed to amend Part 399 of the policy statements and Part 211 of the economic regulations and Part 302 of the procedural regulations (14 CFR Parts 399, 211, and 302) as follows:

1. Amend Part 399 by adding to the table of contents a new section, at the end of Supart B, reading as follows:

Sec.
399.20 Processing of foreign air carrier applications pursuant to section 402 of the Act.

2. Amend Part 399 by adding a new § 399.20 reading as follows:

§ 399.20 Processing of foreign air carrier applications pursuant to section 402 of the Act.

(a) *General.* This policy statement prescribes the general standards which the Board will use in processing certain applications of foreign air carriers for issuance, alteration, modification, or amendment (including renewal) of permits pursuant to section 402 of the Act. Except as provided herein or as the Board otherwise directs, the Board will rely upon the prescribed standards as the basis for certain findings required by section 402; and it will not normally insist that applicants submit information in addition to that required by §§ 211.5 and 211.6 of this chapter of the Economic regulations.

(b) *Standards.* It is the policy of the Board in ordinary circumstances that:

(1) Where a foreign air carrier which is operating to the United States files an application for issuance, alteration, modification or amendment (including renewal) of a permit and it has been designated to perform the proposed foreign air transportation in conformity with a bilateral air transport services agreement to which the United States is a party:

(i) The proposed transportation will be deemed to be in the public interest.

(ii) The foreign air carrier applicant will be deemed to be fit, willing, and able properly to perform the proposed air transportation and to conform to the provisions of the Act and the Board's rules, regulations and requirements thereunder if it is performing foreign air transportation which is substantially similar in character to, and at least as extensive as, the proposed foreign air transportation.

(2) Where a foreign air carrier which is not operating to the United States files an application for a permit and it has been designated to perform the proposed foreign air transportation in conformity with a bilateral air transport services agreement to which the United States is a party, the proposed transportation will be deemed to be in the public interest.

(3) Where an application falling within subparagraph (1) or (2) of this paragraph is filed, the public interest will be deemed to require that the permit shall not state a specific expiration date but shall instead contain the following language:

Unless otherwise terminated at an earlier date pursuant to the terms of any applicable treaty, convention, or agreement, this permit shall terminate (1) upon the effective date of any treaty, convention, or agreement, or amendment thereto, which shall have the effect of eliminating the route authorized by this permit from the routes which may be operated by airlines designated by the Government of (name of country) or (2) upon the effective date of any permit granted by the Board to any other carrier designated by the Government of (name of country) in lieu of the holder hereof, or (3) upon the termination or expiration of the (description of agreement): *Provided, however,* That if prior to the occurrence of the event specified in clause (3) of this paragraph, the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement to which the United States and (name of country) are or shall become parties, then and in that event this permit is continued in effect during the period provided in such treaty, convention, or agreement,

and that the permit shall be subject to the following terms, conditions, and limitations:

The holder hereof shall be authorized to engage in charter trips in foreign air transportation, subject to the terms, conditions, and limitations prescribed by Part 212 of the Board's economic regulations.

The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of (name of country) for its international air service.

This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and (name of country) shall be parties.

The exercise of the privileges granted hereby shall be subject to such reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.[1]

(c) *Inapplicability of standards.* (1) The Board will not rely on one or more of the standards set forth in paragraph (b) of this section if it finds after hearing that:

(i) The proposed foreign air transportation will substantially impair a U.S. carrier's ability to operate its system economically;

(ii) The proposed foreign air transportation will as a matter of economic fact preclude the grant of authority to a U.S. carrier to perform similar transportation and thereby prejudice the development of a sound pattern of air transportation services by U.S. carriers;

(iii) The applicant is not fit, willing, or able; or

(iv) A departure from the standard duration, terms, conditions, or limitations is warranted.

(2) The Board will also tentatively decline to rely upon one or more of the

[1] British Overseas Airways, Foreign Permit Application, 29 CAB 583 (1959).

[2] The revisions to Part 211 will not apply to applications by Canadian operators for foreign permits authorizing casual, occasional, and infrequent flights with small aircraft across the Canada-United States border.

[1] This paragraph concerning waiver of the defense of sovereign immunity shall be omitted from permits of carriers designated by a foreign government which has entered into a formal agreement with the United States stating that neither government will assert or authorize carriers of its nationality to assert the sovereign immunity defense.

standards set forth in paragraph (b) of this section if it appears in advance of hearing that evidence may be presented showing that the standards are inapplicable under subparagraph (1) of this paragraph.

2A. Amend Part 211 by adding the following to the end of the table of contents:

Sec.
211.6 Exhibits to application serving as applicant's case-in-chief.
211.7 Supplementary exhibits to application.
211.8 Attestation and certification of documents executed or kept in foreign country.
211.9 Materials submitted in other than prescribed form.

3. Amend § 211.4 by adding at the end thereof the following:

§ 211.4 Incorporation by reference.

* * * Instead of submitting all of the information required by § 211.6 in detail, other holders of previously granted permits may provide such information by incorporating by reference evidence accepted by the Board in earlier proceedings. If significant changes have occurred since such evidence was filed, the applicants shall supplement and correct that evidence or file new evidence. Any references to or corrections of such evidence must identify the previous proceeding by docket number and the evidence relied upon by exhibit number or hearing transcript page number.

§ 211.5 [Amended]

4. Amend § 211.5 by inserting "(a)" before the first word thereof; by beginning a new paragraph, preceded by "(b)", with the last sentence of the present first paragraph; and by redesignating present paragraphs (a), (b), (c), and (d) as subparagraphs (1), (2), (3), and (4).

5. Further amend § 211.5 by adding at the end thereof the following:

(c) If the application is filed by a foreign air carrier which is operating to the United States and which is designated to perform the proposed foreign air transportation in conformity with a bilateral air transport services agreement to which the United States is a party, the application shall contain, in addition to the information required by paragraph (b) of this section, the following:

(1) A description of the provisions of the bilateral air transport services agreement upon which the applicant relies.

(2) A statement that the applicant has been duly and officially designated by the appropriate government or governments.

(3) A statement describing the character of the applicant's existing services in air transportation, specifying the type or types of service (mail, passenger, and property) and whether or not such services are rendered in scheduled operations.

(4) A brief factual statement comparing the applicant's annual gross transport revenues from existing foreign air transportation services with its anticipated gross transport revenues due to the new authority during the first year of operations.

(d) If the application is filed by a foreign air carrier which is not operating to the United States but which is designated to perform the proposed foreign air transportation in conformity with a bilateral air transport services agreement to which the United States is a party, the application shall contain the information required by paragraphs (b) and (c) (1) and (2) of this section.

6. Amend Part 211 by adding new §§ 211.6–211.9 reading as follows:

§ 211.6 Exhibits to application serving as applicant's case-in-chief.

In addition to the information which § 211.5 requires to be contained in an application, each applicant shall also supply the following information as exhibits in the manner specified below.

(a) In the case of an application falling within § 211.5(c), the applicant shall augment its application, no later than on the date of the prehearing conference, with a statement under oath by an appropriate officer of the applicant setting forth:

(1) The names, addresses, and citizenship of each person who owns, of record or beneficially, more than 5 percent of the applicant's entire capital stock (or any class thereof) or capital, as the case may be, together with the respective amounts and percentages owned.

(2) A detailed description of the applicant's self-insurance plan for passenger and third-party liability or, if the applicant has insurance, the names of its insurance carriers and the amount and liability limits of its insurance policies.

(3) A statement whether, if the permit is granted, the applicant will voluntarily accept the following condition in its permit:

This permit shall be subject to the condition that the holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol, approved by the Board, Order E–23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party,

or will agree to file a tariff waiving the liability limits and defenses of the Warsaw Convention, as amended by the Hague Protocol, up to a $75,000 limit of liability.

(b) In the case of an application falling within § 211.5(d), the applicant shall augment its application, no later than on the date of the prehearing conference, with:

(1) The statements specified in paragraph (a) of this section.

(2) Proof establishing the nationality of the applicant. This proof shall consist of a certificate or statement under oath of the governmental official or body having charge of civil aviation in the country through which the application was filed.

(3) Proof of incorporation of the applicant and of present corporate existence. If possible, proof of incorporation shall be supplied by a certified copy of the applicant's bylaws and of the articles of incorporation, charter, or other governmental decree evidencing incorporation of the applicant. If the applicant's corporate documents are not official records, the applicant shall verify the documents by attaching thereto a statement under oath of an officer of the applicant. If such corporate documents are unavailable, the applicant shall furnish a statement under oath by an appropriate officer of the applicant setting forth the equivalent information. Proof of present corporate existence may be shown by a statement under oath of an appropriate officer of the applicant.

(4) A statement under oath by an appropriate officer of the applicant setting forth the names, addresses, and citizenship of the officers and directors and principal managers of the applicant. The statement shall indicate the business experience of each person, including experience in air or other transportation.

(5) The applicant's most recent certified balance sheet and profit and loss statement, together with a statement describing plans, if any, for new financing if the application is granted.

(c) In the case of all other applications (except applications by Canadian operators for foreign permits authorizing casual, occasional and infrequent flights with small aircraft across the Canada-United States border), the applicant shall augment its application, no later than the date set by the examiner at or following the prehearing conference, with:

(1) The information specified in paragraphs (a) and (b) of this section;

(2) A statement under oath by an appropriate officer of the applicant setting forth a description of the respective amounts of stock, or any other interest held by the applicant, or by any of the persons described in paragraph (a)(1) of this section, in any common carrier, foreign or other air carrier, or person engaged in any other phase of aeronautics or whose principal business, in purpose or in fact, is the holding of stock in or control of any of the foregoing.

(3) A statement under oath by an appropriate officer of the applicant indicating whether any officer or director of the applicant, or person described in paragraph (a)(1) of this section, or a representative or nominee thereof, is an officer, director, or member of any common carrier, foreign or other air carrier, or person engaged in any other phase of aeronautics or whose business, in purpose or in fact, is the holding of stock in or control of any of the foregoing.

(4) Copies of all major agreements or understandings between the applicant and any United States or foreign air carrier, not already approved by the Board, affecting air transportation over the proposed route.

(5) If the authority is sought on the basis of reciprocity, a detailed statement specifying the conditions of reciprocity that justify the grant of the authority.

§ 211.7 Supplementary exhibits to application.

In the case of an application governed by § 211.6(c), the applicant shall also supplement its application with any other information which the Board or the examiner directs it to supply. An applicant whose application is governed by § 211.6 (a) or (b) may also be directed to supplement its application in like manner if the Board or the Examiner declines to rely upon one or more of the applicable standards specified in § 399.20(b) of this chapter of the Policy Statements.

§ 211.8 Attestation and certification of documents executed or kept in foreign country.

If executed in a country other than the United States, documents required by § 211.6 to be statements under oath shall be authenticated by a certificate of an appropriate U.S. consular officer, resident in the foreign country, stating that the document has been attested to by a notary public or other official having the power to administer oaths. Certified copies of official records or documents kept in an office in a foreign state or country shall be authenticated by a certificate of such consular officer that the copies have been certified by the lawful custodian; or such documents may be authenticated as provided in the Federal Rules of Civil Procedure, Rule 44(a)(2).

§ 211.9 Materials submitted in other than prescribed form.

If materials specified in § 211.6 cannot be submitted in the form specified in §§ 211.6 and 211.8 under the law or procedure of the applicant's country, or for other good cause, the applicant shall briefly explain the reason and shall supply the materials in the most reliable form feasible.

7. Amend § 302.15(c)(1) by adding at the end thereof the following:

§ 302.15 Formal intervention in hearing cases.

* * * * *

(c) *Petition to intervene*—(1) *Contents.* * * * In any proceeding where the notice of prehearing conference states that the examiner will give consideration to relying upon standards set forth in § 399.20(b) of this chapter of the policy statements, a petition filed by any person opposing Board reliance upon those standards shall state the reasons supporting petitioner's position, including a description of the evidence which will be presented to show that:

(i) The proposed foreign air transportation is not in conformity with a bilateral air transport services agreement to which the United States is a party;

(ii) The standards are inapplicable under § 399.20(c) of this chapter.

* * * * *

8. Amend § 302.23 by adding a new paragraph (c) reading as follows:

§ 302.23 Prehearing conference.

* * * * *

(c) *Conferences in certain section 402 cases.* (1) In a permit proceeding involving a foreign air carrier applicant which appears to have been designated to perform the proposed transportation pursuant to a bilateral agreement, the notice of prehearing conference may state that at the prehearing conference the examiner will give consideration to relying upon one or more of the standards prescribed in § 399.20(b) of this chapter of the policy statements. The notice may also state that, if the examiner decides at the prehearing conference to rely upon such standards, he will also accept in evidence, unless disputed, any statements in the application of a carrier operating to the United States regarding the character of, and gross transport revenues from, the applicant's existing and proposed services. Finally, such a notice shall state that the hearing may be held immediately following conclusion of the prehearing conference.

(2) At the prehearing conference, the examiner shall rule whether it appears that evidence may be presented showing that the policy statement standards are inapplicable under § 399.20(c) of this chapter. The examiner may rule whether any petitioner for intervention has established that the proposed foreign air transportation is not in conformity with a bilateral air transport services agreement or, in his discretion, the examiner may certify the question to the Board. Unless the Board so orders, or the examiner finds that evidence may be presented showing that the policy statement standards are inapplicable under § 399.20(c) of this chapter or that the proposed foreign air transportation is not in conformity with a bilateral air transport services agreement, the examiner shall tentatively propose to rely upon one or more of the standards prescribed in § 399.20(b) of this chapter of the policy statements. In any case in which he tentatively proposes to rely upon such standards, the examiner may omit a report of prehearing conference and will not direct the applicant to submit any exhibits or supplemental information in addition to that required by §§ 211.5 and 211.6 of this chapter of the economic regulations.

(3) The provisions of paragraphs (a) and (b) of this chapter shall not apply to prehearing conferences governed by this section except insofar as they are not inconsistent with the foregoing.

9. Amend § 302.24(a) by adding a sentence at the end thereof and amend § 302.24(b) by adding "(1)" before the present paragraph and by adding a new subparagraph (2) reading as follows:

§ 302.24 Hearings.

(a) *Notice.* * * * A notice of prehearing conference issued pursuant to § 302.23(c) shall be deemed notice that a hearing may be held immediately following conclusion of the prehearing conference.

(b) *Evidence.* * * *

(2) In a proceeding on an application for a permit to engage in foreign air transportation under section 402 of the Act, the applicant may request that the application and supplemental information filed in the Board's official docket pursuant to Part 211 of this chapter of the economic regulations be incorporated into evidence as an item by reference. If the parties so stipulate, the application (including the statements regarding the character of, and gross revenues from, the applicant's services) and the supplementary information shall be accepted in evidence as an item by reference without sponsoring testimony and shall be deemed proof of the matters stated therein.

* * * * * *

[F.R. Doc. 68–8315; Filed, July 12, 1968; 8:47 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

VIET NAM ORPHAN CARE, INC.

Registration as Voluntary Foreign Aid Agency

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3) 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a Certificate of Registration[1] as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

Viet Nam Orphan Care, Inc., 2520 West Britton Road, Oklahoma City, Okla. 73120.

Dated: July 3, 1968.

W. G. CARTER,
Acting Assistant Administrator for Private Resources.

[F.R. Doc. 68-8297; Filed, July 12, 1968; 8:46 a.m.]

[1] Certificate filed as part of the original document.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

RELIEF FROM EXCESS PROFITS TAX BECAUSE OF INADEQUATE EXCESS PROFITS CREDIT

Allowances During Fiscal Year Ended June 30, 1968

As required by section 6105 of the 1954 Internal Revenue Code the following list, containing one case in which relief under section 722 of the 1939 Code has been allowed, shows the name and address of the corporation to which relief has been allowed, business engaged in, taxable years involved, excess profits credit allowed, decrease in excess profits tax, and increase in income tax. The allowance pursuant to a decision entered by the Tax Court of the United States has been made in the docketed case shown in the list with appropriate notations.

For taxable years beginning after December 31, 1940, a portion of the amount by which the excess profits tax is reduced by reason of the application of section 722 is offset by an increase in income tax. This offset arises from the provisions which permit the deduction of the income subject to excess profits tax (or excess profits tax in certain taxable years) in arriving at income subject to income tax.

Lists containing the cases in which relief has been allowed for prior fiscal years have been published in the various issues of the FEDERAL REGISTER as follows:

Fiscal year ended	Volume	Number	Date
June 30, 1942	9	194	Sept. 28, 1944
June 30, 1943	9	194	Sept. 28, 1944
June 30, 1944	9	219	Nov. 2, 1944
June 30, 1945	10	224	Nov. 15, 1945
June 30, 1946	11	196	Oct. 8, 1946
June 30, 1947	12	197	Oct. 8, 1947
June 30, 1948	13	206	Oct. 21, 1948
June 30, 1949	14	201	Oct. 18, 1949
June 30, 1950	15	205	Oct. 21, 1950
June 30, 1951	16	211	Oct. 30, 1951
June 30, 1952	17	175	Sept. 6, 1952
June 30, 1953	18	164	Aug. 21, 1953
June 30, 1954	19	185	Sept. 23, 1954
June 30, 1955	20	219	Nov. 9, 1955
June 30, 1956	21	183	Sept. 20, 1956
June 30, 1957	22	173	Sept. 6, 1957
June 30, 1958	23	168	Aug. 27, 1958
June 30, 1959	24	175	Sept. 5, 1959
June 30, 1960	25	181	Sept. 16, 1960
June 30, 1961	26	165	Aug. 26, 1961
June 30, 1962	27	187	Sept. 26, 1962
June 30, 1963	28	195	Oct. 5, 1963
June 30, 1964	29	230	Nov. 25, 1964
June 30, 1965	30	245	Dec. 21, 1965
June 30, 1966	31	214	Nov. 3, 1966
June 30, 1967	32	151	Aug. 5, 1967

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE

FISCAL YEAR ENDED JUNE 30, 1968

Name and address of taxpayer (arranged by Internal Revenue Districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subchapter E) tax resulting from the operation of section 722	Gross increase in the income (chapter 1) tax resulting from the operation of section 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Greensboro:							
Duke Power Company, 422 South Church St., Charlotte, N.C.	Public utility	Dec. 21, 1941 [1]	$7,826,283.19	$3,605,431.27	$851,263.81	$636,089.28	$196,757.49
		Dec. 31, 1942 [1]	7,825,846.21	4,260,314.93	1,024,553.79	922,098.41	409,821.51
		Dec. 31, 1943 [1]	7,831,099.94	4,355,061.20	1,024,553.06	922,097.76	409,821.22
		Dec. 31, 1944 [1]	7,840,002.81	4,346,158.33	1,024,553.19	973,325.53	409,821.28
		Dec. 31, 1945 [1]	7,853,076.88	4,333,084.26	1,024,553.12	973,325.46	409,821.25

[1] Allowance in accordance with a decision of the Tax Court of the United States after hearing on the merits. No previous allowance by the Commissioner.

[SEAL]

SHELDON S. COHEN,
Commissioner of Internal Revenue.

[F.R. Doc. 68-8318; Filed, July 12, 1968; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 1908]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands; Correction

In F.R. Doc. 68-7763 appearing on pages 9623 and 9624 of the issue of Tuesday, July 2, 1968, the following changes should be made: Sec. 18, W½W½NW¼ (W½ lots 1 and 2) should be eliminated from T. 30 N., R. 2 E., and should be shown as follows:

T. 30 N., R. 3 E.,
Sec. 18, W½W½NW¼ (W½ lots 1 and 2).

Dated: July 8, 1968.

RILEY E. FOREMAN,
Acting State Director.

[F.R. Doc. 68-8320; Filed, July 12, 1968; 8:47 a.m.]

[S-1588]

CALIFORNIA

Notice of Proposed Classification of Public Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands within the areas described below. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269) as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Publication of this notice has the effect of segregating all public lands described below from appropriation only under the agricultural land laws (43 U.S.C. Chs. 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation.

3. The public lands are located within Monterey County. For the purpose of this proposed classification, the lands have been subdivided into Blocks, each of which has been analyzed in detail and described in documents and on maps available for inspection at the Folsom District Office, Bureau of Land Management, 63 Natoma Street, Falsom, Calif. 95630, and in the Sacramento Land Office, Bureau of Land Management, 650 Capital Mall, Sacramento, Calif. 95814. The overall descriptions of the areas are as follows:

MOUNT DIABLO MERIDIAN, CALIFORNIA

BLOCK NO. 1

All public lands in:

T. 17 S., R. 2 E.,
Secs. 22, 27, 33, and 34.
T. 16 S., R. 3 E.,
Sec. 13.
T. 18 S., R. 3 E.,
Sec. 24.
T. 16 S., R. 4 E.,
Secs. 7, 18, 19, and 20.
T. 17 S., R. 4 E.,
Secs. 13, 14, 15, 17, 18, 19, 20, 22, 23, 24, 25, and 28.
T. 17 S., R. 5 E.,
Sec. 19, and secs. 29 to 33, inclusive.
T. 18 S., R. 5 E.,
Secs. 5, 6, 7, 9, 10, 11, 13, 14, 15, secs. 21 to 28, inclusive, and secs. 31, 33, 34, and 35.
T. 19 S., R. 5 E.,
Secs. 1, 2, and 3, secs. 10 to 14, inclusive, secs. 25 to 28, inclusive, and secs. 33, 34, and 35.
T. 19 S., R. 6 E.,
Secs. 30 to 34, inclusive.
T. 21 S., R. 6 E.,
Sec. 15.
T. 21 S., R. 7 E.,
Secs. 3, 4, 9, 10, 14, 15, 21, 22, 27, and 28.
T. 21 S., R. 8 E.,
Secs. 33, 34, and 35.
T. 22 S., R. 8 E.,
Secs. 1 to 4, inclusive, secs. 9 to 15, inclusive, and secs. 22 to 25, inclusive.
T. 24 S., R. 8 E.,
Sec. 11.
T. 22 S., R. 9 E.,
Secs. 6, 7, 15, secs. 17 to 20, inclusive, secs. 22 and 23, secs. 26 to 31, inclusive, and secs. 33 to 35, inclusive.
T. 23 S., R. 9 E.,
Secs. 1 to 5, inclusive, secs. 9, 11, 13, 14, 15, 21, and 22.
T. 23 S., R. 10 E.,
Sec. 31.
T. 24 S., R. 10 E.,
Secs. 5 to 9, inclusive, and secs. 15, 17, 18, 20, 21, and 22.

Except the following public lands:

T. 21 S., R. 7 E.,
Sec. 3, SW¼NW¼.
T. 24 S., R. 10 E.,
Sec. 21, SE¼SW¼.

BLOCK NO. 2

All public lands in:

T. 14 S., R. 4 E.,
Secs. 24 and 36.
T. 14 S., R. 5 E.,
Secs. 30 and 31.
T. 15 S., R. 5 E.,
Secs. 9, 10, 12, 13, 14, 15, 23, 24, and 32.
T. 16 S., R. 5 E.,
Sec. 5.
T. 15 S., R. 6 E.,
Sec. 18.
T. 16 S., R. 6 E.,
Secs. 21, 22, 28, 29, 32, 33, 34.
T. 17 S., R. 6 E.,
Sec. 3.
T. 21 S., R. 11 E.,
Secs. 13, 14, 15, 23, and 24.
T. 22 S., R. 11 E.,
Secs. 1, 2, 3, secs. 10 to 15, inclusive, and secs. 22, 24, and 25.
T. 20 S., R. 12 E.,
Secs. 26 and 27.
T. 21 S., R. 12 E.,
Secs. 20, 21, 28, 29, 31, 32, and 33.
T. 22 S., R. 12 E.,
Secs. 1, 4, 5, 7, 12, 13, secs. 17 to 22, inclusive, and secs. 27 to 33, inclusive.
T. 23 S., R. 12 E.,
Sec. 6.
T. 22 S., R. 13 E.,
Secs. 6, 7, 11, 12, 18, 20, 21, 28, 29, 30, 32, 33, and 34.
T. 23 S., R. 13 E.,
Secs. 3, 11, 12, 14, 25, 26, 27, 32, and 35.
T. 24 S., R. 13 E.,
Secs. 4 and 5.
T. 22 S., R. 14 E.,
Secs. 17, 18, and 27.

Except the following public lands:

T. 23 S., R. 13 E.,
Sec. 11, NW¼SW¼;
Sec. 25, N½NW¼.

The public lands proposed to be classified aggregate approximately 55,376 acres.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Folsom District Manager, Bureau of Land Management, 63 Natoma Street, Folsom, Calif. 95630, or at the public hearing.

5. A public hearing on the proposed classification will be held on July 29, 1968, at 7:30 p.m., in the Board of Supervisors' Chambers, Courthouse, County of Monterey, Salinas, Calif.

For the State Director.

H. CURT HAMMIT,
District Manager.

[F.R. Doc. 68-8288; Filed, July 12, 1968; 8:45 a.m.]

[S1631, S1632]

CALIFORNIA

Notice of Proposed Classification of Public Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management, the public lands described in paragraph 3. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Publication of this notice has the effect of segregating all public lands described below from appropriation only under the agricultural land laws (43 U.S.C. Chapters 7 and 9; 25 U.S.C. sec. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws.

3. The public lands located in the following described areas are within Modoc and Lassen Counties. For the purpose of this proposed classification, the lands have been subdivided into areas, each of which has been analyzed and described in documents and maps available for inspection at the Susanville District Office, Bureau of Land Management, Fifth and Cedar Streets, Post Office Box 1090, Susanville, Calif. 96130, and in the Sacramento Land Office, 650

Capitol Mall, Sacramento, Calif. 95814. The descriptions of the areas are as follows:

MOUNT DIABLO MERIDIAN, CALIFORNIA

HAYDEN HILL AREA S1632

Lassen and Modoc Counties

All public lands in:

T. 35 N., R. 7 E.,
Secs. 10 to 15, inclusive;
Secs. 23 and 24.
T. 35 N., R. 8 E.,
Secs. 7 to 15, inclusive;
Secs. 18 and 19;
Sec. 32, NE¼;
Secs. 33 to 35, inclusive.
T. 35 N., R. 9 E.,
Secs. 7 to 15, inclusive;
Secs. 17 to 24, inclusive;
Secs. 28 to 33, inclusive.
T. 35 N., R. 10 E.,
Secs. 7, 8, 17, 18, and 19.
T. 36 N., R. 6 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 36 N., R. 7 E.,
Secs. 2 to 11, inclusive;
Secs. 14 and 15;
Secs. 17 to 26, inclusive;
Secs. 29 to 35, inclusive.
T. 36 N., R. 8 E.,
Secs. 25, 26, and 35.
T. 36 N., R. 9 E.,
Sec. 1;
Secs. 9 to 15, inclusive;
Sec. 17;
Secs. 20 to 35, inclusive.
T. 36 N., R. 10 E.,
Secs. 6, 7, 18, 19, 30, and 31.
T. 37 N., R. 6 E.,
Sec. 14;
Secs. 23 to 27, inclusive;
Secs. 32 to 35, inclusive.
T. 37 N., R. 7 E.,
Secs. 4, 9, 10, 15, and 17;
Secs. 19 to 23, inclusive;
Secs. 26 to 35, inclusive.
T. 37 N., R. 8 E.,
Secs. 4, 5, 8, and 9.
T. 37 N., R. 9 E.,
Secs. 2 and 36.
T. 37 N., R. 10 E.,
Secs. 5 to 8, inclusive.
T. 38 N., R. 6 E.,
Secs. 3 to 8, inclusive;
Secs. 10 and 15;
Secs. 17 to 21, inclusive.
T. 38 N., R. 7 E.,
Secs. 4 and 5.
T. 38 N., R. 8 E.,
Secs. 22, 23, 27, 28, 32, and 33.
T. 38 N., R. 9 E.,
Secs. 11 to 15, inclusive;
Secs. 22, 23, 26, and 35.
T. 38 N., R. 10 E.,
Secs. 7, 8, 17, 18, 29, 30, and 32.
T. 39 N., R. 5 E.,
Sec. 24.
T. 39 N., R. 6 E.,
Sec. 7;
Secs. 31 to 33, inclusive.
T. 39 N., R. 7 E.,
Secs. 3, 4, 10, 11, 15, 32, and 33.
T. 39 N., R. 8 E.,
Secs. 4, 5, 8, 9, 10, 13, and 15.
T. 39 N., R. 9 E.,
Sec. 13, SW¼;
Secs. 14, 15, 17, 18, 19, 22, 23, 26, and 27.
T. 40 N., R. 7 E.,
Secs. 14, 15, 23, and 26.
T. 40 N., R. 8 E.,
Sec. 32.

HONEY LAKE AREA S1631

Lassen County

T. 24 N., R. 17 E.,
Sec. 9.
T. 24 N., R. 18 E.,
Sec. 6.
T. 25 N., R. 16 E.,
Sec. 3;
Secs. 10 to 15, inclusive;
Secs. 24 and 25.
T. 25 N., R. 17 E.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 19 and 20;
Secs. 23 to 26, inclusive;
Secs. 29, 30, and 32.
T. 25 N., R. 18 E.,
Secs. 6, 7, 18, 19, 30, and 31.
T. 26 N., R. 16 E.,
Secs. 19 to 21, inclusive;
Secs. 28 to 30, inclusive;
Secs. 32 and 33.
T. 26 N., R. 17 E.,
Secs. 20, 21, and 23;
Secs. 25 to 30, inclusive;
Secs. 32 to 35, inclusive.
T. 27 N., R. 13 E.,
Sec. 1.
T. 27 N., R. 14 E.,
Sec. 35.
T. 27 N., R. 17 E.,
Secs. 12, 13, 14, 23, 25, 26, and 34.
T. 28 N., R. 13 E.,
Secs. 1 and 2.
T. 28 N., R. 14 E.,
Secs. 6 and 9.
T. 28 N., R. 15 E.,
Secs. 6 and 7.
T. 28 N., R. 16 E.,
Sec. 10.
T. 29 N., R. 11 E.,
Secs. 3, 4, 5, 8, 9, 12, 13, 14, 17, 19, 20, 23, 30, 33, 34, and 35.
T. 29 N., R. 12 E.,
Sec. 31.
T. 29 N., R. 13 E.,
Secs. 15 and 19;
Secs. 21 to 30, inclusive;
Secs. 33 to 35, inclusive.
T. 29 N., R. 14 E.,
Secs. 30 and 31.
T. 30 N., R. 10 E.,
Secs. 1, 2, 3, 9, 10, 11, and 14.
T. 30 N., R. 11 E.,
Secs. 1, 5, 6, 18, 24, 25, 26, and 34.
T. 30 N., R. 12 E.,
Secs. 1, 15, 21, 22, 27, 28, 30, and 31.
T. 30 N., R. 13 E.,
Sec. 6.
T. 31 N., R. 11 E.,
Secs. 8, 9, 13, 17, 20, 21, 26, 28, and 29.
T. 31 N., R. 12 E.,
Secs. 19, 20, 22, 23, 26, 27, 29, and 30.
T. 31 N., R. 13 E.,
Secs. 30 and 31.

The public lands proposed to be classified aggregate approximately 127,260 acres.

4. For a period of 60 days from the publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Susanville District Manager, Bureau of Land Management, Post Office Box 1090, Susanville, Calif. 96130, or at the public hearing.

5. A public hearing on this proposed classification will be held at 2:30 p.m., August 15, 1968, in the Monticola Club, Susanville, Calif.

For the State Director.

REX J. MORGAN,
District Manager.

JUNE 24, 1968.

[F.R. Doc. 68-8300; Filed, July 12, 1968; 8:46 a.m.]

Fish and Wildlife Service

[Docket No. B-433]

DAGBARD K. LARSEN

Notice of Loan Application

JULY 10, 1968.

Dagbard K. Larsen, Chilmark, Mass. 02535, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 74.9-foot registered length wood vessel to engage in the fishery for swordfish, lobster, flounder, and groundfish.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

WILLIAM M. TERRY,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 68-8317; Filed, July 12, 1968; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[Marketing Agreement 146]

PEANUTS

Budget of Expenses of Administrative Committee and Rate of Assessment for 1968 Crop Year

Pursuant to Marketing Agreement No. 146, regulating the quality of domestically produced peanuts, and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information, it is hereby found and determined that the expenses of said Committee and the rate of assessment applicable to peanuts produced in 1968 and for the crop year beginning July 1, 1968, shall be as follows:

(a) *Administrative expenses.* The budget of expenses for the Committee for the crop year beginning July 1, 1968, shall be in the total amount of $180,000, such amount being reasonable and likely to be incurred for the maintenance and functioning of the Committee, and for such purposes as the Secretary may, pursuant to the provisions of the marketing agreement, determine to be appropriate.

(b) *Indemnification expenses.* Expenses of the Committee for indemnification payments, pursuant to the Terms and Conditions of Indemnification Applicable to 1968 Crop Peanuts, effective July 1, 1968, are estimated at, but may exceed $1,710,000.

(c) *Rates of assessment.* Each handler shall pay to the Peanut Administrative Committee, in accordance with section 48 of the agreement, an assessment at the rate of $2 per net ton of farmers stock peanuts received or acquired other than those described in section 31 (c) and (d) ($0.20 for administrative expenses and $1.80 for indemnification expenses).

(d) *Indemnification reserve.* Monetary additions to the indemnification reserve, established in the 1965 crop year pursuant to section 48 of the marketing agreement, shall continue. That portion of the total assessment funds accrued from the $1.80 rate and not expended in providing indemnification on 1968 crop peanuts shall be placed in such reserve and shall be available to pay indemnification expenses on subsequent crops.

The expenses and rate of assessment are, under the agreement, on a crop year basis and will automatically be applicable to all assessable peanuts from the beginning of such crop year. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing approval of expenses that may be incurred and the imposition of assessments; they are represented on the Committee which has submitted the recommendation with respect to such expenses and assessment for approval; and handlers have had knowledge of the foregoing in their recent industrywide discussions and will be afforded maximum time to plan their operations accordingly.

Dated: July 9, 1968.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 68-8303; Filed, July 12, 1968; 8:46 a.m.]

Forest Service

DIRECTOR, DIVISION OF LANDS

Delegations of Authority

Pursuant to (a) the Order of the Secretary of Agriculture of November 27, 1964 (29 F.R. 16210), as amended, and (b) the Delegation of Authority by the Chief, Forest Service, dated June 5, 1968 (33 F.R. 8552), authority is hereby delegated to the Director, Division of Lands, Forest Service, to:

1. Accept, for and on behalf of the United States of America, options to purchase lands or interests therein pursuant to the Weeks Law of March 1, 1911 (36 Stat. 961), as amended, and other laws authorizing the purchase of lands or interests therein for the National Forest System.

2. Approve exchanges under all exchange authorities.

3. Accept title to offered lands and execute deeds or request issuance of patent to selected lands, or authorize delivery of other consideration, in exchanges under all authorities.

4. Execute deeds adjusting titles to lands pursuant to Public Law 78-120, approved July 8, 1943, as amended, 7 U.S.C. 2253, and the act of April 28, 1930, as amended, 43 U.S.C. 872.

5. Approve appraised values of real property and interests in real property.

6. Approve acquisition of existing roads or interests therein, and related easements.

7. Approve acquisition of raw-land easements for roads and trails.

8. Execute deeds to States for highway purposes under authority of the act of July 7, 1960, 40 U.S.C. 345c.

9. Approve donations of real property and accept titles thereto.

10. Approve settlement of condemnation cases where amount does not exceed $10,000.

Effective date. This delegation of authority shall be effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 5th day of July 1968.

M. M. NELSON,
Deputy Chief, Forest Service.

[F.R. Doc. 68-8305; Filed, July 12, 1968; 8:46 a.m.]

Office of the Secretary

KANSAS AND NEBRASKA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Kansas and Nebraska, natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

KANSAS

Cheyenne.	Meade.
Clark.	Morton.
Comanche.	Ness.
Edwards.	Pawnee.
Ellis.	Rawlins.
Finney.	Rooks.
Ford.	Rush.
Gove.	Russell.
Graham.	Scott.
Grant.	Seward.
Gray.	Sheridan.
Greeley.	Sherman.
Hamilton.	Stanton.
Haskell.	Stevens.
Hodgeman.	Thomas.
Kearney.	Trego.
Lane.	Wallace.
Logan.	Wichita.

NEBRASKA

Dixon.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1969, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 9th day of July 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-8307; Filed, July 12, 1968; 8:46 a.m.]

Packers and Stockyards Administration

SELMA STOCKYARDS ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
ALABAMA	
Selma Stockyards, Selma, Jan. 14, 1936.	Hodges Selma Stock Yards, May 22, 1968.
OKLAHOMA	
A. A. Albert Commission Company, Atoka, Nov. 29, 1949.	Atoka Livestock Auction, Apr. 1, 1968.
SOUTH CAROLINA	
Lake City Auction Company, Lake City, Apr. 27, 1960.	Lake City Auction Company, Inc., Oct. 18, 1966.
TEXAS	
Community Sales Yard, Edinburg, Nov. 20, 1958.	Community Sales Yard Co., Mar. 29, 1968.
Wharton County Livestock Commission Co., Wharton, Oct. 26, 1959.	Wharton Auction Company, June 26, 1968.

Done at Washington, D.C., this 8th day of July 1968.

G. H. HOPPER, *Acting Chief,*
Registrations, Bonds, and Reports Branch,
Livestock Marketing Division.

[F.R. Doc. 68-8306; Filed, July 12, 1968; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

NEW YORK UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68–00531–33–46040. Applicant: New York University School of Medicine at Milbank Research Laboratories, 340 East 24th Street, New York, N.Y. 10010. Article: Electron microscope, Model EM 9A with spare parts. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used in investigations of problems dealing with regeneration of both peripheral nerves and spinal cords using both tissue culture and vivo preparation. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The applicant requires a small, compact and relatively simple electron microscope, for teaching students in an introductory course in the use of electron microscopes. The only known domestic electron microscope, the Model EMU–4 manufactured by the Radio Corporation of America (RCA), is a relatively complex instrument which is designed for research. The foreign article provides a magnification range which is low enough to overlap considerably with the magnification range of optical microscopes. In addition, the foreign article provides three viewing windows, whereas the RCA Model EMU–4 provides only one. The additional viewing windows permit the instructor and students to simultaneously view and discuss the image of the specimen under the microscope. The characteristics of the foreign article, which are not possessed by the RCA Model EMU–4, are pertinent to the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68–8325; Filed, July 12, 1968; 8:48 a.m.]

OHIO STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68–00510–33–46040. Applicant: The Ohio State University, Veterinary Pathology Department, 190 North Oval Drive, Columbus, Ohio 43210. Article: Electron microscope, Model EM–300. Manufacturer: Phillips Electronic Instruments, The Netherlands. Intended use of article: The article will be used to study viral encephalitides and viral diseases of dogs and cats; determine the target cell in cancer of the breast related to steroid hormones of the ovary; and the earliest detectable ultrastructural changes indicative of neoplastic transformation of cells. Comments: No comments have ben received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States.

Reasons: (1) The foreign article has a guaranteed resolution of 5 Angstroms. The only known comparable domestic electron microscope is the Model EMU–4 manufactured by the Radio Corporation of America (RCA), which has a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the additional resolving capabilities of the foreign article are pertinent.

(2) The foreign article provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU–4 provides only two accelerating voltages of 50 and 100 kilovolts. It has been experimentally established that the lower accelerating voltages provide optimum contrast for unstained biological specimens and that the accelertaing voltages intermediate between 50 and 100 kilovolts provide optimum contrast for negatively stained specimens. Since the experiments to be conducted with the foreign article require the use of negatively stained and unstained biological specimens, the additional accelerating voltages of the foreign article are pertinent.

For the foregoing reasons, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods Business and Defense Services Administration.

[F.R. Doc. 68–8326; Filed, July 12, 1968; 8:48 a.m.]

SOUTHERN ILLINOIS UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68–00517–33–46500. Applicant: Southern Illinois University, 901 Chautauqua, Carbondale, Ill. 62901. Article: Ultramicrotome, Model LKB 8800. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare ultrathin sections of various cells and tissues for studies of cytology and biochemical genetics of yeast and virus host cell interaction, using ferritin conjugated antibodies. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used is being manufactured in the United States.

Reasons: (1) The purposes for which the foreign article is intended to be used require an ultramicrotome capable of cutting the thinnest possible sections. The foreign article has the capability of cutting sections down to 50 Angstroms (page 6, 1965 catalogue for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The only known comparable domestic ultramicrotome, the Model MT–2 manufactured by Ivan Sorvall, Inc. (Sorvall), has a specified thin-sectioning capability down to 100 Angstroms (page 11, 1966 catalogue for "Porter-Blum" MT–1 and MT–2 ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The lower thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more it is possible to take advantage of the ultimate resolving power of the microscope.

(2) For its purposes, the applicant requires an instrument capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) (memorandum dated June 19, 1968) that only an ultramicrotome equipped with a thermal advance (feed) can meet this requirement. The foreign article incorporates both a thermal advance for ultrathin sections and a mechanical advance for thicker sections. The Sorvall Model MT–2 is equipped only with a mechanical feed. In connection with Docket No. 67–00024–33–46500, which relates to an identical foreign article, HEW advised that ultramicrotomes employing a mechanical system utilize a gear mechanism and inherent in such mechanisms are backlash and slippage. Hence, in mechanical systems, the variation in thickness and uniformity will be greater than in thermal systems when both are functioning at their best. We therefore find the thermal advance of the foreign article to be pertinent to the purposes for which such article is intended to be used.

(3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of one degree (page 3 of catalogue on "Ultrotome III"), whereas no equivalent device is specified for the Sorvall Model MT–2. The capability of accurately measuring the knife-angle setting is pertinent because the angle at which the knife enters the specimen determines the thickness of the section.

For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article in intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68–8327; Filed, July 12, 1968; 8:48 a.m.]

UNIVERSITY OF GEORGIA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Producer Goods, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Producer Goods must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 68–00661–33–46500. Applicant: University of Georgia, School of Veterinary Medicine, Department of Pathology and Parasitology, Athens, Ga. 30601. Article: LKB 8800A Ultrotome III ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: Applicant states:

The ultramicrotome is to be used to prepare ultrathin sections for observation in our electron microscope. The types of materials to be sectioned by the ultramicrotome will be variable depending on the needs of the electron microscopist. However, consistent with our general operation in the electron microscopy department, it can be stated that we must have an ultramicrotome which will cut long series of equal thickness serial sections. The thickness of these sections should be easily operator chosen between the values 50A to 2 microns and it should be possible to easily and rapidly change the serial section thickness.

The Ultrotome III also allows a measure of compression during sectioning procedures to assist in an accurate measurement of cellular structure.

This ultramicrotome is important in the work of this pathology department in obtaining quality sections of sequential studies of the fetal thymus, a variety of neoplasms, and various disease conditions.

Application received by Commissioner of Customs: June 20, 1968.

Docket No. 68–00664–33–46500. Applicant: Hospital of the University of Pennsylvania, Laboratory of Pathologic Anatomy, Fourth Floor Administration Building, 3400 Spruce Street, Philadelphia, Pa. 19104. Article: LKB 8800A Ultrotome III ultramicrotome, table, and knifemaker. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: Applicant states:

The purchaser is studying the histogenesis and pathogenesis of a series of human tumors. Human tissues obtained from the surgical services of the hospital are being studied with regard to the tissue from which they arise, their mode of development, and their ultimate structural characteristics with special regard to those of diagnostic value. For certain types of tumors these identifying characteristics are better studied at the level of electron microscopy than by light microscopy. It is hoped that much valuable information regarding the development and ultimately treatment of these human tumors can be obtained by this research.

Various tissues from these specimens must be prepared for electron microscopy. Ultrathin sections are required in long series and must be cut in equal thickness throughout. The thickness must be exactly regulated by the operator in order to obtain maximum information. Because the exact thickness varies with the different tissues concerned, it is highly important that the operator be able to quickly and easily change cutting thickness from the range of 50–60Å up to 2μ.

Application received by Commissioner of Customs: June 21, 1968.

Docket No. 68–00665–33–46500. Applicant: Baylor University College of Medicine, 1200 Moursund Avenue, Houston, Tex. 77025. Article: LKB 8800A Ultrotome III ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: Applicant states:

Various pathological tissues as well as cell monolayers and tissue cultures must be prepared for electron microscopy. Many of our research specimens are tissue cultures grown on nylon and dacron velour fabrics which are used in various types of cardiovascular prostheses. Ultrathin sections of these widely varied specimens must be prepared in long series and must be cut in equal thickness throughout. The thickness of these sections must be chosen by the operator so as to obtain maximum information from the tissues. Because the exact thickness needed varies in different tissues it is imperative that the operator be able to quickly and easily change the cutting thickness anywhere from 50 Å to 2 microns.

Application received by Commissioner of Customs: June 21, 1968.

Docket No. 68–00666–33–46500. Applicant: Case Western Reserve University, Dental Research Building, 2029 Adelbert Road, Cleveland, Ohio 44106. Article: LKB 8800A Ultrotome III ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The applicant is involved in studies of development of calcified tissues. Samples of mineralizing bones and teeth are sectioned with the ultramicrotome, and the sections are examined with the electron microscope. In investigating growth sequencies it is necessary to examine in orderly manner entire growth zones, commencing at the region of earliest formation and proceeding to the latest stages. This requires serial sections in large numbers, which in routine procedures should all be of the same quality and thickness. At times, where the objective is rapid assessment of certain sequences, thick sections, on the order of some 1.5–2.0 microns, are preferable. In other instances, where high resolution of structural detail is desired, it is essential to have the thinnest sections possible, on the order of 50–100Å. In addition, combinations of thin and thick sections are sometimes desired, permitting

both types of examination to be carried on simultaneously. Primary requirements in the instrument are high versatility in cutting thickness range, reliable serial sectioning, and consistency of performance. Application received by Commissioner of Customs: June 21, 1968.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68-8328; Filed, July 12, 1968; 8:48 a.m.]

UNIVERSITY OF MICHIGAN

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00520-33-46500. Applicant: The University of Michigan, Department of Pathology, 1335 East Catherine Street, Ann Arbor, Mich. 48104. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to obtain reproducible sections of unfixed material which can be employed for the ultrastructural localization of macromolecules using the enzyme-labeled antibody technique. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States.

Reasons: (1) The purposes for which the foreign article is intended to be used require an ultramicrotome capable of cutting the thinnest possible sections. The foreign article has the capability of cutting sections down to 50 Angstroms (page 6, 1965) catalogue for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The only known comparable domestic ultramicrotome, the Model MT-2 manufactured by Ivan Sorvall, Inc. (Sorvall), has a specified thin-sectioning capability down to 100 Angstroms (page 11, 1966 catalogue for "Porter-Blum" MT-1 and MT-2 ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The lower thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more it is possible to take advantage of the ultimate resolving power of the microscope.

(2) For its purposes, the applicant requires an instrument capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) (memorandum dated June 19, 1968) that only an ultramicrotome equipped with a thermal advance (feed) can meet this requirement. The foreign article incorporates both a thermal advance for ultrathin sections and a mechanical advance for thicker sections. The Sorvall Model MT-2 is equipped only with a mechanical feed. In connection with Docket No. 67-00024-33-46500, which relates to an identical foreign article, HEW advised that ultramicrotomes employing a mechanical system utilize a gear mechanism and inherent in such mechanisms are backlash and slippage. Hence, in mechanical systems, the variation in thickness and uniformity will be greater than in thermal systems when both are functioning at their best. We therefore find the thermal advance of the foreign article to be pertinent to the purposes for which such article is intended to be used.

(3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of 1° (page 3 of catalogue on "Ultrotome III"), whereas no equivalent device is specified for the Sorvall Model MT-2. The capability of accurately measuring the knife-angle setting is pertinent, because the angle at which the knife enters the specimen determines the thickness of the section.

For the foregoing reasons, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68-8329; Filed, July 12, 1968; 8:48 a.m.]

UNIVERSITY OF NEBRASKA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C.

Docket No. 68-00462-60-32500. Applicant: University of Nebraska, Lincoln, Nebr. 68508. Article: Infrared gas analyzer, Model SB2. Manufacturer: Sir Howard Grubb Parsons & Co., Ltd., United Kingdom. Intended use of article: The article will be used to detect small changes in the concentration of CO_2 in the air, which is passing over leaf surfaces. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such foreign article is intended to be used, is being manufactured in the United States. Reasons: The applicant requires an instrument capable of measuring changes in the concentration of carbon dioxide in the atmosphere, as small as one part in 1 million. For the purposes for which the foreign article is intended to be used, this capability is pertinent.

The Department of Commerce knows of no instrument or apparatus being manufactured in the United States, which has the required capability of detecting changes in the concentration of carbon dioxide in the order of one part in 1 million.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68-8330; Filed, July 12, 1968; 8:48 a.m.]

UNIVERSITY OF VIRGINIA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Producer Goods, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Producer Goods must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 68-00667-33-46040. Applicant: University of Virginia School of Medicine, Charlottesville, Va. 22903. Article: Electron microscope, Model EM 9A and recommended spare parts. Manufacturer: Carl Zeiss, West Germany. Intended use of article: Applicant states:

The Zeiss EM 9A will be used for teaching and research. The Department of Physiology gives a series of courses for graduate and medical students and one of these will be in electronmicroscopy. The course will be taught by one of the staff and will be open to all graduate students of the University. Emphasis will be placed on correlation of structure and function of biological systems. In research the instrument will be used by several members of the Department who are engaged in physiological studies on the cardiovascular and nervous systems. In these studies it is essential to have detailed information about the fine structure of the tissues under investigation. Such information can only be provided by electronmicroscopy. Examples of the tissues to be studies are cultured heart cells, the smooth muscle cells of the microvasculature and the innervation of the heart and peripheral blood vessels.

Application received by Commissioner of Customs: June 24, 1968.

Docket No. 68-00668-33-46040. Applicant: Southern Illinois University, Edwardsville, Ill. 62025. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: Applicant states:

1. One use of the microscope will be for training and instruction of seniors and graduate students in biological sciences. For such an application it is important that the instrument be simple to comprehend and easy to operate.
2. The microscope must be capable of investigating ultrathin unstained specimens.
3. The apparatus will also be employed for faculty and graduate student research.
4. One project that is currently in progress concerns the effects of various environmental factors on the biochemistry of the ciliated protozoan, *Tetrahymena pyriformis*. These studies will be extended to include possible ultrastructural changes that might occur. Another study involves the separation of subcellular particles, and the microscope will be used to determine the nature and the purity of the particles. An electron microscope capable of producing high-contrast photomicrographs of unstained specimens is needed. The voltage supply for electron acceleration in the Hitachi, Model HS-8, electron microscope is energized by a high frequency input through a Cockcroft-Walton circuit to give 25kV and 50kV. This flexibility permits excellent contrast to be obtained of unstained, ultrathin specimens. The high resolution (8 Å point to point) and ease of use and maintenance of this instrument combines to make it uniquely qualified for the dual research and teaching roles it would have in this department.

Application received by Commissioner of Customs: June 24, 1968.

Docket No. 68-00669-33-46040. Applicant: New York University, Department of Physics, 4 Washington Place, New York, N.Y. 10003. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: Applicant states:

This instrument will be used by several members of the Biology and Physics departments. Specific uses include:

a. A study of conformational changes in fibrous proteins especially collagen in connection with an investigation of the piezoelectric properties of this and related (e.g. bone) biological systems. Maximum resolution is necessary since spacings in the molecules are under investigation. In this work it is also desirable that a tension be applied to the specimen while it is under examination.

b. Another investigator is examining pigment-protein complexes (especially chlorophyll and related systems) and the effects of different preparative procedures and experimental conditions on conformational configurations. He anticipates using the electron microscope as one tool in these studies and therefore also requires the maximum resolving capabilities available.

c. A number of different investigations of plant and animal cell ultrastructural features are planned. One involves a developmental study of cell differentiation in a fern gametophyte. Two aspects of this investigation are particularly relevant to this justification. First, the cells are much larger than those encountered in most typical plant studies and low power views which contain as many cells as possible per field are important; and secondly, it is absolutely essential that one specific cell out of several in a given field be identified and photographed in relation to its neighboring cells. Secondly, since only one cell among many similar cells is of significance, considerable time under the electron beam has to be spent in finding that cell with consequent beam damage to the specimen. This must be minimized to achieve acceptable pictures and avoid artifacts. Previous experience has shown that the ability to achieve low magnification views and minimum contamination is critical for success in this particular investigation. Another study involving blood precursor cells also demands that low magnification be available for identification purposes. Most of these cellular studies anticipate using sectioned material.

Application received by Commissioner of Customs: June 24, 1968.

Docket No. 68-00670-33-46040. Applicant: University of Southern California, University Park, Los Angeles, Calif. 90007. Article: Electron microscope, Model EM6B. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom. Intended use of article: The applicant states the article will be used for:

Biological research and student training. Research will be conducted in the areas of cell structure and the chemical and physiologic significances of such structures. Of particular interests are cell membranes R.N.A. (Ribonucleic Acid), D.N.A. (Deoxyribonucleic Acid), mitochondria, Golgi, apparatus, lysosomes, ribosomes, and secretory vesicles. Also to be studied are the interrelations between adjacent cells and between cells and their vascular supply.

Such studies will require the ultimate in resolution capabilities. Student training requires an instrument which can produce reliable and repeated results with relative simplicity and not complicated by involved procedures. Also required is an instrument with inherent latitude to take advantage of the newer tissue techniques now possible and which will be forthcoming in the next several years.

Application received by Commissioner of Customs: June 24, 1968.

Docket No. 68-00672-00-46040. Applicant: University of California, 405 Hilgard Avenue, Los Angeles, Calif. 90024. Article: Exposure meter for Siemens electron microscope. Manufacturer: Siemens & Halske AG, West Germany. Intended use of article: The article will be used as a photographic accessory to the applicant's microscope. Application received by Commissioner of Customs: June 25, 1968.

Docket No. 68-00673-00-41200. Applicant: NASA-Goddard Space Flight Center, Glenn Dale Road, Greenbelt, Md. 20771. Article: Klystron tube part (millimeter vacuum tube oscillator). Manufacturer: Varian Associates of Canada Ltd., Canada. Intended use of article: The applicant states that the article will be used as: "A component of a Millimeter Wave test set for measuring varactor diodes." Application received by Commissioner of Customs: June 25, 1968.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68-8331; Filed, July 12, 1968; 8:48 a.m.]

VETERANS ADMINISTRATION HOSPITAL, LONG BEACH, CALIF.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C.

Docket No. 68-00515-33-15900. Applicant: Veterans Administration Hospital, 5901 East Seventh Street, Long Beach, Calif. 90801. Article: Thin-layer countercurrent distribution apparatus, Model CCD. Manufacturer: G. Stark, Stalprodukter, Sweden. Intended use of article: The article will be used for the separation of different cells, on which studies will be made of membranes, proteins, nucleic acids, and general metabolism. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article incorporates the "thin-layer" principle of separation. This principle has the advantage of increasing the number of transfers that can be made before cell damage occurs. This minimizes the time required to complete the analysis and, concomitantly, provides more accurate results. In the separation of phase systems consisting of

two-polymers, this characteristic of the foreign article is pertinent.

The Department of Commerce knows of no instrument or apparatus being manufactured in the United States, which employs the "thin-layer" principle.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68-8332; Filed, July 12, 1968; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

CUSTOMS CLEARANCE OF IN-BOND AIR CARGO SERVICE AT WASHINGTON NATIONAL AIRPORT

Notice of Termination

Effective September 1, 1968, the Federal Aviation Administration has withdrawn its permission to the Bureau of Customs, Department of the Treasury, to occupy the space at Washington National Airport (National) that it now uses to operate its in-bond air freight clearance service.

The space now occupied by the Bureau of Customs is urgently needed to meet other demands for space at National consistent with its function as a short-haul commuter airport and to help relieve congested conditions at the airport. In-bond freight clearance service, as well as Customs passenger clearance, will continue to be available at Dulles International Airport (Dulles). Since Dulles opened in 1962, increasing amounts of international air freight have been handled there. At the present time, Dulles handles over 72 percent of all international air freight destined for Washington. International air freight represents more than 35 percent of all air freight handled at Dulles but only 3 percent of all air freight handled at National.

Accordingly, notice is hereby given that Customs clearance of air freight arriving under Customs bond at Washington National Airport will not be available after the close of business on September 1, 1968.

Issued in Falls Church, Va., on July 8, 1968.

ARVEN H. SAUNDERS,
Director, Bureau of National Capital Airports.

[F.R. Doc. 68-8312; Filed, July 12, 1968; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-288]

REED INSTITUTE (REED COLLEGE)

Notice of Issuance of Facility License

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on June 14, 1968 (33 F.R. 8749), the Atomic Energy Commission has issued, in the form set forth in that notice, Facility License No. R-112. The license authorizes the College to operate a TRIGA Mark I research reactor on its campus in Portland, Oreg.

Dated at Bethesda, Md., this 2d day of July 1968.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 68-8286; Filed, July 12, 1968; 8:45 a.m.]

[Docket No. 50-206]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS & ELECTRIC CO.

Order Extending License Expiration Date

By Application Amendment No. 15, dated April 23, 1968, Southern California Edison Co. and San Diego Gas & Electric Co. ("the applicant"), requested an extension of the expiration date of Facility License No. DPR-13. The license authorizes the applicant to possess and operate the San Onofre Nuclear Generating Station Unit No. 1 located in San Diego, Calif.

Good cause having been shown for extension of said date pursuant to § 50.57 (d) of 10 CFR Part 50 of the Commission's regulations, it is hereby ordered that the expiration date of Provisional Operating License No. DPR-13 is extended to March 27, 1970.

Date of issuance: July 8, 1968.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[F.R. Doc. 68-8313; Filed, July 12, 1968; 8:47 a.m.]

[Docket Nos. 50-272, 50-311]

PUBLIC SERVICE ELECTRIC & GAS CO. ET AL.

Notice of Hearing on Application for Provisional Construction Permits

Pursuant to the Atomic Energy Act of 1954, as amended (the Act) and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held at 10 a.m., local time, on August 15, 1968, in the American Legion Hall, 22 New Market Street, Salem, N.J., to consider the application filed under section 104b of the Act by Public Service Electric & Gas Co., Philadelphia Electric Co., Delmarva Power and Light Co., and Atlantic City Electric Co. with Public Service Electric & Gas Co. acting as the representative of the other three companies (the applicants), for provisional construction permits for two pressurized water reactors, each designed to initially operate at 3,250 megawatts (thermal), to be located at the applicants' Salem County, N.J., site on the southern part of Artificial Island on the east bank of the Delaware River in Lower Alloways Creek Township, located approximately 18 miles south of Wilmington, Del., and 30 miles southwest of Philadelphia, Pa.

The hearing will be conducted by the Atomic Safety and Licensing Board designated by the Atomic Energy Commission, consisting of Mr. R. B. Briggs, Oak Ridge, Tenn.; Dr. Thomas H. Pigford, Berkeley, Calif.; and Mr. Jack M. Campbell, Chairman, Santa Fe, N. Mex. Dr. Clarke Williams, Upton, Long Island, N.Y., has been designated as a technically qualified alternate, and Mr. Valentine B. Deale, Esq., Washington, D.C., has been designated as an alternate qualified in the conduct of administrative proceedings.

A prehearing conference will be held by the Board at 10 a.m., local time on August 1, 1968, in Room 1030 at 1717 H Street NW., Washington, D.C., to consider the matters provided for consideration by § 2.752 of 10 CFR Part 2 and section II of Appendix A to 10 CFR Part 2.

The Director of Regulation proposes to make affirmative findings on Item Nos. 1-3 and a negative finding on Item 4 specified below as the basis for the issuance of provisional construction permits to the applicants substantially in the form proposed in Appendices A and B hereto.

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicants have described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and have identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis reports;

(c) Safety features or components, if any, which require research and development have been described by the applicants and the applicants have identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest dates stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public;

2. Whether the applicants are technically qualified to design and construct the proposed facilities;

3. Whether the applicants are financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for the construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

In the event that this proceeding is not a contested proceeding, as defined by § 2.4 of the Commission's rules of practice, 10 CFR Part 2, the Board will, without conducting a de novo evaluation of the application, consider the issues of whether the application and the record of the proceeding contain sufficient information, and the review by the Commission's regulatory staff has been adequate, to support the findings proposed to be made and the provisional construction permits proposed to be issued by the Director of Regulation.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as the issues in this proceeding, Item Nos. 1 through 4 above as the basis for determining whether the provisional construction permits should be issued to the applicants.

As they become available, the application, the applicants' summary of the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS) and the Safety Evaluation by the Commission's regulatory staff will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., where they will be available for inspection by members of the public. Copies of this notice of hearing, the ACRS report, the applicants' summary of the application and the regulatory staff's Safety Evaluation will also be available at the office of Atlantic City Electric Co., 129 West Broadway, Salem, N.J., for inspection by members of the public each weekday between the hours of 9 a.m. and 5 p.m. Copies of the ACRS report and the regulatory staff's Safety Evaluation may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who does not wish to file a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of § 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, by July 26, 1968.

Any person whose interest may be affected by the proceeding who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a petition for leave to intervene.

Petitions for leave to intervene, pursuant to the provisions of § 2.714 of the Commission's rules of practice, must be received in the Office of the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than July 26, 1968, or in the event of a postponement of the prehearing conference, at such time as the Board may specify. The petition shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail. A petition which sets forth contentions relating only to matters outside the Commission's jurisdiction will be denied. A petition for leave to intervene which is not timely filed will be denied unless the petitioner shows good cause for failure to file it on time.

A person permitted to intervene becomes a party to the proceeding, and has all the rights of the applicant and the regulatory staff to participate fully in the conduct of the hearing. For example, he may examine and cross-examine witnesses. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of § 2.705 of the Commission's rules of practice, must be filed by the applicant on or before July 26, 1968.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the Board, parties are required to file, pursuant to the provisions of § 2.708 of the Commission's rules of practice, an original and twenty conformed copies of each such paper with the Commission.

Dated at Washington, D.C., this 11th day of July 1968.

UNITED STATES ATOMIC ENERGY COMMISSION,
F. T. HOBBS,
Acting Secretary.

APPENDIX A

PUBLIC SERVICE ELECTRIC AND GAS CO.
PHILADELPHIA ELECTRIC CO.
DELMARVA POWER AND LIGHT CO.
ATLANTIC CITY ELECTRIC CO.

(Salem Nuclear Generating Station, Unit No. 1)

[Docket No. 50-272]

PROVISIONAL CONSTRUCTION PERMIT

Construction Permit No.-------

1. Pursuant to § 104b. of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, Chapter I, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities", and pursuant to the order of the Atomic Safety and Licensing Board, the Atomic Energy Commission (the Commission) hereby issues a provisional construction permit to Public Service Electric and Gas Co., Philadelphia Electric Co., Delmarva Power and Light Co., and Atlantic City Electric Co., with Public Service Electric and Gas Co. acting as the representative of the other three companies (the applicants), for a utilization facility (the facility), designed to operate at 3,250 megawatts (thermal), described in the application and amendments thereto (the application) filed in this matter by the applicants and as more fully described in the evidence received at the public hearing upon that application. The facility, known as Salem Nuclear Generating Station, Unit No. 1, will be located at the applicants' Salem County, N.J., site on the southern part of Artificial Island on the east bank of the Delaware River in Lower Alloways Creek Township, approximately 18 miles south of Wilmington, Del., and 30 miles southwest of Philadelphia, Pa.

2. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act, and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the conditions specified or incorporated below:

A. The earliest date for the completion of the facility is December 1, 1971, and the latest date for completion of the facility is May 1, 1972.

B. The facility shall be constructed and located at the site as described in the application in Lower Alloways Creek Township, Salem County, N.J.

C. This construction permit authorizes the applicants to construct the facility described in the application and the hearing record in accordance with the principal architectural and engineering criteria set forth therein.

3. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless (a) the applicants submit to the Commission, by amendment to the application, the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; and (c) the applicants submit proof of financial protection and the execution of an indemnity agreement as required by § 170 of the Act.

For the Atomic Energy Commission.

APPENDIX B

PUBLIC SERVICE ELECTRIC AND GAS CO.
PHILADELPHIA ELECTRIC CO.
DELMARVA POWER AND LIGHT CO.
ATLANTIC CITY ELECTRIC CO.

(Salem Nuclear Generating Station, Unit No. 2)

[Docket No. 50-311]

PROVISIONAL CONSTRUCTION PERMIT

Construction Permit No. -------

1. Pursuant to § 104b. of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, Chapter I, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and pursuant to the order of the Atomic Safety and Licensing Board, the Atomic Energy Commission (the Commission) hereby issues a provisional construction permit to Public Service Electric and Gas Co., Philadelphia Electric Co., Delmarva Power and Light Co., and Atlantic City Electric Co. with Public Service Electric and Gas Co. acting as the representative of the other three companies (the applicants) for a utilization facility (the facility), designed to operate at 3,250 megawatts (thermal), described in the application and amendments thereto (the application) filed in this matter by the applicants and as more fully described in the evidence received at the public hearing upon that application. The facility, known as Salem Nuclear Generating Station, Unit No. 2, will be located at the applicants' Salem County, N.J., site on the southern part of Artificial Island on the east bank of the Delaware River in Lower Alloways Creek Township, approximately 18 miles south of Wilmington, Del., and 30 miles southwest of Philadelphia, Pa.

2. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act, and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the conditions specified or incorporated below:

A. The earliest date for the completion of the facility is December 1, 1972, and the latest date for completion of the facility is May 1, 1973.

B. The facility shall be constructed and located at the site as described in the application in Lower Alloways Creek Township, Salem County, N.J.

C. This construction permit authorizes the applicants to construct the facility described in the application and the hearing record in accordance with the principal architectural and engineering criteria set forth therein.

3. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless (a) the applicants submit to the Commission, by amendment to the application, the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; and (c) the applicants submit proof of financial protection and the execution of an indemnity agreement as required by section 170 of the Act.

For the Atomic Energy Commission.

[F.R. Doc. 68-8366; Filed, July 12, 1968; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19928]

BRITISH OVERSEAS AIRWAYS CORP.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on July 29, 1968, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Robert L. Park.

Dated at Washington, D.C., July 9, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 68-8316; Filed, July 12, 1968; 8:47 a.m.]

[Docket No. 19948; Order E-26953]

SUN AIRLINE CORP.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority, June 20, 1968.

The Postmaster General filed a notice of intent June 7, 1968 pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 29 cents per great circle aircraft mile for the transportation of mail by aircraft between Memphis, Tenn., and Birmingham, Ala.

No protest or objection has been filed against the services proposed in the notice of intent, and the time for filing such objections has now expired. The Postmaster General states that the proposed rate is acceptable to the Department and the carrier, and represents a fair and reasonable rate of compensation for the services which the carrier will perform. In addition, the Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with twin-engine Beech, Model Super E aircraft, equipped for all weather operation.

Since no mail rate is presently in effect for this carrier in this market, it is in the public interest to fix and determine the fair and reasonable rate of compensation to be paid to it by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Sun Airline Corp., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Memphis, Tenn., and Birmingham, Ala., shall be 29 cents per great circle aircraft mile.

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f):

It is ordered, That:

1. Sun Airline Corp., the Postmaster General, Eastern Air Lines, Inc., Delta Air Lines, Inc., and Southern Airways, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above, the final rate specified above, as the fair and reasonable rate of compensation to be paid to Sun Airline Corp.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rate or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sun Airline Corp., the Postmaster General, Eastern Air Lines, Inc., Delta Air Lines, Inc., and Southern Airways, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8301; Filed, July 12, 1968; 8:46 a.m.]

[1] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in § 385.14(g).

OFFICE OF EMERGENCY PLANNING

OHIO

Amendment to Notice of Major Disaster

Notice of major disaster for the State of Ohio, dated June 7, 1968, and published June 14, 1968 (33 F.R. 8756), is hereby amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 5, 1968:

Guernsey

Dated: July 8, 1968.

PRICE DANIEL,
Director,
Office of Emergency Planning.

[F.R. Doc. 68-8291; Filed, July 12, 1968; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

HOUSEHOLD GOODS CARRIERS' BUREAU

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of modification to an agreement filed for approval by:

F. L. Wyche, Executive Secretary, Household Goods Carriers' Bureau, 1424 16th Street NW., Washington, D.C. 20036.

Amended Agreement designated No. 8480-2 pertaining to carriers parties to the Household Goods Carriers' Bureau, modified their approved Rate Agreement 8480 between ports in the United States and Hawaii, Puerto Rico, and Guam to include ports in the United States Virgin Islands.

Dated: July 9, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-8299; Filed, July 12, 1968; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

LEEDS SHOES, INC.

Order Suspending Trading

JULY 8, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Leeds Shoes, Inc., Tampa, Fla., and all other securities of Leeds Shoes, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 9, 1968, through July 18, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8293; Filed, July 12, 1968; 8:45 a.m.]

[812-2317]

NN CORP.

Notice of Filing of Application for Exemption

JULY 8, 1968.

Notice is hereby given that NN Corp. ("Applicant"), 731 North Jackson Street, Milwaukee, Wis. 53202, a Delaware corporation, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940, 15 U.S.C. sec. 80a-1 et seq. ("Act") for an order exempting from the provisions of section 17(a) of the Act the proposed purchase by Applicant from Wisconsin Securities Company of Delaware ("WSD"), a registered closed-end nondiversified investment company, of 50,000 shares (5.63 percent) of the outstanding capital stock of Northwestern National Insurance Company ("Northwestern National") in exchange for 50,000 shares of common stock of Applicant, as part of a plan of exchange described below. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant was incorporated on February 15, 1968, for the purpose of becoming the parent company of Northwestern National, a Wisconsin insurance company, and its subsidiaries, and to provide a holding company having general business purposes. Its capitalization consists of 1 million shares of preferred stock and 2,500,000 shares of common stock. Northwestern National's capitalization consists of 1,500,000 shares of capital stock, 887,954 of which are outstanding. Under section 2(a)(3) of the Act, since WSD holds 5.63 percent of the capital stock of Northwestern National and Northwestern National and Applicant may be deemed under common control, Northwestern National is an affiliate of WSD and Applicant is an affiliate of Northwestern National.

On May 28, 1968, Applicant directed an offer to all of the stockholders of Northwestern National, undertaking to exchange one share of Applicant's common stock for each outstanding share of Northwestern National's capital stock. Consummation of the exchange offer is contingent upon the receipt by Applicant of at least 80 percent of the shares of Northwestern National capital stock then outstanding. The offer was to expire on June 28, 1968, unless extended in accordance with the terms of the exchange offer for an additional period not exceeding 60 days. The offer has been extended until July 24, 1968. As of June 27, 1968, holders of approximately 670,000 shares of the stock of Northwestern National had tendered their shares in acceptance of the exchange offer.

Northwestern National has subscribed for 119,760 shares of common stock of Applicant for the subscription price of $5 million payable on the effective date of the exchange offer. The $5 million capital investment by Northwestern National will provide Applicant with funds for its operation.

Apart from the transaction described above, the immediate effect of the offer will be merely to change the manner of holding the investment in Northwestern National of the former shareholders of that company.

In addition to WSD's stockholding in Northwestern National, George M. Chester, President and a Director of WSD and William R. Johnson and William D. Vogel, Directors of WSD, are members of the Boards of Directors of Northwestern National and Applicant. WSD will not receive any special inducement to accept the exchange offer.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered company any securities or other property unless the Commission, upon application pursuant to section 17(b), grants an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of such investment company and with the general purposes of the Act.

Notice is further given that any interested person may, not later than July

22, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68–8295; Filed, July 12, 1968; 8:45 a.m.]

[70–4645]

NATIONAL FUEL GAS CO. ET AL.

Notice of Proposed Issue and Sale of Debentures at Competitive Bidding and Long-Term Notes by Holding Company; Long-Term and Short-Term Notes to Holding Company and Short-Term Notes to Banks by Subsidiary Companies

JULY 8, 1968.

In the matter of National Fuel Gas Co., 30 Rockefeller Plaza, New York, N.Y. 10020; Iroquois Gas Corp., United Natural Gas Co., and Pennsylvania Gas Co.

Notice is hereby given that National Fuel Gas Co. ("National"), a registered holding company, and three of its gas utility subsidiary companies, Iroquois Gas Corp. ("Iroquois"), United Natural Gas Co. ("United"), and Pennsylvania Gas Co. ("Penn"), have filed a joint application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9(a), 10, 12(b), and 12(f) of the Act and Rules 43, 45, and 50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the joint application-declaration, which is summarized below, for a complete statement of the proposed transactions.

National proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 promulgated under the Act, $15 million principal amount of _____ percent sinking fund debentures, series due August 15, 1993. The interest rate of the debentures (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to National (which shall be not less than 99 percent nor more than 102 percent of the principal amount thereof) will be determined by the competitive bidding. The debentures will be issued under an indenture to be dated as of August 15, 1968, between National and Manufacturers Hanover Trust Co. as trustee, and will be issued only in registered form.

National also proposes to issue and sell to The Chase Manhattan Bank (NA) ("Chase Bank") its unsecured promissory note in the amount of $12,400,000. The note will be dated December 31, 1968, will mature on December 31, 1970, and will bear interest, payable quarterly, at the prime commercial rate per annum in effect at the Chase Bank from time to time during the period from December 31, 1968, to December 31, 1969. During the year 1970, the interest rate shall be one-quarter percent in excess of such prime rate. The note will be prepayable, in whole or in part, at any time without penalty, except that a premium of three-eighths of 1 percent of the principal amount prepaid will be charged if the prepayment results from borrowings from a bank other than the Chase Bank.

National proposes to use the net proceeds from the sale of its note and debentures (1) to prepay its outstanding notes due to the Chase Bank amounting to $12,400,000 and maturing December 31, 1968, and (2) to acquire for cash $15 million principal amount of long-term notes from its three above-mentioned gas utility subsidiary companies. On the date National receives the proceeds from the sale of its debentures, Iroquois, United, and Penn propose to issue and sell and National proposes to acquire unsecured long-term promissory notes in the total aggregate principal amount of $15 million. Such notes will be issued and sold to National in the respective principal amounts of $9,200,000 by Iroquois, $3,600,000 by United, and $2,200,000 by Penn. The notes will be issued in series with the first note in each series maturing on December 15, 1972, and with each succeeding note in the applicable series maturing on the following December 15. The final note of each series will be payable on August 15, 1993. The notes will bear interest at a rate per annum equal to the effective cost of money incurred by National on its proposed sale of debentures, rounded to the next one-tenth of 1 percent and will be payable semiannually. Such notes will be prepayable at any time without premium. The net proceeds derived from the sale of these long-term notes, together with funds available from current operations, will be used by the applicant-declarant subsidiary companies to make additions to utility plant, including underground cushion gas in storage and to replenish working capital. The total cost of the 1968 expansion programs of the three subsidiary companies is estimated at $18,300,000.

Iroquois, United, and Penn, also propose to reissue unsecured promissory notes in the respective principal amounts of $8,700,000 for Iroquois, $2 million for Penn, and $1,700,000 for United. These notes will continue to be payable to National and, as extended, will mature December 31, 1970. Such notes will bear interest during the period January 1, 1969, to December 31, 1969, equivalent to the prime commercial rate in effect at the Chase Bank from time to time during said period, and during the period January 1, 1970, to December 31, 1970, equivalent to an annual rate of one-quarter percent above the prime commercial rate in effect at the Chase Bank from time to time. The notes payable to National may be prepaid at any time without premium or penalty.

Iroquois, United, and Penn also propose to issue and sell from time to time to the banks named below short-term promissory notes in the respective aggregate amounts of $7 million for Iroquois, $4 million for United, and $2,700,000 for Penn. Each such note will be dated as of the date of issue, will mature not later than 9 months thereafter, will bear interest at the prime commercial rate in effect at the lending bank on the issue date, and will be prepayable, in whole or in part, without penalty or premium. Such 9 month notes will aggregate about 5.8 percent of the principal amount and par value of Iroquois other securities as of March 31, 1968, 9.2 percent in respect of United and 11.1 percent in respect of Penn. Any amount of such notes aggregating together with all other such outstanding notes in excess of 5 percent of the principal amount and par value of the other securities of Iroquois, United, or Penn may be issued by these companies only pursuant to order of the Commission. The short-term notes to be issued to such banks exceed the 5 percent exemption limitation by $998,645 in respect of Iroquois, $1,827,497 in respect of United, and $1,480,825 in respect of Penn. The proceeds derived from the sale of such short-term note borrowings from banks will be used by Iroquois, United, and Penn to finance the cost of gas purchased and stored underground for current inventory purposes and it is stated that such borrowings are expected to be repaid in 1969 as gas is withdrawn from storage and sold.

In summary, National and its named subsidiary companies propose to issue and sell securities as shown below:

	To public debentures	To national		To banks	
		Long-term notes	2-year notes	2-year notes	Short-term notes
National	$15,000,000			[1] $12,400,000	[2] $7,000,000
Iroquois		$9,200,000	$8,700,000		[3] 4,000,000
United		3,600,000	1,700,000		[4] 2,700,000
Penn		2,200,000	2,000,000		
	15,000,000	15,000,000	12,400,000	12,400,000	13,700,000

[1] To be issued to The Chase Manhattan Bank (NA).

[2] To be issued to:

Marine Midland Trust Company of Western New York, Buffalo, N.Y.	$3,290,000
Manufacturers & Traders Trust Co., Buffalo, N.Y.	3,150,000
Liberty National Bank & Trust Co., Buffalo, N.Y.	560,000
	7,000,000

[3] To be issued to:

Bradford National Bank, Bradford, Pa.	$200,000
Du Bois Deposit National Bank, Du Bois, Pa.	250,000
Emporium Trust Co., Emporium, Pa.	150,000
Exchange Bank & Trust Co., Franklin, Pa.	200,000
First National Bank of Mercer County, Greenville, Pa.	150,000
First Seneca Bank & Trust Co., Oil City, Pa.	750,000
McDowell National Bank, Sharon, Pa.	400,000
Northwest Pennsylvania Bank & Trust Co., Oil City, Pa.	500,000
The Pennsylvania Bank & Trust Co., Titusville, Pa.	500,000
Producers Bank & Trust Co., Bradford, Pa.	70,000
The St. Marys National Bank, St. Marys, Pa.	160,000
Mellon National Bank & Trust Co., Pittsburgh, Pa.	670,000
	4,000,000

[4] To be issued to:

Warren National Bank, Warren, Pa.	$550,000
The First National Bank of Erie, Pa.	900,000
Marine National Bank, Erie, Pa.	400,000
Marine Midland Chautauqua National Bank, Jamestown, N.Y.	500,000
The Pennsylvania Bank & Trust Co., Warren, Pa.	350,000
	2,700,000

The estimated fees and expenses to be paid by National in connection with the proposed debentures are estimated to aggregate $48,000, including $9,250 for legal services. The fees and expenses of independent counsel for the underwriters, which are to be paid by the successful bidder, are estimated at $10,500. The fees and expenses in connection with the proposed notes are estimated at $1,000 for National, $3,320 for Iroquois, $1,010 for United, and $510 for Penn.

The proposed issue and sale of long-term notes by Iroquois are subject to the jurisdiction of the Public Service Commission of New York, the State commission of the State in which Iroquois is organized and doing business; the proposed issue and sale of long-term notes by United and Penn are subject to the jurisdiction of the Pennsylvania Public Utility Commission, the State commission of the State in which both United and Penn are organized and doing business. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 26, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Comisssion should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68–8294; Filed, July 12, 1968; 8:45 a.m.]

[812–2322]

NORTHWESTERN NATIONAL INSURANCE CO.

Notice of Filing of Application for Order Exempting Transaction Between Affiliated Persons

JULY 8, 1968.

Notice is hereby given that Northwestern National Insurance Co. ("Applicant"), 731 North Jackson Street, Milwaukee, Wis. 53201, a Wisconsin corporation, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act the proposed purchase by Applicant from ISI Trust Fund, formerly named Insurance Securities Trust Fund ("Trust Fund"), a registered open-end diversified investment company, of 85,000 shares of Applicant's capital stock at a price of $41 per share. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Trust Fund owns 85,000 shares, or 9.57 percent, of the outstanding capital stock of Applicant; therefore Applicant is an affiliated person of Trust Fund within the meaning of section 2(a)(3) of the Act.

Section 17(a) of the Act as here pertinent, makes it unlawful for an affiliated person of a registered investment company to purchase from such investment company any security or other property unless the Commission, upon application pursuant to section 17(b), grants an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of such investment company and with the general purposes of the Act.

Applicant is in the process of a reorganization whereby a newly created Delaware corporation, NN Corporation, created to become Applicant's parent, is offering one share of its common stock in exchange for each outstanding share of Applicant's capital stock. A registration statement under the Securities Act of 1933 with respect to such exchange offer was filed with the Commission on March 29, 1968.

The agreement between Applicant and Trust Fund with respect to the proposed purchase by Applicant of Trust Fund's holdings of Applicant's capital stock is embodied in a letter signed by Trust Fund on May 3, 1968, and accepted by Applicant on May 6, 1968. The price of Applicant's capital stock in the over-the-counter market on May 3, 1968, as published in The Wall Street Journal on Monday, May 6, 1968, was 40½ bid, 42 asked.

The board of directors of Applicant has determined that, upon the purchase of said 85,000 shares of Applicant's capital stock from Trust Fund, said shares will be retired and restored to authorized and unissued shares.

Notice is further given that any interested person may, not later than July 22, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by

mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponments thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68–8296; Filed, July 12, 1968; 8:45 a.m.]

[70–4647]

PENNSYLVANIA ELECTRIC CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds

JULY 9, 1968.

Notice is hereby given that Pennsylvania Electric Co. ("Penelec"), 1001 Broad Street, Johnstown, Pa. 15907, an electric utility subsidiary company of General Public Utilities Corp. ("GPU"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Penelec proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $38 million principal amount of First Mortgage Bonds, ____ percent Series due August 1, 1998. The interest rate (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest (which shall be not less than 100 percent nor more than 102.75 percent of the principal amount thereof), will be determined by the competitive bidding. The bonds will be issued under a Mortgage and Deed of Trust dated January 1, 1942, between Penelec and Bankers Trust Co., Trustee, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture to be dated August 1, 1968.

The proceeds from the sale of the bonds will be used for the purpose of financing its business as a public utility, including the reimbursement of its treasury for expenditure therefrom prior to January 1, 1968, for construction purposes and the payment of its short-term bank loans outstanding at the time of the sale of the bonds. Such bank notes are expected to aggregate $30 million at that time. Any premium realized from the sale of the bonds will be used for financing the business of Penelec, including the payment of expenses of its 1968 financing program. The 1968 construction program is estimated to cost $76 million, part of which is to be financed by the sale of the bonds, by funds generated internally, by capital contributions to be received from GPU aggregating $31 million and by short-term bank loans.

Fees and expenses relating to the proposed transaction are estimated at $96,000, including legal fees of $26,000 and accountant's fees of $5,500. A statement of the fee of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

It is stated that the Pennsylvania Public Utility Commission has jurisdiction over the proposed issue and sale of bonds by Penelec. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than August 1, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail of the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68–8321; Filed, July 12, 1968; 8:47 a.m.]

PLANET OIL AND MINERAL CORP.

Order Suspending Trading

JULY 9, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Planet Oil and Mineral Corp., 700 Fidelity Union Tower, Dallas, Tex. 75201, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 10, 1968, through July 19, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68–8322; Filed, July 12, 1968; 8:47 a.m.]

ROVER SHOE CO.

Order Suspending Trading

JULY 9, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Rover Shoe Co., Bushnell, Fla., and stock purchase warrants of Rover Shoe Co. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 10, 1968, through July 19, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68–8323; Filed, July 12, 1968; 8:47 a.m.]

[File 1–2879]

ROYSTON COALITION MINES, LTD.

Order Suspending Trading

JULY 9, 1968.

The capital stock 1-cent par value, of Royston Coalition Mines, Ltd., being listed and registered on the Salt Lake Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Royston Coalition Mines, Ltd., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Salt Lake Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 10, 1968, through July 19, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68–8324; Filed, July 12, 1968; 8:48 a.m.]

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Title 5—ADMINISTRATIVE PERSONNEL

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PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that the position of Private Secretary to the Deputy Assistant Secretary (Reserve Affairs) is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (54) is added to paragraph (a) of § 213.3306 as set out below.

§ 213.3306 **Department of Defense.**

(a) *Office of the Secretary.* * * *

(54) One Private Secretary to the Deputy Assistant Secretary (Reserve Affairs).

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68–8541; Filed, July 15, 1698; 11:41 a.m.]

Title 7—AGRICULTURE

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 33]

PART 1033—MILK IN THE GREATER CINCINNATI MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Greater Cincinnati marketing area (7 CFR Part 1033), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act with respect to producer milk deliveries during June 1968 and thereafter until further notice.

In § 1033.15(d) the provision: "* * * if at least 20 days' production of the producer during the month is received * * *".

Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension was requested by cooperative associations representing the majority of producers on the market, pending reconsideration of the matter in a hearing on a proposal to amend the order. Suspension of this provision will price all milk diverted from a pool distributing plant on the basis of its location in the base pricing zone. Contrarily, under present provisions, some milk diverted from such a plant is priced at the location of the plant to which diverted.

The pricing of milk diverted from pool distributing plants and certain related provisions were modified by amendments to the order effective May 1, 1968 (33 F.R. 6604). Under current marketing practices of cooperatives and handlers, it is necessary at times to divert milk from pool distributing plants to other plants where location differentials apply. Consequently, a number of producers whose milk is involved receive lower prices for such diverted milk. Proponent cooperatives contend that because of the uncertainty created as to their returns for milk, some producers may elect to ship to one of the several ready alternative markets available to them. Such occurrence would tend to jeopardize needed supplies of milk for this market.

The suspension of this provision will assure similar prices on all producer milk received at or diverted from pool distributing plants. Further, it will avoid an undue reduction in the uniform prices received by certain producers whose milk is diverted to plants subject to location adjustments.

(4) Interested parties were afforded opportunity to file written data, views, or arguments concerning this suspension (33 F.R. 9662). None were filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective on publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended with respect to producer milk deliveries during June 1968 and thereafter until further notice.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 12, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 68–8468; Filed, July 15, 1968; 8:50 a.m.

[Milk Order 134]

PART 1134—MILK IN THE WESTERN COLORADO MARKETING AREA

Order Amending Order; Correction

In F.R. Doc. 68–5163 appearing in the FEDERAL REGISTER for Wednesday, May 1, 1968, at 33 F.R. 6643, § 1134.81(a) is erroneously stated and is hereby corrected as set forth below.

In lines 13 and 14 of § 1134.81(a), the phrase "such nonpool plant," is deleted and the phrase "the pool plant from which diverted," is substituted so that § 1134.81(a) reads as follows:

§ 1134.81 Location differentials to producers and on nonpool milk.

(a) The uniform price to be paid for milk received at a pool plant from producers, in bulk from a pool plant operated by a cooperative association and from a cooperative association handler under § 1134.11(d) may be reduced by the amount of the location differential applicable at the location of the pool plant at which such milk was first physically received from producers, and the uniform price for producer milk diverted to a nonpool plant shall be reduced according to the location of the pool plant from which diverted, each at the rates set forth in § 1134.52; and

* * * * *

Signed at Washington, D.C., on July 11, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 68–8372; Filed, July 15, 1968; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 7841; Amdt. 39–621]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corp., Viscount Models 744 and 745D Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to require an inspection of the horizontal stabilizer top spar root joint fittings for cracks at intervals not to exceed 3,000 landings, on British Aircraft Corp. Viscount Models 744 and 745D airplanes was published in 33 F.R. 6937.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORP. Applies to Viscount 744 and 745D airplanes.

Compliance required as indicated, unless already accomplished.

To prevent fatigue damage to the horizontal stabilizer top spar root joint fittings, P/N 70118-231/232 (Pre Mod. D. 3190) and P/N 70118-671/672 (Post Mod. D. 3190), accomplish the following:

(a) Inspect the horizontal stabilizer top spar root joint fittings for cracks in accordance with British Aircraft Corp. PTL No. 264, Issue 2, dated February 12, 1968 (700 Series) or later ARB-approved issue, or an FAA-approved equivaleut, as follows:

(1) For fittings which have been involved in 11,500 or more landings on the effective date of this AD, within the next 500 landings, unless already accomplished within the last 2,500 landings, and thereafter at intervals not to exceed 3,000 landings from the last inspection.

(2) For fittings which have been involved in less than 11,500 landings on the effective date of this AD, prior to the accumulation of 12,000 landings and thereafter at intervals not to exceed 3,000 landings from the last inspection.

(b) After each inspection under paragraph (a), replace all cracked fittings with new fittings of the same part number before further flight.

(c) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours' time in service by the operator's fleet average time from takeoff to landing for the airplane type.

This superseded Amendment 39-371 (32 F.R. 4306), AD 67-9-5.

This amendment becomes effective August 15, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 8, 1968.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 68-8349; Filed, July 15, 1968; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release Nos. 33-4913, 34-8351]

PART 231—INTERPRETATIVE RELEASES RELATING TO SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO SECURITIES ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Front-End Money Schemes

Recent newspaper advertisements and public relations releases by various persons, corporations, partnerships, trusts, and unincorporated organizations have offered aid to prospective borrowers in obtaining loans for real estate development. From a private investigation being conducted by the Commission into possible violations of the statutes it administers, it appears that some of these offers are made by persons or organizations which do not have the ability to secure such funds or do not have any intention of obtaining finances for the prospective borrowers, as distinguished from the operating procedures of reputable mortgage brokers, whose business is based upon obtaining the requisite financing and the subsequent servicing of this financing.

These schemes appear to follow two basic patterns. In one, the borrower must pay a substantial nonrefundable fee or fees without receiving a written loan commitment. In the other, the prospective borrower pays a substantial advance fee pursuant to an agreement which is silent or ambiguous on whether the fee is refundable if a loan commitment is not obtained within a reasonable period of time and the payee will not return the funds or delays returning the funds until forced to do so by the appropriate legal authorities. It is, of course, possible that such schemes might take other forms.

It should be pointed out that the persons deceived and misled by these schemes were not merely ordinary property owners who were unfamiliar with the mechanics of mortgage loan transactions, but include many prominent companies and individuals with substantial experience in the real estate and development field who are confronted with the tight mortgage money market. We do not suggest that there are not legitimate organizations in this field or that they do not provide a useful service to borrowers, particularly in times of tight money. Nevertheless, persons interested in obtaining such loans should satisfy themselves that the firms with which they are dealing have the ability to obtain the proposed financing and are committed to do so before receiving substantial advance fees from the prospective borrower.

There are indications that the use of these schemes may be widespread and that large sums may have been lost by prospective borrowers. Accordingly, in order to alert prospective borrowers and the industry of the problems and to prevent the success of fradulent operations, we are publishing this release.

By the Commission, July 5, 1968.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8380; Filed, July 15, 1968; 8:47 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-334; Order 366]

UNIFORM SYSTEM OF ACCOUNTS FOR PUBLIC UTILITIES, LICENSEES, AND NATURAL GAS COMPANIES (CLASSES A, B, C, AND D)

Method of Accounting for Costs Associated With First Clearing and Grading of Lands and Rights-of-Way

JULY 8, 1968.

On November 14, 1967, the Commission issued a notice of proposed rulemaking in this proceeding (32 F.R. 15927, Nov. 21, 1967) proposing to amend the Uniform System of Accounts for Classes A, B, C, and D public utilities, licensees and natural gas companies in order to provide for the inclusion of the costs associated with the first clearing and grading of lands and rights-of-way, and damages resulting therefrom, in the accounts for the structures to which such costs relate. Existing instructions generally require that the first cost of clearing and the cost of grading the land be included in the accounts for land rights and rights-of-way.[1]

Comments were submitted by three State regulatory commissions,[2] 13 natural gas companies,[3] and 26 electric utilities or systems,[4] all of which urge the adoption of the proposed changes. We agree that the accounting changes are appropriate and therefore are adopting the amendments as proposed in the notice.

Inclusion of the costs associated with the first clearing and grading of lands and rights-of-way and the damages resulting therefrom in the accounts for structures to which such costs relate would appear preferable since these costs are more directly related to the construction of electric or gas plant than to the purchase of land or rights-of-way. It should be noted that jurisdictional companies are presently required to include the costs associated with "grading and clearing when directly occasioned by the building of a structure" in the Structures and Improvements Account.[5] Since first clearing, as well as clearing which is "directly occasioned by the building of a structure," is done not for the purpose of enhancing the value of the land or right-of-way but for the purpose of constructing electric or gas plant, we have concluded that the costs related thereto, including damage costs incidental to such clearing,[6] are more realistically chargeable to the accounts for the structures to which such costs are related rather than the accounts for land and land rights. As a practical matter, in those cases where the contractor bids and bills on the basis of the entire job, which includes first clearing and grading, without itemizing separate cost elements, any allocation of costs between first clearing and grading and that "directly occasioned by the building of a structure" is subject to arbitrary determination.

The notice herein did not propose any provision for the disposition of past costs incurred for first clearing and grading of land presently carried in the accounts of land rights and rights-of-way. In order to avoid inconsistency in the accounting treatment of past and future costs, the Commission believes that it is desirable that these past costs should be transferred to the appropriate structures and improvements or equipment plant accounts. Were these costs not to be transferred a dual set of accounting rules would prevail until such time as the appropriate balances have been extinguished.

We note that some companies have followed the practice of charging initial clearing and grading costs to depreciable plant and have taken depreciation while others have treated such costs as nondepreciable. We have concluded that in those cases where related accumulated depreciation exists, it should be transferred to the appropriate accumulated depreciation accounts. Where no accumulated depreciation exists, no retroactive depreciation reaccounting should be made; however, depreciation which has not been provided for periods prior to the date of reclassification of such costs, will be recognized prospectively over the remaining life of the facilities.

The Commission finds:

(1) Although the notice made no proposal with respect to the disposition of past costs presently carried in the accounts for land rights and rights-of-way, further notice is unnecessary as the disposition adopted is necessary to avoid inconsistency in accounting rules and does not impose an added burden on the respondents.

(2) The adoption of these amendments is necessary and appropriate for the administration of the Federal Power Act and the Natural Gas Act.

The Commission, acting pursuant to the authority of the Federal Power Act, as amended, particularly sections 301, 304, and 309 thereof (49 Stat. 854, 855, 858; 16 U.S.C. 825, 825c, 825h), and of the Natural Gas Act, as amended, particularly sections 8, 10, and 16 thereof (52 Stat. 825, 826, and 830; 15 U.S.C. 717g, 717i, and 717o) orders:

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

(A) The Electric Plant Instructions and the Electric Plant Accounts of the Uniform System of Accounts prescribed for Class A and B public utilities and licensees by Part 101, Subchapter C of Chapter I, Title 18 of the Code of Federal Regulations are amended as follows: By adding two sentences to Instruction 7A; by revising the first sentence of Instruction 7C; by deleting items 3 and 8 of Instruction 71; by adding a sentence to Instructions 8A and 9A; and by deleting Electric Plant Account No. 351. As thus amended, the affected portions of Part 101 will read as follows:

Electric Plant Instructions

* * * * * *

7. *Land and Land Rights.*

A. The accounts for land and land rights shall include the cost of land owned in fee by the utility and rights, interests, and privileges held by the utility in land owned by others, such as leaseholds, easements, water and water power rights, diversion rights, submersion rights, rights-of-way, and other like interests in land. Do not include in the accounts for land and land rights and rights-of-way costs incurred in connection with first clearing and grading of land and rights-of-way and the damage costs associated with the construction and installation of plant. Such costs shall be included in the appropriate plant accounts directly benefited.

* * * * * *

C. The net profit from the sale of timber, cord wood, or other property acquired with rights-of-way or other lands shall be credited to the appropriate plant account to which related. Where land is held for a considerable period of time and timber on the land at the time of purchase increases in value, the net profit (after giving effect to the cost of the timber) from the sales of timber or its products shall be credited to account 421, Miscellaneous Nonoperating Income.

* * * * * *

I. The items of cost to be included in the accounts for land and land rights are as follows:

* * * * * *

3. [Revoked and reserved]

* * * * * *

8. [Revoked and reserved]

* * * * * *

8. *Structures and Improvements.*

A. The accounts for structures and improvements shall include the cost of all buildings and facilities to house, support, or safeguard property or persons, including all fixtures permanently attached to and made a part of buildings and which cannot be removed therefrom without cutting into the walls, ceilings, or floors, or without in some way impairing the buildings, and improvements of a permanent character on or to land. Also include those costs incurred in connection with the first clearing and grading of land and rights-of-way and the damage costs associated with construction and installation of plant.

* * * * * *

9. *Equipment.*

A. The cost of equipment chargeable to the electric plant accounts, unless otherwise indicated in the text of an equipment account, includes the net purchase price thereof, sales taxes, investigation and inspection expenses necessary to such purchase, expenses of transportation when borne by the utility, labor employed, materials and supplies consumed, and expenses incurred by the utility in unloading and placing the equipment in readiness to operate. Also include those costs incurred in connection with the first clearing and grading of land and rights-of-way and the damage costs associated with contruction and installation of plant.

* * * * * *

Electric Plant Accounts

* * * * * *

3. TRANSMISSION PLANT

* * * * * *

351 [Revoked and reserved]

* * * * * *

PART 104—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C PUBLIC UTILITIES AND LICENSEES

(B) The Electric Plant Instructions and the Electric Plant Accounts of the

[1] See Gas Plant Instructions 7I(3) for Class A and B and 6I(3) for Class C natural gas companies, 18 CFR 201 and 204, respectively; Electric Plant Instructions 7I(3) for Class A and B and 6I(3) for Class C public utilities and licensees, 18 CFR 101 and 104, respectively; and Electric and Gas Plant Instructions 3A for Class D public utilities, licensees, and natural gas companies, 18 CFR 105, 205.

[2] State commissions: Public Service Commission, State of West Virginia, State Corporation Commission of the State of Kansas, State Corporation Commission, Commonwealth of Virginia.

[3] Gas utilities: Colorado Interstate Gas Co., Consolidated Gas Supply Corp., El Paso Natural Gas Co., Lake Shore Pipe Line Co., Michigan Wisconsin Pipe Line Co., Natural Gas Pipe line Co. of America, Northern Natural Gas Co., Panhandle Eastern Pipe Line Co., Tennessee Gas Pipe Line Co., Texas Eastern Transmission Corp., Texas Gas Transmisson Corp., Transcontinental Gas Pipe Line Corp., Transwestern Pipeline Co.

[4] Electric utilities: Alabama Power Co., American Electric Power System Cos., Cincinnati Gas and Electric Co., The Cleveland Electric Illuminating Co., The Columbus and Southern Ohio Electric Co., Consumers Power Co., The Detroit Edison Co., Florida Power Corp., Georgia Power Co., Gulf Power Co., Iowa Electric Light and Power Co., Kansas City Power and Light Co., Long Island Lighting Co., Minnesota Power and Light Co., Mississippi Power Co., Monongahela Power Co., Northeast Utilities Service Co., Northern States Power Co., Oklahoma Gas and Electric Co., Pennsylvania Power and Light Co., Public Service Electric and Gas Co., Public Service Company of Indiana, Union Electric Co., Virginia Electric and Power Co., West Texas Utilities Co., Wisconsin Electric Power Co.

[5] Gas Plant Instructions 8G(21) for Class A and B and 7G(15) for Class C natural gas companies, 18 CFR 201 and 204, respectively; Electric Plant Instructions 8H(21) for Class A and B and 7H(15) for Class C public utilities and licensees, 18 CFR 101 and 104, respectively; and Electric and Gas Plant Instructions 4A for Class D public utilities, licensees, and natural gas companies, 18 CFR 105, 205.

[6] Damages to abutting property during construction of buildings are now required to be included in the accounts for structures and improvements. Gas Plant Instruction 8G(10) for Class A and B and 7G(8) for Class C natural gas companies, 18 CFR 201 and 204, respectively; Electric Plant Instruction 8H(10) for Class A and B and 7H(8) for Class C public utilities and licensees, 18 CFR 101 and 104, respectively; Electric and Gas Plant Instructions 4A for Class D public utilities, licensees, and natural gas companies, 18 CFR 105, 205.

Uniform System of Accounts prescribed for Class C public utilities and licensees by Part 104, Subchapter C of Chapter I, Title 18 of the Code of Federal Regulations are amended as follows: By adding two sentences to Instruction 6A; by revising the first sentence of Instruction 6C; by deleting items 3 and 8 of Instruction 6I; by adding a sentence to Instruction 7A and 8A; and by deleting Electric Plant Account No. 351. As thus amended, the affected portions of Part 104 will read as follows:

Electric Plant Instructions

* * * * *

6. *Land and Land Rights.*

A. The accounts for land and land rights shall include the cost of land owned in fee by the utility and rights, interests, and privileges held by the utility in land owned by others, such as leaseholds, easements, water and water power rights, diversion rights, submersion rights, rights-of-way, and other like interests in land. Do not include in the accounts for land and land rights and rights-of-way costs incurred in connection with first clearing and grading of land and rights-of-way and the damage costs associated with the construction and installation of plant. Such costs shall be included in the appropriate plant accounts directly benefited.

* * * * *

C. The net profit from the sale of timber, cord wood, or other property acquired with rights-of-way or other lands shall be credited to the appropriate plant account to which related. Where land is held for a considerable period of time and timber on the land at the time of purchase increases in value, the net profit (after giving effect to the cost of the timber) from the sale of timber or its products shall be credited to account 421, Miscellaneous Nonoperating Income.

* * * * *

I. The items of cost to be included in the accounts for land and land rights are as follows:

* * * * *

3. [Revoked and reserved]

* * * * *

8. [Revoked and reserved]

* * * * *

7. *Structures and Improvements.*

A. The accounts for structures and improvements shall include the cost of all buildings and facilities to house, support, or safeguard property or persons, including all fixtures permanently attached to and made a part of buildings and which cannot be removed therefrom without cutting into the walls, ceilings, or floors, or without in some way impairing the buildings, and improvements of a permanent character on or to land. Also include those costs incurred in connection with the first clearing and grading of land and rights-of-way, and the damage costs associated with construction and installation of plant.

* * * * *

8. *Equipment.*

A. The cost of equipment chargeable to the electric plant accounts, unless otherwise indicated in the text of an equipment account, includes the net purchase price thereof, sales taxes, investigation and inspection expenses necessary to such purchase, expenses of transportation when borne by the utility, labor employed, materials and supplies consumed, and expenses incurred by the utility in unloading and placing the equipment in readiness to operate. Also include those costs incurred in connection with the first clearing and grading of land and rights-of-way and the damage costs associated with construction and installation of plant.

* * * * *

Electric Plant Accounts

* * * * *

3. TRANSMISSION PLANT

* * * * *

351 [Revoked and reserved]

PART 105—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS D PUBLIC UTILITIES AND LICENSEES

(C) The Electric Plant Instructions of the Uniform System of Accounts prescribed for Class D public utilities and licensees by Part 105, Subchapter C of Chapter I, Title 18 of the Code of Federal Regulations are amended as follows: By adding two sentences to Instruction 3A; and by adding a sentence to Instructions 4A and 5A. As thus amended, the affected portions of Part 105 will read as follows:

Electric Plant Instructions

* * * * *

3. *Land and Land Rights.*

A. The accounts for land and land rights shall include the cost of land owned in fee by the utility and rights, interests, and privileges held by the utility in land owned by others, such as leaseholds, easements, water and water power rights, diversion rights, submersion rights, rights-of-way, and other like interests in land. Do not include in the accounts for land and land rights and rights-of-way costs incurred in connection with first clearing and grading of land and rights-of-way and the damage costs associated with the construction and installation of plant. Such costs shall be included in the appropriate plant accounts directly benefited.

* * * * *

4. *Structures and Improvements.*

A. The accounts for structures and improvements shall include the cost of all buildings and facilities to house, support, or safeguard property or persons, including all fixtures permanently attached to and made a part of buildings and which cannot be removed therefrom without cutting into the walls, ceilings, or floors, or without in some way impairing the buildings, and improvements of a permanent character on or to land. Also include those costs incurred in connection with the first clearing and grading of land and rights-of-way, and the damage costs associated with construction and installation of plant.

* * * * *

5. *Equipment.*

A. The cost of equipment chargeable to the electric plant accounts, unless otherwise indicated in the text of an equipment account, includes the net purchase price thereof, sales taxes, investigation and inspection expenses necessary to such purchase, expenses of transportation when borne by the utility, labor employed, materials and supplies consumed, and expenses incurred by the utility in unloading and placing the equipment in readiness to operate. Also include those costs incurred in connection with the first clearing and grading of land and rights-of-way, and the damage costs associated with construction and installation of plant.

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

(D) The Glass Plant Instructions and the Gas Plant Accounts of the Uniform System of Accounts prescribed for Classes A and B natural gas companies by Part 201, Subchapter F of Chapter I, Title 18 of the Code of Federal Regulations are amended as follows: By adding two sentences to Instruction 7A; by revising the first sentence of Instruction 7C; by deleting items 3 and 8 of Instruction 7I; by adding a sentence to Instructions 8A and 9A; and by adding parenthetical cross-references to Gas Plant Accounts Nos. 325.4, 325.5, and 350.4. As thus amended, the affected portions of Part 201 will read as follows:

Gas Plant Instructions

* * * * *

7. *Land and land rights.*

A. The accounts for land and land rights shall include the cost of land owned in fee by the utility and rights, interests, and privileges held by the utility in land owned by others, such as leaseholds, easements, rights-of-way, natural gas rights, and other like interests in land. Do not include in the accounts for land and land rights and rights-of-way costs incurred in connection with first clearing and grading of land and rights-of-way and the damage costs associated with the construction and installation of plant. Such costs shall be included in the appropriate plant accounts directly benefited.

* * * * *

C. The net profit from the sale of timber, cord wood, or other property acquired with rights-of-way or other lands shall be credited to the appropriate plant account to which related. Where land is held for a considerable period of time and timber on the land at the time of purchase increases in value, the net profit (after giving effect to the cost of the timber) from the sales of timber or its products shall be credited to account 421, Miscellaneous Nonoperating Income.

* * * * *

I. The items of cost to be included in the accounts for land and land rights are as follows:

* * * * *

3. [Revoked and reserved]

* * * * *

8. [Revoked and reserved]

* * * * *

8. *Structures and improvements.* A. The accounts for structures and improvements shall include the cost of all buildings and facilities to house, support, or safeguard property or persons, including all fixtures permanently attached to and made a part of buildings and which cannot be removed therefrom without cutting into the walls, ceilings, or floors, or without in some way impairing the buildings, and improvements of a permanent character on or to land. Also include those costs incurred in connection with the first clearing and grading of land and rights-of-way, and the damage costs associated with construction and installation of plant.

* * * * *

9. *Equipment.* A. The cost of equipment chargeable to the gas plant accounts, unless otherwise indicated in the text of an equipment account, includes the net purchase price thereof, sales taxes, investigation and inspection expenses necessary to such purchase, expenses of transportation when borne by the utility, labor employed, materials and supplies consumed, and expenses incurred by the utility in unloading and placing the equipment in readiness to operate. Also include those costs incurred in connection with the first clearing and grading of land and rights-of-way and the damage costs associated with construction and installation of plant.

* * * * *

Gas Plant Accounts

* * * * *

2. PRODUCTION PLANT

* * * * *

B. NATURAL GAS PRODUCTION PLANT

B. 1. Natural Gas Production and Gathering Plant

* * * * *

325.4 Rights-of-way.

This account shall include the cost of all interests in land which terminate more than 1 year after they become effective and on which are located gathering pipelines, telephone pole lines, and like property used in connection with the production of natural gas. (See gas plant instruction 7.)

325.5 Other land and land rights.

This account shall include the cost of land and land rights used in connection with the production of natural gas, when not properly assignable to any of the foregoing accounts. (See gas plant instruction 7.)

* * * * *

3. STORAGE PLANT

A. UNDERGROUND STORAGE PLANT

* * * * *

350.4 Rights-of-way.

This account shall include the cost of all interests in land which do not terminate until more than 1 year after they become effective and on which are located underground storage lines, telephone poles lines, and like property used in connection with underground gas storage operations. (See gas plant instruction 7.)

PART 204—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C NATURAL GAS COMPANIES

(E) The Gas Plant Instructions and Gas Plant Accounts of the Uniform System of Accounts prescribed for Class C natural gas companies by Part 204, Subchapter F of Chapter I, Title 18 of the Code of Federal Regulations are amended as follows: By adding two sentences to Instruction 6A; by revising the first sentence of Instruction 6C; by deleting items 3 and 8 of Instruction 6I; by adding a sentence to Instructions 7A and 8A; and by adding parenthetical cross-references to Gas Plant Accounts Nos. 325.4, 325.5, and 350.4. As thus amended, the affected portions of Part 204 will read as follows:

Gas Plant Instructions

* * * * *

6. *Land and Land Rights.*

A. The accounts for land and land rights shall include the cost of land owned in fee by the utility and rights, interests, and privileges held by the utility in land owned by others, such as leaseholds, easements, rights-of-way, natural gas rights, and other like interests in land. Do not include in the accounts for land and land rights and rights-of-way costs incurred in connection with first clearing and grading of land and rights-of-way and the damage costs associated with the construction and installation of plant. Such costs shall be included in the appropriate plant accounts directly benefited.

* * * * *

C. The net profit from the sale of timber, cord wood, or other property acquired with rights-of-way or other lands shall be credited to the appropriate plant account to which related. Where land is held for a considerable period of time and timber on the land at the time of purchase increases in value, the net profit (after giving effect to the cost of the timber) from the sales of timber or its products shall be credited to account 421, Miscellaneous Nonoperating Income.

* * * * *

I. The items of cost to be included in the accounts for land and land rights are as follows:

* * * * *

3. [Revoked and reserved]

* * * * *

8. [Revoked and reserved]

* * * * *

7. *Structures and Improvements.*

A. The accounts for structures and improvements shall include the cost of all buildings and facilities to house, support, or safeguard property or persons, including all fixtures permanently attached to and made a part of buildings and which cannot be removed therefrom without cutting into the walls, ceilings, or floors, or without in some way impairing the buildings, and improvements of a permanent character on or to land. Also include those costs incurred in connection with the first clearing and grading of land and rights-of-way, and the damage costs associated with construction and installation of plant.

* * * * *

8. *Equipment.*

A. The cost of equipment chargeable to the gas plant accounts, unless otherwise indicated in the text of an equipment account, includes the net purchase price thereof, sales taxes, investigation and inspection expenses necessary to such purchase, expenses of transportation when borne by the utility, labor employed, materials and supplies consumed, and expenses incurred by the utility in unloading and placing the equipment in readiness to operate. Also include those costs incurred in connection with the first clearing and grading of land and rights-of-way and the damage costs associated with construction and installation of plant.

* * * * *

Gas Plant Accounts

* * * * *

2. PRODUCTION PLANT

B. NATURAL GAS PRODUCTION PLANT

B. 1. Natural Gas Production and Gathering Plant

325.4 Rights-of-way.

This account shall include the cost of all interests in land which terminate more than 1 year after they become effective and on which are located gathering pipelines, telephone pole lines, and like property used in connection with the production of natural gas. (See gas plant instruction 6.)

325.5 Other land and land rights.

This account shall include the cost of land and land rights used in connection with the production of natural gas, when not properly assignable to any of the foregoing accounts. (See gas plant instruction 6.)

* * * * *

3. STORAGE PLANT

A. UNDERGROUND STORAGE PLANT

• • • • •

350.4 Rights-of-way.

This account shall include the cost of all interests in land which do not terminate until more than 1 year after they become effective and on which are located underground storage lines, telephone pole lines, and like property used in connection with underground gas storage operations. (See gas plant instruction 6.)

PART 205—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS D NATURAL GAS COMPANIES

(F) The Gas Plant Instructions of the Uniform System of Accounts prescribed for Class D natural gas companies by Part 205, Subchapter F of Chapter I, Title 18 of the Code of Federal Regulations are amended as follows: By adding two sentences to Instruction 3A; by adding a sentence to Instructions 4A and 5A. As thus amended, the affected portions of Part 205 will read as follows:

Gas Plant Instructions

• • • • •

3. *Land and Land Rights.*

A. The accounts for land and land rights shall include the cost of land owned in fee by the utility and rights, interests, and privileges held by the utility in land owned by others, such as leaseholds, easements, rights-of-way, natural gas rights, and other like interests in land. Do not include in the accounts for land and land rights and rights-of-way costs incurred in connection with first clearing and grading of land and rights-of-way and the damage costs associated with the construction and installation of plant. Such costs shall be included in the appropriate plant accounts directly benefited.

• • • • •

4. *Structures and Improvements.*

A. The accounts for structures and improvements shall include the cost of all buildings and facilities to house, support, or safeguard property or persons, including all fixtures permanently attached to and made a part of buildings and which cannot be removed therefrom without cutting into the walls, ceilings, or floors, or without in some way impairing the buildings, and improvements of a permanent character on or to land. Also include those costs incurred in connection with the first clearing and grading of land and rights-of-way, and the damage costs associated with construction and installation of plant.

• • • • •

5. *Equipment.*

A. The cost of equipment chargeable to the gas plant accounts, unless otherwise indicated in the text of an equipment account, includes the net purchase price thereof, sales taxes, investigation and inspection expenses necessary to such purchase, expenses of transportation when borne by the utility, labor employed, materials and supplies consumed, and expenses incurred by the utility in unloading and placing the equipment in readiness to operate. Also include those costs incurred in connection with the first clearing and grading of land and rights-of-way and the damage costs associated with construction and installation of plant.

• • • • •

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

(G) The annual report FPC Form No. 1, prescribed for Classes A and B public utilities, licensees, and others by sections 141.1, Part 141, Subchapter D, Chapter I, Title 18 of the Code of Federal Regulations is amended by deleting line 45, Clearing Land and Rights-of-Way, in the schedule "Electric Plant in Service" (pages 401–402), on page 402.

(H) The Initial Statement of Actual Legitimate Original Cost FPC Form No. 6, prescribed for licensees by § 141.11, Part 141, Subchapter D, Chapter I, Title 18 of the Code of Federal Regulations, is amended by deleting the references to account 351, Clearing Land and Rights-of-Way, in schedule Nos. 6 and 6–C, pages 14 and 28, respectively, of Form No. 6.

(I) All Classes A, B, and C public utilities and licensees shall transfer all costs presently recorded in account 351, Clearing land and rights-of-way, to the appropriate structures and improvements or equipment plant accounts to which such costs relate. In those cases where related accumulated depreciation exists, it shall be transferred to the appropriate accumulated depreciation accounts. Where no accumulated depreciation exists, no retroactive depreciation reaccounting shall be made.

(J) All Classes A, B, C, and D public utilities, licensees, and natural gas companies shall transfer all identifiable amounts relating to clearing and grading costs now included in the land and land rights accounts to the appropriate structures and improvements or equipment plant accounts to which such costs relate. In those cases where related accumulated depreciation exists, it shall be transferred to the appropriate accumulated depreciation accounts. Where no accumulated depreciation exists, no retroactive depreciation reaccounting shall be made.

(K) Paragraphs (A) through (J) shall be effective 30 days after the issuance of this order.

(L) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68–8360; Filed, July 15, 1968; 8:46 a.m.]

[Docket No. R–330; Order 365]

PART 154—RATE SCHEDULES AND TARIFFS

Statement of Lateral Line Policy in Rate Schedules Filed by Natural Gas Pipeline Companies

JULY 8, 1968.

On September 7, 1967, the Commission gave notice in this docket that it proposed to amend § 154.39 of its regulations under the Natural Gas Act so as to clarify the meaning and purpose of the sales lateral policy requirement set forth therein.[1] As set forth in the notice, the proposed amendment would define the term "sales lateral," would require a precise statement of the method by which a pipeline company's contributions to sales lateral construction, if any, are calculated, and would prescribe a uniform reservation clause. Each tariff statement would be required, under the proposed rule, to cover lateral line construction to both new and existing customers, and to describe the extent, if any, to which the pipeline company's sales lateral construction arrangements with direct customers differ from its arrangements with jurisdictional customers.

Interested persons were invited to submit comments by October 24, 1967. Seventeen responses were submitted (including two joint filings), representing the views of 15 pipeline companies,[2] seven municipalities,[3] and one distribution company.[4] The municipalities, the distribution company, and one pipeline company support the proposal with minor qualifications; the other 16 pipeline companies oppose it, although five of them limited their objections to specific features of the proposed rule.

This proceeding represents the Commission's second attempt to establish a satisfactory lateral line policy regulation. The language of the existing rule, promulgated in Docket No. R–301,[5] failed to elicit policy statements sufficiently precise to obviate the possibility of unduly discriminatory lateral line construction arrangements. The language proposed in this docket is more explicit as to the required contents of each filing, leaving less doubt about the nature of the policy statements we seek.

[1] 32 F.R. 13077, Sept. 14, 1967.

[2] Algonquin Gas Transmission Co., Cities Service Gas Co., Colorado Interstate Gas Co., Consolidated Gas Supply Corp., Eastern Shore Natural Gas Co., Humble Gas Transmission Co., Lake Shore Pipe Line Co., Mississippi River Transmission Corp., Natural Gas Pipeline Company of America, Northern Natural Gas Co., Pacific Gas Transmission Co., Panhandle Eastern Pipe Line Co., Southern Natural Gas Co., Texas Eastern Transmission Corp., United Gas Pipe Line Co.

[3] Cities of Bourbon, Cuba, Fulton, Rolla, St. James, Steelville, and Waynesville, Mo.

[4] Public Service Electric and Gas Co., Newark, N.J.

[5] Order No. 328, 36 FPC 774, 31 F.R. 13720, Oct. 25, 1966.

The specificity of the proposed amendment, in fact, evoked the greatest number of unfavorable comments from the pipeline companies who responded to the notice. The respondents complain that the kind of policy statement contemplated by the proposed rule would leave the industry none of the managerial flexibility to which it has been accustomed in sales lateral construction negotiations. Such limited restraints are an inevitable consequence of economic regulation. Nevertheless, we emphasize that legitimate managerial prerogatives will not be abridged by the lateral line policy provision. While each pipeline company would be required, under the regulation, to adopt and publish an explicit lateral construction policy, each would be entitled to fashion a policy appropriate to its own special circumstances. A pipeline company may choose to offer different construction contributions to different customers or classes of customers, but the differences must be based on objective and reasonable criteria.

We recognize, of course, that a departure from an otherwise satisfactory lateral line policy may be desirable in unusual circumstances. The purpose of the standard reservation clause (paragraph (b)(1)(ii)) in the proposed regulation is to emphasize that no pipeline company will be denied the opportunity, in certification proceedings before the Commission, to seek a waiver of its lateral line policy for good cause shown.

A second source of protest is the proposed regulation's requirement that each statement indicate—

> whether any difference exists between the company's policy with respect to the financing and/or construction of sales laterals for the benefit of jurisdictional customers • • • and the company's policy with respect to the financing and/or construction of similar facilities for nonjurisdictional customers • • •.

Where the two policies differ, the provision would require that the statement include a brief description of the difference.

The responses indicate generally that most pipeline companies have not established lateral construction policies with respect to direct customers, and that, because of the different competitive and regulatory climate in which their negotiations with industrial purchasers are conducted, the determination whether to make a contribution and, if so, how large a contribution, depends upon the varying exigencies of individual negotiations. In view of the Commission's lack of authority to require uniformity with respect to the terms of direct sales by natural gas pipeline companies, these facts cast doubt on the value of the proposed tariff requirement. It seems clear, on further reflection, that illegal discrimination in the lateral line construction area against resale customers in favor of direct customers cannot be ascertained by a mere comparison of generalized tariff statements. Its identification will require knowledge of actual construction arrangements between pipeline companies and their direct customers. This information is available in certification proceedings before the Commission, and it is during such proceedings that the relationship between a pipeline company's lateral line arrangements with resale and direct customers, respectively, will have to be evaluated. We are therefore striking those portions of the proposed regulation which relate to direct customers.

Other objections are directed at the definition of "sales lateral" set forth in the proposed regulation. While circumstances may arise in which the precise character of proposed facilities is unclear, such circumstances are not likely to arise very often. When they do, and a pipeline company claims that proposed construction should be exempted from its lateral line policy, the Commission and the company's customers will be alerted to the possibility of discrimination, and an ad hoc assessment of the pipeline company's claim can then be made. Such exceptional cases deserve this kind of individual treatment, and the impossibility of creating foolproof definitions of "sales lateral" and "main line" is therefore no obstacle to a workable lateral line policy regulation. Where the nature of the proposed extension is in question, the company's policy statement will at least provide an acknowledged point of departure.

A number of respondents comment on the proposed applicability of the new rule to replacements of present sales lateral pipelines and new delivery points, arguing that it would frustrate the intent of §§ 2.55 (b) and (c) of the Commission's regulations (exempting replacements and new delivery points from the certificate requirement). This is incorrect. Sections 2.55 (b) and (c) exclude replacement facilities and new delivery points from the definition of "facilities" as the word is used in section 7(c) of the Natural Gas Act. The regulations merely allow a pipeline company to construct replacement facilities or new delivery points (under certain specified conditions) without first getting Commission approval. The Commission has not, however, divested itself of jurisdiction over this sort of equipment. The exclusions afforded by paragraphs (b) and (c) of § 2.55 simply suggest even more strongly the need for coherent company policies regarding replacements and delivery points.

"Enlargements" of lateral lines—pipeline loops and other equipment—are not exempted from the certificate requirement, and there is no reason, therefore, to treat enlargements differently from other lateral line projects.

One respondent points out that, in order to file an application for a budget-type certificate of sales facilities under § 157.7(c) of the Commission's regulations, a pipeline company may not require a contribution from the customer (§ 157.7(c)(1)(i)), and that the lateral line policy rule will therefore generate artificially contrived and complex construction arrangements. We recognize this difficulty, but we recognize too that the public's interest in equitable behavior by pipeline companies outweighs the companies' interest in simple contractual agreements. Where the two interests conflict, the choice is clear. The comment in question says less, in fact, about the validity of the proposed rule than about the possibility that our adoption of this regulation may warrant an amendment of the rules for budget-type proceedings. This is a matter presently under study.

It is suggested in one of the responses that the language of the proposed rule might be thought to require the formulation of a single policy encompassing lateral construction to both new and existing customers. This is not our intent. We recognize that the economics of constructing a lateral to a new customer may differ from the economics of lateral construction to an existing customer. Accordingly, there is nothing inherently objectionable in a policy statement which creates separate sets of criteria with respect to new and existing purchasers, as long as the difference does not embody undue discrimination against either group.

Finally, it is claimed that the lateral line policy regulation may discriminate against "existing distribution companies who were not treated in a like manner with respect to a lateral line serving them or who seek retroactive application of the policy, practice or formula." It is difficult, however, to infer from that statement any guide for Commission action. First, to conclude that the regulation is undesirable because some pipeline companies might adopt policies according future customers more favorable treatment than that available to customers already attached would be to sanction by default the very discrimination which prompted our original inquiry into lateral line practices. Second, a past practice should not preclude a pipeline company from changing its policy, "providing its new policy is a reasonable one which it is willing and able to follow on a consistent and nondiscriminatory basis." Transcontinental Gas Pipe Line Co., et al., Opinion No. 493, 35 FPC 917, 926 (1966).

The Commission finds: In view of the foregoing, and upon consideration of all relevant matters presented, including the arguments, contentions, suggestions, and other views expressed in the comments received, it is necessary and appropriate for the administration of the Natural Gas Act that the regulations under the Natural Gas Act be amended as herein provided.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, as amended, particularly sections 4, 5, 7, and 16 thereof (52 Stat. 822, 823, 824, and 830, as amended, 15 U.S.C. sections 717c, 717d, 717f, and 717o), orders:

(A) Section 154.39, Part 154, Subchapter E, Regulations Under the Natural Gas Act, Chapter I of Title 18 of the Code of Federal Regulations, is amended to read as follows:

§ 154.39 **General terms and conditions.**

* * * * *

(b) The general terms and conditions of the tariff shall contain a statement of the company's policy with respect to the financing and/or construction of sales laterals serving resale customers. For the purposes of this section, the term "sales lateral" is defined as any pipeline extension (other than a main line extension) built from an existing pipeline facility to deliver natural gas to one or more customers of the company inclusive of both new and present purchasers, and, for present purchasers, inclusive of new delivery points and enlargements or replacements of present sales lateral pipelines.

(1) If it is the company's policy to build or contribute to the construction of any sales laterals to resale customers, the statement shall contain the following elements:

(i) An explicit statement in measurable quantitative terms (e.g., estimated revenues, estimated cost of service, estimated sales volumes, pipeline system capacity, or other specific quantitative factors) of the method(s) or formula(s) by which the company determines the amount of its or the purchaser's contribution to the construction of any sales lateral pipeline. If the company's policy contemplates subsequent adjustment of initial contributions to construction to reflect actual operating experience, the statement shall set forth the method by which the adjustment is computed, and shall indicate (*a*) when the adjustment is determined, and (*b*) how the company disburses or collects additional contributions. The statement required by this subparagraph shall be formulated so as to facilitate ready computation of the respective contributions to sales lateral construction of the pipeline company and its purchaser. Reference to imprecise criteria (e.g., "economic feasibility") will be unacceptable.

(ii) The following statement: "Nothing in this policy statement shall require (the company) to file an application for a certificate of public convenience and necessity under section 7(c) of the Natural Gas Act. Nothing in this policy statement, further, shall prevent (the company) from contesting an application for service filed pursuant to section 7(a). (The company) reserves the right to seek a waiver of the policy set forth herein, for good cause shown, during any proceeding before the Commission instituted under section 7 of the Natural Gas Act."

(2) If it is the company's policy not to build or contribute to the construction of any sales laterals to resale customers, the policy statement shall read as follows: "(The company) will not build or contribute to the cost of building any sales lateral pipelines to resale customers." This statement shall be followed by the provision required by subdivision (ii) of subparagraph (1) of this paragraph.

(B) The amendment herein prescribed shall become effective upon the issuance of this order.

(C) Each natural gas pipeline company having a tariff on file with the Federal Power Commission on the effective date of this order shall file, no later than September 6, 1968, such supplements to the tariff as may be necessary to comply with the provisions of the regulation herein prescribed.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-8359; Filed, July 15, 1968; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 68-179]

PART 1—GENERAL PROVISIONS

Richmond-Petersburg Customs Port of Entry

JULY 8, 1968.

Notice that it was proposed to revoke the designation of Richmond and Petersburg, Va., as separate Customs port of entry, and simultaneously create a single Richmond-Petersburg, Va., Customs port of entry was published in the FEDERAL REGISTER on April 6, 1968 (33 F.R. 5458), pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553). No objections were received.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President in Executive Order No. 10289, September 17, 1951 (3 CFR, Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 5 (33 F.R. 5811), the designation of the Richmond and Petersburg, Va., Customs port of entry in the Norfolk, Va., Customs district (Region III), is hereby revoked, and there is simultaneously created a new "Richmond-Petersburg" Customs port of entry in the Norfolk, Va., Customs district (Region III).

The geographical boundaries of the new Richmond-Petersburg port of entry shall comprise all the territory within the counties of Henrico, Chesterfield, and Prince George Counties, including any independent cities and towns within the the boundaries of such counties, all in the State of Virginia, and that portion of the James River lying in Charles City County, Va., adjacent to the northern boundary of Prince George County, Va., and to the eastern boundary of Chesterfield County, Va.

Section 1.2(c) of the Customs Regulations is amended by deleting from the column headed "Ports of entry" in the Norfolk, Va., Customs district (Region III), "Richmond" and "Petersburg," and inserting in lieu thereof "Richmond-Petersburg (including the territory described in T.D. 68-179)."

(80 Stat. 379, sec. 1; 37 Stat. 434, sec. 1; 38 Stat. 623, as amended; R.S. 251, sec. 624; 46 Stat. 759; 5 U.S.C. 301; 19 U.S.C. 1, 2, 66, 1624)

This Treasury decision shall become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] JOSEPH M. BOWMAN,
Assistant Secretary of the Treasury.

[F.R. Doc. 68-8402; Filed, July 15, 1968; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Exemption of Frozen Desserts From Certain Labeling Requirements

In the matter of exempting frozen desserts from certain labeling requirements of the regulations (21 CFR Part 1) for the enforcement of the Fair Packaging and Labeling Act:

A notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of January 26, 1968 (33 F.R. 1020), based on a petition submitted by the International Association of Ice Cream Manufacturers, Suite 1105, 910 17th Street NW., Washington, D.C. 20005. In response to the proposal, 18 comments were received as follows:

1. The Food Adjuncts Association, Inc., fully supports the proposal.

2. Bay-Lyn Jersey Farm of Lynden, Wash., opposes the exemption unless approved by Congress and the President.

3. Of the 16 State agencies responding: One opposed the proposal in its entirety; one accepted the grounds as being reasonable but urged a negative ruling for the sake of establishing uniformity in labeling of foods; one for the same reason urged retention of the placement requirement for the quantity of contents declaration; and one urged limiting the exemption to ice cream only.

4. Eleven State agencies recommended that 1-gallon size containers be included in the proposal to exempt 8-, 16-, 32-, and 64-fluid ounce containers from the requirement that the net quantity of contents declaration appear in the bottom 30 percent of the area of the label panel. This recommendation is adopted.

5. The Michigan Department of Agriculture recommended that the reference to frozen desserts "when packaged in standardized containers" be changed to "when measured by and packaged in measure-containers" to coincide with the "Measure Container Code of the National Bureau of Standards Handbook 44." This recommendation is also adopted.

The Commissioner of Food and Drugs concludes that since there was no opportunity for frozen dessert manufacturers to make label changes during the pendency of the exemption proposal, any label changes on frozen desserts covered by this exemption, as well as any label changes on ice cream sandwiches, coated bars, stick confections, and other frozen dessert "novelties," made necessary by the regulations under the Fair Packaging and Labeling Act (21 CFR Part 1) should be made before July 1, 1969, rather than before July 1, 1968.

Based on consideration of the comments received and other relevant information, the Commissioner concludes that the proposed amendment, with the aforementioned changes, should be adopted as set forth below. Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under the authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That § 1.1c(a) be amended by adding thereto a new subparagraph, as follows:

§ 1.1c **Exemptions from required label statements.**

* * * * *

(a) *Foods.* * * *

(6) (i) Ice cream, french ice cream, ice milk, fruit sherbets, water ices, quiescently frozen confections (with or without dairy ingredients), special dietary frozen desserts, and products made in semblance of the foregoing, when measured by and packaged in ½-liquid pint and ½-gallon measure-containers, as defined in the "Measure Container Code of National Bureau of Standards Handbook 44," are exempt from the requirements of § 1.8b(b)(2) to the extent that net contents of 8-fluid ounces and 64-fluid ounces (or 2 quarts) may be expressed as ½ pint and ½ gallon, respectively.

(ii) The foods named in subdivision (i) of this subparagraph, when measured by and packaged in 1-liquid pint, 1-liquid quart, and ½-gallon measure-containers, as defined in the "Measure Container Code of National Bureau of Standards Handbook 44," are exempt from the dual net-contents declaration requirement of § 1.8b(j).

(iii) The foods named in subdivision (i) of this subparagraph, when measured by and packaged in ½-liquid pint, 1-liquid pint, 1-liquid quart, ½-gallon, and 1-gallon measure-containers, as defined in the "Measure Container Code of National Bureau of Standards Handbook 44," are exempt from the requirement of § 1.8b(f) that the declaration of net contents be located within the bottom 30 percent of the principal display panel.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371)

Dated: July 8, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8406; Filed, July 15, 1968; 8:49 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Creamed Cottage Cheese, Identity Standard; Order Listing Lactose as Optional Ingredient

In the matter of amending the standard of identity for creamed cottage cheese (21 CFR 19.530) to list lactose as an optional ingredient for the creaming mixture with provision for label declaration:

One comment (favorable) was received in response to the notice of proposed rulemaking in the above-identified matter that was published in the FEDERAL REGISTER of April 23, 1968 (33 F.R. 6169), and based on a petition submitted by Foremost-McKesson, Inc., 111 Pine Street, San Francisco, Calif. 94111, and a label declaration provision proposed by the Commissioner of Food and Drugs. Accordingly, on the basis of the information submitted by the petitioner, the response to the proposal, and other relevant information, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to adopt the amendments as proposed.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That § 19.530 (b)(2) and (d)(1) be revised to read as follows:

§ 19.530 **Creamed cottage cheese; identity; label statement of optional ingredients.**

* * * * *

(b) * * *

(2) One or any combination of two or more of the ingredients named in this subparagraph may be added to adjust the solids content, provided the weight of the solids added thereby does not exceed 3 percent of the weight of the creaming mixture.

(i) Nonfat dry milk and concentrated skim milk.

(ii) Sodium caseinate, ammonium caseinate, calcium caseinate, and potassium caseinate.

(iii) Dried milk protein.

(iv) Lactose.

* * * * *

(d) (1) When one or a mixture of two or more of the optional ingredients listed in paragraph (b)(2)(ii), (iii), and (iv), (5), and (6)(i) of this section is used, the label shall bear the statement "_____ added" or "with added _____" the blank being filled in with the common name or names of the optional ingredients used; *Provided, however*, That the name "vegetable gum" may be used in lieu of the specific names for carob (locust) bean gum, guar gum, gum karaya, and gum tragacanth.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: July 5, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8407; Filed, July 15, 1968; 8:49 a.m.]

[1] Commissioner Carver not participating.

SUBCHAPTER C—DRUGS

PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

Streptomycin Sulfate Discs for Use in Culture Media

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the following new section is added to Part 147 to provide for certification of streptomycin sulfate discs for use in culture media:

§ 147.6 Streptomycin sulfate discs for use in culture media.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Streptomycin sulfate discs for use in culture media are paper discs intended for impregnation of culture media in the sensitivity testing of mycobacteria. They conform to all requirements and to all procedures prescribed by § 147.2(a) for antibiotic sensitivity discs, except that each disc shall contain streptomycin sulfate equivalent to 10, 25, 50, or 500 micrograms of streptomycin.

(2) *Packaging.* It shall be packaged in accordance with the requirements of § 147.2(b) of this chapter.

(3) *Labeling.* In addition to complying with the requirements of § 147.2(c) of this chapter, the labeling shall also bear information indicating that the discs are for use in culture media for the sensitivity testing of mycobacteria and not for use in ordinary sensitivity disc plate tests.

(4) *Requests for certification; samples.* Requests for certification shall comply with § 147.2(d) of this chapter.

(5) *Fees.* The fees shall comply with § 147.2(e) of this chapter.

(b) *Tests and methods of assay; potency.* Proceed as directed in § 147.1 of this chapter for the assay of streptomycin sulfate discs, except that:

(1) In the assay of streptomycin sulfate discs labeled to contain the equivalent of 10, 25, or 50 micrograms of streptomycin, the control discs shall be made to contain the equivalent of 6.25, 12.5, 25, 50, and 100 micrograms of streptomycin per disc.

(2) In the assay of streptomycin sulfate discs labeled to contain the equivalent of 500 micrograms of streptomycin:

(i) To each 100 milliliters of seed agar used for the test add 2.0 milliliters of suspension number 11.

(ii) The control discs shall be made to contain the equivalent of 50, 100, 200, 400, and 800 micrograms of streptomycin per disc.

Data supplied by the manufacturer concerning the subject sensitivity discs have been evaluated. Since the conditions prerequisite to providing for certification of the discs have been complied with and since it is in the public interest not to delay in so providing, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: July 5, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8408; Filed, July 15, 1968; 8:49 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter VI—Bureau of Engraving and Printing, Department of the Treasury

PART 605—REGULATIONS GOVERNING CONDUCT ON BUREAU OF ENGRAVING AND PRINTING BUILDING AND GROUNDS AND BUREAU OF ENGRAVING AND PRINTING ANNEX BUILDING AND GROUNDS

The Treasury Department finds that it is necessary to promulgate regulations governing conduct on the Bureau of Engraving and Printing Building and grounds and Bureau of Engraving and Printing Annex and grounds. The Department also finds, in accordance with 5 U.S.C. 553(a), that notice and public procedure thereon are impractical and unnecessary and not required, since the new regulations pertain to the management of public property.

Accordingly, Subtitle B—Regulations relating to money and finance—is amended by adding Chapter VI—Bureau of Engraving and Printing, Department of the Treasury, and by promulgating therein the following part:

Sec.
605.1 Authority.
605.2 Applicability.
605.3 Recording presence.
605.4 Preservation of property.
605.5 Compliance with signs and directions.
605.6 Nuisances.
605.7 Gambling.
605.8 Intoxicating beverages and narcotics.
605.9 Soliciting, vending, debt collection, and distribution of handbills.
605.10 Photographs for news, advertising, or commercial purposes.
605.11 Dogs and other animals.
605.12 Vehicular and pedestrian traffic.
605.13 Weapons and explosives.
605.14 Penalties and other law.

AUTHORITY: The provisions of this Part 605 issued under 5 U.S.C. 301; Delegation, Administrator, General Services, 32 F.R. 11968; Treasury Dept. Order 177-25, 32 F.R. 17490.

§ 605.1 Authority.

The regulations in this part governing conduct in and on the Bureau of Engraving and Printing Building and grounds and the Bureau of Engraving and Printing Annex Building and grounds located in Washington, D.C., at 14th and C Streets SW., are promulgated pursuant to the authority vested in the Secretary of the Treasury, including 5 U.S.C. 301 and that vested in him by delegation from the Administrator of General Services, 32 F.R. 11968 (1967), and in accordance with the authority vested in the Director of the Bureau of Engraving and Printing by Treasury Department Order No. 177-25 dated November 28, 1967, 32 F.R. 17490 (1967).

§ 605.2 Applicability.

The regulations in this part apply to the building and grounds of the Bureau of Engraving and Printing Building and the Bureau of Engraving and Printing Annex Building located in Washington, D.C., at 14th and C Streets SW., and to all persons entering in or on such property. Unless otherwise stated herein, the Bureau of Engraving and Printing Building and grounds and the Bureau of Engraving and Printing Annex Building and grounds shall be referred to in the regulations in this part as the "property". It is the responsibility of the occupant agencies to require observance of the regulations in this part by their employees.

§ 605.3 Recording presence.

Except as otherwise ordered, the property shall be closed to the public during other than normal working hours. The property shall also be closed to the public in emergency situations and at such other times as may be necessary for the orderly conduct of the Government's business. Admission to the property during periods when such property is closed to the public will be limited to authorized individuals who will be required to sign the register and/or display identification documents when requested by the guard.

§ 605.4 Preservation of property.

It shall be unlawful for any person without proper authority to willfully destroy, damage, deface, or remove property or any part thereof or any furnishings therein.

§ 605.5 Compliance with signs and directions.

Persons in and on the property shall comply with the instructions of uniformed Bureau of Engraving and Printing Guards (U.S. Special Policemen), other authorized officials, and official signs of a prohibitory or directory nature.

§ 605.6 Nuisances.

The use of loud, abusive, or profane language, unwarranted loitering, unauthorized assembly, the creation of any hazard to persons or things, improper disposal of rubbish, spitting, prurient prying, the commission of any obscene or indecent act, or any other disorderly conduct on the property is prohibited. The throwing of any articles of any kind in, upon, or from the property and climbing upon any part thereof is prohibited. The entry, without specific permission, upon any part of the property to which the public does not customarily have access is prohibited.

§ 605.7 Gambling.

Participating in games for money or other property, the operation of gambling devices, the conduct of a lottery or pool, the selling or purchasing of numbers tickets, or any other gambling in or on the property is prohibited.

§ 605.8 Intoxicating beverages and narcotics.

Entering or being on the property, or operating a motor vehicle thereon, by a person under the influence of intoxicating beverages or narcotic drug, or the consumption of such beverages or the use of such drug in or on the property is prohibited.

§ 605.9 Soliciting, vending, debt collection, and distribution of handbills.

The unauthorized soliciting of alms and contributions, the commercial soliciting and vending of all kinds, the display or distribution of commercial advertising, or the collecting of private debts, in or on the property is prohibited. This rule does not apply to Bureau of Engraving and Printing concessions or notices posted by authorized employees on the bulletin boards. Distribution of material such as pamphlets, handbills, and flyers is prohibited without prior approval from the Director, Bureau of Engraving and Printing, or his delegate.

§ 605.10 Photographs.

The taking of photographs on the property is prohibited, without the written permission of the Director, Bureau of Engraving and Printing. Title 18, United States Code, section 474 provides, in part, that whoever photographs any obligation or other security of the United States, or any part thereof, shall be fined not more than $5,000 or imprisoned not more than 15 years, or both.

§ 605.11 Dogs and other animals.

Dogs and other animals, except seeing-eye dogs, shall not be brought upon the property for other than official purposes.

§ 605.12 Vehicular and pedestrian traffic.

(a) Drivers of all vehicles in or on the property shall drive in a careful and safe manner at all times and shall comply with the signals and directions of guards and all posted traffic signs.

(b) The blocking of entrances, driveways, walks, loading platforms, or fire hydrants in or on the property is prohibited.

(c) Parking in or on the property is not allowed without a permit or specific authority. Parking without authority, parking in unauthorized locations or in locations reserved for other persons or continuously in excess of 8 hours without permission, or contrary to the direction of a uniformed Bureau of Engraving and Printing Guard or of posted signs is prohibited.

(d) This paragraph may be supplemented from time to time with the approval of the Director, Bureau of Engraving and Printing, or his delegate by the issuance and posting of such specific traffic directives as may be required and when so issued and posted such directives shall have the same force and effect as if made a part hereof.

§ 605.13 Weapons and explosives.

No person while on the property shall carry firearms, other dangerous or deadly weapons, or explosives, either openly or concealed, except for official purposes.

§ 605.14 Penalties and other law.

Whoever shall be found guilty of violating the regulations in this part while on the property is subject to a fine of not more than $50 or imprisonment of not more than 30 days, or both (see 40 U.S.C. 318c). Nothing contained in the regulations in this part shall be construed to abrogate any other Federal laws or regulations or those of the District of Columbia applicable to the property referred to in § 605.2 and governed by the regulations in this part.

[SEAL] JAMES A. CONLON,
Director, Bureau of Engraving and Printing.

[F.R. Doc. 68-8404; Filed, July 15, 1968; 8:49 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Emergency Planning

[Defense Mobilization Order 8555.1A]

DMO 8555.1A—OEP POLICY GUIDANCE ON GOVERNMENT-OWNED PRODUCTION EQUIPMENT

1. *Purpose.* This order establishes policies on Government-owned production equipment, including machine tools, which policies are necessary to maintain a highly effective and immediately available machine tool and equipment reserve for the emergency preparedness program of the U.S. Government.

2. *Cancellation.* This order supersedes Defense Mobilization Order 8555.1, November 13, 1963, as amended (28 F.R. 12581 and 29 F.R. 12646).

3. *Scope and applicability.* The policies and provisions of this order apply to all Federal Departments and Agencies having production equipment emergency preparedness functions assigned by Executive orders. They relate to the classes of Government-owned production equipment listed in Appendix A of this order. Such exceptions as from time to time may be necessary to the policy outlined herein shall be made only with prior approval of the Office of Emergency Planning.

4. *Definitions.* a. "Production equipment," as used herein, includes all items of equipment having an acquisition cost of $1,000 or more that fall within the categories of machinery and equipment listed in Appendix A of this order.

b. "Idle production equipment," as used herein, means all items of production equipment for which no use is contemplated or planned within 90 days. Idle equipment does not include production equipment in package form, in standby lines, or in active base packages, unless or until it has been withdrawn therefrom and has no contemplated use for a 90-day period.

c. "Packaged form," as used herein, means Government-owned production equipment assigned to a specific program, contractor, and plant in either an in-use, idle, or partially idle status and which equipment as an entirety, or when combined with equipment owned by the contractor, is capable of producing at a specific level, a particular military or defense-supporting item or items at that plant, by that contractor, as defense requirements may necessitate.

d. "Standby line," as used herein means a complete set of installed Government-owned equipment, in an idle status, maintained intact in reserve condition and which, when activated, is capable of producing at a specific level of output.

e. "Active base package," as used herein means production equipment located in an active production facility when such equipment has been retained to provide production acceleration capability in the event of emergency, or to be used following a changeover to a new modified production item.

f. "Package," as used herein means those complements of production equipment held in packaged form, standby lines, and active base packages, as defined above.

5. *Maintenance of the mobilization base—*a. *Policy—*(1) *Department of Defense.* To the maximum extent possible reliance for support of mobilization production will be placed upon private industry. Industrial plant equipment may be held in package plants, standby lines, or active base packages to maintain a high state of readiness for critical items of military materiel or to provide production capacity not available in private industry.

(2) *Other Government agencies.* Industrial plant equipment may be held in package plants, standby lines, or active base packages to maintain a high state of readiness for critical items of materiel or to provide production capacity not available in private industry.

b. *Provisions.* (1) All equipment in packages shall be reviewed to insure their essentiality to mobilization requirements and to guard against obsolescence. Packages or parts of packages found to be obsolete or no longer essential to mobilization requirements shall be reported as idle equipment to be screened for redistribution or disposal.

(2) In any instance in which a department or agency cannot meet urgent production schedules, because production equipment essential to this end is not immediately available within the department or agency or cannot be promply obtained from other Federal agencies or from private industry, equipment in packages shall be made available on a loan or replacement basis for this purpose. Upon termination of a loan, the

borrowed equipment, if required, will be returned to its package.

(3) Continued maintenance of a modern and efficient production equipment mobilization base and planning and programing toward that objective should be advanced by the inclusion and consideration, where feasible, of requests for the following purposes as a part of the regular, annual cycle:

(a) Replacement of obsolete items in packages by equipment currently regarded as efficient for this purpose.

(b) Provision for modernization and replacement of production equipment to keep pace with technological advances in both munitions design and in equipments essential to its efficient production.

6. Use of Government-owned production equipment for commercial (nongovernment) purposes—a. *Policy.* (1) Subject to adequate controls being established by the owning agency and statutory authority for leasing, Government-owned production equipment may be authorized for commercial use by contractors performing contracts, or subcontracts, for the Government agency if:

(a) It is necessary to keep the equipment in a high state of operational readiness through regular usage;

(b) Where substantial savings to the Government would accrue through overhead cost sharing and receipt of rental; or

(c) To avoid an inequity to the contractor who is required, at the Government's request to retain the equipment in place, intermingled with contractor-owned plant equipment required for the production of commercial orders.

The commercial use shall not exceed 25 percent of the time available for all use (Government and commercial) based on the contractor's normal work schedule (as represented by the scheduled productive shift hours).

The authorizing agency is responsible for insuring that adequate returns are made to the Government utilizing the rental rates specified herein.

(2) Proposals for commercial use which permit such use for more than 25 percent of the time available for all use (Government and commercial), based on the contractor's normal work schedule as represented by scheduled productive shift hours, will be submitted to the Office of Emergency Planning for review and prior approval. Proposals shall as a minimum list each item of production equipment valued at $25,000 or more (showing nomenclature, acquisition cost, PEC, and year of manufacture); items under $25,000 may be grouped into categories listed in Appendix A hereto with total number and value listed; the planned commercial use of the equipment and level of commercial output; length of lease; reasons why non-Government equipment cannot be used; rental rates to be charged and other pertinent information justifying the proposal.

(3) Authorization for commercial use of Government-owned production equipment may be granted up to 1 year in advance.

i. Uniform rental rates. All new agreements and agreement renewals entered into by any agency of the Federal Government, under which private business establishments are provided with Government-owned production equipment, shall be subject to the following schedule of rental rates (expressed as percentages of the installed acquisition cost of equipment):

Age of equipment	*Monthly rental rates (percent)*
0 to 2 years	3
Over 2 to 3 years	2
Over 3 to 6 years	1½
Over 6 to 10 years	1
Over 10 years	¾

These rental rates shall be uniformly charged by all Government agencies in leasing Government-owned equipment when the rental charge is to be a periodic cash payment or when it is to be utilized in computing a contract price reduction and shall be levied on an equipment availability basis without regard to the character or extent of its use under such agreements. These rates are applicable to all use of the equipment (Government and commercial).

Sixty (60) days after the effective date of this order these rates will be applied to all leases for non-Government purposes entered into, or renewed. They will be applied to existing leases not later than June 30, 1969. No exception to the rates shall be made without prior Office of Emergency Planning approval.

8. Other leasing guidelines—(a) *Contract provisions*—i. *Term.* Leasing agreements shall be drawn to cover the minimum span of time needed to carry out their purpose.

ii. *Renewal option.* Provision for renewal shall be excluded for equipment leases.

iii. *Maintenance.* Agreements shall require that equipment be returned in the condition received, ordinary "wear and tear" excepted, since such ordinary "wear and tear" is covered by the rental fees.

iv. *Installation charges.* Agreements shall provide that the lessee bear installation charges in whatever manner is best suited to the particular circumstances.

v. *Transportation in and out and removal costs.* Agreements shall provide that these costs be borne by the lessee in a manner best suited to the particular circumstances.

vi. *Equipment modernization costs.* When equipment which has been rebuilt by the Government is provided to contractors the price upon which rentals will be based will be the initial price plus the cost of rebuilding and the fee will be that charged for new items.

vii. *Statement of rental consideration.* For each contract, under which a private contractor is provided with Government-owned production equipment, a statement shall be included in the contract or the contract file, as appropriate, specifying the periodic dollar amount of rent to be paid, whether such payments are made in cash or are offset or credited against payments made to the contractor by the Government for end-use products produced for Government account.

(b) *General considerations.* i. Government lessor agencies should not be regarded as being in the leasing business as an end in itself or in the same sense as private industrial establishments.

ii. Government-owned production equipment shall not be leased to private industry until its unavailability from private sources has been established; the availability status shall be included in the request for leasing.

iii. The rental rates and leasing guidelines outlined herein have no application to wholly owned Government facilities operated by private contractors on a cost-plus-fee basis.

iv. Government agencies providing Government-owned production equipment to private industry shall insure by documentation that no contractors are afforded a favored competitive position thereby.

9. Use of idle Government-owned production equipment for disaster relief—a. *Policy.* Idle Government-owned production equipment in the inventories maintained by the Department of Defense and other departments and agencies will be made available as needed to producing establishments crippled by major disasters.

b. *Provisions*—(1) *Determination of disaster.* Determinations that particular events constitute major disasters will be made in accordance with Public Law 875, 81st Congress. Authority to arrange for the immediate leasing of such equipment to damaged facilities within major disaster areas, when necessary to the resumption of normal operations, is hereby granted to the Department of Defense and other departments and agencies with respect to items in idle inventories. The procedures established in this section shall remain in effect only for such period of time as the areas in question are classified as disaster areas under authority of Public Law 875, 81st Congress, or until the Director of the Office of Emergency Planning shall find that the application of the procedure to those areas would no longer serve to meet the objectives of this section.

(2) *Leases and rentals.* Leases authorized for disaster relief shall be only for such period of time as is necessary for lessees to obtain delivery on equipment to replace that which has been damaged or destroyed. In no case shall a lease be entered into for more than a 1-year term. If at the close of a 1-year term replacements are still not available, an existing lease may be extended for an additional period until deliveries can be effected or 1 year, whichever is the shorter. Equipment leased for disaster relief shall be subject to the uniform leasing practices set forth in sections 6 and 7 of this order, except that the monthly rental charges shall begin 90 days after the arrival of the equipment at the lessee's plant.

(3) *Issurance of authorizations.* Authorizations to lease and ship will be issued by owning department or agency within 24 hours of receipt of request when duly constituted officials find that such leasing is necessary to restore normal production. Details of the formal lease will be worked out as quickly as possible thereafter between the lessee and either the owning agency, or the General Services Administration acting for the owning agency.

10. *Reports.* Such reports of operations under this policy as may be required by the Office of Emergency Planning shall be submitted to the Director of the Office of Emergency Planning and made public at his discretion.

11. *Effective date* This order is effective July 1, 1968.

Dated: June 7, 1968.

PRICE DANIEL,
Director,
Office of Emergency Planning.

APPENDIX A—CLASSES OF EQUIPMENT INCLUDED UNDER THE PROVISIONS OF THIS ORDER [1]

Class No.	1956 Department of Defense production equipment code	Description
1	3411-11 through 3411-99	Boring machines.
2	3412-11 through 3412-99	Broaching machines.
3	3413-11 through 3413-99	Drilling machines.
4	3414-11 through 3414-99	Gear cutting and finishing machines
5	3415-11 through 3415-99	Grinding machines.
6	3416-11 through 3416-99	Lathes.
7	3417-11 through 3417-99	Milling machines.
8	3418-11 through 3418-99	Planers.
9	3419-11 through 3419-99	Miscellaneous machine tools.
10	3441-11 through 3441-99	Bending and forming machines.
11	3442-11 through 3442-99	Hydraulic and pneumatic presses.
12	3443-11 through 3443-99	Presses, mechanical power.
13	3444-11 through 3444-99	Manual presses.
14	3445-11 through 3445-99	Punching and shearing machines.
15	3446-11 through 3446-99	Forging machinery and hammers.
16	3447-11 through 3447-99	Wire and metal ribbon forming machines.
17	3448-11 through 3448-99	Riveting machines and/or dimpling machines.
18	3449-11 through 3449-99	Miscellaneous bending and forming machines.

[1] Classes of equipment will from time to time be added to or deleted from this listing through issuance of amendments to this appendix.

[F.R. Doc. 68-8347; Filed, July 15, 1968; 8:45 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 53—GRANTS FOR CONSTRUCTION AND MODERNIZATION OF HOSPITALS AND MEDICAL FACILITIES

Miscellaneous Amendments

Notice of proposed rule making, public rule making procedures, and delay of effective date have been omitted as unnecessary in the issuance of the following amendments to Part 53, which relates solely to grants for hospital and medical facility construction and modernization. These amendments relate to record retention requirements for fiscal audit purposes and definition of the term "Secretary" as referred to in the part.

These amendments shall become effective upon publication in the FEDERAL REGISTER.

1. Paragraph (w) of § 53.1 is amended by deletion of the material contained therein and insertion of a new paragraph as follows:

(w) *Secretary.* The Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved may be delegated.

2. Paragraph (x) of § 53.1 is deleted.

3. All references contained in Part 53 to the "Surgeon General" are deleted and the term "Secretary" inserted in lieu thereof.

4. Section 53.92 is amended by deletion of the parenthetical phrase "(or, in the case of a rehabilitation facility, the Surgeon General and the Secretary)".

5. Paragraph (a) of § 53.101 is amended by deletion of the phrase: ", subject also in the case of rehabilitation facilities to the approval of the Secretary,".

6. Section 53.131 is amended by the addition of a new paragraph (c) as follows:

(c) *Retention of records.* All records required by this section shall be retained for fiscal audit purposes for a period of five years following final payment or until a Federal audit of the record is completed and all resulting questions resolved, whichever occurs first.

(Sec. 215, Public Health Service Act; 58 Stat. 690, 42 U.S.C. 216)

Dated: June 4, 1968.

[SEAL] ROBERT Q. MARSTON,
Administrator, Health Services and Mental Health Administration.

Approved: July 8, 1968.

WILBUR J. COHEN,
Secretary.

[F.R. Doc. 68-8411; Filed, July 15, 1968; 8:50 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 4, Amdt. 13; Docket No. 67-58]

PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

Subpart B—Duties and Obligations

Compensation and Freight Forwarder Certification; Postponement of Effective Date

On June 19, 1968, the Commission published final rule in this proceeding (33 F.R. 9019), to become effective July 18, 1968.

New York Foreign Freight Forwarders and Brokers Association has requested a postponement of the effective date of the rule pending decision by the Commission of its petition for reconsideration.

Good cause appearing, the effective date of the rule is postponed until further order of the Commission.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-8384; Filed, July 15, 1968; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 51]

MIXED NUTS IN SHELL

U.S. Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering the amendment of U.S. Standards for Grades of Mixed Nuts in the Shell (7 CFR 51.3520–51.3523) pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same in duplicate, not later than August 20, 1968, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public inspection during official hours of business (7 CFR 1.27(b)).

On September 16, 1967, a proposed amendment of these grades standards was published in the FEDERAL REGISTER (32 F.R. 13196). Interested persons were given until October 1, 1967, to submit written data, views, or arguments in connection with that proposal. As a result of the views submitted, it was decided that no action shall be taken concerning that proposal, and it has been withdrawn from consideration.

In the meantime, recent developments and new information, as explained in the statement of considerations, have led to the issuance of the proposed amendments hereinafter set forth.

Statement of considerations leading to the proposed amendment of the standards. The U.S. Standards for Mixed Nuts in the Shell require that almonds, Brazil nuts, filberts, and walnuts in both the U.S. Extra Fancy grade and the U.S. Fancy grade shall be of U.S. No. 1 quality, but pecans are required to be of only 80 percent U.S. No. 1 quality. The standards did not require U.S. No. 1 quality pecans because representatives of the pecan industry contended that U.S. No. 1 grade was too difficult to meet, and there was a great shortage of No. 1 quality nuts available to mixers.

The U.S. Standards for Grades of Pecans in the Shell were revised, effective November 1, 1967. A considerable number of changes were made, based upon information obtained from analyzing a large number of samples drawn from retail stores. The grade requirements were made more realistic in the light of the general quality of nuts being marketed. Definitions of several of the least objectionable quality factors were made slightly less restrictive. Also, a separate tolerance was provided in U.S. No. 1 grade for nuts with kernels which are darker than the required minimum skin color.

The result of the changes is that more in-shell pecans can now qualify for the U.S. No. 1 grade. The proposed amendment would raise the requirements for pecans to U.S. No. 1 grade in both the U.S. Extra Fancy and the U.S. Fancy mixed nut grades. This would place pecans on a par grade-wise with the other four species required to be in the mix in the two higher grades.

The proposed amendment would make no other significant changes.

As proposed to be amended, the standards are as follows:

GENERAL

Sec.
51.3520 General.

GRADES

Sec.
51.3521 U.S. Extra Fancy.
51.3522 U.S. Fancy.
51.3523 U.S. Commercial or U.S. Select.

AUTHORITY: The provisions of this subpart issued under sec. 203, 205, 60 Stat. 1087, as amended; 1090 as amended; 7 U.S.C. 1622, 1624.

GENERAL

§ 51.3520 General.

Any lot of mixed nuts in the shell which is classified as meeting the requirements of a U.S. Mixed Nut grade must conform to the mixture, size, and grade as set forth in one of the following grades. Each species of nut shall be graded individually in accordance with U.S. Standards currently in effect for that species. The percentages in the mixture shall be determined on the basis of weight, and each species must conform to the minimum and maximum percentages specified in the mixture as set forth in §§ 51.3521–51.3523. A composite sample shall be drawn to determine mixture, size, and grade. When any species in the lot fails to meet the requirements as to mixture, size, or grade, the entire lot will fail to meet the U.S. Mixed Nut grade requirements.

GRADES

§ 51.3521 U.S. Extra Fancy.

Species of nut	Allowable mixture		Minimum size	Minimum grade
	Minimum percent	Maximum percent		
Almonds	10	40	25/64 inch	U.S. No. 1.
Brazils	10	40	Large	U.S. No. 1.
Filberts	10	40	Large	U.S. No. 1.
Pecans	10	40	Extra Large	U.S. No. 1.
Walnuts	10	40	Large	U.S. No. 1.

§ 51.3522 U.S. Fancy.

Species of nut	Allowable mixture		Minimum size	Minimum grade
	Minimum percent	Maximum percent		
Almonds	10	40	25/64 inch	U.S. No. 1.
Brazils	10	40	Medium	U.S. No. 1.
Filberts	10	40	Large	U.S. No. 1.
Pecans	10	40	Large	U.S. No. 1.
Walnuts	10	40	Medium	U.S. No. 1.

§ 51.3523 U.S. Commercial or U.S. Select.

Species of nut	Allowable mixture		Minimum size	Minimum grade
	Minimum percent	Maximum percent		
Almonds	5	40	25/64 inch	U.S. No. 1.
Brazils	5	40	Medium	U.S. No. 1.
Filberts	5	40	Medium	U.S. No. 1.
Pecans	5	40	Medium	U.S. Commercial.
Walnuts	5	40	Baby	U.S. No. 2.

Dated: July 10, 1968.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 68-8371; Filed, July 15, 1968; 8:46 a.m.]

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

[7 CFR Part 1063]

[Docket No. AO-105-A29]

MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Moline, Ill., on May 14, 1968, pursuant to notice thereof issued on May 6, 1968 (33 F.R. 6977).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, on June 18, 1968 (33 F.R. 9260; F.R. Doc. 68-7437) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (33 F.R. 9260; F.R. Doc. 68-7437) are hereby approved and adopted and are set forth in full herein:

The material issues on the record of the hearing relate to:

1. Amending the "handler" definition to include a cooperative association on farm bulk tank milk delivered to pool plants of other handlers.

2. Excluding from "producer" and "producer milk" definitions milk received at pool plants by diversion from other order plants.

3. Revision of "classification" provisions to assign shrinkage between receiving plants and processing plants.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Handler.* No change should be made in the handler definition on the basis of this hearing record.

A proposal contained in the notice of hearing would make a cooperative association the handler on bulk tank milk it received at producer farms and delivered to pool plants of other handlers in a tank truck owned and operated by, or under contract to, such cooperative association. No evidence was presented concerning this proposal. Consequently, there is no basis upon which this proposal may be evaluated. Thus, the proposal should not be adopted at this time.

2. *Producer and producer milk.* The producer and producer milk definitions should be revised to exclude milk received at pool plants by diversion from other order plants which is assigned by agreement to Class II milk. To the extent such diverted milk is either received without an agreed Class II classification or loses its producer milk status under the other order, it would be qualified as producer milk under the Quad Cities-Dubuque order.

Presently, the Quad Cities-Dubuque order provides that all Grade A milk received directly at a pool plant from a dairy farmer is producer milk. The order now contains no provision which exempts from the producer milk definition milk that is moved directly from the farm of a producer under another order to a pool plant under this order. Under the present provisions milk acquired for manufacturing lowers the blend price to local producers, although it is not primarily associated with this market.

Producers and a handler who operates a distributing plant at Rock Island, Ill., proposed that receipts of diverted milk from other order markets with an agreed Class II classification should not be producer milk under the Quad Cities-Dubuque order. There was no opposition to this proposal.

The distributing plant located in Rock Island also manufactures large quantities of cottage cheese, some of which is shipped to other order plants for distribution on routes. Significant volumes of milk for the manufacture of this cottage cheese are received from other order markets. This milk is received either by transfer from other order plants or by diversion (i.e., moving the milk directly from the farm of the producer under the other order to the pool plant under this order).

The plant transfers are on an agreed Class II classification and the Quad Cities-Dubuque order presently permits the assignment of these transfers directly to Class II milk. However, because the order presently does not recognize diversions from the other orders the dairy farmers whose milk is diverted become producers under the Quad Cities-Dubuque order for at least that quantity of milk.

As set forth above, both the interplant transfers and the diverted milk are received exclusively for manufacture into cottage cheese. Since tranfers are presently permitted to be received on an agreed Class II classification and diversion is simply a more efficient way of transferring such milk, it is appropriate that the order should exclude from producer milk diverted milk received from other order plants on the same basis.

Federal milk orders should encourage the use of the most efficient methods in handling milk. The proposed amendment will facilitate the handling of reserve supplies in the diverting market by allowing the continued pooling of the milk in that market. Likewise, Quad Cities-Dubuque handlers should be permitted to divert milk to other order plants, but only on an agreed Class II classification.

3. *Assignment of shrinkage.* The 2 percent maximum Class II shrinkage allowance on producer milk, other order milk, and bulk milk from unregulated supply plants should be apportioned between the plant of first receipt and the plant where such milk is processed. The maximum shrinkage allowance in Class II at each plant under most conditions should be 2 percent of milk from producers plus 1.5 percent of milk received in bulk tank lots from other plants, less 1.5 percent of milk transferred in bulk tank lots to other plants.

The order now permits handlers to classify as Class II shrinkage up to 2 percent of producer milk (except that diverted to a nonpool plant), and bulk fluid milk products from other order plants and unregulated supply plants (except the quantity on which a Class II utilization is requested). On producer milk, the full 2 percent shrinkage in Class II is allowed at the pool plant of first receipt. In situations where this milk is transferred to another pool plant, no shrinkage in Class II is allowed at the second pool plant where the milk is actually processed and packaged.

Producers and a handler who operates a distributing plant in Rock Island, Ill., proposed that the maximum Class II shrinkage allowance on producer milk be divided to permit the plant of first receipt 0.5 percent shrinkage in Class II and the plant where the milk is processed and packaged 1.5 percent shrinkage in Class II. There was no testimony in opposition to this proposal.

Proponent cooperative operates a pool supply plant at Dubuque, Iowa. Milk is received at the supply plant from dairy farmers and moved into a storage tank. It is then loaded into over-the-road tankers and delivered to proprietary handlers' plants. Presently, the supply plant receives the full 2 percent Class II shrinkage allowance while the processing plants receive no shrinkage credit. Proponent claimed that its supply plant would be able to operate within the 0.5 percent Class II shrinkage and that processing and packaging plants receiving milk from the supply plant should have no more than 1.5 percent shrinkage.

The provision of 2 percent shrinkage allowance for the entire receiving and processing operation is considered reasonable under normal circumstances. The division of the total allowance into 1.5 percent for processing and one-half of 1 percent for receiving is in accordance with experience and is used in other Federal orders. It is recognized that the greater share of the shrinkage occurs in the processing operation.

To provide equitable application of shrinkage provisions to all handlers, the rate of 1.5 percent shrinkage allowance should apply to all milk receipts in bulk tank lots, whether from other pool plants, unregulated plants or other order plants. The only exceptions to this would be in the case of receipts of other source milk for which Class II utilization is requested. In the latter case, since the entire receipt is for Class II use, there is no need to establish a limit of shrinkage that may be classified as Class II.

In computing a handler's total shrinkage allowance, 1.5 percent of milk disposed of in bulk tank lots to plants of other handlers by transfer should be deducted. The transferee plant would be allowed, as stated previously, 1.5 percent on the milk so transferred.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs,

proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Quad Cities-Dubuque Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Quad Cities-Dubuque Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of May 1968 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Quad Cities-Dubuque marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on July 11, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Quad Cities-Dubuque Marketing Area

§ 1063.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Quad Cities-Dubuque marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Quad Cities-Dubuque marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on June 18, 1968 (33 F.R. 9260; F.R. Doc. 68-7437) shall be and are the terms and provisions of this order, and are set forth in full herein:

1. Section 1063.7 is revised to read as follows:

§ 1063.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority and whose milk is received as producer milk at a pool plant or diverted pursuant to § 1063.14 from a pool plant to a nonpool plant.

2. Section 1063.14 is revised to read as follows:

§ 1063.14 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk received at a pool plant directly from a dairy farmer, except that milk received by diversion from other order plants which is assigned pursuant to § 1063.46 (a) (4) (ii) and the corresponding step of § 1063.46(b). Milk normally received from a dairy farmer at a pool plant which is diverted from such pool plant by the operator of the plant or a cooperative association handler pursuant to § 1063.12 (c) to a nonpool plant that is not an other order plant, or to a nonpool plant that is an other order plant if diverted as Class II milk, shall also be producer milk and shall be deemed to have been received by the diverting handler at the plant from which diverted: *Provided*, That in any of the months of July through January milk diverted from the farm of a producer on more than the number of days that milk was delivered to a pool plant from such farm during the month shall not be deemed to have been received by the diverting handler.

3. In § 1063.41(b) subparagraphs (6) and (7) are revised to read as follows:

§ 1063.41 Classes of utilization.

* * * * *

(b) * * *

(6) In shrinkage assigned pursuant to § 1063.42(b) (1) of the skim milk and butterfat, respectively, but not in excess of:

(i) 2 percent of producer milk (except producer milk diverted to a nonpool plant pursuant to § 1063.14); plus

(ii) 1.5 percent of milk received in bulk tank lots from other pool pants; plus

(iii) 1.5 percent of milk received in bulk tank lots from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operators of both plants; plus

(iv) 1.5 percent of milk received in bulk tank lots from an unregulated supply plant exclusive of the quantity for which Class II utilization was requested by the handler; less

(v) 1.5 percent of milk transferred in bulk tank lots to other plants; and

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1063.42(b) (2).

4. Section 1063.42 is revised to read as follows:

§ 1063.42 Shrinkage.

The market administrator shall allocate shrinkage at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat respectively, at each pool plant; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat respectively at such plant contained in:

(1) Net receipts specified in § 1063.41 (b) (6); and

(2) Receipts of other source milk in bulk fluid milk products exclusive of that specified in § 1063.41(b) (6)

5. Section 1063.46(a) (4) (ii) is revised to read as follows:

§ 1063.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(4) * * *

(ii) Receipts of fluid milk products in bulk, including diversions, from an other order plant in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * * *

[F.R. Doc. 68-8373; Filed, July 15, 1968; 8:48 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

FRESH APPLES

Exemption From Certain Labeling Requirements

In the matter of exempting fresh apples packaged in 3-pound polyethylene bags or overwrapped trays from the requirement of § 1.8b(j) of the regulations for the enforcement of the Fair Packaging and Labeling Act (21 CFR Part 1) that the net quantity of contents be dually declared in ounces and parenthetically in pounds.

A notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of March 12, 1968 (33 F.R. 4420), based on a petition filed by the National Apple Institute and the International Apple Association.

In response to the proposal, eight State agencies filed comments in opposition to the proposal and four filed comments that offered no objection. One State agency, in opposing the proposal, reports that contrary to the grounds given in support of the proposal, apples are packaged in 2½-pound polyethylene bags that could easily be mistaken for the 3-pound bags that would be covered by the proposed exemption.

One trade comment in support of the proposal urged that all consumer commodities packaged in even pound units be exempt from the requirement for dual declaration of quantity of contents.

Having considered the petition, the comments received in response to the proposal, and other relevant information, the Commissioner of Food and Drugs concludes that for the adequate protection of consumers the proposed exemption should not be adopted. Accordingly, the proposed rulemaking in this matter is hereby terminated.

The Commissioner also concludes that since there was no opportunity for fresh apple packers to make label changes during the pendency of the exemption proposal, any fresh apple label changes made necessary by the regulations under the Fair Packaging and Labeling Act (21 CFR Part 1) should be made before July 1, 1969, rather than before July 1, 1968.

This action is taken pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 5, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8409; Filed, July 15, 1968; 8:49 a.m.]

Social Security Administration

[20 CFR Part 405]

HEALTH INSURANCE PROGRAM FOR THE AGED

Conditions for Coverage of Portable X-ray Services

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations relate to the conditions for coverage of portable X-ray services which must be met by a supplier providing portable X-ray services in order for the supplier's services to qualify for reimbursement under the supplementary medical insurance program where such services are not performed by or under the immediate personal supervision of a physician.

A supplier of portable X-ray tests is considered in compliance with the conditions only upon acceptance by the Secretary of findings adequately documented and certified by the State agency showing that the supplier is operating in accordance with the standards and conditions with no deficiencies.

Prior to the final adoption of the proposed regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed Federal Health Insurance for the Aged regulations are to be issued under authority contained in sections 1102, 1861(s) (3), 1864, and 1871; 49 Stat. 647, as amended, 79 Stat. 321 and 81 Stat. 852, 79 Stat. 326, 79 Stat. 331, 42 U.S.C. 1302, 1395 et seq.

Dated: June 13, 1968.

[SEAL] ROBERT M. BALL,
Commissoner of Social Security.

Approved: July 8, 1968.

WILBUR J. COHEN,
Secretary of Health, Education, and Welfare.

Subpart N—Conditions for Coverage of Portable X-Ray Services

Chapter III, Title 20, is amended by adding thereto a new Subpart N of Part 405 to read as follows:

§ 405.1401 General.

(a) *Portable X-ray services.* The Conditions for Coverage of Portable X-Ray Services, and related policies set forth in this Subpart N, delineate the specific requirements which must be met by a supplier providing portable X-ray services in order for the supplier's services to qualify for reimbursement under the supplementary medical insurance program (see Subpart B of this part) where such services are not performed by or under the immediate personal supervision of a physician. Section 1861(s) (3) of the Social Security Act, as amended, states a number of specific requirements and authorizes the Secretary of Health, Education, and Welfare to prescribe other requirements considered necessary in the interest of the health and safety of beneficiaries. The conditions for coverage were developed in regard to services provided to the 65 and over age group, with respect to whom genetic risks are, of course, minimal. These

conditions, therefore, would not give assurance of protection for younger groups.

SEC. 1861. For purposes of this title—

* * * * *

(s) The term "medical and other health services" means any of the following items or services:

* * * * *

(3) diagnostic X-ray tests (including tests under the supervision of a physician, furnished in a place of residence used as the patient's home, if the performance of such tests meets such conditions relating to health and safety as the Secretary may find necessary), * * *"

* * * * *

(b) *Intent of the benefit.* (1) The 1967 amendments expand section 1861(s)(3) of the law to include, with respect to services furnished after December 31, 1967, diagnostic X-ray tests provided by a qualified supplier of portable X-ray tests performed in a place of residence used as the patient's home, if the tests are performed under the general supervision of a physician and certain conditions relating to health and safety are met.

(2) The portable X-ray service benefit is intended to facilitate diagnosis for certain persons who, for example, because of physical limitations find it difficult to receive X-rays outside the home. In general, it is to the patient's advantage, if he is able, to receive X-ray services from nonportable equipment because of the greater capability and safety of such equipment.

(c) *Scope of covered services.* In order to avoid providing reimbursement for services which are inadequate or hazardous to the patient, the scope of the covered portable X-ray service benefit is defined as follows:

(1) Skeletal films involving the extremities (i.e., arms and legs), pelvis, vertebral column, and skull;

(2) Chest films which do not involve the use of contrast media;

(3) Abdominal films which do not involve the use of contrast media.

(d) *Exclusions from coverage as portable X-ray services.* (1) Procedures and examinations which are not covered under the portable X-ray provision include the following:

(i) Procedures involving fluoroscopy;

(ii) Procedures involving the use of contrast media;

(iii) Procedures requiring the administration of a substance to the patient or injection of a substance into the patient and/or special manipulation of the patient;

(iv) Procedures which require special medical skill or knowledge possessed by a doctor of medicine or doctor of osteopathy or which require that medical judgment be exercised;

(v) Procedures requiring special technical competency and/or special equipment or materials;

(vi) Routine screening procedures;

(vii) Procedures which are not of a diagnostic nature.

(2) Examples of specific procedures or films which thus are not covered include, but are not limited to, the following: Films of the urinary tract (for example, an intravenous pyelogram), gall bladder, gastrointestinal tract (for example, an upper gastrointestinal series, barium enema, etc.), bronchographic studies, and films involving the heart and the nervous and reproductive systems.

(e) *Circumstances under which services are covered.* The tests must be ordered in writing by the attending doctor of medicine or doctor of osteopathy who is licensed to practice in the State and who also assumes responsibility for either interpreting the film himself or for obtaining an interpretation by a licensed doctor of medicine or doctor of osteopathy.

(f) *Definition of supplier of portable X-ray tests.* A supplier of portable X-ray tests means any organization, individual, partnership or corporation which takes radiographs by means of equipment which utilizes ionizing radiation, except participating hospitals and extended care facilities (which must meet applicable health and safety standards in the conditions for participation—see Subparts J and K of this part) and physicians who provide immediate personal supervision during the taking of such tests.

§ 405.1402 Conditions for coverage of services—general.

The services of a supplier of portable X-ray tests will be reimbursable under the program only if the Secretary has determined that the supplier is in compliance with the conditions relating to licensure or registration, to physician supervision, and to health and safety. These conditions relating to health and safety are made requirements because they are held to be essential to the maintenance of quality of care and the adequacy of the services and equipment which the supplier provides.

§ 405.1403 Standards; general.

As a basis for a determination as to whether or not there is compliance with the prescribed conditions in the case of any particular supplier of portable X-ray tests, a series of standards is listed under each condition. Reference to these standards will enable the State agency surveying a supplier to document the activities of the supplier and to establish whether it is in compliance with the prescribed conditions. Because of the potential hazards inherent in the use of X-ray equipment, all standards must be met in order for the supplier to be found in compliance with the conditions.

§ 405.1404 State agencies.

(a) Under authority given in the law to the Secretary to perform any of his functions under title XVIII directly or by contract, the Secretary will be assisted by designated State health agencies or other State agencies in determining whether there is compliance with the conditions for coverage of services of suppliers of portable X-ray tests. The designated State agencies will certify to the Secretary those suppliers which they find are in compliance with the conditions. Such certifications will include findings as to whether each of the conditions is met. The Secretary, on the basis of such certification from the State agency, will determine whether or not the equipment and level of services of the supplier represent compliance with the conditions and will transmit to the supplier a written notice of the determination. If it is determined that the supplier does not comply with the conditions for coverage, the supplier may appeal from such determination and request a hearing. For procedures relating to appeals, see Subpart O of this Part 405.

(b) Certifications and determinations as to whether a supplier of portable X-ray services is in compliance with the conditions will be made upon the filing of an application by the supplier on a form prescribed by the Secretary.

(c) Any payment for diagnostic X-ray tests of the type described in § 405.1401 (c) performed by a supplier of portable X-ray tests, if made prior to a determination that the supplier is in compliance with this subpart, is not to be considered as establishing the compliance of such supplier with such conditions.

§ 405.1405 Principles for the evaluation of suppliers of portable X-ray tests to determine whether they are in compliance with the conditions.

A supplier of portable X-ray tests will be considered in compliance with the conditions for coverage only upon acceptance by the Secretary of findings adequately documented and certified to by the State agency, showing that the supplier is found to be operating in accordance with all standards and conditions with no deficiencies.

§ 405.1406 Time limitations on certification of compliance.

(a) All initial certifications by the State agency to the effect that a supplier of portable X-ray services is in compliance with the conditions will be for a period of 1 year, beginning with January 1, 1968, or, if later, with the date on which the supplier is first found to be in compliance with the conditions. The Secretary's determination will remain in effect until such time as notice of revision or termination is given. State agencies may visit or resurvey suppliers where necessary to ascertain continued compliance or to accommodate to periodic or cyclical survey programs. A State may, at any time, find and certify to the Secretary that a supplier is no longer in compliance.

(b) If a supplier is certified by the State agency and determined by the Secretary to be in compliance under the provisions of the conditions, a notice will be sent to the supplier notifying it of the determination of coverage of its services under the medical insurance program.

§ 405.1407 Certification of noncompliance.

The State agency will certify that a supplier is not in compliance with the conditions or, where a determination of compliance has been made, that a supplier is no longer in compliance where the supplier is not in compliance with all standards.

§ 405.1408 Criteria for determining compliance.

A finding made by the State agency as to whether a supplier of portable X-ray services is in compliance with the conditions requires a thorough evaluation of the facility. The State evaluation will take into consideration whether each standard is fully met.

§ 405.1409 Documentation of findings.

The findings of the State agency with respect to each of the conditions should be adequately documented. Where the State agency certifies to the Secretary that a supplier is not in compliance with the conditions, such documentation should include a report on the nature of the deficiencies and of any discussions concerning such deficiencies, a report of the supplier's response with respect to such discussions, and the State agency's assessment of the prospects for such improvements as to enable the supplier to achieve compliance with the conditions. The State agency should also furnish the supplier with a statement as to the deficiencies found.

§ 405.1411 Conditions for coverage—compliance with Federal, State, and local laws and regulations.

The supplier of portable X-ray services is in conformity with all applicable Federal, State, and local laws and regulations.

(a) *Standard—licensure or registration of supplier.* In any State in which State or applicable local law provides for the licensure or registration of suppliers of X-ray services, the supplier is (1) licensed or registered pursuant to such law, or (2) approved by the agency of the State or locality responsible for licensure or registration as meeting the standards established for such licensure or registration.

(b) *Standard—licensure or registration of personnel.* All personnel engaged in operating portable X-ray equipment are currently licensed or registered in accordance with all applicable State and local laws.

(c) *Standard—licensure or registration of equipment.* All portable X-ray equipment used in providing portable X-ray services is licensed or registered in accordance with all applicable State and local laws.

(d) *Standard—conformity with other Federal, State, and local laws and regulations.* The supplier of portable X-ray services agrees to render such services in conformity with Federal, State, and local laws relating to safety standards.

§ 405.1412 Condition for coverage—supervision by a qualified physician.

Portable X-ray services are provided under the supervision of a qualified physician.

(a) *Standard—physician supervision.* The performance of the roentgenologic procedures is subject to the supervision of a physician who meets the requirements of paragraph (b), of this section and one of the following requirements is met:

(1) The supervising physician owns the equipment and it is operated only by his employees, or

(2) The supervising physician certifies annually that he periodically checks the procedural manuals and observes the operators' performance, that he has verified that equipment and personnel meet applicable Federal, State, and local licensure and registration requirements and that safe operating procedures are used.

(b) *Standard—qualifications of the physician supervisor.* Portable X-ray services are provided under the supervision of a licensed doctor of medicine or licensed doctor of osteopathy who is qualified by advanced training and experience in the use of X-rays for diagnostic purposes, i.e., he (1) is board certified or board eligible in a medical specialty which includes advanced training in the use of X-rays, or (2) specializes in radiology and is recognized by the medical community as a specialist in radiology.

§ 405.1413 Condition for coverage—qualifications and orientation of technical personnel and employee records.

Portable X-ray services are provided by qualified technologists.

(a) *Standard—qualifications of technologists.* All operators of the portable X-ray equipment have successfully completed a program of formal training in X-ray technology of not less than 24 months duration in a school approved by the Council on Education of the American Medical Association or by the American Osteopathic Association, or have earned a bachelor's or associate degree in radiologic technology from an accredited college or university.

(b) *Standard—personnel orientation.* The supplier of portable X-ray services has an orientation program for personnel, based on a procedural manual available to all members of the staff, which includes instruction in all of the following:

(1) Precautions to be followed to protect the patient from unnecessary exposure to radiation;

(2) Precautions to be followed to protect an individual supporting the patient during X-ray procedures from unnecessary exposure to radiation;

(3) Precautions to be followed to protect other individuals in the surrounding environment from exposure to radiation;

(4) Precautions to be followed to protect the operator of portable X-ray equipment from unnecessary exposure to radiation;

(5) Considerations in determining the area which will receive the primary beam;

(6) Determination of the time interval at which to check personnel radiation monitors;

(7) Use of the personnel radiation monitor in providing an additional check on safety of equipment;

(8) Proper use and maintenance of equipment;

(9) Proper maintenance of records;

(10) Technical problems which may arise and methods of solution;

(11) Protection against electrical hazards;

(12) Hazards of excessive exposure to radiation.

(c) *Standard—employee records.* Current employee records are maintained and include a resume of each employee's training and experience. Records also contain evidence of adequate health supervision of employees such as results of preemployment and periodic physical examinations, including records of all illnesses and accidents occurring on duty.

§ 405.1414 Condition for coverage—referral for service and preservation of records.

All portable X-ray services performed for Medicare beneficiaries are ordered by a doctor of medicine or doctor of osteopathy and records are properly preserved.

(a) *Standard—referral by a physician.* Portable X-ray examinations are performed only on the order of a doctor of medicine or doctor of osteopathy licensed to practice in the State. The supplier's records show that:

(1) The X-ray test was ordered by a licensed doctor of medicine or doctor of osteopathy, and

(2) Such physician's written, signed order specifies the reason an X-ray test is required, the area of the body to be exposed, the number of radiographs to be obtained, and the views needed; it also includes a statement concerning the condition of the patient which indicates why portable X-ray services are necessary.

(b) *Standard—records of examinations performed.* The supplier makes for each patient a record of the date of the X-ray examination, the name of the patient, a description of the procedures ordered and performed, the referring physician, the physician to whom the radiograph was sent, and the date it was sent.

(c) *Standard—preservation of records.* Such reports are maintained for a period of at least 2 years, or for the period of time required by State law for such records (as distinguished from requirements as to the radiograph itself), whichever is longer.

§ 405.1415 Condition for coverage—safety standards.

X-ray examinations are conducted through the use of equipment which is free of unnecessary hazards for patients,

personnel, and other persons in the immediate environment, and through operating procedures which provide minimum radiation exposure to patients, personnel, and other persons in the immediate environment.

(a) *Standard—tube housing and devices to restrict the useful beam.* The tube housing is of diagnostic type. Diaphragms, cones, or adjustable collimators capable of restricting the useful beam to the area of clinical interest are used and provide the same degree of protection as is required of the housing.

(b) *Standard—total filtration.* (1) The aluminum equivalent of the total filtration in the primary beam is not less than that shown in the following table except when contraindicated for a particular diagnostic procedure.

Operating kVp	*Total filtration (inherent plus added)*
Below 50 kVp	0.5 millimeters aluminum.
50–70 kVp	1.5 millimeters aluminum.
Above 70 kVp	2.5 millimeters aluminum.

(2) If the filter in the machine is not accessible for examination or the total filtration is unknown, it can be assumed that the requirements are met if the half-value layer is not less than that shown in the following table:

Operating kVp	*Half-value layer*
50 kVp	0.6 millimeters aluminum.
70 kVp	1.6 millimeters aluminum.
90 kVp	2.6 millimeters aluminum.
100 kVp	2.8 millimeters aluminum.
110 kVp	3.0 millimeters aluminum.
120 kVp	3.3 millimeters aluminum.

(c) *Standard—termination of exposure.* A device is provided to terminate the exposure after a preset time or exposure.

(d) *Standard—control panel.* The control panel provides a device (usually a milliammeter or a means for an audible signal to give positive indication of the production of X-rays whenever the X-ray tube is energized. The control panel includes appropriate indicators (labelled control settings and/or meters) which show the physical factors (such as kVp, mA, exposure time or whether timing is automatic) used for the exposure.

(e) *Standard—exposure control switch.* The exposure control switch is of the dead-man type and is so arranged that the operator can stand at least 6 feet from the patient and well away from the useful beam.

(f) *Standard—protection against electrical hazards.* Only shockproof equipment is used. All electrical equipment is grounded.

(g) *Standard—mechanical supporting or restraining devices.* Mechanical supporting or restraining devices are provided so that such devices can be used when a patient must be held in position for radiography.

(h) *Standard—protective gloves and aprons.* Protective gloves and aprons are provided so that when the patient must be held by an individual, that individual is protected with these shielding devices.

(i) *Standard—restriction of the useful beam.* Diaphragms, cones, or adjustable collimators are used to restrict the useful beam to the area of clinical interest.

(j) *Standard—personnel monitoring.* A device which can be worn to monitor radiation exposure (i.e., a film badge) is provided to each individual who operates portable X-ray equipment. The device is evaluated for radiation exposure to the operator at least monthly and appropriate records are maintained by the supplier of portable X-ray services of radiation exposure measured by such a device for each individual.

(k) *Standard—personnel and public protection.* No individual occupationally exposed to radiation is permitted to hold patients during exposures except during emergencies, nor is any other individual regularly used for this service. Care is taken to assure that pregnant women do not assist in portable X-ray examinations.

§ 405.1416 Condition for coverage—inspection of equipment.

Inspections of all X-ray equipment and shielding are made by qualified individuals at intervals not greater than every 24 months.

(a) *Standard—qualified inspectors.* Inspections are made at least every 24 months by a radiation health specialist who is on the staff of or approved by an appropriate State or local government agency.

(b) *Standard—records of inspection and scope of inspection.* The supplier maintains records of current inspections which include the extent to which equipment and shielding are in compliance with the safety standards outlined in § 405.1414.

[F.R. Doc. 68-8412; Filed, July 15, 1968; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR Part 293]

[Docket No. 3; Notice 68-3]

MOTOR CARRIER SAFETY REGULATIONS; PARKING BRAKES

Notice of Extension of Time To File Comments

On June 5, 1968, the Federal Highway Administration published in the FEDERAL REGISTER (33 F.R. 8349) an advance notice of proposed rule making, inviting interested persons to submit written data, views, and arguments on a petition for rule making filed by the WIZ Corp. seeking an amendment to § 293.41 of the Motor Carrier Safety Regulations (49 CFR 293.41). Comments were to be filed on or before the close of business, July 5, 1968.

The American Trucking Associations, Inc. (ATA), has petitioned that the time for filing comments on this docket "be extended 60 days, to September 6, 1968." The basis for the petition by ATA is to allow more time to study the issues involved.

This rulemaking action is closely related to the civil action of WIZ Corporation vs. U.S. pending in the U.S. District Court, Northern District of California. In that court action the Federal Highway Administration has represented that it will proceed with all possible diligence in this rulemaking action. Consequently, although some extension of time to file comments is merited, the Administrator concludes that under the circumstances, that a 60-day extension would not be proper. On balance, the Administrator concludes that an extension of time to file comments for a period of fourteen days to July 30, 1968, would not unduly affect the court proceeding and would afford interested persons adequate additional opportunity to participate in this rulemaking action.

Upon consideration of the foregoing and in accordance with the requirements of § 289.16 of the rulemaking procedures for Motor Carrier Safety Regulations (33 F.R. 8493) the time within which to file comments on this rulemaking action is extended for all interested persons to the close of business July 30, 1968.

Issued in Washington, D.C., on July 10, 1968.

JOHN R. JAMIESON,
Deputy Federal Highway Administrator.

[F.R. Doc. 68-8364; Filed, July 15, 1968; 8:46 a.m.]

[49 CFR Part 294]

[Docket No. MC-6; Notice 68-6]

PUBLIC AVAILABILITY OF ACCIDENT REPORTS

Notice of Proposed Rule Making

The Federal Highway Administration is considering amending Part 294 of the Motor Carrier Safety Regulations by revoking § 294.1 of that part.

The Federal Highway Administrator has reconsidered the prohibition against public inspection of accident reports filed by motor carriers in light of the provisions of Part 7 of the Regulations of the Office of the Secretary of Transportation (49 CFR Part 7; 32 F.R. 9284–9288). It appears that the public interest would be better served by revoking that prohibition.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments must identify the regulatory docket and must be submitted in three (3) copies to the Federal Highway Administration, Bureau of Motor Carrier Safety, Room 302A, Donohoe Building, Sixth and D Streets SW., Washington, D.C. 20591. Comments should contain all material and data considered relevant to any statement of fact. All comments received on or before the close of business August 23, 1968, will be considered before action is taken on the proposed rulemaking. The proposal contained in the notice may be changed in the light of comments received. All comments submitted will be available for examination at the above address any time during regular business hours after the docket is established, both before and after the closing date for comments.

This proceeding is proposed under the authority of sections 204 and 220 of the Interstate Commerce Act, as amended (49 U.S.C. 304 and 320) and the delegation of authority contained in section 1.4(c) of the Regulations of the Office of the Secretary of Transportation.

In consideration of the foregoing, it is proposed to amend Part 294 of the Motor Carrier Safety Regulations by revoking § 294.1 in its entirety.

Issued in Washington, D.C., on July 8, 1968.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

[F.R. Doc. 68-8350; Filed, July 15, 1968; 8:45 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

LIST OF INELIGIBLE SUPPLIERS

The following "List of Ineligible Suppliers" under A.I.D. Regulation 8 (29 F.R. 9534; 30 F.R. 12941; 31 F.R. 9554) is currently in effect. All persons who anticipate A.I.D. financing for a transaction involving any person whose name appears on this List should take special notice of its contents.

LIST OF INELIGIBLE SUPPLIERS

SECTION 1. *Purpose of the List.* The List of Ineligible Suppliers implements the provisions of A.I.D. Regulation 8, "Suppliers of Commodities and Commodity-Related Service Ineligible for A.I.D. Financing" (29 F.R. 9534; 30 F.R. 10843; 31 F.R. 15571; 32 F.R. 9068). Subject to the conditions described below A.I.D. will not make funds available to finance the cost of commodities or commodity-related services furnished by any supplier whose name appears on the List. A debarred supplier whose name appears in section 3 of a printed or published List has been placed thereon for the causes specified in § 208.5 of Regulation 8; a suspended supplier whose name appears in section 4 of a printed or published List has been placed thereon for the causes specified in § 208.7 of Regulation 8. A.I.D. has taken such action in accordance with the procedures described in Subpart D of Regulation 8.

With respect to the interest of any U.S. bank which holds an A.I.D. Letter of Commitment, special attention is called to the fact that the List as periodically modified by A.I.D. constitutes a special amendment to every Letter of Commitment to the effect that A.I.D. will not provide reimbursement to a bank for payment to any supplier whose name appears on the List, excepting only (a) a payment made to a supplier on or before the initial date of suspension indicated for that supplier under an A.I.D. Letter of Commitment issued prior to that date, and (b) a payment made to a supplier under an irrevocable Letter of Credit opened or confirmed on or before the initial date of suspension indicated for that supplier under an A.I.D. Letter of Commitment issued prior to that date. A bank which receives copies of the List and the periodic modifications thereto shall be held in its relationship with A.I.D. to the standard of care described in § 201.73(f) of Regulation 1 (29 F.R. 12895–12908) with respect to every transaction governed by an A.I.D. Letter of Commitment issued to that bank.

SEC. 2. *Contents of the List.* The List of Ineligible Suppliers consists of all suppliers and affiliates who have been debarred or suspended by A.I.D. Additions to or deletions from the List are communicated directly to every U.S. bank holding an A.I.D. Letter of Commitment as they occur. A.I.D. endeavors to keep printed and published lists as current as possible by superseding or supplementary issuance. No prejudice whatsoever shall attach to a supplier whose name has been removed from the List.

SEC. 3. *Suppliers debarred from A.I.D. financing.*

NAME, ADDRESS, INITIAL DATE OF SUSPENSION, AND PERIOD OF DEBARMENT

Aadal, Manoutchehr, 150 Broadway, New York, N.Y. 10038, May 23, 1964, 3/22/67–3/22/70.

A-Dong Industrial Co., Ltd., Box 1613, Seoul, Korea, Mar. 31, 1967, 4/26/68–4/26/71.

All-American Fabrics Co., 277 Broadway, New York, N.Y. 10007, May 23, 1964, 3/22/67–3/22/70.

Amerimpex Trading Co., 277 Broadway, New York, N.Y. 10007, May 23, 1964, 3/22/67–3/22/70.

American Asia Lines, 150 Broadway, New York, N.Y. 10038, May 23, 1964, 3/22/67–3/22/70.

Mr. Hitachi Ando, President (aka Chang, Chung Kyun), Osaka Koeki Co., Ltd., Dojima Building, 50 Kinugasa-Cho, Kita-Ku, Osaka, Japan, Mar. 31, 1967, 4/26/68–4/26/71.

Aqua International Corp., 29 Broadway, New York, N.Y. 10006, Oct. 12, 1964, 3/22/67–3/22/70.

Mrs. Jean Cheng, Secretary-Treasurer, Osborne Engineering Co., Louisville, Ky. 40208, Nov. 16, 1967, 12/14/67–12/14/70.

Mr. K. K. Cheng, President, Osborne Engineering Co., 1899 South Seventh Street, Louisville, Ky. 40208, Nov. 16, 1967, 12/14/67–12/14/70.

Cheng Feng Trading Co., Ltd., Chung Shan N. Road 18, Lane 11, Sec. 2, Taipei, Taiwan, June 23, 1966, 10/17/67–10/17/70.

China Electrode Manufacturing Co., Ltd., 79–4 Chung Hwa Road, Taipei, Taiwan, Jan. 29, 1968, 2/26/68–2/26/71.

Chi Chu-Hu, Chung Shan N. Road 18, Lane 11, Sec. 2, Taipei, Taiwan, June 26, 1966, 4/14/67–4/14/70.

Chi. C. F., Chun Shan N. Road 18, Lane 11, Sec. 2, Taipei, Taiwan, June 23, 1966, 4/14/67–4/14/70.

Chi Ho Industrial Co., Ltd., Chang Teh Road 9–1, Lane 57, Taipei, Taiwan, June 23, 1966, 4/14/67–4/14/70.

Chung Kum Products, Ltd., Taiyang Building, 28 Sokong Dong, Chung-Ku, Seoul, Korea, Mar. 31, 1967, 4/26/68–4/26/71.

Chungusa Co., Ltd., Room 1305, Yau Yue Bank Building, 127 Des Voeux Road C., Hong Kong, China, Aug. 29, 1967, 10/17/67–10/17/70.

DAI Industrial Co., Ltd., Room No. 303–306, Tai-Yang Building, 28 Sokong-Dong, Chung-Ku, Seoul, Korea, Mar. 31, 1967, 4/26/68–4/26/71.

Darab, Nasrollah, 277 Broadway, New York, N.Y. 10007, May 23, 1964, 3/22/67–3/22/70.

En Am Machinery Works, 43–3 Chung Hsiao Street, Feng Yuan, Taichung Hsien, Taiwan, June 23, 1966, 10/17/67–10/17/70.

Greene, Roy, 415 East 52d Street, New York, N.Y. 10022, Oct. 27, 1965, 4/14/67–4/14/70.

Han Gook Organ Needle Co., Ltd. (aka Korean Organ Needle Co., Ltd.), Onch'on-dong Tongnae-go, Pusan City, Korea, Mar. 31, 1967, 4/26/68–4/26/71.

Harfa Commercial Co., 170 Broadway, New York, N.Y. 10007, May 23, 1964, 3/22/67–3/22/70.

Hourcade, Jean, President, Marocaine D'Apparells de Mesure, 90 Rue Pierre Parent, Casablanca, Morocco, Mar. 8, 1968, 4/5/68–4/5/71.

International Manufacturers Agency, 129–131 Bui Huu Nghia Street, Cholon, Saigon, South Viet-Nam, Aug. 29, 1967, 10/17/67–10/17/70.

Kao Hsing Iron and Steel Co., Ltd., 31 Lih Hsing Road, Kaohsiung, Taiwan, Mar. 4, 1968, 3/29/68–3/29/71.

Mr. B. H. Kim (aka Kim, Byong Hwan), DAI Industrial Co., Ltd., Room 303–306, Tai-Yang Building, 28 Sokong-Dong, Chung-Ku, Seoul, Korea, Mar. 31, 1967, 4/26/68–4/26/71.

K. B. S. Trading Co., Ltd., 1334 Young Street, Honolulu, Hawaii, Mar. 31, 1967, 4/26/68–4/26/71.

Mr. William Kwak (aka Kwak, Byong Soo), K. B. S. Trading Co., Ltd., 1334 Young Street, Honolulu, Hawaii, Mar. 31, 1967, 4/26/67–4/26/71.

Marocaine D'Apparells de Mesure, 90 Rue Pierre Parent, Casablanca, Morocco, June 30, 1967, 4/5/68–4/5/71.

Monarch Processing Corp., 150 Broadway, New York, N.Y. 10038, May 23, 1964, 3/22/67–3/22/70.

Monarch Trading Co., 150 Broadway, New York, N.Y. 10038, May 23, 1964, 3/22/67–3/22/70.

Monarch Trading Co., Inc., 150 Broadway, New York, N.Y. 10038, May 23, 1964, 3/22/67–3/22/70.

Namdar, Faizollah, 277 Broadway, New York, N.Y. 10007, May 23, 1964, 3/22/67–3/22/70.

National Oxygen & Equipment Co., 1899 South Seventh Street, Louisville, Ky. 40208, Nov. 16, 1967, 12/14/67–12/14/70.

Osaka Kocki Co., Ltd., Dojima Building, 50 Kinugasa-Cho, Kita-Ku, Osaka, Japan, Mar. 31, 1967, 4/26/68–4/26/71.

Osborne Engineering Co., 1899 South Seventh Street, Louisville, Ky. 40208, Nov. 16, 1967, 12/14/67–12/14/70.

Osborne Export-Import Co., 1899 South Seventh Street, Louisville, Ky. 40208, Nov. 16, 1967, 12/14/67–12/14/70.

Rafati, Hassen, 277 Broadway, New York, N.Y. 10007, May 23, 1964, 3/22/67–3/22/70.

Transasia Carrier Corp., 150 Broadway, New York, N.Y. 10038, May 23, 1964, 11/12/67–11/12/70.

Transasia Marine Corp., 150 Broadway, New York, N.Y. 10038, May 23, 1964, 3/22/67–3/22/70.

Transasia Steamship Co., Inc., 150 Broadway, New York, N.Y. 10038, May 23, 1964, 3/22/67–3/22/70.

Transasia Transportation Corp., 150 Broadway, New York, N.Y. 10038, May 23, 1964, 3/22/67–3/22/70 .

United Steel and Wire Corp., 375 Park Avenue, New York, N.Y. 10022, Oct. 27, 1965, 4/14/67–4/14/70.

Western National Fabric Co., 277 Broadway, New York, N.Y. 10007, May 23, 1964, 3/22/67–3/22/70.

Worldwide Export Co., 79 Wall Street, New York, N.Y. 10005, May 23, 1964, 3/22/67–3/22/70.

Mr. L. Yuan Chao, President-Manager, Yuan Ta Sheung Hong, Co., Ltd., 324 Cheng An, West, Taipei, Taiwan, Mar. 4, 1968, 3/29/68–3/29/71.

Yuan Feng Trading Co., 324 Cheng An, West, Taipei, Taiwan, Mar. 4, 1968, 3/29/68–3/29/71.

Yuan Ta Sheung Hong Co., Ltd., 324 Cheng An, West, Taipei, Taiwan, Mar. 4, 1968, 3/29/68–3/29/71.

SEC. 4. *Suppliers suspended from A.I.D. financing.* The following persons have been suspended from A.I.D. financing until further notice pending completion of an A.I.D. investigation of facts which may lead to the eventual debarment of such persons:

NAME, ADDRESS, AND INITIAL DATE OF SUSPENSION

Archifar Pharmaceutical Products, Inc., 20 Exchange Place, New York, N.Y. 10005, Nov. 9, 1966.

Associated Chemo-Pharm Industries, Inc., 20 Exchange Place, New York, N.Y. 10005, Nov. 9, 1966.

Barbara Shipping Corp., 292 Madison Avenue, New York, N.Y. 10017, Sept. 1, 1967.

Bershad, Carolyn & Irving, 8211 Streamwood Drive, Baltimore, Md. 21208, Sept. 26, 1967.

Bottone, Dr. Caesar, 1209 Anderson Avenue, Fort Lee, N.J. 07025, Nov. 9, 1966.

Cathay Steel Export Corp., 160 Broadway, New York, N.Y. 10038, Sept. 26, 1967.

Colony Steel, Co., 122 East 42d Street, New York, N.Y., Mar. 26, 1968.

Debbie May Shipping Corp., 292 Madison Avenue, New York, N.Y. 10017, Sept. 1, 1967.

Eastern Tinplate Distributors, 431 60th Street, West New York, N.J. 07093, Feb. 14, 1968.

Mr. Edward Egan, 101 Malden Lane, New York, N.Y. 10038, Feb. 14, 1968.

Eisler Engineering Co., Inc., 750 South 13th Street, Newark, N.J. 07103, Mar. 26, 1968.

Ets. L. Richoux, 22 Cite Trevise, 22, Paris 9, France, Dec. 8, 1967.

Mr. Arnold M. Fox, 431 60th Street, West New York, N.J. 07093, Feb. 14, 1968.

Gedeon Richter Pharmaceutical Products, Inc., 20 Exchange Place, New York, N.Y. 10005, Nov. 9, 1966.

Gittel Shipping Corp., 292 Madison Avenue, New York, N.Y. 10017, Sept. 1, 1967.

Gubbay, Clement, 20 Exchange Place, New York, N.Y. 10005, Nov. 9, 1966.

Thomas Edison Higgins Enterprises, Inc., 660 Capri Boulevard, Treasure Island, Fla. 33706, Apr. 5, 1967.

Higgins, Mabel, 660 Capri Boulevard, Treasure Island, Fla. 33706, Apr. 5, 1967.

Higgins, Thomas Edison, 660 Capri Boulevard, Treasure Island, Fla. 33706, Apr. 5, 1967.

International Tinplate Sales Co., 101 Maiden Lane, New York, N.Y. 10038, Feb. 14, 1968.

Linda Shipping Corp., 292 Madison Avenue, New York, N.Y. 10017, Sept. 1, 1967.

Lowens, Ernest, 20 Exchange Place, New York, N.Y. 10005, Nov. 9, 1966.

Maiden Shipping Corp., 292 Madison Avenue, New York, N.Y. 10017, Sept. 1, 1967.

Marciem, S. A., c/o Buffete Tapia, Calle 31 3–80 Panama City, Republic of Panama, Oct. 25, 1967.

Marine Leasing Ltd., 1624 Central Building, Pedder Street, Hong Kong, Sept. 1, 1967.

J. D. Marshall International, Inc., 180 West Washington Street, Chicago, Ill. 60602, Apr. 5, 1968.

Meoni, A., 20 Exchange Place, New York, N.Y. 10005, Nov. 9, 1966.

P. F. McDonald and Co., Inc., 10 Powerhouse Street, Boston, Mass. 02127, May 7, 1968.

Navarra, Guy, 215–217 Avenue Ambassadeur, Ben Aicha Chtouka, Casablanca, Morocco, June 9, 1967.

Navarra, Sauveur, 215–217 Avenue Ambassadeur, Ben Aicha Chtouka, Casablanca, Morocco, June 9, 1967.

Navarro, Ben, 20 Exchange Place, New York, N.Y. 10005, Nov. 9, 1966.

Nederlandse Radiateuren Fabriek au Maroc, 215–217 Avenue Ambassadeur, Ben Aicha Chtouka, Casablanca, Morocco, June 9, 1967.

Neptune Maritime Leasing, 292 Madison Avenue, New York, N.Y. 10017, Sept. 1, 1967.

North American Inspection Agency, 431 60th Street, West New York, N.J. 07093, Feb. 14, 1968.

Palmetto Industry Co., 32 Broadway, Suite 608, New York, N.Y. 10004, Mar. 15, 1968.

Panmed Pharmaceuticals, Inc., 1209 Anderson Avenue, Fort Lee, N.J. 07025, Nov. 9, 1966.

Parker, Jack, 52 2d Floor, Chung Shang North Road, Sec. 2, Taipei, Taiwan, China, Sept. 1, 1967.

Pharma Scienta, 156 Rue de Damas, Imm. Homsi, Beirut, Lebanon, Dec. 19, 1966.

Richoux Co., Inc., 1133 Broadway, New York, N.Y. 10010, Dec. 8, 1967.

Rodman, Norman, 1624 Central Building, Pedder Street, Hong Kong, Sept. 1, 1967.

Schuco Industries, Inc., 110 Fifth Avenue, New York, N.Y., June 26, 1968.

Schuco International Corp., 110 Fifth Avenue, New York, N.Y., June 26, 1968.

Schuco Laboratories, Inc., 110 Fifth Avenue, New York, N.Y., June 26, 1968.

Schuco Sales, Inc., 110 Fifth Avenue, New York, N.Y., June 26, 1968.

Schueler and Co., 110 Fifth Avenue, New York, N.Y. 10011, Mar. 15, 1968.

Schueler, Hassan E., 110 Fifth Avenue, New York, N.Y., June 26, 1968.

Shalom, Raleigh, 20 Exchange Place, New York, N.Y. 10005, Nov. 9, 1966.

Societe des Laboratories Reunis (SOLAR), 156 Rue de Damas, Imm. Homsi, Beirut, Lebanon, Dec. 19, 1966.

Societe Tunisienne Compto, Rue Es Sadikia, Tunis, Tunisia, June 24, 1968.

Spe-D-Magic Co., 660 Capri Boulevard, Treasure Island, Fla. 33706, Apr. 5, 1967.

Steel Factories Co., 431 60th Street, West New York, N.J. 07093, Feb. 14, 1968.

Stuhr-Kennedy Shipping Co., 1320 Peralta Street, Berkeley, Calif., Mar. 21, 1968.

Stuhr, Raymond H., 1320 Peralta Street, Berkeley, Calif., Mar. 21, 1968.

Surplus Steel Exchange, Inc., 227 Fulton Street, New York, N.Y. 10007, Jan. 16, 1968.

Szybalsky, S., 1209 Anderson Avenue, Fort Lee, N.J. 07025, Nov. 9, 1966.

Tinmill Products Co., 101 Maiden Lane, New York, N.Y. 10038, Feb. 14, 1968.

Tinplate Association, Inc., 101 Maiden Lane, New York, N.Y. 10038, Feb. 14, 1968.

Tumay, Francis, President, Palmetto Industry Co., 32 Broadway, Suite 608, New York, N.Y. 10004, Mar. 15, 1968.

J. E. Unico, Ltd., 3 Jalad Muang Road, Bangkok, Thailand, July 31, 1967.

United Pharmacal Laboratories, Post Office Box 1718, Lot 28, Foreign Trade Zone, Mayaguez, P.R., Dec. 19, 1966.

Wewerka, Mr. Victor, President, Ets. L. Richoux, 22 Cite Trevise, 22, Paris 9, France, Dec. 8, 1967.

White Magic Co., 660 Capri Boulevard, Treasure Island, Fla. 33706, Apr. 5, 1967.

Dated: July 5, 1968.

EDWARD F. PENNANT,
Deputy Assistant Administrator for Administration.

[F.R. Doc. 68-8382; Filed, July 15, 1968; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 68-177]

ARTIFICIAL FLOWERS OF PLASTIC

Classification

JULY 9, 1968.

T.D. 68-143, limiting the decisions in C.D. 3278 and C.D. 3279 to the merchandise which was the subject of those cases, revoked.

The Bureau of Customs published in the FEDERAL REGISTER of June 4, 1968 (33 F.R. 8283), T.D. 68-143 giving notice that Customs Court decisions in Armbee Corporation, W. J. Byrnes & Co., Inc. v. United States, C.D. 3278, and Zunold Trading Corporation, Leading Forwarders, Inc. v. United States, C.D. 3279, concerning the tariff classification of plastic artificial flowers assembled by the "snap-on" or "slip-on" method, would be limited to the merchandise which was the subject of those cases, pending a retrial by the Customs Court of the issues involved.

Upon reconsideration, the Bureau will not now seek further litigation of the issues raised in those cases. Accordingly, entries of plastic artificial flowers will be classified by customs officers following the decisions in C.D. 3278 and C.D. 3279 insofar as those decisions are applicable to the classification of such merchandise, in accordance with General Interpretative Rule 10(a), Tariff Schedules of the United States, and § 16.10(g), Customs Regulations of the United States.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 68-8403; Filed, July 15, 1968; 8:49 a.m.]

Bureau of Engraving and Printing

GUARD FORCE

Appointed as Special Policemen

Pursuant to the authority vested in me by Treasury Department Order No. 177-25, 32 F.R. 17490 (1967), all members of the Bureau of Engraving and Printing uniformed guard force are hereby appointed as Special Policemen for duty in connection with the policing of the public buildings and other areas under the charge and control of the Director of the Bureau of Engraving and Printing or such other areas under the control of the Secretary of the Treasury as he or his delegate may designate. Such uniformed guards appointed as Special Policemen shall have the same powers as sheriffs and constables upon the premises of the Bureau of Engraving and Printing building and grounds, Bureau of Engraving and Printing Annex and grounds, and such other areas under the control of the Secretary of the Treasury as he or his delegate may designate to enforce the laws enacted to protect persons and property and to prevent breaches of the peace, to suppress affrays, or unlawful assemblies, and to enforce

the rules and regulations made and promulgated by the Director, Bureau of Engraving and Printing relating to conduct on the Bureau of Engraving and Printing building and grounds and the Bureau of Engraving and Printing Annex and grounds.

[SEAL] J. A. CONLON,
Director, Bureau of Engraving and Printing.

[F.R. Doc. 68-8405; Filed, July 15, 1968; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ADMINISTRATIVE OFFICER, KINGMAN CIVILIAN CONSERVATION CENTER, ARIZ.

Delegation of Authority Regarding Contracts and Leases

Center Director, Kingman Civilian Conservation Center Supplement to Bureau of Land Management Manual 1510.

A. Pursuant to delegation of authority contained in Bureau Manual 1510-03B2c, the Administrative Officer is authorized:

1. To enter into contracts with established sources for supplies and services, excluding capitalized equipment, regardless of amount, and

2. To enter into contracts on the open market for supplies and materials, excluding capitalized equipment, not to exceed $2,500 per transaction ($2,000 for construction), provided that the requirement is not available from established sources.

BEN MURDOCK,
Center Director.

[F.R. Doc. 68-8361; Filed, July 15, 1968; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

DIRECTOR, ASCS COMMODITY OFFICE, KANSAS CITY, MO.

Delegation of Authority

The following persons in the Kansas City ASCS Commodity Office, Kansas City, Mo., are designated, as Contracting Officers of Commodity Credit Corporation, to decide, in accordance with paragraph 13 of CCC Blanket Insurance Policy No. MSF-124 28 00, executed by the Commodity Credit Corporation on June 28, 1968, any dispute concerning a question of fact with respect to a claim of Commodity Credit Corporation under this policy which is not disposed of by agreement:

Director, Kansas City ASCS Commodity Office, George L. Eastling, Jr., Contracting Officer, CCC.

This instrument shall be effective until revoked.

Dated: July 10, 1968.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 68-8374; Filed, July 15, 1968; 8:46 a.m.]

DIRECTOR, ASCS COMMODITY OFFICE ET AL., KANSAS CITY, MO.

Delegation of Authority

Persons occupying the following positions in the ASCS Commodity Office, Kansas City, Mo., are designated to act for me for the purpose of receiving, in accordance with the requirements of paragraph 1 of the blanket insurance policy executed by Commodity Credit Corporation with Fireman's Fund Insurance Co., San Francisco, Calif., on June 28, 1968, any information indicating a failure of the warehouseman to perform fully his obligations under the Bean Storage Agreement (CCC Form-28), Uniform Grain Storage Agreement (Form CCC-25) and Uniform Rice Storage Agreement (CCC Form-26) and all modifications of such agreements or to perform any other obligations as a warehouseman in connection with commodities stored or handled under such agreements:

Director.
Deputy Director, Programs.
Deputy Director, Management.
Chief, Commodity Operations Division.
Assistant Chief, Commodity Operations Division.
Chief, Storage Management Division.
Assistant Chief, Storage Management Division.
Chief, Claims and Collections Division.
Assistant Chief, Claims and Collections Division.
Chief, Storage Contract Staff.
Assistant Chief, Storage Contract Staff.

This instrument shall be effective during the period of the blanket insurance policy, beginning noon, July 1, 1968, e.s.t., and continuing until noon, July 1, 1971, e.s.t.

Dated: July 10, 1968.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 68-8375; Filed, July 15, 1968; 8:47 a.m.]

CONTROLLER ET AL.

Delegation of Authority

The following officers of Commodity Credit Corporation, Washington, D.C., are designated to act for me for the purpose of receiving, in accordance with the requirements of paragraph 1 of the blanket insurance policy executed by Commodity Credit Corporation with the Fireman's Fund Insurance Co., San Francisco, Calif., on June 28, 1968, any information indicating a failure of the warehouseman to perform fully his obligations under the Bean Storage Agreement (CCC Form-28), Uniform Grain Storage Agreement (CCC Form-25) and Uniform Rice Storage Agreement (CCC Form-26) and all modifications of such agreements or to perform any other obligations as a warehouseman in connection with commodities stored or handled under such agreements:

Controller.
Treasurer.
Assistant Treasurer, Who is the Chief, Claims Branch, Fiscal Division, ASCS.
Assistant Treasurer, Who is Assistant Chief, Claims Branch, Fiscal Division, ASCS.

This instrument shall be effective during the period of the blanket insurance policy, beginning noon, July 1, 1968, e.s.t., and continuing until noon, July 1, 1971, e.s.t.

Dated: July 9, 1968.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 68-8376; Filed, July 15, 1968; 8:47 a.m.]

Commodity Exchange Commission

RODNEY L. BORUM AND JOSEPH J. SAUNDERS

Notice of Membership

Pursuant to the provisions of section 1(c) of Public Law 90-258, amending the Commodity Exchange Act, the Secretary of Agriculture designated me to serve as Chairman of the Commodity Exchange Commission (33 F.R. 7046). Notice is hereby given that the Secretary of Commerce has designated Rodney L. Borum, Administrator of the Business and Defense Services Administration, Department of Commerce, to serve as a member of the Commission, and the Attorney General has designated Joseph J. Saunders, Chief of the Public Counsel and Legislative Section, Antitrust Division, Department of Justice, to serve as a member of the Commission.

Done at Washington, D.C., this 9th day of July 1968.

M. L. UPCHURCH,
Chairman, Commodity Exchange Commission.

[F.R. Doc. 68-8414; Filed, July 15, 1968; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

NORTH CAROLINA STATE UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Producer Goods, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Producer Goods must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 68-00649-01-77040. Applicant: North Carolina State University, Purchasing Department, 107 1911 Building, Raleigh, N.C. 27607. Article: Mass spectrometer, Model MS-1201. Manufacturer: Associated Electronics Industries, Ltd., United Kingdom. Intended use of article: Applicant states:

1. The organic and inorganic staff members on our faculty plan to use the mass spectrometer for structural elucidation studies. Since "metastable" peaks furnish information concerning the nature of chemical bonds, the rearrangement of molecular and fragment ions and the fragmentation pathways of molecules, we require the best "metastable" performance obtainable. The structural elucidation investigations also require either true exponential or lineup scanning at high resolution in order to split closely spaced doublets and to determine the masses of ions to within 10-15 p.p.m. over a wide mass range.

2. Several research groups at North Carolina State University will use the spectrometer to identify compounds separated from mixtures by gas chromatography. For these purposes we will have a gas chromatograph connected to the mass spectrometer in an in-line configuration. Rapid magnetic and voltage scanning at good resolution with minimum mass discrimination is necessary for the planned investigations. We also require true differential pumping (min. 1000/1) of the spectrometer to allow large variations in source pressure with minimum loss of vacuum in the analyzer. Another requirement for this in-line system is a high bandwidth amplifier to prevent peak clipping at fast scan speeds.

3. One research group is currently investigating reactions of tetrafluorohydrazine homolysis products with a variety of organic substrates. These reactions yield very complex mixtures of reaction products, and we desire to measure quantitatively the percentages of each of these products in the reaction mixtures. This work requires good long term reproducibility and highly accurate quantitative measurements.

4. Several of our research groups work with high molecular weight compounds such as steroids, polypeptides, metal chelates and organometallic compounds. For studies involving these compounds we need good resolution over a wide mass range and since many of these compounds are temperature sensitive, we also require a controlled low temperature in the ion source of the spectrometer. Some of these studies will require isotopic labeling to study fragmentation patterns and to determine stereochemical aspects of structure by the preference for positional isotopic exchange.

Application received by Commissioner of Customs: June 14, 1968.

Docket No. 68-00652-91-46500. Applicant: Smithsonian Institution, 10th Street and Constitution Avenue NW., Washington, D.C. 20560. Article LKB 4800 Ultrotome I ultramicrotome. Manufacturer: LKB Produkter Fabriksaktiebolag, Sweden. Intended use of article: Applicant states:

The LKB microtome will be use for the preparation of thin sections for viewing with the electron microscope. It will be generally used for botanical material, which is known to be difficult to section. Our work on the micromorphology of unicellular algae requires an ultratome which will yield series of sections of equal thickness. The thickness of these sections should be easily determined by the operator and range from 50Å to 2 microns. Only with this precision it is possible to do quantitative work.

Application received by Commissioner of Customs: June 14, 1968.

Docket No. 68-00653-00-46070. Applicant: University of California, Berkeley Campus, Berkeley, Calif. 94720. Article: Specimen stage for Mark II scanning electron microscope. Manufacturer: Cambridge Instrument Co., Ltd., United Kingdom. Intended use of article: The article is a part of the Stereoscan II microscope and is to be used for mounting biological specimens within the vacuum column for examination. Application received by Commissioner of Customs: June 18, 1968.

Docket No. 68-00654-01-46040. Applicant: Battelle Memorial Institute Columbus Laboratories, 505 King Avenue, Columbus, Ohio 43201. Article: Electron microscope and tilting, rotating, and heating stage, Models HU-125E and HK-2B. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The electron microscope will be used in thin foil transmission investigations of beryllium to correlate microstructural features and changes in physical properties already determined; of tungsten to study recrystallization mechanisms; of uranium alloys to study irradiation effects; of platinum-iridium to correlate microstructural features to physical properties, and others. Application received by Commissioner of Customs: June 18, 1968.

Docket No. 68-00655-16-61800. Applicant: Sarasota County Board of Public Instruction, 2418 Hatton Street, Sarasota, Fla. 33577. Article: Planetariums and auxiliary projectors, Model VENUS. Manufacturer: Goto Optical Co., Japan. Intended use of article: The articles will be used for instruction of earth-space sciences, including navigation, astronomy, mathematics, physics, and to develop interrelationships between astronomy and the humanities. Application received by Commissioner of Customs: June 18, 1968.

Docket No. 68-00658-01-78030. Applicant: University of California, Santa Barbara, Santa Barbara, Calif. 93106. Article: Infrared Spectrophotometer, Model 225 and dry air flushing unit. Manufacturer: Bodenseewerk Perkin-Elmer & Co., GmbH, West Germany. Intended use of article: The article will be used for research in connection with instruction of undergraduate and graduate students in physical chemistry. The program includes (1) experiments in molecular spectroscopy, which involve (a) taking the vibration-rotation spectrum of HCl (Hydrogen Chloride) gas and (b) taking a part of the pure rotational spectrum of this gas and resolve the isotope splitting so that the student may observe the relation between the rotational and vibrational modes; (2) experiments designed to investigate the infrared spectrum of the gas phase H_3^+ ion. Application received by Commissioner of Customs: June 19, 1968.

Docket No. 68-00659-33-46040. Applicant: Mount Sinai School of Medicine, 100th Street and Fifth Avenue, New York, N.Y. 10029. Article: Electron microscope, Model HS-8. Manufacturer: Hitchi, Ltd., Japan. Intended use of article: Applicant states:

The Hitchi HS-8 electron microscope will be used in two areas. These areas are research and the training of research fellows and medical students.

Areas of research for which the microscope will be used are as follows:

1. Electron histochemistry dealing with the localization of specific proteins.
2. Alterations of human and experimental animal liver cells, at the organelle level, produced by various disease processes.
3. Changes of subcellular organelles on the macromolecular level in response to toxic injury of the liver.
4. Alterations of human and experimental animal liver cells as a result of drugs and alcohol.

Application received by Commissioner of Customs: June 20, 1968.

Docket No. 68-00660-00-54800. Applicant: Florida State University, Tallahassee, Fla. 32306. Article: Optical bench components. Manufacturer: Precision Tool and Optical Co., United Kingdom. Intended use of article: Applicant states: "Parts required to fabricate Retinal Reflectometer." Application received by Commissioner of Customs: June 20, 1968.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68-8353; Filed, July 15, 1968; 8:45 a.m.]

Office of the Secretary

[Dept. Order 152–B]

BUSINESS AND DEFENSE SERVICES ADMINISTRATION

Organization

This material supersedes the material appearing at 30 F.R. 3393 of March 13, 1965; 32 F.R. 11711 of August 12, 1967; 32 F.R. 13830 of October 4, 1967, 32 F.R. 17548 of December 7, 1967.

SECTION 1. *Purpose.* The purpose of this order is to prescribe the organization and assignment of functions within the Business and Defense Services Administration.

SEC. 2. *Organization structure.* The organization structure and line of authority of the Business and Defense Services Administration (the "Administration") shall be as depicted in the organization chart.

SEC. 3. *Office of the Administrator.* The Administrator develops the objectives of the Administration, formulates policies and programs for achieving those objectives and directs execution of the programs. He is assisted by a Deputy Administrator who also performs the duties of the Administrator during his absence. The Deputy Administrator also serves as the Director of Trade Adjustment for the Department under Title III of the Trade Expansion Act of 1962 and other legal authority providing for similar assistance to firms.

SEC. 4. *Assistant Administrator for Industrial Analysis and Business Programs.* The Assistant Administrator for Industry Analysis and Business Programs shall be the principal assistant and advisor to the Administrator on the development of policies and programs to stimulate and promote balanced growth of U.S. industry. He shall assure coordination of industrial economic matters with the Office of Business Economics, other areas of the Department, and with other agencies of the Federal Government as appropriate. The Assistant Administrator shall direct the following offices:

.01 The Office of Policy Development shall develop and recommend proposed positions of the Department on domestic business policy, including but not limited to taxation, finance, investment, prices, trade adjustment assistance, domestic trade, industrial manpower planning, and labor-management relations. It shall coordinate the review of and recommend the Administration's position on proposed legislation and Government regulations having an impact on the business and industrial economy of the nation, and initiate and recommend new legislation or regulations as may be appropriate to sustain industrial sector growth.

.02 The Office of Business Programs shall develop and conduct or coordinate broad functional programs designed to assist business community growth such as those concerned with conservation and utilization of industrial and natural resources, e.g., Pollution Abatement and Conservation of Economic Resources (PACER) program, agribusiness (promoting U.S. industry participation in export sales of farm machinery, food processing and canning equipment, and fertilizer, pesticides, and insecticides), affirmative action (promoting greater participation in business community affairs by minority group persons, upgrading existing businesses owned by minority group persons, and providing for specific entrepreneurial opportunities for minority group persons), licensing the importation of foreign excess property and related business assistance and development projects. The Office shall also serve as the focal point within the Administration for the DIB Comprehensive Economic Reporting Program which collects and classifies information on business and industrial sector developments abroad; provide the Department's representation to the International Labor Organization; operate the program of furnishing information on foreign trade opportunities to U.S. businessmen; and provide technical advice and assistance to public and private organizations, and cooperate with them on programs to promote national economic stability and growth.

.03 The Office of Business Analysis shall conduct research on industry economic growth, including the effect on business of monetary and fiscal policies, automation, technical progress, urban development, inventory policies, price fluctuations, and foreign competition; perform economic analyses and studies of the impact on the total economy of current and anticipated events within industrial sectors, utilizing the advice and assistance of the Office of Business Economics as appropriate in the design and conduct of the studies (which are carried out to provide information useable by Government agencies responsible for formulating national economic policies and by private industry in making informed decisions on capital investment, financing, production, and distribution); assist the Office of Business Economics, as requested, in the interpretation and analyses of trends and developments identified in the national accounts series; conduct special international industry surveys; and provide direction and guidance to other elements of the Administration in applying statistical and economic standards, techniques, and procedures. This Office shall also prepare and disseminate for the use of Government and business, periodic reports on the conditions, trends, and outlook of particular industries and industrial sectors.

.04 The Office of Marketing shall conduct research on marketing practices, methods, structure, costs, and facilities and disseminate the resulting information to Government, consumers, and business; review legislation and Government regulations affecting marketing and recommend, where appropriate, changes that are in the best interests of Government, consumers, and business; and assemble and disseminate domestic and foreign marketing data for use by business and Government.

SEC. 5. *Assistant Administrator for Industrial Mobilization.* The Assistant Administrator for Industrial Mobilization shall be the principal assistant and advisor to the Administrator in the performance of the Administration's assigned industrial mobilization and preparedness functions under the Defense Production Act of 1950, as amended, and appropriate Executive orders; and in assuring maximum readiness of industrial resources for national emergencies and an adequate flow of materials essential for defense, atomic energy, and space programs. He shall provide policy direction and coordination in the execution of industrial mobilization programs by other organizations of the Administration, and shall maintain liaison with other areas of the Department and with other agencies of the Federal Government on these matters. The Assistant Administrator shall direct the following Offices:

.01 The Office of Mobilization Plans shall administer the Defense Materials System and Priorities program and determine policy with respect to the use and application of industrial controls and defense priorities and their impact on the economy including the establishment of set-asides; develop industrial mobilization plans including mobilization industrial distribution systems and standby emergency regulations; provide special assistance (expediting) to defense contractors in order to overcome production bottlenecks and delivery delays, including the issuance of production and delivery scheduling directives, and special priorities assistance, as may be required; maintain liaison between United States and Canada for industrial mobilization planning; and participate with State-Local governments in the preparation of emergency industrial production plans.

.02 The Office of Industrial Materials shall conduct a continuing review of the National Stockpile of strategic and critical materials, and develop recommendations for the acquisition or disposal of these materials in terms of supply requirements analyses for conventional and nuclear war, storage procedures, and purchase and acceptance specifications.

.03 The office of Mobilization Readiness shall plan and conduct emergency readiness operations for mobilizing industrial resources for national emergencies, including test exercises; recruit, train, and direct the industrial production component of the National Defense Executive Reserve; and administer a program to assure adequate security and defense of industrial facilities during national emergencies.

.04 The Office of Industrial Evaluation shall identify industry facilities of critical importance to industrial mobilization, specify standards for assessing and evaluating their status, provide for and review analyses of facilities, including survival items, and conduct feasibility studies to determine industrial capabilities to meet national emergencies. This Office shall perform the basic liaison with the National Resource Analysis Center of the Office of Emergency Planning in supplying data on the status on these critical industries and survival items.

SEC. 6. *Assistant administrator for industry operations.* The Assistant Administrator for Industry Operations shall be the principal assistant and advisor to the Administrator on commodity/industry activities essential to American industrial sector growth and stability. He shall direct and coordinate programs; direct commodity/industry activities; control the design and release of commercial/technical information of U.S. industries and commodities; supervise external relations with trade associations, industrial corporations, and other industrial groups; provide for advice and assistance to industry and Government on problems of common concern; and arrange for appropriate commodity/industry expertise input to support efforts of the Assistant Administrators for Industrial Analysis and Business Programs and Industrial Mobilization. The Assistant Administrator shall direct the following offices: Office of Consumer Goods, Office of Producer Goods, Office of Basic Materials, Office of Textiles.

.01 Each office, under the Assistant Administrator for Industry Operations shall cover a broad sector of U.S. industry and consist of specific divisions, as noted in the attached organization chart, which are grouped by related commodity/industry classification. Each office shall perform the following functions (except as otherwise indicated in this section):

a. Collect, analyze, and disseminate information and data on production, capacity, consumption, inventories, markets, distribution, sources of supply, the business implications of technological developments, and financial structure; analyze trends in the economy as they affect industries, products, and services; and prepare analytical and statistical reports for use of business, industry, and Government;

b. Promote industrial development, profits, productivity, and employment by signaling industrial changes and by alerting business and Government of ways to accommodate change;

c. Support and develop programs for industrial modernization and automation; analyze the benefits of modernization and automation upon U.S. industrial preparedness, domestic economic health, and ability to compete in world markets;

d. Furnish commodity/product information and assistance in support of the domestic and international business activities of the Department of Commerce, other Government agencies, and organizations concerned with the expansion of trade and commerce;

e. Analyze and review the impact of existing and proposed regulations, standards, and controls upon specific industries; and recommend measures to revise and improve them in the interests of a growing national economy;

f. Foster cooperation between industry and Government by maintaining liaison with trade associations, industrial corporations, and other industrial groups and providing advice and assistance on problems of common concern;

g. Provide staff assistance on commodities and industries to officials of the Department designated to carry out responsibilities in connection with commissions and with national and international organizations;

h. Coordinate the Department's activities pertaining to special industry committees of the Organization for Economic Cooperation and Development (OECD);

i. Perform for the Assistant Administrator, Industrial Mobilization, industrial preparedness and postattack capability studies, Industry Evaluation Board studies, stockpile analyses, and special expediting assistance for defense production; and participate in National Defense Executive Reserve activities; and

j. Perform for the Assistant Administrator, Industrial Analysis and Business Programs, specific commodity/industry economic impact analyses and studies.

.02 In addition to paragraph .01 above, the Office of Producer Goods shall:

a. Provide, through the Director's Office, staff assistance to officials designated to carry out the Department's responsibilities pertaining to the allocation of watches and watch movements among producers located in the Virgin Islands, Guam, and American Samoa, respectively; and

b. Manage through the Metalworking Equipment Division, the reserve of idle Government-owned production equipment and machine tools held by the Departments of Commerce, and Health, Education, and Welfare, and the Atomic Energy Commission, National Aeronautics and Space Administration, and the General Services Administration.

c. Carry out, through the Scientific Instrument Evaluation Division, the provisions of Public Law 89–651, with respect to evaluation and approval or disapproval of free entry into the United States of certain categories of scientific articles to be imported for nonprofit educational and research institutions; specifically, the division shall evaluate the scientific equivalency of the article to be imported, and determine whether an article of scientific equivalence is being manufactured in the United States. The functions described in subparagraphs .01 (a) through (j) of this section are not applicable to the Scientific Instrument Evaluation Division.

.03 In addition to the functions set forth in paragraph .01 above, the Office of Textiles shall:

a. Provide staff assistance to the officials designated to carry out the Department's responsibilities for regulating textile imports; and

b. Conduct economic impact studies of proposed new or amended flammability standards or regulations upon the textile industry and the public.

.04 In addition to the functions set forth in paragraph .01 above, the Office of Consumer Goods shall:

a. Provide, through the Director's Office, staff assistance to officials designated to carry out the Department's responsibilities for implementing the Agreement concerning Automotive Products between the Government of the United States and the Government of Canada, including annual and special reporting requirements; and

b. Recommend, through the Transportation Products Division, certification of qualified applicants as "bona fide motor-vehicle manufacturers"; and maintain and prepare for publication from time to time, lists of bona fide motor-vehicle manufacturers under the provisions of the Automotive Products Trade Act of 1965.

.05 The Petroleum and Coal Division of the Office of Basic Materials is not assigned mobilization activities as described in subparagraph .01(i) above. In addition to all other functions set forth in paragraph .01 above, the Division shall provide staff assistance to the Office of the Assistant Secretary, Domestic and International Business, in carrying out the Department's responsibilities pertaining to oil import quotas.

SEC. 7. *Field activities.* .01 The field activities of the Business and Defense Services Administration shall be carried out by the Field Offices of the Office of Field Services, which are located in principal cities of the United States and Puerto Rico. Each Field Office shall provide information and advice to the local business community on production, consumption, sales, raw materials, sources, trends, and prospects on U.S. industries; marketing and distribution problems; and on industrial mobilization matters including priorities for materials and products under the Defense Materials System.

.02 Field Offices of the Office of Field Services, are listed in Appendix A to Department Order 168–B, "Office of Field Services."

SEC. 8. *Administrative, Publications, and Related Services.* .01 Administrative management, budget, personnel, auotmatic data processing, and related support services shall be furnished to the Business and Defense Services Administration by the Office of Administration, DIB, pursuant to Department Order 189–A.

.02 Publications and information services shall be furnished to the Business and Defense Services Administration by the Office of Publications and Information, DIB, pursuant to Department Order 190–A.

Effective date: July 1, 1968.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 68–8354; Filed, July 15, 1968; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GEIGY CHEMICAL CORP.

Notice of Withdrawal of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide regulations (21 CFR 120.8), the Geigy Chemical Corp., Ardsley, N.Y. 10502, has withdrawn its petition (PP 8F0648), notice of which was published in the FEDERAL REGISTER of October 25, 1967 (32 F.R. 14791), proposing the establishment of tolerances for residues of the insecticide *O,O*-dimethyl *S*-[2-methoxy-1,3,4-thiadiazol-5(4H)-onyl-(4)-methyl] dithiophosphate in or on raw agricultural commodities, as follows: Alfalfa (fresh), alfalfa hay, clover (fresh), and clover hay at 10 parts per million; citrus at 2 parts per million; and cottonseed at 0.25 part per million.

Dated: July 5, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8410; Filed, July 15, 1968; 8:50 a.m.]

Office of the Secretary

MOTOR VEHICLE POLLUTION CONTROL

California State Standards; Waiver of Application of Section 208, Clean Air Act

On December 5, 1967, the Secretary of Health, Education, and Welfare, by notice published in the FEDERAL REGISTER (32 F.R. 17443), called a public hearing pursuant to section 208(b) of the Clean Air Act as amended (42 U.S.C. 1857f-6a (b)) concerning the action proposed to be taken by him which was set out in the notice as follows:

> Now, therefore, I hereby give formal notice that after a public hearing as required by the statute, I will waive application of the prohibitions of section 208(a) to the State of California with respect to applicable State standards which are more stringent than applicable Federal standards unless I find that the State of California does not require standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions or that such State standards and accompanying enforcement procedures are not consistent with section 202(a) • • •

The public hearing was held in San Francisco, Calif., on January 15, 16, and 17, 1968, and, pursuant to the call of the Presiding Officer (33 F.R. 7128), a second session was held in Los Angeles, Calif., on June 5, 1968. The record of the public hearing was kept open until June 20, 1968, for the submission of written material, data, or arguments by interested persons and for further action by the California Air Resources Board concerning the State Standards and enforcement procedures with respect to which a waiver of section 208(a) was requested.

Having given due consideration to the record of the public hearing, all material submitted for that record, and other relevant information, I find that:

1. The State of California had, prior to March 30, 1966, adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles and new motor vehicle engines;

2. The State of California requires standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions;

3. The California State Standards and related enforcement procedures set out below and applicable as therein indicated are more stringent than the applicable Federal standards and are required to meet such compelling and extraordinary conditions; and

4. Such State Standards and procedures are consistent with section 202(a) of the Clean Air Act, as amended.

Now, therefore, I hereby waive the application of section 208(a) to the State of California with respect to the following identified State Standards and related enforcement procedures:

1. Provisions of Title 13, California Administrative Code (as amended June 18, 1968):

(a) Section 1925 (Exhaust emission standards for 1969 model gasoline-powered motor vehicles over 6,000 pounds gross vehicle weight).

(b) Section 1935 (Exhaust emission standards for 1969 model gasoline-powered motor vehicles 6,000 pounds gross vehicle weight and under).

(c) Section 1950 (Fuel evaporative emission standards for 1970 model vehicles 6,000 pounds gross vehicle weight and under).

(d) Sections 2100 and 2102 (Certification of exhaust emission control devices).

(e) Section 2105 (Classifications for exhaust emission control devices certification).

(f) Section 2108 (Device identification).

(g) Section 2109 (Prescription of Test Procedures for exhaust emission control: light duty vehicles and heavy duty vehicles).

(h) Section 2500 and 2502 (Certification of fuel evaporative emission control devices).

(i) Section 2504 (Classifications for fuel evaporative emission control devices certification).

(j) Section 2507 (Device identification).

(k) Section 2508 (Prescription of Test Procedure for fuel evaporative emission control: light duty vehicles).

2. Test Procedures:

(a) California Exhaust Emission Standards and Test Procedures for 1969 Model Heavy Duty Vehicles, adopted June 18, 1968.

(b) California Exhaust Emission Standard and Test Procedure for 1969 Model Passenger Cars (Light Duty Vehicles), adopted June 18, 1968.

(c) California Fuel Evaporative Emissions Standards and Test Procedure for 1970 Model Light Duty Vehicles, adopted June 18, 1968.

This waiver is applicable only with respect to the model years specified above as defined in the applicable test procedures.

Certified copies of the above standards and procedures are available for inspection at Office of the Director, National Center for Air Pollution Control, Room 906, Ballston Center Tower, No. 2, 801 North Randolph Street, Arlington, Va. 22203. Copies of the standards and procedures may be obtained from the above office or from the California Air Resources Board, Suite 1085, 417 South Hill Street, Los Angeles, Calif. 90013.

Dated: July 11, 1968.

[SEAL] WILBUR J. COHEN,
Secretary.

[F.R. Doc. 68-8444; Filed, July 15, 1968; 8:50 a.m.]

Social Security Administration

SWEDEN

Notice of Finding Regarding Foreign Social Insurance or Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has approved a finding that, beginning July 1966, Sweden has a social insurance system of general application which pays periodic benefits on account of old age, retirement, or death, and under which citizens of the United States, not citizens of Sweden, who leave Sweden, are permitted to receive such benefits or their actuarial equivalent at the full rate without qualification or restriction while outside that country.

Accordingly, it is hereby determined and found that Sweden has in effect, beginning with July 1966, a social insurance system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

This revises the finding published in the FEDERAL REGISTER of April 6, 1960 (25 F.R. 2939).

Dated: June 24, 1968.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: July 8, 1968.

WILBUR J. COHEN,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 68-8413; Filed, July 15, 1968; 8:50 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT SECRETARY AND DEPUTY ASSISTANT SECRETARY FOR RENEWAL AND HOUSING ASSISTANCE

Delegations of Authority

The Secretary's delegations of authority to the Assistant Secretary and to the Deputy Assistant Secretary for Renewal and Housing Assistance (31 F.R. 8964, June 29, 1966, as amended at 32 F.R. 624, Jan. 19, 1967, and 32 F.R. 11390, Aug. 5, 1967) are hereby amended under Section C, Additional authority delegated, paragraph 5, subparagraph d, Additional authority excepted, by revising item iv to read:

iv. Make determinations with respect to noncompliances or defaults under contracts for Federal loan or grant assistance: *Provided, however,* That there may be redelegated to the Deputy Assistant Secretary for Renewal Assistance and the General Deputy, Renewal Assistance, authority to make determinations with respect to noncompliances or defaults under such contracts except where such determinations would cause an increase in the Federal grant amount or where they involve noncash grant-in-aid credit.

(Sec. 7(d) of Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This amendment to redelegations of authority shall be effective as of July 16, 1968.

ROBERT C. WEAVER,
Secretary of Housing and Urban Development.

[F.R. Doc. 68-8377; Filed, July 15, 1968; 8:47 a.m.]

DEPUTY ASSISTANT SECRETARY FOR RENEWAL ASSISTANCE AND GENERAL DEPUTY, RENEWAL ASSISTANCE

Delegations of Authority

The redelegations of authority by the Assistant Secretary for Renewal and Housing Assistance to the Deputy Assistant Secretary for Renewal Assistance and the General Deputy, Renewal Assistance (31 F.R. 8965, June 29, 1966, as amended at 32 F.R. 625, Jan. 19, 1967, and 32 F.R. 11390, Aug. 5, 1967), are hereby amended under Section C, *Additional authority excepted,* by revising paragraph 7 to read:

7. Make determinations with respect to noncompliances or defaults under contracts for Federal loan or grant assistance where such determinations would cause an increase in the Federal grant amount or where they involve noncash grant-in-aid credit.

(Secretary's delegations of authority published at 31 F.R. 8964, June 29, 1966, as amended, particularly at 33 F.R. 10181, July 16, 1968)

Effective date. This amendment to redelegations of authority shall be effective as of July 16, 1968.

DON HUMMEL,
Assistant Secretary for Renewal and Housing Assistance.

[F.R. Doc. 68-8378; Filed, July 15, 1968; 8:47 a.m.]

[Region III (Atlanta), Housing Assistance Office]

ASSISTANT REGIONAL ADMINISTRATOR FOR HOUSING ASSISTANCE ET AL.

Redelegations of Authority Regarding Low-Rent Public Housing

The redelegations of authority to the Assistant Regional Administrator for Housing Assistance and other officials and employees of the Housing Assistance Office, Region III (Atlanta), effective August 19, 1966 (31 F.R. 11624-11625, Sept. 2, 1966), are hereby amended in the following respects:

(1) By designating and titling the first paragraph as follows:

SECTION A. *Authority redelegated to the Assistant Regional Administrator for Housing Assistance and other officials and employees of the Housing Assistance Office.* • • •

(2) By adding a new section B to read as follows:

SEC. B. *Authority redelegated to the Deputy Assistant Regional Administrator for Housing Assistance.* The Deputy Assistant Regional Administrator for Housing Assistance, Region III (Atlanta), is hereby authorized to exercise all the powers and authorities redelegated to the Assistant Regional Administrator for Housing Assistance in section A above.

Effective date. This amendment shall be effective as of April 7, 1968.

EDWARD H. BAXTER,
Regional Administrator, Region III.

[F.R. Doc. 68-8379; Filed, July 15, 1968; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

SCHOOL BUS OPERATION SAFETY ADVISORY COMMITTEE

Whereas, the Secretary of Transportation has the duty of providing for a coordinated national highway safety program, having been authorized and directed by law to assist and cooperate with private industry and other interested parties to increase highway safety by reducing traffic accidents and resulting deaths, injuries and property damage; and

Whereas, it has been determined that the development of school bus operational data is essential to the establishment of sound and effective highway safety program standards, and that the advice, views and recommendations of an advisory committee whose members are knowledgeable in this area will contribute to achieving such standards at the earliest possible date, leading, in turn, to the reduction of traffic accidents, deaths, injuries, and property damage; and

Whereas, the formation and use of the School Bus Operation Safety Advisory Committee is determined to be in the public interest in connection with the performance of duties imposed upon the Department by law, its purpose being to advise the Director, National Highway Safety Bureau, hereinafter referred to as NHSB, regarding Bureau activities that relate to the safe maintenance and operation of school buses, including the adequacy and effectiveness of proposed highway safety standards thereon.

Now, therefore, it is hereby ordered:

1. That an advisory committee is established within the Federal Highway Administration to be known as "The School Bus Operation Safety Advisory Committee," hereinafter referred to as the "Committee."

2. That the duties of the Committee shall be to meet as needed, to review activities of the NHSB and related programs as they pertain to school bus operation, and to furnish advice, views, and recommendations thereon.

3. That membership of the Committee shall not exceed fifteen; that its members shall be entitled to per diem and travel expenses, but shall receive no salary or fee; and that a majority of its membership shall be from outside the school bus industry. "Industry" for the purpose of this order means a manufacturer, distributor, dealer, or contract operator of school buses or school bus equipment.

4. That the Committee shall report to the Director of the NHSB.

5. That the NHSB shall sponsor and provide necessary executive secretariat services for the Committee, keeping a record of costs therefor.

6. That the meetings of the Committee shall be called, held and adjourned in accordance with the requirements of DOT Order 1100.22 and the Department Regulations at 49 CFR 95.9.

7. That the Federal Highway Administrator may prescribe additional regulations from time to time governing the formation or use of the Committee, or the appointment of members thereof.

8. That the Committee shall terminate upon recommendation by the sponsor or 2 years hereafter, whichever shall occur first.

Issued in Washington, D.C., on June 5, 1968.

Recommended:

LOWELL K. BIRDWELL,
Federal Highway Administrator.

Approved:

ALAN S. BOYD,
Secretary of Transportation.

[F.R. Doc. 68-8363; Filed, July 15, 1968; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-323]

PACIFIC GAS AND ELECTRIC CO.

Notice of Receipt of Application for Construction Permit and Facility License

Pacific Gas and Electric Co., 245 Market Street, San Francisco, Calif. 94106, has filed an application dated June 28, 1968, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, for authorization to construct and operate a pressurized water reactor nuclear steam supply system on its approximately 750-acre site adjacent to the Pacific Ocean in San Luis Obispo County, Calif., approximately 190 miles (airline) south of San Francisco and 150 miles northwest of Los Angeles.

The proposed nuclear powerplant, designated by the applicant as the Diablo Canyon Unit 2 facility is designed for initial operation at approximately 3,250 megawatts thermal with a gross electrical output of approximately 1,109 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 10th day of July 1968.

For the Atomic Energy Commission.

F. SCHROEDER,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 68-8351; Filed, July 15, 1968; 8:45 a.m.]

[Docket No. 50-72]

UNIVERSITY OF UTAH

Notice of Issuance of Amended Facility License

The Atomic Energy Commission has issued Amendment No. 6, as set forth below, to Facility License No. R-25. The license authorizes The University of Utah to operate its Model AGN-201, Serial No. 107, nuclear reactor located on its campus in Salt Lake City, Utah. The amendment, effective as of the date of issuance, incorporates Technical Specifications for operation of the facility and republishes the license to (1) incorporate previously issued Amendments 1 through 5, and (2) revise the reporting and recordkeeping requirements. The revisions have been agreed to by the University, and are reflected in sections "3.C." and "3.D." of the amended license. Specifically, the reporting requirements will now include time limits and the recordkeeping section is expanded to include the following as items 5 and 6:

(5) Records of maintenance operations involving substitution or replacement of reactor equipment or components.

(6) Records of tests and measurements performed pursuant to the Technical Specifications.

The Commission has found that prior public notice of proposed issuance of this amended license is not necessary in the public interest since the operation of the reactor in accordance with the terms of the amended license does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amended license may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated September 25, 1967, (2) a related Safety Evaluation prepared by the Division of Reactor Licensing, and (3) the Technical Specifications, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 28th day of June 1968.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

AMENDED FACILITY LICENSE

[License No. R-25, Amdt. 6]

The Atomic Energy Commission has found that:

a. The application for license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter "the Act"), and the Commission's regulations set forth in Title 10, CFR, Chapter I;

b. The reactor has been constructed in conformity with Construction Permit No. CPRR-67 and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

c. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

d. The University of Utah is technically and financially qualified to operate the reactor, to assume financial responsibility for payment of Commission charges for special nuclear material, and to undertake and carry out the proposed activities in accordance with the Commission's regulations;

e. The issuance of this license, as amended, will not be inimical to the common defense and security or to the health and safety of the public; and

f. The University of Utah is a nonprofit educational institution and will use the reactor for the conduct of educational activities, and is therefore exempt from the financial protection requirement of subsection 170a of the Act. The University has executed an indemnity agreement pursuant to 10 CFR Part 140.

Facility License No. R-25, as amended, is hereby amended in its entirety to read:

1. This license applies to the Model AGN-201, Serial No. 107, nuclear reactor (herein "the reactor") which is owned by The University of Utah and located in the Merrill Engineering Building situated on its campus in Salt Lake City, Utah, and described in the University's application for license dated June 1, 1957, and subsequent amendments thereto dated July 7, 1961, September 15, 1961, and September 25, 1967 (herein "the application").

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses The University of Utah ("the licensee"):

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," to possess, use, and operate the reactor as a utilization facility in accordance with the procedures and limitations described in the application and in this license;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material," to receive, possess, and use up to 700 grams of contained uranium-235 in connection with operation of the reactor; and

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Rules of General Applicability to Licensing of Byproduct Material," to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

3. This license shall be deemed to contain and be subject to the conditions specified in Part 20, § 30.34 of Part 30, §§ 50.54 and 50.59 of Part 50 and § 70.32 of Part 70 of the Commission's regulations; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. *Maximum power level.* The University of Utah may operate the reactor at steady state power levels up to a maximum of 100 milliwatts (thermal).

B. *Technical specifications.* The Technical Specifications contained in Appendix A hereto (hereinafter "the Technical Specifications") are hereby incorporated in this license. Except as otherwise permitted by the Act and the rules, regulations, and orders of the Commission, the licensee shall operate the reactor in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in § 50.59 of 10 CFR Part 50.

C. *Reports.* In addition to reports otherwise required under this license and applicable regulations:

(1) The licensee shall inform the Commission of any incident or condition relating to the operation of the reactor which prevented or could have prevented a nuclear system from performing its safety function as described in the Technical Specifications or in the safety analysis report. For each such occurrence, the licensee shall promptly notify, by telephone or telegraph, the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of 10 CFR Part 20 and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing (hereinafter "the Director, DRL"), with a copy to the Regional Compliance Office.

(2) The licensee shall report to the Director, DRL, in writing within thirty (30) days of its observed occurrence any substantial variance disclosed by operation of the reactor from performance specifications contained in the safety analysis report or the Technical Specifications.

(3) The licensee shall report to the Director, DRL, in writing within thirty (30) days of its occurrence any significant changes in transient or accident analysis as described in the safety analysis report.

D. *Records.* In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

(1) Reactor operating records, including power levels and periods of operation at each power level.

(2) Records showing radioactivity released or discharged into the air or water beyond the effective control of the licensee as measured at or prior to the point of such release or discharge.

(3) Records of emergency shutdowns and inadvertent scrams, including reasons therefor.

(4) Records of experiments installed including description, reactivity worths, locations, exposure time, total irradiation, and any unusual events involved in their performance and in their handling.

(5) Records of maintenance operations involving substitution or replacement of reactor equipment or components.

(6) Records of tests and measurements performed pursuant to the Technical Specifications.

4. This amended license is effective as of the date of issuance and shall expire at midnight, September 12, 1977.

Attachment: Appendix A—Technical Specifications.[1]

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

Date of Issuance: June 28, 1968.

[F.R. Doc. 68-8352; Filed, July 15, 1968; 8:45 a.m.]

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

CIVIL AERONAUTICS BOARD

[Docket No. 18351; Order 68-7-49]

CITY OF SAN JOSE, CALIF.

Application for Amendment of Certificates To Designate San Jose as a Hyphenated Point With San Francisco; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of July 1968.

On June 5, 1968, the city of San Jose, Calif., filed a petition in Docket 18351, requesting the Board to amend Orders E-25644, September 7, 1967, and E-26003, November 20, 1967,[1] so as to remove the restriction prohibiting single-plane service between the San Jose airport and Los Angeles, which restriction is applicable to the certificates of Trans World Airlines, Inc., for route 2, United Air Lines, Inc., for route 1, Western Air Lines, Inc., for route 63, and the Flying Tiger Line Inc., for route 100.[2]

In support of its petition, San Jose alleges, in pertinent part, that the restriction in question was imposed to protect Pacific Air Lines, Inc. (now merged into Air West, Inc.); that Pacific does not provide and has not provided any nonstop service in this market for the better part of a year; there are nearly 600,000 passengers a year using nonstop service between San Jose and Los Angeles by Pacific Southwest Airlines (PSA), an intrastate carrier; all of the nonstop service is provided by PSA without any effective competition by any federally certificated carrier; the traffic in this market has grown in the 2 years between 1965-67 from 62,000 passengers to over 578,000 passengers; approximately a third of the Bay Area flights of the two leading west coast trunkline carriers or 92 daily one-way flights, are operated in the San Francisco/Oakland-Los Angeles market. However, none of these flights can serve the San Jose airport despite the fact that 25 to 33 percent of the total Bay Area traffic would be convenienced by service through that airport. Finally, San Jose states that congestion in the Bay Area is a very serious problem and removal of the restriction in question could be a needed improvement.

An answer supporting San Jose's petition was filed by United Air Lines and no other answers were filed.

For the reasons set forth below, we tentatively find and conclude that the public convenience and necessity require the amendment of the certificates of those air carriers indicated above so as to delete the restriction in their respective certificates which prohibits the operation of single-plane service through the San Jose airport between San Francisco-Oakland-San Jose and Los Angeles.[3]

The restriction in question which prohibits single-plane service between the San Jose airport and Los Angeles was imposed by the Board to protect the subsidized services of Pacific in this market.[4] We tentatively find and conclude that the reason for imposing that restriction no longer obtains and in this connection it is noteworthy that Pacific (now Air West) has no objection to the removal of the restriction. As San Jose points out in its petition, Pacific no longer serves this market and, it does not appear likely that the carrier would reinstitute its service. This is due to the fact that this market is an extremely low yield market blanketed with service by PSA.

We tentatively find and conclude that grant of San Jose's petition will benefit the traveling public. First, removal of the restriction will permit additional federally certificated carriers to have access to an extremely large market (approximately 578,000 passengers in 1967) under circumstances in which the only nonstop service being provided is that of the intrastate carrier, PSA. In our view, the market is of sufficient size to warrant the services of additional carriers. United, which answered in support of San Jose's petition, has indicated that if its restriction were removed by August 1, 1968, it could institute service in this market by October 1, 1968. United has also indicated that its service will be all jet commuter type and will be offered at competitive fares. Since, in terms of passengers carried, this market ranks among the top passenger markets in the United States, we tentatively find and conclude that additional federally certificated service should be authorized.

[1] By Order E-25644, Sept. 7, 1967, the Board amended the certificates of various air carriers so as to designate San Jose as a hyphenated point with San Francisco and/or Oakland subject to inter alia, a condition prohibiting single-plane service between San Jose airport and Los Angeles. By Order E-26003, Nov. 20, 1967, the Board amended the certificate of the Flying Tiger Line Inc., to designate San Jose as a hyphenated point with San Francisco and Oakland subject to, inter alia, the same conditions.

[2] The restriction is contained in all of the certificates in question except that of United. For administrative reasons, United's certificate for route 1 has not been reissued since we imposed the restriction under consideration by Order E-25644, Sept. 7, 1967. Ordering paragraph 5 of the order in question, however, specifically made the restriction applicable to United.

[3] See footnote 2.

[4] Order E-25346, June 23, 1967.

Finally, we tentatively find and conclude that removal of this restriction may have a salutary effect in reducing congestion at the other Bay Area airports. As pointed out by San Jose, numerous flights are operated out of the San Francisco and Oakland airports to Los Angeles. To the extent that the Los Angeles market can be served through the San Jose airport, this would tend to relieve congestion at the other Bay Area airports.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue at an appropriate time amended certificates of public convenience and necessity to Trans World Air Lines, Inc., for route 2, United Air Lines, Inc., for route 1, Western Air Lines, Inc., for route 63, and the Flying Tiger Line Inc., for route 100; and show cause why the Board should not amend Orders E–25644, September 7, 1967, and E–26003, November 20, 1967, so as to remove the restriction prohibiting single-plane service between the San Jose airport and Los Angeles;

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding, a statement of objections, together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board; [5]

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived; and the case will be submitted to the Board for final action; and

5. A copy of this order shall be served upon the following persons who are hereby made parties to this proceeding: Mayor, City of San Francisco; Mayor, City of Oakland; Mayor, City of San Jose; Mayor, City of Los Angeles; Air West, Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.; Western Air Lines, Inc.; and the Flying Tiger Line Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68–8383; Filed, July 15, 1968; 8:47 a.m.]

[5] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 18237–18239; FCC 68–695]

AVCO BROADCASTING CORP. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Avco Broadcasting Corp., San Antonio, Tex., requests: 107.5 mcs, No. 298; 100 kw; 1,258 feet, Docket No. 18237, File No. BPH–6184; Bexar Broadcasting Co., Inc., San Antonio, Tex., requests: 107.5 mcs, No. 298; 42.35 kw; 450 feet, Docket No. 18238, File No. BPH–6245; Turner Broadcasting Corp. (KBUC–FM), San Antonio, Tex., has: 106.3 mcs, No. 292; 3 kw; 300 feet (Terrell Hills), requests: 107.5 mcs, No. 298; 100 kw; 287 feet (San Antonio), Docket No. 18239, File No. BPH–6285; for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. Unlike the other two applications, which propose new operations, Turner Broadcasting Corp.'s application involves a change in station location for its Terrell Hills' Class A station, KBUC–FM. Because a grant of this application would have the effect of removing Terrell Hills' only FM station, we believe it is necessary to determine whether such a consequence would be consistent with the requirements of section 307(b) of the Act. If this issue is resolved in Turner Broadcasting Corp.'s favor its application will be considered under the comparative issue. A contrary determination, of course, would require its denial.

3. In response to questions 1 A–C of section IV–A of the application regarding ascertainment of local programing needs and interests, all three applicants have shown that there have been consultations with a representative cross-section of local leaders and listing public. None of the three, however, have adequately indicated the suggestions received, their evaluation of these suggestions, or the programing proposed to meet these needs as evaluated. Accordingly, Suburban issues will be specified against each of the applicants.

4. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations within the 1 mv/m contours together with the availability of other FM services of 1 mv/m or greater intensity in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

5. All three applicants propose duplication of AM programing, but the amounts proposed vary significantly. Bexar Broadcasting Co., Inc., maintains a specific amount of such duplication, approximately 10 percent, but the other proposals are imprecise—in one case at least 2½ hours per day and in the other no more than 50 percent. Even so it appears that there would be a significant difference in the amount of AM programing to be duplicated. Therefore, evidence regrading program duplication will be admissible under the standard comparative issue. When duplicated programing is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be permitted in the absence of a specific programing inquiry—Jones T. Sudbury 8 FCC 2d 360, FCC 67–614 (1967).

6. Such full comparison is warranted when one applicant proposes predominantly specialized programing and the other general market programing—Ward L. Jones, FCC 67–82 (1967); Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, footnote 9 at 397 (1965). In this case, Bexar Broadcasting Co., Inc., proposes predominantly Negro-oriented programing, while the others do not propose specialized programing. Therefore, the specialized proposal on the one hand may be compared with the nonspecialized ones on the other under the standard comparative issue.

7. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing on the issues set forth below.

8. *It is ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether Turner Broadcasting Corp.'s proposal to change station location is consistent with the requirements of section 307(b) of the Communications Act of 1934, as amended, to provide a fair, efficient, and equitable distribution of radio service.

(2) To determine the efforts made by Avco Broadcasting Corp. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(3) To determine the efforts made by Bexar Broadcasting Co., Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(4) To determine the efforts made by Turner Broadcasting Corp. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(5) To determine which of the proposals would better/best serve the public interest.

(6) To determine in the light of the evidence adduced pursuant to the foregoing issues, which if any of the applications for construction permit should be granted.

9. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

10. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 3, 1968.

Released: July 11, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68–8393; Filed, July 15, 1968; 8:48 a.m.]

[Docket Nos. 17884, 17885; FCC 68M–1030]

BERWICK BROADCASTING CORP. AND P.A.L. BROADCASTERS, INC.

Order Continuing Hearing

In re applications of Berwick Broadcasting Corp., Berwick, Pa., Docket No. 17884, File No. BPH–5812; P.A.L. Broadcasters, Inc., Pittston, Pa., Docket No. 17885, File No. BPH–5924; for construction permits.

Pursuant to a joint motion to suspend the hearing dates heretofore filed by the applicants and with the pendency of a pleading now before the Review Board involving the dismissal of the Berwick Broadcasting Corp.'s application: *It is ordered,* That the hearing now scheduled for July 22 be and the same is hereby rescheduled for September 23, 1968, 10 a.m., in the Commission's offices, Washington, D.C.

Issued: July 9, 1968.

Released: July 9, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68–8394; Filed, July 15, 1968; 8:48 a.m.]

[1] Commissioner Lee concurring in the result.

[Docket Nos. 18198, 18199; FCC 68M–1040]

COMMUNITY BROADCASTING COMPANY OF HARTSVILLE AND EASTERN CAROLINA BROADCASTERS, INC.

Order Continuing Hearing

In re applications of Harold Bledsoe and Edmond F. Baddour doing business as Community Broadcasting Company of Hartsville, Hartsville, S.C., Docket No. 18198, File No. BP–16995; Eastern Carolina Broadcasters, Inc., Florence, S.C., Docket No. 18199, File No. BP–17083; for construction permits.

Pursuant to agreements reached at the prehearing conference held on July 10, 1968: *It is ordered,* That the evidentiary hearing in the above-entitled proceeding now scheduled for July 22, 1968, is continued to September 11, 1968, beginning at 10 a.m., in the offices of the Commission, Washington, D.C.

Issued: July 10, 1968.

Released: July 11, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68–8395; Filed, July 15, 1968; 8:48 a.m.]

[Docket No. 10834 etc.; FCC 68M–1032]

FLORIDA-GEORGIA TELEVISION CO., INC., ET AL.

Order Continuing Prehearing Conference

In re applications of Florida-Georgia Televison Co., Inc., Jacksonville, Fla., Docket No. 10834, File No. BPCT–1624; Community First Corp., Jacksonville, Fla., Docket No. 17582, File No. BPCT–3681; The New Horizons Telecasting Co., Inc., Jacksonville, Fla., Docket No. 17583, File No. BPCT–3731; Florida Gateway Television Co., Jacksonville, Fla., Docket No. 17584, File No. BPCT–3732; for construction permit to new television broadcast station. Wometco Enterprises, Inc., Miami, Fla., Docket No. 18185, File No. BRCT–95, for renewal of license of television station WTVJ. Wometco Skyway Broadcasting Co., Asheville, N.C., Docket No. 18186, File No. BRCT–313, for renewal of license of television station WLOS–TV.

The Hearing Examiner having under consideration the informal request filed under date of July 5, 1968, by Antwin Theatres, Inc., for continuance of the prehearing conference scheduled herein for July 16, 1968;

It appearing, that the presently scheduled date is in conflict in the calendar of counsel for petitioner with another proceeding before the FCC and that all parties have consented to immediate consideration and grant of the request;

It is ordered, That the said request is granted and the prehearing conference herein scheduled for July 16, 1968, is continued to July 17, 1968, commencing at 9 a.m. in the offices of the Commission at Washington, D.C.

Issued: July 9, 1968.

Released: July 10, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68–8396; Filed, July 15, 1968; 8:48 a.m.]

[Docket Nos. 18241, 18242; FCC 68–705]

KFPW BROADCASTING CO. AND GEORGE DOMERESE

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of George T. Hernreich, trading as KFPW Broadcasting Co., Fort Smith, Ark., requests: 100.9 mcs, No. 265; 3 kw; 275 feet, Docket No. 18241, File No. BPH–6180; George Domerese, Van Buren, Ark., requests: 100.9 mcs; No. 265; 3 kw; 300 feet, Docket No. 18242, File No. BPH–6274; for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. The respective proposals are for different communities. Consequently, it will be necessary to determine pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

3. According to the application of George Domerese, $42,790 would be required to cover the cost of construction and first-year operation. To meet this requirement, Mr. Domerese indicates reliance on assets totaling $183,250, but only $8,000 of this amount represents liquid assets. Reliance on even this amount, however, is not possible on the basis of the information supplied thus far, for he has not segregated his current and long-term liabilities which total far more than $8,000. Accordingly, an issue will be specified to determine the availability of the required $42,790.

4. KFPW Broadcasting Co. proposes approximately 25 percent duplicated programing while George Domerese proposes independent operation. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programing is proposed, the showing permitted under the contingent comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be permitted in the absence of a specific programing inquiry—Jones T. Sudbury 8 FCC 2d 360, FCC 67–614 (1967).

5. In Minshall Broadcasting Co., Inc., 11 FCC 2d 796, 12 RR 2d 502 (1968), we

indicated that applicants were expected to provide full information on (i) the steps they have taken to inform themselves of the real needs and interests of the area; (ii) the suggestions they have received; (iii) their evaluation of those suggestions; and (iv) the programing proposed to meet the community needs as they have been evaluated. Although both applicants have shown that they have consulted members of their communities neither one has listed the suggestions received, its evaluation of those suggestions or the programing proposed to meet these needs as evaluated. Thus, we are unable at this time to determine whether the applicants are aware of and responsive to the needs of the area. Accordingly, Suburban issues are required.

6. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing on the issues set forth below.

7. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether George Domerese has available to him the $42,790 required to finance construction and first-year operation of his proposed station.

(2) To determine the efforts made by KFPW Broadcasting Co. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(3) To determine the efforts made by George Domerese to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(4) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

(5) To determine, in the event it is concluded that a choice between applications should not be based solely on considerations relating to section 307(b), which of the proposals would better serve the public interest.

(6) To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

8. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

9. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 3, 1968.

Released: July 11, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-8397; Filed, July 15, 1968; 8:48 a.m.]

[Docket Nos. 18235, 18236; FCC 68-694]

LAWRENCE COUNTY BROADCASTING CORP. AND TWO RIVERS BROADCASTING CO., INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Lawrence County Broadcasting Corp., Louisa, Ky., requests: 1270 kc, 1 kw, Day, Docket No. 18235, File No. BP-17188; Two Rivers Broadcasting Co., Inc., Louisa, Ky., requests: 1270 kc, 1 kw, Day, Docket No. 18236, File No. BP-17239; for construction permits.

1. The Commission has before it for consideration (a) the above-captioned mutually exclusive applications; (b) a petition to deny the Two Rivers proposal; and (c) pleadings in opposition and reply thereto.

2. The aforementioned petition, entitled "Petition Protesting Grant," was filed by William J. McNabb, M.D., in his capacity as a private citizen and a resident of Lawrence County, wherein Louisa, Ky., is located. Since a copy of the petition was not served on Two Rivers or its attorney, as required by section 309(d)(1) of the Communications Act and § 1.47 of the Commission's rules, the petition is procedurally defective. Nevertheless, we will treat it as an informal objection pursuant to § 1.587 of the rules.

3. Dr. McNabb alleges that the proposed station "under its present leadership" would not be able to supply unbiased and unslanted news coverage, that it would create a news and advertising monopoly in the area, and that a grant would tend to obstruct local economic development. These charges were based on the fact that, as of the date the objection was filed, Two Rivers president and 16.7 percent stockholder, Merrill S. Rice, was also the publisher of Louisa's only newspaper and an officer and the largest single stockholder in the company which owns and operates the toll bridge connecting Louisa, Ky., and Fort Gay, W. Va. According to Dr. McNabb, Rice's paper, The Big Sandy News, has refused to print any news items regarding efforts by the Louisa Junior Chamber of Commerce to secure a toll-free bridge. In support of this allegation, Dr. McNabb attached copies of articles from Ashland and Louisville newspapers which discussed a resolution adopted by the Junior Chamber describing the action of Rice's paper as "contrary to the best traditions of responsible journalism in the United States and detrimental to the generally good reputation of the journalism profession".

4. Subsequent to the filing of McNabb's objection, however, Two Rivers amended its application deleting all mention of Mr. Rice and substituting another party in his place. In its opposition pleading, Two Rivers then requested dismissal of McNabb's objection as moot since it had been directed solely to Rice's qualifications.

5. In response, McNabb alleged that Rice's withdrawal was merely a sham designed to blunt his protest. McNabb maintained that Rice was "still the moving force" behind the proposal. Two Rivers then submitted affidavits from Rice and all seven of its officers and stockholders attesting that Rice had severed all connection with the corporation and that charges to the contrary were without foundation in fact.

6. At this juncture, the Commission is faced with Dr. McNabb's bare allegation of hidden interest on the one hand and eight uncontroverted affidavits on the other. For this reason we find that no substantial question exists as to Rice's actual departure. Since Dr. McNabb's petition relates only to Mr. Rice's qualifications, it will not be necessary to explore the matter further and the objection will be dismissed as moot.

7. A Suburban[1] issue is required as to both applicants. In Minshall Broadcasting Company, Inc., 11 FCC 2d 796, 12 RR 2d 502, we instructed applicants to provide full information on (i) the steps they have taken to inform themselves of the real needs and interests of the area; (ii) the suggestions they have received; (iii) their evaluation of those suggestions; and (iv) the programing proposed to meet the community needs as they have been evaluated. Although both applicants in this case appear to have made extensive surveys, neither one has listed the suggestions received or set out an evaluation of those suggestions. Thus, we are unable at this time to determine whether the applicants are aware of and responsive to the needs of the area. Minshall Broadcasting, ibid.

8. Examination of the financial portion of the Two Rivers proposal indicates that the applicant will require $59,617 to meet estimated first-year construction and operation costs, consisting of: Down payment on equipment, $5,225; building, $2,000; miscellaneous costs, $3,000; installment payments on equipment, $9,392; and working capital, $40,000. To meet these costs applicant has available $18,000 in stock subscriptions and a $40,000 bank loan for a total of only $58,000. Accordingly, a financial issue is required.

9. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

10. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine, with respect to the application of Two Rivers Broadcasting Co., Inc.:

(a) The manner in which the applicant will obtain additional funds to construct and operate the proposed station for 1 year.

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

(2) To determine the efforts made by the applicants to ascertain the community needs and interests of the area to be served and the means by which they propose to meet those needs and interests.

(3) To determine which of the proposals would better serve the public interest.

(4) To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

11. *It is further ordered*, That the petition filed by William J. McNabb is hereby dismissed as moot.

12. *It is further ordered*, That, in the event of a grant of either of the above applications, the construction permit shall contain the following condition:

Any presunrise operation must conform with §§ 73.87 and 73.99 of the rules, as amended June 28, 1967 (32 F.R. 10437), supplementary proceedings (if any) involving Docket No. 14419, and/or the final resolution of matters at issue in Docket No. 17562.

13. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

14. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 3, 1968.

Released: July 11, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-8398; Filed, July 15, 1968; 8:48 a.m.]

[Docket No. 17613; FCC 68M-1029]

MILTON BROADCASTING CO.

Order Scheduling Further Prehearing Conference

In re application of Clayton W. Mapoles, trading as Milton Broadcasting Co., Docket No. 17613, File No. BR-2983, for renewal of license of station WEBY, Milton, Fla.

The Commission having denied Mapoles' petition for reconsideration (FCC 68-691, released July 5, 1968): *It is ordered*, That a further prehearing conference is scheduled for August 1, 1968, at 9 a.m.[1]

Issued: July 8, 1968.

Released: July 9, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-8399; Filed, July 15, 1968; 8:49 a.m.]

[Docket Nos. 18200, 18201; FCC 68M-1037]

H. & C. BROADCASTING CO. AND LONDON BROADCASTING CO., INC.

Order Continuing Hearing

In re applications of Herman C. Smith and Calvin C. Smith, doing business as H. & C. Broadcasting Co., London, Ky., Docket No. 18200, File No. BPH-5882; London Broadcasting Co., Inc., London, Ky., Docket No. 18201, File No. BPH-6071; for construction permits.

Pursuant to a hearing conference as of this date: *It is ordered*, That the hearing now scheduled for July 25, 1968, be and the same is hereby rescheduled for October 7, 1968, 10 a.m., in the Commission's offices, Washington, D.C.

Issued: July 10, 1968.

Released: July 11, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-8400; Filed, July 15, 1968; 8:49 a.m.]

[1] Commissioner Wadsworth absent.

[1] Suburban Broadcasters, 30 FCC 1021, 20 RR 951 (1961).

[2] Commissioners Lee and Johnson concurring in the result.

[1] The conference is being scheduled on Aug. 1 because the Hearing Examiner has been informed that counsel for the Broadcast Bureau is on leave until then. It is not expected that the conference date will affect the hearing date—Aug. 19, 1968. The conference should be short (see Tr. 29); the Bureau has already furnished applicant a bill of particulars.

[Mexican Change List 247]

MEXICAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections in Assignment

JUNE 17, 1968.

Notifications under the provisions of Part III, section 2 of the North American Regional Broadcast Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying the appendix containing assignments of Mexican Broadcast Stations (Mimeograph No. 4721-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power watts	Antenna	Schedule	Class	Expected date of commencement of operation
		700 kilocycles				
XEVA (in operation with 5000D/200N, ND, since 6-15-68).	Villahermosa, Tab.	5000D/200N	ND	U	IIID/IVN	*6-15-68.*
		860 kilocycles				
XEZK (in operation on 860 kc/s since 10-13-67).	Tenozique, Tab.	1000D/150N	ND	U	II	*10-13-67.*
		880 kilocycles				
XETZ (this corrects the notification included in List No. 246; In operation on 880 kc/s since 5-8-68).	Tequila, Jal.	1000	ND	D	II	*5-8-68.*

Call letters	Location	Power watts	Antenna	Schedule	Class	Expected date of commencement of operation
		920 kilocycles				
XEU (change to 930 kc/s)	Veracruz, Ver	500 D/500N	ND	U	III	
		930 kilocycles				
XEU (PO: 920 kc/s)	Veracruz, Ver	500	ND	U	III	9-12-68 (Probable).
		990 kilocycles				
XEOL (in operation on 990 kc/s since 5-22-68).	Teziutlan, Pue	500 D/100N	ND	U	II	*5-22-68.*
		1080 kilocycles				
XEAU (new)	Monterrey, N. L	500	ND	D	II	6-15-69 (Probable).
		1110 kilocycles				
(New) (new)	Cardenas, Tab	1000	ND	D	II	6-14-69 (Probable).
		1130 kilocycles				
XEBF (correction of an omission: In operation on 1150 kc/s since 6-18-65).	San Pedro de las Colonias, Coah.	1000 D/250N	ND	U	IIID/IVN	*6-18-65.*
		1150 kilocycles				
XEXP (correction of an omission: In operation on 1150 kc/s since 8-9-66).	Tuxtepec, Oax	500	ND	D	III	*8-9-66.*
		1170 kilocycles				
XERY (previously notified on 1440 kc/s).	Arcelia, Gro	50,000	DA	U	II	6-14-69 (Probable).
		1190 kilocycles				
XECT (new)	Monterrey, N.L	500	ND	D	II	6-15-69 (Probable).
		1340 kilocycles				
XEXP (assignment deleted. See 1150 kc/s).	Tuxtepec, Oax	250	ND	D	II	
		1540 kilocycles				
XEZX (assignment deleted. See 860 kc/s).	Tenozique, Tab	1000 D/200N	ND	U	IV	
		1540 kilocycles				
XEFBF (this corrects the time of operation notified in List No. 246).	Martinez de la Torre, Ver.	500 D/100N	ND	U	IIID/IVN	5-16-69 (Probable).
		1570 kilocycles				
XERY (assignment deleted. See 1170 kc/s).	Arcelia, Gro	500	ND	D	III	
		1590 kilocycles				
XEACC (change in call letters, previously XEAU. This modifies the expected date of commencement of operation).	Cd. Camargo, Chih	1000	ND	D	II	6-15-69 (Probable).
		1590 kilocycles				
XEACJ (change in call letters, previously XECT. This modifies the expected date of commencement of operation).	Cd. Juarez, Chih	1000	ND	D	II	6-15-69 (Probable).
		1590 kilocycles				
XEUY (new)	Las Choapas, Ver	2500 D/100N	ND	U	II	6-16-69 (Probable).

FCC NOTE: Mexican Change List No. 247 has not been received through official channels.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Assistant Chief, Broadcast Bureau.

[F.R. Doc. 68-8401; Filed, July 15, 1968; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 68-39]

SPAIN/NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Order of Investigation

Imposition of transfer charges to the Port of Boston by the Spain/North Atlantic Westbound Freight Conference and rules, regulations, and practices in connection therewith.

On January 29, 1968, the Spain/North Atlantic Westbound Freight Conference added the following rule to its Tariff FMC 1 designated as Rule 14(b), effective March 3, 1968:

(b) Cargo destined to Boston: Transfer charges applicable on cargo destined to Boston with transshipment at U.S.A. North Atlantic ports:

$20.00 per 1000 Kilos—with a Minimum Lumpsum of $20.00 per shipment. Cargo to be delivered at Delivering Carrier's Terminal.

This rule has been further revised to apply to cubic meters in addition to the kilos and specifically to not apply to containerized cargo. Correspondence by the Commission's staff concerning this matter has been completley ignored by the conference. The Commission is of the opinion that this rule may evidence concerted action on the part of the conference not to provide direct service to the Port of Boston. Since this Commission approved on March 7, 1968, a dual rate contract system for this conference, effective August 1, 1968, the imposition of this $20 transfer charge may create conditions contrary to section 14(b). The imposition of the transfer charge may result in discrimination and prejudice against the Port of Boston and the shippers who would utilize that port. The exemption of containerized cargo from the rule may result in an undue preference to containerized cargo and an unreasonable disadvantage or prejudice to other cargo. Finally, the assessment of this $20 transfer charge may make the rates to Boston so unreasonably high as to be detrimental to the commerce of the United States.

Now therefore it is ordered, That, pursuant to section 22 an investigation is hereby instituted to determine whether the imposition of the $20 transfer charge by the Spain/North Atlantic Westbound Freight Conference contained in its Tariffs FMC 1 and FMC 2 constitutes concerted activity beyond the scope of their approved agreement not to serve the Port of Boston in violation of section 15; whether the imposition of the $20 charge is unjustly discriminatory or unfair as between shippers, importers or ports, detrimental to the commerce of the United States or contrary to the public interest in violation of section 15; whether the imposition of this charge subjects any particular person, locality, or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever in violation of section 16 First; whether the imposition of this charge unjustly discriminates between shippers or ports and whether this charge constitutes an unreasonable practice or regulation connected with the handling, and delivering of property in violation of section 17; whether the imposition of this transfer charge in addition to the basic rates already contained in such tariffs constitutes an unreasonably high rate as to be detrimental to the commerce in violation of section 18(b)(5).

It is further ordered, That this investigation be conducted for the purpose of determining whether the imposition of this transfer charge at Boston would make the application of the dual rate contract system at Boston contrary to the requirements of section 14(b).

It is further ordered, That the Spain/North Atlantic Westbound Freight Conference and its member lines be named as respondents in this proceeding.

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner.

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondents herein; (II) the said respondents be duly notified of the time and place of the hearing; and (III) this order be published in the FEDERAL REGISTER and notice of hearing be served upon respondents.

It is further ordered, That all persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72); of the rules of practice and procedure.

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Assistant Secretary.

APPENDIX A

Spain/U.S. North Atlantic Westbound Freight Conference, c/o Guy L. Retournat, Secretary, 10, Place de la Joliette, Marseilles 2, France.
American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y. 10004.
Costa Line (Costa Armatori S.p.A.), c/o Overseas Consolidated Co., Ltd., 26 Broadway, New York, N.Y. 10004.
Fabre Line (Compagnie Fabre, Societe Generale de Transports Maritimes), c/o Black Diamond Steamship Co., 2 Broadway, New York, N.Y. 10004.
Fresco Line, c/o F. W. Hartmann & Co., Inc., 21 West Street, New York, N.Y. 10006.
Isthmian Lines, Inc., 90 Broad Street, New York, N.Y. 10004.
Prudential Lines, Inc., 1 Whitehall Street, New York, N.Y. 10004.
Zim Israel Navigation Co., Ltd., c/o Mediterranean Agencies, Inc., 42 Broadway, New York, N.Y. 10004.

[F.R. Doc. 68-8385; Filed, July 15, 1968; 8:47 a.m.]

AUSTRALIA-WEST PACIFIC LINE AND UNITED STATES LINES, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. H. W. Conlan, United States Lines, Inc., 1 Broadway, New York, N.Y. 10004.

Agreement 9730 between Australia-West Pacific Line and United States Lines, Inc., establishes a through billing arrangement for the movement of cocoa beans and coffee beans from ports of call of Australia-West Pacific Line in New Britain and New Guinea, to ports of call of United States Lines on the U.S. Atlantic Coast with transshipment at Hong Kong in accordance with terms and conditions set forth in the agreement.

Dated: June 10, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-8386; Filed, July 15, 1968; 8:47 a.m.]

ISRAEL/U.S. NORTH ATLANTIC PORTS WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. M. Ronn, Secretary, Israel/U.S. North Atlantic Ports Westbound Freight Conference, Post Office Box 1723, Ha'atzmauth Road 7-9, Haifa, Israel.

Agreement No. 8420-5, between the member lines of the Israel/U.S. North Atlantic Ports Westbound Freight Conference, modifies Article 4 of the basic agreement to provide that interim decisions between conference meetings can also be reached by means of correspondence and telex, as outlined in the fourth paragraph of said article.

Dated: June 10, 1968.

By order of the Federal Maritime Commission.

FRANCIS HURNEY,
Assistant Secretary.

[F.R. Doc. 68-8387; Filed, July 15, 1968; 8:48 a.m.]

COLUMBUS LINE ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Columbus Line, Japan Line, the Oceanic Steamship Co., and Pacific Australia Direct Line.

Notice of agreement filed for approval by:

Mr. F. Conger Fawcett, Graham and James, 310 Sansome Street, San Francisco, Calif. 94104.

Agreement 9728, between Columbus Line, Japan Line, The Oceanic Steamship Co., and Pacific Australia Direct Line, which operate regular service in the trade between United States Pacific Coast ports and ports in Australia, provides for a Container Pool Agreement whereby the parties are to lease containers of uniform size and characteristics from Integrated Container Service, Inc., of New York jointly or by separate contracts in accordance with the terms and conditions set forth therein.

Dated: June 10, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-8388; Filed, July 15, 1968; 8:48 a.m.]

SWISS/NORTH ATLANTIC FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street N.W., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Swiss/North Atlantic Freight Conference (modification of conference agreement).

Notice of agreement filed for approval by:

Mrs. M. Lambert, Secretary, Swiss/North Atlantic Freight Conference, 85, Rue de la Republique—D-4, 92—Meudon, France.

Agreement No. 7860-10 amends Article 1 of the basic agreement of the Swiss/North Atlantic Freight Conference to add French Mediterranean ports to those ports of origin presently served by the member lines in the Hamburg/Bayonne range and in the Ventimiglia/Reggio Calabria range on the Italian mainland, in Sicily and on the Adriatic Sea.

Dated: June 10, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-8389; Filed, July 15, 1968; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP68-369]

CITIES SERVICE GAS CO.

Notice of Application

JULY 8, 1968.

Take notice that on June 28, 1968, Cities Service Gas Co. (Applicant), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP68-369 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation, acquisition, and operation of certain facilities to make the sale of gas to The Gas Service Co. (Gas Service) for resale by it in and about the city of Potwin, Butler County, Kans., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to:

(1) Acquire by purchase from Vickers Refining Co. and operate approximately 9¼ miles of used 4-inch gas pipeline with its appurtenant related facilities in Butler County, Kans.; and

(2) Tap the above described 4-inch gas pipeline and install and operate measuring and regulating facilities and to sell and deliver natural gas to Gas Service for resale and distribution in and about the city of Potwin, Butler County, Kans.

Applicant states that the proposed facilities will provide initial gas service to the city of Potwin.

Total estimated cost of the proposed facilities is $32,942, which will be paid from treasury cash.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 1, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8355; Filed, July 15, 1968; 8:45 a.m.]

[Project 2632]

CONNECTICUT LIGHT AND POWER CO.

Notice of Application for License for Constructed Project

JULY 8, 1968.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by the Connecticut Light and Power Co. (correspondence to: Warren A. Greten, Vice President, the Connecticut Light and Power Co., Post Office Box 2010, Hartford, Conn.) for constructed Project No. 2632, known as Rocky River Project, located on the Rocky River and Housatonic River in the counties of Fairfield and Litchfield, Conn., in the vicinity of Brookfield, Danbury, New Fairfield, Sherman, and New Milford.

The existing Rocky River seasonal pumped storage project consists of: (1) An earth main dam 952 feet long (maximum height 100 feet); (2) four dikes: an 11-foot high, 181-foot long concrete gravity dike with a 57-foot overflow section; a 15-foot high, 522-foot long concrete dike with a 391-foot overflow section; a 45-foot high, 167-foot long earth dike; and a 42-foot high, 873-foot long earth dike in two parts; (3) a reservoir with a surface area of 5,600 acres at the normal elevation of 428.14 feet (U.S.G.S. datum) and with usable storage of 142,560 acre-feet at a drawdown of 30 feet; (4) an intake canal 3,190 feet long; (5) an intake tower at the end of the canal; (6) a 15-foot diameter conduit 943 feet long; (7) a surge tank; (8) a steel penstock 670 feet long, inside diameter reducing from 13 to 11 feet; (9) an indoor powerhouse containing three units, one a conventional generator with a capacity of 24,000 kw, and two others being motor-generator units each having a rating as a generator of 3,500 kw; and (10) appurtenant facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 20, 1968, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8356; Filed, July 15, 1968; 8:45 a.m.]

[Project 2680]

CONSUMERS POWER CO. AND DETROIT EDISON CO.

Notice of Application for License for Unconstructed Project

JULY 8, 1968.

Public notice is hereby given that a joint application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Consumers Power Co. (correspondence to: P. A. Perry, Secretary, Consumers Power Co., 212 West Michigan Avenue, Jackson, Mich. 49201) and by the Detroit Edison Co. (correspondence to: Ray J. Plourde, Secretary, the Detroit Edison Co., 2000 Second Avenue, Detroit; Mich. 48226), for a license authorizing the construction, operation, and maintenance of Project No. 2680, known as the Ludington Pumped Storage Project, located on and adjacent to Lake Michigan in Mason County, Mich., approximately 4.5 miles south of Ludington, Mich.

The proposed project would consist of: (1) An upper reservoir formed by an enclosed dike with a surface area of 842 acres and a gross storage capacity of 82,300 acre feet; (2) six steel penstocks each approximately 740 feet in length to carry water to and from the intake and discharge structure to the powerhouse below; (3) a powerhouse containing six 270 mw (nominal) reversible pump turbines and generator motors with a total maximum capability of 1872 mw; (4) six main transformers located adjacent to the generator motors and connected by overhead transmission lines to the 345 kv switchyard located to the southwest of the powerhouse; (5) one double circuit 345 kv overhead transmission line, constructed on steel towers, generally located, where practical, on a right of way 230 feet in width, approximately 78 miles in length, and commencing at the proposed Ludington Pumped Storage Project Switchyard, and proceeding through the counties of Mason, Oceana, Newaygo, Muskegon, and Ottawa, to a point of interconnection near the village of Conklin, Ottawa County, with Consumers Power's proposed Tallmadge-Thetford 345 kv transmission line. Applicants' estimated cost of the project is $208,537,000.

The first of the pump turbine units is scheduled to be in commercial operation in early 1973, with successive units added until the last unit is in commercial operation in early 1974. Applicants state that they will enter into an Ownership Agreement and an Operating Agreement respecting the proposed project, under the terms of which Consumers Power and Detroit Edison are entitled to 51 percent and 49 percent, respectively, of the generating capability and energy output of the Ludington Pumped Storage Hydroelectric Plant. Applicants, in turn, propose to enter into an agreement with Commonwealth Edison Company of Chicago, Ill., under the terms of which Commonwealth Edison will undertake to purchase a minimum of 312 mw and a maximum of 624 mw of the Project's capacity for a term of at least 10 years.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 4, 1968, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8357; Filed, July 15, 1968; 8:45 a.m.]

[Docket Nos. CS68-53—CS68-55]

F. H. FUHRMAN ET AL.

Notice of Applications for "Small Producer" Certificates [1]

JULY 8, 1968.

F. H. Fuhrman, Docket No. CS68-53; M. H. W. Ritchie, Docket No. CS68-54; Americana Oil & Gas Properties of Texas, Inc., Docket No. CS68-55.

Take notice that on June 14, 1968, F. H. Fuhrman, 501 Midland Tower, Midland, Tex. 79701, on June 19, 1968, M. H. W. Ritchie, c/o William C. Blalock, Counsel, Lyne, Klein & French, 14th Floor, Adolphus Tower, Dallas, Tex. 75202, and on June 20, 1968, Americana Oil & Gas Properties of Texas, Inc., Post Office Box 4528, Monroe, La. 71201, filed in Docket Nos. CS68-53, CS68-54 and CS68-55, respectively, applications pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for "small producer" certificates of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 29, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8358; Filed, July 15, 1968; 8:45 a.m.]

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

OFFICE OF EMERGENCY PLANNING

TEXAS

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter dated July 5, 1968, reading in part as follows:

I have determined that the damage in various areas of the State of Texas, adversely affected by severe storms, high winds, and flooding beginning on or about May 7, 1968, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875.

I do hereby determine the following areas in the State of Texas to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 5, 1968:

The Counties of:

Aransas.	Refugio.
Collingsworth.	San Patricio.

Dated: July 9, 1968.

PRICE DANIEL,
Director,
Office of Emergency Planning.

[F.R. Doc. 68-8348; Filed, July 15, 1968; 8:45 a.m.]

RENEGOTIATION BOARD

PERSONS HOLDING PRIME CONTRACT OR SUBCONTRACT FOR TRANSPORTATION BY WATER AS COMMON CARRIER

Extension of Time for Filing Financial Statements

Every person who held a prime contract or subcontract for transportation by water as a common carrier at any time during the calendar year 1967 is hereby granted an extension of time until September 3, 1968, for filing a financial statement for such year pursuant to section 105(e)(1) of the Renegotiation Act of 1951, as amended.

Dated: July 11, 1968.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 68-8365; Filed, July 15, 1968; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

AMERICAN CHECKMASTER SYSTEM, INC.

Order Suspending Trading

JULY 10, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of American Checkmaster System, Inc., Houston, Tex., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 11, 1968, through July 20, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8381; Filed, July 15, 1968; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 676]

TEXAS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1968, because of the effects of certain disasters, damage resulted to residences and business property located in the county of El Paso, in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on July 7, 1968.

OFFICE

Small Business Administration Regional Office, 1616 19th Street, Lubbock, Tex. 79401.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to January 31, 1969.

Dated: July 9, 1968.

HOWARD GREENBERG,
Deputy Administrator.

[F.R. Doc. 68-8362; Filed, July 15, 1968; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 10, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41386—*Fresh meats and packinghouse products to points in southern territory.* Filed by Western Trunk Line Committee, agent (No. A-2559), for interested rail carriers. Rates on fresh meats and packinghouse products, in carloads, from Schuyler, Nebr., to points in southern territory.

Grounds for relief—Market competition.

Tariff—Supplement 24 to Western Trunk Line Committee, agent, tariff ICC A-4660.

FSA No. 41387—*Beet or cane sugar from points in Texas.* Filed by Southwestern Freight Bureau, agent (No. B-9090), for interested rail carriers. Rates on sugar, beet or cane, dry, in bulk in covered hopper cars, in carloads, as more fully described in the application, from Hereford, Houston, and Sugar Land, Tex., to Alton, Ill.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 94 to Southwestern Freight Bureau, agent, tariff ICC 5414.

FSA No. 41388—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 612), for interested rail carriers. Rates on sodium tripolyphosphate and polyurethane, in carloads and tank carloads, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariff—Supplement 78 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

AGGREGATE-OF-INTERMEDIATES

FSA No. 41389—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 613), for interested rail carriers. Rates on potatoes, sodium tripolyphosphate, polyurethane, and urethane, in carloads and tank carloads, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 78 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

By the Commission.

H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-8390; Filed, July 15, 1968; 8:48 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 11, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41390—*Ammonium nitrate between points in western trunkline territory.* Filed by Western Trunk Line Committee, agent (No. A-2559), for interested rail carriers. Rates on ammonium nitrate, in carloads, between points in western trunkline territory.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-8391; Filed, July 15, 1968; 8:48 a.m.]

[Notice 646]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 10, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 52704 (Sub-No. 63 TA), filed July 8, 1968. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Post Office Box 495, LaFayette, Ala. 36862. Applicant's representative: John W. Cooper, 1301 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, beer can openers, and advertising pertaining to malt beverages*, from Longview, Tex., to points in Jefferson, Calhoun, and Talladega Counties, Ala., for 150 days. Supporting shippers: Hughes Beverage Co., Inc., Box 957, Anniston, Ala. 36201; Birmingham Beverage Co., Inc., 820 North 22d Street, Birmingham, Ala. 35203; Talladega Beverage Co., 216 North Court Street, Talladega, Ala. 35160. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 823, 2121 Building, Birmingham, Ala. 35203.

No. MC 111435 (Sub-No. 34 TA), filed July 5, 1968. Applicant: C & E TRUCKING CORPORATION, Rural Delivery 3, Box 42, Saugerties, N.Y. 12477. Applicant's representative: Zelby and Burstein, 160 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flavorings and flavoring syrup* (except liquid chocolate, liquid chocolate coatings, liquid chocolate liquor, coca butter, and liquid vegetable oil coatings), and *liquid sugar, invert sugar, and blends and mixtures of liquid and/or invert sugar and corn syrup*, in bulk, in tank vehicles, from New York and Yonkers, N.Y., to points in Delaware and Maryland, under contract with Pepsico, Inc., for 150 days. Supporting shipper: Pepsico, Inc., 500 Park Avenue, New York, N.Y. 10022. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

No. MC 111435 (Sub-No. 35 TA), filed July 5, 1968. Applicant: C & E TRUCKING CORPORATION, Rural Delivery 3, Box 42, Saugerties, N.Y. 12477. Applicant's representative: Zelby and Burstein, 160 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flavorings and flavoring syrup* (except liquid chocolate, liquid chocolate coatings, liquid chocolate liquor, coca butter, and liquid vegetable oil coatings), and *liquid sugar, invert sugar, and blends and mixtures of liquid and/or invert sugar, and corn syrup*, in bulk, in tank vehicles, from New York and Yonkers, N.Y., to points in Delaware and Maryland, under contract with Corn Products Co. and its wholly owned subsidiary, Refined Syrups & Sugars, Inc., for 150 days. Supporting shipper: Refined Syrups & Sugars, Inc., Yonkers, N.Y. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, 518 Federal Building, Albany, N.Y. 12207.

No. MC 111729 (Sub-No. 265 TA), filed July 1, 1968. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, De Bevoise Building, Bayside, N.Y. 11361. Applicant's representative: Gerard L. Peace (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media of all kinds, and advertising material moving therewith;* (a) between Rosendale, N.Y., on the one hand, and, on the other, points in Bergen County, N.J.; (b) between points in Middlesex County, N.J., on the one hand, and, on the other, East Boston, Mass.; (c) between Toledo, Ohio, and South Bend, Ind.; (d) between points in New Haven County, Conn., on the one hand, and, on the other, points in Albany, Nassau, and Westchester Counties, N.Y.; points in Essex and Mercer Counties, N.J.; points in Suffolk County, Mass.; points in Philadelphia County, Pa.; and Baltimore, Md.; (e) between points in Hartford County, Conn. (except the city of Hartford), on the one hand, and, on the other, points in Putnam, Rockland, and Westchester Counties, N.Y.; (f) between points in Hartford County, Conn., on the one hand, and, on the other, points in Dutchess County, N.Y., and points in Philadelphia County, Pa.; (g) between Celina, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, Michigan (except Detroit, Mich.), and Pennsylvania; (h) between Delaware, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, Michigan (except Detroit, Mich.), Pennsylvania, and West Virginia; (i) between Paulding, Ohio, and Chicago, Ill.

(2) *Small machine parts and tools*, restricted against the transportation of packages or articles weighing in the aggregate more than 75 pounds from one consignor to one consignee on any one day, between points in Hartford County, Conn., on the one hand, and, on the other, points in Berkshire, Hampden, Hampshire, and Worcester Counties, Mass.; points in Middlesex County, N.J.; points in Queens County, N.Y.; and points in Philadelphia County, Pa. (3) *Designs, blueprints, engineering drawings, accompanying documents, and results of laboratory tests:* (a) between points in Hartford County, Conn., on the one hand, and, on the other, points in Berkshire, Hampden, Hampshire, and Worcester Counties, Mass.; points in Middlesex County, N.J.; points in Queens County N.Y.; and points in Philadelphia County, Pa.; (b) between Pauling, Ohio, and Chicago, Ill. (4) *Paint samples, coatings, and resins*, restricted against the transportation of packages or articles weighing in the aggregate more than 75 pounds from one consignor to one consignee on any one day, between Delaware, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, Pennsylvania, and West Virginia. (5) *Bottled oil samples, maps, promotion items, and miscellaneous small valves, surveyor's instruments, portable pumps, pump parts, tank measuring sticks, boiler fire eyes*, restricted against the transportation of packages or articles weighing in the aggregate more than 75 pounds from one consignor to one consignee on any one day, between points in Middlesex County, N.J., on the one hand, and, on the other, East Boston, Mass. (6) *Engineering samples to be tested*, restricted against the transportation of packages or articles weighing in the aggregate more than 75 pounds from one consignor to one consignee on any one day, between Toledo, Ohio, and South Bend, Ind.

(7) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moving therewith* (except motion picture film used primarily for theater and television exhibition), between Toledo, Ohio, on the one hand, and, on the other, Chicago, Ill.; Rochester, N.Y.; points in the Lower Peninsula of Michigan; points in Adams, Allen, De Kalb, Franklin, Jay, Randolph, Steuben, Union, and Wayne Counties, Ind. (8) *Cameras, projectors, tape recorders, electronic flash units, light meters, and other electronic components for repair*, between Toledo, Ohio, on the one hand, and, on the other, Chicago, Ill.; Rochester, N.Y.; points in the Lower Peninsula of Michigan; points in Adams, Allen, De Kalb, Franklin, Jay, Randolph, Steuben, Union, and Wayne Counties, Ind., for 180 days. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: E. N. Carignan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1807, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 118159 (Sub-No. 52 TA) (Correction), filed June 19, 1968, published FEDERAL REGISTER issue of July 2, 1968, and republished as corrected this issue. Applicant: EVERETT LOWRANCE, Post Office Box 10216, 4916 Jefferson Highway, New Orleans, La. 70121. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts, and articles distributed by packinghouses* as described in sections A and C of appendix I to *Descriptions of Motor Carrier Certificates* 61 M.C.C. 209 and 766, from York, Nebr., to points in Louisiana, Arkansas, Florida, Texas, Tennessee, Kentucky, North Carolina, South Carolina, Alabama, and Georgia, for 180 days. NOTE: The purpose of this republication is to include South Carolina as a destination State. Supporting shipper: Sunflower Packing Co., Inc., 1410 East 21st Street, Post Office Box 8183, Wichita, Kans. 67208. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 129553 (Sub-No. 2 TA), filed July 8, 1968. Applicant: THEODORE TAMMARO, Box 209, Iron, Minn. 55751. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., to Virginia, Minn., for 180 days. Supporting shippers: George J. Daleiden, 18 Mesabi Drive, Virginia, Minn. 55792; Starkovich Distributing Co., 331 South Fifth Street, Virginia, Minn. 55792. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 133012 TA, filed July 8, 1968. Applicant: FRANK TURNER, Post Office Box 218, Gilmer, Tex. 75644. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rigid electrical conduit and nonmetallic conduit*, from the plantsite of Robroy Industries, Inc., at Gilmer, Tex., to points in Louisiana, Arkansas, Oklahoma, Colorado, and Tennessee (Clarification: The rigid conduit is of steel and wrought iron), for 180 days. NOTE: Applicant does not intend to tack. Supporting shipper: Robroy Industries, Inc., Pittsburgh Standard Division, Gilmer, Tex. 75644. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-8392; Filed, July 15, 1968; 8:48 a.m.]

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Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Housing and Home Finance Agency

Section 213.3144 is amended to show that the position of Special Assistant to the Deputy Administrator is no longer excepted under Schedule A. Effective on publication in the FEDERAL REGISTER, § 213.3144 is revoked in its entirety.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68–8455; Filed, July 16, 1968, 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Temporary Boards and Commissions

Section 213.3199 is amended to show that positions at GS–15 and below in the National Commission on the Causes and Prevention of Violence are excepted under Schedule A until July 31, 1969. Effective on publication in the FEDERAL REGISTER, paragraph (b) is added to § 213.3199 as set out below.

§ 213.3199 Temporary Boards and Commissions.

* * * * *

(b) *National Commission on the Causes and Prevention of Violence.* (1) until July 31, 1969, positions at GS–15 and below.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68–8456; Filed, July 16, 1968; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that the position of Private Secretary to the Special Assistant to the Secretary (for Enforcement) is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (20) of paragraph (a) of § 213.3305 is revoked.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68–8457; Filed, July 16, 1968; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that the position of one of the two Confidential Secretaries to the Assistant Secretary for Education and the position of the Confidential Secretary to the Deputy Assistant Secretary for Health and Scientific Affairs are no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (3) of paragraph (h) of § 213.3316 is revoked, and subparagraph (7) of paragraph (j) of the same section is amended as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(h) *Office of the Assistant Secretary for Health and Scientific Affairs.* * * *

(3) [Revoked].

* * * * *

(j) *Office of the Assistant Secretary for Education.* * * *

(7) One Confidential Secretary to the Assistant Secretary.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68–8454; Filed, July 16, 1968; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 1]

PART 778—EXPORT WHEAT MARKETING CERTIFICATE REGULATIONS

Miscellaneous Amendments

Basis and purpose. The following amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (secs. 379a to 379j, 52 Stat. 31, as amended 7 U.S.C. 1379a to 1379j), to provide changes in the Export Wheat Marketing Certificate Regulations. The amendment changes the time of day at which the Director will announce the cost of export marketing certificates and the time of day at which reports of intention to export wheat must be filed with the Director. Other changes of a minor nature are also included in the amendment. Since these provisions must be acted on immediately, or are needed immediately in the administration of the regulations, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective day requirements of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553), is impracticable and contrary to the public interest and that this amendment shall be effective as hereinafter provided.

The Export Wheat Marketing Certificate Regulations (32 F.R. 14727 and 32 F.R. 16251) are amended as follows:

1. Sections 778.3(q), 778.7 (a)(2) and (b)(2)(ii) and (ix), and 778.9 (a)(3) and (b) are amended by changing the time "3:30 p.m." to read "4:00 p.m." and the time "3:31 p.m." to read "4:01 p.m."

2. Section 778.9(c)(1) is amended by changing the time "4:30 p.m." to read "5:30 p.m."

3. Section 778.2 *Administration* is amended by changing the last sentence to read as follows: "Information pertaining to the regulations in this part may be obtained from the Director, Commodity Operations Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250."

4. Section 778.3 *Definitions* is amended by changing paragraph (f) to read as follows:

(f) "Director" means the Director, Commodity Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, or his designee. Any delegations of authority made by the Director, Procurement and Sales Division, ASCS, under these regulations prior to the effective date of this amendment shall continue in effect until superseded. Any delegations of authority made under these regulations to the Director, Procurement and Sales Division, ASCS, shall continue in effect as delegations to the Director, Commodity Operations Division until superseded.

Effective date. This amendment shall become effective at 3:31 p.m., e.d.t., on July 15, 1968.

Signed at Washington, D.C., on July 12, 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68–8543; Filed, July 15, 1968; 1:40 p.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1479—CERTIFICATES OF INTEREST IN COMMODITY CREDIT CORPORATION PRICE-SUPPORT LOANS

Subpart B—Participation of Financial Institutions in a Pool of Price-Support Loans

Financial institutions have been permitted to participate in pools of price-support loans under the provisions of § 1421.3821 et seq., Title 7, Code of Federal Regulations, published in 29 F.R. 3614, as amended; § 1427.2235 et seq., Title 7, Code of Federal Regulations, published in 30 F.R. 7814, as amended; and a special announcement published in 32 F.R. 235. Participation by financial institutions after July 31, 1968, will be governed by the provisions of the following subpart of this part. The principal changes are to (1) create a single pool of all price-support loans, (2) permit participation only by application, (3) make the place of application the Kansas City ASCS Data Processing Center, (4) permit financial institutions to receive payment for the face amount of certificates at any Federal Reserve Bank or branch, and (5) provide procedures whereby financial institutions which have made advances to eligible producers on eligible cotton, or allowed credit to others who made such advances, pursuant to the Cotton Loan Program regulations, may collect interest for the period their funds are so advanced.

The title of this Part 1479 is amended to read "Certificates of Interest in Commodity Credit Corporation Price-Support Loans." Part 1479 is further amended as follows:

1. The existing subpart of this part is redesignated Subpart A—Special Series Certificates of Interest.

2. The following new Subpart B titled "Participation of Financial Institutions in a Pool of Price-Support Loans." is added:

Subpart B—Participation of Financial Institutions in a Pool of Price-Support Loans

Sec.
1479.20 General.
1479.21 Definitions of terms.
1479.22 Application for participation.
1479.23 Payment for face amount of certificates to be issued.
1479.24 Issuance of certificates.
1479.25 Rate of interest and basis of computing interest earned.
1479.26 Maturity date of certificates.
1479.27 Transfer of certificates to Federal Reserve Banks and between financial institutions.
1479.28 Purchase by CCC of outstanding certificates.
1479.29 Participation by making loan advances or allowing credit for loan advances on cotton.

AUTHORITY: The provisions of this Subpart B issued under secs. 4 and 5, 62 Stat. 1070, 1072, as amended; 15 U.S.C. 714 b and c.

§ 1479.20 General.

CCC will establish a single price-support loan pool composed of the unpaid balance of all loans made by CCC under price-support programs. Financial institutions will be given the opportunity to participate in the financing of the loans in such pool by purchasing from CCC an interest in such pool to be evidenced by a certificate of interest. CCC has statutory authority (15 U.S.C. 714b(i) and 713a–4) to borrow up to $14.5 billion and reserves a sufficient amount of this authority to redeem outstanding certificates of interest.

§ 1479.21 Definitions of terms.

(a) "CCC" means Commodity Credit Corporation, an agency and instrumentality of the United States, within the Department of Agriculture.

(b) "ASCS" means the Agricultural Stabilization and Conservation Service, an agency of the Department of Agriculture.

(c) "KCDPC" means the Kansas City ASCS Data Processing Center, Post Office Box 205, Kansas City, Mo. 64141.

(d) "Financial institution" means a bank in the United States which accepts demand deposits, an association organized pursuant to State law and supervised by State banking authorities, a production credit association, or any other bank, institution, association, or fund approved by the Treasurer, CCC.

(e) "Transit number" means the ABA transit number of a commercial bank and the transit number assigned by CCC to any other eligible financial institution.

(f) "Price-support loan pool" means a common fund of loans made under CCC price-support programs.

(g) "Certificate" means the CCC Certificate of Interest which evidences participation in the price-support loan pool. The participation is general; it does not relate to specific loans.

(h) "Federal Reserve Bank" means any Federal Reserve Bank or branch thereof.

§ 1479.22 Application for participation.

(a) Financial institutions may participate in the price-support loan pool by making application to:

Director, Data Processing Center, Agricultural Stabilization and Conservation Service, Post Office Box 205, Kansas City, Mo. 64141. Phone No.: 816/361–0860, Ext. 6521.

(b) Application may be made by telephone, telegram, or letter. Each application shall give the name, address and transit number of the applicant, and the amount of requested participation by certificate denominations. Except as otherwise provided in this part or announced by CCC, the minimum acceptable application shall be for $5,000 (the minimum amount for which a certificate will be issued) and applications for amounts above $5,000 shall be in multiples of $1,000.

(c) Applications may be made beginning 8 a.m., c.s.t. each Thursday morning, or on the next business day when Thursday is a national holiday, unless otherwise announced by CCC. Applications will be considered in the order received. Notification of acceptance or rejection of applications may be made by mail, by collect telegram at applicant's request, or by telephone. An acceptance number will be included in the notice of acceptance.

(d) CCC reserves the right to reject any application in whole or in part and to limit the total amount of participation by financial institutions in the price-support loan pool.

§ 1479.23 Payment for face amount of certificates to be issued.

Payment for the face amount of certificates for which the applicant has received notice of acceptance shall be made in immediately available funds at any Federal Reserve Bank for the account of CCC. Each remittance shall be designated for purchase of CCC certificates and be identified by the acceptance number.

§ 1479.24 Issuance of certificates.

On receipt of advice from the Federal Reserve Bank of payment pursuant to § 1479.23, KCDPC will issue certificates and forward them to the applicant by mail. The date of issuance shown on the certificates will be the date that payment was made to the Federal Reserve Bank for the account of CCC and the face amount of the certificates shall be equal to the amount of the payment.

§ 1479.25 Rate of interest and basis of computing interest earned.

(a) *Rate of interest.* Certificates shall earn interest at the rate of 5.875 percent yearly until such rate is increased or decreased by CCC in separate notices published in the FEDERAL REGISTER: *Provided*, That the effective date of any decrease in interest rate shall be at least 15 days after the date of publication of the notice.

(b) *Basis of computing interest earned.* Interest earned will be paid on a 365-day basis from and including the date of issuance shown on the certificate to, but not including, the maturity date, the date the certificate is purchased by CCC, or the date the certificate is to be presented to CCC for purchase pursuant to a call by CCC, whichever date first occurs.

§ 1479.26 Maturity date of certificates.

The maturity date of certificates shall be August 1 following the date of issuance, except that certificates issued after May 31 but before August 1 of any year shall mature on August 1 of the next year. If August 1 falls on a Saturday, Sunday, or national holiday, the maturity date of the certificate shall be the next succeeding business day.

§ 1479.27 Transfer of certificates to Federal Reserve Banks and between financial institutions.

(a) *Transfers to Federal Reserve Banks.* Certificates are eligible for discount or as security for advances at Federal Reserve Banks. Federal Reserve Banks may require the payee to endorse certificates accepted for discount or as security for advances: *Provided*, That on redemption, the certificates shall be reendorsed to payee. CCC will pay the face amount of unredeemed certificates, plus earned interest, to the Federal Reserve Bank on presentation of such certificates to KCDPC.

(b) *Transfers between financial institutions.* Certificates may be transferred to another financial institution by endorsement and delivery. Financial institutions which acquire certificates by endorsement and delivery may transfer them to another financial institution or present them for purchase by CCC.

§ 1479.28 Purchase by CCC of outstanding certificates.

(a) *Presented to a Federal Reserve Bank.* Financial institutions may receive payment at any time for the face amount of certificates by endorsing and presenting them to a Federal Reserve Bank. The KCDPC will pay earned interest to the financial institution named as payee on the certificates.

(b) *Presented to KCDPC.* Financial institutions may receive payment at any time for the face amount of certificates plus earned interest by endorsing and presenting them directly to KCDPC.

(c) *On call by CCC.* CCC reserves the right to call in for payment at any time any outstanding certificates. Notice of call will be by mail to the payee named on each called certificate at least 15 days before the call date. Called certificates shall be presented for payment pursuant to paragraph (a) or (b) of this section on or before the call date.

(d) *By exchange.* On request at maturity, outstanding certificates, including those issued under § 1421.3821 et seq. and § 1427.2235 et seq. of this chapter and under 32 F.R. 235, may be exchanged for new certificates maturing on August 1 of the next year. Requests for exchanges of certificates issued under this regulation should be made to the Director, KCDPC. Requests for exchanges of all other certificates should be made in accordance with the regulations under which they were issued. CCC reserves the right to reject any request for exchange, in whole or in part. Interest will be paid to maturity date of certificates exchanged for new certificates. The new certificates will show August 1 as the date of issuance.

(e) *At maturity.* Maturing certificates to be purchased or exchanged by KCDPC should be tendered as soon as possible after July 15, but no exchange will be made on certificates tendered after August 15. Such purchase or exchange will take place at maturity or as soon as practicable thereafter.

§ 1479.29 Participation by making loan advances or allowing credit for loan advances on cotton.

(a) *Investment of funds.* A financial institution which has made advances to cotton producers, or allowed credit to another person or firm which made advances to cotton producers, under the provisions of the Cotton Loan Program regulations set forth in Part 1427 of this chapter, shall be deemed to have invested funds in the price-support loans as of the date of investment shown on the CCC draft issued in disbursement of the loans. The financial institution shall exchange such drafts for Certificates of Interest or present them for payment in accordance with paragraphs (b) and (c) of this section.

(b) *Exchange of drafts for certificates of interest.* The financial institution named as payee or joint payee on the drafts may obtain certificates in exchange for the drafts by presenting them to KCDPC promptly after receipt with a request for certificates. CCC may elect to pay the face amount and earned interest on any draft instead of issuing a certificate. Such payment will be made in accordance with paragraph (c) of this section. Unless otherwise specified in the request for certificates, all drafts presented at one time will be consolidated and one certificate will be issued for the total amount, except that drafts having investment dates before and after any change in the interest rate applicable to certificates will not be consolidated. If requested, certificates will be issued for the amounts of individual drafts or for designated amounts equal in total to the total amount of drafts, except that no certificate will be issued for less than $5,000. Certificates will be issued to another financial institution if requested. The issuance date of a certificate exchanged for an individual draft will be the date of investment shown on the draft. The issuance date of a certificate exchanged for two or more drafts will be the weighted average date of such drafts. The weighted average date will be determined by multiplying the face amount of each draft by the number of days from and including the date of investment to, but not including, the date the draft was received by KCDPC and dividing the sum of all such amounts by the total face value of all such drafts, to determine the average number of days the drafts were outstanding (fractions of ½ day or more will be raised to the next whole digit; fractions of less than ½ day will be disregarded) which will be subtracted from the date the drafts were received by KCDPC.

(c) *Payment of drafts not exchanged for certificates.* The financial institution named as payee or joint payee on the drafts may obtain payment for the face amounts of drafts and earned interest by presenting them directly to KCDPC with a request for payment. Payment for face amounts of drafts may also be obtained by presenting them through regular banking channels to the Federal Reserve Bank of Kansas City. Presentment for payment shall be made promptly after receipt. The presenting financial institution must obtain the endorsement of any joint payee on drafts. Earned interest on drafts presented through banking channels will be paid by KCDPC on receipt of a request from the financial institution. The request shall identify the serial numbers of such drafts and indicate the amounts of the drafts and the dates of investment. Interest will be paid on drafts at the rates and on the same basis as on certificates, from and including the date of investment shown on the draft to, but not including, the date of payment: *Provided*, That (1) if a draft is not presented promptly for payment and KCDPC notifies the financial institution to present the draft, interest will not be paid beyond the final date specified in the notice, and (2) interest will not be paid on any draft beyond July following the date of investment shown on the draft.

Signed at Washington, D.C., on July 11, 1968.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 68–8446; Filed, July 16, 1968; 8:47 a.m.]

SUBCHAPTER C—EXPORT PROGRAMS

[Amdt. 1]

PART 1483—WHEAT AND FLOUR

Subpart—Wheat Export Program (GR–345) Terms and Conditions

MISCELLANEOUS AMENDMENTS

The terms and conditions of the Wheat Export Program (GR–345) (32 F.R. 14739 and 32 F.R. 16251) are amended as follows:

1. Sections 1483.104, 1483.106(t), 1483.111(b) (2) and (8), 1483.131 (b), and 1483.151(a) and (b)(5) are amended by changing the time "3:30 p.m." to read "4:00 p.m." and the time "3:31 p.m." to read "4:01 p.m."

2. Section 1483.152(a) is amended by changing the time "4:30 p.m." to "5:30 p.m."

3. Section 1483.106 *Definition of terms* is amended by changing paragraph (f) to read as follows:

(f) "Director" means the Director, Commodity Operations Division, Agricultural Stabilization and Conservation Service, Washington, D.C., or his designee. Any delegations of authority made by the Director, Procurement and Sales Division, ASCS, under the regulations in this subpart prior to the effective date of this amendment shall continue in effect until superseded. Any delegations of authority made under the regulations in this subpart to the Director, Procurement and Sales Division, ASCS, shall continue in effect as delegations to the Director, Commodity Operations Division until superseded.

4. Section 1483.185 *Place of submission of offers and reports* is amended by changing the address in paragraph (a) to read as follows:

Chief, Wheat Subsidy and Market Branch, Commodity Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(Secs. 4, 5, 62 Stat. 1070, 1072; sec. 407, 63 Stat. 1051, as amended; 15 U.S.C. 714 b, c, 7 U.S.C. 1427)

Effective date. This amendment shall become effective at 3:31 p.m., e.d.t., on July 15, 1968.

Signed at Washington, D.C., on July 12, 1968.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 68–8544; Filed, July 15, 1968; 1:40 p.m.]

[Amdt. 13]

PART 1483—WHEAT AND FLOUR

Subpart—Flour Export Program (GR–346) Terms and Conditions

MISCELLANEOUS AMENDMENTS

The terms and conditions of the Flour Export Program—Cash Payment (GR–346) (25 F.R. 5816) as amended by 25 F.R. 9939. 25 F.R. 10758, 27 F.R. 1753, 27 F.R. 4863, 27 F.R. 10351, 29 F.R. 4667, 29 F.R. 12010, 30 F.R. 6771, 30 F.R. 15319, 31 F.R. 7817, 31 F.R. 14504. 32 F.R. 6342 and 33 F.R. 9 are further amended as follows:

§§ 1483.220, 1483.225, 1483.298 [Amended]

1. Sections 1483.220, 1483.225(a)(3) and 1483.298 are amended by changing the time "3:30 p.m." to read "4:00 p.m." and the time "3:31 p.m." to read "4:01 p.m."

2. Section 1483.298 is amended to read as follows:

§ 1483.298 "4.00 p.m. e.s.t. and 4:01 p.m. e.s.t."

"4:00 p.m. e.s.t." and "4:01 p.m. e.s.t." means 4:00 p.m. and 4:01 eastern standard time except that when Washington, D.C., is on daylight saving time "4:00 p.m. e.s.t." and "4:01 p.m. e.s.t." shall mean 4:00 p.m. and 4:01 p.m. daylight saving time.

§ 1483.278 [Amended]

3. Section 1483.278 "Submission of reports" is amended to change the address to read as follows:

Chief, Wheat Subsidy and Market Branch, Commodity Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

4. Section 1483.288 "Director" is amended to read as follows:

§ 1483.288 "Director."

"Director" means the Director of the Commodity Operations Division, Agricultural Stabilization and Conservation Service, Washington, D.C., or his designee. Any delegations of authority made by the Director, Procurement and Sales Division, ASCS, under these regulations prior to the effective date of this amendment shall continue in effect until superseded. Any delegations of authority made under these regulations to the Director, Procurement and Sales Division, ASCS, shall continue in effect as delegations to the Director, Commodity Operations Division until superseded.

Effective date. This amendment shall become effective at 3:31 p.m., e.d.t., on July 15, 1968.

Signed at Washington, D.C., on July 12, 1968.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 68–8545; Filed, July 15, 1968; 1:40 p.m.]

Chapter XVI—Consumer and Marketing Service (Food Stamp Program), Department of Agriculture

PART 1601—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Miscellaneous Amendments

Section 1601.6, paragraph (d), and § 1601.7, paragraph (b), relating to the issuance of coupons to eligible households and the financial liability of State agencies are amended to authorize issuance of food coupons by mail and to provide for the assumption of risk of loss by C&MS when coupons are mailed in accordance with C&MS instructions. As amended, said sections read as follows:

§ 1601.6 Methods of distributing, issuing, and accounting for coupons and receipts.

* * * * *

(d) The State agency shall arrange for the issuance of coupons to eligible households and for the collection of sums required from eligible households as payment therefor. Such issuance may be made through the facilities of the United States mail. However, when the State agency desires to have C&MS accept the risk of loss of nondelivery of coupons to eligible households after deposit of such coupons in the mail, the State agency shall issue coupons through the mail in accordance with instructions provided by C&MS. The frequency of the issuance of coupons shall be such as to encourage participation of eligible households, but, in any event, shall be no less often than monthly. The coupon allotment to be issued to any household, and the payments therefor, shall be in the amounts determined in accordance with § 1601.5.

* * * * *

§ 1601.7 Financial liabilities of the State agency.

* * * * *

(b) If C&MS determines that there has been a failure on the part of the State agency to account fully for coupons distributed to it, or the sums authorized to be collected by it in payment of the purchase requirement including the cash equivalent of any vouchers or warrants accepted by it in accordance with § 1601.6(c), the State agency shall, on demand by C&MS, pay to C&MS, in accordance with instructions issued by C&MS, the amount due as a result of such failure. In the event coupons are issued by mail at the risk of C&MS as provided in § 1601.6(d), the State agency will have accounted fully to C&MS for properly issued coupons while in the mail by mailing coupons and maintaining records of such mailings in accordance with instructions issued by C&MS.

* * * * *

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

JOHN A. SCHNITTKER,
Acting Secretary.

JULY 12, 1968.

[F.R. Doc. 68–8487; Filed, July 16, 1968; 8:50 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 3—CONTRACTORS AND SUBCONTRACTORS ON PUBLIC BUILDING OR PUBLIC WORK FINANCED IN WHOLE OR IN PART BY LOANS OR GRANTS FROM THE UNITED STATES

Weekly Statement of Compliance Regarding Payment of Wages

Paragraph (b) of 29 CFR 3.3 is revised to read as set out below:

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) which require notice of proposed rule making, opportunity for public participation, and delay in the effective date are not applicable, because this rule involves only matters that relate to public contracts. I do not believe that such procedures will serve a useful purpose here. This amendment shall, therefore, be effective on publication in the FEDERAL REGISTER.

§ 3.3 Weekly statement with respect to payment of wages.

* * * * *

(b) Each contractor or subcontractor engaged in the construction, prosecution, completion, or repair of any public building or public work, or building or work financed in whole or in part by loans or grants from the United States, shall furnish each week a statement with respect to the wages paid each of its employees engaged on work covered by this Part 3 and Part 5 of this chapter during the preceding weekly payroll period. This statement shall be executed by the contractor or subcontractor or by an authorized officer or employee of the contractor or subcontractor who supervises the payment of wages, and shall be on form WH 348, "Statement of Compliance", or on an identical form on the back of WH 347, "Payroll (For Contractors Optional Use)" or on any form with identical wording. Sample copies of WH 347 and WH 348 may be obtained from the Government contracting or sponsoring agency, and copies of these forms may be purchased at the Government Printing Office.

* * * * *

Signed at Washington, D.C., this 11th day of July 1968.

WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 68–8425; Filed, July 16, 1968; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following amendments to this subchapter are issued by direction of the Assistant Secretary of Defense (Installations and Logistics) pursuant to authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2260), as amended, and 10 U.S.C. 2202.

PART 1—GENERAL PROVISIONS

1. Section 1.201–14 is revised; new § 1.201–31 is added; and §§ 1.311 and 1.1002–6(a) are revised, as follows:

§ 1.201–14 Procuring activity.

Procuring activity includes for the Army: U.S. Army Materiel Command and its subordinate commands; U.S. Continental Army Command and its subordinate commands consisting of Zone of Interior Armies and Military District of Washington, U.S. Army; U.S. Army, Alaska; U.S. Forces Southern Command; U.S. Army Communications Zone, Europe; U.S. Army Hawaii; U.S. Army, Japan; National Guard Bureau; Office of the Chief of Engineers; Strategic Communications Command; Office of the Chief of Support Services; Office of The Surgeon General; U.S. Army Security Agency; Military Traffic Management and Terminal Service; and the SENTINEL System Organization; for the Navy: each Bureau, the Naval Material Command, the Office of the Deputy Chief of Naval Material (Procurement), the Naval Air Systems Command, the Naval Electronic Systems Command, the Naval Facilities Engineering Command, the Naval Ordnance Systems Command, the Naval Ship Systems Command, the Naval Supply Systems Command, the Office of Naval Research, the Navy Aviation Supply Office, the Military Sea Transportation Service, and the U.S. Marine Corps; for the Air Force: the Air Force Logistics Command and the Air Force Systems Command; for the Defense Supply Agency: the Office of the Deputy Director for Contract Administration Services; the Office of the Executive Director, Procurement and Production; the Defense Supply Centers; and the Defense Personnel Supply Center; for the Defense Communications Agency: The Headquarters, Defense Communications Agency; the Defense Commercial Communications Office; and the Defense Commercial Communications Office, Pacific; for the Defense Atomic Support Agency: Headquarters, Defense Atomic Support Agency. It also includes any other procuring activity hereafter established. The number and designation of particular procuring activities of any Military Department may be changed by directive of the Secretary.

§ 1.201–31 Supporting contract administration.

"Supporting contract administration" means the performance by another contract administration office of specific contract administration functions as required by the office to which the contract has been assigned for administration.

§ 1.311 "Buying in".

(a) "Buying in" refers to the practice of attempting to obtain a contract award by knowingly offering a price or cost estimate less than anticipated costs with the expectation of either (1) increasing the contract price or estimated cost during the period of performance through change orders or other means, or (2) receiving future "follow-on" contracts at prices high enough to recover any losses on the original "buy-in" contract. Such a practice is not favored by the Department of Defense since its long-term effects may diminish competition and it may result in poor contract performance. Where there is reason to believe that "buying in" has occurred, contracting officers shall assure that amounts thereby excluded in the development of the original contract price are not recovered in the pricing of change orders or of follow-on procurements subject to cost analysis.

(b) To avoid or minimize the opportunity for "buying in" on a procurement which is likely to be succeeded by one or more "follow on" procurements, the Government should obtain from the contractor a binding price commitment covering as much of the entire program concerned as is practicable. Such a commitment may be secured through employment of one of the following procurement techniques:

(1) Multiyear procurement, with a provision in the solicitation that a price may be submitted only for the total multiyear quantity (see § 1.322–2); or

(2) Priced options for additional quantities which, together with the quantities being firmly contracted for, equal the anticipated total program requirements (see § 1.1504).

(c) In addition to the use of the techniques noted in paragraph (b) of this section, it is important that other safeguards be provided against the contractor's recovering, through subsequent overpricing, from any initial loss situation due to "buying in." For example, see § 3.813 of this chapter with respect to the amortization of nonrecurring costs, and § 3.801–2(c) of this chapter concerning price quotations which the contracting officer considers unreasonable.

§ 1.1002–6 Paid advertisements in newspapers and trade journals.

(a) *Scope.* This section implements 5 U.S.C. 302(b); 44 U.S.C. 321, 322, and 324; and title 7, chapter 5, section 25, General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies.

* * * * *

PART 2—PROCUREMENT BY FORMAL ADVERTISING

2. In § 2.201, subparagraph (24) of paragraph (b) and subparagraph (1) of paragraph (c) are revised, and a new subparagraph (12) of paragraph (c) is added; and new paragraph (d) is added to § 2.205–1, as follows:

§ 2.201 Preparation of invitation for bids.

* * * * *

(b) * * *

(24) When the clause in § 7.104–62 is included in the contract and Table 2, in § 30.8 of this chapter does not list addresses or number of copies of the MIRR (DD Form 250) for required special distribution recipients, the applicable information (names, addresses, and number of copies) shall be included in the contract schedule.

(c) * * *

(1) Except when the Assistant Secretary of Defense (Installations and Logistics) has granted a waiver (see § 18.110 of this chapter) prior to solicitation, if the invitation contains one or more items subject to statutory cost limitation, a provision substantially as follows:

Cost limitation. A bid which does not contain separate bid prices for the items identified as subject to a cost limitation may be considered nonresponsive. A bidder by signing his bid certifies that each price bid on items subject to a cost limitation includes an appropriate apportionment of all applicable estimated costs, direct and indirect, as well as overhead and profit. Bids may be rejected which (i) have been materially unbalanced for the purpose of bringing affected items within cost limitations, or (ii) exceed the cost limitations unless such limitations have been waived by the Assistant Secretary of Defense (Installations and Logistics) prior to award. (APRIL 1968)

* * * * *

(12) *Additive or deductive items.* When it appears that funds available for a project may be insufficient for all the desired features of construction, the contracting officer may provide in the invitation for a first or base bid item covering the work generally as specified and for one or more additive or deductive bid items which progressively add or omit specified features of the work in a stated order of priority. In such case, the invitation shall include a provision substantially as set forth below, and the low bidder and the bid items to be awarded shall be determined as therein provided. The contracting officer, prior to the opening of bids, shall determine and record in the contract file the amount of funds available for the project. The amount so recorded shall be controlling for determining the low bidder but may be increased for determining the bid items to be awarded to him: *Provided*, That award on such combination of bid items does not exceed the amount offered by any other conforming responsible bidder for the same combination of bid items.

ADDITIVE OR DEDUCTIVE ITEMS (APRIL 1968)

The low bidder for purposes of award shall be the conforming responsible bidder offer-

ing the low aggregate amount for the first or base bid item, plus or minus (in the order of priority listed in the schedule) those additive or deductive bid items providing the most features of the work within the funds determined by the Government to be available before bids are opened. If addition of another bid item in the listed order of priority would make the award exceed such funds for all bidders, it shall be skipped and the next subsequent additive bid item in a lower amount shall be added if award thereon can be made within such funds. For example, when the amount available is $100,000 and a bidder's base bid and four succesive additives are $85,000, $10,000, $8,000, $6,000, and $4,000, the aggregate amount of the bid for purposes of award would be $99,000 for the base bid plus the first and fourth additives, the second and third additives being skipped because each of them would cause the aggregate bid to exceed $100,000. In any case all bids shall be evaluated on the basis of the same additive or deductive bid items, determined as above provided. The listed order of priority need be followed only for determining the low bidder. After determination of the low bidder as stated, award in the best interests of the Government may be made to him on his base bid and any combination of his additive or deductive bid for which funds are determined to be available at the time of the award: *Provided*, That award on such combination of bid items does not exceed the amount offered by any other conforming responsible bidder for the same combination of bid items.

§ 2.205–1 Establishment of lists.

* * * * *

(d) For special instructions relative to the establishment of a Research and Development Bidders Mailing List, see ASPR Supplement No. 4, "Procedures for Submission of Applications To Be Placed on Research and Development Bidders Mailing Lists."

PART 3—PROCUREMENT BY NEGOTIATION

3. In § 3.608–2(b)(1), subdivision (ii) is revised and subdivision (x) is revoked; and in § 3.1100–2(a), subparagraph (5) is revised, as follows:

§ 3.608–2 Order for supplies or services/request for quotations (DD Forms 1155, 1155r, 1155r–1; Standard Form 36; DD Form 1155c–1 and Standard Form 30).

* * * * *

(b) *Conditions for use.* (1) * * *

(ii) No clause covering the subject matter of any clause set forth in this subchapter, other than clauses set forth on DD Form 1155r and clauses referred to in subdivisions (iii) through (xv) of this subparagraph, in §§ 3.608–3, 3.608–4, 14.101–1, 14.302, 14.303, and 14.304 of this chapter are to be used.

* * * * *

(x) [Revoked]

* * * * *

§ 3.1100–2 Review of decision to lease.

(a) * * *

(5) Obtain approval of the leasing arrangement of the ADPE from the Senior ADPE policy official of the Department or Agency which predominantly generated the requirement for the contract end item; in the case of ADPE to be leased on a noncompetitive basis, the request for approval shall be forwarded to the Assistant Secretary of Defense (Installations and Logistics) through the Senior ADPE policy official. Approval action is not required for any lease of punched card machines (PCM's), or for lease of other automatic data processing equipment (ADPE) where the annual rental costs are less than $25,000.

* * * * *

PART 4—SPECIAL TYPES AND METHODS OF PROCUREMENT

4. Section 4.103 is revised; and a new Subpart B is added, as follows:

§ 4.103 Publicizing procurement actions and expanding sources.

(a) The Departments shall continually search for and develop information on sources (including small business concerns) competent to perform research and development. Advance publicity, including use of the Commerce Business Daily (see § 1.1003–4 of this chapter) to the fullest extent practicable, shall be given for this purpose. The search should include (1) a review of relevant data or brochures furnished by sources seeking research and development work and (2) a cooperative effort by technical personnel, small business specialists, and contracting officers to obtain information and recommendations with respect to potential sources and to consider the desirability of seeking other sources by publication of proposed procurements, in addition to the synopsis requirement.

(b) In addition to paragraph (a) of this section, and where the procurement mission warrants it, Research and Development Bidders Mailing Lists will be established by purchasing activities in accordance with ASPR Supplement No. 4, "Procedures for Submission of Applications To Be Placed on Research and Development Bidders Mailing Lists."

Subpart B—Exchange or Sale of Personal Property for Replacement Purposes

Sec.

4.200 Scope of subpart.
4.201 Applicability.
4.202 Definition.
4.203 Authorization.
4.204 Restrictions and limitations.
4.205 Procedures.
4.205–1 Offering property for exchange/sale or both.
4.205–2 Purchase request and certificate.
4.205–3 Sale of exchange/sale property.
4.205–4 Exchange of exchange/sale property.
4.205–5 Proceeds of sale.

AUTHORITY: The provisions of this Subpart B issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 4.200 Scope of subpart.

This subpart prescribes procurement policies and procedures governing the use by Department of Defense components of the exchange/sale authority of section 201(c) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 384, as amended (40 U.S.C. 481 (c)), when exchange/sale is accomplished concurrently with procurement.

§ 4.201 Applicability.

This subpart is applicable to exchange/sale of U.S. Government-owned property located within and outside of the United States.

§ 4.202 Definition.

Exchange/sale property is property, not excess to the needs of the owning agency but eligible for replacement, which is offered for exchange or sale to apply the exchange allowance or proceeds of sale in whole or part payment for the replacement of similar items.

§ 4.203 Authorization.

Subject to the provisions of this subpart, in procuring replacement personal property within the United States or elsewhere, similar items may be exchanged or sold.

§ 4.204 Restrictions and limitations.

(a) The application of exchange allowances or proceeds of sale in whole or part payment for personal property procured is authorized when all of the following conditions apply:

(1) The items sold or exchanged are similar to the items procured (see paragraph (b) of this section for explanation of the word "similar").

(2) The items sold or exchanged are not excess, and the items procured are needed in the conduct of approved programs.

(3) Only one item is to be procured to replace one similar item.

(i) The exceptions to the one-for-one rule are:

(*a*) If a lesser or greater number of items must be procured to perform all or substantially all of the tasks in which the old items would otherwise be used; and

(*b*) In the case of parts or containers;

(ii) Detailed cross reference between the old and new item will not be required. In the absence of cross reference, however, there shall be made available to the General Accounting Office sufficient data to establish that the item procured was similar to the item exchanged or sold, that any exchange allowances or proceeds of sale applied in whole or part payment for property procured were in fact available for application, and that the transaction was otherwise in accordance with the provisions of this subpart.

(4) There has been at the time of exchange or sale (or at time of procurement if it precedes the sale) a written administrative determination to apply the exchange allowance or proceeds of sale in procuring property.

(5) The transaction will foster the economical and efficient accomplishment of an approved program.

(b) The items of personal property to be exchanged or sold and the item to be procured shall be deemed similar when:

(1) The items or parts to be procured are designed and constructed for the same specific purpose as the items or parts to be replaced; or

(2) Both constitute containers for items or parts which are similar within the meaning of subparagraph (1) of this paragraph.

(c) Items falling within any of the Federal Supply Classification Groups enumerated below shall not be eligible for handling under the provisions of this subpart.

FEDERAL SUPPLY CLASSIFICATION

Group No.	*Group Identification*
10	Weapons.
11	Nuclear ordnance.
12	Fire control equipment.
14	Guided missiles.
15	Aircraft; and airframe structural components.
16	Aircraft components and accessories.
17	Aircraft launching, landing, and ground handling equipment.
20	Ship and marine equipment.
22	Railway equipment.
31	Bearings.
32	Woodworking machinery and equipment, except lathes, milling machine, and saws, circular or band.
34	Metalworking machinery, except drill presses, lathes, milling machines, and saws, circular or band.
40	Rope, cable, chain, and fittings.
41	Refrigeration and air conditioning equipment.
42	Fire fighting, rescue and safety equipment.
44	Furnace, steam plant, and drying equipment; and nuclear reactors.
45	Plumbing, heating, and sanitation equipment.
46	Water purification and sewage treatment equipment.
47	Pipe, tubing, hose, and fittings.
48	Valves.
51	Hand tools.
53	Hardware and abrasives.
54	Prefabricated structures and scaffolding.
55	Lumber, millwork, plywood, and veneer.
56	Construction and building materials.
68	Chemicals and chemical products, except medicinal chemicals.
71	Furniture.
75	Office supplies and devices, except cards, tabulating.
83	Textiles, leather, and furs.
84	Clothing and individual equipment.

(d) This subpart shall not be construed to authorize:

(1) The procurement of personal property when such procurement is not otherwise authorized by law;

(2) The procurement of personal property in contravention of—

(i) Any restriction upon the procurement of a commodity or commodities; or

(ii) Any replacement policy or standard, prescribed by the President, the Congress, the Secretary of Defense, or by the Administrator of General Services Administration;

(3) Procurement of personal property directly from a vendor when its acquisition through General Services Administration (GSA) sources is required under subparts A, B, or C of Part 5 of this chapter (Federal Supply Schedule contracts, GSA Stores Depots, and Consolidated Purchasing Program; respectively). However, in acquiring an item or items from GSA sources in accordance with those subparts, the exchange allowance for, or proceeds from the sale of, similar items may be applied in whole or in part payment for the items being acquired;

(4) The sale, transfer, or exchange of excess, surplus or foreign excess personal property in connection with the procurement of personal property even though otherwise eligible;

(5) The sale or exchange of strategic and critical materials, unless such materials at any one location are in lots of less than the minimum quantities specified in Part 3, Chapter XV, of the Defense Disposal Manual (DoD 4160.21M) and the owning agency determines that there is no reasonable prospect of accumulating minimum quantities specified therein within 12 months;

(6) The sale or exchange of Atomic Energy Commission-controlled materials except in accordance with applicable regulations of the Atomic Energy Commission (see 10 CFR Parts 30, 40, and 70);

(7) The sale or exchange of narcotics, except in accordance with instructions contained in Part 3, Chapter XV, of the Defense Disposal Manual;

(8) The sale of personal property in new or unused condition in connection with the procurement of personal property;

(9) The sale or exchange of scrap materials in connection with the procurement of personal property;

(10) Even though otherwise eligible, the sale or exchange of property which was originally acquired from another agency as excess or surplus, unless such property has been placed in use by the acquiring agency for at least 1 year.

(e) This subpart does not apply to materials in the national stockpile (50 U.S.C. 90–98h), the supplemental stockpile (7 U.S.C. 1704(b)), or the Defense Production Act inventory (50 U.S.C App. 2093).

§ 4.205 Procedures.

§ 4.205–1 Offering property for exchange/sale or both.

(a) The objective shall be to obtain the maximum return to the Government from property sold or exchanged. Both cash and exchanged (trade-in) bids shall be solicited in each instance, except that:

(1) Items may be exchanged without solicitation of bids when the personal property sought may be procured without solicitation of bids under applicable laws and regulations;

(2) Cash bids need not be solicited when the items to be sold or exchanged may be disposed of without solicitation of bids under applicable laws and regulations;

(3) Only one type of bid (cash or trade-in) need be solicited when recent solicitation for identical items has produced only that type of offer indicating the futility of further soliciting any other type of offer. (Since market conditions frequency change, tests should be made at reasonable intervals to ascertain the appropriateness of the continued use of the one type solicitation.);

(4) Only one type of bid (cash or trade-in) need be solicited when solicitation for the other type of bid has proven clearly ineffective in reducing the cost of the acquisition; e.g., by reason of the commercial practice with respect to exchange or sale of such items (Test should be made at reasonable intervals to determine whether the use of the authority contained in this subparagraph may be continued.);

(5) Only one type of bid (cash) need be solicited when used vehicles are disposed of for replacement purposes under a consolidated vehicle purchase program.

(b) The following notation shall be included in the solicitation.

The property described in items number ------, is being offered in accordance with the exchange/sale provisions of the section 201(c) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 384 (40 U.S.C. 481(c)).

(c) Appropriate terms and conditions prescribed in Part 3, Chapter VII of the Defense Disposal Manual shall be included in the solicitation prefaced by a statement that such terms and conditions shall apply only as to any items for which cash bids or offers are made as distinguished from bids or offers of a trade-in allowance.

(d) If property located in a foreign country is offered for exchange/sale, the contracting officer shall comply with Chapter XVI of the Defense Disposal Manual in effecting any exchange/sale of such foreign property.

(e) A minimum of 14 calendar days should be allowed in continental United States for the inspection of property being offered for exchange/sale. For sales outside continental United States, the minimum inspection period should normally be 21 calendar days.

(f) The contracting officer may secure a bidders list, for use in connection with exchange/sale solicitations from the Defense Surplus Bidders Control Office at Defense Logistics Services Center.

§ 4.205–2 Purchase request and certificate.

In connection with a procurement involving exchange/sale, the purchase request must be accomplished with a certificate stating that:

(a) The property is eligible for exchange/sale within the terms of applicable statutes and regulations and specifying the restrictions and limitations on the offer for exchange/sale;

(b) The property has been offered to Federal agencies known to use or distribute such property and such agencies have not requested a transfer to them;

(c) The property has been rendered innocuous or demilitarized to the extent required by applicable regulations; and

(d) A written determination has been made to apply the exchange allowances or proceeds of sale in procuring the items covered by the purchase request.

§ 4.205–3 Sale of exchange/sale property.

A "sale" of exchange/sale property occurs when cash, as distinguished from a trade-in allowance, is received for such

property. When, pursuant to criteria in § 4.205–1(a) (3), (4), or (5), cash bids only are to be obtained for exchange/sale property, the sale of such property, properly designated as exchange/sale property (see § 4.205–1(b)), will be arranged with the disposal officer (not with the procuring contracting officer), in accordance with the Defense Disposal Manual. Proceeds will be handled as indicated in § 4.205–5.

§ 4.205–4 Exchange of exchange/sale property.

(a) The normal procedure applicable to a procurement coupled with an exchange/sale transaction is formal advertising (also referred to in § 4.205–1 as "solicitation of bids"); however, exchange/sale property may be listed for exchange on a negotiated procurement in the same solicitation which seeks proposals on the new (replacement) items being procured.

(b) If purchase of the new items is to be formally advertised (and except as provided in § 4.205–1(a)), each solicitation listing exchange/sale property, in addition to asking for prices for the new items being procured, shall ask for offers in terms of either cash or exchange (trade-in allowance) for the exchange/sale property listed. Also the solicitation in such cases should provide for award(s) on the basis or bases resulting in the best overall arrangement for the Government. Examples: If the lowest net price to the Government of the items to be procured (i.e., the price of the new items less the amount offered for the exchange/sale items either in cash or trade-in) results from an offer by a supplier of the new items who agrees to accept the exchange/sale items as a trade-in, a single award would be made which would cover both the acquisition by the Government of the new items and the disposal of the exchange/sale items by trade-in. If the lowest net price to the Government results from combining a low offered price from a supplier of the new items, and a high cash offer from a different offeror to purchase the exchange/sale items, two awards would be made—one for acquisition of the new items, and the other for sale of the exchange/sale property.

(c) If new items are to be acquired by negotiation under proper application of an authority set forth in §§ 3.201 through 3.217 of this chapter (10 U.S.C. 2304(a) (1) through (17)), exchange/sale property will be offered for exchange only (i.e., application of a trade-in allowance to the purchase price). Such negotiated disposal is authorized by the same authority as the acquisition (see § 4.205–1(a)(1)).

§ 4.205–5 Proceeds of sale.

Proceeds from sales of exchange/sale property which are transacted by a disposal officer will be handled as prescribed in Part 3, Chapter XI, paragraph I–3 of the Defense Disposal Manual. Such proceeds can then be used to apply to the acquisition of the new (replacement) items. Proceeds received by the procuring or administrative contracting officer from sale of exchange/sale property disposed of by the PCO or the ACO pursuant to this subpart shall be turned over to the appropriate finance officer properly identified as proceeds from exchange/sale property so that they may be applied to the purchase of new replacement items.

PART 5—INTERDEPARTMENTAL AND COORDINATED PROCUREMENT

5. A new paragraph (c) is added to § 5.200; §§ 5.701(b) and 5.703 are revised; and in § 5.1201–4, so much of the commodity list as pertains to Federal Supply Class Code 5821P is revised, as follows:

§ 5.200 Applicability.

* * * * *

(c) Any item used by commissaries for operation and maintenance that is available through local purchase at a price lower than from GSA stores depots.

* * * * *

§ 5.701 Authorization and policy relating to placing and filling orders.

* * * * *

(b) Each procuring activity, when it is in the interest of the Government to do so, may place delivery orders on DD Form 1155 (see § 3.608–6 of this chapter) with any other Government department or agency for supplies or services that any such requisitioned department or agency may be in a position to furnish or perform or to obtain by contract. Generally, an order for supplies or services will not be placed with a department or agency which is not in a position to furnish the supplies or is not equipped to perform the services, except than an order may be filled by means of an outside contract with a commercial source of supply if the order is placed by any one of the following: Department of the Army, Department of the Navy, Department of the Air Force, Department of the Treasury, Federal Aviation Administration, or Maritime Commission. An order for services shall not be placed with a department or agency when such services can be performed as conveniently or more cheaply by private contractors.

§ 5.703 Procuring helium under Public Law 86–777.

(a) It is the policy of the Department of Defense to obtain its requirements of helium from the Department of Interior either direct or through General Services Administration Federal Supply Schedule contracts.

(b) Department of Defense activities shall procure bulk helium requirements (tank car lots) direct from the Department of Interior (Bureau of Mines).

(c) Use of General Services Administration Federal Supply Schedule (FSG 68, Part III, section G) for procurement of helium in cylinders and trailers is mandatory on the Department of Defense activities. Prior to the award of Schedule contracts for helium, the General Services Administration will arrive at an understanding with the Department of Air Force, San Antonio Air Material Area, acting as the representative of the Department of Defense as to the acceptability of proposed FSS award prices.

§ 5.1201–4 Department of the Navy.

Federal supply class code	*Commodity*
*	*
5821P------	Radio and Television Equipment Airborne. This partial FSC assignment applies only to the following commercially developed radio sets (The term "commercially developed" means that no Government funds were provided for development purposes): HF–101, 102, 103, 104, 105, 106, 107, 108, 109, 111 113; ARC–94, 102, 105, 110, 112, 119, 120; MRC–95, 108; VC–102, 104, 105, 106, 109, 110; and components of the foregoing including the 490T Antenna Coupler.
*	*

PART 6—FOREICN PURCHASES

6. In § 6.105, six items are added to the list of articles; and § 6.505(a) is revised, as follows:

§ 6.105 List of excepted articles, materials, and supplies.

* * * * *

Chestnuts.
Cover glass, microscope slide.
Hand sewing needles.
Leather, sheepskin, hair type.
Rosettes.
Swords and scabbards.

§ 6.505 Contract administration.

(a) When services are requested from the Defense Contract Administration Services on contracts to be performed in Canada, the request shall be directed to:

Defense Supply Agency, DCASO, Ottawa, Gillin Building, 141 Laurier Avenue, Ottawa 4, Ontario, Canada.

* * * * *

PART 7—CONTRACT CLAUSES

7. Sections 7.602–3, 7.602–4, 7.602–36, 7.602–44, and 7.602–46 are revised, as follows:

§ 7.602–3 Changes.

CHANGES (FEBRUARY 1968)

(a) The Contracting Officer may, at any time, without notice to the sureties, by written order designated or indicated to be a change order, make any change in the work within the general scope of the contract, including but not limited to changes:

(i) In the specifications (including drawings and designs);

(ii) In the method or manner of performance of the work;

(iii) In the Government-furnished facilities, equipment, materials, services, or site; or

(iv) Directing acceleration in the performance of the work.

(b) Any other written order or an oral order (which terms as used in this paragraph (b) shall include direction, instruction, interpretation or determination) from the Contracting Officer, which causes any such change, shall be treated as a change order under this clause: *Provided*, That the Contractor gives the Contracting Officer written notice stating the date, circumstances, and source of the order and that the Contractor regards the order as a change order.

(c) Except as herein provided, no order, statement, or conduct of the Contracting Officer shall be treated as a change under this clause or entitle the Contractor to an equitable adjustment hereunder.

(d) If any change under this clause causes an increase or decrease in the Contractor's cost of, or the time required for, the performance of any part of the work under this contract, whether or not changed by any order, an equitable adjustment shall be made and the contract modified in writing accordingly: *Provided, however*, That except for claims based on defective specifications, no claim for any change under (b) above shall be allowed for any costs incurred more than 20 days before the Contractor gives written notice as therein required: *And provided further*, That in the case of defective specifications for which the Government is responsible, the equitable adjustment shall include any increased cost reasonably incurred by the Contractor in attempting to comply with such defective specifications.

(e) If the Contractor intends to assert a claim for an equitable adjustment under this clause, he must, within 30 days after receipt of a written change order under (a) above or the furnishing of a written notice under (b) above, submit to the Contracting Officer a written statement setting forth the general nature and monetary extent of such claim, unless this period is extended by the Government. The statement of claim hereunder may be included in the notice under (b) above.

(f) No claim by the Contractor for an equitable adjustment hereunder shall be allowed if asserted after final payment under this contract.

In the foregoing clause, the period of "30 days" within which any claim for adjustment must be asserted may be varied in accordance with Departmental procedures. In accordance with 10 U.S.C. 2306(f), prior to the pricing of any change order that is expected to exceed $100,000 except where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation, the contracting officer shall require the contractor to furnish a Certificate of Current Cost or Pricing Data (see § 3.807–4 of this chapter) and shall assure that the contract includes or is modified to include a defective pricing data clause (see § 7.104–29).

§ 7.602–4 Differing site conditions.

DIFFERING SITE CONDITIONS (FEBRUARY 1968)

(a) The Contractor shall promptly, and before such conditions are disturbed, notify the Contracting Officer in writing of: (1) Subsurface or latent physical conditions at the site differing materially from those indicated in this contract, or (2) unknown physical conditions at the site, of an unusual nature, differing materially from those ordinarily encountered and generally recognized as inhering in work of the character provided for in this contract. The Contracting Officer shall promptly investigate the conditions, and if he finds that such conditions do materially so differ and cause an increase or decrease in the Contractor's cost of, or the time required for, performance of any part of the work under this contract, whether or not changed as a result of such conditions, an equitable adjustment shall be made and the contract modified in writing accordingly.

(b) No claim of the Contractor under this clause shall be allowed unless the Contractor has given the notice required in (a) above: *Provided, however*, The time prescribed therefor may be extended by the Government.

(c) No claim by the Contractor for an equitable adjustment hereunder shall be allowed if asserted after final payment under this contract.

In accordance with 10 U.S.C. 2306(f), prior to the pricing of any modification pursuant to the "Differing Site Conditions" clause that is expected to exceed $100,000, except where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation, the contracting officer shall require the contractor to furnish a Certificate of Current Cost or Pricing Data (see § 3.807–4 of this chapter) and shall assure that the contract includes or is modified to include a defective pricing data clause (see § 7.104–29).

§ 7.602–36 Modification proposals—price breakdown.

The requirements of this clause are in addition to and do not limit the requirements of §§ 3.807–3 and 16.206 of this chapter for the submission of cost or pricing data on DD Form 633.

MODIFICATION PROPOSALS—PRICE BREAKDOWN (APRIL 1968)

The Contractor, in connection with any proposal he makes for a contract modification, shall furnish a price breakdown, itemized as required by the Contracting Officer. Unless otherwise directed, the breakdown shall be in sufficient detail to permit an analysis of all material, labor, equipment, subcontract, and overhead costs, as well as profit, and shall cover all work involved in the modification, whether such work was deleted, added or changed. Any amount claimed for subcontracts shall be supported by a similar price breakdown. In addition, if the proposal includes a time extension, a justification therefor shall also be furnished. The proposal, together with the price breakdown and time extension justification, shall be furnished by the date specified by the Contracting Officer.

§ 7.602–44 Commencement, prosecution and completion of work.

(a) Except as provided in paragraph (b) of this section, insert the following clause.

COMMENCEMENT, PROSECUTION AND COMPLETION OF WORK (JANUARY 1965)

The Contractor will be required to commence work under this contract within ------ calendar days after the date of receipt by him of notice to proceed, to prosecute said work diligently, and to complete the entire work ready for use not later than ----------. The time stated for completion shall include final clean-up of the premises.

(b) Where the completion date is expressed, not in a specified number of days after receipt of notice to proceed, but rather as a calendar day, which date is computed on the basis of the contractor receiving the notice to proceed by a certain day, add the following to the above clause:

The foregoing completion date is based on the assumption that the successful bidder will receive the notice to proceed by ----------. The Government will extend the completion date by the number of calendar days after the above date that the Contractor receives the notice to proceed, except to the extent that the delay in issuance of the notice to proceed results from the failure of the Contractor to execute the contract and give the required performance and payment bonds within the time specified in the bid. (APRIL 1968)

§ 7.602–46 Suspension of work.

SUSPENSION OF WORK (FEBRUARY 1968)

(a) The Contracting Officer may order the Contractor in writing to suspend, delay, or interrupt all or any part of the work for such period of time as he may determine to be appropriate for the convenience of the Government.

(b) If the performance of all or any part of the work is, for an unreasonable period of time, suspended, delayed, or interrupted by an act of the Contracting Officer in the administration of this contract, or by his failure to act within the time specified in this contract (or if no time is specified, within a reasonable time), an adjustment shall be made for any increase in the cost of performance of this contract (excluding profit) necessarily caused by such unreasonable susepnsion, delay, or interruption and the contract modified in writing accordingly. However, no adjustment shall be made under this clause for any suspension, delay, or interruption to the extent (1) that performance would have been so suspended, delayed, or interrupted by any other cause, including the fault or negligence of the Contractor or (2) for which an equitable adjustment is provided for or excluded under any other provision of this contract.

(c) No claim under this clause shall be allowed (1) for any costs incurred more than 20 days before the Contractor shall have notified the Contracting Officer in writing of the act or failure to act involved (but this requirement shall not apply as to a claim resulting from a suspension order), and (2) unless the claim, in an amount stated, is asserted in writing as soon as practicable after the termination of such susepnsion, delay, or interruption, but not later than the date of final payment under the contract.

8. New §§ 7.603–5 and 7.603–10 are added; § 7.603–27 is revised; and new §§ 7.603–48, 7.603–49, 7.603–50, 7.604–5, and 7.604–6 are added, as follows:

§ 7.603–5 Contract prices—bidding schedule.

Insert the following clause in contracts containing only unit prices for specified items.

CONTRACT PRICES-BIDDING SCHEDULE (APRIL 1968)

Payment for the various items listed in the Bidding Schedule shall constitute full compensation for furnishing all plant, labor, equipment, appliances, and materials, and for performing all operations required to complete the work in conformity with the drawings and specifications. All costs for work not specifically mentioned in the Bidding Schedule shall be included in the contract prices for the items listed.

§ 7.603–10 Required insurance.

In accordance with the requirements of § 10.405 of this chapter, insert the following clause. The number of days to be inserted in the clause shall be that prescribed by the law of the State in which the contract is to be performed. Where no time limit is specified by State law, a minimum of 10 days shall be inserted.

REQUIRED INSURANCE (APRIL 1968)

(a) The Contractor shall procure and maintain during the entire period of his performance under this contract the following minimum insurance.

Type	Amount

(b) Prior to the commencement of work hereunder, the Contractor shall furnish to the Contracting Officer a certificate or written statement of the above required insurance. The policies evidencing required insurance shall contain an endorsement to the effect that cancellation or any material change in the policies adversely affecting the interests of the Government in such insurance shall not be effective until ------ days after written notice thereof to the Contracting Officer.

(c) The Contractor agrees to insert the substance of this clause, including this paragraph (c), in all subcontracts hereunder.

§ 7.603–27 Variations in estimated quantities contracts.

Insert the following clause in contracts containing estimated quantity items:

VARIATIONS IN ESTIMATED QUANTITIES (APRIL 1968)

Where the quantity of a pay item in this contract is an estimated quantity and where the actual quantity of such pay item varies more than fifteen percent (15%) above or below the estimated quantity stated in this contract, an equitable adjustment in the contract price shall be made upon demand of either party. The equitable adjustment shall be based upon any increase or decrease in costs due solely to the variation above one hundred fifteen percent (115%) or below eighty-five percent (85%) of the estimated quantity. If the quantity variation is such as to cause an increase in the time necessary for completion, the Contracting Officer shall, upon receipt of a written request for an extension of time within ten (10) days from the beginning of such delay, or within such further period of time which may be granted by the Contracting Officer prior to the date of final settlement of the contract, ascertain the facts and make such adjustment for extending the completion date as in his judgment the findings justify.

§ 7.603–48 Progress charts and requirements for overtime work.

Insert the following clause in contracts having a performance time of 4 weeks or more.

PROGRESS CHARTS AND REQUIREMENTS FOR OVERTIME WORK (JANUARY 1965)

(a) The Contractor shall within 5 days or within such time as determined by the Contracting Officer, after date of commencement of work, prepare and submit to the Contracting Officer for approval a practicable schedule, showing the order in which the Contractor proposes to carry on the work, the date on which he will start the several salient features (including procurement of materials, plant and equipment) and the contemplated dates for completing the same. The schedule shall be in the form of a progress chart of suitable scale to indicate appropriately the percentage of work scheduled for completion at any time. The Contractor shall enter on the chart the actual progress at such intervals as directed by the Contracting Officer, and shall immediately deliver to the Contracting Officer three copies thereof. If the Contractor fails to submit a progress schedule within the time herein prescribed, the Contracting Officer may withhold approval of progress payment estimates until such time as the Contractor submits the required progress schedule.

(b) If, in the opinion of the Contracting Officer, the Contractor falls behind the progress schedule, the Contractor shall take such steps as may be necessary to improve his progress and the Contracting Officer may require him to increase the number of shifts, or overtime operations, days of work, or the amount of construction plant, or all of them, and to submit for approval such supplementary schedule or schedules in chart form as may be deemed necessary to demonstrate the manner in which the agreed rate of progress will be regained, all without additional cost to the Government.

(c) Failure of the Contractor to comply with the requirements of the Contracting Officer under this provision shall be grounds for determination by the Contracting Officer that the Contractor is not prosecuting the work with such diligence as will insure completion within the time specified. Upon such determination the Contracting Officer may terminate the Contractor's right to proceed with the work, or any separable part thereof, in accordance with the clause of the contract entitled "Termination for Default—Damages for Delay—Time Extensions."

§ 7.603–49 Airfield safety precautions.

Insert the following clause in contracts to be performed on or near airfields when it is desired to cover the subject matter thereof.

AIRFIELD SAFETY PRECAUTIONS (APRIL 1968)

(a) The operation of all ground equipment (mobile or stationary), the placement of all materials, and the performance of all work, upon and in the vicinity of all airfields, shall be done in accordance with this clause. The requirements of this clause are in addition to any other safety requirements of this contract.

(b) For purposes of this clause the following definitions shall apply.

(1) "Landing areas" means the following:

(i) The primary surfaces which are comprised of the surface of the runways, the runway shoulders, and the lateral safety zones (the length of each primary surface is the same as the runway length; the width of each primary surface is 2,000 feet (1,000 feet on each side of the runway centerline)[1]);

(ii) The "clear zones" beyond the ends of each runway—i.e., the extension of the "primary surface" for a distance of 1,000 feet beyond each end of each runway;

(iii) All taxiways plus the lateral clearance zones along each side for the length of the taxiways (the outer edge of each lateral clearance zone is laterally 250 feet from the far or opposite edge of the taxiway, i.e., a 75-foot-wide taxiway would have a combined width of taxiway and lateral clearance zones of 425 feet); and

(iv) All aircraft parking aprons plus the area 125 feet in width extending beyond each edge all around the aprons.

[1] At some airfields the width of the primary surfaces is 1,500 feet (750 feet on each side of the runway centerline). In such instances, substitute the proper width in the clause.

(2) "Safety precaution areas" means those portions of approach-departure clearance zones and transitional zones where placement of objects incident to contract performance might result in vertical projections at or above the approach-departure clearance surface or the transitional surface.

(A) The "approach-departure clearance surface" is an extension of the primary surface and the clear zone at each end of each runway, for a distance of 50,000 feet, first along an inclined (glide angle) and then along a horizontal plane, both flaring symmetrically about the runway centerline extended. The inclined plane (glide angle) begins in the clear zone 200 feet past the end of the runway (and primary surface) at the same elevation as the end of the runway, and continues upward at a slope of 50:1 (1 foot vertically for each 50 feet horizontally) to an elevation of 500 feet above the established airfield elevation; at that point the plane becomes horizontal, continuing at that same uniform elevation to a point 50,000 feet longitudinally from the beginning of the inclined plane (glide angle) and ending there. The width of the surface at the beginning of the inclined plane (glide angle) is the same as the width of the clear zone; thence it flares uniformly, reaching the maximum width of 16,000 feet at the end.

(B) The "approach-departure clearance zone" is the ground area under the approach-departure clearance surface.

(C) The "transitional surface" is a sideways extension of all primary surfaces, clear zones, and approach-departure clearance surfaces along inclined planes. The inclined plane in each case begins at the edge of the surface. The slope of the inclined plane is 7:1 (1 foot vertically for each 7 feet horizontally), and it continues to the point of intersection with the inner horizontal surface (which is the horizontal plane 150 feet above the established airfield elevation) or the outer horizontal surface (which is the horizontal plane 500 feet above the established airfield elevation), whichever is applicable.

(D) The "transitional zone" is the ground area under the transitional surface. (It adjoins the primary surface, clear zone and approach-departure clearance zone.)

(c) The Contractor shall report to the Contracting Officer before initiating any work and shall notify him of proposed changes of locations and operations.

(d) Neither equipment nor personnel shall use any runway for purposes other than aircraft operation without permission of the Contracting Officer unless the runway is closed by order of the Contracting Officer and marked as provided in (e)(2) below.

(e) (1) The Contractor shall place nothing upon the landing areas without authorization of the Contracting Officer.

(2) Unless otherwise authorized by the Contracting Officer, the Contractor shall outline those landing areas hazardous to aircraft, with red flags by day, and with electric, battery-operated, low-intensity red flasher lights by night.

(3) Before entering any landing area, at an airfield where flying is controlled, additional permission must be obtained every time from the control tower operator, unless the landing area is marked as hazardous to aircraft in accordance with (2) above.

(4) All vehicles which the Contractor operates in landing areas shall be identified by means of a flag on a staff attached to and flying above the vehicle. The flag shall be 3 feet square and shall consist of a checkered pattern of international orange and white squares of 1 foot on each side (except that the flag may vary up to 10 percent from each of these dimensions).

(5) Unless otherwise authorized by the Contracting Officer, all other equipment and materials in the landing areas shall be marked with red flags by day, and with electric, battery-operated, low-intensity red flasher lights by night.

(6) Work shall be carried on so as to leave that portion of the landing area which is available to aircraft free from hazards, holes, piles of material, and projecting shoulders that might damage an airplane tire.

(f) (1) The Contractor shall place nothing upon the safety precaution areas without authorization of the Contracting Officer.

(2) Unless otherwise authorized by the Contracting Officer, all equipment and materials in safety precaution areas shall be marked with red flags by day, and with electric, battery-operated, low-intensity red flasher lights by night.

(3) All objects, placed in safety precaution areas, which project above the approach-departure clearance surface or above the transitional surface must be provided at night with a red light or red lantern.

(g) The Contractor shall keep all paved surfaces, such as runways, taxiways, and hardstands, clean at all times and, specifically, free from small stones which might damage aircraft propellers or jet aircraft.

(h) While work is actually being performed on the airfield by the Contractor, the operation of mobile equipment shall be governed by the safety provisions above. At all other times all mobile equipment shall be removed to locations approved by the Contracting Officer at a distance of at least 750 feet from the runway centerline plus any additional distance necessary to insure compliance with the other provisions of this clause.

(i) Only those trenches may be opened for which material is on hand and ready for placing therein. As soon as practicable after material has been placed and work approved, trenches shall be backfilled and compacted as required by the contract. Meanwhile all hazardous conditions shall be marked and lighted in accordance with the other provisions of this clause.

§ 7.603–50 Quantity surveys.

(a) Except as provide in paragraph (b) of this section, insert the following clause in contracts containing unit price items where the specifications provide for payment based on surveys.

QUANTITY SURVEYS (APRIL 1968)

(a) The Govenment shall make original and final surveys and make computations to determine the quantities of work performed or finally in place.

(b) The Contractor shall make such surveys and computations as are necessary to determine the quantities of work performed or placed during each period for which a progress payment is to be made. All original field notes, computations and other records for the purpose of layout and progress surveys shall be recorded in duplicating field books, the original pages of which shall be furnished promptly in ring binders to the representatives of the Contracting Officer at the site of the work and shall be used by the Contracting Officer to the extent necessary in determining the proper amount of progress payments due the Contractor. Unless waived by the Contracting Officer in each specific case, quantity surveys made by the Contractor shall be made under the direction of a representative of the Contracting Officer.

(b) When Government personnel may not be available, it may be advisable to require the Contractor to make original and final quantity surveys as well as progress surveys. In this case, the following clause may be used in place of the clause in paragraph (a) of this section, with the approval of the Head of the Procuring Activity or his designee.

QUANTITY SURVEYS (APRIL 1968)

(a) The Contractor shall make such surveys and computations as are necessary to determine the quantities of work performed or placed during each period for which a progress payment is to be made. The Contractor shall also make original and final surveys. The Government will make such computations as are necessary to determine the quantities of work performed or finally in place. Unless waived by the Contracting Officer in each specific case, quantity surveys made by the Contractor shall be made under the direction of a representative of the Contracting Officer.

(b) All original field notes, computations, and other records of the Contractor for the purposes of layout, original, progress, and final surveys shall be recorded in duplicating field books, the original pages of which shall be furnished promptly in ring binders to the representative of the Contracting Officer at the site of the work and shall be used by the Contracting Officer to the extent necessary in determining the proper amounts of progress and final payments.

§ 7.604–5 Contractor-prepared network analysis system.

(a) A clause substantially as set forth in paragraph (c) of this section is authorized for use in accordance with instructions in paragraph (b) of this section. Since the clause is broad in scope, modifications thereto will be necessary to accommodate individual project requirements.

(b) (1) Paragraph (b)(2): The requirements pertaining to the identification of separate buildings and features and to the minimum number of activities may be deleted for projects where this information is not needed. This portion should always be used when more than one line item is being constructed under a single contract to provide data for Government costing purposes. The column showing the minimum number of activities per building or feature may be deleted if not considered necessary.

(2) Paragraph (b)(3): The requirement for time scaling the summary network diagram may be deleted. The use of time scaling provides a more easily comprehended diagram for those not intimately familiar with a project and hence is of value to higher level management. It is also of considerable value for evaluating the utilization of resources of manpower and equipment and the scheduling of those activities which have slack available. On the other hand, revisions are much more difficult to make on time scaled diagrams requiring considerable if not complete redrafting. This makes time scaling more expensive to maintain and may result in delays in submitting diagrams. The advantages to management as against the possibility of additional cost and delay in submission must be considered in deciding whether time scaling should be included. If time scaling is omitted, references thereto in paragraph (e) should also be deleted.

(3) Paragraphs (b)(4) and (b)(7): Any items may be included or deleted as project requirements and local computer capabilities indicate. It should be noted that many computer system programs are written so as to provide only part of the information listed, and it is probable that there is no single program which will provide all. The listings should be revised to require only the minimum necessary for project management.

(4) Paragraph (b)(6)(i): Two means of estimating the computing time required can be used, (i) based on normal work days (excluding Saturdays, Sundays, and holidays), or (ii) based on calendar days. This paragraph should be retained if the former method is to be used. If the latter method is to be used this paragraph should be deleted and the following inserted at the end of paragraph (b)(2): "In calculating activity durations, Saturdays, Sundays, holidays, and normal inclement weather should be considered."

(5) Paragraph (b)(6)(ii) and (iii): Requirements for manpower loading and list of equipment will be deleted unless the nature of the project is such as to make their inclusion necessary for proper surveillance by the resident engineer. When these requirements are deleted here, references thereto in other sections should also be deleted.

(6) Paragraph (c): The times allowed for the various submissions may be revised to fit individual project requirements based on project duration and complexity.

(7) Paragraph (e): The time for submission of periodic reports may be changed based on project requirements. Normally reports will be required twice a month with payments made once a month based on the work shown as accomplished in the last two reports.

(8) Paragraph (f): For partially completed activities a relatively broad estimate of the portion completed is normally adequate, for example, 25 percent, 50 percent, 75 percent, or 100 percent, and the clause may be changed accordingly. Due to the multiplicity of activities and their normally small dollar value, a more precise evaluation frequently may be impractical. On activities with significant costs a more precise estimate should be used.

(9) Paragraphs (g), (h), and (i): The sheet size of diagrams and number of copies of report to be submitted may be revised to suit individual project requirements.

(c) Contractor-prepared network analysis system:

CONTRACTOR-PREPARED NETWORK ANALYSIS SYSTEM (APRIL 1968)

The progress chart to be prepared by the Contractor pursuant to the General Provision entitled "Progress Charts and Requirements for Overtime Work" shall consist of a network analysis system as described below. In preparing this system the scheduling of construction is the responsibility of the Contractor. The requirement for the system is included to assure adequate planning and execution of the work and to assist the Contracting Officer in appraising the reasonableness of the proposed schedule and evaluating progress of the work.

(a) An example of one of the numerous acceptable types of network analysis systems is shown in Appendix I of Corps of Engineers Regulation ER 1-1-11 entitled "Network

Analyis System," single copies of which are available to bona fide bidders on request. Other systems which are designed to serve the same purpose and employ the same basic principles as are illustrated in Appendix I will be accepted subject to the approval of the Contracting Officer.

(b) The system shall consist of diagrams and accompanying mathematical analyses. The diagrams shall show elements of the project in detail and the entire project in summary.

(1) Diagrams shall show the order and interdependence of activities and the sequence in which the work is to be accomplished as planned by the Contractor. The basic concept of a network analysis diagram will be followed to show how the start of a given activity is dependent on the completion of preceding activities and its completion restricts the start of following activities.

(2) Detailed network activities shown on a detailed or sub-network diagram shall include, in addition to construction activities, the submittal and approval of samples of materials and shop drawings, the procurement of critical materials and equipment, fabrication of special material and equipment and their installation and testing. All activities of the Government that affect progress, and contract required dates for completion of all or parts of the work will be shown. The detail of information shall be such that duration times of activities will range from three (3) to thirty (30) days with not over two percent (2%) of the activities exceeding these limits. The activities which comprise the following separate buildings and features shall be separately identifiable by coding or use of sub-networks or both:

Building or feature	*Minimum number of activities*
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The selection and number of activities shall be subject to the Contracting Officer's approval. Detailed networks, when summary networks are also furnished, need not be time scaled but shall be drafted to show a continuous flow from left to right with no arrows from right to left. The following information shall be shown on the diagrams for each activity: Preceding and following event numbers, description of the activity, cost, and activity duration.

(3) Summary network. If the project is of such size that the entire network cannot be readily shown on a single sheet, a summary network diagram shall be provided. The summary network diagram shall consist of a minimum of 50 activities and a maximum of 150 activities, and shall be based on and supported by detailed diagrams. Related activities shall be grouped on the network. The critical path shall be plotted generally along the center of the sheet with channels with increasing float placed towards the top or bottom. The summary network shall be time scaled using units of approximately one-half inch equals 1 week or other suitable scale approved by the Contracting Officer. Weekends and holidays shall be indicated. Where slack exists, the activities shall be shown at the time when they are scheduled to be accomplished.

(4) The mathematical analysis of the network diagram shall include a tabulation of each activity shown on the detailed network diagrams. The following information will be furnished as a minimum for each activity:

(i) Preceding and following event numbers (numbers shall be selected and assigned so as to permit identification of the activities with bid items);

(ii) Activity description;

(iii) Estimated duration of activities (the best estimate available at time of computation);

(iv) Earliest start date (by calendar date);

(v) Earliest finish date (by calendar date);

(vi) Scheduled or actual start date (by calendar date);

(vii) Scheduled or actual finish date (by calendar date);

(viii) Latest start date (by calendar date);

(ix) Latest finish date (by calendar date);

(x) Slack or float;

(xi) Monetary value of activity;

(xii) Responsibility for activity (Prime contractor, subcontractors, suppliers, Government, etc.);

(xiii) Manpower required;

(xiv) Percentage of activity completed;

(xv) Contractor's earnings based on portion of activity completed; and

(xvi) Bid item of which activity is a part.

(5) The program or means used in making the mathematical computation shall be capable of compiling the total value of completed and partially completed activities and subtotals from separate buildings or feature listed in paragraph (b)(2).

(6) In addition to the tabulation of activities, the computation will include the following data:

(i) Identification of activities which are planned to be expedited by use of overtime or double shifts to be worked including Saturdays, Sundays, and holidays;

(ii) On-site manpower loading schedule;

(iii) A description of the major items of construction equipment planned for operations of the project. (The description shall include the type, number of units and unit capacities. A schedule showing proposed time equipment will be on the job keyed to activities on which equipment will be used shall be provided); and

(iv) Where portions of the work are to be paid by unit costs, the estimated number of units in an activity which was used in developing the total activity cost.

(7) The analysis shall list the activities in sorts or groups as follows:

(i) By the preceding event number from lowest to highest and then in the order of the following event number;

(ii) By the amount of slack, then in order of preceding event number;

(iii) By responsibility in order of earliest allowable start dates; and

(iv) In order of latest allowable start dates, then in order of preceding event numbers, and then in order of succeeding event numbers.

(c) Submission and approval of the system shall be as follows:

(1) A preliminary network defining the Contractor's planned operations during the first sixty (60) calendar days after notice to proceed will be submitted within ten (10) days. The Contractor's general approach for the balance of the project shall be indicated. Cost of activities expected to be completed or partially completed before submission and approval of the whole schedule should be included.

(2) The complete network analysis consisting of the detailed network mathematical analysis (on-site manpower loading schedule, equipment schedule) and network diagrams shall be submitted within forty (40) calendar days after receipt of notice to proceed.

(d) The Contractor shall participate in a review and evaluation of the proposed network diagrams and analysis by the Contracting Officer. Any revisions necessary as a result of this review shall be resubmitted for approval of the Contracting Officer within ten (10) calendar days after the conference. The approved schedule shall then be the schedule to be used by the Contractor for planning, organizing, and directing the work and for reporting progress. If the Contractor thereafter desires to make changes in his method of operating and scheduling he shall notify the Contracting Officer in writing stating the reasons for the change. If the Contracting Officer considers these changes to be of a major nature he may require the Contractor to revise and submit for approval, without additional cost to the Government, all or the affected portion of the detailed diagrams and mathematical analysis and the summary diagram to show the effect on the entire project. A change may be considered of a major nature if the time estimated to be required or actually used for an activity or the logic of sequence of activities is varied from the original plan to a degree that there is a reasonable doubt as to the effect on the contract completion date or dates. Changes which affect activities with adequate slack time shall be considered as minor changes, except that an accumulation of minor changes may be considered a major change when their cumulative effect might affect the contract completion date.

(e) The Contractor shall submit at intervals of fifteen (15) calendar days a report of the actual construction progress by updating the mathematical analyses. Revisions causing changes in the detailed network shall be noted on the summary network, or a revised issue of affected portions of the detailed network furnished. The summary network shall be revised as necessary for the sake of clarity. However, only the initial submission or complete revisions need be time scaled. Subsequent minor revisions need not be time scaled.

(f) The report shall show the activities or portions of activities completed during the reporting period and their total value as basis for the Contractor's periodic request for payment. Payment made pursuant to the General Provision entitled "Payments to Contractor" will be based on the total value of such activities completed or partially completed after verification by the Contracting Officer. The report will state the percentage of the work actually completed and scheduled as of the report date and the progress along the critical path in terms of days ahead or behind the allowable dates. If the project is behind schedule, progress along other paths with negative slack shall also be reported. The Contractor shall also submit a narrative report with the updated analysis which shall include but not be limited to a description of the problem areas, current and anticipated, delaying factors and their impact, and an explanation of corrective actions taken or proposed.

(g) Sheet size of diagrams shall be 30 by 42 inches. Each updated copy shall show a date of the latest revision.

(h) Initial submittal and complete revisions shall be submitted in six (6) copies.

(i) Periodic reports shall be submitted in four (4) copies.

§ 7.604–6 Government-prepared network analysis system.

(a) The clause in paragraph (b) of this section is authorized for use in accordance with the following instructions:

(1) Paragraph (a): This paragraph shall be used when the project is of long duration and a schedule of the first two months' operation is necessary for controlling the project until the "Construction Progress Schedule" is submitted. The blank will be filled in with the number of days desired. This paragraph will be deleted when the construction project is of short duration.

(2) Paragraph (b): Proper number of days for submittals shall be inserted by the contracting officer.

(3) Paragraph (c)(1) and (c)(2) shall be modified to agree with detail and type of network analysis system the Government proposes to prepare.

(b) Government-prepared network analysis system:

GOVERNMENT-PREPARED NETWORK ANALYSIS SYSTEM (APRIL 1968)

The progress chart prepared by the Contractor pursuant to the General Provision entitled "Progress Charts and Requirements for Overtime Work" will include the following:

(a) The Contractor shall submit to the Contracting Officer a chart showing the initial progress schedule covering the first sixty (60) days of his construction operations within _____ days after receipt by him of the Notice to Proceed.

(b) The Contractor shall submit a chart showing the construction progress schedule in accordance with the General Provision entitled "Progress Charts and Requirements for Overtime Work" for the entire work under this contract within _____ days after receipt of the Notice to Proceed.

(c) In addition to the above information the Contractor will also provide information for the Government to prepare and maintain a surveillance system and verify progress payments using the network analysis system of scheduling as described in Appendix I of the Corps of Engineers Regulation, ER 1–1–11, entitled "Network Analysis System," single copies of which are available to bona fide bidders upon request. In preparing this data the scheduling is the responsibility of the Contractor. The requirement is included to assure adequate planning and execution of the work and to assist the Contracting Officer in appraising the reasonableness of the proposed schedule and evaluating the progress of the work. The data shall include, but not be limited to:

(1) A description of the Contractor's detailed construction plan of the project including the cost or weighted value, the order and interdependence, and the estimated duration of the activities which make up the project. Data shall be in sufficient detail to permit preparation of the network and schedule analysis by the Government.

(2) Revisions and updating of the data on scheduling with reasons for the revisions, as required by the Contracting Officer, shall be furnished by the Contractor in a timely and progressive manner to assist the Government in keeping the network and schedule analysis in a current working status.

(d) Pursuant to the General Provision entitled "Payments to Contractor," progress payments will be made on the basis of weighted value or cost assigned to each activity or group of activities as related to the total contract cost of the activity.

9. New § 7.606–9 is added; § 7.606–18 is revised; in § 7.702–12, the clause heading and clause paragraph (e) are revised; and in § 7.702–26, the clause heading and clause paragraphs (c) (i) and (h) are revised, as follows:

§ 7.606–9 Use of excess and near-excess currency.

In accordance with the requirements of § 6.1110 of this chapter, insert the clause set forth therein.

§ 7.606–18 Airfield safety precautions.

Insert the following clause in contracts to be performed on or near airfields when it is desired to cover the subject matter thereof.

AIRFIELD SAFETY PRECAUTIONS (APRIL 1968)

(a) The operation of all ground equipment (mobile or stationary), the placement of all materials, and the performance of all work, upon and in the vicinity of all airfields, shall be done in accordance with this clause. The requirements of this clause are in addition to any other safety requirements of this contract.

(b) For purposes of this clause the following definitions shall apply.

(1) "Landing areas" means the following:

(i) The primary surfaces which are comprised of the surface of the runways, the runway shoulders, and the lateral safety zones (the length of each primary surface is the same as the runway length; the width of each primary surface is 2,000 feet (1,000 feet on each side of the runway centerline)[1]);

(ii) The "clear zones" beyond the ends of each runway—i.e., the extension of the "primary surface" for a distance of 1,000 feet beyond each end of each runway;

(iii) All taxiways plus the lateral clearance zones along each side for the length of the taxiways (the outer edge of each lateral clearance zone is laterally 250 feet from the far or opposite edge of the taxiway, i.e., a 75-foot-wide taxiway would have a combined width of taxiway and lateral clearance zones of 425 feet); and

(iv) All aircraft parking aprons plus the area 125 feet in width extending beyond each edge all around the aprons.

(2) "Safety precaution areas" means those portions of approach-departure clearance zones and transitional zones where placement of objects incident to contract performance might result in vertical projections at or above the approach-departure clearance surface or the transitional surface.

(A) The "approach-departure clearance surface" is an extension of the primary surface and the clear zone at each end of each runway, for a distance of 50,000 feet, first along an inclined plane (glide angle) and then along a horizontal plane, both flaring symmetrically about the runway centerline extended. The inclined plane (glide angle) begins in the clear zone 200 feet past the end of the runway (and primary surface) at the same elevation as the end of the runway, and continues upward at a slope of 50:1 (1 foot vertically for each 50 feet horizontally) to an elevation of 500 feet above the established airfield elevation; at that point the plane becomes horizontal, continuing at that same uniform elevation to a point 50,000 feet longitudinally from the beginning of the inclined plane (glide angle) and ending there. The width of the surface at the beginning of the inclined plane (glide angle) is the same as the width of the clear zone; thence it flares uniformly, reaching the maximum width of 16,000 feet at the end.

(B) The "approach-departure clearance zone" is the ground area under the approach-departure clearance surface.

(C) The "transitional surface" is a sideways extension of all primary surfaces, clear zones, and approach-departure clearance surfaces along inclined planes. The inclined plane in each case begins at the edge of the surface. The slope of the inclined plane is 7:1 (1 foot vertically for each 7 feet horizontally), and it continues to the point of intersection with the inner horizontal surface (which is the horizontal plane 150 feet above the established airfield elevation) or the outer horizontal surface (which is the horizontal plane 500 feet above the established airfield elevation), whichever is applicable.

(D) The "transitional zone" is the ground area under the transitional surface. (It adjoins the primary surface, clear zone and approach-departure clearance zone.)

(c) The Contractor shall report to the Contracting Officer before initiating any work and shall notify him of proposed changes of locations and operations.

(d) Neither equipment nor personnel shall use any runway for purposes other than aircraft operation without permission of the Contracting Officer unless the runway is closed by order of the Contracting Officer and marked as provided in (e)(2) below.

(e) (1) The Contractor shall place nothing upon the landing areas without authorization of the Contracting Officer.

(2) Unless otherwise authorized by the Contracting Officer, the Contractor shall outline those landing areas hazardous to aircraft, with red flags by day, and with electric, battery-operated, low-intensity red flasher lights by night.

(3) Before entering any landing area at an airfield where flying is controlled, additional permission must be obtained every time from the control tower operator, unless the landing area is marked as hazardous to aircraft in accordance with (2) above.

(4) All vehicles which the Contractor operates in landing areas shall be identified by means of a flag on a staff attached to and flying above the vehicle. The flag shall be 3 feet square and shall consist of a checkered pattern of international orange and white squares of 1 foot on each side (except that the flag may vary up to 10 percent from each of these dimensions).

(5) Unless otherwise authorized by the Contracting Officer, all other equipment and materials in the landing areas shall be marked with red flags by day, and with electric, battery-operated, low-intensity red flasher lights by night.

(6) Work shall be carried on so as to leave that portion of the landing area which is available to aircraft free from hazards, holes, piles of material, and projecting shoulders that might damage an airplane tire.

(f) (1) The Contractor shall place nothing upon the safety precaution areas without authorization of the Contracting Officer.

(2) Unless otherwise authorized by the Contracting Officer, all equipment and materials in safety precaution areas shall be marked with red flags by day, and with electric, battery-operated, low-intensity red flasher lights by night.

(3) All objects, placed in safety precaution areas, which project above the approach-departure clearance surface or above the transitional surface must be provided at night with a red light or red lantern.

(g) The Contractor shall keep all paved surfaces, such as runways, taxiways, and hardstands, clean at all times and, specifically, free from small stones which might damage aircraft propellers or jet aircraft.

(h) While work is actually being performed on the airfield by the Contractor, the operation of mobile equipment shall be governed by the safety provisions above. At all other times all mobile equipment shall be removed to locations approved by the Contracting Officer at a distance of a least 750 feet from the runway centerline plus any additional distance necessary to insure compliance with the other provisions of this clause.

(i) Only those trenches may be opened for which material is on hand and ready for placing therein. As soon as practicable after material has been placed and work approved,

[1] At some airfields the width of the primary surfaces is 1,500 feet (750 feet on each side of the runway centerline). In such instances substitute the proper width in the clause.

trenches shall be backfilled and compacted as required by the contract. Meanwhile all hazardous conditions shall be marked and lighted in accordance with the other provisions of this clause.

§ 7.702–12 Use and charges.

USE AND CHARGES (APRIL 1968)

• • • • •

(e) If the Contractor uses any item of the Facilities without authorization, the Contractor shall be liable for the full monthly rental, without credit, for such item for each month or part thereof in which such unauthorized use occurs: *Provided, however,* That the Secretary concerned may, in writing, waive the Contractor's liability for such unauthorized use if he determines that circumstances amounting to gross inequity justify the waiver. The acceptance of any rental by the Government hereunder shall not be construed as a waiver or relinquishment of any rights it may have against the Contractor growing out of the Contractor's unauthorized use of the Facilities or any other failure to perform this contract according to its terms.

• • • • •

§ 7.702–26 Disposition of the facilities.

DISPOSITION OF THE FACILITIES (APRIL 1968)

• • • • •

(c) • • •

(i) Abandon any such Facilities in place, and thereupon all obligations of the Government regarding such abandoned Facilities and the restoration or rehabilitation of the premises in and on which they are located shall cease; or

• • • • •

(h) Unless otherwise specifically provided in this contract, the Government shall not be obligated to the Contractor to restore or rehabilitate any property at Contractor's plant, except for restoration or rehabilitation costs caused by removal of the Facilities pursuant to paragraph (c)(ii) above. The Contractor agrees to indemnify the Government against all suits or claims for damages arising out of the Government's failure to restore or rehabilitate any property at the Contractor's plant or property of its subcontractors, except any such damage as may be occasioned by the negligence of the Government, its agents, or independent contractors.

10. New § 7.705–22 is added; § 7.802–2 is revised; and in § 7.802–4, the clause heading and clause paragraph (a) are revised, as follows:

§ 7.705–22 Facilities equipment modernization.

Insert the following clause in any bilateral modification of an existing facilities contract, and in any new facilities contract under which the Government provides modernized or replacement facilities.

FACILITIES EQUIPMENT MODERNIZATION (APRIL 1968)

(a) In consideration of the Government providing, as set forth in this contract, for modernization or replacement of Government-owned equipment being used or to be used by the Contractor in the performance of Government firm-fixed-price contracts or subcontracts, or fixed-price contracts or subcontracts with escalation, the Contractor agrees to return to the Government the net cost savings actually realized from the use of the modernized or replacement equipment on all such contracts or subcontracts entered into prior to the expiration of the 3-year period following the date such equipment is placed in production, except (i) formally advertised contracts entered into subsequent to the date such equipment is placed in production, and (ii) contracts or subcontracts which specifically provide that they have been priced on the basis of anticipated use of such equipment.

(b) (1) The Contractor shall maintain adequate records for the implementation of this clause. The Contractor shall make such records available at its office for inspection, audit or reproduction by any authorized representative of the Contracting Officer. Within fourteen (14) months after the modernized or replacement equipment has been placed in production, the Contractor shall file with the Administrative Contracting Officer cognizant of the Government production and research property four (4) completed copies of DD Form 1651 (Industrial Equipment Modernization Program—Post Analysis Report).

(2) When the Contractor authorizes a subcontractor to use the modernized or replacement equipment, he shall require the subcontractor to maintain records, to make them and additional information available to the Contracting Officer, and to file four (4) copies of DD Form 1651, in the manner prescribed in (1) above.

(c) Records shall generally be acceptable if they are maintained for the equipment under established accounting practices and permit a fair estimation of the net cost savings realized. Net cost savings realized shall be determined by a comparison of the Contractor's cost experience in the operation of the equipment before and after modernization.

(d) Amounts due the Government under this clause shall be returned by the Contractor, as directed by the Administrative Contracting Officer by:

(i) Credits to, or adjustment of the prices of, the related contracts, subcontracts, or purchase orders benefiting from the use of the modernized or replacement equipment; or

(ii) Payment to the Government through the Contracting Officer having cognizance of the Government production and research property; or

(iii) Such other means as may be mutually agreed to.

§ 7.802–2 Execution, commencement of work, and priority rating.

(This clause may be omitted when Standard Form 26 is used to award the letter contract.)

EXECUTION, COMMENCEMENT OF WORK, AND PRIORITY RATING (MARCH 1964)

The Contractor's acceptance of this order will be indicated by affixing its signature to three copies thereof and returning the executed copies to the Contracting Officer not later than ---------- Upon acceptance by both parties, the Contractor shall proceed with performance of the work described herein, including procurement of necessary materials. An appropriate priority rating, in accordance with the Department of Defense Priorities and Allocation Manual, will be assigned to this letter contract.

§ 7.802–4 Payments clauses for letter contracts.

• • • • •

PAYMENTS OF ALLOWABLE COSTS PRIOR TO DEFINITIZATION OF CONTRACT (APRIL 1968)

(a) Pending the placing of the definitive contract referred to herein, the Government shall currently reimburse the Contractor for all allowable expenditures made hereunder at the following rates:

(i) One hundred percent (100%) of approved costs representing progress payments to Subcontractors under fixed-price type subcontracts, *Provided,* That payment by the Government to the Contractor shall not exceed seventy percent (70%) of the costs incurred by such Subcontractors.

(ii) One hundred percent (100%) of approved costs representing cost-reimbursement type subcontracts: *Provided,* That payments by the Government shall not exceed eighty-five percent (85%) of the costs incurred by such Subcontractors; and

(iii) Eighty-five percent (85%) of all other approved costs.

• • • • •

PART 10—BONDS, INSURANCE, AND INDEMNIFICATION

11. In § 10.404(a), the clause heading and clause paragraph (c)(3), (e), (f), (g), (h), and (i) are revised, and new clause paragraph (j) is added, as follows:

§ 10.404 Aircraft—ground and flight risk.

(a) • • •

GROUND AND FLIGHT RISK (APRIL 1968)

• • • • •

(c) • • •

(3) If the ----------[1] finds that the Contractor has failed to act promptly to correct such conditions or has failed to correct such conditions within a reasonable time, he may terminate the Government's assumption of risk under this clause, as to any of the aircraft which is in the open under such conditions, such termination to be effective at 12:01 A.M. on the 15th day following the day of receipt by the Contractor of written notice thereof. If the Contracting Officer later determines that the Contractor acted promptly to correct such conditions or that the time taken by the Contractor was not in fact unreasonable, an equitable adjustment shall, notwithstanding paragraph (g) of this clause, be made in the contract price to compensate the Contractor for any additional costs he incurred as a result of termination of the Government's assumption of risk under this clause and the contract shall be modified in writing accordingly. Any dispute as to whether the Contractor failed to act promptly to correct such conditions, or as to the reasonableness of the time for correction of such conditions, or as to such equitable adjustment, shall be deemed to be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

• • • • •

(e) With the exception of damage to, or loss or destruction of aircraft in "flight," the Government's assumption of risk under this clause shall not extend to the first $1,000 of loss or damage resulting from each event separately occurring. The Contractor assumes the risk of and shall be responsible for the first $1,000 of loss of or damage to aircraft "in the open" or during "operation" resulting from each event separately occurring, except for reasonable wear and tear and except to the extent the loss or damage is caused by negligence of Government personnel. If the Government elects to require that the aircraft be replaced or restored by the Contractor to the condition in which it was immediately prior to the damage, the equitable adjustment in the price authorized by paragraph (i) below shall not include the dollar amount of the risk assumed by the Contractor under this paragraph. In the event the Government does not elect repair or replacement, the Contractor agrees to credit the contract price or pay the Government $1,000 (or the amount of the loss if smaller) as directed by the Contracting Officer.

(f) A subcontractor shall not be relieved from liability for damage to, or loss or destruction of, aircraft while in his possession or control, except to the extent that the subcontract, with the prior written approval of the Contracting Officer, provides for relief of the subcontractor from such liability. In the absence of such approval, the subcontract shall contain appropriate provisions requiring the return of such aircraft in as good condition as when received, except for reasonable wear and tear or for the utilization of the property in accordance with the provisions of this contract. Where a subcontractor has not been relieved from liability for any damage, loss, or destruction of aircraft and any damage, loss, or destruction occurs, the Contractor shall enforce the liability of the subcontractor for such damage to, or loss or destruction of, the aircraft for the benefit of the Government.

(g) The Contractor warrants that the contract price does not and will not include, except as may be otherwise authorized in this clause, any charge or contingency reserve for insurance (including self-insurance funds or reserves) covering any damage to, or loss or destruction of, aircraft while in the open, during operation, or in flight, the risk of which has been assumed by the Government under the provisions of this clause, whether or not such assumption may be terminated as to aircraft in the open.

(h) In the event of damage to, or loss or destruction of, aircraft in the open, during operation, or in flight, the Contractor shall take all reasonable steps to protect such aircraft from further damage, separate damaged and undamaged aircraft, put all aircraft in the best possible order and, further, except in cases covered by (e) above, the Contractor should furnish to the ----------[1] a statement of:

(i) The damaged, lost, or destroyed aircraft;

(ii) The time and origin of the damage, loss, or destruction;

(iii) All known interests in commingled property of which aircraft are a part; and

(iv) The insurance, if any, covering any part of the interest in such commingled property.

Except in cases covered by (e) above, an equitable adjustment shall be made in the amount due under this contract for expenditures made by the Contractor in performing his obligations under this paragraph (h) and this contract shall be modified in writing accordingly.

(i) If prior to delivery and acceptance by the Government any aircraft is damaged, lost, or destroyed and the Government has under this clause assumed the risk of such damage, loss or destruction, the Government shall either (1) require that such aircraft be replaced or restored by the Contractor to the condition in which it was immediately prior to such damage, or (2) shall terminate this contract with respect to such aircraft. In the event that the Government requires that the aircraft be replaced or restored, an equitable adjustment shall be made in the amount due under this contract and in the time required for its performance, and this contract shall be modified in writing accordingly. If, in the alternative, this contract is terminated under this paragraph with respect to such aircraft and under this clause the Government has assumed the risk of such damage, loss, or destruction, the Contractor shall be paid the contract price for said aircraft (or, if applicable, any work to be performed on said aircraft) less such amounts as the Contracting Officer determines (1) that it would have cost the Contractor to complete the aircraft (or any work to be performed on said aircraft) together with anticipated profit, if any, on any such uncompleted work, and (2) to be the value, if any, of the damaged aircraft or any remaining portion thereof retained by the Contractor. The Contracting Officer shall have the right to prescribe the manner of disposition of the damaged, lost, or destroyed aircraft, or any remaining parts thereof; and, if any additional costs of such disposition are incurred by the Contractor, a further equitable adjustment will be made in the amount due to the Contractor. Failure of the parties to agree upon an equitable adjustment or upon the amount to be paid in the event of termination of the contract with respect to any aircraft, shall be a dispute concerning a question of fact within the meaning of the Disputes clause of this contract.

(j) In the event the Contractor is at any time reimbursed or compensated by any third person for any damage, loss, or destruction of any aircraft, the risk of which has been assumed by the Government under the provisions of this clause and for which the Contractor has been compensated by the Government, he shall equitably reimburse the Government. The Contractor shall do nothing to prejudice the Government's rights to recover against third parties for any such damage, loss, or destruction and, upon the request of the ----------[1] shall at the Government's expense furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment or subrogation in favor of the Government) in obtaining recovery.

[1] In the foregoing clause, insert in contracts of the Department of the Army, the Department of the Navy, the Department of the Air Force, and in contracts to be administered by the Defense Contract Administration Services the activity designated in combined regulation identified as Air Force Regulation 55–22, Army Regulation 95–20, BUWEPS Instruction 3710.6A, Defense Supply Agency Regulation 8210.1, dated Nov. 18, 1964, subject, Requirements for Contractor Operating Procedures and Flight Crews, enclosure 1.

PART 12—LABOR

12. Sections 12.304 and 12.1003 are revised; and in § 12.1004(a), the clause heading and clause paragraph (5) are revised, as follows:

§ 12.304 Computation of overtime and liquidated damages.

When the hours worked during a single workweek by a laborer or mechanic exceed both 8 per calendar day and 40 per workweek, the number of overtime hours in excess of 8 per day and 40 per workweek shall be computed separately and the method resulting in the greater number of overtime hours shall be used to calculate the overtime compensation due the employee. When such calculation discloses underpayments, the method used to determine the underpayments shall also be used to determine liquidated damages. When underpayments are found and the number of overtime hours in excess of 8 per calendar day equals the number in excess of 40 per workweek, the number of calendar days, during which work in excess of 8 hours was performed, shall be used to compute liquidated damages. (For waiver or adjustment of liquidated damages, see § 18.704–16 of this chapter.)

§ 12.1003 Wage determinations and fringe benefits.

Minimum monetary wages and fringe benefits required under this Act will be determined by the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor. As such determinations are issued, appropriate distribution to procurement offices will be made. In addition, the Department of Labor plans to maintain a register of such determinations for public inspection at its national and regional offices which are listed in § 12.607. In the absence of advice to the contrary, purchasing offices shall use the minimum wage indicated in the notice of intention submitted pursuant to § 12.1005(a). If no determination has been issued, the contractor is required by paragraph (3) of the contract clause to pay not less than the minimum wage of $1.60 specified in section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended.

§ 12.1004 Contract clauses.

(a) • • •

SERVICE CONTRACT ACT OF 1965 (FEBRUARY 1968)

• • • • •

(5) The Contractor or subcontractor shall not permit any part of the services called for by this contract to be performed in buildings or surroundings or under working conditions provided by or under the control or supervision of the Contractor or subcontractor which are unsanitary or hazardous or dangerous to the health or safety of service employees engaged to furnish these services. Except insofar as a noncompliance can be justified as provided in 29 CFR 1516.1(c), this will require compliance with the applicable standards, specifications, and codes developed and published by the U.S. Department of Labor or any other agency of the United States and nationally recognized professional organizations including without limitation, the following:

National Bureau of Standards, U.S. Department of Commerce.
Public Health Service, U.S. Department of Health, Education, and Welfare.
Bureau of Mines, U.S. Department of Interior.
United States of America Standards Institute (American Standards Association).
National Fire Protection Association.
American Society of Mechanical Engineers.
American Society for Testing and Materials.
American Conference of Governmental Industrial Hygienists.

Information as to the latest standards, specifications and codes applicable to the contract is available at the office of the Director of the Bureau of Labor Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Washington, D.C. 20212, or at any of the regional offices of the Bureau of Labor Standards as follows:

1. North Atlantic Region, 341 Ninth Avenue, Room 920, New York, N.Y. 10001 (Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, New Jersey, and Puerto Rico).

2. Middle Atlantic Region, 1110–B Federal Building, Charles Center, 31 Hopkins Plaza, Baltimore, Md. 21202 (Delaware, District of Columbia, Maryland, North Carolina, Pennsylvania, Virginia, and West Virginia).

3. South Atlantic Region, 1371 Peachtree Street NE, Suite 723, Atlanta, Ga. 30309 (Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee).

4. Great Lake Region, 848 Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604 (Illinois, Indiana, Kentucky, Michigan, Minnesota, Ohio, and Wisconsin).

5. Mid-Western Region, 2100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106 (Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming).

6. Western Gulf Region, 411 North Akard Street, Room 601, Dallas, Tex. 75201 (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas).

7. Pacific Region, 10353 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, Calif. 94102 (Alaska, Arizona, California, Hawaii, Nevada, Oregon, Washington, and Guam).

• • • • •

PART 13—GOVERNMENT PROPERTY

13. Paragraph (g)(2) in § 13.301 is revised; in § 13.702(a), the clause heading and clause paragraph (j) are revised; and in § 13.703, the clause heading and clause paragraph (j) are revised, as follows:

§ 13.301 Providing facilities.

• • • • •

(g) • • •

(2) Approved by the Senior ADPE policy official of the Department or Agency which generated the requirement for the contract end item; in the case of ADPE to be acquired on a noncompetitive basis, the request for approval shall be forwarded to the Assistant Secretary of Defense (Installations and Logistics) through the Senior ADPE policy official. Approval action is not required for any acquisition of punched card machines (PCM's), or for acquisition of other ADPE where the purchase costs are less than $100,000.

§ 13.702 Government property clause for fixed-price contracts.

(a) • • •

GOVERNMENT PROPERTY (FIXED PRICE) (APRIL 1968)

• • • • •

(j) *Restoration of contractor's premises and abandonment.* Unless otherwise provided herein, the Government:

(i) May abandon any Government property in place, and thereupon all obligations of the Government regarding such abandoned property shall cease; and

(ii) Has no obligation to the Contractor with regard to restoration or rehabilitation of the Contractor's premises, neither in case of abandonment (paragraph (j)(i) above), disposition on completion of need or of the contract (paragraph (i) above), nor otherwise, except for restoration or rehabilitation costs which are properly included in an equitable adjustment under paragraph (b) above.

• • • • •

§ 13.703 Government property clause for cost-reimbursement contracts.

• • • • •

GOVERNMENT PROPERTY (COST-REIMBURSEMENT) (APRIL 1968)

• • • • •

(j) *Restoration of contractor's premises and abandonment.* Unless otherwise provided herein, the Government:

(i) May abandon any Government property in place, and thereupon all obligations of the Government regarding such abandoned property shall cease; and

(ii) Has no obligation to the Contractor with regard to restoration or rehabilitation of the Contractor's premises, neither in case of abandonment (paragraph (j)(i) above), disposition on completion of need or of the contract (paragraph (i) above), nor otherwise, except for restoration or rehabilitation costs caused by removal of Government property pursuant to paragraph (b) above.

• • • • •

14. In § 13.706, in paragraph (a) the clause heading and clause paragraphs (b)(1), (i), and (j) are revised, and all of paragraph (b) is revised; and in § 13.707(a) the clause heading and clause paragraphs (b)(1), (i), (j), and (k) are revised, and clause paragraph (1) is revoked, as follows:

§ 13.706 Government property clause for fixed-price type contracts with nonprofit institutions.

(a) • • •

GOVERNMENT PROPERTY (FIXED PRICE, NONPROFIT) (APRIL 1968)

• • • • •

(b) *Changes in government-furnished property.* (1) By notice in writing, the Contracting Officer may (i) decrease the property furnished or to be furnished by the Government under this contract, or (ii) substitute other Government-owned property for property to be furnished by the Government, or to be acquired by the Contractor for the Government, under this contract. The Contractor shall promptly take such action as the Contracting Officer may direct with respect to the removal, shipping, and disposal of property covered by such notice.

• • • • •

(i) *Disposition of government property.* Upon completion or expiration of this contract, any Government property which has not been consumed in the performance of this contract, or which has not been disposed of as provided for elsewhere in this clause, or for which the Contractor has not otherwise been relieved of responsibility, shall be disposed of in the same manner, and subject to the same procedures, as is provided in paragraph (g) of the clause of this contract entitled "Termination for the Convenience of the Government" with respect to termination inventory. The proceeds of any such disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract, or shall otherwise be credited to the price or cost of the work covered by this contract, or shall be paid in such other manner as the Contracting Officer may direct. Pending final disposition of such property, the Contractor agrees to take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation thereof.

(j) *Removal of government property and abandonment.* If the Contractor determines any Government property to be in excess of his needs under this contract, such Government property shall be disposed of in the same manner as provided by paragraph (i) above, except that the Government may abandon any Government property in place and thereupon all obligations of the Government regarding such abandoned property shall cease. The Government has no obligation to the Contractor with regard to restoration or rehabilitation of the Contractor's premises, neither in case of abandonment, disposition pursuant to paragraph (i) above, nor otherwise, except for restoration or rehabilitation costs which are properly included in an equitable adjustment under paragraph (b) above.

(b) In accordance with § 4.116–4(d) of this chapter, the following alternative subparagraph (2) may be substituted for (c)(2) of the clause in paragraph (a) of this section:

(2) Notwithstanding subparagraph (1) above, the Contracting Officer may, at any time during the term of this contract, or upon completion or termination, transfer title to equipment to the Contractor upon such terms and conditions as may be agreed upon: *Provided*, That, the Contractor shall not under any Government contract, or subcontract thereunder, charge for any depreciation, amortization, or use of such equipment as is donated under this paragraph. Upon the transfer of title to equipment under this paragraph, such equipment shall cease to be Government property. Title to Government property, not otherwise transferred to the Contractor, shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personality by reason of affixation to any realty.

§ 13.707 Government property clause for cost-reimbursement type research and development contracts with nonprofit institutions.

(a) • • •

GOVERNMENT PROPERTY (COST-REIMBURSEMENT, NONPROFIT) (APRIL 1968)

• • • • •

(b) *Changes in Government-furnished property.* (1) By notice in writing, the Contracting Officer may (i) decrease the property furnished or to be furnished by the Government under this contract, or (ii) substitute other Government-owned property for property to be furnished by the Government, or to be acquired by the Contractor for the Government, under this contract. The Contractor shall promptly take such action as the Contracting Officer may direct with respect to the removal, shipping, and disposal of property covered by such notice.

• • • • •

(i) *Disposition of government property.* Upon completion or expiration of this contract, or at such earlier dates as may be fixed by the Contracting Officer, any Government property which has not been consumed in the performance of this contract, or which has not been disposed of as provided for elsewhere in this clause, or for which the Contractor has not otherwise been relieved of responsibility, shall be disposed of in the same manner, and subject to the same procedures, as is provided in paragraph (g) of the clause of this contract entitled "Termination for the Convenience of the Government" with respect to termination inventory. The proceeds of any such disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract, or shall otherwise be credited to the cost of the work covered by this contract, or shall be paid in such other manner as the Contracting Officer may direct. Pending final disposition of such property, the Contractor agrees to take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation thereof.

(j) *Removal of government property and abandonment.* If the Contractor determines any Government property to be in excess of his needs under this contract, such Government property shall be disposed of in the same manner as provided by paragraph (i) above, except that the Goverment may abandon any Government property in place and thereupon all obligations of the Government regarding such abandoned property shall cease. Unless otherwise provided herein, the Government has no obligation to the Contractor with regard to restoration or rehabilitation of the Contractor's premises, neither in case of abandonment, disposition pursuant to paragraph (i) above, nor otherwise, except the restoration or rehabilitation costs caused by removal of Government property pursuant to paragraph (b) above.

(k) *Communications.* All communications issued pursuant to this clause shall be in writing or in accordance with the "Manual for Military Standard Requisitioning and Issue Procedure (MILSTRIP) for Defense Contractors" (Appendix H, Armed Services Procurement Regulation).

(l) [Revoked].

• • • • •

PART 14—PROCUREMENT QUALITY ASSURANCE

15. Sections 14.101, 14.101–1, 14.101–2, and 14.101–3 are revised, and new §§ 14.101–4 and 14.101–5 are added, as follows:

§ 14.101 Types of contract quality requirements.

There are five basic categories of contract coverage for assuring conformance of products or services to contract requirements: (a) Not including any specific quality requirement in the contract, in which case the Government does not perform any procurement quality assurance actions at source, but instead relies on the contractor's internal control to obtain the supplies or services specified in the contract; (b) contractor responsibility provisions (§ 14.101–1); (c) standard inspection requirement (§ 14.101–2); (d) MIL–I–45208 Inspection System Requirement (§ 14.101–3); and, (e) MIL–Q–9858 Quality Program Requirement (§ 14.101–4).

§ 14.101–1 Contractor responsibility provisions.

Contractor responsibility provisions, making the contractor responsible for the inspection and test of products before offering them to the Government, are effected by:

(a) Citing in the contract Federal-Military Specifications which contain a "Responsibility for Inspection" clause in section 4, "Quality Assurance Provisions" of the Specifications;

(b) Citing in the contract Federal-Military drawings which carry a note relative to the contractor's responsibility for inspection and test;

(c) Including the following clause in the contract.

CONTRACTOR RESPONSIBILITY (APRIL 1968)

The Contractor shall perform or have performed the inspections and tests required to substantiate that the supplies and services provided under the contract conform to the drawings, specifications and contract requirements listed herein, including if applicable, the technical requirements for the manufacturers' part numbers specified herein.

§ 14.101–2 Standard inspection requirement.

Standard inspection requirement is a requirement that the contractor maintain an inspection system acceptable to the Government. This requirement is included in the standard inspection clauses (see, for example, paragraph (e) of the Inspection clause in § 7.103–5(a) of this chapter) and is not further defined by a Government specification. This requirement is appropriate when for reasons of practicability (e.g., purchase of a commercial item) or because of the nature of the supplies (i.e., the item serves a function that is not materially or consequentially related to military operations), it is not considered necessary to describe further what constitutes an acceptable inspection system.

§ 14.101–3 Inspection system requirement.

Inspection system requirement is a requirement, in addition to the standard inspection requirement, that the contractor establish and maintain an inspection system in accordance with a Government specification. This requirement shall be referenced in contracts when technical requirements are such as to require control of quality by inprocess as well as final end item inspection, including control of such elements of the manufacturing process as measuring and testing equipment, drawings and changes, inspection, documentation and records. The objectives and essential elements of an inspection system are prescribed in MIL–I–45208, which shall be referenced in contracts when an inspection system requirement has been established.

§ 14.101–4 Quality program requirement.

Quality program requirement is a requirement, in addition to the standard inspection requirement, that the contractor establish and maintain a quality program in accordance with a Government specification. Such a requirement shall be established when the technical requirements of the contract are such as to require control of work operations, in process controls, and inspection, as well as attention to other factors (e.g., organization, planning, work instructions, documentation control, advanced metrology). The objectives and essential elements of a quality program are prescribed in MIL–Q–9858 which shall be referenced in contracts when a quality program requirement has been established.

§ 14.101–5 Criteria for applying contract quality requirements.

(a) Suggested aids in proper selection of contract quality requirements:

(1) Classification by type of contract quality requirement:

(i) *No specific contract quality requirement.* Generally used in purchases under Subpart F, Part 3 of this chapter, where there is no specific obligation on the contractor for the performance of inspection and no Government procurement quality assurance actions can be performed at source.

(ii) *Contractor responsibility clause.* (See § 14.101–1.) Use of this requirement alone is restricted to purchases under Subpart F, Part 3 of this chapter.

(iii) *Standard inspection requirement.* (See § 14.101–2.) Must be used on all fixed price supply contracts over $2,500. It may be used alone or in conjunction with Contractor Responsibility clause on purchases under Subpart F, Part 3 of this chapter. It must be used with the MIL–I–45208 and MIL–Q–9858A.

(iv) *MIL–I–45208 and MIL–Q–9858A.* (See §§ 14.101–3 and 14.101–4.) Technical personnel should be consulted before a decision is made as to which of these specifications is to be used in a contract.

(2) Classification by contract item technical description:

(i) Commercial (catalogs, drawings, industrial standards).

(ii) Military-Federal (drawings, specifications).

(3) Classification by type of items:

(i) Complex items have quality characteristics, not wholly visible in the end item, for which contractual conformance must progressively be established through precise measurements, tests and controls accomplished during purchasing, manufacturing, assembly, and functional operations either as an individual item or in conjunction with other items.

(ii) Noncomplex items have quality characteristics for which simple measurement and test of the end item is sufficient to determine conformance to contract requirements.

(4) Classification by type of application:

(i) Critical: A critical application of an item is one in which the failure of the item could injure personnel or jeopardize a military mission. Critical items may be either:

(*a*) Peculiar, meaning items which have only one application, or

(*b*) Common, meaning items which have multiple applications.

Whether peculiar or common, purchases of critical items must have contract quality requirements.

(ii) Noncritical: A noncritical application is any application which is not critical. Noncritical items may also be either peculiar or common.

(b) Application of the criteria: Decisions must be made as to whether the item is commercial or Military-Federal, complex or noncomplex and whether its application is critical or noncritical, peculiar or common. Once these decisions are made the table below will indicate the proper contract quality requirement.

Item technical description	Kind of item	Application	Type of contract quality requirement
Commercial	Noncomplex	Noncritical Common.	§ 14.101(a).
Commercial	Noncomplex	Noncritical Peculiar.	§ 14.101(a).
Commercial	Noncomplex	Critical	§ 14.101(c).
Commercial	Complex	Noncritical Common.	§ 14.101(a).
Commercial	Complex	Noncritical Peculiar.	§ 14.101(c).
Commercial	Complex	Critical	§ 14.101(d).
Military-Federal	Noncomplex	Noncritical Common.	§ 14.101(c).
Military-Federal	Noncomplex	Noncritical Peculiar.	§ 14.101(c).
Military-Federal	Noncomplex	Critical	§ 14.101(d).
Military-Federal	Complex	Noncritical Common.	§ 14.101(c).
Military-Federal	Complex	Noncritical Peculiar.	§ 14.101(d).
Military-Federal	Complex	Critical	§ 14.101(e).

(c) The table in paragraph (b) of this section is intended for use as a guide in selecting the contract quality requirement normally considered appropriate for the given item criteria. However, where circumstances warrant, a contract quality requirement of a greater or lesser degree than that arrived at through use of this table may be specified by the PCO.

16. Section 14.301(b) is revised; the introductory text of § 14.302 is revised; and §§ 14.305–2(a), 14.305–3(a)(1), and 14.701 are revised, as follows:

§ 14.301 Quality assurance clauses.

• • • • •

(b) In purchases made by use of DD Form 1155 there generally is no requirement for the contractor to perform inspection; however, (1) the item may be purchased under a Federal or Military specification providing that the contractor is responsible for inspection, or (2) the nature of the item may make it desirable to include one or more of the clauses listed in §§ 14.101 and 14.302 through 14.304.

§ 14.302 Standard inspection clauses.

Where inspection is sufficient to assure that the supplies and services conform to contract requirements (see § 14.101–2), the appropriate standard inspection clause prescribed in the listing below shall be inserted in the contract:

• • • • •

§ 14.305–2 Government procurement quality assurance at source.

(a) When a contract requires the contractor to establish and maintain an inspection system or a quality program in accordance with § 14.101–3 or § 14.101–4, Government procurement quality assurance actions generally shall be performed at source.

• • • • •

§ 14.305–3 Government procurement quality assurance at destination.

(a) Government procurement quality assurance actions that can be performed at destination are normally limited to inspection of supplies. For many procurements, such inspection by the Government is sufficient. Supplies shall be inspected by the Government at destination when:

(1) They are purchased "off-the-shelf" and do not require technical inspection or no direct contract quality requirement is specified (§ 14.101–5);

• • • • •

§ 14.701 General.

When required or authorized by statute or executive agreement or by Department of Defense or Departmental mutual security program policies, and when requested through official channels, Government procurement quality assurance services shall be performed for friendly foreign governments and international agencies. Reimbursement will normally be required except for the Government of Canada. When such services are performed outside the United States, the levels of technical capability and the administrative procedures not already prescribed by statute, executive agreement, or Department of Defense or Military Department policy shall be in accordance with arrangements suitable and acceptable to U.S. country teams or commanders of unified and specified commands, as appropriate.

PART 15—CONTRACT COST PRINCIPLES AND PROCEDURES

17. Section 15.205–31(d) is revised to read as follows:

§ 15.205–31 Professional and consultant service costs—legal, accounting, engineering, and other.

• • • • •

(d) (CWAS–NA) Costs of legal accounting, and consulting services, and related costs, incurred in connection with organization and reorganization, defense of antitrust suits, and prosecution of claims against the Government, are unallowable. Costs of legal, accounting, and consulting services, and related costs, incurred in connection with patent infringement litigation, are unallowable unless otherwise provided for in the contract. (Also see § 15.205–23.)

PART 16—PROCUREMENT FORMS

18. New paragraph (d) is added to § 16.104–1; §§ 16.405–3(a), 16.702–5, 16.810–1, and 16.815 (a)(4) and (b) are revised; and new § 16.818 is added, as follows:

§ 16.104–1 General.

• • • • •

(d) *Identification of contract type.* When forms discussed in this section are prepared for execution as contract documents, or when the Standard Form 30 is being used as a contract modification document, the type of the contract shall be identified by inserting in the title block the alpha code corresponding to the types described as follows:

Code	Type of Contract
A	Fixed-Price Redetermination, Type A.
B	Fixed-Price Redetermination, Type E.
C	Fixed-Price Redetermination, Other.
J	Firm Fixed-Price.
K	Fixed-Price with Escalation.
L	Fixed-Price Incentive (with performance incentive).
M	Fixed-Price Incentive (without performance incentive).
S	Cost.
T	Cost-Sharing.
U	Cost-Plus-a-Fixed Fee.
V	Cost-Plus-Incentive Fee (with performance incentive).
W	Cost-Plus-Incentive Fee (without performance incentive).
X	Cost-Plus Award Fee.
Y	Time and Materials.
Z	Labor-Hour.

§ 16.405–3 Contract modification forms.

(a) *Modifications pursuant to provisions of contract.* Modifications affecting the price or time of performance of a construction contract may be made pursuant to the "Changes" and "Termination for Default—Damages for Delay—Time Extensions" clauses of this contract. In addition, for contracts where the invitations for bids or requests for proposals were issued prior to February 1, 1968, modifications affecting price or time of performance may be made pursuant to the "Changed Conditions" clause included in such contracts. For contracts where the invitations for bids or requests for proposals were issued on or after February 1, 1968, modifications affecting price or time of performance may be made pursuant to the "Differing Site Conditions" clause included in such contracts. In any of the above cases, such modifications shall be accomplished on Standard Form 30. The reason for the proposed modification should be stated e.g., reasons for changes, existence of changed conditions or differing site conditions, causes of delay and excusability. If the modification is pursuant to the "Changes" clause, the details of the change should be set forth. If the time of performance is increased or decreased, the extension or decrease should be stated definitely or a statement made that the time for performance remains unchanged. If the contract price is increased or decreased, the increase or decrease should be stated definitely or a statement made that the contract price remains unchanged. The contractor should be requested to indicate his acceptance on Standard Form 30. Three copies of Standard Form 30 should be sent to the contractor with instructions to return the original and one copy.

• • • • •

§ 16.702–5 Inventory Schedules (DD Forms 542, 543, 544, 545, and 832).

The DD Form 832 (Termination Inventory Schedule E—Short Form) is prescribed for use by contractors to support settlement proposals submitted on DD Form 831. For other inventory schedule forms to support settlement proposals submitted on DD Forms 540, 541, and 547, see 16–818.

§ 16.810–1 General.

Standard Form 129 shall be used in connection with the establishment and maintenance of bidders lists as prescribed in § 2.205 of this chapter and for research and development in ASPR Supplement No. 4, "Procedures for Submission of Applications To Be Placed on Research and Development Bidders Mailing Lists." Supplemental Information, where required, may be obtained by using DD Form 558–1 (Bidders Mailing List Application Supplement).

§ 16.815 Contract data requirements list (DD Form 1423).

(a) • • •

(4) To specify data requirements in solicitations for proposals in sufficient detail to provide a basis for a full, clear, and firm understanding between the Government and the contractor with respect to the total data requirements at the time the contract is placed. This requirement may be satisfied by a contractual provision for the right to defer the selection, ordering, or delivery of technical data specified in the contract.

• • • • •

(b) DD Form 1423 or its mechanized equivalent shall be used whenever data is required to be delivered under a contract, and shall constitute the sole contractual list of requirements for the amounts and kinds of data required. When DD Form 1423 is used, it will be completed and furnished to the contracting officer by the personnel responsible for determining the data requirements of the contract. The reverse side of the form contains instructions for offerors to follow in entering on the form the price group and estimated price for each item of data.

§ 16.818 Inventory Schedules (DD Forms 542, 543, 544, and 545).

The following forms are prescribed for inventory for disposition and to support use by contractors to report contractor settlement proposals submitted on DD Form 540, 541, or 547:

(a) DD Form 542 (Inventory Schedule A—Metals in Mill Product Form) and DD Form 542c (Continuation Sheet);

(b) DD Form 543 (Inventory Schedule B—Raw Materials) and DD Form 543c (Continuation Sheet);

(c) DD Form 544 (Inventory Schedule C—Work in Process) and DD Form 544c (Continuation Sheet); and

(d) DD Form 545 (Inventory Schedule D—Dies, Jigs, Fixtures, etc., and Special Tools) and DD Form 545c (Continuation Sheet).

PART 17—EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE

19. Paragraph (a) of § 17.207–3 is revised to read as follows:

§ 17.207–3 Records.

• • • • •

(a) Army activities, to the Office of Contract Adjustments, Office of the Assistant Secretary of the Army (Installations and Logistics);

• • • • •

PART 18—PROCUREMENT OF CONSTRUCTION AND CONTRACTING FOR ARCHITECT-ENGINEER SERVICES

20. Sections 18.115, 18.117–2(b)(3), and 18.201 are revised to read as follows:

§ 18.115 Construction contracts with design architect-engineers.

No contract for construction of a project shall be awarded to the firm which designed the project or to its subsidiaries or affiliates, except with the approval of the Secretary of the Department concerned. (See Part 141 of this chapter.) The Architect-Engineer shall be informed of this restriction prior to the commencement of negotiations for his service.

§ 18.117–2 Distribution of performance reports.

• • • • •

(b) • • •

(3) Director of Procurement and Production, Air Force Logistics Command (Attention: MCPPL), Wright-Patterson Air Force Base, Dayton, Ohio 45433.

• • • • •

§ 18.201 Types of contracts.

Generally, contracts for construction shall be formally advertised and be of the firm fixed-price type. Fixed price contracts for such work may be either lump sum contracts for the total work or for defined parts of the work, or unit price contracts in which a unit price is paid for specified quantity units of work such as cubic yards of earth or concrete or square yards of pavement, or a combination of both. Lump sum contracting shall be used in preference to unit price contracting except where (a) large quantities of work such as grading, paving, outside utilities or site preparation are involved, (b) quantities cannot be determined in advance of contracting within limitations that would permit a lump sum bid without a substantial contingency, (c) quantities may change significantly during construction, or (d) bidders would have to expend unusual effort in making take-off's of quantities. Fixed-price contracts with escalation may be used where escalation clauses are customary in contracts for particular items if the omission of the clause would preclude a significant number of firms from bidding, or would likely result in the inclusion of unwarranted contingencies, unreasonably increasing the cost to the Government. The escalation clauses in § 7.106 of this chapter may be used, adapted to the particular procurement.

PART 22—SERVICE CONTRACTS

21. Section 22.603–13 is revised to read as follows:

§ 22.603–13 Permits and licenses.

PERMITS AND LICENSES (APRIL 1968)

(a) Bidder certifies that he and any subcontractors have those valid permits, operating or other authorizations required by Federal, State, or foreign regulatory bodies to perform services called for herein.

(b) ICC Operating Authority Number ------.

(c) If any authorization is revoked or withdrawn during the life of the contract, the Contractor shall immediately notify the Contracting Officer of such fact in writing.

[Rev. 27, ASPR, Apr. 15, 1968] (Sec. 2202, 70A Stat. 120; 10 U.S.C. 2202 Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

For the Adjutant General.

J. W. HURD,
Colonel, AGC, Comptroller, TAGO.

[F.R. Doc. 68–8477; Filed, July 16, 1968; 8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. The entire State;
Alaska. The entire State except Chirikof Islands;
Arizona. The entire State;
Arkansas. The entire State;
California. The entire State;
Colorado. The entire State;
Connecticut. The entire State;
Delaware. The entire State;
Florida. Baker, Bay, Bradford, Calhoun, Citrus, Clay, Collier, Columbia, Dade, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hendry, Hernando, Holmes, Jackson, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Liberty, Madison, Manatee, Monroe, Nassau, Okaloosa, Orange, Pasco, Pinellas, Putnam, Santa Rosa, Sarasota, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington Counties;
Georgia. The entire State;
Hawaii. Honolulu, Kauai, and Maui Counties;
Idaho. The entire State;
Illinois. The entire State;
Indiana. The entire State;
Iowa. The entire State;
Kansas. The entire State;
Kentucky. The entire State;
Louisiana. Ascension, Assumption, Bienville, Claiborne, East Baton Rouge, Iberia, Iberville, Jackson, Jefferson, Lafayette, Lafourche, Lincoln, Livingston, Orleans, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Tensas, Terrebonne, Union, Vernon, Washington, Webster, West Baton Rouge, West Feliciana, and Winn Parishes;
Maine. The entire State;
Maryland. The entire State;
Massachusetts. The entire State;
Michigan. The entire State;
Minnesota. The entire State;
Mississippi. Alcorn, Amite, Attala, Benton, Bolivar, Calhoun, Chickasaw, Choctaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, DeSoto, Forrest, Franklin, George, Greene, Grenada, Hancock, Harrison, Hinds, Humphreys, Itawamba, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lamar, Lauderdale, Lawrence, Leake, Lee, Lincoln, Lowndes, Marion, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Quitman, Rankin, Scott, Simpson, Smith, Stone, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Walthall, Washington, Wayne, Webster, Wilkinson, Winston, and Yalobusha Counties;
Missouri. The entire State;
Montana. The entire State;
Nebraska. Adams, Antelope, Arthur, Banner, Boone, Buffalo, Burt, Butler, Cass, Cedar, Chase, Cheyenne, Clay, Colfax, Cuming, Custer, Dakota, Dawson, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Keith, Kimball, Knox, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Red Willow, Richardson, Saline, Sarpy, Saunders, Seward, Sherman, Sioux, Stanton, Thayer, Thurston, Valley, Washington, Wayne, Webster, Wheeler, and York Counties;
Nevada. The entire State;
New Hampshire. The entire State;
New Jersey. The entire State;
New Mexico. The entire State;
New York. The entire State;
North Carolina. The entire State;
North Dakota. The entire State;
Ohio. The entire State;
Oklahoma. Adair, Alfalfa, Atoka, Beaver, Beckham, Bryan, Canadian, Cherokee, Choctaw, Cimarron, Coal, Craig, Creek, Delaware, Ellis, Garfield, Grant, Greer, Harmon, Harper, Haskell, Jackson, Johnston, Kay, Kingfisher, Kiowa, Latimer, Le Flore, Logan, McClain, McCurtain, McIntosh, Major, Marshall, Mayes, Murray, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pontotoc, Pushmataha, Rogers, Sequoyah, Texas, Wagoner, Washington, Washita, Woods, and Woodward Counties;
Oregon. The entire State;
Pennsylvania. The entire State;
Rhode Island. The entire State;
South Carolina. The entire State;
South Dakota. Beadle, Bennett, Brookings, Brown, Buffalo, Butte, Campbell, Clark, Clay, Codington, Corson, Custer, Day, Deuel, Edmonds, Fall River, Faulk, Grant, Haakon, Hamlin, Hand, Hanson, Harding, Jackson, Jerauld, Jones, Kingsbury, Lake, Lawrence, Lincoln, McCook, McPherson, Marshall, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Todd, Turner, Union, Walworth, Washabaugh, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation;
Tennessee. The entire State;
Texas. Andrews, Archer, Armstrong, Atascosa, Bailey, Bandera, Baylor, Bell, Bexar, Blanco, Borden, Bosque, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Castro, Childress, Cochran, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, Correll, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, El Paso, Erath, Falls, Fisher, Floyd, Foard, Freestone, Gaines, Garza, Gillespie, Glasscock, Gray, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hartley, Haskell, Hays, Hemphill, Hidalgo, Hockley, Hood, Howard, Hudspeth, Hutchinson, Irion, Jack, Jeff Davis, Jim Hogg, Jim Wells, Jones, Kames, Kendall, Kent, Kimble, King, Kinney, Knox, Lamb, Lampasas, Lee, Limestone, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, Martin, Mason, Maverick, McCulloch, McLennan, Medina, Menard, Midland, Milam, Mills, Mitchell, Moore, Morris, Motley, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Parker, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Real, Reeves, Roberts, Runnels, Saline, San Augustine, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Upton, Uvalde, Val Verde, Ward, Washington, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Winkler, Yoakum, Young, Zapata, and Zavala Counties;
Utah. The entire State;
Vermont. The entire State;
Virginia. The entire State;
Washington. The entire State;
West Virginia. The entire State;
Wisconsin. The entire State;
Wyoming. The entire State;
Puerto Rico. The entire area; and
Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 29 F.R. 16210, as amended; 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(l): Orange County in Florida; Sabine, St. Bernard, and St. Martin Parishes in Louisiana; Claiborne and Lafayette Counties in Mississippi; Beckham County in Oklahoma; and Hemphill, Navarro, Newton, Orange, Smith, and Starr Counties in Texas.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 12th day of July 1968.

G. H. WISE,
Acting Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 68–8486; Filed, July 16, 1968; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 67–EA–72]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 14666 of the FEDERAL REGISTER for October 21, 1967, the Federal Aviation Administration published proposed regulations which would alter the Harrisburg, Pa., control zone and 700-foot floor transition area. These regulations were then published on page 20705 of the FEDERAL REGISTER for December 22, 1967, as adopted rules. However, in the publication on December 22, 1967, only the reprint of the Harrisburg, Pa., transition area was published. The purpose of this rule is to republish the rules so as to permit a printing of both the control zone and transition area as they were adopted effective February 1, 1968.

Issued in Jamaica, N.Y., on June 28, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting in the description of the Harrisburg, Pa., control zone "40°11'39" N., 76°45'39" W. of Olmsted AFB", and substitute therefor, "40°11'35" N., 76°45'47" W. of Olmsted State Airport"; delete the words "Olmsted TACAN 118° radial" and all thereafter and substitute therefor, "centerline of Olmsted State Airport Runway 13 extended from the Olmsted State Airport 5-mile radius zone to 5 miles southeast of the end of the runway."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Harrisburg, Pa., 700-foot floor transition area and insert in lieu thereof the following:

HARRISBURG, PA.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of a point 40°13'24" N., 76°52'39" W.; within 5 miles south and 8 miles north of the Harrisburg-York State Airport ILS localizer west course extending from the 12-mile radius area to 12 miles west of the OM; within 5 miles north and 8 miles south of the Harrisburg VOR 280° radial extending from the 12-mile radius area to 12 miles west of the VOR; within a 9-mile radius of the center, 40°11'35" N., 76°45'47" W. of Olmsted State Airport, Middletown, Pa.; within 5 miles north and 8 miles south of the Olmsted State Airport ILS localizer northwest course extending from the 12-mile radius area to 12 miles northwest of the OM; and within 2 miles each side of the centerline of Olmsted State Airport Runway 13 extended from the 9-mile radius area to 9 miles southeast of the end of the runway.

[F.R. Doc. 68–8428; Filed, July 16, 1968; 8:46 a.m.]

[Airspace Docket No. 68–SO–45]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter the Savannah, Ga., control zone and transition area.

The Savannah control zone is described in § 71.171 (33 F.R. 2058).

The Savannah transition area is described in § 71.181 (33 F.R. 2137).

In the control zone description, an extension is predicated on the Savannah VORTAC 245° radial.

In the transition area description, an extension is predicated on the Savannah VORTAC 065° radial.

Because of a change in the procedure turn radial from 065° to 061° and the final approach radial from 245° to 241° of the AL–38–VOR–RWY–27 standard instrument approach procedure, due to conversion to the new Terminal Instrument Procedures (TERPs), it is necessary to alter the descriptions accordingly.

Since these amendments are minor in nature and impose no additional burden on the public, notice and public procedure hereon are unnecessary and the amendments may become effective without regard to the 30-day statutory period.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 18, 1968, as hereinafter set forth.

In § 71.171 (33 F.R. 2058), the Savannah, Ga., control zone is amended as follows: "• • • within 2 miles each side of the Savannah VORTAC 245° radial • • •" is deleted and "• • • within 2 miles each side of the Savannah VORTAC 241° radial • • •" is substituted therefor.

In § 71.181 (33 F.R. 2137), the Savannah, Ga., transition area is amended as follows: "• • • within 2 miles each side of the Savannah VORTAC 065° radial • • •" is deleted and "• • • within 2 miles each side of the Savannah VORTAC 061° radial • • •" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on July 5, 1968.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 68–8429; Filed, July 16, 1968; 8:46 a.m.]

[Airspace Docket No. 68–CE–55]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Grand Island, Nebr., control zone and transition area.

The Grand Island, Nebr., ILS is being decommissioned and the instrument approach procedure predicated on the ILS will be canceled effective on the decommissioning date. Since controlled airspace for the protection of aircraft executing this canceled procedure is no longer required, it is necessary to alter the Grand Island control zone and transition area to delete this airspace from the designations.

Since the proposed alteration will reduce the existing designated Grand Island control zone and transition area it will not impose any additional burden on any person. Therefore, notice and public procedure hereon will be unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective August 22, 1968, as hereinafter set forth:

(1) In § 71.171 (33 F.R. 2058), the following control zone is amended to read:

GRAND ISLAND, NEBR.

Within a 5-mile radius of Grand Island Municipal Airport (latitude 40°58'05" N., longitude 98°18'20" W.); within 2 miles each side of the Grand Island VORTAC 360° radial, extending from the 5-mile radius zone to 8 miles north of the VORTAC; and within 2 miles each side of the Grand Island VORTAC 304° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC.

(2) In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

GRAND ISLAND, NEBR.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Grand Island Municipal Airport (latitude 40°58'05" N., longitude 98°18'20" W.); within 5 miles east and 8 miles west of the Grand Island VORTAC 360° radial, extending from the 9-mile radius area to 12 miles north of the VORTAC; and within 5 miles northeast and 8 miles southwest of the Grand Island VORTAC 304° radial, extending from the 9-mile radius area to 12 miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within the arc of a 17-mile radius circle centered on the Grand Island VORTAC, extending from the Grand Island VORTAC 273° radial clockwise to the Grand Island VORTAC 084° radial; within the arc of a 27-mile radius circle centered on the Grand Island VORTAC, extending from the Grand Island VORTAC 084° radial clockwise to the Grand Island VORTAC 273° radial; and within 5 miles east and 8 miles west of the Grand Island VORTAC 360° radial, extending from the 17-mile radius area to the south edge of V–172, excluding the portion which overlies the Hastings, Nebr., transition area.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued at Kansas City, Mo., on June 28, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 68–8430; Filed, July 16, 1968; 8:46 a.m.]

[Airspace Docket No. 68–SO–48]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter the Miami, Fla., transition area.

The Miami transition area is described in § 71.181 (33 F.R. 2137).

In the description, a portion of the transition area is predicated on the "old Tamiami Airport" and reference is made to the "new Tamiami Airport." Additionally, the geographic coordinate for the Fort Lauderdale-Hollywood International Airport is shown as "lat. 26° 04'25" N., long. 80°09'10" W."

Because of the deactivating of the old Tamiami Airport, the commissioning of the new Tamiami Airport, and a change in the Fort Lauderdale-Hollywood International Airport geographic coordinate to "lat. 26°04'15" N., long. 80°09' 15" W.", it is necessary to alter the transition area description to reflect these changes.

Since these amendments are either editorial or less restrictive in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (33 F.R. 2137), the Miami, Fla., transition area is amended as follows:

"• • • within a 4-mile radius of the old Tamiami Airport, Fla. (lat. 25°45'

15'' N., long. 80°22'35'' W.); * * *" is deleted.

"* * * within an 8-mile radius of the new Tamiami Airport, Fla. * * *." is deleted and "* * * within an 8-mile radius of Tamiami Airport, Fla. * * *." is substituted therefor.

"* * * within a 7-mile radius of Fort Lauderdale - Hollywood International Airport (lat. 26°04'25'' N., long. 80°09'10'' W.); * * * is deleted and "* * * within a 7-mile radius of Fort Lauderdale-Hollywood International Airport (lat. 26°04'15'' N., long. 80°09'15'' W.); * * * is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on July 5, 1968.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 68-8433; Filed, July 16, 1968; 8:46 a.m.]

[Airspace Docket No. 68-WE-48]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On May 30, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 7884) stating that the Federal Aviation Administration proposed to amend Part 71 of the Federal Aviation Regulations by altering the description of the Riverton, Wyo., transition area. Interested persons were given 30 days in which to submit written comments, suggestions, or objections.

No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., September 19, 1968.

Issued in Los Angeles, Calif., on July 8, 1968.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (33 F.R. 2246) the Riverton, Wyo., transition area is amended to read as follows:

RIVERTON, WYO.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Riverton Municipal Airport (latitude 43°03'45'' N., longitude 108°27'15'' W.), and within 5 miles north and 8 miles south of the Riverton VOR 291° radial extending from the VOR to 12 miles west of the VOR; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Riverton VOR, within 10 miles east and 7 miles west of the Riverton VOR 016° radial, extending from the 25-mile radius area to 38 miles north of the VOR, and that airspace within 5 miles each side of the Riverton VOR 288° radial extending from the 25-mile radius area to 30 miles west of the VOR.

[F.R. Doc. 68-8434; Filed, July 16, 1968; 8:46 a.m.]

[Airspace Docket No. 68-SW-35]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Areas

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Big Spring, Tex., and San Angelo, Tex., transition areas.

On May 25, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 7727) stating the Federal Aviation Administration proposed to alter the Big Spring, Tex., and San Angelo, Tex., transition areas.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

Subsequent study revealed a need to add a small triangle of airspace to the south boundary of the proposed San Angelo, Tex., transition area 1,200-foot portion addition to provide controlled airspace for low-level T-38 training flights. This is being accomplished by changing the proposed coordinates "lat. 30°57'00'' N., long. 101°05'00'' W." to "lat. 30°51'00'' N., long. 101°05'00'' W." There are no airports located within this triangle. Since this change is minor in nature and will impose no undue burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 19, 1968, as herein set forth.

(1) In § 71.181 (33 F.R. 2150), the Big Spring, Tex., transition area 7,500-foot portion is amended by deleting "* * * 101°00'00'' W. * * *" and substituting therefor "* * * 101°05'00'' W. * * *."

(2) In § 71.181 (33 F.R. 2250), the San Angelo, Tex., transition area is amended in part by deleting "* * * within 2 miles each side of the San Angelo ILS localizer southwest course extending from the 8-mile radius area to 8 miles southwest of the OM * * * lat. 31°02'40'' N., long. 100°45'55'' W. * * *" and substituting therefor "* * * within 5 miles northwest and 8 miles southeast of the San Angelo ILS localizer southwest course extending from the OM to 12 miles southwest * * * lat. 30°57'00'' N., long. 100°37'30'' W., to lat. 30°51'00'' N., long. 101°05'00'' W., to lat. 31°28'40'' N., long. 101°05'00'' W. * * *."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on July 3, 1968.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 68-8435; Filed, July 16, 1968; 8:46 a.m.]

[Airspace Docket No. 68-WA-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Federal Airways, Jet Routes, Designated Reporting Points, and Transition Areas; Correction

On June 26, 1968, F.R. Doc. 68-7531 was published in the FEDERAL REGISTER (33 F.R. 9334) and amended Parts 71 and 75 of the Federal Aviation Regulations by changing the name of the Boulder, Nev., VORTAC to Boulder City, Nev., wherever it appeared in various airspace assignments. These amendments were effective immediately. It was intended that the description of J-110 also be altered. However, it was inadvertently omitted from this document. Corrective action is taken herein.

In consideration of the foregoing, F.R. Doc. 68-7531 is amended effective immediately by adding paragraph 5.i., as hereinafter set forth.

5.i. In the text of J-110, "Boulder, Nev.;" is deleted and "Boulder City, Nev.;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 5, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-8436; Filed, July 16, 1968; 8:47 a.m.]

[Airspace Docket No. 68-WE-52]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to extend the time of designation of the Gila Bend, Ariz., Restricted Area R-2304 from "Sunrise to Sunset, Monday through Friday" to "Sunrise to 2400 local time, Monday through Friday."

The Department of the Air Force has stated that increased training requirements essential to support of Southeast Asia operations necessitate use of R-2304 during night hours up to midnight local time. Night ground attack training by Combat Crew Training Wings from Luke AFB and Davis-Monthan AFB requires an average of 20 nights per month using an average of 10 range periods of 30 minutes duration each night.

Since the Air Force has stated that an urgent military need exists to accomplish the additional training, the Administrator finds that notice and public procedure hereon are impractical and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 73.23 (33 F.R. 2300) the Gila Bend, Ariz., Restricted Area R-2304 is amended by deleting "Time of designation: Sunrise to sunset, Monday through Friday." and substituting therefor "Time of designation: Sunrise to 2400 local time, Monday through Friday."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 5, 1968.

FERRIS J. HOWLAND,
Acting Director, Air Traffic Service.

[F.R. Doc. 68-8432; Filed, July 16, 1968; 8:46 a.m.]

[Airspace Docket No. 68-WA-13]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Route

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to alter the description of the United States segment of J/HL-500 from Sault Ste. Marie, Mich., to North Bay, Ontario, Canada, to reflect the recent realignment of the Canadian segment.

Since this action is minor and editorial in nature, and is depicted on aeronautical charts, the Administrator has determined that notice and public procedure thereon is unnecessary and that the amendment may be made effective immediately.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended effective immediately as hereinafter set forth.

Section 75.100 (33 F.R. 2349) is amended as follows: In the text of Jet Route No. 500 "Gore Bay, Ontario, RR;" is deleted and "North Bay, Ontario, Canada;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 5, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-8431; Filed, July 16, 1968; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1110]

PART 13—PROHIBITED TRADE PRACTICES

Winn-Dixie Stores, Inc.

Subpart—Acquiring corporate stocks or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Modified order to cease and desist, Winn-Dixie Stores, Inc., Jacksonville, Fla., Docket C-1110, June 24, 1968]

Order modifying a consent order dated September 14, 1966, 31 F.R. 13080, which prohibited a chain grocery firm from acquiring any grocery stores without Commission approval, by limiting prohibited acquisitions to grocery chains with (1) five or more stores, (2) annual sales over $5 million, or (3) a combined market share of over 5 percent in any trade area.

The modified order to cease and desist, is as follows:

It is ordered, That this matter be, and it hereby is, reopened.

It is further ordered, That the order issued in this matter on September 14, 1966, be, and it hereby is, modified to read as follows:

It is ordered, That, for a period of ten (10) years from November 14, 1966, Winn-Dixie Stores, Inc., shall not (A) merge with or acquire, directly or indirectly, through subsidiaries, or in any other manner, except with the prior approval of the Commission upon written application, the whole or any part of any grocery store (an establishment classified in Industry No. 5411, Standard Industrial Classification Manual, 1967 revision, or a grocery department in a non-food store), where such acquisition or merger involves (1) five or more grocery stores, (2) annual grocery store sales of more than five (5) million dollars, or (3) combined (respondent and the grocery stores to be acquired or merged) grocery store sales of more than five (5) percent of total grocery or food store sales in any city or county in the United States; and (B) without sixty (60) days prior notification to the Commission, merge with or acquire, directly or indirectly, through subsidiaries or in any other manner, any grocery store establishment for which prior approval is not required pursuant to subparagraph A.

Within thirty (30) days from the effective date of this order, and annually thereafter until it has fully complied with this order, Winn-Dixie Stores, Inc., shall submit a verified written report to the Federal Trade Commission setting forth in detail the manner and form in which it intends to comply, is complying, or has complied with this order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each person having authority to approve grocery store acquisitions and mergers.

Issued: June 24, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-8478; Filed, July 16, 1968; 8:49 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Magazine Sponsored Contest To Win a House

§ 15.266 **Magazine sponsored contest to win a house.**

(a) The Commission rendered an advisory opinion advising a magazine publisher that there would be no objection to a proposal to give purchasers or readers the opportunity to participate in a contest to win a house if implemented in the manner outlined below.

(b) The plan as presented was to give the reader, whether a purchaser or not, the opportunity to participate in a competitive contest to win a house. The contestant was to send in a numbered coupon clipped from the magazine with a written answer of 50 words or less to a question as, for example, "Why do I believe in democracy?" The answer was to be judged by an independent panel, with the best essay being declared the winner. The contest was to take place every 3 months, at a prefixed date, in a public community event. The purpose of the number was to identify the contestant, with the judges knowing only the numbers of the participants and not their names.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: July 16, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-8342; Filed, July 16, 1968; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Legality of Describing Green Tourmaline as "Emerald Green Tourmaline" or "Precious Tourmaline"

§ 15.267 **Legality of describing green tourmaline as "Emerald Green Tourmaline" or "Precious Tourmaline".**

(a) The Commission was requested to render an advisory opinion as to the legality of describing green tourmaline as "Emerald Green Tourmaline" or as "Precious Tourmaline". The stone involved in the request was said to contain chromium, the same coloring agent which produces emerald when it occurs in beryl, and the stone resembled emerald in appearance.

(b) The Commission advised that it was of the opinion that the words "emerald" and "precious" may not be used in connection with the word "tourmaline" to describe the stone in question.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: July 16, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-8343; Filed, July 16, 1968; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Agreement Not To Advertise Prices

§ 15.268 Agreement not to advertise prices.

(a) The Commission rendered an advisory opinion in which it stated that a joint agreement among competitors to refrain from price advertising would constitute a violation of section 5 of the Federal Trade Commission Act.

(b) The request which prompted the Commission's opinion stemmed from a proposal to use the following language in an association's standards of ethics: "Advertising of rates or comparison of competitor's rates or charges, is prohibited on the basis that such advertising demeans the profession."

(c) The present code now in effect uses the word "discouraged" in lieu of the word "prohibited."

(d) In ruling that such a provision would be illegal, the Commission said: "• • • since price difference and price comparison may be valuable stimulants to competition, any agreement to suppress the advertising of the two would constitute an agreement in restraint of trade violative of section 5 of the Federal Trade Commission Act."

(e) "Moreover, as to the present use of the word 'discouraged' in the code now in effect, you are informed that any agreement to 'discourage' advertising of rates or rate comparison would also be in restraint of trade and violative of section 5 of the Federal Trade Commission Act. The Commission is aware that you have not requested this advice, and indeed under the Commission's rules an advisory opinion is usually considered inappropriate because the practice is one which is already engaged in; however, since your adoption of this rule has come to the attention of the Commission, the Commission would be remiss in not suggesting its discontinuance."

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: July 16, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68–8344; Filed, July 16, 1968; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Pooling of Allowances for Purposes of Joint Advertising

§ 15.269 Pooling of allowances for purposes of joint advertising.

(a) The Commission was requested to render an advisory opinion concerning the legality of a proposal by a group of independent retailers to pool the advertising allowances due the members for purposes of joint advertising.

(b) Under the proposal, all money earned by the members under the suppliers' cooperative advertising programs would be assigned to the group in a collective advertising effort for the suppliers. Each supplier would receive, on the basis of the amount of money earned from him by all members of the group, radio advertising through the medium of 3 minute programs, each of which would have 1 minute of time available for the suppliers' commercial messages. The content of the 1 minute commercial would be governed by the suppliers themselves and would not be connected in any way with the retailers' advertising.

(c) As part of the proposal, for each program a supplier receives the retailers would receive broadcast time on the same stations for their message, which would be institutional in nature and would extol the advantages of dealing with independent retailers. Under this type of advertising program, it would not be possible to mention individual dealers nor will prices be mentioned in such advertising.

(d) The opinion advised that the Commission could see no objection to the proposal on the understanding that the fund used by or on behalf of the participating group to purchase advertising space will consist only of the aggregate of advertising allowances properly available to the members individually under the terms of section 2(d) of the Clayton Act, as amended by the Robinson-Patman Act. In brief, that section prohibits the payment by sellers of allowances to some customers which are not made available on proportionally equal terms to all competing customers. In this connection, the opinion further advised that it would be unlawful if the combined power of the group was used to induce from the suppliers allowances greater than those to which the individual members were entitled under such section.

(38 Stat. 717, as amended; 15 U.S.C. 41–58: 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: July 16, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68–8345; Filed, July 16, 1968; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Necessity for Disclosing Country of Origin of Imported Ski

§ 15.270 Necessity for disclosing country of origin of imported ski.

(a) The Commission was requested to render an advisory opinion as to the marking requirements applicable to a ski which is imported from abroad in an unfinished state and which would have to have the decal and the top finish applied in this country, as well as the final process for finishing the bottom or the running surface.

(b) The opinion advised that in the Commission's view it will be necessary to disclose the country of origin of this ski in a clear and conspicuous manner to prospective purchasers at the point of sale.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: July 16, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68–8346; Filed, July 16, 1968; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Exemption of Wheat Flour From Certain Labeling Requirements

In the matter exempting wheat flour from certain labeling requirements of the regulations (21 CFR Part 1) for the enforcement of the Fair Packaging and Labeling Act:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of February 17, 1968 (33 F.R. 3139), based on a petition submitted by the Millers' National Federation, Washington, D.C. 20004. Twenty-one favorable and two adverse comments were received in response to the proposal.

Based on consideration of the comments received and other relevant information, the Commissioner of Food and Drugs concludes that the proposed amendment should be adopted as set forth below. The Commissioner also concludes that since there was no opportunity for wheat flour manufacturers to make label changes during the pendency of the exemption proposal, any wheat flour label changes made necessary by the regulations under the Fair Packaging and Labeling Act (21 CFR Part 1) should be made before July 1, 1969, rather than before July 1, 1968.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered*, That § 1.1c(a) be amended by adding thereto a new subparagraph, as follows:

§ 1.1c Exemptions from required label statements.

• • • • • •

(a) *Foods.* • • •

(8) Wheat flour products, as defined by §§ 15.1, 15.10, 15.20, 15.30, 15.50, 15.60, 15.70, 15.75, 15.80, and 15.90 of this chapter, packaged:

(i) In conventional 2-, 5-, 10-, 25-, 50-, and 100-pound packages are exempt from the placement requirement of § 1.8b(f) that the declaration of net contents be located within the bottom 30 percent of the area of the principal display panel of the label; and

(ii) In conventional 2-pound packages are exempt from the dual new-contents declaration requirement of § 1.8b(j) provided the quantity of contents is expressed in pounds.

• • • • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1458, 1455; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371)

Dated: July 8, 1968.

J. K. KIRK, *Associate Commissioner for Compliance.*

[F.R. Doc. 68–8491; Filed, July 16, 1968; 8:50 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in the Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

CARBARSONE (NOT U.S.P.)

An order was published in the FEDERAL REGISTER of February 1, 1968 (33 F.R. 2441), establishing a food additive regulation, § 121.310, to provide for the safe use of carbarsone (not U.S.P.) in turkey feed. The order was in response to a petition (FAP 6D1830) submitted by Whitmoyer Laboratories, Inc., 19 North Railroad Street, Myerstown, Pa. 17067.

The petitioner has submitted a request that the specification in § 121.310 regarding potassium chloride be changed to read "potassium or sodium chloride." Having considered the petitioner's request, the data submitted in the petition, and other relevant information, the Commissioner of Food and Drugs concludes that as a completion of action on the petition the regulation should be amended as requested.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner (21 CFR 2.120), § 121.310(a) is amended by changing the specification "Potassium chloride (dry basis)" to read as follows:

§ 121.310 Carbarsone (not U.S.P.).

• • • • •

(a) • • •

	Percent
• • •	• • •
Potassium or sodium chloride (dry basis).	4.5 maximum.
• • •	• • •

• • • • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 10, 1968.

J. K. KIRK, *Associate Commissioner for Compliance.*

[F.R. Doc. 68–8490; Filed, July 16, 1968; 8:50 a.m.]

Title 23—HIGHWAYS AND VEHICLES

Chapter II—Vehicle and Highway Safety

[Docket No. 1–22; Motor Vehicle Safety Standard No. 115]

PART 255—INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Vehicle Identification Number; Passenger Cars

A proposal to amend § 255.21 of Part 255, Federal Motor Vehicle Safety Standards, by adding a new standard, Vehicle Identification Number—Passenger Cars, was published in the FEDERAL REGISTER on December 28, 1967 (32 F.R. 20866).

Interested persons have been afforded an opportunity to participate in the making of the standard. Their comments and other available information have been carefully considered.

The Administrator has concluded that prevention and deterrence of passenger car thefts would substantially reduce the number and seriousness of motor vehicle accidents. Available evidence shows that cars operated by unauthorized persons are far more likely to cause unreasonable risk of accidents, personal injuries and deaths than those which are driven by, or with the permission of, their owners. The incidence of theft and the risk of accidents attributable thereto is increasing. According to a recent study by the Department of Justice, an estimated 94,000 stolen cars were involved in accidents in 1966, and more than 18,000 of these accidents resulted in injury to one or more people. 18.2 percent of the stolen cars became involved in accidents, and 19.6 percent of the stolen-car accidents caused personal injury. The same study predicted that automobile thefts in 1967 would total about 650,000; about 100,000 of these stolen cars would be expected to become involved in accidents. Comparing these figures with statistics for cars which are not stolen, the approximate accident rate for stolen cars would be some 200 times the rate for other cars. Thus, a reduction in the incidence of auto theft would meet the need for motor vehicle safety. It would not only reduce the number of injuries and deaths among those who steal cars, it would also protect the many innocent members of the public who are killed and injured by stolen cars each year.

In its report, "The Challenge of Crime in a Free Society," the President's Commission on Law Enforcement and Administration of Justice noted the rising cost of auto thefts in lives and dollars, highlighted the need for measures to reduce auto thefts and suggested that "The responsibility could well be assigned to the National Highway Safety Agency as part of its program to establish safety standards for automobiles." (pp. 260–261).

The Administrator has decided that the problem of reducing the incidence of automobile thefts should be attacked on a two-pronged basis. On one hand, physical impediments should be placed in the path of potential thieves; to accomplish this, a Motor Vehicle Safety Standard on Theft Protection—Passenger Cars has been promulgated. That standard prescribes automobile equipment which tends physically to defeat an attempted theft. It is equally important to interpose psychological deterrents to automobile theft. A unique identification number affixed to each car in a uniform location and readable from outside the car would serve as such a deterrent. The present standard requires manufacturers to install such a number in each passenger car. When so installed, it will enable law enforcement agencies to find stolen cars and apprehend car thieves with much greater

facility than now exists. By confronting a potential thief with the promise of swift and sure apprehension, compliance with the standard will deter him from making off with someone else's automobile. All law enforcement agencies, as well as many other organizations concerned with the rising incidence of car thefts, that responded to the notice of proposed rule making endorsed the concept of a visible identification number embodied in the standard. Many of these groups said that the standard would promote efforts to curb unauthorized use of passenger cars. The Administrator has therefore concluded that issuance of the standard will protect the public against the unreasonable risk of accidents stemming from widespread automobile theft.

The Administrator has carefully considered the contention, which some manufacturers advanced, that the standard might actually increase the risk of automobile theft because a thief, armed with ready access to the car's identification number, might thereby obtain a key for its ignition lock. The acquisition of master or identical keys procured through knowledge of a vehicle's identification number is a lengthy and arduous process. Hence, it is a technique that is rarely, if ever, used by amateur thieves whose activities create the greatest risk of stolen-car accidents. Furthermore, as a practical matter, it is possible to utilize this technique only with respect to a relatively small number of cars. The Theft Protection standard, effective January 1, 1970, will result in a larger number of combinations for ignition locks, and this should substantially reduce the effectiveness of master keys. In addition, improved key-control measures can prevent thieves from acquiring duplicate keys simply by knowing the vehicle identification number. On balance, therefore, the Administrator does not agree with those who argue that the standard will not result in an overall reduction in the number of automobile thefts.

The Administrator also rejects the contention that the standard is unnecessary because of the almost universal requirement that all automobiles must bear at least one license plate. Experience has shown that ordinary license plates, located on the outside of a car and installed with screws, are often removed and replaced with other plates. Knowing only the number of the license plates sold to the owner of the stolen car, the police have no sure way of identifying the car when other plates have been attached to it. The standard attempts to overcome this problem by requiring that the car's identification number be affixed with relative permanency.

In addition to license-plate requirements, the laws of many States contain provisions relating to identifying numbers on motor vehicles. The primary purpose of these State-law requirements is to facilitate the issuance and transfer of titles to motor vehicles. So far as the Administrator is aware, no State provides for a number which is readable from outside a vehicle without opening a door, hood or other part of the vehicle. These State requirements are neither safety standards, nor do they relate directly to the prevention of motor vehicle thefts or the apprehension of thieves. Consequently, the Administrator has concluded that the standard will have no preemptive effect upon such State laws.

Several changes have been made in the form of the standard as it appeared in the notice of proposed rule making. A number of comments objected to the requirement, as stated in the notice, that the vehicle identification number must "provide permanent legibility" on the ground that it was unrealistic and unattainable. In response to these comments, the requirement was deleted. The term "permanent structure" was defined to clarify its meaning, in the light of a number of submissions which indicated that some manufacturers were confused about the parts of the automobile that were included within the meaning of the term.

Some comments questioned the requirement that the number must be affixed in such a manner that "removal, replacement, or alteration of the number will show evidence of tampering." The requirement has been deleted. The standard now provides that the number must either be sunk into or embossed upon each car's permanent structure or upon a separate plate that is permanently affixed to the permanent structure. The term "permanently affixed" is used in section 114 of the National Traffic and Motor Vehicle Safety Act, and it was retained in the standard notwithstanding contentions that it was not sufficiently definitive.

The portion of the notice pertaining to readability of the number (paragraph S4.4) was amended to include the conditions under which the number must be readable. This provision was also redrafted to make it clear that the number must be readable from a position outside the vehicle without moving any part of the vehicle. This precludes placing the number in a location such that, in order to read it, a door, trunk lid or other portion of the car's body must be opened.

In consideration of the foregoing, § 255.21 of Part 255, Federal Motor Vehicle Safety Standards, is amended by adding Standard No. 115, as set forth below, effective January 1, 1969.

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407); delegation of authority of April 24, 1968)

Issued in Washington, D.C., on July 3, 1968.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

MOTOR VEHICLE SAFETY STANDARD NO. 115

VEHICLE IDENTIFICATION NUMBER—PASSENGER CARS

S1. *Purpose and Scope.* This standard specifies requirements for vehicle identification numbers to reduce the incidence of accidents resulting from unauthorized use.

S2. *Application.* This standard applies to passenger cars.

S3. *Definition.* "Vehicle identification number" means a number consisting of arabic numerals, roman letters, or both, which the manufacturer assigns to the vehicle for identification purposes.

S4. *Requirements.*

S4.1 Each passenger car shall have a vehicle identification number.

S4.2 The vehicle identification numbers of two vehicles manufactured by a manufacturer within a 10-year period shall not be identical.

S4.3 The vehicle identification number of each passenger car shall be sunk into or embossed upon either a part of the vehicle (other than the glazing) that is not designed to be removed except for repair or a separate plate which is permanently affixed to such a part.

S4.4 The vehicle identification number shall be located inside the passenger compartment and shall be readable, without moving any part of the vehicle, through the vehicle glazing under daylight lighting conditions by an observer having 20/20 vision (Snellen) whose eyepoint is located outside the vehicle adjacent to the left windshield pillar.

Effective date: January 1, 1969.

[F.R. Doc. 68-8445; Filed, July 16, 1968; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

PART 101-38—MOTOR EQUIPMENT MANAGEMENT

Code Designations; Exemptions; Guidelines Covering Preventive Maintenance of Government-Owned Motor Vehicles; and GSA Form 1020

This amendment adds the agency code designation for the Defense Contract Audit Agency; revises the unlimited exemptions granted the Department of Agriculture to include motor vehicles of the Packers and Stockyards Administration; prescribes agency requirements and guidelines covering a preventive maintenance program for Government-owned motor vehicles; and revises GSA Form 1020, U.S. Government Certificate of Ownership of a Motor Vehicle.

Subpart 101-38.3—Official Government Tags

Section 101-38.304-1 is amended by the addition of the following agency code designation in alphabetical order:

§ 101-38.304-1 Code designations.

* * * * * *

Defense Contract Audit Agency	DA.

* * * * * *

Subpart 101-38.6—Exemptions From Use of Official U.S. Government Tags and Other Identification

Section 101-38.602(b) is revised to read as follows:

§ 101-38.602 Unlimited exemptions.

* * * * * *

(b) *Department of Agriculture.* Motor vehicles which the Forest Service, Agricultural Research Service, Consumer and Marketing Service, and the Packers and Stockyards Administration designate for use in the conduct of investigative or law enforcement activities.

* * * * * *

Subpart 101-38.10 is added to read as follows:

Subpart 101-38.10—Preventive Maintenance of Motor Vehicles

Sec.

101-38.1000 Scope of subpart.
101-38.1001 Applicability.
101-38.1002 Agency requirements.
101-38.1003 Guidelines.
101-38.1004 Reporting of preventive maintenance programs.
101-38.1005 Assistance to agencies.

AUTHORITY: The provisions of this Subpart 101-38.10 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 101-38.10—Preventive Maintenance of Motor Vehicles

§ 101-38.1000 Scope of subpart.

This subpart prescribes agency requirements and guidelines covering a preventive maintenance program for Government-owned motor vehicles.

§ 101-38.1001 Applicability.

This subpart is applicable to all Government-owned motor vehicles of a holding agency located in the United States, its Territories, or possessions, except for motor vehicles required for the transportation of personnel or cargo for the direct support of combat or tactical operations, or for training of troops for such operations.

§ 101-38.1002 Agency requirements.

All holding agencies shall establish a preventive maintenance program wherever Government-owned motor vehicles are operated.

§ 101-38.1003 Guidelines.

(a) The guiding principles inherent in a preventive maintenance program must encompass a recorded, systematic procedure for the servicing and inspection of motor vehicles to ensure their safe and economical operating condition throughout the period of use and to meet warranty requirements. Servicing and inspection work may be performed by Government personnel, by commercial shops, or a combination of both.

(b) To assist Federal agencies engaged in motor vehicle operations, a step-by-step procedure for performing preventive maintenance has been published by the General Services Administration. The Guide for Preventive Maintenance of Motor Vehicles, dated April 1967, outlines procedures for a preventive maintenance program for the systematic servicing and inspection of Government motor vehicles on a time or mileage basis, and suggests Optional forms and formats as are necessary for recordkeeping purposes.

§ 101-38.1004 Reporting of preventive maintenance programs.

Copies of existing preventive maintenance programs for Government-owned motor vehicles, revisions to programs, and new programs shall be submitted by holding agencies to the General Services Administration, Transportation and Communications Service, Motor Equipment Management Division—TMM, Washington, D.C. 20405.

§ 101-38.1005 Assistance to agencies.

The General Services Administration will furnish comments and suggestions with respect to programs submitted by agencies, and will make available motor equipment management technicians, at no cost, to assist agencies in establishing or revising their preventive maintenance program.

Subpart 101-38.49—Forms and Reports

Section 101-38.4902 is revised to illustrate the October 1967 edition of GSA Form 1020.

§ 101-38.4902 GSA Form 1020: U.S. Government Certificate of Ownership of a Motor Vehicle.

NOTE: GSA Form 1020 is filed as part of the original document. Holding agencies may obtain GSA Form 1020 from the General Services Administration, Transportation and Communications Service, Motor Equipment Management Division—TMM, Washington, D.C. 20405, upon furnishing adequate proof of Government ownership.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: July 10, 1968.

J. E. MOODY,
Acting Administrator of General Services.

[F.R. Doc. 68-8479; Filed, July 16, 1968; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 1]

BRIDGEPORT, HARTFORD, NEW HAVEN, AND NEW LONDON, CONN., PORTS OF ENTRY

Proposed Extension of Limits

JULY 10, 1968.

It has been determined that less costly, and more timely Customs service can be provided to the importing and traveling public through extending the present limits of the ports of Bridgeport, Hartford, New Haven, and New London, Conn. The extension will also provide a larger geographical area through which the importing and traveling public can be served.

Accordingly, notice is hereby given that under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 5 (33 F.R. 5811), it is proposed to extend the present geographical limits of the Bridgeport, Hartford, New Haven, and New London ports of entry in the Bridgeport, Conn., Customs district (Region I).

Under this proposal the extension of the geographical area of the Port of Bridgeport shall comprise all of the territory within the boundaries of the cities and towns of:

Bridgeport, Norwalk, Westport, Fairfield, Stratford, and Milford, including any independent cities and towns located therein, in the State of Connecticut;

the port of Hartford shall comprise all of the territory within the boundaries of the cities and towns of:

Hartford, Newington, East Hartford, West Hartford, Windsor, East Windsor, South Windsor, and Windsor Locks, including any independent cities and towns located therein, in the State of Connecticut;

the port of New Haven shall comprise all of the territory within the boundaries of the cities and towns of:

New Haven, Orange, North Haven, East Haven, and West Haven, including any independent cities and towns located therein, in the State of Connecticut;

and the port of New London shall comprise all of the territory within the boundaries of the cities and towns of:

New London, Waterford, and Groton, including any independent cities and towns located therein, in the State of Connecticut.

It is further proposed to amend § 1.2 (c) of the Customs Regulations to reflect these changes.

Data, views, or arguments concerning this proposal may be addressed to the Commissioner of Customs, Bureau of Customs, Washington, D.C. 20226. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 30 days after publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] JOSEPH M. BOWMAN,
Assistant Secretary of the Treasury.

[F.R. Doc. 68-8452; Filed, July 16, 1968; 8:47 a.m.]

[19 CFR Part 1]

MINNEAPOLIS-ST. PAUL PORT OF ENTRY

Proposed Consolidation of Ports of Minneapolis and St. Paul, Minn.

JULY 10, 1968.

It has been determined that Customs service can be more economically and efficiently provided by the consolidation into a single port of entry of the existing ports of Minneapolis and St. Paul, Minn. This consolidation would in no way adversely affect service to the importing and traveling public, and would allow for savings in cost through better utilization of personnel and consolidation of administrative and operational functions.

Accordingly, notice is hereby given that under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 4 (30 F.R. 15769), it is proposed to revoke the designation of Minneapolis and St. Paul as ports of entry in the Minneapolis, Minn., Customs district (Region IX), and simultaneously establish a new port of entry to be known as "Minneapolis-St. Paul" in the Minneapolis, Minn., Customs district (Region IX), and to amend § 1.2(c) of the Customs Regulations to reflect this change.

The geographical area of the new Minneapolis-St. Paul port of entry shall comprise the present area of the ports of Minneapolis and St. Paul in the Minneapolis, Minn., district (Region IX), as described in Treasury Decision 68-92 (33 F.R. 5089).

Data, views, or arguments with respect to this proposal may be addressed to the Commissioner of Customs, Washington, D.C. 20226. To insure consideration of such communications, they must be received in the Bureau not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] JOSEPH M. BOWMAN,
Assistant Secretary.

[F.R. Doc. 68-8451; Filed, July 16, 1968; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 906]

ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Container and Pack Regulations

Consideration is being given to the following proposals, as hereinafter set forth, of the container and pack regulations (Subpart—Container and Pack Requirements), which were recommended by the Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are to terminate § 906.311 (7 CFR 906.311; 32 F.R. 13113; 33 F.R. 848) of Subpart—Container and Pack Requirements, and to substitute therefor, the following new § 906.340:

§ 906.340 Container and pack regulations.

(a) *Order.* Except as otherwise provided herein or by, or pursuant to, the provisions of Marketing Agreement No. 141, as amended, and this part, regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, no handler shall, on and after August 15, 1968, handle any fruit unless such fruit is in one or more of the following containers, and the pack of such fruit conforms to all applicable requirements of this section:

(1) *Containers.* (i) Closed wirebound wooden box with inside dimensions of 16¼ x 10¼ x 10¼ inches, described in Freight Container Tariff 2G as container No. 3672;

(ii) Closed fully telescopic fiberboard carton with inside dimensions of 16½ x 10¾ x 9½ inches, described in Freight Container Tariff 2G as container No. 6506;

(iii) Closed fully telescopic fiberboard carton with inside dimensions of 19¾ x 13½ x 13 inches: *Provided,* That the cover section and bottom section each has a Mullen or Cady test of at least 250 pounds;

(iv) Bags having a capacity of 5, 8, or 20 pounds of fruit;

(v) Closed fiberboard carton with inside dimensions of 19¾ x 13 inches and of a depth from 12½ to 13½ inches: *Provided,* That the container has a Mullen or Cady test of at least 250 pounds and the container is used only for the shipment of six 8-pound bags of fruit;

(vi) Closed fiberboard carton with inside dimensions of 20 x 13¼ inches and of a depth from 9¾ to 10¾ inches: *Provided,* That the container has a Mullen or Cady test of at least 250 pounds and the container is used only for the shipment of eight 5-pound bags of fruit;

(vii) Closed fiberboard carton with inside dimensions of 13¼ x 10½ x 7¼ inches: *Provided,* That the container has a Mullen or Cady test of at least 200 pounds;

(viii) Such other types and sizes of containers as may be approved by the Texas Valley Citrus Committee for testing in connection with a research project conducted by or in cooperation with the said committee: *Provided,* That the handling of each lot of fruit in such test containers shall be subject to prior approval, and under the supervision, of the Texas Valley Citrus Committee; and

(ix) Those containers which on July 31, 1968, were authorized under § 906.311 *Container and pack regulations,* as then in effect (§ 906.311; 32 F.R. 13113; 33 F.R. 848) but which do not meet the requirements specified in this section may be used: *Provided,* That a handler had such containers on hand on July 31, 1968, and he obtains written approval from the Texas Valley Citrus Committee prior to his use of such containers.

(2) *Pack regulations*—(i) *Oranges.* Oranges, when in any box, bag, or carton, shall be of a size within the diameter limits specified for one of the following pack sizes and when packed in boxes or cartons shall be packed in accordance with the requirements of standard pack, except that not to exceed 10 percent, by count, of such oranges may be outside such diameter limits:

Pack sizes	Diameter limits in inches	
	Minimum	Maximum
100	3⅞	3 13/16
125	3 11/16	3⅞
163	2 15/16	3 11/16
200	2 13/16	3 1/16
252	2⅞	2 15/16
288	2 11/16	2¾
324	2 5/16	2 11/16

(ii) *Grapefruit.* Grapefruit, when in any box, bag, or carton, shall be of a size within the diameter limits specified for the various pack sizes for standard pack set forth in Table I of the U.S. Standards for Grapefruit (Texas and States other than Florida, California, and Arizona), (§§ 51.620–51.658 of this title) or be of a size within the diameter limits of the pack size specified in this paragraph, and when in boxes or cartons shall be packed in accordance with the requirements of standard pack, except that not to exceed 10 percent, by count, of such grapefruit may be outside such diameter limits:

Pack size	Diameter limits in inches	
	Minimum	Maximum
46	4 5/16	5

(b) *Nonapplicability.* The provisions of this section shall not apply to gift packages of fruit.

(c) *Meaning of terms.* Terms used in the amended marketing agreement and this part shall, when used herein, have the same meaning as given to such terms in said amended marketing agreement and this part; and terms relating to grade, pack, standard pack, and diameter, when used herein, shall have the same meaning as given to such terms in the U.S. Standards for Oranges (Texas and States other than Florida, California, and Arizona) (§§ 51.680–51.712 of this title), and the U.S. Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (§§ 51.620–51.658 of this title), as applicable; and "closed" means closed in accordance with good commercial practices.

Dated: July 12, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-8448; Filed, July 16, 1968; 8:50 a.m.]

[7 CFR Part 965]

TOMATOES GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment hereinafter set forth which were recommended by the Texas Valley Tomato Committee, established pursuant to Marketing Order No. 965. Said marketing order regulates the handling of tomatoes grown in the counties of Cameron, Hidalgo, Starr, and Willacy in Texas (Lower Rio Grande Valley) and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 5 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposals are as follows:

§ 965.209 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Texas Valley Tomato Committee, established pursuant to Marketing Order No. 965, for its maintenance and functioning, and for such other purposes as the Secretary determines to be appropriate, during the fiscal period ending July 31, 1968, will amount to $400.

(b) There shall be no assessments charged during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Order No. 965 (Part 965).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 12, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-8448; Filed, July 16, 1968; 8:47 a.m.]

[7 CFR Part 991]

HOPS OF DOMESTIC PRODUCTION

Expenses of Hop Administrative Committee and Rate of Assessment for 1968–69 Marketing Year

Notice is hereby given of a proposal regarding expenses of the Hop Administrative Committee for the 1968–69 marketing year and rate of assessment for that marketing year, pursuant to §§ 991.55 and 991.56 of Order No. 991, as amended (7 CFR Part 991; 33 F.R. 7229), regulating the handling of hops of domestic production. The marketing order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Hop Administrative Committee has unanimously recommended for the 1968–69 marketing year beginning August 1, 1968, a budget of expenses in the total amount of $140,000 and a rate of assessment of 0.25 cent per pound of salable hops. Expenses in that amount and the rate of assessment are specified in the proposal hereinafter set forth.

All persons who desire to submit written data, views or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the eighth day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the

Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 991.303 Expenses of the Hop Administrative Committee and rate of assessment for the 1968–69 marketing year.

(a) *Expenses.* Expenses in the amount of $140,000 are reasonable and likely to be incurred by the Hop Administrative Committee during the marketing year beginning August 1, 1968, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said marketing year, payable by each handler in accordance with § 991.56, is fixed at 0.25 cent per pound of salable hops.

Dated: July 12, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-8489; Filed, July 16, 1968; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 68-SW-47]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Hope, Ark., transition area. A northerly transition area extension is proposed to provide airspace protection for aircraft executing a new instrument approach procedure proposed for Hope Municipal Airport, Hope, Ark. The existing southwesterly transition area extension is based on the Texarkana VORTAC 058° true (051° magnetic) radial. The proposed northerly extension is based on a 347° true (340° magnetic) bearing from the Hope RBN.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (33 F.R. 2137, 5143), the Hope, Ark., transition area is amended to read:

HOPE, ARK.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Hope Municipal Airport (lat. 33°43'06" N., long. 93°39'30" W.), within 2 miles each side of the Texarkana VORTAC 058° radial extending from the 6-mile radius area to 17 miles northeast of the Texarkana VORTAC; and within 2 miles each side of a 347° bearing from the Hope RBN (lat. 33°43'40" N., long. 93°39'10" W.) extending from the 6-mile radius area to 8 miles north of the RBN.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on July 2, 1968.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 68-8439; Filed, July 16, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-EA-120]

ADDITIONAL CONTROL AREA, TRANSITION AREA, AND REPORTING POINTS

Proposed Designations and Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would:

1. Designate additional Control Area No. 1149 as that airspace within tangent lines drawn from the circumference of a 5-statute-mile radius circle centered on the Norfolk, Va., VORTAC 088° T (095° M) radial at long. 75°32'00" W. to the circumference of a 15-statute-mile radius circle centered on the Norfolk, Va., VORTAC 088° T (095° M) radial on the west boundary of the New York Oceanic Control Area at lat. 36°57'30" N., long. 73°00'00" W., excluding the portion below 2,000 feet MSL outside the United States.

2. Alter the Norfolk, Va., transition area by redesignating part of the eastern boundary of the 1,200-foot portion as extending south along the west boundary of Warning Area W-386 to lat. 37°00'00" N., long. 75°32'00" W.; thence to lat. 36°49'25" N., long. 75°32'00" W.; thence west and southerly along the north and west boundary of Warning Area W-72 to lat. 36°19'00" N., long. 75°44'45" W.

3. Designate the Croaker Intersection VHF high altitude reporting point as the intersection of the Norfolk, Va., VORTAC 088° T (095° M) and Sea Isle, N.J., VORTAC 146° T (155° M) radials.

4. Designate the Croaker Intersection LF reporting point as the intersection of the Weeksville, N.C., radio beacon 073° T (080° M) bearing and the west boundary of the New York Oceanic Control Area at lat. 36°57'30"N., long. 73°00'00" W.

The designation of additional Control Area 1149 would provide a route with controlled airspace to enhance the control and safety of air traffic operating between coastal airports and the offshore operating areas east of Norfolk.

The alteration of the Norfolk transition area will permit the eastern boundary to adjust to the boundary adjustments proposed for Warning Areas W-72 and W-386 are proposed in non-rule-circular 67-DCA-61NR.

The designation of the Croaker Intersection VHF and low frequency reporting points will require all aircraft operating over Croaker INT to report their position for air traffic control purposes.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510) and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on July 9, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-8440; Filed, July 16, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-CE-57]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Butler, Mo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Butler, Mo. Memorial Airport utilizing the Butler VORTAC as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft that will be executing this approach procedure by designating a 700-foot floor transition area at Butler, Mo. The new procedure will become effective concurrently with the designation of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

BUTLER, MO.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Butler Memorial Airport (latitude 38°17'-30" N., longitude 94°20'00" W.); and within 2 miles each side of the Butler, Mo., VORTAC 259° radial, extending from the 5-mile radius area to the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on June 28, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 68-8441; Filed, July 16, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-CE-58]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Neosho, Mo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601, East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Neosho, Mo., Memorial Airport using the Neosho VOR as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft that will be executing this approach procedure by designating a transition area at Neosho, Mo. The new procedure will become effective concurrently with the designation of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

NEOSHO, MO.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Neosho Memorial Airport (latitude 36°48'-40" N., longitude 94°23'10" W.); and within 2 miles each side of the Neosho, Mo., VOR 308° radial, extending from the 5-mile radius area to 8 miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the Neosho VOR 308° radial, extending from the VOR to 12 miles northwest of the VOR, excluding the portion which overlies the Joplin, Mo., transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on June 28, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 68-8442; Filed, July 16, 1968; 8:47 a.m.]

Federal Railroad Administration

[49 CFR Part 180]

[Docket No. HM-6; Notice No. 68-4]

TRANSPORTATION OF HAZARDOUS MATERIALS BY PIPELINE

Notice of Proposed Rule Making

The Hazardous Materials Regulations Board is considering amending Part 180 of the Hazardous Materials Regulations of the Department of Transportation to set forth design, construction, operation, and maintenance, and test requirements to apply to any carrier transporting hazardous materials (other than water

or natural or artificial gas) by pipeline in interstate or foreign commerce.

Interested persons are invited to participate in the making of the proposed rule by submitting such written information, views, or arguments as they may desire. Communications should identify the docket number [HM–6] and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. All communications received on or before November 12, 1968, will be considered before taking final action on the proposed rule. Comments filed after that date will be considered so far as practicable. The proposal contained in this notice may be changed in the light of comments received. All comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested parties.

Procedural rules. On May 22, 1968, the Hazardous Materials Regulations Board adopted a new Part 170 "Rule-making Procedures of the Hazardous Materials Regulations Board" to Title 49 of the Code of Federal Regulations (33 F.R. 8277). New Part 170, which took effect July 1, 1968, applies to all rule-making activities concerning hazardous materials. This proposed rule-making action will therefore be subject to the procedural rules set forth in Part 170. Any person who desires a copy of that part may obtain one by writing to the Secretary of the Hazardous Materials Regulations Board at the above address.

Paragraph (c) of § 170.1 states in part "The signature of the Board member issuing a notice or adopting a regulation for a mode of transportation determines the applicability of that notice or rule to that mode of transportation * * *." Since the authority to regulate pipelines has been delegated to the Federal Railroad Administration (§ 1.4(d)(6) of the regulations of the Office of the Secretary), this notice is signed only by the Administrator of the Federal Railroad Administration.

Historical background — Legislative background. Although it had the authority for many years before 1960, the Interstate Commerce Commission did not adopt any safety regulations applicable to the oil pipeline industry. In 1960, apparently through inadvertence, Congress deleted this authority. In 1965, the oil pipeline industry asked Congress to restore Federal authority so that there would be a single Federal regulation instead of conflicting local regulations.

Regulatory background. The Interstate Commerce Commission issued a notice on October 5, 1965 (30 F.R. 13266) instituting a proceeding for the purpose of formulating regulations for the safe transportation by pipeline of explosives and other dangerous articles. In response to that notice (which amounted to an advance notice of proposed rule making) the Interstate Commerce Commission received over 25 comments including three major code recommendations. After evaluating the comments received, the Commission on January 16, 1967, issued a notice of proposed rule making (32 F.R. 1098) setting forth specific proposals for a Part 180 to be added to Title 49 of the Code of Federal Regulations. In issuing that notice, the Commission stated that, in the time available, it was not possible to develop a complete set of regulations and therefore the proposed Part 180 contained only general regulations explaining the purpose, scope and applicability and a subpart on accident reporting. The Commission stated that ultimately the proposed Part 180 would cover design, materials, construction, nondestructive testing, operations, and maintenance of new systems, and would also cover requirements for pipeline constructed before the effective date of the regulation.

Before the Commission took final action on this notice, jurisdiction to regulate the transportation of explosives and other dangerous articles was transferred, effective April 1, 1967, to the Department of Transportation (section 6 (e)(4) and (f)(3)(A) of the Department of Transportation Act, 49 U.S.C. 1655 (e)(4) and (f)(3)(A)). By § 1.4(d)(6) of Part 1 of the regulations of the Office of the Secretary of Transportation this authority was, so far as it relates to pipelines, delegated to the Administrator of the Federal Railroad Administration. On June 16, 1967, the Federal Railroad Administration issued a final rule adopting Part 180 virtually as proposed by the Interstate Commerce Commission (32 F.R. 9228) to become effective September 6, 1967. The effective date was subsequently postponed (32 F.R. 12851) and ultimately a revised Part 180 was adopted effective December 31, 1967 (32 F.R. 16040).

General description of proposed Part 180—carriers by pipeline.—This proposed Part 180 sets forth (Subparts C through G) design, construction, operation, and maintenance, and testing subparts, such as the Interstate Commerce Commission originally indicated would be forthcoming. The general provisions (proposed Subpart A) and the accident reporting provisions (proposed Subpart B) that took effect December 31, 1967, are restated in a slightly revised manner for the following reasons: (1) For ease of review of the entire proposed Part 180 by all interested parties; and (2) to make minor changes in the provisions already adopted consistent with the substance, style, and format of the remaining proposed subparts.

The substantive requirements proposed in Subparts C through G are based on all information now available, including comments submitted by interested parties as a result of the notices discussed above and material developed in numerous meetings with industry personnel and other interested persons, conducted both before and after establishment of the Department of Transportation.

Many of the provisions of the proposed regulation are based on existing industry standards. Some provisions propose higher standards, where it appears that an increased level of safety is both desirable and achievable. The final regulation will be based on all information available at the time it is issued, including comments received on this notice.

Subparts C through G are directed to pipelines constructed with steel pipe. Although information to prescribe standards for pipe made with other materials is not presently available, the proposed regulation will not impede the use of other materials. Section 180.8 would permit the use of pipelines constructed with other materials when the use of those materials will not lower safety standards. As the need is demonstrated, and as the necessary information becomes available, general requirements will be proposed for pipe made of materials other than steel. Commenters are requested to submit any available information, with respect to materials other than steel, that would be helpful in developing future regulations.

These proposed regulations are general "performance" type requirements rather than detailed "specification" type requirements of the type previously issued for the transportation of hazardous materials. By proposing regulations in this manner, the desired safety objective can be reached without impeding future industry innovations. The goal is the safe transportation of certain materials through pipelines; the regulation relates to the goal, not the means used to achieve the goal.

As indicated previously, many of the provisions of the proposed regulation are based on existing industry standards. However, in certain areas there seems to be justification for going beyond present industry practice. It appears reasonable to require some proof that a pipeline, that may have been installed many years ago, is capable of withstanding a pressure in excess of its normal operating pressure. There will be differences of opinion (1) as to whether there should be periodic requalification and (2) if requalification is desirable, whether it should be by hydrostatic testing or some other means of evaluation. Comments should cover both of these points.

Thus, while the proposed regulation follows industry practices and codes in many areas, this does not mean that they will be followed in the future. As accident reports are received, as accidents are investigated, and as operating experience is gained, problems will be identified and regulatory changes will be made to solve the problems.

Cost/benefit determination. Every safety regulation has a cost factor, either a direct purchase-and-operation cost or an indirect cost resulting from operating at less than maximum efficiency. Every safety regulation (if it is justified) has a benefit factor, the increase in safety to the public. Although the cost of complying with a regulation is initially borne by the pipeline carrier, the ultimate cost is paid by the public in the higher cost of the delivered product. Thus, from the point of view of the regulatory agency, the cost/benefit determination is whether the safety benefit to the public justifies

the cost to the public (recognizing that the two "publics" are never precisely the same).

Comments on each of the proposals in this notice should include a cost/benefit analysis. For example, look at the proposal to limit operating pressure to a level, including surge pressure, that will result in a stress not exceeding 72 percent of the specified minimum yield strength (proposed § 180.406). Present industry practice is to operate up to the 72 percent limit and to allow a 10 percent increase for surge pressure. Would the safety benefit to the public of the lower operating pressure justify the increased cost of the product resulting from the reduced productivity of the pipeline? What accidents have occurred while surge pressure was producing a stress greater than 72 percent of specified minimum yield strength? Did these accidents result from the surge pressure? Or from some external cause? Based on experience, what is the probability of surge pressure, which produces a stress higher than 72 percent of specified minimum yield strength, causing future accidents? What is the probability of harm to the public as a result of these accidents? How much would this proposal cost the national economy? What would be the cost/benefit of limiting surge pressure to 5 percent over operating pressure?

Subpart A—General and Subpart B—Accident Reporting. As indicated above, these subparts are for the most part as previously adopted. Subpart A contains new proposed definitions for Administrator, carrier, component, hazardous material, internal design pressure, line section, maximum operating pressure, offshore and surge pressure.

The proposed definition of "hazardous material" would replace the present definition of "dangerous goods". This proposed change is consistent with the recent proposal by the Hazardous Materials Regulations Board to adopt a definition of "hazardous material" in section 171.8 that would apply to 49 CFR Parts 171–190 (HM Docket No. 3, Notice No. 68–2 issued February 16, 1968, 33 F.R. 3382). Final action on the definition proposed in this notice will be consistent with the final action taken by the Hazardous Materials Regulations Board as a result of Notice No. 68–2.

Subpart C—Design Requirements. The proposed design requirements would apply to all new construction and to any replacement, relocation, or other change of existing pipeline facilities constructed with steel pipe.

As indicated previously, the proposed design requirements are set forth as performance requirements rather than as detailed specifications. Though stated differently, the minimum performance level set by the proposed design requirements is as high or higher than the present recommended industry standards as set forth in the various industry codes. One of the main differences between the proposed design requirements and present industry practice relates to relationship of maximum operating pressure to a 72 percent stress level. This item is discussed elsewhere in this preamble.

Subpart D—Construction. The proposed construction requirements would apply to all new construction, and to relocation, replacement, or any other alterations of existing systems constructed with steel pipe.

Pipeline location. Proposed § 180.210 would prohibit the construction of any pipeline within 50 feet of any private dwelling or any industrial building, or place of public assembly, unless the pipe is buried at least 24 inches deeper than would otherwise be required. Is there need for additional protection in populated areas? If so, are there alternative means of providing the necessary additional protection, such as concrete slabs or casing? Would operation at a lower stress level in populated areas be a feasible alternative? What is the experience in those localities that have required reduced operating pressure in populated areas? What are the results of studies of this subject?

Nondestructive testing of girth welds. Under proposed § 180.234(d), each girth weld made during construction would have to be nondestructively tested over its entire circumference. What are the risks inherent in not testing each girth weld? Is it within the public interest to take risks in this area of construction? What are the alternatives to the 100 percent test requirement?

Location of values. Proposed § 180.260 requires the installation of valves at specific locations along the right-of-way, such as at each lateral take-off from a trunk line. This proposal would provide a means for limiting the escape of the commodity in the event of line failure. Is each of the specific proposed valve requirements reasonable? Are there other locations where a valve should be required? Are additional safeguards needed wherever a pipeline transverses a populated area or a watershed that provides water for human consumption?

Subpart E—Hydrostatic Testing. This proposed subpart would require the hydrostatic testing of each newly installed pipeline system, and of each replacement or relocation of existing pipe constructed with steel pipe. The carrier would be required to test the system or the appropriate portion thereof for at least 24 hours at a test pressure of at least 140 percent of the maximum operating pressure used by the operator. Under proposed § 180.406, the operator could not choose a maximum operating pressure that would produce a stress greater than 72 percent of the specified minimum yield strength of 72 percent of the lowest known yield strength of any pipe in the line, if specified minimum yield strength is not known. In addition, by virtue of the formula in proposed § 180.106 the internal design pressure could not produce a stress greater than 72 percent of the yield strength. Thus, the test pressure need not exceed the specified minimum yield strength or known yield strength of the pipe, as applicable. The test pressure could be less than 72 percent of the yield strength of the pipe (specified minimum or other), if the carrier should choose a lower maximum operation pressure.

Thus, as proposed, the hydrostatic test requirement would relate to the pressure at which the carrier proposed to operate, rather than to a fixed figure such as the internal design pressure or the specified minimum yield strength. Is this the proper method for establishing the required test pressure? If so, is 140 percent of maximum operating pressure reasonable? What are the practical alternatives?

Subpart F—Operation and Maintenance. This proposed subpart would prescribe minimum requirements for operating and maintaining pipeline systems constructed with steel pipe.

Maximum operating pressure. As indicated above, maximum operating pressure is a pressure chosen by the carrier for the safe operation of a pipeline system. Under proposed § 180.406, the maximum operating pressure could not exceed a pressure that produces a stress greater than 72 percent of the yield strength.

Until a hydrostatic test is performed under Part 180, § 180.406 would permit operation at a pressure which produces a stress up to 72 percent of the yield strength, plus a 10 percent allowance for surge. After the hydrostatic test, there would be no allowance above 72 percent of the yield strength (specified minimum or other) for surge. Each pipeline carrier would have to choose a maximum operating pressure low enough to allow for surges or other pressure variations from normal operation so that when these variations do occur, the pressure does not produce a stress greater than 72 percent of yield. In addition to cost/benefit comments on 72 percent with surge and 72 percent plus 10 percent allowance for surge, comments would be appropriate on 72 percent plus 5 percent for surge, or any other pressure limitation. Since control of surge pressure is crucial to compliance with this proposal, comments should discuss the reliability of presently available surge control devices.

Cathodic protection of existing pipelines. Proposed section 180.414 would require each carrier, within 3 years after the effective date of the adopted regulation, to cathodically protect each pipeline that is externally coated and that is not already cathodically protected. Within 5 years, each carrier would be required to replace and to cathodically protect corroded pipe. Each carrier would be required to conduct a survey within 1 year for any pipeline that is upgraded by an increase in pressure. Comments should cover the feasibility of these proposals and possible alternatives that would achieve the desired level of safety.

Subpart G—Qualification and Requalification of Pipeline. This proposed subpart prescribes testing requirements for the qualification and requalification of pipelines constructed with steel pipe. The requirements for requalification for pipelines that have previously successfully withstood a hydrostatic test of at least 110 percent of the internal design pressure are divided between pipelines constructed on or before December 31, 1958, and those constructed thereafter.

For those pipelines constructed after December 31, 1958, a requalification test would be required within 15 years after the latest test. For pipelines constructed on or before December 31, 1958, the first requalification test would be required no later than 10 years after the latest test or before December 31, 1974, whichever is later. For pipelines that have never been hydrostatically tested to at least 110 percent of internal design pressure, the qualification test would be required no later than 5 years after the effective date of the adopted regulation. In each case a requalification test would be required at periodic intervals not to exceed 10 years. The procedures for each test would be the same as the hydrostatic test procedures proposed in Subpart E.

Since pipeline systems remain in service for many decades, there appears to be a need for periodic testing of the capability of the system to transport hazardous materials safely. The proposed qualification and requalification tests are designed to fit this need. Are there other tests, or are there inspection procedures, that could achieve the same objectives at less cost and with less disruption on the use of a pipeline system? What is the likely effect of testing old pipe? Should there be different test procedures for welded pipe than for coupled pipe? If so, how and where should they differ? Is there any justification for lowering the required test pressure for old pipe? If so, what should be the test pressure?

Miscellaneous questions. It is realized that proposed Part 180 does not exhaust the potential requirements that could be applied to the transportation of hazardous materials by pipeline. As stated previously, these proposed requirements are minimum requirements. Many pipeline carriers may already be designing, constructing, and operating their pipelines to higher standards and it is expected that many will do so in the future. However, as further information (such as the accident reports filed under present Part 180) reveals the need for additional regulations, additional notices of proposed rule making will be issued.

The areas discussed below are not specifically covered in the regulations proposed at this time. However, comments would help in determining whether these are problems that require regulatory solution.

High voltage direct current. The transmission of electric bulk power over long distances by direct current will soon be a reality with the proposed construction of the Pacific Northwest-Southwest Intertie HVDC system in the States of Washington, Oregon, California, and Nevada. The transmission of electric bulk power by direct current can pose serious corrosion control problems since direct current, which causes external corrosion on buried metal structures, will be flowing as stray current between electrodes constructed for the system. Corrosion control requirements directed at the problem of HVDC may be necessary in the future. Comments should suggest possible methods of minimizing the corrosive effects of HVDC.

Construction of pipeline on bridges and through tunnels. The construction of pipelines on bridges and through tunnels could present safety hazards, but such construction could be the most desirable route from the safety as well as the economic viewpoint. For example, construction of a pipeline over a mountain or under water could result in a greater potential hazard than construction in a tunnel or on a bridge. In fact, construction of a bridge specifically designed to carry both vehicular traffic and a pipeline might be the safest available route. What are the advantages and disadvantages of constructing pipelines over bridges and through tunnels? What precautions should be required?

Effective date of proposed regulations. No effective date is proposed for the various requirements contained in this notice of proposed rule making. Industry would need a reasonable period of time, probably no less than 120 days, to comply with most of the proposed requirements. Some requirements, particularly those relating to design and construction, may require longer lead time. It is probable that the proposed requirements will be made applicable on a phased basis. For example, the operation and maintenance subpart could apply 120 days, while the construction subpart could apply 180 days, after adoption. Comments should cover effective dates for the various requirements, indicating the problems that would arise from early compliance and the time required to solve those problems.

In consideration of the foregoing, it is proposed to amend Title 49, Chapter I of the Code of Federal Regulations by adding the following new Part 180.

This proposal is made under the authority of sections 831–835 of title 18, United States Code, and section 6 (e) (4) and (f) (3) (A) of the Department of Transportation Act (49 U.S.C. 1655 (e) (4) and (f) (3) (A)) and § 1.4(d) (6) of the regulations of the Office of the Secretary of Transportation.

Issued in Washington, D.C., on July 12, 1968.

A. SHEFFER LANG,
Administrator,
Federal Railroad Administration.

PART 180—CARRIERS BY PIPELINE

Subpart A—General

Sec.
180.1 Scope.
180.2 Definitions.
180.3 Matter incorporated by reference.
180.4 Acceptable petroleum commodities for transportation by pipeline.
180.6 Transportation of hazardous material other than petroleum.
180.8 Transportation of hazardous material in pipelines constructed with other than steel pipe.
180.10 Responsibility of carrier for compliance with this part.

Subpart B—Accident Reporting

180.25 Scope.
180.26 Immediate notice of fatal accidents.
180.30 Accident reporting.
180.31 Instructions for prepairing DOT Form 7000–1.
180.32 Changes in or additions to accident report.
180.33 Carrier assistance in investigation.
180.34 Supplies of accident report DOT Form 7000–1.

Subpart C—Design Requirements

180.100 Scope.
180.102 Ambient temperature.
180.104 Variations in pressure.
180.106 Internal pressure design: Minimum wall thickness.
180.108 External pressure.
180.110 External loads.
180.112 New pipe.
180.114 Used pipe.
180.116 Valves.
180.118 Fittings—requirement for butt welding.
180.120 Changes in direction: Provision for internal passage.
180.122 Fabricated branch connections.
180.124 Closures.
180.126 Flange connection.
180.128 Station piping.
180.130 Fabricated assemblies.
180.132 Above ground tanks.

Subpart D—Construction

180.200 Scope.
180.202 Specifications: Compliance therewith and with design requirements.
180.204 Inspection—general.
180.206 Material inspection.
180.208 Welding of supports and braces.
180.210 Pipeline location.
180.212 Bending of pipe.
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Subpart A—General

§ 180.1 Scope.

(a) Except as provided in paragraph (b) of this section, this part prescribes rules governing the transportation of hazardous materials by pipeline in interstate or foreign commerce.

(b) This part does not apply to—

(1) Transportation by pipeline of water or natural or artificial gas;

(2) Transportation through a pipeline by gravity; and

(3) Pipelines that operate at a stress level of 20 percent or less of the specified minimum yield strength of the line pipe in the system.

§ 180.2 Definitions.

As used in this part—

"Administrator" means the Administrator of the Federal Railroad Administration of the Department of Transportation or any person to whom he has delegated authority in the matter concerned.

"Barrel" means a unit of measurement equal to 42 U.S. gallons at 60°.

"Carrier" means a pipeline carrier subject to sections 831–835 of title 18, United States Code.

"Component" means any part of a pipeline which may be subjected to pump pressure including but not limited to: Pipe, valves, elbows, tees, flanges, and closures.

"Hazardous material" means any material which, because of its potentially hazardous nature, requires control of those hazards during transportation to assure adequate safety and the transportation of which is covered by Parts 172 and 173 of this chapter and also includes petroleum.

"Internal design pressure" means the maximum pressure allowable, including surge pressure, as determined by analysis of the pipeline system during design.

"Line section" means a continuous run of pipe between any pressure pump station and the next booster station, between a pump station and terminal or working tankage, between a pump station and a block value, or between block valves.

"Maximum operating pressure" means a pressure not more than the "internal design pressure" that is the maximum pressure established by the carrier for the safe operation of a pipeline under normal or steady state conditions.

"Offshore" means beyond the line of ordinary low water along that portion of the coast of the United States that is in direct contact with the open seas and beyond the line marking the seaward limit of inland waters.

"Petroleum" includes but is not limited to: Crude oil, natural gasoline, liquefied petroleum gas (LPG), and liquid petroleum products.

"Pipe" or "line pipe" means a tube, usually cylindrical, through which a commodity flows from one point to another.

"Pipeline system" or "pipeline" means all parts of a carrier's physical facilities through which hazardous materials move including, but not limited to: Line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and carrier-controlled breakout tankage.

"Specified minimum yield strength" means the minimum yield strength, expressed in pounds per square inch, prescribed by the specification under which the material is purchased from the manufacturer.

"Stress level" means the level of tangential or hoop stress, usually expressed as a percentage of specified minimum yield strength.

"Surge pressure" means pressure produced by a change in velocity of the moving stream that results from shutting down a pump station or pumping unit, closure of a valve, or any other blockage of the moving stream.

§ 180.3 Matter incorporated by reference.

(a) There are incorporated by reference in this part all materials referred to in this part that are not set forth in full in this part. These materials are hereby made a part of this regulation. Materials subject to change are incorporated as they are in effect on the date of adoption of this part, unless the reference to them provides otherwise.

(b) All incorporated materials are available for inspection in the Docket Room, Room 304, 400 Sixth Street SW., Washington, D.C. In addition materials incorporated by reference are available as follows:

(1) American Petroleum Institute (API), 1271 Avenue of the Americas, New York, N.Y. 10020.

(2) American Society of Mechanical Engineers (ASME), United Engineering Center, 345 East 47th Street, New York, N.Y. 10017.

(3) American Welding Society (AWS), 33 West 39th Street, New York, N.Y. 10017.

(4) Manufacturers Standardization Society of the Valve and Fittings Industry, 420 Lexington Avenue, New York, N.Y. 10017.

(5) United States of America Standards Institute (USAS), 10 East 40th Street, New York, N.Y. 10016.

(c) The full title for the publications incorporated by reference in this part are as follows:

(1) American Petroleum Institute:

(i) API Standard 6D is titled "API Specification for Steel Gate, Plug, Ball, and Check Valves for Pipeline Service."

(ii) API Standard 1104 is titled "Standard for Welding Pipe Lines and Related Facilities".

(2) ASME Code is the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

(3) AWS A3.0 is titled "AWS Definitions—Welding and Cutting".

(4) MSS Standard Practice SP–48 is titled "Steel Butt-Welding Fittings (26 inch and larger)".

(5) United States of America Standards Institute:

(i) USAS B16.9 is titled "Wrought Steel Butt-Welding Fittings".

(ii) USAS B31.4 is titled "Liquid Petroleum Transportation Piping Systems."

§ 180.4 Acceptable petroleum commodities for transportation by pipeline.

A carrier may transport by pipeline any petroleum that will not damage the pipeline so as to create an undue hazard to persons or property.

§ 180.6 Transportation of hazardous material other than petroleum.

(a) Except for petroleum, no carrier may transport any hazardous material by pipeline, unless the carrier notifies the Administrator, in writing, with the information listed in paragraph (b) of this section, at least 90 days before the date the transportation is to begin. If the Administrator determines that the transportation of the hazardous material by pipeline in the manner proposed would be unduly hazardous, he will, before expiration of the 90 days, order the carrier, in writing, not to transport the hazardous material until further notice. As soon as practicable after issuance of such an order, the Administrator will initiate appropriate action to determine whether and in what manner the hazardous material may be transported by pipeline without undue hazard.

(b) The notice submitted to the Administrator by the carrier must state the chemical name, common name, hazard classification determined in accordance with Part 173 of this chapter, properties, and characteristics of the hazardous material to be transported. It must also include design specifications, including maximum operating pressures, for the pipeline through which the hazardous material is to be transported.

§ 180.8 Transportation of hazardous material in pipelines constructed with other than steel pipe.

After effective date of amendment no carrier may transport any hazardous material through a pipe that is constructed with material other than steel unless the carrier has notified the Administrator, in writing, indicating the

commodity to be transported and the material used in construction of the pipeline. If the Administrator determines that the transportation of the hazardous material in the manner proposed would be unduly hazardous he will order the carrier, in writing, not to transport the hazardous material in the proposed manner until further notice.

§ 180.10 Responsibility of carrier for compliance with this part.

A carrier may make arrangements with another person for the performance of any action required by this part. However, the carrier is not thereby relieved from the responsibility for compliance with any requirement of this part.

Subpart B—Accident Reporting

§ 180.25 Scope.

This subpart prescribes rules governing the reporting of any failure in a pipeline system subject to this part, in which there is a liquid or vapor release of the commodity transported resulting in any of the following:

(a) Explosion or fire not intentionally set by the carrier.

(b) Loss of 50 or more barrels of liquid.

(c) Escape to the atmosphere of more than 5 barrels per day of liquified petroleum gas or other commodity which vaporizes upon release to the atmosphere.

(d) Death of any person.

(e) Bodily harm to any person resulting in one or more of the following:

(1) Loss of consciousness.

(2) Necessity to carry the person from the scene.

(3) Necessity for medical treatment.

(4) Disability which prevents the discharge of normal dutles or the pursuit of normal activities beyond the day of the accident.

(f) Property damage of at least $1,000 to other than the carrier's facilities, based upon actual cost or reliable estimates.

§ 180.26 Immediate notice of fatal accidents.

Whenever the death of any person as the result of an accident required to be reported under this subpart occurs before the carrier has filed a report under § 180.30, the carrier shall immediately, after it becomes aware of the death, notify the Administrator, by telegraph or telephone, or at least the following:

(a) Name and address of the carrier.

(b) Date, time, and exact location of the accident.

(c) The number of persons killed and the number injured.

(d) A brief description of the accident.

§ 180.30 Accident reporting.

Each carrier that experiences an accident in the United States required to be reported under this subpart, shall, as soon as practicable but not later than 15 days after discovery of the accident, prepare and file an accident report, on DOT Form 7000–1 or a facsimile, with the Administrator, Federal Railroad Administration, Department of Transportation, Washington, D.C. 20591. The carrier shall file two copies of each report and shall retain one copy at its principal place of business.

§ 180.31 Instructions for preparing DOT Form 7000–1.

(a) Each carrier shall prepare each report of an accident on DOT Form 7000-1 or a facsimile, in accordance with the following instructions:

(1) *General.* Each applicable item must be marked or filled in as fully and as accurately as information accessible to the carrier at the time of filing the report will permit.

(2) *Part A.* Enter name as it is filed with the Interstate Commerce Commission. If the carrier's name is not filed with the Commission, enter the complete corporate name of the carrier. Enter the address of the carrier's principal place of business including ZIP code.

(3) *Part B, Item 1.* Enter the date the accident occurred or was discovered. If the accident was not discovered on the date it occurred, state this fact on the back of the form.

(4) *Part B, Item 2.* Enter the exact time in hours and minutes (i.e., 10:15) if known or a time range (i.e., 10–11) if exact time is not known. If the accident was not discovered on the date it occurred, enter the time it was discovered and state this fact on the back of the form as in Part B, Item 1.

(5) *Part B, Item 3.* Enter all three names, State, county, city, or town, in or near which accident occurred.

(6) *Part B, Item 4.* Mark the appropriate box. If "other" is marked, state clearly on form what part of the pipeline system.

(7) *Part B, Item 5.* If the accident occurred in an uninhabited area, such as woods, cultivated field, swamp, etc., so state clearly on the form under Item 5. If not, attach a sketch to the form showing the part of the pipeline system where the accident occurred, and the location of the accident as related to significant landmarks. Each item shown on the sketch must be clearly and distinctly marked to identify it. Approximate distances from accident location to all landmarks shown on the sketch must be indicated.

(8) *Part C.* Mark the appropriate box or boxes. If applicable, mark more than one box. If "other" is marked, state clearly on form the exact origin of the liquid or vapor release.

(9) *Part D.* Mark the appropriate box. If "other" is marked, clearly state the cause of the accident.

(10) *Part E.* Indicate a number under each heading including "0" if none. Report deaths, even if previously reported in accordance with § 180.26.

(11) *Part F, Items 1 and 2.* Report only material in the pipeline system that was actually damaged such as pipe, valves, or fittings. Do not include cost of commodity which was lost due to the accident or fittings used during repair which became permanently attached to the system. The dollar value of damage should be based on replacement at present day costs.

(12) *Part F, Items 3 and 4.* This is damage to property other than that of the carrier. Dollar value must be actual or the best estimate available.

(13) *Part G, Item 1.* State the commonly used name of the commodity, such as fuel oil, regular gasoline, liquified petroleum gas. If the commodity name is one not commonly used, state the name here and give a brief description of it under "Account of Accident by Responsible Official of Carrier".

(14) *Part G, Item 3.* State the year facility was installed or the best estimate possible. Pipe is excluded as the year of installation is required in Item 4 of Part H.

(15) *Part H.* Mark appropriate boxes and state information required in all items of this part only if the accident occurred in line pipe. If the accident occurred in any other part of the pipeline system, omit this part.

(16) *Part I.* Mark appropriate boxes and state information required in all items of this part if the accident was caused by corrosion in any component of the pipeline system. In Item 4, state the length of time between the type of tests, such as pipe-to-soil potential, stated in Item 5.

(17) *Part J.* Complete all three items only if the accident was caused by equipment rupturing the pipeline. In Item 2, all the information stated on the closest line marker must be shown.

(b) In addition to the requirements of paragraph (a) of this section, in the space provided after Part J, the carrier shall enter an account of the accident containing the most reliable information to which the carrier has access at the time of reporting, sufficiently detailed and complete to convey an understanding of the accident. This account may be continued on an extra sheet of paper if more space is needed.

(c) At the bottom of the back of DOT Form 7000–1, the carrier shall state the name and title of the pipeline official responsible for compiling and filing the report along with the telephone number at which this official can be reached, and the date the report was completed.

§ 180.32 Changes in or additions to accident report.

Whenever a carrier receives any changes in the information reported or additions to the original report on DOT Form 7000–1 it shall immediately file a supplemental report with the Administrator.

§ 180.33 Carrier assistance in investigation.

If the Department of Transportation investigates an accident, the carrier involved shall make available to the representative of the Department all records and information that in any way pertain to the accident, and shall afford all reasonable assistance in the investigation of the accident.

§ 180.34 Supplies of accident report DOT Form 7000–1.

Each carrier shall maintain an adequate supply of forms that are a facsimile of DOT Form 7000–1 to enable it to promptly report accidents. The Department will, upon request, furnish specimen copies of the form.

Subpart C—Design Requirements

§ 180.100 Scope.

This subpart prescribes minimum design requirements for new pipeline systems constructed with steel pipe and for relocating, replacing, or other change to existing systems constructed with steel pipe.

§ 180.102 Ambient temperature.

Each carrier shall choose material for components for the temperature environment in which the components will be used so that the pipeline will maintain its structural integrity.

§ 180.104 Variations in pressure.

If, within a pipeline system, two or more components are to be connected at a place where one will operate at a higher pressure than another, the carrier shall design the system so that any component that operates at the lower pressure will not be overstressed.

§ 180.106 Internal pressure design: Minimum wall thickness.

(a) Each carrier shall, in designing each of its pipeline systems, determine the minimum wall thickness for internal pressure design in accordance with the following formula:

$$t = \frac{PD}{2SE}$$ where—

D=nominal outside diameter in inches;
E=longitudinal joint factor determined under paragraph (b) of this section;
P=internal design pressure; p.s.i.g.;
S=maximum allowable stress value, p.s.i., determined under paragraph (c) of this section; and
t=wall thickness in inches.

(b) The longitudinal joint factor "E" used in paragraph (a) of this section is determined by the following table:

Specification	Pipe type	E
ASTM A 53	Seamless	1.00
	Electric-resistance-welded	1.00
	Furnace lap-welded	0.80
	Furnace butt-welded	0.60
ASTM A 106	Seamless	1.00
ASTM A 134	Electric fusion (arc) welded single or double pass.	0.80
ASTM A 135	Electric resistance-welded	1.00
ASTM A 139	Electric fusion welded single or double pass.	0.80
ASTM A 155	Electric fusion welded	1.00
ASTM A 211	Spiral welded pipe	0.80
ASTM A 381	Electric fusion welded, double submerged arc welded.	1.00
API 5L	Seamless	1.00
	Electric resistance-welded	1.00
	Electric flash welded	1.00
	Submerged arc welded	1.00
	Furnace lap welded	0.80
	Furnace butt welded	0.60
API 5LX	Seamless	1.00
	Electric resistance welded	1.00
	Electric flash welded	1.00
	Submerged arc welded	1.00
API 5LS	Electric resistance welded	1.00
	Submerged arc welded	1.00

If a carrier proposes to use pipe for which no longitudinal joint factor is set forth in this paragraph, the carrier must first obtain the Administrator's approval of the factor the carrier proposes to use.

(c) The maximum allowable stress value "S" in paragraph (a) of this section is 72 percent of the specified minimum yield strength or, if the specified minimum yield strength is unknown, 72 percent of the yield strength determined under § 180.114(a). However, for pipe that has been cold worked to meet the specified minimum yield strength and is later heated to at least 600° F. (excluding girth welds) the maximum allowable stress value is 54 percent of the specified minimum yield strength.

(d) The wall thickness (t) determined under this section is the minimum wall thickness. In determining the final wall thickness the carrier shall consider any external pressure and loads, as required by §§ 180.108 and 180.110.

§ 180.108 External pressure.

Each carrier shall, in designing each of its pipeline systems, provide for any external pressure that will be exerted on the pipe.

§ 180.110 External loads.

(a) Each carrier shall, in designing each of its pipeline systems, provide for anticipated external loads (e.g. earthquakes, vibration, thermal expansion and contraction). In providing for expansion and flexibility, the carrier shall design in accordance with section 419 of USAS B31.4—1966.

(b) Each carrier shall provide support for its pipe and other components, so that the support does not cause excess localized stresses. Each carrier shall, in designing attachments to its pipe, compute the added stress to the wall of the pipe and compensate for that stress.

§ 180.112 New pipe.

Each carrier shall comply with the following whenever it is to install any new pipe in a pipeline system:

(a) The pipe must be made of steel of the carbon, low alloy-high strength, or alloy type that is able to withstand the internal pressures and external loads and pressures anticipated for the pipeline system.

(b) The pipe must be made in accordance with a written pipe specification that sets forth the chemical requirements for the pipe steel and mechanical tests for the pipe to provide for pipe suitable for the use intended.

(c) Each length of pipe with an outside diameter of at least four inches must be marked, setting forth the specification to which it was made, the specified minimum yield strength, and the pipe size. The marking must be applied in a manner that does not injure the pipe and that is visible until installation of the pipe. On mill-coated pipe, marking may be placed over the coating.

§ 180.114 Used pipe.

Each carrier shall comply with § 180.112 (a) and (b) and the following whenever it is to install any used pipe in a pipeline system:

(a) The pipe must be of a known specification and the joint efficiency must be determined under § 180.106(b). In addition, it must be of known specified minimum yield strength, or the yield strength must be determined by section 437.6.6 of USAS B31.4–1966.

(b) There must be no buckles, pits of a depth more than 5 percent of the nominal wall thickness, cracks, grooves, gouges, dents, or other visual surface defects that might reduce the strength of the pipe.

(c) Each girth weld must be nondestructively inspected in accordance with § 180.234.

§ 180.116 Valves.

Each carrier shall comply with the following when it is to install any valve in a pipeline system:

(a) The valve must be of a sound engineering design.

(b) Materials subject to the internal pressure of the pipeline system, including welded and flanged ends, must be compatible with the pipe or fittings to which the valve is attached.

(c) Each part of the valve that will be in contact with the commodity stream must be made of materials that are compatible with each commodity that it is anticipated will flow through the pipeline system.

(d) Each valve must be both hydrostatically shell tested and hydrostatically seat tested without leakage to at least the requirements set forth in section 5, API Standard 6D, 1964 Edition.

(e) Each valve must be equipped with a device that clearly indicates the opened, closed, and any other valve position.

(f) Each valve and each extension on a valve, must be marked with at least the following:

(1) Manufacturer's name or trade name.

(2) Maximum working pressure to which the valve may be subjected.

(3) Body material designation (the end connection material, if more than one type is used).

(4) The nominal valve size.

§ 180.118 Fittings—requirement for butt welding.

Each carrier shall comply with the following when it is to use any fittings (such as elbows, returns, tees, crosses, caps, reducers) in a pipeline system:

(a) The fitting must meet the marking, end preparation, and the bursting strength requirements of USAS B16.9–1964, or MSS Standard Practice SP 48, 1956 Edition, depending on pipe size.

(b) There must be no buckles, dents, cracks, gouges, or other defects in the fitting that might reduce the strength of the fitting.

(c) The fitting must be suitable for the intended service and be at least as strong as the pipe and other fittings in the pipeline system to which attached.

§ 180.120 Changes in direction: Provision for internal passage.

Each carrier shall, in designing each of its pipeline systems, design it so that

components that accomplish a change in direction within the pipeline system are of a radius that readily allows the passage of pipeline scrapers, spheres, and internal inspection equipment.

§ 180.122 Fabricated branch connections.

Each carrier shall, in designing each of its pipeline systems, ensure that the addition of any fabricated branch connections will not reduce the strength of the pipeline system.

§ 180.124 Closures.

Each carrier shall ensure that any closures to be installed in its pipeline system comply with the ASME Code, Section VIII for Unfired Pressure Vessels, 1965 Edition, and have pressure and temperature ratings at least equal to those of the pipe to which the closure is attached.

§ 180.126 Flange connection.

Each carrier shall ensure that each component of the flange connection is compatible with each other component and that the connection as a unit is suitable for the service in which it is to be used.

§ 180.128 Station piping.

Each carrier shall ensure that any pipe, to be installed in a station that is subject to system pressure, meets the applicable requirements of this part.

§ 180.130 Fabricated assemblies.

Each carrier shall ensure that each fabricated assembly to be installed in a pipeline system meets the applicable requirements of this part.

§ 180.132 Above ground tanks.

Each carrier shall, in designing any above ground tank, design it to withstand the internal pressures produced by the commodity to be stored therein and to withstand any anticipated external loads, consistent with accepted industry standards.

Subpart D—Construction

§ 180.200 Scope.

This subpart prescribes minimum requirements for constructing new pipeline systems with steel pipe, and relocating, replacing, or other change to existing systems constructed with steel pipe.

§ 180.202 Specifications: Compliance therewith and with design requirements.

(a) Each carrier shall, before beginning any pipeline construction have a written set of specifications that covers all phases of the proposed construction. The specifications must include provisions for design and construction consistent with the requirements of this part and must cover all phases of the work to be performed.

(b) Each carrier shall perform the construction work on each pipeline system covered by this part in accordance with the specifications required by paragraph (a) of this section and in accordance with the design requirements of Subpart C of this part.

§ 180.204 Inspection—general.

Each carrier shall provide for inspection to ensure installation in accordance with the requirements of this subpart. No carrier may use any person to perform inspections unless that person has been trained and is qualified in the phase of construction he is to inspect.

§ 180.206 Material inspection.

No carrier may install any pipe or other component in its pipeline system unless it has been visually inspected immediately before installation to assure that it is not damaged in a manner that could impair its strength or reduce its serviceability.

§ 180.208 Welding of supports and braces.

No carrier may weld any support or brace directly to pipe that will be operated at a pressure of more than 100 p.s.i.g.

§ 180.210 Pipeline location.

(a) Each carrier shall select its pipeline right-of-way so as to avoid, as far as practicable, areas containing private dwellings, industrial buildings, and places of public assembly.

(b) No carrier may locate a pipeline within 50 feet of any private dwelling, or any industrial building or place of public assembly in which persons work, congregate, or assemble, unless it is to be laid at a depth to provide at least 24 inches additional cover to that prescribed in § 180.248.

§ 180.212 Bending of pipe.

Each carrier that makes any field bends, shall make them in accordance with the following:

(a) The bend must be accomplished by a cold bending method that produces a smooth uniform bend with a minimum radius in accordance with the following table:

Pipe size (OD) inches:	*Minimum radius of bend in pipe diameters*
12¾ and smaller	18
14	21
16	24
18	27
20 and larger	30

(b) The pipe must be free from buckling, cracks, or any other mechanical damage and must conform after bending to the profile of the completed ditch.

(c) There must be no wrinkle bends or mitered bends (not including deflections up to 3° that are caused by misalignment).

(d) No girth weld may be placed inside the bending shoe.

(e) Pipe containing a weld seam must be bent so that the seam is located near the neutral axis.

§ 180.214 Welding: General: Record keeping.

(a) No carrier may weld any component except in compliance with this section and §§ 180.216 through 180.234. For the purposes of the welding requirements in this subpart the welding term definitions in AWS A3.0–1961 apply.

(b) Before beginning any welding each carrier shall establish written welding procedures that it has tested to assure that when followed will produce sound, ductile welds that comply with at least the applicable requirements of this subpart. The carrier shall keep detailed records of the tests performed to demonstrate the adequacy of that procedure.

§ 180.216 Distance between welds.

No carrier may make any welds that are closer than—

(a) Two inches, in the case of adjacent fillet welds or a fillet weld and a butt weld;

(b) Twelve inches, between parallel butt welds in the case of pipe of 24 inches or more in diameter; or

(c) One half of the pipe diameter, but not less than four inches, between parallel butt welds in the case of pipe of less than 24 inches in diameter.

This section does not apply to manufactured welded fittings such as anchor flanges and reducers.

§ 180.218 Welding: Seam offset and seam location.

No carrier may weld pipe lengths unless the seams on adjacent pipe lengths are offset so that when installed in a ditch, the seam is located in the top half of the circumference.

§ 180.220 Welds: filler metal.

No carrier may use any filler metal unless it is at least equal in strength to the pieces being welded and will fuse the pieces together.

§ 180.222 Welders: Testing.

No carrier may use any welder who has not been tested and found to qualify under section 3, API Standard 1104, January 1968 Edition.

§ 180.224 Welding: Weather.

No carrier may perform any welding under weather conditions that would impair the quality of the completed weld.

§ 180.226 Welding: Arc burns.

(a) No pipeline carrier may—

(1) Leave an arc burn unrepaired; or

(2) Weld a ground to the pipe or fitting being welded.

(b) A carrier may repair an arc burn by completely removing the notch by grinding, if the grinding does not reduce the wall thickness by more than 5 percent of the specified minimum wall thickness. If a notch is not repairable by grinding, the carrier shall remove a cylinder of the pipe large enough to remove the notch.

§ 180.228 Welding inspection: Standards of acceptability.

Each carrier shall inspect the welding process to ensure compliance with the applicable requirements of this subpart. The carrier shall supplement visual inspection with destructive and nondestructive testing. The acceptability of visual inspection and of nondestructive testing is determined according to the standards in section 6, API Standard 1104, January 1968 edition.

§ 180.230 Welds: Repair of defects.

No carrier may repair a weld that is found unacceptable under § 180.228 unless—

(a) There are no cracks in the weld;

(b) The segment of the weld to be repaired was not previously repaired; and

(c) The weld is inspected after repair to assure its acceptability.

§ 180.232 Welds: Removal of defects.

A carrier shall remove a cylinder of the pipe containing the weld, and rebevel the ends whenever—

(a) The weld contains one or more cracks;

(b) The weld is not acceptable under § 180.228 and is not repaired; or

(c) The weld was repaired and the repair did not meet the requirements of § 180.228.

§ 180.234 Welds: Nondestructive testing; retention of records.

(a) A carrier may test a weld nondestructively by any process that will clearly indicate any defects in the weld.

(b) The carrier shall perform any nondestructive testing of welds—

(1) In accordance with a written set of procedures it has established for nondestructive testing; and

(2) With personnel that have been trained in the established procedures and in the use of the equipment employed in the testing.

(c) The carrier shall establish procedures that will ensure the proper interpretation of each weld inspection to assure compliance with § 180.228.

(d) During construction of a pipeline the carrier shall nondestructively test each girth weld over its entire circumference.

(e) Each carrier shall retain at its principal place of business for at least 3 years after the line is placed in operation each record relating to the nondestructive testing of welds, including the developed film if radiography is used with, so far as practicable, the location of each weld.

§ 180.236 External corrosion protection: General.

Each carrier shall provide for the protection of each component in the pipeline system against external corrosion for the life of the pipeline system.

§ 180.238 External coating.

No carrier may bury any pipeline system component unless that component has an external protective coating that—

(a) Is designed to mitigate corrosion on the buried component;

(b) Is bonded tightly to the metal surface;

(c) Is sufficiently ductile to resist cracking;

(d) Has enough strength to resist damage due to handling and soil stress; and

(e) Supports any supplemental cathodic protection.

If a barrier type is used it must be waterproof and provide high electrical resistance.

§ 180.240 Protection of coating.

The carrier shall inspect all coated pipe immediately before the installation and shall repair any damage discovered.

§ 180.242 Cathodic protection system.

(a) Each carrier shall have a cathodic protection system for all buried facilities to prevent corrosion deterioration that might result in structural failure. It shall also have a test procedure to determine whether cathodic protection has been achieved.

(b) The carrier shall install a cathodic protection system not later than 1 year after completing the construction.

§ 180.244 Test leads.

(a) Except for offshore pipelines, each carrier shall install electrical test leads used for corrosion control or electrolysis testing at intervals frequent enough to ensure obtaining electrical measurements that will indicate the adequacy of its cathodic protection.

(b) The carrier shall install the test leads so that—

(1) Enough looping or slack is provided so that the test lead will not be unduly stressed or broken during backfilling;

(2) Each lead is attached to the pipe so as to prevent stress concentration on the pipe; and

(3) Each lead installed in a conduit is suitably insulated from the conduit.

§ 180.246 Installation of pipe in a ditch.

The carrier shall ensure that all pipe installed in a ditch is installed in a manner that minimizes the introduction of stresses that would reduce the mechanical strength of the pipe.

§ 180.248 Cover over buried pipeline.

(a) Unless specifically exempted in this subpart, the carrier shall bury all pipe so that it is below the level of cultivation for the area through which the pipe traverses. Except as provided in paragraph (b) of this section, the carrier shall install the pipe so that the cover between the top of the pipe and the ground level, road bed, or river bottom, as applicable, is at least the depth contained in the following table for the applicable location:

Location	Cover (inches)	
	For normal excavation	For rock excavation [1]
Industrial, commercial, and residential areas	36	30
Crossing of bodies of water with a width of at least 100 feet from high water mark to high water mark	48	36
Drainage ditch at public roads and railroad crossings	36	36
Any other area	30	18

[1] Rock excavation is excavation that requires blasting.

(b) If it is impracticable to comply with the minimum cover requirement of paragraph (a) of this section, the carrier may provide less cover if enough additional protection, such as a concrete slab or casing is installed to provide equivalent protection.

§ 180.250 Clearance between pipe and underground structures.

No carrier may install any pipe underground unless there is at least 12 inches between the outside of the pipe and the extremity of any other underground structure, except that for drainage tile the minimum clearance may be less than 12 inches but not less than 2 inches.

§ 180.252 Backfilling.

The carrier shall perform backfilling in a manner that protects any pipe coating and provides firm support for the pipe.

§ 180.254 Above ground components.

(a) A carrier may install any component above ground in the following situations, if it complies with the applicable requirements of this part:

(1) Overhead water crossing.

(2) Short span over a gully.

(3) Scraper trap or block valve.

(4) In any area under the direct control of the carrier.

(5) In any area inaccessible to the public because of the terrain.

(b) The carrier shall construct each component covered by this section so that it is protected from the forces that would be exerted by the anticipated loads.

§ 180.256 Crossing of railroads and highways.

Each carrier shall install pipe that crosses under a railroad or a public road as close as practicable to 90° to the centerline of the railroad or public road but not less than 30° to the centerline. The carrier shall construct each railroad or highway crossing so that the pipe is protected from the dynamic forces that would be exerted by the anticipated maximum allowable gross traffic loads.

§ 180.258 Valves: General.

The carrier shall ensure that each valve installed in a pipeline system is installed in a location that is accessible to its authorized employees and that is protected from damage or tampering.

§ 180.260 Valves: Location.

The carrier shall install a valve at each of the following locations:

(a) On the suction end and on the discharge end of a pump station in a manner that permits isolation of the pump station.

(b) On each line entering or leaving a tank farm in a manner that permits isolation of the tank farm from other facilities.

(c) On each main line at locations along the pipeline system appropriate for the terrain in open country, and at locations that will minimize damage from accidental product discharge near cities and other populated areas, but in no case further apart than 10 miles.

(d) On each lateral take-off from a trunk line in a manner that permits

shutting off the lateral without interrupting the flow in the trunk line.

(e) On each side of each water crossing at least 100 feet wide from high water mark to high water mark.

(f) On each side of a reservoir holding water for human consumption.

§ 180.262 Pumping equipment.

(a) The carrier shall provide for adequate ventilation in the pump station to prevent the accumulation of explosive vapors. The carrier shall install warning devices that will warn of the presence of explosive vapors in the pumping station.

(b) The carrier shall provide for the following in each pump station:

(1) Safety devices that prevent overpressuring of pumping equipment, including auxiliary equipment within the pumping station.

(2) A device for the emergency shutdown of each pumping station.

(3) If required to actuate safety devices, an auxiliary power supply.

(c) No carrier may use a pumping station for other than testing until it has tested each safety device under conditions approximating actual operations and found that the device functions properly.

(d) No carrier may install any pumping equipment—

(1) On any property that is not under its exclusive control; and

(2) Closer than 50 feet from the property line.

(e) The carrier shall install adequate fire protection at each pump station. If the fire protection system installed requires the use of pumps, the carrier shall provide motive power for those pumps that is separate from that provided for the station power.

§ 180.264 Above ground storage and working tankage.

(a) The carrier shall provide a means for containing the commodity in the event of spillage or tank failure.

(b) The carrier shall provide adequate protection for tankage areas to protect against unauthorized entry.

(c) The carrier shall provide normal and emergency relief venting for each tank.

§ 180.266 Construction records.

The carrier shall maintain at its principal place of business for the life of each facility a complete record showing—

(a) The number of girth welds, including the number rejected and the disposition of each rejected weld;

(b) The amount, location, and cover of each size of pipe installed;

(c) The location of each crossing of another pipeline;

(d) The location of each buried utility crossing;

(e) The location of each overhead crossing; and

(f) The location of each valve, weighted pipe, corrosion test station, or other item connected to the pipe.

Subpart E—Hydrostatic Testing

§ 180.300 Scope.

This subpart prescribes minimum hydrostatic test requirements for new and existing pipeline systems constructed with steel pipe.

§ 180.302 General requirements.

(a) No carrier may operate a new pipeline system, or return to operation a pipeline system that has been relocated, qualified, or requalified, or in which pipe has been replaced, until the new pipeline system or that part that has been relocated, replaced, qualified, or requalified has been hydrostatically tested in accordance with this subpart with no leakage found.

(b) In conducting the hydrostatic test the carrier shall—

(1) Maintain, for at least 24 hours, a test pressure throughout that part of the system being tested that is at least 140 percent of the maximum operating pressure for that part of the system being tested; and

(2) After 24 hours relieve the test pressure and then repressure to the test pressure, allowing the pressure to stabilize, to check for cyclic failure.

§ 180.304 Testing of components.

In conducting the hydrostatic test required by § 180.302 the carrier shall test all pipe and fittings attached thereto including components in the system that were factory assembled if they are a part of new construction or a major replacement. However, if a component is the only item being replaced or added to the pipeline system, a hydrostatic test after installation is not required if the manufacturer certifies that the component was hydrostatically tested at the factory to at least the pressure required by § 180.302(b).

§ 180.306 Test medium.

(a) Except as provided in paragraph (b) of this section, the carrier shall use as the test medium water that is sufficiently alkaline that it will not damage the steel surfaces and that is free of sedimentary material.

(b) If the entire pipeline section being tested is located outside of any city or other populated area and if there are no persons (other than those conducting the test) within 1,000 feet of the test section, the carrier may use liquid petroleum of a type that will not vaporize if released to the atmosphere.

§ 180.308 Testing of tie-in.

The carrier shall test all pipe associated with tie-ins as required by §180.302 either with the section to be tied-in or separately.

§ 180.310 Records.

(a) The carrier shall make a record of each hydrostatic test performed under this subpart (including the reasons for any failure during a test) and shall keep that record, at his principal place of business, for the useful life of the facility tested.

(b) The carrier shall include in the record, recording gauge charts, dead weight tester data, and a profile of the pipeline on which the elevation and test sites over the entire length of the pipeline are indicated. Each chart must include at least—

(1) The carrier's name, the name of the carrier's employee responsible for making the test, and the name of the test company used, if any;

(2) The date and time of the test;

(3) The average test pressure;

(4) The test medium;

(5) A description of the facility tested; and

(6) An explanation of any discontinuities in the pressure on any chart.

Subpart F—Operation and Maintenance

§ 180.400 Scope.

This subpart prescribes minimum requirements for operating and maintaining pipeline systems constructed with steel pipe.

§ 180.402 General requirements.

(a) Each carrier shall establish and maintain current written procedures to ensure the safe operation and maintenance of its pipeline systems in accordance with this part, including the procedures to be followed during normal and abnormal operations and during emergencies.

(b) No carrier may operate or maintain its pipeline systems at a level of safety lower than that required by this subpart and the procedures it is required to establish under paragraph (a) of this section.

(c) Whenever a carrier discovers any condition that could adversely affect the safe operation of its pipeline system it shall correct it within a reasonable time. However, if the condition is of such a nature that it presents a hazard to persons or property, the carrier may not operate the affected part of the system until it has corrected the unsafe condition.

(d) No carrier may operate any pipeline system constructed after [effective date of this part] unless it was designed and constructed as required by this part.

§ 180.404 Maps and records.

(a) Each carrier shall maintain current maps of its pipeline systems that must include at least the following information:

(1) Location and identification of all major facilities.

(2) All public roads, railroads, river crossings, and crossings with buried or overhead foreign facilities.

(3) The maximum operating pressure of each pipeline.

(4) The diameter, grade, type, and wall thickness of all pipe.

(b) Each carrier shall maintain daily operating records that indicate at least the discharge pressures at each pump station and any unusual operations of a facility. The carrier shall retain these records at its principal place of business for at least 3 years.

(c) The carrier shall maintain records that include at least the following:

(1) The date, location, and description of each repair made to its pipeline systems.

(2) A record of each inspection or test required by this part.

The carrier shall retain each record for the useful life of that part of the pipeline system to which it relates.

§ 180.406 Limit on operating pressure.

(a) No carrier may operate any pipeline, that is hydrostatically tested after [effective date of this amendment], at a pressure that is more than the maximum operating pressure, which was used as the base for the hydrostatic test. However, the operating pressure may not exceed a pressure that produces a stress greater than 72 percent of the specified minimum yield strength or 72 percent of the lowest known yield strength of any pipe in the line, if specified minimum yield strength is not known.

(b) No carrier may operate a pipeline, that has not been hydrostatically tested under this part, at a pressure that produces a stress greater than 72 percent of the specified minimum yield strength of the material used or 72 percent of the lowest known yield strength of any pipe in the line, if specified minimum yield strength is not known, plus a 10 percent allowance for surge pressure or other pressure variations from normal operations. The carrier shall provide adequate controls and protective equipment so that the pressure rise due to surge pressure and other variations from normal operations at any point in the pipeline system does not exceed 10 percent.

§ 180.408 Communications.

The carrier shall have a communication system that ensures the transmission of information required for the safe operation of the pipeline system.

§ 180.410 Line markers.

(a) After [1 year after the effective date of this amendment] the carrier shall have line markers over each buried line in accordance with the following:

(1) Markers must be located at each public road crossing, at each railroad crossing, and in sufficient number along the remainder of each buried line so that its location is accurately known.

(2) The marker must state at least the following: "Warning" "Petroleum (or the name of the product transported) Pipeline" (in lettering at least 1 inch high with an approximate stroke of ¼ inch on a background of sharply contrasting color), the name of the carrier and a telephone number where the carrier can at all times be reached. In addition, markers at navigable river crossings must contain the words "Do Not Anchor" with lettering not less than 12 inches high with an approximate stroke of 1 inch on a background of sharply contrasting color.

(b) The carrier shall provide line marking at locations where the line is above ground in areas that are accessible to the public.

§ 180.412 Inspection of rights-of-way and of crossings under navigable waters.

(a) At least once during each 2-week period the carrier shall inspect each line in its pipeline system to observe at least the surface conditions on or adjacent to the pipeline right-of-way.

(b) Except for offshore pipelines, at least once during each 5-year period the carrier shall inspect each crossing of 100 feet or more under a navigable waterway to determine that no part of the pipe is exposed.

§ 180.414 Cathodic protection of existing pipelines.

(a) Except as provided in paragraph (c) of this section, each pipeline in existence on [the effective date of this amendment] with an external surface coating material that is not cathodically protected shall be so protected within 3 years after that date.

(b) Except as provided in paragraph (c) of this section, bare pipelines in existence on [the effective date of this amendment] shall be electrically surveyed within a 5-year period after that date to reveal areas in which active corrosion is taking place. However, the carrier shall survey those sections of pipeline that are upgraded by an increase in pressure within 1 year after that date. If the pipe is found to be pitted so that the original wall thickness is reduced by 10 percent or more, the carrier shall replace the pipe with coated pipe that meets the requirements of this part. In any areas where there is corrosion pitting, the carrier shall provide cathodic protection.

(c) Tank farms and buried pumping station piping existing on [the effective date of this amendment] with or without an external surface coating material shall be cathodically protected within 3 years after that date.

§ 180.416 External corrosion control: Inspections and surveys: Maintenance of test stations: Protection of exposed pipe.

(a) At least once during each 12-month period each carrier shall inspect each underground facility in its pipeline system that is under cathodic protection to determine whether the protection complies with § 180.242.

(b) The carrier shall maintain the test leads required by § 180.244 in such a condition that electrical measurements can be obtained to ensure adequate protection.

(c) At least once during each 2-month period, each carrier shall inspect each of its cathodic protection rectifiers.

(d) At least once during each 12-month period each carrier shall electrically inspect pipe in its pipeline system that is not coated, or that is not cathodically protected, and shall study leak records for that segment, to determine if additional protection is needed.

(e) Whenever any buried pipe is exposed for any reason, the carrier shall examine the pipe for evidence of external corrosion. If the carrier finds that there is active corrosion, that the surface of the pipe is generally pitted, or that corrosion has caused a leak, it shall investigate further to determine the extent of the corrosion.

(f) Each carrier shall clean and coat, with material suitable for the prevention of atmospheric corrosion, and shall thereafter maintain, each component in its pipeline system that is exposed to the atmosphere.

(g) If pipe is found to be pitted so that the original wall thickness is reduced by 10 percent or more, the carrier shall replace the length of pipe so corroded, with coated pipe that meets the requirements of this part.

§ 180.418 Internal corrosion control.

(a) No carrier may transport any commodity through its pipeline systems if that commodity would corrode the pipe or other components of the system, unless it has investigated the corrosive effect of the commodity on the system and has taken adequate steps to control corrosion.

(b) If a carrier uses corrosion inhibitors to control internal corrosion, it shall use inhibitors in sufficient quantity to protect the entire part of the system that the inhibitors are designed to protect and shall use coupons or other monitoring equipment. If inhibitors are used, the carrier shall, at least once during each 6-month period, examine coupons or other types of monitoring equipment to determine inhibitor effectiveness.

(c) Whenever any pipe is removed from the pipeline for any reason, the carrier shall inspect the internal surface for evidence of corrosion. If the original wall thickness of the pipe has been reduced by 10 percent or more, the carrier shall investigate adjacent pipe to determine the extent of the excess corrosion and shall replace the corroded pipe with pipe that meets the requirements of this part.

§ 180.420 Valve maintenance.

(a) Each carrier shall maintain each valve, necessary for the safe operation of its pipeline systems, in good working order at all times.

(b) At least once during each 6-month period each carrier shall inspect each main line valve to determine that it is functioning properly.

(c) Each carrier shall protect each valve from unauthorized operation and from vandalism.

§ 180.422 Pipeline repairs.

(a) Each carrier shall, in making repairs to its pipeline systems, ensure that the repairs are made in a safe manner, and are made so as to prevent damage to persons or property.

(b) No carrier may use any pipe, valve, or fitting, for replacement in repairing pipeline facilities, that is not designed and constructed as required by this part.

§ 180.424 Pipe movement.

No carrier may perform any work on the pipeline that necessitates moving the pipe, until the line section involved is isolated to eliminate the flow of commodity. The carrier shall not move any

pipeline containing commodities that vaporize upon release to the atmosphere.

§ 180.426 Scraper and sphere facilities.

No carrier may use a launcher or receiver that is not equipped with a relief device capable of safely relieving pressure in the barrel before insertion or removal of scrapers or spheres. The carrier shall use a suitable device to indicate that pressure has been relieved in the barrel or shall provide a means to prevent insertion or removal of scrapers or spheres if pressure has not been relieved in the barrel.

§ 180.428 Overpressure safety devices.

(a) At least once during each 6-month period each carrier shall inspect and test each pressure limiting device, relief valve, pressure regulator, or other item of pressure control equipment to determine that it is functioning properly, is in good mechanical condition, and is adequate from the standpoint of capacity and reliability of operation for the service in which it is used.

§ 180.430 Firefighting equipment.

Each carrier shall maintain adequate firefighting equipment at each pump station, terminal, and tank farm. The equipment must be—

(a) In proper operating condition at all times;

(b) Plainly marked so that its identity as firefighting equipment is clear; and

(c) Located so that it is easily accessible.

§ 180.432 Storage vessels.

At least once during each 12-month period each carrier shall inspect each storage vessel (including atmospheric and pressure tanks).

§ 180.434 Signs.

Each carrier shall maintain caution signs visible to the public around each pumping station, terminal, or tank farm. Each sign shall contain the name of the carrier and an emergency telephone number to contact.

§ 180.436 Security of facilities.

Each carrier shall protect each pumping station, terminal, and tank farm and other exposed facility (such as scraper traps) from vandalism and unauthorized entry.

§ 180.438 Smoking or open flames.

Each carrier shall prohibit smoking and open flames in each pump station area and each terminal or tank farm area where there is a possibility of the leakage of dangerous goods or of the presence of vapors from dangerous goods.

Subpart G—Qualification and Requalification of Pipelines

§ 180.500 Scope.

This subpart prescribes minimum testing requirements for the qualification and requalification of pipelines constructed with steel pipe.

§ 180.502 Requalification of pipelines.

(a) After the applicable date determined under paragraph (b), (c), or (d) of this section, no carrier may operate a pipeline system until it has qualified or requalified that system by a hydrostatic test in accordance with § 180.302.

(b) In the case of line sections constructed after 1958 that have previously successfully withstood a hydrostatic test of at least 1.1 times the internal design pressure for the line section, the carrier shall requalify the line section no later than 15 years after the date of the latest test and at least once during each 10-year period thereafter.

(c) In the case of line sections constructed before 1959 that have previously successfully withstood a hydrostatic test of at least 1.1 times the internal design pressure for the line section, the carrier shall requalify the line section no later than 10 years after the date of the latest test, or before December 31, 1974, whichever is later, and at least once during each 10-year period thereafter.

(d) In the case of line sections that have never been subjected to a hydrostatic test of at least 1.1 times the internal design pressure for the line section, the carrier shall qualify the line section no later than 5 years after [effective date of amendment] and at least once during each 10-year period thereafter.

§ 180.504 Maintenance test of pipelines.

Within 5 years after [effective date of amendment] and at least once during each 5-year period thereafter, the carrier shall analyze the maintenance records for each line section. The carrier shall retain its most recent analysis for examination by the Administrator. After examination and evaluation, the Administrator will determine if the condition of any particular line section requires retesting. If retesting is required, the Administrator will so notify the carrier, and the carrier shall perform a retest within one year after the notification unless the Administrator requires the test to be performed sooner.

§ 180.506 Records.

Not later than [6 months after effective date of amendment] each carrier shall prepare, and thereafter maintain and keep open for inspection at his principal place of business, a record of each line section that is subject to this subpart. These records must show the location of each of the line sections by State and county, date constructed, the diameter, wall thickness, type of pipe, and yield strength of the pipe. These records must also include appropriate data to indicate when line sections were hydrostatically tested. In any case in which this information is not available for tests performed before [effective date of amendment] the carrier shall certify that the tests were performed and his records shall so indicate.

[F.R. Doc. 68-8453; Filed, July 16, 1968; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18248; FCC 68-713]

TELEVISION BROADCAST STATIONS

Table of Assignments; Fort Smith, Ark.

In the matter of amendment of § 73.606 (b) of the Commission's rules and regulations, Television Table of Assignments (Fort Smith, Ark.); Docket No. 18248, RM-1297.

1. Notice is hereby given of proposed rule making to assign Channel 40 to Fort Smith, Ark.

2. George T. Hernreich trading as KFPW Broadcasting Co., filed a petition on April 29, 1968, requesting the assignment of Channel 40 to Fort Smith, Ark. Hernreich applied for Channel 24 at Fort Smith (BPCT-3937), but a comparative hearing was ordered because Broadcasters Unlimited filed a mutually exclusive application for the channel (BPCT-3936); see Docket Nos. 18046 and 18047. Petitioner desires to avoid the hearing and to bring additional service to Fort Smith at the earliest time possible. Additional facts are adduced to support its view that a third channel (in addition to Channels 5 and 24) should be assigned there.

3. Fort Smith is the third largest city in Arkansas (population 52,991, 1960 Census; a special 1967 census disclosed a population of 66,716). Fort Smith is located in Sabastian County, the fourth most populous in Arkansas (66,685 persons, 1960 Census). It is stated that Fort Smith has had substantial growth in the last two decades (1940 population 36,584 and a 1950 population of 47,942). Fort Smith has only one local television outlet Station KFSA-TV, Channel 5. No other Grade B or better coverage is available except from KTUL-TV, Tulsa, Channel 8, whose Grade B contour includes part of the city. It is also stated that Fort Smith is located in an area of natural resources and is the shopping center of a large area with an effective 1966 buying income of $443 million. Petitioner states that Fort Smith is one of the leading manufacturing cities in Arkansas: 110 new outlets have been established in the past 11 years and 325 manufacturers have expanded over the same period. This expansion, which is anticipated to continue, is the result of development of the Arkansas River for navigation. Supporting engineering data, which has been verified by the staff, discloses that Channel 40 may be assigned in full compliance with all mileage separation requirements. Also this is an area where an ample supply of channels is available to supply any foreseeable needs. It would appear therefore that the public interest would be served by the assignment of Channel 40 to Fort Smith.

4. Accordingly, pursuant to authority in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend § 73.606(b) of the Commission's rules and regulations by adding Channel 40 at Fort Smith, Ark.

5. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before August 19, 1968, and reply comments on or before August 29, 1968. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

6. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: July 10, 1968.

Released: July 12, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-8461; Filed, July 16, 1968; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Oil Import Administration

[32A CFR Ch. X]

[Oil Import Reg. 1 (Rev. 5)]

OIL IMPORT REGULATION

Allocation of Imports; Low Sulphur Residual Fuel Oil, Districts I–IV

On page 7822 of the FEDERAL REGISTER for May 29, 1968 (33 F.R. 7822), and on page 8777 of the FEDERAL REGISTER for June 15, 1968 (33 F.R. 8777), there appears a notice of rule making which sets forth in general terms certain amendments which the Secretary of the Interior proposes to make to Oil Import Regulation 1, as amended, respecting low sulphur residual fuel oil in Districts I–IV. This notice of proposed rule making states that all comments, suggestions, or objections with respect to the proposed plan shall be filed with the Administrator, Oil Import Administration, Washington, D.C. 20240, on or before June 14, 1968. On page 8777 of the FEDERAL REGISTER for June 15, 1968 (33 F.R. 8777), this date was extended to July 15, 1968. In order to assure adequate time for all interested parties to comment this date is further extended to August 5, 1968.

ELMER L. HOEHN,
Administrator,
Oil Import Administration.

JULY 12, 1968.

[F.R. Doc. 68-8582; Filed, July 16, 1968; 11:14 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CHIEF, DIVISION OF ADMINISTRATION, WYOMING STATE OFFICE, ET AL.

Delegation of Authority Regarding Contracts and Leases

JULY 10, 1968.

State Director, Wyoming; Supplement to Bureau of Land Management Manual 1510.

A. Pursuant to delegation of authority contained in Bureau Manual 1510–03B2c, the

Chief, Division of Administration, State Office.
Administrative Officer, State Office.
District Managers.
District Administrative Officers.

are authorized:

1. To enter into contracts with established sources for supplies and services, excluding capitalized equipment, regardless of amount, and

2. To enter into contracts on the open market for supplies and materials, excluding capitalized equipment, not to exceed $2,500 per transaction ($2,000 for construction), provided that the requirement is not available from established sources.

B. District Managers may limit the authority granted above.

C. This cancels and supersedes authority delegated on May 20, 1964 and published on page 7251, FEDERAL REGISTER of June 3, 1964.

ED PIERSON,
State Director.

[F.R. Doc. 68–8422; Filed, July 16, 1968; 8:45 a.m.]

[S 1673]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 8, 1968.

The Corps of Engineers, Sacramento District, Department of the Army, Sacramento, Calif., has filed an application Serial Number S 1673, for the proposed withdrawal of lands described below, subject to valid existing rights, from prospecting, location, and entry under the mining laws (30 U.S.C., Ch. 2) and from leasing under the mineral leasing laws.

The land involved in the application lies in Mariposa County and is patented, having been patented under the Stock-raising Homestead Act of December 29, 1916 (36 Stat. 862), as amended, with a reservation of all minerals to the United States.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814.

The Department's regulations (43 CFR 2311.1–3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 8 S., R. 18 E.,
Sec. 10, S½NE¼SE¼ and S½N½NE¼SE¼;
Sec. 11, S½NE¼NW¼SW¼, NW¼NE¼SW¼, NW¼NW¼SW¼, S½NW¼SW¼, S½NE¼SW¼, S½S½N½NE¼SW¼, S½NW¼SE¼, S½S½N½NW¼SE¼, and S½NE¼SE¼SE¼;
Sec. 12, N½SW¼SW¼, SE¼SW¼, E½SW¼NE¼SW¼, SE¼NE¼SW¼, SW¼NW¼SE¼, S½NW¼NW¼SE¼, E½NW¼SE¼, NE¼SE¼, E½SW¼NE¼, and SE¼NE¼.

The areas described aggregate approximately 332.50 acres.

JESSE H. JOHNSON,
Acting Chief, Lands Adjudication Section.

[F.R. Doc. 68–8424; Filed, July 16, 1968; 8:45 a.m.]

[Serial No. I–2332]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

JULY 10, 1968.

The Department of Agriculture has filed an application, Serial Number I–2332 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes as a streamside zone on the St. Joe National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, room 334, Federal Building, 550 West Fort, Boise, Idaho 83702.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

ST. JOE NATIONAL FOREST

St. Joe River—Sherlock Creek-California Creek Streamside Zone

T. 42 N., R. 9 E.,
Sec. 1, W½NE¼ and W½ of lot 1, SE¼SE¼SW¼NE¼, W½NE¼SE¼NE¼, W½SE¼NE¼, W½SE¼SE¼NE¼, NE¼NE¼SE¼SW¼, S½NE¼SE¼SW¼, NE¼SW¼SE¼SW¼, S½SW¼SE¼SW¼, SE¼SE¼SW¼, W½NE¼NE¼SE¼, NW¼NE¼SE¼, N½SW¼NE¼SE¼, SW¼SW¼NE¼SE¼, E½NW¼SE¼, SE¼SW¼NW¼SE¼, N½SE¼SE¼, SW¼SW¼SW¼SE¼, NW¼NW¼SE¼SE¼;
Sec. 3, S½SW¼SW¼SE¼, SW¼SE¼SW¼SE¼;
Sec. 5, SW¼NW¼SW¼NW¼, SW¼SW¼NW¼, S½SE¼SW¼NW¼, SW¼SW¼SE¼NW¼, NW¼NW¼NE¼SW¼, S½NW¼NE¼SW¼, SW¼NE¼SW¼, NE¼NW¼SW¼, N½NW¼NW¼SW¼, E½SE¼NW¼SW¼, E½E½SW¼SW¼, W½SE¼SW¼;
Sec. 6, NW¼NW¼, S½NW¼, SW¼, NW¼SE¼, and S½SE¼ of lot 1, NE¼ and NE¼SE¼ of lot 2, NE¼SE¼NE¼, N½NW¼SE¼NE¼, SE¼NW¼SE¼NE¼, N½SE¼SE¼NE¼, SE¼SE¼SE¼NE¼;
Sec. 7, E½NE¼NE¼SE¼, SE¼NE¼SE¼, E½NE¼SW¼SE¼, SE¼SW¼SE¼, SE¼SE¼;
Sec. 8, NW¼NE¼NW¼, N½SW¼NE¼NW¼, SW¼SW¼NE¼NW¼, E½NW¼NW¼, E½SW¼NW¼NW¼, E½SW¼NW¼, E½NW¼SW¼NW¼, SW¼SW¼NW¼, W½NW¼SW¼, SW¼NE¼NW¼SW¼, W½NW¼SW¼, NW¼SE¼NW¼SW¼, W½NW¼SW¼SW¼, NW¼SW¼SW¼SW¼;
Sec. 9, E½SE¼NE¼SE¼, S½SE¼SW¼SE¼, NE¼SE¼SE¼, SE¼NW¼SE¼SE¼, S½SE¼SE¼;
Sec. 10, SW¼SW¼NE¼NE¼, E½NW¼NE¼, E½SW¼NE¼, N½SW¼SW¼NE¼, NE¼NE¼SE¼NE¼, S½NE¼SE¼NE¼, NW¼NW¼SE¼NE¼, S½NW¼SE¼NE¼, S½SE¼NE¼, NE¼NE¼NE¼NW¼, S½NE¼NE¼NW¼, S½NW¼NE¼NW¼, S½SE¼NW¼NW¼, E½SW¼NW¼, SE¼NW¼SW¼NW¼, E½NW¼SW¼NW¼, SW¼SE¼NW¼SW¼, N½SE¼SW¼NW¼, SW¼SW¼NW¼, N½NE¼SW¼, N½NW¼NE¼SW¼, SW¼NW¼NE¼SW¼, NW¼SW¼SW¼, N½NE¼SW¼, SW¼NE¼SW¼SW¼, N½NE¼SW¼, NW¼SW¼SW¼, N½SW¼SW¼SW¼, N½NE¼NW¼SE¼;
Sec. 11, SW¼NW¼NE¼NE¼, S½NE¼NE¼, S½NE¼NW¼NE¼, NW¼NW¼NW¼NE¼, S½NW¼NW¼NE¼, S½NW¼NE¼, N½NE¼SE¼NE¼, NE¼NW¼SE¼NE¼, NE¼NE¼NW¼, SE¼NW¼NE¼NW¼, SW¼NE¼NW¼, N½SE¼NE¼NW¼, SW¼SE¼NE¼NW¼, SE¼SE¼NW¼NW¼, N½SW¼NW¼, NW¼SW¼SW¼NE¼, N½NW¼SE¼NW¼, SW¼NW¼SE¼NW¼;
Sec. 12, N½SW¼NE¼NW¼, NW¼SE¼NW¼, SW¼NW¼NW¼, NE¼NW¼NW¼, S½NW¼NW¼, SW¼NW¼, S½NW¼NW¼SE¼, N½NW¼SE¼;
Sec. 16, N½NE¼NE¼NE¼, SW¼NE¼NE¼NE¼, NW¼NE¼NE¼, N½SW¼NE¼NE¼, SW¼SW¼NE¼NE¼, NW¼NE¼, N½NE¼SW¼NE¼, SW¼NE¼SW¼NE¼, NW¼SW¼NE¼, S½N½NE¼NW¼, S½NE¼NW¼, S½N½NW¼NW¼, S½NW¼NW¼, N½SW¼NW¼, N½SE¼NW¼;
Sec. 17, S½SE¼NE¼NE¼, S½NE¼, S½SW¼NW¼, NE¼SE¼NW¼, E½NW¼SE¼NW¼, S½SE¼NW¼, N½N½NE¼SW¼, N½N½NW¼SW¼, N½N½NE¼SE¼, N½N½NW¼SE¼;
Sec. 18, NE¼NE¼, E½NW¼NE¼, NE¼SW¼NE¼, N½SE¼SW¼NE¼, SE¼SE¼SW¼NE¼, W½NE¼SE¼NE¼, NW¼SE¼NE¼, S½SE¼NE¼, E½NE¼NE¼SE¼, W½NW¼NE¼SE¼, N½S½NE¼SE¼, NE¼NE¼NW¼SE¼.

Totaling approximately 1437 acres.

T. 43 N., R. 9 E.,
Sec. 31, SE¼SW¼NE¼, NW¼SW¼SE¼NE¼, S½SW¼SE¼NE¼, NW¼NE¼SE¼, W½SW¼NE¼SE¼, NE¼NW¼SE¼, S½NW¼NW¼SE¼, S½NW¼NW¼SE¼, SW¼SE¼, NW¼NW¼SE¼SE¼, SW¼SW¼SE¼SE¼;
Sec. 36, SE¼SE¼NE¼SE¼, NE¼SE¼SE¼, SE¼NW¼SE¼SE¼, SW¼SE¼SE¼, W½E½NW¼NE¼, W½NW¼NE¼, W½E½SW¼NE¼, W½SW¼NE¼.

Totaling approximately 205 acres.

The areas described aggregate approximately 1,784 acres in Shoshone County, Idaho.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 68–8423; Filed, July 16, 1968; 8:45 a.m.]

Totaling 142.5 acres.

T. 43 N., R. 10 E.,
Sec. 15, SE¼NE¼SW¼, S½SW¼SW¼, SE¼SW¼;
Sec. 21, NE¼NE¼NE¼;
Sec. 22, N½NW¼NW¼;
Sec. 26, SW¼NE¼NW¼SE¼ (Less the portion overlapping the south boundary of the Contention claim, Patented Solace Group (MS2396) Approximately 0.8 acres), W½NW¼SE¼ (Less the portion overlapping the south boundary of the Contention claim, Patented Solace Group (MS2396) Approximately 2.0 acres), W½SE¼NW¼SE¼, W½SW¼SE¼;
Sec. 35, W½E½NW¼NE¼, W½NW¼NE¼, W½E½SW¼NE¼, W½SW¼NE¼.

Totaling approximately 205 acres.

The areas described aggregate approximately 1,784 acres in Shoshone County, Idaho.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 68–8423; Filed, July 16, 1968; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

WYOMING

Designation of County Within Great Plains Area Where Great Plains Conservation Program is Specifically Applicable

For the purpose of making contracts based upon an approved plan of farming operations pursuant to the act of August 7, 1956 (70 Stat. 1115, 16 U.S.C. 590p(b)), as amended, the following county in the following State is designated as susceptible to serious wind erosion by reason of its soil types, terrain, and climatic and other factors.

WYOMING

Niobrara.

Done at Washington, D.C., this 11th day of July 1968.

JOHN A. BAKER,
Assistant Secretary.

[F.R. Doc. 68–8447; Filed, July 16, 1968; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GEIGY INDUSTRIAL CHEMICALS

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8B2312) has been filed by Geigy Industrial Chemicals, Division of Geigy Chemical Corp., Ardsley, N.Y. 10502, proposing an amendment to § 121.2520 *Adhesives* (21 CFR 121.2520) to provide for the safe use of tetrakis [methylene (3,5-di - *tert* - butyl - 4 - hydroxyhydrocinnamate)] methane as an optional component in food-packaging adhesives.

Dated: July 8, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–8492; Filed, July 16, 1968; 8:50 a.m.]

HETEROCHEMICAL CORP.

Amended Notice of Filing of Petition for Food Additive Menadione Dimethylpyrimidinol Bisulfite

In the FEDERAL REGISTER of May 7, 1968 (33 F.R. 6891), notice was given that a petition had been filed by the Heterochemical Corp., 111 East Hawthorne Avenue, Valley Stream, N.Y. 11580, proposing the issuance of a food additive regulation to provide for the safe use of from 2 to 20 grams of menadione dimethylpyrimidinol bisulfite in poultry feed as a nutritional supplement for the prevention of vitamin K deficiency.

Notice is given pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)) that said petition as amended proposed the issuance of a regulation to provide for the safe use of the additive in the feed of warm-blooded four-footed animals and for its use in the drinking water of poultry.

Dated: July 10, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–8493; Filed, July 16, 1968; 8:50 a.m.]

MUCOLYTIC AEROSOL PREPARATIONS CONTAINING TYLOXAPOL OR SODIUM ETHASULFATE

Drugs for Human Use, Drug Efficacy Study Implementation Announcement

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparations:

1. Alevaire (tyloxapol 0.125 percent); Winthrop Products, Inc., 90 Park Avenue, New York, N.Y. 10016.

2. Alevaire (tyloxapol 0.125 percent); Winthrop Laboratories, Division of Sterling Drug, 90 Park Avenue, New York, N.Y. 10016.

3. Tergemist (sodium ethasulfate 0.125 percent; potassium iodide 0.1 percent); Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064.

The Academy reports state that these articles are ineffective in that there is no evidence that tyloxapol or sodium ethasulfate in the amount present in these

preparations has any effect on secretions in the lung other than that of water in thinning secretions by simple dilution. Further, the concentration of potassium iodide in the Tergemist preparation is too low to contribute to the claimed effectiveness of the drug.

The Food and Drug Administration concurs in the opinions expressed by the Academy and concludes that there is a lack of substantial evidence that either Alevaire or Tergemist will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of the new-drug applications for Alevaire and Tergemist.

Prior to initiating such action, however, the Commissioner invites the holders of the new-drug applications for Alevaire and Tergemist, as well as any person who may be adversely affected by removal of these drugs from the market, to submit any pertinent data bearing on the proposal within 30 days from the date of publication of this announcement in the FEDERAL REGISTER. Any such data should be addressed to the Special Assistant for Drug Efficacy Study Implementation, Bureau of Medicine, Food and Drug Administration, 200 "C" Street SW., Washington, D.C. 20204.

This announcement is made to give persons who may be adversely affected by withdrawal of the drugs from the market notice of the proposed action based on the evaluation of these articles.

The holders of the new-drug applications for these drugs have been mailed a copy of the NAS–NRC report. Any other interested person may obtain a copy of the NAS–NRC reports on Alevaire or Tergemist by writing to the Food and Drug Administration, Press Relations Office, 200 "C" Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the authority vested in the Secretary of Health, Education, and Welfare, by the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and delegated to the Commissioner (21 CFR 2.120).

Dated: July 9, 1968.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 68–8494; Filed, July 16, 1968; 8:51 a.m.]

[Docket No. FDC–D–111; NDA No. 14–241]

UNIMED, INC.

Serc Tablets; Notice of Opportunity for Hearing

Notice is hereby given to Unimed, Inc., Morristown, N.J. 07960, that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (e)) withdrawing approval of new-drug application Number 14–241 and all amendments and supplements thereto held by Unimed, Inc., for the drug Serc tablets (betahistine hydrochloride) on the grounds that:

1. New information before the Food and Drug Administration with respect to this drug evaluated together with the evidence available when the application was approved show that there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof; and

2. Investigation by the Food and Drug Administration indicates that the application contains untrue statements of material facts about the status of some of the patients involved in the clinical trials, the drugs they were given, and the results obtained.

Specifically, new evidence concerning a clinical investigation of Serc tablets reported by Joseph Charles Elia, M.D., Reno, Nev., conducted under the sponsorship of Unimed, Inc., and submitted by the applicant as evidence of the effectiveness of the drug, which study was evaluated as providing the substantial evidence of effectiveness essential to the approval of the new-drug application, reveals that the study is so defective in its execution as to render it inadequate as a basis on which it can fairly and responsibly be concluded by experts, qualified by scientific training and experience to evaluate the effectiveness of the drug involved, that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling; in that:

A. The study is deficient in essential diagnostic and baseline observations for the study condition Meniere's Syndrome.

B. The study data do not present full information concerning concomitant treatment for the study condition and, in the majority of patients, for concurrent medical problems.

C. The study data give a frequency and severity for vertiginous episodes in some patients which is disparate from that reported by these patients on personal interview.

D. The report of investigation contains statements of useful results observed in some of the patients being treated with the drug which for reasons specified in A, B, and C above are not valid.

The Commissioner also proposes under the provisions of section 505(d) of the act (21 U.S.C. 355(d)) to refuse to approve all supplements pending on new-drug application number 14–241 for the drug Serc tablets on the grounds that there is a lack of substantial evidence before him with respect to such drug to show that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the proposed labeling thereof.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant and any interested person who would be adversely affected by an order withdrawing such approval an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of new-drug application number 14–241, as amended and supplemented, should not be withdrawn and approval of the pending supplements to the new-drug application should not be refused.

Within 30 days from the date of publication of this notice in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food and Drug Division, room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new-drug application and all amendments and supplements thereto and refusing to approve the pending supplements. Failure of such persons to file such a written appearance of election within 30 days following the date of publication of this notice in the FEDERAL REGISTER will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process that the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing by filing a timely written appearance of election, a hearing examiner will be named by the Commissioner and he shall issue a written notice of the time and place for the hearing.

This notice is issued under the authority contained in the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052, as amended; 21 U.S.C. 355) and delegated to the Commissioner (21 CFR 2.120).

Dated: July 8, 1968.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 68–8495; Filed, July 16, 1968; 8:51 a.m.]

Social and Rehabilitation Service

[Interim Policy Statement No. 2]

MEDICAL ASSISTANCE PROGRAM

Notice of Interim Policies and Requirements

Notice is hereby given that the regulations set forth below (made pursuant to sec. 1102 of the Social Security Act, 42 U.S.C. 1302) prescribe certain interim policies and requirements for Social and Rehabilitation Service programs which were announced, in a policy statement with binding effect on States, on May 24, 1968, by the Administrator, Social and Rehabilitation Service. Interested persons who wish to submit comments, suggestions, or objections pertaining thereto may present their views in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of these interim policies and requirements in the FEDERAL REGISTER. The final regulations will be codified in Title 45 of the Code of Federal Regulations.

Dated: June 18, 1968.

[SEAL] MARY E. SWITZER,
Administrator, Social and Rehabilitation Service.

Approved: July 10, 1968.

WILBUR J. COHEN,
Secretary.

1. *Subject.* Change of date on which State plans must meet certain financial participation requirements.

2. *Purpose.* To implement section 1902(a)(2) of the Social Security Act as amended by Public Law 90–248.

3. *State plan requirements.* Effective July 1, 1969, a State plan for medical assistance must:

a. Provide that State funds will be used to pay all of the non-Federal share of the total expenditures under the plan; or

b. If there is local financial participation, provide a method of apportioning State and Federal funds among the political subdivisions on an equalization or other basis that will assure that lack of funds from local sources does not result in lowering the amount, duration, scope, or quality of care and services or level of administration under the plan in any part of the State.

4. *Federal financial participation.* Not applicable.

1. *Subject.* Increased Matching for Professional Personnel.

2. *Purpose.* To implement section 1903(a)(2) of the Social Security Act as amended by Public Law 90–248.

3. *State plan requirements.* Not applicable.

4. *Federal financial participation.* With respect to expenditures made after December 31, 1967, Federal financial participation at 75 percent is available for the compensation of skilled professional medical personnel, and staff directly supporting such personnel, of the State agency or any other public agency, in the administration of the medical assistance program at the State or local level, and for their training and educational leave with respect to title XIX.

Subject. Payments for Medical Services and Care by a Third Party.

Purpose. To implement sections 1902(a)(25) and 1903(d)(2) of the Social Security Act.

State plan requirements. Effective April 1, 1968, a State plan for medical assistance must provide that:

1. The State or local agency will take reasonable measures to ascertain any legal liability of third parties arising after March 31, 1968, for medical care and services included under the plan, the need for which arises out of injury, disease, or disability of applicants for or recipients of medical assistance.

2. The State or local agency, in determining whether medical assistance is payable, will treat any third party liability as a current resource when such liability is found to exist and payment by the third party has been made or will be made within a reasonable time.

3. The State or local agency will not withhold payment in behalf of an eligible individual because of the liability of a third party when such liability or the amount thereof cannot be currently established or is not currently available to pay the individual's medical expense.

4. The State or local agency will seek reimbursement from a third party for assistance provided when the party's liability is established after assistance is granted and in any other case in which the liability of a third party existed, but was not treated as a current resource.

Federal financial participation. The State may claim Federal financial participation in expenditures for medical assistance made in accordance with the provisions for consideration of income and resources in the approved State plan. Accordingly, since the liability of a third party is considered as a resource, the State may not include, in the amount claimed, payments made for medical care and services rendered recipients, arising out of injury, disease, or disability, to the extent that: (1) The third party liability constituted a current resource but was disregarded when such payments were made, (2) the agency failed to take reasonable steps to collect reimbursement from a third party whose liability was subsequently established, or (3) the agency received funds from a third party in satisfying his liability to the recipient.

The term "third party" includes an individual, institution, corporation, public or private agency who is or may be liable to pay all or part of the medical cost of injury, disease, or disability of an applicant or recipient of medical assistance.

The Federal Government will receive its pro rata share of any funds received in instances representing reimbursements from third parties, if Federal participation has been claimed.

Subject. Title XIX—New Optional Inclusion of "Essential Persons" under Plans Approved Under Titles I, X, XIV, and XVI.

Purpose. To implement section 1905(a) of title XIX of the Social Security Act, as amended.

State plan requirements. None.

Federal financial participation. Effective with respect to payments made on or after January 2, 1968, Federal financial participation is available in the costs of medical care and services provided to:

A spouse of a recipient of financial assistance under a plan approved under title I, X, XIV, or XVI, who is living with and has been determined, in accordance with the State plan, to be essential to the well-being of such recipient, and whose needs are taken into account in determining the amount of financial assistance provided to such recipient.

[F.R. Doc. 68–8496; Filed, July 16, 1968; 8:51 a.m.]

[Interim Policy Statement No. 3]

EMERGENCY ASSISTANCE PROGRAM—AFDC

Notice of Interim Policies and Requirements

Notice is hereby given that the regulations set forth below (made pursuant to sec. 1102 of the Social Security Act, 42 U.S.C. 1302) prescribe certain interim policies and requirements for Social and Rehabilitation Service programs which were announced, in a policy statement with binding effect on States, on May 24, 1968, by the Administrator, Social and Rehabilitation Service. Interested persons who wish to submit comments, suggestions, or objections pertaining thereto may present their views in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of these interim policies and requirements in the FEDERAL REGISTER. The final regulations will be codified in Title 45 of the Code of Federal Regulations.

Dated: June 18, 1968.

[SEAL] MARY E. SWITZER,
Administrator, Social and Rehabilitation Service.

Approved: July 10, 1968.

WILBUR J. COHEN,
Secretary.

Subject. Emergency Assistance to Needy Families With Children.

Purpose. To implement sections 403(a)(5) and 406(e) of the Social Security Act.

Regulations—A. *Requirements for state plans.* A State plan under title IV, part A, providing for emergency assistance to needy families with children must:

(1) Specify the eligibility conditions imposed for the receipt of emergency assistance. These conditions may be more liberal than those applicable to other parts of the plan. (See B(1) below for scope of Federal financial participation.)

(2) Specify if migrant workers with families will be included and, if emergency assistance will not be available to them statewide, the part or parts of the State in which it will be provided.

(3) Specify the emergency needs that will be met, whether mass feeding or clothing distribution are included, and the methods of providing payments, medical care, and other remedial care.

(4) Specify which of the following services will be provided: information, referral, counseling, securing family shelter, child care, legal services, and any other services that meet needs attributable to the emergency or unusual crisis situations.

(5) Provide that emergency assistance will be given forthwith.

B. *Federal financial participation.* Beginning with the effective date of approval of the amendment to the State plan for AFDC which provides for emergency assistance to needy families with children pursuant to section 406(e) of the Act:

(1) Federal financial participation is available for emergency assistance to or on behalf of a needy child under the age of 21 and any other member of the household in which he is living if—

(a) Such child is (or, within 6 months prior to the month in which such assistance is requested, has been) living with any of the relatives specified in section 406(a)(1) of the Act in a place of residence maintained by one or more of such relatives as his or their own home,

(b) Such child is without resources immediately accessible to meet his needs,

(c) The emergency assistance is necessary to avoid destitution of such child or to provide living arrangements for him in a home, and

(d) His destitution or need for living arrangements did not arise because he or such relative refused without good cause to accept employment or training for employment.

(2) The rate of Federal financial participation in expenditures during a quarter as emergency assistance in accordance with the provisions of an approved State plan is:

(a) 50 percent of the total amount of such expenditures which are in the form of money payments, payments in kind, or such other payments as the State agency specifies, including loans and vendor payments, or medical or remedial care recognized under State law, with respect to or on behalf of individuals described in (1); and 50 percent of the total amount expended for administration, including costs incurred in determining eligibility, in the payment process, and for other related administrative activities,

(b) 75 percent of the total amount of such expenditures which are for the following services provided to individuals described in B(1), directly by staff of the agency, or by purchase from other sources: Information, referral, counseling, securing family shelter, child care, legal services, and any other services that meet needs attributable to the emergency or unusual crisis situations.

Federal matching is available only for emergency assistance which the State authorizes during one period of 30 consecutive days in any 12 consecutive months, including payments which are to meet needs which arose before such 30-day period or are for such needs as rent which extend beyond the 30-day period. Another condition for Federal participation is that the State has a reasonable method of determining the value of goods in kind or services provided for emergency assistance.

[F.R. Doc. 68-8497; Filed, July 16, 1968; 8:51 a.m.]

[Interim Policy Statement No. 4]

NEED-REQUIREMENTS FOR STATE PUBLIC ASSISTANCE PLANS

Notice of Interim Policies and Requirements

Notice is hereby given that the regulations set forth below (made pursuant to sec. 1102 of the Social Security Act, 42 U.S.C. 1302) prescribe certain interim policies and requirements for Social and Rehabilitation Service programs which were announced, in a policy statement with binding effect on States, on May 31, 1968, by the Administrator, Social and Rehabilitation Service. Interested persons who wish to submit comments, suggestions, or objections pertaining thereto may present their views in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of these interim policies and requirements in the FEDERAL REGISTER. The final regulations will be codified in Title 45 of the Code of Federal Regulations.

Dated: June 18, 1968.

[SEAL] MARY E. SWITZER,
Administrator, Social and Rehabilitation Service.

Approved: July 10, 1968.

WILBUR J. COHEN,
Secretary.

1. *Subject.* Need, Requirements for State Public Assistance Plans.

2. *Purpose.* A. to replace with updated, simplified material the policies on Need in Handbook IV-3000 to IV-3200 including the following policy revisions:

(1) Item (3)(C)(2)(i) to assure that available income and resources for current needs considered in relation to the State's standards of assistance will first be applied to maintenance costs;

(2) Item (3)(D)(8) to provide a less complex method for determining monthly earned income than currently exists; and

(3) Item (3)(C)(4)(ii) to provide that grants such as scholarships, in addition to loans, will not be included as income when they are obtained and used under conditions that preclude their use for current living costs.

B. To implement the 1967 Social Security Amendments as follows: Sections 402(a)(7) and (8), 402(a)(23), 2(a)(10)(A), 1002(a)(8)(C), 1402(a)(8)(A), 1602(a)(14)(D), 1102, and 1119 and Public Law 90-222, Economic Opportunity Amendments of 1967, section 109.

3. *Requirements for state plans.* A State plan for OAA, AFDC, AB, APTD, or AABD must, as specified below:

A. *General.* Provide that the determination of need and amount of assistance for all applicants and recipients will be made on an objective and equitable basis and all types of income will be taken into consideration in the same way, except where specifically authorized by Federal statute.

B. *Standards of assistance.* 1. Specify a Statewide standard, expressed in money amounts, to be used in determining (i) the need of applicants and recipients and (ii) the amount of the assistance payment.

2. Provide that by July 1, 1969, a State's standard of assistance for the AFDC program will have been adjusted to reflect fully changes in living costs since such standards were established, and any maximums that the State imposes on the amount of aid paid to families will have been proportionately adjusted.

3. Provide that the standard will be uniformly applied throughout the State.

4. Include the method used in determining needs, which must be one of the three methods described in "Guides and Recommendations" or a comparable method which meets the conditions specified in such guides and is approved by the Assistance Payments Administration.

5. If the State agency includes special need items in its standard, (i) describe those that will be recognized, and the circumstances under which they will be included, and (ii) provide that they will be considered in the need determination for all applicants and recipients requiring them.

6. If the State chooses to establish the need of the individual on a basis that recognizes, as essential to his well-being, the presence in the home of other needy individuals,

(i) Specify the persons whose needs will be included in the individual's need, and

(ii) Provide that the decision as to whether any individual will be recognized as essential to the recipient's well-being shall rest with the recipient.

C. Income and resources—OAA, AFDC, AB, APTD, AABD. 1. Specify the amount and types of real and personal property, including liquid assets, that may be reserved, i.e., retained to meet current and future needs while assistance is received on a continuing basis. In addition to the home, personal effects, automobile and income producing property allowed by the agency, the amount of real and personal property, including liquid assets, that can be reserved for each individual recipient shall not be in excess of $2,000. Policies may allow reasonable proportions of income from businesses or farms to be used to increase capital assets, so that income may be increased.

2. Provide that, in establishing financial eligibility and the amount of the assistance payment:

(i) All income and resources, after policies governing the allowable reserve, disregard or setting aside of income and resources have been applied, will be considered in relation to the State's standard of assistance, and will first be applied to maintenance costs;

(ii) Income and resources will be reasonably evaluated;

(iii) Only such net income as is actually available for current use on a regular basis will be considered, and only currently available resources will be considered;

(iv) Effective July 1, 1968, current payments of assistance will not be reduced because of prior overpayments unless the recipient has income or resources currently available in the amount by which the agency proposes to reduce payment; except that where there is evidence which clearly establishes that a recipient wilfully withheld information about his income or resources, such income or resources may be considered in the determination of need to reduce the amount of the assistance payment in current or future periods; and

(v) If agency policies provide for allocation of the individual's income as necessary for the support of his dependents, such allocation shall not exceed the total amount of their needs as determined by the statewide standard.

3. Provide that no inquiry will be made of the amount of earnings of a child under 14 years of age.

4. Provide that, in determining the availability of income and resources, the following will not be included as income:

(i) Income equal to expenses reasonably attributable to the earning of income;

(ii) Loans and grants, such as scholarships, obtained and used under conditions that preclude their use for current living costs; and

(iii) Home produce of an applicant or recipient, utilized by him and his household for their own consumption.

5. Provide that agency policies assure that when support payments by absent parents have been ordered by a court, a regular amount of income is available monthly to meet the determined needs of the mother and children, whether or not the support payments are received regularly, and the agency does not delay or reduce public assistance payments on the basis of assumed support which is not actually available.

6. If the State agency holds relatives responsible for the support of applicants and recipients,

(i) Include an income scale for use in determining whether responsible relatives have sufficient income to warrant expectation that they can contribute to the support of applicants or recipients, which income scale exceeds a minimum level of living and at least represents a minimum level of adequacy that takes account of the needs and other obligations of the relatives; and

(ii) Provide that no request will be made for contributions from relatives whose net cash income is below the income scale. In family groups living together, income of the spouse is considered available for his spouse and income of a parent is considered available for children under 21.

7. If the State agency establishes policy under which assistance from other agencies and organizations will not be deducted in determining the amount of assistance to be paid, provide that no duplication shall exist between such other assistance and that provided by the public assistance agency. In such complementary program relationships, nonduplication shall be assured by provision that such aid will be considered in relation to:

(i) The different purpose for which the other agency grants aid, such as vocational rehabilitation;

(ii) The provision of goods and services that are not included in the statewide standard of the public assistance agency, e.g., a private agency might provide money for special training for a child or for medical care when the public assistance agency does not carry this responsibility; or housing and urban development relocation adjustment payments for items not included in assistance standards; or

(iii) The fact that public assistance funds are insufficient to meet the total amount of money determined to be needed in accordance with the statewide standard. In such instances, grants by other agencies in an amount sufficient to make it possible for the individual to have the amount of money determined to be needed, in accordance with the public assistance agency standard, will not constitute duplication.

8. Provide that payment will be based on the determination of the amount of assistance needed and that, if full individual payments are precluded by maximums or insufficient funds, adjustments will be made by methods applied uniformly statewide.

9. Provide that the agency will establish and carry out policies with reference to applicants' and recipients' potential sources of income that can be developed to a state of availability.

D. Disregard of income common to OAA, AFDC, AB, APTD, or AABD. 1. If the State chooses to disregard income from all sources before applying other provisions for disregarding income, specify the amount that is first to be disregarded, but not more than $7.50 ($5 in AFDC) per month, of any income of an individual, child, or relative claiming assistance. All income must be included such as social security or other benefits, earnings, contributions from relatives, or other income the individual may have.

2. Provide that, in determining need and the amount of the assistance payment, the following will be disregarded:

(i) The first $85 plus one-half of the excess over $85 of payments made to or on behalf of an individual or to or on behalf of any other person, for any month, under title I or II of the Economic Opportunity Act of 1964 or under any program assisted under such titles. (Effective July 1, 1968, not applicable to AFDC; effective July 1, 1969, not applicable to OAA, AB, APTD, or AABD.)

(ii) Training incentive payments and expense allowances made to an individual or to any other person under the Manpower Development and Training Act of 1962, as amended. (Effective July 1, 1968, not applicable to AFDC.)

(iii) The value of the coupon allotment under the Food Stamp Act of 1964 in excess of the amount paid for the coupons.

(iv) The value of the U.S. Department of Agriculture donated foods (surplus commodities).

With respect to 2(i) above, the disregard of income under titles I and II of the Economic Opportunity Act applies to payments made to individuals who are beneficiaries of assistance under programs such as:

Job Corps Programs (title I, part A).
Work-Training Programs (title I, part B).
Work-Study Programs (title I, part C).
Community Action Programs (title II).
Voluntary Assistance Programs for Needy Children (title II).

Meaning of term "Payments":

The term "payments" as used in title VII of the Economic Opportunity Act of 1964, as amended, refers to amounts paid to individuals who are beneficiaries of assistance under that act. It does not refer to amounts paid to regular employees as normal compensation for services primarily performed in the administration of Economic Opportunity Act programs. Payments made to beneficiaries are to be disregarded in determining the public assistance eligibility of anyone else except to the extent such payments are made available for that person's support. Any payments made to a spouse or parent are assumed to be made available for family support.

In order to assure a uniform application of title VII, the following applies:

(a) Enrollee or Student Participation in Title I Projects: Job Corps (title I-A of the Act) and Neighborhood Youth Corps (title I-B) enrollees are to be treated as beneficiaries, as are students employed under the College Work-Study Program (title I-C).

(b) Eligibility Under Other Programs:

Payment to individuals under community action programs and certain other programs sometimes qualify as benefit payments for purposes of title VII.

Payment to Trainees—Community action trainees are individuals enrolled in community action training programs who do not engage in substantial work activities and do not receive their payments in the form of wages. All payments to such persons in connection with their training should be treated as benefit payments for purposes of title VII.

Payments to Resident Non-Professionals and Individuals Enrolled in Other Combined Work-Training Programs—Resident nonprofessionals and individuals enrolled in other combined work-training programs will be designated by the community action agency or the delegate operating the program. If the program is operated independently of a community action agency, the organization operating the program will make the determination. In the event the State welfare agency disagrees with the determination provided by the designating agency, it should discuss the matter with the Community Action Division at the OEO Regional Office level. If the matter cannot be settled there, it will be presented to the Social and Rehabilitation Service and the Community Action Program at the headquarters level for resolution.

Grantee personnel policies, developed and issued in accordance with CA Memo 23-A include criteria for determining which individuals qualify as resident nonprofessionals or are in other combined work-training programs, and provide for recording of such determination in appropriate personnel records. As a matter of standard practice, resident nonprofessionals and individuals who are in other combined work-training programs are so advised and informed of the impact on their welfare payment.

Individuals are designated as nonprofessionals or are otherwise selected for combined work-training programs primarily on the basis of residence in a target area or membership in the target population. Examples of resident nonprofessionals are health aides, teacher aides, neighborhood workers, foster grandparents, survey workers or persons who work in similar capacities. Combined work-training programs include the following: Community Employment and Betterment Programs which includes Operation Mainstream; New Careers Programs; Special Impact Programs which are funded under title I-D of the Act; and Concentrated Employment Programs.

Such persons are regarded as beneficiaries only on a partial and temporary basis. Accordingly, any payment from the above programs up to $150 for any month is regarded as a benefit payment to which the exemption under title VII applies. A person is entitled to the title VII exemption for a total of 12 calendar months which need not be consecutive. If an individual is retained after the 12-month period, he is regarded as a regular employee, and his payments, thereafter, whether for full-time or part-time work, are considered to be wages not subject to the exemptions under title VII. The 12-month period is retroactive to the beginning of the employment.

Situations will arise when a State or local assistance agency determines that payments under the Economic Opportunity Act which have been disregarded in accordance with title VII should not have been disregarded. Such changed determinations are not to be used by the State or local assistance agency as a basis for attempted recovery or adjustment of overpayments made by them in the past. When a State or local public assistance agency determines that an individual is eligible for assistance according to existing instructions for title VII interpretation, any subsequent issuances which reverse this decision will not be the basis for audit exception.

3. Provide that income and resources which are disregarded or set aside will not be taken into consideration in determining the need of any other individual for assistance except in the case of payments under the Economic Opportunity Act, which will be considered to the extent they are made available to or for another individual.

4. Provide that the agency, in determining the amount of an individual's monthly earned income, will deduct all work expenses, personal and nonpersonal, from gross income in arriving at the amount to be disregarded, and will take into consideration all remaining income in determining need and the amount of assistance.

E. Disregard of earned income—definition. For purposes of disregarding earned income the agency policies will include:

1. A definition of "earned income" in accordance with the following:

(i) It encompasses income in cash or in kind earned by a needy individual through the receipt of wages, salary, commissions, or profit from activities in which he is engaged as a self-employed individual or as an employee. Such earned income may be derived from his own employment, such as a business enterprise, or farming; or derived from wages or salary received as an employee. It includes earnings over a period of time for which settlement is made at one given time, as in the instance of sale of farm crops, livestock, or poultry.

In considering income from farm operation, the option available for reporting under OASDI, namely the "cash receipts and disbursements" method, i.e., a record of actual gross, of expenses, and of net, is an individual determination and is acceptable also for public assistance.

(ii) With reference to commissions, wages, or salary, the term "earned income" means the total amount, irrespective of personal expenses, such as income-tax deductions, lunches, and transportation to and from work, and irrespective of expenses of employment which are not personal, such as the cost of tools, materials, special uniforms, or transportation to call on customers.

(iii) In the instance of self-employment, the term "earned income" means the total profit from business enterprise, farming, etc., resulting from a comparison of the gross income received with the "business expenses," i.e., total cost of the production of the income. Personal expenses, such as income-tax payments, lunches, and transportation to and from work, are not classified as business expenses.

The above definition excludes the following from "earned income":

Returns from capital investment with respect to which the individual is not himself

actively engaged, as in a business (for example, under most circumstances, dividends and interest would be excluded from "earned income"); Benefits (not in the nature of wages, salary, or profit) accruing as compensation, or reward for service, or as compensation for lack of employment; (for example, pensions and benefits, such as United Mine Workers' benefits or veterans' benefits).

With regard to the degree of activity, earned income is income produced as a result of the performance of services by a recipient; in other words, income which the individual earns by his own efforts, including managerial responsibilites, would be properly classified as earned income, such as management of capital investment in real estate. Conversely, for example, in the instance of capital investment wherein the individual carries no specific responsibility, such as where rental properties are in the hands of rental agencies and the check is forwarded to the recipient, the income would not be classified as earned income.

Reserves accumulated from earnings are given no different treatment than reserves accumulated from any other source.

2. Provision for disregarding earned income for the period during which it is earned, rather than when it is paid, in cases of lump-sum payment for services rendered over a period of more than 1 month.

F. Disregard of earned income applicable only to OAA, APTD, or AABD. If the State chooses to disregard earned income, specify the amount to be disregarded of the first $80 per month of income that is earned by an aged or disabled individual claiming OAA, APTD, or AABD, who is not blind, but not more than $20 per month plus one-half of the next $60 of such earned income.

G. Disregard of income and resources applicable only to APTD and AABD. If the State chooses to disregard income (which may be additional to the income disregarded under F above) or resources for a disabled individual to achieve the fulfillment of a plan of self-support, provide that the amounts of additional income and resources will not exceed that found necessary for the period during which the individual is actually undergoing vocational rehabilitation, and specify the period, not in excess of 36 months, for which such amounts are to be disregarded.

H. Disregard of income and resources applicable only to AB, AABD. Provide that, in determining the need of individuals who are blind,

1. The first $85 per month of earned income of the individual plus one-half of earned income in excess of $85 per month will be disregarded; and

2. If the individual has a plan for achieving self-support, such additional income and resources as are necessary to fulfill such plan will be disregarded for a period not in excess of 12 months. Such additional income and resources may be disregarded for an additional period not in excess of 24 months (for a total of 36 months), as specified in the State plan.

I. Disregard of income applicable only to AFDC. 1. Effective until the State plan includes item 3 below, not later than July 1, 1969, if the State chooses to disregard earned income of dependent children under age 18, specify the amount that is to be disregarded, but not more than $50 per month of income which is earned by any such child and not more than a total of $150 per month of earned income of all such dependent children living together in the same home.

2. Provide through June 30, 1968, that in determining the need of any individual under the plan, the State agency will disregard, for a period of not less than 12 months, the first $85 earned by him or any other person in any month of such period for services rendered to any program assisted under title I of the Elementary and Secondary Education Act of 1965.

If the State chooses to disregard the earnings for a period in excess of 12 months, specify the total period, not in excess of 24 months, for which such earnings will be disregarded.

3. Effective July 1, 1969, and may at any time after January 1, 1968, provide that the following income will be disregarded:

(i) All of the earned income of any child receiving AFDC if the child is a full-time student or part-time student who is not a full-time employee.

A student is one who is attending a school, college, or university or a course of vocational or technical training designed to fit him for gainful employment and includes a participant in the Job Corps program under the Economic Opportunity Act. A full-time student must have a school schedule that is equal to a full-time curriculum. A part-time student must have a school schedule that is equal to at least one-half of a full-time curriculum.

(ii) The first $30 of the total of earned income for a month of all other individuals whose needs are included in the family grant, plus one-third of the remainder of their earned income for the month; except that

(A) The State agency will not disregard earned income for a month of any one of the persons in a family as provided in item (ii) if such a person (1) terminated his employment or reduced his earned income without good cause within the period of 30 days preceding such month; or (2) refused without good cause within the period of 30 days preceding such month to accept employment in which he is able to engage which is offered through the public employment offices of the State, or is otherwise offered by an employer if the offer of such employer is determined by the State or local agency administering the State plan, after notification by him, to be a bona fide offer of employment; and

(B) The State agency will not disregard earned income for a month of the persons in a family as provided in item (ii) if the income of such persons for such month exceeds their need as determined without application of any provisions for disregarding or setting aside of income unless for any 1 of the 4 preceding months their needs were met by an AFDC payment.

Effective July 1, 1968, earned income for purposes of this provision includes training allowances under MDTA, payments under the Economic Opportunity Act, including payments to beneficiaries of assistance under that Act, or earnings under title I of the Elementary and Secondary Education Act, but does not include incentive payments or earnings derived from participation in Institutional and Work Experience Training or Special Work Projects under the Work Incentive Programs established under part C of title IV of the Social Security Act.

4. If any portion of an AFDC family's income is to be conserved for the future identifiable needs of a child, specify the needs and amount and type of income to be conserved and provide that such amount will be reasonable for the purpose for which it is being conserved.

4. Federal financial participation. Federal participation will be available in financial assistance payments made on the basis that all income of the needy individual, together with the assistance payment, do not exceed the State's defined standard of assistance, and available resources of the needy individuals do not exceed the limits under the State plan.

Federal participation is available within the maximums specified in the Federal law, when the payments do not exceed the amount determined to be needed under the statewide standard, and are made in accordance with the State method for determining the amount of the payment.

Federal participation is available in financial assistance payments made on the basis of the need of the individual. This basis may include consideration of needy persons living in the same home with the recipient when such other persons are within the State's policy as essential to his well-being. Persons living in the home who are "essential to the well-being of the recipient," as specified in the State plan, will govern as the basis for Federal participation (see Guides and Recommendations). When the State includes persons living outside the home or persons not in need, Federal participation is not available for that portion of financial assistance payments attributable to such persons, and the State's claims must, therefore, identify the amounts of any such nonmatchable payments.

The amount of the payments by the agency to the recipient representing support payments received by the agency is not subject to Federal financial participation. The normal procedure followed under these circumstances is to pay the gross needs amount and claim this amount for Federal financial participation and then handle the support payment as a refund and adjust the Federal share on this basis.

Federal financial participation in vendor payments for home repairs. With respect to expenditures made after December 31, 1967, expenditures to a maximum of $500 are subject to Federal financial participation at 50 percent for repairing the home owned by an individual who is receiving aid or assistance (other than Medical Assistance to the Aged) under a State plan for OAA, AFDC, AB, APTD, or AABD if—

1. Prior to making the expenditures the agency determined that:

(i) The home is so defective that continued occupancy is unwarranted;

(ii) Unless repairs are made the recipient would need to move to rental quarters; and

(iii) The rental cost of quarters for the recipient (including the spouse living with him in such home and any other individual whose needs were considered in determining the recipient's need) would exceed (over a period of 2 years) the repair costs needed to make such home habitable together with other costs attributable to continued occupancy of such home.

2. No expenditures for repair of such home were made previously pursuant to a determination as described in 1. This does not preclude more than one payment made at the time repairs are made pursuant to the determination, e.g., separate payments to the roofer, the electrician, and the plumber.

3. Expenditures for home repairs are authorized in writing by a responsible agency person, records show the eligible person in whose behalf the home repair expenditure was made, and there is sufficient evidence that the home repair was performed.

[F.R. Doc. 68-8498; Filed, July 16, 1968; 8:51 a.m.]

[Interim Policy Statement No. 5]

UTILIZATION REVIEW OF CARE AND SERVICES

Notice of Interim Policies and Requirements

Notice is hereby given that the regulations set forth below (made pursuant to sec. 1102 of the Social Security Act, 42 U.S.C. 1302) prescribe certain interim policies and requirements for Social and Rehabilitation Service programs which were announced, in a policy statement with binding effect on States on June 7, 1968, by the Administrator, Social and Rehabilitation Service. Interested persons who wish to submit comments, suggestions, or objections pertaining thereto may present their views in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of these interim policies and requirements in the FEDERAL REGISTER. The final regulations will be codified in Title 45 of the Code of Federal Regulations.

Dated: June 18, 1968.

[SEAL] MARY E. SWITZER,
Administrator, Social and Rehabilitation Service.

Approved: July 10, 1968.

WILBUR J. COHEN,
Secretary.

1. *Subject.* Utilization Review of Care and Services—section 237 of Public Law 90-248.

2. *Purpose.* To implement the provisions of section 1902(a)(30) of the Social Security Act as amended.

3. *State plan requirements.* Effective April 1, 1968, a State plan for medical assistance must:

a. Provide that a process(es) of utilization review is established for each item of care or service listed in section 1905(a) that is included in the State's medical assistance program.

(1) The function of supervising the performance of utilization reviews may be delegated to that agency(ies) which fulfills this function under title XVIII for those items of care and service provided under both titles XVIII and XIX and for which utilization review is required under title XVIII. The single State agency and the agency(ies) to which the supervision function is delegated must work closely together in order to accommodate their mutual utilization review requirements. Such delegation is encouraged to avoid duplication of effort and expense and to achieve uniformity of utilization review requirements and methods. Such common effort is a means of striving for efficiency and economy in administration. Any State not delegating this function should advise the Department of Health, Education, and Welfare of its reasons for not doing so.

(2) For all items of care or service for which utilization review is not delegated under a(1) above, the Medical Assistance Unit of the single State agency will perform utilization reviewa itself and/or supervise those utilization reviews which may be performed by agents for the State Government, or by agencies of local governments, or by individual provider organizations or institutions. (See c(1) below.)

(3) Utilization review requirements for title XVIII will be considered as meeting title XIX requirements for providers participating under title XVIII.

b. Provided that the Medical Assistance Unit of the single State agency is responsible for all utilization review plans and procedures under the medical assistance program.

c. Proivde that, if utilization review is performed as in a(2) above, the following will be met in each utilization review plan;

(1) The activities of utilization review will be performed by a utilization review committee with representation appropriate to the medical care or service to be reviewed. Determination of committee composition and selection of committee membership will be made at the point where utilization review will be performed.

(a) A physician member may not review cases in which he is the attending physician or in which he has (or has had) significant professional responsibility.

(b) The committee must include at least one member who does not have a direct financial interest in the facility under review.

(2) Utilization review will be performed on a statistically significant sample or other basis of admissions, duration of stays, number of visits, number and kinds of prescriptions, relation of tests or medications to diagnosis, etc., as determined appropriate to the medical care or service under scrutiny. Utilization review will be made within the context of medical necessity (including both over and under utilization), appropriateness, and availability of facilities and services.

(3) The utilization review process will not limit itself to isolated cases, but will encompass patterns of overall utilization within an institution, or in a service area, or in a provider's total workload, etc., as appropriate to the medical care or service under scrutiny.

(4) A utilization review plan will be developed by the agency, organization, or institution which determines the committee composition (see sec. c (1)). Each plan developed by an agent, organization, or institution other than the single State agency will be submitted to the Medical Assistance Unit of the single State agency for approval. In all cases, a utilization review plan will describe:

(a) Objectives.

(b) Authority, responsibility, accountability.

(c) Organization.

(i) Composition of committee and subgroups, if any.

(ii) Frequency of meetings.

(iii) Format and/or description of records and minutes.

(d) Definitions.

(e) Data.

(f) Methods of case selection.

(g) Relationship of UR to title XIX claims administration and Medical Assistance Unit of the single State agency.

(f) Arrangements for committee reports, recommendations, and follow-up.

(g) Responsibilities of related administrative staff in support of utilization review.

(5) A utilization review committee will maintain appropriate records and prepare regular reports of its activities and findings. The State Medical Advisory Committee will advise the responsible Medical Assistance Unit of any recommendations or requirements on utilization review, consolidated reporting, etc. The Medical Assistance Unit of the single State agency will maintain surveillance of the committees' activities and provide appropriate consultation to committees in order to insure adequate functioning.

4. *Federal financial participation.* Not applicable.

[F.R. Doc. 68-8499; Filed, July 16, 1968; 8:51 a.m.]

[Interim Policy Statement No. 6]

REASONABLE CHARGES

Notice of Interim Policies and Requirements

Notice is hereby given that the regulations set forth below (made pursuant to sec. 1102 of the Social Security Act, 42 U.S.C. 1302) prescribe certain interim policies and requirements for Social and Rehabilitation Service programs which were announced, in a policy statement with binding effect on States, on June 7, 1968, by the Administrator, Social and Rehabilitation Service. Interested persons who wish to submit comments, suggestions, or objections pertaining thereto may present their views in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of these interim policies and requirements in the FEDERAL REGISTER. The final regulations will be codified in Title 45 of the Code of Federal Regulations.

Dated: June 18, 1968.

[SEAL] MARY E. SWITZER,
Administrator, Social and Rehabilitation Service.

Approved: July 10, 1968.

WILBUR J. COHEN,
Secretary.

1. *Subject.* Reasonable Charges—section 237 of Public Law 90-248.

2. *Purpose.* To implement the provisions of section 1902(a)(30) of the Social Security Act, as amended.

3. *State plan requirements.* Effective April 1, 1968, a State plan for medical assistance must:

a. Include a description of the policy and the methods to be used in establishing payment rates for each type of care or service listed in section 1905(a) that is included in the State's medical assistance program.

Any limitations or ceilings on reimbursement imposed by these requirements may be waived by the Secretary with respect to experiments conducted under the provisions of section 402, Public Law 90-248, Incentives for Economy Experimentation.

b. Provide that payments for care or service will be based on assurance that (1) the medical care or service rendered was medically necessary, and (2) that the claim is not in excess of the "ceilings" incorporated in the "Requirements" hereinafter described.

c. Provide that the State's claim paying process will include a systematic review on at least a statistically significant sample basis to assure that the two conditions for payment identified in b above have been met.

d. Provide that the single State agency will take whatever measures are necessary to assure appropriate audit of records wherever reimbursement is based on costs of providing care or service, or fee plus costs of materials.

e. Describe the methods which will be used to establish ceiling limitations for the following services. The State may pay less than ceiling except for (1) below:

(1) Inpatient Hospital Services:

(a) For each hospital also participating in the Health Insurance for the Aged program under title XVIII of the Social Security Act, apply the same standards and principles and the method of computing reimbursement currently applicable to such hospital under title XVIII.

(b) For each hospital not participating in the title XVIII program, apply the standards and principles described in sections 1-1 through 1-12 of "Principles of Reimbursement for Provider Costs" (HIM-5 Revised) issued by Social Security Administration, and either (i) one of the methods of computing payments described therein, or (ii) the "Gross RCC Method" of payment applied as follows: The total allowable annual inpatient

cost of operating a hospital is divided by the total annual charges for inpatients; the resulting percentage is applied to the bill of each inpatient under the medical assistance program.

(2) Drugs:

(a) The ceiling for payment for legend items, drugs for which a prescription is required under Federal law will be the lower of:

(i) Actual acquisition cost of the drug plus a fixed fee. The fixed fee should be established by analysis of pharmacy operational data which includes such components as overhead, professional services, and a fair margin of profit. Indices to be considered should include annual average salaries of pharmacists in the State, and payment practices of other third-party organizations, including other Federal programs.

(ii) The amount usually paid the pharmacist or dispensing physician by the general public for the drug.

The foregoing does not apply to payment for drugs in institutions where drugs are included in a reimbursement formula.

(b) The ceiling for payment for nonlegend items will be the pharmacist's over-the-counter price to the public.

(c) The above methods will not apply where a public agency makes bulk purchases of drugs. In such cases, payment will be made in accordance with the Governmental statutes and regulations governing such purchases.

(d) The use of a formulary is optional, as are provisions for use of therapeutically equivalent generic drugs. Where either is employed, there must be standards for quality, safety, and effectiveness under the supervision of professional personnel.

(3) Other Services:

A determination shall be made of the reasonable charges for such services. The State in determining the upper limits of reasonable charges shall take into consideration the usual payments received by the providers (for furnishing similar services) from private patients, from intermediaries and carriers for Social Security Administation, and from other third-party insuring organizations for comparable services to regular policyholders and subscribers. In making payments, the State shall take into consideration the prevailing payments in the locality for similar services.

4. *Federal financial participation.* Federal financial participation is available for payments within the above ceilings in accordance with the provisions of the State plan.

[F.R. Doc. 68-8500; Filed, July 16, 1968; 8:51 a.m.]

[Interim Policy Statement No. 7]

RECIPIENT COUNT

Notice of Interim Policies and Requirements

Notice is hereby given that the regulations set forth below (made pursuant to sec. 1102 of the Social Security Act, 42 U.S.C. 1302) prescribe certain interim policies and requirements for Social and Rehabilitation Service programs which were announced, in a policy statement with binding effect on States, on June 7, 1968, by the Administrator, Social and Rehabilitation Service. Interested persons who wish to submit comments, suggestions, or objections pertaining thereto may present their views in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of these interim policies and requirements in the FEDERAL REGISTER. The final regulations will be codified in Title 45 of the Code of Federal Regulations.

Dated: June 18, 1968.

[SEAL] MARY E. SWITZER,
Administrator, Social and Rehabilitation Service.

Approved: July 10, 1968.

WILBUR J. COHEN,
Secretary.

1. *Subject.* Recipient count.

2. *Purpose.* To implement the provisions with respect to the recipient count pursuant to sections 3, 403, 1003, 1118, 1121, 1403, and 1603 of the Social Security Act and the amendments made by sections 203, 205, 207, and 250 of Public Law 90-248.

3. *Regulation.* Federal Financial Participation.

Pursuant to the formulas in the Social Security Act it is necessary to identify expenditures that may be included in claims for Federal financial participation. Except as stated in the following, the quarterly statement of expenditures and recoveries which is required for OAA, AFDC, AB, APTD, and AABD must include, as a part of the basis for computing the amount of Federal participation in such expenditures, the number of eligible recipients each month. However, where the State is making claims under section 1118 of the Act or under optional provisions for Federal sharing specified in the various sections below no recipient count is involved. Vendor payments for medical care may not be considered if the State has a title XIX plan. The procedures for determining recipient count are set forth below:

a. For each adult category under title I, X, XIV, or XVI, the recipient count for any month may include:

1. Eligible recipients who receive money payments or in whose behalf protective payments are made for that month, plus

2. Other eligible recipients in whose behalf vendor payments for medical care are made during that month, plus

3. Other eligible recipients in whose behalf payments are made for institutional services in intermediate care facilities for that month. However, if the State elects under section 1121(c) of the Social Security Act to receive matching on the basis of the Federal medical assistance percentage for these payments, then they cannot be included for the purpose of the recipient count.

b. For title IV, Part A, the recipient count for any month may include:

1. Eligible recipients in families which receive a money payment (including payments for work performed under a community work and training program until June 30, 1968, or under the work incentive program, after March 31, 1968) for that month, plus

2. Other eligible recipients in families in whose behalf vendor payments for medical care are made during that month, plus

3. Eligible children in foster care not otherwise counted in whose behalf a foster care payment or vendor payment for medical care is made in such month, plus

4. Eligible recipients in families not otherwise counted in whose behalf protective or non-medical-vendor assistance payments are made for such month, not to exceed 10 percent of the total recipients counted under items (1), (2), and (3).

The 10 percent limitation does not apply with respect to individuals for whom protective or non-medical-vendor payments are made pursuant to section 402(a)(19)(F) because there has been a refusal without good cause to accept employment, work or training.

In AFDC, the recipient count for a family may include all eligible children, plus the eligible relative with whom the children are living. When at least one of the children in a family is eligible due to the incapacity of his own parent in the home, the recipient count may include all eligible children and the two eligible relatives with whom the children are living, if their needs were included in computing the assistance payment and they are married to each other. In the context of deprivation by reason of incapacity, the term "parent" means the natural or adoptive parent. A stepparent can be counted as the second eligible adult recipient only when he is the legal spouse of the child's own parent. Beginning January 1, 1968, the unemployment of a mother is no longer a basis for eligibility under the Aid to Families with Dependent Children program. When at least one of the children in a family is eligible due to the unemployment of his father in the home, the recipient count may include all eligible children and two eligible relatives if the needs of both were included in computing the assistance payment and they are married to each other. In the context of deprivation by reason of unemployment, the term "father" means the natural or adoptive father. A stepmother can be counted as the second eligible adult recipient only when she is the legal spouse of the unemployed father.

The recipient count for a month in which only a vendor payment is made for medical services furnished to any eligible child in the family, to any eligible relative with whom the child is living, or to any of the "essential persons", may include all eligible recipients in the family in the month that the medical service was received.

Where there are two or more dependent children living in a place of residence with two other persons who are not married to each other and each of such other persons is a relative who has responsibility for the care and control of one or more of the dependent children, there may be two separate AFDC families for purposes of aid and recipient count, if neither of such persons is the parent of all the dependent children.

c. Recipient count involving two categories—where a vendor payment is made for medical services rendered to an individual in a month in which he was eligible only under one federally aided program, the payment may be included as assistance and the recipient may be counted under such program in the month of payment, even though at the time of such vendor payment the individual may be receiving assistance and including in the recipient count under another federally aided program.

d. An "essential person" or other ineligible person who is living with the eligible person may not be counted as a recipient.

[F.R. Doc. 68-8501; Filed, July 16, 1968; 8:51 a.m.]

[Interim Policy Statement No. 8]

STATE PLAN REQUIREMENTS FOR SERVICE PROGRAMS TO CHILDREN AND FAMILIES UNDER PARTS A AND B OF TITLE IV OF THE SOCIAL SECURITY ACT

Notice of Interim Policies and Requirements

Notice is hereby given that the regulations set forth below (made pursuant to sec. 1102 of the Social Security Act, 42 U.S.C. 1302) prescribe certain interim policies and requirements for Social and Rehabilitation Service programs which were announced, in a policy statement with binding effect on States, on June 10, 1968, by the Administrator, Social and Rehabilitation Service. Interested persons who wish to submit comments, suggestions, or objections pertaining thereto may present their views in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of these interim policies and requirements in the FEDERAL REGISTER. The final regulations will be codified in Title 45 of the Code of Federal Regulations.

Dated: June 18, 1968.

[SEAL] MARY E. SWITZER,
Administrator, Social and Rehabilitation Service.

Approved: July 10, 1968.

WILBUR J. COHEN,
Secretary.

INTERIM POLICIES AND REQUIREMENTS

STATE PLAN REQUIREMENTS FOR SERVICE PROGRAMS TO CHILDREN AND FAMILIES UNDER PARTS A AND B OF TITLE IV OF THE SOCIAL SECURITY ACT

Introduction. This material describes those sections of a State Public Welfare Plan which relate to the provision of services to children and families under Parts A and B, Title IV, of the Social Security Act as well as the general rules governing the provision of services and the manner in which they are to be provided.

The State's Service Program Plan for Title IV-A is an integral part of the plan submitted by the State to cover its program of Aid to Families With Dependent Children. Approval of the Service Plan depends upon the submission of a satisfactory plan covering other AFDC requirements. Many of the provisions of the remainder of the plan will be applicable to the Service Plan (e.g., single State agency, statewideness, and opportunity for fair hearing).

Similarly, the State's Service Program Plan for Title IV-B relates to the State's Basic Plan for Child Welfare Services. The provisions of the Basic Plan will be applicable to the State's Service Program Plan for Title IV-B (e.g., single State agency and merit system).

States may, in their discretion prepare either a combined plan for services under Title IV-A and IV-B or a separate service plan for each of the parts. In either case, there must be coordination of program and administration between the two parts.

Use of AFDC and CWS funds. The Congress has made quite specific its intention that Federal and State agencies take vigorous action to reduce the need for AFDC. To that end it has required a comprehensive plan be put into effect for training recipients for employment. Similarly, it has authorized strengthening of existing service programs as well as initiation of certain required service programs designed to strengthen family life and promote child development. SRS, therefore, encourages States to view Title IV-A as the vehicle for providing a full range of services to those families needing services who are on AFDC rolls as well as necessary services to families who have been or are likely to become eligible for AFDC.

Title IV-B, Child Welfare Services funds should be used to strengthen and broaden other significant community service programs. They can be concentrated on those types of services for which Title IV-A funds are not available or which are necessary to meet the needs of families who are neither actual nor former nor potential AFDC recipients.

Timetable. Approved State service plans will remain in effect until amended. However, States will be required to update certain portions of the service plan by May 15 of the second year following approval of the plan. An annual budget estimate on approved forms and progress report based on the approved service plan must also be submitted by May 15 of each year. The annual progress report must include information on progress, major obstacles and significant developments. Amendments to the plan or budget should be submitted at least 30 days prior to making any material changes in the plan.

Categories of policies and requirements. The policies and requirements for a State service plan fall into the categories listed below and are described in the numbered sections.

Sec. I.—Required organizational and administrative provisions.
Sec. II.—Mandatory services which must be provided.
Sec. III.—Other recommended services which may be provided under one or both parts.

Where requirements differ between Title IV-A and Title IV-B the materials below so indicate.

In addition, there are other regulations which govern the operation of Title IV-A and IV-B service programs.

Sec. IV.—Other required actions which must be taken.
Sec. V.—Conditions of Federal financial participation.

Planned improvements. Both Title IV-A and IV-B call for planned improvements in the scope, coverage, and quality of services. It is recognized that the baseline of available services may vary from State to State. Therefore, the requirements below are generally stated in terms of a goal to be reached with flexibility given to the State to determine a reasonable timetable for fully meeting a goal.

In the case of Title IV-B (Child Welfare Services) States must progressively improve their services so that by July 1, 1975, they will be available in all political subdivisions of the State for all children in need thereof.

In most cases the plan requirement has been worded so as to require that the State service plan:

(a) Provide specific information as to its planned improvements over a 3-year period.

For example: During 1969 new career positions will be established for 50 low-income persons. This number will increase to 250 by 1971.

(b) Periodically, at least every two years, update its timetable of planned improvements toward the goals stated in the regulations.[1]

It is recognized that the planned improvements may require additional action by the State legislature with respect to the second or third years.

On the basis of information provided by the States, it can be expected that Federal minimum requirements for scope, coverage and quality may be periodically reviewed and revised in order to assure progression by all States toward the objectives set by the Congress.[2]

[1] Simplified formats for updating will be provided at a later date.

[2] It is contemplated that States will receive notice of planned changes in minimum requirements 1 year in advance of their effective date.

Cooperation with SRS officials. This approach to plan requirements presumes that extensive innovations and improvements in the operation of service programs will be required over the next three years. The Regional Social and Rehabilitation Service (SRS) Commissioners and their Child Welfare Representatives stand ready to assist States in planning and implementing changes. Similarly, SRS stands ready to reconsider any of its own policies which limit States in introducing program innovations. In the case of Title IV-B requirements the State must develop the State plan and annual budget jointly with the SRS Child Welfare representative and, in order to expedite plan approval, they are urged to consult in advance on Title IV-A as well.

Uses of State plan. The State plans will be used by SRS as a basis for program reporting, evaluation and auditing. It is expected that States will take all necessary steps to insure that service programs are implemented in accordance with the State plan and that all Federal requirements are met. Isolated individual variations in practice from the State plan will not generally be treated as a violation of the Federal requirement although they may result in audit exceptions. Repeated or widespread failure to conform to the approved State plan is a serious matter and can lead to withdrawal of Federal funds.

Federal regulations. The materials in this introduction as well as those which follow in section I-V constitute the Federal regulations for service programs under Parts A and B, Title IV, of the Social Security Act. The regulation consists of a statement of policy, timetable for full implementation, and description of plan materials required. The policy is stated in the main paragraph or paragraphs of each subsection of sections I-V. Indented paragraphs describe the timetable established for compliance with the policy requirement and any special types of material which must be submitted as a part of the State plan. The State plan must include for each subsection information adequate to demonstrate that the policy will be complied with.

Example of Format

Policy ----------	"There must be activities to prevent or reduce the incidence of birth out of wedlock • • •."
Timetable and required plan materials.	The State plan must demonstrate that the service will be available during the first year and indicate the planned improvements over the next two years.

STATE SERVICE PLAN REQUIREMENTS

I. *Required organizational and administrative provisions.* (A) All services must be provided by or under the supervision of a single organizational unit at both State and local levels.[2] The single organizational unit must be so structured that all parts of the services program are under the policy control of its chief officer. Within the single organizational unit the same subunits must be responsible for setting service policies and furnishing services for both AFDC and CWS families. Specific services may be delegated within the agency for services common to other groups (e.g., homemakers) or contracted, provided that this does not tend to create differences in the quality of services

[2] AFDC and CWS programs that were legally authorized to be administered by separate agencies on January 2, 1968 may remain separate.

for AFDC and CWS recipients. The single State unit must be responsible for program supervision of local departments.

This requirement must be met by July 1, 1968. The State service plan must describe the form of organization of the single organizational unit, its relation to the overall welfare agency, and the distribution of responsibilities among the major organizational divisions within the unit.

(B) The functions of arranging or providing services[4] to individuals should, to be maximum extent feasible, be performed by persons other than those who investigate or determine eligibility for, or provide, financial and medical assistance. Adequate numbers of full-time staff must be assigned to service functions under conditions which will prevent their time from being diverted to eligibility or other nonservice functions.

The plan must include information on the estimated numbers of professional personnel who will be assigned both assistance eligibility and service functions during the next year and the planned improvements over the following years. It must also explain those situations in which it is infeasible to separate functions.

(C) The State must establish an advisory committee on AFDC and CWS programs. This committee shall advise the principal policy setting and administrative officials of the agency. The committee must include representatives of other State agencies concerned with services; recipients of assistance or services or representatives of such recipients (who must constitute at least one-third of the membership of the Advisory Committee); representatives of professional, civic or other public or private organizations; and, private citizens interested and experienced in service programs. Recipients or their representatives must be selected in a manner that will assure that they are representative of the total recipient population.

The advisory committee must have adequate opportunity for meaningful participation in both policy development and program administration. When other advisory committees are established by the State the views of the State Advisory Committee should be obtained as to inclusion of recipient representation.

In those States where the program is locally administered, the local political subdivision must also establish a comparable advisory committee except that in jurisdictions with very small assistance caseloads a State may prescribe an alternate procedure for participation.

States must make such financial arrangements as will make it possible for recipients to participate in the work of the advisory committees. Similarly, the advisory committee must have such staff assistance from within the welfare agency and such independent technical assistance as will enable it to make effective judgments on the AFDC and CWS programs.

There must be an advisory committee on day care services. The State may establish a separate advisory committee on day care or may designate all or part of the Advisory Committee on AFDC and CWS Programs to perform that function. In either event, the day care advisory group must have at least one-third of its membership drawn from recipients or recipient representatives. It must also include representatives of other State agencies concerned with day care or related services and persons representative of professional or civic or other public or nonprofit private agencies, organizations or groups concerned with the provision of day care.

The State Plan must describe the structure and functions of the Advisory Committee on AFDC and CWS Programs. It must describe a system for selecting recipient representatives, within 90 days after plan approval, by:

(a) appointment of persons from panels nominated by recipient organizations; or

(b) direct or indirect election of recipient representatives; or

(c) other appropriate procedures approved by the Regional SRS Commissioner.

(D) No later than July 1, 1969, nonprofessional[5] positions must be established to assist in the provision of services. Recipients of assistance or other low income persons must be given preference for such positions. The agency must examine its staffing pattern to determine whether jobs can be restructured so as to offer opportunities for nonprofessionals. Persons employed in nonprofessional positions must have opportunities for training and a reasonable proportion must serve in positions where there is an opportunity for advancement in accordance with their abilities. Employment of nonprofessionals for service positions must be appropriately consistent with the personnel and career plan for the entire agency. The question of including or exempting nonprofessional positions under the State merit system must be determined in accordance with applicable Federal regulations on the State merit systems. Responsibility for the nonprofessional program must be assigned to a specific individual (who may be the person responsible for such activity on an agencywide basis).

The plan must indicate the position assigned responsibility for the nonprofessional program, the steps being taken to restructure positions, and describe the types and numbers of nonprofessionals to be employed in the first year and improvements to be made in the 2 succeeding years. The plan must also explain how nonprofessionals will be related to the State merit system and will participate in the agency's career development program.

(E) Adequate numbers of personnel drawn from social work and other appropriate disciplines must be available both to develop and supervise services and to provide directly specialized services.

There must be an adequate system of career development and progression for such individuals.

The plan must provide specific information on the proposed staffing pattern describing the professional positions and indicating the qualifications which will be acceptable for each category of position, and the planned changes in staffing over a 3-year period. It must also describe the career development and progression system. The plan must also describe the numbers and types of professional staff providing direct services to clients. Where the number of professionals performing both services and eligibility functions results in a caseload or workload higher than that in effect during fiscal year 1968 there must be an explanation of how quality of service will be maintained (e.g., changes in procedures, use of nonprofessionals for certain less demanding functions or purchase of services formerly provided directly).

(F) No later than July 1, 1969, volunteers of all ages and specifically including senior citizens and young people wherever feasible, must be used in the provision of services and assisting appropriate advisory committees. Responsibility for the effective operation of volunteer programs must be assigned to a specific individual who may be the person with overall responsibilities for volunteer programs in the State agency. There must be provision for reimbursement of expenses of volunteers in appropriate cases.

The plan must indicate the position to which responsibility has been assigned and describe the planned improvements in utilization of volunteers over a 3-year period.

(G) (1) There must be maximum utilization of and coordination with other public and voluntary agencies providing services similar to or related to the services provided under the plan where such services are available without additional cost.

(2) States must give thorough consideration to the use of other public and voluntary agencies as service contractors in appropriate cases. The State's use of such agencies must be based on a determination that required program standards will be met and a comparison of the effectiveness with which the services are likely to be rendered and the anticipated costs thereof.

The plan must show specific examples of the ways in which public and voluntary agencies will be used.

(H) Plans must be made to (a) make such organizational and administrative changes as are necessary to improve the delivery and utilization of services, and (b) to simplify administrative requirements.

A specific work plan must be submitted indicating organizational and administrative matters to be examined and the method of study during the next year.

(I) Staff development on a continuing, progressive, and comprehensive basis must be provided for all staff responsible for the development and provision of services. Such training must be carried out within the framework of an overall agency training program.

A specific staff development plan for the next year must be included.

(J) There must be an opportunity for applicants and recipients to appeal under the fair hearing policy denial of or exclusion from a service program, failure to take account of recipient choice in assignment to a program, or a determination that the individual must participate in a service program. The results of appeals must be formally recorded and made available to the State advisory committee. In addition there must be a system through which recipients may present grievances about the operation of the service program.

The State Plan must describe the systems for appeals and grievances.

II. Mandatory services which must be provided to all appropriate persons (Items A–H applicable to Title IV–A plans—Items H and I applicable to Title IV–B)

NOTE: In preparing those items required for secs. II and III of the State plan which deal with services, the plan must be specific in its description of the services to be provided or purchased, the persons to whom they will be available and the manner of providing them, including an explanation of whether they will be provided by a State agency or other public agency, or by contract with a private nonprofit or proprietary organization. The plan must also show the scope or quality of service during the next year and planned improvements over the following 2 years. "Appropriate" persons, in the case of Title IV–A means all persons whose needs are considered in determining the financial needs of the family and who need the particular service. In the case of Title IV–B, "appropriate" means persons for whom the welfare department has accepted responsibility to provide services.

(A) A plan and program of service must be developed and maintained on a continuous basis for each family and child who requires services. Such plans must be developed in cooperation with the family and must be responsive to the needs of each individual within the family while taking account of the relation of individual needs to the functioning of the family as a whole. The family plan must be realistic in terms of services which can be made available. It must include for each appropriate family member a specific action-oriented series of activities and services designed to maintain and strengthen family life, foster child development and achieve permanent and adequately compensated employment. The plan must be reviewed as often as necessary, but at least annually to assure that it is being effectively implemented.

The paragraphs which follow describe the required objectives and content of the family plan. In each case the requirements are drawn from the description of services in Title IV. The intention of the law is with certain noted exceptions to authorize the broadest range of useful services.

The first stage in preparation of family plans is to screen the entire caseload and to identify those persons who are immediately referrable for training and employment. Detailed family plans must be prepared for this group on a priority basis.

With respect to family and child welfare services in the family plan, the full range of services which may be included is described in Sec. III–A.

With respect to employment the family plan shall include but need not be limited to:

Identifying the individual's current readiness or potential for employment or training;

Determining whether individuals are appropriate for referral to the Work Incentive Program; [6]

Making general and specialized diagnostic assessments (e.g., vocational, rehabilitation, education, medical, and psychological) of health, learning and other limitations that prevent involvement in employment or training. The assessment shall include necessary medical evaluations unless adequate information is already available;

Action to insure that training and employment lead to stability of employment in jobs which take full advantage of the individual's potential;

Financing of additional expenses reasonably attributable to participation in training;

Providing assistance with family problems which limit training and employability;

Provision for utilization of public and voluntary agencies in the fields of vocational rehabilitation, health, vocational, and other education. Special attention should be given to the capabilities of rehabilitation centers and workshops, community action agencies, neighborhood centers, and similar organizations.

By July 1, 1969, a detailed family plan must be completed for each family with members who can reasonably expect to be placed in employment or training. Detailed family plans must also be completed within 6 months for families coming on the rolls who have a member referrable for employment or training. Detailed family plans must be developed for other families needing services no later than the succeeding year or within 1 year after the family is added to the rolls.

Each family plan must include a specific series of actions or services which can be taken to meet the needs of the family. The State plan must also describe the extent to which the required services will be available during the first year and the extent to which they will be improved in the next 2 years. The State plan must also include a copy of the policies governing preparation of the basic family plan.

(B) Child care services, including in home or out of home services, must be available or provided to all persons referred to and accepted in the Work Incentive Program. Such care must be suitable for the individual child and the parents must be involved in selecting the care. Such services must be maintained until the person is reasonably able to make other satisfactory child care arrangements. In home services must meet standards established by the State agency. Day care services must comply with the standards of the Federal Interagency Requirements for Day Care and the requirements in sec. 422 (a)(1)(B)(i)–(vi) of the Social Security Act. Child care must be provided as a service rather than through assistance payments.

The State plan must indicate the child care services to be provided WIN parents and the improvements to be made over the next 2 years.

(C) There must be a program to prevent or reduce the incidence of births out of wedlock and to otherwise strengthen family life. Services to prevent and reduce births out of wedlock must be extended progressively to all appropriate adults and youths with initial priority for mothers who have had children born out of wedlock within the 2 preceding years or who are currently pregnant out of wedlock and youths living in conditions immediately conducive to births out of wedlock. Services must also be provided for fathers of such children.

The State plan must demonstrate that the required program and services will be available during the first year and indicate the planned improvements over the next 2 years.

(D) Family planning services must be offered and provided to those individuals wishing such services including medical contraceptive services (diagnosis, treatment, supplies, and follow-up), as well as social and educational services. Services must be available without regard to marital status, age, or parenting. The individual must have a choice as to method and source of service. Acceptance of services must be voluntary on the part of the individual and may not be a prerequisite or impediment to eligibility for the receipt of any other service or aid under the plan. Medical services must be provided in accordance with the standards of other State programs providing medical services for family planning (e.g., maternal and child health services).

The plan must demonstrate that services will be available within the first year and must indicate the plans for program improvement over the next 2 years.

(E) Services must be provided to:

(1) Assist children to obtain education in accordance with their capacities;

(2) Improve family living through assisting parents to overcome homemaking and housing problems;

(3) Assist in reuniting families;

(4) Assist parents in money management; including consumer education;

(5) Assist parents in child rearing;

(6) Offer education for family living;

(7) Provide, where needed, for protective or vendor payments.

The State plan must demonstrate that the required services will be available during the first year and indicate the planned improvements over the next 2 years.

(F) Protective services must be provided and there must be a specific plan whereby the State or local agency will bring cases of child protection, abuse, neglect, or exploitation to the attention of appropriate courts or law enforcement agencies. The same criteria for referral to courts or law enforcement agencies must be used as are used by the State or local agency for all other parents and children. There must be continued cooperation with such courts and officials to assist in planning for the child to serve his best interests.

The State plan must demonstrate that protective services will be in effect during the first year and indicate how they will be improved in the next 2 years.

(G) States must provide assistance to families and children through (a) identifying needs for preventive and remedial medical services, (b) locating organizations or individuals who are willing to provide quality services on a dignified basis, and (c) helping to solve any problems which may prevent them from obtaining needed medical services and from making optimum use of the services available.

The State plan must describe the steps which will be taken to meet these requirements during the first year and the planned improvements over the next 2 years.

(H) Agencies must provide leadership to and participate in the development of community resources which are necessary to the achievement of program objectives.

The State plan must describe the kinds of activities being undertaken this year and the planned improvement in the next 2 years as well as the organization and staffing being provided to accomplish these objectives.

(I) In respect to child welfare services the state plan must provide a satisfactory showing each year of establishing, extending and strengthening child welfare services in one or more of the following dimensions: (a) covering additional political subdivisions; (b) reaching additional children in need of services; (c) expanding the range of services provided; and (d) improving the quality of services through additional trained child welfare personnel.

The State plan must specify the ways in which this is being accomplished and indicate reasonable progress towards achieving a comprehensive program in all jurisdictions by July 1, 1975.

III. Other recommended services which may be provided (Applicable to Title IV–A and Title IV–B plans as indicated)

NOTE: See Note under section II. The material under section III must also indicate the differences, if any, in availability of a service to current, former and potential AFDC families and Child Welfare Services recipients.

(A) The State plan should in addition to meeting those requirements specified in section II, provide all necessary services for the child and family. The full range of family services in AFDC is contained in the following definition:

Services to a family or any member thereof for the purpose of preserving, rehabilitating, reuniting, or strengthening the family, and such other services as will assist members of a family to attain or retain capability for the maximum self-support and personal independence.

The full range of child welfare services in AFDC and CWS is contained in the following definitions:

(1) Services which supplement or substitute for parental care and supervision for the purpose of preventing, remedying, or assisting in the solution of problems which may result in the neglect, abuse, exploitation, or delinquency of children;

(2) Protecting and caring for homeless, dependent, or neglected children;

[4] Service responsibilities include service at intake, i.e., providing information, screening and referral within the agency and community for all families and children seeking agency help. Service also includes determining need for specific services. Activities which are necessary for determining eligibility for medical or financial assistance are not considered service activities.

[5] The terms nonprofessional and subprofessional have, as used here, the same meaning and either term may be used in the State plan. A nonprofessional position, for these purposes, is one which does not require formal educational qualifications above the high school level. In many cases there will be no formal educational requirement.

[6] See interim policies and requirements issued April 19, 1968, for description of WIN policies.

(3) Protecting and promoting the welfare of children of working mothers; and

(4) Otherwise protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or where needed, the provision of adequate care of children away from their homes in foster family homes or day care or other child care facilities.

Services under Title IV–B must be available on the basis of need for services and shall not be denied on the basis of financial need, legal residence, social status or religion. Families shall participate in the development of plans and services for them and shall have the right to accept or reject such plans and services.

Day care must meet the standards of the Federal Interagency Day Care Requirements and sec. 422(a)(1)(B)(i)–(vi) of the Social Security Act. This section requires in essence that: (a) there must be cooperative arrangements with State health and education agencies, (b) there must be an advisory committee on day care, (c) there must be a determination that day care is in the best interests of the child and that provision must be made for determining, on an objective basis, the ability of families to pay for part or all of the cost of day care and for payment of reasonable fees by families able to pay, (d) that in selecting areas which will receive day care funds the State must use a reasonable and objective method of determining the priorities of need, including special emphasis for low-income persons, and (e) that day care must be provided in facilities licensed by the State or approved as meeting the standards for such licensing, and (f) there must be involvement of parents in the care of the child, in improvement of the health of the child, and in development of the child.

The State plan must describe the scope, coverage, and quality of each service to be provided in the first year and indicate planned improvements or additions over the next 2 years. It must also specify the priority criteria to be used in providing Title IV–B day care funds and the policies governing payment of fees.

(B) Emergency assistance in the form of services to needy families with children may be provided. If Title IV–A funds are used the separate policy instructions on emergency services apply. The limitations in these policies do not apply to the use of Title IV–B funds. Emergency services must be planned and staffed so as to assure immediate accessibility and prompt response. (Applicable to Title IV–A and Title IV–B.)

The State plan must specify the nature of such services, the groups of children and families eligible for such services, and the eligibility of migrant families.

(C) Where the Work Incentive Program has not been initiated in a local jurisdiction, or is inadequate in scope or size to meet the needs of recipients, educational and training services may be provided. Where the WIN program has been initiated there must be agreement with the Labor Department that services are not available to these recipients. Full use must be made of services available through the Employment Service.

The State plan must describe the services to be provided in the first year and any planned increases or reductions (due to initiation of WIN) during the next 2 years.

IV. *Other required actions which must be taken.* (A) The State agency must furnish the Secretary with such reports and evaluations as he may specify, showing the scope, results and costs of services for individuals and families.

The State plan must indicate a willingness to supply such reports and evaluations.

(B) Effective January 1, 1969, the State agency must provide to the Secretary information on any parents of AFDC children whose location is unknown and who are failing to comply with existing court orders for support payments, or against whom petitions for orders have been filed.

The State plan must indicate willingness to provide such information.

(C) Effective January 1, 1969, the State agency must cooperate with other State agencies administering AFDC in locating parents of an AFDC child against whom a support petition has been filed and in securing compliance by a parent residing in the former agency's State.

The State plan must indicate a willingness to cooperate.

(D) A program must be instituted for establishing paternity for children born out of wedlock and for securing financial support for them and for all other children receiving AFDC who have been deserted by their parents or other legally liable persons. There must be a single staff unit in the State agency and in large local agencies to administer this program. There must be a plan of cooperation with courts and law enforcement officials and the agency must provide information aimed at locating putative fathers, establishing paternity and other matters of common concern. Procedures must be established and carried out by the welfare agency to determine the potential of putative or absent parents for providing financial support. The files of the Social Security Administration are available to State agencies when other efforts have failed to provide the necessary information on the address of a parent. There must be provision for the utilization of reciprocal arrangements with other States to obtain or enforce court orders for support. In developing plans for cooperation with courts and law enforcement officials, there must be agreement that the information provided by the State or local agency will be used only for the purpose intended. Financial arrangement must be made for reimbursement to courts and law enforcement officials found necessary for them to undertake services beyond those usually provided in such cases.

The State plan must demonstrate that the required procedures and services will be in effect during the first year.

(E) The State must provide adequate assistance to and monitoring of local agencies and service contractors to insure that the plan requirements are being met and funds are being appropriately and effectively used. A written record of the performance of service contractors shall be prepared at least annually and made available upon request of Federal officials.

The State plan must describe how assistance to and monitoring and evaluation of performance will be provided for all local agencies and service contractors.

(F) Provision must be made to allocate the costs of (a) providing services under the Child Welfare Services program; (b) providing services under AFDC; (c) administering the AFDC program including determining eligibility for financial or medical assistance.

The State plan must explain how such costs will be distinguished and accounted for.

V. Federal Financial Participation—Services Under Title IV—Parts A and B.

The following content deals separately with Federal financial participation in the costs of services under the AFDC and Child Welfare Services programs because these programs have different legal provisions governing the extent of Federal Funding. However, there are no differences in the kinds of services or methods of providing services under these two programs.

A. Title IV–A–(AFDC)—Federal Financial Participation.

(1) *Rate of reimbursement.* Beginning with the effective date of approval of the amended State plan for AFDC, pursuant to section 402(a) (14) and (15) of the Act, Federal Financial participation will be available at the rate of 75 per centum (85 percent until July 1, 1969) in expenditures, as found necessary by the Secretary for the proper and efficient administration of the plan, for the services described in sections II and III of these regulations and included in the approved State plan. Training and staff development costs are reimbursable only at the rate of 75 percent.

(2) *Medical and assistance costs.* Federal financial participation under this section will not be available in expenditures for subsistence and other assistance items or for medical or remedial care or services, except (a) for subsistence and medical care when they are provided as essential components of a comprehensive service program of a facility and their costs are not separately identifiable, such as, in a rehabilitation center, a day care facility or a maternity home; (b) for medical and remedial care and services as part of family planning services; (c) for required medical examinations for child care staff, when not otherwise available; (d) for identifying medical problems of children in child care facilities; or (e) for medical diagnosis and consultation when necessary to carry out service responsibilities, e.g., for recipients under consideration for referral to training and employment programs.

(3) *Vocational rehabilitation services.* Federal financial participation is not available in the costs of providing services for the disabled as defined in the Vocational Rehabilitation Act except pursuant to an agreement with the State agency administering the vocational rehabilitation program. This applies to provision of services by staff of the agency and purchase.

(4) *Persons eligible for service.* Federal financial participation is available under this section only for services provided to

a. A child or relative who is receiving aid under the plan and to any essential person living in the same home as such relative and child,

b. Any child or relative who is applying for aid under the plan,

c. Any child or relative who has been an applicant for or recipient of such aid. Counseling and casework services may be provided to any child or relative who has formerly received aid. Other services may be provided to any child or relative who has received aid within the previous 2 years or who qualifies under item 4 below,

d. Any child or relative who is likely to become an applicant for or recipient of such aid, i.e.,

(i) Any child or relative eligible for medical assistance under the State's title XIX plan;

(ii) Any child or relative who would be eligible for financial assistance if the earnings exemption granted to recipients applied to them;

(iii) Any child or relative who is likely, within 5 years, to become a recipient of AFDC (the fact that the furnishing of services may decrease the likelihood that the individual will become a recipient of aid does not affect the availability of Federal financial participation); and

(iv) Families that are at or near dependency level including those in low-income neighborhoods and among other groups that might otherwise include more AFDC cases where such services are provided on a group basis.

e. Information and referral service provided to any individual requesting such services.

(5) *Sources for furnishing services.* Federal financial participation is available under this section for services furnished:

1. By State or local agency staff, i.e., full- or part-time employed staff; and volunteers, or

2. By purchase, contract or other cooperative arrangements with public or private agencies or individuals, provided that such services are not available without cost from such agencies.

(6) *Kinds of expenses included.* Federal financial participation may be claimed in the costs of services on account of the following items:

a. State and local agency staff, including staff of all kinds engaged in developing and carrying out the agency's service responsibilities, both professional, subprofessional, including recipients and other workers of low income, and volunteers. This includes payment of personal services, costs of clerical and other supporting staff, and all related expenses necessary for the provision of services, e.g., travel, per diem, postage, communications, equipment and reimbursed costs of volunteers. Cost of space is included for staff giving full time to services, such as units of service staff. Costs of agency membership in appropriate organizations and costs of travel to participate in meetings concerned with services are also included.

Reimbursement under Title IV–A is available only at a 50-percent rate for staff time or related costs incurred in connection with determining eligibility for financial and medical assistance; or for those staff at the State and local level who are responsible for developing, planning or evaluating services, unless such persons are performing full time on those functions with relation to service programs, in which case the 75 percent (or 85 percent) rate is applicable. In the case of individuals performing both service and financial or medical assistance functions, States may claim reimbursement at the following rates:

Fiscal Year 1969—75%
Fiscal Year 1970—60%
Fiscal Year 1971 and thereafter—50%

b. Cost of equipment, materials and supplies for use in providing services.

c. Travel and related costs for children and parents to obtain consultation, medical and other services.

d. Costs of staff in providing services related to foster care, i.e., recruitment, study and approval of foster family homes, services to children in foster care and their parents, and work with foster parents. Vendor payments for foster care are assistance payments and are, therefore, not subject to the service rate of Federal financial participation.

e. Costs of services provided in behalf of families and children, e.g., community planning; assuring accessibility to entitled resources; and studies of service needs and results.

f. Costs of State and local advisory committees including expenses of attending meetings, supportive staff and other technical assistance.

g. Costs of certain services to assist individuals to achieve employment and self-sufficiency: [7]

(i) Payments for additional expenses of individuals that are attributable to their participation in training or work experience projects, e.g., transportation, lunches, uniforms.[8]

(ii) Costs of medical examinations that are necessary to determine physical and mental health conditions for training or employment.

(iii) Costs of education and training pursuant to section III–C.

h. Costs of operation of agency services facilities, solely engaged in the provision of services. Costs may include expenditures for staff; space, including minor remodeling, heat, utilities, and cleaning furnishings; program supplies, equipment and materials; food and food preparation; and liability and other insurance protection. Costs of construction and major renovations are not included. Appropriate distribution of costs is necessary when other agencies use such facilities for the provision of their services, such as in comprehensive neighborhood service centers.

(7) Federal Financial Participation in Costs of Activities and Services to Secure Support and Establish Paternity:

a. Federal financial participation at the 50 percent rate is available in the costs of reimbursing courts and law enforcement officials for their increased effort or additional staff time in assisting the State or local agency in respect to its program to secure support and establish paternity. Such reimbursement is for costs that are specific to carrying out any of the following activities which the State agency believes will contribute to optimum results in securing support and establishing paternity:

(i) Consultation to State and local agencies on appropriateness of cases for court action to secure support or establish paternity;

(ii) Consultation to State and local agencies on the development of evidence for court hearings;

(iii) Developing information as to the location of parents and other legally liable persons, when all location efforts of the State or local agency have failed;

(iv) Consultation and participation in the development of support on a voluntary basis; and follow-up services on court orders for support;

(v) Costs in presenting support and paternity actions to the court.

(vi) Necessary fees for court judicial actions, when these are not waived.

Costs of the judiciary system, apprehension and arrest are excluded.

NOTE: Costs of court and other officials providing training to public welfare staff may be included as staff development costs.

b. The costs of State or local agencies for agency activities related to the collection of support and accounting for such funds and determining the effect of support funds on eligibility or assistance payments are not subject to Federal financial participation at the service rate of 75 percent (85 percent). The 50 percent rate applies to such costs.

c. No Federal financial participation is available in the costs of agency staff engaged in apprehension, arrests or enforcement activities.

d. Federal financial participation is available at the 75 percent (85 percent) rate in the costs of agency staff engaged in locating and planning with deserting or putative fathers; assessing potentials and determining appropriate actions; developing voluntary support; assisting relatives to file petitions for the establishment of paternity; reuniting families; and cooperative planning with appropriate courts and law enforcement officials; provided such activities are carried out as a part and within the objectives of the total service plan for individual families.

(8) *Emergency services.* Federal financial participation in the costs of providing emergency assistance in the form of services to needy families with children is available at the rate of 75 percent, with the effective date of approval of the amended State plan including such services.

B. *Title IV–B (CWS)—Federal financial participation.*—(1) *Federal share.* The Federal share of service programs under Title IV–B shall be at the rate specified in or promulgated pursuant to section 423 of the Act.

(2) *Person eligible for service.* Title IV–B funds may be used to serve all families and children in need of services as determined by the welfare agency. Services must be made available without respect to whether the recipients are on the AFDC rolls and no system may be established giving priority to AFDC recipients.

(3) *Sources for services.* Federal financial participation is available under this section for services furnished:

a. By State or local agency staff, i.e., full- or part-time employed staff; and volunteers, or

b. By purchase, contract or other cooperative arrangements with public or private agencies or individuals.

(4) *Kinds of expenses included.* Federal financial participation is available for the costs of personnel, travel, per diem, postage, communications, equipment, reimbursed costs of volunteers, rent, renovations, training and education, merit system, operations, costs of administration and all other items of expenditure which can be demonstrated to be essential to carrying out services.

C. Expenditures for certain functions under both Parts A and B of Title IV shall be in accordance with the following policies:

(1) Employee benefit costs; as described in "Federal Participation in Costs of Employee Benefit Systems."

(2) Organization memberships; as described in "Federal Participation in Costs of State Agency Memberships in Organizations."

(3) Occupancy or maintenance of space; as described in "Expenditures by States of Granted Funds for Occupancy and Maintenance of Space."

D. The amount of funds available for services under Title IV–A is dependent upon the availability of matching State funds. Funds available under Title IV–B are dependent upon the availability of matching State funds, but may not exceed the amount available under the allotment formula prescribed by law.

The State annual budget plan for Title IV–A and IV–B must assure the Federal share will, in the case of Title IV–B, be within the State allotments.

[F.R. Doc. 68–8502; Filed, July 16, 1968; 8:52 a.m.]

[7] See II–A last paragraph, p. 18 and V–A (3), p. 32 regarding services for the disabled and relationship to State agency administering vocational rehabilitation.

[8] Not applicable to individuals earning wages (including employment or on the job training) since such expenses will be deducted in determining net income.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AREA OFFICE AT NORTHWAY, ALASKA

Notice of Closing

Notice is hereby given that on or about August 1, 1968, the Area Office at Northway, Alaska, will be closed. Services to the public formerly provided by this office will be provided by the Area Office in Fairbanks, Alaska. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Anchorage, Alaska, on June 24, 1968.

LYLE K. BROWN,
Director, Alaskan Region.

[F.R. Doc. 68–8443; Filed, July 16, 1968; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-106]

OREGON STATE UNIVERSITY

Notice of Issuance of Amended Facility License

The Atomic Energy Commission ("the Commission") has issued Amendment No. 8, as set forth below, to Facility License No. R-51. The license authorizes the Oregon State University to possess and operate its Model AGN-201, Serial No. 114, nuclear research reactor facility on its campus in Corvallis, Oreg. The amendment, effective as of the date of issuance, incorporates Technical Specifications for operation of the facility and revises the license in its entirety (1) to consolidate the provisions of various amendments and an order, (2) to restate the reporting requirements, and (3) to expand the record keeping section in accordance with the University's application for amendment notarized February 29, 1968.

The Commission has found that prior public notice of proposed issuance of this amended license is not necessary in the public interest since the operation of the reactor in accordance with the terms of the amended license does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amended license may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment notarized February 29, 1968, (2) a related Safety Evaluation prepared by the Division of Reactor Licensing, and (3) the Technical Specifications, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 28th day of June 1968.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

AMENDED FACILITY LICENSE

[License No. R-51, Amdt. 8]

The Atomic Energy Commission ("the Commission") has found that:

a. The application for license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter, "the Act"), and the Commission's regulations set forth in Title 10, CFR, Chapter I;

b. The reactor has been constructed in conformity with Construction Permit CPRR-80 and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

c. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

d. Oregon State University is technically and financially qualified to operate the reactor and to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed activities in accordance with the Commission's regulations;

e. The issuance of this license, as amended, will not be inimical to the common defense and security or to the health and safety of the public; and

f. Oregon State University is a nonprofit educational institution and will use the reactor for the conduct of educational activities, and is therefore exempt from the financial protection requirement of subsection 170a of the Act. The University has executed an indemnity agreement pursuant to 10 CFR Part 140.

Facility License No. R-51, as amended, is hereby amended in its entirety to read:

1. This license applies to the Model AGN-201 Serial No. 114, homogeneous nuclear reactor (herein "the reactor") which is owned by Oregon State University (hereinafter, "the licensee" or "Oregon State University") and located on its campus in Corvallis, Oreg., and is described in the licensee's application for license dated April 29, 1958, and subsequent amendments thereto including recent amendment notarized February 29, 1968 (herein "the application"), and which was authorized for construction under Construction Permit No. CPRR-80.

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Oregon State University:

A. Pursuant to Section 104c of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," to possess, use, and operate the reactor as a utilization facility at the designated location in Corvallis, Oreg., in accordance with the procedures and limitations described in the application and in this license;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material," to receive, possess and use up to 700 grams of contained uranium-235 in connection with operation of the reactor; and

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Rules of General Applicability to Licensing of Byproduct Material," to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

3. This license shall be deemed to contain and be subject to the conditions specified in Part 20, §30.34 of Part 30, §§ 50.54 and 50.59 of Part 50, and § 70.32 of Part 70 of the Commission's regulations; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect, and is subject to the additional conditions specified or incorporated below:

A. Maximum power level. The Oregon State University may operate the reactor at steady state power levels up to a maximum of 100 milliwatts (thermal).

B. Technical specifications. The Technical Specifications contained in Appendix A to this license[1] (hereinafter "the Technical Specifications") are hereby incorporated in this license. The licensee shall operate the reactor in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in 10 CFR 50.59.

C. Reports. In addition to reports otherwise required under this license and applicable regulations:

(1) The licensee shall inform the Commission of any incident or condition relating to the operation of the reactor which prevented or could have prevented a nuclear system from performing its safety function as described in the Technical Specifications or in the hazards summary report (hereinafter, "safety analysis report"). For each such occurrence, the licensee shall promptly notify by telephone or telegraph the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of 10 CFR Part 20 and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing (hereinafter "the Director, DRL"), with a copy to the Regional Compliance Office.

(2) The licensee shall report to the Director, DRL, in writing within thirty (30) days of its observed occurrence any substantial variance disclosed by operation of the reactor from performance specifications contained in the safety analysis report or the Technical Specifications.

(3) The licensee shall report to the Commission in writing within thirty (30) days of its occurrence any significant change in transient or accident analysis, as described in the safety analysis report.

D. Records. In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

(1) Reactor operating records, including power levels and periods of operation at each power level.

(2) Records of experiments installed including description, reactivity worths, locations, exposure time, total irradiation, and any unusual events involved in their performance and in their handling.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of the licensee as measured at or prior to the point of such release or discharge.

(4) Records of emergency shutdowns and inadvertent scrams, including reasons therefor.

(5) Records of maintenance operations involving substitution or replacement of reactor equipment or components.

(6) Records of tests and measurements performed pursuant to the Technical Specifications.

4. This license, as amended, is effective as of the date of issuance and shall expire at midnight, November 13, 1978, unless sooner terminated.

Date of Issuance: June 28, 1968.

For the Atomic Energy Commission.[1]

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 68-8449; Filed, July 16, 1968; 8:47 a.m.]

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

ASSISTANT GENERAL MANAGER FOR MILITARY APPLICATION ET AL.

Notice of Basic Compensation

Pursuant to the provisions of 5 U.S.C. 5364, the salaries of the following positions, established by the Atomic Energy Act of 1954, as amended, were adjusted from $27,055 to $28,000 per annum, effective July 14, 1968:

Title of position	Authorizing section of Atomic Energy Act of 1954, as amended
Assistant General Manager for Military Application, and Program Division Directors.	Section 25a.
Director, Division of Inspection.	Section 25c.
Executive Management Positions.	Section 25d.

Dated: July 10, 1968.

F. T. HOBBS,
Acting Secretary.

[F.R. Doc. 68-8450; Filed, July 16, 1968; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18255; Order 68-7-50]

AIR CARRIER DISCUSSIONS

Order Regarding Commodity Description and Numbering System

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of July 1968.

By joint petition filed June 3, 1968, the air-carrier participants in Official Air Freight Tariff No. 5-B (tariff),[1] request authority from the Board to continue the joint discussions previously authorized by the Board[2] concerning a commodity description and numbering system. The prior authority for such discussions expired with June 1, 1968.

In support of their petition, the carriers assert that discussions have been held pursuant to the authorization granted, and considerable work has been done in "translating" the commodity descriptions presently used in the tariff into the Worldwide Air Cargo Commodity Classification (WACCC), the commodity description and numbering system adopted by the International Air Transport Association (IATA) and based on the Standard International Trade Classification (SITC). Neither the discussion nor the "translation" processes have apparently been completed. At the present time, the participants have before them for study alternative proposals, in the form of draft agreements, which contemplate either complete or partial adoption of the WACCC system for use in the reissued tariff. In the meantime, completion of the "translation" has been delayed, first by the need for further clarification of certain of the descriptions presently published in the tariff, and also by the necessity of awaiting the final revision of WACCC by the IATA working group—a process which is stated to have been only recently completed, the results of which are to be published early next month. In addition, certain of the participants have expressed an intention to conduct certain tests in order to satisfy themselves as to the practicability of the WACCC system for domestic use. As a result, the carriers state that further consideration and discussion is needed, and request that the authorization granted by Order No. E-26092 be extended for a period of not less than 6 months from June 1, 1968.

No objections to the proposed extension have been filed with the Board.

Upon consideration of the petition and other relevant matters, the Board will grant the extension sought.

As required by the Board in its prior orders, the carriers have filed with the Board minutes of their meetings. It is apparent that a high degree of coordination with IATA is necessary in this area and that the delays in IATA progress prevent prompt resolution of the domestic efforts. It therefore appears reasonable to provide the domestic carriers a further opportunity to pursue their effort to a conclusion. The Board notes, however, that there are numerous technical difficulties being experienced in the translation of existing domestic specific commodity descriptions into the SITC-based WACCC. For example, the minutes of the carriers' meeting of March 5-6, 1968, are accompanied by a listing of those domestic descriptions which are (a) "matched" in the existing WACCC; (b) not matched, but for which "similar" descriptions are available in WACCC; and (c) those for which even no near-equivalent can be found in WACCC. While we appreciate that it may be difficult to develop a perfect translation in every instance, replacing for example, such broad domestic descriptions as "electronic equipment," we are more concerned with avoiding changes in the rates paid by the shipping public than we are with preserving the initial sanctity of the SITC-based WACCC system. In this regard, the Board has previously said that our authorization shall not extend to any discussions of rates or rate levels.[3] The Board would therefore expect that the carriers would give serious and careful consideration to the full protection of existing domestic and international commodity descriptions and their accompanying rates by embodying, at least initially, appropriate equivalents in the WACCC.

With regard to the implementation of the WACCC, the Board expects that the initial WACCC and all subsequent amendments thereto shall be filed with the Board as agreements pursuant to section 412 of the Act, and approved by the Board prior to being placed into effect and/or filed in domestic or international tariff form.[4] The Board also notes that implementation of the WACCC system in tariff form might be an opportune time to remedy the alternative rate application problems which result from the publication of rates on both generic and specific commodity descriptions in the same market, but at varying minimum weights. The carriers might give careful consideration to the publication of specific commodity rates at all standard weight-breaks in the market, thus removing any doubt as to the applicable rate, irrespective of quantity, as well as removing the inherent discrimination in any pricing system which relies upon the tariff interpretation skill of the reader. In addition, as previously noted by the Board[5] in conjunction with IATA's efforts to develop the WACCC, our authorization herein should not be construed as an approval of the commodity descriptions or as authority to depart from the provisions of Part 221 of the Board's economic regulations which govern the filing of tariffs.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly section 204(a), 412, and 414 thereof:

It is ordered, That:

1. The expiration date of the authority in paragraph 1 of Order E-25193, dated May 25, 1967, is extended to December 31, 1968; and

2. All other provisions of Orders E-25193 and E-26092 shall remain unchanged.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8482; Filed, July 16, 1968; 8:50 a.m.]

[1] Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 12.

[2] Order E-26092, dated Dec. 8, 1967, extending the expiration date previously granted by Order E-25193, dated May 25, 1967.

[3] Order E-25193, supra.

[4] The Board has been furnished initial draft copies of the WACCC in alphabetical as well as numerical form, and would expect that both issues would be filed as tariffs and made available to users that desire them. The Board would also expect that the initial agreement filing of the WACCC would be accompanied by a tabulation showing the transition from existing commodity descriptions and tariff item numbers to proposed descriptions and numbers to facilitate analysis and approval of the new classification system.

[5] Order E-25527 dated Aug. 15, 1967.

[1] As modified by Order E-23235, adopted Feb. 14, 1966.

[Docket No. 16862; Order 68-7-55]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order on Show Cause Proceeding

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of July 1968.

The Board by Order E-23120, adopted January 13, 1966,[1] provided the air carrier members of the International Air Transport Association (IATA) and other interested persons a period of time for the filing of comments in support of or in opposition to the adoption by the Board

of certain new or revised conditions[2] to its approval pursuant to section 412 of the Federal Aviation Act of 1958, as amended (the Act) of the IATA Articles of Association (Articles)[3] and the IATA Provisions for the Regulation and Conduct of the Traffic Conferences (Provisions).[4]

The conditions proposed in the initial order in this proceeding were designed essentially (1) to provide the Board with documentation on certain additional activities of IATA; (2) to supplement information normally suplied on conference resolutions with additional supporting data; and (3) to cause the establishment of a subscription service through which forwarders, agents, shippers, and others interested in or affected by IATA actions could purchase copies of resolutions and related documents.

Comments in support of the Board's proposed action were filed by American Express Co., American Society of Travel Agents (ASTA), Air Freight Forwarders Association (AFFA), and Seaboard World Airlines, Inc. (Seaboard), an IATA member. Joint comments agreeing with the Board's objectives but raising questions on certain aspects of the Board's proposal were filed by Braniff Airways, Inc., Eastern Air Lines, Inc., Delta Air Lines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Pan American—Grace Airways, Inc., and Trans World Airlines, Inc. (the carriers).

In consideration of such comments and the Board's need for information essential to its decisional processes, the Board has concluded that it should modify its proposed conditions on its approval of the articles and provisions in the manner set forth in the appendix.[5]

The Board's order proposed that the air carrier members of IATA establish a subscription service through which resolutions and certain related documents would be made available to interested persons upon written request and payment of an appropriate fee. In this respect we note that the Traffic Advisory Committee has authorized the implementation of a subscription service through which subscribers may purchase, on an annual basis, certain documents, papers, and materials to be mailed postage prepaid as and on or about the time when they are distributed to members of IATA, upon payment of an annual fee of $500. Under the terms of the purchase contract the subscriber is entitled to obtain exclusively for its use and information and that of its employees or agents (and in case a subscriber is an association or organization comprised of members, solely for the use and information of such members) available additional copies of any of the categories of documents, papers, and materials upon payment to IATA of applicable charges therefor in accordance with the current scale of charges for such additional copies as established by IATA.

Upon consideration of the foregoing, the Board has determined that IATA's establishment of the subscription service meets the purpose and intent of condition 9 as proposed by Order E–23120.[6]

In view of the foregoing, the Board finds that the public interest requires that continued approval of the articles and provisions be made subject to the conditions set forth in the appendix hereto.[7]

Accordingly, it is ordered:

That Agreements CAB 389, 1046, and 1175, as amended, be and they hereby are approved subject to the conditions set forth in the appendix hereto.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

APPENDIX

IATA ARTICLES OF ASSOCIATION (AGREEMENTS CAB 389 AND 1046)

1. That approval of the Articles shall not be construed to constitute approval or disapproval of any subsequent contract entered into, or any specific action taken pursuant to said Articles; and

2. That the U.S. air carrier members of IATA shall file with the Board such documents and other data as the Board may direct.

Provisions for the Regulation and Conduct of the Traffic Conferences of IATA (Agreement CAB 1175)

1. That approval of the Provisions shall not constitute approval of any agreement, action, or recommended practice of any of the traffic conferences or permanent conference committees created by and acting pursuant to the agreement;

2. That the U.S. air carrier members of IATA shall submit to the Board for appropriate action all recommended practices, agreements, and resolutions adopted by IATA and each of its conferences and permanent conference committees;

3. That approval of the Provisions shall not constitute approval of participation of any air carrier in any traffic conference which reaches an agreement fixing rates, fares, or charges that are put into effect by such air carrier prior to the submission thereof and approval by the Civil Aeronautics Board;[1]

4. That irrespective of the IATA schedule for the receipt of agenda material, nothing shall prevent a conference or permanent conference committee from considering items proposed by a government through its carriers if a request therefor is made by a government to its carriers at least 45 days before the conference or committee meeting;

5. That the U.S. air carrier members of IATA shall file with the Board such documents and other data as the Board may direct;

6. That no agreement fixing rates, fares, and charges for periods longer than 2 years will be approved by the Board;

7. That approval of the Provisions shall not constitute approval of the participation of any air carrier in any agreement establishing rates or charges which shall be quoted or charged any nation for the transportation of mail;

8. That with respect to the provisions of Section XII of the agreement entitled "Breaches of Conference Action":

a. The U.S. air carrier members of IATA shall notify the Board of any fine or penalty assessed against them, with a brief statement of the reasons therefor;

b. Each U.S. air carrier member of IATA shall file with the Board a record of the fines and penalties assessed against it under IATA enforcement procedures;

c. The U.S. air carrier members of IATA shall file with the Board a copy of the report of cases considered under summary procedure and a copy of the report of cases decided by the Breaches Commissions and action taken;

9. That approval of any agreement embodied in a resolution adopted by IATA or any of its Traffic Conferences, or permanent conference committees pursuant to the conference machinery approved hereby shall be subject to the following general conditions:

a. Approval of any resolution shall not be deemed approval of the application to such resolution of any other resolution except to the extent permitted by any approval of such other resolution;

b. Approval of any effectiveness resolution is limited to the extent that it provides effective dates for other approved resolutions;

c. Approval of any resolution shall be subject to the condition that U.S. air carrier members of IATA file with the Board, at the time of circulation to members, copies of all notices rescinding or amending any of the provisions or modifying the period of effectiveness of any resolution under the provisions of any resolution or portion thereof which permits such rescission, amendment, or modifications;

d. Approval of any amending or revalidating resolution shall not affect the applicability of any condition previously appended, to the approval of the resolution being amended or revalidated;

e. Nothing in an order approving a resolution shall be construed as waiving any provision of the Board's economic regulations relating to the construction, publication, and filing of tariffs, unless expressly so provided;

f. No IATA resolutions shall apply or be binding upon a U.S. air carrier member of IATA with respect to foreign air transportation which involves only a segment of such U.S. air carrier between a place in any State of the United States, or the District of Columbia, and a place in any other State of the United States, or the District of Columbia; or between places in the same territory or possession of the United States, or the District of Columbia.

[F.R. Doc. 68–8483; Filed, July 16, 1968; 8:50 a.m.]

[2] The proposed new conditions, along with those then in effect, were set forth in appendices to Order E–23120.

[3] Agreements CAB 389 and 1046, as amended.

[4] Agreement CAB 1175, as amended.

[5] To the extent appropriate, such conditions have been modified in accordance with the Board's approval of recent amendments of the Provisions, Agreement CAB 1175–A22, Order E–26439, Mar. 1, 1968.

[6] If it develops that in practice the service does not adequately meet the public need, we shall, of course, reexamine the matter at such time as may be appropriate.

[7] It is intended that the conditions imposed by this order supersede those set forth in earlier orders of the Board approving Agreements CAB 389, 1046, and 1175, and amendments thereto.

[1] Such condition includes, inter alia, all unprotested notices establishing fares or rates in air transportation, as defined by the Act, which notices are issued pursuant to the provisions of approved resolutions.

[Docket No. 19797; Order 68–7–62]

PACIFIC AIR FREIGHT, INC.

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of July 1968.

By tariff revision filed June 17, 1968, and marked to become effective July 17, 1968, Pacific Air Freight Inc. (Pacific), an air freight forwarder, proposes a rule providing for substitution of other means of transportation when direct air carriers are not able to provide air transportation due to adverse weather conditions, equipment failure, or other causes beyond the control of the direct air carriers. No refunds or additional charges will be made under the above circumstances.[1]

By tariff revision filed July 1, 1968, and marked to become effective August 1, 1968, Pacific proposes to cancel the foregoing rule, replacing it with the following:

When for any reason, including temporary suspension of air service, refusal or inability of the air carrier to perform services requested, embargoes, strikes, or other causes, diversion of shipments to other means of transportation is necessary, the forwarder shall use his best judgment as to the means of transportation to be selected. No reduction or refund of charges will be made when, under the provisions of this rule, it becomes necessary to utilize other than air transportation in order to expedite the shipment.[2]

Pacific claims that its proposed rules are similar to those in effect for other forwarders. By Order E–26605, dated April 2, 1968, the Board instituted an investigation of the rules in effect for all such forwarders (Docket 19797) on the ground that it may be unjust and inequitable to require a shipper to pay the air freight rate when he is receiving lower-rated surface transport. By Order E–26929, dated June 17, 1968, the Board denied reconsideration of that order and extended the foregoing investigation to the rule filed by another air freight forwarder and to the rules in effect for all the domestic direct certificated air carriers.

Upon consideration of all relevant matters, the Board finds that Pacific's proposals may be unjust or unreasonable, unjustly discriminatory, unduly preferential or prejudicial, or otherwise unlawful, and should be investigated. We shall consolidate the investigation of Pacific's rule with the proceeding in Docket 19797.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the provisions of Rule No. 3.12 on 3d and 4th Revised Pages 14 of Pacific Air Freight, Inc.'s tariff CAB No. 1, including subsequent revisions and reissues thereof, and rules, regulations, and practices affecting such provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. This investigation be consolidated with the proceeding in Docket 19797; and

3. A copy of this order be served upon Pacific Air Freight, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68–8484; Filed, July 16, 1968; 8:50 a.m.]

[Docket Nos. 19668, 19669; Order 68–7–63]

PIEDMONT AVIATION, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of July 1968.

Application of Piedmont Aviation, Inc. for amendment of its certificate of public convenience and necessity for Route 87; Docket 19668.

Application of Piedmont Aviation, Inc. for exemption from section 401 of the Federal Aviation Act and/or issuance of an order to show cause respecting amendment of Piedmont's certificate for Route 87; Docket 19669.

On February 29, 1968, Piedmont Aviation, Inc. (Piedmont), filed an application in the nature of a petition requesting that the Board issue an order to show cause why the carrier's certificate of public convenience and necessity for Route 87 should not be amended in accordance with its application in Docket 19668.[1] The carrier proposes to amend segment (1) by deleting Hickory from segment 1(b); by eliminating the segment bifurcation at Charlotte so as to make segments 1(b)(1) and ((b)(ii) one segment beyond Charlotte; and by extending segment 1(a) beyond the present terminal, Morehead City-Beaufort, to Wilmington. Segment 3 would be amended by eliminating the segment bifurcation at Roanoke; by extending the segment beyond the present terminal at Roanoke to Charlottesville; and by adding Lynchburg, Hot Springs, and Staunton, Va., and New Bern, Kinston, and Rocky Mount, N.C. Segment 5 would be amended by changing the terminal point from Norfolk to Richmond. Raleigh-Durham would be added to segment 8 and the bifurcation point at Florence would be removed. In addition to the foregoing, the following amendments to conditions would be effected:

(1) The two-stop restriction in the Washington-Raleigh-Durham market would become a one-stop restriction; (2) Baltimore-Charlotte and Baltimore-Raleigh/Durham would be removed from condition 5, which requires two stops exclusive of Washington; Baltimore-Charlotte and Baltimore-Raleigh/Durham would then be placed in condition 4, requiring two stops, one of which could be Washington; (3) condition 8, a long-haul restriction in the Washington-Newport News-Hampton/Norfolk markets would be deleted; and (4) Washington-Newport News-Hampton and the Washington-Norfolk markets would be governed by condition 9.

In support of its request, Piedmont alleges that the amendments sought are relatively minor and technical in nature, and that they are intended to afford the carrier greater operating flexibility to better exploit the potential of its expanding fleet of pure jet and jet-prop aircraft. The carrier asserts that such improved operational benefits will result in improved service to the public. Although Piedmont does not claim that any subsidy reduction will result, it nevertheless argues that favorable action on the application would be consistent with the Board's policy to modernize the route structures of local service carriers so as to minimize subsidy requirements.

Piedmont has not submitted an operating proposal indicating how it would serve markets affected by the proposed amendments but it does describe generally how such improved authority would permit improved service and greater operating flexibility. Last, Piedmont states that there would be little or no diversionary or adverse competitive impact on any other carrier.

Answers in support of Piedmont's petition were filed by the Raleigh-Durham Airport Authority, the Columbia Metropolitan Airport, the City and Chamber of Commerce of Charlotte, N.C., and the Peninsula Airport Commission of Newport News, Va. Delta Air Lines, Inc., filed an answer stating that it does not object to the grant of the authority as requested by Piedmont.

Upon consideration of the foregoing we tentatively conclude that the proposed amendments will allow Piedmont greater flexibility in the conduct of its operations. In so doing the carrier will gain the ability effectively to serve for the first time, or offer improved service in, a number of markets. Piedmont will therefore be in a position to offer improved service to the traveling public which, if offered, will attract additional traffic and therefore increase the carrier's revenues. It will, in short, have the managerial discretion to schedule its services so as best to meet the public's needs as well as its own. In addition, improved operational flexibility will improve Piedmont's efficiency in utilizing its fleet. These public and carrier benefits will not materially adversely affect any other carrier. The proposed realignment is not extensive, and no other air carrier has filed an objection to Piedmont's petition. Accordingly, we tentatively find that the public convenience and necessity

[1] Revision to Pacific Air Freight, Inc.'s Tariff CAB No. 1, Rule 3.12.

[2] Ibid.

[1] Alternatively, Piedmont requests an exemption, pursuant to section 416(b) of the Federal Aviation Act of 1958, as amended, to the same effect. In view of our action herein, the alternative request for an exemption becomes moot.

require the amendment of Piedmont's certificate in the manner requested,[2] and therefore direct that interested persons show cause on or before August 1, 1968, why the Board should not make final its tentative findings herein and issue an amended certificate to Piedmont in the form set forth in Appendix A hereto. The new nonstop authority to be authorized herein, as described in Appendix B hereto, shall be ineligible for Federal subsidy, and the final order accompanying the reissued permit shall so specify.[3]

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause on or before August 1, 1968, why the Board should not issue to Piedmont an amended certificate in the form set forth in Appendix A hereto, such certificate to be accompanied by an order making nonstop operations conducted in the markets set forth in Appendix B hereto ineligible for Federal subsidy; and

2. A copy of this order will be served upon the cities of Baltimore, Md.; Washington, D.C.; Charlottesville, Danville, Hot Springs, Lynchburg, Newport News, Hampton, Norfolk, Richmond, Roanoke, and Staunton, Va.; Asheville, Charlotte, Elizabeth City, Fayetteville, Goldsboro, Greensboro, High Point, Hickory, Jacksonville, Kinston, Morehead City, Beaufort, New Bern, Raleigh, Durham, Rocky Mount, Southern Pines, Pinehurst, Aberdeen, Wilmington, and Winston-Salem, N.C.; Columbia, Florence, Greenville, Spartanburg, and Myrtle Beach, S.C.; Atlanta and Augusta, Ga.; and Memphis and Nashville, Tenn.; and upon Piedmont Aviation, Delta Air Lines, Eastern Air Lines, National Airlines, and United Air Lines.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

APPENDIX A

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR LOCAL OR FEEDER SERVICE (AS AMENDED) FOR ROUTE 87

Piedmont Aviation, Inc. is hereby authorized, subject to the provisions hereinafter set forth, the provisions of Title IV of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage in air transportation with respect to persons, property, and mail, as follows:

1. Between the terminal point Cincinnati, Ohio, the intermediate point Louisville, Ky., the alternate intermediate points Lexington-Frankfort, Ky., and Ashland, Ky.-Huntington, W. Va., the intermediate points London-Corbin, Ky., Bristol, Va.-Tenn.-Kingsport-Johnson City, Tenn., and Hickory, N.C., and (a) beyond Hickory, the intermediate points Winston-Salem, Greensboro-High Point, Raleigh-Durham, Goldsboro, Kinston, New Bern, and Morehead City-Beaufort, N.C., and the terminal point Wilmington, N.C., and (b) beyond Hickory, the intermediate points Asheville, N.C., Greenville-Spartanburg, S.C., Charlotte, Southern Pines-Pinehurst-Aberdeen, and Fayetteville, N.C., Florence and Myrtle Beach, S.C., and Wilmington and Jacksonville-Camp Lejeune, N.C., and the terminal point New Bern, N.C.;

2. Between the terminal point Norfolk, Va., the intermediate points Newport News-Hampton, Richmond, Charlottesville, Lynchburg, Roanoke, and Blacksburg-Radford-Pulaski, Va., Princeton-Bluefield and Beckley, W. Va., and (a) beyond Beckley, the intermediate point Lexington-Frankfort, Ky., and the terminal point Louisville, Ky., and (b) beyond Beckley, the intermediate point Charleston, W. Va., and (1) beyond Charleston, the intermediate point Parkersburg, W. Va.-Marietta, Ohio, and the terminal point Columbus, Ohio, and (2) beyond Charleston, the intermediate point Ashland, Ky.-Huntington, W. Va., and the terminal point Cincinnati, Ohio;

3. Between the terminal point Wilmington, N.C., the intermediate points Myrtle Beach, S.C., Fayetteville, New Bern, Kinston, Rocky Mount, Raleigh-Durham, Greensboro-High Point, and Winston-Salem, N.C., Danville, Roanoke, Lynchburg, Hot Springs, and Staunton, Va., and the terminal point Charlottesville, Va.;

4. Between the terminal point Knoxville, Tenn., the intermediate points Bristol, Va.-Tenn. - Kingsport - Johnson City, Tenn., Princeton-Bluefield, W. Va., Blacksburg-Radford-Pulaski, Roanoke, and Lynchburg, Va., and (a) beyond Lynchburg, the intermediate point Charlottesville, Va., and the terminal point Washington, D.C., and (b) beyond Lynchburg, the terminal point Richmond, Va.;

5. Between the terminal point Richmond, Va., the intermediate points Norfolk, Va., Elizabeth City, Rocky Mount, and Raleigh-Durham, N.C., and (a) beyond Raleigh-Durham, the intermediate points Greensboro-High Point, Winston-Salem, and Charlotte, N.C., and (b) beyond Raleigh-Durham, the intermediate points Southern Pines-Pinehurst-Aberdeen and Charlotte, N.C.; Greenville-Spartanburg, S.C., Hickory and Asheville, N.C., and (1) beyond Asheville, the terminal point Knoxville, Tenn.; and (2) beyond Asheville, the intermediate point Nashville, Tenn., and the terminal point Memphis, Tenn.;

6. Between the terminal point Baltimore, Md., the intermediate points Washington, D.C., Charlottesville, Staunton, Hot Springs, and Lynchburg, Va., and (a) beyond Lynchburg, the intermediate points Roanoke and Blacksburg-Radford-Pulaski, Va., Bristol, Va.-Tenn.-Kingsport-Johnson City, Tenn., Asheville, N.C., and the terminal point Atlanta, Ga., and (b) beyond Lynchburg, the intermediate points Danville, Va., Greensboro-High Point, Winston-Salem, Hickory, and Asheville, N.C., and the terminal point Atlanta, Ga.;

7. Between the terminal point Charleston, W. Va., the intermediate points Bristol, Va.-Tenn.-Kingsport-Johnson City, Tenn., and Asheville, N.C., and the terminal point Atlanta, Ga.;

8. Between the terminal point Atlanta, Ga., the intermediate points Augusta, Ga., Columbia, Florence, and Myrtle Beach, S.C., Wilmington, Fayetteville, Jacksonville-Camp Lejeune, New Bern, Kinston, Goldsboro, Raleigh-Durham, Rocky Mount, and Elizabeth City, N.C., and Norfolk, Newport News-Hampton, and Richmond, Va., and the terminal point Washington, D.C.;

9. Between the terminal point Roanoke, Va., the intermediate points Lynchburg, Hot Springs, Staunton, and Charlottesville, Va., and Washington, D.C. (to be served through Dulles International Airport), and the terminal point New York, N.Y.-Newark, N.J.;

10. Between the terminal point Memphis, Tenn.; the intermediate points Nashville, Tenn., Roanoke and Lynchburg, Va., and (a) beyond Lynchburg, the intermediate point Charlottesville, Va., and the terminal point Washington, D.C., and (b) beyond Lynchburg, the terminal point Richmond, Va.

The service herein authorized is subject to the following terms, conditions, and limitations:

(1) The holder shall render service to and from each of the points named herein, except as temporary suspensions of service may be authorized by the Board; and may begin or terminate, or begin and terminate, trips at points short of terminal points.

(2) The holder may continue to serve regularly any point named herein, except Washington, D.C., on segment 9, through the airport last regularly used by the holder to serve such point prior to the effective date of this certificate. Upon compliance with such procedure relating thereto as may be prescribed by the Board, the holder may, in addition to the service hereinabove expressly prescribed, regularly serve a point named herein, other than a point required to be served through an airport named herein, through any airport convenient thereto.

(3) On each trip operated by the holder over all or part of one of the 10 numbered route segments in this certificate, the holder shall stop at each point named between the point of origin and point of termination of such trip on such segment, except a point or points with respect to which (a) the Board, pursuant to such procedure as the Board may from time to time prescribe, may by order relieve the holder from the requirements of such condition, (b) the holder is authorized by the Board to suspend service, (c) the holder is unable to render service on such trip because of adverse weather conditions or other conditions which the holder could not reasonably have been expected to foresee or control, or (d) the holder has scheduled at least two daily round trips, in which case the holder may omit such point or points on any additional trip scheduled over all or part of such segment, subject to the conditions in paragraphs (4) through (8) below.

(4) The holder shall schedule service to a minimum of two intermediate points between the following pairs of points:

Atlanta, Ga., and Cincinnati, Ohio.
Atlanta, Ga., and Columbus, Ohio.
Atlanta, Ga., and Louisville, Ky.
Atlanta, Ga., and Raleigh-Durham, N.C.
Baltimore, Md., and Charlotte, N.C.
Baltimore, Md., and Raleigh-Durham, N.C.
Washington, D.C., and Charleston, W. Va.
Washington, D.C., and Charlotte, N.C.
Washington, D.C., and Cincinnati, Ohio.
Washington, D.C., and Columbus, Ohio.
Washington, D.C., and Louisville, Ky.
Washington, D.C., and Atlanta, Ga. (exclusive of Greensboro-High Point, N.C., Columbia, S.C., and Norfolk, Va.).
New York, N.Y.-Newark, N.J., and Greensboro-High Point, N.C.
New York, N.Y.-Newark, N.J., and Asheville, N.C.
New York, N.Y.-Newark, N.J., and Raleigh-Durham, N.C.
New York, N.Y.-Newark, N.J., and Richmond, Va.
New York, N.Y.-Newark, N.J., and Knoxville, Tenn.

(5) The holder shall schedule service to a minimum of two intermediate points (exclusive of Washington, D.C.) between the following pairs of points:

Baltimore, Md., and Atlanta, Ga. (exclusive of Greensboro-High Point, N.C.).
Baltimore, Md., and Charleston, W. Va.
Baltimore, Md., and Louisville, Ky.
New York, N.Y.-Newark, N.J., and Atlanta, Ga.

(6) The holder shall schedule service to a minimum of one intermediate point between the following pairs of points:

Atlanta, Ga., and Charleston, W. Va.
Atlanta, Ga., and Greensboro-High Point, N.C.
Atlanta, Ga., and Norfolk, Va.
Atlanta, Ga., and Richmond, Va.
Washington, D.C., and Columbia, S.C.
Washington, D.C., and Greensboro-High Point, N.C.
Washington, D.C., and Knoxville, Tenn.
Washintgon, D.C., and Raleigh-Durham, N.C.

(7) Flights scheduled to serve Atlanta, Ga., on the one hand, and Augusta, Ga., or Columbia, S.C., on the other hand, shall originate or terminate at Rocky Mount or Elizabeth City, N.C., or a point north thereof, and shall serve a minimum of two intermediate points north of Columbia, S.C.

(8) Flights scheduled to serve Baltimore, Md., and Norfolk, Va., shall serve Newport News-Hampton, Va., in addition to Washington, D.C.: *Provided*, That the holder may omit service to Newport News-Hampton, Va., on such flights if the holder has scheduled one daily round trip to such point serving Washington, D.C.

(9) The holder shall not schedule turnaround service (a) between Washington, D.C., on the one hand, and New York, N.Y.-Newark, N.J., or Richmond, Newport News-Hampton, or Norfolk, Va., on the other hand; or (b) between Memphis, Tenn., on the one hand, and Nashville, Tenn., Greenville-Spartanburg, S.C., or Charlotte, N.C., on the other hand.

(10) The holder shall not schedule single-plane service between the following pairs of points:

Ashland, Ky.-Huntington, W. Va., and Louisville, Ky., on segment 1.
Atlanta, Ga., and Charlotte, N.C.
Atlanta, Ga., and Knoxville, Tenn.
Baltimore, Md., and Cincinnati, Ohio.
Baltimore, Md., and Columbus, Ohio.
New York, N.Y.-Newark, N.J., and Norfolk, Va.
New York, N.Y.-Newark, N.J., and Newport News-Hampton, Va.
New York, N.Y.-Newark, N.J., and Ashland, Ky.-Huntington, W. Va.
New York, N.Y.-Newark, N.J., and Parkersburg, W. Va.-Marietta, Ohio.
New York, N.Y.-Newark, N.J., and Memphis, Tenn.
New York, N.Y.-Newark, N.J., and Nashville, Tenn.
Washington, D.C., and Memphis, Tenn.
Washington, D.C., and Nashville, Tenn.

(11) The holder shall serve (a) Morehead City-Beaufort, N.C., only during the period between May 1 and September 30, inclusive, of each year, and (b) Southern Pines-Pinehurst-Aberdeen, N.C., only during the period between October 1 and April 30, inclusive, of each year.

(12) The holder may schedule nonstop service between Charleston, W. Va., and Columbus, Ohio.

(13) The holder's authority to engage in the transportation of mail with respect to those operations set forth in Appendix B to Order ------ is limited to the carriage of mail on a subsidy-ineligible basis, i.e., on a service mail rate to be paid entirely by the Postmaster General, and the holder shall not be entitled to any subsidy with respect to such operations.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

The holder acknowledges and agrees that it is entitled to receive only service mail pay for the mail service rendered or to be rendered solely in connection with the operations specified in paragraph (13) and that it is not authorized to request or receive any compensation for mail service rendered or to be rendered for such operations in excess of the amount payable by the Postmaster General.

The services authorized by this certificate were originally established pursuant to a determination of policy by the Civil Aeronautics Board that in the discharge of its obligation to encourage and develop air transportation under the Civil Aeronautics Act, as amended, it is in the public interest to establish certain air carriers who will be primarily engaged in short-haul air transportation as distinguished from the service rendered by trunkline air carriers. In accepting this certificate the holder acknowledges and agrees that the primary purpose of this certificate is to authorize and require it to offer short-haul, local, or feeder, air transportation service of the character described above.

This certificate shall become effective on ----------.

In witness whereof, the Civil Aeronautics Board has caused this certificate to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the ----------.

[SEAL] ----------,
Secretary.

APPENDIX B

LIST OF OPERATIONS INELIGIBLE FOR SUBSIDY

1. The incremental departures and mileage required to serve Greenville/Spartanburg on flights which would have been subsidy-eligible prior to January 24, 1967.

2. Flights serving the following points, in their entirety as operated, regardless of the point of origin or termination:

Memphis.
Nashville.
New York/Newark.

3. Nonstop operations between the following pairs of points:

Asheville-Richmond.
Augusta-Raleigh/Durham.
Charlotte-Richmond.
Charlottesville-Fayetteville.
Charlottesville-Kinston.
Charlottesville-Myrtle Beach.
Charlottesville-New Bern.
Charlottesville-Raleigh/Durham.
Charlottesville-Rocky Mount.
Charlottesville-Wilmington.
Cincinnati-Louisville.
Columbia-Raleigh/Durham.
Danville-Kinston.
Danville-New Bern.
Danville-Rocky Mount.
Elizabeth City-Jacksonville/Camp Lejeune.
Elizabeth City-Myrtle Beach.
Elizabeth City-Richmond.
Elizabeth City-Wilmington.
Fayetteville-Hot Springs.
Fayetteville-Lynchburg.
Fayetteville-Richmond.
Fayetteville-Rocky Mount.
Fayetteville-Staunton.
Florence-Raleigh/Durham.
Florence-Southern Pines/Pinehurst/Aberdeen.
Greensboro/High Point-Richmond.
Greenville/Spartanburg-Richmond.
Hickory-Richmond.
Hot Springs-Kinston.
Hot Springs-Myrtle Beach.
Hot Springs-New Bern.
Hot Springs-Raleigh/Durham.
Hot Springs-Rocky Mount.
Hot Springs-Wilmington.
Jacksonville/Camp Lejeune-Newport News/Hampton.
Jacksonville/Camp Lejeune-Norfolk.
Jacksonville/Camp Lejeune-Raleigh/Durham.
Kinston-Lynchburg.
Kinston-Roanoke.
Kinston-Staunton.
Lynchburg-Myrtle Beach.
Lynchburg-New Bern.
Lynchburg-Raleigh/Durham.
Lynchburg-Rocky Mount.
Lynchburg-Wilmington.
Morehead City/Beaufort-Wilmington.
Myrtle Beach-Newport News/Hampton.
Myrtle Beach-Norfolk.
Myrtle Beach-Southern Pines/Pinehurst/Aberdeen.
Myrtle Beach-Staunton.
New Bern-Roanoke.
New Bern-Staunton.
Newport News/Hampton-Raleigh/Durham.
Newport News/Hampton-Rocky Mount.
Newport News/Hampton-Wilmington.
Norfolk-Wilmington.
Raleigh/Durham-Richmond.
Raleigh/Durham-Staunton.
Richmond-Southern Pines/Pinehurst/Aberdeen.
Richmond-Winston-Salem.
Roanoke-Rocky Mount.
Rocky Mount-Staunton.
Staunton-Wilmington.

[F.R. Doc. 68-8485; Filed, July 16, 1968; 8:50 a.m.]

[2] Instead of deleting Hickory on segment 1(b), as proposed by Piedmont, the draft certificate attached hereto would achieve the desired simplification without loss or gain of authority by reversing the order of Hickory and Asheville, N.C., on segment 1(b) and by shifting the segment bifurcation point from Tri-Cities to Hickory.

[3] For administrative reasons, we will list all of Piedmont's subsidy-ineligible operations in the appendix, and will not hereafter list these operations in its certificate.

CIVIL SERVICE COMMISSION

CHIEF, HEALTH SERVICES ORGANIZATION BRANCH, PUBLIC HEALTH SERVICE

Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage for the single position of Chief, Health Services Organization Branch, GS–601–15, Division of Medical Care Administration, Bureau of Health Services, Public Health Service, Department of Health, Education, and Welfare, Washington, D.C. (The position is located in Arlington, Va.). This finding terminates when the position is filled.

The appointee to this position may be paid for the expenses of travel and transportation to first post of duty, assuming all other legal requirements are met.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-8458; Filed, July 16, 1968; 8:48 a.m.]

NUTRITIONISTS

Manpower Shortage

Under the provisions of 5 U.S.C. 5723 the Civil Service Commission has found on July 2, 1968, that there is a manpower shortage for all Nutritionist positions in the GS–401 and GS–601 Series in grades 9 through 15 on a nationwide basis. This finding covers positions in these two series which are appropriately titled to reflect their concern with nutrition, e.g., Nutrition Scientist; Public Health Nutritionist; Nutrition Analyst.

Travel and transportation expenses may be paid to first post of duty of appointees to these positions.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-8459; Filed, July 16, 1968; 8:48 a.m.]

SHEETMETAL WORKERS, SAN FRANCISCO, CALIF.

Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found on May 20, 1968, a manpower shortage for positions of Sheetmetal Worker (Journeyman), W-3806-11 and Sheetmetal Worker (Limited), W-3806-8 in the San Francisco Bay Area (San Francisco and a radius of 35 miles).

Assuming other legal requirements are met, appointees to these positions may be paid for the expense of travel and transportation to the first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRAY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-8460; Filed, July 16, 1968; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 18237-18239; FCC 68M-1043]

AVCO BROADCASTING CORP. ET AL.

Order Scheduling Hearing

In re applications of Avco Broadcasting Corp., San Antonio, Tex., Docket No. 18237, File No. BPH-6184; Bexar Broadcasting Co., Inc., San Antonio, Tex., Docket No. 18238, File No. BPH-6245; Turner Broadcasting Corp. (KBUC-FM), San Antonio, Tex., Docket No. 18239, File No. BPH-6285; for construction permits:

It is ordered, That Forest L. McClenning shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 31, 1968, at 10 a.m.; and that a prehearing conference shall be held on September 26, 1968, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: July 10, 1968.

Released: July 11, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JAMES D. CUNNINGHAM,
Chief Hearing Examiner.

[F.R. Doc. 68-8462; Filed, July 16, 1968; 8:48 a.m.]

[Docket Nos. 18198, 18199; FCC 68R-292]

COMMUNITY BROADCASTING COMPANY OF HARTSVILLE AND EASTERN CAROLINA BROADCASTERS, INC.

Memorandum Opinion and Order Enlarging Issues

In re applications of Harold Bledsoe and Edmond F. Baddour doing business as Community Broadcasting Company of Hartsville, Hartsville, S.C., Docket No. 18198, File No. BP-16995; Eastern Carolina Broadcasters, Inc., Florence, S.C., Docket No. 18199, File No. BP-17083; for construction permits.

1. This proceeding, in which each of the applicants is seeking authority to construct a new standard broadcast station, was designated for hearing by order, FCC 68-564, released May 24, 1968. Now before the Review Board is a petition to enlarge issues, filed by Harold Bledsoe and Edmond F. Baddour doing business as Community Broadcasting Company of Hartsville (Community) on June 11, 1968, seeking the addition of an issue to determine whether the proposal of Eastern Carolina Broadcasters, Inc. (Eastern), complies with the coverage requirements contained in § 73.188(a) of the rules.[1]

2. In support of its request, Community relies on an affidavit from a consulting engineer, who alleges that Eastern's nighttime interference-free contour (19.4 mv/m) does not cover the entire city of Florence, S.C. More specifically, petitioner avers that of the 7.7 square miles encompassed within the city limits of Florence, 1 square mile (or 13 percent) of the city falls outside of Eastern's proposed nighttime interference-free contour. The Broadcast Bureau, in its comments, notes that the map of Florence, filed with the subject petition, differs from the map contained in Eastern's application as to the location of the city limits of Florence, and contends that the petition should be denied unless additional information is provided, including a verified statement that the city limits depicted are presently the official city limits of Florence. Replying to the comments, petitioner submits another affidavit from the engineer who states that the map relied on is a portion of a map distributed by the Greater Florence Chamber of Commerce; that copies of the official map of Florence have been obtained from the City Engineer and the city limits shown on the two maps are identical;[2] and that the official map has not been submitted because its size and quality is not satisfactory for reproduction. Based on the petitioner's submissions, and in the absence of any attempt by Eastern to rebut the allegations, the Board finds that a substantial question as to whether Eastern's proposal complies with § 73.188(a) of the rules has been raised, and an appropriate issue will therefore be added.

3. *Accordingly, it is ordered*, That the petition to enlarge issues, filed on June 11, 1968, by Harold Bledsoe and Edmond F. Baddour doing business as Community Broadcasting Company of Hartsville, is granted; and that the issues in this proceeding are enlarged by the addition of the following issue: To determine whether the proposal of Eastern Carolina Broadcasters, Inc., would provide coverage of the city sought to be served, as required by § 73.188(a)(1) of the rules, and, if not, whether circumstances exist which would warrant a waiver of that section.

4. *It is further ordered*, That the burden of proceeding with the introduction of evidence and burden of proof under the issue added herein shall be on Eastern Carolina Broadcasters, Inc.

Adopted: July 10, 1968.

Released: July 12, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-8463; Filed, July 16, 1968; 8:48 a.m.]

[Docket Nos. 17945, 17946; FCC 68M-1041]

IMAGE RADIO, INC., AND IMPACT RADIO, INC.

Order Regarding Procedural Dates

In re applications of Image Radio, Inc., Docket No. 17945, File No. BR-2540, for renewal of license of station WCFV, Clifton Forge, Va.; and Impact Radio, Inc., Docket No. 17946, File No. BR-3487, for renewal of license of station WPXI, Roanoke, Va.

Asserting that "petitioner proposes to file, within the next 2 weeks, an application requesting the Commission's consent to transfer * * * control * * * and a Petition for Reconsideration * * *" counsel for Image filed, on July 10, 1968, an unopposed petition to extend procedural schedule.

Accordingly, the petition to extend is granted, and the dates are extended as follows:

	From—	To—
Broadcast Bureau to furnish its proposed exhibits in support of its direct case, and counsel for Image to furnish documents on which it will rely.	July 15	Aug. 15, 1968
Receipt of notification of witnesses for cross-examination (at same time Broadcast Bureau will indicate who its witnesses will be).	July 22	Aug. 22, 1968
Hearing in Roanoke, Va.	July 29	Aug. 29, 1968

So ordered.

Issued: July 11, 1968.

Released: July 11, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-8465; Filed, July 16, 1968; 8:49 a.m.]

[1] On June 26, 1968, the Broadcast Bureau filed comments on the petition, and a reply to the comments was filed by Community on July 1, 1968.

[2] Petitioner has also furnished a copy of a telegram from the City Engineer, wherein it is stated that the city limits as depicted in the Chamber of Commerce map are accurate.

[3] Review Board Member Slone absent.

[Docket Nos. 18241, 18242; FCC 68M-1044]

KFPW BROADCASTING CO. AND GEORGE DOMERESE

Order Scheduling Hearing

In re applications of George T. Hernreich, trading as KFPW Broadcasting Co., Fort Smith, Ark., Docket No. 18241, File No. BPH-6180; George Domerese, Van Buren, Ark., Docket No. 18242, File No. BPH-6274; for construction permits:

It is ordered, That Basil P. Cooper shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 7, 1968, at 10 a.m.; and that a prehearing conference shall be held on September 10, 1968, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: July 10, 1968.

Released: July 11, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JAMES D. CUNNINGHAM,
Chief Hearing Examiner.

[F.R. Doc. 68-8464; Filed, July 16, 1968; 8:48 a.m.]

[Docket Nos. 18235, 18236; FCC 68M-1042]

LAWRENCE COUNTY BROADCASTING CORP. AND TWO RIVERS BROADCASTING CO., INC.

Order Scheduling Hearing

In re applications of Lawrence County Broadcasting Corp., Louisa, Ky., Docket No. 18235, File No. BP-17188; Two Rivers Broadcasting Co., Inc., Louisa, Ky., Docket No. 18236, File No. BP-17239; for construction permits:

It is ordered, That H. Gifford Irion shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 2, 1968, at 10 a.m.; and that a pre-hearing conference shall be held on September 9, 1968, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: July 11, 1968.

Released: July 11, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JAMES D. CUNNINGHAM,
Chief Hearing Examiner.

[F.R. Doc. 68-8466; Filed, July 16, 1968; 8:49 a.m.]

[Docket Nos. 18229-18233; FCC 68M-1034]

LONE STAR TELEVISION SERVICE, INC., ET AL.

Order Scheduling Hearing

In re petitions by Lone Star Television Service, Inc., Longview, Tex., Docket No. 18229, File No. CATV 100-34; Telecom Cable Co., Texarkana, Tex., Docket No. 18230, File No. CATV 100-48; Cypress Valley Cable Television Service, Inc., Marshall, Tex., Docket No. 18231, File No. CATV 100-96; Kilgore Video, Inc., Kilgore, Tex., Docket No. 18232, File No. CATV 100-244; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Shreveport television market (ARB 68); and In re applications of Telecom Cable Co., Jefferson, Atlanta, Edgewood, Mineola, Big Sandy, Ashland, and Terrell, Tex., Docket No. 18233, File Nos. 15908 through 13-IB-116X, 24276-IB-26X; for construction permits for new point-to-point microwave radio stations in the business radio service:

It is ordered, That Jay A. Kyle shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on September 25, 1968, at 10 a.m.; and that a prehearing conference shall be held on July 31, 1968, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: July 10, 1968.

Released: July 10, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JAMES D. CUNNINGHAM,
Chief Hearing Examiner.

[F.R. Doc. 68-8467; Filed, July 16, 1968; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

INDIA, PAKISTAN, CEYLON, AND BURMA OUTWARD FREIGHT CONFERENCE ET AL.

Notice of Petitions Filed for Approval

Notice is hereby given that the following petitions have been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46, U.S.C. 814).

Interested parties may inspect a copy of the current contract forms and of the petitions, reflecting the changes proposed to be made in the language of said contracts, at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petitions, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the parties filing the petitions (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of applications to modify approved dual rate contracts filed by:

Mr. William L. Hamm, 25 Broadway, New York, N.Y. 10004.

There have been filed, on behalf of the conferences listed below, applications to modify their approved merchant's contracts.

The India, Pakistan, Ceylon, and Burma Outward Freight Conference (Agreement No. 7690, as amended).
West Coast of India and Pakistan/U.S.A. Conference (Agreement No. 8040, as amended).
South and East Africa Rate Agreement (No. 8054, as amended) (General Cargo except coffee).
South and East Africa Rate Agreement (No. 8054, as amended) (Coffee only).
Calcutta, East Coast of India and East Pakistan/U.S.A. Conference (Agreement No. 8650, as amended).
United States/South and East Africa Conference (Agreement No. 9502, as amended).

The proposed contract modifications add the phrase "currency devaluation by governmental action" to those conditions beyond the control of the carriers as outlined in Article 15(a), with the exception of Agreement No. 7690 where such conditions are outlined in Article 9(a), of the contracts pursuant to which the carriers in the trade covered by the agreements may suspend the effectiveness of the contract with respect to the operations affected with notice to Merchant signatories. Under existing Article 15(b), (9(b) of Agreement No. 7690), currency devaluation will be one of the conditions beyond the control of the carriers under which they may increase rates on not less than 15 days written notice to the Merchant who retains the right to notify the carriers in writing of his intent to suspend the contract insofar as such increase is concerned.

Dated: July 12, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-8503; Filed, July 16, 1968; 8:52 a.m.]

ISRAEL/U.S. NORTH ATLANTIC PORTS WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. M. Ronn, Secretary, Israel/U.S. North Atlantic Ports Westbound Freight Conference, Post Office Box 1723, Ha'atzmauth Road 7-9, Haifa, Israel.

Agreement No. 8420-6, between the member lines of the Israel/U.S. North Atlantic Ports Westbound Freight Conference, modifies Article 6 of the basic agreement to provide that the Secretary shall serve for a period of 1 year in lieu of a 6 months' period.

Dated: July 11, 1968.

By order of the Federal Maritime Commission.

FRANCIS HURNEY,
Assistant Secretary.

[F.R. Doc. 68-8504; Filed, July 16, 1968; 8:52 a.m.]

[Docket No. 68-38]

MATSON NAVIGATION CO.

Investigation of Practices Affecting Transportation Under Freight-All-Kinds Rates; Correction

It is ordered, That the first and third paragraphs of the Original Order of Investigation and Suspension in this proceeding dated July 8, 1968, be amended as follows:

There has been filed with the Federal Maritime Commission by Matson Navigation Co., to become effective July 25, 1968, Seventh and Eighth Revised Pages 182 to Tariff FMC-F No. 137, setting forth in Note 6, Item 2000, a new restriction which on Seventh Revised Page 182 precludes any cargo with a density exceeding 175 pounds per cubic foot and on Eighth Revised Page 182 precludes over 1,500 pounds of any cargo with density exceeding 175 pounds per cubic foot from moving under the freight-all-kinds rate.

. . . . . .

It is ordered, That pursuant to the authority of section 3 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness under sections 16 and 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, of the new restriction contained in Note 6, Item 2000 on Seventh and Eighth Revised Pages 182, FMC-F No. 137, with a view to making such findings and orders in the premises as the facts and circumstances warrant.

It is further ordered, That the original order served July 8, 1968, shall, in all other respects, remain the same and in force.

It is further ordered, That a copy of this amended order shall forthwith be served upon the respondent and petitioner herein; and this order be published in the FEDERAL REGISTER and notice of said hearing be served upon the respondent and petitioner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) with a copy to the respondent and petitioner.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-8505; Filed, July 16, 1968; 8:52 a.m.]

NYK LINES AND SHOWA SHIPPING CO., LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Gene Y. Matsuo, Esq., Baker and McKenzie, 350 Park Avenue, New York, N.Y. 10022.

Agreement 9731, a Container Service Agreement between NYK Lines, and Showa Shipping Co., Ltd., has been filed with the Commission for approval wherein the parties agree to inaugurate a containership service with container vessels now on order in the trade between Japan and Pacific Coast of North America. In order to accomplish this objective the parties have (1) agreed to schedule and advertise their sailings as to promote optimum vessel utilization; (2) limited the cargo subject to the agreement as that placed in containers for transportation in container vessels; (3) agreed to issue their own separate bills of lading; (4) provided for space chartering arrangements for the carriage of their loaded and empty containers on each other's vessels; (5) agreed that there are to be no pooling of revenues or sharing of operational expenses but are to share certain administrative expenses; (6) reached an understanding for the interchange of their empty containers and/or related equipment and (7) limited the duration of the agreement to 3 years from the date the first container vessel enters the trade.

Dated: July 12, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-8506; Filed, July 16, 1968; 8:52 a.m.]

PHILIPPINES-NORTH AMERICA CONFERENCE

Notice of Agreement, Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. E. H. Bosch, Secretary-Manager, Philippines-North America Conference, Seventh Floor, Shurdut Building, Muralla/Gen. Luna Streets, Intramuros, Manila, Philippines.

Agreement 5600-27, between member lines of the Philippines-North America Conference, amends Clause (A) entitled "Entrance Fee" under the heading "Finance" of the Bylaws, Rules, and Regulations of the basic agreement (5600, as amended) to provide for the assessment of a conference entrance fee of 10,000 pesos for new members.

Dated: July 11, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-8507; Filed, July 16, 1968; 8:52 a.m.]

SOUTH ATLANTIC STEAMSHIP CONFERENCE

Notice of Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application to modify an approved exclusive patronage (dual rate) contract filed by:

Mr. E. J. Middleton, Secretary, South Atlantic Steamship Conference, Post Office Box 96, Savannah Bank and Trust Building, Savannah, Ga.

There has been filed on behalf of the South Atlantic Steamship Conference (Agreement No. 8310, as amended) an application to modify its form of merchant's contract pursuant to section 14b of the Shipping Act, 1916. The proposed contract modification adds currency devaluation by any governmental action to those conditions beyond the control of the Conference under which it may increase rates on not less than 15 days written notice to the Merchant who retains the right to notify the Conference in writing of his intent to suspend the contract insofar as such increase is concerned.

Dated: July 12, 1968.

By order of the Federal Maritime Commission.

FRANCIS HURNEY,
Assistant Secretary.

[F.R. Doc. 68-8508; Filed, July 16, 1968; 8:52 a.m.]

8900 LINES RATE AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Stanley O. Sher, Bebchick, Sher and Kushnick, 919 Eighteenth Street NW., Washington, D.C. 20006.

Agreement No. 8900-2, between the members of The 8900 Lines Rate Agreement, operating in the trade from U.S. Atlantic and Gulf ports to Persian Gulf ports between Karachi and Aden, both excluded, amends Articles 3 and 4 of the basic agreement to provide (1) that the parties may file a joint tariff, and (2) for the establishment of an admission fee of $5,000.

Dated: July 12, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-8509; Filed, July 16, 1968; 8:52 a.m.]

FEDERAL POWER COMMISSION

ATLANTIC RICHFIELD CO. ET AL.

[Docket No. RI68-407 etc.]

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

JUNE 27, 1968.

Atlantic Richfield Co. et al., Docket No. RI68-407 etc.; Mobil Oil Corp., Docket No. RI68-408.

In order providing for hearings on and suspension of proposed changes in rates, issued January 31, 1968 and published in the FEDERAL REGISTER February 8, 1968 (F.R. Doc. 68-1519), 33 F.R. 2729, Docket No. RI68-407 et al., Appendix "A", Docket No. RI68-408, Mobil Oil Corp.: Under Mobil's FPC Gas Rate Schedule No. 227, change footnote "3" to read footnote "45". Under Mobil's FPC Gas Rate Schedule No. 315, change footnote "3" to read footnote "46". Change Supplement No. "2" to read Supplement No. "3" to Mobil's FPC Gas Rate Schedule No. 377. On page 2730, add the following footnotes: "45 Sale temporarily certificated prior to August 5, 1965, the date of Opinion No. 468. 46 Sale permanently certificated prior to August 5, 1965, the date of Opinion No. 468". In footnote 16 and 44: Amend footnotes 16 and 44 by the addition of the following sentence: "The effectiveness of the certification granted in Opinion No. 484 has been stayed as to Mobil's FPC Gas Rate Schedule No. 312, pending judicial review."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8415; Filed, July 16, 1968; 8:45 a.m.]

[Docket No. CP69-1]

EL PASO NATURAL GAS CO.

Notice of Application

JULY 8, 1968.

Take notice that on July 1, 1968, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP69-1 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the sale and delivery of natural gas to the Washington Water Power Co. (Water Power) for resale and distribution in the communities of Reardan, Deer Park, Palouse, and Albion, Wash., and Hayden Lake, Ponderay, Kootenai, and Rathdrum, Idaho, and their respective environs, and to Washington Natural Gas Co. (Washington Natural) for resale and distribution in the communities of Maple Valley, Clearview, and Maltby, Wash., and their respective environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that in order to provide service to Water Power, Applicant proposes to:

(1) Construct and operate a measuring and regulating station adjacent to its 12¾-inch O.D. Lewiston Lateral in Whitman County, Wash., and to make deliveries of gas to Water Power at the outlet of such facility for resale and distribution in Palouse and Albion, Wash.;

(2) Utilize two existing measuring and regulating stations located adjacent to its 16-inch O.D. Spokane Lateral in Spokane County, Wash., and to make deliveries of gas to Water Power at the outlet of such facilities for resale and distribution in Reardan and Deer Park, Wash.;

(3) Utilize an existing measuring and regulating station located adjacent to its 6⅝-inch O.D. Coeur d' Alene Lateral in Kootenai County, Idaho, and to make deliveries of gas to Water Power at the outlet of such facility for resale and distribution in Hayden Lake, Idaho;

(4) Utilize an existing measuring and regulating station owned by Pacific Gas Transmission Co. (PGT) located on PGT's 36-inch O.D. mainline in Bonner County, Idaho, and to make deliveries of gas to Water Power at the outlet of such facility for resale and distribution in Ponderay and Kootenai, Idaho; and

(5) Utilize a measuring and regulating station to be constructed by PGT at a point adjacent to its 36-inch O.D. mainline in Kootenai County, Idaho, and to make deliveries of gas to Water Power at the outlet of such facility for resale and distribution in Rathdrum, Idaho.

The application further states that in order to provide service to Washington Natural Applicant proposes to construct and operate two (2) measuring and regulating stations, one at a point adjacent to its 10¾-inch O.D. South Seattle Lateral in King County, Wash., and the other at a point adjacent to its 16-inch O.D. North Seattle Lateral in Snohomish County, Wash. Deliveries of gas to Washington Natural for resale and distribution in Maple Valley will be made at the outlet of the measuring and regulating station adjacent to the South Seattle Lateral and deliveries of gas to Washington Natural for resale and distribution in Clearview and Maltby, Wash., will be

made at the outlet of the measuring and regulating station adjacent to the North Seattle Lateral.

The total estimated cost of the proposed project is $33,200, which cost will be financed from working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 1, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8416; Filed, July 16, 1968; 8:45 a.m.]

[Docket No. CP68-368]

GRANITE STATE GAS TRANSMISSION, INC.

Notice of Application

JULY 9, 1968.

Take notice that on June 28, 1968, Granite State Gas Transmission, Inc. (Applicant), 66 Market Street, Portsmouth, N.H. 03801, filed in Docket No. CP68-368 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, installation, and operation of certain proposed natural gas transmission facilities, and acquisition of facilities and certain changes in operations and services, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority in 1968 to acquire from Tennessee Gas Pipeline Co. (Tennessee), a division of Tenneco, Inc., approximately one-quarter of a mile of 6-inch pipeline and related right-of-way extending from the outlet of Tennessee's Haverhill meter station to an existing point of connection with Granite State's pipeline adjacent to the Massachusetts-New Hampshire line, in the town of Plaistow, N.H., at an estimated depreciated original cost of $7,010; to construct and operate approximately 15.46 miles of 10-inch and 2.17 miles of 8-inch loop lines; to tie in approximately 0.34 mile of new 10-inch water crossing at Great Bay, between Newington and Dover, N.H., and to modify an existing 360-h.p. compressor unit at Plaistow to increase its rated capacity to 375 h.p.

Furthermore, Applicant requests authority, beginning November 1, 1968, to convert an existing transportation service rendered for its parent, Northern Utilities, Inc. (Northern) (formerly Portland Gas Light Co.), into a sales arrangement providing for deliveries of a maximum daily quantity of 9,978 Mcf. Applicant states that in order to make the conversion, the volumes of gas now purchased by Northern from Tennessee will be purchased by Applicant from Tennessee, under a new contract providing for all of Applicant's requirements under its proposed change in operations and services. Also, Applicant states that beginning with the 1968-69 heating season, it proposes to increase the maximum daily quantity deliverable to Allied New Hampshire Gas Co. to 5,518 Mcf a day.

Concurrent with the conversion, Applicant proposes a reduction in the charges under its Rate Schedule G, FPC Gas Tariff, Original Volume No. 1, which will be applicable to sales to Allied New Hampshire Gas Co. and to Northern.

The application states that in 1969 Applicant proposes to add a 600-hp. compressor unit at its Plaistow Compressor Station; and, in 1970, another 375 hp. unit.

Total estimated cost of the new pipeline facilities to be acquired or constructed is as follows:

1968 facilities	$747,200
1969 facilities	85,000
1970 facilities	80,000

Applicant will finance the cost of its proposed new construction and acquisition with funds advanced by its parent, Northern.

Applicant requests authority to terminate direct sales connections to its industrial customers, Eno Brick Corp., Exeter, N.H., and Fibertex Corp., Portsmouth, N.H., since both companies have discontinued operations and no further deliveries to either are anticipated.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 5, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8417; Filed, July 16, 1968; 8:45 a.m.]

[Docket No. CP68-250]

LAKE SUPERIOR DISTRICT POWER CO.

Notice of Further Amendment

JULY 9, 1968.

Take notice that on July 3, 1968, Lake Superior District Power Co. (Applicant), 101 West Second Street, Ashland, Wis. 54806, filed in Docket No. CP68-250 a further amendment to its pending application in said docket, filed March 15, 1968 (see Notice of Application, 33 F.R. 5279), as amended May 3, 1968 (see Notice of Further Amendment, 33 F.R. 7164), pursuant to section 7(a) of the Natural Gas Act for an order of the Commission requiring Northern Natural Gas Co. (Northern) to extend its gas transmission facilities a distance of 45.9 miles from a point near Ashland, Wis., to Park Falls, Wis., and supply natural gas to Applicant for operation of the gas turbine steam and electric generating plant under construction at Park Falls. In addition, Applicant requests that those portions of the application as amended herein which request Northern to construct city gate delivery facilities and supply gas to Applicant at Park Falls, Mellen, Butternut, and Glidden for distribution and sale in those communities be further consolidated with Northern's application in Docket No. CP68-193 so that all 10 communities proposed to be served by Applicant in its original application on Northern's Rib Lake Lateral will be considered with and acted upon in Northern's Docket No. CP68-193.

Applicant's amended proposal is more fully set forth in the application which is on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before July 26, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8418; Filed, July 16, 1968; 8:45 a.m.]

[Docket Nos. CI65-205, CS66-49]

THORNTON OIL CO.

Notice of Change in Name

JULY 9, 1968.

Take notice that on April 29, 1968, Thornton Oil Co., 1100 Philtower Building, Tulsa, Okla. 74103, filed notices of changes of name in Docket Nos. CI65-205 and CS66-49 to advise the Commission that its name had been changed from Rodman Oil Co. by amendment to the articles of incorporation dated July 12, 1967, all as more fully set forth in the notices of change in name which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 30, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8419; Filed, July 16, 1968; 8:45 a.m.]

[Docket No. CP68-233]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application; Correction

JUNE 26, 1968.

In notice of application, issued June 21, 1968, and published in the FEDERAL REGISTER June 28, 1968 (F.R. Doc. 68-7660), 33 F.R. 9519, change Docket No. CP68-233 to read "CP66-233."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8420; Filed, July 16, 1968; 8:45 a.m.]

[Docket No. RI68-618 etc.]

U.S. NATURAL GAS CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

JUNE 27, 1968.

U.S. Natural Gas Corp. et al., Docket No. RI68-618, etc.; Mobil Oil Corp., Docket No. RI68-619.

In order providing for hearings on and suspension of proposed changes in rates, issued May 9, 1968, and published in the FEDERAL REGISTER May 18, 1968 (F.R. Doc. 68-5808), 33 F.R. 7473, Docket No. RI68-618 et al., Appendix "A", Docket No. RI68-619, Mobil Oil Corp.: In the second paragraph, lines nine and 14, change "13.97¢" to read "14.11¢".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8421; Filed, July 16, 1968; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24W-2862]

ALLIED AUTOMATION, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JULY 11, 1968.

I. Allied Automation, Inc. (Issuer), 640 South Pickett Street, Alexandria, Va., and Tavern Square, Suite 209, 421 King Street, Alexandria, Va., incorporated in the State of Delaware on September 4, 1959, filed with the Commission on April 24, 1968, a notification on Form 1-A and an offering circular relating to an offering of 70,000 shares of its $1 par value common stock at $4 per share for an aggregate offering price of $280,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The Issuer has failed to disclose in the notification and offering circular that Issuer's president, Frazier Nelson James, Sr., since December 7, 1961, has been subject to an injunctive decree issuing from a U.S. District Court permanently enjoining him from further violating the registration and antifraud provisions of the Securities Act of 1933, as amended, in the offer or sale of the common stock of Diversified Automated Sales Corp. or any other securities.

2. The Issuer has failed to make full and fair disclosure in the offering circular of Issuer's corporate activities, particularly for the years 1959-61.

3. No Regulation A exemption is available for the Issuer under the provisions of Rule 252(d)(2), in that Frazier Nelson James, Sr., president of the Issuer, is subject to a decree of a court of competent jurisdiction permanently enjoining and restraining such person from engaging in the purchase or sale of any security.

B. The offering, if made, would be made in violation of the registration provisions of section 5 and the antifraud provisions of section 17 of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8480; Filed, July 16, 1968; 8:49 a.m.]

[File No. 1-4672]

CAMEO-PARKWAY RECORDS, INC.

Order Suspending Trading

JULY 11, 1968.

The common stock, 10 cents par value, of Cameo-Parkway Records, Inc., Philadelphia, Pa., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Cameo-Parkway Records, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 12, 1968, through July 21, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8481; Filed, July 16, 1968; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[License 01/01-0064]

INVESTRIX, INC.

Notice of Order Revoking License

Notice is hereby given that Investrix, Inc., of Manchester, N.H., and having a branch office in Houston, Tex., was incorporated on May 14, 1964, under the laws of the State of New Hampshire and, on August 3, 1964, was licensed by the Small Business Administration to operate solely under the Small Business Investment Act of 1958.

A civil suit was filed by the Small Business Administration against Investrix, Inc., for issuance of an injunction, determination and adjudication of violations of the Act and SBA rules and

regulations, judgment on indebtedness to SBA, and the appointment of a receiver.

The U.S. District Court for the Southern District of Texas, Houston Division, entered an order dated April 10, 1968, in United States of America v. Investrix, Inc., Civil Action No. 67–H–871, by which the Court determined and adjudged that Investrix, Inc., violated or failed to comply with the provisions of the Act and of the regulations promulgated thereunder.

Section 308 of the Act provides that the license of a Small Business Investment Company may be forfeited if said company is determined and adjudged by a Court of the United States to have violated, or failed to comply with, the provisions of the Small Business Investment Act.

Now, therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, it is hereby ordered that License No. 01/01–0064 issued to Investrix, Inc., be, and the same hereby is, revoked and all of the rights, privileges, and franchises derived therefrom forfeited, and that notice of this revocation be served upon the receiver and be published in the FEDERAL REGISTER.

Dated: July 1, 1968.

For the Small Business Administration.

JAMES T. PHELAN,
Acting Associate
Administrator for Investment.

[F.R. Doc. 68–8427; Filed, July 16, 1968; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JULY 12, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41391—*Newsprint paper from Quebec, Quebec, Canada to Norfolk, Va.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2919), for interested rail carriers. Rates on newsprint paper, in carloads, as described in the application, from Quebec (Limoilou), Quebec, Canada, to Norfolk, Va.

Grounds for relief—Contract water carrier competition.

Tariff—Supplement 19 to Canadian National Railways tariff ICC E. 543.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–8470; Filed, July 16, 1968; 8:49 a.m.]

[Notice 507]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 12, 1968.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 105), ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309, filed July 2, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Boston, Mass., over Interstate Highway 90 to Syracuse, N.Y., (2) from Syracuse, N.Y., over Interstate Highway 81 to Knoxville, Tenn., and (3) from Erie, Pa., over Interstate Highway 79 to Charleston, W. Va., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Boston, Mass., over Massachusetts Highway 9 to Pittsfield, Mass., thence over U.S. Highway 20 to junction New York Highway 92, thence over New York Highway 92 to Syracuse, N.Y., (2) from Syracuse, N.Y., over New York Highway 175 to Skaneateles, N.Y., thence over U.S. Highway 20 to junction New York Highway 5, thence over New York Highway 5 to Buffalo, N.Y., thence over New York Highway 5 to the New York-Pennsylvania State line, thence over Pennsylvania Highway 5 to Erie, Pa., thence over U.S. Highway 20 to Cleveland, Ohio, thence over U.S. Highway 42 to Cincinnati, Ohio, thence over U.S. Highway 25 to junction U.S. Highway 25W, thence over U.S. Highway 25W to Knoxville, Tenn., and (3) from Erie, Pa., over U.S. Highway 20 to Cleveland, Ohio, thence over U.S. Highway 21 to Ghent, Ohio, thence over County Highway 17 to Crystal Springs, Ohio, thence over Ohio Highway 236 to Massillon, Ohio, thence over U.S. Highway 21 to Marietta, Ohio, thence over Ohio Highway 7 to Belpre, Ohio, thence over U.S. Highway 50 to Parkersburg, W. Va., thence over U.S. Highway 21 to Charleston, W. Va., and return over the same routes.

No. MC 2202 (Deviation No. 106), ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309, filed July 2, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Wilkes-Barre, Pa., over Interstate Highway 84 to junction Interstate Highway 90 near Sturnbridge, Mass., thence over Interstate Highway 90 to Worcester, Mass., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Wilkes-Barre, Pa., over U.S. Highway 11 to Scranton, Pa., thence over U.S. Highway 611 to Portland, Pa., thence across the Delaware River to U.S. Highway 46, thence over U.S. Highway 46 to junction unnumbered highway, thence over unnumbered highway to Paterson, N.J., thence over connecting highways and city streets via Newark, N.J., to New York, N.Y., thence over U.S. Highway 1 to New Haven, Conn., thence over U.S. Highway 5 to Springfield, Mass., thence over U.S. Highway 20 to Worcester, Mass., and return over the same route.

No. MC 2228 (Deviation No. 2), MERCHANTS FAST MOTOR LINES, INC., Post Office Drawer 270, Abilene, Tex. 79604, filed July 1, 1968. Carrier's representative: Reagan Sayers, Century Life Building, Post Office Box 17007, Fort Worth, Tex. 76102. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over deviation routes, as follows: (1) From San Antonio, Tex., over Interstate Highway 35 to junction Interstate Highway 35E, thence over Interstate Highway 35E to Dallas, Tex., and (2) from San Antonio, Tex., over Interstate Highway 35 to junction Interstate Highway 35W, thence over Interstate Highway 35W to Fort Worth, Tex., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Dallas, Tex., over U.S. Highway 67 to junction Texas Highway 220, thence over Texas Highway 220 to junction U.S. Highway 281, thence over U.S. Highway 281 to San Antonio, Tex., and (2) from Fort Worth, Tex., over U.S. Highway 81 to junction Texas Highway 174, thence over Texas 174 to junction U.S. Highway 67, thence over the route specified in (1) to San Antonio, Tex., and return over the same routes, with the following restriction: Carrier may not use these above routes to serve Waco, Gatesville, Fort Hood, and Temple, Tex., on traffic moving to or from Dallas, Fort Worth, and San Antonio, Tex.

No. MC 5352 (Deviation No. 1), PAUL S. COOPER, 1302 Garden Lane, Champaign, Ill. 61820, filed June 28, 1968. Carrier's representative: John C. Hirschfield, 110 West Church Street, Post Office Box 1003, Champaign, Ill. 61820. Carrier proposes to operate as a *contract carrier*, by motor vehicle, of *malt and carbonated beverages, and advertising matter* pertaining to such commodities, over a deviation route as follows: From St. Louis, Mo., over Interstate Highway 70 (or U.S. Highway 40 as to those portions of the superhighway not completed) to junction Interstate Highway 57, thence over Interstate Highway 57 (or U.S. Highway 45 as to those portions of the superhighway not completed) to junction Interstate Highway 74 near Champaign, Ill., thence over Interstate Highway 74 to Urbana, Ill., and return over the same route transporting *empty beverage containers*, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From St. Louis, Mo., over U.S. Highway 40 to junction Illinois Highway 159, thence over Illinois Highway 159 to Edwardsville, Ill., thence over Bypass U.S. Highway 66 (formerly portion U.S. Highway 66) to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Illinois Highway 43, thence over Illinois Highway 43 to junction unnumbered highways, thence over unnumbered highway to Staunton, Ill., thence over unnumbered highway to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Illinois Highway 48, thence over Illinois Highway 48 to Weldon, Ill., thence over Illinois Highway 10 to Urban, Ill., and (2) from St. Louis, Mo., over U.S. Highway 40 to junction Illinois Highway 159, thence over Illinois Highway 159 to Edwardsville, Ill., thence over Bypass U.S. Highway 66 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Illinois Highway 48, thence over Illinois Highway 48 to junction unnumbered Monticello-Cesco Road, thence over unnumbered Monticello-Cesco Road to junction Illinois Highway 47, thence over Illinois Highway 47 to junction Illinois Highway 10, thence over Illinois Highway 10 to Urbana, Ill., and return over the same route transporting empty beverage containers.

No. MC 28322 (Deviation No. 1), ARIZONA-UTAH EXPRESS, 929 South Fourth West, Salt Lake City, Utah 84107, filed July 3, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kanab, Utah, over U.S. Highway 89 through Page, Ariz., to junction Alternate U.S. Highway 89, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Kanab, Utah, over Alternate U.S. Highway 89 to junction U.S. Highway 89, and return over the same route.

No. MC 58992 (Deviation No. 1), ALEXANDER TRUCK LINE, INC., 337 East Main, Lyons, Kans. 67554, filed July 2, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *agricultural implements and farm machinery, and general commodities*, with certain exceptions, over a deviation route as follows: From North Kansas City, Mo., over Interstate Highway 35 to Emporia, Kans., thence over U.S. Highway 50 to junction Kansas Highway 150, at Elmdale, Kans., thence over Kansas Highway 150 to junction U.S. Highway 56, thence over U.S. Highway 56 to Lyons, Kans., and return over the same route with no transportation for compensation except as otherwise authorized, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Kansas City, Mo., over U.S. Highway 40 to Topeka, Kans., thence over U.S. Highway 24 to Manhattan, Kans., thence over Kansas Highway 18 to Junction City, Kans., thence over U.S. Highway 40 to Ellsworth, Kans., thence over Kansas Highway 14 to Lyons, Kans., and return over the same route with no transportation for compensation except as otherwise authorized.

No. MC 69116 (Deviation No. 35), SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606, file July 1, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From junction U.S. Highway 66 and Interstate Highway 44, at or near St. Louis, Mo., over Interstate Highway 44 to junction with the Will Rogers Turnpike (Interstate Highway 44), at the Missouri-Oklahoma State Line, thence over the Will Rogers Turnpike (Interstate Highway 44) to junction with the Turner Turnpike (Interstate Highway 44), at or near Tulsa, Okla., thence over the Turner Turnpike (Interstate Highway 44) to Oklahoma City, Okla.; (2) from Oklahoma City, Okla., over Interstate Highway 35 to junction Interstate Highway 35W at or near Denton, Tex.; (3) from junction Interstate Highway 35 and Interstate 35W at or near Denton, Tex., over Interstate Highway 35W to Fort Worth, Tex.; (4) from junction Interstate Highways 35 and 35E at or near Denton, Tex., over Interstate Highway 35E to Dallas, Tex.; (5) from Cincinnati, Ohio, over Interstate Highway 71 to Cleveland, Ohio.; (6) from Paducah, Ky., over Interstate Highway 24 to junction West Kentucky Parkway, thence over the West Kentucky Parkway to junction Kentucky Turnpike, thence over the Kentucky Turnpike to junction Interstate Highway 65, Interstate Highway 64 and Interstate Highway 71, thence over Interstate Highway 71 to junction Interstate Highway 75 (also from junction Interstate Highways 65 and 64 over Interstate Highway 64 to junction Interstate Highway 75), thence over Interstate Highway 75 via junction with Interstate Highway 71 to Bay City, Mich.

(7) From junction Indian National Turnpike and U.S. Highway 69 north of Savanna, Okla., over the Indian Nation Turnpike to junction U.S. Highway 75 at or near Henryetta, Okla.; (8) from New Orleans, La., over Interstate Highway 59 to Meridian, Miss.; (9) from Chicago, Ill., over Interstate Highway 55 to New Orleans, La.; (10) from Chicago, Ill., over Interstate Highway 57 to junction Interstate Highway 55 at or near Sikeston, Mo.; (11) from Indianapolis, Ind., over Interstate Highway 74 to Cincinnati, Ohio.; (12) from Memphis, Tenn., over Interstate Highway 40 to Nashville, Tenn.; and (13) from Indianapolis, Ind., over Indiana Highway 67 to junction Indiana Highway 57, thence over Indiana Highway 57 to junction U.S. Highway 41, thence over U.S. Highway 41 to junction U.S. Highway 60, thence over U.S. Highway 60 to Paducah, Ky., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From St. Louis, Mo., over U.S. Highway 66 to Oklahoma City, Okla.; (2) from Dallas, Tex., over U.S. Highway 77 via Denton, Tex., to Oklahoma City, Okla.; (3) from Fort Worth, Tex., over U.S. Highway 377 to Denton, Tex.; (4) from Indianapolis, Ind., over U.S. Highway 40 to junction Ohio Highway 440, near Clayton, Ohio, thence over Ohio Highway 440 via Englewood, Vandalia, Phoneton, and Donnelsville, Ohio, to Sugar Grove, Ohio, thence over U.S. Highway 40 via Springfield and Lafayette, Ohio, to Columbus, Ohio, thence over U.S. Highway 23 to Delaware, Ohio, thence over U.S. Highway 42 via Medina, Ohio, to Cleveland, Ohio.

(5) From Indianapolis, Ind., over U.S. Highway 52 to Cincinnati, Ohio, thence over U.S. Highway 42 to junction unnumbered highway south of Gano, Ohio, thence over unnumbered highway via West Chester, Maud, Monroe, Franklin, Miamisburg, and West Carrollton, Ohio, to junction U.S. Highway 25 near Moraine City, Ohio, thence over U.S. Highway 25 to Dayton, Ohio, thence over Ohio Highway 444 via Riverside, Wright View, and Fairborn, Ohio, to junction unnumbered highway (formerly Ohio Highway 4), thence over unnumbered highway via Enon to Springfield, Ohio (also from Dayton, Ohio, over Ohio Highway 49 to junction U.S. Highway 40), thence to Cleveland, Ohio, as specified in (4) above; (6) from Indianapolis, Ind., to Lafayette, Ohio, as specified in (4) above, thence over U.S. Highway 42 to Delaware, Ohio, thence to Cleveland, Ohio, as specified in (4) and (5) above; (7) from Indianapolis, Ind., to Medina, Ohio, as specified in (4) and (5) above, thence over Ohio Highway 18 to Akron, Ohio, thence over Ohio Highway 8 to Cleveland, Ohio; (8) from St. Louis, Mo., over Illinois Highway 13 to Marion, Ill., thence over Illinois Highway 37 to West Vienna, Ill., thence over Illinois Highway 146 to Vienna, Ill., thence over U.S. Highway 45 to Fulton, Ky., thence over U.S. Highway 45W to junction U.S. Highway 45, thence over U.S. Highway 45 to Jackson, Tenn. (also from Fulton over U.S. Highway 45E to junction U.S. Highway 45W and U.S. Highway 45); (9) from Cairo, Ill., over U.S. Highway 51 to junction U.S. Highway 45 near Fulton, Ky.; (10) from St. Louis, Mo., over U.S. Highway 40 to junction Ohio Highway 49, thence over Ohio Highway 49 to Dayton, Ohio; (11)

from Indianapolis, Ind., over Indiana Highway 37 to Huntington, Ind.

(12) From Indianapolis, Ind., over Indiana Highway 29 to Logansport, Ind., thence over U.S. Highway 24 to Napoleon, Ohio; (13) from Fort Wayne, Ind., over Indiana Highway 37 to the Indiana-Ohio State line, thence over Ohio Highway 2 to Toledo, Ohio; (14) from Toledo, Ohio, over U.S. Highway 23 to Bay City, Mich.; (15) Springfield, Ohio, over U.S. Highway 36 to Indianapolis, Ind.; (16) from Indianapolis, Ind., over U.S. Highway 52 to junction U.S. Highway 41, thence over U.S. Highway 41 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Illinois Highway 50, thence over unnumbered highways to Chicago, Ill.; (17) from Chicago, Ill., over U.S. Highway 41 to junction U.S. Highway 6, thence over U.S. Highway 6 to Cleveland, Ohio, thence over U.S. Highway 20 to Silver Creek, N.Y., thence over N.Y. Highway 5 to Buffalo, N.Y., thence over New York Highway 33 to Rochester, N.Y., thence over New York Highway 31 to Weedsport, N.Y., thence over New York Highway 31B to junction New York Highway 5, thence over New York Highway 5 to Albany, N.Y., thence over U.S. Highway 9 to New York, N.Y. (also from Albany over U.S. Highway 9W and bridge or ferry to New York); (18) from Chicago, Ill., over U.S. Highway 20 to Toledo, Ohio, thence over Ohio Highway 2 to Sandusky, Ohio, thence over U.S. Highway 6 to Cleveland, Ohio, thence to New York as specified immediately above.

(10) From Gary, Ind., over U.S. Highway 12 to junction unnumbered highway (formerly portion U.S. Highway 12) near New Buffalo, Mich., thence over unnumbered highway via Union Pier, Lakeside, and Harbert, Mich., to junction Interstate Highway 94 (formerly portion U.S. Highway 12), thence over Interstate Highway 94 (formerly portion U.S. Highway 12), thence over Interstate Highway 94 to junction Business Interstate Highway 94 (formerly portion U.S. Highway 12) near Stevensville, Mich., thence over Business Interstate Highway 94 via St. Joseph and Benton Harbor, Mich., to junction unnumbered highway (formerly portion U.S. Highway 12), thence over unnumbered highway via Coloma, Watervliet, Hartford, Lawrence, Paw Paw, and Oshtemo, Mich., to junction Business Interstate Highway 94 (formerly portion U.S. Highway 12), thence over Business Interstate Highway 94 via Kalamazoo, Mich., to junction Interstate Highway 94 (formerly portion U.S. Highway 12), thence over Interstate Highway 94 to junction unnumbered highway (formerly portion U.S. Highway 12), thence over unnumbered highway via Battle Creek, Marshall, Marengo, Albion, and Parma, Mich., to junction Interstate Highway 94 (formerly portion U.S. 12), thence over Interstate Highway 94 to junction unnumbered highway (formerly portion U.S. Highway 12), thence over unnumbered highway via Lima, Mich., to Ann Arbor, Mich., thence over Michigan Highway 14 (formerly portion U.S. Highway 12) via Dixbara to Detroit, Mich., thence over U.S. Highway 25 to Port Huron, Mich.; (20) from junction unnumbered highway (formerly U.S. Highway 12) and U.S. Highway 12 (formerly U.S. Highway 112) over U.S. Highway 12 to Mottville, Mich.;

(21) From Pontiac, Mich., over U.S. Highway 10 to junction U.S. Highway 23, approximately 2 miles south of Pine Run, Mich.; (22) from Chicago, Ill., over U.S. Highway 20 to Elkhart, Ind., thence over Indiana Highway 19 to the Indiana-Michigan State line, thence over Michigan Highway 205 to junction U.S. Highway 12 (formerly U.S. Highway 112), thence over U.S. Highway 12 to Detroit, Mich.; (23) from Huntington, Ind., over U.S. Highway 224 to junction U.S. Highway 422, thence over U.S. Highway 422 to Ebensburg, Pa., thence over U.S. Highway 22 to Harrisburg, Pa., thence to Philadelphia, Pa., as specified above; (24) from Quincy, Ill., over U.S. Highway 24 to junction U.S. Highway 6, thence over U.S. Highway 6 to Cleveland, Ohio, thence over U.S. Highway 422 to junction U.S. Highway 22, thence over U.S. Highway 22 to Harrisburg, Pa., thence over U.S. Highway 230 to junction U.S. Highway 30, thence over U.S. Highway 30 to Philadelphia, Pa., thence over U.S. Highway 1 to New York, N.Y.; (25) from junction U.S. Highways 66 and 75 at or near Sapulpa, Okla., over U.S. Highway 75 to Dallas, Tex.; (26) from junction U.S. Highways 66 and 69 (at or near Vinita, Okla.), over U.S. Highway 69 to junction U.S. Highway 75 (at or near Atoka, Okla.); (27) from New Orleans, La., over U.S. Highway 11 to Meridian, Miss.; (28) from St. Louis, Mo., across the Mississippi River to junction U.S. Highway 66, thence over U.S. Highway 66 to Gardner, Ill., thence over Alternate U.S. Highway 66 to junction U.S. Highway 66, thence over U.S. Highway 66 to Chicago, Ill.; (29) from St. Louis, Mo., across the Mississippi River to East St. Louis, Ill., thence over Illinois Highway 3 to Ware, Ill., thence over Illinois Highway 146 to Cape Girardeau, Mo. (also from St. Louis over U.S. Highway 61 to Cape Girardeau), thence over U.S. Highway 61 to Memphis, Tenn.

(30) From Memphis, Tenn., over U.S. Highway 51 to Jackson, Miss.; (31) from Memphis, Tenn., over U.S. Highway 51 to Durant, Miss.; (32) from Durant, Miss., over U.S. Highway 51 to New Orleans, La.; (33) from Chicago, Ill., over U.S. Highway 54 to Kankakee, Ill., thence over U.S. Highway 45 to junction Illinois Highway 37, thence over Illinois Highway 37 to junction U.S. Highway 51 to Cairo, Ill.; (34) from Cairo, Ill., over U.S. Highway 51 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction U.S. Highway 61, near Sikeston, Mo.; (35) from Memphis, Tenn., over U.S. Highway 79 to Atwood, Tenn., thence over Alternate U.S. Highway 70 to Huntington, Tenn., thence over U.S. Highway 70 to Nashville, Tenn.; (36) from Fulton, Ky., over U.S. Highway 45W to junction U.S. Highway 45, thence over U.S. Highway 45 to Jackson, Tenn. (also from Fulton, Ky., over U.S. Highway 45E to junction 45); and (37) from Indianapolis, Ind., over U.S. Highway 40 to junction Illinois Highway 37 at Effingham, Ill., thence over Illinois Highway 37 to junction Illinois Highway 146 at West Vienna, Ill., thence over Illinois Highway 146 to junction U.S. Highway 45 at Vienna, Ill., thence over U.S. Highway 45 to Paducah, Ky., and return over the same route.

No. MC 69116 (Deviation No. 36), SPECTOR FREIGHT, INC., 205 West Wacker Drive, Chicago, Ill. 60606, filed July 3, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exception, over deviation routes as follows: (1) Between Providence, R.I., and Old Town, Maine, over Interstate Highway 95, (2) between Portland, Maine, and Augusta, Maine, over the Maine Turnpike, (3) between Portsmouth, N.Y., and Rochester, N.H., over the Spaulding Turnpike, (4) between Boston, Mass., and Concord, N.H., over Interstate Highway 93, (5) between Nashua, N.H., and Manchester, N.H., over the F. E. Everett Turnpike, (6) between junction Interstate Highways 95 and 495 near Amesbury, Mass., and junction Interstate Highways 95 and near Mansfield, Mass., over Interstate Highway 495, and (7) between Providence, R.I., and New Bedford, Mass., over Interstate Highway 195, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Boston, Mass., over Massachusetts Highway 17 (formerly U.S. Highway 1) to junction U.S. Highway 1, thence over U.S. Highway 1 via Portland, Maine, to Brunswick, Maine, thence over U.S. Highway 201 to Augusta, Maine (also from Portland over Maine Highway 26 to Gray, Maine, thence over U.S. Highway 202 to Augusta), thence over U.S. Highway 201 to Fairfield, Maine, thence over Maine Highway 11 to Newport, Maine, thence over U.S. Highway 2 to Old Town, Maine, (2) from Lowell, Mass., over Massachusetts Highway 110 to Amesbury, Mass., thence over Massachusetts Highway 150 to the Massachusetts-New Hampshire State line, thence over New Hampshire Highway 150 to Exeter, N.H., thence over New Hampshire Highway 108 to Dover, N.H., thence over New Hampshire Highway 4 to the New Hampshire-Maine State line, thence over Maine Highway 4 to junction Maine Highway 109, thence over Maine Highway 109 to Sanford, Maine, thence over U.S. Highway 202 to Gorham, Maine, thence over Maine Highway 25 to Portland, Maine, (3) from Portsmouth, N.H., over New Hampshire Highway 16 (portion formerly New Hampshire Highway 16A) to Rochester, N.H., (4) from Boston, Mass., over U.S. Highway 3 to Manchester, N.H. (also from Boston over Massachusetts Highway 28 to the Massachusetts-New Hampshire State line, thence over New Hampshire Highway 28 to Manchester), thence over U.S. Highway 3 to Concord, N.H., (5) from Boston, Mass., over U.S. Highway 1 to Providence, R.I., thence over Rhode Island Highway 122 to Woonsocket, R.I., and (6) from Boston, Mass., over Massachusetts Highway 28 to Bridgewater, Mass., thence over Massachusetts Highway 18 to New Bedford, Mass. (also from Boston over Massachusetts Highway 138 to Fall River, Mass., thence over U.S. Highway 6 to New Bedford), and return over the same routes.

No. MC 112713 (Deviation No. 12), YELLOW TRANSIT FREIGHT LINES, INC., Post Office Box 8462, 92d at State Line, Kansas City, Mo. 64114, filed June 26, 1968. Carrier's representative: John M. Records, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Effingham, Ill., over Interstate Highway 57 to junction Illinois Highway 16, thence over Illinois Highway 16 to Paris, Ill., thence over U.S. Highway 150 to Junction U.S. Highway 40 near Terre Haute, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction U.S. Highway 40 and Interstate Highway 57 at Effingham, Ill., over U.S. Highway 40 to West Terre Haute, Ind., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8471; Filed, July 16, 1968; 8:49 a.m.]

[Notice 1199]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 12, 1968.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 4405 (Sub-No. 454) (Republication), filed October 30, 1967, published FEDERAL REGISTER issue of November 16, 1967, and republished this issue. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago, Ill. 60633. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. By application filed October 30, 1967, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of (1) *trailers, trailer chassis, semitrailers and semitrailer chassis*, other than those designed to be drawn by passenger automobiles, (a) in initial truckaway service from Reading, Pa., and 5 miles thereof to points in Alaska, Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, and (b) in initial driveaway service, from Reading, Pa., and 5 miles thereof, to points in Alaska, Arizona, Nevada, Oregon, and Vermont, (2) tractors, in secondary driveaway service only when drawing trailers or trailer chassis (other than those designed to be drawn by passenger automobiles) moving in initial driveaway service from Reading, Pa., and 5 miles thereof to points in Arizona, Nevada, Oregon, Vermont, and Alaska, (3) containers, except containers having a capacity of 5 gallons or less of 9 cubic feet or less, (a) from Reading, Pa., and 5 miles thereof, to points in the United States, including Alaska, but excluding Hawaii, and (b) from points in the United States, including Alaska, but excluding Hawaii, to Reading, Pa., and 5 miles thereof, and (4) materials, supplies, and parts used in the manufacture, assembly, or servicing of the commodities described in paragraphs (1) and (3) above, when moving in mixed loads with such commodities, from Reading, Pa., and 5 miles thereof, to points in the United States, including Alaska, but excluding Hawaii.

An order of the Commission, Operating Rights Board, dated June 17, 1968, and served July 3, 1968, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of (1) trailers, trailer chassis, semitrailers, and semitrailer chassis (except those designed to be drawn by passenger automobiles), (a) in initial movements, in truckaway service, from the facilities of Clark Equipment Co., Brown Trailer Division, at or near Reading, Pa., to points in Alaska, Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, and (b) in initial movements in driveaway service, from the facilities of Clark Equipment Co., Brown Trailer Division, at or near Reading, Pa., to points in Alaska, Arizona, Nevada, Oregon, and Vermont; (2) tractors, in secondary movements, in driveaway service, only when drawing trailers or trailer chassis (except those designed to be drawn by passenger automobiles) in initial movements, in driveaway service, from the facilities of Clark Equipment Co., Brown Trailer Division, at or near Reading, Pa., to points in Alaska, Arizona, Nevada, Oregon, and Vermont.

(3) Containers, between the facilities of Clark Equipment Co., Brown Trailer Division, at or near Reading, Pa., on the one hand, and, on the other points in the United States, including Alaska, but excluding Hawaii; (4) materials, supplies, and parts used in the manufacture, assembly, or servicing of the commodities described in paragraphs (1) and (2) above, when moving in mixed loads with such commodities, from the facilities of Clark Equipment Co., Brown Trailer Division, at or near Reading, Pa., to points in the United States, including Alaska, but excluding Hawaii, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 11207 (Sub-No. 266) (Republication), filed August 17, 1967, published FEDERAL REGISTER issue of September 21, 1967, and republished this issue. Applicant: DEATON, INC., 3409 10th Avenue North, Birmingham, Ala. 35234. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. By application filed August 17, 1967, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points within 15 miles of the corporate limits of Atlanta, Ga., in connection with applicant's authorized service to and from Atlanta, Ga. An order of the Commission, Operating Rights Board, dated June 28, 1968, and served July 9, 1968, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Atlanta, Ga., and those points in that portion of Georgia bounded by a line beginning at the junction of Georgia Highway 61 and Georgia Highway 20, at or near Cartersville, Ga., extending east along Georgia Highway 20 to junction with U.S. Highways 41–19, at or near Hampton, Ga., thence south along U.S. Highways 41–19 to junction Georgia Highway 16, at or near Griffin, Ga., thence west along Georgia Highway 16 to junction U.S.

Highway 27 Alternate, southeast of Newman, Ga.

Thence in a northwesterly direction along U.S. Highway 27 Alternate to junction Georgia Highway 166, at or near Carrollton, Ga., thence in a northeasterly direction along Georgia Highway 166 to junction Georgia Highway 61, and thence north along Georgia Highway 61 to junction Georgia Highway 20, on the one hand, and, on the other, Anniston, Curry, Jacksonville, Merrellton, Munford, Oxford, Piedmont, and Talladega, Ala., restricted against tacking or combining this authority with any authority presently held by applicant to provide a through service between Atlanta, Ga., and Birmingham, Ala., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 109637 (Sub-No. 337) (Republication), filed February 26, 1968, published FEDERAL REGISTER issue of March 14, 1968, and republished this issue. Applicant: SOUTHERN TANK LINES, INC., Post Office Box (4107 Bells Lane), Louisville, Ky. 40201. Applicant's representative: Harris G. Andrews (same address as applicant). By application filed February 26, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of uranium hexafluoride, in bulk, in steel cylinders, from Metropolis, Ill., to Oak Ridge, Tenn., and Portsmouth, Ohio, and empty steel cylinders, on return. An order of the Commission, Operating Rights Board dated June 17, 1968, and served July 2, 1968, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *uranium hexafluoride*, in bulk, in steel cylinders, from Metropolis, Ill., to the plantsites of the Atomic Energy Commission at Oak Ridge, Tenn., and at or near Sargents, Pike County, Ohio; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulation thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 130049 (Republication), filed January 10, 1968, published in FEDERAL REGISTER issues of February 1, 1968, and March 14, 1968, and republished this issue. Applicant: CINCINNATI AUTOMOBILE CLUB, doing business as WORLD WIDE TRAVEL AGENCY, Central Parkway and Race Streets, Cincinnati, Ohio 45202. Applicant's representative: William A. Busemeyer, American Building, Central Parkway at Walnut, Cincinnati, Ohio 45202. By application filed January 10, 1968, applicant seeks a license authorizing operation as a broker at Cincinnati, Ohio, in arranging for the transportation, in interstate or foreign commerce, of passengers and their baggage, both as individuals and in groups, in charter operations to certain vacation spots and points in interest, beginning and ending at points in Hamilton County, Ohio, and extending to points in the continental United States, Alaska, and Hawaii. An order of the Commission, Operating Rights Board, dated June 21, 1968, and served July 3, 1968, as amended, finds, that operation by applicant at Cincinnati, Ohio, as a *broker* arranging for transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, in all-expense, round-trip tours, in special and charter operations beginning and ending in Hamilton County, Ohio, and extending to points in the United States (including Alaska and Hawaii), will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a license in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 111302 (Notice of Filing of Petition To Modify Certificate), filed June 17, 1968. Petitioner: HIGHWAY TRANSPORT, INC., Powell, Tenn. Petitioner's representatives: Paul M. Daniell and Alan E. Serby, 1600 First Federal Building, Atlanta, Ga. 30303. Petitioner files this petition to modify portions of the certificate issued in MC–111302 which authorizes the transportation of liquid chemicals as defined in *Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, in accordance with the procedure outlined in *Southern Tank Lines, Inc., Extension—St. Bernard, Ohio*, 88 M.C.C. 127. That portion of the certificate issued in MC 111302 reading irregular routes: Chemicals, as defined in the *Maxwell* Co. *Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from Knoxville, Tenn., to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Oklahoma, Texas, and Wisconsin, with no transportation for compensation on return except as otherwise authorized. Liquid chemicals, as defined in the *Maxwell* Co. *Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from Knoxville, Tenn., to points in Alabama, Florida, Georgia, Kansas, Nebraska, North Carolina, South Carolina, Virginia, and West Virginia (except Parkersburg, W. Va.), with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner prays that the commodity descriptions be so amended so as to eliminate and reference to the *Maxwell* case and so that they will read: "Chemicals, in bulk, in tank vehicles" where authority to transport chemicals is now contained and so that they read "liquid chemicals, in bulk, in tank vehicles" where authority to transport liquid chemicals is authorized. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 112627 (Sub-No. 7) (Correction) (Notice of Filing of Petition for the Removal of a Restriction), filed June 21, 1968, published FEDERAL REGISTER, issue of July 10, 1968, and republished as corrected this issue. Petitioner: OWENS BROS., INC., Danville, N.Y. Petitioner's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Petitioner holds certificate in No. MC 112627 (Sub-No. 7), authorizing the transportation by motor carrier, in interstate or foreign commerce, transporting: Wine, containers, from Naples, N.Y., to points in Indiana and Illinois (except Chicago, Ill.), restricted to stop-off-shipments only. By the instant petition, petitioner requests the elimination of the restriction pertaining to stop-off shipments. NOTE: The purpose of this republication is to show the correct docket number assigned thereto. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of this publication in the FEDERAL REGISTER.

No. MC 127080 (Notice of Filing of Petition To Amend Permit), filed June 28, 1968. Petitioner: SPRINGDALE FARMS PRODUCE COMPANY, INC., Springdale, Ark. Petitioner's representatives: A. Alvis Layne and Walter T. Evans, 915 Pennsylvania Building, Washington, D.C. 20004. Petitioner holds Permit No. MC 127080 authorizing it to operate as a contract carrier by motor vehicle, over irregular routes, in the transportation of: *Frozen foods* (except dairy products) when moving in mixed loads with frozen or ice-packed poultry, and frozen or ice-packed poultry when moving in mixed loads with frozen foods (except dairy products), from the plantsites and storage facilities of Springdale Farms Service Co., Inc., Springdale, Ark., to points in Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming, with no transportation for compensation on return except as otherwise authorized. *Frozen meat*, from Kansas City, Kans. to plantsites and storage facilities of Springdale Farm Service Co., Inc., Springdale, Ark., with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts, with Springdale Farms Service Co., Inc., of Springdale, Ark. By the instant petition, petitioner requests permission to add Springdale Farms, Inc., as a shipper. The instant petition also requests authority to allow service to the State of California. Any interested person desiring to participate, may file an original and six copies of his written representation, views, or arguments in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 128659 (Correction) (Notice of Filing of Petition To Amend Permit To Reflect a Change in Location of a Plantsite), filed June 3, 1968, published in the FEDERAL REGISTER issue of June 26, 1968, under MC 128569, and republished as corrected, this issue. Petitioner: ORBITAL TRANSPORT, INC., 2647 Karen Street, Bellmore, N.Y. 11710. Petitioner's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Petitioner presently holds a permit in No. MC 128659 issued June 20, 1967, authorizing operations as a *contract carrier*, over irregular routes, in the transportation of: *Plastic boxes*, loose, set up, not packaged, and *show, display, and advertising materials and equipment* used in connection therewith, between the plantsite of the Tedruth Plastics Corp., in Oyster Bay Township, N.Y., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, restricted to a transportation service to be performed under a continuing contract, or contracts, with Tedruth Plastics Corp. By the instant petition petitioner states it now seeks to have its permit amended by the elimination therefrom of the present plantsite location of Oyster Bay Township, N.Y., and the substitution in place thereof the new plantsite location at Howell Township, N.J., so that it might perform the identical, restricted service it is presently conducting for its sole shipper at the New Jersey place when the customer commences operations there. In all other respects the authority now contained in permit MC 128659 would be the same, restricted to a service solely for Tedruth Plastics Corp., Petitioner's only customer. Any person or persons desiring to participate, may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER. NOTE: The purpose of this republication is to reflect the correct docket number as MC 128659, erroneously shown as No. MC 128569 in the previous publication.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 58016 (Sub-No. 4), filed June 19, 1968. Applicant: WESTERN NEW YORK STATE LINES, INC., 3454 Pearl Street, Batavia, N.Y. 14020. Applicant's representatives: Hebert M. Canter and Norman M. Pinksy, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment: (1) Regular routes: (a) Between Buffalo, Olean, and Salamanca, N.Y., as follows: From Buffalo, over New York Highway 16 to Olean; thence over New York Highway 17 to Salamanca; thence over New York Highway 18 to Buffalo, and over an alternate route between Cadiz and Salamanca over New York Highway 98; serving Arcade, Angola, Cuba, Ellicottville, Limestone, Randolph, Perrysburg, Portville, South Dayton, and Springville Villages, N.Y., Collins, Elton, Otto, Rock City, Westons Mills Hamlets, N.Y., and Tonawanda, N.Y., as intermediate points and off-route points, including service to all points in the commercial zones of Buffalo, Olean, Salamanca, and Tonawanda, as defined by the New York Public Service Commission.

(2) Irregular routes except as set forth in paragraph (1), above: (a) Between points in Monroe County, N.Y., on the one hand, and, on the other, points in Cayuga, Genesee, Onondaga, Erie, Monroe, Ontario, Niagara Counties, N.Y.; (b) from points in Monroe County, N.Y., to points in Livingston, Oswego, Seneca, Orleans and Yates Counties, N.Y.; (c) between points in Erie County, N.Y., on the one hand, and, on the other to points in Allegany, Niagara, Wayne, Erie, Onondaga, Wyoming, Genesee, Ontario, Yates, Livingston, and Steuben Counties, N.Y.; (d) from points in Erie County, N.Y., to points in Cayuga, Orleans, Seneca, and Oswego Counties, N.Y.; (e) between points in Genesee County, N.Y., on the one hand, and, on the other, points in Livingston and Onondaga Counties, N.Y.; (f) from points in Genesee County, N.Y., to points in Niagara and Ontario Counties, N.Y.; (g) between points in Livingston County, N.Y.; (h) between points in Onondaga County, N.Y., on the one hand, and, on the other, points in Livingston and Wayne Counties, N.Y.; (i) from points in Onondaga County, N.Y., to points in Cayuga, Ontario, Seneca, Niagara, Orleans, Yates Counties, N.Y. (j) from points in Niagara and Oswego Counties, N.Y., to points in Ontario County, N.Y.; (k) from points in Niagara County, N.Y., to points in Wyoming County, N.Y.; (l) NOTE: By this instant application, applicant seeks to "convert" its certificate of registration in MC 58016 Sub 3 into a certificate of public convenience and necessity. (2) No duplicating authority is being sought. (3) Applicant intends to tack the authorities contained in paragraphs (1) and (2) above as presently authorized under regulations of the New York Public Service Commission and also to tack the various parts of paragraph (2) with each other as also presently authorized under regulations of the New York Public Service Commission. (4) This application is a matter directly related to MC–F–10094, published in FEDERAL REGISTER issue of April 17, 1968. If a hearing is deemed necessary, applicant requests it be held at Syracuse or Buffalo, N.Y.

No. MC 105275 (Sub-No. 39), filed June 27, 1968. Applicant: W. T. BYRNS MOTOR EXPRESS, INC., 646 Coffeen Street, Watertown, N.Y. 13602. Applicant's representative: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular and regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). Irregular routes: (1) Between points in St. Lawrence County, N.Y., on the one hand, and, on the other, points in Clinton, Essex, Franklin, Jefferson, and St. Lawrence Counties, N.Y.; and (2) between points in Jefferson, Lewis, Oneida, and Oswego Counties, N.Y. Regular routes: (3) between Syracuse, N.Y., and Watertown, N.Y., serving all intermediate points, except those authorized the paragraph "2" above and the commercial zone of Syracuse as defined herein. The city of Syracuse, including the towns of Geddes, Salina, De Witt, and Onondaga: that portion of the town of Manlius bounded on the north by State Highway Route No. 5, on the east by State Highway Route No. 62, and on the southerly and westerly sides by Highbridge Road and including all of the villages of Fayetteville and Manlius; that portion of the town of Camillus bounded on the north by a county highway beginning at the

Northwest corner of the village line of the village of Solvay.

Thence northwest along this highway known as Gerelock Road (County Road No. 220) to the intersection of the Fairmount-Belle Isle Road (County Road No. 102), thence southwest along Bennett Road (County Road No. 223) to the intersection of the Fairmount-Amboy Road (County Road No. C–9–5), thence southwest along Milton Avenue Road (County Road No. 109) to the village line of the village of Camillus; the area within the village of Camillus; thence southwesterly along Valley Road (State Highway Route No. 321) to the intersection of the State Highway route running southerly therefrom, thence southerly along this State highway route to the intersection of Lyons Road (County Road No. 225), thence easterly along Lyons Road to the intersection of the Howlett Hill Road (County Road No. C–6–2), thence easterly along Howlett Hill to the town of Onondaga; also the following portion of the town of Camillus; beginning at the intersection of the Gerelock Road, Bennett Road, and the Fairmount-Belle Isle Road (now generally known as Belle Isle-Amboy Road), and extending from that intersection northwesterly along Fairmount-Belle Isle Road to the Syracuse Municipal Airport and including service to all parts of the Syracuse Municipal Airport, and that part of the town of Clay bounded as follows:

Beginning at the intersection of Bear Road (County Road No. 191) and the Clay-Cicero town line thence westerly along Bear Road to its intersection with Buckley Road (County Road No. 161), thence northwesterly on Buckley Road to its intersection with Seventh North Street, thence northerly on Seventh North Street to its intersection with Wetzel Road, thence westerly on Wetzel Road to its intersection with Morgan Road, thence southerly on Morgan Road to the Salina-Clay town line, thence easterly along the Salina-Clay town line to its intersection with the Clay-Cicero town line, thence northerly along the Clay-Cicero town line to its intersection with Bear Road, and including all of the village of North Syracuse. NOTE: Applicant indicates tacking possibilities with existing operations at points in New York. The instant application is a matter directly related to MC–F–10173, published in FEDERAL REGISTER issue of July 10, 1968, wherein applicant seeks to convert the certificate of registration of Seabury Motor Express, Inc., under MC 45576 (Sub-No. 4) into a certificate of public convenience and necessity. Common control may be involved. Duplicating authority is to be eliminated. If a hearing is deemed necessary, applicant requests it be held at Albany or Syracuse, N.Y.

No. MC 121393 (Sub-No. 4), filed July 1, 1968. Applicant: HEMPSTEAD DELIVERY CO., INC., 407 West 35th Street, New York, N.Y. 10001. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment); Route (A) between New York City and Yonkers, N.Y.: from New York City over U.S. Highway 9 to the village of Peekskill (Westchester County); thence over U.S. Highway 6 to the village of Brewster (Putnam County); thence over New York Highway 22 to the hamlet of Valhalla (Westchester County); thence over New York Highway 100C to the hamlet of Eastview (Westchester County); thence over New York Highway 9A to the city of Yonkers; thence over U.S. Highway 9 (or city streets); including service from, to and between all intermediate points and the following off-route points: Hawthorne, Mount Kisco, Pleasantville, and Briarcliff Manor Villages; Garrison, Bedford Hills, Chappaqua, Thornwood, Yorktown Heights, Katonah, and Poundridge Hamlets; Route (B) between New York City and White Plains, N.Y.: From New York City over U.S. Highway 9 to Yonkers; thence over city streets to Mount Vernon; thence over U.S. Highway 1 to the village of Port Chester (Westchester County); thence over New York Highway 119 to White Plains; thence over New York Highway 100 to Yonkers; thence over U.S. Highway 9 to New York City; including service from, to and between all intermediate points and the following off-route points; Scarsdale Village and Harrison Hamlet. NOTE: This is a matter directly related to MC–F–10179 published in the FEDERAL REGISTER issue of July 10, 1968. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–10181. Authority sought for purchase by FOX HOLLOW, INC., 565 East Edna Place, Covina, Calif. 91722, of the operating rights and property of LUX ART VANS SERVICE, INC., Post Office Box 407, La Canada, Calif. 91011. Applicants' representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Operating rights sought to be transferred: *Livestock* (other than ordinary), *supplies and equipment* used in the care, exhibition, and racing of livestock (other than ordinary), *mascots, lead ponies*, and the *personal effects of attendants and trainers*, to be transported in the same vehicle with such livestock, as a *common carrier*, over irregular routes, between points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, with restriction, between Longmont, Colo., and points within 50 miles thereof, on the one hand, and, on the other, points in Colorado, between Sunland Park Race Track, N. Mex., on the one hand, and, on the other, points in New Mexico, between points in California, on the one hand, and, on the other points in Clark County, Nev.; *livestock* (other than ordinary livestock), and, in the same vehicle therewith, *supplies and equipment* used in the care and exhibition of such animals, *mascots*, and the *personal effects of their attendants, trainers, and exhibitors*, between points in Washington and Oregon, between points in Washington and Oregon, on the one hand, and, on the other, points in California, between points in California, on the one hand, and, on the other, ports of entry in Montana on the United States-Canada Boundary line.

Race horses and *racing equipment*, between points in Washington and Oregon, on the one hand, and, on the other, the boundary of the United States and Canada, through ports of entry in Washington; *race horses, polo ponies, breeding horses, saddle horses*, and *show horses*, and, in the same vehicle with such horses, *equipment or paraphernalia* incidental to the care, transportation and exhibition of such horses, and the *personal effects of attendants*, between points in California; and *horses* (other than ordinary), and in the same vehicle with such horses, *stable supplies and equipment* used in the care and exhibition of such horses, *mascots*, and the *personal effects of their attendants, trainers, and exhibitors*, between the boundary of the United States and Mexico at or near San Ysidro, Calif., on the one hand, and, on the other, certain specified points in California, between certain specified points in California, on the one hand, and, on the other, points in Yuma and Maricopa Counties, Ariz. Vendee is authorized to operate as a *common carrier* in Arkansas, Louisiana, Michigan, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Missouri, New York, New Jersey, Delaware, Pennylvania, Maryland, Illinois, Indiana, Tennessee, Virginia, West Virginia, Florida, North Carolina, South Carolina, Kentucky, Ohio, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10182. Authority sought for purchase by THE LAKE SHORE MOTOR FREIGHT COMPANY, 1200 South State Street, Girard, Ohio 44420, of the operating rights of GEORGE DRUMMEY CARTAGE CORPORATION (SHERWIN O. SIMON, TRUSTEE IN BANKRUPTCY), 100 West Monroe Street, Chicago, Ill. 60603, and for acquisition by ESTATE OF H. J. O'MALLEY, care of John Newman, Union National Bank Building, Youngstown, Ohio, of control of such rights through the purchase. Applicants' attorneys and representative: Bowes and Millner, 744 Broad Street, Newark, N.J. 07102, and Sherwin O. Simon, 100 West Monroe Street, Chicago, Ill. 60603. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Chicago, Ill., and Michigan City, Ind., serving all intermediate points, and points in the Chicago, Ill., commercial zone, as defined by the Commission. Vendee is authorized to operate as a *common carrier* in Ohio, Pennsylvania, New York, Indiana, Illinois, Michigan, and Wiscosnin. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10183. Authority sought for purchase by JENNEY FREIGHT LINE, INC., 1224 North Main Avenue, Tucson, Ariz. 85705, of a portion of the operating rights and property of COCHISE VAN & STORAGE, INC., 448 Whitton, Northwest Sierra Vista, Ariz. 85635. Applicants' attorney: Nick Knez, 205 Arizona Land Title Building, Tucson, Ariz. 85701. Operating rights sought to be transferred: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier*, over irregular routes, between points in Arizona within 25 miles of Bisbee, Ariz., including Bisbee. Vendee is authorized to operate under a certificate of registration, as a common carrier, in the State of Arizona. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10184. Authority sought for purchase by MANLEY TRANSFER COMPANY, INC., 315 North Santa Fe, Chanute, Kans. 66720, of the operating rights of PITTSBURG TRANSPORTATION CO., INC., 205 North Locust, Pittsburg, Kans. 66762, and for acquisition by R. F. MANLEY, RUTH MANLEY CALDWELL, both also of Chanute, Kans., L. D. MANLEY, 1410 Intercity Trafficway, Kansas City, Mo., and C. E. MANLEY, 110 East 10th Coffeyville, Kans., of control of such rights through the purchase. Applicants' attorney: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Operating rights sought to be transferred: *General commodities*, except those of unusual value, classes A and B explosives, livestock, commodities in bulk, commodities requiring special equipment, household goods as defined by the Commission, emigrant movables, and mining machinery and parts, as a *common carrier*, over irregular routes, between Pittsburg, Kans., on the one hand, and, on the other, points in Kansas and Missouri within 80 miles of Pittsburg. Vendee is authorized to operate as a *common carrier* in Missouri, Kansas, Iowa, and Oklahoma. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10186. Authority sought for control by DANIEL S. FULKERSON, 2215 Izard, Omaha, Nebr. (a noncarrier, whose brother and sister own HOLMES FREIGHT LINES, INC., 3523 L Street, Omaha, Nebr. 68107, which is authorized to operate as a *common carrier* in Iowa, Illinois, and Nebraska), of GREAT PLAINS TRANSPORTATION COMPANY, 2215 Izard, Omaha, Nebr. Applicants' attorney: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Operating rights sought to be controlled: *General commodities*, except those requiring special equipment, as a *common carrier*, over regular routes, between Omaha, Nebr., and McCook, Nebr., serving the intermediate points of Lincoln and Hastings, Nebr., and the intermediate points west of Hastings, restricted against service between Hastings and Heartwell, Nebr., between Holdrege, Nebr., and Eustis, Nebr., serving all intermediate points, between Elwood, Nebr., and Maywood, Nebr., serving all intermediate points, and the off-route point of Orafino, Nebr., between Hastings, Nebr., and Grand Island, Nebr., serving all intermediate points; over one alternate route for operating convenience only; Restriction: The authority granted above to the extent it authorizes the transportation of classes A and B explosives, shall be limited, in point of time, to a period expiring 5 years after April 13, 1965; and *general commodities*, except classes A and B explosives, groceries, and those requiring special equipment, between points in Nebraska within 60 miles of Wilsonville, Nebr., between points in Nebraska within 60 miles of Wilsonville, Nebr., on the one hand, and, on the other, points in Nebraska. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10187. Authority sought for purchase by O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington, D.C. 20014, of (1) the operating rights and property of E. & D. TRANSPORTATION CO., INC., Post Office Box 382, Malvern, Pa. 19355, and (2) the operating rights of ROBERT H. CARR & SONS, INC., Post Office Box 382, Malvern, Pa. 19355, and for acquisition by FRANK L. GRIMM, SARAH F. CARL, and CLARE L. GRIMM, all also of Washington, D.C., of control of such rights and property through the purchase. Applicants' attorneys: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006, and Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036. Operating rights sought to be transferred: (1) *Agricultural commodities*, in bulk, as a *common carrier*, over irregular routes, from certain specified points in New Jersey, to Boston, Mass., Providence, R.I., New Haven, Conn., Syracuse and New York, N.Y., certain specified points in Pennsylvania, and Baltimore, Md.; *such commodities* as are used in, or incidental to the preparation, packing, and shipment of canned, frozen, and processed foods, in bulk, from points in Pennsylvania, Delaware, Maryland, New York, Connecticut, Rhode Island, Virginia, Massachusetts, and the District of Columbia, to points in Atlantic and Cumberland Counties, N.J.; *such commodities*, as are used in, or incidental to the preparation, packing, and shipment of canned and processed foods, in bulk, from Meridan, Conn., New York, N.Y., certain specified points in Pennsylvania, Aberdeen and Baltimore, Md., Washington, D.C., and Norfolk, Va., to Swedesboro, N.J.; *lime*, in bulk, from Plymouth Meeting, Pa., to Vineland, N.J.;

Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, in bulk, from New York, N.Y., to Philadelphia, and Norristown, Pa., certain specified points in Maryland, Washington, D.C., certain specified points in Virginia, and points in New Jersey on and south of New Jersey Highway 27, from Philadelphia, Pa., to New York, N.Y.; *processed foods*, in bulk, from certain specified points in New Jersey to points in Pennsylvania, Delaware, Maryland, New York, Connecticut, Rhode Island, Massachusetts, and the District of Columbia; *damaged or rejected shipments of processed foods*, in bulk, from points in Pennsylvania, Delaware, Maryland, New York, Connecticut, Rhode Island, Massachusetts, and the District of Columbia, to certain specified points in New Jersey; *dry sugar*, in bulk, from Montezuma, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and *liquid sugar, corn syrup*, and *blends* thereof, in bulk, in tank vehicles, from Ridgely, Md., to points in the District of Columbia, Delaware, Maryland, North Carolina, Virginia, and West Virginia, certain specified points in Pennsylvania, New Jersey, and New York; and (2) *Liquid sugar*, in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from Yonkers, N.Y., to certain specified points in Michigan, from New York, N.Y. (including Yonkers, N.Y.), to certain specified points in Ohio; *vinegar* and *cider stock*, in bulk, in tank vehicles, from Glassboro, N.J., to Rochelle and Chicago, Ill., and Frankfort, Ind.

Cider, vinegar, and *vinegar stock*, in bulk, in tank vehicles, from points in Virginia, West Virginia, and Pennsylvania (except Pittsburgh and points in Erie County), to points in New Jersey; *blends or mixtures of liquid or invert sugar and corn syrup*, in tank vehicles, from Yonkers, N.Y., to certain specified points in Michigan, from New York, N.Y. (including Yonkers, N.Y.), to certain specified points in Ohio; *liquid and invert sugar*, in bulk, in tank vehicles, from Philadelphia, Pa., to points in Michigan; *caramel coloring*, in bulk, in tank vehicles, from Granite City, Ill., and Keokuk, Iowa, to points in New York, Pennsylvania, Connecticut, Massachusetts, and New Jersey, with restriction; *liquid sugar* and *blends or mixtures of liquid or invert sugar and corn syrup*, in bulk, in tank vehicles, from Bayonne, N.J., to certain specified points in Ohio, and Michigan; *liquid and invert sugar*, and *mixtures of liquid and invert sugar and corn syrup*, in bulk, in tank vehicles, from New York, N.Y., and Bayonne, N.J., to points in the District of Columbia, and Virginia (except Berryville, Mount Jackson, Timberville, Winchester, Strasburg, and Front Royal, Va.); *liquid sugar and blends thereof*, in bulk, in tank vehicles, from the plantside of the Cleveland

Syrup Corp., in Cleveland, Ohio, to Pittsburgh, Pa., with restriction; *hydrolyzed vegetable protein*, in bulk, in tank vehicles, from Harbor Beach, Mich., to points in Massachusetts, New York, and Pennsylvania; *corn syrup* and *blends thereof*, from Canton, Ohio, to points in Michigan, Ohio, Pennsylvania, and New York;

Corn syrup and *blends thereof*, in bulk, in tank vehicles, from Penn and Pittsburgh, Pa., to certain specified points in Pennsylvania and New York; *liquid sugar, invert sugar, syrups*, and *blends or mixtures* of syrups and sugar, in bulk, in tank vehicles, from Montezuma, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Vermont, Virginia, Rhode Island, West Virginia, and the District of Columbia, with restriction; and *returned, refused, and rejected shipments* of the above specified commodities, from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Vermont, Virginia, Rhode Island, West Virginia, and the District of Columbia to Montezuma, N.Y., with restriction. Vendee is authorized to operate as a *common carrier* in North Carolina, Virginia, West Virginia, Delaware, Maryland, South Carolina, Georgia, Pennsylvania, New Jersey, New York, Ohio, Tennessee, Kentucky, Illinois, Indiana, Michigan, Minnesota, Missouri, Wisconsin, Massachusetts, Rhode Island, Alabama, Florida, Arkansas, Connecticut, Iowa, Louisiana, Maine, Mississippi, New Hampshire, Vermont, Texas, Oklahoma, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10185. Authority sought for control by THE GREYHOUND CORPORATION (a holding company), 10 South Riverside Plaza, Chicago, Ill. 60606, of CAREY TRANSPORTATION, INC., East Side Airlines Terminal, 645 First Avenue, New York, N.Y. 10016. Applicants' attorneys and representative: J. G. Dail, Jr., 1815 H. Street NW., Washington, D.C. 20006, Robert J. Bernard, 10 South Riverside Plaza, Chicago, Ill. 60606, Harold J. Drescher, 19 West 44th Street, New York, N.Y. 10036, and Joshua Levine, 500 Fifth Avenue, New York, N.Y. Operating rights sought to be controlled: Passengers and their baggage and express in the same vehicle with passengers, as a *common carrier*, over regular routes, between New York, N.Y., and Newark Metropolitan Airport, Newark, N.J., serving no intermediate points. THE GREYHOUND CORPORATION holds no authority from this Commission. However, it controls GREYHOUND LINES, INC., 10 South Riverside Plaza, Chicago, Ill. 60606, which is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii), and the District of Columbia; and TEXAS, NEW MEXICO AND OKLAHOMA COACHES, INC., 1313 13th Street, Lubbock, Tex. 79401, which is authorized to operate as a *common carrier* in New Mexico and Texas. Application has not been filed for temporary authority under section 210a(b).

TRANSFER APPLICATION UNDER SECTION 212(b) WHICH HAS BEEN DESIGNATED FOR ORAL HEARING

No. FC-70392. Authority sought by transferee, JAMES INNACO, 1963 East Main Street, Bridgeport, Conn. 06610, for transfer of a portion of the operating rights of transferor, JOSEPH MECCA, doing business as MECC'S EXPRESS, 26 Eldridge Street, Portchester, N.Y., 10573. Transferee's representative: William J. Meuser, 101 River Street, Milford, Conn., 06460. Transferor's representative: Sidney L. Goldstein, 109 Church Street, New Haven, Conn. 06510. Portion of operating rights in certificate No. MC-40951 sought to be transferred: General commodities, with the usual exceptions, between Greenwich, Conn., and New York, N.Y., over U.S. Highway 1, serving all intermediate points. The above-entitled transfer application under section 212(b) of the Interstate Commerce Act is to be assigned for oral hearing at a time and place to be fixed for the purpose (1) of determining if transferor has been performing transportation under its to be retained boat and heavy machinery authority, since the proposed split of authorities involves operations between the same points, and may not be in conformity with § 1132.5(a)(1) of the Rules and Regulations Governing Transfers of Operating Rights for the reason that the split would create duplicate operating rights as defined in section 1132.1(c) of said rules, and because, if the proposed separation of rights raised severability problems, applicants indicated a willingness to transfer, without additional compensation, all of the rights of transferor in certificate No. MC-40951, including boats and heavy machinery, and (2) to determine whether the past operations of transferee, being or having been affiliated with Air Cargo, Inc., may have a bearing on the fitness of transferee to acquire the subject operating rights. Interested parties have 30 days from the date of this publication in which to file petitions for leave to intervene. Such petitions should state the reason or reasons for the intervention, where the petitioner wishes the hearing to be held, the number of witnesses it expects to present, and the estimated time required for presentation of its evidence.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8472; Filed, July 16, 1968; 8:49 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JULY 12, 1968.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 5254 (Sub-No. 3), filed June 12, 1968. Applicant: FRANK J. TERRY, doing business as BUS EXPRESS PICKUP & DELIVERY SERVICE CO., 2024 South 17th East Street, Salt Lake City, Utah. Applicant's representative: Miss Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *packages*, not to exceed 50 pounds per package, between all points and places within Salt Lake, Davis, Utah, and Weber Counties, Utah. Both intrastate and interstate authority sought.

HEARING: Tuesday, September 10, 1968, at 10 a.m., Utah Public Service Commission, Salt Lake City, Utah. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Utah Public Service Commission, Salt Lake City, Utah, and should not be directed to the Interstate Commerce Commission.

State Docket No. MC 21167, filed July 1, 1968. Applicant: CENTRAL OKLAHOMA FREIGHT LINES, INC., 207 North Cincinnati, Tulsa, Okla. Applicant's representatives: Rufus H. Lawson, Post Office Box 75124, Oklahoma City, Okla. 73107, and Glen Ham, First National Building, Pauls Valley, Okla. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between Oklahoma City, Okla., and Allen, Okla., via U.S. Highway 270 to its junction with State Highway 48, thence via State Highway 48 to its junction with State Highway 12, thence via State Highway 12 to Allen, Okla., serving the intermediate points of Seminole, Wewoka, Holdenville, and Atwood, Okla., and return over the same route. Between Oklahoma City, Okla., and Calvin, Okla., via U.S. Highway 270 to its junction with State Highway 48, thence via State Highway 48 to its junction with State Highway 12, thence via State Highway 12 to Calvin, Okla., and return over the same route. Between Tulsa, Okla., and Allen, Okla., via U.S. Highway 75 to its junction with State Highway 12, thence via State Highway 12 to Allen, Okla., serving the intermediate points of Calvin and Atwood, Okla., and return over the same route. Both interstate and intrastate authority is sought.

HEARING: Friday, September 6, 1968, at the Oklahoma Corporation Commission, Oklahoma City, Okla. 73105, at 10 a.m. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Oklahoma Corporation Commission, Oklahoma City, Okla. 73105, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8473; Filed, July 16, 1968; 8:49 a.m.]

[Notice No. 647]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 11, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 94755 (Sub-No. 5 TA), filed July 5, 1968. Applicant: FAITOUTE TRUCKING CORPORATION, 546 South Avenue, Garwood, N.J. 07027. Applicant's representative: James V. Cascio, president (same address as firm). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials, resins compounds*, in flake, granules, lumps, pellets, powder, in containers, from Raritan Industrial Center, Edison, N.J., to Staten Island, Stony Point, Brooklyn, Bronx, Queens, New York, N.Y., Auburn, and points in Westchester, Nassau, and Suffolk Counties, all in the State of New York. Return movements only for *rejected or unused materials* previously shipped, for 180 days. Supporting shipper: Cary Page Chemicals, Inc., Building 443, Raritan Center, Edison, N.J. 08817. Send protests to: District Supervisor W. J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 107403 (Sub-No. 750 TA), filed July 8, 1968. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Di secondary butyl peroxy percarbonate*, from Barberton, Ohio, to points in Connecticut, Delaware, Florida, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia, and to the ports of entry on the United States-Canada boundary line in Montana, for 180 days. Supporting shipper: PPG Industries, Inc., 1 Gateway Center, Pittsburgh, Pa. 15222. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 107558 (Sub-No. 9 TA), filed July 8, 1968. Applicant: ARROW TRANSPORTATION CO., INC., 288 Kinsley Avenue, Providence, R.I. 02903. Applicant's representative: Frank J. Weiner, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* (except liquid commodities, in bulk, in tank vehicles) as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between Boston, Mass., and Florence, N.J., for 180 days. Supporting shippers: Colonial Provision Co., Inc., 1100 Massachusetts Avenue, Boston, Mass. 02125; General Meat Products Co., Inc., 48 Newmarket Square, Boston, Mass. 02118. Send protests to: Gerald H. Curry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 187 Westminster Street, Providence, R.I. 02903.

No. MC 111435 (Sub-No. 33 TA) filed July 5, 1968. Applicant: C & E TRUCKING CORPORATION, Rural Delivery 3, Box 42, Saugerties, N.Y. 12477. Applicant's representatives: Zelby & Burstein, 160 Broadway, New York, N.Y. 10038. Authority sought to operate as a contract *carrier*, by motor vehicle, over irregular routes, transporting: *Flavorings and flavoring syrup* (except liquid chocolate, liquid chocolate coatings, liquor, cocoa butter, and liquid vegetable oil coatings), and *liquid sugar, invert sugar, and blends and mixtures of liquid and/or invert sugar and corn syrup*, in bulk, in tank vehicles, from New York and Yonkers, N.Y., to points in Delaware and Maryland, under contract with SuCrest Corp., for 150 days. Supporting shipper: SuCrest Corp., 120 Wall Street, New York, N.Y. 10005. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

No. MC 116949 (Sub-No. 12 TA), filed July 8, 1968. Applicant: BURNS TRUCKING, INC., Route No. 1, South Sioux City, Nebr. 68776. Applicant's representative: Paul W. Deck, 222 Davidson Building, Sioux City, Iowa 51101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New, used, and/or wrecked semitrailers, parts and equipment therefor*, between the plantsite of Transcraft Corp. at or near Anna, Ill., on the one hand, and on the other, points in the United States including the District of Columbia, for 150 days. Supporting shipper: Transcraft Corp., Post Office Drawer 500, Anna, Ill. 62906. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 129421 (Sub-No. 2 TA), filed July 8, 1968. Applicant: TRAILER EXPRESS, INC., 12427 Rush Street, El Monte, Calif. 91733. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger vehicles, restricted to those not exceeding 40 feet in length and 8 feet in width, from points in Orange and Los Angeles Counties, Calif., to points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming, for 180 days. Supporting shippers: Boles Aero Inc., 8358 San Fernando Road, Post Office Box 67, Sun Valley, Calif. 91352; Fleetwood Enterprises, Inc., Post Office Box 7638, Riverside, Calif. 92503; Ideal Industries, Inc., 2328 Chico Avenue, El Monte, Calif. 91733; Kenskill Trailer Corp., 11321 Goss Street, Sun Valley, Calif. 91352; Shasta Trailer Co., 9401 Tampa Avenue, Northridge, Calif. 91326; Terry Coach Industries, Inc., 1419 Potrero Avenue, South El Monte, Calif. 91733; Traveleze Trailer Co., Inc., 11473 Penrose Street, Sun Valley, Calif. 91352. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8474; Filed, July 16, 1968; 8:49 a.m.]

[Notice 173]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 12, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested

person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70553. By order of July 10, 1968, the Transfer Board, on reconsideration, approved the transfer to Forest Transport, Inc., Princeton, Idaho, of the operating rights in certificate No. MC-51837 (Sub-No. 1) issued June 8, 1966, to Russell Bailey, Potlatch, Idaho, authorizing the transportation of livestock, agricultural commodities, building materials, and household goods, between specified points in Idaho and Washington. Robert T. Felton, 114 East Third Street, Moscow, Idaho 83843; attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8475; Filed, July 16, 1968; 8:49 a.m.]

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FEDERAL REGISTER

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Wednesday, July 17, 1968 • Washington, D.C.

PART II

DEPARTMENT OF LABOR

Bureau of Employment Security

HOUSING FOR AGRICULTURAL WORKERS



Notice of
Proposed Rule Making

THE NATIONAL ARCHIVES OF THE UNITED STATES
LETTER NORTH MARKET
1934

DEPARTMENT OF LABOR

Bureau of Employment Security

[20 CFR Parts 602, 620]

HOUSING FOR AGRICULTURAL WORKERS

Notice of Proposed Rule Making

Pursuant to the Wagner-Peyser Act (29 U.S.C. 49 et seq.) and Reorganization Plan No. 2 of 1949 (3 CFR 1949–53 Comp., p. 998), I hereby propose to amend Chapter V of Title 20 of the Code of Federal Regulations by establishing a new Part 620 and by revising paragraph (d) of § 602.9, both to read as set forth below.

Interested persons may within 15 days after publication of this proposal in the FEDERAL REGISTER, mail written statements of data, views, or argument concerning it to the Secretary of Labor, U.S. Department of Labor, Washington, D.C. 20210.

1. As revised § 602.9(d) would read as follows:

§ 602.9 Interstate recruitment of agricultural workers.

No order for recruitment of domestic agricultural workers shall be placed into interstate clearance unless:

* * * * *

(d) The State has ascertained that housing and facilities which comply with the provisions of Part 620 of this chapter are available.

* * * * *

(48 Stat. 117, as amended; 29 U.S.C. 49k)

PART 620—HOUSING FOR AGRICULTURAL WORKERS

2. The new Part 620 would read as follows:

EXPLANATION

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HOUSING STANDARDS

620.4 Housing site.
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620.13 Cooking and eating facilities.
620.14 Garbage and other refuse.
620.15 Insect and rodent control.
620.16 Sleeping facilities.
620.17 Fire, safety, and first aid.

AUTHORITY: The provisions of this Part 620 issued under 48 Stat. 117, as amended; 29 U.S.C. 49k.

EXPLANATION

§ 620.1 Purpose and scope.

(a) The Bureau of Employment Security, Manpower Administration, of the U.S. Department of Labor has established facilities to assist agricultural employers in recruiting workers from places outside the State of intended employment. The experiences of the Bureau indicate that employees so referred have on many occasions been provided with inadequate, unsafe, and unsanitary housing facilities. To discourage this practice the Bureau has established a policy of denying its interstate agricultural recruitment services to employers until the State agency affiliated with the U.S. Employment Service which receives the order for interstate recruitment has ascertained that housing and facilities: (1) Are available; (2) are hygienic and adequate to the climatic conditions of the area of employment; (3) are large enough to accommodate the agricultural workers sought; and (4) will not endanger the lives, health, or safety of workers and their families.

(b) In order to implement this policy, interstate recruitment services will be denied if the housing facilities intended for use by the worker or workers and their families fail to comply (1) with an applicable State or local law or regulation concerning safety, health, or sanitation, or (2) with the minimum standards set forth in this Part 620, whichever is more stringent.

(c) The services of the Bureau will also be denied when there exists an insanitary or hazardous condition not contemplated by applicable State or local law or the standards contained in this part, or where past failures to provide safe and sanitary housing indicate that the employer cannot be relied upon to comply with this part.

(d) In establishing this code, due consideration has been given to short term or temporary occupancy. The standards set forth in this part are minimum standards used to determine whether conditions are so inadequate as to require the Bureau to withhold services generally made available upon request. These standards should not in any way discourage (1) voluntary institution of higher standards by employers or their associations, (2) the institution and enforcement of adequate standards by appropriate authorities for the maintenance of safe and sanitary conditions for workers throughout the period of employment, and (3) the institution and enforcement of more stringent standards by other governmental agencies with regulatory authority.

§ 620.2 Amendments.

(a) Any interested person may at any time file a petition for a change in the regulations contained in this part with the Administrator of the Bureau of Employment Security, Manpower Administration, U.S. Department of Labor, Washington, D.C. 20210.

(b) Any interested persons and organizations are invited to cooperate with the Bureau of Employment Security by submitting suggestions and requests and to provide information to the Bureau concerning the problems of safety and sanitation in housing for agricultural workers. In addition, the Director of the Farm Labor Service of the Bureau of Employment Security shall have authority to obtain information by calling conferences to which he may invite various persons who have had experience or expert knowledge concerning this matter.

§ 620.3 Variations.

(a) The Administrator of the Bureau of Employment Security may from time to time grant written permission to individual employers to vary from particular provisions set forth in this part when the extent of the variation is clearly specified and it is demonstrated to his satisfaction that (1) such variation is necessary to obtain a beneficial use of an existing facility, (2) the variation is necessary to prevent a practical difficulty or unnecessary hardship, and (3) appropriate alternative measures have been taken to protect the health and safety of the employee and assure that the purpose of the provisions from which variation is sought will be observed.

(b) Written application for such variations shall be filed with the State employment security office serving the area in which the employment is to take place. No such variation shall be effective until granted in writing by the Administrator.

HOUSING STANDARDS

§ 620.4 Housing site.

(a) Housing sites shall be well drained and free from depressions in which water may stagnate. They shall be located where the disposal of sewage is provided in a manner which neither creates nor is likely to create a nuisance, or a hazard to health.

(b) Housing shall not be subject to, or in proximity to conditions that create or are likely to create offensive odors, flies, noise, traffic, or any similar hazards.

(c) Grounds within the housing site shall be free from debris, noxious plants (poison ivy, etc.) and uncontrolled weeds or brush.

(d) The housing site shall provide a space for recreation reasonably related to the size of the facility and the type of occupancy.

§ 620.5 Water supply.

(a) An adequate and convenient supply of water that meets the standards of the State health authority shall be provided.

(b) A cold water tap shall be available within 100 feet of each individual living unit when water is not provided in the unit. Adequate drainage facilities shall be provided for overflow and spillage.

(c) Common drinking cups shall not be permitted.

§ 620.6 Excreta and liquid waste disposal.

(a) Facilities shall be provided and maintained for effective disposal of excreta and liquid waste. Raw or treated liquid waste shall not be discharged or allowed to accumulate on the ground surface.

(b) Where public sewer systems are available, all facilities for disposal of excreta and liquid wastes shall be connected thereto.

(c) Where public sewers are not available, a subsurface septic tank-seepage system or other type of liquid waste treatment and disposal system, privies or portable toilets shall be provided. Any requirements of the State health authority shall be complied with.

§ 620.7 Housing.

(a) Housing shall be structurally sound, in good repair, in a sanitary condition and shall provide protection to the occupants against the elements.

(b) Housing shall have flooring constructed of rigid materials, smooth finished, readily cleanable, and so located as to prevent the entrance of ground and surface water.

(c) The following space requirements shall be provided:

(1) For sleeping purposes only in family units and in dormitory accommodations using single beds, not less than 50 square feet of floor space per occupant;

(2) For sleeping purposes in dormitory accommodations using double bunk beds only, not less than 40 square feet per occupant;

(3) For combined cooking, eating, and sleeping purposes not less than 60 square feet of floor space per occupant.

(d) Housing used for families with one or more children over 6 years of age shall have a room or partitioned sleeping area for the husband and wife. The partition shall be of rigid materials and installed so as to provide reasonable privacy.

(e) Separate sleeping accommodations shall be provided for each sex or each family.

(f) Adequate and separate arrangements for hanging clothing and storing personal effects for each person or family shall be provided.

(g) At least one-half of the floor area in each living unit shall have a minimum ceiling height of 7 feet. No floor space shall be counted toward minimum requirements where the ceiling height is less than 5 feet.

(h) Each habitable room (not including partitioned areas) shall have at least one window or skylight opening directly to the out-of-doors. The minimum total window or skylight area, including windows in doors, shall equal at least 10 percent of the usable floor area. The total openable area shall equal at least 45 percent of the minimum window or skylight area required, except where comparably adequate ventilation is supplied by mechanical or some other method.

§ 620.8 Screening.

(a) All outside openings shall be protected with screening of not less than 16 mesh.

(b) All screen doors shall be tight fitting, in good repair, and equipped with self-closing devices.

§ 620.9 Heating.

(a) All living quarters and service rooms shall be provided with properly installed, operable heating equipment capable of maintaining a temperature of at least 68° F. if during the period of normal occupancy the temperature in such quarters falls below 68°.

(b) Any stoves or other sources of heat utilizing combustible fuel shall be installed and vented in such a manner as to prevent fire hazards and a dangerous concentration of gases. No portable heaters other than those operated by electricity shall be provided. If a solid or liquid fuel stove is used in a room with wooden or other combustible flooring, there shall be a concrete slab, insulated metal sheet, or other fireproof material on the floor under each stove, extending at least 18 inches beyond the perimeter of the base of the stove.

(c) Any wall or ceiling within 18 inches of a solid or liquid fuel stove or a stovepipe shall be of fireproof material. A vented metal collar shall be installed around a stovepipe, or vent passing through a wall, ceiling, floor or roof.

(d) When a heating system has automatic controls, the controls shall be of the type which cut off the fuel supply upon the failure or interruption of the flame or ignition, or whenever a predetermined safe temperature or pressure is exceeded.

§ 620.10 Electricity and lighting.

(a) All housing sites shall be provided with electric service.

(b) Each habitable room and all common use rooms, and areas such as: Laundry rooms, toilets, privies, hallways, stairways etc., shall contain adequate ceiling or wall-type light fixtures. At least one wall-type electrical convenience outlet shall be provided in each individual living room.

(c) Adequate lighting shall be provided for the yard area, and pathways to common use facilities.

(d) All wiring and lighting fixtures shall be installed and maintained in a safe condition.

§ 620.11 Toilets.

(a) Toilets shall be constructed, located and maintained so as to prevent any nuisance or public health hazard.

(b) Water closets or privey seats for each sex shall be in the ratio of not less than one such unit for each 15 occupants, with a minimum of one unit for each sex in common use facilities.

(c) Urinals, constructed of nonabsorbent materials, may be substituted for men's toilet seats on the basis of one urinal or 24 inches of trough-type urinal for one toilet seat up to a maximum of one-third of the required toilet seats.

(d) Except in individual family units, separate toilet accommodations for men and women shall be provided. If toilet facilities for men and women are in the same building, they shall be separated by a solid wall from floor to roof or ceiling. Toilets shall be distinctly marked "men" and "women" in English and in the native language of the persons expected to occupy the housing.

(e) Where common use toilet facilities are provided, an adequate and accessible supply of toilet tissue, with holders, shall be furnished.

(f) Common use toilets and privies shall be well lighted and ventilated and shall be clean and sanitary.

(g) Toilet facilities shall be located within 200 feet of each living unit.

(h) Privies shall not be located closer than 50 feet from any living unit or any facility where food is prepared or served.

(i) Privy structures and pits shall be fly tight. Privy pits shall have adequate capacity for the required seats.

§ 620.12 Bathing, laundry, and handwashing.

(a) Bathing and handwashing facilities, supplied with hot and cold water under pressure, shall be provided for the use of all occupants. These facilities shall be clean and sanitary and located within 200 feet of each living unit.

(b) There shall be a minimum of 1 showerhead per 15 persons. Showerheads shall be spaced at least 3 feet apart, with a minimum of 9 square feet of floor space per unit. Adequate, dry dressing space shall be provided in common use facilities. Shower floors shall be constructed of nonabsorbent, nonskid materials and sloped to properly constructed floor drains. Except in individual family units, separate shower facilities shall be provided each sex. When common use shower facilities for both sexes are in the same building they shall be separated by a solid nonabsorbent wall extending from the floor to ceiling, or roof, and shall be plainly designated "men" or "women" in English and in the native language of the persons expected to occupy the housing.

(c) Lavatories or equivalent units shall be provided in a ratio of 1 per 15 persons.

(d) Laundry facilities, supplied with hot and cold water under pressure, shall be provided for the use of all occupants. Laundry trays or tubs shall be provided in the ratio of 1 per 25 persons. Mechanical washers may be provided in the ratio of 1 per 50 persons in lieu of laundry trays, although a minimum of 1 laundry tray per 100 persons shall be provided in addition to the mechanical washers.

§ 620.13 Cooking and eating facilities.

(a) When workers or their families are permitted or required to cook in their individual unit, a space shall be provided and equipped for cooking and eating. Such space shall be provided with: (1) A cookstove or hot plate with a minimum of two burners; and (2) adequate food storage shelves and a counter for food preparation; and (3) provisions for mechanical refrigeration of food at a temperature of not more than 45° F.; and (4) a table and chairs or equivalent seating and eating arrangements, all commensurate with the capacity of the unit; and (5) adequate lighting and ventilation.

(b) When workers or their families are permitted or required to cook and eat in a common facility, a room or building separate from the sleeping facilities shall be provided for cooking and eating. Such room or building shall be provided with: (1) Stoves or hot plates, with a minimum equivalent of two burners, in a ratio of 1 stove or hot plate to 10 persons, or 1 stove or hot plate to

2 families; and (2) adequate food storage shelves and a counter for food preparation; and (3) mechanical refrigeration for food at a temperature of not more than 45° F.; and (4) tables and chairs or equivalent seating adequate for the intended use of the facility; and (5) adequate sinks with hot and cold water under pressure; and (6) adequate lighting and ventilation; and (7) floors shall be of nonabsorbent, easily cleaned materials.

(c) When central mess facilities are provided, the kitchen and mess hall shall be in proper proportion to the capacity of the housing and shall be separate from the sleeping quarters. The physical facilities, equipment and operation shall be in accordance with provisions of applicable State codes.

(d) Wall surface adjacent to all food preparation and cooking areas shall be of nonabsorbent, easily cleaned material. In addition, the wall surface adjacent to cooking areas shall be of fire-resistant material.

§ 620.14 Garbage and other refuse.

(a) Durable, fly-tight, clean containers in good condition of a minimum capacity of 20 gallons, shall be provided adjacent to each housing unit for the storage of garbage and other refuse. Such containers shall be provided in a minimum ratio of 1 per 15 persons.

(b) Provisions shall be made for collection of refuse at least twice a week, or more often if necessary. The disposal of refuse, which includes garbage, shall be in accordance with State and local law.

§ 620.15 Insect and rodent control.

Housing and facilities shall be free of insects, rodents and other vermin.

§ 620.16 Sleeping facilities.

(a) Sleeping facilities shall be provided for each person. Such facilities shall consist of comfortable beds, cots or bunks, provided with clean mattresses.

(b) Any bedding provided by the housing operator shall be clean and sanitary.

(c) Triple deck bunks shall not be provided.

(d) The clear space above the top of the lower mattress of a double deck bunk and the bottom of the upper bunk shall be a minimum of 27 inches. The distance from the top of the upper mattress to the ceiling shall be a minimum of 36 inches.

(e) Beds used for double occupancy may be provided only in family accommodations.

§ 620.17 Fire, safety, and first aid.

(a) All buildings in which people sleep or eat shall be constructed and maintained in accordance with applicable State or local fire and safety laws.

(b) In family housing and housing units for less than 10 persons, of one story construction, two means of escape shall be provided. One of the two required means of escape may be a readily accessible window with an openable space of not less than 24 x 24 inches.

(c) All sleeping quarters intended for use by 10 or more persons, central dining facilities, and common assembly rooms shall have at least two doors remotely separated so as to provide alternate means of escape to the outside or to an interior hall.

(d) Sleeping quarters and common assembly rooms on the second story shall have a stairway, and a permanent, affixed exterior ladder or a second stairway.

(e) Sleeping and common assembly rooms located above the second story shall comply with the State and local fire and building codes relative to multiple story dwellings.

(f) Fire extinguishing equipment shall be provided and located not more than 100 feet from each housing unit. Such equipment shall provide protection equal to that furnished by one 5-pound carbon dioxide or one 4-pound dry-powder fire extinguisher.

(g) First aid facilities shall be provided and readily accessible for use at all time. Such facilities shall be equivalent to the 16 unit first aid kit recommended by the American Red Cross, and provided in a ratio of 1 per 50 persons.

(h) No flammable or volatile liquids or materials shall be stored in or adjacent to rooms used for living purposes, except for those needed for current household use.

(i) Agricultural pesticides and toxic chemicals shall not be stored in the housing area.

Signed at Washington, D.C., this 10th day of July 1968.

WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 68-8426; Filed, July 16, 1968; 8:46 a.m.]

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FEDERAL REGISTER

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Agricultural Stabilization and Conservation Service
Agriculture Department
Atomic Energy Commission
Commodity Credit Corporation
Consumer and Marketing Service
Federal Aviation Administration
Federal Crop Insurance Corporation
Federal Home Loan Bank Board
Federal Power Commission
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
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Labor Standards Bureau
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Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 1—ADMINISTRATIVE REGULATIONS

Subpart C—Judicial Proceedings

SERVICE OF PROCESS

Title 7, Subtitle A, Part 1, Subpart C, § 1.41 is hereby amended by adding the following new sentence:

§ 1.41 Service of process.

• • • Any subpoena, summons, or other compulsory process requiring an officer or employee to give testimony, or to produce or disclose any record or material of the U.S. Department of Agriculture, shall be served on the officer or employee of the U.S. Department of Agriculture named in the subpoena, summons, or other compulsory process.

Effective date. This sentence shall become effective upon publication in the FEDERAL REGISTER.

Dated: July 12, 1968.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 68-8539; Filed, July 17, 1968; 8:47 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—European Chafer

Pursuant to sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), Notice of Quarantine No. 77 relating to the European chafer and regulations supplemental to said quarantine (7 CFR 301.77, 301.77-1, 301.77-2, 301.77-3 through 301.77-9), are hereby revised to read as follows:

QUARANTINE AND REGULATIONS

Sec.

301.77 Quarantine; restriction on interstate movement of specified regulated articles.
301.77-1 Definitions.
301.77-2 Authorization for Director to designate regulated areas and suppressive or generally infested areas; and articles which are exempt from certification and permit requirements.
301.77-3 Conditions governing the interstate movement of regulated articles from quarantined States.
301.77-4 Issuance and cancellation of certificates and permits.
301.77-5 Compliance agreements; and cancellation thereof.
301.77-6 Assembly and inspection of regulated articles.
301.77-7 Attachment and disposition of certificates or permits.
301.77-8 Inspection and disposal of regulated articles and pests.
301.77-9 Movement of live European chafers.
301.77-10 Nonliability of the Department.

AUTHORITY: The provisions of this subpart issued under secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended, 30 F.R. 5799, as amended.

§ 301.77 Quarantine; restriction on interstate movement of specified regulated articles.

(a) *Notice of quarantine.* Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the Secretary of Agriculture has determined, after public hearing, that it is necessary to quarantine the States of Connecticut, Massachusetts, New York, and Pennsylvania in order to prevent the spread of the European chafer, *Amphimallon majalis* (Razoumowsky), a dangerous insect injurious to cultivated crops, lawns, and pastures, and not heretofore widely prevalent or distributed within and throughout the United States. Under the authority of said provisions, the Secretary hereby quarantines the States of Massachusetts and Pennsylvania and continues to quarantine the other specified States with respect to the interstate movement from the quarantined States of the articles described in paragraph (b) of this section, issues the regulations in this subpart governing such movement, and gives notice of said quarantine and regulations.

(b) *Quarantine restrictions on interstate movement of specified regulated articles.* No common carrier or other person shall move interstate from any quarantined State any of the following articles (defined in § 301.77-1(n) as regulated articles), except in accordance with the conditions prescribed in this subpart:

(1) Soil, compost, decomposed manure, humus, muck, and peat, separately or with other things.

(2) Plants with roots except soil-free aquatic plants, moss, and Lycopodium (clubmoss or ground-pine or running pine).

(3) Grass sod.

(4) Plant crowns and roots for propagation.

(5) True bulbs, corms, rhizomes, and tubers, of ornamental plants when freshly harvested or uncured.

(6) Used mechanized soil-moving equipment.

(7) Any other products, articles or means of conveyance, of any character whatsoever, not covered by subparagraphs (1) through (6) of this paragraph, when it is determined by an inspector that they present a hazard of spread of European chafer and the person in possession thereof has been so notified.

§ 301.77-1 Definitions.

Terms used in the singular form in this subpart shall be deemed to import the plural, and vice versa, as the case may demand. The following terms, when used in this subpart, shall be construed, respectively, to mean:

(a) *Certificate.* A document issued or authorized to be issued under this subpart by an inspector to allow the interstate movement of regulated articles to any destination.

(b) *Compliance agreement.* A written agreement between a person engaged in growing, handling, or moving regulated articles, and the Plant Pest Control Division, wherein the former agrees to comply with the requirements of this subpart identified in the agreement by the inspector who executes the agreement on behalf of the Division as applicable to the operations of such person.

(c) *Director.* The Director of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, or any other officer or employee of said Service to whom authority to act in his stead has been or may hereafter be delegated.

(d) *European chafer.* The insect known as the European chafer (*Amphimallon majalis* (Razoumowsky)) in any stage of development.

(e) *Generally infested area.* Any part of a regulated area not designated as a suppressive area in accordance with § 301.77-2.

(f) *Infestation.* The presence of the European chafer or the existence of circumstances that make it reasonable to believe that the European chafer is present.

(g) *Inspector.* Any employee of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, or other person, authorized by the Director to enforce the provisions of the quarantine and regulations in this subpart.

(h) *Interstate.* From any State, territory or district into or through any other State, territory or district of the United States (including Puerto Rico).

(i) *Limited permit.* A document issued or authorized to be issued by an inspector to allow the interstate movement of noncertifiable regulated articles to a specified destination for limited handling, utilization, or processing or for treatment.

(j) *Mechanized soil-moving equipment.* Mechanized equipment used to move or transport soil—e.g., draglines, bulldozers, road scrapers, and dump-trucks.

(k) *Moved (movement, move).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any means. "Movement" and "move" shall be construed accordingly.

(l) *Person.* Any individual, corporation, company, society, or association, or other organized group of any of the foregoing.

(m) *Regulated area.* Any quarant' .ed State or any portion thereof, listed as a regulated area in § 301.77–2a or otherwise designated by the Director in accordance with § 301.77–2(a).

(n) *Regulated articles.* Any articles described in § 301.77(b).

(o) *Restricted destination permit.* A document issued or authorized to be issued by an inspector to allow the interstate movement of regulated articles not certifiable under all applicable Federal domestic plant quarantines to a specified destination for other than scientific purposes.

(p) *Scientific permit.* A document issued by the Director to allow the interstate movement to a specified destination of regulated articles for scientific purposes.

(q) *Soil.* That part of the upper layer of earth in which plants can grow.

(r) *Suppressive area.* That part of a regulated area where eradication of infestation is undertaken as an objective, as designated by the Director under § 301.77–2(a).

(s) *Treatment manual.* The provisions currently contained in the "Manual of Administratively Authorized Procedures to be Used Under the European Chafer Quarantine", the manual of "Procedures for Applying Soil, Surface and Foliage Treatments for Regulatory Purposes" and the "Fumigation Procedures Manual", and any amendments thereto.[1]

§ 301.77–2 Authorization for Director to designate regulated areas and suppressive or generally infested areas; and articles which are exempt from certification and permit requirements.

The Director shall publish and amend from time to time as the facts warrant, the following lists:

(a) *List of regulated areas and suppressive or generally infested areas.* The Director shall list as regulated areas in a supplemental regulation designated as § 301.77–2a, the quarantined States, or portions thereof, in which European chafer has been found, or in which there is reason to believe that European chafer is present, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. The Director, in the supplemental regulation, may divide any regulated area into a suppressive area and a generally infested area in accordance with the definitions thereof in § 301.77–1. Less than an entire quarantined State will be designated as a regulated area only if the Director is of the opinion that:

(1) The State has adopted and is enforcing a quarantine or regulation which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as those which are imposed with respect to the interstate movement of such articles under this subpart; and

(2) The designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the European chafer. The Director may temporarily designate any other premises in a quarantined State as a regulated area, and a suppressive area in accordance with the criteria specified above for listing regulated and suppressive areas, by serving written notice thereof on the owner or person in possession of such premises, and thereafter the interstate movement of regulated articles from such premises by any person having notice of this designation shall be subject to the applicable provisions of this subpart. As soon as practicable, such premises shall be added to the list in § 301.77–2a if a basis then exists for their designation.

(b) *List of articles which are exempt from certification and permit requirements.* The Director may, in a supplemental regulation designated as § 301.77–2b, list regulated articles which shall be exempt from the certification and permit requirements of this subpart under such conditions as he may prescribe, if he finds that facts exist as to the pest risk involved in the movement of such regulated articles which make it safe to so relieve such requirements.

§ 301.77–3 Conditions governing the interstate movement of regulated articles from quarantined States.[2]

Any regulated articles may be moved interstate from any quarantined State under the following conditions:

(a) From any regulated area, with certificate or permit issued and attached in accordance with §§ 301.77–4 and 301.77–7 if moved;

(1) From any regulated area into or through any point outside of the regulated areas; or

(2) From any generally infested area into or through any suppressive area; or

(3) Between any noncontiguous suppressive areas; or

(4) Between contiguous suppressive areas when it is determined by the inspector that the regulated articles present a hazard of the spread of the European chafer and the person in possession thereof has been so notified; or

(b) From any regulated area without certificate or permit if moved:

(1) Under the provisions of § 301.77–2b which exempts certain articles from certification and permit requirements; or

(2) From a generally infested area to a contiguous generally infested area; or

(3) From a suppressive area to a contiguous generally infested area; or

(4) Between contiguous suppressive areas unless the person in possession of the articles has been notified by an inspector that a hazard of spread of the European chafer exists; or

(5) Through or reshipped from any regulated area if the articles originated outside of any regulated area and if the point of origin of the articles is clearly indicated, their identity has been maintained and they have been safeguarded against infestation while in the regulated area in a manner satisfactory to the inspector.

(c) From any area outside the regulated areas, without a certificate or permit if the regulated articles are exempt under the provisions of § 301.77–2b or if the point of origin of such movement is clearly indicated on the articles or shipping document which accompanies the articles, and if the movement is not made through a regulated area.

§ 301.77–4 Issuance and cancellation of certificates and permits.

(a) Certificates may be issued for any regulated articles by an inspector if he determines that they are eligible for certification for movement to any destination under all Federal domestic plant quarantines applicable to such articles and:

(1) Have originated in noninfested premises in a regulated area and have not been exposed to infestation while within the regulated areas; or

(2) Upon examination, have been found to be free of infestation; or

(3) Have been treated to destroy infestation in accordance with the treatment manual; or

(4) Have been grown, produced, manufactured, stored, or handled in such manner that no infestation would be transmitted thereby.

(b) Limited permits may be issued by an inspector to allow interstate movement of regulated articles, not eligible for certification under this subpart, to specified destinations for limited handling, utilization, or processing, or for treatment in accordance with the treatment manual, when upon evaluation of the circumstances involved in each specific case he determines that such movement will not result in the spread of European chafers and requirements of other applicable Federal domestic plant quarantines have been met.

(c) Restricted destination permits may be issued by an inspector to allow the interstate movement of regulated articles to any destination permitted under all applicable Federal domestic plant quarantines (for other than scientific purposes) if such articles are not eligible for certification under all such quarantines but would otherwise qualify for certification under this subpart.

(d) Scientific permits may be issued by the Director to allow the interstate movement of regulated articles for scientific purposes under such conditions as may be prescribed in each specific case by the Director.

(e) Certificate, limited permit, and restricted destination permit forms may be issued by an inspector to any person for use by the latter for subsequent shipments provided such person is operating under a compliance agreement; and any such person may be authorized by an inspector to reproduce such forms on shipping containers or otherwise. Any such person may use the certificate forms, or reproductions of such forms, for the interstate movement of regulated articles from the premises of such person identified in the compliance agreement if such person has made appropriate determinations as specified in paragraph (a) of this section with respect to such articles. Any such person may use the limited permit forms, or reproductions of such forms, for interstate movement of regulated articles to specific destinations authorized by the inspector in accordance with paragraph (b) of this section. Any such person may use the restricted destination permit forms, or reproductions of such forms, for the interstate movement of regulated articles not eligible for certification under all Federal domestic plant quarantines applicable to such articles, under the conditions specified in paragraph (c) of this section.

(f) Any certificate or permit which has been issued or authorized may be withdrawn by the inspector if he determines that the holder thereof has not complied with any condition for the use of such document imposed by this subpart.

§ 301.77–5 Compliance agreements; and cancellation thereof.

(a) Any person engaged in the business of growing, handling, or moving regulated articles may enter into a compliance agreement to facilitate the movement of such articles under this subpart. Compliance agreement forms may be obtained from the Director or an inspector.

(b) Any compliance agreement may be canceled by the inspector who is supervising its enforcement whenever he finds, after notice and reasonable opportunity to present views has been accorded to the other party thereto, that such other party has failed to comply with the conditions of the agreement.

§ 301.77–6 Assembly and inspection of regulated articles.

Persons (other than those authorized to use certificates, limited permits, or restricted destination permits, or reproductions thereof, under § 301.77–4(e)) who desire to move interstate regulated articles which must be accompanied by a certificate or permit shall, as far in advance as possible, request an inspector to examine the articles prior to movement. Such articles shall be assembled at such points and in such manner as the inspector designates to facilitate inspection.

§ 301.77–7 Attachment and disposition of certificates or permits.

(a) If a certificate or permit is required for the interstate movement of regulated articles, the certificate or permit shall be securely attached to the outside of the container in which such articles are moved, except that, where the certificate or permit is attached to the waybill or other shipping document, and the regulated articles are adequately described on the certificate, permit, or shipping document, the attachment of the certificate or permit to each container of the articles is not required.

(b) In all cases, certificates or permits shall be furnished by the carrier to the consignee at the destination of the shipment.

§ 301.77–8 Inspection and disposal of regulated articles and pests.

Any properly identified inspector is authorized to stop and inspect, and to seize, destroy, or otherwise dispose of, or require disposal of regulated articles and European chafers, as provided in section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and section 105 of the Plant Pest Act (7 U.S.C. 150dd) in accordance with instructions issued by the Director.

§ 301.77–9 Movement of live European chafers.

Regulations requiring a permit for, and otherwise governing the movement of, live European chafers in interstate or foreign commerce are contained in the Federal Plant Pest Regulations in Part 330 of this chapter. Applications for permits for the movement of the pest may be made to the Director.

§ 301.77–10 Nonliability of the Department.

The U.S. Department of Agriculture disclaims liability for any costs incident to inspections or compliance with the provisions of the quarantine and regulations in this subpart, other than for the services of the inspector.

This revision shall become effective upon publication in the FEDERAL REGISTER, when it shall supersede the notice of quarantine and regulations effective May 8, 1965.

Pursuant to a notice of hearing and rule making published in the FEDERAL REGISTER on November 21, 1966 (31 F.R. 14990), a public hearing was held in Boston, Mass., on December 14, 1966, regarding quarantining Massachusetts, New Jersey, Ohio, and Pennsylvania on account of the European chafer. After due consideration of all relevant matters presented at the hearing and in response to the notice it has been decided to add Massachusetts and Pennsylvania to the list of States quarantined because of the European chafer. It has been decided not to add New Jersey and Ohio to the list of quarantined States at this time because of the cooperative Federal-State treatment program being conducted and both States are enforcing quarantine regulations comparable to those enforced under a Federal quarantine.

In addition this revision simplifies and clarifies the European chafer quarantine and regulations. The only other substantive changes made are as follows:

Provision is made for the Director temporarily to designate any premises in a quarantined State as a regulated area by serving written notice thereof on the owner or person in possession of such premises. The list of regulated articles has been revised to exclude certain articles which are not considered to be hazardous due to the manner in which they are handled. The revision contains provisions with respect to compliance agreements with persons handling regulated articles. A requirement is added for persons moving regulated articles from portions of quarantined States not included within the "regulated areas" to provide proof of origin in connection with such shipments. Provisions are also added under which certificates will not be issued or authorized to be issued for regulated articles unless the articles are certifiable under all applicable Federal domestic plant quarantine requirements; restricted destination permits are authorized and all certificates or permits are required to be surrendered to the consignee at the destination of the shipments.

To the extent that this revision relieves certain restrictions presently imposed, it should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions which are being relieved. To the extent that this revision imposes restrictions that are necessary in order to prevent the dissemination of the European chafer, it should be made effective promptly to accomplish its purpose in the public interest. Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to this revision are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 12th day of July 1968.

[SEAL] R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 68–8555; Filed, July 17, 1968; 8:48 a.m.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—European Chafer

REGULATED AREAS

Under the authority of § 301.77–2 of the European Chafer Quarantine regulations, 7 CFR 301.77–2, as amended, 33 F.R. 10274, a supplemental regulation designating regulated areas is hereby issued to appear in 7 CFR 301.77–2a, as follows:

[1] Pamphlets containing such provisions are available upon request from the Director, Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, Hyattsville, Md. 20782, or from an inspector.

[2] Requirements under all other applicable Federal domestic plant quarantines must also be met.

§ 301.77–2a Regulated areas.

The civil divisions, and parts of civil divisions described below, in the quarantined States, are designated as European chafer regulated areas within the meaning of the provisions in this subpart:

CONNECTICUT

Hartford County. The towns of Berlin and Southington.
New Haven County. The town of Meriden.

MASSACHUSETTS

Essex County. The towns of Lynnfield and Saugus, and the city of Lynn.
Middlesex County. The towns of Arlington, Belmont, Stoneham, Wakefield, and Winchester, and the cities of Cambridge, Everett, Malden, Medford, Melrose, Somerville and Woburn.
Suffolk County. That portion of the city of Boston lying north of the Charles River known as Charlestown and East Boston, and the cities of Chelsea and Revere.

NEW YORK

Albany County. The towns of Bethlehem, Colonie, and Guilderland.
Bronx County. The entire county.
Broome County. The town of Union and the city of Binghampton.
Cayuga County. The towns of Aurelius, Brutus, Cato, Conquest, Ira, Mentz, Montezuma, Sennett, Sterling, Throop, and Victory, and the city of Auburn.
Chemung County. The towns of Ashland, Big Flats, Chemung, Elmira, Horseheads, Southport, and Veteran, and the city of Elmira.
Chenango County. The town and city of Norwich.
Cortland County. The town of Cortlandville and the city of Cortland.
Erie County. The towns of Amherst, Cheektowaga, Clarence, Grand Island, Lancaster, and Tonawanda, and the cities of Buffalo, Lackawanna, and Tonawanda.
Genesee County. The towns of Batavia, Bergen, and Le Roy, and the city of Batavia.
Herkimer County. The town and city of Herkimer.
Jefferson County. The towns of Ellisburg and Watertown, and the city of Watertown.
Kings County. The entire county.
Livingston County. The towns of Caledonia and York.
Madison County. The town of Sullivan.
Monroe County. The entire county.
Montgomery County. The towns of Glen and Mohawk.
New York County. Governors Island.
Niagara County. The towns of Cambria, Lewistown, Lockport, Newfane, Niagara, Pendleton, Porter, Wheatfield, and Wilson, and the cities of Lockport Niagara Falls, and North Tonawanda.
Oneida County. The towns of Marcy, New Hartford, and Whitestown, and the city of Utica.
Onondaga County. The towns of Camillus, Cicero, Clay, De Witt, Elbridge, Geddes, Lysander, Manlius, Marcellus, Onondaga, Salina, Skaneateless, and Van Buren, and the city of Syracuse.
Ontario County. Towns of Canandaigua, East Bloomfield, Farmington, Geneva, Gorham, Hopewell, Manchester, Phelps, Seneca, Victor, and West Bloomfield, and the cities of Canandaigua and Geneva.
Orleans County. The towns of Albion, Gaines, and Murray.
Oswego County. The towns of Granby, Hannibal, Hastings, New Haven, Oswego, Richland, Schroeppel, and Scriba, and the cities of Fulton and Oswego.
Richmond County. The entire county (Staten Island).
Schenectady County. The town of Glenville.
Schuyler County. The towns of Dix, Hector, Montour, Reading, and Tyrone.
Seneca County. The towns of Fayette, Junius, Seneca Falls, and Tyre, the village and town of Waterloo, and the city of Seneca Falls.
Tioga County. The town of Barton.
Wayne County. The entire county.
Westchester County. The town of Greenburgh and the city of Yonkers.
Yates County. The towns of Milo, Starkey, and Torrey.

PENNSYLVANIA

Bradford County. The township of Athens; and the boroughs of Athens, Sayre, and South Waverly.
Carbon County. The townships of Franklin and Mahoning, and the boroughs of Lehighton and Weissport.
Erie County. The townships of Harborcreek, Lawrence Park, Millcreek, and North East; and the boroughs of Lake City, North East, and Wesleyville; and the city of Erie.
Lackawanna County. The city of Scranton.
Lehigh County. The township of Whitehall; and the boroughs of Catasauqua and Coplay, and the city of Allentown.
Luzerne County. The borough of Duryea.
Lycoming County. The city of Williamsport.

(Secs. 8 and 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.77–2)

This supplemental regulation shall become effective upon publication in the FEDERAL REGISTER, when it shall supersede the administrative instructions contained in 7 CFR 301.77–2a (P.P.C. 613, 7th Revision) effective March 17, 1966.

The Director of the Plant Pest Control Division has determined that infestations of the European chafer exist or are likely to exist in the civil divisions, and parts of civil divisions listed above, or that it is necessary to regulate such areas because of their proximity to European chafer infestations or their inseparability for quarantine enforcement purposes from European chafer infested localities. The Director has further determined that each of the quarantined States is enforcing a quarantine or regulation with restrictions on intrastate movement of the regulated articles substantially the same as the restrictions on interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the European chafer. Accordingly, such civil divisions, and parts of civil divisions listed above, are designated as European chafer regulated areas.

The Director has determined that conditions do not warrant a division of the regulated areas into suppressive areas and generally infested areas. Therefore, provisions in this subpart referring to such division are at present inoperative.

This supplemental regulation adds parts of three counties in the newly regulated State of Massachusetts and parts of seven counties in the newly regulated State of Pennsylvania as regulated areas. In New York, parts of Albany, Jefferson, Madison, Montgomery, Orleans, Schenectady, Tioga, and Westchester Counties and all of Bronx County have been added as newly regulated areas. It also extends the existing regulated areas in Cayuga, Chemung, Erie, Genesee, Livingston, Onondaga, Oswego, Schuyler, and Yates Counties, in New York.

This document imposes restrictions that are necessary in order to prevent the dissemination of European chafers, and should be made effective promptly to accomplish its purpose in the public interest. Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. section 553, that notice and other public procedure with respect to the foregoing regulation are impracticable and contrary to the public interest and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 12th day of July 1968.

[SEAL] J. F. SPEARS,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 68–8556; Filed, July 17, 1968; 8:48 a.m.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—European Chafer

EXEMPTIONS

Under authority of § 301.77–2 of the European chafer quarantine regulations (7 CFR 301.77–2, as amended, 33 F.R. 10274), a supplemental regulations exempting certain articles from specified requirements of the regulations is hereby issued to appear in 7 CFR 301.77–2b as set forth below. The Director of the Plant Pest Control Division has found that facts exist as to the pest risk involved in the movement of such articles which make it safe to relieve the requirements as provided therein.

§ 301.77–2b Exempted articles.

(a) The following articles are exempt[1] from the certification and permit requirements of this subpart if they meet the applicable conditions prescribed in subparagraphs (1) through (3) of this paragraph and have not been exposed to infestation after cleaning or other handling as prescribed in said subparagraphs:

(1) Compost, decomposed manure, humus, and peat, if dehydrated, ground, pulverized, or compressed;

(2) True bulbs, corms, rhizomes, and tubers (other than clumps of dahlia tubers) of ornamental plants, if free of soil;

(3) Used mechanized soil-moving equipment, if cleaned and repainted.

(b) The following articles are exempt from the certification and permit requirements of this subpart under the applicable conditions prescribed in subparagraphs (1) and (2) of this paragraph:

(1) Soil samples of any size if collected, and shipped to any U.S. Army Corps of Engineers soil laboratory located within the conterminous United States, in accordance with a compliance agreement with the shipper pertaining to such consignments;

(2) Soil samples of 1 pound or less which are packaged so that no soil will be spilled in transit, and are consigned to a laboratory approved by the Director for such purpose: *Provided,* That soil samples originating in areas under Federal or State regulation because of infestation with soybean cyst nematode, golden nematode, or witchweed are not exempted: *And provided further,* That soil samples originating in areas under such regulation because of the burrowing nematode may not be shipped into the States of Arizona, California, Louisiana, or Texas. One pound samples meeting the requirements set forth above may be assembled in a single package for shipping purposes.[2]

(Secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.77–2)

This list of exempted articles shall become effective upon publication in the FEDERAL REGISTER when it shall supersede the list of exempted articles in 7 CFR 301.77a (PPC 614, 3d Revision) which became effective March 15, 1966.

The principal purpose of this document is to add used mechanized soil-moving equipment if cleaned and repainted to the list of exempted articles, and to delete from said list, plants if growing exclusively in Osmunda fiber or chipped or shredded bark; soil-free moss, clubmoss and ground-pine or running pine; soil-free aquatic plants; and soil-free rooted cuttings, which, at the time of shipment, have not developed a root system sufficient to conceal larvae of the European chafer. Soil-free aquatic plants, moss, and Lycopodium (clubmoss or ground-pine or running pine) are no longer regulated articles. Plants, if growing exclusively in Osmunda fiber or chipped or shredded bark, and the soil-free rooted cuttings are no longer exempt since the destination inspector cannot determine the status of the articles by inspection. The document also makes nonsubstantive changes in the listing of previously exempted articles.

This document relieves certain restrictions which are not deemed necessary to prevent the interstate spread of the European chafer and imposes other restrictions which are deemed necessary for this purpose. It should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions being relieved and to protect the noninfested States from European chafer. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this document are impracticable and unnecessary and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 12th day of July 1968.

[SEAL] J. F. SPEARS,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 68–8554; Filed, July 17, 1968; 8:48 a.m.]

[1] The articles hereby exempted remain subject to applicable restrictions under other quarantines.

[2] Any laboratory is eligible for approval by the Director for purposes of this paragraph if it is operated under a compliance agreement as defined in § 301.77–1(b). A notice listing approved laboratories will be published periodically in the FEDERAL REGISTER. Copies of the current list may also be obtained from the Director, Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, Hyattsville, Md. 20782, or from an inspector.

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 11]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

SUGARCANE ENDORSEMENT; CORRECTION

In the above-named document [F.R. Doc. 68–6543] which was published on June 4, 1968 (33 F.R. 8265), the section entitled *"Meaning of terms"* was numbered "8" and the section entitled *"Cancellation and termination for indebtedness dates"* was numbered "9". These numbers should be changed to "7" and "8" respectively.

[SEAL] MORRIE S. HILL,
Acting Secretary, Federal Crop Insurance Corporation.

[F.R. Doc. 68–8524; Filed, July 17, 1968; 8:46 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

PART 842—BEET SUGAR AREA

1968 and Subsequent Crops

Correction

In F.R. Doc. 68–7863 appearing at page 9586 in the issue of Tuesday, July 2, 1968, the following changes should be made in § 842.2(c):

1. Insert the center heading "Sutter" after the fifth line under the center heading "Solano".

2.a. The fourth line under the center heading "Sutter" should read: "T. 17 N., Rs. 2 and W¼ 3 E.".

2.b. The sixth line under the center heading "Sutter" should read: "NW¼ 1, 2, 3, and 4 E.; T. 13 N., Rs. W¼ 1,".

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 248]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.548 Valencia Orange Regulation 248.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice; engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date

hereof. Such committee meeting was held on July 16, 1968.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 19, 1968, through July 25, 1968, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 300,000 cartons;

(iii) District 3: unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 17, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68–8654; Filed, July 17, 1968; 11:22 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 32]

PART 1032—MILK IN SOUTHERN ILLINOIS MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Southern Illinois marketing area (7 CFR Part 1032), it is hereby found and determined that:

(a) The following provision of the order does not tend to effectuate the declared policy of the Act for the month of July 1968.

(1) In § 1032.14(b)(2) the phrase "during the months of May and June and in any other month for not more than 8 days of production of producer milk by such producer."

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) In response to a notice of proposed suspension of the aforesaid provision (issued June 21, 1968, 33 F.R. 9407), cooperative associations representing 80 percent of producers on the market requested that the provision be suspended for the month of July 1968. Said associations stated that this action is necessary to provide for efficient handling of reserve milk of the market.

(4) This suspension action is necessary to provide for the efficient handling of reserve milk of the market during the month of July 1968. The volume of milk needed to be moved to milk manufacturing plants exceeds the quantity which could be moved under the limitations of the diversion provision in the order. The most efficient method of handling is movement direct from producers' farms to milk manufacturing plants. This suspension order would allow such handling while the dairy farmers involved retain producer status.

Therefore, good cause exists for making this order effective July 1, 1968.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the month of July 1968.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: July 1, 1968.

Signed at Washington, D.C., on July 15, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 68–8557; Filed, July 17, 1968; 8:49 a.m.]

[Milk Order 68]

PART 1068—MILK IN THE MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Minneapolis-St. Paul, Minn., marketing area (7 CFR Part 1068), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act for the months of August, September, and October 1968 and is hereby suspended for such months: "not less than 30 percent of the total" as it appears in the second proviso of § 1068.9(b), relating to standards required to qualify a cooperative supply plant for pool status.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension will permit all the milk of producer members of a cooperative association which is shipped directly from the farm to bottling plants located in the cities of Minneapolis or St. Paul to be assigned to country plants operated by such association for the purpose of meeting the shipping requirements of a pool supply plant during August, September, and October 1968. The order presently provides that at least 30 percent of the member milk must be direct-shipped to plants in Minneapolis or St. Paul before any of it may be assigned to country plants for this purpose.

(4) This suspension action was requested by a cooperative association whose members comprise a large majority of producers serving the Minneapolis-St. Paul market. The suspension action is supported by seven other cooperative associations on the market. At a hearing convened in Minneapolis, Minn., on June 25, 1968 (Docket No. AO–178–A23), to consider this and other issues, witnesses testified that emergency action in the form of a suspension order is necessary to maintain orderly marketing conditions pending the time when an amended order can be issued. No testimony was offered on the record in opposition to this request. Since interested parties have until August 10, 1968, to file briefs, proposed findings and conclusions based upon the evidence received at the hearing, it is not possible to effectuate an amended order by August 1, 1968.

(5) This suspension order will continue for the months of August, September, and October 1968 the effect of a prior suspension order for the same period of 1967. The previous suspension action was taken to permit an association of producers supplying the market to continue marketing and pooling milk regularly associated with the market on the most efficient and economical basis. Since the same conditions that prompted the previous suspension order continue to prevail, this order effective for the months of August, September, and October 1968 is warranted pending amendatory action on this order based upon the hearing.

Therefore, good cause exists for making this order effective August 1, 1968.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the months of August, September, and October 1968.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: August 1, 1968.

Signed at Washington, D.C., on July 15, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 68–8558; Filed, July 17, 1968; 8:49 a.m.]

[Milk Order 90]

PART 1090—MILK IN CHATTANOOGA, TENN., MARKETING AREA

Order Terminating Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Chattanooga, Tenn., marketing area (7 CFR Part 1090), it is hereby found and determined that:

(a) The following provisions in § 1090.44 of the order no longer tend to effectuate the declared policy of the Act:

(1) Paragraph (c) in its entirety, and

(2) In the introductory text of paragraph (d) the language "located less than 250 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from the City Hall in Chattanooga, Tennessee,".

(b) Thirty days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This termination order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This termination order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) The provisions being terminated relate to the classification of milk or skim milk transferred or diverted from pool plants to nonpool plants located 250 miles or more from Chattanooga. The order now provides that milk or skim milk so transferred or diverted in bulk form shall be classified as Class I milk regardless of ultimate use. Termination of these provisions will result in the classification being based on the utilization at the nonpool plant. This is the same basis now used in classifying similar transfers or diversions to nonpool plants located less than 250 miles from Chattanooga.

Tennessee Valley Milk Producers, which represents about 75 percent of the producers in the Chattanooga market, requested the termination to facilitate the orderly disposal of surplus milk. The closing of nearby milk manufacturing plants and the availability of distant manufacturing outlets for surplus milk warrants this action.

(4) Interested parties were afforded opportunity to file written data, views, or arguments concerning this termination (33 F.R. 9662). None were filed in opposition to the proposed termination.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby terminated.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 15, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 68–8559; Filed, July 17, 1968; 8:49 a.m.]

[Milk Order 98]

PART 1098—MILK IN NASHVILLE, TENN., MARKETING AREA

Order Terminating Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Nashville, Tenn., marketing area (7 CFR Part 1098), it is hereby found and determined that:

(a) The following provisions in § 1098.44 of the order no longer tend to effectuate the declared policy of the Act:

(1) Paragraph (c) in its entirety, and

(2) In the introductory text of paragraph (d) the language "located less than 250 miles by the shortest hard-surfaced highway distance as determined by the market administrator, from the State Capitol at Nashville, Tennessee,".

(b) Thirty days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This termination order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This termination order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) The provisions being terminated relate to the classification of milk transferred or diverted from pool plants to nonpool plants located 250 miles or more from Nashville. The order now provides that milk, skim milk or cream so transferred or diverted in bulk form shall be classified as Class I milk regardless of ultimate use. Termination of these provisions will result in the classification being based on the utilization at the nonpool plant. This is the same basis now used in classifying similar transfers or diversions to nonpool plants located less than 250 miles from Nashville.

Nashville Milk Producers, which represents over 90 percent of the producers in the Nashville market, requested the termination to facilitate the orderly disposal of surplus milk. The closing of nearby milk manufacturing plants and the availability of distant manufacturing outlets for surplus milk warrants this action.

(4) Interested parties were afforded opportunity to file written data, views or arguments concerning this termination (33 F.R. 9662). None were filed in opposition to the proposed termination.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby terminated.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 15, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 68–8560; Filed, July 17, 1968; 8:49 a.m.]

Chapter XVI—Consumer and Marketing Service (Food Stamp Program), Department of Agriculture

PART 1601—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Plans of Operation

Section 1601.8, paragraph (b)(5), relating to the availability of records for review or audit by C&MS or the Department for 3 years following the close of the Federal fiscal year to which they pertain, is amended to provide that Authorization to Purchase cards may be destroyed 1 year following the Federal fiscal year to which they pertain: *Provided,* That a list containing the name, address and case number of the household, amount of purchase requirement and total coupon allotment, and the expiration date and transaction date of the Authorization to Purchase cards redeemed each month is available for review and audit by C&MS or the Department for 3 years following the close of the Federal fiscal year to which they pertain: *And provided further,* That executed Authorization to Purchase cards shall not be so destroyed when the State agency has been instructed in writing by C&MS or the Department to retain the documents. As amended, § 1601.8, paragraph (b)(5), reads as follows:

§ 1601.8 Plans of operation.

* * * * * * *

(b) * * * (5) agree that such program records shall be available for review or audit by C&MS or the Department for a period of 3 years following the close of the Federal fiscal year to which they pertain; except, that State agencies or project areas using Authorization to Purchase cards, may destroy such signed and executed cards 1 year following the close of the Federal fiscal year, to which they pertain: *Provided,* That a list containing the name, address, and case number of the household, amount of purchase requirement and total coupon allotment, and the expiration date and transaction date of the Authorization to Purchase cards redeemed each month is available for review and audit by C&MS or the Department for a period of 3 years following the close of the Federal fiscal year to which they pertain: *And provided further,* That executed Authorization to Purchase cards shall not be so destroyed when the State agency has been instructed in writing by C&MS or the Department to retain the documents; * * *

* * * * * * *

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

JOHN A. SCHNITTKER,
Under Secretary.

JULY 15, 1968.

[F.R. Doc. 68–8561; Filed, July 17, 1968; 8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 85—CYSTICERCOSIS

Change in Areas Quarantined

Pursuant to the provisions of sections 1 and 3 of the Act of March 3, 1905, as amended, and section 7 of the Act of May 29, 1884, as amended (21 U.S.C. 117, 123, 125), Part 85, designated "Cysticercosis" in Title 9, Code of Federal Regulations, is hereby amended in the following respect:

Paragraph (a) of § 85.2 relating to the premises of the Dean Cluck Feedlot, Gruver, Tex., is hereby deleted.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment releases from quarantine the premises known as the Dean Cluck Feedlot, Gruver, Tex., heretofore quarantined because of cysticercosis. Hereafter, the restrictions pertaining to the interstate movement of cattle from quarantined areas, contained in 9 CFR Part 85, will not apply to such premises.

The amendment relieves certain restrictions presently imposed, and must be be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 1, 3, 33 Stat. 1264 and 1265, as amended; sec. 7, 23 Stat. 32, as amended; 21 U.S.C. 117, 123, 125; 29 F.R. 16210, as amended, 30 F.R. 5799, as amended)

Done at Washington, D.C., this 10th day of July 1968.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 68-8523; Filed, July 17, 1968; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9008, Amdt. 39-623]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corp. Viscount Models 744, 745D, and 810 Series Airplanes

Cracks have been found in the elevator root end ribs on British Aircraft Corp. Viscount Models 744, 745D, and 810 Series airplanes that could result in failure of the elevator structures. Since this condition is likely to exist or develop in other airplanes of the same design, an airworthiness directive (AD) is being issued to require inspection and eventual reinforcement of the elevator root end ribs.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (49 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORP. Applies to Viscount Models 744, 745D, and 810 Series Airplanes.

Compliance required as indicated.

To detect and repair cracks in the elevator root end ribs P/Ns 60920-65, 60920-63, 72420-11 for Models 744 and 745D, and 81010 Shts. 81 and 83 for Model 810, accomplish the following:

(a) For airplanes that have accumulated 7,850 or more landings, inspect in accordance with paragraph (c) within the next 150 landings after the effective date of this AD and thereafter at intervals not to exceed 475 landings from the last inspection.

(b) For airplanes that have accumulated less than 7,850 landings, inspect in accordance with paragraph (c) prior to the accumulation of 8,000 landings and thereafter at intervals not to exceed 475 landings from the last inspection.

(c) Visually inspect the root end ribs for cracks in accordance with British Aircraft Corp. Preliminary Technical Leaflet No. 274 Issue 1 (700 Series) or No. 138 Issue 1 (800/810 Series) or later ARB-approved issues or an FAA-approved equivalent.

(d) If cracks are detected during the inspection specified in paragraph (c), within the next 10 landings incorporate the Repair/Reinforcement scheme in accordance with British Aircraft Corp. Preliminary Technical Leaflet No. 274 Issue 1 (700 Series) or No. 138 Issue 1 (800/810 Series) or later ARB-approved issues or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, European Region.

(e) If not already accomplished under paragraph (d), within the next 3,000 landings after the effective date of this AD, incorporate the Repair/Reinforcement Scheme in accordance with British Aircraft Corp. Preliminary Technical Leaflet No. 274 Issue 1 (700 Series) or No. 138 Issue 1 (800/810 Series) or later ARB-approved issues or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, European Region.

(f) After incorporation of the Repair/Reinforcement Scheme in accordance with either paragraph (d) or (e), repeat the visual inspection specified in paragraph (c) prior to the next takeoff after each occurrence of severe nosewheel shimmy, or at intervals not to exceed 3,000 landings from the last inspection, whichever occurs earlier.

(g) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours' time in service by the operator's fleet average time from takeoff to landing for the airplane type.

This amendment becomes effective July 23, 1968.

Issued in Washington, D.C., on July 10, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 68-8535; Filed, July 17, 1968; 8:47 a.m.]

[Airspace Docket No. 68-SO-49]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Macon, Ga., control zone.

The Macon control zone is described in § 71.171 (33 F.R. 2058).

The USAF has announced that the primary runway at Robins AFB will be undergoing repairs from July 15, to October 15, 1968. During this period, a temporary runway 13/31 will be in use and temporary instrument approach procedures to this runway have been established and will be utilized. Therefore, it is necessary to alter the control zone to encompass the airspace within 2 miles each side of the Macon VORTAC 323° radial, extending from the Lewis B. Wilson Airport 5-mile radius zone to 11.5 miles northwest of the VORTAC and the airspace within 2 miles each side of Macon VORTAC 141° radial, extending from the Robins AFB 5-mile radius zone to 13 miles southeast of the VORTAC to provide the required controlled airspace protection for aircraft executing the temporary instrument approach procedures to Robins AFB. A maximum of 7.5 square miles of uncontrolled airspace is added to the control zone by this alteration.

Since this amendment is minor in nature and in the interest of safety, notice and public procedure hereon are unnecessary and the amendment may become effective without regard to the 30-day statutory period.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 15, 1968, until 0900 G.m.t., October 15, 1968, as hereinafter set forth.

In § 71.171 (33 F.R. 2058), the Macon, Ga., control zone is amended as follows: "• • • within 2 miles each side of the Macon VORTAC 323° radial, extending from the Lewis B. Wilson Airport 5-mile radius zone to 11.5 miles northwest of the VORTAC; and within 2 miles each side of the Macon VORTAC 141° radial, extending from the Robins AFB 5-mile radius zone to 13 miles southeast of the VORTAC • • •" is added to the present description.

Issued in East Point, Ga., on July 10, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 68-8536; Filed, July 17, 1968; 8:47 a.m.]

[Airspace Docket No. 68-SO-47]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter the Fort Stewart, Ga., control zone and transition area.

The Fort Stewart control zone is described in § 71.171 (33 F.R. 2058).

The Fort Stewart transition area is described in § 71.181 (33 F.R. 2137).

In each of these descriptions, reference is made to "Liberty AAF." Since the name of this airport has been changed to "Lyle H. Wright AAF," it is necessary to amend the descriptions accordingly.

Since these amendments are editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (33 F.R. 2058), the Fort Stewart, Ga., control zone is amended as follows: "• • • Liberty AAF • • •" is deleted and "• • • Lyle H. Wright AAF • • •" is substituted therefor.

In § 71.181 (33 F.R. 2137), the Fort Stewart, Ga., transition area is amended as follows: "• • • Liberty AAF • • •" is deleted and "• • • Lyle H. Wright AAF • • •" is substituted therefor.

(Sec. 307 (a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on July 10, 1968.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 68-8537; Filed, July 17, 1968; 8:47 a.m.]

[Airspace Docket No. 68-SO-50]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Salisbury, N.C., transition area.

The Salisbury transition area is described in § 71.181 (33 F.R. 2137).

An extension to the transition area is predicated on the 003° bearing from the Salisbury NDB. Additionally, the geographic coordinate for the Salisbury NDB is published as lat. 35°40'40" N., long. 80°31'20" W.

A refined plotting places the NDB at lat. 35°40'29" N., long. 80°30'32" W., which results in a change to the final approach bearing from 003° to 014°. Accordingly, it is necessary to alter the transition area description to designate the required controlled airspace on the refined bearing.

Since this amendment is in the interest of safety, notice and public procedure hereon are unnecessary and the amendment may become effective without regard to the 30-day statutory period.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 1, 1968, as hereinafter set forth.

In § 71.181 (33 F.R. 2137), the Salisbury, N.C., transition area is amended to read:

SALISBURY, N.C.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Rowan County Airport (lat. 35°38'30" N., long. 80°31'10" W.); within 2 miles each side of the 014° bearing from the Salisbury NDB (lat. 35°40'29" N., long. 80°30'32" W.), extending from the 6-mile radius area to 8 miles north of the NDB.

Issued in East Point, Ga., on July 10, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 68-8538; Filed, July 17, 1968; 8:47 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER F—NATIONALITY AND PASSPORTS

[Departmental Reg. 108.590]

PART 51—PASSPORTS

Subpart E—Limitation on Issuance, Renewal, or Extension of Passports

Denial of Passports

Section 51.70 is amended by adding a new subparagraph (6) to paragraph (b) reading as follows:

§ 51.70 Denial of passports.

• • • • • •

(b) • • •

(6) The applicant is subject to an order of restraint or apprehension issued by an appropriate officer of the Armed Forces of the United States pursuant to chapter 47 of title 10 of the United States Code.

(Sec. 1, 44 Stat. 887, sec. 4, 63 Stat. 111, as amended; 22 U.S.C. 211a, 2658; E.O. 11295; 3 CFR, 1966 Comp.)

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER.

Dated: June 29, 1968.

For the Secretary of State.

IDAR RIMESTAD,
Deputy Under Secretary for Administration.

[F.R. Doc. 68-8550; Filed, July 17, 1968; 8:48 a.m.]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

SUBCHAPTER E—EMPLOYMENT AND COMPENSATION IN THE CANAL ZONE

PART 253—REGULATIONS OF THE SECRETARY OF THE ARMY

Subpart D—Compensation and Allowances

TAX ALLOWANCE

Effective upon publication in the FEDERAL REGISTER, § 253.134 is amended by revising the last sentence to read as follows:

§ 253.134 Tax allowance.

• • • The revised tax allowance and the revised base salary or wage rate directly attributable to the revised tax allowance shall be made effective at a date to be determined by the Board, except that it shall not be earlier than the date of the tax change nor later than 6 months thereafter.

(2 C.Z.C. secs. 146(1), 155, 76A Stat. 17, 19; 35 CFR 251.2)

Dated: July 2, 1968.

STANLEY R. RESOR,
Secretary of the Army.

[F.R. Doc. 68-8510; Filed, July 17, 1968; 8:45 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER H—TRAINING

[General Order 97, Rev., Amdt. 1]

PART 310—MERCHANT MARINE TRAINING

Subpart C—Admission and Training of Cadets at the U.S. Merchant Marine Academy

MISCELLANEOUS AMENDMENTS

1. Effective September 1, 1968, section 310.55 of this subpart is amended by revising paragraph (a) thereof to read as follows:

§ 310.55 Physical requirements.

(a) *Physical Standards.* A candidate is required to meet the physical requirements prescribed by the Department of the Navy for appointment as Midshipman, USNR, but a candidate for appointment as a deck cadet must have minimum uncorrected visual acuity of at least 20/40 in one eye and 20/70 in the other, and a candidate for appointment as an engineering cadet must have minimum uncorrected visual acuity of at least 20/50 in one eye and 20/70 in the other. All candidates must have corrected visual acuity of 20/20 in each eye and normal color perception, and refractive error must be within the limits prescribed by the Department of the Navy. Other physical standards for candidates

shall be the same as those prescribed for midshipman candidates for the U.S. Naval Academy.

2. Effective July 1, 1968, § 310.58 of this subpart is amended by changing the first sentence of paragraph (c) thereof to read as follows:

§ 310.58 Training on subsidized vessels.

• • • • • •

(c) *Pay.* Cadets shall receive pay, while attached to merchant vessels, at the rate of $171.60 per month from their steamship company employers. • • •

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: July 12, 1968.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 68-8547; Filed, July 17, 1968; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Erie National Wildlife Refuge, Pa.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Public hunting of all migratory birds on the Erie National Wildlife Refuge is permitted in accordance with all applicable State and Federal regulations. Such hunting is permitted only on the designated Migratory Game Bird Hunting Area. This area is delineated on maps available at refuge headquarters, Guys Mills, Pa., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations governing hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 30, 1969.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 8, 1968.

[F.R Doc. 68-8512; Filed, July 17, 1968; 8:45 a.m.]

PART 32—HUNTING

Erie National Wildlife Refuge, Pa.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations, upland game, for individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Public hunting of small game and unprotected species on the Erie National Wildlife Refuge, Pa., is permitted only on the area designated by signs as open to hunting. This open area is delineated on maps available at refuge headquarters, Guys Mills, Pa., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations governing hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 30, 1969.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 8, 1968.

[F.R Doc. 68-8512; Filed, July 17, 1968; 8:45 a.m.]

PART 32—HUNTING

Erie National Wildlife Refuge, Pa.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Erie National Wildlife Refuge, Pa., is permitted. The open hunting area is delineated on maps available at refuge headquarters, Guys Mills, Pa., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations governing hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 11, 1969.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 8, 1968.

[F.R. Doc. 68-8511, Filed, July 17, 1968; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 1, 130, 146]

ENFORCEMENT, ANTIBIOTIC, AND NEW-DRUG REGULATIONS

Promotional Labeling for Prescription Drugs

Current regulations relating to promotional labeling for prescription drugs provide, in the case of articles for which new-drug or antibiotic approvals are in effect, that the required prescribing information in such labeling as to indications, effects, dosages, routes, methods, and frequency and duration of administration and any relevant hazards, contraindications, side effects, and precautions: "is substantially the same as the labeling authorized by the approved new-drug application or required as a condition for its certification or exemption from certification."

The intent of the quoted regulation is to allow creativity in the design of promotional labeling while also including the substance of all required prescribing information, unchanged in language or emphasis as approved under new-drug or certification provisions of the Federal Food, Drug, and Cosmetic Act, as adequate to inform physicians of the conditions under which the drugs may be used safely and effectively.

Recent experience shows that the wording of the current regulations has been construed to authorize promotional labeling which is in the main the same as approved labeling; thus, the quoted language has been taken to permit changes in essential parts of the labeling that may have an adverse effect on the drug prescribing information that has been approved or required for physicians.

Accordingly, the Commissioner of Food and Drugs proposes to revise § 1.106(b)(4)(i), and other designated sections of the regulations having similar intent, for the purpose of clarification. These are intended as interim revisions to clarify the original intent of the current prescription drug labeling regulations and are not in lieu of further revisions of the labeling regulations as proposed in the FEDERAL REGISTER of May 23, 1967 (32 F.R. 7535).

Therefore, under the authority vested in the Secretary of Health, Education, and Welfare by said act (secs. 502(f), 505, 507, 701(a), 52 Stat. 1051-53, as amended, 1055, 59 Stat. 463, as amended; 21 U.S.C. 352(f), 355, 357, 371(a)) and delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes that Parts 1, 130, and 146 be amended:

1. By revising § 1.106 (b)(4)(i) and (c)(4)(i) to read as follows:

§ 1.106 Drugs and devices; directions for use.

• • • • • •

(b) *Exemption for prescription drugs.* • • •

(4) • • •

(i) Adequate information for such use, including indications, effects, dosages, routes, methods, and frequency and duration of administration and any relevant warnings, hazards, contraindications, side effects, and precautions, under which practitioners licensed by law to administer the drug can use the drug safely and for the purposes for which it is intended, including all conditions for which it is advertised or represented; and if the article is subject to section 505 or 507 of the act, the parts of the labeling providing such information are the same in language and emphasis as labeling approved or permitted under the provisions of section 505 or 507, respectively, and any other parts of the labeling are consistent with and not contrary to such approved or permitted labeling; and

• • • • • •

(c) *Exemption for veterinary drugs.* • • •

(4) • • •

(i) Adequate information for such use, including indications, effects, dosages, routes, methods, and frequency and duration of administration, and any relevant warnings, hazards, contraindications, side effects, and precautions, and including information relevant to compliance with the food additive provisions of the act, under which veterinarians licensed by law to administer the drug can use the drug safely and for the purposes for which it is intended, including all conditions for which it is advertised or represented; and if the article is subject to section 505 or 507 of the act, the parts of the labeling providing such information are the same in language and emphasis as labeling approved or permitted under the provisions of section 505 or 507, respectively, and any other parts of the labeling are consistent with and not contrary to such approved or permitted labeling; and

• • • • • •

2. In § 130.4(c)(2), by revising the first textual paragraph of Form FD-356H to read as follows:

§ 130.4 Applications.

• • • • • •

(c) • • •

(2) • • •

FD-356H • • •

The undersigned submits this application for a new drug pursuant to section 505(h) of the Federal Food, Drug, and Cosmetic Act. It is understood that when this application is approved, the labeling and advertising for the drug will prescribe, recommend, or suggest its use only under the conditions stated in the labeling which is part of this application; and if the article is a prescription drug, it is understood that any labeling which furnishes or purports to furnish information for use or which prescribes, recommends, or suggests a dosage for use of the drug will contain the same information for its use, including indications, effects, dosages, routes, methods, and frequency and duration of administration, any relevant warnings, hazards, contraindications, side effects, and precautions, as that contained in the labeling which is part of this application in accord with § 1.106(b) (21 CFR 1.106(b)). It is understood that all representations in this application apply to the drug produced until an approved supplement to the application provides for a change or the change is made in conformance with other provisions of § 130.9 of the new-drug regulations.

• • • • • •

3. By revising § 130.9(a)(3) (33 F.R. 9955) to read as follows:

§ 130.9 Supplemental applications.

(b) • • •

(3) Any mailing or promotional piece used after the drug is placed on the market is labeling requiring a supplemental application unless the parts of the labeling furnishing directions, warnings, and information for use of the drug are the same in language and emphasis as labeling approved or permitted, and any other parts of the labeling are consistent with and not contrary to such approved or permitted labeling.

• • • • • •

4. By revising § 146.2(b) (3) and (4) to read as follows:

§ 146.2 Requests for certification, check tests and assays, and working standards; information and samples required.

• • • • • •

(b) • • •

(3) Before such person makes such change in the facilities and controls used in the manufacture, packaging, or labeling of the drug, he shall submit to the Commissioner for advance approval a full statement describing the proposed change. In the case of a proposal to use revised labeling on or within the drug package or promotional labeling containing information for use of the drug that is not the same in language and emphasis as the approved labeling, the applicant shall submit specimens for advance approval.

(4) In the case of mailing and promotional pieces that contain the same information for use of the drug as previously approved labeling, in which any other information is consistent with and not contrary to such labeling in accord with § 1.106(b) of this chapter and so certified by the applicant (or authorized representative), the applicant shall submit specimens when first used and need not await advance approval.

• • • • •

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: July 12, 1968.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 68-8542; Filed, July 17, 1968; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 26]

WHEAT

Official Grain Standards

Correction

In F.R. Doc. 68-8053 appearing at page 9825 in the issue of Tuesday, July 9, 1968, the table of § 26.127(a) should read as follows:

WHEAT

Grade	Minimum test weight per bushel		Maximum limits of—						
			Defects					Wheat of other classes [1]	
	Hard Red Spring Wheat or White Club Wheat	All other classes	Heat-damaged kernels	Damaged kernels (total)	Foreign material	Shrunken and broken kernels	Defects (total)	Contrasting classes	Wheat of other classes (total)
	Pounds	*Pounds*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
1	58.0	60.0	0.1	2.0	0.5	3.0	3.0	1.0	3.0
2	57.0	58.0	.2	4.0	1.0	5.0	5.0	2.0	5.0
3	55.0	56.0	.5	7.0	2.0	8.0	8.0	3.0	10.0
4	53.0	54.0	1.0	10.0	3.0	12.0	12.0	10.0	10.0
5	50.0	51.0	3.0	15.0	5.0	20.0	20.0	10.0	10.0
Sample grade	Sample grade shall be wheat which does not meet the requirements for any of the grades from No. 1 to No. 5, inclusive; or which contains more than two crotalaria seeds (*Crotalaria* spp.) in 1,000 grams of grain, or contains castor beans (*Ricinus communis*), stones, broken glass, animal filth, unknown foreign substances, or commonly recognized harmful or toxic substances; or which is musty, sour, or heating; or which has any commercially objectionable foreign odor except of smut or garlic; or which contains a quantity of smut so great that any one or more of the grade requirements cannot be applied accurately; or which is otherwise of distinctly low quality.								

[1] Red Durum Wheat of any grade may contain not more than 10.0 percent of wheat of other classes.

[7 CFR Part 1004]

[Docket No. AO—160-A39]

MILK IN DELAWARE VALLEY MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Carlton Room, Sylvania Hotel, Locust Street at Juniper, Philadelphia, Pa., beginning at 9:30 a.m., on July 30, 1968, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Delaware Valley marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Lehigh Valley Cooperative Farmers:

Proposal No. 1. In §§ 1004.52 and 1004.82 change "45 miles" to read "55 miles" and change "23 cents" to read "24.5 cents". Also, change the other provisions of the order to accommodate them to these specific changes.

Proposed by Inter-State Milk Producers' Cooperative:

Proposal No. 2. In § 1004.15(d) change "45 miles" to read "65 miles".

Proposal No. 3. In the text of § 1004.52 (a) change "45 miles" to read "65 miles" and change the table to read as follows:

Distance of plant from nearest city hall:	*Rate per hundredweight (cents)*
65 miles	10.5
Each additional 10 miles or fraction thereof an additional	1.5

Proposal No. 4. Revise paragraph (c) of § 1004.52 to read as follows:

(c) For milk received from producers at a pool plant located 65 to 140 miles by the shortest highway distance as determined by the Market Administrator from the nearest of the city halls in Philadelphia, Pa.; Trenton or Atlantic City, N.J.; and classified as Class II milk (except that for which a Class I location differential was assigned pursuant to paragraph (b)), the Class II price shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk was received from producers, subject to the exception contained in § 1004.15(d):

Distance of plant from nearest city hall	*Rate per hundredweight (cents)*
65 to 140 mile	6.0
Each additional 70 miles or fraction thereof an additional	1.0

Proposal No. 5. In § 1004.82(a)(1) change "45 miles" to read "65 miles" and change "23 cents" to read "10.5 cents".

Proposed by Dairymen's League Cooperative Association, Inc., and Northeast Daily Cooperative Federation, Inc.:

Proposal No. 6. Revise paragraph (b) of § 1004.52 to read as follows:

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned to Class I disposition at the transferee plant on a pro rata basis with the aggregate receipts at such plant of producer milk.

Proposed by Inter-State Milk Producers' Cooperative:

Proposal No. 7. Eliminate the following proviso from § 1004.8(b): *"Provided*, That for the months through October 1967, this condition shall not be applicable to any plant which has continuously been a fully regulated plant under the Delaware Valley order for the months of January 1967 to the effective date of this amending order."

Proposal No. 8. Eliminate the following closing words from the introductory text of §1004.63: "Except that with respect to this paragraph and paragraphs (a), (b), and (c) of this section the initial base-forming period shall be August through December 1967 and the minimum number of days used to compute the producer's base which will be applicable during the March through June 1968 base-paying period shall be not less than 123:"

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 9. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 1528 Walnut Street, Philadelphia, Pa. 19102, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on July 12, 1968.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 68-8583; Filed, July 17, 1968; 8:49 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 241]

PROPOSED GUIDES FOR DOG AND CAT FOOD INDUSTRY

Notice of Opportunity To Present Written Views, Suggestions or Objections

Proposed Guides for the Dog and Cat Food Industry were originally made public by the Commission on September 26, 1967, and were published in the FEDERAL REGISTER on that date at page 13461. In response to the invitation to industry members and other interested parties to submit written comments concerning the proposed Guides, a number of suggestions, criticisms and objections were received. After giving due consideration to these comments and other pertinent information received, the proposed Guides have been revised as hereinafter set forth. These revised proposed Guides are today made public by the Commission for consideration by industry members and other interested or affected parties pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C., secs. 41–58, and the provisions of Part 1, Subpart A, of the Commission's procedures and rules of practice, 16 CFR 1.5, 1.6.

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations or other parties affected by or having an interest in the proposed Guides for the Dog and Cat Food Industry to present to the Commission their views concerning the proposed Guides, including such pertinent information, suggestions or objections as they may desire to submit. For this purpose, additional copies of the proposed Guides may be obtained upon request to the Commission. Such data, views, information, and suggestions may be submitted by letter, memorandum, brief, or other written communication not later than August 19, 1968, to the Chief, Division of Industry Guides, Bureau of Industry Guidance, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580. Written comments received in the proceeding will be available for examination by interested parties at the Commission's Washington address and will be fully considered by the Commission.

Guides for this industry, if and when finally approved and adopted by the Commission, will be designed to assist manufacturers and other sellers of dog and cat foods in avoiding violations of the Federal Trade Commission Act, as amended (15 U.S.C., sec. 41–58), in labeling and advertising their products. Their purpose will be to encourage voluntary compliance with the Act which makes illegal unfair methods of competition and unfair or deceptive acts or practices in commerce as well as false advertising of food, including animal food. Proceedings to enforce the requirements of law set forth in the Guides may be brought under the Federal Trade Commission Act.

Text of the proposed Guides follows:

NOTE: These guides have not been approved by the Federal Trade Commission. They are a draft of proposed Guides which are made available to all interested or affected parties for their consideration and for submission of such views, suggestions, or objections as they may care to present, due consideration to which will be given by the Commission before proceeding to final action on the proposed Guides.

§ 241.1 Definitions.

For the purpose of this part the following definitions shall apply:

(a) *Industry product* means a food for dogs or cats and includes all types of dry, semimoist, frozen, canned, and other commercial foods manufactured or marketed for consumption by domesticated dogs or cats. The term also includes special diet and health foods and supplements, and "treats" and "candy" for such dogs and cats, but does not include animal medicines or remedies.

(b) *Industry member* means a person, firm, corporation, or organization engaged in the importation, manufacture, sale or distribution of an industry product.

(c) *Ingredients* are the constituent materials making up a food for dogs or cats. Except as otherwise prescribed in this part, the names and definitions of ingredients adopted by the Association of American Feed Control Officials will be used in the administration of this part, except that with respect to products which have been certified by the Department of Agriculture under the provisions of 9 CFR 355.1–355.42, the definitions set forth in those regulations will be used. [Guide 1]

Sec.

241.1 Definitions.
241.2 Misuse of terms.
241.3 Misrepresentation in general.
241.4 Misrepresentation in advertisements.
241.5 Deceptive labeling of industry products.
241.6 Misrepresentation of color.
241.7 Misrepresentation of flavor.
241.8 Diet and nutrient misrepresentation.
241.9 Misrepresentation of medicinal and therapeutic benefits.
241.10 Human food representation.
241.11 Misuse of the terms "can" and "canned".
241.12 Defamation of competitors or false disparagement of their products.
241.13 Misrepresentation of the character and size of business, extent of testing, etc.
241.14 Deceptive endorsements, testimonials and awards.
241.15 Bait advertising.
241.16 Guarantees, warranties, etc.
241.17 Use of the word "free".
241.18 Deceptive pricing.

AUTHORITY: The provisions of this Part 241 issued under secs. 5, 6, 38 Stat. 719, as amended, 721; 15 U.S.C. 45, 46.

§ 241.2 Misuse of terms.

Industry products and their respective ingredients should be identified and designated in accordance with the provisions of paragraph (c) of § 241.1, or if no name or definition has been established for an ingredient, it should be designated or identified by its common or usual name. The names of ingredients should not be used in advertising, labeling, brand or trade name, or otherwise, so as to misrepresent directly or by implication the identity of an ingredient or the composition of an industry product. [Guide 2]

§ 241.3 Misrepresentation in general.

Industry members should not use or cause or promote the use of any promotional materials, advertising, labels, insignia, brand or trade names which have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers:

(a) With respect to the composition, substance, content, identity, quantity, appearance, consistency, form, shape, color, flavor, cost, value, origin, grade, quality, suitability, nutritional properties, methods of manufacture, manner of processing, or novelty of an industry product or ingredient thereof; or

(b) In any other material respect. [Guide 3]

§ 241.4 Misrepresentation in advertisements.

Industry members should not make any representation in an advertisement [1] which has the capacity and tendency or effect of deceiving purchasers or prospective purchasers as to the composition, appearance, form, suitability or quality of an industry product or of any ingredient thereof. More specifically:

(a) A product should not be designated or described as "all meat" or "100% meat," or "all tuna," or "all chicken," or otherwise represented as being composed wholly of a named ingredient if it contains other ingredients such as water, or the byproducts of meat, poultry or fish.

(b) A product should not be designated or described as "meat," "beef," "tuna," or "chicken and eggs," or by the name or names of other ingredients derived from animals, poultry or fish unless the product contains at least 95 percent by weight of the named ingredient or combination of ingredients. If the product contains more than one ingredient, the name of a preferred ingredient should not be given precedence or undue prominence so as to create the impression that the product contains a greater amount of that ingredient than it does in fact. For example, if a product contains 80 percent meat byproducts and 15 percent meat, the respective percentages thereof should be stated or such ingredients named in their order of predominence by weight.

[1] The word "advertisement" or "advertising" as used in this part includes any written or verbal statement, notice, presentation, illustration, or depiction, other than labeling, which is directly or indirectly designed to effect the sale of any industry product, or to create an interest in the purchase of any such product, whether same appears in a newspaper, magazine or other periodical, in a catalog, letter or sales promotional literature, in a radio or television broadcast, or in any other media.

(c) Such terms as "meaty," "beefy," "fishy," "burger," "prime," "choice," and other terms which are suggestive of meat, whole chicken, or the muscle tissue of fish should not be used to describe or designate an industry product or an ingredient thereof which does not contain at least 95 percent by weight of the ingredient or combination of ingredients which the term suggests, unless the product contains a substantial amount of that ingredient or combination of ingredients, and the term is accompanied by a clear and conspicuous disclosure in close conjunction therewith of either the percentage by weight of the designated meat, poultry, or fish ingredients contained in the product, e.g., "10 percent meat and 35 percent meat byproducts," or the principal ingredients or components of ingredients comprising the product in the order of their predominance by weight, e.g., "cereal products, grain products, meat by products and meat." However, terms which if qualified would result in a confusing contradiction should not be used with or without qualification. Examples of terms of this nature are "sirloin," "T-Bone," and "breast of chicken."

(d) Such terms as "stew," "hash," or other human food terms should not be used to designate or describe an industry product or an ingredient thereof which is not so constituted as to conform to Federal standards of identity established for such foods. However, the specified percentages of meat, poultry, or fish ingredients may properly be composed of the named ingredient or of a combination of that ingredient and the parts of poultry or fish, or the byproducts of animals, poultry, or fish from which it was derived. For example, a product described as "Pet Stew for Dogs" should contain not less than 25 percent of meat and meat byproducts, or of poultry products, and a variety of vegetables and other nutritional ingredients.

(e) The quality of an industry product from the nutritional standpoint is not necessarily dependent upon its meat content, or upon the amount or nature of other ingredients derived from animals, poultry, or fish which it may contain. Accordingly, it is improper to represent that a dog or cat has a nutritional requirement for such an ingredient, or that solely because a particular industry product contains, for example, a specified percentage of meat it is nutritionally superior to products having a lesser quantity of meat, or to those which contain other and different ingredients. Such advertising is deceptive because it does not take into consideration the nutritional properties of various ingredients or combinations thereof used in the formulation of industry products.

(f) Representations that a product contains or is fortified with fresh eggs should not be made if the product in fact contains no fresh eggs or an inappreciable amount thereof, or only dried or powdered eggs or egg yokes or egg whites, or only such eggs as may be found in the carcasses of poultry.

(g) Representations that an industry product contains whole fresh milk should not be made if the product in fact contains reconstituted milk, skimmed milk, buttermilk or dry powdered whole or skimmed milk.

(h) Representations that a product or an ingredient thereof is "moist in its own juices" or otherwise that the moisture therein is the natural juices contained in the product or ingredients should not be made if water or other liquids have been added thereto.

(i) Vignettes and graphic and pictorial illustrations of an industry product or the contents, ingredients or immediate container thereof, which have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers with respect to the appearance, substance, condition, or composition of the product or its ingredients should not be used.

(j) Such terms as "burger," "chunk," "patty," "cubes," "loaf," "croquettes," and terms of similar import, should not be used to describe or designate a product or ingredient thereof which does not have the shape or form so represented when it is sold to the ultimate consumer. Terms representing shape or form which also suggest ingredients derived from animals, poultry, or fish are subject to the provisions of this section relating to misrepresentation of content.

(k) It is deceptive to offer for sale or sell an industry product which is not suitable for use as a food for dogs or cats. If an industry product does not satisfy the criteria for a complete food for dogs or cats set forth in paragraph (a) of § 241.8, or is suitable for use only as an intermittent or supplemental food, advertising respecting the product should contain a statement which sets forth the purposes for which it is suitable, or alternatively, a disclosure that it is not a complete food. [Guide 4]

§ 241.5 Deceptive labeling of industry products.

Industry members should not use on the labels of industry products a statement of identity, vignette, or any other representation, pictorial, or otherwise, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers with respect to the composition, appearance, form, suitability, quality, color, flavor, manner of processing, or condition of the product or any of its ingredients. More specifically:

(a) A label should contain sufficient information to enable a purchaser or prospective purchaser to determine the nature and composition of the product. If the product does not satisfy the criteria for a complete food for dogs or cats set forth in paragraph (a) of § 241.8, or is suitable for use only as an intermittent or supplemental food, the label should bear a clear and conspicuous statement of the purposes for which the product is suitable, e.g., "A supplemental food," or alternatively, a disclosure that it is not a complete food.

(b) When used as part of a product name or statement of identity, the name of a particular ingredient should not be set forth in such a manner as to mislead prospective purchasers into believing that there is a greater proportion of such ingredient in the product than there is in fact. For example, if a product is composed of 80 percent meat byproducts and 15 percent beef, and 5 percent of other ingredients, and is designated as "meat byproducts and beef," the word "beef" in the product name or statement of identity should not be more conspicuous than the words "meat byproducts." [Guide 5]

§ 241.6 Misrepresentation of color.

Industry members should not directly or indirectly, in an advertisement, misrepresent the actual color of an industry product. More specifically, they should not represent that the color of a product is its natural color when such color has been established or set by artificial means; or that a product does not contain an artificial coloring ingredient unless this is true in fact; or that the color of a product is of any particular significance to a dog or to a cat. [Guide 6]

§ 241.7 Misrepresentation of flavor.

Industry members should not represent directly or indirectly, in an advertisement, that a product has a particular flavor unless the product has that flavor and the designated or named flavor is detectable by a recognized test method, or provides a characteristic distinguishable by the animal for which the product is intended. If the flavor has been derived from artificial sources that fact should be disclosed. [Guide 7]

§ 241.8 Diet and nutrient misrepresentation.

Industry members should not represent directly or indirectly, in advertising, labeling, brand or trade name, or otherwise:

(a) That an industry product, or a recommended feeding thereof, is or meets the requisites of a complete, perfect, scientific, or balanced ration for dogs or cats unless such product or feeding:

(1) Contains ingredients in quantities sufficient to satisfy the estimated nutrient requirements established by a recognized authority on animal nutrition, such as the Committee on Animal Nutrition of the National Research Council of the National Academy of Sciences; or

(2) Contains a combination of ingredients which, when fed to a normal animal as the only source of nourishment, will provide satisfactorily for fertility of the male and female, gestation and lactation, normal growth from weaning to maturity without supplementary feeding and will maintain the normal weight of an adult animal whether working or at rest, and has had its capabilities in this regard demonstrated by adequate testing. However, if a product is represented as a complete food, such representation should be qualified to show that it must be eaten in the prescribed quantities, if such is a fact.

(b) That any listing of nutrients is or exceeds the amounts recommended by a recognized authority on animal nutrition, such as the Committee on Animal Nutrition of the National Research Council of the National Academy of Sciences, unless such listing utilizes the same units of measure, and lists in equal or excess amounts all of the essential nutrients contained in the most recent nutrient list of that authority; or

(c) That a product or ingredient thereof contains vitamins, minerals or other nutrients in excess of the actual content thereof, as for example, by comparing the vitamins, minerals, or other nutrients of a product or ingredient thereof with the nutrient content of a food deficient in such nutrients; or

(d) That any product or ingredient thereof provides "super protein richness," or a complete source of protein in that it contains the essential body building amino acids, inferably in the proper amount and proportion for proper nutrition, when such is not the fact. [Guide 8]

§ 241.9 Misrepresentation of medicinal and therapeutic benefits.

Industry members should not represent directly or indirectly in advertising, labeling, brand or trade name, or otherwise, that a product or ingredient thereof will:

(a) Prevent, cure, correct, tend to correct, eliminate, remove, or provide resistance to any disease, condition, disorder, infection, or parasite, or in any way improve the health or condition of any animal, when such is not the fact; or

(b) Provide any therapeutic benefit which it is capable of providing only in instances where the consuming animal's ordinary diet is deficient in elements supplied by the product or ingredient, unless due notice or qualification is made to that effect. [Guide 9]

§ 241.10 Human food representation.

Industry members should not misrepresent directly or indirectly, in advertising, labeling, brand or trade name or otherwise, that a product is fit for human consumption or made under the same sanitary conditions as food for humans. [Guide 10]

§ 241.11 Misuse of the terms "can" and "canned".

Industry members should not, in advertising, labeling, or otherwise:

(a) Use the term "can" to describe any container other than a hermetically sealed rigid container; or

(b) Use the term "canned" to describe any product which has not been hermetically sealed in a rigid container; or

(c) Misrepresent in any other manner the methods used in the manufacture or processing of an industry product. [Guide 11]

§ 241.12 Defamation of competitors or false disparagement of their products.

Industry members should not directly or indirectly in advertising, labeling or otherwise:

(a) Engage in the defamation of their competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by making other false representations about them; or

(b) Falsely disparage the quality, grade, origin, appearance, composition, suitability, nutritional properties, cost, value, type, consistency, form, color, flavor, method of manufacture, manner of preparation, or lack of novelty of their competitors' products. [Guide 12]

§ 241.13 Misrepresentation of the character and size of business, extent of testing, etc.

Industry members should not misrepresent directly or indirectly in company, brand or trade name, or in advertising, labeling or otherwise:

(a) The length of time they have been in business; or

(b) The extent of their sales; or

(c) Their rank in the industry as producers or distributors of a product or type of product; or

(d) That they are manufacturers or packers of industry products; or

(e) That they own or operate a laboratory, breeding or experimental kennel, or that their products have been tested in any particular manner or for any period of time or with any particular results; or

(f) That a product, ingredient, or manufacturing process is new or exclusive; or

(g) Any other material aspect of their business or products. [Guide 13]

§ 241.14 Deceptive endorsements, testimonials and awards.

Industry members should not deceptively represent directly or indirectly by endorsement, testimonial, award, advertising, labeling, brand, or trade name, or otherwise:

(a) That a product or ingredient thereof has been prepared according to the formula, direction, or personal supervision of, or is prescribed by, or is the first choice of, or has been inspected, guaranteed, recognized, approved or used by; or meets or exceeds the specifications or standards of; or is otherwise endorsed by a particular individual or class of individuals, or by a governmental or nongovernmental agency, or by professionals such as veterinarians, chemists, physicists or psychiatrists, or by organizations, breeders, kennels, sportsmen, hunt clubs or animal hospitals; or

(b) That a product is the recipient of a bona fide merit award or seal of approval; or

(c) That a product or an ingredient thereof has been inspected by the U.S. Government or any agency thereof and that it has passed that inspection. [Guide 14]

§ 241.15 Bait advertising.

Industry members should not offer for sale any industry product when the offer is not a bona fide effort to sell the product so offered as advertised and at the advertised price.

NOTE: In determining whether there has been a violation of this section, consideration will be given to acts or practices indicating that the offer was not made in good faith for the purpose of selling the advertised product, but was made for the purpose of contacting prospective purchasers and selling them a product or products other than the product offered. Among acts or practices which will be considered in making that determination are the following:

(1) The creation, through the initial offer or advertisement, of a false impression of the product offered in any material respect;

(2) The refusal to show, demonstrate or sell the product offered in accordance with the terms of the offer;

(3) The disparagement by acts or words of the product offered or the disparagement of the guarantee, or in any other respect in connection with it;

(4) The showing, demonstrating, and in the event of sale, the delivery of a product which is unsuitable for the purpose represented or implied in the offer;

(5) The failure, in the event of sale of the product offered, to deliver such product to the buyer within a reasonable time thereafter;

(6) The failure to have available a quantity of the advertised product at the advertised price sufficient to meet reasonably anticipated demands.

It is not necessary that each act or practice set forth above be present in order to establish that a particular offer is violative of this section.

NOTE: The Commission's November 24, 1959, Guides Against Bait Advertising furnish additional guidance respecting bait advertising and are to be considered as supplementing this section. Copies are available upon request to the Federal Trade Commission.

[Guide 15]

§ 241.16 Guarantees, warranties, etc.

(a) Industry members should not represent in advertising or otherwise that a product is guaranteed without clear and conspicuous disclosure of:

(1) The nature and extent of the guarantee; and

(2) Any material conditions or limitations in the guarantee which are imposed by the guarantor; and

(3) The manner in which the guarantor will perform thereunder; and

(4) The identity of the guarantor. (The necessary disclosure requires that any guarantee made by the dealer or vendor which is not backed up by the manufacturer must make it clear that the guarantee is offered by the dealer or vendor only.)

(b) A seller or manufacturer should not advertise or represent that a product is guaranteed when he cannot or does not promptly and scrupulously fulfill his obligations under the guarantee.

(c) A specific example of refusal to perform obligations under the guarantee would arise in connection with the use

of the phrase "Satisfaction or your money back" if the guarantor does not promptly make a full refund of the purchase price upon request, irrespective of the reason for such a request.

(d) This section has application not only to "guarantees" but also to "warranties," to purported "guarantees" and "warranties," and to any promise or representation in the nature of a "guarantee" or "warranty."

NOTE: The Commission's April 26, 1960, Guides Against Deceptive Advertising of Guarantees furnish additional guidance respecting guarantee representations and are to be considered as supplementing this section. Copies are available upon request to the Federal Trade Commission. [Guide 16]

§ 241.17 Use of the word "free".

In connection with the sale, offering for sale, or distribution of industry products, industry members should not use the word "free" or any other word or words of similar import in advertisements or in other offers to the public as descriptive of an article of merchandise, or service, which is not an unconditional gift under the following circumstances:

(a) When all the conditions, obligations or other prerequisites to the receipt and retention of the "free" article of merchandise or service offered are not clearly and conspicuously set forth at the outset so as to leave no reasonable probability that the terms of the offer will be misunderstood; and, regardless of such disclosure,

(b) When, with respect to any article of merchandise required to be purchased in order to obtain the "free" article or service, the offeror (1) increases the ordinary and usual price of such article of merchandise, or (2) reduces its quality, or (3) reduces the quantity or size thereof.

NOTE: The disclosure required by paragraph (a) of this section shall appear in close conjunction with the word "free," or other word or words of similar import, wherever such word first appears in each advertisement or offer. A disclosure in the form of a footnote, to which reference is made by use of an asterisk or other symbol placed next to the word "free," will not be regarded as compliance.

[Guide 17]

§ 241.18 Deceptive pricing.

Members of the industry should not represent directly or indirectly in advertising or otherwise that an industry product may be purchased for a specified price, or at a saving, or at a reduced price, when such is not the fact; or otherwise deceive purchasers or prospective purchasers with respect to the price of any product offered for sale; or furnish any means or instrumentality by which others engaged in the sale of industry products may make any such representation.

NOTE: The Commission's January 8, 1964, Guides Against Deceptive Pricing furnish additional guidance respecting price savings representations and are to be considered as supplementing this section. Copies are available upon request to the Federal Trade Commission.

[Guide 18]

Issued: July 17, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-8546; Filed, July 17, 1968; 8:48 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

DIRECTOR, OFFICE OF CAPITAL DEVELOPMENT AND FINANCE, ET AL.

Redelegation of Authority

To: Director, Office of Capital Development and Finance, Deputy Director, Office of Capital Development and Finance; and Assistant Director, Office of Capital Development and Finance.

Pursuant to the authority delegated to me by Delegation of Authority No. 5, dated December 29, 1961, as amended, I hereby redelegate to each of the individuals listed above, for the countries or areas within the responsibility of this Regional Bureau, authority to perform the following functions, retaining for myself concurrent authority to exercise any of the functions herein redelegated:

1. Authority to negotiate loan agreements with respect to loans authorized under the Foreign Assistance Act of 1961 in accordance with the terms of the authorization of such loans;

2. Authority to implement loan agreements with respect to loans authorized under the Foreign Assistance Act of 1961 and by the Board of Directors of the Corporate Development Loan Fund;

3. Authority to negotiate, execute, and implement agreements and other documents ancillary to loan agreements with respect to loans authorized under the Foreign Assistance Act of 1961 and by the Board of Directors of the Corporate Development Loan Fund; and

4. Authority to provide instructions to the Missions to India, Pakistan, and Turkey with respect to individual loan agreements limiting the authority of the Missions to negotiate and execute loan agreements with respect to loans authorized under the Foreign Assistance Act of 1961 and to implement loan agreements with respect to loans authorized under the Foreign Assistance Act of 1961 and by the Board of Directors of the Corporate Development Loan Fund: *Provided, however,* That the exercise of this authority shall be subject to instructions otherwise by me or my deputy.

The following authorities enumerated above may be redelegated by the individuals listed above to qualified loan officers within the Office of Capital Development and Finance, Bureau for Near East and South Asia:

(a) Authority described above in paragraph 1;

(b) Authority described above in paragraph 2 to the following extent:

(1) Authority to review and approve documents and other evidence submitted by borrower in satisfaction of conditions precedent to financing under such loan agreements; and

(2) Authority to review and approve the terms of contracts, amendments and modifications thereto and invitations for bids with respect to such contracts financed by funds made available under such loan agreements; and

(c) Authority to negotiate and implement agreements and other documents ancillary to such loan agreements.

The authority described above in paragraph 2 may be redelegated by the individuals listed above to the Chief of the Loan Operations Division within the Office of Capital Development and Finance, Bureau for Near East and South Asia, to the following extent: Authority to approve, negotiate, execute, and implement Program Assistance Agreement Abstracts, Commodity Procurement Instructions, Financing Requests, Direct Reimbursement Approvals and Procurement Authorization/Purchase Requisitions, and amendments thereto, related to such loan agreements.

The redelegation of authority from William B. Macomber, Jr., Assistant Administrator, Bureau for Near East and South Asia, to the individuals listed above, dated June 11, 1965, is hereby rescinded.

This redelegation of authority is effective immediately.

Dated: April 26, 1968.

MAURICE J. WILLIAMS,
Assistant Administrator, Bureau for Near East and South Asia.

[F.R. Doc. 68-8532; Filed, July 17, 1968; 8:47 a.m.]

CHIEF, LOAN OPERATIONS DIVISION, ET AL.

Redelegation of Authority

Pursuant to the authority delegated to me by Redelegation of Authority dated April 26, 1968, I hereby redelegate to the Chief of the Loan Operations Division of this Bureau, or anyone acting in that capacity, authority to perform the following functions with respect to Commodity Program Assistance Loans authorized under the Foreign Assistance Act of 1961, as amended, to the countries or areas within the responsibility of this Regional Bureau, retaining for myself concurrent authority to exercise any of the functions herein redelegated:

1. Authority to approve, execute, and implement Program Assistance Agreement Abstracts and amendments thereto;

2. Authority to approve, execute, and implement Commodity Procurement Instructions and amendments thereto;

3. Authority to approve, execute, and implement Financing Requests and amendments thereto;

4. Authority to approve, execute, and implement Direct Reimbursement Approvals and amendments thereto;

5. Authority to approve, negotiate, execute, and implement Procurement Authorization/Purchasing Requisitions and amendments thereto.

This redelegation of authority is effective immediately.

Dated: April 29, 1968.

THEODORE H. LUSTIG,
Director, Office of Capital Development and Finance, Bureau for Near East and South Asia.

[F.R. Doc. 68-8533; Filed, July 17, 1968; 8:47 a.m.]

EXECUTIVE DIRECTOR, PRIVATE RESOURCES DEVELOPMENT SERVICE, ET AL.

Redelegation of Authority Relating to Investment Surveys and Investment Guaranties

Pursuant to the authority delegated to me by Delegation of Authority No. 33, as amended, from the Administrator of A.I.D., dated February 3, 1964 (29 F.R. 2430), and Delegation of Authority No. 39, as amended, from the Administrator of A.I.D., dated April 3, 1964 (29 F.R. 5355), I hereby redelegate authority as follows:

(1) To the Executive Director, Private Resources Development Service and to the Managing Director, Private Investment Center, each severally, to act in my place and stead in my absence with respect to exercising the authority delegated to me by the above-cited Delegations of Authority Nos. 33 and 39;

(2) To the Managing Director, Private Investment Center,

(a) To authorize and issue investment guaranties under section 221(b)(1) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2181(b)(1), covering investments (i) which take the form of royalties or (ii) which, as described in the Special Terms and Conditions, do not exceed $5 million for each such investment, and in connection therewith to make the related approvals and determinations provided in sections 221(a), 221(b), and 221(c) of the said Act, 22 U.S.C. 2181(a), 2181(b), and 2181(c), and

(b) To amend any investment guaranty issued under section 221(b)(1) of the Foreign Assistance Act of 1961, 22 U.S.C. 2181(b)(1), section 413(b)(4) of the Mutual Security Act of 1954, or section 111(b)(3) of the Economic Cooperation Act of 1948, all as originally enacted and as amended: *Provided,* That such amendment does not increase the amount of investment covered by such guaranty by more than $5 million, and

(c) To participate in financing surveys of investment opportunities under section 231 of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. § 2191, and in connection therewith to make the determinations and exercise the functions provided for in said section 231, 22 U.S.C. § 2191;

(3) To the Director, Insurance Division.

(a) To authorize and issue investment guaranties under section 221(b)(1) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2181(b)(1), covering investments (i) which take the form of royalties or (ii) which, as described in the Special Terms and Conditions of such guaranty contracts, do not exceed $1 million, and in connection therewith to make the related approvals and determinations provided in sections 221(a), 221(b), and 221(c) of the said Act, 22 U.S.C. 2181(a), 2181(b), and 2181(c), and

(b) To amend any investment guaranty issued under section 221(b)(1) of the Foreign Assistance Act of 1961, 22 U.S.C. 2181(b)(1), section 413(b)(4) of the Mutual Security Act of 1954, or section 111(b)(3) of the Economic Cooperation Act of 1948, all as originally enacted and as amended: *Provided*, That such amendment does not increase the amount of investment covered by such guaranty by more than $1 million, and

(c) To participate, in an amount not to exceed $5,000, in financing surveys of investment opportunities under section 231 of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2191, and in connection therewith to make the determinations and exercise the functions provided for in said section 231, 22 U.S.C. 2191: *Provided*, That if the function being exercised is one of amending the investment survey terms, such amendment may not increase A.I.D.'s participation above $5,000;

(4) To the Associate Director, Insurance Division, to consent to assignments of any contract of guaranty issued under section 221(b)(1) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2181(b)(1), under section 413(b)(4) of the Mutual Security Act of 1954 or section 111(b)(3) of the Economic Cooperation Act of 1948, all as originally enacted and as amended, provided such assignments run to entities eligible to be issued investment guaranties under the legislation in force at the time of the assignment;

(5) To the Associate Director, Insurance Division and concurrently to the Chief, International Loan Branch, Accounting Division, to issue written notice of delinquency to any investor who has failed to pay any fee due under any contract of guaranty issued under section 221(b)(1) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2181(b)(1), under section 413(b)(4) of the Mutual Security Act of 1954, or under section 111(b)(3) of the Economic Cooperation Act of 1948, all as originally enacted and as amended, and further to cancel any contract of guaranty when the investor covered thereunder has failed to pay the delinquent fee thereon within thirty (30) days following written notice of delinquency;

(6) To the Chief, Administration Branch, Finance Division to amend investment guaranties to modify the reporting requirements thereunder;

(7) To the Chief, Latin America-Africa Branch, Insurance Division,

(a) To authorize and issue investment guaranties under section 221(b)(1) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2181(b)(1), covering investments in Latin America or Africa (i) which take the form of royalties or (ii) which, as described in the Special Terms and Conditions of such guaranty contracts, do not exceed $200,000, and in connection therewith to make the related approvals and determinations provided in sections 221(a), 221(b), and 221(c) of the said Act, 22 U.S.C. 2181(a), 2181(b), and 2181(c), and

(b) To amend any investment guaranty issued under section 221(b)(1) of the Foreign Assistance Act of 1961, 22 U.S.C. 2181(b)(1), section 413(b)(4) of the Mutual Security Act of 1954, or section 111(b)(3) of the Economic Cooperation Act of 1948, all as originally enacted and as amended, provided such amendment does not increase the amount of investment covered by such guaranty by more than $200,000;

(8) To the Chief, Near East-South Asia-Far East Branch, Insurance Division.

(a) To authorize and issue investment guaranties under section 221(b)(1) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2181(b)(1), covering investments in the Near East, South Asia, or the Far East (i) which take the form of royalties or (ii) which, as described in the Special Terms and Conditions of such guaranty contracts, do not exceed $200,000, and in connection therewith to make the related approvals and determinations provided in sections 221(a), 221(b), and 221(c) of the said Act, 22 U.S.C. 2181(a), 2181(b), and 2181(c), and

(b) To amend any investment guaranty issued under section 221(b)(1) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2181(b)(1), section 413(b)(4) of the Mutual Security Act of 1954, or section 111(b)(3) of the Economic Cooperation Act of 1948, all as originally enacted and as amended, provided such amendment does not increase the amount of investment covered by such guaranty by more than $200,000;

(9) To the Managing Director, Private Investment Center, and to the Chief, Finance Division, each severally:

(a) To authorize and issue investment guaranties under section 221(b)(2) (B) and (C) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2181(b)(2) (B) and (C), covering investments, as described in such guaranty contracts, which do not exceed $2,500,000, and in connection therewith to make the related approvals and determinations provided in sections 221(a), 221(b), and 221(c) of the said Act, 22 U.S.C. 2181(a), 2181(b), and 2181(c), and

(b) To amend any investment guaranty issued under section 221(b)(2) (B) and (C) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2181(b)(2) (B) and (C), provided such amendment does not increase the amount of investment covered by such guaranty by more than $2,500,000.

This redelegation of authority is effective on the date hereof and revokes from that date prior redelegations of my authority.

The authority herein redelegated may not be further redelegated.

Dated: June 5, 1968.

HERBERT SALZMAN,
Assistant Administrator for Private Resources.

[F.R. Doc. 68-8534; Filed, July 17, 1968; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[R 1327]

CALIFORNIA

Notice of Proposed Classification of Public Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands in paragraph 3. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws.

3. The public lands located within the following described areas are shown on maps designated 2412–04–01–08–R–1327 at the District Office, Bureau of Land Management, Bakersfield, Calif., and Land Office, Bureau of Land Management, 1414 University Avenue, Riverside, Calif.

The overall description of the area is as follows:

KERN AND SAN BERNARDINO COUNTIES

MOUNT DIABLO MERIDIAN, CALIFORNIA

All public lands in:

T. 27 S., R. 35 E.,
Secs. 20 to 27, inclusive;
Secs. 30 and 31;
Secs. 33 to 36, inclusive.
T. 28 S., R. 35 E.,
Secs. 1 to 20 inclusive;
Secs. 22 to 36, inclusive.
T. 27 S., R. 36 E.,
Secs. 12 and 13;
Sec. 19;
Secs. 22 to 36, inclusive.
T. 28 S., R. 36 E.,
Secs. 1 to 36, inclusive.
T. 25 S., R. 37 E.,
Secs. 1 to 36, inclusive.
T. 26 S., R. 37 E.,
Secs. 1 to 18, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 27 S., R. 37 E.,
Secs. 1 to 4, inclusive;
Secs. 7 to 36, inclusive.
T. 28 S., R. 37 E.,
Secs. 1 to 36, inclusive.
T. 29 S., R. 37 E.,
Secs. 1 to 30, inclusive;
Secs. 32 to 35, inclusive.
T. 25 S., R. 38 E.,
Secs. 3 to 9, inclusive;
Secs. 16 to 21, inclusive;
Sec. 23;
Secs. 26 to 34, inclusive.
T. 26 S., R. 38 E.,
Secs. 3 to 11, inclusive;
Secs. 14 to 22, inclusive;
Secs. 25 to 34, inclusive.
T. 27 S., R. 38 E.,
Secs. 2 to 10, inclusive;
Secs. 13 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 28 S., R. 38 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 29 S., R. 38 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 36, inclusive.
T. 26 S., R. 38 E.,
Sec. 6.
T. 27 S., R. 39 E.,
Secs. 1 to 3, inclusive;
Secs. 7 and 8;
Secs. 10 to 15, inclusive;
Secs. 18 and 19;
Secs. 23 to 35, inclusive.
T. 28 S., R. 39 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 29 S., R. 39 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 20, inclusive;
Secs. 22 to 28, inclusive;
Secs. 33 to 35, inclusive.
T. 30 S., R. 39 E.,
Secs. 1 to 4, inclusive;
Secs. 6 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 27 S., R. 40 E.,
Sec. 17, S½;
Sec. 19, E½;
Secs. 20 to 23, inclusive;
Secs. 26 to 35, inclusive.
T. 28 S., R. 40 E.,
Secs. 2 to 11, inclusive;
Secs. 14 and 15;
Secs. 17 to 23, inclusive;
Secs. 26 to 35, inclusive.
T. 29 S., R. 40 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 34, inclusive.
T. 30 S., R. 40 E.,
Secs. 3 to 10, inclusive;
Secs. 13 to 15, inclusive;
Secs. 17 to 30, inclusive;
Sec. 34.

Except the following public lands:

T. 28 S., R. 37 E.,
Sec. 23, E½SE¼;
Sec. 24, S½S½.
T. 26 S., R. 38 E.,
Sec. 27, S½NW¼ and N½SW¼.

The area described aggregates approximately 187,300 acres.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, U.S. Bureau of Land Management, Room 311, Federal Building, 800 Truxtun Avenue, Bakersfield, Calif. 93301.

5. A public hearing on the proposed classification will be held on August 9, 1968, at 1 p.m. at the Ridgecrest Community Hall in Ridgecrest, Calif.

For the State Director.

ROBERT J. SPRINGER,
District Manager.

[F.R. Doc. 68-8514; Filed, July 17, 1968; 8:45 a.m.]

[C-2367]

COLORADO

Proposed Classification of Public Lands for Multiple-Use Management; Amendment

JULY 10, 1968.

Paragraph 3 of the notice of proposed classification appearing as F.R. Doc. 67-8715 in the issue for July 27, 1967, at page 10993 is hereby amended to include the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

HINSDALE COUNTY

Mill Creek Site

T. 42 N., R. 5 W. (protracted),
Sec. 10, S½SE¼SE¼;
Sec. 11, S½SW¼, W½SE¼SE¼;
Sec. 14, NW¼NE¼NE¼, N½NW¼;
Sec. 15, N½N½, N½S½N½.

These legal descriptions are based on protraction diagram approved May 6, 1965.

The area described contains approximately 364.5 acres of public land.

4. For a period of sixty (60) days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Montrose District Manager, Bureau of Land Management, Highway 550 South, Post Office Box 1269, Montrose, Colo. 81401.

E. I. ROWLAND,
State Director.

[F.R. Doc. 68-8515; Filed, July 17, 1968; 8:45 a.m.]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

JULY 11, 1968.

The Forest Service, U.S. Department of Agriculture, has filed an application, New Mexico 6844, for the withdrawal of lands described below, from location and entry under the mining laws. The applicant desires the lands for recreational areas and an administrative site.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Chief, Division of Lands and Minerals, Program Management and Land Office, Post Office Box 1449, Santa Fe, N. Mex. 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

SANTA FE NATIONAL FOREST

Seven Springs Campground

T. 20 N., R. 2 E.,
Sec. 25, NW¼SW¼;
Sec. 26, E½NE¼SE¼.

Seven Springs Administrative Site

T. 20 N., R. 2 E.,
Sec. 26, SW¼SW¼SE¼ and S½NW¼SW¼SE¼.

Redondo Campground and Jemez Overlook

T. 19 N., R. 3 E.,
Sec. 21, lots 2, 3, 4, SE¼SE¼NW¼, and E½SW¼.

Black Canyon Campground

T. 17 N., R. 10 E.,
Sec. 1, lots 12 and 13;
Sec. 12, NW¼NE¼NW¼ and NE¼NW¼.

Little Tesuque Picnic Area

T. 17 N., R. 10 E.,
Sec. 2, E½SE¼SE¼ and E½W½SE¼SE¼.

Borrego Mesa Campground

T. 20 N., R. 11 E.,
Sec. 9, SE¼ of lot 5, SW¼SE¼NE¼, NW¼NE¼SE¼, and NE¼NW¼SE¼.

The areas described contain 413.34 acres.

MICHAEL T. SOLAN,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 68-8516; Filed, July 17, 1968; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

DIRECTOR OR ACTING DIRECTOR, AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE DATA PROCESSING CENTER, KANSAS CITY, MO.

Amendment of Delegation of Authority With Respect to Certificates of Interest

The delegation of authority published in 29 F.R. 11854, as amended in 30 F.R. 286 and 31 F.R. 718 is further amended by deleting paragraph 2 under "Delegations" and substituting a new paragraph as follows:

2. *Certificates of interest.* The Director or Acting Director of the Agricultural Stabilization and Conservation Service Data Processing Center at Kansas City, Mo., may sign Commodity Credit Corporation certificates of interest issued to commercial banks and other eligible financial institutions participating in the financing of a pool of price support loans. This authority may not be redelegated.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714(b))

Effective date: August 1, 1968.

Signed at Washington, D.C., on July 11, 1968.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 68-8540; Filed, July 17, 1968; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 8 (Social Security Administration) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (33 F.R. 5828 et. seq., Apr. 16, 1968), is hereby amended as follows:

1. Section 8B, *Division of Administrative Appraisal and Planning, OA,* is superseded by the following:

SEC. 8B, *Division of Administrative Appraisal and Planning, OA*—Directs the appraisal of total SSA administration and the planning for efficient SSA organization and operations. Develops major operating and administrative goals and measures of effectiveness for program administration. Identifies current and emerging problems and recommends remedial actions. Continually appraises organizational effectiveness. Develops consistent and progressive administrative policies and philosophy. Conducts, coordinates, and integrates long-range operational, organizational, and administrative planning and provides leadership in administrative planning for pending legislation. Represents SSA in dealings with DHEW Audit Agency and GAO site audit teams. Investigates alleged program and criminal violations, employee misconduct, and other irregularities. Conducts an SSA historical research program.

2. Section 8B, *Division of Audits and Investigations, OA,* is deleted.

(Sec. 6, Reorg. Plan No. 1 of 1953)

Dated: July 12, 1968.

DONALD F. SIMPSON,
Assistant Secretary for Administration.

[F.R. Doc. 68-8553; Filed, July 17, 1968; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

National Transportation Safety Board

[Docket No. SA-403]

ACCIDENT OCCURRING NEAR DAWSON, TEX.

Notice of Hearing

In the matter of investigation of accident involving aircraft of U.S. Registry N9707C, which occurred near Dawson, Tex., May 3, 1968.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 9 a.m. (local time), on July 30, 1968, in the Rose Room of the Adolphus Hotel, Dallas, Tex.

Dated this 15th day of July 1968.

[SEAL] ROBERT L. ALLARD,
Hearing Officer.

[F.R. Doc. 68-8551; Filed, July 17, 1968; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-128]

TEXAS A&M UNIVERSITY

Notice of Issuance of Construction Permit

No request for a hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued, effective as of the date of issuance, Construction Permit No. CPRR-104 to Texas A&M University. The permit authorizes the University to install a modified TRIGA-type core as a replacement for the present core and authorizes modifications to the present control system in the existing reactor located on the University's Nuclear Science Center near College Station, Tex.

The construction permit was issued in the form published in the notice of proposed issuance of construction permit in the FEDERAL REGISTER on June 19, 1968, 33 F.R. 9038.

Dated at Bethesda, Md., this 5th day of July 1968.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 68-8525; Filed, July 17, 1968; 8:46 a.m.]

FEDERAL HOME LOAN BANK BOARD

FIDELITY CORP.

Notice of Receipt of Application for Permission To Acquire Akron Savings and Loan Co.

JULY 15, 1968.

Notice is hereby given that on July 1, 1968, the Federal Savings and Loan Insurance Corporation received an application from the Fidelity Corp., Ninth and Main Streets, Richmond, Va., for permission to acquire the Akron Savings and Loan Co., 156 South Main Street, Akron, Ohio. The proposed acquisition is to be effected by the purchase of 55½ percent of said Akron Savings and Loan Co.'s outstanding stock by said Fidelity Corp. from the Ohio General Corp., 2873 West Market Street, Akron, Ohio. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary, Federal Home Loan Bank Board.

[F.R. Doc. 68-8549; Filed, July 17, 1968; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-4421 etc.]

HASSIE HUNT TRUST ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates

Correction

In F.R. Doc. 68-8197, appearing at page 10030 of the issue for Friday, July 12, 1968, the bracket at the beginning of the document should read as set forth above.

[Project 1888]

METROPOLITAN EDISON CO. AND YORK HAVEN POWER CO.

Notice of Application for Amendment and Transfer of License for Constructed Project

JULY 10, 1968.

Public notice is hereby given that application for amendment and transfer of license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Metropolitan Edison Co. and York Haven Power Co. (correspondence to: R. E. Neidig, Vice President, Metropolitan Edison Co., Post Office Box 542, Reading, Pa. 19603) for constructed Project No. 1888, known as York Haven project located on the Susquehanna River in Dauphin, Lancaster, and York Counties, Pa., in the vicinity of the towns of York Haven, Middleton, Falmouth, and Columbia, and the city of York.

The application seeks (1) amendment of the license to exclude therefrom a fee simple interest in a portion of the Three Mile Island and Shelleys Island which are presently within the project boundary for the construction thereon by Metropolitan Edison Co. of a nuclear generating station; (2) approval of transfer of the license as so amended from Metropolitan Edison to York Haven; and (3) approval of an agreement between Metropolitan Edison and York Haven for the joint use of other project properties in connection with the proposed nuclear plant.

The proposed agreement between Metropolitan Edison and York Haven provides for the conveyance of project property excluding the area in which Metropolitan Edison will retain a fee interest and the grant by York Haven to Metropolitan Edison of the right to the joint use of project lands and waters.

Metropolitan Edison would convey and transfer to York Haven in exchange for all the common capital stock of York Haven, consisting of a 100 shares without par value, all of Metropolitan Edison's tangible and intangible property constituting Metropolitan Edison's Project No. 1888 except as noted above. Metropolitan Edison would make such payments for the use of project lands and waters as Metropolitan Edison or any successor owner of the nuclear generating station shall with the approval of the Federal Power Commission from time to time agree upon with York Haven or any successor owner of Project No. 1888 or in the absence of such an agreement as shall be determined by the Federal Power Commission. It is also proposed that as long as York Haven shall own Project No. 1888 and be a subsidiary of Metropolitan Edison it shall purchase from York Haven at the bus-bar of York Haven's generating station the electric output of Project No. 1888 at such price as shall from time to time be set forth in rate schedules filed with the Commission by York Haven under the Federal Power Act.

Any person desiring to be heard or to make any protest with reference to said application should, on or before August 29, 1968, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8526; Filed, July 17, 1968; 8:46 a.m.]

[Docket No. RI69-1]

THORNTON OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

JULY 10, 1968.

On June 10, 1968, Thornton Oil Co. (Thornton)[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is designated as follows:

Description: Notice of change, dated June 6, 1968.
Purchaser and producing area: El Paso Natural Gas Co. (Spraberry Trend Area, Upton County, Tex.) (Railroad District No. 7-C) (Permian Basin Area).
Rate schedule designation: Supplement No. 2 to Thornton's FPC Gas Rate Schedule No. 2.[2][3]
Effective date: July 11, 1968.[4]
Amount of annual increase: $261.
Effective rate: 16 cents per Mcf.[2][5]
Proposed rate: 18 cents per Mcf.[6][7]
Pressure base: 14.65 p.s.i.a.

Thornton, holder of a small producer certificate, proposes a periodic rate increase from 16 cents to 18 cents per Mcf, amounting to $261 annually, for a sale of gas to El Paso Natural Gas Co. in the Permian Basin Area of Texas. Thornton's proposed 18 cents per Mcf rate exceeds the applicable area base rate prescribed in Opinion No. 468 and should be suspended for 5 months from July 11, 1968, the proposed effective date. Thornton's rate increase filing is subject to rejection as of the date of filing in the event the Permian court stay is dissolved because it exceeds the applicable area ceiling rate prescribed in Thornton's small producer certificate.[8] If Thornton desires to collect a rate above that permitted small producers by Opinion No. 468, it must file an application for reinstatement of its certificate authorizing the sale and thereafter file its notice of change in rate accompanied by a rate schedule quality statement in the form prescribed by Appendix D of Opinion No. 468-A.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 2 to Thornton's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Thornton's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, Supplement No. 2 to Thornton's FPC Gas Rate Schedule No. 2 is hereby suspended and the use thereof deferred until December 11, 1968, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 19, 1968.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8527; Filed, July 17, 1968; 8:46 a.m.]

[1] Address is: Eleventh Floor, Philtower Building, Tulsa, Okla. 74103. Attention: B. C. Ragsdale, Agent.

[2] Sale being made under small producer certificate issued Nov. 7, 1966, in Docket No. CS66-49. The rate schedule and initial rate of 16 cents per Mcf were reinstated by the Commission's order granting relief issued February 6, 1967, in Rodman and Late et al., Docket No. CS66-48 et al.

[3] Formerly Rodman Oil Co.'s FPC Gas Rate Schedule No. 3.

[4] The stated effective date is the effective date requested by Respondent.

[5] Reinstated rate subject to rejection as of date of issuance of small producer certificate and subject to refund as per order granting relief.

[6] Periodic rate increase.

[7] Rate contractually due as of Aug. 1, 1966.

[8] The Commission's Permian decision was affirmed by the Supreme Court of the United States on May 1, 1968, in Permian Basin Area Rate Cases (Nos. 90, et al., October Term, 1967), but no mandate has yet been issued by the Court of Appeals. Had the mandate been received and the stay granted by that court been dissolved, Thornton's filing would be subject to rejection as inconsistent with its small producer certificate.

FEDERAL RESERVE SYSTEM

NORTHLAND BANCSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842 (a)(1)), by Northland Bancshares, Inc., Bridgeton, Mo., for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of each of the following banks: Mark Twain State Bank, Bridgeton, Mo., and South County Bank, St. Louis County, Mo. Applicant presently owns 97.5 percent of the voting shares of Northland Bank, Jennings, Mo.

Section 3(c) of the Act, as amended: *Provides*, That the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of St. Louis.

Dated at Washington, D.C., this 11th day of July 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-8528; Filed, July 17, 1968; 8:46 a.m.]

TENNESSEE FINANCIAL CORP.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842 (a)(1)), by Tennessee Financial Corp., Kingsport, Tenn., for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquisition of 50.1 percent or more of the voting shares of Carter County Bank of Elizabethton, Tennessee, Elizabethton, Tenn. Applicant presently owns 31.98 percent of the voting shares of First Peoples Bank, Johnson City, Tenn.

Section 3(c) of the Act, as amended: *Provides*, That the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 11th day of July 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-8529; Filed, July 17, 1968; 8:46 a.m.]

WACHOVIA BANK AND TRUST CO.

Order Approving Merger of Banks

In the matter of the application of Wachovia Bank and Trust Co. for approval of merger with The State Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Wachovia Bank and Trust Co., Winston-Salem, N.C., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and The State Bank, Laurinburg, N.C., under the charter and title of Wachovia Bank and Trust Co. As an incident to the merger, the five offices of The State Bank would become branches of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered, for the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided*, That said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order.

Dated at Washington, D.C., this 11th day of July 1968.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-8530; Filed, July 17, 1968; 8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Procurement Regs., Temporary Reg. 15]

GRANTS AND CONTRACTS WITH EDUCATIONAL INSTITUTIONS

Costs

To: Heads of Federal Agencies.

Subject: Bureau of the Budget Circulars A-21, Revised, and A-88.

1. *Purpose.* This regulation amends the provisions of the Federal Procurement Regulations pertaining to grants and contracts with educational institutions with respect to (1) the determination of costs applicable to research and development, and (2) the determination of indirect cost rates and auditing.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* Unless revised or canceled earlier by FPR amendment, this regulation expires January 1, 1970.

4. *Background.* a. Subpart 1-15.3, Principles for Determining Costs Applicable to Research and Development under Grants and Contracts with Educational Institutions, reflects the provisions of Bureau of the Budget Circular

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Richmond. Dissenting Statement of Governors Robertson, Maisel and Brimmer also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin and Governors Mitchell, Daane, and Sherrill. Voting against this action: Governors Robertson, Maisel, and Brimmer.

A-21, Revised, March 3, 1965. The Bureau further revised the provisions of Circular A-21 on June 1, 1968.

b. The Bureau of the Budget on May 15, 1968, issued Circular A-88 for the purpose of coordinating the establishment of indirect cost rates for, and the auditing of Federal grants and contracts with, educational institutions.

5. *Explanation of changes.* Pending amendment of the Federal Procurement Regulations, compliance with the provisions of the FPR is not required, to the extent that such provisions are inconsistent with Bureau of the Budget Circulars A-21, Revised, dated June 1, 1968, and A-88, dated May 15, 1968.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

JULY 11, 1968.

[F.R. Doc. 68-8552; Filed, July 17, 1968; 8:48 a.m.]

RENEGOTIATION BOARD

GENERAL COUNSEL

Compensation

Pursuant to the provisions of section 309 of Public Law 88-426, of sections 211(b) and 216 of Public Law 90-206, and of Executive Order 11413, the General Counsel of The Renegotiation Board shall receive compensation at the rate of $28,000 per annum, effective July 14, 1968. In the event that the salary rate for Level V of the Executive Schedule in section 5316 of title 5, United States Code is increased, the General Counsel shall receive compensation equal to such salary rate for Level V, but not to exceed $30,239 per annum, effective as of the effective date of such increase in the salary rate for Level V.

Dated: July 12, 1968.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 68-8522; Filed, July 17, 1968; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4651]

DELMARVA POWER & LIGHT COMPANY OF MARYLAND AND DELMARVA POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Principal Amount of Promissory Notes by Subsidiary Public-Utility Company and Acquisition and Pledge Thereof by Parent Registered Holding Company

JULY 12, 1968.

Notice is hereby given that Delmarva Power & Light Co. ("Delmarva"), 600 Market Street, Wilmington, Del. 19899, a registered holding company and a public-utility company, and its subsidiary company, Delmarva Power & Light Company of Maryland ("Maryland"), a public-utility company, all of whose outstanding securities are owned by Delmarva, have filed with this Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 9(a), 12(d), and 12(f) of the Act and Rules 43 and 44 thereunder as applicable to the proposed transactions. All interested persons are referred to said joint application-declaration, which is summarized below, for a complete statement of the proposed transactions.

From time to time prior to August 31, 1970, Maryland proposes to issue and sell to Delmarva for cash its promissory notes due October 1, 1973, in an aggregate principal amount not in excess of $5,500,000. The notes will bear interest at 6.4 percent, but, at such time as Delmarva shall market its next issue of bonds, all notes thereafter issued by Maryland shall bear interest equal to the cost of money to Delmarva under such bond issue, rounded to the nearest one tenth of 1 percent. The notes will be pledged by Delmarva with Chemical Bank New York Trust Co., Trustee, in accordance with the provisions of the Mortgage and Deed of Trust of Delmarva to Chemical Bank New York Trust Co., Trustee, dated as of October 1, 1943, relating to Delmarva's first mortgage and collateral trust bonds.

Maryland will use the proceeds derived from the sale of the notes to reimburse its treasury for moneys previously expended for construction requirements and to provide funds for future construction expenditures. Proposed additions to Maryland's property and plant are estimated at $5,710,609 for 1968, $6,506,902 for 1969, and $5,268,000 for 1970.

It is stated that, other than miscellaneous traveling expenses, the expenses in connection with the proposed transactions, including legal expenses estimated at not in excess of $750, will be nominal.

A joint application has been filed by Maryland and Delmarva with the Public Service Commission of Maryland, the State commission of the State in which Maryland is organized and doing business, for authorization of the proposed transactions. A copy of the order of that commission, when entered, will be filed by amendment in this proceeding.

Notice is further given that any interested person may, not later than July 31, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8517; Filed, July 17, 1968; 8:45 a.m.]

[70-4652]

DELMARVA POWER & LIGHT COMPANY OF VIRGINIA AND DELMARVA POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Principal Amount of Promissory Notes by Subsidiary Public-Utility Company and Acquisition and Pledge Thereof by Parent Registered Holding Company

JULY 12, 1968.

Notice is hereby given that Delmarva Power & Light Co. ("Delmarva"), 600 Market Street, Wilmington, Del. 19899, a registered holding company and a public-utility company, and its subsidiary company, Delmarva Power & Light Company of Virginia ("Virginia"), a public-utility company, all of whose outstanding securities are owned by Delmarva, have filed with this Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 9(a), 12(d), and 12(f) of the Act and Rules 43 and 44 thereunder as applicable to the proposed transactions. All interested persons are referred to said joint application-declaration, which is summarized below, for a complete statement of the proposed transactions.

From time to time prior to August 31, 1970, Virginia proposes to issue and sell to Delmarva for cash its promissory notes due October 1, 1973, in an aggregate principal amount not in excess of $1,500,000. The notes will bear interest at 6.4 percent, but, at such time as Delmarva shall market its next issue of bonds, all notes thereafter issued by Virginia shall bear interest equal to the cost of money to Delmarva under such bond issue, rounded to the nearest one tenth of 1 percent. The notes will be pledged by Delmarva with Chemical Bank New York Trust Co.,

Trustee, in accordance with the provisions of the Mortgage and Deed of Trust of Delmarva to Chemical Bank New York Trust Co., Trustee, dated as of October 1, 1943, relating to Delmarva's first mortgage and collateral trust bonds.

Virginia will use the proceeds derived from the sale of the notes to reimburse its treasury for moneys previously expended for construction requirements and to provide funds for future construction expenditures. Proposed additions to Virginia's property and plant are estimated at $602,064 for 1968, $1,006,515 for 1969, and $992,000 for 1970.

It is stated that, other than miscellaneous traveling expenses and a filing fee of the State Corporation Commission of Virginia in the amount of $250, the expenses in connection with the proposed transactions, including legal expenses estimated at not in excess of $250, will be nominal.

A joint application has been filed by Virginia and Delmarva with the State Corporation Commission of Virginia, the State commission of the State in which Virginia is organized and doing business, for authorization of the proposed transactions. A copy of the order of that commission, when entered, will be filed by amendment in this proceeding.

Notice is further given that any interested person may, not later than July 31, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8518; Filed, July 17, 1968; 8:45 a.m.]

GOLDEN AGE MINES, LTD.

Order Suspending Trading

JULY 12, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Golden Age Mines, Ltd., 250 University Avenue, Toronto, Canada, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 15, 1968, through July 24, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8519; Filed, July 17, 1968; 8:45 a.m.]

PLANET OIL AND MINERAL CORP.

Order Terminating Summary Suspension of Trading

JULY 12, 1968.

The common stock of Planet Oil and Mineral Corp., 700 Fidelity Union Tower, Dallas, Tex. 75201, being traded otherwise than on a national securities exchange; and

The Commission having, on July 9, 1968, issued an order pursuant to section 15(c)(5) of the Securities Exchange Act of 1934 summarily suspending trading in said security in the over-the-counter market effective for the period July 10, 1968, through July 19, 1968, inclusive; and

The Commission being of the opinion that the public interest does not require the continuance of said suspension of trading after July 17, 1968;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that the suspension of trading pursuant to said order of July 9, 1968, shall terminate effective at the close of business on July 17, 1968.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8520; Filed, July 17, 1968; 8:45 a.m.]

[70-4653]

VERMONT YANKEE NUCLEAR POWER CORP. ET AL.

Notice of Proposed Issue, Sale and Acquisition of Common Stock of Public-Utility Company

JULY 12, 1968.

In the matter of Vermont Yankee Nuclear Power Corp., 77 Grove Street, Rutland, Vt. 05701, New England Power Co., the Connecticut Light and Power Co., the Hartford Electric Light Co., Montaup Electric Co., Western Massachusetts Electric Co., 70-4653.

Notice is hereby given that Vermont Yankee Nuclear Power Corp. ("Vermont Yankee"), an electric utility company and an indirect subsidiary company of both Northeast Utilities ("Northeast") and New England Electric System ("NEES"), registered holding companies; New England Power Co. ("NEPCO"), an electric utility subsidiary company of NEES; Western Massachusetts Electric Co. ("WMECO"), the Connecticut Light and Power Co. ("CL&P"), and the Hartford Electric Light Co. ("Hartford"), three public-utility subsidiary companies of Northeast; and Montaup Electric Co. ("Montaup"), an electric-utility subsidiary company of Eastern Utilities Associates, a registered holding company, have filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 9(a), and 10 of the Act as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Vermont Yankee is constructing a nuclear-powered electric generating plant with a net expected capacity of approximately 540 megawatts. Upon commencement of commercial operation, scheduled for 1971, all of the net energy output of the plant will be purchased by Vermont Yankee's 10 stockholder companies ("sponsor companies"). The total capital cost of the plant, including the cost of the initial inventory of nuclear fuel of about $20 million, is estimated at $135 million.

Pursuant to authorization heretofore granted by the Commission (Holding Company Act Release No. 15958 (Feb. 6, 1968) and No. 16053 (May 1, 1968)), Vermont Yankee issued and sold to the sponsor companies 200,000 shares of its $100 par value common stock for an aggregate consideration of $20 million. In the present filing, Vermont Yankee proposes to issue and sell an additional 200,000 shares to sponsor companies at $100 per share or for an aggregate consideration of $20 million. Such additional shares, which will be issued and sold from time to time prior to July 1, 1971, will be acquired by the sponsor companies in proportion to the present interest of each in Vermont Yankee, as shown below:

Sponsor company	Percentage of stock ownership	Number of shares to be acquired
Central Vermont Public Service Corp.	35.0	70,000
Green Mountain Power Corp.	20.0	40,000
New England Power Co.	20.0	40,000
The Connecticut Light & Power Co.	6.0	12,000
Central Maine Power Co.	4.0	8,000
Public Service Co. of New Hampshire	4.0	8,000
The Hartford Electric Light Co.	3.5	7,000
Cambridge Electric Light Co.	2.5	5,000
Montaup Electric Co.	2.5	5,000
Western Massachusetts Electric Co.	2.5	5,000
Total	100.0	200,000

The proposed acquisitions of Vermont Yankee's common stock by NEPCO, CL&P, Hartford, WMECO, and Montaup require approval by the Commission; the acquisitions by the other sponsor companies do not require such approval. Vermont Yankee will use the proceeds from the proposed issuance and sale of its common stock solely for the purpose of financing its business as an electric utility company. The filing states that the balance of Vermont Yankee's capital requirements will be obtained through bank loans and the sale of senior securities, such further financing to be the subject of future filings with the Commission except for $5 million of bank loans heretofore authorized (Holding Company Act Release No. 16084 (June 10, 1968)).

The expenses of Vermont Yankee in connection with the proposed issue and sale of common stock are estimated to aggregate $9,500, including legal fees and expenses of $5,500; the expenses of the applicant sponsor companies in connection with their proposed acquisitions of common stock are to be filed by amendment. The Vermont Public Service Board has jurisdiction over the proposed issue of common stock by Vermont Yankee, and the Massachusetts Department of Public Utilities has jurisdiction over the acquisition of the Vermont Yankee common stock by the Massachusetts sponsor companies. It is stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 31, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8521; Filed, July 17, 1968; 8:46 a.m.]

DEPARTMENT OF LABOR

Bureau of Labor Standards

[No. MSVAR 13]

NORTHERN METAL CO.

Order Granting Variation

The applicant identified below has shown that practical difficulties and unnecessary hardships have arisen in the peculiar circumstances of its operations from the application of 29 CFR 1504.93(a) (1) and (2), and I find that inasmuch as the average carbon monoxide concentration for any 8-hour period will not exceed 50 parts per million, the purpose of the regulation will be served by the variation specified below and the safety of employees equally secured thereby.

Name and address of applicant. Pursuant to section 41(d) of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1444, as amended, 33 U.S.C. 941(d)) and the provisions of 29 CFR 1504.5 and 1507.6 a variation from particular provisions of 29 CFR Part 1504 is hereby granted to Northern Metal Co., Milnor and Bleigh Streets, Philadelphia, Pa. 19136.

Provisions of 29 CFR Part 1504 varied. The provisions of 29 CFR 1504.93(a) (1) and (2) requiring that employees be removed from a compartment when the carbon monoxide concentration exceeds 100 parts per million (0.01 percent), and that a record of the date, time, location and results of all carbon monoxide tests required be maintained for at least 30 days after the work is completed, are varied insofar as applicable to those of the company's operations in loading and discharging the G.T.S. Adm. Wm. M. Callaghan, subject to the conditions stated herein.

Conditions of variation. Employees need not be removed from any compartment as a result of carbon monoxide concentration and records of every test made for carbon monoxide need not be kept when the following conditions are met:

(1) The vessel's fixed ventilation system is operating at designed capacity in any compartment involved and the installed continuous carbon monoxide testing system is operating

(2) The carbon monoxide concentration at any station involved has not persisted at a level over 100 parts per million for a longer period than 5 minutes.

(3) In the event the carbon monoxide concentration at any station exceeds 100 parts per million for longer than 5 minutes, the alarm in the compartment in which the station is located shall be sounded. Such sounding of the alarm is intended to be a signal to the employees in the affected compartment only.

(4) The employees shall be instructed that upon the sounding of the alarm, any internal combustion engines operating in the affected compartment are to be stopped, and the employees are to congregate in the vicinity of the blower outlet(s) until the carbon monoxide concentrate has fallen below 100 parts per million.

(5) The record of date, time, location, and results of the tests need be maintained for only those series of tests at single stations which indicate concentrations of carbon monoxide exceeding 100 parts per million for a period of 3 minutes or more.

Period of variation. The variation shall be effective until terminated. See 29 CFR 1507.11.

Signed at Washington, D.C. this 10th day of July 1968.

DAVID A. SWANKIN,
Director,
Bureau of Labor Standards.

[F.R. Doc. 68-8531; Filed, July 17, 1968; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1200]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JULY 12, 1968.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts,

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a requst for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 2860 (Sub-No. 29), filed June 28, 1968. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air coolers and fans, combined, and parts; air conditioners and parts; air heaters; baseboard heating units and parts; compressors or pumps, gas or liquid, and parts; cooling or freezing boxes and parts; furnaces, gas and electric, house heating, and parts; generators and motors; radiators, hot water or steam; and washing and drying machines, laundry, household*, from Edison, N.J., to points in Florida and *refused and rejected* shipments on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 3083 (Sub-No. 36), filed July 5, 1968. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, 277 Monroe Avenue, Post Office Box 66, Memphis, Tenn. 38103. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency, and negotiable securities* in armored vehicles, from Memphis, Tenn., to points in Green County, Ark., under contract with Federal Reserve Bank of St. Louis (Memphis Branch). NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 3083 (Sub No. 37), filed July 5, 1968. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, 277 Monroe Avenue, Memphis, Tenn. 38103. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency, and negotiable securities*, in armored vehicles, between Charlotte, N.C., on the one hand, and, on the other, points in Allendale, Bamberg, Barnwell, Berkeley, Calhoun, Hampton, and Jasper Counties, S.C., under contract with Federal Reserve Bank of Richmond, Va. (Charlotte Branch). NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 4405 (Sub-No. 461) (Correction), filed June 20, 1968, published in FEDERAL REGISTER issue of July 11, 1968, and republished, as corrected this issue. Applicant: DEALERS TRANSIT, INC., 7701 South Lawndale Avenue, Chicago, Ill. 60652. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cable reel carriers and self-propelled power hammers and material handlers*, from Denver, Colo., to points in the United States (excluding Colorado, Alaska, and Hawaii). NOTE: The purpose of this republication is to show that Colorado is also among the States to be excluded in the destination territory as well as Alaska and Hawaii, and which was inadvertently omitted in previous publication. Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 4519 (Sub-No. 7), filed July 1, 1968. Applicant: PANAMA TRANSFER, INCORPORATED, Panama, Iowa 51562. Applicant's representative: Marshall D. Becker, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), between Omaha, Nebr., and Manning, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Manning, Iowa.

No. MC 8973 (Sub-No. 12), filed July 5, 1968. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, asphalt and composition roofing products, composition boards, urethane and urethane products, insulating materials, plastic resin and products* thereof, and *materials, accessories, and supplies* used in the installation of the above-named commodities (except commodities in bulk), from the plantsite of the Celotex corporation at Edgewater, N.J., to points in New York, Massachusetts, Rhode Island, Delaware, Vermont, West Virginia, Virginia, Maryland, New Hampshire, and Ohio, and *returned, refused, and rejected shipments* on return NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., Washington, D.C., or New York, N.Y.

No. MC 10761 (Sub-No. 227), filed June 28, 1968. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Dana Corp. plantsites at Auburn, Ind., and Pottstown, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio.

No. MC 20841 (Sub-No. 4), filed June 27, 1968. Applicant: MARATHON FREIGHT LINES, INC., 2400 83d Street, North Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities used by or sold in grocery or department stores*, but not limited to shipments destined to grocery or department stores (except furniture and commodities in bulk), from the plantsite of General Warehouse Corp., at North Bergen, N.J., to points in Rockland and Orange Counties, N.Y., restricted to shipments which originate at said plantsite. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 28956 (Sub-No. 15), filed June 27, 1968. Applicant: G. P. RYALS, doing business as RYALS TRUCK SERVICE, Post Office Box 634, Albany, Oreg. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea and dry fertilizer*, from Portland, Oreg., to points in Washington and Idaho. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 30837 (Sub-No. 355), filed July 2, 1968. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53140. Applicant's representative: Paul F. Sullivan, Colorado Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck cranes and truck crane chassis*, in initial movements, in driveaway service, from Duluth, Minn., to points in the United States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 32367 (Sub-No. 18), filed July 2, 1968. Applicant: TED OCHSNER AND H. V. SPIELMAN, a partnership, doing business as RED AND WHITE TRANSFER, 607 South Burlington, Hastings, Nebr. 68901. Applicant's representative: Richard A. Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural and industrial machinery and equipment, and parts thereof*, between Hastings, Nebr., on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Kentucky, Michigan, Tennessee, North Carolina, South Carolina, Alabama, Georgia, Florida, Mississippi, Louisiana, Arkansas, Wisconsin, Arizona, New Mexico, Nevada, California, Idaho, Utah, Washington, and Oregon; (2) *tubing*, from Delta, Ohio, to Hastings, Nebr., under contract with Western Land Roller Co., Hastings, Nebr.; and, (3) *truck bodies* from Hastings, Nebr., to Kalamazoo, Mich., under contract with E. R. Schwartz Manufacturing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 45736 (Sub-No. 33), filed June 21, 1968. Applicant: GUIGNARD FREIGHT LINES, INC., Highway 21 North, Post Office Box 26067, Charlotte, N.C. 28206. Applicant's representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oils and greases*, in containers, from St. Marys, W. Va., to Concord, N.C. NOTE: Applicant states it intends to tack with its existing authority in MC 45736, at Concord, N.C., to serve points in South Carolina and those in North Carolina within 225 miles of Concord, N.C. Applicant further states that the effect of authority sought herein is to eliminate the necessity of operating via Bristol, Tenn.-Va., on shipments from St. Marys, W. Va., to points in South Carolina and those in North Carolina within 225 miles of Concord, but continuing the requirement that such operations be conducted via Concord. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 51146 (Sub-No. 99), filed June 26, 1968. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: Donald F. Martin, 817 McDonald Street, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, and accessories; and material and supplies* used in connection with the manufacture and distribution of metal containers and container ends when moving with metal containers and container ends, from Minneapolis-St. Paul commercial zone to points in Wisconsin, Iowa, Upper Peninsula Michigan, South Dakota and North Dakota. NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 100), filed July 1, 1968. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: Donald F. Martin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products; products produced or distributed by manufacturers and converters of paper and paper products* (except commodities in bulk, in tank or hopper type vehicles), (a) from Williamsburg, Pa.; Springfield, Mass.; Enfield and Rockville, Conn.; to points in Ohio, Indiana, Illinois, Iowa, Wisconsin, and Minnesota; (b) from Indianapolis, Ind., to points in Illinois, Wisconsin, Minnesota, Iowa, and Ohio, and *returned and rejected shipments*, on return. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it bc held at Washington, D.C.

No. MC 51146 (Sub-No. 101), filed July 1, 1968. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: Donald F. Martin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends and accessories; and materials and supplies* used in connection with the manufacture and distribution of metal containers and container ends, from Cambridge, Md., Danbury, Conn., Edison, N.J., Fairless and Hanover, Pa., New York City, N.Y., and its commercial zone, as defined by the Commission, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52458 (Sub-No. 215), filed June 27, 1968. Applicant: T. I. McCORMACK TRUCKING CO., INC., Post Office Box 1047, 4107 Bells Lane, Louisville, Ky. 40201. Applicant's representative: Harris G. Andrews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from Adams, Mass., to points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont. NOTE: Applicant indicates tacking possibilities. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 69116 (Sub-No. 113), filed July 5, 1968. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Carbon blacks*, except in bulk, serving Sterlington, La., as an off-route point in connection with applicant's regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 73688 (Sub-No. 26), filed June 27, 1968. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Road, Post Office Box 7182, Memphis, Tenn. 38107. Applicant's representative: Charles H. Hudson, Jr., 833 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials* (except lumber, steel, and commodities in bulk), between Lockland, Ohio, on the one hand, and, on the other, points in Kentucky and Tennessee, and (2) *roofing materials, asphalt, insulating material, and accessories* thereto, not to exceed 10 percent of the total weight of the shipment (except lumber, steel, and commodities in bulk), from Memphis, Tenn., to points in Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Cincinnati, Ohio.

No. MC 80428 (Sub-No. 67), filed June 28, 1968. Applicant: McBRIDE TRANSPORTATION, INC., 289 West Main Street, Goshen, N.Y. 10924. Applicant's representative: Robert V. Gianniny, 900 Midtown Tower, Rochester, N.Y. 14604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, nonalcoholic drink preparations, flavoring syrups, prepared dry food mixes, dietary food preparations*, from Binghamton, N.Y., to points in Pennsylvania and *refused, rejected, and returned merchandise*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Philadelphia, Pa., or New York, N.Y.

No. MC 95490 (Sub-No. 29), filed June 28, 1968. Applicant: UNION CARTAGE COMPANY, a corporation, 9A Southwest Cutoff, Worcester, Mass. 01604. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising materials*, from Natick, Mass., to points in Maine. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 103051 (Sub-No. 217), filed July 1, 1968. Applicant: FLEET TRANSPORT COMPANY, INC., 1000 44th Avenue North, Post Office Box 7645,

Nashville, Tenn. 37209. Applicant's representative: R. J. Reynolds, Jr., 604–09 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Robertson County, Tenn., to points in Alabama, Georgia, South Carolina, North Carolina, Kentucky, Virginia, Indiana, Illinois, Missouri, Arkansas, Michigan, Mississippi, Ohio, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 103880 (Sub-No. 398), filed July 3, 1968. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio 44306. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, in tank vehicles, from the plantsite and storage facilities of Occidental Chemical Co. at Kenton, Ohio, to port of entry on the international boundary line between the United States and Canada located at or near Detroit, Mich., restricted to shipments destined to points in Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 106194 (Sub-No. 25), filed July 1, 1968. Applicant: HORN TRANSPORTATION, INC., 1119 West 24th Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled power hammers and material handlers, and* (2) *cable reel trailers with or without attachments, accessories, or parts*, in initial movement in truckaway service, from Denver, Colo., to points in the United States, except Alaska, Colorado, and Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 106398 (Sub-No. 367), filed June 28, 1968. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable buildings*, equipped with a hitchball connector, from Vicksburg, Miss., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 106398 (Sub-No. 368), filed June 28, 1968. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles and sectionalized buildings, from points in Lancaster County, S.C., to points in the United States excluding Hawaii. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 106920 (Sub-No. 28) (Correction), filed June 24, 1968, published FEDERAL REGISTER issue of July 11, 1968, corrected and republished as corrected this issue. Applicant: RIGGS FOOD EXPRESS, INC., Post Office Box 26, West Monroe Street, New Bremen, Ohio 45869. Applicant's representative: Carroll V. Lewis, 122 East North Street, Sidney, Ohio 45365. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* as described in appendix I to the report in *Description in Motor Carrier Certificates* 61 MCC–209, *poultry, and poultry parts; turkey, and turkey parts* (with or without other ingredients), cooked or not cooked, frozen; *chicken eggs* (in shell); *ice cream mix* (dry), *returnable pallets, advertising materials, and repacking materials* pertinent to the above named commodities; from Dubuque and Hudson, Iowa, and, Albert Lea, Alexandria, Faribault, Farmington, Lakefield, Litchfield, Mountain Lake, New Richland, Owatonna, Pine City, Pine Island, Rochester, Goodhue, New Prague, Buffalo, Howard Lake, Montgello, Winnamingo, Minneapolis, and St. Paul, Minn., and, Chippewa Falls, Eau Claire, Greenwood, Marshfield, Monroe, Reedsburg, Sauk City, Spencer, Union Center, Whitehall, Wyocena, Turtle Lake, Barron, Boyceville, Jim Falls, and Richland Center, Wis., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Common control may be involved. The purpose of this republication is to show the correct commodity description as turkey and turkey parts (with or without other ingredients) in lieu of turkey and turkey parts (without other ingredients) as previously published. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 107496 (Sub-No. 669), filed July 1, 1968. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, in bulk, from Kansas City, Kans., to points in Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Des Moines, Iowa.

No. MC 108341 (Sub-No. 21), filed July 1, 1968. Applicant: MOSS TRUCKING COMPANY, INC., 3027 North Tryon Avenue, Charlotte, N.C. 28208. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, building materials, and commodities* used in the manufacture of the above commodities, between Plasterco, Va., on the one hand, and, on the other, points in West Virginia, South Carolina, Georgia, Alabama, Kentucky west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 231 to Bowling Green, Ky., thence along U.S. Highway 31W to Louisville, Ky., thence along U.S. Highway 42 to the Kentucky-Ohio State line near Cincinnati, Ohio, Tennessee west of U.S. Highway 231. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 108676 (Sub-No. 24), filed July 3, 1968. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, Tenn. 37917. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from Clinton, Tenn., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Indiana, Illinois, Iowa, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Texas, Virginia, West Virginia, and the District of Columbia, and (2) *equipment, materials, and supplies* used in the manufacturing and processing of iron and steel articles (except commodities in bulk), from the destination territory in (1) above to Clinton, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 110420 (Sub-No. 567), filed June 25, 1968. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, from Burlington, Wis., to points in Illinois, Indiana, and Missouri, restricted to traffic originating at Burlington, Wis., and destined to the named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis., or Chicago, Ill.

No. MC 114848 (Sub-No. 41) (Correction), filed June 21, 1968, published FEDERAL REGISTER issue July 11, 1968, and republished as corrected this issue. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, Memphis, Tenn. 38106. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, from Memphis, Tenn., and North Little Rock, Ark., to points in Alabama, Arkansas, Illinois, Kentucky, Missouri, Mississippi, and Tennessee. NOTE: The purpose of this republication is to show the origin as North Little Rock, Ark., in lieu of Little Rock, Ark., as previously published. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 115311 (Sub-No. 88), filed July 1, 1968. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. 31061. Applicant's representatives: Paul M. Daniell and Alan E. Serby, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement, mortar mixes, rock or stone, sand, cold mixed asphalt, vinyl concrete patcher, lime, masonry coating, tile grout, hydraulic cement, acrylic paint, adhesive, and advertising materials*, from Atlanta, Ga., and Lilesville, N.C., to points in Michigan, Illinois, Indiana, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115841 (Sub-No. 331) (Amendment), filed May 3, 1968, published in FEDERAL REGISTER issue of May 23, 1968, amended July 1, 1968, and republished as amended this issue. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials and film or sheeting* other than cellulose (except in bulk in tank vehicles) in vehicles with mechanical refrigeration, from Aberdeen and Havre de Grace, Md., to Charleston, S.C., Fort Worth, Irving, and Benbrook, Tex., Marietta, Ga., Nashville, Tenn., and Wichita, Kans. NOTE: The purpose of this republication is to redescribe the commodity description. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 116077 (Sub-No. 239), filed July 1, 1968. Applicant: ROBERTSON TANK LINES, INC., Post Office Box 9527, Houston, Tex. 77011. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products* used in the agricultural, water treatment, food processing, wholesale grocery and institutional supply industries, when shipped in mixed loads with salt and salt products (otherwise authorized), from the plantsite of Morton Salt, Inc., Weeks Island, La., to points in Arkansas, Louisiana, Mississippi, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or New Orleans, La.

No. MC 116763 (Sub-No. 132), filed June 26, 1968. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furnaces, furnace radiators, air conditioners, air cleaners, coolers, heaters, roof fasteners*, and (2) *parts and accessories* used in the installation of items named in (1) above, from Bryan, Ohio, to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont; Jackson and Meridian, Miss., and New Orleans, La. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 118838 (Sub-No. 9) (Amendment), filed May 29, 1968, published FEDERAL REGISTER issue of June 20, 1968, amended July 1, 1968, and republished as amended this issue. Applicant: GABOR TRUCKING, INC., Post Office Box 538, Detroit Lakes, Minn. 56501. Applicant's representatives: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102, and Thomas F. Kilroy, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed, poultry feed, animal and poultry feed ingredients* (except molasses and liquid commodities in bulk, in tank vehicles), (1) from Mankato, Dawson, and Cold Spring, Minn., Belmond, and Montpelier, Iowa, and the plantsites of C. K. Processing Co., River Terminal Corp., and Grain Processing Corp., at or near Muscatine, Iowa, to ports of entry on the international boundary line between the United States and Canada located in Minnesota, North Dakota, and Montana, and (2) from Savage and Minneapolis, Minn., to ports of entry on the international boundary line between the United States and Canada located in North Dakota, and Montana, restricted to service in foreign commerce in connection with (1) and (2) above. NOTE: Common control and dual operations may be involved. The purpose of this republication is to add the origin points of Dawson and Cold Spring, Minn. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 119196 (Sub-No. 1), filed June 30, 1968. Applicant: W. KELLY GREGORY, INC., 4800 Hollins Ferry Road, Baltimore, Md. 21227. Applicant's representative: William J. Little, Fidelity Building, Baltimore, Md. 21201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, (1) between Florence (Burlington County), N.J., on the one hand, and, on the other, points within the territory bounded by a line beginning at New Castle, Del., and extending south along the west shore of Delaware Bay and the Atlantic Ocean to Cape Charles, Va., thence north along the east shore of Chesapeake Bay to Stevensville, Md., thence across Chesapeake Bay to Annapolis, Md., thence in a northwesterly direction to Damascus, Md., thence in a southwesterly direction to the Potomac River at a point 1 mile south of Seneca, Md., thence along the east bank of the Potomac River to Hancock, Md., thence north to Warfordsburg, Pa., thence in a northeasterly direction through Mercersburg, Chambersburg, and Carlisle to Roseglen, Pa., thence east to Fredericksburg, Pa., thence south through Lebanon and Manheim, Pa., to the Susquehanna River at a point 5 miles north of Airville, Pa., thence in a southeasterly direction along the east bank of the Susquehanna River to the Pennsylvania-Maryland State line, thence east and south along the Pennsylvania-Maryland-Delaware State lines in a point 1 mile northeast of Elkton, Md., and thence east to New Castle, including the points named.

(2) Between Florence (Burlington County), N.J., on the one hand, and, on the other, points within the territory bounded by a line beginning at Annapolis, Md., and extending south along the west shore of Chesapeake Bay to Point Lookout, Md., thence in a northwesterly direction along the northeast bank of the Potomac River to Rock Point, Md., thence across the Potomac River to Colonial Beach, Va., thence west through through Fredericksburg, Orange, Harrisonburg, and Rawley Springs, Va., to the Virginia-West Virginia State line at a point 8 miles northwest of Rawley Springs, thence in a northeasterly direction along the Virginia-West Virginia State line to Ridge, W. Va., a point 2 miles beyond said State line, thence in a northwesterly direction to Paw Paw, W. Va., thence along the south bank of the Potomac River to a point directly west of Dickerson, Md., thence in northwesterly direction to Ridgeville, Md., and thence in a southeasterly direction through Laurel, Md., to Annapolis, including the points named, under contract with the Great Atlantic and Pacific Tea Co. Inc. Restriction: The above-described operations must be performed under special and individual contracts or agreements with persons (as defined in section 203(a) of the Interstate Commerce Act) who operate retail stores, the business of which is the sale of food for the transportation of the commodities specified and in the manner indicated. Any repetition in the statement of the authority granted herein shall not be construed as conferring more than one operating right.

No. MC 119317 (Sub-No. 30), filed July 1, 1968. Applicant: GROSS AND SONS TRANSPORT COMPANY, a corporation, 9804 East 36th Street, Post Office Box 665, Independence, Mo. 64052. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and ice cream, sherbet, ice milk, vegetable fat, frozen desserts, ice cream novelties, buttermilk, homogenized milk, chocolate drink (fat free), half and half, bulk cream and condensed, condensed and skim milk powder, cream, low fat milk, orange drink, lemonade, fresh orange, 50 percent orange juice, butter, margarine, sour cream, sour half and half, french onion dip, puddings, salads, fruits (fresh and frozen), eggs (fresh and frozen), zip whipt, half and half creamers, cottage cheese, yogurt, dehydrated whey solids, sugar, stabilizers, food acids, flavors, confections, nuts, syrup, chocolate, cocoa, paper supplies, dry ice, ice cream and milk containers, artificial sweetening agents, emulsifiers, dehydrated milk*

solids, office supplies, buttermilk powder, poly overwrap, sodium caseinate, candy, soap, bread and miscellaneous premiums, between points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming, under a continuing contract with Sealtest Foods, Division of Nation Dairy Products Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 119907 (Sub-No. 4), filed July 8, 1968. Applicant: PRUITT MOVING AND STORAGE COMPANY, a corporation, 800 West Hardin Street, Findlay, Ohio 45840. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Photo-film, photoprints;* and (2) *materials and supplies used* in the commodities named in (1), between Findlay, Ohio, on the one hand, and, on the other, points in the Lower Peninsula of Michigan, under a continuing contract with Eastman Kodak Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 123048 (Sub-No. 138), filed July 1, 1968. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agriculture implements, farm machinery, farm equipment, and agricultural implement parts and attachments, farm machinery parts and attachments, farm equipment parts and attachments,* from Bethany, Mo., to points in the United States (except Alaska and Hawaii), and (2) *materials, supplies, and equipment* used in the manufacture of and processing of agricultural implements, farm machinery and farm equipment, from points in the United States (except Alaska and Hawaii), to Bethany, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Joseph, Mo.

No. MC 123067 (Sub-No. 68), filed June 26, 1968. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Applicant's representative: B. M. Shirley (address same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Rochelle, Ga., to points in Alabama, Florida, and South Carolina. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 123327 (Sub-No. 8), filed July 2, 1968. Applicant: RALPH M. BARTHOLOMEW, doing business as IRELAND TRANSFER & STORAGE CO., 102 Front Street, Ketchikan, Alaska 99901. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in the Seattle, Wash., commercial zone, on the one hand, and, on the other, points in Alaska, located east of an imaginary line constituting a southward extension of the international boundary line between the United States and Canada over public highways between Seattle, Wash., commercial zone and the Puget Sound Terminal of Alaska Marine Highway System and between said terminal and said points in Alaska over said Alaska Marine Highway System. NOTE: Applicant states it intends to interline shipments with connecting carriers at Seattle, Wash.; Haines, Alaska, and Tok Junction, Alaska. If a hearing is deemed necessary, applicant requests it be held at Ketchikan, Alaska, or Seattle, Wash.

No. MC 123588 (Sub-No. 3), filed June 28, 1968. Applicant: BRITT BROS. TRUCKING, INC., 275 Water Street, Heppner, Oreg. 97836. Applicant's representative: Robert B. Abrams, 274 North Main Street, Heppner, Oreg. 97836. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from points in Wheeler and Morrow Counties, Oreg., to Wallula, Wash. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 123681 (Sub-No. 14), filed June 27, 1968. Applicant: WIDING TRANSPORTATION, INC., Post Office Box 97203, Portland, Oreg. 97203. Applicant's representative: Earl V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, and chemical solutions*, in bulk, between points in California, on the one hand, and, on the other, points in Oregon. NOTE: Applicant states it intends to tack the authority sought to that presently held in MC 123681. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 124078 (Sub-No. 336), filed July 1, 1968. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer, dry fertilizer compounds, and dry fertilizer ingredients*, in bulk, in tank or hopper type vehicles, from Memphis, Tenn., to points in Mississippi. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 124579 (Sub-No. 4), filed July 3, 1968. Applicant: G. EDWARD WIKEL, doing business as WIKEL MILK CARTAGE, Route No. 1, Huron, Ohio 44839. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Methanol*, in bulk, in tank vehicles, from Huron, Ohio, and points within 5 miles thereof, to points in Allegheny, Blair, Somerset, Jefferson, Indiana, Clearfield, Westmoreland, Clinton, Erie, Clairion, and Warren Counties, Pa., and Pleasants, Lewis, Brooke, Marshall, and Kanahwa Counties, W. Va., and (2) *contaminated, rejected, refused, and returned shipments of methanol*, in bulk, in tank vehicles, from points in Minnesota, New York (except points in Kings, Queens, Nassau, and Suffolk Counties), Wisconsin, Illinois, Indiana, Michigan and the above described destinations counties in Pennsylvania and West Virginia, to Huron, Ohio, and points within 5 miles thereof. NOTE: Applicant holds contract carrier authority under MC 114377 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 124954 (Sub-No. 6) filed July 3, 1968. Applicant: LESTER WILLS, doing business as WILLS TRUCK LINE 924 Fifth Place, Sibley, Iowa 51249. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (1) from Omaha, Nebr., to Sheldon, Iowa, under contract with Bonestroo Distributing Co., and (2) from Omaha, Nebr., to Sioux City, Iowa, under contract with DeDe Beverage Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City or Des Moines, Iowa.

No. MC 125708 (Sub-No. 91), filed July 5, 1968. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Grinding media*, from Kansas City, Mo., and points in its commercial zone as defined by the Commission, to points in the United States (except Alaska and Hawaii), and (2) *empty metal containers*, between Kansas City, Mo., and points in its commercial zone as defined by the Commission, to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, or St. Louis, Mo.

No. MC 126039 (Sub-No. 8), filed July 5, 1968. Applicant: MORGAN TRANSPORTATION SYSTEM, INC., U.S. Highways 6 and 15, New Paris, Ind. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel; articles of iron and steel; machinery and other commodities used in the manufacturing, processing, sales, transportation, and distribution thereof*, between points in Howard County, Ind., on the one hand, and on the other, all points in the United States except Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 126392 (Sub-No. 1), filed June 24, 1968. Applicant: 4-G TRUCKING, INC., Box 237, Leitchfield, Ky. 42754. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Slag*, in bulk, in dump vehicles, from Ashland, Ky., to points in Mason County, W. Va.; and (2) *sand, gravel, and slag*, in bulk in dump vehicles, from points in Scioto County, Ohio, to points in Floyd, Johnson, Lawrence, Martin, and Pike Counties, Ky.; and Logan and Mingo Counties, W. Va.; and (3) *limestone*, in bulk in dump vehicles, from Elkhorn City, Ky., and points within 10 miles thereof, to points in Bland, Buchanan, Carroll, Dickenson, Giles, Grayson, Lee, Pulaski, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe Counties, Va., and Boone, Cabell, Fayette, Kanawha, Lincoln, Logan, McDowell, Mercer, Mingo, Putnam, Raleigh, Summers, Wayne, and Wyoming Counties, W. Va., under contract with The Standard Slag Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 127834 (Sub-No. 20), filed July 3, 1968. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed and precast concrete products and accessories used in the installation thereof*, from Nashville and Franklin, Tenn., to points in Alabama, Mississippi, Kentucky, and Cincinnati, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 128233 (Sub-No. 1), filed July 5, 1968. Applicant: OLIE M. ERICKSEN, Post Office Box 107, Transfer, Pa. 16154. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap metals, processed scrap metals and alloys*, between points in Pymatuning Township, Mercer County, Pa., on the one hand, and, on the other, points in Alabama, California, Colorado, Connecticut, Delaware, Indiana, Louisiana, Maryland, Michigan, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, and West Virginia; and (2) *alloys*, between points in Pymatuning Township, Mercer County, Pa., on the one hand, and, on the other, points in Illinois, Massachusetts, New Jersey, New York, Ohio, and Wisconsin, under a continuing contract or contracts with Mercer Alloys Corp. of Greenville, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128503 (Sub-No. 2) (Correction), filed June 18, 1968, published in the FEDERAL REGISTER issue of July 4, 1968, corrected and republished as corrected this issue. Applicant: WORLDWIDE PET TRAVEL SERVICE, a corporation, 1546 South 53d Street, Philadelphia, Pa. 19143. Applicant's representative: Martin Armstrong, 314 South Lippincott Avenue, Maple Shade, N.J. 08052. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animals*, of all kinds, other than horses for racing or show purposes, such as dogs, cats, monkeys, and reptiles used for pets, resale, research, or exhibit, between points in Delaware, New Jersey, New York, N.Y., points in Nassau County, N.Y., and points in Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa. NOTE: The purpose of this republication is to show that the points in Pennsylvania being served are counties and not cities as shown in previous issue. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Trenton, N.J.

No. MC 129313 (Sub-No. 2), filed June 26, 1968. Applicant: FLANIGAN BROTHERS STORAGE COMPANY, a corporation, 203 North Lake Street, Marquette, Mich. 49855. Applicant's representative: John R. Weber, Longyear Building, Marquette, Mich. 49855. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Marquette, Mich., on the one hand, and, on the other, K. I. Sawyer Air Force Base, and points in Marquette, Baraga, Houghton, Keweenaw, Alger, Schoolcraft, Delta, Iron, Ontonagon, Gogebic, Dickinson, and Menominee Counties, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Escanaba or Lansing, Mich.

No. MC 129350 (Sub-No. 3), filed June 28, 1968. Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, 410 North 10th Street, Post Office Box 212, Billings, Mont. 59101. Applicant's representative: J. F. Meglen, 2822 Third Avenue North, Post Office Box 1581, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods*, from Red Lodge, Mont., to Sheridan, Wyo.; Denver, Pueblo, Fort Lupton, Brighton, and Longmont, Colo.; Seattle and Walla Walla, Wash.; Los Angeles and San Francisco, Calif.; Bismark and Fargo, N. Dak.; Ortonville and Arlington, Minn.; and Durand, Wis.; (2) *canned goods* from Durand, Wis.; Ortonville and Arlington, Minn.; Walla Walla, Wash.; Cowley, Wyo.; Brighton, Longmont, and Fort Lupton, Colo., to Red Lodge, Mont., and (3) *empty container supplies*, from Denver, Colo.; Pocatello, Idaho; and Walla Walla, Wash., to Red Lodge, Mont. NOTE: Applicant has contract carrier authority under MC 129264 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 129671 (Sub-No. 2) (Amendment), filed June 5, 1968, published FEDERAL REGISTER issue of June 20, 1968, and republished as amended this issue. Applicant: MAURICE BUSBY, 825 West El Puente Lane, Post Office Box 7372, Tucson, Ariz. 85713. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products and advertising material* in connection therewith, from Phoenix, Ariz., to Blythe and Needles, Calif., and Parker and Kingman, Ariz., and *empty cartons and racks, stale and rejected products*, on return. NOTE: The purpose of this republication is to add Kingman, Ariz., as a destination point, thereby broadening the scope of the application. If a hearing is deemed necessary, applicant requests it be held at Phoenix or Tucson, Ariz.

No. MC 129786 (Amendment), filed March 22, 1968, published in FEDERAL REGISTER issue of April 11, 1968, and republished, as amended this issue. Applicant: THE TRUMBO TRUCKING CO., a corporation, Post Office Box 743, Route No. 1, Centralia, Ill. 62801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dresses*, on hangers, on racks, unpackaged; and *piece goods*, in bolts, unpackaged on pallets, between Kansas City, Mo., on the one hand, and, on the other, Centralia, Ill., and empty pallets on return, under contract with Gay Gibson, Inc. NOTE: The purpose of this republication is to redescribe the commodity descripiton and to show that applicant is seeking radial authority in lieu of the nonradial operations previously published. If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 129808 (Sub-No. 2) (Correction), filed April 3, 1968, published in the FEDERAL REGISTER issue of May 2, 1968, and republished in part, as corrected, this issue. Applicant: GRAND ISLAND CONTRACT CARRIER, INC., Rural Route No. 3, Box 46, Municipal Airport, Grand Island, Nebr. Applicant's representative: J. Max Harding, 605 South 14th Street, 300 NSEA Building, Post Office Box 2028, Lincoln, Nebr. 68501. The purpose of this partial republication is to show attorney's correct address as above, erroneously shown as Grand Island, Nebr., in the previous publication.

No. MC 129994, filed June 24, 1968. Applicant: RAY BETHERS, Post Office Box 116, Kamas, Utah. Applicant's representative: Lon Rodney Kump, 720 Newhouse Building, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber and lumber mill products;* (a) from points in Wasatch County, Utah, to points in California, Denver, and Colorado Springs, Colo., Las Vegas, and Henderson, Nev., and Phoenix, Ariz.;

(b) from the site of a lumber mill located about 3 miles north of Daniel, Wyo., and situated approximately 1 mile west of U.S. Highway 189, to Kamas, Utah; (c) from points in Montana, Idaho, Colorado, and California to points in Utah; (d) from Encampment, Afton, and Riverton, Wyo., to Salt Lake City, Utah, and points within 50 miles thereof; (e) from West Yellowstone and Derby, Mont., and Encampment, Afton, and Riverton, Wyo., to Denver, Colo., and points within 50 miles thereof; (f) from Kamas, Utah, to points in Arizona, California, Colorado and Nevada; (g) from Afton, Wyo., to points in Colorado and Utah; (h) from a lumber mill located approximately 4 miles south of Heber City, Utah, to points in Colorado, Arizona, New Mexico, Nevada, and California. (2) *Utelite* from plantsite of the Utelite Corp. in Three-Mile Canyon near Peoa, Utah, to points in Wyoming, Idaho, Colorado, Nevada, Montana, and Arizona, and (3) *Sheet rock and roofing materials* from Cody, Wyo., to points in Utah. NOTE: Applicant states the purpose of this instant application is to convert all of its contract carrier authority under MC 124899 to common carrier authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 133001, filed July 1, 1968. Applicant: LANDER'S SERVICE, INC., Box 428, Penn Avenue, Penn (Westmoreland County), Pa. 15675. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, and repossessed motor vehicles, trailers, and buses* (except trailers designed to be drawn by passenger automobiles), and *replacement vehicles* for wrecked or disabled motor vehicles, trailers and buses (except trailers designed to be drawn by passenger automobiles), between points in Allegheny, Somerset and Westmoreland Counties, Pa., on the one hand, and, on the other, points in Ohio, Kentucky, Maryland, New York, New Jersey, Indiana, Illinois, Pennsylvania, West Virginia, Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 133002, filed July 1, 1968. Applicant: ROBERT W. GROH, R.F.D. No. 1, Storm Lake, Iowa 50588. Applicant's representative: J. Max Harding, 605 South 14th Street, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery supplies*, from Clifton, N.J., to points in Iowa, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin under contract with Globe Products Co. and restricted to traffic originating at the plantsite or warehouses of Globe Products Co., Inc.—its divisions and affiliates of Clifton, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 133004, filed July 1, 1968. Applicant: FALLS CITY TRANSFER COMPANY, a corporation, 11th and Stone Streets, Falls City, Nebr. 68355. Applicant's representative: Earl H. Scudder, Jr., 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Council Bluffs, Iowa, on the one hand, and, on the other, points in Richardson County, Nebr., and Nemaha, Brown, Doniphan, Atchison, and Jackson Counties, Kans. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 133005, filed June 21, 1968. Applicant: APPOMATTOX TRUCKING COMPANY, INCORPORATED, Post Office Box 714, Appomattox, Va. 24522. Applicant's representative: Bolling Lambeth, Harrison Building, East Main Street, Post Office Box 236, Bedford, Va. 24523. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Drakes Branch and Appomattox, Va., to points in Michigan, Illinois, Kentucky, Indiana, and Tennessee. NOTE: Applicant holds contract carrier authority under Docket No. MC 114949, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lynchburg, Richmond, or Roanoke, Va.

No. MC 133006, filed June 25, 1968. Applicant: HOWARD CALLENS, doing business as CALLENS TRUCKING CO., 7519 Egley Avenue, South San Gabriel, Calif. 91777. Applicant's representative: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such articles and products as are dealt in, manufactured and sold by manufacturers of* (1) *School or other institution articles and equipment*, (2) *fabricated or prefabricated articles or products*, (3) *building equipment, products, articles, and component parts, materials, attachments, and accessories* incidental thereto, and (4) *rejected, refused, or damaged* shipments on return; (5) *commodities*, the transportation of which is partially exempt, pursuant to the provisions of section 203 (b)(6) of the Interstate Commerce Act, when moving in the same vehicle and at the same time with shipments in (4) above, from Harrison, Ark., Hialeah, Fla., Indianapolis, Ind., Battle Creek and Kalamazoo, Mich., Red Bank and Shrewsbury, N.J., Upper Sandusky and Cleveland, Ohio, Philadelphia, Pa., Salt Lake City, Utah, and Norfolk, Va., on the one hand, and, on the other, points in California, under contract with Builders Specialty Co., Los Angeles, Calif.

No. MC 133016, filed July 5, 1968. Applicant: CLAY A. IVESER, doing business as CLAY IVESER TRUCKING CO., Post Office Box 296, Murphy, N.C. Applicant's representative: Boyce A. Whitmire, Post Office Box 908, Hendersonville, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, (a) from Greenville, S.C., to points in Macon, Clay, Cherokee, and Graham Counties, N.C., and (b) from Chattanooga, Tenn., and Atlanta, Ga., to points in Macon, Clay, Cherokee, and Graham Counties, N.C., (2) *pallettes*, from Murphy, N.C., to Greenville and Spartanburg, S.C., and Atlanta, Ga., (3) *lumber*, from West Union and Easley, S.C., to Murphy, N.C., (4) *feed*, from Chattanooga, Tenn., to Murphy, N.C., and (5) *fertilizer materials*, dry, in packages, from Greenville, S.C., to points in Macon, Clay, Cherokee, and Graham Counties, N.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh or Charlotte, N.C.

MOTOR CARRIERS OF PASSENGERS

No. MC 107 (Sub-No. 8), filed July 5, 1968. Applicant: BORO BUSSES COMPANY, a corporation, Post Office Drawer B.C., Red Bank, N.J. 07701. Applicant's representative: William L. Russell, Jr., 73 Broad Street, Red Bank, N.J. 07701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in special round-trip sightseeing or pleasure tours, beginning and ending at Red Bank and Shrewsbury Borough, N.J., and extending to points in the United States, including Alaska, but not including Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12797 (Sub-No. 2), filed June 19, 1968. Applicant: PRESLEY TOURS, INCORPORATED, R.F.D. No. 1, Makanda, Ill. For a license (BMC 5) to engage in operations as a *broker* at Makanda, Ill., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, in groups, in round trip, all expense sightseeing tours beginning and ending at points in Illinois (except Cook County and Chicago); that part of Indiana lying along and west of U.S. Highway 31 (except Indianapolis); that part of Kentucky lying along and west of U.S. Highway 41; that part of Missouri lying along and south of Interstate Highway 70 (except Kansas City); and extending to points in the United States including Alaska and Hawaii.

No. MC 130061, filed June 28, 1968. Applicant: ALBERT CHARLES MAURER, doing business as AL MAURER TOURS, 1249 Ledlie Avenue, Springfield, Ill. Applicant's representative: Harlington Wood, Jr., 1102 Ridgely Building, Springfield, Ill. 62701. For a license (BMC 5) to engage in operations as a *broker* at Springfield, Ill., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, in the same vehicle with passengers, both as individuals and in groups, in charter operations, in educational, social, and recreational tours, beginning and ending at Springfield, Ill., and extending to points in the United States (except Alaska and Hawaii).

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 59806 (Sub-No. 2), filed June 28, 1968. Applicant: GROSS & HECHT TRUCKING, INC., 52 East Alpine Street, Newark, N.J. 07102. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise*, moving in interstate commerce, as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business, between Great Atlantic & Pacific Tea Co., Inc., manufacturing and shipping facilities in Cherry Hill (Camden County) and Florence (Burlington County), N.J., on the one hand, and, on the other, points in Nassau, Suffolk, and Westchester Counties, N.Y., and New York, N.Y., Warren, Hunterdon, Morris, Somerset, Bergen, Essex, Hudson, Middlesex, Monmouth, Ocean, Passaic, and Union Counties, N.J., under contract with Great Atlantic & Pacific Tea Co., Inc. NOTE: Applicant states that no duplicating authority is being sought.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8469; Filed, July 17, 1968; 8:45 a.m.]

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 52523 (Sub-No. 2 TA), filed July 10, 1968. Applicant: LEONARD SCHERTZER, doing business as L. SCHERTZER TRUCKING CO., 94 Sycamore Street, Carteret, N.J. 07008. Applicant's representative: Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbonated beverages and empty carbonated beverage containers*, between Brooklyn, N.Y., on the one hand, and, on the other, points in New Jersey and New York within 150 miles of Brooklyn, N.Y., for 150 days. Supporting shipper: New York American Beverage Co., Inc., College Point, N.Y. 11356. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 123389 (Sub-No. 7 TA) (Correction), filed June 12, 1968, published FEDERAL REGISTER issue June 20, 1968, and republished as corrected this issue. Applicant: CROUSE CARTAGE COMPANY, Post Office Box 151, Carroll, Iowa 51401. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, from Storm Lake, Iowa, to Kansas City, St. Joseph, St. Louis, and Trenton, Mo., Topeka, Kans.; Austin and Indianapolis, Ind.; Bloomington and Chicago, Ill.; Detroit, Mich., and Louisville, Ky., for 150 days. NOTE: Applicant intends to tack the authority here applied for to other authority held by it. The purpose of this republication is to include tacking information. Supporting shipper: Hygrade Food Products Corp., W. L. Fidler, General Traffic Manager, 11801 Mack Avenue, Detroit, Mich. 48214. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 126822 (Sub-No. 26 TA), filed July 5, 1968. Applicant: PASSAIC GRAIN AND WHOLESALE COMPANY, INC., Post Office Box 23, Passaic, Mo. 64777. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, pelts, and pieces thereof*, from Miami, St. Petersburg, and Tampa, Fla.; Belleville, Chicago, Duquoin, Freeport, Peoria, Rochelle, and Waukegan, Ill.; Evansville, Indianapolis, Princeton, and Richmond, Ind.; Boyden, Denison, Manchester, Oakland, Sioux City, Spencer, and Waterloo, Iowa; Parsons, Kans.; Lexington, Louisville, and Paducah, Ky.; Dover-Foxcroft, Maine; Alma, Boyne City, Flint, Grand Rapids, Lapeer, and Muskegon, Mich.; Windom, Minn.; Meridian and Tupelo, Miss.; Phelps City, Mo.; Albright, Nebr.; Hoboken, N.J.; New York City, N.Y.; Wilson, N.C.; Canfield, Cincinnati, Columbus, Gallipolis, New Washington, Sharonville, and Toledo, Ohio; Allegheny, Curwensville, Elkland, Philadelphia, and Pittsburgh, Pa.; Mitchell and Sioux Falls, S. Dak.; Luray, Norfolk, and Roanoke, Va.; and Meyers, Wis.; to ports of entry on the international boundary between the United States and Canada, at or near Detroit, Mich., and Buffalo, N.Y., for 150 days. Supporting shippers: Robson-Lang Leathers, Oshawa, Ontario, Canada, and A. R. Clarke & Co., Ltd., 633–661 Eastern Avenue, Toronto, Ontario, Canada. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 129624 (Sub-No. 1 TA) (Amendment), filed May 31, 1968, published FEDERAL REGISTER, issue of June 8, 1968, and republished as corrected this issue. Applicant: ROUTE MESSENGERS OF PENNSYLVANIA, INC., 2621 South Street, Philadelphia, Pa. 19146. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, John F. Kennedy Boulevard at 15th Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Optical and dental materials, supplies and products*, in packages of 25 pounds or less, and not exceeding 200 pounds from one consignor in one day, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points in Atlantic, Burlington, Camden, Gloucester, Mercer, Middlesex, and Ocean Counties, N.J., and New Castle, County, Delaware, for 180 days. NOTE: The purpose of this republication is to show that applicant proposes a between movement instead of a from and to. Supporting shippers: Dental Laboratory, Inc., Medical Tower Building, 255 South 17th St., Philadelphia, Pa. 19103; Philadelphia Dental Supply Co., Inc., 1821 Sansom Street, Philadelphia, Pa. 19103; Wolfman Optical Co., Inc., 1106 Arch Street, Philadelphia, Pa. 19107; Climax Dental Supply Co., Inc., 1606 Walnut Street, Philadelphia, Pa. 19103. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 133017 TA, filed July 9, 1968. Applicant: AMBROSE DISTRIBUTING CO., Post Office Box 3346, Butte, Mont. 59701. Applicant's representative: Harry D. Pugsley, 315 East Second South, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potato products*, from Twin Falls, Idaho, to Cedar City, Utah, and points in Nevada and California, for 180 days. Supporting shipper: Idaho Frozen Foods, Post Office Box FF, Twin Falls, Idaho 83301. Send protests to: Paul J.

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 12, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field offiical named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 133018 TA, filed July 10, 1968. Applicant: RICHARDSON TRUCK LINE, INC., Route 5, Box 239, Macon, Ga. 31201. Applicant's representative: William Addams, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay face brick*, from Macon, Ga., to points in Florida on and north of Interstate Highway 4, for 180 days. Supporting shipper: Burns Brick Co., Post Office Box 4787, 711 10th Street, Macon, Ga. 31208. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8548; Filed, July 17, 1968; 8:48 a.m.]

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PART 1443—OILSEEDS

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1443.58 General statement.
1443.59 Administration.
1443.60 Crusher's participation in program.
1443.61 Purchases of cottonseed by crusher.
1443.62 Cooperative mills.
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1443.69 Parent company.
1443.70 Benefits and contingent fees.
1443.71 Nondiscrimination in employment.

AUTHORITY: The provisions of this subpart issued under secs. 4 and 5, 62 Stat. 1070, as amended, secs. 301, 401, 63 Stat. 1051, as amended, sec. 601, 70 Stat. 212, 15 U.S.C. 714b and 714c, and 7 U.S.C. 1447, 1421, 1446d.

§ 1443.58 General statement.

As a part of the 1968 Cottonseed Price Support Program formulated by Commodity Credit Corporation (referred to in this subpart as "CCC") and the Agricultural Stabilization and Conservation Service (referred to in this subpart as "ASCS"), CCC will purchase cottonseed oil and cottonseed meal from cottonseed crushers participating in the program upon the terms and conditions stated in this subpart. No purchases will be made from crushers who do not participate in the program.

§ 1443.59 Administration.

The program will be carried out by ASCS under the general supervision and direction of the Executive Vice President, CCC. Except as specifically provided otherwise, operations under this subpart will be administered by the New Orleans ASCS Commodity Office located at Wirth Building, 120 Marais Street, New Orleans, La. 70112 (referred to in this subpart as "the New Orleans office"). CCC contracting officers in the New Orleans office will execute contract documents on behalf of CCC. Officials in the New Orleans office do not have authority to waive or modify any provisions of this subpart. The forms referred to in this subpart may be obtained from the New Orleans office.

§ 1443.60 Crusher's participation in program.

(a) *Eligible crusher.* Any crusher who completes and forwards to the New Orleans office a signed original and copy of the 1968 Cottonseed Price Support Program Crusher Acceptance (Form CCC 912) not later than August 31, 1968, and complies with the other provisions of this subpart (such crusher is hereinafter referred to as a "participating crusher") will be eligible to make tenders hereunder to CCC, except that (1) no purchases will be made by CCC from any crusher debarred or suspended from contracting with CCC or from participating in programs financed by CCC, and (2) subject to approval of CCC, a crusher may file such acceptance form subsequent to August 31, 1968, but in such event he may tender only the cottonseed oil or meal equivalent of seed purchased subsequent to the date of filing the acceptance form. If a crusher operates more than one cottonseed crushing mill, he must file an acceptance form for each mill which he desires to have participate in the program, and each such mill shall be treated as a separate unit for the purpose of determining the rights and obligations of the crusher with respect to cottonseed purchased by and cottonseed oil or meal delivered from each such mill. A participating crusher may withdraw from the program at any time upon written notice to the New Orleans office and will not be obligated to pay the applicable minimum prices determined in accordance with § 1443.61(a) for cottonseed purchased after withdrawal. CCC will not accept any tender submitted by a crusher after his withdrawal, and cottonseed purchased after his withdrawal will not be eligible cottonseed as defined in § 1443.63(e).

(b) *Assurance.* The acceptance form will contain an assurance by the crusher that his participation in the program will be conducted, and his facilities operated, in compliance with all of the requirements imposed by, or pursuant to, the regulations governing nondiscrimination in federally assisted programs of the Department of Agriculture, Part 15 of this title, which effectuate Title VI of the Civil Rights Act of 1964.

§ 1443.61 Purchases of cottonseed by crusher.

(a) *Price.* Except as otherwise provided in this paragraph, a participating crusher must pay for all 1968 crop cottonseed purchased from ginners not less than $52 per ton, net weight, basis grade (100), f.o.b. conveyance or carrier at the gin, and from producers not less than a season's weighted average price of $48 per ton, gross weight, basis grade (100), and, in the case of purchases from both gins and producers, with premiums and discounts for other grades equal to the same percentage of such price as the percentage by which the grade of cottonseed purchased exceeds or is less than the basis grade (100). For the purposes of this subpart, the term "season's weighted average price" means the weighted average of the prices paid for cottonseed by the crusher between the date on which he executes the 1968 Cottonseed Price Support Crusher Acceptance submitted to CCC under § 1443.60(a) and the earlier of (1) the date he executes a notice of withdrawal from the program which is submitted to CCC under § 1443.60(a), or (2) the date of his final purchase of 1968 crop cottonseed. Cottonseed which is "below grade" or "off quality," as defined in C&MS Service and Regulatory Announcement No. 179, as amended, "Standards for Grades of Cottonseed Sold or Offered for Sale for Crushing Purposes Within the United States" (hereinafter referred to as "the Cottonseed Standards"), §§ 61.101–61.104 of this title, may be purchased at a price mutually agreeable to the crusher and the seller.

(b) *Grades.* Except as provided in subparagraphs (1), (2), and (3) of this paragraph, all 1968 crop cottonseed purchased by the crusher shall be graded by federally licensed cottonseed chemists in accordance with the Cottonseed Standards on the basis of samples drawn from the cottonseed by federally licensed cottonseed samplers or such other persons as are approved by CCC. The cost of sampling and grading cottonseed shall be borne by the crusher.

(1) Any crusher located in North Carolina, South Carolina, Georgia, the south Alabama counties of Montgomery, Dallas, Houston, and Barbour, or the San Joaquin Valley of California, may exclude the linters factor in determining the grade if such crusher did not have cottonseed from the 1967 crop graded in accordance with the Cottonseed Standards because of the linters factor.

(2) The grade of cottonseed acquired by the crusher in the San Joaquin Valley of California may be determined on the basis of composite samples of such cottonseed. Individual samples drawn from at least the first three shipments of cottonseed received by the crusher each day shall be mixed together to form a composite sample, except that if a crusher receives less than 35 tons of cottonseed on any day, individual samples may be retained and mixed to form a composite sample when the individual samples represent an accumulation of approximately 35 tons of cottonseed: *Provided*, That no composite sample shall be made from individual samples which have been retained for more than 3 days.

(3) The crusher shall not be obligated to grade 1968 crop cottonseed in accordance with the Cottonseed Standards until the 20th business day following the date of publication of this subpart in the FEDERAL REGISTER.

(c) *Weight.* Purchases of cottonseed from ginners by crushers under this subpart shall be based upon weight at the crusher's mill after deduction of the weight of all foreign material in excess of 1 percent. Purchases of cottonseed from producers by crushers under this subpart shall be based upon the gross weight of the cottonseed as customarily determined by the crusher when making purchases of cottonseed from producers. The cost of weighing shall be borne by the crusher.

(d) *Receipts from certain gins.* Where a gin and crusher are under common control, direction, or management, cottonseed received by the crusher from such gin shall not have been purchased from producers at less than a season's weighted average price of $48 per ton, gross weight, basis grade (100), with premiums and discounts for other grades equal to the same percentage of such price as the percentage by which the grade of cottonseed purchased exceeds or is less than the basis grade (100).

§ 1443.62 Cooperative mills.

If the crusher is a cooperative oil mill, and if the marketing agreements between the crusher and its members provide for advances, the crusher may advance a part of the applicable minimum purchase price determined in accordance with the provisions of § 1443.61 at the time each lot of cottonseed is purchased and pay the balance of the minimum price after completion of crushing of the 1968 crop cottonseed, but not later than December 31, 1969. Such balance shall be paid in cash unless the Executive Vice President, CCC, has approved deferred payment thereof by issuance of revolving fund certificates or by other methods of retention of funds for capital purposes. The Executive Vice President will approve deferred payment only by crushers (a) which are organized under applicable State or Federal laws as an association of persons who are engaged in the production of agricultural commodities, or as an association of other associations of such persons, and (b) which he determines are operating on a financially sound basis. Any such crusher desiring approval to make deferred payment shall submit its application for approval to the Director, Commodity Operations Division, ASCS, Washington, D.C. 20250, not later than the date of submission of its acceptance form, or such later date as CCC may for good cause approve. The application shall include a certified statement that the crusher meets the requirements of paragraph (a) of this section, and a complete and accurate statement of its current financial condition. The crusher shall also submit to CCC such other information regarding its financial condition as CCC may request.

§ 1443.63 Tenders.

(a) *Tenders of oil and meal by crusher.* A participating crusher may tender to CCC (1) crude or once-refined cottonseed oil, or both, (2) cottonseed meal, or (3) both such oil and meal: *Provided,* That the products tendered are produced at his mill. If a tender includes any cottonseed meal which the crusher has reason to believe is unsuitable for feed use because of contamination by aflatoxin, he shall so indicate in the tender. The price in any tender shall be the price as proposed by the crusher, except that, in the case of oil, if a maximum price for the crusher's area is announced by CCC under paragraph (b) of this section, the price for oil as proposed by the crusher in any tender shall not exceed the price so announced. The price stated in all tenders of meal shall be on the basis of bulk 41 percent protein meal.

(b) *Announcement of purchase price of oil by CCC.* CCC may, at its option, at any time prior to 2 p.m., c.s.t., on any Wednesday of any given week, announce that it will purchase cottonseed oil at not more than specified prices within areas designated by CCC. Such prices will be determined by CCC after giving consideration to the criteria specified in § 1443.64(b).

(c) *Submission of tenders.* Each tender shall be submitted to the New Orleans office. The tender may be made by letter transmitting a completed 1968 Cottonseed Price Support Program Crusher Tender Form (CCC Form 913) or by wire. If a tender is made by wire, a completed Crusher Tender Form shall promptly be mailed to the New Orleans office in confirmation, and the tender will not be accepted by CCC if it has not received the confirmation. Each tender must be signed by the crusher, by an employee of the crusher having authority to sign tenders for the crusher, or by a broker designated in writing to the New Orleans office by the crusher. The designation of a broker shall authorize the broker, as an agent of the crusher, to submit such tenders on behalf of the crusher (see § 1443.70(c)). Each tender shall state the tender date on which it is to be considered; the prices at which the crusher tenders oil or meal or both to CCC; the quantity of oil or meal or both tendered; whether in the case of oil, the crusher is tendering basis prime crude or prime bleachable summer yellow cottonseed oil or making a two-fold tender; and the proposed delivery schedule meeting the requirements of § 1443.64. A supplementary explanation and justification must accompany any tender contemplating delivery after August 29, 1969.

(d) *Time of tenders.* All tenders, including tenders made pursuant to an announcement by CCC under paragraph (b) of this section, shall be received at the New Orleans office not later than 4 p.m., c.s.t., on each Thursday (or on the next working day if Thursday is a holiday). No tender, or modification or withdrawal thereof will be considered if received after the specified time on a particular tender date, unless received before acceptance is made of tenders received before such time and CCC determines that (1) such tender, modification, or withdrawal was delayed in transmission by mail or telegraph through no fault of the crusher, or (2) the modification is made for the purpose of correcting an error apparent on the face of the original tender or for the purpose of clarifying an ambiguity or supplying an omission therein, or (3) the modification is beneficial to CCC and not prejudicial to any other crusher. No tenders shall be made later than July 31, 1969.

(e) *Limitation on tenders.* Tenders of oil and meal by any crusher shall be made only against eligible cottonseed, which for the purposes of this subpart, is 1968 crop cottonseed produced in the United States and purchased by the crusher under the provisions of this subpart, other than below grade or off quality cottonseed and cottonseed purchased by the crusher prior to the date of receipt of his acceptance form by CCC if such date is after August 31, 1968. The quantity of oil or meal which the crusher tenders and CCC accepts shall not exceed the quantity thereof which could be produced from eligible cottonseed, based upon the 1967 crop outturn per ton of cottonseed in the crusher's area, as determined by CCC. Whenever CCC accepts a tender of either oil or meal, the cottonseed equivalent of either the oil or the meal covered by the tender (determined on the basis of the outturn, as provided above) shall be deducted from the quantity of eligible cottonseed against which the crusher may make future tenders. Whenever CCC accepts a single tender combining both oil and meal, such tender having been submitted for consideration on a joint basis, the cottonseed equivalent of the product which represents the greater quantity of cottonseed (determined on the basis of the outturn, as provided above) shall be deducted from the quantity of eligible cottonseed against which the crusher may make future tenders. Notwithstanding any other provisions of this paragraph, the crusher shall not tender any cottonseed oil or meal which, if accepted by CCC, would cause the total quantity of oil or meal tendered to and accepted by CCC and not yet delivered to CCC to exceed the smallest of (1) the quantities of oil or meal which have been or can be produced from eligible cottonseed acquired by the crusher up to the time of the tender, less, with respect to oil only, any quantities thereof which the crusher has sold or contracted to sell to other persons, or (2) the capacity of the mill to produce during a 60-day period of normal operation if such tender is made prior to December 31, 1968, or during a 45-day period of normal operation if such tender is made thereafter, or (3) the quantity of oil or meal which can be produced from the uncrushed eligible cottonseed which he has on hand as of the date of tender: *Provided,* That the crusher may make one or more tenders of oil or meal in excess of the quantity limits stipulated in subparagraph (2) or (3) of this paragraph, but in such event CCC will not accept a total quantity of oil or meal covered by such tender(s) which is in excess of the capacity of the mill to produce during a 15-day period of normal operation.

§ 1443.64 Purchases by CCC.

(a) *Consideration of tenders.* As soon as possible after the final time for submission of tenders on each tender date, CCC will consider all tenders from participating crushers. If CCC determines (1) that the prices stated in a tender are acceptable, and (2) that the tender is otherwise acceptable under this subpart, CCC will accept the tender. If any tender is not acceptable, or if CCC desires only to accept either oil or meal included in any tender of both, CCC may, at its option, make a counteroffer. CCC will notify the crusher of acceptance or rejection of any tender, or make any counteroffer, by a wire filed not later than 4 p.m., c.s.t., on the next working day following the tender date. The crusher's acceptance of the counteroffer by CCC must be received by the New Orleans office within 2 business days after the date of filing of the wire containing CCC's counteroffer.

(b) *Price consideration.* The price stated in a tender, other than a tender in response to an announcement by CCC under § 1443.63(b), will be acceptable to CCC if CCC determines that such price is not in excess of that price necessary to enable crushers within the crusher's generally competitive area to recover, as a group average, the minimum price which participating crushers are required to pay to ginners for cottonseed under this subpart plus such margin above such minimum price as CCC deems to be reasonable. In making such determination, and in determining the price at which CCC counteroffers, due consideration will be given to current market prices for cottonseed products (oil, meal, linters, and hulls), and the average product outturns within said area. The crusher shall cooperate with the Consumer and Marketing Service, USDA, in furnishing prices at which he sells cottonseed products in bulk on the wholesale market, and the prices so furnished shall, in accordance with § 900.513(d) of the C&MS regulations governing public information, Part 900 of this title, be exempt from public disclosure.

(c) *Contract of sale.* Each (1) tender by the crusher and acceptance by CCC, or (2) counteroffer by CCC and acceptance by the crusher, as the case may be, shall result in a separate contract for the sale of cottonseed oil or meal. Each contract of sale shall consist of, in addition to the documents specified in subparagraph (1) or (2) of this paragraph, the terms and conditions of this subpart, and the Rules of the National Cottonseed Products Association, Inc. (hereinafter referred to as "NCPA"), in effect on the date as of which the tender is made, except to the extent such rules are inconsistent with the other provisions of this subpart, and except such of those rules which pertain to arbitration and the time for presentation of claims.

(d) *Rules of NCPA—incorporation by reference.* The rules of NCPA referred to in paragraph (c) of this section, except to the extent such rules are inconsistent with the other provisions of this subpart, and except such of those rules which pertain to arbitration and the time for presentation of claims, are hereby adopted and incorporated by reference into this subpart. Copies of the rules of NCPA may be obtained from NCPA, 2400 Poplar Avenue, Memphis, Tenn. 38112. An official historic file of the rules of NCPA which are incorporated by reference into this subpart will be maintained by the Commodity Operations Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250. Such rules will be available for examination in the offices of that Division.

(e) *Delivery.* Each lot of cottonseed oil or meal purchased by CCC shall be delivered by the crusher f.o.b. cars or trucks (CCC's option) made available without cost to the crusher at crusher's mill. The crusher shall deliver cottonseed oil or meal, as the case may be, crushed from 1968 crop cottonseed produced in the United States. Delivery shall be in car or truck lots in accordance with the delivery schedule specified in the tender or any modification thereof mutually agreed to by the crusher and the New Orleans office, and in accordance with shipping instructions issued by the New Orleans office. CCC shall not be obligated to accept the initial delivery of oil under any tender prior to the expiration of 15 business days after the date of CCC's acceptance of the tender or the crusher's acceptance of the counteroffer (the date of whichever of such acceptances results in a contract is called in this subpart "the date of sale"). CCC shall not be obligated to accept the initial delivery of meal under any tender prior to the expiration of 30 business days after the date of sale. At least 10 percent of the quantity of oil shall be delivered within 30 days after the date of sale, at least 30 percent within 60 days after the date of sale and at least 60 percent within 90 days after the date of sale. In any event, delivery of the total quantity of either oil or meal covered by a tender shall be completed not later than 180 days after the date of sale. Meal shall be delivered in bulk, or, if requested by CCC, in new or used bags at such adjustment in the sale price to reflect the increased cost of delivery in bags as may be mutually agreed upon by the crusher and the New Orleans office. No delivery of oil or meal shall be made after August 29, 1969, unless the New Orleans office and the crusher agree upon a later date for delivery. Title to the cottonseed oil or meal shall pass to CCC upon delivery. In delivering oil under any contract of sale, a variation of one-half of 1 percent above or below the contract quantity will be accepted as a good delivery as to weight. In delivering meal under any contract of sale, a variation of 5 percent above or below the contract quantity will be accepted as good delivery as to weight but the variation shall not exceed 2½ tons.

(f) *Grade of oil.* The cottonseed oil delivered by the crusher shall be basis prime crude cottonseed oil or prime bleachable summer yellow cottonseed oil (as specified in the tender), as defined in the rules of the NCPA: *Provided,* That if, on the basis of sampling and chemical analysis of cottonseed being crushed by the mill at the time for delivery, or because of other conditions inherent in the cottonseed which are not reflected in sampling and chemical analysis, it is shown to the satisfaction of the New Orleans office that basis prime crude cottonseed oil or prime bleachable summer yellow cottonseed oil cannot be produced, the crusher may deliver crude cottonseed oil of less than prime grade at the agreed sales price, or may deliver once-refined cottonseed oil of prime summer yellow or summer yellow grade at a price mutually agreed upon by the crusher and CCC. The agreed sale price of crude oil shall be adjusted in accordance with the crude oil settlement provisions of the rules of the NCPA.

(g) *Grade of meal and protein content.* The cottonseed meal delivered by the crusher shall be 41-percent protein cottonseed meal, prime quality, as defined in the rules of NCPA, except that (1) less than prime quality meal may be delivered at the agreed sales price less discounts determined in accordance with the rules of the NCPA if, on the basis of sampling and chemical analysis of cottonseed being crushed at the mill at the time for delivery, or because of other conditions inherent in the cottonseed which are not reflected in sampling and chemical analysis, it is shown to the satisfaction of the New Orleans office that prime quality meal cannot be produced, and (2) meal having less than 41-percent protein content may be delivered at market discounts agreed upon by the crusher and CCC, as applied against the sales price for 41-percent protein meal. Meal having in excess of 41-percent protein content may be delivered to CCC at no premium. Notwithstanding any other provision of this subpart, CCC will reject to the crusher any meal which is condemned or disqualified for use as animal feed by the Food and Drug Administration, U.S. Department of Health, Education, and Welfare, or which is subject to such contamination or disqualification, except that CCC will not reject to the crusher meal which is tendered to CCC under § 1443.63(a) because of contamination by aflatoxin: *Provided,* That such contamination did not result from the crusher's failure to exercise due care with respect to either cottonseed acquired by him or meal produced therefrom.

(h) *Provisional payment.* When oil or meal is delivered to CCC, the crusher may present to CCC for provisional payment an invoice, with shipping documents acceptable to CCC attached, for the value of the oil or meal based on origin weights and the agreed sales price.

(i) *Final settlement.* Final settlement for oil or meal delivered to CCC will be made upon the basis of the official analysis and the certified destination outturn weight of the oil or meal determined in accordance with the NCPA rules. The analysis and weighing of oil or meal delivered will be arranged for by CCC at its expense.

§ 1443.65 Information release.

CCC will issue press releases announcing the names, quantities, locations, and prices and such other information as it

deems advisable with respect to all contracts entered into under this subpart and transactions developing therefrom.

§ 1443.66 Movement of cottonseed oil or meal.

CCC shall not be responsible for any loss or injury caused the crusher by failure of CCC to move cottonseed oil or meal promptly, and the crusher shall not be responsible for any failure to deliver or delay in delivery, where such failure or delay on the part of CCC or the crusher is due to any cause without such party's fault or negligence including, but not restricted to, acts of God or the public enemy, storms, floods, conflagrations, strikes, blockades, riots, embargoes, or priority, allocation, service, or other orders or directives issued by the Government, or difficulty in obtaining cars or trucks. Notwithstanding the foregoing provisions, if CCC fails for any reason to issue shipping instructions in accordance with the delivery schedule specified in the tender (or any modification mutually agreed to by the New Orleans office and the crusher), the crusher may have an official analysis or quality determination made of the quantity of oil or meal involved and shall not, after giving timely written notice to CCC accompanied by a copy of such official analysis or quality determination, be responsible for any loss or deterioration in quality subsequent to the date of such official analysis or quality determination except for any loss, deterioration, or damage due to the fault or negligence of the crusher.

§ 1443.67 Books and records.

Each crusher filing an acceptance form under this subpart shall keep accurate books, records, and accounts with respect to all purchases of cottonseed (including the name of seller, date of receipt, weight, and grade of each lot of cottonseed purchased) and all other transactions under this subpart for a period of at least 3 years from the last date any cottonseed oil or meal is delivered by the crusher under this subpart, and shall furnish CCC such information and reports relating thereto as CCC may from time to time request, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942. The crusher shall permit authorized employees of the U.S. Department of Agriculture, and the General Accounting Office, at any time during customary business hours to inspect, examine, audit, and make copies of such books, records, and accounts.

§ 1443.68 Certification of independent price determination.

(a) *Certification of crusher.* By submission of a tender under this subpart, the crusher certifies that:

(1) The prices in his tender have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other crusher or with any competitor;

(2) Unless otherwise required by law, the prices which have been quoted in his tender have not been knowingly disclosed by the crusher and will not knowingly be disclosed by the crusher prior to acceptance, in the case of a tender, directly or indirectly to any other crusher or to any competitor; and

(3) No attempt has been made or will be made by the crusher to induce any other crusher to submit or not to submit a tender for the purpose of restricting competition.

(b) *Certification of person signing.* Each person signing the tender certifies that:

(1) He is the person in the crusher's organization responsible within that organization for the decision as to the prices being offered and that he has not participated, and will not participate, in any action contrary to paragraph (a) (1) through (3) of this section; or

(2) (i) He is not the person in the crusher's organization responsible within that organization for the decision as to the prices being offered but that he has been authorized in writing to act as agent for the persons responsible to such decision in certifying that such persons have not participated, and will not participate, in any action contrary to paragraph (a) (1) through (3) of this section, and as their agent does hereby so certify; and (ii) he has not participated, and will not participate, in any action contrary to paragraph (a) (1) through (3) of this section.

(c) *Deleting or modification.* A tender will not be considered where paragraph (a) (1), (a) (3), or (b) of this section has been deleted or modified. Where paragraph (a) (2) of this section has been deleted or modified, the tender will not be considered unless the crusher furnishes with the tender a signed statement which sets forth in detail the circumstances of the disclosure and CCC determines that such disclosure was not made for the purpose of restricting competition.

§ 1443.69 Parent company.

Each crusher submitting a tender under this subpart shall state whether the crusher is owned or controlled by a parent company, and if so, shall state the name and principal office address of the parent company in the spaces provided on the tender form. The crusher shall also insert in the space provided the Employer's Identification Number (E.I. Number) (Federal Social Security Number used on Employee's Quarterly Federal Tax Return, U.S. Treasury Department Form 941) of the crusher and the parent company (if any). For the purposes of this subpart, a parent company is defined as one which either owns or controls the activities and basic business policies of the participating crusher. To own another company means the parent company must own at least a majority (more than 50 percent) of the voting rights in that company. To control another company, such ownership is not required; if another company is able to formulate, determine, or veto basic business policy decisions of the participating crusher, such other company is considered the parent company of the bidder. This control may be exercised through the use of dominant minority voting rights, use of proxy voting, contractual arrangements, or otherwise.

§ 1443.70 Benefits and contingent fees.

(a) *Officials not to benefit.* No member of or Delegate to the Congress of the United States or Resident Commissioner, shall be admitted to any share or part of any contract resulting from tenders of cottonseed oil or meal under this subpart or to any benefit that may arise therefrom, but this provision shall not be construed to extend to such a contract if made with a corporation for its general benefit and shall not extend to any benefits that may accrue from such contract to a Member of or Delegate to the Congress or a Resident Commissioner in his capacity as a producer of cottonseed.

(b) *Contingent fees.* By submitting a tender under this subpart the crusher warrants that no person or selling agency has been employed or retained to solicit or secure the contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee except bona fide employees or bona fide established commercial or selling agencies maintained by the crusher for the purpose of securing business. For breach or violation of this warranty, CCC shall have the right to annul the contract without liability, or in its discretion to deduct from the contract price of the cottonseed oil or meal the full amount of such commission, percentage, brokerage, or contingent fee.

(c) *Price information.* By submitting a tender under this subpart, the crusher further warrants that he has not employed or utilized any person, firm, or organization which (1) furnished any information or service which might tend to prevent, limit, or restrict competition in the submission of tenders under this subpart, or (2) furnished any assistance to the crusher in the calculation of prices if such person, firm, or organization has assisted or is assisting other persons submitting tenders under this subpart in the calculation of prices (other than prices specified in tenders made pursuant to CCC's offer to purchase oil under § 1443.63(b)).

§ 1443.71 Nondiscrimination in employment.

(a) *Applicability.* The provisions of this section are applicable to any contract of sale which is entered into under this subpart and which is subject to the Equal Opportunity clause of Executive Order 11246 of September 24, 1965.

(b) *Equal employment opportunity.* During the performance of any contract of sale entered into under this subpart, the crusher agrees as follows:

(1) The crusher will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The crusher will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The crusher agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this nondiscrimination clause.

(2) The crusher will, in all solicitations or advertisements for employees placed by or on behalf of the crusher, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(3) The crusher will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency Contracting Officer, advising the labor union or workers' representative of the crusher's commitments under this nondiscrimination clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The crusher will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The crusher will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the crusher's noncompliance with the nondiscrimination clause of this contract, or with any of such rules, regulations, or orders, the contract may be canceled, terminated, or suspended in whole or in part and the crusher may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in the said Executive order or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The crusher will include the provisions of subparagraphs (1) through (7) of this paragraph in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The crusher will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however,* That in the event the crusher becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the crusher may request the United States to enter into such litigation to protect the interests of the United States.

(c) *Certification of nonsegregated facilities.* (Applicable to contracts and subcontracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause.) By the submission of a tender under this subpart, the crusher certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The crusher agrees that a breach of this certification is a violation of the Equal Opportunity clause in the contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms, and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin, because of habit, local custom, or otherwise. He further agrees that (except where he has obtained identical certifications from proposed subcontractors for specific time periods) he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause; that he will retain such certifications in his files; and that he will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods):

NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENT FOR CERTIFICATIONS OF NONSEGREGATED FACILITIES

A Certification of Nonsegregated Facilities, as required by the May 9, 1967, order (32 F.R. 7439, May 19, 1967) on Elimination of Segregated Facilities, by the Secretary of Labor, must be submitted prior to the award of a subcontract exceeding $10,000 which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).

NOTE: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001 or 15 U.S.C. 714m(a).

The reporting and/or recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 15, 1968.

E. A. JAENKE,
Acting Executive Vice President,
Commodity Credit Corporation.

Incorporation by reference provisions approved by the Director of the Federal Register on July 18, 1968.

[F.R. Doc. 68-8607; Filed, July 18, 1968; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

FIELD OFFICE DIRECTORS ET AL.

Section 200.96 is amended to read as follows:

§ 200.96 Field Office Directors, Deputy Directors and Assistant Directors; and Director, Multifamily Housing Insuring Office (New York).

To the position of Field Office Director, and to each of them; and to the position of Deputy Field Office Director, and to each of them; and to the position of Assistant Field Office Director, and to each of them; and with respect to insurance and servicing of multifamily housing project mortgages to the position of Director, Multifamily Housing Insuring Office (New York), there is delegated the following duties and functions:

(a) The duties and functions as set forth in § 200.95.

(b) To act for the Commissioner in determining applicable mortgage limits for communities in the insuring office jurisdiction for all mortgage insurance programs for which the Commissioner is authorized to increase basic mortgage limits provided by law where cost levels so require, except mortgage insurance for mobile home courts under section 207 of the National Housing Act.

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., July 16, 1968.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 68-8585; Filed, July 18, 1968; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8994; Amdt. 605]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Central Int	ALX RBn	Direct	2200	T–dn	300–1	300–1	NA
Miller Int	ALX RBn	Direct	2200	C–dn	500–1	500–1	NA
Fayetteville Int	ALX RBn	Direct	2300	S–dn–36#	500–1	500–1	NA
				A–dn	NA	NA	NA

Procedure turn E side of crs. 169° Outbnd, 349° Inbnd, 2200' within 10 miles.
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, facility to airport, 349°—1.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 miles after passing ALX RBn, make left-climbing turn to 2200', proceed direct to ALX RBn and hold S, 169° Outbnd, 349° Inbnd, 1-minute right turns.
NOTES: (1) Aircraft will cancel flight plan with MGM approach control when landing assured or upon reaching visual flight conditions. Aircraft will not take off under IFR conditions without prior ATC approval. (2) Use Montgomery, Ala., altimeter setting. (3) Airport weather information not available.
#Reduction not authorized.
MSA within 25 miles of facility: 000°–090°—2100'; 090°–180°—2000'; 180°–270°—2100'; 270°–360°—2800'.

City, Alexander City; State, Ala.; Airport name, Thomas C. Russell Field; Elev., 685'; Fac. Class., MHW; Ident., ALX; Procedure No. NDB (ADF) Runway 36, Amdt. 1; Eff. date, 8 Aug. 68; Sup. Amdt. No. Orig.; Dated, 14 Oct. 67

2. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Atlanta, Ga.—Atlanta, ADF 1, Amdt. 26, 27 Aug. 1966 (established under Subpart C).
Atlanta, Ga.—Atlanta, ADF 4, Amdt. 4, 27 Aug. 1966 (established under Subpart C).
Atlanta, Ga.—Atlanta, ADF 3, Amdt. 3, 27 Aug. 1966 (established under Subpart C).
Atlanta, Ga.—Atlanta, ADF 2, Amdt. 7, 27 Aug. 1966 (established under Subpart C).
Mineral Wells, Tex.—Mineral Wells, ADF 1, Amdt. 3, 14 Dec. 1963 (established under Subpart C).
Paragould, Ark.—Paragould Municipal, Orig., 13 June 1968 (established under Subpart C).
Atlanta, Ga.—Atlanta, VOR 2, Amdt. 4, 27 Aug. 1966 (established under Subpart C).
Lufkin, Tex.—Angelina County, VOR 1, Amdt. 9, 19 June 1965 (established under Subpart C).
Mineral Wells, Tex.—Mineral Wells, VOR Runway 31, Amdt. 6, 4 Mar. 1967 (established under Subpart C).
Sherman, Tex.—Sherman Municipal, VOR Runway 16, Orig., 21 Mar. 1964 (established under Subpart C).

3. By amending § 97.17 of Subpart B to delete instrument landing system (ILS) procedures as follows:

Atlanta, Ga.—Atlanta, ILS–9L, Amdt. 29, 19 Nov. 1966 (established under Subpart C).
Atlanta, Ga.—Atlanta, ILS Runway 9R, Amdt. 9, 16 Sept. 1967 (established under Subpart C).
Atlanta, Ga.—Atlanta, Dual ILS, Runways 9L and 9R, Amdt. 6, 16 Sept. 1967 (established under Subpart C).
Atlanta, Ga.—Altanta, ILS–27L, Amdt. 1, 2 Apr. 1966 (established under Subpart C).
Atlanta, Ga.—Atlanta, ILS–33, Amdt. 11, 19 Nov. 1966 (established under Subpart C).

4. By amending § 97.19 of Subpart B to delete radar procedures as follows:

Atlanta, Ga.—Atlanta, Radar 1, Amdt. 11, 27 Aug. 1966 (established under Subpart C).

5. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
				MAP: 7.7 miles Runways 27L, or 7.2 miles Runways 27R after passing REG VORTAC.
				27L—Climbing left turn to 3000' direct to ATL VORTAC.
				27R—Climb to 3000', R 270° REG VOR TAC.
				Supplementary charting information: TDZ elevation, 27L, 981'; 27R, 996'.

Procedure turn S side of crs. 090° Outbnd, 270° Inbnd, 2500' within 10 miles of REG VORTAC.
FAF, REG VORTAC. Final approach crs. 263°—27L; 270°—27R. Distance FAF to MAP, 7.7 miles—27L; 7.2 miles—27R.
Minimum altitude over REG VORTAC, 2500'; over ATL NDB, 1480'; over Karen Int, 1500'.
MSA: 000°–090°—3100'; 090°–180°—2300'; 180°–270°—2300'; 270°–360°—3100'.
NOTE: ASR.
‡RVR 24 authorized Runways 9L, 33.
‡RVR 18 authorized Runway 9R for Category A, B, and C.
‡RVR 20 authorized Runway 9R for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–27L	1500	RVR 40	519	1500	RVR 40	519	1500	RVR 40	519	1500	RVR 50	519
S–27R	1480	¾	484	1480	¾	484	1480	¾	484	1480	1	484
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1560	1	536	1560	1	536	1560	1¼	536	1580	2	556
	VOR/NDB:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–27L	1400	RVR 40	419	1400	RVR 40	419	1400	RVR 40	419	1400	RVR 50	419
S–27R	1400	¾	404	1400	¾	404	1400	¾	404	1400	1	404
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1500	1	476	1500	1	476	1500	1¼	476	1580	2	556
A	Standard.		T 2-eng. or less—Standard. ⅞				T over 2-eng.—Standard. ⅞					

City, Atlanta; State, Ga.; Airport name, Atlanta; Elev., 1024'; Facility, REG; Procedure No. VOR Runways 27L and 27R, Amdt. 5; Eff. date, 8 Aug. 68; Sup. Amdt. No. VOR 2, Amdt. 4; Dated, 27 Aug. 66

Terminal routes				Missed approaches
From—	To—	Via	Minimum altitudes (feet)	
10-mile DME	LFK VOR (NOPT)	LFK R 153°	1500	MAP: 4.3 miles after passing LFK VOR TAC.
10-mile DME	LFK VOR (NOPT)	LFK R 168°	1500	Climb to 2000' on LFK VORTAC R 329° within 15 miles.
10-mile DME	LFK VOR (NOPT)	LFK R 138°	1500	Supplementary charting information: TDZ elevation, 286'.

Procedure turn E side of crs. 149° Outbnd, 329° Inbnd, 1800' within 10 miles of LFK VORTAC.
FAF, LFK VORTAC. Final approach crs, 329°. Distance FAF to MAP, 4.3 miles.
Minimum altitude over LFK VORTAC, 1500'.
MSA 25 miles LFK VORTAC: 000°–090°—1900'; 090°–180°—1700'; 180°–270°—1800'; 270°–360°—2000'.
CAUTION: Category B, C, D, aircraft check runway load bearing ability.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–33	640	1	354	640	1	354	640	1	354	640	1	354
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	700	1	410	740	1	450	740	1¼	450	840	2	550
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Lufkin; State, Tex.; Airport name, Angelina County; Elev., 290'; Facility, LFK; Procedure No. VOR Runway 33, Amdt. 9; Eff. date, 8 Aug. 68; Sup. Amdt. No. VOR 1, Amdt. 8; Dated, 19 June 65

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.3 miles after passing MWL VORTAC.
			Climb to 2500′ on R 308° within 20 miles. Supplementary charting information: TDZ elevation, 964′.

Procedure turn S side of crs, 128° Outbnd, 308° Inbnd, 2500′ within 10 miles of MWL VORTAC.
FAF, MWL VORTAC. Final approach crs, 308°. Distance FAF to MAP, 4.3 miles.
Minimum altitude over MWL VORTAC, 2000′.
MSA: 000°–360°—2500′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–31	1320	1	356	1320	1	356	1320	1	356	1320	1	356
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1360	1	396	1420	1	456	1420	1½	456	1520	2	556
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Mineral Wells; State, Tex.; Airport name, Mineral Wells; Elev., 964′; Facility, MWL; Procedure No. VOR Runway 31, Amdt. 7; Eff. date, 8 Aug. 68; Sup. Amdt. No. 6; Dated, 4 Mar. 67

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.9 miles after passing PNX VOR.
Gunter Int	PNX VOR	Direct	2500	Climb to 2500′ on R 130° within 20 miles.

Procedure turn E side of crs, 331° Outbnd, 151° Inbnd, 2500′ within 10 miles of PNX VOR.
FAF, PNX VOR. Final approach crs, 130°. Distance FAF to MAP, 6.9 miles.
Minimum altitude over PNX VOR, 2000′.
MSA: 000°–090°—2200′; 090°–180°—2100′; 180°–270°—2300′; 270°–360°—2900′.
*Use Perrin AFB altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C*	1460	1	715	1460	1	715	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—standard.	

City, Sherman; State, Tex.; Airport name, Sherman Municipal; Elev., 745′; Facility, PNX; Procedure No. VOR Runway 16, Amdt. 1; Eff. date, 8 Aug. 68; Sup. Amdt. No Orig.; Dated, 21 Mar. 64

6. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: Upon decent to MDA after completion of procedure turn.
UN LFR	UNK VOR	Direct	2800	If visual contact not established upon descent to MDA, turn left, climb to 2800′ on R 205° within 15 miles. Supplementary charting information: Terrain rising to 710′, 1.9 miles NE of airport; 500′, 1 mile NE of airport.

Procedure turn N side of crs, 205° Outbnd, 025° Inbnd, 1000′ within 15 miles of UNK VOR.
Shuttle descent below 2800′ not authorized. Proceed Outbnd 9 miles on R 205° not below 1800′ before starting procedure turn.
Final approach crs, 025°.
Descent to MDA immediately after completion of procedure turn.
MSA: 000°–090°—3900′; 090°–180°—4100′; 180°–270°—2900′; 270°–360°—3100′.
NOTES: (1) Visual flight required from missed approach point to airport. (2) Maneuvering N through E of airport not authorized.
#Air carrier reduction not authorized.
$Reduction in visibility not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C–dn	500	2	479	500	2	479	500	2	479	580	2	559
A	Standard.$			T 2-eng. or less—Standard.#			T over 2-eng.—Standard.#					

City, Unalakleet; State, Alaska; Airport name, Unalakleet; Elev., 21′; Facility, UNK; Procedure No. VOR–1, Amdt. 3; Eff. date, 8 Aug. 68; Sup. Amdt. No. 2; Dated, 27 June 6

7. By amending § 97.25 of Subpart C to establish localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.2 miles after passing Conley Int.
Lakeside LOM	Conley Int	Direct	2500	Climbing left turn to 3000′ direct to ATL VORTAC.
Red Oak LOM	Conley Int	Direct	2500	
REG VORTAC	Conley Int (NOPT)	Direct	2000	Supplementary charting information: No glide slope. TDZ elevation, 981′.

Procedure turn S side of crs, 089° Outbnd, 269° Inbnd, 2500′ within 10 miles of Conley Int.
FAF, Conley Int. Final approach crs, 269°. Distance FAF to Map, 5.2 miles.
Minimum altitude over Conley Int, 2000′.
NOTE: ASR.
% RVR 24 authorized Runways 9L, 33.
% RVR 18 authorized Runway 9R for Category A, B, and C.
% RVR 20 authorized Runway 9R for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
LOC: S–27L	1400	RVR 40	419	1400	RVR 40	419	1400	RVR 40	419	1400	RVR 50	419
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1500	1	476	1500	1	476	1500	1½	476	1580	2	556
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Atlanta; State, Ga.; Airport name, Atlanta; Elev., 1024′; Facility, I–ALR; Procedure No. LOC (BC) Runway 27L, Amdt. 2; Eff. date, 8 Aug. 68; Sup. Amdt. No. 1LS–27L, Amdt. 1; Dated, 2 Apr. 66

8. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal Routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.2 miles after passing Lakeside LOM.
Atlanta NDB	Lakeside LOM	Direct	2700	Climbing left turn to 3000', direct Tucker Int via ATL VOR, R 033°.
Atlanta VORTAC	Lakeside LOM	Direct	2700	
Harrison Int	Lakeside LOM	Direct	3000	Supplementary charting information: TDZ elevation, 1024'.
Chattahoochee Int	Lakeside LOM (NOPT)	Direct	2700	

Procedure turn S side of crs, 269° Outbnd, 089° Inbnd, 2700' within 10 miles of Lakeside LOM (AT).
FAF, Lakeside LOM. Final approach crs, 089°. Distance FAF to MAP, 5.2 miles.
Minimum altitude over Lakeside LOM, 2700'.
MSA: 000°-090°—3100'; 090°-180°—2200'; 180°-270°—2700'; 270°-360°—2600'.
NOTE: ASR.
‡ RVR 24 authorized Runways 9L, 33.
‡ RVR 18 authorized Runways 9R for Category A, B, and C.
‡ RVR 20 authorized Runway 9R for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9L	1520	RVR 40	496	1520	RVR 40	496	1520	RVR 40	496	1520	RVR 50	496
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1520	1	496	1520	1	496	1520	1¼	496	1580	2	556
A	Standard.		T 2-eng. or less—Standard ‡.				T over 2-eng.—Standard ‡.					

City, Atlanta; State, Ga.; Airport name, Atlanta; Elev., 1024'; Facility, AT; Procedure No. NDB (ADF) Runway 9L, Amdt. 27; Eff. date, 8 Aug. 68; Sup. Amdt. No. ADF 1, Amdt. 26; Dated, 27 Aug. 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5 miles after passing Red Oak LOM
Atlanta NDB	Red Oak LOM	Direct	2500	Climbing right turn to 3000' direct to ATL VORTAC and hold.
Atlanta VORTAC	Red Oak LOM	Direct	2500	
Harrison Int	Red Oak LOM	Direct	3000	Supplementary charting information: Hold S., 1-minute right turns, 354° Inbnd. TDZ elevation, 1016'.
Chattahoochee Int	Red Oak LOM (NOPT)	Direct	2500	

Procedure turn S side of crs, 269° Outbnd, 089° Inbnd, 2500' within 10 miles of Red Oak LOM (AL).
FAF, Red Oak LOM. Final approach crs, 089°. Distance FAF to MAP, 5 miles.
Minimum altitude over Red Oak LOM, 2500'.
MSA: 000°-090°—3100'; 090°-180°—2300'; 180°-270°—2700'; 270°-360°—2900'.
NOTE: ASR.
‡ RVR 24 authorized Runways 9L, 33.
‡ RVR 18 authorized Runway 9R for Category A, B, and C.
‡ RVR 20 authorized Runway 9R for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9R	1520	RVR 40	504	1520	RVR 40	504	1520	RVR 40	504	1520	RVR 60	504
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1520	1	496	1520	1	496	1520	1¼	496	1580	2	556
A	Standard.		T 2-eng. or less—Standard ‡.				T over 2-eng.—Standard ‡.					

City, Atlanta; State, Ga.; Airport name, Atlanta; Elev., 1024'; Facility, AL; Procedure No. NDB (ADF) Runway 9R, Amdt. 5; Eff. date, 8 Aug. 68; Sup. Amdt. No. AD4F, Amdt. 4; Dated, 27 Aug. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.3 miles Runway 27L, or 4.7 miles Runway 27R after passing ATL NDB.
Lakeside LOM	ATL NDB	Direct	2500	27L—Climbing left turn to 3000' direct to ATL VORTAC.
Red Oak LOM	ATL NDB	Direct	2500	
Jonesboro LOM	ATL NDB	Direct	2500	27R—Climb to 3000' on bearing of 270° from ATL NDB.
ATL VORTAC	ATL NDB	Direct	2500	
McDonough Int	ATL NDB	Direct	2500	Supplementary charting information: TDZ elevation, 27L, 981'; 27R, 996'.
REG VORTAC	ATL NDB (NOPT)	Direct	2600	

Procedure turn S side of crs, 090° Outbnd, 270° Inbnd, 2500' within 10 miles of ATL NDB.
FAF, ATL NDB. Final approach crs, 261°—27L; 270°—27R. Distance FAF to MAP, 5.3 miles—27L; 4.7 miles—27R.
Minimum altitude over ATL NDB, 3000'.
MSA: 000°-090°—3100'; 090°-180°—2300'; 180°-270°—2300'; 270°-360°—3100'.
NOTE: ASR.
‡ RVR 24 authorized Runways 9L, 33.
‡ RVR 18 authorized Runway 9R for Category A, B, and C.
‡ RVR 20 authorized Runway 9R for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-27L	1460	1	479	1460	1	479	1460	1	479	1460	1	479
S-27R	1460	1	464	1460	1	464	1460	1	464	1460	1	464
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1500	1	476	1500	1	476	1500	1¼	476	1580	2	556
A	Standard.		T 2-eng. or less—Standard.‡				T over 2-eng.—Standard.‡					

City, Atlanta; State, Ga.; Airport name, Atlanta; Elev., 1024'; Facility ATL; Procedure No. NDB (ADF) Runway 27L and 27R Amdt. 4; Eff. date, 8 Aug. 68; Sup. Amdt. No. ADF 3, Amdt. 3; Dated, 27 Aug. 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.3 miles after passing Jonesboro LOM.
Atlanta VORTAC	Jonesboro LOM	Direct	2200	Climbing right turn to 3000' direct to REG VORTAC.
Tucker Int	Jonesboro LOM	Direct	3000	
Harrison Int	Jonesboro LOM	Direct	3000	Supplementary charting information: TDZ elevation, 986'.
McDonough Int	Jonesboro LOM (NOPT)	Direct	2200	

Procedure turn E side of crs, 149° Outbnd, 329° Inbnd, 2200' within 10 miles of Jonesboro LOM (AZ).
FAF, Jonesboro LOM. Final approach crs, 329°. Distance FAF to MAP, 4.3 miles.
Minimum altitude over AZ LOM, 2200'.
MSA: 000°-090°—3100'; 090°-180°—2300'; 180°-270°—2700'; 270°-360°—3100'.
NOTE: ASR.
‡ RVR 24 authorized Runways 9L, 33.
‡ RVR 18 authorized Runway 9R for Category A, B, and C.
‡ RVR 20 authorized Runway 9R for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-33	1380	RVR 40	394	1380	RVR 40	394	1380	RVR 40	394	1380	RVR 50	394
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1500	1	476	1500	1	476	1500	1¼	476	1580	2	556
A	Standard.		T 2-eng. or less—Standard.‡				T over 2-eng.—Standard.‡					

City, Atlanta; State, Ga.; Airport name, Atlanta; Elev., 1024'; Facility, AZ; Procedure No. NDB (ADF) Runway 33, Amdt. 8; Eff. date, 8 Aug. 68; Sup. Amdt. No. ADF 2, Amdt. 7; Dated, 27 Aug. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MWL NDB.
MWL VORTAC	MWL NDB	Direct	2500	Climb to 2500' on bearing of 311° within 20 miles. Supplementary charting information: TDZ elevation, 964'.

Procedure turn S side of crs, 131° Outbnd, 311° Inbnd, 2500' within 10 miles of MWL NDB.
Final approach crs, 311°.
Minimum altitude over MWL NDB, 1420'.
MSA: 000°-270°—2500'; 270°-360°—2800'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31	1420	1	456	1420	1	456	1420	1	456	1420	1	456
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1420	1	456	1420	1	456	1420	1½	456	1520	2	556
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Mineral Wells; State, Tex.; Airport name, Mineral Wells; Elev., 964'; Facility, MWL; Procedure No. NDB (ADF) Runway 31, Amdt. 4; Eff. date, 8 Aug. 68; Sup. Amdt No. ADF 1, Amdt. 3; Dated, 14 Dec. 63

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: PGR NDB.
AGR VORTAC	PGR NDB	Direct	2100	Climb to 2100', left turn direct PGR NDB and hold. Supplementary charting information: Hold S of PGR NDB on bearing 230°-050° inbnd, 1-minute left turns.

Procedure turn W side of crs, 230° Outbnd, 050° Inbnd, 2100' within 10 miles of PGR NDB.
Final approach crs, 050°.
Minimum altitude over PGR NDB, 1000'.
MSA: 000°-360°—2000'.
NOTE: Use Walnut Ridge, Ark., FSS altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-05	1000	1	709	1000	1	709	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1000	1	709	1000	1	709	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Paragould; State, Ark.; Airport name, Paragould Municipal; Elev., 291'; Facility, PGR; Procedure No. NDB (ADF) Runway 5, Amdt. 1; Eff. date, 8 Aug. 68; Sup. Amdt. No. Orig.; Dated, 13 June 68

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.9 miles after passing TAD NDB.
Rattlesnake Int	Cordova Int	Direct	8000	Climbing left turn to 7600' direct to TAD NDB. Hold N on the 339° bearing of TAD NDB.
Cordova Int	Trinidad NDB (NOPT)	Direct	6700	
Gare a Int	Trinidad NDB	Direct	8000	
Tobe VORTAC	Trinidad NDB	Direct	8800	Supplementary charting information: Final approach to intersection of runways. $Chart in Plan View.

Procedure turn E side of crs, 339° Outbnd, 159° Inbnd, 7600' within 10 miles of TAD NDB.
FAF, TAD NDB. Final approach crs, 173°. Distance FAF to MAP, 2.9 miles.
Minimum altitude over TAD NDB, 6700'.
MSA: 000°-090°—7500'; 090°-180°—10,700'; 180°-360°—13,800'.
CAUTION: Abruptly rising terrain 8 miles SSW, 9629' terrain 12 miles SSW of airport.
¢IFR departure procedures: Takeoff all runways, shuttle climb on 339° bearing from TAD NDB within 10 miles to minimum crossing altitude required for direction of flight: 160° clockwise to 225°, 8,200'; 225° clockwise to 290°, 11,500'.
*Night circling minimums to Runways 3-21 only.
$Final approach from holding pattern not authorized at TAD NDB; procedure turn required.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS	
C*	6120	1	359	6220	1	459	6220	1½	459	NA	
A	Standard.		T 2-eng. or less—Standard.¢				T over 2-eng.—Standard.¢				

City, Trinidad; State, Colo.; Airport name, Las Animas County; Elev., 5761'; Facility, TAD; Procedure No. NDB (ADF)-1, Amdt Orig.; Eff. date, 8 Aug. 68

9. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.4 miles after passing AN LOM.
AC LFR	AN LOM	Direct	1500	Climbing right turn to 1500' direct to AN LOM or, when directed by ATC, right-climbing turn to 1500' on S crs AC LFR within 15 miles.
Delta Island Int	AN LOM (NOPT)	Direct	1500	Supplementary charting information: Radar antenna 365', 1.1 miles, SW, Runway 6. Antenna 275', 0.9 mile W, Runway 13. TV antenna 488', 1.5 miles, NE, Runway 24.

Procedure turn S side of crs, 244° Outbnd, 064° Inbnd, 1500' within 10 miles of AN LOM.
FAF, AN LOM. Final approach crs, 064°. Distance FAF to MAP, 4.4 miles.
Minimum altitude over AN LOM, 1300'.
MSA: 000°-090°—8000'; 090°-180°—6400'; 180°-270°—3000'; 270°-360°—5400'.
NOTES: (1) ASR. (2) IFR departures must comply with published Anchorage SID's.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-6	680	RVR 40	559	680	RVR 40	559	680	RVR 40	559	680	RVR 50	559
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	680	1	559	680	1	559	800	1½	679	800	2	679
A	Standard.		T 2-eng or less—Standard.				T over 2-eng.—Standard.					

City, Anchorage; State, Alaska; Airport name, Anchorage International; Elev., 121'; Facility, AN; Procedure No. NDB (ADF) Runway 6, Amdt. 19; Eff. date, 8 Aug. 68; Sup. Amdt. No. 18; Dated, 18 Apr. 68

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: EMV NDB
McKenney Int	Emporia NDB	Direct	2000	Make climbing right turn to 1600' direct to the EMV NDB and hold.
Mason Int	Emporia NDB	Direct	2000	
Lawrenceville VOR	Emporia NDB	Direct	2000	Supplementary charting information: Hold SE of EMV NDB, 1-minute right turns, 321° Inbnd.

Procedure turn E side of crs, 141° Outbnd, 321° Inbnd, 1600' within 10 miles of Emporia NDB.
Final approach crs, 321°.
Minimum altitude over EMV NDB,* 660'.
MSA: 000°-090°—1400'; 090°-180°—1500'; 180°-270°—1700'; 270°-360°—1800'.
NOTE: Use Blackstone, Va., altimeter setting.
*When Blackstone, Va., altimeter setting not available, use Richmond, Va., altimeter setting and increase circling and straight-in MDA's by 100', and increase straight-in visibility minimums by ¼ mile for Category C aircraft.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
8-33*	660	1	534	660	1	534	660	1	534	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*	660	1	534	660	1	534	660	1½	534	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Emporia; State, Va.; Airport name, Emporia Municipal; Elev., 128'; Facility, EMV; Procedure No. NDB (ADF) Runway 33, Amdt. 1; Eff. date, 8 Aug. 68; Sup. Amdt. No. Orig.; Dated, 23 May 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: HTL NDB.
Lake City Int	HTL NDB	Direct	2900	Climb to 2900′ turn right and return to NDB.

Procedure turn N side of crs, 085° Outbnd, 265° Inbnd, 2900′ within 10 miles of HTL NDB.
Final approach crs, 265°.
Minimum altitude over HTL NDB, 1740′.
MSA: 000°–090°—2800′; 090°–180°—2200′; 180°–270°—2600′; 270°–360°—2800′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–27	1740	1	590	1740	1	590	1740	1	590	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1740	1	590	1740	1	590	1740	1½	590	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Houghton Lake; State, Mich.; Airport name, Roscommon County; Elev., 1150′; Facility, HTL; Procedure No. NDB (ADF) Runway 27, Amdt. 1; Eff. date, 8 Aug. 68; Sup. Amdt. No. Orig.; Dated, 28 Mar. 68 pending commissioning of facility

10. By amending § 97.29 of Subpart C to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DII, 1324. LOC 5.2 miles after passing AT LOM.
ATL NDB	Lakeside LOM	Direct	2700	Climbing left turn to 3000′ direct to Tucke
ATL VORTAC	Lakeside LOM	Direct	2700	Int via ATL VORTAC, R 033°.
Harrison Int	Lakeside LOM	Direct	3000	Supplementary charting information:
Chattahoochee Int	Lakeside LOM (NOPT)	Direct	2700	Back crs unusable. TDZ elevation, 1024′.

Procedure turn S side of crs, 269° Outbnd, 089° Inbnd, 2700′ within 10 miles of Lakeside LOM.
FAF, Lakeside LOM. Final approach crs, 089°. Distance FAF to MAP, 5.2 miles.
Minimum glide slope interception altitude, 2700′. Glide slope altitude at OM, 2660′; at MM, 1236′.
Distance to runway threshold at OM, 5.2 miles; at MM, 0.6 mile.
MSA: 000°–090°—3100′; 090°–180°—2300′; 180°–270°—2700′; 270°–360°—2900′.
NOTE: ASR.
℅RVR 24 authorized Runways 9L, 33.
℅RVR 18 authorized Runway 9R for Category A, B, and C.
℅RVR 20 authorized Runway 9R for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S–9L	1324	RVR 40	200	1324	RVR 40	200	1324	RVR 40	200	1324	RVR 40	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–9L	1400	RVR 40	376	1400	RVR 40	376	1400	RVR 40	376	1400	RVR 50	376
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1500	1	476	1500	1	476	1500	1½	476	1580	2	556
A	Standard.		T 2-eng. or less—Standard.℅				T over 2-eng.—Standard.℅					

City, Atlanta; State, Ga.; Airport name, Atlanta; Elev., 1024′; Facility, I-ATL; Procedure No. ILS 9L, Amdt. 30; Eff. date, 8 Aug. 68; Sup. Amdt. No. ILS-9L, Amdt. 29; Dated, 19 Nov. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: CAT I, ILS DII, 1216. LOC 5 miles after passing Red Oak LOM. CAT II, if no contact with visual guidance system at DH.
ATL NDB	Red Oak LOM	Direct	2500	Climbing right turn to 3000′ direct to ATL
ATL VORTAC	Red Oak LOM	Direct	2500	VORTAC and hold.
Harrison Int	Red Oak LOM	Direct	3000	Supplementary charting information: Hold
Chattahoochee Int	Red Oak LOM (NOPT)	Direct	2500	S, 1-minute right turns, 354° Inbnd. TDZ elevation, 1016′.

Procedure turn S side of crs, 269° Outbnd, 089° Inbnd, 2500′ within 10 miles of Red Oak LOM (AL).
FAF, Red Oak LOM. Final approach crs, 089°. Distance FAF to MAP, 5 miles.
Minimum glide slope interception altitude, 2500′. Glide slope altitude at OM, 2439′; at MM, 1227′; at IM, 1116′.
Distance to runway threshold at OM, 5 miles; at MM, 0.6 mile; at IM, 1110′.
MSA: 000°–090°—3100′; 090°–180°—2300′; 180°–270°—2700′; 270°–360°—2900′.
NOTE: ASR.
℅RVR 24 authorized Runways 9L, 33.
℅RVR 18 authorized Runway 9R for Category A, B, and C.
℅RVR 20 authorized Runway 9R for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S–9R	1216	RVR 18	200	1216	RVR 18	200	1216	RVR 18	200	1216	RVR 20	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–9R	1480	RVR 24	464	1480	RVR 24	464	1480	RVR 24	464	1480	RVR 40	464
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1500	1	476	1500	1	476	1500	1½	476	1580	2	556
A	Standard.		T 2-eng. or less—Standard.℅				T over 2-eng.—Standard.℅					

Category II, Special authorization required. TDZ elevation, 1016′. S–dn–9R DH 1166′, RVR 1600′, RA 153′, S–N–9R DH 1116′, RVR 1200′, RA 104′.

City, Atlanta; State, Ga.; Airport name, Atlanta; Elev., 1024′; Facility, I-ALR; Procedure No. ILS Runway 9R, Amdt. 9; Eff. date, 8 Aug. 68; Sup. Amdt. No. 8; Dated, 16 Sept. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 09R—ILS DH 1216, 09L—ILS DH 1324.
				9R—Climbing right turn to 3000′ direct to ATL VORTAC and hold. 9L—Climbing left turn to 3000′ direct Tucker Int via ATL VOR, R 033°. Supplementary charting information: 9R—Hold S., 1-minute right turns, 354° Inbnd. 9L—Back crs unusable. TDZ elevation, 9R—1016′; 9L—1024′.

Radar vector to intercept final approach crs at established vectoring altitudes.
Procedure turn not authorized.
FAF, AL, or AT LOM. Final approach crs, 089°. Distance FAF to MAP, 9R—5 miles; 9L—5.2 miles.
Altitudes as advised by radar controller.
Minimum glide slope interception altitude, 9R—2500′; 9L—3500′.* Glide slope altitude at OM, 9R—2439′; 9L—2660′; at MM, 9R—1227′; 9L—1236′.
Distance to runway threshold at OM, 9R—5 miles; 9L—5.2 miles; at MM, 9R—0.6 mile; 9L—0.5 mile.
MSA: 000°–090°—3100′; 090°–180°—2300′; 180°–270°—2700′; 270°–360°—2900′.
NOTE: Radar required.
*Or as directed by Radar Controller.
℅RVR 24 authorized Runways 9L, 33.
℅RVR 18 authorized Runway 9R for Category A, B, and C.
℅RVR 20 authorized Runway 9R for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S–9R	1216	RVR 18	200	1216	RVR 18	200	1216	RVR 18	200	1216	RVR 20	200
S–9L	1324	RVR 40	200	1324	RVR 40	200	1324	RVR 40	200	1324	RVR 40	200
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1500	1	476	1500	1	476	1500	1½	476	1580	2	556
A	Standard.		T 2-eng. or less—Standard.℅				T over 2-eng.—Standard.℅					

City, Atlanta; State, Ga.; Airport name, Atlanta; Elev., 1024′; Facility, I-ALR, I-ATL; Procedure No. Dual ILS, Runways 9L and 9R, Amdt. 7; Eff. date, 8 Aug. 68; Sup. Amdt. No. 6; Dated, 16 Sept. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
ATL VORTAC	Jonesboro LOM	Direct	2200	Climbing right turn to 3000' direct REG VORTAC.
Tucker Int	Jonesboro LOM	Direct	3000	
Harrison Int	Jonesboro LOM	Direct	3000	Supplementary charting information: Localizer back crs unusable. TDZ elevation, 986'.
McDonough Int	Jonesboro LOM (NOPT)	Direct	2200	

Procedure turn E side of crs, 149° Outbnd, 329° Inbnd, 2300' within 10 miles of Jonesboro LOM (AZ).
FAF, Jonesboro LOM. Final approach crs, 329°. Distance FAF to MAP, 4.2 miles.
Minimum glide slope interception altitude, 2200'. Glide slope altitude at OM, 2140'; at MM, 1185'.
Distance to runway threshold at OM, 4.2 miles; at MM, 0.4 mile.
MSA: 000°-090°—3100'; 090°-180°—2300'; 180°-270°—2700'; 270°-360°—3100'.
NOTE: ASR.
℅ RVR 24 authorized Runways 9L, 33.
℅ RVR 18 authorized Runway 9R or Category A, B, and C.
℅ RVR 20 authorized Runway 9R for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A DH	A VIS	A HAT	B DH	B VIS	B HAT	C DH	C VIS	C HAT	D DH	D VIS	D HAT
S-33	1186	RVR 24	200	1186	RVR 24	200	1186	RVR 24	200	1186	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-33	1280	RVR 24	294	1280	RVR 24	294	1280	RVR 24	294	1280	RVR 40	294
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1500	1	476	1500	1	476	1500	1½	476	1580	2	556
A	Standard.		T 2-eng. or less—Standard.℅				T over 2-eng.—Standard.℅					

City, Atlanta; State, Ga.; Airport name, Atlanta; Elev., 1024'; Facility, I-AZA; Procedure No. ILS Runway 33, Amdt. 12; Eff. date, 8 Aug. 68; Sup. Amdt. No. ILS-33, Amdt. 11; Dated, 19 Nov. 66

11. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
AC LFR	AN LOM	Direct	1500	MAP: ILS DH 321'. LOC 4 miles after passing AN LOM.
Delta Island Int	AN LOM (NOPT)	KE LFR N crs and SW crs ANC LOC.	1500	Climb straight ahead to 500', turn right, climbing to 1500' on the S crs of the AC LFR within 15 miles or, when directed by ATC, climb straight ahead to 500', turn right, proceed direct to the AN LOM via the SW crs of the ANC LOC, climbing to 1500' within 15 miles of AN LOM. Supplementary charting information: Radar antenna 365', 1.1 miles SW Runway 6. Antenna 275', 0.9 mile W, Runway 13. TV antenna 488', 1.5 miles NE, Runway 24.
ANC VOR	AN LOM	Direct	1500	

Procedure turn S side of crs, 244° Outbnd, 064° Inbnd, 1500' within 10 miles of AN LOM.
FAF, AN LOM. Final approach crs, 064°. Distance FAF to MAP, 4 miles.
Minimum glide slope interception altitude, 1490'. Glide slope altitude at OM, 1490'; at MM, 336'.
Distance to runway threshold at OM, 4.4 miles; at MM, 0.6 mile.
MSA: 000°-090°—6000'; 090°-180°—6400'; 180°-270°—3000'; 270°-360°—5400'.

NOTES: (1) ASR. (2) IFR departures must comply with published Anchorage SID's.
*700-2 Category C and D.

DAY AND NIGHT MINIMUMS

Cond.	A DH	A VIS	A HAT	B DH	B VIS	B HAT	C DH	C VIS	C HAT	D DH	D VIS	D HAT
5-6	321	RVR 24	200	321	RVR 24	200	321	RVR 24	200	321	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-6	440	RVR 24	319	440	RVR 24	319	440	RVR 24	319	440	RVR 40	319
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	680	1	559	680	1	559	800	1½	679	800	2	679
A	1. Standard Category A & B.*		T 2-eng. or less—RVR 24 Runway 6, 1 mile for all others.				T over 2-eng.—RVR 24 Runway 6, ½ mile for all others.					

City, Anchorage; State, Alaska; Airport name, Anchorage International; Elev., 121'; Facility, I-ANC; Procedure No. ILS Runway 6, Amdt. 16; Eff. date, 8 Aug. 68; Sup. Amdt. No. 15; Dated, 18 Apr. 68

12. By amending § 97.31 of Subpart C to establish precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)

From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Notes
070°	290°	15	2500									FAF all ASR runways, 5 miles from thresholds.
290°	070°	15	3000									℅ RVR 24 authorized Runways 9L, 33.
000°	360°	15-25	3000									℅ RVR 18 authorized Runway 9R for Category A, B, and C.
												℅ RVR 20 authorized Runway 9R for Category D.
												TDZ elevations: Runway 9L—1024'. Runway 9R—1016'. Runway 33—986'. Runway 27L—981'. Runway 27R—996'. Runway 3—1008'. Runway 15—1004'.

Missed approach:
9L and 3: Climb to 3000' to Tucker Int via ATL VORTAC, R 033°.
27R and 33: Climb to 3000' to Chattahoochee Int via Rex VORTAC, R 269°.
9R: Climbing right turn to 3000' direct to ATL VORTAC.
27L: Climbing left turn to 3000' direct to ATL VORTAC.
15: Climb to 3000' direct to ATL VORTAC.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-9L	1480	RVR 40	456	1480	RVR 40	456	1480	RVR 40	456	1480	RVR 50	456
S-9R	1480	RVR 24	464	1480	RVR 24	464	1480	RVR 24	464	1480	RVR 40	464
S-33	1340	RVR 24	354	1340	RVR 24	354	1340	RVR 24	354	1340	RVR 40	354
S-27L	1420	RVR 40	439	1420	RVR 40	439	1420	RVR 40	439	1420	RVR 50	439
S-27R	1420	¾	424	1420	¾	424	1420	¾	424	1420	1	424
S-3	1300	1	292	1300	1	292	1300	1	292	1300	1	292
S-15	1520	1	516	1520	1	516	1520	1	516	1520	1½	516
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1520	1	496	1520	1	496	1520	1½	496	1580	2	566
A	Standard.		T 2-eng. or less—Standard.℅				T over 2-eng.—Standard.℅					

City, Atlanta; State, Ga.; Airport name, Atlanta; Elev., 1024'; Facility, Atlanta Radar; Procedure No. Radar 1, Amdt. 12; Eff. date, 8 Aug. 68; Sup. Amdt. No. 11; Dated, 27 Aug. 66

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on July 2, 1968.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 68-8221; Filed, July 18, 1968; 8:45 a.m.]

SUBCHAPTER G—AIR CARRIER AND COMMERCIAL OPERATOR CERTIFICATION AND OPERATIONS

[Docket No. 7654; Amdts. 121-42, 127-8]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

Aircraft Proving Tests

The purpose of these amendments is to eliminate the requirement that aircraft proving tests be conducted by Part 121 and 127 certificate holders over "authorized routes," and to except aircraft proving tests from the deviation authority contained in § 127.17(b).

A notice of proposed rule making was published in the FEDERAL REGISTER on October 25, 1967 (32 F.R. 14777), containing proposed amendments to Parts 121 and 127. The notice was issued in response to the petition of the Airline Transport Association of America (ATA) for amendment of § 121.163 by deleting the requirement for conduct of proving tests over "authorized routes" and by deleting the further requirement that such tests be conducted under the supervision of the Administrator. While the ATA petition related only to § 121.163, the FAA felt that the proving test requirements for helicopters under Part 127 involved the same considerations and should be identical with the requirements for airplanes. For that reason, amendments to §§ 127.17(b) and 127.73 were also proposed in the notice.

Interested persons were afforded an opportunity to participate in the rule making through submission of written comments. Due consideration has been given to all relevant matter presented.

The Air Transport Association of America and the Airline Pilots Association commented on the notice of proposed rule making. The ATA, while commenting favorably on the elimination of the requirement that proving tests be conducted over authorized routes, restated its objection to the requirement that the tests be conducted under the supervision of the Administrator. It further objected to the possibility that the phrase "representative number of flights into en route airports, as approved by the Administrator," might be subject to differences in understanding, and result in the certificate holder being required to fly a greater number of hours than presently required, over greater distances, and over routes where operations are not initially planned.

On behalf of helicopter operators, the ATA suggested that since helicopter

operations by a certificate holder are typically conducted over short route segments and at a limited number of stations, accomplishment of proving tests for helicopters should be based on a limited number of entries into a station rather than on time, and that the deviation authority provided for in § 127.17(b) should therefore remain unchanged.

The Airline Pilots Association (ALPA) supported the proposed amendments insofar as they provide for elimination of the requirement for conducting proving tests over authorized routes and require that flights into a representative number of en route airports be made with helicopters as well as airplanes. It comments, however, that proving tests ought to be conducted under the most realistic of operational conditions during which day-to-day problems such as servicing, ground operation, approach and departure, runway lengths, takeoff and landing weights, etc., as they relate to new equipment, can be evaluated. The ALPA further objected to the suggestion contained in the notice that flight training, publicity and advertising activities, and delivery flights might be combined with proving test activities and unduly interfere with the primary purpose of proving the aircraft.

With respect to the objection by the ATA that the requirement for conducting proving tests under the "supervision" of the Administrator was retained in the notice, it is the FAA's belief that evaluation of the combined performance and functioning of the aircraft, airmen, and the certificate holder in day-to-day operational situations prior to entering into regular service is essential to flight safety. This is the Administrator's single opportunity to make the necessary preliminary determination that the certificate holder can operate the new equipment with the high standard of safety required by the Federal Aviation Act. However, on reconsideration, the word "observation" has been substituted for the word "supervision" in all places where it appeared in the rule, since the FAA's function and purpose in this instance is not to supervise or direct, but rather to observe and evaluate. In this sense, it is essential that a representative of the Administrator be in the aircraft to make the observation and evaluation.

With respect to the objection that the requirement for "a representative number of flights into en route airports as determined by the Administrator" may result in difficulties resulting from differences in interpretation, it should be noted that this provision will allow for some flexibility in planning and conducting the aircraft proving program, depending upon circumstances which may be peculiar to individual test programs, and that Regional personnel will be guided in the exercise of this discretion by FAA policy materials furnished to them. It is anticipated that this element of flexibility will result in more efficient and effective aircraft proving tests.

As previously indicated, the ATA expressed the view that proving tests for helicopters should be based on entries into a limited number of heliports rather than on the accumulation of a specified amount of flight time, by reason of their operation over typically short route segments, and that the provision for deviations now contained in § 127.17(b) should be retained to allow for this difference. The ALPA, on the other hand, commented that helicopters should make proving flights into all authorized en route airports. We do not completely agree with the views expressed by either the ATA or the ALPA. In the opinion of the FAA, an adequate measure of flexibility in the conduct of proving tests is afforded by allowing for the representative selection of airports. In addition, retention of the uniform time requirement for helicopters and airplanes is a judgment made in the interest of safety and based on experience gained in helicopter operations. Furthermore, the recognized differences between helicopter and airplane operations are not considered so significant as to allow for abbreviation of the minimum hours of proving tests required for helicopters.

The ALPA expressed concern that training flights, publicity activities, and delivery flights conducted in conjunction with proving flights might unduly interfere with the tests. In this regard, it should be pointed out that, while the rule does not prohibit such activities, to the extent that these activities were more than ancillary to the proving test, or actually interfered with the primary purpose of proving that the aircraft can be operated safely under operational conditions and situations, the flight could not be considered as a proving test.

In consideration of the foregoing, Parts 121 and 127 of the Federal Aviation Regulations are amended effective August 18, 1968, as follows:

1. By amending paragraphs (a) and (b) of § 121.163 to read as follows:

§ 121.163 Aircraft proving tests.

(a) No domestic or flag air carrier may operate an aircraft not before proven for use in scheduled air carrier operations and no supplemental air carrier or commercial operator may operate an aircraft not before proven for use in air carrier or commercial operator operations unless an aircraft of that type has had, in addition to the aircraft certification tests, at least 100 hours of proving tests under the Administrator's observation, including a representative number of flights into en route airports, as determined by the Administrator. At least 10 hours of the proving tests must be flown at night.

(b) A certificate holder may not operate an aircraft of a type that has been proven for use in its class of operation if it has not previously proved that type, or if that aircraft has been materially altered in design, unless—

(1) The aircraft has been tested for at least 50 hours under the Administrator's observation, including a representative number of flights into en route airports as determined by the Administrator; or

(2) The Administrator specifically authorizes deviations when special circumstances make full compliance with this paragraph unnecessary in a particular case.

* * * * *

§ 127.17 [Amended]

2. By amending § 127.17(b) by inserting the parenthetical phrase "(except § 127.73)" after the word "part" and before the phrase "for a particular operation".

3. By amending § 127.73 to read as follows:

§ 127.73 Proving tests.

(a) No air carrier may operate a helicopter not before proven for use in air carrier operations, unless a helicopter of that type has had, in addition to the helicopter certification tests, at least 100 hours of proving tests under the Administrator's observation, including a representative number of flights into en route heliports as determined by the Administrator. At least 10 hours of the proving tests must be flown at night, if night operations are authorized.

(b) An air carrier may not operate a helicopter of a type that has been proven in commercial or extensive military service, if it has not previously used that type, or if that helicopter has been materially altered in design, unless—

(1) The helicopter has been tested for at least 50 hours under the Administrator's observation, including a representative number of flights into en route heliports as determined by the Administrator; or

(2) The Administrator specifically authorizes deviations when special circumstances make full compliance in a particular case.

(c) No air carrier may carry passengers in a helicopter during proving tests, except for those needed to make the test and those designated by the Administrator. However, it may carry mail, express, or other cargo, when approved.

(Secs. 313(a), 601, 604, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1424)

Issued in Washington, D.C., on July 12, 1968.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 68-8573; Filed, July 18, 1968; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

Federal Reserve Banks; Specific Functions

1. Effective immediately, § 265.2(f) is amended by adding subparagraph (14) as follows:

§ 265.2 Specific functions delegated.

* * * * *

(f) Each Federal Reserve Bank is authorized, as to member banks or other indicated organizations headquartered in its district:

* * * * *

(14) Under the provisions of § 208.10(c) of this chapter (Regulation H), to extend the time within which a member bank that has given notice of intention to withdraw from membership must surrender its Federal Reserve Bank stock and its certificate of membership.

* * * * *

2a. This amendment is promulgated pursuant to and in accordance with the provisions of section 11(k) of the Federal Reserve Act (12 U.S.C. 248(k)). It is designed to provide a more expeditious means for performance of the Board's functions relating to withdrawals from membership in the Federal Reserve System.

b. The provisions of section 553 of title 5, United States Code, relating to notice and public participation and to deferred effective dates, were not followed in connection with the adoption of this amendment, because such amendment is procedural in nature and accordingly does not constitute substantive rules subject to the requirements of such section.

Dated at Washington, D.C., the 2d day of July 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-8579; Filed, July 18, 1968; 8:46 a.m.]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 21,944]

PART 523—MEMBERS OF BANKS

Liquidity

JULY 11, 1968.

Resolved that the Federal Home Loan Bank Board considers it desirable to amend § 523.12 of the regulations for the Federal Home Loan Bank System (12 CFR 523.12) for the purpose of reducing from 7 percent to 6½ percent the required amount of cash and obligations of the United States that institutions which are members of the Federal Home Loan Bank System must have on hand in order to be entitled to make certain loans and, for such purpose, said § 523.12 is hereby amended to read as follows, effective August 1, 1968:

§ 523.12 Holdings of cash and obligations of the United States by members.

No member insurance company shall make or purchase any loan, other than loans on the company's insurance policies, at any time when the aggregate of its cash and obligations of the United States is not at least equal to 6½ percent of its policy reserve required by State law, and no other member shall make or purchase any loan, other than advances on the sole security of its withdrawable accounts, at any time when its cash and obligations of the United States are not at least equal to 6½ percent of the obligation of the member on withdrawable accounts. For the purposes of this section:

(a) A loan shall be deemed to have been made as of the date of the note or bond evidencing the same, and a loan shall be deemed to have been purchased as of the date of payment therefor;

(b) The term "cash" means cash on hand, unpledged deposits in a Federal Home Loan Bank or State bank performing similar reserve functions, and unpledged demand deposits in domestic banks, not under the control or in the possession of appropriate supervisory authority.

(c) The term "obligations of the United States" shall mean all unpledged evidences of indebtedness issued by the United States and all unpledged evidences of indebtedness issued by any agency or instrumentality of the United States which are by statute fully guaranteed as to principal and interest by the United States.

(Sec. 5A, 64 Stat. 256, as amended; 12 U.S.C. 1425a. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

Resolved further that, since the Board determines it desirable in the present economic climate for institutions which are members of the Federal Home Loan Bank System to have available as soon as possible the latitude in the holdings of cash and obligations of the United States which is made available by this amendment, the Federal Home Loan Bank Board finds that notice and public procedure on the amendment is contrary to the public interest and, since the amendment relieves restrictions, the Board finds that publication in the FEDERAL REGISTER for not less than 30 days prior to the effective date is unnecessary, and the Board determines that the amendment shall be effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 68-8600; Filed, July 18, 1968; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[11th Gen. Rev. of Export Reg., Amdt. 5]

PART 384—GENERAL ORDERS

Validated Licenses and Certain General Licenses to Southern Rhodesia

Part 384 of the Code of Federal Regulations is amended as set forth below:

(Secs. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959-63 Comp.)

Effective date: July 16, 1968.

RAUER H. MEYER,
Director, Office of Export Control.

Subject. Order revoking validated licenses and certain general licenses to Southern Rhodesia.

Purpose and effect. On May 29, 1968, the Security Council of the United Nations unanimously adopted Resolution No. 253. This Resolution calls upon member nations to take certain actions with respect to transactions involving Southern Rhodesia. As one aspect of United States implementation of the United Nations Resolution, the U.S. Department of Commerce is issuing, under the authority of the Export Control Act, the general order set forth below relating to exports to Southern Rhodesia.

Accordingly, the United States Export Regulations are amended as follows:

A new section designated § 384.6 is hereby added to read as follows:

§ 384.6 General order revoking validated licenses and certain general licenses to Southern Rhodesia.

(a) Revocation of validated licenses. Effective 12:01 a.m., e.d.t., July 16, 1968, all outstanding validated export licenses authorizing exports of any commodities or technical data to Southern Rhodesia are revoked.

(b) Revocation of certain general licenses. Effective 12:01 a.m., e.d.t., July 16, 1968, General Licenses GIT, GLV, GTF, GLR, GATS, GLC, GMS, and GTDU authorizing the export of any commodity or technical data are revoked for exports to Country Group S (Southern Rhodesia).

(c) Revision of general licenses Baggage and Tools of Trade. Effective 12:01 a.m., e.d.t., July 16, 1968, the provisions of General Licenses Baggage and Tools of Trade are revised to permit only the commodities identified by the symbol "B" in the last column of the Commodity Control List to be taken out of the United States to Southern Rhodesia under these general licenses.

(d) Revision of general license G-DEST. Effective 12:01 a.m., e.d.t., July 16, 1968, the provisions of General License G-DEST are revised to permit only the following commodities to be exported to Country Group S (Southern Rhodesia):

Export control commodity number and commodity description	
863	Motion picture film, silent or sound, exposed and developed, containing exclusively news and documentary material.
89213	Maps, hydrographic charts, atlases, gazetteers, globe covers, and globes (terrestrial or celestial).
89214	Printed books, pamphlets, and miscellaneous publications, including bound newspapers and periodicals.
89220	Newspapers and periodicals, unbound, excluding waste.
89230	Music books and sheet music.
89294	Calendars, including calendar blocks, of paper.

89298 Advertising printed matter exclusively related to developed motion picture film, books, miscellaneous publications, newspapers and periodicals for which a validated license is not required for Southern Rhodesia.

(e) *Saving clause.* This Saving Clause applies to shipments of any commodities or technical data previously authorized for export to Southern Rhodesia by a revoked validated license described in paragraph (a) of this section and any commodities or technical data removed from general license to Country Group S (Southern Rhodesia) as a result of changes set forth in paragraphs (b), (c), or (d) of this section. Such shipments which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a.m., e.d.t., July 16, 1968, may be exported under the previous validated license, or under the previous general license provisions, up to and including 12:01 a.m., e.d.t., August 6, 1968. Any such shipment not laden aboard the exporting carrier before 12:01 a.m., e.d.t., August 6, 1968, requires a validated license for export.

(f) *Licensing policy.* In considering applications for validated licenses to export to Southern Rhodesia, the Office of Export Control will generally deny such licenses unless an application involves commodities and technical data intended strictly for medical purposes, for use in schools and other educational institutions, or for the essential needs of recognized charitable institutions; and foodstuffs required in special humanitarian circumstances.

[F.R. Doc. 68-8587; Filed, July 18, 1968; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 245—GUIDES FOR THE WATCH INDUSTRY

Statement by the Commission. Guides for the Watch Industry as hereinafter set forth were adopted by the Commission on its own initiative to afford guidance as to the legal requirements applicable to the practices of this industry in the interest of protecting the public and effecting more widespread and equitable observance of laws administered by the Commission. The Guides, when operative, supersede the Trade Practice Rules Respecting the Terms "Waterproof," "Shockproof," "Nonmagnetic," and Related Designations, as Applied to Watches, Watchcases, and Watch Movements, promulgated April 24, 1947, and the Trade Practice Rules for the Watch Case Industry, promulgated January 30, 1948.

In proceedings instituted to consider revision of the mentioned trade practice rules, proposed rules respecting disclosure of metallic composition and misrepresentation of protective features were released for consideration by all parties having an interest therein with invitation to submit written data, views, suggested changes or other pertinent information. Thereafter a public hearing was held on the proposed rules. All matters presented in the proceeding, whether oral or written, were fully considered by the Commission prior to its adoption of the Guides.

While the Guides are interpretive of laws administered by the Commission and thus are advisory in nature, proceedings to enforce the requirements of law as explained in the Guides may be brought under the Federal Trade Commission Act (15 U.S.C. secs. 41–58). Briefly stated, the Act makes it illegal for one to engage in "unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce."

Provisions of the Guides which pertain to the use of certain terminology to describe industry products or processes should not be construed as approval of claims made for any product or process or as an expression or implication of the Commission's opinion respecting the comparative merits of industry products or the methods of their manufacture. These provisions of the Guides are intended to insure that the prospective purchaser is not misled by the appearance of a product, or by descriptions, designations, or representations concerning it in advertising, labeling, marking, or in other promotional materials into thinking that he is obtaining a product which is different from that which is actually offered.

Those provisions of the Guides in §§ 245.3, 245.5, 245.6, 245.7, and 245.10 which pertain to the labeling and marking of industry products become operative 180 days after the date of promulgation. All other provisions of the Guides become operative 30 days after the date of promulgation.

Inquiries and requests for copies of the Guides should be directed to the Bureau of Industry Guidance, Federal Trade Commission, Washington, D.C. 20580.

Sec.
245.1 Definitions.
245.2 Misrepresentation in general.
245.3 Misrepresentation of metallic composition of watchcases and certain watch bands.
245.4 Misrepresentation as to durability or suitability.
245.5 Misrepresentation of protective features.
245.6 Deception as to jewels.
245.7 Misrepresentation of accessories.
245.8 Deceptive selling of used, rebuilt, or secondhand products.
245.9 Deceptive imitation, obliteration, or concealment of trade names, trademarks, and marks.
245.10 Disclosure of foreign origin of watch movements.
245.11 Deceptive pricing.
245.12 Commercial bribery.
245.13 Coercing purchase of one product as a prerequisite to the purchase of other products.
245.14 Misrepresentation of the character and size of business, extent of testing, etc.
245.15 Guarantees, warranties, etc.
245.16 Use of the word "free".

Appendix

AUTHORITY: The provisions of this Part 245 issued under secs. 5, 6, 38 Stat. 719, as amended, 721; 15 U.S.C. 45, 46.

§ 245.1 Definitions.

For the purpose of this part the following definitions shall apply:

(a) The term "watch" means a timepiece or time-keeping device for measuring or indicating time which is designed to be worn on or about the person.

(b) The term "watchcase" or "case" means any metal case, covering, or housing of any quality or description for a watch as defined above and shall include the back, center, lugs, bezel, pendant, crown, bow, cap, and other parts thereof, including a watch band which has been permanently affixed thereto; and unless otherwise stated, either term as used in this part applies to the case whether marketed separately or together with the movement or works.

(c) The term "accessories" means products, other than watch bands, which are affixed to and sold in combination with watchcases or watches, such as, for example, bracelets, pins, pendants, brooches, or ornaments. (NOTE: Metallic watch bands of the detachable type are subject to the provisions of the Trade Practice Rules for the Metallic Watch Band Industry, promulgated June 30, 1962, and amended June 16, 1964.)

(d) The term "mark" means any letter, figure, numeral, symbol, sign, word, or term, or any combination thereof, which has been stamped, embossed, inscribed, or otherwise placed, on any industry product for the purpose of disclosing its metallic composition or any other material information.

(e) The term "plate" or "plated" means that a sheet or shell of metal has been applied by soldering, brazing, welding, or other mechanical means to the outer surfaces of foundation metal stock.

(f) The term "electroplate" or "electroplated" means that a coating of metal has been applied by the electrolytic method to the outer surfaces of foundation metal stock.

(g) The term "industry product" means a watch, watchcase, accessory or a part thereof.

(h) The term "industry member" means a person, firm, corporation, or organization engaged in the importation, manufacture, sale, or distribution of any industry product. [Guide 1]

§ 245.2 Misrepresentation in general.

Industry members should not use, or cause or promote the use of any promotional materials, advertising, labels, tags, marks, insignia, brand or trade names, depictions or packaging which bear, contain, or constitute representations which have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers:

(a) With respect to the grade, quality, estimated life, appearance, substance, size, construction, novelty, composition, accuracy, dependability, imperviousness, repairability, conformance to standards, or methods of manufacture, of industry products; or

(b) With respect to the country of origin of industry products or parts thereof; or

(c) In any other material respect. [Guide 2]

§ 245.3 Misrepresentation of metallic composition of watchcases and certain watch bands.

Industry members should not directly or indirectly, in advertising, marking, labeling, in a brand or trade name, or otherwise, misrepresent the metallic composition of a watchcase. With respect to cases having an exposed surface or surfaces which are, or have the appearance of being, metal, the metallic composition of the cases should be clearly and conspicuously disclosed in accordance with the methods and terminology set forth below:

(a) *Exclusions.* In determining the metallic composition of watchcases, parts which are necessarily required to be of steel or some other base metal may be excluded, namely, the springs, hinge pins for jointed cases, spring pins for straps or bands, separate inside movement holding rings, and crown cores.

(b) *Gold.* Watchcases which are not composed entirely of fine (24 karat)[1] gold should not be marked with the unqualified word "gold" or an abbreviation thereof.

(c) *Gold alloy.* Watchcases composed entirely of an alloy of gold of not less than 10 karat fineness [1] should be marked as "gold" or by an abbreviation thereof, and such word or abbreviation should be immediately preceded with a correct designation of the karat fineness [1] of the alloy, for example, "10 Karat Gold," "14 Kt Gold," "10 Kt."

(d) *Gold filled.* Watchcases which have been plated by mechanical means with gold, or with an alloy of gold of not less than 10 karat fineness,[1] and the plating is of a thickness throughout of not less than three one-thousandths [2] of an inch after completion of all finishing operations, should be marked "Gold Filled", or by an abbreviation thereof, and such term or abbreviation should be immediately preceded by a correct designation of the karat fineness [1] of the gold alloy of which the plating is composed, as, for example, "12 Karat Gold Filled", "12 K.G.F.".

(e) *Rolled gold plate.* Watchcases which have been plated by mechanical means with gold, or with an alloy of gold of not less than 10 karat fineness,[1] and the plating is of a thickness throughout of not less than one and one-half one thousandths [2] of an inch upon completion of all finishing operations, should be marked "gold plate" or "rolled gold plate" or by an abbreviation thereof and such term or abbreviation should be immediately preceded by a correct designation of the karat fineness [1] of the gold alloy of which the plating is composed, as, for example, "10 Karat Gold Plate," "10 Karat Rolled Gold Plate," "10 K.R.G.P."

(f) *Gold electroplate.* (1) Watchcases which have been electroplated with gold or with an alloy of gold of not less than 10 karat fineness,[1] to a thickness throughout of not less than three-fourths one thousandths [2] of an inch upon completion of all finishing operations and which can successfully withstand the tests set forth in paragraph 2 of the appendix, should be marked "gold electroplate" or "gold electroplated" and such term may be immediately preceded by a correct designation of the karat fineness [1] of the gold alloy of which such coating is composed, e.g., "16 Karat Gold Electroplate." If the thickness of such gold electroplate is one and one-half one thousandths [2] of an inch or greater, it may be described as "Heavy Gold Electroplate," and such term may be immediately preceded by a correct designation of the karat fineness [1] of the gold alloy of which such plating is composed. Gold electroplated products which satisfy the provisions in this paragraph may also be marked with an accurate disclosure of the actual thickness of the electroplate, e.g., "1/1000" gold electroplate."

(2) Watches which have cases marked "gold electroplate" or "gold electroplated" in conformity with this section should, when sold to the ultimate consumer within the 18-month period immediately following the operative date of this section, be accompanied by an appropriate statement explaining the meaning of the marking and providing sufficient information to enable the consumer to make an informed judgment regarding the quality of the coating. The statement should not purport to compare the merits of electroplated coatings with the merits of coatings applied by other processes. The statement should be made on any point of sale material describing or referring to the watch and on a label or tag firmly affixed to the watch.

(g) *Silver.* Watchcases which are composed entirely of pure silver or of an alloy of silver of not less than nine-hundred twenty-five one thousandths fineness [1] should be marked as "silver," "sterling" or "sterling silver" or by an abbreviation thereof. Cases which are composed entirely of a silver alloy of at least nine-hundred one thousandths fineness [1] should be marked "coin silver."

(h) *Silver plate.* Watchcases which have been plated or electroplated with silver, should be marked as "silver plate" or "silver plated", if after the completion of all finishing operations, such plating is of sufficient thickness to withstand normal use and last throughout the estimated life of the watch.

(i) *Other precious metals.* Watchcases which are composed in whole or in part of a precious metal other than gold or silver, or of an alloy of such a metal, or which have been plated or electroplated with such a metal or alloy thereof, should be marked so as to disclose the kind of precious metal or alloy so used and the manner of its use.

(j) *Base metals.* Watchcases or parts thereof which do not meet the minimum requirements set forth in paragraphs (b) through (i) of this section should be marked as "Base Metal" or so as to identify clearly the kind or kinds of metal of which they are composed, e.g., "Aluminum," "Stainless Steel," "Chromium Plated Steel," and under these circumstances the mark should not contain the names of or abbreviations for any precious metal.

(k) *Combination of metals.* Watchcases which are composed of parts having different metallic compositions, should be marked in the manner prescribed in paragraphs (b) through (j) of this section with an accompanying explanation of the part or parts to which such markings or descriptions apply, e.g., "Base Metal Back," "14 K Gold Filled Bezel."

(l) *Substantiality.* A watchcase should not be composed of metals or alloys, or have coatings of either base metal or precious metals, which are not of sufficient thickness and substantiality as to render lasting and effective service, with due regard to the estimated life of the watch of which it is a part, unless the fact that such case will not render such service is clearly and conspicuously disclosed on a tag, label, or in other printed material which accompanies the watch when it is sold to the ultimate consumer.

(m) *Placement of markings and abbreviations.* All markings on watchcases as provided in this part should be of a permanent type and made on the exterior, exposed surface of the back, and be so placed and of such a size that they will be readily apparent to purchasers of the product. Provided that markings, respecting the metallic composition of watch bands which are part of the cases, may be placed on the bands or on the cases. All markings should be stated in the English language and printed in letters or figures of the same size and conspicuousness as that used for words or abbreviations descriptive of any precious metal content, i.e., "gold," "silver," or "karat". When using abbreviations in markings as provided by this section, "G" may be used for the word "Gold," "K" or "Kt" for the word "Karat," and "Chr" for the word "Chromium". In addition "G.F." may be used for "Gold Filled," and "R.G.P." for "Rolled Gold Plate." The terms "electroplate" and "electroplated" should not be abbreviated. The word "filled" and the word "plate" should not be abbreviated in marks containing the word "gold" unless the word "gold" is abbreviated by use of the letter "G".

(n) *Misuse of terms.* The words "gold," "karat," "silver," "sterling," "coin," or any abbreviation thereof either alone or in conjunction with other words such as "solid," "plate," "plated," "filled," "electroplate," or "electroplated" or any abbreviation thereof should not be used as

[1] Subject to the tolerances applicable thereto under the National Stamping Act (15 U.S.C., section 294, et seq.).

[2] Subject to permissible tolerances set forth in paragraph 1 of the appendix.

a marking or as descriptive of a watchcase or part thereof in labeling, advertising, trade names or otherwise in a manner inconsistent with the provisions of this section.

(o) *Disclosures in advertising.* All disclosures which are placed on industry products in conformity with this section should also appear in all advertising or other promotional material pertaining to such products, irrespective of the media used, whenever statements, representations, or depictions are made or appear therein, which in the absence of such disclosures serve to create a false impression that the products or parts thereof, are of a certain metallic composition. The disclosure so made should be of such conspicuousness and clarity as to be noted by purchasers and prospective purchasers casually reading, or listening to, such advertising, and the words and terms therein which are descriptive of metallic composition should not be used except as provided in this section. [Guide 3]

§ 245.4 Misrepresentation as to durability or suitability.

Industry members should not misrepresent directly or indirectly, in advertising, labeling, marking, brand or trade name, depictions, or otherwise the characteristics of a product or the ability of a product to resist or withstand damage from stated causes, or of its suitability for particular uses. Illustratively, industry members should not, under this section: Falsely designate or describe a watch as a chronometer or use such terms as "skin divers," "navigators," or "railroad" as descriptive of industry products which do not possess the characteristics, e.g., ruggedness, accuracy, dependability, or other features, required of watches used by persons engaged in those activities. [Guide 4]

§ 245.5 Misrepresentation of protective features.

(a) Industry members should not misrepresent directly or indirectly, in advertising, other promotional material, labeling, brand or trade name, or marking, or otherwise, the ability of a product to withstand or resist damage or other harmful effects from stated causes. Illustratively, under this section a product should not be described or designated as "shockproof," "waterproof," "nonmagnetic," or "all proof," even if such term or terms are qualified by words or phrases, e.g., "waterproof when case, crown, and crystal are intact." In addition a product should not be described or designated as "shock resistant," "water resistant," or "antimagnetic" unless it conforms to the applicable provisions set forth below:

(1) *Shock resistant.* A product may be properly described or designated as "shock resistant" or "shock absorbing" if it possesses a level of resistance to damage from shock sufficient to insure that it will successfully withstand the test described in paragraph 3 of the appendix.

(2) *Water resistant.* An industry product may be properly described or designated as "water resistant" if it is sufficiently impervious to water or moisture so as to insure that at the time of its sale to the ultimate consumer it will successfully withstand the test described in paragraph 4 of the appendix.

(3) *Antimagnetic.* A product may properly be described or designated as "antimagnetic" if it is so designed and constructed as to provide a substantial degree of protection against magnetism, and the product will successfully withstand the test described in paragraph 5 of the appendix.

(b) Whenever a product described or designated as "shock resistant," "water resistant," or "antimagnetic" in conformity with this section is sold to the ultimate consumer, the designation should be accompanied by an appropriate statement explaining the meaning of the term and the care and maintenance ordinarily required to preserve the described qualities. The statement should be made on any point of sale material describing or referring to the watch having the designation in question and on a label or tag firmly affixed to the watch bearing the designation. [Guide 5]

§ 245.6 Deception as to jewels.

Industry members should not misrepresent directly or indirectly, in advertising, labeling, marking, brand or trade name, or otherwise, the number of jewels contained in a watch, or that a watch is "jeweled" or that a watch contains a jeweled movement. Illustratively, industry members should not:

(a) Represent or describe a watch as "jeweled" or as containing a jeweled movement unless the watch movement contains at least seven jewels each of which serves the purpose of protecting against wear from friction by providing a mechanical contact with a moving part at a point of wear;

(b) Refer to the number of jewels contained in a watch unless each and every one of these jewels serves the purpose of protecting against wear from friction by providing a mechanical contact with a moving part at a point of wear. [Guide 6]

§ 245.7 Misrepresentation of accessories.

Industry members should not misrepresent directly or indirectly, in advertising, labeling, marking, brand or trade name, or otherwise, the composition, quality, or any other material fact respecting accessories. Illustratively, industry members should not, under this section: use terms, representations of metallic composition, words or names associated with precious, semiprecious, synthetic, and imitation stones, and quality marks in a manner inconsistent with the provisions of the Commission's Trade Practice Rules for the Jewelry Industry, promulgated June 28, 1957, and amended November 17, 1959. [Guide 7]

§ 245.8 Deceptive selling of used, rebuilt, or secondhand products.

An industry product which in whole or in part is used, secondhand, rebuilt, repaired, refinished, or which contains parts that are used, secondhand, rebuilt, repaired or refinished, should not be sold, offered for sale or distributed unless the fact that such product or parts are not new, or are used, secondhand, rebuilt, or repaired, or refinished, is fully and nondeceptively disclosed in all advertising of the product, on the product itself or on a label firmly affixed thereto, and on the immediate container in which the product is sold to the ultimate consumer. [Guide 8]

§ 245.9 Deceptive imitation, obliteration, or concealment of trade names, trademarks, and marks.

Industry members should not imitate or simulate the trade names or trademarks of competitors, or obliterate, conceal, or remove tags, labels, marks, or other disclosures placed on an industry product or on the package in which it is sold to the ultimate consumer under circumstances having the capacity and tendency of deceiving the ultimate consumer as to the identity of the manufacturer, origin of the product, or in any other material respect. [Guide 9]

§ 245.10 Disclosure of foreign origin of watch movements.

Watches having movements of foreign origin should not be offered for sale or sold unless a clear and conspicuous disclosure of the country of origin is made. This disclosure should be permanently marked on an exposed surface of the watch or on a label or tag affixed thereto which has such a degree of permanency as to remain thereon until consummation of the consumer sale of the watch and be of such size and conspicuousness that it will be readily apparent to purchasers or prospective purchasers making a casual inspection of the watch. The country of origin of a watch movement is that country or countries in which its substantial and significant parts are manufactured and assembled. If substantial and significant parts are manufactured and assembled in more than one foreign country, the country of origin of each such component should be disclosed. [Guide 10]

§ 245.11 Deceptive pricing.

Members of the industry should not represent directly or indirectly in advertising or otherwise that an industry product may be purchased for a specified price, or at a saving, or at a reduced price, when such is not the fact; or otherwise deceive purchasers or prospective purchasers with respect to the price of any product offered for sale; or furnish any means or instrumentality by which others engaged in the sale of industry products may make any such representation.

NOTE: The Commission's January 8, 1964, Guides Against Deceptive Pricing furnish additional guidance respecting price savings representations and are to be considered as supplementing this section. Copies are available upon request.

[Guide 11]

§ 245.12 Commercial bribery.

Members of the industry should not give, offer to give, or permit or cause to be given, directly or indirectly, money or anything of value to employees or agents of customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence or cause their employers or principals to purchase or contract to purchase the products of such industry members, or to refrain from purchasing products from competitors of such members. [Guide 12]

§ 245.13 Coercing purchase of one product as a prerequisite to the purchase of other products.

Members of the industry should not coerce a customer or prospective customer to purchase one or more products as a prerequisite to the purchase of one or more other products, where the effect may be substantially to lessen competition, or tend to create a monopoly or to unreasonably restrain trade. [Guide 13]

§ 245.14 Misrepresentation of the character and size of business, extent of testing, etc.

Industry members should not falsely represent, directly or indirectly, in company, brand, or trade name, or in advertising, labeling or otherwise:

(a) The length of time they have been in business;

(b) The extent of their sales;

(c) Their rank in the industry as producers or distributors of a product or type of product;

(d) That they are manufacturers of industry products or own or control a factory engaged in the manufacture of such products;

(e) That they own or operate a laboratory, or that their products have been tested in any particular manner or for any period of time, or with any particular results;

(f) That a product or manufacturing process is new or exclusive; or

(g) Any other material aspect of their business or products. [Guide 14]

§ 245.15 Guarantees, warranties, etc.

(a) Industry members should not represent in advertising or otherwise that a product is "guaranteed" without clear and conspicuous disclosure in close conjunction with such representation of:

(1) The nature and extent of the guarantee, and

(2) Any material conditions or limitations in the guarantee which are imposed by the guarantor, and

(3) The manner in which the guarantor will perform thereunder, and

(4) The identity of the guarantor.

(b) A seller or manufacturer should not advertise or represent that a product is guaranteed when he cannot or does not promptly and scrupulously fulfill his obligations under the guarantee.

(c) A specific example of nonperformance of an obligation under the guarantee would arise in connection with the use of the phrase, "Satisfaction or your money back" if the guarantor does not promptly make a full refund of the purchase price upon request, irrespective of the reason for such request.

(d) Guarantees should not be used which under normal conditions are impractical of fulfillment or which are for such a period of time or are otherwise of such nature as to have the capacity and tendency of misleading purchasers or prospective purchasers into the belief that the product so guaranteed has a greater degree of serviceability, durability or performance capability in actual use than is true in fact.

(e) This section has application not only to "guarantees" but also to "warranties", to purported "guarantees" and "warranties", and to any promise or representation in the nature of a "guarantee" or "warranty."

NOTE: The Commission's April 26, 1960, Guides Against Deceptive Advertising of Guarantees furnish additional guidance respecting guarantee representations and are to be considered as supplementing this section. Copies are available upon request. [Guide 15]

§ 245.16 Use of the word "free".

In connection with the sale, offering for sale, or distribution of industry products, industry members should not use the word "free" or any other word or words of similar import, in advertisements or in other offers to the public, as descriptive of an article of merchandise, or service, which is not an unconditional gift, under the following circumstances:

(a) When all the conditions, obligations, or other prerequisites to the receipt and retention of the "free" article of merchandise or service offered are not clearly and conspicuously set forth at the outset so as to leave no reasonable probability that the terms of the offer will be misunderstood; and regardless of such disclosure:

(b) When, with respect to any article of merchandise required to be purchased in order to obtain the "free" article or service, the offerer (1) increases the ordinary and usual price of such article of merchandise, or (2) reduces its quality, or (3) reduces the quantity or size thereof.

NOTE: The disclosure provided by paragraph (a) of this section should appear in close conjunction with the word "free" (or other word or words of similar import) wherever such word first appears in each advertisement or offer. A disclosure in the form of a footnote, to which reference is made by use of an asterisk or other symbol placed next to the word "free", will not be regarded as compliance. [Guide 16]

APPENDIX

Set forth in this appendix are the thickness tolerances, and tests referred to in the foregoing Guides in this part.

1. *Thickness tolerances: plated and electroplated cases.* The minimum thicknesses specified in paragraphs (d), (e), and (f) of § 245.3 for the coatings of gold or gold alloy on watchcases shall mean that the coating of precious metal affixed to the surface of the metal stock shall be throughout the surface and at the thinnest point not less than the thickness specified after the completion of all finishing operations, including polishing, except, however, for such deviations therefrom, not exceeding 20 percent (minus) of the stated thickness, as may be proved by the manufacturer to have resulted from unavoidable variations in manufacturing processes and despite the exercise of due care, which deviation so proved shall be allowed if and when the quantity of precious metal remaining plated on the outside of the case is sufficient to equal the quantity necessary to provide the specified minimum thickness at all points on such watchcase including the thinnest point.

2. *Gold electroplate: standards and tests.* The gold electroplated surface coating of a watchcase should be free of cracks, blisters, pits or other flaws, and capable of successfully undergoing the following tests:

a. *Adhesion.* The watchcase should be heated to a temperature of not less than 360° nor more than 400° C. and maintained at that temperature for not less than 5 minutes. At the end of that time such surface coating should show no signs of blistering, flaking, peeling, or similar defects.

b. *Hardness.* Such surface coating should undergo a Knoop hardness test with a 25 gram load and achieve a rating of not less than 130.

c. *Porosity.* After such surface coating has been thoroughly cleaned and freed of any foreign material, the case should be:

(1) Immersed in a solution of one part concentrated nitric acid (sp.gr. 1.42) and one part water at room temperature for 5 minutes; and

(2) Exposed to fumes of concentrated nitric acid (sp.gr. 1.42) in a closed vessel for 3 hours at room temperature.

At the conclusion of each of the foregoing porosity tests, the surface coating should show no signs of having been attacked. Any discoloration or pitting should be considered as signs of an attack. The nitric acid solution in which the watchcase was immersed should be tested for the presence of metal by making it slightly alkaline with ammonium hydroxide and by adding a solution of ammonium or sodium sulfide. The formation of a black precipitate indicates that the coating has been attacked.

3. *Test for shock resistance.* A watch should be tested for shock resistance in a room having a temperature between 18° and 25° C. which does not vary by more than 2° during the test. A wrist watch which does not have a permanently affixed band should be tested without the band or strap.

The test should be conducted as follows:

a. One hour after the watch has been fully wound, its daily rate in each of the following three positions should be determined by observing it for 2 minutes in each position:

(1) Position HB (horizontal with the dial facing down);

(2) Position VC (vertical with 3 o'clock to the watch's left);

(3) Position VB (vertical with 3 o'clock pointed downwards).

b. Shocks equal to that which the watch would receive if it were dropped from a height of 3 feet onto a horizontal hardwood surface should be applied as follows:

(1) The first shock should be applied to the middle of the watch at a position directly opposite the crown and in a direction which is parallel to the plane of the watch;

(2) The second shock should be applied to the crystal, and in a direction which is perpendicular to the plane of the watch.

c. Five minutes after the last shock, the daily rate of the watch in each of the three positions described in a. above should be determined by observing it for 2 minutes in each position. The differences in daily rate before and after the shock should be determined for each position. The residual effect of the shocks will be equal to the greatest of these differences.

A watch will be considered to have passed the foregoing test, if after application of the shocks, it does not stop; the residual effect does not exceed 60 seconds per day; and an examination of the watch does not disclose any physical damage which would affect its operation or appearance, e.g., hands

bent or out of position, cracked crystal, or automatic or calendar devices inoperable or out of alignment.

4. *Test for water resistance.* A watch should be tested for water resistance by immersing it completely for at least 5 minutes in water under atmospheric pressure of 15 pounds per square inch and for at least another 5 minutes in water under an additional pressure of at least 35 pounds per square inch (total pressure of 50 pounds per square inch). If the watch does not admit any water or moisture it will be considered to have passed the test.

5. *Test for antimagnetic qualities.* A watch should be tested for its resistance to magnetism by placing it in a demagnetized condition in an electrical field of not less than 60 Gauss for at least 5 seconds in a vertical position and for at least 5 seconds in a horizontal position. If the daily rate of the watch has not been changed by more than 15 seconds as a result of the foregoing exposure, it shall be considered to have passed the test.

Promulgated by the Federal Trade Commission, July 19, 1968.

Adopted: May 14, 1968.

[SEAL] JOSEPH W. SHEA.
Secretary.

[F.R. Doc. 68-8476; Filed, July 18, 1968; 8:45 a.m.]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

[Bureau of Mines Schedule 13E]

PART 11—SELF-CONTAINED BREATHING APPARATUS

Procedures for Investigation, Tests, Certification, Approval, and Fees

On pages 4468–4474 of the FEDERAL REGISTER of March 13, 1968, there was published a notice and text of a proposed revision of Part 11 of Chapter I, Title 30, Code of Federal Regulations, prescribing requirements for investigating, testing, and certifying and approving self-contained breathing apparatus. This was the second notice pertaining to these regulations and the text so published was an extensive revision of the text that was published with the first notice beginning on page 8162 of the FEDERAL REGISTER of June 7, 1967.

As with the publication of the first notice and text, interested persons were given 30 days after the date of publication of the second notice within which to submit written comments, suggestions, or objections concerning the proposed regulations that were published in the FEDERAL REGISTER of March 13, 1968. Comments and suggestions were received from several sources and those which were considered reasonable and valid have been included in §§ 11.4(c), 11.21(c)(4), and 11.31(d)(3) together with editorial changes not of a substantive nature.

Part 11 of Chapter I, Title 30, Code of Federal Regulations, is revised as follows and shall be effective upon publication in the FEDERAL REGISTER.

EARL T. HAYES,
Acting Director.

Sec.

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AUTHORITY: The provisions of this Part 11 issued under sec. 5, 36 Stat. 370, as amended, 30 U.S.C. 7. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, 30 U.S.C. 3, 5.

Subpart A—General Provisions

§ 11.1 Purpose.

The regulations in this part set forth the requirements for certification or approval of self-contained breathing apparatus.

§ 11.2 Definitions.

As used in this part:

(a) A "self-contained breathing apparatus" or "apparatus" is a completely assembled, portable, self-contained device designed to provide respiratory protection against irrespirable gases, vapors, aerosols, or combinations thereof, and against oxygen-deficient atmospheres.

(b) "Bureau" means the Bureau of Mines of the U.S. Department of the Interior.

(c) An "approved" apparatus is one conforming to the requirements of this part and having a certificate of approval to that effect.

(d) A "certificate of approval" is a formal document issued by the Bureau stating that the apparatus has met the requirements of this part. It authorizes the use and attachment of an official approval label or marking to indicate this.

(e) A "closed-circuit" apparatus is one in which the exhaled air is rebreathed by the wearer after the carbon dioxide has been effectively removed and the oxygen concentration restored.

(f) An "open-circuit" apparatus is one from which exhaled air is vented to the atmosphere and not rebreathed.

(g) A "demand-type" apparatus is an open-circuit apparatus in which the pressure inside the facepiece in relation to the immediate environment is positive during exhalation and negative during inhalation.

(h) A "pressure-demand type" apparatus is an open-circuit apparatus having positive pressure inside the facepiece in relation to the immediate environment during both exhalation and inhalation.

(i) A "self-rescue apparatus" is an open- or closed-circuit apparatus for use only during emergency escape from irrespirable atmospheres and shall not be used for entry into such an atmosphere.

(j) "Entry into and escape from" means that the apparatus approved for these purposes may be used to enter an irrespirable atmosphere and/or to escape from it.

(k) "Auxiliary equipment" is a self-contained breathing apparatus that is limited when used underground in mines, tunnels, and similar operations to situations in which the wearer has ready access to fresh air and at least one crew of five or six men equipped with approved self-contained breathing apparatus, preferably of 2 hours or longer rating, is in reserve at a fresh air base.

(l) A "combination apparatus" is a self-contained breathing apparatus which combines the functions and purpose of a self-contained breathing apparatus with those of another type of respiratory protective device described in another part.

(m) "Compressed breathing gas" is oxygen or air stored in the apparatus and supplied to the wearer in a gaseous form.

(n) "Liquefied breathing gas" is oxygen or air stored in the apparatus in liquid form and supplied to the wearer in a gaseous form.

(o) "Applicant" means an individual, partnership, company, corporation, association, or other organization that designs, manufactures, assembles, or controls the assembly of an apparatus and that seeks a certificate of approval thereof.

§ 11.3 Consultation.

By appointment, applicants or their representatives may visit the Bureau's Health and Safety Research and Testing Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, to discuss with qualified Bureau personnel proposed self-contained breathing apparatus to be submitted in accordance with the regulations of this part. No charge is made for such consultation and no written report thereof will be made to the applicant.

§ 11.4 Types of apparatus.

(a) Types of apparatus covered by the requirements of this part are classified according to their use as follows:

(1) An apparatus for entry into or escape from oxygen-deficient atmospheres or irrespirable vapors, gases, or aerosols.

(2) Apparatus for escape only from oxygen-deficient atmospheres or from irrespirable vapors, gases, or aerosols.

(b) Apparatus covered by the requirements of this part are further classified according to their design as:

(1) *Closed-circuit apparatus.* (i) Compressed-oxygen;

(ii) Oxygen-generating;

(iii) Liquid-oxygen.

(2) *Open-circuit apparatus (using compressed or liquefied breathing gas).* (i) Demand-type;

(ii) Pressure-demand type.

(3) *Combinations of closed-circuit and open-circuit apparatus.* An apparatus of this type shall meet the applicable requirements of both closed-circuit and open-circuit classifications.

(c) Apparatus covered by the requirements of this part are also classified according to the length of time they will provide respiratory protection (as determined by the Bureau's tests) as follows:

(1) Four hours.
(2) Three hours.
(3) Two hours.
(4) One hour.
(5) Thirty minutes.
(6) Fifteen minutes.
(7) Ten minutes.
(8) Three minutes.

Only apparatus classified for 15 minutes service time or longer, except as indicated below, will be approved for purpose of entry into and escape from an irrespirable atmosphere. Apparatus with a rated service time of 3 minutes or 10 minutes will not be approved for entry into an irrespirable atmosphere, except as indicated below. The maximum rated service time for any self-contained breathing apparatus for self-rescue is 30 minutes. A combination self-contained breathing apparatus for self-rescue and air-line respirator (supplied-air respirator) described in paragraph (b) of § 11.22, with a 3- or 10-minute self-contained service time air supply, may be used for entry into an irrespirable atmosphere, providing entry is made using the air line air supply. A combination self-contained breathing apparatus for self-rescue and air-line respirator (supplied-air respirator) with a 15- or 30-minute self-contained service time air supply, may be used for entry into an irrespirable atmosphere, providing entry is made using the air-line air supply or providing not more than 20 percent of the available self-contained air supply is used for entry. Apparatus classified for less than 1-hour service time will not be approved for use in underground mining, tunneling, and similar operations except as auxiliary equipment. Apparatus with a rated service time less than one-half hour will not be approved as auxiliary equipment.

§ 11.5 Applications.

(a) No investigation or testing (including retesting of apparatus that has been previously tested and disapproved) will be undertaken hereunder by the Bureau except pursuant to a written application, in duplicate, accompanied by all drawings, specifications, descriptions, and related matters and also a check, bank draft, or money order, payable to the Bureau of Mines to cover the fees. The application and all related matters and correspondence concerning it shall be addressed to the Bureau of Mines, Health and Safety Research and Testing Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, Attention: Approval and Testing.

(b) Drawings, specifications, and descriptions shall be adequate in detail to identify fully all components and subassemblies and the assembled apparatus. All drawings shall include title, number, and date; any revision dates shall be shown on the drawings, and the purpose of each revision shall be shown on the drawing or described on an attachment to the drawing to which it applies.

(c) Duplicate sets of detailed drawings and specifications shall be a part of the application. These shall fully describe the construction, dimensions, composition, materials, finishes, and assembly of all parts of the apparatus.

(d) The application shall state that, when tested by the applicant or his testing agency, the apparatus has met the pertinent requirements of Subparts B and C of this part. Two copies of the results of the applicant's inspections and tests shall accompany the application. The Bureau will, upon request, provide the applicant with drawings and descriptions of test equipment and will assist the applicant where possible in setting up a test laboratory or obtaining the services of a testing agency.

(e) The application shall state that the apparatus is completely developed and is a finished marketable product.

(f) The application shall describe the function of the apparatus and the operation of its parts.

(g) The application shall state how production items will be tested to maintain quality control of the apparatus and its component parts. The Bureau may have its qualified representative(s) inspect the applicant's control-test methods, equipment, and records, and may interview the personnel who conduct the control tests, at all reasonable times.

(h) When the Bureau notifies the applicant that the application has been accepted, it will also inform him of the number of complete apparatus and extra parts that will be required for testing. All test materials shall be delivered (charges prepaid) to the Bureau of Mines, Health and Safety Research and Testing Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, Attention: Approval and Testing.

§ 11.6 Fees.

The following fees are charged for inspecting and testing self-contained breathing apparatus.

(a) Apparatus for entry into or escape from oxygen-deficient atmospheres or irrespirable vapors, gases, or aerosols:

(1) Complete 4-hour self-contained breathing apparatus inspection and tests ---------- $3,465

(2) Complete 3-hour self-contained breathing apparatus inspection and tests ---------- $3,275

(3) Complete 2-hour self-contained breathing apparatus inspection and tests ---------- $3,080

(4) Complete 1-hour self-contained breathing apparatus inspection and tests ---------- $2,890

(5) Complete ½-hour self-contained breathing apparatus inspection and tests ---------- $2,610

(6) Complete ¼-hour self-contained breathing apparatus inspection and tests ---------- $2,090

(b) Apparatus for escape only from oxygen-deficient atmospheres or from irrespirable vapors, gases, or aerosols ---------- $1,735

(c) Facepiece alone---------- $355

(d) Fees for tests of unusually complicated apparatus, for unusual tests, or tests not included in this list or for tests required for extensions of approval, will be based on the actual costs of testing, which will be estimated in advance by the Bureau. The applicant will be notified accordingly, and the fee shall be paid before tests are begun. Any surplus will be refunded to the applicant.

(e) Where an apparatus requires less than a complete investigation, the fee will be in proportion to the work involved. If the applicant cannot determine the fee, the Bureau will notify him of the proper fee required. Any surplus will be refunded to the applicant.

NOTE: If a self-contained breathing apparatus fails to pass any of the required tests and the applicant notifies the Bureau to terminate further investigation or testing, the Bureau will return to the applicant any part of the fee not applied to its compensation for services. If the self-contained breathing apparatus is resubmitted for testing and approval after correcting the deficiencies, the additional fee will be estimated in advance by the Bureau and the applicant will be notified accordingly. Such fee shall be paid before tests are begun.

§ 11.7 Date for testing.

The date of acceptance of an application will determine its order of precedence for investigation and testing. The applicant, if he so specifies, will be notified of the date when tests on his apparatus will begin. If an apparatus fails to meet any of the requirements, it shall lose its order of precedence. If the application is resubmitted, after the cause of failure has been corrected, it will be treated as a new application.

§ 11.8 Conduct of investigations, tests, and demonstrations.

(a) Prior to the issuance of a certificate of approval, only Bureau personnel, representatives of the applicant, and such other persons as may be mutually agreed upon, may observe the investigations or tests. The Bureau shall hold as confidential, and shall not disclose, principles or patentable features prior to certification. It shall not disclose any analyses, nor any details of the applicant's drawings, specifications, and related material. The conduct of all investigations, tests, and demonstrations shall be under the sole direction and control of the Bureau. Any other persons shall be present only as observers or as required under paragraph (c) of this section.

(b) After the issuance of a certificate of approval, the Bureau may conduct such public demonstrations and tests of the approved apparatus as it deems appropriate.

(c) When requested by the Bureau, the applicant shall provide assistance in assembling or disassembling the apparatus and its components, subassemblies, or assemblies for testing, in preparing the apparatus and its components, subassemblies, or assemblies for testing, and

in operating the apparatus during the tests.

(d) Applicants shall be responsible for their representatives present during tests and for observers admitted at their request and shall save the Government harmless in the event of damage to applicant's property or injury to applicant's representatives or to observers admitted at their request.

§ 11.9 Certificate of approval.

(a) Certificates of approval will be issued hereunder only for completely assembled apparatus, and not for component parts or subassemblies.

(b) Upon completion of the investigation and testing of an apparatus, the Bureau will issue to the applicant either a certificate of approval or a written notice of disapproval. Informal notifications of approval will not be issued. If a certificate of approval is issued, no test data or detailed results will accompany it. If a notice of disapproval is issued, it will be accompanied by any available information about the defects, with a view to possible correction. The Bureau will not disclose, except to the applicant, any information on an apparatus upon which a notice of disapproval has been issued.

(c) A certificate of approval will be accompanied by a list of drawings and specifications covering the details of design and construction of the apparatus. The applicant shall keep exact duplicates of the drawings and specifications submitted to the Bureau. The approved drawings and specifications shall be adhered to exactly in commercial production of the certified apparatus.

§ 11.10 Approval labels and markings.

(a) A certificate of approval will be accompanied by photograph(s) of design(s) of approval label(s). Legible reproductions of the entire label(s) shall be attached permanently to each apparatus. When, in the Bureau's opinion, there is insufficient space, or some other valid reason, the label(s) may be reproduced on the apparatus instructions. The label(s) will bear the seal of the Bureau of Mines, the approval number, the manufacturer's name and address, the duration of use for which the apparatus is approved, and the limitations or conditions for safe and efficient use of the apparatus.

(b) The Bureau will notify the applicant if any additional labels or markings will be required on subassemblies and parts.

(c) Full-scale reproductions of approval labels and markings and a sketch or description of their method of application and position on the apparatus shall be submitted to the Bureau for approval before final adoption.

(d) Use of the Bureau's approval label obligates the applicant to maintain the quality of the apparatus and to guarantee that it is manufactured according to the drawings and specifications upon which the certificate of approval is based. The approval label shall be used only by the applicant.

§ 11.11 Material required for record.

(a) The Bureau will retain, as part of the permanent record of each investigation, a complete apparatus and any component thereof that has been tested and certified. Material not required for record will be returned to the applicant at his request and expense.

(b) As soon as a certified apparatus is commercially available, the applicant shall deliver one complete unit free of charge to the Bureau of Mines, Health and Safety Research and Testing Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, Attention: Approval and Testing.

§ 11.12 Changes after certification.

If an applicant desires to change any feature of a certified apparatus, he shall first obtain the Bureau's approval of the change, pursuant to the following procedure:

(a) Application shall be made as for an original certificate of approval, requesting that the existing certification be extended to cover the proposed change(s). The application shall be accompanied by drawings, specifications, and related material in full detail.

(b) The application and accompanying material will be examined by the Bureau to determine whether testing will be required. The Bureau will inform the applicant of the fee required for any testing involved.

(c) If the proposed modification meets the requirements of this part, a formal extension of certification will be issued, accompanied by a list of new and revised drawings and specifications covering the change(s).

§ 11.13 Withdrawal of certification.

The Bureau reserves the right to rescind, for cause, any certificate of approval issued under this part.

Subpart B—Design, Construction, Requirements, and Bench Tests

§ 11.20 Design and construction.

(a) The Bureau will only investigate and test apparatus that, in its opinion, is constructed of suitable materials, evidences good workmanship, and is designed on sound engineering and scientific principles. The following factors of design and construction will be evaluated: Safety; distribution of weight; durability of construction; practicability of wearer use including comfort, field of vision, fit of mouthpiece, noseclip, facepiece, and harness; and performance during investigation and testing, including any adverse effects on the wearer of the apparatus.

(b) All possible designs, assemblies, or combination of materials and components cannot be foreseen. The Bureau, therefore, reserves the right to modify or omit any test(s) or part(s) of any test(s) described in Subparts B and C of this part, or to perform other test(s) not specifically stated, in order to obtain the necessary information and to provide the same degree of safety as required by the test requirements described in this part. The Bureau will notify the applicant of any changes in the tests or requirements.

§ 11.21 Requirements and tests.

(a) *General requirements.* All parts of the apparatus shall be designed and constructed for maximum safety of the wearer. Parts requiring frequent replacement shall be easily replaceable and after such replacement the effectiveness of the apparatus shall be restored. The construction of the apparatus shall readily permit inspection, testing, and repair of functional parts by persons skilled in such work. All parts requiring cleaning and disinfection shall be readily accessible for this purpose. All parts of the apparatus that are in direct contact with portions of the wearer's body shall be of nonirritating composition.

(b) *Breathing gas requirements.* Self-contained breathing apparatus shall be approved for use only when it supplies respirable breathing gas to the wearer. Oxygen (including liquid oxygen) shall meet the requirements of the United States Pharmacopeia for medical or breathing oxygen. Compressed (gaseous) breathing air shall meet the most recent requirements of the Compressed Gas Association Commodity Specification for Air, G–7.1, Type I, Grade D, gaseous air. Compressed (liquefied) breathing air shall meet the most recent requirements of the Compressed Gas Association Commodity Specification for Air, G–7.1, Type II, Grade B, liquid air. In no case, however, the named specifications notwithstanding, shall the breathing air supplied by the apparatus contain less than 20.5 volume-percent of oxygen (see also § 11.31(d)(4)). No apparatus will be approved for interchangeable use of air and oxygen.

(c) *Requirements and tests for component parts.* The following requirements shall apply to all self-contained breathing apparatus, except where specifically indicated below.

(1) *Facepiece.* If a facepiece is used, it shall assure a gas-tight fit on persons of widely varying facial shapes and sizes. The applicant shall certify that the eyepiece(s) meets the pertinent requirements for impact and penetration specified in the most recent United States of America Standards Institute Safety Code for Eye Protection. The wearer's field of vision shall be adequate and not distorted by the eyepiece(s). The design of facepiece shall minimize eyepiece fogging. Facepiece exhalation valves or pressure relief valves and inhalation valves shall be protected against distortion. An adjustable head harness capable of maintaining tension under all circumstances shall be furnished. The facepiece shall have, or be capable of having added to it, a provision for the use of corrective spectacles. The use of spectacles shall not reduce the respiratory protective qualities of the apparatus.

(2) *Mouthpiece and noseclip.* If a mouthpiece and noseclip are used, both shall be provided. An adjustable head harness capable of maintaining tension under all circumstances shall be furnished. They shall provide an air-tight seal and shall be securely attached to the apparatus to prevent accidental loss.

(3) *Gas and liquid container(s).* Compressed-breathing gas container(s) shall be acceptable for interstate shipment when fully charged and shall comply with pertinent requirements in Department of Transportation or Interstate Commerce Commission Specification 3AA or other applicable DOT or ICC regulation. Compressed-breathing gas container valves shall be equipped with outlet threads specified for the service by the United States of America Standards Institute Standard for Compressed Gas Cylinder Valve Outlet and Inlet Connections, B57.1—1965. Containers that are normally removed from the apparatus for refilling shall be permanently and legibly marked with the name of their contents, such as compressed-breathing air, compressed-breathing oxygen, liquefied-breathing air, or liquefied-breathing oxygen. Compressed-breathing-gas containers, when they are normally removed from the apparatus for refilling, shall be equipped with a dial-indicating gage to show container pressure. The gage shall meet the requirements of subparagraph (4) of this paragraph.

(4) *Gages.* (i) Gas pressure gages (except compressed-breathing-gas container gages) shall be calibrated either in pounds per square inch or in fractions of the total container capacity, or both. Compressed-breathing-gas container gages shall be calibrated in pounds per square inch and may also be calibrated in fractions of total container capacity.

(ii) Liquid-level gages shall be calibrated in fractions of the total container capacity and may also be calibrated in units of liquid volume.

(iii) Dial-indicating gages shall be reliable to within 5 percent of full scale when tested both up and down the scale at each of 10 equal intervals. The full-scale graduation of the gage shall not be in excess of 150 percent of the maximum cylinder pressure allowed under applicable regulations of the Department of Transportation or the Interstate Commerce Commission.

(iv) Stem-type gages shall be readable by sight and by touch and shall have a stem travel distance not less than one-fourth inch between each graduation. At least five graduations shall be engraved on the stem, including empty, one-quarter, one-half, three-quarters, and full. Stem gage readings shall not vary from true readings by more than $\frac{1}{16}$-inch per inch of stem travel.

(v) The loss of gas through a broken gage or severed gage connection shall not exceed 70 liters per minute when the cylinder pressure is 1,000 pounds per square inch gage or the liquid level at one-half.

(vi) When a gage is connected to the remainder of the apparatus through a gage line, a means shall be provided to isolate the gage and line from the apparatus, unless failure of the gage or line does not impair performance or service life of the apparatus.

(vii) Oxygen gages shall have the words, "Use No Oil," marked prominently on the gage.

(viii) Apparatus using compressed or liquefied breathing gas, except apparatus for self-rescue, shall have, visible to the wearer, a gage that indicates remaining gas or liquid content.

(5) *Timers.* A timer shall be included on oxygen-generating apparatus (except apparatus only for self-rescue). It shall be accurately calibrated in minutes of remaining service life. It shall be discernible by the wearer's sight and touch while the apparatus is in use. Setting of the timer shall automatically set an alarm which will warn the wearer for not less than 10 seconds after the preset time has elapsed.

(6) *Remaining service-life indicator or warning.* Apparatus (except apparatus only for self-rescue) using compressed-breathing gas shall have a remaining service-life indicator or warning device in addition to a pressure gage. The device shall operate automatically, without preadjustment by the wearer, when the remaining service life is reduced to between 20 and 25 percent of the rated service time of the apparatus. If the device depends on gas flow, the maximum flow-rate of gas vented to the atmosphere, that is used to operate such a device shall not exceed 4 liters per minute. When used on closed-circuit apparatus, not more than 1 liter per minute of the actuating gas shall be permitted to escape from the breathing circuit.

(7) *Hand-operated valves.* (i) Valves shall be designed so that the stem cannot be completely removed from the valve body during normal usage and so that the full pressure of the container cannot be released suddenly when the valve is opened. Valves that must be manipulated during the use of the apparatus shall be positioned where they can be readily operated by the wearer. Valves shall be protected from damage by external forces. Valves shall be easily distinguishable from each other and shall be designed or positioned to prevent accidental closing.

(ii) A main-line valve shall be provided, in addition to a gas-container valve(s), if it is needed to conserve gas in the event of regulator or demand valve failure, except as provided in subdivision (iv) of this subparagraph.

(iii) A hand-operated bypass system shall be provided to permit the wearer to breathe and to conserve his gas supply if the regulator or demand valve fails except as provided in subdivision (iv) of this subparagraph. The bypass control shall be colored red.

(iv) A main-line valve and bypass system will not be required on apparatus for escape only.

(8) *Breathing bag.* When a breathing bag(s) is used on an apparatus (except for self-rescue only), it shall be designed or protected to prevent damage or collapse from external force. The bag(s) of all apparatus shall be of sufficient volume to prevent gas waste during exhalation and to provide an adequate reserve for inhalation, as determined by man tests described in Subpart C of this part. The bag(s) shall be flexible and resistant to gasoline vapors. The bag(s) will be tested in an air atmosphere saturated with gasoline vapor at room temperature (75°–85° F.) for a continuous period of twice the rated time of the apparatus (except for apparatus for self-rescue only where the test period shall be the rated time of the apparatus). The bag(s) will be operated during this test by a breathing machine with 24 respirations per minute and a minute-volume of 40 liters. A breathing machine cam with a work rate of 622 kg-m/min [1] will be used. The air within the bag(s) shall not contain more than 100 parts per million of gasoline vapor at the end of the test.

(9) *Carrying or storage container.* Where a carrying or storage container or bracket is supplied by the applicant for use with a self-contained breathing apparatus, the container shall be examined and approved by the Bureau as part of the complete apparatus.

(10) *Safety relief valves or system.* All closed-circuit appartus shall be provided with a safety pressure-relief valve or system that will release excess pressure in the breathing circuit. Excess pressure in the breathing circuit is defined as $\frac{1}{2}$-inch-water-column height of pressure, or more, above the minimum pressure required to fill the breathing bag within the resistance requirements in paragraph (d)(2) of this section. The safety relief valve, or system shall be operated automatically by the pressure on the inhalation side of the bag. The valve or system shall also permit manual overriding for test purposes and in the event of failure of the safety relief valve or system. The safety relief valve or system shall be designed to prevent external atmospheres from entering the breathing circuit.

(d) *Requirements and tests for complete apparatus*—(1) *Weight.* The completely assembled and fully charged apparatus shall not weigh more than 35 pounds; except that when the weight of an apparatus decreases by more than 25 percent of its initial charge weight during its service life, the completely assembled and fully charged apparatus shall not weigh more than 40 pounds. When an apparatus is equipped with a device which would contribute materially to the wearer's comfort (such as a cooling system), the completely assembled and fully charged apparatus shall not weigh more than 40 pounds regardless of the decrease in weight during use.

(2) *Breathing resistance*—(i) *Inhalation.* Resistance to airflow will be measured at the facepiece while the apparatus is operated by a breathing machine as described in paragraph (c)(8) of this section. The inhalation resistance of open-circuit apparatus shall not exceed 1.25-inch-water-column height. The inhalation resistance of closed-circuit apparatus shall not exceed the difference

[1] Silverman, L., G. Lee, T. Plotkin, L. Amory, and A. R. Yancey, Fundamental Factors in Design of Protective Equipment, O.S.R.D. Report No. 5732, issued April 1, 1945.

between exhalation resistance and 4 inches of water-column height.

(ii) *Exhalation.* Resistance to airflow at the facepiece of open-circuit apparatus will be measured with air flowing at a continuous rate of 85 liters per minute. The exhalation resistance of demand apparatus shall not exceed 1 inch of water-column height. The exhalation resistance of pressure-demand apparatus shall not exceed the static pressure in the facepiece by more than 2 inches of water-column height. The static pressure (at zero flow) in the facepiece shall not exceed 1.5 inches of water-column height.

Resistance to airflow at the facepiece of closed-circuit apparatus will be measured as described in subdivision (i) of this subparagraph. The exhalation resistance shall not exceed 2 inches of water-column height.

(3) *Gas flow*—(i) *Open-circuit apparatus.* A static-flow test will be performed on all open-circuit apparatus. The flow from the apparatus shall be greater than 200 liters per minute when the facepiece pressure is lowered by 2 inches water-column height below the static pressure when full container pressure is applied. Where compressed-breathing-gas containers are used, the flow test shall also be made with 500 p.s.i.g. container pressure applied.

(ii) *Closed-circuit apparatus.* If oxygen is supplied by a constant-flow device only, the rate of flow shall be at least 3 liters per minute for the entire rated service time of the apparatus. When constant flow is used in conjunction with demand flow, the constant flow shall be greater than 1.5 liters per minute for the entire service time. The demand-flow device shall provide at least 20 liters of oxygen per minute when it is in the fully open position.

(4) *Rated service time*—(i) *Open-circuit apparatus.* The apparatus will be rated according to the length of time it supplies air or oxygen to a mechanical breathing machine. The breathing machine shall operate as described in paragraph (c)(8) of this section. The service time obtained on this test will be used to classify the apparatus in § 11.4(c).

(ii) *Closed-circuit apparatus.* The apparatus will be rated according to the length of time it supplies adequate breathing gas to the wearer as required in subparagraphs (2) (inhalation resistance) and (5) (carbon dioxide concentration) of this paragraph, and during man test No. 4 described in Table 4, § 11.31. The service time obtained on man test No. 4 will be used to classify the apparatus in § 11.4(c).

(5) *Carbon dioxide in inspired gas.* (i) Open-circuit apparatus: The concentration of carbon dioxide in inspired gas will be measured at the mouth while the apparatus mounted on a dummy head is operated by a breathing machine. The breathing rate shall be 14.5 respirations per minute with a minute-volume of 10.5 liters. A sedentary breathing machine cam shall be used. The apparatus shall be tested at a temperature of 80±5° F. A concentration of 5 percent carbon dioxide in air shall be exhaled into the facepiece. Tested in this manner, the apparatus shall meet the requirements of subdivision (ii) of this subparagraph.

(ii) Closed-circuit apparatus: The concentration of carbon dioxide will be measured at the mouth while the parts of the apparatus contributing to dead-air space are mounted on a dummy head. Tested in this manner the apparatus shall meet the requirements of subdivision (iii) of this subparagraph.

(iii) The concentration of carbon dioxide at the mouth shall be continuously recorded. The maximum average concentration during the inhalation portion of the breathing cycle shall be less than the following:

Where the rated service time is:	*Maximum allowable average concentration of carbon dioxide in inspired air, percent by volume*
Not more than 30 minutes	2.5
1 hour	2.0
2 hours	1.5
3 hours	1.0
4 hours	1.0

(iv) In addition, during the man tests described in Tables 1 through 4 in § 11.31, gas samples shall be taken from closed-circuit apparatus at a point downstream of the carbon dioxide sorbent. The samples shall not contain more than 0.5 percent carbon dioxide at any time.

(6) *Low-temperature operation*—(i) *Open-circuit apparatus.* The apparatus will be precooled at −25° F. for 4 hours. It will then be worn in a low-temperature chamber at −25° F. for 30 minutes or for the rated service time of the apparatus, whichever is less. During this test there shall be alternate periods of exercise and rest for 1 minute each for the required time. The exercises to consist of stepping onto and off a box 8½ inches high at a rate of 30 cycles per minute. The apparatus shall function satisfactorily on duplicate tests. The wearer shall have sufficient unobscured vision to perform the work. The wearer shall not experience undue discomfort because of airflow restriction or other physical or chemical changes in the operation of the apparatus. If necessary, auxiliary low-temperature parts may be used on the apparatus to meet the requirements of this test. These parts shall be commercially available to the user of the apparatus.

(ii) *Closed-circuit apparatus.* The applicant shall specify the minimum temperature for safe operation. Three persons will perform the tests described in subdivision (i) of this subparagraph, wearing the apparatus according to the applicant's directions at the minimum temperature specified by the applicant. At the specified temperature, the apparatus shall meet all the requirements described in subdivision (i) of this subparagraph.

§ 11.22 Requirements for combination self-contained breathing apparatus and another type of respiratory protective device.

(a) Respiratory protective devices combining the characteristics of a self-contained breathing apparatus and another type of respiratory protective device shall meet the requirements of this part as well as the requirements of any other part which is applicable to the total purpose of the device for which approval is sought. The approval, if granted, will be issued under this part. The Bureau will specify, in the certificate of approval and on the approval label, the limitations which shall apply to the use of the combination respiratory protective device.

(b) When the device is a combination self-contained breathing apparatus and air-line respirator (supplied-air respirator) either a manual or automatic valve(s) shall be provided to change to the self-contained air supply if the air-line supply fails, and to prevent the wearer breathing contaminated air from the outside atmosphere. If a manual valve is provided, it shall be easily operable and located in a position which is convenient to the wearer; a warning device shall be provided to alert the wearer when the self-contained air supply falls below 80 percent of its full container pressure. If an automatic valve is provided, a warning device shall also be provided to alert the wearer that he is breathing from the self-contained air supply, (1) when his normal air-line supply fails, or (2) when the self-contained air supply falls below 80 percent of its full container pressure. A quick disconnect and check valve shall be provided between the apparatus and the air-line supply hose to permit ready escape from the area, and to prevent loss of breathing air from the device or inhaling the surrounding atmosphere, respectively.

Subpart C—Man Tests

§ 11.30 General description of tests.

(a) The following tests represent the workload a man would perform while wearing an apparatus in the mining, mineral, and allied industries.

(b) The apparatus will be worn by Bureau of Mines personnel who are trained in the use of self-contained breathing apparatus. Before participation in any of these tests, the wearer shall pass a physical examination by a qualified physician. If a test is not completed through no fault of the apparatus, the test shall be repeated.

[2] Work cited in footnote 1.

(c) Breathing resistance will be measured within the facepiece or mouthpiece. The wearer's pulse and respiration rates will be recorded during the 2-minute sample periods indicated in Tests 1 through 4, below. These will evaluate the wearer's physiological reactions to wearing the apparatus.

(d) All tests will be conducted by the Bureau of Mines in an appropriate gallery.

(e) The apparatus will be examined before each test to make certain it is in proper working order.

§ 11.31 Test procedures and requirements.

Tests 1 through 6, inclusive shall be performed in duplicate.

(a) *Tests 1, 2, 3, and 4.* The duration of specific activities and their sequence for Tests 1 through 4 are given in Tables 1 through 4. These tests are designed to familiarize the wearer with the apparatus, provide a gradual increase in activity, evaluate the apparatus under different types of work and physical orientation of the wearer, and to provide information on the operating and breathing characteristics of the apparatus under anticipated conditions of use.

(b) *Test 5.* This test will determine the maximum length of time the apparatus will supply the respiratory needs of the wearer while he is sitting at rest. The wearer will manipulate the devices controlling the supply of breathing gas to the advantage of the apparatus. Samples of the atmosphere within the apparatus shall be taken once every 15 minutes for apparatus with rated service times of 1 hour or less and once every 30 minutes for apparatus rated over 1 hour. One sample will be taken in the case of 3- and 10-minute apparatus.

(c) *Test 6.* This test is applicable to liquefied-breathing gas apparatus only. It is designed to evaluate operation of the apparatus in other than vertical positions. The wearer shall lie face downward for one-fourth the service life of the apparatus with both full and one-quarter full charges of liquefied gas. The test will be repeated with the wearer lying on each side and on his back. The oxygen content of the gas supplied to the wearer by the apparatus will be continuously measured.

(d) *General requirements.* (1) The apparatus shall satisfy the respiratory requirements of the wearer for the rated service time.

(2) Fogging of the eyepiece(s) shall not obscure the wearer's vision and the wearer shall not experience undue discomfort because of fit or other characteristics of the apparatus.

(3) The temperature of inspired air should be minimal. The maximum temperature of inspired air during man tests shall not exceed the following:

Where service life of apparatus is—	Where percent relative humidity of inspired air is—	Maximum permissible temperature (°F) of inspired air shall not exceed—
½ hour or less	0–50	125
	50–100	110
1 to 2 hours	0–50	115
	50–100	105
3 hours	0–50	110
	50–100	100
4 hours	0–50	105
	50–100	95

Man tests will be conducted only when the ambient temperature is between 65° F. and 85° F., except as provided in § 11.21(d).

(4) The concentration of oxygen in the inhaled air shall not be less than 20.5 volume-percent.

§ 11.32 Gas tightness tests.

Each apparatus will be tested for tightness by persons wearing it first in an atmosphere of 1000 p.p.m. isoamyl acetate and then in a 2 volume-percent test concentration of phosgene. To meet the requirements of this test, six persons shall each wear the apparatus in the test concentrations for 2 minutes and none shall detect the odor or taste of the test gases.

TABLE 1.—DURATION AND SEQUENCE OF SPECIFIC ACTIVITIES FOR TEST 1, IN MINUTES

Activity	Rated service time—					
	3 minutes	10 minutes	15 minutes	30 minutes	1 hour	2, 3, and 4 hours
Sampling and readings			2	2	2	Perform 1 hour test 2, 3, or 4 times, respectively.
Walks at 3 miles per hour	3	3	4	8	18	
Sampling and readings		2	2	2	2	
Walks at 3 miles per hour		3	5	8	18	
Sampling and readings		2	2	2	2	
Walks at 3 miles per hour				6	16	
Sampling and readings				2	2	

TABLE 2.—DURATION AND SEQUENCE OF SPECIFIC ACTIVITIES FOR TEST 2, IN MINUTES

Activity	Rated service time—					
	3 minutes	10 minutes	15 minutes	30 minutes	1 hour	2, 3, and 4 hours [1]
Sampling and readings			2	2	2	2.
Walks at 3 miles per hour		1	1	3	6	10.
Carries 50 pound weight over overcast		1 time in 2 minutes.	1 time in 2 minutes.	2 times in 4 minutes.	4 times in 8 minutes.	5 times in 10 minutes.
Walks at 3 miles per hour			1	3	3	5.
Climbs vertical treadmill [2] (or equivalent)	1	1	1	1	1	1.
Walks at 3 miles per hour		1			3	5.
Climbs vertical treadmill (or equivalent)					1	1.
Sampling and readings				2	2	2.
Walks at 3 miles per hour			2	2	5	11.
Climbs vertical treadmill (or equivalent)			1	1	1	1.
Carries 50 pound weight over overcast			1 time in 2 minutes.	3 times in 6 minutes.	5 times in 10 minutes.	5 times in 10 minutes.
Sampling and readings		2			2	2.
Walks at 3 miles per hour			1	3	3	
Climbs vertical treadmill or equivalent		1		1	1	Then repeat above activities once.
Walks at 3 miles per hour		2			3	
Climbs vertical treadmill (or equivalent)					1	
Carries 45 pound weight and walks at 3 miles per hour	1				2	
Walks at 3 miles per hour	1				4	
Sampling and readings			2	2	2	

[1] Total test time for Test 2 for 2-hour, 3-hour, and 4-hour apparatus is 2 hours.
[2] Treadmill shall be inclined 15 degrees from vertical and operated at a speed of 1 foot per second.

TABLE 3.—DURATION AND SEQUENCE OF SPECIFIC ACTIVITIES FOR TEST 3, IN MINUTES

Activity	Rated service time—					
	3 minutes	10 minutes	15 minutes	30 minutes	1 hour	2, 3, and 4 hours[1]
Sampling and readings			2	2	2	Perform test No. 3 for 1 hour apparatus, then perform test No. 1 for 1 hour apparatus.
Walks at 3 miles per hour		1	1	2	3.	
Runs at 6 miles per hour	1	1	1	1	1.	
Pulls 45 pound weight to 5 feet			30 times in 2 minutes.	30 times in 2 minutes.	60 times in 6 minutes.	
Lies on side	½	1	2	3	5.	
Lies on back	½	1	2	2	3.	
Crawls on hands and knees	1	1	2	2	2.	
Sampling and readings		2		2	2.	
Runs at 6 miles per hour			1	1	1.	
Walks at 3 miles per hour				2	10.	
Pulls 45 pound weight to 5 feet		30 times in 2 minutes.		60 times in 6minutes.	60 times in 6 minutes.	
Sampling and readings			2		2.	
Walks at 3 miles per hour		1		3	10.	
Lies on side					4.	
Lies on back					1.	
Sampling and readings				2	2.	

[1] Total test time for Test 3 for 2-hour, 3-hour, and 4-hour apparatus is 2 hours.

TABLE 4.—DURATION AND SEQUENCE OF SPECIFIC ACTIVITIES FOR TEST 4, IN MINUTES

Activity	Rated service time—							
	3 minutes	10 minutes	15 minutes	30 minutes	1 hour	2 hours	3 hours	4 hours
Sampling and readings			2	2	2	Perform test No. 1 for 30-minute apparatus, then perform test No. 4 for 1-hour apparatus, then perform test No. 1 for 30-minute apparatus.	Perform test No. 1 for 1-hour apparatus, then perform test No. 4 for 1-hour apparatus, then perform test No. 1 for 1-hour apparatus.	Perform test No. 1 for 1-hour apparatus, then perform test No. 4 for 1-hour apparatus, then perform test No. 1 for 1-hour apparatus twice (i.e., two one-hour tests).
Walks at 3 miles per hour			1	2	2.			
Climbs vertical treadmill [1] (or equivalent)	1	1	1	1	1.			
Walks at 3 miles per hour		1	1	2	2.			
Pulls 45 pound weight to 5 feet		30 times in 2 minutes.	30 times in 2 minutes.	60 times in 5 minutes.	60 times in 5 minutes.			
Walks at 3 miles per hour		1	1	1	3.			
Carries 50 pound weight over overcast.			1 time in 1 minute.	1 time in 1 minute.	4 times in 8 minutes.			
Sampling and readings		2		2	2.			
Walks at 3 miles per hour			1	3	4.			
Runs at 6 miles per hour		1	1	1	1.			
Carries 50 pound weight over overcast.		1 time in 1 minute.	1 time in 1 minute.	2 times in 3 minutes.	6 times in 9 minutes.			
Pulls 45 pound weight to 5 feet	15 times in 1 minute.		15 times in 1 minute.	60 times in 5 minutes.	36 times in 3 minutes.			
Sampling and readings			2	2	2			
Walks at 3 miles per hour	1	1			6.			
Pulls 45 pound weight to 5 feet					60 times in 5 minutes.			
Carries 45 pound weight and walks at 3 miles per hour					3.			
Sampling and readings					2			

[1] Treadmill shall be inclined 15 degrees from vertical and operated at a speed of 1 foot per second.

[F.R. Doc. 68-8289; Filed, July 18, 1968; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 151—SERVICE IN POST OFFICES

Nonavailability of Boxes of Adequate Size

A notice of proposed rule making was published in the FEDERAL REGISTER of May 22, 1968 (33 F.R. 7575) consisting of a revision of § 151.3(c)(4) to provide for the assignment of a smaller box when there is no box available which is large enough to accommodate the average daily mail of a patron. In such cases, if the volume warrants, a bag or other container may be used in lieu of the box. The fee for this service would be equivalent to the rental rate for a box large enough to accommodate the daily mail volume. In addition, it was proposed that when no boxes of any size are available, patrons receiving a substantial quantity of mail would be provided firm holdout service or firm call service whereby an authorized firm employee may pick up the mail at the post office in lieu of delivery service.

Interested persons were given 30 days in which to submit written comments concerning the proposals. Based on the two comments received, the Department has concluded to adopt the proposals.

Accordingly, § 151.3(c)(4) reads as follows and will be effective 30 days after publication of this notice in the FEDERAL REGISTER:

§ 151.3 Post office boxes.

* * * * * * *

(c) *Rental rates.* * * *

(4) *When boxes of adequate size are not available.* When a box large enough to accommodate the daily average mail of a patron is not available, a smaller available box may be assigned. In such cases, if the volume warrants, a bag or other container may be used in lieu of placing the mail in the box. The fee for this service will be equivalent to the rental that would be collected for the size box necessary to accommodate the average daily mail volume. If the average daily mail volume exceeds the capacity of the largest box in the installation, the rental fee for the largest box will be collected. When there are no boxes of any size available, qualifying patrons (firms regularly receiving 50 or more letters on the first delivery trip), may be provided firm holdout service or firm call service, until a box can be assigned.

* * * * * * *

NOTE: The corresponding Postal Manual section is 151.334.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

JULY 15, 1968.

[F.R. Doc. 68-8578; Filed, July 18, 1968; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER C—MINERALS MANAGEMENT

[Circular 2243]

PART 3120—OIL AND GAS

Subpart 3123—Noncompetitive Leases

MISCELLANEOUS AMENDMENTS

On page 13196 of the FEDERAL REGISTER of September 16, 1967, there was published a notice of proposed rule making to amend the regulations involving the simultaneous oil and gas drawing procedures. Interested persons were given thirty (30) days in which to submit written comments, suggestions, or objections. After consideration of the comments received it was determined to further study the proposal except for the two amendments hereinafter listed. Such amendments are hereby approved.

1. Subparagraph (3) of § 3123.2(c) is amended to read:

§ 3123.2 What should accompany offer.

* * * * * * *

(c) * * *

(3) A signed statement by the offeror that he is the sole party in interest in the offer and the lease, if issued; if not he shall set forth the names of the other interested parties. If there are other parties interested in the offer a separate statement must be signed by them and by the offeror, setting forth the nature and extent of the interest of each in the offer, the nature of the agreement between them if oral, and a copy of such agreement if written. All interested parties must furnish evidence of their qualifications to hold such lease interest. Such separate statement and written agreement, if any, must be filed not later than 15 days after the filing of the lease offer. Failure to file the statement and written agreement within the time allowed will result in the cancellation of any lease that may have been issued pursuant to the offer. Upon execution of the lease the first year's rental will be earned and deposited in the U.S. Treasury and will not be returnable even though the lease is canceled.

* * * * * * *

§ 3123.9 [Amended]

2. The last sentence of § 3123.9(b) is revoked.

Effective date. These revisions shall become effective 30 days from date of publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

JULY 12, 1968.

[F.R. Doc. 68-8575; Filed, July 18, 1968; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 68-739]

PART 1—PRACTICE AND PROCEDURE

Interim Criteria to Govern Acceptance of Standard Broadcast Applications

Report and order. 1. On May 10, 1962, the Commission amended its procedural rules [1] for the purpose of bringing a limited halt to the further acceptance of standard broadcast applications pending rule making. At the time the freeze was imposed, there were 3,871 AM stations either licensed or under construction. By the end of this month the total number of authorized AM stations will have reached 4,300.[2] Using the same dates, the number of authorized FM stations (including 378 educational facilities) has climbed from 1,393 to 2,472. Thus, there are now approximately 6,772 aural stations authorized throughout the United States. Combined with the applications on file and those in hearing status the number of potential aural stations easily exceeds 7,000.

2. In issuing the aforementioned freeze,[3] we acknowledged that our previously stated aim of fostering local outlets and encouraging competition in the industry often worked at cross-purposes with our objective of eradicating "white" areas, i.e., areas lacking primary service. For, as we pointed out in our freeze order, even as AM radio underwent rapid growth, the "white" area problem remained:

> A large majority of communities [1] of 10,000 and over (and many with a population of under 10,000) have their own local outlets. There are few counties in the United States which do not have a choice of multiple signals. Multistation communities have grown similarly, so that lack of competition in the standard broadcast band can no longer be regarded as a serious problem. At the same time, this tremendous proliferation of stations has occurred without significant reduction of "white" areas. The outlying areas which lacked primary service in 1946 have been reduced only a minute degree by the continual flow of new assignments. More than this, concentration upon the creation of multistation markets has led to a derogation of engineering standards, so that service rendered by existing stations in the outermost regions of their normally protected service areas has been impaired, future power increases to extend the interference-free contour over growing suburban populations are often rendered impossible, and the available channels for the establishment of new stations in growing underserved areas have been continually reduced in number.

[1] Suburban communities within standard metropolitan statistical areas are not considered separate communities for the purpose of this analysis.

[1] Report and Order, FCC 62-516, 23 RR 1545.

[2] Including 25 educational stations.

[3] Note 1, supra.

Principally for the above reasons, the Commission then concluded that it was time to reexamine its allocation policies.

3. Subsequently, on July 10, 1964, after extensive rule making proceedings, new AM standards were adopted and the freeze lifted.[4] The new "go-no go" rules [5] established a system prohibiting the overlap of specified signal strength contours. Basically, the system was designed (i) to prevent the continuous erosion of existing service caused by incremental interference which had been taking place at an alarming rate under the previous ad hoc allocation method; (ii) to encourage applications for underserved areas by providing less stringent daytime standards for parties proposing to build a first local station in a community [6] or bring a first primary service to 25 percent of the area within the proposed 0.5 mv/m contour; and (iii) to foster eradication of nighttime "white" area by requiring new nighttime applicants to provide a first primary service to 25 percent of their proposed service areas.[7]

4. From the standpoint of the first objective, the new rules have been successful. Less than 10 waivers have been granted to proposals involving prohibited overlap to existing stations, and in each case the interference has been de minimis. This is in contrast to a prefreeze study which indicated that 21 percent of new station applications granted caused objectionable interference to existing operations.[8]

5. With respect to the remaining two objectives, namely, the encouragement of applications to build first local services and the fostering of proposals to eradicate both day and night "white" areas, the present rules appear to have met with only limited success. Of the 32 new stations authorized this year under the present prohibited overlap system only two proposd to serve any daytime "white" area, and in both instances the areas were relatively small.[9] Since none of the new stations was authorized to operate on a full-time basis, no nighttime "white" area was eliminated. Furthermore, although 22 of the new stations will bring a first local transmission service to their respective communities, the justification for these allocations is somewhat diminished by the fact that the median population of the towns is only 2,850. Moreover, it must be remembered

[4] Report and Order, FCC 62-516, 23 RR 1545.

[5] 47 CFR 73.24(b), 73.37.

[6] If located in an urbanized area, the minimum population required was 25,000.

[7] This 25 percent "white" area requisite was eventually liberalized to allow proposals to qualify if 25 percent of the population within the proposed service area was without primary service. Order adopted Feb. 28, 1968, 11 FCC 2d 924.

[8] Note 7, Report and Order, FCC 62-516, 23 RR 1545.

[9] In addition, all but five of these 32 communities are within the primary (1 mv/m) service area of an existing FM station.

that daytime-only authorizations, particularly as the band becomes more congested, tend to preclude establishment of more desirable full-time stations on the same or adjacent channels by preempting many potential locations over a wide area.

6. The above analysis leads us to conclude that we must make a study to decide whether (i) a significant national need for new AM stations or major changes in existing stations which would not serve underserved areas still exists; (ii) presently available frequency space should be conserved for future use in developing areas and to eradicate what "white" area remains; (iii) any future allocation system should view AM and FM as a single aural service; and (iv) further AM assignments on a demand basis constitute unwise use of valuable spectrum space. Since a flood of new applications under the present rules would tend to frustrate the very purposes of the forthcoming rule making proceeding, we find it necessary, in the public interest, to freeze the filing of additional proposals consistent with procedural fairness and case law.[10] There are a number of Class IV stations near the Mexican border which heretofore have been prohibited by the terms of the United States-Mexican Standard Broadcast Agreement from increasing daytime power. At the present time, the agreement is being renegotiated. If a new agreement is ratified, it may make provision for these stations and afford them their first opportunity to increase power. In that event, we will accept and process whatever applications are consistent with the new agreement. We will also accept applications required because of circumstances beyond the control of existing station applicants, e.g., where a transmitter site change is necessitated by storm damage or condemnation of property. Applications which are mutually exclusive with renewal applications will likewise be accepted, as will applications for changes in existing allocations which may be required by international commitments.

7. Presently, there are on file approximately 400 applications for new stations and major changes in existing stations. In view of the public interest considerations involved, we believe that we should continue to process these proposals according to the rules under which they are tendered. The great majority of these applications have been "cut-off" in accordance with § 1.571(c) of the Commission's rules. There is a relatively small number, however, that have not. These applications will be placed on a "cut-off" list in order to afford interested parties the opportunity of filing conflicting proposals. Lest a chain of mutually exclusive proposals be forged, however, only those applications which conflict directly with those on the "cut-off" list will be accepted. In that manner, the Commission will be able to predict, with some degree of certitude, the location and total number of potential grants. Finally, we wish to stress that applicants, in addition to qualifying under the interim criteria, must also meet present acceptability standards.[11]

8. Regarding waiver requests, we wish to note that, as in the last freeze, we believe the basic policy considerations underlying the freeze are of the utmost importance. As such, they override the usual equities presented, and only the most extraordinary grounds will justify waiver of these policy considerations. See United States v. Storer Broadcasting Company, 351 U.S. 192 (1956).

9. Since the interim procedures set forth in the appendix hereto relate to matters of practice and procedure before the Commission, proposed rule making in accordance with the provisions of section 4 of the Administrative Procedure Act is not required. Authority for the adoption of the interim procedures is contained in sections 4(i), 4(j), 303 and 307 of the Communications Act of 1934, as amended.

10. *Accordingly, it is ordered*, That § 1.571 of the Commission's rules is amended as set forth below effective July 19, 1968.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: July 17, 1968.

Released: July 18, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[12]
[SEAL] BEN F. WAPLE,
Secretary.

In § 1.571, the present note is redesignated as Note 1 and a new Note 2 added to read as follows:

§ 1.571 Processing of standard broadcast applications.

• • • • •

NOTE 1: • • •

NOTE 2: Pending the Commission's restudy of the rules pertaining to allocation of standard broadcast facilities, requests for authorizations will be considered as set forth in paragraphs (a) and (b) of this note, notwithstanding any provisions of this chapter to the contrary.

(a) Applications for new standard broadcast stations or for major changes in the facilities of existing stations, if otherwise acceptable under Commission rules, will be accepted for filing only in the following categories:

(1) Applications mutually exclusive with the renewal of license applications of existing stations.

(2) Applications, filed timely in response to an appropriate cutoff notice, which involve a direct conflict necessitating a hearing with applications tendered for filing on or before July 19, 1968, and subsequently accepted for filing.

(3) Applications for major changes necessitated by causes beyond the control of an applicant, such as loss of a transmitter site, etc.

(4) Applications by existing Class IV stations which have previously been precluded from increasing daytime power by the existing United States-Mexican Standard Broadcast Agreement, but which may be permitted such increase under provisions of a new agreement.

(b) Applications now pending and those accepted under (a), above, will be processed and acted upon under rules in force prior to the effective date of this note. Those tendered for filing after July 19, 1968, which do not meet the interim criteria, will be returned.

[F.R. Doc. 68-8732; Filed, July 18, 1968; 11:41 a.m.]

[Docket No. 17791; FCC 68-445]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Report and order. In the matter of adoption of FCC Form 402-A on which to file annual reports by licensees of microwave and other fixed stations when such facilities are shared on a cooperative, cost-sharing basis with others; amendment of §§ 87.467(h), 89.14(h), 91.9(h), and 93.4(h), of the Commission's rules to require the use of FCC Form 402-A in filing the annual report prescribed therein; Docket No. 17791.

1. On October 9, 1967, the Commission issued its notice of proposed rule making in the above-entitled proceeding which was duly published in the FEDERAL REGISTER (32 F.R. 14161). In that notice, it was proposed to adopt FCC Form 402-A, and to amend §§ 87.467(h), 89.14(h), 91.9(h), and 93.4(h) of the Commission's rules to require licensees of microwave and other fixed stations which are shared with others on a cooperative, cost-sharing basis to file on that form the annual report required by these rules.

2. Comments were filed by the Special Industrial Radio Service Association, Inc. (SIRSA); the National Committee for Utilities Radio (NCUR); the Central Committee on Communication Facilities of the American Petroleum Institute (Central Committee); and Union Oil Company of California (Union Oil).

3. As was pointed out in the notice, the purpose of FCC Form 402-A[1] is to give licensees guidelines as to the minimum information required to be filed by the Commission's rules and to provide a vehicle for supplying that information in a consistent and uniform manner. The reports submitted by licensees in the past, relying on the requirements of the rule sections we propose to amend, have provided insufficient information and the formats have varied so widely that meaningful comparisons and conclusions have been difficult.

4. The comments urged that we either not adopt the proposed form or that we modify it considerably. NCUR argued that the information to be supplied on the form would impose "onerous" and "unnecessary" reporting burdens on licensees of shared microwave systems, and Central Committee doubted that any useful purpose would be served by supplying the "extremely" detailed information called for on the form. NCUR suggested that instead of requiring the use of the financial statement contained in the form, each licensee should be permitted to file the financial statement required by the rules using his own format based on his own accounting system, and Central Committee suggested that we should only require licensees to state the "gross" amount of the annual cost of the shared microwave facilities. SIRSA stated that its members share control and repeater stations in the 952-960 Mc/s band which is a minor part of a licensee's total operation and that details with respect to the cost of operating the shared control and repeater system should not be required.

5. We do not believe that the burden of completing this form would be "onerous", nor that the information asked is so "extremely" detailed. The form calls for the names of those who share the system, the method agreed upon by the parties for allocating space on the system to each sharer, a summary of the elements of the annual cost estimate on which contributions by each sharer are based, and the amount contributed by each sharer toward the annual operating costs and/or toward reimbursement of the initial investment. Our rules have always required this information, although not in this exact format. Certainly, data such as we are requiring must have been considered in some manner by licensees in determining the charges to be imposed on those who share their system. The form adopted here merely provides the vehicle for furnishing this type of information for the convenience of both the licensee and the Commission. We realize there are differences in accounting which may cause some initial difficulties, but believe these will lessen or vanish once the form has been used.

6. Nor are we saying, as both NCUR and SIRSA have implied, that a licensee must take into account all of the elements listed on the form in determining his cost of operating the system. Thus, for example, as SIRSA suggested, if the maintenance of the system is performed under contract by a third party, that expense should be substituted for the salaries of maintenance employees and other maintenance employee costs listed on the form. By the same token, items taken into account by a licensee in determining his costs which are not listed on the form should be, of course, written in.

7. The comments have also argued that it would be difficult to estimate the proportional use of the system by each sharer and to relate his proportionate contribution to the cost to his proportionate share of the system. But licensees and those who share their systems must have arrived at some cost-sharing formula, because, under our rules, each sharer may not be charged any more than his pro rata share of the costs of the system. The form simply requires that this formula be stated. Thus, for example, if a sharer is using exclusively two discrete channels in a 10-channel system, this sharer should not normally be charged more than 20 percent of the system's costs.

8. Union Oil stated that it now files a separate annual statement for each station in its system shared by others and seems to have concluded that, by requiring the use of FCC Form 402-A, it would be required to file a consolidated report on this form which, according to Union Oil, would not be practical. This result was not intended. Although the report should be consolidated as much as possible, separate reports for each station shared would be acceptable.

9. Central Committee requested clarification of the question in item 2(c) on the form which reads: "How were facilities used by licensee and other persons sharing the facilities." This is intended to elicit the information required by paragraph (h)(3) in §§ 87.467, 89.141, 91.9, and 93.4 which calls for a brief statement as to the use of the facilities made by each person sharing a system. Thus, appropriate answers would include, "control circuit in pipeline system," "voice circuits in tree logging operations," etc. A similar explanation has been included in the form.

10. Thus, nothing offered in the comments persuades us that the use of FCC Form 402-A would be unduly burdensome. On the other hand, although initially some licensees may be required to keep somewhat more detailed records than they may have been keeping in order to supply the information requested on the form, those records are required by the rules and the items listed on the form should provide the guidelines for some uniformity in recordkeeping and reporting which we believe to be desirable for the proper regulation of cooperative sharing of private microwave systems.

11. *Accordingly, it is ordered,* Pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, that, effective August 19, 1968, (a) FCC Form 402-A is adopted; and (b) §§ 1.922, 87.467(h), 89.14(h), 91.9(h), and 93.4(h) of the Commission's rules are amended, as shown below.

12. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: April 24, 1968.

Released: July 15, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

Parts 1, 87, 89, 91, and 93 of the Commission's rules are amended as follows:

PART 1—PRACTICE AND PROCEDURE

1. Section 1.922 is amended to insert, in proper numerical position (after Form 402-10), the following:

§ 1.922 Forms to be used.

• • • • •

402-A Annual Report of Licensees of Microwave and Other Fixed Stations When Such Facilities Are Used Cooperatively With Other Persons.

• • • • •

PART 87—AVIATION SERVICES

2. In § 87.467, the introductory text of paragraph (h) is amended to read as follows:

§ 87.467 Cooperative use of operational stations.

• • • • •

(h) Each licensee sharing its facilities under this section on a nonprofit, cost-sharing basis shall file an annual report with the Commission, using FCC Form 402-A, within 90 days of the close of its fiscal year containing:

• • • • •

PART 89—PUBLIC SAFETY RADIO SERVICES

3. In § 89.14, the introductory text of paragraph (h) is amended to read as follows:

§ 89.14 Cooperative use of fixed radio stations.

• • • • •

(h) Each licensee sharing its facilities under this section on a nonprofit, cost-sharing basis shall file an annual report with the Commission, using FCC Form 402-A, within 90 days of the close of its fiscal year containing:

• • • • •

PART 91—INDUSTRIAL RADIO SERVICES

4. In § 91.9, the introductory text of paragraph (h) is amended to read as follows:

§ 91.9 Cooperative use of operational fixed radio stations.

• • • • •

(h) Each licensee sharing its facilities under this section on a nonprofit, cost-sharing basis shall file an annual report with the Commission, using FCC Form 402-A, within 90 days of the close of its fiscal year containing:

• • • • •

PART 93—LAND TRANSPORTATION RADIO SERVICES

5. In § 93.4, the introductory text of paragraph (h) is amended to read as follows:

§ 93.4 Cooperative use of fixed radio stations.

• • • • •

(h) Each licensee sharing its facilities under this section on a nonprofit, cost-sharing basis shall file an annual report with the Commission, using FCC Form 402-A, within 90 days of the close of its fiscal year containing:

• • • • •

[F.R. Doc. 68-8601; Filed, July 18, 1968; 8:48 a.m.]

[10] Kessler et al. v. FCC, 117 U.S. App. D.C. 130, 326 F 2d 673, 1 RR 2d 2061 (1963).

[11] 47 CFR 73.24(b), 73.37.

[12] Commissioner Wadsworth abstaining from voting.

[1] Form filed as part of the original document.

[2] Commissioner Loevinger absent.

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

MAMMOTH CAVE NATIONAL PARK, KY.

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916, (39 Stat. 535, as amended; 16 U.S.C. 3), the Act of May 25, 1926 (44 Stat. 635; 16 U.S.C. 404) 245 DM-1 (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), Regional Director, Southeast Region Order No. 4 (31 F.R. 8135), as amended, § 7.36 of Title 36 of the Code of Federal Regulations is revised as set forth below.

The purpose of this revision is to revoke regulations concerning commercial fishing, size and creel limits, speed, and limitations on load and weight of vehicles, which are no longer necessary because they are covered by regulations contained in parts 2 and 4 of this chapter, and to revise the regulations applicable to cave entries.

Although most of the revisions will remove existing restrictions on the public, the proposed revision of the regulations also introduces some new requirements. Since it is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process, interested persons are invited to submit written comments, suggestions, or objections to the Superintendent, Mammoth Cave National Park, Mammoth Cave, Ky. 42259, within 30 days of the publication of this notice in the FEDERAL REGISTER.

Section 7.36 of Part 7 of the Code of Federal Regulations is hereby revised to read as follows:

§ 7.36 Mammoth Cave National Park.

(a) *Fishing*—(1) *General.* (i) Fishing is permitted only with pole and line, rod and reel, and trot and throw lines, unless provided otherwise in this section.

(ii) Trot and throw lines shall contain hooks which are spaced at least 30 inches apart.

(2) *Seines.* (i) The use of seines is permitted only in the following runs and creeks to catch minnows and crawfish for bait: Bylew, First, Second, Pine, Big Hollow, Buffalo, Ugly, Cub, Blowing Springs, Floating Mill Branch, Dry Branch, and Mill Branch.

(ii) Seines shall not exceed 4 x 6 feet and the mesh shall not be larger than one-quarter inch.

(3) *Live bait.* (i) Worms are the only form of live bait which may be used in the Sloans Crossing Pond (also known as Beaver Pond), Green Pond, Doyle Pond, and First Creek Lake. Live minnows and worms may be used in all other waters.

(b) *Cave entry.* Except for those portions of the caves open to the general public, no person shall enter any cave within the boundaries of the park without first obtaining a permit from the Superintendent. Permits will be issued to persons who are qualified and experienced in cave exploration, who possess the needed equipment for safe entry and travel, and who are engaged in scientific research projects which in the opinion of the Superintendent are compatible with the purpose for which the park was established.

WILLIAM E. EDWARDS, Jr.,
Acting Superintendent,
Mammoth Cave National Park.

[F.R. Doc. 68-8588; Filed, July 18, 1968; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1030, 1047, 1049]

[Docket Nos. AO-319-A14, AO-33-A39, AO-361-A1]

MILK IN INDIANAPOLIS, IND., FORT WAYNE, IND., AND CHICAGO REGIONAL MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Correction

In F.R. Doc. 68-8340 appearing at page 10104 in the issue of Saturday, July 13, 1968, the following should be inserted between the eighth and ninth lines of the first paragraph: "to be held at Stouffer's Indianapolis Inn,".

[7 CFR Part 1202]

[Docket No. AO-365]

FLUE-CURED TOBACCO

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Marketing Agreement and Order

Pursuant to the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) under provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the "act," notice is hereby given of the filing with the Hearing Clerk, U.S. Department of Agriculture, of this recommended decision of the Department with respect to a proposed marketing agreement and order (hereinafter at times referred to collectively as the "order") regulating the handling of flue-cured tobacco.

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. To be considered, exceptions must be filed not later than August 9, 1968. They should be filed in quadruplicate. All such communications will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. A public hearing was held in Greenville, N.C., on February 26 and 27; Greensboro, N.C., on February 28 and 29; South Boston, Va., March 1; Live Oak, Fla., March 4; Douglas, Ga., March 6; and Florence, S.C., on March 8, to consider a proposed order regulating the handling of flue-cured tobacco. Notice thereof was published in the FEDERAL REGISTER on February 10, 1968 (33 F.R. 2850). The notice and the hearing were pursuant to a proposal submitted by the State Granges of North Carolina, South Carolina, and Virginia, and the North Carolina Association of Farmer-Elected Committeemen that the handling of flue-cured tobacco be regulated under a marketing order program, and a request that the Department hold a hearing on such a proposed program.

Material issues. The material issues presented on the record of the hearing relate to:

1. Whether the handling of flue-cured tobacco produced in the production area is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects interstate or foreign commerce in flue-cured tobacco and its products;

2. Whether economic and marketing conditions justify the need for regulation and the issuance of a marketing agreement and order regulating the handling of flue-cured tobacco to effectuate the declared policy of the act; and

3. What specific terms and provisions should be included in any marketing agreement and order that might be issued, including:

(a) Definitions of the commodity, the production area, the persons to be regulated, and other terms applicable to the provisions of the proposed program;

(b) The establishment, maintenance, powers, and duties of the Flue-Cured Tobacco Administrative Committee, which shall be the administrative agency for assisting the Secretary in administration of the program;

(c) The authority for the Committee to incur expenses and for the Secretary to levy assessments on handlers;

(d) The regulatory provisions of the order for limiting the flow of flue-cured tobacco from the farm to the auction warehouse; and

(e) Miscellaneous provisions set forth in the notice of hearing as §§ 1202.70 through 1202.87.

The issues covered in subparagraphs (a) through (e) are an elaboration of issue number 3 as specified in the partial recommended decision of April 17, 1968 (33 F.R. 6125) which contained findings and conclusions on the other issues presented on the record of the hearing.

Findings and conclusions. This recommended decision and the findings and conclusions herein relate only to issue number 3. Material issues numbered 1 and 2 were covered by the separate partial recommended decision of April 17, 1968 (33 F.R. 6125).

It was concluded on the basis of findings contained in the partial recommended decision that the hearing should be reopened some time after the 1968 selling season is well under way to receive factual evidence on whether marketing conditions are orderly or whether they continue to be disorderly enough to justify the need for regulation and the issuance of a marketing agreement and order for flue-cured tobacco. It was also concluded that it would be desirable if interested parties had a substantial period of time to analyze in detail the specific terms and provisions of a marketing agreement and order that might be appropriate if it is later concluded that a need exists for such a program. Accordingly, findings and conclusions are herein set forth on what specific terms and provisions should be included in any marketing agreement and order that might be issued.

The following findings and conclusions are based on the evidence adduced at the hearing and the record thereof:

The recommended marketing agreement and order program should employ or utilize the following as a means for regulating the orderly flow of flue-cured tobacco from farm to market:

(1) The order should apply to all flue-cured tobacco grown in the entire six State area in which such tobacco is produced—Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia.

(2) The six State production area should be divided into five prorate districts (conforming to the traditional type marketing belts) for purposes of the order.

(3) The order should be administered by an Administrative Committee composed of 14 members. Ten of these should be growers, with two growers from each of the five prorate districts. The other four members should represent (a) handlers (auction warehousemen), (b) dealers, (c) domestic manufacturers, and (d) the Flue-Cured Tobacco Cooperative Stabilization Corporation.

(4) Based on recommendations of the Administrative Committee, or other information, the Secretary should:

(a) Establish an overall quantity which may be marketed by all growers in all prorate districts during a particular week, to be known as the Salable Quantity;

(b) Allocate this overall Salable Quantity to the various prorate districts in the form of Marketable Quantities, based on current conditions in each district;

(c) As specified in (d), allocate a district's Marketable Quantity to individual growers in the form of Marketable Allotments. The Marketable Allotment should be the maximum pounds of tobacco which may be handled for any grower during such week, except that:

(i) Growers should be allowed to carry forward unused portions of their Marketable Allotments from prior weeks;

(ii) A small tolerance should be allowed for over marketing by individual growers, to be deducted from their next week's Marketable Allotments; and

(iii) A minimum Marketable Allotment of 400 pounds should be provided for growers with small acreages; and

(d) Each grower's Marketable Allotment should be a percentage of his current Base Quantity (110 percent of his quota under the USDA Acreage-Poundage Marketing Quota Program). This percentage should be the Uniform Percentage for a prorate district; and producers, and warehousemen and other handlers would need only to multiply a grower's Base Quantity by the Uniform Percentage to get the amount of tobacco which could be handled that week on behalf of the producer. The Uniform Percentage for a week may be different for each prorate district.

(e) Make necessary provision for marketing tobacco subject to statutory penalties under the USDA Acreage-Poundage Marketing Quota Program.

This decision also recommends that the handling of tobacco grown in a particular prorate district be prohibited prior to, or during, such times in the selling season as are deemed advisable by the Administrative Committee and approved by the Secretary.

The findings and conclusions on specific terms and provisions are discussed in the following sequence:

A. Definitions.

B. Administrative Committee.

C. Expenses, Assessments, and Accounting.

D. Regulation.

E. Miscellaneous Provisions.

3. *Specific terms and provisions.* Certain terms applying to specific individuals, agencies, legislation, concepts, or things, are used throughout the order. These terms should be defined for the purpose of designating specifically their applicability and establishing appropriate limitations on their respective meanings whenever they are used.

A. *Definitions.* "Department" should be defined to mean the U.S. Department of Agriculture. As indicated later, the Secretary of the Department is charged under the act with the responsibility for general supervision and operation of regulatory programs of this nature. This definition would provide a ready reference to that Department of the Federal Government which is assigned responsibility for agricultural programs of this sort.

"Secretary" should be defined to mean not only the Secretary of the Department but also, in recognition of the fact that it is physically impossible for him to perform personally all of the functions and duties imposed upon him by law, any other officer or employee of the Department who is, or who may hereafter be, authorized to act in his stead. The Secretary is charged under the act with the responsibility for general supervision and operation of regulatory programs of this nature. So that his functions may be expeditiously discharged at any and all times, he must, on occasions, authorize other appropriate employees of the Department to act in his stead. Hence, they should be covered under the term when acting in the authorized capacity.

"Act" should be defined to provide a ready and correct legal citation for the statute pursuant to which the order is to be operative. Thereafter, repetition of the full and complete citation is unnecessary when the word "act" is used.

"Person" should be defined as in section 8a(9) of the act (7 U.S.C. 608a(9)). The term "person" should have the same meaning when used in the order as when it is used in the act. The term "person" is used, for example, in the definitions of "producer" and "handler" and helps to determine clearly what is meant by a business unit, whether such unit be a producer or handler.

"Flue-cured tobacco" should be defined to cover all tobacco classified as Class 1 flue-cured types (Types 11, 12, 13, and 14) under the classification of leaf tobacco covering classes, types, and groups of grades in the Department's Service and Regulatory Announcement 118 (7 CFR Part 30). There should not be any misunderstanding of this term since marketing quotas have been in effect for flue-cured tobacco for many years under the Marketing Quota Program and growers have acreage allotments and poundage quotas for such tobacco.

"Production area" should be defined to identify the entire area in which flue-cured tobacco is produced in the States of Alabama, Georgia, Florida, South Carolina, North Carolina, and Virginia. These six contiguous States form a production area that traditionally is divided into five marketing belts. It is necessary to regulate the entire area, as a smaller area is not practical for application of the order consistent with carrying out the declared policy of the act. This is so because the same kind of tobacco is produced throughout the area under similar conditions and similar cultural practices. Record evidence shows that there is substantial movement of flue-cured tobacco across State lines and across marketing belts as the tobacco moves from farms to auction markets. This occurs because tobacco grown throughout the area can be sold in all markets and all of it moves into the same processing channels. Also,

a definite relationship exists in the pricing of flue-cured tobacco throughout the production area. All of the tobacco produced is inextricably intermingled in processing and manufacturing into products. Moreover, if any part of the producing area was excluded, the tobacco grown therein could be handled free from order restrictions and adversely affect the handling of flue-cured tobacco that was subject to regulation.

"Grower" and "producer" should be deemed synonymous and defined to mean any person who is engaged in the production area in a proprietary capacity in the commercial production of flue-cured tobacco and who shares in the ownership of flue-cured tobacco produced on a given farm. A grower should be the person who produces the flue-cured tobacco and has a proprietary interest therein. In sharecropping or landlord-tenant arrangements, each person receiving a share of the crop would be a producer. A cash renter of flue-cured tobacco acreage who produces tobacco thereon and has the full right of disposition of the crop would be the producer. Thus, a landlord of a standing rent, cash rent, or fixed rent tenant, should not be considered a producer for purposes of the order, because he does not share in the ownership of the tobacco produced on the farm. A definition of the terms "grower" and "producer" is necessary for determinations such as eligibility to vote for nominees and serve as producer members or alternate members of the Administrative Committee. Also, determinations will be made as to the respective Base Quantities for producers and Marketable Allotments based thereon.

"Auction market" should be defined as a market center where tobacco auction warehouses are located and which has been designated as a tobacco auction market pursuant to the Tobacco Inspection Act (7 U.S.C. 511 et seq.). Also, any other location at which flue-cured tobacco received from growers is sold at auction. Such term is used in the order in connection with marketing policy determinations and recommendations by the Administrative Committee for regulation.

"Sale" should be defined as a combination of auction warehouse personnel and buying personel engaged in selling and buying tobacco at auction on an auction market. Such term is used for example in the provisions of the order dealing with Committee recommendations for volume regulations.

"Handle" should be defined as to sell at auction on behalf of a producer flue-cured tobacco received from such producer, or to purchase, other than at auction, flue-cured tobacco from the producer thereof. In recognition of the fact that flue-cured tobacco is at times pledged by producers for loan pursuant to the Agricultural Act of 1949, as amended (7 U.S.C. 1421 et seq.), and is considered for all intents and purposes as having been marketed by them, such pledged tobacco should be considered as having been sold on behalf of the producers. The definition of the term handle should, therefore, also cover this situation.

"Handler" should be defined to mean any person who handles flue-cured tobacco. This definition should include auction warehousemen engaged in receiving and selling flue-cured tobacco of producers at auction. In the case of a nonauction or private sale of a producer's tobacco, the purchaser should be designated as the handler. The definition as hereinafter set forth would serve to identify the persons who are subject to the order and regulations thereunder and who are required to comply therewith.

"Tobacco Marketing Card" should mean the Tobacco Marketing Card (Form MQ–76 (Flue)) issued to flue-cured tobacco producers by the Agricultural Stabilization and Conservation Service of the Department, pursuant to the Marketing Quota Program, which indicates a marketing quota for a particular producer and marketing year. This card identifies the producer, the county in which his farm is located, the farm number, and other identifying information. It also shows two amounts pertaining to his marketing quota, namely, 10 percent of quota and 110 percent of quota. It provides spaces for recording the balance of flue-cured tobacco which the producer may market without penalty under the Marketing Quota Program. This term is used in regulatory provisions of the order.

"Tobacco Order Card" should mean a card, or such other form, as may be approved by the Administrative Committee for producers and which would provide appropriate spaces for identifying and recording such information as the producer's Base Quantity, Uniform Percentage, and amounts of tobacco handled under the order. Such a card would serve, not only to inform handlers of permissible quantities of tobacco available for handling, but also as a means of ascertaining compliance with the regulatory program.

"Administrative Committee" should be defined to mean the administrative body established pursuant to the order to administer the order in accordance with its terms and provisions, as authorized by the act. The name of the committee would be reflective of its nature.

"Marketing year" should mean the 12-month period beginning April 1 through March of the following year. If the order should become effective after April 1, provisions should be included that the first marketing year would begin with the effective date of the order, but would still end the following March 31. A 12-month period is specified as a marketing year and is necessary for operating the order and for accounting purposes. The marketing year should begin on April 1 in order to provide a sufficient period of time for the Administrative Committee to organize, develop marketing policies, and prepare for the selling season which begins the latter part of July. It would also provide sufficient time after the end of the selling season to close out the operations for the yearly period. Also, it would serve as the fiscal period for such operations and for the levying of assessments.

"Dealer" should be defined to mean any person who is engaged in the business of purchasing flue-cured tobacco and processing flue-cured tobacco for storage and sale in leaf form. It is necessary to define this term because dealers are to be represented on the Administrative Committee. Also, dealers are involved in the marketing process.

"Domestic manufacturer" should be defined to mean any person who is engaged in the business of purchasing flue-cured tobacco and manufacturing tobacco products therefrom. This terms needs to be defined because such manufacturers are to be represented on the Administrative Committee.

"Salable Quantity" should be defined to mean the desirable total quantity of flue-cured tobacco, as hereinafter discussed, which should be handled from all prorate districts in the production area during a specified period of the selling season. Such term is used in the provisions of the order for purposes of volume regulation that may be recommended by the Committee and established by the Secretary.

"Marketable Quantity" should mean the desirable aggregate amount of flue-cured tobacco, as hereinafter discussed, grown in a particular prorate district which may be handled during a specified period of the selling season. Each Salable Quantity would, under the program, be apportioned to prorate districts in the form of Marketable Quantities.

"Marketable Allotment" should mean the pounds of flue-cured tobacco of a particular grower in a specified prorate district that may be marketed in a specified period of the selling season. The Marketable Allotment for a producer would be determined by multiplying his Base Quantity by the applicable Uniform Percentage. The Marketable Allotment is a poundage breakdown of the Marketable Quantity in each prorate district to the producers within the district. When used in the order, the term Marketable Allotment should include any portion of the tobacco covered by a producer's Marketable Allotment that remains to be marketed.

"Base Quantity" should be defined in terms of the sum of the quantities set forth as "110 percent of quota" for a producer on all of his Tobacco Marketing Cards for flue-cured tobacco produced within a particular prorate district. The figure of 110 percent is used because it represents the maximum amount of flue-cured tobacco which a producer may market during a year without penalty under the Marketing Quota Program. In this connection, the record shows that very few, if any, producers market tobacco in excess of the penalty-free amount during a marketing year.

"Uniform Percentage" should be defined to mean the percentage that the Secretary fixes under the order for a specified period of a selling season to be applicable to the Base Quantities of all growers in a particular prorate district for determining their Marketable Allotments for such period. The Uniform Percentage should be fixed by the Secretary, on the basis of the recommendation of the Administrative Committee. As provided in the order, such recommendation is to be made by the Committee together with its recommendation for volume regulation. The Uniform Percentage during a selling season should afford producers within the same prorate district equitable marketing opportunities within that district.

"Marketing Quota Program" should mean the Flue-Cured Tobacco Acreage-Poundage Program under authority of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), that is in effect during the then current selling season. The purpose of this definition is to identify the program referred to in the order.

"Selling season" should mean the portion of the marketing year, as hereinafter discussed, during which flue-cured tobacco is handled. Various periods in the selling season are considered in connection with recommendations for, and establishment, of volume regulations.

"Part" should be defined to mean the order regulating the handling of flue-cured tobacco, and all rules, regulations, and supplementary orders issued thereunder. The order itself should constitute a "subpart" of such part. The purpose of this definition is to provide a ready reference to Title 7 of the Code of Federal Regulations, Part 1202, which is the codification to be used in the event the order becomes operative.

B. *Administrative Committee.* An agency should be established for purposes of administering the order. As heretofore indicated, the agency should be identified as the Administrative Committee. So that all segments of the flue-cured tobacco industry may be represented, the Administrative Committee should consist of individuals representing producers, the Flue-Cured Tobacco Cooperative Stabilization Corporation, handlers, dealers, and domestic manufacturers. On the basis hereinafter discussed, the Committee should be sufficiently representative so as to obtain a cross section of ideas in its deliberations, but not so large as to be unwieldy and cumbersome. Thus, a 14-member committee, for each of whom there should be an alternate, to administer the program should be adequate and of optimum size.

As discussed later, the production area should be divided into five prorate districts for purposes of administration of the order. There are approximately 300,000 producers in the production area. To assure that all producers will be represented fairly on the Administrative Committee, each prorate district should be represented by two members who are producers in that district. Thus producers would be represented by 10 members on the Administrative Committee, constituting a little more than 70 percent of the total membership. This is deemed fair because of the large number of producers in comparison with handlers and other industry segments. Furthermore, since the program would authorize a means of limiting the quantity of flue-cured tobacco which handlers may purchase from, or sell on behalf of, producers during any given period or periods during a selling season, producers should be given the greatest voice in recommending establishment, for example, of Salable Quantities, Marketable Quantities, and Uniform Percentages.

In order to further assure growers an equitable geographic representation on the Administrative Committee, the order should further provide for subdividing each prorate district into two election subdistricts. Because of the large number of producers in each prorate district, creating such election subdistricts should facilitate the nomination and election of grower nominees and insure that the nominee from an election subdistrict will be elected by the growers he is to represent. It should result in greater participation by growers in the selection of the nominee to represent them on the Committee, and in turn, the Committee member being more closely attuned to the thinking of the growers he represents.

Also, whenever a prorate district covers more than one State, each of its election subdistricts should include only the producers within an individual State. For example, in the case of Prorate District 13, the counties of North Carolina would comprise one election subdistrict and those of South Carolina would comprise another election subdistrict. In the case of Prorate District 14, this principle could be maintained by combining the counties of Alabama and Georgia into one election subdistrict and those in Florida as the other subdistrict. Although there are considerably more growers in Georgia than in Florida, Alabama is more closely aligned geographically with Georgia. Also, Alabama growers market most of their tobacco on Georgia markets. Whenever a prorate district lies entirely within one State, the counties in that district should also be grouped into two election subdistricts for the same reasons. The counties should be grouped according to the general maturity of the crop, general interest and logical geographic division of the prorate district, as well as consideration of the number of growers in each subdistrict. The counties to be included in each subdistrict are set forth in the order.

In order to provide needed flexibility, the Secretary, upon recommendation of the Committee or other available information, should have authority to revise the composition of the election subdistricts within a prorate district so as to tend to achieve equitable representation for the growers in the prorate district.

The grower members of the Administrative Committee should not be handlers, dealers, or manufacturers, or officers or employees of handlers, dealers, or manufacturers. The reason for such restriction is that those who are to speak for producers on a Committee should think and act only as producers. This in no way is intended to reflect on handlers, dealers, and manufacturers in the flue-cured tobacco industry, but their viewpoints and interests may not always be consistent with producers' thinking.

The remaining four member positions on the Administrative Committee should be divided equally among the Cooperative, handlers, dealers, and domestic manufacturers. These encompass the major nonproducer segments of the industry.

One member of the Committee should be the manager or other managerial employee of the Flue-Cured Tobacco Cooperative Stabilization Corporation (herein referred to as "the Cooperative"). This is the only agency designated by the Department to handle price support loans throughout the flue-cured area. The Cooperative has broad experience in dealing with growers, warehousemen, and redryers, and this background knowledge should be invaluable in the administration of this program. During the 1967 marketing season, the Cooperative received for price support loans approximately 282 million pounds of flue-cured tobacco. The Cooperative's representative should be the manager, or a member of his staff, and not a member of its Board of Directors. Such managerial personnel would generally be more familiar with policies and operations of the Cooperative, and thus, qualified to represent the Cooperative on the Committee and make his experience available in connection with Committee deliberations. Because the Cooperative's Board of Directors is composed of growers, such growers would be eligible to serve on the Administrative Committee representing growers in their election subdistricts.

One member of the Committee should represent handlers. Since many handlers are corporations who have joined an association of handlers, the order should provide that such member shall be an individual who is a handler, an officer or employee of a handler, or an officer of an association of handlers.

Dealers, that is, persons engaged in the business of purchasing flue-cured tobacco and processing flue-cured tobacco for storage and sale in leaf form, should have one member representative on the Committee. As in the case of handlers, dealers may also be corporations or have formed an association of dealers. Therefore, the order should provide that the dealer member shall be an individual who is a dealer, an officer or employee of a dealer, or an officer of an association of dealers.

Domestic manufacturers, that is, those engaged in the business of purchasing flue-cured tobacco and manufacturing tobacco products therefrom should also have one representative on the Committee. The order should also provide that this member be an individual who is a domestic manufacturer or an officer or employee of a domestic manufacturer.

The order should specifically provide that there be an alternate for each member of the Committee, that the alternate should have the same qualifications as

the member, and, unless otherwise specified, all provisions applicable to a member should also be applicable to his alternate. In the case of grower members, the alternate should come from the same election subdistrict as the member.

Except for the initial marketing year, the members of the Committee should serve for 2 consecutive marketing years. Since the marketing year would begin on April 1, terms of office should begin on April 1 and end 2 years later on March 31. However, with respect to the initial membership of the Committee, their terms should begin with the effective date of the order if it becomes operative. Furthermore, the order should provide that the terms of office of one-half of the membership should expire at the end of the initial marketing year. With respect to the grower members, one of these should be allocated to each prorate district. With respect to the other segments of the trade, the terms of office of the dealer member and the handler member should also expire at the end of the initial marketing year. Upon expiration of these terms of office, the successors would serve for 2 consecutive marketing years. This arrangement would stagger the terms of members and insure that at least one-half of the membership have experience serving on the Committee.

The Committee members should serve for the terms of office for which they are selected and have qualified. As indicated later, "qualify" means that a member files a written acceptance with the Secretary of his willingness to serve. If no successor has been selected and has qualified, it should be provided that the incumbent is to serve until his successor has been selected and has qualified. This would assure that all segments of the trade continue to be represented on the Committee, thereby enabling the Committee to carry out its functions at all times.

Provisions should be included for growers in each election subdistrict to nominate persons to represent them on the Committee as member and alternate. Since the terms of office would begin on April 1, nominations should be certified and submitted by the Committee to the Secretary not later than March 1 so the selection action can be completed prior to April 1. There should be one nominee for each member position and one nominee for each alternate member position.

Nominees for grower membership should be elected at an open meeting of growers in each election subdistrict. The Committee should hold, and give reasonable advance publicity to, such nomination meetings. For the purpose of obtaining the initial nominees, the Secretary should perform the functions of the Committee since there would be no Committee membership in existence for such purpose. The nomination and election of nominee selections should be made at the meeting, with separate nominations and voting for the nominees for member and alternate positions. The eligible person receiving the highest number of votes for a member or alternate position should be the nominee for that position. Only persons who are producers in the election subdistrict may participate in electing the nominees from such district. For voting purposes, producers who are also handlers, dealers, or domestic manufacturers, or their employees, should be eligible to participate in elections.

As shown by the record it is not necessary to prescribe specific procedures in the order for selecting nominees for the Committee membership for nongrower representatives, namely, handlers, the Flue-Cured Tobacco Cooperative Stabilization Corporation, dealers and domestic manufacturers. Accordingly, nominees for these groups should be selected in the manner desired through the organizational channels of the respective groups. However, in the event the Committee determines that any nominating procedure used does not result in equitable representation, it should have the authority with the prior approval of the Secretary to make such modifications in the procedure as will tend to assure equitable representation. This will provide needed flexibility in the event conditions change or changes occur in the organizational structure of the nongrower segments of the industry.

Committee members should be appointed by the Secretary in accordance with procedures prescribed in detail in the order. Those procedures should call for the Committee to certify to the Secretary the names of the individuals nominated by the various segments of the trade. If, for any reason, the Committee does not submit nominees to the Secretary by March 1, he should have the authority to select other qualified persons for the positions without waiting further for nominations. This would be a safeguard to permit selection by the Secretary in instances where Committee action is not taken or reasonably promptly completed. Provisions should be included that if the Secretary declines to appoint a nominee certified by the Committee, he should request another nominee at least once before selecting someone himself from among other eligible persons. It should be provided that each appointee should show his willingness to serve on the Committee by filing a written acceptance with the Secretary. This acceptance should be filed prior to assuming duties as a member or alternate as the case may be of the Committee. This would allow the Secretary to know from the written acceptance that the particular position on the Committee had been filed and that no further selection is necessary.

It should be provided that an alternate member should act in the place and stead of the member for whom he is an alternate during such member's absence. For example, the alternate may serve at a meeting when the member cannot attend the meeting, or vote by mail, telephone, or telegraph when the member is not available to vote by those means. The alternate would also serve in the event a vacancy on the Committee is created by the member's death, removal for cause, resignation, or disqualification. In the event of such vacancy, the order should provide that the alternate shall act for a member until a successor of such member has been selected and has qualified. In other words, the alternate should not succeed automatically to the position of the member; instead, he should continue as alternate unless selected by the Secretary to be the member. The order should also provide that alternate members shall also perform such other duties as may be assigned by the Committee. For example, the Committee may want an alternate to serve on a subcommittee to utilize some particular skill or knowledge which the alternate may possess.

In order to fill any vacancy occasioned by the failure of a nominee certified by the Committee to qualify, or in the event of the death, removal for cause, resignation, or disqualification of any member of the Committee, a successor for the unexpired term of such member should be nominated and selected in the same manner as specified for the position. Moreover, if the name of a nominee to fill any such vacancy is not made available to the Secretary within 40 days after such vacancy occurs, the Secretary should be authorized to fill any such vacancy without waiting further for nominations. Thus, the Secretary would know within a reasonable time as to the particular action to be taken in selecting the successor.

Members and alternate members of the Committee should serve without compensation, but should receive such reasonable allowances for necessary expenses incurred in connection with their duties as may be approved by the Committee. The purpose of this provision is to reimburse members, and alternates when acting in the place and stead of members or when performing such other duties as may be assigned by the Committee, for necessary travel expenses and for reasonable costs of any meals and lodging incurred while attending Committee meetings or engaged on Committee business. Members and alternates should be sufficiently industry minded to serve without compensation.

The act lists four powers which an administrative committee or agency may have under a marketing order program of the nature here involved. These include the power to administer the order; to make rules and regulations to effectuate its terms and conditions; to receive, investigate, and report to the Secretary complaints of violations; and to recommend amendments to the Secretary. These powers should be set forth in the order along with the duties of the Committee. All of these powers should be vested in the Committee under this program to enable it to more fully perform its duties.

The order should set forth the duties of the Committee which will permit it to function efficiently and enable the Secretary and the Committee to administer the program. Hence, the Committee should select from among its membership a chairman and such other officers as may be necessary and define the duties of such officers and adopt such rules and regulations for the conduct of its business as it may deem advisable. It is visualized that the Committee would elect a chairman, a vice chairman, a secretary, and a treasurer.

The Committee should also be authorized to appoint or employ such other persons as may be necessary and determine the salaries and define the duties of such persons. This would enable the Committee to employ a manager and necessary professional and clerical help.

The Committee should keep such minutes, books, and other records as will clearly reflect all of the acts and transactions of the Committee, and be subject to examination at any time by the Secretary.

At least once each marketing year and at such other times as the Committee may deem necessary or as the Secretary may request, the books and other records of the Committee should be audited by a public accountant. The records of each such audit should show, among other things, the receipts and expenditures of funds collected under this program. Two copies of each such audit report should be furnished to the Secretary. After elimination of confidential data, a copy of the audit report should be made available for inspection in the office of the Committee by producers, handlers, and any other interested person.

The Committee should prepare periodic statements of its financial operations and make copies of each such statement available to growers, handlers, and others for examination at its office. It should submit a copy of those statements to the Secretary. The term "periodic" could mean monthly, quarterly, or as regularly as the Committee and the Secretary consider necessary.

The Committee should act as intermediary between the Secretary and any grower, handler, dealer, manufacturer, or other interested person. Since the Committee is the administrative agency under the order, it would be in a position to handle most problems connected with program administration; and the industry should not need to go to the Secretary on questions that can be handled by the Committee. However, this is not intended to preclude any person going directly to the Secretary should he so desire.

An important duty of the Committee should be to investigate, assemble data and analyze market conditions, including the handling of flue-cured tobacco, and to make recommendations to the Secretary concerning the movement of flue-cured tobacco to market during the current marketing year. Such information and data would, among other things, be essential to the Committee and the Secretary in establishing the marketing policy for a selling season and in establishing and revising the volume regulations for such season, as applicable.

Since the Secretary has overall responsibility for the order, he should be given the same notice of Committee and subcommittee meetings as is given the members. Notice of Committee meetings should also be regularly mailed to any interested persons who request such notification.

A major activity of the Committee should be that of investigating compliance with the order and any regulations issued pursuant to the order. Thus, a Committee duty should be to investigate compliance and use means available to prevent violations of the provisions of the order. This would authorize the Committee to notify all handlers of their program obligations, explain program requirements, observe handler operations and activities and investigate any indication of violations.

The order should establish a notice requirement for holding meetings, quorum requirements, and voting at assembled meetings and by mail, telephone, or telegraph. Thus, the order should provide that the Committee may hold meetings only after it gives notice of such meetings to its members. This is to insure that all members and alternates are notified of a pending Committee meeting and will have ample time to make the necessary arrangements in their own operations to attend such meetings.

There may be times when it will be impossible for members or their alternates to attend every meeting. Therefore, the order should include quorum requirements for an assembled meeting. A quorum should consist of 10 members, including alternates acting as members. Moreover, to assure that there be sufficient approval for any Committee action, the order should provide that any action of the Committee shall require at least nine concurring votes. The figure of nine concurring votes is put in to make it essential that at least five grower-members on the Committee favor every action taken.

It should also be recognized that occasions may arise where actions must be taken before a meeting of the Committee can be called, or minor matters may arise which can be handled without the need for an assembled meeting. Thus, the order should authorize the Committee to vote by mail, telephone, or telegraph. However, this method of voting should not be used at an assembled meeting to obtain votes from absent members. When such vote is proposed to be taken, the proposition should be explained accurately, fully, and as identically as possible to all members before a vote is taken, that is, a vote other than at assembled meetings and all votes by telephone should be confirmed promptly in writing. This should be done so that members may vote on basically the same information. The quorum requirement and number of concurring votes should be the same as for an assembled meeting.

C. *Expenses, assessments and accounting.* The Committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each marketing year for its maintenance and functioning. This provision reiterates the provisions of the act to the effect that the expenses of administration of the marketing order program are chargeable to and borne by the industry.

The Committee should be required to prepare and submit to the Secretary a budget of its proposed expenses for a marketing year and a proposed rate of assessment, together with a report thereon. This should be accomplished no later than 30 days after the beginning of the marketing year for which the budget and assessment rate are proposed. In order for the Committee to obtain the necessary revenue, the order should provide, as required by the act, that funds to cover such expenses shall be acquired by levying assessments upon handlers.

The Committee should adopt the good business practices of anticipating its expenditures and income and submitting its estimated requirements to the Secretary. Major expenses of the Committee would include salaries for the manager and the management staff, office rent, Committee and management travel expense, telephone and telegraph, postage, stationery, and office equipment. In addition to these, some provisions should be made for unexpected expenses.

The Secretary should review all budgets submitted by the Committee. He decides whether the proposed expenses are reasonable and likely to be incurred. The Committee should arrive at a rate of assessment on the basis of its proposed expenses. The rate of assessment should be fixed by the Secretary at the same time he approves the Committee's expenses.

Consistent with the act, the order should require each handler with respect to the flue-cured tobacco handled by him to pay to the Committee upon demand his pro rata share of the expenses which the Secretary finds will be incurred by the Committee during each marketing year.

Each handler's pro rata share should be the rate of assessment per unit (pounds of flue-cured tobacco) fixed by the Secretary, times the total assessable units (poundage) of tobacco handled by such handler during the marketing year. The handler should not be prohibited from passing the assessment on to the grower. However, if the assessment is passed on by the handler as a part of the marketing fee or charges, the amount should be separately identified on the warehouse bill-of-sale. Of course, such amount should not exceed the assessment applicable to the poundage of the grower's tobacco handled by the handler.

In order to meet expenses of the Committee prior to the time in the marketing year when funds from assessments would be available, the Committee should be authorized to accept advance payment from handlers and to credit such advance payments against assessments subsequently levied against such handlers. So that handlers would not be asked to advance an unreasonable amount, requests for advance payments should not exceed 50 percent of the anticipated total assessments for a marketing year. Additionally, if prepayments or reserve funds are insufficient to meet immediate expenses, the Committee should be empowered to borrow a reasonable amount of funds whenever necessary to keep the

program in operation during the marketing year.

Since handlers would be required to pay their respective pro rata shares of the Committee's expenses, it is necessary that the assessment rate be applied uniformly. Unanticipated expenses may become apparent during or after a crop year, or crop damage or underestimation of the crop could so reduce the assessable tonnage that the budget of expenses could not be met without an increase in the assessment rate. Therefore, the order should provide that at anytime during or after a marketing year the Secretary may increase the rate of assessment to cover unanticipated expenses of the Committee or a deficit in assessable tonnage. Moreover, the order should require each handler to pay such additional assessment to the Committee upon demand. However, it is anticipated that the Committee would recommend reasonably adequate rates so that handlers will not be billed for unexpected costs late in the season.

So as to assure a continuous functioning by the Committee throughout the period in which the order is in effect, provisions should be made that payments of assessments for the maintenance and functioning of the Committee may be required as provided in the act under this program throughout the period it is in effect, irrespective of whether particular provisions thereof are suspended or become inoperative.

The Committee may find at the end of the marketing year that assessments collected are in excess of expenses incurred. The order should specify the manner of accounting for such excess.

Except when the Committee establishes an operating monetary reserve or upon termination, the order should provide that each handler who has paid assessments in excess of his pro rata share during any marketing year of the expenses should be credited with such excess against his pro rata share of the expenses in the following year. However, there may be circumstances where a handler has an existing financial obligation to the Committee at the end of a marketing year. Therefore, the order should also provide that any sum paid by a handler in excess of his pro rata share of the expenses during any marketing year may be applied by the Committee at the end of such marketing year to any outstanding obligations due the Committee from such handler.

The Committee should be authorized to use excess funds and advance payments to establish and maintain an operating monetary reserve to provide capital for operating expenses, for example, at the beginning of a season and before income from current year's assessments would be received. Therefore, the order should provide that the Committee, with the approval of the Secretary, may establish and maintain during one or more marketing years an operating monetary reserve, consisting of all or any portion of such excess funds, in an amount not to exceed approximately 2 marketing years' operational expenses. Moreover, funds in the operating monetary reserve should be available for use by the Committee for all expenses authorized pursuant to the applicable provisions of this program. This would permit the fixing of reduced assessments, as well as the use of reserve funds in lieu of increasing an assessment rate, for some marketing years when deemed appropriate.

Upon termination of the order, any funds remaining on hand should be used to pay the expenses of the Committee or joint trustees or both, incurred in connection with liquidation activities. Upon completion of these activities, any funds not required to defray the necessary expenses of liquidation should be disposed of in such manner as the Secretary may determine to be appropriate. However, to the extent practical, such funds should be returned pro rata to the persons from whom the funds were collected.

The order should also provide that all funds received by the Committee pursuant to the provisions of this program should be used solely for the purposes specified and accounted for in the manner provided. The order should also provide that the Secretary may at any time require the Committee and its members to account for all receipts and disbursements. Pursuant to this requirement and consistent with the Committee's duties, it would be necessary for it to see that methods of accounting are followed which provide sufficient record of any transactions made by the Committee. The Committee should at all times be able to explain to the Secretary the need and reason for all transactions and expenditures of the Committee.

The order should also provide that upon expiration of the term of office, removal for cause, resignation, or disqualification of any member or alternate of the Committee, such person shall account for all property and funds under his control or in his possession. Moreover, such member or alternate should deliver all property and funds in his possession to his successor in office and should execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all the property, funds, and claims vested in such member under the program. This should be included in the order to advise all members and alternates of their responsibilities and duties with respect to such funds and property and to assure proper control thereof.

D. *Regulation.* The order should require the Committee to develop a marketing policy each marketing year prior to the beginning of the selling season so that handlers, producers, and other segments of the industry will have information upon which to plan for the marketing of flue-cured tobacco during that season. Thus, the Committee should prepare and submit to the Secretary its marketing policy prior to the beginning of a flue-cured selling season. The Committee's marketing policy should be predicated on pertinent considerations directly associated with the capabilities of the market to accommodate specified quantities of tobacco during a given marketing period.

In preparing its marketing policy, the Committee should give consideration to production of flue-cured tobacco in the production area. In developing these production data, the Committee should compile and review such data for at least three immediately preceding marketing years. Such data should be compared with estimated production for the then current marketing year.

The respective dates of the harvesting season for flue-cured tobacco in the various prorated districts of the production area over the past 3 years should be given important consideration by the Committee in developing marketing policies.

The Committee should also review market opening dates for a period of three immediately preceding marketing years; and the amount of tobacco marketed by producers in prorate districts other than their own. This is necessary so as to serve as a basis for evaluating and relating the results of prior marketing years to the potential marketing problems that may relate to the then current marketing year.

Consideration should also be given to weekly marketings of flue-cured tobacco in the entire production area and in each prorate district during three immediately preceding marketing years.

The period of 3 years should ordinarily be a reasonable and adequate period for the foregoing purposes. Of course, the Committee should not be precluded from considering any other marketing years deemed relevant; and the order should so provide.

An appraisal of redrying capacities should constitute an important part of the justification for recommended Salable Quantities. The capacity of the redrying plants governs the amount of flue-cured tobacco that can be processed during a week and hence the quantity which handlers should be permitted to handle.

As part of the marketing policy, the Committee should develop, and include therein, a schedule of estimated Salable Quantities for each week of the selling season, thereby apprising the Secretary, producers, handlers, and other interested persons of the Committee's thinking regarding operations during the marketing year.

The Committee in its policy statement should indicate the consideration that would be given to the distribution of Marketable Quantities among the prorate districts.

In developing the marketing policies, the Committee should consider the factors enumerated and also should consider any other pertinent factors related to the problem of regulating the flow of flue-cured tobacco from the farm to the market.

If unanticipated changes as related to supply and demand or capacity of redrying facilities should indicate a need for modification of a marketing policy, the Committee should submit to the Secretary a revised marketing policy setting forth pertinent information with respect to such revisions.

In view of the importance of marketing policies, meetings of the Committee for the formulation of such policies should be open to producers, handlers, and other interested persons. Meetings of the Committee for the purpose of formulating marketing policies should be publicized through available media of public information including, but not limited to, press, radio and television facilities serving within the production area, and by other means if deemed appropriate to insure reasonable advance notice of such Committee meetings.

The Committee should transmit a copy of each marketing policy report and each revised marketing policy report to the Secretary. Also, the Committee should provide a summary of marketing policies or revised marketing policies to appropriate newspapers with general circulation in the respective prorate districts. Also, the Committee should maintain at its office a copy of all such policy reports and these reports should be available for examination by growers, handlers, and other interested parties or for the mailing to them upon written request.

Provisions should be included in the order as to the procedures to be followed in regulating the quantity of tobacco that may be handled. In this connection, the Committee should have authority to recommend to the Secretary for any specified week, or any number of successive weeks, of the selling season the total amount, or respective amounts, of flue-cured tobacco it deems advisable to be handled during the stated regulatory periods in terms of Salable Quantities.

The Committee should also recommend the distribution of such total amount, or amounts, to any one or more of the various prorate districts in terms of Marketable Quantities. With each recommended Marketable Quantity for a prorate district, the Committee should propose the Uniform Percentage that should be applicable for use in determining producers' Marketable Allotments for tobacco grown in such district. In arriving at an appropriate Uniform Percentage, the Committee should consider the period of the selling season for which the Salable Quantity and Marketable Quantity are being recommended and the Marketable Allotments to be based thereon.

In the event the Committee recommends a Salable Quantity, but fails to recommend to the Secretary its distribution as Marketable Quantities, the Committee should promptly transmit a report to the Secretary representing the individual views of the Committee members regarding the distribution of the Salable Quantity among the prorate districts. This report to the Secretary would establish the fact that no agreement was reached by the Committee. Thus the Secretary would know that he would have to act without such a recommendation if conditions so warrant. Also, it would establish the views of the respective members as to what the decision sought to be, even though they were not able to arrive at a decision among themselves.

In making recommendations with respect to Salable Quantities and Marketable Quantities, the Committee should consider (1) the maturity of the tobacco, the percent of production harvested and the climatic factors affecting the ability of growers to safely store flue-cured tobacco on the farms in each prorate district, (2) the cumulative weekly quantities of flue-cured tobacco handled during the then current selling season, (3) conditions in the redrying facilities as related to the need for increasing or decreasing the Salable Quantity and Marketable Quantities, (4) the number of auction markets and sales functioning and expected to function, (5) estimated quantities of tobacco remaining to be handled in the respective prorate districts, (6) percent of tobacco sold which has already been handled under the order (generally known as resale tobacco), and (7) any other pertinent factors considered in establishing or arriving at the marketing policy.

Provisions should be included in the order to the effect that a Marketable Quantity or Marketable Quantities that may be established for any week or successive weeks, may be different for different prorate districts as well as for different weeks whenever such action would tend to establish or maintain orderly marketing conditions. Therefore, the Committee should be authorized to recommend such actions whenever, after consideration of foregoing factors, the Committee concludes that such is warranted. Also, limitations in the order should provide that the handling of flue-cured tobacco grown in particular prorate district, or districts, prior to, or during, such time or times in the selling season as may be specified by the Secretary on the basis of the Committee's recommendation or other available information, shall be prohibited. This is necessary in order to allow for the orderly flow of the tobacco to market when a substantial quantity of the flue-cured tobacco harvested in a given belt, or belts, as compared with the quantity of harvested tobacco in other belts is ready for market. Also, this recognizes that generally throughout the production area, tobacco matures at different times beginning in the southernmost producing region and progressing northerly at a fairly regular rate. Thus, some belts may have little or no tobacco available for market when other belts have a significant quantity of such tobacco. Also, during the selling season, in the absence of such authority in the order, situations may arise when, because of a backlog (i.e., carryover) of unused Marketable Allotments for tobacco which may be handled from a particular prorate district or districts, or redrying plant congestion, or for other reasons orderly marketing conditions can not be established or maintained. In the light of the foregoing, the Committee, in making its recommendations as to Marketable Quantities, should set forth the reasons and basis for distributing, or not distributing, such quantities to each of the various prorate districts.

Authority should be provided for changing a Salable Quantity and the Marketable Quantities thereunder fixed by the Secretary, for a particular week, provided such changes can be made effective before the beginning of such week.

Accordingly, prior to the beginning of a week for which the Secretary has fixed the Salable Quantity and has established respective Marketable Quantities thereof which may be handled from the various prorate districts, the Committee should, if it deems such action advisable in view of significant changes in market conditions in the production area, recommend to the Secretary that such Salable Quantity be increased or decreased for such week and that Marketable Quantities be distributed among prorate districts. Such distribution may be among the same or different prorate districts and may be in different proportion than previously fixed.

The Committee should submit such recommended changes, and the reasons therefor, to the Secretary sufficiently in advance so as to allow for adequate time for taking final action before the beginning of the week.

The order should provide that as the end of a selling season approaches for a prorate district in which a Marketable Quantity is in effect, the Committee, if it finds that the total quantity of flue-cured tobacco remaining to be handled from such prorate district is extremely small in amount, is authorized to submit recommendations to the Secretary that subsequent Marketable Quantities for such district be unlimited for the remainder of the selling season. In this way, limitations on handling would apply to the tobacco from a prorate district only when the conditions so warrant.

The order should further provide that whenever the Secretary finds on the basis of the recommendations of the Committee, or other available information, that the issuance of regulations establishing a Salable Quantity and Marketable Quantities, together with applicable Uniform Percentages, would tend to effectuate the declared policy of the act, he should establish a Salable Quantity, Marketable Quantities thereunder, and applicable Uniform Percentages. Such provisions should also authorize the Secretary to prescribe unlimited Marketable Quantities, and whenever he finds that a Marketable Quantity no longer tends to effectuate the declared policy of the act to suspend or terminate such Marketable Quantity.

A Base Quantity should be established for each producer. As heretofore discussed in connection with the definition of the term "Base Quantity", the Base Quantity of a producer for a particular marketing year should be limited on a prorate district basis and cover the producer's farms therein, as shown on Tobacco Marketing Cards covering farms of such producer located in such prorate district.

The Committee also should have authority, with approval of the Secretary, to prescribe such rules and procedures as may be necessary to provide for the issuance of appropriate Tobacco Order Cards each marketing year to producers, representing their respective Base Quantities. A Tobacco Order Card should be designed to show the amounts of the producer's flue-cured tobacco that were handled during the selling season of such year.

Such rules and procedures should include, among other things, provisions whereby a producer who has more than one Tobacco Marketing Card for flue-cured tobacco produced in the same prorate district during the applicable marketing year may apply to the Committee for the issuance to such producer of the same number of Tobacco Order Cards for such tobacco. Each of the Tobacco Order Cards of such a producer should show the portion of the producer's Base Quantity which corresponds to the poundage allotment on the applicable one of the producer's Tobacco Marketing Cards, thereby affording needed flexibility in the handling of a producer's tobacco, as well as providing adequate means for checking compliance with order requirements.

There may be a few growers who desire to sell quantities of tobacco in excess of their marketing quotas as shown on their Tobacco Marketing Cards or have no marketing cards and pay the statutory penalty. The order should not prevent this; rather it should provide for the handling of such excess. In these circumstances, such producer should be permitted to apply to the Committee for a Tobacco Order Card prior to a week for which a Marketable Quantity is in effect and during which the producer desires to market a quantity of his tobacco. The foregoing should be effectuated by the Committee in accordance with rules and procedures recommended by the Committee and approved by the Secretary, for applications for, and issuance of, appropriate supplemental Tobacco Order Cards, or other forms, for handling of such quantities of tobacco.

When the Secretary establishes a Marketable Quantity for a prorate district, he should also fix the Uniform Percentage for use in determining the Marketable Allotment of each producer in that district.

A producer's Marketable Allotment in a prorate district during a specified week should be determined by multiplying such producer's Base Quantity by the Uniform Percentage fixed for the district. The amount resulting from this computation should be the producer's Marketable Allotment for such week. In order to prevent undue hardship on producers with small Base Quantities, the order should permit a producer to market at least 400 pounds a week, providing he has at least that amount remaining as the unmarketed portion of his Base Quantity. If he has less than 400 pounds remaining, his Marketable Allotment should be the remaining amount.

The notice of hearing proposed a minimum weekly allotment of 500 pounds per producer. However, testimony brought out the fact that because of the large number of producers that would be involved, the minimum should be less than 500 pounds, otherwise the total quantity which could be handled on a weekly basis, under this provision could be excessive. Also, according to the record, the minimum marketable allotment should be a multiple of 200 pounds, since this is the maximum amount of tobacco presently permitted to be placed on a basket for sale at auction. Accordingly, it is concluded that such a minimum should be 400 pounds because a 200-pound limitation would be unreasonably small and uneconomical for producers.

The order should restrict the total quantity of tobacco which handlers may purchase from, or handle on behalf of, any and all producers during any week in which a Marketable Quantity is in effect. Thus, when a Marketable Quantity is established for a prorate district, no handler should be permitted to handle any quantity of a producer's flue-cured tobacco from this district during such week unless such quantity is within the Marketable Allotment of such producer or otherwise permitted to be handled under the order. Also, during any week when no Marketable Quantity has been distributed to a prorate district, no handler should handle any tobacco from such district during such week, as heretofore discussed. Each handler should be required, under the order, to ascertain that the flue-cured tobacco to be handled is within the producer's Marketable Allotment or is otherwise permitted by the order.

Also, such handler should be required to record on the producer's Tobacco Order Card at the time of his handling each quantity of such producer's flue-cured tobacco he handled. In this manner, each handler, as well as the Committee and the Secretary, will be able to determine whether the handling of the tobacco accords with the order provisions. Any resale tobacco covered by the Marketing Quota Program should, of course, not be entered on any such card because the tobacco in question would not be purchased from, or handled on behalf of, a producer. Because most producers do not have any convenient means of determining at the farm the exact pounds of tobacco they are delivering to an auction warehouse, a reasonable tolerance should be provided handlers for handling a limited quantity of tobacco in excess of the producers' Marketable Allotment. The outside limit of such a tolerance should be 10 percent, with authority for the Committee to prescribe, with the approval of the Secretary, a lesser percentage. Such authority is necessary to provide needed and sufficient flexibility in growers' and handlers' operations under the order. Whenever a quantity of tobacco within such tolerance is handled, the applicable producer's Marketable Allotment for the next regulatory week should be reduced by a like amount to compensate for the previous excess handling. Such adjustment, however, with respect to a Marketable Allotment, should be confined to the same selling season, because a required offset from handling during the next selling season is not necessary for the effectuation of the declared policy of the act. In any event, there would be a period at the end of the selling season when unlimited Marketable Quantities would be in effect.

Often producers might not be able to deliver their tobacco to warehouses during a specific week for which a Marketable Quantity is in effect. In order to prevent undue hardships and allow equitable treatment of growers, the Marketable Allotment of a grower for a particular week should be increased by adding thereto a quantity equal to the unused portions of his prior Marketable Allotments of the current selling season. It follows that the tolerance for excess handling should also apply to an increased Marketable Allotment due to a prior deficit handling and the adjustment in subsequent Marketable Allotment should likewise apply.

Record evidence shows that the accumulation of unused full weekly minimum allotments (i.e., 400 pounds per week) could result in a large carryover for marketing during a particular week, which could lead to serious problems in maintaining orderly marketing conditions. This situation should be minimized by limiting the accumulation due to deficit marketing to the extent to which such deficit is in an amount not greater than the computed Marketable Allotment. This is consistent with the purpose for which minimum Marketable Allotments are determined for small producers, as heretofore discussed. The total of such allowable accumulation of deficits plus the computed Marketable Allotment of the producer for a particular week would, therefore, be the amount of such producer's tobacco that could be handled during that week. If such amount is less than the established minimum, the producer may market all or a portion of such minimum but only to extent of the remainder of his Base Quantity if it is less than 400 pounds.

For purposes of this program, the production area should be divided into five prorate districts which, with minor exceptions, conform with the long recognized flue-cured tobacco marketing belts. The auction markets in a particular prorate district, or belt, open simultaneously; and thus each of these districts falls into a natural division of the production area for administration of the program. These prorate districts should, therefore, be constituted as follows:

(1) Prorate District 14 should be comprised of the States of Florida, Georgia, and Alabama.

(2) Prorate District 13 should be limited to the State of South Carolina and the following counties in North Carolina: Bladen, Brunswick, Columbus, Cumberland, Hoke, Robeson, and Scotland.

(3) Prorate District 12 should be limited to the following counties in North Carolina: Bertie, Beaufort, Camden, Carteret, Chowan, Craven, Dare, Duplin, Edgecombe, Gates, Greene, Halifax, Harnett, Hertford, Johnston, Jones, Lenoir, Martin, Nash, New Hanover, Northampton, Onslow, Pamlico, Pender, Pitt, Sampson, Wake (eastern part), Washington, Wayne, and Wilson.

(4) Prorate District 11(b) should be limited to the following counties in North Carolina: Anson, Cabarrus, Chatham, Cleveland, Durham, Franklin, Gaston, Granville, Lee, Montgomery, Moore, Richmond, Vance, Wake (western part), and Warren.

(5) Prorate District 11(a) should be limited to the State of Virginia and the following counties in North Carolina: Alamance, Alexander, Burke, Caldwell, Caswell, Catawba, Davidson, Davie, Forsyth, Guilford, Iredell, Orange, Person, Randolph, Rockingham, Rowan, Stokes, Surry, Wilkes, and Yadkin.

With the exception of Wake County, each listed county is entirely within the same prorate district. Traditionally, the eastern part of Wake County is considered as a part of the Type 12 producing region, and the western part as a part of the Type 11(b) producing region. According to the record, no precise dividing line has been recognized in Wake County and no such line can therefore be set forth as a part of the order. However, such a line should be established through rule making procedures under authority therefor in the order. In this connection, it would be appropriate for the Administrative Committee to avail itself of assistance from the County Agricultural Extension Service and the county Agricultural Stabilization and Conservation Service office (ASCS) in making its recommendations with respect to the establishment of the dividing line.

Each handler should be required at such times and manner as the Committee may prescribe with the approval of the Secretary to furnish to the Committee such reports as will enable the Committee to perform its duties and functions under this program. Such reports should include, but not be limited to, information concerning quantities of tobacco handled during specified periods. This information is needed by the Committee for such things as marketing policy determinations, issuance of volume regulations, compliance, and to determine the quantity of tobacco handled by each handler as a basis for payment of assessments.

Handlers should be required to maintain records pertaining to all tobacco handled, in order to substantiate the required Committee reports. Handlers should be required to maintain such records for not less than 2 years after the end of the marketing year to which such records relate. Since handlers now keep complete records of all tobacco transactions, there should be no difficulty in complying with this requirement. However, for the purpose of assuring compliance with the order, including its reporting and recordkeeping requirements, and verifying reports by handlers, the order should specifically authorize the Secretary and the Committee to have access to any premises where applicable records are maintained, and where tobacco is received. Moreover, the Secretary and the Committee should be permitted at any time during normal business hours to inspect such handlers' premises, and any and all records of such handlers, with respect to matters within the purview of this program. This is a reasonable requirement and should not be unduly burdensome on handlers. The success or failure of the order could well hinge on compliance by handlers with the provisions of the program. Past experience in other marketing order programs underscores the importance of checking handler records and occasional inspection of handler premises as a means of verifying compliance.

E. *Miscellaneous provisions.* Except for § 1202.73(b), the provisions of §§ 1202.70 through 1202.81, as hereinafter set forth, are common to marketing agreements and orders now operating. The provisions of §§ 1202.85 through 1202.87, as hereinafter set forth, are applicable only to the marketing agreement and are also generally common to the marketing agreements now operating. These provisions of the marketing agreement and order set forth certain rights, obligations, privileges or procedures which are necessary and appropriate for effective operation of the program. The provisions are incidental to and not inconsistent with section 8c (6) and (7) of the act and are necessary to effectuate the other provisions of the order, and to effectuate the declared policy of the act. Testimony at the hearing supports the inclusion of each of these provisions in the order.

Provisions should be included in § 1202.73(b) requiring the Secretary to terminate the provisions of the order at the end of any marketing year whenever he finds that such termination is favored by a majority of the producers who, during a representative period determined by the Secretary (for purposes of this program, the preceding marketing year), produced for market more than 50 percent of the flue-cured tobacco so produced. So that due notice is given and producers and handlers may prepare for termination of the order, it should be announced as soon as practicable, but not later than March 1, and be made effective as of the end of such marketing year.

Rulings on proposed findings and conclusions. At the conclusion of the hearing on March 8, 1968, at Florence, S.C., the Presiding Officer fixed April 1, 1968, as the latest day on which interested parties could file briefs. Briefs filed with respect to the testimony presented in evidence at the hearing, and the findings and conclusions to be drawn therefrom, were carefully considered along with the record evidence in reaching the findings and conclusions herein set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with those contained herein, the requests to make such findings or to reach such conclusions are denied.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement and order regulate the handling of flue-cured tobacco grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The marketing agreement and order prescribe, so far as practicable, such different terms necessary to give due recognition to differences in the production and marketing of flue-cured tobacco; and

(5) All handling of flue-cured tobacco grown in the production area, as defined in said marketing agreement and order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended marketing agreement and order. The following marketing agreement and order (the sections identified with asterisks (* * *) apply only to the proposed marketing agreement) are recommended as the detailed means by which the foregoing conclusions may be carried out:

DEFINITIONS

§ 1202.1 Department.

"Department" means the U.S. Department of Agriculture.

§ 1202.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1202.3 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 48 Stat. 31, as amended).

§ 1202.4 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1202.5 Flue-cured tobacco or tobacco.

"Flue-cured tobacco" or "tobacco" means all Types 11–14 flue-cured tobacco, as defined and classified in Part 30 of this title, produced in the production area.

§ 1202.6 Production area.

"Production area" means all territory included within the prorate districts as set forth in § 1202.56.

§ 1202.7 Grower; producer.

"Grower" or "producer" means any person who is engaged in a proprietary capacity in the commercial production of flue-cured tobacco.

§ 1202.8 Auction market.

"Auction market" means a market center which has been designated as a tobacco auction market pursuant to the Tobacco Inspection Act and any other place or establishment at which flue-cured tobacco received from growers is offered for sale at auction.

§ 1202.9 Sale.

"Sale" means a combination of auction warehouse personnel and buying personnel engaged in selling and buying tobacco at auction on an auction market.

§ 1202.10 Handle.

"Handle" means to sell at auction on behalf of a producer flue-cured tobacco received from such producer, or to purchase, other than at auction, flue-cured tobacco from the producer thereof. Flue-cured tobacco pledged for loan pursuant to the Agricultural Act of 1949, as amended (7 U.S.C. 1421 et seq.), shall be considered as having been sold on behalf of the producer.

§ 1202.11 Handler.

"Handler" means any person who handles flue-cured tobacco.

§ 1202.12 Tobacco Marketing Card.

"Tobacco Marketing Card" means a Tobacco Marketing Card (Form MQ–76 (Flue)), issued to a flue-cured tobacco producer by the Agricultural Stabilization and Conservation Service of the Department, pursuant to the Marketing Quota Program, indicating the marketing quota for such producer for a particular marketing year.

§ 1202.13 Tobacco Order Card.

"Tobacco Order Card" means the Tobacco Order Card, or other approved form, issued to a producer pursuant to § 1202.53.

§ 1202.14 Committee.

"Committee" means the Administrative Committee established pursuant to § 1202.30.

§ 1202.15 Marketing year.

"Marketing year" means the 12-month period beginning April 1 through March of the following year, except that the first marketing year shall begin on the effective date of this part.

§ 1202.16 Dealer.

"Dealer" means any person who is engaged in the business of purchasing flue-cured tobacco and processing flue-cured tobacco for storage and sale in leaf form.

§ 1202.17 Domestic manufacturer.

"Domestic manufacturer" is synonymous with "manufacturer" and means any person who is engaged in the business of purchasing flue-cured tobacco and manufacturing tobacco products therefrom.

§ 1202.18 Salable Quantity.

"Salable Quantity" means the desirable total quantity of flue-cured tobacco which should be handled from all prorate districts during a specified period of the selling season.

§ 1202.19 Marketable Quantity.

"Marketable Quantity" means the desirable total amount of flue-cured tobacco grown in a prorate district for handling during a specified period of the selling season.

§ 1202.20 Marketable Allotment.

"Marketable Allotment" means with respect to a particular prorate district, specified period of the selling season, and producer, the total amount, or remainder thereof, as applicable, of flue-cured tobacco from such prorate district which handlers may handle on behalf of, or purchase from, such producer during such period.

§ 1202.21 Base Quantity.

"Base Quantity" means the Base Quantity for a producer as provided in § 1202.53.

§ 1202.22 Uniform Percentage.

"Uniform Percentage" means the percentage for a specified prorate district and period of a selling season, fixed by the Secretary pursuant to § 1202.54(a).

§ 1202.23 Marketing Quota Program.

"Marketing Quota Program" means the Flue-Cured Tobacco Acreage-Poundage Program under authority of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), that is in effect during the then current selling season.

§ 1202.24 Selling season.

"Selling season" means that portion of the marketing year during which flue-cured tobacco is handled.

§ 1202.25 Part and subpart.

"Part" means the order regulating the handling of flue-cured tobacco grown in the production area and all rules, regulations, and supplemental orders issued thereunder, and the aforesaid order shall be a "subpart" of such part.

ADMINISTRATIVE COMMITTEE

§ 1202.30 Establishment and membership.

(a) *Establishment.* An Administrative Committee consisting of 14 members is hereby established to administer the terms and provisions of this part. For each member of the Committee there shall be an alternate member who shall have the same qualifications as the member and, unless otherwise specified, all provisions of this part applicable to a member shall be applicable to his alternate.

(b) *Membership representation*—(1) *Growers.* Ten members shall be individuals who are producers, and who are not handlers, dealers, or manufacturers, or officers or employees of handlers, dealers, or manufacturers, with each prorate district being represented by two members who are producers therein.

(i) Each prorate district is divided into two election subdistricts for representation on the Administrative Committee, with each subdistrict being represented by a producer therein. The election subdistricts for the respective prorate districts set forth in § 1202.56 are as follows:

PRORATE DISTRICT 14

Election Subdistrict A, comprised of the State of Florida.
Election Subdistrict B, comprised of the States of Georgia and Alabama.

PRORATE DISTRICT 13

Election Subdistrict A, comprised of the State of South Carolina.
Election Subdistrict B, comprised of the following counties in North Carolina: Bladen, Brunswick, Columbus, Cumberland, Hoke, Robeson, and Scotland.

PRORATE DISTRICT 12

Election Subdistrict A, comprised of the following counties in North Carolina: New Hanover, Pender, Onslow, Cartaret, Duplin, Sampson, Harnett, Johnston, Wayne, Lenoir, Jones, Pamplico, and Craven.
Election Subdistrict B, comprised of the following counties in North Carolina: Dare, Washington, Pitt, Greene, Wilson, Nash, Halifax, Edgecombe, Martin, Bertie, Chowan, Camden, Gates, Hartford, Northampton, Wake (eastern part), and Beaufort.

PRORATE DISTRICT 11(b)

Election Subdistrict A, comprised of the following counties in North Carolina: Warren, Vance, Granville, Franklin, Wake (western part), and Durham.
Election Subdistrict B, comprised of the following counties in North Carolina: Chatham, Lee, Moore, Montgomery, Richmond, Anson, Cabarrus, Gaston, and Cleveland.

PRORATE DISTRICT 11(a)

Election Subdistrict A, comprised of the following counties in North Carolina: Alamance, Alexander, Burke, Caldwell, Caswell, Catawba, Davidson, Davie, Forsyth, Guilford, Iredell, Orange, Person, Randolph, Rockingham, Rowan, Stokes, Surry, Wilkes, and Yadkin.
Election Subdistrict B, comprised of the State of Virginia.

(ii) If the Secretary concludes, on the basis of a recommendation of the Committee, or other available information, that the boundaries of the election subdistricts within a given prorate district are no longer such as to afford the growers therein equitable representation and that the boundaries should be changed so as to achieve such result, he may make such changes. Grower members representing the same prorate district shall not be selected from the same State unless such entire prorate district is within such State.

(2) *Cooperative.* One member shall be the manager or other managerial employee of the Flue-Cured Tobacco Cooperative Stabilization Corporation.

(3) *Handler.* One member shall be an individual who is a handler, or an officer or employee of a handler, or an officer of an association of handlers.

(4) *Dealer.* One member shall be an individual who is a dealer, or an officer or employee of a dealer, or an officer of an association of dealers.

(5) *Domestic manufacturer.* One member shall be an individual who is an officer or employee of a domestic manufacturer.

§ 1202.31 Term of office.

The term of office of Committee members shall be for two consecutive marketing years, except that the respective initial terms of office of the grower members representing the various Election Subdistricts A (as set forth in § 1202.30 (b)(1)(i)), and of the handler and dealer members, shall expire at the end of the first marketing year. Committee members shall serve for the term of office for which they are selected and have qualified, and until their successors are selected and have qualified.

§ 1202.32 Nominations.

(a) Nominations for membership on the Committee shall be certified by the Committee and submitted to the Secretary by March 1, of each year in which successor members are to be selected, for his consideration in making a selection of the members of the Committee.

(b) Nominees for grower member positions shall be elected at an open meeting of growers in each election subdistrict. The Committee shall hold, and give reasonable publicity to, such nomination meetings. For the purpose of obtaining the initial nominees, the Secretary shall perform the functions of the Committee. The nominations, and election of nominees, shall be made at the meetings with separate nominations and voting for the nominees for member positions and alternate member positions. The eligible person receiving the highest number of votes for a position shall be the nominee for that position. Only persons who are producers in an election subdistrict may participate in nominating and electing the nominees from such subdistrict. For voting purposes, producers who are also handlers, dealers, or manufacturers, or their employees, can participate in elections.

(c) Nominees for other member and alternate member positions may be nominated through the organization channels of their respective groups for submission to the Secretary for his consideration.

(d) If the Secretary concludes, on the basis of a recommendation of the Committee, or other available information, that any nomination or election procedure provided in this section is unsatisfactory or should be changed for any other reason, he may change this procedure through formulation and issuance of superseding regulations.

§ 1202.33 Selections.

(a) Committee members shall be selected by the Secretary from nominees submitted in accordance with § 1202.32, or from other eligible persons. If the Secretary declines to appoint any nominee submitted, he shall request that another nominee be submitted, at least once, before selection is made from among other eligible persons. If nominations are not made within the time and manner specified in § 1202.32, the Secretary may, without regard to nominations, select the members on the basis of the representation provided for in § 1202.30.

(b) Each person selected as a member or alternate member shall qualify by filing a written acceptance with the Secretary prior to serving on the Committee.

§ 1202.34 Alternate members.

An alternate member of the Committee shall act in the place and stead of the member for whom he is an alternate during such member's absence. In the event of the death, removal for cause, resignation, or disqualification of a member, his alternate shall act for him until a successor for the unexpired term of such member has been selected, as provided by § 1202.35, and has qualified. Alternate members shall also perform such other duties as may be assigned by the Committee.

§ 1202.35 Vacancy.

To fill any vacancy occasioned by the failure of any person selected as a member of the Committee to qualify, or in the event of the death, removal for cause, resignation, or disqualification of any member of the Committee, a successor for the unexpired term of such member shall be nominated and selected in the manner specified in §§ 1202.32 and 1202.33. If the name of a nominee to fill any such vacancy is not made available to the Secretary within 40 days after such vacancy occurs, the Secretary may fill such vacancy without waiting further for nominations, which selection shall be made on the basis of representation provided for in § 1202.30.

§ 1202.36 Compensation.

Members and alternate members of the Committee shall serve without compensation but shall receive such reasonable allowances for necessary expenses incurred in connection with their duties as may be approved by the Committee.

§ 1202.37 Powers.

The Committee shall have the following powers:

(a) To administer this subpart in accordance with its terms and provisions;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 1202.38 Duties.

The Committee shall have the following duties:

(a) To select from among its membership a chairman and such other officers as may be necessary, and to define the duties of such officers, and adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To appoint or employ such other persons as it may deem necessary and to determine the salaries and define the duties of such persons;

(c) To keep such minutes, books, and other records as will clearly reflect all of the acts and transactions of the Committee and which shall be subject to examination at any time by the Secretary;

(d) To cause the books and other records of the Committee to be audited by a public accountant at least once each marketing year and at such other times as the Committee may deem necessary or as the Secretary may request, and the report of each audit shall show, among other things, the receipts and expenditures of funds collected pursuant to this part, and two copies of each such audit report shall be furnished to the Secretary;

(e) To prepare periodic statements of its financial operations and to make copies of each such statement available to growers and handlers for examination at the office of the Committee, and submit a copy thereof to the Secretary;

(f) To act as an intermediary between the Secretary and any grower, handler, dealer, manufacturer, or other person;

(g) To investigate, assemble data on, and analyze market conditions, including the handling of flue-cured tobacco, and make recommendations to the Secretary concerning the movement of flue-cured tobacco to market during the current marketing year;

(h) To give the Secretary the same notice of meetings of the Committee and its subcommittees as is given to its members; and

(i) To investigate compliance and use means available to prevent violations of the provisions of this part.

§ 1202.39 Procedure.

(a) The Committee may hold meetings only after it gives due notice to its members. A quorum shall consist of 10 members, including alternate members acting as members; and any action of the Committee shall require at least nine concurring votes.

(b) The Committee may provide for voting by mail, telephone, or telegraph: *Provided*, That this method of voting shall not be used at an assembled meeting to obtain votes from absent members, and each such vote by telephone shall be promptly confirmed in writing by the voter. The quorum and concurring vote requirements shall be the same as for an assembled meeting.

EXPENSES, ASSESSMENTS, AND ACCOUNTING

§ 1202.45 Budget and expenses.

(a) The Committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each marketing year for its maintenance and functioning.

(b) The Committee shall, not later than 30 days after the beginning of a marketing year, prepare and submit to the Secretary a budget of its proposed expenses for such year and a proposed

rate of assessment, together with a report thereon. The funds to cover such expenses shall be acquired by levying assessments upon handlers as provided in this part.

§ 1202.46 Assessments.

(a) Each handler shall, with respect to the flue-cured tobacco handled by him, pay to the Committee, upon demand, his pro rata share of the expenses which the Secretary finds will be incurred by the Committee during each marketing year. Each handler's pro rata share shall be the rate of assessment per unit fixed by the Secretary times the total assessable units of tobacco handled by such handler during the marketing year. If all or a portion of the assessment is passed on to the grower by a handler as part of the handler's marketing fee or charges, the amount so passed on to the grower shall be separately identified on the warehouse bill of sale.

(b) In order to meet expenses of the Committee prior to the time in the marketing year when funds from assessments are available for such purposes, the Committee may accept advance payments from any handler to be credited toward such assessments or may be levied pursuant to this section against such handler during the marketing year. If the Committee does not have sufficient funds on hand to meet expenses, the Committee is authorized to borrow necessary funds until assessments are collected from handlers.

(c) At any time during, or after a marketing year, the Secretary may increase the rate of assessment to cover any later finding by the Secretary relative to the expenses of the Committee. Such increase shall be applicable to all tobacco handled during such marketing year and each handler shall pay such additional assessment to the Committee upon demand. The payment of assessments for the maintenance and functioning of the Committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

§ 1202.47 Accounting.

(a) If, at the end of a marketing year, the assessments collected are in excess of expenses incurred, such excess shall be accounted for as follows:

(1) Except as provided in subparagraphs (2) and (3) of this paragraph, each handler who has paid assessments in excess of his pro rata share of the expenses during any marketing year shall be credited with such excess against his pro rata share of the expenses of the following year: *Provided*, That any sum paid by a handler in excess of his pro rata share of the expenses during any marketing year may be applied by the Committee at the end of such marketing year to any outstanding obligations due the Committee from such handler.

(2) The Committee, with the approval of the Secretary, may establish and maintain during one or more marketing years an operating monetary reserve, consisting of all or any portion of such excess funds, in an amount not to exceed approximately 2 marketing years' operational expenses. Funds in such reserve shall be available for use by the Committee for all expenses authorized pursuant to the applicable provisions of this part.

(3) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the Committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the Committee and its members to account for all receipts and disbursements, funds, property, or records for which responsible.

(c) Whenever any person ceases to be a member of the Committee, he shall account for all receipts and disbursements, property, receipts, and funds under his control or in his possession, and deliver all such property, records, and funds to his successor and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and claims vested in such member pursuant to this part.

REGULATION

§ 1202.50 Marketing policy.

(a) Each marketing year prior to the beginning of the selling season the Committee shall prepare a marketing policy report for such season. Such marketing policy shall contain at least the following information: (1) Production of tobacco in the production area, and in each prorate district, for each of the three immediately preceding marketing years, and estimated production for the current marketing year; (2) auction market opening dates and observations relative to the percent of the production ready for marketing at that time in the respective prorate districts during each of the same 3 marketing years, and comments with respect to maturity of the current flue-cured tobacco crop; (3) a review of weekly marketings of flue-cured tobacco in the production area, and in the respective prorate districts, during each of the three immediately preceding marketing years; (4) appraisal of weekly capacities of available redrying facilities showing maximum quantities of flue-cured tobacco that can be so processed weekly; (5) a schedule of estimated Salable Quantities for the various weeks of the selling season, and justification therefor; (6) the Committee's appraisal, and basis therefor, with respect to the distribution during the selling season of the Marketable Quantities among the various prorate districts; and (7) any other pertinent factors bearing on the marketing of flue-cured tobacco. In the event that it becomes advisable in view of changed supply and demand conditions, or conditions in regard to the capacities of redrying facilities, to modify substantially such marketing policy, the Committee shall prepare a revised marketing policy report setting forth the information as required in this paragraph.

(b) All meetings of the Commitee held for the purpose of considering the formulation of such marketing policies, and revisions thereof, shall be open to producers, handlers, and other interested persons. The Committee shall give reasonable advance notice of such meetings by utilizing available media of public information (including, but not being limited to, press, radio, and television facilities) serving within the production area and by such other means as it deems appropriate.

(c) The Committee shall transmit a copy of each marketing policy report, and of each revision thereof, to the Secretary and provide a summary thereof to appropriate newspapers of general circulation in the respective prorate districts. Copies of all such reports shall be maintained in the office of the Committee where they shall be available for examination by growers and handlers, and other interested persons, or for the mailing to them upon written request.

§ 1202.51 Recommendations for volume regulation.

(a) For any specified week of the selling season, the Committee may recommend to the Secretary the total amount of flue-cured tobacco which it deems advisable to be handled, including a distribution of such total amount to any one or more of the various prorate districts in terms of Marketable Quantities. With each such recommendation, the Committee shall recommend the respective Uniform Percentages for use in such week for such prorate districts in determining producers' Marketable Allotments for tobacco grown in the applicable districts. In arriving at an appropriate Uniform Percentage for a particular prorate district, the Committee shall consider among other things the week in the selling season for which the Salable Quantity and Marketable Quantities are being recommended. If for any reason the Committee recommends a Salable Quantity, but fails to recommend to the Secretary the distribution thereof to one or more of the prorate districts in terms of Marketable Quantities, the Committee shall submit with its recommendation the individual views of the Committee members with respect to the distribution of the Salable Quantity. In the manner provided in this paragraph, the Committee may make its recommendations for a number of specified successive weeks.

(b) In making its recommendations, the Committee shall give due consideration to the following factors: (1) Maturity of the crop; the percent of the production of tobacco in each prorate district that was harvested and will be available for marketing during the specified week; and the climatic factors affecting the ability of growers in the respective prorate districts to safely store the harvested tobacco on the farms; (2) cumulative weekly quantities of flue-cured tobacco handled during the then current selling season to date; (3) conditions in the redrying facilities as related to the need for fixing, or changing, a Salable Quantity and Marketable Quantities for such week; (4) number of auction markets and sales functioning during the current week and the preceding week and anticipated changes in the number of such markets and sales during the specified week as related to the appraisal of the Marketable Quantities for such week; (5) estimated proportion of the tobacco production remaining to be handled in the respective prorate districts; (6) percent of tobacco sold which is resale tobacco; and (7) such of the factors enumerated in § 1202.50 as are applicable.

(c) Prior to the beginning of a week for which the Secretary, pursuant to § 1202.52(a), has fixed the Salable Quantity and has established the respective Marketable Quantities thereof which may be handled from the various prorate districts, the Committee shall, if it deems such action advisable in view of changed market conditions in the production area recommend to the Secretary that such Salable Quantity be increased or decreased, together with a redistribution of such changed quantity among specified prorate districts. Each such recommendation, together with the Committee's reasons therefor, shall be submitted promptly to the Secretary in the manner prescribed in paragraph (a) of this section.

(d) Toward the end of the selling season, if the Committee finds that the total quantity of flue-cured tobacco remaining to be handled in a particular prorate district is in such small amount that a Marketable Quantity for such district in an amount other than unlimited would not tend to effectuate the declared policy of the act for the remainder of the selling season, it shall submit its recommendation to the Secretary that subsequent Marketable Quantities for such district be unlimited.

§ 1202.52 Issuance of volume regulations.

(a) Whenever the Secretary finds, from the recommendations and information submitted by the Committee or from other available information, that to fix the Salable Quantity for a particular week, or the respective Salable Quantities for specified successive weeks, of the selling season and to limit, in the manner specified in this section, the respective amounts thereof produced in the various prorate districts which may be handled during such week, or specified successive weeks, will tend to effectuate the declared policy of the act, he shall fix such Salable Quantity or Salable Quantities and so limit such amounts for such specified week or successive weeks. Such limitations may be by:

(1) Establishing a Marketable Quantity for the flue-cured tobacco produced in a prorate district for handling during a specified week of the selling season, or respective Marketable Quantities for such tobacco for each week of a specified number of successive weeks. A Marketable Quantity shall be established for one or more prorate districts and may differ in amount as among districts for which Marketable Quantities are established so as to reflect the market conditions throughout the production area. When successive weeks are involved, the respective Marketable Quantities established may be different for different weeks.

(2) Prohibiting the handling of flue-cured tobacco grown in a particular prorate district or districts prior to, or during, such time or times in the selling season as may be specified: *Provided*, That no such prohibition shall prevent handlers from handling during the then current selling season the total quantity of flue-cured tobacco available for sale by all producers thereof, including such quantities as may be subject to penalty under the Marketing Quota Program.

(b) In the same manner as provided in paragraph (a) of this section, the Secretary may increase or decrease the Salable Quantity theretofore fixed for a specified week prior to the beginning of such week. Similarly, the Secretary may increase or decrease the Marketable Quantities theretofore established for the various prorate districts for a specified week prior to the beginning of such week. Whenever the Secretary finds from the recommendation and information submitted by the Committee or from other available information that a Marketable Quantity no longer tends to effectuate the declared policy of the act, he shall suspend or terminate such Marketable Quantity. Whenever the Secretary finds from the recommendation and information submitted by the Committee or from other available information that a Marketable Quantity for a prorate district should be unlimited for the remainder of the selling season, he shall so provide.

§ 1202.53 Base Quantities.

(a) The Base Quantity of any producer in a particular prorate district for a particular marketing year shall be an amount equal to the total of the respective poundage allotments of such producer for that marketing year set forth as "110 percent of quota" on all of his Tobacco Marketing Cards covering farms located in such prorate district.

(b) The Committee may, with approval of the Secretary, prescribe such rules and procedures as may be necessary to provide for the issuance each marketing year to each producer of an appropriate Tobacco Order Card to represent his Base Quantity and to show the amounts of such producer's flue-cured tobacco handled during the selling season of such year. Such rules and procedures may include, among other things, provisions whereby a producer who has more than one Tobacco Marketing Card for the marketing year applicable to flue-cured tobacco produced in the same prorate district may apply to the Committee for the issuance of the same number of Tobacco Order Cards applicable to such tobacco, with each such card showing the portion of the producer's Base Quantity corresponding to the poundage allotment on the applicable one of the producer's Tobacco Marketing cards.

(c) Prior to a week for which a Marketable Quantity is established, during which a producer desires to have a quantity of his flue-cured tobacco handled that is in excess of his Base Quantity, such producer may apply to the Committee, in such manner and form as it may prescribe with the approval of the Secretary, for a Supplemental Tobacco Order Card, to cover the handling of such excess quantity.

§ 1202.54 Uniform Percentage and Marketable Allotments.

(a) Whenever the Secretary establishes a Marketable Quantity of flue-cured tobacco for a particular prorate district, he shall fix the Uniform Percentage for use in determining, in accordance with this section, the Marketable Allotment for each producer in such district.

(b) The Marketable Allotment for any producer in a prorate district during a specified week shall be computed by multiplying such producer's Base Quantity by the Uniform Percentage, except as otherwise provided in § 1202.55. The computed amount (but in no event less than 400 pounds, but not greater than the balance of the producer's Base Quantity if smaller than 400 pounds) shall be the producer's Marketable Allotment.

§ 1202.55 Restriction on handling.

(a) Whenever a Marketable Quantity is established for a prorate district for any week, no handler may handle any flue-cured tobacco from such district during such week unless (1) it is within the unused portion of the Marketable Allotment for a producer or is otherwise permitted to be handled in accordance with paragraph (b) of this section, and (2) such handler records at the time of handling, on the producer's Tobacco Order Card or Cards, or Supplemental Tobacco Order Cards, as applicable, the respective quantities of flue-cured tobacco so handled. Any resale tobacco, covered by the Marketing Quota Program, need not be recorded.

(b) Excess handlings: During any week for which the Secretary has established a Marketable Quantity for a prorate district, no handler may purchase from, or handle on behalf of, any producer any quantity of tobacco which when added to all other quantities of such producer's tobacco handled by all handlers during such week aggregates more than 110 percent (or such other percent in excess of 100 percent, but not greater than 110 percent as the Committee may prescribe with the approval of the Secretary) of such producer's Marketable Allotment or is covered by a supplemental tobacco order card. Such producer's Marketable Allotment for the

next week for which a Marketable Quantity is established by the Secretary shall be decreased by an amount equal to the quantity of flue-cured tobacco so handled in excess of 100 percent of the producer's prior Marketable Allotment. However, no such adjustments shall be made except with respect to Marketable Allotments during the same selling season.

(c) Deficit handling: During any week for which the Secretary has established a Marketable Quantity for a prorate district, the computed Marketable Allotment of a producer shall be increased by adding thereto a quantity equal to the unused portions of the producer's computed Marketable Allotments for the preceding weeks of the current selling season. In the event the increased Marketable Allotment is less than 400 pounds, the total amount of the increased Marketable Allotment shall be 400 pounds or the remainder of the producer's Base Quantity, if smaller than 400 pounds, whichever amount is the lesser. The provisions of paragraph (b) of this section shall also be applicable to the increased Marketable Allotment of the producer.

§ 1202.56 Prorate districts.

For purposes of this part, the production area is divided into five prorate districts as follows:

(a) "Prorate District 14" means the States of Florida, Georgia, and Alabama.

(b) "Prorate District 13" means the State of South Carolina and the following counties in North Carolina: Bladen, Brunswick, Columbus, Cumberland, Hoke, Robeson, and Scotland.

(c) "Prorate District 12" means the following counties in North Carolina: Bertie, Beaufort, Camden, Carteret, Chowan, Craven, Dare, Duplin, Edgecombe, Gates, Greene, Halifax, Hertford, Johnston, Jones, Lenoir, Martin, Nash, New Hanover, Onslow, Pamlico, Pender, Pitt, Sampson, Wake (eastern part), Washington, Wayne, Wilson, and Northampton.

(d) "Prorate District 11(b)" means the following counties in North Carolina: Anson, Cabarrus, Chatham, Cleveland, Durham, Franklin, Gaston, Granville, Lee, Montgomery, Moore, Richmond, Vance, Wake (western part), and Warren.

(e) "Prorate District 11(a)" means the State of Virginia and the following counties in North Carolina: Alamance, Alexander, Burke, Caldwell, Caswell, Catawba, Davidson, Davie, Forsyth, Guilford, Iredell, Orange, Person, Randolph, Rockingham, Rowan, Stokes, Surry, Wilkes, and Yadkin.

(f) The Committee shall establish, with the approval of the Secretary, the dividing line between the eastern part and western part of Wake County, North Carolina.

REPORTS AND RECORDS

§ 1202.57 Reports.

Each handler shall furnish to the Committee, in such manner and at such times as the Committee may prescribe with the approval of the Secretary, such reports as will enable the Committee to perform its duties and functions under this part. Such reports shall include, but not be limited to, information concerning quantities of tobacco handled during specified periods.

§ 1202.58 Records.

Each handler shall maintain such records pertaining to all tobacco handled as will substantiate the required reports. All such records shall be maintained for not less than 2 years after the end of the marketing year to which such records relate. For the purpose of assuring compliance with recordkeeping requirements and verifying reports by handlers, the Secretary and the Committee, through their duly authorized representatives and employees, shall have access to any premises where applicable records are maintained, and where tobacco is received, and at any time during normal business hours shall be permitted to inspect such handlers' premises, and any and all records of such handlers, with respect to matters within the purview of this part.

MISCELLANEOUS PROVISIONS

§ 1202.70 Compliance.

Except as provided in this subpart, no handler shall handle any flue-cured tobacco except in conformity with and pursuant to the provisions of this subpart and the regulations issued under this subpart.

§ 1202.71 Right of the Secretary.

Members of the Committee and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every decision, determination, and other act of the Committee shall be subject to the continuing right of disapproval by the Secretary at any time. Upon such disapproval, the disapproved action of the Committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 1202.72 Effective time.

The provisions of this subpart, and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature and shall continue in force until terminated in one of the ways specified in § 1202.73.

§ 1202.73 Termination.

(a) The Secretary shall terminate or suspend the operation of any or all of the provisions of this part whenever he finds that such provisions obstruct or do not tend to effectuate the declared policy of the act.

(b) The Secretary shall terminate the provisions of this part at the end of any marketing year whenever he finds that such termination is favored by a majority of the producers who, during the preceding marketing year, produced for market more than 50 percent of the volume of flue-cured tobacco so produced: *Provided*, That such termination shall be effective only if announced on or before March 1 of the marketing year.

(c) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1202.74 Proceedings after termination.

(a) Upon termination of the provisions of this part, the then functioning members of the Committee shall, for the purpose of liquidating the affairs of the Committee, continue as joint trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said joint trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Committee and of the joint trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such persons full title and right to all of the funds, property, and claims vested in the Committee or the joint trustees pursuant to this part.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the members of the Committee and upon the joint trustees.

§ 1202.75 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen prior thereto or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or other person with respect to any such violations.

§ 1202.76 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon its termination, except with respect to acts done under and during the existence of this subpart.

§ 1202.77 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the Department, to act as his agent or representative in connection with any of the provisions of this part.

§ 1202.78 Derogation.

Nothing in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1202.79 Personal liability.

No member or alternate member of the Committee, and no employee, agent, or representative of the Committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, agent, or representative except for acts of dishonesty, willful misconduct, or gross negligence.

§ 1202.80 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance or thing is held invalid, the validity of the remainder of this part of the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 1202.81 Amendment.

Amendments to this part may be proposed, from time to time, by the Committee or by the Secretary.

§ 1202.85 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original. * * *

§ 1202.86 Additional parties.

After the effective date thereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting part at the time such counterpart is delivered to the Secretary, and the benefits, privileges and immunities conferred by this agreement shall then be effective as to such new contracting party. * * *

§ 1202.87 Order with marketing agreement.

Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for regulating the handling of flue-cured tobacco in the same manner as is provided for in this agreement. * * *

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

JULY 16, 1968.

[F.R. Doc. 68-8605; Filed, July 18, 1968; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 25]

[Docket No. 8416; Notice 68-15]

TRANSPORT CATEGORY AIRPLANES

Pressure Altitude Limitation

The Federal Aviation Administration is considering amending Part 25 of the Federal Aviation Regulations to permit airplanes that are certificated for all cargo operations only to be equipped to provide a cabin pressure altitude of not more than 10,000 feet.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before August 19, 1968, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 25.841(a) now requires that pressurized cabins and compartments to be occupied must be equipped to provide a cabin pressure altitude of not more than 8,000 feet at the maximum operating altitude of the airplane under normal operating conditions. This covers pressurized cabins and compartments that are to be occupied by crewmembers only as well as those occupied by passengers. The effect of this requirement is to limit all airplanes to operating at an altitude at which a cabin pressure altitude of not more than 8,000 feet can be maintained.

However when § 4b.375(1)(b), the predecessor regulation to § 25.841(a), was promulgated passenger safety was the basic concern and little or no consideration was given to all cargo operations in which the pressurized cabins and compartments are occupied only by crewmembers. In this connection, the operating rules applicable to air carriers and commercial operators (Parts 121 and 135 of the FARs) require that supplemental oxygen be supplied to crewmembers only above a cabin pressure altitude of 10,000 feet. Furthermore, operating experience to date has shown that crewmembers of large airplanes are physically able to withstand indefinite exposure at cabin pressure altitudes up to 10,000 feet and do not experience any significant reduction in the level of their performance. On the other hand, the FAA is aware that there may be passengers who are not physically able to withstand cabin pressure altitudes higher than 8,000 feet. It is, therefore, proposed to permit airplanes that are not to be occupied by passengers to be equipped to provide cabin pressure altitude of not more than 10,000 feet.

In consideration of the foregoing, it is proposed to amend § 25.841 of Part 25, by striking out the first sentence in paragraph (a), by designating the second sentence of paragraph (a) as paragraph (b), by redesignating present paragraph (b) as paragraph (c), and by adding a new paragraph (a) to read as follows:

§ 25.841 Pressurized cabins.

(a) Pressurized cabins and compartments must be equipped to provide—

(1) For airplanes that are to be occupied by passengers, a cabin pressure altitude of not more than 8,000 feet at the maximum operating altitude of the airplane under normal operating conditions; and

(2) For airplanes that are not to be occupied by passengers, a cabin pressure altitude of not more than 10,000 feet at the maximum operating altitude of the airplane under normal operating conditions.

* * * * *

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, and 1423).

Issued in Washington, D.C., on July 12, 1968.

R. S. SLIFF,
Acting Director, Flight Standards.

[F.R. Doc. 68-8574; Filed, July 18, 1968; 8:46 a.m.]

Federal Highway Administration

[23 CFR Part 256]

[Docket No. 20; Notice No. 4]

REGROOVED TIRES

Notice of Extension of Time To File Comments

On June 12, 1968, the Federal Highway Administration published in the FEDERAL REGISTER (33 F.R. 8603) a notice of proposed rule making for Regrooved Tires. It was requested that interested persons submit comments by close of business July 22, 1968.

Upon consideration of requests for extension of time for filing comments, the time to file comments is extended to the close of business August 21, 1968.

Issued in Washington, D.C., July 17, 1968.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

[F.R. Doc. 68-8659; Filed, July 18, 1968; 8:48 a.m.]

[49 CFR Part 293]

[Docket No. MC-5]

TIRES

Notice of Extension of Time To File Comments

On June 12, 1968, the Federal Highway Administration published in the FEDERAL REGISTER (33 F.R. 8604) a notice of proposed rule making proposing to amend § 293.75 *Tires*, of the Motor Carrier Safety Regulations (49 CFR Part 293). It was requested that interested persons submit comments by close of business July 22, 1968.

Upon consideration of requests for extension of time for filing comments, the time to file comments is extended to the close of business August 21, 1968.

Issued in Washington, D.C., on July 17, 1968.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

[F.R. Doc. 68-8658; Filed, July 18, 1968; 8:48 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 260]

[Docket No. R-317]

CLASS A NATURAL GAS COMPANIES

Annual Reporting of 5-Year Forecasts of Peak Day and Annual Natural Gas Requirements and Pipeline Construction Plans; Order Setting Oral Argument

JULY 11, 1968.

By notice dated March 23, 1967, the Commission proposed to prescribe a new form for the annual reporting by Class A natural gas pipeline companies of information relating to their 5-year forecasts of peak day and annual natural gas requirements as well as their construction plans.

In response to the notice of proposed rule making, comments were received from 28 natural gas companies, the Independent Natural Gas Association of America, and the Kansas Corporation Commission. In addition, the Commission permitted interested persons to comment on the proposal at a conference conducted by staff personnel on October 31, 1967. In general the comments questioned the appropriateness of the receipt of the proposed information by the Commission as well as the ability of the industry to furnish the requested information.

The rule making is intended to establish a procedure whereby the Commission would regularly gather the type of general industry information which may assist it in discharging its obligations under the Natural Gas Act. In view, however, of the nature of the comments received we are of the view that it would be beneficial to explore all of the alternative procedures that could be utilized to satisfy this objective. Accordingly, we have determined that it would be appropriate to hold oral argument.

While the formal subject of the oral argument will be the reporting requirement noticed by the Commission on March 23, 1967, as hereinafter modified, it should be understood that the Commission does not wish the presentations to be limited to the information requirement as proposed; instead all alternatives should be explored.

The Commission recognizes that any long-term planning that is now done by pipelines must by its nature be tentative and continually the subject of revision. We do not intend in any way to interfere with this process of reexamination. We recognize full well that any plans filed with us pursuant to the reporting requirement specified in the notice, as revised, or any variation thereto that may be adopted will remain subject to modification as changing circumstances dictate. We do, however, think it appropriate that the Commission have the benefit of whatever tentative planning is now being done by the industry. We therefore would like that planning discussed at the oral argument which we are herein scheduling and desire that the parties address themselves to, among other issues, the transmittal of such planning information to the Commission.

While, as indicated, the Commission has not determined that the reporting requirement which it has noticed should be implemented it is appropriate to make certain revisions to the proposed schedules in light of the comments thus far received. The schedule which would have required the reporting of the "end use" of gas sold to main line direct industrial customers has been deleted as has much of the detail previously requested in Schedule III pertaining to construction plans. Schedules I and II have been revised to make clear that all that is sought is "projections". rather than company "forecasts." Finally, as now proposed the schedules would only have to be completed by natural gas companies whose combined sales for resale and gas transported or stored for a fee exceeded 50 million Mcf in the preceding calendar year, excepting those companies engaged solely in transportation of gas for others. This change will greatly reduce the number of companies that will be required to report (from 71 to 32 companies) by excusing the smaller companies. The 32 companies which would remain subject to the reporting requirement do, however, account for 90 percent of all interstate pipeline sales. The schedules and instructions as revised are attached.[1]

The Commission orders: Oral argument before the Commission in Docket No. R-317 shall be held on September 13, 1968 at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. All interested persons desiring to participate in the oral argument shall inform the Secretary of the Commission in writing, not later than August 15, 1968, of the length of time desired for their oral presentations. No written briefs or memoranda should be filed.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-8564; Filed, July 18, 1968; 8:45 a.m.]

[1] Schedules and instructions filed as part of the original document.

Notices

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. B-432]

LAWSON ODALE HILL

Notice of Loan Application

JULY 15, 1968.

Lawson Odale Hill, Box 143A, Chester, Md. 21619, has applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new 42-foot length wood vessel to engage in the fishery for oysters and crabs.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised August 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. L. MCHUGH,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 68-8586; Filed, July 18, 1968; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (33 F.R. 3146, 4113, 5052, 6557, and 7699) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act (34 Stat. 1260, as amended by Public Law 90-201) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as indicated in the following table listing species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of Establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Quality Meat Packing Co	661	(*)	(*)					
Capital Wholesale Meats	965	(*)						
Associated Meat Packers, Inc	1472	(*)	(*)	(*)		(*)		
Valley Packing Co	2280	(*)				(*)		
Jack Agee and Co	2281					(*)		
Husband Brothers Packing Co	2284	(*)		(*)		(*)		
Johnston Dressed Beef and Veal, Inc	5300	(*)	(*)	(*)				
George H. Meyer Sons, Inc	6521	(*)	(*)			(*)		
Portsmouth Dressed Beef, Inc	6538	(*)	(*)	(*)	(*)			
Choice Packing Co., Inc	6545	(*)	(*)			(*)		
Martin's Abattoir	6547	(*)	(*)	(*)	(*)	(*)		
New establishments reported: 11.								
Armour and Co	2IIT		(*)					
Samuels and Co	94		(*)					
Heinz's Riverside Abattoir, Inc	210		(*)					
Nobles Independent Meat Co	335		(*)					
Montebello Meat Packing Co	364			(*)				
K-M Co	719		(*)					
Pace Packing Co	2228		(*)					
Alice Meat Co	2230			(*)	(*)			
Wright Packing Co	2269		(*)					
Grand Hill Meats, Inc	6526		(*)					
Species added: 11.								

Done at Washington, D.C., this 15th day of July 1968.

H. M. STEINMETZ,
Acting Deputy Administrator, Consumer Protection.

[F.R. Doc. 68-8584; Filed, July 18, 1968; 8:46 a.m.]

GRAIN STANDARDS

Oklahoma City Inspection Point

Statement of considerations. On May 18, 1968, there was published in the FEDERAL REGISTER (33 F.R. 7461) a notice of proposed rule making to consider a request from Robert H. Jordan, Oklahoma City Grain Inspection Department, asking that one or more licensed grain inspectors be authorized to post their licenses to inspect and grade grain under the U.S. Grain Standards Act (7 U.S.C. 71 et seq.) at Oklahoma City, Oklahoma County, Okla.

Inspection agencies, members of the grain trade, and other interested parties were given an opportunity to submit written data, views, or arguments with respect to the need, operation, and support of the proposed established inspection point.

Interested persons or organizations were given until June 7, 1968, to submit written data, views, or arguments with respect to the request.

The Oklahoma City Grain Inspection Department submitted data, views, and arguments in favor of its operating an inspection point at Oklahoma City. This was the only response received from an inspection agency. Three responses were received from grain firms favoring the operation of an established grain inspection point at Oklahoma City by the Oklahoma City Grain Inspection Department. No contrary written data, views, or arguments were submitted with regard to the request.

Pursuant to the authority contained in section 8 of the U.S. Grain Standards Act, as amended (7 U.S.C. 84), Oklahoma City, Oklahoma County, Okla., is hereby approved under the U.S. Grain Standards Act as a place where licensed inspectors may post their licenses, and the Oklahoma City Grain Inspection Department is hereby authorized to station one or more licensed inspectors at that point.

Wheat harvest is in progress in the Oklahoma City area, and requests for inspection services are being received. The approval and authorization of the inspection point will not require any significant changes in business practices and procedures. Therefore, under the administrative procedure provision of 5 U.S.C. section 553, good cause is found for making this notice effective less than 30 days after publication in the FEDERAL REGISTER.

This notice shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 8, 39 Stat. 485; 7 U.S.C. 84; 29 F.R. 16210, as amended, 32 F.R. 11741)

Done in Washington, D.C., this 16th day of July 1968.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 68-8604; Filed, July 18, 1968; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Engraving and Printing

DEPUTY DIRECTOR ET AL.

Delegation of Authority To Act as Director Under Specified Conditions

1. Under the authority conferred upon me by Treasury Department Order No. 129 (Revision No. 2), dated April 22, 1955, the following officials of the Bureau of Engraving and Printing, in the order of succession enumerated, shall act as Director of the Bureau of Engraving and Printing during the absence or disability of or in the event of a vacancy in the Office of the Director of the Bureau of Engraving and Printing:

(1) Deputy Director.

(2) Chief, Office of Security and Audit.

(3) Chief, Office of Manufacturing.

(4) Chief, Office of Financial Management.

2. In the event of an enemy attack upon any point within the continental limits of the United States the officials named in paragraph 1 and, in addition, the following officials of the Internal Revenue Service, in the order of succession enumerated, are authorized to exercise so much of the authority of the Secretary of the Treasury and of the Director of the Bureau of Engraving and Printing as is necessary to insure continuous performance of all essential functions of the Bureau of Engraving and Printing:

(1) Assistant Regional Commissioner (Administration), Internal Revenue Service, Swift Building, Cincinnati, Ohio 45202.

(2) Assistant Regional Commissioner (Administration), Internal Revenue Service, Federal Office Building, Atlanta, Ga. 30303.

3. The purpose of the authorization contained in paragraph 2 is to provide a temporary expedient to meet emergency conditions. The respective officials will be notified when they are to cease to exercise the authority herein delegated.

Dated: July 16, 1968.

[SEAL] JAMES A. CONLON,
Director, Bureau of Engraving and Printing.

[F.R. Doc. 68-8606; Filed, July 18, 1968; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00466-56-54100. Applicant: Environmental Science Services Administration, Administration Operations Division, Rockville, Md. 20852. Article: Meteorological radar set consisting of:

1 Parabolic antenna with feed and base (AS29 AB-51).
1 Stabilized platform for antenna (AB-52).
1 Modulator transmitter receiver (RTMD-11A).
1 Tracking and servo unit (TD-5).
1 Stabilization cabinet (OA-50).
1 Operating and display console (IP-40A).
1 Data presentation unit (OA-51).
1 Pressurization unit (HD-9).
1 North stabilizing unit (TG-14SM).
1 Vertical reference gyro (WO-256-163/12).
3 Ward Leonard groups (1 each 71G-063-G10) (2 each 71G-119-G803).
2 Transformers (MT-2257, MT-2258).
1 Frequency converter (ACMA-150).
1 Data printing unit (OA-26).
1 Performance monitor (114/311).
1 Reflection plotting set (STO-5518.G1).
1 Optical director (OZC-1).
1 Automatic radar scope camera and support (MEM-44.5504.G1).
5 Instruction handbooks.
1 Installation materials (set of cables, wave guides, etc.).
1 Spare parts kit.

Manufacturer: Selenia, Italy. Intended use of article: The article will be used for participation in meteorological-oceanographic research projects related to the Global Atmospheric Research Program. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article is to be employed aboard an oceanographic ship for various purposes related to oceanographic and atmospheric research. For the purposes for which the foreign article is intended to be used, the capability of retaining the orientation to true North, regardless of the ship's roll, pitch, or heading, is a pertinent characteristic of the foreign article. Only one domestic manufacturer, the Bendix Corp. (Bendix), responded to the applicant's invitation to bid. Bendix took several exceptions to the applicant's specifications, one of which related to the method for stabilizing the Bendix instrument against the ship's motions. We are advised by the National Bureau of Standards (NBS) (memorandum dated May 21, 1968), that the alternative method proposed by Bendix is not considered to be scientifically equivalent to the method employed in the foreign article for stabilization, in that the proposal of Bendix calls for a range of elevation which does not extend to 90°. (2) In addition, Bendix took exception to the delivery schedule called for in the applicant's specifications. The foreign article is to be used in connection with an international cooperative Global Atmospheric Research Program.

The delivery schedule for the meteorological radar set was imposed on the applicant by the schedule of the Global Atmospheric Research Program. Therefore, the Bendix proposed instrument, because of its exclusion of pertinent design and performance characteristics, as well as the inability to meet the delivery schedule, is not considered to be of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68-8562; Filed, July 18, 1968; 8:45 a.m.]

Maritime Administration

[Docket No. S-216]

LYKES BROS. STEAMSHIP CO., INC.

Notice of Application

Notice is hereby given of the application dated July 3, 1968, as supplemented July 12, 1968, of Lykes Bros. Steamship Co., Inc., for written permission under section 805(a) of the Merchant Marine Act, 1936, as amended (Act), for its owned vessel, the "SS Shirley Lykes," to call Hawaii on one voyage to load general cargo for movement from Hawaii to U.S. Gulf ports. The applicant anticipates that the "SS Shirley Lykes" will be placed on berth in Hawaii to load such cargo on or about August 15, 1968.

Interested parties may inspect this application in the Office of Government Aid, Maritime Administration, Room 4077, GAO Building, 441 G Street NW., Washington, D.C.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit a written statement with reference to the application must by close of business on July 29, 1968, file same with the Secretary, Maritime Subsidy Board/Maritime Administration in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in § 201.78 of the Maritime Subsidy Board/Maritime Administration rules of practice and procedure (46 CFR Part 201), petitions for leave to intervene received after close of business on July 29, 1968, will not be considered in this proceeding.

If no petitions for leave to intervene are received within the specified time, or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board/Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for August 2, 1968, at 10 a.m., in Room 4519, General Accounting Office Building, 441 G Street NW., Washington, D.C. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the proposed domestic service involved or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

This notice with respect to the proposed voyage of the "SS Shirley Lykes" is not to be construed as superseding or rescinding the notice which appeared in the FEDERAL REGISTER issue of July 10, 1968 (33 F.R. 9915) regarding an application of Lykes Bros. Steamship Co., Inc., for written permission under section 805(a) to utilize its subsidized vessels in domestic service between Hawaiian ports and U.S. Gulf ports.

Dated: July 17, 1968.

By order of the Maritime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 68-8660; Filed, July 18, 1968; 8:48 a.m.]

C4 TROOPSHIPS

Notice of Allocation

In F.R. Doc. 68-6067 appearing in the FEDERAL REGISTER issue of May 21, 1968 (33 F.R. 7500), notice was given that pursuant to the Ship Exchange Act (section 510(1) of the Merchant Marine Act, 1936, as added by Public Law 86-575 and amended by Public Law 89-254, 46 U.S.C. 1160(1)), three C4 troopships, owned by the United States of America, represented by the Secretary of Commerce, acting by and through the Maritime Administrator, were available for trade-out to non-subsidized American flag steamship operators in exchange for their older and less efficient ships in accordance with the terms therein stated.

In response to the notice, two companies filed applications proposing conversions for a total of six troopships.

On the basis of a review of the applications received in relation to the criteria for assignments of the available troopships as stated in the notice, the three C4 troopships have been assigned by the Acting Maritime Administrator as follows:

Applicant	Name of ship	Fleet
Sea-Land Service, Inc.	General A. W. Brewster.	Suisun Bay.
Do	General C. H. Muir.	Do.
Do	General E. T. Collins.	Do.

Conditions of assignment. The assignments of the above-mentioned ships are approved subject to the applicant agreeing to the following conditions:

(a) The applicant must qualify for the ship exchanges in accordance with the provisions of the Ship Exchange Act, Public Law 86-575 and Public Law 89-254, and with the requirements of General Order 92 (27 F.R. 2011).

(b) The applicant must accept the ship assignments within 10 days and enter into ship exchange contracts within 60 days after the receipt of notice of assignment. Each assignment is contingent upon the execution of a shipyard contract or commitment for the proposed conversion and the completion of financing both as approved by the Maritime Administration no later than the time of execution of the ship exchange contract; evidence of firm commitment and date upon which the ship will be placed in a shipyard and date upon which the actual work is to commence in the shipyard; the posting with the Maritime Administration of a certified cash deposit of $50,000 per ship. The deposit shall be applied as a credit to the applicant under the contract. Should the applicant fail to enter into a ship exchange contract within such 60-day period the said $50,000 deposit per ship shall be retained by the Maritime Administration as liquidated damages. The allocations are also contingent upon the applicant meeting all other requirements for the exchange of ships.

(c) In the event the applicant fails to meet the aforesaid requirements the allocation will automatically be canceled and the ships will be immediately offered for trade-out to all unsubsidized operators by a notice of availability published in the FEDERAL REGISTER.

(d) The Maritime Administration, without obligation to the applicant, reserves the right to cancel, in whole or in part, any of the above assignments prior to the execution of an exchange contract, if it determines that it would be in the public interest to do so, or that the applicant is not proceeding promptly or in good faith to comply with the conditions of the assignments.

(e) Each ship exchange contract will contain provisions requiring that the applicant complete the conversion of the C4 ship substantially in accordance with plans approved by the Maritime Administration within 12 months after execution of the ship exchange contract, unless additional time is granted by the Maritime Administration for good cause. Each exchange contract will provide that in the event the applicant fails to complete the conversion within the time stipulated, there shall become due and payable liquidated damages in the sum of $1,000 per day for failure to complete the conversion and should this default continue for a period of more than 60 days, the exchange contract will be subject to termination at the option of the Maritime Administration in which event title and possession of the C4 ship will be returned to the U.S. Government, without obligation to the applicant.

(f) The assignments of ships are conditioned upon the ships being taken for title by the applicant or a closely related company, and for the conversions to be financed without aid from a subsidized company or affiliate thereof.

Dated: July 17, 1968.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 68-8661; Filed, July 18, 1968; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 68-84]

PORTION OF MARE ISLAND STRAIT, NAPA RIVER, CALIF.

Closure to Navigation During Launching of the "Guitarro (SSN 665)"

JULY 15, 1968.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 49 CFR 1.4 (32 F.R. 5606) and Executive Order 10173 as amended by Executive Orders 10277, 10352, and 11249, I hereby affirm for publication in the FEDERAL REGISTER the order of C. R. Bender, Rear Admiral, U.S. Coast Guard, Commander, 12th Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

PORTION OF MARE ISLAND STRAIT, NAPA RIVER, CALIF.

Pursuant to the request of the Commander, San Francisco Bay Naval Shipyard, U.S. Navy, and acting under authority of the Act of June 15, 1917 (40 Stat. 220) as amended, and the regulations in Part 6, Chapter I, Title 33, Code of Federal Regulations, I hereby order that the waters of Mare Island Strait, Napa River, Calif., between the Mare Island Causeway (38°06'44"

N. 122°16'14.5" W. to 38°06'36" N., 122°16'-32" W.) and a line extending in the direction 245° true from the end of the Naval Reserve Pier, Vallejo, Calif. (38°05'36.5" N., 122°15'-22" W.) to the opposite shore of the Napa River (38°05'32" N., 122°15'35" W.) be closed to all persons and vessels on Saturday, July 27, 1968, from 1545, P.d.s.t., until after the U.S.S. *Guitarro* (SSN 655) takes the water and is alongside the seawall at San Francisco Bay Naval Shipyard, after the launching of said vessel. The southern line of demarcation is otherwise described as a line extending between the end of the Naval Reserve Pier, Vallejo, and the southernmost smokestack in the area of Mare Island generally opposite said pier. Limits of this area will be clearly posted by signs and by Coast Guard Patrol Boats.

All persons and vessels are directed to remain outside of the closed area. This order will be enforced by the Captain of the Port, San Francisco, Calif., and by U.S. Coast Guard vessels under his command. Personnel, facilities, and equipment of other Federal, State, and municipal agencies may be utilized to assist in the enforcement of this order.

Penalties for violation of the above order: Section 2, Title II of the Act of June 15, 1917, as amended, 50 U.S.C. 192, provides as follows:

"If any owner, agent, master, officer or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this Title, or obstructs or interferes with the exercise of any power conferred by this Title or if any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this Title, or knowingly obstructs or interferes with the exercise of any power conferred by this Title, he shall be punished by imprisonment for not more than ten years and may, at the discretion of the court, be fined not more than $10,000."

Dated: July 15, 1968.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 68-8581; Filed, July 18, 1968; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17657 etc.]

EXECUTIVE JET AVIATION, INC.

Notice of Second Prehearing Conference

Notice is hereby given that a second prehearing conference in the above-entitled matter is assigned to be held on July 30, 1968, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

In order to facilitate the conduct of the conference, parties are instructed to submit to the examiner and other parties on or before July 25, 1968 (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., July 16, 1968.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 68-8589; Filed, July 18, 1968; 8:47 a.m.]

[Docket No. 19970]

LLOYD INTERNATIONAL AIRWAYS, LTD.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 16, 1968, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner James S. Keith.

Dated at Washington, D.C., July 15, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 68-8590; Filed, July 18, 1968; 8:47 a.m.]

[Docket No. 19078 etc.]

NORTHEAST CORRIDOR VTOL INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 9, 1968, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner E. Robert Seaver.

In order to facilitate the conduct of the conference, parties are instructed to submit to the examiner and other parties (1) proposed stipulations, (3) requests for information, (4) statement of positions of parties, and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before August 16, 1968, and other parties on or before August 30, 1968. The material should be received by those dates.

It will contribute substantially to the success of the first stage of the proceeding if each participant will either file in advance or be prepared to discuss at the conference the special problems it believes should be considered and in a general way the type information, plans and data that are presently in its hands, and the research it intends to pursue in preparation for the hearing.

Dated at Washington, D.C., July 15, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 68-8591; Filed, July 18, 1968; 8:47 a.m.]

[Docket No. 19472]

NORTHWEST AIRLINES, INC., AND PAN AMERICAN WORLD AIRWAYS, INC.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 5, 1968, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Edward T. Stodola.

In order to facilitate the conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before August 1, 1968, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., July 15, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 68-8592; Filed, July 18, 1968; 8:47 a.m.]

PACIFIC AIR FREIGHT, INC.

Notice of Application for Tariff-Filing Authority Pickup and Delivery Zone

JULY 15, 1968.

In accordance with Part 222 (14 CFR Part 222) of the Board's economic regulations (effective June 12, 1964), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 20036, from Pacific Air Freight, Inc., Colman Building, Seattle, Wash. 98104, for authority to provide true pickup and delivery service of air freight shipments between Charlotte, N.C., and Heath Springs and Lancaster, S.C.

Under the provisions of § 222.3(c) of Part 222, interested persons may file an answer in opposition to or in support of this application within fifteen (15) days after publication of this notice in the FEDERAL REGISTER. An executed original and 19 copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and include such economic data and facts as are relied upon, and shall be served upon the applicant and state the date of such service.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8593; Filed, July 18, 1968; 8:47 a.m.]

[Docket No. 17296]

SATURN AIRWAYS, INC., AND HOWARD J. KORTH

Notice of Proposed Approval

Petition of Saturn Airways, Inc., and Howard J. Korth respecting possible control relationships involving AAXICO Sales, Inc., Docket 17296.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order set forth below under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., July 15, 1968.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER APPROVING CONTROL RELATIONSHIPS

Issued under delegated authority.

On April 10, 1968, Saturn Airways, Inc. (Saturn), and Howard J. Korth filed an amended petition which superseded an earlier pleading filed by the same parties. The amended petition was supplemented by a filing made on June 18, 1968. Petitioner's request either a disclaimer of jurisdiction or approval of possible control relationships involving the air carrier, Mr. Korth and AAXICO Sales, Inc. (Sales). Additionally, applicants request that if the Board asserts jurisdiction and concludes that interlocking relationships exist, such relationships be approved under section 409.

Mr. Korth owns 76.5 percent of Saturn's outstanding and issued stock and prior to October 1967, he and his immediate family owned approximately 93 percent of Sales' outstanding and issued stock. Sales is an aircraft parts supplier. In 1967, Mr. and Mrs. Howard Korth disposed of their stock interest in Sales and Mrs. Korth resigned her directorship in Sales.

According to petitioners, since its inception management of Sales has been vested in James Korth. He was loath to continue managing the company unless he obtained legal control as a predicate for bringing his sons into the business and thereby assuring their future. At present Mr. and Mrs. James E. Korth own approximately 51 percent of Sales' stock; Howard Korth's four children own approximately 46 percent of the company's stock and William Korth, a brother of Howard, holds the remaining shares.

As a result of the stock sales, James Korth owes his brother Howard $46,332 due in three equal installments in 1968, 1969, and 1970. Sales owes Howard Korth $306,200 evidenced by three notes due in 1968, 1969, and 1970. All of the above notes bear interest at a rate of 4 percent.

Howard Korth is employed by Sales as a sales executive and in 1967 received a salary of $21,667. Petitioners assert that because of Mr. Korth's wide contacts in the airline business, he has obtained business for Sales and that many of the company's present customers were obtained by Mr. Korth.

Howard Korth formed Sales in 1952 and transferred to it the bulk of AAXICO Airlines' (AAXICO) spare parts inventory.[1] Since its creation Sales has had direct business dealings with AAXICO and currently with Saturn. From the time of its establishment through 1961, at no time did the dollar amount of transactions between AAXICO and Sales exceed 2.5 percent of Sales' total revenues. However, beginning in 1962 and through 1967, the percentage of Sales' total revenues obtained from the air carrier ranged from a low of 6.9 percent in 1966 to a high of 13.15 percent in 1963 with an 8.3 percentage in 1967. In 1966, the payments made by Saturn to Sales represented 1.08 percent of Saturn's payments for goods and services while in 1967 the percentage was 1.27. Aside from aircraft parts transactions, Sales performs a variety of administrative and technical services for the air carrier at no cost to Saturn.

In support of their position that Howard Korth does not control Sales, petitioners note that Mr. and Mrs. James Korth hold more than 50 percent of Sales' stock and that the company's articles of association and bylaws require only a majority vote for all corporate action. Moreover, Florida corporate law places no restrictions on the right of the majority stockholders to control the company. Petitioners also assert that Saturn is not a large enough customer of Sales to control the latter's affairs.

Petitioners also assert that they are entitled to the statutory exemption from section 408(a) provided for in section 408(c).[2] The basis for this contention is that Sales' activities are one of the major services performed by Saturn—the purchase, sale, and lease of aircraft equipment and spare parts.

No objection to the application or requests for hearing have been received.

Notice of intent to dispose of the petition without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Two threshold questions of jurisdiction are raised by petitioners: (1) Howard Korth, a person controlling an air carrier has not acquired control of Sales, a person engaged in a phase of aeronautics otherwise than as an air carrier; and (2) assuming a control relationship is present, such relationship qualifies for the statutory exemption from section 408(a) provided for by section 408(c). We turn first to the contention that Howard Korth does not control Sales. On the facts of record the Board would not be warranted in concluding that Howard Korth does not control Sales. The Board recognizes that a majority of Sales' stock is owned by Mr. and Mrs. James Korth and that pursuant to the company's articles of incorporation and bylaws and under Florida law, full dominion and control of the company is vested in the majority stockholders. However, the courts and the Board have long recognized that the existence of a control relationship does not rest solely on the possession of a majority stock interest.[3] The Board also has held that the ability to exercise substantial influence in the affairs of another is control within the meaning of section 408.[4] With these precepts in mind and in view of all the pertinent facts of record, it is concluded that petitioners have not established that Howard Korth does not control Sales within the meaning of section 408 of the Act. Thus, in light of the large block of Sales' stock held by Howard Korth's children,[5] the substantial indebtedness of both Sales and James Korth to Howard Korth, the historic business relationships between the carrier and Sales, the fact that the carrier is a substantial customer of Sales, and also that Howard Korth has in the past and presently is the source of much of Sales' business, it may be that Howard Korth is able to exercise substantial influence in the affairs of Sales.

We also conclude that the exemption from section 408(a) provided for in section 408(c) does not appear to be applicable to the subject relationship. To begin with Sales' principal business activity is an aircraft parts supplier. Consequently, it is questionable whether the company is a ground facility within the meaning of section 408(c). Additionally, while Saturn is a substantial customer of Sales, that company's business is by no means limited to transactions with the air carrier. Thus, it may be that Sales' activities are not reasonably incidental to the performance by Saturn of its services. Finally, although section 408(c) by its terms applies to the holding by an air carrier or an officer or director thereof of any interest in a ground facility, the section does not literally cover a person controlling an air carrier such as Howard Korth.

However, the Board need not resolve the matter at this time since it will approve the acquisition of control of Sales by Howard Korth, a person controlling an air carrier, subject to an appropriate condition.[6] The control of Sales by Mr. Korth while he controls Saturn does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in a monopoly and does not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing and it is found that hearing is not required in the public interest. The essential problem posed by relationships like those under consideration is that because of the absence of arms-length bargaining due to the control of both companies by the same person, the Board cannot assure itself of the fairness of transactions between the companies.

In this instance, however, approval of the relationship appears warranted. Although purchases by Saturn from Sales represents a not insignificant percentage of Sales' total revenue, in absolute terms such purchases are not large. During the past 3 years, the dollar amount of transactions ranged between $77,500 and $82,000 and for the last 2 years Sales supplied approximately 1 percent of the total goods and services purchased by Saturn. Furthermore, a substantial amount of the parts transactions relate to the carrier's DC-6 equipment. Consequently, as the carrier upgrades its fleet and disposes of its DC-6 equipment, the amount of intercompany transactions should diminish. Under these circumstances the Board

[1] On Nov. 5, 1965, AAXICO was merged into Saturn with the latter as the surviving corporation. Orders E-22680 and E-22856.

[2] Section 408(c) provides: "the provisions of this section and section 409 shall not apply with respect to the acquisition or holding by any air carrier, or any officer or director thereof, of (1) any interest in any ticket office, landing area, hangar, or other ground facility reasonably incidental to the performance by such air carrier of its services, or (2) any stock or other interest or any office or directorship in any person whose principal business is the maintenance or operation of any such ticket office, landing area, hangar, or other ground facility."

[3] For example, Rochester Tel. Corp. v. U.S., 307 U.S. 125, 145 (1939); Railroads, Control-Northeast Airlines, Inc., 4 C.A.B. 379, 381 (1943); and Pan American-National Agreement Investigation, 31 C.A.B. 198, 228 (1960).

[4] Transocean-Atlas Interlocking Relationships, 29 C.A.B. 622, 643 (1959); and Pan Am. Airways, Acquisition of China National, 6 C.A.B. 143, 146 (1944).

[5] Standing alone, the fact that two of Mr. Korth's children have reached their majority is not significant.

[6] It has been decided not to enforce the doctrine expressed in Sherman Control and Interlocking Relationships, 15 C.A.B. 876 (1952) with respect to this transaction but to determine the petition on its merits.

has decided to approve the relationship subject to the condition that there shall be no transactions between Saturn and Sales in any calendar year which either individually or in the aggregate exceed $100,000 without prior Board approval.[1]

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved pursuant to section 408(b) of the Act without a hearing, subject to the conditions noted below.

Accordingly, it is ordered:

1. That the control of Sales by Howard Korth, a person controlling an air carrier, be and it hereby is approved subject to the condition that there shall be no transactions between Saturn and Sales in any calendar year which either individually or in the aggregate exceed $100,000 without prior Board approval;

2. That jurisdiction in this proceeding be and it hereby is retained for the purpose of taking such further action as may be required in the public interest; and

3. That, except to the extent above granted, the petition be and it hereby is denied.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof has been filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 68-8594; Filed, July 18, 1968; 8:47 a.m.]

[1] In light of approval of the control relationships, any interlocking relationship within the purview of section 409 which exists will be entitled to the exemption provided for by § 287.3(e) of the Board's economic regulations.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16258, etc.; FCC 68-711]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order Regarding Tariff Investigation

In the matter of American Telephone and Telegraph Co. and the Associated Bell System Companies, charges for interstate and foreign communication service, Docket No. 16258; in the matter of American Telephone and Telegraph Co., charges, practices, classifications, and regulations for and in connection with teletypewriter exchange service, Docket No. 15011; in the matter of American Telephone and Telegraph Co., Long Lines Department, Revisions of Tariff FCC No. 260, private line services series, 5000 (TELPAK), Docket No. 18128.

1. The Commission has under consideration the revised tariff schedules filed by American Telephone and Telegraph Co. and the associated Bell System companies on March 25, 1968, under its Transmittal No. 10069 increasing TELPAK charges, and the order issued April 12, 1968 (FCC 68-388), in Docket No. 18128 suspending the effectiveness of such revised schedules and instituting an investigation into their lawfulness. It also has under consideration a petition filed March 25, 1968, by Air Transport Association (ATA) and certain other parties wherein consolidation of the proceedings in Docket Nos. 16258 and 18128 [1] is requested. Our order of April 12, 1968, specifically deferred consideration of the requested consolidation. Respondents oppose such a consolidation in Docket No. 16253 but express no objection to consideration of TELPAK rate levels, rate structure and sharing provisions in one proceeding but separate from No. 16258. Aeronautical Radio, Inc. (ARINC), and Eastern Air Lines, Inc., support the request of ATA for consolidation. The Western Union Telegraph Co. requests that the Commission proceed with dispatch in the determination of Phase 1-B of Docket No. 16258; that it order the balance of the TELPAK revisions filed at that time; and that it then institute such other proceedings as may be necessary to consider the TELPAK rates. Certain of the petitions under consideration have requested suspension of the revised TELPAK tariff schedules, and to that extent they have been granted by our order of April 12, 1968, in Docket No. 18128 (FCC 68-388). However, that order left open the question of an accounting order.

2. Docket No. 16258, which we shall refer to as the General Investigation, embraces Respondents' total interstate and foreign services pursuant to our order of October 27, 1965 (2 FCC 2d 871, 30 F.R. 13385). For administrative convenience, we specified a two-phase proceeding in that docket (order adopted Dec. 22, 1965, 2 FCC 2d 142). We described the scope of the first phase as follows:

> Accordingly, in Phase 1 of this proceeding, the Commission will consider Respondents' total revenue requirements applicable to their interstate and foreign communication services, and the relevant ratemaking principles and factors that shall control in the distribution of such revenue requirements among Respondents' principal rate classifications. It is desirable that such structural adjustments as may be necessary be achieved on an interim basis within the framework of as sound and reasonable a base of total revenue requirements as it is possible to determine pending resolution of all the issues raised by this proceeding * * *.

It was also therein ordered that upon completion of Phase 1, i.e., the completion of the presently scheduled hearings, the Commission would give consideration to what, if any, interim rate adjustments should be ordered on the basis of the record as then developed. Also, in our memorandum opinion and order adopted December 22, 1965 (2 FCC 2d 142), we stated as follows:

> In connection with Respondents' presentations as to the appropriate rate-making principles and factors which should govern the proper relationships among the rate levels for each of their principal services, Respondents shall take into consideration the wide variations in level of earnings revealed by the aforementioned seven-way cost study. Respondents shall indicate the specific rate adjustments, if any, which they consider should be made on an interim basis in the light of such study results and the rate-making principles and factors advocated by them.

By our Interim Decision and Order of July 5, 1967, we disposed of portions of the Phase 1 issues concerning Respondents' total revenue requirements. We are currently considering the issue of "rate-making principles and factors," and this has frequently been referred to as Phase 1-B.

3. In the course of the hearings, Respondents have filed the following revised tariff schedules providing for substantial increases in their rates.

Transmittal No.	Subject	Original effective date
Jan. 9, 1967; 9467	Private line telephone and telegraph, including teletypewriter equipment.	May 1, 1967
Feb. 1, 1968; 10001	TELPAK	Apr. 1, 1968
Feb. 1, 1968; 10002	Audio and video	Apr. 1, 1968
Mar. 25, 1968; 10069	TELPAK	June 1, 1968

The effective date of the increase in teletypewriter equipment rates and the audio and video program transmission rates have been postponed by Respondents to August 1, 1968, and April 1, 1969, respectively. The TELPAK rate filing of February 1, 1968, has been withdrawn and superseded by a lesser increase proposed to be effective June 1, 1968, which has been suspended until September 1, 1968, by our order instituting Docket No. 18128. We shall refer to all of these as "proposed" rates even though they are not all included in filed tariffs.

4. Respondents take the position that their proposed tariff rates are supported by cost and marketing studies, the results of which they have presented in Phase 1-B of Docket No. 16258. With respect to TELPAK, Respondents also contend that their studies support the increased rates filed on February 1, 1968, but subsequently withdrawn when they substituted what they characterize as "intermediate step" rates.

5. In view of the pleadings before us, we have reexamined the scope and objectives of Phase 1-B with due regard for developments which have occurred since the inception of these proceedings, including the revised rates filed or proposed by Respondents; the nature of the evidence that Respondents have thus far submitted in response to the Phase 1-B issues; and the pendency of related proceedings such as Docket No. 17457 (TELPAK Sharing) and Docket No. 18128 (TELPAK rates).

6. As we have previously indicated from time to time, the issues involved in Phase 1-B are intended and have been designed to establish a basis for the formulation of principles which should govern the establishment and maintenance of overall rate levels for each of Respondents' interstate services. Stated differently, we seek to determine in Phase 1-B the broad revenue objectives that are to be met by the rates for a given classification of service in terms of its contribution to the total interstate revenue requirements of Respondents. The consolidations urged by Petitioners would, in our opinion, defeat these objectives by encumbering Docket No. 16258 with the separable and time-consuming task of examining and passing upon the propriety of the internal design or detailed components of the rate structure of a particular class of service.

7. Respondents, in response to the issues in Phase 1-B, have provided evidence with respect to the economic and other considerations relative to the pricing policies they believe should govern the formulation of rate levels for their several classes of services. They have also provided data relative to the costs of providing their principal services. Such cost data have been derived on alternative bases reflecting different approaches to a determination of the relevant costs for each of the services. In addition, Respondents have provided data relative to marketing conditions and the pricing policies indicated thereby for certain of their services and as noted above, Respondents have filed increased rates which they contend are justified by their showing. The other parties in this proceeding, however, have not yet presented their evidence with respect to these matters. It is our expectation that upon completion of the record in Phase 1-B in these respects, the Commission will be in a position to prescribe appropriate principles or guidelines for the determination of the over-all revenue objectives that are to be met by Respondents in the design of each of their principal rate classifications. It is also our intention to determine the extent to which each of the existing or proposed rate classifications accord with, or fall short of, meeting those principles and guidelines, and, if the latter, the nature of the corrective action that should be taken. Again, we stress that we deem it neither necessary nor practical, in the interest of a timely and effective resolution of the issues in Phase 1-B, to treat or to prescribe the internal design or components of each rate classification, but shall limit our consideration to the overall design or rate levels of such classification in terms of the reasonable revenue contribution that it is to make to the total interstate revenue requirements of Respondents.[2]

8. Thus, with respect to Respondents' rates for TELPAK service, including those now under suspension and investigation in Docket No. 18128, we will determine in Phase 1-B of Docket No. 16258 whether competitive or other valid considerations justify the pricing discrimination existing in the TELPAK offering; and, if so, whether Respondents' existing or proposed rates for TELPAK will make an appropriate contribution to Respondents' total interstate revenue requirements.[3] These determinations with respect to the revenue objectives appropriate to TELPAK and other services are, in our opinion, of threshold essentiality to a determination of the reasonableness and lawfulness of the specific rates and rate relationships within the individual rate structures. It is also our opinion that we can arrive at these threshold determinations without simultaneously resolving all other questions.

9. We recognize that the resolution of the issues in Docket No. 17457 regarding TELPAK sharing may have an effect upon the market for TELPAK services on the basis of which Respondents have calculated their costs of furnishing such services, which costs have been presented by Respondents in Docket No. 16258 in purported justification of their proposed revised TELPAK rates. This, in turn, could have a substantial impact on the overall level and revenue yield of TELPAK rates as well as the propriety of the internal rate components of the TELPAK schedule. As we noted in our order in Docket No. 17457 (FCC 68-389) concerning TELPAK sharing, we expect the presiding officer to employ all reasonable means to expedite that proceeding, and also expect the Chief, Common Carrier Bureau to issue a recommended decision at the earliest possible date. Thus, the proceedings in Docket No. 17457 and those in Docket No. 16258 will be going forward in parallel. We will, therefore, defer hearings in Docket No. 18128 concerning the internal specifics of the TELPAK rate structure until the rate principles determinations are made in Docket No. 16258 and the sharing issue is decided in Docket No. 17457.

10. Because TELPAK service is, in essence, a rate classification within the family of private line services offered by Respondents, appropriate consideration of the reasonableness of TELPAK rates requires simultaneous and coordinate consideration of Respondents' private line tariffs. Accordingly, our order herein will specify the issues in Docket No. 18128 to embrace all of the private line tariffs, except audio and video program transmission services, but including the charges for teletypewriter station equipment. In this connection we note that these substantial increases in charges for such teletypewriter equipment are now filed to become effective August 1, 1968. We are unable to determine whether such increased charges are or will be just and reasonable or otherwise lawful; and, if such increased charges are permitted to become effective on the date specified, the rights and interests of the public may be adversely affected thereby. Accordingly, we will suspend their operation for the statutory period.[4] Insofar as Docket No. 16258 is concerned, of course, the revenue contribution of all interstate and foreign services are in issue.

11. In view of our temporary deferral of hearings in Docket No. 18128, it is increasingly important that the proper rate-making principles and factors be determined in Docket No. 16258 as expeditiously as possible. While we are confident the proceeding has progressed with commendable speed, we are nevertheless directing the Hearing Examiner to take all feasible measures to achieve the earliest closing of the evidentiary record on this particular issue. We also expect that in presenting evidence in Docket No. 16258, the parties will be guided by this memorandum opinion and order and that, accordingly, their presentations will be limited to the issue of the appropriate guidelines and principles which should govern the overall contribution that individual services are to make to the total interstate revenue requirements of Respondents.

12. In our previous order issued April 12, 1968, suspending the proposed TELPAK tariff schedules, we reserved for future determination the question as to whether we should impose an accounting order herein. We have reconsidered this matter, on our own motion, and are of the opinion that the public interest requires that such as accounting order be entered.

Accordingly, it is ordered, That pursuant to sections 201, 202, 204, 205, and 403 of the Communications Act of 1934, as amended, the Commission shall enter upon a hearing and investigation in Docket No. 18128 concerning the lawfulness of the private line tariff schedules listed in the appendix hereto, as well as

[1] We have under consideration the following pleadings pertinent to the action taken herein:

(a) "Petition for Suspension, Investigation and Hearing on TELPAK Tariff Increases, and for Consolidation with Current Hearings on TELPAK Sharing Provisions and Compensatory Nature of present TELPAK Rates," filed by Air Transport Association of America on March 25, 1968, in Docket Nos. 16258, 15011, and 17457.

(b) "Petition of The Secretary of Defense for Suspension and Investigation, and for an Accounting Order," filed by Department of Defense on Apr. 2, 1968.

(c) "Petition for Suspension, Investigation, and other Relief," filed by Aeronautical Radio, Inc., on Apr. 5, 1968.

(d) "Reply to Petition for Suspension," filed by American Telephone and Telegraph Co. on Mar. 28, 1968.

(e) "Statement in Support of Petition for Consolidation of Current Hearings on TELPAK Sharing Provisions and Compensatory Nature of Present TELPAK Rates," filed by Eastern Airlines, Inc., on Apr. 9, 1968.

(f) "Response to Petition for Consolidation," filed by American Telephone and Telegraph Co. on Apr. 10, 1968.

(g) "Reply to Petitions for Suspension, Investigation, and Hearing of TELPAK Tariff Increases and for Consolidation with Current Hearings on TELPAK Sharing Provisions," filed by The Western Union Telegraph Co. on Apr. 10, 1968.

[2] For example, while we shall consider the revenue effect of rate or structural changes proposed by Respondents, such as the change in the telegraph channel equivalency ratio of the TELPAK tariff, we will not determine or prescribe on this record the proper ratio that should be employed or prescribe individual rate components.

[3] This will also include consideration of the effects of the rates on competition within the common carrier industry.

[4] Several parties have filed petitions requesting suspension of these charges to which AT&T has not yet responded. Accordingly, we have not considered such petitions but have acted on our own motion.

those which were the subject of our order released April 12, 1968 (FCC 68-388), and any amendments, cancellations, or successive issues thereof effected during the pendency of the investigation; and

It is further ordered, That pursuant to section 204 of the Communications Act of 1934, as amended, the operation of the tariff schedules listed in the appendix as becoming effective August 1, 1968, is hereby suspended, unless otherwise ordered by the Commission, until November 1, 1968, and that during said period of suspension no changes shall be made in said tariff schedules or in the charges sought to be altered thereby unless authorized by special permission of the Commission; and

It is further ordered, That without in any way limiting the scope of the investigation of both groups of the aforementioned tariff schedules, it shall include consideration of the following matters:

(1) Whether any such tariff schedules will subject any person or class of persons to unjust or unreasonable discrimination or give any undue or unreasonable preference or advantage to any person, class of persons, or locality, or subject any person, class of persons, or locality to any undue or unreasonable prejudice, or disadvantage within the meaning of section 202(a) of the Communications Act of 1934, as amended; and,

(2) Whether any of the charges, classifications, regulations, or practices contained in such tariff schedules are or will be unjust and unreasonable within the meaning of section 201(b) of the Communications Act of 1934, as amended; and

(3) Whether the Commission should prescribe just and reasonable charges, classifications, regulations, and practices or the maximum or minimum or maximum and minimum charges to be hereafter followed with respect to the services governed by the subject tariff schedules and, if so, what charges, classifications, regulations, and practices should be prescribed.

It is further ordered, That, in the event a decision as to the lawfulness of all the provisions suspended has not been made during the suspension period, and said increased charges, practices, classifications, and regulations go into effect, the American Telephone and Telegraph Co. (AT&T) and its connecting and concurring carriers shall, until further ordered by the Commission, keep accurate account of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts are paid, and upon completion of the hearing and decision therein the Commission may by further order require the refund thereof, with interest, pursuant to section 205 of the Communications Act of 1934, as amended, and the carrier shall file with the Commission a report on or before the 10th day of each calendar month, commencing December 10, 1968, showing the amounts accounted for as aforesaid during the previous calendar month; and

It is further ordered, That a copy of this order be filed in the offices of the Commission with said tariff schedules herein suspended; that AT&T and all carriers listed in its Tariff FCC No. 260 as concurring carriers with respect to matters contained in the tariff schedules suspended are hereby made parties respondent to this proceeding; and that a copy hereof be served upon each Respondent, upon the agency of each State and the District of Columbia which has regulatory jurisdiction with respect to communications rates and services and the National Association of Regulatory Utility Commissioners; and

It is further ordered, That hearings in Docket No. 18128 are deferred until further order of the Commission; and

It is further ordered, That the petition of Air Transport Association filed March 25, 1968, insofar as it requests consolidation of Docket No. 18128 with Docket No. 16258 is denied.

It is further ordered, That all of the petitions noted as under consideration herein are granted to the extent indicated herein, and in all other respects are denied.

Adopted: July 10, 1968.

Released: July 16, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

1. Charges To Be Investigated. The investigation discussed in paragraph 10 of the basic memorandum opinion and order pertains to those charges set forth in American Telephone and Telegraph Co.'s Tariff FCC No. 260, Private Line Service, except those charges pertaining to Series 6000 and Series 7000 services.

2. List of Tariff Schedules Containing Teletypewriter Equipment Rate Increases Suspended Herein.

American Telephone and Telegraph Co. Tariff FCC No. 260:

Page	Revision	Nos.	Page	Revision	Nos.
181...	7d	4th.	196...	5th	9th
182...	1st	3d	197...	5th	8th
183...	1st	3d	210...	1st	4th
184...	8th	9th	211...	3d	6th
185...	3d	7th	212...	3d	6th
186...	7th	10th	213...	1st	3d
187...	8th	9th	214...	1st	4th
188...	8th	7th	215...	2d	6th
188.1.	7d	5th	216...	4th	6th
189...	8th	6th	217...	4th	9th
190...	8th	7th	218...	2d	4th
191...	1st	3d	218.1.	Original	2d
192...	1st	3d	219...	1st	3d
193...	9th	10th	221...	10th	14th
194...	9th	11th	222.2.	4th	8th
195...	8th	7th			

[F.R. Doc. 68-8595; Filed, July 18, 1968; 8:47 a.m.]

[Docket No. 18247; FCC 68-709]

ROBERT LEE BRANTLEY

Order Designating Application for Hearing on Stated Issues

In re application of Robert Lee Brantley, Greenville, N.C., Docket No. 18247, File No. 01130-CD-66, for radio station license in the Citizens Radio Service.

[5] Commissioner Cox concurring in the result.

1. The Commission has under consideration an application for a Class D station license in the Citizens Radio Service filed by Robert Lee Brantley, Greenville, N.C.

2. Information coming to the attention of the Commission raises substantial questions concerning the qualifications of the applicant, Robert Lee Brantley, to be a licensee. It will, therefore, be necessary to hold an evidentiary hearing to resolve those questions.

3. *Accordingly, it is ordered*, Pursuant to section 309(e) of the Communications Act of 1934, as amended, and § 1.793(b) of the Commission's rules, that the captioned application is designated for hearing in Washington, D.C., at a time and place to be specified by subsequent order upon the following issues:

(1) To determine whether Robert Lee Brantley, during the period between July and October 1965, or on any other dates participated in activities designed to threaten, harass, intimidate, or cause bodily harm to others.

(2) To determine the facts and circumstances surrounding the issuance, on November 17, 1965, of a warrant charging Robert Lee Brantley with Assault With Deadly Weapon.

(3) To determine the facts and circumstances surrounding the issuance on November 16, 1965, of a warrant charging John Teel with Assault With Deadly Weapon.

(4) To determine whether Robert Lee Brantley was found by Pitt County Recorder's Court, on February 8, 1966, to have impaired and defeated the orderly process of law and to be uncooperative, disrespectful, and offensive to standards of good citizenship and morals and adjudged to be in Contempt of Court.

(5) To determine whether, during the period between July 1965, and the present, Robert Lee Brantley operated a radio transmitter using radio frequencies assigned to the Citizens Radio Service without a station license, in violation of section 301 of the Communications Act.

(6) To determine Robert Lee Brantley's need for, and proposed use of, the requested radio facilities.

(7) To determine whether Robert Lee Brantley possesses the character qualifications to be a licensee of the Commission.

(8) To determine, in light of the evidence adduced pursuant to any or all of the foregoing issues, whether a grant of the captioned application would serve the public interest, convenience, and necessity.

4. *It is further ordered*, That the burden of proof on all issues will be on the applicant, Robert Lee Brantley, although the Chief, Safety and Special Radio Services Bureau will have the burden of proceeding with the introduction of evidence on issues (1), (2), (3), (4), and (5).

5. *It is further ordered*, That to avail himself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the

Commission, in triplicate, a written appearance stating an intent to appear on the date to be fixed for hearing and present evidence on the issues specified in this order.

Adopted: July 10, 1968.

Released: July 15, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-8596; Filed, July 18, 1968; 8:47 a.m.]

[Docket No. 17929; FCC 68-710]

EASTERN AIR LINES, INC., AND AMERICAN TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order Instituting Hearing

In the matter of Eastern Air Lines, Inc., New York, N.Y., Complainant v. American Telephone and Telegraph Co., New York, N.Y., Defendant.

1. We have before us a complaint for reparations filed December 13, 1967, by Eastern Air Lines, Inc. (complainant), pursuant to section 208 of the Act; an answer to that complaint filed January 19, 1968, by American Telephone and Telegraph Co. (A.T. & T.); and a reply to the answer filed by complainant on January 29, 1968.

2. Complainant seeks $19,147.47 in alleged overcharges for teletypewriter station equipment which A.T. & T. furnished to complainant under A.T. & T.'s Private Line Service Tariff FCC No. 260 during the period of July 12, 1966, through August 19, 1966.

3. The essential facts appear undisputed. Because of a labor strike in its organization, complainant requested suspension of what it refers to as its "teletypewriter service" during the aforementioned period. Complainant was a customer of A.T. & T. for TELPAK channels. These TELPAK channels are officially designated in the A.T. & T. tariff as "Series 5000 channels." In addition, complainant obtained teletypewriters from A.T. & T. and these teletypewriters were used by complainant in connection with these Series 5000 (TELPAK) channels. It is to these teletypewriters used with Series 5000 channels that complainant refers when it uses the term "teletypewriter service." Complainant contends that upon its request for suspension of its "teletypewriter service," A.T. & T. was obligated under its tariff to charge only one-half of its normal charge for such teletypewriters. A.T. & T. contends that it was obligated to make the full charge for such teletypewriters. Complainant makes no claim that it is entitled to lower than normal charges for the Series 5000 (TELPAK) channels during the period in question. Its claim for reparations goes only to the charges for teletypewriter equipment used in connection with such channels.

4. We are here concerned with the proper interpretation and construction of a provision of the Private Line Service tariff of A.T. & T. (No. 260) that permits customers to save money by requesting suspension of certain private line services for a period of 2 weeks to 6 months in lieu of canceling the service entirely. The tariff provides that, during the period of any suspension permitted by the tariff, there is no charge for the interexchange channels, station connections, bridging connections, drop service, or channel terminals and there is a 50 percent reduction in the normal charge for other components of the service such as local channels and equipment.

5. The full text of the tariff provision in question is as follows:

2.4.6 *Suspension of Service.*

(A) Upon request of the customer, service, except service involving the furnishing of overseas, Series 5000 or Series 7000 channels, those portions of service to which charges are applicable for discontinuance prior to the expiration of a specified period, or services used in conjunction with common control switching arrangements will be suspended without cancellation at any time after the initial month of service, subject to (1), (2), and (3) below.

(1) Service will be suspended for a period of not less than 2 weeks and not more than 6 months.

(2) No charge applies during the period of suspension for interexchange channels, station connections, bridging connections, drop service, and channel terminals except those terminals for which a separate rate applies for Press, those furnished for Type 4001 channels and those furnished by this Company's concurring, or concurring and connecting carriers where the total interexchange channel mileage of the private line is 25 airline miles or less.

(3) One-half of the charge that would apply if the service were not suspended applies during the period of suspension for local channels, local channel extensions, Washington Metropolitan Area channels, equipment, other items and those channel terminals for which a separate rate applies for Press, those furnished for Type 4001 channels, and those furnished by this Company's concurring or concurring and connecting carriers where the total interexchange channel mileage of the private line is 25 airline miles or less.

6. As stated in the above-quoted tariff provision, there are certain private line services that may not be suspended in lieu of cancellation. One of these exceptions, in the language of the tariff, is "service involving the furnishing of • • • Series 5000 • • • channels" (2.4.6 (A)). Complainant's position is that the furnishing of teletypewriters to it for use in connection with Series 5000 channels is a service involving the furnishing of "teletypwriters" and is not a service involving the furnishing of "channels." Therefore, complainant contends that the service of furnishing teletypewriters is not within the exception. A.T. & T.'s position, on the other hand, is that the furnishing of such teletypewriters is service "involving" the furnishing of such channels and is, therefore, included in the exception. Complainant points to the above-quoted language in 2.4.6(A) (3) that states that "one-half of the charge that would apply if the service were not suspended applies during the period of suspension for • • • equipment • • •" and claims that "the service" in the instant case is that of furnishing the teletypewriters in question and not that of furnishing Series 5000 channels, whereas A.T. & T. contends that the term "the service" refers to the entire service of Series 5000 channels plus the teletypewriter equipment used therewith.

7. Our task is to determine whether the above-quoted tariff language may be reasonably interpreted as complainant interprets it. If so, complainant prevails under well-settled rules of tariff construction. In making this determination we shall examine this langauge in the context of the tariff as a whole including definitions of terms that are set forth in the tariff.

8. A "channel" is defined in the tariff as "a path (or paths) for electrical communication between two or more stations or Telephone Company offices" (2.5). From this definition, it is clear that the furnishing of a "channel" does not include the furnishing of teletypewriter station equipment used in connection with a channel. In addition, the term "Series 5000 channels" is defined as follows:

This series applies only to those channels and services which the customer has specifically ordered to be furnished as Series 5000 channels and services under this tariff. (3.2.5(A))

The tariff goes on to state that this Series "provides Base Capacity for transmitting various forms of electrical communication" and that "within the limits of a Base Capacity the customer may order as many wideband and/or individual channels or lesser capacity arranged for use as he requires" (3.2.5(A)). Thus, it seems clear that, by further definition, the furnishing of "Series 5000 channels" does not include the furnishing of teletypewriter station equipment associated therewith.

9. Under A.T. & T.'s Tariff FCC No. 260 the telephone company makes a separate offering of teletypewriters at rates separate from the channel rates. This offering is independent of the kind of channels to which such equipment is to be connected. For example, the same teletypewriter station equipment may be used interchangeably in connection with not only Series 5000 channels but other series of channels such as the Series 1000 channels. The divisibility of the offering of teletypewriter station equipment, on the one hand, and the offering of Series 5000 channels, on the other hand, is further evidenced by the provision in the tariff that either the customer or the telephone company may provide teletypewriter station equipment used in connection with any channels provided by the telephone company. Therefore, the telephone company offers to furnish Series 5000 channels either with or without associated teletypewriter station equipment used in connection therewith.

10. In view of the foregoing, we believe that the above-quoted language purporting to state which services do not have the privilege of suspension is ambiguous and that one reasonable construction of

the language in the tariff that excepts "service involving the furnishing of • • • Series 5000 • • • channels" is that the exception applies only to the furnishing of the Series 5000 Base Capacity and the individual channels derived therefrom and not to the furnishing of teletypewriter equipment associated with those or any other channels provided by the telephone company. The telephone company argues that the excepting language should be construed as excepting not only the provision of Series 5000 channels but also the "equipment associated with that service, including Eastern Airlines teletypewriter equipment." However, the company's tariff does not say this. This may have been the intent of the company, but, if so, that intent is not clearly expressed in the tariff as required by our rules which provide that tariffs shall contain "Such explanatory statements in clear and explicit terms regarding the rates and regulations contained in the tariff as may be necessary to remove all doubt as to their proper application" and that "complicated or ambiguous terms shall not be used," 47 CFR 61.33 (f) and (h).

11. The tariff definition of "Private Line Service" does not help to remove the aforementioned ambiguity. According to this definition "Private Line Service is the furnishing of Telephone Company facilities for communication between specified locations continuously or for regularly recurring periods at stated hours. Facilities may be those of the Telephone Company only or those of the Telephone Company and Other Participating Carriers." (Sec. 2.1.1) From this definition it appears that "the service" involved herein could be either the teletypewriter facilities obtained by complainant since they were used for communication between specified locations, or the Series 5000 channels, since they were also used for that purpose, or both.

12. Moreover, interpreting the tariff as we do achieves a more reasonable result. To interpret the tariff as does A.T. & T. would raise substantial question of the lawfulness of such a provision because one user of teletypewriter equipment connected to a teletypewriter grade channel priced at the ordinary private line rate could obtain a 50 percent lower charge for such equipment than would another user of the same equipment connected to the same teletypewriter grade channel priced at the TELPAK rate. Our interpretation results in the charges for the same teletypewriter equipment performing the same function being uniform among all users irrespective of whether such equipment is used in connection with channels priced at TELPAK rates or ordinary private line rates.

13. We conclude that complainant was required to pay only one-half of the normal charges for the teletypewriter equipment furnished to complainant under A.T. & T.'s Tariff FCC No. 260 during the period of July 12, 1966, through August 19, 1966, and that the matter should be designated for evidentiary hearing on the single issue of the amount of damages due to complainant consistent with our opinion herein. We also conclude that the ambiguity we have found to exist should be removed by revised tariff language that will state unequivocally which services or components thereof are subject to suspension and which ones are not, 47 CFR 61.33 (f) and (h). In view of our disposition of this case, we do not reach complainant's alternative contentions that sections 201(b) and 202(a) are violated if the tariff is to be construed unfavorably to complainant.

14. *Accordingly, it is ordered,* That, pursuant to the provisions of section 203 and sections 206–209 of the Communications Act of 1934, as amended, a public hearing shall be held at a time and place to be hereinafter designated upon the following specific issue: The amount of damages, if any, that the complainant may be entitled to as a result of charges collected by the defendant for the period of July 12, 1966, through August 19, 1966, in excess of what we have found herein to be applicable under the schedules of charges lawfully on file with the Commission.

15. *It is further ordered,* That a copy of this Memorandum Opinion and Order shall be served upon the complainant and the defendant herein.

16. *It is further ordered,* That a hearing examiner shall be designated to preside in the complaint proceedings ordered herein, who shall prepare an initial decision on the issue herein as provided in § 1.267 of the Commission's rules.

17. *It is further ordered,* That, within 30 days after the service of this order, defendant shall file tariff revisions on not less than 30 days' notice which shall remove the ambiguity we have found to exist in § 2.4.6 of defendant's Tariff FCC No. 260 and which shall be in full compliance with the requirements of Part 61 of our rules.

Adopted: July 10, 1968.

Released: July 16, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-8597; Filed, July 18, 1968; 8:47 a.m.]

[Docket No. 10834, etc.; FCC 68M-1054]

FLORIDA-GEORGIA TELEVISION CO., INC., ET AL.

Order Scheduling Hearing Sessions for Miami, Fla.

In re applications of Florida-Georgia Television Co., Inc., Jacksonville, Fla., Docket No. 10834, File No. BPCT-1624; Community First Corp., Jacksonville, Fla., Docket No. 17582, File No. BPCT-3661; The New Horizons Telecasting Co., Inc., Jacksonville, Fla., Docket No. 17583, File No. BPCT-3731; Florida Gateway Television Co., Jacksonville, Fla., Docket No. 17584, File No. BPCT-3732; for construction permit for new television broadcast station. Wometco Enterprises, Inc., Miami, Fla., Docket No. 18185, File No. BPCT-95; for renewal of license of television station WTVJ. Wometco Skyway Broadcasting Co., Asheville, N.C., Docket No. 18186, File No. BRCT-313; for renewal of license of television station WLOS-TV.

The Chief Hearing Examiner having under consideration a motion in behalf of Antwin Theaters, Inc., filed July 2, 1968, that a portion of the hearings in the above-entitled proceeding be held in Miami, Fla.;

It appearing, that the motion has the support of the Commission's Broadcast Bureau but it is opposed by Wometco Enterprises, Inc., and Wometco Skyway Broadcasting Co.;

It appearing further that there have been consolidated for hearing in this proceeding the AM and TV license renewal applications of the Wometco applicants, and it is in regard to the development of evidence under an issue of anticompetitive activities directed to these applicants that the moving party pleads the necessity for hearings in Miami, Fla., where the prospective witnesses reside and numerous records "which will be involved" are located;

It appearing further that while it is appropriate to authorize hearing sessions in Miami, Fla., for the limited purpose of receiving evidence under the anticompetitive issue, all concerned are expected to cooperate to the fullest extent possible with the view to completing these sessions within a period not to exceed 5 days:

Accordingly, it is ordered, That the motion is granted and that hearing sessions in this proceeding are authorized to be held in Miami, Fla., commencing on a date to be designated by the presiding Hearing Examiner.

Issued: July 15, 1968.

Released: July 15, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JAMES D. CUNNINGHAM,
Chief Hearing Examiner.

[F.R. Doc. 68-8598; Filed, July 18, 1968; 8:47 a.m.]

[Docket No. 18249; FCC 68M-1050]

NORMAN I. SNODGRASS

Order Scheduling Hearing

In the matter of Norman I. Snodgrass, 5340 72 Court, Summit, Ill. 60501, order to show cause why the license for radio station KRJ-6362 in the Citizens Radio Service should not be revoked:

It is ordered, That James D. Cunningham shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on September 4, 1968, at 10 a.m.: *And, it is further ordered,* That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: July 12, 1968.

Released: July 15, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JAMES D. CUNNINGHAM,
Chief Hearing Examiner.

[F.R. Doc. 68-8599; Filed, July 18, 1968; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

AUSTRALIA, NEW ZEALAND, AND SOUTH SEA ISLANDS PACIFIC COAST CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. J. R. Harper, Secretary, Australia, New Zealand, and South Sea Islands Pacific Coast Conference, 635 Sacramento Street, Room 330, San Francisco, Calif. 94111.

Agreement 7580-7, between member lines of the Australia, New Zealand, and South Sea Islands Pacific Coast Conference, proposes the amendment of Article 3-C of the basic agreement (7580, as amended), to increase the amount of the admission fee for new members from $250 (two-hundred and fifty dollars) to $1,000 (one thousand dollars).

Dated July 15, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-8576; Filed, July 18, 1968; 8:46 a.m.]

PORT OF OAKLAND ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. J. Kerwin Rooney, Port Attorney, Port of Oakland, 66 Jack London Square, Oakland, Calif. 94607.

Agreement No. T-2193 between the Port of Oakland (Oakland) and Mitsui O.S.K. Lines, Ltd., and Yamashita-Shinnihon Steamship Co., Ltd. (the Lines) is a lease of certain premises at Oakland's Seventh Street Terminal which the Lines will use solely as a truck and rail terminal for distributing cargo to and from trucks, rail cars, and containers. Rental will be a fixed monthly sum for the land, plus an additional sum for the truck and rail terminal. Provision is made for an adjustment in rent for the terminal, dependent upon actual construction costs. The agreement includes an option to lease an additional area of 1.327 acres, for which right the Lines will pay $1,011 per year. In the event the option is exercised an additional rental will be assessed. The Lines are granted the right to enter upon the leased premises prior to approval of this agreement by the Federal Maritime Commission subject to certain conditions, including applicable provisions of Oakland's tariff.

Dated: July 15, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-8577; Filed, July 18, 1968; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on April 19, 1968.[1]

System open market operations until the next meeting of the Committee shall be conducted with a view to achieving firmer but maintaining orderly conditions in the money market, while facilitating market adjustments to the increase in Federal Reserve discount rates.

Dated at Washington, D.C., the 12th day of July 1968.

By order of the Federal Open Market Committee.

KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 68-8580; Filed, July 18, 1968; 8:46 a.m.]

[1] The Record of Policy Actions of the Committee for the meeting of Apr. 19, 1968, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SMALL BUSINESS ADMINISTRATION

REGENT INVESTMENT CORP.

Notice of Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the Regulations Governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) for transfer of control of Regent Investment Corp., 1615 Bonanza Street, Walnut Creek, Calif. 94596, a Federal Licensee under the Small Business Investment Act of 1958, as amended ("the Act"), License No. 12/12-0113.

Regent Investment Corp. was licensed on March 19, 1964, with a paid-in capital and surplus of $304,500. Its present capital and surplus is $454,500. It has 450,000 shares of issued and outstanding common stock held by five stockholders.

The following individuals have offered to purchase all the capital stock of this Licensee owned by the other three stockholders:

Richard B. Backe, 1672 Foothill Park Circle, Lafayette, Calif.
John S. Morken, 360 Pickering Place, Walnut Creek, Calif.

Each of the proposed transferees will own 10 or more percent of the capital stock. The principal office of the Licensee will remain in Walnut Creek, Calif. The offer is subject to and contingent upon the approval of the new ownership and management by SBA.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owners and the probability of sucessful operation of the company under their control and management (including adequate profitability and financial soundness) in accordance with the Act and Regulations.

Notice is further given that any interested party may, no later than fifteen (15) days from the date of this publication, submit in writing, relevant comments on the proposed transfer of control. Any such communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the proposed transferees in a newspaper of general circulation in the Walnut Creek, Calif., and San Francisco, Calif. areas.

Dated: July 11, 1968.

For SBA (pursuant to delegated authority).

GLENN R. BROWN,
Associate Administrator for Investment

[F.R. Doc. 68-8572; Filed, July 18, 1968; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-3173, etc.]

HUSKY OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JULY 11, 1968.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 5, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56, Part 2, statement of general policy and interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-3173 ..... E 6-25-68	Husky Oil Co. (successor to The Frontier Refining Co.), Post Office Box 380, Cody, Wyo. 82414.	El Paso Natural Gas Co., Fulcher Kutz Pictured Cliffs Pool and West Kutz Pictured Cliffs Pool, San Juan County, N. Mex.	12.045375	15.025
G-10408 ..... D 6-24-68 [1]	Mobil Oil Corp., Post Office Box 2441, Houston, Tex. 77001.	Shell Oil Co., Provident City Field, Lavaca County, Tex.	Assigned	.....
G-12954 ..... E 6-25-68	Husky Oil Co. (successor to The Frontier Refining Co.).	El Paso Natural Gas Co., Gallegos Gallup Pool, San Juan County, N. Mex.	12.0495	15.025
G-12980 ..... E 6-25-68	do	do	[2] 13.053625	15.025
G-13526 ..... D 6-21-68	Mobil Oil Corp.	Transwestern Pipeline Co., acreage in Ellis County, Okla.	[3]	.....
C162-96 ..... E 6-26-68	Harry W. Brennan, Jr. (successor to Alton Coats et al.), 508 Petroleum Bldg., Longview, Tex. 75601.	United Gas Pipe Line Co., Bethany Field, Harrison County, Tex.	[4] 9.6216	14.65
C162-1139 ..... E 6-25-68	Husky Oil Co. (successor to The Frontier Refining Co.).	El Paso Natural Gas Co., Basin Dakota Pool, San Juan County, N. Mex.	12.045375	15.02
C162-1140 ..... E 6-25-68	do	do	[5] 13.0495	15.02
C162-1327 ..... D 6-21-68 [6]	Mobil Oil Corp.	Cities Service Gas Co., Guymon-Hugoton (Deep) Field, Texas County, Okla.	Assigned	.....
C162-1414 ..... E 6-25-68	Husky Oil Co. (successor to The Frontier Refining Co.).	El Paso Natural Gas Co., Angels Peak Gallup Pool, San Juan County, N. Mex.	12.045375	15.025
C162-673 ..... C&D 6-26-68	Skylark Gas Co., 219 East Main St., St. Clairsville, Ohio 43950.	Equitable Gas Co., acreage in Lewis, Harrison and Upshur Counties, W. Va.	25.0	15.325
C162-150 ..... D 7-1-68	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla. 74102.	Northern Natural Gas Co., acreage in Beaver County, Okla.	Declined in pressure	.....
C162-828 [7] ..... E 6-25-68	Husky Oil Co. (successor to The Frontier Refining Co.).	El Paso Natural Gas Co., East Bar-X Area, Mesa County, Colo.	13.5	15.025
C162-815 ..... E 6-24-68	Eleor Chemical Corp. (successor to National Fuels Corp.), 1300 V & J Tower, Midland, Tex. 79701.	Lone Star Gas Co., Tailgate of Madill Plant, Marshall County, Okla.	15.0	14.65
C162-1230 ..... 6-0-68 [8]	Southern Minerals Corp., Post Office Box 716, Corpus Christi, Tex. 78403.	Northern Natural Gas Co., North Puckett Field, Pecos County, Tex.	15.0	14.65
C162-967 ..... E 6-25-68	Husky Oil Co. (successor to The Frontier Refining Co.).	Northern Natural Gas Co., Shapley (Morrow) Field, Hansford County, Tex.	17.0	14.65
C162-988 ..... (C162-717) C 6-25-68 [9]	James W. Harris (Operator), et al., 236 Bldg., 236 East Capitol St., Jackson, Miss.	United Gas Pipe Line Co., Gwinville Field, Jefferson Davis County, Miss.	17.0	15.025
C162-1145 ..... C 6-24-68	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	Arkansas Louisiana Gas Co., Cameron Field, Le Flore County, Okla.	[9] 15.0	14.65
C162-1647 ..... C 6-27-68	Cleary Petroleum, Inc., 310 Kermac Bldg., Oklahoma City, Okla. 73102.	Panhandle Eastern Pipe Line Co., North Hopeton Field, Woods County, Okla.	[10] 15.0	14.65
C162-1362 ..... A 6-14-68	Wilcox-Henry, c/o Thom H. Green, geologist, Suite 640, 2121 South Columbia, Tulsa, Okla. 74114.	Continental Compressor Corp., Parsell South (Cherokee) Field, Roberts County, Tex.	[11] 2.0	14.73
C162-1305 ..... A 6-14-68	David Beach, trustee, c/o KWB Oil Property Management, Inc., 1125 National Bank of Tulsa Bldg., Tulsa, Okla. 74103.	do	[11] 2.0	14.73
C162-1439 ..... A 6-27-68	John H. Hill, 100 Southland Center, Dallas, Tex. 75201.	Northern Natural Gas Co., Mocane Field, Beaver County, Okla.	[12] 17.0	14.65
C162-1440 ..... (C-5716) F 6-20-68	J. M. Huber Corp. (successor to Northern Natural Gas Producing Co. et al.), 2401 East Second Ave., Denver, Colo. 80206.	Northern Natural Gas Co., North Holt Field, Seward County, Kans.	[13] 16.74	14.65
C162-1441 ..... B 6-26-68	J. M. Huber Corp.	Natural Gas Pipeline Co. of America, Canuck Field, Beaver County, Okla.	Depleted	.....
C162-1442 ..... A 6-26-68	Graham-Michaelis Drilling Co., 302 Graham Bldg., 211 North Broadway, Wichita, Kans. 67202.	Michigan Wisconsin Pipe Line Co., Cedardale Southwest Chester Field, Woodward County, Okla.	[14] 19.5	14.65
C162-1443 ..... (C167-1739) A & F 6-26-68 [15]	Cities Service Oil Co., Cities Service Bldg., Bartlesville, Okla. 74003.	United Gas Pipe Line Co., Crescent Farms Field, Terrebonne Parish, La.	21.25	15.025
C162-1444 ..... (C-12750) F 6-20-68	Southwest Oil Industries, Inc. (successor to Helmerich & Payne, Inc.), 801 First National Bldg., Oklahoma City, Okla.	Colorado Interstate Gas Co., Mocane Laverne Field, Beaver County, Okla.	[16] 17.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C168-1445 ..... F 6-20-68	Southwest Oil Industries, Inc. (successor to Estate of John W. Henry et al.).	Colorado Interstate Gas Co., Mocane Laverne Field, Beaver County, Okla.	17.0	14.65
C168-1446 ..... (G-12578) F 6-20-68	Southwest Oil Industries, Inc. (successor to Marathon Oil Co.).	do	17.0	14.65
C168-1447 ..... (G-18748) F 6-20-68	Southwest Oil Industries, Inc. (successor to Sinclair Oil & Gas Co.).	El Paso Natural Gas Co., Mocane Laverne Field, Beaver County, Okla.	17.0	14.65
C168-1448 ..... A 6-27-68	Kern County Land Co., c/o John E. Watson, attorney, Post Office Box 2511, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America Blocks 225 and 229 Fields, West Cameron Area, Offshore Lousiana.	20.0	15.025
C168-1449 ..... A 6-27-68	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, Block 165 Field, West Cameron Area, Offshore Louisiana.	20.0	15.025
C168-1450 ..... A 6-28-68	Pennzoil United, Inc.[3] Post Office Drawer 1588, Parkersburg, W. Va. 26101.	United Fuel Gas Co., Rocky Fork Field, Kanawha County, W. Va.	27.5	15.325
C168-1452 ..... A 6-28-68	Pubco Petroleum Corp., Post Office Box 869, Albuquerque, N. Mex. 87103.	Southern Natural Gas Co., South Marrero Field, Jefferson Parish, La.	21.25	15.025
C168-1453 ..... A 6-28-68	Samuel Gary, 1700 Broadway, Denver, Colo. 80202.	Montana-Dakota Utilities Co., Bell Creek Gas Plant, Power River County, Mont.	[13] 15.384	15.025
C169-1 ..... B 7-1-68	Petroleum, Inc., 300 West Douglas, Wichita, Kans. 67202.	Kansas-Nebraska Natural Gas Co., Inc., acreage in Seward County, Kans.	Depleted	.....
C169-2 ..... A 7-1-68	Diamond Shamrock Corp., Post Office Box 631, Amarillo, Tex. 79105.	Colorado Interstate Gas Co., acreage in Sweetwater County, Wyo.	[14] 15.09	14.65
C169-3 ..... A 7-1-68	Kendall-Davis Drilling Co., Inc. (Operator), et al., 2 Court Bldg., Evansville, Ind. 47708.	Texas Gas Transmission Corp., Elk Creek Field, Hopkins County, Ky.	15.0	15.025
C169-4 ..... A 7-1-68	Oklahoma Natural Gas Co., 624 South Boston Ave., Tulsa, Okla. 74119.	Panhandle Eastern Pipe Line Co., Northwest Aledo Field, Dewey County, Okla.	[10] 17.0	14.65
C169-5 ..... A 7-1-68	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla. 74102.	Northern Natural Gas Co., Orth Field, Rice County, Kans.	16.0	14.65
C169-6 ..... A 7-1-68	do	Colorado Interstate Gas Co., Bass "D" Unit, Beaver County, Okla.	[10] 17.0	14.65
C169-8 ..... (G-17090) F 6-26-68	Aikman Bros. Corp. (successor to Roland S. Bond), 706 Bank of the Southwest Bldg., Amarillo, Tex. 79109.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	[15] 17.0	14.65
C169-9 ..... F 6-27-68 [16]	Tom Brown Drilling Co., Inc. (Operator) et al. (successor to Shell Oil Co.), Post Office Box 5706, Midland, Tex. 79701.	Northern Natural Gas Co., Ozona Northeast (Canyon 7,520') Field, Crockett and Schleicher Counties, Tex.	16.5	14.65
C169-10 ..... F 6-10-68 [17]	United Production Co. (successor to Maynard Oil Co.), Post Office Box 308, Wichita Falls, Tex. 76307.	Natural Gas Pipeline Co. of America, Boonsville (Bend Conglomerate, Gas), Field, Wise County, Tex.	[17] 16.25	14.65
C169-11 ..... (C165-629) F 6-24-68	Micoa, Inc. (successor to Hydrocarbon Chemical, Inc.), c/o John S. Holy, attorney, Post Office Box 643, Weston, W. Va. 26452.	Cumberland and Allegheny Gas Co., Washington District, Upshur County, W. Va.	23.0	15.325
C169-12 ..... A 7-2-68	Erving Wolf, d.b.a. Wolf Exploration Co., 308 Lincoln Tower Bldg., Denver, Colo. 80202.	Mountain Fuel Supply Co., South Baggs Area, Carbon County, Wyo., and Moffat County, Colo.	15.0	15.025
C169-17 ..... (CS60-49) F 7-1-68	Pan American Petroleum Corp. (successor to Thornton Oil Co.[20]).	Northern Natural Gas Co., Ozona (Canyon Sand) Field, Crockett County, Tex.	16.0	14.65

[1] Deletes acreage assigned to Robert Burke, Trustee.
[2] Rate in effect subject to refund in Docket No. RI64-139.
[3] Due to insufficient reserves Buyer refuses to connect well to system.
[4] Includes 0.1216-cent tax reimbursement.
[5] Rate in effect subject to refund in Docket No. RI64-320.
[6] Certificate issued to C.R.A., Inc., Operator.
[7] Applicant applied for a small-producer certificate in Docket No. CS68-39 as a result of a misinterpretation of the small-producer regulations and now requests that the certificate in Docket No. CS68-39 be terminated and that the certificate heretofore issued in Docket No. CI63-1239 be reinstated.
[8] Adds acreage acquired from Gulf Oil Corp.
[9] Subject to deduction for compression and/or treating costs, should Buyer compress or treat gas.
[10] Subject to upward and downward B.t.u. adjustment.
[11] After Continental Compressor Corp. has been paid for cost of equipment and pipeline, the price will be raised for Applicants to 10.5 cents per Mcf, less taxes.
[12] Includes 0.74-cent upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[13] Applicant proposes to initiate sales from heretofore undedicated acreage and from undeveloped acreage dedicated to General American Oil Company of Texas FPC GRS No. 79. Sales from the latter acreage was authorized by a temporary certificate issued in Docket No. CI67-179.
[14] Formerly Pennzoil Co.
[15] A deduction of 5 cents per Mcf of gas delivered and sold to Buyer shall be made until Buyer has been fully reimbursed for unamortized capital costs in Buyer's transmission line facility.
[16] Includes 0.9-cent upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[17] Subject to upward B.t.u. adjustment.
[18] Partially succeeds Shell Oil Co.'s FPC GRS No. 355.
[19] Partially succeeds Maynard Oil Co.'s FPC GRS No. 3.
[20] Formerly Rodman Oil Co.

[F.R. Doc. 68-8571; Filed, July 18, 1968; 8:45 a.m.]

[Docket No. G-9314 etc.]

AMERADA PETROLEUM CORP. ET AL.

Findings and Order After Statutory Hearing; Correction

JULY 10, 1968.

Amerada Petroleum Corp. and other Applicants listed herein, Docket No. G-9314, et al.; Theda E. Boyd et al., d.b.a. Boyd & Shriver et al., Docket No. CI68-669.

In findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket numbers, amending certificates, permitting and approving abandonment of service, terminating certificates, terminating rate proceeding, making successors co-respondents, redesignating proceedings, requiring filing of agreement and undertaking, requiring filing of surety bond, and accepting related rate schedules and supplements for filing, issued January 23, 1968, and published in the FEDERAL REGISTER February 1, 1968 (F.R. Doc. 68-1131), 33 F.R. 2466, Docket No. G-9314, et al., 8th column: Change Applicant's name to read "Theda E. Boyd, et al., d.b.a. Boyd & Shriver, et al." in lieu of "Boyd & Shriver, et all."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8565; Filed, July 18, 1968; 8:45 a.m.]

[Docket No. CP69-3]

EL PASO NATURAL GAS CO.

Notice of Application

JULY 12, 1968.

Take notice that on July 8, 1968, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP69-3 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the transportation of natural gas for direct sale and delivery to American Magnesium Co. (Magnesium) for use in its activities to be conducted near Snyder, Scurry County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Magnesium has undertaken the construction of certain facilities to be utilized for the production of magnesium, chlorine, and chlorides and has requested a supply of natural gas from Applicant for use as fuel in dehydrating a brine solution and for firing a magnesium melting furnace.

Applicant proposes to provide Magnesium's natural gas requirements on a firm basis, of up to 13,500 Mcf per day and, on a best efforts basis, of such further quantities as Magnesium shall request.

Specifically, Applicant seeks authorization to construct and operate the following:

(1) Approximately 1 mile of $6^{5}/_{8}$-inch O.D. pipeline, with necessary appurtenances, commencing at a point of connection with Applicant's $12^{3}/_{4}$-inch Goldsmith-to-Snyder pipeline and extending northwesterly to a point of termination at Applicant's proposed measuring and regulating station.

(2) A measuring and regulating station, with necessary appurtenances, located in Scurry County, Tex.

Total estimated cost of the proposed facilities is $45,318, which cost will be financed from working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 9, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8567; Filed, July 18, 1968; 8:45 a.m.]

[Docket No. CP69-4]

EL PASO NATURAL GAS CO.

Notice of Application

JULY 12, 1968.

Take notice that on July 8, 1968, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP69-4 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities in Pinal County, Ariz., and the sale and delivery of natural gas to Arizona Public Service Co. (Public Service) for resale to Kennecott Copper Corp. (Kennecott) for use as fuel in its copper mining and production activities conducted near Ray, Ariz., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The Applicant states that both it and Public Service have undertaken a joint project to provide natural gas supplies to Kennecott for use as fuel in its electrowinning and leaching plant now under construction.

Specifically, Applicant seeks authorization to construct, own, and operate the following facilities: (1) Approximately 6.3 miles of $8^{5}/_{8}$-inch O.D. loop pipeline on Applicant's $8^{5}/_{8}$-inch O.D. Tucson Station-to-San Manuel pipeline; (2) a meter station adjacent to Applicant's $8^{5}/_{8}$-inch Hayden Crossover pipeline; and (3) approximately 12.6 miles of $4^{1}/_{2}$-inch O.D. pipeline extending northerly from Applicant's proposed meter station, all in Pinal County, Ariz.

Total estimated cost of the proposed facilities is $421,782, which cost will be financed by working funds, supplemented as necessary by short-term loans.

The estimated maximum daily and annual natural gas requirements of Public Service to provide the proposed service to Kennecott during the third full year of operation are 2,256 Mcf and 658,000 Mcf, respectively.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 9, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed with the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8568; Filed, July 18, 1968; 8:45 a.m.]

[Docket No. CP68-366]

HUMBLE GAS TRANSMISSION CO.

Notice of Application; Correction

JULY 12, 1968.

In notice of application, issued July 3, 1968, and published in the FEDERAL REGISTER July 11, 1968 (F.R. Doc. 68-8199), 33 F.R. 9980, Docket No. CP68-366, Line 6: Change "section 7(c)" to read "section 7(b)".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8569; Filed, July 18, 1968; 8:45 a.m.]

[Docket No. RI68-693, etc.]

SHELL OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

JULY 10, 1968.

Shell Oil Co., et al., Docket No. RI68-693 et al.; Sunset International Petroleum Corp., Docket No. RI68-696.

In Order providing for hearings on and suspension of proposed changes in rates, issued June 26, 1968, and published in the FEDERAL REGISTER July 6, 1968 (F.R. Doc. 68-7942), 33 F.R. 9798, Docket No. RI68-693 et al., Appendix A, Sunset International Petroleum Corp., Docket No. RI68-696: Under column headed "Purchaser and Producing Area:" (opposite Supplement No. 5 to Sunset's FPC Gas Rate Schedule No. 26), change the name of the purchaser from "Southern Union Gas Company" to "Southern Union Gathering Company".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8568; Filed, July 18, 1968; 8:45 a.m.]

[Docket No. CP69-2]

TENNESSEE GAS PIPELINE CO.

Notice of Application

JULY 12, 1968.

Take notice that on July 5, 1968, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Applicant), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP69-2 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline facilities at Troy, Pa., for the transportation of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to install and operate at Compressor Station No. 317 three 1,000 horsepower compressor units now held in warehouse stock. Applicant states that installation of the additional horsepower will permit increased flexibility of operations in that portion of Applicant's system east of its underground storage fields and will provide additional unallocated peak day capacity which can be made available on short notice in the event a customer has unforeseen increased requirements.

Total estimated cost of installing this additional horsepower is $473,510, which cost will be financed from general funds or revolving credit.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 8, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8570; Filed, July 18, 1968; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 16, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41392—*Sugar, beet or cane to Hebco and Sulphur Springs, Tex.* Filed by Trans-Continental Freight Bureau, agent (No. 452), for interested rail carriers. Rates on sugar, beet or cane, in bulk, in carloads, from Serape, Ariz., to Hebco and Sulphur Springs, Tex.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 31 to Trans-Continental Freight Bureau, agent, tariff ICC 1774.

FSA No. 41393—*Lumber and related articles to points in western trunkline territory.* Filed by Southwestern Freight Bureau, agent (No. B-9093), for interested rail carriers. Rates on lumber and related articles, in carloads, from points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas; also Mississippi River crossings, to points in Colorado, Illinois, Iowa, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin.

Grounds for relief—Carrier-competition.

Tariffs—Supplements 41 and 49 to Southwestern Freight Bureau, agent, tariffs ICC 4641 and 4633, respectively.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-8602; Filed, July 18, 1968; 8:48 a.m.]

[Notice 649]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 15, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2860 (Sub-No. 30 TA), filed July 9, 1968. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Frank E. Ochletree (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass and plastic containers, paper containers, materials and supplies used in the manufacture thereof*, from Mays Landing, N.J., to points in Illinois and Ohio, for 180 days. NOTE: Joinder is possible but applicant does presently intend to avail himself of same. Supporting shipper: Wheaton Plasticote Corp., Mays Landing, N.J. 08330, Attention: Harry Potter, Comptroller. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, 402 East State Street, Trenton, N.J. 08608.

No. MC 61396 (Sub-No. 205 TA), filed July 10, 1968. Applicant: HERMAN BROS. INC., 2501 North 11th Street, Box 189, Downtown Station 68101, Omaha, Nebr. 68110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, from the barge loading sites of Dundee Cement Co. at Evansville, Ind., to highway construction job near Sebree, Ky., for 180 days. Supporting shipper: Dundee Cement Co., Dundee, Mich. Send protests to: K. P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 116632 (Sub-No. 10 TA), filed July 10, 1968. Applicant: RALPH E. CURTIS & SON, INC., 123 Mount Hope Avenue, Bangor, Maine 04401. Applicant's representative: Frederick T. McGonagle, 36 Main Street, Gorham, Maine 04038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Mesardis, Maine, to points in New Hampshire, Vermont, and Massachusetts, for 180 days. Supporting shipper: Anderson and Herrmann Inc., Marian Building, Room 201, 6 Eastman Place, Melrose, Mass. 02176. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, Maine 04112.

No. MC 124770 (Sub-No. 9 TA), filed July 9, 1968. Applicant: TELLERI TRUCKING CO., 301 Allen Street, Elizabeth, N.J. 07202. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products*, in vehicles equipped with mechanical refrigeration for the account of Allen Packing Co. and Midtown Veal & Mutton Co., Inc., between Linden and Newark, N.J., on the one hand, and, on the other, Philadelphia, Pa., Baltimore and Landover, Md., and Washington D.C., between Newark, N.J., on the one hand, and, on the other, points in Nassau, Suffolk, and Westchester Counties, N.Y., Kingston, Albany, N.Y., and Troy, N.Y., points in Fairfield County, Conn., New Haven and Hartford, Conn., and Boston, Mass., for 180 days. Supporting shippers: The Allen Packing Co., 406 Allen Street, Elizabeth, N.J.; Midtown Veal & Mutton Co., Inc., 37 Legal Street, Newark, N.J. Send protests to: District Supervisor Walter J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 125760 (Sub-No. 1 TA), filed July 10, 1968. Applicant: GLENN W. MEANS, 1597 Pittsburgh Road, Franklin, Pa. 16323. Applicant's representative: John E. McFate, 229 Elm Street, Oil City, Pa. 16301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products such as chocolate milk, oleomargarine, cottage cheese, cottage cheese products, cream cheese, cream cheese products, fruit and water beverages, milk, buttermilk, cream and other products normally sold on wholesale and retail dairy routes when moving in mixed shipments with the aforementioned products*, from Cleveland, Ohio, to points

in Erie County, Pa., for 180 days. Supporting shipper: The Great Atlantic & Pacific Tea Co., Inc., Central Division Headquarters, 3440 Forbes Avenue, Pittsburgh, Pa. 15213. Send protests to: John J. England, District Supervisor, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-8603; Filed, July 18, 1968; 8:48 a.m.]

OFFICE OF EMERGENCY PLANNING

ARKANSAS

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Arkansas, dated May 31, 1968, and published June 7, 1968 (33 F.R. 8471), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 29, 1968:

Conway.	Miller.
Crawford.	Phillips.
Grant.	Poinsett.
Greene.	Polk.
Hempstead.	Pulaski.
Jackson.	Union.
Lonoke.	White.

Dated: July 12, 1968.

PRICE DANIEL,
Director,
Office of Emergency Planning.

[F.R. Doc. 68-8563; Filed, July 18, 1968; 8:45 a.m.]

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(As of January 1, 1968)

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PART 58—GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED DAIRY PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

Subpart V—U.S. Standards for Grades of Edible Dry Casein (Acid)

A notice of proposed rule making covering the issuance of U.S. Standards for Grades of Edible Dry Casein (Acid) was published in the FEDERAL REGISTER of December 14, 1967 (32 F.R. 17894). It afforded interested persons the opportunity to submit within 60 days to the Hearing Clerk, written data, views, or arguments in connection with the proposal. The time for submitting data, views, or arguments was extended to April 15, 1968 (33 F.R. 3345).

Statement of consideration. In response to the notice of proposed rule making, the Hearing Clerk received 13 comments from interested persons. There was no opposition to the issuance of an edible dry casein standard and those who commented on this aspect were in favor of such a standard. The application and meaning of "optional tests" brought forth most of the comments, particularly the proposed "nonassignment" of grade to products failing to meet optional tests. The need for the optional tests listed was generally conceded; however, the consensus was that aside from those tests for Staphylococcus and Salmonella, the other optional tests should not affect the assignment of grade except as provided in § 58.2806. Therefore, the standards were modified to give the buyer and seller or the Department the opportunity to have any of the optional tests conducted and reported with the understanding that failures to meet the requirements for Staphylococcus or Salmonella or any other unwholesome condition will result in the nonassignment of grade.

The optional test for particle size was considered to be of sufficient importance to certain buyers to be included. However, provisions were made to permit sieve sizes, other than those listed, to be specified by the buyer or seller when requesting a U.S. grade on the products.

Comments received agreed with the essential requirement that the product not endanger public health and that appropriate inspection authorities should be assured that effective hygiene methods of manufacture have been used. The verification of time and temperature requirements used in casein processing which would meet pasteurization requirements is possible with the installation of proper controls and recording devices. Therefore, the standard permits the pasteurization requirement to be satisfied by providing for controlled time/temperature treatment before or during the process of manufacture in a manner approved by the Administrator.

We were asked to change certain grade factors slightly upward or downward, but the majority of the comments were in favor of the levels as presented.

In addition, some comments and suggestions were received regarding the test methods to be used. Although the laboratory procedures are not a direct part of the standards, consideration will be given to minor technical changes which do not affect the level of acceptance of any factors in the standards.

After consideration of all data, views, or arguments submitted and based on currently available technical information, the proposed standards were revised.

U.S. Standards for Grades of Edible Dry Casein (Acid) are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627). The standards are applicable only to dry casein intended for human food, manufactured from skim milk by acid precipitation.

The standards are as follows:

Subpart V—U.S. Standards for Grades of Edible Dry Casein (Acid) [1]

Sec.
58.2800 Definitions.

U.S. GRADES

58.2801 Nomenclature of U.S. Grades.
58.2802 Basis for determination of U.S. Grades.
58.2803 Requirements for U.S. Extra Grade.
58.2804 Requirements for U.S. Standard Grade.
58.2805 Optional tests.
58.2806 U.S. Grade not assignable.
58.2807 Test methods.
58.2808 Sampling methods.

AUTHORITY: The provisions of this Subpart V issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

§ 58.2800 Definitions.

(a) *Edible dry casein (acid).* (1) For the purposes of these standards edible dry casein (acid) is the pulverized or unpulverized product resulting from washing, drying or otherwise processing the coagulum resulting from acid precipitation of skim milk which has been pasteurized before or during the process of manufacture in a manner approved by the Administrator.

(2) The product shall have been produced in a plant under conditions suitable for the manufacture of human food and packaged in a container which will prevent contamination, deterioration, and/or development of a public health hazard under normal conditions of storage and transportation.

(b) *Administrator.* The Administrator of the Consumer and Marketing Service or any other officer or employee of the Consumer and Marketing Service of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated the authority to act in his stead.

U.S. GRADES

§ 58.2801 Nomenclature of U.S. Grades.

The nomenclature of U.S. grades is as follows:

(a) U.S. Extra.
(b) U.S. Standard.

§ 58.2802 Basis for determination of U.S. Grades.

(a) The U.S. Grades of edible dry casein (acid)—are determined on the basis of:

(1) Flavor and odor, physical appearance, bacterial estimate on the basis of standard plate count and coliform count, protein content, moisture content, milkfat content, extraneous materials, and free acid.

(2) Additional optional tests for Salmonella or Staphylococcus, metals, yeast and mold as listed in 58.2805 that have been made at the request of the applicant for the service or at the option of the Department.

(b) The final U.S. Grade shall be established on the basis of the lowest ratings of any one of the applicable quality characteristics present in representative samples of the lot.

§ 58.2803 Requirements for U.S. Extra Grade.

U.S. Extra Grade edible dry casein (acid) shall conform to the following requirements:

(a) *Flavor and odor.* Bland natural flavor and odor and free from offensive flavors and odors such as sour or cheesy.

(b) *Physical appearance.* Is white to cream colored; if pulverized, free from lumps that do not break up under slight pressure.

(c) *Bacterial estimates.* Standard plate count not more than 30,000 per gram. Coliform count negative per 0.1 gram.

(d) *Protein content.* Not less than 95 percent, dry basis (Nitrogen x 6.38).

(e) *Moisture content.* Not more than 10 percent.

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(f) *Milkfat content.* Not more than 1.5 percent.

(g) *Extraneous materials.* Scorched particles not more than 15 mg. and free from foreign materials in 25 grams.

(h) *Free acid.* Titrated to not more than 0.20 ml. of 0.1 N NaOH per gram.

§ 58.2804 Requirements for U.S. Standard Grade.

U.S. Standard Grade edible dry casein (acid) shall conform to the following requirements:

(a) *Flavor and odor.* Not more than slight unnatural flavors or odors and free from offensive flavors and odors such as sour or cheesy.

(b) *Physical appearance.* Is white to cream colored; if pulverized free from lumps that do not break up under moderate pressure.

(c) *Bacterial estimates.* Standard plate count not more than 100,000 per gram. Coliform count not more than 2 per 0.1 gram.

(d) *Protein content.* Not less than 90 percent, dry basis (Nitrogen x 6.38).

(e) *Moisture content.* Not more than 12 percent.

(f) *Milkfat content.* Not more than 2 percent.

(g) *Extraneous materials.* Scorched particles not more than 22.5 mg. and free from foreign materials in 25 grams.

(h) *Free acid.* Titrated to not more than 0.27 ml. of 0.1 N NaOH per gram.

§ 58.2805 Optional tests.

There are certain tests in addition to those specified in §§ 58.2803 and 58.2804 which may be run occasionally at the option of the Department and will be run whenever they are requested by the buyer or seller. Certain of these tests, such as ash, metals, and lactose should be run on first lots received and periodically thereafter. Also, specific uses of the product may necessitate additional tests. These optional tests are listed below together with appropriate recommended criteria.

(a) *Most frequently used particle size.* 30, 60, or 80 mesh.

(1) 30 mesh:

100 percent—must pass 30 ASTM screen.
10 percent—may pass 60 ASTM screen.

(2) 60 mesh:

99 percent—must pass 50 ASTM screen.
10 percent—may pass 80 ASTM screen.

(3) 80 mesh:

100 percent—must pass 60 ASTM screen.
85 percent—may pass 80 ASTM screen.

(4) Other mesh sizes as specified.

(b) *Ash (phosphorus fixed).* Not more than 2.2 percent.

(c) *Percent by weight of metals.* (1) Copper, maximum, 5 p.p.m.

(2) Lead, maximum, 5 p.p.m.

(3) Iron, maximum, 20 p.p.m.

(d) *Yeast and mold.* Not more than 5 per 0.1 gram.

(e) *Thermophiles.* Not more than 5,000 per gram.

(f) *Reducing sugars (as lactose).* Not more than 1 percent.

(g) *Staphylococcus (coagulase positive).* Negative.

(h) *Salmonella.* Negative in 100 gram sample.

§ 58.2806 U.S. Grade not assignable.

Edible dry casein (acid) which fails to meet the requirements of U.S. Standard Grade; or of Salmonella or Staphylococcus tests when such tests have been made; or product manufactured, packaged or transported under conditions unsuitable for human food or otherwise found to be unwholesome shall not be assigned a U.S. Grade.

§ 58.2807 Test methods.

(a) Testing methods contained in "Methods for the Analysis of Edible Dry Casein (acid)," Dairy Division Inspection and Grading Branch Laboratory, Consumer and Marketing Service, U.S. Department of Agriculture, or latest revision thereof, shall be used.

§ 58.2808 Sampling methods.

(a) An inspection lot shall be a consignment of units of the same size, type, and style which have been manufactured or processed under essentially the same conditions and not exceeding 80,000 pounds net weight.

(b) Unit containers for sampling shall be selected at random from the inspection lot at the following rate:

Number of containers in inspection lot = N	*Minimum number of containers to be selected*
1 to 4	Each container
5 to 40	$N-10$ [1]
41 or more	$4+\frac{N-10}{10}$.
	6+one for each 4,000 pounds or fraction thereof in the lot.

[1] Raise fractions of ½ or more to next whole number; disregard negative fractions or fractions less than ½.

(c) A representative portion of the edible dry casein shall be taken from the sample unit by means of a sampling tube and placed in properly identified sample bag. When five or more containers are to be sampled, representative portions from not more than five containers may be commingled on a proportionate basis. Each sample bag, whether from a single container or a composite, should contain at least 500 grams.

(d) Preparation of the sample for analysis. All samples representing an inspection lot shall be composited just prior to analysis to form a sufficient sample for analysis. Results of the analysis of the composited sample will be reported for the inspection lot.

Done at Washington, D.C., this 16th day of July 1968, to become effective September 1, 1968.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 68-8653; Filed, July 19, 1968; 8:47 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 9]

PART 777—PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Miscellaneous Amendments

On pages 9089 and 9090 of the FEDERAL REGISTER of June 20, 1968, there was published a notice of proposed rule making with respect to several miscellaneous changes to the republication of the Processor Wheat Marketing Certificate Regulations (31 F.R. 13502). Interested persons were given 15 days in which to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received, and the amendment as so proposed is hereby adopted, subject to the following change: In paragraph (c) of § 777.14, the proposed change of the conversion factor for rolled wheat has been deleted. The present conversion factor of 1.800 bushels of wheat equivalent per 100 pounds of rolled wheat product will continue in effect until further notice.

Since the provisions of this amendment as set forth below must be acted on immediately, or are needed immediately in the administration of the regulations, it is hereby found and determined that compliance with the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553) is impracticable and contrary to the public interest and that this amendment shall be effective as provided below.

Effective date. This amendment shall be effective with respect to wheat processed on and after July 1, 1968, except for the provision deleting the last sentence of Item (14), Appendix II, which shall be effective with respect to the ending inventory for the 1967–68 marketing year.

Signed at Washington, D.C., on July 15, 1968.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

Section 777.2 is amended by changing the last sentence to read as follows:

§ 777.2 Administration.

* * * Information pertaining to the regulations in this part may be obtained from the Director, Commodity Operations Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250.

Section 777.3(l) is amended to read as follows:

§ 777.3 Definitions.

* * * * *

(l) "Director" means the Director, Commodity Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, or his designee. Any delegations of authority made by the Director, Procurement and Sales Division, ASCS, under these regulations prior to the effective date of this amendment shall continue in effect until superseded. Any delegations of authority made under these regulations to the Director, Procurement and Sales Division, ASCS, shall continue in effect as delegations to the Director, Commodity Operations Division until superseded.

* * * * *

Section 777.4(a) is amended by changing the last sentence to read as follows:

§ 777.4 Applicability of certificate requirements.

(a) *General.* * * * The cost of domestic certificates shall be 75 cents a bushel during the marketing years beginning July 1, 1965, through the marketing year beginning July 1, 1968.

* * * * *

Section 777.12(b)(1) is amended by the addition of a reporting period (v) as follows:

§ 777.12 Food processing reports.

* * * * *

(b) *Processing report period.* (1) * * *

(v) Effective commencing with the marketing year beginning July 1, 1968, once annually in the case of a food processor whose certificate liability during the previous marketing year totalled 100 bushels of wheat or less. The report shall cover the period July 1 through June 30. CCC reserves the right to require any processor to report in the period prescribed in subdivision (i), (ii), (iii) or (iv) of this subparagraph.

* * * * *

Section 777.14(c) is amended by changing the conversion factor of the following food product to read as follows:

§ 777.14 Conversion factor basis of reporting.

* * * * *

(c) *Conversion factors.* * * *

A—Food product	*B—Bushels of wheat equivalent per 100 pounds of product (conversion factor)*
* * *	
Bulgur	2.000
* * *	

* * * * *

Section 777.19(e) is amended to read as follows:

§ 777.19 Industrial users of flour second clears.

* * * * *

(e) *Refund rate.* The refund rate for the marketing years beginning July 1, 1965, and July 1, 1966, shall be $1.71 per hundredweight, which was determined on the basis of the conversion factor 2.283, multiplied by the applicable certificate cost rounded to the nearest cent. The refund rate for the marketing year beginning July 1, 1967, shall be $1.69 per hundredweight, which was determined on the basis of a conversion factor of 2.252, multiplied by the applicable certificate cost rounded to the nearest cent. The refund rate for the marketing year beginning July 1, 1968, shall be $1.68 per hundredweight, which was determined on the basis of a conversion factor of 2.240, multiplied by the applicable certificate cost rounded to the nearest cent. The refund rate to be used is the rate applicable to the marketing year in which the flour second clears were produced as shown by the processor on Form CCC–165.

* * * * *

Appendix II is amended by deletion of the last sentence in Item (14) and by changing the second paragraph of Item (15) to read as follows:

APPENDIX II—INSTRUCTIONS FOR PREPARATION OF PROCESSING REPORT—WEIGHT OF WHEAT BASIS

* * * * *

(15) * * *

If accurate book inventory records are maintained, such book quantities may be used except as of June 30, or the processor's own fiscal year closing date, whichever is applicable for each marketing year. As of whichever of such dates is applicable, the quantities of such wheat shall be determined by weighup or by accurate measurement of the wheat stored. Once the ending inventory is determined by weighup, it shall continue to be determined on a weighup basis for each marketing year thereafter unless prior approval to change is received from the director for good cause shown. The processor may elect to use a fiscal closing date other than June 30, of each year.

* * * * *

[F.R. Doc. 68-8656; Filed, July 19, 1968; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 247, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553(1966)) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 908.547 (Valencia Orange Reg. 247, 33 F.R. 9947) are hereby amended to read as follows:

§ 908.547 Valencia Orange Regulation 247.

* * * * *

(b) *Order.* (1) * * *

(ii) District 2: 325,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 17, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-8700; Filed, July 19, 1968; 8:51 a.m.]

[Lemon Reg. 330]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.630 Lemon Regulation 330.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to

market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 16, 1968.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period July 21, 1968, through July 27, 1968, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 316,200 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 18, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68–8730; Filed, July 19, 1968; 8:51 a.m.]

[Peach Reg. 6]

PART 919—PEACHES GROWN IN THE COUNTY OF MESA IN THE STATE OF COLORADO

Regulation by Grades and Sizes

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of peaches grown in the county of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 22, 1968. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop and adequate information thereon was not available to the Administrative Committee until July 11, 1968; recommendations as to the need for, and the extent of, regulation of shipments of such peaches were made by said committee on July 11, 1968, after consideration of all information then available relative to the supply and demand conditions for such peaches, at which time the recommendation and supporting information were submitted to the Department on July 12, with supplemental information received on July 15, and made available to growers and handlers; shipments of the current crop of peaches are expected to begin shortly, and this regulation should be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 919.307 Peach Regulation 6.

(a) *Order.* (1) During the period July 22, 1968, through September 28, 1968, no handler shall ship:

(i) Any peaches of any variety which do not grade at least U.S. No. 1 grade except as follows: Not to exceed 20 percent, by count, of such peaches in such lot may consist of peaches which do not meet the requirements of such grade, but not more than 10 percent, by count, of the peaches in any such lot may consist of peaches with defects causing serious damage of which not more than 5 percent shall consist of such defects caused by twig borer, or oriental fruit moth, and not more than 1 percent, by count, of the peaches in any such lot may consist of peaches which are not free from decay;

(ii) Any peaches of any variety which are of a size smaller than 2⅛ inches in diameter: *Provided,* That any lot of peaches shall be deemed to be of a size not smaller than 2⅛ inches in diameter (*a*) if not more than 10 percent, by count, of such peaches in such lot are smaller than 2⅛ inches in diameter; and (*b*) if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2⅛ inches in diameter.

(2) *Definitions.* As used herein, "peaches," "handler," "ship," and "varieties" shall have the same meaning as when used in the aforesaid amended marketing agreement and order; "U.S. No. 1," "diameter," "count," and "serious damage" shall have the same meaning as when used in the U.S. Standards for Peaches (§§ 51.1210–51.1223 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 17, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68–8655; Filed, July 19, 1968; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 68–WE–11–AD; Amdt. 39–624]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

Amendment 39–208 (31 F.R. 4283), AD 66–7–2, requires a one time inspection for cracks in the lower chord of the horizontal stabilizer rear spar, repair as necessary, and a report of the results of the inspections on Boeing Model 727 Series airplanes. After issuing Amendment 39–208, due to service experience and an additional evaluation by the manufacturer, the administration determined (1) that stress corrosion is definitely the cause of cracking, (2) that the cracking occurs in a larger area, (3) that the applicability can be limited to airplanes listed in Boeing Service Bulletin No. 55–18 (R–6), (4) that repetitive inspections are necessary to detect cracks in this larger area even on airplanes that have received one inspection, and (5) that the problem can be corrected by replacing rivets with lockbolts. Therefore, the AD is being superseded by a new AD that requires repetitive inspections for cracks in the lower chord of the horizontal stabilizer rear spar until either the preventive modification is accomplished on uncracked structure or a repair is accomplished on cracked structure.

Since a situation exists that requires immediate adoption of this regulation, it is found that public procedure hereon is impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), section 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

BOEING. Applies to Model 727 Series airplanes listed in Parts I, II, and III of paragraph I, *Planning Information* • • •, 1. *Airplanes Affected,* of Boeing Service Bulletin No. 55–18 (R–6) dated June 15, 1967, as set forth on pages 1 and 2 thereof, and hereafter referred to as *Part I* of 1. *Airplanes Affected* or *Part II* and *Part III* of 1. *Airplanes Affected.*

Compliance required as indicated.

To detect cracks or to prevent further cracks in the lower chord of the horizontal stabilizer rear spar, accomplish the following:

(a) Unless already accomplished within the last 750 hours' time in service, within the next 50 hours' time in service after the effective date of this AD or prior to 650 hours' time in service after April 10, 1966, whichever is later, and thereafter at intervals not to exceed 800 hours' time in service, inspect Model 727 Series airplanes with 350 or more hours' time in service on April 10, 1968, listed in *Part I* of 1. *Airplanes Affected* in accordance with paragraph (e) hereof.

(b) Unless already accomplished within the last 750 hours' time in service, within the next 50 hours' time in service after the effective date of this AD or prior to the accumulation of 1,000 hours' time in service, whichever is later, and thereafter at intervals not to exceed 800 hours' time in service, inspect Model 727 Series airplanes with less than 350 hours' time in service on April 10, 1966, listed in *Part I* of 1. *Airplanes Affected,* in accordance with paragraph (e) hereof.

(c) Unless already accomplished within the last 100 hours' time in service, within the next 700 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 800 hours' time in service, inspect Model 727 Series airplanes with 2,300 or more hours' time in service on the effective date of this AD listed in *Part II* and *Part III* of 1. *Airplanes Affected* in accordance with paragraph (e) hereof.

(d) Unless already accomplished within the last 100 hours' time in service, before the accumulation of 3,000 hours' time in service, and thereafter at intervals not to exceed 800 hours' time in service, inspect Model 727 Series airplanes with less than 2,300 hours' time in service on the effective date of this AD listed in *Part II* and *Part III* of 1. *Airplanes Affected* in accordance with paragraph (e) hereof.

(e) Visually inspect for cracks in the lower chord of the horizontal stabilizer rear spar, Stabilizer Stations 110.00 through 225.54, in accordance with paragraph II, *Accomplishment Instructions, Part I—Inspection Data,* of Boeing Service Bulletin No. 55–18 (R–2), dated January 3, 1966, or later FAA approved revision.

(f) If cracks are found, repair before further flight (except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair can be performed) in accordance with paragraph II, *Accomplishment Instructions, Part III—Repair Data,* of Boeing Service Bulletin No. 55–18 (R–2), dated January 3, 1966, or later FAA approved revision, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region. After the repair is accomplished, the repetitive inspections required by this AD may be discontinued for areas repaired.

(g) If cracks are not found, the aircraft may be modified in accordance with paragraph II, *Accomplishment Instructions, Part II—Preventive Modification Data,* of Boeing Service Bulletin No. 55–18 (R–2) or later FAA approved revision. After the modification is accomplished, the repetitive inspections required by this AD may be discontinued for areas modified.

NOTE: A repair in accordance with Service Bulletin 55–18 or 55–18 (R–1) is considered a preventive modification.

(h) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Regional Director, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

This supersedes Amendment 39–208 (31 F.R. 4283), AD 66–7–2.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Boeing Co., Commercial Airplane Division, Post Office Box 707, Renton, Wash. 98055. These documents may also be examined at Room 406, Building A, FAA Western Region Office, 5651 West Manchester Avenue, Los Angeles, Calif. 90045 and FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its Headquarters in Washington, D.C., and at FAA Western Region.

This amendment becomes effective July 20, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Los Angeles, Calif., on July 11, 1968.

LEE E. WARREN,
Acting Director, FAA Western Region.

[F.R. Doc. 68–8657; Filed, July 19, 1968; 8:48 a.m.]

[Airworthiness Docket No. 68–WE–13–AD, Amdt. 39–622]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

Amendment 39–598, AD 68–10–5, extends the compliance time to modify the thrust reverser linkage on Boeing Model 727 Series airplanes. Due to reliable evidence that previous information on parts availability time was erroneous and that parts will be available within 1,600 hours, the Administration has determined that compliance by numerous operators with AD 68–10–5 within the required time would be impossible and that safety will permit an extension of the compliance time. Therefore, the AD is being amended to increase the compliance time for the modifications to the thrust reverser linkage.

Since this amendment increases the compliance time and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–598, AD 68–10–5, is amended by amending paragraph (a) to read as follows:

Within 1,600 hours time in service after the effective date of this AD unless already accomplished, modify the thrust reverser deflector doors in accordance with Boeing Service Bulletin No. 78–51, Revision 1, dated April 2, 1968 (or later FAA approved revision). Within 800 hours time in service after the effective date of this AD unless already accomplished, modify the thrust reverser deflector doors in accordance with Boeing Service Letter 6–7132–3375, dated March 1, 1967 (or later revision).

This amendment becomes effective on July 20, 1968.

Issued in Los Angeles, Calif., on July 10, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

LEE E. WARREN,
Acting Director, FAA Western Region.

[F.R. Doc. 68–8694; Filed, July 19, 1968; 8:50 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34–8347]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Annual Income and Expense Reports

On February 1, 1968, the Securities and Exchange Commission published a

proposal in Securities Exchange Act Release No. 8242 and in the FEDERAL REGISTER of February 8, 1968 (33 F.R. 2715), to adopt Rule 17a–10 (17 CFR 240.17a–10) and the forms accompanying the rule, providing for annual income and expense reports of exchange members and broker-dealers to be filed with the Commission or with a registered self-regulatory organization, which will transmit the reports to the Commission. Comments on these proposals have been received and considered, and the Commission has adopted Rule 17a–10 (17 CFR 240.17a–10) as set out below.

The major purpose of the reports, set forth in greater detail in Release No. 8242, is to provide needed comprehensive financial data on a continuing basis so that up-to-date information will be readily available to the Commission, the national securities exchanges, and the National Association of Securities Dealers, Inc. (NASD), in connection with the performance of their respective responsibilities.

In response to comments received concerning the proposed rule and reports, the Commission has made various changes designed primarily to lighten the reporting burden on smaller firms. The major changes are as follows:

1. A reporting broker-dealer will file an introductory page and Part I, II, or III of the form as follows:

A. Part I, a summary income and expense statement, is to be completed by any reporting broker-dealer who is not a member of the New York Stock Exchange (NYSE) and:

(1) Had gross securities income of at least $20,000 but less than $100,000 during the reporting year, or,

(2) Had gross securities income of at least $20,000 and received 80 percent or more of his gross securities income from one or more of the following: Retail mutual fund sales; municipal bonds; fractional interests in oil, gas, or other mineral rights; variable annuities; savings and loan placements; real estate syndications.

B. Part II, an income and expense report which is somewhat more detailed than Part I, is to be completed by any reporting broker-dealer who is not a member of the NYSE and:

(1) Does not qualify to complete Part I, and

(2) Had gross securities income of at least $100,000 but less than $1 million during the reporting year.

C. Part III, an income and expense report which is similar to the more comprehensive report the NYSE now requires of its members, is to be completed by any reporting broker-dealer who:

(1) Is a member of the NYSE, or

(2) Does not qualify to complete Parts I or II.

Part I has been modified in certain respects to reflect the fact that the reporting requirements, as summarized above, have been revised to make this part of the form available for use by additional classes of firms. (Under the proposal published on Feb. 1, 1968, the only firms authorized to utilize Part I were retailers of mutual funds.) Parts II and III are substantially the same as those published for comment in Release No. 8242.

2. Firms whose gross securities income was less than $20,000 during the calendar year or who effected no securities transactions with or for any person other than a broker or dealer, and underwriters of shares of open-end investment companies and variable annuities who do not themselves effect retail sales of such securities, will be required to file only the introductory page of Form X–17A–10 (17 CFR 249.618).[1] This introductory page, which will be required from all who file, requests only basic nonfinancial information (such as exchange memberships and the number of years the reporting firm has been in the securities business), and certain aggregate income data (such as total amount of gross securities income, and amount of income derived from the firm's primary and secondary securities activities).

3. No reports will be required concerning securities activities that took place prior to January 1, 1969. All reports, however, are to be filed on a calendar year basis, and the first reports will cover the calendar year ending December 31, 1969. Reports must be filed within 30 days of the close of the calendar year.

4. The final version of the form contains a transaction count which has been simplified from the proposed 14-way breakdown to a five-way breakdown. The separate transaction counts for "underwriting transactions," "commodity transactions," and "house accounts" have been eliminated.

In order to assist reporting firms in making necessary adjustments in their recordkeeping procedures, the NASD and the New York Stock Exchange will send copies of the appropriate forms to their members in the next few weeks. The Commission will furnish copies of Form X–17A–10 (17 CFR 249.618) (except Part III thereof) to other reporting brokers and dealers at about the same time. Part III will, however, be available on request. In addition, all interested persons may request copies of the form from the Commission or any of its regional offices after August 1, 1968. The format of the reporting forms to be disseminated initially will be later modified to make the forms suitable for use with electronic data processing equipment of the Commission and the self-regulatory agencies. It is anticipated that these definitive forms will be available for distribution on or about November 15, 1968.

Commission action. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 17(a) and 23(a) thereof, and deeming it necessary for the exercise of the functions vested in it, and necessary and appropriate in the public interest and for the protection of investors, hereby amends Chapter II of Title 17 of the Code of Federal Regulations by adopting Rule 17a–10 (17 CFR 240.17a–10) under Part 240 thereof and Form X–17A–10 (17 CFR 249.618) under Subpart G of Part 249 thereof, effective January 1, 1969.

The text of the rule is as follows:

§ 240.17a–10 Report of income and expenses.

(a) Every member of a national securities exchange and every broker or dealer registered pursuant to section 15 of the Act shall, not later than 90 days after the close of each calendar year (commencing with the calendar year 1969), file a report of his income and expenses and related financial and other information for such calendar year on Form X–17A–10 (§ 249.618 of this chapter).

(b) The provisions of paragraph (a) of this section shall not apply to a member of a national securities exchange or a registered national securities association which maintains records containing the information required by Form X–17A–10 (§249.618 of this chapter) as to each of its members, and which transmits to the Commission a copy of the record as to each such member, pursuant to a plan the procedures and provisions of which have been submitted to and declared effective by the Commission. Any such plan filed by a national securities exchange or a registered national securities association may provide that, in transmitting copies of such records to the Commission, the names and addresses of members as to whom such information is transmitted may be omitted, and may further provide that when a member is also a member of one or more national securities exchanges, or of one or more national securities exchanges and a registered national securities association, the information required to be submitted with respect to any such member may be transmitted by only one specified national securities exchange or registered national securities association. For the purpose of this section, a plan filed with the Commission by a national securities exchange or a registered national securities association shall not become effective unless the Commission, having due regard for the public interest, for the protection of investors, and for the fulfillment of the Commission's functions under the provisions of the Act, declares the plan to be effective. Further, the Commission, in declaring any such plan effective, may impose such terms and conditions relating to the provisions of the plan and the period of its effectiveness as may be deemed necessary or appropriate in the public interest, for the protection of investors, or to carry out the Commission's duties under the Act.

(c) Individual reports filed by, or on behalf of, brokers, dealers, or members of national securities exchanges pursuant to this section are to be considered nonpublic information, except in cases where the Commission determines that it is in the public interest to direct otherwise.

[1] Special reporting forms are in preparation for use by exchange specialists and floor traders, and underwriters of shares of open-end investment companies and variable annuities.

Subpart G—Forms for Reports To Be Made by Certain Exchange Members, Brokers, and Dealers

§ 249.618 Form X–17A–10: Information required of Exchange members, brokers, and dealers pursuant to section 17 of the Act and § 240.17a–10 of this chapter.

This form[1] must be executed and filed by every member, broker or dealer required to file a report under § 240.17a–10(a) of this chapter, unless such member, broker or dealer has filed the information required by the form with a national securities exchange or a registered national securities association in conformity with a plan adopted by the exchange or association pursuant to § 240.17a–10(b) of this chapter.

(Secs. 17(a), 23(a), 48 Stat. 897, 901, as amended, 49 Stat. 1379, 15 U.S.C. 78q, 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JUNE 28, 1968.

[F.R. Doc. 68–8652; Filed, July 19, 1968; 8:47 a.m.]

[1] Form filed as part of the original of this document. Copies may be obtained from the Commission's headquarters office or from its regional offices.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Exemption of Milk and Milk Products From Certain Labeling Requirements

In the matter of exempting milk and milk products from certain labeling requirements of the regulations (21 CFR Part 1) for the enforcement of the Fair Packaging and Labeling Act:

A notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of February 14, 1968 (33 F.R. 2947), based on a petition submitted by the Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006. In response to the proposal, 16 comments were received as follows:

1. Six State weights and measures officials recommend that the exemption apply only to "measure containers" as defined in the "National Bureau of Standards Handbook 44," thus excluding all containers other than glass milk bottles.

2. Six State weights and measure officials recommend that the exemption be expanded to encompass containers of standard capacities whether in glass, plastic, or paperboard.

3. One State weights and measure official opposes the exemption in its entirety, but would not oppose an extension of time in which to bring labels into compliance.

4. To correct what it believes to be an unintentional effect caused by reference to the "National Bureau of Standards Handbook 44," The Milk Industry Foundation recommends that the proposal be changed to refer to containers of standard capacities, including 10-ounce and 2-gallon containers, in the case of placement of the quantity of contents declaration. It also requests that the exemption apply to fruit juices and drinks packaged in glass and plastic containers of standard capacities.

5. One packer of sterilized cream and whipping cream fully supports the proposal.

Based on consideration of the comments received and other relevant information, the Commissioner of Food and Drugs concludes:

1. That the proposed exemption satisfies the criteria of section 5(b) of the Fair Packaging and Labeling Act.

2. That because the proposal is based upon consumer recognition, no valid reason exists for limiting the exemption to those containers sanctioned by the "National Bureau of Standards Handbook 44" when one of the common and familiar retail fluid milk containers is paperboard—a container that does not meet its requirements. The exemption is, therefore, expanded to cover plastic and paperboard containers used for milk and milk products.

3. That because 10-ounce and 2-gallon containers are not familiar and commonly used containers, and because exemption of fruit juices and drinks is more properly the subject for separate proposal, these should be excluded from the exemption.

4. That since there was no opportunity for milk and milk product manufacturers to make label changes during the pendency of the exemption proposal, any milk and milk product label changes made necessary by the regulations under the Fair Packaging and Labeling Act (21 CFR Part 1) should be made before July 1, 1969, rather than before July 1, 1968.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered*, That § 1.1c(a) be amended by adding thereto a new subparagraph, as follows:

§ 1.1c Exemption from required label statements.

(a) *Foods.* • • •

(7) (i) Milk, cream, light cream, coffee or table cream, whipping cream, light whipping cream, heavy or heavy whipping cream, sour or cultured sour cream, half-and-half, sour or cultured half-and-half, reconstituted or recombined milk and milk products, concentrated milk and milk products, skim or skimmed milk, vitamin D milk and milk products, fortified milk and milk products, homogenized milk, flavored milk and milk products, buttermilk, cultured buttermilk, cultured milk or cultured whole buttermilk, low-fat milk (0.5 to 2.0 percent butterfat), and acidified milk and milk products, when packaged in containers of 8- and 64-fluid-ounce capacity, are exempt from the requirements of § 1.8b(b)(2) to the extent that net contents of 8 fluid ounces and 64 fluid ounces (or 2 quarts) may be expressed as ½ pint and ½ gallon, respectively.

(ii) The products listed in subdivision (i) of this subparagraph, when packaged in glass or plastic containers of ½-pint, 1-pint, 1-quart, ½-gallon, and 1-gallon capacities are exempt from the placement requirement of § 1.8b(f) that the declaration of net contents be located within the bottom 30 percent of the principal display panel, provided that other required label information is conspicuously displayed on the cap or outside closure and the required net quantity of contents declaration is conspicuously blown, formed, or molded into or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container.

(iii) The products listed in subdivision (i) of this subparagraph, when packaged in containers of 1-pint, 1-quart, and ½-gallon capacities are exempt from the dual net-contents declaration requirement of § 1.8b(j).

• • • • • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 5(b), 6(a), 80 Stat. 1298. 1299; 15 U.S.C. 1453, 1455; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371)

Dated: July 10, 1968.

J. K. KIRK, *Associate Commissioner for Compliance.*

[F.R. Doc. 68–8695; Filed, July 19, 1968; 8:50 a.m.]

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Confirmation of Effective Date of Order Exempting Soft Drinks From Certain Labeling Requirements

In the matter exempting soft drinks from certain labeling requirements of the regulations (21 CFR Part 1) for the enforcement of the Fair Packaging and Labeling Act:

Pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120): Notice is given that the objection filed in response to the order in the above-identified matter published in the FEDERAL REGISTER of May 7, 1968 (33 F.R. 6861), has been withdrawn. Accordingly, the amendment promulgated by that order became effective July 6, 1968.

Dated: July 12, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8696; Filed, July 19, 1968; 8:51 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 29—FRUIT BUTTERS, FRUIT JELLIES, FRUIT PRESERVES, AND RELATED PRODUCTS

Artificially Sweetened Fruit Jelly, Fruit Preserves, and Jams; Order Amending Standards To Permit Addition of Nutritive Sweeteners to Certain Jelling Ingredients

In the matter of amending the definitions and standards of identity for artificially sweetened fruit jelly (21 CFR 29.4) and artificially sweetened fruit preserves, artificially sweetened fruit jams (21 CFR 29.5) to provide that the jelling ingredients carrageenin and salts of carrageenin be optionally standardized with a nutritive sweetening ingredient and to provide for limiting the amounts of such sweetening ingredient and such standardized carrageenin or salts of carrageenin:

No comments were received in response to the notice of proposed rulemaking in the above-identified matter published in the FEDERAL REGISTER of April 20, 1968 (33 F.R. 6128), based on a petition submitted by Stein, Hall & Co., Inc., 605 Third Avenue, New York, N.Y. 10016.

The information submitted by the petitioner and other relevant material having been considered, it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendments as proposed.

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered*, That §§ 29.4 and 29.5 be amended as set forth below.

Sections 29.4 (b) and (d) and 29.5 (b) and (d) are revised to read as follows:

§ 29.4 **Artificially sweetened fruit jelly; identity; label statement of optional ingredients.**

* * * * *

(b) The fruit juice ingredient referred to in paragraph (a) of this section is any one, or any combination of two, three, four, or five of the fruit juice ingredients complying with the requirements of § 29.2 (c). Except as paragraph (d) of this section permits the use of pectin, carrageenan, or salts of carrageenan standardized with nutritive sweetener, no nutritive sweetening ingredient is added, either directly or indirectly, to the fruit juice ingredient used to make artificially sweetened fruit jelly.

* * * * *

(d) The jelling ingredients referred to in paragraph (a) of this section are pectin, agar-agar, carob bean gum (also called locust bean gum), guar gum, gum karaya, gum tragacanth, algin (sodium alginate), sodium carboxymethylcellulose (cellulose gum), methylcellulose (meeting U.S.P. requirements and with methoxy content not less than 27.5 percent and not more than 31.5 percent on a dry-weight basis), carrageenan or salts of carrageenan complying with the requirements of § 121.1066 or § 121.1067 of this chapter, or any combination of two or more of these. Pectin may be standardized with a nutritive sweetening ingredient, but such sweetening ingredient shall not amount to more than 44 percent by weight of the standardized pectin and the quantity of such standardized pectin used shall not exceed 3 percent by weight of the finished food. Carrageenan or salts of carrageenan may be standardized with a nutritive sweetening ingredient, but such sweetening ingredient shall not amount to more than 25 percent by weight of the standardized carrageenan or salts of carrageenan and the quantity of such standardized carrageenan or salts of carrageenan used shall not exceed 2 percent by weight of the finished food.

* * * * *

§ 29.5 **Artificially sweetened fruit preserves, artificially sweetened fruit jams; identity; label statement of optional ingredients.**

* * * * *

(b) The fruit ingredient referred to in paragraph (a) of this section is any one, or any combination of two, three, four, or five of the fruit ingredients complying with the requirements of § 29.3 (b) and (c). Except as paragraph (d) of this section permits the use of pectin, carrageenan, or salts of carrageenan standardized with nutritive sweetener, no nutritive sweetening ingredient is added, either directly or indirectly, to the fruit ingredient used to make artificially sweetened fruit preserves or artificially sweetened fruit jam.

* * * * *

(d) The jelling ingredients referred to in paragraph (a) of this section are pectin, agar-agar, carob bean gum (also called locust bean gum), guar gum, gum karaya, gum tragacanth, algin (sodium alginate), sodium carboxymethylcellulose (cellulose gum), methylcellulose (meeting U.S.P. requirements and with methoxy content not less than 27.5 percent and not more than 31.5 percent on a dry-weight basis), carrageenan or salts of carrageenan complying with the requirements of § 121.1066 or § 121.1067 of this chapter, or any combination of two or more of these. Pectin may be standardized with a nutritive sweetening ingredient, but such sweetening ingredient shall not amount to more than 44 percent by weight of the standardized pectin and the quantity of such standardized pectin used shall not exceed 3 percent by weight of the finished food. Carrageenan or salts of carrageenan may be standardized with a nutritive sweetening ingredient, but such sweetening ingredient shall not amount to more than 25 percent by weight of the standardized carrageenan or salts of carrageenan and the quantity of such standardized carrageenan or salts of carrageenan used shall not exceed 2 percent by weight of the finished food.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: July 12, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8690; Filed, July 19, 1968; 8:50 a.m.]

SUBCHAPTER C—DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Buffered Crystalline Penicillin

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 146a.37(a) is revised to read as follows to clarify the second sentence regarding citric acid:

§ 146a.37 **Buffered crystalline penicillin.**

* * * * *

(a) It contains the buffer sodium citrate in a quantity not less than 4.0 percent and not more than 5.0 percent by weight of its total solids. It may contain citric acid in a quantity not more than 0.15 percent of its total solids in place of a corresponding amount of sodium citrate. Such sodium citrate and citric acid conform to the standards prescribed therefor by the U.S.P.

* * * * *

Since this order merely clarifies an existing regulation and is nonrestrictive and noncontroversial, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: July 10, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8691; Filed, July 19, 1968; 8:50 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Emergency Planning

[Defense Manpower Policy 4, Revised]

DMP 4—PLACEMENT OF PROCUREMENT AND FACILITIES IN SECTIONS AND AREAS OF HIGH UNEMPLOYMENT

Petroleum and Petroleum Products Industries

Notification Nos. 38, 39, 53, and 57 were issued in 1952 upon the recommendation of the Surplus Manpower Committee established by Defense Manpower Policy 4. They made findings and prescribed policies with respect to the applicability of Defense Manpower Policy 4 to the placement of procurement with the textile, shoe, apparel, and shipbuilding industries, respectively. The Surplus Manpower Committee has advised me that the findings contained in those notifications no longer accurately reflect conditions in those industries, and has unanimously recommended that those notifications be revoked. I have reviewed this matter and concur with the Committee.

Accordingly, pursuant to the authority vested in me by Executive Order No. 10480 and Executive Order No. 11051, as amended, Notification Nos. 38, 39, 53, and 57 are hereby revoked. Section 4(g) of Defense Manpower Policy 4, as revised, is hereby amended to read as follows:

(g) Notification No. 58 dealing with the placement of procurement with the petroleum and petroleum products industries is continued in effect to the extent that it is not inconsistent with this revised policy.

PRICE DANIEL,
Director,
Office of Emergency Planning.

JULY 16, 1968.

[F.R. Doc. 68-8632; Filed, July 19, 1968; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGFR 68-67]

PART 110—ANCHORAGE REGULATIONS

Subpart A—Special Anchorage Areas

PORT OF NEW YORK AND VICINITY

1. The Commander, 3d Coast Guard District, New York, N.Y., has requested that regulations governing mooring in the Port of New York anchorage areas be published in the FEDERAL REGISTER. Under these regulations a mooring permit, issued by the Captain of the Port of New York, is required to moor in Jamaica Bay, south area and conditions are established pertaining to the location, dimensions, and maintenance of mooring buoys. The request is granted and the note following 33 CFR 110.60(s-1) is amended accordingly, subject to the right to change the requirements and to amend the regulations if and when necessary in the public interest.

2. The purpose of the document is to publish regulations governing mooring in Jamaica Bay, south area, New York, whereby permits must be acquired from the Captain of the Port, New York, before mooring; and anchor, mooring chain, and pendant requirements are established.

3. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 14 U.S.C. 632 and the delegation in 49 CFR 1.4(a)(3) of the Secretary of Transportation under 49 U.S.C. 1655(g)(1), the note following 33 CFR 110.60 (s-1) is amended to read as follows and to become effective on and after 30 days after the date of publication of this document in the FEDERAL REGISTER:

§ 110.60 **Port of New York and vicinity.**

* * * * *

(s-1) *Jamaica Bay, south area.*

* * * * *

NOTE: The area will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. The Captain of the Port of New York is authorized to issue permits for maintaining mooring buoys within the anchorage. The method of anchoring these buoys shall be as prescribed by the Captain of the Port. No vessel shall anchor in the anchorage in such manner as to interfere with the use of a duly authorized mooring buoy. The Captain of the Port, New York regulations in § 110.155(1)(7) apply.

* * * * *

(R.S. 4233, as amended, 28 Stat. 647, as amended, 30 Stat. 98, as amended, sec. 6(g)(1) 80 Stat. 940; 33 U.S.C. 180, 258, 322; 49 U.S.C. 1655(g)(1); 49 CFR 1.4(a)(3))

Dated: July 16, 1968.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 68-8692; Filed, July 19, 1968; 8:50 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1-1—GENERAL

Subpart 1-1.7—Small Business Concerns

SMALL BUSINESS SET-ASIDE PROGRAM

This amendment revises the procedure for initiating small business set-asides to provide that set-asides shall be made primarily on a unilateral basis by contracting officers. However, either the contracting officer or a Small Business Administration representative may still initiate joint determination set-asides.

Paragraphs (c) and (d) of § 1-1.706-1 are revised as follows:

§ 1-1.706-1 **General.**

* * * * *

(c) *Implementation.* Subject to any applicable preference for labor surplus area set-asides as provided in § 1-1.802, any individual procurement or class of procurements, or an appropriate part thereof, shall be set aside for the exclusive participation of small business concerns when such action (1) is unilaterally determined by a contracting officer, or (2) is jointly determined by an SBA representative and a contracting officer, upon initiation by either party, to be in the interest of maintaining or mobilizing the Nation's full productive capacity, or to be in the interest of war or national defense programs, or to be in the interest of assuring that a fair proportion of Government procurement is placed with small business concerns.

(b) *Initiation of set-asides.* Insofar as practicable, unilateral determinations initiated by a contracting officer of a procuring agency shall be used as the basis for small business set-asides rather than joint determinations by an SBA representative and a contracting officer. This, however, does not preclude SBA from initiating with an agency a proposal for a joint determination set-aside.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: July 16, 1968.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 68-8649; Filed, July 19, 1968; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 137—OFFICIAL MAIL

Surviving Spouses of Members of Congress

Pursuant to the provisions of Public Law 90-368 approved June 29, 1968, a new paragraph (c) is added to § 137.7 to provide that surviving spouses of Members of Congress may send, without prepayment of postage, correspondence relating to the death of the Member for a period not to exceed 180 days after the death of the Member.

Accordingly, new § 137.7(c) now reads as follows:

§ 137.7 President-elect, former Presidents, widows, of former Presidents, and surviving spouses of Members of Congress.

* * * * *

(c) *Surviving spouses of Members of Congress.* Upon the death of a Member of Congress during his term of office the surviving spouse of such Member may send, without prepayment of postage for a period not to exceed 180 days after the death of the Member, correspondence relating to the death of the Member, provided it bears the written signature of the sender, or a facsimile signature in the upper right corner of the address side.

NOTE: The corresponding Postal Manual section is 137.73.

(5 U.S.C. 301, 39 U.S.C. 501; Public Law 90-368)

TIMOTHY J. MAY,
General Counsel.

JULY 16, 1968.

[F.R. Doc. 68-8633; Filed, July 19, 1968; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER A—GENERAL MANAGEMENT (1000)

[Circular 2244]

PART 1850—HEARINGS PROCEDURES

Subpart 1850—Hearings Procedures; General

SUBPOENA POWER AND WITNESS PROVISIONS

The purpose of the amendment is to clarify the authority of a field commissioner or examiner to issue a subpoena for the production of documentary evidence and to issue a subpoena in connection with depositions for prehearing discovery purposes, and to clarify the time when an examiner may issue a subpoena in a contest proceeding.

It is the policy of this Department to give advance notice and invite public participation in the rule making process, but because this amendment is procedural in nature and does not affect the substantive rights of applicants, proposed rule making has been deemed unnecessary. This amendment shall be effective upon publication in the FEDERAL REGISTER, and shall be applicable to contests initiated on and after that date.

In § 1850.0-7 paragraph (a) is amended and a new sentence is added to paragraph (b). As amended paragraphs (a) and (b) read as follows:

§ 1850.0-7 Subpoena power and witness provisions.

(a) *Compulsory attendance of witnesses.* The Field Commissioner or the examiner, as the case may be, is authorized to issue subpoenas directing the attendance of witnesses and the production of books, papers, documents, or other tangible things at hearings to be held before him or at the taking of depositions to be held before himself or other officers for the purpose of discovery or for use as evidence in the hearing or for both purposes. The issuance of subpoenas, service, attendance fees, and similar matters shall be governed by the act of January 31, 1903 (43 U.S.C. 102-106), and 28 U.S.C. 1821. Subpoenas will be issued on a form approved by the Director.

(b) *Application for subpoena.* An application for a subpoena may be filed in the office of the Field Commissioner or the examiner before whom the hearing is to be held, in the office of the officer who made the decision appealed from, or in the office of the manager in which a complaint was filed, in which case the officer or manager will forward the application to the Field Commissioner or the examiner, as the case may be. Prior to the referral of a case to an examiner and upon certification by the manager that a complaint has been signed and is a matter of public record in his office, an examiner may upon proper showing and prior to the filing of an answer issue subpoenas as provided in paragraph (a) of this section.

* * * * *

STEWART L. UDALL,
Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8631; Filed, July 19, 1968; 8:46 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4480]

[Colorado 2519]

COLORADO

Partial Revocation of Stock Driveway Withdrawal

By virtue of the authority contained in section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The departmental order of September 20, 1918, creating Stock Driveway No. 41, Colorado No. 8, is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 9 N., R. 89 W.,
Sec. 21, lots 15 and 16.

Containing 79.24 acres.

2. Until 10 a.m. on January 12, 1969, the State of Colorado shall have a preferred right of application to select the lands as provided by R.S. 2276, as amended (43 U.S.C. 852). After that time the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on January 12, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws subject to the regulations in 43 CFR 3400.3.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colo.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8609; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4481]

[Sacramento 076440]

CALIFORNIA

Partial Revocation of Reclamation Withdrawals

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. The orders of the Bureau of Reclamation dated July 6, 1936, June 3, 1942, November 21, 1946, October 23, 1947, February 19, 1952, and September 25, 1954, concurred in by the Bureau of Land Management on July 7, 1936, June 3, 1942, December 10, 1946, November 6, 1947, February 27, 1952, and October 21, 1955, respectively, withdrawing lands for the Central Valley Project, are hereby revoked so far as they affect the following described lands:

MOUNT DIABLO MERIDIAN

T. 32 N., R. 5 W.,
Sec. 3, lots 3, 4, 5, 7, 8, 9, 10, 11, 12, and 13, except any portion in M.S. 4513;
Sec. 4 lots 16, 17, 18, 19, 24, and 25;
Sec. 6, lots 6, 7, 11, 12, 13, 18, and 22, and NE¼SW¼;
Sec. 8, lots 7, 8, 9, 10, 11, 16, and 17;
Sec. 9, lots 1, 8, and 9;
Sec. 10, lots 3 to 17, inclusive, E½NE¼, SW¼NE¼, W½SW¼, NE¼SE¼, and NW¼SE¼;
Sec. 15, lot 2, E½NW¼ and SW¼.
T. 33 N., R. 5 W.,
Sec. 22, S½SW¼NE¼, SE¼NE¼, N½SE¼, and SE¼SE¼;
Sec. 26, W½SW¼ and SW¼NW¼ (lots 2 and 3, and portion M.S. 5823);
Sec. 27, S½S½SW¼;
Sec. 28, E½ and E½W½ (lots 1 to 6, inclusive, and portion M.L. 52);
Sec. 32, E½SE¼ (lots 15 and 22);
Sec. 33, except NW¼NW¼NW¼ and any portion M.L. 38, 39, 48, 49, 50, 51, 52, 53, 56, 57, 58, and M.S. 5803;
Sec. 34, E½NE¼, W½E½NW¼, W½NW¼, and S½ except patented mineral entries;
Sec. 35, NW¼NW¼.

The areas described aggregate approximately 3,100 acres in Shasta County.

2. Until 10 a.m. on January 12, 1969, the State of California shall have a preferred right of application to select the lands as provided by R.S. 2276, as amended (43 U.S.C. 852). After that time the lands shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on January 12, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the U.S. mining laws (30 U.S.C., Ch. 2), at 10 a.m. on January 12, 1969.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, Calif.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8610; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4482]

[Sacramento 080394]

CALIFORNIA

Interforest Transfers; Exclusion of Lands From Klamath and Shasta National Forests

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and upon the recommendation of the Acting Secretary of Agriculture, it is ordered as follows:

1. The following described privately owned lands are hereby excluded from within the national forests indicated, and the boundaries of said forests are adjusted accordingly;

MOUNT DIABLO MERIDIAN

A. KLAMATH NATIONAL FOREST

T. 44 N., R. 1 E.,
Sec. 6, lots 1 to 5, inclusive, SE¼NE¼, and NE¼SE¼.
T. 45 N., R. 1 E.,
Sec. 8, W½.
T. 43 N., R. 1 W.,
Sec. 10, W½NW¼.
T. 44 N., R. 1 W.,
Sec. 29, SW¼SW¼;
Sec. 32, W½NW¼.
T. 45 N., R. 1 W.,
Sec. 18, lots 3 and 4.
T. 44 N., R. 2 W.,
Sec. 24, W½NE¼.
T. 45 N., R. 2 W.,
Sec. 1, lots 3 and 4, and N½NE¼SW¼;
Sec. 2, W½ lot 3 and lot 4;
Sec. 8, SW¼SE¼;
Sec. 10, E½ and NE¼NW¼;
Sec. 11;
Sec. 12, N½NW¼, SW¼NW¼, and NW¼SW¼;
Sec. 14, W½E½ and W½;
Sec. 15, N½, N½SE¼, and SE¼SE¼;
Sec. 16, E½NE¼;
Sec. 24, N½NW¼.
T. 45 N., R. 3 W.,
Sec. 23, E½;
Sec. 24, NW¼SW¼ and S½SW¼.
T. 46 N., R. 3 W.,
Sec. 32, SW¼NE¼.
T. 45 N., R. 4 W.,
Sec. 35, NW¼.
T. 46 N., R. 4 W.,
Sec. 26, N½N½.

B. SHASTA NATIONAL FOREST

T. 44 N., R. 1 E.,
Sec. 1, SW¼NW¼.
T. 43 N., R. 1 W.,
Sec. 1, N½NE¼ (lots 1 and 2), SW¼NE¼, and NW¼SE¼.
T. 44 N., R. 1 W.,
Sec. 8, SE¼.
T. 45 N., R. 1 W.,
Sec. 20, W½NW¼.
T. 44 N., R. 2 W.,
Sec. 24, SE¼NW¼, and NE¼SW¼;
Sec. 25, E½ and SW¼.
T. 47 N., R. 4 W.,
Sec. 24, NE¼.

The areas described aggregate approximately 5,248 acres of nonpublic lands.

2. The following described lands within the exterior boundaries of the Shasta National Forest are hereby transferred to the Klamath National Forest.

MOUNT DIABLO MERIDIAN

T. 42 N., R. 1 E.,
Sec. 8, those parts lying north of the Klamath River-McCloud River divide.
T. 44 N., R. 1 E.,
Sec. 6, SE¼SE¼.
T. 43 N., R. 3 E.,
Sec. 18, those parts lying north of the Klamath River-McCloud River divide (partially unsurveyed).
T. 42 N., R. 1 W.,
Sec. 29, those parts lying north of the Klamath River-McCloud River divide.
T. 43 N., R. 1 W.,
Sec. 10, E½NW¼.
T. 45 N., R. 2 W.,
Sec. 8, NE¼SE¼;
Sec. 16, W½NE¼;
Sec. 31, W½W½ (lots 1, 2, 3, and 4), SE¼SW¼, and SW¼SE¼.
T. 43 N., R. 3 W.,
Secs. 30 and 31, those parts lying north of the Weed-Klamath Falls Highway.
T. 45 N., R. 3 W.,
Sec. 23, W½;
Sec. 24, SE¼.
T. 46 N., R. 3 W.,
Sec. 32, SE¼NE¼.
T. 45 N., R. 4 W.,
Sec. 27, NW¼.
T. 46 N., R. 4 W.,
Sec. 12;
Sec. 13;
Sec. 26, S½N½.

3. The following listed lands within the exterior boundaries of the Klamath National Forest transferred from the Shasta National Forest by Public Land Order No. 1327 of August 21, 1956, are hereby transferred to the Shasta National Forest.

T. 43 N., R. 1 E.,
Sec. 25, those parts lying south and east of the Klamath River-McCloud River divide.
T. 43 N., R. 2 E.,
Secs. 16, 19, 20, 29, and 30, those portions lying south of Klamath River-McCloud River divide;
Sec. 28, those portions lying north of the Klamath River-McCloud River divide;
Secs. 31 and 32, those portions lying north of the Klamath River divide.
T. 42 N., R. 1 W.,
Sec. 13, any portion of NW¼NW¼ lying south of the Klamath River-McCloud River divide.

The exterior boundaries of the forests involved are hereby adjusted in accordance with the transfers made by this order, and any transferred land now having a national forest status shall become a part of the forest to which it is transferred.

The order shall not be construed as giving a national forest status to any lands which do not now have such status, or as changing the status of any lands which now have a national forest status.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8611; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4483]

[N-2171]

NEVADA

Addition to National Forest

By virtue of the authority contained in the Act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g–1), it is ordered as follows:

Subject to valid existing rights, the following described lands, acquired in an exchange made pursuant to section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, are hereby added to and made a part of the Toiyabe National Forest and hereafter shall be subject to all laws and regulations applicable to said national forest:

MOUNT DIABLO MERIDIAN

T. 17 N., R. 19 E.,
Sec. 16, SE¼NE¼, W½SE¼.

The area described contains 120 acres in Washoe County, Nev.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8612; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4484]

[Montana 072057]

MONTANA

Withdrawal for Protection of Civil Works Project

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands within the Kootenai National Forest, are hereby withdrawn from appropriation under the U.S. mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, for the protection of facilities of the Libby Dam Project:

PRINCIPAL MERIDIAN MONTANA

T. 33 N., R. 25 W.,
Sec. 1, lots 1, 2, and 3, S½NE¼, SE¼NW¼, and SE¼;
Sec. 6, lots 3, 4, 5, 8, and 9, SE¼NW¼.

T. 34 N., R. 25 W.,
Sec. 20, E½SE¼SW¼, E½SW¼SE¼SW¼, NE¼SE¼, S½S½NW¼SE¼, and S½SE¼;
Sec. 21, S½;
Sec. 22, S½SW¼;
Sec. 25, W½SW¼SW¼ and E½SE¼SW¼;
Sec. 26, S½NW¼ and S½;
Sec. 27, N½ and N½SE¼;
Sec. 28, N½N½;
Sec. 29 NE¼, NE¼NE¼NW¼, NE¼NW¼NE¼NW¼, S½NW¼NE¼NW¼, S½NE¼NW¼, E½SW¼NW¼, SE¼NW¼, NE¼NW¼SW¼, and S½NW¼NW¼SW¼;
Sec. 31, lots 1 and 2, E½NW¼, E½SE¼, and E½W½SE¼;
Sec. 32, SW¼NW¼;
Sec. 35, NE¼ and E½SE¼.

T. 33 N., R. 26 W.,
Sec. 1, SE¼NE¼, E½SE¼, NW¼SE¼, and NE¼SW¼;
Sec. 12, NE¼;
Sec. 13, SW¼NW¼;
Sec. 14, SE¼NE¼ and NE¼SE¼;
Sec. 21, W½SE¼ and SE¼SE¼;
Sec. 22, S½NW¼, S½SW¼, and N½SE¼;
Sec. 27, W½NW¼ and SW¼SW¼;
Sec. 28, NE¼, N½SE¼, and SW¼SE¼;
Sec. 33, NW¼NE¼ and SW¼SE¼;
Sec. 34, SW¼NW¼ and SW¼SW¼.

T. 32 N., R. 26 W.,
Sec. 5, W½E½ and W½;
Sec. 6, E½E½;
Sec. 7, E½E½;
Sec. 8, W½E½ and W½;
Sec. 17, W½E½ and W½;
Sec. 18, E½E½;
Sec. 19, E½E½;
Sec. 20, W½E½ and W½ less HES 802;
Sec. 29, W½E½ and W½ less HES 802;
Sec. 30, E½E½ less HES 802;
Sec. 31, E½E½;
Sec. 32, W½E½ and W½.

T. 31 N., R. 26 W.,
Sec. 5, lots 2, 3, and 4, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 8, W½E½ and E½W½;
Sec. 16, W½SW¼;
Sec. 20, E½NE¼;
Sec. 27, W½NW¼ and NW¼SW¼;
Sec. 28, E½NW¼ and NE¼SE¼.

T. 30 N., R. 26 W.,
Sec. 3, lots 3 and 4;
Sec. 4, lots 1, 2, 3, 4, 5, and 6, S½NE¼, SE¼NW¼, and NE¼SW¼;
Sec. 8, lots 1, 2, 3, 4, 5, and 6, SE¼NW¼, and NE¼SW¼;
Sec. 18, lot 3.

T. 30 N., R. 27 W.,
Sec. 22, NW¼NE¼, N½NW¼, and SW¼NW¼.

T. 29 N., R. 27 W.,
Sec. 17, lot 2, NE¼NW¼.

T. 37 N., R. 27 W.,
Sec. 5, lot 5;
Sec. 30, lot 4.

T. 32 N., R 28 W.,
Sec. 5, lots 6, 7, and 9, SE¼SW¼, and SW¼SE¼;
Sec. 6, lots 3 and 4, S½NW¼, SW¼, E½SE¼, N½NW¼SE¼, and SW¼SE¼;
Sec. 7, lots 1 and 4, SW¼NE¼, NW¼NW¼, NW¼SW¼NW¼, S½S½NW¼, N½SW¼, N½NE¼SW¼SW¼, SW¼NE¼SW¼SW¼, NW¼SW¼SW¼, N½SW¼SW¼SW¼, and SW¼SW¼SW¼SW¼;
Sec. 8, lot 2, W½NE¼, and SE¼NW¼;
Sec. 18, lot 5, E½E½, SE¼SW¼, and SW¼SE¼ excluding HES 823 and 1217;
Sec. 19, lot 1.

T. 33 N., R. 28 W.,
Sec. 7, lots 7 and 8, NW¼;
Sec. 17, lots 1, 2, 3, 4, and 5, NE¼SW¼;
Sec. 18, lots 6, 7, 9, and 10, NW¼NE¼, S½N½NW¼SW¼, S½NW¼SW¼, and S½SW¼;
Sec. 19, W½W½SW¼NE¼, W½, NE¼SE¼, NW¼NE¼NW¼SE¼, S½NE¼NW¼SE¼, W½NW¼SW¼, SE¼NW¼SE¼, SW¼SE¼, W½SE¼SE¼, and SE¼SE¼SE¼;
Sec. 20, lots 7, 8, 9, and 10, N½NE¼NW¼, SE¼NE¼NW¼, SW¼SW¼NW¼SE¼, NE¼NW¼SE¼, and N½NW¼NW¼SE¼;
Sec. 21, lots 3, 4, and 5, NE¼SW¼;
Sec. 26, SE¼NE¼, N½NE¼SE¼, E½SW¼SE¼, and S½SE¼SE¼;
Sec. 27, lots 1, 2, 5, and 6, E½NW¼NE¼, SW¼NW¼NE¼, SE¼NW¼, and E½SW¼;
Sec. 28, SE¼NE¼ and E½SE¼;
Sec. 34, lots 2, 6, and 7, E½NW¼, SW¼NW¼, W½NW¼NW¼, E½E½NW¼NW¼, W½SW¼, and E½SE¼;
Sec. 35, E½.

T. 33 N., R. 29 W.,
Sec. 2, lots 1 and 2, E½ lot 3, S½NE¼, E½SE¼NW¼, E½SW¼SE¼NW¼, N½SE¼, and SE¼SE¼;
Sec. 3, lots 4, 5, 6, and 7, W½E½, W½SE¼SE¼, SW¼NE¼SE¼SE¼, W½SE¼SE¼SE¼, and SE¼SE¼SE¼SE¼;
Sec. 10, lots 1 and 2, S½NE¼;
Sec. 11, SW¼NW¼, SW¼, S½SE¼ (lots 4, 5, and 7, NW¼SE¼, SE¼NW¼ less Patents 978134, 855379);
Sec. 12, lots 1, 2, 7, 8, and 9, SW¼NE¼, SW¼SW¼ (lots 12, 13, 14 less Patents 855379, 775404);
Sec. 13, lots 1, 2, 3, and 4, W½NE¼, NW¼, and W½SE¼ less Patent 775404;
Sec. 24, lots 1 and 2.

T. 34 N., R. 29 W.,
Sec. 1, lots 3 and 4, S½NW¼, and W½SW¼;
Sec. 2 (lots 2, 3, 4, 8, and 9, NW¼SW¼ less Patents 876399, 891576, 935413) and lots 13 and 14, SW¼SW¼, E½SE¼NE¼, E½W½SE¼NE¼, E½E½SE¼, and E½W½E½SE¼;
Sec. 3 (lot 1, SE¼NE¼, NE¼SE¼ less Patent 891576) lots 2, 3, and 4, S½NW¼, SW¼NE¼, W½SE¼, and SE¼SE¼;
Sec. 4, lots 1 and 2, S½NE¼;
Sec. 10, E½E½;
Sec. 11 (lots 2 and 3, less Patent 935413) and lots 6, 7, and 8, W½W½, E½E½E½, and E½W½E½E½;
Sec. 12, W½W½;
Sec. 14, lots 2, 3, 4, 13, and 14, E½E½E½, E½W¼NE¼NE¼, W½NW¼, NW¼SW¼, W½SW¼SW¼, W½E½SW¼SW¼, E½W½NE¼SE¼, E½E½SW¼SE¼, and W½SE¼SE¼;
Sec. 15, E½E½;
Sec. 22, NE¼, W½SE¼, W½E½SE¼, W½E½NE¼SE¼, and W½NE¼SE¼;
Sec. 23, lots 4, 10, 12, 13, 14, and 15, E½E½, E½E½NW¼NE¼, SW¼NE¼, W½NE¼NW¼NW¼, W½NW¼NW¼, W½NW¼SW¼NW¼, E½W½SW¼SW¼, E½NW¼SE¼, E½SW¼NW¼SE¼, and SW¼SE¼;
Sec. 26, lots 4 and 5, W½E½, and E½E½NE¼NW¼;
Sec. 27, W½NE¼NE¼, W½NE¼, W½W½SE¼NE¼, E½NW¼, SW¼, W½NW¼NE¼SE¼, NW¼SE¼, N½SW¼SE¼, N½SE¼SW¼SE¼, and SW¼SE¼SW¼SE¼;
Sec. 34, N½NW¼NE¼, NW¼, W½SW¼, SE¼SW¼, SW¼NW¼SE¼, W½SE¼NW¼SE¼, W½SW¼SE¼, and W½E½SW¼SE¼;
Sec. 27, lots 1, 2, 3, 4, and 5, W½NE¼, E½NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 28, N½NE¼, N½S½NE¼, E½SE¼SW¼NE¼, S½SE¼NE¼, N½NE¼SE¼, N½S½NE¼SE¼, SW¼SW¼NE¼SE¼, E½NE¼NW¼SE¼, SE¼NW¼SE¼, and lot 2;
Sec. 29, lot 6, N½NE¼NE¼NE¼, W½NW¼NW¼, SW¼NW¼, W½NW¼SE¼NW¼, SW¼SE¼NW¼, SW¼, and SW¼SE¼;
Sec. 30, N½N½ and S½NE¼;
Sec. 32, N½NE¼ and SE¼NE¼;
Sec. 33, lots 2, 3, and 7, SW¼NW¼, SW¼, and SW¼SE¼;
Sec. 34, W½E½, NE¼SW¼NW¼, SE¼NW¼, and E½SW¼.

T. 35 N., R. 28 W.,
Sec. 4, lots 1, 2, 3, 4, 5, and 6, S½NW¼, and that part HES 278 in NW¼;
Sec. 5, lots 1, 2, 3, 4, and 5, S½NE¼, SW¼, and that part HES 278 in NE¼;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15, SE¼NW¼, and SE¼SE¼;
Sec. 7, lots 1, 2, 3, 4, and 5, N½NE¼, SE¼NW¼, and E½SW¼;
Sec. 30, lots 3 and 4, E½SW¼;
Sec. 31, lots 1 and 2, E½NW¼.

T. 36 N., R. 28 W.,
Sec. 2, lot 4;
Sec. 3, lots 2, 3, 4, 6, 7, and 8, S½NW¼, SW¼, and S½NW¼SE¼;
Sec. 9, N½, N½S½, S½SW¼, and SW¼SE¼;
Sec. 10, lots 3 and 11, NW¼NW¼;
Sec. 12, W½SW¼;
Sec. 15, lot 5;
Sec. 16, lots 1, 2, 3, 4, 6, 7, 8, and 9, NW¼NE¼, N½NW¼, and SW¼NW¼;
Sec. 17, E½;
Sec. 20, all;
Sec 21, lot 8, NW¼NW¼;
Sec. 22, SE¼NE¼, SW¼NW¼, and S½;
Sec. 28, lots 1, 5, 6, and 7, SE¼NE¼, SE¼, and SE¼SW¼;
Sec. 29, lot 6, NW¼NE¼, and W½;
Sec. 31, lots 3, 4, and 5, E½SW¼, N½SE¼, and SW¼SE¼;
Sec. 32, lots 1 through 9, NW¼NW¼, E½SE¼, and SW¼SE¼;
Sec. 33, N½SE¼, SW¼SE¼, W½W½, and E½SW¼.

T. 37 N., R. 28 W.,
Sec. 12, lots 2, 3, 6, and 7, W½NW¼, SE¼NW¼, and SW¼;
Sec. 13, W½NE¼, NW¼, and E½SW¼;
Sec. 24, SW¼;
Sec. 25, lots 4 and 5, NW¼;
Sec. 26, E½SW¼ and E½SE¼;
Sec. 35, N½NE¼, SW¼NE¼, W½NW¼SE¼, SE¼NW¼SE¼, and SW¼SE¼.

T. 29 N., R. 29 W.,
Sec. 4, lot 2, SE¼SE¼;
Sec. 22, SW¼NE¼ and W½SE¼.

T. 30 N., R. 29 W.,
Sec. 4, lots 4, 5, and 6, SE¼NW¼, and SW¼;
Sec. 8, lots 2, 3, and 4, SW¼NE¼, S½SW¼, and SE¼;
Sec. 18, lot 9, NE¼SW¼, and N½SE¼;
Sec. 34, W½NW¼.

T. 31 N., R. 29 W.,
Sec. 1, lot 4, SW¼NW¼, and W½SW¼;
Sec. 2, N½SE¼ and SE¼SE¼;
Sec. 3, lots 1 and 2, SE¼NE¼, and E½SE¼;
Sec. 4, lots 1, 2, and 3, S½NE¼, SE¼NW¼, and S½;
Sec. 8, E½NE¼NE¼, SW¼SW¼NW¼NE¼, W½NE¼SW¼NE¼, W½SW¼NE¼, SE¼SW¼NE¼, E½SE¼NE¼, SW¼SE¼NE¼, and SE¼;
Sec. 10, NE¼NE¼, E½E½NW¼NE¼, and SW¼NE¼;
Sec. 11, NE¼ and W½;
Sec. 12, W½NW¼;
Sec. 15, all;
Sec. 16, lots 2, 3, 6, and 7, W½;
Sec. 22, S½NW¼ and W½SW¼;
Sec. 27, W½ and N½NE¼;
Sec. 28, lots 2, 3, 6, 7, and 8, NW¼, N½SW¼, and SW¼SW¼;
Sec. 32, E½E½, SE¼SW¼, and SW¼SE¼;
Sec. 34, N½NW¼.

T. 32 N., R. 29 W.,
Sec. 1, SE¼;
Sec. 10, N½SW¼ and SE¼;
Sec. 11, S½;
Sec. 12, NE¼ and S½;
Sec. 13, lots 1, 3, 4, 5, and 6, N½N½, and NE¼SW¼;
Sec. 14, SW¼NE¼, NW¼, N½SW¼, SW¼SW¼, N½SE¼SW¼, SW¼SE¼SW¼, and NW¼SE¼;
Sec. 15, N½;
Sec. 22, lot 1, E½NE¼, N½SE¼, and E½SW¼SE¼;
Sec. 23, lots 1, 2, 6, and 7, N½NW¼, and SW¼NW¼;
Sec. 24, lots 1 and 3, NE¼, and N½SE¼;
Sec. 25 (all except platted area of Worland Heights, except lots 40 and 44; less Patents 54116, 1224, 1273), NE¼, S½NW¼, N½N½SW¼, S½S½SW¼, S½N½SE¼SW¼, NE¼SE¼, N½NW¼SE¼, and S½SE¼;
Sec. 35, lot 6, W½E½, E½E½SW¼, E½W½NE¼SW¼, E½NW¼SE¼SW¼, and NE¼SW¼SE¼SW¼.

T. 35 N., R. 29 W.,
Sec. 1, lot 5, SW¼, N½SE¼, and SW¼SE¼;
Sec. 11, SE¼;
Sec. 12, lots 1 through 12 inclusive, N½NW¼, SW¼NW¼, and SE¼SE¼;
Sec. 13, lots 1, 2, 3, 4, and 5, NE¼, SE¼NW¼, E½SW¼, and SW¼SW¼;
Sec. 14, lots 1, 2, 3, 4, 5, and 6, NW¼NE¼, and E½W½;
Sec. 23, lots 1 to 9 inclusive, NE¼NW¼, and W½W½;
Sec. 24, lot 1, NW¼, N½SW¼, and SE¼SW¼;
Sec. 25, lots 1 to 7 inclusive, E½E½, and NW¼NE¼;
Sec. 26, lots 1 to 5 inclusive, SW¼NE¼, W½NW¼, SE¼NW¼, SW¼, and W½SE¼;
Sec. 33, lots 3 and 4, N½SE¼;
Sec. 34, lots 1 to 4 inclusive, N½S½;
Sec. 35, lots 1 to 4 inclusive, NE¼, N½SW¼, and NW¼SE¼;
Sec. 36, lots 1 to 9 inclusive, SE¼SW¼.

The areas described aggregate approximately 43,263.21 acres in Lincoln and Flathead Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws, nor does it alter the jurisdiction of the Secretary of Agriculture over the lands for purposes other than construction, operation and maintenance of the Libby Dam Project. The terms and conditions for utilization of the lands for the construction and maintenance of the Libby Dam Project facilities by the Corps of Engineers will be governed by the Memorandum of Agreement entered into by the Department of Agriculture and the Department of the Army, dated August 13, 1964, as may be amended or supplemented.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8613; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4485]

[Sacramento 080021]

CALIFORNIA

Withdrawal for National Forest Roadside Zones

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, and to the provisions of existing withdrawals, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

SIERRA NATIONAL FOREST

MOUNT DIABLO MERIDIAN

A strip of land 200 feet wide on each side of the centerline of the hereinafter identified highways through the following legal subdivisions:

Yosemite Highway, California State Highway No. 41

T. 5 S., R. 21 E.,
Sec. 13, lots 6 and 7;
Sec. 35, SW¼SW¼.

T. 6 S., R. 21 E.,
Sec. 2, lot 4 and SE¼NW¼;
Sec. 13, S½SW¼;
Sec. 23, E½SE¼.

Forest Highway No. 74

T. 7 S., R. 22 E.,
Sec. 5, lot 9;
Sec. 8, NW¼NE¼;
Sec. 9, S½SE¼NW¼, N½NE¼SW¼, SE¼NE¼SW¼, NW¼SE¼, E½SW¼SE¼, W½SE¼SE¼ and SE¼SE¼SE¼;
Sec. 10, SW¼SW¼SW¼;
Sec. 14, W½W½, S½SE¼SW¼, and SW¼SW¼SE¼;
Sec. 15, S½NE¼NE¼, SE¼NE¼, W½NW¼, and SE¼NW¼;
Sec. 16, NE¼NE¼;
Sec. 23, S½NE¼ and E½SE¼;
Sec. 24, SW¼NW¼SW¼ and W½SW¼SW¼;
Sec. 25, NW¼NW¼ and E½SW¼;
Sec. 36, W½E½ and NE¼NE¼NW¼.

T. 8 S., R. 22 E.,
Sec. 1, lot 2 and E½SW¼NE¼.

T. 8 S., R. 23 E.,
Sec. 6, S½ of lot 6, and lot 7;
Sec. 18, lot 2, NE¼SW¼ and W½SE¼SW¼.

The Mammoth Road

T. 8 S., R. 23 E.,
Sec. 25, S½NW¼NE¼;
Sec. 33, E½NW¼SE¼;
Sec. 36, W½SW¼NW¼ and NW¼SW¼.

T. 9 S., R. 23 E.,
Sec. 2, lot 4;
Sec. 3, SE¼NE¼.

T. 6 S., R. 24 E.,
Sec. 1, lot 11 and N½NE¼SE¼;
Sec. 3, SE¼SE¼;
Sec. 9, SE¼NE¼.

T. 6 S., R. 24 E.,
Sec. 10, S½NE¼, SW¼NW¼, N½SW¼, and NW¼SE¼;
Sec. 11, N½N½;
Sec. 16, SE¼SE¼;
Sec. 29, SW¼NW¼;
Sec. 30, NE¼NE¼ and W½W½SE¼;
Sec. 31, W½NE¼, W½NE¼SE¼, NW¼SE¼, and SE¼SE¼.

T. 7 S., R. 24 E.,
Sec. 5, SW¼NW¼SW¼ and SE¼SW¼;
Sec. 8, W½NE¼NE¼, NW¼NE¼, and W½E½SE¼;
Sec. 16, SE¼NW¼;
Sec. 17, NE¼NE¼;
Sec. 20, SE¼;
Sec. 21, N½NE¼, SW¼NE¼, NW¼SW¼, and NE¼SE¼ partly unsurveyed;
Sec. 33, W½NE¼ and NE¼SW¼.

T. 8 S., R. 24 E.,
Sec. 4, lot 4 and SE¼SW¼;
Sec. 9, SW¼NW¼;
Sec. 17, NE¼SE¼;
Sec. 19, lot 4 and SE¼SW¼;
Sec. 20, SW¼SW¼;
Sec. 21, SE¼NW¼ and NE¼SE¼.

T. 5 S., R. 25 E.,
Sec. 19, E½SE¼ and SW¼SE¼;
Sec. 30, NE¼NE¼, W½NE¼, SE¼NW¼, and E½SW¼.

The areas described aggregate 848 acres in Mariposa and Madera Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of

their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8614; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4486]

[Washington 04492]

WASHINGTON

Partial Revocation of Reclamation Project Withdrawals

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental orders of September 12, 1905, December 22, 1905, January 28, 1910, and April 21, 1920, withdrawing lands for the Yakima Project, are hereby revoked so far as they affect the following described lands:

WILLAMETTE MERIDIAN

T. 11 N., R. 22 E.,
Sec. 34, N½ and SE¼.
T. 8 N., R. 23 E.,
Sec. 9 (SE¼SE¼).
T. 10 N., R. 23 E.,
Sec. 4 (lot 2, SW¼NE¼), and S½SE¼.
T. 9 N., R. 27 E.,
Sec. 8 (lot 3).
T. 8 N., R. 29 E.,
Sec. 6, S½NE¼;
Sec. 14 (NW¼).

The areas described aggregate 921.83 acres in Benton and Yakima Counties, of which 201.83 acres are public lands, and 720 acres are patented lands. The public lands are designated by parentheses.

2. Until 10 a.m. on January 12, 1969, the State of Washington shall have a preferred right of application to select the public lands as porvided by R.S. 2276, as amended (43 U.S.C. 852). After that time, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on January 12, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location under the U.S. mining laws at 10 a.m. on January 12, 1969. They have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oreg.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8615; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4487]

[Wyoming 2938]

WYOMING

Powersite Cancellation No. 259; Partial Cancellation of Powersite Classification No. 374

By virtue of the authority contained in the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 1950 Reorganization Plan No. 3 (64 Stat. 1262; 5 U.S.C. 133z–15, note), and in section 24 of the act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission in DA–158–Wyoming, it is ordered as follows:

1. The departmental order of March 23, 1945, creating Powersite Classification No. 374, is hereby canceled so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

MEDICINE BOW NATIONAL FOREST

T. 12 N., R. 82 W.,
Sec. 10, SW¼SE¼;
Sec. 14, SE¼NW¼ and SW¼NE¼;
Sec. 15, NE¼NE¼ and SE¼NW¼.

The areas described aggregate approximately 200 acres in Carbon County.

2. At 10 a.m. August 20, 1968, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8616; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4488]

[N–2326]

NEVADA

Addition to National Forest

By virtue of the authority contained in the Act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g–1), it is ordered as follows:

Subject to valid existing rights, the following described lands, acquired in an exchange made pursuant to section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, are hereby added to and made a part of the Toiyabe National Forest and hereafter shall be subject to all laws and regulations applicable to said national forest:

MOUNT DIABLO MERIDIAN

T. 17 N., R. 18 E.,
Sec. 32, N½SW¼.

The area described contains 80 acres in Washoe County, Nev.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8617; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4489]

[Sacramento 611]

CALIFORNIA

Revocation of Public Land Order No. 876

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 876 of December 10, 1952, which withdrew the following described public lands for use of the Department of the Navy in connection with a bombing target site, is hereby revoked:

MOUNT DIABLO MERIDIAN

T. 6 S., R. 5 E.,
Sec. 22, NE¼;
Sec. 24, NW¼SW¼, S½SW¼.

The areas described aggregate 280 acres in Stanislaus and Santa Clara Counties. The lands lie on the south slope of Adobe Canyon, in a generally steep and rocky area.

2. The State of California has waived the preference right of application granted certain States by R.S. 2276, as amended (43 U.S.C. 852).

3. At 10 a.m. on August 20, 1968, the lands shall be open to operation of the public land laws generally, including locations under the mining laws, and to applications and offers under the mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on August 20, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, Calif.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8618; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4490]

[Arizona 035768]

ARIZONA

Modification of Public Land Order No. 317 To Permit Grant of Right-of-Way

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 317 of April 15, 1946, as amended by Public Land Order No. 922 of October 20, 1953, reserving lands for development under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), is hereby modified to the extent necessary to permit the granting of a right-of-way under section 2477, U.S. Revised Statutes (43 U.S.C. 932), to Pima County, Ariz., over the following described lands, as delineated on a map filed by the Pima County Highway Department, with the Bureau of Land Management in Arizona 035768, for construction of a public road:

GILA AND SALT RIVER MERIDIAN

T. 15 S., R. 13 E.,
Sec. 4, lots 13 to 32, inclusive

Containing approximately 8.04 acres.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8619; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4491]

[Oregon 3048]

OREGON

Revocation of Public Land Order No. 238

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 238 of June 22, 1944, which withdrew the following described land for use of the Navy Department as part of a malaria recuperation camp for Marine Corps casualties, is hereby revoked:

WILLAMETTE MERIDIAN

T. 38 S., R. 9 E.,
Sec. 15, SE¼SE¼.
Containing 40 acres.

The public land has been declared to be "property" within the meaning of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U.S.C. 471), as amended.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8620; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4492]

[Montana 1418]

MONTANA

Withdrawal for National Forest Administrative Site and Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands in the Kaniksu National Forest, are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

PRINCIPAL MERIDIAN

T. 24 N., R. 31 W.,
Sec. 6, lots 6 and 7 and NE¼SW¼.

The areas described aggregate 105.83 acres in Sanders County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8621; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4493]

[Nevada 656]

NEVADA

Addition to Forest Service Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

MOUNT DIABLO MERIDIAN

BAKER ADMINISTRATIVE SITE (ADDITION)

T. 13 N., R. 70 E.,
Sec. 9, N½NW¼SE¼NW¼, SE¼NW¼SE¼NW¼, SW¼SE¼NW¼, SW¼SE¼SE¼NW¼.

The areas described aggregate 20 acres in White Pine County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8622; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4494]

[Anchorage 599]

ALASKA

Partial Revocation of Public Land Order No. 1634 of May 9, 1958

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 1634 of May 9, 1958, which established the Kodiak National Wildlife Refuge, is hereby revoked so far as it affects the following described lands:

OLD HARBOR

Beginning at meander Corner No. 6, U.S. Survey No. 4656; thence north 181 feet along a portion of line 6–7, U.S. Survey No. 4656; thence N. 0°55'30" E., 1,420.51 feet; thence N. 41°30' E., 2,399.33 feet; thence S. 48°30' E., 6,800 feet to the line of mean high tide of Sitkalidak Strait; thence with meanders along the northerly shore of Sitkalidak Strait to point of beginning.

The area described contains 302.65 acres.

2. The land is within the boundaries of the Trustee Townsite of Old Harbor, Alaska, as established under sections 2387, 2388, and 2389 of the Revised Statutes, as amended (43 U.S.C. 718, 719, 720).

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8623; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4495]

[Anchorage 655]

ALASKA

Partial Revocation of Executive Order No. 6039

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Executive Order No. 6039 of February 20, 1933, which reserved lands in Alaska for use of the War Department as a radio station, is hereby revoked so far as it affects the following described lands:

KODIAK

Commencing at corner No. 9 of the U.S. Military Reserve Survey, said corner being south 571.10 feet from corner No. 16 of U.S. Survey 562 (Erskine Subdivision), thence N. 55°17' E. along southerly boundary of U.S. Military Reserve Survey 621.27 feet to a point, said point being the true point of beginning for this description; thence continuing N. 55°17' E. along said boundary 600.30 feet to a point; thence N. 34°43' west 460 feet to a point on the boundary of a parcel of land previously returned to the jurisdiction of the Bureau of Land Management, on January 31, 1963; thence S. 43°39'27" west along said boundary 351.97 feet to a point; thence south 475 feet, more or less, to the point of beginning.

Containing approximately 4.44 acres in the Townsite of Kodiak.

The land has been declared to be "property" within the meaning of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U.S.C. 471), as amended.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8624; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4496]

[Sacramento 730]

CALIFORNIA

Withdrawal for National Forest Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

MOUNT DIABLO MERIDIAN

PLUMAS NATIONAL FOREST

Lost Creek Recreation Area

T. 20 N., R. 8 E.,
Sec. 4, S½NW¼ (lot 5) and SW¼;
Sec. 5, S½N½ (lots 4 and 5) and S½S½;
Sec. 8, E½NE¼, SW¼NE¼, E½NW¼, N½SW¼, NW¼SE¼, and SE¼SE¼;
Sec. 9, NE¼NW¼, S½NW¼, and SW¼;
Sec. 16, W½;
Sec. 18, NW¼NE¼ and SE¼SE¼;
Sec. 19, lots 5 to 9, inclusive;
Sec. 20, lots 1 to 5, inclusive, and SW¼NE¼;
Sec. 30, N½NE¼.

Frenchmen Recreation Area

T. 23 N., R. 16 E.,
Sec. 3, SW¼NW¼, N½SW¼, SE¼SW¼, NW¼SE¼, and S½SE¼;
Sec. 4, lots 1, 2, 3, S½NE¼, and NE¼SE¼;
Sec. 10, N½NE¼ and SE¼NE¼.

T. 24 N., R. 16 E.,
Sec. 29, S½SE¼;
Sec. 32, W½NE¼, NE¼NW¼, S½NW¼, and N½S½;
Sec. 33, N½S½, SE¼SW¼, and SW¼SE¼.

The areas described aggregate approximately 3,348 acres in Plumas, Yuba, and Butte Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8625; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4497]

[Fairbanks 384]

ALASKA

Withdrawal for School and Hospital Purposes; Partial Revocation of Executive Order of May 4, 1907

By virtue of the authority vested in the Secretary of the Interior by the act of May 31, 1938 (52 Stat. 593; 48 U.S.C. 353a), it is ordered as follows:

1. Subject to valid existing rights, the following described lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved as follows:

a. For school purposes, for the education of natives of Alaska:

U.S. Survey No. 2083, Alaska, Tract 4 and all of Tract 5 except that portion withdrawn by paragraph 1(b) of this order.

The areas described aggregate 19.58 acres.

b. For use of the Department of Health, Education, and Welfare for hospital purposes:

U.S. Survey No. 2083, Alaska, Tract 1, Tract 6, and that portion of Tract 5 described as follows:

Beginning at a point which is the intersection of the dividing line between Tracts 5 and 6 of the resurvey of U.S. Survey 2083 and the southerly boundary line of U.S. Survey 2083; thence N. 59°54'40" E., a distance of 150 feet; thence N. 30°05' W., a distance of 150 feet; thence S. 59°55' W., a distance of 194 feet, more or less to a point on the boundary line between Tracts 5 and 6 of said survey; thence along said boundary line approximately S. 45°54' E., a distance of 156 feet more or less, to the point of beginning.

The areas described aggregate 14.96 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

3. The Executive Order of May 4, 1907, which withdrew lands in Alaska for school purposes is hereby revoked so far as it affects the following described lands:

Tracts 2, 3, and 7 of U.S. Survey No. 2083, Kotzebue, Alaska, containing 4.87 acres.

4. The lands described in paragraph 3 hereof are occupied and claimed by settlers who have built valuable improvements thereon, and the lands shall be subject to disposal only under applicable townsite laws.

5. The State of Alaska has waived the preference right of application provided by sectoin 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8626; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4498]

[Idaho 939]

IDAHO

Withdrawal for National Forest Recreation Areas and Administrative Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

ST. JOE NATIONAL FOREST

BOISE MERIDIAN

Big Creek Campground

T. 46 N., R. 3 E.,
Sec. 30, SE¼SW¼SE¼NE¼, SW¼SE¼SE¼NE¼, W½NE¼NE¼SE¼, NW¼NE¼SE¼, N½SW¼NE¼SE¼, and NW¼SE¼NE¼SE¼.

Lookout Mountain Lookout

T. 43 N., R. 4 E.,
Sec. 9, SW¼SE¼NE¼SW¼.

Mastodon Mountain Lookout

T. 46 N., R. 4 E.,
Sec. 4, W½SW¼SW¼SW¼;
Sec. 5, E½SE¼SE¼SE¼.

Dunn Peak Lookout

T. 46 N., R. 4 E.,
Sec. 36, SW¼SW¼NE¼NW¼, and SE¼SE¼NW¼NW¼.

Arid Peak Lookout

T. 46 N., R. 5 E.,
Sec. 1, SE¼SW¼NW¼SE¼, and NE¼NW¼SW¼SE¼.

Middle Sister Lookout

T. 44 N., R. 6 E.,
Sec. 12, SE¼NE¼SW¼SW¼, NE¼SE¼SW¼SW¼, SW¼NW¼SE¼SW¼, and NW¼SW¼SE¼SW¼.

Surveyors Ridge Lookout

T. 42 N., R. 7 E.,
Sec. 11, E½NE¼SE¼SE¼.
Sec. 12, W½NW¼SW¼SW¼.

Snow Peak Lookout

T. 43 N., R. 7 E.,
Sec. 30, NW¼SE¼NW¼.

Conrad Peak Lookout

T. 44 N., R. 8 E.,
Sec. 16, E½SE¼SW¼SW¼.

Fly Flat Recreation Area Addition

T. 44 N., R. 8 E.,
Sec. 36, NW¼SE¼NE¼SE¼.

Simmons Lookout

T. 43 N., R. 9 E.,
Sec. 12, SE¼NE¼NW¼SW¼.

St. Joe Lake Campground

T. 42 N., R. 11 E.,
Sec. 4, lots 2 and 3.

Baldy Mountain Lookout

T. 43 N., R. 2 W.,
Sec. 34, E½NE¼SW¼NE¼.

Giant White Pine Campground

T. 42 N., R. 3 E.,
Sec. 2, S½NE¼SW¼SE¼, and SE¼SW¼SE¼;
Sec. 11, N½NE¼NW¼NE¼.

Willow Creek Vista Point

T. 43 N., R. 3 W.,
Sec. 13, NW¼SW¼SE¼, less approximately 1.3 acres occupied by U.S. Highway 95A right-of-way.

The areas described aggregate 207.7 acres in Benewah, Latah and Shoshone Counties, Idaho.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8628; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4500]

[Arizona 2086]

ARIZONA

Partial Revocation of National Forest Administrative Site Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 1195 of July 25, 1955, withdrawing lands for use of the Forest Service, Department of Agriculture, for administrative purposes in connection with the construction and maintenance of public roads is hereby revoked so far as it affects the following described lands:

GILA AND SALT RIVER MERIDIAN

T. 21 N., R. 7 E.,
Sec. 28, W½NW¼SE¼NW¼ and NW¼SW¼SE¼NW¼.

The areas described aggregate approximately 12.5 acres in Coconnio County.

2. Public Land Order No. 3152 of July 30, 1963, withdrawing lands for use of the Forest Service, Department of Agriculture, for protection of existing forest roads and highways and adjacent roadside zones as amended by Public Land Order No. 3584 of March 31, 1965, is hereby revoked so far as it affects the following described lands:

GILA AND SALT RIVER MERIDIAN

A strip of land 300 feet on each side of the centerline of the roads through the subdivisions listed below:

T. 17 N., R. 6 E.,
Sec. 7, N½NE¼SE¼ and N½S½NE¼SE¼.

The areas described aggregate approximately 37.50 acres in Coconino County.

3. At 10 a.m. on August 20, 1968, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8629; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4501]

[Idaho 1675]

IDAHO

Revocation of Air Navigation Site Withdrawals, in Whole or in Part

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The departmental order of January 30, 1942, so far as it withdrew the following described land as Air Navigation Site No. 175, is hereby revoked:

BOISE MERIDIAN

JEROME

T. 7 S., R. 17 E.,
Sec. 23, NE¼NW¼SE¼.

The area described contains 10 acres, located in Jerome County, about 8 miles south of Shoshone. The topography is undulating. The soils are beset with rock outcrops and float rock and are gravelly loam in texture.

2. The departmental order of May 20, 1932, so far as it withdrew the following described land as Air Navigation Withdrawal No. 79, is hereby revoked:

FREEZE OUT MOUNTAIN SITE

T. 6 N., R. 1 W.,
Sec. 29, SE¼NW¼.

The area described contains 40 acres in Gem County, Idaho, about 25 miles northwest of Boise. The topography is steeply undulating. The soils are stony, gravelly loam in texture.

3. Executive Order No. 4806 of February 11, 1928, so far as it withdrew the following described land as an air navigation site is hereby revoked:

HUNTINGTON BEACON SITE

T. 12 N., R. 7 W.,
Sec. 34, SW¼NE¼SE¼SE¼.

The area described contains 2.50 acres in Washington County, Idaho. It is on a bluff overlooking the Snake River about 12 miles northwest of Weiser. The elevation is about 3,575 feet. The shallow, gravelly soil supports a vegetative cover of native grasses and forbs.

4. The departmental order of November 14, 1935, so far as it withdrew the following described land as Air Navigation Site No. 101, is hereby revoked:

DAIRY CREEK BEACON SITE

T. 12 S., R. 34 E.,
Sec. 5, lot 3.

The area described contains 39.53 acres in Oneida County, Idaho, northwest of Malad. The topography is steeply rolling and the soils are a rocky, gravelly loam in texture.

5. At 10 a.m. on August 20, 1968, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on August 20, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The State of Idaho has waived the preference right of application granted to certain states by R.S. 2276, as amended (43 U.S.C. 852).

6. The lands will be open to location under the U.S. mining laws at 10 a.m. on August 20, 1968. They have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8630; Filed, July 19, 1968; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1000]

PART 1033—CAR SERVICE

Distribution of Refrigerator Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 15th day of July 1968.

It appearing, that an acute shortage of mechanical refrigerator cars exists in the areas served by the Southern Pacific Co. and the Union Pacific Railroad Co., and that shippers served by the Southern Pacific Co. and the Union Pacific Railroad Co. are being deprived of such cars required for loading highly perishable products, creating a great economic loss; that present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of such mechanical refrigerator cars owned by the Pacific Fruit Express Co., a wholly owned subsidiary of the Southern Pacific Co. and

the Union Pacific Railroad Co., are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1000 Distribution of refrigerator cars.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Withdraw from distribution and return to owners empty, except as otherwise provided in subparagraphs (2) and (3) of this paragraph, all mechanical refrigerator cars owned by the Pacific Fruit Express Co. which are listed in the official Railway Equipment Register, ICC R.E.R. 368 issued by E. J. McFarland, or reissues thereof, as having mechanical designations RP or RPL, and numbered in series 100,000 through 456,999.

(2) Pacific Fruit Express Co. refrigerator cars, described in subparagraph (1) of this paragraph, available empty at a station other than a junction with the Southern Pacific Co. or Union Pacific Railroad Co. may be loaded with freight requiring protection from heat or cold if destined to any station on or routed via the Southern Pacific Co. or the Union Pacific Railroad Co.

(3) Pacific Fruit Express Co. refrigerator cars, described in subparagraph (1) of this paragraph, available empty at a junction with the Southern Pacific Co. or with the Union Pacific Railroad Co. must be delivered at that junction to either the Southern Pacific Co. or the Union Pacific Railroad Co., either empty or loaded with freight requiring protection from heat or cold.

(4) Pacific Fruit Express Co. refrigerator cars, described in subparagraph (1) of this paragraph, must not be backhauled empty, or held empty more than 24 hours awaiting placement for loading for the purpose of obtaining a load as authorized in subparagraphs (2) and (3) of this paragraph.

(b) Application: The provisions of this section shall apply to intrastate, interstate and foreign commerce.

(c) Effective date: This section shall become effective at 12:01 a.m., July 17, 1968.

(d) Expiration date: This section shall expire at 11:59 p.m., July 31, 1968, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, 17(2). Interprets or applies secs. 1(10–17), 15(4), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–8666; Filed, July 19, 1968; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1001–1004, 1015, 1016]

[Docket Nos. AO–14–A45, AO–71–A57, AO–293–A20, AO–160–A38, AO–305–A22, AO–312–A17]

MILK IN MASSACHUSETTS-RHODE ISLAND-NEW HAMPSHIRE AND CERTAIN OTHER MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR part	Marketing areas	Docket No.
1001	Massachusetts-Rhode Island-New Hampshire.	AO–14–A45
1002	New York-New Jersey	AO–71–A57
1003	Washington, D.C.	AO–293–A20
1004	Delaware Valley	AO–160–A38
1015	Connecticut	AO–305–A22
1016	Upper Chesapeake Bay	AO–312–A17

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Conference Room of the Market Administrator's Office, 205 East 42d Street, New York, N.Y., beginning at 9:30 a.m., on July 25, 1968, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the aforesaid marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the New York-New England Dairy Cooperative Coordinating Committee, Interstate Milk Producers Cooperative, Inc., Maryland Cooperative Milk Producers, Inc., and Maryland-Virginia Milk Producers Cooperative, Inc.:

Proposal No. 1. Restore Inter-Regional Class I price alignment by increasing the Class I price level in each of the six Northeastern markets by 26 cents.

Proposed by Eastern Milk Producers Cooperative Association, Inc.:

Proposal No. 2. Increase Class I prices in the New York-New Jersey Order No. 2 marketing area by 8 percent above the levels now established for the period July 1, 1968–April 1, 1969, and raise Class I prices in the Delaware Valley, Connecticut, and Massachusetts-Rhode Island-New Hampshire order area by 5 percent above such levels.

Proposed by the Commissioner of Agriculture of the State of Vermont:

Proposal No. 3. Increase the Class I price in the Massachusetts-Rhode Island-New Hampshire Order No. 1 area at least 5 percent above present levels.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 4. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrators of the respective orders at, 230 Congress Street, Boston, Mass. 02110; 205 East 42d Street, New York, N.Y. 10017; 1049 Asylum Avenue, Hartford, Conn. 06105; 1528 Walnut Street, Philadelphia, Pa. 19102; Post Office Box 6848, Townson Station, 20 East Susquehanna Avenue, Baltimore, Md. 21204; Post Office Box 306, 710 South Washington Street, Alexandria, Va. 22313; or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on July 17, 1968.

JOHN C. BLUM, *Deputy Administrator, Regulatory Programs.*

[F.R. Doc. 68–8702; Filed, July 19, 1968; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Office of Foreign Direct Investments

[15 CFR Part 1000]

FOREIGN DIRECT INVESTMENT REGULATIONS

Notice of Proposed Rule Making

Notice is hereby given that the Office of Foreign Direct Investments proposes to promulgate various amendments to the Foreign Direct Investment Regulations ("the regulations") (15 CFR Part 1000).

Proposed §§ 1000.302 (Foreign national), 1000.304 (Affiliated foreign national), 1000.305 (Direct investor), 1000.307 (Person; corporation), and 1000.322 (Person within the United States) will, when adopted in final form, supersede current §§ 1000.302 (Foreign national), 1000.304 (Direct investor), 1000.305 (Affiliated foreign national), 1000.307 (Person), and 1000.322 (Person within the United States).

Proposed § 1000.325 (Incorporated and unincorporated affiliated foreign nationals) published in proposed form in the FEDERAL REGISTER on April 30, 1968 (33 F.R. 6544), is hereby withdrawn. The substance of that proposed section is incorporated in proposed § 1000.304.

It is also proposed that § 1000.303 (Nationals of more than one country) (33 F.R. 50) be revoked.

Proposed Subpart I (Direct and Indirect Interest; Affiliated, Associated and Family Groups; Ownership of Direct Investors; Rules for Reporting), consisting of §§ 1000.901 through 1000.907, supersedes previously proposed Subpart I (Rules for Affiliated or Associated Groups and persons Indirectly Owning or Acquiring Affiliated Foreign Nationals) published in the FEDERAL REGISTER on April 30, 1968 (33 F.R. 6546–6552). Accordingly, the prior proposal is hereby withdrawn.

When the proposed amendments, including proposed Subpart I, are adopted in final form, they will become effective as of the effective date of the regulations.

Interested persons are invited to submit comments, suggestions, or objections, in writing, to the Chief Counsel, Office of Foreign Direct Investments, U.S. Department of Commerce, Washington, D.C. 20230. All such communications received within 15 days after the publication of this notice in the FEDERAL REGISTER will be considered. Subsequent to such time, the proposed amendments, if adopted, will be published in the FEDERAL REGISTER in final form either as proposed or as modified to give effect to comments received.

Any person who has timely filed Forms FDI–101 and FDI–102 and reported amounts on the basis of the instructions thereto and the provisions of previously proposed Subpart I, which amounts are materially changed because of the provisions of proposed Subpart I as set forth in this notice, shall file amended forms reflecting such changes within 30 days after proposed Subpart I is published in the FEDERAL REGISTER in final form either as proposed or as modified to give effect to comments received. Any amended forms shall clearly refer to prior forms superseded or affected.

The texts of the proposed amendments are as follows:

1. Section 1000.302 is revised to read as follows:

§ 1000.302 Foreign national.

(a) The term "foreign national" means a foreign country (as defined in § 1000.301 (a), (b), and (c)) and any person which is not a person within the United States (as defined in § 1000.322), including a corporation or partnership organized under the laws of a foreign country (as defined in § 1000.304(a)

(1)(i)), a business venture conducted within a foreign country (as defined in § 1000.304(a)(1) (ii) and (iii)), and a foreign bank (as defined in § 1000.317(b)).

(b) Notwithstanding the provisions of paragraph (a) of this section, the Secretary retains full power to determine that any person (or the operations of any person) is a foreign national.

2. Section 1000.304 is revised to read as follows:

§ 1000.304 Affiliated foreign national.

(a) (1) Except as provided in paragraphs (a)(4) and (b) of this section, the term "affiliated foreign national" of a person within the United States includes each of the following in which such person owns, directly or indirectly, a 10 percent interest:

(i) A corporation or partnership organized under the laws of a foreign country (including all business ventures conducted by employees or partners of such corporation or partnership on behalf of such corporation or partnership within any foreign countries assigned to the same Scheduled Area as the country of organization);

(ii) A business venture conducted within a foreign country on behalf of such person within the United States by employees or partners of such person; and

(iii) A business venture conducted on behalf of a corporation or partnership organized under the laws of a foreign country by employees or partners of such corporation or partnership if the business venture is not conducted within a foreign country assigned to the same Scheduled Area as the country of organization.

(2) The term "10 percent interest", when used with respect to any corporation, partnership or business venture referred to in paragraph (a)(1) of this section, means (i) 10 percent or more of the total combined voting power of all outstanding securities of such corporation or (ii) 10 percent or more of the profits interest in such partnership or business venture. Whether a person within the United States directly or indirectly owns a 10 percent interest in a corporation, partnership or business venture referred to in paragraph (a)(1) of this section shall be determined in accordance with the provisions of §§ 1000.901 and 1000.902.

(3) For purposes of this part, the term "incorporated affiliated foreign national" includes a corporation described in paragraph (a)(1)(i) of this section and the term "unincorporated affiliated foreign national" includes a partnership described in paragraph (a)(1)(i) of this section and a business venture described in paragraph (a)(1) (ii) and (iii) of this section.

(4) Notwithstanding the foregoing provisions of this paragraph (a), the Secretary retains full power, with respect to any person within the United States, to determine that any person or business venture is an affiliated foreign national of such person within the United States.

(b) Notwithstanding the provisions of paragraph (a) of this section, a business venture conducted within a foreign country shall not be considered an affiliated foreign national of a person within the United States during any year if (i) the operations of the business venture consist solely of charitable, educational, religious, scientific, literary, or other similar activities not engaged in for profit; (ii) the business venture does not have or involve, at any time during such year, gross assets of more than $50,000 (valued at the greatest of cost, book value, replacement value, or market value); or (iii) the business venture is not reasonably expected to be conducted within one or more foreign countries for more than 12 consecutive months.

(c) If a business venture which is an affiliated foreign national is conducted in one or more foreign countries during any year but is so conducted in more than one Scheduled Area, the Scheduled Area in which the business venture is conducted for the greatest period of time during such year shall, for purposes of this section, be deemed the only Scheduled Area in which the business venture is conducted during such year.

3. Section 1000.305 is revised to read as follows:

§ 1000.305 Direct investor.

The term "direct investor" means any person within the United States which directly or indirectly owns or acquires a 10 percent interest in a corporation or partnership organized under the laws of a foreign country or in a business venture conducted within a foreign country as described in § 1000.304.

4. Section 1000.307 is revised to read as follows:

§ 1000.307 Person; corporation.

(a) The term "person" means an individual, corporation, partnership, business venture, trust, or estate.

(b) The term "corporation" means an organization or entity incorporated under the laws of the United States or a foreign country and any other organization or entity not so incorporated but which is organized under the laws of the United States or a foreign country and has all or a substantial part of the legal characteristics commonly attributed to corporations under the laws of the United States.

5. Section 1000.322 is revised to read as follows:

§ 1000.322 Person within the United States.

(a) The term "person within the United States" means:

(1) An individual who is a resident of the United States;

(2) An individual, wherever residing, who is a citizen of the United States and the center of whose economic interests is located within the United States;

(3) A corporation or partnership organized under the laws of the United States (excluding a branch of such a corporation or partnership if the branch is a separate foreign national under § 1000.302);

(4) A trust (other than a trust which is deemed a corporation under § 1000.307 (b)) governed by the laws of the United States if the grantor of the trust is a person within the United States;

(5) An estate, if the decedent was a person within the United States at the time of his death;

(6) A domestic bank (as defined in § 1000.317(a));

(7) An affiliated group (as defined in § 1000.904); and

(8) A family group (as defined in § 1000.904).

(b) Notwithstanding the provisions of paragraph (a) of this section, the Secretary retains full power to determine that any person (or the operations of any person) is a person within the United States.

6. Subpart I is revised to read as follows:

Subpart I—Direct and Indirect Interests; Affiliated, Associated and Family Groups; Ownership of Direct Investors; Rules for Reporting

§ 1000.901 Direct interests.

A direct interest in a person is an interest which is not owned through an intervening person or chain of persons. The amount of a direct interest owned by one person in another person is calculated according to the following rules:

(a) The amount of a direct interest owned by a person in a corporation is such person's percentage ownership of the total combined voting power of all outstanding securities of the corporation. Voting power means the power presently to vote in the election of the directors of the corporation or, if the corporation does not have directors, in the election of those persons performing similar functions.

(b) The amount of a direct interest owned by a person in a partnership, trust, or business venture which is not a corporation is such person's percentage share in the profits of such organization: *Provided*, That if an interest in any such organization shall entitle the owner to a fixed amount out of, rather than a percentage of, profits, or another arrangement is in effect which may cause the interest in profits to vary in accordance with future conditions or contingencies, the interest shall be calculated by reference to the proportion of the profits of the organization actually distributed or distributable to such person at the close of the most recent annual accounting period of the organization.

(c) If the rules set forth in paragraphs (a) or (b) of this section are not applicable to a particular corporation, partnership, trust, or business venture in which such person owns an interest, the amount of the interest shall be calculated by any reasonable method which fairly reflects the amount thereof.

§ 1000.902 Indirect interests.

An indirect interest in a person is an interest owned through ownership of an intervening person or chain of persons. The amount of an indirect interest owned by one person in another person is calculated by multiplying together the direct interests of each person in the chain in each person in the chain (treating stock of a higher tier corporation held by a lower tier corporation as not outstanding).

§ 1000.903 Affiliated groups.

(a) For purposes of paragraph (b) of this section, an "affiliate" of a person within the United States means any other person (other than an individual) wheresoever located, in which the aggregate of direct interests owned by such person within the United States and any affiliate or affiliates (as herein defined) of such person exceeds 50 percent.

(b) An "affiliated group" means a person within the United States and all of its affiliates which are persons within the United States; such person and such affiliates are members of the affiliated group. Any person which owns a direct or indirect interest in a member of an affiliated group but which is not itself a member thereof shall be deemed to own a direct or indirect interest, as the case may be, in the affiliated group.

(c) For all purposes of this part, the members of an affiliated group shall be considered a single person within the United States.

(d) An affiliated group shall file reports under § 1000.602 in the manner provided in § 1000.907.

§ 1000.904 Family groups.

(a) For all purposes of this part, an individual within the United States, his spouse (unless legally separated), and all relatives of such individual or his spouse residing with such individual shall be considered a single person within the United States.

(b) A family group shall file reports under § 1000.602 in the manner provided in § 1000.907.

§ 1000.905 Associated groups.

(a) An "associated group" consists of two or more persons within the United States (one or all of which may be an affiliated or family group) which, pursuant to an express or implied agreement or understanding, act in concert to own or acquire interests in the same corporation or partnership organized under the laws of a foreign country or in the same business venture conducted within a foreign country: *Provided*, That, the interests are not owned or acquired through a corporation, partnership (other than a joint venture) or trust which is a person within the United States (without regard to whether the corporation, partnership, or trust is organized or created for the purpose of owning or acquiring such interests): *And provided further*, That the aggregate of such interests would, if owned or acquired by only one of such persons, cause such person to be a direct investor in the corporation, partnership, or business venture under § 1000.305.

(b) (1) Notwithstanding the provisions of § 1000.305, each member of an associated group shall be deemed a direct investor in the corporation, partnership, or business venture in which the interests are owned or acquired (hereinafter referred to as the "group affiliated foreign national") for all purposes of this part: *Provided*, That, a person which is a direct investor by virtue of this paragraph (b)(1) but not by virtue of the provisions of § 1000.305 shall not be subject to the provisions of § 1000.203.

(2) Notwithstanding the provisions of § 1000.503, no positive direct investment made during any year by any member of an associated group in a group affiliated foreign national of the associated group shall be authorized by § 1000.503 if the positive direct investments made during the year by all members of the associated group in all such group affiliated foreign national, when added together, exceeds $100,000.

(3) Unless the permission referred to in § 1000.907(c)(2) has been obtained, each member of an associated group shall file separate reports under § 1000.602 in the manner provided in § 1000.907.

§ 1000.906 Ownership of direct investors.

(a) (1) Unless the election provided for in paragraph (b)(1) of this section is made, no direct investment made or foreign balances held before or after the effective date by a direct investor shall be deemed to have been made or held by any other person within the United States because such other person owns or acquires a direct or indirect interest in such direct investor.

(2) A person within the United States which owns a direct or indirect interest in a direct investor may, depending on all the facts and circumstances of the particular case, be deemed to be acting for or on behalf of the direct investor if such person transfers funds or other property to affiliated foreign nationals of the direct investor.

(b) (1) Persons within the United States owning a direct interest in a direct investor may elect not to be governed by the rule set forth in paragraph (a)(1) of this section: *Provided*, That this election shall not be available if such direct investor is an affiliated group or if there are more than 10 persons (whether such persons are persons within the United States or foreign nationals) which own direct interests in such direct investor. An election pursuant to this paragraph (b)(1) as to any direct investor shall be made with the consent of those persons within the United States owning, in the aggregate, a majority in interest of such direct investor. The election shall be evidenced by a document executed by or on behalf of all persons consenting thereto (hereinafter referred to as the "consenting owners") and such document shall be filed promptly after its execution with the Program Reports Division, Office of Foreign Direct Investments, U.S. Department of Commerce, Washington, D.C. 20230.

(2) Notwithstanding the provisions of § 1000.305, if an election pursuant to paragraph (b)(1) is made as to any direct investor (hereinafter referred to in this subparagraph as the "principal direct investor"), each consenting owner shall be deemed a direct investor in every affiliated foreign national of the principal direct investor for all purposes of this part. The entire amount of direct investment made and foreign balances held by the principal direct investor before and after the effective date shall be deemed to have been made or held by the consenting owners. The portion of such foreign balances and direct investment allocable to each such consenting owner shall be a fraction thereof, the numerator of such fraction to be the direct interest in the principal direct investor owned by such consenting owner and the denominator of such fraction to be the aggregate of the direct interests in the principal direct investor owned by all consenting owners.

(3) Once an election is made pursuant to subparagraph (1) of this paragraph, it may not be changed without the permission of the Secretary.

§ 1000.907 Reporting.

(a) Except as provided in paragraph (b)(3) of this section (or unless a specific exemption from reporting is otherwise available) each person within the United States which is a direct investor by virtue of the provisions of §§ 1000.305, 1000.905(b)(1) or 1000.906(b)(2), other than a direct investor as to which an election has been made under § 1000.906(b)(1), shall file separate reports (including Forms FDI–101 and FDI–102) under § 1000.602.

(b) (1) If a direct investor owns direct interests in one or more other direct investors as to which an election has been made under § 1000.906(b)(1) and such direct investor has consented to the election, the reports filed by the direct investor shall include, in addition to all other required information, the direct investor's fractional share (computed in accordance with § 1000.906(b)(2)) of the amount of foreign balances, direct investment and other items which such other direct investors would have been required to include in their reports if the elections had not been made.

(2) If a direct investor owns indirect interests in one or more other direct investors, or owns direct interests in one or more other direct investors as to which an election has not been made under § 1000.906(b)(1) or as to which such an election has been made but the direct investor has not consented thereto, reports filed by the direct investor shall not include any foreign balances held or direct investment made by such other direct investors during the relevant period before or after the effective date or any other items required to be included in the reports of such other direct investors for such period.

(3) If, by virtue of the provisions of paragraph (b)(2) of this section, a direct investor has no foreign balances or direct investment transactions which are reportable by it for any period before or after the effective date, the direct investor shall not be required to file a Form FDI–101 or FDI–102 for such period.

(c) (1) If a direct investor is a member of one or more associated groups, the reports filed by the direct investor shall include, in addition to all other required information, the net transfers of capital made by the direct investor to all group affiliated foreign nationals during the relevant period, and, if any of the group affiliated foreign nationals are incorporated affiliated foreign nationals as defined in § 1000.304, shall also include the direct investor's proportionate share in the reinvested earnings of such incorporated affiliated foreign nationals during such period. A member of an associated group which is a direct investor under § 1000.905(b)(1) but not under § 1000.305 is not subject to the provisions of § 1000.203, and such member shall not report its foreign balances on Forms FDI–101 or FDI–102.

(2) Notwithstanding the foregoing, one or more members of an associated group may apply to the Secretary for permission to have one member of the group file reports under § 1000.602 on behalf of all members, each such report to reflect the aggregate direct investment transactions of all members with all group affiliated foreign nationals during the relevant period before or after the effective date. The Secretary may make the grant of such application subject to any terms and conditions that he deems necessary.

(d) If a direct investor is an affiliated or family group, the reports filed by the direct investor shall aggregate all foreign balances, direct investment transactions and other reportable items attributable to each member of the group. The group's Forms FDI–101 and FDI–102 shall be filed on behalf of the group by one member thereof. Such member shall also file all other reports, certificates and other documents required to be filed by the group under the provisions of this part.

(Sec. 5, Act of Oct. 6, 1917, 40 Stat. 415 as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47)

CHARLES E. FIERO,
Director, Office of Foreign Direct Investments.

JULY 18, 1968.

[F.R. Doc. 68–8760; Filed, July 19, 1968; 10:31 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

[Release No. 33–4914]

SEVERAL REGISTRATION STATEMENTS

Prospectus

Notice is hereby given that the Securities and Exchange Commission has under consideration the proposed amendment of Rule 429 (17 CFR 230.429) under the Securities Act of 1933 (pursuant to sections 10 and 19 of that Act; 48 Stat. 81 and 85, as amended; 15 U.S.C. 77j and 77s). This rule provides that where two or more registration statements are effective for different blocks of securities of the same class a combined prospectus may be used in connection with the offering and sale of the securities covered by all of such registration statements provided the prospectus contains the information with respect to the underwriting and distribution of the securities and the use of the proceeds therefrom which would be required in each prospectus if separate prospectuses were used.

It is proposed to amend the rule to provide that such a combined prospectus may be used even though the securities covered by the several registration statements are not all of the same class. Use of the combined prospectus would not be permitted, however, where the latest registration statement was filed on Form S–14 (17 CFR 239.23). The reason for this is that a prospectus for securities registered on Form S–14 consists of a proxy statement supplemented by certain additional information. Such a prospectus is not deemed suitable for securities other than those for which that form may be used.

Rule 429 would be further amended to provide that where the use of a combined prospectus is permitted, compliance with an undertaking in the latest registration statement to file up-dated prospectuses as posteffective amendments shall be deemed to constitute compliance with similar undertakings in the earlier registration statements. This would permit the filing of such amendments to the latest registration statement without the necessity of amending each of the earlier statements.

The text of § 230.429 of Chapter II of Title 17 of the Code of Federal Regulations as proposed to be amended is as follows:

§ 230.429 Prospectus relating to several registration statements.

(a) Where two or more registration statements have been filed by the same registrant, a prospectus which meets the requirements of the Act and the rules and regulations thereunder for use in connection with the securities covered by the latest registration statement shall be deemed to meet such requirements for use in connection with the securities covered by the earlier registration statements if such prospectus includes all of the information which would be required in a prospectus relating to the securities covered by the earlier statements: *Provided*, That this section shall not apply if the latest registration statement was filed on Form S–14 (§ 239.23 of this chapter).

(b) Where the use of a combined prospectus is permitted by paragraph (a) of this section, compliance with any undertaking contained in the latest registration statement to file as an amendment to such statement any prospectus which purports to meet the requirements of section 10(a)(3) of the Act shall be deemed to constitute compliance with any similar undertaking contained in the earlier registration statements. Any such amendment to the latest registration statement shall indicate the earlier registration statements to which it also relates but copies of the amendment need not be filed with such earlier statements.

All interested persons are invited to submit their views and comments on the proposed rule, in writing, to the Securities and Exchange Commission, Washington, D.C. 20549, on or before August 10, 1968. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission, July 11, 1968.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68–8671; Filed, July 19, 1968; 8:49 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority 78]

DIRECTOR OF A.I.D. MISSION IN TURKEY

Delegation of Authority Regarding Certain Technical Activities

Pursuant to the authority delegated to me by Delegation of Authority No. 104 from the Secretary of State of November 3, 1961 (26 F.R. 10608), I hereby delegate, for residual activities in the categories listed below, to the Director of the A.I.D. Mission in Turkey all the authorities held as of November 30, 1967 by the Director of the A.I.D. Mission in Iran:

1. U.S. dollar loans;
2. U.S. dollar grants;
3. Local currency loans (other than Cooley loans); and
4. Counterpart fund grant projects.

Mission Controller functions in connection with these matters are to be performed by the A.I.D. Area Controller/Athens.

This delegation of authority supersedes previous unpublished delegations and shall be deemed effective as of June 26, 1968.

Dated: July 15, 1968.

WILLIAM S. GAUD,
Administrator.

[F.R. Doc. 68–8647; Filed, July 19, 1968; 8:47 a.m.]

[Delegation of Authority 79]

PRINCIPAL U.S. DIPLOMATIC OFFICER IN IRAN

Delegation of Authority Regarding Administration of A.I.D. Program

Pursuant to the authority delegated to me by Delegation of Authority No. 104 from the Secretary of State of November 3, 1961 (26 F.R. 10608), I hereby delegate to the principal diplomatic officer of the United States in Iran with respect to the administration of the foreign assistance program within the country to which he is accredited, the authorities delegated to Directors of Missions of the Agency for International Development (A.I.D.) in the following delegations, subject to the limitations applicable to the exercise of such authorities by A.I.D. Mission Directors, and with the exception of the delegation to the A.I.D. Mission Director in Turkey for certain activities:

1. Unpublished Delegation of Authority of January 10, 1955;
2. Delegation of Authority of November 26, 1954, as amened (19 F.R. 8049);
3. Paragraphs 4 and 5 of Delegation of Authority of September 28, 1960 (25 F.R. 9927).

In addition to the foregoing, there is hereby delegated to the aforesaid principal diplomatic officer the authorities delegated to A.I.D. Mission Directors in existing A.I.D. manual orders, regulations, memoranda and other instructions.

The authority delegated herein may be redelegated to the officer at post principally responsible for A.I.D. activities.

Mission Controller functions are to be performed by A.I.D. Area Controller/Athens.

This delegation of authority shall be deemed effective as of June 26, 1968.

Dated: July 15, 1968.

WILLIAM S. GAUD,
Administrator.

[F.R. Doc. 68–8648; Filed, July 19, 1968; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[443.58]

COMPOUND OPTICAL MICROSCOPES WITH AND WITHOUT MEANS FOR PHOTOGRAPHING IMAGE AND EQUIPMENT IMPORTED FOR USE WITH SUCH MICROSCOPES

Notice of Proposed Classification

JULY 12, 1968.

The Bureau has undertaken a review of the tariff classification of compound optical microscopes with and without means for photographing the image and equipment imported for use with such microscopes. It has tentatively concluded that compound optical microscopes which are specially constructed for microphotography, having built-in or permanently affixed means for photographing the image, are classifiable under the provision for Compound optical microscopes * * * with means for photographing * * * the image * * *: * * *: Other, in item 708.76, Tariff Schedules of the United States (TSUS), and dutiable at the rate of 13 percent ad valorem. It has further tentatively concluded that compound optical microscopes of types not specially constructed for microphotography, having no built-in or permanently affixed means for photographing the image, whether or not imported with an adaptor or extension tube and a camera for taking photographic pictures through the microscope, are not classifiable under item 708.76, TSUS, but rather under the provision for compound optical microscopes: Not provided with means for photographing or projecting the image in items 708.71 through 708.73, TSUS, and dutiable according to the value of the microscope in the following manner: Valued not over $25 each, at the rate of 24 percent ad valorem: Valued over $25 each but not over $50 each, at the rate of 30 percent ad valorem: Valued over $50 each, at the rate of 40 percent ad valorem. The phototaking attachments imported with such compound optical microscopes are classifiable as separate entities under the appropriate provisions for such articles.

Pursuant to § 16.10a(d), Customs Regulations (19 CFR 16.10a(d)), notice is hereby given that there is under review in the Bureau of Customs the existing established and uniform practice of classifying certain compound optical microscopes with and without means for photographing the image and equipment imported for use with such microscopes under the provision for Compound optical microscopes * * * provided with means for photographing * * * the image * * *: * * *: Other, in item 708.76, TSUS, with duty at the rate of 13 percent ad valorem.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of this merchandise which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226. To assure consideration such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearing will be held.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 68–8662; Filed, July 19, 1968; 8:48 a.m.]

[473.234]

WOOL REFERRED TO AS DIGESTED OR BOILED WOOL WHICH IS REMOVED FROM RAW SHEEPSKINS OR RAW SHEEPSKIN PIECES

Notice of Proposed Classification

JULY 11, 1968.

The Bureau has ruled that wool referred to as digested or boiled wool which is obtained from pieces of sheepskin scrap or trimmings which had been tanned or partially tanned or which were in the tanning process is classifiable as fibers of wool or hair, not spinnable, recovered from tanned skin scrap in item 307.30, Tariff Schedules of the United States (TSUS). By inadvertence that ruling was misunderstood to include similar treatment for wool removed from raw sheepskins or sheepskin pieces and a practice of classifying such wool on that basis developed. The Bureau was and is of the opinion that imported wool obtained from such raw skins or pieces is wool classifiable under the tariff schedules by grade.

Since a decision to this effect, however, will result in the imposition of a higher

rate of duty than that which has been applied by virtue of the misunderstanding notice is hereby given pursuant to § 16.10a(d), Customs Regulations (19 CFR 16.10a(d)), that the Bureau of Customs is reviewing the practice of classifying such digested or boiled wool as is obtained from raw sheepskin or sheepskin pieces under the provision for fibers recovered from tanned skin scrap, if under 1 inch in length, in item 307.30, TSUS, dutiable at 3.5 cents per pound, or under item 307.18 at 8 cents per pound, as other waste of wool or hair, if over 1 inch in length.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of this merchandise which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, not later than 15 days from the date of publication of this notice. No hearing will be held.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 68-8663; Filed, July 19, 1968; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-2291]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

JULY 15, 1968.

The Department of Agriculture has filed an application, Serial No. I-2291 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes as a streamside zone and administrative site on the St. Joe National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 334, Federal Building, 550 West Fort Street, Boise, Idaho 83702.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

ST. JOE NATIONAL FOREST

Upper St. Joe River Streamside Zone

T. 43 N., R. 9 E.,
Sec. 28, SW¼SW¼SW¼NW¼, W½W½NW¼SW¼;
Sec. 29, N½NE¼SE¼, SE¼NE¼SE¼, NE¼NW¼SE¼, SE¼SW¼SE¼, W½SW¼SE¼SE¼.

T. 43 N., R. 10 E.,
Sec. 1, Unpatented portion of NW¼, NW¼ of lot 2, W½NE¼NE¼SE¼, SE¼NE¼SE¼, unpatented portion of NE¼SE¼SE¼, unpatented portion of S½SE¼SE¼;
Sec. 12, NE¼NE¼NE¼, NE¼SE¼NE¼NE¼.

T. 43 N., R. 10 E.,
Sec. 20, SW¼NE¼NE¼, SE¼NW¼NE¼, E½SW¼SW¼NE¼, E½SW¼NE¼, W½NE¼SE¼NE¼, W½SE¼NE¼, NW¼SE¼SE¼NE¼, SE¼SE¼SW¼NW¼, S½S½SE¼NW¼, N½NE¼SW¼, N½S½NE¼SW¼, SW¼SW¼NE¼SW¼, E½NE¼NW¼SW¼, SW¼SE¼NW¼SW¼, E½SE¼NW¼SW¼, N½SW¼SW¼, SW¼SW¼SW¼, W½NW¼NE¼SE¼, NW¼SW¼NE¼SE¼, N½NW¼SE¼, N½S½NW¼SE¼;
Sec. 29, NW¼NW¼NW¼;
Sec. 30, N½NE¼NE¼, N½NW¼NE¼, SW¼NW¼NE¼, N½SE¼NW¼NE¼, N½NW¼SW¼NE¼, S½S½NE¼NW¼, SE¼SE¼ of lot 1, SW¼ and N½ of lot 2, N½N½SE¼NW¼, NW¼ and E½SW¼ of lot 3, W½ of lot 4;
Sec. 36, W½NW¼NE¼, SE¼NE¼NW¼, unpatented portion of NE¼SW¼NW¼, unpatented portion of NE¼SE¼SW¼NW¼, N½SE¼NW¼, N½S½SE¼NW¼, unpatented portion of SE¼SE¼SW¼, unpatented portion of NE¼SW¼SE¼SW¼, W½SW¼SW¼SE¼.

T. 43 N., R. 11 E.,
Sec. 4, NW¼ of lot 3, N½ of lot 4;
Sec. 5, NE¼ of lot 1, S½NW¼ of lot 1, N½S½ of lot 1, S½NE¼ of lot 2, NE¼SW¼ of lot 2, W½SW¼ of lot 2, N½SE¼ of lot 2, S½SW¼ of lot 3, SE¼ of lot 3, NE¼NE¼SW¼NW¼, S½NE¼SW¼NW¼, SE¼SW¼NW¼, N½NW¼SE¼NW¼; SW¼NW¼SE¼NW¼, W½NE¼NW¼SW¼, NE¼NW¼NW¼SW¼, S½NW¼NW¼SW¼, NW¼SW¼NW¼SW¼;
Sec. 6, SW¼NW¼NE¼SW¼, NW¼SW¼NE¼SW¼, SE¼NE¼NW¼SW¼, S½NW¼SW¼, N½NW¼SW¼SW¼, SW¼NW¼SW¼, SE¼NE¼NE¼SE¼, SE¼SW¼NE¼SE¼, SE¼NE¼SE¼, SE¼NE¼SW¼SE¼, NE¼SW¼SW¼SE¼, S½SW¼SW¼SE¼, SE¼SW¼SE¼, NW¼NE¼SE¼SE¼, NW¼SE¼SE¼, NW¼SW¼SE¼SE¼;
Sec. 7, N½NW¼NW¼NE¼, SW¼NW¼NW¼NE¼, NW¼SW¼NW¼NE¼, SE¼NE¼NE¼NW¼, S½SW¼NE¼NW¼NE¼, SE¼NE¼NW¼, SW¼NW¼NW¼NW¼, SW¼NW¼NW¼, S½SE¼NW¼NW¼, N½NE¼SW¼NW¼, NW¼NE¼SE¼NW¼, N½NW¼SE¼NW¼.

Totaling approximately 829 acres.

Red Ives Administrative Site

T. 43 N., R. 9 E.,
Sec. 20, E½SE¼NW¼, NE¼SW¼NE¼, E½NE¼SW¼.

Totaling 50 acres.

The areas described aggregate approximately 879 acres in Shoshone County, Idaho.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 68-8651; Filed, July 19, 1968; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ENTIRE COMMONWEALTH OF PUERTO RICO

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named Commonwealth, a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Entire Commonwealth of Puerto Rico.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named Commonwealth after December 31, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 17th day of July 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-8701; Filed, July 19, 1968; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23-823 etc.]

MANFRED HARDT ET AL.

Order Temporarily Denying Export Privileges

In the matter of Manfred Hardt, Werner Hardt, Caramant Gesellschaft fur Technik und Industrie m.b.H. and Co., K.G., all of Adolfsallee 27/29, Wiesbaden 62 Federal Republic of Germany; Respondents; File Nos. 23-823, 23(65)-8, 23(67)-11.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, pursuant to the provisions of section 382.11 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations), has applied to the Compliance Commissioner for an order temporarily denying export privileges to the above named respondents. The Compliance Commissioner has reviewed the application and has considered the documents of record and has submitted his report and has recommended that the application be granted.

The record in the case shows that on July 27, 1966, the Director, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, issued an order revoking probation under a denial order dated July 12, 1965, 30 F.R. 9067, and denying to respondents Manfred Hardt and the above named Caramant firm all U.S. export privileges until July 20, 1968. The said order of July 27, 1966, was served on said parties and was published in the FEDERAL REGISTER on August 4, 1966, 31 F.R. 10480. The said order, among other things, prohibited respondents Manfred Hardt and Caramant, and their agents and employees, from participating, directly or indirectly, in any manner or capacity in any transaction involving commodities exported or to be exported from the United States. The respondent Werner Hardt was an employee of Caramant. The three respondents knew of the denial order of July 27, 1966.

By charging letter dated April 30, 1968, the Director, Investigations Division Office of Export Control, charged the above named respondents with several violations of the denial order of July 27, 1966. The respondents filed an answer to the charging letter on July 1, 1968 and a hearing has not yet been held in the case. It is apparent that compliance proceedings in said matter will not be completed prior to July 20, 1968 when the present denial order in effect against Manfred Hardt and Caramant expires.

The Compliance Commissioner has found, and I adopt and confirm his finding, that a temporary denial order against the above respondents is reasonably necessary to protect the public interest pending final disposition of the pending proceedings. The Compliance Commissioner has recommended that an order be issued temporarily denying export privileges to the above named respondents until the completion of the pending administrative compliance proceedings. I accept his recommendation.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses which heretofore have not been revoked in which respondents appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their successors or assigns, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity, (a) as parties or as representatives of a party to any validated export license application, (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part, exported or to be exported from the United States, and (e) in the financing, forwarding, transporting or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall take effect forthwith as to all respondents and with respect to the respondents Manfred Hardt and Caramant the terms and restrictions of the denial order of July 27, 1966, are continued in full force and effect. This order shall remain in effect until the pending administrative compliance proceedings against the respondents have been completed.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any such respondents or related party, or whereby any such respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondents.

VII. In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondents may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

Dated: July 16, 1968.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 68-8608; Filed, July 19, 1968; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MOBIL CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 8F0733) has been filed by the Mobil Chemical Co., 150 East 42d Street, New York, N.Y. 10017, proposing the establishment of tolerances for the combined residues of the insecticide 4-benzothienyl *N*-methyl carbamate and its metabolite 4-hydroxybenzothiophene, calculated as the insecticide, in or on the raw agricultural commodities corn in ear form, corn fodder and forage, and cottonseed at 0.1 part per million.

The analytical methods proposed in the petition for determining residues of the insecticide are: (1) Method based on hydrolysis to yield 4-hydroxybenzothiophene that is coupled with *p*-nitrobenzenediazonium fluoborate and determined spectrophotometrically at 530 millimicrons, and (2) a microcoulometric gas chromatographic technique with a sulfur titration cell.

Dated: July 12, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8697; Filed, July 19, 1968; 8:51 a.m.]

UNION CARBIDE CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8B2313) has been filed by Union Carbide Corp., Post Office Box 65, Tarrytown, N.Y. 10591, proposing an amendment to § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) to provide for the safe use of poly(1,2-dimethyl-5-vinyl pyridinium methyl sulfate) as an adjuvant in the

manufacture of paper and paperboard prior to the sheet-forming operation.

Dated: July 12, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8698; Filed, July 19, 1968; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORP.

Notice of Issuance of Order Extending Latest Completion Date of Provisional Construction Permit

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued an order extending to May 1, 1969, the latest completion date specified in Provisional Construction Permit No. CPPR-16 which authorizes Niagara Mohawk Power Corp. to construct a boiling water nuclear reactor on the applicant's site at Nine Mile Point in the town of Scriba, N.Y.

Copies of the Commission's order and the application for extension filed by Niagara Mohawk Power Corp. are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 15th day of July 1968.

For the Atomic Energy Commission.

F. SCHROEDER,
Acting Director, Division of Reactor Licensing.

[F.R. Doc. 68-8664; Filed, July 19, 1968; 8:48 a.m.]

[Docket No. 50-171]

PHILADELPHIA ELECTRIC CO.

Notice of Issuance of Order Extending Expiration Date of Provisional Operating License

The Atomic Energy Commission has issued an order extending to December 24, 1969, the expiration date specified in Provisional Operating License No. DPR-12 issued to Philadelphia Electric Co. authorizing operation of the Peach Bottom Atomic Power Station, Unit No. 1, located near Peach Bottom, Pa.

Copies of the Commission's order and the application dated June 17, 1968, filed by Philadelphia Electric Co. are available for public inspection at the Commission's Public Document Room 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 10th day of July 1968.

For the Atomic Energy Commission.

F. SCHROEDER,
Acting Director, Division of Reactor Licensing.

[F.R. Doc. 68-8665; Filed, July 19, 1968; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19997; Order 68-7-74]

EASTERN AVIATION CORP.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority July 16, 1968.

The Postmaster General filed a notice of intent June 28, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 53.53 cents per great circle aircraft mile for the transportation of mail by aircraft between Baltimore, Md., and Charleston, W.Va.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail servicee with Beechcraft, Model 18 aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Eastern Aviation Corp. in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Baltimore, Md., and Charleston, W. Va., shall be 53.55 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Parts 302, 298, and § 385.14(f);

It is ordered, That:

1. Eastern Aviation Corp., the Postmaster General, Eastern Air Lines, Inc., United Air Lines, Inc., Allegheny Airlines, Inc., Piedmont Aviation, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Eastern Aviation Corp.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after services of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer it not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Eastern Aviation Corp., the Postmaster General, Eastern Air Lines, Inc., United Air Lines, Inc., Allegheny Airlines, Inc., and Piedmont Aviation, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8676; Filed, July 19, 1968; 8:49 a.m.]

[Docket No. 20003; Order 68-7-78]

EASTERN AVIATION CORP.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority July 16, 1968.

The Postmaster General filed a notice of intent June 28, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 62.30 cents per great circle aircraft mile for the transportation of mail by aircraft between Baltimore, Md., and Richmond, Va.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft Model Queen Air-80 aircraft equipped for all-weather operation.

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Eastern Aviation Corp. in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Baltimore, Md., and Richmond, Va., shall be 62.30 cents per great circle aircraft mile;

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Parts 302, 298, and § 385.14(f);

It is ordered, That:

1. Eastern Aviation Corp., the Postmaster General, United Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Piedmont Aviation, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Eastern Aviation Corp.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Eastern Aviation Corp., the Postmaster General, United Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., and Piedmont Aviation, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8677; Filed, July 19, 1968; 8:49 a.m.]

[Docket No. 20004; Order 68-7-77]

EASTERN AVIATION CORP.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority July 16, 1968.

The Postmaster General filed a notice of intent June 28, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 52.78 cents per great circle aircraft mile for the transportation of mail by aircraft between Baltimore, Md., and Charlotte, N.C., via Richmond, Va.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft, Model D-18 aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Eastern Aviation Corp. in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Baltimore, Md., and Charlotte, N.C., via Richmond, Va., shall be 52.78 cents per great circle aircraft mile.

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Parts 302, 298, and § 385.14(f);

It is ordered, That:

1. Eastern Aviation Corp., the Postmaster General, United Air Lines, Inc., Eastern Air Lines, Inc., Piedmont Aviation, Inc., Delta Air Lines, Inc., National Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Eastern Aviation Corp.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Eastern Aviation Corp., the Postmaster General, United Air Lines, Inc., Eastern Air Lines, Inc., Piedmont Aviation, Inc., Delta Air Lines, Inc., and National Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8678; Filed, July 19, 1968; 8:49 a.m.]

[Docket No. 20005; Order 68-7-76]

EASTERN AVIATION CORP.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority July 16, 1968.

The Postmaster General filed a notice of intent June 28, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate

of 44 cents per great circle aircraft mile for the transportation of mail by aircraft between Richmond, Va., and Staunton, Va., via Charlottesville, Va.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft Model Queen Air-80 equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Eastern Aviation Corp. in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Richmond, Va., and Staunton, Va., via Charlottesville, shall be 44 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Parts 302, 298, and § 385.14(f);

It is ordered, That:

1. Eastern Aviation Corp., the Postmaster General, Piedmont Aviation, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Eastern Aviation Corp.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Eastern Aviation Corp., the Postmaster General, and Piedmont Aviation, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8679; Filed, July 19, 1968; 8:49 a.m.]

[Docket No. 20008; Order 68-7-75]

EASTERN AVIATION CORP.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority July 16, 1968.

The Postmaster General filed a notice of intent July 1, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 44 cents per great circle aircraft mile for the transportation of mail by aircraft between Roanoke, Va., and Richmond, Va., via Lynchburg, Va.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft, Model Queen Air-80 aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Eastern Aviation Corp. in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Roanoke, Va., and Richmond, Va., via Lynchburg, Va., shall be 44 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Parts 302, 298, and § 385.14(f);

It is ordered, That:

1. Eastern Aviation Corp., the Postmaster General, Piedmont Aviation, Inc., Eastern Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Eastern Aviation Corp.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Eastern Aviation Corp., the Postmaster General, Piedmont Aviation, Inc., and Eastern Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8680; Filed, July 19, 1968; 8:49 a.m.]

[Docket No. 19993; Order 68-7-82]

ROSS AVIATION, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority July 16, 1968.

The Postmaster General filed a notice of intent June 27, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 35 cents per great circle aircraft mile for the transportation of mail by aircraft between Cheyenne and Rock Springs via Rawlins, Wyo.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Piper Aztec twin-engine aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Ross Aviation, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Cheyenne and Rock Springs via Rawlins, Wyo., shall be 35 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Parts 302, 298, and § 385.14(f);

It is ordered, That:

1. Ross Aviation, Inc., the Postmaster General, Frontier Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Ross Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Ross Aviation, Inc., the Postmaster General, and Frontier Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8681; Filed, July 19, 1968; 8:49 a.m.]

[Docket No. 19996; Order 68-7-83]

ROSS AVIATION, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority July 16, 1968.

The Postmaster General filed a notice of intent June 28, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 35.03 cents per great circle aircraft mile for the transportation of mail by aircraft between Charleston, W. Va., and Martinsburg, W. Va., via Clarksburg, W. Va.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Piper Aztec twin-engine aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Ross Aviation, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Charleston, W. Va., and Martinsburg, W. Va., via Clarksburg, W. Va., shall be 35.03 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Parts 302, 298, and § 385.14(f);

It is ordered, That:

1. Ross Aviation, Inc., the Postmaster General, Allegheny Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Ross Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Ross Aviation, Inc., the Postmaster General, and Allegheny Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8682; Filed, July 19, 1963; 8:50 a.m.]

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

[Docket No. 19880; Order 68-7-66]

UPPER VALLEY AVIATION, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority July 15, 1968.

The Postmaster General filed a notice of intent May 13, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for Upper Valley Aviation, Inc. (Upper Valley), a final service mail rate of 39.77 cents per great circle aircraft mile for the transportation of mail by aircraft between McAllen, Corpus Christi, and San Antonio, Tex.

Upper Valley is currently engaged in business as an air taxi operator under Part 298 of the Board's economic regulations, and proposes to initiate service with Beechcraft D-18 type aircraft. The Postmaster General states that the proposed rate is acceptable to the Department and the carrier, and represents a fair and reasonable rate of compensation for the services which the carrier will perform. In addition, the Postmaster General believes these services will meet postal needs in the market.

By Order 68-7-64, July 12, 1968, in this docket, the Board determined to approve the notice of intent, thereby permitting it to become effective pursuant to 14 CFR 298.24(d). Therefore, Upper Valley may provide the proposed air transportation of mail for the period ending June 30, 1969. No mail rate is presently in effect for this carrier in this market.

Under the circumstances, it is in the public interest to fix and determine the fair and reasonable rate of compensation to be paid to Upper Valley by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Upper Valley Aviation, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between McAllen, Corpus Christi, and San Antonio, Tex., as prescribed in the notice of intent shall be 39.77 cents per great circle aircraft mile.

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Parts 302, 298, and § 385.14(f);

It is ordered, That:

1. Upper Valley Aviation, Inc., Braniff Airways, Inc., Trans-Texas Airways, Inc., the Postmaster General and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above, the final rate specified above, as the fair and reasonable rate of compensation to be paid to Upper Valley.

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rate or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Upper Valley Aviation, Inc., the Postmaster General, Braniff Airways, Inc., and Trans-Texas Airways, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8683; Filed, July 19, 1968; 8:50 a.m.]

[Docket No. 19998; Order 68-7-72]

WASHINGTON-BALTIMORE HELICOPTER AIRWAYS, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority July 16, 1968.

The Postmaster General filed a notice of intent June 28, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 46.43 cents per great circle aircraft mile for the transportation of mail by aircraft between Columbus, Ohio, and Bristol, Va./Tenn. via Charleston, W. Va., and Bluefield, W. Va.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Piper Aztec, Model C aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Washington-Baltimore Helicopter Airways, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Columbus, Ohio, and Bristol, Va./Tenn. via Charleston, W. Va., and Bluefield, W. Va., shall be 46.43 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Parts 302, 298, and § 385.14(f);

It is ordered, That:

1. Washington-Baltimore Helicopter Airways, Inc., the Postmaster General, United Air Lines, Inc., Piedmont Aviation, Inc., American Airlines, Inc., Eastern Air Lines, Inc., Allegheny Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusion and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Washington-Baltimore Helicopter Airways, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

[1] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in § 385.14(g).

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Washington-Baltimore Helicopter Airways, Inc., the Postmaster General, United Air Lines, Inc., Piedmont Aviation, Inc., American Airlines, Inc., Eastern Air Lines, Inc., and Allegheny Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8684; Filed, July 19, 1968; 8:50 a.m.]

[Docket No. 19999; Order 68-7-73]

WASHINGTON-BALTIMORE HELICOPTER AIRWAYS, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority July 16, 1968.

The Postmaster General filed a notice of intent June 28, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 59.37 cents per great circle aircraft mile for the transportation of mail by aircraft between Baltimore, Md., and Pittsburgh, Pa.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft, Model Super 18 aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Washington-Baltimore Helicopter Airways, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Baltimore, Md., and Pittsburgh, Pa., shall be 59.37 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Parts 302, 298, and § 385.14(f);

It is ordered, That:

1. Washington-Baltimore Helicopter Airways, Inc., the Postmaster General, Allegheny Airlines, Inc., United Air Lines, Inc., Eastern Air Lines, Inc., Trans World Airlines, Inc., American Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Washington-Baltimore Helicopter Airways, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Washington-Baltimore Helicopter Airways, Inc., the Postmaster General, Allegheny Airlines, Inc., United Air Lines, Inc., Eastern Air Lines, Inc., Trans World Airlines, Inc., and American Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8685; Filed, July 19, 1968; 8:50 a.m.]

[Docket No. 20000; Order 68-7-81]

WASHINGTON-BALTIMORE HELICOPTER AIRWAYS, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority July 16, 1968.

The Postmaster General filed a notice of intent June 28, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 42.59 cents per great circle aircraft mile for the transportation of mail by aircraft between Baltimore, Md., and Cumberland, Md., via Martinsburg, W. Va.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Piper Aztec, Model C aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Washington-Baltimore Helicopter Airways, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Baltimore and Cumberland, Md., via Martinsburg, W. Va., shall be 42.59 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

regulations promulgated in 14 CFR Parts 302, 298, and § 385.14(f);

It is ordered, That:

1. Washington-Baltimore Helicopter Airways, Inc., the Postmaster General, Allegheny Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Washington-Baltimore Helicopter Airways, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Washington-Baltimore Helicopter Airways, Inc., the Postmaster General, and Allegheny Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8686; Filed, July 19, 1968; 8:50 a.m.]

[Docket No. 20001; Order 68-7-80]

WASHINGTON-BALTIMORE HELICOPTER AIRWAYS, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority July 16, 1968.

The Postmaster General filed a notice of intent June 28, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 46.64 cents per great circle aircraft mile for the transportation of mail by aircraft between Norfolk, Va., and Charleston, W. Va., via Richmond, Va.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft, Model 18 aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Washington-Baltimore Helicopter Airways, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Norfolk, Va., and Charleston, W. Va., via Richmond, Va., shall be 46.64 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Parts 302, 298, and § 385.14(f);

It is ordered, That:

1. Washington-Baltimore Helicopter Airways, Inc., the Postmaster General, National Airlines, Inc., Piedmont Aviation, Inc., United Air Lines, Inc., Eastern Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Washington-Baltimore Helicopter Airways, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 300 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Washington-Baltimore Helicopter Airways, Inc., the Postmaster General, National Airlines, Inc., Piedmont Aviation, Inc., United Air Lines, Inc., and Eastern Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8687; Filed, July 19, 1968; 8:50 a.m.]

[Docket No. 20002; Order 68-7-79]

WASHINGTON-BALTIMORE HELICOPTER AIRWAYS, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority July 16, 1968.

The Postmaster General filed a notice of intent June 28, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 58.31 cents per great circle aircraft mile for the transportation of mail by aircraft between Pittsburgh, Pa., and Charleston, W. Va.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft, Model Super 18 aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Washington-Baltimore Helicopter Airways, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Pittsburgh, Pa., and Charleston, W. Va., shall be 58.31 cents per great circle aircraft mile;

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Parts 302, 298, and § 385.14(f);

It is ordered, That:

1. Washington-Baltimore Helicopter Airways, Inc., the Postmaster General, Allegheny Airlines, Inc., United Air Lines, Inc., Eastern Air Lines, Inc., American Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Washington-Baltimore Helicopter Airways, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Washington-Baltimore Helicopter Airways, Inc., the Postmaster General, Allegheny Airlines, Inc., United Air Lines, Inc., Eastern Air Lines, Inc., and American Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8688; Filed, July 19, 1968; 8:50 a.m.]

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

CIVIL SERVICE COMMISSION

MEDICAL RADIOLOGY TECHNICIAN, SAN FRANCISCO AND 35-MILE RADIUS

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073 the Civil Service Commission has increased the minimum rates and rate ranges for positions of Medical Radiology Technician, GS-647-5/9 as follows:

GS-647 MEDICAL RADIOLOGY TECHNICIAN

Geographic coverage: San Francisco, Calif., and Federal installations within a 35-mile radius.
Effective date: First day of the first pay period beginning on or after July 28, 1968.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5	$6,690	$6,881	$7,073	$7,265	$7,456	$7,648	$7,840	$8,032	$8,224	$8,416
GS-6	7,166	7,377	7,588	7,799	8,010	8,221	8,433	8,645	8,857	9,069
GS-7	7,680	7,913	8,146	8,379	8,612	8,845	9,078	9,311	9,544	9,777
GS-8	8,213	8,470	8,727	8,984	9,241	9,498	9,755	10,012	10,269	10,526
GS-9	8,744	9,026	9,308	9,590	9,872	10,154	10,436	10,718	11,000	11,282

[1] Corresponding statutory rates: GS-5—sixth; GS-6—fifth; GS-7—fourth; GS-8—third; GS-9—second.

All new employees in the specified occupational levels will be hired at the new minimum rates.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the statutory rates shall receive basic compensation at the corresponding numbered rate on or after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

All outstanding certificates for positions for which rates are changed by this letter are hereby amended to require that any appointment from them which will become effective on or after the effective date indicated herein must be made at the new minimum rate. Agencies possessing current certificates must also notify applicants on a certificate of the new rates and the effective date. If a declination at the old rate has been received, a new inquiry of availability must be sent to determine the applicant's availability at the higher salary.

Under the provisions of section 3-2b, Chapter 571, FPM, agencies may pay the travel and transportation expenses to first post of duty, under 5 U.S.C. 5723, of new appointees to positions cited.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-8703; Filed, July 19, 1968; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

MOORE-McCORMACK LINES, INC. (ROBIN LINE), AND SOUTHERN LINES, LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. J. D. Straton, Jr., Moore-McCormack Lines, Inc., 2 Broadway, New York, N.Y. 10004.

Agreement No. 9733, between Robin Line, a service of Moore-McCormack Lines, Inc., and Southern Lines, Ltd., establishes a through billing arrangement for general cargo in the trade between U.S. Atlantic ports and ports in the Somalia Republic and the Seychelles Islands with transshipment at Durban, Lourenco Marques, Beira, Dar Es Salaam, and Mombasa, in accordance with the

terms and conditions set forth in the agreement.

Dated: July 17, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-8689; Filed, July 19, 1968; 8:50 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs. Temporary Reg. F-18]

SECRETARY OF DEFENSE

Delegation of Authority With Respect to Electric Service Rate Proceedings

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in electric service rate proceedings.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the North Carolina Utilities Commission and the South Carolina Public Service Commission in proceedings to make changes in the rates and charges of Carolina Power & Light Co. for electric service.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

LAWSON B. KNOTT, Jr.
Administrator of General Services.

JULY 12, 1968.

[F.R. Doc. 68-8650; Filed, July 19, 1968; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

ALCAR INSTRUMENTS, INC.

Order Suspending Trading

JULY 15, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Alcar Instruments, Inc., 225 East 57th Street, New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 16, 1968, through July 25, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8634; Filed, July 19, 1968; 8:46 a.m.]

[811-1167]

BURKE-DIVIDE OIL CO., CONSOLIDATED, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be Investment Company

JULY 15, 1968.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), by Burke-Divide Oil Co., Consolidated, Inc. ("applicant"), 632 Cherry Street, Terre Haute, Ind., a Delaware corporation registered as a diversified closed-end investment company under the Act, for an order declaring that applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant has ceased to do business and has been dissolved as provided in the General Corporation Law of Delaware on February 13, 1964, pursuant to vote of shareholders on January 20, 1964.

All liabilities of applicant have been paid and all of its assets have been distributed to its shareholders in accordance with their respective rights and interests, except that an aggregate of $4,564.03 in accrued dividends and an aggregate of $5,915.87 in final liquidating distributions at the rate of $17.84 per share are held for distribution to 222 shareholders. Provision has been made for the deposit with Arthur F. DiSabatino, Trustee, Bank of Delaware Building, Wilmington, Del. 19801, Court appointed trustee, of the amounts distributable to those shareholders.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, which may be made upon appropriate conditions necessary for the protection of investors, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 12, 1968, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8635; Filed, July 19, 1968; 8:46 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JULY 15, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10-cent par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 16, 1968, through July 25, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8636; Filed, July 19, 1968; 8:46 a.m.]

FASTLINE, INC.

Order Suspending Trading

JULY 15, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Fastline, Inc., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 16, 1968, through July 19, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8638; Filed, July 19, 1968; 8:46 a.m.]

[70-4644]

INTER-CITY GAS LIMITED, ET AL.

Notice of Proposed Intrasystem Merger; Intrasystem Transfers of Assets and Other Related Transactions; and Dissolution of Subsidiary Companies

JULY 12, 1968.

In the matter of Inter-City Gas Limited, Superior Gas Co., Iron Ranges Natural Gas Co., North Star Natural Gas Co., and North Star Natural Gas Company of Wisconsin, Inc.

Notice is hereby given that Inter-City Gas Limited ("Inter-City"), Winnipeg 2, Canada, a registered holding company, and its above-named subsidiary companies have filed a joint application-declaration and amendments thereto with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), 10, and 12 thereof as applicable to the proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Inter-City, a Canadian corporation, is solely a holding company, and on October 2, 1967, registered as such under the Act (File No. 30-249). As of December 31, 1967, Inter-City and its subsidiary companies had total consolidated property, plant, and equipment, less depreciation, of $13,637,184, and for the year then ended consolidated revenues were $6,490,907. Its common stock is traded on the Toronto and Winnipeg Stock Exchanges and, according to the filing, 95 percent of its 1,800 stockholders owning 98 percent of the outstanding shares are Canadian residents. The Inter-City holding-company system consists of three Canadian corporations and four domestic corporations.

The Canadian subsidiary companies are Inter-City Gas Utilities, Ltd. ("Utilities"), and Inter-City Gas Transmission, Ltd. ("Transmission"), both organized under the laws of Manitoba, Canada.

Utilities conducts its retail gas utility business solely within the Province of Manitoba, Canada, and neither it nor its wholly owned subsidiary company, Transmission, is engaged in any business within the United States. As of December 31, 1967, Utilities and its subsidiary company had total consolidated property, plant, and equipment, less depreciation, of $6,418,673, and consolidated revenues were $2,399,731. Utilities' first mortgage bonds, then outstanding in the principal amount of $2,950,000, are held by a Canadian insurance company and its debentures, then outstanding in the principal amount of $615,000, are held substantially by Canadians. All of the outstanding equity securities of Utilities are held by Inter-City.

The subsidiary companies within the United States are Superior Gas Co. ("Superior"), North Star Natural Gas Co. ("North Star"), North Star Natural Gas Company of Wisconsin, Inc. ("North Star of Wisc."), and Iron Ranges Natural Gas Co. ("Iron Ranges"). Superior, North Star, and Iron Ranges are Minnesota corporations; North Star of Wisc. is a Wisconsin corporation.

Inter-City owns all of the capital stock of Superior which owns all of the capital stock of North Star which, in turn, owns all of the capital stock of North Star of Wisc. Inter-City also owns 47,647 shares or 98.7 percent of the 48,287 outstanding shares of capital stock of Iron Ranges. The remaining 640 shares are held by a small number of stockholders.

North Star and Iron Ranges are engaged in the retail sale of natural gas in Minnesota. North Star serves approximately 2,000 customers in Minnesota, and as of December 31, 1967, its consolidated property, plant, and equipment, less depreciation, amounted to $2,884,361. The operating revenues for the year ended December 31, 1967, amounted to $784,000, and net income was $35,515. Iron Ranges' customers totaled about 6,100 at December 31, 1967; as of the same date its property, plant, and equipment, less depreciation, was $3,800,607; and for the year then ended operating revenues amounted to $3,011,000.

As at December 31, 1967, long-term debt of Iron Ranges consisted of 6 percent first mortgage bonds, maturing January 1, 1982, in the principal amount of $665,000 and 6¼ percent senior notes maturing January 1, 1977, in the principal amount of $213,000; and subordinated notes, owned by Inter-City in the principal amount of $470,000. Iron Ranges also had outstanding short-term unsecured notes payable to banks in the face amount of $2,645,000. Common stockholder's equity, per books, then amounted to $742,574.

North Star of Wisc. is a gas utility company operating exclusively in Wisconsin. It is in the process of selling all of its utility assets for a net cash consideration of $920,000, after which it will be liquidated and dissolved. (See Holding Company Act Release No. 16102.)

It is proposed to merge Superior, North Star, and Iron Ranges into Inter-City. Inter-City, as the surviving corporation, will own all of the utility properties of these subsidiary companies. Utilities will remain a subsidiary company of Inter-City. After giving effect to the merger, Inter-City's corporate property, plant, and equipment, less depreciation, will amount to about $6,404,000. All of the capital stocks of Superior and North Star, and the capital stock of Iron Ranges owned by Inter-City, will be canceled. The 640 shares of Iron Ranges common stock held by the minority stockholders, may, at their option, be exchanged for Inter-City common stock on the basis of three shares of Inter-City for each share of Iron Ranges capital stock. Any shareholder who perfects his appraisal rights in accordance with the Business Corporation Act of Minnesota will be paid the fair cash value of his shares.

Net income of Iron Ranges for 1967, after adjustments for nonrecurrent items, totaled $54,250 or $1.12 per share; for 1966 reported earnings were $59,762, or $1.24 per share. There is no active market in the Iron Ranges stock. The market price of Inter-City common stock on the Toronto Stock Exchange, in 1967, ranged (in Canadian dollars) from a high of $19 to a low of $12⅞ per share. Giving effect to an 8 percent reduction to allow for currency adjustments, such market price would range (in U.S. dollars) from a high of about $17½ to a low of about $10⅞ per share. Dividends of $0.40 per share were paid on the Inter-City common stock in each of the years 1966 and 1967. No dividends were paid on the common stock of Iron Ranges in either 1966 or 1967.

Prior to or simultaneously with the merger outstanding bonds and notes of North Star and Iron Ranges in the aggregate principal amount of $1,767,000 will be retired pursuant to agreements with the holders thereof. It is expected that shortly thereafter, Inter-City, as the surviving company, will issue and sell first mortgage bonds in amounts approximately equal to the bonds and notes.

Giving effect to the sale of North Star of Wisc. the proposed merger and the sale of new bonds by Inter-City, the pro forma consolidated capitalization and surplus of Inter-City and its subsidiary companies, as of December 31, 1967, would have included funded debt of $6,537,150, notes payable to banks of $3,889,792, preference stock of $3,900,000 and common stock equity of $3,300,628.

There is pending before this Commission an application pursuant to section 3(b) of the Act seeking an order to exempt Utilities from all the provisions of the Act as a subsidiary company. (See Holding Company Act Release No. 16092). It is stated that upon the issuance of the Commission's order thereunder, and on consummation of the merger and of the sale of the Wisconsin utility properties, Inter-City will be an exempt holding company pursuant to Rule 10 promulgated under the Act.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at approximately $12,000. The application-declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 29, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the joint application-declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8639; Filed, July 19, 1968; 8:46 a.m.]

[File No. 7-2934]

INTERNATIONAL TELEPHONE AND TELEGRAPH CORP. (DELAWARE)

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 15, 1968.

In the matter of application of the Detroit Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

International Telephone & Telegraph Corp. (Delaware), File No. 7-2934.

Upon receipt of a request, on or before July 30, 1968 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8637; Filed, July 19, 1968; 8:46 a.m.]

[File No. 1-1740]

KENNEBEC CONSOLIDATED MINING CO.

Order Suspending Trading

JULY 15, 1968.

The common stock, 1 cent par value, of Kennebec Consolidated Mining Co., Salt Lake City, Utah, being listed and registered on the Salt Lake Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Kennebec Consolidated Mining Co., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Salt Lake Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 16, 1968, through July 25, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8641; Filed, July 19, 1968; 8:46 a.m.]

NATIONAL SWEEPSTAKES CORP.

Order Suspending Trading

JULY 16, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of National Sweepstakes Corp., 555 East Fourth South, Salt Lake City, Utah, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 17, 1968, through July 26, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8672; Filed, July 19, 1968; 8:49 a.m.]

[811-1310]

OLD MILL ROAD CORP.

Notice of Filing of Application for Order Declaring Company Has Ceased To Be Investment Company

JULY 15, 1968.

Notice is hereby given that Old Mill Road Corp. ("Applicant"), 37 Village Square, West Nyack, N.Y., a New York nondiversified management company under the Investment Company Act of 1940 ("Act"), has filed an application and amendments pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application and amendments on file with the Commission for a statement of Applicant's representations, which are summarized below.

On May 16, 1967, Applicant entered into an Agreement and Plan of Reorganization and Liquidation ("Agreement") with Madison Fund, Inc. ("Madison"), pursuant to which Applicant was to sell substantially all of its assets to Madison and to dissolve. On June 27, 1967, the holders of more than two-thirds of Applicant's outstanding shares approved the Agreement and voted that Applicant be dissolved. On that same date, Applicant transferred to Madison approximately 95 percent of its gross assets, valued as of June 23, 1967 at $6,243,973, and received in exchange therefor 278,128 shares of Madison common stock, all of which subsequently have been transferred as a liquidating dividend to Applicant's 255 shareholders of record as of June 27, 1967. The other approximately 5 percent has been retained to pay known and unknown creditors, and as a reserve for the expenses of winding up its affairs. On August 8, 1967, a Certificate of Dissolution was filed with the Secretary of State of the State of New York, whereupon Applicant was dissolved according to law and prohibited from conducting any business except that necessary to wind up its affairs.

As of January 11, 1968, Applicant held all of its remaining assets, other than fixed assets, in cash or treasury bills and has represented that they will be held in this form until the amount remaining after payment of claims and expenses of dissolution can be distributed to its shareholders, such distribution estimated to be effected not later than November 1968.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 5, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549 A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application, herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL DUBOIS,
Secretary.

[F.R. Doc. 68-8642; Filed, July 19, 1968; 8:46 a.m.]

PARAMOUNT GENERAL CORP.

Order Suspending Trading

JULY 16, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Paramount General Corp., Los Angeles, Calif., and all other securities of Paramount General Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 17, 1968, through July 26, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8673; Filed, July 19, 1968; 8:49 a.m.]

[File Nos. 7-2935, 7-2936]

INTERNATIONAL TELEPHONE AND TELEGRAPH (DELAWARE) AND MERCK AND CO., INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 15, 1968.

In the matter of applications of the Pittsburgh Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
International Telephone and Telegraph Corp (Delaware)	7-2935
Merck and Co., Inc	7-2936

Upon receipt of a request, on or before July 30, 1968, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8640; Filed, July 19, 1968; 8:46 a.m.]

[812-1777]

RAMCO ENTERPRISES, INC.

Notice of Filing of Application for Order That Company is Not Investment Company

JULY 15, 1968.

Notice is hereby given that Ramco Enterprises, Inc. ("Applicant"), One Chase Manhattan Plaza, New York, N.Y. 10005, a New York corporation, has filed an application pursuant to section 3(b)(2) of the Investment Company Act of 1940, 15 U.S.C. section 80a-1 et seq. ("Act"), for an order of the Commission declaring that it is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

From December 11, 1922, the date of Applicant's incorporation, until December 1960, Applicant was primarily engaged in the manufacture and sale of textile products under the name S. Stroock & Co., Inc. ("Stroock"). In view of steadily declining earnings from 1956 to 1960, Applicant terminated its Stroock operations, entered into a new textile venture and adopted its present name. Because of financial difficulties, Applicant terminated its relationship with the textile business in 1962.

Since 1949, Applicant had also engaged in the real estate business through the acquisition and leasing of various commercial and industrial properties located in Newburgh, N.Y. After cessation of its textile operations, Applicant expanded its real estate activities by acquiring, in early 1962, a shopping center in Fort Lauderdale, Fla., in whose development and management officers and directors of Applicant have participated personally.

In addition to real estate, Applicant sought other business opportunities. In 1962, it acquired approximately 28 percent of the voting securities of Cartier, Inc. ("Cartier"), a quality retail jeweler. As of December 31, 1967, Applicant owned 33⅓ percent of such securities. Applicant is represented on Cartier's board of nine directors by three nominees, including Applicant's president and chairman. Applicant alleges that it exercises a controlling influence over Cartier and participates actively in its day-to-day management.

In 1965, Applicant began to acquire the voting securities of John B. Stetson Co. ("Stetson"), a manufacturer and retailer of men's hats and shoes. As of December 31, 1967, Applicant owned approximately 41 percent of such securities. Three members of Applicant's board of directors, including its president and chairman, are members of the 10-man board of Stetson. Applicant's president serves as chairman of Stetson's board. Applicant alleges that it has both secured and exercises control over Stetson and is engaged in its management.

Section 3(a)(3) of the Act defines an investment company as an issuer which

is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of the issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. For purposes of section 3(a)(3), "investment securities" include all securities except Government securities, securities issued by employees' securities companies and securities issued by majority owned subsidiaries of the issuer which are not investment companies.

Applicant states that as of December 31, 1967, investment securities represented 53 percent of the value of its total assets (exclusive of cash items and Government securities). The approximate value of Applicant's "total assets" and "investment securities" within the meaning of the Act as of December 31, 1967, is as follows:

		Value
Investment securities:		
Cartier, Inc., common and preferred stock		$1,000,000
John B. Stetson Co., common and preferred stock		2,480,000
Cartier, Inc., note		160,000
		3,640,000
Other assets:		
Accounts receivable	$18,000	
Inventory (lower of cost or market)	90,000	
Land, buildings, and equipment	3,175,000	
Prepaid expenses, deferred charges and income	42,000	3,325,000
Total assets		6,965,000

Although Applicant concedes that it falls within the definition of an "investment company" contained in section 3(a)(3) of the Act, it contends that it is entitled to an exemption under section 3(b)(2) of the Act.

Applicant states that at all times since its incorporation it has represented itself to be an operating company and has never represented itself to be an investment company. It further states that it is now engaged in the real estate business directly and in the retail business through controlled companies, Cartier and Stetson, conducting similar businesses.

The Commission, pursuant to section 3(b)(2), may upon application, find and by order declare an issuer to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or through majority-owned subsidiaries or through controlled companies conducting similar types of businesses.

Notice is further given that any interested person may, not later than August 5, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-8644; Filed, July 19, 1968; 8:47 a.m.]

[812-2334]

TRAVELERS INSURANCE CO. AND TRAVELERS FUND B FOR VARIABLE CONTRACTS

Notice of Filing of Application for Exemption

JULY 15, 1968.

Notice is hereby given that The Travelers Insurance Co. ("Insurance Company"), and The Travelers Fund B for Variable Contracts ("Separate Account"), (hereinafter called "Applicants"), One Tower Square, Hartford, Conn., have filed an application pursuant to section 6(c) of the Investment Company Act of 1940, 15 U.S.C. sec. 80a-1 et seq. ("Act"), for an order exempting Applicants from the provisions of sections 17(f), 22(e), 27(c)(1), and 27(c)(2) of the Act and Rule 17f-2 thereunder. Separate Account is an open-end diversified management company registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Insurance Company established Separate Account as the facility through which Insurance Company will set aside and invest assets attributable to variable annuity contracts not qualifying for Federal tax benefits under sections 401 or 403 of the Internal Revenue Code of 1954, as amended.

Section 17(f)(3) provides, in pertinent part, that a registered management investment company may maintain its securities and investments in its own custody in accordance with such rules, regulations and orders as may be adopted by the Commission in the interests of investors. Rule 17f-2 under the Act requires, among other things, that such assets be placed in a bank subject to the other requirements of the rule. One of such other requirements limits the persons who shall have access to such assets to only certain specified individuals. Applicants request an exemption from the provisions of section 17(f)(3) and Rule 17f-2 to the extent necessary to permit not more than five officers or responsible employees of Insurance Company as well as duly authorized representatives of the Connecticut Commissioner of Insurance to have access to the assets of Separate Account. Such assets will be deposited by Insurance Company with The Hartford National Bank and Trust Co., Hartford, Conn. Insurance Company is subject to supervision and inspection by the Connecticut Commissioner of Insurance.

Sections 22(e) and 27(c)(1) provide, in pertinent part, that (1) a registered investment company may not suspend the right of redemption or postpone the date of payment upon redemption of any redeemable security in accordance with its terms for more than 7 days after the tender of such security for redemption and (2) a registered investment company issuing periodic payment plan certificates may not sell such certificates unless such certificates are redeemable securities. Applicants represent that prior to their maturity dates the contracts are redeemable and satisfy the redemption provisions of the Act. However, on their respective maturity dates, the then value of the contracts is determined and applied to provide for lifetime annuity payments of variable amounts. Applicants state that because the amount of annuity payments under the variable option are calculated actuarially, based upon the life expectancies of the annuitants of the contracts, if an annuitant were permitted to redeem his contract after the maturity date, it would upset the actuarial computations made with respect to the remaining annuitants. Applicants request exemption from sections 22(e) and 27(c)(1) to the extent that once an annuitant begins to receive annuity payments he cannot redeem the value credited to his account. Such prohibitions shall only apply after annuity payments to the annuitant commence.

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank as trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by sections 26(a)(2) and (3) for a unit investment trust. Section 26(a)(2) requires that the trustee or custodian segregate and hold in trust all securities and cash of the trust and places certain restrictions on charges which may be made against the trust income and corpus and excludes from expenses which the trustee or custodian may charge against the trust any payments to the depositor or principal underwriter, other than a fee not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to them by the trustee or custodian. Section 26(a)(3) governs the circumstances under which the trustee or custodian may resign and is designed to prevent "orphanage" of the trust.

Applicants state that Insurance Company functions as a regulated insurance company and is subject to extensive and detailed supervision and inspection by the Connecticut Commissioner of Insurance in all of its dealings with the contract purchasers. Insurance Company states that such control provides ample assurance against misfeasance and adequately protects the interests of the purchasers and annuitants. Accordingly, Applicants state that such authority and jurisdiction affords the essential protection which the trusteeship or custodianship under section 26(a)(2) is designed to provide. Moreover, in addition to the supervision and inspection by the Commissioner of Insurance, Insurance Company states that it will undertake binding commitments to contract owners which it may not legally abrogate. Such supervision, inspection and undertakings will provide substantial protection against the hazards at which section 27(c)(2) is designed to protect against.

Applicants have consented to the requested exemptions being subject to the condition that the charges under the contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, and that the Commission shall reserve jurisdiction for such purpose.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 2, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-8645; Filed, July 19, 1968; 8:47 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

JULY 15, 1968.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 16, 1968, through July 25, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-8643; Filed, July 19, 1968; 8:47 a.m.]

[File No. 70-4636]

YANKEE ATOMIC ELECTRIC CO.

Notice of Proposed Organization and Conduct of Business of Servicing Division Within Nuclear Generating Company

JULY 15, 1968.

Notice is hereby given that Yankee Atomic Electric Co. ("Yankee"), 441 Stuart Street, Boston, Mass. 02116, an electric-utility subsidiary company of two registered holding companies, Northeast Utilities ("Northeast") and New England Electric System ("NEES"), and an affiliate of three electric utility companies, Boston Edison Co. ("Boston"), Central Maine Power Co. ("Central Maine"), and Public Service Company of New Hampshire ("New Hampshire"), has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a)(2), 7(e), 13(b) and (e), and Rules 62(b)(1), 86, 87(a)(3), 95, and 100(a) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a statement of the proposed transactions.

All of the outstanding capital stock of Yankee was acquired by 11 electric-utility companies operating in New England ("Sponsors") pursuant to orders of the Commission (Holding Company Act Release Nos. 13048, 13900). In the course of its development, Yankee assembled a group of engineering, operating, and support personnel with knowledge and experience in nuclear power technology ("Yankee Group"), and it was the understanding among the Sponsors that such personnel would be available to assist them in any subsequent nuclear power projects in New England.

In 1963 Connecticut Yankee Atomic Power Co. ("Conn-Yankee") was organized by the Sponsors to build and operate a second jointly owned nuclear power plant (Holding Company Act Release No. 14968). At that time some employees of the Yankee Group were transferred to Conn-Yankee; others were transferred to New England Power Service Co. ("NEPSCO"), a wholly owned subsidiary service company of NEES; and the remainder were retained by Yankee.

In subsequent years additional jointly owned nuclear power projects have been undertaken by the Sponsors in Vermont and Maine (Holding Company Act Release Nos. 15958, 16006), and Northeast and Boston have commenced construction of nuclear power plants for their own use. It is anticipated that additional nuclear power projects will be undertaken in the New England area.

It is proposed that approximately 57 former employees of Yankee now on the payroll of NEPSCO be transferred to the payroll of a new Nuclear Services Division ("Division") to be established within Yankee, so that such personnel will be

under the common supervision of the Sponsors and be available to provide specialized services on nuclear power matters.

The total expenses of the Division for its first year of operation are estimated at $1,050,000, including payroll and related expenses of $840,000. Expenses for the succeeding 4 years are expected to range from $900,000 to $1,200,000 annually. Yankee will allocate to the Division initial working capital of about $200,000, equivalent approximately to 45 days' expenses plus investment in office equipment, and a return of 6 percent per annum on such capital will be included in the costs of services rendered by the Division. The Sponsors propose to enter into service contracts with Yankee which will provide, among other things, that the costs of services rendered upon requests from Sponsors will be charged directly to such Sponsors on the basis of employee time sheets and specific work orders. The other expenses of the Division will be allocated in accordance with procedures set forth in the said application-declaration and be limited to not more than $150,000 in any calendar year.

Yankee further proposes to modify its Indenture of Mortgage and Deed of Trust ("Indenture") dated as of June 1, 1959, to the Old Colony Trust Co., as trustee, so as to permit the Division to furnish services to one or more of the Sponsors or their nominees in connection with the construction or operation of nuclear power plants. Such modification requires the consent of the holders of at least two-thirds of the principal amount of all of Yankee's First Mortgage Sinking Fund Bonds, Series A 5 percent, due January 1, 1982. Since these Bonds are held by less than 25 holders, Yankee will solicit their consents pursuant to the terms of Rule 62(b)(1) under the Act.

The fees and expenses to be incurred in connection with the proposed transactions are estimated not to exceed $4,000. The application-declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The applicant-declarant has expressly consented to the following conditions:

1. No change in the organization of the Division, the type and character of companies to be serviced, the scope or character of services to be rendered, the method of allocating the costs of services among such companies, or its basic accounting principles shall be made unless and until Yankee shall first have given the Commission written notice of such proposed change not less than 60 days prior to the proposed effectiveness of any such change. If, upon the receipt of any such notice, the Commission within the 60-day period shall notify Yankee that a question exists as to whether the aforesaid proposed change is consistent with the provisions of section 13 of the Act, or of any rule, regulation, or order thereunder, the proposed change shall not become effective unless and until Yankee shall have filed with the Commission an appropriate declaration with respect to such proposed change, and the Commission shall have permitted such declaration to become effective.

2. All records of Yankee, which support any of its charges to companies serviced by the Division, shall be made available by Yankee in its offices for inspection by authorized representatives of any public body which is empowered by law to regulate the accounts of, or rates charged for utility service by any such company.

3. Jurisdiction will be reserved by the Commission to reconsider the servicing activities of the Division at an appropriate future time or times, and, after notice and opportunity for hearing, to revoke, suspend, or modify the approval now requested of the Commission with respect to the organization and conduct of business of the Division.

4. Yankee will file a report annually with the Commission covering the operations of the Division and other information concerning its servicing activities.

5. Yankee will continue to maintain its accounts in accordance with the Uniform System of Accounts for Public Utilities and Licensees (Class A and Class B) under the Federal Power Act and will maintain subaccounts in sufficient detail to provide adequate support for all service charges made by the Division.

The applicant-declarant further requests that, in view of the foregoing terms and conditions, it be exempted from the requirements of Rules 93, 94, and 95 under the Act pursuant to the provisions of Rule 100(a) under such Act.

Notice is further given that any interested person may, not later than August 6, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-8646; Filed, July 19, 1968; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 4.1-1 (Rev. 2), Amdt. 1]

DEPUTY ASSOCIATE ADMINISTRATOR FOR FINANCIAL ASSISTANCE

Delegation of Authority Regarding Financial Assistance

Delegation of Authority 4.1-1 (Revision 2) (33 F.R. 9855), is hereby amended by revising item I to read as follows:

I. Pursuant to the authority delegated by the Associate Administrator for Financial Assistance to the Deputy Associate Administrator for Financial Assistance in Delegation of Authority No. 4.1 (Revision 1) 32 F.R. 938, as amended (33 F.R. 8624) (33 F.R. 9317), the following authority, which does not include the authority to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2 (e) of SBA Loan Policy Regulations, is hereby redelegated to the specific positions as indicated herein:

* * * * *

Effective date: April 1, 1968.

HOWARD W. ROGERSON, *Deputy Associate Administrator for Financial Assistance.*

[F.R. Doc. 68-8674; Filed, July 19, 1968; 8:49 a.m.]

STRUTHERS CAPITAL CORP.

Notice of Application for License as Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR Part 107; 33 F.R. 328) by Struthers Capital Corp. (the Applicant), 630 Fifth Avenue, New York, N.Y. 10020, for a license to operate in the States of New York and New Jersey, as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.).

The Applicant was incorporated pursuant to the laws of the State of New York and qualified to do business as a foreign corporation in the State of New Jersey. The business of the Applicant will be principally carried on in the States of New York and New Jersey and restricted to the activities under the Small Business Investment Act of 1958, as amended. The only class of shares of the Applicant authorized or outstanding consists of 1,000 shares of $1 par value common stock issued to Struthers Wells Corp. (Struthers Wells), a Maryland corporation, for a consideration of $1,000 and additional consideration as discussed below.

Pursuant to an Agreement and Plan of Reorganization (the Agreement) dated March 11, 1968, between Struthers Wells and Developers Small Business Investment Corp. (Developers), a New Jersey corporation and a licensee under the Act, the Applicant will, at the closing now scheduled for July 25, 1968, acquire the business and substantially all of the assets of Developers in exchange for 120,238 shares of common stock, par value $1 per share, of Struthers Wells, which shares will be treated as additional consideration for issuance to Struthers Wells of the 1,000 shares of common stock of the Applicant. The Applicant will assume substantially all of Developers' liabilities and obligations outstanding on the date of the closing. Developers will liquidate and dissolve and distribute the Struthers Wells common stock to its shareholders on the basis of one share of Struthers Wells common stock for each five shares of Developers.

The following individuals include the proposed officers and directors as well as the transferee who will own 100 percent of the stock:

Robert P. Brown, 199 Weaver Street, Scarsdale, N.Y., President, Manager, and Director.
Victor Harz, 630 Fifth Avenue, New York, N.Y., Vice President and Director.
W. Clark Root, 630 Fifth Avenue, New York, N.Y., Vice President and Director.
Albert Rohrbaugh, 630 Fifth Avenue, New York, N.Y., Treasurer and Director.
Burton M. Abrams, 630 Fifth Avenue, New York, N.Y., Secretary and Director.
Jerry Finkelstein, 630 Fifth Avenue, New York, N.Y., Director.
Stanley Hope, 630 Fifth Avenue, New York, N.Y., Director.
Struthers Wells Corp., 630 Fifth Avenue, New York, N.Y., 100 percent stockholder.

Matters involved in SBA's consideration of the application include the general business reputation and character of the foregoing individuals and the probability of successful operation of the company under their control and management (including adequate profitability and financial soundness) in accordance with the Act and regulations.

Notice is further given that any interested person may, no later than 10 days from the publication of this notice, submit to SBA, in writing, relevant comments on the proposed SBIC. Any such communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the proposed transferee in a newspaper of general circulation in New York and New Jersey.

For SBA (pursuant to delegated authority).

Dated: July 15, 1968.

GLENN R. BROWN, *Associate Administrator for Investment.*

[F.R. Doc. 68-8675; Filed, July 19, 1968; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 650]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 16, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 61955 (Sub-No. 8 TA), filed July 12, 1968. Applicant: CENTROPOLIS TRANSFER CO., INC., 6700 Wilson Avenue, Kansas City, Mo. 64125. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed grade urea*, from Kansas City, Mo., to points in Iowa, Nebraska, Kansas, and Missouri, for 150 days. Supporting shipper: American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 64932 (Sub-No. 452 TA), filed July 11, 1968. Applicant: ROGERS CARTAGE CO., 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and liquified petroleum*, in bulk, in tank vehicles, from Frankfort, Ill., to points in Georgia, Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio, Wisconsin, and Tennessee (except Kingsport), for 180 days. Supporting shipper: Diversified Chemicals & Propellants Co., Suite 415, Oak Brook Executive Plaza, Oak Brook, Ill. 60521. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 119778 (Sub-No. 115 TA), filed July 11, 1968. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. 35221. Applicant's representative: J. V. McCoy, Redwing Carriers, Inc., Post Office Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar and blends of liquid sugar*, in bulk, in tank vehicles, from Birmingham, Ala., to points in Georgia on and west of U.S. Highway 129, and points in that part of Tennessee on and west of a line beginning at the Georgia-Tennessee State line and extending along U.S. Highway 11 to Knoxville, Tenn., thence along U.S. Highway 25W to the Tennessee-Kentucky State line, and east of Tennessee Highway 13, for 180 days. Supporting shipper: American Sugar Co., 120 Wall Street, New York, N.Y. 10005. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 823, 2121 Building, Birmingham, Ala. 35203.

No. MC 128909 (Sub-No. 5 TA), filed July 11, 1968. Applicant: COMMODORE CONTRACT CARRIERS, INC., 2410 Dodge Street, Omaha, Nebr. 68131. Applicant's representative: Don Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Unrelated parts, appliances, furniture, and accessories* (when moving in mobile homes, house trailers designed to be drawn by passenger autos, and buildings, in sections mounted on wheeled undercarriages with hitch-ball connector); (1) between Fall City and North Bend, Nebr., Arlington (Shelby County), Tenn., Hamilton, Haleyville and Red Bay, Ala., Danville, Va., and Roseberg, Oreg.; (2) from Falls City, Nebr., to points in Arizona, Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wyoming, and Wisconsin, and ports of entry on the international boundary line between the United States and Canada located in Minnesota, North Dakota, Montana, and Washington; (3) from North Bend, Nebr., to points in Arizona, Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, Nevada, New Mexico, North Dakota, South Dakota, Oklahoma, Oregon, Utah, Tennessee, Texas, Wyoming, Washington, and Wisconsin, and ports of entry on the international boundary line between the United States and Canada located in Minnesota, North Dakota, and Montana; (4) from Hamilton, Haleyville, and Red Bay, Ala., and Arlington (Shelby County), Tenn., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Ohio, Oklahoma,

South Carolina, Tennessee, Texas, Virginia, and West Virginia; (5) from Danville, Va., to points in Delaware, Georgia, Kentucky, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, West Virginia, and the District of Columbia; (6) from Roseberg, Oreg., to points in Washington, California, Nevada, Arizona, New Mexico, Colorado, Utah, Idaho, Montana, Wyoming, and ports of entry on the international boundary line between the United States and Canada located in Washington and Montana; and (7) from Red Bay, Ala., to points in Connecticut, Delaware, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; under continuing contracts with the Commodore Corp., Omaha, Nebr., its wholly owned subsidiaries and its divisions having plants at the specific named points set out above; for 180 days. Supporting shipper: The Commodore Corp., 2410 Dodge Street, Omaha, Nebr. 68131. Send protests to: K. P. Kohrs, District Supervisor, Interstate Commerce Commission, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 133022 TA, filed July 12, 1968. Applicant: JOHN EDWARD BEACH, doing business as BEACH TRUCKING, 2769 61st Avenue North, St. Petersburg, Fla. Applicant's representative: M. Craig Massey, 223 South Florida Avenue, Lakeland, Fla. 33802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting, underlay, paddings, adhesives, and allied products*, from Chattanooga, Tenn., Cape Girardeau, Mo., Indianola, Miss., Phenix City, Ala., and Resaca, Dalton, Columbus, La Grange, La Fayette, Ringgold, Cartersville, Rome, and Atlanta, Ga., to points in Pinellas, Hillsborough, Polk, Sarasota, Manatee, Lee, Charlotte, Pasco and Citrus Counties, Fla., and *returned shipments*, on return for 180 days. Supporting shippers: West Coast Carpet Service, Inc., 3251 46th Avenue North, Post Office Box 11117, St. Petersburg, Fla. 33733; and Hotpoint Home Center, 4650 28th Street North, St. Petersburg, Fla. 33714. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

MOTOR CARRIER OF PASSENGERS

No. MC 96001 (Sub-No. 25 TA), filed July 12, 1968. Applicant: KENNETH HUDSON, INC., doing business as HUDSON BUS LINES, 70 Union Street, Medford, Mass. Applicant's representative: James H. Sullivan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, from Quincy and Milton, Mass., to Rockingham Park, Salem, N.H., and return, for 180 days. Supported by: Ten individuals wishing to obtain service to the race track located at Rockingham Park, and whose statements may be examined here at the Interstate Commerce Commission, Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: James F. Martin, Jr., Assistant Regional Director, Interstate Commerce Commission, John F. Kennedy Building, Government Center, Boston, Mass. 02203.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8667; Filed, July 19, 1968; 8:48 a.m.]

[Notice 651]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 17, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 59640 (Sub-No. 14 TA), filed July 15, 1968. Applicant: PAULS TRUCKING CORPORATION, 833 Flora Street, Elizabeth, N.J. 07201. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream*, for the account of Supermarkets General Corp., from Suffield, Conn., to Woodbridge Township, N.J., for 150 days. Supporting shipper: Supermarkets General Corp., Executive Offices, 3 Commerce Drive, Cranford, N.J. 07016. Send protests to: District Supervisor W. J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 110525 (Sub-No. 871 TA), filed July 12, 1968. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Edwin H. van Deusen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silicone fluid*, in bulk, in tank vehicles, from Carrollton, Ky., to Waxdale, Wis., for 180 days. Supporting shipper: Dow Corning Corp., Carrollton, Ky. 41008. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 111740 (Sub-No. 24 TA), filed July 15, 1968. Applicant: OIL TRANSPORT COMPANY, a corporation, Post Office Box Drawer 2679, East Highway 80, Abilene, Tex. 79604. Applicant's representative: Jerry E. Matthews (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sulphur*, except that sulphur derived from petroleum or petroleum products, in bulk, from the plantsite of Sinclair Oil & Gas located approximately 13½ miles northeast of Fort Stockton, Tex., to the plantsite of Climax Chemical Co. located approximately 3 miles west of Monument, N. Mex., for 180 days. Supporting shipper: Sinclair Oil & Gas Co., Sinclair Oil Building, Tulsa, Okla. 74102. Send protests to: Billy R. Reid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 126477 (Sub-No. 1 TA), filed July 15, 1968. Applicant: JET AIR FREIGHT & PARCEL DELIVERY, INC., Rural Route 4, Baer Field Terminal, Fort Wayne, Ind. 46809. Applicant's representative: Richard D. Logan, 1435 Lincoln Bank Tower, Fort Wayne, Ind. 46802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), having an immediately prior or subsequent movement by air, between points in Allen County, Ind., on the one hand, and O'Hare International Airport, Chicago, Ill., on the other, for 180 days. Supporting shippers: Rea Magnet Wire Co., Inc., 3600 East Pontiac Street, Fort Wayne, Ind. 46806; The Magnavox Co., Bueter Road, Fort Wayne, Ind. 46803. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 129942 (Sub-No. 1 TA), filed July 15, 1968. Applicant: KEITH WILLIAMS TRANSPORT, INC., Post Office Box 45, Vicksburg, Miss. 39180. Applicant's representatives: Butler, Snow, O'Mara, Stevens and Cannada, Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Cement*, in bulk, in tank or hopper-type vehicles, from Vicksburg, Miss., to points in Louisiana, Arkansas, Tennessee, and Alabama, for 180 days. Supporting shipper: Dundee Cement Co., Dundee, Mich. 48131. Send protests to: District Supervisor Floyd A. Johnson, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, 145 East Amite Street, Jackson, Miss. 39201.

No. MC 133023 TA, filed July 12, 1968. Applicant: GREAT NORTHERN INTERSTATE HAULING, INC., 683 Pine Street, Burlington, Vt. 05401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wet cheese curds, whey, and other cheese products*, from Alburg, Milton, and Richmond, Vt., to New York, N.Y., for 180 days. Supporting shipper: Falcone Brothers Dairy Products, Inc., 2518 West Third Avenue, Brooklyn, N.Y. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8668; Filed, July 19, 1968; 8:48 a.m.]

[Notice 174]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 17, 1968.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 179:

No. MC-FC-70659. By application filed July 16, 1968, PRATT'S DRAY & STORAGE, INC., 222 West Illinois Street, Spearfish, S. Dak. 57783, seeks temporary authority to lease the operating rights of IRION TRUCKING COMPANY, Rural Route, Broadus, Mont. 59317, under section 210a(b). The transfer to PRATT'S DRAY & STORAGE, INC., of the operating rights of IRION TRUCKING COMPANY, is presently pending.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8669; Filed, July 19, 1968; 8:48 a.m.]

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PART II

DEPARTMENT OF LABOR

Office of the Secretary

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Ethics and Conduct of Department of Labor Employees



THE NATIONAL ARCHIVES OF THE UNITED STATES * 1934 *

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 0—ETHICS AND CONDUCT OF DEPARTMENT OF LABOR EMPLOYEES

Pursuant to and in accordance with sections 201 through 209 of title 18 of the United States Code, Executive Order 11222 of May 8, 1965 (30 F.R. 6469), and Title 5, Chapter I, Part 735 of the Code of Federal Regulations, Part 0 of Subtitle A of Title 29 of the Code of Federal Regulations (31 F.R. 8036) is hereby revised to read as follows:

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0.735–1 Purpose and scope.
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0.735–4 General.
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0.735–14 Acceptance of gratuities generally.
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0.735–18 Regular employees required to submit statements.
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Appendix A

AUTHORITY: The provisions of this Part 0 issued under E.O. of May 8, 1965, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.104; 18 U.S.C. secs. 201 through 209.

Subpart A—General

§ 0.735–1 Purpose and scope.

(a) This part is designed to implement provisions of Executive Order 11222 of May 8, 1965, "Prescribing Standards of Ethical Conduct for Government Officers and Employees," and 5 CFR 735.101 et seq. It prescribes standards of conduct for employees of the Department of Labor relating to conflicts of interest arising out of outside employment, private business and professional activities, and financial interests. It sets forth requirements for the disclosure of such interests by Department employees. In addition, it states basic principles regarding employees' conduct on the job and the ethics of their relationship to the Department as their employer. The head of an administration, bureau, or office may with the approval of the Solicitor, adopt additional standards and procedures, not inconsistent with this part. Any such additional standards and procedures shall be furnished in writing to the employees affected. This part applies to all regular and special Government employees except to the extent otherwise indicated herein. For the purpose of this part:

(1) "Regular employee" means an officer or employee of the Department of Labor, but does not include a special Government employee.

(2) "Special Government employee" means an officer or employee of the Department of Labor who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis.

(3) "Employee" means a regular and a special Government employee.

(4) The terms "bureau" and "office", except where otherwise indicated, mean a bureau or office which is not a part of a larger administrative subdivision within the Department of Labor.

(b) This part, among other things, reflects prohibitions and requirements imposed by the criminal and civil laws of the United States. However, the paraphrased restatements of criminal and civil statutes in no way constitute an interpretation or construction thereof that is binding upon the Federal Government. Moreover, this part does not purport to paraphrase or enumerate all restrictions or requirements imposed by statutes, Executive orders, regulations or otherwise upon Federal employees. The omission of a reference to any such restriction or requirement in no way alters the legal effect of that restriction or requirement.

§ 0.735–2 Counseling service.

(a) The Solicitor has been designated counselor to the Department in matters within the scope of the regulations in this part. Deputy counselors designated by the Solicitor will be available to consult with employees on questions relating to ethics, conduct, and conflict of interest. Employees are expected to familiarize themselves with the regulations in this part, the laws and regulations on which they are based, and the supplementary instructions issued by the administrations, bureaus, and offices in which they work. Attention of all employees is hereby directed to the statutes set forth in 5 CFR 735.210 (see Appendix A to this part). Attention of employees of the Office of Labor-Management and Welfare-Pension Reports is hereby directed to section 15(b) of the Welfare and Pension Plans Disclosure Act, which prohibits any Department employee from administering or enforcing the Act with respect to any employee organization in which he is a member or employer organization in which he has an interest. Employees who need clarification of the standards of conduct, and related laws, rules, and regulations should consult a deputy counselor.

(b) Each head of an administration, bureau, or office is responsible for application of the standards of conduct to employees under his jurisdiction. He is responsible for assuring that his employees are furnished copies of the regulations in this part not later than 90 days after their approval by the Civil Service Commission. Each new employee shall be furnished such a copy no later than the time of his entrance on duty. The heads of administrations, bureaus, and offices shall assure that employees are advised of the times and places where counseling services are available and the names of the deputy counselors. They shall assure that the regulations in this part are brought to the attention of each employee at least annually and at such other times as circumstances warrant. The heads of administrative subdivisions within the Office of the Secretary which are not a part of larger administrative subdivisions within such Office are responsible for application of the standards of conduct to employees under their jurisdiction and for carrying out the other functions set forth in this section.

§ 0.735–3 General.

(a) Failure of an employee to comply with any of the standards of conduct set forth in this part shall be a basis for such disciplinary or other remedial action as may be appropriate to the particular case. Such remedial action may include, but is not limited to:

(1) Changes in assigned duties;

(2) Divestment by the employee of his conflicting interest;

(3) Disciplinary action; or

(4) Disqualification for a particular assignment.

(b) Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, Executive orders, regulations, and applicable agreements between the Department of Labor and employee organizations.

(c) The head of an administration may delegate authority under the regulations in this part. Delegations shall be at the highest practicable level. Delegations of final authority shall be in writing, in accordance with § 0.735–1(a), and any such delegations to employing bureaus or offices within such administrations shall be made to no individual lower than the head or acting head of such bureau or office.

Subpart B—Conduct

§ 0.735–4 General.

(a) The effectiveness of the Department of Labor in serving the public interest depends upon the extent to which the Department and its employees hold

the public confidence. Employees are therefore required not only to observe the requirements of Federal laws, policies, orders, and regulations governing official conduct, they must also avoid any apparent conflict with these requirements. Each employee shall avoid situations in which his private interests conflict or raise a reasonable question of conflict with his public duties and responsibility. An employee shall avoid any action, whether or not specifically prohibited, which might result in or create the appearance of using public office for private gain, giving preferential treatment to any person, impeding Government efficiency or economy, losing complete independence or impartiality, making a Government decision outside of official channels, or affecting adversely the confidence of the public in the integrity of the Government.

(b) Employees must conduct themselves in such manner that the work of the Department is effectively accomplished. They must observe the requirements of courtesy, consideration and promptness in dealing with or serving the public and the clientele of the Department. Although it is the policy of the Department of Labor not to restrict or interfere with the private lives of its employees, each employee is expected to conduct himself at all times so that his actions will not bring discredit on the Department or the Federal service. Employees shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct or other conduct prejudicial to the Government.

§ 0.735–5 Nondiscrimination.

No employee in this Department while in the performance of his duty may discriminate against any other employee or applicant for employment because of race, color, religion, national origin, sex, or age.

§ 0.735–6 Indebtedness.

The Department of Labor considers the indebtedness of its employees to be essentially a matter of their own concern. The Department of Labor will not be placed in the position of acting as a collection agency or of determining the validity or amount of contested debts. Nevertheless, failure on the part of an employee without good reason and in a proper and timely manner to honor his just financial obligations; that is, debts acknowledged by him to be valid or reduced to judgment by a court or to make or to adhere to satisfactory arrangements for the settlement thereof may be the cause for disciplinary action. In this connection each employee has a special obligation to meet his responsibilities for payment of Federal, State, and local taxes. For the purpose of this section, "in a proper and timely manner" means in a manner which the Department determines does not, under the circumstances, reflect adversely on the Government as his employer.

§ 0.735–7 Gambling, betting, and lotteries.

An employee shall not participate, while on Government owned or leased property or while on duty for the Government, in any gambling activity, including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket. However, this section does not preclude activities:

(a) Necessitated by an employee's law enforcement duties; or

(b) Under section 3 of Executive Order 10927 and similar agency-approved activities.

§ 0.735–8 Misuse of official information.

Employees may not, except with specific permission or as provided in § 0.735–11 in regard to teaching, lecturing, or writing, directly or indirectly use or allow the use of official information for private purposes or to further a private interest when such information is not available to the general public; nor may employees disclose official information in violation of any applicable law, Executive order, or regulation.

§ 0.735–9 Misuse of Federal property.

An employee shall not directly or indirectly use or allow the use of Government property, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve such property and shall obey all rules and regulations applicable to its use.

§ 0.735–10 Partisan political activities.

Employees are expected to observe the prohibitions on political activities set forth in subchapter III of chapter 73 of title 5, United States Code; 18 U.S.C. 602, 603, 607, and 608; and Civil Service Rule IV, Title 5 Code of Federal Regulations section 4.1. Explanations of the restrictions are set forth in the Employee Handbook, U.S. Civil Service Commission Pamphlet No. 20, and in the Federal Personnel Manual.

Subpart C—Outside Interests, Employment, Business and Professional Activities

§ 0.735–11 General.

(a) In the absence of restrictions made necessary by a Department employee's public responsibilities, he is entitled to the same rights and privileges as all other citizens. There is therefore no general prohibition against Department employees holding jobs, financial interests, or engaging in outside business or professional activities. Indeed, such outside activities as teaching, lecturing, and writing are generally to be encouraged since they frequently serve to enhance an employee's value to the Government as well as to increase the spread of knowledge in our society. The employing administration, bureau, or office, may, however, impose reasonable restrictions upon such activities where appropriate and in accordance with § 0.735–1. In addition, an employee may not, whether for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service, that is dependent on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request or when the head of his employing administration, bureau, or office gives written authorization for the use of nonpublic information on the basis that its use is in the public interest. In addition, an employee who is a Presidential appointee covered by section 401 of Executive Order 11222 of May 8, 1965, shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of his agency, or which draws substantially on official data or ideas which have not become a part of the body of public information.

(b) No employee of the Department of Labor may accept any outside employment, engage in any outside business, professional, or other activity, or have financial interests if such employment, activity, or interests would be or appear to be in substantial conflict with the interests of the Department or the Government, would interfere with the performance of official duties, would prevent a regular employee from rendering full-time service to the Department or require so much time that his efficiency is impaired, or if such employment, activity, or interests would bring discredit on the Department or the Government. In addition, no employee may engage, directly or indirectly, in a financial transaction as a result of, or relying primarily on, information obtained through his Government employment.

(c) No employee may use or appear to use his Government employment to coerce any person, enterprise, company, association, partnership, society, or other organization or instrumentality to provide financial benefit to himself or another person.

§ 0.735–12 Conflict-of-interest laws.

Sections 201 through 209 of title 18, United States Code, prohibit and provide criminal penalties for certain acts by Government employees involving conflict-of-interest situations, including limited exceptions for special Government employees. These provisions include the following prohibitions:

(a) Section 203, in general, prohibits a Federal employee from soliciting, receiving, or agreeing to receive compensation for services rendered on behalf of another before a Government department or agency in relation to any particular matter in which the United States is a party or has a direct and substantial interest.

(b) Section 205, in general, prohibits a Federal employee from acting as agent or attorney for prosecuting any claim against the United States or acting as agent or attorney for anyone before any Federal courts or agencies in connection

with any particular matters in which the United States is a party or has a direct and substantial interest. It also prohibits him from receiving any gratuity, or any share of or interest in any claim against the United States in consideration of assistance in the prosecution of such claim.

(c) Section 208, in general, prohibits a Government employee in his official capacity from participating personally and substantially through decision, approval, disapproval, recommendation, the rendering of advice, or otherwise in any particular matter in which, to his knowledge, he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner, or employee or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment has a financial interest. In accordance with the provisions of section 208(b)(2), the financial interests described below are hereby exempted from the prohibition of 18 U.S.C. 208 as being too remote or too inconsequential to affect the integrity of an employee's services in a matter: the policy holdings in an insurance company and the stock or bond holdings in a mutual fund, investment company, or bank which owns an interest in an entity involved in the matter: *Provided*, that in the case of a mutual fund, investment company, or bank the fair value of such stock or bond holding does not exceed 1 percent of the value of the reported assets of the mutual fund, investment company, or bank. In addition, the prohibitions of section 208(a) shall not apply if the employee obtains advance clearance in accordance with the requirements of section 208.

(d) Section 209, in general, prohibits regular Government employees from receiving salary or supplementation of salary as compensation for their Government service from any source other than the United States. The statutory provisions described in this section are intended to call each employee's attention to problem areas and are not intended as a comprehensive description or interpretation of statutory prohibitions or the exceptions thereto. Employees who need guidance concerning the scope and application of the conflict-of-interest laws and their exceptions should consult a deputy counselor.

§ 0.735–13 Clearance.

(a) Any employee who is engaged or is planning to engage in outside employment, business, professional, or other such activities has a positive obligation to inform himself fully concerning the requirements of this subpart and any laws, orders, regulations, or standards applicable to such activities. An employee shall request clearance from the head of his administration, bureau, or office as to whether such planned or current activities are prohibited:

(1) When such activities raise a substantial question of conflict with this subpart or any applicable laws, orders, regulations, or standards;

(2) When applicable laws, orders, regulations, or standards require clearance of such activities; or

(3) When the employee is specifically so required by the individual responsible for clearance in order to avoid possible conflict with applicable laws, orders, regulations, or standards.

The clearance request shall be in writing and shall include, at a minimum, the identity of the employee, a statement of the nature of the employment or activity, and the amount of time to be devoted to the employment or activity. The head of the employing administration, bureau, or office may require the employee to furnish such other information as may be appropriate in considering the clearance request. He may grant clearance only when he believes such activities would be consistent with applicable laws, orders, regulations, and standards. He shall consult fully with the Solicitor where appropriate. If clearance is not granted, the employee shall not commence or continue the outside employment or activity.

(b) The Secretary or his designee will handle requests for clearance by the heads of administrations, bureaus, offices, Presidential appointees, members of boards or commissions appointed by the Secretary, employees in the immediate Office of the Secretary. Clearance matters involving other employees in the Office of the Secretary will be handled by the head of the employing subdivision within such office which is not a part of a larger subdivision.

(c) The requirements set forth in this subpart are separate from and in addition to any provision under Subpart E of this part requiring an employee to submit a statement of employment and financial interests or any other requirements of that subpart.

Subpart D—Gifts, Fees, Entertainment, and Favors

§ 0.735–14 Acceptance of gratuities generally.

No employee shall solicit, accept, or agree to accept any direct or indirect favor, gift, loan, free service, gratuity, entertainment, or other item of economic value if the donor has or is seeking to obtain contractual or other business or financial relations with the Department, has interests that may be substantially affected by the performance or nonperformance of official duties, is attempting to reward or influence the employee's official actions, or if acceptance of such item could affect the employee's impartiality, or give that appearance. An employee shall not accept a gift, present, decoration, or other thing from a foreign Government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 7342. No regular Government employee may receive any salary or supplementation of salary from a private source as compensation for services to the Government.

§ 0.735–15 Payments, expenses, reimbursements, entertainment, etc., from non-Government sources.

(a) In general, Decision B–128527 of the Comptroller General dated March 7, 1967, restricts receipt of reimbursement for travel, subsistence, or other expenses from private sources by an employee on official business under agency orders. This decision or other regulations in this part do not restrict acceptance of contributions, awards, travel, subsistence, and other expenses from nonprofit organizations authorized by 5 U.S.C. 4111 and regulations issued thereunder; *Provided*, That an employee may not, without the written permission of the head of his employing administration, bureau, or office, or other person responsible for clearance of outside activities under § 0.735–13 (except as allowed by § 0.735–17(a)(6)), accept from nongovernmental sources any payments, expenses, reimbursements, entertainment, or other item of economic value incident to training, attendance at meetings of any kind, or other activities, if such training, meetings, or activities are attended or performed wholly or partially within periods when he is on duty or at such times as the Department pays any expenses incident thereto in whole or in part. Such authorization may not be granted where prohibited by law or Decision B–128527 of the Comptroller General and may only be granted if acceptance of the contribution, award, or payment: (1) Would not reflect unfavorably on the ability of the employee to carry out his official duties in a fair and objective manner; (2) would not compromise the honesty and integrity of the Government programs or of Government employees and their official actions or decisions; (3) would be compatible with the Code of Ethics for Government Service expressed in House Concurrent Resolution 175, 85th Congress, second session; (4) would otherwise be proper and ethical for the employee concerned under the circumstances in his particular case; and (5) if the contribution, award, or payment is not a reward for services to the organization prior to the training or meeting. Authorization shall be limited to receipt of bona fide reimbursement for actual expenses of travel and other necessary subsistence for which no Government payment or reimbursement is made. However, an employee may not be reimbursed and payment may not be made on his behalf for excessive personal living expenses, gifts, entertainment, or other personal benefits.

§ 0.735–16 Contributions and gifts to superiors.

No employee may solicit contributions from another employee for a gift to an employee in a superior official position. An employee in a superior official position shall not accept a gift presented as a contribution from employees receiving less salary than himself. An employee shall not make a donation as a gift to an employee in a superior official position. This section does not prohibit voluntary gifts of nominal value or donations in a nominal amount made on a special occasion such as marriage, illness, etc.

§ 0.735–17 Permissible gifts.

(a) The prohibitions in this subpart do not preclude:

(1) Acceptance of unsolicited advertising or promotional material of nominal intrinsic value;

(2) Acceptance of an award for meritorious public contribution given by a charitable, religious, professional, social, fraternal, nonprofit educational, recreational, public service, or civic organization;

(3) Acceptance of gifts resulting from obvious family or personal relationships when the circumstances make clear that it is those relationships rather than the business of the persons concerned which are the motivating factor;

(4) Acceptance of loans from banks, or other financial institutions on customary terms to finance proper and usual activities;

(5) Acceptance of scholarships, fellowships, and similar forms of assistance which are incident to education or training pursued by an employee on his own time and his own initiative;

(6) Acceptance, without permission, of food, entertainment, and refreshments of nominal value on infrequent occasions in the ordinary course of a meeting, inspection tour, or training situation in which the employee is properly in attendance.

(b) Notwithstanding any reference to generally permissible gifts in this subpart, employees are expected to avoid any conflict or apparent conflict between their private interests and those of the Department and to observe the other standards of conduct set forth in Subpart B of this part.

Subpart E—Statements of Employment and Financial Interests

§ 0.735–18 Regular employees required to submit statements.

The following regular employees are required to submit to the head of the employing administration, bureau, or office statements of employment and financial interests on forms approved by the Solicitor and furnished to the employees. Such forms must be completed in accordance with instructions applicable thereto. Forms shall be submitted not later than 90 days after the effective date of the regulations in this part, if employed on or before that effective date or 30 days after his entrance on duty, but not earlier than 90 days after the effective date if appointed after the effective date.

(a) Employees paid at a level of the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code; except the Secretary of Labor who is subject to separate reporting requirements under section 401 of Executive Order 11222;

(b) The Deputy Under Secretary, Deputy Assistant Secretaries, Deputy Solicitor, and all Assistants and all grades GS–13 and above executive or special assistants to the Secretary, Under Secretary, Assistant Secretaries, or the Solicitor;

(c) The heads of all administrations, bureaus, and offices, as defined in § 0.735–1. The heads of all bureaus and offices within an administration which are not a part of a larger administrative subdivision within such administration;

(d) The heads of all subdivisions within the Office of the Secretary which are not a part of a larger administrative subdivision within that Office;

(e) Employees in hearing examiner positions as defined by § 930.202(c) of the Civil Service Commission regulations (5 CFR 930.202(c));

(f) Employees, grade GS–13 and above occupying the following positions:

OFFICE OF THE SECRETARY

Immediate Office of the Secretary

Executive Secretary, Intra-Departmental Economic Advisory Committee.
Secretary's Regional Representative.

Office of the Assistant Secretary for Administration

Office of Financial Management and Administration:
  Director.
  Chief, Division of Audit.
  Auditors.
Office of Administrative Services:
  Director.
  Procurement Officer.
Office of Employee Utilization and Development:
  Director.
  Executive Development Officer.
  Employee Development Officer.
Office of Program and Budget Review:
  Director.
  Assistant Director for Budget Review.
  Assistant Director for Program Review.
Office of Federal Contract Compliance:
  Director.
  Assistant Director for Compliance Operations.
  Assistant Director for Program Policy.

Office of Information, Publications, and Reports

Deputy Director.

OFFICE OF THE SOLICITOR

Associate Solicitors.
Deputy Associate Solicitors.
Regional Attorneys.
Division of Litigation:
  Chief Trial Attorney.
  Counsel for Regional Litigation.
Division of Interpretations and Opinions:
  Counsel for Construction Wage Standards.
Division of Wage Determinations:
  Associate Administrator.
  Deputy Associate Administrator.

BUREAU OF LABOR STATISTICS

Deputy Commissioner.
Director, Office of Administrative Management.
Deputy Director, Office of Administrative Management.
Chief, Division of Fiscal Management and Services.

WAGE AND LABOR STANDARDS ADMINISTRATION

Office of the Wage and Labor Standards Administration

Deputy Administrator.
Director, Office of Planning.

Bureau of Labor Standards

Deputy Director.
Director, Office of Occupational Safety.
Regional Directors, Office of Occupational Safety.

Bureau of Employees' Compensation

Deputy Director.
Assistant Director for Administrative Management.
Assistant Director for Longshoremen's and Harbor Workers' Compensation.
Deputy Commissioners, District Offices.

BUREAU OF INTERNATIONAL LABOR AFFAIRS

Deputy Administrator.
Director, Division of Administration and Management.
Chief, Division of Trade Union Exchange Programs.
Division of International Exhibitions:
  Chief.
  Deputy Chief.
Division of Foreign Economic Policy:
  Chief.
  International Economists.

WAGE AND HOUR AND PUBLIC CONTRACTS DIVISIONS

Deputy Administrator.
Assistant Administrator for Compliance and Enforcement.
Assistant Administrator for Research and Legislative Analysis.
Assistant Administrator for Planning and Management.
Assistant to the Administrator.
Chief, Division of Regulations and Exemptions.
Chief, Division of Wage Determinations.
Regional Directors.
Deputy Regional Directors.
Assistant Regional Directors.
Assistants to the Regional Directors.
Directors of District Offices.
Field Office Supervisors.
Director of the Puerto Rico Area Office.
Assistant Director of the Puerto Rico Area Office.

LABOR MANAGEMENT SERVICES ADMINISTRATION

Deputy Administrator.
Director, Office of Labor-Management Relations Services.
Director, Office of Labor-Management Policy Development.
Director, Office of Administration and Management.
Director, Office of Veterans Reemployment Rights.

Office of Labor-Management and Welfare-Pension Reports

Professionals, Office of the Director.
Professionals, Division of Compliance Operations.
Division of Reports and Analysis:
  Director.
  Deputy Director.
  Branch Chiefs.
  Supervisory Staff Accountants, Branch of Financial Analysis.
Director, Division of Technical Assistance.
Division of Regulations and Administrative Rulings:
  Director.
  Branch Chiefs.
  Chief, Section of Bonding.
  Chief, Section of Rulings (Welfare and Pension Plans).
Field:
  Regional Directors.
  Assistant Regional Directors.
  Area Directors.

MANPOWER ADMINISTRATION

Office of the Manpower Administrator

Deputy Manpower Administrator.
Assistant Manpower Administrator for Manpower Development and Training.

Assistant Manpower Administrator for Intergovernmental Relations.
Special Assistant to the Manpower Administrator (Equal Employment Opportunities).
Regional Manpower Administrators.
Manpower Administrator's Regional Representatives.
Executive Secretary, President's Committee on Manpower.
Associate Manpower Administrator.
Deputy Associate Manpower Administrator.
Office of Evaluation and Reports:
Director.
Chief, Division of Program Evaluation.
Office of Special Manpower Programs:
Director.
Division of Program Experimentation:
Chief.
Professionals.
Division of Program Demonstration:
Chief.
Professionals.
Office of Manpower Research:
Director.
Special Assistant to the Director.
Division of Manpower Research Contracts:
Chief.
All Professionals, grades GS–14 and above.
Division of Manpower Research Grants:
Chief.
Professionals, grades GS-14 and above.

Office of Financial and Management Services

Assistant Manpower Administrator for Administration.
Deputy Assistant Manpower Administrator for Administration.
Division of Contracting Services:
Chief.
Chief, Branch of Payments Administration.
Chief, Branch of MDTA Contracts and Grants.
Chief, Branch of Bureau of Work Training Programs Contract Review.

Bureau of Apprenticeship and Training

Deputy Administrator.
Director, Office of Administration.
Regional Directors.
Deputy Regional Directors.

Bureau of Employment Security

Assistant to the Administrator.
Deputy Administrator.
Executive Assistant to the Administrator.
Special Assistant to the Administrator (Program Policy and Planning).
Special Assistant to the Administrator (Federal-State Relationships).
Special Assistant to the Administrator (Relations with Cooperating Groups).
Assistant to the Administrator for Training Program Coordination.
Chief, Office of Information.
Chief, Office of Field Administration.
Administration and Management Service:
Director.
Director, Office of Management and Appraisal.
Chief, Division of Automatic Data Processing.
Digital Computer Analysts.
Chief, Division of Federal Management and Administration.
Director, Office of Fiscal Policy and Management.
Chief, Division of State Budgets and Fiscal Standards.
Unemployment Insurance Service:
Director.
Deputy Director.
Assistant Director.
Director, Office of Program Development and Legislation.
Director, Office of Federal Unemployment Insurance Programs and Training Allowances.
Office of State Operations:
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Assistant Director.
Systems Development Staff.
Chief, Division of Organization and Management.
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Office of the Director:
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Deputy Director.
Special Assistants.
Assistant for Program Planning and Development.
Chief, Division of State Employment Service Administration.
Chief, Branch of Program Budget Requirements.
Employment Service Advisors (automatic data processing).
Office of Employment Service Activities:
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Chief, Division of Youth Employment and Guidance Services.
Office of Manpower Analysis and Utilization:
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Director.
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Chief.
Assistant Chief.
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Office of Farm Labor Service:
Director.
Deputy Director.
Chief, Division of Farm Labor Operations.
Chief, Branch of Recruitment and Compliance.
Chief, Division of Research and Wage Activities.
Chief, Division of Labor Contractor Activities.
Field Offices:
Regional Administrators.
Assistant Regional Administrators.

Bureau of Work Training Programs

Office of Planning and Evaluation:
Director.
Deputy Director.
Program Evaluators.
Office of Operations:
Director.
Deputy Director.
Regional Offices:
Directors.
Deputy Directors.
Field Representatives.
Contract Specialists.

(g) Additions to, deletions from, and other amendments of the list of positions in paragraph (f) of this section may be made from time to time as necessary to carry out the purpose of the law, Executive Order 11222, and Part 735 of the Civil Service Commission regulations (5 CFR Part 735). Such amendments are effective upon clearance by the Solicitor and actual notification to the incumbents. The amended list shall be submitted annually for publication in the FEDERAL REGISTER.

(h) Any employee who believes that his position has been improperly included under this subpart as one requiring the submission of a statement of employment and financial interests shall have the opportunity for review of such inclusion under the grievance procedures of the Department of Labor.

§ 0.735–19 Supplementary statements, regular employees.

Changes in, or additions to the information contained in the regular employee's statement of employment and financial interests shall be reported in a supplementary statement as of September 30 each year. If there are no changes or additions, a negative report is required. Notwithstanding the filing of the annual report required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflict-of-interest laws or Supart C of this part.

§ 0.735–20 Special Government employees required to submit statements.

(a) Before an individual enters on duty as a special Government employee expert or consultant he is required to submit a statement of employment and financial interests to the head of the employing administration, bureau, or office, on forms approved by the Solicitor and furnished to the individual. Such forms must be completed in accordance with the instructions applicable thereto. This requirement applies to all other special Government employee positions unless the head of the employing administration, bureau, or office determines prior to appointment that the duties of the position are of such a nature and at such a level of responsibility that the submission of the statement is not necessary to protect the integrity of the Government. For the purpose of this section, "consultant" and "expert" shall be given the meanings given those terms by Chapter 304 of the Federal Personnel Manual.

(b) Each special Government employee shall keep his statement of employment and financial interests current throughout his employment with the Department by the submission of supplementary statements.

§ 0.735–21 Review procedures.

(a) Except as provided in 0.735–22, the head of each administration, bureau, or office, shall promptly review each initial and supplementary statement of employment and financial interests required by this part. No individual may enter on duty as a special Government employee if the head of the employing administration, bureau, or office determines that employment would be in conflict with the standards set forth in this part, or other applicable regulations, laws, or orders.

(b) Before the head of an administration, bureau, or office disapproves a statement of employment and financial interests submitted by a regular or special Government employee, such employee must be given an opportunity to explain the possible or apparent conflict of interest. The head of the employing administration, bureau, or office may require the employee to furnish such additional information as may be appropriate in considering the statement of employment and financial interests. If, after adequate investigation, he disapproves an employee's statement of employment and financial interests, he shall promptly notify the employee of the disapproval and recommend appropriate remedial action pursuant to § 0.735–3. If the employee is unwilling or unable to take such action, the head of the employing administration, bureau, or office shall forthwith transmit the employee's statement of employment and financial interests and other pertinent information to the Solicitor. The Solicitor shall review all such forms and recommend appropriate action on such statements of employment and financial interests to the Under Secretary. If the Under Secretary disapproves the form, the head of the employing administration, bureau, or office shall initiate appropriate remedial action under § 0.735–3 and other applicable laws, orders, and regulations. Pending any final determination with regard to an employee's statement of employment and financial interests, the head of the employing administration, bureau, or office shall relieve the employee of any duties which appear to conflict with a private interest or activity and assign him other duties.

§ 0.735–22 Statements of top staff and certain other employees.

Statements of employment and financial interests submitted by the heads of administrations, bureaus, offices, Presidential appointees, members of boards or commissions appointed by the Secretary, the heads of subdivisions within the Office of the Secretary which are not a part of larger administrative subdivisions within such Office, and employees in the immediate Office of the Secretary will be reviewed by the Secretary or the individual designated by him. Statements of employment and financial interests submitted by employees in the Office of the Secretary other than those specified above, will be reviewed by the head of the employing subdivision within such office which is not a part of a larger subdivision in accordance with § 0.735–21.

§ 0.735–23 Confidentiality.

The Department shall hold each statement of employment and financial interests and supplementary statements in confidence. Statements shall be kept in a special file maintained by the head of the administration, bureau, office or other official responsible for review in such administrative subdivision of the Department where the individual is employed. No statement or copy thereof may be placed in an employee's personnel file. The official responsible for review of a statement is also responsible for maintaining the statement in confidence and shall not allow an individual to examine any statement or copy thereof without the approval of the Solicitor for good cause shown, except in fulfillment of his responsibilities under the regulations in this part. No information from a statement of employment and financial interests may be disclosed outside of the Department of Labor except as the Secretary, or the Civil Service Commission may determine for good cause shown.

§ 0.735–24 Review of files.

The Solicitor or his designee may from time to time examine the files containing statements of employment and financial interests and supplementary statements, including those approved by the heads of administrations, bureaus, or offices. He shall report any conflict discovered thereby to the appropriate Department official.

§ 0.735–25 Interests of employees' relatives.

For the purpose of the statements of employment and financial interests required by this subpart, the interest of a spouse, minor child, or other member of the employee's immediate household is considered to be an interest of the employee. For the purpose of this section, "member of an employee's immediate household" means those blood relations who are residents of the employee's household.

§ 0.735–26 Information not known by employees.

If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit information in his behalf.

§ 0.735–27 Information not required.

This subpart does not require an employee to submit on a statement of employment and financial interests or supplementary statement any information relating to the policy holdings in an insurance company and the stock or bond holdings in a mutual fund, investment company, or bank: *Provided*, That in the case of a mutual fund, investment company, or bank, the fair value of such stock or bond holding does not exceed one percent of the value of the reported assets of the mutual fund, investment company, or bank. In addition, this subpart does not require submission of information relating to the employee's connection with, or interest in, a professional society or charitable, religious, social, fraternal, recreational, public service, civic, or political organization, or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

§ 0.735–28 Effect of employees' statements on other requirements.

The statement of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirements imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

Effective date. These amendments to Part 0 shall become effective upon publication in the FEDERAL REGISTER.

This revised Part 0 was approved by the Civil Service Commission on July 1, 1968.

Signed at Washington, D.C., this 27th day of March 1968.

WILLARD WIRTZ,
Secretary of Labor.

APPENDIX A

Attention of the employees of the Department of Labor is hereby directed to the following statutory provisions:

(a) House Concurrent Resolution 175, 85th Congress, second session, 72A Stat, B12, the "Code of Ethics for Government Service."

(b) Chapter 11 of title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employees concerned.

(c) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(d) The prohibition against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(e) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(f) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (2) the disclosure of confidential information (18 U.S.C. 1905).

(g) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(h) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(i) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(j) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(k) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(l) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(m) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(n) The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(o) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(p) The prohibition against political activities in subchapter III of chapter 73 of title 5, United States Code and 18 U.S.C. 602, 603, 607, and 608.

(q) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

[F.R. Doc. 68–8670; Filed, July 19, 1968; 8:48 a.m.]

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Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 68–CE–17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Extension of Federal Airway; Correction

On June 26, 1968, F.R. Doc. 68–7529 was published in the FEDERAL REGISTER (33 F.R. 9333), effective August 22, 1968. This document amended Part 71 of the Federal Aviation Regulations by extending VOR Federal airway No. 316 from Sault Ste. Marie, Mich., direct Marquette, Mich., direct Houghton, Mich., direct to Lakehead, Ontario, Canada, excluding the airspace within Canada.

The airway floor for the segment of V–316 between Houghton and the United States/Canadian border should have been segmented so as to coincide with the floors of VOR Federal airway No. 133 presently designated between Lakehead and Houghton. Accordingly, action is taken herein to designate the airway floor for V–316 from the United States/Canadian border 2,600 feet MSL to 10 miles northwest of Houghton thence 1,200 feet AGL to Houghton.

Since this amendment is minor in nature, will not require the designation of additional airspace and will impose no additional burden on any person, compliance with notice and public procedure is unnecessary and the effective date of the final rule as initially adopted is retained.

In consideration of the foregoing effective immediately, F.R. Doc. 68–7529 (33 F.R. 9333) is amended as follows:

In Item b, "12 AGL Houghton, Mich.;" is deleted and "65 miles 26 MSL, 12 AGL Houghton, Mich.;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 16, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68–8759; Filed, July 22, 1968; 8:49 a.m.]

[Airspace Docket No. 68–EA–59]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway Segments

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to realign VOR Federal airway No. 72 segment between Cambridge, N.Y., and the Hartness, Vt., intersection and realign VOR Federal airway No. 151 west alternate segment between Keene, N.H., and Lebanon, N.H.

V–72 segment from Cambridge terminates at the Hartness intersection, the present location of the Springfield, Vt., radio beacon. V–151 west alternate segment between Keene and Lebanon also intersects with V–72 segment at the Springfield radio beacon. The State of Vermont Aeronautics Board has advised that the Springfield radio beacon will be relocated from the present site to lat. 43°16'12" N., long. 72°35'12" W., so as to provide lower landing minimums for the Hartness Airport.

Accordingly, action is taken herein to make minor realignments to the segments of V–72 and V–151 west so as to adjust their alignments with the new location of the Springfield radio beacon. The Administrator has, therefore, determined that in the interest of safety, and the efficient utilization of airspace and movement of air traffic, notice and public procedure on these amendments are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 17, 1968, as hereinafter set forth.

Section 71.123 (33 F.R. 2009, 4404) is amended as follows:

a. In V–72 "Keene, N.H., 341° radials." is deleted and "Keene, N.H., 336° radials." is substituted therefor.

b. In V–151 "Keene 341° and Lebanon 211° radials;" is deleted and "Keene 336° and Lebanon 214° radials;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 12, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68–8761; Filed, July 22, 1968; 8:49 a.m.]

[Airspace Docket No. 68–CE–33]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On pages 6721 and 6722 of the FEDERAL REGISTER dated May 2, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Mount Vernon, Ill.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., September 19, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on July 3, 1968.

EDWARD C. MARSH,
Director, Central Region.

(1) In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

CENTRALIA, ILL.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Centralia Municipal Airport (latitude 38°30'40" N., longitude 89°05'35" W.); and within 2 miles each side of the Centralia VOR 031° radial extending from the 5-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the north boundary of V–446, extending south along longitude 88°35'00" W., to latitude 38°12'00" N.; thence west along latitude 38°12'00" N., to and counterclockwise along the arc of a 40-mile radius circle centered on Scott AFB, Belleville, Ill. (latitude 38°-32'30" N., longitude 89°51'05" W.), to and clockwise along the arc of a 13-mile radius circle centered on the Centralia VOR to and counterclockwise along the arc of a 40-mile radius circle centered on Scott AFB to the north boundary of V–446; thence east along the north boundary of V–446 to the point of beginning.

(2) In § 71.181 (33 F.R. 2137), the following transition area is added:

MOUNT VERNON, ILL.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Mount Vernon Municipal Airport (latitude 36°19'15" N., longitude 88°51'40" W.); within 2 miles each side of the 044° bearing

from Mount Vernon Municipal Airport, extending from the 5-mile radius area to 8 miles northeast of the airport; and within 2 miles each side of the 244° bearing from Mount Vernon Municipal Airport, extending from the 5-mile radius to 8 miles southwest of the airport.

[F.R. Doc. 68-8762; Filed, July 22, 1968; 8:49 a.m.]

[Airspace Docket No. 68-CE-43]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 7698 of the FEDERAL REGISTER dated May 24, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Ashland, Mo.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., September 19, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on July 3, 1968.

EDWARD C. MARSH,
Director, Central Region.

In § 71.181 (33 F.R. 2137), the following transition area is added:

ASHLAND, MO.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the New Columbia, Mo., Municipal Airport (latitude 38°48'55" N., longitude 92°13'05" W.); and within 2 miles each side of the Hallsville, Mo., VORTAC 192° radial, extending from the 6-mile radius area to 10 miles south of the VORTAC, excluding the portions which overlie the Columbia, Mo., 700-foot floor transition area.

[F.R. Doc. 68-8763; Filed, July 22, 1968; 8:49 a.m.]

[Airspace Docket No. 68-SW-26]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Federal Airway

On May 2, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 6721) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke V-284 from Fort Stockton, Tex., to San Angelo, Tex.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., September 19, 1968, as hereinafter set forth.

In § 71.123 (33 F.R. 2009) V-284 is revoked.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 16, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-8764; Filed, July 22, 1968; 8:49 a.m.]

[Airspace Docket No. 67-WE-81]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to extend the time of designation of Restricted Area R-6411, at Hanksville, Utah.

On April 4, 1968, a rule was published in the FEDERAL REGISTER (33 F.R. 5352) which redesignated R-6411 with the following time of designation:

Time of designation: May 15, 1968, through August 15, 1968, unless canceled sooner by Notices to Airmen. All subsequent annual firing periods will be designated by a rule published in the FEDERAL REGISTER.

The U.S. Air Force advised that an extension of the time of designation is necessary due to unforeseen revisions of the Pershing missile firing schedule and have requested that it be extended through August 31, 1968.

Since this amendment is made in accordance with the procedures set forth in the previous rule, additional notice and public procedure hereon are unnecessary.

Therefore, action is taken herein to amend Part 73 of the Federal Aviation Regulations, effective 0901 G.m.t., August 15, 1968, as hereinafter set forth.

In § 73.64 (33 F.R. 2339, 5352), the Hanksville, Utah, Restricted Area R-6411 as amended by deleting the present time of designation and substituting the following therefor.

Time of designation: May 15, 1968, through August 31, 1968, unless canceled sooner by Notices to Airmen. All subsequent annual firing periods will be designated by a rule published in the FEDERAL REGISTER.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 15, 1968.

WILLIAM M. FLENER,
Acting Director, Air Traffic Service.

[F.R. Doc. 68-8765; Filed, July 22, 1968; 8:50 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR-105, Amdt. 1]

PART 310—INSPECTION AND COPYING OF BOARD OPINIONS, ORDERS, AND RECORDS

Availability of Magnetic Tapes for Copying by the Public

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of July 1968.

The Board has an inventory of magnetic tapes which have been prepared for statistical purposes from air carrier reports filed with the Board. The Board finds that it is in the public interest to make such tapes available for copying by the public, subject to certain conditions. This will be accomplished by the subject amendment to Part 310 and by an amendment to Part 389 of the Board's Organization Regulations (Fees and Charges for Special Services, 14 CFR Part 389), issued contemporaneously herewith.[1]

Since this regulation is a rule of agency practice and procedure, notice and public procedure hereon are not required. The Board also finds that the need for and the public benefits flowing from making the magnetic tapes immediately available to the public for copying constitute good cause for this amendment to be made effective upon less than 30 days' notice.

Accordingly, the Board hereby amends Appendix A of Part 310 of its Procedural Regulations (14 CFR Part 310), effective on July 23, 1968, to read in part as follows:

[1] OR-31, adopted July 18, 1968, effective July 23, 1968.

APPENDIX A

DESCRIPTION AND LOCATION OF RECORDS GENERALLY AVAILABLE

(NOTE: Any item may be withheld from disclosure if exempted, whether or not the item is listed herein.)

• • • • • • •	
Reports of Carriers and Related Material:	
Air Carrier Form 41 and 242 Financial and Operational reports.	Office of Secretary, Public Reference Room.
Magnetic tapes prepared by the Board based upon air carrier reports filed with the Board.	Director, Bureau of Accounts and Statistics.
Air Carrier "on time" reports (Form 438).	Office of Secretary, Public Reference Room.
• • • • • • •	

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1342(a). Interpret or apply Freedom of Information Act, 81 Stat. 54, U.S.C. 552)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8749; Filed, July 22, 1968; 8:48 a.m.]

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-31, Amdt. 2]

PART 389—FEES AND CHARGES FOR SPECIAL SERVICES

Copying Magnetic Tapes of the Board

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of July 1968.

Part 389 of the Board's Organization Regulations (14 CFR Part 389) establishes a system of filing and license fees, and fees for special services. As indicated in PR-105, issued contemporaneously herewith[1] the Board has found that it is in the public interest to permit the public to have copies made of magnetic tapes prepared by the Board from air carrier reports filed with the Board. By the subject amendment, the Board is establishing the procedures for obtaining tapes for copying, the conditions under which such tapes shall be furnished, and the charges in connection therewith.

Since this regulation is a rule of agency practice and procedure, notice and public procedure hereon are not required. The Board finds that the charges set forth in this amendment are fair and equitable "taking into consideration direct and indirect cost to the government" (see 31 U.S.C. sec. 483a).[2] The Board also finds that the need for and the public benefits flowing from making the magnetic tapes immediately available to the public for copying constitute good cause for this amendment to be made effective upon less than 30 days' notice.

Accordingly, the Civil Aeronautics Board hereby amends Part 389 of its Organization Regulations (14 CFR Part 389), effective July 23, 1968, as follows:

1. Amend the table of contents by adding a new § 389.14a, as follows:

Sec.
389.14a Furnishing magnetic tapes for copying.

2. Add new § 389.14a entitled "Furnishing magnetic tapes for copying" to read as follows:

§ 389.14a Furnishing magnetic tapes for copying.

(a) The Director, Bureau of Accounts and Statistics, will furnish, upon written request, one or more magnetic tapes prepared by the Board from air carriers reports filed with the Board, to members of the public for copying by a reputable computer service bureau of the applicant's choosing and at applicant's expense. A fee of two hundred dollars ($200.00) for each tape or portion thereof will be charged for permission to make a copy. The request shall include a complete description of the data sought as well as the period or periods of time to which such data relate. The applicant shall undertake to return the tapes to the Board within such time period as may be prescribed by the Director, Bureau of Accounts and Statistics. The applicant, or his agent, shall agree to bear the cost of replacing any tape which may be damaged or destroyed.

(b) Where the tape contains data exempt from disclosure pursuant to 5 U.S.C. 552(b) or which have been withheld from public disclosure by the Board, the Director, Bureau of Accounts and Statistics, may arrange for the copying of the nonconfidential portion of the tape, at the applicant's expense, by the Board facility or by an outside contractor selected by the Board. When the copying is performed by the Board, the charge for the copying will be seventy-five dollars ($75.00) per computer-metered hour or fraction thereof. Whenever the authority provided by this paragraph is invoked, the applicant shall also pay a fee of $200.00 per tape for the privilege of copying.

(Sec. 204(a) of the Federal Aviation Act of 1958, 72 Stat. 743, 49 U.S.C. sec. 1324(a); and 65 Stat. 290, 31 U.S.C. sec. 483a)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8753; Filed, July 22, 1968; 8:48 a.m.]

[1] PR-105, adopted July 18, 1968, effective July 23, 1968.

[2] The $200 charged for the privilege of copying each tape is a judgment figure, and takes into consideration the estimated cost of producing the data bank, the probable number of users of the tapes, and the charges imposed for copies of comparable tapes by other persons.

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 68-184]

PART 16—LIQUIDATION OF DUTIES

Definition of "Benefit" in Countervailing Duty Orders

Section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) provides for the assessment of an additional duty equal to the amount of any bounty or grant which has been paid or bestowed upon the manufacture or production or export of any imported dutiable article or merchandise.

A question has been raised whether countervailing duty is applicable to a particular entry or withdrawal of imported merchandise which is of the type described in a countervailing duty order, but which does not in fact receive the bounty or grant being countervailed. To make it clear that such countervailing duty shall be assessed only upon merchandise upon which the bounty or grant has been or will be paid or bestowed, § 16.24(e) of the Customs Regulations is amended by adding at the end thereof the following, which is declaratory of Treasury interpretation of such orders: "Any merchandise subject to the terms of the order shall be deemed to have benefited from a bounty or grant if such bounty or grant has been or will be paid or credited, directly or indirectly, upon the manufacture, production, or exportation of such merchandise."

This amendment is effective upon publication of this Treasury Decision in the FEDERAL REGISTER.

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: July 17, 1968.

JOSEPH M. BOWMAN,
Assistant Secretary of the Treasury.

[F.R. Doc. 68-8734; Filed, July 22, 1968; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Arrowwood National Wildlife Refuge, N. Dak.

On page 8229 of the FEDERAL REGISTER of June 1, 1968, there was published a notice of a proposed amendment to § 32.21 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide public hunting of upland game on the Arrowwood National Wildlife Refuge, N. Dak., as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 10, 45 Stat. 1224, 16 U.S.C. 715i, as amended; sec. 4, 80 Stat. 927, 16 U.S.C. 668dd)

Section 32.21 is amended by the following addition:

§ 32.21 List of open areas; upland game.

• • • • • •

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

• • • • • •

A. V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JULY 18, 1968.

[F.R. Doc. 68-8704; Filed, July 22, 1968; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER E—DEFENSE CONTRACTING

PART 163—DEFENSE CONTRACT FINANCING REGULATIONS

Miscellaneous Amendments

The following amendments to this Part 163 are issued by direction of the Assistant Secretary of Defense (Installations and Logistics) pursuant to authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2260), as amended, and 10 U.S.C. 2202.

1. Section 163.14 is revised; new paragraph (e) is added to § 163.15; and §§ 163.71, 163.72, 163.72–1, 163.72–2, 163.72–3, and 163.72–4 are revised, as follows:

§ 163.14 Acceleration of payments.

Payments must be made promptly on all contracts when due. It is of continuing importance that there be acceleration of all proper payments earned by contractors, including progress payments. Undue delays by the Government in determining amounts due to contractors or in making timely payment of amounts earned by contractors would impose financing burdens on contractors and may amount to extensions of credit by contractors to the Government. Contracting officers should give favorable consideration to reasonable requests for billing more frequently than monthly.

§ 163.15 Timely action.

* * * * *

(e) Appropriate release of any withholdings deemed unnecessary on contracts where deliveries and services have been completed and amounts are being withheld pending final settlements.

§ 163.71 Obligations.

Nothing in this part shall be construed to authorize payment of more than the amount obligated on a contract.

§ 163.72 Customary progress payments.

(a) Certain contracts may require contractor's predelivery or unbillable partial performance expenditures that will have a material impact on the contractor's working funds. These include production contracts which involve a long "lead time" or preparatory period, normally involving 6 months or more between the beginning of work and the first production delivery. They also include some contracts for research and development and some contracts for services which have a long time period of approximately 6 months or more between the beginning of work and the first opportunity to bill and receive payment for a significant element of contract performance. Progress payments are customary at the uniform standard percentages of total costs (§§ 163.72–1 and 163.72–2), on this category of contracts and on letter contracts contemplating a definitive fixed price type of contract. Length of lead time, or length of the time period within which billings for deliveries or for significant partial performance cannot be accomplished, are not a factor in qualifying letter contracts and their superseding definitive contracts for customary progress payments. Percentages above uniform standard percentages are regarded as unusual, and not within the category of customary progress payments (§ 163.74).

(b) The long lead time or preparatory period in these cases, and the accompanying predelivery or prepartial performance billing expenditures that may have a material impact on the contractor's working funds, and the equivalent circumstances of letter contracts and their superseding definitive contracts, are regarded as making these customary progress payments reasonably necessary. The general preference for private financing is not applicable to this class of cases. Provision for customary progress payments will be made as a matter of course when requested by contractors who are known (from experience or adequate preaward investigation) to be reliable, competent, capable of satisfactory performance, in satisfactory financial condition, and to have an adequate accounting system and controls. In such cases, it is not necessary to require projections of cash receipts and expenditures or other demonstration of actual reasonable need for progress payments. However, in order to minimize administrative effort and expense, progress payments will be discouraged on relatively small contracts of the stronger and larger contractors who are not small business concerns, e.g., contracts for less than $1 million, unless the circumstances of a group of such contracts, for contemporaneous performance, make such contracts the approximate equivalent of a larger contract that would have a material impact on the contractor's working funds. If a small business concern, and the contract involved, meet the above standards for customary progress payments, the smallness of the contract shall not deter the making of provision for customary progress payments to such small business concerns.

§ 163.72–1 Uniform standard percentages—contracts existing before March 1, 1968.

The uniform standard percentages for progress payments on contracts existing before March 1, 1968, including all orders under or modifications of those contracts whether or not involving additional work or quantities, will remain at 70 percent of total costs, or 75 percent of total costs for negotiated contracts of small business concerns and those contracts awarded by "Small Business Restricted Advertising" or pursuant to the procedure of § 163.73–3 for progress payments exclusively for small business. Higher percentages for these existing contracts will continue to be regarded as unusual (§ 163.74), and not within the category of customary progress payments, notwithstanding any contract provision. The progress payment percentage on contracts existing before March 1, 1968, shall not be increased, for whatever reason, unless authorized in conformity with the standards and procedures of § 163.74.

§ 163.72–2 Uniform standard percentages—contracts made on or after March 1, 1968.

For new contracts, that is, those entered into on or after March 1, 1968, the uniform standard progress payment rate is 80 percent of total costs for firms which are not small business concerns, and for progress payments incident to procurement by formal advertising (§ 163.73–1). For new contracts negotiated with small business concerns, and for new procurement by Small Business Restricted Advertising (§ 163.73–2) or pursuant to § 163.73–3, the uniform standard progress payment rate is 85 percent of total cost. These new uniform standard progress payment rates also apply to letter contracts awarded on or after March 1, 1968, and to definitive fixed price types of contracts which supersede letter contracts on or after March 1, 1968, regardless of the date of award of the superseded letter contract. Higher percentages for new contracts will be regarded as unusual (§ 163.74) and not within the category of customary progress payments.

§ 163.72–3 Indefinite quantity contracts—basic ordering agreements.

For indefinite quantity contracts (§ 3.409–3 of this chapter) and basic ordering agreements (§ 3.410–2 of this chapter) contemplating requisitions, delivery orders, work orders, task orders, job orders or their equivalent, if the contractor meets all other requirements for customary progress payments, the decision as to whether progress payments come within the customary category will depend upon estimates of the amount of work expected to be done, and the production lead time expected to be necessary for the major part of the work anticipated. In these cases, provision for progress payments in the indefinite quantity contract or basic ordering agreement may be deemed customary if the amounts involved, and the production lead time, will result in the substantial equivalent of the customary progress payments. The standards for unusual progress payments govern when progress payments are not of the customary type.

§ 163.72–4 Administration.

When progress payments are provided in the cases mentioned in § 163.72–3, (a) the contract price is deemed to be the total of the amount of requisitions, delivery orders, work orders, task orders or their equivalent issued under the basic contract, (b) costs for progress payment purposes are the costs allocable to all such requisitions, etc., and (c) payments and liquidations will be handled in the same way as if all such requisitions, etc., constituted work under a single fixed-price type contract.

2. Sections 163.73–1(a), 163.73–2, 163.73–4, 163.74 (b) and (c), 163.75, 163.77, 163.78–7, 163.78–8, and 163.78–9 are revised to read as follows:

§ 163.73–1 Progress payment provision in invitations for bids.

(a) When progress payments are contemplated, the invitations for bids shall state that upon written request by the prospective contractor a progress payment clause (to be included in the invitations for bids or identified by appropriate reference therein, and to be the § 163.79–1 contract clause at 80 percent of total costs) will be included in the contract at the time of award. These invitations for bids providing for progress payments shall also state that the need for progress payments conforming to regulations will not be considered as a handicap or adverse factor in the award of contracts, and that bids including requests for progress payments will be evaluated on an equal basis with bids not including requests for progress payments.

* * * * *

§ 163.73–2 Small business restricted advertising.

The above policy and standards also apply to procurement by "Small Business Restricted Advertising," except that in "Small Business Restricted Advertising" (and also for procurement to § 163.73–3), when deemed reasonably necessary, provision may be made for progress payment percentage at 85 percent of total costs.

§ 163.73–4 Notice to bidders.

Those invitations for bids that make provision for progress payments (§ 163.73–1) should contain substantially the following notice to bidders:

PROGRESS PAYMENTS

The need for progress payments conforming to regulations (Appendix E, Armed Services Procurement Regulation) will not be considered as a handicap or adverse factor in the award of contracts. Bidders desiring progress payments in accordance with the Progress Payment clause attached hereto, shall include a written request therefor in their bids, and bids including requests for progress payments will be evaluated on an equal basis with bids not including a request for progress payments. If a bid does not contain a request for progress payment provision, the Progress Payment clause will not be included in the contract as awarded.

§ 163.74 Unusual progress payment; standards; procedure.

* * * * *

(b) Such cases must involve a preparatory period requiring contractor's predelivery expenditures that are large in relation to the contract price and in relation to the contractor's working capital and credit. Contract provisions for progress payments in this category will be only supplementary to private financing, including guaranteed loans, in amounts necessary for contract performance. The percentage rates for progress payments in this category will be determined on a minimum basis commensurate with the contractor's production schedule requirements and minimum inventory lead time, with due regard to the contractor's projected cash needs, cash resources and their planned application.

(c) All requests involving progress payments at rates exceeding uniform standard percentages (§§ 163.72, 163.73) of total costs, if regarded favorably by the Head of a Procuring Activity (§ 1.201–7 of this chapter) or by a specially designated general or flag officer within a procuring activity, will be forwarded, with supporting information, for approval of a designated office or person at Departmental Headquarters of the Department directly concerned. Such office or person may be the contract financing office at Departmental headquarters or such person or persons, located at Departmental headquarters and responsible to the Under or Assistant Secretary responsible for the comptroller function, as may be designated for this purpose by such Under or Assistant Secretary. Such requests, before approval, will be coordinated speedily with representatives of the other Departments and of the Assistant Secretary of Defense (Installations and Logistics). Progress payments at uniform standard rates (§ 163.72) on letter contracts and on definitive contracts superseding letter contracts are not deemed unusual.

§ 163.75 Accounting system and controls.

The contractor's accounting system and controls must be adequate for the proper administration of progress payments. If the contractor's accounting system and controls have been found (by experience or by the Defense Contract Audit Agency) to be sufficient and reliable for segregation and accumulation of contract costs, no further examination should be necessary so long as the efficiency and reliability of the contractor's system and controls are maintained. In all doubtful cases, including contracts with whom the Defense Contract Audit Agency has had no experience within the next preceding 12 months, the adequacy of the contractor's accounting system and controls shall be determined, and any necessary changes accomplished, before inclusion of a Progress Payment clause in a contract. For this purpose, the services of the Defense Contract Audit Agency should be utilized to the greatest extent practicable. See § 163.89.

§ 163.77 Advance payments.

When advance payments and progress payments are authorized in the same contract, progress payment percentages will not exceed the uniform standard percentages mentioned in §§ 163.72 and 163.73. In these cases, the words "less unliquidated advance payments" may be deleted from paragraph (a)(3)(ii) of the progress payment clause (§ 163.79–1) in the discretion of the contract financing office (§ 163.26).

§ 163.78–7 Contract price.

The term "contract price" means the total amount fixed by the contract (other than any portion of the contract specifically providing for cost reimbursement only), as amended, to be paid for complete performance of the contract. If the contract provides for escalation or for redetermination of price, this term means the initial price until changed and not the ceiling price. Except as provided in § 163.81–2(b), if the contract is of the incentive type, the term means the ceiling or maximum price, until final pricing, even though an amount above the target price may not have been obligated on the contract. For contracts of the incentive type, this definition will be applied the same as if it had been in effect at the date of award of the contract, without requiring consideration from the contractor. For purposes of administration of contracts under which there are incentive type subcontracts with a subcontract progress payment clause (§ 163.82), this definition will also apply to those subcontracts. For letter contracts and similar preliminary contractual instruments, this term means the maximum expenditure authorized by the contract, as amended.

§ 163.78–8 Amendments, supplements, and modifications.

The terms "amendment," "supplement," and "modification" are used interchangeably, and whenever one of these terms is used it includes the others. The term "new contract," as used herein, does not include "amendments." See § 163.72–2.

§ 163.78–9 Deviation.

The term "deviation" means (a) any change, addition to, or deletion from the contract clause and certificate form required by this subpart; (b) any contract provision, outside the Progress Payment clause, which would have the effect of altering or changing the effect of the Progress Payment clause provided herein; and (c) any variation from this part. Actions pursuant to § 163.80–6 are not deviations.

3. Section 163.79 is revised; in § 163.79–1, the clause heading and clause paragraphs (a), (b), and (j) (1) and (2) are revised; and §§ 163.80, 163.80–2, 163.80–3, 163.80–4, 163.80–5, and 163.80–6 are revised, as follows:

§ 163.79 Contract clause.

Subject to the instructions in §§ 163.80 and 163.81, the following Progress Payment clause shall be used when progress payments are to be made to a contractor based upon a percentage of costs.

§ 163.79–1 Progress Payment clause.

PROGRESS PAYMENT (MAY 1968)

Progress payments shall be made to the Contractor as work progresses, from time to time upon request, in amounts approved by the Contracting Officer upon the following terms and conditions:

(a) *Computation of amounts.* (1) Unless a smaller amount is requested, each progress payment shall be (i) 80 percent of the amount of the Contractor's total costs incurred under this contract plus (ii) the amount of progress payments to subcontractors as provided in (j) below; all less the sum of previous progress payments.

(2) The Contractor's total costs ((a)(1)(i)) shall be reasonable, allocable to this

contract, and consistent with sound and generally accepted accounting principles and practices. However, such costs shall not include (i) any costs incurred by subcontractors or suppliers, or (ii) any payments or amounts payable to subcontractors or suppliers, except for completed work (including partial deliveries) to which the Contractor has acquired title and except for amounts paid or payable under cost-reimbursement or time and material subcontracts for work to which the Contractor has acquired title, or (iii) costs ordinarily capitalized and subject to depreciation or amortization except for the properly depreciated or amortized portion of such costs.

(3) The amount of unliquidated progress payments shall not exceed the lesser of (i) 80 percent of the costs mentioned in (a)(1)(i) above, plus any unliquidated progress payments mentioned in item (a)(1)(ii) above, both of which are applicable only to the supplies and services not yet delivered and invoiced to and accepted by the Government, or (ii) 80 percent of the total contract price of supplies and services not yet delivered and invoiced to and accepted by the Government, less unliquidated advance payments.

(4) The aggregate amount of progress payments made shall not exceed 80 percent of the total contract price.

(5) If at any time a progress payment or the unliquidated progress payments exceed the amount permitted by this paragraph (a), the Contractor shall pay the amount of such excess to the Government upon demand.

(b) *Liquidation.* Except as provided in the clause entitled "Termination for Convenience of the Government," all progress payments shall be liquidated by deducting from any payment under this contract, other than advance or progress, the amount of unliquidated progress payments, or 80 percent[1] of the gross amount invoiced, whichever is less. Repayment to the Government required by a retroactive price reduction will be made after calculating liquidations and payments on past invoices at the reduced prices and adjusting the unliquidated progress payments accordingly.

* * * * *

(j) *Progress payments to subcontractors.* (1) The amount mentioned in item (a)(1)(ii) above shall be the sum of (i) all the progress payments made by the Contractor to his subcontractors and remaining unliquidated, and (ii) unpaid billings for progress payments to subcontractors which have been approved for current payment in the ordinary course of business, when under subcontracts which conform to (2) below.

(2) Subcontracts on which progress payments to subcontractors may be included in the base for progress payments pursuant to paragraph (a) of this clause are limited to those subcontracts in which there is expected to be a long "lead time," approximating 6 months or more between the beginning of work and the first delivery, containing subcontract progress payment provisions which (i) are substantially similar to and as favorable to the Government as this "Progress Payments" clause, no more favorable to the subcontractor than this clause is to the Contractor and on a basis of not more than 80 percent of total costs (except that this percentage may be 85 percent of total costs for those subcontractors which are small business concerns), and (ii) make all rights of the subcontractor with respect to all property to which the Government has title under the subcontract subordinate to the rights of the Government to require delivery of such property to it in the event of default by the Contractor under this contract or in the event of the bankruptcy or insolvency of the subcontractor.

* * * * *

§ 163.80 Instructions for Progress Payment clause.

The instructions below apply to the clause set forth in § 163.79–1.

§ 163.80–2 Uniform standard percentages; paragraphs (a) and (b) of clause.

For new contracts entered into on or after March 1, 1968 (§ 163.72–2), except as provided in §§ 163.80–3, 163.80–4, and 163.80–5, the figure of 80 percent stated in paragraphs (a)(1)(i), (a)(3)(i), (a)(3)(ii), (a)(4), and (b) of the clause in § 163.79–1 is the uniform standard and only percentage for use in those paragraphs for procurement by formal advertising (§ 163.73–1), letter contracts, indefinite quantity contracts, negotiated price competitive contracts, and other contracts awarded without cost analysis (§ 3.807–2 of this chapter) and negotiation of a profit rate.

§ 163.80–3 Uniform standard percentages; certain contracts of small business concerns; paragraphs (a) and (b) of clause.

For certain new contracts entered into with small business concerns on or after March 1, 1968 (§ 163.72–2), except as provided in §§ 163.80–4 and 163.80–5, a figure of 85 percent shall be specified in paragraphs (a)(1)(i), (a)(3)(i), (a)(3)(ii), (a)(4), and (b) of the clause in § 163.79–1. This applies only to procurement by "Small Business Restricted Advertising" (§ 163.73–2), procurement pursuant to § 163.73–3, letter contracts with small business concerns, negotiated indefinite quantity contracts with small business concerns, negotiated price competitive contracts with small business concerns, and other contracts awarded to small business concerns without cost analysis (§ 3.807–2(c) of this chapter) and negotiation of a profit rate. For percentages for all procurement by formal advertising (§ 163.73–1), see § 163.80–2.

§ 163.80–4 Percentages for paragraphs (a)(3)(ii) and (a)(4) of clause; contracts with negotiated profit rate.

For all new contracts entered into on or after March 1, 1968 (§ 163.72–2), involving cost analysis (§ 3.807–2(c) of this chapter) and a negotiated profit rate, percentages lower than those prescribed by §§ 163.80–2 and 163.80–3 shall be specified in paragraphs (a)(3)(ii) and (a)(4) of the clause in § 163.79–1 if a lower percentage is specified in paragraph (b) of the clause. For these contracts, the percentage to be specified in paragraphs (a)(3)(ii) and (a)(4) of the clause shall be exactly the same as the percentage used in paragraph (b) of the clause, as fixed pursuant to § 163.81–2.

§ 163.80–5 Unusual percentages.

For unusual progress payments (§ 163.74), the percentage used for paragraph (a)(1)(i) of the clause in § 163.79–1 will also be specified in (a)(3)(i). For these contracts, if a percentage lower than the percentage used for (a)(1)(i) is stated in paragraph (b) of the clause pursuant to § 163.81–2, the exact percentage stated in (b) shall also be specified in paragraph (a)(3)(ii) and (a)(4) of the clause.

§ 163.80–6 Other protective provisions.

When deemed reasonably necessary for the protection of the Government, the clause set forth in § 163.79–1 may be supplemented by additional protective provisions, such as personal or corporate guarantees, subordinations or standbys of indebtedness, special bank accounts, and other protective covenants of the kinds outlined in paragraph (r) of § 163.64–2. When first article approval is required (Subpart S, Part 1 of this chapter); additional protective provisions may be useful and reasonably necessary. These will be as deemed suitable to the circumstances, in the discretion of the contracting officer. By way of example, these additional protective provisions may recite that until first article approval (§ 1.1901 of this chapter) there shall be no progress payments, or that the aggregate of progress payments shall be limited to a stated amount, or to a stated percentage (less than the percentage used in paragraph (a)(i) of the clause in § 163.79–1) of the contract price.

4. Sections 163.81, 163.81–1, 163.81–2, 163.81–3, 163.82, 163.82–1, and 163.82–2 are revised; § 163.82–3 is revoked; and §§ 163.83 and 163.84 are revised, as follows:

§ 163.81 Progress payment liquidation.

Controlling principles for liquidation of progress payments based on costs, and for specification of a percentage in paragraph (b) of the clause (§ 163.79–1) are set out below.

§ 163.81–1 Ordinary method.

See §§ 163.80–2 and 163.80–3. The percentages specified by §§ 163.80–2 and 163.80–3 for paragraph (b) of the Progress Payment clause (§ 163.79–1) represent the ordinary method for liquidation of progress payments, i.e., the percentage for progress payments stated in (a)(1)(i) of the clause will also be the percentage for liquidation stated in (b) of the clause.

§ 163.81–2 Alternate method-contracts with negotiated profit rate.

(a) See § 163.80–4. The ordinary method for liquidation of progress payments (§ 163.81–1) will not apply if, at the inception of a contract (on the basis of satisfactory cost estimates) or thereafter by amendment (based on satisfactory data on cost experience and estimated future costs) the parties shall agree on a percentage rate of liquidation which will (1) effect liquidation of the amount of progress payments involved in each invoice from which liquidation of progress payments is to be made (i.e., recovery of the portion of costs for which progress payments have been made), (2) permit payment to the contractor of not more than the cost of items delivered and accepted (less allocable progress payments) and his earned profit on those items, and (3) insure that unliquidated progress payments will not exceed the amount permitted by paragraph (a)(3) of the Progress Payment clause of the contract (§ 163.79–1(a)(3)).

(b) For the purposes of paragraph (a) of this section, the profit rate to be used for setting a liquidation rate at contract inception will be (1) the initial negotiated profit rate for firm fixed price contracts and contracts subject to price redetermination, and (2) the initial negotiated target profit rate for contracts subject to incentive price revision. For the setting of liquidation rates lower than progress payment rates on contracts subject to incentive price revision, the contract price is the target price, not the ceiling price, and estimated costs are the target costs. See § 163.81–3(c).

(c) Consistent with paragraph (a) of this section, contracts may be amended to increase or decrease progress payment liquidation rates. For consideration for decrease, see § 163.97. If profit rates on contracts subject to price redetermination or to incentive price revision are changed by contract modification (§§ 7.–108–2 and 7.109–2) appropriate harmonizing changes to conform to paragraph (a) of this section will be made at the time of such modification in the stated percentage for future progress payment liquidation. Liquidation percentage rates less than those described by § 163.81–1 will not be established initially or by amendment except on the basis of satisfactory cost data and estimates furnished by the contractor. Except as done incident to modification of a profit rate on contracts subject to price redetermination or to incentive price revision, above, contracts may be amended to reduce the progress payment liquidation rate not more frequently than once in each period of 12 months. When a progress payment liquidation rate is changed by contract amendment, appropriate conforming changes will be made in (a)(3)(ii) and (a)(4) of the progress payment clause of the contract, so that the new percentage specified in paragraph (b) of the progress payment clause will also be specified in paragraphs (a)(3)(ii) and (a)(4) of that clause.

(d) To support amendments reducing liquidation rates, there must be submission of satisfactory information by the contractor showing separately (1) the cost of any items that have been delivered, accepted, and invoiced, (2) the cost of work not delivered, accepted, and invoiced, (3) the estimated costs of completion, and (4) for items that have not been delivered, accepted, and invoiced, an applicable profit that is higher than the amount of profit permitted to be released by application of the progress payment liquidation percentage then specified in the contract. These amendments reducing liquidation rates will be for application only to billings for items thereafter to be delivered, and will not adjust for past delivery billings and associated progress payment liquidations.

§ 163.81–3 Liquidation percentages.

(a) For the purposes of § 163.81–2, the minimum liquidation rate has to be enough to recover the full amount of progress payments by way of deductions from delivery billings. The amount of expected progress payments is the product of multiplication of the total estimated contract costs by the progress payment percentage of those costs. This amount of expected progress payments, divided by the contract price, gives the minimum liquidation percentage. For contracts subject to incentive price revision, see § 163.81–2(b).

For example, if price is $110 and costs are $100, the minimum liquidation percentage would be:

(1) If progress payments are at 70 percent of costs—

$$\frac{100\times 0.70}{110}=63.64\%$$

(2) If progress payments are at 75 percent of costs—

$$\frac{100\times 0.75}{110}=68.18\%$$

(3) If progress payments are at 80 percent of costs—

$$\frac{100\times 0.80}{110}=72.72\%$$

(4) If progress payments are at 85 percent of costs—

$$\frac{100\times 0.85}{110}=77.27\%$$

(5) If progress payments are at 90 percent of costs (§ 163.74)—

$$\frac{100\times 0.90}{110}=81.81\%$$

(b) For the computation of minimum rates of liquidation, fractions of a percent point will be expressed in tenths. Fractions between tenths will be rounded upward to the next higher tenth of a point. On the examples noted in paragraph (a) of this section:

(1) 63.64 percent would be expressed as 63.7 percent in the contract.

(2) 68.18 percent would be expressed as 68.2 percent in the contract.

(3) 72.72 percent would be expressed as 72.8 percent in the contract.

(4) 77.27 percent would be expressed as 77.3 percent in the contract.

(5) 81.81 percent would be expressed as 81.9 percent in the contract.

(c) Further illustrative examples of minimum liquidation rates are set out below. For the purposes of § 163.81–2 the profit rate is deemed to be the amount by which the fixed or target contract price exceeds estimated total costs within the fixed or target price, divided by those estimated total cost,

e.g.,

$$\frac{\text{Price—Costs}}{\text{Costs}}=\text{Profit Rate.}$$

If the estimated profit rate falls between tenths of a percent point, the fraction of a tenth will be dropped off for computation of a minimum liquidation rate. For example, a profit rate of 8.21 percent or 8.29 percent would be used as 8.2 percent for this computation of a minimum liquidation rate.

ILLUSTRATIVE MINIMUM PROGRESS PAYMENT LIQUIDATION RATES

Profit rate percent	Minimum liquidation rate, with progress payment rate			
	70%	75%	80%	85%
2	68.7	73.6	78.5	83.4
3	68	72.9	77.7	82.6
4	67.4	72.2	77	81.8
4.1	67.3	72.1	76.9	81.7
5	66.7	71.5	76.2	81
6	66.1	70.8	75.5	80.2
7	65.5	70.1	74.8	79.5
7.1	65.4	70.1	74.7	79.4
7.2	65.3	70	74.7	79.3
7.3	65.3	69.9	74.6	79.3
7.4	65.2	69.9	74.5	79.2
7.5	65.2	69.8	74.5	79.1
7.6	65.1	69.8	74.4	79
7.7	65	69.7	74.3	79
7.8	65	69.6	74.3	78.9
7.9	65	69.6	74.2	78.8
8	64.9	69.5	74.1	78.8
8.1	64.8	69.4	74.1	78.7
8.2	64.7	69.4	74	78.6
8.3	64.7	69.3	73.9	78.5
8.4	64.6	69.2	73.9	78.5
8.5	64.6	69.2	73.8	78.4
8.6	64.5	69.1	73.7	78.3
8.7	64.4	69	73.6	78.2
8.8	64.4	69	73.6	78.2
8.9	64.3	69	73.5	78.1
9	64.3	68.9	73.4	78
9.1	64.2	68.8	73.4	78
9.2	64.2	68.7	73.3	77.9
9.3	64.1	68.7	73.2	77.8
9.4	64	68.6	73.2	77.7
9.5	64	68.5	73.1	77.7
9.6	63.9	68.5	73	77.6
9.7	63.9	68.4	73	77.5
9.8	63.8	68.4	72.9	77.5
9.9	63.7	68.3	72.8	77.4
10	63.7	68.2	72.8	77.3
10.1	63.6	68.2	72.7	77.3
10.2	63.6	68.1	72.6	77.2
10.3	63.5	68	72.6	77.1
10.4	63.5	68	72.5	77
10.5	63.4	67.9	72.4	77
10.6	63.3	67.9	72.4	76.9
10.7	63.3	67.8	72.3	76.8
10.8	63.2	67.7	72.3	76.8
10.9	63.2	67.7	72.2	76.7
11	63.1	67.6	72.1	76.6
11.1	63.1	67.6	72.1	76.6
11.2	63	67.5	72	76.5
11.3	62.9	67.4	71.9	76.4
11.4	62.9	67.4	71.9	76.4
11.5	62.8	67.3	71.8	76.3
11.6	62.8	67.3	71.7	76.2
11.7	62.7	67.2	71.7	76.1
11.8	62.7	67.1	71.6	76.1
11.9	62.6	67.1	71.5	76
12	62.5	67	71.5	75.9
12.1	62.5	67	71.4	75.9
12.2	62.4	66.9	71.4	75.8
12.3	62.4	66.8	71.3	75.7
12.4	62.3	66.8	71.2	75.7
12.5	62.3	66.7	71.2	75.6
12.6	62.2	66.7	71.1	75.5
12.7	62.2	66.6	71	75.5
12.8	62.1	66.5	71	75.4
12.9	62.1	66.5	70.9	75.3
13	62	66.4	70.8	75.3
13.1	61.9	66.4	70.8	75.2
13.2	61.9	66.3	70.7	75.1
13.3	61.8	66.2	70.7	75.1
13.4	61.8	66.2	70.6	75
13.5	61.7	66.1	70.5	74.9
13.6	61.7	66.1	70.5	74.9
13.7	61.6	66	70.4	74.8
13.8	61.6	66	70.3	74.7
13.9	61.5	65.9	70.3	74.7
14	61.5	65.8	70.2	74.6
14.7	61.1	65.4	69.8	74.2
15	60.9	65.3	69.6	74
16	60.4	64.7	69	73.3
16.8	60	64.3	68.5	72.8
17	59.9	64.2	68.4	72.7
18	59.4	63.6	67.8	72.1
18.9	58.9	63.1	67.3	71.5
19	58.9	63.1	67.3	71.5
20	58.4	62.5	66.7	70.9

Minimum liquidation rates will of course have to vary up or down from those shown in the above illustrative tables, for differing rates of projected profit and for the different percentages for progress payments.

Higher minimum liquidation rates would necessarily apply to contracts with unusual (§ 163.74) progress payment rates above uniform standard rates. For example, a contract with unusual progress payment rate of 90 percent, costs of 100, and price 109 (profit

[1] For lower percentages for this paragraph (b) and for (a)(3)(ii) and (a)(4), see § 163.81–2.

rate 9 percent) would have a minimum liquidation rate of 82.6 percent:

$$\frac{100\times 0.90}{109}=82.6\%.$$

§ 163.82 Subcontracts.

(a) Subcontractors ought to be able to get progress payments from their customers on standards which are the same as those applicable to prime contracts. Contractors should be encouraged to extend progress payments to subcontractors on subcontracts which meet the standards for customary progress payments outlined in § 163.72.

(b) The policies and standards for "unusual" progress payments set forth in § 163.74 are equally applicable to situations where it is contemplated that contracts will provide for progress payments based on "unusual" progress payments made by a prime contractor to a subcontractor. In such cases, when the inclusion of such unusual progress payments on the subcontracts has been approved in the manner set forth in § 163.74, appropriate revision will be made in paragraph (j)(2) of the Progress Payment clause (§ 163.79–1) so as to permit inclusion of the unusual progress payments on the subcontract as part of the base for progress payments on the prime contract. Such revisions are deemed not to be deviations, and do not require the clearance called for by § 163.86(b). Sections 163.79–1(a)(2) applies only to the "contractor's" costs mentioned in § 163.79–1(a)(1)(i). Section 163.79–1(a)(2) does not apply to the progress payments to subcontractors mentioned in § 163.79–1(a)(1)(ii).

§ 163.82–1 Subcontractor progress payments.

When progress payments have been made by a prime contractor to a subcontractor pursuant to the provisions of the applicable prime contract and subcontract, the progress payment to the prime contractor to reimburse him for such progress payment to the subcontractor shall include the full amount of his progress payment made to the subcontractor.

§ 163.82–2 Adaptation of uniform clause for subcontracts.

(a) Contracting officers are not required to review or approve subcontracts merely because they provide for progress payments. However, they shall check and review subcontracts providing for progress payments to the extent appropriate in the ordinary course of administration of the Progress Payment clause of prime contracts. The duty rests on the prime contractor to see to it that his subcontracts providing the progress payments, to be included in the base for progress payments pursuant to the provisions of § 163.79–1(j) conform to those provisions of the contract. In adapting the clause set forth in § 163.79–1 for use in subcontracts, to conform to § 163.79–1(j) the subcontract Progress Payment clause should have appropriate changes to reflect the position of the prime contractor as purchaser and of the subcontractor as vendor, and to indicate that the progress payments under the subcontract are being made and administered by the prime contractor. However, the title provision of the Progress Payment clause of the subcontract shall provide for the vesting of title directly in the Government, as set forth in § 163.79–1(d), and the subcontract will not substitute the prime contractor for the Government as the holder of title under that paragraph of the subcontract. In that title paragraph of the subcontract, reference to the prime contractor should, however, be substituted for the word "Government" in the parenthetical expression concerning drawings and technical data, and also in the second sentence of the paragraph. In the subcontract counterpart of § 163.79–1(g) entitled "Reports—Access to Records" the references to "Contracting Officer" and "Government" should not be deleted, but may in each case be expanded so as to refer to the "Contracting Officer or the prime contractor," (§ 163.79–1(g)(i)) and to the "Government or the prime contractor" (§ 163.79–1(g)(ii)).

(b) With regard to the subcontract counterpart of the "Special Provisions Regarding Default" (§ 163.79–1(h)) only the substance of the first 26 words of that paragraph (with reference to the prime contractor substituted for "Government"), is required for conformity to the provisions of § 163.79–1(j)(2).

§ 163.82–3 Substitution of new clause for old clause. [Revoked]

§ 163.83 Progress payments on subcontracts under cost-reimbursement types of prime contracts.

The policies, standards, and procedures of this subpart and its references are applicable to progress payments to subcontractors and suppliers on fixed-price types of subcontracts under cost-reimbursement types of prime contracts. For the prime contractor to be reimbursed for such progress payments, it is required that the subcontracts involving progress payments conform to this part. Specifically, the case must meet the standards for customary progress payments (§ 163.72) and progress payment percentages must not exceed those authorized by § 163.72 (unless unusual progress payments to the subcontractor are approved by the procedure described in § 163.74), liquidation must conform to § 163.81, and the uniform clause in § 163.79–1 adapted for subcontract use (§ 163.82–2) must be utilized.

§ 163.84 Letter contracts.

When progress payments are to be made under letter contracts or similar contractual instruments (§§ 163.72 and 163.72–2), incorporation of the clause set forth in § 163.79–1 is required. See §§ 163.78–7, 163.80–2 and 163.80–3. Procedures for later events are outlined below.

(a) When the superseding definitive contract provides for progress payments (§§ 163.72 and 163.72–2) the letter contract costs, progress payments and unliquidated progress payments will be carried over to the definitive contract the same as if initially covered by the definitive contract instead of the letter contract. For the various percentages, see §§ 163.72–2, 163.80–2, 163.80–3, 163.80–4, and 163.81.

(b) If the letter contract is not superseded by a definitive contract providing for progress payments, for whatever reason, the unliquidated progress payments on the letter contract will be deducted from amounts otherwise payable to the contractor. If not so fully liquidated, the amount of unliquidated progress payments will be payable to the Government upon demand. See Subpart F of this part.

5. Paragraph (a) of § 163.86 is revised; §§ 163.89, 163.91, 163.92, 163.92–1, 163.93, 163.93–1, 163.93–2, 163.93–3, 163.93–4, and 163.93–5 are revised; and § 163.93–6 is revoked, as follows:

§ 163.86 Contract Financing Office clearance.

* * * * *

(a) Those involving progress payments at rates exceeding the uniform standard rates authorized by §§ 163.72 and 163.73.

* * * * *

§ 163.89 Audit.

For the making of progress payments, principal reliance will be placed on the adequacy of the contractor's accounting system and controls (§ 163.75) and on the reliability of the contractor's certificates. To conserve administrative effort, hold down expense, and promote prompt payment of proper progress billings, audit before the making of progress payments will be kept to the minimum necessary for the protection of the interest of the Government. Preaudit, that is, audit before the making of a progress payment, will be limited to those situations in which there is reason to question the reliability or accuracy of the contractor's certificate, or reason to believe that the contract will involve a loss. Where the adequacy and reliability of the contractor's accounting system and controls have been established in accordance with § 163.75, there shall be no requirement for preaudit of the first progress billing under new contracts. Postreview or postaudit will be made when considered desirable by the contracting officer to determine the validity of any progress payment made on the contractor's certifications.

§ 163.91 Adjustments; retroactive price reduction; refunds.

When a retroactive price reduction has been made effective, i.e., by supplemental agreement or by unilateral determination pursuant to the price redetermination provision of the contract, the last sentence of § 163.79–1(b) requires adjustments so that the amount of unliquidated progress payments and the amounts paid or payable for supplies or services accepted will give effect to the price reduction. In this situation, the retroactive price reduction means that too much has been paid or billed for deliveries, and that from those delivery billings too much has been applied as a reduction of the unliquidated progress payment balance. The necessary adjustments would be (a) recomputation of total cash delivery payments on the basis of the reduced billing price resulting from the retroactive price reduction, and repayment by the contractor of the difference between the total recomputed payments and the total cash delivery payments that had been made, and (b) increase of the unliquidated progress payment balance by the excess of the total amounts previously applied to reduce the unliquidated progress payment balance over the amounts that would have been applied to reduce the unliquidated progress payment balance if the reduced delivery prices had been in effect from the date from which the redetermination is applicable. This same principle of upward adjustment of the unliquidated progress payment balance is also applicable in connection with interim refunds made by contractors pursuant to the provisions of incentive and price redetermination contracts, and in connection with voluntary refunds on such contracts.

§ 163.92 Maximum unliquidated amount.

When the contract price is sufficient to cover all costs of complete performance, and liquidation of progress payments is effected by the ordinary method (§ 163.81–1), the amount of unliquidated progress payments should automatically stay within the maximum limits stated in § 163.79–1(a)(3). For either method of liquidation (§§ 163.81–1, 163.81–2, and 163.81–3) whenever the rate or quality of performance is unsatisfactory, or the rate of rejections is unduly high, or there is excessive wastage or spoilage, or a loss to the contractor is indicated, careful examination should be made to determine whether or not the unliquidated progress payments exceed the maximum amounts permitted by § 163.79–1(a)(3). Also, when the alternate method of liquidation is used (§§ 163.81–2 and 163.81–3), it may occur that actual costs and future costs of performance are higher than the estimated costs used to establish a liquidation rate. In such cases (§ 163.79–1(c)(iv)), appropriate increase of the liquidation percentage, with or without reduction of the rate of progress payments or suspension of progress payments (§ 163.93) will be necessary to adjust for any under liquidation that may have occurred, to bring the amount of unliquidated progress payments within the limits of § 163.79–1(a)(3), and to assure the adequacy of future liquidations. As required, the services of Defense Contract Audit Agency should be utilized to the fullest extent available, together with the services of qualified cost analysis and engineering personnel. See § 163.88 and section III, General Instructions, DD Form 1195 set forth in F200.1195.

§ 163.92–1 Quarterly statements on price revision contracts.

Quarterly statements submitted by contractors pursuant to the Limitation on Payments provisions of price revision contracts (§§ 7.108 and 7.109 of this chapter) should be compared from time to time with the Contractor's Request for Progress Payments in order to assure so far as reasonably possible that costs attributed to delivered items on the quarterly statements are excluded from the costs set forth as the basis for unliquidated progress payments on the DD Form 1195. If there is apparent disparity, request for completion of section III of the DD Form 1195 (§ 163.88) would be appropriate.

§ 163.93 Suspension or reduction of payments; general.

In the process of reviewing individual progress payments already existing or hereafter established, action to reduce or slow down progress payments or to increase liquidation rates (unless justified on other grounds, such as overpayments or unsatisfactory performance) should be consistent with contract provisions, and never taken precipitately or arbitrarily. Any such reduction of progress payments on active contracts (other than liquidation pursuant to the contract) should be effected only after notice to and discussion with the contractor, and after full exploration of the contractor's financial condition, existing or available credit arrangements, projected cash requirements, effect of progress payment reduction on the contractor's operations, and generally on the equities of the particular situation. Where contract performance is satisfactory, and there is neither overpayment nor anticipated loss, proper progress payments, adequately verified, will be paid promptly when earned and billed in accordance with contract provisions. § 163.79–1(c) provides that progress payments may be suspended or their rate of liquidation may be increased, whenever any of the circumstances there described are found to exist. The rights reserved to the Government by that paragraph are for the purpose of protecting the interests of the Government, fostering satisfactory contract performance, and guarding against overpayments and losses. That paragraph will be administered with these purposes in mind. Action taken pursuant to that paragraph will be fair and reasonable under the circumstances of particular cases, and supported by substantial evidence. Findings made under that paragraph will be in writing.

§ 163.93–1 Failure to comply with contract.

Except for the purpose of correcting overpayments or obtaining amounts due from the contractor, action will not be taken pursuant to § 163.79–1(c)(1) for failure to comply with a requirement of the contract, if such failure has resulted solely from causes beyond the control and without the fault or negligence of the contractor. For examples of such causes, see paragraph (c) of the Default clause in § 8.707 of this chapter. Compliance with the material requirements of the contract, within the meaning of § 163.79–1(c)(i) includes compliance with all provisions of the Progress Payment clause.

§ 163.93–2 Unsatisfactory financial condition.

If unsatisfactory financial condition, or failure to make progress, endangering contract performance, as described in § 163.79–1(c)(ii) is found to exist, arrangements reasonably assuring contract completion without loss to the Government will be required in connection with the making of further progress payments and the making of other payments so long as progress payments are unliquidated. Within the meaning of § 163.79–1(c)(ii), performance of the contract includes full liquidation of progress payments. Further payments will be withheld so long as any progress payments remain unliquidated, only upon full consideration of all pertinent facts, and upon concluding that further payments will serve to increase the probable loss to the Government.

§ 163.93–3 Excessive inventory.

When inventory allocated to the contract is found substantially to exceed reasonable requirements (§ 163.79–1(c)(iii)), the simplest form of adjustment to correct or avoid overpayment will be to eliminate the costs of such excess inventory from the costs shown in item 7 of the contractor's request set out in DD Form 1195. If that is not regarded as sufficient in a particular case, or if the adjustment in item 7 of the request will not accomplish full correction, additional deductions, to the extent necessary for the correction, should be made, to liquidate progress payments, incident to billings for payments other than progress payments. Transfer of such excess inventory from the contract should also be required. The expression "reasonable requirements" includes a reasonable accumulation of inventory for future use to assure continuity of operations.

§ 163.93–4 Delinquency in payment of costs of performance.

The contractor's delinquency in payment of costs of contract performance in the ordinary course of business (§ 163.79(c)(iv)) may be an indication of unsatisfactory financial condition or other circumstances endangering contract performance and involving probability of loss to the Government. If such delinquency is not connected with poor financial condition that is so unsatisfactory as to endanger contract performance or to involve reasonably foreseeable loss to the Government, further progress payments and other payments will not necessarily be denied to protect the unliquidated progress payments and minimize risks of additional losses, and payments may be continued at the contract rate, or in reduced amounts, in connection with appropriate arrangements to (a) cure the contractor's delinquencies in payment of his costs of contract performance, (b) avoid further delinquencies, and (c) reasonably assure completion of the contract without loss to the Government. (See also § 163.93–3.) Amounts claimed by subcontractors,

suppliers and others, but disputed in good faith by the contractor, should not be considered delinquent until determined due by a court (or by arbitration if applicable). However, any such disputed amounts shall be excluded from costs of performance so long as they are disputed.

§ 163.93–5 Fair value of undelivered work.

In connection with determining the relation of the amount of unliquidated progress payments to the fair value of the work accomplished on the undelivered portion of the contract (§ 163.79–1(c)(v)), the principles stated in § 163.92 are applicable. In determining action, if any, to be taken, the contracting officer (utilizing available audit, engineering, inspection, and cost analyst services) will give full consideration to the degree of completion of contract performance, the quality and amount of work performed on the undelivered portion of the contract, the amount of work remaining to be done and the estimated costs of completion of performance, and the amount remaining unpaid under the contract. If the contracting officer finds that the fair value of the work done under the undelivered portion of the contract, in relation to the contract price, is less than the unliquidated progress payments, his actions will be governed by the principles stated in §§ 163.93–2 and 163.93–4. This fair value could not exceed the contract price of undelivered work under the contract, less the estimated total future costs of completion of the contract. When this fair value is found to be less than the amount of the unliquidated progress payments, all further payments on the contract will be controlled in such a manner as to hold the unliquidated progress payments within the fair value of the work done on the undelivered portion of the contract. See also § 163.94–1.

§ 163.93–6 Erroneous cost estimates. [Revoked]

6. Sections 163.94, 163.94–1, 163.94–2, 163.95, 163.96, 163.97, 163.106–3, 163.118, and 163.124 are revised, as follows:

§ 163.94 Government title.

Since the clause in § 163.79 gives the Government title to all of the materials, work in process, and finished goods under contracts, care should be taken to assure, to the extent reasonably necessary, that the title to the Government will be free of all encumbrances. The procedure in this respect will necessarily vary with the particular circumstances of individual cases. Ordinarily, in the absence of reason to believe that the Government title may be subject to encumbrance, the contractor's certificate will be relied on. If any arrangements or conditions are found that would impair the contractor's right of disposition of the property affected by the progress payments, appropriate arrangements should be made to establish and protect the Government title. The existence of any such encumbrance is a violation of the contractor's obligations under the contract.

§ 163.94–1 Loss, theft, destruction, or damage.

Section 163.79–1(e) is not intended to apply to normal spoilage. The risk of loss as to property affected by the Progress Payment clause is on the contractor, except to the extent that by some special provision of the contract (such as that relating to aircraft in the open) the Government shall have expressly assumed the risk of loss. Such express assumption of risk by the Government is not made in the Progress Payment clause, the Default clause, or the Termination clause. Because of problems of administering the contract, especially those connected with property responsibility and inventory control, the risk of loss on property to which the Government holds title because of progress payments must be on the contractor to the same extent that it would be if the contractor held title to the property. This risk of loss carries with it the accompanying duty to repay to the Government the amount of unliquidated progress payments based on cost allocable to lost, stolen, or destroyed property or to the damaged portion of the property. If the Government has expressly assumed particular risks of loss, then, to the extent of such express asumption of risk by the Government, the contractor would not be obligated to repay to the Government the amount of unliquidated progress payments based on costs allocable to such lost, stolen, destroyed, or damaged property. See, however, § 163.78–1(c)(v), as to future payments on the contract after such loss, damage, theft, or destruction.

§ 163.94–2 Government property.

Contract provisions referring to or defining liability for Government property do not apply to property to which the Government has title solely pursuant to the provisions of the Progress Payment clause (§ 163.79–1(d)). Property to which the Government has title solely pursuant to the Progress Payment clause is not subject to §§ 30.2 and 30.3 of this chapter.

§ 163.95 Consideration for progress payments; awards.

When a Progress Payment clause is included at the inception of a contract, there shall be no separate consideration for the Progress Payment clause. The worth of the Progress Payment clause to the contractor is expected to be reflected in one or both of (a) a bid or negotiated price that will be lower than such price would have been if provision had not been made for progress payments, or (b) contract terms and conditions, other than price, that are more beneficial to the Government than they would have been if provision had not been made for progress payments.

§ 163.96 Amendments to provide progress payments.

There should be ordinarily no occasion to amend contracts to provide for progress payments unless there has been material change from the circumstances contemplated by the parties when invitations for bids were issued or the contract was entered into without progress payment provisions. However, cases do occur in which the actual lead time or preparatory period between the beginning of work and the first delivery substantially exceeds the estimated lead time and in fact runs or will run over 6 months (§ 163.72) or in which unusual circumstances bring about unexpected substantial accumulation of predelivery costs having material impact on the contractor's working funds (§ 163.74). These cases may arise from occurrences such as (a) uncertainties or errors in specifications, (b) contract change notices, (c) Government delays in testing, inspection, furnishing of material or equipment, furnishing of stock numbers, packaging or shipping instructions or shipping documents, or completion of contract supplements, (d) stretch-outs or stop-work orders, (e) performance difficulties of subcontractors or suppliers, and (f) causes beyond the control and without the fault or negligence of the contractor, of the kinds mentioned in paragraph (c) in § 8.707 of this chapter. In these kinds of cases, requests of contractors for amendments to provide progress payments should be considered promptly, in the light of the circumstances then existing. If the circumstances then existing approximate conditions under which progress payments would have been properly provided in conformity with this part at contract inception, if the new circumstances had been foreseen, progress payments should be provided by amendment. In this connection, see particularly §§ 163.15, 163.17, 163.18, 163.19, 163.20, 163.23, 163.23–1, 163.74, and 163.97. In conformity with the standards and procedures of § 163.74, unusual progress payments may be provided by amendment.

§ 163.97 Consideration for amendments concerning progress payments.

Contracts may not be modified except in the interest of the Government. Contracts may be amended to provide for progress payments or larger progress payments or reduced liquidation rates only when the amendment provides new and valuable consideration moving to the Government. Appropriate price reduction may provide this consideration. In the varying circumstances of individual cases, the consideration for progress payments need not necessarily be monetary. Agreements by the contractor, incorporated in such an amendment, for the benefit of and substantially advantageous to the Government, may constitute sufficient consideration for an amendment providing for progress payments. When estimated financing costs have been included as an element (whether or not identified) in the contract price, it is fair to expect elimination of the applicable portion of that element of the price when progress payments or larger progress payments or reduced liquidation rates are provided by amendment. The fair and reasonable consideration for the progress payment amendment should approximate in a

value as nearly as practically ascertainable the amount by which the contract price would have been smaller if the progress payment amendment had been contained in the contract in the first instance. In the absence of definite information on this point, pertinent factors for estimating the fair and reasonable amount of consideration would include (a) the amounts of progress payments expected to be outstanding for estimated periods of time, (b) the cost of equivalent working funds to the contractor, and (c) the estimated profit rate expected to be earned by contract performance. If not accomplished by a contract price reduction, other concessions or agreement by the contractor, advantageous to the Government and incorporated in the amendment, may be fairly evaluated and accepted as being of value reasonably equivalent to a price reduction. This consideration should be such as is fair, equitable and reasonable in the light of the circumstances of each case. See § 163.96. This consideration should be for the progress payment amendment, and there shall be no provision for interest or other specific charge for progress payments.

§ 163.106–3 Excess costs for default.

For procedures in connection with default, see Subpart F, Part 8 of this chapter. As indicated by § 8.602–6(c) of this chapter, indebtedness for excess costs occurs when repurchase is effected at a price in excess of the price of the supplies terminated. This is reemphasized by the clause in § 163.118. The demand for payment (§ 163.106) shall be made as soon as the repurchase contract has been entered into. The possible necessity for furnishing payment data under the replacement contract, in the event that the excess cost debt is later referred to the General Accounting Office as administratively uncollectible, must not be permitted to delay actions pursuant to this subpart.

§ 163.118 Contract clause; interest.

Except as provided in § 163.119, all contracts for procurement, or for sale or use of Government property or services, shall include the following clause:

INTEREST (MAY 1968)

Notwithstanding any other provision of this contract, unless paid within 30 days all amounts that become payable by the Contractor to the Government under this contract (net of any applicable tax credit under the Internal Revenue Code) shall bear interest at the rate of 6 percent per annum from the date due until paid and shall be subject to adjustments as provided by Part 6 of Appendix E of the Armed Services Procurement Regulation, as in effect on the date of this contract. Amounts shall be due upon the earliest one of (i) the date fixed pursuant to this contract; (ii) the date of the first written demand for payment, consistent with this contract, including demand consequent upon default termination; (iii) the date of transmittal by the Government to the Contractor of a proposed supplemental agreement to confirm completed negotiations fixing the amount; or (iv) if this contract provides for revision of prices, the date of written notice to the Contractor stating the amount of refund payable in connection with a pricing proposal or in connection with a negotiated pricing agreement not confirmed by contract supplement.

§ 163.124 Bankruptcy reporting.

For those debts covered by this subpart (§ 163.98), claims in bankruptcy or insolvency, or in proceedings for reorganization or rearrangement will be furnished to the Department of Justice. These claims are (a) those which have been transferred to a contract financing office (§ 163.109), (b) those on their way to a contract financing office at inception of bankruptcy or insolvency proceedings, (c) those pending and not forwarded to a contract financing office at inception of bankruptcy or insolvency proceedings, and (d) those which are the consequence of bankruptcy or insolvency proceedings. Proof of claim, with pertinent supporting data and documentation shall be furnished to the Department of Justice by the contract financing office (§ 163.26) or by such other office or offices as may be designated within a Department. Information will be supplied to the contract financing office by the office of origin of a debt as soon as possible after the beginning of proceedings for bankruptcy, insolvency, reorganization or rearrangement. Information, reports, and proof of claim under this section are not expected on debts of less than $250.

[Rev. 28, Appendix E, ASPR, May 15, 1968] (Sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 301, 702(d), 64 Stat. 800, 816, as amended, secs. 2307, 7364, 70A Stat. 131, 455, as amended, sec. 1, 72 Stat. 972; 50 U.S.C. App. 2091 2152(d), 10 U.S.C. 2307, 7364, 50 U.S.C. 1431, E.O. 10480, 18 F.R. 4939, 3 CFR, 1953 Supp., E.O. 10789, 23 F.R. 8897, unless otherwise noted)

For the Adjutant General.

J. W. HURD,
Colonel, AGC, Comptroller, TAGO.

[F.R. Doc. 68–8719; Filed, July 22, 1968; 8:46 a.m.]

Chapter V—Department of the Army

SUBCHAPTER F—PERSONNEL

PART 579—STANDARDS OF CONDUCT FOR DEPARTMENT OF THE ARMY PERSONNEL

Miscellaneous Amendments

In § 579.8(b), subparagraph (14) is revised; § 579.9 is revised; new § 579.18a is added; §§ 579.21, 579.22(a), 579.23, 579.27, and 579.31 are revised; and a new paragraph (d) is added to § 579.38, as follows:

§ 579.8 Gratuities.

• • • • • •

(b) • • •

(14) Receipt of bona fide reimbursement, not prohibited by law, from other than defense contractors, for actual expenses of travel and other necessary subsistence for which no Government payment or reimbursement is made. However, an employee may not be reimbursed, nor may payment be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits, nor may an employee be reimbursed from a private source for travel on official business under agency orders except pursuant to 5 U.S.C. 4111 or other applicable statutory authority.

• • • • • •

§ 579.9 Prohibitions of contributions or presents to superiors.

DA personnel shall not solicit a contribution from other officers or employees for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an officer or employee receiving less pay than themselves (5 U.S.C. 7351). However, this part does not prohibit a voluntary gift of nominal value or donation in nominal amount made on a special occasion such as marriage, illness, or retirement.

§ 579.18a Depressant, stimulant, and hallucinogenic drugs.

(a) Except for official governmental or authorized medical purposes, military personnel shall not possess, use, sell or transfer depressant, stimulant, or hallucinogenic drugs nor shall they introduce such drugs onto any Army installation or other Government property under Army jurisdiction. The term "depressant, stimulant, or hallucinogenic drug" means any drug which contains—

(1) Any quantity of barbituric acid or any of the salts of barbituric acid; or any derivative of barbituric acid which has been designated under section 502(d) of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 352(d)), as habit-forming.

(2) Any quantity of amphetamine or any of its optical isomers; any salt of amphetamine or any salt of an optical isomer of amphetamine; or any substance which the Secretary of Health, Education, and Welfare, after investigation, has found to be, and by regulation designated as, habit-forming because of its stimulant effect on the central nervous system.

(3) Any quantity of a substance which the Secretary of Health, Education, and Welfare, after investigation, has found to have, and by regulation designates as having, a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect.

(b) In any instance in which a service member obtains a drug defined in paragraph (a) of this section for medical purposes from a physician in the course of his professional practice, or on a valid prescription, the service member must keep the drug in the original container in which such drug was delivered to him.

§ 579.21 Statements of employment and financial interests.

(a) The following DA personnel are required to submit statements of employment and financial interests:

(1) DA personnel paid at a level of the Executive Schedule in subchapter II of chapter 53 of title 5, United States

Code (Secretary of the Army, Under Secretary of the Army, Assistant Secretaries of the Army, Director of Civil Defense, and General Counsel).

(2) DA personnel classified at GS–13 or above under section 5332 of title 5, United States Code, or at a comparable pay level under another authority including Public Law 80–313, or commissioned officers in the rank of lieutenant colonel or above, whose basic duties and responsibilities require the incumbent to exercise judgment in making a Government decision or in taking Government action in regard to administering or monitoring grants or subsidies.

(3) DA personnel classified at GS–13 or above under section 5332 of title 5, United States Code, or at a comparable pay level under another authority including Public Law 80–313, or commissioned officers in the rank of lieutenant colonel or above, whose basic duties and responsibilities require the incumbent to exercise judgment in making a Government action in regard to—

(i) *Contracting or procurement.* For the purpose of this part "contracting or procurement" is defined as executing or approving the award of contracts.

(ii) *Auditing.* Auditing private or other non-Federal enterprise including the supervision of auditors engaged in audit activities or participating in the development of policies and procedures for performing such audits, including the authorization and monitoring of grants to institutions or other non-Federal enterprise.

(iii) *Other.* Activities in which the final decision or action has a significant economic impact on the interests of any non-Federal enterprise.

(4) Major commanders and heads of DA staff agencies.

(b) The following DA personnel will not be required to submit statements of employment and financial interests pursuant to this section:

(1) Individuals below the rank of lieutenant colonel, or below the grade GS–13 or comparable pay level.

(2) Except as provided in paragraph (a) (1) and (4) of this section, individuals whose positions do not include any of the basic duties and responsibilities described in paragraph (a) (2) or (3) of this section.

§ 579.22 Review of positions.

(a) All positions in the categories indicated in § 579.21(a) (2) and (3), both military and civilian, will be reviewed and a statement as to whether the incumbent of the position must file a statement of employment and financial interests as required by this part will be included in each military and civilian position description or similar document describing the duties and responsibilities of the position. This determination will be reviewed at least annually. Such review will be performed by major commanders and heads of DA staff agencies for the general officers and civilian personnel in grades GS–16, 17, and 18 or comparable pay levels within their command or office. The review may be accomplished at the time performance, efficiency, or effectiveness ratings are given, or incident to other currently prescribed annual reviews. Incumbents of positions identified as involving any of the functions described in § 579.21(a) (2) and (3) will be required to comply with the filing requirements of this part. Any individual who believes that his position has been improperly included in the functions described in § 579.21(a) (2) or (3) may request a review of the decision requiring him to file a statement through established grievance procedures. Grievances initiated by civilian employees are properly considered as Type I grievances and will be processed under the procedures prescribed by section 2, CPR E2.

* * * * *

§ 579.23 Manner of submission—statements of employment.

(a) The Secretary of the Army, the Under Secretary of the Army, the Assistant Secretaries of the Army, the Director of Civil Defense, and the General Counsel, OSA, will submit statements of employment and financial interests to the General Counsel of the Department of Defense.

(b) The Chief of Staff, Vice Chief of Staff, and Assistant Vice Chief of Staff will submit statements to the Secretary of the Army.

(c) Statements required pursuant to review by major commanders or heads of DA staff agencies under § 579.22(a) will be filed with the reviewing official.

(d) Major commanders and heads of DA staff agencies will submit their statements to the Deputy Chief of Staff for Personnel, Attention: General Officer Branch, Department of the Army, Washington, D.C. 20310.

(e) Army general officers assigned to the Office of the Secretary of Defense, Office of the Joint Chiefs of Staff, or U.S. Army Elements (excluding Army components listed in section III, AR 10–5) of joint or unified commands will submit statements in accordance with instructions issued by the agency or command to which assigned.

(f) DA personnel not included in paragraphs (a) through (e) of this section will submit statements of employment and financial interests to the officer designated under § 579.19(b), except that personnel of the Office of the Secretary of the Army will submit such statements to the General Counsel, OSA.

(g) Statements of employment and financial interests shall be submitted by each officer or employee required by this part to file a statement, not later than August 15, 1966 (as of a date no earlier than June 30, 1966), and periodically thereafter as prescribed in § 579.27. Employees who enter Government service after June 30, 1966, who are required to file a statement of employment and financial interests, shall file such statements within 30 days from the date of commencement of such service.

§ 579.27 Supplementary statements.

Changes in or additions to the information contained in an employee's statement of employment and financial interests shall be reported in a supplementary statement as of June 30 of each year. Even though no changes or additions occur a negative report is required. The supplementary statement, negative or otherwise, will be submitted by July 31 of each year. Notwithstanding the filing of the annual report, DA personnel shall at all times avoid acquiring a financial interest that could result, or taking action that would result, in a violation of the conflict-of-interest provisions of 18 U.S.C. 208 or this part.

§ 579.31 Confidentiality of employees' statements.

Each statement of employment and financial interests, and each supplementary statement, will be held in confidence. The Department of the Army may not disclose information from a statement except as the Secretary of the Army or the Civil Service Commission may determine for good cause. Persons designated to review the statements are responsible for maintaining the statements in confidence and shall not allow access to, or allow information to be disclosed from the statement except to carry out the purpose of this part.

§ 579.38 Other related laws applicable to all DoD personnel.

* * * * *

(d) The prohibitions against an employee (including a special Government employee) who is required to register under the Foreign Agents Registration Act of 1938 (18 U.S.C. 219) serving the Government. The criminal penalties of 18 U.S.C. 219 do not apply to a special Government employee in any case in which the department head sends a certificate to the Attorney General that his employment by the U.S. Government is in the national interest. The act does not apply to retired regular officers or to reserves who are not on active duty or who are on active duty for training.

[CZ, AR 600–50, May 15, 1968]

(Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 201–209, 18 U.S.C.; E.O. 11222, May 8, 1965, 30 F.F. 6469, 3 CFR, 1965 Supp.; Part 40, Ch. I, 32 CFR; and 5 CFR 735.104)

For the Adjutant General.

J. W. HURD,
Colonel, AGC, Comptroller, TAGO.

[F.R. Doc. 68–8717; Filed, July 22, 1968; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGFR 68–68]

PART 110—ANCHORAGE REGULATIONS

Subpart B—Anchorage Grounds

PORT OF NEW YORK AND VICINITY

1. The Commander, Third Coast Guard District, New York, N.Y., has requested that regulations governing mooring in the Port of New York anchorage grounds be published in the FEDERAL REGISTER. Under these regulations a mooring permit, issued by the Captain of the Port of New York, is required to moor in the Port of New York and conditions are established pertaining to the location, dimensions, and maintenance of mooring buoys. The request is granted and 33 CFR 110.150 and 110.155 are amended accordingly, subject to the right to change the requirements and to amend the regulations if and when necessary in the public interest.

2. The purpose of this document is to publish regulations governing mooring in Port of New York anchorage grounds, as described in 33 CFR 110.150(b); 155(k)(4), and 155(l)(7) below, whereby mooring permits issued by the Captain of the Port of New York are required and minimum anchor, chain, and pendant specifications are established.

3. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 14 U.S.C. 632 and the delegation in 49 CFR 1.4(a)(3) of the Secretary of Transportation under 49 U.S.C. 1655(g)(1); the text of § 110.150(b) is amended by adding a new § 110.150(b)(6); § 110.155 is amended by adding a new § 110.155(k)(4) and by revising § 110.155(l)(7), each to read as follows and to become effective on and after 30 days after publication of this document in the FEDERAL REGISTER:

§ 110.150 Huntington Harbor, Long Island, N.Y.

* * * * *

(b) *The regulations.* * * *

(6) The Captain of the Port, New York regulations in § 110.155(l)(7) apply.

§ 110.155 Port of New York.

* * * * *

(k) *Sheepshed Bay.* * * *

(4) *Captain of the Port regulations.* In Sheepshead Bay, N.Y., anchorage areas 48A, 48B, and 48C, the Captain of the Port—New York Mooring Regulations in § 110.155(l)(7) apply with the following modifications:

(i) Two anchors shall be used. The anchor minimum weight and minimum chain size shall be as shown in Table 110.155(k)(4) and the anchors shall be placed as shown in Figure 10.155(k)(4).

(ii) A Sheepshead Bay, N.Y., mooring position is designated by the encircled number from the Coast Guard mooring chart, and the distance from the nearest range number, and the distance from the nearest bulkhead line. (Example: circle 2–A in Federal Anchorage number 48A, 50' East of range # 20, 40' South of bulkhead line.)

TABLE 110.155(k)(4)

Vessel length, in feet	Anchor weight, in pounds per anchor	Chain size, in inches
15 or less	100	5/16.
Greater than 15 but not greater than 21.	150	3/8.
Greater than 21 but not greater than 26.	200	3/8.
Greater than 26	10 per foot of vessel length.	½ for each anchor whose weight is not greater than 400 #, 5/8 for each anchor whose weight is greater than 400 #.

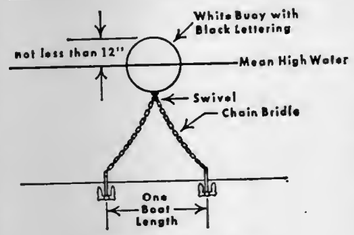


FIGURE 110.155(k)(4)

(l) *General regulations.* * * *

(7) The Captain of the Port may grant a revocable permit for the habitual maintenance and use of a given mooring space in an anchorage area. Application information for a mooring permit is available from:

Captain of the Port, Mooring Permit Section, Building 109, Governors Island, New York, N.Y. 10004.

(i) A mooring permit is issued to an individual, for his exclusive use, of a specific mooring, of a specific type, at a specific location, for a specific vessel.

(ii) Mooring permits shall expire on April 30 of the year after issuance.

(iii) Mooring permits are not transferable.

(iv) Moorings are shown on the large scale chart which may be seen at the office of the Captain of the Port—New York.

(v) Mooring anchor, chain, and pendant (if applicable) requirements are shown in Table 110.155(l)(7). These requirements may be waived or modified by the Captain of the Port upon written request from the applicant for such waiver or modification.

(vi) The mooring buoy shall be white in color with the Captain of the Port mooring permit number, in black letters, clearly visible at all times. The buoy is to extend not less than 1 foot above the surface of the water at all times, exclusive of flagstaffs, rings, quick pickup devices, etc.

(vii) All required equipment shall be provided by, installed by, and remain the property of the permit holder.

(viii) Mooring equipment should be raised at least every 2 years, inspected for deterioration and replaced if necessary.

(ix) Each person holding a mooring permit shall make what the Captain of the Port—New York considers reasonable use of the mooring. Nonuse of a mooring up to 30 days during the boating season is deemed reasonable.

(x) Moorings for which permits have expired without renewal or have been revoked by the Captain of the Port—New York shall be removed by the owner within 10 days of such expiration or revocation.

(xi) Granting of a Captain of the Port—New York mooring permit does not give a right of access across private property. Arrangements for access shall be made by the permit holder.

(xii) Each person to whom a Captain of the Port—New York mooring permit is issued agrees to hold harmless the United States, its officers, agents, and employees, for any death, personal injury, or damage which may result from the use of the permit or the rights granted under the permit.

(xiii) No vessel shall continuously occupy a mooring when a vessel in regular traffic requires the berth or when navigation would be menaced or inconvenienced thereby.

(xiv) No vessel shall moor in any anchorage in such a manner as to interfere with the use of a duly authorized mooring buoy. Nor shall any vessel moored to a buoy authorized by a Captain of the Port—New York permit be moored such that any portion of that vessel comes within 50 feet of a marked or dredged channel.

(xv) No vessel shall be navigated within the limits of an anchorage at speed exceeding 6 knots when in the vicinity of a moored vessel.

(xvi) In an emergency the Captain of the Port may shift the position of any unattended vessel moored in or near any anchorage.

TABLE 110.155(l)(7)

Vessel length, in feet	Anchor weight, in pounds	Anchor type	Anchor scope	Chain size in inches	Pendant length in feet	Pendant safe working load minimum
15 or less	100	Mushroom or navy.	3x MHW	5/16	4	4x anchor weight.
Greater than 15 but not greater than 21.	150	Mushroom or navy.	3x MHW	3/8	8	Do.
Greater than 21 but not greater than 26.	200	Mushroom or navy.	3x MHW	3/8	10	Do.
Greater than 26	10 per foot of vessel lenght.	Mushroom or navy.	3x MHW	½ for anchor of 400 # or less, 5/8 if greater than 400 #.	10	Do.

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1), 80 Stat. 940; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1); 49 CFR 1.4(a)(3))

Dated: July 16, 1968.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 68-8693; Filed, July 22, 1968; 8:45 a.m.]

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Mississippi River

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.200 is hereby amended adding paragraph (e) to govern mooring in a certain reach of the Mississippi River, La., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.200 Mississippi River below mouth of Ohio River, including South and Southwest Passes; use, administration, and navigation.

* * * * *

(e) *Mooring on Mississippi River between Miles 314.5 AHP and 340.0 AHP.* (1) No vessel or craft shall moor along either bank of the Mississippi River between Mile 314.5 AHP and Mile 340.0 AHP except in case of an emergency, pursuant to an approved navigation permit, or as authorized by the District Engineer. Vessels may be moored any place outside the navigation channel in this reach in case of an emergency and then for only the minimum time required to terminate the emergency. When so moored, all vessels shall be securely tied with bow and stern lines of sufficient strength and fastenings to withstand currents, winds, wave action, suction from passing vessels or any other forces which might cause the vessels to break their moorings. When vessels are so moored, a guard shall be on board at all times to insure that proper signals are displayed and that the vessels are securely and adequately moored.

(2) Vessels may be moored any time at facilities constructed in accordance with an approved navigation permit or as authorized by the District Engineer. When so moored, each vessel shall have sufficient fastenings to prevent the vessels from breaking loose by wind, current, wave action, suction from passing vessels or any other forces which might cause the vessels to break their mooring. Number of vessels in one fleet and the width of the fleet of vessels tied abreast shall not extend into the fairway or be greater than allowed under the permit.

(3) Mariners should report immediately by radio or fastest available means to the lockmaster at Old River Lock or to any Government patrol or survey boat in the vicinity any emergency mooring or vessels drifting uncontrolled within the area described in subparagraph (1) of this paragraph. It is the responsibility and duty of the master of a towing vessel releasing or mooring a vessel in this reach of the Mississippi River to report such action immediately.

[Regs., July 9, 1968, 1507-32 (Mississippi River, La.)-ENGCW-ON]

(Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

J. W. HURD,
Colonel, AGC, Comptroller, TAGO.

[F.R. Doc. 68-8718; Filed, July 22, 1968; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 8 is amended as follows:

PART 8-1—GENERAL

1. Sections 8-1.252 and 8-1.253 are added to read as follows:

§ 8-1.252 Commodity standardization.

Commodity standardization is the process of selecting, testing, evaluating and approving items that are to be standardized for use in the Veterans Administration.

§ 8-1.253 Standard item.

A standard item is one that has, through the commodity standardization program, been selected and approved for use within the Veterans Administration by the appropriate Central Office department or staff head and published in VA Catalog No. 3, which is available at any Veterans Administration station.

2. Section 8-1.1602 is added to read as follows:

§ 8-1.1602 Definitions.

In addition to the definition contained in FPR 1-1.1602(b), a "line item" is further defined to provide that where a solicitation requires offerors to show separate prices for individual items or elements but states that the award will be made in the aggregate or on the basis of the total price offered, the total amount of the offer will be considered as the line item susceptible to a separate contract award.

PART 8-3—PROCUREMENT BY NEGOTIATION

3. Section 8-3.650 is added to read as follows:

§ 8-3.650 Oral purchase orders.

Oral purchase orders, when considered advantageous to the Veterans Administration, may be used for transactions not in excess of $2,500. The transaction will be assigned a purchase order number and receipt documentation will be obtained on the copies of the purchase request utilized as a property voucher and receiving report. Documentation as to competition will be in accordance with FPR 1-3.603-2.

PART 8-10—BONDS AND INSURANCE

4. In § 8-10.450, paragraphs (c) and (d) are amended to read as follows:

§ 8-10.450 Service contracts.

* * * * *

(c) Contracting officers may, prior to determining whether or not to include insurance requirements in a solicitation for offers, secure legal, technical, and financial advice and assistance from appropriate Veterans Administration officials. The final determination of whether to include or exclude such requirements will be made by the contracting officer.

(d) Offers received which do not include insurance policies, certificate of insurance endorsement to existing insurance policies or acceptable evidence of insurance in the amount required by the solicitation will be considered. However, evidence of such insurance must be furnished prior to the award of the contract.

PART 8-52—CONTRACT ADMINISTRATION

5. Section 8-52.101 is revised to read as follows:

§ 8-52.101 Scope.

This subpart applies to all contracts, whether advertised or negotiated, except those construction contracts, architect-engineer contracts, utility connection agreements and other site facility agreements entered into by Central Office contracting officers.

6. In § 8-52.105, paragraph (b) is amended, a new paragraph (c) is added and the former paragraph (c) is redesignated (d) so that the added and amended material reads as follows:

§ 8-52.105 Representatives of contracting officers.

* * * * *

(b) To take actions authorized in the contract, such as issue delivery orders, reject unsatisfactory items, order replacement of such items (materials or services) and, when necessary, declare contractor in default on specific delivery orders. Except for blood, this authority will be delegated only to other Government contracting officers under centralized indefinite delivery type contracts and the contract will so state. Centralized contracts for blood will provide that contracting officers at ordering offices are authorized to designate representatives and alternate representatives to place delivery orders subject to the same restrictions stated in paragraph (c) of this section.

(c) To place oral or other informal delivery orders for items such as, but not limited to, bread, milk, and blood against local indefinite delivery type contracts on which blanket purchase arrangements have been established and funds have been obligated. The designation of representatives and alternates will be in writing and will define the scope and limitations of the representative's authority, and will be addressed to the employee(s) with a copy to the contractor. Such designations will be made only by the prime contracting officer and are not redelegable.

(d) In the administration of research and development contracts, any representative appointed pursuant to this section must be acceptable both to the contracting officer and the department or staff head concerned.

7. Section 8-52.108 is revised to read as follows:

§ 8-52.108 Contract provision.

Whenever it is considered necessary to authorize a representative under § 8-52.105(d) (i.e., research and development, in process manufacturing), the clause incorporated in § 8-7.150-10 of this chapter will be observed.

8. In § 8-52.201, paragraph (d) is added to read as follows:

§ 8-52.201 Documents necessary.

* * * * *

(d) Consent of surety or sureties where performance or payment bonds are required.

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c), sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective immediately.

Approved: July 17, 1968.

By direction of the Administrator.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 68-8733; Filed, July 22, 1968; 8:47 a.m.]

Chapter 9—Atomic Energy Commission

PART 9-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 9-4.51—Research Agreements and Contracts With Educational Institutions

PART 9-16—PROCUREMENT FORMS

Subpart 9-16.50—Contract Outlines

MISCELLANEOUS AMENDMENTS

These revisions are to implement the June 1, 1968, revision to Bureau of the Budget Circular No. A-21, which provides for elimination of the time or effort reporting requirement set forth in that circular for research contracts with educational institutions. In lieu of such time or effort reports, charges to federally sponsored research projects are to be supported by the institution's normal time and attendance and payroll distribution systems, or by stipulated salary support amounts as specifically stated in the research agreements or contracts.

In addition, the requirement for equipment reports under the special research support agreement (AECPR 9-16.5002-8) has been modified.

1. In paragraph (a) of § 9-4.5105, *Submission of research proposals*, the following subparagraph (6) is added:

§ 9-4.5105 Submission of research proposals.

(a) * * *

(6) Whether the institution wishes to establish stipulated salary support amounts as the bases for charges for personal services of any professorial staff members to be utilized on the project. If the institution wishes to establish such stipulated salary support amounts, the proposal should include the following information for each professorial staff member involved:

(i) Academic year salary;

(ii) Other research projects or proposals for which salary is allocated; and

(iii) Any other duties, such as teaching assignments, administrative assignments, supervision of graduate students, or other institutional activities.

2. The following section is inserted in § 9-4.5106, *Selection, preparation, and award of research contracts:*

§ 9-4.5106-3a Compensation for personal services of professional staff.

(a) In accordance with section B.7 and section J.7 of BoB Circular No. A-21, the proposing institution and the AEC must reach an understanding regarding the basis for charges to the AEC under the contract for personal services of professional staff members. It is AEC policy to use the payroll distribution procedure of section J.7.b as the basis for charges for personal services of all nonprofessorial professional staff, and also for professorial staff in those cases in which it is not feasible to establish a stipulated salary support amount during the proposal and award process because detailed plans or knowledge of specific positions or individuals are not available.

(b) In those cases in which the proposing institution and the AEC agree to use a stipulated salary support amount as the basis for charges for personal services of a specified professorial staff member, the sponsoring AEC Headquarters Division shall either:

(1) Establish an appropriate stipulated salary support amount in accordance with the guidelines of BoB Circular No. A-21 and provide guidance to the Field Office regarding the amount of such individual stipulated salary support, or

(2) Request the Field Office to establish an appropriate stipulated salary support amount in accordance with the guidelines of BoB Circular No. A-21 and within any limitations established by the sponsoring Headquarters Division.

In establishing appropriate stipulated salary support amounts, it will be necessary for the AEC Headquarters Division or Field Office to obtain information on the academic year salary of the faculty members involved; the other research projects or proposals for which salary is allocated; and any other duties they may have, such as teaching assignments, administrative assignments, supervision of graduate students, or other institutional activities.

(c) The established stipulated salary support amount shall be provided for in the contract and shall be the basis for charges for personal services of the specified staff member unless there is a significant change in performance by the staff member (see section J.7.c of BoB Circular No. A-21 for examples of a "significant change"); if a significant change in performance occurs, the institution has the responsibility under BoB Circular No. A-21 to either:

(1) Reduce the charges to the contract proportionately, or

(2) Request an appropriate amendment of the contract to reflect the change in performance.

The contract should provide that if the alternative in subparagraph (1) of this paragraph is followed, the contractor shall notify the Commission of such reduction, with an explanation of the basis of such reduction. In accordance with section J.7.c of BoB Circular No. A-21, special provision must be made in the contract if summer salaries are to be paid under the stipulated salary support procedure; the contract should provide specifically for any stipulated salary support amount for summer salaries and provide that any research covered by stipulated summer salary support must be carried out during the summer, not during the academic year, and at locations approved in advance by the Commission.

(d) If after the award of a contract the contractor wishes to charge the AEC for the personal services of a professorial staff member for whom a stipulated salary support amount has not been established in the contract, the contractor shall use the payroll distribution procedure of section J.7.b of BoB Circular A-21 as the basis for such charges, except as the parties may otherwise mutually agree in writing.

(e) The stipulated salary support procedure shall not be used as a basis for establishing the amount of a contractor's contribution to the research work. In those cases in which the contractor is required to maintain records in support of a contribution of the cost of professorial staff, the payroll distribution procedure of section J.7.b of BoB Circular A-21 should be used.

(f) The certification required by Appendix C of AECPR 9-16.5002-8 fulfills the certification requirement of section K of BoB Circular No. A-21, for the special research support agreement. In cost-type contracts (AECPR 9-16.5002-9) the payments article should provide for appropriate certification by the contractor, on payment invoices or vouchers, to meet the requirements of section K.

3. In paragraph (d) of § 9–4.5112–2, *Responsibilities of AEC Field Offices*, the following subparagraph is added:

§ 9–4.5112–2 Responsibilities of AEC Field Offices.

• • • • • •

(d) • • •

(5) Any request by a contractor to revise an established stipulated salary support amount, and any notification by a contractor that it is reducing the charges to the AEC under the stipulated salary support procedure (see AECPR 9–4.5106–3a(c)).

• • • • • •

4. In § 9–16.5002–8, *Outline of special research support agreement for educational institutions*, subparagraph (a)(1) of Article A–II, *Ways and means of performance*, is revised.

5. In § 9–16.5002–8, *Outline of special research support agreement for educational institutions*, paragraph (c) of Article B–II—Inspection, Reports, Records and Accounts, is revised.

6. In § 9–16.5002–8, *Outline of special research support agreement for educational institutions*, Article B–XXI—Reports and Renewal Proposals, the paragraph entitled "Report of Equipment Purchased or Fabricated" is revised.

The affected portions of 9–16.5002–8 read as follows:

§ 9–16.5002–8 Outline of special research support agreement for educational institutions.

• • • • • •

APPENDIX A

• • • • • •

A–II. *Ways and means of performance:*
(a) • • •
(1) Salaries and wages.
[List by name(s) the principal investigator(s). List categories of other personnel, according to scientific discipline or other designation, and the number of personnel in each category expected to participate in the research work. Also show the estimated percentage of time or effort to be devoted to the contract work by the principal investigator(s) and each category of other personnel over the contract period. If any stipulated salary support amounts for professorial staff members are established in accordance with AECPR 9–4.5106–3a, the stipulated amounts, along with any limitations or requirements on the use of such stipulated amounts (see AECPR 9–4.5106–3a(c)) should be provided for in the contract.]

• • • • • •

ARTICLE B–II—INSPECTION, REPORTS, RECORDS AND ACCOUNTS

• • • • • •

(c) The contractor agrees to keep records and books of account, in accordance with generally accepted accounting principles and practices, and consistent with the requirements of BoB Circular No. A–21 as constituted on the effective commencement date of the contract period, covering its costs and expenditures for items included under Article A–II(a) of Appendix A and which are in furtherance of the research work under this contract. In the event a contractor contribution is listed in Article A–II(b), the contractor shall maintain records adequate to permit the Commission to determine the extent of the contribution. If professional staff members are included under Article A–II(b), the contractor shall maintain records on such personnel in accordance with the payroll distribution procedure of section J.7.b of BoB Circular No. A–21.

• • • • • •

ARTICLE B–XXI—REPORTS AND RENEWAL PROPOSALS

• • • • • •

REPORT OF EQUIPMENT PURCHASED OR FABRICATED

The Contractor shall itemize equipment having a useful life expectancy in excess of 1 year and an acquisition cost in excess of $100 purchased or fabricated by the Contractor when title to such equipment is vested in the Contractor pursuant to the Grant Act (Public Law 85–934)—omit any items appearing in Article V—and submit a report thereof within 3 months after the expiration of the contract year specified in Article II. Where the cost of individual pieces of equipment exceeds $1,000, they will be listed individually. Where individual items cost $100 to $1,000, they will also be individually listed to the extent practical or grouped in general categories, such as "electronic equipment" or "six motors," with the total dollar amount of such category. The cost of purchased items shall be determined by the actual invoice cost of such items, but the cost of fabricated items may be established by engineering estimates. This report may be submitted in conjunction with the certified statement required by Article B–XXVII of this contract.

• • • • • •

7. In § 9–16.5002–9, *Outline of cost-type contract for research and development with educational institutions*, Article B–2—Allowable Costs, is revised.

8. In § 9–16.5002–9, *Outline of cost-type contract for research and development with educational institutions*, paragraph (a) of Article B–4—Accounts, Records, Inspection and Reports, is revised.

9. In § 9–16.5002–9, *Outline of cost-type contract for research and development with educational institutions*, Article B–33—Payments, is revised.

The affected portions of 9–16.5002–9 read as follows:

§ 9–16.5002–9 Outline of cost-type contract for research and development with educational institutions.

• • • • • •

ARTICLE B–2—ALLOWABLE COSTS

Insert AECPR 9–7.5006–11.
[Provisional overhead rate may be established by an appropriate paragraph (c) in lieu of the paragraph (c) entitled "Predetermined Overhead Rates." If any stipulated salary support amounts for professorial staff members are established in accordance with AECPR 9–4.5106–3a, the stipulated amounts, along with any limitations or requirements on the use of such stipulated amounts (see AECPR 9–4.5106–3a(c)) should be provided for in this article, or in another article or separate document referenced in this article.]

• • • • • •

ARTICLE B–4—ACCOUNTS, RECORDS, INSPECTION AND REPORTS

(a) *Accounts.* The Contractor shall maintain accounts, records, documents, and other evidence showing and supporting [Note A] all allowable costs incurred, revenues or other applicable credits, and the receipt, use, and disposition of all Government property coming into the possession of the Contractor under this contract. The system of accounts employed by the Contractor shall be satisfactory to the Commission and in accordance with generally accepted accounting principles consistently applied and consistent with the requirements of BoB Circular No. A–21 as constituted on the effective commencement date of the contract period.

• • • • • •

ARTICLE B–33—PAYMENTS

Insert AECPR 9–7.5006–25, modified by substitution of (b) for (c) in last sentence of paragraph (a), omission of paragraph (b) and the words "and any part of the fixed fee which has been withheld pursuant to (b) above or otherwise not paid to the Contractor" in paragraph (d) and relettering of the paragraphs. An additional paragraph should be added to provide for appropriate certification by the Contractor, on payment invoices or vouchers, to meet the requirements of section K of BoB Circular No. A–21.

• • • • • •

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments shall be effective September 1, 1968, but may be observed earlier.

Dated at Germantown, Md., this 17th day of July 1968.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 68–8728; Filed, July 22, 1968; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 284]

RESIDUAL VALUE OF VESSELS

Adjustments for Depreciation

The Acting Maritime Administrator and the Maritime Subsidy Board are considering the adoption of an amendment of § 284.2(f) of 46 CFR Part 284, changing the residual value formula from 2½ percent to a more realistic percentage, namely, 17 percent of a vessel's construction cost in the computation of depreciation beginning January 1, 1969, on subsidized vessels with a 25-year statutory economic life, subject to adjustment to actual resale value, trade-in allowance, or a value determined by the Maritime Administration's Ship Valuation Committee, upon termination of the vessel's subsidy status or expiration of its statutory economic life, whichever occurs first; such adjustment to be made in the then current subsidy recapture period by revision of depreciation if required. The proposed residual value formula is based on actual residual values reflected in the dispositions of fully depreciated vessels by subsidized operators.

It is proposed to amend § 284.2(f) by adding a new subdivision (ii) to subparagraph (1) reading as follows and designating the existing text of subparagraph (1) as subdivision (i):

§ 284.2 Basis of valuation.

• • • • • •

(f) *Adjustments for depreciation.*
(1) • • •

(ii) On and after January 1, 1969, in computing depreciation on a 25-year statutory economic life vessel, the residual value (meaning the salvage (resale) value of the vessel) shall be deemed to be 17 percent of the original construction cost (meaning the full domestic shipyard construction cost in so far as vessels constructed under title V or title VII of the Merchant Marine Act, 1936, are concerned), subject to adjustment to:

(*a*) The actual resale value;

(*b*) The trade-in allowance made pursuant to section 510 of the Act; or

(*c*) The value established by the Maritime Administration's Ship Valuation Committee where no resale or trade-in has occurred, upon termination of the vessel's subsidy status or expiration of its statutory economic life, whichever occurs first; such adjustment to be made in the then current subsidy recapture period by revision of depreciation if required.

• • • • • •

Any subsidized operator who desires to offer comments on the foregoing should submit same in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C. 20235, by close of business on September 30, 1968. The Acting Maritime Administrator and the Maritime Subsidy Board will consider any such comments and take such action as in their discretion is deemed warranted.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114; sec. 607, 66 Stat. 764, as amended; 46 U.S.C. 1177)

Dated: July 18, 1968.

By order of the Acting Maritime Administrator and the Maritime Subsidy Board.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 68–8788; Filed, July 22, 1968; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67–SO–117]

ADDITIONAL CONTROL AREA

Withdrawal of Proposed Designation

On May 24, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 7697) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an additional control area from the Jackson, Miss., VORTAC direct to the Greenville, Miss., VOR.

The preponderance of the IFR air traffic between Jackson and Greenville was generated by an air taxi operator. This operator has discontinued service along the route. Accordingly, the Administrator has determined that the assignment of airspace proposed in the notice would not be in the public interest.

In consideration of the foregoing, notice is hereby given that the proposal set forth in Airspace Docket No. 67–SO–117 is hereby withdrawn.

This withdrawal is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on July 16, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68–8768; Filed, July 22, 1968; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68–CE–47]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation and Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a control zone and alter the transition area at Glasgow, Mont.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of the Glasgow, Mont. transition area, the instrument approach procedures for Glasgow International Airport have been modified and the criteria for the designation of transition areas has changed. In addition, communications services which are adequate for the designation of a control zone at Glasgow have been established by the installation of a remote communications outlet. The U.S. Weather Bureau will provide weather reporting services. Therefore, in order to provide adequate controlled airspace and accomplish the aforementioned purposes, it is necessary to designate a control zone at Glasgow and to alter the Glasgow transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (33 F.R. 2058), the following control zone is added:

GLASGOW, MONT.

Within a 5-mile radius of Glasgow International Airport (latitude 48°12'50" N., longitude 106°37'10" W.); within 2 miles each side of the 079° bearing from Glasgow International Airport, extending from the 5-mile radius zone to 8 miles east of the airport; and within 2 miles each side of the 290° bearing from Glasgow International Airport; extending from the 5-mile radius zone to 8 miles west of the airport.

(2) In § 71.181 (32 F.R. 2148) the following transition area is amended to read

GLASGOW, MONT.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Glasgow International Airport (latitude 48°12'50" N., longitude 106°37'10" W.); and within 2 miles each side of the Glasgow VOR 195° and 015° radials extending from the 8-mile radius area to 8 miles north of the VOR; and that airspace extending upward from 1,200 feet above the surface within 8 miles south and 5 miles north of the 290° bearing from Glasgow International Airport, extending from the airport to 12 miles west of the airport; within 8 miles north and 5 miles south of the 079° bearing from Glasgow International Airport, extending from the airport to 12 miles east of the airport; and within 8 miles west and 5 miles east of the Glasgow VOR 195° and 015° radials, extending from 12 miles north to 12 miles south of the VOR.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on July 8, 1968.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 68-8769; Filed, July 22, 1968; 8:50 a.m.]

[14 CFR Parts 71, 75]

[Airspace Docket No. 68-EA-50]

JET ROUTES AND DOMESTIC HIGH ALTITUDE REPORTING POINTS

Proposed Alteration, Revocations, and Designation

The Federal Aviation Administration is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations which would alter several jet routes and high altitude reporting points in the northeast portion of the United States. The proposals contained herein constitute one of four notices of proposed rule making designed to increase the traffic handling capacity of the high altitude structure in this area. The three other notices of proposed rule making are being processed in Airspace Docket Nos. 68-EA-28, 68-EA-34, and 68-EA-52.

Within the past 4 years the amount of high altitude traffic operating within the northeast portion of the United States has more than tripled. In order to increase our capacity to accommodate this additional traffic, we are planning extensive jet route modifications. The proposals are divided into four separate notices of proposed rule making since the effective dates of most of the proposed alterations would be determined by the varied dates on which the associated navaid frequency changes can be made. Also, separation of the many proposed alterations into separate groups with different effective dates would reduce the requirement to use substitute routes. Some new jet routes would be designated, some existing jet route segments would be realigned, and others revoked. The route distances between terminal areas would be increased in some instances and decreased in others. However, the most significant goal in these proposals is the restructure of the jet route system so that more aircraft can operate therein.

In consideration of the foregoing the following amendments to Parts 71 and 75 of the Federal Aviation Regulations are proposed:

1. Realignment of Jet Route No. 34 from Cleveland, Ohio, via intersection of Cleveland 129° T (132° M) and Indian Head, Pa., 292° T (298° M) radials; Indian Head to Westminster, Md.

2. Realignment of Jet Route No. 49 from Philipsburg, Pa., via Hancock, N.Y., to Albany, N.Y.

3. Designation of a new Jet Route No. 145 from Charleston, W. Va., to intersection of Charleston 024° T (027° M) and Indian Head, Pa., 271° T (277° M) radials.

4. Realignment of Jet Routes 80/110 from Indianapolis, Ind., via Indian Head, Pa.: intersection of Indian Head 080° T (086° M) and Coyle, N.J., 278° T (288° M) radials; to Coyle.

5. Revocation of Jet Route No. 49 from Charleston, W. Va., to Philipsburg, Pa.

6. Revocation of Allegheny, Pa., as a domestic high altitude reporting point.

7. Revocation of Jet Route No. 12 in its entirety.

8. Revocation of Jet Route No. 30 between Front Royal, Va., and Herndon, Va.

9. Designation of Indian Head, Pa., as a domestic high altitude reporting point.

The jet route modifications proposed herein would normally be used as follows:

1. Jet Route No. 34 as westbound departure route from the Baltimore, Md., terminal area and Andrews Air Force Base.

2. Jet Route No. 49 as bidirection route.

3. Jet Route Nos. 80/110 as bidirection route.

4. Jet Route No. 145 as northbound arrival route to Pittsburgh, Pa., terminal area.

Revocation of Jet Route No. 12 is proposed herein even though extensive use is presently made of this route for departing traffic en route from the Baltimore terminal area to the west. Since this route is aligned in an area where radar coverage is limited, better service can be provided by using the realignment of Jet Route No. 34 as proposed herein for traffic departing Baltimore and Andrews AFB.

Jet Route No. 30 is presently designated in part from Front Royal, Va., to Herndon, Va., and normally serves arrival/departure traffic en route to/from Dulles International Airport. However, aircraft operating between Front Royal and Herndon are generally in a transition phase between the high and low altitude structures, and there is no need for a jet route segment east of Front Royal. In addition, revocation of this segment of Jet Route No. 30 would permit removal of Herndon VOR from the high altitude structure and use of this frequency where it is needed.

The two segments of Jet Route No. 49 emanating from the Allegheny VOR are used by arrival/departure traffic en route to/from the Greater Pittsburgh Airport. This traffic is generally in a transition phase between the high and low altitude structures, and these two segments of Jet Route No. 49 are not required. Aircraft which operate between Charleston, W. Va., and Philipsburg, overflying Pittsburgh, could operate via Jet Route No. 78 with a decrease in distance of 11 miles.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on July 16, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-8766; Filed, July 22, 1968; 8:50 a.m.]

[14 CFR Parts 71, 75]

[Airspace Docket No. 68-EA-52]

JET ROUTES AND DOMESTIC HIGH ALTITUDE REPORTING POINTS

Proposed Alterations, Revocations, and Designation

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations which would alter several jet routes and high altitude reporting points in the northeast portion of the United States. The proposals contained herein constitute one of four notices of proposed rule making designed to increase the traffic handling capacity of the high altitude structure in this area. The three other notices of proposed rule making are being processed in Airspace Docket Nos. 68-EA-28, 68-EA-34, and 68-EA-50.

Within the past 4 years, the amount of high altitude traffic operating within the northeast portion of the United States has more than tripled. In order to increase our capacity to accommodate this additional traffic, we are planning extensive jet route modifications. The proposals are divided into four separate notices of proposed rule making since the effective dates of most of the proposed alterations would be determined by the varied dates on which the associated navaid frequency changes can be made. Also, separation of the many proposed alterations into separate groups with different effective dates would reduce the requirement to use substitute routes. Some new jet routes would be designated, some existing jet route segments would be realigned and other revoked. The route distances between terminal areas would be increased in some instances and decreased in others. However, the most significant goal in these proposals is the restructure of the jet route system so that more aircraft can operate therein.

In consideration of the foregoing, the following amendments to Parts 71 and 75 are proposed:

1. Realignment of Jet Route No. 6 from Westminster, Md., via intersection of Westminster 080° T (088° M) and Robbinsville, N.J., 247° T (257° M) radials; Robbinsville; to Kennedy, N.Y.

2. Realignment of Jet Route No. 8 from Charleston, W. Va., via Casanova, Va.; intersection of Casanova 051° T (057° M) and Robbinsville, N.J., 247° T (257° M) radials; Robbinsville; to Kennedy, N.Y.

3. Realignment of Jet Route No. 42 from Beckley, W. Va., via Casanova, Va.; intersection of Casanova 051° T (057° M) and Robbinsville, N.J., 247° T (257° M) radials; Robbinsville; to Kennedy, N.Y.

4. Realignment of Jet Route No. 60 from Philipsburg, Pa., via Solberg, N.J.; to Kennedy, N.Y.

5. Realignment of Jet Route No. 64 from Ellwood City, Pa., via Robbinsville, N.J.; to Kennedy, N.Y.

6. Realignment of Jet Route No. 78 from Philipsburg, Pa., via Solberg, N.J., to Kennedy, N.Y.

7. Realignment of Jet Route No. 575 from Boston, Mass., to Putnam, Conn.

8. Extension of Jet Route No. 48 from Westminster, Md., via Solberg, N.J.; Putnam, Conn.; to Boston, Mass.

9. Extension of Jet Route No. 581 from Bangor, Maine, via Kennebunk, Maine; Boston, Mass.; Providence, R.I.; to Hampton, N.Y.

10. Designation of new Jet Route No. 147 from Beckley, W. Va., to Gordonsville, Va.

11. Designation of new Jet Route No. 149 from Appleton, Ohio, via intersection of Appleton 122° T (124° M) and Casanova, Va., 280° T (286° M) radials; to Casanova.

12. Revocation of Jet Route No. 77 from Boston, Mass., to the United States/Canadian border.

13. Revocation of Jet Route No. 142 from Charleston, W. Va., to Herndon, Va.

14. Revocation of Herndon, Va., and Yardley, Pa., as domestic high altitude reporting points.

15. Designation of Casanova, Va., Robbinsville, N.J., and Solberg, N.J., as domestic high altitude reporting points.

The jet route modifications proposed herein would normally be used as follows:

1. Jet Route No. 6 as northeastbound route to the New York City terminal area.

2. Jet Route No. 8 as northeastbound route to the New York City terminal area.

3. Jet Route No. 42 southwest of Casanova as bidirectional route; northeast of Casanova as northeastbound route to the New York City terminal area.

4. Jet Route No. 60 east of Philipsburg as eastbound route to Newark and La Guardia Airports; west of Philipsburg as bidirectional route.

5. Jet Route No. 64 as eastbound route to Kennedy and Newark.

6. Jet Route No. 78 east of Philipsburg as eastbound route to Newark and La Guardia Airports; southwest of Philipsburg as bidirectional route.

7. Jet Route No. 575 as southbound route to Kennedy Airport from overseas terminals.

8. Jet Route No. 581 south of Boston as northbound route to or over Boston; north of Boston as bidirectional route.

9. Jet Route No. 48 as southbound route to bypass the New York City terminal area.

10. Jet Route No. 147 as northeastbound route.

11. Jet Route No. 149 as northwestbound departure route from Washington, D.C., terminal area.

Jet Route No. 142 is proposed for revocation since aircraft operating northeast of Charleston, W. Va., could operate via Jet Route No. 6 or via the realignment of Jet Route No. 8 as proposed herein. The proposed revocation of Jet Route No. 77 is merely an editorial action since it would be duplicated by the modification of Jet Route No. 581 as proposed herein.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on July 16, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-8767; Filed, July 22, 1968; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. X]

[Ex Parte No. MC-72]

SHIPMENTS OF NEW FURNITURE

Motor Service

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 11th day of July 1968.

This proceeding is specifically directed to an examination into and evaluation of the problems experienced by manufacturers of new furniture in obtaining responsive and adequate transportation facilities for the marketing and shipment of their products, with a view to determining whether the public convenience and necessity, considered on a national scale, require (1) the authorization by general rule of all motor common carriers of household goods or household goods as defined by this Commission to transport also shipments of new furniture within the territorial scope of their existing operating rights, (2) the similar authorization by general rule of all motor common carriers already specifically authorized to transport new furniture also to handle general commodities either in mixed loads with new furniture or on reciprocal movements directly connected with movements (either outbound or inbound) of new furniture, in order to enable such carriers to balance their overall operations physically and economically and to improve service to the public, or (3) both, some reasonable modification of these approaches, or such other and further action as may be deemed necessary or appropriate to alleviate the problems disclosed by this proceeding.

Specialization in the manufacture of furniture results in many factories having wide markets and necessitates long hauls to the wholesale-retail market. Rail service in the movement of furniture has proven to be less than satisfactory. With the curtailment of rail less-carload

service and the evident disenchantment of many freight forwarders with the transportation of new furniture, the manufacturers have been constrained to rely almost entirely upon motor carrier service. In this context, the availability of motor carrier service has become a key factor in the distribution of this industry's products and its continuance has become of paramount importance. Historically, those motor common carriers authorized to transport either general commodities or, specifically, new furniture, have been the primary movers of this traffic. However, no one motor carrier has the requisite authority to render a nationwide single-line service which would permit a particular new furniture manufacturer access to all its markets. It has thus been necessary for the industry to rely on these common carriers voluntarily to establish through routes, joint rates, and interchange arrangements among themselves: the most efficient and economical means available to the industry for distribution to various markets. Absent these joint arrangements, which are today being entered into rarely and then only reluctantly,[1] the individual new furniture manufacturer is compelled to incur a combination of local charges over separate routes, which result in a great increase in its transportation costs. Likewise, the growing number of cancellations of such joint arrangements on only new furniture, while retaining them on other freight, by the general commodity motor carrier has the same effect. Indeed, the propriety of this latter action is a central issue in No. 34815, National Furniture Traffic Conference, Inc. v. Associated Truck Lines, Inc., now pending before this Commission as a proceeding involving an issue of general transportation importance. Finally, it has consistently been held that authority to transport household goods does not embrace the transportation of new furniture, uncrated, moving in the regular channels of commerce; and though the general commodity carrier has the authority to handle new furniture, uncrated, it generally has refrained from doing so by the general tenor of the packing requirements in its tariff. Cf. American Red Ball Transit Co., Inc. v. McLean Trucking, 67 M.C.C. 305.

Because of the essential characteristics of the new furniture industry and its products, the transportation traits attendant to the movement of such traffic, and the action or nonaction of the general commodity motor carriers, there is now presented a precipitous situation which appears to threaten the very foundation of that industry. To explore further the transportation problems of this vital industry, which seem to mirror (albeit in an aggravated manner) those which have historically plagued the small shipper, and to ascertain what, if anything, can be done to resolve them, we hereby institute this proceeding.

The approaches described generally in the opening paragraph of this order appear to represent sound methods of making available to the new furniture industry a needed transportation service on a practicable and reasonable basis. Motor common carriers of household goods possess the equipment, experience, and personnel necessary to the efficient and economical hauling of new furniture. Such carriers may and do transport new furniture with the only qualification being that they do so at the instance or request of a householder as an incident of a move by the householder from one domicile to another. North American Van Lines, Inc., Extension—New Furniture, 49 M.C.C. 368. In these circumstances, it would appear neither arbitrary nor unreasonable to enable all motor common carriers of household goods to transport new furniture without regard to the stated qualification as an operation directly related to their basic field of service. Cf. L. Nelson & Sons Transp. Co., Extension—Synthetics, 62 M.C.C. 271. Such action also would seem to permit these household goods carriers to balance their operations which, because of the peak summer period they experience, are today highly seasonal. This is one of the possibilities that will be considered further in this proceeding.

Further, the economic rendition of prompt, dependable, and necessary transportation service to new furniture shippers by those motor common carriers specifically authorized to transport items of new furniture often is dependent upon the availability of adequate equipment and the performance of a revenue-producing reciprocal haul. As a corollary, the absence of a return trip in many instances renders the furniture movement impractical and uneconomic. Consequently, in this proceeding we shall also explore the necessity of enabling transporters of new furniture, specifically, to balance their total operations by affording them the incidental right to transport general commodities either in the same vehicle with new furniture or in movements reciprocal to their authorized hauls of new furniture.

It is ordered, That, based upon the foregoing explanation and good cause appearing therefor, a proceeding be, and it is hereby, instituted under the authority of part II of the Interstate Commerce Act, and more specifically of sections 204(a) (1) and (6), 206, 207, and 208(a) thereof, and sections 4 and 12 of the Administrative Procedure Act, for the purpose of examining into the problems experienced by manufacturers of new furniture in obtaining responsive and adequate transportation facilities for the marketing and shipment of their product, with a view to determining whether the public convenience and necessity, considered on a national scale, require (1) the authorization by general rule of all motor common carriers of household goods or household goods as defined by this Commission to transport also shipments of new furniture within the territorial scope of their existing operating rights, (2) the similar authorization by general rule of all motor common carriers already specifically authorized to transport new furniture also to handle general commodities either in mixed loads with new furniture or on reciprocal movements directly connected with movements (either outbound or inbound) of new furniture, in order to enable such carriers to balance their overall operations physically and economically, and to improve service to the public, or (3) both, some reasonable modification of these approaches, or such other and further action as may be deemed necessary or appropriate to alleviate the problems disclosed by this proceeding.

It is further ordered, That the Bureau of Enforcement of this Commission be, and it is hereby, authorized and directed to participate in this proceeding.

It is further ordered, That all motor carriers of property operating in interstate or foreign commerce subject to the Interstate Commerce Act, be, and they are hereby, made respondents in this proceeding.

It is further ordered, That no oral hearing be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that carriers, shippers, or other interested persons may participate in this proceeding by submitting for consideration written statements of facts, views, and arguments on the subjects mentioned above, or any other subjects pertinent to this proceeding.

It is further ordered, That any person intending to participate in this proceeding by submitting initial statements or reply statements shall notify the Commission, by filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before August 12, 1968, the original and one copy of a statement of his intention to participate; that the Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties to this proceeding, upon whom copies of all statements must be filed; and that at the time of the service of the service list the Commission will fit the time within which initial statements and reply statements must be filed.

And it is further ordered, That a copy of this order be mailed to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over motor transportation; that a copy be posted in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8748; Filed, July 22, 1968; 8:48 a.m.]

[1] It appears, however, that a number of major motor common carriers of general commodities now have pending identical proposals to withdraw their present through-route restrictions against new furniture, but these proposals would become effective only after this Commission's approval of the increased ratings proposed in Docket No. 34922, Investigation of Ratings on Furniture in NMFC.

Notices

DEPARTMENT OF STATE

Agency for International Development

BUREAU FOR EAST ASIA DIRECTOR, PROCUREMENT MANAGEMENT, AND CHIEF, SERVICES CONTRACTS DIVISION

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me by Delegation of Authority No. 17 from the Administrator, dated June 14, 1962, as amended, I hereby redelegate, for countries or areas within the responsibility of the Assistant Administrator for East Asia, authority to the Director, Procurement Management and the Chief, Services Contracts Division, to sign or approve the following:

(1) Contracts and amendments to contracts financed in whole or in part by A.I.D., other than contracts exclusively for the supply of commodities, and grants other than to a foreign government, or agencies of a foreign government, or an international organization;

(2) Letters of Commitment and Notices of Approval for Financing of Cooperating Country Contracts for contracts described in paragraph (1) above;

(3) Amendments or modifications (pursuant to Executive Order 11223) involving less than $25,000 of A.I.D.—financed contracts entered into with nonprofit institutions under which no fee is charged or paid, where the amendment or modification is requested by the contractor and does not involve a consideration for the United States: *Provided*, That all such amendments or modifications are requested prior to final payment under the contract.

The authorities herein redelegated may be exercised by a person who is performing the functions of the Director, Procurement Management or the Chief, Services Contracts Division, in an "Acting" capacity. The authorities are to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D.

The authorities redelegated herein may not be further redelegated.

The Redelegation of Authority from the Assistant Administrator for Far East to the Chief, Contract Staff dated June 28, 1962, as amended by Redelegation of Authority dated March 2, 1967, and the Redelegation of Authority from the Assistant Administrator for the Far East to the Director, Far East Contracts Staff dated November 2, 1964, are hereby superseded.

This redelegation of authority is effective immediately.

JOHN C. BULLITT, *Assistant Administrator, East Asia.*

JULY 16, 1968.

[F.R. Doc. 68-8727; Filed, July 22, 1968; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 68-187]

EXFACTORY SALES

Evidence

JULY 17, 1968.

T.D. 68-105 of April 8, 1968, withdrawn.

On April 8, 1968, in T.D. 68-105, the Bureau stated the holding in the case of United States v. Bud Berman Sportswear, Inc. (published as C.A.D. 929), noted that a retrial had been sought, and stated that pending a new ruling by the court, the decision in C.A.D. 929 would be limited to the merchandise which was the subject of the appeal to reappraisement in that case.

It has now been decided not to seek a retrial. Consequently, T.D. 68-105 is hereby withdrawn.

[SEAL] LESTER D. JOHNSON, *Commissioner of Customs.*

[F.R. Doc. 68-8736; Filed, July 22, 1968; 8:47 a.m.]

[461.161]

SECOND CLEAR WHEAT FLOUR

Proposed Tariff Classification

JULY 12, 1968.

The classification of imported second clear wheat flour as animal feeds, and ingredients therefor, not specially provided for, in item 184.70, Tariff Schedules of the United States (TSUS), if fit for human consumption, or in item 131.72, TSUS, if unfit for human consumption, by Treasury Decision 67-254, dated October 27, 1967 (32 F.R. 15186).

As a consequence of that change, it has been considered desirable to review the standards used in determining the fitness of wheat flour for human consumption. The Bureau has for years used an ash-content test as one test in making this determination. Under that test, flour which contains more than a specified percentage of ash has been deemed to be unfit for human consumption.

The Bureau has tentatively concluded that, although an ash test may be suitable for use in making certain determinations respecting wheat flour, it is not necessarily a suitable test to determine whether such flour is fit for human consumption. Accordingly, the Bureau has tentatively concluded that all wheat flour, including second clear, should be regarded as fit for human consumption in the tariff sense unless it is adulterated or contaminated at the time of importation in such a manner that it cannot be consumed by humans without processing to eliminate such contamination or adulteration.

Consequently, wheat flour which is adulterated or contaminated will be considered to be unfit for human consumption and classified in item 131.72, TSUS, with duty at the rate of 2.5 percent ad valorem. All other wheat flour will be considered fit for human consumption and classified in item 131.40, TSUS, with duty at the rate of 52 cents per hundred pounds.

Pursuant to § 16.10a(d), Customs Regulations (19 CFR 16.10a(d)), notice is hereby given that there is under review in the Bureau of Customs the existing established and uniform practice of classifying wheat flour as unfit for human consumption because of its ash content.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of this merchandise which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearing will be held.

[SEAL] EDWIN F. RAINS, *Acting Commissioner of Customs.*

[F.R. Doc. 68-8735; Filed, July 22, 1968; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Minneapolis Area Office Redelegation Order 1, Amdt. 10]

SUPERINTENDENTS, MINNEAPOLIS AREA OFFICE

Redelegation of Authority Regarding Forestry Matters

JULY 16, 1968.

Part 2 of Minneapolis Area Office Redelegation Order 1, as amended, is further amended by the addition of a new section, section 2.234, Timber Sales, Certain Submarginal Lands. The section gives authority to the Superintendents in the Minneapolis Area to approve timber sales from certain submarginal lands; and reads as follows:

PART 2—AUTHORITY OF SUPERINTENDENTS

• • • • •

FUNCTIONS RELATING TO FOREST AND RANGE MANAGEMENT

• • • • •

SEC. 2.234 *Timber sales, certain submarginal lands.* Approval of timber sales, involving stumpage volume of not to exceed 50,000 feet board measure, from certain submarginal lands, administered pursuant to applicable regulations in 25 CFR Part 141, as authorized in Amendment 118 to Bureau Order 551 (33 F.R. 7848).

ROBERT L. BENNETT,
Commissioner.

[F.R. Doc. 68-8722; Filed, July 22, 1968; 8:46 a.m.]

[Billings Area Office Redelegation Order 1, Amdt. 26]

SUPERINTENDENTS AND PROJECT ENGINEER, BILLINGS AREA OFFICE

Redelegation of Authority Regarding Lands and Minerals

Billings Area Office Redelegation Order 1, as amended, is further amended by the revision of section 2.12 under Part 2, Authority of Superintendents and Project Engineer. This revision will enable designated officials to approve homesite and residential leases for terms of 25 years with a renewal option of 25 years. As revised, section 2.12 reads as follows:

SEC. 2.12 *Leases and permits.* All those matters set forth in 25 CFR Part 131 except (1) the approval of leases, other than homesite or residential, which provide for a duration in excess of 10 years, inclusive of any provisions for extensions or renewals thereof at the option of the lessee; and (2) modification of any forms approved by the Secretary of the Interior, the Commissioner of Indian Affairs or the Area Director.

JAMES F. CANAN,
Area Director.

Approved: July 16, 1968.

ROBERT L. BENNETT,
Commissioner.

[F.R. Doc. 68-8723; Filed, July 22, 1968; 8:46 a.m.]

Bureau of Land Management

CHIEF, DIVISION OF BASE OPERATIONS, BOISE INTERAGENCY FIRE CENTER

Delegation of Authority Regarding Contracts and Leases

Director, Boise Interagency Fire Center; Supplement to Bureau of Land Management Manual 1510.

A. Pursuant to delegation of authority contained in Bureau Manual 1510-03B2g, the Chief, Division of Base Operations, Boise Interagency Fire Center, is authorized:

1. To enter into negotiated contracts without advertising pursuant to section 302(c)(2) of the FPAS Act, as amended, for rental of equipment and aircraft covered by offer agreements, and for purchase of supplies, services, and capitalized equipment (excluding vehicles), necessary for emergency fire suppression.

2. To enter into contracts, pursuant to section 302(c)(3), for supplies and services not to exceed $2,500, and for construction not to exceed $2,000: *Provided*, That the requirements are not available from established sources. Capitalized equipment (excluding vehicles) may be procured under this authority only when necessary in emergency fire suppression situations.

3. To procure necessary supplies and services except capitalized equipment from established sources of supply regardless of amount. Capitalized equipment may be purchased in emergency fire suppression situations only.

B. The Chief, Division of Base Operations, may not redelegate the authority granted above.

ROGER R. ROBINSON,
Director.

[F.R. Doc. 68-8707; Filed, July 22, 1968; 8:45 a.m.]

[A 2031]

ARIZONA

Notice of Classification of Public Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, the public lands described below are classified for multiple-use management. Publication of this notice has the effect of segregating all of the public lands described in sections 3a and 3b from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171). It also has the effect of further segregating the 710 acres of public land in section 3b from the operation of the mining laws to provide protection for the Fort Bowie National Historic Site and the Indian Bread Rock Recreation Area. All of the lands shall remain open to all other forms of appropriation. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The notice of proposed classification of these lands was published April 20, 1968, in 33 F.R. 6132 and was publicized locally. A public hearing was held May 16, 1968 at Willcox, Ariz. Many comments and statements were received during the 60-day period. There was widespread endorsement of the multiple-use classification from individuals and sportsmen's organizations throughout the State. Several protests were received from persons, most of whom did not want changes made in the present utilization of these lands. All comments and statements concerning the proposed classification were carefully considered and evaluated. Since the multiple-use classification will keep these lands available for multiple use of their grazing, wildlife, outdoor recreation, and mineral resources, no major changes were made in the classification. Several minor changes were made to correct errors in the original notice and to protect the 120-acre Indian Bread Rock Recreation Area.

The public record on this classification is available for inspection at the Safford District Office, 1707 Thatcher Boulevard, Safford, Ariz., and at the Land Office, Room 3204, Federal Building, Phoenix, Ariz.

3. The lands involved are located in Cochise County, east of Willcox, Ariz., and are identified on maps available for inspection at the Safford District Office and the Land Office.

GILA AND SALT RIVER MERIDIAN

a. As provided in paragraph 1 above, the following lands are segregated only from appropriation under the agricultural land laws and from public sale under R.S. 2455:

T. 13 S., R. 26 E.,
Sec. 19, lots 1 and 2, NE¼, E½NW¼, and N½SE¼;
Sec. 21, S½;
Sec. 27, lots 1, 2, and 3, NW¼NW¼, NE¼SW¼, and SW¼SW¼;
Sec. 28;
Sec. 29, N½NE¼, SE¼NE¼, and E½SE¼;
Sec. 33, N½, NE¼SW¼, and SE¼;
Sec. 34, lots 1 to 5, inclusive, W½NW¼ and S½.

T. 14 S., R. 26 E.,
Sec. 1, lots 1 to 7, inclusive, S½N½, N½S½, and SE¼SE¼;
Sec. 3, lots 1 to 4, inclusive, S½N½, E½SW¼, and SE¼;
Sec. 4, lots 1 and 2, and S½NE¼;
Sec. 11, lots 1 and 2, W½NE¼ and E½NW¼;
Sec. 12, lots 1 to 9, inclusive, NE¼NE¼, S½NE¼, S½SW¼, and SE¼;
Sec. 13, E½ except patented mining claims.

T. 12 S., R. 27 E.,
Secs. 12 and 13;
Sec. 22, S½S½;
Sec. 23;
Sec. 24, E½;
Sec. 26, N½;
Sec. 27, NE¼.

T. 13 S., R. 27 E.,
Sec. 31, S½NW¼, SW¼, and W½SE¼;
Sec. 33, S½;
Sec. 34, SW¼NE¼, SE¼NW¼, SW¼, and S½SE¼ except patented mining claims;
Sec. 35, E½E½, E½SW¼, SW¼SW¼, and W½SE¼.

T. 14 S., R. 27 E.,
Sec. 1, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 2, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 3, lots 1 to 12, inclusive, and SW¼;
Sec. 4, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 5, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1 to 5, inclusive, NE¼, E½NW¼, NE¼SW¼, and SE¼;
Sec. 8;
Sec. 9, lots 1 to 6, inclusive, N½N½, SE¼NE¼, NE¼SE¼, and S½S½;
Sec. 10, lots 1 and 2, W½NE¼, NW¼, and S½;
Sec. 11, lots 1, 2, and 3, NE¼, E½NW¼, E½SW¼, SW¼SW¼, and SE¼;
Secs. 12, 13, and 14;
Sec. 15, lots 1 to 7, inclusive, NE¼, N½NW¼, and E½SE¼;
Sec. 17, lots 1, 2, and 3, N½NE¼, SW¼NE¼, NW¼SE¼, S½SE¼, and W½;
Sec. 18, lots 1 to 9, inclusive, N½NE¼, E½SW¼, and S½SE¼;
Sec. 19, lots 1 to 7, inclusive, NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 20, lots 1 to 8, inclusive, N½NE¼, NW¼, and N½SW¼;
Secs. 21 and 22, all except patented mining claims;
Sec. 23, lots 1 to 4, inclusive, N½ and N½S½;
Sec. 24, lots 1 to 4, inclusive, N½ and N½S½.

T. 12 S., R. 28 E.,
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1 to 4, inclusive, E½ and E½W½;
Sec. 19, lots 1 to 4, inclusive, N½NE¼, SW¼NE¼, E½W½, and SE¼;
Sec. 20, SW¼ and that portion of SE¼ lying west of railroad;
Sec. 29, W½;
Sec. 30, lots 1 to 4, inclusive, E½W½ and E½;
Sec. 31, lots 1 and 2, E½NW¼.

T. 13 S., R. 28 E.,
Sec. 30, lots 2, 3, and 4, SE½NW¼, E½SW¼, and W½SE¼;
Sec. 31, lots 1 to 4, inclusive, SE¼NE¼, W½E½, E½W½, and E½SE¼.

T. 14 S., R. 28 E.,
Sec. 3, NW¼SW¼;
Sec. 4, lots 1 to 4, inclusive, S½NE¼ and S½;
Sec. 5, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 8, S½NE¼ and SE¼;
Sec. 9, SW¼NW¼, SW¼, and W½SE¼;
Sec. 14, E½;
Sec. 15;
Sec. 16, S½SE¼;
Sec. 17, lots 1 to 4, inclusive, E½ and E½W½;
Sec. 18, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 19, lots 1 to 4, inclusive, E½ and E½W½;
Secs. 20, 21, and 22;
Sec. 23, N½, N½SE¼, NW¼SW¼, S½SW¼, and SW¼SE¼;
Sec. 26, lots 1 to 4, inclusive, and S½S½;
Sec. 27, lots 1 to 4, inclusive, and S½S½;
Sec. 28, lots 1 and 2, and lots 4 to 6, inclusive, NW¼ and N½SW¼;
Sec. 29, lots 1, 2, and 3, NW¼NW¼, S½N½, and NE¼SE¼;
Sec. 30, lot 1, NE¼ and E½NW¼;
Sec. 33, N½ of lot 1, S½ of lot 2, and lots 3, 4, and 5;
Sec. 34, N½N½N½, S½N½NE¼, NE¼SW¼NE¼, N½SE¼NE¼, SE¼SE¼NE¼, S½NE¼NW¼, SW¼SE¼NW¼, S½SW¼NW¼, SW¼, NW¼NW¼SE¼, S½NW¼SE¼, SW¼NE¼SE¼, and S½SE¼;
Sec. 35, lots 1 to 5, inclusive, and N½SE¼.

T. 15 S., R. 28 E.,
Sec. 1, NE¼, NE¼NW¼, E½NW¼NW¼, NW¼NW¼NW¼, N½SE¼NW¼, SE¼SE¼NW¼, and SW¼SW¼NW¼;
Sec. 2, SW¼NE¼NE¼, W½NW¼NE¼, SE¼NW¼NE¼, S½NE¼, and NW¼;
Sec. 3, NE¼ and N½SE¼;
Sec. 10, S½NE¼, SE¼NW¼, S½NE¼NW¼, and SE¼;
Sec. 11, S½;
Sec. 12, S½S½;
Sec. 13;
Sec. 14, E½;
Sec. 24.

T. 15 S., R. 29 E.,
Sec. 7, SW¼SW¼ and SW¼SE¼;
Sec. 8, SW¼;
Sec. 17, lots 1 and 2, N½, N½SW¼, and SE¼;
Secs. 18 and 19;
Sec. 20, lots 1 to 6, inclusive, SW¼NW¼, W½SW¼, and SE¼SW¼;
Sec. 21, lots 1 to 6, inclusive, outside military reservation, and lots 5 and 8 within military reservation, NW¼ and NE¼SW¼;
Sec. 28, lots 1 to 8, inclusive, and lots 11 and 12;
Sec. 29, lots 1 to 5, inclusive, NW¼NE¼ and N½NW¼;
Sec. 30, lots 1 and 10, N½NE¼ and NE¼NW¼.

T. 16 S., R. 30 E.,
Sec. 1, lots 1 to 11, inclusive, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 11, NE¼ and N½SE¼;
Sec. 12, lots 1 to 4, inclusive, W½E½, E½NW¼, and NW¼SW¼;
Sec. 13, lots 1 to 4, inclusive, and W½E½;
Sec. 23, S½SE¼;
Sec. 24, lots 1 to 4, inclusive, W½E½, SE¼NW¼, E½SW¼, and SW¼SW¼;
Sec. 25, lots 1 and 2, W½NE¼ and NE¼NW¼.

T. 16 S., R. 31 E.,
Sec. 4, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 5, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1 to 4, inclusive, E½ and E½W½;
Sec. 8;
Sec. 17, W½NW¼ and S½;
Sec. 18, lots 1 to 4, inclusive, E½ and E½W½;
Sec. 19, lots 1 to 4, inclusive, E½ and E½W½, except patented mining claims;
Sec. 20;
Sec. 21, W½NW¼;
Sec. 28, SW¼NW¼ and W½SW¼;
Sec. 29, lots 1 and 3, W½NW¼NE¼ and N½NW¼;
Sec. 30, lots 1 and 2, except patented mining claims.

The lands described aggregate approximately 53,397.45 acres.

b. As provided in paragraph 1 above, the following lands are segregated from the agricultural land laws, from public sale under R.S. 2455 and from entry under the mining laws to provide a protective buffer zone for the Fort Bowie National Historic Site and the Indian Bread Rock Recreational Area:

T. 14 S., R. 28 E.,
Sec. 8, N½NE¼;
Sec. 9, NW¼NW¼.

T. 15 S., R. 28 E.,
Sec. 1, W½SW¼, NE¼SE¼, N½NW¼SE¼, NE¼SE¼SE¼, NW¼SW¼SE¼, and S½SW¼SE¼;
Sec. 2, SW¼ and N½N½SE¼;
Sec. 3, N½S½SE¼ and SE¼SE¼SE¼;
Sec. 10, S½N½NE¼;
Sec. 11, SW¼SE¼NE¼, S½S½SW¼NE¼, SW¼NW¼, SW¼NW¼NW¼, and S½S½SE¼NW¼;
Sec. 12, N½N½NE¼.

The lands described aggregate 710 acres of public land.

The lands in the two sections above aggregate approximately 54,107.45 acres of public land.

4. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240.

FRED J. WEILER,
State Director.

JULY 15, 1968.

[F.R. Doc. 68-8705; Filed, July 22, 1968; 8:45 a.m.]

[C-3888]

COLORADO

Notice of Termination of Proposed Classification of Public Lands

JULY 10, 1968.

Notice of proposed classification of lands, Serial No. C-3888 published in F.R. Doc. 68-5754 on page 7161 of the issue for Wednesday, May 15, 1968, is hereby canceled so far as it affects the following described lands. The segregative effect, therefore, will terminate upon publication of this notice in the FEDERAL REGISTER, as provided by the regulations in 43 CFR 2411.2e(2)(ii):

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

SAGUACHE COUNTY

Block 2

T. 42 N., R. 9 E.,
Secs. 1, 2, 5, 12, and 13.
T. 42 N., R. 10 E.,
Sec. 18.
T. 43 N., R. 9 E.,
Secs. 27, 28, 32, 33, and 34.
T. 43 N., R. 11 E.,
Secs. 1, 2, 3, 4, and 11.
T. 43 N., R. 12 E.,
Secs. 6 and 7.
T. 44 N., R. 11 E.,
Secs. 34, 35, and 36.

The area described contains approximately 4,743.80 acres M/L of public land.

E. I. ROWLAND,
State Director.

[F.R. Doc. 68-8737; Filed, July 22, 1968; 8:47 a.m.]

[Montana 9703]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 12, 1968.

The Bureau of Reclamation has filed an application for the withdrawal of the lands described below, from all forms of appropriation including the mining and the mineral leasing laws except for oil and gas.

The applicant desires the land for the Reichle Reservoir, diversion works, Whitehall and Jefferson Canals, and for irrigation development.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, Mont. 59101.

The Department's regulations (43 CFR 2311.1–3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

PRINCIPAL MERIDIAN, MONTANA

REICHLE RESERVOIR

T. 4 S., R. 8 W.,
Sec. 19, lot 4, SE¼SW¼, S½SE¼;
Sec. 28, lots 3 and 4, E½SW¼, and SW¼SE¼;
Sec. 29, S½NE¼, N½NW¼, SE¼NW¼, and E½SE¼;
Sec. 31, lot 4;
Sec. 32, NE¼SW¼;
Sec. 33, lots 1 and 2, NE¼NW¼;
Sec. 34, lots 4, 5, and 6, N½S½ and SE¼SE¼.
T. 5 S., R. 8 W.,
Sec. 2, SW¼NW¼;
Sec. 3, lot 1, SE¼NE¼, and NE¼SE¼;
Sec. 4, SW¼NW¼, NE¼SW¼, S½SW¼, N½SE¼, and SW¼SE¼;
Sec. 5, SW¼, NW¼SE¼, and S½SE¼;
Sec. 6, lots 1, 4, 5, and 6, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 8, NE¼, NE¼NW¼, and E½SE¼;
Sec. 9, NE¼NE¼;
Sec. 10, N½NW¼.
T. 4 S., R. 9 W.,
Sec. 11, SW¼NW¼;
Sec. 21, NE¼NE¼;
Sec. 23, NE¼NE¼;
Sec. 24, S½NE¼, and NE¼SE¼;
Sec. 25, NE¼SW¼ and S½S½.

Total for Reichle Reservoir Area is 3,029.79 acres.

WORKS AND PROJECT AREA

T. 1 S., R. 4 W.,
Sec. 8, NW¼NW¼;
Sec. 30, NE¼NW¼.
T. 2 S., R. 6 W.,
Sec. 11, E½SE¼;
Sec. 14, W½NE¼, SE¼NW¼, E½SW¼, and SW¼SW¼;
Sec. 22, lot 7;
Sec. 33, lot 8.
T. 3 S., R. 6 W.,
Sec. 4, lot 1 and SE¼NE¼.
T. 1 N., R. 1 W.,
Sec. 18, SE¼SE¼.
T. 10 N., R. 1 W.,
Sec. 12, W½NE¼SE¼.
T. 1 N., R. 2 W.,
Sec. 14, SW¼SW¼;
Sec. 20, lots 1 and 7.
T. 1 N., R. 3 W.,
Sec. 13, lots 5, 7, and 8;
Sec. 24, lots 2 and 3, W½NE¼, and SE¼.
T. 1 N., R. 4 W.,
Sec. 32, lots 1, 2, and 3, S½SE¼;
Sec. 34, NW¼NW¼ less MS 5233.
T. 2 N., R. 5 W.,
Sec. 22, SE¼SE¼;
Sec. 26, NW¼NW¼.
T. 2 N., R. 1 E.,
Sec. 30, lots 1 to 4, inclusive, NW¼NE¼, NE¼NW¼, and SE¼SW¼.
T. 3 N., R. 1 E.,
Sec. 12, NW¼.
T. 4 N., R. 1 E.,
Sec. 5, S½NW¼ and SW¼;
Sec. 8, N½NW¼, SW¼NW¼, and NW¼SW¼.
T. 5 N., R. 1 E.,
Sec. 17, S½NW¼ and SW¼.
T. 10 N., R. 1 E.,
Sec. 14, lots 3, 4, and 5;
Sec. 17, NW¼SW¼.
T. 1 N., R. 2 E.,
Sec. 13, NE¼ and S½SE¼;
Sec. 24, NE¼.
T. 6 N., R. 2 E.,
Sec. 2, lot 1, S½NE¼, SE¼NW¼, and NE¼SE¼.
T. 9 N., R. 2 E.,
Sec. 9, lot 7;
Sec. 16, lots 1, 5, and 6;
Sec. 20, SW¼NW¼NE¼, NW¼SW¼NE¼, N½SE¼NW¼, and SW¼SE¼NW¼.
T. 7 N., R. 3 E.,
Sec. 6, lot 7 and SE¼SW¼.

Total for Works and Project Area is 3,428.56.

EUGENE H. NEWELL,
Land Office Manager.

[F.R. Doc. 68–8706; Filed, July 22, 1968; 8:45 a.m.]

[OR 3530 (Wash.)]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Land

JULY 15, 1968.

The Department of the Army, on behalf of the Corps of Engineers, has filed an application, Serial No. OR 3530 (Wash.), for the withdrawal of the public land described below, from all forms of appropriation under the public land laws including the mining laws, but not the mineral leasing laws.

The applicant desires the land known as Dry Gulch Island for the operation and maintenance of the Lower Granite Lock and Dam Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street (Post Office Box 2965), Portland, Oreg. 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The land involved in the application is:

WILLAMETTE MERIDIAN

T. 11 N., R. 46 E.,
Sec. 19, unsurveyed Dry Gulch Island lying opposite lots 2 and 3.

Containing 7.23 acres.

IRVING W. ANDERSON,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 68–8738; Filed, July 22, 1968; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

[P. & S. Docket No. 383]

MARKET AGENCIES AT ST. LOUIS NATIONAL STOCKYARDS

Notice of Petition To Vacate Order and Dismiss Proceeding

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), a basic order was issued in the case of L. W. Conover, George Conover, and Dan O'Brien, a partnership, doing business as Alexander Conover & Co., and other market agencies operating at the St. Louis National Stockyards, respondents (P. & S. Docket No. 383), on February 28, 1933, prescribing the rates and charges to be assessed by the respondents for the stockyard services rendered by them at the St. Louis National Stockyards, National Stock Yards, Ill. Such rates and charges have been modified from time to time by subsequent orders issued in the proceeding. The latest such order was issued on May 28, 1968, prescribing the rates and charges to be assessed by respondents to and including May 31, 1969, unless modified or extended by further order before the latter date.

On April 15, 1968, the respondents filed a petition requesting that the rate order in this proceeding be vacated and the proceeding dismissed in conformity with § 203.11 (9 CFR 203.11) of the statements of general policy under the Packers and Stockyards Act. The petition reads as follows:

This is a rate proceeding under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.). The respondents are now operating under order issued May 11, 1966 (25 A.D. 617). The current schedule of rates and charges became effective May 17, 1966, and is to remain in effect, unless modified or extended by further order, to and including May 31, 1968.

The basic rate order in this proceeding was issued February 28, 1933. During the period since the basic rate order has been in effect, respondents have followed the procedure, prior to filing of a petition for modification of the basic order, of seeking an advance indication of the attitude of the Packers and Stockyards Administration toward the changes to be proposed. Information in support of such proposals has been submitted and a tentative agreement is reached before a formal petition for modification has been filed.

The respondents do not believe economic conditions in the industry, marketing structure in the trade territory, or any other circumstances necessitate the continuation of the formal procedure for obtaining modifications in the rates and charges assessed by respondents.

It is requested therefore that in conformity with the policy expressed in § 203.11 of the statements of general policy under the Packers and Stockyards Act (9 CFR 203.11) that the rate order in this proceeding be vacated and the proceeding be dismissed.

Any interested person may file with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after the publication of this notice in the FEDERAL REGISTER, written data, views, comments, or arguments with respect to the petition filed by respondents.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 16th day of July 1968.

DONALD A. CAMPBELL,
Administrator, Packers and Stockyards Administration.

[F.R. Doc. 68–8731; Filed, July 22, 1968; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 115–5]

LA CROSSE BOILING WATER REACTOR

Notice of Proposed Issuance of Provisional Operating Authorization to Dairyland Power Cooperative

The Atomic Energy Commission ("the Commission") is considering the issuance of a Provisional Operating Authorization to Dairyland Power Cooperative. The of a Porivsional Operating Authorization set forth below, would authorize Dairyland Power Cooperative to use and operate the La Crosse Boiling Water Reactor (LACBWR) at power levels up to 165 megawatts (thermal). The LACBWR is located in Vernon County, Wis., approximately 1 mile south of Genoa and 19 miles south of the city of La Crosse.

The LACBWR was constructed by Allis-Chalmers Manufacturing Co. for the Commission pursuant to Construction Authorization No. CAPR–5 and has been operating since July 1967 pursuant to Provisional Operating Authorization No. DPRA–5 issued to Allis-Chambers Manufacturing Co. by the Commission. The latter authorization would be superseded by the proposed provisional operating authorization to be issued to Dairyland Power Cooperative. Dairyland Power Cooperative requested the authorization in its application dated October 4, 1967, and amendments thereto dated November 22, 1967, February 21, 1968, and April 16, 1968.

Prior to issuance of the proposed provisional operating authorization to Dairyland Power Cooperative, Allis-Chalmers will have filed a report on satisfactory completion of the 28-day power run with the Director of the Division of Reactor Licensing.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by the issuance of this provisional operating authorization may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued. If no request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, and, upon the Commission's making the findings set forth in the proposed provisional operating authorization, the Commission will thereafter issue the provisional operating authorization to Dairyland Power Cooperative.

For further details with respect to this proposed issuance, see (1) the application dated October 4, 1967, and amendments thereto dated November 22, 1967, February 21, 1968, and April 16, 1968, filed by Dairyland Power Cooperative, (2) the report of the Advisory Committee on Reactor Safeguards (ACRS) dated January 17, 1968, (3) the related Safety Evaluation by the Division of Reactor Licensing, and (4) the Technical Specifications, designated as Appendix A to the provisional operating authorization, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of items (2) and (3) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 12th day of July 1968.

For the Atomic Energy Commission.

ROGER S. BOYD,
Acting Director,
Division of Reactor Licensing.

PROPOSED PROVISIONAL OPERATING AUTHORIZATION NO. DPRA–6

The Atomic Energy Commission having found that:

a. The application dated October 4, 1967, and amendments thereto dated November 22, 1967, February 21, 1968, and April 16, 1968, for this provisional operating authorization comply with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter "the Act"), and the Commission's regulations set forth in Title 10, Chapter I, CFR;

b. The facility has been constructed in conformity with Construction Authorization No. CAPR–5, the application, the provisions of the Act, and the rules and regulations of the Commission;

c. There is reasonable assurance (i) that the activities authorized by this provisional operating authorization can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the rules and regulations of the Commission;

d. There are involved features, characteristics, and components as to which it is desirable to obtain actual operating experience before the issuance of a full-term operating authorization;

e. Dairyland Power Cooperative is technically qualified to engage in the activities authorized by this provisional operating authorization in accordance with the rules and regulations of the Commission; and

f. The issuance of this provisional operating authorization will not be inimical to the common defense and security or to the health and safety of the public;

Provisional Operating Authorization No. DPRA–6 is hereby issued to read as follows:

1. This Provisional Operating Authorization No. DPRA–6 applies to the La Crosse Boiling Water Reactor (the reactor) owned by the U.S. Atomic Energy Commission (the Commission) and to be operated by Dairyland Power Cooperative under contract with the Commission. The reactor is located in Vernon County, Wis., at a site along the east bank of the Mississippi River, approximately 1 mile south of Genoa and 19 miles south of La Crosse, and is described in the Safeguards Report for Operating Authorization (hereinafter Safety Analysis Report) filed by Allis-Chalmers Manufacturing Co. on August 19, 1965, and amendments thereto and Dairyland Power Cooperative's application dated October 4, 1967, and amendments thereto dated November 22, 1967, February 21, 1968, and April 16, 1968, and constructed under Construction Authorization No. CAPR–5.

2. Subject to the conditions and requirements incorporated herein, the Commission hereby authorizes Dairyland Power Cooperative, pursuant to the Act and Title 10, Chapter I, CFR Part 115, "Procedures for Review of Certain Nuclear Reactors Exempted from Licensing Requirements," to use and operate the La Crosse Boiling Water Reactor.

3. This authorization shall be deemed to contain and is subject to the conditions specified in §§ 115.42 and 115.47 of Part 115 and is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. Dairyland Power Cooperative is authorized to operate the reactor at steady state power levels up to 165 megawatts (thermal).

B. *Technical Specifications.* The Technical Specifications contained in Appendix A[1] to this provisional operating authorization are hereby incorporated in the authorization. Dairyland Power Cooperative shall operate the reactor in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in § 115.47 of Part 115.

C. *Records.* In addition to those otherwise required under this authorization and applicable regulations, Dairyland Power Cooperative shall keep the following records:

(1) Reactor operating records, including power levels and periods of operation at each power level.

(2) Records showing the radioactivity released or discharged into the air or water beyond the effective control of Dairyland Power Cooperative as measured at or prior to the point of such release or discharge.

(3) Records of radioactivity levels at both on-site monitoring stations and off-site sampling stations.

(4) Records of emergency shutdowns and inadvertent scrams including reasons therefor.

(5) Records of principal maintenance operations involving substitution or replacement of reactor equipment or components and the reasons therefor.

(6) Records of facility tests and measurements performed pursuant to the requirements of the Technical Specifications.

D. *Reports.* In addition to reports otherwise required under this authorization and applicable regulations of the Commission:

(1) Dairyland Power Cooperative shall inform the Commission of any incident or condition relating to the operation of the reactor which prevented or could have prevented a nuclear system from performing its safety functions as described in the Technical Specifications or in the Safety Analysis Report. For each such occurrence, Dairyland Power Cooperative shall promptly notify, by telephone or telegraph, the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of 10 CFR 20, and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing (hereinafter Director, DRL), with a copy to the Regional Compliance Office.

(2) Dairyland Power Cooperative shall report to the Director, DRL, in writing within thirty (30) days of its observed occurrence any substantial variance disclosed by operation of the reactor from performance specifications contained in the Technical Specifications.

(3) Dairyland Power Cooperative shall report to the Director, DRL, in writing within thirty (30) days of its occurrence any significant changes in transient or accident analysis as described in the Safety Analysis Report.

(4) Dairyland shall make a report in writing to the Director, DRL, within sixty (60) days after completion of 1 month of operation of the reactor (calculated from the date of issuance of this authorization), and at the end of each monthly period thereafter, which summarizes the following:

(a) Total number of hours of operation and total energy generated by the reactor.

(b) Number of shutdowns of the reactor with a brief explanation of the cause of each shutdown.

(c) Operating experience including a summary of the number of malfunctions in the control and safety systems with brief explanation of each.

(d) Measurements and tests performed on the nuclear systems and results thereof.

(e) Principal maintenance performed and replacements made in the reactor and associated systems including a report on various tests performed on components of the reactor and associated systems.

(f) A description of the tests performed to demonstrate that the leak rates meet the Technical Specifications, the results of such tests, and a description of any necessary corrective measures taken to meet the requirements of the Technical Specifications.

(g) Changes made in the facility design and operating procedures pursuant to § 115.47 of Part 115.

(h) Significant changes in plant organization and transient or accident analyses as described in the Safety Analysis Report, and in previously submitted amendments incorporated therein.

(i) The kind and quantity of radioactive material released to the environment as recorded at both on-site monitoring stations and off-site sampling stations.

4. This authorization shall be effective upon written notification to Dairyland Power Cooperative from the Director, Division of Reactor Licensing, and shall expire eighteen (18) months from that date, unless extended for good cause shown, or upon the earlier issuance of a superseding operating authorization: *Provided, however,* That this authorization shall expire in any event upon termination of the contract between Dairyland Power Cooperative and the Commission for operation of the reactor.

5. This provisional operating authorization terminates and supersedes Provisional Operating Authorization No. DPRA-5 issued to Allis-Chalmers Manufacturing Co.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 68-8729; Filed, July 22, 1968; 8:47 a.m.]

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

[Docket No. 50-151]

BOARD OF TRUSTEES OF UNIVERSITY OF ILLINOIS

Notice of Issuance of Order Authorizing Dismantling of Facility and Proposed Issuance of Construction Permit

The Atomic Energy Commission has issued an order, as set forth below, authorizing The University of Illinois to dismantle and dispose of the component parts of the University's TRIGA Mark II type nuclear reactor (AEC Facility License No. R-69) located on the University's campus in Urbana, Ill. The dismantled reactor will be transferred to Michigan State University (MSU) and transported to the MSU's campus in East Lansing, Mich., pursuant to Construction Permit No. CPRR-103 (Docket No. 50-294).

Also, the Atomic Energy Commission is considering the issuance to The University of Illinois of a construction permit, substantially as set forth below, which would authorize the installation of an Advanced TRIGA-type nuclear reactor as a replacement for the present TRIGA Mark II type reactor in the existing location on the University's campus in Urbana, Ill. The proposed reactor would operate at a power level of 1.5 megawatts (thermal).

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this construction permit to The University of Illinois may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to the order authorizing dismantling and the proposed issuance of the construction permit see (1) the application dated August 28, 1967, and amendments thereto, and (2) the related Safety Evaluation prepared by the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of item (2) above may be obtained at the Commission's Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 18th day of July 1968.

For the Atomic Energy Commission.

ROGER BOYD,
Acting Director,
Division of Reactor Licensing.

ORDER AUTHORIZING DISMANTLING OF FACILITY

The University of Illinois, by application dated August 28, 1967, and amendment dated October 26, 1967, requested authority to dismantle the University's TRIGA Mark II type nuclear reactor (AEC Facility License No. R-69) located on the University's campus in Urbana, Ill. The reactor will be dismantled according to the procedures set forth in the application and amendment.

Under the terms of an appropriate construction permit, Michigan State University will receive the component parts and fuel of the disassembled reactor, and transport them to its East Lansing, Mich., campus.

Pursuant to the provisions of 10 CFR Part 50, the Commission has reviewed the application, as amended, and has found that the procedures proposed therein for dismantling of the reactor and disposal of the component parts and fuel will be performed in accordance with the regulations in Title 10, Chapter I, Code of Federal Regulations, and will not be inimical to the common defense and security or to the health and safety of the public.

Accordingly, it is hereby ordered that The University of Illinois may proceed, in accordance with its application, as amended, to dismantle the TRIGA-type nuclear reactor and transfer the component parts and fuel of the disassembled reactor to Michigan State University, and the latter will transport these parts and fuel to its campus in East Lansing, Mich., pursuant to the provisions of Construction Permit No. CPRR-103.

Upon completion of the dismantling and upon receipt and transport of the reactor component parts and fuel by Michigan State University to its campus in East Lansing, Mich., and filing of a report by the Commission's inspectors verifying that the dismantling and transfer have been satisfactorily completed, consideration will be given to whether a further order should be issued terminating AEC Facility License No. R-69.

Date of issuance: July 18, 1968.

For the Atomic Energy Commission.

ROGER BOYD,
Acting Director,
Division of Reactor Licensing.

PROPOSED CONSTRUCTION PERMIT

1. By application dated August 28, 1967, and amendments thereto dated October 26, 1967, March 29, and May 17, 1968 (hereinafter "the application") The University of Illinois requested authority to install an Advanced TRIGA-type nuclear reactor as a replacement for the existing TRIGA reactor located on the University's campus at Urbana, Ill., and previously operated under Facility License No. R-69, as amended.

2. The Atomic Energy Commission ("the Commission") has found that:

A. The application complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations set forth in Title 10, Chapter I, CFR;

B. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities";

C. The reactor will be used in the conduct of research and development activities of the types specified in section 31 of the Act;

D. The University of Illinois is financially qualified to construct the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR;

E. The University of Illinois is technically qualified to design and construct the reactor;

F. The University of Illinois has submitted sufficient technical information concerning the proposed facility to provide reasonable assurance that the proposed facility can be constructed and operated at the proposed location without endangering the health and safety of the public;

G. The issuance of a construction permit to The University of Illinois will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, CFR, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to The University of Illinois to construct the reactor in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect, and is subject to the additional conditions specified below:

A. The earliest completion date of the facility is September 1, 1968. The latest completion date of the facility is March 1, 1969. The term "completion date," as used herein, means the date on which construction of the facility is completed except for the introduction of the fuel material.

B. The reactor shall be constructed in the reactor facility located on the campus at Urbana, Ill.

C. The applicant is authorized in the construction of the reactor to insert into the reactor for alignment and testing purposes three fuel-follower control rods and three instrumented fuel elements (subject to the issuance of an appropriate Part 70 license for the possession of the fuel).

4. Upon completion of the construction of the reactor in accordance with the terms and conditions of this permit, upon finding by the Commission that the facility authorized has been constructed and will operate in conformity with the application and the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to The University of Illinois pursuant to section 104c of the Act, which license shall expire at midnight,

Dated: ----------

For the Atomic Energy Commission.

[F.R. Doc. 68-8787; Filed, July 22, 1968; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19879; Order 68-7-91]

AIRBORNE FREIGHT CORP. ET AL.

Order Regarding Merger and Interlocking Relationships

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of July 1968.

Application of Airborne Freight Corp., a California corporation, Pacific Air Freight, Inc., and Airborne Freight Corp., a Delaware corporation, for approval without hearing of a merger under section 408 and interlocking relationships under section 409 of the Federal Aviation Act of 1958, as amended.

By joint application filed May 13, 1968,[1] Airborne Freight Corp., a Delaware corporation (Airborne, Del.), and an applicant for domestic and international air freight forwarding authority, Airborne Freight Corp. (Airborne, Cal.), a California domestic and international air freight forwarder, and Pacific Air Freight, Inc. (Pacific), a Washington domestic and international air freight forwarder, requested that the Board approve (1) without hearing pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act), an agreement and plan of merger between the latter two companies into the newly organized corporation, Airborne, Del.; and (2) the interlocking relationships that will be created by reason of Mr. J. D. McPherson becoming chairman of the board and Mr. D. K. Sherman becoming vice president of Airborne, Del., while each holds the position of director in Airborne Meadows Australia Pty. Ltd. (AMA), an Australian air freight forwarder.[2]

Airborne, Cal. has four wholly owned subsidiaries: Daly Travel Services, Inc., and American Orient Travel Corp., air travel agencies; Pardo y Cia, an IATA cargo sales agent; and Awaywego Delivery, Inc., a motor carrier performing pickup and delivery service in the State of New York.[3] The company also owns a one-third interest (33⅓ percent of the outstanding stock) in AMA. Mr. McPherson is president, director, and principal stockholder (44.2 percent of the shares) of Airborne, Cal. and is a director in AMA; Mr. Sherman is vice president of Airborne, Cal. and is also a director of AMA; and Mr. Jack Y. H. Leong is another vice president of Airborne, Cal. (since March 1968) and is also the managing director and sole stockholder of Capital Air Freight (H.K.) limited (Capital H.K.), an IATA cargo agent.[4]

AMA, in which Messrs. McPherson and Sherman are directors, and in which, upon consummation of the merger for which Board approval is sought, Airborne, Del. will own a one-third stock interest, is an Australian corporation organized pursuant to an agreement dated October 15, 1962, among three companies: Airborne, Cal., Australian Forwarding Agency Holdings Pty, Ltd., and Thomas Meadows & Co., Ltd. The purpose of the corporation was for the mutual cooperation among the three constituent companies in the development of air freight to and from Australia. The agreement, pursuant to which AMA was organized, provides, inter alia, for termination of air freight forwarding arrangements by any one constituent company upon giving 6 months written notice to the other two companies, and, upon such termination, for the winding up of AMA. Pursuant to their agreement each of the constituent companies subscribed to an equal amount of the total shares of AMA, made capital contributions for the stock in equal amounts, and appointed two of AMA's six directors. Also, as of December 31, 1967, AMA was indebted to Airborne, Cal. on an unsecured note in the amount of $15,721.[5]

Pursuant to, and as part of the merger, Airborne, Del. will acquire and subsequently cancel all of the issued and outstanding stock of Airborne, Cal. and

[1] The application was amended on May 29, 1968, and supplemented by letter of June 17, 1968.

[2] Mr. Richard B. Dawkins, who is presently a director of Pacific, and would become a director of Airborne, Del., upon consummation of the proposed merger, holds a partnership interest in the underwriting and brokerage firm of Faulkner, Dawkins & Sullivan. Another partner in the firm, Mr. Wilbur L. Ross, serves as a director of Northern Consolidated Airlines, Inc. (Consolidated). Counsel for the applicants stated that Mr. Ross would not serve as a director of Consolidated unless and until the Board, upon an application to be filed with the Board under section 409, approves the interlocking relationships (1) between Consolidated and Pacific, and (2) upon Board approval of the merger herein, between Consolidated and Airborne, Del.

[3] The Board has previously granted exemptions or approvals of these acquisitions and approved the interlocking relationships respectively involved. See Order E-13701, Apr. 3, 1959, and footnote 1; and Order E-24703, Jan. 31, 1967. Also by Order E-25887, Oct. 26, 1967, the Board approved the merger (presently unconsummated) of 4A Air Freight Corp. (4A Corp.) into Airborne, Cal.

[4] While serving earlier terms as vice president and director of Airborne, Cal. beginning on Oct. 12, 1962, Mr. Leong was also a director of AMA until the latter service was terminated in September 1964.

[5] CAB Form 244, 1967.

Pacific in exchange for shares of its own common stock as follows: 50 percent of the new stock to the stockholders of Airborne, Cal. stock, on the basis of 1,328 shares of Airborne, Del. common stock for each outstanding share of Airborne, Cal. stock; and 50 percent of the new stock to the stockholders of Pacific in a share for share exchange of Pacific stock. Outstanding options and warrants of each of the merging companies will be converted into options to acquire stock of Airborne, Del. on the same basis of exchange as the common stock of the respective merging companies. All of the assets, subject to the liabilities, of both merging companies will become vested in Airborne, Del., and the corporate existence of Airborne, Cal. and Pacific will cease.

The application states that the merger of the two air freight forwarders into one business entity will be a boon to the shipping public and a benefit to the constituent corporations, their stockholders and employees, and, by creating a stronger, more viable company, will be beneficial to direct air carriers. The applicants also state that Airborne, Cal. and Pacific are approximately the same size in volume of business and in number of personnel; they conduct overlapping operations in 30 stations;[4] and consolidating the business of the two companies can be easily effected and permit combined operations, with the continued employment of most of the present employees of the two companies, at a vastly improved profit level. The applicants further state that the customers of both companies will receive improved service through the combination of facilities, personnel, and accounting systems; no increase in air freight costs to the customers are expected; consolidation of the two operations will give the customers of both companies a network of 48 company-owned and company-operated stations; and Pacific's customers will be offered greater service internationally by reason of having available the service of Airborne's 15 overseas offices. The applicants also state that they anticipate the generation of additional air freight at cities served in common by the merging companies resulting in increased revenues and reduced overhead.

Upon consideration of the application relating to the proposed merger, the Board has concluded that Airborne, Cal., Pacific, and Airborne, Del. are carriers within the meaning of section 408 of the Act, and that the merger agreement is subject to that section.

Over the past 2 years, 1966 and 1967, Airborne and Pacific, respectively, have been the second and third largest air freight forwarders in terms of revenues earned from air freight forwarding operations.

Historically, the top 10 forwarders have obtained a major share of the total revenues earned by the forwarder industry. For example, in 1961, approximately 79 percent of the total industry revenues, and in 1967, approximately 77 percent of such revenues were earned by the 10 leading forwarders.

As of December 31, 1961, there were 86 air freight forwarders whose combined revenues from air freight forwarding operations totaled $66,229,300. The 10 largest operators, in terms of revenues and percentage of total forwarder revenues, each earned in 1961, is shown below:[7]

Air freight forwarder	Revenues	Percentage of industry total revenues
Emery Air Freight Corp.	$20,430,394	30.85
Airborne Freight Corp.	8,458,539	12.77
Air Express International Corp.	4,071,854	6.15
Air Dispatch, Inc.	3,629,503	5.48
Wings & Wheels Express, Inc.	3,402,377	5.14
WTC Air Freight	3,306,838	4.99
United Parcel Service Co.	2,860,699	4.33
ABC Air Freight Co., Inc.	2,451,472	3.70
Shulman, Inc.	2,388,478	3.61
World Wide Services, Inc.	1,320,435	1.99
Total	52,260,589	78.91

As of December 31, 1967, there were 146 air freight forwarders whose combined revenues from air freight forwarding operations totaled $243,538,595. The top 10 forwarders, in terms of revenues and percentage of total forwarder revenues each earned in 1967 is shown below:[8]

Air freight forwarder	Revenues	Percentage of industry total revenues
Emery Air Freight Corp.	$67,430,431	27.7
Airborne Freight Corp.[1]	22,740,358	9.3
Pacific Air Freight, Inc.	21,796,129	8.9
Wings & Wheels Express, Inc.[2]	21,749,262	8.9
WTC Air Freight	14,290,369	5.9
United Parcel Service Co.	9,630,864	4.0
Shulman, Inc.	8,716,280	3.6
Jet Air Freight	8,427,681	3.5
Add Airfreight Corp.	7,115,195	2.9
Air Dispatch, Inc.	5,176,258	2.1
Total	187,072,827	76.8

[1] Airborne, Cal.'s revenues include 4A Corp. revenues of $2,674,108 for about a 10-month period ended Nov. 4, 1967.

[2] In the latter part of 1967, a wholly owned subsidiary of Wings & Wheels, acquired all of the assets, subject to the liabilities, of AEI.

Historically, the Board has followed a policy of relatively free entry into the air freight forwarding field. For example, between December 31, 1961, and December 31, 1967, the number of forwarders increased by approximately 70 percent. Air freight forwarders compete among themselves as well as with the direct air carriers and, to some extent, with the Railway Express Agency.

Applicants request that the Board approve the merger without a hearing under the provisions of section 408(b) third proviso. However, to act under that proviso, the Board is required to make certain statutory findings including findings that the merger does not result in creating a monopoly, does not tend to restrain competition, and is not adverse to the public interest. On the basis of the existing record, the Board is not prepared to make these findings even tentatively without first having the benefit of the views of any person having a substantial interest in the matter, including the Department of Justice.

Accordingly, it is ordered:

1. That the Attorney General be furnished a copy of this order within 1 day of publication; and

2. That interested persons are afforded a period of twenty (20) days within which to file comments or request a hearing with respect to the application in Docket 19879.[9]

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8754; Filed, July 22, 1968; 8:49 a.m.]

[4] Airborne, Cal. and Pacific each have several other stations where the operations of the two companies do not overlap (CAB Form 244, 1967).

[7] CAB Forms 244, 1961.

[8] CAB Forms 244, 1967.

[9] Such comments shall in all respects conform to the requirements of the Board's rules of practice for the filing of documents. Further, since an opportunity to file comments is provided for, petitions for reconsideration of this order will not be entertained.

ALLEGHENY AIRLINES, INC.

Notice of Application for Amendment of Certificate of Public Convenience and Necessity

JULY 18, 1968.

Notice is hereby given that the Civil Aeronautics Board on July 17, 1968, received an application, Docket 20040, from Allegheny Airlines, Inc., for amendment of its certificate of public convenience and necessity for route 97 to authorize it to engage in nonstop service between Pittsburgh and Chicago. The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8755; Filed, July 22, 1968; 8:49 a.m.]

[Docket No. 19965; Order 68-7-94]

ALLEGHENY AIRLINES, INC.

Order of Investigation and Suspension Regarding Proposed Family Fare Revisions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of July 1968.

By tariff revisions[1] marked to become effective July 21, 1968, Allegheny Airlines, Inc. (Allegheny), proposes to amend its family fare provisions to provide that the parents of the head of the family and/or of the spouse will qualify as applicable family members, and will receive a 25 percent discount when traveling as part of the family. The proposal is marked to expire with July 31, 1969.

Braniff Airways, Inc. (Braniff), has filed a complaint requesting suspension and investigation of the proposal, claiming that it would create unjust discrimination; that serious enforcement problems would accompany the proposal; and that apart from abuses, use of the proposal even by persons adhering to its provisions would have a serious adverse impact on revenues. Braniff also claims that the proposed revision is aimed at an insignificant social need; that the present family fares have historical precedents not at all applicable to Allegheny's proposed revision; and that certain segments of the public that qualify for the proposed discount would receive unwarranted economic advantages.

In support of its proposal and in answer to Braniff's complaint, Allegheny alleges that the widening of the family fare to include the parents of the head of household and/or the spouse is not only a logical extension in the applicability of this fare, but also a means for promoting and encouraging air travel by family groups. Allegheny further alleges that its proposal should make air travel more attractive to large families by making it economically competitive with other types of travel, particularly the private automobile; and that this type of experimental fare is consistent with the Board's policy of permitting subsidized air carriers to experiment with new fares. Allegheny further contends that Braniff has not advanced any valid facts or arguments showing that its proposal is unjustly discriminatory; that the contention that its proposed revision would create insurmountable enforcement problems is without merit; and that Braniff did not support its allegation that the proposal is uneconomic.

Upon consideration of all relevant matters, the Board finds that the proposed tariff revisions may be unjust and unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, and otherwise unlawful, and should be investigated. In view of the serious questions of discrimination involved, the Board will suspend the proposed tariff revisions and defer their use pending investigation.

The instant proposal presents a substantial question of unjust discrimination. It does not appear, as Allegheny asserts, that the proposal is a logical extension of the present family fares. Historically, family fare discounts have been made available only to members of the immediate family, viz., head of family, spouse, and children. Offering family discounts to other family members breaks with the historical pattern justifying reduced fares for the family group. The restriction as to the status of the individuals who may obtain the transportation (parents of the head of the family and his spouse) renders the proposed tariff provisions inherently discriminatory.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A, attached hereto,[2] and rules, regulations, and practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto[2] are suspended and their use deferred to and including October 18, 1968, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated;

4. Except to the extent granted herein, the complaint of Braniff Airways, Inc., in Docket 19965 be dismissed; and

5. Copies of this order be filed with the aforesaid tariff and be served upon Allegheny Airlines, Inc., and Braniff Airways, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8756; Filed, July 22, 1968; 8:49 a.m.]

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 43, filed with a posting date of June 10, 1968.

MOHAWK AIRLINES, INC.

Notice of Application for Amendment of Certificate of Public Convenience and Necessity

JULY 18, 1968.

Notice is hereby given that the Civil Aeronautics Board on July 18, 1968, received an application, Docket 20041, from Mohawk Airlines, Inc., for amendment of its certificate of public convenience and necessity for route 94 to authorize it to engage in nonstop service between Albany and Buffalo, N.Y. The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8757; Filed, July 22, 1968; 8:49 a.m.]

[2] Filed as part of the original document.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18020 etc.; FCC 68M-1058]

ALMARDON, INCORPORATED OF FLORIDA, ET AL.

Order Regarding Procedural Dates

In re applications of Almardon, Incorporated of Florida, Pompano Beach, Fla., Docket No. 18020, File No. BPH-5928; Sunrise Broadcasting Corp., Pompano Beach, Fla., Docket No. 18021, File No. BPH-5931; Deerfield Radio, Inc., Deerfield Beach, Fla., Docket No. 18187, File No. BPH-6178; for construction permits.

The Hearing Examiner having under consideration a telephone request from counsel for Deerfield Radio, Inc. (speaking for all parties), that all procedural dates be extended for 30 days, and

It appearing that the issues may be resolved within the time requested:

It is ordered, That the request is granted and the following dates shall now obtain in lieu of the dates established by the Hearing Examiner's order released June 14, 1968:

(1) Direct written cases shall be exchanged August 19, 1968;

(2) Notification of witnesses: August 26, 1968; and

(3) The hearing to commence at 10 a.m., September 3, 1968, in the Commission's offices in Washington, D.C.

Issued: July 12, 1968.

Released: July 16, 1968.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-8739; Filed, July 22, 1968; 8:47 a.m.]

[Docket No. 18240; FCC 68M-1063]

BLUE RIDGE BROADCASTERS

Order Scheduling Hearing

In the matter of revocation of the license of Allan R. Jones and Kenneth F. Warren, doing business as Blue Ridge Broadcasters for FM Broadcast Station KDFR, Tulare, Calif.; Docket No. 18240:

It is ordered, That Charles J. Frederick shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 22, 1968, at 10 a.m., in Tulare, Calif.; and that a prehearing conference shall be held on August 30, 1968, commencing at 9 a.m., in the offices of the Commission, Washington, D.C.

Issued: July 15, 1968.

Released: July 16, 1968.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] JAMES D. CUNNINGHAM,
Chief Hearing Examiner.

[F.R. Doc. 68-8740; Filed, July 22, 1968; 8:47 a.m.]

[Docket No. 18124; FCC 68M-1065]

CLARKSTON BROADCASTERS

Order Regarding Procedural Dates

In re application of John R. Lewis and W. E. Lawrence, doing business as Clarkston Broadcasters, Clarkston, Wash., Docket No. 18124, File No. BP-16949; for construction permit.

To formalize the ruling made on the record at a prehearing conference held July 11, 1968: *It is ordered*, That the following dates shall govern future proceedings in this case:

Final exchange of exhibits is scheduled for July 24, 1968;

Notification of witnesses is scheduled for August 5, 1968; and

Hearing presently continued without date is hereby scheduled for August 14, 1968.

Issued: July 15, 1968.

Released: July 17, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-8741; Filed, July 22, 1968; 8:47 a.m.]

[Docket No. 17929; FCC 68M-1062]

EASTERN AIR LINES, INC., AND AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Scheduling Hearing

In the matter of Eastern Air Lines, Inc., New York, N.Y., complainant, v. American Telephone and Telegraph Co., New York, N.Y., defendant; Docket No. 17929:

It is ordered, That Herbert Sharfman shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on August 27, 1968, at 10 a.m.; and that a prehearing conference shall be held on August 7, 1968, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: July 15, 1968.

Released: July 16, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JAMES D. CUNNINGHAM,
Chief Hearing Examiner.

[F.R. Doc. 68-8742; Filed, July 22, 1968; 8:48 a.m.]

[Docket Nos. 17681, 17682; FCC 68R-301]

LIBERTY TELEVISION AND MEDFORD PRINTING CO.

Memorandum Opinion and Order Enlarging Issues

In re applications of Liberty Television, a joint venture comprised of Liberty Television, Inc., and Siskiyou Broadcasters, Inc., Medford, Oreg., Docket No. 17681, File No. BPCT-3858; Medford Printing Co., Medford, Oreg., Docket No. 17682, File No. BPCT-3859; for construction permits.

1. This proceeding involves the application of Liberty Television, a joint venture comprised of Liberty Television, Inc., and Siskiyou Broadcasters, Inc. (Liberty), and Medford Printing Co. (Medford), both seeking an authorization for a new television broadcast station to operate on Channel 8 at Medford, Oreg. By Order, FCC 67-988, released September 6, 1967, the mutually exclusive applications were designated for hearing.[1] The Review Board, on January 12, 1968, adopted a memorandum opinion and order[2] adding issues inquiring into the basis of Medford's estimated preoperating costs and operating expenses for the first year of operation. On May 16, 1968, the Hearing Examiner ruled that all evidence pertaining to the availability of funds relied on by Medford would be excluded as not contemplated by the financial issues added by the Review Board. Now before the Review Board is an unopposed petition to enlarge issues, filed by the Broadcast Bureau on June 7, 1968, in which the Bureau urges that the Examiner's interpretation of the existing issues is erroneous, and requests the addition of an issue to determine whether Medford "will have available sufficient funds to construct and operate its proposed VHF television station."[3]

2. Although the Review Board agrees with the Examiner's interpretation of the added issues, it nevertheless believes that an issue to determine the amount of funds that Medford has available is required. At the time the Board added the issues inquiring into Medford's cost estimates, its application reflected that it would require $614,500 in order to construct its proposed station and operate for 1 year and that it had $625,000 in available funds, consisting of $225,000 in existing capital, $100,000 in profits from its existing radio and newspaper operations, and a bank loan of $300,000. Subsequently, however, Medford amended its application to show an increased bank commitment from $300,000 to $400,000 and an increase in capital of at least $127,000.[4] In its hearing exhibits, Medford shows costs totaling $823,206 and funds available in an amount of $925,000, consisting of $325,000 in existing capital, $200,000 in profits from radio and newspaper operations, and a $400,000 bank loan.[5] Therefore, in order to show that Medford is financially qualified, it must be found that the applicant has at least a portion of the additional funds alleged to be available. However, no such finding has yet been made; there is now no issue under which this finding could be made by the Examiner; and the Board is unable, on the basis of its examination of Medford's application and exhibits, to make this finding.[6] Thus, if Medford is to be credited with the additional funds it is relying on, it must first establish the availability of these funds at an evidentiary hearing. Accordingly, an appropriate issue, under which this showing can be made, will be added.

3. *Accordingly, it is ordered*, That the petition to enlarge issues, filed on June 7, 1968, by the Broadcast Bureau, is granted; and that the issues in this proceeding are enlarged by the addition of the following issue: To determine whether Medford Printing Co. will have available sufficient funds to construct and operate its proposed VHF television station.

4. *It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof under the issue added herein will be on Medford Printing Co.

Adopted: July 16, 1968.

Released: July 17, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[7]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-8743; Filed, July 22, 1968; 8:48 a.m.]

[Docket Nos. 18202, 18203; FCC 68M-1064]

RADIO KYNO, INC., AND INTERNATIONAL RADIO, INC.

Order Continuing Hearing

In re applications of Radio KYNO, Inc., Fresno, Calif., Docket No. 18202, File No. BPH-6118; International Radio, Inc., Fresno, Calif., Docket No. 18203, File No. BPH-6202; For construction permits.

Pursuant to agreements of counsel arrived at during the prehearing conference in the above-styled proceeding held on July 16, 1968: *It is ordered*, That the evidentiary hearing in this proceeding scheduled to begin on July 31, 1968, is continued to Monday, October 7, 1968, at 10 a.m., in the offices of the Commission, Washington, D.C.

Issued: July 16, 1968.

Released: July 17, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-8744; Filed, July 22, 1968; 8:48 a.m.]

[Docket No. 18221; FCC 68M-1066]

WFRV, INC.

Order Regarding Postponement of Conference and Hearing

In re application of WFRV, Inc., Brampton, Mich., Docket No. 18221, File No. BPCT-3997; for construction permit for new television broadcast station.

The Hearing Examiner having under consideration a "Motion to Postpone Prehearing Conference and Hearing" filed by WFRV, Inc., on July 12, 1968, requesting postponement of procedural dates in order to explore the availability of a different site, with a further view to amendment of its present proposal and return to the processing line;

It appearing, that the relief now sought could result in eliminating the need for extensive hearing, that "good cause" has been shown for granting the postponement motion, and that counsel for the other parties do not oppose this motion:

Accordingly, it is ordered, That the "Motion to Postpone Prehearing Conference and Hearing" filed by WFRV, Inc., on July 12, 1968 is granted, the prehearing conference is postponed from August 9, 1968, to October 15, 1968, and the hearing is postponed from September 18, 1968, to a later date to be set at the prehearing conference, in the event a hearing on the above-captioned application will be required.

Issued: July 17, 1968.

Released: July 17, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-8745; Filed, July 22, 1968; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

FARRELL LINES, INC., AND GRINDROD, GERSIGNY & CO. (PTY) LTD., AGENTS FOR UNICORN SHIPPING LINES GROUP OF COASTER COMPANIES

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Hans Unterwiener, Manager, Freight Documentation, Farrell Lines, Inc., 1 Whitehall Street, New York, N.Y. 10004.

Agreement No. 9732, between Farrell Lines, Inc., and Grindrod, Gersigny & Co. (Pty) Limited, Agents for The Unicorn Shipping Lines Group of Coaster Companies, establishes a through billing arrangement for cargo in the trade between ports of Mauritius, Reunion, Malagasy Republic, and Seychelles, and United States Atlantic Ports with transshipment at ports in the Republic of South Africa in accordance with the terms and conditions set forth in the agreement.

Dated: July 18, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-8746; Filed, July 22, 1968; 8:48 a.m.]

HAMBURG-AMERIKA LINIE ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. F. J. Barry, General Traffic Department, United States Navigation Co., Inc., 17 Battery Place, New York, N.Y. 10004.

Agreement No. 9734 establishes a cooperative working arrangement between Hamburg-Amerika Linie, Norddeutscher Lloyd and Farrell Lines, Inc., for the interchange of cargo containers and/or related equipment in the various trades between United States ports and ports in Africa, Australia, New Zealand, and ports in the United Kingdom and Europe in accordance with the terms and conditions set forth in the agreement.

Dated: July 18, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-8747; Filed, July 22, 1968; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7428]

OTTER TAIL POWER CO.

Notice of Application

JULY 16, 1968.

Take notice that on July 9, 1968, Otter Tail Power Co. (Otter Tail) filed an application seeking an order pursuant to section 203 of the Federal Power Act authorizing the acquisition of certain electric facilities from the Northern States Power Company of Minneapolis, Minn.

Otter Tail is incorporated under the laws of the State of Minnesota with its principal business office at Fergus Falls, Minn., and is engaged in the electric utility business in portions of the States of Minnesota, North Dakota, and South Dakota.

The facilities to be acquired consist of the facilities making up the electric distribution system of the village of Fisher, in Polk County, Minn., now owned by Northern States Power Co. The agreed upon purchase price for these facilities is $64,000.

Any person desiring to be heard or to make any protest with reference to said application should, on or before August 2, 1968, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8720; Filed, July 22, 1968; 8:46 a.m.]

[1] On May 9, 1968, the Hearing Examiner dismissed the application of a third applicant, State of Oregon Acting By and Through the State Board of Higher Education (State), pursuant to the State's request. FCC 68M-742, released May 10, 1968.

[2] FCC 68R-14, released Jan. 17, 1968, 11 FCC 2d 374, 12 RR 2d 56, affirmed 11 FCC 2d 379, 12 RR 117 (1968).

[3] No pleadings have been filed in response to the Bureau's request.

[4] Medford's amendment was accepted by the Examiner on Apr. 1, 1968, FCC 68M-536.

[5] These figures are reflected in Medford's financial exhibit (Exhibit 2) which was received on May 4, 1968. No amendment relating to these figures has been filed, however.

[6] For example, the Board is unable to find that Medford can rely on the availability of $200,000 in profits from radio and newspaper operations. In 1967, such profits were only $145,049, down from $182,069 in 1966. Nowhere in the exhibit (Medford Exhibit 2, page 2-A) does the applicant explain how the figure $200,000 was arrived at. Moreover, a witness for Medford testified in effect at the hearing that the applicant is relying on prospective profits at the time the television station begins operation.

[7] Review Board Members Slone and Pincock absent; Board Member Nelson abstaining.

[Docket No. CP68-330 etc.]

TENNESSEE GAS PIPELINE CO. ET AL.

Notice of Applications and Offer of Settlement

JULY 15, 1968.

Tennessee Gas Pipeline Co., a division of Tenneco Inc., Docket No. CP68-330; Tennessee Gas Supply Co., Docket No. CI68-1346; Getty Oil Co., Docket No. CI69-13; Cities Service Oil Co., Docket No. CI69-14; Continental Oil Co., Docket No. CI69-15; Atlantic Richfield Co., Docket No. CI69-16; Continental Oil Co., Atlantic Richfield Co., Getty Oil Co., and Cities Service Oil Co., Docket No. RI64-129.

Take notice that on May 28, 1968, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Pipeline Company), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP68-330 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 5,000 feet of 12-inch pipeline and appurtenant facilities to connect natural gas reserves in Blocks 198 and 199, Ship Shoal Block 176 Field, offshore Louisiana, to the offshore supply system to be constructed by Pipeline Company pursuant to the certificate issued in Docket No. CP65-356, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pipeline Company proposes to construct and operate facilities to receive natural gas to be purchased from Tennessee Gas Supply Co. (Supply Company), Applicant in Docket No. CI68-1346. The applications in Docket Nos. CP68-330 and CI68-1346 have been filed as part of a plan embraced in a settlement agreement in Docket No. RI64-219 described below.

The facilities proposed in Docket No. CP68-330 are estimated to cost $531,000, which will be financed with internally generated funds and bank loans.

Take further notice that on May 28, 1968, Supply Company, Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CI68-1346 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas to Pipeline Company from the Ship Shoal Block 176 Field, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Supply Company states that it is willing to accept a certificate at an initial rate of 19.5 cents per Mcf at 15.025 p.s.c.a. subject to refund to the extent that a lesser price is determined to be just and reasonable in the Area Rate Proceeding, et al. (Southern Louisiana Area), Docket No. AR61-2, et al.: *Provided, however,* That its refund liability will be limited to amounts collected in excess of 16.5 cents per Mcf, as proportionately adjusted to reflect B.t.u. content below 1,000 B.t.u.'s per cubic foot. Supply Company also states that it is willing to accept a certificate subject to the final disposition of the rulemaking proceeding pending in Docket No. R-338 with respect to the transportation of liquids and liquifiable hydrocarbons.

Supply Company's contract with Pipeline Company has been submitted for filing as an FPC gas rate schedule.

Take further notice that on May 28, 1968, Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001; Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221; Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001; and Cities Service Oil Co., Cities Service Building, Bartlesville, Okla. 74003 (hereinafter referred to as CAGC companies) filed in Docket No. RI64-129 a petition for Commission approval of a settlement agreement entered into between them and Tenneco Inc. (acting through Pipeline Company), Supply Company, and Tenneco Oil Co., all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Take further notice that on July 1, 1968, Getty filed in Docket No. CI69-13, Cities Service filed in Docket No. CI69-14, Continental filed in Docket No. CI69-15, and Atlantic Richfield filed in Docket No. CI69-16 applications pursuant to section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing the sale of natural gas in interstate commerce to Supply Company by means of the assignment of leases, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

By instruments dated May 5, 1961, each entitled "Act of Sale and Mortgage and Pledge" the CAGC companies or their predecessors in interest (then commonly referred to as CATC or CATCO companies) assigned to Supply Company and Tenneco Oil Co. certain gas and oil interests, respectively, which the CAGC companies held in Blocks 198 and 199 for and in consideration of cash, notes, and certain covenants and agreements paid, issued, and extended to the CAGC companies. Supply Company subsequently assigned its interests to Tennessee Gas Transmission Co., Pipeline Company's predecessor in interest. In Opinion No. 403, 30 FPC 759, the Commission declined in Docket No. CP60-94 to certificate Pipeline Company's facilities to take gas from Blocks 198 and 199 pending completion of a proceeding on an order to show cause issued in Docket No. RI64-129, 30 FPC 758, concurrently with Opinion No. 403. By order of October 23, 1964, 32 FPC 1167, as amended by order of December 21, 1964, 32 FPC 1187, in Docket No. RI64-129 the Commission determined that the transactions of May 10, 1961, were sales for resale of natural gas in interstate commerce subject to the jurisdiction of the Commission and ordered the CAGC companies to make appropriate filings required by the Natural Gas Act. The CAGC companies have executed and filed the subject Settlement Agreement to comply with the orders in Docket No. RI64-129.

The Settlement Agreement provides for the following modifications in the Ship Shoal transactions:

1. Reduction of the consideration to be paid the CAGC companies from $97,333,332 to $53,989,582;

2. Execution of a conventional gas sales contract between Supply Company and Pipeline Company;

3. Application for a certificate of public convenience and necessity authorizing such sale to be filed with the Commission by the seller, Supply Company;

4. Cancellation of all of the remaining 14 promissory notes to become due in each of the years from 1969 through 1975;

5. Termination and release of all of the security interests in the form of special mortgages and vendors' liens held by the CAGC companies in the assigned leases;

6. Cancellation of agreements respecting the total quantity of recoverable reserves of gas and oil underlying the assigned leases;

7. Cancellation of all provisions providing for determination or redetermination of reserves;

8. Cancellation of related provisions for adjustment of the purchase price based upon reserves;

9. Cancellation of all preferential rights of the CAGC companies to repurchase the conveyed interests;

10. Cancellation of the Crude Oil Purchase Agreement between the CAGC companies, as purchasers, and Supply Company and Tenneco Oil Co., as sellers;

11. Cancellation of the right of the CAGC companies to restrict the mortgaging or encumbrancing of the properties by Supply Company and Tenneco Oil Co.;

12. Cancellation of the plan of development requiring the Tennessee Companies to develop the properties in a specified manner.

The parties to the Settlement Agreement have taken or will take the following actions to effectuate said agreement:

1. Tenneco Inc., will execute an instrument which releases, relinquishes, and transfers to Supply Company all of Tenneco's interest in the leases, lands, equipment, and production facilities described in such instrument. The effect of this instrument is to reconvey to Supply Company all properties which were originally assigned by the CAGC companies to Supply Company and reassigned by Supply Company to Tenneco. Supply Company, as an independent producer, will produce gas from the subject properties and sell the production to Pipeline Company as proposed in Docket No. CI68-1346.

2. The CAGC companies and Supply Company and Tenneco Oil Co. will execute a Second Amendment to Act of Sale and Mortgage and Pledge. This instrument reduces the consideration and is intended to divorce the interest of the CAGC parties from those of the Tennessee Companies in the leaseholds.

3. Supply Company and Pipeline Company have executed a contract providing for a conventional sale of gas, as produced, to Pipeline Company. This contract is the basis of the application for a certificate of public convenience and necessity filed by Supply Company in Docket No. CI68-1346.

4. The CAGC companies and Supply Company and Tenneco Oil Co. will terminate the Crude Oil Purchase Contract.

Protests or petitions to intervene in Docket Nos. CP68-330, CI68-1346, CI69-13, CI69-14, CI69-15, and CI69-16 may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10) on or before August 7, 1968. Comments on the offer of settlement in Docket No. RI64-129 may be filed on or before the same date.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8721; Filed, July 22, 1968; 8:46 a.m.]

INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

RAISIN REGION CONSERVATION AUTHORITY

Diversion of Water From St. Lawrence River to Raisin River Near Cornwall, Ontario

Notice is hereby given that the International Joint Commission has received an application by the Raisin Region Conservation Authority for approval of the diversion of water from the St. Lawrence River into the Raisin River. The applicant proposes to divert a total of 25 cubic feet per second of water from the St. Lawrence at two locations above the Robert Saunders and Robert Moses Generating Stations, to improve the condition of the Raisin River during the periods of natural low summer flow. The diversions would continue for 100 days or as required for this purpose. The diverted water would be returned to the St. Lawrence River via the Raisin River at Lancaster, Ontario.

Governments and interested persons, including municipalities, corporations, partnerships, associations, and individuals may present statements in response to the Commission prior to August 31, 1968, at either of the addresses noted below; such statements in response should set forth facts and arguments bearing on the subject matter of the application and tending to oppose or support the application in whole or in part. If it is desired that conditional approval be granted, the statement in response should set forth the particular condition or conditions desired. Copies of the application and related drawings are available on request from the Secretaries of the Commission.

The Commission will hold a hearing at which all persons interested will be entitled to be heard with respect thereto. Time and place of such hearing will be announced subsequently.

W. A. BULLARD,
Secretary, United States Section, International Joint Commission.

D. G. CHANCE,
Secretary, Canadian Section, International Joint Commission.

JULY 17, 1968.

[F.R. Doc. 68-8724; Filed, July 22, 1968; 8:46 a.m.]

NATIONAL AERONAUTICS AND SPACE COUNCIL

SPECIAL ASSISTANT AND AEROSPACE ASSISTANTS

Notice of Basic Compensation

Positions to be changed.

Special assistant	$25,374 p.a.	SCS No. 4.
Aerospace assistant	$26,960 p.a.	SCS No. 3.
Do	$26,960 p.a.	SCS No. 2.

Notice of basic compensation.

Name and title	New pay rate	Old pay rate	Position No.
John G. Stewart: Special assistant	$27,139 p.a.	$25,374 p.a.	SCS No. 4.
Frank F. Rand, Jr.: Aerospace assistant	$28,000 p.a.	$26,960 p.a.	SCS No. 3.
Philip K. Eckman: Aerospace assistant	$28,000 p.a.	$26,960 p.a.	SCS No. 2.

Authority for pay change. Public Law 88-426 approved August 14, 1964, Title III, section 306, subsection (c) reads: "That part of section 201(f) of the National Aeronautics and Space Act of 1958 (72 Stat. 428; 42 U.S.C. 2471(f)), fixing a limit of $19,000 on the compensation of seven persons in the National Aeronautics and Space Council, is amended by striking out 'compensated at the rate of not more than $19,000 a year,' and inserting in lieu thereof 'compensated at not to exceed the highest rate of grade 18 of the General Schedule of the Classification Act of 1949, as amended,'" and, salary rates as initially authorized by the Federal Salary Act of 1967 and those authorized by Executive Order 11413.

Effective date. July 14, 1968.

RUSSELL W. HALE,
Assistant to Executive Secretary.

[F.R. Doc. 68-8758; Filed, July 22, 1968; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

ALSCOPE CONSOLIDATED, LTD.

Order Suspending Trading

JULY 17, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Alscope Consolidated, Ltd., Passaic, N.J., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 18, 1968, through July 27, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8710; Filed, July 22, 1968; 8:45 a.m.]

[File No. 7-2937]

ASSOCIATED, BABY SERVICES, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 17, 1968.

In the matter of application of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock

of the following company, which security is listed and registered on one or more other national securities exchange:

Associated Baby Services, Inc., File No. 7-2937.

Upon receipt of a request, on or before August 1, 1968, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-8711; Filed, July 22, 1968; 8:45 a.m.]

[70-4646]

INDIANA GAS CO., INC.

Notice of Proposed Acquisition of Common Stock of Nonassociate Public-Utility Company

JULY 17, 1968.

Notice is hereby given that Indiana Gas Co., Inc. ("Indiana Gas"), 1630 North Meridian Street, Indianapolis, Ind. 46202, a public-utility company and an exempt holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a) and 10 of the Act as applicable to the proposed acquisition by Indiana Gas of all of the shares of common stock of Indiana Gas Distribution Corp. ("Gas Distribution"), a nonassociate gas utility company. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Indiana Gas, an Indiana corporation, is a gas utility company operating solely within the State of Indiana. At March 31, 1968, Indiana Gas rendered natural gas service to approximately 150,000 consumers, residential, commercial, and industrial, located in 94 communities and adjacent rural areas in 33 counties in north central, central, and southern Indiana. For the 12 months ended March 31, 1968, Indiana Gas's gross operating revenues from the sale and distribution of natural gas amounted to $35,742,000, and its net investment in gas utility plant at such date was $64,813,000. Indiana Gas has two subsidiary companies, one of which, Ohio River Gas Co., Inc. ("Ohio Gas"), is a gas utility company organized in Indiana and operating in Kentucky. Ohio Gas's gross operating revenues for the 12 months ended March 31, 1968, amounted to $21,500, and its total net investment in gas utility plant at said date was $55,000. In addition, Indiana Gas owns all of the common stock of Ohio River Pipeline Corp., an Indiana corporation, whose sole activities are the purchase of natural gas from a pipeline supplier, the interstate transmission thereof, and the sale of such gas to Indiana Gas and Ohio Gas for resale.

Gas Distribution, an Indiana corporation, is a gas utility company operating solely within the State of Indiana. At March 31, 1968, Gas Distribution supplied natural gas service to approximately 5,100 consumers in and adjacent to seven communities located in five counties in Indiana and to approximately 600 rural area customers in 18 counties in Indiana. Much of the territory served by Gas Distribution is directly adjacent to the territory served by Indiana Gas. For the 12 months ended March 31, 1968, the gross operating revenues of Gas Distribution were $935,000, and its net utility plant at such date was $556,000. The only securities which Gas Distribution has outstanding are 16 shares of common stock without par value. Eight shares of its common stock are owned by its President, William H. Maxon, and eight shares by his mother, Mrs. Lucie W. Maxon. The Maxon family has owned and managed Gas Distribution since 1942.

Indiana Gas proposes to acquire said 16 shares for a total cash consideration of $2,400,000. The consideration is stated to have been arrived at through lengthy arm's-length bargaining. The Maxons are also entitled to a transfer of the automobiles now made available to them by Gas Distribution or any replacement thereof made in accordance with Gas Distribution's present policy for such replacements. The depreciated costs of such automobiles as recorded on the books of Gas Distribution is $5,739.

In addition to the foregoing, Indiana Gas has entered into an employment agreement with William H. Maxon for a period extending from the date of consummation of the stock purchase through December 31, 1969, at a salary of $2,500 per month, the same as his present salary. Indiana Gas does not regard such employment arrangement as constituting any additional consideration for the stock purchase for the reason that Mr. Maxon is now the only officer or employee of Gas Distribution having any detailed familiarity with Gas Distribution's properties, books, and records.

The application states that it is contemplated that within 12 months Indiana Gas will acquire the assets from Gas Distribution and operate them as part of its gas distribution system. Indiana Gas states that the gas utility service areas of Gas Distribution are directly adjacent to and can be readily integrated into its gas distribution system and are essential to Indiana Gas to preserve its territorial operating rights adjacent to the city of Indianapolis. It is further stated that economies of operation will be realized and that the number of customers served by Gas Distribution can be greatly increased.

Indiana Gas proposes to pay the purchase price for the Gas Distribution stock from funds on hand, such funds being a portion of the more than $13,389,000 received by it in September 1967 from the sale of certain water utility properties theretofore owned and operated by it. On the basis of financial data at March 31, 1968, Indiana Gas will realize a plant acquisition adjustment of $1,723,500 when it subsequently acquires the assets of Gas Distribution. Indiana Gas intends to amortize such acquisition adjustment over a 25-year period which approximates the remaining life of the property.

The fees and expenses to be incurred by Indiana Gas in connection with the proposed acquisition are estimated at $12,600, including a legal fee of $12,500. Indiana Gas has also agreed to pay the legal, accounting, and regulatory expenses of Mr. and Mrs. Maxon, which expenses are estimated at $26,000. The application states that the Public Service Commission of Indiana has jurisdiction over the proposed acquisition of the common stock and also over the intended subsequent acquisition by Indiana Gas of Gas Distribution's assets, including the disposition of the plant acquisition adjustment arising from such acquisition.

Notice is further given that any interested person may, not later than August 7, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-8712; Filed, July 22, 1968; 8:45 a.m.]

[31-693]

INTERNATIONAL UTILITIES CORP.

Notice of Filing of Application for Exemption

JULY 17, 1968.

Notice is hereby given that International Utilities Corp. ("International"), 200 University Avenue, Toronto 1, Ontario, Canada, a Maryland corporation and an exempt holding company, has filed an application and amendments thereto with this Commission pursuant to section 3(b) of the Public Utility Holding Company Act of 1935 ("Act") requesting an exemption from all provisions of the Act for Brazilian Light and Power Co., Ltd. ("Brazilian"). All interested persons are referred to the application, as amended, which is summarized below.

International is an exempt holding company pursuant to orders of the Commission under section 3(a)(5) of the Act (Holding Company Act Release Nos. 6181, 14328, and 14407). International is qualified to carry on business in Canada and maintains its principal executive office in Toronto, Canada. On December 31, 1967, it had direct and indirect subsidiary companies engaging in such diverse activities as manufacturing, shipping, trucking, oceanography, public-utility operations, communications, and financial services. None of the public-utility subsidiary companies of International operates within the United States, and the business of International within the United States is not that of a public-utility company. International had, at December 31, 1967, consolidated assets of $841,432,834 including marketable securities, at cost, of $75,516,301, and for the year then ended consolidated revenues were $492,103,898.

As of May 9, 1968, International owned approximately 7.1 percent of the 17,528,871 outstanding ordinary voting shares of Brazilian outstanding at December 31, 1967. It proposes to acquire additional shares so that International will own 10 percent or more of such Brazilian shares. Brazilian is engaged, through subsidiary companies, in the electric and gas utility business within Brazil and has no public-utility operations within the United States. At December 31, 1967, the consolidated assets of Brazilian, less accumulated reserves for depreciation, amortization, and reversion totaling $383,365,823, amounted to $796,366,278, and for the year then ended, consolidated operating revenues were $267,874,842.

It is stated that, upon the entry of an order under section 3(b) of the Act and consummation of the proposed acquisition of Brazilian shares, International will be exempt as a holding company as to Brazilian pursuant to Rule 10(a)(1) promulgated under the Act, without affecting its exemption under section 3(a)(5) of the Act pursuant to the prior orders of this Commission.

Notice is further given that any interested person may, not later than August 7, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted, or the Commission may take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-8713; Filed, July 22, 1968; 8:45 a.m.]

[File No. 7-2938]

NORTHWEST INDUSTRIES, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 17, 1968.

In the matter of application of the Midwest Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Northwest Industries, Inc., File No. 7-2938.

Upon receipt of a request, on or before August 1, 1968, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-8714; Filed, July 22, 1968; 8:45 a.m.]

ZIMOCO PETROLEUM CORP.

Order Suspending Trading

JULY 17, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zimoco Petroleum Corp., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 18, 1968, through July 27, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-8715; Filed, July 22, 1968; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

BROADWAY CAPITAL CORP.

Notice of Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that Broadway Capital Corp., 80 Pine Street, New York, N.Y. 10005, licensed small business investment company under the Small Business Investment Act of 1958, as amended, has filed an application with the Small Business Administration for approval of a proposed change of control. Such prior approval is required under § 107.701 of SBA regulations (13 CFR Part 107, 33 F.R. 326).

Broadway Capital Corp. was licensed August 30, 1960. As of March 31, 1968, its paid-in capital was $155,000. All of the 1,550 outstanding shares of common stock are owned by Mr. Emanuel Gruss, president and director of the Licensee.

Mr. Gruss has entered into a binding commitment, subject to SBA approval, to sell his interest to certain purchasers for cash. Mr. Gruss will retain a $15,000 stock interest in the Licensee but he will not be an officer or a director thereof. He will purchase all the portfolio assets of the Licensee for cash immediately after the sale of his stock.

The proposed purchasers (seven) will increase the Licensee's paid-in capital to

$400,000 immediately after the change of ownership is completed and are committed (to SBA) to increase the paid in capital to $500,000 not later than 1 year from the date of SBA approval of the change of control.

The names and addresses of the proposed new directors and transferees who will own more than 10 percent of the Licensee's stock as recapitalized are shown below.

Irving S. Lowey, 300 East 40th Street, New York, N.Y. 10016.	Manager and Director.
Matt Joseph Rocker, 365 West 28th Street, New York, N.Y. 10001.	Director.
Max Meyerowitz, 1039 Cedarhurst Street, Valley Stream, Long Island, N.Y. 11581.	Trustee, Director and more than 10 percent stockholder.
Jacob Margolis, 100 West 57th Street, New York, N.Y. 10019.	More than 10 percent stockholder (principal stockholder).

The Licensee will remain in New York City.

Matters involved in SBA's consideration of the application includes the general business character and business reputation of the above-named persons and their commitment to actively operate the Licensee within the intent and purpose of the Act and regulations.

Interested persons should address their comments on the proposed transfer of control to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, within 10 days after the publication of this notice.

A similar notice has been published by the proposed purchasers in a New York City daily newspaper.

For SBA (under delegated authority).

Dated: July 16, 1968.

GLENN R. BROWN,
Associate Administrator for Investment.

[F.R. Doc. 68-8716; Filed, July 22, 1968; 8:46 a.m.]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

[Docket No. 100-68; Executive Order 11246]

TIMKEN ROLLER BEARING CO.

Notice of Hearing Regarding Breach of Contracts

The Director of the Office of Federal Contract Compliance, U.S. Department of Labor (hereinafter the Director), having reason to believe that the provisions of the contracts referred to herein have been breached, having given Respondent notice of proposed termination of existing contracts and determination of contract ineligibility under the authority of Executive Order 11246, 30 F.R. 12319 (1965) and the rules and regulations pursuant thereto, 41 CFR Part 60-1, and Respondent having requested a hearing on said proposed actions, hereby sets the matter down for a hearing to be conducted in accordance with rules of procedure which are available at Room 4136, U.S. Department of Labor, Washington, D.C., and which specify the terms on which others may participate.

The allegations on which the Director's proposed action is based are as follows:

I. Timken Roller Bearing Co. (hereinafter the Respondent) is an Ohio corporation, maintaining its principal office in Canton, Ohio. It maintains production facilities in Canton, Ohio, and Columbus, Ohio, where it manufactures tapered roller bearings, steel and steel tubing, and engages in maintenance and repair of railroad rolling stock.

II. (A) At all times pertinent hereto, Respondent has regularly contracted and continues to regularly contract with departments and agencies of the U.S. Government.

(B) Pursuant to the requirements of section 202, Executive Order 11246, 30 F.R. 12320 (1965) (and the corresponding section of preceding Executive orders), the contracts between Respondent and the U.S. Government contain an "equal opportunity clause" in the form attached hereto as Exhibit A. This "equal opportunity clause" provides in part: "(1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to race, creed, color, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship."

III. (A) In 1960, Columbus, Ohio, had a population of 471,316, of which approximately 77,140 were Negro. In 1960, Canton, Ohio, had a population of 113,631, of which approximately 11,055 were Negro.

(B) Respondent employs approximately 14,646 persons of whom approximately 1,123 are Negroes. Of approximately 1,857 persons employed as officials, managers, professionals, technicians, and sales workers, approximately 10 are Negroes. Of approximately 1,565 office and clerical workers approximately 41 are Negroes. Of approximately 3,800 skilled workers, approximately 108 are Negroes.

Over one-third (446) of the 1,123 Negroes employed by the Respondent are assigned to unskilled labor or service jobs. Only one-sixth of the white workers are assigned to such jobs.

IV. Since March 6, 1961, Respondent has violated, and continues to violate its contracts with agencies and Departments of the Federal Government. These violations include:

(a) Discriminating against Negroes in the recruitment, selection, and employment of officials and managers, professionals, technicians, sales workers, and office and clerical workers, apprentices, and other trainees.

(b) Engaging in employment practices which favor white applicants and discriminate against Negroes by preferential hiring and assignment of whites without regard to qualifications while placing stringent requirements upon Negroes who apply for employment or assignment in the same or similar jobs, units, or departments. Such practices have resulted in the concentration of Negro employees in less desirable jobs.

(c) Employing transfer procedures and seniority regulations which limit the ability of Negro employees to gain access to the more desirable jobs, units, and departments because of loss of seniority, and loss of pay and other benefits. Such procedures and regulations perpetuate the effects of racially discriminatory employment and assignment practices.

(d) Failing to take affirmative action to ensure that persons are recruited, hired, and treated during employment without regard to their race or color.

V. The Government has made reasonable efforts to secure compliance by the Respondent with the "equal opportunity clause" by methods of conference, conciliation, mediation, and persuasion. These reasonable efforts included numerous conciliation meetings between Respondent and the Department of Defense since 1964, including an informal hearing on February 27-28, 1968, in Washington, D.C., attended by Respondent's officials and representatives of the Office of Federal Contract Compliance and the Department of Defense. At that time, as in the past, Respondent failed and refused to take adequate steps to eliminate the conditions described in paragraph IV of this notice.

Wherefore, the Secretary of Labor has designated as the Panel to hear and determine this matter in accordance with the rules of procedure, heretofore referred to,

Mr. Harold Summers, Associate Chief Trial Examiner, National Labor Relations Board, Room 852, Washington, D.C. 20570, Chairman.

Mr. Dallas Young, Western Reserve University, 332 Newton Baker Building, Cleveland, Ohio 44105.

Mr. Jack G. Day, 1748 Standard Building, Cleveland, Ohio 44113.

and to recommend to the Director whether,

(a) Pursuant to section 209(a)(5) of Executive Order 11246, the Director shall cause to be terminated all existing contracts or any portion or portions thereof which the Respondent holds with agencies and departments of the Federal Government and all subcontracts as defined in 41 CFR 60-1.2(k); and

(b) Pursuant to sections 202 and 209 (a)(6) of Executive Order 11246 and 41 CFR 60.127(b), the Director shall declare the Respondent ineligible for further contracts, subcontracts, and extensions of existing contracts or subcontracts until the Respondent has satisfied the Director that it has established and will carry out personnel and employment policies in compliance with the provisions of Executive Order 11246; and

(c) Other appropriate action authorized by section 209 of Executive Order 11246 shall be taken.

The Hearing will be convened at 9:30 a.m., on August 27, 1968, at Conference Room B, Interstate Commerce Commission Building, Constitution Avenue NW., Washington, D.C.

This notice has been signed and issued pursuant to 41 CFR 60-1.26(b) and 60-1.27 at Washington, D.C., this 16th day of July 1968.

WARD MCCREEDY,
Acting Director, Office of Federal Contract Compliance.

EXHIBIT A

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* That in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States. Executive Order 11246, § 202 (30 F.R. 12319 (1965)).

[F.R. Doc. 68-8725; Filed, July 22, 1968; 8:46 a.m.]

[Docket No. 101-68; Executive Order 11246]

ALLEN-BRADLEY CO.

Notice of Hearing Regarding Breach of Contracts

The Director of the Office of Federal Contract Compliance, U.S. Department of Labor (hereinafter the Director), having reason to believe that the provisions of the contracts referred to herein have been breached, having given Respondent notice of proposed termination of existing contracts and determination of contract ineligibility under the authority of Executive Order 11246, 30 F.R. 12319 (1965), and the rules and regulations pursuant thereto, 41 CFR Part 60-1, and Respondent having requested a hearing matter down for a hearing to be conon said proposed actions, hereby sets the ducted in accordance with rules of procedure which are available at Room 4136, 14th and Constitution Avenue, Washington, D.C., and which specify the terms on which others may participate.

The allegations on which the Director's proposed action is based are as follows:

I. Allen-Bradley Co. (hereinafter the Respondent) is a Wisconsin corporation, maintaining its principal office and principal facility at 1201 South Second Street in the city of Milwaukee, Wis., where it is engaged in the manufacture of motor controls, electronic components, ferrite products, and ceramics.

II. (A) At all times pertinent hereto, Respondent has regularly contracted and continues to regularly contract with departments and agencies of the U.S. Government.

(B) Pursuant to the requirements of section 202, Executive Order 11246, 30 F.R. 12320 (1965) (and the corresponding section of preceding Executive orders), the contracts between Respondent and the U.S. Government contain an "equal opportunity clause" in the form attached hereto as Exhibit A. This "equal opportunity clause" provides in part: "(1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to race, creed, color, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship."

III. In 1960, the city of Milwaukee had a population of 741,324, of whom 62,458 were Negro. The estimated present population of the city of Milwaukee is 776,000, of whom 87,000 are estimated to be Negro. Respondent's present workforce is approximately 6,800, of whom 32 (less than one-half of 1 percent) are Negro. Respondent's plant is located approximately 2 miles from the nearest Negro residential community. Public transportation is available to the door, and the facility is located near a major bus transfer point.

IV. Since March 6, 1961, Respondent has violated, and continues to violate its contracts with agencies and departments of the Federal Government by discriminating against employees and applicants for employment because of their race or color, and by failing or refusing to take affirmative action to ensure that persons are recruited, hired, and treated during employment without regard to their race or color. These violations include:

(a) Respondent, as its primary source of employees, relies and for many years has relied upon the referral by its employees of their friends and relatives and upon its reputation as a desirable employer. Respondent disseminates and for many years has disseminated information about job opportunities almost entirely through its employees. Since Respondent's workforce is and for many years has been over 99 percent white, knowledge of new job opportunities is and has been almost entirely limited to the white community, giving the white community a preference to and denying Negro persons equal access to jobs at Respondent's facility;

(b) Respondent gives, and for many years, has given preference to relatives and friends of present employees in the filling of job vacancies, and as over 99 percent of its workforce is and has been drawn from the white community, Respondent thereby engages in a hiring practice which has the effect of discriminating against Negro persons;

(c) Respondent utilizes hiring standards, including preemployment tests, which have the effect of discriminating against Negro applicants for employment because of their race or color; and

(d) Respondent has failed or has refused to utilize employment sources which primarily serve the Negro community and to take other action to dispel its image in the Negro community as an employer which discriminates against Negro persons on the basis of race and color, which image discourages the referral of Negro applicants to and discourages Negro persons from applying for employment with Respondent and thereby denies to them equal employment opportunity with Respondent.

V. The Government has made reasonable efforts to secure compliance by the Respondent with the "equal opportunity clause" by methods of conference, conciliation, mediation, and persuasion. These reasonable efforts included numerous conciliation meetings between Respondent and the Department of Defense since 1964, including a conference on April 4, 1968, in Washington, D.C., attended by Respondent officials and representatives of the Office of Federal Contract Compliance and the Department of Defense. At that time, as in the past, Respondent failed and refused to take adequate steps to eliminate the conditions described in paragraph IV of this notice.

Wherefore, the Secretary of Labor has designated as the Panel to hear and determine this matter in accordance with the rules of procedure heretofore referred to,

Professor Bernard Meltzer, University of Chicago Law School, 1121 East 60th Street, Chicago, Ill. 60637, Chairman.

Mr. Boyd Leedom, Trial Examiner, National Labor Relations Board, Room 419, 1717 Pennsylvania Avenue NW., Washington, D.C. 20570.

Mr. Philip G. Marshall, Attorney at Law, 110 East Wisconsin Avenue, Milwaukee, Wis. 53203.

and to recommend to the Director whether,

(a) Pursuant to section 209(a)(5) of Executive Order 11246, the Director shall cause to be terminated all existing contracts or any portion or portions thereof which the Respondent holds with agencies and departments of the Federal Government and all subcontracts as defined in 41 CFR 60–1.2(k); and

(b) Pursuant to sections 202 and 209(a)(6) of Executive Order 11246 and 41 CFR 60–1.27(b), the Director shall declare the Respondent ineligible for further contracts, subcontracts, and extensions of existing contracts or subcontracts until the Respondent has satisfied the Director that it has established and will carry out personnel and employment policies in compliance with the provisions of Executive Order 11246; and

(c) Other appropriate action authorized by section 209 of Executive Order 11246 shall be taken.

The Hearing will be held at 9:30 a.m., on August 20, 1968, in Room 498, the U.S. Courthouse and Federal Building, 517 East Wisconsin Avenue, Milwaukee, Wis.

This notice has been signed and issued pursuant to 41 CFR 60–1.26(b) and 60–1.27 at Washington, D.C., this 16th day of July 1968.

WARD MCCREEDY,
Acting Director, Office of Federal Contract Compliance.

EXHIBIT A

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* That in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States. Executive Order 11246, § 202 (30 F.R. 12319 (1965)).

[F.R. Doc. 68–8726; Filed, July 22, 1968; 8:46 a.m.]

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 595 (31 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Altamont Shirt Corp., Altamont, Tenn.; 6–18–68 to 6–17–69 (men's and boys' sport shirts, women's and girls' blouses).

Angelica Uniform Co., Winfield, Mo.; 6–11–68 to 6–10–69; 10 learners (men's uniform coats).

Angelica Uniform Co., Summersville, Mo.; 6–19–68 to 6–18–69 (men's and women's work clothes).

Carolina Girls Wear, Inc., St. George, S.C.; 6–18–68 to 6–17–69 (children's dresses).

Cookeville Shirt Co., Watertown, Tenn.; 6–16–68 to 6–15–69 (ladies' blouses).

Devil Dog Manufacturing Co., Inc., Zebulon, N.C.; 6–25–68 to 6–24–69 (children's dungarees and sportswear, ladies' slacks).

Forest Hills Sportswear Co., Lawrenceburg, Tenn.; 6–25–68 to 6–24–69 (men's dress trousers).

Freeland Dress Co., Inc., Freeland, Pa.; 6–21–68 to 6–20–69; 5 learners (girls' dresses).

Freeland Manufacturing Co., Freeland, Pa.; 6–19–68 to 6–18–69 (men's and boys' outerwear jackets).

Hy-Grade Pants Co., Inc., Taylor, Pa.; 6–12–68 to 6–11–69 (men's trousers).

Lake Butler Apparel Co., Lake Butler, Fla.; 6–24–68 to 6–23–69 (men's and boys' slacks).

Lakeland Manufacturing Co., Sheboygan, Wis.; 6–29–68 to 6–28–69 (men's and boys' outerwear jackets).

Lance Garment Corp., Red Bay, Ala.; 6–24–68 to 6–23–69 (boys' dress and sport shirts, ladies' blouses).

Lillington Garment Co., Lillington, N.C.; 6–20–68 to 6–19–69 (sport shirts).

Louisburg Sportswear Co., Louisburg, N.C.; 6–13–68 to 6–12–69 (men's and boys' shorts).

Monroe Industries, Inc., Tellico Plains, Tenn.; 6–15–68 to 6–14–69 (women's and girls' blouses).

Quality Manufacturing Co., Point Pleasant, W. Va.; 6–16–68 to 6–15–69; 10 learners (ladies' dresses).

Henry I. Siegel Co., Inc., Johnson City, Tenn.; 6–13–68 to 6–12–69 (men's and boys' pants).

Van Heusen, Barnesboro, Pa.; 6–26–68 to 6–25–69 (sport shirts).

Williamson-Dickie Manufacturing Co., Tyler, Tex.; 6–20–68 to 6–19–69 (men's and boys' pants).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Blanchard Shirt Co., Inc., Mountain View, Ark.; 6–13–68 to 12–12–68; 50 learners (men's dress shirts).

Oberman Manufacturing Co., Memphis, Tenn.; 6–10–68 to 12–9–68; 35 learners (men's and ladies' jeans).

Ring Manufacturing Co., Gainesville, Fla.; 6–10–68 to 12–9–68; 10 learners (men's outerwear coats).

Rose Hill Textiles, Inc., Rose Hill, N.C.; 6–13–68 to 12–12–68; 40 learners (children's pants).

Henry I. Siegel Co., Inc., Johnson City, Tenn.; 6–13–68 to 12–12–68; 60 learners (men's and boys' pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

Ideal Glove Co., Maben, Miss.; 6–15–68 to 6–14–69; 5 learners for normal labor turnover purposes (work gloves).

Piedmont Glove Manufacturing Co., Inc., Gaffney, S.C.; 6–14–68 to 6–13–69; 10 learners for normal labor turnover purposes (work gloves).

Southern Glove Manufacturing Co., Inc., Conover, N.C.; 6–23–68 to 6–22–69; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.40 to 522.43, as amended).

Van Raalte Co., Inc., Blue Ridge, Ga.; 6–13–68 to 12–12–68; 10 learners for plant expansion purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

J. E. Morgan Knitting Mills, Inc., Tamaqua, Pa.; 6–11–68 to 6–10–69; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Bali Arecibo, Inc., Arecibo, P.R.; 4–2–68 to 4–1–69; 15 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1 an hour (embroidery on ladies' underwear).

Bonita Uniforms Corp., Juncos, P.R.; 4–29–68 to 4–28–69; 11 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1.13 an hour (nurses' uniforms).

Boqueron Manufacturing Corp., Cabo Rojo, P.R.; 3–25–68 to 9–24–68; 46 learners for plant expansion purposes in the occupations of seaming, preboarding, inspecting, each for a learning period of 240 hours at the rate of 87 cents an hour (effective 4–2–68) each for a learning period of 240 hours at the rate of $1.01 an hour (ladies' seamless hosiery).

Boqueron Manufacturing Corp., Cabo Rojo, P.R.; 3–25–68 to 3–24–69; 14 learners for normal labor turnover purposes in the occupations of seaming, preboarding, inspecting, each for a learning period of 240 hours at the rate of 87 cents an hour (effective 4–2–68) each for a learning period of 240 hours at the rate of $1.01 an hour (ladies' seamless hosiery).

Caribbean Embroidery Inc., Santa Isabel, P.R.; 4–2–68 to 7–31–68; 15 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1 an hour (embroidery on ladies' underwear) (replacement certificate).

Coamo Glove Corp., Coamo, P.R.; 3–25–68 to 3–24–69; 14 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 480 hours at the rates of 90 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours (effective 4–2–68) for a learning period of 480 hours at the rates of $1.07 an hour for the first 240 hours and $1.20 an hour for the remaining 240 hours (ladies' nylon gloves).

Laric Manufacturing Corp., Luquillo, P.R.; 3–25–68 to 9–24–68; 15 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1.21 an hour (garter belts, girdles, and brassieres).

Maricao Mills, Inc., Maricao, P.R.; 4–24–68 to 4–23–69; 10 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1 an hour (men's and boys' tee shirts).

Syl Bee Manufacturing Co., Inc., No. 1, Aguas Buenas, P.R., 5–6–68 to 5–5–69; 11 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1.21 an hour (brassieres).

Syl Bee Manufacturing Co., Inc., No. 2, Aguas Buenas, P.R.; 5–6–68 to 5–5–69; 5 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1.21 an hour (brassieres).

TPM Division, General Cigar Co., Inc., Caguas, P.R.; 4–24–68 to 4–23–69; 18 learners for normal labor turnover purposes in the occupation of sorting-sizing, for a learning period of 240 hours at the rate of $1.05 an hour (tobacco).

Uniforms, Inc., Cayey, P.R.; 4–2–68 to 4–1–69; 12 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1.13 an hour (nurses' uniforms and smocks).

Uniforms, Inc., Cayey, P.R.; 4–2–68 to 10–1–68; 60 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1.13 an hour (nurses' uniforms and smocks).

Utuado Glove Corp., Utuado, P.R.; 3–18–68 to 9–17–68; 33 learners for plant expansion purposes in the occupation of machine stitching, for a learning period of 480 hours at the rates of 90 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours (effective 4–2–68) for a learning period of 480 hours at the rates of $1.07 an hour for the first 240 hours and $1.20 an hour for the remaining 240 hours (ladies' fabric and leather gloves).

W. O. Tobacco Corp., Caguas, P.R.; 4–24–68 to 4–23–69; 21 learners for normal labor turnover purposes in the occupation of sorting-sizing, for a learning period of 240 hours at the rate of $1.05 an hour (tobacco).

Each learner certificate has been issued upon the representations of the employer, which, among other things, were that employment of learners at special minimum wages is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 12th day of July 1968.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 68–8709; Filed, July 22, 1968; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 645]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 18, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 43442 (Sub-No. 20 TA), filed July 5, 1968. Applicant: TRANSPORTATION SERVICE, INC., 2021 South Schaefer, Detroit, Mich. 48217. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite, Goodyear Tire and Rubber Co. at or near Logan, Ohio, as an off-route point in connection with carriers regular-route operations to and from Lancaster, Ohio, for 180 days. NOTE: Applicant intends to tack with MC 43442 at Lancaster and may interline at Columbus, Ohio. Supporting shippers: The Goodyear Tire & Rubber Co., Akron, Ohio 44316, and Cadillac Motor Car Division, General Motors Corp., Detroit, Mich. 48232. Send protests to: District Supervisor Gerald J. Davis, Bureau of Operations, Interstate Commerce Commission, 1110 Broderick Tower, Detroit, Mich. 48226.

No. MC 52579 (Sub-No. 109 TA), filed July 5, 1968. Applicant: GILBERT CARRIER CORP., 1 Gilbert Drive, Secaucus, N.J. 07094. Applicant's representative: William Abel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, loose, on hangers, from Decatur, Ill., to points in the New York, N.Y., commercial zone, for 150 days. Supporting shipper: Associated Sportswear Cos., 321 Broad Avenue, Ridgefield, N.J. 07657. Send protests to: District Supervisor W. J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 106278 (Sub-No. 29 TA), filed July 5, 1968. Applicant: E. B. LAW AND SON, INC., Post Office Box 1381, 300 South Eighth Street, Las Cruces, N. Mex. 88001. Applicant's representative: William J. Lipman, 1824 R Street NW., Washington, D.C. 20009. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from El Paso, Tex., to points in New Mexico and Arizona, for 150 days. Supporting shippers: Chemical Producers Corp., 6854 Market Avenue, El Paso, Tex. 79915. Send protests to: Wm. R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10515 U.S. Courthouse and Post Office Building, 500 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 114734 (Sub-No. 18 TA), filed July 3, 1968. Applicant: D AND J TRANSFER CO., Sherburn, Minn. 56171. Applicant's representative: Richard A. Peterson, 1201 J Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities, in bulk), (a) from Schuyler, Nebr.; Sioux Falls, S. Dak.; Spencer, Iowa; and Minneapolis, Minn.; to Hartley, Iowa; and, (b) from Hartley, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, North Dakota, Ohio, South Dakota, Wisconsin, and Wyoming; under continuing contract with Spencer Packing Co., Spencer, Iowa, for 180 days. Supporting shipper: Spencer Packing Co., Spencer, Iowa. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 115092 (Sub-No. 5 TA), filed July 5, 1968. Applicant: WEISS TRUCKING, INC., Post Office Box O, Vernal, Utah 84078. Applicant's representative: William S. Richards, Walker Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil*, from points in Moffat and Rio Blanco Counties, Colo., to location at or near Rangely, Colo., for subsequent movement out-of-state, for 180 days. Supporting shipper: Pan American Petroleum Corp., Security Life Building, Denver, Colo. 80202. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 116014 (Sub-No. 42 TA), filed July 3, 1968. Applicant: OLIVER TRUCKING COMPANY, INC., Post Office Box 53, Lexington Road, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials, and accessories used in the bailing of unmanufactured tobacco*, (1) between Ripley, Ohio, Madison, Ind., Huntington, W. Va., Weston, Mo., and points in Georgia and Florida, (2) between points and places named in (1) above on the one hand, and, on the other, points in North Carolina, South Carolina, Virginia, Kentucky, and Tennessee, for 180 days. NOTE: Applicant intends to tack this authority with its other operating authority. Supporting shipper: Alex Parker, Jr., President, Commodity Balers, Inc., Post Office Box 428, Maysville, Ky. 41056. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 203 Featherston Building, 177 North Upper Street, Lexington, Ky.

No. MC 116073 (Sub-No. 81 TA), filed July 5, 1968. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Box 601, Moorhead, Minn. 56560. Applicant's representative: John C. Barrett, 1825 Main Avenue, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles and *buildings*, complete or in sections, in initial movement, from Boise, Idaho, to points in Oregon, Washington, Nevada, Montana, Utah, Wyoming, and Idaho, for 180 days. Supporting shippers: Guerdon Industries, Inc., Post Office Box 4188, Boise, Idaho 83705; Buddy Mobile Homes, Post Office Box 4446, Boise, Idaho 83705. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1621 South University Drive, Room 213, Fargo, N. Dak. 58102.

No. MC 116073 (Sub-No. 82 TA), filed July 5, 1968. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Box 601, Moorhead, Minn. 56560. Applicant's representative: John C. Barrett, 1825 Main Avenue, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles and *sectional building*, in initial movement, from Guttenberg, Iowa, to points in Illinois, Wisconsin, Indiana, Michigan, Missouri, Kansas, Nebraska, North Dakota, South Dakota, and Montana, for 180 days. Supporting shipper: Hilton Homes, Post Office Box 549, Guttenberg, Iowa 52052. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1621 South University Drive, Room 213, Fargo, N. Dak. 58102.

No. MC 120371 (Sub-No. 5 TA), filed July 3, 1968. Applicant: CENTRAL OKLAHOMA FREIGHT LINES INC., 207 North Cincinnati Avenue, Tulsa, Okla. 74103. Applicant's representative: Rufus H. Lawson, Box 75125, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Oklahoma City and Tulsa, Okla., over U.S. Highway 62, to Henryetta, Okla.; thence over U.S. Highway 75 to Tulsa, serving the intermediate points of Meeker, Prague, Paden, Boley, Okemah, Pharoah, and Henryetta, Okla.; no service authorized between Oklahoma City and Tulsa, Okla., no service authorized from Tulsa to Henryetta, Okla., between Oklahoma City and Tulsa, Okla., over Interstate Highway 40 and U.S. Highway 270 to U.S. Highway 75, serving the off-route points of Wetumka, Weleetka, and Henryetta, Okla., for 150 days. NOTE: Authority to interline with other carriers at Tulsa and Oklahoma City, Okla. Supporting shipper: There are approximately 11 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies there of which may be examined at the field office named below. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth Street, Oklahoma City, Okla. 73102.

No. MC 124245 (Sub-No. 12 TA), filed July 3, 1968. Applicant: ALBERT V. MEILSTRUP, doing business as ACE REFRIGERATED TRUCKING SERVICE, 219 East Tutt Street, South Bend, Ind. 46618. Applicant's representative: Wm. L. Carney, 105 East Jennings Avenue, South Bend, Ind. 46614. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* having prior or subsequent movement by railroad or motor carrier, from South Bend and Mishawaka, Ind., to points in Elkhart County, Ind., and St. Joseph County, Ind., for 180 days. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined here at the Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 127204 (Sub-No. 6 TA), filed July 5, 1968. Applicant: KINDSVATER, INC., Fort Dodge Road, Dodge City, Kans. 67801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from Garden City, Kans., to points in Arkansas, Colorado, Missouri, Nebraska, Oklahoma, and Texas, for 180 days. Supporting shippers: Producers Packing Co., Box 957, Garden City, Kans. 67846; The Garden City Cooperative, Equity Exchange, Post Office Box 838, Garden City, Kans. 67846. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 133011 TA, filed July 5, 1968. Applicant: PHILIP P. RICCI AND JAMES E. RICCI, doing business as P. RICCI & SONS, 3 Neck Road, Haverhill, Mass. 01830. Applicant's representative: John F. Curley, 33 Broad Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limed fleshings, green salted cattle trimmings, and chrome trimmings*, in bulk, from Peabody, Mass., to Gowanda, N.Y., for 180 days. Supporting shipper: Peter Cooper Corporations, Gowarda, N.Y. 14070. Send protests to: Max Gorenstein, District Supervisor, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Building, Room 2211B, Government Center, Boston, Mass. 02203.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8750; Filed, July 22, 1968; 8:48 a.m.]

[Notice 652]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 18, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 200 (Sub-No. 225 TA), filed July 15, 1968. Applicant: RISS & COMPANY, INC., 903 Grand Avenue, Post Office Box 2809, 64142, Kansas City, Mo. 64106. Applicant's representative: Ivan E. Moody, 903 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives, ordnance supplies, and quartermaster stores* (except household goods as defined by the Commission, and except commodities in bulk) moving on government bills of lading; (1) between points in Colorado, Nebraska, Kansas, Oklahoma, Texas, Iowa, Missouri, Illinois, Indiana, Kentucky, Ohio, Pennsylvania, West Virginia, Virginia, Maryland, Delaware, New Jersey, New York, Massachusetts, Connecticut, Rhode Island, and District of Columbia; and (2) between points in the States shown in part (1) and points in California, Oregon, Washington, Nevada, and Utah, for 180 days. NOTE: Applicant states it proposes to interline at Denver, Colo., in the event that part (2) of the authority sought herein above is not granted. Supporting shipper: Department of Defense, Washington, D.C. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 49304 (Sub-No. 21 TA), filed July 16, 1968. Applicant: BOWMAN TRUCKING COMPANY, INC., Post Office Box 6, Stephens City, Va. 22655. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soft drinks*, from Winchester, Va., to Hagerstown, Md., and *empty soft drink containers*, from Hagerstown, Md., to Winchester, Va., for 150 days. Supporting shipper: Royal Crown Bottling Co. of Winchester, Inc., Industrial Park, Post Office Box 806, Winchester, Va. 22601. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1220, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 108207 (Sub-No. 244 TA), filed July 16, 1968. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street 75207, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reproduction film and printing paper*, in vehicles equipped with mechanical refrigeration, from New Orleans, La., to points in California for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Kalvar Corp., 907 South Broad Street, New Orleans, La. 70125. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 116886 (Sub-No. 37 TA), (Correction), filed June 11, 1968, published FEDERAL REGISTER issue of June 19, 1968, and republished as corrected this issue. Applicant: HOWELL'S MOTOR FREIGHT, INCORPORATED, 2210 Winston Avenue SW., Post Office Box 1529, Roanoke, Va. 24014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, chocolate, and related articles, and premiums*, in refrigerated equipment, between Roanoke, Va., and points within 5 miles thereof, and points in Kentucky, Tennessee, West Virginia, Virginia, North Carolina, South Carolina, Georgia, and Hamilton County, Ohio, for 150 days. NOTE: Applicant proposes to interline shipments for Alabama and Louisiana at Atlanta, Ga., and Charlotte, N.C. Supporting shipper: Old Dominion Candies, Inc., Salem, Va. 24143. Send protests to: George S. Hales, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 125497 (Sub-No. 2 TA), filed July 15, 1968. Applicant: L. WOODS & SON TRANSPORT LTD., 5005 Irwin Avenue, LaSalle, Quebec, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in bulk, in dump vehicles, from Sorel, Quebec, Canada, to Barre, Gilbertville, Indiana Orchard, Springfield, Turner Falls, Beverley, and Fitchburg, Mass.; Lewiston, Maine; Laconia, N.H.; Hudson Falls, Champlain, Oriskany (Utica), Plattsburgh, Schenectady, Watervliet, N.Y.; and Swanton, Vt., for 180 days. Supporting shipper: Quebec Iron and Titanium Corp., Post Office Box 40, Sorel, Quebec, Canada. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 128375 (Sub-No. 21 TA), filed July 15, 1968. Applicant: CRETE CARRIER CORPORATION, 15th and Main, Post Office Box 249, Crete, Nebr. 68333.

Applicant's representative: Richard C. Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, contractors equipment, engines, hoists, forms, equipments, and supplies*, between Marietta, Ohio; Newburgh, Ind., Scott, and Barling, Ark.; Benton, Ala.; Whiskey Bay Bridge jobsite, Louisiana; the plantsite of the Dravo Corp. at Neville Island, Pa.; and Black River Falls job-site, Wisconsin, on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia, for 180 days. Supporting shipper: Dravo Corp., Pittsburgh, Pa. 15225. Send protests to: District Supervisor Max H. Johnston, Interstate Commerce Commission, Bureau of Operations, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 133025 (Sub-No. 1 TA), filed July 15, 1968. Applicant: H. J. FALKENSTEIN AND S. H. WINGFIELD, JR., a partnership, doing business as WESTERN MEAT TRANSPORT CO., Eugene, Oreg. 97401. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats* (fresh, frozen, or smoked) and *lard and shortening*, in mechanically refrigerated vehicles, from Eugene, Oreg., to points in Marion, Polk, Benton, Lincoln, Linn, Lane, Douglas, Coos, Curry, Josephine, Jackson, Klamath, and Deschutes Counties, Oreg., for 150 days. Supporting shippers: John Morrell & Co., Sioux Falls, S. Dak.; Wilson Meat Co., 27th and Y Streets, Omaha, Nebr. 68107. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 68-8751; Filed, July 22, 1968; 8:48 a.m.]

[Notice 175]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 18, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-35419. By order of July 16, 1968, the Transfer Board approved the lease to E. E. Hart, doing business as Hart Trucking, Post Office Box 15, Stephenson, Va. 22656, of a portion of certificate No. MC-45597, issued March 11, 1941, to Mabel Lynn Michael, doing business as Michael's Transfer, Post Office Box 565, Winchester, Va. 22601, authorizing the transportation of: Fruit products, from Winchester and Strasburg, Va., and Martinsburg and Inwood, W. Va., to Washington, D.C., and points as specified in Maryland, Pennsylvania, Connecticut, Rhode Island, Massachusetts, West Virginia, Delaware, Kentucky, those in the New York, N.Y., commercial zone, and those in North Carolina and Virginia; feed, fertilizer, lumber, and spray materials, from Baltimore, Md., to Winchester, Pa., and Martinsburg, W. Va., oil and grease, from Pittsburgh, Pa., to Winchester and Berryville, Va., and glass containers, from Washington, Pa., Fairmont, Grafton, and Huntington, W. Va., to Winchester, Va., and Martinsburg, W. Va.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 68-8752; Filed, July 22, 1968; 8:48 a.m.]

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PART II

DEPARTMENT OF LABOR

Wage and Hour Division

Employment of Handicapped Clients in Sheltered Workshops



THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 525—EMPLOYMENT OF HANDICAPPED CLIENTS IN SHELTERED WORKSHOPS

On January 21, 1967, a revision of 29 CFR Part 525, required by the necessity of adapting its provisions to the Fair Labor Standards Act Amendments of 1966 (80 Stat. 842), was published in the FEDERAL REGISTER, and made effective immediately. At that time, any person interested in the revision of the part was invited to submit written data, views, or arguments on the revision. After consideration of all the comments received, it has been decided to adopt some of the changes suggested.

Because the public was invited to comment on the revision of the regulation made in January 1967, as if they were commenting on a proposal, I find that further notice and public procedure are unnecessary, and that the present revision of the regulation is exempt from section 4(a) of the Administrative Proceduce Act (5 U.S.C. 533(a)) prior to making it effective. Pursuant to authority in section 14, 52 Stat. 1068, as amended; 29 U.S.C. 214, 29 CFR Part 525 is revised as set forth below, effective 30 days after publication in the FEDERAL REGISTER.

The revised 29 CFR Part 525 reads as follows:

Sec.

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525.4 Application for a special certificate for a workshop.
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525.17 Relation to other laws.
525.18 Issuance of certificates for experimental purposes.
525.19 Amendment of this part.

AUTHORITY: The provisions of this Part 525 issued under sec. 14, 52 Stat. 1068, as amended; 29 U.S.C. 214, except as otherwise noted.

§ 525.1 Applicability of regulations.

The Fair Labor Standards Amendments of 1966 (Public Law 89-601, 80 Stat. 830), among other things, makes substantial revision in the provision of the Fair Labor Standards Act of 1938 (29 U.S.C. 201) for the employment of handicapped persons at special minimum wages. This provision is now codified at section 14(d) of that Act. It reads as follows:

(d)(1) Except as otherwise provided in paragraphs (2) and (3) of this subsection, the Secretary of Labor, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by regulation or order provide for the employment under special certificates of individuals (including individuals employed in agriculture) whose earning or productive capacity is impaired by age or physical or mental deficiency or injury, at wages which are lower than the minimum wage applicable under section 6 of this Act but not less than 50 per centum of such wage and which are commensurate with those paid nonhandicapped workers in industry in the vicinity for essentially the same type, quality, and quantity of work.

(2) The Secretary, pursuant to such regulations as he shall prescribe and upon certification of the State agency administering or supervising the administration of vocational rehabilitation services, may issue special certificates for the employment of—

(A) Handicapped workers engaged in work which is incidental to training or evaluation programs, and

(B) Multihandicapped individuals and other individuals whose earning capacity is so severely impaired that they are unable to engage in competitive employment, at wages which are less than those required by this subsection and which are related to the worker's productivity.

(3)(A) The Secretary may by regulation or order provide for the employment of handicapped clients in work activities centers under special certificates at wages which are less than the minimums applicable under section 6 of this Act or prescribed by paragraph (1) of this subsection and which constitute equitable compensation for such clients in work activities centers.

(B) For purposes of this section, the term "work activities centers" shall mean centers planned and designed exclusively to provide therapeutic activities for handicapped clients whose physical or mental impairment is so severe as to make their productive capacity inconsequential.

Authority to make the regulations and issue the certificates referred to in section 14(d) has been delegated by the Secretary to the Administrator (General Order No. 45-A of the Secretary of Labor (15 F.R. 3290)). The regulations in this Part 525 govern all certificates and employment pursuant to certificates authorizing special minimum wages for handicapped workers in sheltered workshops. These include some of the certificates which may be issued under paragraph 14(d)(1) of the Act authorizing employment of handicapped workers at wages which are lower than the minimum wage applicable under section 6 of the Act but not less than 50 per centum of such wage. Other certificates of this description authorizing the employment of handicapped persons at special minimum wages are issued pursuant to Part 524 of this chapter for the employment of such persons in competitive employment. The regulations in this Part 525 govern all of the certificates and employment pursuant to certificates issued under paragraphs (2) and (3) of section 14(d) authorizing employment of handicapped workers at special minimum wages which are less than 50 per centum of the minimum wage applicable under section 6 of the Act.

§ 525.2 Definitions.

(a) "Administrator" means the Administrator of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

(b) "Sheltered workshop" or "workshop" means a charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for handicapped workers, and/or providing such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature.

(c) "Work activities center" shall mean a workshop, or a physically separated department of a workshop having an identifiable program, separate supervision and records, planned and designed exclusively to provide therapeutic activities for handicapped workers whose physical or mental impairment is so severe as to make their productive capacity inconsequential. Therapeutic activities include custodial activities (such as activities where the focus is on teaching the basic skills of living), and any purposeful activity so long as work or production is not the main purpose. No sheltered workshop or separate department thereof shall qualify as a work activities center if the average productivity per handicapped worker is $850 or more per year as measured by dividing the total annual earned income of the work program, less the cost of purchased materials used, by the average number of clients in the work program, or, if wage payments are primarily at piece rates, the average annual labor rate per client is $600 or more as measured by dividing the total annual wages of the clients by the average number of clients in the work program. (The average number of clients shall be determined by taking the average of the total number of clients in the work program on the last day of each quarter in the previous fiscal year, provided such average is representative of the average number of clients employed during the entire year.) No individual worker whose productivity substantially exceeds this average shall be employed at less than the statutory minimum wage under a work activities center certificate. (A handicapped worker, whose productivity substantially exceeds the average, may be certificated under Regulations, Part 524 of this chapter, in rare and unusual cases where necessary to avoid extreme hardship, if he is unable to earn the statutory minimum because of his handicap, and if his production and earnings are included in the averages provided in this paragraph.) Where information is not available for a year, a temporary certificate for not more than 6 months may be issued based on the limited information available, if it is represented that the center expects and has good reason to believe that the conditions hereinabove specified will be satisfied when 1 year's data are available. Information to be considered will include the severity of disability of the handicapped workers employed, or other pertinent factors.

(d) "Handicapped worker" or "client" means an individual whose earning capacity is impaired by age or physical or mental deficiency or injury, and who is being served in accordance with the recognized program of a sheltered workshop within the facilities of such agency or in or about his home.

(e) "State agency" shall mean the State agency which administers or supervises the administration of vocational rehabilitation services in any State of the United States, the District of Columbia, or any territory or possession of the United States.

(f) "Training program" means a program of not more than 12 months duration, except that longer periods may be approved in unusual circumstances, designed to (1) develop the patterns of behavior which will help a client adjust to a work environment, or (2) teach the skills and knowledge related to a specific occupational objective of a job family, and which meets State agency or equivalent standards.

(g) "Evaluation program" means a program of not more than 6 months duration, except that longer periods may be approved in unusual circumstances, using the medium of work to determine a client's potential, and which meets State agency or equivalent standards.

(h) "Act" means the Fair Labor Standards Act of 1938, as amended.

§ 525.3 Advisory Committee on Sheltered Workshops.

(a) The Advisory Committee on Sheltered Workshops appointed periodically by the Secretary of Labor shall advise and make recommendations to the Administrator concerning the administration and enforcement of this part and the need for amendments thereof from time to time and for such other purposes as may be desired by the Administrator.

(b) The Administrator or his authorized representative may notify the Advisory Committee on Sheltered Workshops prior to the denial or cancellation of any special certificate under § 525.8, § 525.10, or § 525.14 and may afford the Committee 15 days, or such additional time as he may allow, to present its views. The Administrator or his authorized representative may also afford the Committee an opportunity to present its views in connection with any petition for review filed under § 525.15, any hearing held under § 525.16, or any petition for amendment of this part filed under § 525.19.

§ 525.4 Application for a special certificate for a workshop.

(a) Application for a special certificate for a workshop, including a work activities center, may be filed by any sheltered workshop with the Regional or District Director of the administrative region or district of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, in which the workshop is located. Application forms may be obtained from the appropriate Regional or District Director.

(b) The application shall contain answers to all of the questions presented on the form, including, among other things, a description of the nature of the disabilities of the persons served by the workshop, a description of the types of employment and the program provided by the workshop, and the earnings of each handicapped worker engaged in work covered by the Act.

(c) The application shall be signed by the president of the board of directors and a duly authorized officer of the workshop.

(d) A workshop newly applying for a certificate, which does not have individual earnings records on which to establish an appropriate certificate rate, may be issued a temporary certificate under the terms and conditions applicable to work activities centers if it meets all of the requirements in the definition provided in § 525.2(c) and presents satisfactory evidence that all of its clients will be compensated at wages which are equitable compensation for them.

§ 525.5 Application for a special certificate for a training or evaluation program.

(a) Application for a special certificate for training or evaluation programs may be filed by a sheltered workshop with the appropriate Regional or District Director. Application forms may be obtained from the appropriate Regional or District Office.

(b) The application shall contain answers to all of the questions on the form, including, among other things, evidence of State agency certification that the workshop operates a training or evaluation program as defined in § 525.2 (f) and (g), a description of the services to be rendered, the earnings of the trainees and evaluees engaged in work covered by the Act, and the results obtained with trainees and evaluees who have participated in the programs during the previous year.

(c) The application shall be signed by the president of the board of directors and a duly authorized officer of the workshop.

§ 525.6 Application for a special individual rate.

(a) A workshop may apply with the appropriate Regional or District Director at the time of applying for a certificate, or during the life of a certificate, for an individual rate for a handicapped worker who is unable to earn the applicable certificate rate. Application forms may be obtained from the appropriate Regional or District Office.

(b) The application shall contain answers to all of the questions presented on the form, including, among other things, information on the nature of the individual's disability, the extent to which it impairs his earning capacity; and justification for a lower individual rate based on productivity records maintained as required under § 525.13(b).

(c) In the case of a request for an individual rate below 50 percent of the statutory minimum applicable under section 6 of the Act, the application in addition shall contain evidence of State agency certification that the individual's earning capacity is so severely impaired that he is unable to engage in competitive employment. Such certification shall be based on an evaluation report made upon recent completion or shortly before such completion of an evaluation or training program as defined in § 525.2 (f) or (g). If an adequate application for an individual rate below 50 percent of the statutory minimum is filed prior to the expiration of the certificate authority of the evaluation or training program, that certificate authority will be continued for the applicant until action is taken on the application. For clients entering a regular work program from a work activities center, a productivity report as required by § 525.13(b) covering the most recent 3-month employment period constitutes an acceptable evaluation report. The requirement that an individual complete a recognized evaluation or training program will be waived until January 31, 1969, for any person employed by the applicant workshop prior to February 1, 1967: *Provided:* (1) Other suitable information is furnished for State agency certification; and (2) the workshop furnishes the Regional or District Director a satisfactory progress report by January 31, 1968, of plans for providing evaluation or training for those persons receiving State agency certification without having completed such programs.

§ 525.7 Criteria for consideration in issuance of a special certificate.

(a) The following criteria may be considered by the Administrator or his authorized representative in determining the necessity of issuing a special certificate and the conditions to be specified therein:

(1) The present and previous earnings of handicapped workers of the workshop engaged in work covered by the Act;

(2) Whether the individual handicapped workers are being paid wages commensurate with those paid nonhandicapped workers in industry in the vicinity for essentially the same type, quality, and quantity of work;

(3) The nature and extent of the disabilities of individuals served by the workshop;

(4) The wages of nonhandicapped employees employed in private industry engaged in work comparable to that performed in the workshop;

(5) The types and duration of medical, educational, therapeutic, social work, and other rehabilitative services given to handicapped workers;

(6) The extent to which the handicapped workers share, through wages, in the receipts for work done in the workshop;

(7) The extent to which the handicapped workers may be learners or otherwise inexperienced;

(8) The extent to which earned operating income, other than normal depreciation allowances, is used for capital expenditures for equipment, buildings, or expansion of activities in situations where the adequacy of the wage rates proposed by the workshop cannot clearly be established;

(9) Whether there exists any workshop-customer arrangement or subcontract agreement which constitutes an unfair method of competition in commerce and which tends to spread or perpetuate substandard wage levels;

(10) Whether, in the case of nongovernment operated workshops, the organization has obtained an exemption under section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) and has registered as a nonprofit organization with the appropriate State or local agencies providing for such registration.

(b) In addition, the following criteria will be considered in determining the advisability of issuing a special certificate for a training or evaluation program: (1) Whether there is competent instruction or supervision; (2) whether there is a written curriculum and plan of procedures designed to obtain the objectives of the program; (3) whether there are written records made at periodic intervals of not more than 3 months, showing progress of individual clients; and (4) whether in the case of a training program, there is a progression of rate increases as the trainee successfully advances through the steps of the program. The progression of rate increases should be geared to at least the statutory minimum wage if the worker is being trained for competitive employment, or to at least the certificate rate if he is being trained for workshop employment.

§ 525.8 Issuance of special certificates.

(a) Upon consideration of the criteria specified in § 525.7 and if the requirements of this Part 525 are satisfied, the Administrator or his authorized representative may issue a special certificate.

(b) If a special certificate is issued, a copy shall be sent to the workshop. If denied, the workshop shall be notified in writing of the denial and the reasons therefor.

(c) A special certificate may be issued for the entire workshop, a department of the workshop, a work activities center, a training or evaluation program, and individual handicapped worker or any combination thereof.

(d) No special certificate will be issued pursuant to this Part 525 when abnormal labor conditions, such as a strike, a lockout, or other similar condition, exists at the workshop for which such certificate is requested.

§ 525.9 Terms and conditions of special certificates.

(a) A special certificate shall specify the terms and conditions under which it is granted.

(b) A special certificate shall apply to every handicapped worker in the sheltered workshop or department thereof, for which the special certificate is granted.

(c) A special certificate shall be effective for a period to be designated by the Administrator or his authorized representative. Handicapped workers may be paid wages lower than the statutory minimum only during the effective period of a special certificate.

(d) Except for special certificates for work activities centers and for training or evaluation programs, and unless a lower special individual wage has been authorized on the basis of an application under § 525.6(c), a special certificate shall provide a minimum wage, or different minimum wages for different departments, but none of them shall be less than 50 percent of the minimum wage applicable under section 6 of the Act. It may provide a minimum wage lower than the applicable workshop or department rate, but not less than 50 percent of the minimum wage applicable under section 6 of the Act, for a specified period(s), designated as "learning period(s)." Such rate may apply during the specified learning period(s) to a handicapped worker who has never previously worked in the workshop, or who is transferred to a skilled or semiskilled job in the workshop at which he has never previously worked, or who has returned to the workshop after such period of separation as would require relearning.

(e) A special certificate issued to a work activities center or for a training or evaluation program need not set a minimum wage (other than required in paragraphs (f) and (g) of this section).

(f) The wage rates paid handicapped workers working at time rates shall be commensurate with those paid nonhandicapped workers in the vicinity in industry maintaining approved labor standards for essentially the same type, quality, and quantity of work.

(g) (1) The wage rates paid handicapped workers working at piece rates shall not be less than prevailing piece rates paid nonhandicapped employees in the same work in the vicinity in industry maintaining approved labor standards. In the absence of industry piece rates, time studies or other tests may be used by the workshop to establish piece rates. Such time studies should be made with nonhandicapped persons, although handicapped workers may be used in those situations where they are not handicapped for the type of work being tested and their production is comparable to that of nonhandicapped persons of average ability. The base hourly rate used in making time studies must be not less than the prevailing rate in industry for work requiring similar skill.

(2) Each handicapped worker working at piece rates must be paid his full piece-rate earnings. Pooling of earnings is not permitted except where piece rates cannot be established for each individual worker, e.g., in a team operation where each worker's individual contribution to the finished product cannot be separately tallied.

(h) A special certificate may provide a lower individual minimum wage for a handicapped worker unable to earn the workshop or applicable department minimum wage. Such individual minimum wage may not be set at less than 50 percent of the minimum wage applicable under section 6 of the Act, except for a handicapped worker whose earning capacity is so severely impaired that he is unable to engage in competitive employment as certified by a State agency. The individual minimum wage for a handicapped worker so certified may not be less than 25 percent of the minimum wage applicable under section 6 of the Act.

(i) Handicapped workers in the workshop shall be paid not less than one and one-half times the regular rate for all work in excess of the minimum workweek applicable under section 7 of the Act.

(j) A special certificate shall provide that the workshop may not compete unfairly in obtaining subcontract work or in the sale of its products.

(k) No worker or client shall be hired under a certificate issued under these regulations while abnormal labor conditions, such as a strike, a lock-out, or other similar condition, exists in the workshop.

(l) Each handicapped worker in a workshop shall be informed promptly and in writing of the certificate rate applicable to him and of the terms of the certificate. Such information may be provided by a notice in the handicapped worker's pay envelope, or other suitable method.

(m) The terms of any special certificate may be amended for cause, upon request of the sheltered workshop or handicapped worker, or upon the initiative of the Administrator or his authorized representative.

§ 525.10 Renewal of special certificates.

(a) Application may be filed for renewal of any special certificate. It shall be filed in the same manner as an original application.

(b) If an application for renewal has been properly and timely filed prior to the expiration date of a special certificate, the certificate shall remain in effect until the application for renewal has been granted or denied.

(c) Handicapped workers may be paid wages less than the statutory minimum after notice that the application for renewal has been denied, if review of such denial is requested in accordance with § 525.15: *Provided, however,* That if the denial is affirmed on review, the sheltered workshop shall reimburse any person covered by the special certificate in an amount equal to the difference between the applicable minimum wage and any lower wage paid such person subsequent to the effective date of denial.

§ 525.11 Staff workers in sheltered workshops.

No individual who is not a handicapped worker or client within the meaning of § 525.2(d) shall be employed under any special certificate issued pursuant to this part at wages lower than the minimum required under section 6 of the Act. Staff jobs are clearly identified as such where the duties include supervision of others or a high degree of responsibility such as office manager, bookkeeper, or truck driver, except that truck drivers may be considered as clients in workshops serving alcoholics where it is the practice to select drivers (also called crew leaders) from among the handicapped workers. Some jobs, such as some office and telephone soliciting jobs, are not clearly either staff or client jobs and may be filled by either depending on the policy and practices of the workshop. Where handicapped worker status is indicated for such borderline workers on an application substantiating information may be requested, such as evidence of the use of screening procedures which are ordinarily required for handicapped workers, such as a medical examination, psychological and aptitude testing, etc., the use of rehabilitation services offered by the workshop, and an attempt by the workshop to place the worker in industry.

§ 525.12 Industrial homework.

A special certificate issued pursuant to this part, except one for a work activities center, authorizes a sheltered workshop to employ a handicapped worker in or about a home, apartment, tenement, or room in a residential establishment, without the necessity of obtaining a special industrial homeworker's certificate for such person under regulations of the Administrator governing the employment of industrial homeworkers; nor shall it be necessary for a sheltered workshop to obtain a special industrial homeworker's certificate for handicapped workers working in or about a home, apartment, tenement, or room in a residential establishment, who are earning the minimum required under section 6 of the Act.

§ 525.13 Records to be kept.

Every sheltered workshop shall maintain and have available for inspection by the Administrator or his authorized representative records of:

(a) Disability, which show the nature of the handicapped worker's disability. Nonobvious disabilities must be substantiated by medical or psychiatric reports or results of psychological tests, as appropriate.

(b) Productivity, which show the productivity of each handicapped worker on a continuing basis or at periodic intervals not exceeding 6 months. Piece rate or other records which show productivity on a continuing basis must also show the average expected production for a nonhandicapped person and either the piece rate paid in commercial industry or the average expected earnings of a nonhandicapped person for the production shown. Where productivity is measured by means of progress reports, records must relate the worker's performance to that of a nonhandicapped person receiving the prevailing wage in industry for similar work or work requiring similar skills. Records of time studies made to establish piece rates must be kept.

(c) Learning periods, when such periods are authorized by the certificate, which show the daily hours worked by each handicapped worker during the learning period(s), and the cumulative total of such hours.

(d) When evaluation or training periods are authorized by the certificate, records designating which workers are evaluees and which are trainees, and the total period of time they have been in such a category.

(e) When a sheltered workshop holds both a work activity center certificate and a regular program certificate, records showing which workers are under each certificate.

(f) Records showing the handicapped workers for whom special individual rates have been authorized.

(g) Pricing of work, which show that part of the unit prices which are allocated to direct labor (labor rate) and the average expected earnings of nonhandicapped workers at a normal expected production rate. Records of time studies made to establish prices must be kept.

(h) Documents relating to State agencies' certification including copies of training or evaluation agreements, authorizations for extensions of such periods, progress reports made during such periods, and evaluation of other reports on which a judgment relating to certification was made.

(i) In addition, the records required under all of the applicable provisions of Part 516 of this chapter, except that any provision pertaining to homeworker's handbooks shall not be applicable to handicapped workers of a sheltered workshop working in or about a home, apartment, tenement, or room in a residential establishment.

(j) Every sheltered workshop having workers who are entitled to benefits under the Act shall at all times post a poster, as prescribed by the Administrator, in a conspicuous place in the workshop where it may be observed readily by the handicapped workers and other workers in the workshop.

(k) Records required by this § 525.13 shall be preserved for a period of at least 2 years.

(Sec. 11, 51 Stat. 1066, as amended; 29 U.S.C. 211)

§ 525.14 Cancellation of a special certificate.

(a) The Administrator or his authorized representative may cancel any special certificate for cause. A special certificate may be canceled (1) as of the date of issuance, if it is found that fraud has been exercised in obtaining the special certificate or in permitting a handicapped worker to work thereunder; (2) as of the date of violation, if it is found that any of the provisions of the Act or of the terms of the special certificate have been violated; or (3) as of the date of notice of cancellation, if it is found that the special certificate is no longer necessary in order to prevent curtailment of opportunities for employment, or that the requirements of this part have not been complied with.

(b) If a petition for review is filed under § 525.15, the effective date of the cancellation shall be postponed until action is taken thereon: *Provided, however,* That if the cancellation order is affirmed on review, the workshop shall reimburse any person covered by the special certificate in an amount equal to the difference between the applicable minimum wage and any lower wage paid such person subsequent to the effective date of cancellation.

(c) Except in cases of willfulness or those in which the public interest requires otherwise, before any special certificate shall be canceled, facts or conduct which may warrant such action shall be called to the attention of the sheltered workshop in writing and it shall be afforded an opportunity to demonstrate or achieve compliance with all lawful requirements.

§ 525.15 Review.

Any person aggrieved by any action of an authorized representative of the Administrator taken pursuant to this part may, within 60 days or such additional time as the Administrator may allow, file with the Administrator a petition for review. Such review, if granted, shall be made either by the Administrator or by an authorized representative who took no part in the action under review, who may, to the extent he deems it appropriate, afford other interested persons an opportunity to present data and views.

§ 525.16 Submission of information, investigations, and hearings.

The Administrator or his authorized representative may require at any time the submission of such information, other than that specified elsewhere in this part, as is deemed appropriate or may conduct an investigation, which may include a hearing prior to taking any action pursuant to this part. To the extent he deems appropriate, the Administrator or his authorized representative may provide an opportunity to other interested persons to present data and views.

§ 525.17 Relation to other laws.

Nothing contained in this part shall be construed as authorizing any act that is contrary to any Federal or State law or municipal ordinance.

§ 525.18 Issuance of certificates for experimental purposes.

In addition to the issuance of certificates as provided in §§ 525.1 to 525.18, the Administrator may authorize the issuance of certificates to permit employment of handicapped workers or clients of a sheltered workshop at less than the applicable minimum wage under section 6 of the Act as part of experimental programs to increase employment opportunities for such persons. Such certificates shall be issued in such types of cases and on such terms and conditions within the scope of section 14 of the Act as the Administrator shall determine will best further any such experimental programs.

§ 525.19 Amendment of this part.

The Administrator may at any time upon his own motion or upon written request of any interested person setting forth reasonable ground therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the terms of this part.

NOTE: Section 50–201.1102 of the Public Contracts Act Regulations (41 CFR Part 50–201) provides that any certificate issued pursuant to Regulations Part 525 authorizing the employment of a handicapped worker under the Fair Labor Standards Act shall constitute authorization for the employment of that worker under the Public Contracts Act in accordance with the terms of the certificate.

Signed at Washington, D.C., this 17th day of July 1968.

CLARENCE T. LUNDQUIST,
Administrator, Wage and Hour and Public Contracts Division, U.S. Department of Labor.

[F.R. Doc. 68–8708; Filed, July 22, 1968; 8:45 a.m.]

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FEDERAL REGISTER

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Agencies in this issue—

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Business and Defense Services Administration
Civil Aeronautics Board
Civil Service Commission
Commodity Credit Corporation
Consumer and Marketing Service
Federal Aviation Administration
Federal Communications Commission
Federal Home Loan Bank Board
Federal Power Commission
Federal Trade Commission
Fish and Wildlife Service
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Title 3—THE PRESIDENT

Proclamation 3858

FAMILY REUNION DAY

By the President of the United States of America

A Proclamation

Since the founding of the Republic, the American family has been a source of individual strength and national stability.

These are times, however, that test the unity of family life. Progress—social, economic, and technological—has brought with it new mobility that tends to separate the members of affluent families.

For millions of other Americans, poverty, discrimination and the spiritual deprivation of slum life have strained the cohesion of family units past the breaking point. Many young people are growing up without the shaping example of a firm, responsible, and caring male in the household. There are strengths within almost all families, whether or not headed by a father; but history and instinct tell us that a society that does not encourage responsible fatherhood will pay for its failure in later generations. For that reason, action to extend job opportunities, to improve education and housing, and to end discrimination in all its forms is vital to stronger family life—and ultimately to a more just and peaceful nation.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, pursuant to Senate Joint Resolution 165, do hereby designate Sunday, August 11, 1968, as Family Reunion Day, and I urge all the people of the United States to support those actions that will strengthen the American family, and to celebrate this day with such ceremonies as will reemphasize our continuing belief that family life is the highest and most enduring product of our civilization.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of July, in the year of our Lord nineteen hundred and sixty-eight, and of the Independence of the United States of America the one hundred and ninety-third.

Lyndon B. Johnson

[F.R. Doc. 68-8877; Filed, July 22, 1968; 1:34 p.m.]

Proclamation 3859

SALUTE TO EISENHOWER WEEK

By the President of the United States of America

A Proclamation

Few men in history have contributed as much to their country and to the world as has General Dwight David Eisenhower.

As Supreme Commander of the Allied Expeditionary Forces in World War II, his leadership, resolution, and personal courage guided us to victory and to peace.

Following World War II, he served as the first Supreme Allied Commander of the North Atlantic Treaty Organization forces in Europe, and demonstrated an unrivaled capacity to create a united military organization.

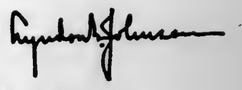
During eight years as President of the United States, he enhanced his reputation as a leader of nations; a program of lasting international cooperation was inaugurated in his administration.

General Eisenhower is recognized as one of the most popular and respected living Americans—admired and loved by his fellowmen not only as an outstanding military leader and statesman, but also as one whose character and high principles serve as a standard for all citizens.

It is fitting that on the occasion of General Eisenhower's 78th birthday on October 14, 1968, we pay tribute to this great American. To this end, the Congress, by a joint resolution approved July 18, 1968, has requested the President to designate the week of October 13, 1968, as Salute to Eisenhower Week. It is my pleasure to do so.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the week of October 13, 1968, as Salute to Eisenhower Week, and I call upon the people of the United States to observe that week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of July, in the year of our Lord nineteen hundred and sixty-eight, and of the Independence of the United States of America the one hundred and ninety-third.



[F.R. Doc. 68-8878; Filed, July 22, 1968; 1:34 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

General Services Administration

The exception for the one position listed in § 213.3237 of Schedule B expired by its own terms on June 30, 1968. Effective on publication in the FEDERAL REGISTER, §213.3237 is revoked in its entirety.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-8809; Filed, July 23, 1968; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that the position of Secretary to the Deputy High Commissioner of the Trust Territory is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (17) of paragraph (1) of § 213.3312 is revoked.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-8810; Filed, July 23, 1968; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Avocado Reg. 10, Amdt. 2]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter set forth. A more precise determination as to the quality and the time of maturity of avocados must await the development of the crop; a determination as to the maturity of the varieties of avocados covered by this amendment was made at the meeting of the Avocado Administrative Committee on July 10, 1968. After consideration of all available information relative to the growing condition prevailing during the current season, recommendations and supporting information for such maturity regulations were submitted to the Department; necessary statistical and supporting information was received on July 15, 1968; such meeting was held to consider recommendations for such regulation after giving due notice thereof, and interested parties were afforded opportunity to submit their views at this meeting; the provisions hereof are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions hereof, which in part relieves certain restrictions, will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

Order. The provisions of § 915.310 (Avocado Reg. 10; 33 F.R. 8500, 8801) are hereby amended in the following respects:

By revising certain dates and minimum weights and diameters applicable to the Trapp, Waldin, Ruehle, Pinelli, Booth 8, and Fairchild varieties of avocados, and setting forth certain dates and minimum weights and diameters applicable to the Dawn variety of avocados, so that after such revision the portion of Table I relating to such varieties and the text of paragraph (a) (6) and (8) reads as follows:

§ 915.310 Avocado Regulation 10.

(a) * * *

TABLE I

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)	Minimum weight or diameter (7)	Date (8)
Trapp	8-12-68	14 oz. 3 9/16 in.	8-26-68	12 oz. 3 7/16 in.	9- 9-68		
Waldin	8-19-68	16 oz. 3 9/16 in.	9- 2-68	14 oz. 3 7/16 in.	9-16-68	12 oz. 3 4/16 in.	9-30-68
Dawn	8- 5-68	12 oz.	8-19-68	10 oz.	9- 2-68		
Ruehle	8- 5-68	16 oz. 3 9/16 in.	8-19-68	14 oz. 3 7/16 in.	9- 2-68		
Pinelli	8- 5-68	18 oz. 3 12/16 in.	8-19-68	16 oz. 3 10/16 in.	9- 2-68		
Booth	9-16-68	16 oz. 3 9/16 in.	9-30-68	15 oz. 3 7/16 in.	10-14-68	13 oz. 3 5/16 in.	10-28-68
Fairchild	9- 2-68	16 oz. 3 9/16 in.	9-16-68	14 oz. 3 7/16 in.	9-30-68	12 oz. 3 4/16 in.	10- 7-68

* * * * *

(6) From October 28, 1968, through November 10, 1968, no handler shall handle any avocados of the Booth 8 variety unless the individual fruit in each lot of such avocados weighs at least 10 ounces or is at least 3 1/16 inches in diameter, and from November 11, 1968, through November 17, 1968, no handler shall handle any avocados of the Booth 8 variety unless the individual fruit in each lot of such avocados weighs at least 8 ounces or is at least 2 13/16 inches in diameter;

(7) * * *

(8) Except as otherwise provided in subparagraphs (9) and (10) of this paragraph, varieties of avocados not covered by subparagraphs (2) through (7) hereof shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to September 23, 1968.

(ii) From September 23, 1968, through October 20, 1968, the individual fruit in each lot of such avocados shall weigh at least 15 ounces.

(iii) From October 21, 1968, through December 22, 1968, the individual fruit

in each lot of such avocados shall weigh at least 13 ounces.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, July 22, 1968, to become effective July 24, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-8872; Filed, July 23, 1968; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Price Support Regs., 1968 and Subsequent Crops Flue-Cured Tobacco Farm-Stored Loans]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1968 and Subsequent Crops Flue-Cured Tobacco Farm-Stored Loan Program

The General Regulations Governing Price Support for 1964 and Subsequent Crops of Grain and Similarly Handled Commodities (Revision 1) (31 F.R. 5941), and any amendments thereto (hereinafter referred to as "the general regulations") issued by the Commodity Credit Corporation (hereinafter referred to as "CCC"), which contain regulations of a general nature with respect to price support loan and purchase operations, are supplemented for the 1968 and subsequent crops of Flue-cured tobacco as follows:

Sec.
1421.6000 Purpose.
1421.6001 Availability.
1421.6002 Eligible tobacco and producers.
1421.6003 Release of commodity under loan.
1421.6004 Liquidation of loans.
1421.6005 Settlement of loans.
1421.6006 Farm storage interim loan rate.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, sec. 125, 70 Stat. 198, 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423, 7 U.S.C. 1813, 15 U.S.C. 714b, 714c.

§ 1421.6000 Purpose.

This subpart contains the terms and condition under which together with the terms and conditions of the annual crop year Flue-cured tobacco farm-stored loan supplement (hereinafter referred to as "the annual crop year supplement") and the general regulations to the extent that the provisions thereof are not inconsistent herewith or are not made inapplicable by the provisions of this subpart, CCC will make farm storage loans to eligible producers of eligible 1968 and subsequent crops Flue-cured tobacco. Notwithstanding the provisions of the general regulations, CCC will not make warehouse storage loans to or direct purchases from producers. The Tobacco Loan Program Regulations, as amended (31 F.R. 9679, 32 F.R. 10249, 32 F.R. 11416, 32 F.R. 14203, 33 F.R. 136, 33 F.R. 910, and 33 F.R. 9759) (hereinafter referred to as "the association regulations"), contain the terms and conditions under which eligible producers may obtain price support advances on eligible 1968 and subsequent crop Flue-cured tobacco from a cooperative marketing association which, acting in behalf of such producers collectively, will obtain price support warehouse storage loans from CCC.

§ 1421.6001 Availability.

Producers desiring a farm storage loan on Flue-cured tobacco shall request a loan at the ASCS county office not later than the date set forth in the annual crop year supplement. Producers obtaining a loan shall execute a farm Storage Note, Chattel Mortgage, and Security Agreement and a tobacco addendum amending sections 6 and 7 thereof.

§ 1421.6002 Eligible tobacco and producers.

(a) *General.* In order to be eligible for a farm storage loan on Flue-cured tobacco, the producer and the tobacco must meet the requirements of this section in addition to the other eligibility requirements of § 1421.53 of the general regulations.

(b) *Eligible producer.* The tobacco must have been produced by an eligible producer, as defined in § 1421.52 of the general regulations and § 1464.1762 of the association regulations.

(c) *Eligible tobacco.* Flue-cured tobacco is eligible for a farm storage loan under this subpart if it meets the eligibility requirements of § 1464.1763 of the association regulations. Tobacco stored in the Georgia-Florida belt shall be in untied form; tobacco stored in other belts may be in either tied or untied form.

§ 1421.6003 Release of commodity under loan.

Notwithstanding the provisions of §§ 1421.62 and 1421.68 of the general regulations, prior approval from the county committee will not be required in order for a producer to sell his tobacco or to offer it to a cooperative association for a price support advance under the association regulations. A producer who has received a loan under this subpart, before accepting payment upon a sale of his tobacco, must advise the buyer of the Marketing Recorder as to whether or not such tobacco is security for a farm storage loan; and, if such tobacco is security for a farm storage loan, the proceeds of sale shall be forwarded by the buyer or Marketing Recorder to the county ASCS office which made the loan to be applied in liquidation of the loan.

§ 1421.6004 Liquidation of loans.

Loans may be liquidated by (1) repayment of the loan amount plus interest on or before the maturity date specified in the annual crop year supplement, or (2) delivery as directed by CCC, within the dates specified in the annual crop year supplement, to a cooperative association of a quantity of Flue-cured tobacco having a settlement value equal to the outstanding balance of the loan.

§ 1421.6005 Settlement of loans.

For the purposes of this subpart, the settlement value of tobacco delivered to a cooperative association shall be (a) the amount which may be advanced to the producer with respect to such tobacco under the association regulations, or (b) if the tobacco delivered is of grade or quality which is not eligible for an advance under the association regulations, the market value of the tobacco, as determined by CCC. For the purposes of § 1421.65 of the general regulations, the settlement value shall be the amount of the farm storage loan with respect to the tobacco involved in the loss less salvage. If the tobacco delivered is of a grade eligible for a price support loan under the association regulations, a price support advance will be made by the cooperative association to the producer under the association regulations and the proceeds of the advance, to the extent necessary, will be applied to repayment of the principal of the loan made hereunder. If the settlement value of the tobacco delivered by the producer to the association is less than the amount due on the principal of the loan, the amount of the deficiency, plus interest thereon computed in accordance with the provisions of the note, shall be paid by the producer to the county office which approved the loan, unless the deficiency is one which will be assumed by CCC pursuant to the terms of the note.

§ 1421.6006 Farm storage interim loan rate.

The farm storage interim loan rate for Flue-cured tobacco shall be that set forth in the annual year supplement.

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 18, 1968.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 68-8820; Filed, July 23, 1968; 8:49 a.m.]

[CCC Price Support Regs., 1968 Crop Flue-Cured Tobacco Farm-Stored Loans]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1968 Crop Flue-Cured Tobacco Farm-Stored Loan Supplement

This annual crop year supplement, together with the General Regulations Governing Price Support for 1964 and Subsequent Crops of Grain and Similarly Handled Commodities (Revision 1) (31 F.R. 5941), and any amendments thereto, and the 1968 and Subsequent Crops Flue-Cured Tobacco Farm-Stored Loan Program (33 F.R. 10502), and any amendments thereto, contain the provisions which apply to price support farm-stored loan for 1968 tobacco:

Sec.
1421.6007 Availability.
1421.6008 Farm storage interim loan rate.
1421.6009 Rate of interest.
1421.6010 Liquidation of loans.
1421.6011 Delivery charges.
1421.6012 Maturity of loans.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051 as amended, 1054, sec. 125, 70 Stat. 198, 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423, 7 U.S.C. 1813, 15 U.S.C. 714b, 714c.

§ 1421.6007 Availability.

A producer desiring a farm storage loan on his eligible Flue-cured tobacco must request a loan at the ASCS county office not later than December 1, 1968, on Flue-cured tobacco stored in Alabama, Florida, Georgia. North Carolina, South Carolina, and Virginia.

§ 1421.6008 Farm storage interim loan rate.

The loan will be made at a rate of 45 cents per pound on the quantity of eligible tobacco tendered as security for a loan under this subpart if such tobacco is estimated to be of a grade composition which would qualify for price support at an average price support loan rate of 61.6 cents per pound under the association regulations. If the CCC representative estimates the grade composition to be below such quality, the rate of loan shall be 15 cents less than the average price support loan rate for which he estimates such tobacco would qualify.

§ 1421.6009 Rate of interest.

The rate of interest shall be 30 cents for each whole unit of $100 for each calendar month or fraction thereof beginning with the calendar month of disbursement and excluding the calendar month of repayment.

§ 1421.6010 Liquidation of loans.

Section 1421.69 of the general regulations shall not apply to this program. Loans shall be liquidated by repayment of the amount loaned, plus interest, on or before maturity to the county office which approved the loan, either directly by the producer or by the buyer or the Marketing Recorder upon sale of tobacco securing the loan; or by delivery, as directed by CCC, beginning December 15, 1968, or the day after the close of the 1968 auction marketing season, whichever date is the later, and ending January 15, 1969, to a cooperative association designated by CCC, of a quantity of Flue-cured tobacco eligible for price support having a settlement value equal to the outstanding principal balance of the loan. Notwithstanding the provisions of § 1421.72 of the general regulations, no deduction for storage charges will be made if the tobacco, is delivered during this period. The association will advise producers of the time and place at which the tobacco is to be delivered in liquidation of farm storage loans and will determine the settlement value of the tobacco delivered on the basis of the grade and quality thereof as determined by the inspection service of the Consumer and Marketing Service, USDA.

§ 1421.6011 Delivery charge.

Notwithstanding the provisions of § 1421.60 of the general regulations, there shall be no delivery charge on the tobacco delivered to the association.

§ 1421.6012 Maturity of loans.

Unless demand is made earlier, farm storage loans on Flue-cured tobacco will mature on January 15, 1969.

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 18, 1968.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 68-8819; Filed, July 23, 1968; 8:49 a.m.]

[Amdt. 1]

PART 1446—PEANUTS

Subpart—General Regulations Governing 1967 and Subsequent Crop Peanut Warehouse Storage Loans and Sheller Purchases

MISCELLANEOUS AMENDMENTS

The General Regulations issued by Commodity Credit Corporation, published in 32 F.R. 9950, which contain the terms and conditions governing 1967 and subsequent crop peanut warehouse storage loans and sheller purchases, are hereby amended as follows:

1. Paragraph (p) of § 1446.3 is amended to redefine Segregation 1 peanuts and to include definitions of Segregation 2 and Segregation 3 peanuts and, as amended, reads as follows:

§ 1446.3 Definitions.

* * * * *

(p) *Peanut segregations*—(1) *Segregation 1.* Farmers stock peanuts which (i) have at least 99 percent peanuts of one type, (ii) have not more than 2 percent damaged kernels nor more than 1.00 percent concealed damage caused by rancidity, mold, or decay, and (iii) are free from visible Aspergillus flavus mold.

(2) *Segregation 2.* Farmers stock peanuts which (i) have less than 99 percent peanuts of one type, or (ii) have more than 2 percent damaged kernels or more than 1.00 percent concealed damage caused by rancidity, mold, or decay, and (iii) are free from visible Aspergillus flavus mold.

(3) *Segregation 3.* Farmers stock peanuts which have visible Aspergillus flavus mold.

* * * * *

2. The last sentence of § 1446.6(a) is amended to make the cross reference therein correspond with the number of the applicable renumbered section of the revised Acreage and Compliance Regulations, and, as amended, reads as follows:

§ 1446.6 Eligible producer.

(a) *Requirements.* * * * No producer on a farm in a certification county for which the farm operator fails timely to file a report of acreage and land use as required by § 718.21 of Part 718 of this title shall be eligible for price support except as otherwise provided in that section.

* * * * *

3. Section 1446.27 is amended to incorporate provisions of Executive Order 11375 of October 13, 1967, relating to equal employment opportunity, and to implement the order of the Secretary of Labor (32 F.R. 7439) relating to elimination of segregated facilities, and, as amended, reads as follows:

§ 1446.27 Nondiscrimination in employment.

(a) *Equal employment opportunity.* During the period between the date the sheller files his notice of participation for the applicable crop pursuant to § 1446.11 and the date on which he completes delivery of the final lot of peanuts of such crop sold to CCC under this subpart, the sheller agrees as follows:

(1) *Nondiscrimination.* The sheller will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The sheller will take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The sheller agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Association setting forth the provisions of this nondiscrimination clause.

(2) *Advertisements.* The sheller will, in all solicitations or advertisements for employees placed by or on behalf of the sheller, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(3) *Notice to labor union.* The sheller will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Association, advising the said labor union or workers' representative of the sheller's commitments under this section and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) *Executive Order No. 11246.* The sheller will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) *Information and reports.* The sheller will furnish all information and

reports required by Executive Order No. 11246 of September 24, 1965, as amended, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and order.

(6) *Noncompliance.* In the event of the sheller's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part, and the sheller may be declared ineligible for further Government contracts, in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in the said Executive order or by rule, regulations, or order of the Secretary of Labor, or as otherwise provided by law.

(7) *Subcontracts.* The sheller will include the provisions of paragraphs (1) through (7) of this section in every subcontract or purchase order, unless exempted by rules, regulations, or orders of the Secretary of Labor, issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The sheller will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however,* That in the event the sheller becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the sheller may request the United States to enter into such litigation to protect the interests of the United States.

(8) *Substitute terms.* Effective October 14, 1968, the words "race, color, religion, sex, or national origin" shall be substituted for the words "race, creed, color, or national origin" appearing in this paragraph (a).

(b) *Certification of nonsegregated facilities.* By the submission of a notice of participation under § 1446.11, the sheller certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location under his control where segregated facilities are maintained. He certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location under his control where segregated facilities are maintained. The sheller agrees that a breach of this certification is a violation of the Equal Opportunity clause in the contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin, because of habit, local custom, or otherwise. He further agrees that (except where he has obtained identical certifications from proposed subcontractors for specific time periods) he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause; that he will retain such certifications in his files; and that he will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods):

Notice to Prospective Subcontractors of Requirement for Certifications of Nonsegregated Facilities.

A Certification of Nonsegregated Facilities, as required by the May 9, 1967, order (32 F.R. 7439, May 19, 1967) on Elimination of Segregated Facilities, by the Secretary of Labor, must be submitted prior to the award of a subcontract exceeding $10,000 which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).

NOTE: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001 or 15 U.S.C. 714m(a).

The reporting and/or recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Secs. 4 and 5, 62 Stat. 1070, as amended; 15 U.S.C. 714 b and c. Interpret or apply secs. 101, 401, 63 Stat. 1051, as amended, 7 U.S.C. 1441, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 18, 1968.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 68-8821; Filed, July 23, 1968; 8:49 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Subparagraph (2) of paragraph (c) of § 103.6 is amended to read as follows:

§ 103.6 Surety bonds.

* * * * * * *

(c) *Cancellation.* * * *

(2) *Maintenance of status and departure bonds.* When the status of a nonimmigrant who has violated the conditions of his admission has been adjusted as a result of administrative or legislative action to that of a permanent resident retroactively to a date prior to the violation, any outstanding maintenance of status and departure bond shall be canceled. If an application for adjustment of status is made by a nonimmigrant while he is in lawful temporary status, the bond shall be canceled if his status is adjusted to that of a lawful permanent resident or if he voluntarily departs within any period granted to him. As used in this subparagraph, the term "lawful temporary status" means that there must not have been a violation of any of the conditions of the alien's nonimmigrant classification by acceptance of unauthorized employment or otherwise during the time he has been accorded such classification, and that from the date of admission to the date of departure or adjustment of status he must have had uninterrupted Service approval of his presence in the United States in the form of regular extensions of stay or dates set by which departure is to occur, or a combination of both. An alien admitted as a nonimmigrant shall not be regarded as having violated his nonimmigrant status by engaging in employment subsequent to his valid filing of an application for adjustment of status under section 245 of the Act and Part 245 of this chapter. A maintenance of status and departure bond posted at the request of an American consular officer abroad in behalf of an alien who did not travel to the United States shall be canceled upon receipt of notice from an American consular officer that the alien is outside the United States and the nonimmigrant visa issued pursuant to the posting of the bond has been canceled or has expired.

* * * * *

PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

§ 235.9 [Amended]

Paragraph (c) *Application* of § 235.9 *Conditional entries* is amended by inserting the following sentence between the existing first and second sentences: "Each application shall be accompanied by a properly executed and signed Form G-325C if the applicant has reached his 14th birthday."

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.2 [Amended]

1. The list of transportation lines in subparagraph (1) *Canada* of paragraph (b) *Agreements with transportation lines* of § 238.2 *Transportation lines bringing aliens to the United States from or through foreign contiguous territory or adjacent islands and lines bringing aliens destined to the United States into such territory or islands* is amended by adding the following transportation line in alphabetical sequence: "British United Airways Limited."

§ 238.3 [Amended]

2. The list of transportation lines in paragraph (b) *Signatory lines* of § 238.3 *Aliens in immediate and continuous transit* is amended by adding the following transportation line in alphabetical sequence: "Lloyd International Airways Limited."

§ 238.4 [Amended]

3. The list of transportation lines listed under "At Vancouver" of § 238.4 *Preinspection outside the United States* is amended by adding the following transportation line in alphabetical sequence: "Nomads, Inc."

PART 299—IMMIGRATION FORMS

§ 299.1 [Amended]

The list of forms in § 299.1 *Prescribed forms* is amended by adding the following form and reference thereto in alphabetical and numerical sequence:

Form No.	*Title and description*
G-325C..	Biographic Information.

PART 336—PROCEEDINGS BEFORE NATURALIZATION COURT

Section 336.16a is amended to read as follows:

§ 336.16a Final hearing; execution of questionnaire.

Immediately prior to the commencement of the final hearing, each person filing a petition for naturalization in his own behalf, or in behalf of a child pursuant to section 322 or 323 of the Immigration and Nationality Act, said child being 13 years of age or older on the date of the final hearing, shall execute the questionnaire on Form N-445.

PART 499—NATIONALITY FORMS

§ 499.1 [Amended]

The list of forms in § 499.1 *Prescribed forms* is amended by deleting the following form and reference thereto:

Form No.	*Title and description*
N-445A..	Questionnaire To Be Submitted by Petitioner at the Final Hearing of the Petition for Naturalization in Court.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of § 553, of title 5 of the United States Code (Public Law 89-554, 80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance because the amendment to § 103.6(c)(2) confers a benefit upon persons affected thereby; the amendments to §§ 235.9(c), 299.1, 336.16a, and 499.1 relate to agency procedure; and the amendments to §§ 238.2(b)(1), 238.3(b), and 238.4 add transportation lines to the listings.

Dated: July 19, 1968.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 68-8786; Filed, July 23, 1968; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9022, Amdt. 91-55]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Pilot Vigilance

The purpose of this amendment to Part 91 of the Federal Aviation Regulations is to state more specifically the responsibility of pilots to maintain vigilance so as to see and avoid other aircraft when weather conditions permit.

The purpose of the Air Traffic Rules is, in part, to provide for the prevention of collision between aircraft. Currently, flight can be conducted in the same airspace under either Instrument or Visual Flight Rules; however, air traffic control provides separation only between IFR flights, and arriving and departing flights at airports with operating control towers.

Prior to the recodification of Part 60 of the Civil Air Regulations (CAR) into Part 91 of the Federal Aviation Regulations, the Air Traffic Rules were more specific with respect to pilots' responsibility to maintain a watch for other traffic. CAR 60.30 contained a note stating that the pilot in command has the primary responsibility to maintain vigilance in order to see and avoid other traffic when operating in VFR weather conditions. CAR 60.12 also contained a note stating as an example of a careless or reckless operation, the lack of vigilance by the pilot to see and avoid other traffic.

The need to maintain vigilance for other aircraft is now implied in §§ 91.65 and 91.67 of Part 91, and is an underlying hypothesis in §§ 91.7 and 91.123. It is generally understood by pilots; however, a specific statement of the requirement is considered desirable to emphasize its importance.

Since the addition of this provision makes no substantive change, and is editorial in nature, it is determined that notice and public procedure are unnecessary and this rule may be made effective immediately.

In consideration of the foregoing, effective upon publication in the FEDERAL REGISTER, § 91.67(a) of Part 91 of the Federal Aviation Regulations is amended to read as follows:

(a) *General.* When weather conditions permit, regardless of whether an operation is conducted under Instrument Flight Rules or Visual Flight Rules, vigilance shall be maintained by each person operating an aircraft so as to see and avoid other aircraft in compliance with this section. When a rule of this section gives another aircraft the right of way, he shall give way to that aircraft and may not pass over, under, or ahead of it, unless well clear.

(Secs. 307, 313, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 17, 1968.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 68-8782; Filed, July 23, 1968; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8032]

PART 13—PROHIBITED TRADE PRACTICES

Dean Milk Co. and Dean Milk Co., Inc.

Subpart—Cutting prices arbitrarily: § 13.665 *Cutting prices arbitrarily, to stifle competition;* 13.665-90 Under Clayton Act, sec. 2(a). Subpart—Discriminating in price under sec. 2, Clayton Act—Price discrimination under 2(a): § 13.790 *Trade areas.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13)

[Modified order to cease and desist, Dean Milk Co. et al., Franklin Park, Ill., Docket 8032, July 2, 1968]

Order modifying, pursuant to a decree dated June 18, 1968, of the Court of Appeals, Seventh Circuit, a cease and desist order dated October 22, 1965, 30 F.R. 17163, which charged an Illinois milk company and its subsidiary with price discrimination, by narrowing the effective territory of the order from "any city or market area" to Louisville and its suburbs in Jefferson County, Ky., and the cities of New Albany, Jeffersonville, Clarksville, and Terre Haute, Ind.

The modified order to cease and desist, is as follows:

It is ordered, That the respondents, Dean Milk Co. and Dean Milk Co., Inc., corporations, and their officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the sale or distribution in commerce of fluid milk and milk products in the Falls Cities market (comprising the city of Louisville and its suburbs in Jefferson County, Ky., and the cities of New Albany, Jeffersonville, and Clarksville in Indiana) and

in the city of Terre Haute, Ind., do forthwith cease and desist from discriminating, directly or indirectly, in the price of fluid milk and milk products of like grade and quality by selling any of these products to any purchaser at a price which is lower than the price for products of like grade and quality charged any other purchaser who competes in the resale of such products with the purchaser paying the lower price.

It is further ordered, That the respondents, Dean Milk Co. and Dean Milk Co., Inc., shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 2, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-8770; Filed, July 23, 1968; 8:45 a.m.]

[Docket No. C-1351]

PART 13—PROHIBITED TRADE PRACTICES

Glamour Sportswear Corp. et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70)

[Cease and desist order, Glamour Sportswear Corp. et al., New York, N.Y., Docket C-1351, June 27, 1968]

In the Matter of Glamour Sportswear Corp., a Corporation, Pantops by Glamour, Inc., a Corporation, and Mark Lederman and Eugene Lederman, Individually and as Officers of Said Corporations

Consent order requiring two New York City manufacturers of ladies' sportswear and blouses to cease misbranding its textile fiber products and furnishing false guarantees.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Glamour Sportswear Corp., a corporation, and its officers, Pantops by Glamour, Inc., a corporation, and its officers, and Mark Lederman and Eugene Lederman, individually and as officers of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

2. Failing to affix a stamp, tag, label, or other means of identification to each such product showing in a clear, legible, and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

3. Using a generic name or fiber trademark on any label, whether required or nonrequired, without making a full and complete fiber content disclosure in accordance with the Act and the rules and regulations thereunder the first time such generic name or fiber trademark appears on the label.

4. Failing to make a disclosure on the required label on or affixed to textile fiber products composed of two or more sections of different fiber composition, in such a manner as to show the fiber composition of each section in all instances where such disclosure is necessary to avoid deception.

It is further ordered, That respondents Glamour Sportswear Corp., a corporation, and its officers, Pantops by Glamour, Inc., a corporation, and its officers, and Mark Lederman and Eugene Lederman, individually and as officers of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any textile fiber product is not misbranded or falsely invoiced.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 27, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-8771; Filed, July 23, 1968; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. FDC-76]

PART 46—NUT PRODUCTS

Peanut Butter, Definition and Standard of Identity; Findings of Fact, Conclusions, and Final Order

In the matter of establishing a definition and standard of identity for peanut butter:

A notice of proposed rulemaking was published in the FEDERAL REGISTER of July 2, 1959 (24 F.R. 5391), setting forth a proposal by the Commissioner of Food and Drugs to establish a definition and standard of identity for peanut butter. Based upon views and comments received and other information available at that time, the Commissioner published in the FEDERAL REGISTER of November 28, 1961 (26 F.R. 11209), an order establishing a definition and standard of identity for this food. Thereafter, objections were filed in accordance with the provisions of section 701(e)(2) of the Federal Food, Drug, and Cosmetic Act, and the Commissioner published an order in the FEDERAL REGISTER of February 1, 1962 (27 F.R. 943), staying the effective date of the standard in its entirety. Subsequently, additional information was received, and the Commissioner published a proposed revision of the identity standard for peanut butter in the FEDERAL REGISTER of November 10, 1964 (29 F.R. 15173), and solicited the views and comments of all interested persons on that revision. Many comments were filed by interested persons—manufacturers of peanut butter, ingredient suppliers, cooperative associations, regulatory officials, nutritionists, consumer associations, and individual consumers.

Based upon the comments received and other relevant information, the Commissioner again published an order in the FEDERAL REGISTER of July 8, 1965 (30 F.R. 8626), establishing a definition and standard of identity for peanut butter. Objections were filed in accordance with the provisions of section 701(e)(2) of the act and a public hearing was requested. The Commissioner published an order in the FEDERAL REGISTER of September 4, 1965 (30 F.R. 11349), staying the effective date of the standard in its entirety pending a resolution of the issues at a public hearing.

In the FEDERAL REGISTER of September 18, 1965 (30 F.R. 11970), the Commissioner published a notice announcing a public hearing to begin October 18, 1965, for the purpose of receiving evidence relevant and material to the issues set forth in that notice, and also announcing a prehearing conference to begin October 4, 1965, for certain specified purposes. A notice rescheduling the date of the hearing and announcing a second prehearing conference was published in the FEDERAL REGISTER of October 12, 1965 (30 F.R. 12949). The second prehearing conference was to begin on October 20, 1965, and was completed on that date. As rescheduled, the public hearing began on November 1, 1965, and the taking of testimony concluded on March 15, 1966.

Based upon the evidence received at the hearing and consideration given to written arguments and suggested findings, the Commissioner published proposed findings of fact, conclusions, and tentative order in the FEDERAL REGISTER of December 6, 1967 (32 F.R. 17482), and invited exceptions thereto.

The sponsors of the two leading brands of peanut butter argue for the 87-percent peanut requirement for two quite different reasons, each of which is said to be essential to the consumer's acceptance of its product. The manufacturer of Skippy brand states that approximately 8½ percent of hydrogenated oil is necessary to make its product acceptable, and the manufacturer of Peter Pan brand states that approximately 9 percent of dextrose is essential for its particular consumer appeal.

The record is clear that the desired emulsification and the properties desired by consumers, such as spreadability and freedom from stickiness, can be obtained by 3 percent of hydrogenated oil or a higher percentage if lightly hydrogenated oil is used. Since commercial processes used in producing hydrogenated peanut oil destroy peanut flavor and make peanut oil the same bland material as other hydrogenated oils, there is no advantage to the consumer in the use of higher than needed hydrogenated oil for emulsification and stability. While Skippy brand peanut butter has gained acceptance in the marketplace, allowance of 13 percent of nonpeanut materials would open the way for excessive use of these materials and consequent abuse of the consumer's interest.

Peter Pan brand peanut butter has gained acceptance in the market. Indeed, the evidence shows that in the opinion of Swift and Co., the parent manufacturing firm, it was better than Skippy brand when it had 5 percent dextrose, 3 percent stabilizer, and 1.7 percent salt. Only by increasing the dextrose an additional 4 percent at the expense of peanuts did the manufacturer of Peter Pan brand "uniquely improve" the product.

Peanut butter should, in the consumer's interest, consist of ground peanuts and the level of optional ingredients necessary to serve technological purposes. About 1 to 2 percent salt is all that is customarily employed. Within 8 to 9 percent any number of combinations of emulsifiers and sweetening agents can be employed; for example, 5 percent of sweetener and 3 percent of emulsifier have been found to be quite satisfactory. The 90-percent level of peanuts in peanut butter is attainable in good manufacturing practice, is being met by many producers, insures a reasonable level of peanut content, and allows for modification of the product to have properties consumers desire such as spreadability, stability, freedom from stickiness, etc., without excesses of foreign and cheapening ingredients.

There is nothing in the final order that outlaws Skippy brand peanut butter, Peter Pan brand peanut butter, or any other brand of peanut butter. What is required is that those products that have contained less than 90 percent peanuts henceforth contain more peanuts per pound of peanut butter.

Having considered all the exceptions and written arguments received, and pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated to him (21 CFR 2.120), the Commissioner issues the following findings of fact, conclusions, and final order:

Findings of fact.[1] 1. Standards of identity are intended to establish or define what a food product is and what a consumer expects to receive when he selects the food by its common or usual name. (R. 2965, 2966; Ex. 51)

2. Peanut butter in the past has been identified in the public mind as an article made essentially from ground peanuts and seasoning. In 1959 the Food and Drug Administration became aware of a trend by some manufacturers to reduce the peanut content of peanut butter. Three surveys conducted by the Food and Drug Administration in 1960, 1963, and 1965 confirmed this trend. The changes in formulation that resulted in a decrease of peanuts in peanut butter were not always intended for the benefit of the consumer, nor was the consumer made aware of the extent of these changes. (R. 674, 692, 693, 785, 786, 808, 854, 1733, 1919–1921, 2042, 2044, 2048, 2049, 2050; Ex. 14, 14A, 39, 39D, 40, 40A)

3. There is a widespread lack of information among consumers concerning the actual composition of peanut butter. Many consumers and consumer groups have stated that there is a need for a standard of identity for peanut butter. Other consumers believe that a standard has already been established and is in effect. (R. 738, 739, 2394, 4724, 4725, 4751, 6170; Ex. 11A, 22B, 106, 118)

4. State food and drug agencies have received complaints concerning additives used in peanut butter, and the State officials have indicated need for a peanut butter standard. If a Federal definition and standard of identity is not promulgated, these officials will seriously consider recommending the adoption of individual State standards of identity for peanut butter. (R. 743, 746, 748, 749, 751, 1231, 1233)

5. In 1959 the Peanut Butter Manufacturers Association adopted a position opposing a standard in any form. Certain manufacturers of peanut butter, including some who are members of the Association, do not support the position of the Association and express the opinion that a definition and standard of identity for peanut butter is needed. (R. 1175, 1590, 1670, 1813, 1816, 1817, 1826, 1828, 1854, 1858, 1918, 1919, 2011, 2014, 2020, 2025, 2044, 2048, 2164, 2581, 3123, 3295, 5919; Ex. 10A, 10B, 10C, 40, 41, 83)

6. The manufacture of peanut butter dates back at least to 1890. It has commonly been made from peanuts, salt, and, sometimes, sugar. Peanut butter so made, sometimes referred to as "old-fashioned" peanut butter, was as recently as 1941 the predominant type sold. "Old-fashioned" peanut butter had the disadvantages of oil separation, difficulty in remixing, stickiness, graininess, lack of spreadability, development of rancidity, and short shelf-life. It was usually made by numerous manufacturers for relatively local distribution. (R. 342, 4097, 4098, 4101, 4393, 4394, 4898, 4899)

7. Research and development affecting the characteristics of peanut butter have been aimed at preventing separation of oil, eliminating stickiness, increasing spreadability, and achieving stability against temperature changes and shocks in transportation. From 1921 onward there is record of the introduction of various stabilizing and seasoning ingredients of peanut butter. These included hydrogenated oils, solid fats or oils, mono- and diglycerides, lecithin, sugar, dextrose, corn sirup, and honey. Such changes in formulation were sometimes accompanied by changes in machinery and manufacturing techniques. These developments have made it possible to distribute peanut butter nationally instead of just locally. (R. 342–47, 405, 2175, 2176, 3181, 3440, 4266, 4395, 4900, 4916; Ex. 28, 29, 30, 75, 98, 99A, 99B)

8. Some optional ingredients are used in place of peanuts to make a more acceptable product for the benefit of consumers or because they are cheaper than peanuts and their use would allow the manufacturer a competitive advantage in the market or both. (R. 1018, 1019, 1175, 1479, 1498, 1499, 1503, 1518, 1677, 1678, 1718, 1817, 1826, 1835, 1836, 2025, 2048, 2050, 2165, 2582–2584, 3203, 3514, 3975, 4125, 4422, 5445, 5919; Ex. 14, 14A, 40, 40A)

9. At the present time, stabilized peanut butter has largely displaced unstabilized or old-fashioned peanut butter in the market place. The sale of stabilized peanut butter is increasing faster than that of unstabilized. (R. 382, 1706, 3183, 3185, 3444, 3453; Ex. 14, 39, 40)

10. Industry practices by both large and small manufacturers should be considered in promulgating a standard of identity, but a definition and standard of identity need not embrace all existing industry practices. (R. 848, 2191, 2628)

11. Some manufacturers do not consider the stayed standard of July 8, 1965, reasonable because it does not encompass their products which employ more than 10 percent total optional ingredients. (R. 3189, 3448, 3613, 5412)

12. In surveys conducted by the Food and Drug Administration in 1963 and 1965, it was found that a majority of the manufacturers from whom data were obtained produced only peanut butter

[1] The citations following each finding of fact refer to the pages of the transcript of testimony and the exhibits received in evidence at the hearing.

containing 90 percent or more of peanuts and that others were making part of their production in this range. (R. 1160, 1171–72; Ex. 14, 40)

13. Some manufacturers changed their formulations and began using more than 10 percent optional ingredients after the Peanut Butter Manufacturers Association took a position that if a standard is established it should permit 13 percent optional ingredients. (R. 3684–3690; Ex. 14, 39, 40)

14. Many manufacturers that have produced or are producing peanut butter containing 87 percent or less of peanuts have in the past produced or are presently producing hundreds of millions of pounds of peanut butter containing 90 percent or more of peanuts. (R. 438, 3439, 3442, 3659, 4897, 4988, 5457, 5563, 5916, 5917; Ex. 14, 39, 40)

15. Some manufacturers produce peanut butter containing more than 10 percent optional ingredients, the excess being largely due to use of large amounts of a sweetening ingredient lower in sweetening potency than other suitable sweetening ingredients. (R. 3181, 5410; Ex. 14, 39, 40)

16. Sweetening ingredients commonly used in peanut butter are sucrose, dextrose, corn sirup, corn sirup solids, maltodextrins, and honey. Sweeteners differ in sweetening strength; sucrose, dextrose, corn sirup, and maltodextrins differ in sweetness in that descending order. Amounts of dextrose or corn sirup that have been used range up to 9 percent of the finished peanut butter and maltodextrins have been used in amounts as great as 14 percent. Surveys conducted by the Food and Drug Administration in 1963 and 1965 showed that some peanut butter manufacturers had changed to larger amounts of sweetener than they had previously used and thereby reduced the peanut content of their products. In some cases a sweetener was replaced with a larger amount of a less potent sweetener. (R. 342–47, 1479, 1817, 2021, 2026, 2047, 3181, 3182, 5406; Ex. 14, 40)

17. Some manufacturers who now use a large percentage of sweetening ingredient have in the past produced a satisfactory peanut butter containing 90 percent or more of peanuts by using a smaller amount of a sweetner of greater sweetening strength. This was produced using the same equipment now in use and the product so made would have been in compliance with the stayed standard of July 8, 1965. (R. 3199, 3200, 3635, 3664, 3702, 3703, 3710, 5405, 5457, 5492, 5498, 5499; Ex. 14, 39, 40)

18. Some manufacturers produce peanut butter containing more than 10 percent optional ingredients, the excess being largely due to the percentage of hydrogenated oil stabilizer used. (R. 438, 2013, 3436, 4279; Ex. 14, 39, 40)

19. In 1962 the oil content of ground roasted peanuts used for manufacture of peanut butter was found by a manufacturer to range in the case of Runner variety from 49 to 55 percent; in the case of Spanish variety from 45 to 56 percent; and in the case of Virginia variety from 45 to 52 percent. A survey conducted by the Food and Drug Administration in 1960 yielded results closely similar to these. (R. 3758, 3759; Ex. 19)

20. Removal of oil from the peanut ingredient is sometimes practiced in the manufacture of peanut butter, and this removal of oil is said to be needed with extremely oily peanuts. (R. 495, 899–900, 1321, 2080, 2166, 2584, 3082; Ex. 7)

21. The stayed standard of July 8, 1965, set a limit of not more than 55 percent total fat in the finished peanut butter because this was deemed sufficient to provide for peanut butter that might be made from peanuts naturally high in oil, even with no other ingredient. (R. 3082; Ex. 7)

22. Some manufacturers have added unhydrogenated peanut oil or other unhydrogenated vegetable oils to compensate for deficiency in oil content of the peanut ingredient. Addition of oil is needed only with peanuts that are characteristically low in oil content. Oils other than peanut oil are foreign to the peanut ingredient, and only peanut oil is suitable for this adjustment. (R. 495, 899–900, 1321, 1671, 1680, 1754, 1837, 2050, 2080, 2166, 2584, 3196, 5020, 5970, 5974–75; Ex. 7, 14, 40)

23. The amount of stabilizer needed relates primarily to the amount of free oil in the peanut butter system whether that free oil is from the peanuts or is added peanut oil. Peanut butter made from peanuts with a high oil content might require more stabilizer than that made from peanuts of lower oil content, depending on the characteristics desired by the manufacturer. (R. 2615, 2616, 5143)

24. Hydrogenated vegetable oils differ physically from their source oils. In proportion to the degree of hydrogenation, they are less fluid at ordinary temperatures and have higher melting points than their source oils. Partially and fully hydrogenated oils range in form from white plastic substances to white solids which may in some cases be hard enough to be flaked or granulated. (R. 2645, 2646, 4935)

25. Hydrogenated vegetable oils differ chemically in a number of respects from their source oils. Hydrogenated oils contain a higher percentage of saturated fatty acids and a lower percentage of unsaturated fatty acids than their source oils, the amount of difference depending on the extent of hydrogenation. Hydrogenation also changes some of the minor constituents occurring in the unsaponifiable fractions of certain oils. (R. 2646, 2648, 4935, 4936)

26. One of the more widely sold brands of peanut butter contains less than 10 percent total optional ingredients, but does not conform to the stayed standard of July 8, 1965, because it contains more than 3 percent of a blend of partially hydrogenated oils of nonpeanut origin. With respect to this product there was testimony that 3 percent of a more fully hydrogenated stabilizer would prevent oil separation but would not give the other desired characteristics in this product such as stability and absence of a waxy feel in the mouth. (R. 4909, 4910, 4920, 4927, 5134)

27. It was testified that a limitation of not over 3 percent of hydrogenated vegetable oils other than hydrogenated peanut oil in peanut butter is unnecessary. Products having a preferred combination of properties (stability against oil separation and against change in consistency with temperature; spreadability and freedom from stickiness) were asserted to require the use of partially hydrogenated oils or oils hydrogenated to various degrees, other than hydrogenated peanut oil, in amounts more than 3 percent but not more than 10 percent of the food. Hydrogenated and partially hydrogenated oils such as cottonseed oil are used as source oils for the manufacture of mono- and diglycerides which, under the stayed standard of July 8, 1965, may be used in any amount up to the limit for total optional ingredients; namely, 10 percent of the food. (R. 2640, 3436, 3447, 4910, 4920, 4927, 4928, 4937, 5134, 5149)

28. Hydrogenated vegetable oils used as stabilizing ingredients in peanut butter are decolorized and deodorized after hydrogenation and are substantially free from any characteristic flavor. Such refining also reduces the content of unsaponifiable matter. Peanut butter made with a stabilizer derived from peanut oil does not have a flavor different from one made with the same amount of a stabilizer derived from nonpeanut oil sources. (R. 2685, 4941)

29. Hydrogenation of vegetable oils changes their identity so that they can no longer be considered the respective source oils. They may retain many of their original properties but they are not the same. (R. 391, 408, 409, 413, 418, 521, 1303, 2646)

30. The medical literature does not show that fats and oils are generally considered by allergists as foods likely to cause allergic responses. (R. 7466)

31. The various hydrogenated vegetable oils used as stabilizing ingredients in peanut butter are alike in nutritional value. From the nutritional standpoint there is no need to specify on labels the source of a hydrogenated oil in peanut butter. (R. 4023, 4024, 4032, 5601)

32. Hydrogenated vegetable oils used in peanut butter stabilizers are so changed in physical and chemical characteristics from the source oils that it is appropriate to designate them as "hydrogenated (or hardened) vegetable oils" rather than to identify the source oils. In composition and physical attributes they resemble each other more closely than they do their respective source oils. (R. 4934–37)

33. Sucrose is purified by recrystallization and is identical whether produced from cane or beets. No need has been shown for requiring its source to be shown on labels of peanut butter. (R. 2251–52)

34. Stabilizing ingredients used in peanut butter include hydrogenated or partially hydrogenated peanut oil, hydrogenated or partially hydrogenated vegetable oils other than peanut oil, mono- and diglycerides, glyceryl monostearate, lecithin, and hydroxylated lecithin. (R. 363, 405, 716, 1172, 1173, 2652, 3164, 4909, 5145; Ex. 14, 40)

35. Lecithin and hydroxylated lecithin are safe and suitable stabilizing ingredients for peanut butter. (R. 725, 3164, 5145; Ex. 7)

36. The stabilizing ingredient known as mono- and diglycerides is a safe and suitable stabilizing ingredient for peanut butter. It is made by reacting fats or fatty acids with glycerin. It may be made from any fat or oil, including partially and fully hydrogenated fats and oils. A typical product contains about 10 percent of unreacted triglycerides, the remainder consisting of approximately equal amounts of monoglycerides and diglycerides. Mono- and diglycerides are effective stabilizing ingredients for peanut butter when used in limited amounts; if too much is used the food sets up too hard. The common name of this ingredient and the name by which it should be designated on the label of peanut butter is "mono- and diglycerides." (R. 839, 2282, 2748–49, 2785, 2928, 4927, 5176; Ex. 7)

37. The stabilizing ingredient glyceryl monostearate, or monoglycerides, is a commercial product distinct from that known as mono- and diglycerides, though chemically it belongs to the same class. Technically, it is used in the same way and is subject to the same limitations on amount used (see finding 36). It is obtained by distillation from mono- and diglycerides and commonly contains at least 90 percent of monoglycerides of saturated fatty acids, mainly stearic and palmitic. Monoglycerides of this degree of purity when used as ingredients of peanut butter are appropriately designated on the label as "glyceryl monostearate" or as "monoglycerides." (R. 2529, 2785–86, 2928, 5193–94; Ex. 73, 74, 127A, 127B)

38. Synthetic glycerin meeting U.S.P. specifications is suitable for manufacture of mono- and diglycerides used as ingredients of peanut butter. (R. 2731, 6754; Ex. 130A, 130B)

39. The tocopherols naturally present in peanuts have an antioxidant effect. (R. 2653, 2783)

40. It would not be in the interest of consumers to provide for addition of artificial sweeteners to a high calorie food such as peanut butter. The use of artificial sweeteners to replace nutritive sweeteners in peanut butter would actually increase its caloric content and lead to consumer deception. (R. 1101, 3957)

41. Artificial color could be used to conceal inferiority in peanut butter. (R. 1318, 5905)

42. A peanut butter product containing artificial flavor is not peanut butter. Peanut butter has a distinctive flavor of its own and there is no reason to alter its flavor by the addition of artificial flavoring. Artificial flavoring can be used to conceal inferiority in peanut butter. (R. 1098, 1675, 2627, 2628, 5904, 5905, 6123)

43. Three government agencies—Department of Agriculture, Veterans' Administration, and Department of Defense—puchase approximately 47 million pounds of peanut butter a year and, except for the small amount purchased by the Department of Defense for combat rations, do not call for fortification of the peanut butter with vitamins because they conclude there is no nutritional justification for it. The Food and Nutrition Board of the National Research Council in April of 1962 unanimously decided not to endorse the addition of vitamins to peanut butter. (R. 626, 922, 960, 1961, 1962, 2227, 2228, 2232; Ex. 12, 13, 16)

44. It is not the practice of peanut butter manufacturers to add antioxidants, artificial flavors, artificial sweeteners, chemical preservatives, or color additives to peanut butter, nor is there any need, nutritional or other, for the addition of these substances. (R. 605–607, 632–634, 1101, 1102, 1107, 1108, 1112, 1128, 1675, 2078, 2079, 2163, 2164, 2579, 2653, 3514, 3702, 4060, 4238, 4358, 4359, 5516, 5517, 5619, 5634, 5635 5636, 5904, 5905; Ex. 14, 15, 16, 39, 40, 73, 74)

45. Wheat germ has been used as a seasoning ingredient in peanut butter in amounts up to 5 percent of the finished food and is a safe and suitable seasoning ingredient for peanut butter. (R. 2081, 2082, 6313, 6331; Ex. 125)

46. Confectionery items containing ground roasted peanuts cannot be made successfully from peanut butter suitable as a household spread. Such peanut butter does not have the consistency required for the manufacture and handling of such confections. (R. 3891, 3913, 6774, 6789, 6809)

47. A consumer buying a confection containing ground peanuts with other ingredients knows he is buying a confection and does not expect it to have the characteristics or identity of the spread known as peanut butter. (R. 3892–94, 3924)

48. The standard of identity for peanut butter should not be applicable to confections that can be readily distinguished by consumers from the article named in the standard. (R. 2083, 2569, 3894, 6810)

49. A product containing 75 percent ground roasted peanuts was for about 3 years, ending in 1961, manufactured and sold as "peanut spread." Thereafter its formulation was changed so that it contained over 90 percent peanuts and it was sold as peanut butter. There was testimony that products containing less peanuts than are prescribed by a standard for peanut butter should be designated by another name such as "peanut spread." There was also testimony that standards for peanut products closely resembling each other, under different names, would cause confusion and not be in the consumer's interest. In the testimony favoring a standard for a product other than peanut butter, various levels of peanut content were proposed but there was no testimony on other requirements of such a standard. (R. 456–57, 582, 597, 1314, 1676, 2089, 2189, 2190, 2542, 2584, 2626, 3128, 3485; Ex. 5, 11A, 49, 64)

50. Ingredients used in peanut butter must not only be safe but also must conform to consumer understanding of the product and be suitable to promote honesty and fair dealing in the interest of consumers. To be suitable, an ingredient must perform a useful function and not cause deception. (R. 566–67, 575, 1073, 1074, 1331)

51. The only optional ingredients for peanut butter that have been shown to perform a useful function and maintain the integrity of the food are seasoning and stabilizing ingredients. (R. 1071–76; Ex. 14, 39, 40)

Conclusions. On the basis of the foregoing findings of fact and giving consideration to the weight of substantial evidence of the entire record, the following conclusions are drawn:

1. The promulgation of a reasonable definition and standard of identity for peanut butter at this time will promote honesty and fair dealing in the interest of consumers.

2. The definition and standard of identity, § 46.1, as established by the order published in the FEDERAL REGISTER of July 8, 1965 (30 F.R. 8626), and stayed by order of the Commissioner of Food and Drugs published September 4, 1965 (30 F.R. 11349), will be reasonable and will promote honesty and fair dealing in the interest of consumers if it is amended to:

a. Remove the limitation in § 46.1(c) that not more than 3 percent of hydrogenated oils other than hydrogenated peanut oil may be used as optional stabilizing ingredients in peanut butter.

b. Provide that hydrogenated vegetable oils used as optional stabilizing ingredients for peanut butter may be designated on the label either by the names of their respective vegetable sources or as hydrogenated (or hardened) vegetable oils.

3. It is not necessary in order to promote honesty and fair dealing in the interest of consumers to specify, except as set forth in § 46.1 (c) and (e)(1) as amended in this tentative order, what stabilizing ingredients other than hydrogenated vegetable oils are suitable optional ingredients for peanut butter as performing a useful function in its manufacture, or how they should be designated on the label of this food.

4. It will promote honesty and fair dealing in the interest of consumers for the definition and standard of identity of peanut butter to exclude as optional ingredients each and all of the following substances: Antioxidants; vitamins A, B_1, C, and D; artificial flavorings; artificial sweeteners; chemical preservatives; and color additives.

5. Partially defatted wheat germ in amounts up to 5 percent of the finished food is a safe and suitable seasoning ingredient for peanut butter.

6. It is not necessary to amend the stayed standard for peanut butter to state specifically that it is not applicable to confectionery items that may be composed in part of peanut butter. The peanut components of peanut confections are of necessity different from peanut butter in composition and physical characteristics.

7. There is insufficient evidence of record upon which to promulgate a definition and standard of identity for a food product made from groun peanuts having a lower amount of peanut ingredient than the minimum amount of peanut ingredient contained in peanut butter.

8. It would not promote honesty and fair dealing in the interest of consumers for the definition and standard of identity for peanut butter to provide for the inclusion of any optional ingredients other than seasoning and stabilizing ingredients.

On the basis of the foregoing findings of fact and conclusions drawn therefrom, it is concluded that it is reasonable and will promote honesty and fair dealing in the interest of consumers to establish a definition and standard of identity for peanut butter substantially as set forth in the tentative order of December 6, 1967 (subparagraph (2) of paragraph (e) has been eliminated and the text of subparagraph (1) has been redesignated as paragraph (e)).

Therefore, it is ordered, That the definition and standard of identity for peanut butter be established by revising § 46.1 to read as follows, effective as indicated below:

§ 46.1 Peanut butter: identity; label statement of optional ingredients.

(a) Peanut butter is the food prepared by grinding one of the shelled and roasted peanut ingredients provided for by paragraph (b) of this section, to which may be added safe and suitable seasoning and stabilizing ingredients provided for by paragraph (c) of this section, but such seasoning and stabilizing ingredients do not in the aggregate exceed 10 percent of the weight of the finished food. To the ground peanuts, cut or chopped, shelled, and roasted peanuts may be added. During processing, the oil content of the peanut ingredient may be adjusted by the addition or subtraction of peanut oil. The fat content of the finished food shall not exceed 55 percent when determined as prescribed in section 25.004 *Crude Fat—Official, First Action*, paragraph (a) *Direct method*, in "Official Methods of Analysis of the Association of Official Agricultural Chemists," 10th Edition, page 412.

(b) The peanut ingredients referred to in paragraph (a) of this section are:

(1) Blanched peanuts, in which the germ may or may not be included.

(2) Unblanched peanuts, including the skins and germ.

(c) The seasoning and stabilizing ingredients referred to in paragraph (a) of this section are suitable substances which are not food additives as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act, or if they are food additives as so defined, they are used in conformity with regulations established pursuant to section 409 of the act. Seasoning and stabilizing ingredients that perform a useful function are regarded as suitable, except that artificial flavorings, artificial sweeteners, chemical preservatives, added vitamins, and color additives are not suitable ingredients of peanut butter. Oil products used as optional stabilizing ingredients shall be hydrogenated vegetable oils. For the purposes of this section, hydrogenated vegetable oil shall be considered to include partially hydrogenated vegetable oil.

(d) If peanut butter is prepared from unblanched peanuts as specified in paragraph (b)(2) of this section, the name shall show that fact by some such statement as "prepared from unblanched peanuts (skins left on)." Such statement shall appear prominently and conspicuously and shall be in type of the same style and not less than half of the point size of that used for the words "peanut butter." This statement shall immediately precede or follow the words "peanut butter," without intervening written, printed, or graphic matter.

(e) (1) The label of peanut butter shall name, by their common names, the optional ingredients used, as provided in paragraph (c) of this section. If hydrogenated vegetable oil is used, the label statement of optional ingredients shall include the words "hydrogenated _____ _____ oil" or "hardened _____ oil," the blank being filled in either with the names of the vegetable sources of the oil or, alternatively, with the word "vegetable"; for example, "hydrogenated peanut oil" or "hardened peanut and cottonseed oils" or "hydrogenated vegetable oil."

Effective date. This order shall become effective 90 days from the date of its publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: July 8, 1968.

WINTON B. RANKIN,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 68-8812; Filed, July 23, 1968; 8:48 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6963]

PART 245—BEER

Miscellaneous Amendments

On June 7, 1968, a notice of proposed rule making to amend 26 CFR Part 245, with respect to miscellaneous amendments relating to beer, was published in the FEDERAL REGISTER (33 F.R. 8453). In accordance with the notice, interested persons were afforded an opportunity to submit written comments or suggestion pertaining thereto. After consideration of all relevant matter presented regarding the proposed amendments, the regulations as so published are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Paragraph 14 is changed by correcting an error in § 245.127 where, in the first sentence, the fourth word was given as "and" instead of "or".

PAR. 2. Paragraph 19 is changed by deleting the next-to-last sentence in § 245.158 and inserting in its place two sentences which clarify provisions relating to disposition of beer removed from the market.

This Treasury decision shall become effective on the first day of the first month which begins not less than 30 days after the date of its publication in the FEDERAL REGISTER.

(Sec. 7805, Internal Revenue Code; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: July 19 1968.

STANLEY S. SURREY
Assistant Secretary of the Treasury.

In order to (1) provide for the establishment of experimental breweries, (2) provide for storage of untaxpaid bottled beer in any suitable location in the brewery, (3) provide emergency procedures for use when meters become defective, (4) make various changes respecting qualifying documents, including bonds, Forms 27–C, and plats, (5) specify the number of copies of various applications and statements required to be filed, (6) delete requirements for filing an additional Form 11 for a trade name change, (7) make various changes in requirements relating to beer removed from the market, beer transferred, beer lost or destroyed, unsalable beer, claims, and records, (8) clarify provisions for segregation of empty containers and other supplies, (9) provide for the showing of the place of production on barrels, kegs, and bottles by a code system in certain instances, (10) insert the barrel equivalents of several additional case sizes, (11) provide an extension of time for taking the required monthly inventories, (12) delete provisions specifically providing for recasing and relabeling taxpaid beer, and (13) delete certain internal management instructions, the regulations in 26 CFR Part 245 are amended as follows:

PARAGRAPH 1. Section 245.12 is amended to prescribe the number of copies of the application a brewer must submit when he desires to use his brewery for purposes other than those provided for in regulations. As amended, § 245.12 reads as follows:

§ 245.12 Use of brewery.

The brewery shall be used exclusively, except as provided herein, for the purposes of producing and packaging or bottling beer, cereal beverages, soft drinks and other nonalcoholic beverages, vitamins, ice, malt, malt sirup, and other byproducts; of drying spent grain from the brewery; of recovering carbon dioxide and yeast; and of storing bottles, packages, and supplies necessary or incidental to all such operations. All bottling shall be conducted in the brewery bottling house. If the brewer desires to use the brewery for other purposes, not involving the production of alcoholic beverages, which (a) require the use of

byproducts or wastage from the production of beer, or utilize buildings, rooms, areas, or equipment not fully employed in the production or bottling of beer, (b) are reasonably necessary to realize the maximum benefit from the premises and equipment and to reduce the overhead of the plant, (c) are in the public interest because of emergency conditions, or (d) involve experiments or research projects related to equipment, materials, processes, products, byproducts, or wastage of the brewery, he may submit an application, in triplicate, so to do to the Director, Alcohol and Tobacco Tax Division, through the assistant regional commissioner. The Director, Alcohol and Tobacco Tax Division, will approve such application where he finds that such use will not jeopardize the revenue, will not impede the effective administration of this part, and is not contrary to the specific provisions of law.

(72 Stat. 1389; 26 U.S.C. 5411)

PAR. 2. Section 245.13 is amended to make it clear that untaxpaid bottled beer may be stored in any suitable location in the brewery. As amended, § 245.13 reads as follows:

§ 245.13 Storage of beer.

(a) *Taxpaid beer.* Beer on which the tax has been paid or determined shall not be stored in the brewery except as provided in Subpart S of this part.

(b) *Untaxpaid beer.* Bottled beer on which tax has not been paid or determined may be stored in the bottling house or in any other suitable location in the brewery.

(72 Stat. 1334, 1335, 1389; 26 U.S.C. 5054, 5056, 5411)

PAR. 3. Section 245.17 is amended to clarify requirements regarding the segregation of empty containers and other supplies. As amended, § 245.17 reads as follows:

§ 245.17 Empty container storage.

Empty barrels, kegs, bottles, other containers, or other supplies stored in the brewery must be segregated from filled containers.

PAR. 4. Section 245.34 is amended to provide procedures for use when beer meters become defective and to remove internal management instructions. As amended, § 245.34 reads as follows:

§ 245.34 Servicing of meters.

(a) *Tests, repairs, and adjustments.* When necessary in the opinion of the assistant regional commissioner, he will assign an inspector to test a meter or to supervise its removal and reinstallation in connection with cleaning or repair. When a repaired or replacement meter is installed, the inspector will test it for accuracy and proper functioning. Whenever a meter is tested, a copy of the meter test report will be given to the brewer. Except as provided in paragraph (b) of this section, the use of any meter must be discontinued whenever it is not functioning properly or recording accurately.

(b) *Emergency procedures.* When a meter becomes inoperative or inaccurate, the brewer shall make every reasonable effort to contact the assistant regional commissioner or to otherwise obtain the services of an inspector. On receipt of advice from a brewer that a meter has become inoperative or inaccurate, the assistant regional commissioner may, if he finds it is impractical to have an inspector to promptly supervise the repair or replacement of the meter, and if in his opinion the revenue will not be jeopardized, permit the brewer to temporarily continue operations even though the quantity of beer transferred is not accurately metered. If the brewer is unable to contact the assistant regional commissioner, or to otherwise obtain the services of an inspector, he may temporarily continue operations even though the quantity of beer transferred is not accurately metered. When a brewer continues bottling or racking operations as provided in this paragraph, he shall determine and record the quantity of beer transferred other than through a properly operating meter; shall terminate the emergency operations as soon as is practical; and, where operations are continued without prior approval, shall notify the assistant regional commissioner of the action and the circumstances thereof as soon thereafter as possible in which case the assistant regional commissioner may either authorize the continuation of emergency operations or require that operations be ceased until the meter has been repaired or replaced.

(72 Stat. 1395; 26 U.S.C. 5552)

PAR. 5. Paragraph (k) of § 245.41 is amended to provide that encumbrances on brewery equipment held by the manufacturer of the equipment or his franchised distributor need not be reported in the brewer's notice. As amended, § 245.41(k) reads as follows:

§ 245.41 Data for notice.

* * * * * *

(k) The name and address of the owner of the fee and of any mortgagee or other encumbrancer of the land, buildings, or equipment comprising the brewery (except when an encumbrance on equipment is held by, or the equipment is leased from, the manufacturer thereof or his representative or franchised distributor).

* * * * * *

PAR. 6. Section 245.42 is amended to remove the provisions as to the number of required copies of Form 1534 to be filed, and to reduce the number of copies of the document which authorizes a person to sign or act on behalf of a brewer. As amended, § 245.42 reads as follows:

§ 245.42 Powers of attorney.

The brewer shall execute and file with the assistant regional commissioner a Form 1534, in accordance with the instructions on the form, for every person who is authorized to sign or act on behalf of the brewer, except that a certified true copy, in duplicate, of a resolution of the board of directors authorizing a person to sign or act on behalf of the brewer will be accepted as evidence of the authority of such person to so sign or act.

PAR. 7. Section 245.44 is amended to provide that certain documents, if they reflect current data, may be incorporated as a part of new Forms 27–C that are filed at 4-year intervals. As amended, § 245.44 reads as follows:

§ 245.44 Supplemental and superseding notices.

The brewer shall file an amended or supplemental Form 27–C, as provided in Subpart L of this part, covering changes in items of information recorded on the active Forms 27–C on file. Such amended or supplemental notices may be in skeleton form. The brewer shall file a new and complete notice, superseding those previously filed, once every 4 years, which new notice will become effective on the date of renewal of the brewer's bond as provided in § 245.45: *Provided*, That where the information and documents required by § 245.41 (f), (g), (h), (i), (j), (l), and (m) are on file as an attachment to a previously filed and approved Form 27–C and reflect current data, such information and documents may be incorporated by reference in, and be made a part of, the new and complete notice. Where a brewer files a new bond before expiration of the usual 4-year period, as provided in § 245.49, the assistant regional commissioner may require the filing of a new and complete notice, which supersedes those previously filed and which may incorporate information and documents contained in a previously filed and approved Form 27–C and reflecting current data as provided in this section. The new notice will become effective on the effective date of the new bond, or the assistant regional commissioner may postpone the filing of such new notice until such time as the new bond is renewed or superseded.

PAR. 8. Section 245.58 is amended to clarify the time when the surety is relieved from future liability under a bond which is superseded by a new bond. As amended, § 245.58 reads as follows:

§ 245.58 Termination of surety's liability under bond.

The liability of a surety on any bond required by this part shall be terminated only as to liability arising on and after the effective date of a superseding bond; or the date of approval of the discontinuance of the business of the brewer giving the bond; or pursuant to the giving of notice by the surety as provided in § 245.59.

PAR. 9. Section 245.68 is amended to remove the requirement that the assistant regional commissioner and the brewer's draftsman shall sign the certificate of accuracy on the plat. As amended, § 245.68 reads as follows:

§ 245.68 Certificate of accuracy.

The plat shall bear a certificate of accuracy in the lower right-hand corner Since the determination of tax liability is based upon a count of cases of bottles, of each sheet, signed by the brewer, substantially as follows:

_____
(Name of brewer)

_____
(Address)

Accuracy certified by:

(Name and capacity—for the brewer)

Sheet No. ------, Date ----------.

PAR. 10. Section 245.71 is amended to provide a retention period for qualifying documents and to delete an internal management instruction. As amended, § 245.71 reads as follows:

§ 245.71 Approved documents.

On approval of the documents, the assistant regional commissioner shall forward one copy of the bond, notice, plat, and other documents to the brewer who shall file such approved documents on the premises, available for inspection by internal revenue officers. Such documents shall be retained so long as they are applicable to the qualification or operation of the brewery and for a period of not less than four years thereafter.

(72 Stat. 1390; 26 U.S.C. 5415)

PAR. 11. Section 245.90 is amended to make it clear that an amended Form 27–C need not be filed to show the sale or transfer of capital stock which does not result in a change in control or management of the business and to extend these provisions to include the issuance of additional shares of stock. As amended, § 245.90 reads as follows:

§ 245.90 Changes in stockholders, officers, and directors of corporation.

The sale, issuance of additional shares, or transfer of capital stock of a corporation operating a brewery does not constitute a change in the proprietorship of the brewery, and an amended Form 27–C need not be filed because of such changes. However, where the sale, issuance of additional shares, or transfer of capital stock results in a change in the control or management of the business, or where there is any change in the officers or directors, the brewer must give notice thereof on Form 27–C, in triplicate, to the assistant regional commissioner within 30 days of such change.

PAR. 12. Section 245.97 is amended to delete the requirement for filing an additional Form 11 for a change in trade name, thus eliminating the need for amending the special tax stamp. As amended, § 245.97 reads as follows:

§ 245.97 Change in name; amended Form 11.

Where there is a change in the corporate name or firm name, the brewer shall, within 30 days after such change is made, file with the district director an additional return on Form 11, covering the new corporate name or firm name. The special tax stamp, or stamps, shall be forwarded to the district director for appropriate notation with respect to such change.

(68A Stat. 846; 26 U.S.C. 7011)

PAR. 13. Section 245.115 is amended to provide additional case sizes and their barrel equivalents. As amended, § 245.115 reads as follows:

§ 245.115 Tax computations for bottled beer.

Barrel equivalents for various case sizes are as follows:

Number of bottles per case	Fluid contents (ounces) of each bottle	Barrel equivalent
1	128	0.03226
1	288	.07258
4	64	.06452
6	64	.09677
12	6	.01815
12	7	.02117
12	8	.02419
12	11	.03327
12	12	.03629
12	14	.04234
12	30	.09073
12	32	.09677
12	40	.12097
24	6	.03629
24	7	.04234
24	8	.04839
24	9	.05444
24	10	.06048
24	11	.06653
24	11½	.06956
24	12	.07258
24	13	.07863
24	14	.08468
24	15	.09073
24	16	.09677
32	7	.05645
35	7	.06174
36	6	.05444
36	7	.06351
36	8	.07258
40	7	.07056
48	10	.12097
48	12	.14516
50	12	.15120

various sized bottles may not be indiscriminately mixed in a case. This shall not be construed as prohibiting cases or bottles of sizes other than those listed in the above table or cases which contain bottles of more than one size where such cases are uniformly filled with a specific number of bottles of each size: *Provided*, That if beer is to be removed in cases or bottles of sizes other than those listed in the above table, the brewer will notify the assistant regional commissioner in advance and request to be advised of the fractional barrel equivalent applicable to the proposed container.

PAR. 14. Subpart O is amended to provide for marks, brands, and labels on containers of beer and for use of a coding system to indicate the place of production. As amended, Subpart O reads as follows:

Subpart O—Marks, Brands, and Labels

§ 245.125 Barrels and kegs.

(a) *General.* The brewer's name or trade name and the place of production (city and, where necessary for identification, State) shall be embossed on, indented or branded in, or (subject to the approval of the Director, Alcohol and Tobacco Tax Division) otherwise durably marked on each barrel and keg of beer: *Provided*, That where the place of production is clearly shown on the bung or on the tap cover or on a label securely affixed to each barrel or keg, the place of production need not be embossed on, indented or branded in, or otherwise durably marked on the barrel or keg. No statement as to payment of internal revenue taxes shall be shown.

(b) *Breweries of same ownership.* Where two or more breweries are owned and operated by the same person, firm, or corporation, the place of production may be shown as provided in paragraph (a) of this section, or the locations of more than one such brewery may be so shown. Where such marking includes a location or locations other than that at which the beer currently in the container was produced, the location of the brewery at which the beer was produced must be shown on the bung or on the tap cover or on a label securely affixed to each barrel or keg: *Provided*, That the brewer may employ on the label a system of coding or marking, satisfactory to the assistant regional commissioner, which will permit internal revenue officers to readily identify the particular brewery at which the beer was produced. If more than one commonly owned brewery is located in the same city, the location by street number will also be shown on the label (printed or indicated by code as provided in this section).

(72 Stat. 1389; 26 U.S.C. 5412)

§ 245.126 Bottles.

Each bottle of beer shall show by label or otherwise the name or trade name of the brewer, the net contents of the container, the nature of the product, such as beer, ale, stout, etc., and the place of production (city and, where necessary for identification, State). Where two or more breweries are owned and operated by the same person, firm, or corporation, the place of production may be included in a listing of the locations of any or all such breweries, but in such case the place of production shall not be given less emphasis than is given the other locations. Where the location of two or more breweries is shown on a label, the actual place of production may be indicated either in printing or by means of an identification code printed, punched, notched, cut, or otherwise marked on each label, or on the bottle, or the crown or lid attached thereto. If more than one such brewery is located in the same city, the location by street number will also be shown (printed or indicated by code). If the brewer's name, trade name, or brand name includes the name of a city which is not the place where the beer was produced, the Director, Alcohol and Tobacco Tax Division, may require the actual place of production to be stated as such on the label. The coding system employed shall provide legible, permanent information, shall enable internal revenue officers to readily identify the brewery at which the beer was produced, and shall, before use, be approved by the assistant regional commissioner. No statement as to payment of internal revenue taxes shall be shown. The labels used by the brewer shall be covered by certificates of label approval where required by 27 CFR Part 7. The statement of net contents shall indicate exactly the volume of beer within the bottle except for such variations in measuring as may occur in filling conducted in compliance with good commercial practice. Short-fill bottles of beer

which are sold or otherwise disposed of by a brewery to its own employees for their own use but which are not for resale need not be labeled, but, if labeled, need not show an accurate statement of net contents.

(72 Stat. 1389; 26 U.S.C. 5412)

§ 245.127 Cases.

The brewer's name or trade name, or, if such information is shown elsewhere on the case or shipping container, a name which, in the opinion of the assistant regional commissioner, is widely accepted as identifying the brewer, shall be shown on a side or the top of each case or other shipping container of bottled beer. The brewer may also show on the case or other shipping container the place of production (city and, where necessary for identification, State) and, where two or more breweries are owned and operated by the same person, firm, or corporation, the case or other shipping container may also show the addresses of such breweries. If a single address is shown, it must be that of the producing brewery.

(72 Stat. 1389; 26 U.S.C. 5412)

§ 245.128 Rebranding barrels or kegs.

No barrel or keg which bears the name of more than one brewer or, except as provided in § 245.205, the name of a brewer other than the producing brewer, may be used as a container for beer. Where barrels or kegs are purchased by one brewer from another or obtained by other legitimate means, and after the assistant regional commissioner has been notified of the proposed action, the original marks and brands shall be permanently removed or durably covered: *Provided*, That where a brewer adopts a trade name which is substantially identical to the name appearing on the barrels or kegs he has obtained, such barrels or kegs may be used without removing or covering the original marks and brands. The successor to a brewer who has discontinued business may place additional marks and brands on the barrels and kegs, in accordance with § 245.125, which indicate the successorship without removing the marks and brands of the predecessor.

(72 Stat. 1389; 26 U.S.C. 5412)

§ 245.129 Tanks, vehicles, and vessels.

Each tank, tank car, tank truck, tank ship, barge, or deep tank of a vessel, used for transferring beer from one brewery to another brewery belonging to the same brewer, as provided in § 245.141, must be plainly and durably marked with the brewer's name, the address of the brewery from which the beer was removed, the address of the brewery to which transferred, the date of shipment, and the quantity transferred (expressed in barrels). The marks may be placed on a suitable label securely affixed to the route board of such containers.

(72 Stat. 1389; 26 U.S.C. 5414)

PAR. 15. Section 245.136 is amended to provide recordkeeping requirements for transactions in malt extract, wort, and other products, produced and removed from the brewery. As amended, § 245.136 reads as follows:

§ 245.136 Malt, and malt sirup, wort, and other products.

The brewer shall keep accurate records of all malt removed, and of all malt sirup, malt extract, wort, and concentrated wort produced and removed from the brewery. The records of production shall include the quantities and kinds of materials used and, in the case of wort and concentrated wort, the balling of the product. The records of removals, which may consist of invoices or other shipping documents, shall show the quantity of each lot removed, together with the name and address of the person to whom shipped or delivered. The records shall be available for inspection by internal revenue officers.

(72 Stat. 1389; 26 U.S.C. 5411)

PAR. 16. Sections 245.141 and 245.144 are amended to delete requirements that keg and bottled beer transferred from another brewery owned by the same brewer shall be received in the racking room and bottling house, respectively. As amended, §§ 245.141 and 245.144 read as follows:

§ 245.141 Kinds of containers.

Beer may be transferred without payment of tax from one brewery to another brewery belonging to the same brewer (a) in bottles and cases; (b) in the brewer's hogsheads, barrels, or kegs; or (c) in tanks, tank cars, tank trucks, tank ships, barges, or deep tanks of vessels, subject to such limitations and conditions as may be imposed by the assistant regional commissioner. All such containers shall be marked, branded, or labeled as provided in Subpart O of this part. Bulk beer transferred in tanks, vehicles, or vessels, as provided in this section, shall not be received in the bottling house.

(72 Stat. 1389; 26 U.S.C. 5414)

§ 245.144 Mingling.

Beer transferred without payment of tax from one brewery to another brewery belonging to the same brewer may, subject to the limitation stated in § 245.141, be mingled with beer of the receiving brewery and may be handled thereafter in accordance with the requirements of this part relating to beer produced in such brewery.

(72 Stat. 1389; 26 U.S.C. 5414)

PAR. 17. Section 245.152 is amended to provide that the application by the brewer for removal of sour or damaged beer shall be in duplicate and to remove internal management material relating to samples and chemical analysis thereof. As amended, § 245.152 reads as follows:

§ 245.152 Application.

Before removing sour or damaged beer, the brewer shall make application, in duplicate, to the assistant regional commissioner for permission to make such removal, stating the quantity, type, condition, and proposed disposition of the beer. The assistant regional commissioner may cause such inspection to be made as he may consider necessary before granting permission for removal, and will notify the brewer in writing whether the beer may be removed. The assistant regional commissioner may authorize such removal without inspection where he is satisfied that the revenue will not be jeopardized thereby.

(72 Stat. 1334; 26 U.S.C. 5053)

§ 245.157 [Revoked.]

PAR. 18. Section 245.157 is revoked.

PAR. 19. Section 245.158 is amended to make it clear that only the brewer who paid or determined the tax on beer removed from the market may claim refund or credit of such tax, and to liberalize the requirements relating to the segregation of beer removed from the market. As amended, § 245.158 reads as follows:

§ 245.158 Beer removed from market.

Beer on which the brewer has paid or determined the tax and which he removes from the market may be returned to and stored in the brewery, and refund or credit of the tax may be claimed by him in accordance with the provisions of Subpart T. Unless such beer is to be returned to the stock of the racking room or bottling house, it shall be identified as beer removed from the market, be segregated from all other beer (or be otherwise clearly identified), and be accessible for inspection by internal revenue officers. The tax on any such returned beer which is again removed for consumption or sale shall be determined and paid without respect to the tax which was determined at the time of prior removal of the beer. The brewer may, unless he is required to submit notice under § 245.162, destroy in his brewery, return to stock, recondition, or use as material such returned beer. If the brewer desires to destroy elsewhere than in his brewery beer removed from the market, he shall comply with the provisions of § 245.161. The brewer's daily records and Form 103 shall properly reflect the receipt and disposition of such beer, and the balling thereof if used as material.

(72 Stat. 1334, 1335, 1389, 1390; 26 U.S.C. 5054, 5056, 5411, 5415)

PAR. 20. Section 245.161 is amended by revising the opening paragraph and paragraphs (d) and (f), and by revoking paragraph (e) to delete requirements for the filing of a written notice by the brewer when taxpaid beer, removed from the market, is to be returned to stock, reconditioned, used as material, or destroyed at the brewery. The amended provisions of § 245.161 read as follows:

§ 245.161 Notice by brewer.

When a brewer possesses taxpaid beer (or beer on which the tax has been determined), which has been removed from the market and which he desires to destroy elsewhere than in his brewery, he shall give written notice of his intention in triplicate, to the assistant

regional commissioner: *Provided*, That such notice may be submitted directly to an inspector at the brewery. The notice, which shall be serially numbered, shall be executed under penalties of perjury as defined in § 245.5. The notice shall specify the date on which the beer is to be destroyed, which date shall not be less than 12 days from the date of the notice. If, before the date specified in the notice, an internal revenue officer has not supervised destruction of the beer, or the assistant regional commissioner has not advised the brewer to the contrary, the brewer may destroy the beer on the date and in the manner stated in the notice. Where the notice is given to an inspector at the brewery, the inspector may supervise the transaction or transmit the notice to the assistant regional commissioner. The notice shall contain the following information:

• • • • •

(d) If the title to the beer has passed, the name and address of the person returning the beer.

(e) [Revoked.]

(f) The location at which the brewer desires to accomplish destruction and the reason for not destroying the beer at the brewery.

(72 Stat. 1335; 26 U.S.C. 5056)

PAR. 21. Section 245.162 is amended with respect to verification of the brewer's statements regarding, and supervision of the destruction or other disposition of, taxpaid beer removed from the market. As amended, § 245.162 reads as follows:

§ 245.162 Supervision.

(a) *Assignment of inspector.* On receipt of the brewer's notice, the assistant regional commissioner shall, if he considers it necessary for the protection of the revenue, assign an inspector to verify the statements therein and, to the extent the assistant regional commissioner deems necessary, to witness the destruction of the beer. The assistant regional commissioner may require that the destruction of the beer be delayed pending arrangement of a convenient time for supervision, and, if the place of destruction is not readily accessible to an inspector, the assistant regional commissioner may require that the beer be moved to a more convenient location.

(b) *Additional notice requirements.* Notwithstanding the provisions of § 245.161, the assistant regional commissioner may, where he deems it necessary, require a brewer who has on hand taxpaid or tax-determined beer which has been removed from the market, and which the brewer desires to destroy at the brewery, return to stock, recondition, or use as material, to give written notice of his intention in the same manner as is required by § 245.161 with respect to beer which is to be destroyed elsewhere than in the brewery.

(72 Stat. 1335; 26 U.S.C. 5056)

PAR. 22. Section 245.163 is amended to make it clear that claims under this section relate only to beer which has been removed from the brewery. As amended, § 245.163 reads as follows:

§ 245.163 Beer lost or destroyed by fire, casualty, or act of God.

In accordance with the provisions of this part the tax paid by any brewer on beer produced in the United States may be refunded or credited (without interest), or, if the tax has not been paid, the brewer may be relieved of liability therefor if, after removal from the brewery and before transfer of title thereto to any other person, such beer is lost other than by theft, or is destroyed by fire, casualty, or act of God. A brewer who sustains such loss and desires to file a claim for refund, credit, or remission of tax, shall, on learning of such loss, immediately notify the assistant regional commissioner of the nature, cause, and extent of the loss, and the place where such loss occurred. Statements of witnesses or other supporting documents should be furnished, if available. When such notice, and supporting documents where furnished, are received by the assistant regional commissioner, he will examine the reasons for the described loss and will cause such investigation to be made or require such additional evidence to be submitted as he may deem necessary for use in connection with the claim when it is submitted. The tax liability on excessive losses of beer from transfers between breweries of the same ownership may be remitted as provided in § 245.143.

(72 Stat. 1335; 26 U.S.C. 5056)

PAR. 23. Sections 245.164 and 245.165 are amended to require additional information on certain claims for refund or credit of tax, and to remove the requirement that claims should, when feasible, be filed concurrently with notices of intention. As amended, §§ 245.164 and 245.165 read as follows:

§ 245.164 Claims for refund of tax.

Claims for refund of tax shall be filed on Form 843. Such claims, if for refund of tax on beer removed from the market, shall show (a) the name and address of the brewer, (b) the quantity of beer covered by the claim, (c) the amount of tax for which the claim is filed, (d) the reason for removal of the beer from the market and the facts relating thereto, (e) whether the brewer is indemnified by insurance or otherwise in respect of the tax, and, if so, the nature of such indemnification, (f) the claimant's reasons for believing that the claim should be allowed, and (g) if the beer removed from the market has been returned to stock (with or without recasing or relabeling), reconditioned, used as material, or destroyed at the brewery, the date on which the beer was removed from the market, the name of the person from whom the beer was returned, and a statement that the tax has been fully paid or determined. If the claim is for refund of tax on beer lost or destroyed by fire, casualty, or act of God, it shall contain the information specified in paragraphs (a), (b), (c), (e), and (f) of this section, and a statement of the circumstances surrounding the loss; the claim shall also show the date of the loss, and, if lost in transit, the name of the carrier. Notices required under §§ 245.161 and 245.163 shall be incorporated, by reference, in claims. Claims covering losses shall be supported, whenever possible, by affidavits of persons having knowledge of the loss, unless such affidavits are contained in the notice given under § 245.163. The assistant regional commissioner may require the submission of additional evidence in support of any claim filed under this section when deemed necessary for proper action on the claim. Any claim on Form 843 shall be filed with the assistant regional commissioner having jurisdiction over the region in which the tax was paid within 6 months after the date of removal from the market or loss or destruction by fire, casualty, or act of God. Such claims will not be allowed if filed after the prescribed time or if the claimant was indemnified by insurance or otherwise in respect of the tax.

(72 Stat. 1335; 26 U.S.C. 5056)

§ 245.165 Claims for allowance of credit for tax.

In lieu of filing a claim for refund of tax as provided in § 245.164, a brewer may file with the assistant regional commissioner having jurisdiction over the region in which the tax was paid, a claim on Form 2635 for allowance of credit for the tax paid. Any claim for credit filed on Form 2635 shall include all of the information required under § 245.164 with respect to a claim for refund on Form 843. Notices required under §§ 245.161 and 245.163 shall be incorporated, by reference, in such claims. The brewer shall not anticipate allowance of a credit or make an adjusting entry therefor in a tax return pending consideration and action on the claim by the assistant regional commissioner. When written notification of allowance of the credit or any part thereof is received from the assistant regional commissioner, the brewer may make a proper adjusting entry and explanatory statement in the next subsequent beer tax return (or returns) to the extent necessary to exhaust the credit. The assistant regional commissioner may require the submission of additional evidence in support of any claim filed under this section when deemed necessary for proper action on the claim. A claim for allowance of credit for tax paid on beer must be filed within 6 months after the date of removal from the market, loss, or destruction by fire, casualty, or act of God. A claim will not be allowed if filed after the prescribed time or if the brewer was indemnified by insurance or otherwise in respect of the tax.

(72 Stat. 1335; 26 U.S.C. 5056)

PAR. 24. Section 245.225 is amended to provide in paragraph (a) for maintenance of records of materials used in the production of wort received; to revoke paragraph (i) pertaining to beer recased or relabeled; to add a new paragraph (n) providing record requirements for materials sold and materials used in the manufacture of wort, malt sirup, and malt extract for sale or removal; and to insert a proviso regarding inventories. The amended provisions of § 245.225 read as follows:

§ 245.225 Records.

• • • • •

(a) Each kind of material received and used in the production of beer and cereal beverage (including, in the case of wort and concentrated wort, the ballings thereof and the quantity and kind of each material used in the production thereof).

• • • • •

(i) [Revoked.]

• • • • •

(n) Brewing materials sold (including the name and address of the person to whom shipped or delivered) and brewing materials used in the manufacture of wort, wort concentrate, malt sirup, and malt extract for sale or removal.

The brewer shall also maintain a record reflecting shortages and overages of beer and cereal beverage disclosed by physical inventories taken at least once each calendar month: *Provided*, That a physical inventory taken on a Saturday or Sunday next succeeding the last day of any calendar month, or on a legal holiday (of the particular State or of the District of Columbia wherein the brewery is located) falling within the first 7 days of the next calendar month, shall be deemed to be a physical inventory taken during the calendar month immediately preceding such Saturday or Sunday or legal holiday. The brewer shall maintain a record of the ballings of the wort produced, and of the ballings and the alcohol content of beer and cereal beverage transferred (1) to the bottling house, (2) to the racking room, and (3) between breweries in bulk conveyances. The records reflecting ballings and alcohol content need not be consolidated and averaged daily unless the brewer desires. The brewer's records shall include all supplemental and auxiliary records of individual operations and transactions of the brewery needed for compilation purposes and for verification by internal revenue officers. The daily totals of transactions and operations of the brewery shall be recorded on Form 2051 unless alternate records showing the information required thereby are used by the brewer as provided herein. Specimen copies of Form 2051 will be furnished brewers by assistant regional commissioners. Form 2051, if maintained, will be provided by brewers at their own expense. Assistant regional commissioners may authorize brewers to modify Form 2051 to adapt its use to tabulating or other data processing equipment, or to the brewer's special operations, or to provide additional information, where such modifications are not inconsistent with the general requirements of accuracy and clarity. Where a brewer's records show the required information in any other form of record or combination of records, the brewer may use such records in lieu of maintaining Form 2051. The Director, Alcohol and Tobacco Tax Division, may require the maintenance of Form 2051 by any brewer when the interests of the United States so demand. All entries in the records required by this part shall be made not later than the close of the business day next succeeding the day on which the transactions occur: *Provided*, That when the last day for making such entries falls on Saturday, Sunday, or a legal holiday (of the particular State or of the District of Columbia wherein the brewery is located), such entries shall be considered timely if they are made on the next succeeding day which is not a Saturday, Sunday, or a legal holiday (of the particular State or District of Columbia wherein the brewery is located).

(68A Stat. 896, 72 Stat. 1390, 1395; 26 U.S.C. 7503, 5415, 5555)

PAR. 25. Section 245.230 is amended to make its provision applicable to the disposition of unsalable beer which has been metered for racking or bottling, rather than only to unsalable beer in the bottling house. As amended, § 245.230 reads as follows:

§ 245.230 Disposition of unsalable beer.

A brewer having unsalable beer in barrels, kegs, bottles, or racker or bottling tanks, which has never been removed from the brewery, may destroy, recondition, or use such beer as material. The brewer shall report the quantity of such beer destroyed, reconditioned, or used as material, in his daily records and on Form 103. If the unsalable beer consists of rejects from the racking room or bottling line, such beer may be destroyed without being included in the respective production records, and, when so destroyed, shall be so reported in the brewer's daily records and on Form 103. When such reject bottled beer is to be consumed at the brewery or sold to brewery employees, or is cased or otherwise accumulated pending other disposition, the quantity thereof must be included in bottling house production and be so reported in the brewer's daily records and on Form 103.

(72 Stat. 1389, 1390, 1395; 26 U.S.C. 5411, 5415, 5555)

PAR. 26. Immediately following Subpart BB, a new Subpart CC, providing for establishment of experimental breweries, is added to read as follows:

Subpart CC—Experimental Breweries

Sec.
245.251 General.
245.252 Application.
245.253 Action on application.
245.254 Bond.
245.255 Special tax.
245.256 Operations and records.
245.257 Discontinuance of operations.

§ 245.251 General.

A brewery may be established for research, analytical, experimental or developmental purposes in connection with (a) the processes and systems by which beer is brewed, packaged, stored, handled, or shipped, (b) the materials and equipment used in brewing, packaging, storing, handling, or shipping beer, or (c) the byproducts which are, or may be, derived from beer or from the brewing of beer. Such experimental breweries shall be established and operated as provided in this subpart. Notwithstanding the implications of any other section of this part, beer may be removed from such brewery only as provided in § 245.215. Beer may be transferred to the experimental brewery from another brewery of the same ownership in accordance with the provisions of Subpart Q of this part. The provisions of Subparts C (except § 245.10), D, E, F, G, H (except §§ 245.46, 245.48–245.61, and those portions of § 245.45 relating to consents of surety and quadrennial renewal of bonds and of § 245.47 relating to transfer of beer from other breweries owned by the same brewer), I, L (except §§ 245.86–245.91, 245.93–245.94, 245.95 with respect to bonds and consents of surety, and 245.97–245.100), M, O, P, R, S, T, U, W, X, and AA of this part shall not be applicable to experimental breweries established under this subpart.

§ 245.252 Application.

(a) *Original.* Any person who desires to establish an experimental brewery under the provisions of this subpart shall file an application therefor with the assistant regional commissioner. The application shall be in writing, in triplicate, and shall state (1) the name and address of the applicant; (2) a description of the premises and equipment to be used in the operations of such brewery; (3) the nature, purpose, and extent of the operations; and (4) that the applicant agrees to comply with all provisions of this part applicable to the operations to be conducted. The assistant regional commissioner may authorize the operation of an experimental brewery if he determines that the brewery will be operated solely for one or more of the purposes specified in § 245.251 and that the operations will be such that the revenue will not be jeopardized. Such authorization will expire on the last day of June following the date the authorization was granted: *Provided*, That when an original application is being approved not more than six months prior to July 1, the assistant regional commissioner may authorize operation of the experimental brewery through June 30 of the next succeeding year. The assistant regional commissioner may at any time before or after approval of an application require the submission of such additional information as he considers necessary for administration of the applicable provisions of this part or for the protection of the revenue. Authorization to operate an experimental brewery may be withdrawn whenever in the judgment of the assistant regional commissioner the revenue would be jeopardized by the operations of the brewery.

(b) *Annual authorization.* Any person who desires to continue the operation of an experimental brewery shall file a new and complete application as of July 1 of each year: *Provided*, That when an original application has been authorized for a period of more than 1 year as provided in paragraph (a) of this section, a new application will

not be required as of July 1 of the year in which such authorization was given. The new application, which shall supersede those previously filed, shall conform to the requirements of paragraph (a) of this section. Operation of an experimental brewery shall not continue until the superseding application required by this section has been approved by the assistant regional commissioner.

§ 245.253 Action on application.

If the assistant regional commissioner approves the application, he will so note each copy and forward one copy to the applicant, one copy to the Director, Alcohol and Tobacco Tax Division, and retain the original. The applicant shall file his copy of the approved application at his premises, available for inspection by internal revenue officers.

§ 245.254 Bond.

Any person requesting authorization to establish an experimental brewery as provided in § 245.252 shall also execute and file bond on Form 1566. The operation of the experimental brewery shall not commence until the applicant receives notice from the assistant regional commissioner of the approval of such bond. Such operation may continue only so long as an approved bond on such form is in effect. The bond shall be conditioned that the operator of the experimental brewery shall pay, or cause to be paid, to the United States according to the laws of the United States and the provisions of this part, the taxes, including penalties and interest, for which he shall become liable, on all beer brewed, produced, or received on the premises.

§ 245.255 Special tax.

The special tax imposed on a brewer by section 5091, I.R.C., shall be paid in accordance with Subpart K of this part.

§ 245.256 Operations and records.

On receipt of the approved application, operations may commence. Monthly reports of operations need not be filed with the assistant regional commissioner, but records which are, in the opinion of the assistant regional commissioner, appropriate to the type of operation being conducted shall be maintained, available for inspection by internal revenue officers. Such records shall include information sufficient to fully account for the receipt, production, and disposition of all beer received or produced on the premises, and the receipt (and disposition, if removed) of all brewing materials.

§ 245.257 Discontinuance of operations.

When operations are to be discontinued, the brewer shall notify the assistant regional commissioner in writing, in triplicate, stating therein the purpose of the notice and giving the date of the discontinuance. When operations have been completed and all beer on the premises has been disposed of and appropriately accounted for, the assistant regional commissioner will note his approval on the notice, return one copy to the proprietor, forward one copy to the Director, Alcohol and Tobacco Tax Division, and retain the original.

[F.R. Doc. 68-8784; Filed, July 23, 1968; 8:46 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 398-68]

PART 45—STANDARDS OF CONDUCT

Revocation of Regulation Dealing With Dual Federal and State Office-holding

Under and by virtue of the authority vested in me by sections 509 and 510 of title 28 and section 301 of title 5 of the United States Code, and in view of the revocation of Executive Order No. 9 of January 17, 1873, by Executive Order No. 11408 of April 27, 1968 (33 F.R. 6459), section 45.735-20 of Part 45 of Chapter I of Title 28, Code of Federal Regulations, is revoked.

RAMSEY CLARK,
Attorney General.

JULY 20, 1968.

[F.R. Doc. 68-8875; Filed, July 23, 1968; 8:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 1—GENERAL PROVISIONS

Addresses of Claimants

In § 1.518, paragraph (b) is revised to read as follows:

§ 1.518 Addresses of claimants.

* * * * *

(b) The address of a Veterans Administration claimant as shown by Veterans Administration files may be furnished to:

(1) Duly constituted police or court officials upon official request and the submission of a certified copy either of the indictment returned against the claimant or of the warrant issued for his arrest.

(2) Police, other law enforcement agencies, or Federal, State, county, or city welfare agencies upon official written request showing that the purpose of the request is to locate a parent who has deserted his child or children and that other reasonable efforts to obtain an address have failed. The address will not be released when such disclosure would be prejudicial to the mental or physical health of the claimant. When an address is furnished it will be accompanied by the stipulation that it is furnished on a confidential basis and may not be disclosed to any other individual or agency.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective the date of approval.

Approved: July 11, 1968.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 68-8790; Filed, July 23, 1968; 8:46 a.m.]

PART 18—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE VETERANS ADMINISTRATION—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Statutory Provisions

In Part 18, Appendix A, following § 18.13, is amended to read as follows:

APPENDIX A

STATUTORY PROVISIONS TO WHICH THIS PART APPLIES

1. Payments to State homes (38 U.S.C. 641).
2. State home facilities for furnishing nursing home care (38 U.S.C. 5031-5037).
3. Space and office facilities for representatives of recognized national organizations (38 U.S.C. 3402(a)(2)).
4. Vocational Rehabilitation, Veterans Educational Assistance, War Orphans' Educational Assistance, and Administration of Educational Assistance (38 U.S.C. chapters 31, 34, 35, and 36, respectively).
5. Exchange of Medical Information (38 U.S.C. 5055).

(Sec. 602, 78 Stat. 252; 42 U.S.C. 2000d-1; 38 U.S.C. 641, 5031-5037, 5055, 3402(a)(2), chapters 31, 34, 35 and 36)

This VA Regulation is effective upon publication in the FEDERAL REGISTER.

Approved: May 20, 1968.

[SEAL] W. J. DRIVER,
Administrator.

[F.R. Doc. 68-8879; Filed, July 23, 1968; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 6—Department of State

[Dept. Reg. 108.591]

PART 6-1—GENERAL

Subpart 6-1.4—Procurement Responsibility and Authority

Part 6-75, Delegations of Procurement Authority, is redesignated as Subpart 6-1.4 and revised to read as follows:

Sec.
6-1.400 Scope of subpart.
6-1.401 Responsibility of the head of the procuring activity.
6-1.402 Authority of contracting officers.
6-1.403 Requirements to be met before entering into contracts.
6-1.404 Selection, designation, and termination of designation of contracting officers.
6-1.404-2 Designation.
6-1.404-3 Termination of designation.

AUTHORITY: The provisions of this subpart 6-1.4 issued under Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); Sec. 4, 63 Stat. 111, 22 U.S.C. 2658.

§ 6-1.400 Scope of subpart.

This subpart sets forth the procurement responsibility and authority of the chief officer responsible for procurement and contracting officers, and treats the selection and designation of contracting officers to enter into and administer contracts, interagency agreements, purchase orders, grants, and other contractual arrangements, hereinafter referred to as "contracts" unless otherwise stated.

§ 6-1.401 Responsibility of the head of the procuring activity.

The Chief, Supply and Transportation Division, is designated the chief officer responsible for procurement and as such shall provide policy direction and prescribe standards, procedures, and regulations for the award and administration of contracts, both within and outside the United States, except for procurements by the Office of Foreign Buildings and those procurements outside the United States by the Office of Refugee and Migration Affairs.

§ 6-1.402 Authority of contracting officers.

The authority of the Secretary of State to enter into and administer contracts, purchase orders, grants, and other agreements for the expenditure of funds involved in the acquisition of property or nonpersonal services and for the sale of personal property is delegated to those officials designated in § 6-1.404-2 and to any official designated to act for one of those enumerated during the absence or incapacity of the latter, subject to specific limitations stated in this subpart. When exercising the authority contained in this subpart, the designated official is a contracting officer.

§ 6-1.403 Requirements to be met before entering into contracts.

Contracting officers are responsible for the legal, technical, and administrative sufficiency of the contracts they enter into. To this end they shall obtain such available legal, technical, and financial advice as necessary for the proper execution of their duties.

§ 6-1.404 Selection, designation, and termination of designation of contracting officers.

§ 6-1.404-2 Designation.

(a) Unless otherwise limited in this subpart, contracting officers named herein may designate, by delegation of authority, one or more of their subordinates engaged in procurement activities to enter into and administer contracts. Designations will be in writing and will specifically state the scope and limitations of the designee's contractual authority which must be within the scope of authority possessed by the designating contracting officer. The signed original of such delegations of authority shall be retained in the files for examination.

(b) A contracting officer may designate technically qualified personnel as his authorized representatives to assist in the administration of contracts. Such designation shall be in writing and shall define the scope and limitations of the designee's authority. The designation shall be addressed to the designee with a copy given to the contractor. An appropriate contract clause is contained in § 6-7.151-11 of this chapter.

(c) The authority described in § 6-1.402 is delegated as follows:

(1) *General delegation—Supply and Transportation Division.* (i) The authority to enter into and administer contracts for the expenditure of funds involved in the acquisition of personal property and nonpersonal services, and for the sale of personal property, is delegated to the Chief, Supply and Transportation Division.

(ii) The authority to authorize the publication of paid advertisements, notices, and proposals within the United States is delegated to the Chief, Supply and Transportation Division. This authority may not be redelegated.

(2) *Library.* The authority to enter into and administer contracts (except grants) is delegated to the Librarian, Principal Acquisition Librarian, and Chief, Technical Services, for the acquisition of newspapers, books, maps, and periodicals, and for the acquisition of publication binding and repair services whenever the acquisition of such services is authorized by the Public Printer pursuant to the provisions of section 12 of the Act of January 12, 1895, 28 Stat. 602, as amended (44 U.S.C. 14).

(3) *Office of Foreign Buildings.* The authority to enter into and administer contracts is delegated to the Director, Office of Foreign Buildings, for transactions chargeable to funds available under the Foreign Service Buildings Act, 1926, as amended, or in other appropriations made available for foreign buildings operations.

(4) *Bureau of Educational and Cultural Affairs.* The authority to enter into and administer contracts involving funds available for international educational and cultural activities is delegated to the Executive Director, the Chief, Division of Financial Management, and the Chief, Contract and Transportation Division.

(5) *Diplomatic and consular posts located outside the United States.* The authority to enter into and administer contracts for the expenditure of funds involved in the acquisition of supplies, equipment, publications, and nonpersonal services; to sell personal property; and to authorize the publication of paid advertisements, notices and proposals, is delegated to the Principal Officer, Administrative Officer and General Services Officer.

(i) This authority, with the exception of that pertaining to paid advertising, may be redelegated to employees of the Foreign Service who are citizens of the United States and, in the case of joint or consolidated administrative operations, to employees of U.S. Government agencies who are citizens of the United States.

(ii) Direct transactions with vendors within the United States shall not exceed $2,500 per transaction unless such transaction is under a contract executed by the Department of State, the General Services Administration or other U.S. Government agency.

(iii) No authority is delegated to enter into cost-reimbursement or fixed-price incentive contracts.

(6) *Language Services Division.* The authority to enter into and administer contracts (except grants) with individuals to serve as translators or interpreters and for related linguistic and escort services is delegated to the Chief, Assistant Chief and Staff Assistant.

(7) *Office of Communications.* The authority to enter into and administer contracts (except grants) for leasing wire service circuits is delegated to the Executive Officer and the Chief, Systems and Facilities Division.

(8) *Foreign Service Institute.* The authority to enter into and administer contracts for planning and conducting seminars; for guest lecturers, instructors, language tutors, area chairmen, and related professional services; and for tuition, books, and tutorial and other related training services, is delegated to the Director, Deputy Director for Management and Executive Officer.

(9) *Office of Overseas Schools.* The authority to enter into and administer contracts for the overseas schools assistance activities of the Department is delegated to the Director.

§ 6-1.404-3 Termination of designation.

(a) Designated contracting officers who relieve or succeed previously designated contracting officers will assume responsibility for the administration of contracts entered into by the previously designated contracting officers of the activity to which they are assigned.

Dated: July 11, 1968.

IDAR RIMESTAD,
Deputy Under Secretary for Administration.

[F.R. Doc. 68-8778; Filed, July 23, 1968; 8:45 a.m.]

Chapter 12—Department of Transportation

[OST Docket No. 19]

PART 12-1—GENERAL

The purpose of this amendment is to establish the system of procurement regulations for the Department of Transportation. It consists of Subpart 12-1.0, which describes the Department's procurement system and Subpart 12-1.2, defining certain terms used in the regulations.

Future additions to and changes in the Department's procurement regulations will be issued as amendments to Chapter 12.

Since this amendment relates to Departmental management, procedures and

practices, notice and public procedure thereon is unnecessary.

This amendment is made under the authority of section 205(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486(c)) and the Armed Services Procurement Act, 10 U.S.C. Chapter 137.

In consideration of the foregoing, Title 41 of the Code of Federal Regulations is amended by adding the following new Part 12-1 "General", effective July 31, 1968.

Issued in Washington, D.C., on July 16, 1968.

ALAN L. DEAN,
Assistant Secretary for Administration.

Subpart 12-1.0—Regulation System

Sec.

12-1.001 Scope of subpart.
12-1.002 Purpose.
12-1.003 Authority.
12-1.004 Applicability.
12-1.005 Exclusions.
12-1.006 Issuances.
12-1.006-1 Code arrangement.
12-1.006-2 Publication.
12-1.006-3 Copies.
12-1.007 Arrangement.
12-1.007-1 General plan.
12-1.007-2 Numbering.
12-1.007-3 Citation.
12-1.008 Implementation.
12-1.009 Deviations.
12-1.009-1 Description.
12-1.009-2 Procedure.

Subpart 12-1.2—Definition of Terms

12-1.204 Head of the agency.
12-1.206 Head of the procuring activity.
12-1.250 Administration.
12-1.251 Procurement office.
12-1.252 Change order.
12-1.253 Supplemental agreement.

AUTHORITY: The provisions of this Subpart 12-1.0 issued under sec. 205(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486(c)) and the Armed Services Procurement Act, 10 U.S.C. Chapter 137.

Subpart 12-1.0—Regulation System

§ 12-1.001 Scope of subpart.

This subpart describes the Department of Transportation Procurement Regulations in terms of establishment, authority, applicability, issuance, arrangement, implementation, and supplementation of FPR, exclusions, and deviation procedure.

§ 12-1.002 Purpose.

(a) This subpart establishes Chapter 12, Department of Transportation Procurement Regulations (DOTPR), implementing and supplementing the Federal Procurement Regulations, and states its relationship to the Federal Procurement Regulations, to Chapter 2, Federal Aviation Agency Procurement Regulations (FAPR), to Chapter 11, Coast Guard Procurement Regulations (CGPR), to procurement regulations of other administrations of the Department, and to other laws and regulations governing Department of Transportation procurement.

(b) The Federal Procurement Regulations, as implemented and supplemented by Chapter 12 (Department of Transportation Procurement Regulations), are the authorized regulations governing the procurement of supplies and services (including construction and concessions) and the procurement of real property by lease, by the Department of Transportation.

§ 12-1.003 Authority.

The Department of Transportation Procurement Regulations (DOTPR) are prescribed pursuant to the authority of the Federal Property and Administrative Services Act of 1949, chapter 137 of title 10 of the United States Code, and Department of Transportation Order 4400.2.

§ 12-1.004 Applicability.

These regulations apply to all Department of Transportation procurements made within and outside the United States, unless otherwise specified. Pursuant to delegation by the National Transportation Safety Board under section 5(m) of the Department of Transportation Act, these regulations are applicable to the procurements of the National Transportation Safety Board. Pending publication of implementing and supplementing material in this Chapter 12, procedures and regulations previously established, when not in conflict with FPR, may be used.

§ 12-1.005 Exclusions.

(a) Certain Department of Transportation procurement policies and procedures which come within the scope of this Chapter 12 nevertheless may be excluded therefrom when there is justification therefor. These exclusions may include the following categories:

(1) Subject matter which bears a security classification.

(2) Policies or procedures which are expected to be effective for a period of less than 6 months.

(3) Policies and procedures which are effective on an experimental basis for a reasonable period.

§ 12-1.006 Issuances.

§ 12-1.006-1 Code arrangement.

Department of Transportation Procurement Regulations which implement, supplement or deviate from the Federal Procurement Regulations, Chapter 1 of Title 41 of the Code of Federal Regulations, will be published as Chapter 12 of Title 41, Code of Federal Regulations.

§ 12-1.006-2 Publication.

Chapter 12 of Title 41, Code of Federal Regulations will be published in the daily issues of the FEDERAL REGISTER, in cumulated form in the Code of Federal Regulations, and in separate looseleaf form on blue paper. The looseleaf form is designed to permit interleaf into the Federal Procurement Regulations.

§ 12-1.006-3 Copies.

Copies of the Department of Transportation Procurement Regulations in the FEDERAL REGISTER and the Code of Federal Regulations form may be purchased by Federal agencies and the public, at nominal cost, from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Looseleaf form copies of Chapter 12 will be distributed to Department of Transportation activities as authorized by the Director of Logistics and Procurement Policy, Office of the Secretary of Transportation.

§ 12-1.007 Arrangement.

§ 12-1.007-1 General plan.

The Department of Transportation Procurement Regulations employ the same numbering system and nomenclature used in the Federal Procurement Regulations, and conform with FEDERAL REGISTER standards approved for the FPR, except that material published in looseleaf form which is not published in Title 41, Code of Federal Regulations, will be indicated by the letters "DOT" preceding and following the material.

§ 12-1.007-2 Numbering.

(a) Chapter 12 has been allocated to the Department of Transportation for implementing and supplementing Chapter 1 of Title 41 CFR, the Federal Procurement Regulations.

(b) Where the DOTPR implements a part, subpart, section, or subsection of the FPR, the implementing part, subpart, section, or subsection of DOTPR will be numbered (and captioned) to correspond to the part, subpart, section, or subsection of Chapter 1, Title 41 CFR, the FPR.

(c) Where the DOTPR supplements the FPR, the Nos. 50 and up will be assigned to the parts, subparts, or sections involved.

(d) Where the subject matter contained in a part, subpart, section, or subsection of FPR requires no implementation, the DOTPR will contain no corresponding part, subpart, section, or subsection number and the subject matter as published in the FPR governs.

§ 12-1.007-3 Citation.

Department of Transportation Procurement Regulations will be cited in accordance with FEDERAL REGISTER standards approved for the FPR. For example, this section, when referred to in divisions of the Department of Transportation Procurement Regulations, may be cited as "§ 12-1.007-3". However, when this section is referred to formally in official documents, such as legal briefs, it should be cited as "41 CFR 12-1.007-3". Any section of the Department of Transportation Procurement Regulations may be informally identified, for purpose of brevity, as DOTPR followed by the section number, i.e., "DOTPR 12-1.007-3".

§ 12-1.008 Implementation.

(a) The Department of Transportation Procurement Regulations implement and supplement the FPR. Implementing material is that which expands upon related FPR material. Supplementing material is that for which there is no counterpart in the FPR.

(b) The Department of Transportation Procurement Regulations may in turn be implemented and supplemented by regulations issued by the Federal Aviation Administration, Federal Highway Administration, Federal Railroad Administration, U.S. Coast Guard, St. Lawrence Seaway Development Corporation, Office of the Secretary (OST), the National Transportation Safety Board (NTSB), and the Urban Mass Transportation Administration.

(c) Regulations issued by the administrations, OST and NTSB will be identified in Chapter 12 by the number "12" and a letter suffix as follows:

(1) Federal Aviation Administration—12A, i.e.—12A-1.008(c).
(2) U.S. Coast Guard—12B.
(3) Federal Highway Administration—12C.
(4) Federal Railroad Administration—12D.
(5) St. Lawrence Seaway Development Corporation—12E.
(6) Office of the Secretary—12F.
(7) National Transportation Safety Board—12G.
(8) Urban Mass Transportation Administration—12H.

(d) As an interim measure, regulations issued by the Federal Aviation Administration and the Coast Guard may continue to be issued under Chapters 2 and 11 respectively.

(e) Implementing and supplementing regulations shall not unnecessarily duplicate or paraphrase the contents of the FPR or DOTPR, and shall be prepared to conform with FPR style and arrangement. Copies of all regulations implementing or supplementing the DOTPR shall be forwarded to the Director of Logistics and Procurement Policy, OST.

§ 12-1.009 Deviations.

§ 12-1.009-1 Description.

See FPR 1-1.009-1.

§ 12-1.009-2 Procedure.

In the interest of establishing and maintaining uniformity to the greatest extent feasible, deviations from the FPR and DOTPR will be authorized only when essential to effect necessary procurement or where special circumstances make such deviations clearly in the best interest of the Government. Deviations will be controlled and approved as follows:

(a) Requests for authority to deviate from the provisions of the FPR or the DOTPR shall be submitted as far in advance as the exigencies of the situation will permit. Each request for deviation shall contain the following:

(1) A clear statement of the deviation desired, including identification of the specific paragraph number(s) of the FPR or DOTPR,

(2) The reason why the deviation is considered necessary or would be in the best interests of the Government,

(3) If applicable, the name of the contractor and identification of the contract affected,

(4) A statement as to whether the deviation has been requested previously and, if so, circumstances of the previous request,

(5) A description of the intended effect of the deviation,

(6) A statement of the period of time for which the deviation is needed, and

(7) Any pertinent background information which will contribute to a full understanding of the desired deviation.

(b) Deviations from the FPR and DOTPR involving a single contract or procurement may be authorized by the administrator of each administration and the Chairman, National Transportation Safety Board, with the power of redelegation. For procurements processed within the Office of the Secretary deviations may be authorized by the Assistant Secretary for Administration, with the power of redelegation. A copy of each authorized deviation will be forwarded to the Director of Logistics and Procurement Policy.

(c) Requests for deviations from the FPR or DOTPR affecting more than one contract or contractor shall be forwarded to the Assistant Secretary for Administration, and shall be accompanied by an appropriate supporting statement. Requests involving deviations from the FPR will be considered jointly by the Department and the General Services Administration unless, in the judgment of the Assistant Secretary for Administration, after due consideration of the objective of uniformity and program responsibilities of the Department, circumstances preclude such joint effort. In such cases, the Assistant Secretary for Administration will approve such class deviations as he determines necessary and will appropriately notify the General Services Administration.

Subpart 12-1.2—Definition of Terms

§ 12-1.204 Head of the agency.

"Head of the agency" means the Secretary and the following assistant chief officials: the Under Secretary; the Assistant Secretary for Administration; and for procurements within their administrations, the Administrators of the Federal Aviation Administration, Federal Highway Administration, Federal Railroad Administration, Urban Mass Transportation Administration, and St. Lawrence Seaway Development Corporation, the Commandant, U.S. Coast Guard, and the Chairman, National Transportation Safety Board.

§ 12-1.206 Head of the procuring activity.

Each administration will specify, in its implementing regulations, those positions which are designated as heads of procuring activities.

§ 12-1.250 Administration.

"Administration" means the Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, the Urban Mass Transportation Administration, the U.S. Coast Guard, the St. Lawrence Seaway Development Corporation, and the National Transportation Safety Board.

§ 12-1.251 Procurement office.

"Procurement Office" means an office with a designated contracting officer with authority to enter into contracts over $2,500 in value.

§ 12-1.252 Change order.

"Change order" means a unilateral written order signed by the contracting officer, and issued to a contractor pursuant to the Changes clause of the contract.

§ 12-1.253 Supplemental agreement.

"Supplemental agreement" means any contract modification or contract amendment, which is accomplished by mutual action of the parties.

[F.R. Doc. 68-8785; Filed, July 23, 1968; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18125; FCC 68-737]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Table of Assignments

In the matter of amendment of § 73.202, *Table of assignments*, FM Broadcast Stations. (Camden, S.C., Brinkley, Ark., Concord, N.H., Pontiac, Ill., Du Quoin, Ill., Glasgow, Ky., Norman and Duncan, Okla., Glendive, Mont., Brandon and Sarasota, Fla., Columbia, S.C., Lynchburg, Va., Upper Sandusky and Galion, Ohio, and Altavista, Va.); Docket No. 18125; RM-1254, RM-1257, RM-1261, RM-1263, RM-1266, RM-1255, RM-1282, RM-1258, RM-1262, RM-1249, RM-1264, RM-1269, RM-1268.

1. The Commission has before it for consideration its notice of proposed rule making, FCC 68-382, issued in this proceeding on April 12, 1968, and published in the FEDERAL REGISTER on April 17, 1968 (33 F.R. 5888), proposing a number of changes in the FM Table of Assignments advanced by various interested parties. A number of comments were filed pursuant to the notice and all were considered in making the following determinations. Except as noted, the proposals were unopposed and all population figures are taken from the 1960 U.S. Census. This decision disposes of all the subject petitions, except RM-1261, Concord, N.H.; RM-1255, Glasgow, Ky.; and RM-1264, Columbia, S.C. These petitions will be considered in a further report and order in the near future.

2. RM-1254, Camden, S.C. (Kershaw County Broadcasting Co.), RM-1257, Brinkley, Ark. (Tri-County Broadcasting Co.), RM-1263, Pontiac, Ill. (Gem Radio Stations), RM-1266, Du Quoin, Ill. (Du Quoin Broadcasting Co.). In these four cases, interested parties are seeking the assignment of a first class A channel in a community, without requiring any other changes in the table. The communities range in size from 4,636 to 8,435 in population. We are of the view that the communities named merit the requested assignments and that they would serve the public interest. We are therefore assigning the proposed channels as follows:

City	Channel No.
Brinkley, Ark.	272A
Du Quoin, Ill.	240A
Pontiac, Ill.	278A
Camden, S.C.	232A

3. *RM–1258, Norman and Duncan, Okla.* On February 19, 1968, the University of Oklahoma, licensee of Radio Station WNAD (AM), filed a petition requesting rule making looking toward the assignment of a first FM channel to Norman, Okla., by making a change in the assignment to Duncan, Okla., as follows:

City	Channel No.	
	Present	Proposed
Norman, Okla.		292A
Duncan, Okla.	293	244A or 272A

Norman has a population of 33,412 persons. While it has a Class IV AM station and a daytime-only station licensed to petitioner, it has no commercial FM assignments. Duncan, in which petitioner proposes one or more Class A assignments, in lieu of the present Class C assignment, has a population of 20,009. It has a Class IV AM station in operation.

4. Petitioner submits that Norman needs a first commercial FM assignment since it is the county seat and largest community in Cleveland County (population 47,600) and since it is the home of the University of Oklahoma and the area's center "for commercial, educational, social and cultural life". The University states that it will seek to estabish a first local commercial FM station to serve the needs of the entire community as well as those of the student body and faculty of the University. It asserts that none of the nearby Oklahoma City stations (about 18 miles) provide a broadcast service featuring the activities of the University and the community of Norman. While recognizing that some of these needs could be met by a noncommercial educational station, such as the former WNAD–FM,[1] petitioner urges a commercial assignment in order to make additional sources of revenue available and in order to permit students to receive practical training in all aspects of commercial broadcasting. Petitioner also submits an engineering showing to indicate that the proposed assignment of Channel 292A to Norman would not preclude assignments in any other community which is either as large as Norman or does not already have FM assignments. A similar showing is made with respect to Channel 244A and Channel 272A at Duncan.

5. We are of the view that the petitioner's proposal to assign Channel 292A to Norman by the change required at Duncan would serve the public interest and should be adopted. In view of the present lack of apparent interest in activating an FM channel at Duncan, we are assigning only one Class A as a replacement for the Class C channel being removed. Assignment of an additional channel at Duncan will be considered at a later time if warranted by an indicated interest in the future. We are therefore assigning Channel 292A to Norman, Okla., and substituting Channel 272A for Channel 293 at Duncan, Okla.

6. *RM–1262, Glendive, Mont.* In a petition filed on February 28, 1968, Christian Enterprises, Inc., licensee of Radio Station KGLE (AM), Glendive, Mont., requests the addition of Channel 243 to Glendive, Mont., as follows:

City	Channel No.	
	Present	Proposed
Glendive, Mont.	232A	232A, 243

Glendive, located in the east central portion of Montana, has a population of 7,058, and its county has a population of 12,314. It is presently served by two AM stations, the daytime-only station licensed to petitioner, and a Class IV station. No applications have been filed for the Class A channel available to it.

7. Petitioner states that Glendive is the trade center for many smaller towns within a radius of 50 miles and that the principal industry is farming and ranching. Due to the limited AM coverage of the stations in the community and others, petitioner claims there is a large area without radio service at night including many towns such as Circle, Terry, Fallon, and Brockway. Finally, it is asserted that in the event the Class C assignment is made to Glendive, petitioner will file an application specifying a minimum power of 50 kw.

8. Normally, a community the size of Glendive would be assigned a Class A channel, as was done here originally. However, in view of the large nighttime "white area" which would be served by a Class C channel, we are of the view that a departure from our policy in this respect is warranted here. We believe, therefore, that assignment of Channel 243 to Glendive will serve the public interest. In further consideration of the size of the community and the apparent lack of interest to date in Channel 232A presently assigned there, we are also of the opinion that it should be removed. In consideration of the above, we are amending the table by substituting Channel 243 for Channel 232A at Glendive, Mont.

9. *RM–1249, Brandon and Sarasota, Fla.* A petition was filed January 31, 1968, and amended February 27, 1968, by Albert B. Gale, prospective applicant for a new FM station in Brandon, looking toward the removal of one of the Class A channels from Sarasota and its assignment to Brandon as follows:

City	Channel No.	
	Present	Proposed
Brandon, Fla.		292A
Sarasota, Fla.	273, 288A, 292A	273, 288A

Brandon, Fla., is a small community of 1,665 persons located about 10 miles east of Tampa and within the Tampa-St. Petersburg SMSA. It has no radio station. Sarasota, about 40 miles south of Tampa, has a population of 34,083. It has one Class C station in operation, and two Class A assignments, one of which is in operation. In addition it has four AM stations, one regional unlimited time, one Class IV, and two daytime-only stations.

10. Since Station WSPB–FM operates on Channel 292A at Sarasota and Channel 288A is unoccupied there, petitioner also requests that we order the licensee of this station to show cause why its authorization should not be modified to specify operation on Channel 288A in lieu of 292A. Gale further states that he will bear any expense involved in the proposed change.

11. Petitioner submits that Brandon is a separate community from Tampa with its own city government, etc. It is stated that it is one of the fastest growing communities in Florida and that the Brandon Chamber of Commerce estimates it to have a present population of from 9,000 to 10,000 persons. As evidence of the need for a first radio outlet in the community, Gale attaches a number of letters from civic, business, and religious leaders in the community testifying to the need for such a local outlet. In response to the showing requested in the May 12, 1967, public notice concerning additional FM assignments, Gale submits an engineering statement which concludes that the proposed shift of Channel 292A from Sarasota to Brandon would not preclude future needed assignments due to exisitng stations and assignments in the general area, as far as channels other than 292A are concerned.

12. We pointed out in our notice that while it is true that the move of Channel 292A from Sarasota to Brandon would not preclude any areas from the use of all the six adjacent channels, if Channel 292A is deleted from Sarasota and not assigned to Brandon it could be used in a number of larger communities identified as being without an FM assignment.[2] We also stated that our decision in this case would not be limited to a determination of whether or not Channel 292A should be moved to Brandon alone. However, in view of the decision being reached below, we need not make a determination on this aspect of the proposal.

13. Comments by Worth Communications, Inc., licensee of Station WSPB–FM, Sarasota, were filed stating that it is not opposed to the proposed amendment of the table provided (1) any permittee of Channel 292A at Brandon shall be required to reimburse WSPB–FM for reasonable expenses in effecting a change in frequency from Channel 292A to 288A, and (2) that determination of such costs be by agreement between the parties. Worth estimates such costs, excluding legal and engineering expenses, would be at least $5,464.

[1] At the request of the petitioner, its license for Educational Station WNAD–FM, Norman, Okla., was canceled on Mar. 12, 1968.

[2] Included among the communities without FM assignments where Channel 292A could be assigned are: Bartow (12,849), Avon Park (6,073), Fort Meade (4,014), Wauchula (3,411), and Mulberry (2,922). In addition, there are larger communities within 10 miles of Sarasota where Channel 292A could be used without the need of rule making under the provisions of section 73.203(b) of the rules.

14. Upon further study of the petitioner's proposal that Station WSPB–FM be ordered to change its channel from 292A to 288A, it has been determined that the transmitter site employed by WSPB–FM would not meet the cochannel spacing requirements of section 73.207 of the rules with the reference point for Channel 288A assigned to New Port Richey, Fla. Since the proposed change for WSPB–FM to operate on Channel 288A would not conform to the rules, and since the principal objective of the petition to assign Channel 292A to Brandon is necessarily dependent upon such change, we find that the proposal to assign Channel 292A to Brandon is not technically feasible. The petition is therefore denied.

15. *RM–1268, Upper Sandusky and Galion, Ohio.* Wyandot Broadcasting Co., prospective applicant for a new FM station in Upper Sandusky, Ohio, in a petition filed on March 8, 1968, requests the assignment of Channel 240A to Upper Sandusky, Ohio, by substituting Channel 272A for 240A at Galion, as follows:

City	Channel No.	
	Present	Proposed
Galion, Ohio	240A	272A
Upper Sandusky, Ohio		240A

Upper Sandusky, the county seat and largest community in Wyandot County, has a population of 4,941 and the county has 21,648. It has no radio station. Petitioner states that it needs a first broadcast outlet in view of the civic, business, and organizational activities of the community. There is no application pending for the present Galion assignment and petitioner urges that the proposal would have no adverse effect on future needed assignments elsewhere.

16. We are of the opinion that the above proposal is in the public interest and should be adopted. It would permit a first aural outlet for the community of Upper Sandusky and the switch in channels at Galion would not affect any existing station or pending application. We are, therefore, assigning Channel 240A to Upper Sandusky and substituting Channel 272A for 240A at Galion.

17. *RM–1269 and 1282, Lynchburg and Altavista, Va.* In response to two conflicting petitions requesting assignment of a Class A channel to Lynchburg and Altavista, Va., filed respectively by Griffith Broadcasting Corp., licensee of Station WLLL (AM), Lynchburg, and Altavista Broadcasting Co., licensee of Station WKDE (AM), Altavista, we invited comments on the following proposed assignments:

City	Channel No.	
	Present	Proposed
Altavista, Va.		296A
Lynchburg, Va.	261A, 269A	261A, 269A, 296A

The requests are mutually exclusive, since the two communities are only about 20 miles apart, whereas the required minimum cochannel separation requirement for Channel 269A is 65 miles.

18. Lynchburg has a population of 54,790 and its SMSA has a population of 110,701. The two Class A FM channels are in operation in Lynchburg, as are two unlimited-time AM stations and three daytime-only stations. Griffith urges assignment of a third Class A channel in view of the fact that Lynchburg is a metropolitan area and particularly because it has not received any Class C assignments. The petitioner further comments that it is anxious to broaden its service to the community beyond the limitations imposed upon its daytime-only AM operation, and says an application will be filed for the channel if its proposal is adopted.

19. Altavista has a population of 3,299. It has one daytime-only station, which is licensed to petitioner. Altavista urges that the requested assignment would provide the city with its first local nighttime transmission facility and that when such assignment becomes available it intends to promptly file an application to establish an FM station in the community.

20. Both petitioners have demonstrated with supporting engineering showings that Channel 296A would be technically feasible in either one or the other of their respective communities. Griffith's original engineering showing indicated that no areas would be precluded on any of the pertinent six adjacent channels by the assignment of Channel 296A to Lynchburg. In response to our invitation for comments on a further showing of preclusion area for Channel 296A, Griffith reveals that an extensive area, entirely contained within Virginia, would be involved, and several communities having populations greater than 2,500 are identified in the area as not having an FM assignment. These communities are Altavista (3,299), Bedford (5,921), Buena Vista (6,300), and Waynesboro (15,694).[3] In order to resolve the conflicting proposals for Channel 296A and to provide for the above-noted precluded communities, Griffith submitted an additional engineering study describing two alternate plans. Plan I is designed to accommodate only Altavista and Lynchburg. Plan II would, in addition, provide assignments for the above-noted precluded communities of Bedford and Buena Vista.[4] The alternate plans are as follows:

PLAN I

City	Channel No.	
	Present	Proposed
Altavista, Va.		296A
Lynchburg, Va.	261A, 269A	261A, 288A, 269A

PLAN II

Altavista, Va.		288A
Bedford, Va.		296A
Lexington-Buena Vista, Va.	252A	244A
Lynchburg, Va.	261A, 269A	252A, 261A, 269A

21. Comments in opposition to the Griffith petition to add a third Class A channel to Lynchburg were filed in a letter by Mr. L. John Denny, president of Rulon Maynard Corp., licensee of Stations WDMS (AM) and WDMS–FM, both in Lynchburg. Mr. Denny contends that a third FM channel for Lynchburg would result in an oversaturation of FM signals in Lynchburg as already exists for AM and urges that six FM signals available in the area are adequate to serve the needs of the community. Except for the two Lynchburg FM channels, the FM signals alleged as being available to Lynchburg are not identified. It is argued that a third channel would impose additional economic hardships on WDMS (AM/FM) as well as other stations operating in the area.

22. We have carefully considered all the comments submitted in this proceeding and are of the opinion that the communities of Altavista and Lynchburg each warrant the assignment of a Class A channel. In the case of Lynchburg, the assignment of a third FM channel would conform to the criterion used in setting up the FM Table for a city its size and would provide another source for nighttime programing. As to the economic injury argument of WDMS (AM/FM), we are not convinced that the additional assignment to Lynchburg would adversely affect the public interest. With respect to Altavista, the assignment would provide that community with its first local FM and nighttime outlet. Regarding the assignment of specific channels, we are concerned that the proposed assignment of Channel 296A to either community would result in a significant impact over an extensive area and preclude future availability of the channel to communities of fair size not having any FM assignment. We are, therefore, withholding assignment of Channel 296A at this time and instead will draw upon a limited portion of alternate Plan II outlined above. It appears that assignment of Channel 244A to Lynchburg would have the least preclusive impact of any of the available channels and would avoid the need to disturb the Lexington assignment at this time. Accordingly, we are assigning

[3] Channel 244A was deleted from Waynesboro by report and order dated Feb. 15, 1967, Docket No. 16991, FCC 67–277, pursuant to announced Commission intention to delete all unoccupied TV and FM channels assigned to communities located within the "quiet zone."

[4] Griffith points out that a channel assigned to Lexington would also be available to Buena Vista without further rule making, since the communities are only 6 miles apart.

Channel 244A to Lynchburg.[5] For similar reasons of minimizing effects of preclusion, we are assigning Channel 288A to Altavista. This arrangement will preserve availability of other channels to the precluded communities previously discussed if and when a future need develops.

23. Authority for the adoption of the amendments adopted herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

24. In accordance with the foregoing determinations: *It is ordered*, That effective August 30, 1968, § 73.202 of the Commission's rules, the FM Table of Assignments, is amended to read, insofar as the communities named are concerned, as follows:

City	Channel No.
Arkansas:	
Brinkley	272A
Illinois:	
DuQuoin	240A
Pontiac	276A
Montana:	
Glendive	243
Ohio:	
Galion	272A
Upper Sandusky	240A
Oklahoma:	
Duncan	272A
Norman	292A
South Carolina:	
Camden	232A
Virginia:	
Altavista	288A
Lynchburg	244A, 261A, 269A

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: July 17, 1968.

Released: July 19, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-8791; Filed, July 23, 1968; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Clear Lake National Wildlife Refuge, Calif.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

CALIFORNIA

CLEAR LAKE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Clear Lake National Wildlife Refuge, Calif., is permitted only on the area designated by signs as open to hunting, and is delineated on a map available at the refuge headquarters, Tulelake, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting of big game is permitted during the period August 24 through September 2, 1968, in accordance with all applicable State regulations subject to the following special conditions:

(a) Species permitted to be taken: Antelope.

(b) Other provisions:

1. The provisions of this special regulation supplement regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. A Federal permit is not required to enter the public hunting area.

3. The provisions of this special regulation are effective through September 2, 1968.

TRAVIS S. ROBERTS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 16, 1968.

[F.R. Doc. 68-8775; Filed, July 23, 1968; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 21,970]

PART 526—LIMITATIONS ON RATE OF RETURN

Maximum Rate of Return Payable on Notice and Certificate Accounts

JULY 19, 1968.

Resolved That the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending Part 526 of the regulations for the Federal Home Loan Bank System, relating to limitations on rate of return, to define the term "notice account", to provide the rates of return payable on notice accounts, and to adjust the rates of return payable on certificate accounts during certain periods of time, and for the purpose of effecting such amendments, hereby amends the regulations for the Federal Home Loan Bank System (12 CFR Part 526) as follows, effective July 22, 1968:

1. In § 526.1, paragraph (b) is revised and (g) is added, reading as follows:

§ 526.1 Definitions.

* * * * *

(b) *Regular account.* The term "regular account" means any form of withdrawable account that is not a certificate account or a notice account.

* * * * *

(g) *Notice account.* The term "notice account" means any form of withdrawable account evidenced by an account book containing a requirement that the holder of the account will give the member institution written notice of at least 90 days prior to making each withdrawal from such account, except as otherwise provided in this paragraph. The member institution may provide that such notice prior to withdrawal will not be required at the end of a distribution period or within 10 days thereafter in connection with the withdrawal of funds which have remained in such account for at least 90 days. In an emergency where it is necessary to prevent great hardship to the holder of such an account, a member institution may pay without such notice such account or the portion thereof necessary to meet such emergency: *Provided*, That before making such payment the holder of such account shall sign an application describing fully the circumstances constituting the emergency which is deemed to justify the payment of the withdrawal, which application shall be approved by an officer of the member institution who shall certify that, to the best of his knowledge and belief, the statements in such application are true. Where an emergency withdrawal from such an account is paid, the holder of such account shall not be entitled to receive accrued and unpaid earnings for the period of time the funds remained in the member institution since the last date as of which the member institution regularly distributed earnings on its savings accounts.

2. In § 526.4, paragraphs (b) and (d) are revised to read as follows:

§ 526.4 Maximum rate of return payable on certificate accounts.

* * * * *

(b) *Institutions paying more than 4.75 percent on regular accounts or notice accounts.* (1) During a distribution period with respect to which a member institution has an announced rate of return in excess of 4.75 percent per annum on regular accounts, it may not pay a rate of return on certificate accounts in excess of 5 percent per annum, except as otherwise herein provided.

(2) During any 3-month period beginning on the first day of any distribution period and during any 3-month period ending on the last day of any distribution period with respect to which a member institution has an announced rate of return in excess of 4.75 percent per annum on any notice account to be issued during any such period, it may not announce or pay a rate of return on any certificate account issued during any such period in excess of 5 percent per annum (not including any deferred return or bonus applicable to a period of at least 3 years).

* * * * *

(d) *Amount Limitation.* A member institution may not advertise or pay a rate of return, higher than the maximum rate prescribed for regular accounts, on notice accounts and certificate accounts issued at a time when the total of notice accounts and certificate accounts receiving a rate of return (including any deferred return or bonus applicable to a period of less than 3 years) higher than the maximum rate prescribed for regular accounts exceeds 50 percent of total withdrawable accounts.

3. New § 526.5 is added to read as follows:

§ 526.5 Maximum rate of return payable on notice accounts.

(a) *Maximum rate of 4.75 percent.* No member institution shall pay a return on notice accounts at a rate in excess of 4.75 percent per annum, except as otherwise herein provided.

(b) *Institutions at higher rates.* (1) A member institution whose home office is located in a Standard Metropolitan Statistical Area, or country not in such area, in which the regional Federal Home Loan Bank has determined that a mutual savings bank having an office located therein has an announced rate of return in excess of 4.75 percent per annum on accounts which such Bank considers to be similar to notice accounts may pay a return on notice accounts at a rate not in excess of 5 percent per annum, except as otherwise herein provided.

(2) During any 3-month period beginning on the first day of any distribution period and during any 3-month period ending on the last day of any distribution period with respect to which a member institution has an announced rate of return in excess of 5 percent per annum (not including any deferred return or bonus applicable to a period of at least 3 years) on any certificate account to be issued during any such period, it may not announce or pay a rate of return on any notice account issued during any such period in excess of 4.75 percent per annum.

(c) *Amount limitation.* A member institution may not advertise or pay a rate of return, higher than the maximum rate prescribed for regular accounts, on notice accounts issued at a time when the total of notice accounts and certificate accounts receiving a rate of return (including any deferred return or bonus applicable to a period of less than 3 years) higher than the maximum rate prescribed for regular accounts exceeds 50 percent of total withdrawable accounts.

* * * * *

(Sec. 4, 80 Stat. 823; 12 U.S.C. 1425b)

Resolved further that, since affording notice and public procedure on the above amendments would delay the amendments from becoming effective for a period of time and since it is in the public interest for the additional authorities granted in these amendments to become effective without delay, the Board hereby finds that notice and public procedure on said amendments are contrary to the public interest under the provisions of § 508.12 of the General Regulations of the Federal Home Loan Bank Board or 5 U.S.C. 553(b), and publication of said amendments for the period specified in § 508.14 of the General Regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553(d) prior to the effective date of said amendments would in the opinion of the Board likewise be contrary to the public interest for the same reason and the Board hereby so finds, and the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 68-8912; Filed, July 23, 1968; 8:49 a.m.]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 21,960]

PART 541—DEFINITIONS

Federal Association

JULY 18, 1968.

Resolved that, notice and public procedure having been duly afforded (33 F.R. 8678) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and for the purpose of including building and loan and savings and loan associations organized or incorporated under or pursuant to the laws of the District of Columbia in the definition of "Federal association" to apply certain portions of the rules and regulations for the Federal Savings and Loan System to such associations, hereby amends § 541.2 of the rules and regulations for the Federal Savings and Loan System (12 CFR 541.2) to read as follows, effective August 24, 1968:

§ 541.2 Federal association.

The term "Federal association" means a Federal savings and loan association chartered by the Board as provided in section 5 of the Home Owners' Loan Act of 1933, as amended. As used in §§ 546.1, 546.2, 546.3, and 546.4 of Part 546, and in Parts 547, 548, 549, and 550 of this subchapter, the term "Federal association" also includes any incorporated or unincorporated building, building or loan, building and loan, savings and loan, or homestead association, which has been organized or incorporated under or pursuant to the laws of the District of Columbia.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1943–1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 68-8824; Filed, July 23, 1968; 8:49 a.m.]

[No. 21,966]

PART 541—DEFINITIONS

PART 545—OPERATIONS

Definitions of "Single-Family Dwelling" and "Other Improved Real Estate" and Loans by Federal Savings and Loan Associations

JULY 18, 1968.

Whereas, by Resolution No. 21,667, dated May 9, 1968, and duly published in the FEDERAL REGISTER on May 16, 1968 (33 F.R. 7261), this Board proposed to amend Part 541 and Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR 541 and 545, respectively), the substance of which proposal was set out in said publication; and

Whereas, all relevant material presented or available having been considered by it;

Now, therefore, be it resolved, that this Board hereby determines to adopt the amendments, as proposed, without change, effective August 24, 1968.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

1. Revise § 541.10 of the rules and regulations for the Federal Savings and Loan System to read as follows:

§ 541.10 Single-family dwelling.

The term "single-family dwelling" means a structure designed for residential use by one family, or a unit designed for residential use by one family, the owner of which unit owns an undivided interest in the underlying real estate. The term also includes property, owned in common with others, which is necessary or contributes to the use and enjoyment of such a structure or unit.

2. Revise § 541.12 of the rules and regulations for the Federal Savings and Loan System to read as follows:

§ 541.12 Other improved real estate.

The term "other improved real estate" means either:

(a) Real estate other than that defined in § 541.10, § 541.10–1, § 541.10–2, § 541.10–3, § 541.11, or § 541.11–1 improved by (1) a permanent structure or structures having a value of at least 25 percent of the value of the real estate as a whole, or (2) improvements which render the real estate usable by a business or industrial enterprise; or

(b) Building lots or sites which, by reason of installations and improvements that have been completed in keeping with applicable governmental requirements and with general practice in the community, are building lots or sites ready for the construction on each such building lot or site of a structure designed for residential use for one family.

[5] Use of Channel 244A will require a site about 2 miles NNE of Lynchburg in order to conform to the required spacing with WMVA-FM, Channel 241, Martinsville, Va.

§ 545.6–1 [Amended]

3. Amend subdivision (ii) of subparagraph (3) of paragraph (a) of § 545.6–1 of the rules and regulations for the Federal Savings and Loan System to read as follows:

(ii) If such loan is made for the purpose of construction, 80 percent of the value and for a term of not more than 18 months without regard to any requirement of this part for amortization of principal prior to the end of the term.

4. Amend subdivision (ii) of subparagraph (4) of paragraph (a) of § 545.6–1 of the rules and regulations for the Federal Savings and Loan System to read as follows:

(ii) The loan is made upon the security of a first lien upon a single-family dwelling which is not in a multiple unit structure other than a structure in which each unit is situated on the ground. The amount by which such a loan exceeds 80 percent of the value of the improved real estate shall not be disbursed until construction has been completed, and, if such single-family dwelling is being constructed for sale, until the property has been sold and title has been conveyed to a purchaser who has executed an agreement with the association assuming and agreeing to pay the loan;

5. Amend subdivision (ii) of subparagraph (3) of paragraph (b) of § 545.6–1 of the rules and regulations for the Federal Savings and Loan System to read as follows:

(ii) If such loan is made for the purpose of construction, 75 percent of the value and for a term of not more than 24 months without regard to any requirement of this part for amortization of principal prior to the end of the term.

6. Add a new subparagraph (5) to paragraph (c) of § 545.6–1 of the rules and regulations for the Federal Savings and Loan System to read as follows:

(5) A loan made for the purpose of construction may be made in an amount not exceeding 70 percent of the value of such real estate and for a term of not more than 24 months without regard to any requirement of this part for amortization of principal prior to the end of the term but with interest payable at least semiannually.

7. Amend § 545.6–12 of the rules and regulations for the Federal Savings and Loan System to read as follows:

§ 545.6–12 Loan payments.

(a) *Payments on monthly installment loans.* Payments on all monthly installment loans, other than construction loans, insured loans, and guaranteed loans, shall begin not later than 60 days after the advance of the loan. Insured loans and guaranteed loans may be repayable upon terms acceptable to the insuring or guaranteeing agency. The Board hereby approves for use by any Federal association a loan plan whereby payments on any monthly installment loan which includes construction may begin not later than 24 months after the date of the first advance, but not later than 18 months if the loan is secured by real estate consisting solely of one or more homes or combinations of home and business property; interest shall be payable at least semiannually until regular periodic payments become due.

(b) *Loan payments and prepayments.* Payments on the principal indebtedness of all loans on real estate security shall be applied direct to the reduction of such indebtedness, but prepayments made on an installment loan may be reapplied from time to time in whole or in part by a Federal association to offset payments which subsequently accrue under the loan contract. Borrowers from Federal associations shall have the right to prepay their loans without penalty unless the loan contract makes express provision for a prepayment penalty. The prepayment penalty for a loan secured by a home or combination of home and business property shall not be more than 6 months' advance interest on that part of the aggregate amount of all prepayments made on such loan in any 12-month period which exceeds 20 percent of the original principal amount of the loan.

§ 545.6–14 [Amended]

8. Revoke paragraph (d) of § 545.6–14 of the rules and regulations for the Federal Savings and Loan System.

9. Reletter paragraphs (e) and (f) of § 545.6–14 of the rules and regulations for the Federal Savings and Loan System as paragraphs (d) and (e) respectively.

[F.R. Doc. 68–8825; Filed, July 23, 1968; 8:49 a.m.]

[No. 21,969]

PART 544—CHARTER AND BYLAWS
PART 545—OPERATIONS
Notice Accounts

JULY 19, 1968.

Resolved that the Federal Home Loan Bank Board considers it desirable to amend Parts 544 and 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Parts 544 and 545) for the following purposes:

(1) To authorize certain Federal savings and loan associations to amend their charters to provide for issuing savings accounts upon which withdrawals are subject to requirements of rules and regulations made by the Federal Home Loan Bank Board.

(2) To permit a Federal savings and loan association which has amended its charter in accordance with (1) above to authorize the payment of earnings higher than the regular rate on an account evidenced by a notice-account book containing a requirement that the holder of such account must give at least 90 days written notice prior to making withdrawals except (a) to meet emergencies or (b) at the end of a dividend period (with 10 days grace) if the funds have been in the account for at least 90 days.

(3) To provide that distribution of earnings on notice accounts will be made at the applicable rate higher than the regular rate on each regular distribution date.

(4) To provide that the issuance of notice accounts shall be discontinued during any period of time in which the total of a Federal savings and loan association's notice and certificate accounts exceeds 50 percent of its total capital.

Resolved further that, for such purpose, § 544.8 of said Part 544 of the rules and regulations for the Federal Savings and Loan System (12 CFR 544.8) is hereby amended to read as follows, effective July 22, 1968:

§ 544.8 Amendment of Charter.

(a) *Amendment of Charter K.* The provisions of this paragraph shall constitute the approval by the Board of the proposal by the board of directors of any Federal association that has a Charter K of the following amendments to said Federal association's charter: *Provided*, That such Federal association follows the requirements of section 16 of its charter in adopting such amendments: Amendment of the 10th sentence of section 9 by striking the period at the end thereof and adding: ": *Provided further*, That the association may provide for bonus payments in accordance with section 10 hereof."; together with the amendment of section 10 to read as follows: "10. *Payment of bonus on share accounts.* The association may pay a bonus upon its share accounts as authorized by regulations made by the Federal Home Loan Bank Board."

(b) *Amendment of Charter N or Charter K (rev.).* The provisions of this paragraph shall constitute the approval by the Board of the proposal by the board of directors of any Federal association that has a Charter N or Charter K (rev.) of the following amendment to said Federal association's charter: *Provided*, That such Federal association follows the requirements of section 11 of its charter in adopting such amendment: Amendment of section 6 by adding the following as the first sentence after the section title "Withdrawals": "Each withdrawal from a savings account shall be governed by this section except to the extent that a member's account book or other written evidence of the member's savings account contains additional requirements in accordance with regulations made by the Federal Home Loan Bank Board."

Resolved further that, for such purposes, said Part 545 is hereby amended by amendments as follows, effective July 22, 1968:

1. Amend paragraphs (b), (d) (1) and (2), (e), and (h) of § 545.3–1 of the rules and regulations for the Federal Savings and Loan System to read as follows, and revoke (d) (8) of § 545.3–1, as follows:

§ 545.3–1 Distribution of earnings at variable rates.

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(b) *Eligibility requirements.* The board of directors may, by resolution, provide for the distribution of earnings at a rate or rates higher than the regular rate only on savings accounts which meet the minimum requirements fixed by the board of directors pursuant to subparagraphs (1), (2), and (3) of this paragraph and such additional requirements as the board of directors may impose, except that the board of directors shall not authorize the issuance of accounts evidenced by notice-account books pursuant to subparagraph (2) of this paragraph unless the association's charter contains the sentence specified in paragraph (b) of § 544.8 of Part 544 of this Chapter V.

(1) *Accounts evidenced by account books other than notice-account books.* For any dividend period for which the regular rate is less than the applicable maximum rate of return prescribed for regular accounts in Part 526 of Subchapter B of this Chapter V, a savings account which is evidenced by an account book other than a notice-account book and is maintained at not less than $1,000 for a continuous period of not less than 12 months may receive earnings at a rate higher than the regular rate, but not in excess of the applicable maximum rate of return prescribed for regular accounts in Part 526 of Subchapter B of this Chapter V.

(2) *Accounts evidenced by notice-account books.* For any dividend period for which the regular rate is less than the applicable maximum rate of return prescribed for notice accounts in Part 526 of Subchapter B of this Chapter V, a savings account which is evidenced by a notice-account book containing a requirement that the holder of the account give the Federal association written notice of at least 90 days prior to making each withdrawal from such account, except as otherwise provided in this subparagraph (2), may receive earnings at a rate higher than the regular rate, but not in excess of the applicable maximum rate of return prescribed for notice accounts in Part 526 of Subchapter B of this Chapter V. No Federal association shall pay any withdrawal from an account evidenced by a notice-account book until the required notice has been given and the required notice period thereafter has expired, except as otherwise provided in this subparagraph (2). The Federal association may provide that such notice prior to withdrawal will not be required at the end of a dividend period or within 10 days thereafter in connection with the withdrawal of funds which have remained in such account for at least 90 days. In an emergency where it is necessary to prevent great hardship to the holder of such an account, a Federal association may pay without such notice such account or the portion thereof necessary to meet such emergency: *Provided*, That before making such payment the holder of such account shall sign an application describing fully the circumstances constituting the emergency which is deemed to justify the payment of the withdrawal, which application shall be approved by an officer of the association who shall certify that, to the best of his knowledge and belief, the statements in such application are true. Where an emergency withdrawal from such an account is paid, the holder of such account shall not be entitled to receive accrued and unpaid earnings for the period of time the funds remained in the association since the last date as of which the association regularly distributed earnings on its savings accounts.

(3) *Accounts evidenced by separate certificates.* A savings account which is evidenced by a separate certificate, as provided in paragraph (c) of this section, issued and dated on or after the date of such resolution, may receive earnings on the amount of such certificate at a rate higher than the regular rate, but not in excess of the applicable maximum rate of return prescribed for certificate accounts in Part 526 of Subchapter B of this Chapter V, if such account is maintained at not less than $1,000 for a continuous period of not less than 6 months, nor more than 12 months, commencing on the date of such certificate. If such savings account is evidenced by more than one separate certificate, the provisions of this subparagraph (3) shall be as fully applicable to each such certificate as if each such certificate evidenced a separate savings account.

• • • • •

(d) *Time and manner of distributing earnings.* (1) As to an account issued under this section which is evidenced either by an account book other than a notice-account book, or by a certificate issued in accordance with paragraph (c) other than a certificate containing the fourth sentence of the quoted language set forth in subparagraph (1) of paragraph (c) or containing the optional language authorized by subdivision (i) of subparagraph (3) of paragraph (c), earnings at the regular rate shall be distributed on each such savings account at each date as of which the Federal association regularly distributes earnings on its savings accounts.

(2) As to an account issued under this section which is evidenced by a notice-account book, earnings at the applicable rate higher than the regular rate shall be distributed on each such savings account at each date as of which the Federal association regularly distributes earnings on its savings accounts. As to an account issued under this section which is evidenced by a certificate containing the fourth sentence of the quoted language set forth in subparagraph (1) of paragraph (c), no earnings shall be distributed until the account has met the applicable eligibility requirements fixed pursuant to paragraph (b) unless part or all of the account is withdrawn prior to meeting such eligibility requirements; and in the event of such withdrawal, the board of directors may provide that the funds withdrawn shall receive a percentage of the regular rate of earnings which percentage may vary according to the length of time the funds remain in the account, but shall be less than 100 but not less than 50 percent of the regular rate of earnings distributable on accounts evidenced by an account book other than a notice-account book. As to an account issued under this section which is evidenced by a certificate containing either of the optional sentences quoted in subdivision (i) of subparagraph (3) of paragraph (c), earnings shall be distributed as provided in the certificate evidencing such account.

• • • • • •

(8) [Revoked]

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(e) *Exchange of accounts.* Such part of any savings account as is not less than the minimum amount fixed pursuant to subparagraph (3) of paragraph (b) of this section may, upon request by the holder of such account, be exchanged for one or more separate certificates issued pursuant to and in accordance with paragraphs (b) and (c) of this section; and the association may, either at the time of such exchange or at the next date as of which it regularly distributes earnings, distribute any undistributed earnings and any applicable bonus on the savings account, or part thereof, so exchanged.

• • • • •

(h) *Limitation on issuance of notice-account books and certificates.* No Federal association may issue any account evidenced by a notice-account book or a certificate pursuant to this section at any time when the total of its savings accounts evidenced by such notice-account books and such certificates exceeds 50 percent of the association's total capital.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948, Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendments would delay the amendments from becoming effective for a period of time and since it is in the public interest for the additional authorities granted in these amendments to become effective without delay, the Board hereby finds that notice and public procedure on said amendments are contrary to the public interest under the provisions of § 508.12 of the General Regulations of the Federal Home Loan Bank Board or 5 U.S.C. 553(b), and publication of said amendments for the period specified in § 508.14 of the General Regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553(d) prior to the effective date of said amendments would in the opinion of the Board likewise be contrary to the public interest for the same reason and the Board hereby so finds, and the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 68–8913; Filed, July 23, 1968; 8:49 a.m.]

[No. 21,968]

PART 545—OPERATIONS

Liquidity

JULY 19, 1968.

Resolved that the Federal Home Loan Bank Board considers it desirable to amend § 545.8–2 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.8–2) for the purpose of reducing from 7 percent to 6½ percent the required amount of cash and obligations of the United States that Federal savings and loan associations must have on hand in order to be entitled to make certain loans and, for such purpose, said § 545.8–2 is hereby amended to read as follows, effective August 1, 1968:

§ 545.8–2 Cash and Government obligations.

A Federal association shall not make or purchase any loan, other than advances on the sole security of its savings accounts, at any time when its cash and obligations of the United States are not at least equal to 6½ percent of the association's capital. For the purposes of this section:

(a) A loan shall be deemed to have been made as of the date of the note or bond evidencing the same, and a loan shall be deemed to have been purchased as of the date of payment therefor;

(b) The term "cash" means cash on hand, unpledged deposits in a Federal Home Loan Bank or State bank performing similar reserve functions, and unpledged demand deposits in domestic banks, not under the control or in the possession of appropriate supervisory authority.

(c) The term "obligations of the United States" means all unpledged evidences of indebtedness issued by the United States and all unpledged evidences of indebtedness issued by any agency or instrumentality of the United States which are by statute fully guaranteed as to principal and interest by the United States.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948, Comp., p. 1071)

Resolved further that, since the Board determines it desirable in the present economic climate for Federal savings and loan associations to have available as soon as possible the latitude in the holdings of cash and obligations of the United States which is made available by this amendment, the Federal Home Loan Bank Board finds that notice and public procedure on the amendment is contrary to the public interest and, since the amendment relieves restrictions, the Board finds that publication in the FEDERAL REGISTER for not less than 30 days prior to the effective date is unnecessary, and the Board determines that the amendment shall be effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[F.R. Doc. 68–8826; Filed, July 23, 1968; 8:49 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 21967]

PART 563—OPERATIONS

Participation Loans and Sale of Participating Interests to Other Than Insured Institutions

JULY 18, 1968.

Resolved that, notice and public procedure having been duly afforded (33 F.R. 7262 and 7263) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board hereby amends paragraph (f) of § 563.9–1 and § 563.9–2 of the rules and regulations for Insurance of Accounts (12 CFR 563.9–1(f) and 563.9–2, respectively) to read as follows, effective August 24, 1968:

§ 563.9–1 Participation loans.

* * * * *

(f) *Definitions.* As used in this section—

(1) The term "home" means real estate which is, or which from the proceeds of the loan will become, either:

(i) Real estate upon which there is located a structure or structures designed primarily for residential use for not more than four families in the aggregate; or

(ii) An individually owned unit designed for residential use for one family in a multiple-unit structure, the owner of which unit owns an undivided interest in the underlying real estate and the common elements of such structure (the term "common elements" includes supporting walls, hallways, stairways, elevators, and such other facilities as are necessary to the use and enjoyment of an individual unit).

(2) The term "other dwelling units" means real estate upon which there is located, or upon which there will become located from the proceeds of a loan, improvements which comprise or include any of the following improvements:

(i) A structure or structures designed primarily for residential use and consisting of single-family dwellings or dwelling units for more than four families in the aggregate;

(ii) A structure or structures, or parts thereof, designed or used as fraternity or sorority houses which include sleeping accommodations for students of a college or university;

(iii) A structure or structures, or parts thereof, designed or used principally for the provision of living accommodations for students, employees, or members of the staff of a college, university, or hospital.

§ 563.9–2 Sale of participating interests otherwise than to insured institutions.

Any insured institution may, to the extent it has legal power to do so, sell to any lender other than an insured institution a participating interest in any loan upon the security of real estate which is located more than 50 miles from the insured institution's principal office and outside the territory in which the insured institution was operating on June 27, 1934. Any such sale shall be made without recourse and the term "without recourse" as used in this sentence shall have the meaning set forth in § 561.8 of this chapter.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 68–8827; Filed, July 23, 1968; 8:49 a.m.]

[No. 21,971]

PART 569—LIMITATIONS ON RATE OF RETURN

Maximum Rate of Return Payable on Regular and Certificate Accounts

JULY 19, 1968.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending Part 569 of the rules and regulations for Insurance of Accounts, relating to limitations on rate of return, to define the term "notice account", to provide the rates of return payable on notice accounts, and to adjust the rates of return on certificate accounts during certain periods of time, and for the purpose of effecting such amendments, hereby amends Part 569 of the rules and regulations for Insurance of Accounts (12 CFR, Part 569) as follows, effective Juyy 22, 1968:

1. In § 569.1, paragraph (b) is revised and (f) is added, reading as follows:

§ 569.1 Definitions.

* * * * *

(b) *Regular account.* The term "regular account" means any form of withdrawable account that is not a certificate account or a notice account.

* * * * *

(f) *Notice account.* The term "notice account" means any form of withdrawable account evidenced by an account book containing a requirement that the holder of the account will give the insured institution written notice of at least 90 days prior to making each withdrawal from such account, except as otherwise provided in this paragraph. The insured institution may provide that such notice prior to withdrawal will not be required at the end of a distribution period or within 10 days thereafter in connection with the withdrawal of funds which have remained in such account for at least 90 days. In an emergency where it is necessary to prevent great hardship to the holder of such an account, an insured institution may pay without such notice such account or the portion thereof necessary to meet such emergency: *Provided*, That before making such payment the holder of such account shall sign an application describing fully the circumstances constituting the emergency which is deemed to justify the payment of the withdrawal, which application shall be approved by an officer of the insured institution who shall certify that, to the best of his knowledge and belief, the statements in such application are true. Where an emergency withdrawal from such an account is paid, the holder of such account shall not be entitled to receive accrued and unpaid earnings for the period of time the funds remained in the insured institution since the last date as of which the insured institution regularly distributed earnings on its savings accounts.

2. In § 569.4, paragraphs (b) and (d) are revised to read as follows:

§ 569.4 Maximum rate of return payable on certificate accounts.

* * * * *

(b) *Institutions paying more than 4.75 percent on regular accounts or notice accounts.* (1) During a distribution period with respect to which an insured institution has an announced rate of return in excess of 4.75 percent per annum on regular accounts, it may not pay a rate of return on certificate accounts in excess of 5 percent per annum, except as otherwise herein provided.

(2) During any 3-month period beginning on the first day of any distribution period and during any 3-month period ending on the last day of any distribution period with respect to which an insured institution has an announced rate of return in excess of 4.75 percent per annum on any notice account to be issued during any such period, it may not announce or pay a rate of return on any certificate account issued during any such period in excess of 5 percent per annum (not including any deferred return or bonus applicable to a period of at least 3 years).

* * * * *

(d) *Amount limitation.* An insured institution may not advertise or pay a rate of return, higher than the maximum rate prescribed for regular accounts, on notice accounts and certificate accounts issued at a time when the total of notice accounts and certificate accounts receiving a rate of return (including any deferred return or bonus applicable to a period of less than 3 years) higher than the maximum rate prescribed for regular accounts exceeds 50 percent of total withdrawable accounts.

3. New § 569.5 is added to read as follows:

§ 569.5 Maximum rate of return payable on notice accounts.

(a) *Maximum rate of 4.75 percent.* No insured institution shall pay a return on notice accounts at a rate in excess of 4.75 percent per annum, except as otherwise herein provided.

(b) *Institutions at higher rates.* (1) An insured institution whose home office is located in a Standard Metropolitan Statistical Area, or county not in such area, in which the regional Federal Home Loan Bank has determined that a mutual savings bank having an office located therein has an announced rate of return in excess of 4.75 percent per annum on accounts which such Bank considers to be similar to notice accounts may pay a return on notice accounts at a rate not in excess of 5 percent per annum, except as otherwise herein provided.

(2) During any 3-month period beginning on the first day of any distribution period and during any 3-month period ending on the last day of any distribution period with respect to which an insured institution has an announced rate of return in excess of 5 percent per annum (not including any deferred return or bonus applicable to a period of at least 3 years) on any certificate account to be issued during any such period, it may not announce or pay a rate of return on any notice account issued during any such period in excess of 4.75 percent per annum.

(c) *Amount limitation.* An insured institution may not advertise or pay a rate of return, higher than the maximum rate prescribed for regular accounts, on notice accounts issued at a time when the total of notice accounts and certificate accounts receiving a rate of return (including any deferred return or bonus applicable to a period of less than 3 years) higher than the maximum rate prescribed for regular accounts exceeds 50 percent of total withdrawable accounts.

(Sec. 4, 80 Stat. 823; 12 U.S.C. 1425b)

Resolved further that, since affording notice and public procedure on the above amendments would delay the amendments from becoming effective for a period of time and since it is in the public interest for the additional authorities granted in these amendments to become effective without delay, the Board hereby finds that notice and public procedure on said amendments are contrary to the public interest under the provisions of § 508.12 of the General Regulations of the Federal Home Loan Bank Board or 5 U.S.C. 553(b), and publication of said amendments for the period specified in § 508.14 of the General Regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553(d) prior to the effective date of said amendments would in the opinion of the Board likewise be contrary to the public interest for the same reason and the Board hereby so finds, and the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 68–8914; Filed, July 23, 1968; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

TRIBAL AND TRUST PATENT INDIAN LANDS, SAN CARLOS PROJECT, ARIZ.

Basic Charge

Pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (80 Stat. 238) and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs, September 14, 1946 (11 F.R. 10297), and by virtue of authority delegated by the Commissioner of Indian Affairs to the Area Directors, by Order 551, section 200 (14 IAM 3.1), notice is hereby given of intention to modify § 221.110 Basic charge, of Title 25, Code of Federal Regulations, dealing with irrigation operation and maintenance assessments against tribal lands and trust patent Indian lands of the San Carlos Irrigation Project, Ariz., by increasing the annual basic assessment rate for the calendar year 1969 and subsequent years, unless changed by further order, from $7.20 to $7.50 per acre. The revised section will read as follows:

§ 221.110 Basic charge.

Pursuant to the provisions of section 10 of the Act of March 3, 1905 (33 Stat. 1081), as amended and supplemented by the Acts of August 24, 1912 (37 Stat. 522), August 1, 1914 (38 Stat. 583, 25 U.S.C. 385), section 5 of the Act of June 7, 1924 (43 Stat. 476), March 7, 1928 (45 Stat. 210, title 25 U.S.C. 387), and the Act of August 9, 1937 (50 Stat. 577), as amended by the Act of May 9, 1938 (52 Stat. 291–305), and in accordance with the public notice issued on December 1, 1932, operation and maintenance charges are assessable against the 50,000 acres of tribal lands and trust patent Indian lands of the San Carlos Indian Irrigation Project within the boundaries of the Gila River Indian Reservation, Ariz., and the basic rate assessed for the calendar year 1969 and the subsequent years unless changed by further order, is hereby fixed at $7.50. Such rate shall entitle each acre of land to have delivered for use thereon two (2) acre-feet of water per acre or its proportionate share of the available water supply. The assessment for the 50,000 acres of Indian land will be payable as provided in §§ 221.111 to 221.116, inclusive.

The foregoing change is to become effective for the calendar year 1969 and continue thereafter until further notice.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to the proposed amendment, to W. Wade Head, Area Director, Phoenix Area Office, Post Office Box 7007, Phoenix, Ariz., within 30 days from date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

ALBERT LASSITER,
Acting Area Director.

[F.R. Doc. 68-8776; Filed, July 23, 1968; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 915]

HANDLING OF AVOCADOS GROWN IN SOUTH FLORIDA

Increase in Rate of Assessment for 1968–69 Fiscal Year

Consideration is being given to the proposal hereinafter set forth which was submitted by the Avocado Administrative Committee, established under the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the provisions thereof.

The proposal is that the rate of assessment (33 F.R. 8725) for the period beginning April 1, 1968, through March 31, 1969, payable by each handler in accordance with § 915.41 be increased from $0.03 to $0.04 per bushel of avocados.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 19, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-8823; Filed, July 23, 1968; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Certain Surfactants in Pesticide Formulations; Extension of Time for Filing Comments on Proposal To Exempt From Requirement of Tolerances

The notice published in the FEDERAL REGISTER of June 18, 1968 (33 F.R. 8847), proposing that the pesticide regulations be amended (21 CFR 120.1001) to exempt certain surfactants in pesticide formulations from the requirement of a tolerance, provided for the filing of comments thereon within 30 days of said publication date.

The Commissioner of Food and Drugs has received requests for an extension of such time and, good reason therefor appearing, the time for filing comments on the subject proposal is extended to September 16, 1968.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (c), (e), 68 Stat. 512, 514; 21 U.S.C. 346a (c), (e)) and in accordance with the authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 16, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8813; Filed, July 23, 1968; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 9025]

AIRWORTHINESS DIRECTIVES

Certain Dassault Fan Jet Falcon Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive (AD) applicable to Dassault Fan Jet Falcon Airplanes, Serial Nos. 1 through 72. There have been reports of corrosion in the landing gear switch assembly installed in such airplanes. This could result in the erroneous indication to the flight crew of the position of the main and nose landing gears. Since this condition is likely to exist or develop in other airplanes of the same type design, it is proposed to issue an airworthiness directive to require replacement of these switches on all Dassault Fan Jet Falcon Airplanes, Serial Nos. 1 through 72.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Dockets, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before August 23, 1968, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before or after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

AVIONS MARCEL DASSAULT. Applies to Dassault Fan Jet Falcon Airplanes, Serial Nos. 1 through 72.

Compliance required by not later than December 31, 1968.

To prevent the ingress of moisture causing internal corrosion in the landing gear switch assembly, replace the existing microswitch with a modified switch, in accordance with Dassault AMD Service Bulletin No. 333 dated June 21, 1968, or later SGAC-approved issue, or FAA-approved equivalent, as follows:

Location	Existing switch	Modified switch
Nose landing gear, telescopic bar	P/N A1-23802	P/N A1-23802—V1-V2.
Nose landing gear, door actuating cylinder	P/N A1-23801	P/N A1-23801—V1-V2.
Main landing gear, drag strut actuator cylinder	P/N A2-23802	P/N A2-23802—V1-V2.
Main landing gear, door actuating cylinder	P/N A2-23801	P/N A2-23801—V1-V2.

Issued in Washington, D.C., on July 16, 1968.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 68-8784; Filed, July 23, 1968; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 15]

[Docket No. 18260, RM 1223, RM 1289; FCC 68-742]

RF OPERATED MEASURING DEVICES

Notice of Proposed Rule Making

1. The Commission has received two petitions requesting that Part 18 or Part 15 be amended to make provision for the operation without an individual license of certain measuring devices which involve the emission of electromagnetic energy and which cannot meet the existing regulations in Part 15 or Part 18.

2. Owens-Illinois, Inc., manufacturer of glass containers, has developed an RF thickness gauge capable of measuring the wall thickness of glass containers moving along a production line. Use of this device will permit measurement of wall thickness of 100 percent of the production of those containers where wall thickness is a critical specification. Owens-Illinois points out that use of the device will provide an unusually high level of quality control with respect to wall thickness.

3. The device developed by Owens-Illinois operates on a frequency of 13.56 Mc/s—a frequency allocated for Industrial, Scientific, and Medical purposes, both in the table of frequency allocations in Part 2 of the FCC rules and in the International Radio Regulations (Geneva 1959). Attached to the Owens-Illinois petition is a report showing that the maximum level of field strength of the emitted field is 140 uV/m at 12 feet from the device.

4. Owens-Illinois alleges that its thickness gauge is a piece of ISM equipment since it uses RF energy for an industrial purpose. However, Owens-Illinois reports that its device is not expressly described by any of the definitions for the several devices now regulated by Part 18. It accordingly petitions the Commission to amend the definition of Miscellaneous Equipment to specifically include provision for its thickness gauge. The present definition for Miscellaneous Equipment reads:

> Miscellaneous equipment shall include apparatus other than that defined in or excepted by paragraphs (b) and (c) of this section in which radio frequency energy is applied to materials to produce physical, biological, or chemical effects such as heating, ionization of gases, mechanical vibrations, hair removal and acceleration of charged particles which do not involve communications or the use of radio receiving equipment.

Owens-Illinois requests that this definition be expanded by adding the language "or to measure characteristics thereof". As amended the definition would read:

> Miscellaneous equipment shall include apparatus other than that defined in or excepted by paragraphs (b) and (c) of this section in which radio frequency energy is applied to materials (1) to produce physical, biological, or chemical effects such as heating, ionization of gases, mechanical vibrations, hair removal and acceleration of charged particles, or (2) measure characteristics thereof, which do not involve communications or the use of radio receiving equipment.

5. The Home Laundry Department of the General Electric Co. has developed a control system to be used in its home laundry clothes dryer to sense the moisture content of the clothes in the dryer. The device uses a 915 Mc/s oscillator which emits energy into the drum containing the moist clothes.

6. GE presents data collected in its Home Laundry Laboratory to show that the optimum condition for terminating the drying operation is when the moisture content of the clothes has been reduced to 3 to 5 percent. Overdrying clothes tends to make the fibers brittle and more susceptible to wear and damage, thus reducing the original strength, resiliency and appearance of the fabric.

7. Petitioner points out that the existing control devices used in clothes dryers are not able to make a precise determination of moisture content. Thus, clothes are generally overdried. The UHF moisture detection system, subject of the instant petition, can make a precise determination of moisture content, and can terminate the drying operation at the optimum point. The user benefits from the prolonged life and improved appearance of the clothes.

8. GE believes its device to be a piece of Miscellaneous Equipment under Part 18 of the FCC rules. However, to remove any question of doubt, it petitions the Commission for a declaratory pronouncement that its moisture sensing control system is in fact a piece of Miscellaneous Equipment. In the alternative, GE petitions the Commission to treat its device as a restricted radiation device under Part 15 of the Commission's rules and to amend Part 15 to waive the duty cycle provisions of § 15.211 with respect to such moisture sensing device.

9. The two devices described above are each intended to be operated without an individual license. The Commission has two sets of regulations covering such operation: Part 15 and Part 18. Part 15 in general deals with devices that emit a relatively low level of signal and which fall in the general area of communications. Part 18, on the other hand, deals with devices involving the generation of a substantial amount of RF power which is not used for communications. Typical devices are the RF heaters used in industry and medical diathermy machines used in therapy. In line with this distinction between Part 15 and Part 18, the Commission finds that the two devices described in the subject petitions must be classified as restricted radiation devices and not as ISM equipment. Accordingly, the Commission proposes to grant these petitions in part by amending its Part 15 to provide regulations under which the subject devices may be operated.

10. The Commission proposes to add to Subpart E of Part 15 a regulation

which would permit the operation of measuring devices on the frequencies allocated for ISM purposes. Such devices would be required to control the emission of radio frequency energy so as not to exceed specified values of field strength. These limits increase with frequency. The actual values are given in the proposed rules appended to this notice. To emphasize that this regulation permits only measuring devices, a specific prohibition against the transmission of voice or other types of messages is included.

11. The Commission also proposes a certification procedure which would require the filing with the Commission of a detailed report of measurements to show that the device can reasonably be expected to comply with its requirements. Provision is also made for labeling of the device to indicate to the purchaser compliance with FCC requirements. The detailed regulations proposed to be promulgated are set out in the appendix to this notice.

12. Authority for the adoption of the amendments herein proposed is contained in sections 4(i) and 303(r) of the Communications Act of 1934 as amended.

13. Pursuant to applicable procedure set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 30, 1968, and reply comments on or before September 9, 1968. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision on the rules of general applicability which are proposed herein, the Commission also may take into account other relevant information before it, in addition to the specific comments invited by this notice.

14. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 17, 1968.

Released: July 19, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

It is proposed to amend Part 15 as follows:

1. The text of § 15.201 is amended to add paragraph (d) as follows:

§ 15.201 Frequencies of operation.

* * * * *

(d) A low power communication device used for measurement purposes may be operated on frequencies and under the alternative provisions listed in § 15.214.

2. A new § 15.214 is added to read as follows:

§ 15.214 Alternative provisions for measuring devices.

(a) A low power communication device used for measurement purposes may operate in the frequency bands listed in paragraph (c) pursuant to the provisions in this section.

(b) A device operated pursuant to the alternative provisions of this section may not be used for voice communications, or the transmission of any other type of message.

(c) The device shall operate within the frequency bands:

13.544–13.566 Mc/s.	890–940 Mc/s.
26.96–27.28 Mc/s.	2400–2500 Mc/s.
40.66–40.70 Mc/s.	5725–5875 Mc/s.
	22,000–22,250 Mc/s.

(d) The maximum level of energy emitted by the device on any frequency shall not exceed:

Frequency	*Field strength at 100 feet (uV/m)*
Over 13 Mc/s up to and including 25 Mc/s	15.
Over 25 Mc/s up to and including 70 Mc/s	32.
Over 70 Mc/s up to and including 130 Mc/s	50.
130–174 Mc/s	50–150 (linear interpolation).
174–260 Mc/s	150.
260–470 Mc/s	150–500 (linear interpolation).
Over 470 Mc/s	500.

(e) The device shall be self-contained with no external or readily accessible controls which may be adjusted to permit operation in a manner inconsistent with the provisions of this section. Any antenna that may be used with the device shall be permanently attached thereto and shall not be readily modifiable by the user.

(f) The device shall be prototype certificated pursuant to §§ 15.251–15.254 inclusive.

3. New §§ 15.251–15.254 are added to read as follows:

§ 15.251 Certification of measuring devices operating pursuant to § 15.214.

(a) Devices operating pursuant to § 15.214 need not be certificated by the owner or user if the devices have been certificated by the manufacturer.

(b) Where certification is based on measurement of a prototype, a sufficient number of units shall be tested to insure that all production units can be reasonably expected to comply with the applicable technical requirements.

(c) The certificate shall be filed with the FCC, Washington, D.C. 20554.

§ 15.252 Content of certificate required by § 15.214.

(a) The manufacturer, model, and serial number(s) or other positive identification of the device that was tested.

(b) Photographs of the device.

(c) A description of the circuitry and how the device operates.

(d) The conditions under which the device shall be operated.

(e) The antenna, if any, to be used with the device.

(f) A report of measurements pursuant to § 15.253.

(g) If filed by manufacturer, a statement certifying that production will be adequately controlled to insure that all units produced can be reasonably expected to comply with the applicable technical requirements.

(h) If filed by manufacturer, a copy of the installation and operating instructions provided to the user.

(i) Date of certificate.

(j) Signature. If filed by the manufacturer, the certificate shall be signed by a responsible official, who shall state that he is authorized to sign for the manufacturer and shall indicate his title.

§ 15.253 Report of measurements for a device operating pursuant to § 15.214.

The report of measurements may be prepared by any engineer skilled in making and interpreting the measurements that are required and shall contain the following information.

(a) Identification of the device(s) that was tested.

(b) List of measuring equipment used showing manufacturer, model number and date when last calibrated.

(c) Description of measurement procedure used. If a published standard was followed, reference to the standard is sufficient provided any departure from such standard is described in detail.

(d) Report of the measurements obtained on the fundamental, harmonic and other spurious signals emitted by the device.

(e) Representative calculations used to determine field strength from the actual meter reading indicating the conversion factors used and their source.

(f) The date the measurements were made.

(g) The name and address of the engineer or technician who made the actual measurements, and the name and address of his employer, if any.

(h) The signature and printed name and address of the engineer responsible for the report.

§ 15.254 Identification of a device certificated under § 15.214.

(a) Each device certificated under § 15.214 shall be identified by a label which may be part of the name plate.

(b) The label shall state that a certificate has been filed with the Commission attesting compliance with the applicable technical requirements.

(c) The label shall state further:

"Operation of this equipment is subject to the following two conditions: 1. This equipment may not cause harmful interference. 2. This equipment must accept any interference that may be received, including interference that may cause undesired operation."

(d) The label shall be permanently attached to the device and shall be readily visible by prospective purchasers.

(e) The label may be attached only after the certificate required by §15.214 has been filed with the Commission.

[F.R. Doc. 68–8793; Filed, July 23, 1968; 8:46 a.m.]

[47 CFR Part 73]

[Docket No. 18259, RM–1308; FCC 68–738]

FM BROADCAST STATIONS

Table of Assignments; Harrisonburg, Va.

1. On May 17, 1968, Blue Ridge Radio, Inc., filed a petition for rule making requesting the assignment of FM Channel 282 to Harrisonburg, Va., as follows:

City	Channel No.	
	Present	Proposed
Harrisonburg, Va.	264	264, 282

Harrisonburg, with a population of 11,916 persons, is the county seat and largest city of Rockingham County, which has a population of 52,401.[1] The community has one FM station as well as two daytime-only and one unlimited AM stations. The FM and unlimited AM stations (WSVA (AM/FM)) are operated by a common licensee; petitioner is licensee of one of the daytime-only stations (WKCY).

2. The petitioner estimates that Harrisonburg's present population is 15,000 persons with another 3,000 in the suburbs, and that Rockingham County has a population in excess of 62,000 persons. It is further estimated that the city serves the shopping needs of 100,000 people within a radius of 100 miles.[2] It is noted by petitioner that, although Rockingham County has been known as one of the foremost agricultural counties in the Nation, a diversified industrial growth has taken place within the past decade. The petitioner contends that the general area is experiencing a significant growth in population, industry and general importance. It is pointed out that there are no FM stations in the adjacent Virginia counties of Shenandoah and Page, and portions of both would be served by operation on the proposed channel. The petitioner states that the requested assignment would result in a second FM service to Harrisonburg and to a "gray area" of approximately 1,000 square miles in the Shenandoah Valley. Finally, it is urged by the petitioner that, since the only other AM–FM stations (nighttime) in Harrisonburg are under the same ownership, the requested assignment would permit a second independent nighttime facilities for the Harrisonburg area.

3. Harrisonburg is located within an area known as the "Quiet Zone," geographically defined by § 73.215 of the rules, which has been established to protect radio facilities operated by the National Radio Astronomy Observatory (NRAO) and the Naval Radio Research Station (NRRS) at Greenbank and Sugar Grove, W. Va., respectively. By report and order, Docket No. 16991, released February 17, 1967 (9 R.R. 2d 150), all unoccupied FM assignments for communities located within the above-described area were deleted from the Table of Assignments, including Channel 288A then assigned to Harrisonburg. The order indicated, however, that consideration would be given to future petitions for additional assignments in the Quiet Zone, but it was noted that such requests would be judged on the impact they would have on the work being done at the two installations. The petitioner reports that extensive studies over a period of months were conducted in coordination with both NRAO and NRRS to determine a specific channel, antenna site and antenna design which would meet the protection requirements of the agencies and at the same time provide service to Harrisonburg and environs. As a result of these studies, the petitioner states that it had an antenna manufacturer design a directional antenna which will offer the necessary protection to the observatory installations and at the same time meet the various technical requirements of the Commission's rules. Copies of letters from the NRAO and the NRRS are included with the petition and indicate that the proposed operation contemplated by the petitioner appears satisfactory, providing certain specified radiation limitations in the direction of their respective installations are met. It is pointed out by the petitioner that an application for the facilities contemplated herein would necessitate a waiver of § 73.316(c) of the rules, since an antenna with a maximum to minimum ratio in excess of 15 db would be required to afford the required protection to the observatory installations.

4. A site for Channel 282 would need to be located about 16 miles west of Harrisonburg in order to meet the spacing requirements of the rules. An engineering study accompanying the petition indicates that the spacing requirements and the required signal over Harrisonburg can be obtained by use of the equivalent of maximum Class B facilities from the tentative site found acceptable to NRAO, NRRS, and the petitioner. The engineering study further shows that there would result areas where Channels 280A, 281, 282, 283, and 285A would be precluded from future assignment if Channel 282 were assigned to Harrisonburg as proposed. However, it is noted that the greater part of the preclusion areas fall over sparsely populated and mountainous areas and no community of 2,500 or more population would be precluded from an assignment.

5. Comments were filed by NRAO in connection with subject petition, wherein it is acknowledged that, by virtue of the petitioner's selection of a site to take advantage of natural shielding by intervening mountains and the proposed use of a directional antenna, interference protection will be afforded to the NRAO and NRRS installations. While NRAO states that it does not oppose petitioner's request for rule making, concern is expressed, from a long-range standpoint, with the erosion of the Quiet Zone by case-to-case granting of additional radio facilities therein. NRAO contends that, even though such applications may individually meet the interference protection requirements used by NRAO and NRRS, they will add to the totality of radiating sources within the area and will ultimately destroy the zone for its intended purpose. We are of the opinion that the matter of providing further long-term protection in the Quiet Zone may be a subject for separate consideration at such time as the Commission receives appropriate representations advocating revision of the Commission's rules which provide protection to the Quiet Zone.

6. We are of the view that a sufficient showing has been made to warrant rule making in this case. We are therefore inviting comments on the proposal so that interested persons may submit their views and relevant data concerning the proposal outlined above.

7. Authority for the adoption of the amendment proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before August 30, 1968, and reply comments on or before September 9, 1968. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken.

9. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: July 17, 1968.

Released: July 19, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68–8794; Filed, July 23, 1968; 8:46 a.m.]

[1] Populations are based on 1960 U.S. Census, unless otherwise indicated.

[2] Petitioner's estimates based on Chamber of Commerce reports.

[47 CFR Part 73]

[Docket No. 18258, RM–1250; FCC 68–736]

TELEVISION BROADCAST STATIONS

Indicating Range of Aural Frequency Monitor

1. On February 6, 1968, Collins Radio Co. (Collins) filed a petition requesting amendment of § 73.693 of the rules and regulations, which sets the requirements for type approval of frequency monitors for television broadcasting stations.

2. Specifically, Collins requests a change in subparagraph (a)(2) of this section, which now reads:

The range of the indicating device for the aural monitor shall be at least 3,000 cycles below to 3,000 cycles above the assigned center frequency. Alternatively, the aural monitor may use an indicating device with a similar scale to indicate the difference-frequency between the aural and visual carriers. The range of the indicating device for

[1] Commissioner Johnson concurring in the result.

the visual monitor shall be at least 1,500 cycles below to 1,500 cycles above the assigned carrier frequency.

Collins would amend this subparagraph to specify the minimum required range of the indicating device for the aural monitor as "2,000 cycles below to 2,000 cycles above the assigned center frequency" in lieu of the ±3,000 cycles range now required.

3. In support of its proposal, Collins points out that the maximum permissible deviation in the absolute value of the center frequency of the aural signal, pursuant to § 73.668, is 2,000 cycles. If the required minimum range of the indicating device in the aural frequency monitor were made equal to the maximum permissible frequency deviation, the aural monitor requirement would become consistent with similar requirements for monitors in the standard broadcast and FM broadcast services.[1]

4. Collins does not make its proposal because of an interest in consistency, per se, but to facilitate the design of a television frequency monitor with digital readout. It alleges that the existing requirement for a ±3,000-cycle indicating range makes for a design of unnecessary complexity and cost. These factors would be mitigated with the more restricted range proposed.

5. If the achievement of consistency in the requirements for frequency monitors in the TV, FM, and standard broadcast services were the fundamental aim of this proceeding, we believe that the desirable approach would be to extend the indicating ranges of the FM and standard broadcast monitors beyond the frequency tolerances pertinent to these services, rather to constrict the frequency range of the TV monitor, as the former approach has substantial operating advantages. Where the range of the meter is coincident with the frequency tolerance, a maximum reading is ambiguous; it may indicate either that the transmitter is operating at the maximum permissible deviation from its assigned frequency, or that it is off frequency. It may be argued that the ability to distinguish between the two conditions is not important—that, long before the maximum indication of the meter was reached, the operator should have initiated corrective action. This may not always be so. Such an ambiguous reading, occurring when a third-class permittee is in attendance and a first-class operator not immediately available, creates uncertainty as to the appropriate action to be taken—the station may continue to operate up to the full frequency tolerance—beyond that tolerance it must be shut down (e.g., § 73.93(b)).

6. It should be noted that the desirability of the wider range is recognized by the manufacturers of AM and FM frequency monitors, and despite the more modest type acceptance requirements of the Commission's rules, the typical AM monitor has an indicating range of ±30 cycles (50 percent greater than the applicable tolerance) and the typical FM monitor a range of ±4 kc (100 percent greater than the tolerance).

7. For the reasons stated, we do not believe that it is advisable to restrict the indicating range of the aural monitor to the extent proposed by Collins. On the other hand, there appears no reason why the present 50 percent margin of range over tolerance need be maintained, if a more restricted range requirement will permit the design of simpler and less expensive frequency monitors with digital readout. That this is true is not self-evident, however. At this time, we have only Collins' bare assertion to that effect.

8. Therefore, comments are solicited on a proposal to reduce the minimum indicating range required for television broadcast aural frequency monitors eligible for type approval. Those advocating a range reduction should submit factual data and information on the relationship of the range of such instruments to their cost and complexity. These submissions, together with the comments from other interested parties, will provide a basis on which we may determine whether the pertinent rule should be amended, and, if this step appears desirable, the substance of the amendment.

9. Pursuant to applicable procedures set out in § 1.415 of the rules, interested parties may submit comments on or before August 30, 1968, and replies to such comments on or before September 9, 1968. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

10. Authority for the adoption of the rules proposed herein is contained in sections 4(i) and 303(b) of the Communications Act of 1934, as amended.

11. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: July 17, 1968.

Released: July 19, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68-8795; Filed, July 23, 1968; 8:48 a.m.]

[1] Section 73.59 specifies a frequency tolerance of ±20 cycles for standard broadcast stations. Section 73.49(a)(2) requires that the indicating device in a type approved standard broadcast frequency monitor have a range at least from 20 cycles below to 20 cycles above the assigned frequency. Similarly, § 73.269 specifies a frequency tolerance of ±2,000 cycles for FM broadcast stations, and a type approved frequency monitor for FM stations must have, under § 73.331(b)(2), an indicating device with a range at least from 2,000 cycles below to 2,000 cycles above the assigned center frequency.

[2] Commissioner Johnson concurring in the result.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[C-3886]

COLORADO

Notice of Classification of Public Lands for Multiple-Use Management

JULY 16, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18), and to the regulations in 43 CFR Parts 2410 and 2411, the public lands within the areas described below are hereby classified for multiple-use management. Publication of this notice segregates all the described lands from appropriation only under the agricultural land laws (43 U.S.C. chapters 7 and 9; 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171), and the lands shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws. As used in this order, "public lands" means any lands withdrawn or reserved by Executive Order 6910 of November 26, 1934, as amended or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No protests or objections were received following publication of a notice of proposed classification (33 F.R. 6993–6994) or at the public hearing held on June 6, 1968, at Saguache, Colo. The record showing the comments received and other information is on file and can be examined in the Canon City District Office, Bureau of Land Management, 1001 Main Street, Canon City, Colo. 81212, and in the Land Office, Bureau of Land Management, Room 15019 Federal Building, Denver, Colo. 80202.

3. The public lands proposed for classification are located within the following described area and are shown on a map and designated Block 1, located in the Canon City District Office, Bureau of Land Management, 1001 Main Street, Canon City, Colo.; and the Land Office, Bureau of Land Management, 1961 Stout Street, Denver, Colo. 80202.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

SAGUACHE COUNTY

T. 40 N., R. 6 E.,
Sec. 3.
T. 41 N., R. 6 E.,
Secs. 1 to 3, inclusive;
Sec. 10;
Secs. 13 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 and 35.
T. 41 N., R. 7 E.,
Secs. 18, 19, and 30.
T. 42 N., R. 5 E.,
Secs. 1 and 2;
Secs. 11 to 15, inclusive;
Secs. 23 and 24.
T. 42 N., R. 6 E.,
Secs. 2 to 7, inclusive;
Secs. 9 to 14, inclusive;
Secs. 18 to 30, inclusive;
Secs. 34 and 35.
T. 42 N., R. 7 E.,
Secs. 3 to 9, inclusive;
Secs. 17, 18, and 19.
T. 43 N., R. 6 E.,
Secs. 1 and 2;
Secs. 11 to 15, inclusive;
Secs. 21 to 28, inclusive;
Secs. 32 to 35, inclusive.
T. 43 N., R. 7 E.,
Secs. 2 to 10, inclusive;
Secs. 15, 17, 18, 19, 20, 29, 30, and 34.
T. 44 N., R. 4 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 15, inclusive.
T. 44 N., R. 5 E.,
Secs. 6 and 7.
T. 44 N., R. 6 E.,
Secs. 1, 2, 25, and 36.
T. 44 N., R. 7 E.,
Secs. 2, 3, 6, and 7;
Secs. 13 to 35, inclusive.
T. 45 N., R. 4 E.,
Secs. 1, 12, 13, 24, 25, 26, 35, and 36.
T. 45 N., R. 5 E.,
Secs. 1 to 32, inclusive.
T. 45 N., R. 6 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 24, inclusive;
Secs. 26 to 35, inclusive.
T. 45 N., R. 7 E.,
Secs. 4 to 11, inclusive;
Secs. 13 to 31, inclusive;
Secs. 33 to 36, inclusive.
T. 45 N., R. 8 E.,
Secs. 13 and 14;
Secs. 19 to 36, inclusive.
T. 45 N., R. 9 E.,
Secs. 2, 3 and 4;
Secs. 7 to 12, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 33, inclusive.
T. 45 N., R. 10 E.,
Secs. 1 to 4, inclusive;
Secs. 10 to 15, inclusive;
Secs. 21 to 26, inclusive;
Sec. 35.
T. 45 N., R. 11 E.,
Secs. 6, 7, 18, 19, 29, 30, 31, and 32.
T. 46 N., R. 4 E.,
Sec. 36.
T. 46 N., R. 5 E.,
Secs. 20 to 23, inclusive;
Secs. 25 to 35, inclusive.
T. 46 N., R. 6 E.,
Secs. 3, 10, 13, 14, and 15;
Secs. 20 to 36, inclusive.
T. 46 N., R. 7 E.,
Secs. 18 and 19.
T. 46 N., R. 8 E.,
Secs. 12, 13, 24, and 25.
T. 46 N., R. 9 E.,
Secs. 3 to 10, inclusive;
Secs. 17 and 21 to 30, inclusive;
Secs. 32 to 35, inclusive.
T. 46 N., R. 10 E.,
Secs. 1 to 5, inclusive;
Secs. 8 to 15, inclusive;
Secs. 19 to 29, inclusive;
Secs. 33 to 35, inclusive.
T. 46 N., R. 11 E.,
Secs. 18, 19, 30, and 31.
T. 47 N., R. 8 E.,
Secs. 1, 2, 11, 12, 13, 14, and 24.
T. 47 N., R. 9 E.,
Secs. 4 to 6, inclusive;
Secs. 8 to 11, inclusive;
Secs. 13 to 15, inclusive;
Secs. 17 to 20, inclusive;
Secs. 23 to 25, inclusive;
Secs. 27 to 34, inclusive.
T. 47 N., R. 10 E.,
Secs. 19, 29, 30, 31, 32, and 33.
T. 48 N., R. 8 E.,
Secs. 13 to 16, inclusive;
Secs. 21 to 27, inclusive;
Sec. 35.
T. 48 N., R. 9 E.,
Secs. 19 and 29 to 33, inclusive.

The area described aggregates approximately 221,581.07 acres of public land.

4. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.1–2(d)).

E. I. ROWLAND,
State Director.

[F.R. Doc. 68-8781; Filed, July 23, 1968; 8:46 a.m.]

[Serial No. I-2351]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

JULY 17, 1968.

The Department of Agriculture has filed an application, Serial Number I-2351 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes as a campground and picnic area on the Coeur d'Alene National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 334, Federal Building, 550 West Fort Street, Boise, Idaho 83702.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes

more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

COEUR D'ALENE NATIONAL FOREST

Devils Elbow Campground

T. 51 N., R. 3 E.,
Sec. 14, lots 1, 2, 4, and 5.

The area described aggregates 64.80 acres, more or less in Shoshone County, Idaho.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 68-8772; Filed, July 23, 1968; 8:45 a.m.]

[New Mexico 435]

NEW MEXICO

Notice of Reclassification of Public Lands

JULY 17, 1968.

1. Pursuant to the act of September 19, 1964 (43 U.S.C. 1411-18) and the regulations in 43 CFR Parts 2410 and 2411, the following public lands are hereby classified for disposal as specified below. As a result of comments received following publication of the proposed classification (33 F.R. 6941-6942) the following changes have been made: Group 1, T. 16 S., R. 5 W., sec. 27 is changed to sec. 26; add lot 2 to sec. 11, T. 11 S., R. 7 W. Group II add lot 14 and SE¼SW¼ sec. 16, T. 16 S., R. 6 W., lots 13, 14, and 15, sec. 17; lots 1 and 2 sec. 24, T. 12 S., R. 7 W. Any segregative effect of the proposed classification on the land described as W½NE¼, W½W½NE¼ SE¼SW¼, and E½E½NW¼SE¼SW¼, sec. 27, T. 16 S., R. 5 W., will terminate at 10 a.m. on the 30th day following publication of this classification notice.

GROUP I

2. The following public lands are hereby classified for transfer out of Federal ownership by (a) exchange under section 8 of the Taylor Grazing Act (48 Stat. 1269) as amended and (b) for public sales under section 2455 of the Revised Statutes (43 U.S.C. 1171):

NEW MEXICO PRINCIPAL MERIDIAN

T. 14 S., R. 2 W.,
Sec. 33, NW¼.
T. 10 W., R. 5 W.,
Sec. 22, lots 1, 2, 3, 4, and SE¼.
T. 11 S., R. 5 W.,
Sec. 28, NW¼SW¼, SE¼SW¼, and SW¼SE¼.
T. 16 S., R. 5 W.,
Sec. 26, W½NE¼, W½W½NE¼SE¼SW¼, and E½E½NW¼SE¼SW¼.
T. 12 S., R. 6 W.,
Sec. 21, NW¼NE¼ and NE¼NW¼;
Sec. 33, W½SW¼.
T. 19 S., R. 6 W.,
Sec. 34, lot 3.
T. 11 S., R. 7 W.,
Sec. 3, lots 5, 11, and NW¼SE¼;
Sec. 4, SW¼NW¼, NE¼SW¼, and S½SW¼;
Sec. 5, SE¼SE¼;
Sec. 9, lot 1;
Sec. 10, NW¼NE¼ and NE¼NW¼;
Sec. 11, lots 2 and 11;
Sec. 21, lot 4;
Sec. 28, NW¼NW¼;
Sec. 29, N½NE¼.
T. 12 S., R. 7 W.,
Sec. 21, NW¼ and N½SW¼.
T. 13 S., R. 7 W.,
Sec. 12, N½NE¼ and SW¼NE¼;
Sec. 23, S½NW¼ and SW¼;
Sec. 26, SE¼NE¼ and SE¼.
T. 15 S., R. 7 W.,
Sec. 11, N½SE¼.
T. 16 S., R. 7 W.,
Sec. 1, NE¼SE¼, SW¼SE¼, and SE¼SW¼.

The areas described aggregate 2,574.26 acres in Sierra County.

GROUP II

The following public lands are hereby classified for transfer out of Federal ownership by exchange under section 8 of the Taylor Grazing Act:

NEW MEXICO PRINCIPAL MERIDIAN

T. 11 S., R. 6 W.,
Sec. 30, lots 3, 4, and E½SW¼.
T. 12 S., R. 6 W.,
Sec. 4, S½ lot 8, lot 9, S½ lot 10, W½ lot 14, lot 15, and SW¼;
Sec. 7, lot 4, SE¼SW¼, and SE¼;
Sec. 8;
Sec. 9, NW¼NE¼, NW¼, and NW¼SW¼;
Sec. 17, N½N½, SW¼NW¼, and SW¼;
Sec. 18;
Sec. 19, lot 1, NW¼NE¼, and NE¼NW¼;
Sec. 20, NE¼NW¼;
Sec. 30, lot 4;
Sec. 31, lots 1, 2, 3, 4, S½S½NE¼, W½NE¼NW¼, SE¼NW¼, E½SW¼, N½SE¼, and SE¼SE¼.
T. 13 S., R. 6 W.,
Sec. 5, lots 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, and NE¼SW¼;
Sec. 21;
Sec. 28, N½NE¼, SW¼NE¼, NW¼, and N½SW¼;
Sec. 29, N½S½ and S½SW¼;
Sec. 30, lots 3, 4, E½SW¼, and SE¼;
Sec. 31, lots 1, 2, 3, 4, W½E½, E½NW¼, and NE¼SW¼.
T. 14 S., R. 6 W.,
Sec. 6, lot 4.
T. 16 S., R. 6 W.,
Sec. 6, lot 14 and SE¼SW¼;
Sec. 7;
Sec. 18, NE¼ and NE¼NW¼.
T. 11 S., R. 7 W.,
Sec. 5, lots 5, 6, 7, SE¼NW¼, and E½SW½;
Sec. 7, lots 1, 2, 3, 4, and E½W½;
Sec. 15, SW¼;
Sec. 18, lots 1, 2, 3, 4, and E½W½;
Sec. 19, lots 1, 2, 3, 4, 5, S½NE¼, E½W½, N½SE¼, and SE¼SE¼;
Sec. 20, S½ lot 3, and lots 7 to 15, inclusive;
Sec. 21, lots 1 and 2;
Sec. 22, W½NE¼, NW¼, and SE¼;
Sec. 23, S½SW¼;
Sec. 25, S½NW¼ and S½;
Sec. 26, NE¼ and E½NW¼;
Sec. 28, lots 4, 5, 6, and NE¼SW¼;
Sec. 29, lot 2, NW¼NW¼, and S½SE¼;
Sec. 30, E½NE¼NE¼;
Sec. 33, lot 3, E½, NW¼NW¼, S½NW¼, NE¼SW¼, and E½SE¼SW¼;
Sec. 34, S½N½ and S½;
Sec. 35, NE¼NE¼, NW¼NW¼, S½N½, and S½.
T. 12 S., R. 7 W.,
Sec. 3, lots 5 to 20, inclusive;
Sec. 4, lots 1, 2, S½NE¼, and SE¼;
Sec. 9, lots 1, 2, 5, 6, 7, 8, and 9;
Sec. 10, lots 1 to 13, inclusive;
Sec. 11, NW¼NW¼, S½SW¼, and SW¼SE¼;
Sec. 12, S½SE¼;
Sec. 13, E½;
Sec. 14, lots 1 to 7, inclusive;
Sec. 15, lots 1, 2, and 3;
Sec. 17, lots 13, 14, and 15;
Sec. 20, lots 1, 2, 3, 6, 7, 8, 9, 12, 13, and 14;
Sec. 21, S½SW¼ and W½SE¼;
Sec. 24, lots 1 and 2;
Sec. 25, S½SE¼;
Sec. 26, W½E½NW¼, SW¼NW¼, W½NE¼SW¼, W½SW¼, and SE¼SW¼;
Sec. 27, NW¼NW¼, S½N½, and S½;
Sec. 28;
Sec. 29, lots 1, 2, 3, and 6 to 16, inclusive;
Sec. 33, N½;
Sec. 34, lots 1 to 8, inclusive.
T. 13 S., R. 7 W.,
Sec. 1, lots 1, 2, 3, 4, S½N½, and N½S½;
Sec. 10, lots 1 to 16, inclusive;
Sec. 11;
Sec. 12, NW¼SW¼;
Sec. 13, S½;
Sec. 14, lots 1, 2, 3, and NW¼NW¼;
Sec. 15, N½N½ and SE¼NE¼;
Sec. 23, W½E½ and W½;
Sec. 24;
Sec. 26, lots 1, 2, 3, 4, and NW¼NE¼.
T. 15 S., R. 7 W.,
Sec. 13, S½SW¼;
Sec. 14, S½S½;
Sec. 23, N½NW¼;
Sec. 24, S½NE¼, NW¼NW¼, and N½SE¼NW¼.
T. 16 S., R. 7 W.,
Sec. 10, lots 1, 2, E½, S½NW¼, and N½SW¼;
Sec. 11, NE¼NE¼, W½E½, W½, and E½SE¼;
Sec. 12, SE¼NE¼, SW¼SW¼, and E½SE¼;
Sec. 13, N½NE¼, SW¼NE¼, and NW¼NW¼;
Sec. 14, NE¼, N½NW¼, SE¼NW¼, and NW¼SE¼;
Sec. 15, N½NE¼.
T. 18 S., R. 7 W.,
Sec. 17, E½SW¼ and SW¼SE¼;
Sec. 20, E½NE¼, NW¼NE¼, and N½NE¼NW¼;
Sec. 21, NE¼NE¼, W½NE¼, and NW¼.
T. 11 S., R. 8 W.,
Sec. 1, S½NE¼ and N½SE¼;
Sec. 25, SE¼NE¼ and E½SE¼.
T. 12 S., R. 8 W.,
Sec. 21, NW¼SW¼ and S½SW¼;
Sec. 28, N½NW¼.

The areas described aggregate 24,791.73 acres in Sierra County.

3. Publication of this notice segregates the affected lands from all forms of disposal under the public land laws, including the mining laws, except the forms of disposal for which the lands are classified. However, publication does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws.

4. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.12 (d)).

MORRIS A. TRAGSTAD,
Acting State Director.

[F.R. Doc. 68-8773; Filed, July 23, 1968; 8:45 a.m.]

[New Mexico 5839]

NEW MEXICO

Notice of Classification of Public Lands for Disposal

JULY 17, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, the public lands described below are hereby classified for disposal as provided for below. As used herein "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose. As a result of comments received following publication of the proposed classification (33 F.R. 6994-6996), the land described as NE¼NW¼, sec. 23, T. 12 S., R. 8 W., and lot 4, sec. 1, T. 13 S., R. 8 W., have been included in this classification.

2. Except as otherwise provided in this order, priority in disposals will be given to applications for (a) State grants and indemnity selections under 43 U.S.C. 851, 852; (b) exchanges for consolidation of Federal program areas under section 8 of the Taylor Grazing Act, 43 U.S.C. 315g; (c) public uses and development under the Act of June 14, 1926 (44 Stat. 741), as amended (43 U.S.C. 869); and (d) public sales under section 2455 of Revised Statutes (43 U.S.C. 1171).

NEW MEXICO PRINCIPAL MERIDIAN

T. 13 S., R. 4 W.,
Sec. 15, lots 1 and 2;
Sec. 17, SE¼NE¼;
Sec. 22, lot 3;
Sec. 29, W½E½ and NW¼.
T. 14 S., R. 5 W.,
Sec. 12, SW¼NE¼ and NW¼SE¼.
T. 11 S., R. 6 W.,
Sec. 2, SE¼SW¼;
Sec. 3, SW¼SW¼;
Sec. 4, S½SE¼;
Sec. 8, E½SE¼;
Sec. 18, NE¼.
T. 13 S., R. 6 W.,
Sec. 3, lot 1 and S½NE¼;
Sec. 4, S½NW¼;
Sec. 10, SE¼SW¼;
Sec. 15, NE¼NW¼ and SW¼SW¼.
T. 14 S., R. 6 W.,
Sec. 6, lots 4, 7, and S½SE¼;
Sec. 18, lot 1, N½NE¼, and NE¼NW¼.
T. 16 S., R. 6 W.,
Sec. 15, SW¼NW¼ and N½SE¼;
Sec. 18, lots 3, 4, and SE¼SW¼;
Sec. 19, lots 1, 2, 4, NE¼, E½NW¼, SE¼SW¼, and SW¼SE¼;
Sec. 30, lots 1, 2, 3, 4, W½NE¼, E½NW¼, and NE¼SW¼;
Sec. 31, lots 1 and 4.
T. 17 S., R. 6 W.,
Sec. 6, lots 3, 4, 5, SE¼NW¼, and NW¼SE¼;
Sec. 18, lot 1;
Sec. 19, lots 1, 2, 3, and E½W½;
Sec. 30, lots 2, 3, and E½NW¼.
T. 18 S., R. 6 W.,
Sec. 8, SE¼;
Sec. 9, W½SW¼ and S½SE¼;
Sec. 10, NW¼;
Sec. 15, NW¼NE¼ and N½NW¼;
Sec. 17, N½NE¼ and E½SE¼.
T. 19 S., R. 6 W.,
Sec. 19, lots 3, 4, and E½SW¼;
Sec. 30, lots 1, 2, 3, 4, and E½W½;
Sec. 31, lots 1, 2, and E½NW¼;
Sec. 33, lots 3 and 4.
T. 12 S., R. 7 W.,
Sec. 7, Lot 7;
Sec. 21, NW¼NE¼ and NE¼NW¼;
Sec. 22, E½NW¼ and NE¼SW¼.
T. 13 S., R. 7 W.,
Sec. 7, lots 2, 3, 4, and E½W½;
Sec. 8, lots 1 to 7, inclusive;
Sec. 17, lots 1, 2, and 3;
Sec. 18, lots 5, 6, and 7.
T. 14 S., R. 7 W.,
Sec. 1, lots 3, 4, SW¼NW¼, and S½SW¼;
Sec. 3, N½SW¼;
Sec. 4, lots 5, 6, and N½SE¼;
Sec. 5, lot 5;
Sec. 12, lots 1, 2, 5, 6, 7, 8, 13, and 14;
Sec. 13, lots 1 and 2.
T. 16 S., R. 7 W.,
Sec. 13, SE¼SE¼;
Sec. 19, lots 3, 4, and SE¼SW¼;
Sec. 24, S½SE¼;
Sec. 25, N½, SW¼, and S½SE¼;
Sec. 29, W½;
Sec. 30, NE¼, and N½SE¼.
T. 17 S., R. 7 W.,
Sec. 1, lots 1, 2, 3, S½NE¼, SE¼SW¼, and SE¼;
Sec. 6, lots 5, 6, and 7;
Sec. 7, lots 1, 2, 3, 4, E½, NE¼NW¼, and E½SW¼;
Sec. 8, W½;
Sec. 11, N½NE¼;
Sec. 12, NE¼NE¼, SW¼NE¼, N½NW¼, SE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 13, N½NE¼, SE¼NE¼, NE¼NW¼, SW¼, N½SE¼, and SW¼SE¼;
Sec. 14, SE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 17, S½NW¼;
Sec. 23, E½SE¼;
Sec. 24, W½NE¼, NW¼, and NW¼SW¼;
Sec. 25, S½N½ and S½;
Sec. 26, NE¼NE¼, SW¼NW¼, SW¼SW¼, and SE¼SE¼;
Sec. 35, E½NE¼.
T. 18 S., R. 7 W.,
Sec. 1, lot 4 and SW¼NW¼;
Sec. 3, lots 1, 2, S½NE¼, and NE¼SE¼;
Sec. 5, S½S½ and NE¼SE¼;
Sec. 6, lots 6, 7, E½SW¼, and W½SE¼;
Sec. 7, lots 1, 2, NE¼, and E½NW¼;
Sec. 8, S½NE¼ and NW¼SE¼;
Sec. 9, SE¼NE¼, SW¼NW¼, SE¼SW¼, and SE¼;
Sec. 10, S½NW¼, N½SW¼, and SW¼SW¼;
Sec. 11, NW¼NE¼, NE¼NW¼, and NE¼SE¼;
Sec. 12, W½NW¼, SE¼NW¼, and NW¼SW¼;
Sec. 14, NE¼NW¼;
Sec. 15, SW¼NE¼, W½W½, and SE¼NW¼;
Sec. 18, lots 1 and 2;
Sec. 31, lots 1, 2, 3, W½NE¼, E½NW¼, NE¼SW¼, and NW¼SE¼.
T. 19 S., R. 7 W.,
Sec. 5, SW¼SW¼;
Sec. 6, S½SE¼;
Sec. 7, SE¼NW¼;
Sec. 8, E½NE¼, NW¼, W½SW¼, and NE¼SE¼;
Sec. 9, NE¼SE¼ and SW¼SE¼;
Sec. 17, N½ and N½SW¼;
Sec. 18, NE¼NW¼;
Sec. 31, lot 1, NE¼, NE¼NW¼, N½SE¼, and SE¼SE¼.
T. 17 S., R. 7½ W.,
Sec. 1, lots 3, 4, and E½SE¼;
Sec. 12, lots 5, 6, 7, 8, and 9;
Sec. 25, lots 2, 3, and 4.
T. 18 S., R. 7½ W.,
Sec. 12, lot 4;
Sec. 13, lot 1 and NE¼NE¼;
Sec. 24, lots 2, 3, and 4;
Sec. 25, SE¼SE¼.
T. 19 S., R. 7½ W.,
Sec. 13, lot 1;
Sec. 25, lots 1, 2, 3, 4, and E½E½.
T. 10 S., R. 8 W.,
Sec. 12, E½NE¼, SW¼NE¼, and SE¼NW¼;
Sec. 19, lots 1, 2, 3, 4, and E½SW¼;
Sec. 21, SW¼NE¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 28, NW¼NE¼ and NE¼NW¼;
Sec. 29, NW¼NE¼, NW¼NW¼, and W½SW¼;
Sec. 30, lots 1, 2, NE¼NE¼, E½NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 31, lots 2, 3, and 4;
Sec. 35, lot 16.
T. 11 S., R. 8 W.,
Sec. 16, lot 1;
Sec. 20, SE¼NW¼;
Sec. 26, W½NW¼ and SW¼SE¼;
Sec. 35, E½NW¼.
T. 12 S., R. 8 W.,
Sec. 3, lots 2, 3, 4, and SW¼NE¼;
Sec. 9, lots 9 to 21, inclusive;
Sec. 10, NE¼SW¼ and S½S½;
Sec. 11, SW¼ SE¼;
Sec. 12, SW¼SE¼;
Sec. 13, E½SE¼;
Sec. 14, W½NE¼, NW¼, and SE¼SW¼;
Sec. 15, lots 1 to 9, inclusive;
Sec. 17, lot 7;
Sec. 21, SW¼NW¼, E½SE¼, and NW¼SE¼;
Sec. 22, W½SW¼ and E½SE¼;
Sec. 23, NE¼NW¼.
T. 13 S., R. 8 W.,
Sec. 1, lot 4;
Sec. 19, lots 1, 2, 5, 6, 7, 8, 9, 10, 11, and S½NE¼.
T. 14 S., R. 8 W.,
Sec. 7, lots 6, 7, 8, and 9;
Sec. 8, lots 1 and 2;
Sec. 17, lot 1;
Sec. 18, lot 5.
T. 15 S., R. 8 W.,
Sec. 3, lots 1, 2, 3, 4, S½N½, E½SW¼, and SE¼;
Sec. 10, N½;
Sec. 20, W½SW¼,
Sec. 21, lots 1, 2, 3, 6, 7, and 8;
Sec. 22, N½, N½SW¼, and NW¼SE¼;
Sec. 23, W½SE¼ and SE¼SE¼;
Sec. 25, SW¼NW¼;
Sec. 26, NE¼;
Sec. 29, SW¼SW¼ and NW¼SE¼;
Sec. 33, NW¼SW¼;
Sec. 35, S½NE¼, SW¼NW¼, and S½.
T. 17 S., R. 8 W.,
Sec. 1, SE¼SE¼;
Sec. 12, lots 1 to 5, inclusive;
Sec. 13, lots 6 and 7;
Sec. 25, W½ and E½SE¼.
T. 18 S., R. 8 W.,
Sec. 1, NW¼SW¼;
Sec. 3;
Sec. 10, NW¼NE¼, N½NW¼, SE¼NW¼, and SW¼SW¼;
Sec. 12, N½SE¼ and SE¼SE¼;
Sec. 13, NE¼NE¼ and SE¼SE¼;
Sec. 19, lots 1, 2, 3, 4, NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 21, SE¼SW¼ and S½SE¼;
Sec. 24, E½E½ and SW¼NE¼ and W½SE¼;
Sec. 25, W½W½;
Sec. 26, E½E½, E½NW¼, and NE¼SW¼;
Sec. 27, NW¼NE¼ and W½NW¼;
Sec. 28, S½NE¼ and SE¼NW¼;
Sec. 30, lot 4;
Sec. 31, lots 1, 2, 3, 4, SE¼NW¼, and E½SW¼;
Sec. 34, NE¼NE¼;
Sec. 35, NE¼NE¼ and NW¼NW¼.

T. 19 S., R. 8 W.,
Sec. 1, lot 1, SE¼NE¼ and NW¼SW¼;
Sec. 5, SW¼NW¼ and NW¼SW¼;
Sec. 6, lots 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, NE¼SE¼, and S½SE¼;
Sec. 7, WW¼SE¼;
Sec. 8, NW¼SW¼;
Sec. 13, S½S½;
Sec. 17, NW¼NE¼, W½W½, and SE¼SW¼;
Sec. 18, lots 1, 2, 3, 4, E½W½, and SE¼;
Sec. 19, lot 1, N½NE¼, and NE¼NW¼;
Sec. 20, NW¼;
Sec. 21, NE¼, E½NW¼, and SW¼NW¼;
Sec. 22 SW¼NE¼ and SW¼NW¼;
Sec. 23, N½SE¼;
Sec. 24, W½NE¼, N½NW¼, and NE¼SE¼;
Sec. 25, SE¼SW¼;
Sec. 26, E½SW¼ and SE¼;
Sec. 35, E½NE¼ and NE¼SE¼.
T. 19 S., R. 9 W.,
Sec. 12, SW¼SE¼;
Sec. 13, NE¼, N½SE¼, and SE¼SE¼.

The areas described aggregate 30,344.87 acres in Sierra County.

3. Publication of this notice segregates the affected lands from all forms of disposal under the public land laws, including the mining laws, except the forms of disposal for which the lands are classified. However, publication does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws.

For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM. 721, Washington, D.C. 20240 (43 CFR 2411.12 (d)).

MORRIS R. TREGSTAD,
Acting State Director.

[F.R. Doc. 68-8774; Filed, July 23, 1968; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 1]

SALES OF CERTAIN COMMODITIES

July 1968 CCC Monthly Sales List

The 11th paragraph of the notice to buyer section of the CCC Monthly Sales List for July 1968 (33 F.R. 9836) is amended to read as follows:

Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM-3 or 4) for July 1968 are 6 percent for U.S. bank obligations and 7 percent for foreign bank obligations. Commodities now eligible for financing under the CCC Export Credit Sales Program include milled and brown rice, oats, wheat, wheat flour, barley, bulgur, corn, cornmeal, grain sorghum, upland and extra long staple cotton, tobacco, cottonseed oil, soybean oil, dairy products, tallow, lard, breeding cattle, and rye. Commodities purchased from CCC may be financed for export as private stocks under Announcement GSM-4.

Signed at Washington, D.C. on July 18, 1968.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 68-8822; Filed, July 23, 1968; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00464-33-46040. Applicant: University of California, 405 Hilgard Avenue, Los Angeles, Calif. 90024. Article: Electron microscope, Model Elmskop IA. Manufacturer: Siemens, AG, West Germany. Intended use of article: The article will be used in a wide variety of basic research projects, particularly in studies of ocular tissues and viruses. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article provides a resolution of 5 Angstroms. The only known domestic electron microscope is the Model EMU-4 manufactured by the Radio Corporation of America (RCA), which provides a resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the additional resolving capabilities of the foreign article are pertinent. (2) The foreign article provides accelerating voltages of 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU-4 provides only 50 and 100 kilovolt accelerating voltages. It has been experimentally demonstrated that the lower accelerating voltage of the foreign article furnishes better contrast for unstained specimens and that the voltages intermediate between 50 and 100 kilovolts afford optimum contrast for negatively stained specimens. For the purposes for which the foreign article is intended to be used, the lower and intermediate accelerating voltages of the foreign article are pertinent.

For the foregoing reasons, we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68-8779; Filed, July 23, 1968; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

SALSBURY LABORATORIES

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Salsbury Laboratories, Charles City, Iowa 50616, proposing that the food additive regulations (21 CFR Part 121, Subpart C) be amended to use the nonproprietary names "nitromide" for 3,5-dinitrobenzamide and "roxarsone" for 3-nitro-4-hydroxyphenylarsonic acid.

Dated: July 15, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8814; Filed, July 23, 1968; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17657 etc.]

EXECUTIVE JET AVIATION, INC.

Notice of Postponement of Second Prehearing Conference

By letters of July 18, 1968, counsel for Executive Jet Aviation, Inc., and Capitol International Airways, Inc., have requested that the prehearing conference in the above-entitled proceeding be postponed until August 1, 1968. Accordingly, the prehearing conference is hereby postponed until August 1, 1968, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. The date for the submission of materials to the Examiner and the other parties is hereby postponed from July 25, 1968, to July 29, 1968.

Dated at Washington, D.C., July 19, 1968.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 68-8818; Filed, July 23, 1968; 8:48 a.m.]

CIVIL SERVICE COMMISSION

PSYCHOLOGY SERIES

Positions for Which the Commission Has Prescribed Minimum Educational Requirements

In accordance with section 3308 of title 5, United States Code, the Civil Service Commission has decided that the previously approved minimum educational requirements for positions in the Psychology Series, GS-180, should be superseded by revised requirements. Identification of the superseded requirements, the revised requirements, the duties of the positions, and the reasons for the Commission's decision that these requirements are necessary are set forth below.

THE PSYCHOLOGY SERIES, GS-180 (ALL POSITIONS GS-5 THROUGH GS-15)

Superseded requirements. The following material supersedes the material previously published in the FEDERAL REGISTER: 27 F.R. 457, January 17, 1962; and 30 F.R. 14749, November 27, 1965.

Minimum educational requirements. Candidates for these positions must meet the minimum education requirements appropriate to the specialization in which the position is classified. These are:

A. *Clinical psychologists.* For positions in grades GS-11 and above, satisfactory completion of all the requirements for the Ph. D. degree, including the dissertation, appropriate to full professional work in clinical psychology, is required.

B. *Counseling psychologists.* For positions in grades GS-9 and above, satisfactory completion of 2 full years of graduate study appropriate to the field of counseling psychology is required.

C. *Psychologists in all other specializations.* For positions in grades GS-5 and above, completion of a full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree, including or supplemented by a total of 24 semester hours in psychology is required.

Duties. Psychologists engage in professional research or direct services work relating to the behavior, capacities, traits, interests, and activities of humans and animals. This work may involve (1) developing scientific principles or laws concerning the relationship of behavior to factors of environment, experience or physiology, or developing practical applications of findings, (2) applying psychological principles, theories, methods of data to practical situations or problems, and (3) providing consultative services or training in psychological principles, theories, methods and techniques.

Reasons for requirements. The work of Clinical Psychologists, at full professional performance levels involves research in developing new or refining existing techniques for use in psychodiagnosis and psychotherapy, or work in providing direct psychological diagnosis and treatment to patients with problems of personality, emotional adjustment, or mental illness. This work requires comprehensive knowledge of and experience in the full range of advanced psychological theories, methods, techniques, and practices, of the kind and level represented by completion of extensive and rigorous graduate level course work, research and internship. Because of the nature of the work these knowledges and skills can be best acquired through successful completion of all the requirements for the Ph. D. degree appropriate to Clinical Psychology. This study must have been completed in an accredited educational institution which provides adequate library and internship facilities, and thoroughly trained instructors who can give specific guidance and competently evaluate the progress of the professional education.

The work of Counseling Psychologists at full professional performance levels involves assistance and consultation in matters of appropriate vocational, educational, career, or personal choices and adjustments. This assistance and consultation is provided to persons who are entitled to such services, including persons who are physically and mentally handicapped. This work requires a breadth and depth of knowledge of cultural, and social conditions, and psychological theories and practices. These knowledges and skills are obtainable only through completion of 2 full years of graduate study involving combinations of course work appropriate to the field of counseling psychology. This course of study must have been completed in an accredited educational institution which provides adequate library facilities and thoroughly trained instructors who can give specific guidance and competently evaluate the progress of the professional education.

The work of all Psychologist positions involves applying psychological principles, theories, methods or data regarding the behavior, capacities, traits, interests and activities of human or animal organisms to the solution of research or direct services problems. This work involves a knowledge of a broad range of fundamental theory and experimental data. Because of the nature of the work these knowledges and skills can be best acquired through successful completion of all the requirements for the bachelor's degree with a concentration of course work in psychology. This study must have been completed in an accredited educational institution which provides adequate library and laboratory facilities and thoroughly trained instructors who can give specific guidance and competently evaluate the progress of the professional education.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-8811; Filed, July 23, 1968; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10834 etc., FCC 68M-1072]

FLORIDA-GEORGIA TELEVISION CO., INC., ET AL.

Order Continuing Hearing

In re applications of Florida-Georgia Television Co., Inc., Jacksonville, Fla., Docket No. 10834, File No. BPCT-1624; Community First Corp., Jacksonville, Fla., Docket No. 17582, File No. BPCT-3681; The New Horizons Telecasting Co., Inc., Jacksonville, Fla., Docket No. 17583, File No. BPCT-3731; Florida Gateway Television Co., Jacksonville, Fla., Docket No. 17584, File No. BPCT-3732; for construction permit for new television broadcast station. Wometco Enterprises, Inc., Miami, Fla., Docket No. 18185, File No. BRCT-95, for renewal of license of television station WTVJ. Wometco Skyway Broadcasting Co., Asheville, N.C., Docket No. 18186, File No. BRCT-313; for renewal of license of television station WLOS-TV.

It is ordered, Pursuant to the agreements reached in the prehearing conference of July 17, 1968, that hearing herein is continued from October 3, 1968, to October 8, 1968, commencing at 10:00 a.m. at an address to be subsequently specified in the city of Miami, Fla.

Issued: July 17, 1968.

Released: July 18, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-8796; Filed, July 23, 1968; 8:47 a.m.]

[Docket Nos. 18245, 18246]

RADIO COLLINSVILLE, INC., AND 1530 RADIO

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Radio Collinsville, Inc., Collinsville, Va., requests: 1530 kc, 1 kw, 250 w (C.H.), Day, Docket No. 18245, File No. BP-17183; Michael C. Turner and Howard A. Weiss, doing business as 1530 Radio, Chapel Hill, N.C., requests: 1530 kc, 5 kw, Day, Docket No. 18246, File No. BP-17270; for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, under delegated authority, considered the above-captioned and described applications for construction permits.

2. These applications are mutually exclusive in that operation by the applicants as proposed would result in prohibited overlap of contours as defined in § 73.37 of the Commission's rules.

3. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated

for hearing in a consolidated proceeding on the issues specified below.

4. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

2. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

5. *It is further ordered*, That, in the event of a grant of either application, the construction permit shall contain the following condition:

Any presunrise operation must conform with §§ 73.87 and 73.99 of the rules, as amended June 28, 1967 (32 F.R. 10437), supplementary proceedings (if any) involving Docket No. 14419, and/or the final resolution of matters at issue in Docket No. 17562.

6. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

7. *It is further ordered*, That, the applicants herein shall, pursuant to section 311(2)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by section 1.594 (g) of the rules.

Adopted: July 16, 1968.

Released: July 17, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JAMES O. JUNTILLA,
Acting Chief, Broadcast Bureau.

[F.R. Doc. 68-8797; Filed, July 23, 1968; 8:47 a.m.]

[Docket No. 18215; FCC 68M-1069]

VIRGINIA BROADCASTING CO.

Order Continuing Hearing

In re application of Virginia Broadcasting Co., Virginia, Minn., Docket No. 18215, File No. BPH-6113, for construction permit.

It is ordered, Pursuant to the understanding reached by all parties during the prehearing conference held in this proceeding on July 17, 1968, that exhibits shall be exchanged on September 16, 1968, and that the formal hearing shall be convened on October 1, 1968, in lieu of September 10, 1968, as originally scheduled.

Issued: July 17, 1968.

Released: July 17, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JAMES D. CUNNINGHAM,
Chief Hearing Examiner.

[F.R. Doc. 68-8798; Filed, July 23, 1968; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Project 2679]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Application for Preliminary Permit for Unconstructed Project

JULY 16, 1968.

Public notice is hereby given that application for preliminary permit has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Virginia Electric and Power Co. (correspondence to: E. B. Crutchfield, Senior Vice President, Virginia Electric and Power Co., Post Office Box 1194, Richmond, Va. 23209) for unconstructed Project No. 2679, known as Marble Valley Pumped Storage Project, to be located on Calfpasture River and Little Mill Creek, in Rockbridge, Augusta, and Bath Counties, Va., near Craigsville, Goshen, Staunton, and Lexington, and would affect lands of the United States within George Washington National Forest.

As presently contemplated, the proposed project would consist of: (1) A 7-mile long lower reservoir created by a 160-foot high, 2,500-foot long earth and rockfill dam located on the Calfpasture River about 2 miles south of the Rockbridge County line; (2) a 1.75-mile long upper reservoir created by a 200-foot high, 2,000-foot long rockfill dam located on Little Mill Creek about 1,000 feet south of the Bath County line in George Washington National Forest; (3) a conduit between the two reservoirs; (4) a powerhouse with an installation of 1 million kw; (5) transmission lines connecting the project to the applicant's interconnected system; and (6) appurtenances.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 10, 1968, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.70). The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8780; Filed, July 23, 1968; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

LEEDS SHOES, INC.

Order Suspending Trading

JULY 18, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Leeds Shoes, Inc., Tampa, Fla., and all other securities of Leeds Shoes, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 19, 1968, through July 28, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8815; Filed, July 23, 1968; 8:48 a.m.]

[811-1461]

SCUDDER DUAL-PURPOSE EXCHANGE FUND, INC.

Notice of Filing of Application for Order Declaring Company Has Ceased To Be Investment Company

JULY 18, 1968.

Notice is hereby given that Scudder Dual-Purpose Exchange Fund, Inc. ("Applicant"), 320 Park Avenue, New York, N.Y. 10022, a Delaware corporation registered as a diversified closed-end management investment company under the Investment Company Act of 1940, 15 U.S.C. section 80a–1 et seq. ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Applicant was organized for the purpose of operating as a tax free exchange fund. However, because of an amendment to the Internal Revenue Code, it is now impossible for Applicant to offer its shares to the public in exchange for securities in a nontaxable transaction. Applicant's registration statement under the Securities Act of 1933 has not become effective and has been ordered withdrawn. Applicant has neither offered nor issued any shares of its capital stock and does not propose to make any public offering. It has never conducted the business of an investment company.

Section 8(f) of the Act provides in pertinent part that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 8, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of information stated in said application, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8816; Filed, July 23, 1968; 8:48 a.m.]

[812-2332]

MUNICIPAL INVESTMENT TRUST FUND, SERIES K

Notice of Filing of Application for Exemption

JULY 18, 1968.

Notice is hereby given that Municipal Investment Trust Fund, Series K ("Applicant"), 55 Broad Street, New York, N.Y., a unit investment trust registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicant from compliance with the provisions of section 14(a) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant is one of a series of similar funds named "Municipal Investment Trust Fund" and will be governed by a trust agreement under which Goodbody & Co., Bache & Co., and Walston & Co., Inc., will act as Sponsors and the United States Trust Company of New York as Trustee. Pursuant to the trust agreement, the Sponsors will deposit with the Trustee between $4 million and $6 million principal amount of bonds which the Sponsors shall have accumulated for such purpose and simultaneously with such deposit will receive from the Trustee registered certificates for between 4,000 and 6,000 units. Applicant proposes to offer such units for sale to the public and for this purpose a registration statement under the Securities Act of 1933 has been filed which has not yet become effective. The trust agreement does not provide for the issuance of additional units. The proceeds of bonds which may be sold, redeemed or which mature will be distributed to unit holders.

Units will remain outstanding until redeemed or until the termination of the trust agreement, which may be terminated by 100 percent agreement of the unitholders of Applicant, or, in the event that the value of the bonds shall fall below 40 percent of the principal amount of the Fund, upon direction of the Sponsors to the Trustee. In connection with the requested exemption, the Sponsors have agreed to refund the sales load to purchasers of units, if within 90 days after the registration statement under the Securities Act becomes effective, the net worth of Applicant shall be reduced to less than $100,000 or if Applicant is terminated. The Sponsors will instruct the Trustee on the date the bonds are deposited that if Applicant shall at any time have a net worth of less than 40 percent of the principal amount of the Fund, as a result of redemption by the Sponsors of units constituting a part of the unsold units, the Trustee shall terminate the trust in the manner provided in the trust agreement and distribute any bonds or other assets deposited with the Trustee pursuant to the trust agreement as provided therein. The Sponsors have agreed to refund any sales load to any purchaser of units purchased from the Sponsors or any participating dealer on demand and without any deduction in the event of such termination. In addition, it is the Sponsors' intention to maintain a market for the units of Applicant and continually to offer to purchase such units at prices in excess of the redemption price as set forth in the trust agreement, although the Sponsors are not obligated to do so.

Section 14(a) of the Act requires that a registered investment company (a) have a net worth of at least $100,000 prior to making a public offering of its securities, (b) have previously made a public offering and at that time have had a net worth of $100,000, or (c) have made arrangements for at least $100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 5, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8817; Filed, July 23, 1968; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-6 (Rev. 4), Southwestern Area, Dallas, Tex.]

AREA COORDINATORS ET AL.

Delegation of Authority To Conduct Program Activities in Southwestern Area

Pursuant to the authority delegated to the Area Administrators by Delegation of Authority No. 30 (Revision 12), 32 F.R. 179, dated January 7, 1967, and Amendment 1, 32 F.R. 8113, dated June 6, 1967, the following authority is hereby redelegated to the positions as indicated herein:

I. Area Coordinators.

A. *Development Company Assistance Coordinator—1. Eligibility Determinations (for financial assistance only).* To determine eligibility of applicants for assistance under the sections 501 and 502 programs of the Agency in accordance with Small Business Administration standards and policies.

2. *Size determinations (for financial assistance only).* To make initial size

determinations in all sections 501 and 502 loans within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for sections 501 and 502 loans only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Liquidation and Disposal Coordinator.* 1. To take all necessary actions in connection with the liquidation and disposal of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. To take all necessary action in liquidating Economic Development Administration loans and acquired collateral when and as authorized by Economic Development Administration.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

C. *Supervisory Liquidation and Disposal Officer.* 1. To take all necessary actions in connection with the liquidation and disposal of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. To take all necessary action in liquidating Economic Development Administration loans and acquired collateral when and as authorized by Economic Development Administration.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; and (3) the cancellation of authority to liquidate.

D. *Area Claims Review Committee.* To consist of the liquidation and disposal coordinator, area counsel and the area supervisory appraiser who will meet and consider reasonable and properly supported compromise proposals of indebtedness owed to the Agency and to take final action on such proposals provided such action represents the majority recommendation of the committee on claims not in excess of $5,000 (including CPC advances but excluding interest), or represents the unanimous recommendation of said committee on claims in excess of $5,000 but not exceeding $100,000 (including CPC advances but excluding interest).

E. *Financial Assistance Coordinator—*
1. *Eligibility determinations (for financial assistance only).* To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies.

2. *Size determinations (for financial assistance only).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans; and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

F. *Procurement and Management Assistance Coordinator—*1. *Eligibility determinations (for PMA activities only).* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

2. *Size determinations (for PMA activities only).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

G. *Area Administrative Officer.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; and (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. Regional Directors.

A. *Financial assistance.* 1. To approve business and disaster loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To decline business, economic opportunity and disaster loans of any amount.

3. To close and disburse approved loans.

4. To enter into business, economic opportunity and disaster loan participation agreements with banks.

5. To execute loan authorizations for Washington and area approved loans and for loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator*
By ----------
(Name)
Regional Director
(City)

6. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

**10. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

11. To take all necessary actions in connection with the administration, servicing and collection, other than those accounts classified as "in liquidation"; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

B. *Development company assistance.*
** 1. To approve or decline section 501 State Development Company loans and section 502 Local Development Company loans up to $350,000 (SBA share).

2. To close and disburse sections 501 and 502 loans.

3. To extend the disbursement period on sections 501 and 502 loan authorizations or undisbursed portions of sections 501 and 502 loans.

4. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

5. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

C. *Size determinations.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

D. *Eligibility determinations.* To determine eligibility of applicants for assistance under any program of the Agency, with the exception of the 501 and 502 programs, in accordance with Small Business Administration standards and policies.

E. *Administration.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration to reimburse the General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

F. *Chiefs, Financial Assistance Divisions (and Assistant Chiefs, if assigned).*
1. *Size determinations for financial assistance only.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

2. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies.

3. To approve business and disaster loans not exceeding $350,000 (SBA share), and economic opportunity loans not exceeding $25,000 (SBA share).

4. To close and disburse approved business, economic opportunity, and disaster loans.

5. To decline business, economic opportunity, and disaster loans of any amount.

6. To enter into business, economic opportunity, and disaster loan participation agreements with banks.

7. To execute loan authorizations for Central Office, area, and regional approved loans and loans approved under the delegated authority, said execution to read as follows:

(*Name*), *Administrator*
By ----------
(Name)
Title of person signing.

8. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

12. To take all necessary actions in connection with the administration, servicing and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and deposit, and any other liens, powers, rights,

charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

G. *Supervisory Loan Officer and/or Assistance Team Leader.* 1. To approve or decline business and disaster direct loans not in excess of $50,000 and participation loans not in excess of $50,000 (SBA share).

2. To approve or decline economic opportunity loans not in excess of $25,000 (SBA share).

3. To close and disburse approved business, economic opportunity and disaster loans.

4. To enter into business, economic opportunity and disaster loan participation agreements with banks.

5. To execute loan authorizations for Central Office, area, and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator
By ----------
(Name)
Title of person signing.

6. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

10. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

11. *Size determinations for financial assistance only.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officer.

12. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies.

H. *Loan Officer (financial assistance).* 1. To approve final actions concerning current direct or participation loans.

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to application against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

2. To close and disburse approved business, economic opportunity and disaster loans.

I. *Chief, Development Company Assistance Division.* 1. To close and disburse sections 501 and 502 loans.

2. To extend the disbursement period on sections 501 and 502 loan authorizations or undisbursed portions of sections 501 and 502 loans.

3. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

4. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank application for use of liquidity privilege under the loan guaranty plan.

(d) Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

J. *Loan Officer (Development Company Assistance).* 1. To close and disburse sections 501 and 502 loans.

2. To extend the disbursement period on sections 501 and 502 loans.

3. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

4. To approve final actions concerning current direct, participation, and First Mortgage Plan 502 loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to applications against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

K. *Regional Counsel (Reserved).*

L. *Chief, Accounting, Clerical and Training Division.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

**5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

**6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans, except sections 501 and 502 loans.

**7. To approve final actions concerning current direct or participation loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to application against premiums.

c. Minor modifications in the authorization.

d. Adjustment of interest payment dates.

e. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

f. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

M. *Assistant Chief, Accounting, Clerical and Training Division.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

III. Branch Manager (Harlingen Branch Office).

A. *Financial assistance.* 1. To approve business and disaster loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To decline business, economic opportunity and disaster loans of any amount.

3. To close and disburse approved business, economic opportunity and disaster loans.

4. To enter into business, economic opportunity, and disaster loan participation agreements with banks.

5. To execute loan authorizations for Central Office, area, and regional approved loans and loans approved under the delegated authority, said execution to read as follows:

(Name), Administrator
By ----------
(Name)
Branch Manager
(City)

6. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

10. To take all necessary actions in connection with the administration, servicing and collection, other than those accounts classified as "in liquidation"; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

B. *Size determinations (for financial assistance only).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

C. *Eligibility determinations (for financial assistance only).* To determine eligibility of applicants for assistance under any program of the Agency, with the exception of the 501 and 502 programs, in accordance with Small Business Administration standards and policies.

D. *Administration.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

E. *Supervisory Loan Officer and/or Assistance Team Leader.* 1. To approve or decline business and disaster direct loans not in excess of $50,000 and participation loans not in excess of $50,000 (SBA share).

2. To approve or decline economic opportunity loans not in excess of $25,000 (SBA share).

3. To close and disburse approved business, economic opportunity and disaster loans.

4. To enter into business, economic opportunity, and disaster loan participation agreements with banks.

5. To execute loan authorizations for Central Office, area and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator
By_____
(Name)
Title of person signing.

6. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

7. To extend the disbursement period on all loans authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

10. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

11. *Size determinations for financial assistance only.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

12. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies.

F. *Loan Officer (financial assistance).* 1. To approve final actions concerning current direct or participation loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to application against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

2. To close and disburse approved business, economic opportunity and disaster loans.

G. *Branch Counsel (Reserved).*

H. *Chief, Accounting, Clerical, and Training Division.* 1. To purchase reproduction of loan documents, chargeable to the revolving fund, requested by U.S. attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

**4. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity and disaster loans.

**5. To extend the disbursement period on all loan authorizations or undisbursed portions of loans, except sections 501 and 502 loans.

**6. To approve final actions concerning current direct or participation loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to application against premiums.

c. Minor modifications in the authorization.

d. Adjustment of interest payment dates.

e. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

f. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

I. *Assistant Chief, Accounting, Clerical, and Training Division.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

IV. The specific authority delegated herein, indicated by double asterisks (**) cannot be redelegated.

V. The authority delegated herein to a specific position may be exercised by an SBA employee designated as Acting in that position.

VI. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective date: July 1, 1968.

ROBERT E. WEST,
Area Administrator,
Southwestern Area.

[F.R. Doc. 68-8777; Filed, July 23, 1968; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

RAYMOND R. MANION

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (30 F.R. 8809; 31 F.R. 930; 31 F.R. 13405; 32 F.R. 769; 32 F.R. 10706 and 33 F.R. 522) for the 6 months' period ended July 3, 1968.

No change since statement dated January 3, 1968.

RAYMOND R. MANION.

JUNE 28, 1968.

[F.R. Doc. 68-8799; Filed, July 23, 1968; 8:47 a.m.]

FLOYD A. MECHLING

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (22 F.R. 996, 22 F.R. 6584; 23 F.R. 1062; 23 F.R. 6730; 24 F.R. 552; 24 F.R. 6251; 24 F.R. 9699; 25 F.R. 109; 26 F.R. 1693; 26 F.R. 6463; 27 F.R. 684; 27 F.R. 6409; 28 F.R. 1093; 28 F.R. 7060; 29 F.R. 1861; 29 F.R. 9813; 30 F.R. 769; 30 F.R. 8765; 31 F.R. 493; 31 F.R. 9432; 32 F.R. 769; 32 F.R. 10277; and 33 F.R. 523) for the period from January 26, 1968, through July 25, 1968.

No changes in financial interest since last reporting period.

FLOYD MECHLING.

JULY 8, 1968.

[F.R. Doc. 68-8800; Filed, July 23, 1968; 8:47 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 17, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41394—*Liquid caustic soda from points in West Virginia.* Filed by O. W. South, Jr., agent (No. A6035), for interested rail carriers. Rates on soda (sodium), caustic (sodium hydroxide), in solution, in tank carloads, from Charleston, Dock, Elk, Owens, South Charleston, and South Ruffner, W. Va., to Fairfax, Lanett, Opelika, and Pepperell, Ala.

Grounds for relief—Market competition.

Tariff—Supplement 48 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C-611.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-8801; Filed, July 23, 1968; 8:47 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 19, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41395—*Fish meal from Digby and Saulnierville, Nova Scotia, Canada.* Filed by Southwestern Freight Bureau, agent (No. B-9094), for interested rail carriers. Rates on fish meal, in carloads, from Digby and Saulnierville, Nova Scotia, Canada, to points in Arkansas, Louisiana, Missouri (Southern Region), New Mexico, Oklahoma, and Texas.

Grounds for relief—Market competition.

Tariff—Supplement 5 to Canadian Freight Association, agent, tariff ICC 291.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-8802; Filed, July 23, 1968; 8:47 a.m.]

[Notice 1201]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 19, 1968.

The following publications are governed by special rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 31364 (Sub-No. 2) (Republication), filed January 29, 1968, published FEDERAL REGISTER issue of February 8, 1968, and republished this issue. Applicant: MARY HILL, doing business as HILL FURNITURE CARRIERS, 8745 Cottage Street, Philadelphia, Pa. 19136. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. By application filed January 29, 1968, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of new furniture and furniture frames, uncrated and in cardboard cartons and wrappings, but not in wooden crates, and such materials as are used in the manufacture of new furniture, between points in Upper Merion Township, Montgomery County, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, New Jersey, New York, Virginia, West Virginia, and the District of Columbia. An order of the Commission, Operating Rights Board, dated June 28, 1968, and served July 11, 1968, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) new furniture, from the plantsites and facilities of the Robert John Manufacturing Co. and the Robert John Co., in Upper Merion Township (Montgomery County), Pa., to points in Connecticut, Delaware, Maryland, New Jersey, New York, Virginia, West Virginia, and the District of Columbia, and (2) furniture frames and such materials (except commodities in bulk) as are used in the manufacture of new furniture, from points in Connecticut, Delaware, Maryland, New Jersey, New York, Virginia, West Virginia, and the District of Columbia, to the plantsites and facilities of the Robert John Manufacturing Co. and the Robert John Co. in Upper Merion Township (Montgomery County), Pa., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 114416 (Sub-No. 4) (Republication), filed March 6, 1968, published in FEDERAL REGISTER issue of March 28, 1968, and republished this issue. Applicant: ELKINS TRANSPORT SERVICE, INC., North 620 Freya Street, Spokane, Wash. 99202. By application filed March 6, 1968, applicant seeks a certificate of public convenience and necessity, authorizing operation, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of construction equipment, materials, or supplies, having a prior or subsequent rail shipment between a 3-mile radius of Coulee City, Odair and Coulee Dam, Wash. Applicant also requests authority to interline with other carriers. An order of the Commission, Operating Rights Board, dated June 28, 1968, and served July 10, 1968, finds that the present and future

public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *construction equipment, materials,* and *supplies,* between Coulee City and Odair, Wash., on the one hand, and, on the other, Coulee Dam, Wash., restricted to the transportation of traffic having a prior or subsequent movement by rail; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 115331 (Sub-No. 221) (Republication), filed March 14, 1967, published FEDERAL REGISTER issue March 30, 1967, and republished this issue. Applicant: TRUCK TRANSPORT, INC., 707 Market Street, St. Louis, Mo. 63101. Applicant's representative: Thomas F. Kilroy, 913 Colorado Building, 3141 G Street NW., Washington, D.C. 20005. By application filed March 14, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of chemicals, from Clinton, Iowa, to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin. The application was referred to Examiner Charles Murphy for hearing and the recommendation of an appropriate order thereon. Hearing was held May 18, 1967 at Des Moines, Iowa. A report and order of the Commission, division 1, served July 14, 1967, which became effective August 3, 1967, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle in interstate or foreign commerce, over irregular routes, of chemicals, in bulk, from the plantsites and storage facilities of the International Minerals & Chemical Corp., at or near Clinton, Iowa, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin, restricted to traffic originating at the above-named plantsites and storage facilities, and destined to points in the above-named States; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 124121 (Sub-No. 3) (Republication), filed January 19, 1968, published FEDERAL REGISTER issue of February 1, 1968, and republished this issue. Applicant: DONALD NUSSBERGER AND WILLIS NUSSBERGER, a partnership, doing business as NUSSBERGER BROS., Catawba, Wis. 54154. Applicant's representative: John W. Slaby, Box 22, Phillips, Wis. 54555. By application filed January 19, 1968, as amended, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of animal and poultry feed and concentrates, in bag and bulk from points in Minnesota to points on and north of Wisconsin Highway 64, and points in the Upper Peninsula of Michigan, under a continuing contract, or contracts with Midland Cooperatives, Inc., Minneapolis, Minn. An order of the Commission, Operating Rights Board, dated June 28, 1968, and served July 11, 1968, finds that operation by applicants in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of animal and poultry feed from Waseca and St. Paul, Minn., and Superior, Wis., to those points in Wisconsin on and north of Wisconsin Highway 64 (except points in Taylor and Langlade Counties, Wis.), and points in the Upper Peninsula of Michigan, under a continuing contract with Midland Cooperatives, Inc., of Minneapolis, Minn., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of publication, during which period any proper party in interest may file an appropriate petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128707 (Sub-No. 2) (Republication), filed March 6, 1968, published FEDERAL REGISTER issue March 21, 1968, and republished this issue. Applicant: LLOYD W. PORSBORG, doing business as PORSBORG TRUCK LINE, 1405 Sixth Avenue NW., Great Falls, Mont. 59401. By application filed March 6, 1968, applicant seeks a Permit of Public Convenience and Necessity authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of malt beverages, in containers, between Vancouver, Wash., and Lewiston, Mont., under contract with General Brewing Corp. An order of the Commission, Operating Rights Board, dated June 28, 1968, and served July 11, 1968, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *malt beverages,* in containers, between Vancouver, Wash., on the one hand, and, on the other, Lewiston, Mont.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129585 (Sub-No. 2) (Republication), filed February 14, 1968, published in the FEDERAL REGISTER issue of March 21, 1968, and republished this issue. Applicant: JIMMY VESSELL, Route No. 2, Muldrow, Okla. 74948. Applicant's representative: W. S. Agent, 113 North Oak Street, Sallisaw, Okla. 74955. By application filed February 14, 1968, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of animal and poultry feeds in sacks or in bulk (except liquid), and sanitation and health commodities as used in the raising of animals and poultry, between Fort Smith, Ark., and points in Sequoyah, Le Flore, Adair, Haskell, Muskogee, Cherokee, and Latimer Counties, Okla. A report and order of the Commission, Operating Rights Board, served July 11, 1968, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of dry animal and poultry feeds, and sanitation and health commodities used in the raising of animals and poultry (1) from Fort Smith, Ark., to points in Sequoyah, Le Flore, Adair, Haskell, Muskogee (except Muskogee and points in its commercial zone), Cherokee, and Latimer Counties, Okla., and (2) between Fort Smith, Ark., on the one hand, and, on the other, Muskogee, Okla., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER 1.240 TO THE EXTENT APPLICABLE

No. MC 73262 (Sub-No. 21), filed July 8, 1968. Applicant: MERCHANTS FREIGHT SYSTEM, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representatives: Roland Rice, 618 Perpetual Building, Washington, D.C. 20004, and Larry D. Knox, Post Office Box 2408, Jacksonville, Fla. 32203. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods,* 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), (1) between Indianapolis, Ind., and Toledo, Ohio, from Indianapolis over U.S. Highway 36 to junction Interstate Highway 69 (also over Interstate Highway 69 to junction U.S. Highway 36), thence over Interstate Highway 69 to junction Indiana Highway 67, thence over Indiana Highway 67 to the Indiana-Ohio State line, thence over Ohio Highway 29 to junction U.S. Highway 33 near St. Mary's, Ohio, thence over U.S. Highway 33 to junction Interstate Highway 75, thence over Interstate Highway 75 to junction U.S. Highway 25, thence over U.S. Highway 25 to Toledo (also over Interstate Highway 75), and return over the same route, serving no intermediate points; (2) between Louisville, Ky., and Toledo, Ohio, from Louisville over U.S. Highway 42 to junction Interstate Highway 75 at or near Florence, Ky. (also over Interstate Highway 71), thence over Interstate Highway 75 to junction U.S. Highway 25, thence over U.S. Highway 25 to Toledo (also over Interstate Highway 75), and return over the same route, serving no intermediate points, and (3) between Clarksville, Ind., and Toledo, Ohio, from Clarksville over Interstate Highway 65 to Louisville, Ky., thence as described in No. (2) above to Toledo, and return over the same route, serving no intermediate points. NOTE: The instant application is a matter directly related to MC-F-10030, published in FEDERAL REGISTER issue on February 7, 1968, wherein Ryder Truck Lines, Inc., a motor common carrier in MC 2900 and sub numbers to transport general commodities and specified commodities seeks authority to control Applicant. The purpose of this application is to convert a portion of applicant's present irregular route authority between points and over routes sought herein to regular routes. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Atlanta, Ga., or Jacksonville, Fla.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 C.F.R. 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10188. Authority sought for purchase by CALZONA TRANSPORTATION, INC., Post Office Box 6430, Phoenix, Ariz. 85005, of a portion of the operating rights of RELIABLE TRANSPORTATION COMPANY, 4817 Sheila Street, Los Angeles, Calif. 90022, and for acquisition by TOM C. COX, also of Phoenix, Ariz. 85005, of control of such rights through the purchase. Applicants' attorney: William J. Lippman, 1824 R Street NW., Washington, D.C. 20009. Operating rights sought to be transferred: *Refined petroleum products,* in tank trucks, other than those having special heating or insulating equipment, as a *common carrier,* over irregular routes, from points within 30 miles of First and Main Streets, Los Angeles, Calif., to Tucson, Ariz., and points in Maricopa County, Ariz.; *contaminated gasoline,* in bulk, in tank trucks, from Litchfield Park, Ariz., and points within 5 miles thereof, to North Island, Calif., *petroleum lubricating oil,* in bulk, in tank vehicles, from El Segundo, Calif., to Gage, N. Mex., and points within 10 miles of Gage, from El Segundo, Calif., to Santa Rita, N. Mex., and points within 25 miles thereof; *turpentine,* in bulk, in tank vehicles, from El Paso, Tex., to Los Angeles, Calif.; *liquid fertilizing and soil conditioning compounds,* in bulk, in tank vehicles, from points within 5 miles of Phoenix, Ariz., not including Phoenix and Tovrea, Ariz., to points in California which are located south of the northern boundary lines of San Luis Obispo, Kern, and San Bernardino Counties; *tallow and grease,* in bulk, in tank vehicles, from certain specified points in California, to certain specified points in California, from points in California north of a line formed by the southern boundary of San Luis Obispo County, the southern and eastern boundaries of Kern County, and the southern boundary of Inyo County, to the Port of Stockton, Calif., from Los Angeles, Calif., to points in the Los Angeles Harbor commercial zone, as defined by the Commission, from the plantsite of Sacramento Reduction and Tallow Co. located approximately 9 miles east of Sacramento, Calif. (near California Highway 16), to certain specified points in California.

Vegetable, wood, and castor oils, in bulk, in tank vehicles, as defined by the Commission, from points in the Los Angeles Harbor commercial zone, to Los Angeles, Calif.; *edible and inedible tallow,* in bulk, in tank trucks, from Phoenix and Tucson, Ariz., and points within 25 miles of each, to Long Beach and Los Angeles, Calif.; *printer's ink,* in bulk, in tank vehicles, from Los Angeles, Calif., to points in Arizona; *petroleum products,* in bulk, in tank vehicles, except liquefied petroleum gases, as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, 294, from Colton and Niland, Calif., to Tucson, Ariz., and points in Maricopa County, Ariz.; *tallow,* in bulk, in tank vehicles, from Phoenix and Tucson, Ariz., to points in Arizona within 25 miles of each, to Nogales, Ariz., and San Diego, Calif., from Pueblo, Colo., to certain specified points in California; *sulphuric acid,* in bulk, in tank vehicles, from El Segundo, Calif., to Henderson, Nev.; *liquid petroleum wax,* in bulk, in tank vehicles, from Richmond, Calif., to Phoenix and Tucson, Ariz.; *nitric acid,* in bulk, in tank vehicles, from the site of the Nitric Acid Plant of Brea Chemical Co., near Brea, Calif., to Henderson, Nev.; *muriatic acid,* in bulk, in tank vehicles, from El Segundo, Calif., to points in Maricopa County, Ariz.; *synthetic resins,* in bulk, in tank vehicles, from Los Angeles and Azusa, Calif., to Phoenix, Ariz.; *liquid animal feed supplement,* in bulk, in tank vehicles, from Anaheim, Calif., to points in Arizona, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington; *anhydrous alcohol,* except that derived from petroleum, in bulk, in tank vehicles, from Anaheim, Calif., to Henderson, Nev.

Contaminated petroleum products, in bulk, in tank vehicles, from Phoenix and Tucson, Ariz., to Niland and Colton, Calif.; *seasame oil,* in bulk, in tank vehicles, from Stout, Calif., to Reno, Nev.; *inedible animal fats* and *blends of inedible animal and vegetable fats* to be used in the manufacture of livestock and poultry feeds, in bulk, in tank vehicles, from points in California (except Long Beach) to points in Arizona; *animal feed additives* composed of blends of both animal fats and vegetable oils, in bulk, in tank vehicles, from certain specified points in California, to points in Nevada and Utah, from Richmond and San Francisco, Calif., to points in Idaho, Oregon, and Washington; and *vinegar,* in bulk, and *animal, vegetable, and fish oils,* in bulk, from points in California, to ports of entry on the United States-Mexico

boundary line at or near Tecate and Calexico, Calif. CALZONA TRANSPORTATION, INC., holds no authority from this Commission. However, TOM C. COX, owning 25 percent of its stock, is sole owner of ARIZONA TANK LINES, INC., Post Office Box 6430, Phoenix, Ariz., which is authorized to operate as a *common carrier* in Arizona, Utah, Colorado, New Mexico, California, and Nevada. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10189. Authority sought for control and merger by M & M TRANSPORTATION COMPANY, 186 Alewife Brook Parkway, Cambridge, Mass. 02138, of the operating rights and property of GOREA'S MOTOR EXPRESS, INC., 2001 Bleeker Street, Utica, N.Y., and for acquisition by SIDNEY MARKS and SIDNEY MALKIN, both also of Cambridge, Mass., of control of such rights and property through the transaction. Applicant's attorney and representative: Herbert Burstein, 160 Broadway, New York, N.Y. 10038, and Vincent A. DeIoria, Mayro Building, Utica, N.Y. 13501. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Albany, N.Y., and Buffalo, N.Y., serving all intermediate points and certain off-route points, between Syracuse, N.Y., to Buffalo, N.Y., between Utica, N.Y., and Malone, N.Y., serving all intermediate points; and under certificates of registration, in Docket Nos. MC–943 Sub-3, MC–943 Sub-4, and MC–943 Sub-6, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of New York. M & M TRANSPORTATION COMPANY, is authorized to operate as a *common carrier* in Massachusetts, Connecticut, New York, Pennsylvania, New Jersey, and Maryland. Application has not been filed for temporary authority under section 210a(b). NOTE: MC–69275 Sub-40 is a matter directly related.

No. MC–F–10190. Authority sought for purchase by JONES MOTOR CO., INC., Bridge Street and Schuylkill Road, Spring City, Pa. 19475, of the operating rights of MEDILL TRANSFER, INC., 852 West Washington Street, East Peoria, Ill. 61611, and for acquisition by HARRY A. HERSHEY, also of Spring City, Pa., of control of such rights through the purchase. Applicants' attorney and representative: Roland Rice, Suite 618, Perpetual Building, 1111 E Street NW., Washington, D.C. 20004, and Harry A. Hershey, Bridge Street and Schuylkill Road, Spring City, Pa. 19475. Operatnig rights sought to be transferred: Under a certificate of registration, in Docket No. MC–99996 Sub-1, covering the transportation of farm products, milk, livestock, coal, and commodities general, as a common carrier, in intrastate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in New Jersey, Pennsylvania, New York, Virginia, Delaware, Tennessee, New Hampshire, Rhode Island, Michigan, Ohio, West Virginia, Illinois, Indiana, North Carolina, Massachusetts, Vermont, Missouri, Iowa, Maine, and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: MC–4963 Sub-29 is a matter directly related.

No. MC–F–10191. Authority sought for control by THE OVERLAND EXPRESS LIMITED, Post Office Box 460, Woodstock, Ontario, Canada, of TWIN COUNTY TRANSPORT, INC., 150 Milens Road, Tonawanda, N.Y. 14150. Applicants' attorney: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Buffalo, N.Y., and Alden, N.Y., serving all intermediate points; and under a certificate of registration, in Docket No. MC–121503 Sub-1, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of New York. THE OVERLAND EXPRESS, LIMITED, is authorized to operate as a *common carrier* in Michigan and New York. Application has not been filed for temporary authority under section 210a(b). NOTE: MC–121503 Sub-3 is a matter directly related. If a hearing is deemed necessary, Applicants request that it be held at Buffalo, N.Y.

No. MC–F–10192. Authority sought for purchase by ACCELERATED TRANSPORT–PONY EXPRESS, INC., Fifth and Vine Streets, Sunbury, Pa. 17801, of the operating rights and property of O. L. HADORN MOTOR EXPRESS, INC., 2500 Main Street, Wheeling, W. Va. 26003, and for acquisition by HALL'S MOTOR TRANSIT COMPANY, also of Sunbury, Pa., and, in turn by JOHN N. HALL, 1151 South 21st Street, Harrisburg, Pa., and W. LEROY HALL, 300 West Willow Street, Carlisle, Pa., of control of such rights and property through the purchase. Applicants' attorneys and representative: John E. Fullerton, 407 North Front Street, Harrisburg, Pa. 17101, Russell R. Sage, Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314, and M. E. Brunner, Fifth and Vine Streets, Sunbury, Pa. 17801. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Wheeling, W. Va., and Clarksburg, W. Va., between Wheeling, W. Va., and Fairmont, W. Va., between Wheeling, W. Va., and Morgantown, W. Va., serving all intermediate points, and all off-route points in West Virginia and Ohio within 10 miles of Wheeling, W. Va., between Wheeling, W. Va., and Clarksburg, W. Va., serving all intermediate points (except New Martinsville, W. Va., and those between New Martinsville and Moundsville, W. Va.), between junction U.S. Highway 250 and West Virginia Highway 89, near Cameron, W. Va., and Morgantown, W. Va., serving all intermediate points (except Waynesburg, Pa.). Vendee is authorized to operate as a *common carrier* in Virginia, Maryland, New York, Pennsylvania, New Jersey, West Virginia, North Carolina, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10193. Authority sought for control by WESTERN GILLETTE, INC., 2550 East 28th Street, Los Angeles, Calif. 90058, of DESERT EXPRESS, 2301 Nadeau Street, Huntington Park, Calif. 90255, and for acquisition by DONALD E. CANTLAY, as Voting Trustee, also of Los Angeles, Calif., of control of DESERT EXPRESS, through the acquisition by WESTERN GILLETTE, INC Applicants' attorneys: Theodore W. Russell, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017, and Arthur H. Glanz, 639 South Spring Street, Los Angeles, Calif. 90014. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Los Angeles, Calif., and Atolia, Calif., serving certain intermediate points; *mining machinery and parts thereof and materials and supplies* used in mining operations, over regular and irregular routes, from Los Angeles Harbor and Long Beach Harbor, Calif., to Atolia, Calif., serving all intermediate points between Mojave, Calif., and Atolia, not including Mojave, for delivery only; and the off-route points within 10 miles of U.S. Highway 6 between Rosamond and Mojave, for delivery only; *feed*, from Lancaster, Calif., to Los Angeles Harbor and Long Beach Harbor, Calif., serving no intermediate points; and under a certificate of registration, in Docket No. MC–110147 Sub-5, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of California. WESTERN GILLETTE, INC., is authorized to operate as a *common carrier* in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and Iowa. Application has been filed for temporary authority under section 210a(b). NOTE: MC–110147 Sub-6 is a matter directly related.

No. MC–F–10194. Authority sought for control by MERCHANTS FAST MOTOR LINES, INC., East U.S. Highway 80, Post Office Drawer 270, Abilene, Tex. 79604, of (1) BRAZOS TRANSPORT CO., East U.S. Highway 80, Post Office Drawer 2679, Abilene, Tex. 79604, and (2) GYPSUM TRANSPORT, INC., East U.S. Highway 80, Post Office Drawer 2679, Abilene, Tex. 79604. Applicants' attorney: Jerry Prestridge, c/o Clark, Thomas, Harris, Denius and Winters, Capitol National Bank Building, Post Office Box 1148, Austin, Tex. 78767. Operating rights sought to be controlled: *Building materials* (except lumber), *gypsum, and supplies and materials* used in the manufacture thereof, as a *common carrier*, over irregular routes, between the plantsites of the National Gypsum Co. near Rotan, Tex., on the one hand, and, on the other, points in Arkansas, Louisiana, New Mexico, and Oklahoma; *gypsum products, asbestos-cement products, building materials* (except lumber), *roofing materials, and insulating materials, and materials and supplies* used in the installation of such commodities (except liquid commodities, in bulk, in tank vehicles), from Medicine Lodge, Kans., to points in Colorado and Oklahoma; *gypsum board paper*, from Pryor, Okla., to Medicine Lodge, Kans.; *gypsum products, gypsum, asbestos-cement products, building materials* (except lumber), *roofing-materials, and insulating materials, and materials and supplies* used in the installation of such commodities (except liquid commodities, in bulk, in tank vehicles), from Medicine Lodge, Kans., to points in Missouri; and *building, roofing, and insulating materials, and gypsum and gypsum products*, from the plantsite of the National Gypsum Co. located at or near Medicine Lodge, Kans., to points in Arkansas; and (2) *Building materials* (except lumber), *gypsum and gypsum products, and materials and supplies* used in the installation or distribution thereof, as a *common carrier*, over irregular routes, from the plantsites of United States Gypsum Co. at or near Sweetwater, Tex., to points in Arkansas, Louisiana, and New Mexico, with restrictions, from the site of the plants of the United States Gypsum Co. at or near Sweetwater, Tex., to points in Colorado, Kansas, and Oklahoma, with restriction. MERCHANTS FAST MOTOR LINES, INC., is authorized to operate as a *common carrier* in Texas. Application has not been filed for temporary authority under section 210a(b). NOTE: See also No. MC–F–10195 (MERCHANTS OPERATING CO.—Purchase—MERCHANTS FAST MOTOR LINES, INC.), published this same issue. F.D. No. 25197 is simultaneously filed.

No. MC–F–10195. Authority sought for purchase by MERCHANTS OPERATING CO., East U.S. Highway 80, Post Office Drawer 270, Abilene, Tex. 79604, of the operating rights and property of MERCHANTS FAST MOTOR LINES, INC., East U.S. Highway 80, Post Office Drawer 270), Abilene, Tex. 79604. Applicants' attorney: Jerry Prestridge, c/o Clark, Thomas, Harris, Denius and Winters, Capital National Bank Building, Post Office Box 1148, Austin, Tex. 78767. Operating rights sought to be transferred: *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the State of Texas, with certain restrictions, serving various intermediate and off-route points, over numerous alternate routes for operating convenience only, as more specifically described in Docket No. MC–2228 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. MERCHANTS OPERATING CO. holds no authority from this Commission. However, it is affiliated with MERCHANTS FAST MOTOR LINES, INC., transferor, who controls OIL TRANSPORT COMPANY, East Highway 80, Post Office Drawer 2679, Abilene, Tex. 76904, which is authorized to operate as a *common carrier* in Texas, Oklahoma, Kansas, Nebraska, New Mexico, and Arizona. Application has not been filed for temporary authority under section 210a(b). NOTE: See also No. MC–F–10194 (MERCHANTS FAST MOTOR LINES, INC.—Control—BRAZOS TRANSPORT CO., and GYPSUM TRANSPORT, INC.) published this same issue. F.D. No. 25197 is simultaneously filed.

No. MC–F–10196. Authority sought for purchase by OVERNITE TRANSPORTATION COMPANY, 1100 Commerce Road, Richmond, Va. 23209, of a portion of the operating rights and certain property of ALABAMA HIGHWAY EXPRESS, INC., 3300 Fifth Avenue, Birmingham, Ala. 35202. Applicants' attorneys: Eugene T. Liipfert, 1035 Universal Building North, Washington, D.C. 20009, and Harold G. Hernly, 711 14th Street NW., Washington, D.C. Operating rights sought to be transferred: *General commodities*, except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier*, over irregular routes, between points in Alabama within 65 miles of Birmingham, Ala., including Birmingham, on the one hand, and, on the other, points in that part of Georgia on and west of U.S. Highway 129 and bounded on the south by the northern county lines of Heard, Coweta, Fayette, Clayton, Henry, Butts, Jasper, and Putnam Counties, Ga., Restriction: The authority is restricted against the transportation of cement and lime from origin points of Leeds, Roberta, Ragland, and North Birmingham, Ala. Vendee is authorized to operate as a *common carrier* in North Carolina, Tennessee, South Carolina, Virginia, Georgia, West Virginia, Illinois, and Alabama. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10197. Authority sought for purchase by HIGHWAY EXPRESS, INC. (Miss. Corp.), 422 Madison Street, Wiggins, Miss. 39577, of a portion of the operating rights of C & D TRANSPORTATION CO., INC., 962 Bay Bridge Road, Prichard, Ala. 36600, and for acquisition by MICHAEL E. WEST, 2003 Fuller Street, Hattiesburg, Miss., of control of such rights through the purchase. Applicants' attorney: Douglas C. Wynn, Post Office Box 1295, 618 Washington Avenue, Greenville, Miss. 38701. Operating rights sought to be transferred: *General commodities*, except those of unusual value, classes A and B explosives, lumber, gasoline, coal, sand, gravel, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over regular routes, between Hattiesburg, Miss., and New Orleans, La., serving the intermediate points of Wiggins and Gulfport, Miss. HIGHWAY EXPRESS, INC. (Mississippi Corporation), holds no authority from this Commission. However, its controlling stockholder is affiliated with (1) WEST BROTHERS, INC., 706 East Pine Street, Post Office Box 1569, Hattiesburg, Miss., which is authorized to operate as a *common carrier* in Alabama, Mississippi, Louisiana, Arkansas, Florida, Georgia, North Carolina, South Carolina, Tennessee, and Kentucky; (2) PASCAGOULA DRAYAGE COMPANY, INC., 705 East Pine Street, Post Office Box 1326, Hattiesburg, Miss., which is authorized to operate as a *common carrier* in North Dakota, South Dakota, Nebraska, New Mexico, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Florida, Georgia, Tennessee, Kentucky, Illinois, Indiana, Ohio, Wisconsin, Michigan, North Carolina, South Carolina, Virginia, West Virginia, Maryland, Pennsylvania, New York, New Jersey, Delaware, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia; and (3) AZALEA MOTOR LINES, INC., 835 Dumaine Road, Mobile, Ala., which is authorized to operate as a *common carrier* in Alabama. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10198. Authority sought for purchase by AIME BELLAVANCE & SONS, INC., 167 Boyton Street, Barre, Vt., of the operating rights and property of L. & F. GRANITE HAULING CO., INC., 42 Maywood Drive (Route 5), Hamburg, N.Y., and for acquisition by JOSEPH BELLAVANCE, 101 Smith Street, Barre, Vt., of control of such rights and property through the purchase. Applicants' attorney: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. Operating rights sought to be transferred: *Granite, granite monuments, marble, and marble monuments*, as a *common carrier*, over irregular routes, from Buffalo and Hamburg, N.Y., to points in that part of New York on and west of a line beginning at Oswego, N.Y., and extending along New York Highway 57 to junction U.S. Highway 11, at Syracuse, N.Y., and thence along U.S. Highway 11 to the New York-Pennsylvania State line, from points in Rutland and Washington Counties, Vt., to points in that part of New York on and west of a line begining at Oswego, N.Y., and extending along New York Highway 57 to junction U.S. Highway 11 at Syracuse, N.Y., thence along U.S. Highway 11 to the New York-Pennsylvania State line; and *abrasives*, from Niagara Falls, Tonawanda, and the town of Hamburg, N.Y., to points in Caledonia, Orange, Rutland, and Washington Counties, Vt. Vendee is authorized to operate as a *common carrier* in Vermont, Massachusetts, New Hampshire, Connecticut, New

Jersey, New York, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8803; Filed, July 23, 1968; 8:47 a.m.]

[Notice 508]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 19, 1968.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 1042.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.1 (d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 59680 (Deviation No. 71), STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex., 75222, filed July 8, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Exit 16, Ohio Turnpike (near Woodworth, Ohio) over Ohio Highway 7 to junction U.S. Highway 224, thence over U.S. Highway 224 to New Castle, Pa., thence over U.S. Highway 422 to Indiana, Pa., thence over U.S. Highway 119 to Homer City, Pa., thence over Pennsylvania Highway 56 to junction U.S. Highway 22, thence over U.S. Highway 22 (or Interstate Highway 78 where completed) to Newark, N.J., (2) from Exit 16, Ohio Turnpike (near Woodworth, Ohio) over Ohio Highway 7 to junction U.S. Highway 224, thence over U.S. Highway 224 to New Castle, Pa., thence over U.S. Highway 422 to Indiana, Pa., thence over U.S. Highway 119 to Homer City, Pa., thence over Pennsylvania Highway 56 to junction U.S. Highway 22, thence over U.S. Highway 22 (or Interstate Highway 78 where completed) to Phillipsburg, N.J., thence over New Jersey Highway 24 to Hackettstown, N.J., thence over U.S. Highway 46 to junction New Jersey Highway 17 near Teterboro, N.J., thence over New Jersey Highway 17 to junction Interstate Highway 80 (Passaic Expressway), thence over Interstate Highway 80 to junction U.S. Highway 1 near the George Washington Bridge, and (3) from Exit 16, Ohio Turnpike (near Woodworth, Ohio) over Ohio Highway 7 to junction U.S. Highway 224, thence over U.S. Highway 224 to New Castle, Pa., thence over U.S. Highway 422 to Indiana, Pa.

Thence over U.S. Highway 119 to Homer City, Pa., thence over Pennsylvania Highway 56 to junction U.S. Highway 22, thence over U.S. Highway 22 (or Interstate Highway 78 where completed) to Phillipsburg, N.J., thence over U.S. Highway 22 (or Interstate Highway 78 where completed) to Annandale, N.J., thence over Interstate Highway 78 to junction Interstate Highway 287 (or U.S. Highway 202) near Pluckemin, N.J., thence over Interstate Highway 287 (or U.S. Highway 202) to junction U.S. Highway 46 (Interstate Highway 80), near Mountain Lakes, N.J., thence over U.S. Highway 46 to junction New Jersey Highway 17 near Teterboro, N.J., thence over New Jersey Highway 17 to junction Interstate Highway 80 (Passaic Expressway) thence over Interstate Highway 80 to junction U.S. Highway 1 near the George Washington Bridge, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Cleveland, Ohio, over U.S. Highway 21 to the Ohio Turnpike, thence over the Ohio Turnpike, to the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to the New Jersey Turnpike, thence over the New Jersey Turnpike to Newark, N.J., and (2) from New Haven, Conn., over U.S. Highway 1 to junction unnumbered highway, thence over unnumbered highway via Bridgeport, Conn., to junction U.S. Highway 1, thence over U.S. Highway 1 to Newark, N.J., and return over the same routes.

No. MC 98404 (Sub-No. 3) (Deviation No. 1), JAMES G. COPE, doing business as COPE TRUCKING COMPANY, 35 Garfield Street, Asheville, N.C. 28803 (FREDRICKSON MOTOR EXPRESS CORPORATION OPERATOR, Post Office Box 21098, Charlotte, N.C. 28206), filed July 5, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Asheville, N.C. and Knoxville, Tenn., over Interstate Highway 40, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Asheville, N.C. over U.S. Highway 25 via Marshall and Hot Springs, N.C., to the North Carolina-Tennessee State line and (2) from the North Carolina-Tennessee State line west of Hot Springs, N.C., over U.S. Highway 70 to Knoxville, Tenn., and return over the same routes.

No. MC 1515 (Deviation No. 462) (Cancels Deviation No. 123), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed July 8, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction Interstate Highway 70 and U.S. Highway 40 near Woodbury, Ill., over Interstate Highway 70 to junction U.S. Highway 40 approximately 9 miles west of Greenville, Ill., (2) from Effingham, Ill., over U.S. Highway 45 to junction Interstate Highway 70, (3) from Effingham, Ill., over U.S. Highway 40 to junction access road west of Effingham, thence over access road to junction Interstate Highway 70, (4) from Vandalia, Ill., east over U.S. Highway 40 to junction Interstate Highway 70, (5) from Vandalia, Ill., over U.S. Highway 51 to junction Interstate Highway 70, and (6) from junction Illinois Highway 127 and Interstate Highway 70 over Illinois Highway 127 to junction U.S. Highway 40, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Chicago, Ill., over Halstead Avenue to junction South Park Avenue, thence over South Park Avenue to junction U.S. Highway 54, thence over U.S. Highway 54 via junction U.S. Highway 30 to Kankakee, Ill., thence over U.S. Highway 45 to Effingham, Ill., thence over U.S. Highway 40 to Vandalia, Ill., thence over Illinois Highway 140 to junction unnumbered highway, thence over unnumbered highway via Greenville, Ill., to junction U.S. Highway 40, thence over U.S. Highway 40 to junction unnumbered highway, thence over unnumbered highway to Highland, Ill., (2) from junction old U.S. Highway 40 and relocated U.S. Highway 40 near Mulberry Grove, Ill., over relocated U.S. Highway 40 to junction old U.S. Highway 40 near Greenville, Ill., (3) from junction old U.S. Highway 40 and relocated U.S. Highway 40 near Highland, Ill., over relocated U.S. Highway 40 to junction old U.S. Highway 40 near Troy, Ill., and (4) from Dayton, Ohio, over U.S. Highway 35 to Richmond, Ind., thence over U.S. Highway 40 via Stilesville, Ind., to Manhattan, Ind. (also from junction U.S. Highway 40 and a point approximately 2 miles west of Stilesville over unnumbered highway via Greencastle, Ind., to junction U.S. Highway 40 at a point approximately 1 mile east of Manhattan), thence over U.S. Highway 40 to junction Alternate U.S. Highway 40 (formerly U.S. Highway 40), thence over Alternate U.S. Highway 40 to Vandalia, Ill., thence over Illinois Highway 140 to junction U.S. Highway 40 at or near Mulberry Grove, Ill., and return over the same routes.

No. MC 1515 (Deviation No. 463) (Cancels Deviation No. 273), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif. 94106; Carrier's representative: W. L. McCracken, 371 Market Street, San Francisco, Calif. 94105, filed July 12, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage and express and newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction unnumbered highway and U.S. Highway 101 (Crannell Junction), over U.S. Highway 101 to junction unnumbered highway (Mad River Bridge); (2) from junction unnumbered highway and U.S. Highway 101 (Humboldt Hill Road Junction), over U.S. Highway 101 to junction unnumbered highway (Salmon Avenue Junction); (3) from junction unnumbered highway and U.S. Highway 101 (North Fields Landing Junction), over U.S. Highway 101 to junction unnumbered highway (South Fields Landing Junction); (4) from junction unnumbered highway and U.S. Highway 101 (North Whites Slough Junction), over U.S. Highway 101 to junction unnumbered highway (South Whites Slough Junction); (5) from junction unnumbered highway and U.S. Highway 101 (North Fortuna Interchange), over U.S. Highway 101 to junction unnumbered highway (Rohnerville Overcrossing); (6) from junction California Highway 254 and U.S. Highway 101 (Pepperwood Junction) over U.S. Highway 101 to junction California Highway 254 (Tuttle Creek Junction); (7) from junction California Highway 254 and U.S. Highway 101 (Dean Creek Junction) over U.S. Highway 101 to junction California Highway 254 (South Garberville Junction).

(8) From junction unnumbered highway and U.S. Highway 101 (Forsythe Creek Junction), over U.S. Highway 101, to junction unnumbered highway (South Ukiah Overcrossing); (9) from junction unnumbered highway and U.S. Highway 101 (North Hiatt Road Junction), over U.S. Highway 101 to junction unnumbered highway (Rich Ranch Road Junction); and (10) from junction unnumbered highway and U.S. Highway 101 (North Healdsburg Junction), over U.S. Highway 101 to junction Business Route U.S. Highway 101 (North Santa Rosa Junction); and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From the point where U.S. Highway 101 intersects the Oregon-California State line, over U.S. Highway 101 to junction unnumbered highway (Crannell Junction), thence over unnumbered highway to junction U.S. Highway 101 (Mad River Bridge), thence over U.S. Highway 101 to junction unnumbered highway (Humboldt Hill Road Junction), thence over unnumbered highway to junction U.S. Highway 101 (Salmon Avenue Junction), thence over U.S. Highway 101 to junction unnumbered highway (North Fields Landing Junction), thence over unnumbered highway via Fields Landing to junction U.S. Highway 101 (South Fields Landing Junction), thence over U.S. Highway 101 to junction unnumbered highway (North Whites Slough Junction), thence over unnumbered highway to junction U.S. Highway 101 (South Whites Slough Junction), thence over U.S. Highway 101 to junction unnumbered highway (North Fortuna Interchange), thence over unnumbered highway via Fortuna to junction U.S. Highway 101 (Rohnerville Overcrossing), thence over U.S. Highway 101 to junction California Highway 254 (Pepperwood Junction).

Thence over California Highway 254 to junction U.S. Highway 101 (Tuttle Creek Junction), thence over U.S. Highway 101 to junction California Highway 254 (Dean Creek Junction), thence over California Highway 254 to junction U.S. Highway 101 (South Garberville Junction), thence over U.S. Highway 101 to junction unnumbered highway (Forsythe Creek Junction), thence over unnumbered highway via Calpella and Uklah to junction U.S. Highway 101 (South Ikiah Overcrossing), thence over U.S. Highway 101 to junction unnumbered highway (North Hiatt Road Junction), thence over unnumbered highway via Asti to junction U.S. Highway 101 (Rich Ranch Road Junction), thence over U.S. Highway 101 to junction unnumbered highway (North Healdsburg Junction), thence over unnumbered highway via Healdsburg to junction Business Route U.S. Highway 101 (North Santa Rosa Junction), thence over Business Route U.S. Highway 101 through Santa Rosa to junction U.S. Highway 101 (South Santa Rosa Junction), thence over U.S. Highway 101 to junction unnumbered highway north of Cotati (North Cotati Junction), thence over unnumbered highway through Cotati and Petaluma to junction U.S. Highway 101 (Petaluma Junction), thence over U.S. Highway 101 to San Francisco, Calif., and return over the same route. (Connects with Oregon Route 8.)

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8804; Filed, July 23, 1968; 8:47 a.m.]

[Notice 653]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

July 19, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 263 (Sub-No. 182 TA), filed July 17, 1968. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Post Office Box 4048, Pocatello, Idaho 83201. Applicant's representative: Maurine H. Greene, Post Office Box 1554, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dore bullion* (impure silver bullion) from Tacoma, Wash., to Minneapolis-St. Paul, Minn., Denver, Colo., and Selby, Calif. (service at Minneapolis-St. Paul and Denver restricted to interline service only), for 180 days. NOTE: Applicant does not intend to tack with its existing authority. Supporting shipper: American Smelting & Refining Co., 120 Broadway, New York, N.Y. 10005. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, Idaho 83702.

No. MC 66562 (Sub-No. 2316 TA) (Correction), filed June 26, 1968, published FEDERAL REGISTER issue of July 10, 1968, and republished as corrected this issue. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: John H. Engel, 2413 Broadway, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* moving in express service; (1) between Louisville, Miss., and Bay Springs, Miss., over Interstate Highway 15 serving the intermediate and/or off-route points of Philadelphia, Union, Decatur, and Newton, Miss.; (2) between Bay Springs and Meridian, Miss., serving no intermediate and/or off-route points, from Bay Springs over Mississippi Highway 18 to the intersection of Mississippi Highway 513, thence over Mississippi Highway 513, to the intersection of U.S. Highway 11 and/or Interstate Highway 59 (where and as when completed), thence over U.S. Highway 11/Interstate Highway 59 to Meridian, and return over the same route; (3) between Meridian and Philadelphia, Miss., over Mississippi Highway 19 serving no intermediate and/or off-route points; (4) between Newton and Meridian, Miss., serving no intermediate and/or off-route points, as an alternate route for operating convenience only, from Newton over Interstate Highay 20 where and as when completed to Meridian, and return over the same route, for 150 days. Restriction: (1) The service to be performed shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc. (2) Shipments transported shall be limited to those moving on through bills of lading or express receipts. Permission to tack requested: Applicant requests that the authority for the proposed operations, if

granted, be construed as an extension, to be joined, tacked, and combined with R E A's existing authority in MC 66562 and subs thereunder, thereby negating the restrictions against tacking or joinder customarily placed upon temporary authority. The purpose of this republication is to add certain intermediate and off-route points proposed to be served in (1) above, and to add a line inadvertently omitted from the restriction in (1) above. Supporting shippers: There are approximately 12 statements of support attached to the application, which may be examined here at the Commission's offices in Washington, D.C., or at the field office named below. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 119531 (Sub-No. 88 TA), filed July 17, 1968. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Raymond C. Minks, 5391 Wooster Road, Cincinnati, Ohio 45226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers* and *covers*, from St. Louis, Mo., to Indianapolis, Ind. (Trailers to be equipped with roller conveyors), for 180 days. Supporting shipper: Crown Cork & Seal Co., Inc., 9300 Ashton Road, Philadelphia, Pa. 19136. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 120442 (Sub-No. 2 TA) (Correction), filed July 1, 1968, published FEDERAL REGISTER issue of July 10, 1968, and republished as corrected this issue. Applicant: NICK TOTONI & SONS, INC., 1373 West Hubbard Street, Chicago, Ill. 60622. Applicant's representative: Benjamin J. Schultz, 1 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, from points within Illinois, on and north of U.S. Highway 24 from the East Bank of the Mississippi River to junction with U.S. Highway 136, and thence on and north of U.S. Highway 136 to the Illinois-Indiana State Line, for 180 days. NOTE: Applicant intends to tack the authority applied for to other authority held by it in MC-120442 and also to interline with other carriers. Supporting shipper: Dole Valve Co., 6201 Oakton Street, Morton Grove, Ill. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse and Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 123327 (Sub-No. 7 TA) (Correction), filed July 1, 1968, published FEDERAL REGISTER issue of July 10, 1968, and republished as corrected this issue. Applicant: RALPH M. BARTHOLOMEW, doing business as IRELAND TRANSFER & STORAGE CO., 102 Front Street, Ketchikan, Alaska 99901. Applisant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in the Seattle, Wash., commercial zone, on the one hand, and, on the other, points in Alaska located east of an imaginary line constituting a southward extension of the international boundary line between the United States and Canada over public highways between Seattle, Wash., commercial zone and the Puget Sound Terminal of Alaska Marine Highway System, and between said terminal and points in Alaska over said Alaska Marine Highway, for 180 days. NOTE: Applicant proposes to interline traffic with other carriers at Seattle, Wash., and at Haines and Tok Junction, Alaska, and tack the authority here applied for with its sub 5 authority in order to reach Tok Junction. The purpose of this republication is to complete commodity description which was inadvertently omitted. Supporting shippers: National Bank of Alaska Ketchikan Branch, Box 1538, Ketchikan, Alaska; Von Der Ahe Van Lines, Inc., 600 Rudder Avenue, Fenton, Mo. 63206; Ketchikan Pulp Co., Ketchikan, Alaska 99901. Send protests to: Hugh H. Chaffee, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, Post Office Box 1532, Anchorage, Alaska 99501.

No. MC 128007 (Sub-No. 18 TA), filed July 17, 1968. Applicant: HOFER, INC., Post Office Box 583, 4032 Parkview Drive, Pittsburg, Kans. 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured feeds*, from the plantsite of Cargill, Inc., Nutrena Division, at Kansas City, Kans., to points in Oklahoma, for 150 days. Supporting shipper: Cargill, Inc., Cargill Building, Minneapolis, Minn. 55402. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 129998 (Sub-No. 1 TA), filed July 17, 1968. Applicant: Harley R. Willis and John H. Willis, doing business as JOHNNY'S AUTO TRANSPORTERS, West 1130 Sprague Avenue, Post Office Box 1248, Spokane, Wash. 99201. Applicant's representative: Joseph L. Thomas, Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used motor vehicles*, in driveaway and towaway service, for the account of General Motors Acceptance Corp., between points in the United States and points in Oregon, Washington, Idaho, and Montana, for 150 days. Supporting shipper: General Motors Acceptance Corp., West 426 Boone Avenue, Spokane, Wash. 99201. Send protests to: L. C. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 401 U.S. Post Office, Spokane, Wash. 99201.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8805; Filed, July 23, 1968; 8:47 a.m.]

[Notice 176]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 19, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70409. By order of July 15, 1968, the Transfer Board approved the transfer to Bee Freight System, Inc., 6044 South Steel Street, Littleton, Colo. 80120, of certificates Nos. MC-126749 (Sub-No. 1) and MC-126749 (Sub-No. 3), issued September 7, 1965 and November 8, 1965, to K. P. Moving & Storage, Inc., 1111 South Pearl, Denver, Colo. 80209, authorizing the transportation of: Supplies used by beekeepers and live bees in hives, moving with beekeepers' supplies, between points in Texas, Oklahoma, and New Mexico, on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Florida, Georgia, Louisiana, and Mississippi; and between points in New Mexico, on the one hand, and, on the other, points in Colorado.

No. MC-FC-70583. By order of July 15, 1968, the Transfer Board approved the transfer to Bill Gerlock Towing Co., a corporation, Portland, Oreg., of the operating rights in certificate No. MC-94790 issued December 16, 1959, William H. Gerlock, doing business as Bill Gerlock's Towing Service, Portland, Oreg., authorizing the transportation, over irregular routes, of wrecked, damaged, or disabled motor vehicles, other than passenger cars, between points in Oregon, on the one hand, and, on the other, points in Idaho; and used and disabled motor vehicles and used machinery, without motive power, in driveaway or towaway service, between points in Oregon and Washington. Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201, attorney for applicants.

No. MC-FC-70600. By order of July 15, 1968, the Transfer Board approved the transfer to John T. Peschke, Waubay, S. Dak., of certificate No. MC-117563, issued December 8, 1959, to LaVerne Gregerson, Waubay, S. Dak., authorizing the transportation of: Feed, in bulk, from Minneapolis, Minn., to Waubay, S. Dak., and points within 30 miles thereof. C. W. Hyde, 321 Citizens Building, Aberdeen, S. Dak. 57401, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8806; Filed, July 23, 1968; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JULY 19, 1968.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 16095, filed July 9, 1968. Applicant: HALL MOTOR EXPRESS, INC., 1201 North 20th Avenue, Birmingham, Ala. Applicant's representative: John P. Carlton, 327 Frank Nelson Building, Birmingham, Ala. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between the plantsite and storage facility of Alabama Kraft Co., division of Georgia Kraft Co., at or near Mahrt, Ala., on the one hand, and, on the other, all points and places within a radius of 125 miles of Birmingham, including Birmingham. Both interstate and intrastate authority is sought.

HEARING: Contact the Alabama Commission for this information. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Alabama Public Service Commission, Post Office Box 991, Montgomery, Ala. 36102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8807; Filed, July 23, 1968; 8:47 a.m.]

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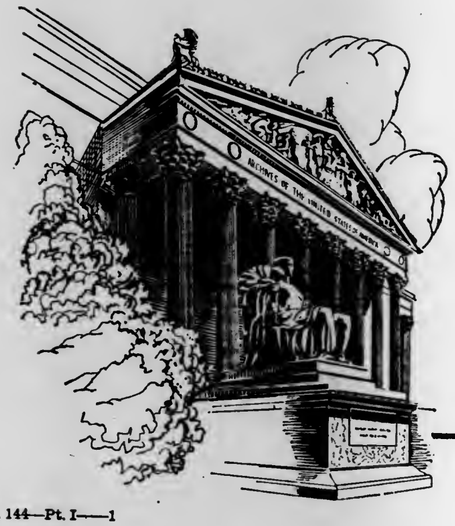
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Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective July 14, 1968 (7 CFR 354.1), administrative instructions (7 CFR 354.2), effective August 19, 1967, as amended February 9, 1968, and April 19, 1968 (32 F.R. 11981, 33 F.R. 2757, 5987), prescribing the commuted travel time that shall be included in each period of overtime or holiday duty are hereby amended by adding to the "lists" therein as follows:

§ 354.2 Administrative instructions prescribing commuted travel time.

* * * * *

OUTSIDE METROPOLITAN AREA

* * * * *

FOUR HOURS

Add: Kahului, Maui, Hawaii (served from Honolulu, Hawaii).

FIVE HOURS

Add: Lihue, Kauai, Hawaii (served from Honolulu, Hawaii).

* * * * *

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 7 U.S.C. 2260)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 22d day of July 1968.

[SEAL] T. G. DARLING,
Acting Director,
Plant Quarantine Division.

[F.R. Doc. 68-8908; Filed, July 24, 1968; 8:51 a.m.]

[Interpretation 25]

PART 362—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Pesticides Containing Sodium Arsenite and Arsenic Trioxide Compounds

There was published in the FEDERAL REGISTER on November 25, 1967 (32 F.R. 16164) a notice of a proposed interpretation under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135–135k) regarding the registration of economic poisons containing sodium arsenite or arsenic trioxide. Under the proposed interpretation, products containing more than specified percentages of these chemicals would not be eligible for registration with directions for use in or around the home. In addition, certain warnings would be required on the labels of such products bearing acceptable directions for use.

Thirty days were permitted for interested persons to submit written data, views, or arguments in connection with this matter. After thorough consideration of all relevant matters, Interpretation 25 is issued to read as follows:

§ 362.123 Interpretation with respect to labeling of sodium arsenite or arsenic trioxide products.

(a) *Home use unacceptable.* Labeling for economic poisons submitted in connection with registration under the Act bearing directions for use of products containing more than 2 percent sodium arsenite or more than 1.5 percent arsenic trioxide in or around the home is not acceptable.

(b) *Required warning against home use.* In addition to other warning and caution statements required by the regulations and interpretations under the Act, labels for such products with acceptable directions for agricultural, commercial, or industrial use must bear, in a prominent position, the warning statement(s) as indicated below:

(1) All products; "Do Not Use or Store in or Around the Home."

(2) Products intended for area treatments such as herbicide use; "Do Not Allow Domestic Animals to Graze Treated Areas."

Effective date. This interpretation shall become effective 90 days after publication in the FEDERAL REGISTER. Revised labeling for registered products which are affected by this interpretation should be submitted before the effective date.

Done at Washington, D.C., this 22d day of July 1968.

HARRY W. HAYS,
Director,
Pesticides Regulation Division.

[F.R. Doc. 68-8909; Filed, July 24, 1968; 8:51 a.m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 409—ARIZONA DESERT VALLEY CITRUS CROP INSURANCE

Subpart—Regulations for the 1967 and Succeeding Crop Years

APPENDIX; COUNTY DESIGNATED FOR CITRUS CROP INSURANCE

Pursuant to authority contained in § 409.20 of the above-identified regulations, the following county is hereby added to the list of counties published October 12, 1967 (32 F.R. 14150), which were designated for citrus crop insurance for the 1968 crop year.

CALIFORNIA

Imperial.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager, Federal
Crop Insurance Corporation.

[F.R. Doc. 68-8910; Filed, July 24, 1968; 8:51 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 249]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.549 Valencia Orange Regulation 249.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C.

553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 23, 1968.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 26, 1968, through August 1, 1968, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 300,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 24, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68–8970; Filed, July 24, 1968; 11:23 a.m.]

[Avocado Reg. 16, Amdt. 2]

PART 944—FRUIT; IMPORT REGULATIONS

Avocados

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a)(4) of § 944.8 (Avocado Reg. 16: 33 F.R. 8548, 9087) are hereby amended to read as follows:

§ 944.8 Avocado Regulation 16.

(a) * * *

(4) Avocados of the Trapp variety shall not be imported (i) prior to August 12, 1968; (ii) from August 12 through August 25, 1968, unless the individual fruit in each lot of such avocados weighs at least 14 ounces or measures at least $3^{10}/_{16}$ inches in diameter; and (iii) from August 26 through September 9, 1968, unless the individual fruit in each lot of such avocados weighs at least 12 ounces or measures $3^{7}/_{16}$ inches in diameter.

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this regulation beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same grade and comparable maturity requirements on imports of avocados as are being made applicable to the shipment of avocados grown in Florida under Avocado Regulation 10, as amended, which becomes effective July 24, 1968; (c) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time hereof; (d) notice hereof in excess of 3 days, the minimum prescribed by said section 8e, is given with respect to this import regulation; and (e) such notice is hereby determined, under the circumstances, to be reasonable.

Dated, July 22, 1968, to become effective July 29, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68–8906; Filed, July 24, 1968; 8:51 a.m.]

PART 953—IRISH POTATOES GROWN IN SOUTHEASTERN STATES

Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment, to be effective under Marketing Agreement No. 104, as amended, and Order No. 953, as amended (7 CFR Part 953; 33 F.R. 8502, 8506), regulating the handling of Irish potatoes grown in the southeastern States production area which is comprised of certain designated counties of Virginia and North Carolina, was published in the FEDERAL REGISTER March 14, 1968 (33 F.R. 4517). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than 15 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matter presented, including the proposals set forth in the aforesaid notice which were originally recommended on February 15 by the Southeastern Potato Committee and reaffirmed on June 13 by the new committee, established pursuant to said amended marketing agreement and order, it is hereby found and determined that:

§ 953.205 Expenses and rate of assessment.

(a) The expenses necessary to be incurred by the Southeastern Potato Committee, established pursuant to Marketing Agreement No. 104, as amended and this part, to enable such committee to carry out its functions pursuant to provisions of the aforesaid marketing agreement and order, during the fiscal period ending October 31, 1968, are reasonable and will amount to $10,150.

(b) The rate of assessment to be paid by each handler in accordance with the amended Marketing Agreement and this part shall be one-fourth of 1 cent ($0.0025) per hundredweight of potatoes handled by him as the first handler thereof during the fiscal period.

(c) Terms used in this section shall have the same meaning as when used in the said amended marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such fiscal period, and (2) the current fiscal period began on November 1, 1967, and the rate of assessment herein fixed will automatically apply to all assessable potatoes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 22, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68–8907; Filed, July 24, 1968; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 68–SO–43]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter the Brunswick, Ga. (NAS Glynco), and the Brunswick, Ga. (Malcolm-McKinnon Airport), control zones.

The Brunswick (NAS Glynco) and the Brunswick (Malcolm-McKinnon Airport) control zones are described in § 71.171 (33 F.R. 2058). A portion of the NAS Glynco control zone is described as "within a 1½-mile radius of the Brunswick Municipal Airport (lat. 31°11'00" N., long. 81°29'00" W.)." The Malcolm-McKinnon Airport basic control zone radius encompasses a portion of the airspace within a 1.5-mile radius of Brunswick Municipal Airport.

The Airport Manager has requested that Brunswick Municipal Airport be excluded from the control zones. Additionally, Coast and Geodetic Survey has verified the geographic coordinate for Brunswick Municipal Airport as "lat. 31°11'10" N., long. 81°28'50" W.".

Because of this request and the verification of the geographic coordinate, it is necessary to alter the control zones accordingly.

In the interest of safety, the exclusion pertaining to Brunswick Municipal Airport will be slightly reduced in comparative area in order to provide controlled airspace protection for minimum radar separation standards being provided for aircraft executing approaches to Runway 7.

Since these amendments either lessen the burden on the public or are editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the descriptions accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (33 F.R. 2058), the Brunswick, Ga. (NAS Glynco), and Brunswick, Ga. (Malcolm-McKinnon Airport), control zones are amended as follows:

In the Brunswick, Ga. (NAS Glynco), control zone "* * * and within a 1½-mile radius of the Brunswick Municipal Airport (lat. 31°11'00" N., long. 81°-29'00" W.) * * *." is deleted and "* * * excluding the portion south of a line 3.5 miles south of and parallel to the NAS Glynco Runway 7 centerline extended and the portion within a 1.5-mile radius of Brunswick Municipal Airport (lat. 31°-11'10" N., long. 81°28'50" W.) * * *." is substituted therefor.

In the Brunswick, Ga. (Malcolm-McKinnon Airport), control zone "* * * excluding the portion within the Brunswick, Ga. (NAS Glynco), control zone * * *." is deleted and "* * * excluding the portion within the Brunswick, Ga. (NAS Glynco), control zone and the portion within a 1.5-mile radius of Brunswick Municipal Airport (lat. 31°11'10" N., long. 81°28'50" W.) * * *." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on July 15, 1968.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 68–8842; Filed, July 24, 1968; 8:46 a.m.]

[Airspace Docket No. 68–CE–37]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On pages 7258 and 7259 of the FEDERAL REGISTER dated May 16, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Bozeman, Mont.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 G.m.t., September 19, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on July 11, 1968.

EDWARD C. MARSH,
Director, Central Region.

(1) In § 71.171 (33 F.R. 2058), the following control zone is amended to read:

BOZEMAN, MONT.

Within a 5-mile radius of Gallatin Field (latitude 45°46'50" N., longitude 111°09'20" W.); within 2 miles each side of the Bozeman VOR 308° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR; and within 2 miles each side of the 308° bearing from the Bozeman RBN, extending from the 5-mile radius zone to 8 miles northwest of the RBN.

(2) In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

BOZEMAN, MONT.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Gallatin Field (latitude 45°46'50" N., longitude 111°09'20" W.); and that airspace extending upward from 1,200 feet above the surface within 9 miles southwest and 5 miles northeast of the Bozeman VOR 308° radial, extending from the VOR to 13 miles northwest of the VOR.

[F.R. Doc. 68–8843; Filed, July 24, 1968; 8:46 a.m.]

[Airspace Docket No. 68–CE–3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 7726 of the FEDERAL REGISTER dated May 25, 1968, the Federal Aviation Administration published a supplemental notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Champaign, Ill.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 G.m.t., September 19, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on July 12, 1968.

EDWARD C. MARSH,
Director, Central Region.

(1) In § 71.171 (33 F.R. 2058), the following control zone is amended to read:

CHAMPAIGN, ILL.

Within a 5-mile radius of the University of Illinois-Willard Airport (latitude 40°02'25" N., longitude 88°16'35" W.); within 2 miles each side of the Champaign VORTAC 030°, 123°, 237°, and 328° radials, extending from the 5-mile radius zone to 12 miles northeast, southeast, southwest, and northwest of the VORTAC; and within 2 miles each side of the University of Illinois-Willard Airport ILS localizer southeast course, extending from the 5-mile radius zone to the OM.

(2) In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

CHAMPAIGN, ILL.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the University of Illinois-Willard Airport (latitude 40°02'25" N., longitude 88°16'35" W.); and within 8 miles southeast and 5 miles northwest of the Champaign VORTAC 030° radial extending from the VORTAC to 12 miles northeast of the VORTAC excluding the portion which overlies the Rantoul, Ill., transition area extending upward from 700 feet above the surface.

[F.R. Doc. 68–8844; Filed, July 24, 1968; 8:46 a.m.]

[Airspace Docket No. 68–CE–40]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On pages 7581 and 7582 of the FEDERAL REGISTER dated May 22, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations

so as to alter the control zone and transition area at Devils Lake, N. Dak.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 G.t.m., September 19, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on July 12, 1968.

EDWARD C. MARSH,
Director, Central Region.

(1) In § 71.171 (33 F.R. 2058), the following control zone is amended to read:

DEVILS LAKE, N. DAK.

Within a 5-mile radius of Devils Lake Municipal Airport (latitude 48°06'50" N., longitude 98°54'30" W.); within 2 miles each side of the Devils Lake VOR 134° radial, extending from the 5-mile radius zone to 10½ miles southeast of the VOR; within 2 miles each side of the Devils Lake VOR 324° radial, extending from the 5-mile radius zone to 10½ miles northwest of the VOR; and within 2 miles each side of the 026° bearing from Devils Lake Municipal Airport, extending from the 5-mile radius zone to 8 miles northeast of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

DEVILS LAKE, N. DAK.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Devils Lake VOR; and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of the Devils Lake VOR, extending from a line 5 miles north of and parallel to the Devils Lake VOR 097° radial clockwise to a line 5 miles northeast of and parallel to the Devils Lake VOR 324° radial.

[F.R. Doc. 68-8845; Filed, July 24, 1968; 8:46 a.m.]

[Airspace Docket No. 68-CE-36]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 7329 of the FEDERAL REGISTER dated May 17, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at St. Joseph, Mo.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., September 19, 1968.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on July 11, 1968.

EDWARD C. MARSH,
Director, Central Region.

In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

ST. JOSEPH, MO.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Rosecrans Memorial Airport (latitude 39°46'25" N., longitude 94°54'45" W.); and within 5 miles east and 8 miles west of the St. Joseph ILS localizer south course, extending from the 8-mile radius area to 12 miles south of the OM; that airspace extending upward from 1,200 feet above the surface bounded by a line starting at the intersection of the southeast edge of V-77 and the west edge of V-13; thence south along the west edge of V-13 to latitude 39°42'20" N., longitude 94°29'00" W.; thence to latitude 39°44'00" N., longitude 94°43'20" W.; to latitude 39°30'00" N., longitude 94°49'00" W.; thence west along latitude 39°30'00" N. to the southwest edge of V-71; thence northwest along the southwest edge of V-71 to the west edge of V-77; thence north along the west boundary of V-77 to the northeast edge of V-71; thence northwest along the northeast edge of V-71; to the south edge of V-50 thence to latitude 40°00'35" N., longitude 95°32'30" W.; thence to latitude 40°09'00" N., longitude 95°30'00" W.; thence to latitude 40°05'40" N., longitude 95°02'25" W., thence clockwise via the arc of a 14-mile radius circle centered on the St. Joseph VOR to the southeast edge of V-77; thence northeast along the southeast edge of V-77 to the point of beginning; and that airspace extending upward from 4,500 feet MSL in the vicinity of St. Joseph bounded by V-13 on the west, V-161 on the east and V-50 on the south; within the area bounded on the west by V-13, on the north by V-50, on the east by V-161 and on the south by a direct line from latitude 39°39'30" N., longitude 94°07'40" W. to latitude 39°40'45" N., longitude 94°18'35" W.; within the area bounded on the north by V-216, on the east by V-15 and on the southwest by a line starting at the intersection of the south edge of V-216 and the north edge of V-50, to the intersection of the north edge of V-50 and a line from latitude 40°00'35" N., longitude 95°32'30" W. to latitude 40°09'00" N.; longitude 95°30'00" W.; thence direct to latitude 40°09'00" N., longitude 95°30'00" W., to latitude 40°05'40" N., longitude 95°02'25" W., thence clockwise along the arc of a 14-mile radius circle centered on the St. Joseph VOR to its intersection with the west edge of V-15; and the area bounded on the southwest by V-15, on the north by V-216, on the southeast by V-77 and on the south by the arc of a 14-mile radius circle centered on the St. Joseph VOR.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

[F.R. Doc. 68-8846; Filed, July 24, 1968; 8:46 a.m.]

[Airspace Docket No. 68-CE-22]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 7727 of the FEDERAL REGISTER dated May 25, 1968, the Federal Aviation Administration published a supplemental notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Billings, Mont.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., September 19, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on July 12, 1968.

EDWARD C. MARSH,
Director, Central Region.

BILLINGS, MONT.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Logan Field (latitude 45°48'25" N., longitude 108°31'55" W.); within a 12-mile radius of Billings VORTAC, extending from a line 5 miles southeast of and parallel to the Billings VORTAC 212° radial clockwise to the Billings VORTAC 347° radial; and within 2 miles each side of the Billings ILS localizer east course, extending from the 8-mile radius area to 8 miles east of the Billings RBN; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of Billings VORTAC, extending from the south edge of V-2 west of Billings clockwise to the southwest edge of V-19 southeast of Billings; within 10 miles southwest and 7 miles northeast of the Billings VORTAC 301° radial, extending from the 25-mile radius area to 49 miles northwest of the VORTAC; within 10 miles southwest and 7 miles northeast of the Billings VORTAC 317° radial, extending from the 25-mile radius area to 45 miles northwest of the VORTAC; within 10 miles west and 7 miles east of the Billings VORTAC 347° radial, extending from the 25-mile radius area to 42 miles north of the VORTAC; within 10 miles north and 8 miles south of the Billings VORTAC 096° radial, extending from the 25-mile radius area to 38 miles east of the VORTAC; and the area southeast of Billings bounded on the northeast by V-86, on the south by latitude 45°20'00" N., and on the west by V-187; that airspace extending upward from 7,700 feet MSL within 8 miles each side of the Billinga VORTAC 096° radial, extending from 38 to 99 miles east of the VORTAC; and the area northwest of Billings bounded on the northeast by V-187, on the southwest by V2-N, and on the northwest by the Lewistown, Mont., VORTAC 195° radial; and that airspace extending upward from 7,000 feet MSL within 7 miles north and 10 miles south of the Billings VORTAC 266° radial, extending from 6 to 43 miles west of the VORTAC.

[F.R. Doc. 68-8847; Filed, July 24, 1968; 8:46 a.m.]

[Airspace Docket No. 68-CE-30]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On pages 7259 and 7260 of the FEDERAL REGISTER dated May 16, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Reed City, Mich.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., September 19, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on July 12, 1968.

EDWARD C. MARSH,
Director, Central Region.

In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

REED CITY, MICH.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Miller Airport (latitude 43°54'05" N., longitude 85°31'05" W.); within 5 miles east and 8 miles west of the 352° bearing from Miller Airport, extending from the airport to 16 miles north of the airport; and within 5 miles east and 8 miles west of the 003° bearing from Miller Airport, extending from the airport to 12 miles north of the airport.

[F.R. Doc. 68-8848; Filed, July 24, 1968; 8:47 a.m.]

[Airspace Docket No. 68-CE-31]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 7258 of the FEDERAL REGISTER dated May 16, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Burlington, Iowa.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change: The coordinates recited in the Burlington, Iowa, Municipal Airport transition area alteration as "latitude 40°47'05" N., longitude 91°07'25" W." are changed to read "latitude 40°46'55" N., longitude 91°07'40" W.".

This amendment shall be effective 0901 G.m.t., September 19, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on July 12, 1968.

EDWARD C. MARSH,
Director, Central Region.

In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

BURLINGTON, IOWA

That airspace extending upward from 700 feet above the surface within 2 miles each side of the 185° bearing from the Burlington Municipal Airport latitude 40°46'55" N., longitude 91°07'40" W.), extending from the arc of a 5-mile radius circle centered on Burlington Municipal Airport to 7.5 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 41°-10'00" N., longitude 91°00'00" W.; to latitude 41°10'00" N., longitude 90°00'00" W.; thence south to latitude 40°35'20" N., longitude 90°-00'00" W., thence west via latitude 40°35'20" N., to a line 8 miles east of and parallel to the 185° bearing from Burlington Municipal Airport; thence to latitude 40°30'00" N., longitude 91°00'00" W.; thence to latitude 40°-31'00" N., longitude 91°15'00" W.; thence to latitude 40°36'00" N., longitude 91°14'30" W., thence clockwise along the arc of a 14-mile radius circle centered on the Burlington Municipal Airport to longitude 91°00'00" W., thence to the point of beginning.

[F.R. Doc. 68-8849; Filed, July 24, 1968; 8:47 a.m.]

[Airspace Docket No. 68-CE-41]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 7330 of the FEDERAL REGISTER dated May 17, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Montevideo, Minn.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., September 19, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on July 11, 1968.

EDWARD C. MARSH,
Director, Central Region.

In § 71.181 (33 F.R. 2137), the following transition area is added:

MONTEVIDEO, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Montevideo Municipal Airport (latitude 44°58'15" N., longitude 95°42'40" W.); and within 2 miles each side of the 326° bearing from Montevideo Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 328° bearing from Montevideo Municipal Airport, extending from the airport to 12 miles northwest of the airport; and within 5 miles each side of the 138° bearing from Montevideo Municipal Airport, extending from the airport to 12 miles southeast of the airport; excluding the portion which overlies the Madison, Minn., transition area.

[F.R. Doc. 68-8850; Filed, July 24, 1968; 8:47 a.m.]

[Airspace Docket No. 68-CE-42]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 7260 of the FEDERAL REGISTER dated May 16, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Jackson, Minn.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., September 19, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on July 11, 1968.

EDWARD C. MARSH,
Director, Central Region.

In § 71.181 (33 F.R. 2137), the following transition area is added:

JACKSON, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jackson Municipal Airport (latitude 43°-39'00" N., longitude 94°59'10" W.); and within 2 miles each side of the 327° bearing from Jackson Municipal Airport, extending from the 5-mile radius area to 8 miles northeast of the 327° bearing from Jackson extending upward from 1,200 feet above the surface within 8 miles southwest and 5 miles northeast of the 327° bearing from Jackson Municipal Airport, extending from the airport to 12 miles northwest of the airport; and within 5 miles each side of the 147° bearing from Jackson Municipal Airport, extending from the airport to 12 miles southeast of the airport.

[F.R. Doc. 68-8851; Filed, July 24, 1968; 8:47 a.m.]

[Airspace Docket No. 68-CE-25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 6374 and 6375 of the FEDERAL REGISTER dated April 26, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Fort Madison, Iowa.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby

adopted, subject to the following changes: The coordinates recited in the Fort Madison, Iowa, Municipal Airport transition area designation as "latitude 40°39'00" N., longitude 91°19'20" W." are changed to read "latitude 40°39'30" N., longitude 91°19'30" W.".

This amendment shall be effective 0901 G.m.t., September 19, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on July 12, 1968.

EDWARD C. MARSH,
Director, Central Region.

In § 71.181 (33 F.R. 2137), the following transition area is added:

FORT MADISON, IOWA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fort Madison Municipal Airport (latitude 40°39'30" N., longitude 91°19'30" W.); and within 2 miles each side of the Burlington, Iowa VORTAC 258° radial, extending from the 5-mile radius area to 12 miles west of the VORTAC excluding the portion which overlies the Burlington, Iowa, transition area.

[P.R. Doc. 68-8852; Filed, July 24, 1968; 8:47 a.m.]

[Airspace Docket No. 68-CE-38]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 7260 of the FEDERAL REGISTER dated May 16, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Carroll, Iowa.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change: **The Arthur N. Neu Airport coordinates** recited in the Carroll, Iowa, transition area designation as "latitude 42°02'30" N., longitude 94°47'15" W." are changed to read "latitude 42°02'50" N., longitude 94°47'20" W."

This amendment shall be effective 0901 G.m.t., September 19, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on July 12, 1968.

EDWARD C. MARSH,
Director, Central Region.

In § 71.181 (33 F.R. 2137), the following transition area is added:

CARROLL, IOWA

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Arthur N. Neu Airport (latitude 42°02'50" N., longitude 94°47'02" W.); and within 2 miles each side of the 143° bearing from Arthur N. Neu Airport, extending from the 6-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles southwest and 8 miles northeast of the 143° and 323° bearings from Arthur N. Neu Airport, extending from 5 miles northwest to 12 miles southeast of the airport.

[P.R. Doc. 68-8853; Filed, July 24, 1968; 8:47 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9023; Amdt. 95-169]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective August 22, 1968, as follows:

1. By amending Subpart C as follows:

From, To, and MEA

Section 95.1001 *Direct routes—United States* is amended to delete:

Priest, Calif., VOR; Salinas, Calif., VOR 6,000.

Section 95.1001 *Direct routes—United States* is amended by adding:

Dothan, Ala., VOR via DHN 050°/EUF 179°, Eufaula, Ala., VOR; *2,000. *1,700—MOCA.
*Gunnison, Colo., VORTAC; Jerome Int, Colo.; **17,000. *12,900—MCA Gunnison VORTAC northbound. **16,300—MOCA.
Jerome Int, Colo.; *Kremmling, Colo., VORTAC; **17,000. *12,500—MCA Kremmling, Colo. VORTAC. **14,000—MOCA.
Saufley, Fla., VOR; Spencer INT, Fla.; *2,000. *1,400—MOCA.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

*Spokane, Wash., VOR via N alter.; Int. 052° M rad, Spokane VOR and 271° M rad, Mullan Pass VOR via N alter., eastbound, **9,000; westbound, **8,000. *5,200—MCA Spokane, eastbound. **7,200—MOCA.
Int, 052° M rad, Spokane VOR and 271° M rad, Mullan Pass VOR via N alter.; Mullan Pass, Idaho, VOR via N alter.; *9,000, *8,500—MOCA.

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

Raleigh-Durham, N.C., VOR; Chase City INT, Va.; *3,000. *1,700—MOCA.

From, To, and MEA

Section 95.6005 *VOR Federal airway 5* is amended to read in part:

Cartersville INT, Ga., via W alter.; Sale Creek INT, Ga., via W alter.; *4,500. *4,000—MOCA.
Sale Creek INT, Ga., via W alter.; Chattanooga, Tenn., VOR via W alter.; 3,000.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

*Hanksville, Utah, VOR via S alter.; Grand Junction, Colo., VOR via S alter.; 10,700. *11,000—MCA Hanksville VOR, southwestbound.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

Marquette, Mich., VOR via E alter.; Houghton, Mich., VOR via E alter.; *3,300. *2,600—MOCA.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

Mission INT, Tex., *Buda INT, Tex.; **3,000. *3,500—MRA. **2,600—MOCA.
Blanco INT, Tex., via W alter.; *Cedar Valley INT, Tex., via W alter.; **3,200. *3,500—MRA. **2,700—MOCA.
San Antonio, Tex., VOR via E alter.; *Riverside INT, Tex., via E alter.; 3,000. *4,000—MRA.
Riverside INT, Tex., via E alter.; Austin, Tex., VOR via E alter.; 3,000.

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

Barnett INT, Miss.; *Cone INT, Miss.; **2,300. *3,000—MRA. **1,700—MOCA.
Cone INT, Miss.; Meridian, Miss., VOR; *2,300. *1,700—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended to delete:

Mobile, Ala., VOR via N alter.; Int, 028° M rad, Mobile VOR and 246° M rad, Monroeville VOR via N alter.; *2,000. *1,700—MOCA.
Int, 028° M rad, Mobile VOR and 246° M rad, Monroeville VOR via N alter.; Monroeville, Ala., VOR via N alter.; *2,100. *1,700—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Beaumont, Tex., VOR via N alter.; Orange INT, Tex., via N alter.; 1,500.

Section 95.6026 *VOR Federal airway 26* is amended to read in part:

Huron, S. Dak., VOR via S alter.; Redwood Falls, Minn., VOR via S alter.; *5,000. *3,400—MOCA.

Section 95.6035 *VOR Federal airway 35* is amended to read in part:

Cleveland INT, S.C.; Tuxedo INT, N.C.; *5,000. *4,400—MOCA.
Tuxedo INT, N.C.; Asheville, N.C., VOR; 6,000.

Section 95.6050 *VOR Federal airway 50* is amended to read in part:

Indianapolis, Ind., VOR; Dayton, Ohio, VOR; 3,000.

Section 95.6063 *VOR Federal airway 63* is amended to read in part:

Cordova, Ill., VOR; Thomson INT, Ill.; *2,600, *2,100—MOCA.

From, To, and MEA

Section 95.6072 *VOR Federal airway 72* is amended to read in part:

Maples, Mo., VOR; Delmar INT, Mo.; *3,000. *2,500—MOCA.
Delmar INT, Mo.; Imperial INT, Mo.; *3,000. *2,200—MOCA.

Section 95.6076 *VOR Federal airway 76* is amended to read in part:

Austin, Tex., VOR; *Butler INT, Tex.; **2,200. *3,000—MRA. **2,100—MOCA.

Section 95.6088 *VOR Federal airway 88* is amended to read in part:

Vichy, Mo., VOR; Delmar INT, Mo.; *3,000. *2,200—MOCA.
Delmar INT, Mo.; Crystal City INT, Mo.; *3,500. *1,900—MOCA.

Section 95.6101 *VOR Federal airway 101* is amended by adding:

Vernal, Utah, VOR; *Neola INT, Utah; 10,000. *12,000—MCA Neola INT, westbound.
Neola INT, Utah; Salt Lake City, Utah, VOR; 15,000.
Salt Lake City, Utah, VOR; Ogden, Utah, VOR; 7,200.

Section 95.6106 *VOR Federal airway 106* is amended to read in part:

Johnstown, Pa., VOR; Huntingdon INT, Pa.; 5,000.
Huntingdon INT, Pa.; Reedsville INT, Pa.; 5,500.

Section 95.6112 *VOR Federal airway 112* is amended by adding:

Spokane, Wash., VOR; Diamond INT, Wash., northeastbound, *11,000; southwestbound, *6,000. *5,500—MOCA.
Diamond INT, Wash.; United States-Canadian border; *11,000. *9,700—MOCA.

Section 95.6115 *VOR Federal airway 115* is amended to read in part:

Blaine INT, Tenn.; Powder Springs INT, Tenn.; 4,000.
Powder Springs INT, Tenn.; Rose Hill INT, Va.; 5,400.

Section 95.6119 *VOR Federal airway 119* is amended to read in part:

Henderson, W. Va., VOR; *Plains INT, W. Va.; 2,700. *3,500—MRA.
Plains INT, W. Va.; Parkersburg, W. Va., VOR; 2,700.

Section 95.6121 *VOR Federal airway 121* is amended by adding:

*Eugene, Oreg., VOR; Mohawk, INT, Oreg., northeastbound, 10,000; southwestbound, 5,200. *4,700—MCA Eugene VOR, northeastbound.
Mohawk INT, Oreg., Redmond, Oreg., VOR; *10,000. *9,800—MOCA.

Section 95.6133 *VOR Federal airway 133* is amended to read in part:

Marquette, Mich, VOR; Houghton, Mich., VOR; *3,300. *2,800—MOCA.
Hickory, N.C., VOR; Jefferson INT, N.C.; 5,000.
Jefferson INT, N.C.; Sugar Grove INT, Va.; 7,000.

Section 95.6137 *VOR Federal airway 137* is amended by adding:

Gorman, Calif., VOR; *Taft INT, Calif.; 10,000. *9,000—MCA Taft INT, southeastbound.
Taft INT, Calif.; Avenal, Calif., VOR; southeastbound, 5,500; northwestbound, 4,500.

From, To, and MEA

Avenal, Calif., VOR; Priest, Calif., VOR; 6,500.
Priest, Calif., VOR; Salinas, Calif., VOR; 6,000.

Section 95.6137 *VOR Federal airway 137* is amended to delete:

*Gorman, Calif., VOR; Ranger INT, Calif.; 11,000. *9,500—MCA Gorman VOR, westbound.
Ranger INT, Calif.; Fellows, Calif., VOR westbound, 7,000. Eastbound, 11,000.
Fellows, Calif., VOR; *San Luis Obispo, Calif., VOR; **7,000. *6,000—MCA San Luis Obispo VOR, Eastbound. **6,400—MOCA.

Section 95.6169 *VOR Federal airway 169* is amended to read in part:

Chadron, Nebr., VOR; Wayside INT, Nebr.; 6,600.
Wayside INT, Nebr., *Custer INT, Ill.; *6,600. *5,600—MOCA.

Section 95.6177 *VOR Federal airway 177* is amended to delete:

Janesville, Wis., VOR; Kokey INT, Wis.; *2,800. *2,100—MOCA.
Kokey INT, Wis.; Dells, Wis., VOR; 3,300.
Dells, Wis., VOR; Stevens Point, Wis., VOR; *3,000. *2,400—MOCA.

Section 95.6177 *VOR Federal airway 177* is amended by adding:

Janesville, Wis., VOR; Truax, Wis., VOR; *2,800. *2,100—MOCA.
Truax, Wis., VOR; Stevens Point, Wis., VOR; *3,000. *2,500—MOCA.
Truax, Wis., VOR via W alter.; Dells, Wis., VOR via Walter; 3,300.
Dells, Wis., VOR via W alter.; Stevens Point, Wis., VOR via W alter.; *3,000. *2,400—MOCA.

Section 95.6183 *VOR Federal airway 183* is amended to read in part:

*Santa Barbara, Calif., VOR; **Taft INT, Calif.; 9,000. *7,500—MCA Santa Barbara VOR, northbound. **6,000—MCA Taft INT, southbound.
Taft INT, Calif.; *Maricopa INT, Calif.; **6,000. *5,000—MCA Maricopa INT, southbound. **4,500—MOCA.
Maricopa INT, Calif.; Bakersfield, Calif., VOR; 3,000.

Section 95.6187 *VOR Federal airway 187* is amended to delete:

Farmington, N. Mex., VOR; Cortez, Colo., VOR; 10,600.
Cortez, Colo., VOR; Dove Creek, Colo., VOR; 9,800.
Dove Creek, Colo., VOR; Grand Junction, Colo., VOR; *12,000. *11,700—MOCA.

Section 95.6187 *VOR Federal airway 187* is amended by adding:

Farmington, N. Mex., VOR; Red Mesa INT, Colo.; 9,000. *12,000—MCA Mancos INT, northbound.
Red Mesa INT, Colo.; *Mancos INT, Colo; 10,800. *12,000—MCA Mancos INT, northbound.
Mancos INT, Colo.; Nucla INT, Colo.; *15,000. *13,700—MOCA.
Nucla INT, Colo.; *Grand Junction, Colo., VOR; **12,000. *10,400—MCA Grand Junction, southbound. **11,900—MOCA.
Farmington, N. Mex., VOR via W alter.; Cortez, Colo., VOR via W alter.; 10,600.
Cortez, Colo., VOR via W alter.; Dove Creek, Colo., VOR via W alter.; 9,800.
Dove Creek, Colo., VOR via W alter.; Grand Junction, Colo., VOR via W alter.; *12,000. *11,700—MOCA.

From, To, and MEA

Section 95.6213 *VOR Federal airway 213* is amended to read in part:

Rocky Mount, N.C., VOR; Mason INT., Va.; *2,000. *1,500—MOCA.
Mason INT., Va.; Hopewell, Va., VOR; 2,000.

Section 95.6218 *VOR Federal airway 218* is amended by adding:

Fairmont, Minn., VOR; Rochester, Minn., VOR; *3,100. *2,700—MOCA.

Section 95.6222 *VOR Federal airway 222* is amended to delete:

Industry, Tex., VOR; Cypress INT., Tex.; *2,500. *1,600—MOCA.
Cypress INT., Tex.; *Crosby INT., Tex.; **6,000. *2,000—MRA. **1,600—MOCA.
Crosby INT, Tex.; Fannett INT, Tex.; *2,000. *1,300—MOCA.
Fannett INT, Tex.; Beaumont, Tex., VOR; *2,000. *1,400—MOCA.
Cypress INT, Tex., via N alter.; Daisetta, Tex., VOR via N alter.; *3,000. *1,600—MOCA.

Section 95.6222 *VOR Federal airway 222* is amended by adding:

Industry, Tex., VOR; Sealy INT, Tex.; *2,000. *1,700—MOCA.
Sealy INT, Tex.; Houston, Tex., VOR; *2,000. *1,800—MOCA.
Houston, Tex., VOR; Fry INT, Tex.; 1,600.
Fry INT, Tex.; Beaumont, Tex., VOR; *1,600. *1,300—MOCA.
Houston, Tex., VOR via N alter.; *Crosby INT, Tex., via N alter.; 1,600. *2,000—MRA.
Crosby INT, Tex., via N alter.; Daisetta, Tex., VOR via N alter.; *1,800. *1,300—MOCA.

Section 95.6243 *VOR Federal airway 243* is amended to read in part:

Cartersville INT, Ga.; Sale Creek INT, Ga.; *4,500. *4,000—MOCA.
Sale Creek INT, Ga.; Chattanooga, Tenn., VOR; 3,000.

Section 95.6244 *VOR Federal airway 244* is amended to read in part:

Hanksville, Utah, VOR; *Moab Int, Utah; **10,700. *13,500—MCA Moab Int, eastbound. **8,500—MOCA.
Moab INT, Utah; Paradox INT, Colo.; 15,000.
*Paradox INT, Colo.; Nadine INT, Colo.; 12,000. *13,200—MCA Paradox INT, westbound.
*Nadine INT, Colo.; Montrose, Colo., VOR; 11,000. *12,000—MCA Nadine INT, westbound.
Montrose, Colo., VOR; Gunnison, Colo., VOR; 12,400.

Section 95.6289 *VOR Federal airway 289* is amended to read in part:

Texarkana, Ark., VOR; *Umpire INT, Ark.; 2,500. *3,500—MCA Umpire INT, northbound.
Umpire INT, Ark.; *Abbott INT, Ark.; **4,500. *3,000—MCA Abbott INT, southbound. **3,800—MOCA.
Abbott INT, Ark.; Fort Smith, Ark., VOR; *2,500. *2,000—MOCA.

Section 95.6297 *VOR Federal airway 297* is amended to read in part:

Strongville, Ohio, VOR; United States-Canadian border; *3,000. *2,200—MOCA.

Section 95.6300 *VOR Federal airway 300* is amended to delete:

United States-Canadian border; Whitefish, Mich., VOR; *6,500. *2,800—MOCA.
Whitefish, Mich., VOR; Sault Ste. Marie, Mich., VOR; 2,300.
Whitefish, Mich., VOR via N alter.; Sault Ste. Marie, Mich., VOR via N alter.; 2,400.

From, To, and MEA

Section 95.6300 *VOR Federal airway 300* is amended by adding:

United States-Canadian border; Shelldrake DME Fix, Mich.; *10,000. *2,200—MOCA.
Shelldrake DEM Fix, Mich.; Sault Ste. Marie, Mich., VOR; *3,000. *2,300—MOCA.

Section 95.6316 *VOR Federal airway 316* is amended by adding:

United States-Canadian border; Houghton, Mich., VOR; *3,100. *2,500—MOCA.
Houghton, Mich., VOR; Marquette, Mich., VOR; *3,300. *2,800—MOCA.
Marquette, Mich., VOR; Train INT, Mich.; *3,000. *2,800—MOCA.
Train INT, Mich.; Emerson INT, Mich.; *5,500. *2,200—MOCA.
Emerson INT, Mich.; Sault Ste. Marie, Mich., VOR; *2,800. *2,100—MOCA.

Section 95.6328 *VOR Federal airway 328* is amended by adding:

Rock Springs, Wyo., VOR; Big Piney, Wyo., VOR; *10,000. *9,700—MOCA.
Big Piney, Wyo., VOR; *Jackson, Wyo., VOR; 13,500. *11,200—MCA Jackson VOR, southbound.

Section 95.6434 *VOR Federal airway 434* is amended to read in part:

Ottumwa, Iowa, VOR; Packwood INT, Iowa; *2,400. *2,200—MOCA.
Packwood INT, Iowa; Grandview INT, Iowa; *2,300. *2,000—MOCA.
Grandview INT, Iowa; Moline, Ill., VOR; *2,300. *2,100—MOCA.

Section 95.6448 *VOR Federal airway 448* is amended to read in part:

*Spokane, Wash., VOR; Range INT, Idaho, eastbound, **9,000; westbound, **8,000. *5,200—MCA Spokane, eastbound. **7,200—MOCA.
Range INT, Idaho; Kalispell, Mont., VOR; *11,500. *9,600—MOCA.

Section 95.6462 *VOR Federal airway 462* is deleted.

Section 95.6470 *VOR Federal airway 470* is deleted.

Section 95.6484 *VOR Federal airway 484* is amended to read in part:

Grand Junction, Colo., VOR; Montrose, Colo., VOR; 10,500.
Montrose, Colo., VOR; Gunnison, Colo., VOR; 12,400.

Section 95.6536 *VOR Federal airway 536* is amended by adding:

*Corvallis, Oreg., VOR; Lebanon INT, Oreg., eastbound, 10,000; westbound, 4,100. *4,800—MCA Corvallis VOR, eastbound.
*Lebanon INT, Oreg.; Holly INT, Oreg., eastbound, 10,000; westbound, 4,100. *6,700—MCA Lebanon INT, eastbound.
Holly INT, Oreg.; Redmond, Oreg., VOR; *10,000. *9,800—MOCA.

Section 95.7004 *Jet route No. 4* is amended to read in part:

From, To, MEA, and MAA

Blythe, Calif., VORTAC; Gila Bend, Ariz., VORTAC; 18,000; 45,000.

Section 95.7006 *Jet route No. 6* is amended to read in part:

Little Rock, Ark., VORTAC; Bowling Green, Ky., VORTAC; #18,000; 45,000. #MEA is established with a gap in navigation signal coverage.
Bowling Green, Ky., VORTAC; Charleston, W. Va., VORTAC; 18,000; 45,000.

From, to, MEA, and MAA

Section 95.7009 *Jet route No. 9* is amended to read in part:

Salt Lake City, Utah, VORTAC; Dubois, Idaho, VORTAC; 18,000; 45,000.

Section 95.7045 *Jet route No. 45* is amended by adding:

Des Moines, Iowa, VORTAC; Sioux Falls, S. Dak., VORTAC; 18,000; 45,000.
Sioux Falls, S. Dak., VORTAC; Aberdeen, S. Dak., VORTAC; 18,000; 45,000.

Section 95.7063 *Jet route No. 63* is amended by adding:

Tuna INT, N.Y.; Kennedy, N.Y., VORTAC; 18,000; 45,000.

Section 95.7066 *Jet route No. 66* is amended by adding:

Little Rock, Ark., VORTAC; Memphis, Tenn., VORTAC; 18,000; 45,000.

Section 95.7151 *Jet route No. 151* is added to read:

Billings, Mont., VORTAC; Rapid City, S. Dak., VORTAC; #18,000; 45,000. #MEA is established with a gap in navigation signal coverage.
Rapid City, S. Dak., VORTAC; O'Neill, Nebr., VORTAC; 18,000; 45,000.
O'Neill, Nebr., VORTAC; Des Moines, Iowa, VORTAC; 18,000; 45,000.
Des Moines, Iowa, VORTAC; St. Louis, Mo., VORTAC; 18,000; 45,000.

Section 95.7153 *Jet route No. 153* is amended by adding:

Shat INT, Va.; Sea Isle, N.J., VORTAC; 18,000; 45,000.

Section 95.7548 *Jet route No. 548* is amended by adding:

Pullman, Mich., VORTAC; Sault Ste. Marie, Mich., VORTAC; 18,000; 45,000.

Section 95.7590 *Jet route No. 590* is amended by adding:

Sault Ste. Marie, Mich., VORTAC; Carlton, Mich., VORTAC; 18,000; 45,000.

2. By amending Subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points:*

Airway segment: From, to	*Changeover point: Distance; from*
V–101 is amended by adding:	
Vernal, Utah, VOR; Salt Lake City, Utah, VOR	42; Salt Lake City.
V–113 is amended by adding:	
San Luis Obispo, Calif., VOR; Paso Robles, Calif., VOR;	7; San Luis Obispo.
V–137 is amended to delete:	
Fellows, Calif., VOR; San Luis Obispo, Calif., VOR	19; Fellows.
V–237 is amended by adding:	
Gorman, Calif., VOR; Avenal, Calif., VOR;	31; Gorman.
Spokane, Wash., VOR; Kalispell, Mont., VOR;	103; Spokane.
V–244 is amended to delete:	
Hanksville, Utah, VOR; La Sal, Utah, VOR;	27; Hanksville.
V–300 is amended to delete:	
Lakehead, Canada, VOR; Whitefish, Mich., VOR	80; Whitefish.
V–300 is amended by adding:	
United States-Canadian border; Sault Ste. Marie, Mich., VOR;	93; Sault Ste. Marie.
V–328 is amended by adding:	
Big Piney, Wyo., VOR; Jackson, Wyo., VOR;	15; Jackson.
V–462 is amended to delete:	
Houghton, Mich., VOR; Whitefish, Mich., VOR;	81; Houghton.

(Secs. 307, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on July 15, 1968.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 68–8783; Filed, July 24, 1968; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2-Chloroallyl Diethyldithiocarbamate

A petition (PP 8F0644) was filed with the Food and Drug Administration by the Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, proposing the establishment of tolerances for negligible residues of the herbicide 2-chloroallyl diethyldithiocarbamate in or on the raw agricultural commodities broccoli, brussels sprouts, cabbage, cantaloups, cauliflower, celery, chicory, collards, corn (sweet and field), cucumbers, endive (escarole), hanover salad, kale, lettuce, lima beans, mustard greens, okra, potatoes, snap beans, soybeans, spinach, tomatoes, turnip greens, and watermelons at 0.2 part per million.

Subsequently the petitioner amended the petition to add bean vines, soybean forage and hay, and turnips, and to change corn (field and sweet) to corn fodder and forage, corn grain, and corn (kernels plus cobs with husks removed).

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner (21 CFR 2.120), Part 120 is amended as follows:

1. Section 120.3(e)(3) is amended by alphabetically inserting in the list of pesticides a new item, as follows:

§ 120.3 Tolerances for related pesticide chemicals.

* * * * *

(e) * * *
(3) * * *

2-Chloroallyl diethyldithiocarbamate.

* * * * *

2. A new section is added to Subpart C as follows:

§ 120.247 2-Chloroallyl diethyldithiocarbamate; tolerances for residues.

Tolerances are established for negligible residues of the herbicide 2-chloroallyl diethyldithiocarbamate in or on raw agricultural commodities bean vines, broccoli, brussels sprouts, cabbage, cantaloups, cauliflower, celery, chicory, collards, corn (kernels plus cob with husk removed), corn fodder and forage, corn grain, cucumbers, endive (escarole), hanover salad, kale, lettuce, lima beans, mustard greens, okra, potatoes, snap beans, soybeans, soybean forage and hay, spinach, tomatoes, turnip greens, turnips, and watermelons at 0.2 part per million.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: July 16, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–8899; Filed, July 24, 1968; 8:51 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

SYNTHETIC FLAVORING SUBSTANCE AND ADJUVANTS

The Commissioner of Food and Drugs, having evaluated data in petitions filed by Glidden-Durkee Division, SCM Corp., 900 Union Commerce Building, Cleveland, Ohio 44115 (FAP 8A2257), and The Coca-Cola Co. Foods Division (formerly Minute Maid Co.), Post Office Box 2711, Orlando, Fla. 32802 (FAP 8A2269), and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use in food of the synthetic flavoring substances specified below. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner (21 CFR 2.120), § 121.1164(b) is amended by alphabetically inserting in the list of substances new items, as follows:

§ 121.1164 Synthetic flavoring substances and adjuvants.

* * * * *

(b) * * *

Linalool oxide; *cis-* and *trans*-2-vinyl-2-methyl-5-(1' - hydroxy - 1' - methylethyl) tetrahydrofuran.

* * * * *

Methadienol; *p*-mentha-1,8(10)-dien-9-ol.
Methadienyl acetate; *p*-mentha-1,8(10)-dien-9-yl acetate.

* * * * *

Nootkatone; 5,6-dimethyl-8-isopropenyl-bicyclo[4,4,0]-dec-1-en-3-one.
Ocimene; *trans*-β-ocimene; 3,7-dimethyl-1,3,6-octatriene.

* * * * *

Perillaldehyde; 4-isopropenyl-1-cyclohexene-1-carboxaldehyde; *p*-mentha-1,8-dien-7-al.
Perillyl acetate; *p*-mentha-1,8-dien-7-yl acetate.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 16, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–8900; Filed, July 24, 1968; 8:51 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6964]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Allocation of Income and Deductions Among Taxpayers

In order to liberalize the rules with respect to the treatment under section 482 of the Internal Revenue Code (1954) of arrangements between related taxpayers for the sharing of the costs and risks of development of intangible property, subparagraph (4) of § 1.482–2(d) is amended to read as follows:

§ 1.482–2 Determination of taxable income in specific situations.

* * * * *

(d) *Transfer or use of intangible property.* * * *

(4) *Sharing of costs and risks.* Where a member of a group of controlled entities acquires an interest in intangible property as a participating party in a bona fide cost sharing arrangement with respect to the development of such intangible property, the district director shall not make allocations with respect to such acquisition except as may be appropriate to reflect each participant's arm's length share of the costs and risks of developing the property. A bona fide cost sharing arrangement is an agreement, in writing, between two or more members of a group of controlled entities providing for the sharing of the costs and risks of developing intangible property in return for a specified interest in the intangible property that may be produced. In order for the arrangement to qualify as a bona fide arrangement, it must reflect an effort in good faith by the participating members to bear their respective shares of all the costs and risks of development on an arm's length basis. In order for the sharing of costs and risk to be considered on an arm's length basis, the terms and conditions must be comparable to those which would have been adopted by unrelated parties similarly situated had they entered into such an arrangement. If an oral cost sharing arrangement, entered into prior to April 16, 1968, and continued in effect after that date, is otherwise in compliance with the standards prescribed in this subparagraph, it shall constitute a bona fide cost sharing arrangement if it is reduced to writing prior to January 1, 1969.

* * * * *

Because this Treasury decision merely liberalizes the rules with respect to the sharing of costs and risks of development of intangible property, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure

thereon under 5 U.S.C. 553(b), or subject to the effective date of limitation of 5 U.S.C. 553(d).

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: July 19, 1968.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 68-8880; Filed, July 24, 1968; 8:49 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 399-68]

PART 45—STANDARDS OF CONDUCT

Reporting of Outside Interests

Under and by virtue of the authority vested in me by sections 509 and 510 of title 28 and section 301 of title 5, United States Code, § 45.735-22 of Part 45 of Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

1. The introductory text of paragraph (a) is amended to read:

(a) Not later than 90 days after the effective date of this order, each employee occupying a position designated in paragraph (c) of this section shall submit to the head of his division, except that the Head, Executive Office for U.S. Marshals and the U.S. Marshals shall submit to the Deputy Attorney General, a statement on a form made available through the appropriate division administrative officers, setting forth the following information:

2. Paragraph (c)(2) is amended by adding the positions of "Head, Executive Office for U.S. Marshals" and "U.S. Marshals" to the list in subdivision (i), and by deleting these same positions from the list in subdivision (xv).

Dated: July 20, 1968.

RAMSEY CLARK,
Attorney General.

[F.R. Doc. 68-8876; Filed July 24, 1968; 8:49 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 742—CODE OF ETHICAL CONDUCT

Conflicts of Interest

In § 742.735-26 *Conflicts of interest* make the following amendments to make the Department's regulations regarding the holding of Stat or local offices by postal employees conform to those of the Civil Service Commission. These changes were approved by the Civil Service Commission on July 3, 1968.

Section 742.735-26(a)(4) is revised to clarify a cross reference and paragraph (c)(1)(vii) is deleted for clarification.

§ 742.735-26 Conflicts of interest.

(a) *Outside employment and other activities.* • • •

(4) An employee shall not engage in outside employment under a State or local government except in accordance with this Part 742 and section 744.34 of the Postal Manual.

• • • • •

NOTE: The corresponding Postal Manual section is 742.261d.

(c) *Political activity.* • • •

(1) *Permitted political activity.* • • •

(vii) [Deleted]

• • • • •

NOTE: The corresponding Postal Manual section is 742.263a(7).

As the foregoing amendments relate to a proprietary function of the Government and do not affect substantive rights public rule making procedures, advance notice, or a delayed effective date are unnecessary.

(5 U.S.C. 301, 39 U.S.C. 501; Executive Order 11222)

TIMOTHY J. MAY,
General Counsel.

JULY 22, 1968.

[F.R. Doc. 68-8904; Filed, July 24, 1968; 8:51 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER C—MINERALS MANAGEMENT (3000)

[Circular 2245]

PART 3120—OIL AND GAS

Subpart 3120—Oil and Gas; General

ACREAGE LIMITATIONS

This amendment incorporates into the regulations the interpretation contained in Solicitor's Opinion M-36670 (71 I.D. 337, Sept. 17, 1964). That opinion clarified the provisions of 43 CFR 3120.1-2 as to acreage charged against an offeror in determining whether he has complied with acreage limitations imposed by statute. It held that an offeror is not chargeable with acreage embraced in an offer which is subject to drawing to determine priority; that once an offer has been succesfully drawn so that the offer has been given first priority, the acreage in that offer is included in the acreage charged to the offeror's account. This amendment also clarifies the regulations as to acreage under option, and as to "groups of applications" filed at the same time.

Since all of the amendments are clarifying in nature and place no additional restrictions upon the public, public comment thereon, and a delayed effective date, are determined to be unnecessary and not in the public interest. Therefore, these amendments shall take effect immediately upon publication in the FEDERAL REGISTER.

In § 3120.1-2, paragraph (e)(2) is amended to read as follows:

§ 3120.1-2 Acreage limitations.

• • • • • •

(e) • • •

(2) Any person holding or controlling leases or interests in leases only, or applications or offers for leases only, or both leases or interest in leases and applications or offers or options or interests in options below the acreage limitation provided in this section, shall be subject to these rules:

(i) If he files an application or offer or option or interest in option which causes him to exceed the acreage limitation, that application or offer will be rejected.

(ii) For tracts not subject to the simultaneous filing procedures of § 3123.9, if he files a group of applications or options or offers or interests in options at the same time, any one of which causes him to exceed the acreage limitation, the entire group of applications, offers, options, or interests in options will be rejected.

(iii) If he files an offer for inclusion in the drawing procedures under § 3123.9, he shall be charged with the acreage thereof only if his offer is successfully drawn so that his offer has first priority. If that offer causes him to exceed the acreage limitation, the offer will be rejected. If he files at the same time a group of offers for tracts subject to the drawing procedures under § 3123.9, any offer which is successfully drawn after he reaches the acreage limitation shall be rejected.

(iv) An optionee is chargeable only for that acreage for which the optionor is chargeable.

STEWART L. UDALL,
Secretary of the Interior.

JULY 19, 1968.

[F.R. Doc. 68-8838; Filed, July 24, 1968; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 68-724]

PART 1—PRACTICE AND PROCEDURE

Discovery Procedures

1. The Commission has given further consideration to the recently adopted discovery procedures (FCC 68-18, 11 FCC 2d 185, 33 F.R. 460, Jan. 12, 1968), and has determined that they can be clarified and improved. Amendments to those procedures are set forth below and are discussed below.

2. Sections 1.315 and 1.316 have been amended to provide that a party who has served a notice to take depositions may respond to a motion opposing the taking of depositions or to a motion to limit or suppress an interrogatory. Since the notice itself does not contain argument, the opportunity to respond is necessary to accord both parties to the dispute an opportunity to state their positions. These sections now also provide that additional pleadings will not be considered.

3. Under §§ 1.315 and 1.316, as amended, 7 days will be allowed for filing all responsive pleadings and interrogatories. In all but one case, this constitutes an increase in the pleading periods from 5 days to 7. In the case of opposition motions under § 1.315, the pleading period has been reduced from 10 days to 7. Under the amended rules, intermediate holidays are included in computing the number of days in which a responsive pleading is due, and additional time is not allowed in responding to a pleading served by mail. These principles were stated in paragraph 20 of the report and order adopting the discovery rules (FCC 68-18, supra), but were not then set out in the text of the rules. We appreciate that the filing periods are still brief but we expect them to be adequate. Counsel can often help make them so by making service by delivery rather than by mail or by notifying opposing counsel that a pleading is being filed.

4. Sections 1.315 and 1.316 have also been amended to clarify the situation where a motion opposing the taking of a deposition has not been acted on prior to the date for taking depositions specified in the notice. The amended rules provide that the depositions described in the notice shall not be taken until the presiding officer has acted on any opposition motion that has been filed. If in acting on such a motion the presiding officer authorizes the taking of depositions, he may specify a time, place, or officer for taking them different from that specified in the notice. Under §§ 1.315(c) and 1.316(e), as amended, the presiding officer may, on his own motion, issue a protective order at any time prior to the date specified in the notice for the taking of depositions.

5. Procedures in § 1.323 governing interrogatories to parties have been revised. The changes are based on a revision of Rule 33 of the Federal Rules of Civil Procedure proposed in November 1967 by the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States. Under the new procedures, the party upon whom the interrogatories are served either answers or objects (with reasons) to each of them within 14 days. If the parties are satisfied with the information obtained, they will not pursue the matter further and any objections will not be ruled on. If any party is not satisfied with the information obtained, he may file a motion to compel an answer, which may be directed to an objection, a failure to answer, or to an evasive or incomplete answer. The presiding officer may order that an answer or an amended answer be served, may specify the scope and detail of the matters to be covered in an amended answer, and may specify any appropriate procedural consequences which will follow from failure to make a full and responsive answer. If a full and responsive answer is not then made, the presiding officer may then issue a second order invoking any of the procedural consequences specified. This second order is subject to appeal. The changes are designed to encourage parties to resolve discovery disputes informally among themselves rather than calling upon the presiding officer to resolve them, and to furnish the presiding officer, if he is called upon to resolve disputes, with such tools as he may need to require full and responsive answers.

6. Authority for the amendments set forth below is contained in sections 4 (i) and (j), 303(r), and 409 of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j), 303(r), and 409. Because the amendments relate to matters of procedure, the procedural and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, are inapplicable. The amended procedures shall apply to proceedings under §§ 1.315, 1.316, and 1.323 in which notices to take depositions, or interrogatories, are served on or after July 25, 1968.

In view of the foregoing: *It is ordered*, Effective July 25, 1968, that the discovery procedures are amended as set forth below.

Adopted: July 17, 1968.

Released: July 22, 1968.

(Secs. 4, 303, 409, 48 Stat. as amended 1066, 1082, 1096; 47 U.S.C. 154, 303, 409)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Part I of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 1.4, paragraph (g) is revised to read as follows:

§ 1.4 Computation of time.

• • • • •

(g) Where service of a document is required by statute or by the provisions of this chapter, where the document is in fact served by mail (see § 1.47(f)), and where the filing period for a response thereto is 10 days or less, an additional 3 days, excluding holidays, will be allowed for filing the response. This paragraph shall not apply to documents which are filed pursuant to the provisions of § 1.89, § 1.120(d), § 1.315(b), or § 1.316.

• • • • •

2. Section 1.315 is revised to read as follows:

§ 1.315 Depositions upon oral examination—notice and preliminary procedure.

(a) *Notice.* A party to a hearing proceeding desiring to take the deposition of any person upon oral examination shall give a minimum of 21 days notice in writing to every other party, to the person to be examined, and to the presiding officer. An original and three copies of the notice shall be filed with the Secretary of the Commission. Related pleadings shall be served and filed in the same manner. The notice shall contain the following information:

(1) The name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs.

(2) The time and place for taking the deposition of each person to be examined, and the name or descriptive title and address of the officer before whom the deposition is to be taken.

(3) The matters upon which each person will be examined. See § 1.319.

(b) *Responsive pleadings.* (1) Within 7 days after service of the notice to take depositions, a motion opposing the taking of depositions may be filed by any party to the proceeding or by the person to be examined. See § 1.319(a).

(2) Within 14 days after service of the notice to take depositions, a response to the opposition motion may be filed by any party to the proceeding.

(3) Additional pleadings should not be filed and will not be considered.

(4) The computation of time provisions set forth in § 1.4(g) shall not apply to pleadings filed under the provisions of this paragraph.

(c) *Protective order.* On an opposition motion filed under paragraph (b) of this section, or on his own motion, the presiding officer may issue a protective order. See § 1.313. A protective order issued by the presiding officer on his own motion may be issued at any time prior to the date specified in the notice for the taking of depositions.

(d) *Authority to take depositions.* (1) If an opposition motion is not filed within 7 days after service of the notice to take depositions, and if the presiding officer does not on his own motion issue a protective order prior to the time specified in the notice for the taking of depositions, the depositions described in the notice may be taken. An order for the taking of depositions is not required.

(2) If an opposition motion is filed, the depositions described in the notice shall not be taken until the presiding officer has acted on that motion. If the presiding officer authorizes the taking of depositions, he may specify a time, place or officer for taking them different from that specified in the notice to take depositions.

(3) If the presiding officer issues a protective order, the depositions described in the notice may be taken (if at all) only in accordance with the provisions of that order.

3. Section 1.316 is revised to read as follows:

§ 1.316 Depositions upon written interrogatories—notice and preliminary procedure.

(a) *Service of interrogatories; notice.* A party to the hearing proceeding desiring to take the deposition of any person upon written interrogatories shall serve

the interrogatories upon every other party and shall give a minimum of 35 days notice in writing to every other party and to the person to be examined. An original and three copies of the interrogatories and the notice (and of all related pleadings) shall be filed with the Secretary of the Commission. A copy of the interrogatories and the notice (and of all related pleadings) shall be served on the presiding officer. The notice shall contain the following information:

(1) The name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs.

(2) The time and place for taking the deposition of each person to be examined, and the name or descriptive title and address of the officer before whom the deposition is to be taken.

(3) The matters upon which each person will be examined. See § 1.319.

(b) *Additional interrogatories.* Within 7 days after the filing and service of the original interrogatories, any other party to the proceeding may, in the same manner, file and serve additional interrogatories to be asked of the same witness at the same time and place, with notice to the witness of any additional matters upon which he will be examined.

(c) *Cross interrogatories.* Within 14 days after the filing and service of the original interrogatories, any party to the proceeding may, in the same manner, file and serve cross interrogatories, which shall be limited to matters raised in the original or in the additional interrogatories.

(d) *Responsive pleadings.* (1) Within 21 days after service of the original interrogatories, any party to the proceeding may move to limit or suppress any original, additional or cross interrogatory, and the person to be examined may file a motion opposing the taking of depositions. See § 1.319(a).

(2) Within 28 days after service of the original interrogatories, a response to a motion to limit or suppress any interrogatory or to a motion opposing the taking of depositions may be filed by any party to the proceeding.

(3) Additional pleadings should not be filed and will not be considered.

(e) *Protective order.* On a motion to limit or suppress or an opposition motion filed under paragraph (d) of this section, or on his own motion, the presiding officer may issue a protective order. See § 1.313. A protective order issued by the presiding officer on his own motion may be issued at any time prior to the date specified in the notice for the taking of depositions.

(f) *Authority to take depositions.* (1) If an opposition motion is not filed within 21 days after service of the notice to take depositions, and if the presiding officer does not on his own motion issue a protective order prior to the time specified in the notice for the taking of depositions, the depositions described in the notice may be taken. An order for the taking of depositions is not required.

(2) If an opposition motion is filed, the depositions described in the notice shall not be taken until the presiding officer has acted on that motion. If the presiding officer authorizes the taking of depositions, he may specify a time, place or officer for taking them different from that specified in the notice to take depositions.

(3) If the presiding officer issues a protective order, the depositions described in the notice may be taken (if at all) only in accordance with the provisions of that order.

NOTE: The computation of time provisions of § 1.4(g) shall not apply to interrogatories and pleadings filed under the provisions of this section.

4. Section 1.323 is revised to read as follows:

§ 1.323 Interrogatories to parties.

(a) *Interrogatories.* Any party may serve upon any other party written interrogatories to be answered in writing by the party served or, if the party served is a public or private corporation or a partnership or association, by any officer or agent, who shall furnish such information as is available to the party. A copy of the interrogatories shall be served upon all parties to the proceeding. An original and three copies of the interrogatories, answers, and all related pleadings shall be filed with the Secretary of the Commission. A copy of the interrogatories, answers and all related pleadings shall be served on the presiding officer.

(1) Except as otherwise provided in a protective order, the number of interrogatories or sets of interrogatories is not limited.

(2) Except as provided in such an order, interrogatories may be served after a deposition has been taken, and a deposition may be sought after interrogatories have been answered.

(b) *Answers and objections.* Each interrogatory shall be answered separately and fully in writing under oath or affirmation, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers shall be signed by the person making them, and the objections by the attorney making them. The party upon whom the interrogatories were served shall serve a copy of the answers and objections upon all parties to the proceeding within 14 days after service of the interrogatories, or within such shorter or longer period as the presiding officer may allow. Answers may be used in the same manner as depositions of a party (see § 1.321(d)).

(c) *Motion to compel an answer.* Any party to the proceeding may, within 7 days, move for an order with respect to any objection or other failure to answer an interrogatory. For purposes of this paragraph, an evasive or incomplete answer is a failure to answer; and if the motion is based on the assertion that the answer is evasive or incomplete, it shall contain a statement as to the scope and detail of an answer which would be considered responsive and complete. The party upon whom the interrogatories were served may file a response within 7 days after the motion is filed, to which he may append an answer or an amended answer. Additional pleadings should not be submitted and will not be considered.

(d) *Action by the presiding officer.* If the presiding officer determines that an objection is not justified, he shall order that the answer be served. If an interrogatory has not been answered, the presiding officer may rule that the right to object has been waived and may order that an answer be served. If an answer does not comply fully with the requirements of this section, the presiding officer may order that an amended answer be served, may specify the scope and detail of the matters to be covered by the amended answer, and may specify any appropriate procedural consequences (including adverse findings of fact and dismissal with prejudice) which will follow from the failure to make a full and responsive answer. If a full and responsive answer is not made, the presiding officer may issue an order invoking any of the procedural consequences specified in the order to compel an answer.

(e) *Appeal.* An order to compel an answer is not subject to appeal. An order invoking adverse procedural consequences may be appealed to the Review Board under § 1.301.

[F.R. Doc. 68-8889; Filed, July 24, 1968; 8:50 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES & REGULATIONS

[Ex Parte Nos. MC-5, 159]

PART 1043—SURETY BONDS AND POLICIES OF INSURANCE

PART 1084—SURETY BONDS AND POLICIES OF INSURANCE

Security for the Protection of the Public

At a session of the Interstate Commerce Commission, the Insurance Board, held at its office in Washington, D.C., on the 12th day of July 1968.

Ex Parte No. MC-5, in the matter of security for the protection of the public as provided in Part II of the Interstate Commerce Act, and of rules and regulations governing filing of surety bonds, certificates of insurance, qualifications as a self-insurer, or other securities and agreements by motor carriers and brokers subject to Part II of the Interstate Commerce Act.

Ex Parte No. 159, in the matter of security for the protection of the public as provided in Part IV of the Interstate Commerce Act, and of rules and regulations governing filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by freight forwarders subject to Part IV of the Act.

It appearing, that notice was given by notice of proposed rule making, dated May 8, 1968, published in 33 F.R. 7120, May 14, 1968, pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003) of the proposed amendment of § 1043.2(b) of Part 1043 (49 C.F.R. 1043.2(b)) of the Code of Federal Regulations governing the filing of insurance or other security for the protection of the public, under the authority contained in section 215 of the Interstate Commerce Act (49 Stat. 557, as amended; 49 U.S.C. 315), and the proposed amendment of § 1084.3(a) of Part 1084 (49 C.F.R. 1084.3(a)) of the Code of Federal Regulations governing the filing of insurance or other security for the protection of the public, under the authority contained in section 403(c) of the Interstate Commerce Act (56 Stat. 285; 49 U.S.C. 1003);

It further appearing, that no written statements of facts, opinions or arguments concerning the herein proposed amendments were filed with the Commission by interested parties within 30 days from the publication date:

It is ordered, That § 1043.2(b) of Title 49 of the Code of Federal Regulations be, and it is hereby, amended to read as follows:

§ 1043.2 Insurance, minimum amounts.

* * * * *

(b) *Motor common carriers; cargo liability.* Security required to compensate shippers or consignees for loss of or damage to property belonging to shippers or consignees and coming into the possession of motor common carriers in connection with their transportation service, (1) for loss of or damage to property carried on any one motor vehicle—$2,500; (2) for loss of or damage to or aggregate of losses or damages of or to property occurring at any one time and place—$5,000.

(Sec. 215, 49 Stat. 557, as amended; 49 U.S.C. 315)

It is further ordered, That § 1084.3(a) of Title 49 of the Code of Federal Regulations be, and it is hereby, amended to read as follows:

§ 1084.3 Limits of liability.

* * * * *

(a) *Cargo.* Limits for loss of or damage to property with respect to which a freight forwarder performs service subject to Part IV of the Act:

(1) For loss of or damage to property while carried on or resting in any one conveyance, other than a watercraft—$2,500.

(2) For loss of or damage to or aggregate of losses of or damages to property occurring at any one time and place, or while carried on or resting in any one watercraft—$5,000.

* * * * *

(Sec. 403(c), 56 Stat. 285; 49 U.S.C. 1003)

It is further ordered, That the rules herein prescribed, are hereby prescribed to become effective on January 1, 1969;

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission for inspection, and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Insurance Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8884; Filed, July 24, 1968; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

San Andres National Wildlife Refuge, N. Mex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEW MEXICO

SAN ANDRES NATIONAL WILDLIFE REFUGE

Public hunting of deer (either sex) on the San Andres National Wildlife Refuge, N. Mex., is permitted from November 30 through December 1, 1968, inclusive, only on the area designated by signs as open to hunting. This area, comprising 57,215 acres, is delineated on maps available at refuge headquarters, Las Cruces, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer, subject to the following special conditions:

(1) Hunters must check in and out in person at the check station at the junction of U.S. 70 and Jornada road. The check station will be open to allow hunters to start checking in during the afternoon of November 29, 1968. Time of entry to the hunting area will be at the discretion of the conservation officer in charge. Any entry permits required by the military authorities will be available at the check station. All hunters must check out no later than 10 p.m. December 1, 1968.

(2) No entry into the hunting area from the west will be permitted north of the Rope Springs road. Hunters will also not be permitted to enter the east side of the San Andres Range except at the discretion of the conservation officer in charge.

(3) The conservation officer in charge may restrict the number of hunters entering any one area. If required by the firing schedule, hunters will be cleared from all areas whereon their safety is endangered.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 1, 1968.

JOHN H. KIGER,
Acting Refuge Manager, San Andres National Wildlife Refuge, Las Cruces, N. Mex.

JUNE 26, 1968.

[F.R. Doc. 68-8860; Filed, July 24, 1968; 8:48 a.m.]

PART 32—HUNTING

Ouray National Wildlife Refuge, Utah

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

UTAH

OURAY NATIONAL WILDLIFE REFUGE

Public hunting of deer and antelope is permitted on the Ouray National Wildlife Refuge, Utah, for the 1968 archery and rifle seasons except in those areas designated by signs as closed to hunting. This open area, comprising 9,500 acres, is delineated on maps available at refuge headquarters, Vernal, Utah, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Archery deer season is August 24 through September 8, 1968, inclusive. Rifle deer season is October 19 through October 29, 1968, inclusive. Rifle season for antelope is August 17, 18, 19, and 24, 25, 26, 1968. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer and antelope subject to the following special conditions:

(1) Hunting on Indian lands east of Green River, as posted, requires the possession of a Ute Tribal Permit.

(2) Every deer or antelope killed must be checked out at refuge subheadquarters before hunters leave the area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 29, 1968.

H. J. JOHNSON,
Refuge Manager, Ouray National Wildlife Refuge, Vernal, Utah.

JULY 18, 1968.

[F.R. Doc. 68-8861; Filed, July 24, 1968; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Federal Water Pollution Control Administration

[18 CFR Part 604]

STANDARD-SETTING CONFERENCES, HEARINGS

Notice of Proposed Rule Making

Notice is hereby given that the Secretary of the Interior to amend Chapter V of Title 18, Code of Federal Regulations, by adding a new Part 604, as set forth below, applicable to water quality standards-setting conferences, public hearings, notices and hearings pursuant to section 10(c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466g).

Interested persons may submit written data, views, or arguments in triplicate in regard to the proposed regulations to the Secretary of the Interior, Washington, D.C. 20240. All relative material received not later than 30 days after publication of this notice will be considered.

The regulations will become effective upon republication.

Sec.

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AUTHORITY: The provisions of this Part 604 issued under sec. 10, 70 Stat. 506, as amended; 33 U.S.C. 466i. Interpret or apply sec. 10(c), 79 Stat. 908, 33 U.S.C. 466g(c).

§ 604.1 Applicability.

The provisions of this part apply to proceedings under section 10(c) (2), (4), and (5) of the Federal Water Pollution Control Act, as amended (79 Stat. 908; 33 U.S.C. 466g(c) (2), (4), and (5)).

§ 604.2 Definitions.

(a) "Act" means the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.).

(b) "Chairman" means the Chairman appointed by the Secretary to conduct the conference pursuant to section 10(c)(2) of the Act (33 U.S.C. 466g(c)(2)).

(c) "Department" means the Department of the Interior.

(d) "Secretary" means the Secretary of the Interior.

(e) "Commissioner" means Commissioner of the Federal Water Pollution Control Administration in the Department of the Interior.

(f) "Water Quality Standards" means water quality criteria applicable to specific interstate waters and a plan for the implementation and enforcement of such criteria, all of which shall be such as to protect the public health or welfare, enhance the quality of water and serve the purposes of the Act, taking into consideration the use and value of such waters for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial and other legitimate uses.

(g) The definitions of terms contained in subsection 10(j) and section 13 of the Act shall be applicable to such terms as used in this part unless the context otherwise requires.

§ 604.3 Initiation of proceedings for conferences; appointment of Chairman.

(a) In any case where the Secretary finds that the conditions precedent to his establishment or revision of water quality standards exist, he will give notice of his intention to do so and call a conference in connection therewith. He may fix the time and place of such conference in his notice of intention to establish or revise water quality standards or he may authorize the Commissioner to do so.

(b) The Chairman of such conference shall be the Secretary or the Commissioner of the Federal Water Pollution Control Administration in the Department of the Interior or such other employee of that Administration as the Secretary may appoint.

§ 604.4 Organization and general procedures of the conference.

(a) The Chairman shall convene the conference and schedule such other meetings as may be necessary, including meetings for the settlement or simplification of issues.

(b) The Chairman shall preside at all conference sessions and meetings called by him.

(c) The conference shall be conducted in an informal but orderly manner in accordance with this part. Questions of procedures during a conference shall be determined by the Chairman.

(d) The Federal Water Pollution Control Administration in the Department of the Interior shall provide such clerical and technical assistance as may be necessary.

(e) The Chairman shall maintain and have custody of all official records and documents pertaining to the conference and shall perform such other duties related to the functioning of the conference as may be necessary.

(f) The Chairman shall execute, issue or serve such notices, reports, communications, and other documents relating to the functions of the conference as he may deem proper.

§ 604.5 Notice of conference.

(a) The Secretary or the Commissioner shall issue and serve notice of a conference as herein provided including the time and place of the conference.

(b) The notice of conference shall briefly describe the location and nature of the interstate waters to be covered by the conference.

(c) The notice shall include the name of the Chairman before whom the conference will be conducted upon a day and at a time and place specified not earlier than thirty (30) days after the service of the notice.

(d) Notice of the conference shall be served on representatives of Federal departments and agencies, interstate agencies, States, municipalities, and industries the Secretary or Commissioner has reason to believe are contributing to, affected by, or have an interest in water quality standards for the waters to be covered by the conference.

§ 604.6 Service.

Notice of the conference may be served by mailing a copy thereof to each person, department, or agency to be served at their residence, office or place of business as ascertained by the Secretary or Commissioner, as the case may be. Service by mail is complete upon mailing.

§ 604.7 Publication of notice.

Notice of the water quality standards-setting conference shall be published in the FEDERAL REGISTER at least thirty (30) days prior to the conference.

§ 604.8 Parties.

(a) The parties to a conference shall include the persons, departments, and agencies specified in § 604.5(d).

(b) The Chairman shall have all the rights of a party to the conference.

(c) Upon application and good cause shown, the Chairman may permit any interested Federal departments and agencies, interstate agencies, States, municipalities, industries, or other persons to appear at the conference and be admitted as parties to such extent and upon such terms as the Chairman shall determine proper.

(d) Any party may appear in person or by counsel.

(e) The failure of any party to file an appearance or appear at the conference in response to the notice of conference shall not delay the conference and the Chairman shall proceed, hear, receive statements, make determinations, and take other appropriate action affecting such party.

§ 604.9 Presentation of material by the Federal Water Pollution Control Administration of the Department of the Interior.

The Commissioner shall arrange for the presentation of material concerning the quality of waters to be covered by the conference, the uses, both existing and potential, of such waters, the criteria necessary to protect such uses, the person or persons, if any, contributing or discharging any matter affecting the quality of such waters, and remedial measures, if any, recommended by the Federal Water Pollution Control Administration.

§ 604.10 Conference procedure.

(a) Persons making statements need not be sworn or make affirmation. Each party shall be given an opportunity to make a statement concerning the water quality standards for the waters covered by the conference, an opportunity after all parties have been heard to make a further statement which may include comments on or rebuttal of other parties' views, and an opportunity to make recommendation for water quality standards in either his first or subsequent statement.

(b) When necessary, in order to prevent undue prolongation of the conference, the Chairman may limit the number of times any party may make a statement and may direct that further statements be made in writing.

(c) The Chairman shall exclude irrelevant, immaterial, or unduly repetitious material.

§ 604.11 Record of proceedings.

(a) Statements given and other procedures of a formal conference shall be reported verbatim. A transcript of such report shall be a part of the record and the sole official transcript of the proceedings.

(b) All statements, charts, tabulations, and other data shall be received in the record. If a party to a proceeding under this section objects to the admissibility of such material, the objection shall be noted and the Chairman shall have a right to rule thereon.

(c) When the statement refers to a statute, or a report or document, the Chairman shall, after satisfying himself of the identification of such statute, report, or document, determine whether the same shall be produced at the conference and physically be made part of the record or shall be incorporated in the record by reference.

(d) The Chairman may take official notice of statutes of States and of duly promulgated regulations of any Federal agency.

(e) The Chairman shall submit to the Secretary the verbatim transcript including all charts, tabulations, and similar data which are part of the conference record.

§ 604.12 Preparation, publication, and promulgation of water quality standards; effective date; petition for public hearing.

(a) Subsequent to submission of the conference transcript and record, the Secretary shall prepare regulations setting forth water quality standards for interstate waters or portions thereof which were covered by the conference. Such regulations shall be published as part of a notice of proposed rule making in the FEDERAL REGISTER.

After publication of such regulations and notice of proposed rule making, interested persons may submit written data, views, or arguments in triplicate in regard to the regulations setting forth water quality standards to the Secretary of the Interior, Washington, D.C. 20240. All relevant material received not later than 150 days after such publication will be considered.

(c) If, within 6 months from the date the Secretary publishes such regulations, the State has not adopted water quality standards found by the Secretary to be consistent with section 10(c)(3) of the Act, or a petition for public hearing has not been filed under section 10(c)(4) of the Act and paragraph (d) of this section, the Secretary shall promulgate water quality standards by publication thereof in the FEDERAL REGISTER. Such water quality standards shall be effective thirty (30) days after such publication unless a petition for public hearing has been first filed under section 10(c)(4) of the Act and paragraph (d) of this section.

(d) At any time prior to thirty (30) days after water quality standards have been promulgated under paragraph (c) of this section, the Governor of any State affected by such standards may petition the Secretary for a public hearing under section 10(c)(4) of the Act. A petition for a public hearing need not observe any fixed form, but it must be in writing directed to the Secretary and state that the petitioning Governor desires the Secretary to call a public hearing with respect to water quality standards under section 10(c)(4) of the Act, identifying the interstate waters with respect to which such hearing is to be called.

§ 604.13 Initiation of proceedings for water quality public hearings; appointment of Hearing Board.

(a) In any case where the Secretary finds that the conditions precedent to the calling of a water quality public hearing under the Act exist, he will call such a hearing, and may either fix the time and place thereof, or authorize the Commissioner to do so.

(b) Prior to the hearing, the Secretary will appoint a Hearing Board of five or more persons, as provided in the Act, and will designate one of the members as chairman. A majority of the Hearing Board shall be persons other than officers or employees of the Department. The Secretary may revoke appointment to the Hearing Board in the event of disability of a member or for other cause, and may fill any vacancy in the membership of the Hearing Board, or in the office of Chairman. The Secretary of Commerce, the Secretary of Health, Education, and Welfare, other affected Federal departments and agencies, and each State which would be affected by such standards shall each be given an opportunity to select a member of the Hearing Board and shall further be given an opportunity to select another person to fill any vacancy resulting from the resignation or revocation of appointment of any member originally so selected.

§ 604.14 Organization and general procedures of the Hearing Board.

(a) The Chairman shall convene the Hearing Board for hearing sessions and for such other meetings as may be necessary.

(b) The Chairman shall preside at all hearing sessions and meetings of the Hearing Board. In case of the absence or incapacity of the Chairman, the Hearing Board may elect from its members an acting chairman to preside and to perform the duties of the Chairman.

(c) The hearing shall be conducted in an informal but orderly manner in accordance with this part. A quorum of the Hearing Board for the purpose of the hearing shall consist of not less than five members. Questions of procedure during a hearing shall be determined by the Chairman. Rulings of the Chairman may be appealed to the Hearing Board.

(d) The Hearing Board shall have the power to rule upon offers of proof and the admissibility of evidence, to receive relevant evidence, to examine witnesses and parties, to regulate the course of the hearing, to change the time and place of the hearing or any of its sessions upon reasonable notice to the parties, and to hold conferences for the settlement or simplification of issues.

(e) The Commissioner shall provide for the Hearing Board such clerical and technical assistance as may be necessary.

(f) The Hearing Board shall designate an executive secretary, from personnel provided by the Commissioner, who shall maintain and have custody of all official records and other documents pertaining to the functions of the Hearing Board, and shall perform such other duties related to its functions as the Hearing Board may prescribe.

(g) The Hearing Board may authorize the Chairman and the executive secretary on its behalf to execute, issue or serve such notices, reports, communications, and other documents relating to the functions of the Hearing Board as it may deem proper.

§ 604.15 Notice of hearing.

(a) The Secretary or Commissioner shall issue and serve notice of hearing as herein provided.

(b) The notice of hearing shall briefly describe the location and nature of the interstate waters to be covered by the hearing and the water quality regulations therefor, if any, prepared pursuant to section 10(c)(2) of the Act.

(c) The notice shall include the names of the persons constituting the Hearing Board before whom the hearing will be held and shall designate a day, a time and place therefor not earlier than thirty (30) days after the service of the notice.

(d) Notice of the hearing shall be served on representatives of Federal departments and agencies, interstate agencies, States, municipalities, and industries the Secretary or Commissioner has reason to believe are contributing to, affected by, or have an interest in water quality standards for the waters to be covered by the hearing.

§ 604.16 Service.

Notice of the hearing and other documents relating to the function of the hearing may be served by mailing a copy thereof to each person, department, or agency to be served at their residence, office or place of business as ascertained by the Secretary or Commissioner, as the case may be. Service by mail is complete upon mailing.

§ 604.17 Publication of notice.

Notice of the public hearing shall be published in the FEDERAL REGISTER at least thirty (30) days prior to the hearing.

§ 604.18 Parties.

(a) The parties to a hearing shall include the persons and agencies specified in § 604.15(d).

(b) The Commissioner shall have all the rights of a party to the hearing.

(c) Upon application and good cause shown, the Hearing Board may permit any interested person or agency to appear before it and be admitted as a party to such extent and upon such terms as the Hearing Board shall determine proper.

(d) Any party may appear in person or by counsel.

(e) The failure of any party to file an appearance or appear at the hearing in response to the notice of hearing shall not delay the hearing and the Hearing Board may proceed, hear and receive evidence and take other appropriate action affecting such party.

§ 604.19 Presentation of standards and supporting material by the Commissioner.

The Commissioner shall arrange for the presentation of the regulations, if any, prepared by the Secretary and setting forth the standards of water quality for the waters covered by the hearing, and such other material as he deems relevant to the issues in the hearing.

§ 604.20 Hearing procedure.

(a) Each witness shall, before testifying, be sworn or make affirmation.

(b) When necessary, in order to prevent undue prolongation of the hearing, the Hearing Board may limit the number of times any witness may testify, the repetitious examination or cross-examination of witnesses or the amount of corroborative or cumulative testimony.

(c) The Hearing Board shall exclude irrelevant, immaterial, or unduly repetitious evidence.

(d) Every party shall have the right to present evidence and cross-examine witnesses.

§ 604.21 Record of proceedings.

(a) Testimony given and other proceedings had at a hearing shall be reported verbatim. A transcript of such report shall be a part of the record and the sole official transcript of the proceedings.

(b) All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall, upon a showing satisfactory to the Hearing Board of their authenticity, relevancy, and materiality, be received in evidence and shall constitute a part of the record.

(c) Where the testimony of a witness refers to a statute, or a report or document, the Hearing Board shall, after satisfying itself of the identification of such statute, report, or document, determine whether the same shall be produced at the hearing and physically be made a part of the record or shall be incorporated in the record by reference.

(d) The Hearing Board may take official notice of statutes of the United States or of any State and of duly promulgated regulations of any Federal agency.

(e) The Hearing Board may take official notice of a material fact not appearing in the evidence in the record, but any party, prior to the conclusion of the hearing, shall be afforded an opportunity to show the contrary.

§ 604.22 Oral argument.

Oral argument may be permitted in the discretion of the Hearing Board, and shall be reported as part of the record unless otherwise ordered by the Hearing Board.

§ 604.23 Final findings and recommendations.

(a) The Hearing Board shall make its final findings, conclusions, and recommendations, if any, based on the evidence presented at the hearing, and submit the same to the Secretary.

(b) Upon submission of such findings, conclusions, and recommendations, the Hearing Board shall be terminated and all records pertaining to its functions transferred to the custody of the Commissioner.

(c) A copy of the findings, conclusions, and recommendations, if any, of the Hearing Board shall be served on all parties to the hearing by the Secretary and the Secretary shall cause their publication in the FEDERAL REGISTER.

§ 604.24 Notification of alleged violators of water quality standards.

The Secretary shall notify those persons responsible for the discharge of matter into interstate waters or portions thereof which is not in compliance with the water quality standards established under section 10 of the Act (whether the matter causing or contributing to such violation is discharged directly into such waters or reaches such waters after discharge into tributaries of such waters) and other interested parties of the alleged violation of such standards. In all such notices, the Secretary shall designate a time when and place where any person receiving such notice may appear before and participate in an informal hearing before the Secretary, his designee, or such Board as he may appoint relative to the alleged violation of standards so that, if possible, there can be voluntary agreement reached as to appropriate remedial action.

Dated: July 19, 1968.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 68-8837; Filed, July 24, 1968; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 993]

DRIED PRUNES PRODUCED IN CALIFORNIA

Notice of Proposed Suspension or Termination of Certain Provisions

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California (hereinafter referred to collectively as the "order"), effective under said act, notice is hereby given of a proposal to suspend the operation of certain provisions in § 993.49(c) of the order. Notice is also given of a proposal to terminate certain rules and regulations operative pursuant to the aforesaid provisions of § 993.49(c). These provisions require handlers receiving lots of prunes with certain defects (i.e., mold, imbedded dirt, insect infestation, and decay) in excess of such maximum percentage as shall be prescribed to dispose of such lots in their entirety in nonhuman consumption outlets. Section 993.149(d)(1) of the administrative rules and regulations (Subpart—Administrative Rules and Regulations; 7 CFR 993.101–993.174) fixes such percentage at 50 percent. The proposals were recommended by the Committee, established under the order.

During the 7-year period beginning with the 1961–62 crop year, the number of lots subject to said provisions of § 993.49(c) that were received by handlers and required to be disposed of by them has ranged from two to nine. In the current 1967–68 crop year, handlers have received nine lots totaling 12.1 tons. It is unduly expensive and administratively burdensome to keep these lots under surveillance, and such a requirement poses a difficult compliance problem. Were it not for the aforesaid provisions in § 993.49(c), the lots could have been dealt with the same as other incoming lots with defects in excess of tolerances therefor, but not in excess of the 50 percent maximum; namely, to dispose of the required quantity of defective prunes in nonhuman consumption outlets. According to the data and information submitted by the Committee with the proposals, the mandatory prescription, pursuant to § 993.49(c), of a maximum percentage of defective prunes in lots received by handlers that would require disposition of such lots in their entirety in nonhuman consumption outlets is not now necessary to effectuate the declared policy of the act.

In the light of the foregoing, the Committee has proposed the suspension beginning with the 1968–69 crop year of the operation of the relevant provisons in § 993.49(c) relating to the mandatory prescription of a maximum percentage for defects. The Committee also proposed that, in the event said suspension becomes effective, § 993.149(d)(1) of the administrative rules and regulations be terminated effective at the same time.

The proposals are:

1. To suspend for the 1968–69 crop year and subsequent crop years the operation of the following provision in the first sentence of § 993.49(c):

Provided, That the Committee, by its rules and regulations, shall prescribe a maximum percentage of such defects in any lot received by a handler; and any lot so received which contains a greater percentage of such defects shall be disposed of in its entirety in nonhuman consumption outlets.

2. To suspend for the 1968–69 crop year and subsequent crop years the operation of the following provision in the third sentence of § 993.49(c): "(including the prescription of a maximum percentage)".

3. To terminate § 993.149(d)(1) of the administrative rules and regulations (Subpart—Administrative Rules and Regulations) effective at the beginning of the 1968–69 crop year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than August 8, 1968. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

Dated: July 19, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68-8874; Filed, July 24, 1968; 8:49 a.m.]

[9 CFR Part 311]

MEAT INSPECTION

Disposition of Swine Carcasses With Sexual Odor

Notice is hereby given in accordance with administrative procedure provisions in 5 U.S.C. 553 that the Department of Agriculture, pursuant to the authority conferred by the Federal Meat Inspection Act (34 Stat. 1260, 21 U.S.C. 71–91, as amended by Public Law 90–201), proposes to amend § 311.21 of the Meat Inspection Regulations (9 CFR 311.21), relating to the disposition of swine carcasses with a sexual odor, in the following respects:

The present paragraph (b) would be deleted and new paragraphs (b) and (c) would read as follows:

§ 311.21 Sexual odor of swine; disposition of carcasses.

* * * * *

(b) The meat from all boars and cryptorchids, not condemned under paragraph (a) of this section, may be passed for use in comminuted cooked meat food product or for rendering. Otherwise, such meat shall be condemned.

(c) The meat from swine, other than boars and cryptorchids, which gives off a sexual odor less than pronounced may be passed for use in comminuted cooked meat food product or for rendering. Otherwise, such meat shall be condemned.

Statement of considerations. Preventing adulteration of the meat supply is a prime function of the consumer protective services of the Department of Agriculture under the Federal Meat Inspection Act. Animal tissues containing objectionable or foreign odors are deemed unfit for human food and, therefore, adulterated under the Act.

As a result of continuing consumer complaints regarding sexual odor in pork, a test was set up to obtain appropriate data. Three hundred and twenty samples of pork were examined. These samples were obtained from 124 boars, 103 sows, and 93 cryptorchids slaughtered in various areas of the country. Meat from over 75 percent of the boars and 50 percent of the cryptorchids was found to contain the undesirable odor. Meat from only about 20 percent of the sows was found to contain the odor.

The present regulations provide authority to condemn carcasses with pronounced sexual odor and to pass carcasses for use in cooked comminuted product or rendering when the odor is less than pronounced. However, experience has proven that an inspector cannot consistently and effectively detect sexual odor unless it is pronounced. This is partially because of the nature of slaughtering departments and the prevalence of strong odors from many sources that greatly interfere with the inspector's sense of smell. This is particularly true in establishments slaughtering large numbers of boars.

Although the test revealed that sexual odor does exist in some sow meat, the odor was not usually pronounced. It is believed this rather minor problem can be handled under the provisions of § 311.21(a) of existing Meat Inspection Regulations and the proposed § 311.21 (c). The main problem appears to be with meat from boars and cryptorchids. The proposed amendments would continue the requirement of condemnation of meat from any swine found to have a pronounced sexual odor and would limit the use of other meat from boars and cryptorchids to comminuted meat food products and rendering. Meat from other swine found to have a sexual odor that is less than pronounced would be required to be used in comminuted product or rendered. This would provide a needed measure of assurance that meat products from swine entering the Nation's meat supply would be free of a detectable sexual odor, thus removing this stigma from the image of pork and pork products.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 19th day of July 1968.

H. M. STEINMETZ,
Acting Deputy Administrator,
Consumer Protection.

[F.R. Doc. 68-8873; Filed, July 24, 1968; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 18]

IMITATION MILKS AND CREAMS

Extension of Time for Filing Comments on Proposed Standards of Identity and Quality

The notice published in the FEDERAL REGISTER of May 18, 1968 (33 F.R. 7456), proposing the establishment of standards of identity and standards of quality for imitation milks and creams, provided for the filing of comments thereon within 60 days of said publication date.

The Commissioner of Food and Drugs has received requests for an extension of such time from the American Academy of Pediatrics Committee on Nutrition and others and, good reasons therefor appearing, the time for filing comments on the subject proposal is extended to October 15, 1968.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 16, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8901; Filed, July 24, 1968; 8:51 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 43, 91, 135]

[Docket No. 9026; Notice 68-16]

AIR TAXI OPERATIONS WITH LARGE AIRCRAFT

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Parts 43, 91, and 135 of the Federal Aviation Regulations to require air taxi operators using large aircraft to comply with the rules of Part 121 that are applicable to domestic or supplemental air carriers and to give these air taxi operators the same maintenance privileges that those air carriers presently have under Parts 43 and 91.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before October 23, 1968, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

On March 17, 1967, the FAA issued an advance notice of proposed rule making (Notice 67-9, 32 F.R. 4500, Mar. 24, 1967) requesting public comment on possible solutions to a number of regulatory problems involving persons who operate aircraft under Part 135 of the Federal Aviation Regulations. One of these regulatory problems is the handling of large aircraft operated under the exemption authority of Part 298 of the economic regulations of the Civil Aeronautics Board. Section 135.1 provides that these aircraft are subject to Part 135. However, that part is not suitable for operations with large aircraft and the FAA has required, through operations specifications, that these aircraft be operated in accordance with portions of Part 121. In Notice 67-9, it was suggested that a direct regulatory requirement might be established to place these large aircraft under the appropriate provisions of Part 121. The comments on this portion of Notice 67-9 can best be characterized as qualified concurrences with this course of action.

Therefore, the FAA is proposing to amend Part 135 by adding a new § 135.2 to require that persons operating large aircraft in air taxi operations comply with the operating rules of Part 121 that are applicable to supplemental air carriers. The operator would also have to meet the certification requirements contained in Subpart C of Part 121 which would include submission of the information required by § 121.47(b). The operator would not be issued a Part 121 certificate, but would be required to obtain appropriate operations specifications issued as provided in Part 121. Those operators of large aircraft under Part 135 who engage in scheduled operations would be required to conduct their operations in accordance with operations specifications and the regulations of Part 121 applicable to domestic air carriers.

In addition, the FAA believes that large aircraft involved in air carrier type operations should be maintained in accordance with a continuous airworthiness program as required for Part 121 certificate holders. Compliance with the domestic or supplemental air carrier rules will require establishment of such a program but the operator must also have maintenance privileges similar to those granted to Part 121 certificate holders. For this reason §§ 43.3, 43.7, and 91.161(b) are amended to include air carriers under Part 135, i.e., air taxi operators. In conjunction with these changes, new § 135.2 would permit only the air taxi operators of large aircraft to utilize these new maintenance privileges. These operators would also be permitted to maintain their small aircraft under the same continuous airworthiness program although this would not be required.

The FAA is interested in opinions as to the desirability of the proposed course of action. However, to obtain the full benefit of comments on the proposals, supporting statements and data, where available, are solicited to justify conclusions. If particular sections of Part 121 present problems, these should be identified and discussed.

In consideration of the foregoing, it is proposed to amend Parts 43, 91, and 135 of the Federal Aviation Regulations as follows:

1. By amending § 43.3(f) to read as follows:

§ 43.3 Persons authorized to perform maintenance, preventive maintenance, rebuilding, and alterations.

* * * * *

(f) An air carrier may perform maintenance, preventive maintenance, and alterations as provided in Part 121, 127, or 135 of this chapter, as applicable.

* * * * *

2. By amending § 43.7(e) to read as follows:

§ 43.7 Persons authorized to approve aircraft, airframes, aircraft engines, propellers, and appliances for return to service after maintenance, preventive maintenance, rebuilding, or alteration.

* * * * *

(e) An air carrier may approve an aircraft, airframe, aircraft engine, propeller, or appliance for return to service as provided in Part 121, 127, or 135 of this chapter, as applicable.

* * * * *

§ 91.161 [Amended]

3. By amending § 91.161(b) by deleting the words "under Part 121 or 127" and inserting the words "as provided in Part 121, 127, or 135" in place thereof.

4. By adding a new section after § 135.1 to read as follows:

§ 135.2 Air taxi operations with large aircraft.

(a) No person may conduct air taxi operations in large aircraft under the exemption authority of Part 298 of this title unless that person—

(1) Has complied with the certification requirements for supplemental air carriers as set forth in Part 121 of this chapter, except that he need not obtain, nor is he eligible for, a certificate under Part 121 of this chapter; and

(2) Conducts those operations in accordance with the rules of Part 121 of this chapter that are applicable to supplemental air carriers, or, in the case of scheduled operations, the rules applicable to domestic air carriers, and in accordance with appropriate operations specifications issued as provided in those rules. For the purposes of this subparagraph, scheduled operations are those operations conducted with the frequency set forth in § 121.7 of this chapter.

(b) The holder of an air taxi certificate who is required to have a continuous airworthiness program under subparagraph (a)(2) of this section, may also maintain its small aircraft in accordance with that program.

(c) Operations that are subject to paragraph (a) of this section are not subject to Subparts B through E of this part.

These amendments are proposed under the authority of sections 313(a), 601, 604, and 605 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1424, 1425).

Issued in Washington, D.C., on July 18, 1968.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 68-8854; Filed, July 24, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-SO-52]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Tuscaloosa, Ala., control zone and transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Tuscaloosa control zone described in § 71.171 (33 F.R. 2058) would be redesignated as follows:

Within a 5-mile radius of Van De Graaff Airport (lat. 33°13'35" N., long. 87°36'36" W.); within 2 miles each side of the Tuscaloosa VORTAC 061° radial, extending from the 5-mile radius zone to 8 miles northeast of the VORTAC.

The Tuscaloosa transition area described in § 71.181 (33 F.R. 2137) would be redesignated as follows:

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Van De Graaff Airport (lat. 33°13'35" N., long. 87°36'36" W.).

The alteration of the current instrument approach procedure requires an extension to the control zone to provide required airspace protection for IFR aircraft executing this approach.

Current transition area criteria appropriate to Van De Graaff Airport requires an increase in the basic radius circle from 7 to 11 miles as turbojet type aircraft have begun using this airport.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on July 15, 1968.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 68-8855; Filed, July 24, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-WA-14]

FEDERAL AIRWAY SEGMENT

Proposed Designation

The Federal Aviation Administration is considering a proposal received from the Canadian Department of Transport for the designation of the U.S. portion of VOR Federal airway No. 34 south alternate segment from Kleinburg, Ontario, Canada, to Rochester, N.Y., via the intersection of the Kleinburg 133° T (140° M) and Rochester 289° T (298° M) radials. The floor for the U.S. portion would be designated at 1,200 feet AGL. This south alternate would provide a primary arrival airway for aircraft destined to airports within the Toronto Terminal Area from the Rochester area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, JFK International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on July 17, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-8856; Filed, July 24, 1968; 8:47 a.m.]

[14 CFR Parts 71, 75]

[Airspace Docket No. 68-EA-28]

JET ROUTES AND HIGH ALTITUDE REPORTING POINTS

Proposed Alterations and Establishment

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations which would alter several jet routes and high altitude reporting points in the northeast portion of the United States. The proposals contained herein constitute one of four notices of proposed rule making designed to increase the traffic handling capacity of the high altitude structure in this area. The three other notices of proposed rule making are being processed in Airspace Docket Nos. 68-EA-34, 68-EA-50, and 68-EA-52.

Within the past 4 years, the amount of high altitude traffic operating within the northeast portion of the United States has more than tripled. In order to increase our capacity to accommodate this additional traffic, we are planning extensive jet route modifications. The proposals are divided into four separate notices of proposed rule making since the effective dates of most of the proposed alterations would be determined by the varied dates on which the associated navaid frequency changes can be made. Also, separation of the many proposed alterations into separate groups with different effective dates would reduce the requirement to use substitute routes. Some new jet routes would be designated, some existing jet route segments would be realigned, and others revoked. The route distances between terminal areas would be increased in some instances and decreased in others. However, the most significant goal in these proposals is the restructure of the jet route system so that more aircraft can operate therein.

In consideration of the foregoing, the following amendments to Parts 71 and 75 of the Federal Aviation Regulations are proposed.

1. Realignment of Jet Route No. 24 from Indianapolis, Ind., via Falmouth, Ky., to Charleston, W. Va.

2. Realignment of Jet Route No. 29 from Evansville, Ind., via intersection of Evansville 051° T (048° M) and Rosewood, Ohio, 230° T (231° M) radials; Rosewood; Cleveland, Ohio; Jamestown, N.Y.; to Syracuse, N.Y.

3. Realignment of Jet Route No. 39 from Louisville, Ky., to Rosewood, Ohio.

4. Realignment of Jet Route No. 43 from Knoxville, Tenn., via Falmouth, Ky.; Rosewood, Ohio; to Salem, Mich.

5. Realignment of Jet Route No. 82 from Cleveland, Ohio, via Jamestown, N.Y., to Albany, N.Y.

6. Extension of Jet Route No. 134 from St. Louis, Mo., via Falmouth, Ky.; intersection of Falmouth 085° T (085° M) and Front Royal 264° T (270° M) radials; to Front Royal, Va.

7. Designation of a new Jet Route No. 152 from Ellwood City, Pa., via intersection of Ellwood City 256° T (261° M) and and Front Royal 264° T (270° M) radials; Rosewood; intersection of Rosewood 263° T (264° M) and Capital, Ill., 091° T (087° M) radials; to Capital.

8. Revocation of the domestic high altitude reporting points at Lexington, Ky., and Dayton, Ohio.

9. Resignation of domestic high altitude reporting points at Falmouth, Ky., and Rosewood, Ohio.

The jet route modifications proposed herein would normally be used as follows:

1. Jet Route No. 24, as bidirection route.

2. Jet Route No. 29, as bidirection route.

3. Jet Route No. 39, as bidirection route.

4. Jet Route No. 43, as bidirection route.

5. Jet Route No. 82, as bidirection route.

6. Jet Route No. 134, as eastbound route for traffic landing Washington, D.C., and New York City terminal areas; as bidirection route for aircraft overflying these terminals.

7. Jet Route No. 152, as a westbound route for departures out of Pittsburgh, Pa.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on July 18, 1968.

J. F. BIRON,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-8857; Filed, July 24, 1968; 8:47 a.m.]

[14 CFR Parts 71, 75]

[Airspace Docket No. 68-EA-34]

JET ROUTES AND DOMESTIC HIGH ALTITUDE REPORTING POINTS

Proposed Alteration, Revocations, and Designation

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations which would alter several jet routes and high altitude reporting points in the northeast portion of the United States. The proposals contained herein constitute one of four notices of proposed rule making designed to increase the traffic handling capacity of the high altitude structure in this area. The three other notices of proposed rule making are being processed in Airspace Docket Nos. 68-EA-28, 68-EA-50, and 68-EA-52.

Within the past 4 years, the amount of high altitude traffic operating within the northeast portion of the United States has more than tripled. In order to increase our capacity to accommodate this additional traffic, we are planning extensive jet route modifications. The proposals are divided into four separate notices of proposed rule making since the effective dates of most of the proposed alterations would be determined by the varied dates on which the associated navaid frequency changes can be made. Also, separation of the many proposed alterations into separate groups with different effective dates would reduce the requirement to use substitute routes. Some new jet routes would be designated, some existing jet route segments would be realinged, and others revoked. The route distances between terminal areas would be increased in some instances and decreased in others. However, the most significant goal in these proposals is the restructure of the jet route system so that more aircraft can operate therein.

In consideration of the foregoing, the following amendments to Parts 71 and 75 are proposed:

1. Realignment of Jet Route No. 53 from Pulaski, Va., via the intersection of Pulaski, 015° T (018° M) and Ellwood City, Pa., 177° T (182° M) radials; Ellwood City; to Kleinburg, Ontario, Canada.

2. Realignment of Jet Route No. 63 from Huguenot, N.Y., via intersection of Huguenot 321° T (332° M) and Syracuse, N.Y., 149° T (160° M) radials to Syracuse.

3. Realignment and extension of Jet Route No. 68 from Providence, R.I., via Putnam, Conn.; intersection of Putnam 293° T (307° M) and Hancock, N.Y., 082° T (093° M) radials; Hancock; to Jamestown, N.Y.

4. Realignment of Jet Rout No. 70 from Pullman, Mich., via Salem, Mich.; Jamestown, N.Y.; to Huguenot, N.Y.

5. Realignment of Jet Route No. 85 from Cleveland, Ohio, to Salem, Mich.

6. Realignment of Jet Route No. 518 from Salem, Mich., via intersection of Salem 117° T (120° M) and Ellwood City, Pa., 306° T (311° M) radials; Ellwood City; to Westminster, Md.

7. Realignment and extension of Jet Route No. 554 from Buffalo, N.Y., to Carleton, Mich.

8. Realignment of Jet Route No. 586 from London, Ontario, Canada, to Carleton, Mich.

9. Designation of new Jet Route No. 522 from Kleinburg, Ontario, Canada, via Hancock, N.Y.; to Huguenot, N.Y.

10. Revocation of Jet Route No. 90 from Northbrook, Ill., to Windsor, Ontario, Canada.

11. Revocation of Jet Route No. 91 from Cleveland, Ohio, to Windsor, Ontario, Canada.

12. Revocation of Jet Route No. 549 in its entirety.

13. Revocation of Jet Route No. 550 in its entirety.

14. Revocation of Erie, Pa., as a domestic high altitude reporting point.

15. Designation of Hancock, N.Y., Salem, Mich., Carleton, Mich., Putnam, Conn., and Jamestown, N.Y., as domestic high altitude reporting points.

The jet route modifications proposed herein would normally be used as follows:

1. Jet Route No. 53 as bidirection route.

2. Jet Route No. 63 as southbound departure route from Syracuse, N.Y., to the New York City terminal area.

3. Jet Route No. 68 as arrival and departures route from Bradley, Conn., Westover, Mass., Providence, R.I., and Otis AFB, Mass., and as westbound departure route from the Boston terminal area.

4. Jet Route No. 70 as westbound departure route from the New York City terminal area.

5. Jet Route No. 85 as southeastbound departure route from the Detroit, Mich., terminal area.

6. Jet Route No. 518 as southeastbound departure route from the Detroit, Mich., terminal area en route Baltimore, Md., and Washington, D.C.

7. Jet Route No. 554 as eastbound departure route from Detroit terminal area en route Buffalo, N.Y.; Syracuse, N.Y.; Albany, N.Y.; and Boston, Mass.

8. Jet Route No. 586 as bidirection route.

9. Jet Route No. 522 as southeastbound departure route from Toronto, Ontario, Canada, en route New York City terminal area.

Jet Route No. 90 is presently designated in part between Northbrook, Ill., and Windsor, Ontario, Canada, and is duplicated by Jet Route No. 584 between Northbrook and the vicinity of Litchfield, Mich. The nonduplicated portion of Jet Route No. 90 between Litchfield and Windsor is used extensively; however, by use of a combination of J-584 with the proposed realignments of J-554 or J-586, route distance would be increased by only 2 miles and the Windsor VOR could be removed from the high altitude structure. Jet Route No. 90 is not required west of Litchfield since it is coexistent with Jet Route No. 584.

Jet Route Nos. 85 and 91 are presently designated in part between Cleveland, Ohio, and Windsor, Ontario, Canada. These routes are rarely used since most aircraft along this routing would generally be in a transition phase between the high and low altitude structures. The fiscal year 1967 IFR peak day merely indicated five movements on Jet Route No. 85 and zero movements on Jet Route No. 91. In order to provide a convenient routing for traffic overflying Windsor, it is proposed herein to realign Jet Route No. 85 from Cleveland to Salem, Mich., for transition to Jet Route No. 70.

Jet Route No. 549 (Erie, Pa., toward Kleinburg, Ontario, Canada) is proposed for revocation since the fiscal year 1967 IFR peak day survey indicated only one movement along this route. Further, the proposed realignment of Jet Route No. 53 would continue to provide a jet route between the Pittsburgh, Pa., and Toronto, Ontario, Canada, areas.

Jet Route No. 550 is proposed for revocation since the fiscal year 1967 IFR peak day survey indicated zero movements along this route.

The Canadian Department of Transport has concurred with the transborder route modifications proposed herein, and has agreed to effect corresponding modifications to the Canadian route structure if these proposals are adopted.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on July 18, 1968.

J. F. BIRON,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-8858; Filed, July 24, 1968; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16222]

STANDARD METHOD FOR CALCULATING RADIATION IN STANDARD BROADCAST SERVICE

Order Extending Time for Filing Reply Comments

In the matter of amendment of Part 73 of the Commission rules to specify, in lieu of the existing MEOV concept, a standard method for calculating radiation for use in evaluating interference, coverage, and overlap of mutually prohibited contours in the standard broadcast service, Docket No. 16222.

1. This proceeding was initiated by a notice of proposed rule making on October 18, 1965. The deadlines for filing comments and reply comments have been extended by subsequent orders from dates early in 1966, to June 14, 1968, and July 16, 1968, respectively.

2. A number of substantial comments were filed on or prior to June 14, 1968. On July 15, 1968, The Association of Federal Communications Consulting Engineers (AFCCE), one of the parties to this proceeding, filed a petition requesting the time for filing reply comments be extended for a 60-day period.

3. AFCCE states that while it does not intend to file reply comments, some of its members have indicated their intention of doing so, and the extension is sought in their behalf. The bulk and complexity of the various proposals contained in the comments make it desirable that additional time be afforded for the preparation of meaningful reply comments.

4. We find that the nature of the comments is such as to justify the petitioner's request, and that it would be in the public interest to make available the additional 60-day period which it seeks.

5. *Accordingly, it is ordered,* That the time for filing reply comments in this proceeding is extended from July 16, 1968, to September 16, 1968.

6. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: July 16, 1968.

Released: July 17, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JAMES O. JUNTILLA,
Acting Chief, Broadcast Bureau.

[F.R. Doc. 68-8890; Filed, July 24, 1968; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S 1683]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 19, 1968.

The Bureau of Reclamation, U.S. Department of the Interior, has filed an application, Serial No. S 1683, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining laws (30 U.S.C., Ch. 2) and the mineral leasing laws.

The applicant desires the land for the operation and maintenance of the Orland Project which adjoins the Stony Gorge Dam and Reservoir in Glenn County. The area proposed for withdrawal will be fully utilized for its fish and wildlife and water resource values. Its scenic and recreation values will be preserved as much as possible.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814.

The Department's regulations (43 CFR 2311.1–3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 20 N., R. 6 W.,
Sec. 16, E½NE¼.

The above-described area contains approximately 80 acres.

JESSE H. JOHNSON,
Acting Chief,
Lands Adjudication Section.

[F.R. Doc. 68–8862; Filed, July 24, 1968; 8:48 a.m.]

[Colorado 4390]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

JULY 18, 1968.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. C–4390, for the withdrawal of the lands described below, from prospecting, location, and entry under the general mining laws only, subject to valid existing rights.

The applicant desires the lands for the Niwot Ridge Special Planning Area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado Land Office, Room 15019, Federal Building, 1961 Stout Street, Denver, Colo. 80202.

The Department's regulations (43 CFR 2311.1–3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN

T. 1 N., R. 73 W.,
Sec. 4, S½S½SW¼, NE¼SW¼SE¼, S½SW¼SE¼;
Sec. 7, lots 3 and 4, S½SE¼NW¼, E½SW¼, SE¼;
Sec. 8, S½NE¼, S½;
Sec. 9, W½E½NW¼, W½NW¼, SW¼, S½N½SE¼, S½SE¼;
Sec. 10, N½NE¼NE¼ less portion M.S. 17356, S½N½NE¼, S½NE¼, S½NE¼NW¼SE¼NW¼, S½;
Sec. 11, W½W½ less portion of M.S. 17359 and area to the north;
Sec. 15, N½, N½SE¼;
Sec. 17, E½ less portion M.S. 5879, E½NW¼, NE¼SW¼;
Sec. 21 NE¼NE¼, S½NE¼, SE¼NW¼;
Sec. 22, NW¼, NW¼SW¼, NW¼SE¼, S½SE¼;
Sec. 23 (Surface owned by University of Colorado), S½NE¼SW¼, SW¼SW¼SW¼NW¼SE¼, SW¼SE¼.

The area described aggregates approximately 3,347.80 acres.

J. ELLIOTT HALL,
Land Office Manager.

[F.R. Doc. 68–8863; Filed, July 24, 1968; 8:48 a.m.]

[C–3898]

COLORADO

Notice of Classification of Public Lands for Multiple-Use Management

JULY 19, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, the public lands within the areas described below are hereby classified for multiple-use management. Publication of this notice segregates all the public lands described (a) from appropriation only under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. sec. 334); Small Tract Act of June 1, 1938, as amended (43 U.S.C. 682 (a) and (b)); and (b) further segregates the land described in paragraph 3 of this notice from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171); and the Public Land Sale Act of September 19, 1964 (43 U.S.C. 1421–27); and (c) further segregates the land described in paragraph 4 of this notice from operation of the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869; 869–1 to 869–4); and (d) further segregates the lands described in paragraph 5 of this notice from the operation of the general mining laws (30 U.S.C. 21), and the Materials Act of July 31, 1947, as amended, but not from the mineral leasing laws.

The lands shall remain open to all other applicable forms of apropriation including the mining and mineral leasing laws; and exchanges under section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g). As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. No protests or objections were received following publication of a notice of proposed classification (33 F.R. 7265–7266) or at the public hearing held on June 13, 1968, at Grand Junction, Colo. The record showing the comments received and other information is on file and can be examined in the Grand Junction District Office, Grand Junction, Colo. The public lands affected by this classification are located within the following described area and are shown on a map designated by Serial No. C–3898 in the Grand Junction District Office, Bureau of Land Management, Federal Building, Fourth and Rood, Grand Junction, Colo. 81502 and at the Land Office, Bureau of Land Management, Room 15019, Federal Building, 1961 Stout Street, Denver, Colo. 80202.

UTE PRINCIPAL MERIDIAN, COLORADO

MESA COUNTY

T. 1 S., R. 1 E.,
Sec. 22, lot 4;
Sec. 31, NE¼SW¼.
T. 1 S., R. 2 E.,
Sec. 10, NE¼NW¼.
T. 2 S., R. 1 E.,
Sec. 4, N½NE¼.
T. 2 S., R. 2 E.,
Sec. 8, NE¼NE¼;
Sec. 9, NW¼NW¼.

The above areas aggregate approximately 333.43 acres of public land.

3. As provided in paragraph 1(b) above, the following lands are further segregated from sale under section 2455 of the Revised Statutes and the Public Land Sale Act of September 19, 1964:

UTE PRINCIPAL MERIDIAN, COLORADO

MESA COUNTY

T. 1 S., R. 1 W.,
Sec. 36, lot 13.
T. 1 S., R. 2 E.,
Sec. 17, SE¼SW¼;
Sec. 19, N½SE¼.
T. 2 S., R. 1 E.,
Sec. 2, N½;
Sec. 4, S½NW¼, N½SW¼;
Sec. 5, S½NE¼, SE¼NW¼;
Sec. 6, lots 3, 4, 5, and SE¼NW¼.
T. 2 S., R. 1 W.,
Sec. 1, lot 1.

The areas described aggregate approximately 826.35 acres of public lands.

4. As provided in paragraph 1(c) above, the following lands are further segregated from appropriation under the Recreation and Public Purposes Act:

UTE PRINCIPAL MERIDIAN, COLORADO

MESA COUNTY

T. 1 S., R. 1 E.,
Sec. 25;
Sec. 35.
T. 1 S., R. 2 E.,
Sec. 1, W½ and that part of E½ lying west of the high rim;
Secs. 10 to 17, inclusive;
Secs. 19 to 36, inclusive.
T. 2 S., R. 1 E.,
Secs. 1 to 5, inclusive;
Sec. 6, portion of SE¼ east of Gunnison River;
Secs. 9 and 10;
Secs. 13 to 16, inclusive;
Secs. 23 to 27, inclusive;
Secs. 35 and 36.
T. 2 S., R. 2 E.,
Secs. 1 to 23, inclusive;
Secs. 26 to 34, inclusive.
T. 3 S., R. 2 E.,
Secs. 1 and 2;
Secs. 4 to 30, inclusive;
Secs. 32 to 34, inclusive.

SIXTH PRINCIPAL MERIDIAN, COLORADO

MESA COUNTY

T. 11 S., R. 97 W.,
Sec. 30, lots 1 to 4, inclusive;
Sec. 31, lots 5 to 8, inclusive, E½W½, and W½SE¼.
T. 11 S., R. 98 W.,
Sec. 13, SW¼SW¼ that portion lying south of Rapid Creek Divide;
Sec. 14, lot 4 that portion lying west of Rapid Creek Divide;
Secs. 23 and 24, portion west of Rapid Creek Divide;
Secs. 25 and 26;
Secs. 35 and 36.
T. 12 S., R. 97 W.,
Secs. 6 and 7;
Secs. 18 and 19;
Sec. 30;
Secs. 32 to 34, inclusive.
T. 12 S., R. 98 W.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 23 to 25, inclusive.
T. 13 S., R. 97 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 31, inclusive.
T. 13 S., R. 98 W.,
Sec. 1;
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 to 36.
T. 13 S., R. 99 W.,
Sec. 10, east of the Gunnison River;
Sec. 11;
Sec. 14;
Sec. 15, east of the Gunnison River;
Sec. 22, east of the Gunnison River;
Sec. 23;
Sec. 26, east of the Gunnison River;
Sec. 27, east of the Gunnison River;
Sec. 35, east of the Gunnison River.
T. 14 S., R. 98 W.,
Sec. 8, east of the Gunnison River;
Sec. 18, east of the Gunnison River.

The area described in paragraph 4 aggregates approximately 60,520 acres of public lands.

The total area described above aggregates approximately 61,679.78 acres of public land.

5. As provided in paragraph 1(d) above, the following lands are further segregated from appropriation under the mining laws and the Materials Act, as amended:

SIXTH PRINCIPAL MERIDIAN, COLORADO

MESA COUNTY

T. 12 S., R. 97 W.,
Sec. 19, lot 7, S½SE¼NW¼.

These lands aggregate 49.90 acres (included in total area shown in paragraph 4).

For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.1–2(d)).

E. I. ROWLAND,
State Director.

[F.R. Doc. 68–8839; Filed, July 24, 1968; 8:46 a.m.]

[Serial No. N–2573]

NEVADA

Notice of Proposed Classification of Public Lands for Transfer out of Federal Ownership

JULY 19, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1412) it is proposed to classify the public lands described in paragraph 4 below for transfer out of Federal ownership under the following statute: Section 8 of the Taylor Grazing Act (43 U.S.C. 315g).

2. Notice of this proposal has been sent to Nevada State and local government officials, State and District advisory boards, range users, and other interested parties.

3. Publication of this notice segregates the affected lands from all forms of disposal under the public land laws, including the general mining laws, except the form of disposal for which it is proposed to classify the lands. However, publication does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the general mining laws.

4. The public lands affected by this proposed classification are shown on a map on file in the Carson City District Office, 801 North Plaza Street, Carson City, Nev. The lands are located in Washoe County, Nev., and are described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 21 N., R. 21 E.,
Sec. 24, all;
Sec. 36, all.
T. 21 N., R. 22 E.,
Sec. 12, all;
Sec. 24, all;
Sec. 32, all;
Sec. 34, all;
Sec. 36, all.
T. 22 N., R. 22 E.,
Sec. 36, all.

The lands described above aggregate 5,120 acres.

5. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish

to submit comments, objections, or suggestions in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Carson City District Office, 801 North Plaza Street, Carson City, Nev. 89701.

For the State Director.

HORACE E. JONES,
District Manager.

[F.R. Doc. 68-8905; Filed, July 24, 1968; 8:51 a.m.]

[Serial No. 5496]

UTAH

Notice of Proposed Classification of Public Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18), and to the regulations in Title 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands within the area described below. Publication of this notice has the effect of segregating the described lands from appropriation under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws, except as described below. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (43 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The lands proposed to be classified are those lands administered by the Bureau of Land Management within the following described area, of Emery and Sevier Counties, Utah:

SALT LAKE MERIDIAN

Beginning at a point where the Carbon-Emery County line intersects the Manti-LaSal National Forest boundary at the northwest corner of sec. 3, T. 16 S., R. 8 E.; thence southwesterly along said forest boundary to the northwest corner of SW¼SE¼, sec. 24, T. 23 S., R. 4 E.; thence southeasterly along the district boundary common to the Bureau of Land Management's Price and Richfield districts to the Emery-Wayne County line; thence east along said line to the Green River; thence northerly along said river to the Carbon-Emery County line; thence west along said line to the point of beginning; except the following described lands:

T. 16 S., R. 9 E.,
Sec. 25, SE¼NE¼.
T. 16 S., R. 10 E.,
Sec. 9, N½;
Sec. 10, N½, N½S½, SE¼SE¼;
Sec. 11, S½N½, N½S½, S½SW¼, SW¼SE¼;
Sec. 14, NW¼NE¼, SE¼NE¼;
Sec. 15, S½S½, N½SW¼, S½NW¼;
Sec. 17, SE¼SW¼;
Sec. 19, SW¼SE¼;
Sec. 20, NE¼NW¼;
Sec. 21, N½N½, SW¼NE¼, W½SE¼;
Sec. 22, N½N½, SE¼NE¼, SW¼NW¼, NW¼SW¼;
Sec. 33, NW¼NW¼, S½SE¼, NW¼SE¼.
T. 17 S., R. 9 E.,
Sec. 9, NW¼SW¼, SE¼SW¼;
Sec. 21, all;
Sec. 29, NW¼SW¼;
Sec. 30, SW¼NE¼, SE¼SW¼;
Sec. 31, NW¼NE¼, NE¼NW¼.
T. 18 S., R. 8 E.,
Sec. 1, NW¼NE¼, NE¼NW¼, NE¼SW¼;
Sec. 12, E½SE¼;
Sec. 14, NE¼NE¼;
Sec. 19, NE¼NE¼;
Sec. 23, SE¼SE¼;
Sec. 24, N½SW¼;
Sec. 26, NE¼NE¼;
Sec. 35, NE¼, NE¼NW¼, N½SE¼.
T. 18 S., R. 9 E.,
Sec. 6, NW¼SE¼;
Sec. 7, NE¼NE¼, N½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 9, SE¼, E½SW¼;
Sec. 17, SE¼NW¼, W½SE¼;
Sec. 18, N½NE¼, NW¼SW¼, SW¼SE¼;
Sec. 20, W½NW¼, SE¼NW¼, W½NE¼.
T. 19 S., R. 8 E.,
Sec. 3, SE¼SE¼;
Sec. 11, SE¼SE¼;
Sec. 12, SW¼SW¼;
Sec. 15, S½SW¼;
Sec. 17, NW¼NW¼, E½SW¼;
Sec. 27, W½NW¼;
Sec. 28, NE¼, E½NW¼, SW¼NW¼, NE¼SW¼, NE¼SE¼;
Sec. 29, S½NE¼, N½SE¼, NE¼SW¼.

The public lands proposed to be classified for multiple-use management in the area described aggregate approximately 1,948,303 acres.

3. Publication of this notice also has the effect of segregating the lands described below from entry under the general mining laws and surface use and occupancy under the mineral leasing laws:

CLEVELAND LLOYD DINOSAUR QUARRY

T. 17 S., R. 11 E.,
Sec. 21, SE¼SE¼;
Sec. 28, NE¼NE¼.
80 acres.

CEDAR MOUNTAIN RECREATION AREA

T. 19 S., R. 11 E.,
Sec. 13, NE¼NW¼, NW¼NE¼, E½NE¼, 260 acres.
T. 19 S., R. 12 E.,
Sec. 18, lots 1, 2, and 3.

SAN RAFAEL BRIDGE CAMPGROUND

T. 21 S., R. 11 E.,
Sec. 14, NW¼SW¼;
Sec. 15, NE¼SE¼.
80 acres.

THE WEDGE RECREATION AREA

T. 21 S., R. 11 E.,
Sec. 6, S½NE¼, SE¼NW¼.
120 acres.

LINK FLATS NATURAL AREA

T. 23 S., R. 9 E.,
Sec. 29, S½NE¼, SE¼, E½SW¼;
Sec. 30, SE¼NW¼, E½SW¼;
Sec. 31, W½NW¼, S½NE¼, S½.
792 acres.

Containing approximately 1,337 acres.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments or suggestions in connection with this proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Post Office Box AB, Price, Utah 84501, or to the State Director, Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

5. Maps depicting these lands are on file and may be reviewed at the Bureau of Land Management District Office at Price, Utah, and the State Office, Federal Building, 125 South State Street, Salt Lake City, Utah 84111.

6. A public hearing on the proposed classification will be held in the courtroom of the Emery County Courthouse, Castle Dale, Utah, on August 8, 1968, at 7:30 p.m. At this time statements in support of or in opposition to the proposal may be presented.

R. D. NIELSON,
State Director.

[F.R. Doc. 68-8841; Filed, July 24, 1968; 8:46 a.m.]

[Wyoming 12668]

WYOMING

Notice of Classification of Public Lands for Multiple-Use Management

JULY 19, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, the public lands within the areas described below, are hereby classified for multiple-use management. Publication of this notice segregates: (a) All the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171); (b) the public lands described in paragraph 4 of this notice from appropriation under the general mining laws (30 U.S.C. 21). Except as provided in (a) and (b) above, the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. A public hearing on the proposed classification (33 F.R. 96) was held in Green River, Wyo., on June 26, 1968. Comments were received from three individuals. Comments were of an inquiry nature. No opposition was received.

3. Public lands located within the following described areas are shown on the Fremont, Sublette, and Sweetwater County Planning Unit Classification Maps, which are on file in the District Office, Bureau of Land Management, Rock Springs, Wyo., and the Land Office, Bureau of Land Management, Federal Building, Cheyenne, Wyo. The general description of the areas are as follows:

SIXTH PRINCIPAL MERIDIAN

FREMONT COUNTY, WYO.

All public lands within the following described area:

Beginning at the junction of Sublette-Fremont-Sweetwater County lines; thence east to the proposed district boundary between Lander and Rock Springs Grazing Districts; thence northerly along the proposed boundary between Lander and Rock Springs Grazing Districts to the Shoshone National Forest boundary; thence northwesterly along the Shoshone and Bridger National Forest boundaries to the Fremont-Sublette County line; thence south along the Fremont-Sublette County line to the point of beginning.

SIXTH PRINCIPAL MERIDIAN

SUBLETTE COUNTY, WYO.

All public lands within the following described area:

Beginning at a point along the Sublette and Lincoln County line, where the south section line of sec. 32, T. 27 N., R. 112 W., intersects the Green River; thence east along the Sublette County line to the junction of Sublette, Fremont, and Sweetwater Counties; thence north along the Sublette-Fremont County line to the Bridger National Forest boundary; thence westerly along the Bridger National Forest boundary to the northwest corner of sec. 5, T. 30 N., R. 105 W.; thence southwesterly and westerly along the existing proposed Pinedale and Rock Springs Grazing District boundary to the Green River; thence south and southwesterly along the Green River to the point of beginning.

SIXTH PRINCIPAL MERIDIAN

SWEETWATER COUNTY, WYO.

All public lands within the following described area, except those lands within Planning Units 0472, 0451, and 0471, as said planning units are delineated upon the maps previously referred to:

Beginning at the junction of the Sweetwater-Uinta County line at the Wyoming-Utah border; thence north along the Sweetwater-Uinta County line to the Sweetwater-Lincoln County line; thence north along the Sweetwater-Lincoln County line to the Sweetwater-Sublette County line; thence east along the Sweetwater-Sublette County line to the Sweetwater-Fremont County line; thence east along the Sweetwater-Fremont County line to the Rock Springs-Rawlins District boundary; thence southerly along the Rock Springs-Rawlins District boundary to the Wyoming-Colorado State line; thence west along the Wyoming-Colorado State line to the Wyoming-Utah border; thence west along the Wyoming-Utah State line to the point of beginning.

The total area of the public lands included within the purview of this notice of classification aggregates approximately 3,821,095 acres.

4. As provided in paragraph 1 above, the following lands are further segregated from appropriation under the mining laws (aggregating approximately 4,423 acres):

SIXTH PRINCIPAL MERIDIAN

FREMONT COUNTY, WYO.

T. 27 N., R. 102 W.,
Sec. 10, SW¼NE¼.
T. 28 N., R. 100 W.,
Sec. 28, NW¼NW¼.
T. 28 N., R. 101 W.,
Sec. 1, W½NW¼.
T. 29 N., R. 100 W.,
Sec. 18, S½SE¼NW¼, NW¼NE¼SW¼, SW¼SW¼NW¼, and NW¼NW¼SW¼.
T. 29 N., R. 101 W.,
Sec. 13, S½NE¼NE¼ and N½NE¼SW¼;
Sec. 14, SE¼NE¼, SW¼NE¼NE¼, and NW¼NE¼;
Sec. 15, N½NE¼;
Sec. 19, NE¼SE¼;
Sec. 29, NW¼SE¼;
Sec. 34, SW¼NE¼.
T. 29 N., R. 102 W.,
Sec. 5, lot 4.
T. 30 N., R. 102 W.,
Sec. 32, SW¼SW¼.

SUBLETTE COUNTY, WYO.

T. 29 N., R. 103 W.,
Sec. 10, SE¼SW¼.
T. 30 N., R. 103 W.,
Sec. 28, SW¼SW¼;
Sec. 29, SE¼SE¼;
Sec. 32, SE¼SE¼.
T. 30 N., R. 104 W.,
Sec. 15, SW¼NW¼.

SWEETWATER COUNTY, WYO.

T. 12 N., R. 103 W.,
Sec. 1, SE¼NW¼.
T. 12 N., R. 104 W.,
Sec. 1, lot 9.
T. 13 N., R. 105 W.,
Sec. 18, lots 2, 3, 5, SE¼ of lot 6, and lot 9;
Sec. 19, lot 9;
Sec. 30, SE¼NW¼.
T. 13 N., R. 106 W.,
Sec. 15, NE¼SW¼;
Sec. 23, S½NW¼SE¼ and N½SW¼SE¼;
Sec. 25, NE¼.
T. 14 N., R. 100 W.,
Sec. 1, SE¼NW¼.
T. 14 N., R. 107 W.,
Sec. 27, W½NE¼ and E½NW¼.
T. 14 N., R. 109 W.,
Sec. 30, NW¼NE¼.
T. 14 N., R. 111 W.,
Sec. 32, NE¼NW¼.
T. 15 N., R. 100 W.,
Sec. 4, W½NW¼.
T. 17 N., R. 107 W.,
Sec. 24, NW¼SE¼.
T. 18 N., R. 104 W.,
Sec. 8, SE¼NE¼, SW¼SE¼, and NE¼NE¼.
T. 18 N., R. 106 W.,
Sec. 2, NW¼SE¼ and SW¼NE¼.
T. 18 N., R. 107 W.,
Sec. 18, lots 5 and 6.
T. 19 N., R. 105 W.,
Sec. 18, SE¼SE¼.
T. 19 N., R. 106 W.,
Sec. 10, SE¼.
T. 20 N., R. 106 W.,
Sec. 12, NW¼SW¼.
T. 21 N., R. 105 W.,
Sec. 32, SE¼SE¼, SW¼NE¼SE¼, SE¼NW¼SE¼, and NE¼SW¼SE¼.
T. 22 N., R. 103 W.,
Sec. 4, lot 4.
T. 22 N., R. 105 W.,
Sec. 14.
T. 22 N., R. 109 W.,
Sec. 20, lots 4, 5, and 6, E½SE¼;
Sec. 28, SW¼.
T. 23 N., R. 102 W.,
Sec. 1, W½NW¼;
Sec. 9, SE¼NE¼;
Sec. 11, SE¼NW¼.
T. 23 N., R. 104 W.,
Sec. 21, NW¼NE¼ and NE¼NW¼.
T. 23 N., R. 105W.,
Sec. 13, NW¼SW¼.
T. 23 N., R. 108 W.,
Sec. 19.
T. 23 N., R. 111 W.,
Sec. 17, portion north of river;
Sec. 18, portion north of river.

5. The record showing testimony made by members of the public attending the hearing is on file and can be examined in the Rock Springs District Office, Rock Springs, Wyo., and the Land Office, Bureau of Land Management, Federal Building, Cheyenne, Wyo.

6. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2c.

ED PIERSON,
State Director.

[F.R. Doc. 68-8840; Filed, July 24, 1968; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CHICAGO MERCANTILE EXCHANGE

Designation as Contract Market for Frozen Skinned Hams Under Commodity Exchange Act

Pursuant to the authorization and direction contained in the Commodity Exchange Act, as amended (7 U.S.C. 1-17b), I hereby designate the Chicago Mercantile Exchange, of Chicago, Ill., as a contract market for frozen skinned hams effective on this date, as shown below. The said exchange has applied for and has otherwise complied with the requirements imposed by the said act as a condition precedent to such designation.

This designation is subject to suspension or revocation in accordance with the provisions of the said act. For the purpose of any such suspension or revocation, this designation and the orders issued by the Secretary of Agriculture on September 11, 1936, August 22, 1955, and June 13, 1968, designating the said exchange as a contract market for the commodities specified in such orders, shall constitute a single designation.

Issued this 19th day of July 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-8911; Filed, July 24, 1968; 8:52 a.m.]

DEPARTMENT OF COMMERCE

National Bureau of Standards

NATIONAL BUREAU OF STANDARDS RADIO STATIONS

Notice of Standard Frequency and Time Broadcasts

In accordance with National Bureau of Standards policy of giving monthly notices regarding changes of phases in seconds pulses, notice is hereby given that there will be no adjustment in the phase of seconds pulses emitted from radio station WWVB, Fort Collins, Colo.,

on September 1, 1968. The carrier frequency of WWVB is 60 kHz and is broadcast without offset. These emissions are made following the stepped atomic time (SAT) system as coordinated by the Bureau International de l'Heure (BIH).

Notice is also hereby given that there will be no adjustments in the phases of time pulses emitted from radio stations WWV, Fort Collins, Colo. and WWVH, Maui, Hawaii, on September 1, 1968. These pulses at present occur at intervals which are longer than 1 second by 300 parts in 10^{10}. This is due to the offset maintained in the carrier frequencies of these stations following the universal time (UTC) system as coordinated by the BIH.

ALLEN V. ASTIN,
Director.

[F.R. Doc. 68-8859; Filed, July 24, 1968; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CHEMAGRO CORP.

Notice of Filing of Petition for Food Additive Coumaphos

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Chemagro Corp., Post Office Box 4913, Kansas City, Mo. 64120, proposing that § 121.304 *Coumaphos (O,O-diethyl O-3-chloro-4-methyl-2-oxo-2H-1-benzopyran-7-yl phosphorothioate)* be amended to provide for the safe use of coumaphos in the feed of beef and dairy cattle for the treatment of infestations of the internal parasites (gastrointestinal nematodes): *Haemonchus, Cooperia, Ostertagia, Nematoridus,* and *Trichostrongylus* species.

Dated: July 16, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8902; Filed, July 24, 1968; 8:51 a.m.]

WHITMOYER LABORATORIES, INC.

Notice of Filing of Petition for Food Additives Carbarsone (Not U.S.P.), Zoalene, Procaine Penicillin, Bacitracin Methylene Disalicylate, Zinc Bacitracin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Whitmoyer Laboratories, Inc., Myerstown, Pa. 17067, proposing that the food additive regulations (21 CFR Part 121, Subpart C) be amended to provide for the safe use in turkey feed of carbarsone (not U.S.P.) and zoalene with certain combinations of:

1. Penicillin (as procaine penicillin); or
2. Bacitracin (as bacitracin methylene disalicylate or zinc bacitracin); or
3. Penicillin plus bacitracin (as procaine penicillin and bacitracin methylene disalicylate or zinc bacitracin);

as an aid in the prevention of blackhead, for prevention and control of coccidiosis, and for growth promotion and feed efficiency.

Dated: July 16, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8903; Filed, July 24, 1968; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19485; Order 68-7-107]

EASTERN AIR LINES, INC., ET AL.

Order Regarding Reservations in East Coast-Florida Market

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of July 1968.

Agreement adopted by Eastern Air Lines, Inc., National Airlines, Inc., and Northeast Airlines, Inc., relating to reservations practices and procedures in the East Coast-Florida Market, Docket 19485, Agreement CAB 20236.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between Eastern Air Lines, Inc., National Airlines, Inc., and Northeast Airlines, Inc., which provides for ticketing time limits in certain East Coast Markets[1] in an effort to alleviate reservation problems during the peak year-end holiday and Easter periods.[2]

Under the agreement the following limits upon the time for ticketing and payment of the tariff fares would be applied to all reservations for transportation in these markets during peak travel periods:

Reservations accepted before departure date	*Ticketing time limit*
More than 8 weeks	4 weeks from booking date.
Less than 8 weeks	2 weeks from booking date.
Less than 4 weeks	1 week from booking date.
Less than 2 weeks	24 hours from booking date.
Less than 1 week	No later than 1 hour before departure.

[1] Between Fort Lauderdale, Fort Myers, Key West, Miami, Sarasota/Bradenton, Tampa/St. Petersburg, and West Palm Beach, on the one hand, and Baltimore, Boston, Hartford/Springfield, New Haven, New York/Newark, Philadelphia, Providence, Washington, D.C., and Wilmington, on the other hand.

[2] Southbound from Dec. 15, through Dec. 26, 1968, and northbound from Dec. 30, 1968, through Jan. 10, 1969; Southbound, 1 week prior to Easter, and Northbound, Easter plus 2 weeks.

It also contains a provision that reservations made prior to the effective date of the rule must be ticketed within 45 days after the effective date of the rule. These ticketing limitations would apply to all bookings made by the three carriers and by travel agents; the agreement also provides certain ticketing procedures to be followed by travel agents to assure proper application of the rules.

The agreement differs in substance from a similar agreement filed last year[3] in that it applies to the Easter season in addition to the year-end holiday period and makes minor changes in the reservation and ticketing time limits.[4]

For the same reason we approved last year's agreement, the Board has determined to approve the subject agreement for this year's year-end holiday season. In our view the plan may help to alleviate the serious problem which the traveling public has had in obtaining reservations in the Florida market during this peak travel season. By establishing ticketing time limits, the problem of multiple reservations and large block holding of seats by travel agents should be reduced substantially and many more seats made available for bona fide advance reservations. While we regard the prepayment element of this plan as undesirable in any normal situation, since it gives the carriers the free use of passenger funds for extended periods, the peak period problem in these markets has been of such magnitude that unusual action appears necessary to control the widespread abuses which have deprived the traveling public of the opportunity to obtain advance reservations on flights where seats were ultimately available. We, therefore, do not find this agreement to be adverse to the public interest or in violation of the Act but will limit our approval to the 1968-69 year-end holiday season.[5] In the interim we will expect the carriers to continue to explore other means of resolving the peak period reservation problem which will be less burdensome on persons who are not responsible for the present situation.[6] We will also expect the carriers to file in this docket detailed information on the operation of the plan within 30 days after January 10, 1969, and show specifically how it resulted in benefits to the public in terms of the availability of advance reservations, the clearing of wait listed passengers, and any periods when the carriers would not wait list passengers for travel during the season.

The carriers have also agreed to extend ticketing time limits to travel during the Easter season. However, no data have been submitted demonstrating that reservation problem of similarly serious proportions exists during this period. In view of the undesirable aspects of the plan, we have concluded that the extension of the agreement to apply ticketing time limits on Easter season travel should not be approved in the absence of data indicating a clear need for taking such unusual measures during that period.

We have also concluded that this agreement, insofar as it applies to the year-end holiday season, should be approved for the 1968-69 year-end period in view of the undesirable aspects noted above. We will expect the carriers to explore other possible solutions to this problem and to continue to supply us with data upon which the results of this plan can be evaluated.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412, and 414 thereof:

It is ordered, That:

1. Agreement CAB 20236 be and is hereby approved for the 1968-69 year-end holiday season, and disapproved to the extent it would establish ticketing time limits for travel during the Easter period.

2. This order shall be served upon Eastern Air Lines, Inc., National Airlines, Inc., and Northeast Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8897; Filed, July 24, 1968; 8:50 a.m.]

[2] Order E-25423, July 17, 1967.

[4] Last year's agreement was in terms of months and days, while this year's is in terms of weeks. The resulting time changes are not significant.

[5] See the following table:

Southbound	*Northbound*
Dec. 15 through 26, 1968.	Dec. 30, 1968, through Jan. 10, 1969.

[6] e.g. Consideration could be given to such possibilities as requiring advance payment of something less than the full tariff fares or reasonable deposits which will not be refunded after certain periods.

[Docket No. 19505]

SKY COURIER, INC., ET AL.

Notice of Postponement of Hearing Regarding Approval of Control and Interlocking Relationships

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding now assigned to be held on August 6, 1968, is hereby postponed indefinitely.

Dated at Washington, D.C., July 19, 1968.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 68-8898; Filed, July 24, 1968; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 68-673]

FM STATION POWER

Specifications

JUNE 27, 1968.

Inquiries and comments have been received by the Commission indicating that some FM broadcasters are improperly announcing authorized effective radiated power (ERP). While Commission rules do not require on-the-air announcements concerning station power, when such announcements are used they should be delivered as accurately as possible. The problem usually arises when an FM station changes its antenna system to add vertical polarization.

Although the addition of vertical polarization at an FM station helps to "fill in" pockets of poor reception within the station's service area and improves FM reception in automobiles, it does not significantly extend the service contours. It follows that expressions of authorized ERP as the sum of the vertical and horizontal planes are misleading and, as such, contrary to Commission policy.

Announcements relating to ERP should therefore either conform to the authorized horizontal plane value or, if the licensee wishes to differentiate the horizontal and vertical power components, they should be announced exactly as expressed in the license.

Action by the Commission[1] June 26, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-8891; Filed, July 24, 1968; 8:50 a.m.]

[Docket No. 18140 etc.; FCC 68-685]

DELAWARE COUNTY CABLE TELEVISION CO. ET AL.

Memorandum Opinion and Order Instituting Consolidated Hearing

In re petitions by Delaware County Cable Television Co. et al., Docket No. 18140, File No. CATV 100-18, 18141, 18142, 18143, 18144, 18145, 18146, 18147, 18148, 18149, 18150, 18151, 18152, 18153, 18154, 18155, 18156, 18157, 18158, 18159, 18160, 18161, 18162 and 18163, for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Philadelphia, Pa., Television Market (ARB 4), and the Harrisburg-Lancaster-Lebanon-York, Pa., Television Market (ARB 30), or the Wilkes-Barre-Scranton, Pa., Television Market (ARB 69).

In re applications of Rollins, Inc., Newark, Del., Docket No. 18164, File No. 20077-IB-15X; Jerrold-South Jersey T.V. Cable Corp., Mount Holly, N.J., Docket No. 18165, File No. 9538-IB-96X; for construction permits for new Point-to-Point Microwave stations.

In re applications of Rollins, Inc., Docket No. 18166, File Nos. BPCAR-2, BPCAR-3, BPCAR-4, BPCAR-5, for construction permits for new community antenna relay stations to serve a CATV system at Wilmington, Del.

Lower Bucks Cablevision, Inc., Penndel Borough, Pa., Docket No. 18228, SR-26815, request for special relief filed pursuant to § 74.1109 of the Commission's rules.

1. On January 24, 1968, Lower Bucks Cablevision, Inc., gave notification pursuant to § 74.1105 of the Commission's rules of its intention to commence CATV operation in Penndel Borough, Bucks County, Pa. On February 23, 1968, WIBF Broadcasting Co., permittees of Station WIBF-TV, Philadelphia, Pa., and U.S. Communications of Philadelphia, Inc., licensee of Station WPHL-TV, Philadelphia, Pa., filed a petition requesting temporary and permanent relief pursuant to § 74.1109 of the rules against carriage of New York signals by Lower Bucks on its CATV system in Penndel Borough. This petition is opposed by Lower Bucks, and WIBF Broadcasting and U.S. Communications have replied. On February 23, 1968, Westinghouse Broadcasting Co., Inc., licensee of Station KYW-TV, Philadelphia, Pa., filed objection to Lower Bucks proposal. All pleadings are considered below.

2. Lower Bucks proposes to commence operations in Penndel Borough carrying the following local signals: KYW-TV, WFIL-TV, WCAU-TV, WIBF-TV, WUHY-TV, WKBS-TV, Philadelphia, Pa.; WLVT-TV, Allentown, Pa.; WHYY-TV, Wilmington, Del.; and WNEW-TV, WOR-TV, WPIX, WNDT, New York, N.Y.[1] WIBF Broadcasting and U.S. Communications urge that the rationale of footnote 69 of the second report and order requires that the New York signals not be carried on Lower Bucks' Penndel system pending hearing.

3. In the second report and order, the Commission determined that CATV systems should generally carry the signals of all local television stations; that is, those providing predicted Grade B contours over the systems. See also, Shen-Heights TV Association, FCC 68-168, 11 FCC 2d 814. Footnote 69 recognizes that there may be special circumstances that would justify an exception to this rule when there is predicted Grade B overlap between two major markets.

4. New York is the first major market and Philadelphia is the fourth, according

[1] Commissioners Hyde (Chairman), Bartley, Lee, Cox, Loevinger, Wadsworth, and Johnson.

[1] On Apr. 24, 1968, Lower Bucks gave 74.1105 notification of its intention to carry WCBS-TV, WNBC-TV, and WABC-TV, New York, N.Y.

to the 1967 ARB ranking. The carriage of New York signals in the Philadelphia market may interfere with the development of the independent UHF stations in the area. Accordingly, consistent with the rationale of footnote 69, we will explore the question in hearing.[2]

Accordingly, a hearing is ordered, to be consolidated with the hearing in Docket Nos. 18140–18166 at a time and place to be specified in a further order, upon the following issues:

1. To determine the present and proposed penetration and extent of CATV service in the Philadelphia television market.

2. To determine the effects of current and proposed CATV service in the Philadelphia television market upon existing, proposed, and potential television broadcast stations in the market.

3. To determine (a) the present policy and proposed future plans of petitioners with respect to the furnishing of any service other than the relay of the signals of broadcast stations; (b) the potential for such services; and (c) the impact of such services upon television broadcast stations in the market.

4. To determine whether carriage of predicted grade B or better signals from New York City stations should be authorized.

5. To determine whether the applications and proposals are consistent with the public interest.

Lower Bucks Cablevision, Inc., WIBF Broadcasting Co., and U.S. Communications of Philadelphia, Inc., are made parties to the proceeding and to participate must comply with the applicable provisions of § 1.221 of the Commission's rules.

It is further ordered, That respondent, Lower Bucks Cablevision, Inc., has the burden of proceeding and the burden of proof with respect to Issue 1, Issue 2, and Issue 3 insofar as it relates to its own CATV system, and that petitioners have the burden of proceeding and the burden of proof with respect to Issue 4. Issue 5 is conclusory.

Accordingly, the petition of WIBF Broadcasting Co. and U.S. Communications of Philadelphia, Inc., is granted to the extent indicated above and is otherwise denied.

Adopted: June 26, 1968.

Released: July 18, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68-8892; Filed, July 24, 1968; 8:50 a.m.]

[2] Lower Bucks may operate in the interim carrying the Philadelphia, Allentown, and Wilmington signals.

[3] Commissioners Bartley, Loevinger and Wadsworth absent.

[Docket No. 18140, etc.; FCC 68-684]

DELAWARE COUNTY CABLE TELEVISION CO. ET AL.

Memorandum Opinion and Order Instituting Consolidated Hearing

In re petitions by Delaware County Cable Television Co. et al., Docket No. 18140, File No. CATV 100–18, 18141, 18142, 18143, 18144, 18145, 18146, 18147, 18148, 18149, 18150, 18151, 18152, 18153, 18154, 18155, 18156, 18157, 18158, 18159, 18160, 18161, 18162 and 18163, for authority pursuant to § 74.1107 of the Rules to Operate CATV Systems in the Philadelphia, Pa., Television Market (ARB 4) and the Harrisburg-Lancaster-Lebanon-York, Pa., Television Market (ARB 30) or the Wilkes-Barre-Scranton, Pa., Television Market (ARB 69).

In re applications of Rollins, Inc., Newark, Del., Docket No. 18164, File No. 20077–IB–15X; Jerrold-South Jersey T.V. Cable Corp., Mount Holly, N.J., Docket No. 18165, File No. 9538–IB–96X; for construction permits for new point-to-point microwave stations.

In re applications of Rollins, Inc., Docket No. 18166, File Nos. BPCAR–2, BPCAR–3, BPCAR–4, and BPCAR–5, for construction permits for new community antenna relay stations to serve a CATV system at Wilmington, Del.

Lower Bucks Cablevision, Inc., Levittown, Pa., Docket No. 18227, SR–1687, request for special relief filed pursuant to § 74.1109 of the Commission's rules.

1. On December 21, 1966, Lower Bucks Cablevision, Inc. (formerly Telemax of Lo Bux, Inc.) gave notification pursuant to § 74.1105 of the Commission's rules of its intention to commence CATV operation in Levittown and Bristol, Pa., carrying local signals from Philadelphia, Pa.; Burlington, N.J.; Wilmington, Del.; and New York, N.Y.[1] On January 10, 1968, WIBF Broadcasting Co., permittee of Station WIBF–TV, Philadelphia, Pa., and Philadelphia Television Broadcasting Co., licensee of Station WPHL–TV, Philadelphia, Pa., filed a petition for special relief asking the Commission to declare Lower Bucks' 74.1105 notification insufficient, and to prohibit the carriage of New York signals on Lower Bucks' system.[2] On February 12, 1968, and February 15, 1968, respectively, Seven Arts Broadcasting Co., Inc., permittee of Station WGTI, Philadelphia, Pa., and Westinghouse Broadcasting Co., Inc., licensee of Station KYW–TV, Philadelphia, Pa., filed comments regarding this petition. Lower Bucks opposed the petition, and petitioners have replied.

2. The petitions directed against the § 74.1105 notification were not timely filed to invoke the mandatory stay provided by § 74.1109 of the Commission's rules. Petitioners seek to justify their failure to object in a timely manner on two grounds: That service of the § 74.1105 notification was inadequate, and that the notification itself did not adequately identify the area to be served by the proposed CATV systems. In addition, petitioners argue that since Lower Bucks' CATV systems are located within the Philadelphia market (the fourth television market according to 1967 ARB ranking), the rationale of footnote 69 of the second report and order requires that New York television signals not be carried without prior hearing. In view of the failure to obtain a mandatory stay, petitioners urge that special relief be granted pursuant to § 74.1109 of the rules, in accordance with Midwest Television, Inc., FCC 66–683, 4 FCC 2d 612.

3. On the record before us, it appears that § 74.1105 notifications were mailed on behalf of the CATV systems. One petitioning television operator received it at its transmitter site, and one of the petitioners denies recollection of having received it. The Commission's rules are not specific as to the address to which a § 74.1105 notification should be mailed; however, we accept the petitioner's argument that the only address available to it was that of the transmitter. Certainly, it does not seem to impose a burden on the television licensee to require that the mail received by its staff—even at a different address—be forwarded to corporate management. Nor can we accept the argument of "no recollection" as decisive since it does not, by its own terms, deny receipt of the § 74.1105 notification. Moreover, it is undisputed that the § 74.1105 notification was mailed (which is all that the rules call for), and it is an accepted rule that a letter mailed is presumed to be received by the addressee unless a showing to the contrary can be made. Consequently, we hold that Lower Bucks complied with the requirements of § 74.1105 in giving notifications. Nor can we attach great weight to the argument that the notification was deficient in indicating proposed service to a larger area than is actually involved. It seems obvious that, in any event, such notification should have had an even more alarming effect on a station receiving it.[3] Thus, we hold that Lower Bucks fully satisfied the requirements of § 74.1105.

[1] Lower Bucks has since begun operation in Levittown and in Bristol carrying the following signals: KYW–TV, WFIL–TV, WCAU–TV, WPHL–TV, WIBF–TV, WUHY–TV, Philadelphia; WKBS–TV, Burlington, WHYY–TV, Wilmington, and WNEW–TV, WOR–TV, WPIX, and WNDT, New York.

[2] The license for WPHL–TV has been transferred from Philadelphia Television Broadcasting Co. to U.S. Communications of Philadelphia, Inc.

[3] Lower Bucks' notification stated that it intended to serve Middletown Township, Bristol Township, and Bristol Borough. Levittown is an unincorporated housing development located within portions of four municipalities; the townships of Middletown, Bristol, and Falls and the Borough of Tullytown, in Bucks County, Pa.

4. Notwithstanding the fact that petitioners did not avail themselves of their full procedural rights under the rules, they argue that Midwest Television, Inc., supra, warrants granting of special relief at this time, and we have recognized that footnote 69 problems are presented by operation of CATV around Philadelphia carrying New York signals. Delaware County Cable Television Co., FCC 68–294, 12 FCC 2d 529. This presents a difficult problem since, due to petitioners' delay in raising objections, and the CATV systems' good faith reliance on the lack of objections, the CATV systems have gone ahead with construction and begun offering service to the public. We believe the most equitable solution to this problem is to confine carriage by the Lower Bucks systems in Levittown and Bristol of those signals proposed in its notification of December 21, 1966, as well as WLVT–TV, Allentown, Pa., for which § 74.1105 notification was given on January 24, 1968, to those areas where main trunkline cable is located as of the date of this order. Buckeye Cablevision, Inc., FCC 67–1281, 11 FCC 2d 745. Beyond this, we feel that hearing is necessary before Lower Bucks is permitted to supply service to the estimated 14,930 households it ultimately hopes to serve.[4]

Accordingly, a hearing is ordered, to be consolidated with the hearing in Docket No. 18140–18166 at a time and place to be specified in a further order, upon the following issues:

1. To determine the present and proposed penetration and extent of CATV service in the Philadelphia television market.

2. To determine the effects of current and proposed CATV service in the Philadelphia Television market upon existing, proposed, and potential television broadcast stations in the market.

3. To determine (a) the present policy and proposed future plans of petitioners with respect to the furnishing of any service other than the relay of the signals of broadcast stations; (b) the potential for such services; and (c) the impact of such services upon television broadcast stations in the market.

4. To determine whether carriage of predicted grade B or better signals from New York City stations should be authorized.

5. To determine whether the applications and proposals are consistent with the public interest.

It is further ordered, That Lower Bucks Cablevision, Inc., WIBF Broadcasting Co., U.S. Communications of Philadelphia, Inc., Seven Arts Broadcasting Co., Inc., and Westinghouse Broadcasting Co., Inc., are made parties to this proceeding.

[4] On Apr. 24, 1968, Lower Bucks gave 74.1105 notification of its intention to carry WCBS–TV, WNBC–TV, and WABC–TV, New York, N.Y., on its systems. The proposal was opposed on May 29, 1968, by Westinghouse Broadcasting, Inc., licensee of Station KYW–TV, Philadelphia, Pa. In view of the footnote 69 problems discussed above and in the absence of any equitable considerations, Lower Bucks may not carry these New York signals, before hearing.

It is further ordered, That respondent, Lower Bucks Cablevision, Inc., has the burden of proceeding and the burden of proof with respect to Issue 1, Issue 2, and Issue 3 insofar as it relates to its own CATV system, and that petitioners have the burden of proceeding and the burden of proof with respect to Issue 4. Issue 5 is conclusory.

It is further ordered, That pending the outcome of this proceeding, respondent, Lower Bucks Cablevision, Inc., is directed to limit the operations of its CATV systems in Levittown and Bristol as set forth in paragraph 4, above.

It is further ordered, That the "Petition for Declaratory Ruling and for Immediate Temporary and for Permanent Relief Against Carriage of New York Television Signals on CATV systems in the Philadelphia Television Market (Levittown and Bristol)" filed January 11, 1968, by WIBF Broadcasting Co., permittee of Station WIBR–TV, Philadelphia, Pa., is granted to the extent indicated above, but is otherwise denied.

Adopted: June 26, 1968.

Released: July 18, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68-8893; Filed, July 24, 1968; 8:50 a.m.]

[Docket No. 18196; FCC 68M–1078]

HARVEY Z. GHESSER

Order Continuing Hearing

In the matter of Harvey Z. Ghesser, Los Angeles, Calif., suspension of amateur radio operator license (WB6TTF).

On the Hearing Examiner's own motion:

It is ordered, That the hearing now scheduled for September 6, 1968, is continued to September 10, 1968, at 9 a.m. in Los Angeles, Calif.

Issued: July 18, 1968.

Released: July 19, 1968.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68-8895; Filed, July 24, 1968; 8:50 a.m.]

[Docket No. 18197; FCC 68M–1079]

THIRESIA SPIROPOULOU

Order Continuing Hearing

In the matter of Thiresia Spiropoulou, 1028 North Emerson Street, Portland, Oreg. 97217, order to show cause why the license for radio station KRC–0535 in the citizens radio services should not be revoked.

On the Hearing Examiner's own motion:

It is ordered, That the hearing now scheduled for September 11, 1968, is continued to September 13, 1968, at 9 a.m. in Portland, Oreg.

Issued: July 18, 1958.

Released: July 19, 1968.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68-8896; Filed, July 24, 1968; 8:50 a.m.]

[Docket Nos. 18251–18257; FCC 68–731]

LOUIS VANDER PLATE ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Louis Vander Plate, Franklin, N.J., Docket No. 18251, File No. BP–16837, requests: 1000 kc, 250 w, Day; Radio New Jersey, Hackettstown, N.J., Docket No. 18252, File No. BP–16987, requests: 1000 kc, 1 kw, DA, Day; Mid-State Broadcasting Co., Lakewood, N.J., Docket No. 18253, File No. BP–17087, requests: 1170 kc, 5 kw, DA, Day; Arthur S. Steloff, Toms River, N.J., Docket No. 18254, File No. BP–17249, requests: 1170 kc, 1 kw, Day; Seashore Broadcasting Co., Inc., Orleans, Mass., Docket No. 18255, File No. BP–17483, requests: 1170 kc, 1 kw, DA, Day; Lake-River Broadcasting Corp.,[1] Lakewood, N.J., Docket No. 18256, File No. BP–17485, requests: 1170 kc, 5 kw, DA, Day; Somerset Valley Broadcasting Co., Somerville, N.J., Docket No. 18257, File No. BP–17505, requests: 1170 kc, 500 w, DA, Day; for construction permits.

1. The Commission has before it for consideration (a) the above-captioned and described applications; (b) a "Petition to Dismiss Application or in the Alternative to Designate Issues in a Consolidated Proceeding" by Louis Vander Plate ("Vander Plate") directed against Radio New Jersey's ("Radio") application; (c) pleadings in opposition and reply thereto; (d) a "Petition to Deny" by Mid-State Broadcasting Co. ("Mid-State") directed against the application of Arthur S. Steloff ("Steloff"); (e) a "Petition for Waiver of Other Appropriate Relief" by Somerset Valley Broadcasting Co. ("Somerset"); and (f) letters with accompanying engineering affidavits filed on behalf of Basic Communications, Inc., licensee of Station WWVA, Wheeling, W. Va. (1170 kc, 50 kw, DA–N, U) requesting that any grant of the applications of Mid-State, Steloff, Lake-River, or Somerset be subject to a specified condition.

[1] Lake-River Broadcasting Corp. is the successor to Radio New Jersey, the corporate entity which filed the Lakewood application originally. Radio New Jersey principals retained a sufficient interest in the new corporate applicant so that the assignment of a new file number was not necessary. See § 1.571(j)(2) of the Commission's rules.

[5] Commissioners Bartley, Loevinger, and Wadsworth absent.

2. The captioned applications fall into two groups. In the first group are the mutually exclusive applications of Vander Plate and Radio. In the second group are the mutually exclusive applications of Mid-State, Steloff, Lake-River Broadcasting Corp. ("Lake-River"), and Somerset.[2] Also in the second group is the application of Seashore Broadcasting Co., Inc. ("Seashore"), which is mutually exclusive with the Steloff proposal. There is no engineering conflict between the two groups. However, because of a factual dispute raised by the Vander Plate petition, described hereinafter, and involving principals common to both Radio and Lake-River, the Commission will, pursuant to § 1.227(a)(1) of the Commission's rules, consolidate the two groups to permit an orderly resolution of the questions presented.

3. In the letters and accompanying affidavits previously mentioned, WWVA requests that any construction permit granted to Mid-State, Steloff, Lake-River, or Somerset be subject to a condition requiring the permittee to make field intensity measurements to assure adequate protection to WWVA. Examination of the applications and amendments thereto together with the material submitted by WWVA indicates that only in the case of the Steloff proposal will protection to WWVA be critical. Accordingly, in the event of a grant of the Steloff application, an appropriate condition will be specified.

4. With respect to the petition to deny the Steloff application filed by Mid-State, there is no indication that Mid-State served a copy of the petition on Steloff. Therefore, it does not appear that Mid-State complied with the service requirements contained in section 309(d)(1) of the Communications Act of 1934, as amended, and § 1.47 of the rules. Thus, the petition is procedurally defective and will be dismissed. Moreover, Mid-State's substantive contentions are unsupported and without merit. Mid-State requests the denial of the acceptance of Steloff's application alleging that his proposal will not provide a minimum field intensity of 25 mv/m over the business or factory areas of Toms River and, therefore, is not in compliance with § 73.188(b)(1) of the Commission's rules. The Commission's examination of Steloff's showing indicates that the proposed operation will, in fact, comply with § 73.188(b)(1). In any event, although a question of compliance with the requirements of that section would raise an issue to be resolved, it would not constitute grounds for dismissal of an application.

5. Somerset, in its petition for waiver or other relief, requests that the Commission waive § 73.37 of the rules or any other provision in order that the Somerset proposal may be considered not mutually exclusive with the other proposals. The allocation standards applicable to the Somerset proposal are set forth in § 73.37(a) of the rules. The proposed 0.025 mv/m contours of the two Lakewood proposals and the Toms River proposal would overlap the proposed 0.5 mv/m contour of Somerset. Therefore, pursuant to the standards contained in § 73.37(a) of the rules, the Somerset application is mutually exclusive with the applications for Lakewood and Toms River.

6. Section 73.37(b) provides what in effect constitute exceptions to the general standard laid down in § 73.37(a). Section 73.37(b) provides, inter alia:

> An application for a new daytime station or a change in the daytime facilities of an existing station may be granted notwithstanding overlap of the proposed 0.5 mv/m contour and the 0.025 mv/m contour of another cochannel station, where the applicant station is or would be the first standard broadcast facility of a community of any size wholly outside of an urbanized area (as defined by the latest U.S. Census), or the first standard broadcast facility in a community of 25,000 or more population wholly or partly within an urbanized area • • •
>
> *Provided*, That: • • •
>
> (2) No overlap would occur between the 1 mv/m contour of the proposed facilities and the 0.05 mv/m contour of any cochannel station.

Section 73.37(b) is not applicable to the Somerset proposal because Somerville is wholly within the New York-Northeastern New Jersey Urbanized Area and has a population of 12,458 (1960 Census). Somerset argues that the purpose behind the adoption of the more liberal provisions of § 73.37(b) and various factors set out in its petition require a grant of the requested waiver.[3]

7. Somerset states that the reason for the basic relaxation for applications for cities without standard broadcast facilities was the importance of providing a first local outlet for self-expression. The assertion is apparently an allusion to the Commission's statement to the effect that:

> Although it is impossible to devise a system under which every local community, no matter how small, can have its own local station, the benefits of at least one local station in as many communities as possible are obvious. AM Station Assignment Standards, 2 RR 2d 1658, at 1668, paragraph 19.

Somerset also cites the Commission's reason for excluding cities of less than 25,000 located in urbanized areas from this relaxation, namely, that relaxation of the general standard is not warranted for relatively small communities largely of a suburban character, located relatively close to large communities and served by stations therein. Id. at 1669, note 10.

8. Among the factors claimed by Somerset as justifying the application of a more liberal standard are the following: Somerville is the largest community in and the county seat of Somerset County as well as the largest community within the proposed 2 mv/m contour. The coverage of the proposed Somerville station will be concentrated around the community of Somerville. Excluding Station WAWZ, Zarepath, N.J., which shares time with WBNX, N.Y., and operates approximately 31 hours per week, there is no standard broadcast station in Somerset County. Although Somerville is located within the New York-New Jersey Urbanized Area near the western edge, neither Somerville nor the county in which it is located, Somerset, is part of any Standard Metropolitan Statistical Area. Most workers residing in Somerville are employed in Somerset County. Somerset also points out that the New York-Northeastern New Jersey Urbanized Area is the most extensive in the United States and that Somerville is approximately 85 miles from the most distant point in the urbanized area, 36 miles from New York City and some 25 miles from Newark, the nearest principal city in the urbanized area. Somerset claims that Somerville is not a suburb of any principal city and not relatively close to a large community and claims further that service provided by other standard broadcast stations located in the urbanized area is limited.

9. Upon consideration of the foregoing, the Commission recognizes that, absent the pendency of conflicting applications, it might be appropriate in Somerset's case to waive the strict requirements of § 73.37(a) of the rules and treat the application under the less stringent standards of § 73.37(b). However, in the present instance, a hearing is necessary in which one of the ultimate determinations will be the question of which proposal or proposals would best provide a fair, efficient, and equitable distribution of radio service within the meaning of section 307(b) of the Act and a finding at this stage that these less stringent standards should be applied might tend to prejudice the outcome of that hearing. This being the case, the Commission finds that a grant of Somerset's waiver request is justified only to the extent of permitting a consideration of whether circumstances are such that the application of the § 73.37(b) standards would tend to achieve the 307(b) objective. Accordingly, the Hearing Examiner is hereby authorized to receive, for the purposes of the 307(b) determination, all material and relevant evidence, including the location of the pertinent contours, and make findings and conclusions on the question of whether the public interest would be served by treating the Somerset application as one within the purview of the allocation standards set forth in § 73.37(b) of the rules.

[2] The Somerset proposal was also in conflict with an application for a new station in Cornwall, N.Y., which was filed by William L. Edmonds, Jr., trading as Radio Cornwall, BP-17504. That conflict has been removed by an amendment to the Cornwall proposal.

[3] Somerset alleges that there would be no overlap of its proposed one mv/m contour by either proposed Lakewood 0.05 mv/m contour and claims that its proposal would be compatible with either Lakewood proposal. Somerset also claims that the Toms River application could be amended to eliminate the conflict with its proposal. Assuming, arguendo, that Somerset is correct with regard to the Lakewood applications, the conflict between the Toms River and Somerville proposals has not been eliminated, and they continue to be mutually exclusive under either standard since the 0.05 mv/m contour of Toms River overlaps the 1 mv/m contour of Somerville.

10. In the petition filed by Vander Plate requested that Radio's application requested. In the alternative, Vander Plate requested that Radio's application be designated for hearing and that issues be specified to determine (i) whether Radio has made material misrepresentations to the Commission; (ii) whether Radio's proposed site was under its legal control at the time the proposal was filed; (iii) whether Radio's principals made similar misrepresentations with respect to the proposed transmitter site specified in the Lake-River application for the station at Lakewood; and (iv) whether in light of the evidence adduced pursuant to the foregoing issues, Radio (and Lake-River), possess the requisite character qualifications to be broadcast licensees.

11. Radio's application was tendered for filing on October 29, 1965. The proposed transmitter site was described as being located approximately 1.3 miles north of Hackettstown at 40°52'17.3" N., 74°49'49.1" W. In the financial portion of the application, Radio stated that the land was "to be leased." Thus, no stated amount of capital was allocated for its acquisition. Vander Plate states that during the summer of 1966 he interviewed the landowner, Mrs. Florence E. Sheldon, when she stated that she had optioned the proposed transmitter site (included in a parcel consisting of about 32 acres) to one Samuel Kaplan of Paterson, N.J. Examination of a copy of the contract attached to the petition indicates that for $100 Kaplan, on May 20, 1966, received a 3-month option to purchase the property for a total of $85,000 with 29 percent down and the balance payable over a 10-year period at 6 percent interest. Attached also was an extension agreement dated July 20, 1966, signed by Mrs. Sheldon, which, written in longhand, reads as follows:

> I do extend the within option until December 1, 1966. There are no contracts, leases, oral or written to sell or lease this property to anyone else.

Vander Plate claims that he visited Mrs. Sheldon again in November of 1966, and was informed by her that, although Radio continued to list her land as the proposed transmitter site, it was no longer interested in the property and had, in fact, purchased another site. According to Vander Plate, Mrs. Sheldon allowed her property to be listed as the proposed transmitter site simply as an accommodation. Vander Plate alleges that Radio had no intention at the outset of using the site and that negotiations with Mrs. Sheldon which ultimately led to an agreement (dated Dec. 10, 1966) to purchase the land for $96,000 did not begin until after Radio became aware of his investigation into the matter. In light of the above, Vander Plate concludes that since Radio had no arrangements for lease of the land on the day its application was filed, i.e., October 29, 1965, its representation to the Commission to that effect was false.

12. According to Vander Plate, Radio's principals[4] also made false representations in the pending application for a new station at Lakewood, N.J. The application, BP-17485, was filed on October 26, 1966, and listed the proposed transmitter site as being in the town of Lakehurst near the intersection of New Jersey Highways 70 and 571 at 40°01'16" N., 74°16'06" W. Vander Plate alleges that one Gustave Heterbrugge of Bloomfield, N.J., is the owner of the land in question and that he has never met any of the principals of Radio nor has he any interest in disposing of the property.[5]

13. In opposing the Vander Plate petition, Radio relies chiefly upon affidavits by Mrs. Sheldon. In these affidavits, Mrs. Sheldon states that she initially agreed to enter into a written lease option agreement with a right to purchase the land; that Radio mailed her a written option agreement and a check for $150;[6] and that instead of signing the agreement, she extended an oral lease option and agreed to notify Radio so that it would have the opportunity of matching any firm offers to purchase the land which might be received during the term of the oral lease option. According to Mrs. Sheldon, the principals of Radio mentioned that they would undertake to locate a new site and notify her if and when a suitable site was found. After not hearing from Radio for 6 months, Mrs. Sheldon said that she granted an option to Kaplan on the assumption that Radio was no longer interested in her land or had found another site. Mrs. Sheldon avers that she failed to notify Radio of the Kaplan option; that the Kaplan option was an error; that, although she did sign the extension of the Kaplan option, the text is not in her handwriting; that she does not believe that the sentence "there are no contracts, leases, oral or written, to sell or lease this property to anyone else" was part of the extension; and, that she does recall that there was a substantial space between the words "I do extend the within option until December 1, 1966" and the line to which she affixed her signature. Furthermore, Mrs. Sheldon states that although Vander Plate visited her in the summer of 1966, he did not return in November of 1966, as he alleges, and that she did not tell him that she was permitting Radio to list her land as a proposed transmitter site merely as an accommodation.

14. With respect to the allegations concerning the Lakewood transmitter site, Radio claims that at the time the application was filed it had reasonable assurance that the site would be available, but that negotiations with Mr. Heterbrugge failed to produce a contract. In support of this contention, the applicant submitted a letter from a Lakewood real estate broker. In the letter, the broker stated that he showed the property to Robert H. Boughrum, a principal of Radio; that the listed price was $7,500; that he (the broker) called Heterbrugge and was informed that an option price of $9,500 would be satisfactory; that Boughrum was willing, but when Heterbrugge was contacted again, he raised the price to $11,000; and, that Heterbrugge subsequently took the property off the market. Radio also points out that its communications counsel, by letter dated November 18, 1966, informed the Commission that after the application had been filed (i.e., after Oct. 26, 1966), negotiations had fallen through and that the application would be amended within 30 days to specify a new site near the original one.

15. In his reply to Radio's opposition, Vander Plate notes that Mrs. Sheldon is a licensed real estate broker and postulates that she was completely free to option the land to Kaplan because there was no other agreement outstanding. Vander Plate supports this argument by pointing out that the option agreement sent to Mrs. Sheldon by Radio was never signed by her and that she never cashed the $150 check. Vander Plate once again categorically states that he visited Mrs. Sheldon in November of 1966 and that she did say that Radio had apparently found another site since she had not made any arrangements with them. Based on these allegations, Vander Plate asserts that there is ample justification for the Commission to make a full inquiry.

16. With respect to proposed transmitter sites, the Commission has long held that an applicant is not required to establish that it has a binding arrangement, or legal control of the land. Greater New Castle Broadcasting Corp., 8 RR 291, 318 (1953); Suburban Broadcasting Co., Inc., 19 RR 956a (1960). It is sufficient that an applicant propose a site with reasonable assurance in good faith that the site will be available. Brennan Broadcasting Co., 15 RR 12e (1957); Milam & Lansman et al., 4 FCC 2d 610, 7 RR 2d 765 (1966); affirmed sub nom. Christian Fundamental Church v. Federal Communications Commission, ------U.S. App. D.C.------, ------ F.2d ------, 12 RR 2d 2116 (1968). An oral promise by the landowner to sell or lease property is sufficient. Eastside Broadcasting Co., FCC 63 R-528, 1 RR 2d 763.

[4] In this and the following three paragraphs, the term, "Radio", refers to Radio New Jersey as both the applicant for the Hackettstown station and the predecessor of Lake-River Broadcasting Corp. As previously indicated, there are principals common to both corporations, and Radio New Jersey was the applicant for the Lakewood proposal at the time the pleadings under discussion were filed.

[5] There is some confusion over the spelling of the landowner's name. In the material submitted by Vander Plate the spelling, Heterburgge, appears. In the pleadings of Radio New Jersey (now Lake-River Broadcasting Corp.) the name appears as Heterbrugge. Apparently under both spellings the same individual is intended.

[6] A copy of the check and the agreement were attached. The agreement (unsigned) granted Radio a 2-year lease of a 7-acre parcel at the specified location for $2,000 and gave Radio a right of first refusal on any future sale.

Although the principals of the Hackettstown and Lakewood applicants maintain that, at the time of the filing of each application, they had taken steps to make reasonably certain that the sites specified were available, there are inconsistencies between the contentions of Vander Plate on the one hand and those of the Hackettstown-Lakewood principals on the other. It is apparent, therefore, that it is necessary to resolve the conflict on the basis of an evidentiary hearing wherein it may be determined which of the inconsistent representations may be relied upon. Also to be determined in the hearing is the question of whether representations made during the pendency of these applications by either faction have a bearing on the qualifications of the respective applicants. Since the question of the availability of transmitter sites was raised by Vander Plate, he will have the burden of proceeding with the introduction of evidence on this question. The burden of proof of the availability of the sites, however, will be on Radio and Lake-River (Issue 5, below). The burden of establishing the effects of the facts developed on basic qualifications will be on the respective applicants (Issue 6, below).

17. The application of Vander Plate, tendered in July of 1965, was filed before the release of the Commission's report and order adopting a revised form for an applicant's statement of program service to be included in standard and FM broadcast applications. Amendment of section IV (Statement of Program Service) of Broadcast Application Forms 301, etc., 5 RR 2d 1773 (1965). Therefore, the applicant's original program statement was filed on the old form. As originally filed, the applicant did not contain the required schedule of a typical week but did contain what appears to be a schedule for a single day on the applicant's FM station, WLVP. Subsequently the applicant submitted a second program schedule which, again, appears to be a schedule for a single day on WLVP. In a recent amendment, the applicant submitted a schedule of a proposed typical week but failed to comply with the instructions in paragraph 4(b) of the old form in that the classification of each program is not indicated. Percentages to be devoted to the various types of programs were included, but it is difficult to determine whether those percentages accurately reflect the program schedule. For example, it is indicated that 14 percent of the broadcast time will be devoted to talks. However, on the schedule, the programs classified as talks appear to be scheduled for approximately 7 percent of the time. It is evident from an examination of the applicant's material that efforts made to submit complete and accurate information are less than satisfactory. This, in the Commission's view, raises a question of whether the applicant made adequate efforts to inform himself of the needs and interests of the area and whether the service proposed would be responsive to those needs and interests. Therefore, the applicant will be afforded an opportunity to offer evidence concerning his efforts to ascertain the needs and interests of the area to be served and the means by which those needs and interests will be met. In this connection, the Commission notes that, while there is provision on both the old form and the current form for indicating whether an FM station will duplicate the programs of an AM station, there is no provision for indicating whether an AM station will duplicate the programs of an FM station. However, in the present instance, it will be helpful in resolving the program question if the applicant includes information with respect to the extent to which he may duplicate programs on his existing FM station and the proposed AM station.

18. Vander Plate proposes to locate his transmitter at a site lying west of the borough limits of Franklin, N.J. The standard broadcast station will be operated by remote control from studios at the studio-transmitter building of his FM Station, WLVP, located east of the northern limits of Franklin and outside the borough. Thus, the proposed standard broadcast operation will not be in compliance with § 73.30(a) of the Commission's rules inasmuch as the WLVP studio is not located within the community of Franklin, and Vander Plate requests a waiver of that section. In support of the request for waiver, the applicant makes the bare allegation that the waiver will permit the operation of the standard broadcast station from the FM transmitter location. The Commission finds that the reason advanced is not a sufficient basis to warrant the waiver, but the applicant will be given an opportunity to offer any further justification he may have at the hearing.

19. Vander Plate, to meet the cost of construction and 1 year's operation of the proposed standard broadcast station, will require an estimated $11,750 for construction and $3,500 for 1 year's operating expenses or a total of $15,250. The estimated construction cost includes land, $3,750; building, $600; and miscellaneous, $2,000. Vander Plate relies on existing capital of $2,000 and a loan from a banking institution of $15,000. The loan commitment is evidenced by two letters, the first submitted being dated July 16, 1965, and the second submitted being dated July 6, 1965. In each of the letters, it is stated that the commitment expires on July 15, 1968, and neither letter complies with the requirements of paragraph 4(h), page 2, section III of FCC Form 301, in that the letters do not state the terms of repayment and security for the loan. Therefore, an issue will be specified to determine the terms of repayment, including interest, and the security and whether the commitment can be extended beyond July 15, 1968.

20. With respect to the first year's operating expense, Vander Plate's estimate is only $3,500. The applicant's basis for this estimate is not shown. Although the applicant states that the present WLVP staff will be utilized in the operation of the proposed AM station and mentions the possibility of employing an unspecified number of new staff members, this does not appear to provide a clear basis for such a low estimated operating expense. Accordingly, an issue will be specified to permit a showing of the basis for the estimated annual operating expense and whether the estimate is reasonable.

21. The application of Radio New Jersey was tendered on October 29, 1965, and contained the Statement of Program Service (section IV, FCC Form 301) prescribed for applications tendered before November 1, 1965. Thereafter, Radio elected to amend its application to include the program statement on the revised form adopted by the Commission for applications tendered on or after November 1, 1965. Amendment of section IV (Statement of Program Service) of Broadcast Application Forms 301, etc. The applicant's amended program statement indicates that a survey was conducted and that a cross-section of leaders in various fields were interviewed. The names of 12 specific individuals contacted were given. The applicant cites the obvious need for an outlet of local expression and claims that its interviews with community leaders confirmed the needs for national and international news. As to what specific program suggestions may have been made, the applicant's evaluation of those needs and how the evaluation has been related to the program services to be offered, the applicant's statements are silent. The Commission finds that an inquiry should be made in this area to establish the extent of the awareness of the applicant of the needs and interests of the public it proposes to serve and whether its service will be responsive to those needs. See Minshall Broadcasting Co., Inc., et al., 11 FCC 2d 796, 12 RR 2d 502 (1968).

22. Site photographs submitted by Mid-State do not show sufficient detail for a determination that conditions in the vicinity of the antenna system would or would not distort the proposed antenna radiation pattern. Therefore, an appropriate issue will be specified.

23. In the Steloff statement of program service, the applicant mentioned discussions held with civic and community leaders in 1962. He also stated that he had reviewed the record in an FM proceeding on applications for an FM station in Toms River (Ocean County Radio Broadcasting Co., et al., 4 FCC 2d 953, 8 RR 2d 695 (1966)) for the purpose, at least in part, of planning his program service to contribute to the overall diversity of local service. Among the methods used to ascertain the needs and interests of the area were an unspecified number of interviews, research and discussion with personal friends. The applicant also cites his residence in the area for several years. Regarding the applicant's proposal to meet the needs of the area, his statement is a general indication of what may be his own views but does not clearly indicate whether it is directly responsive to whatever needs may have been ascertained. An issue will be specified to permit clarification in this area.

24. Examination of the Lake-River application indicates that, based on the applicant's estimates, approximately $93,944 will be required to meet the cost of construction and 1 year's operation. These costs consist of the following: Down payment on equipment, $13,944; building, $6,000; miscellaneous, $4,000; working capital, $70,000. The $70,000 working capital includes payments on principal ($13,944) and interest ($2,092) on equipment. To meet these costs the applicant relies on existing capital of $10,000 and a loan of $100,000 from Donald Towbin of Lakewood who is treasurer, director, and one of the stockholders of the corporation. In lieu of a corporate balance sheet as contemplated by paragraph 2(a), section III of FCC Form 301, the applicant filed a statement captioned "Plan of Financing." In the statement, it is indicated that unspecified stockholders have purchased 1,000 shares of stock for a total of $10,000. This amount, it is said, will be used to meet the costs of prosecuting the application and of miscellaneous items. In the absence of the required balance sheet, it is not clear whether the entire $10,000 is available for the purposes intended. With respect to the loan commitment of Mr. Towbin, the information supplied indicates that the prospective lender appears to have a maximum of $47,900 in cash and liquid assets and is the debtor on a note on which there is no indication of what part may be a current liability. Moreover, Mr. Towbin's commitment does not indicate the terms of repayment, interest, and security for the loan. Therefore, Lake-River will be afforded an opportunity to provide clarification of its financial plans.

25. Lake-River proposes an antenna site and directional antenna system oriented in such a manner that part of the city of Lakewood is located in a null area of the proposed radiation pattern. In addition, the site photographs are unsatisfactory. Accordingly, issues on these matters will be included.

26. It appears that, in order to meet construction cost and operating expenses for 1 year, Somerset will require $56,664 for equipment, $2,500 for building, $15,000 for miscellaneous expenses and $92,000 for 1 year's working capital. These figures are based on the applicant's estimates. To meet these expenses the applicant has $50,000 in existing capital and a loan commitment from a banking institution in the amount of $120,000. The statement from the bank, however, does not indicate the terms of repayment or what security may be required. Therefore, it appears that in addition to the funds previously mentioned, the applicant may require funds to meet payments on the principal of the loan and interest. Accordingly, it will be necessary to include an issue to permit clarification of Somerset's financial plan.

27. Except as indicated below, each of the applicants is qualified to construct and operate as proposed. However, because of the matters indicated above, the Commission is unable to make a statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing on the issues set forth below.

28. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, and § 1.227(a)(1) of the Commission's rules, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

(2) To determine whether the proposal of Louis Vander Plate is in compliance with § 73.30(a) of the Commission's rules with respect to location of the main studio, and, if not, whether circumstances exist which would warrant a waiver of said section.

(3) To determine whether the transmitter sites proposed by the Mid-State Broadcasting Co. and the Lake-River Broadcasting Corp. are satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation patterns.

(4) To determine what circumstances, if any, exist which would justify the selection of the site and antenna design proposed by the Lake-River Broadcasting Corp. which would produce signals over the city of Lakewood, N.J., from a null area of the proposed radiation pattern.

(5) To determine whether, at the time of the filing of the applications of Radio New Jersey for construction permits for stations in Hackettstown and Lakewood, N.J., there was reasonable assurance that the antenna sites proposed in both applications were available for the use then proposed.

(6) To determine the facts and circumstances with respect to the efforts made to secure the aforementioned sites and the facts and circumstances with respect to the ensuing controversy and their effect on the requisite and comparative qualifications of Louis Vander Plate, Radio New Jersey, and Lake-River Broadcasting Corp. to receive a grant of their respective applications.

(7) To determine the efforts made by Louis Vander Plate, Radio New Jersey, and Arthur S. Steloff to ascertain the community needs and interests of the respective areas to be served and the means by which the applicants propose to meet those needs.

(8) To determine with respect to the application of Louis Vander Plate:

(a) The basis of the applicant's estimate of construction costs and annual operating expenses and whether the estimate is reasonable;

(b) The terms of repayment including interest and the security for the loan from the banking institution and whether the commitment may be extended beyond July 15, 1968, if necessary; and

(c) In the light of the evidence adduced pursuant to the foregoing (a) and (b), whether Louis Vander Plate is financially qualified.

(9) To determine with respect to the application of the Lake-River Broadcasting Corp.:

(a) Whether the proceeds from the sale of capital stock are available in whole or in part for the purposes intended;

(b) To determine the source of additional funds required to meet the commitment of Donald Towbin to lend funds to the applicant, and the terms of repayment including interest and security for the loan; and

(c) In the light of the evidence adduced pursuant to the foregoing (a) and (b), whether the Lake-River Broadcasting Corp. is financially qualified.

(10) To determine with respect to the application of the Somerset Valley Broadcasting Co.:

(a) The terms of repayment including interest and security for the loan to be secured from a banking institution;

(b) The source of additional funds that may be required; and

(c) In the light of the evidence adduced pursuant to the foregoing (a) and (b), whether the Somerset Valley Broadcasting Co., is financially qualified.

11. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

12. To determine, in the event it is concluded that a choice between the applicants should not be based solely on considerations relating to section 307(b), which of the proposals would best serve the public interest.

(13) To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

29. *It is further ordered,* That the burden of proceeding with the introduction of evidence with respect to Issue 5 shall be upon Louis Vander Plate and the burden of proof shall be upon Radio New Jersey and Lake-River Broadcasting Corp; and that the burden of proceeding with the introduction of evidence and the burden of proof with respect to Issue 6 shall be upon the respective applicants.

30. *It is further ordered,* That the "Petition to Dismiss Application or in the Alternative to Designate Issues in a Consolidated Proceeding" filed against the application of Radio New Jersey by Louis Vander Plate *Is granted* to the extent indicated herein and *Is denied* in all other respects.

31. *It is further ordered,* That the "Petition to Deny" the application of Arthur S. Steloff filed by Mid-State Broadcasting Co. is dismissed.

32. *It is further ordered,* That the "Petition for Waiver or Other Appropriate Relief" filed by Somerset Valley Broadcasting Co. *Is granted* to the extent indicated above and *Is denied* in all other respects.

33. *It is further ordered,* That the requests of Basic Communications, Inc. (WWVA), that any grant of the applications of Mid-State Broadcasting Co., Arthur S. Steloff, Lake-River Broadcasting Corp., or Somerset Valley Broadcasting Co. be subject to a condition to assure adequate protection to Station

WWVA are denied except to the extent that, in the event of a grant of the application of Arthur S. Steloff, the construction permit shall be subject to the following condition: Before program tests are authorized, permittee shall submit sufficient field intensity measurement data made in pertinent directions toward WWVA, Wheeling, W. Va., to establish that the inverse distance field does not exceed 190 mv/m/kw as proposed.

34. *It is further ordered*, That, in the event of a grant of any of the applications, the construction permit shall include the following condition: Any presunrise operation must conform with §§ 73.87 and 73.99 of the rules as amended June 28, 1967 (32 F.R. 10437), supplementary proceedings (if any) involving Docket No. 14419, and/or the final resolution of matters at issue in Docket No. 17562.

35. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants, herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this memorandum opinion and order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

36. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 17, 1968.

Released: July 22, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68-8894; Filed, July 24, 1968; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

PIONEER ALASKA LINE AND ALASKA STEAMSHIP CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Raymond J. Petersen, Attorney for Kimbrell-Lawrence Transportation, Inc., d.b.a. Pioneer Alaska Line, Kumm, Maxwell, Petersen and Lee, 1505 Norton Building, Seattle, Wash. 98104.

Amended agreement designated No. DC-25(4) between Kimbrell-Lawrence Transportation, Inc., doing business as Pioneer Alaska Line (KLTI) and Alaska Steamship Co. (ASSCO) proposes to modify their approved agreement for the bare boat charter of C1-M-AV1 type vessel by ASSCO to KLTI for a period of 3 years and annually thereafter.

Under the proposed amendment KLTI will pay the first $100,000 or 75 percent thereof from its annual net profit to ASSCO in order to amortize a loan at 6 percent per annum in an amount equivalent to the direct cost incurred by ASSCO in outfitting the Polar Pioneer.

Furthermore, the proposed amendment provides that when and if ASSCO has received any reduction of its liability for Federal income taxes by reason of a tax benefit arising from its investment in the Polar Pioneer, the direct cost to ASSCO in the outfitting of the Polar Pioneer, shall be decreased by the amount of such a tax benefit.

Agreement No. DC-25(4) is proposed to become effective upon the approval by the Federal Maritime Commission under section 15, Shipping Act, 1916.

Dated: July 22, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Assistant Secretary.*

[F.R. Doc. 68-8881; Filed, July 24, 1968; 8:49 a.m.]

U.S. ATLANTIC AND GULF/AUSTRALIA-NEW ZEALAND CONFERENCE

Notice of Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract forms and of the petition, reflecting the changes proposed to be made in the language of said contracts, at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application to modify an approved dual rate contract filed by:

Mr. Marcus E. Rough, Secretary, U.S. Atlantic & Gulf/Australia-New Zealand Conference, 17 Battery Place, New York, N.Y. 10004.

The U.S. Atlantic & Gulf/Australia-New Zealand Conference, Agreement 6200, has filed with the Commission an application to modify its approved form of dual rate contract pursuant to section 14b of the Shipping Act, 1916. The proposed modification would establish "currency devaluation by governmental action" as a force majeure circumstance warranting suspension of the contract system pursuant to Article 15(a) of the contract; or an appropriate increase in rates in lieu of suspension pursuant to Article 15(b).

Dated: July 19, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Assistant Secretary.*

[F.R. Doc. 68-8882; Filed, July 24, 1968; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2317]

APPALACHIAN POWER CO.

Notice of Amended Application for License for Constructed Project

JULY 17, 1968.

Public notice is hereby given that an amended application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Appalachian Power Co. (Appalachian) (correspondence to: H. B. Cohn, Vice President, Appalachian Power Co., Post Office Box 7, Church Street Station, New York, N.Y. 10008) for unconstructed Project No. 2317, known as the Blue Ridge project, on the New River and which would be located in the counties of Grayson, Carroll, and Wythe, all in the Commonwealth of Virginia; and the Ashe and Alleghany in the State of North Carolina.

This present filing by Appalachian is for a modification of the plan of development proposed in its application for license for the Blue Ridge Project No. 2317, filed on February 26, 1965.

The modified project, as presently proposed, would consist of: An upper, pumped storage development comprising: (1) A 300-foot high, 1,700-foot long rock-fill dam to be about 1,500 feet downstream of Shoal Creek; (2) a gated concrete ogee spillway in a saddle near the right abutment of the dam; (3) several dikes around the rim of the reservoir; (4) a 26,000-acre reservoir (at elevation 2,652 feet, U.S.C. & G.S. datum, the normal maximum pool elevation) with a usable storage capacity of 290,000 acre-feet at a maximum drawdown of 12 feet; the maximum drawdown during the recreation season is to be 10 feet; (5) eight tunnels to the powerhouse, each with a headgate; (6) a powerhouse near the toe of the dam, with eight vertical-shaft, Francis-type pump-turbines each connected to a 200,000-kw. motor-generator; (7) two 31-mile-long single circuit 765-kv. transmission lines to connect to a switching station near Jackson Ferry, Va.; and a lower, conventional hydroelectric development comprising: (1) A 255-foot high, 1,900-foot-long rockfill dam to be about 2,300 feet downstream of Meadow Creek (30 river miles downstream of the upper dam); (2) a gated concrete ogee spillway 3,000 feet from the left abutment of the dam; (3) several dikes around the rim of the reservoir; (4) a 14,500-acre reservoir (at elevation 2,430 feet which is the maximum surface elevation during nonflood periods); it is planned to store up to 160,000 acre-feet of flood flows between elevations 2,430 and 2,440 feet when necessary; 466,000 acre-feet of storage capacity for power purposes and water quality control would be available between elevations 2,390 and 2,440 feet; (5) two tunnels to the powerhouse, each with a headgate; (6) a powerhouse near the toe of the dam with two conventional Francis-type turbines each connected to a 100,000-kw. generator; (7) a double circuit 138-kv. transmission line, about 4 miles long, to connect with a switching station near Fries, Va.; and (8) appurtenant facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 11, 1968, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). Those persons or groups already granted intervention in this proceeding need not file new petitions. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 68-8828; Filed, July 24, 1968; 8:45 a.m.]

[Project No. 2205]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Notice of Extension of Time

JULY 18, 1968.

Upon consideration of the request filed July 16, 1968, by counsel for Central Vermont Public Service Corp. for an extension of time from July 19, 1968, to August 30, 1968, to comply with paragraph (C) of the order issued June 21, 1968, providing for filing of direct testimony in the above-designated proceeding, and for postponement of hearing now scheduled for July 30, 1968, to September 16, 1968;

Notice is hereby given that the time is extended to and including August 30, 1968, within which applicant and Secretary of Interior shall comply with paragraph (C) of the order issued June 21, 1968; and that the date of the hearing is postponed to September 16, 1968.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 68-8829; Filed, July 24, 1968; 8:45 a.m.]

[Docket No. CP69-5]

LYONS GAS CO., INC., AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

JULY 17, 1968.

Take notice that on July 9, 1968, Lyons Gas Co., Inc. (Applicant), filed in Docket No. CP69-5 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Michigan Wisconsin Pipe Line Co. (Respondent) to establish physical connection of its natural gas transmission facilities with the facilities proposed to be constructed by Applicant, and to sell and deliver to Applicant the natural gas requirements for the Village of Lyons, Ohio, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Respondent's transmission pipeline comes within 2 miles of the village limits of Lyons. Applicant proposes to construct a welded steel coated and wrapped line from the delivery point to the village limits and then convert to Aldyl "A" plastic pipe distribution system.

The natural gas service sought herein will be initial service. Applicant states that Lyons is a farming village trying to encourage small industry to locate and it is felt that natural gas service would be one of the first incentives needed to attract such industry.

The estimated third year annual and peak day requirements of Applicant are 47,660 Mcf and 847 Mcf, respectively.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 12, 1968.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 68-8830; Filed, July 24, 1968; 8:45 a.m.]

[Docket No. E-7429]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

JULY 17, 1968.

Take notice that on July 9, 1968 Montana-Dakota Utilities Co. (Applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of $12 million in promissory notes.

Applicant is incorporated under the laws of the State of Delaware with its principal business office at Minneapolis, Minn., and is engaged in the gas and electric utility business in the States of Montana, North Dakota, South Dakota, and Wyoming.

Applicant proposes to issue the notes to commercial banks on or before February 28, 1969. Each note will bear interest at the prime commercial rate and will mature not more than 1 year from the date of its issuance.

The purpose for which such notes are to be issued is (1) to provide for the payment of $3 million of promissory notes due in 1968, which were issued in 1967 to provide temporary financing for part of the cost of constructing additions to the Applicant's electric, gas, and common utility plant during the year 1967, and (2) to provide temporary financing for part of the cost of the 1968 construction program. This program includes $1.9 million from electric transmission and distribution facilities and $2.9 million for gas facilities,

Any person desiring to be heard or to make any protest with reference to said application should on or before August 12, 1968, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 68-8831; Filed, July 24, 1968; 8:45 a.m.]

[Docket No. CP69-6]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

JULY 17, 1968.

Take notice that on July 11, 1968, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP69-9 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities and for a certificate of public convenience and necessity authorizing Applicant to construct and operate certain natural gas facilities in the La Salle-Peru and Depue, Ill., areas, and to continue the sale and delivery of natural gas to Illinois Power Co. (Illinois), all as more fully set forth in the application which is on file with

[1] Commissioner Lee concurring in the result.

the Commission and open to public inspection.

Specifically, Applicant seeks authorization to: (1) Construct a meter station on its La Salle Sales Lateral No. 1 to replace two existing meter stations located approximately 1½ and 3½ miles, respectively, from Applicant's main Amarillo Line transmission pipeline on said La Salle Sales Lateral No. 1 and its La Salle Sales Lateral No. 3, a stub line therefrom, in La Salle County, Ill.; (2) abandon the two existing meter stations; (3) abandon its La Salle Sales Lateral No. 1 (except for the first 250 feet thereof) in La Salle County, Ill.; (4) abandon its La Salle Sales Lateral No. 3 in La Salle County, Ill., by sale to Illinois the only customer being served by said facilities; and (5) abandon its existing Depue meter station in Depue, Ill., and appurtenant facilities thereto.

Total estimated cost of Applicant's proposed facilities is $15,000, which cost will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 15, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and/or permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8832; Filed, July 24, 1968; 8:45 a.m.]

[Docket No. RI68-613, etc.]

READING & BATES OFFSHORE DRILLING CO. ET AL.

Order Severing and Terminating Proceeding

JULY 18, 1968.

Reading & Bates Offshore Drilling Co. (operator) et al., Docket No. RI68-613; area rate proceeding (Permian Basin Area, order to show cause), Docket No. AR61-1.

On April 12, 1968, Reading & Bates Offshore Drilling Co. (operator) et al. (Reading) filed a proposed increase in rate from 9 cents to 10 cents per Mcf, for a sale of natural gas to El Paso Natural Gas Co. in the Permian Basin area of New Mexico. The sale is made from the North Justis Blinebry and North Justis Tubb Drinkard Fields, Lea County, N. Mex. The proposed increase in rate was designated as Supplement No. 11 to Reading's FPC Gas Rate Schedule No. 2.

Reading, by succession is a respondent in the Permian Basin Area Rate Proceeding, Docket No. AR61-1, under the order to show cause issued therein. 34 FPC 424.

Because Reading had not filed a quality statement for the subject sale of natural gas, the Commission by order dated May 9, 1968, suspended the proposed increase in rate for a period of 1 day, ending May 14, 1968.

On May 27, 1968, Reading filed an acceptable quality statement which establishes an applicable ceiling rate of 15.68 cents per Mcf.[1] Concurrently Reading filed with the quality statement a related motion requesting that the proceeding in Docket No. RI68-613 be terminated and that it be relieved of any refund obligation in the proceeding.

The Commission finds: The quality statement filed by Reading on May 27, 1968, should be accepted as filed, the proceeding in Docket No. RI68-613 should be terminated, and Reading be relieved of any refund obligation in the proceeding.

The Commission orders:

(A) The quality statement filed by Reading on May 27, 1968, is accepted for filing as Supplement No. 12 to Reading's FPC Gas Rate Schedule No. 2, and said quality statement is made effective as of September 1, 1965.

(B) The proceeding in Docket No. RI68-613 is terminated and Reading is relieved of any refund obligation in said proceeding, and Reading is severed from the proceeding instituted by the order to show cause (issued August 5, 1965, 34 FPC 424) in the Permian Basin Area Rate Proceeding, Docket No. AR61-1.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc 68-8833; Filed, July 24, 1968; 8:45 a.m.]

[Docket No. RI68-693, etc.]

SHELL OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

JULY 16, 1968.

In order providing for hearings on and suspension of proposed changes in rates, issued June 26, 1968, and published in the FEDERAL REGISTER July 1, 1968 (F.R. Doc. 68-7942), 33 F.R. 9798, Docket No. RI68-693 et al., the attached page was inadvertently omitted from that order.

GORDON M. GRANT,
Secretary.

APPENDIX A

Signal Oil and Gas Co. (Operator) (Signal) request waiver of the statutory notice and a retroactive effective date of January 1, 1968, for its proposed rate increase. Shell Oil Co. (Shell) requests an effective date of July 1, 1968, for its proposed rate increases. Texaco, Inc. (Texaco) requests waiver of the statutory notice to permit its proposed rate increase to become effective as of June 1, 1968. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Signal, Shell, and Texaco's rate filings and such requests are denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 68-8834; Filed, July 24, 1968; 8:45 a.m.]

[Docket No. RI69-10]

TESORO PETROLEUM CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

JULY 18, 1968.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate suplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 4, 1968.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI69-10.....	Tesoro Petroleum Corp., 533 Busby Dr., San Antonio, Tex. 78209.	[1]	4	Cities Service Gas Co. (East Antelope Mississippi Gas Field, Marion County, Kans.).	$4,000	6-19-68	[2] 7-20-68	[3] 7-21-68	[5] 15.0	[4] [6] 16.0	

[1] Basic contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1 and proposed rate does not exceed 16-cent area initial rate ceiling.
[2] The stated effective date is the effective date proposed by Respondent.
[3] The suspension period is limited to 1 day.
[4] Periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Subject to a downward B.t.u. adjustment.

The contract related to the rate filing of Tesoro Petroleum Corp. (Tesoro) was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed increased rate of 16 cents per Mcf exceeds the area increased rate ceiling of 11 cents per Mcf for Kansas, but does not exceed the initial service ceiling of 16 cents per Mcf established for the area involved. We believe, in this situation, Tesoro's proposed rate filing should be suspended for 1 day from July 20, 1968, the proposed effective date.

[F.R. Doc. 68-8836; Filed, July 24, 1968; 8:45 a.m.]

[Docket Nos. RI68-698, etc.]

TEXACO, INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund; Correction

JULY 16, 1968.

In order providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to become effective subject to refund, issued June 27, 1968, and published in the FEDERAL REGISTER July 6, 1968 (F.R. Doc. 68-8008), 33 F.R. 9799, Docket Nos. RI66-698 et al., the attached page was inadvertently omitted from that order.

GORDON M. GRANT,
Secretary.

APPENDIX A

Sarkeys, Inc. (Operator) et al., (Sarkeys) request waiver of the statutory notice to permit their proposed rate increase to become effective as of June 15, 1968. Calvert-Mid America, Inc., and Calvert Exploration Co. (Operator) et al., (both referred to herein as Calvert) request waiver of the statutory notice to permit their proposed rate increases to become effective "immediately". Good cause has not been shown for waiving the 30-day notice requirement provided in section 4 (d) of the Natural Gas Act to permit earlier effective dates for Sarkeys and Calvert's rate filings and such requests are denied.

Texaco, Inc. (Texaco), proposes a periodic rate increase from 13 cents to 14 cents per Mcf, amounting to $13,062 annually, for a wellhead sale of gas to Phillips Petroleum Co. (Phillips) from the Texas Hugoton Field, Moore and Sherman Counties, Tex. (Railroad District No. 10). Phillips gathers and processes the gas and resells the residue gas to either of two interstate pipeline companies. Phillips resale rates are both in effect subject to refund.[13] Although the proposed increase is not dependent upon a corresponding increase in rate by Phillips, it does exceed the applicable area increased rate ceiling of 11 cents per Mcf for Texas Railroad District No. 10 as announced in the Commission's statement of general policy No. 61-1, as amended. Consistent with prior Commission action on similar sales to Phillips, Texaco's proposed rate increase should be suspended for 1 day from July 21, 1968, the proposed effective date.

Sarkeys and Calvert's proposed rate increases are for tax reimbursement only and exceed the area increased rate ceilings of 11 cents per Mcf for Oklahoma "Other" and Panhandle Areas as announced in the Commission's statement of general policy No. 61-1, as amended, and should be suspended. Since the proposed increases relate to tax reimbursement only, we conclude that they should be suspended for 1 day from July 11, 1968 (Sarkeys), and July 7, 1968 (Calvert), the dates of expiration of the statutory notice.

[F.R. Doc. 68-8835; Filed, July 24, 1968; 8:45 a.m.]

[13] The dedicated acreage is in the area where the gas could go to Phillips' Sherman, or Dumas Plants for processing. Phillips resells the gas in the area from its Sherman Plant to Michigan Wisconsin Pipe Line Co. under its FPC Gas Rate Schedule No. 4 and from its Dumas Plant to El Paso Natural Gas Co. under its FPC Gas Rate Schedule No. 32 at rates which are in effect subject to refund.

SECURITIES AND EXCHANGE COMMISSION

AMERICAN CHECKMASTER SYSTEM, INC.

Order Suspending Trading

JULY 19, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of American Checkmaster System, Inc., Houston, Tex., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 21, 1968, through July 30, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-8864; Filed, July 24, 1968; 8:48 a.m.]

[File No. 1-3909]

BSF CO.

Order Suspending Trading

JULY 19, 1968.

The capital stock (66⅔ cents par value) and the 5¾ percent convertible subordinated debentures due 1969 of BSF Co. being listed and registered on the American Stock Exchange, and such capital stock being listed and registered

on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the said common stock on such exchanges and in the debenture on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 19, 1968, at 10:45 a.m., e.d.t., through July 28, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-8868; Filed, July 24, 1968; 8:48 a.m.]

[File No. 1-4672]

CAMEO-PARKWAY RECORDS, INC.

Order Suspending Trading

JULY 19, 1968.

The common stock, 10 cents par value, of Cameo-Parkway Records, Inc., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Cameo-Parkway Records, Inc., Philadelphia, Pa., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 22, 1968, through July 31, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-8867; Filed, July 24, 1968; 8:48 a.m.]

ROVER SHOE CO.

Order Suspending Trading

JULY 19, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Rover Shoe Co., Bushnell, Fla., and stock purchase warrants of Rover Shoe Co. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 20, 1968, through July 29, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-8865; Filed, July 24, 1968; 8:48 a.m.]

[File No. 1-2879]

ROYSTON COALITION MINES, LTD.

Order Suspending Trading

JULY 19,1968.

The capital stock 1-cent par value of Royston Coalition Mines, Ltd., being listed and registered on the Salt Lake Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Royston Coalition Mines, Ltd., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exhange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Salt Lake Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 20, 1968, through July 29, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-8866; Filed, July 24, 1968; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 677]

TEXAS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1968, because of the effects of certain disasters, damage resulted to residences and business property located in the county of Collingsworth, in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the condition in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on or about July 16, 1968.

OFFICE

Small Business Administration Regional Office, 1616 19th Street, Lubbock, Tex. 79401.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1969.

Dated: July 18, 1968.

HOWARD GREENBERG,
Acting Administrator.

[F.R. Doc. 68-8869; Filed, July 24, 1968; 8:49 a.m.]

AMERICAN BUSINESS CAPITAL CORP. ET AL.

Notice of License Revocations

Notice is hereby given that the corporations listed below, each licensed by the Small Business Administration (SBA) to operate solely as small business investment companies (SBICs) under the Small Business Investment Act of 1958, as amended (Act) were defendents in civil actions brought by the Small Business Administration. The complaint in each action alleged among other matters violations of the Act and the SBA regulations promulgated thereunder (regulations). In each action the court determined and adjudged that the respective corporation had violated, or failed to comply with, the Act and the regulations; in addition, the court appointed SBA as receiver.

Name: American Business Capital Corp.
Location: Los Angeles, Calif.
Licensing date: Sept. 1, 1960.
License No.: 14-0010.
Court, Docket No., and date of court order: U.S. District Court for the Central District of California, Civil Action No. 67-212-F, May 18, 1967.
Name: Applied Science Capital Corp.
Location: Denver, Colo.
Licensing date: Sept. 28, 1961.
License No.: 11-0009.
Court, Docket No., and date of court order: U.S. District Court for the District of Colorado, Civil Action No. 66-C-266, Apr. 21, 1967.
Name: California Capital Corp. (formerly Northern California Cap. Corp.).
Location: Orange, Calif.
Licensing date: Feb. 26, 1962.
License No.: 12-0058.

Court, Docket No., and date of court order: U.S. District Court for the Central District of California, Civil Action No. 66-347-F, Jan. 30, 1967.
Name: Capital Infusion, Inc.
Location: San Diego, Calif.
Licensing date: July 31, 1961.
License No.: 14-0027
Court, Docket No., and date of court order: U.S. District Court for the Central District of California, Civil Action No. 3566-SD-C, Dec. 8, 1966.
Name: First Preferred Capital Investment Corp.
Location: Anaheim, Calif.
Licensing date: Nov. 16, 1961.
License No.: 14-0025.
Court, Docket No., and date of court order: U.S. District Court for the Central District of California, Civil Action No. 66-1064-TC, Jan. 30, 1967.
Name: Harvard Small Business Investment Co.
Location: San Francisco, Calif.
Licensing date: Sept. 8, 1961.
License No.: 14-0015.
Court, Docket No., and date of court order: U.S. District Court for the Central District of California, Civil Action No. 68-398-WPG May 23, 1968.
Name: Mutual Equity Capital Corp.
Location: Los Angeles, Calif.
Licensing date: Dec. 24, 1963.
License No.: 14-0048.
Court, Docket No., and date of court order: U.S. District Court for the Central District of California, Civil Action No. 66-1933-WPG, June 21, 1967.
Name: Newman Capital Corp.
Location: Denver, Colo.
Licensing date: June 28, 1963.
Licensing No.: 11-0022.
Court, Docket No., and date of court order: U.S. District Court for the District of Colorado, Civil Action No. 66-C-195, Feb. 13, 1967.
Name: Reliance Small Business Investment Corp.
Location: Scottsdale, Ariz.
Licensing date: Feb. 20, 1962.
License No.: 14-0026.
Court, Docket No., and date of court order: U.S. District Court for the District of Arizona, Civil Action No. 6144-PHX, Jan. 5, 1967.
Name: San Francisco Capital Corp.
Location: Los Angeles, Calif.
Licensing date: Nov. 13, 1961.
License No.: 12-0028.
Court, Docket No., and date of court order: U.S. District Court for the Central District of California, Civil Action No. 66-186-F, June 13, 1967.
Name: Technology Investors, Inc. (formerly Southeast Business Investment Corp.).
Location: Arcadia, Calif.
Licensing date: Feb. 10, 1960.
License No.: 14-0008.
Court, Docket No., and date of court order: U.S. District Court for the Central District of California, Civil Action No. 66-1860-CC, Dec. 7, 1967.
Name: Westwood Capital Co.
Location: Van Nuys, Calif.
Licensing date: May 29, 1962.
License No.: 14-0059.
Court, Docket No., and date of court order: U.S. District Court for the Central District of California, Civil Action No. 67-780-TC, June 5, 1967.
Name: American Capital Corp.
Location: Brookline, Mass.
Licensing date: Jan. 22, 1962.
License No.: 01-0028.
Court, Docket No., and date of court order: U.S. District Court for the District of Massachusetts, Civil Action No. 66-837-F, July 10, 1967.
Name: Cambridge Capital Corp.
Location: Boston, Mass.
Licensing date: June 6, 1961.
License No.: 01-0016.
Court, Docket No., and date of court order: U.S. District Court for the District of Massachusetts, Civil Action No. 67-15-J, June 27, 1967.
Name: Hartford Small Business Capital Corp.
Location: Pine Meadow, Conn.
Licensing date: Feb. 8, 1962.
License No.: 02-0087.
Court, Docket No., and date of court order: U.S. District Court for the District of Connecticut, Civil Action No. 11099, Feb. 16, 1967.
Name: Union Capital Corp.
Location: Boston, Mass.
Licensing date: Apr. 6, 1961.
License No.: 01-0012.
Court, Docket No., and date of court order: U.S. District Court for the District of Massachusetts, Civil Action No. 66-852-W, Jan. 3, 1967.
Name: Capital Interests Corp.
Location: King of Prussia, Pa.
Licensing date: May 16, 1962.
License No.: 03-0045.
Court, Docket No., and date of court order: U.S. District Court for the Eastern District of Pennsylvania, Civil Action No. 41656, July 27, 1967.
Name: Cleveland Small Business Investment Co.
Location: Cleveland, Ohio.
Licensing date: Jan. 8, 1960.
License No.: 06-0002.
Court, Docket No., and date of court order: U.S. District Court for the Northern District of Ohio, Civil Action No. 66-925, Dec. 12, 1966.
Name: First Central Penn Investment Corp.
Location: Lancaster, Pa.
Licensing date: Aug. 6, 1962.
License No.: 03-0043.
Court, Docket No., and date of court order: U.S. District Court for the Middle District of Florida, Civil Action No. 67-381, Jan. 15, 1968.
Name: First Equity Capital Corp.
Location: Rahway, N.J.
Licensing date: Apr. 16, 1961.
License No.: 02-0069.
Court, Docket No., and date of court order: U.S. District Court of the District of New Jersey, Civil Action No. 901-66, Nov. 22, 1966.
Name: Kohler Capital Corp.
Location: Brooklyn, N.Y.
Licensing date: Jan. 17, 1963.
License No.: 02-0206.
Court, Docket No., and date of court order: U.S. District Court for the Eastern District of New York, Civil Action No. 66-C-1040, Aug. 19, 1967.
Name: Newton Capital Corp.
Location: New York, N.Y.
Licensing date: Mar. 30, 1961.
License No.: 02-0072.
Court, Docket No., and date of court order: U.S. District Court for the Southern District of New York, Civil Action No. 67-CIV-2365, July 19, 1967.
Name: Westchester Capital Corp.
Location: New York, N.Y.
Licensing date: July 5, 1961.
License No.: 02-0086.
Court, Docket No., and date of court order: U.S. District Court for the Southern District of New York, Civil Action No. 66-CIV-1520, Dec. 5, 1966.
Name: Clearwater Capital Corp.
Location: Clearwater, Fla.
Licensing date: Dec. 24, 1963.
License No.: 05-0083.
Court, Docket No., and date of court order: U.S. District Court for the Northern District of Florida, Civil Action No. 66-238, Jan. 18, 1967.
Name: Florida Equity Investments, Inc.
Location: St. Petersburg, Fla.
Licensing date: May 15, 1961.
License No.: 05-0032.
Court, Docket No., and date of court order: U.S. District Court for the Middle District of Florida, Civil Action No. 67-416, Dec. 2, 1966.
Name: Eastern Small Business Investment Corp.
Location: Atlanta, Ga.
Licensing date: Apr. 23, 1962.
License No.: 02-0165.
Court, Docket No., and date of court order: U.S. District Court for the District of Georgia, Civil Action No. 11168, Jan. 9, 1968.
Name: First Southern Investment Co., Inc.
Location: St. Petersburg, Fla.
Licensing date: June 5, 1959.
License No.: 05-0005.
Court, Docket No., and date of court order: U.S. District Court for the Middle District of Florida, Civil Action No. 67-381, Jan. 15, 1968.
Name: Cascade Capital Corp.
Location: Spokane, Wash.
Licensing date: Apr. 26, 1961.
License No.: 13-0004.
Court, Docket No., and date of court order: U.S. District Court for the Eastern District of Washington, Civil Action No. 2998, May 11, 1967.
Name: New Capital Investments, Inc.
Location: San Francisco, Calif.
Licensing date: Sept. 26, 1961.
License No.: 12-0049.
Court, Docket No., and date of court order: U.S. District Court for the Northern District of California, Civil Action No. 47062, June 2, 1967.
Name: Science Investment Co.
Location: San Francisco, Calif.
Licensing date: July 27, 1961.
License No.: 12-0037.
Court, Docket No., and date of court order: U.S. District Court for the Northern District of California, Civil Action No. 46849, Aug. 3, 1967.
Name: Stanford Capital Corp.
Location: San Francisco, Calif.
Licensing date: July 13, 1962.
License No.: 12-0059.
Court, Docket No., and date of court order: U.S. District Court for the Northern District of California, Civil Action No. 46845, June 26, 1967.
Name: Greater Michigan Investment Co.
Location: Detroit, Mich.
Licensing date: May 29, 1962.
License No.: 15-0014.
Court, Docket No., and date of court order: U.S. District Court for the Eastern District of Michigan, Civil Action No. 28587, Dec. 13, 1966.
Name: Security Capital Corp. (formerly Delta Capital Corporation).
Location: Walnut Creek, Calif.
Licensing date: July 24, 1961.
License No.: 12-0038.
Court, Docket No., and date of court order: U.S. District Court for the Northern District of California, Civil Action No. 46850, May 15, 1967.
Name: Western States Small Business Investment Co.
Location: Oakland, Calif.
Licensing date: Apr. 18, 1962.
License No.: 12-0078.
Court, Docket No., and date of court order: U.S. District Court for the Northern District of California, Civil Action No. 46846, Feb. 7, 1968.

Name: Wilshire Capital Corp.
Location: Los Angeles, Calif.
Licensing date: May 11, 1961.
License No.: 14–0019.
Court, Docket No., and date of court order: U.S. District Court for the Central District of California, Civil Action No. 66–1862–TC, May 12, 1967.
Name: United Midwestern Capital Corp.
Location: Oklahoma City, Okla.
Licensing date: Jan. 10, 1962.
License No.: 10–0078.
Court, Docket No. and date of court order: U.S. District Court for Western District of Oklahoma, Civil Action No. 67–26, Jan. 11, 1968.
Name: Grocers Investment Corp.
Location: Houston, Tex.
Licensing date: Oct. 18, 1960.
License No.: 10–0029.
Court, Docket No., and date of court order: U.S. District Court for the Southern District of Texas, Civil Action No. 67–H–167, June 1, 1967.
Name: Gulf Investors, Inc.
Location: Navasota, Tex.
Licensing date: July 27, 1961.
License No.: 10–0053.
Court, Docket No., and date of court order: U.S. District Court for the Southern District of Texas, Civil Action No. 67–H–650, Nov. 3, 1967.
Name: Partake Capital Corp.
Location: Oklahoma City, Okla.
Licensing date: Apr. 9, 1964.
License No.: 10–0140.
Court, Docket No., and date of court order: U.S. District Court for the Western District of Oklahoma, Civil Action No. 67–307, Feb. 13, 1968.
Name: Texas Business Investment Co.
Location: Houston, Tex.
Licensing date: Sept. 21, 1961.
License No.: 10–0068.
Court, Docket No., and date of court order: U.S. District Court for the Southern District of Texas, Civil Action No. 67–H–816, Dec. 29, 1967.
Name: Sullivan Investment Corp.
Location: Houston, Tex.
Licensing date: July 13, 1961.
License No.: 10–0060.
Court, Docket No., and date of court order: U.S. District Court for the Southern District of Texas, Civil Action No. 67–H–88, Jan. 18, 1968.

Section 308(d) of the Act provides that the license of a small business investment company may be forfeited if such company is determined and adjudged by a court of the United States to have violated the provisions of the Act.

Pursuant to the above authority, and subsequent to the determination and adjudication of the Court in each noted case, SBA revoked the licenses of the corporations identified above and, accordingly, all powers, privileges, rights and franchises heretofore derived from such licenses have been forfeited.

This notice shall be published in the FEDERAL REGISTER and a copy thereof furnished to the receiver in each case.

Dated: July 17, 1968.

For the Small Business Administration.

GLENN R. BROWN,
Associate Administrator for Investment.

[F.R. Doc. 68–8870; Filed, July 24, 1968; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1202]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JULY 19, 1968.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 531 (Sub-No. 239), filed July 5, 1968. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid synthetic plastics*, in bulk, in tank vehicles, from Meredosia, Ill., to Albuquerque, N. Mex., and (2) *liquid chemicals*, in bulk, in tank vehicles, from Bridgeport, N.J.; Cincinnati, Ohio; Kearny, N.J.; Springfield, Mass.; Trenton, Mich.; and Nitro, W. Va., to points in California. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 531 (Sub-No. 240), filed July 5, 1968. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the plantsite of E. I. duPont de Nemours & Co., Pineville (Rapides Parish), La., to points in Arkansas, Mississippi, and Texas. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 1477 (Sub-No. 5), filed June 28, 1968. Applicant: YORKOFF TRUCKING CORP., 180 Erie Street, Jersey City, N.J. 07302. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; (1) between New York, N.Y., on the one hand, and, on the other, points in Westchester, Nassau, Suffolk, Orange, Rockland, Putnam, Dutchess, Ulster, and Sullivan Counties, N.Y.; Philadelphia, Bucks, Delaware, Northampton, Montgomery, and Chester Counties, Pa.; Fairfield and New Haven Counties, Conn.; New Castle and Kent Counties, Del.; and points in New Jersey (except Jersey City and Newark, N.J.); and (2) between Jersey City and Newark, N.J., on the one hand, and, on the other, points in Putnam, Dutchess, Ulster, and Sullivan Counties, N.Y.; Bucks, Montgomery, Delaware, Northhampton (except Easton), and Chester Counties, Pa.; Kent and New Castle Counties, Del.; Fairfield (except Bridgeport, Danbury, and Stamford) and New Haven (except New Haven) Counties, Conn., under contract with Swift & Co. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 2452 (Sub-No. 10), filed July 12, 1968. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Avenue, Summit, Ill. 60502. Applicant's representative: Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Printed matter and materials, supplies, and equipment* used in the maintenance and operation of printing houses, between the plantsite of R. R. Donnelley & Sons Co., at or near Dwight (Livingston County) Ill., on the one hand, and, on the other, Jeffersonville, Ind., Piqua and Cincinnati, Ohio, and points in Ohio on and south of U.S. Highway 36 from the Indiana-Ohio State line to Piqua and on and west of U.S. Highway 25 from Piqua to Cincinnati; and Holland, Grand Rapids, and Lansing, Mich., and points in Michigan on and south of U.S. Highway 16 from Grand Rapids to Lansing, and on and west of U.S. Highway 27 from Lansing to the Michigan-Indiana State line. NOTE: Applicant states a portion of the territory sought can be served over circuitous routes through the North Judson and San Pierre, Ind., and Cook County, Ill., gateways. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 2633 (Sub-No. 53), filed July 5, 1968. Applicant: CROSSETT, INC., Post Office Box 946, Warren, Pa. 16365. Applicant's representative: Ronald W. Malin, Bank of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, from points in Steuben County, N.Y., to points in Butler County, Pa. NOTE: Applicant indicates tacking possibilities with its presently held authority under MC 2633 (Sub-No. 30) wherein it is authorized to operate in Pennsylvania. Applicant further states that no duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 3874 (Sub-No. 14), filed July 12, 1968. Applicant: L. C. CORP., doing business as GREY LINES, 25 Webber Street, Roxbury (Boston), Mass. 02119. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, from Boston, Mass., to points in that portion of Connecticut east of alternate U.S. Highway 5, restricted to traffic having a prior movement by motor or rail carrier. NOTE: Applicant states it now holds authority to transport "magazines and parts of magazines," and "newspaper inserts and supplements and parts of said commodities" from and to the points here involved. The purpose of the instant application is to permit applicant to provide a complete service by the clarification and modification of its commodity authorization. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 8948 (Sub-No. 81), filed July 3, 1968. Applicant: WESTERN GILLETTE, INC., 2550 East 28th Street, Post Office Box 58267, Los Angeles, Calif. 90058. Applicant's representative: Theodore W. Russell, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, other than explosive, incendiary, gas, smoke, or tear-producing ammunition, and except livestock, articles of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Houston, Tex., and New Orleans, La., over U.S. Highway 90 and return over the same route, serving all intermediate points in Louisiana; (2) between Houston, Tex., and Lafayette, La., over Interstate Highway 10 and return over the same route, serving all intermediate points in Louisiana; (3) between Dallas, Tex., and New Orleans, La., over Interstate Highway 20 to Shreveport, La., thence over U.S. Highway 71 to junction U.S. Highway 190, thence over U.S. Highway 190 to Baton Rouge, La., thence over U.S. Highway 61 to New Orleans, La., and return over the same route, serving the intermediate points of Shreveport and Alexandria, La., and all intermediate points on U.S. Highway 190 and U.S. Highway 61, and the off-route points of Bossier City, and Pineville, La., Louisiana Army Ammunition Plant (near Doyline, La.), and England Air Force Base (near Alexandria, La.); (4) between Lafayette and Opelousas, La., over U.S. Highway 167 and return over the same route, serving all intermediate points; (5) between Opelousas, La., and junction U.S. Highways 71 and 190, over U.S. Highway 190 and return over the same route, serving all intermediate points; (6) between junction U.S. Highway 190 and Louisiana Highway 1 (near Baton Rouge, La.), and junction U.S. Highway 90 and Louisiana Highway 18 (near New Orleans, La.), over Louisiana Highways 1 and 18, serving all intermediate points; (7) between junction U.S. Highways 71 and 165 (near Alexandria, La.), and junction U.S. Highways 165 and 90 (near Iowa, La.), over U.S. Highway 165, serving no intermediate points except as otherwise authorized; (8) serving all points between Baton Rouge and New Orleans, La., within the territory bounded by Louisiana Highways 1 and 18, and by U.S. Highways 90, 61, and 190 as off-route points in connection with routes (1), (3), and (6) above described. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., Houston or Dallas, Tex., or Los Angeles or San Francisco, Calif.

No. MC 8973 (Sub-No. 13), filed July 12, 1968. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition boards and materials and accessories* used in the installation thereof, from points in Henry County, Tenn., to points in Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, Connecticut, New York, Massachusetts, Rhode Island, Maine, Vermont, New Hampshire, Tennessee, and the District of Columbia, and (2) *materials* used in the manufacture and distribution of composition boards, from points in the States named in (1) above, to points in Henry County, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa Fla., Washington, D.C., or New York, N.Y.

No. MC 10655 (Sub-No. 11), filed July 10, 1968. Applicant: ROETHLISBERGER TRANSFER COMPANY, a corporation, Mohican Street, Shelby, Ohio. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Shelby and Willard, Ohio, (1) from Shelby over Ohio Highway 61 to junction Ohio Highway 598, thence over Ohio Highway 598 to junction Ohio Highway 194, thence over Ohio Highway 194 to Willard, and return over the same routes serving no intermediate points, and (2) from Shelby over Ohio Highway 61 to junction U.S. Highway 224, thence over U.S. Highway 224 to Willard, and return over the same route, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 19227 (Sub-No. 128), filed July 5, 1968. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33152. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Internal combustion engines* (except aircraft), which require the use of special equipment or handling and parts, *attachments, equipment, materials, and supplies* moving in connection therewith, between East Hartford and Southington, Conn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to traffic originating at or destined to plants and facilities of United Aircraft Corp., and subsidaries in

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Connecticut. NOTE: Common control may be involved. Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Hartford, Conn.

No. MC 20872 (Sub-No. 11), filed July 8, 1968. Applicant: LIME CITY TRUCKING COMPANY, INCORPORATED, 1455 Swan Street, Huntington, Ind. 46750. Applicant's representative: Alki E. Scopelitis, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Syracuse, Ind., as an off-route point in connection with carrier's authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 29988 (Sub-No. 114), filed July 11, 1968. Applicant: DC INTERNATIONAL, INC., 45th Avenue at Jackson Street, Denver, Colo. 80216. Applicant's representative: Arnold L. Burke, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Ford Motor Co. plantsite at the junction of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 42487 (Sub-No. 694), filed July 3, 1968. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: A. John Warren, Post Office Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine vinegar* in bulk, in tank vehicles, from Geyserville, Calif., to Chicago and Streator, Ill. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 47760 (Sub-No. 6), filed July 12, 1968. Applicant: DRENNING DELIVERY SYSTEM, a corporation, 2300 North Branch Avenue, Altoona, Pa. 16601. Applicant's representative: Paul S. Foreman, 1311 Twelfth Street, Altoona, Pa. 16601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766 (except such commodities in bulk) in vehicles equipped with mechanical refrigeration, between Monroeville (Allegheny County) Pa., on the one hand, and, on the other, points in Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Monongalia, Morgan, and Preston Counties, W. Va., Allegany, Carroll, Frederick, Garrett, and Washington Counties, Md., and Clarke and Frederick Counties, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Altoona, Pa.

No. MC 51146 (Sub-No. 102), filed July 3, 1968. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: Donald F. Martin (same address as applicant) and Charles Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, and container ends and accessories; and materials and supplies used in connection with the manufacture and distribution of metal containers and container ends when moving with metal containers and container ends* from Detroit, Mich., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52709 (Sub-No. 303), filed July 1, 1968. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. 80216. Applicant's representative: Eugene Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Explosives, blasting materials, agents, and supplies;* (1) between points and over the regular routes which applicant is certificated for the transportation of general commodities (except explosives), in MC 52709 and all effective sub numbers thereto, wherein applicant is authorized to operate in California, Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, Nevada, Utah, and Wyoming, and subject to all route restrictions, if any, as otherwise specified in said certificates; and (2) serving all points not on its regular routes in California, Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, Nevada, Utah, and Wyoming, as off-route points in connection with carrier's regular route operations. NOTE: Applicant states no duplicate authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Washington, D.C.

No. MC 59367 (Sub-No. 59), filed July 9, 1968. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, Fort Dodge, Iowa 50501. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* (except hides and commodities in bulk), and *articles distributed by meat packinghouses* (except commodities in bulk), as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; (1) from Denison, Iowa, to points in Wisconsin; and (2) from Fort Dodge, Iowa, to points in Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 59583 (Sub-No. 118), filed July 10, 1968. Applicant: THE MASON & DIXON LINES, INCORPORATED, Eastman Road, Kingsport, Tenn. 37660. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. 37669. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plantsite of General Electric Co. located at Hendersonville, Tenn., which is approximately 12 miles north of Nashville, Tenn., on U.S. Highway 31E, as an intermediate point in connection with applicant's presently authorized regular route authority between Chattanooga, Tenn., and Chicago, Ill., over U.S. Highways 41, 31E, 31, Alternate 31; Indiana Highways 144 and 135; U.S. Highway 52; and Indiana Highways 39 and 38. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 64112 (Sub-No. 38), filed July 11, 1968. Applicant: NORTHEASTERN TRUCKING COMPANY, a corporation, 2508 Starita Road, Post Office Box 1493, Charlotte, N.C. 28201. Applicant's representative: John M. Dunn, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles and textile products*, from Farmville, N.C., to points in the New York, N.Y., commercial zone, as defined by the Commission. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 66194 (Sub-No. 9), filed July 11, 1968. Applicant: OWL TRUCK COMPANY, a corporation, 500 South Alameda Street, Compton, Calif. 90224. Applicant's representative: Raymond A. Greene, Jr., 405 Montgomery Street, San Francisco, Calif. 64104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum plaster and gypsum wall board*, from Blue Diamond, Nev., to points in Los Angeles, Orange, San Bernardino, and Riverside Counties, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif.

No. MC 73688 (Sub-No. 26) (Correction), filed June 27, 1968, published in FEDERAL REGISTER issue of July 18, 1968, and republished, as corrected this issue. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Road, Post Office Box 7182, Memphis, Tenn. 38107. Applicant's representative: Charles H. Hudson, Jr., 833 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials* (except lumber, steel, and commodities in bulk), between Lockland, Ohio, on the one hand, and, on the other, points in Kentucky and Tennessee; and (2) *roofing materials, asphalt, siding, insulating material, and accessories* thereto, not to exceed 10 percent of the total weight of the shipment (except lumber, steel, and commodities in bulk), from Memphis, Tenn., to points in Illinois. NOTE: The purpose of this republication is to include the commodity "siding" in (2) above, which was erroneously omitted. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Cincinnati, Ohio.

No. MC 83539 (Sub-No. 233), filed July 3, 1968. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street., Dallas, Tex. 75222. Applicant's representative: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit or pipe, with or without accessories, attachments, or fittings*, other than cement asbestos, concrete, metal, or plastic, from the plantsites or warehouses of United Technology Center at or near Riverside and Sunnyvale, Calif., to points in the United States, except Arizona, California, Hawaii, Nevada, and Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Washington, D.C.

No. MC 97699 (Sub-No. 26), filed July 1, 1968. Applicant: BARBER TRANSPORTATION CO., a corporation, 321 Sixth Street, Rapid City, S. Dak. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Chamberlain and Sioux Falls, S. Dak.; (1) from Chamberlain over U.S. Highway 16 to Sioux Falls, S. Dak., and return over the same route, serving all intermediate points; (2) from Chamberlain over U.S. Highway 16 to junction South Dakota Highway 38 at Alexandria, S. Dak., thence over South Dakota Highway 38 to Sioux Falls, S. Dak., and return over the same route serving no intermediate points; and (3) from Chamberlain, S. Dak., over U.S. Highway 16 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Interstate Highway 29, thence south over Interstate Highway 29 to Sioux Falls, S. Dak., and return over the same route serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it to be held at Sioux City, Iowa.

No. MC 99208 (Sub-No. 8), filed July 11, 1968. Applicant: SKYLINE TRANSPORTATION, INC., 131 Quincy Avenue, Knoxville, Tenn. 37917. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment because of size or weight); (1) between Newport and Greeneville, Tenn., over U.S. Highway 411, serving all intermediate points; and (2) between Knoxville and Greeneville, Tenn., over U.S. Highway 11E, serving no intermediate points, as an alternate route for operating convenience only. NOTE: Applicant states no duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn.

No. MC 103051 (Sub-No. 218), filed July 5, 1968. Applicant: FLEET TRANSPORT COMPANY, INC., 1000 44th Avenue North, P.O. Box 7645. Applicant's representative: R. H. Reynolds, Jr., 604–09 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, having a prior movement by rail, from points in Broward and Hillsborough Counties, Fla., to points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 104399 (Sub-No. 5), filed July 8, 1968. Applicant: WARD FREIGHT LINE, INC., Post Office Box 8, Greenville, Ala. 36037. Applicant's representative: Elisha C. Poole, Post Office Box 308, Greenville, Ala. 36037. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate and fertilizer materials in bags* (not in bulk), from Yazoo City and Pascagoula, Miss., to Greenville, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery, or Birmingham, Ala.

No. MC 104523 (Sub-No. 41), filed July 15, 1968. Applicant: HUSTON TRUCK LINE, INC., Friend, Nebr. 68359. Applicant's representative: Earl H. Scudder, Jr., Post Office Box 2028, 605 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Products* used in the agricultural, water treatment, food processing, wholesale grocery and institutional supply industries, when shipped in mixed loads with salt or salt products (presently authorized), from Lyons, Kans., and points within 5 miles thereof to points in Iowa and Wyoming; and (2) *salt and salt products and products* used in the agricultural, water treatment, food processing, wholesale grocery and institutional supply industries, when shipped in mixed loads with salt and salt products, from Kanopolis, Kans., and points within 5 miles thereof to points in Iowa, Nebraska, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas, City, Mo.

No. MC 106644 (Sub-No. 89), filed July 5, 1968. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30321. Applicant's representative: Guy H. Postell, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Birmingham, Ala., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 107515 (Sub-No. 619), filed July 10, 1968. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799 Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (address same as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products* from (1) Salem, Va., to points in New York, Pennsylvania, New Jersey, Delaware, Connecticut, Massachusetts, Maryland, and the District of Columbia, and (2) from Fulton and New York, N.Y., to Salem, Va.. NOTE: If a hearing is deemed necessary, applicant requests it be held in Atlanta, Ga., or Washington, D.C.

No. MC 107882 (Sub-No. 13), filed July 2, 1968. Applicant: ARMORED MOTOR SERVICE CORPORATION, 160 Ewingville Road, Trenton, N.J. 08638. Applicant's representative: Nathan N. Schildkraut, Post Office Box 1413, 143 East State Street, Trenton, N.J. 08607. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, audits, accounting media, and records, data processing, bookkeeping records, payrolls, checks, documents, interoffice records and memoranda, billing, and office records*, between New York, N.Y., on the one hand, and, on the other, points in Passaic, Bergen, Morris, Hudson, Union, and Somerset Counties, N.J., under contract with New Jersey Hospital Association, and others. NOTE: Applicant holds common carrier authority under MCC 125729, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Trenton, N.J., or Washington, D.C.

No. MC 108703 (Sub-No. 25), filed July 5, 1968. Applicant: LEE & EASTES TANK LINES, INC., 2418 Airport Way South, Seattle, Wash. 98134. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bulk, in shipper-owned trailers, from the plantsite of Utah and Idaho Sugar Co., at or near Durham, Oreg., to Ridgefield, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 109026 (Sub-No. 11), filed July 11, 1968. Applicant: HALL K. DAVIS, AND LELLA H. DAVIS, PARTNERS, doing business as BURKESVILLE TRANSFER COMPANY, Post Office Box 192,

Glasgow, Ky. 42141. Applicant's representative: Walter Harwood, 515 Nashville Bank & Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, and commodities in bulk), serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., in conjunction with carrier's present authority to serve Louisville, Ky., in conjunction with carrier's present authority to serve Louisville, Ky., in MC-109026, as an off-route point. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 109326 (Sub-No. 97), filed July 5, 1968. Applicant: C & D TRANSPORTATION CO., INC., Post Office Drawer 1503, Mobile, Ala. 36601. Applicant's representative: Robert E. Keene (address same as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and vegetables* from points in Baldwin County, Ala., to points in California, Nevada, Arizona, New Mexico, Nebraska, Kansas, Oklahoma, Texas, Iowa, Missouri, Arkansas, Louisiana, Illinois, Indiana, Kentucky, Tennessee, Mississippi, Ohio, Georgia, Florida, South Carolina, North Carolina, West Virginia, Virginia, Maryland, Delaware, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.

No. MC 109584 (Sub-No. 145), filed July 10, 1968. Applicant: ARIZONA-PACIFIC TANK LINES, 3201 Ringsby Court, Denver, Colo. 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk in tank vehicles, (1) between points in Arizona on the one hand, and, on the other, points in California and (2) from Aguila, Ariz., to Eugene and The Dalles, Oreg., Springer, N. Mex., and Laramie, Wyo. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 109637 (Sub-No. 342), filed July 1, 1968. Applicant: SOUTHERN TANK LINES INC., Post Office Box 1047, 4107 Bells Lane, Louisville, Ky. 40201. Applicant's representative: Harris G. Andrew (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Robertson County, Tenn., to points in Alabama, Arkansas, Georgia, Kentucky, Indiana, Illinois, Michigan, Missouri, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, and Virginia. NOTE: Applicant states it intends to tack with any appropriate authority held, especially its present authority in Sub 165. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Birmingham, Ala.

No. MC 109772 (Sub-No. 25), filed July 11, 1968. Applicant: ROBERTSON TRUCK-A-WAYS, INC., 7101 East Slauson Avenue, Los Angeles, Calif. 90022. Applicant's representative: Phil Jacobson, 510 West Sixth Street, Los Angeles, Calif., 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm and industrial tractors, wheeled, with or without attachments, and parts and accessories for said units* when moving with said vehicles, in truckaway service, between points in California, Arizona, Nevada, and Utah. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 110420 (Sub-No. 568), filed July 2, 1968. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst, Post Office Box 339, Burlington, Wis. 53105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from Janesville, Wis., to points in Iowa. NOTE: Applicant indicates tacking possibilities with its Sub 321 at Clinton, Iowa. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 111103 (Sub-No. 29), filed June 28, 1968. Applicant: PROTECTIVE MOTOR SERVICE COMPANY, INC., 725-29 South Broad Street, Philadelphia, Pa. 19147. Applicant's representative: John M. Demcisak, 1035 Land Title Building, Philadelphia, Pa. 19110. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Checks, payroll records, business papers, reports, and records, and audit and accounting media* (excluding plant removals), between points in Dauphin County, Pa., on the one hand, and, on the other, points in Prince Georges County, Md., under contract with D & H Distributing Co., Inc. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 111401 (Sub-No. 255), filed July 8, 1968. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed supplements*, in bulk, from Arkansas City, Kans., and Enid, Okla., to points in Arkansas, Colorado, Kansas, Oklahoma, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Kansas City, Mo.

No. MC 114194 (Sub-No. 150), filed July 12, 1968. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. 62201. Applicant's representative: Gene Kreider (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Syrup coloring* (burnt sugar caramel), in bulk, in tank vehicles, from the plantsite of Sethness Products Co. at Clinton, Iowa, to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, restricted to traffic originating at the above-named plantsite and destined to the named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115331 (Sub-No. 255), filed July 2, 1968. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, Mo. 63131. Applicant's representative: Thomas F. Kilroy, 913 Colorado Building, 1341 G Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand and silica flour*, from points in Izard and Independence Counties, Ark., to points in Tennessee, Alabama, Arkansas, Mississippi, Louisiana, Texas, Oklahoma, Missouri, and Kansas. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 115669 (Sub-No. 91), filed July 10, 1968. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. 68933. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt and salt products*, and (2) *products* used in agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries, when shipped in mixed loads with salt and salt products, from Kanopolis, Kans., and points within 5 miles thereof, to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115841 (Sub-No. 335), filed July 10, 1968. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representative: C. E. Wesley (same address as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yeast, and related bakery items* (except in bulk), in vehicles equipped with mechanical refrigeration, from Belleville, N.J., to Lynchburg and Bristol, Va.; Nashville and Knoxville, Tenn.; and Birmingham, Ala. NOTE: Applicant indicates tacking possibilities with its presently held authority in Sub. 134, to enable service to Louisiana and Mississippi. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.; or Knoxville, Tenn.; or Washington, D.C.

No. MC 116763 (Sub-No. 133), filed July 5, 1968. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs* from Paris, Tex., to points in Mississippi and South Carolina restricted to traffic originating at the plantsites and/or warehouses of the Campbell Soup Co. NOTE: Applicant states it would tack with its Sub 56 at Woodruff, S.C., to enable service to Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Indiana, Michigan, New Jersey, New York, Pennsylvania, and Cincinnati, Ohio. Applicant also states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 117439 (Sub-No. 35), filed July 12, 1968. Applicant: BULK TRANSPORT, INC., U.S. Highway 190, Post Office Box 89, Port Allen, La. 70767. Applicant's representative: John Schwab, 617 North Boulevard, Post Office Box 3036, Baton Rouge, La. 70821. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags; (1) from Shreveport, La., to points in Texas, Oklahoma, Arkansas, and Mississippi; and (2) from Alexandria, La., to points in Texas, Arkansas, and Mississippi, restricted to traffic having a prior movement by rail, from any point in Texas in Nos. (1) and (2) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., Houston or Dallas, Tex., or Birmingham, Ala.

No. MC 119531 (Sub-No. 87), filed July 10, 1968. Applicant: DEICKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers and closures therefor, and paper cartons*, from Rockdale, Ill., to points in Indiana, Kentucky, Michigan, Missouri, Ohio, and Wisconsin; and, (2) *materials and supplies used in the manufacture, sale, and distribution of glass containers*, on return. NOTE: Applicant states there is possibility of tacking at Zanesville, Ohio, to serve points in West Virginia, Maryland (except Baltimore), and Western Pennsylvania (except Pittsburgh and Washington). If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119639 (Sub-No. 3) (Clarification), filed April 29, 1968, published in FEDERAL REGISTER issue of May 23, 1968, and republished as clarified, this issue. Applicant: INCO EXPRESS, INC., 426 South Massachusetts Street, Seattle, Wash. 98134. Applicant's representative: Joseph O. Earp, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats and meat products and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; (2) *foods*, frozen, or those requiring refrigeration; (3) *dairy products*, frozen or requiring refrigeration; and (4) *commodities*, the transportation of which would otherwise be exempt from regulation pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with (1), (2), and (3) above; (a) between points in Washington on the one hand, and, on the other, points in California and Oregon; (b) between points in California, on the one hand, and, on the other, points in Oregon; and (c) from points in Oregon to points in Nevada and Arizona. NOTE: The purpose of this republication is to redescribe and clarify the commodity description and territorial scope of the application. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 119670 (Sub-No. 13), filed July 11, 1968. Applicant: THE VICTOR TRANSIT CORPORATION, Post Office Box 115, Winton Place Station, Cincinnati, Ohio 45232. Applicant's representative: Robert H. Kinker, Post Office Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn and soybeans products*, in containers, from the plantsite and facilities of The A. E. Staley Manufacturing Co., at Decatur, Ill., to points in Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 209), filed April 25, 1968. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst, Post Office Box 339, Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and prepared foodstuffs*, from Bellwood, Ill., to points in Kentucky. NOTE: Applicant states it would tack the proposed authority with its present authority between points in Wisconsin to enable service to Minnesota, Illinois, and Indiana. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119918 (Sub-No. 6), filed July 3, 1968. Applicant: C & H FREIGHTWAYS, a corporation, 402 West Watkins Road, Phoenix, Ariz. 85036. Applicant's representatives: J. P. Welsh, Post Office Box 5976, Dallas, Tex. 75222, and W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit or pipe, with or without accessories, attachments, or fittings, other than cement asbestos, concrete, metal, or plastic*, from the plantsites or warehouses of United Technology Center at Riverside and Sunnyvale, Calif., to points in Arizona, Nevada, and Utah. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Washington, D.C.

No. MC 120686 (Sub-No. 3), filed July 8, 1968. Applicant: L. & E. FREIGHT LINE, INC., Post Office Box AN, Limon, Colo. 80828. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Denver and Limon, Colo., over Interstate Highway 70 (also U.S. Highway 40), serving all intermediate points and off-route points within 3 miles of the above-described highways. NOTE: If a hearing is deemed necessary, applicant requests it be held at Limon or Denver, Colo.

No. MC 123048 (Sub-No. 137), filed July 1, 1968. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representatives: C. Ernest Carter, Post Office Box A, Racine, Wis. 53401, and Paul Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, farm equipment, and parts*, from points in Jefferson and Navarro Counties, Tex., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Mississippi, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Houston, or Fort Worth, Tex.

No. MC 123383 (Sub-No. 35), filed July 8, 1968. Applicant: BOYLE BROTHERS, INC., 276 River Road, Edgewater, N.J. 07020. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition boards and materials and accessories* used in the installation thereof, from points in Henry County, Tenn., to points in Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, Connecticut, New York, Massachusetts, Rhode Island, Maine, Vermont, New Hampshire, Mississippi, Ohio, Georgia, Florida, Alabama, Tennessee, and the District of Columbia; and (2) *materials* used in the manufacture and distribution of composition boards, from points in Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, Connecticut, New York, Massachusetts, Rhode Island, Maine, Vermont, New Hampshire, Mississippi, Ohio, Georgia, Florida, Alabama, Tennessee, and the District of Columbia, to points in Henry County, Tenn. NOTE: Applicant states that joinder will be made at points in Henry County, Tenn., on traffic from Deposit, N.Y., to destinations applied for herein by combining with MC 123383 (Sub-No. 23). If a hearing is deemed

necessary, applicant requests it be held at Tampa, Fla., or Atlanta, Ga.

No. MC 124078 (Sub-No. 335), filed July 1, 1968. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Starch of all kinds, blends of starch, corn products, and products made of corn*, having a prior rail movement, between points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124078 (Sub-No. 337), filed July 12, 1968. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from Wilsonville, Ala., to points in Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 124230 (Sub-No. 10), filed July 12, 1968. Applicant: C. B. JOHNSON, INC., Post Office Drawer S, Cortez, Colo. 81321. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ores and concentrates* (a) between points in Mineral, Hinsdale, and Rio Grande Counties, Colo.; El Paso and Amarillo, Tex.; Midvale and Toole, Utah; (b) from San Juan County, Utah, to Douglas and Miami, Ariz.; (2) *scrap metal*, from Albuquerque, N. Mex. and Phoenix, Ariz., to San Juan County, Utah, and (3) *aggregate, sand, and gravel*, between points in San Juan County, Utah, and San Juan County, N. Mex.; Montezuma, Archuleta, and La Plata Counties, Colo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 125433 (Sub-No. 7), filed July 10, 1968. Applicant: F–B TRUCK LINE COMPANY, a corporation, 4255 South Second West, Salt Lake City, Utah. Applicant's representative: Duane W. Acklie, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tanks, pump dispensing units, pipe, absorbers, vessels, hoppers, iron and steel articles, valves, and fabricated metal products*, (1) from Salt Lake City, Utah, to points in Oregon, Washington, California, Idaho, Nevada, Arizona, Utah, Montana, Wyoming, Colorado, New Mexico, Texas, Oklahoma, Kansas, Nebraska, South Dakota, Iowa, and Minnesota, (2) from points in Colorado, to points in Utah, and (3) from Seattle, Wash., to points in Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 125687 (Sub-No. 4), filed July 10, 1968. Applicant: EASTERN STATES TRANSPORTATION, INC., 1060 Lafayette Street, Post Office Box 1761, York, Pa. 17405. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned beverages including carbonated beverages and flavored syrups*, from Garfield, N.J., to points in Massachusetts, Rhode Island, and Connecticut. NOTE: Applicant states it holds contract carrier authority under MC 117496 which is being converted to that of a common carrier in MC 125687. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 125708 (Sub-No. 92), filed July 1, 1968. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between Greenfield, Ind., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Texas, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Indianapolis, Ind.

No. MC 125826 (Sub-No. 5), filed July 5, 1968. Applicant: BARTLESON BROTHERS, INC., Courses Landing Road, Penns Grove, N.J. 08069. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and compressed gasses* (excluding petroleum gases), in shipper-owned trailers from the plantsite of Air Reduction Co., Inc., at Ocean, N.Y., to points in New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Connecticut, under contract with Air Reduction Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it to be held at Washington, D.C.

No. MC 126372 (Sub-No. 4), filed July 5, 1968. Applicant: SUREFINE TRANSPORTATION COMPANY, a corporation, 3540 East 26th Street, Los Angeles, Calif. 90023. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Appliances, equipment, fixtures, furniture, and furnishings* for commercial, noncommercial, and public establishments and institutions, uncrated and otherwise unpacked, and, in connection therewith, *accessories, appurtenances, fittings, and parts* incidental thereto (packed or unpacked) when transported with and in connection with shipments of the above-described commodities; (2) *fixtures, furniture and furnishings, and accessories; and appurtenances, fittings, and parts* incidental thereto, when transported with, and in connection with such commodities; (a) between points in Idaho, Montana, Oregon, and Washington; (b) between points in Idaho, Montana, Oregon, and Washington, on the one hand, and, on the other, points in Arizona and Nevada; and (c) from points in Idaho, Montana, Oregon, and Washington to points in California. *Defective, rejected, returned, or traded in commodities* described in (1) and (2) above, on return. NOTE: Applicant states it will tack with its presently held authority to enable service to points in Arizona, California, and Nevada. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 126516 (Sub-No. 6), filed July 11, 1968. Applicant: SKYLINE MOTORS AIR CARGO, INC., West 15th Street, Beaver Falls, Pa. 15010. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the Greater Pittsburgh Airport (Allegheny County), Pa., on the one hand, and, on the other, points in Crawford County, Pa., restricted to traffic having an immediately prior or immediately subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 126899 (Sub-No. 32), filed July 1, 1968. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Paducas, Ky. 42001. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyurethane pads and padding*, from Cairo, Ill., to Springfield, Tenn., Bowling Green and Carrollton, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 127580 (Sub-No. 1), filed July 1, 1968. Applicant: H. P. HALE, Post Office Box 177, Roswell, N. Mex. 88201. Applicant's representative: Wayne Wolf, 415 First National Bank Building West, Albuquerque, N. Mex. 87101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and plywood*, from Roswell, N. Mex., and from lumber mills or sawmills at or near Navajo, N. Mex.; Durango, Pagosa Spring, Dolores, Southfork, Antonito, Alamosa, Montrose, Trinidad, and Monte Vista, Colo.; to points in that part of Oklahoma on and west of U.S. Highway 69 extending from the Oklahoma-Kansas State line to Durant, Okla., thence on and west of U.S. Highway 75 to the Oklahoma-Texas State line, thence extending to points in Texas on and west of U.S. Highway 75 from the Texas-Oklahoma State line to Dallas, Tex., thence on and west of U.S. Highway 77 or Interstate Highway 35E, whichever is furtherest east to junction U.S. Highway 81, thence on or west of U.S. Highway 81 or Interstate Highway 35 whichever is furtherest east to San Antonio, Tex., thence on and north of U.S. Highway 90 to Van Horn, Tex., thence on and north of U.S. Highway 80 to El Paso at the Texas-New Mexico State line; and from lumber mills or sawmills at or near Durango, Pagosa Springs, Dolores, Southfork, Antonito, Alamosa, Montrose, Trinidad, and Monte Vista, Colo., to Roswell, N. Mex., under contract with Dodson Wholesale Lumber Co. NOTE: Applicant states it intends to tack with its present authority to serve points in Oklahoma and Texas. If a hearing is deemed necessary, applicant requests it be held at Albuquerque or Roswell, N. Mex.

No. MC 127668 (Sub-No. 2), filed July 5, 1968. Applicant: WILLIAM WELCH AND JOHN WELCH, a partnership, doing business as WELCH TRUCKING COMPANY, 1105 South Boulder, Portales, N. Mex. 88130. Applicant's representative: Edwin E. Piper, Jr., Suite 715–718, Simms Building, Albuquerque, N. Mex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hides, pelts, skins, hair, tails, switches, and bone meal*, from (1) Denver, Pueblo, Colorado Springs, Montrose, Grand Junction, Durango and Cortez, Colo.; Lubbock, El Paso, Dallas, Fort Worth, Amarillo, Hereford, Plainview, Friona, Tex.; Guymon, Okla.; Albuquerque and Clovis, N. Mex.; to Phoenix, Ariz.; and (2) from Phoenix, Ariz., to Houston, Laredo, Fort Worth, and Dallas, Tex., under contract with Southwest Hide Co., Phoenix, Ariz. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 128273 (Sub-No. 34), filed July 9, 1968. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box 189, Fort Scott, Kans. 66071. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass, and glass articles*, from St. Louis, Mo., and East St. Louis and Alton, Ill., to points in Colorado, New Mexico, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Iowa, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, Tennessee, Kentucky, Indiana, Illinois, Wisconsin, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 128652 (Sub-No. 3), filed July 5, 1968. Applicant: LARSON TRANSFER & STORAGE CO., INC., 9500 Bloomington Freeway, Minneapolis, Minn. 55431. Applicant's representative: Will S. Tomijanovich, 2327 Wycliff, St. Paul, Minn. 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sawdust and floor sweeping compounds* from Minneapolis, Minn., to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, and the Upper Peninsula of Michigan, under contract with American Excelsior Corp. and E-Z Killdust Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 129203 (Sub-No. 1), filed July 8, 1968. Applicant: M & Y FREIGHT SYSTEM, INC., Post Office Box 23, Topeka, Ind. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and ingredients* used in the manufacturing, and processing of core oil and resins, from points in Pennsylvania, New York, Michigan, Illinois, Ohio, Missouri, Wisconsin, Minnesota, Iowa, and Kentucky, to Mishawaka, Ind. NOTE: Applicant states it holds contract carrier authority under MC 126532, therefore dual operations may be involved. Applicant further states no duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 129604 (Sub-No. 1), filed July 5, 1968. Applicant: WYLIE BARNES, Post Office Box 111, Troy, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough and unfinished lumber*, from Bardwell and Hickman, Ky.; and Dyersburg, Halls, Henning, McKenzie, Obion, Ridgeley, and Troy, Tenn., to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Mississippi, Missouri, North Carolina, South Carolina, Virginia, Tennessee, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Jackson, Tenn.

No. MC 129908 (Sub-No. 1), filed July 1, 1968. Applicant: AMERICAN FARM LINES, a corporation, 641 North Meridian, Post Office Box 75337, Oklahoma City, Okla. 73102. Applicant's representatives: William L. Peterson, Jr., 401 North Hudson, Suite 200, Oklahoma City, Okla. 73102, Harry Ross, Warner Building, Washington, D.C. 20004, Rufus H. Lawson, 106 Bixler Building, Post Office Box 75124, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, including classes A and B explosives (except commodities in bulk and household goods), between points in Kentucky, Indiana, Illinois, Missouri, Arkansas, Louisiana, Texas, Oklahoma, and Kansas, on the one hand, and, on the other, points in Washington, California, Nevada, Utah, and Arizona, when moving (1) on Government bills of lading and (2) on commercial bills of lading containing endorsements approved in *Interpretation of Government Rate Tariff—Eastern Central*, 332 I.C.C. 161, 164, 165. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 129982, filed June 17, 1968. Applicant: SALMON'S TRANSFER LIMITED, 2884 Grandview Highway, Vancouver 12, British Columbia, Canada. Applicant's representative: Thomas David Carney (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods and personal effects*, between points in Washington and points on the international boundary line between the United States and Canada, located in Washington, restricted to shipments originating at or destined to points in Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 129983, filed June 18, 1968. Applicant: PIER AIR CARGO TRUCKING, INC., 182 10th Street, Brooklyn, N.Y. 11215. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by a wholesale dealer in athletic goods for sporting and outdoor use*, between points in New York, N.Y., harbors and harbors contiguous thereto as defined in Title 49 CFR 1070.1 and Suffern, N.Y., under contract with Precise Import Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 129991 (Sub-No. 1), filed July 11, 1968. Applicant: JENSEN TRUCKING CO., INC., 880 North First East, American Fork, Utah 84003. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm production supplies, such as fencing and wire products, steel posts, baler and binder twine, tires, antifreeze, insecticides and weed killers, fertilizers, animal and poultry feeds, grain, and seed*, between points in Arizona, California, Colorado, Idaho, Nevada, Oregon, Washington, and Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 133008, filed June 27, 1968. Applicant: MILLAR & BROWN LTD., a corporation, Post Office Box 669, Cranbrook, British Columbia, 611 71st Southeast, Calgary, Alberta, Canada. Applicant's representative: George R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities of unusual value, commodities in bulk, and household goods as defined by the Commission), between ports of entry located on the United States-Canada boundary line at or near Eastport or Porthill, Idaho; Blaine, Sumas, or Oroville, Wash.; Sweetgrass, Mont.; and Portal or Noyes, N. Dak., for purposes of interline or interchange only with connecting carriers. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 133013, filed July 5, 1968. Applicant: E. P. & P. TRUCKING CO., a

corporation, 3500 Walnut Street, McKeesport, Pa. 15130. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Awnings, car ports, and patios and component parts thereof; coated sheet metals; and materials, equipment, and supplies* used in the production, manufacture, or distribution of said commodities, between McKeesport, Pa., on the one hand, and, on the other, points in Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia. Restriction: The operations authorized herein are limited to a transportation service to be performed under continuing contract, or contracts with Enamel Products & Plating Co. and its wholly owned subsidiaries, Artcraft Awning Co. and Artcraft Venetian Blind Manufacturing Co. of Pittsburgh, all of McKeesport, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 133015, filed July 1, 1968. Applicant: JAMES G. LYNCH, Rural Delivery 1, Carbondale, Pa. Applicant's representatives: James K. Peck and James K. Peck, Jr., 912 Northeastern National Bank Building, Scranton, Pa. 18503. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Natural cleft split faced veneer and sawed split faced veneer, irregular stone (also called rubble and sawed treads), sills, and patterns, and crushed stone*, from sites of Laurel Mountain Stone Corp. quarries at or near Newton Road, Scranton, Lackawanna County, Pa., to points in Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire, Maine, Vermont, Maryland, Virginia, Ohio, Delaware, and Washington, D.C., under contract with Laurel Mountain Stone Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Scranton, Pa.

No. MC 133018 (Sub-No. 1), filed July 11, 1968. Applicant: RICHARDSON TRUCK LINE, INC., Post Office Box 753, Macon, Ga. 31202. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street, NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay face brick*, from Macon, Ga., to points in Florida on and north of Interstate Highway 4. NOTE: If a hearing is deemed necessary, applicant requests it be held at Macon or Atlanta, Ga.

No. MC 133026, filed July 12, 1968. Applicant: W. T. MARSHALL, Rural Route No. 5, Box 161D, Springfield, Ill. 62707. Applicant's representative: Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from St. Louis, Mo., to points in Illinois. NOTE: Applicant holds various permits under MC 125136 and subs thereto. The purpose of the instant application is (1) to convert permits to certificates and (2) extend destination territory as common carrier. If this application is granted, applicant also requests his present permits be canceled and certificate be issued in lieu thereof. If a hearing is deemed necessary, applicant requests it be held at Springfield or Chicago, Ill.

MOTOR CARRIERS OF PASSENGERS

No. MC 61016 (Sub-No. 32), filed July 3, 1968. Applicant: PETER PAN BUS LINES, INC., 144 Bridge Street, Springfield, Mass. 01103. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip pleasure and sightseeing tours, in combination with air travel through arrangements with air carriers, beginning and ending at Springfield, Mass., and extending to points in the United States, including Alaska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Mass.

No. MC 129038 (Sub-No. 4), filed July 1, 1968. Applicant: TRI-STATE COACH LINES, INC., 2978 Orchard Place, Des Plaines, Ill. 60018. Applicant's representative: John T. Porter, 16 North Carroll Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, newspapers, and express*, in the same vehicle with passengers, in vehicles transporting not more than 13 passengers plus driver (exclusive of those passengers under 10 years of age who do not occupy a seat), between Milwaukee, Wis. (including Mitchell Field Airport), on the one hand, and, on the other, O'Hare Field (International Airport), Chicago, Ill., and Midway Airport, Chicago, Ill., from Milwaukee over U.S. Highway 94 and 294, to Chicago, and return over the same route, serving junction Wisconsin Highway 50 and U.S. Highway 94, as an intermediate point. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 129524 (Sub-No. 1), filed July 5, 1968. Applicant: MALVERN JOHN REID, doing business as REID BUS LINE, 1107 Seventh Street, Harlan, Iowa 51537. Applicant's representative: John F. Sawin, 711 Court Street, Harlan, Iowa 51537. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express mail, and newspapers*, in the same vehicles with passengers between Harlan, Iowa, and Omaha, Nebr., from Harlan, Iowa, to Avoca, Iowa, over U.S. Highway 59, thence over Iowa Highway 83 to junction Iowa Highway 64, thence over Iowa Highway 64 to Council Bluffs, Iowa, thence over U.S. Highway 6 to Omaha, Nebr., and return over the same route serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 130060, filed June 24, 1968. Applicant: DENSLO F. HAMLIN, doing business as SKI HAUS TOURS, Route 22, Pawling, N.Y. 12564. For a license (BMC 5) to engage in operations as a *broker* at Pawling, N.Y., in arranging for the transportation, in interstate or foreign commerce, of *passengers and their baggage*, in tours, in special and charter operations, beginning and ending at points in Dutchess, Columbia, Putnam, and Northern Westchester Counties, N.Y., and points in Litchfield and Fairfield Counties, Conn., and extending to points in the United States.

No. MC 130062, filed July 8, 1968. Applicant: SUNDOWNER TRAVEL, INC., 92 Middle Neck Road, Great Neck, N.Y. Applicant's representative: Samuel B. Zinder, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432. For a license (BMC 5) to engage in operations as a *broker* at New York, N.Y., in arranging for the transportation in interstate or foreign commerce of *passengers and their baggage*, restricted to students accompanied by tour directors and supervisors or chaperones and their baggage, in all-expense tours, beginning and ending at New York, N.Y., and points in Nassau County, N.Y., and extending to points in the United States, except Alaska and Hawaii.

No. MC 130063, filed July 8, 1968. Applicant: LEANDER ELROY TUTTLE, doing business as MAINE TRUCKERS EXCHANGE, 154 State Street, Presque Isle, Maine. For a license (BMC 4) to engage in operations as a *broker* at Presque Isle, Maine, in arranging for the transportation in interstate or foreign commerce of *preserved and prepared foodstuffs (including frozen prepared foodstuffs)*, from points in Maine, to points in the United States (including Alaska and Hawaii).

No. MC 130064, filed July 10, 1968. Applicant: MELVIN B. LEPOW, 222 Worthington Street, Springfield, Mass. 01103. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. For a license (BMC 5) to engage in operations as a *broker* at Springfield, Mass. in arranging for the transportation in interstate or foreign commerce of *Passengers and their baggage*, both as individuals and in groups, in special and charter operations, between points in the United States including Alaska and Hawaii.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 115570 (Sub-No. 5), filed July 10, 1968. Applicant: WALTER A. JUNGE, INC., Post Office Box 98, Antioch, Calif. 94509. Applicant's representative: William B. Adams, Pacific Building, Portland, Oreg. 97204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard*, from Port Townsend, Seattle, and Tacoma, Wash., to Longview, Wash., for export, under contract with Fibreboard Paper Products Corp.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8808; Filed, July 24, 1968; 8:45 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 22, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41396—*Barite (barytes) from points in Arkansas and Missouri.* Filed by Southwestern Freight Bureau, agent (No. B-9097), for interested rail carriers. Rates on barite (barytes), ground, in carloads, from specified points in Arkansas and Missouri, to Raceland, La.

Grounds for relief—Market competition.

Tariff—Supplement 24 to Southwestern Freight Bureau, agent, tariff ICC 4703.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8885; Filed, July 24, 1968; 8:49 a.m.]

[Notice 654]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 22, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 52579 (Sub-No. 111 TA), filed July 18, 1968. Applicant: GILBERT CARRIER CORP., 1 Gilbert Drive, Secaucus, N.J. 07094. Applicant's representative: Wilfred Abel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wearing apparel*, loose, on hangers, from Hialeah and Miami, Fla., to Lumberton, N.C.; (2) *Materials and supplies used in the manufacture of wearing apparel*, between Lumberton, N.C., on the one hand, and Miami and Hialeah, Fla., on the other, for 150 days. Supporting shipper: Tiffany Apparel, Inc., 152 Madison Avenue, New York, N.Y. Send protests to: District Supervisor W. J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 69901 (Sub-No. 19 TA), filed July 18, 1968. Applicant: COURIER-NEWSOM EXPRESS, INC., Post Office Box 509, U.S. Highway 31 Bypass, Columbus, Ind. 47201. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's otherwise authorized regular-route operations, for 180 days. Supporting shipper: Ford Motor Co., The American Road, Dearborn, Mich. Send protests to: District Supervisor James W. Habermehl, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 107906 (Sub-No. 24 TA), filed July 18, 1968. Applicant: TRANSPORT MOTOR EXPRESS, INC., Post Office Box 958, 958 Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's otherwise authorized regular-route operations, for 180 days. Supporting shipper: Ford Motor Co., The American Road, Dearborn, Mich. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 111545 (Sub-No. 107 TA), filed July 18, 1968. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Post Office Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections, mounted on their own wheeled undercarriages, equipped with hitch ball or pintle hook connector, from points in Franklin County, Va., to points in Connecticut, Delaware, Indiana, Kentucky, Maryland, Massachusetts, Maine, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, Vermont, and West Virginia, for 180 days. Supporting shipper: Continental Homes, Post Office Box 1800, Roanoke, Va. 24008. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 129618 (Sub-No. 1 TA), filed July 15, 1968. Applicant: EISENBACH ENTERPRISES LIMITED, 327 Murray Street, Brantford, Ontario, Canada. Applicant's representative: Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glue stock*, between the ports of entry on the international boundary line between the United States and Canada on the Niagara River near Buffalo, N.Y., on the one hand, and, on the other, Gowanda, N.Y.; and (2) *hides*, between ports of entry on the international boundary line between the United States and Canada on the Detroit, St. Mary's, and St. Clair Rivers, on the one hand, and, on the other, points in Michigan; restricted to traffic having an origin or destination in the Dominion of Canada, and further restricted to traffic having an origin or destination at a plantsite or manufacturer or processor of hides, skin, or glue, for 180 days. NOTE: Applicant intends to combine the U.S. authority with the Canadian authority to provide a through movement. Supporting shippers: H. Elken & Co., Inc., 833-845 Haines Street, Chicago, Ill. 60622; Peter Cooper Corporations, Gowanda, N.Y. 14070; Robson-Lang Leathers, Oshawa, Ontario, Canada; Barrie Tanning Ltd., Barrier, Ontario, Canada; Geo. A. Wainright & Co., Ltd., Post Office Box 173, Galt, Ontario, Canada; Philadelphia Hide Trading Corp., 1518 Walnut Street, Philadelphia, Pa. 19102; Hide Trading (1965) Ltd., 222 Cherry Street, Toronto, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, N.Y. 14203.

No. MC 129866 (Sub-No. 1 TA), filed July 18, 1968. Applicant: R. R. THOMPSON AND S. M. BAXTER, a partnership, doing business as TATTNALL TRUCKING COMPANY, Route 4, Box 230, Glennville, Ga. 30427. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rosin and turpentine*, in containers, from Baxley and Douglas, Ga., to Savannah, Ga., for 180 days. Supporting shipper: Filtered Rosin Co., Baxley, Ga. 31513. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission,

Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 133034 TA, filed July 18, 1968. Applicant: ANDREW J. DAVIDSON, doing business as ANDY DAVIDSON TRUCKING, 3026 Southeast 112th Avenue, Portland, Oreg. 97266. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Oregon, to Bangor, Aloha, and Vancouver, Wash., for 180 days. Supporting shipper: Whipple Moshofsky Lumber Co., 2041 Southwest 58th Avenue, Skyline Building, Portland, Oreg. 97221. Send protests to: R. V. Dubay, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8886; Filed, July 24, 1968; 8:50 a.m.]

[No. 34733]

SOUTHERN PACIFIC CO.

Adequacies; Passenger Service Between California and Louisiana

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 18th day of July 1968.

Upon consideration of the report and recommended order of the hearing examiner served in the above-entitled proceeding on April 22, 1968; the exceptions filed to said report by the Southern Pacific Co. and the Association of American Railroads; the replies filed by the California Public Utilities Commission, the Railway Labor Executives' Association, the National Association of Railroad Passengers, and the State Corporation Commission of New Mexico to the exceptions; and the requests for oral argument made by the Southern Pacific Co., the Association of American Railroads, the California Public Utilities Commission, and the Railway Labor Executives' Association; and good cause appearing therefor:

It is ordered, That the proceeding be, and it is hereby, assigned for oral argument before this Commission on September 18, 1968, at 10 a.m., e.d.s.t., on (1) the extent of this Commission's jurisdiction over railroad passenger service, (2) whether minimum operating and service standards for interstate passenger trains should be promulgated in the event jurisdiction thereover is found to be vested in the Commission and the type of such standards to be promulgated, and (3) the merits of the instant proceeding;

It is further ordered, That all passenger carriers by railroad be, and they are hereby, permitted to intervene and present oral argument on (1) and (2) above by filing, not later than August 21, 1968, verified statements for the record of their position on the aforesaid questions (1) and (2); and that parties now of record may, but are not required to, file verified statements for the record setting forth, or amplifying, their positions with respect to (1) and (2) not later than the foregoing date;

It is further ordered, That other interested parties may file, not later than August 5, 1968, petitions for leave to intervene for the purpose of filing, not later than August 21, 1968, verified statements for the record and participating in oral argument on (1) and (2) upon compliance with § 1.72 of this Commission's general rules of practice; and

It is further ordered, That a copy of this order be (1) served on all State regulatory commissions and on all common carriers by railroad subject to regulation under part I of the Interstate Commerce Act and on each party to this proceeding, (2) deposited in the Office of the Secretary of this Commission for public inspection, and (3) filed with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8887; Filed, July 24, 1968; 8:50 a.m.]

[S.O. 994; ICC Order 13]

ST. LOUIS SOUTHWESTERN RAILWAY CO.

Rerouting and Diversion of Traffic

In the opinion of R. D. Pfahler, agent, the St. Louis Southwestern Railway Co. is unable to transport traffic between Plano, Tex., and Sherman, Tex., because of a bridge out of service.

It is ordered, That:

(a) Rerouting traffic: The St. Louis Southwestern Railway Co., being unable to transport traffic between Plano, Tex., and Sherman, Tex., because of a bridge out of service, that carrier and its connections are hereby authorized to reroute or divert such traffic over the Southern Pacific Co. to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The St. Louis Southwestern Railway Co. shall receive the concurrence of the Southern Pacific Co. before the rerouting or diversion is ordered.

(c) Notification to shippers: The St. Louis Southwestern Railway Co., when rerouting cars in accordance with this order, shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 11 a.m., July 19, 1968.

(g) Expiration date: This order shall expire at 11:59 p.m., July 31, 1968, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 19, 1968.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 68-8888; Filed, July 24, 1968; 8:50 a.m.]

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PART II

Federal Trade Commission

Proposed Amended Guides for Advertising Allowances and Other Merchandising Payments and Services



FEDERAL TRADE COMMISSION

[16 CFR Part 240]

GUIDES FOR ADVERTISING ALLOWANCES AND OTHER MERCHANDISING PAYMENTS AND SERVICES

Proposed Amendment of Guides and Notice of Opportunity To Present Written Views, Suggestions or Objections

Notice is hereby given that pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41–58 and the provisions of Part 1, Subpart A, of the Commission's procedures and rules of practice, 16 CFR 1.5, 1.6, the Federal Trade Commission proposes to amend its "Guides for Advertising Allowances and Other Merchandising Payments and Services; Compliance with Sections 2(d) and 2(e) of the Clayton Act, as Amended by the Robinson-Patman Act."

The Commission feels that in the light of the Supreme Court's recent decision in the Matter of Federal Trade Commission v. Fred Meyer, Inc., et al. (Docket 7492), there exists a need to further advise and assist the business community in acquainting itself with legal requirements under provisions of the Clayton Act as amended by the Robinson-Patman Act and, more specifically, to offer additional guidance as to the application of such requirements to problems arising in connection with the furnishing of promotional allowances or services falling within the purview of such Act. Additionally, the Commission feels this advice and assistance can best be supplied through amendment of its existing Guides for Advertising Allowances and Other Merchandising Payments and Services; Compliance with sections 2(d) and 2(e) of the Clayton Act as amended by the Robinson-Patman Act.

It is the Commission's hope that when finalized the amended Guides will provide businessmen with a useful and comprehensive tool for assessing the impact of legal requirements and applying them to affected business practices. In the development of Guides which will provide meaningful assistance, the Commission invites and urges all affected members of the business community to participate to the fullest extent practicable.

Accordingly, opportunity is hereby extended by the Commission to any and all persons, firms, corporations, organizations or other parties affected by or having an interest in the proposed amendments of the Guides, to present to the Commission their views concerning the proposals including such pertinent information, suggestions, or objections as they may desire to submit. For this purpose, copies of the proposed amended Guides may be obtained upon request to the Commission. Such data, views, information, or suggestions may be submitted by letter, memorandum, brief, or other written communication not later than August 30, 1968, to the Chief, Division of Industry Guides, Bureau of Industry Guidance, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580. Written comments received in the proceeding will be available for examination by interested parties at the Commission's Washington address and will be fully considered by the Commission.

While the Commission is interested in receiving information on each of the proposed amendments, it is especially interested in receiving informative comments on proposed § 240.3 (Guide 3) "Who is a Customer?", § 240.8 (Guide 8) "Seller's Duty To Inform" and § 240.9 (Guide 9) "Availability to All Competing Customers".

Text of the proposed amended Guides follows:

NOTE: These proposed amended Guides have not been approved by the Federal Trade Commission. They are a draft of proposed amended Guides which are made available to all interested or affected parties for their consideration and for submission of such views, suggestions, or objections as they may care to present, due consideration to which will be given by the Commission before proceeding to final action on the proposed amended Guides.

What the guides are meant to do. These guides can be of great value to businessmen who want to avoid violating the laws against giving or receiving improper promotional allowances, including advertising or special services, for promoting products. The guides will make possible a better understanding of the obligations of sellers and their customers in joint promotional activities.

The Commission's responsibility is to obtain compliance with these laws. It has a duty to move against violators. However, as an administrative agency, the Commission believes the more knowledge businessmen have with respect to the laws enforced by the Commission, the greater the likelihood that voluntary compliance with the laws will be obtained.

For the Commission to perform its responsibilities properly, and for business to avoid violation of the law, it is necessary that every effort be made to furnish individual businessmen a better understanding of these laws. It will help businessmen—and the Commission's law enforcement efforts—if they have a good general knowledge of what they can and cannot do in the field of promotional allowances and services.

These guides are designed to be both practical and understandable. They contain carefully considered suggestions, or general rules of thumb, which business may find useful in avoiding unintentional violations. They are designed to highlight the requirements of the law and offer means for complying with it.

What they are not meant to do. It should be made clear too that the Guides are not meant to do several things:

(1) They are not meant to cover every situation. Decided cases dealing with unusual situations are not covered.

(2) They are not a substitute for sound legal advice.

(3) They are not intended to be a legal treatise. They should be read as a nontechnical explanation of what the law means.

(4) They do not make it mandatory (nor does the law itself) that sellers provide promotional allowances, services or facilities to any customer. They only come into play when the seller determines to employ such promotional practices.

What the law covers generally. The Robinson-Patman Act is an amendment to the Clayton Act. It is directed at preventing competitive inequalities that come from certain types of discrimination by sellers in interstate commerce. Sections 2 (d) and (e) of the Act deal with discriminations in the field of promotional payments and services made available to customers who buy for resale. Where the seller pays the buyer to perform the service, section 2(d) applies. Where the seller furnishes the service itself to the buyer, section 2(e) applies. Both sections require a seller to treat competing customers on proportionally equal terms.

Other law covered. In two places, the Guides go beyond sections 2 (d) and (e):

(1) A seller who pays a customer for services that are not rendered, or who overpays for services which have been rendered, may thereby violate Section 2(a) of the Clayton Act as amended. (See § 240.11.)

(2) A customer who receives discriminatory or other improper payments, services, or facilities may thereby violate section 2(f) of the Clayton Act, as amended by the Robinson-Patman Act, or section 5 of the Federal Trade Commission Act. (See §§ 240.11 and 240.16.)

Sec.

240.1 When does the law apply?
240.2 Who is a seller?
240.3 Who is a customer?
240.4 What is interstate commerce?
240.5 What are services or facilities?
240.6 Need for a plan.
240.7 Proportionally equal terms.
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240.9 Availability to all competing customers.
240.10 Need to understand terms.
240.11 Checking customer's use of payments.
240.12 Competing customers.
240.13 Indirect payments.
240.14 Meeting competition in good faith.
240.15 Cost justification.
240.16 Customer's liability.

AUTHORITY: The provisions of this Part 240 issued under secs. 5, 6, 38 Stat. 719, as amended, 721; 15 U.S.C. 45, 46; 49 Stat. 1526; 15 U.S.C. 13, as amended.

§ 240.1 When does the law apply?

Sections 2 (d) and (e) apply to a seller of products in interstate commerce, if he either directly or through an intermediary (a) pays for services or facilities furnished by his customers in connection with the distribution of his products (section 2(d)), or (b) furnishes such services or facilities to his customers (section 2(e)). [Guide 1]

§ 240.2 Who is a seller?

"Seller" includes anyone who sells products for resale, with or without further processing. Selling candy to a retailer is a sale for resale without processing. Selling corn syrup to a candy manufacturer is an example of a sale for resale with processing. [Guide 2]

§ 240.3 Who is a customer?

A "customer" is someone who buys directly from the seller, the seller's agent or broker; and, in addition, a "customer" is any buyer of the seller's product for resale who purchases from or through a wholesaler or other intermediate reseller. In this part, the word "customer" which is used in section 2(d) of the Act includes "purchaser" which is used in section 2(e). [Guide 3]

§ 240.4 What is interstate commerce?

This term has not been precisely defined in the statute. In general, if there is any part of a business which is not wholly within one State (for example, sales or deliveries of products, their subsequent distribution or purchase, or delivery of supplies or raw materials), the business may be subject to the Robinson-Patman Act. Sales in the District of Columbia are also covered by the Act. [Guide 4]

§ 240.5 What are services or facilities?

This term has not been exactly defined by the statute or in decisions. The following are merely examples—the Act covers many other services and facilities.

(a) The following are some of the services or facilities covered by the Act where the seller pays the buyer for furnishing them:

Any kind of advertising, including cooperative advertising,
Handbills,
Window and floor displays,
Special sales or promotional efforts for which "push money" is paid to clerks, salesmen, and other employees of the customers,
Demonstrators and demonstrations,
Furnishing complete distribution of seller's line.

(b) Here are some examples of services or facilities covered by the Act when the seller furnishes them to a customer:

Any kind of advertising,
Catalogs,
Demonstrators,
Display and storage cabinets,
Display materials,
Special packaging, or package sizes,
Accepting returns for credit,
Prizes or merchandise for conducting promotional contests.

NOTE: In this part, the term "services" is used to encompass both "services and facilities."

[Guide 5]

§ 240.6 Need for a plan.

If a seller makes payments or furnishes services that come under section 2 (d) or (e) of the Clayton Act, as amended, he must do it under a plan that meets several requirements. In addition, for the seller's own protection, the plan should be in writing, particularly if there are many competing customers to be considered, or if the plan is at all complex. Briefly, the requirements are:

(a) The payments or services under the plan must be available on a proportionally equal basis to all competing customers. (See § 240.7.)

(b) The seller must take action to assure that all competing customers are informed of the promotion in ample time to take full advantage of it. (See § 240.8.)

(c) If the basic plan is not functionally available to (i.e., suitable for and usable by) some competing customers, alternative means of participation must be provided. (See § 240.9.)

(d) The seller and customer must have a clear understanding about the exact terms of the offer, and the conditions upon which payments will be made for services and facilities furnished. (See § 240.10.)

(e) The seller must take reasonable precautions to see that the services are actually furnished and also that he is not overpaying for them. (See § 240.11.)

§ 240.7 Proportionally equal terms.

The payment or services under the plan must be made available to all competing customers on proportionally equal terms. This means that payments or services must be proportionalized on some basis that is fair to all customers who compete in the resale of the seller's products. No single way to proportionalize is prescribed by law. Any method that treats competing customers on proportionally equal terms may be used. Generally, this can best be done by basing the payments made or the services furnished on the dollar volume or on the quantity of goods purchased during a specified period. Other methods which are fair to all competing customers are also acceptable.

Example. A seller may properly offer to pay a specified part (say 50%) of the cost of local advertising up to an amount equal to a set percentage (such as 5%) of the dollar volume of purchases during a specified time.

Example. A seller may properly place in reserve a specified amount of money for each unit purchased, and use it to reimburse customers for the actual cost of their advertising of the seller's product.

Example. A seller may not select one or a few customers to receive special allowances (e.g., 5% of purchases) to promote his product, while making allowances available on some lesser basis (e.g., 2% of purchases) to customers who compete with them.

Example. A seller's plan may not provide an allowance on a basis that has rates graduated with the amount of goods purchased, as, for instance, 1 percent of the first $1,000 purchases per month, 2 percent of second $1,000 per month, and 3 percent of all over that.

Example. A seller may not identify or feature one or a few customers in his own advertising without making the same service (or a usable alternative) available on proportionally equal terms to customers competing with the identified customer or customers.

Example. A seller of raw materials who wishes to promote through retailing customers, finished products which include his raw material, may not make allowances for such promotion available to some retailing customers unless he makes such allowances available on proportionally equal terms to all retailing customers competing in the sale of the same type of finished product.

[Guide 7]

§ 240.8 Seller's duty to inform.

(a) The seller must take effective action to inform all his competing customers of the availability of the plan, including its terms and conditions. He can do this by any means he chooses, including letter, telegram, notice on invoices, salesmen, brokers, etc. However, if a seller wants to be able to show later that he made an offer to a certain customer, he is in a better position to do so if he made it in writing.

(b) The seller has the responsibility for seeing to it that all competing customers are informed of the availability of his promotional plan (or any plan provided or administered by a third party (e.g., promoter) for the promotion of the seller's product) including the terms and the alternatives provided, even if customers purchase from intervening wholesalers, distributors, or other intermediaries. Thus, in a retailer-invited plan, the seller's wholesalers, distributors, or other intermediaries may be utilized to inform retailers who purchase the seller's products from them, of the promotional plan, but this does not relieve the seller of his responsibility to see that the retailers are so informed.

Example. Seller has a plan for the retail promotion of his products in Philadelphia. Some of his retailing customers purchase directly, and he offers the plan to them. Some other Philadelphia retailers purchase his products through wholesalers. The seller may use the wholesalers to reach the retailing customers who buy through them, either by having the wholesalers notify those retailing customers, or by using the wholesalers' customer lists for direct notification by the seller. The seller must be sure that the wholesalers actually notify all the customers or supply a complete customer list to him, because a seller may be in violation of the law if a wholesaler fails to perform completely.

Example. A seller of raw materials has a program for promotion by retailing customers of finished products which include his raw material. He may utilize the sellers of the finished products to notify his retailing customers, or he may use the customer lists of the sellers of the finished product and notify the retailing customers directly. If the raw material has gone through intermediate processors before reaching the seller of the finished product, the seller of the raw material must make certain that he traces the raw material through each link in the chain if he is to be sure that his offer reaches all competing retailing customers.[1]

Example. Seller has a plan for the retail promotion of his products in Kansas City. Some of his retailing customers purchase directly, and he offers the plan to them. Some other Kansas City retailers purchase his products through wholesalers, and the seller doesn't have enough information to identify all of them. If the wholesalers of the product refuse to provide customer lists, or if the seller believes that the wholesalers may not inform all the retailing customers, or if the wholesalers refuse to do so, the seller must inform those retailing customers buying through wholesalers in some other way. Some ways in which this may be done include:

[1] Comment is invited on the possible use of third party mailing services in the event wholesalers are unwilling to turn over their customer lists to suppliers.

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A. Printing the promotional offer on the shipping container, or on the product package.

B. If the promotional plan calls for display materials, including the materials in the shipping container.

C. Placing brochures announcing the promotional offer in the shipping container and attaching a conspicuous notice thereof to the outside of the container.

D. Advising customers from accurate and complete mailing lists. "Yellow Pages" listings are often not complete. If the product may be sold lawfully only under Government license (alcoholic beverages, for example), informing all license holders would be sufficient.

E. Publishing in a conspicuous manner complete details of the plan in trade publications directed to retailers, but only if all eligible retailers receive the publications.

NOTE: Whatever procedure is used to give notice to the customers, it must prove to be effective in practice. If results obtained by the seller show that the notice is not effectively reaching the customers purchasing through all or some of the wholesalers or other intermediate sellers, a more effective means must be adopted promptly.

Example. The seller has a wholesaler-oriented plan whereby he pays wholesalers to advertise the seller's product in the wholesalers' order books, or in the wholesalers' price lists directed to retailers purchasing from the wholesalers. He must notify all competing wholesalers of the availability of this plan, but the seller is not required to notify retailing customers.

Example. A seller who sells on a direct basis to some retailers in an area, and to others in the area through wholesalers, has a plan for the promotion of his products at the retail level. If the seller directly notifies not only all competing direct-purchasing retailers, but also all competing retailers purchasing through the wholesalers, as to the availability, terms, and conditions of the plan, the seller is not required to notify his wholesalers of the plan.

Example. A seller regularly promotes his products at the retail level, and during the year he has various special promotional offers. His competing customers include large direct-purchasing retailing customers and smaller customers who purchase through wholesalers. Many of the promotions he offers can best be used by his smaller customers if the funds to which the smaller customers are entitled are pooled and used by the wholesalers in their behalf (newspaper advertisements, for example). The seller may permit the retailer purchasing through a wholesaler to designate a wholesaler as his agent for receiving notice of, collecting, and using promotional allowances for him. Such pooling may not be compelled or induced by the seller or the wholesaler. The retailer who purchases through wholesalers must be given the option of receiving and using the promotional benefits directly if he prefers, as well as the opportunity to change his choice at reasonable intervals.

Example. A seller has communicated the details of his promotional plan to his direct-buying retailers and utilized his wholesalers to notify the retailers who buy from them. After a period of time, the seller finds from his record of payments made and proof-of-performance submissions that most of his direct-buying retailers participated, while few, if any, of the customers buying through certain wholesalers took advantage of the plan. Such a seller is on notice that the wholesalers in question may not be communicating the plan to their customers. In these circumstances, the seller must take immediate steps to see that all customers are promptly notified of the availability of the plan.

[Guide 8]

§ 240.9 Availability to all competing customers.

The plan must be such that all types of competing customers may participate. It must not be tailored to satisfy a particular favored customer or class of customers, but must in its terms be suitable for and usable by all competing customers. This may require offering all such customers more than one way to participate in the plan. The seller cannot either expressly, or by the way the plan operates, eliminate some competing customers. Where a seller's basic plan is not functionally available to (i.e., suitable for and usable by) all competing customers, and he therefore offers alternative plans, all of the plans offered must provide the same proportionate equality. With respect to promotional plans offered to retailers, the seller must assure that his plans are usable in a practical business sense by all retailers competing in the resale of his products, whether they purchase directly from him or through a wholesaler or other intermediary. One indication as to the suitability and usability of such a plan may be the extent to which various types of retailers participate in it. If the seller's review of payments made or proof of performance submissions under the plan discloses that one type or class of customer (such as retailers purchasing through wholesalers) participated in the plan to a substantially lesser degree than other types or classes of customers (such as retailers buying directly from the seller), the seller is on notice that, as a practical matter, his plan may not be suitable for and usable by the under-participating type or class of customers. If this is so, the seller must provide such additional alternatives to the plan as will permit participation by all competing customers on proportionally equal terms.

Example. The seller offers a plan for cooperative advertising on radio, television, or in daily and Sunday newspapers of general circulation. Some of his customers are too small to use the offer. He must offer them some usable alternative on proportionally equal terms, such as advertising in neighborhood or weekly newspapers, envelope stuffers, handbills, etc. (See § 240.7.)

Example. The seller's plan provides for furnishing demonstrators to large department store customers. He must provide usable alternatives on proportionally equal terms to those competing customers who cannot use demonstrators. The alternatives may be usable services furnished by the seller, or payments by the seller to customers for their advertising or promotion of the seller's products. (See § 240.7.)

Example. A seller of appliances makes his plan available to those customers purchasing at least some minimum number (such as eight) of his appliances in a single order or during a stated period. If this requirement is beyond the reach of some competing customers, the plan may be illegal.

Example. A seller should not require as a prerequisite to the granting of advertising allowances to customers that such customer's advertising feature prices which, by prearrangement, are acceptable to both seller and customer, regardless of whether the seller or the customer established the prices. Price-limiting provisions of this type include: "Suggested Retail Price," "Regular Price," "Retailer's Regular Price." Such provisions do not accord with section 2(d) of the amended Clayton Act if they result in the denial of allowances for advertisements that do not adhere to those prices, and also violate section 5 of the Federal Trade Commission Act if they tend to coerce resale price maintenance not sanctioned by law.

Example. A seller has informed direct-buying retailers as to the terms and conditions of a plan under which he will provide, on proof of performance, a fixed payment per product case purchased, to apply against cooperative newspaper advertising costs, specifying the minimum size of ad to qualify. The seller, at the same time, arranged for his wholesalers to inform retailers buying from them as to the availability, terms, and conditions of this plan. After 3 months of the plan's operation, the seller's record of payments made and proof-of-performance submissions revealed that a disproportionate number of direct-buying retailers had participated in the plan as compared with the participation of retailers purchasing from wholesalers. All retailers having, in fact, received timely notice of the availability, terms, and conditions of the seller's plan, the seller is on notice that his plan may not be suitable for and usable by retailers supplied through wholesalers.

[Guide 9]

§ 240.10 Need to understand terms.

There must be a clear understanding between the seller and each competing customer as to the exact terms of the offer and the conditions upon which payments will be made for services and facilities furnished. [Guide 10]

§ 240.11 Checking customer's use of payments.

(a) The seller must take reasonable precautions to see that the services he is paying for are furnished, and also that he is not overpaying for them. Moreover, the customer must expend the allowance solely for the purpose for which it was given. If the seller knows or should know that what he pays or furnishes is not being properly used by some customers, the improper payments or services must be discontinued. It should be noted that payments by the seller where the customer performs no services may result in unlawful activity by the seller under section 2(a) of the amended Clayton Act and by the customer under section 2(f) of the Act. Likewise, a seller may not properly pay, nor may a customer properly receive and retain, any amount in excess of that actually used by the customer to perform the service.

(b) Sellers are not relieved of this duty with respect to all competing customers regardless of whether they purchase directly or through intermediaries. Just as in the case of giving notice (see § 240.8), the seller may utilize the service of the intermediaries to distribute payments to those entitled to them, or to check their proper use of such payments, but the responsibility for seeing that the payments are actually made and properly used rests squarely upon sellers. Such sellers may obtain lists of customers purchasing through wholesalers or other intermediaries and, upon receipt of proof of performance, make payment directly to those customers. Or, they may arrange for their wholesalers or other intermediaries to distribute the payments to customers upon receipt by the wholesalers or other intermediaries of adequate proof of performance; the seller, however, must take action to assure himself that the payments have been made, and services performed, in accordance with his plan. [Guide 11]

§ 240.12 Competing customers.

The seller is required to provide in his plan only for those customers who compete with each other in the resale or distribution of the seller's product. Therefore, a seller must make available to all competing wholesalers any plan providing promotional payments or services to wholesalers, and similarly, must make available to all competing retailers any plan providing promotional payments or services to retailers. With these requirements met, a seller can limit the area of his promotion.

Example. Manufacturer A, located in Wisconsin and distributing shoes nationally, sells shoes to three retailers who compete with each other and sell only in the Roanoke, Va. area. He has no other customers selling in Roanoke or its vicinity. If he offers his promotion to one Roanoke customer, he must include all three, but he can limit it to them. The trade area selected must be a natural one and not drawn arbitrarily so as to exclude competing retailers.

Example. A national seller has direct-buying retailing customers reselling exclusively within the Baltimore City trade area, and other customers within that area purchasing through wholesalers. The seller may lawfully engage in a promotional campaign confined to the Baltimore area, provided he affords all of his retailing customers within the area the opportunity to participate, including those who purchase through wholesalers.

Example. A seller produces and sells a fabric which is used in a number of types of wearing apparel, e.g., ladies' blouses, dresses, men's shirts, etc. He may restrict a promotion to a particular type of product, such as men's shirts, and offer the program to his customers solely for the promotion of that one type of finished product.

Example. A seller manufactures and sells men's suits and sport jackets to retail stores nationally. He may restrict allowances to Philadelphia area retailers for their promotion of sport jackets during a particular season. He may not restrict allowances in the Philadelphia area for the promotion of certain styles of sport jackets unless all retailers of his sport jackets in the area are offered the opportunity to purchase the promoted styles and participate in the promotion.

NOTE: The seller must be careful here not to discriminate against customers located on the fringes but outside the area selected for the special promotion, since they may be actually competing with those participating.

[Guide 12]

§ 240.13 Indirect payments.

(a) Promotional assistance plans are sometimes devised and/or administered by third parties who are neither suppliers nor customers. Such plans are sometimes called "tripartite" plans. Typically, the intermediary will enroll many suppliers in a common plan for the promotion of the suppliers' products in retail outlets. The fact that an intermediary has devised and/or is administering the promotional plan in no way insulates suppliers of customers (see § 240.16) from the requirements of the law. Furthermore, the third party intermediary may himself be liable if the use, administration or operation of the plan results in violation of law.

Example. A seller may not buy advertising time from a radio station and have the station furnish free radio time only to certain favored customers of the seller.

Example. A seller may not participate in a tripartite promotional plan providing for in-store promotion of his products unless all his competing customers are given an opportunity to participate in the intermediary's basic plan, or are provided a suitable and usable alternative on proportionally equal terms. The supplier may agree that the intermediary will inform the supplier's customers of the availability, terms and conditions of the program, but the supplier does not escape responsibility if the intermediary fails in this respect, or if the intermediary otherwise operates the program in discriminatory fashion.

Example. A seller may not participate in a tripartite plan involving many suppliers if the customers to whom the plan is offered must purchase the products of other participating suppliers before they are eligible to receive the benefits of the promotional program. The customer of any one seller may not be required to purchase or promote other suppliers' products as a condition to receiving promotional payments or services from the seller, even though a tripartite program is involved.

(b) Sellers, customers, or intermediaries contemplating the use of tripartite promotional plans may obtain an advisory opinion concerning the legality of a specific proposed plan by submitting a request, together with complete details of the proposed plan, to the Secretary, Federal Trade Commission, Washington, D.C. 20580. Assistance with respect to existing plans may be obtained by writing to the Commission's Bureau of Industry Guidance. [Guide 13]

§ 240.14 Meeting competition in good faith.

A seller charged with discrimination in violation of section 2(d) or section 2(e) may defend his actions by showing that the payments were made or the services were furnished in good faith to meet equally high payments made by a competing seller to the particular customer, or to meet equivalent services furnished by a competing seller to the particular customer. This defense, however, is subject to important limitations. For instance, it is insufficient to defend a charge of violating either section 2(d) or 2(e) solely on the basis that competition in a particular industry is very keen, requiring that special allowances must be given to some customers if a seller is "to be competitive." [Guide 14]

§ 240.15 Cost justification.

It is no defense to a charge of unlawful discrimination in the payment of an allowance or the furnishing of a service for a seller to show that such payment, service, or facility could be justified through savings in the cost of manufacture, sale or delivery. [Guide 15]

§ 240.16 Customer's liability.

Sections 2 (d) and (e) apply only to sellers and not to customers. However, a customer who knows, or should know, that he is receiving payments or services which are not available on proportionally equal terms to his competitors engaged in the resale of the same seller's products, may be proceeded against by the Commission under section 5 of the Federal Trade Commission Act, which prohibits unfair methods of competition.

Example. A customer may not solicit sellers to grant him advertising allowances for special promotion of the sellers' products in connection with the customer's anniversary sale or new store opening, and receive such allowances, unless he has taken such affirmative steps as would satisfy a reasonable and prudent businessman that such allowances are affirmatively offered and otherwise made available by such seller on proportionally equal terms to all of its other customers competing with the customer in the distribution of the seller's products and that usable and suitable alternatives are offered them.

Example. A customer may not request and receive seller contributions to the cost of his institutional advertising, unless he has taken such affirmative steps as would satisfy a reasonable and prudent businessman that such allowances are affirmatively offered and otherwise made available by such seller on proportionally equal terms to all of its other customers competing with the customer in the distribution of the seller's products and that usable and suitable alternatives are offered them.

Example. A customer, an experienced buyer, is offered an allowance of 25 percent of his purchase volume by a seller for cooperative advertising to be paid for 100 percent by the seller. The customer knows, or should know, that most cooperative advertising programs in the industry allow payments of from 3 to 7 percent of purchases, and require 50–50 sharing by the seller and the customer. He would be on notice to inquire of the seller as to the availability of these unusual terms to the seller's other customers who compete with him.

[Guide 16]

Issued: July 24, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-8871; Filed, July 24, 1968; 8:49 a.m.]

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FEDERAL REGISTER

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Agriculture Department
Atomic Energy Commission
Business and Defense Services Administration
Civil Aeronautics Board
Commodity Credit Corporation
Consumer and Marketing Service
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Federal Aviation Administration
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Federal Power Commission
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Title 3—THE PRESIDENT

Executive Order 11417

ADDING AN ASSISTANT SECRETARY OF COMMERCE TO THE MEMBERSHIP OF THE DEVELOPMENT LOAN COMMITTEE

By virtue of the authority vested in me by section 204 of the Foreign Assistance Act of 1961 (22 U.S.C. 2164) and as President of the United States, Executive Order No. 10973 of November 3, 1961, as amended, is hereby further amended by inserting in section 305, after the text "the Assistant Secretary of the Treasury dealing with international finance,", the following: "the Assistant Secretary of Commerce for Domestic and International Business,".

Lyndon B. Johnson

THE WHITE HOUSE,
July 24, 1968.

[F.R. Doc. 68-9049; Filed, July 25, 1968; 10:26 a.m.]

Rules and Regulations

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER A—MEASUREMENT SERVICES

PART 200—POLICIES, SERVICES, PROCEDURES, AND FEES

Change in Designation

Pursuant to a change in National Bureau of Standards editorial practice, the Miscellaneous Publication series has been redesignated as the Special Publication series. In this connection, Miscellaneous Publication 250, Calibration and Test Services of the National Bureau of Standards, has been extensively revised and reissued as Special Publication 250.[1] SP 250 updates the Bureau's various test services and calibrations as well as the fees for the performance of such services.

Accordingly, Special Publication 250 should be substituted in each of the following sections of Part 200, 15 CFR where reference is made to Miscellaneous Publication 250: § 200.103 (b) and (c); § 200.105; § 200.107(a); § 200.19(e); § 200.110 (b) and (h); § 200.111; § 200.115(b); § 200.116 (a), (b), and (c).

Similarly, the Special Publication series should be substituted in §§ 200.107 (a) and 200.108(a) wherever reference is made to other publications in the Miscellaneous Publication series.

A. V. ASTIN,
Director.

[F.R. Doc. 68-8919; Filed, July 25, 1968; 8:45 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

PART 240—OFFERS IN COMPROMISE OF CLAIMS UNDER SECTION 194, TITLE 31, UNITED STATES CODE

Part 240 of Title 31 of the Code of Federal Regulations prescribes deposit and accounting procedures governing remittances on account of offers in compromise submitted for the approval of the Secretary of the Treasury, upon the recommendation of the General Counsel, under section 3469 of the Revised Statutes, 31 U.S.C. 194. The Treasury Department has determined that these procedures are not current and are unnecessary, in view of the developments in the law providing alternative methods for the compromise of claims in favor of the United States, particularly the Federal Claims Collection Act of 1966, 31 U.S.C. Supp. II, 951–953, and that, therefore, these regulations should be revoked. The Department also finds, in accord with 5 U.S.C. 553, that notice and public procedure thereon are not necessary, since the regulations revoked involve rules of agency practice and procedure.

Accordingly, Part 240, Chapter II of Title 31 of the Code of Federal Regulations (also appearing as Department Circular 39) is revoked.

(5 U.S.C. 301)

Effective date: This revocation shall be effective upon publication in the FEDERAL REGISTER.

Dated: July 22, 1968.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 68-8940; Filed, July 25, 1968; 8:47 a.m.]

[1] For sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 728—WHEAT

Subpart—Regulations Pertaining to Farm Acreage Allotments, Yields, and Wheat Certificate Programs for Crop Years 1968–69

1969 COUNTY ACREAGE ALLOTMENTS

The regulations governing the 1968–69 wheat program (33 F.R. 6508), as amended, are amended by deleting §§ 728.356 and 728.357 under centerhead "1968 County Acreage Allotment" and by adding §§ 728.356 and 728.357 to read as follows:

1969 COUNTY ACREAGE ALLOTMENTS

§ 728.356 Basis and purpose.

(a) The county acreage allotments for 1969 crop wheat contained herein have been determined under section 334 of the Agricultural Adjustment Act of 1938, as amended. The purpose of this document is to apportion among the counties of each State the respective State wheat acreage allotments, less reserves for (1) new farms and (2) appeals, corrections and missed farms as recommended by the respective ASC State committees for 1969.

(b) Section 334(b) of the Agricultural Adjustment Act of 1938, as amended, provides that the State acreage allotments for wheat, less a reserve of not to exceed 3 percentum thereof for new farms, shall be apportioned by the Secretary among the counties in the State on the basis of the preceding year's wheat allotment in each county, including all amounts allotted to the county, adjusted to the extent deemed necessary by the Secretary in order to establish a fair and equitable apportionment base for each county, taking into consideration established crop rotation practices, estimated decrease in farm allotments because of loss of history, and other relevant factors.

(c) The 1969 State acreage allotments for wheat less reserves for (1) new farms, and (2) appeals, corrections, and missed farms were apportioned among the counties in the various States as follows:

(d) (1) To each 1968 county wheat allotment determined under section 334(b) of the Act, as amended, and published in the FEDERAL REGISTER of August 11, 1967 (32 F.R. 11609) was added the sum of 1968 allotment acreage allocated to counties in each State from the national acreage reserve and the special acreage reserve to increase allotments on eligible farms in designated counties where wheat is a major income-producing crop. The resulting preliminary apportionment bases for each county were (i) adjusted to reflect the net plus or minus change in 1968 wheat allotment resulting from the transfer of farms to other counties for administrative purposes, and (ii) were adjusted downward to the extent of the sum of 1968 wheat allotment received from farms going out of agricultural production.

(2) Adjustments in county preliminary apportionment bases for established crop rotation practices and other relevant factors were made to the extent deemed necessary to establish a fair and equitable apportionment base for each county. The State wheat acreage allotment less a reserve for new farms and a reserve for appeals and corrections and missed farms was distributed pro rata to counties on the basis of each county's apportionment base determined in accordance with the foregoing.

(e) The tables contained in § 728.357 hereof show the apportionment of the 1969 State wheat acreage allotment to counties. The reserve acreage for new farms and the reserve for appeals, corrections of errors and missed farms withheld from the State allotment are listed at the end of the allotment tabulation for each State. The reserve acreage withheld by county committee for appeals, corrections of errors, and missed farms prior to apportioning the county allotment to individual farms is indicated in the appropriate column on the tabulation.

(f) Since farmers in the winter wheat area will begin 1969 wheat planting operations shortly, it is hereby found that the apportionment and determinations herein shall become effective upon the date of the filing of this document with the Director, Office of the Federal Register.

§ 728.357 Apportionment of the 1969 State wheat acreage allotment to counties.

ALABAMA

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Autauga	1,100	
Baldwin	9,597	
Barbour	55	
Bibb	27	
Blount	132	
Bullock	29	
Butler		
Calhoun	207	
Chambers	479	
Cherokee	1,385	
Chilton	67	
Choctaw		
Clarke	125	
Clay	87	
Cleburne	172	
Coffee	223	
Colbert	9,343	
Conecuh	138	
Coosa	23	
Covington	147	
Crenshaw	42	
Cullman	71	
Dale	281	
Dallas	629	
De Kalb	344	
Elmore	436	
Escambia	2,433	
Etowah	98	
Fayette	66	
Franklin	557	
Geneva	850	
Greene	26	
Hale	302	
Henry	312	
Houston	840	
Jackson	1,202	
Jefferson	118	
Lamar	66	
Lauderdale	9,843	
Lawrence	5,359	
Lee	259	
Limestone	3,372	
Lowndes	335	
Macon	199	
Madison	4,511	
Marengo	36	
Marion	192	
Marshall	237	
Mobile	557	
Monroe	275	
Montgomery	516	
Morgan	1,559	
Perry	130	
Pickens	172	
Pike	127	
Randolph	233	
Russell	56	
St. Clair	52	
Shelby	114	
Sumter	66	
Talladega	933	
Tallapoosa	64	
Tuscaloosa	54	
Walker	100	
Washington	460	
Wilcox	18	
Winston	6	
Total to counties	62,137	
Reserve for new farms	100	
Reserve for appeals, corrections, and missed farms	100	
State total	62,337	

ARIZONA

Apache	158	5
Cochise	938	5
Coconino	2,157	5
Gila		
Graham	51	2
Greenlee	65	1
Maricopa	13,247	10
Mohave	388	1
Navajo	1,255	5
Pima	320	2
Pinal	10,683	10
Santa Cruz		
Yavapai	1,246	1
Yuma	8,685	5
Total to counties	39,193	52
Reserve for new farms	0	
Reserve for appeals, corrections, and missed farms	14	
State total	39,207	

ARKANSAS

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Arkansas	694	
Ashley	44	
Baxter	74	
Benton	2,686	
Boone	132	
Bradley		
Calhoun		
Carroll	102	
Chicot	1,114	
Clark		
Clay	14,141	
Cleburne	21	
Cleveland		
Columbia		
Conway	1,979	
Craighead	13,109	
Crawford	3,159	
Crittenden	9,642	
Cross	3,048	
Dallas		
Desha	788	
Drew	41	
Faulkner	344	
Franklin	981	
Fulton	63	
Garland	5	
Grant	26	
Greene	6,008	
Hempstead	38	
Hot Spring	37	
Howard		
Independence	5,400	
Izard	36	
Jackson	4,169	
Jefferson	353	
Johnson	1,054	
Lafayette	7	
Lawrence	2,738	
Lee	3,196	
Lincoln	101	
Little River	49	
Logan	1,891	
Lonoke	787	
Madison	191	
Marion	28	
Miller	26	
Mississippi	27,567	
Monroe	486	
Montgomery	3	
Nevada		
Newton	2	
Ouachita		
Perry	432	
Phillips	3,481	
Pike		
Poinsett	4,597	
Polk	5	
Pope	1,408	
Prairie	613	
Pulaski	3,073	
Randolph	3,007	
St. Francis	5,131	
Saline	5	
Scott		
Searcy	69	
Sebastian	536	
Sevier		
Sharp	109	
Stone	190	
Union		
Van Buren	34	
Washington	633	
White	656	
Woodruff	2,242	
Yell	1,207	
Total to counties	134,128	
Reserve for new farms, appeals, corrections, and missed farms	75	
State total	134,203	

CALIFORNIA

Alameda	1,160	
Alpine	6	
Amador	182	
Butte	6,986	
Calaveras		
Colusa	6,149	
Contra Costa	1,184	
Del Norte		
El Dorado		
Fresno	13,515	
Glenn	3,120	
Humboldt		
Imperial	1,714	
Inyo	7	

CALIFORNIA—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Kern	33,897	
Kings	2,101	
Lake	240	
Lassen	6,140	
Los Angeles	23,140	
Madera	8,766	
Marin	368	
Mariposa	98	
Mendocino	672	
Merced	3,049	
Modoc	15,452	
Mono	4	
Monterey	14,694	
Napa	793	
Nevada		
Orange	430	
Placer	8,914	
Plumas	506	
Riverside	15,562	
Sacramento	15,592	
San Benito	1,061	
San Bernardino	49	
San Diego	524	
San Francisco		
San Joaquin	9,749	
San Luis Obispo	77,983	
San Mateo	26	
Santa Barbara	8,103	
Santa Clara	80	
Santa Cruz		
Shasta	1,112	
Sierra	267	
Siskiyou	17,912	
Solano	11,691	
Sonoma	291	
Stanislaus	672	
Sutter	14,552	
Tehama	1,731	
Trinity		
Tulare	25,878	
Tuolumne	5	
Ventura	515	
Yolo	9,946	
Yuba	1,115	
Total to counties	367,616	
Reserve for new farms	50	
Reserve for appeals, corrections, and missed farms	50	
State total	367,716	

COLORADO

Adams	114,593	
Alamosa	595	
Arapahoe	56,392	
Archuleta	1,283	
Baca	221,765	
Bent	26,078	
Boulder	9,807	
Chaffee	72	
Cheyenne	124,514	
Clear Creek		
Conejos	1,031	
Costilla	768	
Crowley	10,496	
Custer	269	
Delta	1,134	
Denver		
Dolores	24,674	
Douglas	9,581	
Eagle	279	
Elbert	56,875	
El Paso	13,272	
Fremont	599	
Garfield	3,986	
Gilpin		
Grand	794	
Gunnison		
Hinsdale		
Huerfano	4,025	
Jackson	412	
Jefferson	7,439	
Kiowa	195,390	
Kit Carson	215,684	
Lake		
La Plata	17,231	
Larimer	19,914	
Las Animas	17,933	
Lincoln	120,103	
Logan	117,550	
Mesa	1,411	
Mineral		
Moffat	29,099	
Montezuma	17,602	
Montrose	3,966	

COLORADO—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Morgan	55,838	
Otero	3,719	
Ouray	596	
Park		
Phillips	97,042	
Pitkin	112	
Prowers	137,203	
Pueblo	15,210	
Rio Blanco	5,309	
Rio Grande	2,376	
Routt	20,671	
Saguache	507	
San Juan		
San Miguel	2,750	
Sedgwick	55,327	
Summit		
Teller	7	
Washington	205,095	
Weld	165,254	
Yuma	123,561	
Total to counties	2,337,393	
Reserve for new farms	300	
Reserve for appeals, corrections, and missed farms	200	
State total	2,337,893	

CONNECTICUT

Fairfield	2	
Hartford	99	
Litchfield	28	
Middlesex	51	
New Haven	55	
New London		
Tolland	40	
Windham	36	
Total to counties	311	
Reserve for new farms	2	
Reserve for appeals, corrections, and missed farms	4	
State total	317	

DELAWARE

Kent	11,145	15
New Castle	9,649	30
Sussex	5,126	20
Total to counties	25,920	65
Reserve for new farms, appeals, corrections, and missed farms	24	
State total	25,944	

FLORIDA

Alachua	512	
Baker	13	
Bay		
Bradford		
Brevard		
Broward		
Calhoun	614	
Charlotte		
Citrus		
Clay		
Collier		
Columbia	302	
Dade		
De Soto		
Dixie		
Duval		
Escambia	7,328	
Flagler		
Franklin		
Gadsden	63	
Gilchrist	396	
Glades		
Gulf		
Hamilton	164	
Hardee		
Hendry		
Hernando		
Highlands		
Hillsborough		
Holmes	83	
Indian River		
Jackson	732	
Jefferson	87	
Lafayette	50	
Lake		
Lee		
Leon	13	

FLORIDA—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Levy	660	
Liberty	47	
Madison	1,500	
Manatee		
Marion	31	
Martin		
Monroe		
Nassau		
Okaloosa	1,257	
Okeechobee		
Orange		
Osceola		
Palm Beach		
Pasco		
Pinellas		
Polk		
Putnam		
St. Johns		
St. Lucie		
Santa Rosa	1,899	
Sarasota		
Seminole		
Sumter	6	
Suwannee	748	
Taylor		
Union		
Volusia		
Wakulla		
Walton	273	
Washington	57	
Total to counties	16,835	
Reserve for new farms	75	
Reserve for appeals, corrections, and missed farms	25	
State total	16,935	

GEORGIA

Appling	36	
Atkinson	26	
Bacon	18	
Baker	447	
Baldwin	39	
Banks	1,670	
Barrow	957	
Bartow	2,603	
Ben Hill	24	
Berrien	233	
Bibb	603	
Bleckley	430	
Brantley		
Brooks	1,099	
Bryan	6	
Bulloch	340	
Burke	1,484	
Butts	1,162	
Calhoun	225	
Camden		
Candler	382	
Carroll	844	
Catoosa	181	
Charlton		
Chatham	13	
Chattahoochee		
Chattooga	171	
Cherokee	148	
Clarke	1,565	
Clay	139	
Clayton	238	
Clinch		
Cobb	87	
Coffee	158	
Colquitt	41	
Columbia	236	
Cook	101	
Coweta	277	
Crawford	1,000	
Crisp	1,618	
Dade	66	
Dawson	217	
Decatur	142	
De Kalb	106	
Dodge	276	
Dooly	3,072	
Dougherty	705	
Douglas	121	
Early	1,208	
Echols	4	
Effingham	82	
Elbert	3,346	
Emanuel	651	
Evans	94	
Fannin	24	
Fayette	500	
Floyd	663	
Forsyth	489	
Franklin	5,582	
Fulton	211	

GEORGIA—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Gilmer	32	
Glascock	544	
Glynn		
Gordon	754	
Grady	332	
Greene	315	
Gwinnett	1,336	
Habersham	189	
Hall	564	
Hancock	236	
Haralson	205	
Harris	115	
Hart	7,775	
Heard	486	
Henry	1,638	
Houston	5,075	
Irwin	34	
Jackson	3,412	
Jasper	392	
Jeff Davis	28	
Jefferson	10,093	
Jenkins	322	
Johnson	646	
Jones	54	
Lamar	509	
Lanier	28	
Laurens	1,873	
Lee	452	
Liberty		
Lincoln	259	
Long		
Lowndes	360	
Lumpkin	44	
McDuffie	334	
McIntosh		
Macon	2,195	
Madison	9,085	
Marion	252	
Meriwether	561	
Miller	745	
Mitchell	44	
Monroe	231	
Montgomery	97	
Morgan	944	
Murray	1,202	
Muscogee	9	
Newton	444	
Oconee	2,740	
Oglethorpe	5,074	
Paulding	201	
Peach	2,181	
Pickens	104	
Pierce	11	
Pike	1,125	
Polk	922	
Pulaski	961	
Putnam	123	
Quitman	33	
Rabun	7	
Randolph	347	
Richmond	741	
Rockdale	252	
Schley	218	
Screven	394	
Seminole	566	
Spalding	1,056	
Stephens	714	
Stewart	56	
Sumter	1,866	
Talbot	114	
Tallaferro	148	
Tattnall	77	
Taylor	247	
Telfair	20	
Terrell	298	
Thomas	205	
Tift	53	
Toombs	101	
Towns	72	
Treutlen	117	
Troup	41	
Turner	346	
Twiggs	74	
Union	149	
Upson	456	
Walker	493	
Walton	1,892	
Ware		
Warren	1,261	
Washington	3,596	
Wayne		
Webster	87	
Wheeler	510	
White	66	
Whitfield	1,008	
Wilcox	268	
Wilkes	686	
Wilkinson	163	
Worth	627	
Total to counties	123,572	

GEORGIA—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Reserve for new farms	100	
Reserve for appeals, corrections, and missed farms	101	
State total	123,773	

IDAHO

Ada	6,181	
Adams	901	
Bannock	44,729	
Bear Lake	19,359	
Benewah	17,563	
Bingham	48,335	
Blaine	6,829	
Boise	387	
Bonner	1,234	
Bonneville	82,244	
Boundary	8,681	
Butte	8,946	
Camas	29,449	
Canyon	18,143	
Caribou	47,625	
Cassia	57,088	
Clark	4,866	
Clearwater	7,047	
Custer	1,716	
Elmore	6,383	
Franklin	32,529	
Fremont	43,854	
Gem	2,369	
Gooding	7,745	
Idaho	52,784	
Jefferson	25,786	
Jerome	13,672	
Kootenai	22,244	
Latah	59,708	
Lemhi	1,043	
Lewis	35,694	
Lincoln	9,399	
Madison	43,684	
Minidoka	22,835	
Nez Perce	58,127	
Oneida	60,532	
Owyhee	4,890	
Payette	4,967	
Power	84,134	
Shoshone		
Teton	26,016	
Twin Falls	34,332	
Valley	523	
Washington	16,085	
Total to counties	1,080,640	
Reserve for new farms	200	
Reserve for appeals, corrections, and missed farms	1,002	
State total	1,081,842	

ILLINOIS

Adams	35,715	100
Alexander	4,981	10
Bond	19,176	100
Boone	1,322	15
Brown	8,066	45
Bureau	2,509	25
Calhoun	5,318	40
Carroll	326	10
Cass	18,314	50
Champaign	43,102	50
Christian	45,847	75
Clark	25,349	200
Clay	17,424	100
Clinton	30,048	75
Coles	25,339	50
Cook	3,318	10
Crawford	19,317	110
Cumberland	17,936	60
De Kalb	1,433	10
De Witt	9,256	50
Douglas	20,204	30
Du Page	4,659	15
Edgar	28,656	25
Edwards	10,966	50
Effingham	23,168	200
Fayette	30,098	250
Ford	3,925	15
Franklin	17,730	50
Fulton	19,291	125
Gallatin	9,103	40
Greene	22,469	100
Grundy	1,686	5
Hamilton	12,941	25
Hancock	28,015	100
Hardin	168	4
Henderson	4,224	25
Henry	800	25
Iroquois	19,909	50

ILLINOIS—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Jackson	17,206	80
Jasper	26,190	200
Jefferson	21,982	50
Jersey	18,296	50
Jo Daviess	25	1
Johnson	1,657	10
Kane	3,903	30
Kankakee	13,165	25
Kendall	1,794	20
Knox	3,631	50
Lake	5,496	125
La Salle	3,045	25
Lawrence	20,519	150
Lee	4,031	40
Livingston	6,206	25
Logan	23,841	100
McDonough	12,811	150
McHenry	3,675	25
McLean	13,793	50
Macon	24,777	80
Macoupin	43,436	200
Madison	49,697	300
Marion	25,587	25
Marshall	4,277	25
Mason	30,011	60
Massac	3,468	10
Menard	15,134	50
Mercer	1,105	25
Monroe	31,527	100
Montgomery	39,237	200
Morgan	29,181	100
Moultrie	17,972	20
Ogle	1,336	10
Peoria	12,974	30
Perry	17,980	100
Piatt	18,092	25
Pike	22,598	75
Pope	1,855	10
Pulaski	4,603	25
Putnam	2,095	25
Randolph	31,584	50
Richland	15,221	100
Rock Island	909	25
St. Clair	53,030	80
Saline	12,381	70
Sangamon	40,384	125
Schuyler	15,639	50
Scott	13,507	50
Shelby	40,115	50
Stark	1,247	25
Stephenson	152	5
Tazewell	21,708	125
Union	6,711	15
Vermilion	43,157	50
Wabash	13,192	75
Warren	1,496	25
Washington	45,931	30
Wayne	19,679	50
White	23,566	120
Whiteside	4,073	25
Will	14,096	10
Williamson	5,527	25
Winnebago	1,834	10
Woodford	5,918	25
Total to counties	1,621,393	6,235
Reserve for new farms	600	
Reserve for appeals, corrections, and missed farms	399	
State total	1,622,392	

INDIANA

Adams	16,739	48
Allen	32,854	95
Bartholomew	19,537	56
Benton	15,569	45
Blackford	4,763	15
Boone	12,405	36
Brown	342	5
Carroll	15,327	44
Cass	14,323	42
Clark	6,380	18
Clay	17,243	50
Clinton	19,165	55
Crawford	1,960	15
Daviess	20,717	60
Dearborn	4,958	14
Decatur	22,273	65
De Kalb	19,318	56
Delaware	14,950	50
Dubois	12,297	35
Elkhart	21,194	61
Fayette	8,653	30
Floyd	1,592	5
Fountain	17,205	49
Franklin	12,823	37
Fulton	13,791	40
Gibson	23,518	67
Grant	15,182	44
Greene	12,016	35

INDIANA—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Hamilton	14,354	42
Hancock	12,382	36
Harrison	7,743	22
Hendricks	12,672	37
Henry	13,417	38
Howard	13,891	40
Huntington	15,366	45
Jackson	15,696	46
Jasper	16,825	60
Jay	12,701	37
Jefferson	5,542	16
Jennings	8,474	25
Johnson	13,816	40
Knox	31,698	91
Kosciusko	21,807	63
Lagrange	16,913	50
Lake	12,184	35
La Porte	30,045	90
Lawrence	3,219	12
Madison	18,611	55
Marion	7,892	23
Marshall	17,488	50
Martin	2,182	15
Miami	13,260	38
Monroe	1,496	15
Montgomery	17,554	50
Morgan	8,871	35
Newton	9,963	30
Noble	17,033	49
Ohio	1,008	5
Orange	3,321	15
Owen	4,931	15
Parke	13,891	40
Perry	4,241	15
Pike	8,000	23
Porter	19,146	55
Posey	23,813	69
Pulaski	16,282	47
Putnam	10,487	30
Randolph	15,834	46
Ripley	15,748	50
Rush	21,297	61
St. Joseph	22,197	64
Scott	4,167	12
Shelby	21,449	62
Spencer	13,930	40
Starke	10,290	30
Steuben	12,130	35
Sullivan	21,055	75
Switzerland	2,515	7
Tippecanoe	21,253	75
Tipton	12,658	36
Union	9,437	27
Vanderburgh	10,631	31
Vermillion	10,487	30
Vigo	15,574	45
Wabash	17,412	50
Warren	13,992	40
Warrick	10,137	29
Washington	9,061	26
Wayne	13,429	44
Wells	15,763	45
White	16,642	55
Whitley	15,131	43
Total to counties	1,247,578	3,729
Reserve for new farms	300	
Reserve for appeals, corrections, and missed farms	100	
State total	1,247,978	

IOWA

Adair	262	5
Adams	1,323	5
Allamakee	53	
Appanoose	906	3
Audubon	134	
Benton	220	
Black Hawk	59	1
Boone	69	
Bremer	44	
Buchanan	43	1
Buena Vista	0	
Butler	11	
Calhoun	34	
Carroll	50	
Cass	1,099	
Cedar	64	
Cerro Gordo	1,547	
Cherokee	22	
Chickasaw	30	
Clarke	229	5
Clay	21	
Clayton	114	1
Clinton	112	
Crawford	441	
Dallas	492	3
Davis	1,885	20
Decatur	959	

IOWA—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Delaware	15	2
Des Moines	4,230	10
Dickinson	213	
Dubuque	44	
E. Pottawattamie	2,046	5
Emmet	36	
Fayette	46	
Floyd	36	
Franklin	30	
Fremont	10,795	25
Greene	8	
Grundy	9	
Guthrie	504	3
Hamilton	548	
Hancock	321	1
Hardin	12	
Harrison	14,840	6
Henry	1,341	15
Howard	49	
Humboldt	10	
Ida	39	
Iowa	93	
Jackson	13	
Jasper	905	
Jefferson	1,709	
Johnson	107	
Jones	61	
Keokuk	140	
Kossuth	1,266	
Lee	8,519	21
Linn	120	
Louisa	1,294	
Lucas	591	10
Lyon	430	
Madison	1,973	10
Mahaska	524	
Marion	993	15
Marshall	31	
Mills	10,239	60
Mitchell	517	
Monona	14,566	39
Monroe	737	
Montgomery	4,381	25
Muscatine	1,117	
O'Brien	20	
Osceola	1,042	
Page	6,668	50
Palo Alto	38	
Plymouth	879	5
Pocahontas	23	
Polk	2,900	7
Poweshiek	75	
Ringgold	2,175	15
Sac	4	
Scott	194	
Shelby	103	
Sioux	101	
Story	150	
Tama	46	
Taylor	2,710	30
Union	337	5
Van Buren	3,576	25
Wapello	1,972	
Warren	3,523	5
Washington	210	
Wayne	297	
Webster	82	2
W. Pottawattamie	6,038	2
Winnebago	3,073	50
Winneshiek	95	
Woodbury	4,149	10
Worth	1,567	10
Wright	107	
Total to counties	137,815	507
Reserve for new farms	200	
Reserve for appeals, corrections, and missed farms	100	
State total	138,115	

KANSAS

Allen	28,101	25
Anderson	29,659	50
Atchison	26,088	40
Barber	109,981	50
Barton	216,650	50
Bourbon	21,885	30
Brown	34,297	15
Butler	60,849	50
Chase	17,741	20
Chautauqua	13,646	10
Cherokee	57,392	50
Cheyenne	102,798	20
Clark	90,250	30
Clay	85,831	35
Cloud	108,485	50
Coffey	26,185	30
Comanche	90,625	30
Cowley	92,757	50
Crawford	34,693	20

KANSAS—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Decatur	89,233	20
Dickinson	129,032	25
Doniphan	17,234	35
Douglas	29,335	40
Edwards	135,226	30
Elk	13,357	25
Ellis	136,953	50
Ellsworth	104,832	25
Finney	170,211	30
Ford	235,075	50
Franklin	27,139	25
Geary	24,178	25
Gove	105,399	20
Graham	103,471	20
Grant	78,836	20
Gray	177,313	20
Greeley	124,533	20
Greenwood	18,964	25
Hamilton	125,763	20
Harper	176,295	50
Harvey	91,543	50
Haskell	130,310	20
Hodgeman	138,532	40
Jackson	33,169	40
Jefferson	29,331	25
Jewell	108,413	50
Johnson	22,708	20
Kearny	91,988	20
Kingman	153,874	50
Kiowa	105,728	25
Labette	55,230	35
Lane	104,232	30
Leavenworth	22,586	50
Lincoln	103,580	25
Linn	25,088	50
Logan	100,552	10
Lyon	36,014	50
McPherson	181,997	50
Marion	109,298	30
Marshall	72,043	50
Meade	145,659	20
Miami	28,974	35
Mitchell	155,221	25
Montgomery	43,383	25
Morris	39,364	25
Morton	77,314	20
Nemaha	32,086	25
Neosho	41,532	25
Ness	178,956	40
Norton	76,899	30
Osage	26,878	30
Osborne	129,127	30
Ottawa	104,298	50
Pawnee	181,208	30
Phillips	86,557	30
Pottawatomie	34,910	25
Pratt	157,254	50
Rawlins	107,400	10
Reno	248,880	50
Republic	83,466	50
Rice	148,829	50
Riley	28,953	25
Rooks	128,557	20
Rush	166,665	30
Russell	135,395	30
Saline	111,609	25
Scott	105,973	30
Sedgwick	174,262	50
Seward	90,103	20
Shawnee	33,604	50
Sheridan	106,532	25
Sherman	135,982	25
Smith	101,142	30
Stafford	151,845	50
Stanton	112,073	20
Stevens	89,919	20
Sumner	261,518	50
Thomas	165,443	25
Trego	115,282	30
Wabaunsee	25,764	50
Wallace	75,739	20
Washington	78,861	30
Wichita	99,048	20
Wilson	42,098	30
Woodson	14,938	25
Wyandotte	3,638	20
Total to counties	9,669,686	3,415
Reserve for new farms	500	
Reserve for appeals, corrections, and missed farms	504	
State total	9,670,690	

KENTUCKY

Adair	1,096	
Allen	1,843	
Anderson	155	
Ballard	2,102	
Barren	1,665	

KENTUCKY—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Bath	1,122	
Bell		
Boone	668	
Bourbon	4,402	
Boyd	2	
Boyle	1,721	
Bracken	995	
Breathitt		
Breckinridge	4,838	
Bullitt	1,265	
Butler	904	
Caldwell	1,829	
Calloway	4,143	
Campbell	225	
Carlisle	880	
Carroll	179	
Carter	62	
Casey	408	
Christian	17,378	
Clark	611	
Clay		
Clinton	512	
Crittenden	1,575	
Cumberland	89	
Daviess	6,153	
Edmonson	362	
Elliott		
Estill	11	
Fayette	1,510	
Fleming	919	
Floyd		
Franklin	428	
Fulton	3,509	
Gallatin	122	
Garrard	636	
Grant	83	
Graves	4,269	
Grayson	2,986	
Green	1,395	
Greenup	106	
Hancock	1,375	
Hardin	3,382	
Harlan		
Harrison	1,757	
Hart	229	
Henderson	4,486	
Henry	906	
Hickman	4,007	
Hopkins	4,177	
Jackson	30	
Jefferson	1,594	
Jessamine	654	
Johnson		
Kenton	62	
Knott		
Knox	8	
Larue	1,783	
Laurel	28	
Lawrence		
Lee	7	
Leslie		
Letcher		
Lewis	346	
Lincoln	1,225	
Livingston	579	
Logan	16,020	
Lyon	961	
McCracken	986	
McCreary		
McLean	2,631	
Madison	377	
Magoffin		
Marion	1,314	
Marshall	1,206	
Martin		
Mason	3,264	
Meade	3,873	
Menifee		
Mercer	1,331	
Metcalfe	358	
Monroe	1,199	
Montgomery	783	
Morgan	7	
Muhlenberg	2,650	
Nelson	3,256	
Nicholas	504	
Ohio	1,059	
Oldham	1,527	
Owen	123	
Owsley		
Pendleton	549	
Perry		
Pike		
Powell	16	
Pulaski	1,035	
Robertson	145	
Rockcastle	88	
Rowan	22	
Russell	337	
Scott	1,990	
Shelby	2,697	
Simpson	11,297	

KENTUCKY—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Spencer	649	
Taylor	3,355	
Todd	10,032	
Trigg	5,165	
Trimble	1,152	
Union	7,530	
Warren	4,492	
Washington	1,571	
Wayne	1,532	
Webster	5,170	
Whitley		
Wolfe		
Woodford	1,793	
Total to counties	204,149	
Reserve for new farms	350	
Reserve for appeals, corrections, and missed farms	50	
State total	204,549	

LOUISIANA (PARISHES)

Acadia	254	
Allen	91	
Ascension		
Assumption		
Avoyelles	16	
Beauregard		
Bienville		
Bossier	712	
Caddo	319	
Calcasieu		
Caldwell	172	
Cameron		
Catahoula	63	
Claiborne	4	
Concordia	1,073	
De Soto	15	
East Baton Rouge	61	
East Carroll	15,137	
East Feliciana	1	
Evangeline	18	
Franklin	452	
Grant		
Iberia		
Iberville		
Jackson	3	
Jefferson		
Jefferson Davis	106	
Lafayette	23	
Lafourche		
La Salle	16	
Lincoln		
Livingston		
Madison	6,414	
Morehouse	1,364	
Natchitoches	160	
Orleans		
Ouachita	122	
Plaquemines		
Pointe Coupee	97	
Rapides	96	
Red River	517	
Richland	676	
Sabine		
St. Bernard		
St. Charles		
St. Helena		
St. James	13	
St. John the Baptist		
St. Landry	266	
St. Martin		
St. Mary		
St. Tammany		
Tangipahoa		
Tensas	7,056	
Terrebonne		
Union		
Vermilion	10	
Vernon		
Washington		
Webster	74	
West Baton Rouge		
West Carroll	2,750	
West Feliciana		
Winn		
Total to parishes	38,153	
Reserve for new farms	0	
Reserve for appeals, corrections, and missed farms	0	
State total	38,153	

MAINE

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Androscoggin		
Aroostook	141	
Cumberland		
Franklin		
Hancock		
Kennebec	8	
Knox		
Lincoln		
Oxford		
Penobscot	12	
Piscataquis		
Sagadahoc		
Somerset	29	
Waldo	25	
Washington	1	
York	13	
Total to counties	229	
Reserve for new farms	6	
Reserve for appeals, corrections, and missed farms	13	
State total	248	

MARYLAND

Allegany	907	5
Anne Arundel	1,415	10
Baltimore	5,646	10
Calvert	944	5
Caroline	10,242	20
Carroll	16,439	25
Cecil	7,840	25
Charles	4,013	10
Dorchester	9,740	25
Frederick	18,612	25
Garrett	1,381	10
Harford	4,485	20
Howard	4,182	10
Kent	10,462	20
Montgomery	7,610	25
Prince Georges	2,935	2
Queen Annes	15,226	35
St. Marys	5,462	10
Somerset	562	5
Talbot	13,826	25
Washington	13,608	25
Wicomico	303	5
Worcester	1,023	10
Total to counties	156,863	362
Reserve for new farms	100	
Reserve for appeals, corrections, and missed farms	50	
State total	157,013	

MASSACHUSETTS

Barnstable		
Berkshire	59	
Bristol	9	
Dukes		
Essex	11	
Franklin	19	
Hampden	23	
Hampshire	39	
Middlesex		
Nantucket		
Norfolk		
Plymouth		
Suffolk		
Worcester	14	
Total to counties	174	
Reserve for new farms	2	
Reserve for appeals, corrections and missed farms	5	
State total	181	

MICHIGAN

Alcona	2,548	15
Alger	3	
Allegan	23,509	35
Alpena	6,450	5
Antrim	906	5
Arenac	5,768	15
Baraga	4	
Barry	20,546	50
Bay	23,071	25
Benzie	204	1

MICHIGAN—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Berrien	15,884	10
Branch	24,443	25
Calhoun	30,160	50
Cass	16,456	40
Charlevoix	1,008	5
Cheboygan	966	5
Chippewa	578	12
Clare	3,329	10
Clinton	33,696	100
Crawford	11	
Delta	180	2
Dickinson	7	
Eaton	33,113	30
Emmet	782	5
Genesee	27,581	
Gladwin	5,223	5
Gogebic		
Grand Traverse	2,147	5
Gratiot	34,893	10
Hillsdale	26,542	200
Houghton	31	
Huron	52,261	25
Ingham	25,540	100
Ionia	30,579	100
Iosco	1,809	10
Iron		
Isabella	20,630	10
Jackson	22,303	50
Kalamazoo	22,724	30
Kalkaska	358	2
Kent	21,961	60
Keweenaw		
Lake	764	3
Lapeer	27,695	50
Leelanau	971	5
Lenawee	44,329	
Livingston	20,612	25
Luce	29	1
Mackinac	105	4
Macomb	14,986	25
Manistee	1,066	5
Marquette		
Mason	5,326	5
Mecosta	8,016	20
Menominee	194	5
Midland	11,199	10
Missaukee	3,388	10
Monroe	33,292	10
Montcalm	25,239	30
Montmorency	1,430	20
Muskegon	4,969	10
Newaygo	7,069	50
Oakland	12,621	30
Oceana	4,139	10
Ogemaw	2,894	10
Ontonagon	37	2
Osceola	5,447	5
Oscoda	194	
Otsego	393	5
Ottawa	17,189	60
Presque Isle	4,069	15
Roscommon	128	2
Saginaw	46,231	25
St. Clair	30,630	25
St. Joseph	22,730	50
Sanilac	52,465	75
Schoolcraft	17	2
Shiawassee	34,004	
Tuscola	47,959	40
Van Buren	12,177	30
Washtenaw	27,867	50
Wayne	7,680	50
Wexford	1,087	10
Total to counties	1,078,761	1,836
Reserve for new farms	300	
Reserve for appeals corrections, and missed farms	25	
State total	1,079,086	

MINNESOTA

Aitkin	220	1
Anoka	134	1
Becker	16,685	25
Beltrami	1,781	5
Benton	178	2
Big Stone	16,572	25
Blue Earth	15,084	10
Brown	6,279	5
Carlton	19	1
Carver	2,121	2
Cass	82	10
Chippewa	9,914	15
Chisago	251	5
Clay	69,259	25

MINNESOTA—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Clearwater	5,777	5
Cook		
Cottonwood	6,734	20
Crow Wing	71	2
Dakota	6,000	20
Dodge	3,201	5
Douglas	10,612	15
East Ottertail	6,428	10
East Polk	19,599	50
Faribault	13,822	10
Fillmore	1,366	5
Freeborn	9,916	25
Goodhue	6,783	15
Grant	14,412	10
Hennepin	478	5
Houston	299	5
Hubbard	538	2
Isanti	784	2
Itasca	145	2
Jackson	3,472	10
Kanabec	75	1
Kandiyohi	6,304	15
Kittson	81,774	25
Koochiching	1,158	5
Lac qui Parle	18,663	25
Lake		
Lake of the Woods	4,714	10
Le Sueur	10,226	25
Lincoln	4,098	10
Lyon	4,179	15
McLeod	4,116	10
Mahnomen	11,700	15
Marshall	94,970	40
Martin	1,636	2
Meeker	4,940	5
Mille Lacs	200	8
Morrison	734	3
Mower	4,301	5
Murray	2,375	5
Nicollet	6,801	15
Nobles	2,354	5
Norman	45,462	10
North St. Louis	301	2
Olmsted	2,447	10
Pennington	11,626	25
Pine	54	1
Pipestone	235	3
Pope	9,353	15
Ramsey		
Red Lake	9,996	15
Redwood	10,626	20
Renville	15,823	25
Rice	6,029	5
Rock	556	5
Roseau	26,380	25
Scott	3,049	5
Sherburne	710	2
Sibley	9,463	20
South St. Louis	45	1
Stearns	2,785	20
Steele	4,966	10
Stevens	13,651	20
Swift	12,177	20
Todd	1,326	15
Traverse	19,853	20
Wabasha	2,308	10
Wadena	294	1
Waseca	10,978	15
Washington	717	10
Watonwan	2,008	5
West Ottertail	27,261	20
West Polk	100,656	30
Wilkin	45,407	20
Winona	732	5
Wright	4,684	15
Yellow Medicine	13,178	30
Total to counties	928,472	1,049
Reserve for new farms, appeals, corrections, and missed farms	306	
State total	928,778	

MISSISSIPPI

Adams	21	
Alcorn	31	
Amite		
Attala	12	
Benton	56	
Bolivar	8,518	
Calhoun	7	
Carroll	146	
Chickasaw	94	
Choctaw		
Claiborne	59	
Clarke		
Clay	154	
Coahoma	5,863	
Copiah	19	
Covington	26	
De Soto	3,456	

MISSISSIPPI—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Forrest		
Franklin		
George	7	
Greene		
Grenada		
Hancock		
Harrison		
Hinds	89	
Holmes	159	
Humphreys	2,217	
Issaquena	895	
Itawamba	56	
Jackson	21	
Jasper		
Jefferson	50	
Jefferson Davis	50	
Jones	16	
Kemper	50	
Lafayette	25	
Lamar		
Lauderdale		
Lawrence	5	
Leake		
Lee	96	
Leflore	1,005	
Lincoln		
Lowndes	827	
Madison	154	
Marion		
Marshall	139	
Monroe	38	
Montgomery	18	
Neshoba	3	
Newton		
Noxubee	131	
Oktibbeha	48	
Panola	719	
Pearl River		
Perry	11	
Pike	12	
Pontotoc	396	
Prentiss	5	
Quitman	2,470	
Rankin		
Scott	9	
Sharkey	2,064	
Simpson		
Smith		
Stone		
Sunflower	3,317	
Tallahatchie	3,279	
Tate	285	
Tippah	11	
Tishomingo	15	
Tunica	8,702	
Union	66	
Walthall		
Warren	14	
Washington	3,537	
Wayne		
Webster	69	
Wilkinson	9	
Winston		
Yalobusha	70	
Yazoo	3,676	
Total to counties	53,317	
Reserve for new farms	135	
Reserve for appeals, corrections, and missed farms	17	
State total	53,469	

MISSOURI

Adair	7,352	
Andrew	12,211	
Atchison	11,332	
Audrain	24,052	
Barry	6,784	
Barton	38,526	
Bates	33,968	
Benton	10,170	
Bollinger	6,391	
Boone	16,442	
Buchanan	22,250	
Butler	14,116	
Caldwell	14,573	
Callaway	16,620	
Camden	750	
Cape Girardeau	15,919	
Carroll	39,547	
Carter	333	
Cass	22,125	
Cedar	12,967	
Charlton	27,072	
Christian	4,035	
Clark	11,786	
Clay	11,997	
Clinton	11,338	
Cole	10,756	
Cooper	20,014	

MISSOURI—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Crawford	2,402	
Dade	20,881	
Dallas	4,187	
Daviess	21,319	
De Kalb	14,224	
Dent	1,815	
Douglas	1,386	
Dunklin	27,847	
Franklin	19,744	
Gasconade	11,860	
Gentry	12,902	
Greene	12,115	
Grundy	7,402	
Harrison	13,764	
Henry	23,320	
Hickory	4,402	
Holt	16,911	
Howard	14,910	
Howell	1,893	
Iron	278	
Jackson	16,038	
Jasper	39,137	
Jefferson	7,047	
Johnson	22,403	
Knox	11,052	
Laclede	3,787	
Lafayette	27,236	
Lawrence	19,156	
Lewis	17,782	
Lincoln	21,424	
Linn	10,669	
Livingston	15,972	
McDonald	3,303	
Macon	13,458	
Madison	1,191	
Maries	5,718	
Marion	17,809	
Mercer	4,804	
Miller	7,012	
Mississippi	17,869	
Moniteau	12,237	
Monroe	21,106	
Montgomery	18,478	
Morgan	8,258	
New Madrid	29,528	
Newton	15,294	
Nodaway	12,807	
Oregon	1,255	
Osage	10,919	
Ozark	858	
Pemiscot	20,927	
Perry	15,836	
Pettis	23,387	
Phelps	3,243	
Pike	18,266	
Platte	26,712	
Polk	12,001	
Pulaski	1,101	
Putnam	1,849	
Ralls	15,642	
Randolph	12,638	
Ray	25,559	
Reynolds	581	
Ripley	2,325	
St. Charles	32,951	
St. Clair	17,835	
St. Francois	2,271	
St. Louis	16,060	
Ste. Genevieve	6,253	
Saline	30,976	
Schuyler	2,009	
Scotland	6,836	
Scott	21,391	
Shannon	657	
Shelby	17,840	
Stoddard	34,351	
Stone	1,019	
Sullivan	4,176	
Taney	141	
Texas	4,676	
Vernon	34,751	
Warren	14,328	
Washington	1,087	
Wayne	1,589	
Webster	4,256	
Worth	4,534	
Wright	1,865	
Total to counties	1,515,462	
Reserve for new farms, appeals, corrections, and missed farms	990	
State total	1,516,452	

MONTANA

Beaverhead	8,422	
Big Horn	59,758	
Blaine	74,142	
Broadwater	22,601	
Carbon	26,717	

MONTANA—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Carter	25,262	
Cascade	113,452	
Chouteau	294,191	
Custer	19,713	
Daniels	173,075	
Dawson	112,596	
Deer Lodge	928	
Fallon	72,741	
Fergus	136,756	
Flathead	23,474	
Gallatin	57,417	
Garfield	37,358	
Glacier	46,767	
Golden Valley	15,730	
Granite	897	
Hill	260,534	
Jefferson	7,714	
Judith Basin	60,305	
Lake	16,594	
Lewis and Clark	13,437	
Liberty	141,577	
Lincoln	583	
McCone	144,234	
Madison	9,077	
Meagher	3,672	
Mineral	610	
Missoula	7,268	
Musselshell	14,672	
Park	20,015	
Petroleum	5,053	
Phillips	78,045	
Pondera	130,270	
Powder River	25,717	
Powell	4,117	
Prairie	31,526	
Ravalli	6,983	
Richland	122,646	
Roosevelt	221,578	
Rosebud	21,074	
Sanders	5,901	
Sheridan	188,306	
Silver Bow	47	
Stillwater	53,195	
Sweet Grass	9,734	
Teton	142,245	
Toole	133,977	
Treasure	4,898	
Valley	199,366	
Wheatland	9,036	
Wibaux	46,875	
Yellowstone	73,186	
Total to counties	3,554,111	
Reserve for new farms	500	
Reserves for appeals, corrections, and missed farms	1,001	
State total	3,555,612	

NEBRASKA

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Adams	80,852	50
Antelope	6,030	5
Arthur	9	
Banner	46,508	30
Blaine	1	
Boone	10,905	25
Box Butte	83,313	25
Boyd	1,324	5
Brown	1,961	5
Buffalo	40,259	50
Burt	9,447	5
Butler	42,564	30
Cass	28,110	25
Cedar	225	1
Chase	66,109	40
Cherry	1,028	6
Cheyenne	139,188	40
Clay	77,230	50
Colfax	17,541	50
Cuming	1,960	5
Custer	48,720	40
Dakota	185	2
Dawes	39,814	25
Dawson	17,842	30
Deuel	57,978	10
Dixon	100	
Dodge	24,500	30
Douglas	4,092	3
Dundy	27,214	50
Fillmore	75,709	75
Franklin	40,460	50
Frontier	47,860	50
Furnas	85,253	10
Gage	74,410	50
Garden	35,996	25
Garfield	343	1
Gosper	27,805	30
Grant		
Greeley	10,284	25
Hall	28,216	50

NEBRASKA—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Hamilton	53,706	50
Harlan	48,537	40
Hayes	36,791	20
Hitchcock	61,526	40
Holt	5,723	5
Hooker	1	
Howard	24,612	30
Jefferson	53,138	50
Johnson	21,694	25
Kearney	62,734	25
Keith	61,031	50
Keya Paha	907	3
Kimball	112,891	30
Knox	3,031	5
Lancaster	64,456	50
Lincoln	50,369	50
Logan	6,714	5
Loup	197	1
McPherson	148	
Madison	5,471	15
Merrick	21,923	25
Morrill	31,317	50
Nance	20,225	25
Nemaha	22,753	25
Nuckolls	46,139	50
Otoe	37,173	30
Pawnee	15,139	20
Perkins	116,348	50
Phelps	50,611	25
Pierce	1,372	2
Platte	21,924	30
Polk	32,385	50
Redwillow	57,192	30
Richardson	26,358	25
Rock	52	1
Saline	68,190	50
Sarpy	5,649	4
Saunders	35,897	50
Scotts Bluff	15,121	15
Seward	51,700	50
Sheridan	50,722	15
Sherman	14,891	25
Sioux	7,088	5
Stanton	1,549	1
Thayer	68,304	50
Thomas	13	
Thurston	398	1
Valley	15,447	25
Washington	9,958	25
Wayne	218	2
Webster	41,010	40
Wheeler	66	1
York	48,089	50
Total to counties	2,880,533	2,344
Reserve for new farms	250	
Reserve for appeals, corrections, and missed farms	253	
State total	2,881,036	

NEVADA

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Churchill	1,606	
Clark	56	
Douglas	154	
Elko	1,187	
Esmeralda	30	
Eureka	1,632	
Humboldt	4,316	
Lander	443	
Lincoln	45	
Lyon	626	
Mineral	30	
Nye	578	
Ormsby	13	
Pershing	3,735	
Storey	1	
Washoe	821	
White Pine	106	
Total to counties	15,379	
Reserve for new farms, appeals, corrections, and missed farms	0	
State total	15,379	

NEW JERSEY

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Atlantic	4	
Bergen		
Burlington	3,164	
Camden	250	
Cape May	47	
Cumberland	1,448	
Essex		
Gloucester	858	
Hudson		
Hunterdon	7,794	
Mercer	8,085	

NEW JERSEY—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Middlesex	5,415	
Monmouth	9,139	
Morris	421	
Ocean	228	
Passaic	3,116	
Salem	3,653	
Somerset	136	
Sussex	24	
Union	2,391	
Warren		
Total to counties	46,173	
Reserve for new farms	26	
Reserve for appeals, corrections, and missed farms	26	
State total	46,225	

NEW MEXICO

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Bernalillo	1,215	
Catron	103	
Chaves	290	
Colfax	7,376	
Curry	178,370	75
De Baca	481	
Dona Ana	7	
Eddy	17	
Grant	99	
Guadalupe	89	
Harding	21,539	25
Hidalgo	132	
Lea	819	
Lincoln	91	
Luna		
McKinley	519	
Mora	1,193	
Otero	45	
Quay	116,141	50
Rio Arriba	6,764	
Roosevelt	53,217	15
Sandoval	848	
San Juan	635	
San Miguel	1,117	
Santa Fe	3,355	
Sierra	20	
Socorro	3,403	
Taos	1,353	
Torrance	16,264	10
Union	7,618	
Valencia	3,826	
Total to counties	426,946	175
Reserve for new farms, appeals, corrections, and missed farms	403	
State total	427,349	

NEW YORK

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Albany	1,605	10
Allegany	3,602	
Broome	219	4
Cattaraugus	1,015	
Cayuga	20,681	25
Chautauqua	2,656	2
Chemung	2,077	6
Chenango	615	
Clinton	11	
Columbia	1,423	
Cortland	569	
Delaware	48	
Dutchess	464	
Erie	11,550	5
Essex	296	5
Franklin	20	
Fulton	139	5
Genesee	21,678	10
Greene	1,109	
Hamilton		
Herkimer	708	
Jefferson	2,099	3
Lewis	60	
Livingston	27,365	60
Madison	2,361	
Monroe	26,175	25
Montgomery	1,713	10
Nassau	240	
New York City		
Niagara	21,152	60
Oneida	1,979	
Onondaga	9,462	11
Ontario	27,118	25
Orange	171	
Orleans	16,688	14
Oswego	2,011	
Otsego	412	10
Putnam		

NEW YORK—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Rensselaer	1,365	10
Richmond		
Rockland		
St. Lawrence	84	
Saratoga	753	10
Schenectady	333	
Schoharie	1,532	10
Schuyler	5,345	5
Seneca	16,433	40
Steuben	13,792	20
Suffolk	1,539	
Sullivan	49	
Tioga	1,431	
Tompkins	6,851	30
Ulster	1,202	
Warren		
Washington	430	
Wayne	16,167	50
Westchester	43	
Wyoming	10,878	15
Yates	12,888	30
Total to counties	300,886	500
Reserve for new farms, appeals, corrections, and missed farms	52	
State total	300,938	

NORTH CAROLINA

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Alamance	8,021	
Alexander	3,192	
Alleghany	137	
Anson	6,204	
Ashe	19	
Avery	5	
Beaufort	2,066	
Bertie	218	
Bladen	1,538	
Brunswick	377	
Buncombe	310	
Burke	2,002	
Cabarrus	7,760	
Caldwell	1,350	
Camden	2,525	
Carteret	465	
Caswell	6,973	
Catawba	13,033	
Chatham	5,204	
Cherokee	23	
Chowan	250	
Clay	14	
Cleveland	13,351	
Columbus	1,454	
Craven	2,066	
Cumberland	6,783	
Currituck	2,628	
Dare		
Davidson	10,172	
Davie	4,187	
Duplin	3,473	
Durham	1,662	
Edgecombe	2,927	
Forsyth	5,298	
Franklin	6,484	
Gaston	6,328	
Gates	924	
Graham		
Granville	4,397	
Greene	2,951	
Guilford	10,743	
Halifax	2,861	
Harnett	9,686	
Haywood	16	
Henderson	140	
Hertford	601	
Hoke	3,315	
Hyde	1,544	
Iredell	16,541	
Jackson	7	
Johnston	9,878	
Jones	777	
Lee	3,299	
Lenoir	3,452	
Lincoln	10,044	
McDowell	559	
Macon	25	
Madison	120	
Martin	258	
Mecklenburg	5,275	
Mitchell		
Montgomery	2,753	
Moore	5,152	
Nash	7,721	
New Hanover	169	
Northampton	1,836	
Onslow	654	
Orange	3,991	
Pamlico	996	
Pasquotank	2,654	

NORTH CAROLINA—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Person	6,778	
Pitt	3,378	
Polk	1,100	
Randolph	10,761	
Richmond	3,569	
Robeson	8,045	
Rockingham	9,665	
Rowan	15,351	
Rutherford	5,171	
Sampson	6,570	
Scotland	1,595	
Stanly	14,400	
Stokes	3,602	
Surry	3,607	
Swain		
Transylvania	10	
Tyrrell	511	
Union	14,872	
Vance	3,877	
Wake	8,867	
Pender	930	
Perquimans	1,587	
Warren	4,442	
Washington	736	
Watauga	35	
Wayne	5,160	
Wilkes	2,778	
Wilson	6,549	
Yadkin	7,628	
Yancey	4	
Total to counties	392,416	
Reserve for new farms, appeals, corrections, and missed farms	375	
State total	392,791	

NORTH DAKOTA

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Adams	129,320	150
Barnes	161,135	250
Benson	170,866	400
Billings	33,166	
Bottineau	226,533	200
Bowman	108,700	50
Burke	123,911	150
Burleigh	88,575	254
Cass	171,314	425
Cavalier	188,868	500
Dickey	63,233	100
Divide	159,780	200
Dunn	115,801	50
Eddy	51,722	100
Emmons	118,962	150
Foster	60,983	200
Golden Valley	67,548	
Grand Forks	154,910	300
Grant	121,855	90
Griggs	61,148	200
Hettinger	181,143	150
Kidder	70,768	250
La Moure	119,935	200
Logan	89,323	260
McHenry	170,906	200
McIntosh	104,459	200
McKenzie	138,233	200
McLean	241,451	400
Mercer	88,227	75
Morton	134,961	100
Mountrail	190,983	610
Nelson	104,043	250
Oliver	51,149	65
Pembina	151,871	325
Pierce	132,788	300
Ramsey	174,266	150
Ransom	58,872	75
Renville	112,492	150
Richland	80,724	125
Rolette	92,500	150
Sargent	63,942	40
Sheridan	97,989	100
Sioux	38,759	50
Slope	88,697	50
Stark	142,457	
Steele	71,371	175
Stutsman	221,621	400
Towner	159,726	200
Traill	89,033	120
Walsh	167,882	350
Ward	232,121	400
Wells	152,509	350
Williams	233,903	300
Total to counties	6,627,474	10,539
Reserve for new farms	400	
Reserve for appeals, corrections, and missed farms	598	
State total	6,628,472	

OHIO

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Adams	10,538	25
Allen	23,720	300
Ashland	19,136	30
Ashtabula	9,703	25
Athens	1,146	15
Auglaize	22,112	250
Belmont	3,106	30
Brown	14,038	25
Butler	15,973	25
Carroll	6,546	40
Champaign	21,341	100
Clark	20,123	50
Clermont	7,579	50
Clinton	27,515	25
Columbiana	12,885	50
Coshocton	10,311	25
Crawford	23,691	60
Cuyahoga	691	10
Darke	35,547	200
Defiance	26,294	300
Delaware	17,665	50
Erie	14,217	50
Fairfield	28,150	75
Fayette	30,986	25
Franklin	20,062	100
Fulton	25,968	100
Gallia	1,568	40
Geauga	3,691	25
Greene	24,018	70
Guernsey	3,366	35
Hamilton	2,527	15
Hancock	37,168	150
Hardin	24,386	100
Harrison	2,513	30
Henry	33,349	200
Highland	27,550	50
Hocking	3,188	20
Holmes	16,603	25
Huron	27,406	75
Jackson	1,998	20
Jefferson	3,220	25
Knox	20,907	75
Lake	1,423	25
Lawrence	495	5
Licking	22,969	150
Logan	18,129	90
Lorain	14,720	50
Lucas	13,792	50
Madison	28,514	50
Mahoning	8,998	50
Marion	20,465	150
Medina	13,749	55
Meigs	1,708	20
Mercer	26,339	175
Miami	26,408	100
Monroe	1,379	15
Montgomery	19,396	100
Morgan	2,283	25
Morrow	16,344	100
Muskingum	8,754	25
Noble	967	20
Ottawa	17,761	100
Paulding	27,404	450
Perry	8,735	50
Pickaway	37,595	75
Pike	3,702	25
Portage	10,275	50
Preble	22,715	100
Putnam	37,245	200
Richland	20,349	90
Ross	27,568	100
Sandusky	27,950	50
Scioto	3,278	10
Seneca	37,871	50
Shelby	22,250	100
Stark	18,922	75
Summit	3,884	20
Trumbull	7,868	15
Tuscarawas	11,145	25
Union	19,311	65
Van Wert	25,552	300
Vinton	1,016	10
Warren	15,781	50
Washington	3,294	50
Wayne	30,116	100
Williams	25,224	100
Wood	50,737	250
Wyandot	26,362	50
Total to counties	1,476,308	6,800
Reserve for new farms	250	
Reserve for appeals, corrections, and missed farms	250	
State total	1,476,808	

OKLAHOMA

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Adair	687	
Alfalfa	194,933	
Atoka	126	

OKLAHOMA—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Beaver	234,353	
Beckham	42,294	
Blaine	141,803	
Bryan	4,501	
Caddo	89,332	
Canadian	124,280	
Carter	837	
Cherokee	719	
Choctaw	144	
Cimarron	169,235	
Cleveland	9,232	
Coal	401	
Comanche	51,030	
Cotton	91,366	
Craig	18,785	
Creek	1,591	
Custer	145,166	
Delaware	7,332	
Dewey	100,695	
Ellis	105,067	
Garfield	243,621	
Garvin	9,390	
Grady	48,902	
Grant	245,381	
Greer	59,778	
Harmon	55,702	
Harper	115,118	
Haskell	1,844	
Hughes	542	
Jackson	121,000	
Jefferson	7,515	
Johnston	714	
Kay	168,314	
Kingfisher	188,237	
Kiowa	167,970	
Latimer	10	
Le Flore	3,765	
Lincoln	10,942	
Logan	65,916	
Love	1,379	
McClain	12,220	
McCurtain	68	
McIntosh	1,371	
Major	122,731	
Marshall	1,150	
Mayes	9,661	
Murray	2,142	
Muskogee	10,286	
Noble	99,986	
Nowata	11,223	
Okfuskee	1,912	
Oklahoma	22,078	
Okmulgee	1,237	
Osage	23,059	
Ottawa	23,218	
Pawnee	17,257	
Payne	20,229	
Pittsburg	993	
Pontotoc	907	
Pottawatomie	10,858	
Pushmataha	9	
Roger Mills	46,653	
Rogers	10,548	
Seminole	1,277	
Sequoyah	5,319	
Stephens	16,514	
Texas	354,446	
Tillman	149,818	
Tulsa	7,642	
Wagoner	12,936	
Washington	6,260	
Washita	146,021	
Woods	157,078	
Woodward	92,792	
Total to counties	4,453,409	
Reserve for new farms, appeals, corrections, and missed farms	1,000	
State total	4,454,409	

OREGON

Baker	14,363	25
Benton	4,985	30
Clackamas	8,266	60
Clatsop		
Columbia	162	
Coos		
Crook	3,143	
Curry		
Deschutes	1,126	
Douglas	676	
Gilliam	81,458	150
Grant	1,561	
Harney	2,168	
Hood River	7	
Jackson	966	
Jefferson	34,867	100

OREGON—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Josephine	27	
Klamath	9,830	50
Lake	14,559	25
Lane	4,874	10
Lincoln		
Linn	7,730	25
Malheur	14,723	25
Marion	19,258	150
Morrow	108,554	100
Multnomah	465	
Polk	13,228	20
Sherman	88,901	100
Tillamook	401	
Umatilla	184,053	500
Union	40,066	125
Wallowa	21,859	115
Wasco	59,576	100
Washington	16,064	50
Wheeler	5,558	50
Yamhill	17,297	150
Total to counties	770,370	1,960
Reserve for new farms	500	
Reserve for appeals, corrections, and missed farms	700	
State total	771,570	

PENNSYLVANIA

Adams	16,875	15
Allegheny	2,130	10
Armstrong	7,755	10
Beaver	3,616	5
Bedford	9,517	25
Berks	25,941	50
Blair	5,302	20
Bradford	2,407	5
Bucks	16,454	15
Butler	10,173	5
Cambria	4,543	20
Cameron	24	2
Carbon	2,554	15
Centre	13,320	50
Chester	13,717	40
Clarion	6,596	10
Clearfield	2,443	15
Clinton	4,256	15
Columbia	14,150	35
Crawford	7,267	41
Cumberland	19,376	25
Dauphin	10,979	20
Delaware	407	10
Elk	256	4
Erie	6,847	20
Fayette	3,710	10
Forest	179	2
Franklin	26,378	50
Fulton	6,424	15
Greene	953	10
Huntingdon	7,551	20
Indiana	8,210	10
Jefferson	4,389	5
Juniata	7,704	20
Lackawanna	111	5
Lancaster	49,493	40
Lawrence	7,993	30
Lebanon	12,225	25
Lehigh	13,361	40
Luzerne	3,687	5
Lycoming	11,321	20
McKean	97	
Mercer	10,481	20
Mifflin	6,500	12
Monroe	2,223	5
Montgomery	9,917	30
Montour	6,142	10
Northampton	9,580	20
Northumberland	13,644	25
Perry	11,067	35
Philadelphia		
Pike	41	2
Potter	754	10
Schuylkill	8,899	20
Snyder	9,661	50
Somerset	5,907	20
Sullivan	192	8
Susquehanna	150	5
Tioga	1,548	5
Union	7,813	20
Venango	2,877	5
Warren	754	10
Washington	5,141	5
Wayne	42	3
Westmoreland	9,059	25
Wyoming	584	10
York	40,306	50
Total to counties	533,943	1,194

PENNSYLVANIA—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Reserve for new farms, appeals, corrections, and missed farms	201	
State total	534,144	

RHODE ISLAND

Bristol		
Kent		
Newport	73	
Providence		
Washington	84	
Total to counties	157	
Reserve for new farms, appeals, corrections, and missed farms	3	
State total	160	

SOUTH CAROLINA

Abbeville	5,385	
Aiken	6,453	
Allendale	3,676	
Anderson	21,610	
Bamberg	2,459	
Barnwell	2,633	
Beaufort	4	
Berkeley	333	
Calhoun	7,542	
Charleston	181	
Cherokee	5,503	
Chester	1,681	
Chesterfield	3,069	
Clarendon	2,738	
Colleton	428	
Darlington	6,430	
Dillon	2,163	
Dorchester	294	
Edgefield	2,802	
Fairfield	709	
Florence	3,541	
Georgetown	250	
Greenville	7,513	
Greenwood	2,411	
Hampton	2,120	
Horry	1,339	
Jasper	49	
Kershaw	2,501	
Lancaster	1,459	
Laurens	7,858	
Lee	5,706	
Lexington	4,609	
McCormick	647	
Marion	809	
Marlboro	2,535	
Newberry	4,365	
Oconee	4,999	
Orangeburg	10,757	
Pickens	3,798	
Richland	3,897	
Saluda	3,697	
Spartanburg	13,797	
Sumter	5,887	
Union	1,443	
Williamsburg	1,195	
York	3,543	
Total to counties	176,898	
Reserve for new farms	25	
Reserve for appeals, corrections, and missed farms	99	
State total	177,022	

SOUTH DAKOTA

Aurora	10,701	15
Beadle	73,134	50
Bennett	42,368	20
Bon Homme	4,651	10
Brookings	7,140	15
Brown	168,741	100
Brule	11,991	30
Buffalo	4,682	15
Butte	14,241	10
Campbell	76,664	30
Charles Mix	31,060	50
Clark	58,781	25
Clay	4,874	15
Codington	27,972	30
Corson	102,549	25
Custer	3,385	10
Davison	2,120	10
Day	68,515	25
Deuel	5,415	25
Dewey	53,799	30

SOUTH DAKOTA—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Douglas	7,118	10
Edmunds	113,698	50
Fall River	14,299	15
Faulk	75,428	30
Grant	16,450	50
Gregory	14,829	30
Haakon	32,924	10
Hamlin	11,791	25
Hand	63,208	50
Hanson	1,906	10
Harding	37,241	25
Hughes	42,393	30
Hutchinson	7,679	25
Hyde	18,455	25
Jackson	12,373	20
Jerauld	19,021	25
Jones	42,002	20
Kingsbury	29,137	50
Lake	3,175	5
Lawrence	4,377	
Lincoln	3,105	10
Lyman	80,332	50
McCook	1,550	10
McPherson	83,244	10
Marshall	49,250	25
Meade	50,199	30
Mellette	24,246	25
Miner	5,199	15
Minnehaha	530	
Moody	584	
Pennington	40,628	30
Perkins	125,665	75
Potter	86,911	75
Roberts	45,504	50
Sanborn	3,659	10
Shannon	17,505	10
Spink	210,365	100
Stanley	24,471	30
Sully	97,015	100
Todd	9,362	10
Tripp	68,609	50
Turner	3,316	15
Union	8,274	15
Walworth	76,101	25
Washabaugh	13,306	20
Yankton	2,229	20
Ziebach	32,302	20
Total to counties	2,503,828	1,875
Reserve for new farms	1,001	
Reserve for appeals, corrections, and missed farms	1,000	
State total	2,505,829	

TENNESSEE

Anderson	61	
Bedford	5,592	
Benton	835	
Bledsoe	772	
Blount	2,867	
Bradley	955	
Campbell	152	
Cannon	496	
Carroll	900	
Carter	245	
Cheatham	1,778	
Chester	152	
Claiborne	2,299	
Clay	569	
Cocke	1,395	
Coffee	3,419	
Crockett	638	
Cumberland	196	
Davidson	853	
Decatur	68	
De Kalb	877	
Dickson	1,200	
Dyer	5,839	
Fayette	9	
Fentress	373	
Franklin	6,552	
Gibson	2,346	
Giles	3,741	
Grainger	1,579	
Greene	6,937	
Grundy	584	
Hamblen	3,666	
Hamilton	405	
Hancock	709	
Hardeman	153	
Hardin	808	
Hawkins	4,281	
Haywood	528	
Henderson	98	
Henry	3,066	
Hickman	638	
Houston	502	
Humphreys	975	
Jackson	172	

TENNESSEE—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Jefferson	4,878	
Johnson	384	
Knox	1,005	
Lake	2,706	
Lauderdale	2,985	
Lawrence	5,631	
Lewis	109	
Lincoln	4,039	
Loudon	2,363	
McMinn	1,163	
McNairy	38	
Macon	1,167	
Madison	287	
Marion	357	
Marshall	3,387	
Maury	9,207	
Meigs	871	
Monroe	3,031	
Montgomery	6,202	
Moore	320	
Morgan	139	
Obion	8,024	
Overton	1,002	
Perry	202	
Pickett	459	
Polk	524	
Putnam	1,145	
Rhea	678	
Roane	591	
Robertson	19,562	
Rutherford	3,590	
Scott	216	
Sequatchie	2,776	
Sevier	815	
Shelby	549	
Smith	449	
Stewart	1,743	
Sullivan	4,730	
Sumner	1,887	
Tipton	409	
Trousdale	85	
Unicoi	203	
Union	176	
Van Buren	2,741	
Warren	3,497	
Washington	725	
Wayne	3,876	
Weakley	1,451	
White	5,104	
Williamson	1,320	
Wilson		
Total to counties	188,178	
Reserve for new farms	75	
Reserve for appeals corrections, and missed farms	177	
State total	188,430	

TEXAS

Anderson		
Andrews		
Angelina		
Aransas		
Archer	26,534	
Armstrong	76,003	
Atascosa	198	
Austin		
Bailey	16,268	
Bandera	31	
Bastrop	18	
Baylor	59,264	
Bee	31	
Bell	7,861	
Bexar	1,468	
Blanco	656	
Borden	1,229	
Bosque	4,627	
Bowie	197	
Brazoria		
Brazos	8	
Brewster		
Briscoe	45,924	
Brooks		
Brown	15,185	
Burleson		
Burnet	1,152	
Caldwell	6	
Calhoun		
Callahan	17,464	
Cameron		
Camp		
Carson	136,336	
Cass		
Castro	89,413	
Chambers		
Cherokee	4	
Childress	39,642	
Clay	26,385	
Cochran	2,958	

TEXAS—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Coke	1,808	
Coleman	24,117	
Collin	47,880	
Collingsworth	23,165	
Colorado	4	
Comal	365	
Comanche	1,765	
Concho	21,236	
Cooke	21,238	
Coryell	11,799	
Cottle	23,238	
Crane		
Crockett		
Crosby	31,682	
Culberson	11	
Dallam	63,187	
Dallas	22,733	
Dawson	980	
Deaf Smith	167,941	
Delta	1,843	
Denton	31,302	
De Witt	5	
Dickens	20,449	
Dimmit	4	
Donley	14,548	
Duval		
Eastland	4,097	
Ector		
Edwards	4	
Ellis	16,442	
El Paso		
Erath	949	
Falls	1,709	
Fannin	18,254	
Fayette		
Fisher	26,312	
Floyd	114,440	
Foard	61,397	
Fort Bend		
Franklin		
Freestone		
Frio	48	
Gaines	2,048	
Galveston		
Garza	1,181	
Gillespie	6,925	
Glasscock	234	
Goliad		
Gonzales	10	
Gray	75,108	
Grayson	45,619	
Gregg		
Grimes		
Guadalupe	973	
Hale	54,705	
Hall	11,313	
Hamilton	6,232	
Hansford	201,223	
Hardeman	77,756	
Hardin		
Harris		
Harrison		
Hartley	79,068	
Haskell	45,747	
Hays	44	
Hemphill	30,859	
Henderson	69	
Hidalgo		
Hill	8,691	
Hockley	874	
Hood	194	
Hopkins	69	
Houston	8	
Howard	1,719	
Hudspeth		
Hunt	10,819	
Hutchinson	58,135	
Irion	45	
Jack	3,608	
Jackson	64	
Jasper		
Jeff Davis		
Jefferson		
Jim Hogg		
Jim Wells		
Johnson	4,230	
Jones	54,743	
Karnes	1,281	
Kaufman	4,744	
Kendall	2,066	
Kenedy		
Kent	4,762	
Kerr	1,472	
Kimble	225	
King	5,048	
Kinney		
Kleberg		
Knox	46,461	
Lamar	4,034	
Lamb	6,265	
Lampasas	2,605	

TEXAS—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
La Salle		
Lavaca	2	
Lee		
Leon	8	
Liberty		
Limestone	115	
Lipscomb	97,959	
Live Oak	78	
Llano	69	
Loving		
Lubbock	4,337	
Lynn	818	
McCulloch	12,478	
McLennan	12,046	
McMullen		
Madison		
Marion		
Martin	367	
Mason	72	
Matagorda		
Maverick	36	
Medina	639	
Menard	994	
Midland	21	
Milam	1,107	
Mills	2,862	
Mitchell	6,505	
Montague	2,653	
Montgomery		
Moore	127,739	
Morris		
Motley	9,368	
Nacogdoches		
Navarro	3,062	
Newton		
Nolan	13,084	
Nueces		
Ochiltree	218,595	
Oldham	54,605	
Orange		
Palo Pinto	2,868	
Panola		
Parker	503	
Parmer	94,189	
Pecos	88	
Polk		
Potter	28,344	
Presidio	8	
Rains	32	
Randall	117,418	
Reagan	9	
Real		
Red River	324	
Reeves	110	
Refugio		
Roberts	26,591	
Robertson		
Rockwall	5,414	
Runnels	32,941	
Rusk		
Sabine		
San Augustine		
San Jacinto		
San Patricio		
San Saba	1,542	
Schleicher	559	
Scurry	9,801	
Shackelford	15,310	
Shelby		
Sherman	152,383	
Smith		
Somervell	48	
Starr		
Stephens	11,387	
Sterling	273	
Stonewall	19,020	
Sutton	16	
Swisher	107,068	
Tarrant	3,153	
Taylor	56,776	
Terrell		
Terry	8,342	
Throckmorton	28,991	
Titus		
Tom Green	2,392	
Travis	74	
Trinity		
Tyler		
Upshur		
Upton		
Uvalde	110	
Val Verde		
Van Zandt	368	
Victoria	1	
Walker	7	
Waller	47	
Ward		
Washington	13	
Webb		
Wharton	105	
Wheeler	19,794	
Wichita	50,058	
Wilbarger	79,752	
Willacy		
Williamson	1,133	
Wilson	690	
Winkler		
Wise	4,100	
Wood		
Yoakum	1,979	
Young	43,757	
Zapata		
Zavala	78	
Total to counties	3,703,018	
Reserve for new farms	500	
Reserve for appeals, corrections, and missed farms	503	
State total	3,704,021	

UTAH

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Beaver	1,283	
Box Elder	84,948	
Cache	30,178	
Carbon	1,026	
Daggett	21	
Davis	3,352	
Duchesne	1,768	
Emery	2,181	
Garfield	1,000	
Grand	316	
Iron	5,156	
Juab	17,947	
Kane	632	
Millard	24,397	
Morgan	1,839	
Piute	135	
Rich	3,134	
Salt Lake	16,479	
San Juan	28,523	
Sanpete	9,762	
Sevier	2,292	
Summit	866	
Tooele	5,728	
Uintah	2,583	
Utah	14,936	
Wasatch	154	
Washington	5,746	
Wayne	155	
Weber	2,802	
Total to counties	269,339	
Reserve for new farms, appeals, corrections and missed farms	248	
State total	269,587	

VERMONT

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Addison	294	
Bennington		
Caledonia		
Chittenden	90	
Essex		
Franklin		
Grand Isle	38	
Lamoille		
Orange		
Orleans	12	
Rutland		
Washington		
Windham	9	
Windsor		
Total to counties	443	
Reserve for new farms, appeals, corrections, and missed farms	5	
State total	448	

VIRGINIA

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Accomack	963	
Albemarle	1,385	
Alleghany	81	
Amelia	5,961	
Amherst	1,401	
Appomattox	5,453	
Augusta	8,487	
Bath	168	
Bedford	5,852	
Bland	834	
Botetourt	1,340	
Brunswick	4,648	
Buchanan	3	
Buckingham	4,583	
Campbell	7,747	
Caroline	5,567	
Carroll	621	
Charles City	2,660	
Charlotte	6,103	
Chesapeake	2,398	
Chesterfield	1,515	
Clarke	2,645	
Craig	446	
Culpeper	1,862	
Cumberland	3,596	
Dickenson	1	
Dinwiddie	3,028	
Essex	5,993	
Fairfax	1,011	
Fauquier	4,736	
Floyd	1,112	
Fluvanna	1,528	
Franklin	5,014	
Frederick	3,327	
Giles	409	
Gloucester	658	
Goochland	1,906	
Grayson	290	
Greene	1,053	
Greensville	477	
Halifax	13,564	
Hampton	37	
Hanover	6,803	
Henrico	1,839	
Henry	1,063	
Highland	173	
Isle of Wight	636	
James City	719	
King & Queen	2,633	
King George	2,443	
King William	2,385	
Lancaster	1,295	
Lee	1,368	
Loudoun	7,443	
Louisa	3,667	
Lunenburg	3,467	
Madison	1,870	
Mathews	330	
Mecklenburg	9,504	
Middlesex	1,701	
Montgomery	960	
Nansemond	1,396	
Nelson	1,169	
New Kent	1,294	
Newport News		
Northampton	187	
Northumberland	4,155	
Nottoway	2,754	
Orange	2,146	
Page	3,129	
Patrick	683	
Pittsylvania	19,956	
Powhatan	1,287	
Prince Edward	5,840	
Prince George	1,531	
Prince William	1,762	
Pulaski	759	
Rappahannock	703	
Richmond	4,098	
Roanoke	734	
Rockbridge	2,379	
Rockingham	8,372	
Russell	1,376	
Scott	1,321	
Shenandoah	4,153	
Smyth	1,278	
Southampton	1,541	
Spotsylvania	2,021	
Stafford	1,398	
Surry	598	
Sussex	1,213	
Tazewell	1,281	
Virginia Beach	3,649	
Warren	1,401	
Washington	3,141	
Westmoreland	6,220	
Wise	5	
Wythe	2,604	
York	170	
Total to counties	268,356	
Reserve for new farm	200	
Reserve for appeals, corrections, and missed farms	100	
State total	268,656	

WASHINGTON

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Adams	240,785	100
Asotin	24,860	50
Benton	98,358	50
Chelan	3,927	
Clallam	66	
Clark	396	
Columbia	61,278	50
Cowlitz	13	
Douglas	152,539	100

WASHINGTON—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Ferry	3,465	
Franklin	89,932	35
Garfield	58,775	50
Grant	124,161	100
Grays Harbor	40	
Island	851	
Jefferson	11	
King		
Kitsap		
Kittitas	8,106	5
Klickitat	52,918	50
Lewis	2,520	
Lincoln	245,076	100
Mason		
Okanogan	23,845	50
Pacific		
Pend Oreille	862	
Pierce	13	
San Juan	140	
Skagit	1,376	
Skamania		
Snohomish	99	
Spokane	103,502	100
Stevens	18,081	50
Thurston	363	
Wahkiakum		
Walla Walla	157,102	25
Whatcom	248	
Whitman	304,199	100
Yakima	25,692	50
Total to counties	1,798,601	1,065
Reserve for new farms, appeals, corrections, and missed farms	1,000	
State total	1,799,601	

WEST VIRGINIA

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Barbour	156	
Berkeley	2,950	
Boone		
Braxton	3	
Brooke	303	
Cabell	59	
Calhoun		
Clay		
Doddridge		
Fayette	78	
Gilmer		
Grant	1,126	
Greenbrier	1,253	
Hampshire	1,584	
Hancock	344	
Hardy	1,391	
Harrison	10	
Jackson	152	
Jefferson	6,659	
Kanawha	1	
Lewis	10	
Lincoln		
Logan		
McDowell		
Marion	5	
Marshall	380	
Mason	1,350	
Mercer	228	
Mineral	622	
Mingo		
Monongalia	65	
Monroe	2,451	
Morgan	1,503	
Nicholas	274	
Ohio	200	
Pendleton	1,623	
Pleasants	16	
Pocahontas	379	
Preston	872	
Putnam	210	
Raleigh	52	
Randolph	158	
Ritchie	3	
Roane	12	
Summers	365	
Taylor	48	
Tucker	18	
Tyler	16	
Upshur	73	
Wayne	13	
Webster	1	
Wetzel	16	
Wirt	22	
Wood	335	
Wyoming		
Total to counties	27,392	
Reserve for new farms, appeals, corrections, and missed farms	99	
State total	27,491	

WISCONSIN

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Adams	183	
Ashland	15	
Barron	50	
Bayfield	178	
Brown	354	
Buffalo	553	
Burnett	46	
Calumet	1,396	
Chippewa	81	
Clark	164	
Columbia	1,835	
Crawford	67	
Dane	1,622	
Dodge	2,026	
Door	1,096	
Douglas	105	
Dunn	144	
Eau Claire	159	
Florence	2	
Fond du Lac	1,198	
Forest	30	
Grant	227	
Green	78	
Green Lake	578	
Iowa	229	
Iron	2	
Jackson	154	
Jefferson	1,028	
Juneau	93	
Kenosha	3,220	
Kewaunee	980	
La Crosse	137	
Lafayette	64	
Langlade	137	
Lincoln	71	
Manitowoc	924	
Marathon	422	
Marinette	182	
Marquette	540	
Menominee		
Milwaukee	1,454	
Monroe	113	
Oconto	249	
Oneida	69	
Outagamie	286	
Ozaukee	2,322	
Pepin	542	
Pierce	1,745	
Polk	174	
Portage	269	
Price	14	
Racine	7,461	
Richland	89	
Rock	2,733	
Rusk	15	
St. Croix	785	
Sauk	876	
Sawyer	8	
Shawano	228	
Sheboygan	1,978	
Taylor	30	
Trempealeau	640	
Vernon	27	
Vilas	3	
Walworth	2,752	
Washburn	24	
Washington	3,732	
Waukesha	1,941	
Waupaca	145	
Waushara	359	
Winnebago	1,330	
Wood	39	
Total to counties	52,802	
Reserve for new farms	100	
Reserve for appeals, corrections, and missed farms	100	
State total	53,002	

WYOMING

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Albany		
Big Horn	806	
Campbell	26,357	
Carbon	9,150	
Converse	5,067	
Crook	24,035	
Fremont	2,092	
Goshen	52,055	
Hot Springs	64	
Johnson	4,605	
Laramie	58,700	
Lincoln	3,068	
Natrona	78	
Niobrara	7,984	
Park	2,125	
Platte	33,967	
Sheridan	9,889	
Sublette		
Sweetwater		
Teton	820	
Uinta	58	
Washakie	113	
Weston	7,631	
Total to counties	248,674	
Reserve for new farms, appeals, corrections and missed farms	75	
State total	248,749	

(Secs. 334, 375, 52 Stat. 53, as amended by 79 Stat. 1199, 66, as amended; 7 U.S.C. 1334, 1375)

Effective date. These regulations shall be effective upon filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on July 16, 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-8699; Filed, July 25, 1968; 8:45 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 3]

PART 1425—COOPERATIVE MARKETING ASSOCIATIONS

Subpart—Eligibility Requirements for Price Support

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation, published in 33 F.R. 4914, 5865, and 7071 and containing eligibility requirements for cooperative marketing associations to obtain price support are hereby amended as follows:

1. Section 1425.8(c) is amended to correct a section reference and reads as follows:

§ 1425.8 Conflict of interest.

• • • • • •

(c) *Contemplated transactions.* The association shall also submit a statement as to whether any transactions of the kind described in paragraph (b) of this section are contemplated in the period between the date of the application, or the date such information is required to be submitted under § 1425.3(b), as applicable, and the end of the next marketing year for the commodity. If any such transaction is contemplated, the association shall submit a detailed explanation of such contemplated transactions(s) and a statement of the reasons therefor.

• • • • • •

2. Section 1425.9 is amended to allow changes in cooperative marketing agreements desired to meet changing marketing conditions and reads as follows:

§ 1425.9 Uniform marketing agreement.

Any quantity of a commodity on which price support is obtained and any other quantity of such commodity which is included in the same pool with a quantity of the commodity on which price support is obtained, must be delivered to the association by its members pursuant to a uniform marketing agreement between the association and each of its members who delivered such commodity to the association. An association may provide alternative methods of marketing during a marketing season in addition to any set forth in its marketing agreement if the terms and conditions thereof are reasonable and information concerning such methods of marketing and how and when to elect each such method of marketing are made available to members who are affected thereby; if a new method of marketing used during a marketing season is adopted for future operations, it shall be included in the marketing agreement as soon as practicable but not later than the third marketing year it is used or beginning with such later marketing year as is authorized by the Executive Vice President, CCC.

3. Section 1425.20 is amended to provide for continued approval of an approved association which does not meet certain requirements but agrees to operate in compliance with such requirements until membership action can be taken to cure such deficiency and reads as follows:

§ 1425.20 Substantial compliance.

Notwithstanding the foregoing provisions of this part, if the Executive Vice President, CCC, determines that an association has not met all of the eligibility requirements of this subpart but has substantially complied with such requirements, or has met substantially all such requirements, he may approve the association for participation in the price support program if the association agrees in writing to meet all of the eligibility requirements of this subpart prior to the beginning of the marketing year for the crop of the commodity next succeeding the crop for which approval is then being sought. Board resolutions agreeing to comply with provisions of this subpart may be accepted by the Executive Vice President, CCC, as substantial compliance with such provisions for purposes of this section. Any approved association which, without fault or negligence, fails to comply with requirements included in this subpart which can be met for the current marketing year only by calling a special membership meeting may continue to be approved for participation in the price support program for the current marketing year if it agrees to operate in accordance with such program requirements and further agrees to undertake to have its members at its next regular membership meeting take the action necessary to comply with such program requirements.

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 22, 1968.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 68-8948; Filed, July 25, 1968; 8:47 a.m.]

PART 1464—TOBACCO

Subpart—Puerto Rican Tobacco Purchase Program

Sec.
1464.1778 General statement.
1464.1779 Administration.
1464.1780 Definitions.
1464.1781 Offer to sell tobacco to Commodity Credit Corporation.
1464.1782 Acceptance of offer—title and risk of loss.
1464.1783 Delivery and temporary storage.
1464.1784 Purchase price for tobacco.
1464.1785 Payment for tobacco.
1464.1786 Dealer settlement with producers.
1464.1787 Records and books.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, sec. 125, 70 Stat. 198, 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423, 7 U.S.C. 1813, 15 U.S.C. 714b, 714c.

§ 1464.1778 General statement.

This subpart sets forth the terms and conditions of a price support program under which Commodity Credit Corporation (referred to in this subpart as CCC) will purchase eligible Puerto Rican tobacco from eligible dealers.

§ 1464.1779 Administration.

This program will be administered by the Producer Associations Division, ASCS, under the general direction and supervision of the Executive Vice President, CCC.

§ 1464.1780 Definitions.

(a) The term "Puerto Rican regulation" refers to the regulation issued by the Commonwealth of Puerto Rico Department of Agriculture entitled "Regulation to Govern Commercial Relations Between Tobacco Growers and Dealers".

(b) The term "loan program regulation" refers to the price support regulation issued by Commodity Credit Corporation, U.S. Department of Agriculture, entitled "Tobacco Loan Program" (7 CFR 1464).

(c) The term "eligible tobacco" means type 46 tobacco, of the crop current at the time of the offer to sell, which is held by an eligible dealer for and on behalf of producers, pursuant to the Puerto Rican regulation, and of which not less than 85 percent is of grades for which price support is available under the loan program regulations.

(d) The term "eligible dealer" means a dealer who is licensed under and in compliance with the Puerto Rican regulation.

§ 1464.1781 Offer to sell tobacco to Commodity Credit Corporation.

Each year, upon being informed by the Commonwealth of Puerto Rico Department of Agriculture of an eligible dealer or eligible dealers, who, after July 1, have eligible tobacco which they are unable to sell commercially at acceptable prices, CCC shall mail to each such dealer Form No. PR 1 "Offer and Acceptance for Sale and Purchase of Puerto Rican Tobacco". If the dealer decides to offer tobacco to CCC, he shall arrange to have the tobacco graded and weighed by inspectors of the Tobacco Division, C&MS, U.S. Department of Agriculture. The dealer shall furnish all labor and equipment necessary to facilitate the grading and weighing, and the charges for inspectors will be paid by CCC. The dealer shall then complete the offer portion of the form, including the weight of each grade offered, shall execute that portion of the form in triplicate and shall airmail the executed copies of the form to the Director, Producer Associations Division, U.S. Department of Agriculture, Washington, D.C. 20250. A copy of the grade and weight certificate, Form PR-2, signed by the inspector, shall accompany each offer. The dealer may submit more than one offer to sell, but no offer postmarked later than September 30 of the year in which executed will be accepted unless, for reasons beyond the control of the dealer, the grade and weight certificate could not be obtained by that date. The tobacco covered by each offer shall constitute a "lot".

§ 1464.1782 Acceptance of offer—title and risk of loss.

CCC shall promptly accept each properly executed offer by filling out and executing the acceptance portion of the offer and acceptance form and shall promptly airmail a copy to the dealer. Upon the execution by CCC of the acceptance form, the offer and acceptance shall constitute a valid and binding contract and title and risk of loss or damage to the tobacco shall pass to CCC.

§ 1464.1783 Delivery and temporary storage.

The dealer shall deliver all tobacco sold to CCC f.o.b. trucks at dealer's warehouse when and as directed by CCC. Pending delivery, the dealer shall furnish free storage for a period up to 45 days from the date of acceptance.

§ 1464.1784 Purchase price for tobacco.

The purchase price for each lot of tobacco offered by the dealer shall be the sum of (1) the grade purchase rate designated in the offer and acceptance form for each grade multiplied by the number of pounds in each grade as shown on the acceptance form and on the applicable grade and weight certificate, totaled for all grades (hereinafter called the lot settlement value), and (2) a handling charge at the rate of $11 per hundredweight of tobacco purchased. The grade purchase rate designated in the offer and acceptance form for each grade shall be the grade loan rate for the then current crop as announced by CCC for Puerto Rican tobacco pursuant to the loan program regulation, less 1 cent per pound, converted to a sweated-weight basis by multiplying by the factor 1.19. For scrap and No Grade tobacco for which there is no grade loan rate under the loan program regulation, the grade purchase rate will be the grade loan rate for N grade, less 3 cents per pound, converted to a sweated-weight basis by multiplying by the factor 1.19.

§ 1464.1785 Payment for tobacco.

CCC shall pay the dealer for tobacco purchased, promptly following acceptance of an offer.

§ 1464.1786 Dealer settlement with producers.

Within 30 days from the date the dealer receives payment from CCC for any lot of tobacco, he shall pay or credit to the account of all producers from whom he received tobacco an amount which, except for any minor difference resulting from the computation of each producer's share, is equal to the lot settlement value of the tobacco sold to CCC. Each producer's share of such payment shall be determined on the basis of all tobacco delivered to the dealer by all producers, including both any tobacco sold commercially and the tobacco sold to CCC, in accordance with the folowing computation: The total loan value of all grades of tobacco received from all producers shall be determined on the basis of the announced CCC grade loan rates, or, in the case of Scrap and No Grade tobacco, for which there are no announced grade loan rates, on the basis of the grade loan rate for N grade, less 2 cents per pound. The lot settlement value of the tobacco sold to CCC shall be divided by the total loan value of all tobacco received. Each grade loan rate shall be multiplied by this factor to determine a grade settlement rate for each grade of tobacco received from producers. Each producer from whom the dealer received tobacco during the year shall be paid or credited for each pound of tobacco of each grade he delivered at the grade settlement rate for that grade. Within 35 days from the date of receiving payment from CCC, the dealer shall execute and transmit to CCC, Form PR 3, "Certification of Payments to Producers".

§ 1464.1787 Records and books.

The dealer shall keep complete and accurate records with respect to all his transactions relating to the tobacco of any crop year during which tobacco is sold to CCC. Such records shall, at all times, show the name and address of each producer from whom tobacco was received, the number of pounds of each U.S. Government grade of tobacco received from each producer, the date and place received, the amounts advanced to each producer in money, material, or services, the date of such advances and description of services or materials charged as advances, quantities of tobacco sold, name and address of purchaser, grades and prices of tobacco sold and amount paid to each producer or credited to each producer's account in settlement for the tobacco delivered. The dealer shall keep such records for a period of 3 years after delivery of tobacco to CCC and shall make them available upon request to representatives of CCC or the General Accounting Office for examination and audit.

Effective date: Date of filing with office of Federal Register.

Signed at Washington, D.C., on July 22, 1968.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 68-8949; Filed, July 25, 1968; 8:47 a.m.]

SUBCHAPTER C—EXPORT PROGRAMS

[Amdt. 5]

PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

Subpart A—Financing of Export Sales of Agricultural Commodities From Private Stocks Under CCC Export Credit Sales Program (GSM-4)

DAIRY BREEDING CATTLE

Correction

The correction published on page 10085 in the July 13, 1968 issue is restated as follows:

In F.R. Doc. 68-7805, appearing at page 9594 in the issue of Tuesday, July 2, 1968, the following corrections are made in Supplement II:

1. The third line of A 1 is changed to read: "sales price for dairy breeding cattle to be".

2. The last line of A 1 is changed to read: "included as a part of the port value."

3. The fourth line of E is changed to read: "GSM-4, as amended, the exporter has the".

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 17736, RM 265; FCC 68-725]

PART 97—AMATEUR RADIO SERVICE

Report and Order Regarding Picture Transmission in High Frequency Bands by Amateur Radio Service Stations

In the matter of amendment of Part 97 of the Commission's rules to provide for the transmission of pictures in the high frequency bands by stations in the Amateur Radio Service.

1. On September 25, 1967, the Commission released a notice of proposed rule making to amend its rules to provide for the transmission of pictures, using narrow band modulation techniques, by amateur stations in the telephony segments of the amateur bands. The notice was duly published in the FEDERAL REGISTER on September 30, 1967, 32 F.R. 13728, and all formal comments and reply comments filed in response thereto have been carefully considered by the Commission.

2. The rule changes proposed in this docket would provide for picture transmission with a bandwidth not in excess of that occupied by an amplitude modulation single sideband voice transmission and would permit simultaneous voice transmission, provided the total band width occupied does not exceed the bandwidth of a normal double side band (voice) amplitude modulated transmission. The necessary bandwidths for single and double sideband are considered to be 3 kc/s and 6 kc/s, respectively. A choice of either amplitude modulation, A5, or frequency modulation, F5, for the picture transmission was proposed. A choice of either A3 or F3 for voice transmission is already provided in each band involved. Narrow band TV transmission, also referred to as "Slow-Scan TV," is transmitted by frequency modulating a subcarrier between the limits of 1500 c/s (black) and 2300 c/s (white). Vertical and horizontal synchronization is maintained by transmitting short bursts of 1200 c/s tone. Live scenes are transmitted as a series of "stills." The photo conductive layer at the slow scan vidicon is exposed to the light and dark areas of the scene for a fraction of a second and is then scanned at a rate of 15 c/s. A single scene can be scanned in 8 seconds. The output signal of the scanner is introduced into the audio section of a single sideband suppressed carrier (SSBSC) transmitter and is transmitted without loss of picture detail in the conventional SSBSC transmitter voice bandwidth.

3. One comment was opposed to any provision for narrow band TV; two opposed anything but "cw-type" emission for TV; nineteen individuals and one club supported the proposal without change; two individuals and two organizations proposed either reduction in the number of bands available, reduction in the size of the 'phone band segments to be available or allocations in the telegraphy segments of the high frequency bands. One proposed that all telephony bands be available for narrow band TV, while another would also make the telegraphy-only portions of the high frequency bands available. Based upon a desire for additional experience to further evaluate the interference potential of slow-scan TV, an additional trial period was requested by an individual and two organizations.

4. Generally, the recommendations for reduced frequency availability or for operation in telegraphy subbands were based upon the fear that disruptive or destructive interference to telephony communications would result from narrow band TV. Since May 1966, a number of amateur stations throughout the United States have been authorized to transmit slow-scan TV signals for test and demonstration purposes. No cases of interference resulting from these authorizations have been reported to the Commission. Slow-scan TV is more susceptible to interference than is radiotelephony, requiring a ratio of desired to undesired signal of 10 db to 20 db for marginal to good picture quality. This

requirement would appear to be such that slow-scan TV would generally not be used in the more heavily populated portions of the available frequency bands. Furthermore, there is some evidence that a single sideband transmitter, operating in the slow-scan TV mode within the same bandwidth as radiotelephony, has less interference potential than the same transmitter using radiotelephony at its rated peak envelope power.

5. The frequency subbands below 28 Mc/s available for slow-scan TV are being limited to those which will ultimately be available only to extra and advanced class licensees. In addition to providing further incentive to upgrade operator licenses, the limitation should also be some assurance that the operators using slow-scan TV have the requisite technical skill to operate in a manner compatible with existing radiotelephone operation. General and conditional class licensees may continue to operate in these subbands, using A5 or F5 emission if desired, until the exclusivity as scheduled in § 97.7 of the rules prevails. Consistent with the intention to limit slow-scan TV to the advanced and extra class licensee subbands and the Commission's statement in Docket 15928 that it will stay in whole or in part, as appropriate, any part of the reserved frequency segments which do not appear to be sufficiently occupied, the availability of these subbands for slow-scan TV will likewise be reviewed and changed if believed appropriate.

6. Suggestions were made that specific standards not be adopted, thus allowing greater flexibility in the choice of operating parameters. Standards for narrow band TV were not specified in the proposal and no such standards are being established. Amateurs will be permitted the freedom of developing various systems within the bandwidth limits specified in the rules.

7. It was also suggested that, before any amateur was authorized to transmit television signals, he be required to demonstrate his knowledge of TV techniques. The Commission now has six classes of amateur operator licenses. With the exception of the conditional class, which in scope is comparable to the general class, each license is evidence of a different level of the general qualifications of the licensees. No particular mode of emission is emphasized in any of the current written examinations. It is not believed either practicable or desirable to depart from the established license structure, which through the evolutionary improvement of examinations can be relied upon to assure adequate technical skill for the types of emmissions and frequency bands now available to the various classes of licensees.

8. Recommendations were made that double sideband emission be permitted for the transmission of pictures in the 28, 50, and 144 Mc/s bands because of the preponderance of double sideband transmitting equipment now in use in those bands, ease of reception because of the presence of a carrier, and the low occupancy of those bands. The Commission is not persuaded that its proposal to restrict slow-scan TV in the 28 Mc/s band to single sideband should be modified. Although it is recognized that many stations operating in the 28 Mc/s band continue to use double sideband emission, that in itself does not appear to be sufficient reason to deviate from the original proposal. However, the limited use of single sideband emission in the amateur bands above 50 Mc/s, together with the lower occupancy on those bands justify the relaxation to permit the transmission of slow-scan pictures by double sideband emission in those bands.

9. It was pointed out that there is pending before the Commission a petition requesting that the band 144–144.1 Mc/s be made available only for A–1 emission. The action taken herein is not to be considered determinative of that request, and the suballocations within the 144 Mc/s band will be reviewed in consideration of the petition.

10. Three comments raised questions as to the station identification requirements and recommended identification in other (than the picture) modes. As amended, effective January 15, 1968, section 97.87 requires a station transmitting slow-scan TV to transmit its own call sign by telegraphy or telephony at the times prescribed for identification. Transmission of the other station's call sign is not required and there is no requirement for transmitting call signs by picture.

11. Several comments referred to the apparent omission of the 220–225 Mc/s band from the bands in which slow-scan would be permitted. A provision for slow-scan was included in the proposal and is in the amended rules.

12. In view of the foregoing, the Commission finds that the amendments to Part 97, Amateur Radio Service, as set forth below are in the public interest, convenience and necessity. The authority for such amendments is contained in section 4(i) and 303 of the Communications Act of 1934, as amended.

13. *Accordingly, it is ordered,* That effective August 30, 1968, Part 97 of the Commission's rules is amended as set forth below.

14. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: July 17, 1968.

Released: July 19, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

I. Part 97 of the Commission's rules is amended as follows:

1. Revise § 97.61 to read as follows:

§ 97.61 Authorized frequencies and emissions.

(a) Following are the frequency bands and associated emissions available to amateur stations, subject to the limitations stated in paragraph (b) of this section and § 97.65.

Frequency band	Emissions	Limitations (see paragraph (b))
Kc/s		
1800 to 2000	A1, A3	1, 2
3500 to 4000	A1	
3500 to 3800	F1	
3800 to 3850	A5, F5	
3850 to 3900	A5, F5	3
3900 to 4000	A3, F3	4
7000 to 7300	A1	
7000 to 7300	F1	
7200 to 7225	A5, F5	
7225 to 7250	A5, F5	3
7300 to 7300	A3, F3	
14000 to 14350	A1	
14000 to 14200	F1	
14200 to 14235	A5, F5	
14235 to 14275	A5, F5	3
14200 to 14350	A3, F3	
Mc/s		
21.00 to 21.45	A1	
21.00 to 21.25	F1	
21.25 to 21.30	A5, F5	
21.30 to 21.35	A5, F5	3
21.25 to 21.45	A3, F3	
28.0 to 29.7	A1	
28.5 to 29.7	A3, A5, F3, F5	
29.0 to 29.7	F1	
50.0 to 54.0	A1	
50.1 to 54.0	A2, A3, A4, A5, F1, F2, F3, F5.	
51.0 to 54.0	A0	
144 to 148	A1	
144 to 147.9	A0, A2, A3, A4, A5, F0, F1, F2, F3, F5.	
220 to 225	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5.	5, 6
420 to 450	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5.	5, 7
1215 to 1300	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5.	5
2300 to 2450	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	5, 8
3300 to 3500	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	5
5650 to 5925	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	5, 9
10000 to 10500	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5.	5
21000 to 22000	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	
Above 40000	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	

(b) Limitations:

(1) The use of frequencies in this band is on a shared basis with the Loran A radionavigation system and is subject to cancellation or revision, in whole or in part, by order of the Commission, without hearing, whenever the Commission shall determine such action is necessary in view of the priority of the Loran A radionavigation system. The use of these frequencies by amateur stations shall not cause harmful interference to Loran A system. If an amateur station causes such interference, operation on the frequencies involved must cease if so directed by the Commission.

(2) Operation shall be limited to:

Area	Maximum DC plate input power in watts															
	1800–1825 kc/s		1825–1850 kc/s		1850–1875 kc/s		1875–1900 kc/s		1900–1925 kc/s		1925–1950 kc/s		1950–1975 kc/s		1975–2000 kc/s	
	Day	Night	Day	Night	Day	Night	Day	Night	Day	Night	Day	Night	Day	Night	Day	Night
Alabama	500	100	100	25	No operation		No operation		No operation		No operation		100	25	500	100
Alaska	200	50	No operation		No operation		200	50	No operation		No operation		No operation		No operation	
Arizona	No operation		No operation		No operation		No operation		No operation		200	50	500	100	1000	200
Arkansas	1000	200	200	50	100	25	No operation		No operation		100	25	100	25	500	100
California	No operation		No operation		No operation		No operation		100	25	200	50	200	50	500	100
Colorado	200	50	No operation		No operation		No operation		No operation		200	50	200	50	1000	200
Connecticut	500	100	100	25	No operation		No operation		No operation		No operation		No operation		No operation	
Delaware	500	100	100	25	No operation		No operation		No operation		No operation		No operation		100	25
District of Columbia	500	100	100	25	No operation		No operation		No operation		No operation		No operation		100	25
Florida	500	100	100	25	No operation		No operation		No operation		No operation		100	25	500	100
Georgia	500	100	100	25	No operation		No operation		No operation		No operation		No operation		200	50
Hawaii	No operation		No operation		No operation		No operation		200	50	100	25	100	25	500	100
Idaho	100	25	No operation		No operation		100	25	100	25	100	25	100	25	500	100
Illinois	1000	200	200	50	100	25	No operation		No operation		No operation		No operation		200	50
Indiana	1000	200	500	100	100	25	No operation		No operation		No operation		No operation		200	50
Iowa	1000	200	200	50	200	50	No operation		No operation		100	25	100	25	500	100
Kansas	500	100	100	25	100	25	No operation		No operation		100	25	200	50	1000	200
Kentucky	1000	200	500	100	100	25	No operation		No operation		No operation		No operation		200	50
Louisiana	500	100	100	25	No operation		No operation		No operation		No operation		100	25	500	100
Maine	500	100	100	25	No operation		No operation		No operation		No operation		No operation		No operation	
Maryland	500	100	100	25	No operation		No operation		No operation		No operation		No operation		100	25
Massachusetts	500	100	100	25	No operation		No operation		No operation		No operation		No operation		No operation	
Michigan	1000	200	500	100	100	25	No operation		No operation		No operation		No operation		100	25
Minnesota	500	100	100	25	100	25	100	25	100	25	100	25	100	25	500	100
Mississippi	500	100	100	25	No operation		No operation		No operation		No operation		100	25	500	100
Missouri	1000	200	200	50	100	25	No operation		No operation		100	25	100	25	500	100
Montana	100	25	No operation		No operation		100	25	100	25	100	25	100	25	500	100
Nebraska	500	100	100	25	100	25	No operation		No operation		200	50	200	50	1000	200
Nevada	No operation		No operation		No operation		No operation		100	25	200	50	200	50	1000	200
New Hampshire	500	100	100	25	No operation		No operation		No operation		No operation		No operation		No operation	
New Jersey	500	100	100	25	No operation		No operation		No operation		No operation		No operation		No operation	
New Mexico	100	25	No operation		No operation		No operation		No operation		100		500	100	1000	200
New York	500	100	100	25	No operation		No operation		No operation		No operation		No operation		No operation	
North Carolina	500	100	100	25	No operation		No operation		No operation		No operation		No operation		100	25
North Dakota	500	100	100	25	100	25	100	25	100	25	200	50	200	50	1000	200
Ohio	1000	200	500	100	100	25	No operation		No operation		No operation		No operation		100	25
Oklahoma	500	100	100	25	100	25	No operation		No operation		100	25	200	50	1000	200
Oregon	No operation		No operation		No operation		No operation		200	50	100	25	100	25	500	100
Pennsylvania	500	100	100	25	No operation		No operation		No operation		No operation		No operation		No operation	
Rhode Island	500	100	100	25	No operation		No operation		No operation		No operation		No operation		No operation	
South Carolina	500	100	100	25	No operation		No operation		No operation		No operation		No operation		200	50
South Dakota	500	100	100	25	100	25	100	25	100	25	200	50	200	50	1000	200
Tennessee	1000	200	500	100	100	25	No operation		No operation		No operation		No operation		200	50
Texas	200	50	No operation		No operation		No operation		No operation		No operation		100	25	500	100
Utah	100	25	No operation		No operation		100	25	100	25	200	50	200	50	1000	200
Vermont	500	100	100	25	No operation		No operation		No operation		No operation		No operation		No operation	
Virginia	500	100	100	25	No operation		No operation		No operation		No operation		No operation		100	25
Washington	No operation		No operation		No operation		No operation		200	50	No operation		No operation		500	100
West Virginia	1000	200	500	100	100	25	No operation		No operation		No operation		No operation		100	25
Wisconsin	1000	200	200	50	200	50	No operation		No operation		No operation		No operation		200	50
Wyoming	200	50	No operation		No operation		100	25	100	25	200	50	200	50	1000	200
Puerto Rico	500	100	100	25	No operation		No operation		No operation		No operation		No operation		200	50
Virgin Islands	500	100	100	25	No operation		No operation		No operation		No operation		No operation		200	50
Swan Island	500	100	100	25	No operation		No operation		No operation		No operation		100	25	500	100
Serrana Bank	500	100	100	25	No operation		No operation		No operation		No operation		100	25	500	100
Roncador Key	500	100	100	25	No operation		No operation		No operation		No operation		100	25	500	100
Navassa Island	500	100	100	25	No operation		No operation		No operation		No operation		No operation		200	50
Baker, Canton, Enderbury, Howland	100	25	No operation		No operation		100	25	100	25	No operation		No operation		100	25
Guam, Johnston, Midway	No operation		No operation		No operation		No operation		100	25	No operation		No operation		100	25
American Samoa	200	50	No operation		No operation		200	50	200	50	No operation		No operation		200	50
Wake	100	25	No operation		No operation		100	25	No operation		No operation		No operation		No operation	
Palmyra, Jarvis	No operation		No operation		No operation		No operation		200	50	No operation		No operation		200	50

(3) Effective November 22, 1969.

(4) 3900–4000 kc/s not available in following U.S. possessions: Baker, Canton, Enderbury, Guam, Howland, Jarvis, Palmyra, American Samoa, and Wake Islands.

(5) Amateur stations shall not cause interference to the Government radiolocation service.

(6) Not available in those portions of Texas and New Mexico bounded by latitude 33°24′ N., and 31°53′ N., and longitude 105°40′ W. and 106°40′ W. between the hours 0500 and 1800 local time, Monday through Friday, except to stations authorized to operate in an organized civil defense network when civil defense emergencies exist or when arrangements have been made with the Commission Engineer in Charge at Dallas, Tex., and the Area Frequency Coordinator at White Sands, N. Mex., for drills at specific dates and times.

(7) In the following areas the d.c. plate input power to the final transmitter stage shall not exceed 50 watts, except when authorized by the appropriate Commission Engineer in Charge and the appropriate Military Area Frequency Coordinator.

(i) Those portions of Texas and New Mexico bounded by latitude 33°24′ N., 31°53′ N., and longitude 105°40′ W. and 106°40′ W.

(ii) The State of Florida, including the Key West area and the areas enclosed within circles of 200-mile radius centered at 28°21′ N., 80°43′ W. and 30°30′, 86°30′ W.

(iii) The State of Arizona.

(iv) Those portions of California and Nevada south of latitude 37°10′ N. and the area within a 200-mile radius of 34°09′ N., 119°11′ W.

8. No protection in the band 2400–2450 Mc/s is afforded from interference due to the operation of industrial, scientific, and medical devices on 2450 kc/s.

9. No protection in the band 5725–5875 is afforded from interference due to the operation of industrial, scientific, and medical devices on 5800 kc/s.

2. Revise the headnote and paragraph (c) and add new paragraphs (d), (e), and (f) in § 97.65 to read as follows:

§ 97.65 Emission limitations.

* * * * *

(c) On frequencies below 29.0 Mc/s and between 50.1 and 52.5 Mc/s, the bandwidth of an F3 emission (frequency or phase modulation) shall not exceed that of an A3 emission having the same audio characteristics; and the purity and stability of emissions shall comply with the requirements of § 97.73.

(d) On frequencies below 50 Mc/s, the bandwidth of A5 and F5 emissions shall not exceed that of an A3 single sideband emission.

(e) On frequencies between 50 Mc/s and 225 Mc/s, single sideband or double sideband A5 emission may be used and the bandwidth shall not exceed that of an A3 single sideband or double sideband signal respectively. The bandwidth of F5 emission shall not exceed that of an A3 single sideband emission.

(f) Below 225 Mc/s, A3 and A5 emissions may be used simultaneously on the same carrier frequency provided the total bandwidth does not exceed that of an A3 double sideband emission.

[F.R. Doc. 68-8792; Filed, July 25, 1968; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 68-WE-17-AD, Amdt. 39-625]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

There have been in-flight battery charger failures on Boeing Model 727 series airplanes which have resulted in extensive heat damage to wire bundles adjacent to the battery charger on the right outboard side of the E3 electronic rack. Since this condition is likely to exist or develop in other airplanes of the same model, an airworthiness directive is being issued to require the installation of a flame barrier on the lower inboard side of the R.H. rack support assembly adjacent to the battery charger.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this Amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697) Section 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

BOEING. Applies to all Model 727 Series Airplanes.

Compliance required within the next 500 hours time in service after the effective date of this AD, unless already accomplished.

To prevent damage to wire bundles adjacent to the battery charger, accomplish the following:

Install a flame barrier on the lower inboard side of the R.H. rack support assembly adjacent to the battery charger in accordance with Boeing Service Bulletin No. 24-27 or later FAA approved revisions or an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective on August 5, 1968.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

Issued in Los Angeles, Calif., on July 17, 1968.

LEE E. WARREN,
Acting Director, FAA Western Region.

[F.R. Doc. 68-8933; Filed, July 25, 1968; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9006; Amdt. 606]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Wake Island—Wake Island, NDB (ADF)-1, Orig., Nov. 4, 1967 (established under Subpart C).
Wake Island—Wake Island, ADF 2, Amdt. 8, Oct. 29, 1966 (established under Subpart C).
Wake Island—Wake Island, VOR 1, Amdt. 3, June 6, 1964 (established under Subpart C).
Wake Island—Wake Island, VOR 2, Amdt. 1, June 6, 1964 (established under Subpart C).

2. By amending § 97.11 of Subpart B to cancel low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Wake Island—Wake Island, VOR Runway 10, Orig., Nov. 4, 1967, canceled effective July 25, 1968.
Wake Island—Wake Island, VOR Runway 28, Orig., Nov. 4, 1967, canceled effective July 25, 1968.

3. By amending § 97.17 of Subpart B to delete instrument landing system (ILS) procedures as follows:

Wake Island—Wake Island, ILS Runway 10, Amdt. 5, Mar. 14, 1958 (established under Subpart C).
Wake Island—Wake Island, LOC (BC) Runway 28, Amdt. 1, Mar. 14, 1968 (established under Subpart C).

4. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA; Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 1.5 miles after passing AWK VORTAC.
R 360°, AWK VORTAC counterclockwise	R 301°, AWK VORTAC	10-mile Arc AWK, R 313° lead radial.	1500	Climb to 1500′ on R 121° within 20 miles. Supplementary charting information: Depict 130′ tower Peale Island. TDZ elevation, 14′.
R 180°, AWK VORTAC clockwise	R 301°, AWK VORTAC	10-mile Arc AWK, R 289° lead radial.	1500	
10-mile Arc	AWK VORTAC (NOPT)	AWK R 301°	500	

Procedure turn S side of crs, 301° Outbnd, 121° Inbnd, 1500′ within 10 miles of AWK VORTAC.
FAF, AWK VORTAC. Final approach crs, 121°. Distance FAF to MAP, 1.5 miles.
Minimum altitude over AWK VORTAC, 500′.
MSA within 25 miles of AWK VORTAC: 000°–360°—1500′.
NOTE: Straight-in approaches from VORTAC to Runway 10 not authorized for turbojet aircraft.
#Minimums when ocean vessel at mooring buoy.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-10	340	1	326	340	1	236	340	1	326	340	1	326
S-10#	380	1	366	380	1	366	380	1	366	380	1	366
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	420	1	406	480	1	466	480	1½	466	580	2	566
A	Standard.			T 2-eng. or less—Standard.					T over 2-eng.—Standard.			

Island, Wake Island; Airport name, Wake Island; Elev., 14; Facility, AWK; Procedure No. VOR Runway 10, Amdt. 4; Eff. date, 25 July 68; Sup. Amdt. No. VOR 1, Amdt. 3; Dated, 6 June 64

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: AWK VORTAC.
R 360°, AWK VORTAC clockwise	R 105°, AWK VORTAC	12-mile Arc AWK, R 095° lead radial.	1500	Climb to 1500′ on R 285° within 20 miles. Supplementary charting information: Depict 130′ tower Peale Island. TDZ elevation 12′.
R 180°, AWK VORTAC counterclockwise	R 105°, AWK VORTAC	12-mile Arc AWK, R 115° lead radial.	1500	
12-mile Arc	AWK R 105°, 4-mile DME (NOPT)	AWK R 105°	440	

Procedure turn N side of crs, 105° Outbnd, 285° Inbnd, 1500′ within 12 miles of AWK VORTAC.
Final approach crs, 285°.
Minimum altitude over 4-mile DME Fix, R 105°, 440′.
MSA within 25 miles of AWK VORTAC: 000°-360°—1500′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-28	440	1	428	440	1	428	440	1	428	440	1	428
VOR/DME Minimums:												
S-28	320	1	308	320	1	308	320	1	308	320	1	308
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	440	1	426	480	1	466	480	1½	466	580	2	566
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

Island, Wake Island; Airport name, Wake Island; Elev., 14′; Facility, AWK; Procedure No. VOR Runway 28, Amdt. 2; Eff. date, 25 July 68; Sup. Amdt. No. VOR 2, Amdt. 1 Dated, 6 June 64

5. By amending § 97.25 of Subpart C to establish localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4 DME AWK VORTAC and E crs AWK LOC.
AWK VORTAC	8 DME AWK VORTAC and E crs AWK LOC.	AWK R 100°	1500	Climb straight ahead to 1500′ on W crs of ILS within 20 miles.
AWK NDB	8 DME AWK VORTAC and E crs AWK LOC.	AWK 106° bearing	1500	Supplementary charting information: TDZ elevation, 12′.
R 360°, AWK VORTAC clockwise	E crs LOC.	12-mile DME Arc	1500	
R 180°, AWK VORTAC counterclockwise	E crs LOC.	12-mile DME Arc	1500	
12-mile Arc	8-mile DME Fix (NOPT)	E crs LOC	700	

Procedure turn N side of crs, 096° Outbnd, 276° Inbnd, 1400′ within 10 miles of 8 DME AWK VORTAC and E crs AWK LOC.
Final approach crs, 276°.
Minimum altitude over 8-mile DME Fix, 700′.
NOTES: (1) No approach lights. (2) DME required.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-28	320	1	308	320	1	308	320	1	308	320	1	308
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	420	1	406	480	1	466	480	1½	466	580	2	566
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

Island, Wake Island; Airport name, Wake Island; Elev., 14′; Facility, I-AWK; Procedure No. LOC (BC) Runway 28, Amdt. 2; Eff. date, 25 July 68; Sup. Amdt. No. 1; Dated, 14 Mar. 68

6. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: AWK NDB.
				Climb to 1500′ on 275° crs within 20 miles. Supplementary charting information: Depict 130′ tower on Peale Island. 1.4 miles 177° AWK NDB to airport.

Procedure turn N side of crs, 095° Outbnd, 275° Inbnd, 1500′ within 10 miles of AWK NDB.
Final approach crs, 275°.
Minimum altitude over AWK NDB, 560′.
MSA within 25 miles of facility: 000°-360°—1500′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	560	2	546	560	2	546	560	2	546	580	2	566
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

Island, Wake Island; Airport name, Wake Island; Elev., 14′; Facility AWK; Procedure No. NDB (ADF)-1, Amdt. 1; Eff. date, 25 July 68; Sup. Amdt. No. Orig.; Dated 4 Nov. 67

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: AXX NDB.
				Climb to 1500′ on crs of 095°. Supplementary charting information: Depict 130′ tower on Peale Island. 0.2 mile AXX NDB to runway threshold. TDZ elevation, 14′.

Procedure turn S side of crs, 275° Outbnd, 095° Inbnd, 1500′ within 10 miles of AXX NDB.
Final approach crs, 095°.
Minimum altitude over AXX NDB, 440′.
MSA within 25 miles of AXX: 000-360°—1500′.
#Minimums when ocean vessel at mooring buoy.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-10	440	1	426	440	1	426	440	1	426	440	1	426
S-10#	480	1	466	480	1	466	480	1	466	480	1	466
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	466	480	1	466	480	1½	466	580	2	566
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

Island, Wake Island; Airport name, Wake Island; Elev., 14′; Facility, AXX; Procedure No. NDB (ADF) Runway 10, Amdt. 9; Eff. date, 25 July 68; Sup. Amdt. No. ADF 2, Amdt. 8; Dated, 29 Oct. 66

7. By amending § 97.29 of Subpart C to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 264'. LOC 4.9 miles after passing FAF.
AWK VORTAC	3.6 DME AWK VORTAC and W crs AWK LOC.	AWK R 265°	1500	Climb to 1500' on E crs ILS within 20 miles.
R 180°, AWK VORTAC clockwise	W crs LOC (NoPT)	12-mile Arc	1500	Supplementary charting information: 3.6-mile DME Fix/AWK VORTAC R 265° intercepts the W crs of LOC. TDZ elevation, 14'.
R 360°, AWK VORTAC counterclockwise	W crs LOC (NoPT)	12-mile Arc	1500	
12-mile DME Arc and W crs LOC	3.6-mile DME Fix	W crs LOC	1500	

Procedure turn S side of crs, 276° Outbnd, 096° Inbnd, 1500' within 10 miles of 3.6 DME AWK VORTAC and W crs AWK L
FAF, 3.6 DME AWK VORTAC and W crs AWK LOC. Final approach crs, 096°. Distance FAF to MAP, 4.9 miles.
Minimum altitude over 3.6 DME AWK VORTAC and W crs AWK LOC, 1500'.
Minimum glide slope interception altitude, 1500'. Glide slope altitude at FAF, 1500'.
Distance to runway threshold at FAF, 4.9 miles.
MSA within 25 miles of AWK VORTAC: 000°-360°—1500'.
NOTES: (1) DME required. (2) No marker beacons.
‡LOC only minimums when ocean vessel at mooring buoy.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-10	264	1	250	264	1	250	264	1	250	264	1	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-10	340	1	326	340	1	326	340	1	326	340	1	326
S-10‡	380	1	366	380	1	366	380	1	366	380	1	366
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	420	1	406	480	1	466	480	1½	466	580	2	566
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

Island, Wake Island; Airport name, Wake Island; Elev., 14'; Facility, I-AWK; Procedure No. ILS Runway 10, Amdt. 6; Eff. date, 25 July 68; Sup. Amdt. No. 5; Dated, 14 Mar. 68

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on July 9, 1968.

W. E. ROGERS,
Acting Director, Flight Standards Service.

[F.R. Doc. 68-8437; Filed, July 25, 1968; 8:45 a.m.]

[Reg. Docket No. 9007; Amdt. 607]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
API VOR	LOM	Direct	2500	T-dn	300-1	300-1	200-½
Surf Int	LOM	Direct	3000	C-dn	500-1	500-1	500-1½
Big Run Int	LOM	Direct	2500	S-dn-13R/L	500-1	500-1	500-1
MX RBn	LOM	Direct	2500	A-dn	800-2	800-2	800-2
Griffith Int	MX RBn	Direct	2500				

Radar available.
Procedure turn W side of crs, 312° Outbnd, 132° Inbnd, 2500' within 10 miles.
Minimum altitude over facility on final approach crs, 2300'.
Crs and distance, facility to airport, 132°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing LOM, make right turn, climb to 2300' and proceed to Peotone VOR Inbnd on R 001°.
Sliding scale not authorized. LOM named Hines.
MSA within 25 miles of facility: 000°-180°—3000'; 180°-270°—2300'; 270°-360°—2500'.
CAUTION: Buildings to 2049' approximately 8 miles NE. Plan departure to avoid this area.

City, Chicago; State, Ill.; Airport name, Chicago-Midway; Elev., 619'; Fac. Class., LOM; Ident., MD; Procedure No. NDB (ADF) Runways 13 R and L, Amdt. 26; Eff. date, 15 Aug. 68; Sup. Amdt. No. 25; Dated, 9 May 68

Crib Int	MX RBn	Direct	2000	T-dn	300-1	300-1	200-½
Griffith Int	Calumet Int	Via bearing 132° from MX RBn.	2000	C-dn	500-1	500-1	500-1½
				S-dn-31 L and R	500-1	500-1	500-1
Calumet Int	MX RBn (final)	Direct	1500	A-dn	800-2	800-2	800-2
Big Run Int	MX RBn	Direct	2000				
API VOR	MX RBn	Direct	2300				
CGT VOR	Calumet Int	Via CGT R 356°	2000				

Radar available.
Procedure turn, E side of crs, 132° Outbnd, 312° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 312°—3.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles after passing LOM, make left turn, climbing to 2300'; proceed to Peotone VOR Inbnd on R 001°.
NOTE: Final approach from holding pattern not authorized. Procedure turn required.
Sliding scale not authorized.
MSA within 25 miles of facility: 000°-090°—3000'; 090°-180°—2300'; 180°-270°—2300'; 270°-360°—3000'.
CAUTION: Buildings to 2049' approximately 8 miles NE. Plan departure to avoid this area.

City, Chicago; State, Ill.; Airport name, Chicago-Midway; Elev., 619'; Fac. Class., LOM (MHW); Ident., MX; Procedure No. NDB (ADF) Runways 31 L and R, Amdt. 17; Eff. date, 15 Aug. 68; Sup. Amdt. No. 16; Dated, 9 May 68

Lexington VOR	LE LOM	Direct	2600	T-dn	300-1	300-1	200-½
Richmond Int	LE LOM	Direct	2600	C-dn	400-1	500-1	500-1½
Keene Int	LE LOM (final)	Direct	2000	S-dn-4	400-1	400-1	400-1
McAfee Int	LE LOM	Direct	2500	A-dn	800-2	800-2	800-2
Chaplin Int	Keene Int	Via R 264°, LEX VOR.	2500				

Procedure turn N side of crs, 222° Outbnd, 042° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 042°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing LE LOM, climb to 2800' on crs, 042° to the Fayette Int, hold N, 1-minute right turns, 222° Inbnd.
MSA within 25 miles of facility: 000°-180°—2700'; 180°-270°—2500'; 270°-360°—2300'.

City, Lexington; State, Ky.; Airport name, Blue Grass; Elev., 978'; Fac. Class., HW; Ident., LE; Procedure No. NDB (ADF) Runway 4, Amdt. 5; Eff. date, 15 Aug. 68; Sup. Amdt. No. ADF 1, Amdt. 4; Dated, 29 Feb. 64

T-dn	300-1	300-1	NA
C-d	800-1	800-1	NA
C-n	800-2	800-2	NA
A-dn	NA	NA	NA

Radar required.
Procedure turn not authorized.
Minimum altitude over facility on final approach crs, 1600'.
Crs and distance, facility to airport, 214°—8.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.4 miles after passing IA LOM, make right-climbing turn to 3000', then proceed direct to Casanova VOR.
Hold SW R 207°, 1-minute left turns.
MSA within 25 miles of facility: 000°-090°—2300'; 090°-180°—1900'; 180°-270°—2400'; 270°-360°—3300'.

City, Manassas; State, Va.; Airport name, Manassas Municipal (Harry P. Davis Field); Elev., 186'; Fac. Class., LOM; Ident., IA; Procedure No. NDB (ADF)-1, Amdt. 1; Eff. date, 15 Aug. 68; Sup. Amdt. No. ADF1, Orig.; Dated, 27 Nov. 65

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
				T-dn#	300–1	300–1	300–1
				C-dn	600–1	600–1	600–1½
				A-dn	NA	NA	NA

Radar available.
Procedure turn N side of crs, 260° Outbnd, 080° Inbnd, 2500' within 10 miles.
Minimum altitude over IND VOR on final approach crs, 2500'.
Crs and distance, facility to airport, 080°—5.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles of VOR, make left turn, climb to 2500' and return to VOR.
NOTES: (1) No lights available. (2) Use Indianapolis altimeter setting.
#Avoid climb in NE quadrant of airport after takeoff when weather is below 1000-3 due to 1043' tower 1.1 miles N, 1104' tower 2 miles ENE, and 1849' tower 7 miles NE.
MSA within 25 miles of facility: 000°–180°—2900'; 180°–360°—2300'.

City, Indianapolis, State, Ind.; Airport name, Bob Shank; Elev., 776'; Fac. Class., H-BVORTAC; Ident., Ind.; Procedure No. VOR-1, Amdt. 1; Eff. date, 15 Aug. 68; Sup. Amdt. No. Orig.; Dated, 20 Jan. 68

2. By amending § 97.17 of Subpart B to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
MX NDB	LOM	Direct	2500	T-dn%	300–1	300–1	200–½
API VOR	LOM	Direct	2500	C-dn	500–1	500–1	500–1½
				S-dn-13R*	300–¾	300–¾	300–¾
				A-dn	600–2	600–2	600–2

Radar available.
Procedure turn W side of crs, 312° Outbnd, 132° Inbnd, 2500' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2300'.
Altitude of glide slope and distance to approach end of runway at LOM, 2255'—5.1 miles; at LMM, 565'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right turn, climb to 2300' and proceed to EON VOR Inbnd on R 001°.
NOTES: (1) Glide slope not usable below 565'. (2) Back course unusable. (3) Sliding scale not authorized. (4) LOM named Hines.
*500–1 required with glide slope inoperative. No reduction authorized for ALS and HIRLs.
%RVR 2400' authorized for takeoff Runway 13R.
CAUTION: Buildings to 2049' approximately 8 miles NE. Plan departure to avoid this area.
MSA within 25 miles of LOM: 000°–180°—3000'; 180°–270°—2500'; 270°–360°—2500'.

City, Chicago; State, Ill.; Airport name, Chicago-Midway; Elev., 619'; Fac. Class., ILS; Ident., I-MDW; Procedure No. ILS Runway 13R, Amdt. 25; Eff. date, 15 Aug 68; Sup. Amdt. No. 24; Dated, 9 May 68

Griffith Int	Calumet Int	Via SE crs MXT ILS.	2000	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
Big Run Int	MX RBn	Direct	2000	S-dn-31 L and R.	400–1	400–1	400–1
Crib Int	MX RBn	Direct	2000	A-dn	800–2	800–2	800–2
CGT VOR	Calumet Int	Via CGT, R 356°	2000				
API VOR	MX RBn	Direct	2300				
Calumet Int	MX RBn (final)	Direct	1500				

Radar available.
Procedure turn E side of crs, 132° Outbnd, 312° Inbnd, 2000' within 10 miles.
No glide slope. No approach lights.
Minimum altitude over MX RBn, 1500'.
Crs and distance, MX RBn to airport, 312°—3.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles after passing MX RBn, make left turn, climb to 2300', proceed to Peotone VOR Inbnd on R 001°.
CAUTION: Standard clearance not provided over 771' and 776' obstructions in final approach area.
NOTES: (1) Back crs unusable. (2) Sliding scale not authorized. Reduction for HIRL and REILS not authorized.
CAUTION: Buildings to 2049' approximately 8 miles NE. Plan departure to avoid this area.
MSA within 25 miles of LOM: 000°–090°—3000'; 090°–180°—2200'; 180°–270°—2300'; 270°–360°—3000'.

City, Chicago; State, Ill.; Airport name, Chicago-Midway; Elev., 619'; Fac. Class., ILS; Ident., I-MXT; Procedure No. ILS Runways 31 L and R, Amdt. 6; Eff. date, 15 Aug. 68; Sup. Amdt. No. 5; Dated, 9 May 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
LEX VOR	LE LOM	Direct	2600	T-dn	300–1	300–1	200–½
McAfee Int	LE LOM	Direct	2500	C-dn	400–1	500–1	500–1½
Richmond Int	LE LOM	Direct	2600	S-dn-4	300–¾	300–¾	300–¾
Chaplin Int	Keene Int	Via R 264, LEX VOR.	2500	A-dn	600–2	600–2	600–2
				With glide slope inoperative:			
Keene Int	LE LOM (final)	Direct	2000	S-dn-4*	400–1	400–1	400–1

Procedure turn N side of crs, 222° Outbnd, 042° Inbnd, 2000' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2000'.
Altitude of glide slope and distance to approach end of runway at OM, 2000'—3.5 miles; at MM, 1190'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2800' on crs, 042° to the Fayette Int. Hold N, 1-minute right turns, 222° Inbnd.
CAUTION: Glide slope point of touchdown approximately 1450' in from approach end of runway.
*400–¾ (RVR 4000') authorized with operative high-intensity runway lights except for 4-engine turbojet aircraft.
%RVR 2400' authorized Runway 4.
MSA within 25 miles of LOM: 000°–180°—2700'; 180°–270°—2500'; 270°–360°—2300'.

City, Lexington; State, Ky.; Airport name, Blue Grass; Elev., 978'; Fac. Class., ILS; Ident., I-LEX; Procedure No. ILS Runway 4, Amdt. 7; Eff. date, 15 Aug. 68; Sup. Amdt. No. ILS-4, Amdt. 6; Dated, 12 Nov. 66

FCM VOR	LOM	Direct	2600	T-dn	300–1	300–1	200–½
MSP VOR	LOM	Direct	2600	C-dn	500–1	500–1	500–1½
FGT VOR	LOM	Direct	2600	S-dn-29L$*	200–½	200–½	200–½
Prior Int	LOM	Direct	2600	A-dn	600–2	600–2	600–2
White Bear Int	LOM	Direct	2600				

Radar available.
Procedure turn E side of crs, 115° Outbnd, 295° Inbnd, 2500' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2400'.
Altitude of glide slope and distance to approach end of runway at OM, 2326'—5.5 miles; at MM, 1006'—0.5 mile.
Crs and distance, 2.2-mile DME Fix and Egan Tank Radar Fix to airport, 295°—2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing LOM, climb to 2500' on NW crs ILS within 10 miles, or when directed by ATC, make left-climbing turn, climb to 2600' and return to LOM.
NOTE: DME should not be used to determine aircraft position over MM, runway threshold or runway touchdown point.
%RVR 2400' authorized Runway 29L.
$RVR 2400'. Descent below 1040' not authorized unless approach lights are visible.
*500–¾ required when glide slope not utilized, 500–½ authorized with operative ALS except for 4-engine turbojets. 400' minimum authorized after passing the 2.2-mile DME Fix or the Egan Tank Radar Fix.

City, Minneapolis; State, Minn.; Airport name, Minneapolis-St. Paul International (Wold-Chamberlain); Elev., 840'; Fac. Class., ILS; Ident., I-MSP; Procedure No. ILS Runway 29L, Amdt. 25; Eff. date, 15 Aug. 68; Sup. Amdt. No. 24; Dated, 22 Apr. 67

3. By amending § 97.19 of Subpart B to amend radar procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
All directions$		0–10 miles	2000	T-dn%	300–1	300–1	200–½
				Surveillance approach			
290°	065°	10–20 miles	2500	C-dn–22 R and L.	600–1	600–1	600–1½
065°	150°	10–20 miles	2000	S-dn–22 R and L.#	600–1	600–1	600–1
150°	185°	10–15 miles	2000	C-dn–4 R and L, 9, 18, 27, 13 R and L, 31 L and R, 36.	500–1	500–1	500–1½
150°	185°	15–20 miles	2300	S-dn##	500–1	500–1	500–1
185°	290°	10–20 miles	2400	A-dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right or left turn as appropriate, climb to 2300' and proceed to EON VOR Inbnd on R 001°.
NOTES: MTI feature of ground radar equipment required for all surveillance approaches. Departures westbound on V-6 at 2000' will be released within 8 miles to climb to 2300'.
$Radar control will provide 1000' vertical clearance within a 4-mile radius of tower 2049', 8 miles NE, and within a 3-mile radius of towers 1260', 11 miles W, and 1120', 11 miles NW.
%RVR 2400' authorized for takeoff Runway 13R.
#500–¾ authorized Runway 22L with operative REILs except for 4-engine turbojets.
**Reduction not authorized for ALS.
##Runways 4R and 31L—No reduction authorized for REILs.
##Runway 31L—No reduction authorized for HIRLs.
##Runway 13R—No reduction authorized for ALS.
Sliding scale not authorized.
CAUTION: Buildings to 2049' approximately 8 miles NE. Plan departure to avoid this area.

City, Chicago; State, Ill.; Airport name, Chicago-Midway; Elev., 619'; Fac. Class. and Ident., Midway Radar; Procedure No. Radar-1, Amdt. 12; Eff. date, 15 Aug. 68; Sup. Amdt. No. 11; Dated, 9 May 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR—Continued

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				Surveillance approach			
(000°)	360°	Within 30 miles	3000	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn 5R, 9, 27, 18R, 36L. **23L.#	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runways 5R, 36L, 9—Make left-climbing turn to 3000', intercept and proceed Outbnd on Strongsville VOR, R 345° to Crib Int. Hold SE, 1-minute right turns, 345° Inbnd.
Runways 23L, 27, 18R—Climb to 3000' on runway heading, upon reaching proceed to Cleveland VOR. Hold W, 1-minute right turns, 098° Inbnd.
CAUTION: 1971' towers approximately 6 miles ESE of airport.
#400–½ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights on Runways 5R, 23L, 9, and 27.
##400–½ authorized with operative ALS on Runway 5R, except for 4-engine turbojet aircraft.
**On approach to runway 23L, maintain at least 1600' until within 4 miles of runway.

City, Cleveland; State, Ohio; Airport name, Cleveland-Hopkins International; Elev., 792'; Fac. Class. and Ident., Cleveland Radar; Procedure No. 1, Amdt. 15; Eff. date, 15 Aug. 68; Sup. Amdt. No. 14; Dated, 5 June 65

4. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 15.2 miles after passing CTF VOR.
				Climbing left turn to 2100' direct to CTF VOR.
				Supplementary charting information: Final approach crs intercepts runway centerline 3000' from threshold TDZ elevation, 240'.

Procedure turn N side of crs, 270° Outbnd, 090° Inbnd, 2100' within 10 miles of CTF VOR.
FAF, CTF VOR. Final approach crs, 060°. Distance FAF to MAP, 15.2 miles.
Minimum altitude over CTF VOR, 1600'; over Highline Int, 1300'.
MSA: 000°–090°—2000'; 090°–180°—1900'; 180°–360°—2000'.
NOTE: Use FLO FSS altimeter setting.
*Night visibility minimums 2 miles.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C VIS	D VIS
S-7°	1240	1¼	1000	1240	1¼	1000	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1240	2	1000	1240	2	1000	NA	NA
	Dual VOR:							
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-7°	800	1	560	800	1	560	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	800	1	560	800	1	560	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.			T over 2-eng.—Standard.		

City, Cheraw; State, S.C.; Airport name, Cheraw Municipal; Elev., 240'; Facility, CTF; Procedure No. VOR Runway 7, Amdt. Orig.; Eff. date, 15 Aug. 68

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
Briggs VORTAC	BSV R 180°, 10-mile DME Fix	BSV R 180°	3000	Make right-climbing turn to 3000' direct to BSV VORTAC and hold. Supplementary charting information: Hold N 180° Inbnd, 1-minute, right turns. 1160' tower 1 mile N of airport.

Procedure turn not authorized. Approach crs (profile) starts at BSV VORTAC.
Final approach crs, R 180°.
Minimum altitude over BSV VORTAC, 3000'; over 10-mile DME Fix, 3000'.
MSA: 000°–090°—2700'; 090°–180°—2600'; 180°–270°—2600'; 270°–360°—3100'.
NOTES: (1) Radar vectoring. (2) Use Akron-Canton altimeter.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAA	B MDA	B VIS	B HAA	C VIS	D VIS
C	1640	1	745	1640	1	745	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.			T over 2-eng—Not authorized.		

City, New Philadelphia; State, Ohio; Airport name, New Philadelphia; Elev., 895'; Facility, BSV VORTAC; Procedure No. VOR/DME-1, Amdt. Orig.; Eff. date, 15 Aug. 68

5. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 2.8 miles after passing PBI VORTAC
R 358°, PBI VORTAC counterclockwise	R 275°, PBI VORTAC	10-mile DME Arc	1600	Climb to 1600' on PBI VORTAC R 095°
R 181°, PBI VORTAC clockwise	R 275°, PBI VORTAC	10-mile DME Arc	2000	within 15 miles of VORTAC.
10-mile DME Arc	PBI VORTAC (NOPT)	PBI R 275°	800	Supplementary charting information: TDZ elevation, 16'.

Procedure turn N side of crs, 275° Outbnd, 095° Inbnd, 1600' within 10 miles of PBI VORTAC.
FAF, PBI VORTAC. Final approach crs, 095°. Distance FAF to MAP, 2.8 miles.
Minimum altitude over PBI VORTAC, 800'.
MSA: 000°–090°—1700'; 090°–270°—2100'; 270°–360°—1700'.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-9	400	¾	384	400	¾	384	400	¾	384	400	1	384
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	460	1	441	480	1	461	480	1½	461	680	2	661
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, West Palm Beach; State, Fla.; Airport name, Palm Beach International; Elev., 19'; Facility, PBI; Procedure No. VOR Runway 9, Amdt. 5; Eff. date, 15 Aug. 68; Sup Amdt. No. 4; Dated, 16 May 68

6. By amending § 97.25 of Subpart C to amend localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.5 miles after passing Selden Int.
Riverhead VOR	Coram Int	RVH R 282°	1800	Climbing left turn to 2000' direct to RVH VOR and hold. Supplementary charting information: Hold NE, 1-minute right turns, 238° Inbnd. TDZ elevation, 98'.

Procedure turn not authorized. Approach crs (profile) starts at Coram Int.
FAF, Seldon Int. Final approach crs, 23°. Distance FAF to MAP, 2.5 miles.
Minimum altitude over Coram Int, 1800'; over Selden Int, 1100'.
NOTES: (1) Runways 10-28 closed nights. (2) Dual VOR receivers required. (3) Inoperative table does not apply to HIRL Runway 24.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-24	440	1	342	440	1	342	440	1	242	440	1	342
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	540	1	442	560	1	462	560	1½	462	660	2	562
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Islip; State, N.Y.; Airport name, Long Island-MacArthur; Elev., 98'; Facility, I-ISP; Procedure No. LOC (BC) Runway 24; Amdt. 4; Eff. date, 15 Aug. 68; Sup. Amdt. No. 3; Dated, 13 June 68

7. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: LKV NDB.
LKV VORTAC	LKV NDB	Direct	9500	Climbing left turn direct LKV NDB, continue climb to 7400' in holding pattern. Supplementary charting information: Approach crs, 1760' left of centerline 3000' from runway threshold. LRCO.
30-mile DME Fix R 148°, LKV VORTAC	LKV NDB	Direct	10000	

Procedure turn W side of crs, 161° Outbnd, 341° Inbnd, 7400' within 10 miles of LKV NDB.
Final approach crs, 341°.
Minimum altitude over LKV, 5440'.
MSA: 000°-180°—5500'; 180°-270°—8100'; 270°-360°—9400'.
%IFR departure procedures: Runways 2, 20, and 34 turn left; climb on 161° bearing from LKV NDB within 10 miles to cross LKV NDB at or above 7500'. All maneuvering W of crs.
*Use Klamath Falls altimeter when Lakeview altimeter setting not available.
#Alternate minimums not authorized when Lakeview weather not available.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C*	5440	1	712	5440	1	712	5440	1½	712	NA
A	Standard.#		T 2-eng. or less—Runway 2, 1500-1; standard all other runways.%				T over 2-eng.—Runway 2, 1500-1; standard all other runways.%			

City, Lakeview; State, Oreg.; Airport name, Lake County-Lakeview; Elev., 4725'; Facility, LKV; Procedure No. NDB (ADF)-1, Amdt. Orig.; Eff. date, 15 Aug. 68

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on July 9, 1968.

W. E. ROGERS,
Acting Director, Flight Standards Service.

[F.R. Doc. 68-8438; Filed, July 25, 1968; 8:45 a.m.]

[Regulatory Docket No. 9031]

[Special Federal Aviation Regulation No. 19]

PART 121—CERTIFICATION AND OPERATIONS-DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Secret Service Agents; Admission to Flight Deck

The purpose of this Special Federal Aviation Regulation is to authorize Secret Service Agents to be admitted to, and occupy a seat on, the flight deck of an aircraft carrying any person whose protection is a responsibility of the U.S. Secret Service under the laws of the United States.

The U.S. Secret Service is given protective responsibilities for the President of the United States, the Vice President, and other specified persons (18 U.S.C. section 3056). In addition, by a Joint Resolution of the Congress the U.S. Secret Service has been given responsibility for furnishing protection to persons determined to be major presidential or vice presidential candidates (Public Law 90-331; 90 Cong., H. J. Res. 1292). The Joint Resolution directs Federal Departments and agencies to assist the Secret Service, when requested by the Director thereof, in the performance of its protective duties under the Code and the Joint Resolution.

The Director of the Secret Service has requested the Federal Aviation Administration to authorize a Secret Service Agent to ride in the flight deck area of an aircraft in the performance of his protective responsibilities when a person the Agent protects is aboard the aircraft. The Director has expressed the view that such an authorization is an essential security measure at this time.

The FAA has determined that the authorization requested should be granted by a Special Federal Aviation Regulation. This regulation authorizes agents of the Secret Service to enter the flight deck of an aircraft operated by an air carrier or commercial operator and to occupy an observer seat on that aircraft. It does not provide for free or reduced rates of transportation for those agents not otherwise authorized by law.

This matter has been informally discussed with representatives of the Air Transport Association, the Airline Pilots Association, and the Allied Pilots Association. Because of the emergency nature of this matter, I find that further compliance with the notice, procedures and effective date provisions of the Administrative Procedure Act would be impracticable.

In consideration of the foregoing, the following Special Federal Aviation Regulation is hereby adopted to become effective July 26, 1968.

Contrary provisions of the Federal Aviation Regulations notwithstanding, whenever an Agent of the Secret Service who is assigned the duty of protecting a person aboard an aircraft operated by an air carrier or commercial operator, considers it necessary in the performance of his duty to ride on the flight deck of that aircraft, he shall upon request and presentation of his Secret Service credentials to the pilot in command of the aircraft, be admitted to the flight deck and permitted to occupy an observer seat thereon.

This Special Federal Aviation Regulation shall terminate July 31, 1969.

(Secs. 313(a) and 601 of the Federal Aviation Act of 1958, 72 Stat. 752, 755; 49 U.S.C. 1354(a), 1421; and Public Law 90-331, 90th Cong., H.J. Res. 1292, June 6, 1968)

Issued in Washington, D.C., on July 24, 1968.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 68-9062; Filed, July 25, 1968; 11:27 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 993]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

Administrative Rules and Regulations

Notice is hereby given of a proposal to amend the administrative rules and regulations (Subpart—Administrative Rules and Regulations; 7 CFR 993.101–993.174), operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California (hereinafter referred to collectively as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposed amendment was recommended by the Prune Administrative Committee, established under the order.

Section 993.149 is proposed to be amended so as to afford handlers additional time to dispose of defective prunes, accumulated pursuant to disposition obligation incurred under § 993.49(c), in nonhuman consumption outlets. Another proposed change in § 993.149 would recognize a recent development in the industry relating to some handler receipts of prunes. Such prunes have been received at dehydrator premises following inspection of prunes dehydrated from prune plum samples drawn by an inspector from an incoming lot and dehydrated the same as the remainder of the lot.

The proposals are as follows:

Revise § 993.149(d)(3) and add a new paragraph (e) to read as follows:

§ 993.149 Receiving of prunes by handlers.

* * * * *

(d) * * *

(3) *Disposition.* Prunes accumulated by a handler pursuant to subparagraph (2) of this paragraph shall be disposed of in nonhuman consumption outlets during the crop year in which the prunes establishing such obligation were received from producers and dehydrators unless the handler files an application with the Committee for additional time to complete such disposition and receives written approval from the Committee for such disposition within a specified period of time.

(e) *Receiving at dehydrator.* Notwithstanding paragraph (b)(1) of this section, any handler may arrange with the inspection service for the receiving of prunes at a dehydrator's premises designated as such handler's inspection station and for the incoming inspection and certification to be based on samples of prunes drawn as prune plums and dehydrated in the same manner as the prunes to which they are referable. Where such arrangement is acceptable to the Committee as permitting the inspection and certification when based on samples drawn as prunes, such certification shall be acceptable for the purposes of this section if the inspector further certifies that the dehydration process of the prunes being certified was satisfactorily completed without damage to the prunes.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

Dated: July 23, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68–8950; Filed, July 25, 1968; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 68–WE–14–AD]

AIRWORTHINESS DIRECTIVES

Boeing Airplane Co. Models 707, 720, and 727

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an Airworthiness Directive (AD) applicable to Boeing Airplane Co. Model 707, 720, and 727 airplanes.

There has been a report of an inflight offsetting of the rudder pedal when hard foot pressure was applied thereto, resulting in a temporary loss of foot contact with the rudder pedal. The offsetting has been attributed to the turning of the rudder pedal adjustment crank. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require replacement or modification of the rudder pedal adjustment crank.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rules Docket, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new Airworthiness Directive:

BOEING AIRPLANE CO. Applies to Models 707, 720, and 727 listed in Boeing Service Bulletin Nos. 2536 (dated June 1, 1967) and 27–100 (dated June 8, 1967).

Compliance required as indicated.

To prevent the rudder pedal from being displaced during application of hard foot pressure on the pedal, accomplish the following:

Within the next 1000 hours time in service after the effective date of this AD, unless already accomplished, remove the existing rudder pedal adjustment crank assembly and replace with a modified or new crank assembly in accordance with Boeing Service Bulletin No. 2536 dated June 1, 1967, for Model 707's and 720's or Boeing Service Bulletin 27–100 dated June 8, 1967, for Model 727's, or later FAA approved revisions, or an equivalent design approved by the Chief, Aircraft Engineering Division, FAA Western Region.

Issued in Los Angeles, Calif., on July 16, 1968.

LEE E. WARREN,
Acting Director, FAA Western Region.

[F.R. Doc. 68–8935; Filed, July 25, 1968; 8:46 a.m.]

WATER RESOURCES COUNCIL

[18 CFR Part 704]

DISCOUNT RATE FOR USE IN PLAN FORMULATION AND EVALUATION

Notice of Proposed Rule Making

Notice is hereby given that the Water Resources Council proposes to establish, under the procedure prescribed in section 103 of the Water Resources Planning Act (79 Stat. 244; U.S.C. 1962) a new formula for the determination of the discount rates for use each year in the formulation and evaluation of plans for use and development of water and related land resources, by issuing the regulation set forth below.

The proposed new formula would modify that established by section V.G. 2 of the interagency agreement dated May 15, 1962, approved by the President on May 15, 1962, entitled "Policies, Standards, and Procedures in the Formulation, Evaluation, and Review of Plans for Use and Development of Water and Related Land Resources", and published on May 29, 1962, as Senate Document No. 97, 87th Congress, 2d Session.

The discount rate for fiscal year 1969, computed as proposed in the regulation set forth below, would be 4⅝ percent. In following years the rate for any year would not be changed more than ¼ percentage point from that used during the previous year. The current discount rate computed on the basis of the present formula is 3¼ percent.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulation to the Executive Director, Water Resources Council, 1025 Vermont Avenue NW., Washington, D.C. 20005, within 60 days after date of publication of this notice in the FEDERAL REGISTER.

Dated: July 22, 1968.

HENRY P. CAULFIELD, Jr.,
Executive Director.

PART 704—PLAN FORMULATION STANDARDS AND PROCEDURES

Subparts A to D [Reserved]

Subpart E—Standards for Plan Formulation and Evaluation

§§ 704.1—704.38 [Reserved]

§ 704.39 Discount rate.

(a) The interest rate to be used in plan formulation and evaluation for discounting future benefits and computing costs, or otherwise converting benefits and costs to a common time basis, shall be based upon the average yield during the preceding fiscal year on interest-bearing marketable securities of the United States which, at the time the computation is made, have terms of 15 years or more remaining to maturity: *Provided, however,* That in no event shall the rate be raised or lowered more than one-quarter of 1 percent for any year. The average yield shall be computed as the average during the fiscal year of the daily bid prices. Where the average rate so computed is not a multiple of one-eighth of 1 percent, the rate of interest shall be the multiple of one-eighth of 1 percent nearest to such average rate.

(b) The computation shall be made as of July 1 each year, and the rate thus computed shall be used during the succeeding 12 months. The Executive Director shall annually request the Secretary of the Treasury to inform the Water Resources Council of the rate thus computed.

(c) Subject to the provisions of paragraphs (d) and (e) of this section, the provision of paragraphs (a) and (b) of this section shall apply to all Federal and federally-assisted water and related land resources project evaluation reports submitted to the Congress, or approved administratively, after the close of the second session of the 90th Congress.

(d) Where construction of a project has been authorized prior to the close of the second session of the 90th Congress, and the appropriate State or local governmental agency or agencies have given prior to December 31, 1969, satisfactory assurances to pay the required non-Federal share of project costs, the discount rate to be used in the computation of benefits and costs for such project shall be the rate in effect immediately prior to the effective date of this section, and that rate shall continue to be used for such project until construction has been completed, unless the Congress otherwise decides.

(e) Notwithstanding the provisions of paragraphs (a) and (b) of this section, the discount rate to be used in plan formulation and evaluation during the remainder of the fiscal year 1969 shall be 4⅝ percent except as provided by paragraph (d) of this section.

(f) Section V.G. 2 of the interagency agreement dated May 15, 1962, approved by the President on May 15, 1962, entitled "Policies, Standards, and Procedures in the Formulation, Evaluation, and Review of Plans for Use and Development of Water and Related Land Resources", and published on May 29, 1962, as Senate Document No. 97, 87th Congress, 2d Session, is superseded by the provisions of this section.

(g) This section shall be effective upon publication in the FEDERAL REGISTER.

[F.R. Doc. 68–8883; Filed, July 25, 1968; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

National Park Service

[Order No. 5, Amdt. 2]

ASSISTANT REGIONAL DIRECTOR, ADMINISTRATION, NORTHEAST REGION, ET AL.

Change of Title

Delegation. Order No. 5, approved June 8, 1966, and published in 66 F.R. 6327 set forth in section (4) certain authority delegated to the Associate Regional Director, Northeast Regional Office. This amendment is for the purpose of changing the title of the official to whom authority is delegated from Associate Regional Director to Assistant Regional Director, Administration.

(National Park Service Order No. 34 (31 F.R. 4255), as amended; 39 Stat. 535, 18 U.S.C., sec. 2)

LEMUEL A. GARRISON,
Regional Director,
Northeast Region.

JULY 5, 1968.

[F.R. Doc. 68-8942; Filed, July 25, 1968; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

INDIANA, SOUTH DAKOTA, AND WYOMING

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Indiana, South Dakota, and Wyoming, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

INDIANA

Jackson.	Martin.
Lawrence.	

SOUTH DAKOTA

Aurora.	McCook.
Beadle.	McPherson.
Clay.	Marshall.
Davison.	Perkins.
Douglas.	Sanborn.
Hanson.	Union.
Hutchinson.	

WYOMING

Converse.	Laramie.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1969, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 22d day of July 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-8938; Filed, July 25, 1968; 8:46 a.m.]

Packers and Stockyards Administration

HAYS LIVESTOCK COMMISSION CO., INC.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, location of stockyard, and date of posting
Hays Livestock Commission Company, Inc., Hays, Kans., Apr. 19, 1950.
Walkerville Livestock Auction, Walkerville, Mich., Aug. 23, 1966.
Warrenton Livestock Market, Warrenton, N.C., Sept. 3, 1960.
Vinita Stock Yards, Inc., Vinita, Okla., Mar. 29, 1950.
Red Bank Auction Sales, Lexington, S.C., Dec. 1, 1967.
Amarillo Horse Auction, Amarillo, Tex., Apr. 22, 1967.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 19th day of July 1968.

G. H. HOPPER,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 68-8939; Filed, July 25, 1968; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

UNIVERSITY OF CHICAGO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00557-01-07500. Applicant: The University of Chicago, operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Ill. 60439. Article: Precision calorimetry system, Model 8700. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to obtain thermochemical data on plutonium and uranium compounds especially intermetallics, fluorides and chlorides. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is intended to be used in investigating a number of problems associated with thermochemical properties of plutonium and uranium compounds, especially intermetallics, fluorides and chlorides. For these purposes, the solution calorimetry techniques of the foreign article can be applied to small amounts of samples in the determination of heats of formation of compounds.

The Department of Commerce knows of no instrument or apparatus being manufacured in the United States, which has the capability to perform all of the experiments for which the foreign article is intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68-8916; Filed, July 25, 1968; 8:45 a.m.]

I.B.E.W. ELECTRICAL WORKERS EDUCATIONAL TRAINING CENTRE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00561-98-26000. Applicant: Mr. Charles Burress, I.B.E.W. Electrical Workers Educational Training Centre, 1442 Linwood Drive, Salinas, Calif. 93901. Article: Clemenz standard construction device for the theory of electricity, Model EG/ZA/ZT. Manufacturer: Dr. Clemenz, West Germany. Intended use of article: The article will be used for instruction in the basic theory of electricity. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is designed for instructing students in basic principles of electricity with particular application to AC and DC generators, three-phase asynchronous slip ring motors and three-phase squirrel cage motors. The capability of demonstrating three-phase applications of electricity is pertinent to the purposes for which the foreign article is intended to be used.

The Department of Commerce knows of no instrument or apparatus being manufactured in the United States, which provides the capability for demonstrating three-phase applications of electricity.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68-8915; Filed, July 25, 1968; 8:45 a.m.]

MASSACHUSETTS GENERAL HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00551-33-06200. Applicant: Massachusetts General Hospital, Fruit Street, Boston, Mass. 02144. Article: Blood filter and bubble trap, Model 910/T. Manufacturer: Honeywell Controls, Ltd., United Kingdom. Intended use of article: The article will be used as a blood filter air trap in conjunction with the heart-lung perfusion apparatus in use clinically at the hospital operating room. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: For the purposes for which the foreign article is intended to be used, the applicant requires an instrument that will prevent the gas bubbles in the circulating blood stream in a heart-lung perfusion apparatus from reaching the patient with the resultant danger of emboli. The foreign article provides a means of eliminating the gas bubbles, which is superior to similar types of apparatus that do not employ this means. Since this operational principle is protected by English patents, no comparable apparatus is being manufactured in the United States.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68-8917; Filed, July 25, 1968; 8:45 a.m.]

YALE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00480-33-63595. Applicant: Yale University, Bureau of Purchases, 20 Ashmun Street, New Haven, Conn. 06520. Article: Digital polarimeter, Model 141. Manufacturer: Bodenseewerk Perkin-Elmer & Co., West Germany. Intended use of article: The article will be used in the process of synthesizing small quantities of organic compounds, of medical and biological interest; these are principally amino acid and vitamin analogs which will contain radioactive labels. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or appartus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a specified spectral range beginning at 365 millimicrons. The most closely comparable domestic instrument is the Digital model polarimeter manufactured by the Bendix Corp. (Bendix), which has a specified spectral range beginning with 450 millimicrons. Many newly synthesized organic compounds are expected to show optical rotation only in the spectral range below 450 millimicrons. Therefore, the lower spectral range limit of the foreign article is pertinent to the purposes for which the article is intended to be used. (2) The foreign article provides a rotary range of plus or minus 80 degrees from any preset point, whereas the Bendix Digital polarimeter has a rotary range of plus or minus 0.5 degree from any preset point. The need to continually reset the domestic instrument in order to permit rotation in the same range as the foreign article, may lead to the loss of important kinetic data. Hence, the larger rotary range of the foreign article is pertinent. For the foregoing reasons, we find that the Bendix Digital model polarimeter is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68-8918; Filed, July 25, 1968; 8:45 a.m.]

Maritime Administration

[Docket No. S-217]

OCEANIC STEAMSHIP CO.

Notice of Application

Notice is hereby given of the application dated July 12, 1968, of the Oceanic Steamship Co. for written permission under section 805(a) of the Merchant Marine Act, 1936, as amended (Act) for its affiliate, Maui Pineapple Co., Ltd., to participate in a joint venture agreement for the chartering of vessels to carry pineapple from Hawaii to Atlantic ports of the United States. It is tentatively contemplated that the "SS Rachel V.," owned by the Vantage Steamship Co. will be the next voyage charter which is scheduled to load in Hawaii on approximately August 7, 1968. The "SS

Canterbury Falcon" owned by Marine Transport Lines is under consideration for a voyage charter to commence in Hawaii about August 10, 1968.

Interested parties my inspect this application in the Office of Government Aid, Maritime Administration, Room 4077, General Accounting Office Building, 441 G Street NW., Washington, D.C.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit a written statement with reference to the application must by close of business on August 5, 1968, file same with the Secretary, Maritime Subsidy Board/Maritime Administration in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in § 201.78 of the Maritime Subsidy Board/Maritime Administration rules of practice and procedure (46 CFR Part 201), petitions for leave to intervene received after close of business on August 5, 1968, will not be considered in this proceeding.

If no petitions for leave to intervene are received within the specified time, or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board/Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for August 13, 1968, at 10 a.m. in Room 4519, General Accounting Office Building, 441 G Street NW., Washington, D.C. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the proposed domestic service involved or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

Dated: July 24, 1968.

By order of the Maritime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 68-8974; Filed, July 25, 1968; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-254, 50-265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Notice of Issuance of Amendments to Provisional Construction Permits

Notice is hereby given that the Commission has issued, effective as of the date of issuance, Amendment No. 1, set forth below, to Construction Permits Nos. CPPR-23 and CPPR-24 which were issued to the Commonwealth Edison Co. on February 15, 1967. Provisional Construction Permits Nos. CPPR-23 and CPPR-24 each authorizes Commonwealth Edison Co. to construct a single cycle, forced circulation, boiling water reactor designed to operate at 2,255 megawatts (thermal), (Quad-Cities Unit No. 1 and Quad-Cities Unit No. 2, respectively) at its site in Rock Island County, Ill., about 3 miles north of Cordova, Ill.

The amendments reflect a change in the ownership of the Quad-Cities Station. As a result of this change, Commonwealth Edison Co. and Iowa-Illinois Gas and Electric Co. will own, respectively, a 75 percent and a 25 percent undivided interest in the facility.

Neither Amendment No. 1 nor this change in ownership affects Commonwealth Edison Co.'s responsibilities with respect to design and construction of the facility as set forth in Provisional Construction Permits Nos. CPPR-23 and CPPR-24.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, Commonwealth Edison Co. or Iowa-Illinois Gas and Electric Co. may file a request for a hearing, and any person whose interest may be affected by the issuance of these amendments may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's rules of practice, 10 CFR Part 2. If a request for hearing or a petition for leave to intervene is filed within the time specified in this notice, the Commission will issue a notice of hearing or appropriate order.

For further details with respect to these amendments, see a copy of the application amendment dated April 9, 1968, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 18th day of July 1968.

For the Atomic Energy Commission.

ROGER S. BOYD,
Acting Director,
Division of Reactor Licensing.

[Construction Permit CPPR-23, Amdt. 1]

1. The Atomic Energy Commission (the Commission) has found that:

A. The application for amendment of Construction Permit No. CPPR-23, dated April 9, 1968, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations, 10 CFR, Chapter 1.

B. Prior public notice of the proposed issuance of this amendment is unnecessary because this amendment does not involve significant hazard considerations different from those previously evaluated.

C. Issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

2. Construction Permit No. CPPR-23 is amended as follows:

A. The name, "Iowa-Illinois Gas and Electric Company," is included in the title immediately below "Commonwealth Edison Company."

B. Paragraph 1 is deleted and the following is substituted:

"1. Pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, Chapter 1, Code of Federal Regulations, Part 50, Licensing of Production and Utilization Facilities, the Atomic Energy Commission (the Commission) hereby issues a provisional construction permit to Commonwealth Edison Company and Iowa-Illinois Gas and Electric Company (the applicants) for a utilization facility designed to operate at 2,255 megawatts (thermal), (the facility), described in the application and amendments thereto filed in this matter and in evidence received at the public hearing upon that application. The facility, known as Quad-Cities Unit No. 1, will be located at the applicant's Quad-Cities Station in Rock Island County, Illinois, about three miles north of Cordova, Illinois."

C. Paragraph 2.C is deleted and the following is substituted:

"2.C. This construction permit authorizes Commonwealth Edison Company to own an undivided 75 percent interest in the facility and to construct the facility described in the application and the hearing record in accordance with the principal architectural and engineering criteria set forth therein and authorizes Iowa-Illinois Gas and Electric Company to own an undivided 25 percent interest in the facility."

D. Paragraph 3 is deleted and the following is substituted:

"3. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission to the applicants unless (a) the applicants submit to the Commission, by amendment to the application, the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; and (c) the applicants submit proof of financial protection and the execution of an indemnity agreement as required by section 170 of the Act."

3. This amendment is effective as of the date of issuance.

Date of Issuance: July 18, 1968.

For the Atomic Energy Commission.

ROGER S. BOYD,
Acting Director,
Division of Reactor Licensing.

[Construction Permit CPPR-24, Amdt. 1]

1. The Atomic Energy Commission (the Commission) has found that:

A. The application for amendment of Construction Permit No. CPPR-24, dated April 9, 1968, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations, 10 CFR, Chapter 1.

B. Prior public notice of the proposed issuance of this amendment is unnecessary because this amendment does not involve significant hazard considerations different from those previously evaluated.

C. Issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

2. Construction Permit No. CPPR-24 is amended as follows:

A. The name, "Iowa-Illinois Gas and Electric Company," is included in the title immediately below "Commonwealth Edison Company".

B. Paragraph 1 is deleted and the following is substituted:

"1. Pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended (the Act) and Title 10, Chapter 1, Code of Federal Regulations, Part 50, 'Licensing of Production and Utilization Facilities', the Atomic Energy Commission (the Commission) hereby issues a provisional construction permit to Commonwealth Edison Company and Iowa-Illinois Gas and Electric Company (the applicants) for a utilization facility designed to operate at 2,255 megawatts (thermal) (the facility), described in the application and amendments thereto filed in this matter and in evidence received at the public hearing upon that application. The facility, known as Quad-Cities Unit No. 2, will be located at the applicant's Quad-Cities Station in Rock Island County, Illinois, about three miles north of Cordova, Illinois."

C. Paragraph 2.C is deleted and the following is substituted:

"2.C. This construction permit authorizes Commonwealth Edison Company to own an undivided 75 percent interest in the facility and to construct the facility described in the application and the hearing record in accordance with the principal architectural and engineering criteria set forth therein and authorizes Iowa-Illinois Gas and Electric Company to own an undivided 25 percent interest in the facility."

D. Paragraph 3 is deleted and the following is substituted:

"3. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission to the applicants unless (a) the applicants submit to the Commission, by amendment to the application, the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; and (c) the applicants submit proof of financial protection and the execution of an indemnity agreement as required by section 170 of the Act."

3. This amendment is effective as of the date of issuance.

Date of Issuance: July 18, 1968.

For the Atomic Energy Commission.

ROGER S. BOYD,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 68-8936; Filed, July 25, 1968; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20016]

FURMAN AIR FREIGHT CORP. ET AL.

Notice of Proposed Approval of Control and Interlocking Relationships

Application of Furman Air Freight Corp. for approval of certain control and interlocking relationships pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended, Docket 20016.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., July 22, 1968.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER OF APPROVAL

Issued under delegated authority.

Application of Furman Air Freight Corp., Ira Furman, Leon Frankel, Gerald Greenstein, Mrs. Rose Levine, Evelyn Furman, Bernard Levine; Docket 20016, for approval of certain control and interlocking relationships pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended.

By application filed July 3, 1968, Furman Air Freight Corp. and Ira Furman request approval pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act), of the control and interlocking relationships resulting from the ownership by Mr. and Mrs. Furman of 60 percent of the stock of Furman Air Freight (Air Freight), an applicant for international air freight forwarder authority, 100 percent of the stock of Ira Furman and Co., Inc. (Furman), and 100 percent of the stock of Sal's Airline Delivery Service, Inc. (Sal's). Furman is a U.S. customs broker, an ocean freight forwarder licensed by the Federal Maritime Commission, and an IATA cargo agent. Sal's is a trucking company serving only Furman.

Approval is also sought, pursuant to section 409 of the Act, for the following interlocking relationships:

Individual	Air freight	Furman	Sal's
Ira Furman	President	President	Vice president.
Gerald Greenstein	Vice president		President.
Leon Frankel	Vice president	Treasurer	
Rose Levine	Secretary	Secretary	
Evelyn Furman	Treasurer	Second vice president	Secretary-treasurer.
Bernard Levine	Director	Vice president	

It is alleged that by becoming an indirect air carrier, Air Freight can provide consolidation services to Furman. Sal's will serve Air Freight in addition to serving Furman. The applicants state that their many years of experience in the international freight forwarding field will benefit the proposed air freight consolidation service.

No comments relative to the application or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day following such publication, both in accordance with section 408(b) of the Act.

Upon consideration of the joint application, it is concluded that Air Freight is an air carrier, and that Furman and Sal's are common carriers within the meaning of section 408 of the Act, and the common control of the three companies by Mr. Furman is subject to that section of the Act. However, it has been further concluded that such a control relationship does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and does not restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing and it is concluded that the public interest does not require a hearing. The control relationships are similar to others which have been approved by the Board and do not, essentially, present any new substantive issues.[1] It therefore appears that approval of the control relationships would be consistent with the public interest.

We also find that interlocking relationships within the scope of section 409(a) of the Act will result from the holding by the individual applicants of the positions described herein. However, we have concluded that such relationships come within the scope of the exemption from the provisions of section 409 afforded by section 287.2 of the Board's economic regulations. Thus, to the extent that the application requests approval of such relationships, it will be dismissed.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, and 385.3, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, without hearing, and that the application to the extent that it requests approval of the aforementioned interlocking relationships should be dismissed.

Accordingly, it is ordered:

1. That the common control of Furman Air Freight, Inc., Ira Furman & Co., and Sal's Airline Delivery Service by Mr. Furman be and it hereby is approved; and

2. That, to the extent that approval of interlocking relationships is sought under section 409 of the Act, the application be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8943; Filed, July 25, 1968; 8:47 a.m.]

[Docket No. 19139]

TAG AIRLINES, INC.

Notice of Further Prehearing Conference

In view of the Board's Order 7-68-88, July 17, 1968, a further prehearing conference in this proceeding will be held on August 7, 1968, at 10 a.m., e.d.s.t., in Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. The parties are advised that all previous procedural dates established in this proceeding are canceled and that new procedural dates will be established at the further prehearing conference.

In order to facilitate the conduct of the conference, interested parties are requested to submit to the Examiner and the parties of record in this proceeding

[1] Cf. Orders E-26256, Jan. 19, 1968 and E-26486, Mar. 7, 1968.

on or before August 6, 1968: (1) Additional proposed statements of issues, (2) proposed stipulations, (3) requests for additional information and evidence, and (4) proposed additional procedural dates.

Dated at Washington, D.C., July 23, 1968.

[SEAL] ROBERT M. JOHNSON,
Hearing Examiner.

[F.R. Doc. 68-8944; Filed, July 25, 1968; 8:47 a.m.]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, July 31, 1968. The hearing will take place in Room 603, City Hall Annex, Juniper and Filbert Streets in Philadelphia, beginning at 2 p.m. The subject of the hearing will be proposals to amend the Comprehensive Plan so as to include therein the following projects.

1. *Soil Conservation Service.* A proposed modification in the Watershed Work Plan for the Assunpink Creek Watershed. The storage capacity of reservoir site 18 would be increased. Multilevel water release facilities for downstream temperature control would be installed at reservoir sites 18 (Millstone Township) and 19 (Upper Freehold Township), Monmouth County, N.J.

2. *Soil Conservation Service.* A plan for flood damage prevention and recreation development in the Furnace Brook Watershed, Warren County, N.J. Prepared in accordance with Public Law 566, the plan provides for one earth-filled dam and associated stream channel improvements. The project has been submitted by the Soil Conservation Service on behalf of several local public agencies in Warren County and the New Jersey Department of Conservation and Economic Development.

3. *Ewing-Lawrence Sewerage Authority.* A sewage works project involving a pumping station and force mains to serve a proposed industrial park in Ewing Township, Mercer County, N.J. A maximum future flow of 480,000 gallons per day will be pumped to the existing Ewing-Lawrence treatment plant for ultimate discharge into Assunpink Creek.

4. *Radnor-Haverford-Marple Sewer Authority.* A project to divert excess raw sewage from the Radnor-Haverford-Marple Sewer Authority treatment works to the Darby Creek Joint Authority treatment plant in Delaware County, Pa. The project involves construction of approximately 9,000 feet of 36-inch relief sewer lines and appurtenances.

5. *Bucks County Water and Sewer Authority.* An extension of Neshaminy Creek interceptor sewer system through construction of intercepting sewers, force mains, and pumping stations on the lower Neshaminy Creek Watershed, Bucks County, Pa. Initially about 500,000 gallons per day of collected sewage will be conveyed to the Northeast Treatment Plant of the city of Philadelphia for treatment and ultimate disposal to the Delaware River. Ultimate future conveyance is estimated to be 35 million gallons daily.

6. *New Castle County.* Construction of the Glasgow interceptor sewer along Muddy Run from Christina interceptor to the vicinity of Glasgow, New Castle County, Del., a distance of about 3½ miles, to serve the entire Muddy Run drainage area. Temporary treatment facilities now serving sections of the Glasgow region will be abandoned.

7. *Parkway Water Co.* A well water supply project to augment public water supplies serving the Parkway Manor Development, South Whitehall Township, Lehigh County, Pa. Designated as Well No. 4, the new facility is expected to yield 140 gallons per minute.

8. *Borough of Milford.* A new sewage treatment plant and collection system to serve the Borough of Milford and Holland Township in Hunterdon County, N.J. The treatment plant is designed to treat 400,000 gallons per day with 95 percent removal of BOD. Treated effluent will discharge to the Delaware River.

Documents relating to the above proposed additions to the Comprehensive Plan may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission; Telephone (609) 883-9500.

W. B. WHITALL,
Secretary.

JULY 19, 1968.

[F.R. Doc. 68-8941; Filed, July 25, 1968; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Doc. No. G-17358, etc.]

ASSOCIATED PROGRAMS, INC., ET AL.

Order Accepting Offers of Settlement, Requiring Filing of Notices of Change and Contract Amendments, Providing for Retention and Disbursement of Refunds, Severing Proceeding and Terminating Proceedings

JULY 3, 1968.

Associated Programs, Inc. (Operator), et al. formerly Associated Oil & Gas Co. (Operator) et al., Docket Nos. G-17358 and AR64-2, et al.; Associated Programs, Inc., Docket No. RI65-286.

On April 17, 1968, in Docket No. RI65-286 and on May 1, 1968, in Docket No. G-17358, Associated Programs, Inc. (API), as successor in interest to Associated Oil & Gas Co., filed offers of settlement in these proceedings pursuant to § 1.18(e) of the Commission's rules of practice and procedure. The offers relate to two sales of natural gas to Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee Gas), from several fields in Texas Railroad District Nos. 3 and 4. The proceedings involve increased rates, collected subject to refund, from 13.49751 cents to 16.16947 cents per Mcf effective June 1, 1959, under Supplement No. 6 to API's FPC Gas Rate Schedule No. 1 in Docket No. G-17358, and from 14.6 cents to 15.6 cents per Mcf effective April 1, 1965, under Supplement No. 12 to API's FPC Gas Rate Schedule No. 7 in Docket No. RI65-286.[1]

Under the terms of the offers, API proposes a settlement rate of 15 cents per Mcf at 14.65 p.s.i.a. inclusive of tax reimbursement for the subject sales. The settlement rate under API's FPC Gas Rate Schedule No. 7 is subject to a 0.21931-cent per Mcf contractual deduction for dehydration. API has agreed to amend its subject contracts by deleting all definite and indefinite price escalation provisions therefrom, except those providing for a 75 percent reimbursement of future tax increases. API stated that there are at least 5 years of recoverable reserves under these contracts, and it has further agreed to execute a contract amendment extending the term under its Rate Schedule No. 7 to 5 years from the date of filing of the settlement offer so that both of its contracts have a remaining life of at least 5 years. API states that it will refund to Tennessee Gas all amounts collected, subject to refund, under the subject proceedings in excess of the settlement rate with applicable interest. Its revenues will be decreased approximately $31,000 annually below those now being collected subject to refund and it will refund approximately $196,900, exclusive of interest. Tennessee Gas has agreed to the settlement proposals and no protests have been filed thereto.

Tennessee Gas is required to flow-through to its jurisdictional customers all refundable amounts collected in Docket No. G-17358, estimated to be $139,800. However, Tennessee Gas is required to flow-through only those refunds in Docket No. RI65-286 attributable to deliveries made on or after January 1, 1967.[2] Accordingly, we shall direct API to refund with appropriate interest all refundable amounts collected in Docket No. G-17358 and the refundable amounts collected in Docket No. RI65-286 on and after January 1, 1967. For the reasons set forth in our order in Humble Oil & Refining Co., Docket No. G-9287 et al., order issued July 8, 1964, 32 FPC 49, we shall require API to retain the refundable amounts attributable to pre-January 1, 1967, deliveries collected in Docket No. RI65-286 pending further Commission order. API will be permitted either to place such refunds in a special escrow account, without further interest obligations, or to commingle the retained refunds with its general assets and use them for its corporate purposes, subject to further interest at a rate of 6½ percent per annum.

The proposed settlements are consistent with the provisions of the second amendment to the Commission's statement of general policy No. 61-1, issued December 20, 1960, 24 FPC 1107, as amended by Order No. 264 issued March 27, 1963, 29 FPC 589, and their acceptance would serve the public interest. Our action in accepting API's subject settlement proposals should not be construed as constituting approval of any future rate increases, if any, that may be filed under the subject rate schedules in accordance with the reservation of the right to file increases to cover future tax increases, and is without prejudice to any finding or order of the Commission in any future rate proceedings, including area rate proceedings, involving API's rates and rate schedules.

The Commission finds: The proposed settlement of the subject proceedings on the basis described herein, as more fully set forth in the settlement proposals filed by API on April 17 and May 1, 1968, is in the public interest and it is appropriate in carrying out the provisions of the Natural Gas Act that it be approved and made effective as hereinafter ordered, that the proceeding in Docket No. G-17358 which is consolidated with the area rate proceeding in Docket No. AR64-2 et al., be severed therefrom, that Docket No. G-17358 and RI65-286 be terminated and that refunds be made as hereinafter provided.

The Commission orders: (A) The offers of settlement filed with the Commission on April 17 and May 1, 1968, in Docket Nos. RI65-286 and G-17358, respectively, are approved in accordance with the provisions of this order.

(B) API shall file, within 30 days from the date of issuance of this order, as supplements to its FPC Gas Rate Schedule Nos. 1 and 7, notices of change in rate providing for 15 cents and 14.78069 cents per Mcf settlement rates, respectively, and executed contract amendments as provided in API's offers of settlement. API shall also file, within 30 days from the date of issuance of this order, as a supplement to its FPC Gas Rate Schedule No. 7, an executed contract amendment extending the contract term to April 17, 1973. The notices of change and the contractual amendments required herein shall be submitted in accordance with Part 154 of the Commission's regulations under the Natural Gas Act.

(C) API shall compute the difference between the rate collected in Docket No. RI65-286 subject to refund and the 14.78069 cents settlement rate for the period from April 1, 1965, until January 1, 1967, together with interest at 7 percent per annum computed to the date of issuance of this order, and within 30 days hereof shall submit a report to the Commission, and serve a copy on Tennessee Gas, setting forth the details of such computations, showing separately the principal and applicable interest, the basis used for such determination, the periods covered, and, within 10 days thereafter shall submit a letter from Tennessee Gas agreeing to the correctness of such amounts.

(D) API shall retain the amounts shown in the report required under paragraph (C) above, subject to further order of the Commission directing the disposition of those amounts.

(E) If API elects to commingle these retained refunds with its general assets and use them for its corporate purposes, it shall pay interest thereon at the rate of 6½ per annum on all funds thus available from the date of issuance of this order to the date on which they are paid over to the person ultimately determined to be entitled thereto in a final order of the Commission.

(F) If API elects to deposit the retained refunds in a special escrow account, API shall tender for filing on or before 45 days from the date of issuance of this order an executed escrow agreement, conditioned as set out below, accompanied by a certificate showing service of a copy thereof upon Tennessee Gas. Unless notified to the contrary by the Secretary within 30 days from the date of filing thereof, the escrow agreement shall be deemed to be satisfactory and to have been accepted for filing. The escrow agreement shall be entered into between API and any bank or trust company used as a depositor for funds of the U.S. Government and the agreement shall be conditioned as follows:

(a) API, the bank or trust company, and the successors and assigns of each, shall be held and formally bound unto the Federal Power Commission for the use and benefit of those entitled to all amounts and the interest thereon deposited in a special escrow account subject to such agreement, and such bank or trust company shall be bound to pay over to such person or persons as may be identified and designated by final order of the Commission and in such manner as may be therein specified all or any portion of such deposits and interest thereon.

(b) The bank or trust company may invest and reinvest such deposits in any short-term indebtedness of the United States or any agency thereof or in any form of obligation guaranteed by the United States which indebtedness or obligation is payable within 120 days, as the said bank or trust company in the exercise of its sound discretion may select.

(c) Such bank or trust company shall be liable only for such interest as the invested funds described in paragraph (b), above, will earn and no other interest may be collected from it.

(d) Such bank or trust company shall be entitled to such compensation as is fair, reasonable, and customary for its services as such, which compensation shall be paid out of the escrow account to such bank or trust company. Said bank or trust company shall likewise be entitled to reimbursement for its reasonable expenses necessarily incurred in the administration of this escrow account, which reimbursement shall be made out of the escrow account.

(e) Such bank or trust company shall report to the Secretary of the Commission quarterly, certifying the amount deposited in the bank or trust company for the quarterly period.

(G) API shall compute: (1) The difference between the rate collected subject to refund on and after January 1, 1967, in Docket No. RI65-286 and the settlement rate of 14.78069 cents per Mcf, with 7 percent per annum interest to the date of issuance of this order, and (2) the difference between the rate collected subject to refund in Docket No. G-17358 and the settlement rate of 15 cents per Mcf, with 6 percent per annum interest to the date of issuance of this order. API shall, within 30 days from the date of issuance of this order, submit a report to the Commission, with a copy to Tennessee Gas, setting out the amount of refunds (showing separately the principal and applicable interest), the bases used for such determinations, the periods covered, and 10 days thereafter file a letter with the Commission from Tennessee Gas agreeing to the correctness of such amounts. API shall, within 10 days from the date of filing the letter from Tennessee Gas, refund such monies to Tennessee Gas, and shall within 10 days of the making of such refunds file with the Commission a release from Tennessee Gas with respect thereto.

(H) Upon notification by the Secretary of the Commission that API has complied with the terms and conditions of this order, 14.78069 cents and 15 cents per Mcf rates for sales under API's Gas Rate Schedule Nos. 7 and 1, respectively, as specified in its subject offers of settlement, shall be effective as of the date of issuance of this order, the proceeding in Docket No. G-17358 shall be deemed severed from the proceedings in Docket No. AR64-2 et al., and the proceedings in Docket Nos. G-17358 and RI65-286 shall be deemed terminated, all without further order of the Commission.

(I) The acceptance by the Commission of API's offers of settlement is without prejudice to any findings or determinations that may be made in any proceeding now pending, or hereafter instituted by or against API, including area rate or other similar proceedings.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-8920; Filed, July 25, 1968; 8:45 a.m.]

[1] API's Rate Schedule Nos. 1 and 7 formerly were Associated Oil & Gas Co.'s Rate Schedule Nos. 1 and 15, respectively. The rates collected subject to refund are at a pressure base of 14.65 p.s.i.a., inclusive of tax reimbursement. The settlement rate under API's FPC Gas Rate Schedule No. 7 is also subject to a 0.21931 cent per Mcf contractual deduction for dehydration.

[2] Commission order issued Aug. 1, 1967, in Docket No. RP67-23.

[Docket No. RI68-601]

SUNRAY DX OIL CO.

Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates To Permit Substitute Rate Filing

JULY 18, 1968.

On April 4, 1968, Sunray DX Oil Co. (Sunray) filed with the Commission a

proposed change in rate from 20.625 cents to 23.25 cents per Mcf [1] which pertains to its jurisdictional sales of natural gas from the North LeRoy Field, Vermilion Parish, La. (South Louisiana Area), to United Gas Pipe Line Co. The Commission by order issued April 26, 1968, in Docket No. RI68–601, suspended for 5 months Sunray's rate filing until October 5, 1968, and thereafter until made effective in the manner prescribed by the Natural Gas Act. Sunray's proposed rate increase has not been made effective pursuant to section 4(e) of the Natural Gas Act.

On June 19, 1968, Sunray submitted an amended notice of change in rate [2] amending Supplement No. 4 to its aforementioned rate schedule to provide for a rate increase to 23 cents per Mcf [3] instead of the 23.25 cents per Mcf rate filed on April 4, 1968. The proposed 23.25-cent rate included 1.75-cent tax reimbursement; however, the letter from the purchaser, United Gas Pipe Line Co., which served as the basis for determining the level of tax reimbursement reflected in such increase had not been filed with the Commission. Sunray now proposes to substitute a rate increase filing to reflect a tax reimbursement of 1.5 cents, which is the level prescribed by the contract, in lieu of the 1.75 cents tax reimbursement previously reported.

Sunray's proposed corrected rate of 23 cents per Mcf exceeds the area increased rate ceiling of 14 cents per Mcf, plus applicable tax reimbursement, for the South Louisiana Area as announced in the Commission's statement of general policy No. 61–1, as amended, as did the previously suspended rate in said docket. Since Sunray's instant rate filing reflects a corrected tax reimbursement under the rate schedule involved, we believe that it would be in the public interest to accept Sunray's corrective rate filing subject to the suspension proceeding in Docket No. RI68–601 with the suspension period for such corrective rate filing to terminate concurrently with the suspension period (Oct. 5, 1968) of the original filing in said docket.

The Commission orders:

(A) The suspension order issued April 26, 1968, in Docket No. RI68–601, is amended only so far as to permit the 23 cents per Mcf rate contained in Supplement No. 1 to Supplement No. 4 to Sunray's FPC Gas Rate Schedule No. 196 to be filed to supersede the 23.25 cents per Mcf rate provided by Supplement No. 4 to the aforementioned rate schedule, subject to the suspension proceeding in Docket No. RI68–601. The suspension period for such substitute filing to terminate concurrently with the suspension period (Oct. 5, 1968) presently in effect in said docket.

(B) In all other respects, the order issued by the Commission on April 26, 1968, in Docket No. RI68–601, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 68–8921; Filed, July 25, 1968; 8:45 a.m.]

[Docket No. RI69–11 etc.]

SUNRAY DX OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JULY 18, 1968.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 4, 1968.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI69–11	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla. 74102.	222	[2] 6	Oklahoma Natural Gas Gathering Corp. [3] (Ringwood Field, Major County, Okla.) (Oklahoma "Other" Area).	$142	6–21–68	[4] 6–21–68	[5] 6–22–68	11.0	[6] [7] 12.0	
RI69–12	Aikman Bros. Corp. (Operator) et al., 706 Bank of the Southwest Bldg., Amarillo, Tex. 79109.	2	[8] 3	Northern Natural Gas Co. (Larrabee Field, Stevens County, Kans.).	13,500	6–21–68	[9] 7–14–68	[10] 7–15–68	[11] 11.0	[7] [10] [11] 16.0	

[2] Applicable to acreage added by Amendment dated Mar. 14, 1968 (Supplement No. 6).
[3] Oklahoma Natural classed as a pipeline company in its certificate (CI61–1408) for resale of gas to Cities Service Gas Co. at an initial rate of 17 cents per Mcf. Oklahoma Natural's related increase to 18.5 cents has been approved. However, Oklahoma Natural must flow through any refunds made by its suppliers.
[4] The stated effective date is the date of filing.
[5] The suspension period is limited to 1 day.
[6] Periodic rate increase.
[7] Pressure base is 14.65 p.s.i.a.
[8] For gas from formations below Top of Morrow Sand.
[9] The stated effective date is the earliest date predecessor could make rate effective.
[10] Respondent filing for renegotiated rate of its predecessor, Northern Natural Gas Producing Co. Predecessor's rate currently suspended in Docket No. RI68–442 until July 15, 1968.
[11] Subject to a downward B.t.u. adjustment.

[1] Designated as Supplement No. 4 to Sunray's FPC Gas Rate Schedule No. 196.
[2] Designated as Supplement No. 1 to Supplement No. 4 to Sunray's FPC Gas Rate Schedule No. 196.
[3] An annual decrease of $39 from the previously reported amount of $409.

Sunray DX Oil Co. (Sunray) proposes a periodic rate increase from 11 cents to 12 cents per Mcf for a wellhead sale of gas to Oklahoma Natural Gas Gathering Corp. (Oklahoma Natural) from the Ringwood Field, Major County, Okla. (Oklahoma "Other" Area). The area ceiling rate for increases is 11 cents per Mcf. The sale covers additional acreage added to the basic contract and was authorized under a temporary certificate issued May 29, 1968, in Docket No. CI62–1412 at a conditioned rate of 11 cents per Mcf.[12] Sunray was advised in a letter granting the temporary certificate that it could file a rate increase to the 12 cents contractual rate and request a shortened suspension period. Sunray requests waiver of the 30 days notice requirement and a 1 day suspension period if the proposed rate is suspended. Sunray's proposed 12 cents per Mcf rate exceeds the area increased rate ceiling of 11 cents per Mcf for the Oklahoma "Other" Area as announced in the Commission's statement of general policy No. 61–1, as amended, and should be suspended. Consistent with prior Commission action on filings in the Ringwood Area, we believe that it would be in the public interest to waive the 30 days notice requirement provided in section 4(d) of the Natural Gas Act to permit an effective date of June 21, 1968, the date of filing, for Sunray's proposed rate increase, and to limit to 1 day the suspension period ordered herein for such rate filing.

Aikman Bros. Corp. (Operator) et al (Aikman), proposes an increase from 11 cents to 16 cents per Mcf for a sale of gas to Northern Natural Gas Co. from the Larabee Field, Stevens County, Kans. The area ceiling for increases is 11 cents per Mcf. Aikman acquired its interest in the sale involved from Northern Natural Gas Producing Co. (Producing) which, until July 1964, was a wholly owned subsidiary of the buyer. Prior to the time that Aikman filed for its certificate authorization Producing had filed its renegotiated rate increase covering the acreage involved from 11 cents to 16 cents per Mcf which was suspended until July 18, 1968, in Docket No. RI68–442. In the temporary certificate issued June 10, 1968, in Docket No. CI68–1049, to Aikman at an initial rate of 11 cents per Mcf, the Commission advised Aikman that upon filing a notice of change in rate to the 16 cents level that such proposed rate would be suspended until July 15, 1968, or until made effective, to correspond with the suspension period of the predecessor. Consistent with such temporary authorization, we conclude that it would be in the public interest to waive the 30-day notice requirement provided in section 4(d) of the Natural Gas Act, to the extent necessary, to permit an effective date of July 14, 1968, for Aikman's proposed rate increase, and to limit to 1 day the suspension period ordered herein for such rate filing.

[F.R. Doc. 68–8922; Filed, July 25, 1968; 8:45 a.m.]

[12] By order issued Nov. 3, 1966, in Docket No. RP66–19, an increase by Oklahoma Natural from 17 cents to 18.5 cents designed to compensate only for an increase in the cost of purchased gas was accepted for filing and allowed to become effective June 1, 1966, without obligation to refund, except that Oklahoma Natural is required to flow through any refunds received from its producer-suppliers and to reduce its rate to reflect any rate reductions of such suppliers.

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–2250]

COMSTOCK-KEYSTONE MINING CO.

Order Suspending Trading

JULY 22, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Comstock-Keystone Mining Co., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 22, 1968, at 11:30 a.m., e.d.t., through July 31, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68–8937; Filed, July 25, 1968; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 678]

IOWA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1968, because of the effects of certain disasters, damage resulted to residences and business property located in the counties of Bremer, Butler, Black Hawk, and Buchanan, in the State of Iowa;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid counties, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on July 16 and July 17, 1968.

OFFICE

Small Business Administration Regional Office, 210 Walnut Street, Des Moines, Iowa 50309.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1969.

Dated: July 19, 1968.

HOWARD GREENBERG, *Acting Administrator.*

[F.R. Doc. 68–8926; Filed, July 25, 1968; 8:45 a.m.]

GENERAL INVESTMENT CORPORATION OF DENVER

Notice of Filing of Application for Change of Control of Licensed Small Business Investment Company

Notice is hereby given that application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the Regulations Governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) for transfer of control of Central Investment Corp. of Denver, Suite 811, Central Bank Building, Denver, Colo. (Central Investment) a Federal Licensee under the Small Business Investment Act of 1958, as amended (License No. 11/11–0006). Central Investment is also a registered closed-end investment company under the Investment Company Act of 1940.

Central Investment was licensed on April 5, 1960, and as of March 31, 1968, has paid-in capital and surplus of $5,544,311. It has 1,560,000 shares of issued and outstanding common stock. J. S. Dillon & Sons Stores Co., Inc., 2700 East Fourth Street, Hutchinson, Kans., proposes to acquire all of the outstanding stock of Central Investment through an exchange of 547,368 shares of its stock for the 1,560,000 shares of Central Investment stock.

It is contemplated that the officers and directors of the Central Investment will continue to serve in their same capacity. The principal offices of the Licensee will remain in Denver, Colo.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owners, and the probability of successful operation of the company under their control and management (including adequate profitability and financial soundness) in accordance with the Act and regulations.

Notice is further given that any interested person may not later than 10 days from the publication of this notice, submit to SBA, in writing, relevant comments on the proposed transfer of control. Any such communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the proposed transferees in a newspaper of general circulation in Denver, Colo., and Hutchinson, Kans.

For SBA (pursuant to delegated authority).

Date: July 19, 1968.

GLENN R. BROWN,
Associate Administrator for Investment.

[F.R. Doc. 68-8927; Filed, July 25, 1968; 8:45 a.m.]

[Delegation of Authority 30 (Northeastern Area)]

AREA COORDINATORS ET AL.

Delegation of Authority To Conduct Program Activities in the Northeastern Area

Pursuant to the authority delegated to the Area Administrators by Delegation of Authority No. 30 (Revision 12), 32 F.R. 179, and Amendment 1, 32 F.R. 8113, and Amendment 2, 33 F.R. 8793, the following authority is hereby redelegated to the positions as indicated herein:

I. *Area Coordinators.*

A. *Development Company Assistance Coordinator.*

1. *Eligibility determinations (for financial assistance only).*—To determine eligibility of applicants for assistance under the sections 501 and 502 programs of the Agency in accordance with Small Business Administration standards and policies.

2. *Size determinations (for financial assistance only).*—To make initial size determinations in all sections 501 and 502 loans within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for sections 501 and 502 loans only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Liquidation and Disposal Coordinator.*

1. To take all necessary actions in connection with the liquidation and disposal of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. To take all necessary action in liquidating Economic Development Administration loans and acquired collateral when and as authorized by Economic Development Administration.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

C. *Supervisory Liquidation and Disposal Officer.*

1. To take all necessary actions in connection with the liquidation and disposal of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. To take all necessary action in liquidating Economic Development Administration loans and acquired collateral when and as authorized by Economic Development Administration.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; and (3) the cancellation of authority to liquidate.

D. *Area Claims Review Committee.*—To consist of the liquidation and disposal coordinator, area counsel and the area supervisory appraiser who will meet and consider reasonable and properly supported compromise proposals of indebtedness owed to the Agency and to take final action on such proposals provided such action represents the majority recommendation of the committee on claims not in excess of $5,000 (including CPC advances but excluding interest), or represents the unanimous recommendation of said committee on claims in excess of $5,000 but not exceeding $100,000 (including CPC advances but excluding interest).

E. *Financial Assistance Coordinator.*

1. *Eligibility determinations (for financial assistance only).*—To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

2. *Size determinations (for financial assistance only).*—To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans; and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

F. *Procurement and Management Assistance Coordinator.*

1. *Eligibility determinations (for PMA activities only).*—To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

2. *Size determinations (for PMA activities only).*—To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

G. *Area Administrative Officer.*

1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; and (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. *Regional Directors.*

A. *Financial assistance.*

1. To approve business and disaster loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To decline business, economic opportunity, and disaster loans of any amount.

3. To close and disburse approved loans.

4. To enter into business, economic opportunity, and disaster loan participation agreements with banks.

5. To execute loan authorizations for Washington and area approved loans and for loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator,*
By ----------
(Name)
Regional Director.
(City)

6. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

**10. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

11. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

B. *Development company assistance.*

**1. To approve or decline section 501 State Development Company loans and section 502 Local Development Company loans up to $350,000 (SBA share).

2. To close and disburse sections 501 and 502 loans.

3. To extend the disbursement period on sections 501 and 502 loan authorizations or undisbursed portions of sections 501 and 502 loans.

4. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

5. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

C. *Size determination.*—To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

D. *Eligibility determinations.*—To determine eligibility of applicants for assistance under any program of the Agency, with the exception of the 501 and 502 programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in section 120.2 (e) of SBA Loan Policy Regulations.

E. *Administration.*

1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration to reimburse the General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

F. *Chiefs, Financial Assistance Divisions (and Assistant Chiefs, if assigned).*

1. *Size determinations for financial assistance only.*—To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

2. *Eligibility determinations for financial assistance only.*—To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

3. To approve business and disaster loans not exceeding $350,000 (SBA share), and economic opportunity loans not exceeding $25,000 (SBA share).

4. To close and disburse approved business, economic opportunity, and disaster loans.

5. To decline business, economic opportunity, and disaster loans of any amount.

6. To enter into business, economic opportunity, and disaster loan participation agreements with banks.

7. To execute loan authorizations for Central Office, area, and regional approved loans and loans approved under the delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
(Name)
Title of person signing.

8. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

12. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

G. *Supervisory Loan Officer and/or Assistance Team Leader.*

1. To approve or decline business and disaster direct loans not in excess of $50,000 and participation loans not in excess of $50,000 (SBA share).

2. To approve or decline economic opportunity loans not in excess of $25,000 (SBA share).

3. To close and disburse approved business, economic opportunity, and disaster loans.

4. To enter into business, economic opportunity, and disaster loan participation agreements with banks.

5. To execute loan authorizations for Central Office, area, and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
(Name)
Title of person signing.

6. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

10. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy on other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

11. *Size determinations for financial assistance only.*—To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

12. *Eligibility determinations for financial assistance only.*—To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

H. *Loan Officer (financial assistance).*

1. To approve final actions concerning current direct or participation loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to application against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

2. To close and disburse approved business, economic opportunity, and disaster loans.

*I. *Chief, Development Company Assistance Division.*

1. To close and disburse sections 501 and 502 loans.

2. To extend the disbursement period on sections 501 and 502 loan authorizations or undisbursed portions of sections 501 and 502 loans.

3. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

4. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank application for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

J. *Loan Officer (Development Company Assistance).*

1. To close and disburse sections 501 and 502 loans.

2. To extend the disbursement period on sections 501 and 502 loans.

3. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

4. To approve final actions concerning current direct, participation, and First Mortgage Plan 502 loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to applications against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

K. *Regional Counsel (Reserved).*

L. *Chief, Accounting, Clerical, and Training Division.*

1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

**5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

**6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans, except sections 501 and 502 loans.

**7. To approve final actions concerning current direct or participation loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to application against premiums.

c. Minor modifications in the authorization.

d. Adjustment of interest payment dates.

e. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

f. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

M. *Assistant Chief, Accounting, Clerical, and Training Division.*

1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

III. *Branch Manager (Reserved).*

IV. The specific authority delegated herein, indicated by double asterisks (**) cannot be redelegated.

V. The authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

VI. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective Date: July 1, 1968.

THOMAS J. NOONAN,
Area Administrator,
Northeastern Area.

[F.R. Doc. 68-8928; Filed, July 25, 1968; 8:45 a.m.]

[Delegation of Authority 30 (Middle Atlantic Area)]

AREA COORDINATORS ET AL.

Delegation of Authority To Conduct Program Activities in the Middle Atlantic Area

Pursuant to the authority delegated to the Area Administrators by Delegation of Authority No. 30 (Revision 12), 32 F.R. 179, as amended, 32 F.R. 8113 and 33 F.R. 8793, the following authority is hereby redelegated to the positions as indicated herein:

I. *Area Coordinators.*

A. *Development Company Assistance Coordinator.*

1. *Eligibility determinations (for financial assistance only).*—To determine eligibility of applicants for assistance under the sections 501 and 502 programs of the Agency in accordance with Small Business Administration standards and policies.

2. *Size determinations (for financial assistance only).*—To make initial size determinations in all sections 501 and 502 loans within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for sections 501 and 502 loans only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Liquidation and Disposal Coordinator.*

1. To take all necessary actions in connection with the liquidation and disposal of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock

and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. To take all necessary action in liquidating Economic Development Administration loans and acquired collateral when and as authorized by Economic Development Administration.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

C. *Supervisory Liquidation and Disposal Officer.*

1. To take all necessary actions in connection with the liquidation and disposal of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. To take all necessary action in liquidating Economic Development Administration loans and acquired collateral when and as authorized by Economic Development Administration.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement or assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; and (3) the cancellation of authority to liquidate.

D. *Area Claims Review Committee.* To consist of the liquidation and disposal coordinator, area counsel and the area supervisory appraiser who will meet and consider reasonable and properly supported compromise proposals of indebtedness owed to the Agency and to take final action on such proposals provided such action represents the majority recommendation of the committee on claims not in excess of $5,000 (including CPC advances but excluding interest), or represents the unanimous recommendation of said committee on claims in excess of $5,000 but not exceeding $100,000 (including CPC advances but excluding interest).

E. *Financial Assistance Coordinator.*

1. *Eligibility determinations (for financial assistance only).*—To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in section 120.2(e) of SBA Loan Policy Regulations.

2. *Size determinations (for financial assistance only).*—To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans; and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

F. *Procurement and Management Assistance Coordinator.*

1. *Eligibility determinations (for PMA activities only).*—To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

2. *Size determinations (for PMA activities only).*—To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by the contracting officers.

G. *Area Administrative Officer.*

1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; and (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. *Regional Directors.*

A. *Financial assistance.*

1. To approve business and disaster loans not exceeding $350,000 (SBA share) and Economic Opportunity Loans not exceeding $25,000 (SBA share).

2. To decline business, economic opportunity, and disaster loans of any amount.

3. To close and disburse approved loans.

4. To enter into business, economic opportunity, and disaster loan participation agreements with banks.

5. To execute loan authorizations for Washington and area approved loans and for loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator,*
By ----------
(Name)
Regional Director.
(City)

6. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

**10. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

11. To take all necessary actions in connection with the administration, servicing, and collection other than those accounts classified as "in liquidation"; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

B. *Development company assistance.*

**1. To approve or decline section 501 State Development Company loans and section 502 Local Development Company loans up to $350,000 (SBA share).

2. To close and disburse sections 501 and 502 loans.

3. To extend the disbursement period on sections 501 and 502 loan authorizations or undisbursed portions of sections 501 and 502 loans.

4. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

5. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessay to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

C. *Size determinations.*—To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

D. *Eligibility determinations.*—To determine eligibility of applicants for assistance under any program of the Agency, with the exception of the 501 and 502 programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

E. *Administration.*

1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration to reimburse the General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

F. *Chiefs, Financial Assistance Divisions (and Assistant Chiefs, if assigned).*

1. *Size determinations for financial assistance only.*—To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

2. *Eligibility determinations for financial assistance only.*—To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

3. To approve business and disaster loans not exceeding $350,000 (SBA share), and economic opportunity loans not exceeding $25,000 (SBA share).

4. To close and disburse approved business, economic opportunity, and disaster loans.

5. To decline business, economic opportunity, and disaster loans of any amount.

6. To enter into business, economic opportunity, and disaster loan participation agreements with banks.

7. To execute loan authorizations for Central Office, area, and regional approved loans and loans approved under the delegated authority, said execution to read as follows:

(*Name*), *Administrator,*
By ----------
(Name)
Title of person signing.

8. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

12. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens,

satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

G. *Supervisory Loan Officer and/or Assistance Team Leader.*

1. To approve or decline business and disaster direct loans not in excess of $50,000 and participation loans not in excess of $50,000 (SBA share).

2. To approve or decline economic opportunity loans not in excess of $25,000 (SBA share).

3. To close and disburse approved business, economic opportunity, and disaster loans.

4. To enter into business, economic opportunity, and disaster loan participation agreements with banks.

5. To execute loan authorizations for Central Office, area and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator,*
By ----------
(Name)
Title of person signing.

6. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

10. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

11. *Size determinations for financial assistance only.*—To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

12. *Eligibility determinations for financial assistance only.*—To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

H. *Loan Officer (financial assistance).*

1. To approve final actions concerning current direct or participation loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to application against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

2. To close and disburse approved business, economic opportunity, and disaster loans.

I. *Chief, Development Company Assistance Division.*

1. To close and disburse sections 501 and 502 loans.

2. To extend the disbursement period on sections 501 and 502 loan authorizations or undisbursed portions of sections 501 and 502 loans.

3. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

4. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank application for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

J. *Loan Officer (Development Company Assistance).*

1. To close and disburse sections 501 and 502 loans.

2. To extend the disbursement period on sections 501 and 502 loans.

3. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

4. To approve final actions concerning current direct, participation and First Mortgage Plan 502 loans:

a. Use of cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to applications against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

K. *Regional Counsel (Reserved).*

L. *Chief, Accounting, Clerical, and Training Division.*

1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

**5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

**6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans, except sections 501 and 502 loans.

**7. To approve final actions concerning current direct or participation loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to application against premiums.

c. Minor modifications in the authorization.

d. Adjustment of interest payment dates.

e. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

f. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

M. *Assistant Chief, Accounting, Clerical, and Training Division.*

1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

III. *Branch Manager (Reserved).*

IV. The specific authority delegated herein, indicated by double asterisks (**) cannot be redelegated.

V. The authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

VI. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective Date: July 1, 1968.

EDWARD N. ROSA,
Area Administrator,
Middle Atlantic Area.

[F.R. Doc. 68-8929; Filed, July 25, 1968; 8:46 a.m.]

[Delegation of Authority 30 (New York)]

AREA COORDINATORS ET AL.

Delegation of Authority To Conduct Program Activities in the New York Area

Pursuant to the authority delegated to the Area Administrators by Delegation of Authority No. 30 (Revision 12), 32 F.R. 179, Amendment 1, 32 F.R. 8113, and Amendment 2, 33 F.R. 8793, the following authority is hereby redelegated to the positions as indicated herein:

I. *Area Coordinators.*

A. *Development Company Assistance Coordinator.*

1. *Eligibility determinations (for financial assistance only).*—To determine eligibility of applicants for assistance under the sections 501 and 502 programs of the Agency in accordance with Small Business Administration standards and policies.

2. *Size determinations (for financial assistance only).*—To make initial size determinations in all sections 501 and 502 loans within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for sections 501 and 502 loans only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Liquidation and Disposal Coordinator.*

1. To take all necessary actions in connection with the liquidation and disposal of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. To take all necessary action in liquidating Economic Development Administration loans and acquired collateral when and as authorized by Economic Development Administration.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

C. *Supervisory Liquidation and Disposal Officer.*

1. To take all necessary actions in connection with the liquidation and disposal of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be

appropriate and necessary to effectuate the foregoing.

c. To take all necessary action in liquidating Economic Development Administration loans and acquired collateral when and as authorized by Economic Development Administration.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; and (3) the cancellation of authority to liquidate.

D. *Area Claims Review Committee.*—To consist of the liquidation and disposal coordinator, area counsel and the area supervisory appraiser who will meet and consider reasonable and properly supported compromise proposals of indebtedness owed to the Agency and to take final action on such proposals provided such action represents the majority recommendation of the committee on claims not in excess of $5,000 (including CPC advances but excluding interest), or represents the unanimous recommendation of said committee on claims in excess of $5,000 but not exceeding $100,000 (including CPC advances but excluding interest).

E. *Financial Assistance Coordinator.*

1. *Eligibility determinations (for financial assistance only).*—To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitation to a community emergency as set forth in § 120.2(e) of SBA Loan policy regulations.

2. *Size determinations (for financial assistance only).*—To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans; and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

F. *Procurement and Management Assistance Coordinator.*

1. *Eligibility determinations (for PMA activities only).*—To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

2. *Size determinations (for PMA activities only).*—To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

G. *Area Administrative Officer.*

1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; and (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. *Regional Directors.*

A. *Financial assistance.*

1. To approve business and disaster loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To decline business, economic opportunity, and disaster loans of any amount.

3. To close and disburse approved loans.

4. To enter into business, economic opportunity, and disaster loan participation agreements with banks.

5. To execute loan authorizations for Washington and area approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
(Name)
Regional Director.
(City)

6. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

**10. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

11. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

B. *Development company assistance.*

**1. To approve or decline section 501 State Development Company loans and section 502 Local Development Company loans up to $350,000 (SBA Share).

2. To close and disburse sections 501 and 502 loans.

3. To extend the disbursement period on sections 501 and 502 loan authorizations or undisbursed portions of sections 501 and 502 loans.

4. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

5. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

C. *Size determinations.*—To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

D. *Eligibility determinations.*—To determine eligibility of applicants for assistance under any program of the Agency, with the exception of the 501 and 502 programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitation to a community emergency as set forth in § 120.2(e) of SBA Loan policy regulations.

E. *Administration.*

1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration to reimburse the General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

F. *Chiefs, Financial Assistance Division (and Assistant Chiefs, if assigned).*

1. *Size determinations for financial assistance only.*—To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

2. *Eligibility determinations for financial assistance only.*—To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitation to a community emergency as set forth in § 120.2(e) of SBA Loan policy regulations.

3. To approve business and disaster loans not exceeding $350,000 (SBA share), and economic opportunity loans not exceeding $25,000 (SBA share).

4. To close and disburse approved business, economic opportunity, and disaster loans.

5. To decline business, economic opportunity, and disaster loans of any amount.

6. To enter into business, economic opportunity, and disaster loan participation agreements with banks.

7. To execute loan authorizations for Central Office, area, and regional approved loans and loans approved under the delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
(Name)
Title of person signing.

8. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

12. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

G. *Supervisory Loan Officer and/or Assistance Team Leader.*

1. To approve or decline business and disaster direct loans not in excess of $50,000 and participation loans not in excess of $50,000 (SBA share).

2. To approve or decline economic opportunity loans not in excess of $25,000 (SBA share).

3. To close and disburse approved business, economic opportunity, and disaster loans.

4. To enter into business, economic opportunity, and disaster loan participation agreements with banks.

5. To execute loan authorizations for Central Office, area, and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
(Name)
Title of person signing.

6. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

10. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite

and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinates, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

11. *Size determinations for financial assistance only.*—To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

12. *Eligibility determinations for financial assistance only.*—To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitation to a community emergency as set forth in § 120.2(e) of SBA Loan Policy regulations.

H. *Loan Officer (financial assistance).*

1. To approve final actions concerning current direct or participation loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to application against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

2. To close and disburse approved business, economic opportunity, and disaster loans.

I. *Chief, Development Company Assistance Division.*

1. To close and disburse sections 501 and 502 loans.

2. To extend the disbursement period on sections 501 and 502 loan authorizations or undisbursed portions of sections 501 and 502 loans.

3. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

4. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank application for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

J. *Loan Officer (Development Company Assistance).*

1. To close and disburse sections 501 and 502 loans.

2. To extend the disbursement period on sections 501 and 502 loans.

3. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

4. To approve final actions concerning current direct, participation, and First Mortgage Plan 502 loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to applications against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

K. *Regional Counsel (Reserved).*

L. *Chief, Accounting, Clerical, and Training Division.*

1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

**5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

**6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans, except sections 501 and 502 loans.

**7. To approve final actions concerning current direct or participation loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to application against premiums.

c. Minor modifications in the authorization.

d. Adjustment of interest payment dates.

e. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

f. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

M. *Assistant Chief, Accounting, Clerical, and Training Division.*

1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits, and (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

III. *Branch Manager (Reserved).*

IV. The specific authority delegated herein, indicated by double asterisks (**) cannot be redelegated.

V. The authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

VI. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective Date: July 1, 1968.

ANDREW J. SEMON,
Acting Area Administrator,
New York Area.

[F.R. Doc. 68-8930; Filed, July 25, 1968; 8:46 a.m.]

[Delegation of Authority 30 (Pacific Coastal Area) Rev. 1]

AREA COORDINATORS ET AL.

Delegation of Authority To Conduct Program Activities in the Pacific Coastal Area

Pursuant to the authority delegated to the Area Administrators by Delegation of Authority No. 30 (Revision 12), 32 F.R. 179, and Amendment 1, 32 F.R. 8113, the following authority is hereby redelegated to the positions as indicated herein:

I. *Area Coordinators.*

A. *Development Company Assistance Coordinator.*

1. *Eligibility determinations (for financial assistance only).*—To determine eligibility of applicants for assistance under the sections 501 and 502 programs of the Agency in accordance with Small Business Administration standards and policies.

2. *Size determinations (for financial assistance only).*—To make initial size determinations in all sections 501 and 502 loans within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for sections 501 and 502 loans only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Liquidation and Disposal Coordinator.*

1. To take all necessary actions in connection with the liquidation and disposal of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate and granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of leases or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. To take all necessary actions in liquidating Economic Development Administration loans and acquired collateral when and as authorized by Economic Development Administration.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

C. *Supervisory Liquidation and Disposal Officer.*

1. To take all necessary actions in connection with the liquidation and disposal of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. To take all necessary action in liquidating Economic Development Administration loans and acquired collateral when and as authorized by Economic Development Administration.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; and (3) the cancellation of authority to liquidate.

D. *Area Claims Review Committee.*—To consist of the liquidation and disposal coordinator, area counsel and the area supervisory appraiser who will meet and consider reasonable and properly supported compromise proposals of indebtedness owed to the Agency and to take final action on such proposals provided such action represents the majority recommendation of the committee on claims not in excess of $5,000 (including CPC advances but excluding interest), or represents the unanimous recommendation of said committee on claims in excess of $5,000 but not exceeding $100,000 (including CPC advances but excluding interest).

E. *Financial Assistance Coordinator.*

1. *Eligibility determinations (for financial assistance only).*—To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies.

2. *Size determinations (for financial assistance only).*—To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans; and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

F. *Procurement and Management Assistance Coordinator.*

1. *Eligibility determinations (for PMA activities only).*—To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

2. *Size determinations (for PMA activities only).*—To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification

decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

G. *Area Administrative Officer.*

1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; and (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. *Regional Directors.*

A. *Financial assistance.*

1. To approve business and disaster loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To decline business, economic opportunity, and disaster loans of any amount.

3. To close and disburse approved loans.

4. To enter into business, economic opportunity, and disaster loan participation agreements with banks.

5. To execute loan authorizations for Washington and area approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
(Name)
Regional Director.
(City)

6. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

**10. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

11. To take all necessary actions in connection with the administration, servicing and collection, other than those accounts classified as "in liquidation"; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

C. *Size determinations.*—To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

D. *Eligibility determinations.*—To determine eligibility of applicants for assistance under any program of the Agency, with the exception of the 501 and 502 programs, in accordance with Small Business Administration standards and policies.

E. *Administration.*

1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration to reimburse the General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

F. *Chiefs, Financial Assistance Divisions (and Assistant Chiefs, if assigned).*

1. *Size determinations for financial assistance only.*—To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Development company assistance.*

**1. To approve or decline section 501 State Development Company loans and section 502 Local Development Company loans up to $350,000 (SBA share).

2. To close and disburse sections 501 and 502 loans.

3. To extend the disbursement period on Sections 501 and 502 loan authorizations or undisbursed portions of sections 501 and 502 loans.

4. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

5. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

2. *Eligibility determinations for financial asssitance only.*—To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies.

3. To approve business and disaster loans not exceeding $350,000 (SBA share), and economic opportunity loans not exceeding $25,000 (SBA share).

4. To close and disburse approved business, economic opportunity, and disaster loans.

5. To decline business, economic opportunity, and disaster loans of any amount.

6. To enter into business, economic opportunity, and disaster loan participation agreements with banks.

7. To execute loan authorizations for Central Office, area, and regional approved loans and loans approved under the delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
(Name)
Title of person signing.

8. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

12. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

G. *Supervisory Loan Officer and/or Assistance Team Leader.*

1. To approve or decline business and disaster direct loans not in excess of $50,000 and participation loans not in excess of $50,000 (SBA share).

2. To approve or decline economic opportunity loans not in excess of $25,000 (SBA share).

3. To close and disburse approved business, economic opportunity, and disaster loans.

4. To enter into business loan participation agreements with banks.

5. To execute loan authorizations for Central Office, area, and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
(Name)
Title of person signing.

6. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

10. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

11. *Size determinations for financial assistance only.*—To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

12. *Eligibility determinations for financial assistance only.*—To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies.

H. *Loan Officer (financial assistance).*

1. To approve final actions concerning current direct or participation loans:

a. Use of the cash surrender value of life insurance to pay the premium of the policy.

b. Release of dividends of life insurance or consent to application against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

2. To close and disburse approved business, economic opportunity, and disaster loans.

I. Chief, Development Company Assistance Division.

1. To close and disburse sections 501 and 502 loans.

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2. To extend the disbursement period on sections 501 and 502 loan authorizations or undisbursed portions of sections 501 and 502 loans.

3. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

4. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank application for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

J. Loan Officer (Development Company Assistance).

1. To close and disburse sections 501 and 502 loans.

2. To extend the disbursement period on sections 501 and 502 loans.

3. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

4. To approve final actions concerning current direct, participation, and First Mortgage Plan 502 loans:

a. Use of the cash surrender value of life insurance to pay the premium of the policy.

b. Release of dividends of life insurance or consent to applications against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

K. Regional Counsel [Reserved].

L. Chief, Accounting, Clerical, and Training Division.

1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles for the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

**5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

**6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans, except sections 501 and 502 loans.

**7. To approve final actions concerning current direct or participation loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to application against premiums.

c. Minor modifications in the authorization.

d. Adjustment of interest payment dates.

e. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

f. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

M. Assistant Chief, Accounting, Clerical, and Training Division.

1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

III. Branch Manager [Reserved].

IV. The specific authority delegated herein, indicated by double asterisks (**) cannot be redelegated.

V. The authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

VI. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective date: July 1, 1968.

WILLIAM S. SCHUMACHER,
Area Administrator,
Pacific Coastal Area.

[F.R. Doc. 68-8931; Filed, July 25, 1968; 8:46 a.m.]

[Delegation of Authority 30 (Rocky Mountain Area)]

AREA COORDINATORS ET AL.

Delegation of Authority To Conduct Program Activities in the Rocky Mountain Area

Pursuant to the authority delegated to the Area Administrators by Delegation of Authority No. 30 (Revision 12), 32 F.R. 179, and Amendment 1, 32 F.R. 8113, and Amendment 2, 33 F.R. 8793, the following authority is hereby redelegated to the positions as indicated herein:

I. Area Coordinators.

A. Development Company Assistance Coordinator.

1. *Eligibility determinations (for financial assistance only).*—To determine eligibility of applicants for assistance under the sections 501 and 502 programs of the Agency in accordance with Small Business Administration standards and policies.

2. *Size determinations (for financial assistance only).*—To make initial size determinations in all sections 501 and 502 loans within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for sections 501 and 502 loans only. Product classification decisions for procurement purposes are made by contracting officers.

B. Liquidation and Disposal Coordinator.

1. To take all necessary actions in connection with the liquidation and disposal of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. To take all necessary action in liquidating Economic Development Administration loans and acquired collateral when and as authorized by Economic Development Administration.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

C. Supervisory Liquidation and Disposal Officer.

1. To take all necessary actions in connection with the liquidation and disposal of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. To take all necessary action in liquidating Economic Development Administration loans and acquired collateral when and as authorized by Economic Development Administration.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; and (3) the cancellation of authority to liquidate.

D. Area Claims Review Committee.—To consist of the liquidation and disposal coordinator, area counsel and the area supervisory appraiser who will meet and consider reasonable and properly supported compromise proposals of indebtedness owed to the Agency and to take final action on such proposals provided such action represents the majority recommendation of the committee on claims not in excess of $5,000 (including CPC advances but excluding interest), or represents the unanimous recommendation of said committee on claims in excess of $5,000 but not exceeding $100,000 (including CPC advances but excluding interest).

E. Financial Assistance Coordinator.

1. *Eligibility determinations (for Financial assistance only).*—To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA loan policy regulations.

2. *Size determinations (for financial assistance only).*—To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans; and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

F. Procurement and Management Assistance Coordinator.

1. *Eligibility determinations (for PMA activities only).*—To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

2. *Size determinations (for PMA activities only).*—To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

G. Assistant to Area Administrator.

1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; and (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. Regional Directors.

A. Financial assistance.

1. To approve business and disaster loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To decline business, economic opportunity, and disaster loans of any amount.

3. To close and disburse approved loans.

4. To enter into business, economic opportunity, and disaster loan participation agreements with banks.

5. To execute loan authorizations for Washington and area approved loans and for loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator,*
By ----------
(Name)
Regional Director.
(City)

6. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

**10. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

11. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

B. *Development company assistance.*

**1. To approve or decline section 501 State Development Company loans and section 502 Local Development Company loans up to $350,000 (SBA share).

2. To close and disburse sections 501 and 502 loans.

3. To extend the disbursement period on sections 501 and 502 loan authorizations or undisbursed portions of sections 501 and 502 loans.

4. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

5. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

C. *Size determinations.*—To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

D. *Eligibility determinations.*—To determine eligibility of applicants for assistance under any program of the Agency, with the exception of the 501 and 502 programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA loan policy regulations.

E. *Administration.*

1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration to reimburse the General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

F. *Chiefs, Financial Assistance Divisions (and Assistant Chiefs, if assigned).*

1. *Size determinations for financial assistance only.*—To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

2. *Eligibility determinations for financial assistance only.*—To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA loan policy regulations.

3. To approve business and disaster loans not exceeding $350,000 (SBA share), and economic opportunity loans not exceeding $25,000 (SBA share).

4. To close and disburse approved business, economic opportunity, and disaster loans.

5. To decline business, economic opportunity, and disaster loans of any amount.

6. To enter into business, economic opportunity, and disaster loan participation agreements with banks.

7. To execute loan authorizations for Central Office, area, and regional approved loans and loans approved under the delegated authority, said execution to read as follows:

(*Name*), *Administrator,*
By ----------
(Name)
Title of person signing.

8. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

12. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan-guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

G. *Supervisory Loan Officer and/or Assistance Team Leader.*

1. To approve or decline business and disaster direct loans not in excess of $50,000 and participation loans not in excess of $50,000 (SBA share).

2. To approve or decline economic opportunity loans not in excess of $25,000 (SBA share).

3. To close and disburse approved business, economic opportunity, and disaster loans.

4. To enter into business, economic opportunity, and disaster loan participation agreements with banks.

5. To execute loan authorizations for Central Office, area, and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator,*
By ----------
(Name)
Title of person signing.

6. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

10. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

11. *Size determinations for financial assistance only.*—To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

12. *Eligibility determinations for financial assistance only.*—To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA loan policy regulations.

H. *Loan Officer (financial assistance).*

1. To approve final actions concerning current direct or participation loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to application against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

2. To close and disburse approved business, economic opportunity, and disaster loans.

I. *Chief, Development Company Assistance Division.*

1. To close and disburse sections 501 and 502 loans.

2. To extend the disbursement period on sections 501 and 502 loan authorizations or undisbursed portions of sections 501 and 502 loans.

3. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

4. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank application for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

J. *Loan Officer (Development Company Assistance).*

1. To close and disburse sections 501 and 502 loans.

2. To extend the disbursement period on sections 501 and 502 loans.

3. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

4. To approve final actions concerning current direct, participation, and First Mortgage Plan 502 loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to applications against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorse such

checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

K. *Regional Counsel* [*Reserved*].

L. *Chief, Accounting, Clerical, and Training Division.*

1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

**5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

**6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans, except sections 501 and 502 loans.

**7. To approve final actions concerning current direct or participation loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to application against premiums.

c. Minor modifications in the authorization.

d. Adjustment of interest payment dates.

e. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

f. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

M. *Assistant Chief, Accounting, Clerical, and Training Division.*

1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

III. *Branch Manager* (*Reserved*).

IV. The specific authority delegated herein, indicated by double asterisks (**) cannot be redelegated.

V. The authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

VI. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective date: July 1, 1968.

GEORGE E. SAUNDERS,
Area Administrator,
Rocky Mountain Area.

[F.R. Doc. 68-8932; Filed, July 25, 1968; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 23, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41397—*Carbon furnace or electrolytic bath electrodes and carbon plugs from Natco, Tenn.* Filed by O. W. South, Jr., agent (No. A6036), for and on behalf of Louisville and Nashville Railroad Co. Rates on carbon furnace or electrolytic bath electrodes and carbon plugs, in carloads, minimum weight 140,000 pounds, from Natco, Tenn., to Newport, Ky.

Grounds for relief—Market competition.

Tariff—Supplement 200 to Southern Freight Association, agent, tariff ICC S-484.

AGGREGATE-OF-INTERMEDIATES

FSA No. 41398—*Passenger fares in southern territory.* Filed by Southern Passenger Association, agent (No. 2), for interested rail carriers. This is in relation to the transportation of passengers, between points on lines of applicant carriers and between such points on the one hand, and points on lines of connecting carriers, on the other.

Grounds for relief—Establishment of increased coach fares by applicant carriers and maintenance of depressed joint through fares.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-8945; Filed, July 25, 1968; 8:47 a.m.]

[Notice 655]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 23, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 19227 (Sub-No. 130 TA), filed July 17, 1968. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* presently authorized without observing the Florida Gateway restricted to traffic moving on Government Bills of Lading as follows: Combination of Subs 32 and 43, commodities, except boats, and other than oilfield equipment which because of size or weight, require the use of special equipment, over irregular routes, between points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, District of Columbia, Alabama, Georgia, and South Carolina, on the one hand, and, on the other, points in Alabama, Georgia, South Carolina, and Texas; combination of Subs 32, 93, 44, and 54, *airplane parts and supplies, materials, parts, and components*, requiring the use of special equipment, and *missile parts and supplies and materials, parts, and components used in the maintainence, serving, and repair of missiles*, except such commodities which require the use of special equipment, between points in California, on the one hand, and, on the other, points in Alabama, Georgia, Illinois, Louisiana, Mississippi, and South Carolina; combination of Subs 32, 54, and 93, *airplane parts and supplies, materials, parts, and components, used in the construction of aircraft and supplies, machinery, and equipment*, used in the maintenance, servicing, repair, and operation of aircraft, restricted to commodities requiring special equipment for loading or unloading when performed by shipper or consignee and only ordinary vehicular equipment for over-the-road portion of the transportation, between points in California, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. NOTE: Applicant does intend to tack with existing authority. Supporting shipper: Headquarters Military Traffic Management and Terminal Service, Nassif Building, 5611 Columbia Pike, Falls Church, Va. 20315. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 29079 (Sub-No. 45 TA), filed July 18, 1968. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union Street, Kokomo, Ind. 46901. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and liquid commodities in bulk) between the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., on the one hand, and, on the other, points in Illinois, Indiana, Ohio, St. Louis, Missouri, and points in that part of Michigan south of Mason, Lake, Osceola, Clare, Gladwin, and Arenac Counties, and Saginaw Bay, for 180 days. Supporting shipper: Ford Motor Co., The American Road, Dearborn, Mich. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 30837 (Sub-No. 356 TA), filed July 19, 1968. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53140. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boat trailers* (designed to be drawn by passenger automobiles) from Adams, Wis., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Sears, Roebuck & Co., 7401 Skokie Boulevard, Skokie, Ill. 60076 (A. W. Phillips, Commerce Counsel, Department 754—National Transportation). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 61440 (Sub-No. 112 TA), filed July 17, 1968. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Post Office Box 82488, Exchange Branch, Oklahoma City, Okla. 73108. Applicant's representative: Richard H. Camplin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities including classes A and B explosives*, restricted to traffic moving on Government Bills of Lading, between points in Kentucky, Indiana, Illinois, Missouri, Arkansas, Louisiana, Texas, Oklahoma, and Kansas, on the one hand, and, on the other, points in Washington, California, Nevada, Arizona, and Utah, for 180 days. NOTE: Applicant intends to tack the authority sought herein with its existing authority under MC 61440. Supporting shipper: Curtis L. Wagner, Jr., Chief Regulatory Law Division, Department of the Army, Office of the Judge Advocate General, Washington, D.C. 20310. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 107743 (Sub-No. 8 TA), filed July 17, 1968. Applicant: SYSTEM TRANSPORT, INC., East 6523 Broadway Avenue, Spokane, Wash. 99206. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Washington east of the Cascade Mountains; points in Idaho on and north of the Snake River; and points in Montana, on the west of U.S. Highway 89, to points in Weber, Morgan, Davis, Salt Lake, Utah, Cache, and Tooele Counties, Utah; and Larimer, Weld, Boulder, Jefferson, Douglas, Teller, El Paso, Pueblo, Elbert, Arapahoe, Adams, Morgan, and Logan Counties, Colo., for 180 days. Supporting shippers: Bennett Lumber Products, Inc., Box 49, Princeton, Idaho 83857; Roy M. Menteer Lumber Co., Post Office Box 183, Spokane, Wash. 99210; St. Regis Paper Co., Libby, Mont. 59923; Trumark Industries, Terminal Box 3045, Spokane, Wash. 99220; Prentice Lumber Co., Inc., Post Office Box 59, Missoula, Mont. 59801; North Pacific Lumber Co., Post Office Box 3915, Portland, Oreg. 97208; Northwest Lumber Sales, Inc., Zep Building, East 5111 Trent Avenue, Spokane, Wash. 99211. Send protests to: L. C. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 401 U.S. Post Office, Spokane, Wash. 99201.

No. MC 109026 (Sub-No. 12 TA), filed July 17, 1968. Applicant: HALL K. DAVIS AND LELLA H. DAVIS, a partnership doing business as BURKESVILLE TRANSFER COMPANY, Post Office Box 192, Glasgow, Ky. 42141. Applicant's representative: Walter Harwood, 515 Nashville Bank & Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, in Jefferson County, Ky., in connection with presently authorized operations to and from Louisville, Ky., for 180 days. NOTE: Applicant proposes to tack the temporary authority sought with its present permanent authority, at Louisville, Ky. Supporting shipper: C. F. Wilkins, Supervisor, Transportation and Traffic Analysis Section, Ford Motor Co., Dearborn, Mich. 48120. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

MOTOR CARRIER OF PASSENGERS

No. MC 96001 (Sub-No. 25 TA) (Correction), filed July 1, 1968, published FEDERAL REGISTER issue of July 16, 1968, and republished as corrected this issue. Applicant: KENNETH HUDSON, INC., doing business as HUDSON BUS LINES, 70 Union Street, Medford, Mass. Applicant's representative: James H. Sullivan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, from Quincy and Milton, Mass., to Rockingham Park, Salem, N.H., and return, for 180 days. NOTE: The purpose of this republication is to correct Docket No. 96007 in lieu of 96001. Supporting shipper: Supported by individuals wishing to obtain service to the race track. Send protests to: James F. Martin, Jr., Assistant Regional Director, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Building, Government Center, Boston, Mass. 02203.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-8946; Filed, July 25, 1968; 8:47 a.m.]

[Notice 177]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 23, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70495. By order of July 17, 1968, the Transfer Board approved the transfer to Allmen Transfer & Moving Co., a corporation, Brecksville, Ohio,

of the operating rights in certificate No. MC–100359 (Sub-No. 1) issued August 9, 1966, to Theodore R. Garmann, doing business as Hall Moving & Storage, Cincinnati, Ohio, authorizing the transportation, over irregular routes, of household goods, between Cincinnati, Ohio, and points within 10 miles thereof, on the one hand, and, on the other, points in Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Missouri, New York, Ohio, Pennsylvania, and Tennessee. Dual operations were authorized. Jack B. Josselson, Atlas Bank Building, Cincinnati, Ohio 45202, attorney for transferor. Earl N. Merwin, 85 East Gay Street, Columbus, Ohio 43215, attorney for transferee.

No. MC–FC–70581. By order of July 19, 1968, the Transfer Board approved the transfer to James B. Studdard Transfer & Storage Co., Inc., 782 Seneca Street, Leavenworth, Kans. 66048 of the operating rights in certificate No. MC–123459 issued October 10, 1961, to James B. Studdard, doing business as Studdard Transfer & Storage, 782 Seneca Street, Leavenworth, Kans. 66048, authorizing the transportation, over irregular routes, of household goods, and new furniture and fixtures, uncrated, between Leavenworth, Kans., and points within 5 miles of Leavenworth.

No. MC–FC–70604. By order of July 19, 1968, the Transfer Board approved the transfer to Willard Leach, doing business as Leach Trucking, Vassar, Mich., of the operating rights in permit No. MC–124944 issued April 24, 1968, to Bulk Carriers of Ohio, Inc., Cleveland, Ohio, authorizing the transportation of pickled vegetables, in cans and containers, from Imlay City, Memphis, Bridgeport, and Saginaw, Mich., to points in Illinois, Indiana, Kentucky, Ohio, New York, points in Iowa on and east of U.S. Highway 63, points in Pennsylvania on and west of U.S. Highway 219, points in West Virginia on and west of U.S. Highway 119, Roanoke and Salem, Va., Atlanta, Ga., and Landover, Md.; pickles, sauerkraut, and peppers, in glass containers, from Bridgeport, Mich., to points in the destination territory above-described, with the exception of Landover, Md.; and empty glass containers, from Streator, Ill., Dunkirk and Winchester, Ind., Lancaster, N.Y., Huntington, W. Va., and Washington, Pa., to Bridgeport, Mich. William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021, attorney for applicants.

No. MC–FC–70616. By order of July 15, 1968, the Transfer Board, approved the transfer to Dilts Trucking, Inc., Crescent, Iowa, of the operating rights in certificate Nos. MC–115669 (Sub-No. 18) and MC–115669 (Sub-No. 63) and portions of the operating rights in Nos. MC–115669 (Sub-No. 30), and MC–115669 (Sub-No. 35), issued September 4, 1962, March 17, 1967, November 21, 1962, and July 11, 1963, respectively, to Howard N. Dahlsten, doing business as Dahlsten Truck Line, Clay Center, Nebr., authorizing transportation service in interstate commerce respectively of salt and salt compounds, from Omaha, Nebr., to points in Iowa, Minnesota, North Dakota, and South Dakota, salt and salt products, from Sioux City, Iowa, to points in Nebraska, Minnesota, and South Dakota, crushed and ground oyster shells, in bulk and bags, and animal feed grade sugar, in bags, from Council Bluffs, Iowa, to points in Iowa, Kansas, Nebraska, Minnesota, Missouri, North Dakota, and South Dakota, and lignite, treated and untreated; (a) from Gascoyne, N. Dak., to Belle Fourche, S. Dak., and Upton, Wyo.; and (b) from Belle Fourche, S. Dak., Upton, Wyo., and Gascoyne, N. Dak., to points in Oklahoma, Kansas, and Texas. Donald L. Stern, 630 Central National Bank Building, Omaha, Nebr. 68102, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–8947; Filed, July 25, 1968; 8:47 a.m.]

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FEDERAL REGISTER

VOLUME 33 • NUMBER 145

Friday, July 26, 1968 • Washington, D.C.

PART II

Department of the Treasury

Internal Revenue Service

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PERCENTAGE DEPLETION

•



Treasury Decision
and
Notice of Proposed Rule Making

THE NATIONAL ARCHIVES OF THE UNITED STATES * 1934 *

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6965]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Percentage Depletion in the Case of Minerals and Ores

On July 13, 1966, a notice of proposed rule making to amend the Income Tax Regulations (26 CFR Part 1) under sections 611 and 613 of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (31 F.R. 9506). To facilitate the conforming of the regulations to the changes made by sections 207, 208, and 209 of the Act of November 13, 1966 (Public Law 89-809, 80 Stat. 1579), so much of the regulations, issued in proposed form in the FEDERAL REGISTER for July 13, 1966, as related to percentage depletion rates for certain clays will be reissued in tentative form with notice of proposed rule making. In addition, certain portions of § 1.613-3, as proposed, are reserved and will be reissued in tentative form with notice of proposed rule making. After consideration of all such relevant matter as was presented by interested persons regarding the other provisions of the rules proposed, such regulations are amended as follows (with certain portions reserved as indicated below):

PARAGRAPH 1. There is inserted immediately after § 1.611 the following new section:

§ 1.611-0 Regulatory authority.

Sections 1.611-1 through 1.614-8, inclusive, are prescribed under the authority granted the Secretary or his delegate by section 611(a) of the Code to prescribe regulations under which a reasonable allowance for depletion and depreciation of improvements shall be allowed, according to the peculiar conditions in each case, in the case of mines, oil and gas wells, other natural deposits and timber.

PAR. 2. Section 1.613 is amended by revising section 613(c) and by adding to the historical note. These amended provisions read as follows:

§ 1.613 Statutory provisions; percentage depletion.

SEC. 613. *Percentage depletion.* • • •

(c) *Definition of gross income from property.* For purposes of this section—

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(2) *Mining.* The term "mining" includes not merely the extraction of the ores or minerals from the ground but also the treatment processes considered as mining described in paragraph (4) (and the treatment processes necessary or incidental thereto), and so much of the transportation of ores or minerals (whether or not by common carrier) from the point of extraction from the ground to the plants or mills in which such treatment processes are applied thereto as is not in excess of 50 miles unless the Secretary or his delegate finds that the physical and other requirements are such that the ore or mineral must be transported a greater distance to such plants or mills.

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(4) *Treatment processes considered as mining.* The following treatment processes when applied by the mine owner or operator shall be considered as mining to the extent they are applied to the ore or mineral in respect of which he is entitled to a deduction for depletion under section 611:

(A) In the case of coal—cleaning, breaking, sizing, dust allaying, treating to prevent freezing, and loading for shipment;

(B) In the case of sulfur recovered by the Frasch process—cleaning, pumping to vats, cooling, breaking, and loading for shipment;

(C) In the case of iron ore, bauxite, ball and sagger clay, rock asphalt, and ores or minerals which are customarily sold in the form of a crude mineral product—sorting, concentrating, sintering, and substantially equivalent processes to bring to shipping grade and form, and loading for shipment;

(D) In the case of lead, zinc, copper, gold, silver, uranium or fluorspar ores, potash, and ores or minerals which are not customarily sold in the form of the crude mineral product—crushing, grinding, and beneficiation by concentration (gravity, flotation, amalgamation, electrostatic, or magnetic), cyanidation, leaching, crystallization, precipitation (but not including electrolytic deposition, roasting, thermal or electric smelting, or refining), or by substantially equivalent processes or combination of processes used in the separation or extraction of the product or products from the ore or the mineral or minerals from other material from the mine or other natural deposit;

(E) The pulverization of talc, the burning of magnesite, the sintering and nodulizing of phosphate rock, and the furnacing of quicksilver ores;

(F) In the case of calcium carbonates and other minerals when used in making cement—all processes (other than preheating of the kiln feed) applied prior to the introduction of the kiln feed into the kiln, but not including any subsequent process;

(G) In the case of clay to which paragraph (5)(B) of subsection (b) applies—crushing, grinding, and separating the mineral from waste, but not including any subsequent process; and

(H) Any other treatment process provided for by regulations prescribed by the Secretary or his delegate which, with respect to the particular ore or mineral, is not inconsistent with the preceding provisions of this paragraph.

(5) *Treatment processes not considered as mining.* Unless such processes are otherwise provided for in paragraph (4) (or are necessary or incidental to processes so provided for), the following treatment processes shall not be considered as "mining": electrolytic deposition, roasting, calcining, thermal or electric smelting, refining, polishing, fine pulverization, blending with other materials, treatment effecting a chemical change, thermal action, and molding or shaping.

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[Sec. 613 as amended by sec. 36, Technical Amendments Act 1958 (72 Stat. 1633); sec. 302(b) Public Debt and Tax Rate Extension Act 1960 (74 Stat. 291); sec. 13(e), Rev. Act 1961 (76 Stat. 1034); sec. 6, Act of Sept. 2, 1964 (Public Law 88-571, 78 Stat. 860)]

PAR. 3. Paragraphs (b), (c), and (d) of § 1.613-3 are prescribed to read as follows:

§ 1.613-3 Gross income from the property.

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(b) *Minerals other than oil and gas*—(1) *In general.* The term "gross income from the property," as used in section 613(c)(1), means, in the case of a mineral property other than an oil or gas property, gross income from mining. "Gross income from mining" is that amount of income which is attributable to the processes of extraction of the ores or minerals from the ground and the application of mining processes, including mining transportation. For the purpose of this section, "ordinary treatment processes" (applicable to the taxable years beginning before Jan. 1, 1961) and "treatment processes considered as mining" (applicable to the taxable years beginning after Dec. 31, 1960) will be referred to as "mining processes." Processes, including packaging and transportation, which do not qualify as mining will be referred to as "nonmining processes." Also for the purpose of this section, transportation which qualifies as "mining" will be referred to as "mining transportation" and transportation which does not qualify as "mining" will be referred to as "nonmining transportation." See paragraph (f) of this section for the definition of the term "mining" and paragraph (g) of this section for rules relating to nonmining processes.

(2) *Sales prior to the application of nonmining processes including nonmining transportation.* (i) Subject to the adjustments required by paragraph (e)(1) of this section, gross income from mining means (except as provided in subdivision (ii) of this subparagraph) the actual amount for which the ore or mineral is sold if the taxpayer sells the ore or mineral—

(*a*) As it emerges from the mine, prior to the application of any process other than a mining process or any transportation, or

(*b*) After application of only mining processes, including mining transportation, and before any nonmining transportation.

If the taxpayer sells his ore or mineral in more than one form, and if only mining processes are applied to the ore or mineral, gross income from mining is the actual amount for which the various forms of the ore or mineral are sold, after any adjustments required by paragraph (e)(1) of this section. For example, if, at his mine or quarry, a taxpayer sells several sizes of crushed gypsum and also sells gypsum fines produced as an incidental byproduct of his crushing operations, without applying any nonmining processes, gross income from mining will ordinarily be the total amount for which such crushed gypsum and fines are actually sold. See paragraphs (f) and (g) of this section for provisions defining mining and nonmining processes for various minerals.

(ii) [Reserved]

(c) *Sales after the application of nonmining processes including nonmining transportation where a representative market or field price for the taxpayer's ore or mineral can be ascertained*—(1) *General rule.* If the taxpayer processes the ore or mineral before sale by the application of nonmining processes (including nonmining transportation), gross income from the property shall be computed by use of the representative market or field price of an ore or mineral of like kind and grade as the taxpayer's ore or mineral after the application of the mining processes (if any) actually applied and before any nonmining transportation, subject to any adjustments required by paragraph (e) of this section. The objective in computing gross income from the property by the representative market or field price method is to ascertain, on the basis of a study of actual competitive sales by the taxpayer or others, the dollar figure or amount which most nearly represents the approximate price at which the taxpayer, in light of market conditions, could have sold his ores or minerals if, prior to the application of nonmining processes, the taxpayer had sold the quantities and types of ores and minerals to which he applied nonmining processes. If it is possible to determine a market or field price under the provisions of this paragraph, and if such price is determined to be representative, the taxpayer's gross income from the property shall be determined on the basis of such price and not under the provisions of paragraph (d) of this section. The taxpayer's own actual sales prices for ores or minerals of like kind and grade shall be taken into account when establishing market or field prices, provided that such sales are determined to be representative.

(2) *Criteria for determining whether an ore or mineral is of like kind and grade as the taxpayer's ore or mineral.* An ore or mineral will be considered to be of like kind and grade as the taxpayer's ore or mineral if, in common commercial practice, it is sufficiently similar in chemical, mineralogical, or physical characteristics to the taxpayer's ore or mineral so that it is used or is economically suitable for use for essentially the same purposes as the uses to which the taxpayer's ore or mineral is put. Whether an ore or mineral is of like kind and grade as the taxpayer's ore or mineral will generally be determined by reference to industrial specifications and by consideration of chemical and physical data relating to the minerals and deposits in question. An ore or mineral may be considered to be of like kind and grade as the taxpayer's ore or mineral even though the chemical, mineralogical, or physical characteristics (including size, mineral content, structure, and impurities) of such ore or mineral are not precisely identical to those of the taxpayer's ore or mineral. Similarly, the fact that the taxpayer applies slightly different size reduction processes, the fact that the taxpayer uses slightly different beneficiation processes, or the fact that the taxpayer sells his ore or mineral for different purposes, will not in itself, prevent another person's ore or mineral from being considered to be of like kind and grade as the taxpayer's ore or mineral. On the other hand, the fact that the taxpayer's ore or mineral is suitable for the same general commercial use as another person's ore or mineral will not cause the two ores or minerals to be considered to be of like kind and grade if the desirable natural constituents of the two ores or minerals are markedly different substances. For example, anthracite coal will not be considered to be of like kind as bituminous coal merely because both types of coal can be used as fuel. Similarly, bituminous coal which does not possess coking qualities will not be considered to be of like grade as bituminous coking coal. However, in the case of a taxpayer who mines and uses his bituminous coal in the production of coke, all bituminous coals in the same marketing area will be considered to be of like kind, and all such bituminous coals having the same or similar coking quality suitable for commerical use by coke producers will be considered to be of like grade as the coal mined and used by the taxpayer.

(3) *Factors to be considered in determining the representative market or field price for the taxpayer's ore or mineral.* In determining the representative market or field price for the taxpayer's ore or mineral, consideration shall be given only to prices of ores or minerals of like kind and grade as the taxpayer's ore or mineral and with which, under commercially accepted standards, the taxpayer's ore or mineral would be considered to be in competition if it were sold under the conditions described in paragraph (b)(2)(i) of this section. A weighted average of the selling prices of ores or minerals of like kind and grade as the taxpayer's, beneficated only by mining processes, in the taxpayer's actual or potential lines of commerce, and in the marketing area of the taxpayer's mine, although not a prerequisite to the determination of the representative market or field price, is an important factor in the determination of such price. The taxpayer's own competitive sales prices for minerals which have been subjected only to mining processes shall be taken into account in computing such a weighted average. The identity of the taxpayer's actual or potential lines of commerce, the geographical extent of the relevant markets, and the price within such markets which is the representative market or field price, are necessarily factual determinations to be made on the basis of the facts and circumstances of each individual case. These facts and circumstances include the similarity of the taxpayer's ore or mineral to the ores or minerals marketed by others, the location of the mines or quarries at which sales of ores or minerals take place, the frequency and volume of such sales, the functional product markets in which miners' ores or minerals are sold, the amount of competition within the relevant markets, the date or dates at which sales take place, the prices paid by the taxpayer and by others when purchasing similar ores or minerals, and all other relevant factors.

(4) *Type of sales which may be considered in determining the representative market or field price for the taxpayer's ore or mineral.* Sales or purchases, including the taxpayer's, of ores or minerals of like kind and grade as the taxpayer's will be taken into consideration in determining the representative market or field price for the taxpayer's ore or mineral only if such sales or purchases are the result of competitive transactions. Accordingly, primary consideration will be given to sales in markets characterized by a substantial number of unrelated buyers and sellers, no one of whom controls a substantial portion of the sales or purchases in the market. For the purpose of determining the representative market or field price for the taxpayer's ore or mineral, exceptional, insignificant, unusual, tie-in, or accommodation sales shall be disregarded. Representative market or field prices shall not be determined by reference to prices established in transactions between members of a controlled group. See paragraph (a) of section 1.482-1 for the definitions of the terms "controlled" and "group".

(5) *Information to be furnished by a taxpayer computing gross income from the property by use of a representative market or field price.* A taxpayer who computes his gross income from the property pursuant to the provisions of this paragraph shall attach to his return a statement indicating the price or prices used by him in computing gross income from mining under this paragraph and the source of his information as to such price or prices.

(6) *Limitation on gross income from the property computed under the provisions of this paragraph.* It shall be presumed that a price is not a representative market or field price for the taxpayer's ore or mineral if the sum of such price plus the total of all costs of the nonmining processes (including nonmining transportation) which the taxpayer applies to his ore or mineral regularly exceeds the taxpayer's actual sales price of his first marketable product or group of products. See paragraph (d)(1)(iv) of this section for the definition of the term "first marketable product or group of products". For example, if the total of all costs of nonmining processes applied by the taxpayer to coal for the purpose of making coke is $12 per ton, and if the taxpayer's actual sale price for such coke is $18 per ton, a price of $7 per ton would not be a representative market or field price for the taxpayer's coal. In order to rebut the presumption set forth in the first sentence of this subparagraph, evidence must be produced to establish to the satisfaction of the district director that the loss on nonmining operations is directly attributable to unusual, peculiar, and nonrecurring factors rather than to the use of a market or field price which is not representative. For example, the first sentence of this subparagraph shall not apply if the taxpayer establishes in an appropriate case that the loss on nonmining operations is directly attributable

to unusual, peculiar, and nonrecurring events such as a fire, flood, explosion, earthquake, strike, or a similar event which is not a normal part of the operations of the taxpayer.

(d) *Sales after the application of nonmining processes where a representative market or field price cannot be ascertained*—(1) *Computation of gross income from the property by use of the proportionate profits method.* (i) If it is impossible to determine a representative market or field price as described in paragraph (c) of this section, then, except as provided in subparagraph (2) of this paragraph, gross income from the property shall be computed by use of the proportionate profits method. See § 1.611–0. The objective of the proportionate profits method of computation is to ascertain gross income from the property by applying the principle that each dollar of the total costs paid or incurred to produce, transport and sell the first marketable product or group of products earns the same percentage of profit. Accordingly, in the proportionate profits method no ranking of costs is permissible which results in excluding or minimizing the effect of any costs incurred to produce, sell and transport the first marketable product or group of products. See subdivision (iv) of this subparagraph for the definition of the term "first marketable product or group of products".

(ii) The proportionate profits method of computation is applied by multiplying the taxpayer's gross sales (actual or constructive) of his first marketable product or group of products (after making the adjustments required by paragraph (e) of this section) by a fraction whose numerator is the sum of all the costs allocable to those mining processes which are applied to produce, sell, and transport the first marketable product or group of products, and whose denominator is the total of all the mining and nonmining costs paid or incurred to produce, sell, and transport the first marketable product or group of products (after making the adjustments required by this paragraph and paragraph (e) of this section). See subdivisions (iv) and (v) of this subparagraph for the definitions of the terms "first marketable product or group of products" and "gross sales (actual or constructive)", respectively. The method as described herein is merely a restatement of the method formerly set forth in the second sentence of Regulations 118, § 39.23(m)–1(e)(3) (1939 Code). The proportionate profits method of computation may be illustrated by the following equation:

$$\frac{\text{Mining costs}}{\text{Total costs}} \times \text{Gross sales} = \text{Gross income from mining.}$$

(iii) Those costs which are paid or incurred by the taxpayer to produce, sell, and transport the first marketable product or group of products, and which are not directly identifiable with either a particular mining process or a particular nonmining process shall be properly apportioned to mining and to nonmining. In the absence of any specific provision of this section providing an apportionment method, such costs shall be apportioned by use of a method which is reasonable in the circumstances. One method which may be reasonable in a particular case is an allocation based on the proportion that the direct costs of mining processes and the direct costs of nonmining processes bear to each other. For example, the salary of a corporate officer engaged in overseeing all of the taxpayer's processes is an expense which would normally be apportioned on the basis of the ratio between the direct costs of mining and nonmining processes. On the other hand, an expense such as workmen's compensation premiums would normally be apportioned on the basis of direct labor costs. For the rule relating to selling expenses, see paragraph (c) of § 1.613–4.

(iv) As used in this section, the term "first marketable product or group of products" means the product (or group of essentially the same products) produced by the taxpayer as a result of the application of nonmining processes, in the form or condition in which such product or products are first marketed in significant quantities by the taxpayer or by others in the taxpayer's marketing area. For this purpose, bulk and packaged products are considered to be essentially the same product. The first marketable product or group of products does not include a product or group of products additionally refined, beneficiated, altered, or manufactured as a result of the application of additional nonmining processes. For example, if a cement manufacturer sells his own finished cement of various types in bulk and bags and also sells concrete blocks or dry ready-mix aggregates containing additives, the finished cement of various types, in bulk and bags, constitutes the first marketable product or group of products produced by him. Similarly, if an integrated iron ore and steel producer sells both pig iron in various sizes and rolled sheet iron or shapes, his first marketable product is the pig iron in its various sizes. Further, if an integrated clay and brick producer sells both unglazed bricks and tiles of various shapes and sizes and additionally manufactured bricks and tiles which are specially glazed, the unglazed products, both packaged and unpackaged, constitute his first marketable product or group of products.

(v) As used in this paragraph, the term "gross sales (actual or constructive)" means the total of the taxpayer's actual sales to others of the first marketable product or group of products, plus the taxpayer's constructive sales of the first marketable product or group of products used or retained for use in his own subsequent operations. The prices at which actual or constructive sales are made are to be determined in accordance with the principles set forth in this paragraph and in paragraphs (b), (c), and (e) of this section, as appropriate. In the case of constructive sales of the taxpayer's first marketable product or group of products, the taxpayer shall attach to his return a statement indicating the price or prices used by him in computing the representative market or field price for such product or products, and the source of his information as to such price or prices. The prices at which actual or constructive sales are made shall not be determined by reference to prices established in transactions between members of a controlled group. See paragraph (a) of § 1.482–1 for the definitions of the terms "controlled" and "group".

(vi) The provisions of this subparagraph may be illustrated by the following example:

Example.—(*a*) *Facts.* A is engaged in the mining of a mineral to which section 613 applies, and in the application thereto of nonmining processes. During 1968, A incurred extraction costs of $35,000; other mining costs of $56,000; $150,000 for manufacturing costs; $46,000 for other nonmining processes; and $14,000 for the company president's salary and similar costs. The actual gross sales price of A's first marketable group of products (after the adjustments required by paragraph (e) of this section) was $6 per ton for all products. During 1968, A sold 70,000 tons of these manufactured products. It is not possible to establish a representative market or field price for A's mineral before the application of nonmining processes.

(*b*) *Computation.* (*1*) The computation of A's gross income from mining by use of the proportionate profits method involves two steps. The first step is to apportion A's costs to mining and to nonmining. A apportions the company president's salary and similar costs to mining and to nonmining in the manner described in the third and fourth sentences of subdivision (iii) of this subparagraph, and apportions his remaining costs as follows:

Cost	Mining	Non-mining	Total
Extraction	$35,000	----------	$35,000
Other mining processes	56,000	----------	56,000
Manufacturing	----------	$150,000	150,000
Other nonmining processes	----------	46,000	46,000
Subtotal	91,000	196,000	287,000
President's salary and similar costs	4,439	9,561	14,000
Total costs	95,439	205,561	301,000

(2) The second step is to apply the proportionate profits fraction so as to compute A's gross income from mining. To do this, A first computes his gross sales of his first marketable group of products. In this case, the actual gross sales price of A's first marketable group of products (after the adjustments required by paragraph (e) of this section) was $6 per ton for all products. Since 70,000 tons of these products were sold, A's actual gross sales were $420,000. Next, A multiplies his actual gross sales of $420,000 by the proportionate profits fraction, whose numerator consists of his total mining costs ($95,439) and whose denominator consists of his total costs ($301,000). This procedure indicates that A's gross income from mining is $133,170 (i.e., 95,439/301,000ths of A's actual gross sales of $420,000).

(2) [Reserved]

(3) *Costs to be used in computing gross income from the property by use of the proportionate profits method or another approved method based on the taxpayer's costs.* In determining the taxpayer's gross income from the property by use of the proportionate profits method or another approved method based on the taxpayer's costs, only costs actually paid or incurred shall be taken into consideration. In general, if the taxpayer has consistently employed a reasonable method of determining the costs of the various individual phases of his mining and nonmining processes (such as extraction, loading for shipment, calcining, packaging, etc.), such method shall not be disturbed. The amount of any particular item to be taken into account shall, for taxable years beginning after November 30, 1968, be the amount used in determining the taxpayer's income for tax purposes. For example, the depreciation lives, methods, and records used for tax purposes, if different from those used for book purposes, shall be the basis for determining the amount of depreciation to be used in the proportionate profits computation of gross income from mining.

(4) *Treatment of particular items in computing gross income from the property by use of the proportionate profits method or another approved method based on the taxpayer's costs.* (i) Except as specifically provided elsewhere in this section, when determining gross income from the property by use of the proportionate profits method or any other approved method which is based on the taxpayer's costs, the costs attributable to mining transportation shall be treated as mining costs, and the costs attributable to nonmining transportation shall be treated as nonmining costs. Accordingly, except as specifically provided elsewhere in this section, all profits attributable to mining transportation shall be treated as mining profits, and all profits attributable to nonmining transportation shall be treated as nonmining profits. For this purpose, mining transportation means so much of the transportation of ores or minerals (whether or not by common carrier) from the point of extraction from the ground to plants or mills in which other mining processes are applied thereto as is not in excess of 50 miles or, if the taxpayer files an application pursuant to paragraph (h) of this section and the Commissioner finds that both the physical and other requirements are such that the ores or minerals must be transported a greater distance to such plants or mills, the transportation over the greater distance. Further, for this purpose, nonmining transportation includes the transportation (whether or not by common carrier) of ores, minerals, or the products produced therefrom, from the point of extraction from the ground to nonmining facilities, or from a mining facility to a nonmining facility, or from one nonmining facility to another, or from a nonmining facility to the customers who purchase the taxpayer's first marketable product or group of products. See paragraph (e)(2) of this section for provisions relating to purchased transportation to the customer, and paragraph (g)(3) of this section for provisions relating to transportation the primary purpose of which is marketing or distribution. In the absence of other methods which the district director determines will clearly reflect the costs of the various phases of transportation, the cost attributable to nonmining transportation shall be an amount which is in the same ratio to the costs incurred for the total transportation as the distance of the nonmining transportation is to the distance of the total transportation. Where the plants or mills in which mining processes are applied to ores or minerals are in excess of 50 miles from the point of extraction from the ground (or in excess of a greater distance approved by the Commissioner), the costs incurred for transportation to such plants or mills in excess of 50 miles (or of such greater distance) shall be treated as nonmining costs in determining gross income for mining. Accordingly, all profits attributable to such excess transportation are treated as nonmining profits. However, except in the case of transportation performed in conveyances owned or leased by the taxpayer, the preceding sentence shall apply only to taxable years beginning after November 30, 1968.

(ii) In determining gross income from the property by use of the proportionate profits method or any other approved method which is based on the taxpayer's costs, a process shall not be considered as a mining process to the extent it is applied to ores, minerals, or other materials with respect to which the taxpayer is not entitled to a deduction for depletion under section 611. The costs of such nondepletable ores, minerals, or materials; the costs of the processes (including blending, size reduction, etc.) applied thereto; and the transportation costs thereof, if any, shall be considered as nonmining costs in determining gross income from mining. If a mining process is applied to an admixture of depletable and nondepletable material, the cost of the process and the cost of transportation, if any, attributable to the nondepletable material shall be considered as nonmining costs in determining gross income from mining. Accordingly, all profits attributable thereto are treated as nonmining profits. In the absence of methods which will more clearly reflect the cost attributable to the processing and transportation, if any, of the nondepletable admixed material, the cost attributable thereto shall be deemed to be that proportion of the costs which the tonnage of nondepletable material bears to the total tonnage of both depletable and nondepletable material.

(iii) In determining gross income from the property by use of the proportionate profits method (or any other approved method which is based on the taxpayer's costs)—

(*a*) The costs attributable to containers, bags, packages, pallets, and similar items as well as the costs of materials and labor attributable to bagging, packaging, palletizing, or similar operations shall be considered as nonmining costs.

(*b*) The costs attributable to the bulk loading of manufactured products shall be considered as nonmining costs.

(*c*) The costs attributable to the operation of warehouses or distribution terminals for manufactured products shall be considered as nonmining costs. Accordingly, all profits attributable thereto are treated as nonmining profits.

(iv) In computing gross income from the property by means of the proportionate profits method or any other approved method based on the taxpayer's costs, the principles set forth in paragraph (c) of § 1.613–4 shall apply when determining whether selling expenses and trade association dues are to be treated, in whole or in part, as mining costs or as nonmining costs. To the extent that selling expenses and trade association dues are treated as nonmining costs, all profits attributable thereto are treated as nonmining profits.

(v) In computing gross income from the property by means of the proportionate profits method or any other approved method based on the taxpayer's costs, allowances to customers which are determined to have the effect of trade or cash discounts under the provisions of paragraph (e)(1)(ii) of this section, shall (if not otherwise taken into account) be excluded from the denominator of the proportionate profits fraction. See paragraph (e)(1)(i) of this section for provisions excluding such allowances from the taxpayer's gross sales of his first marketable product or group of products.

PAR. 4. Paragraphs (e) and (f) of § 1.613–3 are amended to read as follows:

§ 1.613–3 Gross income from the property.

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(e) *Reductions of sales price in computing gross income from the property*—(1) *Discounts.* (i) The amount of any trade or (for taxable years beginning after Nov. 30, 1968) cash discounts actually allowed by a taxpayer computing gross income from the property under the provisions of paragraph (b)(2) of this section shall be subtracted from the sale price of the taxpayer's ore or mineral. In the case of a taxpayer computing gross income from the property under the provisions of paragraph (c) of this section, any such discounts actually allowed (if not otherwise taken into account) by the person or persons making the sales on the basis of which the representative market or field price for the taxpayer's ore or mineral is to be determined shall be subtracted from the sale price in computing such representative market or field price. In the case of a taxpayer computing gross income from the property under the provisions of paragraph (d) of this section, such discounts (if not otherwise taken into account) shall be subtracted from the gross sales (actual or constructive) of the first marketable product or group of products.

(ii) The provisions of subdivision (i) of this subparagraph apply even though a trade or cash discount is allowed in some form other than a direct reduction in sale price. Accordingly, allowances (no matter how designated) which are determined to have the same effect as trade or cash discounts shall be subject to such subdivision. For example, in a particular case freight absorption and special serv-

ices to customers may in effect constitute trade or cash discounts. Further, interlocking sale and purchase arrangements may in effect constitute trade or cash discounts in instances in which a miner sells his mineral product to a vendee at an excessive price, in return for an agreement to purchase the vendee's product at a price which is also excessive. The dollar amount of an allowance having the same effect as a trade or cash discount shall be determined in light of all the facts and circumstances, and shall include an appropriate share of the taxpayer's overhead and profit in instances which a service is rendered by the taxpayer or his employees. For example, in instances in which gross income from mining is computed under paragraph (d)(1) of this section, the dollar amount attributable to services performed by the taxpayer or his employees shall include a proportionate share of the taxpayer's overhead and profit.

(2) *Purchased transportation to the customer.* (i) A taxpayer who computes gross income from mining under the provisions of paragraph (c) of this section and who sells his ore or mineral after the application of only mining processes but after nonmining transportation shall use as the representative market or field price (as described in paragraph (c) of this section) his delivered price (if otherwise representative) reduced by costs paid or incurred by him for purchased transportation to the customer as defined in subdivision (iii) of this subparagraph. If the transportation by the taxpayer is not purchased transportation to the customer, and if other producers in the taxpayer's marketing area sell significant quantities of the ore or mineral of like kind and grade after the application of only mining processes but after purchased transportation to the customer (as defined in subdivision (iii) of this subparagraph), the delivered price at which the ore or mineral is sold by such other producers (if otherwise representative) reduced by the costs of purchased transportation to the customer paid or incurred by such producers shall be used by the taxpayer as the representative market or field price for his ore or mineral. When applying the preceding sentence, appropriate adjustments shall be made to take into account differences in mode of transportation and distance. For purposes of this subdivision, any delivered price shall be adjusted as provided in subparagraph (1) of this paragraph.

(ii) In the case of a taxpayer computing gross income from mining under the provisions of paragraph (d)(1) of this section, the cost of purchased transportation to the customer (as defined in subdivision (iii) of this subparagraph) shall be excluded from the taxpayer's gross sales of his first marketable product or group of products (after any adjustments required by subparagraph (1) of this paragraph) and from the denominator of the proportionate profits fraction, without attributing profits to the cost of such transportation. Similar transportation cost adjustments may be made, if appropriate, in the case of methods of computation which are approved under paragraph (d)(2) of this section and which are based on the taxpayer's costs. For the treatment of costs and profits attributable to transportation which does not meet the requirements of subdivision (iii) of this subparagraph, see paragraph (d)(4)(i) of this section.

(iii) For purposes of this section, the term "purchased transportation to the customer" means, in general, nonmining transportation from the taxpayer's mine or plant to the customer—

(*a*) Which is performed in conveyances owned or leased by persons other than the taxpayer, rather than in conveyances owned or leased by the taxpayer;

(*b*) Which is performed solely to deliver the taxpayer's minerals or mineral products to the customer, rather than to transport such minerals or products for packaging or other additional processing by the taxpayer (other than incidental storage or handling); and

(*c*) Which is charged to the customer in such a way that the taxpayer ordinarily does not earn any profit with respect to such transportation.

For purposes of the preceding sentence, transportation which is performed by a person controlling or controlled by the taxpayer (within the meaning of paragraph (a)(3) of § 1.482–1) shall be deemed to have been performed in conveyances owned or leased by the taxpayer unless it is established by the taxpayer that the price charged by the controlling or controlled person for such transportation constitutes an arm's-length charge (under the standard described in paragraph (b)(1) of § 1.482–1). The term "purchased transportation to the customer" includes transportation to a warehouse, terminal, or distribution facility owned or operated by the taxpayer, provided that such transportation is performed under the conditions described in the first sentence of this subdivision. The taxpayer must demonstrate the nonprofit character of the transportation services, as described in (c) of this subdivision, in light of all the facts and circumstances. It shall be presumed that the requirements set forth in either (*a*) or (*c*) of this subdivision (relating, respectively, to conveyance ownership and profits) are not satisfied if the taxpayer requires customers to purchase minerals or mineral products only on a delivered basis, by failing to offer such minerals or products for sale on the basis of a price f.o.b. the taxpayer's mine or plant, or by other means. In the case of taxpayers computing gross income from mining under the provisions of paragraph (d) of this section, the term "purchased transportation to the customer" refers to transportation which conforms with the other requirements of this subdivision and which is performed to transport the taxpayer's first marketable product or group of products (as defined in paragraph (d)(1)(iv) of this section) rather than to transport minerals or mineral products which do not yet constitute the taxpayer's first marketable product or group of products.

(iv) The provisions of this subparagraph may be illustrated by the following examples:

Example (1). A is engaged in the mining of an ore of mineral M and in the production and sale of M concentrate. A retains a portion of his concentrate for use in his own nonmining operations. During 1968, A sold 100,000 tons of M concentrate of ore mined and processed by him. Such sales constituted a significant portion of his total production. 80,000 tons of such concentrate were sold by A on the basis of a representative price (after adjustments required by subparagraph (1) of this paragraph) of $30 per ton f.o.b. mine or plant. The remaining 20,000 tons were sold by A, both directly and through terminals, on the basis of a delivered price (after adjustments required by subparagraph (1) of this paragraph) at City X of $40 per ton. The delivered price included the $15 per ton cost of purchased transportation from the mine or plant to customers in City X. The representative market or field price of the concentrate sold by A on the basis of a delivered price is $25 per ton, determined by subtracting the cost of the purchased transportation to the customer ($15 per ton) from the delivered price for the concentrate ($40 per ton). Accordingly, A's gross income from mining with respect to the 20,000 tons of M concentrate sold on a delivered basis is $500,000. The representative market or field price for the concentrate retained by A and used in his own nonmining operations may be computed by reference to the weighted average price for both A's f.o.b. mine and A's delivered sales of concentrate, with the delivered sales prices reduced in the manner described above. On this basis, the representative market or field price for the retained concentrate is $29 per ton.

Example (2). B is engaged in the mining of an ore of mineral N and in the production of its concentrate. B retains all but an insignificant amount of his concentrate for use in his own nonmining operations. Other producers in B's marketing area sell significant amounts of N concentrate of like kind and grade, both on an f.o.b. mine or plant basis and on a delivered basis. In this case, the prices for both the f.o.b. and the delivered sales made by other producers (after any adjustments required by subparagraph (1) of this paragraph), with the delivered prices reduced by the cost of purchased transportation to the customer, shall, if such prices are otherwise representative, be taken into account when establishing the representative market or field price for the N concentrate produced and used by B.

(f) *Definition of mining*—(1) *In general.* The term "mining" includes only—

(i) The extraction of ores or minerals from the ground;

(ii) Mining processes, as described in subparagraphs (2) through (5) of this paragraph; and

(iii) So much of the transportation (whether or not by common carrier) of ores or minerals from the point of extraction of the ores or minerals from the ground to the plants or mills in which the processes referred to in subdivision (ii) of this subparagraph are applied thereto as is not in excess of 50 miles, and, if the Commissioner finds that both the physical and other requirements are such that the ores or minerals must be transported a greater distance to such plants or mills, the transportation over such greater distance as the Commissioner authorizes. See paragraph (h) of this section for rules relating to the filing of applications to treat as mining any transportation in excess of 50 miles.

(2) *Definition of mining processes.* (i) As used in subparagraph (1)(ii) of this paragraph, the term "mining processes" means, for taxable years beginning before January 1, 1961, the ordinary treatment processes normally applied by mine owners or operators in order to obtain the commercially marketable mineral product or products, including the following processes (and the processes necessary or incidental thereto), and, for taxable years beginning after December 31, 1960, means the following processes (and the processes necessary or incidental thereto):

(*a*) In the case of coal—cleaning, breaking, sizing, dust allaying, treating to prevent freezing, and loading for shipment;

(*b*) In the case of sulfur recovered by the Frasch process—cleaning, pumping to vats, cooling, breaking, and loading for shipment;

(*c*) In the case of iron ore, bauxite, ball and sagger clay, rock asphalt, and ores or minerals which are customarily sold in the form of a crude mineral product (as defined in subparagraph (3)(iv) of this paragraph)—

(*1*) Where applied for the purpose of bringing to shipping grade and form (as defined in paragraph (f)(3)(iii) of this section)—sorting, concentrating, sintering, and substantially equivalent processes, and

(*2*) Loading for shipment.

(*d*) In the case of lead, zinc, copper, gold, silver, uranium, or fluorspar ores, potash, and ores or minerals which are not customarily sold in the form of the crude mineral product—crushing, grinding, and beneficiation by concentration (gravity, flotation, amalgamation, electrostatic, or magnetic), cyanidation, leaching, crystallization, precipitation (but not including electrolytic deposition, roasting, thermal or electric smelting, or refining), or by substantially equivalent processes or combination of processes used in the separation or extraction of the product or products from the ore or the mineral or minerals from other material from the mine or other natural deposit; and

(*e*) In the case of the following ores or minerals—

(*1*) The furnacing of quicksilver ores,

(*2*) The pulverization of talc,

(*3*) The burning of magnesite, and

(*4*) The sintering and nodulizing of phosphate rock.

(ii) For taxable years beginning after December 31, 1960, the term "mining processes" also includes:

(*a*) In the case of calcium carbonates and other minerals when used in making cement—all processes (other than preheating the kiln feed) applied prior to the introduction of the kiln feed into the kiln, but not including any subsequent process; and

(*b*) In the case of clay to which section 613(b)(5)(B) applies—crushing, grinding, and separating the clay from waste, but not including any subsequent process.

(iii) A process is "necessary" to another related process if it is essential to the performance of the other process. For example, if the concentrating of low-grade iron ores to bring to shipping grade and form cannot be effectively accomplished without fine pulverization, such pulverization may be treated as a process which is "necessary" to the concentration process. Accordingly, because concentration is a mining process, such pulverization is also a mining process. Furthermore, if mining processes cannot be effectively applied to a mineral without storage of the mineral while awaiting the application of such processes, such storage may be treated as a process which is "necessary" to the accomplishment of such mining processes. A process is "incidental" to another related process if the cost thereof is insubstantial in relation to the cost of the other process or if the process is merely the coincidental result of the application of the other process. For example, the use of thawing equipment to unload frozen ore cars at concentration plants will be considered incidental to concentration, where the cost of using such equipment is insubstantial in relation to the cost of the concentration process. Further, where crushing of a crude mineral is treated as a mining process, the production of fines as a by-product is ordinarily the coincidental result of the application of a mining process. If a taxpayer demonstrates that a particular process is necessary or incidental solely to a process named as a mining process in section 613(c)(4) or this paragraph, the necessary or incidental process will also be considered a mining process.

(iv) The term "mining" does not include purchasing minerals from another. Accordingly, the processes listed in this paragraph shall be considered as mining processes only to the extent that they are applied by a mine owner or operator to an ore or mineral in respect of which he is entitled to a deduction for depletion under section 611. The application of these processes to purchased ores, minerals, or materials does not constitute mining.

(3) *Processes recognized as mining for ores or minerals covered by section 613(c)(4)(C).* (i) As used in section 613(c)(4)(C) and subparagraph (2)(i)(c) of this paragraph, the terms "sorting" and "concentrating" mean the process of eliminating waste, separating the valuable mineral from the valueless, or separating two or more valuable minerals or ores. Examples of sorting and concentrating processes are hand or mechanical sorting, magnetic separation, gravity concentration, jigging, the use of shaking or concentrating tables, the use of spiral concentrators, the use of sluices or sluice boxes, sink-and-float processes, and flotation processes such as bubble, skin, and froth flotation. Under section 613(c)(4)(C), concentration will be considered a mining process only where it is applied to bring an ore or mineral to shipping grade and form.

(ii) As used in section 613(c)(4)(C) and subparagraph (2)(i)(c) of this paragraph, the term "sintering" means the agglomeration of fine particles by heating to a temperature at which incipient, but not complete, fusion occurs. Sintering will be considered a mining process only where it is applied to an ore or mineral, or a concentrate of an ore or mineral, as an auxiliary process necessary to bring the ore or mineral to shipping grade and form. A thermal action which is applied in the manufacture of a finished product will not be considered to be a mining process, even though such thermal action may cause the agglomeration of fine particles by incipient fusion, and even though such action does not cause a chemical change in the agglomerated particles. For example, the sintering of finely ground iron ore concentrate prior to shipment from the concentration plant for the purpose of preventing the risk of loss of the finely divided particles is considered a mining process. On the other hand, for example, a heating process applied to expand or harden clay, shale, perlite, vermiculite, or other materials in the course of the manufacture of lightweight aggregate or other building materials is not considered to be a mining process.

(iii) As used in section 613(c)(4)(C) and this section, to "bring to shipping grade and form" means to bring (by the application of mining processes at the mine or concentration plant) the quality or size of an ore or mineral to the initial condition at which a significant portion thereof customarily is shipped by ordinary miners for sale or for use in a manufacturing process. The determination as to when an ore or mineral reaches shipping grade and form shall be made on the basis of U.S. nationwide mining practice, except that, in the case of a mineral industry in which the U.S. practice is shown to be unrepresentative of the mining practices of U.S. taxpayers in such industry, the determination shall be made in light of worldwide mining practice by U.S. taxpayers in such industry. A process will not be recognized as a process applied to bring a mineral to shipping grade and form if the process is applied following shipment to a facility at which processes described in paragraph (g) of this section are applied, or if such process (wherever applied) beneficiates the ore or mineral to the degree that such process constitutes smelting or refining, or any other nonmining process within the meaning of paragraph (g) of this section.

(iv) An ore or mineral is "customarily sold in the form of a crude mineral product," within the meaning of section 613(c)(4)(C), if a significant portion of the production thereof is sold or used in a nonmining process prior to the alteration of its inherent mineral content by

some form of beneficiation, concentration, or ore dressing. An ore or mineral does not lose its classification as a crude mineral product by reason of the fact that, before sale or use in a nonmining process, the ore or mineral may be crushed or subjected to other processes which do not alter its inherent mineral content. Whether the portion of production sold or used in the form of a crude mineral product is a significant portion of the total production of an ore or mineral is a question of fact, to be determined by reference to the U.S. nationwide pattern of sales and uses for such ore or mineral, except that, in the case of a mineral industry in which the U.S. pattern of sales and uses is shown to be unrepresentative of the pattern of sales and uses of U.S. taxpayers in such industry, the determination shall be made in light of the worldwide pattern of sales and uses by U.S. taxpayers in such industry.

(4) *Type of processes recognized as mining for ores or minerals covered by section 613(c)(4)(D).* Cyanidation, leaching, crystallization, and precipitation, which are listed in section 613(c)(4)(D) as treatment processes considered as mining, and the processes (or combination of processes) which are substantially equivalent thereto, will be recognized as mining only to the extent that they are applied to the taxpayer's ore or mineral for the purpose of separation or extraction of the valuable mineral product or products from the ore, or for the purpose of separation or extraction of the mineral or minerals from other material extracted from the mine or other natural deposit. A process, no matter how denominated, will not be recognized as mining if the process beneficiates the ore or mineral to the degree that such process, in effect, constitutes smelting, refining, or any other nonmining process within the meaning of paragraph (g) of this section. As used in section 613(c)(4)(D) and subparagraph (2)(i)(*d*) of this paragraph, the term "concentration" has the meaning set forth in the first two sentences of subparagraph (3)(i) of this paragraph.

PAR. 5. Paragraphs (g), (h), and (i) of § 1.613–3 are prescribed to read as follows:

§ 1.613–3 Gross income from the property.

* * * * *

(g) *Nonmining processes*—(1) *General rule.* Unless they are otherwise provided for in paragraph (f) of this section as mining processes (or are necessary or incidental to processes listed therein), the following processes are not considered to be mining processes—electrolytic deposition, roasting, calcining, thermal or electric smelting, refining, polishing, fine pulverization, blending with other materials, treatment effecting a chemical change, thermal action, and molding or shaping. See subparagraph (6) of this paragraph for definitions of certain of these terms.

(2) *Necessary or incidental processes; sequence.* (i) A process (even though otherwise nominally specified as a mining process in section 613(c) or this section) shall not be considered as mining if it functions in any significant degree as a necessary or incidental part of such nonmining processes as refining, smelting, roasting, manufacturing, or packaging or any other nonmining activity. For example, the crushing and grinding or the loading for shipment of products which have been molded, shaped, or fired shall not be considered as mining. See paragraph (f)(2)(iii) of this section for the definitions of the terms "necessary" and "incidental".

(ii) Ordinarily, a process applied subsequent to a nonmining process shall also be considered to be a nonmining process. However, exceptions to this rule shall be made in those instances in which the rule would discriminate between similarly situated producers of the same mineral. For example, roasting is specifically designated in subdivision (i) of this subparagraph as a nonmining process, but in the case of minerals referred to in section 613(c)(4)(C) sintering is recognized as a mining process. However, if certain impurities in an ore can only be removed by roasting in order to bring it to the same shipping grade and form as a competitive sintered ore of the same kind which requires no roasting, the subsequent sintering of the roasted ore will be treated as a mining process, although the roasting of the ore is a nonmining process and will be treated as such. The test of nondiscrimination shall be applied by reference to the U.S. nationwide pattern of production in the particular mineral industry, except that, in the case of a mineral industry in which the U.S. pattern of production is shown to be unrepresentative of the pattern of production of U.S. taxpayers in such industry, the determination shall be made in light of the worldwide pattern of production by U.S. taxpayers in such industry. In addition, exceptions to the rule set forth in the first sentence of this subdivision shall be made in cases in which a nonmining process is incidental to a process specified as mining. See paragraph (f)(2)(iii) of this section for the definition of the term "incidental." For example, the sprinkling of coal with dots of paper to identify the coal for trade name purposes prior to loading for shipment shall not prevent the loading for shipment from being considered as mining.

(3) *Transportation for the purpose of marketing or distribution; storage.* Transportation, the primary purpose of which is marketing, distribution, or delivery for the application of only nonmining processes shall not be considered as mining. Nor shall transportation be considered as mining merely because, during the course of such transportation, some extraneous matter is removed from the ore or mineral by the operation of forces of nature, such as evaporation, drainage, or gravity flow. Similarly, storage or warehousing of manufactured products shall not be considered as mining. The preceding sentence shall apply even though, during the course of such storage or warehousing, some extraneous matter is removed from the ore or mineral by the operation of forces of nature, such as evaporation, drainage, or gravity flow.

(h) *Application to treat, as mining, transportation in excess of 50 miles.* If a taxpayer desires to include in the computation of his gross income from mining transportation in excess of 50 miles from the point of extraction of the minerals from the ground, he shall file an original and one copy of an application for the inclusion of such greater distance with the Commissioner of Internal Revenue, Washington, D.C. 20224. The application must include a statement setting forth in detail the facts concerning the physical and other requirements which prevented the construction and operation of the plant (in which mining processes, as defined in paragraph (f) of this section, are applied) at a place nearer to the point of extraction from the ground. These facts must be sufficient to apprise the Commissioner of the exact basis of the application. If the taxpayer's return is filed prior to receipt of notice of the Commissioner's action upon the application, a copy of such application shall be attached to the return. If, after an application is approved by the Commissioner, there is a material change in any of the facts relied upon in such application, a new application must be submitted by the taxpayer.

(i) *Extraction from waste or residue.* "Extraction of ores or minerals from the ground" means not only the extraction of ores or minerals from a deposit, but also the extraction by mine owners or operators of ores or minerals from waste or residue of their prior mining. The preceding sentence does not apply to any such extraction of ores or minerals by the purchaser of such waste or residue or the purchaser of the rights to extract ores or minerals from such waste or residue. The term "purchaser" does not apply to any person who acquires a mineral property, including such waste or residue, in a tax-free exchange, such as a corporate reorganization, from a person who was entitled to a depletion allowance upon ores or minerals produced from such waste or residue, or from a person who would have been entitled to such depletion allowance had section 613(c)(3) been in effect at the time of the transfer. The term "purchaser" also does not apply to a lessee who had renewed a mineral lease if the lessee was entitled to a depletion allowance (or would have been so entitled had section 613(c)(3) been in effect at the time of the renewal) upon ores or minerals produced from such waste or residue before renewal of the lease. It is not necessary, for purposes of the preceding sentence, that the mineral lease contain an option for renewal. The term "purchaser" does include a person who acquires such waste or residue in a taxable transaction, even though such waste or residue is acquired merely as an incidental part of the entire mineral enterprise. It is immaterial whether the waste or residue results from the process of extraction from the ground or from application of mining processes, as defined in paragraph (f) of this section. However, extraction of ores or minerals from waste or residue which results from processes which are not allowable as mining processes is not treated as mining. For special rules with respect to certain corporate acquisitions referred to in section 381(a), see section 381(c)(18) and the regulations thereunder.

(Secs. 611(a) and 7805 of the Internal Revenue Code of 1954 (68A Stat. 207, 917; 26 U.S.C. 611(a), 7805).)

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: July 25, 1968.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 68–9047; Filed, July 25, 1968; 10:20 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

PERCENTAGE DEPLETION

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue. Attention: CC:LR:T, Washington, D.C. 20224, within the period of 45 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 45-day period. In such case, a public hearing will be held, and a notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 611(a) and 7805 of the Internal Revenue Code of 1954 (68A Stat. 207, 917; 26 U.S.C. 611(a), 7805).

[SEAL] SHELDON C. COHEN,
Commissioner of Internal Revenue.

The following regulations are hereby prescribed to amend the sections indicated herein of the Income Tax Regulations under sections 482 and 613 of the Internal Revenue Code of 1954. Except as otherwise provided, such regulations are applicable for taxable years beginning after December 31, 1953, and ending after August 16, 1954. With respect to taxable years beginning after November 13, 1966, the regulations prescribed herein give effect to the amendments made by sections 207, 208, and 209 of the Act of November 13, 1966 (Public Law 89-809, 80 Stat. 1539). With respect to taxable years beginning after December 31, 1960, the regulations prescribed herein give effect to certain of the amendments made by section 302(b) of the Public Debt and Tax Rate Extension Act of 1960 (Public Law 86-564, 74 Stat. 291).

PARAGRAPH 1. Section 1.482-2 is amended by adding a new subdivision (v) to paragraph (e)(1) thereof. This added provision reads as follows:

§ 1.482-2 Determination of taxable income in specific situations.

* * * * *

(e) *Sales of tangible property*—(1) *In general.* * * *

(v) The price for a mineral product at the point at which mining or extraction ends shall be determined under the provisions of § 1.613-3. However, the preceding sentence shall not prevent the application of this section for purposes other than the determination of the price for a mineral product at the point at which mining or extraction ends. For example, the fact that the price for oil in the immediate vicinity of the wellhead is determined under the provisions of § 1.613-3, for purposes of sections 482 and 613, shall not prevent the application of these regulations to determine the price for such oil after it has been transported to a port.

* * * * *

PAR. 2. Section 1.613 is amended by revising section 613 (b) and (c)(4)(G) and by adding to the historical note. These amended provisions read as follows:

§ 1.613 Statutory provisions; percentage depletion.

SEC. 613. *Percentage depletion.* * * *

(b) *Percentage depletion rates.* The mines, wells, and other natural deposits, and the percentages, referred to in subsection (a) are as follows:

(1) 27½ percent—oil and gas wells.

(2) 23 percent—

(A) Sulfur and uranium; and

(B) If from deposits in the United States—anorthosite, clay, laterite, and nephelite syenite (to the extent that alumina and aluminum compounds are extracted therefrom), asbestos, bauxite, celestite, chromite, corundum, fluorspar, graphite, ilmenite, kyanite, mica, olivine, quartz crystals (radio grade), rutile, block steatite talc, and zircon, and ores of the following metals: antimony, beryllium, bismuth, cadmium, cobalt, columbium, lead, lithium, manganese, mercury, nickel, platinum and platinum group metals, tantalum, thorium, tin, titanium, tungsten, vanadium, and zinc.

(3) 15 percent—

(A) Metal mines (if paragraph (2)(B) does not apply), rock asphalt, and vermiculite; and

(B) If neither paragraph (2)(B), (5), or (6)(B) applies, ball clay, bentonite, china clay, sagger clay, and clay used or sold for use for purposes dependent on its refractory properties.

(4) 10 percent—asbestos (if paragraph (2)(B) does not apply), brucite, coal, lignite, perlite, sodium chloride, and wollastonite.

(5) 7½ percent—clay and shale used or sold for use in the manufacture of sewer pipe or brick, and clay, shale, and slate used or sold for use as sintered or burned lightweight aggregates.

(6) 5 percent—

(A) Gravel, peat, pumice, sand, scoria, shale (except shale described in paragraph (5)), and stone (except stone described in paragraph (7)):

(B) Clay used, or sold for use, in the manufacture of drainage and roofing tile, flowerpots, and kindred products; and

(C) If from brine wells—bromine, calcium chloride, and magnesium chloride.

(7) 15 percent—all other minerals (including, but not limited to, aplite, barite, borax, calcium carbonates, diatomaceous earth, dolomite, feldspar, fullers earth, garnet, gilsonite, granite, limestone, magnesite, magnesium carbonates, marble, mollusk shells (including clam shells and oyster shells), phosphate rock, potash, quartzite, slate, soapstone, stone (used or sold for use by the mine owner or operator as dimension stone or ornamental stone), thenardite, tripoli, trona, and (if paragraph (2)(B) does not apply) bauxite, flake graphite, fluorspar, lepidolite, mica, spodumene, and talc, including pyrophyllite), except that, unless sold on bid in direct competition with a bona fide bid to sell a mineral listed in paragraph (3), the percentage shall be 5 percent for any such other mineral (other than slate to which paragraph (5) applies) when used, or sold for use, by the mine owner or operator as rip rap, ballast, road material, rubble, concrete aggregates, or for similar purposes. For purposes of this paragraph, the term "all other minerals" does not include—

(A) Soil, sod, dirt, turf, water, or mosses; or

(B) Minerals from sea water, the air, or similar inexhaustible sources.

(c) *Definition of gross income from property.* * * *

(4) *Treatment processes considered as mining.* * * *

(G) In the case of clay to which paragraph (5) or (6)(B) of subsection (b) applies—crushing, grinding, and separating the mineral from waste, but not including any subsequent process; and

* * * * *

[Sec. 613 as amended by sec. 36, Technical Amendments Act of 1958 (72 Stat. 1633); sec. 302, Public Debt and Tax Rate Extension Act 1960 (74 Stat. 291); sec. 13(e), Rev. Act 1962 (76 Stat. 1034); sec. 6, Act of Sept. 2, 1964 (Public Law 88-571, 78 Stat. 860); secs. 207, 208, and 209, Act of Nov. 13, 1966 (Public Law 89-809, 80 Stat. 1579)]

PAR. 3. Section 1.613-2 is amended by revising subparagraphs (1), (2), and (3) of paragraph (a), by adding new subparagraphs (5), (6), and (7) to paragraph (b), by revising paragraph (c)(2), and by adding new subparagraphs (6), (7), and (8) at the end of paragraph (c). These amended and added provisions read as follows:

§ 1.613-2 Percentage depletion rates.

(a) *In general.* * * *

(1) *Without regard to situs of deposits.* The following rates are applicable to the minerals or mineral properties listed in this subparagraph regardless of the situs of the mineral properties or the deposits from which the minerals are produced:

(i) 27½ percent—Gas wells, oil wells, or oil and gas wells. The term "gas wells" refers to wells producing gases which, by value, are predominantly natural hydrocarbon gases. The term "oil wells" refers to wells producing liquids which, by value, are predominantly natural petroleum liquids. The term "oil and gas wells" refers to wells producing liquids and gases which, by value, are predominantly natural hydrocarbon gases and natural petroleum liquids. The term "natural hydrocarbon gases" includes gases such as butanes, ethane, methane, propane, pentanes, and hexanes, but does not include gases produced by artificial means or nonhydrocarbon gases, such as argon, carbon dioxide, helium, hydrogen, hydrogen sulphide, nitrogen, or oxygen. The term "natural petroleum liquids" includes paraffin base, mixed base, and asphaltic base liquid petroleum, but does not include pyrobitumens or bitumens other than liquid petroleum, nor does the term include oils produced from mineral deposits such as asphalt, coal, rock asphalt, tar sands, kerogen, oil shale, gilsonite, or similar deposits, whether or not liquefied or gasified. For example, the term "natural petroleum liquids" does not include oils produced from tar sands, whether or not the tar is liquefied by the injection of steam into the tar sands.

(ii) 23 percent—Uranium, and (except where recovered from oil wells, gas wells, oil and gas wells, or metal mines) sulfur.

(iii) 15 percent—

(*a*) Applicable to taxable years beginning either before January 1, 1961, or after December 31, 1960: Metal mines,[1] [2] rock asphalt, vermiculite. The term "metal mines" refers to mines producing ores and minerals which, by value, are predominantly metal ores or metals.

(*b*) Applicable only to taxable years beginning before January 1, 1961: Refractory and fire clay.

(*c*) Applicable only to taxable years beginning after December 31, 1960, and applicable to such taxable years only if subdivision (vi)(*c*) of this subparagraph does not apply: Clay used or sold for use for purposes dependent on its refractory properties.

(*d*) Applicable to taxable years beginning before January 1, 1961, and (if neither subdivision (vi) (*c*) or (*e*) of this subparagraph nor subparagraph (2) of this paragraph applies) also applicable to taxable years beginning after December 31, 1960: Ball clay, bentonite, china clay, sagger clay.

(iv) 10 percent—Asbestos,[2a] brucite, coal, lignite, perlite, sodium chloride, wollastonite.

(v) 7½ percent—For taxable years beginning after November 13, 1966, clay and shale used or sold for use in the manufacture of building or paving brick or sewer pipe, and clay, shale, and slate used or sold for use as sintered or burned lightweight aggregates.

(vi) 5 percent—

(*a*) Applicable to all taxable years beginning after December 31, 1953: Gravel, peat, pumice, sand, scoria, shale (except shale to which subdivision (v) of this subparagraph applies), stone (except dimension or ornamental stone). If from brine wells—Bromine, calcium chloride, magnesium chloride.

(*b*) Applicable only to taxable years beginning before January 1, 1961: Brick and tile clay.

(*c*) Applicable only to taxable years beginning after December 31, 1960: Clay used, or sold for use, in the manufacture of drainage and roofing tile, flowerpots, and kindred products.

(*d*) Applicable only to taxable years beginning before November 14, 1966: Mollusk shells (including clam shells and oyster shells).

(*e*) Applicable only to taxable years beginning after December 31, 1960, and before November 14, 1966: Clay used, or sold for use, in the manufacture of building or paving brick or sewer pipe.

(2) *Production from U.S. deposits.* A rate of 23 percent is applicable to the minerals listed in this subparagraph if produced from deposits within the United States:

Anorthosite.[3]	Kyanite.
Asbestos.	Laterite.[3 5]
Bauxite.	Mica.
Beryl.[4]	Nephelite syenite.[3 5]
Celestite.	Olivine.
Chromite.	Quartz crystals (radio grade).
Clay.[3 5]	Rutile.
Corundum.	Block steatite talc.
Fluorspar.	Zircon.
Graphite.	
Ilmenite.	

Ores of the following metals—

Antimony.	Platinum.
Beryllium.[6]	Platinum group metals.
Bismuth.	Tantalum.
Cadmium.	Thorium.
Cobalt.	Tin.
Columbium.	Titanium.
Lead.	Tungsten.
Lithium.	Vanadium.
Manganese.	Zinc.
Mercury.	
Nickel.	

(3) *Other minerals.* A rate of 15 percent is applicable to the minerals listed in this subparagraph regardless of the situs of the deposits from which the minerals are produced, provided the minerals are not used or sold for use by the mine owner or operator as riprap, ballast, road material, rubble, concrete aggregates, or for similar purposes. If, however, such minerals are sold or used for the purposes described in the preceding sentence, a rate of 5 percent is applicable to any of such minerals unless sold on bid in direct competition with a bona fide bid to sell any of the minerals listed in subdivision (iii) of subparagraph (1) of this paragraph, in which case the rate is 15 percent. In addition, the provisions of this subparagraph are not applicable with respect to any of the minerals listed herein if the rate prescribed in subparagraph (2) of this paragraph is applicable. For purposes of the first sentence of this subparagraph, minerals used or sold for use as stucco stone, exposed aggregate, terrazzo stone, and the like, shall be considered to be minerals used or sold for use by the mine owner or operator for purposes similar to use as concrete aggregate. Accordingly, the applicable rate of depletion for such minerals shall be determined in accordance with the second sentence of this subparagraph.

Aplite.	Magnesium carbonates.
Barite.	Marble.
Bauxite.	Mica.
Beryl.[7]	Phosphate rock.
Borax.	Potash.
Calcium carbonates.	Quartzite.
Clay, refractory and fire.[8]	Shells, mollusk (including clam and oyster shells).[9]
Diatomaceous earth.	Slate.
Dolomite.	Soapstone.
Feldspar.	Spodumene.
Flake graphite.	Stone (dimension or ornamental).[10]
Fluorspar.	Talc (including pyrophyllite).
Fullers earth.	Thenardite.
Garnet.	Tripoli.
Gilsonite.	Trona.
Granite.	All other minerals.
Lepidolite.	
Limestone.	
Magnesite.	

(b) *Definition of terms.* * * *

(5) As used in section 613(b)(2)(B) and this section, the terms "clay," "laterite," and "nephelite syenite" do not include bauxite having an aluminum oxide content of 40 percent or more.

(6) As used in section 613(b)(7)(A) and this section, the terms "soil" and "dirt" refer to conglomerate mixtures of miscellaneous mineral materials, or mineral and organic materials, generally found at or near the surface of the earth in alluvial or wind-blown deposits. The principal useful characteristic of "dirt" ordinarily is its bulk or space-filling ability. The term "dirt" includes material commonly known as "fill dirt", whether or not sold to specifications. The term "dirt" also includes conglomerate mixtures of miscellaneous mineral materials which are used or sold for use as ground fill, road bed material, sub-base material for roads or airports, or core material for earthen dams, levees, or dikes, and for similar uses. The term "soil" refers to conglomerate mixtures used or sold for use for the purposes set forth in the preceding sentence, or similar uses, or for agricultural or horticultural purposes. The terms "soil" and "dirt" apply to conglomerate mixtures even though it is shown that some of the mineral materials contained in the mixture might be entitled to percentage depletion if they were not mixed with other mineral or organic materials. For example, the terms "soil" and "dirt" apply to a mineral mixture even though it is shown that some of the mineral particles in the mixture are clay particles or sand particles, and accordingly, a mixture composed of 65 percent clay particles, 30 percent sand particles, and 5 percent organic matter would constitute "soil" or "dirt." However, for pur-

[1] Not applicable if the rate prescribed in subparagraph (2) of this paragraph is applicable.

[2] For taxable years beginning after the publication of this provision in the FEDERAL REGISTER as a Treasury Decision, the 15 percent rate of depletion for metal mines applies to sulfur produced from metal mines.

[2a] Not applicable if the rate prescribed in subparagraph (2) of this paragraph is applicable.

[3] The rate prescribed in this subparagraph does not apply except to the extent that alumina and aluminum compounds are extracted therefrom.

[4] Applicable only for taxable years beginning before Jan. 1, 1964.

[5] Applicable only for taxable years beginning after Nov. 13, 1966.

[6] Applicable only for taxable years beginning after Dec. 31, 1963.

[7] Applicable only for taxable years beginning before Jan. 1, 1964.

[8] Not applicable for taxable years beginning after Dec. 1, 1960.

[9] Applicable only for taxable years beginning after Nov. 13, 1966.

[10] The 15-percent rate is applicable only to stone used or sold for use by the mine owner or operator as cut dimension stone or as ornamental stone blacks or slabs.

poses of this section, a mineral mixture which is composed of more than 90 percent clay particles shall not be considered "soil" or "dirt," nor shall a mineral mixture which is composed of more than 90 percent sand particles or gravel particles be considered "soil" or "dirt". For example, a mineral mixture which is composed of 91 percent clay particles shall not be considered to be "soil" or "dirt," nor shall a mixture which is composed of 91 percent sand or gravel particles be considered to be "soil" or "dirt," even though such mixtures contain some organic matter or some mineral particles other than clay particles, or sand or gravel particles, respectively.

(7) As used in section 613(b)(7)(A) and this section, the term "water" includes water found in gaseous, liquid, or solid form.

(c) *Rules for application of paragraph (a) of this section.* * * *

(2) (i) If the taxpayer extracts a complex ore or mineral (that is, an ore or mineral containing two or more valuable mineral constituents), and if one or more of the valuable constituents is entitled to a percentage depletion rate under section 613(b) and this section which is different from the percentage depletion rate applicable to the other valuable constituents, then (except as provided in the case of oil wells, gas wells, oil and gas wells, or metal mines in subdivision (v)), the percentage depletion allowance shall be computed by applying the percentage rate applicable to each particular valuable constituent to the gross income from the property attributable to each such constituent. The gross income from the property attributable to each such constituent shall be determined in accordance with subdivision (ii), (iii), or (iv) of this subparagraph, as appropriate. The percentage depletion deduction so computed is subject to the limitation provided in section 613(a) and § 1.613–1, that is, 50 percent of the taxpayer's taxable income from the property (computed without allowance for depletion). Such taxable income (computed in accordance with § 1.613–4) is the total taxable income resulting from the production of all the minerals produced from the mineral property.

(ii) If the complex ore or mineral is sold (or used) after the application of only mining processes, without separation of its valuable mineral constituents, the gross income from the property attributable to each valuable constituent shall be computed by fairly apportioning the actual (or constructive) selling price of the complex ore or mineral between the various valuable mineral constituents on the basis of the market or field price and relative content of each valuable constituent, or on some other reasonable basis.

(iii) If the valuable mineral constituents are separated and sold (or used) after the application of only mining processes, the gross income from the property attributable to each valuable mineral constituent shall be the actual (or constructive) selling price of each such constituent.

(iv) If the complex ore or mineral is not sold or used until after the separation of its valuable mineral constituents by the application of nonmining processes, the gross income from the property attributable to each valuable constituent shall be determined by reference to the representative market or field price or other constructive price of each constituent, prior to the application of nonmining processes, and by reference to the relative content of each such constituent.

(v) In the case of oil wells, gas wells, or oil and gas wells (as defined in paragraph (a)(1)(i) of this section), the rate of depletion for all minerals extracted from the well shall be 27½ percent. In the case of metal mines (as defined in paragraph (a)(1)(iii)(*a*) of this section), the rate of depletion for all minerals extracted from the mine shall be 15 percent, except to the extent that the provisions of section 613(b)(2)(B) and paragraph (a)(2) of this section are applicable to metalliferous ores produced from such mines. In the case of sulphur produced from metal mines, the rule set forth in the preceding sentence shall not apply for taxable years beginning before the publication of this subdivision in the FEDERAL REGISTER as a Treasury Decision. The provisions of this subdivision shall not apply to any well or mine other than an oil well, gas well, oil and gas well, or metal mine. For example, the provisions of this subdivision do not apply to sulfur wells or to coal mines.

(vi) The provisions of this subparagraph may be illustrated by the following examples:

Example (1). An ore is obtained from a domestic mineral property, and a concentrate which contains both copper and zinc is obtained from that ore. The depletion rate for domestic zinc is 23 percent, and the depletion rate for copper is 15 percent. Representative market or field prices for copper concentrate or zinc concentrate are not available in the relevant marketing area, but representative market prices for refined copper and refined zinc are available. Under these circumstances, the selling price for the copper-zinc concentrate may be allocated between the copper content and the zinc content in the same ratio that the representative market price or refined copper bears to the representative market price for refined zinc, taking into account the amounts of the two metals present in the copper-zinc concentrate. If representative market or field prices for copper concentrate or zinc concentrate were available, the selling price for the copper-zinc concentrate would have been allocated on that basis, taking into account the amounts of the two metals present in the copper-zinc concentrate.

Example (2). A pyritic ore is obtained from a mineral property. Pyrite contains both iron and sulfur. The pyritic ore is sold for $5 per ton, without separation of the iron from the sulfur. Each ton of the pyritic ore produced from the particular property contains approximately one-sixth of a ton of sulphur and one-half ton of iron. The remainder is gangue material. The representative market or field price for such sulfur in the taxpayer's marketing area is $24 per ton and the representative market or field price for iron ore is $10 per ton. On this basis, if sold separately, the sulfur would have sold for $4 and the iron for $5, for a total of $9. Thus, four-ninths of the selling price of the pyritic ore (or $2.22) is attributable to the sulfur and five-ninths (or $2.77) is attributable to the iron. Accordingly, the property in question is a metal mine and the applicable rate of depletion is 15 percent for all minerals produced from the mine. If the relative amount of sulfur recovered, or the price for sulfur, were to rise to the point at which the minerals produced from the property were, by value, predominantly sulfur, the property would no longer constitute a metal mine. Accordingly, the general rules for determining the rate of percentage depletion in the case of complex ores and minerals would apply. Therefore, the rate of depletion for the sulfur would be 23 percent, and the rate of depletion for the iron would be 15 percent.

Example (3). A gas which contains both natural hydrocarbon gas and sulfur is obtained from a mineral property containing a well. Natural hydrocarbon gas constitutes the predominant mineral produced from the well, by value. Accordingly, the well constitutes a gas well, and the applicable rate of depletion is 27½ percent for all minerals produced from the well.

* * * * *

(6) The method of mining or extracting an ore or mineral does not determine the applicable rate of depletion (except in the case of minerals named in section 613(b)(6)(C)), nor does the applicable rate of depletion determine the processes to be considered as mining under section 613(c). For example, a 15 percent rate of depletion is applicable to tar sand (which is an "other mineral" within the meaning of section 613(b)(7)), whether the bitumen in the sand is recovered by surface stripping or by underground liquefication and pumping. Conversely, the rate of depletion applicable to tar sand does not determine whether underground liquefication and pumping are to be treated as mining under the provisions of section 613(c).

(7) Unless an end use test applies, the percentage rate of depletion applicable to an ore or mineral shall ordinarily be determined by reference to the chemical, mineralogical, and physical characteristics of the ore or mineral as found in place in the ground. When applying the preceding sentence, gangue materials shall be disregarded. However, in the case of ores or minerals which cannot readily be sampled in place in the ground, it may be more practical, in the particular facts and circumstances of the case, to determine the percentage rate of depletion by reference to the chemical, mineralogical, and physical characteristics of the ore or mineral after the application of extractive or mining processes. The district director shall determine whether the special rule set forth in the preceding sentence is applicable in a particular case.

(8) If the taxpayer restores or repays amounts included in gross income from the property for a prior year as part of the actual or constructive selling price of ores or minerals, then the amount of any deduction otherwise allowable on account of such restoration or repayment shall be decreased to the extent that a deduction for percentage depletion with respect to the amounts previously included in income, but subsequently restored or repaid, reduced taxable income in such prior year or years (either directly or indirectly as, for example, as part of a net operating loss deduction). See § 1.611–0. If appropriate, a corresponding adjustment shall be made to capital account. Examples of instances in which this subparagraph shall apply are payments made as a result of a court decision, the settlement of a claim, or a voluntary repayment.

PAR. 4. Section 1.613–3 is amended by revising paragraph (a), adding paragraph (b)(2)(ii) in the space reserved therefor, adding paragraph (d)(2) in the space reserved therefor, revising (*b*) of paragraph (f)(2)(ii), adding a new subparagraph (5) at the end of paragraph (f), adding new subparagraphs (4), (5), and (6) at the end of paragraph (g), and adding a new paragraph (j). These amended and added provisions read as follows:

§ 1.613–3 Gross income from the property.

(a) *Oil and gas wells.* The term "gross income from the property," as used in section 613, means in the case of oil wells, gas wells, or oil and gas wells (except in the case of sales between members of a controlled group) the amount for which the taxpayer sells the oil or gas in the immediate vicinity of the wellhead. See paragraph (a)(1)(i) of § 1.613–2 for the meaning of the terms "oil wells", "gas wells", and "oil and gas wells." If the oil or gas is not sold in the immediate vicinity of the wellhead, but (prior to sale) is converted into a refined or manufactured product, or is subjected to processes such as fractionation, desulphurization, separation, scrubbing, or absorption, or is transported away from the immediate vicinity of the wellhead, then gross income from the property shall be computed by use of the representative market or field price of oil or gas of like kind and grade before any such conversion, processing, or transportation. See paragraph (c) of this section for rules relating to the determination of representative market or field prices. For taxable years beginning after the publication of this sentence in the FEDERAL REGISTER as a Treasury decision, if the oil or gas is not sold in the immediate vicinity of the wellhead, but is subjected to conversion, processing, or transportation away from the immediate vicinity of the wellhead, and if it is impossible to determine a representative market or field price as described in paragraph (c) of this section, then gross income from the property shall be computed by reference to the provisions of paragraph (d) of this section. When applying the provisions of paragraph (c) or (d) of this section, the term "mining" as used in such paragraphs shall be deemed, for purposes of this paragraph, to refer to the extractive activities used to bring oil or gas to the wellhead. Similarly, the term "nonmining" as used in such paragraph shall be deemed, for purposes of this paragraph, to refer to post-extractive activities after oil or gas reaches the wellhead. In the case of sales between members of a controlled group, gross income from the property shall be determined under the provisions of paragraph (c) or (d) of this section, as appropriate, rather than under the provisions of this paragraph. See paragraph (a) of § 1.482–1 for the definitions of the terms "controlled" and "group". See paragraph (j) of this section for additional provisions relating to the computation of gross income from the property by members of controlled groups.

(b) *Minerals other than oil and gas—* * *

(2) *Sales prior to the application of nonmining processes including nonmining transportation—* * *

(ii) In the case of sales between members of a controlled group, gross income from mining shall be determined under the provisions of paragraphs (c) or (d) of this section, as appropriate, rather than under the provisions of this subparagraph. See paragraph (a) of § 1.482–1 for the definitions of the terms "controlled" and "group". See paragraph (j) of this section for additional provisions relating to the computation of gross income from the property by members of controlled groups.

* * * * *

(d) *Sales after the application of nonmining processes where a representative market or field price cannot be ascertained.* * * *

(2) *Computation of gross income from mining by use of a method of computation other than the proportionate profits method.* (i) If, for taxable years beginning after the publication of this subparagraph in the FEDERAL REGISTER as a Treasury decision, circumstances exist which make the use of the proportionate profits method inappropriate, consideration will be given to approval of the use of an alternative method of computation. The procedures described in subdivision (iv) or (v) of this subparagraph are to be followed by industry groups or particular taxpayers, respectively, in making application for permission to compute gross income from mining by use of an alternative method. Subdivision (vii) of this subparagraph pertains to use of an alternative method on the initiative of the Commissioner or district director. The objective in computing gross income from mining by means of an alternative method is to provide for those infrequent instances in which a representative market or field price is not available and in which the proportionate profits method of computation consistently fails to reflect clearly the gross income from the property, in the light of all the facts and circumstances.

(ii) The use of an alternative method shall be acceptable only if it is established that, under the particular facts and circumstances of the case, the proportionate profits method consistently fails to reflect clearly the gross income from the property, and the proposed alternative method consistently does reflect clearly the gross income from the property. When determining whether a method of computation clearly reflects gross income from the property, it is relevant to compare the gross income from the property produced by such method with the gross income from the property, on an equivalent amount of production, which results from the computation methods used by competitors. When determining the acceptability of proposed alternative methods, primary consideration will be given to computation methods based upon arms-length charges for ores, minerals, products, or services. See paragraph (b)(1) of § 1.482–1 regarding the arms-length character of a charge.

(iii) Application for permission to compute gross income from mining by use of an alternative to the proportionate profits method shall be made by submitting a request to the Commissioner of Internal Revenue, Washington, D.C. 20224. To the extent practicable, such requests should be submitted on an industrywide basis. See subdivision (iv) of this subparagraph for information to be submitted with a request which is submitted on behalf of an industry group. See subdivision (v) of this subparagraph for information to be submitted with a request which is submitted on behalf of a particular taxpayer.

(iv) A request for permission to use an alternative method of computation in lieu of the proportionate profits method shall, if submitted on behalf of an industry group, contain the following information:

(*a*) The names and last known addresses of the persons on whose behalf the request is submitted;

(*b*) A concise explanation of the reasons why it is impossible to determine a representative market or field price (as described in paragraph (c) of this section) for the ore or mineral to which the request relates;

(*c*) A concise statement of the reasons why it is inappropriate for the persons on whose behalf the request is submitted to compute gross income from mining for the particular ore or mineral by use of the proportionate profits method, as described in subparagraph (1) of this paragraph; and

(*d*) A concise description of the alternative method which is proposed to be used in lieu of the proportionate profits method.

In addition, there shall be submitted under separate cover—

(*e*) Computations of gross income from mining for a typical member (or, if deemed appropriate by the applicant, several typical members) of the industry group, for the three most recent completed taxable years, by the use of—

(*1*) The proportionate profits method, and

(*2*) The alternative method proposed to be used in lieu thereof.

If computations for additional members of the industry are deemed necessary for evaluating the request, the Commissioner may request the submission of the information described in (*e*) of this subdivision by some or all of the other persons on whose behalf the request is submitted. The information described in (*e*) of this subdivision shall be treated as confidential. The Commissioner may thereafter require such other informa-

tion as may be necessary to evaluate the request. Approval of such request shall be granted only if the standards set forth in subdivision (ii) of this subparagraph are satisfied.

(v) A request for permission to use an alternative method of computation in lieu of the proportionate profits method shall, if submitted on behalf of a particular taxpayer, contain the same information set forth in subdivision (iv) (*a*) through (*d*) of this subparagraph, and computations of the taxpayer's gross income from mining for his three most recent completed taxable years by use of both the proportionate profits method and the alternative method proposed to be used in lieu thereof. The Commissioner may thereafter require the submission by the taxpayer of such other information as may be necessary to evaluate his request. Approval of such request shall be granted only if the standards set forth in subdivision (ii) of this subparagraph are satisfied.

(vi) Approval and continued use of an alternative method of computation in lieu of the proportionate profits method (issued in response to a request submitted pursuant to either subdivision (iv) or subdivision (v) of this subparagraph) depends upon all the facts and circumstances in each case, including such terms and conditions as may be necessary in the opinion of the Commissioner to reflect clearly the gross income from the property. Accordingly, the use of such a method shall be subject to review and change in any taxable year in which it is established that there has been a substantial change in the industry's (or taxpayer's) mode of operation or technology, or in the market conditions relating to the taxpayer's crude or finished products. However, an approved alternative method will not be disturbed if such changes are merely insubstantial.

(vii) If the district director (or Commissioner) is of the opinion that the use of a proportionate profits method is inappropriate in the case of a particular taxpayer, the taxpayer will be so advised. Thereafter, the taxpayer shall, upon request, furnish such information as is necessary to determine the proper method of computation in the circumstances. The standards set forth in subdivision (ii) of this subparagraph are applicable in determining whether the use of an alternative method of computation should be required. The provisions of subdivision (vi) of this subparagraph shall apply to the use of any alternative method required pursuant to this subdivision.

(viii) Among the alternative methods of computation to the approval of which consideration will be given, provided that the requirements of this subparagraph are met, are the methods listed below. The order in which these methods are listed is not significant, and the listing of these methods does not preclude a request to make use of a method which is not listed below.

(*a*) Use of representative market or field prices for an ore or mineral which is of like kind but which is not of like grade as the taxpayer's ore or mineral, with appropriate, readily ascertainable adjustments for differences in mineral content. For example, it may be appropriate in a particular case to establish the representative market or field price for an ore having 50 percent X mineral content by reference to the representative market or field price for the same kind of ore having 60 percent X mineral content, with an appropriate adjustment for the differences in the valuable mineral content of the two ores, any differences in processing costs attributable to impurities, and any other relevant factors.

(*b*) Representative Schedule Method. The representative schedule method is a pricing formula which uses representative finished product prices, penalties, charges, and adjustments, established in arms-length transactions between unrelated parties, to determine the market or field price for a crude mineral product. The representative character of a price, penalty, charge, or adjustment shall be determined by applying the principles set forth in paragraph (c) of this section. The representative schedule method is principally intended for use in those industries in which such a schedule-type pricing method is in general use to determine the price paid to unintegrated mineral producers for their crude mineral product. For example, if unintegrated producers of copper concentrate in a particular field or market customarily sell their concentrate at prices which are determined in accordance with a schedule-type pricing formula, consideration will be given to the determination of concentrate prices for integrated copper producers in accordance with the same pricing formula. The representative schedule method shall not be used by integrated producers if it results in a consistent disparity between the price received by unintegrated producers for their crude mineral product and the constructive price for similar mineral products computed by integrated producers by use of the representative schedule method. Nor shall the representative schedule method be used if it is impossible to determine one or more of the elements in the representative schedule formula by reference to prices, penalties, charges, or adjustments established in arms-length transactions between unrelated parties. See paragraph (b)(1) of § 1.482–1 regarding the arms-length character of a charge.

(*c*) Use of representative market or field prices established outside the taxpayer's marketing area, provided that conditions in the two marketing areas are substantially the same. For example, it may be appropriate in a particular case to establish the representative market or field price for pellets containing 60 percent iron which are produced and used in Utah, by reference to the representative market or field price for pellets containing 60 percent iron which are produced and sold in Wyoming, provided that conditions in the two marketing areas are shown to be substantially the same.

(ix) Subdivisions (i) through (viii) of this subparagraph shall not apply with respect to taxable years beginning before the publication of this subparagraph in the FEDERAL REGISTER as a Treasury decision. In the case of taxable years beginning before such date, if the taxpayer establishes to the satisfaction of the Commissioner that another method of computation, other than the computation of profits proportionate to costs, clearly reflects gross income from the property, then such gross income shall be computed for such taxable years by the use of such other method.

* * * * *

(f) *Definition of mining.* * * *

(2) *Definition of mining processes.* * * *

(ii) * * *

(*b*) In the case of clay to which paragraph (5) or (6)(B) of section 613(b) applies—crushing, grinding, and separating the clay from waste, but not including any subsequent process.

* * * * *

(5) *Processes recognized as mining under sections 613(c)(4) (C) and (H).* (i) Section 302(b) of the Public Debt and Tax Rate Extension Act of 1960 amended section 613(c)(4)(C) and added section 613(c)(4)(H) to grant authority to the Secretary or his delegate to treat as a mining process with respect to a particular ore or mineral any process not inconsistent with the principles set forth in (*a*) through (*e*) of this subdivision. The flexibility granted by the phrase "substantially equivalent processes" in section 613(c)(4)(C) and the specific regulatory authority in section 613(c)(4)(H) will be exercised particularly to deal with changes in mining technology. This authority will also be exercised to avoid discrimination in the treatment of mineral producers who use different processing techniques to accomplish the same results or who produce competing minerals, and to indicate the proper classification of processes which are not specifically named in connection with a particular mineral in section 613(c). Accordingly, for taxable years beginning after December 31, 1960, if a taxpayer desires that a particular process or processes applied by him (not otherwise provided for) be recognized as a mining process, a petition to amend the regulations to that effect must be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224. The petition must set forth concisely the reason for the request and be supported by a complete statement of the facts sufficient to permit a determination. In considering such petitions, the following factors shall ordinarily be taken into account:

(*a*) No process which is considered to be a nonmining process under the provisions of section 613(c)(5), or which is necessary or incidental to such a nonmining process, shall be designated as a mining process under section 613(c)(4)(C) or (H).

(*b*) No process shall be designated as a mining process which constitutes manufacturing or packaging, or the distribution or marketing of manufactured or packaged products, or which is necessary or incidental to any such manufacturing, packaging, distribution, or marketing process.

(*c*) No process shall be designated as a mining process which effects a substantial physical or chemical change in a crude mineral product, or which transforms a crude mineral product into a new or different mineral product, or into a refined or manufactured product.

(*d*) No process shall be designated as a mining process if the effect of such designation is to create discrimination against ordinary producers of the same kind of mineral who are not integrated into manufacturing operations. The test of nondiscrimination shall be applied by reference to the U.S. nationwide pattern of production in respect to the same kind of mineral, except that, in the case of a mineral industry in which the U.S. nationwide pattern of production is shown to be unrepresentative of the pattern of production of U.S. taxpayers in such industry, the test shall be applied by reference to the worldwide pattern of production by U.S. taxpayers in such industry.

(*e*) No process (other than loading for shipment) shall be designated as a mining process if it is applied to minerals which have already reached "shipping grade and form" (as defined in paragraph (f)(3)(iii) of this section).

(ii) Under the authority granted the Secretary or his delegate in section 613(c)(4)(H), and in accordance with the foregoing factors, the following processes, and the processes necessary or incidental thereto, are recognized as mining processes for taxable years beginning after December 31, 1960:

(*a*) In the case of shale or slate used, or sold for use, in the manufacture of building or paving brick, drainage and roofing tile, sewer pipe, flower pots, lightweight aggregates, and kindred products—crushing, grinding, and separating the shale or slate from waste, but not including any subsequent process.

(*b*) [Reserved]

(iii) Under the flexibility granted the Secretary or his delegate in section 613(c)(4)(C), and in accordance with the foregoing factors, the following processes, and the processes necessary or incidental thereto, are recognized as mining processes for taxable years beginning after December 31, 1960:

(*a*) In the case of sodium chloride (common salt) extracted from a solid deposit by solution mining (except sodium chloride brine used or sold for use in the production of chemicals or chemical products)—Where applied to bring the mineral to shipping grade and form (as defined in paragraph (f)(3)(iii) of this section), injection of water into the mineral deposit in the ground, pumping of brine to the surface, treatment of brine to remove minor impurities, processes to remove the water which was added to accomplish solution mining, so much mechanical screening as is necessary to produce those crude bulk salt products which are not sold to size specification, and loading of such products for shipment, but no subsequent process (such as additional screening, blending, packaging, pressing into blocks, or similar processes).

(*b*) In the case of sand or gravel—Where applied to bring the mineral to shipping grade and form (as defined in paragraph (f)(3)(iii) of this section), washing, crushing (but not coarse grinding) for the purpose of reducing sand or gravel in size, mechanical screening, drying (but, unless shown to be necessary under subdivision (iv)(*d*) of this subparagraph, not drying by thermal action), and loading for shipment, but no subsequent process.

(*c*) In the case of ball clay, bentonite, china clay, clay used or sold for its refractory properties, fullers earth, sagger clay, and other clays or shale (except clay or shale for which specific provision is made elsewhere in section 613 or this section)—Where applied to bring the mineral to shipping grade and form (as defined in paragraph (f)(3)(iii) of this section), crushing or shredding, and coarse grinding, performed for the purpose of reducing the mineral in size, drying (but, unless shown to be necessary under subdivision (iv)(*d*) of this subparagraph, not drying by thermal action), and loading for shipment, but not including fine grinding, or equivalent processes, or any other subsequent process. Mechanical screening of the product of an allowable crushing, shredding, or coarse grinding process shall be treated as mining if such screening is a necessary or incidental part of such crushing, shredding, or coarse grinding process.

(*d*) For taxable years beginning after the publication of this subdivision in the FEDERAL REGISTER as a Treasury decision, in the case of dolomite, granite, limestone, marble, and stone used or sold for use as broken or crushed stone products—Where applied to bring the mineral to shipping grade and form (as defined in paragraph (f)(3)(iii) of this section), crushing and coarse grinding performed for the purpose of reducing the mineral in size, washing, drying (but, unless shown to be necessary under subdivision (iv)(*d*) of this subparagraph, not drying by thermal action), and loading for shipment, but not including fine grinding, or equivalent processes, or any other subsequent process. Mechanical screening of the product of an allowable crushing or coarse grinding process shall be treated as mining if such screening is a necessary or incidental part of such crushing or coarse grinding process.

(*e*) In the case of bauxite—Where applied to bring to shipping grade and form (as defined in paragraph (f)(3)(iii) of this section), removal of overburden, extraction of the mineral from the ground, hand or mechanical sorting to eliminate waste (including sorting by mechanical screening), drying (including thermal drying) to the extent necessary to facilitate sorting (but not thermal drying for other purposes), and loading for shipment, but no subsequent process.

(*f*) In the case of minerals which are customarily sold in the form of a crude mineral product (other than the minerals listed in (*a*) through (*e*) of this subdivision) including aplite, asbestos, barite, brucite, celestite, corundum, diatomaceous earth, feldspar, gilsonite, graphite, gypsum, kyanite, mica, mollusk shells (except shells used in making cement), novaculite, olivine, peat, perlite, pumice, quartzite, quartz sand and pebbles used or sold for purposes dependent upon their chemical or refractory properties, rock asphalt, rock salt (halite), sandstone, slate (except slate for which specific provision is made elsewhere in section 613 or this section), soapstone, tripoli, vermiculite, wollastonite, and zircon—Where applied to bring the mineral to shipping grade and form (as defined in paragraph (f)(3)(iii) of this section), the specific processes named in section 613(c)(4)(C) (and any crushing and grinding processes necessary therefor), crushing (but not coarse grinding) performed for the purpose of reducing the mineral in size, washing, drying (but, unless shown to be necessary under subdivision (iv)(*d*) of this subparagraph, not drying by thermal action), and loading for shipment, but no subsequent process. Mechanical screening of the product of an allowable crushing or grinding process shall be treated as mining if such screening is a necessary or incidental part of such crushing or grinding process.

(*g*) In the case of minerals listed in (*a*) through (*f*) of this subdivision—Transportation of the mineral from the point of extraction from the ground to the plants or mills in which the mining processes listed in (*a*) through (*f*) of this subdivision are applied (within the limits as to distance set forth to section 613(c)(2)), provided that it is established to the satisfaction of the district director that it is clearly not feasible to apply such processes at the location where the mineral is extracted from the ground.

(iv) As used in section 613(c) and this section—

(*a*) The term "crushing" is used herein to describe, in general, a size reduction process applied to reduce large mineral lumps to a size that is determined by the setting of the size reduction machinery or equipment rather than by the amount of time the mineral remains in such equipment. A size reduction process wil be considered as crushing if the size reduction equipment is applied so as to reduce the mineral particles introduced into the equipment to a normal topsize of not less than 0.0555 inches, which is the size opening in a No. 14 screen (U.S. Standard Sieve Series), or to some larger normal topsize. A mineral product will be considered to have a normal topsize of 0.0555 inches if at least 98 percent of the product will pass through a No. 14 screen (U.S. Standard Sieve Series) provided that at least 5 percent of the product is retained on a No. 20 screen (U.S. Standard Sieve Series). Compliance with the normal topsize test may also be demonstrated by other tests which are shown to be rea-

sonable in the circumstances. This normal topsize test shall be applied to the product of the operation of each separate and distinct piece of size reduction equipment utilized (such as a double roll crusher) rather than to the final products for sale. The term "crushing" is sometimes referred to in the case of certain clays as "shredding". The term "crushing" includes the incidental production of fines as a byproduct of an allowable crushing process.

(b) As used herein, the term "coarse grinding" refers to size reduction processes used to reduce mineral particles to a normal topsize of not less than 0.0331 inch, which is the size opening in a No. 20 screen (U.S. Standard Sieve Series). A mineral product shall be considered to have a normal topsize of 0.0331 inch if at least 98 percent of the product will pass through a No. 20 screen (U.S. Standard Sieve Series), provided that at least 5 percent of the product is retained on a No. 30 screen (U.S. Standard Sieve Series). Compliance with the normal topsize test may also be demonstrated by other tests which are shown to be reasonable in the circumstances. This normal topsize test shall be applied to the product of the operation of each separate and distinct piece of size reduction equipment utilized (such as a hammer mill), rather than to the final products for sale.

(c) As used herein, the term "fine grinding" refers to size reduction processes which constitute fine pulverization. See paragraph (g)(6)(v) of this section for the definition of the term "fine pulverization".

(d) As used herein, the terms "necessary" and "incidental" have the meanings set forth in subparagraph (2)(iii) of this paragraph. Accordingly, if a taxpayer demonstrates that a particular process is necessary or incidental to a process named as a mining process in this subparagraph, such necessary or incidental process will also be considered a mining process, even though such process might otherwise be considered to be a nonmining process under section 613(c)(5) or paragraph (g) of this section. However, the rule set forth in the preceding sentence shall not apply in cases in which a particular process is applied for a significant purpose other than (or in addition to) the facilitation of a mining process. Accordingly, if a process functions in any significant degree as a necessary or incidental part of a nonmining process, such necessary or incidental process will be considered to be a nonmining process. For example, if a taxpayer demonstrates that a thermal drying process is necessary for the purpose of facilitating size reduction processing so that stone will pass through a screen with openings of 0.0331 inches (which is the size opening in a No. 20 screen (U.S. Standard Sieve Series)), such process may be treated as a mining process. However, a thermal drying process (including a thermal drying process described in the preceding sentence) shall not be considered to be a mining process if it appears that such process is also applied for a significant purpose which is unrelated to mining, such as, for example, preparation of certain stone for bagging, preparation of certain stone for recirculation through size reduction equipment to accomplish fine pulverization, separation of "minus No. 20 screen material" into various size fractions, or reclamation of fine materials produced as a byproduct when preparing other materials for the application of manufacturing processes by the taxpayer or a person controlling or controlled by the taxpayer.

(g) *Nonmining process.* • • •

(4) *Manufacturing, etc.* The production, packaging, distribution, and marketing of manufactured products, and the processes necessary or incidental thereto, are nonmining processes.

(5) *Transformation processes.* Processes which effect a substantial physical or chemical change in a crude mineral product, or which transforms a crude mineral product into new or different mineral products, or into refined or manufactured products, are nonmining processes, except to the extent that such processes are specifically designated as mining processes in section 613(c) or in paragraph (f) of this section.

(6) *Definitions.* As used in section 613(c)(5) and this section—

(i) The term "calcining" refers to processes used to expel the volatile portions of a mineral by the application of heat, as, for example, the burning of carbonate rock to produce lime, the heating of gypsum to produce plaster, or the heating of clays to reduce water of crystallization.

(ii) The term "thermal smelting" refers to processes which reduce or beneficiate ores or minerals by the application of heat, as, for example, the furnacing of copper concentrate, or the heating of iron pellets to eliminate a portion of the combined oxygen from the iron compounds in the pellets.

(iii) The term "refining" refers to processes (other than concentration processes) used to eliminate impurities or foreign matter from metallic and nonmetallic ores and minerals, as, for example, the refining of blister copper or the refining of clays to eliminate lignite, iron, or titanium. In general, a refining process is designed to achieve a high degree of purity by removing relatively small amounts of impurities or foreign matter from the ore or mineral which is subjected to the refining process, whereas a concentration process is designed to separate a valuable mineral from gangue material by removing substantial amounts of impurities or foreign matter, which frequently constitute the bulk of the mineral material subjected to the concentration process. Accordingly, if a process might be classified as either a refining process or a concentration process, and if the process removes impurities or foreign matter which constitute, by weight, less than 25 percent of the mineral material subjected to the process, such process shall be presumed to be a refining process within the scope of section 613(c)(5) and this paragraph, unless the taxpayer establishes to the satisfaction of the district director that such process is not properly classified as a refining process and that such process is properly classified as a concentration process. However, the preceding sentence shall not apply in the case of concentration processes which are specifically designated as mining processes in section 613(c) or paragraph (f) of this section. This subdivision shall not have application in the case of natural petroleum liquids or natural hydrocarbon gases.

(iv) The term "polishing" refers to processes used to smooth the surface of minerals, as, for example, sawing applied to finish rough cut blocks of stone, sand finishing, buffing, or otherwise smoothing blocks of stone.

(v) For taxable years beginning after the publication of this subdivision in the FEDERAL REGISTER as a Treasury decision, the term "fine pulverization" refers to any grinding or other size reduction process applied to reduce the normal topsize of a mineral product to less than 0.0331 inches, which is the size opening in a No. 20 Screen (U.S. Standard Sieve Series). A mineral product will be considered to have a normal topsize of 0.0331 inches if at least 98 percent of the product will pass through a No. 20 Screen (U.S. Standard Sieve Series), provided that at least 5 percent of the product is retained on a No. 30 Screen (U.S. Standard Sieve Series). Compliance with the normal topsize test may also be demonstrated by other tests which are shown to be reasonable in the circumstances. The normal topsize test shall be applied to the product of the operation of each separate and distinct piece of size reduction equipment utilized (such as a roller mill), rather than to the final products for sale. Fine pulverization includes the repeated recirculation of material through crushing or grinding equipment to accomplish fine grinding or fine pulverization. Separating or screening the product of a fine pulverization process for size (including separation by air flotation) shall be treated as a nonmining process.

(vi) The term "blending with other materials" refers to processes used to blend different kinds and grades of minerals with one another, as, for example, blending iodine with common salt for the purpose of producing iodized table salt.

(vii) The term "treatment effecting a chemical change" refers to processes (other than designated mining processes) which transform or modify the chemical composition of a crude mineral, as, for example, the coking of coal or the retorting of oil shale. The term also refers to processes (other than incidental use of chemicals in designated mining processes) which utilize chemicals to separate one mineral from another, or to clean or purify minerals, as, for example, the use of chemicals to produce magnesium compounds from brine, or to bleach kaolin.

(viii) The term "thermal action" refers to processes which involve the application of artificial heat to ores or minerals, such as, for example, the burning of bricks, the coking of coal, the retorting of oil shale, the expansion or popping of perlite, the exfoliation of vermiculite, the heat treatment of garnet, the kiln drying of bauxite, clay, diatomaceous earth, fuller's earth, sand, or stone to remove moisture, and the heating of shale, clay, or slate to produce lightweight aggregates.

(ix) As used in section 613(c)(5) and this paragraph, the terms "necessary" and "incidental" have the meanings set forth in paragraph (f)(2)(iii) of this section. If a process functions in any significant degree as a necessary or incidental part of a nonmining process, such necessary or incidental process will also be considered a nonmining process. The preceding sentence shall apply even though such necessary or incidental process may also facilitate a mining process.

• • • • •

(j) *Computation of gross income from the property by members of controlled groups.* When computing "gross income from the property" for percentage depletion purposes, the computation methods described in this section shall apply without regard to the form of business organization of the taxpayer or other members of a controlled group, and without regard to the prices established in transactions between members of a controlled group. See paragraph (a) of § 1.482–1 for the definitions of the terms "controlled" and "group". For example, if a producer of burnt lime purchases crushed limestone from an affiliated corporation after the application of only mining processes by such affiliated corporation, the "gross income from the property" with respect to such kiln feed shall be determined in accordance with the provisions of paragraph (c), (d)(1), or (d)(2) of this section, as appropriate, without regard to the intercompany sale. Further, if in applying section 482 it becomes necessary to determine the price of mineral product at the point at which the mining or extraction of such mineral product ends, the price for such product shall be determined under the provisions of this section. However, the preceding sentence shall not prevent the application of section 482 for purposes other than the determination of the price for a mineral product at the point at which mining or extraction ends. For example, the fact that the price for oil in the immediate vicinity of the wellhead is determined under the provisions of this section for purposes of sections 482 and 613 shall not prevent the application of section 482 to determine the price for such oil after it has been transported to a port.

PAR. 5. Section 1.613–4 is amended by revising paragraph (a) and adding a new paragraph (c). The amended and added provisions read as follows:

§ 1.613–4 Taxable income from the property.

(a) *General rule.* The term "taxable income from the property (computed without allowance for depletion)", as used in section 613 and this part, means "gross income from the property" as defined in section 613(c) and § 1.613–3, less all allowable deductions (excluding any deduction for depletion) which are attributable to extraction or mining processes, including mining transportation, with respect to which depletion is claimed. These deductible items include operating expenses, selling expenses, administrative and financial overhead, depreciation, taxes deductible under section 162 or 164, losses sustained, net operating loss deductions, intangible drilling and development costs, exploration and development expenditures, etc. See paragraph (c) of this section for special rules relating to discounts and to certain of these deductible items. Expenditures which may be attributable both to the mineral property upon which depletion is claimed and to other activities shall be properly apportioned to the mineral property and to such activities. Furthermore, where a taxpayer has more than one mineral property, deductions which are not directly attributable to a specific mineral property shall be properly apportioned among the several properties. In determining the taxpayer's taxable income from the property, the amount of any particular item to be taken into account shall be determined in accordance with the principles set forth in paragraph (d)(3) of § 1.613–3.

• • • • •

(c) *Treatment of particular items in computing taxable income from the property.* In determining taxable income from the property under the provisions of paragraph (a) of this section—

(1) Trade or cash discounts (or allowances determined to have the same effect as trade or cash discounts) which are actually allowed to the taxpayer in connection with the acquisition of property, supplies, or services shall not be included in the cost of such property, supplies, or services. Accordingly, only the actual net cost of such property, supplies, or services shall be taken into account when computing taxable income from the property. See paragraph (e)(1) of § 1.613–3 for additional rules relating to discounts.

(2) Intangible drilling and development costs which are deducted under section 263(c) and § 1.612–4 shall be subtracted from the gross income from the property when determining the taxpayer's taxable income from the property for purposes of section 613 and this section. For taxable years beginning after the publication of this subparagraph in the FEDERAL REGISTER as a Treasury decision, the amount of intangible drilling and development costs to be subtracted when determining taxable income from the property shall be computed without any reduction in such costs for bottom hole or dry hole contributions received.

(3) Exploration and development expenditures which are deducted for the taxable year under section 615, 616, or 617 shall be subtracted from the gross income from the property when determining the taxpayer's taxable income from the property for purposes of section 613 and this section.

(4) Selling expenses paid or incurred with respect to crude oil or gas or a raw material product shall be subtracted from gross income from the property when determining the taxpayer's taxable income from the property for purposes of section 613 and this section. In addition, a reasonable portion of the expenses of selling a refined, manufactured, or fabricated product shall also be subtracted from gross income from the property when determining the taxpayer's taxable income from the property. Such portion shall ordinarily be greater than zero, but not necessarily in proportion to other mining, extractive, nonmining, or post-extractive costs. For example, the selling expenses incurred by a producer of raw mineral products such as coal, iron ore, or crushed dolomite shall be subtracted from gross income from the property for purposes of this section. In addition, a reasonable portion of the selling expenses incurred by a producer of a refined, manufactured, or fabricated product such as cast iron pipe, gasoline, copper wire or bars, gypsum wallboard, calcined lime, cement, or brick and tile products shall also be subtracted from gross income from the property. For purposes of this subparagraph, a product will be considered to be a raw mineral product if it is sold under the conditions described in paragraph (b)(2) of § 1.613–3 or if only insubstantial value is added to the product by nonmining processes. For example, in the case of a producer of crushed granite poultry grit, both bulk and bagged grit will be deemed to be a raw mineral product for purposes of the selling expense rule set forth in this subparagraph. The term "selling expenses" includes sales management salaries, rent of sales offices, sales clerical expenses, salesmen's salaries, sales commissions and bonuses, advertising expenses, sales traveling expenses, and similar expenses, together with an allocable share of the costs of supporting services, but the term does not include delivery expenses.

(5) Taxes which are taken as a credit rather than as a deduction or which are capitalized shall not be subtracted from the gross income from the property when determining the taxpayer's taxable income from the property for purposes of section 613 and this section.

(6) Trade association dues paid or incurred by a producer of crude oil or gas or a raw mineral product shall be subtracted from the gross income from the property when determining the taxpayer's taxable income from the property for purposes of section 613 and this section. See subparagraph (4) of this paragraph for the definition of the term "raw mineral product". In addition, a reasonable portion of the trade association dues incurred by a producer of a refined, manufactured, or fabricated product shall also be subtracted from gross income from the property when determining the taxpayer's taxable income from the property. Such portion shall ordinarily be greater than zero, but not necessarily in proportion to other mining, extractive, nonmining, or post-extractive costs. The foregoing rule shall apply even though one of the principal purposes of

an association is to advise, promote, or assist in the production, marketing, or sale of refined, manufactured or fabricated products. For example, a reasonable portion of the trade association dues paid to an association which promotes the sale of cement, refined petroleum, or copper products shall be subtracted from gross income from the property when determining taxable income from the property.

(7) (i) If a net operating loss (including a loss which is attributable to extraction or mining to satisfy a production payment) is incurred in a taxable year beginning after the publication of this subparagraph in the FEDERAL REGISTER as a Treasury decision, a deduction under section 172 and § 1.172–1 which results from such net operating loss shall, to the extent that such loss is attributable to a particular mineral property, be subtracted from the gross income from that property when determining the taxpayer's taxable income from the property for purposes of section 613 and this section. In the case of a net operating loss carryback, any resulting change in allowable depletion and tax shall reduce the amount otherwise refundable or creditable as a result of such loss carryback. In the case of a net operating loss carryforward, the portion of the loss carried to a particular year which is attributable to a particular mineral property shall be taken into account for such year when computing the allowable depletion with respect to that property.

(ii) The provisions of this subparagraph may be illustrated by the following example:

Example. (a) A's sole income is from the production and sale of copper concentrate, which he mines at two separate mineral properties, the bases of which have been fully recovered through depletion. In 1972, A's gross income from mining is $200,000 for each property. In 1972, the mining costs (exclusive of depletion) for property No. 1 are $300,000, and the mining costs (exclusive of depletion) for property No. 2 are $100,000. Consequently, in 1972, A sustains a net operating loss which is entirely attributable to property No. 1. A wishes to carry this net operating loss back to 1969 under the provisions of section 172. In 1969, A's gross income from property No. 1 was $200,000, and his mining costs were $130,000. Accordingly, the 1969 percentage depletion deduction for property No. 1, as originally computed, was 15 percent of $200,000, or $30,000 (which was less than 50 percent of the $70,000 taxable income from that property, or $35,000).

(b) A's net operating loss carryback from 1972 is $30,000, computed in two steps as follows:

A'S INCOME AND DEPLETION FOR 1972

	Property No. 1	*Property No. 2*
Gross income from mining	$200,000	$200,000
Mining costs	(300,000)	(100,000)
Taxable income from the property (before any deduction for depletion)	(100,000)	100,000
Percentage depletion	0	30,000

COMPUTATION OF A'S NET OPERATING LOSS FOR 1972

Taxable income from property No. 2		$100,000
Less:		
Depletion with respect to property No. 2	$30,000	
Net operating loss on property No. 1	100,000	130,000
Net operating loss to be carried to 1969		(30,000)

(c) A's recomputed taxable income from property No. 1 in 1969, after taking the carryback from 1972 into account, is $40,000, computed as follows:

A'S RECOMPUTED 1969 TAXABLE INCOME FROM PROPERTY NO. 1

Gross income from mining		$200,000
Less:		
Net operating loss deduction from 1972 attributable to property No. 1	$30,000	
Prior costs incurred with respect to property No. 1	130,000	160,000
Recomputed taxable income from property No. 1 in 1969		40,000

(d) Accordingly, the percentage depletion deduction for property No. 1 in 1969 is limited to 50 percent of the $40,000 taxable income from the property, or $20,000, and the resulting change in allowable depletion for 1969 shall reduce the amount refundable or creditable with respect to such year as a result of the net operating loss carryback.

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Rules and Regulations

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart M—Organization

WASHINGTON HEADQUARTERS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 2.171 is amended to update the description of the Bureau of Medicine by revising the units listed thereunder to read as follows:

§ 2.171 Washington headquarters.

* * * * *

BUREAU OF MEDICINE

Office of Marketed Drugs:
- Division of Cardiopulmonary-Renal Drug Surveillance.
- Division of Metabolic-Endocrine Drug Surveillance.
- Division of Neuropharmacological Drug Surveillance.
- Division of Surgical-Dental Drug Surveillance.

Office of Medical Review:
- Division of Case Review.
- Division of Clinical Devices.
- Division of Hazardous Substances.
- Division of Medical Devices.

Office of Medical Support:
- Division of Drug Experience.
- Division of Medical Advertising.
- Division of Research and Liaison.
- Division of Scientific Investigations.
- Division of Statistics.

Office of New Drugs:
- Division of Anti-Infective Drugs.
- Division of Cardiopulmonary and Renal Drugs.
- Division of Dental and Surgical Adjuncts.
- Division of Metabolism and Endocrine Drugs.
- Division of Neuropharmacological Drugs.
- Division of Oncology and Radiopharmaceuticals.

* * * * *

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: July 18, 1968.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 68–8985; Filed, July 26, 1968; 8:47 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 15—CEREAL FLOURS AND RELATED PRODUCTS

Subpart A—Wheat Flour and Related Products

FLOUR; CONFIRMATION OF EFFECTIVE DATE OF ORDER AMENDING STANDARD REGARDING ASCORBIC ACID

In the matter of amending the standard of identity for flour, white flour, wheat flour, and plain flour (21 CFR 15.1) to list ascorbic acid as an optional ingredient:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of June 8, 1968 (33 F.R. 8485). Accordingly, the amendments promulgated by that order will become effective August 7, 1968.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: July 19, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–8982; Filed, July 26, 1968; 8:47 a.m.]

PART 27—CANNED FRUITS AND FRUIT JUICES

Diluted Fruit Juice Beverages; Order Staying Effective Date of Identity Standards

In the matter of establishing definitions and standards of identity for lemonade (§ 27.99), colored lemonade (§ 27.100), orange juice-drink (§ 27.120), orangeade (§ 27.121), orange drink (§ 27.122), canned pineapple-grapefruit juice-drink (§ 27.125), canned fruit nectars (§ 27.126), and limeade (§ 27.131):

In response to the orders in the above-identified matter published in the FEDERAL REGISTER of May 7, 1968 (33 F.R. 6862–66), objections were filed by adversely affected persons and requests made for a public hearing concerning among other things: (1) The labeling of the beverages, (2) the minimum percentage of equivalent single strength juice required, (3) the provision for and lack of provision for adding color, and (4) the omission of certain optional ingredients.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered*, That the effective date of §§ 27.99, 27.100, 27.120, 27.121, 27.122, 27.125, 27.126, and 27.131, the subject standards be stayed in their entirety pending resolution of the issues raised by the objections at a public hearing. An announcement scheduling the hearing and specifying the issues therefor will be published at a later date.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: July 19, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–8980; Filed, July 26, 1968; 8:47 a.m.]

[Docket No. FDC–76]

PART 46—NUT PRODUCTS

Peanut Butter, Definition and Standard of Identity; Findings of Fact, Conclusions, and Final Order

Correction

In F.R. Doc. 68–8812 appearing at page 10506 in the issue of Wednesday, July 24, 1968, the following correction should be made: On page 10509 in the third column, conclusion 5. should read as follows:

5. Partially defatted wheat germ is a safe and suitable seasoning ingredient for peanut butter.

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Trifluralin

A petition (PP 8F0721) was filed with the Food and Drug Administration by the Elanco Products Co., a division of Eli Lilly & Co., Indianapolis, Ind. 46206, proposing the establishment of tolerances for negligible residues of the herbicide trifluralin (α,α,α-trifluoro-2,6-dinitro-*N*,*N*-dipropyl-*p*-toluidine) in or on the raw agricultural commodity

groups nuts and stone fruits at 0.05 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner (21 CFR 2.120), § 120.207 is amended to establish the subject tolerances by revising the paragraph "0.05 part per million • • •" to read as follows:

§ 120.207 Trifluralin; tolerances for residues.

• • • • •

0.05 part per million (negligible residue) in or on alfalfa (fresh), cottonseed, cucurbits, forage legumes, fruiting vegetables, leafy vegetables, nuts, peanuts, potatoes, safflower seed, seed and pod vegetables, stone fruits, sugar beets, sugarcane, sunflower seed.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: July 19, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8984; Filed, July 26, 1968; 8:47 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Streptomycin

For the past 15 years streptomycin has been widely used early in the growing season on apples and pears for the control of fire blight. Registered uses were on the basis of no residues of this antibiotic substance being present at time of harvest as determined by an analytical method sensitive to 0.25 part per million. To replace the no-residue registration, a petition (PP 8F0693) was filed with the Food and Drug Administration by Chas. Pfizer & Co., 235 East 42d Street, New York, N.Y. 10017, and Merck and Co., Rahway, N.J. 07065, proposing the establishment of a tolerance of 0.25 part per million for negligible residues of the fungicide streptomycin in or on the raw agricultural commodity group pome fruits.

An Advisory Committee on the Veterinary Medical and Nonmedical Uses of Antibiotics in their report to the Food and Drug Administration in May 1966 recommended against the food preservation use of antibiotics used in human and veterinary medicine expect in unusual cases to solve serious problems. The Advisory Committee also stated that although no major public health problems have been reported from the agricultural use of antibiotics that incur no residues in food, the possibility should not be overlooked.

The Secretary of Agriculture has: (1) Certified that this pesticide chemical is useful for the purpose for which the tolerance is being established; (2) advised that certain commercial varieties of apples and pears are highly susceptible and are severely damaged by fire blight; and (3) advised that streptomycin is the only nonphytotoxic chemical that gives effective control.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the serious problem of fire blight control justifies this use of the antibiotic on pome fruits and that the tolerance established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner (21 CFR 2.120), Part 120 is amended by adding to Subpart C the following new section:

§ 120.245 Streptomycin; tolerances for residues.

A tolerance of 0.25 part per million is established for negligible residues of the fungicide streptomycin in or on the raw agricultural commodity group pome fruits for controlling fire blight.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: July 19, 1968.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 68-8983; Filed, July 26, 1968; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

FINISHES ON NYLON TWINE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8B2217) filed by E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, Del. 19898, and other relevant material, has concluded that the food additive regulations should be amended to provide for use of tetraethylene glycol di-(2-ethylhexoate) and polyethylene glycol (400) monolaurate as finishes on nylon twine used for tying meat. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart F the following new sections:

§ 121.2606 Tetraethylene glycol di-(2-ethylhexoate).

Tetraethylene glycol di-(2-ethylhexoate) containing not more than 22 parts per million ethylene and/or diethylene glycols may be used at a level not to exceed 0.7 percent by weight of twine as a finish on twine to be used for tying meat provided the twine fibers are produced from nylon resins complying with § 121.2502.

§ 121.2607 Polyethylene glycol (400) monolaurate.

Polyethylene glycol (400) monolaurate containing not more than 0.1 percent by weight of ethylene and/or diethylene glycol may be used at a level not to exceed 0.3 percent by weight of twine as a finish on twine to be used for tying meat provided the twine fibers are produced from nylon resins complying with § 121.2502.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 19, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8981; Filed, July 26, 1968; 8:47 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES: DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Carbon Tetrachloride; Stay of Effective Date of Order Classifying as Banned Hazardous Substance

In the matter of classifying carbon tetrachloride and mixtures containing it (including that used in fire extinguishers) as "banned hazardous substances" (21 CFR 191.9) within the meaning of section 2(q)(1)(B) of the Federal Hazardous Substances Act:

A notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of February 16, 1968 (33 F.R. 3076). Based on consideration given the comments received in response thereto, and other relevant information, the Commissioner of Food and Drugs published an order May 24, 1968 (33 F.R. 7685), adopting the proposal.

An objection requesting a hearing has been received from the Chemical Specialties Manufacturers Association, Inc., 50 East 41st Street, New York, N.Y. 10017, stating that the facts do not support the finding that notwithstanding cautionary labeling the degree or nature of the hazard involved in the presence or use of carbon tetrachloride or mixtures containing it in households is such that the public health and safety cannot be adequately protected, thus justifying classification of these products as banned hazardous substances.

The Commissioner concludes that the objection gives sufficient grounds for staying the order and granting a public hearing.

Therefore, pursuant to the provisions of said act (sec. 2(q)(1)(B), (2), 74 Stat. 372, 80 Stat. 1304; 15 U.S.C. 1261) and of the Federal Food, Drug, and Cosmetic Act (sec. 701(e), 52 Stat. 1055, as amended; 21 U.S.C. 371(e)), and under the authority delegated to the Commissioner (21 CFR 2.120): *It is ordered,* That the effective date of § 191.9(a)(2) be stayed pending the resolution of issues at a public hearing. An announcement scheduling the hearing and stating the issues therefor will be published at a later date.

(Secs. 2(q)(1)(B), (2), 74 Stat. 372, 80 Stat. 1304; 15 U.S.C. 1261; sec. 701(e), 52 Stat. 1055, as amended; 21 U.S.C. 371(e))

Dated: July 15, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8979; Filed, July 26, 1968; 8:47 a.m.]

Title 25—INDIANS

Chapter III—Indian Claims Commission

PART 500—STANDARDS OF CONDUCT

Outside Employment, Off-Job Activity

JULY 22, 1968.

Pursuant to Federal Personnel Manual Letter No. 735-4, the following amendments are made to Title 25, Chapter III, Code of Federal Regulations:

§ 500.735-105 Outside employment, off-job activity.

• • • • • •

(c) Employees are encouraged to engage in teaching, lecturing and writing that is not prohibited by law, the Executive order, this part, or by agency regulations. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Commission or Board of Examiners for the Foreign Service, that depends on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the agency head gives written authorization for use of nonpublic information on the basis that the use is in the public interest. In addition, an employee who is a Presidential appointee covered by section 401(a) of the Executive Order 11408 of April 25, 1968, shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to the responsibilities, programs, or operations of his agency, or which draws substantially on official data or ideas which have not become part of the body of public information.

(d) [Revoked]

• • • • • •

JOHN T. VANCE,
Chairman.

[F.R. Doc. 68-8978; Filed, July 26, 1968; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

EQUAL OPPORTUNITY IN EMPLOYMENT

This amendment of the Federal Procurement Regulations revises Subpart 1-12.8, Equal Opportunity in Employment, in its entirety. The amendment reflects the Secretary of Labor's May 21, 1968, revision of 41 CFR Part 60-1 (33 F.R. 7804, May 28, 1968) pertaining to the obligations of contractors and subcontractors regarding equal opportunity in employment. Editorial changes in Part 1-16, Procurement Forms, also are included.

PART 1-12—LABOR

Part 1-12 is amended by the revision of Subpart 1-12.8, as follows:

Subpart 1-12.8—Equal Opportunity in Employment

Sec.	
1-12.800	Scope of subpart.
1-12.801	General.
1-12.802	Definitions.
1-12.803	Basic requirements.
1-12.803-1	Government contracts.
1-12.803-2	Equal Opportunity clause.
1-12.803-3	Federally assisted construction contracts.
1-12.803-4	Equal Opportunity (Applicant) clause.
1-12.803-5	Subcontracts.
1-12.803-6	Adaptation of language.
1-12.803-7	Incorporation by reference.
1-12.803-8	Incorporation by operation of the order and agency regulations.
1-12.803-9	Notice to bidders regarding preaward equal opportunity compliance reviews.
1-12.803-10	Elimination of segregated facilities.
1-12.804	Exemptions.
1-12.804-1	General.
1-12.804-2	Specific contracts.
1-12.804-3	Facilities not connected with contracts.
1-12.804-4	Effect of exemption.
1-12.804-5	Withdrawal of exemption.
1-12.805	Administration.
1-12.805-1	Duties of agencies.
1-12.805-2	Educational responsibility.
1-12.805-3	Notices to be posted.
1-12.805-4	Reports and other required information.
1-12.805-5	Compliance reviews.
1-12.805-6	Complaints.
1-12.805-7	Processing of matters by agencies.
1-12.805-8	Assumption of jurisdiction by or referrals to the Director.
1-12.805-9	Sanctions and penalties.
1-12.805-10	Disputed matters related to the equal opportunity program.
1-12.805-11	Preaward notices.
1-12.806	[Reserved]

Sec.
1–12.807 Hearings.
1–12.807–1 General.
1–12.807–2 Informal hearings.
1–12.807–3 Formal hearings.
1–12.808 Reinstatement of ineligible contractors or subcontractors.
1–12.809 Intimidation and interference.
1–12.810 Affirmative action compliance programs.
1–12.811 Access to records of employment.
1–12.812 Rulings and interpretations.
1–12.813 Solicitations or advertisements for employees.
1–12.814 Existing contracts and subcontracts.

AUTHORITY: The provisions of this Subpart 1–12.8 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 1–12.8—Equal Opportunity in Employment

§ 1–12.800 Scope of subpart.

This subpart sets forth policies and procedures for carrying out the requirements of Executive Order No. 11246 of September 24, 1965 (30 F.R. 12319), Executive Order No. 11375 of October 13, 1967 (32 F.R. 14303), and the rules and regulations of the Secretary of Labor (33 F.R. 7804). The provisions of the subpart shall be employed by agencies with respect to Government contracts and subcontracts and may be adopted by agencies for use in connection with programs involving Federal assistance.

§ 1–12.801 General.

(a) Executive Order No. 11246 sets forth policies regarding equal employment opportunity. It provides in section 201 that "the Secretary of Labor shall be responsible for the administration of Parts II and III of this Order and shall adopt such rules and regulations and issue such orders as he deems necessary and appropriate to achieve the purposes thereof." Parts II and III of the order concern "Nondiscrimination in Employment by Government Contractors and Subcontractors" and "Nondiscrimination Provisions in Federally Assisted Construction Contracts," respectively.

(b) The regulations of the Secretary of Labor (see § 1–12.800) apply to all contracting agencies of the Government and to contractors and subcontractors who perform under Government contracts, to the extent set forth in Chapter 60, Part 1, Obligations of Contractors and Subcontractors, of this title. The regulations also apply to all agencies of the Government administering programs involving Federal financial assistance which may include a construction contract, and to all contractors and subcontractors performing under construction contracts which are related to any such programs. The procedures set forth in those regulations govern all disputes relative to a contractor's compliance with his obligations under the equal opportunity clause regardless of whether or not his contract contains a "Disputes" clause (see § 1–12.805–10).

(c) The rights and remedies of the Government under the rules and regulations of the Secretary of Labor are not exclusive and do not affect rights and remedies provided elsewhere by law, regulation, or contract; neither do the regulations limit the exercise by the Secretary or Government agencies of powers not therein specifically set forth, but granted to them by the order.

(d) The functions vested in the Secretary of Labor by Executive Order No. 11246 were previously exercised by the President's Committee on Equal Employment Opportunity pursuant to Executive Order No. 10925 of March 6, 1961, and Executive Order No. 11114 of June 22, 1963 (3 CRF, 1959–1963 comp., pages 448 and 774, respectively). The rules and regulations prescribed by the committee in Part 60–1 of this title for the administration of those orders were adopted by the Secretary of Labor on October 24, 1965 (30 F.R. 13441), pending the promulgation of revised rules and regulations. Such revised rules and regulations subsequently were adopted by the Secretary of Labor (see § 1–12.800).

§ 1–12.802 Definitions.

As used in this subpart, the following terms have the meanings stated.

(a) "Administering agency" means any department, agency, and establishment in the executive branch of the Government, including any wholly owned Government corporation, which administers a program involving federally assisted construction contracts.

(b) "Agency" means any contracting or any administering agency of the Government.

(c) "Applicant" means an applicant for Federal assistance involving a construction contract or other participant in a program involving a construction contract as determined by regulation of an administering agency. The term also includes such persons after they become recipients of such Federal assistance.

(d) "Compliance agency" means the agency designated by the Director on a geographical, industry, or other basis to conduct compliance reviews and to undertake such other responsibilities in connection with the administration of the order as the Director may determine to be appropriate. In the absence of such a designation, the compliance agency will be determined as follows:

(1) In the case of a prime contractor not involved in construction work, the compliance agency will be the agency whose contracts with the prime contractor have the largest aggregate dollar value;

(2) In the case of a subcontractor not involved in construction work, the compliance agency will be the compliance agency of the prime contractor with which the subcontractor has the largest aggregate value of subcontracts or purchase orders for the performance of work under contracts;

(3) In the case of a prime contractor or subcontractor involved in construction work, the compliance agency for each construction project will be the agency providing the largest dollar value for the construction project; and

(4) In the case of a contractor who is both a prime contractor and subcontractor, the compliance agency will be determined as if such contractor is a prime contractor only.

(e) "Construction work" means the construction, rehabilitation, alteration, conversion, extension, demolition, or repair of buildings, highways, or other changes or improvements to real property, including facilities providing utility services. The term also includes the supervision, inspection, and other on-site functions incidental to the actual construction.

(f) "Contract" means any Government contract or any federally assisted construction contract.

(g) "Contracting agency" means any department, agency, establishment, or instrumentality in the executive branch of the Government, including any wholly owned Government corporation, which enters into contracts.

(h) "Contractor" means, unless otherwise indicated, a prime contractor or subcontractor.

(i) "Director" means the Director, Office of Federal Contract Compliance, U.S. Department of Labor, or any person to whom he delegates authority under these regulations.

(j) "Equal Opportunity clause" means the contract provisions set forth in § 1–12.803–2 or § 1–12.803–4, as appropriate.

(k) "Federally assisted construction contract" means any agreement, or modification thereof, between any applicant and a person for construction work which is paid for, in whole or in part, with funds obtained from the Government or borrowed on the credit of the Government pursuant to any Federal program involving a grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, or any application or modification thereof approved by the Government for a grant, contract loan, insurance, or guarantee under which the applicant itself participates in the construction work.

(l) "Government" means the Government of the United States of America.

(m) "Government contract" means any agreement, or modification thereof, between any contracting agency and any person for the furnishing of supplies or services or for the use of real or personal property, including lease arrangements. The term "services," as used in this paragraph (m) includes, but is not limited to, the following services: Utility, construction, transportation, research, insurance, and fund depositary. The term "Government contract" does not include (1) agreements in which the parties stand in the relationship of employer and employee, (2) federally assisted construction contracts, and (3) contracts for the sale of real and personal property by the Government.

(n) "Hearing officer" means the individual or board of individuals designated to conduct hearings.

(o) "Modification" means any alteration in the terms and conditions of a contract, including supplemental agreements, amendments, and extensions.

(p) "Order" means Parts II, III, and IV of Executive Order No. 11246 of September 24, 1965 (30 F.R. 12319), any Executive order amending such order, and any other Executive order superseding such order.

(q) "Person" means any natural person, corporation, partnership, unincorporated association, State or local government, and any agency, instrumentality, or subdivision of such a government.

(r) "Prime contractor" means any person holding a contract and, for the purposes of §§ 1–12.805–5 through 1–12.805–11 and § 1–12.807, any person who has held a contract subject to the order.

(s) "Recruiting and training agency" means any person who refers workers to any contractor, or subcontractor, or who provides or supervises apprenticeship or training for employment by any contractor or subcontractor.

(t) "Rules, regulations, and relevant orders of the Secretary of Labor" as used in the Equal Opportunity clause means rules, regulations, and relevant orders of the Secretary of Labor, or his designee, issued pursuant to the order.

(u) "Secretary" means the Secretary of Labor, U.S. Deparment of Labor.

(v) "Site of construction" means the general physical location of any building, highway, or other change or improvement to real property which is undergoing construction, rehabilitation, alteration, conversion, extension, demolition, or repair, and any temporary location or facility at which a contractor, subcontractor, or other participating party meets a demand or performs a function relating to the contract or subcontract.

(w) "Subcontract" means any agreement or arrangement between a contractor and any person (in which the parties do not stand in the relationship of an employer and an employee):

(1) For the furnishing of supplies or services or for the use of real or personal property, including lease arrangements, which, in whole or in part, is necessary to the performance of any one or more contracts; or

(2) Under which any portion of the contractor's obligation under any one or more contracts is performed, undertaken, or assumed.

(x) "Subcontractor" means any person holding a subcontract and, for the purposes of §§ 1–12.805–5 through 1–12.805–11 and § 1–12.807, any person who has held a subcontract subject to the order. The term "first-tier subcontractor" refers to a subcontractor holding a subcontract with a prime contractor.

(y) "United States" as used herein shall include the States, the District of Columbia, the Commonwealth of Puerto Rico, the Panama Canal Zone, and the possessions of the United States.

§ 1–12.803 Basic requirements.

§ 1–12.803–1 Government contracts.

Except as otherwise provided, each contracting agency shall include the Equal Opportunity clause prescribed in § 1–12.803–2 in each of its Government contracts (including modifications thereof).

§ 1–12.803–2 Equal Opportunity clause.

EQUAL OPPORTUNITY [1]

(The following clause is applicable unless this contract is exempt under the rules, regulations, and relevant orders of the Secretary of Labor (41 CFR, ch. 60).)

During the performance of this contract, the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this Equal Opportunity clause.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(c) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency Contracting Officer, advising the labor union or workers' representative of the Contractor's commitments under this Equal Opportunity clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Contractor's noncompliance with the Equal Opportunity clause of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended, in whole or in part, and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The Contractor will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however*, That in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

[1] On and after Oct. 14, 1968, the term "race, color, religion, sex, or national origin" is substituted for the term "race, creed, color, or national origin," as provided by Executive Order No. 11375, Oct. 13, 1967 (32 F.R. 14303).

§ 1–12.803–3 Federally assisted construction contracts.

Except as otherwise provided, each administering agency shall require the inclusion of the Equal Opportunity (Applicant) clause prescribed in § 1–12.803–4 as a condition of any grant, contract, loan, insurance, or guarantee involving federally assisted construction which is not exempt from the requirements of the Equal Opportunity (Federally Assisted Construction) clause contained therein.

§ 1–12.803–4 Equal Opportunity (Applicant) clause.

EQUAL OPPORTUNITY (APPLICANT)

(a) The applicant hereby agrees to incorporate, or cause to be incorporated, into any contract for construction work, or modification thereof, as defined in the rules and regulations of the Secretary of Labor at 41 CFR, Chapter 60, which is paid for, in whole or in part, with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the following Equal Opportunity (Federally Assisted Construction) clause:

EQUAL OPPORTUNITY [1] (FEDERALLY ASSISTED CONSTRUCTION)

During the performance of this contract, the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this Equal Opportunity (Federally Assisted Construction) clause.

(b) The Contractor will, in all solicitations or advertisements for employees placed by

[1] On and after Oct. 14, 1968, the term "race, color, religion, sex, or national origin" is substituted for the term "race, creed, color, or national origin," as provided by Executive Order No. 11375, Oct. 13, 1967 (32 F.R. 14303).

or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(c) The Contractor will send to each labor union or representative of workers, with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representative of the Contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Contractor's noncompliance with the Equal Opportunity (Federally Assisted Construction) clause of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended, in whole or in part, and the Contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as provided by law.

(g) The Contractor will include this Equal Opportunity (Federally Assisted Construction) clause in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however,* That in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

(h) The applicant further agrees that it will be bound by the above Equal Opportunity (Federally Assisted Construction) clause with respect to its own employment practices when it participates in federally assisted construction work: *Provided, however,* That if the applicant so participating is a State or local government, the above Equal Opportunity (Federally Assisted Construction) clause is not applicable to any agency, instrumentality, or subdivision of such government which does not participate in work on or under the contract.

(i) The applicant agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of Contractors and subcontractors with the Equal Opportunity (Federally Assisted Construction) clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.

(j) The applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order No. 11246 of September 24, 1965, with a Contractor debarred from, or who has not demonstrated eligibility for, Government contracts and Federally assisted construction contracts pursuant to the Executive order and will carry out such sanctions and penalties for violation of the Equal Opportunity (Federally Assisted Construction) clause as may be imposed upon Contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D, of the Executive order. In addition, the applicant agrees that if it fails or refuses to comply with these undertakings the administering agency may take any or all of the following actions: Cancel, terminate, or suspend, in whole or in part, this grant [contract, loan, insurance, guarantee]; refrain from extending any further assistance to the applicant under the program with respect to which its failure or refusal occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the Department of Justice for appropriate legal proceedings.

§ 1–12.803–5 Subcontracts.

(a) Each nonexempt prime contractor and subcontractor under a Government contract shall include the Equal Opportunity clause prescribed in § 1–12.803–2 in each of their nonexempt subcontracts.

(b) Each nonexempt prime contractor and subcontractor under a federally assisted construction contract shall include in each of their nonexempt subcontracts the Equal Opportunity (Federally Assisted Construction) clause contained in the Equal Opportunity (Applicant) clause prescribed in § 1–12.803–4.

§ 1–12.803–6 Adaptation of language.

Such necessary changes in language may be made in the Equal Opportunity clause (see § 1–12.803–2 and 1–12.803–4) as shall be appropriate to identify properly the parties and their undertakings.

§ 1–12.803–7 Incorporation by reference.

The Equal Opportunity clause may be incorporated by reference in Government bills of lading, transportation requests, contracts for deposit of Government funds, contracts for issuing and paying U.S. savings bonds and notes, contracts and subcontracts less than $50,000, and such other contracts as the Director may designate.

§ 1–12.803–8 Incorporation by operation of the order and agency regulations.

By operation of the order, the Equal Opportunity clause shall be considered to be a part of every contract and subcontract required by the order and the regulations in this part to include such a clause whether or not it is physically incorporated in such contracts. The clause may also be applied by agency regulations to every nonexempt contract where there is no written contract between the agency and the contractor.

§ 1–12.803–9 Notice to bidders regarding preaward equal opportunity compliance reviews.

The following notice (see § 1–12.805–5(d)) shall be included in the invitation for bids for each formally advertised supply contract which may result in an award of $1 million or more:

PREAWARD EQUAL OPPORTUNITY COMPLIANCE REVIEWS

Where the bid of the apparent low responsible bidder is in the amount of $1 million or more, the bidder and his known first-tier subcontractors which will be awarded subcontracts of $1 million or more will be subject to full, preaward equal opportunity compliance reviews before the award of the contract for the purpose of determining whether the bidder and his subcontractors are able to comply with the provisions of the Equal Opportunity clause.

§ 1–12.803–10 Elimination of segregated facilities.[2]

(a) Prime contractors, subcontractors, and applicants subject to the Equal Opportunity clause must ensure that the facilities provided for employees are provided in a manner that segregation on the basis of race, creed, color, or national origin cannot result. They may neither require such segregated use by explicit directives nor tolerate such use by employee custom. The obligation extends further to ensuring that employees are not assigned to perform their services at any location under the prime contractor's, subcontractor's, or applicant's (where he is himself performing federally assisted construction) control where the facilities are segregated. Such segregation at any facility provided by a prime contractor, subcontractor, or applicant is an unacceptable failure to comply with the contractor's equal opportunity obligations. Discharge of this obligation in no way whatsoever diminishes or relieves a prime contractor, subcontractor, or applicant of his responsibility to carry out fully the other nondiscrimination and affirmative action requirements of his contract.

(b) The notice to bidders prescribed in § 1–2.201(a)(29) of this chapter shall be included in invitations for bids. A similar provision shall be included in requests for proposals.

(c) Agencies shall make appropriate provision for the giving of the notice prescribed by this paragraph (c) to, and for its inclusion in agreements with applicants which may involve federally assisted construction contracts and related subcontracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause. The notice to be included in agreements with applicants is as follows:

NOTICE TO APPLICANTS OF REQUIREMENT FOR CERTIFICATIONS OF NONSEGREGATED FACILITIES

(a) A Certification of Nonsegregated Facilities must be submitted by the applicant prior to any agreement for Federal financial assistance where the applicant will himself perform a federally assisted construction contract exceeding $10,000 which is not exempt from the provisions of the Equal Opportunity clause.

(b) Applicants for Federal assistance shall notify prospective federally assisted construction contractors of the Certification of Nonsegregated Facilities required, as follows:

NOTICE TO PROSPECTIVE FEDERALLY ASSISTED CONSTRUCTION CONTRACTORS

(a) A Certification of Nonsegregated Facilities must be submitted prior to the award of a federally assisted construction contract exceeding $10,000 which is not exempt from the provisions of the Equal Opportunity clause.

(b) Contractors receiving federally assisted construction contract awards exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause will be required to provide for the forwarding of the following notice to prospective subcontractors for supplies and construction contracts where the subcontracts exceed $10,000 and are not exempt from the provisions of the Equal Opportunity clause.

NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENT FOR CERTIFICATIONS OF NONSEGREGATED FACILITIES

(a) A Certification of Nonsegregated Facilities must be submitted prior to the award of a subcontract exceeding $10,000 which is not exempt from the provisions of the Equal Opportunity clause.

(b) Contractors receiving subcontract awards exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause will be required to provide for the forwarding of this notice to prospective subcontractors for supplies and construction contracts where the subcontracts exceed $10,000 and are not exempt from the provisions of the Equal Opportunity clause.

(d) Agencies shall include a requirement for a certification of nonsegregated facilities in their (1) invitation for bids, (2) requests for proposals, (3) modifications of contracts (in the absence of a certification), (4) contracts resulting from unsolicited proposals, (5) federally assisted construction contracts of applicants, and (6) agreements with applicants. Pursuant to this requirement, bidders, offerors, recipients of contract awards and contract modifications, applicants performing federally assisted construction contracts, federally assisted construction contractors, and their respective subcontractors, shall submit the certification prescribed by this paragraph (d) in connection with their bids, proposals, contracts, contract modifications, and agreements where awards and agreements may result in contracts and subcontracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause. Certifications shall be individually signed except where the certification is executed by reason of the signature on the bid or offer (see § 1–2.201(a)(29) of this chapter). The certifications submitted by subcontractors shall be retained in the files of the prime contractor or subcontractor receiving the certification. Where a prime contractor or subcontractor does business with a concern on a continuing basis, a single certification may be submitted periodically (quarterly, semiannually, or annually) rather than with each transaction.

[2] On and after Oct. 14, 1968, the term "race, color, religion, or national origin" is substituted for the term "race, creed, color, or national origin."

(1) Certification to be submitted by (i) bidders, (ii) offerors, (iii) contractors, (iv) subcontractors, and (v) applicants who are themselves performing federally assisted construction contracts:

CERTIFICATION OF NONSEGREGATED FACILITIES

(Applicable to (1) contracts, (2) subcontracts, and (3) agreements with applicants who are themselves performing federally assisted construction contracts, exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause.)

By the submission of this bid, the bidder, offeror, applicant, or subcontractor certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The bidder, offeror, applicant, or subcontractor agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin, because of habit, local custom, or otherwise. He further agrees that (except where he has obtained identical certifications from proposed subcontractors for specific time periods) he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause; that he will retain such certifications in his files; and that he will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods):

NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENT FOR CERTIFICATIONS OF NONSEGREGATED FACILITIES

A Certification of Nonsegregated Facilities must be submitted prior to the award of a subcontract exceeding $10,000 which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).

NOTE: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

(2) Certification to be submitted by federally assisted construction contractors of applicants and their subcontractors:

CERTIFICATION OF NONSEGREGATED FACILITIES

(Applicable to federally assisted construction contracts and related subcontracts exceeding $10,000 which are not exempt from the Equal Opportunity clause.)

The federally assisted construction contractor certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The federally assisted construction contractor certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The federally assisted construction contractor agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, timeclocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin, because of habit, local custom, or otherwise. The federally assisted construction contractor agrees that (except where he has obtained identical certifications from proposed subcontractors for specific time periods) he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause, and that he will retain such certifications in his files.

NOTE: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

(e) The failure of a prime contractor or subcontractor to comply with the terms of his Certification of Nonsegregated Facilities or with the terms of the Equal Opportunity clause as construed by paragraph (a) of this section shall be a ground for termination or cancellation of contracts or subcontracts as provided in § 1–12.805–9.

§ 1–12.804 Exemptions.

§ 1–12.804–1 General.

Contracts and subcontracts are exempt from the requirements of the Equal Opportunity clause as provided in this section.

(a) *Transactions of $10,000 or under.* Contracts and subcontracts not exceeding $10,000, other than Government bills of lading, are exempt. In determining the applicability of this exemption to any federally assisted construction contract, or subcontract thereunder, the amount of such contract or subcontract rather than the amount of the Federal financial assistance shall govern. No agency, contractor, or subcontractor shall procure supplies or services in less than usual quantities to avoid applicability of the Equal Opportunity clause.

(b) *Contracts and subcontracts for indefinite quantities.* Contracts and subcontracts for indefinite quantities (including, but not limited to, open-end contracts, requirement-type contracts, Federal Supply Schedule contracts, call-type contracts, and purchase notice agreements) shall include the Equal Opportunity clause unless the purchaser has reason to believe that the amount to be ordered in any year under such contract will not exceed $10,000. The applicability of the Equal Opportunity clause shall be determined by the purchaser at the time of award for the first year, and annually thereafter for succeeding years, if any. Notwithstanding

the above, the Equal Opportunity clause shall be applied to such contract whenever the amount of a single order exceeds $10,000. Once the Equal Opportunity clause is determined to be applicable, the contract shall continue to be subject to such clause for its duration, regardless of the amounts ordered, or reasonably expected to be ordered in any year.

(c) *Work outside the United States.* Contracts and subcontracts are exempt from the requirements of the Equal Opportunity clause with regard to work performed outside the United States by employees who were not recruited within the United States.

(d) *Contracts with State or local governments.* The requirements of the Equal Opportunity clause in any contract or subcontract with a State or local government (or any agency, instrumentality, or subdivision thereof) shall not be applicable to any agency, instrumentality, or subdivision of such government which does not participate in work on or under the contract or subcontract. In addition, State and local governments are exempt from the requirements of filing the annual compliance report provided for by § 1–12.805–4 and maintaining a written affirmative action compliance program prescribed by § 1–12.810.

(e) *National security.* Any requirement set forth in the regulations in this subpart shall not apply to any contract or subcontract whenever the head of the agency determines that such contract or subcontract is essential to the national security and that its award without complying with such requirement is necessary to the national security. Upon making such a determination, the head of the agency shall notify the Director in writing within 30 days.

(f) *Sales contracts.* Contracts providing for the sale of Government real and personal property are exempt from the requirements of the Equal Opportunity clause by reason of the definition of the term "Government contract" (see § 1–12.802(m)).

§ 1–12.804–2 Specific contracts.

The Director may exempt any agency or any person from requiring the inclusion of any or all of the Equal Opportunity clause in any specific contract, or subcontract, when he deems that special circumstances in the national interest so require. The Director may also exempt groups or categories of contracts or subcontracts of the same type where he finds it impracticable to act upon each request individually or where group exemptions will contribute to convenience in the administration of the order.

§ 1–12.804–3 Facilities not connected with contracts.

The Director may exempt from the requirements of the Equal Opportunity clause any of a prime contractor's or subcontractor's facilities which he finds to be in all respects separate and distinct from the activities of the prime contractor, or subcontractor, related to the performance of the contract, or subcontract, provided that he also finds that such an exemption will not interfere with or impede the effectuation of the order.

§ 1–12.804–4 Effect of exemption.

Notwithstanding the inclusion in any contract or subcontract of the Equal Opportunity clause, the contractor or subcontractor shall be exempt from compliance therewith if the contract or subcontract containing such a clause is exempt.

§ 1–12.804–5 Withdrawal of exemption.

When any contract or subcontract is of a class exempted under this § 1–12.804, the Director may withdraw the exemption for a specific contract, or subcontract, or group of contracts or subcontracts when in his judgment such action is necessary or appropriate to achieve the purposes of the order. Such withdrawal shall not apply to contracts or subcontracts awarded prior to the withdrawal except that in procurements entered into by formal advertising, or the various forms of restricted formal advertising, such withdrawal shall not apply unless the withdrawal is made more than 10 calendar days before the date set for the opening of bids.

§ 1–12.805 Administration.

§ 1–12.805–1 Duties of agencies.

(a) *General responsibility.* Each agency shall be primarily responsible for obtaining compliance with the Equal Opportunity clause, the order, the regulations of the Secretary of Labor, and orders issued pursuant thereto. Each agency shall cooperate with the Director and shall furnish him such information and assistance as he may require in the performance of his functions under the order. Such information shall include compliance review reports, schedules of compliance reviews, and any other information relevant to the administration of the order.

(b) *Agency programs.* The head of each agency shall, subject to the prior approval of the Director, establish a program and promulgate procedures to carry out the agency's responsibilities for obtaining compliance with the order and regulations and orders issued pursuant thereto. Each agency head shall also designate a Contract Compliance Officer, who (unless otherwise approved by the Director) shall be appointed by the head of the agency from among the agency's executive personnel to whom the Executive Schedule applies, and such officer shall be subject to the immediate supervision of the head of the agency. All compliance reviews required pursuant to this Subpart 1–12.8 and such other compliance reviews as the Contract Compliance Officer determines to be appropriate shall be conducted by him or his designee. The head of the agency or the Contract Compliance Officer may also designate a Deputy Contract Compliance Officer and Assistant Compliance Officers to assist the Contract Compliance Officer in the performance of his duties. The names of the Contract Compliance Officers and the Deputy Contract Compliance Officers, their addresses, and telephone numbers, and any changes made in their designation shall be furnished to the Director.

(c) *Agency regulations.* Agency implementation and supplementation of and deviations from this subpart shall be submitted to the Director for review and approval prior to issuance and may be enforced upon approval of the Director, or 60 days after submission if not disapproved by the Director. Deviations from this subpart so submitted to the Director will be deemed to satisfy the requirements of § 1–1.009 of this chapter.

(d) *Award of contracts.* Sixty days after the effective date (July 1, 1968) of the rules, regulations, and relevant orders of the Secretary of Labor, each agency shall follow the procedures described in this paragraph (d) before the award of any nonexempt contract, unless agency regulations providing alternative procedures have been issued or are under review by the Director, in accordance with paragraph (c) of this § 1–12.805–1. Such alternative procedures may include monetary cutoffs and other limitations consistent with the agency resources and contracting processes.

(1) All contracting officers and officers approving applications for Federal financial assistance involving a construction contract shall notify the Contract Compliance Officer or appropriate Deputy or Assistant as soon as practicable of the impending award of each nonexempt contract, the name and address of the prime contractor, anticipated time of performance, name and address of each known subcontractor, whether the prime contractor and known subcontractors have previously held any Government contracts or federally assisted construction contracts subject to Executive Orders No. 10925, 11114, or 11246, and whether the prime contractor has previously filed compliance reports required by Executive Orders No. 10925, 11114, or 11246, or by regulations of the Equal Employment Opportunity Commission issued pursuant to Title VII of the Civil Rights Act of 1964.

(2) The Contract Compliance Officer or appropriate Deputy or Assistant shall review the available information relative to the prospective prime contractor's equal opportunity compliance status and notify the contracting officer or approving officer of any deficiencies found to exist. A copy of such report shall be forwarded to the Director.

(3) Contracting officers or approving officers shall: (i) Notify the bidder, offeror, or applicant of any deficiencies found to exist by the Contract Compliance Officer (or appropriate Deputy or Assistant), and (ii) direct any bidder, offeror, or applicant so notified to negotiate with the Contract Compliance Officer (or appropriate Deputy or Assistant), and to take such actions as he may require.

(4) The award of any such contract shall be conditioned upon the Contract Compliance Officer's (or appropriate Deputy's or Assistant's) notification to the contracting officer or approving officer that the bidder, offeror, or applicant has taken action or has agreed to take action satisfactory to the Contract Compliance Officer (or appropriate Deputy or Assistant), or the head of the agency as provided in this Subpart 1–12.8. Any such agreement to take action shall be stated in the contract, if the Contract Compliance Officer (or appropriate Deputy or Assistant) so requires.

(e) *Evaluations.* The Director may, from time to time, evaluate the programs, procedures, and policies of agencies in order to assure their compliance with the order and these regulations and the compliance of prime contractors and subcontractors with the Equal Opportunity clause.

§ 1–12.805–2 Educational responsibility.

(a) Contracting officers and other personnel concerned with procurement shall be apprised of their responsibilities for obtaining compliance with the Equal Opportunity clause.

(b) The agency shall publicize the equal opportunity policy to prospective bidders and contractors, and shall make available to contractors information concerning their responsibilities under the clause.

§ 1–12.805–3 Notices to be posted.

(a) *Requirement.* Unless alternative notices are prescribed by the Director, or by the agency with the approval of the Director, prime contractors and subcontractors shall post the notice entitled "Equal Employment Opportunity Is The Law," as provided by the notice posting requirements of the Equal Opportunity clause.

(b) *Acquisition of notices.* The notice "Equal Employment Opportunity Is The Law" is available in all GSA supply depots. Copies of the notice may be obtained from GSA through the contracting or administering agency. The stock numbers for the notice are as follows:

Stock number	*Description*
English — 7690–926–8988.	Equal Employment Opportunity Is The Law.
Spanish — 7690–926–9118.	Equal Employment Opportunity Is The Law.

§ 1–12.805–4 Reports and other required information.

(a) *Requirements for prime contractors and subcontractors.* (1) Each agency shall require each prime contractor and each prime contractor and subcontractor shall cause its subcontractors to file annually, on or before March 31, complete and accurate reports on Standard Form 100 (EEO–1) promulgated jointly by the Office of Federal Contract Compliance, the Equal Employment Opportunity Commission, and Plans for Progress, or on such form as may hereafter be promulgated in its place, if such prime contractor or subcontractor (i) is not exempt from the provisions of this regulation in accordance with § 1–12.804; (ii) has 50 or more employees; (iii) is a prime contractor or first-tier subcontractor; and (iv) has a contract, subcontract, or purchase order amounting to $50,000, or more, or serves as a depositary of Government funds in any amount, or is a financial institution which is an issuing and paying agent for U.S. savings bonds and savings notes: *Provided,* That any subcontractor below the first tier which performs construction work at the site of construction shall be required to file such a report if it meets the requirements in subdivisions (i), (ii), and (iv) of this paragraph (a)(1).

(2) Each person required by subparagraph (1) of this paragraph to submit reports shall file such a report with the contracting or administering agency within 30 days after the award to him of a contract or subcontract, unless such person has submitted such a report within 12 months preceding the date of the award. Subsequent reports shall be submitted annually in accordance with subparagraph (1) of this paragraph, or at such other intervals as the agency or the Director may require. The agency, with the approval of the Director, may extend the time for filing any report.

(3) The Director, the agency, or the applicant, on their own motions, may require a prime contractor to keep employment or other records and to furnish, in the form requested, within reasonable limits, such information as the Director, agency, or the applicant deems necessary for the administration of the order.

(4) The failure to file timely, complete, and accurate reports, as required, constitutes noncompliance with the prime contractor's or subcontractor's obligations under the Equal Opportunity clause and is a ground for the imposition by the agency, the Director, an applicant, prime contractor or subcontractor, of any sanctions authorized by the order and the regulations in this subpart. Any such failure shall be reported in writing to the Director by the agency as soon as practicable after it occurs.

(b) *Requirements for bidders or prospective contractors.* (1) Each agency shall require each bidder or prospective prime contractor and proposed subcontractor, where appropriate, to state in the bid or at the outset of negotiations for the contract whether it has participated in any previous contract or subcontract subject to the Equal Opportunity clause; and, if so, whether it has filed with the Joint Reporting Committee, the Director, an agency, or the former President's Committee on Equal Employment Opportunity, all reports due under the applicable filing requirements. The statement shall be in the form of a representation by the bidder or offeror substantially as follows:

> The bidder (or offeror) represents that he [ ] has, [ ] has not, participated in a previous contract or subcontract subject to the Equal Opportunity clause herein, or the clause originally contained in section 301 of Executive Order No. 10925, or the clause contained in section 201 of Executive Order No. 11114; that he [ ] has, [ ] has not, filed all required compliance reports; and that representations indicating submission of required compliance reports, signed by proposed subcontractors, will be obtained prior to subcontract awards. (The above representation need not be submitted in connection with contracts or subcontracts which are exempt from the clause.)

Where a bidder or offeror fails to execute the representation, the omission shall be considered a minor informality and the bidder or offeror shall be permitted to satisfy the requirement prior to award.

(2) In any case in which a bidder or prospective prime contractor or proposed subcontractor, which participated in a previous contract or subcontract subject to Executive Orders No. 10925, 11114, or 11246, has not filed a report due under the applicable filing requirements, no contract or subcontract shall be awarded, unless such contractor submits a report covering the delinquent period or such other period specified by the agency or the Director.

(3) A bidder or prospective prime contractor or proposed subcontractor shall be required to submit such information as the agency or the Director requests prior to the award of the contract or subcontract. When a determination has been made to award the contract or subcontract to a specific contractor, such contractor shall be required, prior to award, or after the award, or both, to furnish such other information as the agency, the applicant, or the Director requests.

(c) *Use of reports.* Reports filed pursuant to this § 1–12.805–4 shall be used only in connection with the administration of the order, the Civil Rights Act of 1964, or in furtherance of the purposes of the order and said Act.

(d) *Acquisition of report forms.* Standard Form 100 is available in all GSA supply depots. Copies of the form may be obtained from GSA through the contracting or administering agency. The stock number for the form is as follows:

Standard Form No.	Stock No.	Title
100	7540–926–2049	Equal employment opportunity employer information report.

§ 1–12.805–5 Compliance reviews.[1]

(a) The purpose of a compliance review is to determine if the prime contractor or subcontractor maintains nondiscriminatory hiring and employment practices and is taking affirmative action to ensure that applicants are employed and that employees are placed, trained, upgraded, promoted, and otherwise treated during employment without regard to race, creed, color, or national origin. It shall consist of a comprehensive analysis and evaluation of each aspect of the aforementioned practices, policies, and conditions resulting therefrom. Where necessary, recommendations for appropriate sanctions shall be made.

(b) Where deficiencies are found to exist, reasonable efforts shall be made

[1] On and after Oct. 14, 1968, the term "race, color, religion, sex, or national origin" is substituted for the term "race, creed, color, or national origin," as provided by Executive Order No. 11375, Oct. 13, 1967 (32 F.R. 14303).

to secure compliance through conciliation and persuasion. Before the contractor can be found to be in compliance with the order, he must make a specific commitment, in writing, to correct any such deficiencies. The commitment must include the precise action to be taken and dates for completion. The time period allotted shall be no longer than the minimum period necessary to effect such changes. Upon approval of such commitment by the Contract Compliance Officer, appropriate Deputy or Assistant, or the agency head, the contractor may be considered in compliance, on condition that the commitments are faithfully kept. The contractor shall be notified that making such commitments does not preclude future determinations of noncompliance based on a finding that the commitments are not sufficient to achieve compliance.

(c) The compliance agency shall have the primary responsibility for the conduct of compliance reviews. Agencies shall institute programs for the regular conduct of compliance reviews in accordance with the Director's guidelines, and shall also conduct compliance reviews in accordance with any special requests or instructions of the Director. Compliance reviews may also be conducted by the Director. Compliance reviews should be conducted by qualified specialists regularly involved in equal opportunity programs.

(d) Before the award of any formally advertised supply contract which may result in an award of $1 million or more, a preaward compliance review of the prospective contractor and his known first-tier subcontractors which will be awarded subcontracts of $1 million or more must be conducted by the compliance agency within 6 months prior to the award of the contract. If an agency other than the awarding agency is the compliance agency, the awarding agency shall notify the compliance agency and request appropriate action and finding in accordance with this paragraph (d). Compliance agencies shall provide awarding agencies with written reports of compliance reviews within 30 days following the requests. In order to qualify for the award of a contract, a contractor and such first-tier subcontractors must be found on the basis of such review to be able to comply with the Equal Opportunity clause or carry out an acceptable program for compliance as provided in paragraph (b) of this § 1–12.805–5 (see § 1–12.803–9 regarding the notice required to be included in formally advertised supply contracts which may result in awards of $1 million or more).

§ 1–12.805–6 Complaints.

(a) Any employee of any contractor or applicant for employment with such contractor may, by himself or by an authorized representative, file in writing a complaint of alleged discrimination in violation of the Equal Opportunity clause. Such complaint is to be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the agency or the Director upon good cause shown.

(b) Complaints may be filed with the agency or with the Director. Those filed with the Director may be referred to the agency for processing, or they may be processed in accordance with § 1–12.805–8.

(c) Complaints will be required to be signed by the complainants or their authorized representatives and to contain the following information:

(1) Name and address (including telephone number) of the complainant;

(2) Name and address of the contractor or subcontractor who committed the alleged act of discrimination;

(3) A description of the act or acts considered to be discriminatory; and

(4) Other pertinent information which will assist in the investigation and resolution of the complaint.

(d) Where a complaint contains incomplete information, the agency or the Director shall seek promptly the needed information from the complainant. In the event such information is not furnished to the agency or the Director within 60 days of the date of such request, the case may be closed.

§ 1–12.805–7 Processing of matters by agencies.

(a) *Complaints.* Where complaints are filed with the agency, the Contract Compliance Officer shall transmit a copy of the complaint to the Director within 10 days after receipt.

(b) *Investigations.* The agency or compliance agency shall institute a prompt investigation of each complaint filed with it or referred to it, and shall be responsible for developing a complete case record. A complete case record consists of the following:

(1) Name and address of each person interviewed;

(2) A summary of his statement;

(3) Copies or summaries of pertinent documents; and

(4) A narrative summary of the evidence disclosed in the investigation as it relates to each violation revealed.

When a complaint is filed against a prime contractor or subcontractor who has contracts involving more than one agency, unless otherwise provided, the compliance agency shall conduct the investigation and make such findings and determinations as shall be appropriate for the administration of the order.

(c) *Resolution of matters.* (1) If the investigation of a complaint by an agency pursuant to paragraph (b) of this § 1–12.805–7 shows no violation of the Equal Opportunity clause, the agency shall so inform the Director. The Director may review the findings of the agency, and he may request further investigation by the agency or may undertake such investigation as he may deem appropriate.

(2) If any complaint investigation or compliance review indicates a violation of the Equal Opportunity clause, the matter should be resolved by informal means whenever possible. Such informal means may include the holding of a compliance conference by the agency. Each prime contractor and subcontractor shall be advised that the resolution is subject to review by the Director and may be disapproved if he determines that such resolution is not sufficient to achieve compliance.

(3) Hearings shall be conducted in connection with the processing of matters in accordance with the provisions of § 1–12.807.

(4) For reasonable cause shown, the Director or an agency head may reconsider or cause to be reconsidered any matter on his own motion or pursuant to a request.

(d) *Reports to the Director.* (1) Within 60 days from receipt of a complaint by the agency, or within such additional time as may be allowed by the Director for good cause shown, the agency or the compliance agency shall process the complaint and submit to the Director the case record and a summary report containing the following information:

(i) Name and address of the complainant;

(ii) Brief summary of findings, including a statement as to the agency's conclusions regarding the contractor's compliance or noncompliance with the requirements of the Equal Opportunity clause; and

(iii) A statement of the disposition of the case, including any corrective action taken and any sanctions or penalties imposed or, whenever appropriate, the recommended corrective action and sanctions or penalties.

(2) A written report of every preaward compliance review required by this Subpart 1–12.8 or otherwise required by the Director, including findings, shall be forwarded to the Director within 10 days after the award for a postaward review.

(3) A written report of every other compliance review or any other matter processed by the agency involving an apparent violation of the Equal Opportunity clause shall be submitted to the Director. Such report shall contain a brief summary of the findings, including a statement of conclusions regarding the contractor's compliance or noncompliance with the requirements of the order, and a statement of the disposition of the case, including any corrective action taken or recommended, and any sanctions or penalties imposed or recommended.

§ 1–12.805–8 Assumption of jurisdiction by or referrals to the Director.

The Director may inquire into the status of any matter pending before an agency or a compliance agency, including complaints and matters arising out of reports, reviews, and other investigations. Where he considers it necessary or appropriate to the achievement of the purposes of the order, he may assume jurisdiction over the matter and proceed as provided herein. Whenever the Director assumes jurisdiction over any matter, or an agency refers any matter, he may conduct, or have conducted, such investigations, hold such hearings, make such findings, issue such recommendations and directives, order such sanctions and penalties, and take such other action as may be necessary or appropriate to achieve the purposes of the order. The Director shall promptly notify the agency of any corrective action to be taken or any sanctions to be taken or any sanction to be imposed by the agency. The agency shall take such action, and report the results thereof to the Director within the time specified.

§ 1–12.805–9 Sanctions and penalties.

(a) *General.* (1) In every case where any complaint investigation or compliance review indicates the existence of a violation of the Equal Opportunity clause, the matter should be resolved by informal means, including conference, conciliation, mediation, and persuasion, whenever possible. This will also include, where appropriate, establishing a program for future compliance approved by the head of the agency. Where the apparent violation is not resolved by informal means, the agency shall afford the contractor or subcontractor an opportunity for a hearing (see § 1–12.807). If a prime contractor or subcontractor, without a hearing, has complied with the recommendations or orders of an agency or the Director and believes such orders or recommendations to be erroneous, he shall, upon filing a request therefor within 10 days of such compliance, be accorded an opportunity for a hearing and review as provided in § 1–12.807.

(2) The sanctions described in paragraphs (1), (5), and (6) of section 209(a) of the order regarding the (i) publication of the names of contractors or unions, (ii) cancellation, termination, and suspension of contracts, and (iii) entering into contracts or extensions or modifications of contracts with noncomplying contractors may be exercised only by or with the approval of the Director.

(b) *Termination.* (1) A contract or subcontract may be canceled or terminated, in whole or in part, for failure to comply with the provisions of the Equal Opportunity clause. Whenever the Director or the head of the agency, or his designee, upon prior notification to the Director proposes to cancel or terminate, or cause to be canceled or terminated, in whole or in part, a contract or contracts, a notice of the proposed action, signed by the Director or head of the agency, or his designee, shall be sent to the last known address of the prime contractor or subcontractor, return receipt requested. A copy of such notice shall be sent to all agencies. The prime contractor or subcontractor shall be given at least 10 days from the receipt of the notice either to comply with the provisions of the contract or to mail a request for a hearing to the Director, or the agency, as appropriate, under § 1–12.807. During the 10-day notice period, reasonable efforts shall continue to be made to secure compliance by conference, mediation, and persuasion.

(2) If at the end of the 10-day period no request for a hearing has been received, the Director or the head of the agency may cancel, suspend, or terminate, or cause to be canceled, suspended, or terminated, such contracts or subcontracts.

(c) *Debarment.* (1) A prime contractor or subcontractor may be debarred from receiving contracts for failure to comply with the provisions of the Equal Opportunity clause. Whenever the Director, or the head of an agency or his designee, upon prior notification to the Director, proposes to debar a prime contractor or subcontractor from further contracts or subcontracts under section 209 of the order, a notice of the proposed action, in writing and signed by the Director or head of the agency or his designee, shall be sent to the last known address of the prime contractor or subcontractor, return receipt requested. A copy of such notice shall be sent to all agencies. The prime contractor or subcontractor shall be given at least 10 days from the receipt of such notice in which to mail a request for a hearing to the Director or the agency. During the 10-day notice period, reasonable efforts shall continue to be made to secure compliance by conference, mediation, and persuasion.

(2) If at the end of the 10-day period no request has been received, the Director or the head of the agency may enter an order debarring the contractor or subcontractor from further contracts, subcontracts, or extensions or other modifications of existing contracts, until such contractor or subcontractor shall have satisfied the Director that he has established and will carry out personnel and employment policies and practices in compliance with the provisions of the Equal Opportunity clause.

(d) *Referrals.* Referral of any matter arising under the Order to the Department of Justice or to the Equal Employment Opportunity Commission shall be made by the Director.

(e) *Show cause notices.* When the Director has reasonable cause to believe that a contractor has violated the Equal Opportunity clause he may issue a notice requiring the contractor to show cause, within 30 days, why monitoring, enforcement proceedings, or other appropriate action to ensure compliance should not be instituted.

§ 1–12.805–10 Disputed matters related to the equal opportunity program.

Disputes related to matters pertaining to the equal opportunity program shall be handled pursuant to the provisions of the Equal Opportunity clause in Government contracts, agreements, and subcontracts, rather than the Disputes clause contained therein. This relationship stems largely from the provision "except as otherwise provided in this contract" which appears in the standard Disputes clauses (see clauses 6 and 12 of Standard Forms 23–A and 32, respectively). The Equal Opportunity clause prescribed by § 1–12.803 does so "otherwise provide" in paragraph (d), which specifies that the contractor shall comply with the rules, regulations, and relevant orders of the Secretary of Labor. Those rules, regulations, and relevant orders prescribe particular procedures for handling disputed matters pertaining to the equal opportunity program (see Chapter 60, Subpart B, of this title) which are implemented by §§ 1–12.805 and 1–12.807 (see also 41 CFR 60–1.1 of this title).

§ 1–12.805–11 Preaward notices.

(a) *Preaward compliance reviews.* Upon the request of the Director, agencies shall not enter into contracts or approve the entry into contracts or subcontracts with any bidder, prospective prime contractor, or proposed subcontractor named by the Director, until a preaward compliance review has been conducted and the Director or designated agency head or his designee has approved a determination that the bidder, prospective prime contractor, or proposed subcontractor will be able to comply with the provisions of the Equal Opportunity clause.

(b) *Other special preaward procedures.* Upon the request of the Director, agencies shall not enter into contracts or approve the entry into subcontracts with any bidder, prospective prime contractor, or proposed subcontractor, specified by the Director until the agency has complied with the directions contained in the request.

§ 1–12.806 [Reserved]

§ 1–12.807 Hearings.

§ 1–12.807–1 General.

An opportunity for a formal hearing shall be afforded to a prime contractor or a subcontractor by the Director or by the agency where:

(a) An apparent violation of the Equal Opportunity clause by a contractor, as shown by any complaint investigation or compliance review, is not resolved by informal means and a hearing is requested pursuant to § 1–12.805–9(a).

(b) The prime contractor or subcontractor, without a hearing, shall have complied with the recommendations or orders of the agency, believes such recommendations or orders to be erroneous and requests a hearing and review pursuant to § 1–12.805–9(a).

(c) The Director or an agency proposes to cancel or terminate a contract or subcontract, in whole or in part, and a hearing is requested pursuant to § 1–12.805–9(b). The contract or subcontract may be suspended, in the discretion of the Director, during the pendency of the hearing.

(d) The Director or an agency proposes to debar the prime contractor or subcontractor and a hearing is requested pursuant to § 1–12.805–9(c). The contract or subcontract may be suspended, in the discretion of the Director, during the pendency of the hearing.

§ 1–12.807–2 Informal hearings.

(a) *Purpose.* The Director or any agency head, with the approval of the Director, may convene such informal hearings as may be deemed appropriate for the purpose of inquiring into the status of compliance by any prime contractor or subcontractor with the terms of the Equal Opportunity clause.

(b) *Notice.* Contractors and subcontractors shall be advised in writing as to the time and place of the informal hearing and may be directed to bring specific documents and records, or furnish other relevant information concerning their compliance status. When so requested, the prime contractor or subcontractor shall attend and bring requested documents and records, or other requested information.

(c) *Conduct of hearings.* The hearing shall be conducted by hearing officers appointed by the Director or an agency head. Parties to informal hearings may be represented by counsel and shall have a fair opportunity to present any relevant material. Formal rules of evidence will not apply to such proceedings.

§ 1–12.807–3 Formal hearings.

(a) *General procedure.* The Director or the agency head, with the approval of the Director, may convene formal hearings pursuant to this Subpart 1–12.8. Such hearings shall be conducted in accordance with procedures prescribed by the Director or the agency head. Reasonable notice of a hearing shall be sent by registered mail, return receipt requested, to the last known address of the prime contractor or subcontractor complained against. Such notice shall contain the following:

(1) The time and place of hearing;

(2) A statement of the provisions of the order and regulations pursuant to which the hearing is to be held; and

(3) A concise statement of the matters pursuant to which the action furnishing the basis of the hearing has been taken or is proposed to be taken.

Copies of such notice shall be sent to all agencies. Hearings shall be held before a hearing officer designated by the Director or an agency head. Each party shall have the right to counsel, a fair opportunity to present evidence and argument, and to cross-examine. Whenever a formal hearing is based in whole or in part on matters subject to a collective bargaining agreement and compliance may necessitate a revision of such agreement, any labor organization which is a signatory to the agreement shall have the right to participate as a party. Any other person or organization shall be permitted to participate upon a showing that such person or organization has an interest in the proceedings and may contribute materially to its proper disposition. The hearing officer shall make his proposed findings and conclusions upon the basis of the record before him.

(b) *Suspension during pendency of hearing.* Whenever the prime contractor or subcontractor requests a hearing in accordance with § 1–12.805–9 (b) and (c), his contracts or subcontracts may be suspended, in the discretion of the Director, during the pendency of the hearing.

(c) *Decision following hearing.* When the hearing is conducted by an agency, the hearing officer shall make recommendations to the head of the agency who shall make a decision. No decision by the head of the agency, or his representatives, shall be final without the prior approval of the Director. When the hearing is conducted by a hearing officer appointed by the Director, the hearing officer shall make recommendations to the Director, who shall make the final decision. Parties shall be furnished with copies of the hearing officer's recommendations, and shall be given an opportunity to submit their views.

§ 1–12.808 Reinstatement of ineligible contractors or subcontractors.

Any prime contractor or subcontractor declared ineligible for further contracts or subcontracts under the order may request reinstatement in a letter directed to the Director. In connection with the reinstatement proceedings, the prime contractor or subcontractor shall be required to show that he has established and will carry out employment policies and practices in compliance with the Equal Opportunity clause.

§ 1–12.809 Intimidation and interference.

The sanctions and penalties contained in Subpart D of the order may be exercised by the agency or the Director against any prime contractor, subcontractor, or applicant who fails to take all necessary steps to ensure that no person intimidates, threatens, coerces, or discriminates against any individual for the purpose of interfering with the filing of a complaint, furnishing information, or assisting or participating in any manner in an investigation, compliance review, hearing, or any other activity related to the administration of the order or any other Federal, State, or local laws requiring equal employment opportunity.

§ 1–12.810 Affirmative action compliance programs.

(a) *Requirements of programs.* Each agency or applicant shall require each prime contractor who has 50 or more employees and a contract of $50,000 or more and each prime contractor and subcontractor shall require each subcontractor who has 50 or more employees and a subcontract of $50,000 or more to develop a written affirmative action compliance program for each of its establishments. A necessary prerequisite to the development of a satisfactory affirmative action program is the identification and analysis of problem areas inherent in minority employment and an evaluation of opportunities for utilization of minority group personnel. The contractor programs shall provide in detail for specific steps to guarantee equal employment opportunity keyed to the problems and needs of members of minority groups, including, when there are deficiencies, the development of specific goals and time tables for the prompt achievement of full and equal employment opportunity. Each contractor shall include in his affirmative action compliance program a table of job classifications. This table should include, but need not be limited to, job titles, principal duties (and auxiliary duties, if any), rates of pay, and where more than one rate of pay applies (because of length of time in the job or other factors), the applicable rates. The affirmative action compliance program shall be signed by an executive official of the contractor.

(b) *Utilization evaluation.* The evaluation of utilization of minority group personnel shall include the following:

(1) An analysis of minority group representation in all job categories;

(2) An analysis of hiring practices for the past year, including recruitment sources and testing, to determine whether equal employment opportunity is being afforded in all job categories; and

(3) An analysis of upgrading, transfer, and promotion for the past year to determine whether equal employment opportunity is being afforded.

(c) *Maintenance of programs.* Within 120 days from the commencement of the contract, each contractor shall maintain a copy of separate affirmative action compliance programs for each establishment, including evaluations of utilization of minority group personnel and the job classification tables, at each local office responsible for the personnel matters of such establishment. An affirmative action compliance program shall be part of the manpower and training plans for each new establishment and shall be developed and made available prior to the staffing of such establishment. A report of the results of such program shall be compiled annually and the program shall be updated at that time. This information shall be made available to representatives of the agency or Director upon request and the contractor's affirmative action program and the result it produces shall be evaluated as part of the compliance review activities.

§ 1–12.811 Access to records of employment.

Each prime contractor and subcontractor shall permit access during normal business hours to his books, records, and accounts pertinent to compliance with the order, and all rules and regulations promulgated pursuant thereto by the agency or the Director for purposes of investigation to ascertain compliance with the Equal Opportunity clause of the contract or subcontract. Information obtained in this manner shall be used only in connection with the administration of the order, the administration of the Civil Rights Act of 1964, and in furtherance of the order and that Act.

§ 1–12.812 Rulings and interpretations.

Rulings under or interpretations of the order, the regulations of the Secretary of Labor, and the regulations contained in this Subpart 1–12.8, shall be made by the Secretary, or his designee.

§ 1–12.813 Solicitations or advertisements for employees.[1]

The requirements of the Equal Opportunity clause regarding solicitaitons or advertisements for employees placed by or on behalf of a contractor or subcontractor will be satisfied whenever the contractor or subcontractor complies with any of the following:

(a) States expressly in the solicitations or advertising that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin;

(b) Uses display or other advertising, and the advertising includes an appropriate insignia prescribed by the Director. The use of the insignia is considered subject to the provisions of 18 U.S.C. 701;

(c) Uses a single advertisement, and the advertisement is grouped with other advertisements under a caption which clearly states that all employers in the group assure all qualified applicants equal consideration for employment without regard to race, creed, color, or national origin; and

(d) Uses a single advertisement in which appears in clearly distinguishable type the phrase "an equal opportunity employer."

§ 1–12.814 Existing contracts and subcontracts.

All contracts and subcontracts in effect prior to October 24, 1965, which are not subsequently modified shall be administered in accordance with the nondiscrimination provisions of any prior applicable Executive orders. Any contract or subcontract modified on or after October 24, 1965, shall be subject to Executive Order No. 11246. Complaints received by and violations coming to the attention of agencies regarding contracts and subcontracts which were subject to Executive Orders Nos. 10925 and 11114 shall be processed as if they were complaints regarding violations of this order.

[1] On and after Oct. 14, 1968, the term "race, color, religion, sex, or national origin" is substituted for the term "race, creed, color, or national origin," as provided by Executive Order No. 11375, Oct. 13, 1967 (32 F.R. 14303).

(h) General Provisions (Construction Contract) (Standard Form 23–A, June 1964 edition). Pending revision of Standard Form 23–A, agencies shall modify this form by deleting Clause 3, "Changes," Clause 4, "Changed Conditions," and Clause 21, Equal Opportunity, and by substituting the clauses prescribed in §§ 1–7.601–2, 1–7.601–3, and 1–12.803–2, respectively, of this chapter. Agencies also shall add the "Suspension of Work" clause prescribed in § 1–7.601–4 of this chapter.

Subpart 1–16.6—Forms of Leases for Real Property

Section 1–16.601 is amended as follows:

§ 1–16.601 Forms prescribed.

* * * * *

(b) Standard Form 2–A, February 1965 edition, U.S. Government Lease for Real Property. Pending the publication of a new edition of Standard Form 2–A, the Certification of Nonsegregated Facilities prescribed in § 1–12.803–7(d)(1) of this chapter shall be made an additional provision of the form, and the clause prescribed in § 1–12.803–2 of this chapter shall be substituted for the present provision of Article 9, Equal Opportunity.

* * * * *

Subpart 1–16.9—Illustrations of Forms

§§ 1–16.901–40, 1–16.901–40A, 1–16.901–41 [Deleted]

Sections 1–16.901–40, 1–16.901–40A, and 1–16.901–41 are deleted.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective July 1, 1968, for all invitations for bids, or requests for proposals issued by an agency or an applicant for Federal assistance on or after that date, and for all negotiated contracts or contract modifications executed on or after that date. Contracts executed prior to the effective date of these regulations shall be governed by the prior provisions of the Federal Procurement Regulations. Notwithstanding the foregoing, this amendment is effective as to all contracts or contract modifications executed on and after the 120th day following July 1, 1968.

Dated: July 23, 1968.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 68–8956; Filed, July 26, 1968; 8:45 a.m.]

PART 1–16—PROCUREMENT FORMS

The table of contents for Part 1–16 is amended to delete the entries for §§ 1–16.901–40, 1–16.901–40A, and 1–16.901–41.

Subpart 1–16.1—Forms for Advertised Supply Contracts

Section 1–16.101 is amended as follows:

§ 1–16.101 Contract forms.

* * * * *

(c) General Provisions (Supply Contract) (Standard Form 32, June 1964 edition). Pending the publication of a new edition of the form, the clause prescribed in § 1–1.805–3(a) of this chapter shall be substituted for the present provision of Article 22, Utilization of Concerns in Labor Surplus Areas, and the clause prescribed in § 1–12.803–2 of this chapter shall be substituted for the present provision of Article 18, Equal Opportunity.

* * * * *

Subpart 1–16.4—Forms for Advertised Construction Contracts

Section 1–16.401 is amended as follows:

§ 1–16.401 Forms prescribed.

* * * * *

Chapter 24—Department of Housing and Urban Development

PART 24–1—GENERAL

Subpart 24–1.7—Small Business Concerns

In Subtitle A, Chapter 24, a new Subpart 24–1.7 is added as follows:

Subpart 24–1.7—Small Business Concerns

Sec.
24–1.700 General.
24–1.701 [Reserved]
24–1.702 Small business policies.
24–1.703 [Reserved]
24–1.704 Program direction and operation.
24–1.705—24–1.709 [Reserved]

AUTHORITY: The provisions of this Subpart 24–1.7 issued under sec. 7(d), Department of Housing and Urban Development Act; 42 U.S.C. 3535(d).

§ 24–1.700 General.

This subpart implements and supplements general policies and procedures set forth in FPR 1–1.7.

§ 24–1.701 [Reserved]

§ 24–1.702 Small business policies.

In addition to the policies prescribed in FPR 1–1.702, organizational units of HUD having responsibility for procurement of personal property and nonpersonal services (including construction) shall cooperate with the Small Business Administration in implementing the policies and procedures in FPR 1–1.7 and in this subpart.

§ 24–1.703 [Reserved]

§ 24–1.704 Program direction and operation.

The Director, Contracts and Agreements Division, Office of General Services, shall serve as liaison representative for the Department with Headquarters, Small Business Administration, Washington, D.C., on all procurement matters, and shall be responsible for Department compliance with the policies and procedures set forth in FPR 1–1.7 and this subpart.

§§ 24–1.705—24–1.709 [Reserved]

Effective date: Date of publication in the FEDERAL REGISTER.

DWIGHT A. INK,
Assistant Secretary for Administration.

[F.R. Doc. 68–8977; Filed, July 26, 1968; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4502]

[New Mexico 4073 (Oklahoma)]

OKLAHOMA

Partial Restoration of Lands Withdrawn Under Departmental Order of September 19, 1934

By virtue of the authority vested in the Secretary of the Interior by section 4 of the act of March 3, 1927 (44 Stat. 1347; 25 U.S.C. 398d), it is ordered as follows:

1. The departmental order of September 19, 1934, temporarily withdrawing vacant and undisposed of lands of certain Indian Reservations, pending restoration of such lands to tribal ownership is hereby revoked so far as it affects the following described undisposed of lands, within the ceded Wichita, Cheyenne, and Arapahoe, and Kiowa, Comanche, and Apache reservations in Oklahoma:

INDIAN MERIDIAN

T. 11 N., R. 9 W.,
Sec. 9, lot 2.
T. 7 N., R. 10 W.,
Sec. 15, lot 1.
T. 12 N., R. 10 W.,
Sec. 21, NE¼NE¼.
T. 7 N., R. 11 W.,
Sec. 15, lot 4.
T. 5 N., R. 12 W.,
Sec. 32, SE¼.
T. 4 N., R. 13 W.,
Sec. 3, SW¼NE¼.
T. 14 N., R. 13 W.,
Sec. 17, lots 1a and 2a.
T. 1 N., R. 19 W.,
Sec. 1, NE¼SW¼.
T. 4 N., R. 20 W.,
Sec. 12, E½NE¼ and E½NW¼NE¼.
T. 7 N., R. 21 W.,
Sec. 2, lot 14;
Sec. 25, SW¼NE¼.
T. 6 S., R. 8 W.,
Sec. 26, lot 9.
T. 5 S., R. 9 W.,
Sec. 9, lot 7.
T. 6 S., R. 9 W.,
Sec. 2, lots 3, 4, and SE¼SE¼;
Sec. 11, lots 1 and 3.
T. 4 S., R. 17 W.,
Sec. 10, lot 1a.
T. 1 S., R. 19 W.,
Sec. 18, lot 2;
Sec. 30, lot 12.
T. 2 S., R. 19 W.,
Sec. 17, lots 4, 5, and 6.
T. 2 S., R. 20 W.,
Sec. 1, lots 8 and 9.

The areas described aggregate 829.70 acres.

The lands are for the most part small plots of land located along the boundaries of the Red River and the Canadian River in Oklahoma.

2. Until 10 a.m. on January 21, 1969, the State of Oklahoma shall have a preferred right of application to select the lands as provided by R.S. 2276 as amended (43 U.S.C. 852). After that time the lands shall be open to operation of the public land laws generally, including the mining and the mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on January 21, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, N. Mex.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 22, 1968.

[F.R. Doc. 68-8960; Filed, July 26, 1968; 8:45 a.m.]

[Public Land Order 4503]
[Idaho 833; Idaho 1600]

IDAHO

Withdrawal for National Forest Administrative Sites and Recreation Areas and for Lewis and Clark Memorial Trail; Partial Revocation of Public Land Order No. 3537

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2) but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

(Idaho 833)

BOISE MERIDIAN

PAYETTE NATIONAL FOREST

Cougar Basin Recreation Area

T. 14 N., R. 2 E.,
Sec. 5, S½SW¼NE¼SW¼, NW¼SE¼SW¼, and N½SW¼SE¼SW¼.
Totaling 20 acres.

Boulder Creek Seed Orchard

T. 21 N., R. 1 E.,
Sec. 17, S½SW¼SW¼NE¼, E½SE¼SE¼NW¼, E½NE¼SW¼, S½NW¼NE¼SW¼, SW¼NE¼SW¼, NW¼NW¼SE¼, and N½SW¼NW¼SE¼.
Totaling 60 acres.

Nelson Point Lookout Administrative Site

T. 23 N., R. 7 E., unsurveyed,
Sec. 10, SW¼NE¼, more particularly described as beginning at a point which is N. 56° E., 3.5 chains from northeast corner of the lookout tower; thence S., 6 chains; thence W., 8 chains; thence N., 6 chains; thence E. 8 chains to the point of beginning.
Totaling 4.8 acres.

Pilot Peak Lookout Administrative Site

T. 21 N., R. 8 E., unsurveyed,
Sec. 7, NE¼SE¼, more particularly described as beginning at a point which is N. 67° W., 3.62 chains from the northwest corner of the lookout tower; thence E., 8 chains; thence S., 6 chains; thence W., 8 chains; thence N., 6 chains to the point of beginning.
Totaling 4.8 acres.

Hays Station Administrative Site

T. 22 N., R. 7 E., unsurveyed,
Sec. 26, SW¼NW¼, more particularly described as beginning at a point where the Hettinger Ranch Road crosses China Creek; thence E., 9.5 chains; thence S., 17 chains; thence W., 23 chains; thence N., 17 chains; thence E., 13.5 chains to the place of beginning.
Totaling 39.1 acres.

War Eagle Lookout Administrative Site

T. 23 N., R. 5 E.,
Sec. 24, N½NE¼SW¼NW¼.
Totaling 5 acres.

Pine Flat Recreation Area

T. 24 N., R. 4 E.,
Sec. 9, SW¼SE¼NW¼, located at the mouth of a small unnamed creek which enters the south side of Salmon River about ½ mile upstream from Fall Creek, more particularly described as: Beginning where the unnamed creek enters Salmon River; thence southerly along the high water line 330 feet; thence E. 495 feet; thence N. approximately 495 feet to the south bank of Salmon River; thence southwesterly along the high water line of the river approximately 462 feet to the point of beginning.
Totaling 4.2 acres, more or less.

SALMON NATIONAL FOREST

Twelve Mile Creek Recreation Area

T. 20 N., R. 22 E.,
Sec. 31, S½ of lot 6.
T. 19 N., R. 22 E.,
Sec. 6, N½ of lot 1 and N½ of lot 2.
Totaling 40.73 acres.

Sheephorn Lookout Administrative Site

T. 18 N., R. 20 E.,
Sec. 15, SE¼SW¼SW¼ and SW¼SE¼SW¼.
Totaling 20 acres.

Wallace Lake Recreation Area

T. 22 N., R. 21 E.,
Sec. 8, E½SE¼SW¼ and W½SW¼SE¼.
Totaling 40 acres.

Lake Creek Recreation Area

T. 20 N., R. 21 E.,
Sec. 33, NW¼SW¼.
Totaling 40 acres.

U. P. Lake Recreation Area

T. 22 N., R. 21 E.,
Sec. 17, W½ of lot 6.
Totaling 21.69 acres, more or less.

Horse Creek Hot Springs Recreation Area

T. 25 N., R. 17 E., unsurveyed, which will probably be when surveyed:
Sec. 3, NW¼ more particularly described as: Beginning at a Forest Service Monument, being a brass cap 3 inches in diameter marked U.S. Department of Agriculture, Forest Service, H-1, 1965, set in a granite boulder 5 feet by 11 feet by 3½ feet above ground, said point bearing S. 65° E., 41.7 feet from a 12-inch d.b.h. lodgepole pine blazed and scribed on southeast face W/H1, brass cap bearing N. 28° E., 160 feet from point where Hot Springs enters Horse Creek; thence N. 49° E., 1,157.6 feet along the slope crossing the Horse Creek Road at 562.8 feet; thence S. 49° E., 550.8 feet parallel to Horse Creek crossing mouth of small stream entering Horse Creek at 51 feet; thence S. 69° E., 412.2 feet along stream; thence S. 21° W., 310.8 feet across stream and up steep slope to ridge-top crossing Horse Creek at 28 feet; thence S. 85° W., 695.2 feet down small ridge to flat, crossing small stream at 521.5 feet; thence S. 49° W., 705.8 feet along toe of slope to spruce bog; thence S. 80° W., 477 feet across spruce bog to wet meadow; thence N. 3° W., 317 feet across wet meadow crossing Horse Creek at 221 feet to large rock outcrop crossing road at 300 feet; thence N. 58° E., 133 feet to point of beginning.
Totaling approximately 23.8 acres.

Spring Creek Recreation Area

T. 24 N., R. 19 E., unsurveyed, which probably will be when surveyed:
Sec. 20, NE¼, more particularly described as: Beginning at a point being corner No. 1 of HES No. 280, an iron pipe 2 inches in diameter set in the ground and in a pile of rock, said point bearing S. 57° E., 265 feet from a brass cap 3 inches in diameter marked U.S. Department of Agriculture, Forest Service with S1 in BR center and dated 1965, set in a granite rock outcrop 7 feet x 11 feet x 10 feet above ground (lower face) on north side of Salmon River Road; thence S. 15° E., 300.5 feet across wet meadow, crossing slough at 200 feet, to north bank of Salmon River; thence N. 89° E., 203.7 feet along north bank of Salmon River; thence N. 68° E., 276.75 feet; thence N. 70° E., 474.7 feet; thence N. 21° E., 362.3 feet along edge of Pine trees and willows; thence N. 41° W., 264 feet across flat to shoulder of the Salmon River Road; thence S. 39° W., 304 feet along road edge; thence S. 46° W., 402.2 feet along road edge; thence S. 81° W., 199 feet; thence S. 83° W., 286.5 feet to point of beginning.
Totaling approximately 7.9 acres.

Lewis and Clark Historical Trail

T. 19 N., R. 25 E.,
Sec. 9, NW¼SW¼NW¼ and S½SW¼NW¼;
Sec. 10, S½SW¼SE¼;
Sec. 14, S½ of lot 2, lots 3 and 8, NW¼SW¼NE¼, S½SW¼NE¼, N½SW¼NW¼, N½SE¼NW¼, N½NW¼SE¼;
Sec. 15, N½NW¼NE¼, SE¼NW¼NE¼, NE¼SW¼NE¼, N½SE¼NE¼, NE¼NE¼NW¼.
Totaling 284.95 acres.

Chief Joseph Historical Trail Sites

Area No. 1

T. 17 N., R. 27 E.,
Sec. 8, lot 4.
Totaling 43.51 acres.

Area No. 2

T. 16 N., R. 27 E.,
Sec. 5, SW¼SW¼SW¼;
Sec. 6, SE¼SE¼SE¼;
Sec. 7, E½NE¼NE¼, NE¼SE¼NE¼;
Sec. 8, W½NW¼NW¼.
Totaling 70 acres.

Area No. 3

T. 14 N., R. 26 E.,
Sec. 22, S½SW¼SW¼.
Totaling 20 acres.

The areas described aggregate 750.48 acres in Adams, Idaho, Lemhi, and Valley Counties.

2. Public Land Order No. 3537 of February 11, 1965, withdrawing public lands for use of the Department of Agriculture for administrative sites, is hereby revoked so far as it affects the following described lands:

(Idaho 1600)

BOISE MERIDIAN

STANLEY ADMINISTRATIVE SITE

T. 10 N., R. 13 E.,
Sec. 22, lots 2, 3, west 10 chains of lot 6, SE¼NW¼NW¼ and SW¼NW¼.

The areas described aggregate 132.69 acres in Custer County.

The lands remain withdrawn for reclamation purposes by order of April 21, 1942.

3. The withdrawal made by paragraph 1 of this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 22, 1968.

[F.R. Doc. 68-8961; Filed, July 26, 1968; 8:45 a.m.]

[Public Land Order 4504]
[New Mexico 4761]

NEW MEXICO

Partial Revocation of Public Land Order No. 2830

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 2830 of December 3, 1962, withdrawing national forest lands as administrative sites and recreation areas, is hereby revoked so far as it affects the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

SANTA FE NATIONAL FOREST

Nacimiento Recreation Area

T. 21 N., R. 1 E.,
Sec. 20, E½E½SE¼;
Sec. 28, E½NW¼NW¼;
Sec. 29, NE¼NE¼.

The areas described aggregate 100 acres in Rio Arriba County.

2. At 10 a.m. on August 27, 1968, the lands shall be open to such forms of disposition as may by law be made of national forest lands subject to existing withdrawals.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 22, 1968.

[F.R. Doc. 68-8962; Filed, July 26, 1968; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 992, Amdt. 3]

PART 1033—CAR SERVICE

Union Pacific Railroad Co. Authorized To Operate Over Trackage of Great Northern Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 22d day of July 1968.

Upon further consideration of Service Order No. 992 (32 F.R. 8037, 20862, and 33 F.R. 4805) and good cause appearing therefor:

It is ordered, That § 1033.992 *Service Order No. 992* (Union Pacific Railroad Co. authorized to operate over trackage of Great Northern Railway Co.) be, and it is hereby amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., October 31, 1968, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., July 31, 1968.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroad, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-9011; Filed, July 26, 1968; 8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

The Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703 et. seq.), authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds to determine when, to what extent, and by what means, such birds or any part, nest, or egg thereof may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

By notice of proposed rule making published in the FEDERAL REGISTER of April 25, 1968 (33 F.R. 6298), notification

was given that the Secretary of the Interior proposed to amend Part 10, Title 50, Code of Federal Regulations. These amendments would specify open seasons, certain closed seasons, shooting hours, and bag and possession limits for migratory game birds for the 1968–69 hunting seasons.

Interested persons were invited to submit their views, data, or arguments regarding such matters in writing to the Director, Bureau of Sports Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240, within 30 days following the date of publication of the notice.

Subsequently, after due consideration of migratory game bird survey data obtained through investigations conducted by the Bureau of Sport Fisheries and Wildlife and State game departments, and from other sources, the several State game departments were informed concerning the shooting hours, season lengths, and daily bag and possession limits proposed to be prescribed for the 1968–69 seasons on rails, mourning and white-winged doves, band-tailed pigeons, woodcock, and common snipe (Wilson's); on waterfowl, coots, and little brown cranes in Alaska. The State game departments were invited to submit recommendations for hunting seasons to conform to the shooting hours, daily bag, and possession limits, and season lengths within frameworks of opening and closing dates, as established by this Department.

Accordingly, each State game department having had an opportunity to participate in selecting the hunting seasons desired for its State on those species of migratory game birds for which open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, it is determined that certain sections of Part 10 shall be amended as set forth below.

The taking of the designated species of migratory game birds is presently prohibited. These amendments will permit taking of these species within specified periods of time beginning as early as September 1, as has been the case in past years. Since these amendments benefit the public by relieving existing restrictions, they shall become effective upon publication in the FEDERAL REGISTER.

Section 10.41 is amended to read as follows:

§ 10.41 Seasons and limits on doves and wild pigeons.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species of doves and wild pigeons designated in this section are prescribed between the dates of September 1, 1968, and January 15, 1969, as follows:

(a) *Mourning doves—Eastern Management Unit.*

Daily bag limit---------- 12
Possession limit---------- 24

Shooting hours: 12 o'clock noon until sunset.

Seasons in:

Alabama [1]	Sept. 23–Nov. 11. Dec. 22–Jan. 10.
Connecticut	Closed season.
Delaware	Sept. 13–Nov. 21.
District of Columbia	Closed season.
Florida	Oct. 5–Nov. 3. Nov. 16–Dec. 1. Dec. 14–Jan. 8.
Georgia	Sept. 7–Oct. 5. Dec. 6–Jan. 15.
Illinois	Sept. 1–Nov. 9.
Indiana	Closed season.
Kentucky	Sept. 1–Oct. 31.
Louisiana	Dec. 1–Dec. 9. Sept. 1–Sept. 15. Oct. 19–Nov. 24. Dec. 19–Jan. 5.
Maine	Closed season.
Maryland	Sept. 14–Oct. 26. Dec. 9–Jan. 4.
Massachusetts	Closed season.
Michigan	Do.
Mississippi	Sept. 14–Oct. 13. Nov. 16–Dec. 1. Dec. 21–Jan. 13.
New Hampshire	Closed season.
New Jersey	Do.
New York	Do.
North Carolina	Sept. 2–Oct. 5. Dec. 7–Jan. 11.
Ohio	Closed season.
Pennsylvania	Sept. 2–Nov. 9.
Rhode Island	Sept. 9–Sept. 29. Oct. 26–Dec. 13.
South Carolina	Sept. 14–Oct. 12. Dec. 6–Jan. 15.
Tennessee	Sept. 2–Sept. 30. Oct. 12–Nov. 11. Dec. 23–Jan. 1.
Vermont	Closed season.
Virginia	Sept. 7–Nov. 2. Dec. 16–Dec. 28.
West Virginia	Sept. 2–Nov. 10.
Wisconsin	Closed season.

[1] Check State regulations for additional restrictions.

(b) *Mourning doves—Central Management Unit.*

Daily bag limit---------- 12
Possession limit---------- 24

Shooting hours: [1] One-half hour before sunrise until sunset.

Seasons in:

Arkansas	Sept. 1–Oct. 5. Dec. 18–Jan. 11.
Colorado	Sept. 1–Oct. 30.
Iowa	Closed season.
Kansas	Sept. 1–Oct. 30.
Minnesota	Closed season.
Missouri	Sept. 1–Oct. 30.
Montana	Closed season.
Nebraska	Do.
New Mexico [2]	Sept. 1–Oct. 30.
North Dakota	Closed season.
Oklahoma	Sept. 1–Oct. 30.
South Dakota	Sept. 1–Sept. 8.
Texas [1 3]	See footnote 3.
Wyoming	Closed season.

[1] In Texas, shooting hours are from 12 o'clock noon until sunset on all days in all counties.

[2] In New Mexico, the daily bag limit is 12 and the possession limit is 24 mourning and white-winged doves, singly or in the aggregate of both kinds.

[3] Texas: Mourning doves in Val Verde, Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, Williamson, Milam, Robertson, Leon, Houston, Cherokee, Nacogdoches, and Shelby Counties and all counties north and west thereof. Sept. 1–Oct. 30; in the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Dimmit, La Salle, Jim Hogg, Brooks, Kenedy, and Willacy, Sept. 1, 2, 7, and 8, and Sept. 21–Nov. 15; remainder of State, Sept. 21–Nov. 19.

(c) *Mourning doves—Western Management Unit.*

Daily bag limit---------- 10
Possession limit---------- 20

Shooting hours: One-half hour before sunrise until sunset.

Seasons in:

Arizona [3]	Sept. 1–Sept. 24. Dec. 11–Jan. 5.
California [1 2 3]	See footnote 2.
Idaho	Sept. 1–Sept. 22.
Nevada [3]	Sept. 1–Oct. 20.
Oregon	Sept. 1–Sept. 30. Oct. 19–Nov. 7.
Utah [3]	Sept. 2–Sept. 30.
Washington	Sept. 1–Sept. 30.

[1] In those counties of California and Nevada having an open season on white-winged doves, the daily bag limit is 10 and possession limit is 20 mourning and white-winged doves, singly or in the aggregate of both kinds.

[2] California: In the counties of Los Angeles, Orange, San Diego, Imperial, Riverside, San Bernardino, and that portion of Ventura County east of State Highway 33 and east of the city of Ventura, Sept. 1–Sept. 30; remainder of State, Nov. 30–Dec. 8, 1968.

[3] Check State regulations for additional restrictions.

(d) *White-winged doves.*

Daily bag and possession limits (see footnote 2).

Shooting hours: One-half hour before sunrise until sunset.[1]

Seasons in:

Arizona [2]	Sept. 1–Sept. 24. Dec. 11–Jan. 5.
California: [2 3]	
Counties of Imperial, Riverside, and San Bernardino.	Sept. 1–Sept. 30. Nov. 30–Dec. 8.
Nevada: [2]	
Clark and Nye Counties.	Sept. 1–Oct. 20.
Remainder of State	Closed season.
New Mexico [2]	Sept. 1–Oct. 30.
Texas: [1 2]	
Counties of Brewster, Brooks, Cameron, Culberson, Dimmit, El Paso, Hidalgo, Hudspeth, Jeff Davis, Jim Hogg, Kenedy, Kinney, La Salle, Maverick, Presidio, Starr, Terrell, Val Verde, Webb, Willacy, and Zapata.	Sept. 1, 2, 7, and 8.
Remainder of State	Closed season.

[1] In Texas, shooting hours are from 12 o'clock noon until sunset.

[2] In Arizona, the daily bag and possession limit is 25 white-winged doves. In California, Nevada, and New Mexico, the daily bag limit is 10 and the possession limit is 20 white-winged and mourning doves, singly or in the aggregate of both kinds. In Texas, the daily bag limit is 10 and the possession limit is 20 white-winged doves.

[3] Check State regulations for additional restrictions.

(e) *Band-tailed pigeons.*

Daily bag and possession limit---------- 8

Shooting hours: One-half hour before sunrise until sunset.

Seasons in:

California:	
Counties of Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity.	Sept. 28–Oct. 27.
Remainder of State	Dec. 14–Jan. 12.
Oregon	Sept. 1–Sept. 30.
Washington	Do.

(f) *New Mexico and Arizona experimental season for band-tailed pigeons.* A special experimental open season for band-tailed pigeons is prescribed for New Mexico and Arizona in accordance with the following conditions: Open season dates will be from September 28 through October 6; a daily bag limit of five and possession limit of 10; shooting hours are from one-half hour before sunrise to sunset daily: *Provided*, That every hunter must have been issued and carry on his person while hunting band-tailed pigeons a properly validated special band-tailed pigeon hunting permit issued by the game department of each respective State for the open season in that State. Such special band-tailed pigeon hunting permit will be issued upon application to the State game department of the State in which hunting is to be done. Permits issued by either State will be valid in that State only: *Provided further*, That this special experimental season shall be open only in the area described, delineated, and designated as such by the States of New Mexico and Arizona in their respective hunting regulations.

Section 10.46 is amended to read as follows:

§ 10.46 Seasons and limits on rails, woodcock, and common snipe (Wilson's).

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed between the dates of September 1, 1968, and January 31, 1969, as follows:

(a) *Atlantic Flyway States.*

	Rails	Woodcock	Common snipe (Wilson's)
Daily bag limit	See footnotes 1 and 2	5	8
Possession limit	do	10	16
Shooting hours	One-half hour before sunrise until sunset on all species.		
Seasons in:			
Alabama [1 2]	Nov. 7–Jan. 15	Nov. 28–Jan. 31	Dec. 13–Jan. 31.
Arkansas [1 2]	Sept. 1–Nov. 9	Nov. 28–Jan. 31	Nov. 27–Jan. 15.
Illinois	Closed season	Oct. 1–Dec. 4	See footnote [4]
Indiana [3]	Sept. 1–Nov. 9	Sept. 28–Dec. 1	Sept. 28–Nov. 16.
Iowa	Closed season	Closed season	Closed season.
Kentucky [3]	Nov. 21–Jan. 15	Nov. 21–Jan. 24	Nov. 21–Jan. 9.
Louisiana [1 2]	Nov. 2–Jan. 10	Nov. 28–Jan. 31	Dec. 13–Jan. 31.
Michigan [1 2]			
Zone 1	Sept. 15–Nov. 23	Sept. 15–Nov. 14	Sept. 15–Nov. 3.
Zone 2		Oct. 21–Nov. 14	
Minnesota [3]	Sept. 7–Nov. 15	Sept. 7–Nov. 10	Sept. 21–Nov. 6.
Mississippi [1 2]	Nov. 2–Jan. 10	Nov. 30–Jan. 31	Dec. 13–Jan. 31.
Missouri [3]	Sept. 1–Nov. 9	Oct. 1–Dec. 4	Oct. 1–Nov. 19.
Ohio [3]	Sept. 2–Nov. 10	Sept. 20–Nov. 23	Oct. 3–Nov. 21.
Tennessee [3]	See footnote [4]	Nov. 18–Jan. 21	Nov. 18–Jan. 6.
Wisconsin [3]	do	Sept. 14–Nov. 17	See footnote [4]

[1] In the States of Arkansas, Louisiana, Mississippi, and Alabama the daily bag limit on king and clapper rails is 15 and the possession limit is 30 singly or in the aggregate.

[2] In all States in this flyway the daily bag and possession limit on sora and Virginia rails is 25 singly or in the aggregate.

[3] Season will open and run concurrently with the open season for ducks in the State: *Provided*, That the open season shall not extend beyond the last day of the duck season or 70 consecutive days, whichever is the shorter period.

[4] New York: In the Long Island area (Long Island and that part of Westchester County lying south of the Hutchinson River Parkway), the season on rails is Sept. 1–Nov. 9.

In all States in this flyway the daily bag and possession limit on sora and Virginia rails is 25 singly or in the aggregate.

[5] New York: In the Long Island area (Long Island and that part of Westchester County lying south of the Hutchinson River Parkway), the season on woodcock is Oct. 7–Nov. 26.

[6] New York: Except in the southern zone including Long Island and that part of Westchester County lying south of the Hutchinson River Parkway, the season on snipe is Oct. 7–Nov. 11.

[7] Season will open and run concurrently with the open season for ducks in the State: *Provided*, That the open season shall not extend beyond the last day of the duck season or 50 consecutive days, whichever is the shorter period.

[8] Check State regulations for additional restrictions.

(b) *Mississippi Flyway States.*

	Rails	Woodcock	Common snipe (Wilson's)
Daily bag limit	See footnotes 1 and 2	5	8
Possession limit	do	10	16
Shooting hours	One-half hour before sunrise until sunset on all species.		
Seasons in:			
Alabama [1 2 8]	Nov. 7–Jan. 15	Nov. 28–Jan. 31	Dec. 13–Jan. 31.
Arkansas [1 2]	Sept. 1–Nov. 9	Nov. 28–Jan. 31	Nov. 27–Jan. 15.
Illinois	Closed season	Oct. 1–Dec. 4	See footnote [4]
Indiana [3]	Sept. 1–Nov. 9	Sept. 28–Dec. 1	Sept. 28–Nov. 16.
Iowa	Closed season	Closed season	Closed season.
Kentucky [3]	Nov. 21–Jan. 15	Nov. 21–Jan. 24	Nov. 21–Jan. 9.
Louisiana [1 2]	Nov. 2–Jan. 10	Nov. 28–Jan. 31	Dec. 13–Jan. 31.
Michigan [1 2]			
Zone 1	Sept. 15–Nov. 23	Sept. 15–Nov. 14	Sept. 15–Nov. 3.
Zone 2		Oct. 21–Nov. 14	
Minnesota [3]	Sept. 7–Nov. 15	Sept. 7–Nov. 10	Sept. 21–Nov. 6.
Mississippi [1 2]	Nov. 2–Jan. 10	Nov. 30–Jan. 31	Dec. 13–Jan. 31.
Missouri [3]	Sept. 1–Nov. 9	Oct. 1–Dec. 4	Oct. 1–Nov. 19.
Ohio [3]	Sept. 2–Nov. 10	Sept. 20–Nov. 23	Oct. 3–Nov. 21.
Tennessee [3]	See footnote [4]	Nov. 18–Jan. 21	Nov. 18–Jan. 6.
Wisconsin [3]	do	Sept. 14–Nov. 17	See footnote [4]

[1] In the States of Arkansas, Louisiana, Mississippi, and Alabama the daily bag limit on king and clapper rails is 15 and the possession limit is 30 singly or in the aggregate.

[2] In all States in this flyway the daily bag and possession limit on sora and Virginia rails is 25 singly or in the aggregate.

[3] Season will open and run concurrently with the open season for ducks in the State: *Provided*, That the open season shall not extend beyond the last day of the duck season or 70 consecutive days, whichever is the shorter period.

[4] New York: In the Long Island area (Long Island and that part of Westchester County lying south of the Hutchinson River Parkway), the season on rails is Sept. 1–Nov. 9.

[5] New York: In the Long Island area (Long Island and that part of Westchester County lying south of the Hutchinson River Parkway), the season on woodcock is Oct. 7–Nov. 26.

[6] New York: Except in the southern zone including Long Island and that part of Westchester County lying south of the Hutchinson River Parkway, the season on snipe is Oct. 7–Nov. 11.

[7] Season will open and run concurrently with the open season for ducks in the State: *Provided*, That the open season shall not extend beyond the last day of the duck season or 50 consecutive days, whichever is the shorter period.

[8] Check State regulations for additional restrictions.

(c) *Atlantic Flyway States.*

	Rails	Woodcock	Common snipe (Wilson's)
Daily bag limit	See footnotes 1, 2, and 3	5	8
Possession limit	do	10	16
Shooting hours	One-half hour before sunrise until sunset on all species.		
Seasons in:			
Connecticut [1 2]	Sept. 1–Nov. 9	Oct. 19–Dec. 21	Oct. 19–Dec. 7.
Delaware [1 2]	Sept. 2–Nov. 9	Nov. 22–Jan. 25	Nov. 8–Dec. 27.
District of Columbia	Closed season	Closed season	Closed season.
Florida [2 3]	Sept. 7–Nov. 15	Nov. 9–Jan. 12	Nov. 9–Dec. 28.
Georgia [2 3]	Sept. 21–Nov. 29	Nov. 28–Jan. 31	Dec. 13–Jan. 31.
Maine [3]	Sept. 1–Nov. 9	Sept. 24–Nov. 15	Sept. 24–Nov. 12.
Maryland [1 2]	Sept. 2–Nov. 2	Oct. 19–Dec. 19	Oct. 16–Dec. 4.
Massachusetts [2]	Sept. 2–Nov. 15	Oct. 12–Nov. 30	Sept. 27–Nov. 15.
New Jersey [1 2 3]	Closed season	Oct. 5–Dec. 7	See footnote [6]
New York [1 2 4]	Sept. 1–Nov. 9	Sept. 23–Nov. 26 [5]	Sept. 23–Nov. 11. [6]
North Carolina [2 3]	Sept. 2–Nov. 10	Nov. 16–Jan. 19	Nov. 16–Jan. 4.
Pennsylvania [3]	Sept. 2–Nov. 9	Oct. 12–Dec. 14	Oct. 1–Nov. 19.
Rhode Island [1 2]	Sept. 9–Nov. 17	Oct. 26–Dec. 13	Oct. 26–Dec. 13.
South Carolina [2 3]	Oct. 19–Dec. 27	Nov. 28–Jan. 31	Dec. 13–Jan. 31.
Vermont [1 2]	Sept. 28–Dec. 14	Sept. 28–Dec. 1	Sept. 28–Nov. 16.
Virginia [2 3]	Sept. 21–Nov. 29	Sept. 21–Nov. 6	Sept. 21–Nov. 6.
West Virginia [3]	Sept. 21–Nov. 29	Sept. 21 Sept. 28–Oct. 12–Dec. 7	Sept. 21–Nov. 91

[1] In the States of Rhode Island, Connecticut, New Jersey, Delaware, New York, and Maryland the daily bag limit on king and clapper rails is 7 and the possession limit is 14 singly or in the aggregate.

[2] In the States of Georgia, Florida, South Carolina, North Carolina, and Virginia the daily bag limit on king and clapper rails is 15 and the possession limit is 30 singly or in the aggregate.

(c) *Central Flyway States.*

	Rails	Woodcock	Common snipe (Wilson's)
Daily bag limit	25	5	8
Possession limit	25	10	16
Shooting hours	One-half hour before sunrise until sunset on all species.		
Seasons in:			
Colorado [2] [4]	Sept. 1–Nov. 9	Closed season	Sept. 1–Oct. 20.
Kansas [4]	do	Oct. 19–Dec. 22	Oct. 1–Nov. 19
Montana	Closed season	Closed season	Closed season.
Nebraska [2]	Sept. 1–Nov. 9	do	Oct. 1–Nov. 19.
New Mexico [4]	Sept. 1–Oct. 30	do	See footnote [3]
North Dakota	Closed season	do	Sept. 1–Oct. 20.
Oklahoma [2]	Sept. 1–Nov. 9	Nov. 21–Jan. 24	Oct. 15–Dec. 3.
South Dakota	Closed season	Closed season	Sept. 1–Oct. 20.
Texas [1] [2]	Sept. 1–Nov. 9	Nov. 23–Jan. 26	Nov. 23–Jan. 11.
Wyoming [2]	Sept. 14–Nov. 22	Sept. 14–Nov. 17	Oct. 5–Nov. 23.

[1] In the State of Texas the daily bag limit on king and clapper rails is 15 and the possession limit is 30 singly or in the aggregate.
[2] In all States in this Flyway the daily bag limit and possession limit are 25 singly or in the aggregate of these species: Sora, and Virginia rails.
[3] Snipe season will be published with waterfowl regulation.
[4] Check State regulations for additional restrictions.

Section 10.51 is amended to read as follows:

§ 10.51 Migratory game bird hunting seasons in Alaska.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed between the dates of September 1, 1968, and January 26, 1969, as follows:

	Ducks	Geese	Coots	Brant	Common snipe (Wilson's)	Little brown cranes
Daily bag limit [1]	6	[2] 6	15	4	8	2
Possession limit [1]	12	[2] 12	15	8	16	4
Season dates in:						
Pribilof and Aleutian Islands except Unimak Island.	Oct. 14–Jan. 26			Sept. 1–Oct. 31		Sept. 1–Oct. 15.
Rest of Alaska and Unimak Island.	Sept. 1–Dec. 14			do		Do.

[1] Ducks: In addition to the basic daily bag and possession limits prescribed above for ducks collectively, a daily bag limit of 15 and a possession limit of 30 is permitted, singly or in the aggregate of the following species: Scoter, eider, harlequin, old-squaw, and American and red-breasted mergansers.
[2] Geese: The daily bag and possession limits may not include more than 4 daily and 8 in possession, singly or in the aggregate, of white-fronted and Canada geese: *Provided further*, That Alaskan Game Management Unit 6 (Copper River Delta), the limit is 2 daily and 4 in possession of Canada geese.

Section 10.53 is amended as follows:

§ 10.53 Seasons and limits on waterfowl, gallinules, coots, and Wilson's snipe.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed between the dates of September 1, 1968, and March 10, 1969, as follows:

(a) A special open season for taking scoter, eider, and old-squaw ducks is prescribed during the period between September 25 and January 10 in all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in the States of Maine, Massachusetts, Rhode Island, New Hampshire, and Connecticut; and in those coastal waters of New York State lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Miamogue Point in the town of Riverhead to Red Cedar Point in the town of Southampton, including areas open to sea duck hunting during the special open season and all waters of rivers and streams lying seaward from the first upstream bridge in the States of Maine, Massachusetts, New Hampshire, Rhode Island, and Connecticut; and in those coastal waters of New York State lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Miamogue Point in the town of Riverhead to Red Cedar Point in the town of Southampton, including any ocean waters of New York lying south of Long Island.

(b) Gallinules: [1]

Daily bag limit	15
Possession limit	30

Shooting hours: One-half hour before sunrise to sunset.

Seasons in:

Atlantic Flyway:	
Connecticut	Sept. 1–Nov. 9.
Delaware	Sept. 2–Nov. 9.
District of Columbia	Closed season.
Florida	Sept. 7–Nov. 15.
Georgia	Nov. 7–Jan. 15.
Maine	Sept. 1–Nov. 9.
Maryland	Dates not available.
Massachusetts	Sept. 7–Nov. 15.
New Hampshire	Dates not available.
New Jersey	Sept. 2–Nov. 9.
New York	Sept. 1–Nov. 9 [2] Sept. 9–Nov. 9 [3]
North Carolina	Dates not available.
Pennsylvania	Sept. 2–Nov. 9.
Rhode Island	Oct. 26–Dec. 13.
South Carolina	Oct. 19–Dec. 27.
Vermont	Sept. 28–Dec. 6.
Virginia	Dates not available.
West Virginia	Oct. 12–Dec. 20.
Central Flyway:	
Colorado	Dates not available.
Kansas	Sept. 1–Nov. 9.
Montana	Dates not available.
Nebraska	Sept. 1–Nov. 9.
New Mexico	Dates not available.
North Dakota	Do.
Oklahoma	Sept. 1–Nov. 9.
South Dakota	Dates not available.
Texas	Sept. 1–Nov. 9.
Wyoming	Dates not available.
Mississippi Flyway:	
Alabama	Nov. 7–Jan. 7.
Arkansas	Oct. 22–Dec. 30.
Illinois	Dates not available.
Indiana	Sept. 1–Nov. 9.
Iowa	Dates not available.
Kentucky	Nov. 21–Jan. 15.
Louisiana	Sept. 1–Oct. 20.
Michigan	Dates not available.
Minnesota	Do.
Mississippi	Nov. 2–Jan. 10.
Missouri	Dates not available.
Ohio	Sept. 7–Nov. 15.
Tennessee	Dates not available.
Wisconsin	Do.

See footnotes at end of table.

Seasons in—Continued

Pacific Flyway:	
Arizona	Dates not available.
California	Do.
Colorado	Do.
Idaho	Do.
Montana	Do.
Nevada	Do.
New Mexico	Do.
Oregon	Do.
Utah	Do.
Washington	Do.
Wyoming	Do.

[1] Some States establish their gallinules season at the time they select their duck season in August. Consult Regulatory Announcement 81 and State regulations for information concerning the gallinule season, if the dates are not published in this table.
[2] Except in the southern zone including Long Island and that part of Westchester County lying south of the Hutchinson River Parkway.
[3] In the Long Island area, Long Island and that part of Westchester County lying south of the Hutchinson River Parkway.

* * * * *

NOBLE E. BUELL,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JULY 23, 1968.

[F.R. Doc. 68-8951; Filed, July 26, 1968; 8:45 a.m.]

PART 32—HUNTING
PART 33—SPORT FISHING

Upper Mississippi River Wildlife and Fish Refuge, Illinois and Certain Other States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

The public hunting of migratory game birds on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted on the areas designated by signs as "open" to hunting. Hunting of migratory game birds is not permitted on the areas designated by signs as "closed" to hunting. The "open" areas comprising 153,000 acres are delineated on maps available at the refuge headquarters, Winona, Minn. 55987, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis, Minn. 55408.

Hunting shall be subject to the following special conditions:

(1) Hunting of migratory game birds on designated "open" areas concurrent with applicable State and Federal seasons is permitted.

(2) The hunting of migratory game birds shall be in accordance with all applicable State regulations which are adopted herein and made a part of this regulation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective until March 1, 1969.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

The public hunting of upland game birds, upland game animals, and raccoon, groundhogs, foxes, and crows on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted on the areas designated by signs as "open" to hunting. Restricted hunting of these species is also permitted on the areas designated by signs as "closed" to hunting. The "open" areas comprising 153,000 acres, and the "closed" areas comprising 41,000 acres are delineated on maps available at the refuge headquarters, Winona, Minn. 55987, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

Hunting shall be subject to the following special conditions:

(1) Hunting on designated "open" areas concurrent with applicable State seasons is permitted, but only during the period from the first day of the earliest State game bird or game animal season applicable to the geographic area concerned, until the end of the applicable State seasons, or until the next succeeding March 1, whichever occurs first.

(2) Hunting on designated "closed" areas concurrent with applicable State seasons is permitted, but only during the period from the first day after the close of the last hunting season for ducks applicable to the geographic area concerned, until the end of the applicable State seasons, or until the next succeeding March 1, whichever occurs first.

(3) The hunting of upland game birds, upland game animals, and raccoon, groundhogs, fox, and crows shall be in accordance with all applicable State regulations which are adopted herein and made a part of this regulation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective until March 1, 1969.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

The public hunting of deer on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted on the areas designated by signs as "open" to hunting. Restricted hunting of deer is also permitted on the areas designated by signs as "closed" to hunting. The "open" areas comprising 153,000 acres, and the "closed" areas comprising 41,000 acres are delineated on maps available at the refuge headquarters, Winona, Minn. 55987, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

Hunting shall be subject to the following conditions:

(1) Bow and gun deer hunting on designated "open" areas is permitted concurrent with applicable State seasons.

(2) Bow and gun deer hunting on designated "closed" areas concurrent with applicable State seasons is permitted, but only during the period from the first day after the close of the last hunting season for ducks applicable to the geographic area concerned, until the end of the applicable State seasons, or until the next succeeding March 1, whichever occurs first.

(3) The hunting of white-tailed deer shall be in accordance with all applicable State regulations which are adopted herein and made a part of this regulation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective until March 1, 1969.

The following special regulations are issued and are effective on January 1, 1969.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

Sport fishing, commercial fishing, and the taking of frogs, turtles, crayfish, and clams on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted on all water areas of the refuge. The refuge water areas comprising 125,000 acres are delineated on maps available at the refuge headquarters, Winona, Minn. 55987, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. All fishing is subject to the following conditions:

(1) During the open season from January 1, 1969, through December 31, 1969, and unless further restrictions are imposed by this regulation, all fish, frogs, turtles, crayfish, and clams shall be taken in accordance with all applicable State regulations and seasons which are adopted herein and made a part hereof.

(2) All sport and commercial fishing and all travel by boat or any other means across, through, or on the Spring Lake Closed Area of the Upper Mississippi River Wildlife and Fish Refuge in Carroll County, Ill., is prohibited from October 1 through December 20.

(3) All persons, including their helpers, exercising the privilege of commercial fishing on the Spring Lake Closed Area must possess a valid commercial

fishing permit issued by the Refuge Manager authorizing such commercial fishing, and must comply with all conditions as prescribed by the Refuge Manager which are set forth in the permit.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective from January 1, 1969, through December 31, 1969.

DONALD V. GRAY,
Refuge Manager.

JULY 22, 1968.

[F.R. Doc. 68-8965; Filed, July 26, 1968; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 6]

PART 725—FLUE-CURED TOBACCO

Subpart—Flue-Cured Tobacco, 1966–67 and Subsequent Marketing Years

MISCELLANEOUS AMENDMENTS

On pages 8458 through 8461 of the FEDERAL REGISTER of June 7, 1968 (as corrected on page 8820 of the FEDERAL REGISTER of June 18, 1968), and on page 9619 of the FEDERAL REGISTER of July 2, 1968, there were published notices of proposed rule making to issue an amendment to regulations relating to farm acreage allotments, and farm marketing quotas, the issuance of marketing cards, the identification of marketings of tobacco, the collection and refund of penalties, and the records and reports thereto for flue-cured tobacco for the 1968–69 and subsequent marketing years. Interested persons were given 10 days after publication of such notices in which to submit written data, views, and recommendations with respect to the proposed amendment to the regulations. The data, views, and recommendations which were submitted pursuant to said notice were duly considered within the limits of the Agriculture Adjustment Act of 1938, as amended. The proposed regulations are adopted with the following changes:

1. Effective date provision is added.

2. Spelling errors in the text of the notice have been corrected.

3. A change has been made in the definition of floor sweepings and leaf account in paragraphs (o) and (p), respectively, of § 725.51.

4. In § 725.72(h) the provisions affecting the lease and transfer of allotments on CR, CCP, and CAP farms have been rewritten.

5. The word "of" in § 725.91(a) which was inadvertently omitted in the first sentence has been added. A new sentence at the end of the text provides that only the ASCS marketing recorder shall execute Forms MQ–72–1 and Forms MQ–76 covering producer auction sales.

6. The 1967–68 average market price and the 1968–69 rate of penalty have been included in paragraphs (f) and (g), respectively, of § 725.92.

7. In § 725.94, the maximum percentage of floor sweeping tobacco authorized has been revised. The maximum amount of floor sweeping tobacco is the actual pounds accumulated from the warehouse floor but not to exceed the pounds resulting from the indicated revised percent. In addition, such tobacco shall be kept separate from any other tobacco when sold.

8. In § 725.98 a provision is included requiring a reduction in an allotment where a false certification of acreage was filed for a farm and the farm operator used what amounts to a scheme or device to defeat the purpose of the program.

9. In § 725.99 (a) and (g) provision is made for recording floor sweeping tobacco separately from leaf account tobacco when sold or reported on hand.

10. In §§ 725.99(g)(14) and 725.100(c)(4) a provision is included to allow ASCS to weigh tobacco on hand.

11. In § 725.101, a report of tobacco received during the 1968–69 marketing year is included.

Effective date. Certain of the foregoing listed changes were not included among the amendments proposed in the previously published notices of rule making. Since the marketing of the 1968 crop of flue-cured tobacco to which these regulations relate will begin on July 31, 1968, it is essential that they be made effective at the earliest possible date. Accordingly, as to the amendments not covered by the previously published notices of rule making, it is hereby determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest, and it is further found that compliance with the effective date provision of 5 U.S.C. 553 is impracticable and contrary to the public interest and this document shall become effective upon the date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on July 24, 1968.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

The regulations are as follows:

1. Section 725.51 (o), (p), (r), (ee), and (hh) is amended as follows:

§ 725.51 Definitions.

• • • • • •

(o) *Floor sweepings.* The actual quantity of scraps or leaves of tobacco which accumulate on the warehouse floor in the regular course of business: *Provided, however,* That, floor sweepings above the pounds determined by multiplying the applicable following listed percentage times the total first sales of tobacco at auction for the season for the warehouse, shall be deemed to be leaf account tobacco:

How sold	*Percentage*
Untied—Florida, Georgia.	0.75 (seventy-five hundredths of 1 percent).
Untied—South Carolina, North Carolina, and Virginia.	0.50 (five-tenths of 1 percent).
Tied	0.17 (seventeen hundreths of 1 percent).

Floor sweeping tobacco shall be kept separate from any other tobacco when sold.

(p) *Leaf account tobacco.* All tobacco purchased or otherwise acquired by or for the account of a warehouse, and shall include but not be limited to, tobacco from Buyers Corrections Account, sales and resales of such tobacco, floor sweepings purchased from another warehouseman or dealer, and floor sweepings deemed to be leaf account tobacco under paragraph (o) of this section.

• • • • • •

(r) *Marketing recorder or field assistant.* Any employee of the U.S. Department of Agriculture, or any employee of an Agricultural Stabilization and Conservation Service (ASCS) county office, whose duties involve the preparation and handling of the records and reports pertaining to the identification of marketings of tobacco.

• • • • • •

(ee) *Suspended sale.* Any marketing of tobacco at auction for which the sale is not identified by a producer's marketing card or a dealer's identification card by the end of the sale day on which such marketing occurred.

• • • • • •

(hh) *Trucker.* A person who trucks or hauls tobacco for producers, or any other persons.

• • • • • •

2. Section 725.69, paragraph (b), subparagraph (6), is amended as follows:

§ 725.69 Determination of acreage allotments for new farms.

• • • • • •

(b) • • •

(6) The operator expects to obtain, during the current year, more than 50 percent of his income from the production of agricultural commodities or products from the farm for which the new farm allotment application is filed. In making this computation of income from the farm, no value will be allowed for the estimated return from the production of the requested allotment. However, in addition to the value of agricultural products sold from the farm, credit will be allowed for the estimated value of home gardens, livestock, and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm. Where the farm operator is a partnership each partner must expect to obtain, during the current year, more than 50 percent of his income from agricultural commodities or products from the farm. Where the farm operator is a corporation, it must have no major corporate purpose other than operation and ownership, where applicable, of such farm, and the officers and general manager of the corporation must expect to obtain more than 50 percent of their income, including dividends and salary, from the corporation.

• • • • • •

3. Section 725.72(h) is amended as follows:

§ 725.72 Lease and transfer of tobacco marketing quotas.

• • • • • •

(h) *Farms under long-term land use programs.* Transfer of an allotment and quota to or from a farm covered by a Conservation Reserve Program (CR) contract, Cropland Adjustment Program (CAP) agreement or Cropland Conservation Program (CCP) agreement shall be subject to the following conditions:

(1) *CR, and CCP (1964–65).* A lease and transfer of an allotment and quota may be approved to or from any farm under a CR contract or 1964–65 CCP agreement.

(2) *CAP, and CCP (1966 and 1967).* A lease and transfer of an allotment and quota to or from a farm covered by a CAP agreement or a 1966 CCP agreement or 1967 CCP agreement shall not be approved if the transferring or receiving farm has the allotment crop base designated under such program agreement.

Any transfer of an allotment and quota hereunder shall be made subject to an appropriate adjustment in the rates of payment under such contract or agreement in accordance with instructions issued by the Deputy Administrator but no adjustment shall be made in the contract or agreement of the farm to which the allotment and quota are transferred.

• • • • • •

4. Section 725.87, paragraph (a), subparagraph (1), and paragraph (f), subparagraphs (1), (2), (3), and (4), are amended to read as follows:

§ 725.87 Issuance of marketing cards.

(a) *General.* (1) A marketing card (MQ–76) shall be issued for the current marketing year for each farm having tobacco available for marketing. Cards shall be issued in the name of the farm operator except that (i) cards issued for tobacco grown for experimental purposes only shall be issued in the name of the experiment station, and (ii) cards issued to a successor-in-interest shall be issued in the name of the successor-in-interest. The face of the marketing card may show the name of other interested producers. For cards issued in North Carolina, South Carolina, and Virginia, the card shall show the harvested acreage on the face of the card. A marketing card may be issued in the name of a producer who is not the farm operator if the county committee determines pursuant to the procedure in subparagraph (2) of this paragraph that such producer has been or likely will be deprived of the right to use the marketing card issued for the farm to market his proportionate share of the crop.

• • • • • •

(f) *Farm quota data entered on marketing card and supplemental card.* (1) Any marketing card issued to market tobacco shall show when issued, in the space provided on the reverse side, (i) the pounds computed by multiplying 10 percent times the effective farm marketing quota, and (ii) the pounds computed by multiplying 110 percent times the effective farm marketing quota.

(2) Where the farm operator requests it, a supplemental marketing card bearing the same name and identification as shown on the original marketing card may be issued for a farm upon return to the county office of an original marketing card or a supplemental marketing card. The pounds computed as 10 percent of the effective farm marketing quota shall be entered in the space provided on reverse side of the marketing card and the balance of 110 percent of quota from prior marketing card shall be shown in the first space on the card.

(3) Two or more marketing cards may be issued for a farm if the farm operator so requests in writing and specifies in writing the number of pounds to be assigned to each card. In such cases (i) each marketing card shall show 10 percent of the assigned quota in the space "10 percent of quota", and (ii) each marketing card shall show the assigned quota plus 10 percent of such assigned quota in the space "110 percent of quota".

(4) If, when authorized under Part 1421 of this title, a producer requests and obtains from the county committee an interim advance of CCC funds on part or all of his flue-cured tobacco crop prior to marketing thereof, the estimated quantity of tobacco upon which the interim advance was made shall be entered in parentheses on the reverse side of the marketing card in the space for recording sales. Any poundage balance of the "110 percent of quota" data shall be entered below the estimated pounds upon which an interim advance was made.

• • • • • •

5. Section 725.91, paragraphs (b) and (c) are revoked and paragraph (a) is amended to read as follows:

§ 725.91 Identification of marketings.

(a) *Identification of producer marketings.* Each auction and nonauction marketing of tobacco from a farm in the current year shall be identified by a marketing card, Form MQ–76, issued for the current year shall be identified by a marketing card, Form MQ–76, issued for the farm. The reverse side of the marketing card shall show in pounds (1) 10 percent of quota, (2) 110 percent of quota, (3) balance of 110 percent of quota after each sale, and (4) date of sale. Each producer sale at auction shall be recorded on a Form MQ–72–1, Report of Tobacco Auction Sale, and each producer sale at nonauction shall be recorded on Form MQ–72–2, Report of Tobacco Nonauction Purchase. For producer sales at auction, Form MQ–72–1 and Form MQ–76 shall be executed only by the ASCS marketing recorder.

(b) [Revoked]

(c) [Revoked]

• • • • • •

6. Section 725.92 is amended by adding paragraphs (f) and (g) as follows:

§ 725.92 Rate of penalty.

• • • • • •

(f) *Average market price.* The average market price as determined by the Crop Reporting Board for the marketing years specified was:

AVERAGE MARKET PRICE

Marketing year:	*Cents per pound*
1967–68	64.2

(g) *Rate of penalty per pound.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the marketing years specified shall be:

RATE OF PENALTY

Marketing year:	*Cents per pound*
1968–69	48

7. Section 725.94 paragraph (c) is amended and a new paragraph (g) is added to read as follows:

§ 725.94 Penalties considered to be due from warehousemen, dealers, buyers, and others excluding the producer.

• • • • • •

(c) *Leaf account tobacco.* If part or all of any marketing of leaf account tobacco (including tobacco from the buyers corrections account), when added to prior leaf account resales is in excess of prior leaf account purchases, such marketing shall be considered to be a marketing of excess tobacco unless and until such warehouseman furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. The actual quantity of floor sweepings which the State executive director determines has been properly identified as floor sweepings and sold and reported as such by the warehouseman shall be considered acceptable proof that such marketings are not marketings of excess tobacco provided, however, the amount thereof for the warehouse does not exceed the floor sweepings for the season of: (1) 0.17 percent of producers' sales of tied tobacco, (2) 0.75 percent of producers' sales of untied tobacco in Florida and Georgia and (3) 0.50 percent of producers' sales where untied tobacco is presheeted in standardized sheets of Burlap before marketing in the States of South Carolina, North Carolina, and Virginia.

• • • • • •

(g) *Carryover tobacco.* Any tobacco on hand and reported or due to be reported under § 725.99(g)(14) for warehousemen and § 725.100(c)(4) for dealers shall be included as a resale in determining whether an account has excess resales. Unless the warehouseman furnishes proof acceptable to the State committee and unless the dealer furnishes proof

acceptable to the States executive director, showing that such account does not represent excess tobacco, penalty at the full rate shall be paid thereon by such warehouseman or dealer.

8. Section 725.98 paragraph (a) is amended by adding new text to the paragraph to read as follows:

§ 725.98 Producers' records and reports.

(a) *Failure to file reports or filing false reports.* • • • If a farm operator in a certification county (as defined in Part 718 of this chapter) files a certification of tobacco acreage on the farm and, after a farm visit and measurement of the acreage, it is determined by the county committee (with approval of the State committee) that the certification was false (either under certification or over certification) in what amounts to a scheme or device to defeat the purpose of the program, the allotment next established for the farm shall be reduced. If the conditions in subdivisions (i) and (ii) of this paragraph are not applicable, the next established allotment shall be reduced by the percentage computed as follows: The acreage falsely certified (difference between certified and measured acreage) shall, for the year of the violation, be multiplied by the farm yield and the resulting product shall be divided by the farm marketing quota. Such method of determining the amount of allotment reduction also is provided for in paragraph (h) of this section.

• • • • •

9. Section 725.99, paragraph (a), subparagraphs (2) and (4), paragraph (c), subparagraph (3), paragraph (d), paragraph (f), subparagraph (3), and paragraph (g) are amended, and a new paragraph (i) is added, to read as follows:

§ 725.99 Warehousemen's records and reports.

(a) *Record of marketing.* • • •

(2) *Separate acount records.* • • •

(ii) Purchases and resales of leaf account tobacco. The resale record shall include separate data for leaf account tobacco and floor sweeping tobacco.

• • • • •

(4) *Tobacco sale bill and daily warehouse sales summary.* Each warehouseman shall use uniform tobacco sale bills furnished by ASCS with spacing to record by imprinter the identification of the warehouse and the identification of the seller. The warehouseman shall not weigh in any tobacco for sale unless a card (MQ–76 for producers, MQ–79–2 for dealers) is furnished the weighman. In the "Buyerstand Grade" space on the tobacco sale bill (i) the left column shall show nonauction purchases by the warehouse and tobacco grade for tobacco consigned to price support, and (ii) the right column shall show the symbol for tobacco bought by private buyers. At the end of each sale day the tobacco sale bills shall be sorted and filed in numerical order. A copy of the executed Form MQ–80, Daily Warehouse Sales Summary, shall be furnished to marketing recorder for the Kansas City Data Processing Center (KCDPC).

• • • • •

(c) *Marketing card.* • • •

(3) *Nonauction sale (country purchase) to a warehouseman.* A marketing card used to cover a nonauction sale (country purchase) at the farm shall show on the reverse side of the poundage balance of the "110 percent of quota". Each warehouseman shall record each nonauction purchase of tobacco made by him on MQ–79 and on Form MQ–72–2, Report of Tobacco Nonauction Purchase. The data to be recorded on Form MQ–72–2 is set forth in § 725.100(c)(3).

• • • • •

(d) *Suspended sale record.* Any tobacco sale bill covering a sale of tobacco for which a valid marketing card or dealer identification card was not presented shall be given to a marketing recorder who shall stamp such bills, "Suspended".

• • • • •

(f) *Record and report of warehouseman's leaf account purchases and resales not on his floor.* Each warehouseman shall keep a record and make reports on MQ–79, Dealer's Report, showing:

• • • • •

(3) All purchases of tobacco from dealers other than warehousemen and resales of tobacco to dealers other than warehousemen. Form MQ–79 shall be prepared and a copy, including copies of Form MQ–72–2 for all nonauction purchases, forwarded to the ASCS State office not later than the end of the calendar week in which such tobacco was purchased or resold. *Provided:* That, if tobacco is purchased prior to the opening of the local auction market, an MQ–79 shall be prepared and a copy, together with copies of MQ–72–2 for all nonauction purchases, forwarded to the ASCS State office not later than the end of the calendar week which would include the first sale day of the local auction markets. A remittance for all penalties shown by the entries on MQ–79 and Form MQ–72–2 to be due shall be forwarded to the ASCS State office with the original copy of MQ–79.

(g) *Daily warehouse sales summary.* Each warehouseman shall prepare at the end of each sale day a report on MQ–80, Daily Warehouse Sales Summary, showing for each sale day:

(1) For each manufacturer, buyer, order buyer, and Flue-Cured Stabilization (pool), pounds of tobacco purchased at auction (consigned in the case of the pool).

(2) The sum of the items for subparagraph (1) of this paragraph.

(3) Resales at auction for each person listed under subparagraph (1) of this paragraph.

(4) For each dealer subject to reporting purchases and resales on MQ–79, as originally billed, the total pounds of tobacco purchased at auction, and resales at auction.

(5) The total pounds purchased at auction for the leaf account.

(6) The total pounds purchased at nonauction at the warehouse for the leaf account.

(7) The sum of the total pounds for subparagraphs (5) and (6) of this paragraph.

(8) (i) The total leaf account resales and (ii) a separate account for total floor sweeping resales.

(9) The sum of the total purchases for subparagraphs (2), (4), and (7) of this paragraph.

(10) The sum of the total resales for subparagraphs (3), (4), and (8) of this paragraph.

(11) For each warehouse sale of excess tobacco from a farm, the applicable farm number with daily remittance of the penalty due to accompany Form MQ–72–1.

(12) For each dealer, at time of settlement having excess resale tobacco, the applicable dealer identification number with daily remittance of the penalty due.

(13) As to the information required to be entered on MQ–80, Daily Warehouse Sales Summary by the marketing recorder, the warehouseman shall keep and make available such records as will enable the marketing recorder to enter thereon: (i) The total number of Forms MQ–72–1 for the sale day and the sum of pounds sold and shown on Forms MQ–72–1, and (ii) the total number of suspended sale bills and the sum of such pounds sold.

(14) At the end of the season, each warehouseman shall, for each kind of tobacco: (i) Report on his final MQ–80 for the season the quantity of leaf account tobacco and floor sweeping tobacco if any, on hand and its location, and (ii) permit its inspection and weighing by a representative of ASCS, and furnish him at that time a certification of the quantity of such tobacco.

• • • • •

(i) *Report on Form MQ–78, Tobacco Warehouse Organization.* Each warehouseman shall annually, prior to opening of auction markets, furnish ASCS as executed Form MQ–78 showing:

(1) Form of business organization.

(2) Name and address of warehouse officials and bookkeeper.

(3) Name and address of other warehouses in which the officials and bookkeeper have a financial interest.

(4) Name and address of custodian of warehouse records, including their location.

10. Section 725.100, paragraph (b), subparagraph (1) and paragraph (c), subparagraph (2) are amended, and new subparagraphs (3) and (4) are added, to read as follows:

§ 725.100 Dealer's records and reports.

• • • • •

(b) *Nonauction sale (country purchase) to a dealer.* (1) (i) Each purchase of tobacco from a producer shall be identified by a marketing card issued for the farm on which the tobacco was produced. The reverse side of the marketing card shall show the poundage balance of the "110 percent of quota"; (ii) in addition, a Form MQ–72–2, Report of Tobacco Nonauction Purchase, shall be prepared and shall show: (*a*) Date of purchase, (*b*) identification number of buyer, (*c*) identification of producer selling the tobacco as shown on the marketing card, including his name and address and complete farm number, (*d*) type code 10, (*e*) pounds purchased, and (*f*) amount of penalty collected. The dealer shall record each nonauction purchase of tobacco made by him on MQ–79.

• • • • •

(c) *Record and report of purchases and resales.* • • •

(2) Form MQ–79 shall be prepared and a copy, together with executed copies of MQ–72–2 for all nonauction purchases, forwarded to the ASCS State office not later than the end of the calendar week in which such tobacco was purchased or resold, except as follows: (i) If tobacco is purchased prior to the opening of the local auction market an MQ–79 shall be prepared and a copy, together with executed copies of Form MQ–72–2, for all nonauction purchases, forwarded to the ASCS State office not later than the end of the calendar week which would include the first sale day of the local auction markets; (ii) if tobacco is resold in a State other than where produced, and the auction markets at such location open earlier than those where the tobacco would normally be sold at auction by farmers, reports shall be prepared and forwarded together with executed copies of MQ–72–2 for all nonauction purchases, not later than the end of the calendar week which would include the first sale day of the local auction market where the resale takes place.

(3) The data to be entered on MQ–72–2, Report of Tobacco Nonauction Purchase from producers shall be that enumerated under paragraph (b)(1)(ii) of this section. For nonauction purchases from a dealer, the data to be entered on MQ–72–2 shall be the following: (i) Date of purchase; (ii) identification number of buyer; (iii) identification number of dealer making the sale; (iv) type code 10, and (v) pounds purchased.

(4) At the end of the marketing operations of each dealer he shall for each kind of tobacco: (i) Report on his final MQ–79 for the season the quantity of tobacco on hand and its location, and (ii) permit its inspection and weighing by a representative of ASCS, and at that time furnish him a certification of the quantity of such tobacco.

11. Section 725.101 is amended to read as follows:

§ 725.101 Dealers exempt from regular records and reports.

Any dealer or buyer who acquires tobacco only at auction sales and resells, in the form in which tobacco ordinarily is sold by farmers, 5 percent or less of any such tobacco shall not be subject to the requirements of § 725.100: *Provided*, That where deemed necessary the Director, Farmer Programs Division or the State committee may require a report of all tobacco purchased by the dealer without regard to the 5-percent exemption. Any dealer or buyer is required to report on MQ–79 and on MQ–72–2 nonauction purchases from producers and nonauction purchases from other sources. For the 1968–69 marketing year, each dealer or buyer shall make a report not later than July 31, 1969, to the Director, Farmer Programs Division, showing source and pounds of all tobacco received by him as a result of auction or nonauction sale, including tobacco received which was not billed to him.

12. Section 725.105 is amended to read as follows:

§ 725.105 Duties of Kansas City ASCS Data Processing Center.

Numerous record keeping and reporting provisions required of these regulations are the responsibility of the Kansas City ASCS Data Processing Center (also referred to as KCDPC). The duties of the Center are set forth in writing in frequent issuances of internal procedures.

[F.R. Doc. 68–9085; Filed, July 26, 1968; 9:26 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 248, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(ii) of § 908.548 (Valencia Orange Regulation 248, 33 F.R. 10277) are hereby amended to read as follows:

§ 908.548 Valencia Orange Regulation 248.

• • • • •

(b) *Order.* (1) • • •

(ii) District 2: 325,000 cartons;

• • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 24, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68–9006; Filed, July 26, 1968; 8:49 a.m.]

[Lemon Reg. 331]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.631 Lemon Regulation 331.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set

forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 23, 1968.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period July 28, 1968, through August 3, 1968, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 283,650 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 24, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9007; Filed, July 26, 1968; 8:49 a.m.]

[Prune Reg. 6]

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREG.

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement and Order No. 924 (7 CFR Part 924), regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oreg., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the recommendations of the Washington-Oregon Fresh Prune Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of fresh prunes, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 29, 1968. A reasonable determination as to the supply of, and the demand for, prunes must await the development of the crop and adequate information thereon was not available to the Washington-Oregon Fresh Prune Marketing Committee until July 16, 1968, recommendation as to the need for, and the extent of, regulation of shipments of such prunes was made at the meeting of said committee on July 16, 1968, after consideration of all available information relative to the supply and demand conditions for such prunes, at which time the recommendation and supporting information were submitted to the Department; necessary supplemental information for consideration in connection with the specifications of the provisions were not available until July 22, 1968; shipments of the current crop of such prunes are expected to begin on or about the effective date hereof; this regulation should be applicable, insofar as practicable, to all shipments of such prunes in order to effectuate the declared policy of the act; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 924.307 Prune Regulation 6.

(a) Order: (1) Prune Regulation 5 (32 F.R. 10782) is hereby terminated on July 29, 1968.

(2) During the period July 29, 1968, through July 31, 1969, no handler shall handle any lot of prunes unless such prunes meet the following applicable requirements, or are handled in accordance with subparagraph (3) of this paragraph:

(i) *Minimum grade requirement.* Such prunes grade at least U.S. No. 1: *Provided*, That any prunes having not less than two-thirds (⅔) of the surface with purplish color may be shipped if they otherwise grade at least U.S. No. 1.

(3) Notwithstanding any other provision of this section, any individual shipment which, in the aggregate, does not exceed 500 pounds, net weight, of prunes of the Brooks, Stanley, or Merton varieties of prunes, or 150 pounds, net weight, of prunes of any variety other than Brooks, Stanley, or Merton varieties of prunes, which meets each of the following requirements may be handled without regard to the restrictions of this paragraph, of § 924.41 (Assessments), and of § 924.55 (Inspection and certification):

(i) The shipment consists of prunes sold for home use and not for resale; and

(ii) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(b) The term "U.S. No. 1" shall have the same meaning as when used in the U.S. Standards for Fresh Plums and Prunes (§§ 51.1520–51.1537 of this title); the term "purplish color" shall have the same meaning as when used in the Washington State Department of Agriculture Standards for Italian Prunes (May 1954) and in the Oregon State Department of Agriculture Standards for Italian Prunes (July 1965); and, except as otherwise specified, all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 25, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9039; Filed, July 26, 1968; 8:50 a.m.]

PART 967—CELERY GROWN IN FLORIDA

Limitation of Shipments

Notice of rule making with respect to a proposed limitation of shipments regulation to be made effective under Marketing Agreement No. 149 and Order No. 967 (7 CFR Part 967), regulating the handling of celery grown in Florida, was published in the FEDERAL REGISTER June 29, 1968 (33 F.R. 9555). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than 15 days after publication. None was filed.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice, the data, views, and recommendations of the Florida Celery Committee and other available information, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, including the establishment of the Marketable Quantity, and the determination of the Uniform Percentage, as provided in § 967.38(a) will tend to effectuate the declared policy of the act by maintaining orderly marketing conditions tending to increase returns to producers of such celery.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice was given of the proposed limitation of shipments set forth in this section through publicity in the production area and by prior publication in the June 29, 1968, FEDERAL REGISTER, (2) as provided in the order, this regulation applies to the handling of celery during the entire 1968–69 marketing year, which begins August 1, 1968, although actual handling of harvested celery is not expected to begin until approximately the later part of October, (3) prompt promulgation affords producers and handlers maximum time to plan their handling operations accordingly, and (4) compliance with this section will not require any special preparation on the part of handlers which cannot be completed prior to such handling.

It is, therefore, ordered as follows:

§ 967.304 Marketable Quantity for 1968–69 season; Uniform Percentage; and limitation on handling.

(a) The Marketable Quantity for the 1968–69 season is established, pursuant to § 967.36(a), as 7,887,375 crates.

(b) As provided in § 967.38(a), the Uniform Percentage for the 1968–69 season is determined as 84.312 percent.

(c) During the season August 1, 1968, through July 31, 1969, no handler may handle, as provided in § 967.36(b)(1), any harvested celery unless it is within the Marketable Allotment for the producer of such celery.

(d) No reserve for Base Quantities for the 1968–69 season is established.

(e) Terms used herein shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C 601–674)

Dated: July 24, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-8971; Filed, July 26, 1968; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 32]

GRAYS LAKE NATIONAL WILDLIFE REFUGE, IDAHO

Hunting

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Endangered Species Preservation Act of October 15, 1966 (80 Stat. 926, 16 U.S.C. 668aa), it is proposed to amend 50 CFR 32.11 and 32.31 by the addition of Grays Lake National Wildlife Refuge, Idaho, to the list of areas open to the hunting of migratory game birds and big game as legislatively permitted.

It has been determined that regulated hunting of migratory game birds and big game may be permitted as designated on the Grays Lake National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule-making process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER

1. Section 32.11 is amended by the following addition:

§ 32.11 List of open areas; migratory game birds.

* * * * *

IDAHO

Grays Lake National Wildlife Refuge.

* * * * *

2. Section 32.31 is amended by the following addition:

§ 32.31 List of open areas; big game.

* * * * *

IDAHO

Grays Lake National Wildlife Refuge.

* * * * *

NOBLE E. BUELL,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JULY 23, 1968.

[F.R. Doc. 68-8969; Filed, July 26, 1968; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 929]

[Docket No. AO-341-A2]

CRANBERRIES GROWN IN MASSACHUSETTS AND CERTAIN OTHER STATES

Decision and Referendum Order With Respect to Proposed Further Amendment of Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in Wareham, Mass., on February 5, in Moorestown, N.J., on February 7, in Wisconsin Rapids, Wis., on February 9, and in Grayland, Wash., on February 13, 1968, after notice thereof published in the FEDERAL REGISTER (33 F.R. 283), on proposed further amendment of the marketing agreement and Order No. 929 (7 CFR Part 929), regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Minnesota, Oregon, Washington, and Long Island in the State of New York, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter called the "act."

On the basis of the evidence adduced at the hearing, and the record thereof, the Deputy Administrator, Regulatory Programs, Consumer and Marketing Service, on June 21, 1968, filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 68-7615; 33 F.R. 9450).

Ruling on exceptions. Exceptions to the recommended decision were filed by Mrs. Sarah I. Heinz, Middleboro, Mass.; by Caleb F. Cavileer, Egg Harbor, N.J.; by Ronny I. Haga, Bandon, Oreg.; by James B. Wilson, Port Orford, Oreg.; and by Lawton and Cates on behalf of B. C. Roemer, Manitowish Waters, Wis., and Calvin LaPorte, Manitowish Waters, Wis., and on behalf of Cranberry Products, Inc., Eagle River, Wis.; and by the Attorney General, State of Wisconsin.

The exceptions ranged from four requests for exemption from the date by which acreage must be planted, to disagreement with the economic conclusions drawn, to legal challenges as to the extent to which allotments are permissible under the terms of the act.

As to the requests for examption from the requirement that a grower's base quantity shall be computed on the basis of sales from acreage planted prior to August 1, 1968, the amendment in § 932.48 includes a basis for computing base quantities of persons who are unable to meet the prescribed date. If the amendment is made effective, each person who has made a firm and substantial commitment to produce cranberries will be given an opportunity to apply and present data to be considered in determining whether or not he may qualify for a base quantity under such procedure. Therefore, such requests are inappropriate at this time, and should not be made in the form of an exception.

As regards the exceptions to the conclusions drawn from economic data presented, a thorough review of record data was made and it has been determined that the conclusions previously drawn are correct as originally set forth. First, it is clear that there is a need for such a program in the cranberry industry. Secondly, objections based on competition from Canadian berries do not seem suitable because the record contains (1) no evidence that the production and sales of cranberries produced in Canada has a meaningful bearing on the cranberry industry covered by the order, and (2) the act does not apply to cranberries produced in Canada. Thirdly, there is a definite relationship between cranberries for different regions in the nation which militates against the conclusion that there is no need to control the sales of all cranberries in the United States.

As regards the exceptions as to the nature of the powers imposed under the act, it need only be said that the Secretary of the Department of Agriculture does not feel the amendments constitute control of acreage, that the period 1968–69 through 1973–74 will not be determined to be representative until after the 1974 crop year, if at all, and that there is no evidence on the record to indicate that the amendments would benefit the larger cooperative and its membership so greatly as to give it an important competitive advantage over other members of the industry.

The Attorney General of Wisconsin first excepted to the use of the date August 1, 1968, in connection with established cranberry acreage. Elsewhere in this decision such date has been changed to "the effective date of this amendment," since the amendment cannot become effective before August 1, 1968.

The next exception concerns the transfer provisions. The conclusion that the transfer provision favors the dominant group over minority groups is erroneous as is the conclusion that such will work to the disadvantage of Wisconsin. The transfer provisions are necessary to assure that the marketable quantity of cranberries will be available. It is recognized that production fluctuates from year to year between States, within the respective States, and among growers wherever located, and by virtue of the transfer provision, a consistent supply will be more readily attainable. The contention that the provisions "infuse tremendous economic value" into base quantities is speculative at best since there is no experience on which to predicate such a statement.

The exception attempts to recite the disadvantages which would accrue to Wisconsin because of the so-called advantages to the State of Massachusetts. Cranberries produced in any State compete in the market with cranberries produced in all other States. Thus, it is not appropriate to pit Wisconsin against Massachusetts while ignoring the other major producing States of New Jersey, Oregon, and Washington.

It is recognized that Wisconsin has considerable acreage on which cranberries may be produced. This situation exists in other States. There is no evidence of record which indicates that the cranberry industry could survive if a significant amount of the potential acreage in the United States were planted to cranberries. Record evidence strongly supports the position that prices relative to parity are in a downward trend. The program is designed to halt such trend. The suggested conclusion that the eastern producer is the primary beneficiary is denied.

The exception makes erroneous statements concerning the recommended decision with respect to annual production and sales (33 F.R. 9450) and reaches incorrect conclusions with respect to exhibit 6 Wareham, Mass., hearing February 5, 1968, at page 11. The statistics referred to projected production and sales through the 1972–73 season. The carryover on September 1, 1967, was 415,000 barrels as noted in the recommended decision. Production was estimated for the 1967–68 season at 1,425,000 barrels—down 173,600 barrels from the previous year. Sales were projected at 1,467,000 barrels—5 percent increase over the previous year. Thus, the carryover would be depleted by 42,600 barrels. The 375,000 barrels remaining is still a larger amount than was indicated as desirable. The conclusion to be drawn from the aforesaid exhibit is that by 1973 the cranberry industry will have produced approximately 1½ million more barrels of cranberries than it can reasonably be expected to dispose of at a fair market price. The industry would be thus confronted with a serious marketing problem. Finally, the conclusion that there has been no instability of price is irrelevant since the only meaningful relationship is where the price is relative to parity. To the extent that any exception is not specifically ruled on and is at variance with the findings, conclusions, and actions decided upon in this decision, such exception is denied for the reasons and on the basis of the findings and conclusions relating thereto.

The material issues, findings and conclusions, rulings, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 68–7651; 33 F.R. 9450) are hereby approved and adopted as the material issues, findings and conclusions, rulings, and the general findings of this decision as if set forth in full herein, except that the date "August 1, 1968" appearing in §§ 929.16 and 929.48 is changed to "the effective date of this amendment."

Further amendment of the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York" and "Order Amending the Order, as Amended, Regulating the Handling of Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted:

(1) Among the producers who, during the period August 1, 1967, through April 30, 1968 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York in the production of cranberries for market; and

(2) Among processors who, during the aforesaid representative period, canned or froze within the production area cranberries for market to ascertain whether such producers and processors favor the issuance of the said annexed order regulating the handling of cranberries.

George B. Dever, Jr. and Charles E. Lewis, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection With Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR 900.400 et seq.).

The ballots used in such referendum shall contain a summary describing the terms and conditions of the proposed amendment of the order.

Copies of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or any appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed amended marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the said order, as amended by the annexed order, which will be published with this decision.

Dated: July 24, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York

§ 929.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Wareham, Mass., February 5, in Moorestown, N.J., February 7, in Wisconsin Rapids, Wis., February 9, and in Grayland, Wash., February 13, upon proposed amendment of the amended marketing agreement and Order No. 929 (7 CFR Part 929) regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York. Upon the basis of the evidence adduced at such

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreement and orders have been met.

hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of cranberries grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production areas would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of cranberries grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of cranberries grown in the production area, as defined in the order, as amended and as hereby further amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of cranberries grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended and as hereby further amended, as follows:

1. Section 929.6 is revised to read as follows:

§ 929.6 Fiscal period.

"Fiscal period" is synonymous with "fiscal year" and "crop year" and means the 12-month period beginning September 1 of 1 year and ending August 31 of the following year.

2. A new § 929.13 is added reading as follows:

§ 929.13 Base quantity.

"Base quantity" means the number of pounds of cranberries established for a grower by the committee pursuant to § 929.48.

3. A new § 929.14 is added reading as follows:

§ 929.14 Marketable quantity.

"Marketable quantity" means for a crop year the number of pounds of cranberries necessary to meet the total market demand and to provide for an adequate carryover.

4. A new § 929.15 is added reading as follows:

§ 929.15 Annual allotment.

"Annual allotment" means for a grower in a particular crop year a quantity equivalent to the number of pounds of cranberries determined by multiplying the base quantity of such grower by the allotment percentage established pursuant to § 929.49 for such crop year.

5. A new § 929.16 is added reading as follows:

§ 929.16 Established cranberry acreage.

"Established cranberry acreage" means acreage which is presently producing cranberries on a commercial basis or acreage which has been recently planted or will be planted prior to the effective date of this amendment to produce cranberries on a commercial basis.

6. Section 929.21 is amended to read as follows:

§ 929.21 Term of office.

The term of office of each member and alternate member of the committee shall be for 2 years beginning September 1 and ending on the second succeeding August 31. • • •

7. Section 929.22 is amended to read as follows:

§ 929.22 Nomination.

• • • • • •

(b) *Successor members.* (1) • • • The names ad addresses of such nominees shall be submitted to the Secretary not later than July 1 of each even-numbered year.

(2) • • • The names and addresses of such nominees shall be submitted to the Secretary not later than July 1 of each even-numbered year. The committee shall prescribe such procedure for the conduct of the nomination meetings as shall be fair to all persons concerned.

• • • • • •

8. Section 929.50 is redesignated as § 929.46 and revised to read as follows:

§ 929.46 Marketing policy.

• • • • • •

(a) Each year prior to May 1 the committee shall estimate the marketable quantity for the following crop year.

(b) Each crop year prior to making any recommendations pursuant to subparagraphs (7) and (8) of this paragraph or § 929.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the crop year. Such marketing policy shall contain the basis therefor and information relating to:

(1) The estimated total production of cranberries;

(2) The expected general quality of such cranberry production;

(3) The estimated carryover, as of September 1, of frozen cranberries and other cranberry products;

(4) The expected demand conditions for cranberries in different market outlets;

(5) Supplies of competing commodities;

(6) Trend and level of consumer income;

(7) The recommended desirable total marketable quantity of cranberries, including a recommended adequate carryover into the following crop year of frozen cranberries and other cranberry products;

(8) Regulation pursuant to § 929.52 expected to be recommended by the committee during the crop year together with its recommendations of the free and restricted percentages and beginning with 1974–75 crop year, the recommended allotment percentage, if any, for the crop year; and

(9) Other factors having a bearing on the marketing of cranberries.

9. A new § 929.47 is added reading as follows:

§ 929.47 Preliminary regulation.

(a) Beginning with the 1968–69 crop year, and continuing for each crop year thereafter through August 31, 1974, no handler shall handle, as the first handler thereof, cranberries purchased by him from a grower or acquired by him for handling for the account of a grower until he has determined the identity of the grower and the quantity of cranberries attributed to such grower. The handler shall furnish such information to the committee at such times and in such forms as the committee, with the approval of the Secretary, may request.

(b) So that each producer may qualify for a base quantity, pursuant to § 929.48, the committee shall furnish each producer early in each calendar year beginning in 1969, and as soon as practicable after the effect date of the amendment for the 1968 calendar year, a form to be filed with the committee whereon the producer reports the location of his bog(s), the acreage of cranberries he intends to harvest, and such other information as the committee needs to establish a base quantity for such producer.

10. A new § 929.48 is added reading as follows:

§ 929.48 Base quantities.

(a) *Determination of base quantities.* (1) If the Secretary finds that the grower allotment program will tend to effectuate the declared policy of the act and that the six crop years 1968–69 through 1973–74 constitute a representative period, he shall announce his findings by March 1, 1974. The basis for the findings with respect to the representative period shall be in terms of producer sales of cranberries from acreage established prior to the effective date of this amendment. Should the Secretary make the aforesaid finding, the committee shall compute a base quantity for each qualified grower. Such computation shall be made and the results thereof made known to each respective grower not later than May 1, 1974. The base quantity shall be, except as otherwise provided in this paragraph, a quantity of cranberries equal to that obtained by multiplying the grower's established cranberry acreage as of February 1, 1974, established prior to the effective date of this amendment by his average per acre sales made from that acreage during the 2 years, within the 6-year period, during which his greatest sales were made: *Provided*, That if such acreage was not under the control of such grower during the entire period 1968–69 through 1973–74, the grower having control on February 1, 1974, shall be issued a base quantity on the basis of sales made from such acreage. Persons who, prior to June 21, 1968, had made firm and substantial commitments for the production of cranberries but who would have no base quantities as determined on representative period sales or whose base quantities would not be representative of such commitments, may file an application with the committee for adjustment of or a new base quantity. Accompanying the request, the person shall submit information to establish proof of commitment, and such other information as may be required to provide full details to the committee so it may reach a fair and equitable decision in this matter. Commitments made by each such person shall be finalized so that any base quantity relating to such commitments will reflect only the sales made from such acreage during the representative period. The committee shall, by rules and regulations approved by the Secretary, consider each such request, and, if appropriate, provide for the assignment or adjustment of base quantities to such producers consistent with such commitments and as will be equitable to all growers. Such determination and considerations appertaining thereto, shall be subject to review by the Secretary.

(2) In accordance with this paragraph and based on reports of handlers, certifications by growers, and other information, the committee shall establish each grower's base quantity and, except as hereinafter provided, assign such base quantity to such grower.

(3) Beginning with January 1, 1966, and through the 1973–74 crop year, if a grower loses cranberry acreage during the period due to unusual circumstances beyond his control, such as any power of eminent domain, he shall be permitted to relocate cranberry acreage within 4 years from time of loss.

The Committee shall compute a base quantity for such grower. Such computed base quantity shall not be greater than the base quantity for such producer had his base quantity been computed from sales made from acreage lost. In computing such base quantity the committee shall consider, among other things, the following factors: (i) Previous crop records on the original acreage; (ii) potential for improvement of the original acreage up to 1974; (iii) production from like acreage in the area of relocation; and (iv) such other factors as are relevant to the computation.

(b) *Additional base quantities.* Each crop year beginning in 1974–75, if it appears that the market demand for cranberries exceeds the aggregate base quantities, the committee shall consider the need for granting, and if appropriate, grant, after approval by the Secretary, additional base quantities on a uniform basis and in an equitable manner, to new growers and to existing growers for the purpose of satisfying the increased market demand for cranberries.

(c) *Review of committee determinations.* The committee shall recommend to the Secretary rules and regulations for review of its determination pursuant to this section, and the Secretary shall, on the basis of such recommendation or other available information, issue rules and regulations governing such review.

11. A new § 929.49 is added reading as follows:

§ 929.49 Marketable quantity, allotment percentage, and annual allotment.

(a) Marketable quantity and allotment percentage. Beginning with 1974–75 crop year, if the Secretary finds from the recommendation of the committee or from other available information that limiting the quantity of cranberries that may be purchased from or handled on behalf of growers would tend to effectuate the declared policy of the act, he shall determine and establish the marketable quantity for such crop year. The marketable quantity shall be apportioned among growers by applying the allotment percentage to each grower's base quantity, established pursuant to § 929.48. The allotment percentage shall be established by the Secretary and shall equal the marketable quantity divided by the total of all growers' base quantities. Except as provided in paragraph (c) of this section, no handler shall purchase or handle on behalf of any grower cranberries not within such grower's annual allotment. In any crop year beginning with the crop year commencing September 1, 1974, in which the production of cranberries is estimated by the committee to be equal to or less than its recommended marketable quantity, the committee may recommend and the Secretary may increase or suspend the allotment percentage applicable to any year. In the event it is found that the market demand is greater than the marketable quantity previously set, the committee may recommend and the Secretary may increase such quantity.

(b) Issuance of annual allotments: The committee shall require each grower to qualify for his allotment by filing with the committee, on or before February 1, 1974, and by the same date each year thereafter, a CMC form wherein the grower states such information as where he intends to produce his annual allotment, the acreage he intends to harvest, changes in location, if any, and such other information, including a copy of any lease agreement, as is necessary for the committee to administer this part. On or before May 1, 1974, and by the same date each year thereafter, the committee shall issue to each grower an annual allotment determined by applying the allotment percentage established pursuant to paragraph (a) of this section to the grower's base quantity.

(c) Filling deficiencies in annual allotments: When a grower, beginning in 1974, does not produce cranberries equal to his computed annual allotment, he may (1) fill any deficit in his annual allotment by obtaining cranberries from another grower who has produced a quantity of cranberries in excess of his computed annual allotment; (2) transfer any unused portion of his allotment to another grower; or (3) transfer his unused allotment to a handler who shall allocate the unused allotment to another grower or growers with insufficient allotment. As a condition to any such transfer each grower or handler shall furnish a full report to each such transaction to the committee, including the names of the parties, the quantity involved in the transaction, and such other information as will enable the committee to administer this provision. The committee, with the approval of the Secretary, may modify the provisions with respect to filling deficiencies.

(d) A grower or handler with any deficiency of allotment should notify the committee of such deficiency. As a service to growers and handlers to expedite any loan transactions, the committee shall act as a clearing house of information with respect to growers wanting to loan and growers wanting to borrow all or part of an allotment. Such information shall be maintained in the committee office and made available to any producer or handler who requests it.

12. A new § 929.50 is added reading as follows:

§ 929.50 Transfers.

(a) *Of location.* A grower may transfer from the acreage to which the cranberries are attributed on which his base quantity was established to other land which he owns. If the grower is leasing the acreage to which the cranberries are attributed on which his base quantity was established, he may transfer in accordance with the lease contract or with the consent of the owner. The committee shall, by such means as are provided in § 929.42(b) obtain information as to the location(s) where such producer intends to produce his annual allotment.

(b) *To another grower.* A grower who owns the land to which the cranberries are attributed on which the base quantity was established may transfer all or part of his base quantity to another grower. If the transferor is not the owner of the bog land, transfer of the base quantity shall be in accordance with the terms of the agreement between the lessee and the lessor. In the absence of a contract, a transfer shall not be valid nor shall an annual allotment be granted to the potential transferee unless the bog owner consents to the transfer. No transfer shall be recognized by the committee except the transferee and the transferor notifying the committee in writing.

13. Paragraph (d) of § 929.68 is revised to read as follows:

§ 929.68 Termination.

• • • • • •

(d) The Secretary shall conduct a referendum during the month of May

1975 to ascertain whether continuance of this part is favored by the growers as set forth in paragraph (c) of this section. The Secretary shall conduct such a referendum during the month of May of every fourth year thereafter.

[F.R. Doc. 68-9008; Filed, July 26, 1968; 8:49 a.m.]

[7 CFR Part 945]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Expenses and Rate of Assessment

Consideration is being given to the approval of proposed expenses and a proposed rate of assessment as hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98, as amended, and Order No. 945, as amended (7 CFR Part 945).

This marketing order program regulates the handling of Irish potatoes grown in Idaho and Malheur County, Oreg., and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 945.221 Expenses and rate of assessment.

(a) *Expenses.* The reasonable expenses that are likely to be incurred during the fiscal period beginning June 1, 1968, and ending May 31, 1969, by the Idaho-Eastern Oregon Potato Committee, for its maintenance and functioning, and for such other purposes as the Secretary determines to be appropriate, will amount to $33,000.

(b) *Rate of assessment.* The rate of assessment to be paid by each handler in accordance with the amended marketing agreement and this part, shall be two-tenths of one cent ($0.002) per hundredweight, or equivalent quantity, of potatoes handled by him as the first handler thereof during the fiscal period.

(c) *Reserve.* Unexpended income in excess of expenses for the fiscal period ending May 31, 1969, may be carried over as a reserve.

(d) *Definition of terms.* Terms used in this section have the same meaning as when used in the said amended marketing agreement and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 24, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-8972; Filed, July 26, 1968; 8:46 a.m.]

[7 CFR Parts 1009, 1036, 1041, 1044]

[Docket Nos. AO-268-A16, AO-179-A30, AO-72-A35, AO-279-A16]

MILK IN CLARKSBURG, W. VA., AND CERTAIN OTHER MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Cleveland, Ohio, on June 26, 1968, pursuant to notice thereof issued on June 20, 1968 (33 F.R. 9090).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs on July 10, 1968 (33 F.R. 10102; F.R. Doc. 68-8338), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings and general findings of the recommended decision (33 F.R. 10102; F.R. Doc. 68-8338), are hereby approved and adopted and are set forth in full herein:

The material issues on the record of the hearing relate to:

1. Deletion of the Class I price supply-demand adjustment provisions of the Eastern Ohio-Western Pennsylvania and Michigan Upper Peninsula orders, adjustment of the Class I price differential of the Northwestern Ohio order, and revision of the Clarksburg Class I price provisions.

2. The need for emergency action.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The supply-demand provisions should be removed from the Eastern Ohio-Western Pennsylvania and Michigan Upper Peninsula orders and the Northwestern Ohio Class I price differential should be increased 25 cents to maintain its historical relationship to the Class I price in the Northeastern Ohio order (now the Eastern Ohio-Western Pennsylvania order).

The Eastern Ohio-Western Pennsylvania supply-demand provisions, which are the same as those in the former Northeastern Ohio order, provide for a maximum adjustment of 25 cents. From 1963 through 1967, the supply-demand adjustor averaged minus 20 cents. The most frequent monthly adjustment has been minus 25 cents, the rate currently applicable.

The Northwestern Ohio Class I price has been maintained at a level 17 cents below the Class I price in the Northeastern Ohio order. This relationship has been maintained by providing that the Class I price in the Northwestern Ohio order shall be increased by the amount the Northeastern Ohio Class I supply-demand adjustment is less than minus 25 cents.

The Michigan Upper Peninsula supply-demand formula is based on the combined supply-sales relationship of this order and the former Northeastern Wisconsin order. (Effective July 1, 1968, the Northeastern Wisconsin order was terminated and the marketing area merged into the Chicago regional order.) The supply-demand adjustment has been a minus 24 cents continuously since February 1967.

Cooperatives representing a majority of producers on each market proposed elimination of the respective supply-demand adjustment provisions. They stated that with the present premium price arrangements in each market, the supply-demand adjustors have had no practical effect on total milk supplies relative to Class I sales. They also pointed out that the elimination of the adjustors would keep Class I prices in these markets in closer historical relationship to Class I prices under the new Chicago regional order.

A supply-demand adjustor changes Class I prices in response to changes in the balance between supplies of milk for a market and Class I sales. The resulting price changes are designed to correct any imbalances which may develop in the supply-sales ratio. A supply-demand adjustor will produce appropriate pricing only when the Class I prices resulting from the operation of the adjustor are in fact the effective prices. Where premiums exist in a market, the operation of a supply-demand adjustor will be distorted and it will produce prices which are too low to attain an appropriate supply-sales balance.

In the three markets substantial premiums over Class I prices have been effective for more than 1 year. As a consequence, at the present time the supply-demand adjustors in these markets are resulting in prices which are too low in terms of the price standards of the statute.

The Eastern Ohio-Western Pennsylvania order, which became effective July 1, 1968, resulted from the combining of the Northeastern Ohio, Youngstown-Warren, and Greater Wheeling orders, plus the addition of previously unregulated territory in Ohio and western Pennsylvania. The aggregate producer receipts and Class I sales under the new order are substantially greater than those heretofore used in computing the monthly supply-demand adjustments under the Northeastern Ohio order. Consequently, the supply-sales relationship under the new order could be substantially different from what prevailed under the Northeastern Ohio order. In view of this, producers expressed concern that the supply-demand provisions which had been based on experience in the Northeastern Ohio order would be inappropriate under the new order. Instead, it was urged that stable and orderly marketing conditions would be best realized by eliminating the supply-demand provisions until some actual experience had been obtained under the enlarged order.

Effective July 1, 1968, the Chicago Regional order reestablishes Federal order pricing for milk associated with the former Chicago order market. The Class I price for the Chicago Regional order increases by 20 cents the historical level of Class I prices in the Chicago area. In addition, no provision was made for a supply-demand adjustor.

Class I prices for the Northeastern Ohio, Youngstown-Warren and Wheeling segments of the Eastern Ohio-Western Pennsylvania order have been maintained in a certain alignment with Class I pricing under orders in the Chicago region. Since a significant change in the price level has been effected in the Chicago region by the new order for that area, maintaining the supply-demand adjustment provisions in the Eastern Ohio-Western Pennsylvania order would tend to create a misalignment of prices between the two areas. The elimination of the supply-demand adjustor from the Eastern Ohio-Western Pennsylvania order will tend to preserve historical price relationships with the Chicago area and thus assist in insuring adequate supplies for the market.

Certain Eastern Ohio-Western Pennsylvania handlers proposed suspension of the supply-demand adjustment for that order until supply-sales data for several months are available for the new marketing area. These handlers supported the continuation of a supply-demand adjustment which would reflect in the Class I price changes in the supply-sales relationship for the market.

The present Class I price provisions of the Eastern Ohio-Western Pennsylvania order will expire December 31, 1969. This should provide handlers ample opportunity to submit proposals for a supply-demand adjustor based on supply-sales for the expanded market during the intervening period. Thus, no purpose would be served by continuing such provisions and the proposed suspension for such longer period is denied.

Unless the Class I price differential for the Northwestern Ohio order is revised from $1.25 to $1.50, the spread between Class I prices under this order and the Eastern Ohio-Western Pennsylvania order would be increased from the present 17 cents to 42 cents per hundredweight. Thus, the elimination of the supply-demand adjustor from the Eastern Ohio-Western Pennsylvania order could disrupt supplies for this market since there is a substantial overlap of production areas for the two markets. To avoid such disruption the present Class I price alignment between the Northwestern Ohio and Eastern Ohio-Western Pennsylvania orders should be continued.

Producers proposed that the Class I price at Wheeling, which is a price factor in computing the Clarksburg Class I price, be specified in the Clarksburg order as provided in the equivalent price determination effective July 1, 1968. That action established the Eastern Ohio-Western Pennsylvania Class I price at Wheeling as equivalent to the Class I price for the terminated Wheeling order. Incorporating this action as an amendment to the Clarksburg order will maintain in a reasonable manner the intermarket price alignment contemplated under the present order provisions.

The supply-demand adjustment provisions of the Michigan Upper Peninsula order were constructed to reflect changing supply-sales conditions in the Michigan Upper Peninsula and Northeastern Wisconsin markets. The termination of the Northeastern Wisconsin order and consequent elimination of the supplies and sales for the market from the supply-demand computation under the Michigan Upper Peninsula order makes the current supply-demand provisions improper.

Handlers in the Northeastern Wisconsin area of the Regional Chicago market compete with Michigan Upper Peninsula handlers for Class I sales and producer milk supplies. Similarly, handlers under the Duluth-Superior order compete with handlers from the western segment of the Michigan Upper Peninsula market for Class I sales and producer milk supplies.

In addition, on May 1, 1968, the supply-demand adjustor was removed from the Southern Michigan order. Such adjustor had been at the maximum minus 45 cents in most months of recent years and averaged a minus 41 cents in 1967. The Upstate Michigan order contains no supply-demand adjustment provision. Thus, Federal order markets on both sides of the Michigan Upper Peninsula market now operate without supply-demand adjustor provisions. If the supply-demand adjustor (presently minus 24 cents) were continued under the Michigan Upper Peninsula order, it would result in an inappropriate Class I price under this order relative to all these surrounding markets and create a threat to the supplies of milk for the market.

2. The recommended decision in this proceeding should not be omitted.

Producers asked that a recommended decision be omitted in order that the elimination of the supply-demand adjustment provisions from the Eastern Ohio-Western Pennsylvania and Michigan Upper Peninsula orders and the maintenance of the alignment of Class I price among these various markets could be assured. In response to requests made at the hearing by producers and handlers, the action proposed by this decision were effectuated by suspension action for July 1968. This action will provide adequate time for normal procedures.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings are hereby made with respect to each of the aforesaid orders:

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. No exceptions were filed on behalf of interested parties.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in Certain Specified Marketing Areas" and "Order Amending the Orders, Regulating the Handling of Milk in Certain Specified Marketing Areas", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical

with those contained in the order, as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. Except for the Eastern Ohio-Western Pennsylvania order, the month of May 1968 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the certain specified marketing areas is approved or favored by producers, as defined under the terms of each of the orders, as amended and as hereby proposed to be amended, and who, during such representative period were engaged in the production of milk for sale within each of the aforesaid marketing areas.

The month of December 1967 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on July 24, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

Order[1] Amending the Orders Regulating the Handling of Milk in Certain Specified Marketing Areas

§ ___.0 **Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings are hereby made with respect to each of the aforesaid orders.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the above designated marketing areas. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the respectively designated marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended and as hereby further amended, as follows:

The provisions of the proposed marketing agreement and order amending the respective orders contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs on July 10, 1968, and published in the FEDERAL REGISTER on July 13, 1968 (33 F.R. 10102; F.R. Doc. 68-8338), shall be and are the terms and provisions of this order and are set forth in full herein:

PART 1009—MILK IN CLARKSBURG, W. VA., MARKETING AREA

In § 1009.51 the text of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 1009.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.98 and plus 10 cents through April 1969, subject to the adjustment provided in subparagraph (1) of this paragraph: *Provided,* That the Class I price shall be not more than 35 cents in excess of, nor less than 15 cents in excess of the average of the Class I prices for the same month at Wheeling, W. Va., pursuant to Part 1036 (Eastern Ohio-Western Pennsylvania) of this chapter and at Athens-Scioto district plants pursuant to Part 1005 (Tri-State) of this chapter.

* * * * *

PART 1036—MILK IN EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

§ 1036.51 [Amended]

In § 1036.51(a), subparagraph (2) is revoked.

PART 1041—MILK IN NORTHWESTERN OHIO MARKETING AREA

In § 1041.51, paragraph (a) is revised to read as follows:

§ 1041.51 Class prices.

* * * * *

(a) *Class I milk price.* The monthly Class I milk price shall be the basic formula price for the preceding month, plus $1.50, plus 20 cents through April 1969, subject to adjustment for location pursuant to § 1041.53.[1]

* * * * *

PART 1044—MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

In § 1044.51, paragraph (a) is revised to read as follows:

§ 1044.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price for plants located in Zone 1 shall be the basic formula price for the preceding month plus $0.95, plus 20 cents through April 1969. For plants located in Zone 1(a) the price shall be the price specified for Zone 1 less 10 cents; for plants located in Zone 2 the price shall be the price specified for Zone 1 plus 20 cents; and for plants located outside of the marketing area and west of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 1 and for plants located outside the marketing area and east of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 2.

* * * * *

[F.R. Doc. 68-9009; Filed, July 26, 1968; 8:50 a.m.]

[7 CFR Parts 1032, 1050, 1062, 1063, 1067, 1068, 1070, 1076, 1078, 1079, 1099]

[Docket No. AO-313-A17, etc.]

MILK IN SOUTHERN ILLINOIS AND CERTAIN OTHER MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR part	Marketing area	Docket No.
1032	Southern Illinois	AO-313-A17.
1050	Central Illinois	AO-355-A6.
1062	St. Louis, Mo.	AO-10-A39-RO3.
1063	Quad Cities-Dubuque	AO-105-A30.
1067	Ozarks	AO-222-A23-RO3.
1068	Minneapolis-St. Paul	AO-178-A24.
1070	Cedar Rapids-Iowa City	AO-229-A20.
1076	Eastern South Dakota	AO-260-A14.
1078	North Central Iowa	AO-272-A15.
1079	Des Moines, Iowa	AO-295-A17.
1099	Paducah, Ky.	AO-183-A22.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Minneapolis, Minn., on June 25, 1968, pursuant to notice thereof issued on June 17, 1968 (33 F.R. 9090) on proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the above-listed marketing areas.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on July 10, 1968 (33 F.R. 10105; F.R. Doc. 68-8339) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (33 F.R. 10105; F.R. Doc. 68-8339) are hereby approved and adopted and are set forth in full herein.

The material issues on the record of the hearing relate to:

(1) Eliminating the effect of the prior Chicago supply-demand factor (nine markets).

(2) Elimination of the supply-demand adjustment in the Minneapolis-St. Paul milk order.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Chicago supply-demand factor (nine markets).* The provisions should be deleted from the Central Illinois, St. Louis, Quad Cities-Dubuque, Cedar Rapids-Iowa City, North Central Iowa, and Des Moines orders which specify that the Class I price in the respective order shall be increased or decreased by the amount of the supply-demand adjustor of the Chicago order Part 1030, which was effective prior to May 1, 1966. Also, the determination of equivalent price issued April 8, 1966 (31 F.R. 5685) which was determined to be "minus 24 cents", applicable to these orders should be eliminated.

The aforesaid provisions and determination have been suspended for the month of July 1968 pending consideration of amendments to the orders.

Elimination of the above described provisions will have the effect of increasing Class I prices by 24 cents in these six markets. The same effect of increasing the respective Class I prices 24 cents per hundredweight will result in the Southern Illinois, Paducah, and Ozarks marketing areas, due to the fixed relationship of the Class I prices of these orders to the St. Louis order Class I price.

Cooperative associations whose members supply milk to these markets proposed the elimination of these provisions. They testified that it is necessary to eliminate the effect of the minus 24-cent factor on Class I prices in each one of these orders to provide price alignment with the Chicago Regional order which became effective on July 1, 1968.

Prior to termination of the former Chicago order on May 1, 1966, the supply-demand adjustor in that order provided a basis for Class I price adjustment in 11 other orders. Those orders were Northwestern Indiana; Suburban St. Louis (now Southern Illinois); Rock River Valley; Milwaukee, Wis.; Madison, Wis.; St. Louis, Mo.; North Central Iowa; Quad Cities-Dubuque; Cedar Rapids-Iowa City; Des Moines, Iowa; and Ozarks. During 1965, the volume of milk regulated under the applicable orders was about 4.2 billion pounds. Thus, the influence of Chicago order pricing was extended to a volume of milk in other markets not as large as, but comparable to the volume regulated under the Chicago order.

The relationship of other market prices to the Chicago order price gave recognition to the dominant influence of the Chicago milk supply.

With the termination of the Chicago order, the prior effect of the adjustor was retained in the other 11 markets through determination of an equivalent price factor. It was determined (31 F.R. 5685) that the equivalent factor was minus 24 cents per hundredweight. This was the same as the amount of the adjustment which had applied in each month for the 5 preceding years.

The continuance of the same factor meant that the pricing of the other orders would not be disturbed by the disappearance of the Chicago order. There was no appropriate basis in the mere elimination of the Chicago order which would support an increase of 24 cents per hundredweight in the Class I prices in the other orders where pricing had been dependent on the Chicago order. Subsequently, appropriate price adjustments relating to marketing conditions in these markets were from time to time made, based upon regional or national hearings held after the termination of the prior Chicago order.

Inasmuch as the new Chicago Regional order, effective July 1, 1968, has a price structure different from that of the prior Chicago order, Class I prices in the markets here under consideration are no longer aligned appropriately to the new Chicago Class I price. In the now effective Chicago order, there is no supply-demand adjustment factor. The Class I price differential is $1.20 per hundredweight whereas under the prior order the differential was $1.

Elimination of the minus 24 cents factor in each of the markets will restore about the same relationship with the Class I price of the new Chicago Regional order as that which existed when the prior Chicago order was effective. Producer witnesses at the hearing testified that maintenance of such a regional price alignment is desirable.

Four of the markets previously using the Chicago supply-demand factor (Madison, Milwaukee, Rock River Valley, and Northwestern Indiana) were incorporated into the Chicago Regional marketing area on July 1, 1968. Since early 1966, two additional markets became part of the regional pricing group: Central Illinois, for which an order was made effective January 1, 1967, and Paducah, Ky., for which the Class I price was tied to the St. Louis order price on July 1, 1966.

There is an overlapping of supply areas among the markets where the minus 24-cent factor now applies, and Illinois, Iowa, and Missouri market supply areas adjoin or overlap the Chicago supply area. If the existing price alignment were changed, the allocation of supplies among the markets would likely be disturbed. Because declines in milk production in Missouri, Iowa, and Illinois have been more severe than in the Chicago milkshed, the price level in the markets here considered should be maintained in the same relation to Chicago as previously. In Iowa, Missouri, and Illinois, milk production declined from 1964 to 1967 by 14.6 percent, 6.9 percent and 16.3 percent, respectively. In Wisconsin, which is the main supply for the Chicago market, milk production declined 3.9 percent in the same period.[1] Thus, if a lower level of price applied in these markets relative to Chicago than the previous relationship, the relatively greater production decline in these areas could be accelerated.

It is also necessary that the Paducah Class I price be increased in the same amount as other markets in the region so as to maintain a market supply and provide appropriate price relationships with nearby markets. Class I utilization of Paducah producer milk has averaged about 90 percent in the first four months of this year. The Paducah marketing area adjoins the St. Louis marketing area and sales areas of handlers overlap. The Paducah market supply has also been closely related with the Southern Illinois market.

2. *Supply-demand adjustment—Minneapolis-St. Paul order.* The supply-demand adjustor of the Minneapolis-St. Paul order should be deleted.

At the hearing, producer cooperative associations in the Minneapolis-St. Paul market asked that the supply-demand adjustor be eliminated from the order. They testified that this is necessary to provide proper price alignment with other markets, particularly Chicago, since there is a considerable overlapping of the supply areas of the two orders. They also stated that the adjustor is ineffective since prices paid by handlers are higher than order prices.

Pending consideration of amendment of the order, the adjustor has been suspended for the month of July 1968.

The supply-demand adjustor under the order is based on a ratio of Class I disposition of pool plants (excluding shrinkage and unaccounted for milk)

[1] Official notice is taken of milk production data published by U.S. Department of Agriculture in "Milk Production Disposition and Income, Revised Estimates 1960-64", Statistical Bulletin 398, April 1967; and "Milk Production Disposition and Income, 1966-67". Percent change adjusted because of additional day in 1964.

to the quantity of producer milk during the second and third preceding months. The amount of price adjustment is based upon the deviation of this ratio from standard percentages for each such 2-month period. A limit of 24 cents, plus or minus, applies to the total amount of adjustment.

During 1966, the average adjustment was approximately minus 6 cents. During 1967, the maximum negative adjustment of 24 cents applied in each month, and similarly in each of the months of January through June 1968.

A supply-demand adjustor changes Class I prices in response to changes in the balance between supplies of milk for a market and Class I sales. The resulting price changes are designed to correct any imbalances which may develop in the supply-sales ratio. A supply-demand adjustor will produce appropriate pricing only when the Class I prices resulting from the operation of the adjustor are in fact the effective prices. Where premiums exist in a market, the operation of a supply-demand adjustor will be distorted and it will produce prices which are too low to attain an appropriate supply-sales balance.

In this market substantial premiums over Class I prices have been effective for more than 1 year. As a consequence, at the present time the supply-demand adjustor in this market is resulting in prices which are too low in terms of the price standards of the statute.

The elimination of the supply-demand adjustor will also serve to maintain existing alignment with order prices in other markets in the region. In other markets being considered in this hearing, a price factor of the same amount (minus 24 cents) would be eliminated by amendments herein proposed. In the Chicago order, just issued effective July 1, no supply-demand adjustor applies.

The provision of the Eastern South Dakota order which adjusts the Class I price by whatever amount the supply-demand adjustment in the Minneapolis-St. Paul order exceeds 10.5 cents should also be deleted. When this provision was incorporated in the Eastern South Dakota order it was found that intermarket price relationships were thrown out of balance, and disruptive competitive situations threatened to develop whenever the supply-demand adjustor in the Minneapolis-St. Paul order exceeded 10.5 cents. Accordingly, it was found necessary to adjust the Eastern South Dakota Class I price by whatever amount the Minneapolis-St. Paul supply-demand adjustor exceeded 10.5 cents. With the deletion of the supply-demand adjustor from the Minneapolis-St. Paul order, the reference to it should likewise be deleted from the Eastern South Dakota order.

A witness for the cooperative associations, which furnish virtually the entire supply of milk for the Eastern South Dakota market, supported the elimination of the effect of the Minneapolis-St. Paul supply-demand adjustor on the Class I price in the Eastern South Dakota order. In every month since January 1967, the Class I price has been reduced 13.5 cents as a result of the action of the supply-demand adjustor.

This witness stated that restoration of the 13.5 cents was necessary, not only to maintain the historical price relationship with the Minneapolis-St. Paul market, but also to restore the price relationship that previously existed between Eastern South Dakota and markets in Nebraska and Western Iowa.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findngs and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings are hereby made with respect to each of the aforesaid orders:

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in Certain Specified Marketing Areas" and "Order Amending the Order, Regulating the Handling of Milk in Certain Specified Marketing Areas", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of May 1968 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the certain specified marketing areas is approved or favored by producers, as defined under the terms of the respective order, as amended and as hereby proposed to be amended, and who, during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on July 24, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

Order [1] Amending the Orders Regulating the Handling of Milk in Certain Specified Marketing Areas

7 CFR parts	Marketing areas
1050	Central Illinois.
1062	St. Louis, Mo.
1063	Quad Cities-Dubuque.
1068	Minneapolis-St. Paul.
1070	Cedar Rapids-Iowa City.
1076	Eastern South Dakota.
1078	North Central Iowa.
1079	Des Moines, Iowa.

§ ___.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings are hereby made with respect to each of the aforesaid orders.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the above designated marketing areas. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulated the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the respective designated marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended and as hereby further amended, as follows:

The provisions of the proposed marketing agreement and order amending the respective orders contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on July 10, 1968 (33 F.R. 10105; F.R. Doc. 68-8339) shall be and are the terms and provisions of this order, and are set forth in full herein.

PART 1050—MILK IN CENTRAL ILLINOIS MARKETING AREA

Section 1050.51(a) is revised to read as follows:

§ 1050.51 Class prices.

* * * * * *

(a) *Class I price.* The Class I price applicable at plants at which no location adjustment pursuant to § 1050.53 is applicable, shall through April 1969, be the basic formula price for the preceding month plus $1.19 and plus an additional 20 cents through April 1969; and

* * * * * *

PART 1062—MILK IN ST. LOUIS, MO., MARKETING AREA

Section 1062.51(a) is revised to read as follows:

§ 1062.51 Class prices.

* * * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $1.40, and plus 20 cents through April 1969.

* * * * * *

PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

Section 1063.50(b) is revised to read as follows:

§ 1063.50 Basic formula and class prices.

* * * * * *

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.10, and plus 20 cents through April 1969.

* * * * * *

PART 1068—MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

§ 1068.52 [Revoked]

1. Section 1068.52 is revoked.

2. Section 1068.53 is revised to read as follows:

§ 1068.53 Class I price.

Subject to differentials provided in §§ 1068.55 and 1068.56(a) the price per hundredweight for Class I milk each month shall be the basic formula price for the preceding month plus 86 cents, and plus 20 cents through April 1969.

PART 1070—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

Section 1070.50(b) is revised to read as follows:

§ 1070.50 Basic formula and class prices.

* * * * * *

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.10, and plus 20 cents through April 1969.

* * * * * *

PART 1076—MILK IN EASTERN SOUTH DAKOTA MARKETING AREA

Section 1076.51(a) is revised to read as follows:

§ 1076.51 Class prices.

* * * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $1.30 and plus 20 cents through April 1969.

* * * * * *

PART 1078—MILK IN NORTH CENTRAL IOWA MARKETING AREA

Section 1078.50(b) is revised to read as follows:

§ 1078.50 Basic formula and class prices.

* * * * * *

(b) *Class I milk price.* The Class I milk price at plants in Zone 1 shall be the basic formula price for the preceding month plus $1.05, and plus 20 cents through April 1969. "Zone 1" means all the territory in the counties of Humboldt, Wright, Franklin, Butler, Bremer, Webster, Hamilton, Hardin, Grundy, Black Hawk, and Buchanan, all in the State of Iowa.

* * * * * *

PART 1079—MILK IN DES MOINES, IOWA, MARKETING AREA

Section 1079.50(b) is revised to read as follows:

§ 1079.50 Basic formula and class prices.

* * * * * *

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.25, and plus 20 cents through April 1969. For milk received from approved dairy farmers at an approved plant outside the base zone the price otherwise applicable pursuant to this paragraph shall be reduced 10 cents.

* * * * * *

[F.R. Doc. 68-9010; Filed, July 26, 1968; 8:50 a.m.]

[7 CFR Part 1040]

[Docket No. AO-225-A21]

MILK IN SOUTHERN MICHIGAN MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Lansing Civic Center, 505 West Allegan Street, Lansing, Mich. 48933, beginning at 10 a.m., local time, on August 6, 1968, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Southern Michigan marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Independent Co-operative Milk Producers Association, Independent Dairymen's Cooperative of Eastern Michigan, Jersey Co-operative of Michigan, Inc., Kalamazoo Milk Producers Cooperative, Inc., Mackinaw Trail Milk Producers Association, McDonald Cooperative Dairy Co., Michigan Milk Producers Association, Michigan Producers Dairy Co., Otsego Sanitary Milk Products Co.:

Proposal No. 1. Delete § 1040.16(b) and substitute the following:

§ 1040.16 Pool plant.

* * * * *

(b) A supply plant which during the month meets one of the performance requirements specified in subparagraph (1), (2), or (3) of this paragraph and any applicable call percentage: *Provided*, That all supply plants which are operated by one handler, or all the supply plants for which a handler is responsible for meeting the performance requirements of this paragraph (b) under a marketing agreement certified to the market administrator by both parties may be considered as a unit for the purpose of meeting the performance requirements of subparagraph (1), (2), or (3) of this paragraph (b) upon written notice to the market administrator specifying the plants to be considered as a unit and the period during which such consideration shall apply. Such notice, and notice of any change in designation, shall be furnished on or before the fifth working day following the month to which the notice applies. In any months of February through August a unit shall not contain any plant which was not qualified as a pool plant either individually or as a member of a unit during the previous September through January.

(1) A plant from which not less than 50 percent or the call percentage, whichever is higher, during the months of September through January and 40 percent or the call percentage, whichever is higher, in the months of February through August of receipts of producer milk and receipts for which a cooperative association is the handler pursuant to § 1040.7(c), less any milk disposed of from the plant as Class I other than by transfer to pool plants of other handlers, is moved to a pool distributing plant. If such plant has met the required percentage during each of the months of September through January, it shall be a pool plant for each of the following months of February through August during which it meets any announced call percentage.

(2) A plant operated by a cooperative association which supplies pool distributing plants with member producer milk, either by shipment from such plant or by direct delivery from the farm, in a total amount not less than one-half or the call percentage, whichever is higher, of the aggregate receipts of fluid milk products at all pool distributing plants.

(3) A plant operated by a cooperative association which supplies pool distributing plants, either by shipment from such supply plant or by direct delivery from the farm, (i) not less than one-half of its total member producer milk in the current month, or (ii) if such plant were a pool plant in each of the preceding 13 months, not less than one-half of its total member producer's milk for the second through the 13th preceding months, except that in either case an announced call percentage exceeding 50 percent in the current month must be met.

Proposal No. 2. Delete § 1040.17 and substitute the following:

§ 1040.17 Call percentage.

"Call percentage" means the percentage computed by the market administrator in addition to the minimum percentage pooling requirements applicable to supply plants and cooperative associations under § 1040.16(b). A call percentage of not less than 25 percent may be computed and announced for each month as follows:

(a) Estimate the pounds of Class I and Class II milk utilization for the month, including an additional 15 percent thereof as an operating margin, at pool distributing plants;

(b) Subtract from the Class I and Class II milk estimated pursuant to paragraph (a) of this section, the estimated pounds of milk which will be received at such pool distributing plants during the month from producers' farms and cooperative associations pursuant to § 1040.7(c);

(c) Divide the remaining pounds of Class I and Class II milk by the estimated receipts of producer milk at pool plants pursuant to § 1040.16(b) (after subtracting any milk estimated to be disposed of as Class I and Class II other than transfers to other pool plants);

(d) The announcement of the call percentage shall be made on or before the first day of the month to which it applies and shall set forth the data on which the estimates of Class I utilization and supplies are based together with appropriate explanatory comments on the computations involved; and

(e) The market administrator may reduce the call percentage at any time during the month if he determines that more milk than is needed for Class I use is being delivered to distributing plants.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Mr. George Irvine, 2684 West 11 Mile Road, Berkley, Mich. 48072, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on July 24, 1968.

G. R. GRANGE,
Acting Deputy Administrator, Regulatory Programs.

[F.R. Doc. 68-8975; Filed, July 26, 1968; 8:46 a.m.]

Signed at Washington, D.C., on July 24, 1968.

G. R. GRANGE,
Acting Deputy Administrator, Regulatory Programs.

[F.R. Doc. 68-8976; Filed, July 26, 1968; 8:46 a.m.]

[7 CFR Part 1064]

[Docket No. AO-23-A36]

MILK IN GREATER KANSAS CITY MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the President Hotel, Aztec Room, 14th and Baltimore Streets, Kansas City, Mo., beginning at 9 a.m., on August 1, 1968, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Greater Kansas City marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Mid-America Dairymen, Inc.:

Proposal No. 1. Increase the Class I price as provided in § 1064.51 by an additional 24 cents.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, U. Grant Grayson, Post Office Box 4606, 7939 Floyd Avenue, Overland Park, Kans. 66204, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on July 24, 1968.

G. R. GRANGE,
Acting Deputy Administrator, Regulatory Programs.

[F.R. Doc. 68-8975; Filed, July 26, 1968; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 288]

[Docket No. 19897; EDR-141]

EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Minimum Rates for DC-9-30 and L-188 Aircraft in Logair and Quicktrans Services

JULY 23, 1968.

Notice is hereby given that the Civil Aeronautics Board proposes to amend Part 288 of the economic regulations to set new minimum rates for DC-9-30 and L-188 aircraft in Logair and Quicktrans services. The principal features of the proposed amendment are explained in the explanatory statement below, and the text of the proposed amendment is also set forth below. The amendment is proposed under the authority of sections 204, 403, and 416 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 758, and 771, as amended; 49 U.S.C. 1324, 1373, and 1386).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before Aug. 19, 1968, will be considered by the Board before taking final action. Upon receipt by the Board, copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. The Board is herein proposing to revise the minimum rates for DC-9-30 and L-188 aircraft in Logair and Quicktrans domestic cargo charters set forth in § 288.7(b) of the economic regulations.

On May 14, 1968, by ER-537 (33 F.R. 7315), the Board issued Amendment No. 3 to Part 288 of the economic regulations (Docket 19741) adopting new minimum rates for Logair and Quicktrans domestic military cargo charters to become effective July 1, 1968. Among other things, minimum rates for DC-9-30 and DC-9-33 aircraft were adopted based on weighted average costs of Overseas National Airways, Inc. (ONA), and Universal Airlines, Inc. (Universal).

On May 17, 1968, ONA filed a petition for reconsideration of the DC-9 minimum rates. Since no provision was made in ER-537 for the filing of petitions for reconsideration, ONA's petition has been accepted as a petition to amend Part 288 pursuant to § 302.38(d) of the procedural regulations and assigned Docket No. 19897.

The weighted average DC-9 costs on which the minimum rates were based were obtained by weighting the adjusted forecast costs of ONA and Universal by the number of aircraft each carrier would have available for Logair and Quicktrans service in fiscal 1969. Four aircraft were recognized for ONA, and 0.7 aircraft for Universal.

ONA's petition alleges that Universal does not intend to take delivery of the DC-9's it has on order, that the only DC-9's that will be offered for military services are ONA's, and that therefore Universal's cost forecast should not be considered in setting the minimum rates.

In answer to ONA's petition, Universal states that it has requested the manufacturer to find an alternate purchaser but none has been found as yet, and Universal is still committed to purchase four DC-9 aircraft. Universal also states that in its response to the Military Airlift Command's Request for Proposal for Logair and Quicktrans services, it listed the DC-9 aircraft as being available for emergency and expansion services. In a supplement to its answer, Universal continues to oppose modification of the DC-9 rate, but it also states that it would take no serious objections to the Board amending both the DC-9 and Electra minimum rates to establish a uniform rate for the two competitive aircraft. Saturn Airways, Inc., also filed an answer opposing grant of the petition.

Upon consideration of the petition and answers, we propose to grant ONA's petition to the extent of disregarding Universal's DC-9 forecasts in arriving at DC-9 costs for rate-making purposes. Minimum rates should be based, as nearly as possible, on forecasts reflecting operations that are actually anticipated. Universal is not offering the DC-9's it has on order for fixed Logair or Quicktrans contracts but only for emergency and expansion services during the last months of the fiscal year. Indeed, it is doubtful that the carrier will in fact acquire the aircraft at that time. In our judgment, the likelihood that Universal will perform any Logair or Quicktrans services with DC-9's in fiscal 1969 is remote, and giving any weight to its costs in setting the minimum rates would be inappropriate.

The Board also proposes to establish a uniform rate for the L-188 and DC-9. These aircraft are generally competitive in their performance characteristics as is evidenced by the fact that they are being considered for the same Logair and Quicktrans routes. Moreover, the cost data before the Board for the two aircraft are sufficiently comparable to indicate that for one to have a price advantage over the other would be inappropriate.

ONA shows a $1.93 per plane mile cost for the DC-9 in Logair on a 443-mile stage length. For ONA's L-188, a forecast cost of $1.90 per plane mile would be recognized assuming a 435 Logair stage length. For Universal, we would recognize a Logair cost of $2 per plane mile, based on a 436-mile average stage length, which is comparable to the average stage lengths underlying ONA's forecasts for its DC-9's and L-188's.[1]

The weighted average of the costs of ONA's DC-9 and L-188 and Universal's L-188 is $1.9442 in Logair and $1.9843 in Quicktrans, and assumes an overall average stage length of 437.4 miles. The average costs have been translated into dual element rates of $150 per directed landing and $1.6013 per plane mile for Logair, and $150 per directed landing and $1.6414 per plane mile for Quicktrans.

If the proposed rates or a modification thereof are finalized, they will be effective as of the date of this notice.

Proposed rule. It is proposed to amend Part 288 of the economic regulations (14 CFR Part 288) by revising § 288.7(b) to read as follows:

§ 288.7 Reasonable level of compensation.

* * * * *

(b) For Logair and Quicktrans services, other than specified in paragraph (c) of this section:

Aircraft type	Linehaul rate per course-flown statute mile		Rate per directed landing
	Logair	Quicktrans	
* * *	* * *	* * *	* * *
L-100	1.7534	1.7905	150
L-188	1.6013	1.6414	150
DC-9-30	1.6013	1.6414	150
B-727QC	1.9076	1.9587	150
* * *	* * *	* * *	* * *

* * * * *

[F.R. Doc. 68-9000; Filed, July 26, 1968; 8:49 a.m.]

[1] The $2 plane mile cost for a 436-mile stage length was employed in the original notice of rule making (EDR-134). Universal's L-188 costs were revised in the final rule to reflect an average stage length of 568 miles.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 2183]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, U.S. Department of Agriculture, has filed an application, serial number A 2183 for withdrawal of lands.

The Forest Service has developed the property to public campgrounds and other recreation use. They plan to increase this development during the next 2 years. This withdrawal is needed to provide tenure for investing in the property and prevent any activities which may be adverse to public recreational use of the property. The withdrawal would be made subject to valid existing rights.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Ariz. 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party.

The lands involved in the application are as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

KAIBAB LAKE CAMPGROUND

T. 22 N., R. 2 E.,
Sec. 14, S½SW¼NW¼, E½NE¼NW¼, SE¼NW¼, NE¼, SW¼, W½SE¼, NE¼SE¼;
Sec. 15, S½SE¼NE¼, E½SE¼.

The area described aggregates 620 acres.

PARKS CAMPGROUND

T. 22 N., R. 4 E.,
Sec. 22, lots 1, 2, 7, and 8;
Sec. 27, lots 1, 2, 5, 6, and 13.

The area described aggregates 294.32 acres.

TEN X CAMPGROUND

T. 29 N., R. 2 E.,
Sec. 1, lots 1 and 2.
T. 30 N., R. 2 E.,
Sec. 36, SE¼NW¼, S½NE¼, E½SW¼, SE¼.
T. 30 N., R. 3 E.,
Sec. 31, lot 4.

The area described aggregates 478.31 acres.

The total areas described above aggregate approximately 1,392.63 acres within the Kaibab National Forest.

Dated: July 19, 1968.

FRED J. WEILER,
State Director.

[F.R. Doc. 68-8964; Filed, July 26, 1968; 8:46 a.m.]

[C-3887]

COLORADO

Notice of Classification

JULY 18, 1968.

1. Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), the public lands within the areas described below are hereby classified for disposal through exchange under section 8 of the Taylor Grazing Act (43 U.S.C. 315g) for lands in the Canon City District, Bureau of Land Management. The notice of proposed classification was published in 33 F.R. 7089 of May 11, 1968. No protests were received and there has been no change in the classification.

2. The lands affected by this classification are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

SAGUACHE COUNTY

T. 41 N., R. 11 E.,
Secs. 11, 12, 14, and 23.

The area described comprises 1,504.38 acres of public land.

3. For a period of 30 days interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240.

E. I. ROWLAND,
State Director.

[F.R. Doc. 68-8963; Filed, July 26, 1968; 8:45 a.m.]

Office of the Secretary

RESIDUAL FUEL OIL

Adjustment in Maximum Level of Imports Into Puerto Rico of Finished Products

JULY 22, 1968.

Pursuant to paragraph (c) of section 2 of Proclamation 3279, as amended (30 F.R. 15459), for the period January 1, 1968, through December 31, 1968, the maximum level of imports of residual fuel oil to be used as fuel established pursuant to section 14 of Oil Import Regulation 1 (Revision 5), as amended, is increased by 130,000 barrels to permit the importation of residual fuel oil to be used as fuel to meet a demand in Puerto Rico which would not otherwise be met.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 68-8966; Filed, July 26, 1968; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Pursuant to the authority delegated to the Administrator of the Consumer and Marketing Service in section 40 of the Statement of Organization and Delegations appearing at 29 F.R. 16212, the Statement of Organization, Functions, and Delegations of Authority of the Consumer and Marketing Service appearing at 32 F.R. 11741 is hereby superseded by the following Statement of Organization, Functions, and Delegations of Authority of the Consumer and Marketing Service. The following statement also reflects internal changes in the organization of the Consumer and Marketing Service.

ORGANIZATION AND FUNCTIONS

SECTION 1. *General.* The Consumer and Marketing Service, hereinafter referred to as "C&MS," was created as the Agricultural Marketing Service by the Secretary of Agriculture on November 2, 1953, pursuant to his authority under 5 U.S.C. 301; Reorganization Plan No. 2 of 1953, 67 Stat. 633; and related authority. Effective February 8, 1965, the name "Agricultural Marketing Service" was changed to "Consumer and Marketing Service." The central office of C&MS is located at Washington, D.C., but a large part of the program activity is carried on through various field offices. The functions and authorities delegated to C&MS are published at 30 F.R. 6697, dated May 15, 1965, 31 F.R. 10079, dated July 26, 1966, 31 F.R. 10644, dated August 10, 1966, 31 F.R. 14463, dated November 10, 1966, 33 F.R. 2793, dated February 9, 1968, and 33 F.R. 9213, dated June 21, 1968. The functions relating to the administration of the Packers and Stockyards Act were withdrawn from C&MS by the creation of the Packers and Stockyards Administration, which was established by the Secretary of Agriculture on May 8, 1967, appearing at 32 F.R. 7186. All functions and authorities delegated to C&MS by the Secretary are subject to the provisions of sections 1-40 of the Statement of Organization and Delegations at 29 F.R. 16210 et seq.

SEC. 2. *The Office of the Administrator*—(a) *The Administrator.* The Administrator is responsible for the general direction and supervision of programs and activities assigned to C&MS. He reports to the Assistant Secretary for Marketing and Consumer Services.

(b) *The Associate Administrator.* The Associate Administrator shares overall responsibility with the Administrator for the general direction and supervision of programs and activities assigned to C&MS.

(c) *Deputy Administrator, Consumer Food Programs.* The Deputy Administrator, Consumer Food Programs is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs, and activities of C&MS; and

(2) Directing and coordinating the administration of consumer food programs, including the national school lunch program, the special milk program, the program for distribution of donated commodities acquired under the price support program and the surplus removal program, the program for accelerated movement of pletiful foods through normal channels of trade, the food stamp program, programs contained in the Child Nutrition Act of 1966 (42 U.S.C. 1771-1785), and related activities, and the food management phases of the civil defense and defense mobilization programs. These programs are carried out by three functional Divisions (Commodity Distribution, Food Stamp, and School Lunch), one functional staff (Food Trades Staff), one program services staff (Consumer Food Programs Services Staff), located at Washington, D.C., and by five Consumer Food Programs District Offices in the field.

(d) *Deputy Administrator, Marketing Services.* The Deputy Administrator for Marketing Services is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs, and activities of C&MS;

(2) Directing and coordinating the administration of the marketing service programs, including the standardization, inspection, grading and classing of agricultural commodities; market news, expansion of market outlets; commodity procurement; export and diversion programs; programs and related activities involving Standard Container, Export Apple and Pear, Naval Stores, Export Grape and Plum, Processed and Renovated Butter, and the Tobacco Seed and Plant Exportation Acts; assigned civil defense and defense mobilization activities; and other related programs and activities. These programs and activities are carried out by seven commodity Divisions (Cotton, Dairy, Fruit and Vegetable, Grain, Livestock, Poultry, and Tobacco), located at Washington, D.C., and by field offices of these Divisions, and by the Matching Fund Program Staff; and

(3) Considering and determining appeals from findings of fact of contracting officers within the scope of any disputes provision, which provides a method for final and conclusive determination of disputed questions of fact, in any purchase contract under purchase and donation programs carried out pursuant to section 6 of the National School Lunch Act and section 32 of Public Law 320, 74th Congress.

(e) *Deputy Administrator, Regulatory Programs.* The Deputy Administrator for Regulatory Programs is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs, and activities of C&MS; and

(2) Directing and coordinating the administration of marketing regulatory programs and related activities involving Perishable Agricultural Commodities, Federal Seed, U.S. Warehouse, Produce Agency, and Cotton Research and Promotion Acts; freight rate services under section 201 of the Agricultural Adjustment Act of 1938 and section 203(j) of the Agricultural Marketing Act of 1946, as amended; assigned civil defense and defense mobilization activities; marketing agreements and orders; and other related programs and activities. These programs are carried out by six commodity Divisions (Cotton, Dairy, Fruit and Vegetable, Grain, Poultry, and Tobacco), and one functional Division (Transportation and Warehouse), located at Washington, D.C., and by field offices of these Divisions, except milk marketing orders which are carried out through market administrators in the field and fruit and vegetable marketing orders which are administered by elected committees.

(f) *Deputy Administrator, Consumer Protection.* The Deputy Administrator for Consumer Protection is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs and activities of C&MS; and

(2) Directing and coordinating the administration of consumer protection programs including meat inspection, poultry inspection, humane slaughter, and related activities. These programs are carried out by one commodity Division (Poultry), three functional Divisions (Livestock Slaughter Inspection, Processed Meat Inspection, and Technical Services), and two staffs (Compliance and Evaluation Staff, and Administrative Staff), located at Washington, D.C., and by the seven Meat Inspection District Offices, the Compliance and Evaluation Staff field offices, and the five area Poultry Inspection offices.

(g) *Deputy Administrator, Management.* The Deputy Administrator, Management is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs, and activities of C&MS;

(2) Directing and coordinating the administration and integration of the overall management, budget, fiscal, personnel, systems analysis, administrative services, statistical services programs and the planning-programing-budgeting system necessary to meet the requirements of the consumer and marketing programs of C&MS, and assigned civil defense, defense mobilization, and related programs and activities. These programs and activities are carried out by the Operations Analysis Staff, and Statistical Services Staff and the Administrative Services, Budget, Finance, and Personnel Divisions, located at Washington, D.C., and by field branch offices of the Administrative Services and Personnel Divisions; and

(3) Civil rights coordination in the Consumer and Marketing Service.

SEC. 3. *Information Division.* The Information Division, under the direction and supervision of the Administrator and Associate Administrator, is responsible for planning and administering an information program involving the activities of C&MS. In addition to the Central office located at Washington, D.C., this program is carried on through Area Offices.

SEC. 4. *Planning and Evaluation Staff.* The Planning and Evaluation Staff, under the direction and supervision of the Administrator and Associate Administrator is responsible for coordinating the planning and evaluation functions related to the determination and accomplishment of goals and objectives of the Agency within the Planning-Programing-Budgeting System.

SEC. 5. *Consumer Food Programs.* The Commodity Distribution, Food Stamp, and School Lunch Divisions, the Food Trades Staff, Consumer Food Programs Services Staff, and the Consumer Food Programs District Offices, under the administrative direction of the Administrator and Associate Administrator and the functional and technical direction of the Deputy Administrator for Consumer Food Programs, are responsible as follows:

(a) *Commodity Distribution Division.* The Commodity Distribution Division is responsible for:

(1) Planning and administering the commodity distribution program, including distribution to eligible recipients of donated foods made available under section 32 of the Act of August 24, 1935, as amended; section 6 of the National School Lunch Act; section 416 of the Agricultural Act of 1949, as amended; and section 709 of the Food and Agricultural Act of 1965;

(2) Planning and administering the distribution of commodities for disaster and/or emergency relief; and

(3) Executing assigned civil defense and defense mobilization activities.

(b) *Food Stamp Division.* The Food Stamp Division is responsible for:

(1) Planning and administering the food stamp program, including coupon allotment, coupon issuance, negotiations with State agencies, and wholesaler-retailer operations; and

(2) Executing assigned civil defense and defense mobilization activities.

(c) *School Lunch Division.* The School Lunch Division is responsible for:

(1) Planning and administering the national school lunch program, programs contained in the Child Nutrition Act of 1966 (42 U.S.C. 1771-1785) and the special milk program, including technical services for these and other consumer food programs; and

(2) Executing assigned civil defense and defense mobilization activities.

(d) *Food Trades Staff.* The Food Trades Staff is responsible for:

(1) Planning and administering the plentiful foods programs;

(2) Serving as a focal point for wholesalers, retailers, public feeding operators, and other food distributors on problems of food supply and its effective distribution; and

(3) Executing assigned civil defense and defense mobilization activities.

(e) *Consumer Food Programs Services Staff.* The Consumer Food Programs Services Staff is responsible for:

(1) Planning and providing management services, reports, statistical services for Consumer Food Program Divisions, Staffs, and District Offices.

(f) *Consumer Food Programs District Offices.* Consumer Food Programs District Offices are responsible for:

(1) Planning, coordinating, and administering the consumer food programs within the District; and

(2) Executing assigned civil defense and defense mobilization activities.

SEC. 6. *Marketing Services, Regulatory Programs, and Consumer Protection Programs.* The Cotton, Dairy, Fruit and Vegetable, Grain, Livestock, Poultry, Tobacco, Transportation and Warehouse, Livestock Slaughter Inspection, Processed Meat Inspection, and Technical Services Divisions, the Matching Fund Program Staff, the Administrative Staff, the Compliance and Evaluation Staff, and the Meat Inspection District Offices, under administrative direction of the Administrator and Associate Administrator and the functional and technical direction of the Deputy Administrators for Marketing Services, Regulatory Programs, and Consumer Protection Programs, are responsible as follows:

(a) *Cotton Division.* The Cotton Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, classing, grading, and testing), surplus removal, expansion of market outlets, marketing regulations, marketing agreements and orders, and related programs for cotton, cotton linters, cottonseed, cotton products, and other vegetable fibers and related commodities as authorized by Cotton Futures provisions of Internal Revenue Code of 1954; U.S. Cotton Standards Act, as amended; Cotton Statistics and Estimates Act, as amended; section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; Cotton Research and Promotion Act; and other authorities; and

(2) Executing assigned civil defense and defense mobilization activities.

(b) *Dairy Division.* The Dairy Division is responsible for:

(1) Planning and administering marketing services (standardization, inspection, and grading), marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for milk and its products, and such other commodities as may be assigned; process and renovated butter; surplus removal (including purchase, diversion, and export programs), purchases under section 6 of the National School Lunch Act for assigned commodities, expansion of market outlets, and related programs for milk and dairy products as authorized by section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; Process and Renovated Butter Act; and other authorities;

(2) Formulating policies and technical direction for market news services for dairy and dairy products which are administered by the Poultry Division; and

(3) Executing assigned civil defense and defense mobilization activities.

(c) *Fruit and Vegetable Division.* The Fruit and Vegetable Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, inspection, and grading), marketing regulatory, surplus removal (including purchase, diversion, and export programs), purchases under section 6 of the National School Lunch Act for assigned commodities, expansion of market outlets, acreage guides for vegetables including potatoes and sweet potatoes, and related programs for fruits and vegetables, their products and other assigned commodities, as authorized by the Standard Container Acts of 1916 and 1928, as amended; Produce Agency Act, as amended; Perishable Agricultural Commodities Act, 1930, as amended; Export Apple and Pear Act; Export Grape and Plum Act; section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; and other authorities;

(2) Planning and administering marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for fruits, vegetables, nuts, hops, and the products thereof, and such other commodities as may be assigned;

(3) Administering import regulations as required under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended; and

(4) Executing assigned civil defense and defense mobilization activities.

(d) *Grain Division.* The Grain Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, inspection, grading, and testing), marketing regulatory, surplus removal (including purchase, diversion, and export programs), purchases under section 6 of the National School Lunch Act for assigned commodities, expansion of market outlets, and related programs for grain, grain products, seeds, beans, peas, rice, hay, and related commodities as authorized by the U.S. Grain Standards Act, as amended; Federal Seed Act, as amended; section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; and other authorities;

(2) Planning and administering marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937 as amended, for seed and such other commodities as may be assigned;

(3) Planning and administering market news services on molasses and sugar cane syrups; and

(4) Executing assigned civil defense and defense mobilization activities.

(e) *Livestock Division.* The Livestock Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, grading, and specification certification), surplus removal (including purchase, diversion, and export programs), purchases under section 6 of the National School Lunch Act for assigned commodities, meat, meat products, wool, mohair, and related commodities as authorized by the Wool Standards Act; section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; and other authorities; and

(2) Executing assigned civil defense and defense mobilization activities.

(f) *Poultry Division.* The Poultry Division is responsible for:

(1) Planning and administering standardization, inspection, and grading, surplus removal (including purchase, diversion, and export programs), purchases under section 6 of the National School Lunch Act for assigned commodities, expansion of market outlets, and related programs for poultry, poultry products, domestic rabbits, and related commodities as authorized by Poultry Products Inspection Act, 21 U.S.C. 451 et seq.; section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; and other authorities;

(2) Planning and administering marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for poultry and poultry products and such other commodities as may be assigned;

(3) Formulating policies and directing market news service for poultry and poultry products, and domestic rabbits; administrative direction of market news services for dairy and dairy products; and

(4) Executing assigned civil defense and defense mobilization activities.

(g) *Tobacco Division.* The Tobacco Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, inspection, and grading) marketing regulatory, surplus removal, expansion of market outlets, statistical reporting, and related programs for tobacco, tobacco products and byproducts, naval stores, and related commodities as authorized by Tobacco Stocks and Standards Act of 1929, as amended; Tobacco Inspection Act, as amended; Tobacco Seed and Plant Exportation Act; Naval Stores Act, section 32 of the Act of August 24, 1935, as amended; and other authorities;

(2) Planning and administering marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for tobacco, and the products thereof, and such other commodities as may be assigned; and

(3) Executing assigned civil defense and defense mobilization activities.

(h) *Transportation and Warehouse Division.* The Transportation and Warehouse Division is responsible for:

(1) Administering the U.S. Warehouse Act, as amended;

(2) Warehouse examination functions in connection with warehouses storing commodities pursuant to contracts or agreements with Commodity Credit Corporation;

(3) Administering provisions of section 201 of the Agricultural Adjustment Act of 1938, section 203(j) of the Agricultural Marketing Act of 1946, as amended, and other authorities covering adjustments in transportation and services for farm commodities, food, and farm supplies;

(4) Acting for, or assisting on assignment from the Office of the Administrator in directing and coordinating and planning activities and operations assigned C&MS with respect to emergency preparedness programs in connection with defense mobilization; and

(5) Executing other marketing services programs and activities as assigned.

(i) *Livestock Slaughter Inspection Division.* The Livestock Slaughter Inspection Division is responsible for planning and administering livestock slaughter inspection programs relating to:

(1) Ante mortem and post mortem inspection of animals, their carcasses, organs, and parts thereof; the chilling, branding, and shipping of carcasses, meat byproducts, and nonprocessed parts of carcasses; the handling and control of inedible and condemned materials (including inedible rendering) incident to ante mortem, post mortem, and chilling operations to assure a wholesome supply of meat and edible meat byproducts for consumers. These functions are performed pursuant to (a) Federal Meat Inspection Act as amended by the Wholesome Meat Act, 21 U.S.C. 601–611, 619, 621–623; (b) provisions of the Humane Slaughter Act, 7 U.S.C. 1901 et seq., and (c) 7 U.S.C. 1622; and

(2) To provide technical counsel and assistance to State meat inspection programs, conducts reviews and establishes standards as provided for pursuant to 21 U.S.C. 661 as related to the functional responsibilities of the Division.

(3) Executing assigned civil defense and defense mobilization activties.

(j) *Processed Meat Inspection Division.* The Processed Meat Inspection Division is responsible for planning and administering processed meat inspection programs relating to:

(1) Processed meat inspection, including all operations after slaughter and chilling relating to, or further handling of, edible meat, meat byproducts, and meat food products; the carcass breakup, and movement in commerce from slaughtering establishments; handling and storage of meat products in commerce; export certification and import inspection; and related reimbursable services. This inspection over these operations includes responsibility for devising all inspection procedures, standards of sanitation, control, compliance and acceptance for product, ingredients, containers, and processing methods in producing sanitary, wholesome and truthfully labeled product. These functions are performed pursuant to 21 U.S.C. 601, 602, 605–611, 615–624, and 641–643; and 7 U.S.C. 1622; and

(2) To provide technical counsel and assistance to State meat inspection programs, conducts reviews and establishes standards as provided for pursuant to 21 U.S.C. 661 as related to the functional responsibilities of the Division.

(3) Executing assigned civil defense and defense mobilization activities.

(k) *Technical Services Division.* The Technical Services Division is responsible for planning and administering programs:

(1) To provide the meat and poultry inspection programs of C&MS with the technical services required to assure that food products moving in foreign and domestic commerce are wholesome, unadulterated and truthfully labeled, including:

(a) The sampling for Technical Services Division functions, testing and analyses of meat and poultry products, chemical compounds, microbiological, pathological and toxicological specimens and other associated laboratory services;

(b) The approval of product formulae, methods of preparation and labels and initial approval of containers;

(c) The development and promulgation of standards of composition and identity for processed products;

(d) The approval of plant design, structure and equipment, and the sanitary criteria related to such approvals; and

(e) The surveillance and approval of foreign inspection systems. The functions of items (1) (a) through (e) are performed pursuant to 21 U.S.C. 456, 457, 604–608, 610, 611, 621–623, 628; and 7 U.S.C. 1622 and 1904.

(2) To furnish technical counsel and assistance to the State meat inspection programs, conducts reviews and establishes standards as provided for pursuant to 21 U.S.C. 661 as related to the functional responsibilities of the Division.

(3) Executing assigned civil defense and defense mobilization activities.

(l) *Meat Inspection District Offices.* The Meat Inspection District Offices are responsible for carrying out:

(1) Livestock slaughter inspection programs;

(2) Processed meat inspection programs;

(3) Technical Services programs (except laboratories) relating to meat inspection within their respective geographical areas;

(4) To provide management reviews and assistance to State inspection programs pursuant to 21 U.S.C. 661; and

(5) Executing assigned civil defense and defense mobilization activities.

(m) *Administrative Staff.* The Administrative Staff is responsible for:

(1) Planning and providing management services and reports for the Livestock Slaughter Inspection Division, the Processed Meat Inspection Division, the Technical Services Division, the Compliance and Evaluation Staff, the Deputy Administrator for Consumer Protection and his staff and the Meat Inspection District Offices.

(2) Registering meat brokers, renderers and animal food manufacturers pursuant to 21 U.S.C. 643; and

(3) Provides management reviews and assistance to State meat inspection programs pursuant to 21 U.S.C. 661.

(n) *Compliance and Evaluation Staff.* The Compliance and Evaluation Staff administers compliance and evaluation programs designed to:

(1) Augment and strengthen management controls and the regulatory and enforcement aspects of the Poultry Products Inspection Act; the Federal Meat Inspection Act, as amended; the Agricultural Marketing Act of 1946, as amended, and related laws and the regulations promulgated thereunder. This includes responsibilities to carry out the authorities provided by the Federal Meat Inspection Act relating to Federal-State Cooperation (21 U.S.C. 661); meat inspection service, withdrawal (21 U.S.C. 671); detention and seizure of certain meat and meat food products (21 U.S.C. 672 and 673); violations (21 U.S.C. 675 and 676); State jurisdiction (21 U.S.C. 678). Also included are responsibilities to carry out the authorities provided by the Poultry Products Inspection Act relating to violations (21 U.S.C. 458) and records of interstate shipment (21 U.S.C. 460).

(2) Initiating court actions or warning letters (21 U.S.C. 461 and 462) violations relating to exemptions and imports (21 U.S.C. 465 and 466).

(o) *Matching Fund Program Staff.* The Matching Fund Program Staff is responsible for:

(1) Providing leadership and consulting services to assist States in the development and execution of matched-funds marketing service projects, under the provisions of the Agricultural Marketing Act of 1946, as amended, and coordinating similar lines of work between States.

(2) Reviewing and approving such projects proposed by the State Departments of Agriculture, Bureaus of Markets, and similar State agencies; and

(3) Coordinating the matching fund program with the overall Federal-State marketing program.

SEC. 7. *Management Services.* The Administrative Services, Budget, Finance, and Personnel Divisions, Statistical Services Staff, and the Operations Analysis Staff, under the administrative direction of the Administrator and Associate Administrator and the functional and technical direction of the Deputy Administrator, Management, are responsible as follows:

(a) *Administrative Services Division.* The Administrative Services Division is responsible for:

(1) Planning and administering procurement and supply, real and personal property, records, communications, procedures, forms, reports, paperwork, and related management services programs necessary to meet requirements of the overall programs and activities of C&MS;

(2) Approving, for administrative feasibility and for conformance with governing rules and regulations, cooperative agreements and related documents, and contracts under the Agricultural Marketing Act of 1946, as amended;

(3) Developing standards and procedures for the preparation of program dockets and authorities, and clearing for conformance with governing rules and regulations materials to be published in the FEDERAL REGISTER and the Code of Federal Regulations; and

(4) Providing staff assistance to the Deputy Administrator, Management with respect to committee management and civil rights activities in C&MS.

(b) *Budget Division.* The Budget Division is responsible for:

(1) Planning and administering the budget and related financial programs necessary to meet the requirements of the overall programs and activities of C&MS;

(2) Developing and assisting in establishing required budgetary systems and controls with respect to apportionments, obligations, and expenditures of available funds; and

(3) Planning and administering agency-wide systems for integrating long-range program plans with annual resource requirements.

(c) *Finance Division.* The Finance Division is responsible for:

(1) Planning and administering the fiscal and related accounting programs necessary to meet the requirements of the overall programs and activities of the agency;

(2) Developing and assisting in establishing with respect to obligations and expenditures; and

(3) Developing, installing, and revising accounting systems, methods and procedures for the agency including control committees and market administrators operating under marketing agreements and orders assigned to the agency.

(d) *Personnel Division.* The Personnel Division is responsible for planning and administering the organization, classification, wage and salary, employment, employee relations, labor management relations, training, award, safety, and health phases of a personnel program to meet requirements of the overall programs and activities of C&MS.

(e) *Operations Analysis Staff.* The Operations Analysis Staff is responsible for planning and administering a broad program of review, research, analysis, and coordination in program management as it relates to the efficiency and effectiveness of C&MS program operations.

(f) *Statistical Services Staff.* The Statistical Services Staff is responsible for providing leadership, coordination, analyses, and services in mathematical and statistical applications as they relate to the overall programs and activities of the Agency.

DELEGATIONS OF AUTHORITY

SEC. 8. *Associate Administrator.* The Associate Administrator is hereby delegated the authority to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator.

SEC. 9. *Deputy Administrators.* The Deputy Administrator, Consumer Food Programs; the Deputy Administrator, Marketing Services; the Deputy Administrator, Regulatory Programs; the Deputy Administrator, Consumer Protection; and the Deputy Administrator, Management, are hereby delegated the authority, severally, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator. Each Deputy Administrator shall be primarily responsible for the programs and activities of the Consumer and Marketing Service herein or hereafter assigned to him.

SEC. 10. *Information Division.* The Director of the Information Division is hereby delegated authority, in connection with the respective functions herein assigned to him, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator and Associate Administrator.

SEC. 11. *Planning and Evaluation Staff.* The Director of the Planning and Evaluation Staff is hereby delegated authority, in connection with the respective functions herein assigned to him, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator and Associate Administrator.

SEC. 12. *Consumer Food Divisions and Staffs.* The Directors of the Commodity Distribution, Food Stamp, School Lunch Divisions, Food Trades and Consumer Food Programs Services Staffs, and Consumer Food Programs District Offices, are hereby delegated authority in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator, Associate Administrator, and Deputy Administrators.

SEC. 13. *Marketing Services, Regulatory, and Consumer Protection Divisions and Staffs.* The Directors of the Cotton, Dairy, Fruit and Vegetable, Grain, Livestock, Poultry, Tobacco, Transportation and Warehouse, Livestock Slaughter Inspection, Processed Meat Inspection and Technical Services Divisions, the Administrative Staff, the Compliance and Evaluation Staff, Matching Fund Program Staff, and the Meat Inspection District Offices are hereby delegated authority, in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator, Associate Administrator, and Deputy Administrators.

SEC. 14. *Management Services Divisions.* The Directors of the Administrative Services, Budget, Finance, and Personnel Divisions, and the Operations Analysis Staff, and Statistical Services Staff are hereby delegated authority in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator, Associate Administrator, and Deputy Administrators.

SEC. 15. *Concurrent authority and responsibility to the Administrator.* No delegation or authorization prescribed herein shall preclude the Administrator, the Associate Administrator, or each Deputy Administrator, from exercising any of the powers or functions or from performing any of the duties conferred upon them herein, and any such delegation or authorization is subject at all times to withdrawal or amendment by the Administrator, the Associate Administrator, and in their respective fields, by each Deputy Administrator. The Officers to whom authority is delegated herein shall (a) maintain close working relationships with the Officers to whom they report, (b) keep them advised with respect to major problems and developments, and (c) discuss with them proposed actions involving major policy questions or other important considerations or questions, including matters involving relationships with other Federal agencies, other agencies of the Department, other Divisions or offices of C&MS or other governmental or private organizations or groups.

SEC. 16. *Prior authorizations and delegations.* All prior delegations and redelegations of authority relating to any function, program or activity covered by the Statement of Organization, Functions, and Delegations of Authority, shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked. Nothing herein shall affect the validity of any action heretofore taken under prior delegations or redelegations of authority or assignments of functions.

RESERVATION OF AUTHORITY

SEC. 17. *Reservation of authority.* (1) There is hereby reserved to the Administrator, or to the individual designated to act in his stead the authority to designate Market Administrators and Committees administering market agreement and order programs.

(2) There is hereby reserved to the Administrator, or to the individual designated to act in his stead the approval of regulations relating to the travel of seasonal inspectors.

(3) There is hereby reserved to the Administrator, or to the individual designated to act in his stead, the authority to issue subpoenas relating to the efficient administration and enforcement of the Federal Meat Inspection Act, as amended by the Wholesome Meat Act, pursuant to 15 U.S.C. 49 as authorized by 21 U.S.C. 677.

AVAILABILITY OF INFORMATION AND RECORDS

SEC. 18. *Availability of information and records.* Any person desiring information or to make submittals or requests with respect to the programs and functions of C&MS should address his request to the Director of the particular Division or Office, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. The availability of information and records of C&MS and its Divisions and Offices is governed by the rules and regulations as published in the Code of Federal Regulations, Title VII, Chapter IX, Part 900, Subpart—Public Information.

Issued at Washington, D.C., this 24th day of July 1968.

RODNEY E. LEONARD,
Administrator.

[F.R. Doc. 68-8973; Filed, July 26, 1968; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

MURRO S.A. AND RUTH MUERI

Notice of Related Party Determination

In the matter of Murro S.A. and Ruth Mueri, 5314 Kleindoettingen, Switzerland; Dorfstrasse 13 and Box 29, 5313 Klingnau, Switzerland; and Badenerstrasse 398, Zurich, Switzerland; Case No. 245, File 22(65)-11.

By order dated December 18, 1959, the Bureau of Foreign Commerce, predecessor of the Bureau of International Commerce, U.S. Department of Commerce, entered an order against Emilio F. Bordin and Oleine, S.A. of Zurich, Switzerland, denying them all privileges of participating in any manner or capacity in exportations from the United States of commodities or technical data for the duration of export controls. This order was published in the FEDERAL REGISTER on December 25, 1959 (24 F.R. 10719).

Section 382.1(b) of the Export Regulations provides in part that, to the extent necessary to prevent evasion of any order denying export privileges, said order may be made applicable to parties other than those named in the order with whom said named parties may then or thereafter be related by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or related services. It has been determined by the Office of Export Control that within the purview of said section the above named Murro S.A. and Ruth Mueri are related parties to said Emilio F. Bordin. Under this determination the terms and restrictions of the order of December 18, 1959, are effective against said related parties.

It has heretofore been determined that Hermann August Huber, Zurich, Switzerland, trading as Biochemische Industrie, is a related party to said Oleine, S.A. and Emilio F. Bordin. The evidence presented in connection with the above-entitled matter shows that said Huber is a responsible official of Murro S.A.

The above-named related parties are being notified of this determination and are being advised that if they contend that the ruling is not justified they may make applicaion to have the ruling reconsidered or terminated. Due notice will be given of any termination or change in this related party determination.

Dated: July 22, 1968.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 68-8959; Filed, July 26, 1968; 8:45 a.m.]

National Bureau of Standards

U.S. CUSTOMARY SYSTEM OF WEIGHTS AND MEASURES

Commercial Weights and Measures Units

By virtue of the authority vested in the Secretary of Commerce by 15 U.S.C. 272 and delegated to the National Bureau of Standards by Department Order 90-A, the Bureau is charged with the responsibility for "The custody, maintenance, and development of the national standards of measurement, * * *." The method employed for disseminating information on weights and measures units has been through official National Bureau of Standards publications. However, all such units have never been listed together in any Federal legislation or in the FEDERAL REGISTER. On February 27, 1968, in the House Committee on Science and Astronautics Report No. 1107, accompanying H.R. 13058, legislation to repeal the Standard Container Act of August 31, 1916 (39 Stat. 673; 15 U.S.C. 251-256), and the Standard Container Act of May 21, 1928 (45 Stat. 685; 15 U.S.C. 257-257i), and amend the Fair Packaging and Labeling Act of November 3, 1966 (80 Stat. 1296; 15 U.S.C. 1451), the following Committee view was expressed:

Testimony revealed that although standard weights and measures are defined in publications by the Bureau of Standards, these definitions are not defined by law nor have they been published in the FEDERAL REGISTER. Consequently, the Committee recommends that the Secretary of Commerce cause to be published in the FEDERAL REGISTER a listing of the common weights and measures used in normal commerce throughout the United States and relate them to the standards developed in accordance with existing law, 15 U.S.C. 272.

Commercial units of weight and measure in common use are based on the yard and the avoirdupois pound. The yard and avoirdupois pound were last defined in the FEDERAL REGISTER of July 1, 1959, in terms of the national standards of length and mass: The meter and the National Prototype Kilogram. From the two units, the yard and the pound, are derived all other U.S. Customary multiple and submultiple units that will be found in ordinary commerce. They are defined as:

1 yard = 0.914 4 meter [1]
1 pound (avoirdupois) = 0.453 592 37 kilogram [1]

LINEAR MEASURE

U.S. CUSTOMARY

12 inches = 1 foot = 0.304 8 meter [1]
3 feet = 1 yard = 0.914 4 meter [1]
5,280 feet = 1 statute mile = 1,609 kilometers
6,076.115 feet = 1 International Nautical Mile = 1.852 kilometers [1]

METRIC

10 millimeters = 1 centimeter
10 centimeters = 1 decimeter
10 decimeters = 1 meter
10 meters = 1 dekameter
10 dekameters = 1 hectometer
10 hectometers = 1 kilometer

AREA MEASURE

U.S. CUSTOMARY

144 square inches = 1 square foot = 0.092 9 square meter
9 square feet = 1 square yard = 0.836 1 square meter
43,560 square feet = 1 acre = 0.404 7 hectare
640 acres = 1 square mile = 259 hectares
1 square mile = 1 section = 259 hectares
36 sections = 1 township = 932 4 hectares

METRIC

100 square millimeters = 1 square centimeter
10,000 square centimeters = 1 square meter
100 square meters = 1 are
100 ares = 1 hectare
100 hectares = 1 square kilometer

WEIGHT

U.S. CUSTOMARY (AVOIRDUPOIS)

437.5 grains = 1 ounce = 28.349 5 grams
7,000 grains = 1 pound = 0.453 592 37 kilogram
16 ounces = 1 pound = 0.453 592 37 kilogram
2,000 pounds = 1 short ton = 0.907 2 metric ton
2,240 pounds = 1 long ton = 1.016 metric tons

METRIC

10 milligrams = 1 centigram
10 centigrams = 1 decigram
10 decigrams = 1 gram
10 grams = 1 dekagram
10 dekagrams = 1 hectogram
10 hectograms = 1 kilogram
1,000 kilograms = 1 metric ton

CAPACITY, OR VOLUME, LIQUID MEASURE

U.S. CUSTOMARY

1 gallon = 231 cubic inches = 3.785 4 liters
4 fluid ounces = 1 gill = 0.118 3 liter
4 gills = 1 pint = 0.473 2 liter
2 pints = 1 quart = 0.946 4 liter
4 quarts = 1 gallon = 3.785 4 liters

METRIC

10 milliliters = 1 centiliter
10 centiliters = 1 deciliter
10 deciliters = 1 liter
10 liters = 1 dekaliter
10 dekaliters = 1 hectoliter
10 hectoliters = 1 kiloliter

[1] Denotes exact figures.

CAPACITY, OR VOLUME, DRY MEASURE

U.S. CUSTOMARY

1 bushel=2,150.42 cubic inches=35.239 1 liters
2 dry pints=1 dry quart=1.101 2 liters
8 dry quarts=1 peck=8.809 8 liters
4 pecks=1 bushel=35.239 1 liters

The accepted volume of a barrel in the United States varies significantly depending both on the commodity for which it is used and on how it is defined in State law (varying from State-to-State).

METRIC

The volumetric units are the same for both liquid and dry measure in the Metric System.

CUBIC MEASURE

U.S. CUSTOMARY

1,728 cubic inches=1 cubic foot=0.028 316 8 cubic meter
27 cubic feet=1 cubic yard=0.764 554 9 cubic meter

METRIC

1,000 cubic millimeters=1 cubic centimeter
1,000 cubic centimeters=1 cubic decimeter
1,000 cubic decimeters=1 cubic meter

SPECIAL UNITS

The unit used for the sale of firewood is the cord of 128 cubic feet.

The unit used for the sale of precious stones is the Metric Carat of 200 milligrams.

The units used for over-the-counter sales of precious metals in the United States are troy units.

TROY WEIGHT

24 grains=1 pennyweight=1.555 17 grams
20 pennyweights=1 ounce troy=31.103 47 grams
12 ounces troy=1 pound troy=0.373 242 kilogram

The apothecaries system of units, once widely used in the United States for pharmaceutical purposes, is now used only very little. Usage of the Metric System has replaced the apothecaries system at the manufacturing level, and at most of the retail level.

ELECTRICITY AND NATURAL GAS

When a consumer is billed for having used electricity, what has been sold is electrical energy, and that energy is expressed in terms of kilowatt-hours. One kilowatt-hour equals 3,600,000 joules (the joule is the unit of energy in the International System of Units).

Consumption of natural gas normally is expressed in terms of therms. One therm equals 105,480,400 joules.

Dated: July 15, 1968.

A. V. ASTIN,
Director.

[F.R. Doc. 68-8953; Filed, July 26, 1968; 8:45 a.m.]

Office of the Secretary

[Appendix A, Amdt. 1]

BUSINESS AND DEFENSE SERVICES ADMINISTRATION

Appendix A; Public Information

JULY 11, 1968.

This material amends the material appearing at 32 F.R. 11348 of August 4, 1967.

Appendix A, dated July 18, 1967, to Department Order 152-B is hereby amended as follows:

In Section C. *Guide to published rules and regulations:*

1. In paragraph .02 change the title "Director, Mobilization Readiness Staff" to "Director, Office of Mobilization Readiness," as the official to whom applications should be sent for participation in the National Defense Executive Reserve.

2. In paragraph .06 change the title "Director, Office of Scientific and Technical Equipment" to "Director, Office of Producer Goods" as the official from whom the public may secure information, make submittals or requests, and obtain decisions with respect to the Department of Commerce functions under the Educational, Scientific, and Cultural Materials Importation Act of 1966 (80 Stat. 897; 19 U.S.C. 1202).

3. In paragraph .07 change the title "Director, Office of Scientific and Technical Equipment," to "Director, Office of Producer Goods," as the official from whom information, including forms for filing applications, may be obtained concerning Allocation of Watches and Watch Movement Quotas among Producers located in the Virgin Islands, Guam, and American Samoa (19 U.S.C. 1202, as amended by Public Law 89-805, Nov. 10, 1966).

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 68-8952; Filed, July 26, 1968; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CHEMAGRO CORP.

Notice of Filing Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 8F0734) has been filed by Chemagro Corp., Post Office Box 4913, Hawthorn Road, Kansas City, Mo. 64120, proposing the establishment of tolerances for residues of the insecticide *O,O*-diethyl *S*-2-(ethylthio)ethyl phosphorodithioate in or on sorghum grain at 0.1 part per million and in or on sorghum forage and fodder at 5 parts per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic technique using a potassium chloride thermionic-emission flame detector after oxidation of the insecticide and its metabolites to the corresponding sulfone and oxygen analog sulfone.

Dated: July 19, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8986; Filed, July 26, 1968; 8:47 a.m.]

ESSO RESEARCH AND ENGINEERING CO.

Notice of Filing Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0736) has been filed by the Esso Research and Engineering Co., Post Office Box 536, Linden, N.J. 07036 on behalf of The Enjay Chemical Co., 60 West 49th Street, New York, N.Y. 10020, proposing the establishment of a tolerance of 1 part per million for residues of the desiccant and defoliant neo-decanoic acid (a mixture of 10-carbon trialkyl acetic acids (calculated as $C_9H_{19}COOH$)) in or on cottonseed.

The analytical method proposed in the petition is a thin layer chromatographic procedure that selectively removes the pesticide from naturally occurring fatty acids.

Dated: July 19, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8987; Filed, July 26, 1968; 8:48 a.m.]

GULF OIL CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0735) has been filed by the Gulf Oil Corp., Gulf Building, Pittsburgh, Pa. 15230, proposing the establishment of a tolerance of 0.1 part per million for residues of the herbicide benzamidooxyacetic acid in or on the raw agricultural commodity sugar beets.

The analytical method proposed for determining residues of the herbicide consists of extraction with isopropyl alcohol, separation on ion-exchange resin, elution of the residue from the resin with a solution of acetic acid and methanol, and removal of a natural contaminant by ether extraction. The herbicide is then hydrolyzed to benzoic acid. The benzoic acid is esterized with diazomethane producing methyl benzoate which is determined by gas-liquid chromotography. The amount of residue is calculated from the amount of methyl benzoate present.

Dated: July 19, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8988; Filed, July 26, 1968; 8:48 a.m.]

NORWICH PHARMACAL CO.

Notice of Withdrawal of Petition for Food Additive Buquinolate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), the Norwich Pharmacal Co., Post Office Box 191, Norwich, N.Y. 13815, has withdrawn its petition, notice of which was published in the FEDERAL REGISTER of March 20, 1968 (33 F.R. 4751), proposing the amendment of § 121.291 *Buquinolate* to provide for the safe use of buquinolate in broiler replacement and broiler breeding chickens for prevention of coccidiosis caused by *E. tenella, E. necatrix, E. acervulina,* and *E. maxima.*

Dated: July 19, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8989; Filed, July 26, 1968; 8:48 a.m.]

PITTSBURGH PLATE GLASS CO.

Notice of Withdrawal of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide regulations (21 CFR 120.8), the Pittsburgh Plate Glass Co., Pittsburgh, Pa. 15222, has withdrawn its petition (PP 8F0690), notice of which was published in the FEDERAL REGISTER of January 30, 1968 (33 F.R. 1214), proposing the establishment of tolerances for negligible residues of the herbicide CIPC (isopropyl *N*-(3-chlorophenyl) carbamate) in or on the raw agricultural commodities cottonseed, forage legumes, fruiting vegetables, grain crops, leafy vegetables, root crop vegetables, safflower seed, seed and pod vegetables, small fruits, and strawberries at 0.5 part per million.

Dated: July 19, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8990; Filed, July 26, 1968; 8:48 a.m.]

SCHERING CORP.

Notice of Filing of Petition for Food Additives Penicillin, Neomycin, Polymixin, Prednisone

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been field by Schering Corp., Bloomfield, N.J. 07003, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of a combination drug containing penicillin, neomycin, polymixin, and prednisone with an inert propellent mixture of dichlorodifluoromethane dichlorotetrafluoroethane for the treatment of mastitis in dairy cattle by udder instillation.

Dated: July 19, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8991; Filed, July 26, 1968; 8:48 a.m.]

N,N-DIMETHYL-N'-(2-METHYL-4-CHLOROPHENYL) FORMAMIDINE

Notice of Establishment of Temporary Tolerance

At the request of the CIBA Agrochemical Co., Post Office Box 1105, Vero Beach, Fla. 32960, a temporary tolerance of 0.5 part per million is established for residues of the insecticide *N,N*-dimethyl-*N'*-(2-methyl-4-chlorophenyl) formamidine in or on the raw agricultural commodity apples. The Commissioner of Food and Drugs has determined that this temporary tolerance is safe and will protect the public health.

A condition under which this temporary tolerance is established is that the insecticide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the CIBA Agrochemical Co. name.

This temporary tolerance will expire July 17, 1969.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and delegated to the Commissioner (21 CFR 2.120).

Dated: July 17, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8992; Filed, July 26, 1968; 8:48 a.m.]

Office of the Secretary

NATIONAL INSTITUTES OF HEALTH

Statement of Organization and Functions and Delegations of Authority

Part 4 (Public Health Service) of the Statement of Organization and Functions and Delegations of Authority for the Department of Health, Education, and Welfare (32 F.R. 9739 et seq., July 4, 1967), as amended, is hereby amended as follows:

With regard to section 4-B *Organization and functions,* in the section on National Institutes of Health (2400), delete the paragraph entitled Office of International Research (2433).

Dated: July 19, 1968.

DONALD F. SIMPSON,
Assistant Secretary for Administration.

[F.R. Doc. 68-8993; Filed, July 26, 1968; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 68-87]

PORTION OF NAVIGABLE WATERS OF UNITED STATES OFF COAST OF BRUNSWICK COUNTY, N.C.

Closure to Navigation for Use as an Explosive Anchorage; Cancellation

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 49 CFR 1.4 (32 F.R. 5606) and Executive Order 10173 as amended by Executive Orders 10277, 10352, and 11249, I hereby affirm for publication in the FEDERAL REGISTER the order of cancellation of the Security Zone established June 4, 1968, and published in FEDERAL REGISTER of July 2, 1968 (33 F.R. 9628), of E. C. Allen, Jr., Rear Admiral, U.S. Coast Guard, Commander, 5th Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

The Security Zone previously established by Commander, 5th Coast Guard District in the below described area is disestablished.

Point A—Latitude 33°52'31" N., Longitude 78°18'49" W.; Point B—Latitude 33°51'31" N., Longitude 78°18'42" W.; Point C—Latitude 33°51'51" N., Longitude 78°14'35" W.; Point D—Latitude 33°52'52" N., Longitude 78°14'40" W.

Dated: July 23, 1968.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 68-9005; Filed, July 26, 1968; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20047; Order 68-7-119]

ALOHA AIRLINES, INC.

Order of Investigation and Suspension Regarding Military Reservation Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of July 1968.

By tariff [1] filed June 24, 1968, for effect July 29, 1968, Aloha Airlines, Inc. (Aloha), proposes to modify its military furlough tariff to provide reservations for military personnel assigned to a specific unit in Hawaii. Aloha presently offers fares at a 50-percent discount to all military personnel on furlough on a standby basis. The carrier proposes to modify its standby tariff to provide that:

A military passenger assigned to the 29th Brigade of the U.S. Army stationed at Schofield Barracks, Oahu, whose home of record and former National Guard unit is situated on an Island in the State of Hawaii other than the Island of Oahu will be permitted to make advance reservations.

[1] Aloha Airlines, Inc., CAB No. 5.

Aloha has asserted that this revision is to permit such military personnel to travel between Oahu and their home islands on weekend passes to visit their families. The carrier has submitted no other reason for providing this special treatment.

Upon consideration of all relevant matters, the Board finds that Aloha's proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial, or otherwise unlawful, and should be investigated. Clearly, the selection of a specific military unit along with the other requirements that the carrier has utilized in order to restrict this special treatment to servicemen from Hawaii is a classic example of discrimination. While the carrier's purpose may be meritorious and in many ways understandable, this discrimination falls squarely within the proscription of section 404(b) of the Act. In addition, the fact that reservations may be obtained at a 50 percent discount raises a serious question of the reasonableness of this proposal. Under these circumstances the Board has concluded that Aloha's proposal should be investigated and has further determined to suspend the proposed rule pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the provisions of Exception 2 of Rule 42(C) on 5th Revised Page 62 of Aloha Airlines, Inc.'s tariff, CAB No. 5, and rules, regulations, and practices affecting such provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, the provisions of Exception 2 of Rule 42(C) on 5th Revised Page 62 of Aloha Airlines, Inc.'s tariff, CAB No. 5, are suspended and their use deferred to and including October 26, 1968, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order shall be filed with the tariff and served upon Aloha Airlines, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8999; Filed, July 26, 1968; 8:49 a.m.]

[Docket No. 19469, etc.; Order 68-7-113]

GORDON AIRWAYS, LTD., ET AL.

Order To Show Cause

Applications of Gordon Airways, Ltd., Docket No. 19469; Laurentian Air Services, Ltd., Docket No. 19468; Midwest Aviation, Ltd., Docket No. 19467; West Coast Air Services, Ltd., Docket No. 19408; for foreign air carrier permits.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of July 1968.

In December 1967, Gordon Airways, Ltd. (Gordon), Laurentian Air Services, Ltd. (Laurentian), Midwest Aviation, Ltd. (Midwest), and West Coast Air Services, Ltd. (West Coast), filed applications for renewal of their foreign air carrier permits which allow the carriers to engage in transborder nonscheduled air transportation of a casual, occasional, and infrequent nature with aircraft having a maximum gross takeoff weight of 12,500 pounds or less.

The renewal filings by virtue of 5 U.S.C. 558(c) extend the permit authority held by the carriers beyond the December 31, 1967, expiration dates of their certificates until final action by the Board on the renewal applications. No objections or answers to the applications have been filed.

The geographic scope of the authority requested by each of the carriers except Midwest is the same as that contained in their present permits. Gordon's permit issued pursuant to Order E-20473 authorizes foreign air transportation with respect to persons and property between Windsor, Province of Ontario, Canada, and all points in the United States in the States of Wisconsin, Illinois, Indiana, Michigan, Ohio, Pennsylvania, and New York. Laurentian's permit issued pursuant to Order E-19215 authorizes the carrier to engage in foreign air transportation with respect to persons and property between Ottawa, Ontario, Canada, and all points in the United States within the area south of latitude 48° N. to latitude 36° N. and west of longitude 67° W. to longitude 96° W. West Coast's permit issued pursuant to Order E-18845 authorizes foreign air transportation with respect to persons and property between Vancouver, British Columbia, Canada, and all points in the continental United States, except Alaska.

Midwest is the only carrier seeking additional authority. Midwest's application requests expanded authority which would allow it to engage in foreign air transportation with respect to persons and property between its licensed Canadian base at Winnipeg, Manitoba, and all points in the contiguous 48 States of the United States.[1]

Appended to the applications are materials describing the applicants' legal status, Canadian authority, financial posture, and operating plans. In view of these materials, the applications, and the statutory authority governing issuance of foreign air carrier permits, the Board has decided to issue an order setting forth its tentative findings and conclusions, and directing interested persons to show cause why the permit applications should not be granted.

The applications are governed by sections 402 and 801 of the Federal Aviation Act of 1958, as amended. Where, as here, the applications are not based on any bilateral executive agreement, the issue of whether grant of a permit is in the public interest becomes essentially a consideration of reciprocity and comity. Procedures creating a reasonable reciprocity in the issuance of authority for operations with small aircraft across the border between Canada and the United States were established by the Civil Aeronautics Board and the Air Transport Board of Canada through an exchange of letters in 1951-52.[2]

Further, examination of the applications and their appended exhibits convinces us that the applicants have been providing a very useful service carrying passengers between points which have no regularly scheduled service and providing emergency service where needed. The equipment used and the relative expensiveness of this light aircraft service prevent it from being competitive with regularly scheduled services, and nothing in the applications or their appended exhibits indicates that U.S. carriers would be harmed by grant of the applications. Based on these circumstances, we tentatively find and conclude that the applicants would provide needed services under renewed permits without adversely affecting U.S. carriers, that reciprocity and comity warrant renewal of the existing authority, and therefore that the grant of renewed permits would be in the public interest. We also tentatively find and conclude that grant of Midwest's request for expanded authority to serve the 48 contiguous States is warranted by considerations of reciprocity and public benefit and is in the public interest.

For reasons which follow we also tentatively find and conclude that each applicant is fit, willing, and able to conform to the Federal Aviation Act of 1958, as amended, and the rules, regulations, and requirements of the Board thereunder, and also that each applicant is substantially owned and effectively controlled by Canadian nationals. The following facts are pertinent with respect to these tentative findings and conclusions.

Gordon is a Canadian corporation incorporated in Ontario on August 3, 1960. The company has the necessary license and operating certificate from the Canadian government to perform the operations contemplated under its foreign air carrier permit request. All of Gordon's officers and directors are Canadian citizens. All stockholders are also Canadian citizens except for one U.S. citizen who owns 54 common and 224 preferred shares of the total of 5,023 common and 9,052 preferred shares issued by the company. Gordon appears to be a going concern which has been operating to and from the United States under a foreign air carrier permit. Gordon possesses a license from the Air Transport Committee and an operating certificate from the Department of Transport based on its ability to operate safely. Finally, the Board takes official notice that the Air Transport Committee requires air carriers like Gordon to have specified amounts of minimum insurance coverage[3] and that the authority requested by the applicant is quite limited in nature.

Laurentian was incorporated in Ontario in 1936, and has been authorized to conduct transborder operations by the Board since 1953. All of the company's stockholders are Canadian citizens. Laurentian has the necessary license from the Air Transport Committee to conduct the operations proposed in its application and also has an operating certificate issued by the Canadian Department of Transport certifying that the applicant is adequately equipped and able to conduct a safe operation.

Midwest is a Canadian corporation incorporated in Manitoba in 1957. All of the officers and shareholders of the corporation are Canadian citizens, and the corporation holds the necessary Canadian license and operating certificate to conduct the operations contemplated under its permit request.

West Coast was incorporated in British Columbia in 1951 under the name of Gilbert's Flying Service, Ltd., and the present firm name was adopted in 1955. The company is owned by Canadian stockholders and has the necessary license and operating certificate from Canadian authorities to conduct the operations for which it seeks authority.

Based on the foregoing, the Board tentatively finds and concludes that each of the applicants is fit, willing, and able properly to perform the transportation for which authority is requested—regardless of the working capital deficits which some of them have—and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder. The Board also tentatively finds and concludes on the basis of the foregoing that each of the applicants is substantially owned and effectively controlled by Canadian nationals; that the renewed foreign air carrier permit authority requested by each of the applicants would be in the public interest, including Midwest's request for expanded authority; and that foreign air carrier permits substantially in the forms attached to this order[4] should be issued with a termination date of December 31, 1972.

Accordingly, it is ordered:

1. That all interested persons be and they hereby are directed to show cause why the tentative findings and conclusions set forth herein should not be made final and why foreign air carrier permits substantially in the forms attached to this order should not be issued subject to the approval of the President pursuant to section 801 of the Act;

2. That any interested person having objection to the proposed findings and conclusions set forth herein or to issuance of the proposed foreign air carrier permits shall, within 15 days after the date of service of this order, file with the Board and serve on the affected applicant a memorandum of opposition specifying the part or parts of the tentative findings and conclusions or permits objected to and stating the specific grounds of any such objections;[5]

3. That if timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised before further action is taken by the Board;

4. That in the event that no such objections are filed, all further procedural steps shall be deemed waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. That copies of this order shall be served upon each of the applicants and all U.S. certificated fixed-wing air carriers.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8994; Filed, July 26, 1968; 8:48 a.m.]

[Docket No. 19621, etc.; Order 68-7-112]

KENT AVIATION, LTD., ET AL.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of July 1968.

Applications of Kent Aviation, Ltd., Docket No. 19621; Lac La Croix Quetico Air Service Ltd., Docket No. 19594; Prince Edward Flying Club, Docket No. 19639; for foreign air carrier permits.

Kent Aviation, Ltd., (Kent), Lac La Croix Quetico Air Services Ltd. (Lac La Croix), and Prince Edward Flying Club (Prince Edward) have applied for renewal of their foreign air carrier permits which allow the carriers to engage in transborder nonscheduled air transportation of a casual, occasional, and infrequent nature with aircraft having a maximum gross takeoff weight of 12,500 pounds or less.[1] The geographic scope of the authority requested is the same as that contained in the carriers' prior permits.[2] Kent's permit issued pursuant to Order E-19024 authorized foreign air transportation with respect to persons and property between Chilliwack, British Columbia, Canada, and points in the United States in the States of Washington, Oregon, California, Idaho, Nevada, and Montana. Lac La Croix's permit issued pursuant to Order E-19958 authorized the carrier to engage in foreign air transportation with respect to persons and property between Lac La Croix, Ontario, Canada, and all points in the United States south of latitude 49° N. to latitude 44° N. and west of longitude 91° W. to longitude 94° W. Prince Edward's permit issued pursuant to Order E-19174 authorized that applicant to engage in foreign air transportation with respect to persons and property between Picton, Ontario, Canada, and all points in the United States within the area south of latitude 49° N. to latitude 38° N. and west of longitude 69° W. to longitude 90° W.

Appended to the applications are materials describing the applicants' legal status, Canadian authority, financial posture, and operating plans. In view of these materials, the applications, and the statutory authority governing issuance of foreign air carrier permits, the Board has decided to issue an order setting forth its tentative findings and conclusions, and directing interested persons to show cause why the permit applications should not be granted.

The applications are governed by sections 402 and 801 of the Federal Aviation Act of 1958, as amended. Where, as here, the applications are not based on any bilateral executive agreement, the issue of whether grant of a permit is in the public interest becomes essentially a consideration of reciprocity and comity. Procedures creating a reasonable reciprocity in the issuance of authority for operations with small aircraft across the border between Canada and the United States were established by an exchange of letters between the Civil Aeronautics Board and the Air Transport Board of Canada in 1951-52.[3] Further, examination of the applications and their appended exhibits convinces us that the applicants in the very recent past have been providing a useful service carrying passengers between points which have no regularly scheduled service and providing emergency service where needed. The

[1] Midwest's foreign air carrier permit issued pursuant to Order E-18900 has authorized the carrier to engage in foreign air transportation with respect to persons and property between Winnipeg, Manitoba, Canada, and all points in the United States within the area south of latitude 49° N. to latitude 41° N., and west of longitude 87° W. to longitude 125° W.

[2] The salient features of this understanding are that qualified Canadian carriers will be issued permits for a period of 3 years or more for operations of a casual, occasional, or infrequent nature in common carriage with aircraft having a maximum gross takeoff weight of 12,500 pounds or less.

[3] General Order 45/67, Jan. 23, 1967.

[4] Forms filed as part of the original document.

[5] Since provision is made for the filing of objections to this order, petitions for reconsideration of this order will not be entertained.

[1] The carriers' authority under prior permits terminated on Dec. 31, 1967, and their applications were filed after that date.

[2] Lac La Croix on Feb. 28, 1968, filed a supplement to its permit application to make clear that the carrier desired the authority it previously had under the permit issued pursuant to Order E-19958.

[3] The salient features of this understanding pertinent here are that qualified Canadian carriers will be issued permits for a period of 3 years or more for operations of a casual, occasional, or infrequent nature in common carriage with aircraft having a maximum gross takeoff weight of 12,500 pounds or less.

equipment used and the relative expensiveness of this type of service prevent it from being competitive with regularly scheduled services, and nothing in the applications or exhibits appended to them would indicate that U.S. carriers would be harmed by grant of the applications. Based on these circumstances, we tentatively find and conclude that the applicants would provide needed services without adversely affecting U.S. carriers, that reciprocity and comity warrant authorization of such services, and therefore that grant of each application would be in the public interest.

For reasons which follow we also tentatively find and conclude that each applicant is fit, willing, and able to conform to the Federal Aviation Act of 1958, as amended, and the rules, regulations, and requirements of the Board thereunder, and also that each applicant is substantially owned and effectively controlled by Canadian nationals. The following facts are pertinent with respect to these tentative findings and conclusions.

Kent is a Canadian corporation incorporated in British Columbia, and owned by two Canadian nationals who are, respectively, the president and the secretary of the company. The applicant was awarded a foreign air carrier permit by the Board in 1962 and holds the necessary Canadian license and operating certificate authorizing it to perform the operations for which authority is presently sought.

Lac La Croix was incorporated in Ontario in 1951 and is owned and managed by Canadian nationals. The company has the necessary license and operating certificate from the Canadian government to perform the operations contemplated under its permit request. In the past the United States-Canadian operations conducted by the applicant have principally involved flights between Lac La Croix, Ontario, and Crane Lake, Minn.

Prince Edward Flying Club was incorporated on May 21, 1953, in Ontario as a corporate body without share capital. All of the officers of the flying club are Canadian nationals. The flying club derives its revenues from flying, engineering services, government grants, gas and oil sales, and membership dues. The chief transborder operations of the applicant are between its licensed Canadian base at Picton, Ontario on the one hand, and Syracuse, Rochester, and Watertown, N.Y., on the other hand.

Kent, Lac La Croix, and Prince Edward Flying Club all appear to be going concerns who have operated into and out of the United States under foreign air carrier permits. The Board officially notes that the Air Transport Committee requires air carriers licensed by it to have specified amounts of minimum insurance coverage,[4] and has taken into account the limited nature of the operation authorized under the permit.

In the light of the foregoing the Board tentatively finds and concludes that grant of the authority respectively requested by each of the applicants would be in the public interest and that foreign air carrier permits substantially in the forms attached to this order[6] should be issued with a termination date of December 31, 1972. The Board also tentatively finds and concludes that each applicant is substantially owned and effectively controlled by Canadian nationals, and that each applicant is fit, willing, and able to perform the transportation for which authority is sought and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder.

Accordingly, it is ordered:

1. That all interested persons be and they hereby are directed to show cause why the tentative findings and conclusions set forth herein should not be made final and why foreign air carrier permits substantially in the forms attached to this order should not be issued subject to the approval of the President pursuant to section 801 of the Act;

2. That any interested person having objection to the proposed findings and conclusions set forth herein or the issuance of the proposed foreign air carrier permits shall, within 15 days after the date of service of this order, file with the Board and serve on each affected applicant a memorandum of opposition specifying the part or parts of the tentative findings and conclusions or permits objected to, stating the specific grounds of any such objections;[6]

3. That if timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised before further action is taken by the Board;

4. That in the event no such objections are filed, all further procedural steps shall be deemed waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. That copies of this order shall be served upon each of the applicants and all U.S. certificated fixed-wing air carriers.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8995; Filed, July 26, 1968; 8:48 a.m.]

[Docket Nos. 19389, 19407; Order 68-7-111]

LAURENTIDE AVIATION, LTD., AND SURVAIR, LTD.

Order To Show Cause

Adopted by the Civil Aeronautics Board, at its office in Washington, D.C., on the 23d day of July 1968.

Application of Laurentide Aviation, Ltd. Docket No. 19389; Survair, Ltd., Docket No. 19407; for renewal of foreign air carrier permits.

In December 1967, Laurentide Aviation, Ltd. (Laurentide) and Survair, Ltd. (Survair) filed applications for renewal of their air carrier permits which allow them to conduct casual, occasional, and infrequent trips for the purpose of rendering nonscheduled air transportation with aircraft having a maximum gross takeoff weight of 12,500 pounds or less. By virtue of 5 U.S.C. 558(c) the renewal filings extend the permit authority of the carriers until final decision of the Board on their applications.

Laurentide's permit authorizes the air carrier to engage in foreign air transportation with respect to persons and property between Montreal and St. Laurent, Quebec, Canada, and points in the United States in the States of Maine, Vermont, New Hampshire, Connecticut, Massachusetts, Rhode Island, New York, Pennsylvania, North Carolina, Michigan, Ohio, Illinois, Virginia, and the District of Columbia.[1] Survair's permit authorizes the carrier to engage in foreign air transportation with respect to persons and property between Ottawa, Ontario, Canada, and all points in the continental United States except Alaska.

Appended to the applications are materials describing the applicants' legal status, Canadian authority, financial posture, and operating plans. In view of these materials, the applications, and the statutory authority governing issuance of foreign air carrier permits, the Board has tentatively decided that grant of the applications would be in the public interest and that the Board should issue an order setting forth its tentative findings and conclusions with respect to the applications, and directing interested persons to show cause why the permit applications should not be granted.

No objections or answers have been filed concerning the applications. The applications are governed by sections 402 and 801 of the Federal Aviation Act of 1958, as amended.

Laurentide is a Canadian corporation with Canadian stockholders and officers incorporated in the Province of Quebec on March 24, 1949. The applicant holds licenses from the Air Transport Committee and the Department of Transport authorizing it to conduct the requested operations between Canada and the United States so far as the Canadian government is concerned. For the year ended December 31, 1966, the company earned a net profit after taxes amounting to $23,384, and the company also earned a net profit of $18,825 during the prior calendar year. Laurentide's balance sheet as of December 31, 1966, shows current assets of $738,602, current liabilities of $574,773, fixed assets of $204,949 after accumulated depreciation, and no long-term debt. Based on these facts and the carrier's application, we tentatively find and conclude that Laurentide is fit, willing, and able to perform the operations for which renewed authority is requested and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder.

Survair was incorporated in Canada on January 22, 1960. Its owners as well as its corporate officers are Canadian citizens. For the year ended July 31, 1967, the company earned a net profit after taxes of $18,812. The applicant's balance sheet as of that date shows current assets of $233,605, current liabilities of $104,346, fixed assets of $164,317 after accumulated depreciation, and noncurrent liabilities of $102,732. Survair holds the necessary licenses from Canadian authorities to conduct the services proposed in its application. Based on these facts and the carrier's application, we tentatively find and conclude that Survair is fit, willing, and able to perform the operations for which authority is requested and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder.

We turn now to the question whether grant of the permits requested by Laurentide and Survair would be in the public interest. Where, as here, the applications are not based on any bilateral executive agreement, the issue of whether grant of a permit is in the public interest becomes essentially a consideration of reciprocity and comity. Procedures creating a reasonable reciprocity in the issuance of authority for operations with small aircraft across the border between Canada and the United States were established by an exchange of correspondence between the Civil Aeronautics Board and the Air Transport Board of Canada in 1951-52.[2] Further, examination of the applications and the exhibits appended to them convinces us that the applicants have been providing a useful service between points which have no regularly scheduled service and also providing emergency service where needed between points receiving scheduled service. The equipment used and the relative expensiveness of this type of service prevent it from competing with regularly scheduled services, and nothing in the applications or the exhibits appended to them indicates that U.S. carriers would be harmed by grant of the applications. Based on these circumstances, we tentatively find and conclude that the applicants would provide needed services without adversely affecting U.S. carriers and that reciprocity and comity warrant authorization of such services.

Based upon the foregoing, the Board tentatively finds and concludes that renewal of the foreign air carrier permits held by Laurentide and Survair would be in the public interest. The Board also tentatively finds and concludes that Laurentide and Survair are fit, willing, and able to perform the operations for which renewed authority is requested and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder, and that Laurentide and Survair are owned and effectively controlled by Canadian nationals. The permits which the Board has tentatively determined to award will expire on December 31, 1972.

Accordingly, it is ordered:

1. That all interested persons be and they hereby are directed to show cause why the tentative findings and conclusions set forth herein should not be made final and why foreign air carrier permits substantially in the forms attached to this order[3] should not be issued subject to the approval of the President pursuant to section 801 of the Act;

2. That any interested person having objection to the proposed findings and conclusions set forth herein or to issuance of the proposed foreign air carrier permits shall, within 15 days after the date of service of this order, file with the Board and serve on each affected applicant a memorandum of opposition specifying the part or parts of the tentative findings and conclusions or permits objected to and stating the specific grounds of any such objections;[4]

3. That if timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised before further action is taken by the Board;

4. That in the event no such objections are filed, all further procedural steps shall be deemed waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. That copies of this order shall be served upon each of the applicants and all U.S. certificated fixed-wing air carriers.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8996; Filed, July 26, 1968; 8:48 a.m.]

[Docket Nos. 19595, 19622; Order 68-7-114]

PENINSULA AIR SERVICE, LTD., AND WATERLOO-WELLINGTON FLYING CLUB

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of July 1968.

Applications of Peninsula Air Service, Ltd., Docket No. 19595, Waterloo-Wellington Flying Club, Docket No. 19622; for foreign air carrier permits.

Peninsula Air Service, Ltd. (Peninsula), and Waterloo-Wellington Flying Club (Waterloo) in February 1968, filed applications for foreign air carrier permits which would allow the carriers to engage in transborder nonscheduled air transportation of a casual, occasional, and infrequent nature with aircraft having a maximum gross takeoff weight of 12,500 pounds or less. Both Canadian carriers previously held foreign air carrier permits[1] of this type which expired according to their terms on December 31, 1967. Both carriers request that the geographic scope of the authority previously granted to each of them be expanded. Peninsula proposes to serve from its licensed Canadian base at Hamilton, Ontario, the area in the United States south of latitude 49° N. to latitude 25° N. and west of longitude 69° W. to longitude 93° W.[2] Waterloo proposes to serve from its licensed Canadian base at Breslau, Ontario, the area within the United States south of latitude 49° N. to latitude 35° N. and west of longitude 70° W. to longitude 95° W.[3]

Appended to the applications are materials describing the applicants' legal status, Canadian authority, financial posture, and operating plans. In view of these materials, the applications, and the statutory authority governing issuance of foreign air carrier permits, the Board has decided to issue an order to show cause setting forth its tentative findings and conclusions and directing interested persons to show cause why the applicants' requests should not be granted.

The applications are governed by sections 402 and 801 of the Federal Aviation Act of 1958, as amended. Where, as here, the applications are not based on a bilateral executive agreement, the issue of whether grant of a permit to conduct operations is in the public interest becomes essentially a consideration of reciprocity and comity. Procedures creating a reasonable reciprocity in the issuance of authority for operations with small aircraft across the border between Canada and the United States were established by an exchange of correspondence between the Civil Aeronautics Board and the Air Transport Board of Canada in 1951-52.[4]

Further, examination of the applications and the exhibits appended to them convinces us that the applicants under

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[4] General Order No. 45/67, Jan. 23, 1967.

[6] Forms filed as part of the original document.

[6] Since provision is made for the filing of objections to this order, petitions for reconsideration of this order will not be entertained.

[1] On Mar. 19, 1968, Laurentide filed a declaration verifying that the authority requested was the same as that granted in its previous permit.

[2] The salient features of this understanding pertinent here are that qualified Canadian carriers will be issued permits for a period of 3 years or more for operations of a casual, occasional, or infrequent nature in common carriage with aircraft having a maximum gross takeoff weight of 12,500 pounds or less.

[3] Forms filed as part of the original document.

[4] Since provision is made for the filing of objections to this order, petitions for reconsideration of this order will not be entertained.

[1] Peninsula's permit was issued pursuant to Order E-19457 and Waterloo's pursuant to Order E-21255.

[2] Peninsula hitherto has been authorized to serve as far south as latitude 36° N. and as far west as longitude 70° W.

[3] Waterloo previously has been authorized to provide service only as far south as latitude 38° N. and as far west as longitude 84° W.

[4] The salient features of this understanding which are pertinent here are that qualified Canadian carriers will be issued permits for a period of 3 years or more for operations of a casual, occasional, or infrequent nature in common carriage with aircraft having a maximum gross takeoff weight of 12,500 pounds or less.

their recently expired permits provided a useful service by carrying passengers between points which have no regularly scheduled service and by providing emergency service where needed between points served by scheduled carriers. We further believe that grant of the applicants' requests for authority of expanded geographic scope would augment the usefulness of their operations and would be in the public interest. The expanded authority requested by Peninsula would allow that carrier to utilize more effectively its Aztec Piper 23 and Navaho Piper 31 aircraft which, from the carrier's licensed Canadian base, are within easy nonstop range of various points in the United States such as Williamsburg, Va., to which the carrier could provide transportation not allowed under its old permit. Similarly, the expanded authority requested by Waterloo would enable that carrier to meet occasional demands for air transportation to such points as Minneapolis/St. Paul, Minn., Battle Creek, Mich., Chicago, Ill., and Norfolk, Va., which the carrier with less extensive permit authority has been unable to meet in the past. The equipment used by the carriers and the relative expensiveness of their service prevent it from being competitive with regularly scheduled services, and nothing in the applications or the exhibits appended to them would indicate that U.S. carriers would be harmed by grant of the applications. Based on these circumstances, we tentatively find and conclude that grant of each application would provide needed services without adversely affecting U.S. carriers, that reciprocity and comity warrant authorization of such services, and therefore that grant of each application would be in the public interest.

For reasons which follow we also tentatively find and conclude that each applicant is fit, willing, and able to conform to the Federal Aviation Act of 1958, as amended, and the rules, regulations, and requirements of the Board thereunder, and also that each applicant is substantially owned and effectively controlled by Canadian nationals. The following facts are pertinent with respect to these tentative findings and conclusions.

Peninsula is a Canadian corporation incorporated in Ontario in 1946. The owners of Peninsula as well as its officers are Canadian citizens, and the carrier possesses the necessary license and operating certificate from Canadian authorities to conduct the operations contemplated under its permit request. It appears that the carrier is a going concern which has operated to and from the United States under a foreign air carrier permit. Peninsula possesses a license from the Air Transport Committee and an operating certificate from the Department of Transport based on its ability to operate safely.

Waterloo was incorporated in Ontario in 1944 under the name of Kitchener-Waterloo Flying Club as a Canadian corporation without share capital. In 1951 the name of the corporation was changed to Waterloo-Wellington Flying Club through the issuance of supplementary letters patent by the Secretary of State of Canada. As a company without share capital, Waterloo has no stockholders. All of its officers and directors are Canadian citizens. The revenues of the flying club are derived largely from flying operations, maintenance service and supplies, and from memberships. Like Peninsula, Waterloo appears to be a going concern which has operated under a foreign air carrier permit and possesses the requisite Canadian licenses and certificates. In the case of both carriers the Board officially notes that the Air Transport Committee requires air carriers licensed by it to have specified amounts of minimum insurance coverage[5] and has taken into account the limited nature of the operation authorized under the permit.

Based upon the foregoing, the Board tentatively finds and concludes that the grants of the authority respectively requested by Peninsula and Waterloo would be in the public interest and that foreign air carrier permits substantially in the forms attached to this order[6] should be issued with a termination date of December 31, 1972. The Board also tentatively finds and concludes that each of the applicants is fit, willing, and able properly to perform the operations to be authorized under such permits and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder, and also that each of the applicants is substantially owned and effectively controlled by Canadian nationals.

Accordingly, it is ordered:

1. That all interested persons be and they hereby are directed to show cause why the tentative findings and conclusions set forth herein should not be made final and why foreign air carrier permits substantially in the forms attached to this order should not be issued subject to the approval of the President pursuant to section 801 of the Act;

2. That any interested person having objection to the proposed findings and conclusions set forth herein or the issuance of the proposed foreign air carrier permits shall, within 15 days after the date of service of this order, file with the Board and serve on each affected applicant a memorandum in opposition specifying the part or parts of the tentative findings and conclusions or permits objected to, and stating the specific ground of any such objections;[7]

3. That if timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised before further action is taken by the Board;

4. That in the event no such objections are filed, all further procedural steps shall be deemed waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. That copies of this order shall be served upon each of the applicants and all U.S. certificated fixed-wing air carriers.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8997; Filed, July 26, 1968; 8:49 a.m.]

[5] General Order No. 45/67, Jan. 23, 1967.

[6] Forms filed as part of the original document.

[7] Since provision is made for the filing of objections to this order, petitions for reconsideration of this order will not be entertained.

[Docket No. 19917; Order 68-7-109]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority July 22, 1968.

By notice of intent filed on May 28, 1968, pursuant to 14 CFR Part 298, the Postmaster General petitioned the Board to establish for Sedalia, Marshall, Boonville Stage Line, Inc. (Stage Line), a final service mail rate of 29.4 cents per great circle aircraft mile for the transportation of mail by aircraft between Independence and Wichita, Kans., via Fort Scott, Kans. This final service mail rate was fixed on July 2, 1968, Order 68-7-15.

On July 5, 1968, the Postmaster General, at the request of Stage Line, filed a petition to amend the service mail rate currently in effect. While maintaining the same overall revenue per flight for the air taxi, the Postmaster General requests a correction of the mileage from 434 to 396 miles and a revision of the applicable rate from 29.4 cents to 32.22 cents per great circle aircraft mile between the above points.

The Board therefore finds it is in the public interest to adjust, determine, and fix the fair and reasonable rate of compensation to be paid to Stage Line by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the Postmaster General's petition, and other matters officially noticed, the Board proposes to issue and order[1] to include the following findings and conclusions:

1. On and after July 5, 1968, the fair and reasonable final service mail rate to be paid to Sedalia, Marshall, Boonville Stage Line, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Independence and Wichita, Kans., via Fort Scott, Kans., shall be 32.22 cents per great circle aircraft mile.

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f):

It is ordered, That:

1. All interested persons, and particularly Sedalia, Marshall, Boonville Stage Line, Inc., and the Postmaster General are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above as the fair and reasonable rate of compensation to be paid to Stage Line for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rate or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8998; Filed, July 26, 1968; 8:49 a.m.]

[1] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in § 385.14(g).

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15035; FCC 68-741]

MARINE RADIO VHF STATIONS

Order Terminating Notice of Inquiry

In the matter of inquiry into the necessity for restricting the use of Marine Radio VHF stations for the transmission of navigational communications in areas other than the Great Lakes to a particular frequency, Docket No. 15035.

1. A notice of inquiry in the above-entitled matter was released April 15, 1963, and published in the FEDERAL REGISTER (28 F.R. 3793). Comments were received and considered by the Commission. Based, in part, on the information received, a notice of proposed rule making in Docket No. 17295 was released on March 20, 1967. A report and order in Docket No. 17295 was adopted by the Commission on July 17, 1968. This report and order resolved the matters in Docket No. 15035. The purpose of the notice of inquiry has been fulfilled.

2. In view of the foregoing: *It is ordered,* That the proceeding is hereby terminated.

Adopted: July 17, 1968.

Released: July 25, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-9002; Filed, July 26, 1968; 8:49 a.m.]

[Docket Nos. 18245, 18246; FCC 68M-1075]

RADIO COLLINSVILLE, INC., AND 1530 RADIO

Order Scheduling Hearing

In re applications of Radio Collinsville, Inc., Collinsville, Va., Docket No. 18245, File No. BP-17183; Michael C. Turner and Howard A. Weiss, doing business as 1530 Radio, Chapel Hill, N.C., Docket No. 18246, File No. BP-17270; for construction permits:

It is ordered, That Thomas H. Donahue shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 17, 1968, at 10 a.m.; and that a prehearing conference shall be held on September 5, 1968, commencing at 9 a.m.; *And, it is further ordered,* That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: July 18, 1968.

Released: July 19, 1968.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] JAMES D. CUNNINGHAM,
Chief Hearing Examiner.

[F.R. Doc. 68-9004; Filed, July 26, 1968; 8:49 a.m.]

[Docket Nos. 18251-18257; FCC 68M-1081]

LOUIS VANDER PLATE ET AL.

Order Scheduling Hearing

In re applications of Louis Vander Plate, Franklin, N.J., Docket No. 18251, File No. BP-16837; Radio New Jersey, Hackettstown, N.J., Docket No. 18252, File No. BP-16987; Mid-State Broadcasting Co., Lakewood, N.J., Docket No. 18253, File No. BP-17087; Arthur S. Stelloff, Toms River, N.J., Docket No. 18254, File No. BP-17249; Seashore Broadcasting Co., Inc., Orleans, Mass., Docket No. 18255, File No. BP-17483; Lake-River Broadcasting Corp., Lakewood, N.J., Docket No. 18256, File No. BP-17485; Somerset Valley Broadcasting Co., Somerville, N.J., Docket No. 18257, File No. BP-17505; for construction permits:

It is ordered, That Millard F. French shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 14, 1968, at 10 a.m.; and that a prehearing conference shall be held on September 13, 1968, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: July 19, 1968.

Released: July 22, 1968.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] JAMES D. CUNNINGHAM,
Chief Hearing Examiner.

[F.R. Doc. 68-9003; Filed, July 26, 1968; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-3031 etc.]

CITIES SERVICE CO. ET AL.

Findings and Order

JULY 5, 1968.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, cancelling docket number, amending certificates, permitting and approving abandonment of service, terminating certificates, terminating rate proceedings, making successor co-respondent, redesignating proceeding, requiring filing of agreement and undertaking and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC gas rate schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that the sale from the Permian Basin area of Texas is authorized to be made at the applicable area

[1] Commissioner Johnson concurring in the result.

base rate and under the conditions prescribed in Opinion Nos. 468 and 468–A.

John A. Hairford (Operator) et al., Applicant in Docket No. CI68–1284, proposes to continue the sale of natural gas heretofore authorized in Docket No. G–13689 to be made pursuant to E. S. Villines et al., FPC Gas Rate Schedule No. 2. Said rate schedule will be redesignated as that of Applicant, Docket No. CI68–1284 will be canceled, and Applicant will be required to file an agreement holder in Docket No. G–13689. The presently effective rate under the subject rate schedule is in effect subject to refund in Docket No. RI65–416. Therefore, Applicant will be made a corespondent in said proceeding; the proceeding will be redesignated accordingly; and Applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by him in excess of the amount determined to be just and reasonable in said proceeding.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on June 27, 1968, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record;

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. CI68–1284 should be canceled and that the application filed therein should be processed as a petition to amend the certificate heretofore issued in Docket No. G–13689.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G–3031, G–13689, CI61–447, CI66–158, CI66–685, CI67–1675, and CI68–894 should be amended as hereinafter ordered and conditioned.

(7) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(9) The revenues received for sales at the increased rate under Union Oil Company of California (Operator) et al., FPC Gas Rate Schedule No. 141 which were collected subject to refund in Docket No. RI66–317 are de minimis; and, therefore, the proceeding in Docket No. RI66–317 should be terminated with respect to said rate schedule, and Union should be relieved from any refund obligation with respect to such sales.

(10) No sales have been made under Union Oil Company of California (Operator) et al., FPC Gas Rate Schedule No. 141 subject to refund in Docket No. RI68–294; and, therefore, the proceeding in Docket No. RI68–294 should be terminated with respect to said rate schedule.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that John A. Hairford (Operator) et al., should be made a corespondent in the proceeding pending in Docket No. RI65–416, that said proceeding should be redesignated accordingly, and that Hairford should be required to file an agreement and undertaking in said proceeding.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements, and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable date as indicated by footnote 1 in the attached tabulation.

(E) The initial rate for the sale authorized in Docket No. CI68–1240 shall be the applicable base area rate prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality, or the contract rate, whichever is lower.

(F) If the quality of the gas delivered by Applicant in Docket No. CI68–1240 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to the provisions of section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of a notice of change in rate.

(G) Within 90 days from the date of initial delivery Applicant in Docket No. CI68–1240 shall file a rate schedule quality statement in the form prescribed in Opinion No. 468–A.

(H) The certificate issued herein in Docket No. CI68–1240 is conditioned upon any determination which may be made in the proceeding pending in Docket No. R–338 with respect to the transportation of liquefiable hydrocarbons.

(I) In the event that Applicant in Docket No. CI68–1240 exercises its option to process gas under section 3, Article II, of its FPC Gas Rate Schedule No. 394, herein accepted for filing, Applicant shall submit to the Commission for acceptance, not less than 30 nor more than 90 days prior to the commencement of such processing, a rate schedule supplement setting forth the conditions and details of the contemplated action.

(J) Docket No. CI68–1284 is canceled.

(K) The certificates heretofore issued in Docket Nos. G–3031 and CI66–685 are amended by adding thereto authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations pursuant to the rate schedule supplements as indicated in the tabulation herein.

(L) The certificates heretofore issued in Docket Nos. CI66–158 and CI67–1675 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Docket Nos. CI66–685 and CI68–1272, respectively.

(M) The certificate heretofore issued in Docket No. CI68–894 is amended to include the interest of the coowner and the related rate schedule is redesignated as Union Oil Company of California (Operator) et al., as indicated in the tabulation herein.

(N) The certificates heretofore issued in Docket Nos. G–13689 and CI61–447 are amended by substituting the respective successors in interest as certificate holders as indicated in the tabulation herein.

(O) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein are granted.

(P) The certificate heretofore issued in Docket No. G–5903 is terminated only insofar as it pertains to Continental Oil Co. FPC Gas Rate Schedule No. 317.

(Q) The certificate heretofore issued in Docket No. CI62–232 is terminated only insofar as it pertains to Union Oil Company of California (Operator) et al., FPC Gas Rate Schedule No. 141.

(R) The certificate in Docket No. CI65–1211 is terminated.

(S) The rate suspension proceedings pending in Docket Nos. RI66–317 and RI68–294 are terminated with respect to Union Oil Company of California (Operator) et al., FPC Gas Rate Schedule No. 141, and Union is relieved from any refund obligation with respect to said rate schedule in Docket No. RI66–317.

(T) John A. Hairford (Operator) et al., is made a co-respondent in the proceeding pending in Docket No. RI65–416, and said proceeding is redesignated accordingly.[1]

(U) Within 30 days from the issuance of this order, John A. Hairford (Operator) et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI65–416 to assure the refund of any amounts collected by him, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(V) John A. Hairford (Operator) et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by him in Docket No. RI65–416 shall remain in full force and effect until discharged by the Commission.

(W) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[1] E. S. Villines et al., and John A. Hairford (Operator) et al.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–3031 C 5–6–68 [1]	Cities Service Co. (Operator) et al.	Arkansas Louisiana Gas Co., Waskom Field, Harrison County, Tex.	Amendatory agreement 4–11–68 [2 3]	15	14
CI61–447 E 5–6–68	A. A. Pursley (successor to Hays and Co., agent for D. W. Law).	Consolidated Gas Supply Corp., Freemans Creek District, Lewis County, W. Va.	Hays and Co., agent for D. W. Law, FPC GRS No. 97.	7	
			Notice of succession 4–20–68.		
			Assignment 7–27–62 [4]	7	1
			Assignment 7–27–62 [5]	7	2
			Assignment 5–6–63 [6]	7	3
			Assignment 1–8–68 [7]	7	4
			Assignment 1–9–68 [8]	7	5
			Assignment 1–29–68 [9]	7	6
			Effective date: 1–29–68		
CI66–158 D 12–18–67	Mobil Oil Corp.	Montana-Dakota Utilities Co., Indian Butte Field, Fremont County, Wyo.	Assignment 8–22–67 [10] Effective date: 8–22–67	378	4
F CI66–685 (CI66–158) C 3–6–68	Pan American Petroleum Corp.	do	Assignment 10–10–67 [11] Effective date: 10–30–67	429	1
CI67–1675 D 5–13–68	A. M. van Flick	Equitable Gas Co., Court House District, Lewis County, W. Va.	Letter agreement 4–30–68 [12 13]	8	1
CI68–894 5–6–68 [1 14]	Union Oil Co. of California (Operator) et al.	Panhandle Eastern Pipe Line Co., Putnam Field, Dewey County, Okla.	Ratified 4–4–68 [2 15]	181	2
CI68–1240 A 4–24–68 [16]	Sinclair Oil & Gas Co.	Northern Natural Gas Co., Northeast Oates Devonian Field, Pecos County, Tex.	Contract 2–22–68 [3]	394	
CI68–1267 A 4–29–68 [1]	Samedan Oil Corp.	Arkansas Louisiana Gas Co., Pine Hollow-Arpelar Fields, Pittsburg County, Okla.	Ratified 3–22–68	27	
			Contract 5–24–62 [17]	27	1
			Letter agreement 3–5–63. [18]	27	2
			Amendment agreement 3–22–63. [19]	27	3
			Amendment agreement 10–31–67. [2 20]	27	4
CI68–1268 A 5–1–68 [1]	Blaik Oil Co.	Western Gas Interstate Co., Mocane Field, Beaver County, Okla.	Contract 4–16–68	3	
CI68–1269 A 5–2–68 [1]	Pan American Petroleum Corp.	Cities Service Gas Co., Northeast Waynoka Field, Woodward County, Okla.	Contract 4–5–68 [2]	510	
CI68–1272 (CI67–1675) F 5–6–68	MacDonald Spidel	Equitable Gas Co., Court House District, Lewis County, W. Va.	Contract 4–18–68 [2 21]	3	
CI68–1273 (CI62–232) [21 a] B 5–6–68	Union Oil Co. of California (Operator).	Lone Star Gas Co., Doyle Field, Stephens County, Okla.	Notice of cancellation 5–3–68. [22 23]	[22] 141	7
CI68–1275 A 5–7–68 [1]	Latham Oil Co., Inc. (Operator).	United Gas Pipe Line Co., Bethany Northeast Field, Panola County, Tex.	Contract 4–17–68	1	

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI68-1277..... (G-5903) [24] B 5-8-68	Continental Oil Co.....	Transcontinental Gas Pipe Line Corp., St. Charles Field, Aransas County, Tex.	Notice of cancellation 5-7-68.[13] [23]	317	2
CI68-1281..... A 5-9-68 [1]	Meridian Exploration Co.	Valley Gas Transmission, Inc., East Terrell Point Field Area, Goliad County, Tex.	Contract 5-8-68.....	1	.....
			Amendment 5-29-68. [3] [26]	1	1
CI68-1282..... (CI65-1211) B 5-9-68	Geochemical Surveys et al.	Arkansas Louisiana Gas Co., Bistineau Field, Bienville Parish, La.	Notice of cancellation 5-7-68.[13] [27]	1	1
CI68-1284..... (G-13689) E 5-9-68 [28]	John A. Hairford (Operator) et al. (successor to E. S. Villines et al.).	Panhandle Eastern Pipe Line Co., Hugoton Field, Seward County, Kans.	E. S. Villines et al., FPC GRS No. 2.	4	.....
			Supplement No. 1.....	4	1
			Notice of succession 5-7-68.	.....	.....
			Sheriff's Deed 12-19-67.[29]	4	2
			Assignment 3-25-68 [30]...	4	3
			Effective date: 3-25-68.....	.....	.....
			Assignment 4-8-68 [31]...	4	4
			Effective date: 4-8-68.....	.....	.....

[1] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[2] Adds acreage and deletes favored nation provision from contract.
[3] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[4] From D. W. Law to Delbert Goff.
[5] Transfers one-half of working interest from Goff to Harold T. Konkler.
[6] Transfers one-quarter of working interest from Goff to Harry Shaw, et al.
[7] From Konkler to Pursley.
[8] From Shaw to Pursley.
[9] Transfers the remaining one-quarter working interest from Law to Pursley.
[10] Partial interest to Pan American Petroleum Corp. who has filed in Docket No. CI66-685 to cover the acquired interest.
[11] Partial assignment of acreage from Mobil Oil Corp., FPC GRS No. 378, Docket No. CI66-158, to Pan American Petroleum Corp.
[12] Deletes leases acquired by MacDonald Spidel (Docket No. CI68-1272) from van Fliek's contract. Spidel executed a new contract with Equitable to cover the acquired leases. Leases unproductive at time of acquisition by Spidel.
[13] Effective date: Date of this order.
[14] Amendment to the certificate filed to cover interest of coowner, and to redesignate the rate schedule to read "Operator et al."
[15] The Superior Oil Co. ratifies Union's Dec. 7, 1967, contract with Panhandle Eastern.
[16] Applicant has stated willingness to accept a permanent certificate containing conditions similar to those imposed by Opinion No. 468.
[17] Between Humble Oil & Refining Co. and Arkansas Louisiana Gas Co.
[18] Notification of intent to compress all gas from the Milton, Cartersville, Spiro, and North Spiro Fields according to contractual charges.
[19] Changes point of delivery and contract prices, among other things to meet requirements for certification.
[20] Provides for 5-year makeup of gas paid for but not taken.
[21] Covers acreage acquired from A. M. van Fliek subject to contract on file as A. M. van Fliek FPC GRS No. 8.
[22] Other sales covered under Docket No. CI62-232; therefore, the certificate in said docket will be terminated only insofar as it pertains to Union's FPC GRS No. 141.
[23] Abandonment due to insufficient pressure.
[24] 12-cent rate effective subject to refund in Docket No. RI66-317; 13 cents suspended in Docket No. RI68-294 until June 1, 1968.
[25] Other sales covered under Docket No. G-5903; therefore, the certificate in said docket will be terminated only insofar as it pertains to Continental's FPC GRS No. 317.
[26] Production of gas no longer economically feasible.
[27] Provides for a 5-year makeup period.
[28] Source of gas depleted.
[29] Application erroneously assigned Docket No. CI68-1284 being treated as a petition to amend the certificate issued in Docket No. G-13689 and Docket No. CI68-1284 is being canceled.
[30] Transfers the five-sixteenths interest of E. S. Villines to Catharine Van Doren.
[31] Assigns the eleven-sixteenths interest of Catharine Van Doren and Ruth C. Rice to John A. Hairford.
[32] Assigns the two-sixteenths interest of Nancy Jane Davison to John A. Hairford.

Suggested agreement and undertaking:

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent ----------)
Docket No. ------

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. ------, and has caused this agreement and undertaking to be executed and sealed in its name by a duly authorized officer this ------ day of ----------, 196--.

(Name of Respondent)
By ----------

Attest:

[F.R. Doc. 68-8924; Filed, July 26, 1968; 8:45 a.m.]

[Docket No. RI69-3 etc.]

TESORO PETROLEUM CORP. ET AL.

Order Accepting Contract Amendment, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JULY 18, 1968.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI69-3....	Tesoro Petroleum Corp. (Operator) et al., 533 Busby Dr., San Antonio, Tex. 78209.	2	3	Cities Service Gas Co. (East Antelope Mississippi Gas Field, Marion County, Kans.).	$185	6-19-68	[2] 7-20-68	12-20-68	[3] 15.0	[3] [9] 16.0	
RI69-4....	CRA, Inc., Post Office Box 7305, Kansas City, Mo. 64116.	20	2	Natural Gas Pipeline Co. of America (No. 1 McFarland Well, Beaver County, Okla.) (Panhandle Area).	2,640	6-19-68	[6] 7-20-68	12-20-68	[3] 17.0	[3] [8] 18.0	
RI69-5....	Samedan Oil Corp., Post Office Box 909, Ardmore, Okla. 73401.	12	3	Long Star Gas Co. (Stage Stand Field, Stephens County, Okla.) (Oklahoma "Other" Area).	6,000	6-19-68	[6] 7-20-68	12-20-68	[7] 16.015	[4] [7] 17.015	RI68-173.
RI69-6....	Samedan Oil Corp. (Operator) et al.	22	4	Lone Star Gas Co. (Scholem Alechem Field, Carter County, Okla.) (Oklahoma "Other" Area).	120	6-19-68	[6] 7-20-68	12-20-68	[8] 16.01	[4] [8] 17.01	RI68-175.
RI69-7....	Pioneer Production Corp., Post Office Box 2542, Amarillo, Tex. 79105.	1	2	Natural Gas Pipeline Co. of America (Quinduno Field, Roberts County, Tex.) (RR. District No. 10).	700	6-20-68	[2] 7-21-68	12-21-68	[3] 13.0	[3] [8] 14.0	RI62-330.
RI69-8....	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001, Attn: H. H. Beeson.	296	4	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Seeligson Field, Jim Wells County, Tex.) (RR. District No. 4).	168	6-18-68	[6] 7-19-68	12-19-68	[3] 14.6	[3] [5] 15.6	
RI69-9....	George Mitchell & Associates, Inc., agent for H. Merlyn Christie et al., Houston Club Bldg., 12th Floor, Houston, Tex. 77002.	21	[10] 4	United Gas Pipe Line Co. (North LaWard Field, Jackson County, Tex.) (RR. District No. 2).	13,278	6-20-68	[6] 7-21-68	(Accepted)	[8] 15.1920	[5] [11] 18.28	RI63-398.
		21	5			6-20-68	[6] 7-21-68	12-21-68			

[2] The stated effective date is the effective date requested by Respondents.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to a downward B.t.u. adjustment.
[6] The stated effective date is the first day after expiration of the statutory notice.
[7] Includes 0.015-cent tax reimbursement.
[8] Includes 0.01-cent tax reimbursement.
[9] Settlement rate as approved by Commission order issued May 5, 1964, in Docket Nos. G-12193 et al.
[10] Contract Amendment dated Mar. 31, 1968, provides for 18.28 cents redetermined rate for the 5-year period commencing Mar. 31, 1968, and amends certain tax reimbursement provisions.
[11] Redetermined rate increase.

CRA, Inc., requests that its proposed rate increase be permitted to become effective as of June 7, 1968; Samedan Oil Corp. and Samedan Oil Corp. (Operator) et al., request an effective date of July 1, 1968, for their proposed rate increases; Mobil Oil Corp. requests an effective date of July 17, 1968, and George Mitchell & Associates, Inc., agent for H. Merlyn Christie et al. (Mitchell) requests a retroactive effective date of March 31, 1968, for its proposed contract amendment and rate increase filing. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Concurrently with the filing of its rate increase, Mitchell submitted a contract amendment dated March 31, 1968, designated as Supplement No. 4 to Mitchell's FPC Gas Rate Schedule No. 21, which provides the basis for its proposed rate increase. We believe that it would be in the public interest to accept for filing Mitchell's proposed contract amendment to become effective on July 21, 1968, the date of expiration of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing Mitchell's contract amendment dated March 31, 1968, designated as Supplement No. 4 to Mitchell's FPC Gas Rate Schedule No. 21, and for permitting such supplement to become effective on July 21, 1968, the expiration date of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered (except for the supplement referred to in paragraph (1) above).

The Commission orders:

(A) Supplement No. 4 to Mitchell's FPC Gas Rate Schedule No. 21 is accepted for filing and permitted to become effective on July 21, 1968, the expiration date of the statutory notice.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except for the supplement set forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)), on or before September 4, 1968.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 68-8923; Filed, July 26, 1968; 8:45 a.m.]

[Docket No. RI67-169]

SHELL OIL CO. ET AL.

Order Reinstating Respondent, Redesignating Proceeding, and Requiring Filing of Agreement and Undertaking

JULY 23, 1968.

On March 25, 1968, Consolidated Oil & Gas, Inc. (Operator), et al., filed in Docket No. CI62-1037 a petition to amend the order issuing a certificate of public convenience and necessity in said docket to Shell Oil Co. (Operator) et al., by substituting Consolidated in lieu of Shell as certificate holder. The then effective rate under Shell's rate schedule was in effect subject to refund, and Consolidated indicated in the certificate application that it would be responsible for the total refund from the time that the increased rate was made effective subject to refund. Accordingly, by order issued June 25, 1968, in Docket No. G-2683 et al., Consolidated was substituted in lieu of Shell as certificate holder in Docket No. CI 62-1037 and as respondent in Docket No. RI67-169 and was ordered to file an agreement and undertaking to assure the total refund from the time that the increased rate was made effective subject to refund.

By letter of June 27, 1968, Consolidated advised the Commission that it does not intend to assume the entire refund obligation in Docket No. RI67-169 but only intends to assume the obligation from the time that it acquired the producing properties. Therefore, Shell will be reinstated as a respondent; the proceeding will be redesignated accordingly; and Consolidated will be required to file an agreement and undertaking to assure the refund of only those amounts collected by it in excess of the amount determined to be just and reasonable in Docket No. RI67-169.

The Commission orders:

(A) Shell Oil Co. (Operator) et al., is reinstated as a party respondent in the proceeding pending in Docket No. RI67-169, and the proceeding is redesignated accordingly.[1]

(B) In lieu of the agreement and undertaking required by the order issued June 25, 1968, in Docket No. G-2683 et al., Consolidated shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI67-169 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

Suggested agreement and undertaking:

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent ----------)

Docket No. ------

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. ------, and has caused this agreement and undertaking to be executed and sealed in its name by a duly authorized officer this ------ day of ----------, 196--.

(Name of Respondent)

By ----------

Attest:

[F.R. Doc. 68-8955; Filed, July 26, 1968; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FIRST VIRGINIA BANKSHARES CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by First Virginia Bankshares Corp., which is a bank holding company located in Arlington, Va., for the prior approval of the Board of the acquisition by Applicant of 51 percent or more of the voting shares of the The Planters Bank of Bridgewater, Bridgewater, Va.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Richmond.

Dated at Washington, D.C., this 22d day of July 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 68-8956; Filed, July 26, 1968; 8:45 a.m.]

MERRILL BANKSHARES CO.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Merrill Bankshares Co., Bangor, Maine, for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquisition of up to 100 percent of the voting shares of each of the following banks: The Merrill Trust Co., Bangor, Maine, and Washburn Trust Co., Washburn, Maine.

Section 3(c) of the Act, as amended, provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Boston.

Dated at Washington, D.C., this 22d day of July 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 68-8957; Filed, July 26, 1968; 8:45 a.m.]

[1] Shell Oil Co. (Operator) et al., and Consolidated Oil & Gas, Inc. (Operator) et al.

TARIFF COMMISSION

[332-56]

NONRUBBER FOOTWEAR INDUSTRIES

Notice of Second Change of Date of Hearing

In response to a request dated April 29, 1968, by the President of the United States, the U.S. Tariff Commission instituted on April 30, 1968, an investigation of the economic condition of the domestic producers of nonrubber footwear. Notice of the investigation was published in the FEDERAL REGISTER of May 4, 1968 (33 F.R. 6843-4). On May 9, 1968, the Commission issued a notice which was published in the FEDERAL REGISTER of May 14, 1968 (33 F.R. 7136) that it would hold a hearing in connection with the investigation on September 16, 1968. This date was subsequently changed to September 9, 1968, and notice thereof was published in the FEDERAL REGISTER of June 15, 1968 (33 F.R. 8793). Due to the expected unavailability of industry witnesses on September 9 and at subsequent intervening dates, representatives of the American footwear manufacturing industry have requested, and the Commission has agreed, that the date of the hearing be advanced to October 28, 1968. Accordingly, the full text of the President's request and a revised notice of the hearing are set forth below:

DEAR MR. CHAIRMAN: Pursuant to the authority vested in me by section 332 of the Tariff Act of 1930, I hereby request a comprehensive investigation of the economic condition of the domestic producers of nonrubber footwear, and a report to me on the results of this investigation at the earliest opportunity.

The Commission is requested to report on all factors which, in its judgment, relate to the economic condition of such producers, including, but not limited to, production, sales, investment, employment, prices, profits, exports, imports, U.S. tariff treatment, the participation of such producers in international trade, and, in particular, the effect of imports upon such producers, including the competitive relationship between imports and their products.

Sincerely,

(Signed) LYNDON B. JOHNSON.

Notice is hereby given that a hearing will be held in connection with the investigation in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C., beginning at 10 a.m., e.s.t., on October 28, 1968. Interested parties desiring to appear and to be heard should notify the Secretary of the Commission, in writing, on or before October 15, 1968. It is suggested that parties who have a common interest endeavor wherever possible to arrange for a consolidated presentation of their views.

Requests to appear must contain the following information:

a. The types of footwear on which testimony will be presented.

b. The name and organization of the witness or witnesses who will testify, and the name, address, telephone number, and organization of the person filing the request.

c. A statement indicating whether the testimony to be presented will be on behalf of importer or domestic producer interests.

d. A careful estimate of the aggregate time desired for presentation of oral testimony by all witnesses for whose appearances the request is filed.

Because of the limited time available, the Commission reserves the right to limit the time assigned to witnesses. In this connection, experience in similar previous hearings has indicated that in most cases the essential information can be effectively summarized in an oral presentation of 15 to 30 minutes. Parties desiring an allowance of time in excess of this amount should set forth any special circumstances in support of such request. Witnesses may supplement their oral testimony with written statements of any desired length. These should be submitted in 20 copies when the oral testimony is presented.

Persons who have properly filed requests to appear will be individually notified of the date on which they will be scheduled to present oral testimony and of the time allotted for presentation of such testimony.

Questioning of witnesses will be limited to members of the Commission.

Written information and views in lieu of appearance at the public hearings may be submitted by interested persons. A signed original and 19 true copies of such statements shall be submitted.

Business data which is deemed confidential shall be submitted on separate sheets, each clearly marked at the top "Business Confidential." All written statements, except for confidential business data, will be made available for inspection by interested persons. To be assured of consideration by the Commission, written statements in lieu of appearance should be submitted at the earliest practicable date, but not later than November 4, 1968.

All communications regarding the Commission's investigation should be addressed to the Secretary, U.S. Tariff Commission, Washington, D.C. 20436.

Issued: July 23, 1968.

By order of the Commisison.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 68-8967; Filed, July 26, 1968; 8:46 a.m.]

[AA1921-51]

TITANIUM SPONGE FROM THE U.S.S.R.

Determination of Injury

JULY 23, 1968.

On April 23, 1968, the Tariff Commission received advice from the Treasury Department that titanium sponge from the U.S.S.R. is being, or is likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended. Accordingly, on April 24, 1968, the Commission instituted Investigation No. AA1921-51 under section 201(a) of that Act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Notice of the institution of the investigation and of a public hearing to be held in connection therewith was published in the FEDERAL REGISTER of April 27, 1968 (33 F.R. 6495). The hearing was held on June 4 and 5, 1968.

In arriving at a determination in this case, due consideration was given by the Commission to all written submissions from interested parties, all testimony adduced at the hearing, and all information obtained by the Commission's staff.

On the basis of the investigation, the Commission has determined that an industry in the United States is being injured by reason of the importation of titanium sponge from the U.S.S.R., sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.[1]

STATEMENT OF REASONS FOR AFFIRMATIVE DETERMINATION OF VICE CHAIRMAN SUTTON AND COMMISSIONER CLUBB

Titanium is a metal having a high strength-to-weight ratio, particularly at temperatures ranging above 1,000° F. Its production was begun and stimulated as a result of military requirements during

[1] Vice Chairman Sutton and Commissioner Clubb determined there was injury and Chairman Metzger and Commissioner Thunberg determined there was no injury. Pursuant to section 201(a) of the Antidumping Act, the Commission is deemed to have made an affirmative determination when the Commissioners voting are equally divided. Statements of Chairman Metzger and Commissioner Thunberg are filed as part of the original document.

the Korean war. Over 80 percent of all titanium metal is used in jet engines and airframes for aircraft. The remainder is used principally in missiles, space equipment, and chemical processing equipment where its corrosion-resistant characteristics are essential. World production has caught up with demand for the moment and projections of sales of the metal in the next 6 years all indicate that the use of titanium will more than double.

At present all commercial production of titanium metal in the United States is dependent upon the use of titanium ore (usually the mineral rutile) from South Africa and Australia. The ore is chemically reduced to a highly porous, brittle mass known as titanium sponge. To create a usable metal the sponge must be compressed and is usually double-melted in an electric furnace. A small amount of clean scrap, and alloying elements as desired, are mixed with the compressed sponge before the melting process. The resulting ingot may be used in the process of making castings but for the most part at present is worked by various mill processes into wrought forms such as billet, plate, sheet, strip, rod, bar, wire, pipe, and tubes. Subsequent processing of the various products is required to complete them for their ultimate uses.

U.S. production and consumption of ingots and mill products have risen steadily since January 1, 1958, and were over five times as large in 1967 as in 1958, having reach an annual production of 52 million pounds of ingot and 27 million pounds of mill products (made from ingots). In the same period U.S. production of sponge more than tripled, starting with a production of 9 million pounds in 1958.[2] The domestic needs for additional supplies of sponge had to be supplied by imports which ranged from 843,000 pounds in 1959 to 13.8 million pounds in 1967. Imports of sponge are still necessary to meet our total domestic demands for titanium metal. Imports from the U.S.S.R. began in 1965. In the period 1965–66, such imports equaled 2 percent of all imports of sponge. In 1967 they equaled 19 percent of all such imports and attempts were made to sell 10 million pounds on an annual basis which would equal 68 percent of all imports of sponge in 1967 or nearly one-fourth of the amount of sponge consumed in the United States in 1967.

The commercial production of titanium metal in its various forms, ranging from the crude titanium sponge to finished mill products, whether in captive facilities or by independent producers, is now in its early formative stages of development and is a highly speculative undertaking having a fast growth potential. In the industrial complex of integrated and independent producers of titanium and its products, the sponge-producing level of production is not only the most speculative but also the one which experiences the principal impact of imports of sponge. Such sponge-producing facilities generally constitute an industry in the United States within the meaning of the Antidumping Act. Several domestic firms have undertaken or are undertaking, the production of titanium products from titanium sponge or ingot[3] but few desire to risk investment in plant facilities to make the sponge. Out of seven companies known to have produced sizable quantities of sponge, four which entered the field with Government assistance and incentives have closed down their operations, one has entered the sponge production field on a small scale, but not to the extent necessary to meet its own captive needs, preferring to use substantial quantities of imports, including U.S.S.R. sponge, to supplement its supply, and two have entered the field of production on a large scale with the end view of being able to sell the metal in its various forms, including sponge. Although these latter two companies have experienced rapid growth in production in recent years, their profit experience has been erratic with periods of losses as well as profits. For practical purposes, the sponge-producing facilities of these two producers may be characterized as the sponge industry in the United States.

Foreign titanium sponge is available from the U.S.S.R., the United Kingdom, and Japan. The erratic demand for titanium components for aerospace vehicles in the last decade has been the dominant factor affecting the ability of the domestic titanium sponge industry to meet the consumption needs of the United States. In order to maintain a balance between supply and demand, it has been necessary for the domestic sponge producers to import sponge to meet their needs for the basic metal in the production of mill products. Indeed, for the most part, they were unable to supply sponge to nonintegrated producers of titanium mill products except on a limited basis. However, the two major domestic sponge producers were alert to the sponge supply problem, they planned incremental increases in their production capacities to the extent that it seemed economically sound, and now have sponge capacity in excess of their captive needs for sponge. It is clear from the record that the industry wants to sell sponge, is able to sell sponge, and plans to produce and sell sponge to all mill operators under conditions which are price competitive with imports of titanium sponge purchased at fair value.

The importer of the U.S.S.R. sponge claims that his sponge is superior in quality to domestic sponge for the reasons that it is purer, it may be processed by less expensive equipment, and has a lesser tendency to foul the processing equipment. The domestic buyers of the U.S.S.R. sponge affirm these claims. Thus, it would appear that the importer of U.S.S.R. sponge should be able to demand premium prices. However, the importer does not price his sponge according to its claimed virtues. The two major domestic producers of sponge are offering their usual grade sponge at $1.32 per pound. Nominal amounts of scientific grades are being sold for much higher prices. However, the usual grade may be sold or offered at prices somewhat lower than $1.32 depending upon the quantity and the duration of the contract which factors would justify cost-saving reductions in price. Imports of United Kingdom and Japanese sponge have been sold under a similar competitive pricing system. However, the U.S.S.R. sponge, although allegedly of a better quality than the domestic sponge by reason of the different methods employed in its production, is sold or offered for sale at prices ranging up to 37 cents less than the prices obtained by all other sellers of sponge. The price differential for the greatest volume of sales is well above the mid-point of the 37-cent differential. Confidentiality laws preclude a detailed disclosure of the price competition but it is clear that the margin of dumping[4] found by the Secretary of the Treasury is substantial and contributes the major part of the price differentials existing between U.S.S.R. sponge and all other sponge sold in the United States.

Domestic production of sponge has increased every calendar year since 1959, as has domestic consumption of sponge. However, at present the domestic sponge industry has idle capacity and is deferring further expansion of its capacity at a time when there is almost unanimity of opinion in the trade that future demands for titanium will more than double in the next 6 years. Negotiations for sales of titanium sponge to domestic processors are at a standstill pending the outcome of the Commission's determination in this case as the price differentials are critical. One industry representative says that if U.S.S.R. sponge continues to sell as low as 95 cents per pound the industry will find it necessary to buy such sponge rather than to pursue a further increase in its production capacity. Approximately 200 employees used directly in the production of sponge are idle. In addition to dumping, it is recognized that there are a number of factors causing the unemployment and cut-down in production in recent months. However, by reason of the dumped imports the domestic sponge industry is being adversely affected or injured to a substantial degree.

In summary, the presence of the less-than-fair-value (LTFV) U.S.S.R. sponge in the domestic market is having a significant depressing effect on sponge prices, and is to a substantial degree causing the idling of, and the loss of employment in, sponge-producing facilities, and the abandonment of plans to increase sponge capacity. We conclude, therefore, that the titanium sponge-producing industry in the United States is being injured within the meaning of the Antidumping Act.

The facts available to the Commission show that the impact of the LTFV imports also is experienced derivatively, but in lesser degree, by certain of the mill-product industries. In some instances, for example, it appears that the lower prices of domestic mill products made with the use of LTFV imports have caused the prices of like domestic products made without the use of such LTFV imports to be depressed or the sales of such latter products to be lost. However, in view of our determination that the sponge-producing industry in the United States is being injured by reason of the LTFV imports, it is not necessary for us to proceed with further analysis respecting the degree of the impact of such imports on domestic industries producing mill products.

SEPARATE STATEMENT OF COMMISSIONER CLUBB

I concur with Vice Chairman Sutton that an industry in the United States has been injured by the LTFV sales involved, and that it is threatened with even greater injury in the future. Important to the determination is what constitutes the "industry" for purposes of this investigation. Thus, it may be worthwhile to set out my views on that question at greater length.

Complainants, stating their case in terms of the Act,[5] allege that the LTFV sales of titanium sponge from the U.S.S.R. (1) have caused injury to a domestic industry, (2) are likely to cause further injury, and (3) are in effect preventing the industry from being established. Respondent contends that, if the "industry" involved is the titanium sponge industry, then no injury has been shown because the major domestic producers of titanium sponge are integrated companies which do not regularly sell sponge, but rather process almost all of their sponge output into mill products. Similarly, Respondent argues that if the "industry" involved is made up of the sponge producers, plus those who process sponge into ingots, and those who process ingots into mill products, then the value added by their aggregate operations is so large relative to the differential in sponge cost caused by dumping, that the latter is incapable of causing injury.

The scope of the term "industry" is flexible and depends heavily upon why the inquiry is being made. The industry itself has neither physical nor corporate existence; it is merely a convenient grouping of companies, usually done for statistical purposes with a particular end in mind. Thus, for some purposes a food distributing company may be described by its labor union as being in the "canning industry", by one of its suppliers as being in the "olive packing industry", and by its trade association as being in the "food distributing industry." All might well be correct because the labor union is defining "industry" in terms of the group of employers which uses the skills of its members; the supplier describes it in terms of the group of customers which buy his product; and the trade association in terms of the group of commercial interests which have a common enough goal to cause them to unite for some kind of action. The supplier's description of industry may be much too narrow for the labor union's purpose, however, and the labor union's description similarly too narrow for the trade association. In the present instance, the question of what constitutes the industry is determined by the reason the investigation is being made, i.e., the purpose of Congress in enacting the Antidumping Act.

Dumping in the United States is specifically restricted by two laws: One criminal, the other civil. These two laws were enacted at different times but appear to have the same general purpose. The criminal law, enacted in 1916, provides criminal penalties for those who commonly and systematically import goods into the United States at a price substantially less than the home market value with intent to injure, destroy, or prevent the establishment of an industry in this country, or to monopolize trade or commerce in the imported articles.[6] This provision appears to have been enacted with a view to preventing European industries from disrupting U.S. markets by price wars after World War I ended.[7] The Act was not designed as a protectionist measure; Congress felt it was merely placing foreign producers on the same footing as domestic producers.[8]

In 1919 the Tariff Commission issued a report which noted that the 1916 criminal Act was ineffective because it could not be enforced.[9] Unable to accomplish its objective by focusing on the specific predatory dumping which it wished to prevent, Congress began to explore the possibility of prohibiting all competitive dumping. Thus, the House Ways and Means Committee reported out a bill which provided for the assessment of dumping duties on all dumped imports which were "comparable in material, quality, or use with a kind of class made or produced * * * in the United States."[10] The Committee explained that this provision was necessary to prevent domestic industries from being destroyed in a price war, after which the foreign producer, then unopposed, would increase his prices and recoup losses.[11] In order to accomplish this purpose it was felt necessary to prevent the process from getting started by preventing all dumping of goods comparable to those produced in the United States. The Senate Finance Committee, noting that the House bill would require that every importation be examined to determine whether it was comparable to a domestically produced product, decided that such an act would be impossible to administer. Accordingly, it recommended that dumping duties be assessed only where a domestic industry was being injured. Thus, those who were injured could complain, and the Customs Service could examine only those cases.

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[2] The U.S.-produced sponge ranged from 990,000 pounds in 1951 to 34.5 million pounds in 1957. The production was made principally by Government subsidized plants for stockpiling and military use. The Government paid as high as $2.52 per pound for the sponge and the subsidized plants were shut down for economic reasons after the stockpile needs were met. Production in 1967 is confidential.

[3] There are six firms which process substantial amounts of sponge and at least 12 firms which make mill products from purchased ingot or billet.

[4] The "margin of dumping" is the difference between the importer's actual purchase price and fair value. The amount is confidential.

[5] The Antidumping Act reads in pertinent part as follows:

"Whenever the Secretary of the Treasury * * * determines that a class or kind of foreign merchandise is being, or is likely to be, sold in the United States or elsewhere at less than its fair value, he shall so advise the United States Tariff Commission, and the said Commission shall determine within three months thereafter whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. * * *". 19 U.S.C. § 160(a) (1965).

[6] 15 U.S.C. § 72 (1963).

[7] 53 Cong. Rec., pt. 15, at 1911 (1916) (speech by Rep. Saunders).

[8] The House Ways and Means Committee reported this bill out with the following comment:

"In order that persons, partnerships, corporations, and associations in foreign countries, whose goods are sold in this country, *may be placed in the same position as our manufacturers with reference to unfair competition*, your committee recommends:

"(1) The adoption of a provision making it unlawful for a person, partnership, corporation, or association to import and systematically sell any article at a price substantially less than the actual market value or wholesale price of such article at the time of exportation, with the intent of destroying or injuring an industry in the United States, or of preventing the establishment of an industry in the United States, or of restraining or monopolizing any part of trade and commerce in such articles in the United States; * * *." H. Rept. 922, 64th Cong., 1st sess. 9–10 (1916). (Italics supplied.)

[9] The difficulties of the 1916 Act were explained by the Tariff Commission as follows:

"The anti-dumping law enacted by Congress on September 8, 1916, invites special comment. Some brief but substantial criticism of its effectiveness will be found among complaints presented to the commission and summarized in this report. As a criminal statute that act must be strictly construed. It is wanting in certainty in providing, as a condition precedent of the conviction of offenders, that the sale of articles in the United States must be at a price 'substantially less' than the actual market value or wholesale price abroad. It apparently fails, where the Canadian law succeeds, in not contemplating in reasonable cases the prohibition of sporadic dumping, since its penalties apply only to persons who 'commonly and systematically import' foreign articles, and in providing that such importation must be made with intent to injure, destroy, or prevent the establishment of an industry in this country, or to monopolize trade or commerce in the imported articles. Evidently, for the most part, the language of the act makes difficult, if not impossible, the conviction of offenders and, for that reason, the enforcement of its purpose." Tariff Commission, Information Concerning Dumping and Unfair Competition in the United States and Canada's Anti-Dumping Law, at 33 (1919).

[10] H.R. 2435, 67th Cong., 1st sess. (1921), § 207.

[11] The House Committee explained the purpose of the Act as follows:

"Other countries in the presence of the experience now being undergone by this

It was in this form that the bill was finally enacted.[12]

It thus seems clear that in the Antidumping Act Congress was trying to prevent the possible destruction of domestic industries by foreign companies using dumping as a weapon. Accordingly, the term "industry" as used in that Act must be defined in terms of this purpose, i.e., it is that group of economic interests which might be destroyed by unabated dumping of the product involved. In this case it is the companies which must compete with the dumped imports. More specifically, it is the sponge producing portions of these companies which might be destroyed by unabated dumping.

Respondent asks that we define the "industry" as being either the sponge selling industry (in which case neither of the complainants have been injured, it is contended, because neither sells sponge to anyone but themselves), or as the "titanium industry" (in which case, it is contended, all sponge, ingot, and mill products producers must be included and the amount of damage done is so small relative to the size of the industry that the injury is de minimis, and in any event is vastly outweighed by the benefit to the importing members of the industry). But to accept this approach would be to impose on the Antidumping Act concepts of "industry" which may have meaning for other purposes, but which would be no more appropriate here than it would be to use a concept of "industry" developed for labor purposes to test the effect of competition on a trade association or a supplier.

Such a course would disregard the congressional purpose in enacting the Antidumping Act. Unlike most quota and tariff legislation it is not protectionist in nature; it imposes no burden on the foreign producer merely because he is foreign. On the contrary, it is a regulatory statute which, like the Sherman Act, the Federal Trade Commission Act, and the Robinson-Patman Act, is designed to prevent certain trade practices which Congress has found to be unfair. Indeed, in this proceeding both complainants had exhibited confidence in their ability to compete successfully against fairly priced imports of titanium sponge. What they fear is a price war in which they must compete with the ability of the Soviet Union to absorb losses. It was this that the Antidumping Act was designed to prevent. Accordingly, the "industry" involved is that group of commercial interests which are adversely affected by the unfair trade practice. If the injury to them is more than de minimis [13] then the requirements of the statute have been satisfied, as they have been here. It does not matter that other related commercial interests are not affected, or that some are actually benefitted. Congress obviously realized that in dumping cases, as in other unfair trade cases, the buyer of the unfairly priced goods benefits in the short run, but it does not require that this factor be weighed against the injury to the domestic competitor.

By Direction of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 68-8968; Filed, July 26, 1968; 8:46 a.m.]

country have enacted similar legislation. It protects our industries and labor against a now common species of commercial warfare of dumping goods on our markets at less than cost or home value if necessary until our industries are destroyed, whereupon the dumping ceases and prices are raised at above former levels to recoup dumping losses. By this process while temporarily cheaper prices are had our industries are destroyed after which we more than repay in the exaction of higher prices." H. Rept. 1, 67th Cong., 1st sess. 23-24 (1921).

[12] See the discussion of the legislative history of this Act in Tariff Commission Publication 214, Cast Iron Soil Pipe From Poland at 12-16 (September 1967).

[13] For a discussion of the degree of injury required see: Tariff Commission Publication 214, *Cast Iron Soil Pipe from Poland* (Sept. 1967).

INTERSTATE COMMERCE COMMISSION

[S.O. 994; ICC Order 12, Amdt. 1]

NEW YORK, SUSQUEHANNA, AND WESTERN RAILROAD CO.

Rerouting and Diversion of Traffic

Upon further consideration of ICC Order No. 12 (New York, Susquehanna, and Western Railroad Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 12 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., October 31, 1968, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 31, 1968, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 19, 1968.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 68-9014; Filed, July 26, 1968; 8:50 a.m.]

[Notice 656]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 24, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 19227 (Sub-No. 129 TA), filed July 17, 1968. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Internal combustion engines*, other than aircraft, which require the use of special equipment or handling; and *related parts, attachments, equipment, materials, and supplies* moving in connection therewith, between East Hartford and Southington, Conn., on the one hand, and, on the other, points in the United States; restricted to traffic originating at or destined to the plants and facilities of United Aircraft in Connecticut, for 180 days. Supporting shipper: United Aircraft, East Hartford, Conn. 06108. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 43421 (Sub-No. 40 TA), filed July 19, 1968. Applicant: DOHRN TRANSFER COMPANY, 4016 Ninth Street, Rock Island, Ill. 61201. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an offroute point in connection with applicant's otherwise authorized regular-route operations, for 180 days. Supporting shipper: Ford Motor Co., Dearborn, Mich. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse, Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 111435 (Sub-No. 33 TA) (Correction), filed July 5, 1968, published FEDERAL REGISTER issue of July 17, 1968, and republished as corrected this issue. Applicant: C & E TRUCKING CORPORATION, Rural Delivery 3, Box 42, Saugerties, N.Y. 12477. Applicant's representative: Zelby & Burstein, 160 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flavorings and flavoring syrup* (except liquid chocolate, liquid chocolate coatings, liquid chocolate liquor, cocoa butter, and liquid vegetable oil coatings), and *liquid sugar, invert sugar and blends, and mixtures of liquid and/or invert sugar and corn syrup*, in bulk, in tank vehicles, from New York and Yonkers, N.Y., to points in Delaware and Maryland, under contract with SuCrest Corp., for 150 days. NOTE: The purpose of this republication is to correct the commodity description to read "liquid chocolate liquor" in lieu of "liquor", as an exception. Supporting shipper: SuCrest Corp., 120 Wall Street, New York, N.Y. 10005. Sent protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

No. MC 123115 (Sub-No. 2 TA), filed July 19, 1968. Applicant: BEN PACKER, doing business as PACKER TRANSPORTATION CO., 434 South 17th Street, Sparks, Nev. 89431. Applicant's representative: Royal A. Stewart, 100 North Arlington Avenue, Post Office Box 2942, Reno, Nev. 89505. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, and plasterboard joint treatment products*, from Empire, Nev., to points in Alpine, Colusa, Del Norte, Fresno, Glenn, Humboldt, Inyo, Kings, Lake, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, San Benito, Santa Cruz, Shasta, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba Counties, Calif., for 180 days. Supporting shipper: United States Gypsum Co., 101 South Wacker Drive, Chicago, Ill. 60606. Send protests to: Daniel Augustine, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 East Washington Street, Carson City, Nev. 89701.

No. MC 133037 TA, filed July 19, 1968. Applicant: MILE HI EXPRESS, INC., 3963 Walnut Street, Denver, Colo. 80205. Applicant's representative: Duane W. Acklie, Post Office Box 806, Lincoln, Nebr. 68508. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) (a) *Meat, meat products and meat byproducts and articles distributed by meat packinghouses, and foodstuffs* (moving in less than truckload shipments of 20,000 pounds or less in vehicles equipped with mechanical refrigeration), between Denver, Colo., and Denver, Colo., and over the route as described below: From Denver over U.S. Highway 287 thru Broomfield, Colo., to Lafayette, Colo., thence over Colorado Highway 7 to Boulder, Colo., thence over Colorado Highway 119 to Longmont, Colo., thence over U.S. Highway 287 thru Berthoud, Colo., to Junction Colorado Highway 60 to Johnstown, Colo., and return over Colorado Highway 60 to Junction U.S. Highway 287, thence over U.S. Highway 287 thru Loveland, Colo., to Fort Collins, Colo., thence from Fort Collins, over Colorado Highway 14 to Ault, Colo., thence over U.S. Highway 85 thru Eaton, Greeley, LaSalle, Platteville, Fort Lupton and Brighton, Colo., to Denver, with service to all intermediate points and off route points within 10 miles of the above described routes, (b) from Denver over U.S. Highway 6 to Golden, Colo., and return over the same route, (c) from Denver over U.S. Highway 87 to Trinidad, Colo., serving the intermediate points between Pueblo, Colo., and Trinidad, Colo., and return over the same route.

(2) (a) *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading (*restricted to shipments of less than 20,000 pounds*), between Denver, Colo., and Pueblo, Colo., from Denver over U.S. Highway 87 to Pueblo and return, service is authorized to and from all the intermediate points including Colorado Springs, Colo., Security, Colo., and Fountain, Colo., and the off-route points of U.S. Air Force Academy, Manitou Springs and Woodland Park, Colo., and the Pueblo Ammunition Depot, and to and from intermediate and off-route points in the commercial zones of Denver, Pueblo, and Colorado Springs, with service to all intermediate points and off-route points within 10 miles of the above described routes, (b) between Denver, Colo., and Canon City, Colo., from Denver over U.S. Highway 87 to Pueblo and thence over U.S. Highway 50 to Canon City and return, service is authorized to and from all intermediate points, and off-route points in the Denver commercial zone, (c) from Denver, Colo., over U.S. Highway 87 to Colorado Springs, Colo., thence over Colorado Highway 115 to Junction of U.S. Highway 50, thence over U.S. Highway 50 to Canon City, Colo., and return over the same route, and (d) between Denver, Colo., and Fort Lyon, Colo., from Denver over U.S. Highway 87 to Pueblo, Colo., thence over U.S. Highway 50 to Fort Lyon, Colo., and return, servicing all intermediate points, including Avondale, Fowler, Manzanola, Boone, Pueblo Army Depot, Rocky Ford, La Junta, and Los Animas, Colo., to and from the intermediate and off-route points within 10 miles said authorized route including points in the Denver commercial zone. NOTE: Applicant requests permission to interline with existing motor common carriers negating usual temporary authority restrictions, for 180 days. Supporting shippers: There are approximately 68 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor C. W. Buckner, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-9015; Filed, July 26, 1968; 8:50 a.m.]

[Notice 178]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 24, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-35421. By order of July 17, 1968, the Transfer Board approved the lease to Mission Petroleum Carriers, Inc., San Antonio, Tex., of a portion of certificate of registration No. MC-97642 (Sub-No. 1) issued December 20, 1963, to A. R. Elam Trucking Co., Inc., Abilene, Tex., authorized to be acquired by lessor, Sigmore Distributing Service, Inc., San Antonio, Tex., pursuant to the conditional approval in the transaction No. MC-FC-70627, covering the transportation of: Numerous commodities, under the generic heading, oilfield equipment and pipe, and trenching machines, between points in Texas. Morgan Nesbitt, 904 Lavaca, Austin, Tex. 78701, attorney for applicants.

No. MC-FC-70584. By order of July 19, 1968, the Transfer Board approved the transfer to Flatt's Truck Service, Inc., Moro, Oreg., of the operating rights in certificate No. MC-80883 issued March 28, 1958, to Lillian K. Flatt, doing business as Flatt's Truck Service, Mord, Oreg., authorizing the transportation over regular routes, of general commodities between The Dallas, Oreg., and Shaniko, Oreg., serving all intermediate points, and the off-route point of Klondike, Oreg., and between Biggs, Oreg., and Arlington, Oreg., with certain restrictions; general commodities, except classes A and B explosives, household goods, and commodities requiring special equipment, between Shaniko, Oreg., and Antelope, Oreg., serving all intermediate points; general commodities, except those of unusual value, classes A and B

explosives, household goods, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Biggs, Oreg., and Antelope, Oreg., between Heppner, Oreg., and Arlington, Oreg., and between The Dalles, Oreg., and Biggs, Oreg., serving certain intermediate and off-route points; and general commodities, except liquid petroleum products, in bulk, in tank trucks, betweeen Arlington, Oreg. and Condon, Oreg., serving all intermediate points and certain off-route points; and, over irregular routes, of household goods between points in Wasco, Sherman, Gilliam, and Morrow Counties, Oreg., on the one hand, and, on the other, points in Washington. John G. McLaughlin, 624 Pacific Building, Portland, Oreg. 97204, attorney for applicants.

No. MC-FC-70627. By order of July 17, 1968, the Transfer Board approved the transfer to Sigmor Distributing Service, Inc., San Antonio, Tex., of a portion of the evidentiary rights in certificate of registration No. MC-97642 (Sub-No. 1) issued December 20, 1963, to A. R. Elam Trucking Co., Inc., Abilene, Tex., covering the transportation of numerous commodities, under the generic heading, oilfield equipment, and pipe, and trenching machines, between points in Texas, Morgan Nesbitt, 904 Lavaca, Austin, Tex. 78701, attorney at law.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-9016; Filed, July 26, 1968; 8:50 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—JULY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during July.

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EXECUTIVE ORDER 11418

EXTENDING THE LIFE OF THE PRESIDENT'S ADVISORY COUNCIL ON COST REDUCTION

By virtue of the authority vested in me as President of the United States, Executive Order No. 11353 of May 23, 1967, entitled "Establishing the President's Advisory Council on Cost Reduction," is hereby amended by striking from section 2(5) thereof the text "12 months after the effective date of this order" and inserting in lieu of the stricken text the following: "May 24, 1969".

Lyndon B. Johnson

THE WHITE HOUSE,
July 27, 1968.

[F.R. Doc. 68-9200; Filed, July 29, 1968; 11:55 a.m.]

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Chapter III—Bureau of the Budget

PART 1300—STANDARDS OF CONDUCT

Outside Employment and Other Activities; Title Change

Pursuant to and in conformity with sections 201 through 209 of Title 18 of the United States Code, Executive Order 11222 of May 8, 1965 (30 F.R. 6469), and Title 5, Chapter I, Part 735 of the Code of Federal Regulations, Part 1300 of Chapter III of Title 5 of the Code of Federal Regulations is amended as follows:

1. Section 1300.735–15 is amended by deleting paragraph (c), and by revising paragraph (b) as follows:

§ 1300.735–15 Outside employment and other activities.

* * * * *

(b) Within the limitations imposed by this section, employees are encouraged to engage in teaching, lecturing, and writing. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing (including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Commission or the Board of Examiners for the Foreign Service) that is dependent on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Deputy Director gives written authorization for the use of nonpublic information on the basis that the use is in the public interest. In addition, an employee who is a Presidential appointee covered by section 401(a) of Executive Order No. 11222 of May 8, 1965, shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to the responsibilities, programs, or operations of his agency, of which draws substantially on official data or ideas which have not become part of the body of public information.

(c) [Deleted]

* * * * *

2. All references contained in Part 1300 to the "Personnel Officer" are deleted and "Director of Administration" inserted in lieu thereof.

This amendment was approved by the Civil Service Commission on May 21, 1968, and is effective upon publication in the FEDERAL REGISTER.

PHILLIP S. HUGHES,
Acting Director,
Bureau of the Budget.

JULY 24, 1968.

[F.R. Doc. 68–9084; Filed, July 29, 1968; 8:50 a.m.]

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Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF ANIMAL DISEASES

PART 51—CATTLE DESTROYED BECAUSE OF BRUCELLOSIS (BANG'S DISEASE), TUBERCULOSIS, OR PARATUBERCULOSIS

Payment of Indemnities

On March 7, 1968, there was published in the FEDERAL REGISTER (33 F.R. 4260) a notice with respect to proposed amendments of Part 51, Subchapter B, Chapter I, Title 9, Code of Federal Regulations. After due consideration of all relevant material submitted in connection with such notice and pursuant to the provisions of sections 3 and 11 of the Act of May 29, 1884, as amended (21 U.S.C. 114, 114a), and section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), said Part 51 is hereby amended in the following respects:

1. Section 51.2 is amended to read as follows:

§ 51.2 Payment to owners for cattle destroyed.

(a) *Brucellosis.* Owners of cattle which are destroyed because of brucellosis may be paid an indemnity by the Department for each animal so destroyed not to exceed $25 for any grade animal or $50 for any purebred animal[1] except in Alaska, Hawaii, Puerto Rico, and the Virgin Islands where no payment for any animal destroyed shall exceed $50. Appraisals and reports of salvage are not required. Proof of slaughter is required. Post-mortem reports will be accepted as proof of slaughter.

[1] Cattle presented for payment as purebred shall be accompanied by their registration papers, or shall be paid for as grades: *Provided, however,* That if the registration papers are temporarily not available or if the cattle are less than 3 years old and unregistered, the appropriate Veterinarian in Charge may grant a reasonable time for the presentation of their registration papers.

(b) *Tuberculosis and Paratuberculosis.* Owners of cattle which are destroyed because of tuberculosis and paratuberculosis may be paid an indemnity by the Department for each animal so destroyed not to exceed $25 for any grade animal or $50 for any purebred animal[1] except in Alaska, Hawaii, Puerto Rico, and the Virgin Islands where no payment for any animal destroyed shall exceed $50: *Provided, however,* That no such payment shall exceed the amount paid or to be paid by the State where the animal was condemned. Appraisals and reports of salvage are not required. Proof of slaughter is required. Post-mortem reports will be accepted as proof of slaughter.

(c) *Tuberculosis.* The Director of Division may authorize the payment of indemnity to owners of cattle which are destroyed because of tuberculosis not to exceed $100 for any grade animal or $200 for any purebred animal which has been found to be exposed, is a part of a known infected herd and it has been determined by the Director of Division that the destruction of all the cattle in the herd will contribute to the tuberculosis eradication program: *Provided,* That the joint State-Federal indemnity payments, plus salvage does not exceed the appraised value of the animals: *And provided, further,* That no such payment shall exceed the amount paid or to be paid by the State where the animals were condemned.

§ 51.3 [Amended]

2. Section 51.3 is amended by deleting the term "TE Form 33–A" and substituting therefor "ANH Form 4–33", and by deleting the term "TE Form 20–B" and substituting therefor "ANH Form 6–22".

3. Section 51.4 is amended to read as follows:

§ 51.4 Appraisals.

Cattle to be destroyed because of tuberculosis under § 51.2(c) shall be appraised by a Division or State representative. When thus appraised, due consideration shall be given to their breeding value as well as to their dairy or meat value. Cattle presented for appraisal as purebred shall be accompanied by their registration papers at the time of the appraisal or they shall be appraised as grade cattle: *Provided, however,* That if registration papers are temporarily not available or if the cattle are less than 3 years old and unregistered, the appropriate Veterinarian in Charge may grant a reasonable time for the presentation of their registration papers to the appraiser or to the Veterinarian in Charge. The one receiving the papers shall be responsible for their verification. The Division may decline to accept any appraisal that appears to be unreasonable or out of proportion to the market value of cattle of like quality.

§ 51.7 [Amended]

4. Section 51.7 is amended by deleting the words "this part" in the first sentence and substituting therefor "§ 51.2 (c)"; and by deleting the term "TE Form 24" wherever it appears and substituting therefor "ANH Form 1–24".

5. Section 51.8 is amended to read as follows:

§ 51.8 Claims for indemnity.

Claims for indemnity for cattle destroyed because of brucellosis, tuberculosis, or paratuberculosis shall be presented on ANH Form 1–23 on which the owner of the cattle shall certify that the animals covered thereby are, or are not, subject to any mortgage as defined in this part. If the owner states there is a mortgage, ANH Form 1–23 shall be signed by the owner and by each person holding a mortgage on the animals, consenting to the payment of any indemnity allowed to the person specified thereon. Payment will be made only if ANH Form 1–23 has been approved by a proper State official and if payment of the claim has been recommended by the appropriate Veterinarian in Charge or an official designated by him. On claims for indemnity made under the provisions of § 51.2(c), the Veterinarian in Charge or official designated by him shall record on the ANH Form 1–23 the salvage value of the cattle destroyed and the amount of Federal and State indemnity payments that appears to be due to the owner of the cattle. The owner of the cattle shall be furnished a copy of ANH Form 1–23. The Veterinarian in Charge or official designated by him shall then forward ANH Form 1–23 to the appropriate official for further action on the claim.

6. Paragraphs (d), (h), (i), and (j) of § 51.9 are amended to read as follows:

§ 51.9 Claims not allowed.

• • • • •

(d) If the cattle are classified as affected with tuberculosis or paratuberculosis or brucellosis unless such cattle (1) reacted to the tuberculin or johnin test or revealed lesions of either disease upon autopsy or (2) reacted to the agglutination or other test for brucellosis approved by the Director of Division or (3) are found to be exposed, are part of a known infected herd, and it has been determined by the Director of Division that destruction of the cattle will contribute to the tuberculosis or paratuberculosis or brucellosis eradication program: *Provided*, That in the case of cattle classified as affected with tuberculosis under (3) above, all such cattle shall be moved direct to slaughter from the premises where exposed.

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(h) If any part of the claimant's herd has not been tested under Division and State supervision for the eradication of the particular disease for which the animals covered by the indemnity claim were condemned. For the purpose of this paragraph, a herd means a group of animals required to be tested in accordance with the provisions of the appropriate Uniform Methods and Rules for the specific disease, which rules and methods were adopted by the United States Livestock Sanitary Association and approved by the Animal Health Division.

(i) If all structures, holding facilities or materials on premises occupied by or used by cattle that were destroyed or which have been infected or exposed have not been properly cleaned and disinfected with a disinfectant permitted by the Division in accordance with recommendations of the proper State and Division official, within 15 days from the date reactors were removed from the premises, except that the appropriate Veterinarian in Charge, for reasons satisfactory to him, may extend the period beyond 15 days, and except that premises may be exempted from such cleaning and disinfecting requirements when the appropriate Veterinarian in Charge determines that there are no buildings, holding facilities, or other materials on the premises that would require such disinfection.

(j) If the cattle were steers, unless they were work oxen or if they were bulls and were not purebred, unless they are part of a herd known to be affected with tuberculosis that is being destroyed under the provisions of § 51.2(c).

(Secs. 3–5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 11, 58 Stat. 734, as amended; 21 U.S.C. 111, 112, 113, 114, 114a, 120, 125)

The foregoing amendments (1) delegate full authority to the Veterinarian in Charge to grant, for reasons satisfactory to him, any extension of time believed necessary to enable owners of cattle affected with or exposed to brucellosis, tuberculosis, or paratuberculosis, to comply with the requirements of § 51.9(i) of this part; (2) authorize the payment of a flat rate indemnity without appraisal and salvage reports for cattle which react to the brucellosis, tuberculosis, or paratuberculosis test; (3) limit indemnity payments on cattle exposed to tuberculosis or paratuberculosis to an amount not exceeding that paid by the State where the animals were condemned when such cattle are a part of a known infected herd—such limitation previously applied only to tuberculosis or paratuberculosis reactors; and (4) make certain other changes relating to forms and language to clarify the purpose and intent of the regulations.

The amendments will be of benefit to affected persons as they will facilitate the payment of certain indemnity claims for cattle destroyed because of brucellosis, tuberculosis, or paratuberculosis. Accordingly, under the provisions of 5 U.S.C. 553, good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of July 1968.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 68–9081; Filed, July 29, 1968; 8:50 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 8]

PART 121—SMALL BUSINESS SIZE STANDARDS

Revision 8 of Part 121 rescinds Revision 7, including Amendments 1 through 13 thereof.

Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby revised to read as follows:

Sec.
121.3 Statutory provisions.
121.3–1 Purpose and method of establishing size standards.
121.3–2 Definition of terms used in this part.
121.3–3 Organization; size functions.
121.3–4 Application for size determination.
121.3–5 Protest of small business status.
121.3–6 Appeals.
121.3–7 Differentials.
121.3–8 Definition of small business for Government procurement.
121.3–9 Definition of small business for sales of Government property.
121.3–10 Definition of small business for SBA loans.
121.3–11 Definition of small business for assistance by small business investment companies or by development companies.
121.3–12 Definition of small business Government subcontractors.
121.3–13 Definition of small business for receiving priority payment under section 213(a) of the War Claims Act of 1948, as amended.
121.3–14 Definition of small business for the purpose of lease guarantee.
121.3–15 Interpretations.

AUTHORITY: The provisions of this Part 121 issued under Public Law 85–536, sec. 5(b)6, 72 Stat. 385; sec. 121.3–13 issued under Public Law 87–846, sec. 213(a), 72 Stat. 384.

§ 121.3 Statutory provisions.

(a) *Small Business Act, as amended.*

SEC. 3. For the purpose of this Act, a small business concern shall be deemed to be one which is independently owned and operated and which is not dominant in its field of operation. In addition to the foregoing criteria the Administrator, in making a detailed definition, may use these criteria, among others: Number of employees and dollar volume of business. Where the number of employees is used as one of the criteria in making such definition for any of the purposes of this Act, the maximum number of employees which a small business concern may have under the definition shall vary from industry to industry to the extent necessary to reflect differing characteristics of such industries and to take proper account of other relevant factors.

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SEC. 8(b). It shall also be the duty of the Administration and it is hereby empowered, whenever it determines such action is necessary—

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(6) To determine within any industry the concerns, firms, persons, corporations, partnerships, cooperatives, or other business enterprises which are to be designated "small business concerns" for the purpose of effectuating the provisions of this Act. To carry out this purpose the Administrator, when requested to do so, shall issue in response to each such request an appropriate certificate certifying an individual concern as a "small business concern" in accordance with the criteria expressed in this Act. Any such certificate shall be subject to revocation when the concern covered thereby ceases to be a "small business concern." Offices of the Government having procurement or lending powers, or engaging in the disposal of Federal property or allocating materials or supplies, or promulgating regulations affecting the distribution of materials or supplies, shall accept as conclusive the Administration's determination as to which enterprises are to be designated "small business concerns," as authorized and directed under this paragraph.

(b) *Small Business Investment Act of 1958, as amended.*

SEC. 103. As used in this Act—

• • • • •

(5) The term "small business concern" shall have the same meaning as in the "Small Business Act." • • •

(c) *War Claims Act of 1948, as amended.*

SEC. 213(a). The Secretary of the Treasury shall pay out of the War Claims Fund on account of awards certified by the Commission pursuant to this title as follows and in the following order of priority:

(1) Payment in full of awards made pursuant to section 202(d) (1) and (2) and thereafter of any award made pursuant to section 202(a) to any claimant certified to the Commission by the Small Business Administration as having been, on the date of loss, damage or destruction, a small business concern within the meaning now set forth in the Small Business Act, as amended. • • •

§ 121.3–1 Purpose and method of establishing size standards.

(a) *Purpose.* This part defines "small business concerns" and establishes standards, criteria, and procedures to determine which concerns are "small business concerns" within the meaning of the Small Business Act, as amended (hereinafter referred to as the "Act"); the Small Business Investment Act of 1958, as amended (hereinafter referred to as the "Investment Act"); and the War Claims Act of 1948, as amended (hereinafter referred to as the "War Claims Act").

(b) *Method of establishing size standards—(1) Use of Standard Industrial Classification Manual.* The Standard Industrial Classification Manual, as amended, prepared, and published by the Bureau of the Budget, Executive Office of the President, shall be used by SBA in defining industries.

(i) *Exception.* Whenever SBA determines that within an industry, as defined in the SIC Manual, there is a group of establishments manufacturing a class of products which has been given a five-digit code by the Bureau of the Census and such groups of establishments would be recognized as a separate industry except for the fact that it fails to meet the Bureau of the Budget's size of industry criterion for SIC Manual recognition and SBA further determines that the financial assistance size standard for such class of products should be 500 employees rather than 250 employees, SBA shall thereupon adopt a separate size standard for such class of products and shall list it in Schedule A of this Part 121.

(2) *Factors in formulating size standards.* The following factors shall be considered in formulating industry size standards:

(i) Concentration of output;
(ii) Coverage ratio;
(iii) Primary product specialization ratio;
(iv) Absolute number of concerns;
(v) Size of industry (dollar volume);
(vi) Employment size of industry leaders; and
(vii) The SBA program for which the size standard is established.

In formulating industry size standards for the purpose of Government procurement, the additional factor of Government procurement history shall be used. The use of this additional factor may cause the size standards for the purpose of Government procurement and the size standards for the purpose of financial assistance to differ for the same industry.

(3) *Product classification.* For size standards purposes, a product shall be classified into only one industry, even though, for other purposes, it could be classified into more than one industry. In determining the SIC industry into which particular products shall be classified for size standard purposes, consideration shall be given to all appropriate factors including:

(i) Alphabetic indices published by the Bureau of the Budget, Bureau of the Census, and the Business and Defense Services Administration;

(ii) Description of the product under consideration;

(iii) Previous Government procurements for the same or similar products; and

(iv) Published information concerning the nature of companies which manufacture such product.

(4) *Product classification decision.* The SBA Area Administrator or his delegatee of the SBA region in which the applicant's principal office is located shall determine the appropriate SIC classification except that for procurement purposes the determination shall be made by the official specified in § 121.3–8. Such determination shall be subject to appeal in the manner provided in § 121.3–6.

§ 121.3–2 Definition of terms used in this part.

(a) "Affiliates": Concerns are affiliates of each other when either directly or indirectly (1) one concern (other than an investment company licensed under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1940, as amended), controls or has the power to control the other, or (2) a third party or parties (other than an investment company licensed under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1940, as amended), controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration shall be given to all appropriate factors, including common ownership, common management, and contractual relationships: *Provided, however,* That restraints imposed on a franchisee by its franchise agreement shall not be considered in determining whether the franchisor controls or has the power to control and, therefore, is affiliated with the franchisee, if the franchisee has the right to profit from his effort, commensurate with ownership, and bears the risk of loss or failure.

(b) "Annual sales or annual receipts" means the annual sales or anual receipts, less returns and allowances, of a concern and its affiliates during its most recently completed fiscal year.

(c) "Appeal" means a written communication addressed to the Size Appeals Board requesting it to review a determination relating to a size matter made by an Area Administrator or his delegatee, or by a Contracting Officer.

(d) "Area of Substantial Unemployment" for the purpose of small business size determination means a geographical area within the United States which:

(1) Is classified by the Department of Labor either as an "Area of Substantial Unemployment," or an "Area of Substantial and Persistent Unemployment," and such classification has been listed in that Department's publication "Area Labor Market Trends" continuously from September 15, 1961, until a size determination is made; or

(2) Is individually certified by the Department of Labor as an "Area of Substantial Unemployment" and has been eligible for such certification continuously since September 15, 1961. If an area has been removed from the publication, "Area Labor Market Trends," or if an area becomes ineligible for certification at any time, such area is excluded from the above definition and cannot be reinstated for the purpose of size determinations unless it is designated as a Redevelopment Area by the Department of Commerce. (See paragraph (u) of this section.)

(e) "Base maintenance" means furnishing at an installation within the several States, Commonwealth of Puerto Rico, Virgin Islands, or the District of Columbia, three or more services which may include but are not limited to such field of maintenance activities as janitorial and custodial services, protective guard services, commissary services, base housing maintenance, fire prevention services, refuse collection services, safety engineering services, messenger services, grounds maintenance and landscaping services, and air-conditioning and refrigeration maintenance: *Provided, however,* That whenever the contracting officer determines prior to the issuance of bids that the estimated value of one of the foregoing services constitutes more than 50 percent of the estimated value of the entire contract, the contract shall not be classified as base maintenance but in the industry in which such service is classified.

(f) "Bona fide feed stocks" means crude and any other hydrocarbon material actually charged to refinery processing units, as distinguished from materials used as components in products to be delivered after merely filtering, settling, or blending.

(g) "Crude-oil capacity" means the maximum daily average crude throughput of a refinery in complete operation, with allowance for necessary shutdown time for routine maintenance, repairs, etc. It approximates the maximum daily average crude runs to stills that can be maintained for an extended period.

(h) "Certificate of Competency" means a certificate issued by SBA pursuant to the authority contained in section 8(b)(7) of the Act stating that the holder of the certificate is competent as to the capacity and credit, to perform a specific Government procurement or sales contract.

(i) "Concern" except for § 121.3–13, means any business entity organized for profit with a place of business located in the United States, including, but not limited to, an individual, partnership, corporation, joint venture, association, or cooperative. For the purpose of making affiliation findings (see paragraph (a) of this section) any business entity, whether organized for profit or not, and any foreign business entity shall be included. For the purpose of § 121.3–13 a concern need not have a place of business located in the United States.

(j) "Contracting Officer" means the person executing a particular contract on behalf of the Government, and any other employee who is properly designated contracting officer; the term includes the authorized representative of a contracting officer acting within the limits of his authority.

(k) "Convalescent or nursing home" means those facilities for the accommodation of convalescents or other persons who are not acutely ill or not in need of hospital care but who may require nursing care and related medical services, which facility is privately owned and operated for the purpose of obtaining profits which shall inure to the benefit of its owners, stockholders, or members.

(l) "Department store" means a concern employing twenty-five (25) or more persons engaged in the retail sale of some items in each of the following merchandise lines: (1) Furniture, home furnishings, appliances, radio and television sets; (2) a general line of apparel for the family; and (3) household linens and dry goods: *Provided, however,* That sales within any one of the preceding merchandise lines do not exceed eighty percent (80%) of the concern's total sales and the aggregate of such merchandise lines accounts for at least fifty percent (50%) of the concern's total sales.

(m) "Gross leasable area" means the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet measured from the centerline of a joint partition and from outside wall faces.

(n) "Hospital" means a health facility duly licensed as a hospital providing inpatient medical or surgical care of the sick or injured, including obstetrics, which facility is privately owned and operated for the purpose of obtaining profits which shall inure to the benefits of its owners, stockholders, or members.

(o) "Industry" means a grouping of establishments primarily engaged in similar lines of activity as listed and described in the Standard Industrial Classification Manual, as amended (SIC Manual), prepared and published by the Bureau of the Budget, Executive Office of the President.

(p) "Medical and dental laboratory" means those facilities which provide services to doctors, dentists, hospitals, and similar health facilities, which facilities are privately owned and operated for the purpose of obtaining profits which shall inure to the benefit of its owners, stockholders, or members.

(q) "Nonmanufacturer" means any concern which in connection with a specific Government procurement contract, other than a construction or service contract, does not manufacture or produce the products required to be furnished by such procurement. Nonmanufacturer includes a concern which can manufacture or produce the products referred to in the specific procurement but does not do so in connection with that procurement.

(r) A concern is "not dominant in its field of operation" when it does not exercise a controlling or major influence on a national basis in a kind of business activity in which a number of business concerns are primarily engaged. In determining whether dominance exists, consideration shall be given to all appropriate factors, including volume of business, number of employees, financial resources, competitive status of position, ownership or control or materials, processes, patents, license agreements, facilities, sales territory, and nature of business activity.

(s) "Number of employees" means the average employment of any concern including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full-time, part-time, temporary, or other basis during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding four quarters. If a concern has not been in existence for four full calendar quarters, "number of employees" means the average employment of such concern and its affiliates during the period such concern has been in existence based on the number of persons employed during the pay period ending nearest the last day of each month.

(t) "Protest" means a statement in writing from any bidder or offerer having a valid interest in whether or not another bidder or offerer on the same Government procurement or Government disposal contract is a small business within the meaning of this Part 121. Such statement shall contain the basis for the protest, together with specific detailed evidence supporting the protestant's claim that such bidder or offerer is not a small business. A protest received after the time limits set forth in § 121.3–5(a) shall not be considered nor acted upon.

(u) "Redevelopment Area" for the purpose of small business size determinations means a geographical area within the United States which has been designated as a "Redevelopment Area" in accordance with the Public Works and Economic Development Act of 1965 (Public Law 89–136, sec. 401, 75 Stat. 48).

(v) "Shopping center" means a group of commercial establishments planned, developed, owned, and managed as a unit with off-street parking provided on the property.

(w) "Size determination" means a ruling by SBA that a concern is or is not, or was or was not a small business within the meaning of this part.

(x) *"United States"* as used in this regulation includes the several States, the territories and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

§ 121.3–3 Organization; size functions.

The Associate Administrator for Procurement and Management Assistance shall:

(a) Develop and recommend small business size standards to the Administrator of SBA for promulgation;

(b) Conduct industry hearings pertaining to size matters;

(c) In concert with the Office of General Counsel, issue interpretations of the Size Standards Regulation;

(d) Consider and take appropriate action on written petitions objecting to or requesting amendments or recission of a published size standard;

(e) Establish procedures for the implementation of all size programs; and

(f) Perform such other related functions as may be appropriate to administer the SBA size program.

§ 121.3–4 Application for size determination.

Size determinations shall be made by the Area Administrator, or his delegatee, of the region in which the applicant's principal office is located. The Area Administrator, or his delegatee, promptly shall notify, in writing, the applicant and other interested persons of his decision. Such determination shall be final unless appealed in the manner provided in § 121.3–6. Applications for size determinations shall be submitted on SBA Form 355, Application for Small Business Size Determination, in duplicate, to any SBA Field Office. The SBA Field Office receiving the application shall forward the application to the Regional Office serving the area in which the applicant's principal office is located. SBA Form 355 shall be completed and supporting materials shall be attached thereto. Applications for size determinations made by either a small business investment company or an applicant for assistance from such an investment company shall be submitted on SBA Form 480, together with SBA Form 355. Detailed instructions for completing SBA Form 355 and SBA Form 480 are attached thereto. Copies of such forms may be obtained from any SBA Field Office or from the Small Business Administration, Washington, D.C. 20416.

§ 121.3–5 Protest of small business status.

(a) *How to protest.* Any bidder or offerer on a Government procurement or disposal may challenge the small business status of any other bidder or offerer on the same procurement or disposal. Such challenge shall be made by delivering a protest to the Contracting Officer responsible for the particular procurement or disposal prior to the close of business on the fifth day, exclusive of Saturdays, Sundays, and legal holidays, after bid or proposal opening, except that in the case of negotiated procurements a protest may be filed by a bidder or offerer within 5 days after receipt of the identity of another bidder or offerer from a Contracting Officer: *Provided, however,* That a protest received after such time shall be deemed to be timely and shall be considered if, in the case of mailed protests, such protest is sent by registered or certified mail and the postmark thereon indicates that the protest would have been delivered within this time limit but for delays beyond the control of the protestant or, in the case of telegraphed protests, the telegram date and time line indicates that the protest would have been delivered within this time limit but for delays beyond the control of the protestant. Any Contracting Officer who receives such timely protest shall promptly forward such protest to the SBA Regional Office serving the area in which the principal office of the protested concern is located. A Contracting Officer may question the small business status of any bidder or offerer by filing a protest with the SBA Regional Office serving the area in which the principal office of the protested concern is located. Failure to make a timely protest shall not prejudice the right to challenge the small business status of the same or any other concern in the future.

(b) *Notification of protest.* Upon receipt of such protest, the SBA Regional Director or his delegatee shall immediately notify the Contracting Officer and the protestant of the date such protest has been received and that the size of the concern being protested is being considered by SBA. The Regional Director or his delegatee shall also advise the protested bidder or offerer of the receipt of the protest and shall forward to the protested bidder or offerer a copy of the protest and a blank SBA Form 355, Application for Small Business Size Determination, by Certified Mail, Return Receipt Requested. The bidder shall be advised, in writing, that: (1) It must, within three (3) days after receipt of the copy of the protest and SBA Form 355, file the completed form as directed by SBA, (2) it must attach thereto a statement in answer to the allegations of the letter of protest, together with evidence to support such position, and (3) if it does not submit the completed SBA Form 355, SBA will rule that the protested concern is other than a small business.

(c) *Notification of determination.* After receipt of a protest and responses thereto, SBA shall determine the small business status of the protested bidder or offerer and notify the Contracting Officer, the protestant, and the protested bidder or offerer of its decision within 10 working days if possible.

§ 121.3–6 Appeals.

(a) *Organization.* The Size Appeals Board shall review appeals from size determinations made pursuant to § 121.3–4 and § 121.3–5 and from product classifications made pursuant to § 121.3–8 and shall make recommendations to the Administrator whether such determinations or classifications should be affirmed, reversed or modified. The Size Appeals Board shall conduct such proceedings as it determines appropriate to enable it to discharge its duties.

(1) The Size Appeals Board shall consist of four members, to wit; The Deputy Administrator, Chairman, the Associate Administrator for Procurement and Management Assistance, the Associate Administrator for Financial Assistance and the Assistant Administrator for Planning, Research, and Analysis.

(2) Each member of the Size Appeals Board may designate an alternate to serve in his stead in the event of absence or disability.

(b) *Method of appeal—(1) Who may appeal.* An appeal may be taken by:

(i) Any concern or other interested party which has protested the small business status of another concern pursuant to § 121.3–5 and whose protest has been denied by an Area Administrator or his delegatee;

(ii) Any concern or other interested party which has been adversely affected by a decision of an Area Administrator or his delegatee pursuant to § 121.3–4 and § 121.3–5;

(iii) Any concern or other interested party which has been adversely affected by a decision of a Contracting Officer regarding product classification pursuant to § 121.3–8; and

(iv) The Small Business Administration Associate Administrator for the Small Business Administration program involved.

(2) *Where to appeal.* Written notices of appeal shall be addressed to the Chairman, Size Appeals Board, Small Business Administration, Washington, D.C. 20416.

(3) *Time for Appeal.* (i) An appeal from a size determination or product classification by an Area Administrator, or his delegatee, may be taken at any time, except that, because of the urgency of pending procurements, appeals concerning the small business status of a bidder or offerer in a pending procurement may be taken within 5 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a decision by an Area Administrator, or his delegatee. Unless written notice of such appeal is received by the Size Appeals Board before the close of business on the 5th day, the appellant will be deemed to have waived its rights of appeal insofar as the pending procurement is concerned.

(ii) An appeal from a product classification determination by a Contracting Officer may be taken (*a*) not less than 10 days, exclusive of Saturdays, Sundays, and legal holidays, before bid opening day or deadline for submitting proposals or quotations, in cases wherein the bid opening date or last date to submit proposals or quotations is more than 30 days after the issuance of the invitation for bids or request for proposals or quotations, or (*b*) not less than 5 days, exclusive of Saturdays, Sundays, and legal holidays, before the bid opening day or deadline for submitting proposals or quotations, in cases wherein the bid opening date or last date to submit proposals or quotations is 30 or less days after the issuance of the invitation for bids or request for proposals or quotations, and

(iii) The timeliness of an appeal under subdivisions (i) and (ii) of this subparagraph shall be determined by the time of receipt of the appeal by the Size Appeals Board: *Provided, however,* That an appeal received after such time limits have expired shall be deemed to be timely and shall be considered if, in the case of mailed appeals, such appeal is sent by registered or certified mail and the postmark thereon indicates that the appeal would have been received within the requisite time limit but for delays beyond the control of the appellant, or in the case of telegraphed appeals, the telegram date and time line indicates that the appeal would have been received within the requisite time limit but for delays beyond the control of the appellant.

(4) *Notice of appeal.* No particular form is prescribed for the notice of appeal. However, the appellant shall submit to the Board an original and four legible copies of such notice, and, to avoid time consuming correspondence, the notice should include the following information:

(i) Name and address of concern on which the size determination was made;

(ii) The character of the determination from which appeal is taken and its date;

(iii) If applicable, the IFB or contract number and date, and the name and address of the contracting officer;

(iv) A concise and direct statement of the reasons why the decision of an Area Administrator, or his delegatee, or Contracting Officer is alleged to be erroneous;

(v) Documentary evidence in support of such allegations; and

(vi) Action sought by the appellant.

(c) *Notice to interested parties.* The Size Appeals Board shall promptly acknowledge receipt of the notice of appeal and shall send a copy of such notice of appeal to the appropriate Area Administrator, or his delegatee, the Contracting Officer, if a pending procurement is involved, and other interested parties.

(d) *Statement of interested parties.* After receipt of a copy of appellant's notice of appeal, interested parties may file with the Board a signed statement, together with four legible copies thereof, as

to why the appeal should or should not be denied. Such statement shall be accompanied by appropriate evidence. Copies of such statements and appropriate evidence will be furnished to the appellant. Such statements and supporting evidence shall be mailed or delivered to the Chairman, Size Appeals Board, Small Business Administration, Washington, D.C. 20416, within five (5) days of the receipt of the copy of notice of appeal unless an extension is for cause granted by the Chairman of the Size Appeals Board.

(e) *Consideration by the Size Appeals Board.* The Size Appeals Board shall consider the appeal on the written submission of the appellant, or may, in its discretion, permit oral presentations by interested parties. The Board shall promptly recommend in writing to the Administrator a proposed decision which shall state the reasons for the recommendation.

(f) *Decision of the Administrator.* The Administrator's decision shall be predicated upon the entire record after giving such weight to the recommendation of the Size Appeals Board as he shall deem appropriate: *Provided, however,* That should he not concur with the recommendation of the Size Appeal Board, he shall state in writing the basis for his findings and conclusions.

(g) *Notification of final decision.* The Chairman shall promptly notify, in writing, the appellant and the other interested parties of the Administrator's decision together with the reasons therefor.

§ 121.3–7 Differentials.

(a) *Alaska.* If an applicant for a size determination is a concern which has fifty percent (50%) or more of its annual sales or receipts attributable to business activity within Alaska then, whenever "annual sales or annual receipts" are used in any size definition contained in this part, said dollar limitation is increased by twenty-five percent (25%) of the amount set forth therein.

(b) *Substantial or persistent unemployment areas, areas of concentrated unemployment or underemployment, certified eligible concerns, and redevelopment areas—(1) Assistance under sections 7(a) and 8(a) of the Small Business Act.* Notwithstanding any other provision of this part, the applicable size standards for the purposes of assistance under section 7(a) and section 8(a) of the Act are increased by twenty-five percent (25%) whenever the concern maintains or operates a plant, facility, or other business establishment within an Area of Substantial Unemployment or Underemployment, or Redevelopment Area, or is designated as a Certified Eligible concern by the Department of Labor and agrees to use the assistance within such area or, if it does not maintain a plant, facility, or other business establishment within such area, agrees to utilize the assistance for the establishment and/or operation of a plant, facility, or other business establishment within such area.

(2) *Small business investment companies and development companies.* Notwithstanding any other provision of this part, the size standard for a small business concern receiving assistance from a small business investment company or receiving assistance from a development company in connection with a section 501 or section 502 loan is increased by twenty-five percent (25%) whenever such concern qualifies for a similar differential under (1) above.

(3) *Government procurement assistance, sales of Government property and Government subcontracting.* Except as is provided in subparagraphs (1) and (2) of this paragraph, this paragraph is not applicable to size determinations for the purpose of Government procurement assistance, sales of Government property or Government subcontracting.

§ 121.3–8 Definition of small business for Government procurement.

A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts and can further qualify under the criteria set forth in this section. When computing the size status of a bidder or offeror, the number of employees, annual sales or receipts, or other applicable standards of the bidder or offeror and all of its affiliates shall be included. In the submission of a bid or proposal on a Government procurement, a concern which meets the criteria provided in this section may represent that it is a small business. In the absence of a written protest or other information which would cause him to question the veracity of the self-certification, the Contracting Officer shall accept the self-certification at face value for the particular procurement involved. If a procurement calls for more than one item the bidder must meet the size standard for each item for which it submits a bid. The determination of the appropriate classification of a product shall be made by the Contracting Officer and his determination shall be final unless appealed in the manner provided in § 121.3–6. If no standard for an industry, field of operation or activity (e.g., animal specialty; fin fish; anthracite mining; management-logistics support to be performed outside of the several States, Commonwealth of Puerto Rico, Virgin Islands, or the District of Columbia) has been set forth in this section, a concern bidding on a Government contract is a small business if, including its affiliates, it is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and has 500 employees or less.

(a) *Construction.* Any concern bidding on a contract for work which is classified in Division C, Contract Construction of the Standard Industrial Classification Manual, as amended, prepared and published by the Bureau of the Budget, Executive Office of the President, is:

(1) Small if its average annual receipts for its preceding 3 fiscal years do not exceed $7½ million.

(2) Small if it is bidding on a contract for dredging and its average annual receipts for its preceding 3 fiscal years do not exceed $5 million.

(b) *Manufacturing.* Any concern bidding on a contract for a product it manufactured is classified:

(1) As small if it is bidding on a contract for food canning and preserving and its number of employees does not exceed 500 persons, exclusive of agricultural labor as defined in section (k) of the Federal Unemployment Tax Act, 68A Stat. 454, 26 U.S.C. (I.R.C. 1954) 3306.

(2) As small if it is bidding on a contract for a product classified within an industry set forth in Schedule B of this part and its number of employees does not exceed the size standard established for that industry.

(3) As small if it is bidding on a contract for a product classified within an industry not set forth in Schedule B of this part and its number of employees does not exceed 500 persons.

(4) As small if it is bidding on a contract for pneumatic tires within Census Classification Codes 30111 and 30112: *Provided,* That (i) the value of the pneumatic tires within Census Classification Codes 30111 and 30112 which it manufactured in the United States during the preceding calendar year is more than 50 percent of the value of its total worldwide manufacture, (ii) the value of the pneumatic tires within Census Classification Codes 30111 and 30112 which it manufactured worldwide during the preceding calendar year was less than five percent (5%) of the value of all such tires manufactured in the United States during said period, and (iii) the value of the principal products which it manufactured or otherwise produced or sold worldwide during the preceding calendar year is less than ten percent (10%) of the total value of such products manufactured or otherwise produced or sold in the United States during said period.

(5) As small if it is bidding on a contract for passenger cars within Census Classification Code 37171: *Provided,* That (i) the value of the passenger cars within Census Classification Code 37171 which it manufactured or otherwise produced in the United States during the preceding calendar year is more than fifty percent (50%) of the value of its total worldwide manufacture or production of such passenger cars, (ii) the value of the passenger cars within Census Classification Code 37171, which it manufactured or otherwise produced during the preceding calendar year was less than five percent (5%) of the total value of all such cars manufactured or produced in the United States during the said period, and (iii) the value of the principal products which it manufactured or otherwise produced or sold during the preceding calendar year is less than ten percent (10%) of the total value of such product manufactured or otherwise produced or sold in the United States during said period.

(c) *Nonmanufacturing.* [Reserved]

NOTE: On April 5, 1963, there was published in the FEDERAL REGISTER (28 F.R. 3358) a proposed new definition of a small business nonmanufacturer. Interested persons were requested to file written comments. The comments filed suggested the need for further study of the proposal. Until such time as a new definition of a small business nonmanufacturer is adopted, the following definition shall be applicable:

Any concern which submits a bid or offer in its own name, other than on a construction or service contract, but which proposes to furnish a product not manufactured by said bidder or offerer, is deemed to be a small business concern when:

(1) It is a small business concern within the meaning of paragraph (a) of this section (its number of employees does not exceed 500 persons), and

(2) In the case of Government procurement reserved for or involving the preferential treatment of small businesses, such nonmanufacturer shall furnish in the performance of the contract the products of a small business manufacturer or producer which products are manufactured or produced in the United States: *Provided, however,* If the goods to be furnished are woolen, worsted, knitwear, duck, and webbing, dealers and converters shall furnish such products which have been manufactured or produced by a small weaver (small knitter for knitwear), and, if finishing is required, by a small finisher. If the procurement is for thread, dealers and converters shall furnish such products which have been finished by a small finisher. (Finishing of thread is defined as all "dyeing, bleaching, glazing, mildew proofing, coating, waxing, and other applications required by the pertinent specifications, but excluding mercerizing, spinning, throwing, or twisting operations.")

If the procurement is for a refined petroleum product, other than a product classified in Standard Industrial Classification Industries No. 2951, Paving mixtures and blocks; No. 2952, Asphalt felts and coatings; No. 2992, Lubricating oils and greases; or No. 2999, products of petroleum and coal, not elsewhere classified; paragraph (g) of this section is for application.

(d) *Research, development, and testing.* Any concern bidding on a contract for research, development, and/or testing is classified:

(1) As small if it is bidding on a contract for research and/or development which requires delivery of a manufactured product and (i) it qualifies as a small business manufacturer within the meaning of paragraph (b) of this section for the industry into which the product is classified, or (ii) it qualifies as a small business nonmanufacturer within the meaning of paragraph (c) of this section.

(2) As small if it is bidding on a contract for research and/or development which does not require delivery of a manufactured product or on a contract for testing and its number of employees does not exceed 500 persons.

(e) *Services.* Any concern bidding on a contract for services, not elsewhere defined in this section, is classified as small if its average annual sales or receipts for its preceding three (3) fiscal years do not exceed $1 million.

(1) Any concern bidding on a contract for engineering services other than marine engineering services is classified as small if its average annual sales or receipts for its preceding three (3) fiscal years do not exceed $5 million.

(2) Any concern bidding on a contract for motion picture production or motion picture services is classified as small if its average annual sales or receipts for its preceding three (3) fiscal years do not exceed $5 million.

(3) Any concern bidding on a contract for janitorial and custodial services is classified as small if its average annual sales or receipts for its preceding three (3) fiscal years do not exceed $3 million.

(4) Any concern bidding on a contract for base maintenance is classified as small if its average annual sales or receipts for its preceding three (3) fiscal years do not exceed $5 million.

(5) Any concern bidding on contracts for marine cargo handling services is classified as small if its annual sales or receipts do not exceed $5 million for the preceding three (3) fiscal years.

(6) Any concern bidding on a contract for naval architectural and marine engineering services is classified as small if its average annual sales or receipts for its preceding three (3) fiscal years do not exceed $6 million.

(f) *Transportation.* Any concern bidding on a contract for passenger or freight transportation, not elsewhere defined in this section, is classified:

(1) As small if its number of employees does not exceed 500 persons.

(2) As small if it is bidding on a contract for air transportation and its number of employees does not exceed 1,000 persons.

(3) As small if it is bidding on a contract for either trucking (local and long-distance), warehousing, packing and crating, and/or freight forwarding, and its annual receipts do not exceed $3 million.

(g) *Refined petroleum products.* Any concern bidding on a contract for a refined petroleum product other than a product classified in Standard Industrial Classification Industries No. 2951, Paving mixtures and blocks; No. 2952, Asphalt felts and coatings; No. 2992, Lubricating oils and greases; or No. 2999, Products of petroleum and coal, not elsewhere classified; is classified as small if (1)(i) its number of employees does not exceed 1,000 persons; (ii) it does not have more than 30,000 barrels-per-day crude oil or bona fide feed stock capacity from owned or leased facilities; and (iii) the product to be delivered in the performance of the contract will contain at least 90 percent components refined by the bidder from either crude oil or bona fide feed stocks: *Provided, however,* That a petroleum refining concern which meets the requirements in subdivisions (i) and (ii) of this subparagraph may furnish the product of a refinery not qualified as small business if such product is obtained pursuant to a bona fide exchange agreement, in effect on the date of the bid or offer, between the bidder or offerer and the refiner of the product to be delivered to the Government which requires exchanges in a stated ratio on a refined petroleum product for a refined petroleum product basis, and precludes a monetary settlement, and that the products exchanged for the products offered and to be delivered to the Government meet the requirement in subdivision (iii) of this subparagraph: *And, provided further,* That the exchange of products for products to be delivered to the Government, will be completed within 90 days after expiration of the delivery period under the Government contract; or (2) its number of employees does not exceed 500 persons and the product to be delivered to the Government has been refined by a concern which qualifies under subparagraph (1) of this paragraph.

§ 121.3–9 Definition of small business for sales of Government property.

In the submission of a bid or proposal for the purchase of Government-owned property, a concern which meets the criteria provided in this section may represent that it is a small business. In the absence of a written protest or other information which would cause him to question the veracity of the self-certification, the contracting officer shall accept the self-certification at face value for the particular sale involved.

(a) *Sales of Government-owned property other than timber.* A small business concern for the purpose of the sale of Government-owned property, other than timber is a concern, including its affiliates, which is independently owned and operated, is not dominant in its field of operation, and can further qualify under the following criteria.

(1) *Manufacturers.* Any concern which is primarily engaged in manufacturing is small if its number of employees does not exceed 500 persons: *Provided, however,* That a concern primarily engaged in SIC Industry 2911, Petroleum refining, is small if its number of employees does not exceed 1,000 persons and it does not have more than 30,000 barrels-per-day crude-oil capacity from owned or leased facilities.

(2) *Other than manufacturers.* Any concern which is primarily not a manufacturer (except as specified in subparagraph (3) of this paragraph) is small if its annual sales or annual receipts for its preceding 3 fiscal years do not exceed $5 million.

(3) *Stockpile purchasers.* Any concern primarily engaged in the purchase of materials which are not domestic products is small if its average annual sales or annual receipts for its preceding 3 fiscal years do not exceed $25 million.

(b) *Sales of Government-owned timber.* (1) In connection with the sale of Government-owned timber a small business is a concern that:

(i) Is primarily engaged in the logging of forest products industry;

(ii) Is independently owned and operated;

(iii) Is not dominant in its field of operation; and

(iv) Together with its affiliates, its number of employees does not exceed 500 persons.

(2) In the case of Government sales of timber reserved for or involving preferential treatment of small businesses,

when the Government timber being purchased is to be resold, a concern is a small business when:

(i) It is a small business within the meaning of subparagraph (1) of this paragraph, and

(ii) It agrees that it will not sell more than thirty percent (30%) of such timber to a concern which does not qualify under subparagraph (1) of this paragraph as a small business, unless an exemption is granted on sales of mixed stumpage of hardwood and softwood species.

(3) In the case of Government sales reserved for or involving preferential treatment of small businesses, when the Government timber purchased is not to be resold in the form of saw logs to be manufactured into lumber and timbers, a concern is a small business when:

(i) It meets the criteria contained in subparagraph (1) of this paragraph; and

(ii) It agrees that in manufacturing lumber or timbers from such saw logs cut from the Government timber, it will do so only with its own facilities or those of concerns that qualify under subparagraph (1) of this paragraph as a small business.

§ 121.3–10 Definition of small business for SBA loans.

A small business concern for the purpose of receiving an SBA loan is a concern, including its affiliates, which is independently owned and operated, is not dominant in its field of operation, and can further qualify under the criteria set forth below. A concern which is a small business under § 121.3–8 which has applied for or received a Certificate of Competency is a small business eligible for an SBA loan to finance the contract covered by the Certificate of Competency. If no standard for an industry, field of operation, or activity has been set forth in this section, a concern seeking a size determination shall submit SBA Form 355 to the Associate Administrator for Procurement and Management Assistance, Washington, D.C. 20416. If an applicant for an SBA loan is engaged in the production of a number of products or the providing of a variety of services or other activities which are classified into different industries, the appropriate standard to be used is that which has been established for the industry in which the applicant, not including its affiliates, is primarily engaged. An applicant's primary industry is that which produced the greatest percentage of gross sales or receipts for the past fiscal year. When computing the size status of an applicant, its affiliates' number of employees, annual sales or receipts, or other applicable standards, shall be included.

(a) *Construction.* Any construction concern is small if its average annual receipts do not exceed $5 million for the preceding 3 fiscal years.

(b) *Manufacturing.* Any manufacturing concern is classified:

(1) As small if its number of employees does not exceed 250 persons;

(2) As large if its number of employees exceeds 1,500 persons;

(3) Either as small or large depending on its industry and in accordance with the employment size standards set forth in Schedule A of this part, if its number of employees exceeds 250 persons, but not more than 1,500 persons;

(4) As small if it is primarily engaged in the food canning and preserving industry and its number of employees does not exceed 500 persons exclusive of agricultural labor as defined in subsection (k) of the Federal Employment Tax Act, 68A Stat. 454, 26 U.S.C. (I.R.C. 1954) 3306.

(c) *Retail.* (1) Any retailing concern is classified:

(i) As small if it is primarily engaged in an industry or subindustry set forth in Schedule D of this part and its annual sales do not exceed the size standard established therein for that industry or subindustry.

(ii) As small if it is primarily engaged in an industry or subindustry not set forth in Schedule D of this part and its annual sales do not exceed $1 million.

(d) *Services.* Any service concern is classified:

(1) As small if its annual receipts do not exceed $1 million;

(2) As small if it is primarily engaged in the hotel and motel industry and its annual receipts do not exceed $2 million;

(3) As small if it is primarily engaged in the power laundry industry and its annual receipts do not exceed $2 million;

(4) As small if it is primarily engaged in the trailer court and parks industry and its annual receipts do not exceed $100,000: *Provided*, That a minimum of fifty percent (50%) of the annual receipts is derived from the rental of space to tourist trailers for periods not in excess of thirty (30) days;

(5) As small if it is primarily engaged in owning and operating a hospital and its capacity does not exceed 150 beds (excluding cribs and bassinets);

(6) As small if it is primarily engaged in owning and operating a convalescent or nursing home and its annual receipts do not exceed $1 million;

(7) As small if it is primarily engaged in owning and operating a medical or dental laboratory and (i) it is operated in connection with an eligible proprietary hospital or (ii) it is not operated in connection with an eligible proprietary hospital and its annual receipts do not exceed $1 million;

(8) As small if it is primarily engaged in the motion picture production industry and its annual receipts do not exceed $5 million;

(9) As small if it is primarily engaged in the motion picture services industry and its annual receipts do not exceed $5 million;

(10) As small if it is primarily engaged in rendering engineering services and its annual receipts do not exceed $2.5 million.

(e) *Shopping centers.* (1) Any concern primarily engaged in operating shopping centers is small if (i) it does not have assets exceeding $5 million, (ii) it does not have net worth in excess of $2½ million, (iii) it does not have an average net income, after Federal Income taxes, for the preceding 2 fiscal years in excess of $250,000 (average net income to be computed without benefit of any carryover loss), and (iv) it does not lease more than twenty-five percent (25%) of the gross leasable area to concerns which do not meet the small business definitions contained in this section.

(2) For the purpose of size determinations, shopping center operators will not be considered affiliated with their tenants merely because of lease agreements.

(f) *Transportation and warehousing.* Any concern primarily engaged in passenger and freight transportation or warehousing is classified:

(1) As small if its annual receipts do not exceed $1 million;

(2) As small if it is primarily engaged in the air transportation industry and its number of employees does not exceed 1,000 persons;

(3) As small if it is primarily engaged in the storage of grain, it does not have more than 1 million bushels capacity in owned and leased facilities, and its annual receipts do not exceed $1 million;

(4) As small if it is primarily engaged in trucking, warehousing, packing and crating, and/or freight forwarding and its annual receipts do not exceed $3 million.

(g) *Wholesale.* (1) Any wholesaling concern is classified:

(i) As small if it is primarily engaged in an industry or subindustry set forth in Schedule C of this part and its annual sales do not exceed the size standard established therein for that industry or subindustry.

(ii) As small if it is primarily engaged in an industry or subindustry not set forth in Schedule C of this part and its annual sales do not exceed $5 million.

(2) Any concern primarily engaged in wholesaling, but also engaged in manufacturing, is not a "small business concern" unless it qualifies under both the manufacturing and wholesaling standards.

§ 121.3–11 Definition of small business for assistance by small business investment companies or by development companies.

A small business concern for the purpose of receiving financial or other assistance from small business investment companies or development companies is a concern which:

(a) Together with its affiliates, is independently owned and operated, is not dominant in its field of operation, does not have assets exceeding $5 million, does not have net worth in excess of $2½ million, and does not have an average net income, after Federal income taxes, for the preceding 2 years in excess of $250,000 (average net income to be computed without benefit of any carryover loss); or

(b) Qualifies as a small business concern under § 121.3–10.

§ 121.3–12 Definition of small business Government subcontractors.

(a) Any concern in connection with subcontracts of $2,500 or less which relate to Government procurements will be considered a small business concern if, including its affiliates, its number of employees does not exceed 500 persons.

(b) Any concern in connection with subcontracts exceeding $2,500 which relate to Government procurements will be considered a small business concern if it qualifies as such under § 121.3–8: *Provided, however*, Until a definition of a small business nonmanufacturer is adopted under § 121.3–8(c), a nonmanufacturer will be considered as small business for the purpose of Government subcontracting if, including its affiliates, its number of employees does not exceed 500 persons.

§ 121.3–13 Definition of small business for receiving priority payment under section 213(a) of the War Claims Act of 1948, as amended.

(a) *Small business claimant.* A small business claimant for the purpose of receiving priority payment from the Secretary of the Treasury under section 213(a) of the War Claims Act of 1948, as amended, is a concern which on the date of loss, damage, or destruction was a small business concern within the meaning of § 121.3–10 in effect on October 22, 1962 (27 F.R. 9757).

(b) *Request for size determination.* (1) Requests for size determinations shall be accepted only from the Foreign Claims Settlement Commission of the United States.

(2) Determinations of the size status of a claimant shall be made either by the Associate Administrator for Procurement and Management Assistance or, in the case of claimants residing within the United States, by the SBA Regional Director for the region in which the claimant resides and, in the case of claimants residing in foreign countries, by the SBA Regional Director in Washington, D.C.

§ 121.3–14 Definition of small business for the purpose of lease guarantee.

A small business concern for the purpose of lease guarantee is a concern that qualifies as a small business under § 121.3–11 of this part.

§ 121.3–15 Interpretations.

(a) *Section 121.3–2(b) of Part 121, "Annual Sales or Annual Receipts."* When computing annual sales or annual receipts, intercompany transactions between affiliated concerns are excluded. To include such intercompany transactions in effect would mean that the receipts of a concern, including its affiliates, would be counted more than once.

(b) *Section 121.3–9(b) of Part 121, "Sales of Government-Owned Timber."* Any concern which self-certifies as a small business concern for the purpose of the sale of Government-owned timber is expected to maintain sufficient documentary evidence to show that it did so in good faith. This means that a concern which sells more than 30 percent (30%) of the purchased timber will have to maintain the names and addresses of the concerns to whom the timber is sold and the size status of such concerns, unless an exemption has been granted on sales of mixed stumpage of hardwood and softwood species. Further, if the timber purchased is not to be resold in the form of saw logs, but is to be manufactured into lumber and timber by a concern other than the bidder, the bidder must maintain records to show the name, address and size status of the concern manufacturing the timber into lumber or timbers.

(c) *Section 121.3–2(a) of Part 121 "Affiliates"—(1) Nature of control.* Every business concern is considered as having one or more parties who directly or indirectly control or have the power to control it. Control may be affirmative or negative and it is immaterial whether it is exercised so long as the power to control exists.

Example. A party owning 50 percent of the voting stock of a concern would have negative power to control such concern since he can block any action of the other stockholders. Also, the bylaws of a corporation may be drawn up in such a manner which would permit a stockholder with less than 50 percent of the voting stock to block any actions taken by the other stockholders. Affiliation exists when one or more parties have the power to control a concern while at the same time another party, or other parties, may be in control of the concern at the will of the party or parties with the power to control.

(2) *Meaning of "party or parties."* The term "party or parties" includes, but is not limited to, two or more persons with an identity of interest such as members of the same family or persons with common investments in more than one concern. In determining who controls or has the power to control a concern, persons with an identity of interest may be treated as though they were one person.

(3) *Control through stock ownership.* (i) A party is considered to control or have the power to control a concern if he controls or has the power to control 50 percent or more of its voting stock.

(ii) A party is considered to control or have the power to control a concern even though he owns, controls, or has the power to control less than 50 percent of the concern's voting stock if the block of stock he owns, controls or has the power to control is large as compared with any other outstanding block of stock. If two or more parties each own, control or have the power to control less than 50 percent of the voting stock of a concern and such minority blocks are (*a*) equal or substantially equal in size, and (*b*) large as compared with any other block outstanding, there is a presumption that each of such parties controls or has the power to control such concern; however, such presumption may be rebutted by a showing that such control or power to control, in fact, does not exist.

(iii) If a concern's voting stock is distributed other than as described above, its management (officers and directors) is deemed to be in control of such concern.

Example. In a corporation where the officers and directors own various size blocks of stock totaling 40 percent of a concern's voting stock but no officer or director has a block sufficient to give him control or the power to control and the remaining 60 percent is widely distributed with no individual stockholder having a stock interest greater than 10 percent, management has the power to control.

(4) *Stock options, convertible debentures, and agreements to merge.* Stock options and convertible debentures exercisable at the time of, or within a relatively short time after a size determination, and agreements to merge in the future, are considered as having a present effect on the power to control the concern. Therefore, in making a size determination, such options, debentures, and agreements are treated as though the rights held thereunder had been exercised prior to the date of the determination.

Example. If, on the date of the determination, Company A holds an option to purchase a controlling interest in Company B and such option can be exercised at any time by Company A, the situation is treated as though Company A had exercised its rights and had become owner of a controlling interest in Company B prior to the determination. Further, if, as of the date of a determination, Company A has entered into an agreement to merge with Company B in the future, the situation is treated as though the merger had taken place prior to the date of the determination.

(5) *Voting trusts.* If the purpose of a voting trust or similar agreement is to separate voting power from beneficial ownership of voting stock, for the purpose of shifting control of, or the power to control a concern, in order that such concern or another concern may qualify as a small business within the size regulation, such voting trust shall not be considered valid for this purpose, regardless of whether the trust is or is not valid within the appropriate jurisdiction. However, if a voting trust is entered into for a legitimate purpose other than that described above, and it is a valid trust within the appropriate jurisdiction, it may be considered valid for the purpose of a size determination, provided such consideration is determined to be in the best interest of the small business program.

(6) *Control through common management.* A concern is considered as controlling or having the power to control another concern when one or more of the following circumstances are found to exist, and it is reasonable to conclude that under the circumstances, such concern is directing or influencing, or has the power to direct or influence the operation of such other concern.

(i) *Interlocking management.* Officers, directors, employees, or principal stockholders of one concern serve as a working majority of the board of directors or officers of another concern.

(ii) *Common facilities.* One concern shares common office space and/or employees and/or other facilities with another concern, particularly where such concerns are in the same or related industry or field of operation, or where such concerns were formerly affiliated.

(iii) *Newly organized concern.* Former officers, directors, principal stockholders, and/or key employees of one concern organize a new concern in the same or a

related industry or field of operation, and serve as its officers, directors, principal stockholders and/or key employees, and one concern is furnishing or will furnish the other concern with subcontracts, financial or technical assistance, and/or other facilities, whether for a fee or otherwise.

(7) *Control through contractual relationships*—(i) *Definition of a joint venture for size determination purposes.* A joint venture, for size determination purposes, is an association of persons or concerns with interest in any degree or proportion by way of contract, express or implied, consorting to engage in and carry out a single business venture, such as a Government contract, for joint profit, for which purpose they combine their efforts, property, money, skill, or knowledge, but without creating a corporation or partnership in the legal or technical sense of the term.

(ii) *Joint ventures—financial assistance.* For the purpose of financial assistance to a joint venture, the parties thereto are considered as controlling or having the power to control each other and are considered as being affiliated. For the purpose of financial assistance to a concern which has requested assistance for its own use, but which is incidentally a party to a joint venture, such concern is not considered as being affiliated with its joint venturer.

(iii) *Joint venture—procurement assistance.* Concerns bidding on a particular procurement as joint venturers are considered as controlling or having the power to control each other with regard to performance of the contract, and therefore are considered as being affiliated. However, a concern which is a party to one or more joint ventures, but which is bidding on a procurement as an individual concern, is not considered as being affiliated with its joint venturers since they have no power to control its performance of the contract being bid on. Where a concern is not considered as being an affiliate of a concern with which it is participating in a joint venture, it is necessary, nevertheless, in computing annual sales or annual receipts, etc., for the purpose of applying size standards to include such concern's share of the joint venture sales or receipts (as distinguished from its share of the profits of such venture).

(iv) *Franchise and license agreements.* If a concern operates or is to operate under a franchise (or a license) agreement, the following policy is applicable: In determining whether the franchisor controls or has the power to control and, therefore, is affiliated with the franchisee, the restraints imposed on a franchisee by its franchise agreement shall not be considered: *Provided*, That the franchisee has the right to profit from its effort and the risk of loss or failure, commensurate with ownership. Even though a franchisee may not be controlled by the franchisor by virtue of the contractual relationship between them, the franchisee may be controlled by the franchisor or others through common ownership or common management, in which case they would be considered as affiliated.

(d) *Section 121.3–8 of Part 121 "Definition of small business for Government procurement"—(1) Sawmills.* For the purpose of a size determination, a sawmill is considered as the manufacturer of treated lumber, even if it contracts out the treatment of the lumber. Therefore, a small business sawmill can deliver in the performance of a set-aside procurement lumber which has been treated by a concern which does not qualify as a small business concern.

(2) *Oxygen converters.* For the purpose of a size determination, a concern which converts liquid oxygen to gaseous oxygen with or without additives, is a nonmanufacturer of the gaseous oxygen and therefore must furnish gaseous oxygen converted from liquid oxygen manufactured by a small business concern.

(e) *Section 121.3–8 of Part 121.* Section 121.3–8 provides that, in the submission of a bid or proposal on a Government procurement, a concern which meets the size standards criteria provided in § 121.3–8, may represent that it is a small business. This provision assumes that such a concern has not been finally determined by the Small Business Administration to be ineligible as a small business. A concern which has been finally determined by SBA to be ineligible as a small business cannot thereafter self-certify as a small business concern until it has been certified by SBA as being a small business concern.

(f) *Section 121.3–4 of Part 121, "Application for Small Business Size Status Determination."* Contracting officers, in order to determine whether to set particular contracts aside for exclusive award to small business concerns or whether to send invitations for bids to particular concerns, may require information from SBA concerning the small business size status of such concerns and be unable to wait for a formal small business size determination. In such cases informal advice or information may be given based on the best evidence available concerning the small business size of such a concern. However, such informal advice is not a small business size determination within the meaning of that term in the Small Business Size Standards Regulation and is not binding with respect to eligibility as a small business for the purpose of a particular Government procurement. Further, an opinion as to a concern's future small business size status, based on proposed but unexecuted changes in its organization, management, or contractual relations, is not a small business size determination.

(g) *Section 121.3–6 of Part 121, "Appeals."* The Size Appeals Board only has jurisdiction to consider appeals from formal determinations as to a concern's small business size status. It has no jurisdiction to consider an appeal from an informal opinion or advice concerning a company's small business size status, an opinion as to a company's future small business size status based on proposed but unexecuted changes in its organization, management, or contractual relations, or an appeal based on an allegation that the small business size standard established by SBA for a particular industry or field of operation is improper for the purpose intended.

Effective date: This revision shall become effective upon publication in the FEDERAL REGISTER.

Dated: July 19, 1968.

HOWARD GREENBERG,
Acting Administrator.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING

(The following size standards are to be used when determining the size status of applicants for SBA business loans, displaced business loans, economic opportunity loans, and as alternate standards for sections 501 and 502 loans, and SBIC assistance)

Census classification code	Industry or class of products	Employment size standard (number of employees)[1]
	Major Group 23—Apparel and Related Products (except men's dress shirts and nightwear)	250
2321	Men's dress shirts and nightwear	500
	Major Group 28—Chemicals and Allied Products:	
2879	Agricultural chemicals, n.e.c.	500
2873	Agricultural pesticides and other agricultural chemicals, n.e.c.	500
2812	Alkalies and chlorine	1,000
2831	Biological products	250
2895	Carbon, black	500
2823	Cellulose man-made fibers	1,000
2899	Chemicals and chemical preparations, n.e.c. (except fatty acids)	250
28151	Cyclic (coal tar) crudes	500
2815	Cyclic intermediates, dyes, organic pigments (lakes and toners) except cyclic (coal tar) crudes	750
2892	Explosives	750
28992	Fatty acids	500
2871	Fertilizers	500
2872	Fertilizers, mixing only	500
2891	Glue and gelatin	250
2861	Gum and wood chemicals	500
2813	Industrial gases	1,000
2819	Industrial inorganic chemicals, n.e.c.	1,000
2818	Industrial organic chemicals, n.e.c.	1,000
2816	Inorganic pigments	1,000
2833	Medicinal chemicals and botanical products	750
2851	Paints, varnishes, lacquers, enamels and allied products	250
2844	Perfumes, cosmetics, and other toilet preparations	500
2834	Pharmaceutical preparations	750
2821	Plastics materials, synthetic resins, and nonvulcanizable elastomers	750
2893	Printing ink	250
2841	Soap and other detergents, except specialty cleaners	750
2842	Specialty cleaning, polishing, and sanitation preparations, except soap and detergents	500
2843	Surface active agents, finishing agents, sulfonated oils and assistants	250
2824	Synthetic organic fibers, except cellulosic	1,000
2822	Synthetic rubber (vulcanizable elastomers)	1,000
	Major Group 36—Electrical Machinery, Equipment, and Supplies:	
3624	Carbon and graphite products	750
3672	Cathode ray picture tubes	750
3643	Current carrying wiring devices	500
3634	Electric housewares and fans	750
3641	Electric lamps	1,000
3611	Electric measuring instruments and test equipment	500
3694	Electrical equipment for internal combustion engines	750
3629	Electrical industrial apparatus, n.e.c.	500
3699	Electrical machinery, equipment and supplies, n.e.c.	500
3679	Electronic components and accessories, n.e.c.	500
3639	Household appliances, n.e.c.	500
3631	Household cooking equipment	750
3633	Household laundry equipment	1,000
3632	Household refrigerators and home and farm freezers	1,000
3635	Household vacuum cleaners	750
3622	Industrial controls	750
3642	Lighting fixtures	250
3621	Motors and generators	1,000
3644	Noncurrent carrying wiring devices	500
3652	Phonograph records	750
3612	Power, distribution and specialty transformers	750
3692	Primary batteries, dry and wet	1,000
3651	Radio and television receiving sets, except communication types	750
3671	Radio and television receiving type electron tubes, except cathode ray	1,000
3662	Radio and television transmitting—signaling, and detection equipment, and apparatus [2]	750
3693	Radiographic X-ray, fluoroscopic X-ray, therapeutic X-ray, and other X-ray apparatus and tubes	500
3674	Semiconductors and related devices	500
3636	Sewing machines	750
3691	Storage batteries	500
3613	Switchgear and switchboard apparatus	750
3661	Telephone and telegraph apparatus	1,000
3673	Transmitting, industrial and special purpose electron tubes	750
3623	Welding apparatus	250
	Major group 34—Fabricated Metal Products, Except Ordnance, Machinery, and Transportation Equipment:	
3446	Architectural and ornamental metal work	250
3452	Bolts, nuts, screws, rivets, and washers	500
3479	Coating, engraving, and allied services, n.e.c.	250
3496	Collapsible tubes	250
3421	Cutlery	500
3471	Electroplating, plating, polishing, anodizing, and coloring	250
3431	Enameled iron and metal sanitary ware	750
3499	Fabricated metal products, n.e.c.	250
3498	Fabricated pipe and fabricated pipe fittings	250
3443	Fabricated platework (boiler shops)	250
3441	Fabricated structural steel	250
3423	Hand and edge tools, except machine tools and hand saws	250
3425	Hand saws and saw blades	250
3429	Hardware, n.e.c.	250
3433	Heating equipment, except electric	500
3411	Metal cans	1,000
3442	Metal doors, sash, frames, molding, and trim	250
3497	Metal foil and leaf	500
3491	Metal shipping barrels, drums, kegs, and pails	500
3461	Metal stampings	250
3481	Miscellaneous fabricated wire products	250
3449	Miscellaneous metal work	250
3432	Plumbing fixture fittings and trim (brass goods)	500
3492	Safes and vaults	500
3451	Screw machine products	250
3444	Sheet metal work	250
3493	Steel springs	500
3494	Valves and pipe fittings, except plumbers' brass goods	500
	Major Group 20—Food and Kindred Products:	
2094	Animal and marine fats and oils	250
2063	Beet sugar	750
2052	Biscuit, crackers, and pretzels	750
2045	Blended and prepared flour	500
2086	Bottled and canned soft drinks and carbonated waters	250
2051	Bread and other bakery products, except biscuit, crackers and pretzels	250
2071	Candy and other confectionery products	250
2061	Cane sugar, except refining only	250
2062	Cane sugar refining	750
2031	Canned and cured seafoods	250

See footnotes at end of table.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Con.

Census classification code	Industry or class of products	Employment size standard (number of employees)[1]
2033	Canned fruits, vegetables, preserves, jams, and jellies	500
2032	Canned specialties	1,000
2043	Cereal preparations	1,000
2022	Cheese, natural and processed	250
2073	Chewing gum	500
2072	Chocolate and cocoa products	500
2023	Condensed and evaporated milk	500
2091	Cottonseed oil mills	250
2021	Creamery butter	250
2085	Distilled, rectified, and blended liquors	750
2034	Dried and dehydrated fruits and vegetables	500
2087	Flavoring extracts and flavoring syrups, n.e.c.	500
2041	Flour and other grain mill products	500
2026	Fluid milk	500
2099	Food preparations, n.e.c.	250
20991	Desserts (ready-to-mix)	500
20994	Baking powder and yeast	500
2036	Fresh or frozen packaged fish	250
2037	Frozen fruits, fruit juices, vegetables and specialties	500
2024	Ice cream and frozen desserts	500
2098	Macaroni, spaghetti, vermicelli, and noodles	250
2083	Malt	250
2082	Malt liquors	500
2097	Manufactured ice	250
2011	Meatpacking plants	500
2035	Pickled fruits and vegetables; vegetable sauces and seasonings; salad dressings	250
2015	Poultry and small game dressing and packing, wholesale	250
2042	Prepared feeds for animals and fowls	250
2044	Rice milling	250
2095	Roasted coffee	250
2013	Sausage and other prepared meat products	500
2096	Shortening, table oils, margarine, and other edible fats and oils, n.e.c.	750
2092	Soybean oil mills	500
2093	Vegetable oil mills, except cottonseed and soybean	1,000
2046	Wet corn milling	750
2084	Wines, brandy, and brandy spirits	250
	Major Group 25—Furniture and Fixtures:	
2599	Furniture and fixtures, n.e.c.	250
2519	Household furniture, n.e.c.	250
2515	Mattresses and bedsprings	250
2514	Metal household furniture	250
2522	Metal office furniture	500
2542	Metal partitions, shelving, lockers, and office and store fixtures	250
2531	Public building and related furniture	250
2591	Venetian blinds and shades	250
2511	Wood household furniture, except upholstered	250
2512	Wood household furniture, upholstered	250
2521	Wood office furniture	250
2541	Wood partitions, shelving, lockers, and office and store fixtures	250
	Major Group 31—Leather and Leather Products:	
3131	Boot and shoe cut stock and findings	250
3141	Footwear, except house slippers and rubber footwear	500
3142	House slippers	250
3121	Industrial leather belting and packing	250
3151	Leather dress, semidress, and work gloves	250
3199	Leather goods, n.e.c.	250
3111	Leather tanning and finishing	250
3161	Luggage	250
3172	Personal leather goods, except handbags and purses	250
3171	Women's handbags and purses	250
	Major Group 24—Lumber and Wood Products, Except Furniture	250
	Major Group 35—Machinery, Except Electrical:	
3581	Automatic merchandising machines	250
3562	Ball and roller bearings	750
3564	Blowers, exhaust and ventilating fans	250

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Con.

Census classification code	Industry or class of products	Employment size standard (number of employees)[1]
3574	Calculating and accounting machines, except electronic computing equipment	1,000
3582	Commercial laundry, dry-cleaning, and pressing machines	250
3531	Construction machinery and equipment	750
3535	Conveyors and conveying equipment	250
3573	Electronic computing equipment	1,000
3534	Elevators and moving stairways	500
3522	Farm machinery and equipment	500
3551	Food products machinery	250
3569	General industrial machinery and equipment, n.e.c.	250
3536	Hoists, industrial cranes, and monorail systems	500
3565	Industrial patterns	250
3567	Industrial process furnaces and ovens	250
3537	Industrial trucks, tractors, trailers, and stackers	250
3519	Internal combustion engines, n.e.c.	1,000
3545	Machine tool accessories and measuring devices	250
3542	Precision-measuring tools	500
3541	Machine tools, metal cutting types	500
35452	Machine tools, metal forming types	500
3586	Measuring and dispensing pumps	500
3566	Mechanical power transmission equipment, except ball and roller bearings	500
3548	Metal working machinery, except machine tools	500
3532	Mining machinery and equipment, except oilfield machinery and equipment	500
3599	Miscellaneous machinery, except electrical	250
3579	Office machines, n.e.c.	500
3533	Oilfield machinery and equipment	500
3554	Paper industries machinery	250
3555	Printing trades machinery and equipment	500
3561	Pumps, air and gas compressors, and pumping equipment	500
3585	Refrigerators; refrigeration machinery, except household; and complete air-conditioning units	750
3576	Scales and balances, except laboratory	250
3589	Service industry machines, n.e.c.	250
3544	Special dies and tools, die sets, jigs, and fixtures	250
3559	Special industry machinery, n.e.c.	250
3511	Steam engines; steam, gas, and hydraulic turbines; and steam, gas, and hydraulic turbine generator set units	1,000
3552	Textile machinery	250
3572	Typewriters	1,000
3553	Woodworking machinery	250
	Major Group 39—Miscellaneous Manufacturing Industries:	
3991	Brooms and brushes	250
3963	Buttons	250
3955	Carbon paper and inked ribbons	250
3943	Children's vehicles, except bicycles	250
3961	Costume jewelry and costume novelties, except precious metal	250
3942	Dolls	250
3962	Feathers, plumes and artificial flowers	250
3941	Games and toys, except dolls and children's vehicles	250
3912	Jewelers' findings and materials	250
3911	Jewelry; precious metal	250
3913	Lapidary work and cutting and polishing diamonds	250
3952	Lead pencils, crayons, and artists materials	250
3996	Linoleum, asphalted-felt base, and other hard surface floor coverings, n.e.c.	750
3999	Manufacturing industries, n.e.c.	250
3953	Marking devices	250
39993	Matches	500
3994	Morticians' goods	250
3931	Musical instruments and parts	500
3964	Needles, pins, hooks and eyes, and similar notions	250

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Con.

Census classification code	Industry or class of products	Employment size standard (number of employees)[1]
	Major Group 39—Continued	
3951	Pens, pen points, fountain pens, ball point pens, mechanical pencils and parts	500
3993	Signs and advertising displays	250
3914	Silverware and plated ware	500
3949	Sporting and athletic goods, n.e.c.	250
	Major Group 19—Ordnance and Accessories:	
1929	Ammunition, except for small arms, n.e.c.	250
1955	Guided missiles and space vehicles, completely assembled	250
1911	Guns, howitzers, mortars, and related equipment	250
1999	Ordnance and accessories, n.e.c.	250
1941	Sighting and fire-control equipment	250
1951	Small arms	1,000
1961	Small arms ammunition	1,000
1931	Tanks and tank components	1,000
	Major Group 26—Paper and Allied Products:	
2643	Bags, except textile bags	500
2661	Building paper and building board mills	750
2649	Converted paper and paperboard products, n.e.c.	500
2653	Corrugated and solid-fiber boxes	250
2645	Die cut paper and paperboard; and cardboard	250
2642	Envelopes	250
2655	Fiber cans, tubes, drums, and similar products	250
2651	Folding paperboard boxes	250
2641	Paper coating and glazing	500
2621	Paper mills, except building-paper mills	750
2631	Paperboard mills	750
2646	Pressed and molded pulp goods	750
2611	Pulp mills	750
2654	Sanitary food containers	500
2647	Sanitary paper products	500
2652	Set-up paperboard boxes	250
2644	Wallpaper	250
	Major Group 29—Petroleum Refining and Related Industries:	
2952	Asphalt felts and coatings	750
2992	Lubricating oils and greases	500
2951	Paving mixtures and blocks	250
2911	Petroleum refining [2]	1,000
2999	Products of petroleum and coal, n.e.c.	250
	Major Group 33—Primary Metal Industries:	
3361	Aluminum castings	250
3312	Blast furnaces (including coke ovens) steel works, and rolling mills	1,000
3362	Brass, bronze, copper, copper base alloy castings	250
3316	Cold rolled sheet, strip and bars	1,000
3357	Drawing and insulating of nonferrous wire	1,000
3313	Electrometallurgical products	750
3321	Gray iron foundries	500
3391	Iron and steel forgings	500
3322	Malleable iron foundries	500
3399	Nonferrous castings, n.e.c.	250
3392	Nonferrous forgings	250
3399	Primary metal industries, n.e.c.	750
3334	Primary production of aluminum	1,000
3331	Primary smelting and refining of copper	1,000
3332	Primary smelting and refining of lead	1,000
3339	Primary smelting and refining of nonferrous metals, n.e.c.	750
3333	Primary smelting and refining of zinc	750
3352	Rolling, drawing, and extruding of aluminum	750
3351	Rolling, drawing, and extruding of copper	750
3356	Rolling, drawing, and extruding of nonferrous metals, except copper and aluminum	750
3341	Secondary smelting, refining, and alloying of nonferrous metals and alloys	250
3323	Steel foundries	500
3317	Steel pipe and tubes	1,000
3315	Steel wire drawing and steel nails and spikes	1,000

See footnotes at end of table.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Con.

Census classification code	Industry or class of products	Employment size standard (number of employees)[1]
	Major Group 27—Printing and Publishing Industries	250
	Major Group 38—Professional, Scientific and Controlling Instruments: Photographic and Optical Goods: Watches and Clocks:	
3822	Automatic temperature controls	500
3843	Dental equipment and supplies	250
3811	Engineering, laboratory, and scientific and research instruments and associated equipment	500
3821	Mechanical measuring and controlling instruments, except automatic temperature controls	500
3851	Ophthalmic goods	250
3831	Optical instruments and lenses	250
3842	Orthopedic, prosthetic, and surgical appliances and supplies	250
3861	Photographic equipment and supplies	500
3841	Surgical and medical instruments and apparatus	250
3872	Watchcases	250
3871	Watches, clocks, and parts except watchcases	500
	Major Group 30—Rubber and Miscellaneous Plastics Products:	
3069	Fabricated rubber products, n.e.c.	500
3079	Miscellaneous plastics products	250
3031	Reclaimed rubber	750
3021	Rubber footwear	1,000
3011	Tires and inner tubes	1,000
	Major Group 32—Stone, Clay, and Glass Products:	
3291	Abrasive products	250
3292	Asbestos products	750
3251	Brick and structural clay tile	250
3241	Cement, hydraulic	750
3253	Ceramic wall and floor tile	500
3255	Clay refractories	250
3271	Concrete block and brick	250
3272	Concrete products, except block and brick	250
3281	Cut stone and stone products	250
3263	Fine earthenware (whiteware), table and kitchen articles	500
3211	Flat glass	1,000
3221	Glass containers	750
3231	Glass products, made of purchased glass	250
3275	Gypsum products	1,000
3274	Lime	500
3296	Mineral wool	750
3295	Minerals and earths, ground or otherwise treated	250
3297	Nonclay refractories	750
3299	Nonmetallic mineral products, n.e.c.	250
3264	Porcelain electrical supplies	500
3269	Pottery products, n.e.c.	250
3229	Pressed and blown glass and glassware, n.e.c.	750
3273	Ready-mixed concrete	250
3293	Steam and other packing and pipe and boiler covering	500
3259	Structural clay products, n.e.c.	250
3261	Vitreous china plumbing fixtures and china and earthenware fittings and bathroom accessories	750
3262	Vitreous china table and kitchen articles	500
	Major Group 22—Textile Mill Products:	
2295	Artificial leather, oilcloth, and other impregnated, and coated fabrics, except rubberized	250
2211	Broad-woven fabric mills, cotton	1,000
2221	Broad-woven fabric mills, man-made fiber and silk	500
2231	Broad-woven fabric mills, wool: including dyeing and finishing	250
2279	Carpets, rugs, and mats, n.e.c.	500
2298	Cordage and twine	250
2269	Dyeing and finishing textiles, n.e.c.	250

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Con.

Census classification code	Industry or class of products	Employment size standard (number of employees)[1]
2291	Felt goods, except woven felts and hats	250
2261	Finishers of broad-woven fabrics of cotton	500
2262	Finishers of broad-woven fabrics of man-made fiber and silk	500
2251	Full-fashioned hosiery mills	250
2256	Knit fabric mills	250
2253	Knit outerwear mills	250
2254	Knit underwear mills	250
2259	Knitting mills, n.e.c.	250
2292	Lace goods	250
2241	Narrow fabrics and other smallwares mills: cotton, wool, silk, and man-made fiber	250
2298	Paddings and upholstery filing	250
2294	Processed waste and recovered fibers and flock	250
2282	Seamless hosiery mills	250
2299	Textile goods, n.e.c.	250
2284	Thread mills	500
2296	Tire cord and fabric	1,000
2272	Tufted carpets and rugs	500
2297	Wool scouring, worsted combing, and tow to top mills	250
2271	Woven carpets and rugs	750
2283	Yarn mills, wool, including carpet and rug yarn	250
2281	Yarn spinning mills, cotton, man-made fibers and silk	500
2282	Yarn throwing, twisting, and winding mills, cotton, man-made fibers and silk	250
	Major Group 21—Tobacco Manufactures:	
2111	Cigarettes	1,000
2121	Cigars	500
2131	Tobacco (chewing and smoking) and snuff	500
2141	Tobacco stemming and redrying	500
	Major Group 37—Transportation Equipment:	
3721	Aircraft [4]	1,500
3722	Aircraft engines and engine parts [3]	1,000
3729	Aircraft parts and auxiliary equipment, n.e.c.[3]	1,000
3723	Aircraft propellers and propeller parts	1,000
3732	Boat building and repairing	250
3741	Locomotives and parts	1,000
3717	Motor vehicles and parts [5]	1,000
3751	Motorcycles, bicycles, and parts	500
3742	Railroad and street cars	750
3731	Shipbuilding and repairing	1,000
3791	Trailer coaches	250
3799	Transportation equipment, n.e.c.	250
3713	Truck and bus bodies	250
3715	Truck trailers	500

[1] The "number of employees" means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding 4 quarters.

[2] Guided missile engines and engine parts are classified in SIC 3722. Missile control systems are classified in SIC 3662.

[3] Together with its affiliates does not employ more than 1,000 persons and does not have more than 30,000 barrels-per-day capacity from owned and leased facilities.

[4] Includes maintenance as defined in the Federal Aviation Regulations (14 CFR 1.1) but excludes contracts solely for preventive maintenance as defined in 14 CFR 1.1. As defined in the Federal Aviation Regulations " 'Maintenance' means inspection, overhaul, repair, preservation, and the replacement of parts, but excludes preventive maintenance.

" 'Preventive maintenance' means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations."

[5] The three Standard Industrial Classification industries (3711, 3712, and 3714) have been combined because of a major problem of defining the reporting unit in terms of these industries. This difficulty arises from the fact that many large establishments have integrated operations which include the production of parts or bodies and the assembly of complete vehicles at the same location.

SCHEDULE B—INDUSTRY EMPLOYMENT SIZE STANDARDS FOR THE PURPOSE OF GOVERNMENT PROCUREMENT (MANUFACTURING)

Census classification code	Industry	Employment size standard (number of employees)[1]
	Major Group 19—Ordnance and Accessories:	
1925	Guided missiles and space vehicles, completely assembled	1,000
1931	Tanks and tank components	1,000
1951	Small arms	1,000
1961	Small arms ammunition	1,000
	Major Group 20—Food and Kindred Products:	
2011	Meat packing plants	750
2026	Fluid milk	750
2032	Canned specialties	1,000
2043	Cereal preparations	1,000
2046	Wet corn milling	750
2052	Biscuits, crackers, and pretzels	750
2062	Cane sugar refining	750
2063	Beet sugar	750
2085	Distilled, rectified, and blended liquors	750
2093	Vegetable oil mills, except cottonseed and soybean	1,000
2096	Shortening, table oils, margarine and other edible fats and oils, n.e.c.	750
	Major Group 21—Tobacco Manufacturers:	
2111	Cigarettes	1,000
	Major Group 22—Textile Mill Products:	
2211	Broad-woven fabric mills, cotton	1,000
2261	Finishers of broad-woven fabrics of cotton	1,000
2271	Woven carpets and rugs	750
2295	Artificial leather, oilcloth, and other impregnated and coated fabrics, except rubberized	1,000
2296	Tire cord and fabric	1,000
	Major Group 26—Paper and Allied Products:	
2661	Building paper and building board mills	750
2621	Paper mills, except building paper mills	750
2631	Paperboard mills	750
2646	Pressed and molded pulp goods	750
2611	Pulp mills	750
2654	Sanitary food containers	750
	Major Group 28—Chemicals and Allied Products:	
2812	Alkalies and chlorine	1,000
2823	Cellulose man-made fibers	1,000
2815	Dyes, dye (cyclic) intermediates and organic pigments (lakes and toners)	750
2892	Explosives	750
2813	Industrial gases	1,000
2819	Industrial inorganic chemicals, n.e.c.	1,000
2818	Industrial organic chemicals, n.e.c.	1,000
2816	Inorganic pigments	1,000
2833	Medicinal chemicals and botanical products	750
2834	Pharmaceutical preparations	750
2821	Plastics materials, synthetic resins, and nonvulcanizable elastomers	750
2841	Soap and other detergents, except specialty cleaners	750
2824	Synthetic organic fibers, except cellulosic	1,000
2822	Synthetic rubber (vulcanizable elastomers)	1,000
	Major Group 29—Petroleum Refining and Related Industries: [2]	
2952	Asphalt felts and coatings	750
	Major Group 30—Rubber and Miscellaneous Plastics Products:	
3011	Tires and innertubes	1,000
30111	Passenger car and motorcycle pneumatic tires (casings)	(3)
30112	Truck and bus (and off-the-road) pneumatic tires	(3)
3031	Reclaimed rubber	750
3021	Rubber footwear	1,000
	Major Group 32—Stone, Clay, and Glass Products:	
3211	Flat glass	1,000
3221	Glass containers	750
3229	Pressed and blown glass and glassware, n.e.c.	750
3241	Cement, hydraulic	750
3261	Vitreous china plumbing fixtures and china and earthenware fittings and bathroom accessories	750

See footnotes at end of table.

SCHEDULE B—INDUSTRY EMPLOYMENT SIZE STANDARDS FOR THE PURPOSE OF GOVERNMENT PROCUREMENT (MANUFACTURING)—Continued

Census classification code	Industry	Employment size standard (number of employees)[1]
3275	Gypsum products	1,000
3292	Asbestos products	750
3296	Mineral wool	750
3297	Nonclay refractories	750
	Major Group 33—Primary Metal Industries:	
3312	Blast furnaces (including coke ovens), steel works, and rolling mills	1,000
3313	Electrometallurgical products	750
3315	Steel wire drawing and steel nails and spikes	1,000
3316	Cold rolled sheet, strip and bars	1,000
3317	Steel pipe and tubes	1,000
3331	Primary smelting and refining of copper	1,000
3332	Primary smelting and refining of lead	1,000
3333	Primary smelting and refining of zinc	750
3334	Primary production of aluminum	1,000
3339	Primary smelting and refining of nonferrous metals, n.e.c.	750
3351	Rolling, drawing, and extruding of copper	750
3352	Rolling, drawing, and extruding of aluminum	750
3356	Rolling, drawing, and extruding of nonferrous metals, except copper and aluminum	750
3357	Drawing and insulating of nonferrous wire	1,000
3399	Primary metal industries, n.e.c.	750
	Major Group 34—Fabricated Metal Products, Except Ordnance, Machinery, and Transportation Equipment:	
3411	Metal cans	1,000
3431	Enameled iron and metal sanitary ware	750
	Major Group 35—Machinery, Except Electrical:	
3511	Steam engines: steam, gas, and hydraulic turbines; and steam, gas, and hydraulic turbine-generator set units	1,000
3519	Internal combustion engines, n.e.c.	1,000
3531	Construction machinery and equipment	750
3562	Ball and roller bearings	750
3574	Calculating and accounting machines, except electronic computing equipment	1,000
3573	Electronic computing equipment	1,000
3572	Typewriters	1,000
3585	Refrigerators; refrigeration machinery, except household; and complete air-conditioning units	750
	Major Group 36—Electrical Machinery, Equipment and Supplies:	
3612	Power, distribution, and specialty transformers	750
3613	Switchgear and switchboard apparatus	750
3621	Motors and generators	1,000
3622	Industrial controls	750
3624	Carbon and graphite products	750
3631	Household cooking equipment	750
3632	Household refrigerators and home and farm freezers	1,000
3633	Household laundry equipment	1,000
3634	Electric housewares and fans	750
3635	Household vacuum cleaners	750
3636	Sewing machines	750
3641	Electric lamps	1,000
3651	Radio and television receiving sets, except communication types	750
3652	Phonograph records	750
3661	Telephone and telegraph apparatus	1,000
3662	Radio and television transmitting, signaling, and detection equipment and apparatus [4]	750
3672	Cathode ray picture tubes	750
3694	Electrical equipment for internal combustion engines	750
3692	Primary batteries, dry and wet	1,000
3671	Radio and television receiving type electron tubes, except cathode ray	1,000
3673	Transmitting, industrial, and special purpose electron tubes	750

SCHEDULE B—INDUSTRY EMPLOYMENT SIZE STANDARDS FOR THE PURPOSE OF GOVERNMENT PROCUREMENT (MANUFACTURING)—Continued

Census classification code	Industry	Employment size standard (number of employees)[1]
	Major Group 37—Transportation Equipment:	
3721	Aircraft [3]	1,500
3722	Aircraft engines and engine parts [4] [5]	1,000
3723	Aircraft propellers and propeller parts	1,000
3729	Aircraft parts and auxiliary equipment, n.e.c.[4]	1,000
3741	Locomotives and parts	1,000
3717	Motor vehicles and parts [4]	1,000
37171	Passenger cars (knocked down or assembled)	(6)
3742	Railroad and street cars	750
3731	Ship building and repairing	1,000
	Major Group 39—Miscellaneous Manufacturing Industries:	
3996	Linoleum, asphalted-felt-base, and other hard surface floor coverings, n.e.c.	750

[1] The "number of employees" means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding 4 quarters.

[2] The size standards for SIC 30111, 30112, and 37171 are set forth in §121.3-8(b)(4) and §121.3-8(b)(5), respectively of this part.

[3] Guided missile engines and engine parts are classified in SIC 3722. Missile control systems are classified in SIC 3662.

[4] Includes maintenance as defined in the Federal Aviation Regulations (14 CFR 1.1) but excludes contracts solely for preventive maintenance as defined in 14 CFR 1.1. As defined in the Federal Aviation Regulations " 'Maintenance' means inspection, overhaul, repair, preservation, and the replacement of parts, but excludes preventive maintenance.

" 'Preventive maintenance' means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations."

[5] The three Standard Industrial Classification industries (3711, 3712, and 3714) have been combined because of a major problem of defining the reporting unit in terms of these industries. This difficulty arises from the fact that many large establishments have integrated operations which include the production of parts or bodies and the assembly of complete vehicles at the same location.

SCHEDULE C—ANNUAL SALES SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN WHOLESALING

(The following size standards are to be used when determining the size status of wholesaling concerns for the purpose of SBA business loans, displaced business loans, economic opportunity loans, and as alternate standards for sections 501 and 502 loans and SBIC assistance.) Where code is followed by letter, size standard applies only to class of product designated.

Industry or subindustry code	Industry, subindustry, or class of products	Annual sales size standard (maximum) (in millions)
5099a	Amusement, sporting goods	$10
5091a	Coal	10
5098b	Construction materials (excluding lumber and millwork)	10
5082	Construction and mining machinery and equipment	10
5043	Dairy products	10
5022	Drugs, drug proprietaries, druggists' sundries	10
5064	Electrical appliances, television, and radio sets	10
5039	Footwear	10
5053	Grain	10
5049	Groceries and related products, not elsewhere classified	10
5097b	Home furnishings, floor coverings	10
5084	Industrial machinery and equipment	10
5085	Industrial supplies	10
5054	Livestock (except horses and mules)	10
5047	Meats and meat products	10
5091b	Metal service centers	10
5094	Notions and other dry goods	10
5033	Piece goods (woven fabrics)	10

SCHEDULE C—ANNUAL SALES SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN WHOLESALING—Continued

Industry or subindustry code	Industry, subindustry, or class of products	Annual sales size standard (maximum) (in millions)
[illegible]	Printing and writing paper	10
5094	Tobacco and its products	10
5012	Automobiles and other motor vehicles	15
5029	Chemicals and allied products, not elsewhere classified	15
5081	Commercial machines and equipment	15
5052	Cotton	15
5063	Electrical apparatus and equipment, wiring supplies and construction materials	15
5083	Farm machinery and equipment	15
5042	Frozen foods	15
5041	Groceries, general line	15
5099b	Industrial and personal service paper only	15
5091c	Metal sales offices	15
5025	Paints and varnishes	15
5092	Petroleum and petroleum products	15
5014	Tires and tubes	15
5045b	Wines and distilled alcoholic spirits	15

SCHEDULE D—ANNUAL SALES SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN RETAILING

(The following size standards are to be used when determining the size status of retailing concerns for the purpose of SBA loans, displaced business loans, economic opportunities loans, and as alternate standards for sections 505 and 502 loans 504C assistance.) Where code is followed by letter, size standard applies only to class of product designated.

Industry or subindustry code	Industry, subindustry or class of products	Annual sales size standard (maximum) (in millions)
	Major Group 56—Apparel and Accessory Stores:	
5651	Family clothing stores	$1.5
5611	Men's and boys clothing and furnishings	1.5
5661	Shoe stores	1.5
5621	Women's ready-to-wear stores	1.5
	Major Group 55—Automotive Dealers and Gasoline Service Stations:	
5599a	Aircraft (a part of aircraft and automotive dealers, not elsewhere classified)	3.0
5511	Motor vehicle dealers (new and used cars)	3.0
5521	Motor vehicle dealers (used cars only)	3.0
	Major Group 54—Food Stores:	
5411	Grocery stores	5.0
5421a	Meat Markets (a part of meat and fish (seafood) markets)	5.0
	Major Group 57—Furniture, Home Furnishings and Equipment Stores:	
5722	Household appliance stores	1.5
5732	Radio and television stores	1.5
	Major Group 53—General Merchandise:	
5311	Department stores	5.0
5321	Mail order houses	5.0
5331	Variety stores	2.0

[F.R. Doc. 68-8925; Filed, July 29, 1968; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Malheur National Wildlife Refuge, Oreg.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

OREGON

MALHEUR NATIONAL WILDLIFE REFUGE

The Malheur National Wildlife Refuge is closed to hunting of migratory game birds during the 1968-69 hunting season.

The closure is necessary because of extreme drought conditions and absence of water on the public hunting area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1969.

JOHN D. FINDLAY,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 18, 1968.

[F.R. Doc. 68-9050; Filed, July 29, 1968; 8:47 a.m.]

PART 32—HUNTING

Waubay National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

SOUTH DAKOTA

WAUBAY NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Waubay National Wildlife Refuge, S. Dak., is permitted from November 23, 1968, through December 1, 1968, only on the area designated by signs as open to hunting. This area, comprising 4,591 acres, is delineated on a map available at refuge headquarters, Waubay, S. Dak., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 1, 1968.

ROBERT R. JOHNSON,
Refuge Manager, Waubay National Wildlife Refuge, Waubay, S. Dak.

JULY 18, 1968.

[F.R. Doc. 68-9051; Filed, July 29, 1968; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8699, Amdt. 39-626]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Model DH-125 Airplanes

Amendment 39-549 (33 F.R. 2504), AD 68-3-2, requires the installation of a placard on the flight instrument panel in clear view of the pilot, on Hawker Siddeley Model DH-125 Series 1A, 1A-522, 1A/R-522, 3A, and 3AR airplanes, requiring that the engine relight switch be turned on when operating engine anti-icing system at 15,000 feet or above. However, service experience obtained subsequent to the issuance of Amendment 39-549 indicates that engine flameouts can occur when operating engine anti-icing systems at altitudes below 15,000 feet. In addition, two new model series of the DH-125 airplane, Series 1A/S-522 and 3A/RA, have been added to Type Certificate No. A3EU. These models are being fitted with engines and inlets nearly identical to those of the model series covered by AD 68-3-2. Therefore, Amendment 39-549, AD 68-3-2, is superseded by a new AD that applies to all series of Model DH-125 airplanes, and requires the installation of a placard on the flight instrument panel which does not make any reference to altitude.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

HAWKER SIDDELEY. Applies to all series of Model DH-125 airplanes.

Compliance required as indicated, unless already accomplished.

To prevent engine flameouts during icing conditions, within the next 15 hours' time in service after the effective date of this AD, or before further flight into known or predicted icing conditions, whichever occurs first, install a placard on the flight instrument panel in clear view of the pilot reading as follows:

"Turn engine relight switch on when operating engine anti-icing system".

This supersedes Amendment 39-549 (33 F.R. 2504), AD 68-3-2.

This amendment becomes effective August 5, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 22, 1968.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 68-9033; Filed, July 29, 1968; 8:46 a.m.]

[Airspace Docket No. 68-SW-23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area; Correction

On July 10, 1968, a final rule was published in the FEDERAL REGISTER (33 F.R. 9876), F.R. Doc. 68-8133, which would amend the Roswell, N. Mex., control zone and transition area effective 0901 e.s.t., August 22, 1968. Rules are made effective, normally, at 0901 G.m.t. (Greenwich mean time); therefore, action is taken herein to correct the time.

In consideration of the foregoing, F.R. Doc. 68-8133 is amended by deleting "• • • effective 0901 e.s.t., August 22, 1968 • • •" and substituting "• • • effective 0901 G.m.t., August 22, 1968 • • •" therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort-Worth, Tex., on July 19, 1968.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 68-9034; Filed, July 29, 1968; 8:46 a.m.]

[Airspace Docket No. 68-SO-55]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter the Asheville, N.C., control zone and transition area.

The Asheville control zone is described in § 71.171 (33 F.R. 2058) and the transition area is described in § 71.181 (33 F.R. 2137).

In each of the descriptions, reference is made to the Asheville RBN. Since the name of this RBN will be changed to "Biltmore RBN," effective September 19, 1968, it is necessary to amend the descriptions accordingly.

Since these amendments are editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 19, 1968, as hereinafter set forth.

In § 71.171 (33 F.R. 2058), the Asheville, N.C., control zone is amended as follows:

"• • • Asheville RBN • • • " is deleted and "• • • Biltmore RBN • • • " is substituted therefor, wherever it appears.

In § 71.181 (33 F.R. 2137), the Asheville, N.C., transition area is amended as follows:

"• • • Asheville RBN • • • " is deleted and "• • • Biltmore RBN • • • " is substituted therefor, wherever it appears.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on July 18, 1968.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 68-9035; Filed, July 29, 1968; 8:46 a.m.]

[Airspace Docket No. 68-EA-65]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Additional Control Area, and Revocation of Reporting Point

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter Control 1141, and revoke the North Nantucket intersection.

The Boston, Mass., radio beacon will be relocated in the very near future. The description of Control 1141, and the North Nantucket intersection are based, in part, upon the location of the Boston radio beacon. Control 1141 can be described by the use of geographic coordinates in lieu of the Boston radio beacon. Since there is no longer a requirement for a compulsory low altitude reporting point at the North Nantucket intersection, action is taken herein to revoke it.

Since these amendments are minor and editorial in nature and neither assign nor reassign the navigable airspace, the Administrator has determined that notice and public procedure hereon is unnecessary and they may be made effective in less than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

1. In § 71.163 (33 F.R. 2051) Control 1141 is amended by deleting "• • • on the Boston, Mass., radio beacon" and substituting therefor, "at latitude 42°-23'23" N., longitude 70°59'10" W.", and deleting "• • • the Boston radio beacon" and substituting therefor, "latitude 42°23'23" N., longitude 70°59'10" W.".

2. In § 71.203 (33 F.R. 2280) the North Nantucket intersection is revoked.

Since this action relates, in part, to navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

(Secs. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510; Executive Order 10854; 24 F.R. 9565)

Issued in Washington, D.C., on July 23, 1968.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-9036; Filed, July 29, 1968; 8:46 a.m.]

[Airspace Docket No. 67-CE-143]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Additional Control Area

On May 24, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 7697) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an additional control area at Sidney, Mont.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective, 0901 G.m.t., September 19, 1968, as hereinafter set forth.

Section 71.163 (33 F.R. 2051) is amended to include the following:

"Sidney, Mont. That airspace extending upward from 1,200 feet AGL within 4 nautical miles each side of a direct line extending from lat. 47°41'00" N., long. 104°06'15" W., to lat. 48°06'45" N., long. 105°36'00" W.".

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 22, 1968.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-9037; Filed, July 29, 1968; 8:47 a.m.]

[Airspace Docket No. 68-SO-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On April 4, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 5366), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Pine Mountain, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 19, 1968, as hereinafter set forth.

In § 71.181 (33 F.R. 2137), the following transition area is added:

PINE MOUNTAIN, GA.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Gardens-Harris County Airport (lat. 32°50'35" N., long. 84°52'35" W.), within 2 miles each side of the 024° bearing from the Pine Mountain RBN (lat. 32°50'30" N., long 84°52'36" W.); extending from the 8-mile radius area to 8 miles northeast of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on July 18, 1968.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 68-9038; Filed, July 29, 1968; 8:47 a.m.]

[Airspace Docket No. 68-SW-38]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On June 14, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 8745) stating that the Federal Aviation Administration was considering amending Part 71 of the Federal Aviation Regulations to designate a transition area at Bowie, Tex.

Interested persons were given 30 days in which to submit written data, views, or arguments.

One comment was received from the Aircraft Owners and Pilots Association (AOPA) objecting to the length of the transition area extension. A reappraisal was made of the proposed instrument approach procedure upon which the transition area proposal was based. It was determined that the length of the transition area extension could be reduced by 9 miles by adjusting the crossing altitude over the final approach fix to 1,500 feet above the surface. As this change will reduce the extent of the airspace initially proposed, notice and public procedures thereon are considered unnecessary, and the amendment as so proposed is hereby adopted, subject to the following change:

The transition area extension recited in the proposed Bowie, Tex., transition area designation as extending "• • • 40 miles north of the VORTAC" is changed to read "• • • 31 miles north of the VORTAC."

Effective date. This amendment shall be effective 0901 G.m.t., September 19, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on July 19, 1968.

HENRY L. NEWMAN,
Director, Southwest Region.

In § 71.181 (33 F.R. 2137), the following transition area is added:

BOWIE, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bowie Municipal Airport (lat. 33°36'15" N., long. 97°46'27" W.), and within 2 miles each side of the Bridgeport VORTAC 359° radial extending from the 5-mile radius area to 31 miles north of the VORTAC.

[F.R. Doc. 68-9040; Filed, July 29, 1968; 8:47 a.m.]

[Airspace Docket No. 68-CE-32]

PART 71—DESIGNATION OF FEDERAL AIRWAY, CONTROLLED AIRSPACE, AND REPORTING POINTS

Extension of Federal Airway

On May 24, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 7698) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend VOR Federal airway No. 170 from Sioux Falls, S. Dak., with a 1,200-foot AGL floor direct to Aberdeen, S. Dak.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective, 0901 G.m.t., September 19, 1968, as hereinafter set forth.

In § 71.123 (33 F.R. 2009, 5214) V-170 is amended by deleting "From Sioux Falls, S. Dak.," and substituting "From Aberdeen, S. Dak., 12 AGL Sioux Falls, S. Dak.;" therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 22, 1968.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-9042; Filed, July 29, 1968; 8:47 a.m.]

[Airspace Docket No. 68-WA-18]

PART 73—SPECIAL USE AIRSPACE

Designation of Temporary Restricted Area

The purpose of this amendment is to establish a temporary restricted area over that portion of Miami Beach, Fla., and the Airport expressway between Miami International Airport and Miami Beach during the period when activities associated with the Republican National Convention are in progress.

From August 4 through August 11 the Republican National Convention will be in progress at Miami, Fla. The interest of the public in the presidential candidates and the large assemblage of persons resulting from their presence should attract numerous aircraft near the Miami International Airport and the Miami Beach area through the airspace generally used by other aircraft. In addition, the Federal agency responsible for the security of the presidential candidates has requested that we take appropriate action for their safety and the safety of other persons present.

In order to provide appropriate safeguards for aircraft operations in the area and for persons on the ground, the Federal Aviation Administration has determined that a temporary restriction must be imposed on air traffic to prohibit the operation of all types of aircraft between Miami International Airport and Miami Beach below 1,000 feet above the surface unless authorized by air traffic control. This authorization may be obtained by communicating with the Miami Tower.

The designation of this temporary restricted area is necessary for the safety of air commerce. Therefore, it is contrary to the public interest to comply with the notice and public procedures provisions of the Administrative Procedure requirements of the Government Organization and Employees Act and that good cause exists for making this regulation effective in less than 30 days.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 1200 e.d.t., July 28, 1968, as hereinafter set forth.

In § 73.29 (33 F.R. 2308) Restricted Areas R-2921A and R-2921B at Miami, Fla., are added as follows:

1. R-2921A MIAMI, FLA.

Boundaries: A 1 nautical mile radius about the land mass of Miami Beach from the southern tip of Miami Beach northward to include Bal Harbour.

Designated altitude: Surface to 1,000 feet MSL.

Time of designation: Continuous from 1200 e.d.t., July 28, 1968, through August 11, 1968.

Controlling agency: Miami International Tower.

2. R-2921B MIAMI, FLA.

Boundaries: 1 nautical mile each side of the Airport Expressway from the Miami International Airport to Miami Beach.

Designated altitudes: Surface to 1,000 feet MSL.

Time of designation: 1200 e.d.t., July 28, 1968, through August 11, 1968, as published by NOTAM.

Controlling agency: Miami International Tower.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on July 26, 1968.

WILLIAM M. FLENER,
Acting Director, Air Traffic Service.

[F.R. Doc. 68-9199; Filed, July 29, 1968; 11:35 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 999, Amdt. 1]

PART 1033—CAR SERVICE

Missouri-Kansas-Texas Railroad Co. Authorized To Operate Over Tracks of Fort Worth and Denver Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C. on the 23d day of July 1968.

Upon further consideration of Service Order No. 999 (33 F.R. 7495), and good cause appearing therefor:

It is ordered, That:

Section 1039.999 *Service Order No. 999* (Missouri-Kansas-Texas Railroad Co. Authorized To Operate Over Fort Worth and Denver Railway Co.), of Service Order No. 999, be, and it is hereby amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., August 31, 1968, unless otherwise modified, changed, or suspended by the order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., July 31, 1968.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-9078; Filed, July 29, 1968; 8:50 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 208—FLOOD CONTROL REGULATIONS

Hoover Dam and Lake Mead, Colorado River, Nev.-Ariz.

Pursuant to the provisions of section 7 of the act of Congress approved December 22, 1944 (58 Stat. 890; 33 U.S.C. 709), Flood Control Regulations, § 208.80, Hoover Dam and Lake Mead, Colorado River, Nev.-Ariz., is hereby amended. Section 208.80 (19 F.R. 937, Feb. 18, 1954) shall be deleted in its entirety and the following substituted in place thereof, effective upon publication in the FEDERAL REGISTER:

§ 208.80 Hoover Dam and Lake Mead, Colorado River, Nev.-Ariz.

The Bureau of Reclamation shall operate Hoover Dam and Lake Mead in the interest of flood control, as follows:

(a) In order to provide storage space for control of floods, releases from Lake Mead shall be scheduled so that available space for flood-control storage will not be less than that indicated in the following table for the dates shown. Flood-control storage space, as defined in the regulations in this section, shall be the available storage space below elevation 1,229 feet. Pertinent information on permissible changes in available flood-control storage space in Lake Mead is given in subparagraph (1) of this paragraph.

Date	*Available flood-control storage space (acre-feet)*
Aug. 1	1,500,000
Sept. 1	1,500,000
Oct. 1	1,500,000
Nov. 1	2,675,000
Dec. 1	3,963,000
Jan. 1	5,350,000

(1) The available flood-control storage space in Lake Mead on November 1, December 1, and January 1 may be reduced to a minimum of 1,500,000 acre-feet, provided the additional space prescribed under paragraph (a) of this section is available in active storage space in upstream reservoirs. The maximum storage space in upstream reservoirs that can be credited to the November 1, December 1, or January 1 space requirement in Lake Mead is given in the following table:

Reservoir	*Creditable storage space acre-feet*
Lake Powell	3,850,000
Navajo	1,036,100
Blue Mesa	748,500
Flaming Gorge	1,507,200

(b) Releases from Lake Mead shall be restricted to quantities that will not cause a flow in excess of 40,000 cubic feet per second at the gaging station, Colorado River below Davis Dam, insofar as possible.

(c) For the period January 1 to August 1, minimum releases from Lake Mead to attain the August 1 flood-control space prescribed in paragraph (a) of this section shall be determined from Tables 1 through 6 of the Tables of Minimum Average Releases for Flood Control Purposes currently in force for various conditions of available storage space in Lake Mead and Lake Powell and of maximum forecasted inflow to Lake Mead. The Tables of Minimum Average Releases for Flood Control Purposes currently in force as of the promulgation of this section are those dated July 8, 1968. Pertinent information on inflow forecasts and on permissible changes in the releases indicated in Tables 1 through 6 of the Tables of Minimum Average Releases for Flood Control Purposes currently in force is given in subparagraphs (1), (2), (3), and (4) of this paragraph.

(1) All inflow forecasts used in carrying out the provisions of the regulations in this section shall be prepared by the Bureau of Reclamation and shall be for the flow of the Colorado River at Grand Canyon, Ariz., gaging station. Basic forecasts of natural flow, for conditions of no Colorado River storage project reservoirs, shall be adjusted for transmountain diversions and effective storage space in upstream reservoirs (excluding Lake Powell). The maximum forecast for any specified runoff period is defined as the estimated inflow volume (acre-feet) that, on the average, will not be exceeded 19 times out of 20.

(2) Effective storage space in each upstream reservoir is the lesser of the actual space available, or the usable space available. The usable space is the difference between the minimum forecasted inflow volume (acre-feet) for any specified runoff period and expected normal releases. The minimum forecast is defined as the estimated inflow volume (acre-feet) that, on an average, will be exceeded 19 times out of 20.

(3) When minimum releases for the periods April 1 to August 1, May 1 to August 1, or June 1 to August 1 as given in Tables 4, 5, or 6 are between 20,000 cubic feet per second and 40,000 cubic feet per second, it will be permissible to release less than the indicated amounts for a part of the period, provided the average releases for the entire period will equal the releases given in the table, without flows exceeding 40,000 cubic feet per second at the gaging station, Colorado River below Davis Dam.

(4) Normally, the minimum releases specified in Table 6 of the Tables of Minimum Average Releases for Flood Control Purposes currently in force will be continued through the month of July, with the objective of having the reservoir water surface at elevation 1,219.61 feet (1,500,000 acre-feet below elevation 1,229.0 feet) on August 1. Revisions to these minimum releases may be made during July if justified by a forecast of the remaining runoff and comparison with empty reservoir space available.

(d) For the period August 1 to November 1, minimum releases from Lake Mead shall be determined daily from Table 7 of the Tables of Minimum Average Releases for Flood Control Purposes currently in force using available flood-control storage space in Lake Mead, inflow to Lake Mead, and releases from Glen Canyon Dam. Pertinent information on permissible changes in the releases as indicated in Table 7 is given in subparagraphs (1) and (2) of this paragraph.

(1) Minimum releases from Lake Mead as given in Table 7 of the Tables of Minimum Average Release for Flood Control Purposes currently in force, if 40,000 cubic feet per second or less, shall not be reduced when once initiated until the storage space prescribed in paragraph (a) of this section becomes available.

(2) Minimum releases from Lake Mead as given in Table 7 of the Tables of Minimum Average Releases for Flood Control Purposes currently in force, if greater than 40,000 cubic feet per second, shall not be reduced, when once initiated, until Lake Mead water surface has receded to elevation 1,221.4 (top of spillway gates raised position). Releases may then be gradually reduced to 40,000 cubic feet per second and shall be maintained

at not less than that rate until the storage space prescribed in paragraph (a) of this section becomes available.

(e) For the period November 1 to January 1, the minimum releases from Lake Mead shall be those necessary to make available the storage space prescribed in paragraph (a) of this section.

(f) Nothing in this section shall be construed to require dangerously rapid changes in magnitudes of releases.

(g) The Bureau of Reclamation shall procure such current basic hydrologic data, and make such current calculations of permissible releases from Lake Mead as are required to accomplish the flood-control objectives prescribed in this section.

(h) The Bureau of Reclamation shall keep the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, currently advised of reservoir release, reservoir storage, and such other operating data as the District Engineer may request, and also of those basic operating criteria that affect the schedule of operation.

(i) The flood-control regulations of this section are subject to temporary modification by the District Engineer, Corps of Engineers, if found necessary in time of emergency. Request for and action on such modifications may be made by any available means of communication, and the action taken by the District Engineer shall be confirmed in writing under date of same day to the office of the Regional Director of the Bureau of Reclamation in charge of operations. Releases made in accordance with the regulations in this section shall not be required at rates or in a manner that would be inconsistent with the requirements for protecting Hoover Dam and Lake Mead or downstream dams and the levee systems in the Needles, Parker, Blythe, and Yuma areas from major damage. In the event of danger of major damage to or failure of such dams or levee systems the releases required by the regulations of this section may be temporarily adjusted by the Bureau of Reclamation pending action of the District Engineer, Corps of Engineers, on request for approval of such adjustment.

(j) Revisions of the Tables of Minimum Average Releases for Flood Control Purposes may be developed from time to time as necessary by the Corps of Engineers and the Bureau of Reclamation. Each such revision shall be effective upon the date specified in the approval thereof by the Chief of Engineers and the Commissioner of Reclamation and from that date until replaced shall be the Tables of Minimum Average Releases for Flood Control Purposes currently in force for purposes of this section. Copies of the Tables of Minimum Average Releases for Flood Control currently in force shall be kept on file in and may be obtained from the offices of the Chief of Engineers, Department of the Army, and the Commissioner of Reclamation, Washington, D.C., and also from the offices of the District Engineer, Corps of Engineers, and the Regional Director, Bureau of Reclamation, in charge of the locality.

[Regs., July 8, 1968, ENGCW-EY]
(Sec. 7, 58 Stat. 890; 33 U.S.C. 709)

For the Adjutant General.

R. F. ASKEY,
Colonel, AGC Comptroller, TAGO.

[F.R. Doc. 68-9067; Filed, July 29, 1968; 8:49 a.m.]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

SUBCHAPTER E—EMPLOYMENT AND COMPENSATION IN THE CANAL ZONE

PART 253—REGULATIONS OF THE SECRETARY OF THE ARMY

Subpart A—General Provisions

EXCLUSIONS

Effective upon publication in the FEDERAL REGISTER, § 253.8 is amended by the revision of paragraph (a) and the addition of paragraph (g) to read as follows:

§ 253.8 Exclusions.

(a) Pursuant to the provisions of § 253.3(b), the positions specified by paragraphs (b), (c), (d), (e), (f), and (g) of this section, and incumbents thereof, are excluded, to the extent indicated, from the provisions of Subchapter E and the regulations in this part and in Part 251 of this chapter.

* * * * *

(g) The position of Director of Tropical Biology, Smithsonian Institution, and the incumbent thereof, are excluded from the provisions of 2 C.Z.C. 143–146, 149, 76A Stat. 16–18, and Subparts B, C, and D of the regulations in this part.

(2 C.Z.C. section 142(b), 155, 76A Stat. 16, 19; 35 CFR 251.2)

STANLEY R. RESOR,
Secretary of the Army.

JULY 22, 1963.

[F.R. Doc. 68-9068; Filed, July 29, 1968; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4505]

[New Mexico 2074]

NEW MEXICO

Withdrawal for National Forest Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

NEW MEXICO PRINCIPAL MERIDIAN

CIBOLA NATIONAL FOREST

New Mexico State Highway No. 10 Recreation Zone

A strip of land 1,320 feet on each side of the centerline of State Highway No. 10, through the following legal subdivisions:

T. 9 N., R. 5 E.,
Sec. 1, S½SW¼NE¼, S½S½NW¼, N½SW¼, N½S½SW¼, W½NE¼SE¼, W½SE¼, and SE¼SE¼;
Sec. 2, lot 4, S½N½, and N½S½;
Sec. 3, E½ of lot 1, and E½SE¼NE¼.
T. 10, N., R. 5 E.,
Sec. 26, lots 5, 6, 11, 12, 13, and 14;
Sec. 34, lots 8, 9, and 16;
Sec. 35, lots 3, 4, 5, 6, 12, and 13.
T. 9 N., R. 6 E.,
Sec. 7, lot 2, NW¼SE¼, and SE¼SE¼;
Sec. 18, E½SE¼, E½E½W½SE¼, and NW¼NW¼SE¼;
Sec. 19, NE¼NE¼, E½NW¼NE¼, N½SE¼NE¼, and N½SE¼SE¼NE¼;
Sec. 20, NW¼NW¼.

Oak Flat Picnic Area

T. 9 N., R. 6 E.,
Sec. 17, N½SE¼, and N½SE¼SE¼.

The areas described aggregate approximately 1,726.60 acres.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 22, 1968.

[F.R. Doc. 68-9063; Filed, July 29, 1968; 8:48 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6963]

PART 245—BEER

Miscellaneous Amendments

Correction

In F.R. Doc. 68-8789 (incorrectly designated as F.R. Doc. 68-8784) appearing at page 10510 in the issue of Wednesday, July 24, 1968, the following change should be made: The third and fourth lines of § 245.68 reading "Since the determination of tax liability is based upon a count of cases of bottles," should be transposed to follow the table in § 245.115.

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Parts 126, 132]

SECOND-CLASS BULK MAILINGS AND SECOND-CLASS MAIL

Air Transportation

Section 104 of the Postal Revenue and Federal Salary Act of 1967 (Public Law 90–206, approved Dec. 16, 1967), provides that under certain conditions prescribed therein publications mailed in accordance with 39 U.S.C. 4359(a), upon request by the publisher or news agent, may be transported by air on a space-available basis, on scheduled U.S. air carriers at rates fixed and determined by the Civil Aeronautics Board in accordance with section 406 of the Federal Aviation Act of 1958 (49 U.S.C. 1376).

To implement this new provision of law the Post Office Department proposes to adopt the regulations hereinafter set out. Interested persons who desire to submit written data, views, and arguments concerning the proposed regulations may submit such comments to the Director, Classification and Special Services Division, Bureau of Operations, Post Office Department, Washington, D.C. 20260, at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

Accordingly, the proposed changes to the Department's regulations read as follows:

I. In Part 126 make the following changes:

A. In § 126.2 a new paragraph is added to show how envelopes, wrappers, and unwrapped copies of second-class publications must be marked for transportation by air on a space available basis.

§ 126.2 Wrapping.

* * * * *

(g) Unwrapped copies and envelopes and wrappers enclosing copies of publications which are to be transported by air (see § 132.1(b)(5) of this chapter) must show the words "air second-class" preferably above the address or in some position near the address.

B. A new paragraph (b)(8) is added to § 126.3 to show that second-class publications to be transported by air on a space available basis must be placed in green mail bags by the mailer.

§ 126.3 Mailing.

* * * * *

(b) *Preparation by the mailer of copies in packages and sacks.* * * *

(8) *Air second-class copies.* Air second-class copies (see § 132.1(b)(5) of this chapter) must be placed in green mail bags under the conditions in subparagraph (6) of this paragraph. The total weight of publications placed in one green mail bag may not exceed 60 pounds.

* * * * *

C. In § 126.7, paragraph (a) is revised to show that the key rate method may not be used for computing the postage and surcharge for the air second-class copies.

§ 126.7 Key rate.

(a) *Authority to use.* Postmasters will use the key rate method of computing pound-rate postage on publications subject to the advertising zone rates when large mailings justify its use. The key rate method may not be used for computing the postage and surcharge on copies endorsed with the words "Air Second-Class" mailed under § 132.1(b)(5) of this chapter.

* * * * *

NOTE: The corresponding Postal Manual section is 126.71.

II. In § 132.1 a new paragraph (b)(5) is added to show the surcharge rates applicable to copies of second-class publications transported by air on a space available basis.

§ 132.1 Rates.

* * * * *

(b) *Outside the county of publication.* * * *

(5) *Air-second class.* The following surcharges are applicable in addition to postage computed at the rates in subparagraph (1) or subparagraph (2) of this paragraph for copies mailed for transportation by air on a space available basis.

	Surcharge in cents per pound
Zones 1, 2, and 3	5
Zone 4	6
Zone 5	8
Zone 6	10
Zone 7	12
Zone 8	17
Minimum charge per piece (combined second-class rate and surcharge)	4

* * * * *

(5 U.S.C. 301; 39 U.S.C. 501, 4351–4422)

TIMOTHY J. MAY,
General Counsel.

JULY 26, 1968.

[F.R. Doc. 68-9086; Filed, July 29, 1968; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

NATCHEZ TRACE PARKWAY, MISS.

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority contained in the Act of May 18, 1938, 52 Stat. 407; 16 U.S.C. 460 and section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), 245 DM–1 (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), and Regional Director, Southeast Region Order No. 4 (31 F.R. 8135), it is proposed to revise § 7.43 of Title 36 of the Code of Federal Regulations as set forth below. The purpose of this revision is to eliminate material which is duplicated in the general regulations, to prohibit the launching of boats and other water equipment on waters of the Ross Barnett reservoir from the Natchez Trace Parkway; to prohibit the parking of motor vehicles on parkway lands for the purpose of hunting on lands outside of the parkway; and to restrict the use of parkway motor roads by farm vehicles and implements and other vehicles exceeding three-fourths of a ton rated capacity. Animal drawn vehicles are also prohibited from using parkway motor roads.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed revision to the Superintendent, Natchez Trace Parkway, Post Office Box 948, Tupelo, Miss. 38801, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 7.43 of Title 36 of the Code of Federal Regulations is revised to read as follows:

§ 7.43 Natchez Trace Parkway.

(a) *Boating.* No vessel shall be launched on waters of the Ross Barnett Reservoir from the lands of the Natchez Trace Parkway.

(b) *Parking.* No motor vehicle shall be parked on lands of the parkway for the purpose of hunting on lands adjacent to the parkway right-of-way.

(c) *Vehicles*—(1) *Trucks.* Pickup trucks and other vehicles not exceeding three-fourths ton rated capacity are permitted to travel on the parkway when used solely for transportation of persons or for recreational purposes.

(2) *Animal-drawn vehicles.* Animal-drawn vehicles or implements are prohibited on the main parkway road.

(3) *Farm vehicles.* Farm vehicles, including agricultural implements, with or without load carrying capacity, and whether or not self-propelled, are prohibited on the parkway, except when such travel is authorized by the Superintendent or when such travel is in connection with the construction, operation, or maintenance of the parkway.

(4) *Recreational vehicles.* Recreational vehicles, including but not limited to, campers, boat trailers, housetrailers, and vehicles up to 1½-ton rated capacity,

when such recreational vehicles are used solely to carry persons for recreational purposes together with their personally owned baggage, camping equipment, and related articles for vacation or recreational purposes, are permitted on the parkway.

JOSEPH C. RUMBURG, Jr.,
Superintendent,
Natchez Trace Parkway.

[F.R. Doc. 68-9053; Filed, July 29, 1968; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 722]

ACREAGE ALLOTMENTS FOR 1968 AND SUCCEEDING CROPS OF UPLAND COTTON

Proposed Limitations and Prohibitions

Notice of proposed limitation on size of farm allotments in certain counties, proposed limitation on size of county reserves, and of proposed prohibition of transfers of allotments made for the purpose of creating small farms.

Pursuant to authority contained in sections 344, 344a, and 375 of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1344, 1344b, and 1375), it is proposed to amend the regulations governing acreage allotments for 1968 and succeeding crops of upland cotton (33 F.R. 895, as amended), effective beginning with the 1969 crop as follows:

1. The State acreage allotment, less State reserve, for cotton is apportioned to counties on the basis of the acreage planted to cotton and acreage regarded as planted to cotton (history) during a 5-year base period. In a number of counties, cotton allotment is not being utilized on many farms and such farms have been losing their eligibility to receive cotton allotment. However, the history earned by these farms in the early years of the base period remains credited to the county and the county allotment includes acreage for which the farms have lost eligibility. Consequently, county factors in some counties are abnormally high and the remaining eligible farms in such counties receive excessive increases in allotment while farms in other counties in the State do not receive such increases.

It is proposed that the size of farm allotments be limited so that no farm would receive an increase in allotment due to factoring greater than 10 percent of the current year's preliminary farm allotment (final base). Increases from reserves and transfers between farms would not be affected.

In order to utilize any allotment not available for allocation as a result of this proposed limitation, the State committee would apportion such allotment among other counties of the State. Initially, the State committee would limit county allotments to an amount not exceeding 110 percent of the county total of farm preliminary allotments (final bases) and the acreage regained would be apportioned to the remaining counties in the State on the basis of subsequent factors as required.

In the event that the national allotment for a year is changed from the prior year's national allotment, further revision of the limitation here proposed would be considered.

2. County committees are now authorized to establish county reserves not in excess of 15 percent of the county allotment to adjust old cotton farm allotments and to establish new cotton farm allotments. Since farm allotments have been established annually since 1954 and since farm allotments are established on the basis of the previous year's farm allotment, it is no longer necessary to establish large county reserves in most counties. It is proposed to limit the size of the county reserve to an amount not in excess of 5 percent of the county allotment, except where a larger reserve not in excess of 15 percent of the county allotment is approved by the State committee.

3. Special benefits are provided under the price support and diversion program provisions of the Agricultural Act of 1949, as amended (7 U.S.C. 1444(d)), for upland cotton farms on which the acreage allotment is 10 acres or less, or on which the projected yield times the acreage allotment is 3,600 pounds or less and no allotment has been released from the farm (7 U.S.C. 1428(b)). In order to prevent abuse of this provision of the program in cases where requests for transfer of allotment under section 344a of the Act, if approved, would make a farm eligible for such special benefits, it is proposed to require the county committee to disapprove requests for transfer of allotment under section 344a of the Act upon a determination that the transfer was requested for the primary purpose of creating eligibility for such special benefits.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Director, Farmer Programs Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250, within 15 days after date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C., on July 24, 1968.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-9041; Filed, July 29, 1968; 8:48 a.m.]

Consumer and Marketing Service

[7 CFR Part 948]

[Area 2]

IRISH POTATOES GROWN IN COLORADO

Notice of Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the Area Committee for Area No. 2 established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948).

This marketing order program regulates the handling of Irish potatoes grown in the State of Colorado and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same, in quadruplicate, with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 948.258 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Area Committee for Area No. 2 to enable such committee to perform its functions, pursuant to the provisions of Marketing Agreement No. 97, as amended, and this part, during the fiscal period ending June 30, 1969, will amount to $12,144.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 97, as amended, and this part, shall be $0.0022 per hundredweight of potatoes grown in Area No. 2 handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1969, may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 25, 1968.

PAUL A. NICHOLOSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9082; Filed, July 29, 1968; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

[44 CFR Part 401]

[Foreign Excess Property Order No. 1]

FOREIGN EXCESS PROPERTY

Importations for Public and Quasi-Public Use

Insofar as Administrative Procedure (5 U.S.C. sec. 553) may be applicable herein, the Administrator of the Business and Defense Services Administration hereby gives notice of his intention to revise paragraph (b) of § 401.7 of Foreign Excess Property Order No. 1 (44 CFR 401 et seq.). Specifically, it is proposed to add the following types of institutions to § 401.7(b): Tax-supported or nonprofit schools for the mentally retarded, schools for the physically handicapped, radio or television stations licensed by the Federal Communications Commission as educational radio or educational television stations, and public libraries. As revised, § 401.7 would read as follows:

§ 401.7 Importations for public and quasi-public use.

The importation of foreign excess property:

(a) Which is the subject of a firm contract of sale and delivery to the Federal Government, or

(b) Which is the subject of a firm contract of sale and delivery to, or is offered for importation by, any State or any agency of a State, or tax-supported or other nonprofit medical institutions, hospitals, clinics, health centers, schools, school systems, colleges or universities, schools for the mentally retarded, schools for the physically handicapped, and radio or television stations licensed by the Federal Communications Commission as educational radio or educational television stations (nonprofit institutions must be exempt from taxation under section 501(c)(3) of Title 26, Internal Revenue Code of 1954) and public libraries, for purposes of education or public health or for research for any such purposes; or for civil defense purposes including research;

shall be deemed to be beneficial to the economy of the United States. No application need be filed with the FEPO for such importation, but the importer of such property shall submit evidence acceptable to the District Director of Customs at the port of entry of such property either: (1) That the importer of such property has entered into a firm contract of sale and delivery thereof to a purchaser or an agent of a purchaser designated as an eligible purchaser thereof in this section, or (2) that the importer of such property is itself an eligible purchaser of such property.

(63 Stat. 398; 40 U.S.C. sec. 512)

It is proposed to make this revision effective upon the date of publication in the FEDERAL REGISTER, which will not be less than 30 days subsequent to the publication of this notice.

Interested persons may submit to the Foreign Excess Property Officer, Business and Defense Services Administration, Department of Commerce, Room 4324, Washington, D.C. 20230, comments in writing, but not orally, relative to the proposed issuance of this revision to Foreign Excess Property Order No. 1. All relevant material received within twenty (20) days following the date of publication of this notice will be considered.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
RODNEY L. BORUM,
Administrator.

[F.R. Doc. 68-9019; Filed, July 29, 1968; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 68-EA-78]

AIRWORTHINESS DIRECTIVES

Aeronca Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive so as to require inspection of the fuel system of Aeronca Models 15AC and S15AC, Serial Numbers 15AC-1 and above.

There have been reports of fuel exhaustion attributed to collapsed wing fuel tanks due, in a number of instances, to improper sealing, loosening, or loss of the tank filler caps. These conditions create negative pressures in the tank, and in addition to collapsing the tank, allow fuel to siphon overboard and give false indication of fuel tank quantity.

Interested persons are invited to participate in the making of the proposed rule by submitting written data and views. Communications should identify the docket number and be submitted in duplicate to the Office of Regional Counsel, FAA, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments will be available in the Office of Regional Counsel for examination by interested parties.

In consideration of the foregoing, it is proposed to issue a new airworthiness directive as hereinafter set forth:

AERONCA. Applies to Models 15AC and S15AC, S/N's 15AC-1 and up.

To be accomplished within 25 hours in service after the effective date of this AD and thereafter at intervals not to exceed 50 hours time in service from the last inspection.

As a result of a number of forced landings due to fuel exhaustion caused by a collapsed fuel tank or siphoning of fuel, accomplish the following:

1. Determine that the wing fuel cells are lying flat and follow the contour of the wing cavity.

2. Inspect fuel cell filler caps for security and identification. Aeronca unvented spring loaded cap, P/N 1-3738 or FAA approved equivalent must be installed. A drawing of P/N 1-3738 is available from Aeronca, Inc., Middletown, Ohio 45042.

3. Determine that vent lines are open to both tanks by removing vent lines at tanks and blowing air through the lines.

4. Determine that the small auxiliary vent holes are located at the same height above the wing upper surface.

5. Determine that the vent line is securely clamped and the vent line hose connection has not deteriorated.

6. Determine that angular cut-off at the termination of the main vent line faces forward.

The inspection required by this AD constitutes preventive maintenance and may be accomplished by persons so authorized under FAR 43.3. Aircraft log record entry must be made to reflect AD compliance in accordance with FAR 43.9.

(Aeronca S/N No. 31 dated Sept. 8, 1950, covers this same subject.)

This amendment is made under the authority of section 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423).

Issued in Jamaica, N.Y., on July 18, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68-9043; Filed, July 29, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-WE-58]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the description of the Santa Ana, Calif. (MCAF Santa Ana), control zone.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in

this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The Santa Ana Marine Corps Air Facility requires a more expeditious means of redesignating the effective hours of the Santa Ana, Calif. (MCAF Santa Ana), control zone. This requirement is dictated by an acceleration of helicopter pilot training activities at that facility. In order to provide an expeditious means of accomplishing this purpose, the FAA proposes to provide for the establishment of effective hours by NOTAM.

In view of the foregoing, the FAA proposes the following airspace action:

In § 71.171 (33 F.R. 2123) the description of the Santa Ana Calif. (MCAF Santa Ana), control zone is amended by deleting the last sentence "• • • This control zone will be effective from 0600 to 2400 hours local time daily," and substituting therefor "• • • This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on July 16, 1968.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 68-9044; Filed, July 29, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-WE-57]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the descriptions of the Redmond, Oreg., control zone and transition area.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

Certain changes are proposed to the VOR-1 approach procedure for Roberts Field, Redmond, Oreg. These include a 10 NM DME arc transition to final approach course, a lower crossing altitude at the VORTAC and lower landing minimums. These changes will require a 4-mile control zone extension and a small addition to the 1,200-foot portion of the transition area to provide controlled airspace protection for aircraft executing the prescribed instrument procedure. In addition, a portion of the 1,200-foot transition area that no longer qualifies for designation as controlled airspace will be deleted.

In consideration of the foregoing, the FAA proposes the following airspace actions:

In § 71.171 (33 F.R. 2118) the Redmond, Oreg., control zone is amended to read:

REDMOND, OREG.

Within a 5-mile radius of Roberts Field, Redmond, Oreg. (latitude 44°15'10" N., longitude 121°08'55" W.), and within 2 miles each side of the Redmond VORTAC 269° and 089° radials, extending from the 5-mile radius zone to 1 mile west of the VORTAC.

In § 71.181 (33 F.R. 2244) the Redmond, Oreg., transition area is amended to read:

REDMOND, OREG.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Redmond VORTAC 269° radial extending from 1 to 8 miles west of the VORTAC; within 2 miles each side of the Redmond VORTAC 162° radial extending from the VORTAC to 5 miles south of the VORTAC; within 2 miles each side of a 230° bearing from Roberts Field, Redmond, Oreg. (latitude 44°15'10" N., longitude 121°08'55" W.), extending from the arc of a 5-mile radius circle centered on Roberts Field Airport to 10 miles southwest of the airport, and within 2 miles each side of a 302° bearing from the Redmond RBN extending from the RBN to 8 miles northwest of the RBN; that airspace extending upward from 1,200 feet above the surface within 14 miles northeast and 2 miles southwest of the Redmond VORTAC 122° and 302° radials extending from 18 miles northwest to 10 miles southeast of the VORTAC, within 6 miles west and 9 miles east of the Redmond VORTAC 189° radial extending from the VORTAC to 19 miles south of the VORTAC, and that airspace bounded on the northeast by a line 2 miles southwest of and parallel to the Redmond VORTAC 302° radial, on the east by the west edge of V-25, on the south by a line 5 miles south of and parallel to the Redmond VORTAC 269° radial and on the west by an arc of a 17-mile radius circle centered on the Redmond VORTAC.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on July 17, 1968.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 68-9045; Filed, July 29, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-SO-53]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Wilmington, N.C., 700-foot transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Wilmington 700-foot transition area described in § 71.181 (33 F.R. 2137) would be redesignated as follows:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of New Hanover County Airport (lat. 34°-16'11" N., long. 77°54'14" W.); within 2 miles each side of the ILS localizer southeast course, extending from the 8-mile radius area to 8 miles southeast of the LOM; within 2 miles each side of the Wilmington VORTAC 017° radial, extending from the 8-mile radius area to 8 miles northeast of the VORTAC.

Since the last alteration of the Wilmington transition area, turbojet aircraft have begun utilizing the New Hanover County Airport. Current transition area criteria appropriate to this airport requires an increase in the basic radius circle to 8 miles. Additionally, the geographic coordinate for this airport has been refined by Coast and Geodetic Survey to "Lat. 34°16'11" N., Long. 77°-54'14" W.".

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on July 17, 1968.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 68-9046; Filed, July 29, 1968; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 18, 21, 73, 74, 89, 91, 93]

[Docket No. 18262; FCC 68-745]

USE OF CERTAIN FREQUENCY BAND AND OPERATIONS IN LAND MOBILE SERVICE

Notice of Inquiry and Notice of Proposed Rule Making

In the matter of an inquiry relative to the future use of the frequency band 806–960 MHz; and amendment of Parts 2, 18, 21, 73, 74, 89, 91, and 93 of the rules relative to operations in the land mobile service between 806 and 960 MHz, Docket No. 18262.

1. On March 20, 1968, the Commission released its "Report of Land Mobile Frequency Relief Committee," a collection of three staff studies, dated January 19, 1968, examining possible ways of providing frequency relief for the land mobile service through the use of frequencies above 470 MHz. The third of those studies was intended to identify and evaluate problems and overall costs associated with a reallocation of the frequency band 806–960 MHz, in whole or in part, to the land mobile service, commensurate with the projected requirements of the service to the year 1980. The report on this study was interim in nature because of the uncertainty of the status of the frequency band 890–942 MHz at that time.

2. On April 16, 1958, the Commission adopted a memorandum opinion and order wherein it relinquished the frequency band 890–942 MHz, among others, to accommodate military radiolocation requirements. Developments since that time have been such that those requirements can now be accommodated within approximately half of the relinquished space. As a consequence, the Director of Telecommunications Management (DTM) recently informed the Commission that 26 MHz within the frequency band 890–942 MHz can again be made available to non-Government users. As a result of subsequent discussions, it has been concluded tentatively that the remaining 26 MHz retained for Government use should extend from 893 to 919 MHz and that the band segments 890–893 and 919–942 MHz should revert to non-Government use.

3. In evaluating the usefulness of the overall frequency band 890–942 MHz, consideration must be given to footnote No. 340 to the international Table of Frequency Allocations, a footnote which also is reflected in Part 2 of the Commission's rules.

This footnote reads as follows:

In Region 2 [the Americas], the frequency 915 Mc/s is designated for industrial, scientific, and medical purposes. Emissions must be confined within the limits of ±25 Mc/s of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

This footnote first appeared in the international table following the 1947 Atlantic City Administrative Radio Conference of the International Telecommunication Union (ITU) and has remained unchanged since that time. The Commission is not contemplating a change in the designated frequency 915 MHz for ISM but it is of the view that consideration must be given to the feasibility and desirability of reducing the frequency limits within which ISM emissions must be confined, in the light of technological advances since 1947, the pressing demands of communication services for spectrum space and the inhibiting aspects of the concluding sentence of footnote No. 340.

4. The staff study referred to in paragraph 1 indicated the likelihood that there would be approximately 7,300,000 land mobile transmitters under license by the Commission by the year 1968, exclusive of common carrier needs. This is almost a threefold increase over today's total. The estimate for 1968 was extrapolated from curves contained in the final report of the Advisory Committee for the Land Mobile Radio Services. The ACLMRS made no allowance for: (a) Possible discoveries of new uses for radio in the land mobile service; (b) the establishment of new land mobile subservices; (c) potential increases in the rate of licensing requests due to increases in demand as the standard of living rises; or (d) the possibility of technological advances which might substantially reduce production costs without a sacrifice in quality of communication service. Since it is unlikely that none of these will occur, the figure 7,300,000 may prove conservative, particularly if the Commission's present liberal policy with respect to eligibility is maintained.

5. Land mobile services licensed by the Commission are accommodated today within a total of approximately 42 MHz of spectrum space and there is serious congestion in some services in some of the major metropolitan areas. This congestion will be relieved to some degree by the newly available 25 kHz channels in the frequency band 450–470 MHz but it is estimated that this relief will be exhausted within 2½ to 3 years in principal metropolitan centers, by which time the land mobile transmitter population will have grown to about 3.5 million—within the same 42 MHz. Accordingly, since that 3.5 million may be double or more by 1980, the equivalent of today's 42 MHz must be found elsewhere—if it is assumed that there will be the same general distribution of transmitters. Only recently did industry agree that 25 kHz spacing at 450 MHz was technically and economically practicable. It must be assumed, therefore, that channel spacing would exceed 25 kHz at 900 MHz for the land mobile service. If 30 kHz per channel proves adequate, 50.5 MHz would be required in addition to the 42 MHz now available to meet 1980 requirements. This could be met by the equivalent of nine UHF-TV channels. If, on the other hand, spacing at 900 MHz were 50 kHz, it would require 84 MHz, an amount equal to that represented by the 14 UHF-TV Channels 70–83.

6. Insofar as the private land mobile service is concerned, congestion occurs only within certain metropolitan areas, and special arrangements to meet that congestion problem need not be nationwide. However, by 1980, all of the following 25 areas are expected to equal or exceed in population those areas within which congestion now exists. These, then, are the areas for which special arrangements must be made.

TOP 25 URBANIZED AREAS BY RANK IN 1980 (PROJECTED)

New York.	Milwaukee.
Los Angeles.	Houston.
Chicago.	Buffalo.
Philadelphia.	Cincinnati.
Detroit.	Dallas.
San Francisco.	Kansas City.
Boston.	Seattle.
Washington, D.C.	New Orleans.
Pittsburgh.	San Diego.
Cleveland.	Atlanta.
St. Louis.	Phoenix.
Baltimore.	Dayton.
Minneapolis-St. Paul.	

7. A comprehensive accommodation of the land mobile service must contemplate provisions for a common carrier system as well as for private systems. At various times over the past 20 years AT&T has petitioned the Commission for rule changes looking toward the development of a high-capacity domestic public land mobile service. The Commission has been sympathetic to the needs of the common carriers but has found no way to grant them relief thus far. For example, on July 11, 1951, the Commission adopted its "Fourth Report of Commission and Order" (Allocation of the 470–500 MHz Band) in combined Dockets 8736 and 8975; 9175 and 8976, wherein this subject, among others, was treated. Pertinent portions of the Fourth Report are quoted below.

• • • the Commission adopted an order, on May 25, 1949, "In the Matter of Utilization of Frequencies in the Band 470 to 890 Mcs. for Television Broadcasting"—Docket No. 8976, adding, as an issue to be considered in that proceeding, the following:

To receive evidence and data with respect to the question whether there should be an allocation of the band 470–500 Mcs. to multichannel broadband common carrier mobile radio operation in lieu of television broadcasting.

• • • • • •

• • • Bell offered evidence to show that, by 1960, there would be a need for Bell service to about 95,000 mobile units on a national basis. Thus it was expected that about 100 channels would be needed in each of the cities of New York, Chicago, Los Angeles, Philadelphia, Detroit, Boston, and San Francisco; that about 22 other medium sized cities would need 20 to 50 channels; and

almost every city over 300,000 population would require more channels than are now available.

Bell indicated that the system proposed would, in the 30 megacycles of spectrum space under consideration, yield approximately 100 channels. It has also been indicated by Bell that it is their opinion that the spectrum between 470–500 Mcs. is ideally suited to such development under the present state of the art, but that portions of the spectrum at or above 1000 mcs would not be suitable, under the present state of the art • • •

• • • • • •

• • • [with respect to television] • • • Additional assignments, not specifically provided for in the table, could be achieved in many areas only by the use of the channels in the portion of the spectrum above 782 Mc. (UHF Channel 52), which the Commission has designated as flexibility channels—i.e., channels in which no city by city assignments have been proposed but whose use is provided for on a flexible basis. If 470–500 Mcs. is not available to television broadcasting, only 13 flexibility channels would be available. On the other hand, 18 such channels will be available if this portion of the spectrum is allocated to television. But even the exact number of assignments cannot now be determined because of the purposes for which the flexibility channels must be employed. One thing appears certain, however, the flexibility channels would soon be exhausted in congested areas. Moreover, such techniques as stratovision and polycasting would, as outlined in the Third Notice, be compelled to utilize the flexibility channels for additional experimentation and would have to find their eventual home in this portion of the spectrum. Both these techniques would of necessity require extensive spectrum space and each one, if authorized, would require a substantial number of the flexibility channels.

Thus, it appears that the entire space between 470 and 890 Mcs. is urgently needed to obtain full development of television broadcasting and that the loss of any of this space to other services would severely handicap the attainment of an adequate nationwide and competitive television system.

• • • • • •

• • • Upon consideration of the record in these proceedings, we have concluded that the allocation of the frequency band 470–500 Mcs. should be made to the television broadcasting service. In arriving at this conclusion we are forced to resolve a conflict between two socially valuable services for the precious spectrum space involved. We find that the needs of each of the two services are compelling.

But while we find and conclude that there is, on the part of the common carrier mobile service, the need for further expansion of service beyond that already provided by our rules and regulations and by techniques now being employed, we do not conclude that the only available solution to the common carrier land mobile service lies in the utilization of the frequency band 470–500 Mcs. • • •

• • • • • •

• • • (3) The petition of Bell Telephone Laboratories, Inc., heretofore identified and considered in the proceedings in Docket No. 8976, is denied without prejudice to future action consistent with this report.

8. During the intervening 17 years since the adoption of the above-mentioned Fourth Report, UHF–TV has not been fully utilized and little or no relief has been found for the common carrier land mobile problem. We must recognize the fact that the spectrum can be used more effectively than is presently the case in the frequency range 806–960 MHz and reexamine the matter in that light. The testimony and comments filed by AT&T in Docket No. 11997, and referred to in recent staff studies (see par. 1) indicated that a total of 75 MHz would be desirable for a truly efficient high-capacity domestic public land mobile service. It is their estimate that 50 kHz spacing would provide high quality service to as many as 8,000 customers within a given area. Further, AT&T informally has indicated its willingness to consider development in the vicinity of 900 MHz whereas private land mobile interests generally have expressed a strong preference for lower frequencies.

9. The Commission is persuaded that the burgeoning needs of the land mobile service can be met on a long term basis only through the allocation of additional spectrum space to that service. At this point in time it is agreed generally that frequencies below about 1000 MHz are most useful for general land mobile application. In looking to frequencies above 806 MHz for the accommodation of the land mobile service, the Commission recognizes that it will not meet immediate requirements and that several years of developmental work may be required to establish a viable service. Nonetheless, in the light of recent developments concerning the band 890–942 MHz and current occupancy of the overall band, this is an appropriate time to examine the frequency band 806–960 MHz with a view to its possible reservation, in whole or in part, on a national basis for future land mobile systems.

10. The reallocation of any or all of the band in question to the land mobile service will constitute a derogation of the international Table of Frequency Allocations since, in Region 2, 806–290 MHz is allocated exclusively to the broadcasting service, 890–942 MHz is allocated to the fixed and radiolocation services, and, as noted earlier, 915±25 MHz has been designated primarily for ISM. However, No. 115 on the International Radio Regulations makes provision for such derogations on the condition that harmful interference does not result therefrom to stations of other countries that are operating in accordance with the international table.

11. Nationally, within the conterminous 48 States where congestion problems are likely to occur, the band 952–960 MHz is occupied by more than 1,200 operational fixed stations. Because of this relatively heavy loading and the growth rate in this band, it would appear appropriate to leave its allocation status unchanged. By contrast, however, in the 10 MHz between 942 and 952 MHz there are about 200 authorizations, primarily for aural studio-transmitter links. This band, then, becomes a likely candidate for consideration with respect to a possible reduction in width. As noted earlier, the frequency bands 890–893 and 919–942 MHz have tentatively been made available for non-Government users and 893–919 MHz will continue to be used for Government operations. The frequency band 806–890 MHz (UHF–TV Channels 70–83), although available for assignment to UHF–TV stations, is used essentially by translator stations. There are approximately 600 translators but only two regular TV stations in this band.

12. The staff study referred to earlier concluded that the two television stations assigned in the 70–83 region of the UHF–TV band could be accommodated without great difficulty on lower channels. Further, it concluded that land mobile needs occur close to the heart of metropolitan areas whereas translators, by their very nature, generally are well removed from that same area. Usually, the signals to which translators are tuned to receive are well removed in frequency from Channels 70–83 and, usually, translator transmissions are directed to areas in which land mobile activity is light. As a consequence, the study concluded that translators could be permitted to share channels on a secondary basis. Under such conditions, translators would not be afforded protection from land mobile operations and would not be permitted to cause harmful interference to the land mobile service. As a practical matter, we believe that land mobile operations are unlikely to become a source of interference to UHF–TV translator operations within a period of many years. Consequently, we are proposing that these two services share on a coequal basis. In the event such problems do arise, it is expected that some type of local frequency coordination procedure could be developed to assist in avoiding frequency conflicts. It is believed that it would not be appropriate to consider detailed rules to provide for such coordination at this time and that this problem could best be dealt with, if and when it should arise, in the light of conditions which exist at that time. However, general comments on such a coordination procedure filed in this proceeding would be considered timely.

13. In examining possible uses for the frequency band in question, preliminary consideration was given to reserving frequency space between 806 and 890 MHz for "space broadcasting". Here two problems presented themselves. First, by international definition, such broadcasting would necessarily be in the broadcasting-satellite service, a service for which no frequency bands have been allocated, nationally or internationally. Second, the U.S. Committee for C.C.I.R. (International Radio Consultative Committee) has concluded that unlimited cochannel sharing between terrestrial and space broadcasting systems is not practicable in the frequency range 30–3000 MHz. Consequently, if space broadcasting were to be accommodated in the range 806–890 MHz, it would necessarily be on an exclusive basis. Since there does not appear to be any justification for exclusive space broadcasting bands in addition to the existing exclusive terrestrial broadcasting bands, terrestrial broadcasting presumably would need to release channels to space broadcasting.

14. In establishing the division of spectrum space between Government and non-Government, a number of factors were taken into consideration. The frequency band 890–942 MHz is allocated on a primary basis to the radiolocation service. The same is true of the frequency band 420–450 MHz, the second harmonic of which is 840–900 MHz. It will be noted that this second harmonic overlaps the lowest 10 MHz of the frequency band 890–942 MHz. There are advantages to preserving, to some degree, this harmonic relationship between Government radiolocation bands. First, there are radiolocation techniques and devices which rely upon harmonic relationships to function properly. Second, high powered radars operating in the 420–450 MHz band having second harmonic radiation that might otherwise cause harmful interference to non-Government systems, in some instances, could be operated between 445 and 450 MHz so that the second harmonic radiation would fall in the overlap portion, 890–900 MHz. Next considered was the matter of ISM at 915±25 MHz. Radiolocation devices, being fewer in number and less susceptible to interference, are better able to cope with ISM devices in the same band than are non-Government land mobile systems. It was concluded, therefore, that ISM and its permissible limits should fall within the Government segment of the band. This means that if the Government wished to take full advantage of the harmonic overlap (890–900 MHz), use no more than 26 MHz, and encompass ISM and its limits—one of two things would be necessary, a frequency lower than 915 MHz would have to be designated for ISM or the frequency limits for ISM radiations would have to be reduced drastically, i.e., to ±1 MHz rather than ±25 MHz. Since a change in the ISM frequency might jeopardize 20 years of developmental effort, it appears more desirable to leave the basic ISM frequency unchanged, and to sacrifice some of the overlap at 890–900 MHz.

15. Taking all of the above factors into consideration, there would appear to be merit in changing the national Table of Frequency Allocations along the following lines:

Frequency band (MHz)	
806–846 (40 MHz)	Private land mobile systems in the 25 urbanized areas referred to in paragraph 6, TV translators permitted on a coequal basis, channels 70–83, nationwide.
846–883.5 (37.5 MHz)	Common carrier mobile stations.
883.5–893 (9.5 MHz)	Common carrier base stations.
893–919 (26 MHz)	Government. The frequency 915 MHz would continue to be designated for ISM but emissions would be confined to ±4 MHz.
919–947 (28 MHz)	Common carrier base stations.
947–952 (5 MHz)	Broadcast auxiliary as at present but reduced from 942–952 MHz.
952–960 (8 MHz)	No change from existing allocation.

If, following the instant proceeding, changes occur along the lines indicated above, it is probable that a period of at least 3 years would be allowed for affected users to make any changes necessary.

16. The above paragraph suggests setting aside a total of 75 MHz for the development of a common carrier high-capacity land mobile system and 40 MHz for private land mobile systems, without specifying the manner in which the spectrum space ultimately might be reallocated to subservices. Taken alone, the 40 MHz is appreciably less than the amount of additional spectrum space considered necessary to meet the anticipated 1980 demands of private land mobile systems. There is no way of determining the degree to which that demand can be met through common carrier facilities. The Commission is aware, however, that there has long been a pent up demand for common carrier domestic public land mobile service that could not be satisfied.

17. Although the Commission is of the view that spectrum space should be reserved now for future use by the private land mobile services, it is not prepared to suggest what the subdivision should be between various categories of users. The Commission has recently awarded a study contract to determine the optimum allocation and assignment structure in the land mobile service, both within bands already allocated and assigned to land mobile users and in bands which might be cleared of other users. Further, the Commission is gathering data in an attempt to determine if there is a correlation generally applicable between population growth and demand for service within the several land mobile services, either within a given geographical area or on a nationwide basis. Lacking this information at present, it would be premature to attempt to decide now how the band should be suballocated.

18. With respect to the 75 MHz suggested for common carrier use, there are also many questions to be answered, including but not limited to the following. Will this amount of spectrum space permit a system capable of rendering an adequate public service for aircraft and maritime as well as land mobile units? To what degree can multiplexing of base stations using single sideband techniques be employed? If such techniques are employed, should the division of space between base and mobile stations be different, and how different? Should all of the spectrum space be devoted to wire line carriers or should there be a mix to wire line and nonwire line carrier, and if so, in what proportions? Should such systems as develop be required to render a dispatch type service in addition to conventional public telephone service? (The offering of a mobile "private line" service similar to that now being provided by cooperatively operated private base stations would appear to have the potential of providing for the grade of service seemingly preferred by most private businesses operating their own systems without the costs and complexities involved in interconnecting into the telephone exchange. It is probable that such an offering would tend to relieve future frequency demands for private dispatch systems.) Assuming that common carrier systems will develop on a modular basis to ensure service in less densely populated areas where use of the overall bandwidth allocated cannot be justified, should the unused common carrier spectrum space be put to other uses? Within what time frame is it reasonable to expect the development of an operational common carrier system?

19. Amplifying upon some of the aspects of this proposal, attention is invited to a special problem with respect to the reservation of spectrum space for common carrier use, particularly in connection with systems operated by landline telephone companies. Such companies may follow the concept that a land mobile unit is no more than an extension telephone and develop their equipment and operating techniques accordingly. This could result in penalties in terms of costs and efficiency of spectrum usage. For example:

(a) Mobile systems intended to work into landline systems must be designed to provide high ratios of desired signal to undesired noise and interference. This results from two factors. First, the users are not communicators and therefore are not prepared to deal with marginal communications and interference or noise. Second, while most common carrier land mobile service is local, some percentage of it requires the use of long distance circuits and the mobile segment of such systems must be of high quality. All of this means very careful engineering and relatively high-cost equipment.

(b) The length of most ordinary telephone calls can be measured in terms of several minutes. Individual land mobile channels are thus tied up with calls for considerable periods of time. By contrast, most calls on conventional private land mobile systems may be measured in terms of seconds, in the order of 10 to 15. In the ACLMRS reports, even the carriers recognized that multiple access systems appear to have some disadvantages and no advantages for customers interested primarily in short-haul dispatch types of service.

20. For these reasons, even with a significant allocation to common carriers, it is quite probable that there will be no real decrease in demand for private systems, if the common carriers continue their conventional concepts. Consequently, we are raising the question as to whether a substantial portion of any space devoted to common carrier land mobile use should be earmarked for what might be called "leased private line land mobile service". Such a service could be provided by the carriers in much the same manner as cooperatively operated base stations are now operated by private

users. There seems to be no technical reason why a portion of the common carrier service could not be dedicated to this purpose to the end that much pressure for private channels might be eliminated.

21. The division of spectrum space among the services mentioned and the band edges proposed in this proceeding may be modified in any final decision, depending upon the answers to the various technical and operational questions outlined above.

22. A recent Commission study of multiplexing techniques (Report No. T–6801, "Frequency-Division Multiplex Communications For the Land Mobile Radio Service," dated June 20, 1968, by S. R. Lines, FCC, Office of the Chief Engineer) indicates that, particularly for common carrier service but perhaps equally applicable to cooperatively operated private system base stations, there is a possibility of achieving several advantages with multiplexing while continuing to employ conventional FM transmissions from the mobile units to the base stations. Among these possible benefits are: (a) A substantial saving in total spectrum space occupied by base station channels; (b) a quality of service at least equal to that obtained by conventional FM systems; (c) a reduction in total base station costs within an area; (d) the elimination or reduction of certain forms of interference now prevalent in land mobile bands; and (e) a possible reduction in land mobile unit receiver complexity. Comments are invited specifically on these factors.

23. Finally, in the way of general questions, should the suggested mix between private users and common carriers in paragraph 15 be different, and if so, in what respect? To what degree would UHF-TV receiver manufacturers need to change the image rejection capabilities of their product to cope with image problems arising from heavy land mobile usage in the range 806–947 MHz? Our own preliminary consideration touched on the possible allocation of spectrum space to satellite broadcasting (par. 13, supra); while this complex issue must necessarily await study in other contexts, parties are also free to address themselves in this broad-ranging technical and related spectrum allocation proceeding to arguments for reserving portions of 806–890 MHz for broadcasting from satellites, or for reserving channels below 806 MHz for that same purpose.

24. It must be emphasized that this is primarily an exploratory proceeding to determine how best to use the frequency band 806–960 MHz in the public interest. We also make clear, however, that this is a notice of proposed rule making, so that if appropriate upon the basis of the material received, we may adopt rules. Attention is invited to the outstanding proposal in Docket No. 14229, a further notice of proposed rule making in the Matter of Fostering Expanded Use of UHF Television Channels, adopted February 9, 1966. Our consideration of that matter and of this proceeding may be interlocking and require modifications to either or both proposals.

25. This action is taken pursuant to sections 4(i), 303, and 403 of the Communications Act of 1934, as amended.

26. Pursuant to applicable procedures set forth in section 1.415 of the Commission's rules, interested persons may file comments on or before December 2, 1968, and reply comments on or before January 31, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

27. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: July 17, 1968.

Released: July 26, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68–9069; Filed, July 29, 1968; 8:49 a.m.]

[1] Commissioner Lee dissenting and issuing a statement filed as part of the original document.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 566, Amdt. 14]

HEADQUARTERS ADMINISTRATIVE OFFICER

Redelegation of Authority Regarding Contracting and Related Matters

JULY 22, 1968.

Bureau Order 566, as amended, is further amended by the addition under section 2, Designation of Contracting Officers and Contracting Officers' Authorized Representatives, (a) Contracting Officers, (1) Headquarters Office Officials, of one new position. As so amended, section 2(a)(1) reads as follows:

SEC. 2. *Designation of Contracting Officers and Contracting Officers' Authorized Representatives.* (a) *Contracting Officers.* • • •

(1) Headquarters Office Officials • • •

(k) Headquarters Administrative Officer, Division of Administration, Central Services Staff.

ROBERT L. BENNETT, *Commissioner.*

[F.R. Doc. 68–9052; Filed, July 29, 1968; 8:47 a.m.]

Bureau of Land Management

[C–3899]

COLORADO

Notice of Classification of Public Lands for Multiple-Use Management

JULY 22, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18), and to the regulations in 43 CFR Parts 2410 and 2411, the public lands within the areas described below are hereby classified for multiple-use management. Publication of this notice segregates all the described lands from appropriation only under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. sec. 334); Small Tract Act of June 1, 1938, as amended (43 U.S.C. 682(a)(b)); from sale under section 2455 of the revised statutes (43 U.S.C. 1171); the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869; 869–1 to 869–4); Public Land Sale Act of September 19, 1964 (43 U.S.C. 1421–27). The lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws, the Materials Act and exchanges under section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g). As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 or November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No protests or objections were received following publication of a notice of proposed classification (33 F.R. 7266) or at the public hearing held on June 13, 1968, at Grand Junction, Colo. The record showing the comments received and other information is on file and can be examined in Grand Junction District Office, Bureau of Land Management, Federal Building, Fourth and Rood, Grand Junction, Colo., and in the Land Office, Bureau of Land Management, Room 15019 Federal Building, Denver, Colo. 80202.

SIXTH PRINCIPAL MERIDIAN, COLORADO

MESA COUNTY

T. 12 S., R. 99 W.,
Secs. 32 and 33 those portions lying below the north and west rim of Unaweep Canyon.
T. 13 S., R. 99 W.,
Sec. 4;
Secs. 5 to 7, inclusive, those portions lying below the west and north rim of Unaweep Canyon;
Secs. 8 and 9;
Sec. 10 west of the Gunnison River;
Sec. 15 west of the Gunnison River;
Secs. 16 and 17;
Sec. 18 that portion lying below the north and west rim of Unaweep Canyon;
Secs. 19 to 21, inclusive;
Sec. 22 that portion west of the Gunnison River;
Sec. 26 that portion lying west of the Gunnison River;
Sec. 27 that portion lying west of the Gunnison River;
Secs. 28 to 34, inclusive;
Sec. 35 that portion lying west of the Gunnison River.
T. 13 S., R. 100 W.,
Sec. 25 that portion lying below the north and west rim of Unaweep Canyon;
Sec. 34 that portion lying below the north and west rim of Unaweep Canyon;
Secs. 35 and 36 those portions lying below the north and west rim of Unaweep Canyon.
T. 14 S., R. 98 W.,
Secs. 6 and 7;
Sec. 18 that portion lying west of the Gunnison River.
T. 14 S., R. 99 W.,
Sec. 1;
Sec. 2 that portion lying west of the Gunnison River;
Secs. 3 to 36, inclusive.
T. 14 S., R. 100 W.,
Secs. 1 and 2;
Secs. 3 and 4 those portions lying below the north and west rim of Unaweep Canyon;
Secs. 7 and 8 those portions lying below the north and west rim of Unaweep Canyon;
Secs. 9 to 36, inclusive.
T. 14 S., R. 101 W.,
Secs. 24 and 25 those portions lying below the north and west rim of Unaweep Canyon;
Sec. 36, E½NE¼, NE¼NW¼, NE¼SE¼.
T. 15 S., R. 99 W.,
Secs. 1 to 23, inclusive;
Secs. 27 to 31, inclusive.
T. 15 S., R. 100 W.,
Secs. 1 to 5, inclusive;
Secs. 8 to 16, inclusive;
Secs. 23 to 25, inclusive.

The areas described aggregate approximately 82,882.06 acres of public lands.

3. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.1–2(d)).

E. I. ROWLAND, *State Director.*

[F.R. Doc. 68–9022; Filed, July 29, 1968; 8:45 a.m.]

[Serial No. U–5061]

UTAH

Notice of Classification of Public Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–18), and to the regulations in Title 43 CFR, Parts 2410 and 2411, the public lands within the area described below are classified for multiple-use management. Publication of this notice segregates the described lands from appropriation under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. sec. 334), and from sales under section 2455 of the Revised Statutes as amended (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (43 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public lands affected are those administered by the Bureau of Land Management within the following described areas in Utah County, Utah:

SALT LAKE MERIDIAN, UTAH

T. 5 S., R. 3 W.,
Secs. 33 and 34.
T. 6 S., R. 2 W.,
Secs. 6 and 7.
Tps. 6, 7, and 8 S., R. 3 W.
T. 9 S., Rs. 2 and 3 W.
T 10 S., R. 1 W.
Secs. 34 and 35.
T. 10 S., R. 2 W.
Sec. 35.
T. 11 S., Rs. 1 and 2 W.
T. 12 S., R. 2 W.

The public domain lands within the area described aggregate approximately 56,109 acres.

3. For a period of 30 days from date of publication of this notice in the FEDERAL REGISTER, interested persons may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.1-2(d)).

EDWARD J. HOFFMAN,
Acting State Director.

[F.R. Doc. 68-9023; Filed, July 29, 1968; 8:45 a.m.]

Office of the Secretary

LORAN A. EISELE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 5, 1968.

Dated: July 5, 1968.

LORAN A. EISELE.

[F.R. Doc. 68-9024; Filed, July 29, 1968; 8:45 a.m.]

ANDREW PAT JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 30, 1968.

Dated: July 10, 1968.

A. PAT JONES.

[F.R. Doc. 68-9025; Filed, July 29, 1968; 8:45 a.m.]

GEORGE V. KENNEDY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 5, 1968.

Dated: July 5, 1968.

GEORGE V. KENNEDY.

[F.R. Doc. 68-9026; Filed, July 29, 1968; 8:46 a.m.]

MAX R. LLEWELLYN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 5, 1968.

Dated: July 5, 1968.

MAX R. LLEWELLYN.

[F.R. Doc. 68-9027; Filed, July 29, 1968; 8:46 a.m.]

CARLOS O. LOVE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 1, 1968.

Dated: July 9, 1968.

CARLOS O. LOVE.

[F.R. Doc. 68-9028; Filed, July 29, 1968; 8:46 a.m.]

JOHN P. MADGETT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 12, 1968.

Dated: June 12, 1968.

JOHN P. MADGETT.

[F.R. Doc. 68-9029; Filed, July 29, 1968; 8:46 a.m.]

SAMUEL RIGGS SHEPPERD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Shares in Dow Theory Investment Fund.
(3) No change.
(4) No change.

This statement is made as of July 1, 1968.

Dated: July 5, 1968.

RIGGS SHEPPERD.

[F.R. Doc. 68-9030; Filed, July 29, 1968; 8:46 a.m.]

WILLARD B. SIMONDS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of July 5, 1968.

Dated: July 5, 1968.

WILLARD B. SIMONDS.

[F.R. Doc. 68-9031; Filed, July 29, 1968; 8:46 a.m.]

WILFORD D. WILDER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Appointee is currently participating in an employee stock purchase plan adopted by Niagara Mohawk Power Corp. effective January 1, 1965, and has elected the maximum participation possible which is 6 percent of appointee's annual salary.
(3) No change.
(4) No change.

This statement is made as of July 5, 1968.

Dated: July 5, 1968.

WILFORD D. WILDER.

[F.R. Doc. 68-9032; Filed, July 29, 1968; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

BARTOL RESEARCH FOUNDATION

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00404-15-40500. Applicant: Bartol Research Foundation, Whittier Place, Swarthmore, Pa. 19081. Article: Fabry-Perot interferometer. Manufacturer: Scientific Optical Laboratories of Australia, Pty., Ltd., Australia. Intended us of article: The article will be used for ultrahigh resolution spectroscopy of stellar light sources. Comments. Comments have been received from one domestic manufacturer, Gaertner Scientific Corp., dated March 22, 1968, which alleges inter alia that it manufactures Fabry-Perot interferometers as described in the literature attached to the comments, as well as Fabry-Perot interferometers to customer's specifications. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article incorporates an automatic servo-controlled unit for adjusting the interferometer plates in parallelism, which is not available with the Fabry-Perot interferometer manufactured by Gaertner Scientific Corp. We are advised by the National Bureau of Standards (NBS) that the automatic control capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. (Memorandum from NBS dated June 19, 1968.) We therefore find that none of the Fabry-Perot interferometers manufactured by Gaertner Scientific Corp. is of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68-9013; Filed, July 29, 1968; 8:45 a.m.]

GEOLOGICAL SURVEY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00500-01-83500. Applicant: U.S. Department of Interior, Geological Survey, 18th and F Streets NW., Washington, D.C. 20242. Article: Thermogravimetric vacuum recorder. Manufacturer: Mettler Analytical and Precision Balances, Switzerland. Intended use of article: The article will be used to conduct basic investigations into the thermal behavior of materials in controlled gas environments. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is capable of simultaneously performing both thermogravimetric analysis (TGA) and differential thermal analysis (DTA) on the same sample of a substance in a controlled gas environment. There are domestic instruments capable of either one or the other on separate samples. However, the Department of Commerce knows of no instrument or apparatus being manufactured in the United States, which is capable of performing both TGA and DTA simultaneously on the same sample.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68-9017; Filed, July 29, 1968; 8:45 a.m.]

UNIVERSITY OF TENNESSEE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00518-63-46500. Applicant: University of Tennessee, Agricultural Research Laboratory, 1299 Bethel Valley Road, Oak Ridge, Tenn. 37830. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in research on effects of gamma irradiation on the structure and composition of plant cells by means of thin sections of plastic embedded tissue samples. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The purposes for which the foreign article is intended to be used require an ultramicrotome capable of cutting the thinnest possible sections. The foreign article has the capability of cutting sections down to 50 Angstroms (page 6, 1965 catalogue for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The only known comparable domestic ultramicrotome, the Model MT-2 manufactured by Ivan Sorvall, Inc. (Sorvall), has a specified thin-sectioning capability down to 100 Angstroms (page 11, 1966 catalogue for "Porter-Blum" MT-1 and MT-2 ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The lower thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more it is possible to take advantage of the ultimate resolving power of the microscope. (2) For its purposes, the applicant requires an instrument capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) (memorandum dated June 20, 1968) that the applicant needs to produce long unbroken series of sections and that section thicknesses of 50 Angstroms are important. In addition HEW advises that only an ultramicrotome equipped with a thermal advance (feed) can meet these requirements. The foreign article incorporates both a thermal advance for ultrathin sections and a mechanical advance for thicker sections. The Sorvall Model MT-2 is equipped only with a mechanical feed. In connection with Docket No. 67-00024-33-46500, which relates to an identical foreign article, HEW advised that ultramicrotomes employing a mechanical system utilize a gear mechanism and inherent in such mechanisms are backlash and slippage. Hence, in

mechanical systems, the variation in thickness and uniformity will be greater than in thermal systems when both are functioning at their best.

We therefore find the thermal advance of the foreign article to be pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of one degree (page 3 of catalogue on "Ultrotome III"), whereas no equivalent device is specified for the Sorvall Model MT-2.

The capability of accurately measuring the knife-angle setting is pertinent because the angle at which the knife enters the specimen determines the thickness of the section.

For the foregoing reasons, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68-9018; Filed, July 29, 1968; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (33 F.R. 3146, 4113, 5052, 6557, and 7699) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act (34 Stat. 1260, as amended by Public Law 90-201) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to Valley Packing Co., Establishment 2280, and the reference to cattle and swine with respect to such establishment are deleted. The reference to Jack Agee & Co., Establishment 2281, and the reference to swine with respect to such establishment are deleted. The reference to sheep and goats with respect to Chaparral Packing Co., Establishment 7010, is deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Fort Morgan Dressed Beef, Inc	866	(*)						
Adams Sausage Co	2004					(*)		
Tiny Packing Co	2274	(*)						
Ridley Packing Co	2285	(*)						
Panhandle Packing Co	2287	(*)						
Wells Meat Co	2289	(*)				(*)		
Theis Packing Co., Inc	2307	(*)						
Whestling Packing Co	2370	(*)						
Clayton Packing Co	2373		(*)	(*)				
M. Luck and Co	2443	(*)						
John R. Daily, Inc	2450	(*)	(*)	(*)		(*)		
Wenn Packing Co	2533	(*)						
Springfield Dressed Beef	2740	(*)	(*)					
Margolin Packing Co., Inc	2942	(*)	(*)					
Ralph Packing Co., Inc	5228	(*)						
Johnson Meat Co	6016	(*)	(*)	(*)	(*)	(*)		
Chicago Dressed Beef Co	6035	(*)	(*)	(*)	(*)	(*)		
Davis Meat Co	6044	(*)		(*)		(*)		
Avila Meat Co	6046	(*)	(*)					
Penn Haven Meats, Inc	6559	(*)				(*)		
Deming Packing Co	7005	(*)				(*)		
New establishments reported: 21.								
Auburn University Meats Laboratory	71		(*)					
Oakridge Smokehouse	401				(*)			
Sierra Meat Co	882		(*)					
Ridley Packing Co	2270		(*)			(*)		
L. A. Frey & Sons, Inc	2266-A		(*)					
Payne Packing Co., Inc	2283				(*)			
Species added: 7.								

Done at Washington, D.C., this 25th day of July 1968.

R. K. SOMERS,
Deputy Administrator, Consumer Protection.

[F.R. Doc. 68-9083; Filed, July 29, 1968; 8:50 a.m.]

Packers and Stockyards Administration

HEBRON HORSE AUCTION ET AL.

Proposed Posting of Stockyards

The Acting Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

Hebron Horse Auction, Hebron, Conn.
Salmon River Livestock Commission, Inc., Salmon, Idaho.
Hays Livestock Market Center, Hays, Kans.
Powell Livestock Company of Smithfield, Smithfield, N.C.
Smithville Livestock Commission Co., Smithville, Tex.

Notice is hereby given, therefore, that the said Acting Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Acting Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after publication in the FEDERAL REGISTER.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 23d day of July 1968.

G. H. HOPPER,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 68-9060; Filed, July 29, 1968; 8:48 a.m.]

Office of the Secretary

CITRUS ASSOCIATES OF NEW YORK COTTON EXCHANGE, INC.

Designation as Contract Market for Frozen Concentrated Orange Juice Under the Commodity Exchange Act

Pursuant to the authorization and direction contained in the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.), I hereby designate Citrus Associates of the New York Cotton Exchange, Inc., of New York, N.Y., as a contract market for frozen concentrated orange juice, effective on the date hereof, shown below. Citrus Associates of the New York Cotton Exchange, Inc., has applied for and has otherwise complied with the requirements imposed by the said act as a condition precedent to such designation.

This designation is subject to suspension or revocation in accordance with the provisions of the said act.

Issued this 24th day of July 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-9061; Filed, July 29, 1968; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-133]

PACIFIC GAS AND ELECTRIC CO.

Notice of Proposed Issuance of Facility Operating License

The Atomic Energy Commission ("the Commission") is considering the issuance of a full-term facility operating license, substantially as set forth below, to the Pacific Gas and Electric Co. (PG andE) of San Francisco, Calif., for the Humboldt Bay Power Plant Unit No. 3 nuclear reactor located near Eureka, in Humboldt County, Calif. PGandE has operated the Humboldt Bay nuclear reactor since August 1962 under Provisional Operating License No. DPR-7.

The proposed full-term facility operating license (requested by PGandE in application Amendment No. 27 and Proposed Change No. 22, dated Apr. 19, 1966, as amended) incorporates new Technical Specifications which include (1) containment leakage rate limitations and a revised containment leakage rate testing program as requested by PGandE in its Proposed Change No. 21, dated February 24, 1966, and Addendum A thereto, dated March 16, 1967, and (2) a revised paragraph IX relating to administrative and procedural safeguards and operating procedures.

The proposed facility operating license, which would supersede the existing provisional operating license, would be effective for a period of forty (40) years from the issuance of Construction Permit No. CPPR-10 on November 9, 1960.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this license may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this proposed license, see (1) PGandE's application for full-term license dated April 19, 1966 (Amendment No. 27 and Proposed Change No. 22), and addenda thereto dated October 3, 1966, October 28, 1966, February 27, 1967, December 15, 1967, March 8, 1968, April 18, 1968, and June 5, 1968, and Proposed Change No. 21 dated February 24, 1966, and Addendum A thereto dated March 16, 1967, (2) the report of the Advisory Committee on Reactor Safeguards dated March 12, 1968, (3) the Technical Specifications to be incorporated in the license as Appendix A, and (4) the Estimated Schedule of Transfers of Special Nuclear Material designated as Appendix B to the license. The above items are available for public inspection in the Commission's Public Document Rooms at 1717 H Street NW., Washington, D.C., and at 2111 Bancroft Way, Berkeley, Calif.

Copies of items (2) and (3) may be obtained at the Commission's Public Document Room in Washington, D.C., or upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 22d day of July 1968.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Acting Director, Division of Reactor Licensing.

[License No. DPR-7]

The Atomic Energy Commission ("the Commission") has found that:

A. The application for full-term operating license complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter the "Act"), and the Commission's regulations set forth in Title 10, CFR, Chapter 1.

B. There is reasonable assurance that the activities authorized by this license can be conducted at the designated location without endangering the health and safety of the public and such activities will be conducted in compliance with the rules and regulations of the Commission.

C. Pacific Gas and Electric Co. is technically and financially qualified to engage in the activities authorized by this operating license in accordance with the rules and regulations of the Commission and to assume financial responsibility for payment of Commission charges for the special nuclear material.

D. The applicant has furnished proof of financial protection which satisfies the requirements of 10 CFR Part 140 and has executed an indemnity agreement as required by section 170 of the Act and 10 CFR 140.

E. The issuance of this facility operating license will not be inimical to the common defense and security or to the health and safety of the public.

Facility Operating License No. DPR-7 is hereby issued to the Pacific Gas and Electric Co. as follows:

A. This license applies to the Humboldt Bay Power Plant Unit No. 3, consisting of a boiling water reactor (hereinafter, "the reactor") and associated components and equipment, which is owned by Pacific Gas and Electric Co. (hereinafter "PGandE") and located in Humboldt County, Calif., and described in PGandE's license application dated April 27, 1959, as amended, including recent Amendment No. 27 and Proposed Change No. 22, dated April 19, 1966, and Addenda A through G thereto dated October 3, 1966, October 28, 1966, February 27, 1967, December 15, 1967, March 8, 1968, April 18, 1968, and June 5, 1968, respectively, and Proposed Change No. 21 dated February 24, 1966, and Addendum A thereto dated March 16, 1967 (herein, "the application").

B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses PGandE:

1. Pursuant to section 104b of the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", to possess, use, and operate the reactor as a utilization facility at the designated location in Humboldt County, Calif.

2. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material", to receive, possess, and use in connection with operation of the reactor:

(a) 1,000 kilograms of contained uranium-235 at any one time for use in connection with operation of the reactor;

(b) 2 grams of uranium-235 in miniature ionization chambers;

(c) 10 grams of uranium-235 in ionization chambers; and

(d) 100 grams of plutonium encapsulated as plutonium-beryllium neutron sources;

3. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Rules of General Applicability to Licensing of Byproduct Material", to receive, possess, and use a maximum of 12,000 curies of antimony-124 in the form of two antimony-beryllium neutron sources.

4. Pursuant to the Act and Title 10, CFR, Chapter 1, Parts 30 and 70 to possess, but not to separate, such byproduct and special nuclear materials as may be produced by operation of the reactor.

C. This license shall be deemed to contain and is subject to the conditions specified in Part 20, § 30.34 of Part 30, § 40.41 of Part 40, §§ 50.54 and 50.59 of Part 50, and § 70.32 of Part 70, of the Commission's regulations, and is subject to all applicable regulations and orders of the Commission now or hereafter in effect, and is subject to the additional conditions specified or incorporated below.

1. *Maximum power level.* PGandE may operate the reactor at steady-state power levels up to a maximum of 240 thermal megawatts.

2. *Technical Specifications.* The Technical Specifications contained in Appendix A to this license (hereinafter "the Technical Specifications") are hereby incorporated in this license. PGandE shall operate the reactor in accordance with these Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in § 50.59 of 10 CFR Part 50.

3. *Records.* In addition to those otherwise required under this license and applicable regulations, PGandE shall keep the following records:

(a) Reactor operating records, including power levels and period of operation at each power level.

(b) Records showing the radioactivity released or discharged into the air or water beyond the effective control of PGandE as measured at or prior to the point of such release or discharge.

(c) Records of emergency shutdowns and inadvertent scrams, including the reasons therefor.

(d) Records of principal maintenance operations involving substitution or replacement of facility equipment or components and the reasons therefor.

(e) Records of radioactivity measurements on the site and at off-site monitoring stations.

(f) Records of all facility and components tests and measurements performed.

4. *Reports.* In addition to reports otherwise required under this license and applicable regulations,

(a) PGandE shall inform the Commission of any incident or condition relating to the operation of the facility which prevented or could have prevented a nuclear system from performing its safety functions as described in the Technical Specifications or in the application. For each such incident or condition, PGandE shall promptly notify by telephone or telegram the Director of the appropriate AEC Regional Compliance office listed in Appendix D of 10 CFR 20 and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing (hereinafter "the Director, DRL"), with a copy to the Regional Compliance office.

(b) PGandE shall report to the Director, DRL, in writing within thirty (30) days of its observation any substantial variance disclosed by operation of the facility from design specifications contained in the application or the Technical Specifications.

(c) PGandE shall report to the Director, DRL, in writing within thirty (30) days of its occurrence any significant change in the transient or accident analyses as described in the application.

(d) PGandE shall submit to the Commission a semiannual report in writing. The first semiannual report shall cover the first 6 months of 1968. Each such report shall cover the following matters:

(1) Hours of use of the facility.

(2) The electrical output of the facility.

(3) Shutdowns of the facility, with a brief explanation of the cause and duration of each shutdown.

(4) Levels of radioactivity measured on the site and at off-site monitoring stations.

(5) Routine releases, discharges, and shipments of radioactive materials.

(6) Levels of radioactivity in principal systems.

(7) Principal maintenance performed and principal changes made in the reactor and its associated systems with the reasons therefor.

(8) Significant tests performed during the report period and the results of any test analyses completed during the period.

(9) Significant changes in the facility operating organization.

D. Pursuant to § 50.60 of 10 CFR 50, the Commission has allocated to PGandE for use in the operation of the reactor 2,805 kilograms of uranium-235 contained in uranium at the isotopic ratios specified in the application. Estimated schedules of special nuclear material transfers to PGandE and returns to the Commission are contained in Appendix B which is attached hereto. Transfers by the Commission to PGandE will be conditioned upon PGandE's return to the Commission of material substantially in accordance with said Appendix B.

E. As requested in paragraph 4, page 24, of Amendment No. 13 to the Application, as amended by Amendment No. 15, and in accordance with § 20.501 of 10 CFR 20, PGandE is hereby exempted from the requirements of § 20.203(c)(2) of 10 CFR 20.

F. This license is effective as of the date of issuance and shall expire at midnight, November 9, 2000.

Appendix A—Technical Specifications and Appendix B—Schedule of Transfers.[1]

For the Atomic Energy Commission.

FRANK SCHROEDER,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 68-9012; Filed, July 29, 1968; 8:45 a.m.]

[1] These items were not filed with the Office of the Federal Register but are available for inspection in the Public Document Room of the Atomic Energy Commission.

CIVIL AERONAUTICS BOARD

[Docket No. 18650; Order 68-7-61]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

JULY 12, 1968.

Issued under delegated authority.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated July 11, 1968, names additional specific commodity rates, as set forth in the attachment hereto,[1] which reflect significant reductions from the general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act: *Provided*, That approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Agreement CAB 20107, R-24 and R-25, be approved, provided approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-9064; Filed, July 29, 1968; 8:49 a.m.]

[Docket No. 20024]

MURRAY AIR FREIGHT, INC., ET AL.

Notice of Proposed Approval Regarding Control and Interlocking Relationships

Application of Murray Air Freight, Inc., for approval of control and interlocking relationships pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended, Docket 20024.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., July 24, 1968.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

Issued under delegated authority.

Joint application of Eagle General Corp., Murray Air Freight, Inc., Carrier Travel & Reservations, Inc., Thomas Donald Murray, James Emmett Murray, Harold Sigman, Bernard Stark, and Sol Gittelman for approval of control and interlocking relationships pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended, or, alternatively, for disclaimer of jurisdiction

By joint application filed July 8, 1968, Eagle General Corp. (Eagle), Murray Air Freight, Inc. (Murray), and Carrier Travel & Reservations, Inc. (Carrier), request a disclaimer of Board jurisdiction over, or alternatively approval, pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act), of the proposed acquisition by Eagle of Murray. Applicants also request approval of certain proposed interlocking relationships under section 409 of the Act, involving Eagle, Murray, and Carrier, or in the alternative, that the Board disclaim jurisdiction thereover.

Eagle is a publicly held corporation in which Messrs. Sigman, Stark, and Gittelman hold, in approximately equal shares, an aggregate of slightly more than 60 percent of the company's outstanding stock. The individuals also comprise the chief officers of Eagle and three out of its four directors. Eagle operates a messenger service business within the Borough of Manhattan, New York City, which is conducted primarily on foot, except for the use of about a dozen bicycles. Its services are held out to the general public, and do not require the holding of authorities from any governmental public authority, city, State, or Federal.

Eagle wholly owns the shares of stock of Carrier, which is engaged as a passenger agent for the sale of all modes of passenger transportation, holding IATA and ATC authorizations as a passenger agent with respect to air transportation. Messrs. Sigman, Stark, and Gittelman are the officers of Carrier, and comprise its Board of Directors.

Murray is the holder of domestic air freight forwarding authority. Thomas and James Murray hold 50 shares each, of its 100 shares of outstanding stock. They are, respectively, president and vice president/treasurer, and each are directors of Murray. The third officer and director is Carole Murray, Murray's secretary-treasurer.

[1] Filed as part of the original document.

The proposed acquisition by Eagle of Murray will result in the following:

Individual	Murray	Eagle	Carrier
Sigman	Chairman of Board	President-director	President-director.
Stark	Secretary-director	Vice president, Secretary-treasurer.	Vice president, Secretary-director.
Gittelman	Treasurer-Director	Treasurer-director	Treasurer-director.
Thos. Murray	President-director		
Jas. Murray	Vice president-director		

The acquisition will involve the following: (1) Thomas and James Murray will be employed by Eagle "or any of its subsidiaries" and retain their officerships and directorships in Murray, subject to termination for cause by Eagle, in which event the salary of either or both will continue for a period of 18 months; (2) Eagle will convey to the Murrays, 20,000 shares of its stock as follows: 4,000 shares at the closing, in equal amounts and 4,000 shares on October 1, 1968, and each October 1 thereafter through 1972, provided that each of them are still in Eagle's employment on such dates. In the event either one is not then in the employ of Eagle or any of its subsidiaries, the 4,000 shares will be distributed to the one actually so employed on any of such dates.

Eagle states that by virtue of its strong financial condition and depth in management personnel, it intends to assist in the expansion of Murray's operations, supply additional capital and new operating personnel to broaden Murray's services to the shipping public. Eagle does not at this time expect or intend to perform any messenger services for Murray. The applicants further submit that there are no control relationships under section 408 of the Act, other than the foregoing, or other interlocking relationships among the three corporations and five individuals herein named that would require Board approval under section 409.

Disclaimer of jurisdiction under section 408 is requested on the ground that Eagle is not a common carrier within the meaning of section 408(a)(5) of the Act inasmuch as its messenger service does not require any operating authority from any city, State or Federal agency. However, if the Board disagrees with this view, it is requested that the instant acquisition be approved without hearing, as not inconsistent with the public interest. It is further contended that the interlocking relationships shown are exempted from section 409 pursuant to section 287.2 of the Board's economic regulations.

No objections to the application have been filed.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the application, it has been concluded that the request for a disclaimer of Board jurisdiction should be denied, but that the alternative request for approval of the control relationships should be approved.

The Board has previously held that persons holding out transportation services to the general public to be common carriers regardless of the geographical extent of their operations and the absence of a requirement to hold operating authority from a governmental agency.[1] However, it has been further herein involving Eagle, Carrier, and Murray do not affect an air carrier directly engaged in the operation of aircraft in air transportation, do not result in a monopoly and do not restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing and it is found that the public interest does not require a hearing. The control relationships are similar to others which have been approved by the Board and do not present any new substantive issues.[2] It therefore appears that approval of the proposed control relationships would not be inconsistent with the public interest.

We also find that interlocking relationships within the scope of section 409(a) of the Act will result from the holding by Messrs. Sigman, Stark, and Gittelman of positions as officers and/or directors in Eagle, Carrier, and Murray.[3] However, we have concluded that such relationships come within the scope of § 278.2 of the Board's economic regulations.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13 and 385.3, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, without a hearing, and that the application, to the extent that it requests approval of the aforementioned interlocking relationships, should be dismissed.

Accordingly, it is ordered:

1. That the acquisition by Eagle of control of Murray be and it hereby is approved;

2. That, to the extent that approval of interlocking relationships is sought under section 409 of the Act, the application be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon the expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will reveiw this order on its own motion.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-9065; Filed, July 29, 1968; 8:49 a.m.]

[1] Mercury Service Systems, Inc., Order E-22016, Apr. 8, 1965, page 2.

[1] Cleveland Air Forwarding et al., Order E-25858, Oct. 20, 1967.

[2] Messrs. Thomas and James Murray are not shown to be proposed officers and/or directors of any company other than Murray, hence they do not give rise to any interlocking relationships.

NORTH CENTRAL AIRLINES, INC.

Notice of Application for Amendment of Certificate of Public Convenience and Necessity

JULY 25, 1968.

Notice is hereby given that the Civil Aeronautics Board on July 24, 1968, received an application, Docket 20048, from North Central Airlines, Inc., for amendment of its certificate of public convenience and necessity for route 86 to authorize it to engage in nonstop service between Minneapolis/St. Paul and Chicago; and Minneapolis/St. Paul and Madison. The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-9066; Filed, July 29, 1968; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16925; FCC 68M-1089]

APPLE VALLEY BROADCASTING, INC.

Order Scheduling Prehearing Conference

In re application of Apple Valley Broadcasting, Inc., Yakima, Wash., Commission action granting construction permit for a new television station on UHF Channel 35 at Yakima, Wash., Docket No. 16925, File No. BPCT-3648.

The Hearing Examiner having for consideration a public notice released July 18, 1968, wherein it is recited that the Commission has remanded this proceeding for further hearing, and that such hearing shall be expedited; [1]

It is ordered, That a prehearing conference shall convene on July 31, 1968, at 9 a.m. in the offices of the Commission, Washington, D.C., for the purpose of establishing procedural dates, and that the parties be prepared to work out procedures whereby the hearing will be concluded no later than September 6, 1968.

Issued: July 22, 1968.

Released: July 23, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-9071; Filed, July 29, 1968; 8:49 a.m.]

[Docket No. 18025; FCC 68M-1090]

ATHENS TV CABLE OF ALABAMA, INC.

Order Scheduling Further Prehearing Conference

In re cease and desist order to be directed against Athens TV Cable of Alabama, Inc., owner and operator of a CATV system at Athens, Ala., Docket No. 18025, File No. SR-1175.

The Hearing Examiner having for consideration his order released April 1,

[1] The order of remand had not been released as of the adoption of the instant order. However, the history of this case is such that all of the parties are intimately familiar with the factors underlying the Commission's action, and it is assumed that the order of remand will be available well in advance of the date set for conference.

1968, and letter reports of progress submitted by counsel for Athens TV Cable of Alabama, Inc., on April 29 and June 19, 1968:

It appearing, that in the immediate future hearings should be commenced or this proceeding should be terminated, and that a conference should be convened to determine which is appropriate;

It is ordered, That a further prehearing conference shall convene on August 1, 1968, at 9 a.m., in the offices of the Commission at Washington, D.C.

Issued: July 22, 1968.

Released: July 23, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-9072; Filed, July 29, 1968; 8:49 a.m.]

BALTIMORE BROADCASTING CO. AND MEADOWS BROADCASTING CO., INC.

[Docket Nos. 17740, 17741; FCC 68M-1091]

Order Scheduling Further Prehearing Conference

In re applications of Baltimore Broadcasting Co., Baltimore, Md., Docket No. 17740, File No. BPCT-3810; The Meadows Broadcasting Co., Inc., Baltimore, Md., Docket No. 17741, File No. BPCT-3878; for construction permit for new television broadcast station (Channel 54).

It is ordered, That there will be a further prehearing conference in the above matter on August 8, 1968, at 2 p.m., in the offices of the Commission, Washington, D.C.

Issued: July 22, 1968.

Released: July 23, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-9073; Filed, July 29, 1968; 8:49 a.m.]

[Docket No. 18250; FCC 68-726]

MICHAEL L. FLANAGAN

Order Designating Application for Hearing on Stated Issues

In re application of Michael L. Flanagan, Costa Mesa, Calif., for amateur radio station and General Class operator licenses.

The Commission has under consideration the above-entitled application for amateur radio station and General Class operator licenses.

There are substantial questions as to:

a. Whether Michael L. Flanagan wilfully or maliciously used his amateur radio station, WA6YEG, to interfere with or cause interference to, the radio communications of other stations, in violation of § 97.125 of the Commission's rules;

b. Whether Michael L. Flanagan operated radio transmitting apparatus on Amateur Radio Service frequencies without a license therefor, in violation of section 301 of the Communications Act of 1934, as amended;

c. Whether Michael L. Flanagan, while operating a radio transmitter on Amateur Radio Service frequencies, wilfully or maliciously interfered with, or caused interference to, radio communications of licensed stations which, had he been licensed, would have been in violation of § 97.125 of the Commission's rules;

d. Whether Michael L. Flanagan operated radio transmitting apparatus on Citizens Radio Service frequencies without a license therefor, in violation of section 301 of the Communications Act of 1934, as amended;

e. Whether Michael L. Flanagan wilfully damaged, or caused, or permitted to be damaged, radio apparatus or a radio installation in a licensed radio station, which conduct was in violation of local law and, had he been licensed, would have been in violation of § 97.127 of the Commission's rules.

In view of these questions, the Commission is unable to find that a grant of the captioned application would serve the public interest, convenience, and necessity and must, therefore, designate the application for hearing. Except for the issues specified herein, the applicant is otherwise qualified to hold an Amateur Radio Service license.

Accordingly, it is ordered, Pursuant to section 309(e) of the Communications Act of 1934, as amended and § 1.973(b) of the Commission's rules, that the captioned application is designated for hearing at a time and place to be specified by subsequent order upon the following issues:

(1) To determine whether Michael L. Flanagan, on or about March 30, 1967, wilfully or maliciously used his amateur radio station WA6YEG to interfere with, or cause interference to, radio communications of other stations, in violation of § 97.125 of the Commission's rules.

(2) To determine whether on or about January 4, February 7, and April 11, 1968, Michael L. Flanagan operated radio transmitting apparatus on Amateur Radio Service frequencies without a license therefor, in violation of section 301 of the Communications Act of 1934, as amended.

(3) If Issue 2 is affirmatively resolved, to determine whether Michael L. Flanagan, on or about February 7, 1968, wilfully or maliciously interfered with, or caused interference to, radio communications of licensed stations which, had he been licensed at the time, would have been in violation of § 97.125 of the Commission's rules.

(4) To determine whether on or about April 11 and 30, and May 15 and 17, 1968, Michael L. Flanagan operated radio transmitting apparatus on Citizens Radio Service frequencies without a license therefor, in violation of section 301 of the Communications Act of 1934, as amended.

(5) To determine whether on or about November 12, 1967, Michael L. Flanagan wilfully damaged, or caused or permitted to be damaged, a radio installation in a licensed radio station, which conduct was in violation of local law and, had he been licensed, would have been in violation of § 97.127 of the Commission's rules.

(6) To determine whether, in light of the evidence adduced with respect to the foregoing issues, the applicant possesses the requisite qualifications to be a licensee of the Commission.

(7) To determine whether, in light of the evidence adduced with respect to the foregoing issues, a grant of the captioned application would serve the public interest, convenience, and necessity.

It is further ordered, That, to avail himself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission in triplicate a written appearance stating an intent to appear on the date fixed for hearing and present evidence on the issues specified in this order; and

It is further ordered, That the Chief, Safety and Special Radio Services Bureau, shall, within 10 days after the release of this order, furnish a Bill of Particulars to the applicant herein setting forth the basis for the above issues.

Adopted: July 17, 1968.

Released: July 19, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-9074; Filed, July 29, 1968; 8:49 a.m.]

[Docket No. 17243 etc.; FCC 68R-309]

KITTYHAWK BROADCASTING CORP. ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Kittyhawk Broadcasting Corp. et al., Kettering, Ohio, for construction permits, Docket No. 17243, File No. BP-16603, 17244, 17245, 17246, 17247, 17249, 17250.

1. This proceeding, involving seven applicants for new or changed standard broadcast facilities, was designated for hearing by Memorandum Opinion and Order, FCC 67-256, 7 FCC 2d 153, released March 16, 1967. Now before the Review Board is a petition to enlarge issues, filed on May 23, 1968,[1] by Kittyhawk Broadcasting Corp. (Kittyhawk).[2]

[1] The petition is not opposed on the grounds of timeliness, and the Board finds that good cause for the delay has been adequately demonstrated.

[2] The following related pleadings are also before the Board: (a) Opposition, filed by The Gem City Broadcasting Co. (Gem City) on June 17, 1968; (b) Broadcast Bureau's comments, filed on June 17, 1968; (c) reply, filed by Kittyhawk on June 25, 1968; and (d) supplement to (a), filed by Gem City on July 11, 1968. Gem City's supplement is not an authorized pleading and no request for permission to file it has been made. This pleading will therefore not be considered by the Board.

Petitioner seeks the addition of two issues inquiring into Gem City's failure to notify the Commission of a National Labor Relations Board Trial Examiner's Decision, and three issues inquiring into Gem City's technical qualifications.

2. Petitioner's request for notification issues is premised on a Trial Examiner's Decision, TXD-207-68, released on April 9, 1968, wherein the Examiner found that Arthur Beerman, a 50 percent stockholder and chairman of the board of directors of Gem City, caused violations of section 8(a)(1) and 8(a)(3) of the National Labor Relations Act[3] as chief executive of Elder-Beerman Stores, Inc. Citing Azalea Corp., FCC 67R-447, 11 RR 2d 541, Kittyhawk contends that Gem City was required to, but did not, report this matter to the Commission under § 1.65 of the rules. Petitioner further contends that the "flagrance of the violations" relating to Beerman casts serious doubt on Gem City's qualifications. More specifically, petitioner refers to certain portions of the NLRB Examiner's Decision, in which he resolved credibility questions against Beerman, and found that Beerman had made certain racially discriminatory statements. These statements, petitioner avers, raise a substantial question as to whether Gem City will follow its proposed program policy with regard to race relations.[4]

3. Gem City, in opposition, contends that it was not required, under § 1.65 of the rules, to notify the Commission of the Trial Examiner's decision. In support of this contention, Gem City submits an affidavit from counsel representing it before the NLRB, who outlines the adjudicatory procedures set forth in the National Labor Relations Act, pointing out that the sole decision making authority is the Board itself, and that a Trial Examiner's decision becomes the Board's decision only if exceptions have not been filed. Since exceptions have been filed, counsel argues, the Board has full decision-making powers with respect to the case, and is free to totally disregard the Examiner's decision. Moreover, Gem City alleges, an issue inquiring into the conduct underlying this suit is not warranted because petitioner has not alleged personal knowledge of that conduct. A more appropriate procedure, Gem City suggests, would be to condition any grant to it pending the outcome of the NLRB case. Finally, with regard to the alleged discriminatory remarks, Gem City submits an affidavit from Beerman, in which he states that in formulating Gem City's programing policy regarding race relations, he counseled with a leading Negro in the community, who is also an officer, director, and stockholder in Gem City. Beerman also lists various commendable activities and awards received by him in the field of race relations.

4. In the Azalea case, supra, the Review Board held that an applicant had a duty to report a decision of the NLRB, even though that decision was on appeal in the courts. Gem City attempts to distinguish that case on the ground that here there is a Trial Examiner's decision which has been appealed to the Board. In both instances, however, the reviewing authority has full power to set aside an appealed decision. Although there are distinctions in the legal status of decisions at different levels of authority, the Board is not persuaded that the Trial Examiner's decision is, if appealed, so inconsequential or of so little weight that it can be ignored insofar as determining an applicant's qualifications to be a Commission licensee. We therefore find that a question has been raised as to whether the decision resulted in a "substantial and significant" change which should have been reported pursuant to section 1.65 of the rules. While it may be that Gem City failed to report this matter due to an honest mistake in judgment as to the applicability of section 1.65, the Board is unable, on the basis of the pleadings, to make such a determination.[5] An appropriate issue will therefore be added. The burden of proceeding and burden of proof under this issue will be on Gem City since the facts regarding its failure to notify are peculiarly within its knowledge.

5. With regard to the conduct underlying the suit, the Board will follow the procedure suggested by the Bureau, and utilized in the Azalea case, and permit that conduct to be explored under the standard comparative issue.[6] The Examiner is therefore authorized to permit an appropriate evidentiary inquiry. However, we note, as in the Azalea case, that this inquiry should be limited to the conduct which formed the basis of the violations found by the Trial Examiner. We do not regard the Examiner's rejection of certain testimony from Beerman based on credibility findings as tantamount to a finding that Beerman was guilty of misrepresentation in that proceeding. Nor did the Examiner find that Beerman discharged employees because of their race, and petitioner's allegations are not sufficient to raise a substantial question as to whether Gem City will carry out its stated policy as to race relations programing. We are therefore not authorizing inquiry into these matters.

6. Kittyhawk requests technical issues to determine whether Gem City's site is suitable for the construction of its proposed tower and directional antenna system, and to determine whether its directional antenna can be maintained so as to avoid prohibited overlap with Station WIMA, Lima, Ohio. To support the suitability issue, Gem City submits a photograph of the site, and affidavits alleging that the site is partially submerged under water and near a metal conveyor system and 50-foot masts of a power substation. The second technical issue is supported by an affidavit from a consulting engineer, who points out that Gem City's testimony reveals that it anticipates day-to-day variations of ±1° in phase and ±1 percent in current ratio, and alleges that radiation in the direction N. 5° E. will exceed the specified MEOV when deviations in the two end towers are greater than ±0.4 percent in current ratio and ±0.4° in relative phase. In addition, it is alleged that some reradiation can be expected from various structures in a nearby gravel processing plant.

7. Opposing these requests, Gem City submits a copy of its option to purchase the proposed site, which states that the present owner will fill the excavation in the event the option is exercised, after a mutually satisfactory price is agreed upon. In an affidavit, Kittyhawk's consulting engineer expresses the opinion that there will be "no problem" in constructing the proposed towers and antenna system, and alleges that, even assuming the variations in phases and ratios used by the petitioner and a reradiation of 10 mv/m from the conveyor system, Gem City could adjust and maintain its proposed directional antenna pattern so as not cause prohibited overlap with Station WIMA. Petitioner's engineer, in reply, alleges that Gem City's calculations are deficient, and ignore the presence of various structures in the area, which will cause reradiation and cannot be detuned.

8. The showing by Kittyhawk's engineer that radiation in several directions would exceed the specified MEOV's (maximum expected operating values) when deviations in the two end towers of the proposed array are greater than ±0.4 percent in current ratios and ±0.4° in relative phase, and the showings by Kittyhawk's and Gem's engineers that additional radiation above the MEOV's would result if variations of 1 percent in current ratios and 1° in phase occurred, considered in light of the obstruction and site problems described in the pleadings, warrant the addition of issues permitting inquiry into these matters at the evidentiary hearing. The issues suggested by the Bureau will therefore be added.

9. *Accordingly, it is ordered*, That the petition to enlarge issues, filed on May 23, 1968, by Kittyhawk Broadcasting Corp. is granted to the extent indicated herein, and denied in all other respects; and that the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine (1) the facts and circumstances surrounding The Gem City Broadcasting Co.'s failure to notify the Commission of the NLRB Trial Examiner's Decision, TXD-207-68, released

[3] The section 8(a)(1) violations relate to the discharge of employees for union activities, and the section 8(a)(3) violations relate to discouraging union membership.

[4] In one of its hearing exhibits, Gem City states that "it is our policy to stimulate and provoke discussion, information, thought, and action concerning race relations", and that Kettering "is going to have to be inclined in helping solve the complex problems facing minority groups, particularly housing and employment."

[5] Compare WLCY, Inc., FCC 68R-252, ------ FCC 2d ------, released June 14, 1968.

[6] The condition procedure suggested by Gem City has been imposed where a civil or criminal suit is pending. However, where, as here, there are findings and conclusions regarding misconduct, the Board is of the view that these findings and conclusions, albeit subject to review, afford an adequate basis for determining the effect of the underlying conduct on the applicant's qualifications.

April 9, 1968; (2) whether, in light thereof, this applicant has continued to keep the Commission advised of "substantial and significant" changes, as required by § 1.65 of the rules; and (3) if not, the effect on the applicant's requisite and comparative qualifications to be a Commission licensee.

(b) To determine whether The Gem City Broadcasting Co. would be able to adjust and maintain its directional antenna system as proposed in its application.

(c) To determine whether the transmitter site proposed by The Gem City Broadcasting Co. is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

10. *It is further ordered*, That the burden of proceeding with the introduction of evidence and burden of proof under the issues added herein will be on The Gem City Broadcasting Co.

Adopted: July 19, 1968.

Released: July 24, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68-9075; Filed, July 29, 1968; 8:49 a.m.]

[Docket Nos. 17932-17934; FCC 68M-1093]

RUST CRAFT BROADCASTING CO. ET AL.

Memorandum and Order Regarding Procedural Dates

In re applications of Rust Craft Broadcasting Co., Utica, N.Y., Docket No. 17932, File No. BPCT-3924; P. H. Inc., Utica, N.Y., Docket No. 17933, File No. BPCT-3952; Roy H. Park Broadcasting, Inc., Utica, N.Y., Docket No. 17934, File No. BPCT-3977; for construction permit for new television broadcast station.

Under consideration is a motion for continuance filed by Roy H. Park and joined in by all other parties. The motion seeks abandonment of presently scheduled prehearing procedures and conversion of hearing into conference. Cause lies in the prospect that two of the applicants will dismiss, leaving a third unopposed for grant. The Examiner notes that well over 6 months have passed since the hearing order issued (FCC 67-1365, Jan. 2, 1968). With some confidence he suggests that such arrangements as are contemplated here, while embraced by the Commission's rules, are not to be deemed as frequency reservations in perpetuity. Grant of the requested relief will be made with the exhortation that the contemplated arrangements for unopposed application be effected and filed with the Commission by the date of the conference here designated.

[1] Board Members Berkemeyer and Sloan absent.

Accordingly, it is ordered, this 22d day of July 1968: That the motion for continuance filed by Roy H. Park Broadcasting, Inc., on July 17, 1968, is granted; all prehearing procedures and procedural dates now scheduled are vacated; a hearing conference is scheduled for September 3, 1968, at 9 a.m.

Issued: July 22, 1968.

Released: July 23, 1968.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68-9076; Filed, July 29, 1968; 8:49 a.m.]

[Docket Nos. 16924-16926; FCC 68-721]

SUNSET BROADCASTING CORP. ET AL.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re applications of: Sunset Broadcasting Corp., Yakima, Wash., Docket No. 16924, File No. BPCT-3478; Apple Valley Broadcasting, Inc., Yakima, Wash., Docket No. 16925, File No. BPCT-3648; Northwest Television & Broadcasting Co. (a joint venture), Yakima, Wash., Docket No. 16926, File No. BPCT-3672; for construction permit for new television broadcast station.

1. The Commission has before it the June 27, 1968, order of the U.S. Court of Appeals for the District of Columbia Circuit granting our motion for remand in Cascade Broadcasting Company, Inc. v. F.C.C., Case No. 21,766. In requesting a remand the Commission indicated that a hearing would be ordered on a trafficking issue. The Court's order also provides that the Commission may specify "such other issues as the Commission may deem appropriate." We now designate this matter for hearing.

2. Background of the case. By a memorandum opinion and order released October 18, 1966, FCC 66-913, the Commission designated for a comparative hearing applications filed by (1) Sunset Broadcasting Corp., (2) Northwest Television & Broadcasting Co., and (3) Apple Valley Broadcasting, Inc. All applicants requested Channel 35, Yakima, Wash. The Commission decided against designating a trafficking issue against Morgan Murphy, who controls the Apple Valley application, as requested in a petition to deny filed by Cascade Broadcasting Co. The Review Board by memorandum opinion and order, FCC 67R-372 released September 7, 1967, approved a merger agreement between the three Yakima applicants, terminated the comparative hearing, and granted a construction permit to Apple Valley. After the Commission refused to review the Board's action, FCC 68-144, adopted February 14, 1968, Cascade filed its appeal which ultimately resulted in our request to the Court that the case be remanded so that we could order a hearing on the allegation that Morgan Murphy, who controls Apple Valley, has trafficked in broadcast licenses.

3. The Trafficking Question: Our previous action refusing to designate a trafficking issue was taken in October 1966. Subsequent to that time, both the Commission and the Court have adopted several decisions which warrants further review of the trafficking question. See Folkways Broadcasting Company v. F.C.C., 126 US App. DC 123, 375 F 2d 249 (1967); the Commission's opinion in Harriman Broadcasting Company 9 F.C.C. 2d 731 (1968) affirmed by the United States Court of Appeals in F. L. Crowder v. F.C.C., Case No. 21,222, decided June 20, 1968. See also L. B. Wilson, Inc. v. F.C.C., Case No. 20,845, decided May 23, 1968. On a reevaluation of Cascade's allegations in the light of these new cases, we have concluded that a hearing would serve the public interest.

4. Petitioner Cascade alleged in its petition to deny that between June 1958 and 1965 Murphy sold 7 AM, 2 FM, and 3 TV stations and that most of the stations were sold for considerable profit. While such a profit would not seem to be unusual for the sale of radio stations which were held for long periods of time, Cascade alleged that station WMAM was purchased in 1958 for $77,470 and sold in 1960 for $167,500; that WEAU-TV, constructed in 1953 for $834,282, was sold in 1962 for $2,100,300; and that WLUC-TV and WLUK-TV, which were purchased in 1958 and 1959 for $869,475, were sold in 1965 for $3,500,000.

5. Cascade also alleged that Murphy gave inconsistent reasons for the sale of some stations. Thus, it alleged that the reason for the sale of two radio stations in 1958 was a desire to devote more time to WEBC. Yet, 4 months later WEBC was also sold. Moreover, while the major reason offered for the sale of radio stations after 1957 was a desire to concentrate on the newer television medium, Cascade noted that Murphy then sold television station WEAU-TV in 1962, and that WLUC-TV and WLUK-TV were sold in 1965.

6. After considering these allegations in view of our recent decision in Harriman, 9 F.C.C. 2d 731, and the Court's affirmance of that decision on June 20, 1968, we find that Apple Valley's previous response to Cascade's allegations is incomplete and unsatisfactory. The Commission is therefore ordering a hearing on the trafficking question.

7. Several years have passed since we allocated Channel 35 to Yakima in June 1964. We agree with the Review Board's previous conclusion that the public interest would be served by "expediting the inauguration of a third television broadcast station at Yakima, Washington." Therefore, in remanding this case to the Examiner who was originally assigned to preside at the comparative hearing, we are instructing him to expedite the hearing, the filing of proposed findings, and the issuance of his Initial Decision. To further expedite resolution of this proceeding, we are providing that any exceptions to the Examiner's initial decision should be directed to the Commission, instead of the Review Board.

8. As previously noted, the Court's remand in this case provides that the Commission may designate "such other issues as the Commission may deem appropriate." Thus, the parties are not precluded from seeking enlargement of the issues in accordance with § 1.229 of the Commission's rules. Since we have decided to order a hearing on the Apple Valley application, we are vacating our order denying review and staying the effect of the Review Board's memorandum opinion and order approving the merger among Apple Valley, Northwest Television, and Sunset Broadcasting.

9. *Accordingly, it is ordered*, That pursuant to the mandate of U.S. Court of Appeals for the District of Columbia Circuit, in Cascade Broadcasting Company, Inc. v. F.C.C., supra, and section 309(e) of the Communications Act of 1934, as amended, the application of Apple Valley Broadcasting Co., Inc., is designated for hearing upon the following issues:

1. To determine whether Morgan Murphy, a party to the Apple Valley Broadcasting Co. application, has engaged in trafficking in broadcast authorizations;

2. To determine in the light of the evidence adduced pursuant to the foregoing issue whether a grant of the application to which Morgan Murphy is a party would serve the public interest, convenience and necessity.

10. *It is further ordered*, That the burden of proceeding with the introduction of evidence with respect to issue 1 shall be on Cascade Broadcasting Co.; that the burden of proof shall be on the applicant Apple Valley Broadcasting Co., Inc.

11. *It is further ordered*, That such hearing shall be expedited by the Hearing Examiner and that if any exceptions are taken to the initial decision they shall be addressed to the Commission.

12. *It is further ordered*, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule; and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

13. *It is further ordered*, That the Order, FCC 68-144, adopted February 14, 1968, is vacated, and that the effect of the Review Board's Memorandum Opinion and Order, FCC 67R-372, released September 7, 1967, is stayed until further order of the Commission.

Adopted: July 17, 1968.

Released: July 24, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68-9077, Filed, July 29, 1968; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-12907 etc.]

HORIZON OIL & GAS CO. OF TEXAS

Order Amending Orders

JULY 23, 1968.

Order amending orders issuing certificates of public convenience and necessity, accepting notices of succession for filing, redesignating FPC gas rate schedules, substituting respondent, redesignating proceedings, and accepting agreements and undertakings for filing.

On May 10, 1968, Horizon Oil & Gas Co. of Texas (Petitioner) filed in Docket No. G-12907 et al., petitions to amend the orders issuing certificates of public convenience and necessity to Calder, N. Bruce and Curtis E., Jr., doing business as Horizon Oil & Gas Co., in said dockets pursuant to section 7(c) of the Natural Gas Act by substituting Petitioner as certificate holder, all as more fully set forth in the petitions to amend and in the appendix hereto.

Petitioner has succeeded to the properties and interests of the Calders and has filed notices of succession to the Calders' FPC gas rate schedules. The notices will be accepted for filing as of July 1, 1967, the effective date of the assignment; and the FPC gas rate schedules will be redesignated accordingly.

The Calders filed notices of changes in rate under several rate schedules, which changes were suspended and in some cases were made effective subject to refund. Petitioner indicates in its petitions that it intends to assume the responsibility for refunds from the time that the increased rates were made effective subject to refund and has filed agreements and undertakings in all of the Calders' rate proceedings to assure the refunds of all amounts collected in excess of the amounts determined to be just and reasonable in said proceedings. Therefore, Petitioner will be substituted as respondent in each of the rate proceedings; the proceedings will be redesignated accordingly; and the agreements and undertakings will be accepted for filing in those proceedings in which the increased rates have been made effective subject to refund.

The Commission's staff has reviewed the petitions to amend and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice published in the FEDERAL REGISTER, no petitions to intervene, notices of intervention, or protests to the granting of the petitions to amend have been received.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that Petitioner should be substituted in lieu of the Calders as certificate holder or respondent in each of the latter's certificates and rate proceedings and that the related FPC gas rate schedules should be redesignated accordingly.

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity to Calder, N. Bruce and Curtis E., Jr., doing business as Horizon Oil & Gas Co., are amended by substituting Petitioner as certificate holder as hereinbefore described and as more fully described in the appendix hereto; and in all other respects said orders shall remain in full force and effect.

(B) The notices of succession submitted by Petitioner to the Calders' FPC gas rate schedules are accepted for filing effective as of July 1, 1967, and the FPC gas rate schedules are redesignated as set forth in the appendix hereto.

(C) Petitioner is substituted in lieu of the Calders as respondent in each of the latter's rate proceedings described in the appendix hereto; the proceedings are redesignated accordingly; and the agreements and undertakings submitted by Petitioner in all of said proceedings, except those in Docket Nos. RI68-556 and RI68-557, are accepted for filing.

(D) Petitioner shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreements and undertakings filed by Petitioner in the proceedings described in paragraph (C) above shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Concurring statement of Commissioner Bartley filed as part of the original document.

APPENDIX

Calder, N. Bruce and Curtis E., Jr., d.b.a. Horizon Oil & Gas Co. FPC gas rate schedule No.	Certificate proceeding docket No.	Rate proceeding docket No.	Horizon Oil & Gas Co. of Texas FPC gas rate schedule No.
			6
1 [1]	G-12907	RI63-122	1 6
1 [1]	do	RI68-556 [2]	1 7
2 [1]	G-12907	RI63-74	1 7
2 [1]	do	RI68-556 [2]	1 8
3 [1]	G-12867, G-14868, G-15118	G-16315	1 8
3 [1]	do	G-19484	1 8
3 [1]	do	RI61-81	1 8
3 [1]	do	RI62-45	1 8
3 [1]	do	RI63-72	1 8
3 [1]	do	RI68-556 [2]	1 8
4	G-15307, G-17007	RI63-72	9
4	do	RI68-557 [2]	9
5	G-13886	RI62-402	10
7 [1]	G-16185	RI63-470	1 11
8 [1]	G-16183	RI63-470	1 12
9 [1]	G-16156, G-18722	RI62-393	1 13
11 [1]	G-19524	RI60-291	1 14
11 [1]	do	RI61-406	1 14
11 [1]	do	RI62-363	1 14
11 [1]	do	RI63-375	1 14
12 [1]	CI61-63	RI61-406	1 15
12 [1]	do	RI62-363	1 15
12 [1]	do	RI63-375	1 15
13	CI61-100	RI66-326	16
14	CI61-1309	RI66-337	17
15	CI61-1703		18
16	CI61-1704		19
17	CI62-734	RI62-408	20
18	CI63-257		21
20	CI63-869		22
21	CI63-1157	RI67-458	23
22	CI63-1474	RI66-358	24
23	CI64-884		25

[1] (Operator) *et al.*
[2] Increase in rate not effective.

[F.R. Doc. 68-8954; Filed, July 29, 1968; 8:45 a.m.]

[Docket No. G-4567, etc.]

BERT FIELDS, JR., ET AL.

Findings and Order After Statutory Hearing

JULY 23, 1968.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket number, amending certificates, permitting and approving abandonment of service, terminating certificates, substituting respondents, making successors co-respondents, redesignating proceedings, accepting agreement and undertaking for filing, requiring filing of agreement and undertaking, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC gas rate schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that the sale from the Permian Basin area of Texas is authorized to be made at the applicable area base rate and under the conditions prescribed in Opinion Nos. 468 and 468-A.

Amerada Petroleum Corp., Applicant in Docket No. G-5083, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Shell Oil Co. FPC Gas Rate Schedule No. 95. Said rate schedule will be redesignated as that of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI65-52. Prior increased rates under said rate schedule have been collected for locked-in periods subject to refund in Docket Nos. G-16254, RI61-475, RI62-247, RI63-479, and RI64-132. Applicant has filed a motion to be made co-respondent in all of said proceedings together with an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amounts determined to be just and reasonable in said proceedings. Therefore, Applicant will be made co-respondent; the proceedings will be redesignated accordingly; and the agreement and undertaking will be accepted for filing.

Bert Fields, Jr., et al., Applicant in Docket Nos. G-11473 and G-11614, proposes to continue the sales of natural gas heretofore authorized in said dockets to be made pursuant to Bert Fields Estate et al., FPC Gas Rate Schedules Nos. 9 and 8, respectively. Said rate schedules will be redesignated as those of Applicant. An increase in rate has been filed under said rate schedules and is suspended in Docket No. RI64-290. Therefore, Applicant will be substituted in lieu of Bert Fields Estate et al., as respondent in the proceeding pending in Docket No. RI64-290; and the proceeding will be redesignated accordingly.

Henry Grace Production Co. (Operator) et al., Applicant in Docket No. CI61-579, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Irvin Producing Co. (Operator) et al., FPC Gas Rate Schedule No. 1. Said rate schedule will be redesignated as that of Applicant. An increase in rate has been filed under said rate schedule and is suspended in Docket No. RI66-328. Therefore, Applicant will be substituted in lieu of Irvin Producing Co. (Operator) et al., as respondent in the proceeding pending in Docket No. RI66-328; and the proceeding will be redesignated accordingly.

Belco Petroleum Corp., Applicant in Docket No. CI68-1279, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI61-1557 to be made pursuant to Livingston Oil Co. FPC Gas Rate Schedule No. 1. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI66-228. Therefore, Applicant will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and Applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on July 18, 1968, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments, and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record:

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments, and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. CI68-1303 should be cancelled and that the application filed therein should be processed as a petition to amend the certificate heretofore issued in Docket No. CI62-587.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-4567, G-4568, G-4569, G-4570, G-4571, G-4572, G-5083, G-6306, G-11473, G-11614, G-12902, G-13302, G-14403, CI60-526, CI60-691, CI61-269, CI61-422, CI61-579, CI61-1265, CI61-1557, CI62-262, CI62-514, CI62-587, CI62-718, CI62-1369, CI64-546, CI65-24, CI65-443, and CI67-1795 should be amended as hereinafter ordered and conditioned.

(7) The sale of natural gas proposed to be abandoned by Applicant in Docket No. CI68-1319, as hereinbefore described, all as more fully described in the application and in the tabulation herein, is subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonment should be permitted and approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued in Docket Nos. G-20030 and CI61-18 should be terminated.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Amerada Petroleum Corporation should be made a co-respondent in the proceedings pending in Docket Nos. G-16254, RI61-475, RI62-247, RI63-479, RI64-132, and RI65-52; that said proceedings should be redesignated accordingly; and that the agreement and undertaking submitted in said proceedings by Amerada should be accepted for filing.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Henry Grace Production Co. (Operator) et al., should be substituted in lieu of Irvin Producing Co. (Operator) et al., as respondent in the proceeding pending in Docket No. RI66-328 and that the proceeding should be redesignated accordingly.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Bert Fields, Jr., et al., should be substituted in lieu of Bert Fields Estate et al., as respondent in the proceeding pending in Docket No. RI64-290 and that the proceeding should be redesignated accordingly.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Belco Petroleum Corp. should be made a co-respondent in the proceeding pending in Docket No. RI66-228, that said proceeding should be redesignated accordingly, and that Belco should be required to file an agreement and undertaking.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements, and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61-1, as amended, shall be filed prior to the applicable date as indicated by footnote 17 in the attached tabulation.

(E) The initial rate for the sale authorized in Docket No. CI68-1237 shall be 15 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement, subject to B.t.u. adjustment; however, in the event that the Commission amends its policy statement No. 61-1, by adjusting the boundary between the Panhandle area and the Oklahoma "Other" area so as to increase the initial wellhead price for new gas in the area involved herein, Applicant thereupon may substitute the new rate reflecting the amount of such increase, and thereafter collect such new rate prospectively in lieu of the initial rate herein required.

(F) The certificate issued herein in Docket No. CI68-1237 is conditioned upon any determination which may be made in the proceeding pending in Docket No. R-338 with respect to the transportation of liquefiable hydrocarbons.

(G) A certificate is issued herein in Docket No. CI68-1296 authorizing Applicant to continue the sale of natural gas which was initiated without prior Commission authorization.

(H) Certificates are issued herein in Docket Nos. CI68-1308 and CI68-1310 authorizing the respective Applicants to continue the sales of natural gas being rendered on June 7, 1954.

(I) The acceptance for filing of the related rate filings in Docket No. CI61-579 and CI68-1311 is contingent upon Applicants' filing three copies of a billing statement as required by the regulations under the Natural Gas Act.

(J) Within 45 days from the date of this order Applicant in Docket No. CI68-1307 shall file a rate schedule quality statement in the form prescribed in Opinion No. 468-A.

(K) Docket No. CI68-1303 is canceled.

(L) The certificates heretofore issued in Docket Nos. G-6306, CI61-1265, and CI67-1795 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations pursuant to the rate schedule supplements as indicated in the tabulation herein.

(M) The certificate heretofore issued in Docket No. G-12902 is amended by deleting therefrom authorization to sell natural gas pursuant to the rate schedule supplement as indicated in the tabulation herein, and such authorization shall not be construed to relieve Applicant of any refund obligation which may be ordered in the related rate suspension proceeding pending in Docket No. RI64-804,

insofar as it pertains to the acreage being released.

(N) The certificate heretofore issued in Docket No. CI60–691 is amended by adding thereto and deleting therefrom authorization to sell natural gas; further, the certificate is amended to include the interests of "et al." parties as indicated in the tabulation herein.

(O) The certificates heretofore issued in Docket Nos. G–14403, CI61–1557, CI64–546, and CI65–24 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Docket Nos. CI68–1266, CI68–1279, CI68–1260, and CI68–1307, respectively.

(P) The certificates heretofore issued in Docket Nos. G–4567, G–4568, G–4569, G–4570, G–4571, G–4572, G–5083, G–11473, G–11614, G–13302, CI61–422, CI61–579, CI62–262, CI62–587, CI62–718, and CI65–443 are amended by substituting the respective successors in interest as certificate holders as indicated in the tabulation herein.

(Q) The certificate heretofore issued in Docket No. CI60–526 is amended to reflect the change in agent from C. R. Van Hoesen, Agent, et al., to Harold H. Anderson, Agent, et al., as indicated in the tabulation herein.

(R) The certificates heretofore issued in Docket Nos. CI61–269, CI62–514, and CI62–1369 are amended to reflect the changes in names as indicated in the tabulation herein.

(S) Permission for and approval of the abandonment of service by Applicant in Docket No. CI68–1319, as hereinbefore described, all as more fully described in the application and in the tabulation herein are granted.

(T) The certificates heretofore issued in Docket Nos. G–20030 and CI61–18 are terminated.

(U) Amerada Petroleum Corp. is made a co-respondent in the proceedings pending in Docket Nos. G–16254, RI61–475, RI62–247, RI63–479, RI64–132, and RI65–52; said proceedings are redesignated accordingly;[1] and the agreement and undertaking submitted by Amerada in said proceedings is accepted for filing.

(V) Amerada Petroleum Corp. shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, and the agreement and undertaking filed by Amerada in Docket Nos. G–16254, RI61–475, RI62–247, RI63–479, RI64–132, and RI65–52 shall remain in full force and effect until discharged by the Commission.

(W) Bert Fields, Jr., et al., is substituted in lieu of Bert Fields Estate et al., as respondent in the proceeding pending in Docket No. RI64–290 and the proceeding is redesignated accordingly.[2]

(X) Henry Grace Production Co. (Operator) et al., is substituted in lieu of Irvin Producing Co. (Operator) et al., as respondent in the proceeding pending in Docket No. RI66–328 and the proceeding is redesignated accordingly.[3]

(Y) Belco Petroleum Corp. is made a co-respondent in the proceeding pending in Docket No. RI66–228, and the proceeding is redesignated accordingly.[4]

(Z) Within 30 days from the date of this order Belco Petroleum Corp. shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI66–228 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(AA) Belco Petroleum Corp. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Belco in Docket No. RI66–228 shall remain in full force and effect until discharged by the Commission.

(BB) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Docket Nos. G–16254, RI62–247, RI63–479, RI64–132, and RI65–52, Shell Oil Co. and Amerada Petroleum Corp.; Docket No. RI61–475, Shell Co., Tenneco Oil Co. (Operator), et al., Cities Service Oil Co. (Operator) et al., and Amerada Petroleum Corp.

[2] Bert Fields, Jr., et al.

[3] Henry Grace Production Co. (Operator) et al.

[4] Livingston Oil Co. (Operator) et al., Joe N. Champlin, Trustee, and Belco Petroleum Corp.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–4567 D 5–9–68	Bert Fields, Jr., et al. (successor to Bert Fields Estate, et al.).	United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	Bert Fields Estate, et al. FPC GRS No. 3.	3	.....
			Supplement Nos. 1–8	3	1–8
			Notice of succession 5–7–68.	.....	.....
			Effective date: 3–1–68	.....	.....
G–4567 D 5–9–68	do	do	Bert Fields Estate, et al. FPC GRS No. 4.	4	.....
			Supplement Nos. 1–7	4	1–7
			Notice of succession 5–7–68.	.....	.....
			Effective date: 3–1–68	.....	.....
G–4568 D 5–9–68	do	Arkansas Louisiana Gas Co., Carthage Field, Panola County, Tex.	Bert Fields Estate, et al. FPC GRS No. 5.	5	.....
			Supplement Nos. 1–10	5	1–10
			Notice of succession 5–7–68.	.....	.....
			Effective date: 3–1–68	.....	.....
G–4569 D 5–9–68	do	Arkansas Louisiana Gas Co., North Lansing Field, Harrison county, Tex.	Bert Fields Estate, et al. FPC GRS No. 6.	6	.....
			Supplement Nos. 1–12	6	1–12
			Notice of succession 5–7–68.	.....	.....
			Effective date: 3–1–68	.....	.....
G–4570 D 5–9–68	Bert Fields, Jr. (Operator) et al. (successor to Bert Fields Estate (Operator) et al.).	Arkansas Louisiana Gas Co., Sentell Field, Caddo and Bossier Parishes, La.	Bert Fields Estate (Operator), et al. FPC GRS No. 7.	7	.....
			Supplement Nos. 1–10	7	1–10
			Notice of succession 5–7–68.	.....	.....
			Effective date: 3–1–68	.....	.....
G–4571 D 5–9–68	Bert Fields, Jr. et al. (successor to Bert Fields Estate et al.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Carthage Field, Panola County, Tex.	Bert Fields Estate, et al. FPC GRS No. 2.	2	.....
			Supplement Nos. 1–5	2	1–5
			Notice of succession 5–7–68.	.....	.....
			Effective date: 3–1–68	.....	.....
G–4572 D 5–9–68	Bert Fields, Jr. (Operator) et al. (successor to Bert Fields Estate (Operator) et al.).	Arkansas Louisiana Gas Co., Waskom Field, Harrison County, Tex.	Bert Fields Estate (Operator), et al. FPC GRS No. 1.	1	.....
			Supplement Nos. 1–13	1	1–13
			Notice of succession 5–7–68.	.....	.....
			Effective date: 3–1–68	.....	.....
G–5083 E 5–10–68	Amerada Petroleum Corp. (successor to Shell Oil Co.).	El Paso Natural Gas Co., Bagley Field, Lea County, N. Mex.	Shell Oil Company, FPC GRS No. 95.	149	.....
			Supplement Nos. 1–9	149	1–9
			Notice of succession 4–17–68.	.....	.....
			Assignment 9–1–67 [1]	149	10
			Effective date: 9–1–67	.....	.....
			Amendment 6–30–67 [2] [3]	142	8
G–5306 D 5–3–68	Tenneco Oil Co	Southern Union Gathering Co., Blanco Field, San Juan County, N. Mex.			

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI62–514 E 5–6–68 [5]	Baker Development Co. (successor to Charles E. Baker et al. d.b.a. Ernestine Ford Leggett Wells 1 and 2).	Consolidated Gas Supply Corp., Central District, Doddridge County, W. Va.	Charles E. Baker, et al. d.b.a. Ernestine Ford Leggett Wells 1 and 2, FPC GRS No. 2.	2	.....
			Supplement Nos. 1–9	2	1–9
			Letter 12–31–65 [6]	.....	.....
CI62–587 E 5–6–68 [7] [8]	Walton Oil & Gas Co. (successor to Lawrence Teuk).	Consolidated Gas Supply Corp., Fay Parker et al. Lease, Court House District, Lewis County, W. Va.	Lawrence Teuk, FPC GRS No. 1.	1	.....
			Supplement Nos. 1–3	1	1–3
			Notice of succession 5–10–68.	.....	.....
			Assignment 2–1–68 [9]	1	4
			Effective date: 2–1–68	.....	.....
CI62–718 E 5–10–68	Walton Oil & Gas Co. (successor to Calk, Inc.).	Equitable Gas Co., Court House and Collins Settlement Districts, Lewis County, W. Va.	Calk, Inc., FPC GRS No. 5.	2	.....
			Supplement Nos. 1–3	2	1–3
			Notice of succession 5–10–68.	.....	.....
			Assignment 10–1–65 [10]	2	4
			Assignment 1–1–67 [10]	2	5
			Assignment 2–1–68 [7]	2	6
			Effective date: 2–1–68	.....	.....
CI62–1369 E 5–6–68 [11]	Baker Development Co. (successor to Charles E. Baker, d.b.a. James Robbins Well No. 1).	Consolidated Gas Supply Corp., West Union District, Doddridge County, W. Va.	Charles E. Baker, d.b.a. James Robbins Well No. 1, FPC GRS No. 3.	3	.....
			Letter 12–31–65 [6]	3	1
CI65–443 E 5–9–68	R. T. German (successor to White Sands Oil & Gas Corp.).	El Paso Natural Gas Co., Dakota Formation, San Juan County, N. Mex.	White Sands Unit, FTC GRS No. 1.	1	.....
			Supplement No. 1	1	1
			Notice of succession (undated).	.....	.....
			Assignment 1–1–68	1	2
			Effective date: 1–1–68	.....	.....
CI67–1705 C 5–20–68 [12]	Southwest Oil Industries, Inc.	Northern Natural Gas Co., Spearman Field, Ochiltree and Hansford Counties, Tex.	Supplement and Amendment 3–27–68 [13]	8	1
CI68–1257 A 4–24–68 [14]	Ashland Oil & Refining Co.	Panhandle Eastern Pipe Line Co., Southwest Lamton Field, Dewey County, Okla.	Contract 4–4–68 [15]	[21] 102	.....
CI68–1260 (CI64–546) F 4–22–68	Southwest Oil Industries, Inc. (Successor to Sinclair Oil & Gas Co.).	Northern Natural Gas Co., West Clear Lake Field, Beaver County, Okla.	Contract 9–25–63 [22]	11	1
			Assignment 2–1–66 [7]	11	2
			Assignment 12–29–66 [10]	11	.....
CI68–1266 (G–14403) F 4–29–68	Franklin Supply Co. (successor to Sun Oil Co.).	El Paso Natural Gas Co., Aneth Area, White Mesa Unit, San Juan County, Utah.	Contract 12–3–57 [23]	1	.....
			Assignment 3–1–68 [24]	1	1
			Effective date: 3–1–68	.....	.....
CI68–1279 (CI61–1557) F 5–1–68	Belco Petroleum Corp. (successor to Livingston Oil Co.).	Oklahoma Natural Gas Co., Gathering Facility, Major County, Okla.	Contract 12–21–60 [25]	15	1
			Assignment 12–1–67 [26]	15	.....
			Effective date: 12–1–67	.....	.....
CI68–1283 A 5–9–68 [27]	J & L Oil Corp. et al.	Kansas-Nebraska Natural Gas Co., Inc., acreage in Logan County, Colo.	Contract 2–10–67 [16]	1	.....
CI68–1296 A 5–10–68 [17] [18]	Paul F. Starr, agent for Grace Nester Wells 1 and 2.	Harry C. Boges Natural Gas Co., Spencer District, W. Va., Roane County, W. Va.	Contract 12–6–61 [19]	29	.....
CI68–1304 A 5–10–68 [17]	Charles B. Lewis	Harry C. Boges Natural Gas Co., Smithfield District, Roane County, W. Va.	Contract 5–4–60 [19]	1	.....
CI68–1307 (CI65–24) F 5–10–68	American Petrofina Co. of Texas (successor to John L. Crawford).	Northern Natural Gas Co., Jones Ranch Field, Crockett County, Tex.	Contract 6–10–64 [28]	73	1
			Assignment 5–1–68 [29]	73	.....
			Effective date: 5–1–68	.....	.....

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–11473 E 5–9–68	Bert Fields, Jr. et al. (successor to Bert Fields Estate et al.).	Texas Eastern Transmission Corp., Waskom Field, Harrison and Panola Counties, Tex.	Bert Fields Estate, et al. FPC GRS No. 1.	9	.....
			Supplement Nos. 1–9	9	1–9
			Notice of succession 5–7–68.	.....	.....
			Effective date: 3–1–68	.....	.....
G–11614 E 5–9–68	do	Texas Eastern Transmission Corp., Greenwood-Waskom Field, Caddo Parish, La.	Bert Fields Estate, et al. FPC GRS No. 8.	8	.....
			Supplement Nos. 1–14	8	1–14
			Notice of succession 5–7–68.	.....	.....
			Effective date: 3–1–68	.....	.....
G–12362 D 5–10–68	Sunray DX Oil Co	El Paso Natural Gas Co., Hilliary et al., Fields, Lea County, N. Mex.	Assignment 8–2–66 [4]	142	9
			Assignment 9–29–66 [3] [5]	[6] 142	10
G–13302 E 5–9–68	Bert Fields, Jr. et al. (successor to Bert Fields Estate et al.).	Texas Eastern Transmission Corp., Trebloe Field, Chickasaw County, Miss.	Bert Fields Estate, et al. FPC GRS No. 10.	10	.....
			Supplement Nos. 1–3	10	1–3
			Notice of succession 5–7–68.	.....	.....
			Effective date: 3–1–68	.....	.....
CI60–526 4–10–68 [7]	Harold H. Anderson, agent, et al. (successor to C. R. Van Hoesen, agent et al.).	Michigan Wisconsin Pipe Line Co., Bayerno Field, Harper County, Okla.	C. R. Van Hoesen, agent et al. FPC GRS No. 1.	3	.....
			Notice of succession 4–17–68.	.....	.....
			Agreement 1–3–67 [8] [9] [10]	3	1
CI61–691 (C 5–24–67 D 5–22–67	Continental Oil Co. (Operator) et al.	Panhandle Eastern Pipe Line Co., Various Fields, Woods, Alfalfa, Dewey, and Major Counties, Okla.	Agreement 1–3–67 [8] [9] [10]	202	21
			Agreement 12–30–66 [11]	202	22
CI61–18 D 5–6–68 [12]	Mobil Oil Corp.	Mountain Fuel Supply Co., Akah Creek Field, Sweetwater County, Wyo.	Notice of cancellation 5–3–68. [13]	208	5
CI61–269 D 5–6–68 [14]	Baker Development Co. (successor to Charles E. Baker, d.b.a. Baker Development Co.).	Equitable Gas Co., West Union District, Doddridge County, W. Va.	Charles E. Baker, d.b.a. Baker Development Co., FPC GRS No. 1.	1	.....
			Letter 12–31–65 [15]	1	1
			Letter 12–31–65 [16]	12	.....
CI61–422 E 5–9–68	Bert Fields, Jr (successor to Bert Fields Estate).	El Paso Natural Gas Co., Jalmat Field, Lea and Eddy Counties, N. Mex.	Jalmat Gas Pool, FPC GRS No. 12.	12	.....
			Supplement No. 1	12	1
			Notice of succession 5–7–68.	.....	.....
			Effective date: 3–1–68	.....	.....
CI61–579 E 1–22–68	Henry Grace Production Co. (Operator) et al. (successor to Irvin Producing Co. (Operator) et al.).	Transwestern Pipeline Co., Kiowa Creek Field, Lipscomb County, Tex.	Irvin Producing Co. (operator) et al., FPC GRS No. 1.	1	.....
			Supplement No. 1	1	1
			Notice of succession 5–28–68. [17]	.....	.....
			Ratified agreement	1	2
			Effective date: 11–1–67	.....	.....
CI61–1265 C 5–6–68 [17]	Southern Union production Co.	El Paso Natural Gas Co., Pictured Cliffs Formation, San Juan County, N. Mex.	Supplemental agreement 3–29–68. [18]	2	20
CI62–262 E 5–10–68	Walton Oil & Gas Co. (successor to Calk, Inc.).	Equitable Gas Co., Collins Settlement District, Lewis County, W. Va.	Calk, Inc., FPC GRS No. 1.	3	.....
			Supplement Nos. 1–2	3	1–2
			Notice of succession 5–10–68.	.....	.....
			Assignment 10–1–65 [19]	3	3
			Assignment 10–1–67 [20]	3	4
			Assignment 2–1–68 [21]	3	5
			Effective date: 2–1–68	.....	.....

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
C168-1308 ..... A 5-13-68 [30]	G. F. Hedges, Jr., agent for Cedarville Oil & Gas Co.	Equitable Gas Co., Center District, Gilmer County, W. Va.	Contract 8-13-27 [37]	2	.....
			Letter agreement 9-13-46 [38]	2	1
			Supplemental agreement 2-1-62 [39]	2	2
			Letter 2-12-63 [40]	2	3
C168-1310 ..... A 5-16-68 [17 41]	Samuel D. Lopinsky, d.b.a. Sam D. Lopinsky.	Pennzoil Co., Troy District, Gilmer County, W. Va.	Contract 12-8-36	1	.....
			Stipulation agreement 1-13-40 [42]	1	1
			Assignment 6-18-63 [8] ...	1	2
C168-1311 ..... A 5-17-68 [17]	Struby-Klernan	Arkansas Louisiana Gas Co., West Braman Field, Kay County, Okla.	Contract 4-26-68	1	.....
C168-1313 ..... A 5-17-68 [17]	Continental Oil Co	El Paso Natural Gas Co., Blanco Field, San Juan Basin, San Juan County, N. Mex.	Contract 4-25-68 [10]	340	.....
C168-1318 ..... A 5-20-68	Lohmann-Johnson Drilling Co., Inc. (Operator) et al.	Texas Gas Transmission Corp., Elk Creek Field, Hopkins County, Ky.	Contract 4-24-68 [16 44]	1	.....
C168-1319 ..... (G-20080) B 5-17-68	Magna Oil Corp. (Operator) et al.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Lissey Field, Wharton County, Tex.	Notice of cancellation 5-17-68 [3 45]	5	10

[1] From Shell Oil Co. to Amerada Petroleum Corp.
[2] Deletes formations lying above the Mesa Verde Formation; Tenneco entered into a contract with El Paso covering the deleted formations and was issued a certificate in Docket No. C168-1038 by order issued Apr. 29, 1968); increases daily contract quantity; extends the contract term for life of the leases for the production remaining under the contract; deletes the favored-nations provisions and establishes a periodic pricing schedule providing for a 1-cent escalation every 5 years commencing Jan. 1, 1969.
[3] Effective date: Date of this order.
[4] Assigns acreage to Solar Oil Co. (related contract covers gas-well gas only). Acreage not productive of gas-well gas.
[5] Assigns acreage to Damson Petroleum Corp. (related contract covers gas-well gas only). Acreage not productive of gas-well gas.
[6] 16.8793 cents rate effective subject to refund in Docket No. R164-804.
[7] Application to amend the certificate to reflect change of Agent; Van Hoesen did not own an interest in the certificate or rate schedule. Harold H. Anderson was one of the original *et al.* parties.
[8] Provides for downward B.t.u. adjustment in compliance with Opinion No. 464 (filed Dec. 26, 1967).
[9] Adds and deletes acreage: deleted acreage was nonproductive and buyer agrees to deletion (net of 1,000 acres deleted).
[10] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[11] Adds acreage by et al. parties.
[12] Application to terminate certificate of public convenience and necessity. All remaining acreage under contract is nonproductive and no deliveries have been made therefrom.
[13] Filing indicates change of name only; no change of interest involved.
[14] Sets forth reasons for name change.
[15] Reflects change in operator.
[16] Instrument whereby Henry Grace Production Co. gained signatory status to contract dated Aug. 31, 1950.
[17] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[18] Adds acreage, eliminates favored-nation pricing provisions and provides for 1 cent per Mcf periodic price escalations every 5 years.
[19] From Calk, Inc., to Lawrence Tenk.
[20] From Lawrence Tenk to James L. Gagan.
[21] From James L. Gagan to Walton Oil & Gas Co.
[22] Application erroneously assigned Docket No. C168-1303 is being treated as a petition to amend the certificate heretofore issued in Docket No. C162-867 and Docket No. C168-1303 will be canceled.
[23] James L. Gagan assigns certain acreage to Walton Oil & Gas Co. Gagan was assigned this acreage by Lawrence Tenk.
[24] Contract provides for an initial price of 18 cents per Mcf; however, by letter filed May 17, 1968, Applicant expressed willingness to accept a permanent certificate at an initial price of 15 cents per Mcf and conditioned upon the final outcome of the rule making proceedings in Docket No. R-389.
[25] On file as Sinclair Oil & Gas Co. FPC GRS No. 263.
[26] Assigns acreage from Sinclair to Delta Corp.
[27] Assigns acreage from Delta to Applicant.
[28] Also on file as Sun Oil Co. FPC GRS No. 95.
[29] From Sun Oil Co. to Franklin Supply Co.
[30] National Fuels Corp. purchases liquids extracted from Applicant's gas at the Ringwood Gasoline Plant.
[31] Between Livingston Oil Co. and Warren Petroleum Corp. (now National Fuels Corp.) and Oklahoma Natural Gas Co. (now Oklahoma Natural Gas Gathering Corp.); on file as Livingston Oil Co. FPC GRS No. 1.
[32] From Livingston Oil Co. to Belco Petroleum Corp.
[33] Sale being rendered without prior Commission authorization.
[34] Between John L. Crawford, seller and Northern Natural Gas Co., buyer; on file as John L. Crawford FPC GRS No. 1.
[35] From John L. Crawford to American Petrofina Co. of Texas; assigns acreage below a vertical depth of 8,500 feet.
[36] Sale being rendered on June 7, 1954, by the predecessor; no certificate filings were ever made by the predecessor.
[37] Rate filing supersedes John D. Rogers et al., d.b.a. Cedarville Oil & Gas Co., FPC GRS No. 1 which was incorrectly filed.
[38] Establishes 16 cents per Mcf rate.
[39] Deletes all acreage from the contract except the 10 acreas on which the Gainer No. 1 Well is situated.
[40] Establishes Hedges as Agent for Cedarville.
[41] Sale being rendered on June 7, 1954.
[42] Adds acreage.
[43] Instrument whereby Lopinsky acquired interest in the producing properties.
[44] Limited to production from the Tar-Springs Formation.
[45] Source of gas depleted.

Suggested agreement and undertaking:

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent) ----------

Docket No. ------

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. ------, and has caused this agreement and undertaking to be executed and sealed in its name by a duly authorized officer this ------ day of ----------, 196---

(Name of Respondent)

By ----------

Attest:

[F.R. Doc. 68-9021; Filed, July 29, 1968; 8:45 a.m.]

[Docket No. G-4308 etc.]

CITIES SERVICE OIL CO.

Notice of Petition To Amend Order

JULY 24, 1968.

Take notice that on July 9, 1968, Cities Service Oil Co. (Petitioner), Cities Service Building, Bartlesville, Okla. 74003, filed in Docket No. G-4308 et al., a petition to amend the orders issuing certificates of public convenience and necessity to Columbian Fuel Corp. in said dockets by substituting Petitioner in lieu of Columbian Fuel Corp. as certificate holder, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The petition states that Petitioner has merged Columbian Fuel Corp., effective July 1, 1968, and proposes to continue the sales of natural gas in interstate commerce theretofore authorized to be made by Columbian Fuel Corp.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 19, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-9020; Filed, July 29, 1968; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4655]

GEORGIA POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds and Preferred Stock at Competitive Bidding by Subsidiary Public-Utility Company

JULY 24, 1968.

Notice is hereby given that Georgia Power Co. ("Georgia"); 270 Peachtree Street, Atlanta, Ga. 30303, a subsidiary company of The Southern Co. ("Southern"), a registered holding company, has filed an application with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Georgia proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $50 million principal amount of First Mortgage Bonds, ------ percent series due 1998. The interest rate of the bonds and the price, exclusive of accrued interest, to be paid to Georgia (which will be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under an Indenture dated as of March 1, 1941, between Georgia and Chemical Bank New York Trust Co., Trustee, as heretofore supplemented and as to be further supplemented by a supplemental indenture to be dated as of September 1, 1968.

Georgia also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 100,000 shares of its cumulative preferred stock, without par value. The dividend rate of the preferred stock (which will be a multiple of 4 cents) and the price to be paid to Georgia (which will be not less than $100 nor more than $102.75 per share) will be determined by the competitive bidding. Georgia's charter will be amended to allow for and to establish the terms of the preferred stock.

The proceeds from the issue and sale of the bonds and preferred stock will be applied by Georgia, together with the proceeds from the proposed sale of its common stock to Southern, as heretofore authorized, and from other funds available, to finance its 1968 construction program (presently estimated at $140,410,000), to pay short-term bank loans, and for other corporate purposes.

The issuance and sale of the bonds have been expressly authorized by the Georgia Public Service Commission, the State commission of the State in which Georgia is organized and doing business. The application states that no other State commission and that no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Estimates of fees and expenses to be incurred in connection with the proposed transactions are to be filed by amendment.

Notice is further given that any interested person may, not later than August 12, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-9055; Filed, July 29, 1968; 8:48 a.m.]

GOLDEN AGE MINES, LTD.

Order Suspending Trading

JULY 24, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Golden Age Mines, Ltd., 250 University Avenue, Toronto, Canada, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 25, 1968, through August 3, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-9054; Filed, July 29, 1968; 8:48 a.m.]

[812-2086]

NORTHERN ENTERPRISES, INC.

Notice of Filing of Application for Order Declaring That Company Is Not Investment Company

JULY 24, 1968.

Notice is hereby given that Northern Enterprises, Inc. ("Applicant"), Rand Tower, Minneapolis, Minn. 55402, a Minnesota corporation, has filed an application pursuant to section 3(b)(2) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Applicant is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading, in securities, either directly, through majority owned subsidiaries, or through controlled companies conducting similar types of business. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicant, since its organization in 1933 as the Duluth-Superior Transit Co., has owned and operated the public transit system in Duluth, Minn., and Superior, Wis., which until 1957 was its sole activity. In 1958 Applicant started to expand its activities by entering the real estate business. Through a wholly owned subsidiary, Applicant constructed a building in Duluth, which it placed under long-term lease that year to Red Owl Stores, Inc., for use as a grocery supermarket.

Additional investments in real property were made in 1958 through the acquisition of a 25 percent stock interest in each of two Florida based real estate companies, Win-San Building Corp. ("Win-San") and Albert Enterprises, Inc. ("Albert"), which had been organized in 1957 to develop certain ocean front properties at Bal Harbour, Fla. Applicant claims it controls each of the companies by reason of its 25 percent stock ownership and because of the continuity of interest between it and the other shareholders. Norman K. Winston, the chairman of Applicant's board of directors from 1958 to April 1966 has a majority interest in Albert and controls 40 percent of the stock in Win-San; J. E. Davis, a director and president of Applicant since 1957, is a shareholder of Albert and is vice president of both companies; in addition, S. D. Sanson, a director of Applicant from 1957 until his death in 1964 was a shareholder in both companies.

In 1959, Applicant acquired all the outstanding stock of Flight Service, Inc., whose business was constructing and leasing hangars for aircraft storage. Applicant operated Flight Service, Inc., until June 1966 when it sold its stock for cash and notes due to the decline in such business.

On January 2, 1963, Applicant adopted its present name and transferred all transit assets to a new wholly owned subsidiary, Duluth-Superior Transit Co. Applicant also substantially expanded its real estate activities by purchasing from a then nonaffiliated company, Shopper's City, Inc. ("SCI"), commercial lots located in St. Paul and Minneapolis, together with buildings which are used as discount department stores. In 1964 Applicant acquired all of the outstanding stock of SCI and commenced to operate the discount stores.

As a result of a "tight" money situation, Applicant was receptive to the offer of Zayre Corp. ("Zayre"), a national discount department store operator, to buy SCI and in March 1967 Applicant transferred SCI's assets to Zayre in exchange for 129,350 shares of Zayre common stock or approximately 4.65 percent of Zayre's outstanding shares. On June 29, 1968, the market value of the Zayre stock was $47 per share or $6,079,450.

In June of 1968, Applicant, through a new wholly owned subsidiary, acquired all the stock of the Lawndale Corp., an Illinois corporation engaged in the business of manufacturing plumbing fixtures principally for the mobile home manufacturing industry. The purchase price for the Lawndale stock was $1,430,000; another $700,000 was advanced to Lawndale to repay debts.

On March 31, 1968, Applicant entered into a plan and agreement of merger with Kodiak, Inc., a Minnesota corporation engaged in the ice and cold storage businesses. Pursuant to that agreement, which is to be voted on by Applicant's shareholders at a special meeting, Applicant is to merge into Kodiak, with Kodiak to be the surviving company. The

merger will add some $2,459,631 in operating assets to the surviving entity.

Applicant admits that it may meet the definition of an investment company in section 3(a)(3) of the Act which, in pertinent part, defines an investment company as any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets. For purposes of section 3(a)(3), "investment securities" include all securities except Government securities, securities issued by employees' securities companies and securities issued by majority owned subsidiaries of the issuer which are not investment companies.

As a result of the Zayre acquisition, in excess of 40 percent of Applicant's total assets consist of investment securities. There follows a comparison of Applicant's investment securities with its total assets, giving effect to the proposed merger with Kodiak, Inc. The valuations are assigned by Applicant as of September 30, 1967, except for the Zayre stock which is assigned its market value as of June 29, 1968.

INVESTMENT SECURITIES

Zayre stock	$6,079,450
Notes receivable net current portion	121,557
Win-San and Albert capital stock advance	1,750,000
Total	7,951,007

TOTAL ASSETS

Zayre stock	$6,079,450
Kodiak, Inc	2,459,631
Duluth Superior Transit Co	1,000,000
Lawndale	2,130,000
Albert and Win-San	1,750,000
Land and buildings less depreciation	2,825,136
Notes receivable net current portion	121,557
Accounts receivable	5,094
Deferred expenses	1,899
Total	16,372,767

While the above figures indicate that Applicant's investment securities comprise 48.5 percent of its total assets (giving effect to the proposed Kodiak merger), Applicant states that it is entitled to an order pursuant to section 3(b)(2) of the Act that it is not an investment company inasmuch as it will be primarily engaged directly in the real estate and the ice and cold storage businesses; through wholly owned subsidiaries in the transit and plumbing businesses; and through controlled companies in the real estate business.

In support of this claim, Applicant alleges that 51.3 percent of its assets will be devoted to transit, real estate, plumbing, and ice and cold storage operations either directly or through wholly owned subsidiaries; that 10.8 percent of its assets will be devoted to the real estate business through controlled companies; and that only 37.9 percent of its assets will not be devoted to these primary businesses. For the fiscal period ended January 27, 1968, Applicant, on a consolidated basis, anticipates net income of about $90,000 consisting exclusively of transit, real estate, interest, and installment gain income from notes receivable and SCI earnings prior to the sale to Zayre. Applicant states that it does not anticipate that Zayre will adopt a policy of paying dividends on the stock at any time in the future. While no dividends have been paid on the Zayre common stock, the Zayre earnings allocable to shares owned by Applicant were $377,097 in the fiscal year ending January 28, 1967; $309,519 in the fiscal year ending January 29, 1966, and $203,187 in the fiscal year ending January 30, 1965.

Applicant contends it has never made representations that it was an investment company or that it proposed to engage in such operations. From 1933 until late in 1957 it was known exclusively as a transit company and thereafter to the present Applicant has stated in its annual and other reports to shareholders that its intention was and continues to be to diversify into nontransit operations so as to reduce reliance on the transit business. The application also states that the activities of Applicant's officers and directors have almost exclusively been concerned with its transit and real estate operations. In addition, Applicant states that it employs no securities analyst since it has no investment portfolio.

Section 3(b)(2) provides that, notwithstanding section 3(a)(3), the term "investment company" does not include an issuer which the Commission finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or through majority-owned subsidiaries or through controlled companies conducting similar types of businesses.

Notice is further given that any interested person may, not later than August 14, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68-9056; Filed, July 29, 1968; 8:48 a.m.]

[File No. 7-2940]

PENN CENTRAL CO.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 24, 1968.

In the matter of application of the Pittsburgh Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Penn Central Co., File No. 7-2940.

Upon receipt of a request, on or before August 8, 1968, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68-9057; Filed, July 29, 1968; 8:48 a.m.]

[File No. 7-2939]

REPUBLIC CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 24, 1968.

In the matter of application of the Pacific Coast Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Republic Corp. (Delaware), File No. 7-2939.

Upon receipt of a request, on or before August 8, 1968, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68-9058; Filed, July 29, 1968; 8:48 a.m.]

[File Nos. 7-2941, 7-2942]

SAFEGUARD INDUSTRIES, INC. AND WATKINS-JOHNSON CO.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 24, 1968.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Safeguard Industries, Inc	7-2941
Watkins-Johnson Co	7-2942

Upon receipt of a request, on or before August 8, 1968, from any interested person the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68-9059; Filed, July 29, 1968; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 25, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41400—*Sand from points in Missouri.* Filed by Southwestern Freight Bureau, agent (No. B-9092), for interested rail carriers. Rates on sand, in carloads, as described in the application, from Crystal City, Klondike, Ludwig, and Pacific, Mo., to Cumberland, Md., Creighton, Ford City, and New Kensington, Pa.

Grounds for relief—Market competition and modified short-line distance formula.

Tariff—Supplement 6 to Southwestern Freight Bureau, agent, tariff I.C.C. 4797.

FSA No. 41401—*Barite tailings between points in Missouri, and New Orleans, La.* Filed by Southwestern Freight Bureau, agent (No. B-9095), for interested rail carriers. Rates on barite tailings, in bulk or in bags, in carloads, between points in Missouri, on the one hand, and New Orleans, La., on the other.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Supplement 6 to Southwestern Freight Bureau, agent, tariff ICC 4797.

AGGREGATE-OF-INTERMEDIATES

FSA No. 41399—*Increased passenger fares—Delaware and Hudson Railway Co.* Filed by A. J. Winkler, agent (No. A-14), for interested rail carriers. This is in relation to the transportation of passengers, between points on the line of applicant carrier and between such points on the one hand, and points on the lines of connection carriers in the United States and Canada, on the other.

Grounds for relief—Establishment of new fares by applicant carriers and maintenance of present fares by connecting carriers.

Tariff—Joint passenger tariff CE No. 4, ICC 237, and other tariffs named or referred to in the application.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9079; Filed, July 29, 1968; 8:50 a.m.]

[Notice 179]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 25, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70638. By order of July 19, 1968, the Transfer Board approved the transfer to Harry Henery, Inc., Herington, Kans., of that portion of the operating rights in certificate No. MC-81779 issued January 14, 1964, to Paul Johnson, Inc., Waterman, Ill., authorizing the transportation of machinery, between Waterman, Ill., on the one hand, and, on the other, points in Indiana, Wisconsin, and Iowa. A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215, attorney for applicants.

No. MC-FC-70639. By order of July 19, 1968, the Transfer Board approved the transfer to Royal T. Kellogg, doing business as Republic-Colville Stage Line, Route 1, Box 116, Republic, Wash. 99166, of the operating rights in certificate No. MC-34840 issued March 3, 1955, to Milton J. Tedrow, doing business as Republic-Colville Stage Line, 1405 East Dalke, Spokane, Wash. 99207, authorizing the transportation of passengers and their baggage, and express, and mail in the same vehicle with passengers, between Colville and Republic, Wash., on the one hand, and, on the other, the boundary of the United States and Canada, serving all intermediate points.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9080; Filed, July 29, 1968; 8:50 a.m.]

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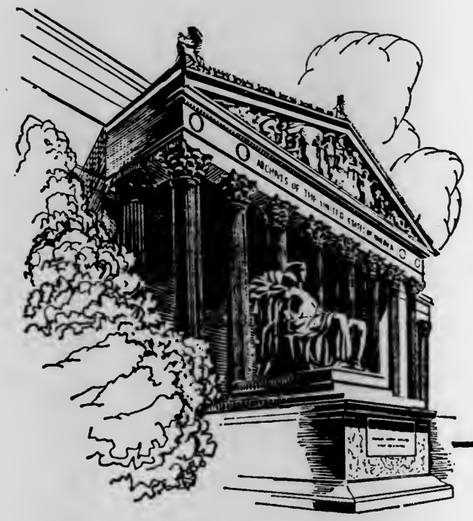
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Executive Order 11419

RELATING TO TRADE AND OTHER TRANSACTIONS INVOLVING SOUTHERN RHODESIA

By virtue of the authority vested in me by the Constitution and laws of the United States, including section 5 of the United Nations Participation Act of 1945 (59 Stat. 620), as amended (22 U.S.C. 287c), and section 301 of Title 3 of the United States Code, and as President of the United States, and considering the measures which the Security Council of the United Nations by Security Council Resolution No. 253 adopted May 29, 1968, has decided upon pursuant to article 41 of the Charter of the United Nations, and which it has called upon all members of the United Nations, including the United States, to apply, it is hereby ordered:

SECTION 1. In addition to the prohibitions of section 1 of Executive Order No. 11322 of January 5, 1967, the following are prohibited effective immediately, notwithstanding any contracts entered into or licenses granted before the date of this Order:

(a) Importation into the United States of any commodities or products originating in Southern Rhodesia and exported therefrom after May 29, 1968.

(b) Any activities by any person subject to the jurisdiction of the United States which promote or are calculated to promote the export from Southern Rhodesia after May 29, 1968, of any commodities or products originating in Southern Rhodesia, and any dealings by any such person in any such commodities or products, including in particular any transfer of funds to Southern Rhodesia for the purposes of such activities or dealings; *Provided*, however, that the prohibition against the dealing in commodities or products exported from Southern Rhodesia shall not apply to any such commodities or products which, prior to the date of this Order, had been lawfully imported into the United States.

(c) Carriage in vessels or aircraft of United States registration or under charter to any person subject to the jurisdiction of the United States of any commodities or products originating in Southern Rhodesia and exported therefrom after May 29, 1968.

(d) Sale or supply by any person subject to the jurisdiction of the United States, or any other activities by any such person which promote or are calculated to promote the sale or supply, to any person or body in Southern Rhodesia or to any person or body for the purposes of any business carried on in or operated from Southern Rhodesia of any commodities or products. Such activities, including carriage in vessels or aircraft, may be authorized with respect to supplies intended strictly for medical purposes, educational equipment and material for use in schools and other educational institutions, publications, news material, and foodstuffs required by special humanitarian circumstances.

(e) Carriage in vessels or aircraft of United States registration or under charter to any person subject to the jurisdiction of the United States of any commodities or products consigned to any person or body in Southern Rhodesia, or to any person or body for the purposes of any business carried on in or operated from Southern Rhodesia.

(f) Transfer by any person subject to the jurisdiction of the United States directly or indirectly to any person or body in Southern Rhodesia of any funds or other financial or economic resources. Payments exclusively for pensions, for strictly medical, humanitarian or educational purposes, for the provision of news material or for foodstuffs required by special humanitarian circumstances may be authorized.

(g) Operation of any United States air carrier or aircraft owned or chartered by any person subject to the jurisdiction of the United States or of United States registration (i) to or from Southern Rhodesia or (ii) in coordination with any airline company constituted or aircraft registered in Southern Rhodesia.

SEC. 2. The functions and responsibilities for the enforcement of the foregoing prohibitions, and of those prohibitions of Executive Order No. 11322 of January 5, 1967 specified below, are delegated as follows:

(a) To the Secretary of Commerce, the function and responsibility of enforcement relating to—

(i) the exportation from the United States of commodities and products other than those articles referred to in section 2(a) of Executive Order No. 11322 of January 5, 1967; and

(ii) the carriage in vessels of any commodities or products the carriage of which is prohibited by section 1 of this Order or by section 1 of Executive Order No. 11322 of January 5, 1967.

(b) To the Secretary of Transportation, the function and responsibility of enforcement relating to the operation of air carriers and aircraft and the carriage in aircraft of any commodities or products the carriage of which is prohibited by section 1 of this Order or by section 1 of Executive Order No. 11322 of January 5, 1967.

(c) To the Secretary of the Treasury, the function and responsibility of enforcement to the extent not previously delegated in section 2 of Executive Order No. 11322 of January 5, 1967, and not delegated under subsections (a) and (b) of this section.

SEC. 3. The Secretary of the Treasury, the Secretary of Commerce, and the Secretary of Transportation shall exercise any authority which such officer may have apart from the United Nations Participation Act of 1945 or this Order so as to give full effect to this Order and Security Council Resolution No. 253.

SEC. 4. (a) In carrying out their respective functions and responsibilities under this Order, the Secretary of the Treasury, the Secretary of Commerce, and the Secretary of Transportation shall consult with the Secretary of State. Each such Secretary shall consult, as appropriate, with other government agencies and private persons.

(b) Each such Secretary shall issue such regulations, licenses or other authorizations as he considers necessary to carry out the purposes of this Order and Security Council Resolution No. 253.

SEC. 5. (a) The term "United States," as used in this Order in a geographical sense, means all territory subject to the jurisdiction of the United States.

(b) The term "person" means an individual, partnership, association or other unincorporated body of individuals, or corporation.

SEC. 6. Executive Order No. 11322 of January 5, 1967, implementing United Nations Security Council Resolution No. 232 of December 16, 1966, shall continue in effect as modified by sections 2, 3, and 4 of this Order.

Lyndon B. Johnson

THE WHITE HOUSE,
July 29, 1968.

[F.R. Doc. 68-9212; Filed, July 29, 1968; 4:07 p.m.]

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 179—CLAIMS COLLECTION STANDARDS

Pursuant to section 3 of the Federal Claims Collection Act of 1966 (P.L. 89-508, 80 Stat. 309, 31 U.S.C. 952), authorizing regulations in conformity with the Joint Regulations of the Attorney General and the Comptroller General (4 CFR Part 101 et seq.) 5 CFR is amended by adding a new Part 179 in Chapter I, relative to civil claims by the United States for money or property. This new Part 179 is set forth below.

Sec.
179.101 General collection standards.
179.102 Delegation of authority.

AUTHORITY: The provisions of this Part 179 issued under section 3, 80 Stat. 309, 31 U.S.C. 952.

§ 179.101 General collection standards.

The general standards and procedures governing the collection, compromise, termination, and referral to the Department of Justice of claims for money and property that are prescribed in the regulations issued jointly by the General Accounting Office and the Department of Justice pursuant to the Federal Claims Collection Act of 1966 (4 CFR Part 101 et seq.), apply to the administrative claim collection activities of the Commission.

§ 179.102 Delegation of authority.

The Director of the Bureau of Retirement and Insurance shall act on claims that arise under Subchapter III of Chapter 83, Chapter 87 and Chapter 89 of title 5, United States Code, the Retired Federal Employees Health Benefits Act (74 Stat. 849), the Panama Canal Construction Annuity Act (58 Stat. 257), and the Lighthouse Service Widow's Annuity Act (64 Stat. 465). The General Counsel shall act on all other claims.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-9135; Filed, July 30, 1968; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Entire Executive Civil Service

Section 213.3102(w) is amended to remove the 1040-hour service limitation on the part-time employment of students appointed in furtherance of the President's Youth Opportunity Stay-In-School Campaign.

§ 213.3102 Entire executive civil service.

* * * * * *

(w) Part-time or intermittent positions the duties of which involve work of a routine nature when filled by students appointed in furtherance of the President's Youth Opportunity Stay-in-School Campaign and when the following conditions are met: (1) Appointees are enrolled in or accepted for enrollment in a resident secondary school or institution of higher learning, accredited by a recognized accrediting body; (2) employment does not exceed 16 hours in any calendar week (40 hours in any calendar week which falls within a vacation period); (3) while employed, appointees continue to maintain an acceptable school standing, although they need not attend school during the summer; (4) appointees need the earnings from the employment to continue in school; and (5) salaries are fixed by the agency head at a level commensurate with the duties assigned and the expected level of performance. Appointments under this authority may not extend beyond 1 year: Provided, That such appointments may be extended for additional periods of not to exceed 1 year each if the conditions for initial appointment are still met. A person may not be appointed under this authority unless he has reached his 16th but not his 22nd birthday. No new appointments may be made under this authority between May 1 and August 31, inclusive.

* * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-9172; Filed, July 30, 1968; 8:51 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Administrative Instructions Prescribing Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Animal Health Division by § 97.1 of the regulations concerning overtime services relating to imports and exports, effective July 1, 1966 (9 CFR 97.1), administrative instructions (9 CFR 97.2) effective July 30, 1963, as amended May 18, 1964 (29 F.R. 6318), December 7, 1964 (29 F.R. 16316), April 12, 1965 (30 F.R. 4609), June 18, 1965 (30 F.R. 7893), June 7, 1966 (31 F.R. 8020), October 11, 1966 (31 F.R. 13114), November 1, 1966 (31 F.R. 13939), November 23, 1966 (31 F.R. 14826), February 14, 1967 (32 F.R. 2843), April 15, 1967 (32 F.R. 6021), August 26, 1967 (32 F.R. 12441), September 29, 1967 (32 F.R. 13650), February 9, 1968 (33 F.R. 2758), and March 7, 1968 (33 F.R. 4248), prescribing the commuted travel time that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein, as follows:

OUTSIDE METROPOLITAN AREA

TWO HOURS

Add: Cincinnati Airport (served from Fairfield, Ohio).

This commuted travel time period has been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal Health Division.

It is to the benefit of the public that this instruction be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good because that notice and public procedure on this instruction is impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this instruction effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 7 U.S.C. 2260)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 26th day of July 1968.

G. H. WISE,
Acting Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 68-9148; Filed, July 30, 1968; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspection, Marketing Practices), Department of Agriculture

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—U.S. Standards for Shelled Walnuts (Juglans regia)[1]

Subpart—U.S. Standards for Grades of Walnuts (Juglans regia) in the Shell [1]

COLOR CHART

Statement of considerations leading to the amendment of these grade standards. The current supply of USDA Walnut Color Charts referenced in the U.S. Standards for Grades of Walnuts (Juglans regia) in the Shell and in the U.S. Standards for Shelled Walnuts is exhausted.

A new Walnut Color Chart of high quality, replacing the existing chart has been developed by the Munsell Color Co., with the collaboration of and approval by the U.S. Department of Agriculture. This new and improved color chart illustrates the various intensities of kernel skin color referenced in these standards.

The Administrator has designated this USDA Walnut Color Chart as an official color standard and has authorized its manufacture and sale by the Munsell Color Co.

As amended, § 51.2276 in the U.S. Standards for Shelled Walnuts (Juglans regia) is changed to read as follows:

§ 51.2276 Color chart.

The color chart (USDA Walnut Color Chart) to which reference is made in §§ 51.2281 and 51.2282 illustrates the four shades of walnut skin color listed as color classifications.

(a) *Availability of color chart.* The USDA Walnut Color Chart cited in this subpart has been filed with the original document and is available for inspection in the Office of the Federal Register. The color chart is also available for inspection in the Fruit and Vegetable Division, C&MS, U.S. Department of Agriculture, South Building, Washington, D.C. 20250, in any field office of the Fresh Fruit and Vegetable Inspection Service of the Fruit and Vegetable Division, or upon request of any authorized inspector of such Service. Copies of the color chart may be purchased from Munsell Color Co., Inc., 2441 North Calvert Street, Baltimore, Md. 21218.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

As amended, § 51.2946 in the U.S. Standards for Grades of Walnuts (Juglans regia) in the Shell, is changed to read as follows:

§ 51.2946 Color chart.

The color chart (USDA Walnut Color Chart) to which reference is made in §§ 51.2948, 51.2949, 51.2950, 51.2954, and 51.2961 illustrates four shades of color used to describe skin color of walnut kernels.

(a) *Availability of color chart.* The USDA Walnut Color Chart cited in this subpart has been filed with the original document and is available for inspection in the Office of the Federal Register. The color chart is also available for inspection in the Fruit and Vegetable Division, C&MS, U.S. Department of Agriculture, South Building, Washington, D.C. 20250, in any field office of the Fresh Fruit and Vegetable Inspection Service of the Fruit and Vegetable Division, or upon request of any authorized inspector of such Service. Copies of the color chart may be purchased from Munsell Color Co., Inc., 2441 North Calvert Street, Baltimore, Md. 21218.

Notice of proposed rule making, public procedure thereon is impractical, unnecessary, and contrary to the public interest in that:

(1) The supply of existing walnut color charts is exhausted; and,

(2) These amendments are necessary to reference in these standards a new, improved color chart illustrating the various color classifications.

These amendments shall become effective September 1, 1968.

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624)

Dated: July 26, 1968.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 68-9150; Filed, July 30, 1968; 8:50 a.m.]

SUBCHAPTER I—FEDERAL SEED ACT

PART 201—FEDERAL SEED ACT REGULATIONS

Miscellaneous Amendments

On March 21, 1968, there was published in the FEDERAL REGISTER (33 F.R. 4807) a notice of rule making and hearing with respect to proposed amendments to the regulations (7 CFR Part 201, as amended) under the Federal Seed Act, as amended (7 U.S.C. 1551 et seq.). After consideration of all relevant matters presented at the hearing and in writing, pursuant to said notice, and under authority of section 402 of the Federal Seed Act, the proposed amendments to the regulations are adopted as so published except as indicated below:

1. The part of the proposed amendment of § 201.2(y) that would establish the minimum level at 90 percent for labeling agricultural seed as "hybrid" is not adopted. The minimum level is changed in the amendment to 75 percent. This will be consistent with the requirement for labeling hybrid vegetable seed.

2. The proposed amendment of § 201.10 omitted the last sentence in that section of the regulations as then in effect. That sentence is included in the amendment of § 201.10 made hereby.

3. In the amendment of § 201.11a the reference in the proposal to "90 percent" is changed to "95 percent" each time it appears; and the wording of the section is changed to conform to the wording of section 201(a)(1) of the Act. The proposed amendment of § 201.11a to prohibit association of the term "hybrid" with kind or variety names in one class of hybrid is not adopted. This will be consistent with the requirement for labeling hybrid vegetable seed.

4. The parts of proposed amendments of §§ 201.11a and 201.26 to require a warning statement on the label for seed containing pure seed with over 5 percent but less than 75 percent first generation seed of a cross are not adopted for either agricultural or vegetable seed.

The amendments as adopted are as follows:

1. Section 201.2(y) is revised to read as follows:

§ 201.2 Terms defined.

* * * * *

(y) *Hybrid.* The term "hybrid" applied to kinds of varieties of seed means the first generation seed of a cross produced by controlling the pollination and by combining (1) two or more inbred lines; (2) one inbred or a single cross with an open pollinated variety; or (3) two selected clones, seed lines, varieties, or species. "Controlling the pollination" means to use a method of hybridization which will produce pure seed which is at least 75 percent hybrid seed. Hybrid designations shall be treated as variety names.

* * * * *

2. Section 201.10(b) is amended to read as follows:

§ 201.10 Variety.

* * * * *

(b) If the name of the variety is given, the name may be associated with the name of the kind with or without the words "kind and variety." The percentage in such case, which may be shown as "pure seed," shall apply only to seed of the variety named, except for the labeling of hybrids as provided in § 201.11a. If separate percentages for the kind and the variety or hybrid are shown, the name of the kind and the name of the variety or the term "hybrid" shall be clearly associated with the respective percentages. When two or more varieties are present in excess of 5 percent and are named on the label, the name of each variety shall be accompanied by the percentage of each.

3. Section 201.11a is revised to read as follows:

§ 201.11a Hybrid.

If any one kind or kind and variety of seed present in excess of 5 percent is "hybrid" seed, it shall be designated "hybrid" on the label. The percentage that is hybrid shall be at least 95 percent of the percentage of pure seed shown unless the percentage of pure seed which is hybrid seed is shown separately. If two or more kinds or varieties are present in excess of 5 percent and are named on the label, each that is hybrid shall be designated as hybrid on the label. Any one kind or kind and variety that has pure seed which is less than 95 percent but more than 75 percent hybrid seed as a result of incompletely controlled pollination in a cross shall be labeled to show (a) the percentage of pure seed that is hybrid seed or (b) a statement such as "Contains from 75 percent to 95 percent hybrid seed." No one kind or variety of seed shall be labeled as hybrid if the pure seed contains less than 75 percent hybrid seed.

§ 201.18 [Amended]

4. Section 201.18 is amended by deleting "hybrid," and "hybrids," in this section.

5. Section 201.26 is revised to read as follows:

§ 201.26 Kind, variety, and hybrid.

The label shall bear the name of each kind and variety present as determined in accordance with § 201.34. The name shall not have affixed thereto words or terms that create a misleading impression as to the history or characteristics of kind or variety. If two or more kinds or varieties are present, the percentage of each shall be shown. If any one kind or variety named on the label is "hybrid" seed, it shall be so designated on the label. If two or more kinds or varieties are named on the label, each that is hybrid shall be shown as "hybrid" on the label. Any kind or variety that is less than 95 percent but more than 75 percent hybrid seed as a result of incompletely controlled pollination is a cross shall be labeled to show (a) the percentage that is hybrid seed or (b) a statement such as "Contains from 75 percent to 95 percent hybrid seed." No one kind or variety of seed shall be labeled as hybrid if it contains less than 75 percent hybrid seed.

6. Section 201.34(c) is revised to read as follows:

§ 201.34 Kind, variety, and type; treatment substances; designation as hybrid.

* * * * *

(c) *Hybrid designation.* Seed shall not be designated in labeling as "hybrid" seed unless it comes within the definition of "hybrid" in § 201.2(y).

* * * * *

7. In § 201.62 the wording preceding Table 4 is amended to read as follows:

§ 201.62 Growing tests for determination of percentages of kind, variety, type, hybrid, or offtype.

Tolerances for growing tests for determination of percentages of kind, variety, type, hybrid, or offtype shall be those set forth in the following table, added to one-half the required pure seed tolerances determined in accordance with § 201.60, except that one-half the pure seed tolerance will not be applied in determining tolerances for hybrids labeled on the basis of the percentage of pure seed which is hybrid.

* * * * *

The amendments set forth above differ in various respects from the proposals of the American Seed Trade Association set forth in the notice of rule-making. The differences are due to changes made pursuant to comments received concerning the proposals, or for clarity or conformity to the Federal Seed Act, and it does not appear that further public rule-making proceedings would make additional information available to the Department. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such further proceedings are unnecessary.

Effective date. The amendments become effective on September 1, 1968.

G. R. GRANGE,
Acting Deputy Administrator, Regulatory Programs, Consumer and Marketing Service.

JULY 26, 1968.

[F.R. Doc. 68-9149; Filed, July 30, 1968; 8:50 a.m.]

Chapter VI—Soil Conservation Service, Department of Agriculture

PART 601—GREAT PLAINS CONSERVATION PROGRAM

Subpart—General Program Provisions

ELIGIBLE CONSERVATION PRACTICES

The regulations governing the Great Plains Conservation Program, 22 F.R. 6851, as amended, are further amended as provided herein.

Paragraph (a) (1), (5), (6), and (24) of § 601.11, *Eligible conservation practices*, is amended as follows:

§ 601.11 Eligible conservation practices.

(a) * * *

(1) *GP-1: Initial establishment of a permanent vegetative cover as a part of an improved cropping system or as a needed land-use adjustment.* This conservation practice is applicable only to land which should be established in permanent vegetative cover for protection against wind or water erosion, and to cropland which, as a part of a needed land-use adjustment, is being shifted to permanent protective vegetative cover as a part of establishing improved cropping system rather than as a part of a regular cropping system.

* * * * *

(5) *GP-5: Improvement of vegetative cover on rangeland by artificial reseeding for soil protection.* The area seeded must not be grazed before the stand is established.

(6) *GP-6: Initial establishment of a stand of trees or shrubs on farm or ranch lands for windbreaks, shelterbelts, erosion control, or other purposes to protect farm or ranch land from wind or water erosion.* This conservation practice will usually involve the use of adapted shrubs and trees in combinations that produce agricultural benefits such as protecting soil from wind and water erosion, protecting farm buildings and feed lots, stabilizing gullies and other critical silt and runoff source areas, building soil or improving wildlife habitat. No Federal cost sharing will be allowed for planting orchard trees, or for plantings for ornamental purposes. If shrubs are used, those that benefit wildlife should be given preference whenever practicable. Plantings must be protected from fire and grazing.

* * * * *

(24) *GP-24: Constructing permanent fences as a means of protecting vegetative cover and structures.* This practice shall be used for all protective fencing needed in connection with any approved GP practice. It shall also be used when fencing is required for better distribution of livestock and for seasonal use of forage. Federal cost sharing for fences shall be limited to permanent fences, excluding boundary and road fences.

* * * * *

(Sec. 4, 49 Stat. 164, as amended, 16 U.S.C., 590d)

Done at Washington, D.C., this 26th day of July 1968.

[SEAL] JOHN A. BAKER,
Assistant Secretary.

[F.R. Doc. 68-9159; Filed, July 30, 1968; 8:51 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 50]

PART 1050—MILK IN CENTRAL ILLINOIS MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Southern Illinois marketing area (7 CFR Part 1050), it is hereby found and determined that:

(a) The following provision of the order does not tend to effectuate the declared policy of the Act for the month of July 1968.

(1) In § 1050.14(b)(2) the phrase "during the months of May and June and in any other month for not more than 8 days of production of producer milk by such producer."

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) A notice of proposed suspension of the aforesaid provision was issued

July 10, 1968 (33 F.R. 10108). All cooperatives and handlers who submitted views on the proposed suspension favored that it be made effective.

(4) This suspension action has been requested by cooperative associations representing a majority of producers on the market for the purpose of providing for efficient handling of reserve milk of the market.

(5) This suspension action is necessary to provide for the efficient handling of reserve milk of the market during the month of July 1968. The volume of milk needed to be moved to milk manufacturing plants exceeds the quantity which could be moved under the limitations of the diversion provision in the order. The most efficient method of handling is movement direct from producers' farms to milk manufacturing plants. This suspension order would allow such handling while the dairy farmers involved retain producer status.

Therefore, good cause exists for making this order effective July 1, 1968.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the month of July 1968.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: July 1, 1968.

Signed at Washington, D.C., on July 26, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 68–9151; Filed, July 30, 1968; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8600; Amdt. 77–6]

PART 77—OBJECTS AFFECTING NAVIGABLE AIRSPACE

Objects Interfering With Air Navigation Facilities

The purpose of this amendment to Part 77 of the Federal Aviation Regulations is to permit the Administrator to consider the effect a proposed construction or alteration would have upon the operation of an air navigation facility.

The substance of this amendment was published as a notice of proposed rule making in the FEDERAL REGISTER on December 21, 1967 (32 F.R. 20658), as NPRM 67–54. Many comments were received in response to the notice. Generally, the comments were favorable and recommended adoption of the amendment as proposed.

Part 77 of the Federal Aviation Regulations establishes standards for determining obstructions in navigable airspace, sets forth the notice requirements of certain proposed construction or alteration, provides for aeronautical studies of obstructions to determine their effect on the safe and efficient use of airspace and provides for public hearings on the hazardous effect of proposed construction or alteration. In accordance with previous interpretations and practice, this part applies to the physical effect of an obstruction on the flight of aircraft through the navigable airspace.

The Federal Aviation Administration is encountering with increasing frequency, situations where construction or alteration has a deleterious effect on the operation of air navigation facilities without being a physical hazard in the flight path of aircraft. These situations have ranged from construction which partially blocked the view from an airport air traffic control tower of runways, taxi, and parking areas, to obstructions which blocked or reflected electromagnetic radiation in the vicinity of navigational aids like radio or radar installations. In some instances, the navigational aid could be moved to an interference-free location. In other situations, however, no interference-free locations were available, or the cost of razing and relocating facilities, because of their size or number, was exorbitant.

It appears desirable that when an aeronautical study is made, the Administrator should include in that study the effect that construction or alteration may have on the operation of air navigation facilities. It would be an unreasonable burden on the public to require a proponent to consider this effect because the public may not be aware of the existence or operational characteristics of an air navigation facility, and any effect thereon may not easily be ascertained by the proponent. Accordingly, the Administrator should have the authority of including in an aeronautical study the physical or electromagnetic effect of proposed construction on air navigation facilities. The study may enable the Administrator to recommend changes in the design, location, or construction material that would eliminate or reduce interference with the operation of the air navigation facility. A reduction or elimination of interference may permit the retention of existing approach minimums, use of existing runways or facility structures or avoid costly relocation expenses to the airport or the FAA.

All of the parties that submitted comments concurred in or endorsed the proposed amendment, except the Airport Operators Council International, the Department of Aviation, City of Atlanta, Ga., and the Air Transport Association of America.

The Airport Operators Council International stated that it strongly opposed the proposed amendment primarily for the following reasons:

(1) The FAA already has sufficient authority to minimize critical encroachment upon airport control tower sight lines through its ability to NOTAM and therefore needs no additional authority.

(2) It is undesirable to use the proposed amendment to protect off-airport navaids from the deleterious effect on their operation by construction proposals over which the airport operation has no control.

Regarding the first comment, the FAA's present authority allows it to issue a Notice to Airmen to advise them concerning areas on an airport in which ground control of traffic cannot be maintained due to blocking of line-of-sight from the airport control tower. When such a condition exists, the derogation of air traffic control has already taken place and a NOTAM merely advises of that condition. The purpose of this rule is to prevent the condition from arising in the first place.

As far as the second comment is concerned, this amendment intends to include consideration of the physical or electromagnetic effect on the operation of air navigation facilities of any construction proposal for which a notice is required under § 77.13(a), and would exceed any standard of Subpart C, regardless of whether the facilities are located on or off an airport.

The Department of Aviation, City of Atlanta, Georgia, opposed the proposed amendment primarily on the ground that it felt that this amendment would allow the location and functioning of an FAA air navigation facility to control all other airport development prospects. The Department also stated that it felt that the present Federal Aviation Regulations were adequate to handle obstructions to airport control towers and air navigation facilities.

The aeronautical study may enable the FAA to recommend changes in the design, location, or construction material that may eliminate or reduce interference with the operation of the air navigation facility. These recommendations would be made to the construction sponsor and not to the airport operator unless the construction proposal was one over which the airport operator exercised control. Proposed construction or alteration subject to an aeronautical study under the proposed amendment would be limited to those proposals for which notice to the Administrator is now required under § 77.13(a) of Part 77, FAR, and the proposal would exceed any standard of Subpart C. Proposed construction or alteration off airports that would not require notice under § 77.13(a) would not come within the scope of the proposed amendment even though there may be a possibility that the proposed construction or alteration might adversely affect the operation of a nearby air navigation facility.

It is not the purpose of the proposed amendment to institute control over any aspect of airport development but (1) to consider the physical and electromagnetic effects of any proposed construction or alteration on air navigation facilities, during an aeronautical study; (2) to inform the construction sponsor, if necessary, of possible interference and how to avoid it; and (3) where the construction proposal would have a substantial adverse effect upon the operation of any air navigation facility to issue a determination of hazard. Current Federal Aviation Regulations do not provide the FAA with authority to study proposed construction or alteration for the purpose of determining their physical and electromagnetic effect on the operation of air navigation facilities.

The Air Transport Association (ATA) did not oppose the proposed amendment, but made several suggestions. Among them ATA commented that FAA has published few guidelines for constructing facilities on or near airports and such guidelines should be published by FAA prior to amending Part 77 as proposed.

In addition, ATA felt it should be made clear that airport control towers are not air navigation facilities in the sense of the proposed rule. ATA comments are under careful consideration and the FAA at the present time is engaged in a project to develop new criteria to determine whether proposed construction would affect the operation of air navigation facilities. The intent of the amendment to Part 77, however, is not to revise or develop criteria but to provide the authority to consider possible interference with the operation of air navigation facilities during the aeronautical study of construction proposals. At such time as new criteria have been developed a determination will be made as to their adequacy and whether they should be incorporated in the regulation.

In consideration of the foregoing, Part 77 of the Federal Aviation Regulations is amended as follows, effective August 31, 1968:

1. In § 77.31, paragraph (a) is revised to read:

§ 77.31 Scope.

(a) This subpart applies to the conduct of aeronautical studies of the effect of proposed construction or alteration on the use of air navigation facilities or navigable airspace by aircraft. In the aeronautical studies, present and future IFR and VFR aeronautical operations and procedures are reviewed and any possible changes in those operations and procedures and in the construction proposal that would eliminate or alleviate the conflicting demands are ascertained.

• • • • •

2. In § 77.35, paragraph (a) is revised to read:

§ 77.35 Aeronautical studies.

(a) The Regional Director of the region in which the proposed construction or alteration would be located, or his designee, conducts the aeronautical study of the effect of the proposal upon the operation of air navigation facilities and the safe and efficient utilization of the navigable airspace. This study may include the physical and electromagnetic radiation effect the proposal may have on the operation of an air navigation facility.

• • • • •

(Secs. 307, 313, 1101, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354, 1501)

Issued in Washington, D.C., on July 25, 1968.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 68–9146; Filed, July 30, 1968; 8:50 a.m.]

[Docket No. 7594; Amdt. 121–43]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Pilot in Command Experience Requirements for IFR Landings

The purpose of this amendment to Part 121 of the Federal Aviation Regulations is to permit a reduction in the 100 hours of pilot in command experience required by §§ 121.651(e) and 121.653(d), based on the substitution of one landing in Part 121 operations for 1 hour of pilot in command experience up to 50 percent of the 100-hour requirement.

This amendment is based on a notice of proposed rule making (Notice 67–34), issued July 24, 1967, and published in the FEDERAL REGISTER on August 1, 1967 (32 F.R. 11169). The basis for this amendment is discussed in that notice.

The comments received in response to Notice 67–34 generally concurred with the proposal to reduce the 100-hour requirement by substituting landings for hours, inasmuch as pilots in command of aircraft operating over short routes acquire the desired level of experience sooner than pilots operating over long routes. However, several comments objected to the proposal insofar as it would allow the reduction in total hours to apply to pilots with less than 100 hours in command of any airplane in Part 121 operations and recommended that pilots qualifying for the first time under Part 121 should be required to have 100 hours as pilot in command, regardless of the number of landings, in order to become familiar not only with a new type airplane but also with the duties and responsibilities of a pilot in command. The FAA agrees that a pilot qualifying for the first time under Part 121 should have a minimum of 100 hours as pilot in command and the proposed rule is being changed to permit the reduction in hours only for pilots who have 100 or more hours as pilot in command of another type airplane under Part 121.

Several comments suggested that qualifications for landings at the lowest minimums should be based on a number of instrument approaches rather than hours or landings. The problems associated with promulgation of a qualification requirement based on number and kind of landings are beyond the scope of Notice 67–34, which is intended only to reduce the present 100-hour requirement.

The FAA agrees with a comment by the Air Line Pilots Association that the regulation as proposed in Notice 67–34 should be changed to make it clear that until a pilot has qualified under subsection (a), his lowest MDA or DH and visibility landing minimum are 300 and 1, and Category II minimums do not apply.

At the time Notice 67–34 was issued, the Category II amendments had not been incorporated in the regulations and the lowest minimums contemplated in the notice were 300 and 1. The proposed amendment has been changed to make it clear that Category II minimums as well as the sliding scale minimums do not apply and the lowest minimums are 300 and 1 until the experience requirement is met.

The proposed regulation has also been changed in consideration of comments received to include RVR equivalents to landing visibility minimums.

In consideration of the foregoing, Part 121 of the Federal Aviation Regulations is amended effective July 31, 1968, as follows:

§ 121.651 [Amended]

1. By deleting paragraph (e) of § 121.651.

2. By adding the following new section immediately following § 121.651:

§ 121.652 Landing weather minimums: IFR: all certificate holders.

(a) If the pilot in command of an airplane has not served 100 hours as pilot in command in operations under this part in the type of airplane he is operating, the MDA or DH and visibility landing minimums in the certificate holder's operations specification for regular, provisional, or refueling airports are increased by 100 feet and one-half mile (or the RVR equivalent). The MDA or DH and visibility minimums need not be increased above those applicable to the airport when used as an alternate airport, but in no event may the landing minimums be less than 300 and 1.

(b) The 100 hours of pilot in command experience required by paragraph (a) of this section may be reduced (not to exceed 50 percent) by substituting one landing in operations under this part in the type of airplane for 1 required hour of pilot in command experience, if the pilot has at least 100 hours as pilot in command of another type airplane in operations under this part.

(c) Category II minimums and the sliding scale when authorized in the certificate holder's operations specifications do not apply until the pilot in command subject to paragraph (a) of this section meets the requirements of that paragraph in the type of airplane he is operating.

§ 121.653 [Amended]

3. By deleting paragraph (d) of § 121.653.

(Secs. 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on July 24, 1968.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 68–9111; Filed, July 30, 1968; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart—Provisional Regulations

POSTPONEMENT OF CLOSING DATES OF PROVISIONAL LISTING

The color additive amendments of 1960 (Public Law 86–618; 74 Stat. 404; 21 U.S.C. 376, note) authorize the Secretary of Health, Education, and Welfare to postpone the closing date of a provisional listing of a color additive on his own initiative or upon application of an interested person. Requests have been received to postpone the closing dates of provisional listings of a number of color additives because scientific investigations necessary for listing these color additives under section 706 of the Federal Food, Drug, and Cosmetic Act have not been completed.

The Commissioner of Food and Drugs finds that postponement of the closing dates of the provisionally listed color additives in this order is consistent with the protection of the public health. These extensions are granted on condition that, where applicable, progress reports be supplied on or before December 31, 1968.

Scientific investigations of the safety of iron oxide in mink feed have been completed. The Commissioner concludes that the data available to him do not presently permit the establishment of a safe level of ingested use in mink feed of this color additives. Accordingly, the closing date of the provisional listing for iron oxide in mink feed is not postponed and its provisional listing for this use is terminated as of June 30, 1968. To permit an orderly change in mink feed formulations containing iron oxide, a grace period of 6 months is allowed for continued use.

Therefore, pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 203(a)(2), Public Law 86–618; 74 Stat. 404; 21 U.S.C. 376, note), delegated to the Commissioner (21 CFR 2.120), § 8.501 *Provisional lists of color additives* is amended as follows:

1. In paragraph (a) *Color additives previously and presently subject to certification and provisionally listed for food, drug, and cosmetic use*, the closing dates under "Drug and cosmetic use" for FD&C Green No. 3, FD&C Yellow No. 6, FD&C Red No. 2, FD&C Red No. 4, FD&C Blue No. 2, and FD&C Violet No. 1 are changed to "December 31, 1968."

2. In paragraph (b) *Color additives previously and presently subject to certification and previsionally listed for drug and cosmetic use*, the closing dates of D&C Green No. 8, D&C Yellow No. 7, D&C Yellow No. 8, D&C Red No. 17, D&C Red No. 34, D&C Orange No. 4, D&C Blue No. 9, and D&C Violet No. 2 are changed to "December 31, 1968."

3. In paragraph (c) *Color additives previously and presently subject to certification and provisionally listed for use in externally applied drugs and cosmetics*, the closing date of Ext. D&C Yellow No. 7 is changed to "December 31, 1968."

4. In paragraph (e) *Color additives provisionally listed for food use on the basis of prior commercial sale but which have not been nor are now subject to certification*, the closing date of iron oxide is changed to "December 31, 1968" and the statement under "Restrictions" for iron oxide is changed to read "For dog and cat foods only."

5. In paragraph (f) *Color additives provisionally listed for drug use on the basis of prior commercial sale but which have not been nor are now subject to certification*, the closing dates for chromium-cobalt-aluminum oxide, ferric ammonium citrate, and pyrogallol are changed to "December 31, 1968" and the closing dates for fustic and logwood are changed to "June 30, 1970."

6. Paragraph (g) is revised to read as follows to change the closing dates for certain color additives:

(g) *Color additives provisionally listed for cosmetic use on the basis of prior commercial sale but which have not been nor are now subject to certification.* The color additives provisionally listed in this paragraph are so listed only for the uses and purposes commercially employed prior to July 12, 1960. Thus, a color additive previously used for coloring cosmetics to be applied to portions of the body other than the eye area (as defined in § 8.1(s)) is not provisionally listed for eye-area use.

Color additive	*Closing date*
Aluminum hydroxide	Dec. 31, 1968
Aluminum powder	Do.
Aluminum silicate (including hydrated aluminum silicate)	Do.
Aluminum stearate	Do.
Annatto	Do.
Azulene	Do.
Barium sulfate (blanc fixe)	Do.
Bentonite	Do.
Bismuth oxychloride	Do.
Bronze powder	Do.
Calcium carbonate	Do.
Calcium silicate	Do.
Calcium stearate	Do.
Calcium sulfate	Do.
Caramel	Do.
Carbon black (prepared by the "impingement" or "channel" process)	Sept. 30, 1968
Carmine	Dec. 31, 1968
Carotene	Do.
Chlorophyll copper complex and chlorophyllin copper complex	Sept. 30, 1968
Chromium hydroxide green	Dec. 31, 1968
Chromium oxide greens	Do.
Copper, metallic powder	Do.
Copper versenate	Do.
Cornstarch	Do.
Dihydroxyacetone	Do.
Ferric ferrocyanide (iron blue)	Do.
Gold	Do.
Graphite	Do.
Guanine (pearl essence)	Do.
Iron oxides (including hydrated iron oxides)	Do.
Kaolin	Do.
Lithium stearate	Do.
Magnesium aluminum silicate	Dec. 31, 1968
Magnesium carbonate	Do.
Magnesium oxide	Do.
Magnesium stearate	Do.
Magnesium trisilicate	Do.
Manganese violet (probably $2(NH_4)_2Mn_2(P_2O_7)_2$)	Do.
Mica	Do.
Silicic acid	Do.
Silicon dioxide (silica)	Do.
Silk, powdered	Do.
Talc	Do.
Tin oxide	Do.
Titanium dioxide	Do.
Ultramarine blue	Do.
Ultramarine green	Do.
Ultramarine pink	Do.
Ultramarine red	Do.
Ultramarine violet	Do.
Zinc carbonate	Do.
Zinc oxide	Do.
Zinc stearate	Do.

In order to allow orderly withdrawal from the market of iron oxide for use in mink feed and in the absence of information that the continued use of this color additive for a short time at the level customarily used will adversely affect the health of minks, the Food and Drug Administration will not institute regulatory action against iron oxide, or the mink feed in which it has been permitted to be used, solely for the reason that it is not provisionally or permanently listed as a color additive for the period ending December 31, 1968.

Notice and public procedure and delayed effective date are unnecessary prerequisites to the promulgation of this order, and I so find, since section 203(a)(2) of Public Law 86–618 provides for this issuance.

Effective date. This order is effective as of June 30, 1968.

(Sec. 203(a)(2), Public Law 86–618; 74 Stat. 404; 21 U.S.C. 376, note)

Dated: July 22, 1968.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 68–9142; Filed, July 30, 1968; 8:49 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

POLYETHYLENE GLYCOL (400) MONO- AND DI-OLEATE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 6C1882) filed by The C. P. Hall Co. of Illinois, 7300 South Central Avenue, Chicago, Ill. 60638, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of polyethylene glycol (400) mono- and di-oleate as a processing aid in the manufacture of animal feeds. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart C the following new section:

§ 121.320 Polyethylene glycol (400) mono- and di-oleate.

(a) The food additive polyethylene glycol (400) mono- and di-oleate meets the following specifications: Saponification number, 80–88; acid number, 5.0 maximum; and average molecular weight range, 640–680.

(b) It is used as a processing aid in the production of animal feeds when present as a result of its addition to molasses in an amount not to exceed 250 parts per million of the molasses.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 23, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–9143; Filed, July 30, 1968; 8:49 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER B—PERSONNEL

[Dept. Reg. 108.592]

PART 11—APPOINTMENT OF FOREIGN SERVICE OFFICERS

Lateral Entry Appointment of Foreign Service Officers to Classes 1 Through 6

Section 11.11 is revised to read as follows:

§ 11.11 Lateral entry appointment of Foreign Service Officers to Classes 1 through 6.

Appointments of Foreign Service officers, under the provisions of section 517 of the Foreign Service Act of 1946, as amended, are governed by the regulations in this section.

(a) *Purpose of lateral entry appointment.* (1) The lateral entry program is a means by which the intake of Foreign Service officers through the junior Foreign Service officer examination can be supplemented to meet total requirements for Foreign Service officers. Lateral entry appointments are made only to Classes 1 through 6, insuring retention of the career principle of entry primarily at Classes 7 and 8 through competitive examination. Additional officers will be added to the Foreign Service Officer Corps through lateral entry on the basis of established service need for each class by functional specialty or general manpower requirements.

(2) The great majority of lateral entrants will be drawn from officers of the Department and the Foreign Service of proven ability who possess high potential for advancement, or similar personnel of other foreign affairs agencies who may be appointed based on agreements between the Department and those agencies.

(3) The need for other lateral entrants in Classes 1 through 6 is met by appointing applicants who are officers or former officers of other Federal Government agencies. Principally, these will be persons possessing skills and abilities in short supply in the Foreign Service appointed to meet rapidly changing requirements. On a limited and highly selective basis, however, other persons may be appointed who have demonstrated outstanding qualities of leadership and who possess capabilities, insights, techniques, experiences, and differences of outlook which would serve to enrich and stimulate the Foreign Service and enable them to perform effectively in assignments both abroad and in the Department.

(b) *Magnitude.* (1) The Department places no numerical limitation on the lateral appointment of FSR, FSSO, and Civil Service officers on its rolls who apply, are certified on the basis of service need by personnel management authorities for examination, and are found qualified by the Board of Examiners.

(2) Lateral entry from other sources is limited and based on intake levels established in accordance with total Foreign Service officer manpower and functional requirements upon certification of service needs.

(c) *Eligibility requirements.* The religion, race, sex, and political affiliations of a candidate will not be considered in designations, examinations, or certifications.

(1) *Citizenship.* Each applicant must have been a citizen of the United States for at least 10 years and, if married, shall be married to a citizen of the United States.

(2) *Service.* On the date of application, each applicant must have completed at least 3 years of service (4 years if under age 31) in a position of responsibility in a Federal Government agency or agencies. For this purpose, a position of responsibility is defined as service as a Foreign Service Reserve officer at Class 7, a Foreign Service Staff officer at Class 6, in the Departmental service as GS–9, and in the Armed Forces of the United States at the grade of First Lieutenant or Lieutenant Junior Grade, or higher. The duties and responsibilities of the position occupied by the applicant must have been similar or closely related to that of a Foreign Service officer in terms of knowledge, skills, and abilities. To be eligible, an applicant must have been in or currently be in a grade or class comparable to FSO–6 or be receiving a base salary at least equal to the first salary step of that class.

(3) *Other.* On the date of application, each applicant for lateral entry appointment should be under age 54. Candidates will not normally be certified who are more than 55 years of age since Foreign Service officers are expected to serve 5 years or more before reaching mandatory retirement age.

(d) *Recruitment.* (1) It is the Department's policy to encourage eligible personnel on its rolls to apply for lateral entry into the Foreign Service Officer Corps, including, in particular, the following categories:

(i) Foreign Service Reserve officers, who, in competition with Foreign Service officers, are either recommended for promotion or ranked in the upper percentage groups of their class;

(ii) Foreign Service Staff officers who are recommended for consideration for lateral entry by a Staff Officer Selection Board, whose performance has been consistently of a high caliber, and whose background, experience, and general qualifications indicate they can contribute to the Foreign Service Officer Corps and compete favorably with Foreign Service officers;

(iii) Civil Service officers in the Department and domestic Foreign Service Reserve officers who are serving in positions to which Foreign Service officers are normally assigned, who have superior records, and who can be expected to make substantial contributions to Foreign Service work and compete favorably with Foreign Service officers.

(2) The Department also considers highly qualified applicants from other agencies of the Government and from outside the Federal service who meet the statutory and other eligibility requirements and for whom there has been a certification of need as an additional Foreign Service officer. Appointments from these sources for the limited vacancies available are made on a competitive basis to fill specific Service needs after assuring that the vacancies cannot be filled by Foreign Service officers already in the Foreign Service Officer Corps.

(e) *Method of application.* Applicants for lateral entry must complete Standard Form 171, Personal Qualifications Statement, and Form DSP–34, Supplement to Application for Federal Employment, and forward them to the Board of Examiners for the Foreign Service, Department of State. Application is made

for a Foreign Service officer appointment under the lateral entry provisions of section 517 of the Foreign Service Act, but not for a class. The Board establishes a file for each applicant, placing therein all available documentation of value in evaluating the applicant's potential for appointment as a Foreign Service officer. The file is reviewed initially to determine if the applicant meets the statutory and other eligibility requirements and to assess his skills relative to the needs of the Service. The examination of candidates is based on the needs of the Service for specific skills and experience.

(f) *Examination for lateral entry*—(1) *General.* The filing of an application with the Board of Examiners for the Foreign Service does not in itself entitle an applicant to examination. The decision whether to proceed with an oral examination, as well as with a detailed background investigation, is made by the Board of Examiners after determining eligibility for appointment, medical qualifications, and a thorough review of the applicant's qualifications. Each applicant's background, experience, performance, and other related documentation are carefully studied and evaluated. Careful consideration is given to the functional needs of the Service in making this assessment. A certification of need to the Board of Examiners by the Department's personnel management authorities is required before proceeding further with the examination. An oral examination is granted only in those cases where the applicant is found to possess superior qualifications, proven ability, and, at the middle levels, high potential for advancement.

(2) *Class of appointment.* In determining the class at which candidates are considered for appointment, the initial presumption is that the candidate is eligible for examination for the Foreign Service officer class which equates with his salary level at the time of examination. In evaluating qualifications, and in conducting oral examinations, panels carefully assess candidates to determine whether their total qualifications compare favorably with officers at their current class level. However, the Board of Examiners, at its discretion, may certify a candidate for appointment as a Foreign Service officer at a class other than that equating to his salary in those instances where the Board determines that the candidate's qualifications clearly warrant such action. A candidate's total qualifications, as evaluated by the examining panels and the Board, will have an important bearing on the decision to certify a candidate for appointment at a class other than that which equates to his current salary.

(3) *Application validity and termination.* If an applicant is not called for examination within 2 years from the date of his application, or, if based on the qualifications review, it is decided not to proceed further with his candidacy, or if he is not certified as a successful candidate following examination, his candidacy will be terminated. He may, however, reapply after 12 months by submitting a new application.

(4) *Purpose of examination.* The purpose of the examination is to determine an applicant's competence to perform the function or functions for which he is being considered and his fitness for a Foreign Service career.

(5) *Nature of examination*—(i) *Medical.* A medical examination is required for the applicant and his dependents who will reside with him on tours abroad. Each applicant and his dependents shall meet the physical requirements for full Foreign Service duty. Normally, failure to meet the medical requirements will preclude appointment as a Foreign Service officer. In exceptional cases, the Director General may grant a waiver of the physical requirements in the interest of the Service.

(ii) *Security.* Each applicant shall have demonstrated his loyalty to the Government of the United States and his attachment to the principles of the Constitution. A background investigation shall be conducted or appropriate security clearance shall be assured.

(iii) *Qualifications evaluation.* An evaluation is made of the education, training, experience, and work performance of the applicant based on his application forms, records of performance, interviews, background investigative reports, and other available information. A record of successful performance overseas is not a lateral entry prerequisite, but is considered an additional favorable factor in evaluating an applicant.

(iv) *Oral examination.* (*a*) Candidates recommended for further consideration after completion of the qualifications review and evaluation outlined in subparagraph (1) of this paragraph and subdivision (iii) of this subparagraph are given oral examinations by a panel of deputy examiners appointed by the Board of Examiners from a roster of Foreign Service officers, Civil Service officers of the Department, officers of other Federal agencies, and from members of the public. The panel shall include at least one officer from the same professional specialty as that for which the applicant is being examined.

(*b*) The oral examination is normally given in Washington, but may, in exceptional circumstances, be given at Foreign Service posts selected by the Board of Examiners, but not at the candidate's post of assignment.

(v) *Findings of examining panels.* Determinations of duly constituted panels of examiners and deputy examiners are final, unless modified by specific action of the Board of Examiners for the Foreign Service.

(g) *Certification for appointment.* After completion of all aspects of the examination, the Board of Examiners certifies for appointment successful candidates specifying the class and salary for which they are found qualified.

(Secs. 212, 302, 303, 516, 517, 60 Stat. 1001, as amended; 1002, 1008, as amended; 22 U.S.C. 827, 842, 843, 911, 912)

Dated: July 24, 1968.

For the Secretary of State.

IDAR RIMESTAD,
Deputy Under Secretary for Administration.

[F.R. Doc. 68-9141; Filed, July 30, 1968; 8:49 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

San Carlos Indian Irrigation Project, Ariz.

On page 9089 of the FEDERAL REGISTER of June 20, 1968, there was published a notice of intention to amend § 221.63 of Title 25, Code of Federal Regulations, dealing with the operation and maintenance assessments against the irrigable lands of the San Carlos Irrigation Project, Ariz. The purpose of the amendment is to establish the assessment rate for the joint works in the San Carlos Indian Irrigation Project, Ariz.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions, or objections have been received, and the proposed amendments are hereby adopted without change as set forth below.

Section 221.63 is amended to read as follows:

§ 221.63 Assessments, joint works.

(a) Pursuant to the Act of Congress approved June 7, 1924 (43 Stat. 476), and supplementary acts, the repayment contracts of June 8, 1931, as amended, between the United States and the San Carlos Irrigation and Drainage District, and in accordance with applicable provisions of the order of the Secretary of the Interior of June 15, 1938 (§§ 221.69a–221.69m), the cost of the operation and maintenance of the Joint Works of the San Carlos Indian Irrigation Project for the fiscal year 1970 is estimated to be $210,000 and the rate of assessment for the said fiscal year and subsequent fiscal years until further order is hereby fixed at $2.10 for each acre of land.

W. WADE HEAD,
Area Director.

[F.R. Doc. 68-9109; Filed, July 30, 1968; 8:47 a.m.]

PART 221—OPERATION AND MAINTENANCE CHARGES

Wapato Indian Irrigation Project, Wash.

On June 18, 1968, there was published in the daily issue of the FEDERAL REGISTER, Volume 33, Number 118, page 8820, notice of intention to amend § 221.86, Subchapter T, Chapter I of the Code of Federal Regulations, Title 25. This section deals with the operation and maintenance charges on assessable lands under the Wapato Indian Irrigation Project, Wash. Interested persons were thereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to Dale M. Baldwin, Area Director, within 30 days from the date of publication of the notice. No comments, suggestions, or objections have been received during this period. McKinley Grange Resolution No. 596, dated February 8, 1968, was received and given due consideration. It was determined that sufficient justification exists for the proposed rate increase and, accordingly, § 221.86 of Title 25, Code of Federal Regulations, Chapter I, Subchapter T, is amended as follows:

§ 221.86 Charges.

The operation and maintenance charges on assessable lands under the Wapato Indian Irrigation Project, Yakima Indian Reservation, Wash., are hereby fixed as follows:

(a) Pursuant to the provisions of the Acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387), the basic operation and maintenance assessment rates for the calendar year 1969 and subsequent years until further notice are:

(1) Minimum charges for all tracts in noncontiguous single ownership	$8.65
(2) Flat rate upon all farm units or tracts for each assessable acre	8.65
(3) Storage operation and maintenance. For all lands with a storage water right, known as "B" lands, in addition to other charges per acre	.50

(b) Pursuant to the provisions of the Act of September 26, 1961 (75 Stat. 680), there shall be assessed and collected, beginning with the calendar year 1967 and until further notice but not to exceed a period of 10 years, an annual per acre charge of $0.20 to defray the cost of replacing a wooden pipeline.

DALE M. BALDWIN,
Area Director.

[F.R. Doc. 68-9126; Filed, July 30, 1968; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

Chief Benefits Director and Director, Compensation, Pension and Education Service

In Part 2, § 2.79 is amended to read as follows:

§ 2.79 Chief Benefits Director and the Director, Compensation, Pension and Education Service are delegated authority to enter into agreements for reimbursement of State approving agencies under § 21.4153 of this chapter.

This delegation of authority is identical to § 21.4001(b) of this chapter.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 68-9119; Filed, July 30, 1968; 8:48 a.m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

REIMBURSEMENT OF EXPENSES

1. In § 21.4001, paragraph (b) is amended to read as follows:

§ 21.4001 Delegations of authority.

* * * * *

(b) Authority is delegated to the Chief Benefits Director and the Director, Compensation, Pension, and Education Service to enter into agreements for reimbursement of State approving agencies under § 21.4153.

* * * * *

2. In § 21.4153, paragraph (b) is amended to read as follows:

§ 21.4153 Reimbursement of expenses.

* * * * *

(b) *Reimbursement.* The Chief Benefits Director and the Director, Compensation, Pension, and Education Service are authorized to enter into agreements for reimbursement to the extent necessary to fulfill the purpose of paragraph (a) of this section. See § 21.4001(b).

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective date of approval.

Approved: July 24, 1968.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 68-9118; Filed, July 30, 1968; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 8 is amended as follows:

PART 8–3—PROCUREMENT BY NEGOTIATION

1. Sections 8–3.204, 8–3.207, and 8–3.209 are revised to read as follows:

§ 8–3.204 Personal or professional services.

(a) Architect-engineer services required by the Veterans Administration in conjunction with construction (see Subparts 8–4.50 and 8–7.50 of this chapter) will be procured under the special authority set forth in Title 38, United States Code (FPR 1–3.215; 38 U.S.C. 5002). See § 8–3.215(c).

(b) After determination has been made that an appointment cannot be appropriately accomplished in accordance with the requirements of the Federal Personnel Manual and Veterans Administration Personnel Policy Manual MP–5, the following contracts for personal and professional services may be negotiated under the authority contained in FPR 1–3.204:

(1) Contracts with medical schools and clinics to provide scarce medical specialist services at Veterans Administration facilities, including, but not limited to, radiologists, pathologists, and psychiatrists, as authorized by 38 U.S.C. 4117.

(2) Contracts with consultants and experts.

(c) Personal service contracts having an employer-employee relationship, except as provided in paragraph (b)(1) of this section, shall not be negotiated under this authority (see MP–5, Parts I and II—available at any Veterans Administration station). The determination as to whether a contract is of this nature (employer-employee relationship) is primarily the responsibility of the appointing official; however, contracting officers should be alert to the following conditions or other circumstances, which, if present, could result in an invalid contract if with:

(1) *An individual.* (i) The contract does not call for an end product which is adequately described in the contract.

(ii) The contract price or fee is based on the time actually worked rather than the results to be accomplished.

(iii) The services are to be of a continuing rather than a temporary or intermittent nature.

(2) *A concern.* (i) Office space, equipment, and supplies necessary for contract performance are to be furnished by the Veterans Administration.

(ii) Contractor-furnished personnel are to be integrated with the Veterans Administration organizational structure.

(iii) Contractor-furnished personnel are to be used interchangeably with Veterans Administration personnel to perform the same functions.

(iv) The Veterans Administration retains the right to control and direct the means and methods by which contractor-furnished personnel accomplish the work.

(d) If in the opinion of the contracting officer any of the conditions or circumstances in paragraph (c) of this section are present, he will, in consultation with the requester, resolve all such doubts seeking, if necessary, legal advice from the appropriate Veterans Administration Chief Attorney.

(e) Requirements for scarce medical specialist services to be obtained under contracts with medical schools or clinics will be processed by the station contracting officer.

(1) Prior to consummating or renewing a contract of this kind, the approval of the Chief Medical Director will be secured. A request for such approval will be submitted through the appropriate Regional Medical Director.

(2) Requests to enter into or renew contracts for professional services, other than those in subparagraph (1) of this paragraph, will be submitted to the department or staff head concerned, or his designee, for approval.

§ 8–3.207 Medicines or medical supplies.

(a) *General.* Except as provided in this § 8–3.207 or when prior approval has been granted by the Chief Medical Director, no Veterans Administration contracting officer shall enter into contracts by negotiation under authority of FPR 1–3.207 when the cost of such item(s), singly or collectively, is expected to exceed $2,500 for a single transaction.

(b) *Drugs and chemicals.* The following contracting officers are authorized to negotiate contracts for the purchase of drugs and chemicals:

(1) Director, Supply Service.

(2) Chief, Purchase and Contract Division.

(3) Assistant Director, Supply Service for Marketing.

(4) Chief, Marketing Division for Drugs and Chemicals.

(5) One senior contracting officer, Marketing Division for Drugs and Chemicals when so designated by the marketing division chief.

(c) *Wheel chairs and hearing aids.* The following contracting officers are authorized to negotiate contracts for the purchase of wheel chairs and hearing aids:

(1) Director, Supply Service.

(2) Chief, Purchase and Contract Division.

(3) Assistant Director, Supply Service for Marketing.

(4) Chief, Marketing Division for Administrative Medical Supplies and Equipment.

(5) One senior contracting officer, Marketing Division for Administrative Medical Supplies and Equipment when so designated by the marketing division chief.

(d) *Medical equipment.* (1) The following contracting officers are authorized to negotiate contracts for the purchase of equipment of this nature:

(i) Director, Supply Service.

(ii) Chief, Purchase and Contract Division.

(2) The following contracting officers are authorized to negotiate contracts for the purchase of equipment of this nature, provided the dollar value of the item(s) to be purchased, singly or collectively, does not exceed $25,000:

(i) Assistant Director, Supply Service for Marketing.

(ii) Chief, Marketing Division for Medical Equipment.

(iii) One senior contracting officer, Marketing Division for Medical Equipment when so designated by the marketing division chief.

(e) *Radiological and nuclear equipment and supplies.* (1) The following contracting officers are authorized to negotiate contracts for the purchase of equipment and supplies of this nature:

(i) Director, Supply Service.

(ii) Chief, Purchase and Contract Division.

(2) The following contracting officers are authorized to negotiate contracts for the purchase of equipment and supplies of this nature, provided the dollar value of the item(s) to be purchased, singly or collectively, does not exceed $25,000:

(i) Assistant Director, Supply Service for Marketing.

(ii) Chief, Marketing Division for Radiological and Nuclear Equipment and Supplies.

(iii) One senior contracting officer, Marketing Division for Radiological and Nuclear Equipment and Supplies when so designated by the marketing division chief.

§ 8–3.209 Subsistence supplies.

(a) Except as provided in this § 8–3.209 or when prior approval has been granted by the Chief Medical Director, no Veterans Administration contracting officer shall enter into contracts by negotiation under the authority of FPR 1–3.209 when the cost of such item(s), singly or collectively, is expected to exceeed $2,500 for a single transaction.

(b) The following contracting officers are authorized to negotiate contracts for the purchase of subsistence supplies:

(1) Director, Supply Service.

(2) Chief, Purchase and Contract Division.

(3) Assistant Director, Supply Service for Marketing.

(4) Chief, Marketing Division for Subsistence.

(5) One senior contracting officer, Marketing Division for Subsistence when so designated by the marketing division chief.

2. In § 8–3.215, paragraphs (g), (h), and (i) are added to read as follows:

§ 8–3.215 Otherwise authorized by law.

* * * * *

(g) *Operation of parking facilities.* Contracts or leases for the operation of parking facilities established under the authority of 38 U.S.C. 5004(b)(1) may be negotiated under the authority of FPR 1–3.215 (38 U.S.C. 5004(b)(3)), provided:

(1) The establishment, operation, and maintenance of such parking facilities have been authorized by the Administrator, or his designee.

(2) The station head determines in writing that operation by contract or lease is both desirable and warranted, and

(3) A copy of the proposed contract or lease is submitted to the Chief Medical Director (134), through the appropriate Regional Medical Director, for approval. The submission will include information as to the advantages of such an agreement.

(h) *Laundry and other common services.* When specifically approved by the Administrator or his designee, contracts for laundry and other common services, such as the purchase of steam, may be negotiated with nonprofit, tax-exempt educational, medical, or community institutions, whenever such services are not reasonably available from private commercial sources. Such contracts will cite as their authority FPR 1–3.215 (38 U.S.C. 5012) and will include the clause in FPR–1–7.101–10 on the examination of records. They are also subject to the provisions of FPR 1–1.5 and Subpart 8–1.5 of this chapter, Contingent fees; FPR 1–3.401, Types of contracts; and FPR 1–3.405–5 and § 8–3.405–5, Cost-plus-a-fixed-fee contract. Requests to enter into such contracts will be processed through channels to the Director, Supply Service for submission to the Administrator or his designee.

(i) *Sharing of medical facilities and equipment.* (1) A contract or other form of agreement may be negotiated with medical schools and other medical installations having hospital facilities or with a Federal, State, or local hospital, public or private, in the medical community, for:

(i) The exchange of use of specialized medical resources (equipment, space or personnel) when such an arrangement will obviate the need to provide a similar resource in a Veterans Administration hospital or outpatient activity; or

(ii) The mutual use or exchange of use of specialized medical resources available in a Veterans Administration hospital or outpatient clinic, which have been justified on the basis of veterans' care, but which are not utilized to their maximum effective capacity.

(2) FPR 1–3.215 (38 U.S.C. 5053) will be cited as the authority to negotiate the contract or agreement.

(3) Each proposed contract or agreement will be forwarded to the Chief Medical Director through the appropriate Regional Medical Director for approval prior to consummation. A recommendation by the station head as to the geographical limits to be applied to the medical community will accompany each proposed contract or agreement.

PART 8–16—PROCUREMENT FORMS

3. Section 8–16.402–2 is added to read as follows:

§ 8–16.402–2 Contracts estimated to exceed $2,000 but not to exceed $10,000.

Standard Form 22, Instructions to Bidders, will be used in all advertised construction contracts, other than those specified in § 8–16.401–50, which are estimated to cost in excess of $2,000 but not more than $10,000.

4. Section 8–16.804 is added to read as follows:

§ 8–16.804 Report on procurement by civilian executive agencies.

(a) All organizational elements of the Veterans Administration that procure supplies, equipment, and services including construction from non-Federal sources are required to make a semiannual report of such procurement. The report, prepared on Standard Form 37, Report on Procurement by Civilian Executive Agencies, will be prepared in accordance with the instructions contained in FPR 1–16.804. Each report will be submitted in sufficient time to reach the VA Controller (042B21) not later than the 10th workday following the close of the report period specified in FPR 1–16.804(e). The dollar amount of purchases made under Central Office awarded contracts, Veterans Administration decentralized contracts, and receipts on Veterans Administration drop shipment contracts, will be reported on line 3, 5 or 6 as applicable. The dollar amount of purchases made under contracts entered into by other agencies, including indefinite quantity contracts, and those Federal Supply Schedules established by the Veterans Administration (e.g., dry cereals, drugs, and pharmaceutical products) will be reported on line 7.

(b) The Chief Medical Director will consolidate the data submitted and prepare the agency report on SF 37 for submission to General Services Administration as required by FPR 1–16.804(e).

(c) Reports Control Symbol ME–6 has been assigned to these reports.

PART 8–75—DELEGATIONS OF AUTHORITY

5. In § 8–75.201–13, paragraph (d) is amended to read as follows:

§ 8–75.201–13 Vocational rehabilitation and education programs.

* * * * *

(d) The Chief Benefits Director and the Director, Compensation, Pension and Education Service are delegated authority to execute contracts, agreements, or supplements thereto with State Approving Agencies for services relating to approving courses offered by educational institutions and training establishments.

* * * * *

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective immediately.

Approved: July 24, 1968.

By direction of the Administrator.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 68–9120; Filed, July 30, 1968; 8:48 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER J—MISCELLANEOUS

[General Order 89, Amdt. 3]

PART 355—REQUIREMENTS FOR ESTABLISHING U.S. CITIZENSHIP

Changes in Citizenship Data

Effective upon the date of publication hereof in the FEDERAL REGISTER, the following new section is hereby added to this part:

§ 355.4 Changes in citizenship data.

It shall be incumbent upon the parties filing affidavits under this part to apprise the Maritime Administration promptly in writing and submit appropriate evidence of U.S. citizenship relative to changes in data previously furnished with respect to officers, directors, and stockholders as set forth below:

(a) Changes in the president or other chief executive officer, vice presidents or other individuals who are authorized to act in the absence of disability of the president or other chief executive officer, chairman of the board of directors, and directors; and

(b) Changes in the owners of 5 percent or more of the shares of stock of each class (if more than one), including any changes in the owners named (direct stockholders) upon whom reliance is placed to show U.S. citizen ownership in the required percentage.

By order of the Acting Maritime Administrator.

Dated: July 26, 1968.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 68–9114; Filed, July 30, 1968 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 68–753]

PART 0—COMMISSION ORGANIZATION

Delegation of Additional Authority to Chief, Safety and Special Radio Services Bureau

1. During the past few years, the Commission has considered a number of applications, and related requests for waiver of our rules, for authorizations to operate low-power mobile radio stations on frequencies in the 216–220 Mc/s band for telemetering purposes. This band is allocated to the Federal Government for telemetering land and mobile stations. Such applications and the associated rule waiver requests were granted on showing of need to operate telemetering stations in this band, that interference would not be caused to government radio operations, and upon concurrence by the Interdepartment Radio Advisory Committee (IRAC).

2. Applications of this type continue to be filed from time to time and, since specific policy guidelines in this area have been established by the Commission, it is appropriate and desirable to delegate authority to the staff to act on such applications and related requests for rule waiver.

3. This action relates to the internal organization of the Commission and, therefore, the prior notice and the effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

4. *Accordingly, it is ordered,* Pursuant to authority contained in sections 4 (i) and (j), 5, and 303(r) of the Communications Act of 1934, as amended, that effective August 2, 1968, § 0.331(b) of the Commission's rules is amended by adding a new subparagraph (20) to read:

§ 0.331 Authority delegated.

* * * * *

(b) * * *

(20) With the concurrence of the Chief Engineer, to act on applications for the use of frequencies in the 216–220 Mc/s band for telemetering purposes and to waive appropriate rules as may be necessary to grant such applications.

* * * * * * *

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: July 24, 1968.

Released: July 26, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68–9137; Filed, July 30, 1968; 8:49 a.m.]

[Docket No. 17295; FCC 68–740]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Report and order. In the matter of amendment of Parts 2, 81, and 83—Reduction of channel spacing to 25 kc/s, allotment of channels, establishment of

[1] Chairman Hyde absent; Commissioner Johnson concurring in the result.

revised technical criteria, and categories of communication in the maritime mobile service band 156–162 Mc/s for VHF radiotelephony, Docket No. 17295.

1. A notice of proposed rule making in the above-captioned matter was released on March 20, 1967, and was published in the FEDERAL REGISTER on March 24, 1967 (FCC 67–320, 32 F.R. 4501). By its order, released April 25, 1967, the Commission granted an extension of time in which to file comments. In the notice, the Commission proposed to amend its rules governing stations in the Maritime Services to provide, in the band 156–162 Mc/s, for the transition from a channel spacing of 50 kc/s to 25 kc/s, including changes in technical standards, allotment of available channels, modification of existing or establishment of new definitions of types of communication, establishment of dates for effecting the changeover and for availability of the new channels.

2. Comments were filed by: American Merchant Marine Institute, Inc. (AMMI), American Telephone and Telegraph Co. (AT&T), Bendix Marine Division (Bendix), F. Ritter Shumway, Harbor Carriers of the Port of New York (Harbor Carriers), International Communications Co. (International), Kaar Electronics Corp. (Kaar), Konigsberg Electronics, Inc. (Konel), Lake Carriers Association (LCA), Lorain Electronics Corp. (Lorain), Moran Towing and Transportation Co., Inc. (Moran), National Party Boat Owners Alliance, Inc. (NPBOA), Norman Senf, North Pacific Marine Radio Council, Inc. (NPMRC), Owen S. Lashlee, Jr., Pacific American Steamship Association (PASA), Port of Los Angeles, Puget Sound Steamship Operators' Association, Inc. (PSSOA), Radio Corporation of America (RCA), Raytheon Co. (Raytheon), Southern California Marine Radio Council (SCMRC), The American Waterways Operators (AWO) Inc., The Interclub Association of Washington (Interclub), The New York Tow Boat Exchange (NYTBE), The Ohio River Co. (Ohio River), Tug Communications, Inc. (Tug Com), United States Power Squadrons (USPS), and Vessels Operators, Inc. No reply comments were filed.

3. In the notice the Commission set forth the objectives of its two-part program to effect improvement in radiotelephony and safety communications in the maritime mobile service. This two-part program involves substantial changes in the rules in regard to, as the first part, the band 156–162 Mc/s to which this report and order relates; and, as the second part, the band 2000–2850 kc/s. The nature of the maritime mobile service communication problem and the method of use of the frequencies in the two bands makes it necessary to jointly consider the two bands. This is briefly amplified in paragraph 5, below.

4. Changes in the rules relating to use of VHF are set forth in the following paragraphs and appendix; the proposals applicable to the band 2000–2850 kc/s will be treated in a separate proceeding.

5. In brief, the number of frequencies at 2 Mc/s, even after conversion to single sideband, are and will be insufficient to handle the quantity of communication generated by vessels presently equipped with radio. Further deterioration of this situation is inevitable due to the rapid growth in number of recreational vessels; the number of licensed vessels is increasing at the rate of 1,000 per month. Many of these vessels confine their operations to within VHF range of shore and do not require communications over distances as great as that obtainable from 2 Mc/s, under conditions where interference and congestion are not controlling. With respect to the useful communication range of VHF as compared to 2 Mc/s, it has been shown[1] that the normal communications range of 2 Mc/s, in the absence of congestion and interference, is substantially greater than that of VHF. There relative wave propagation characteristics in no way detract from satisfaction of the communication needs of recreational vessels. To the contrary, these characteristics can and should be employed to provide relief to the current congestion and interference on 2 Mc/s frequencies. The Commission is, therefore, specifying the following order of priority in availability of VHF and 2 Mc/s: shorter distance communication may be satisfied through use of VHF; and longer distance communication, beyond the useful range of VHF, may be satisfied through use of 2 Mc/s. In the view of the Commission, considering the complex nature of the problem here involved, the application of this order of priority is essential to improvement and future development of maritime mobile service communications and the radio safety system of that service.

6. Two of the comments, one filed by Mr. F. Ritter Shumway, who represented himself as the operator of a 55-foot motor sailer operating entirely in the Great Lakes, and the second filed by the River Operations Committee, composed of operating personnel from the major common carriers on the Mississippi River system and tributaries, expressed objections to the Commission's proposals. Mr. Shumway presented as his primary objection the date of January 1, 1971, when the new regulations would be mandatory for all VHF–FM transmitters in the maritime mobile service. He stated as an opinion that it would seem advisable to require all equipment sold after 1970 to be capable of conversion to narrow band operation but that conversion should not be required until a date "well in the future" such as 1977. Mr. Shumway also had reservations concerning the ability of the pleasure boatman to keep highly sophisticated equipment in operation. Thirdly he was concerned that the United States should adopt a system that was not compatible with the international system.

[1] "Comparison of the theoretical range of 2182-kc/s and 156 MHz voice communication over sea water and fresh water," by George W. Haydon, ESSA.

7. The rationale followed by the Commission in developing the technical specifications for the VHF–FM 25 kc/s channeling system, including the dates for implementation, are developed elsewhere in this report. One additional objection presented by Mr. Shumway, however, has been treated implicitly i.e., channel spacing of 30 kc/s should be adopted rather than 25 kc/s. Mr. Shumway stated from the viewpoint of cost it is essential to use land mobile equipment which has the 30 kc/s channel spacing. He stated further his understanding that reduction of spacing from 30 kc/s to 25 kc/s involves substantial technical problems including circuits and components which in his language "will defeat a part of the very stated purpose of the FCC • • •." The possibility of using 30 kc/s channeling was considered, and a 30 kc/s channeling system would work. The loss of new channels at 30 kc/s would not alone have caused the Commission to decide in favor of 25 kc/s channels; however, international agreement has been reached on 25 kc/s channeling. In addition, the transitional period with 50 kc/s and 30 kc/s operation in the band would have posed very serious operational problems which are avoided by the program adopted. Our understanding of the position presented by the manufacturers also does not indicate unreasonable problems in developing and marketing 25 kc/s transmitting equipment. With respect to Mr. Shumway's concern about the more sophisticated equipment necessary for 25 kc/s channels, we note that satisfactory narrow band equipment has been available on the market for some time and that the industry is generally considered to be capable of producing satisfactory marine equipment.

8. The River Operations Committee feels that river operations on the Mississippi are extended in such a way that in their opinion additional channels are not needed. They have suggested that three simplex channels be taken from the present 50 kc/s channels for use by pleasure boats. To this they would add use of calling Channel 16, Channel 6 for safety communications and Channels 12 and 14 for communications between pleasure boats and the USCG and with locks and as many of the five public correspondence channels as needed. In conclusion the Commission is requested to withhold action on the 25 kc/s channeling until further technical developments or until the channels are split by international agreement. There is nothing in the record to support setting aside frequencies from the existing 50 kc/s channels for use of pleasure boats. In addition, it should be noted that the channels are being split, numbered, and assigned in accordance with international agreement.

9. It is recognized that all operational requirements are not identical. The needs in the rivers are not the same as in New York Harbor; however, in developing a system and to allow for orderly administration it is necessary to consider all interests. The results may not be what anyone particular interest may consider

best from their standpoint but to do otherwise would result in a number of slightly different patchwork type operations with no order and no system. In sum, if the comments of Mr. Shumway or the River Committee were followed they would preclude the application of urgently needed reform to effect improvements in the maritime mobile radio safety system.

10. Several of the comments (AMMI, AT&T, International, LCA, Lorain, NPMRC, Ohio River, PASA, and Tug Com) were directed to the international aspects of usage of frequencies in the 156–162 Mc/s band and to the need for coordination with other administrations. These parties recommended, in varying degrees, noting that the ITU World Administrative Radio Conference on marine matters (WARC) was scheduled to be convened in mid-September 1967; that international coordination be effected prior to adoption of the proposals set forth in the notice of proposed rule making. This recommendation has been complied with. Extensive and comprehensive proposals were prepared and submitted by the United States to the WARC in regard to usage of frequencies in the 156–162 Mc/s band. These proposals, and those of other administrations, were given long and deliberate consideration by the WARC. The WARC amended the International Radio Regulations to include a mandatory program for reducing the channel spacing from 50 kc/s to 25 kc/s, which includes provision for early implementation. In view of the pressing need to exand the communication capability in the band 156–162 Mc/s, rule amendments have been adopted which make some of the 25 kc/s channels available in the United States at an early date.

11. The NPBOA requested the Commission to amend the rules to facilitate use of VHF by a category of vessels which carry passengers for hire; the area of operation of which is restricted by the U.S. Coast Guard to within twenty (20) miles from a harbor or refuge; and whose communications come under Part III of Title III of the Communications Act of 1934, as amended. No opposing views were filed. These vessels currently employ double sideband (DSB) radiotelephony on frequencies at 2 Mc/s. Their communication requirement could be satisfied through use of VHF and, at such time as conversion of 2 Mc/s to single sideband (SSB) becomes mandatory would prefer to employ VHF. In this comment it was pointed out that the shift of these vessels to VHF, when conversion to SSB becomes mandatory, would contribute to the reduction of congestion on 2 Mc/s frequencies. Additionally, it was pointed out that by converting from DSB to VHF, on or about January 1, 1971, this category of vessel could eliminate many of the complications arising from the conversion from DSB to SSB.

12. The Commission concurs that the shift of these vessels to VHF, instead of to SSB, would have the stated effect of reducing congestion and would reduce the complications of the vessel operators during the period of conversion. In addition, the communications service obtained by the vessel operators on VHF would probably be improved over that obtained with DSB at 2 Mc/s. Such vessels, when carrying passengers for hire, would meet the criteria contained in the definition on "Commercial Communications" and would, therefore, employ the frequencies allotted for "Commerical Communications." The use of VHF by these vessels is currently permitted by § 83.514(a) of the rules, where they are never more than 20 miles from a public coast station. This limitation in the current rules was adopted prior to implementation by the U.S. Coast Guard of its nationwide system of VHF. Inasmuch as the intent of § 83.514(a) can be equally fulfilled by communication capability with these U.S. Coast Guard stations, the Commission has adopted the amendment of § 83.514(a) as set forth in the appendix.

13. In connection with establishing 156.80 Mc/s as the VHF distress, safety and calling channel, the NPMRC recommended that the rules be amended to:

(a) Require that all VHF limited coast stations, other than Marine Utility stations, maintain transmit and receive capability on 156.80 Mc/s; and

(b) Prohibit calling on any frequency available for intership working unless it is known that the called ship maintains a simultaneous watch on such intership working frequency and on 156.80 Mc/s.

In the view of the Commission, such action is in accord with the objective of establishing 156.80 Mc/s as a national distress frequency. This comment is, thus, directly responsive to the notice. No opposing comments were filed. The consequence of amendment of the rules as proposed, relative to vessels which use VHF, will be to minimize the number which do not guard 156.80 Mc/s, increase the guard on 156.80 Mc/s, reduce the probability that calls will go unheard, and thus, improve the effectiveness of 156.80 Mc/s as the national VHF distress frequency. Further, amendment of the rules as recommended will be in accord with the Commission's decision (Docket No. 16082) to support the ITU principles of a compatible system and the "calling-working" frequency concept of communications in the VHF maritime mobile service band. The recommendation, when implemented, will provide needed improvement in the maritime radio safety system.

14. It is apparent that the first recommended rule change will have impact upon those VHF limited coast station licensees currently authorized to operate on VHF frequencies, but which do not now provide transmit and receive capability on 156.80 Mc/s. The second recommended rule change is procedural insofar as it applies to vessels equipped with multichannel VHF transmitters and receivers, since it is believed all multichannel VHF equipment includes the frequency 156.80 Mc/s.

15. For the above reasons, the Commission is adopting these two recommendations and has amended the rules as set forth in the appendix to impose these requirements effective March 1, 1969.

Channel designators. 16. In the notice the Commission proposed that the channel designators for the new interspaced channels (intermediate between existing 50 kc/s channels) be composed of (a) the number of the next lower channel, followed by (b) the letter "A" or "B". Thus, the interspaced channel between Channels 5 and 6 was designated Channel "5A"; the interspaced channel between Channels 6 and 7 was designated "6A"; etc.

17. The WARC, on the other hand, agreed to a different system of channel designators in which the interspaced channels start, at the low frequency end of the band, with the channel designator 60 and stop, at the high frequency end of the band, with channel designator 88. The two new channels at 156.75 and 156.85 Mc/s, derived from reduction of the guard bands on either side of 156.80 Mc/s, were designated as Channels 15 and 17, respectively. The reduced guard bands on either side of 156.80 Mc/s were designated as 75 and 76.

18. From the point of view of U.S. users, the purpose of channel designators would be defeated if the United States used a system of channel designators different from that used by the rest of the world. Accordingly, the Commission is adopting the WARC system of channel designators.

Frequency tolerance. 19. In regard to the frequency tolerance, in the band 156–162 Mc/s, to be applied to ship station VHF transmitters for operation with a channel spacing of 25 kc/s, the Commission proposed in its notice a tolerance of 0.001 percent (10 parts per million), or one-half of the tolerance currently applicable for a channel spacing of 50 kc/s. Of the 28 comments filed, only seven parties[2] directed comments to the value of tolerance to be applied. Of the seven commenting, five[3] supported the Commission's proposal. Two[4] expressed the view that a tolerance of 0.0005 percent (5 parts per million) should be applicable, paralleling the tolerance of 0.0005 percent which is currently applicable to the land mobile service.

20. As between a tolerance of 0.001 percent and that of 0.0005 percent, the requirement in the VHF maritime services is for an equipment that has multichannel capability. In the land mobile service, the majority of current equipment is single frequency. While it is technically possible and within the state of the art to produce a multichannel equipment which will maintain a tolerance which is equal to, or which is substantially "tighter" than 0.0005 percent, no information is available to indicate this is economically feasible for practical equipments in the maritime mobile service. On the basis of information available to the Commission, there would

[2] AT&T, AWO, Konel, Kaar, Lorain, RCA, Tug Com.
[3] AWO, Kaar, Konel, Lorain, RCA.
[4] AT&T, Tug Com.

be economic hardship from the requirement that multichannel ship station equipment in the VHF maritime mobile service conform to the same frequency stability as single frequency equipment in the land mobile service. Since a major objective of this rule making is to facilitate increased usage of VHF by both commercial and noncommercial vessels, the Commission is amending its rules to provide for ship stations operating in this band a frequency stability of 0.001 percent (10 parts per million).

21. In regard to the frequency tolerance, in the band 156–162 Mc/s, to be applied to coast station VHF transmitters for operation with a channel spacing of 25 kc/s, the Commission proposed in its NPRM a tolerance of 0.00025 percent (2.5 parts per million). Of the 28 comments filed, only five[5] parties directed comments to the value of tolerance to be applied to coast station transmitters. Of the five parties commenting one[6] supported 0.00025 percent, two suggested[7] 0.0005 percent, and two[8] suggested 0.001 percent. Of these five companies, two[9] were operating licensees (one favored 0.0005 percent, and the other 0.00025 percent) and three[10] were manufacturers (two favored 0.001 percent and the other 0.0005 percent).

22. With increased usage of VHF, a large number of current and future short-distance communication requirements can and should be fulfilled with a coast station transmitter output power of 3 watts or less. Since the interference creating capability at this power level is low, a tolerance of 0.001 percent is adopted. On the other hand, the interference creating capability will be maximum at output power levels above 100 watts. The Commission is, therefore, adopting a tolerance of 0.00025 percent for coast station transmitter output powers above 100 watts. For the remaining transmitters, operating with output powers between 3 and 100 watts, inclusive, the Commission is adopting a tolerance of 0.0005 percent. The adopted frequency tolerance versus output power are set forth in the following table.

Transmitter output power (watts)	Frequency tolerance	
	Percent (%)	Parts per million (10⁶)
Below 3	0.001	10
3 to 100	.0005	5
Above 100	.00025	2.5

23. In regard to the dates on which the above ship and coast station frequency tolerances become effective, the Commission proposed in the notice that the new tolerances be brought into force, applicable to all VHF ship and coast station transmitters, on January 1, 1971. In the comments filed, it was argued that a longer period should be provided. Accordingly, the requested adjustment has been made, as follows:

VHF ship stations. the tolerance of 0.001 percent is applicable to types of transmitters type accepted after March 1, 1969, and to all ship station VHF transmitters after January 1, 1974. A tolerance of 0.002 percent is applicable until January 1, 1974, to types of VHF ship station transmitters type accepted prior to March 1, 1969. The Commission intends to withdraw type acceptance for all VHF ship station transmitters which are not type accepted for a tolerance of 0.001 percent on January 1, 1974.

VHF coast stations. the tolerances set forth in the above table are applicable to types of transmitters type accepted after March 1, 1969, and to all VHF coast station transmitters after January 1, 1974. A tolerance of 0.002 percent is applicable until January 1, 1974, to types of VHF coast station transmitters type accepted prior to March 1, 1969. The Commission intends to withdraw type acceptance for all VHF coast station transmitters which do not conform to the tolerance set forth in the above table on January 1, 1974.

Frequency deviation. 24. The Commission proposed that on January 1, 1968, all VHF radiotelephony transmitters, operated in the band 156–162 Mc/s in the maritime mobile service, reduce the (modulation) frequency deviation from ±15 kc/s to ±5 kc/s. A substantial number of the comments filed urged that a decision be postponed until the results of consideration at the WARC were available. In view of the reasonable nature of the request, no action was taken to implement this proposed requirement and the date of January 1, 1968, has passed.

25. The results of the WARC in regard to the integral steps for transition from a channel spacing of 50 kc/s to 25 kc/s are now available. These integral steps include:

(a) Increase ("tightening") of frequency tolerance from 20 parts to 10 parts per million;

(b) Improved receiver selectivity for operation with a channel spacing of 25 kc/s; and

(c) Reduction of (modulation) frequency deviation from ±15 kc/s to ±5 kc/s.

26. The matter of "tightening" of frequency tolerance is treated separately in other paragraphs in this report and order.

27. Many of the comments filed discussed various difficulties with VHF receiving equipment during the transition period. In that regard, the situation existing nationally closely parallels the international situation. The WARC discussed in detail the various conditions which will arise during the transition in frequency deviation from ±15 kc/s to ±5 kc/s. The WARC recognized that the wide latitude of different operational conditions could not be adequately satisfied by a single solution. It, therefore, did not develop a specific procedure for effecting the reduction of frequency deviation; it left open the matter of whether the reduction would be effected in a single step or in multiple steps; it recognized that administrations having a pressing need for an increased number of channels may effect the transition to a channel spacing of 25 kc/s in advance of the dates adopted. In consequence, the WARC decided to provide a period of 1 year in which to complete the transition to ±5 kc/s. The WARC accepted that there would be an intermixture of ±15 kc/s and ±5 kc/s frequency deviation during the transition period.

28. In paragraph 44 of the notice the statement was included that a receiver, the detector of which was adjusted for a frequency deviation of ±5 kc/s will not satisfactorily demodulate a frequency deviation of ±15 kc/s. Since that time, one manufacturer[11] of marine VHF equipment conducted comparative tests regarding reception of "wide-band" frequency deviation transmissions, first, on a "wide-band" receiver and, second, on a "narrow-band" receiver to ascertain the relative intelligibility, tape recorded the results, and (informally) supplied a copy of the tape to the Commission. No other operating agency or manufacturer has submitted test information bearing on this subject. Based on available information, it is concluded that a "narrow-band" receiver will acceptably receive a frequency deviation of ±15 kc/s. Inasmuch as (1) we are only concerned with this technical point for the duration of the transition period, where an intermixture of ±5 kc/s and ±15 kc/s frequency deviation would exist; and (2) the duration of the intermixture period for most vessels, in regard to stations with which they routinely communicate, will vary from location to location; no further or exhaustive study of this point is considered necessary.

29. In regard to VHF receiving equipment, paragraphs 39 through 44 were included in the notice to assure that appropriate consideration was given to the impact of the proposed rule amendments upon VHF receiving equipment. The attitude of the Commission relative to modification of existing VHF receiving equipment was expressed in paragraph 42 of the notice, as follows:

> 42. In the view of the Commission, it will be desirable for the licensees to modify their VHF receiving equipment for "narrow-band" operation. The decision to modify receiving equipment is at the option of the licensee. However, it must be recognized that failure to modify could result in the reception of unwanted signals on the adjacent 25 kc/s channels, when implemented in the area of concern.

30. This continues to be the view of the Commission. Solution to the difficulties with VHF receiving equipment can best be overcome by the licensee, since he is in a position to determine the nature of the problem and the corrective action which introduces the least adverse impact upon his system. However, Appendix 19 to the ITU Radio Regulations sets forth general requirements for VHF receiving equipment.

[5] Kaar, Konel, Lorain, RCA, Tug Com.
[6] Lorain.
[7] Kaar, Tug Com.
[8] Konel, RCA.
[9] Lorain, Tug Com.
[10] Kaar, Konel, RCA.
[11] Konel.

31. The comments filed indicated no particular difficulty in regard to modifying ship and coast station transmitters to reduce the (modulation) frequency deviation from ±15 kc/s to ±5 k/cs. In reference to the conversion to ±5 kc/s frequency deviation of transmitters aboard U.S. vessels in advance of other administrations, one of the comments called attention to the circumstance that: (a) For intership communications, U.S. vessels would employ ±5 kc/s and foreign registry vessels would employ ±15 kc/s and (b) for ship to coast communications, U.S. vessels would transmit to foreign coast stations with ±5 kc/s, while foreign registry vessels would transmit to the same coast station(s) with ±15 kc/s.

32. In view of the foregoing and based on the need to increase the number of VHF channels available in the United States at the earliest practicable date, the Commission has adopted rule amendments as set forth below. As adopted, a period ending March 1, 1969, is provided in which to complete adjustment of transmitters used aboard ship and at coast stations to reduce the frequency deviation from ±15 kc/s to ±5 kc/s. Further, in regard to intership communications, the Commission does not foresee the development of a mandatory requirement, during the transition period, that U. S. vessels provide a frequency deviation of ±15 kc/s when communicating with foreign registry vessels. Such need is deemed probable, however, in the case of coast stations of other administrations. Accordingly, the rules as amended permit U.S. registry vessels when communicating with coast stations of other administrations to employ, where required to do so, a frequency deviation of ±15 kc/s during the period ending January 1, 1972.

VHF transmitter power—ship stations. 33. Bendix suggested that a maximum output power limit of 35 watts be established for VHF transmitters to be operated in the band 156–162 Mc/s. No opposing views were expressed. In that regard, the WARC adopted a common worldwide maximum carrier power limit of 25 watts, which is applicable to equipment to be brought into service after January 1, 1970. Since a maximum power limit is an essential element to the design and development of new transmitters, the Commission is adopting 25 watts as set forth below.

34. To minimize harmful interference in areas of high density shipping, such as in harbors, ports, canals, and rivers, or inland waters, the WARC adopted the additional mandatory provision that ship station VHF transmitters have the capability to reduce, readily, the effective radiated power (ERP) to one (1) watt or less. The inclusion of this capability in new equipment has been recommended by the Intergovernmental Maritime Consultative Organization. The Canadian and other administrations have urged early provision of this capability in their respective waters. Since the term "effective radiated power" includes system elements which are in addition to the power of the transmitter, a more readily usable designation of power is required for type acceptance purposes. Inasmuch as the intent of the WARC is fulfilled by use of an output power of 1 watt (or an input power of 2 watts), that value is adopted and set forth below.

35. The benefits of the lower power include reduction of intermodulation interference, receiver detuning and receiver desensitization arising from excessive RF input levels. By limiting the requirement that this capability be included in all future ship station transmitting equipment, type accepted after September 3, 1968, no adverse impact is imposed on existing licensees. On the other hand, as a technical characteristic applicable to new equipment, manufacturers should be apprised, at the earliest practicable date, of the requirement that such capability is to be incorporated into future equipment. Since this report and order sets forth other technical characteristics applicable to new VHF equipments, it is appropriate and timely to include the foregoing technical requirement. Accordingly, rule amendments appropriate thereto are adopted and are set forth below.

Coast stations. 36. The rules presently permit public coast stations to use up to 250 watts input in the band 156.765 to 161.625 Mc/s and up to 1,000 watts input in the band 161.775 to 162.025 Mc/s. In other bands, VHF limited coast stations are permitted up to 100 watts input. Several of the comments filed expressed concern in regard to the increase in intermodulation interference which will accompany the reduction in channel spacing from 50 kc/s to 25 kc/s. The severity and scope of this type interference is made worse by use of higher power. As outlined under "ship stations", above, this matter was deemed to be of sufficient importance by the IMCO and WARC to require that new ship station transmitters have a maximum output power limit of 25 watts, and include the capability to reduce this power to an effective radiated power of 1 watt or less.

37. The use of higher power is desirable, necessary, and can be justified where it is intended that communication be provided over the maximum possible distance, for example, in the case where the tropospheric propagation mode is to be employed. While the Commission will consider and where justified will grant authorization to use tropospheric techniques in the VHF maritime mobile band, it is not the intent of these rules to provide for use of such techniques on a routine basis. As between the two terminals, the coast station and the ship station, the coast station is in the advantageous position in regard to height and gain of transmitting and receiving antennas, use of specialized receiving equipment, selection of site to minimize local noise, use of receivers at multiple locations, and availability and regulation of primary power. In regard to recreational boats and smaller commercial transport vessels, the choices regarding antenna location, height and directivity are limited, use of separate receiving and transmitting antennas and specialized receiving equipment is not practicable, the level of local noise is higher, primary power regulation is less than optimum, and use of multiple receivers is unlikely to be feasible. In regard to larger commercial transport vessels, the situation will be improved, but will be less advantageous than can be provided at coast stations.

38. As between the coast station and ship station, for equal power at the transmitter output terminals, the coast station can place a higher signal level at the ship station; and, for the above reasons, the coast station can satisfactorily receive a signal below the level which can be satisfactorily received aboard ship. Because of the lesser receiving capability at the ship station terminal, the signal provided to the ship station from the coast station must be higher than that in the opposite direction. While higher transmitter power at the coast station provides a simple solution, the situation in regard to intermodulation interference in and to receivers in the vicinity of the coast station is worsened. The proper solution for coast station transmitter power lies in the use of the minimum power necessary to provide the required service, after the other factors have been applied, that is, the area to be covered has been determined, selection of site, height and gain of receiving and transmitting antennas, and type of receiving equipment.

39. Turning now to the provisions of § 81.134(d) and the transmitter power permitted public coast stations, it will be noted that, in the band 156.675–161.625 Mc/s, a maximum input power of 250 watts is permitted and, in the band 161.775–162.025 Mc/s, a maximum input power of 1,000 watts is permitted. With the output power of ship stations limited to 25 watts (50 watts input power), a ratio of public coast station to ship station power of 5 to 1 and 20 to 1, respectively, is permitted. As outlined in paragraphs 37 and 38, above, it is possible for the coast station to employ techniques and equipment not readily applicable to ship stations. The Commission is of the view that the practical requirements are adequately fulfilled by a ratio of coast station to ship station power of 2 to 1. This ratio is subject to the conditions that the power used by coast stations shall be the minimum necessary for the service to be provided; and, further, that higher power may be authorized to coast stations where a satisfactory showing of need has been made.

40. For the foregoing reasons, the Commission is amending § 81.134 of the rules to limit the output power of coast stations to 50 watts or less as set forth below. All licenses granted after the effective date of this report and order will be issued with a power limitation of 50 watts or less, unless a satisfactory showing of need for power in excess of 50 watts has been made.

Post-limiter audio roll-off filter. 41. The Commission proposed in this docket

that, in the band 156–162 Mc/s, all radiotelephony transmitters in the maritime mobile service be provided with a post-limiter audio roll-off filter. Of the 28 comments filed, only five [12] parties directed comments to the matter of including the post-limiter audio roll-off filter in VHF radiotelephony transmitters. Three [13] of the five comments supported inclusion of the filter; however, one of the comments,[14] additionally, recommended the value of attenuation be the same as that applied to other services; and one of the comments,[15] additionally, recommended that the filter be required in new equipment only. Two of the five comments [16] offered no objection to including the filter, but recommended that the Commission indicate the desire technical specifications rather than a specific electronic circuit.

42. As concerns the comment [17] that the value of attenuation called for by the post-limiter audio roll-off filter should be the same for all services, it is correct that the value proposed for Parts 81 and 83 is higher than the value currently appearing elsewhere in the rules. The Commission concurs that where the channel spacing and method of deployment of channels is the same, the value of attenuation should be the same for all parts of the rules. In the land mobile services in the bands at 150 Mc/s, the channel spacing is 30 kc/s whereas, in the marine services, the channel spacing will be 25 kc/s.

43. With respect to the comment [18] that the addition of the post-limiter audio roll-off filter should be limited to new equipment, the Commission is unable to agree that current equipment should be exempt from inclusion of this filter. The Commission believes, however, that a transition period should be provided and, accordingly, is specifying a date by which this filter must be included in current equipment. The requirement that a post-limiter audio roll-off filter be included in radiotelephone transmitters operating in the band 156–162 Mc/s was based on tests conducted in the land mobile service, where it was shown that noise spectra (splatter) of FM transmitters was substantially reduced by the addition of the proposed filter. The filter minimizes unauthorized radiations beyond the authorized channel and into both adjacent channels. Reduction of these radiations makes the adjacent channels more usable, practically, by permitting reception of "weaker" signals, which is interpreted in terms of increased communications range. The benefit from inclusion of this filter is to the users of the adjacent 25 kc/s channels; no benefit accrues to the same channel user. In the view of the Commission, the minimization of extra-channel radiation is an essential element in its program to reduce the channel spacing in the band 156–162 Mc/s from 50 kc/s to 25 kc/s. Accordingly, the rules as adopted provide a transition period of 5 years for ship stations and 2 years for coast stations during which current equipment may be modified.

44. The recommendation [19] that the Commission indicate the desired technical specification, rather than a specific electronic circuit, is based on two points:

A. The Commission does not have requisite authority under the Communications Act of 1934, as amended, citing section 303(e); and

B. The effect of the proposed amendment "* * * could well be to prevent improvement in such equipment in keeping with advancement in the art."

45. With respect to A in the preceding paragraph, RCA maintains that the Commission's authority is limited to the regulation of the kind of apparatus to be used with respect to its external effects and the purity and sharpness of the emissions. Accordingly, the commentator concludes that the requirement with respect to the post-limiter audio roll-off filter is beyond the statutory authority of the Commission. The main thrust of this rule making is to implement those portions of WARC applicable to the maritime mobile service band 156–162 Mc/s. For the reasons stated below the filter requirement is considered necessary to carry out the provisions of WARC. The statutory authority for this requirement, therefore, in section 303(r). In addition, we feel that the proposed amendment does not require a "specific electronic circuit." The amendment specifies (1) the characteristics of a filter; and (2) where in the transmitter the filter shall be placed.

46. In regard to (1), RCA offered no objection to the values which the Commission has specified for the filter and it, therefore, is concluded that these values are acceptable, and that the specification of values for a filter is not outside of Commission authority.

47. In regard to (2), RCA and Raytheon do not state: (i) The filter should or could be located at another point in the transmitter; (ii) if located elsewhere, the filter would be equally effective; and (iii) if set forth as a technical specification, the manufacturer would place the filter at some other point in the transmitter. Further to (2), attention is called to the following rule sections: §§ 21.508 (c), 21.605(e), 21.704(b), 81.111(h), 87.73(g), 89.109(d), 91.105(g), and 93.105 (g). These sections specify the point in the transmitter at which a filter shall be placed.

48. In regard to the phenomenon here involved, the Commission has no information which supports a technical view that the required attenuation may be obtained by locating the post-limiter filter elsewhere in the transmitter. The comments submitted are silent in that regard. While it is possible to include in the rules a technical specification applicable to the spectrum radiated at the transmitter output, there are practical reasons which indicate the "technical specification" approach is less desirable than that proposed by the Commission. Such technical specification would go far beyond the simple preventative measure proposed by the Commission; it would involve the whole of the radiated signal; the cost of associated measurements would exceed the cost of the post-limiter filter; and it is difficult to see how such a technical specification could, as a practical matter, be applied to current equipment—short of re-type acceptance of that equipment. The increased cost would not be limited to higher priced VHF equipment, it would also apply to the lower cost VHF equipment. This increased cost would not encourage the use of VHF, which is a stated Commission objective.

49. In view of the foregoing, the Commission finds that it is necessary to specify where the filter shall be placed if the required attenuation is to be obtained. The statutory authority for making such a requirement may be found in section 303(r) of the Communications Act of 1934, as amended.

50. Returning now to point B, and the potential of the proposed amendment to prevent improvement in equipment in keeping with advancement in the art. The development or evolution of a new technique, such that the proposed filter would not be required or would be located at another point in the transmitter, would be applicable to many radio services. To facilitate the application of that new technique, when available, to the concerned radio services, it will be necessary to amend the above listed sections of the rules. In that regard, the Commission foresees no difficulty in amending the rules to provide for technical improvements or advances in the state of the art, where a showing of need has been made. It was not claimed, however, that the inclusion of the post-limiter filter would affect application of a known new technique.

51. Taking into account that the new technique is not available and that the Commission must base its actions on information available to it, noting that the benefits accruing from inclusion of this filter are substantial and that the techniques are available and well known, it is the view of the Commission that the requirements for inclusion of the filter must be overriding. Accordingly, the rules are amended to include the post-limiter audio roll-off filter, as set forth below. The Commission will withdraw type acceptance of transmitters not having the specified audio roll-off filter effective January 1, 1974.

Allotment of channels. 52. In regard to the definition of "Non-Commercial Communications", one comment [20] called attention to the phrase, included therein, "* * * limited to those pertaining to the purposes for which the ship is used * * *" and has pointed out that this could be misinterpreted on the basis that if the purpose of a vessel is recreation or pleasure, the communications on the allotted frequencies would be for that purpose. It was recommended that this phrase be amended to "* * * limited to the needs of the vessel, * * *". No opposing views were filed. The argument presented is sound and is in full accord with the Commission's intent. Accordingly, the definition of "Non-Commercial Communications" is amended as set forth below.

53. In this proceeding the Commission is establishing 156.80 Mc/s as the national VHF distress frequency. As stated in the notice, there will be many vessels with only VHF aboard. These vessels will be able to communicate on VHF, but which will be unable to employ 500 kc/s or 2182 kc/s, the radiotelegraph and radiotelephone distress frequencies, respectively. No VHF frequency in the band 156–162 Mc/s is currently designated by the rules for distress purposes, although provision is included, on a permissive basis, for the use of 156.80 Mc/s for the handling of distress messages. The large number of VHF facilities which have been, and are continuing to be, installed by the U.S. Coast Guard, the U.S. Army Corps of Engineers, and by others, all of which guard 156.80 Mc/s, permits the designation of 156.80 Mc/s for this purpose. Accordingly, 156.80 Mc/s is designated, as set forth below, for "Distress, Safety and Calling".

54. As proposed in the notice, 156.65 Mc/s is available only for "Navigational Communication", except on the Great Lakes. On the Great Lakes, 156.65 Mc/s will be available for "Commercial Communication" and will not be available for "Navigational Communication". The current rules provide for use of 156.65 Mc/s for navigational communications in all areas, except on the Great Lakes. On the Great Lakes this frequency may be used for "Business" or "Operational" communication.

55. The basic requirement to establish navigational communications, that is, to provide the capability for near instantaneous communication from the bridge of one ship to the bridge of another ship(s), has been considered in detail by various groups, including the Radio Technical Commission for Marine Services (RTCM), the Intergovernmental Maritime Consultative Organization (IMCO), the International Telecommunication Union (ITU), numerous U.S. groups in preparation for various international conferences and Commission Docket No. 15035. As discussed at the WARC, there is near worldwide agreement that such capability is desirable and will substantially enhance the safety of life and property at sea. There is divergence as to the frequency which should be used. In consequence of the discussions at the WARC, it was decided that in the international system, the frequency 156.80 Mc/s should be used to establish communications, followed by a shift to a working frequency, such as 156.30 Mc/s. This decision was taken notwithstanding the argument that application of the "calling-working" frequency concept could inject serious and possibly dangerous delays in the bridge-to-bridge communication, particularly in high density areas where there is a concentration of vessels.

56. Further, on the basis of the anticipated future high usage of VHF in U.S. waters, it is probable that serious delays could be encountered were 156.80 Mc/s to be used for bridge-to-bridge communication; and, conversely, that bridge-to-bridge communication, if placed on 156.80 Mc/s could occupy that channel for extended periods. This latter effect could have adverse impact upon the effectiveness of 156.80 Mc/s as the national VHF distress channel. By logical extension, delays could exist on any frequency, where the use is shared by bridge-to-bridge and one or more other functions. Thus, in view of the high priority nature of bridge-to-bridge communication, shared use of 156.65 Mc/s is not provided.

57. In regard to the frequency to be used for bridge-to-bridge communication on the Great Lakes, LCA urged the retention of the arrangement contained in the present rules, as described above. In support of such retention, the comments call attention to the presence on the Great Lakes of large numbers of foreign registry vessels who, in operating elsewhere in the world, will be using the international system, that is, 156.80 Mc/s and associated working channel, and should be permitted to continue that system when entering U.S. waters in the Great Lakes area. This comment is silent with respect to the needs of noncommercial vessels. The Commission is, for the time being, continuing the arrangement on the Great Lakes where the channel 156.65 Mc/s is available for "Commercial Communications", but is not available for bridge-to-bridge. In the Great Lakes area, as in other U.S. waters, the channel 156.80 Mc/s is designated for "Distress, Safety and Calling". Rule amendments appropriate thereto are set forth below.

58. In regard to the definition of Port Operations Service, the WARC adopted an amendment which expands the communications which may be handled on frequencies allotted for port operations. In addition, in consequence of the exchange of views at the WARC, the intent and scope of No. 287, a footnote to the Table of Frequency Allocations (see § 2.106) applicable to the band 156–162 Mc/s, was clarified. The general effect of this clarification is to increase the uniformity of application by administrations of the provisions of Appendix 18 to the ITU Radio Regulations. Thus, the impact of these WARC actions upon the Port Operations Service is such that various frequency shifts proposed in the NPRM are no longer necessary. Accordingly, the definition of Port Operation Service and No. 287 of the rules are amended to conform to the WARC agreement and are adopted as set forth in the appendix.

59. The Commission proposed in the notice, footnotes 10 through 13, inclusive, page 4 of Appendix 1, that the current operations on frequencies 156.35, 156.45, 156.50, and 156.55 Mc/s be shifted to replacement frequencies (156.275, 156.325, 156.675, and 156.725 Mc/s, respectively) in order to more closely align national usage with the international allotment plan appearing in Appendix 18 to the ITU Radio Regulations. It now develops, in consequence of actions by the WARC, that there no longer is need to shift these existing operations to the replacement frequencies proposed. Accordingly, the proposed shifts set forth in footnotes 10 through 13, inclusive, are not adopted.

60. With retention of current usage on 156.35, 156.45, 156.50, and 156.55 Mc/s, there remains the matter of allotment of the proposed replacements, as follows, 156.275, 156.325, 156.675, and 156.725 Mc/s. In respect to the notice of proposed rule making, it is noted that the balance in number of channels allotted for the various types of communication can be maintained by a simple exchange of allotments between these two groups of frequencies. Accordingly, that procedure is being followed and the consequential changes in allotments, as set forth below are adopted.

61. The Commission also proposed in this docket that the frequency 156.875 Mc/s be allotted for ship and coast use for noncommercial communications; and that the frequency 156.925 Mc/s be allotted for Intership use for commercial communications. The WARC, on the other hand, allotted 156.875 Mc/s for Intership and 156.925 Mc/s for Port Operations. Since neither 156.875 Mc/s nor 156.925 Mc/s is in current use, the exchange of these two allotments would impose no hardship on existing licensees. Further, where use of this Intership frequency is required, the exchange in allotments would reduce the number of frequencies which had to be carried by foreign ships in U.S. waters and U.S. ships in foreign waters. Accordingly, the exchange in allotments of 156.875 and 156.925 Mc/s is adopted.

Assignment of channels. 62. Parts 81 and 83 are amended to permit assignment of channels in accordance with the following:

(a) The frequencies 156.75 and 156.85 Mc/s (channel designators 15 and 17) are available for assignment on the effective date of this report and order. Usage of the respective frequencies is set forth below. The (modulation) frequency deviation is limited to ±5kc/s.

(b) The channels adjacent to 156.300 Mc/s (channel designators 65 and 66) will not be available for assignment prior to January 1, 1971, and will be available on a restricted basis during the period from January 1, 1971 to January 1, 1973.

(c) In regard to VHF channels for public coast stations, the 50 kc/s frequencies (channel designators 24–28, inclusive) will be assigned in advance of the 25 kc/s frequencies (channel designators 84–87, inclusive). Except for Channel 28, the order of assignment of both 50 kc/s and 25 kc/s frequencies will be in accord with the priority numbering adopted by the WARC. Channel 28 will be assigned interchangeably with Channel 26 as the first priority number.

[12] AWO, Ohio River, RCA, Raytheon, AMMI.
[13] AWO, RCA, AMMI.
[14] AMMI.
[15] AWO.
[16] RCA, Raytheon.
[17] RCA.
[18] NPMRC.

(d) In regard to the 25 kc/s frequencies (channel designators 67–74, 77–80, and 88, inclusive):

(i) During the period prior to March 1, 1969, these channels will not be available for assignment to either ship or coast stations;

(ii) During the period March 1, 1969, to January 1, 1971, these channels will be available for assignment to coast stations in areas where harmful interference will not result to assignments on 50 kc/s frequencies (channel designators 07–20, inclusive): *Provided, however,* That the Commission will process reports of harmful interference by licensees on 50 kc/s channels on the basis of the facts then existing, with particular attention to the technical measures applied by the respective licensees in cooperation with the Commission's program to reduce the channel spacing from 50 kc/s to 25 kc/s; and

(iii) Effective January 1, 1971, these channels will be available for assignment on the same basis as the 50 kc/s frequencies (channel designators 07–20, inclusive).

63. Consistent with the amendments being made to Parts 81 and 83, § 2.106 of Part 2, the Table of Frequency Allocations in regard to the maritime mobile service in the band 156–162 Mc/s is being amended to include therein: The new 25 kc/s channels and the deletion of footnote NG34 from this band; redesignation of the frequency 156.8 Mc/s as the national distress, safety and calling frequency and the addition of the related new footnote, US107; the modification of Geneva footnote (287) and US footnote US77; and the addition of new footnote US106 regarding the availability and use of 156.75 Mc/s. As an editorial change, footnotes US9 and US12 are being deleted and the Table of Frequency Allocations is being modified accordingly to indicate the band 157.0375–157.1875 Mc/s as an exclusive Government band, 173.2–173.4 Mc/s as an exclusive non-Government band and to change the band-edge between Government and non-Government bands from 162.0 to 162.0125 Mc/s. Section 2.1 of Part 2 is also being modified to amend the definition of "Port Operations" and to add the definition of "Environmental Communications."

64. In addition to the comments which are treated in detail in this report and order, there are other matters which were raised outside the scope of this rule making or were considered as not germane to any issue in the proceeding. For example, a request was received which asked that the Channels 1 through 5 (156.025–156.275 Mc/s) be made available to public coast stations. These channels are presently allocated to the land mobile service. To make them available to public coast stations would require a reallocation, and the scope of this rule making does not extend to a reallocation of frequencies.

65. In view of the foregoing: *It is ordered,* That, pursuant to the authority contained in sections 4(i) and 303 (a), (b), (c), (e), (f), (g), and (r) of the Communications Act of 1934, as amended, Parts 2, 81, and 83 of the Commission's rules are amended effective September 3, 1968, as set forth below.

66. *It is further ordered,* That the proceeding in Docket No. 17295 is terminated.

Adopted: July 17, 1968.

Released: July 25, 1968.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

FEDERAL COMMUNICATIONS COMMISSION,[19]

[SEAL] BEN F. WAPLE, *Secretary.*

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

A. Part 2, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations, is amended as follows:

1. In § 2.1, the definition of "Port Operations" is amended and a new definition of "Environmental Communications" is added in appropriate alphabetical sequence to read as follows:

§ 2.1 Definitions.

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Environmental communications. Communications in the maritime mobile service for the broadcast of information pertaining to the environmental conditions in which vessels operate, i.e., weather, sea conditions, time signals of a grade adequate for practical navigation, notices to mariners and hazards to navigation.

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Port operations. Communications in or near a port, or in locks or waterways, between coast stations and ship stations, or between ship stations, in which messages are restricted to those relating to the operational handling, the movement and the safety of ships and, in emergency, to the safety of persons. Messages which are of a public correspondence nature shall be excluded.

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§ 2.106 [Amended]

2. In § 2.106, the Table of Frequency Allocations is amended to read as follows in columns 5 through 11 with respect to the bands 150.8–162 Mc/s and 162–174 Mc/s and in the footnotes by deletion of footnotes US9 and US12, addition of new footnotes US106 and US107, and amendment of footnote US77 and Geneva footnote (287).

[19] Commissioner Johnson concurring and issuing a statement filed as part of the original document.

United States		Federal Communications Commission				
Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature (OF SERVICES (of stations
5	6	7	8	9	10	11
150.8–157.0375	NG.	150.8–150.98	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION. (NG51)
	(US77)	156.250–157.0375	MARITIME MOBILE. (NG5)	Coast. Ship.		MARITIME MOBILE.
					156.275	Do.
					156.300	Do.
					156.325	Do.
					156.350	MARITIME MOBILE. (NG24)
					156.375	MARITIME MOBILE.
					156.400	Do.
					156.425	Do.
					156.450	MARITIME MOBILE. (NG24)
					156.475	MARITIME MOBILE.
					156.500	Do.
					156.525	Do.
					156.550	MARITIME MOBILE. (NG24)
					156.575	MARITIME MOBILE.
					156.600	Do.
					156.625	Do.
					156.650	Do.
					156.675	Do.
					156.700	Do.
					156.725	Do.
					156.750	Do.
	(US106) (US107)				156.800	MARITIME MOBILE (distress, safety, and calling).
					156.850	MARITIME MOBILE.
					156.875	Do.
					156.900	Do.
					156.925	Do.
					156.950	Do.
					156.975	Do.
					157.000	Do.
					157.025	Do.
157.0375–157.1875	G.					

United States		Federal Communications Commission				
Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature (OF SERVICES (of stations
5	6	7	8	9	10	11
157.1875–162.0125	NG. (US77)	157.1875–157.450	MARITIME MOBILE. (NG5)	Ship.	157.200	MARITIME MOBILE.
					157.225	Do.
					157.250	Do.
					157.275	Do.
					157.300	Do.
					157.325	Do.
					157.350	Do.
					157.375	Do.
					157.400	Do.
					157.425	Do.
		161.775–162.0125	MARITIME MOBILE. (NG5)	Coast.		Coast (NG26)
					161.800	Do.
					161.825	Do.
					161.850	Do.
					161.875	Do.
					161.900	Coast.
					161.925	Do.
					161.950	Do.
					161.975	Do.
					162.000	Do.
162.0125–173.2	G. (US8) (US11) (US13)				166.25	PUBLIC SAFETY. Remote pickup.
					170.15	Do.
					170.425	PUBLIC SAFETY.
					170.475	Do.
					170.575	Do.
					171.425	Do.
					171.475	Do.
					171.575	Do.
					172.225	Do.
					172.275	Do.
					172.375	Do.
173.2–173.4	NG.	173.2–173.4	FIXED. LAND MOBILE.	BASE. Fixed. Land mobile.		INDUSTRIAL.
173.4–174.0	G.					

GENEVA FOOTNOTES

• • • • • •

(287) The frequency 156.8 Mc/s is the international safety and calling frequency for the maritime mobile VHF radiotelephone service. Administrations shall ensure that a guard-band on each side of the frequency 156.8 Mc/s is provided. The conditions for use of this frequency are contained in Article 35.

In the bands 156.025–157.425 Mc/s, 160.625–160.975 Mc/s, and 161.475–162.025 Mc/s, each administration shall give priority to the maritime mobile service on only such frequencies as are assigned to stations of the maritime mobile service by that administration (see Article 35).

Any use of frequencies in these bands by stations of other services to which they are allocated should be avoided in areas where such use might cause harmful interference to the maritime mobile VHF radiotelephone service.

However, the frequency bands in which priority is given to the maritime mobile service may be used for radiotelephone communications on inland waterways, subject to agreements between interested and affected administrations and taking into account current frequency usage and existing agreements.

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U.S. FOOTNOTES

US77 U.S. Government stations may also be authorized:

(a) Port operations use on a simplex basis by coast and ship stations of the frequencies 156.6 and 156.7 Mc/s;

(b) Duplex port operations use of the frequency 157.0 Mc/s for ship stations and 161.6 Mc/s for coast stations;

(c) Intership use of 156.3 Mc/s on a simplex basis.

• • • • • •

US106 The frequency 156.75 Mc/s is available for assignment to non-Government and Government stations for environmental communications in accordance with an agreed plan.

US107 The frequency 156.8 Mc/s is the national distress, safety and calling frequency for the maritime mobile VHF radiotelephone service for use by Government and non-Government ship and coast stations. Guard bands of 156.7625–156.7875 and 156.8125–156.8375 Mc/s are maintained.

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES

B. Part 81, Stations on Land in the Maritime Services, is amended as follows:

1. Paragraphs (o), (p), and (q) are deleted from and new paragraphs (o), (p), (q), (r), (s), (t), and a note at the end of the section are added to § 81.7 as follows:

§ 81.7 Operational.

• • • • • •

(o) *Port operations.* Communications in or near a port, or in locks or waterways, between coast stations and ship stations, or between ship stations, in which messages are restricted to those relating to the operational handling, the movement and the safety of ships and, in emergency, to the safety of persons. Messages which are of a public correspondence nature shall be excluded.

(p) *Navigational.* Safety communications in the maritime mobile service pertaining to the maneuvering of vessels or the directing of vessel movements. Such communications are primarily for the exchange of information between ship stations and secondarily between ship stations and coast stations.

(q) *Environmental.* Communications in the maritime mobile service for the broadcast of information pertaining to the environmental conditions in which vessels operate, i.e., weather, sea conditions, time signals of a grade adequate for practical navigation, notices to mariners, and hazards to navigation.

(r) *State control.* Communications, other than Port Operations, in the maritime mobile service on very high frequencies (VHF) between coast stations, operated by a government, other than Federal, boating administration and ship stations in which messages are restricted to those of immediate concern and are related directly to the regulation and control, or rendering of assistance.

(s) *Commercial.* Radiocommunication, other than Port Operations, on very high frequencies (VHF) between coast stations and ship stations aboard commercial transport vessels, or between ship stations aboard commercial transport vesels, in which messages are limited to those pertaining to commercial, operational, or economic matters related directly to the purposes for which the ship is used, including the piloting of vessels, movements of vessels, and to meet immediate needs, for obtaining vessel supplies and scheduling of repairs, or modification of vessels of immediate need.

(t) *Noncommercial.* Radiocommunication, other than Port Operations, on very high frequencies (VHF) between coast stations and ship stations aboard vessels other than commercial transport vessels, or between ship stations aboard vessels other than commercial transport vessels, in which messages are limited to those pertaining to the needs of the vessel, for example, during rendezvous, maneuvers, during cruise, piloting of vessels, movements of vessels, obtaining of vessel supplies to meet immediate needs, scheduling of repairs, berthing, and accommodations.

NOTE: In regard to § 81.365(a), the following definitions are being continued, pending consideration of matters applicable to frequencies in the band 2000–2850 kc/s:

Operational communication. Radiocommunication concerning the navigation, movement, or management of a ship or ships.

Business communication. Radiocommunication pertaining to economic, commercial, or governmental matters related directly to the purposes for which a ship is being used.

2. In paragraph (c) of § 81.104, subparagraph (2) is amended and subparagraph (4) is deleted to read as follows:

§ 81.104 Facilities required for coast stations.

• • • • • •

(c) • • •

(2) Each coast station equipped with radiotelephony to work in the authorized bands between 156 and 162 Mc/s shall:

(i) Be able to transmit and receive Class F3 emission on the Distress, Safety, and Calling frequency 156.800 Mc/s and on one or more working frequencies; and

(ii) During its hours of service, maintain a watch on 156.800 Mc/s, in addition to the watch on one or more working frequencies.

* * * * *

(4) [Deleted]

3. In § 81.106, subparagraph (2) of paragraph (g) is amended to read as follows:

§ 81.106 Operating controls.

* * * * *

(g) * * *

(2) A period of three seconds, when changing from the calling frequency to a working frequency and vice versa within the band 156 to 162 Mc/s.

* * * * *

4. Section 81.111 is redesignated § 81.142, paragraph (b) thereof is amended; and a new paragraph (i) is added as follows:

§ 81.142 Modulation requirements.

* * * * *

(b) Transmitters using F3 emission in the band 156–162 Mc/s shall be capable of proper technical operation with a frequency deviation of ±5 kc/s,[1] which is defined as 100 percent modulation. In general, transmitters shall be adjusted so that transmission of speech normally produces peak modulation percentages between 75 and 100 percent.

* * * * *

(i) Each transmitter[2] operated in the band 156–162 Mc/s shall be equipped with an audio low-pass filter installed between the modulation limiter and the modulated (radio frequency) stage and, at audio frequencies between 3 kc/s and 20 kc/s, shall have an attenuation greater than the attenuation at 1 kc/s by at least 60 $\log_{10}$ (f/3) decibels, where "f" is the audio frequency in kc/s. At audio frequencies above 20 kc/s the attenuation shall be at least 50 decibels greater than the attenuation at 1 kc/s.

[1] A frequency deviation of ±15 kc/s may be employed until Mar. 1, 1969.

[2] Transmitters type accepted after Mar. 1, 1969; transmitters type accepted prior to Mar. 1, 1969, shall be equipped by Jan. 1, 1974.

5. Subparagraph (2) of paragraph (c) and subparagraph (3) of paragraph (d) of § 81.131 are amended as follows:

§ 81.131 Authorized frequency tolerance.

* * * * *

(c) * * *

(2) From 100 to 200 Mc/s:

For stations licensed to operate with a carrier power:

below 3 watts	[1] 10
3 to 100 watts	[1] 5
above 100 watts	[1] 2.5

[1] The tolerance shown in the table is applicable to stations using types of transmitters type accepted after Mar. 1, 1969, and to all stations after Jan. 1, 1974. A tolerance of 20 parts in 10^6 is applicable until Jan. 1, 1974, to stations using types of transmitters which were type accepted before Mar. 1, 1969.

(d) * * *

(3) 100–200 Mc/s: Marine receiver-test stations:

For stations licensed to operate with a carrier power:

below 3 watts	[1] 10
3 to 100 watts	[1] 5
above 100 watts	[1] 2.5

[1] The tolerance shown in the table is applicable to stations using types of transmitters type accepted after Mar. 1, 1969, and to all stations after Jan. 1, 1974. A tolerance of 20 parts in 10^6 is applicable until Jan. 1, 1974, to stations using types of transmitters which were type accepted before Mar. 1, 1969.

* * * * *

6. Subparagraph (3) of paragraph (c) of § 81.133 is amended as follows:

§ 81.133 Authorized bandwidth and frequency deviation.

* * * * *

(c) * * *

(3) For stations operating in the frequency band 156–162 Mc/s, a frequency deviation of 15 kc/s may be employed until March 1, 1969; after March 1, 1969, a deviation of 5 kc/s shall be employed.

7. In § 81.134, paragraphs (a), (d), and (e) are amended to read as follows:

§ 81.134 Transmitter power.

(a) Transmitter power is the power of a particular transmitter as designated in the respective station license or construction permit. Unless specifically expressed otherwise, this power is peak envelope power (see § 81.8) for A3A, A3B, A3H, and A3J emissions, carrier power for F3 emission in the band 156–162 Mc/s and total plate input power to the final radio stage of the transmitter (without modulation present in the case of A3 emission) for other emissions.

* * * * *

(d) Transmitter power for coast and marine utility stations using F3 emission on any frequency within the 156–162 Mc/s band shall be the minimum necessary for the service to be provided and shall not exceed the indicated values:

Frequency band (Mc/s)	Carrier power (watts)[1] Coast stations	Marine utility stations
156.0625 to 157.4375	50	10
161.575 to 162.0125	50	----

[1] Higher power may be authorized where a satisfactory showing of need has been made. Transmitters with a carrier power in excess of 50 watts which were in service at coast stations under an outstanding authorization on Sept. 3, 1968, may continue to be used until Jan. 1, 1974.

(e) For marine fixed and marine receiver-test stations, transmitter power shall not exceed 150 watts for A3, A3A, A3H, and A3J emissions and a carrier power of 50 watts for F3 emission: *Provided, however,* That VHF transmitters with carrier power in excess of 50 watts which were in service at receiver-test stations under outstanding authorizations on September 3, 1968, may continue to be used until January 1, 1974.

* * * * *

8. In § 81.191, paragraphs (b), (c) (2) and (d) are amended to read as follows:

§ 81.191 Radiotelephone watch by coast stations.

* * * * *

(b) As an alternative to keeping watch on (or monitoring) a working frequency in the band 1605–3500 kc/s as prescribed by paragraph (a) of this section, a public coast station may, in the discretion of the station licensee, keep watch on 2182 kc/s.

(c) * * *

(2) Each public coast station licensed to transmit by telephony on one or more frequencies within the band 156–162 Mc/s shall, during its hours of service for telephony, maintain an efficient watch for the reception of Class F3 emission on the frequency 156.800 Mc/s whenever such station is not being used for transmission on that frequency: *Provided,* That the Commission may exempt any coast station from compliance with this requirement if it considers that circumstances relative to the operation or location of the involved coast station are such as to render this requirement unreasonable or unnecessary for the purpose of this paragraph.

(d) Each limited coast station licensed to transmit by telephony on one or more working frequencies in the band 156–162 Mc/s shall, during its hours of service, maintain an efficient watch for Class F3 emission on 156.800 Mc/s, whenever such station is not being used for transmission on that frequency. In the event 156.800 Mc/s is being used for distress, urgency, or safety, such station shall keep an additional watch on each assigned working frequency except in the case of duplex operation, where watch shall be kept on the associated ship frequency.

* * * * *

9. In § 81.304, the introductory text of paragraph (a) is amended and a new subparagraph (4) is added; paragraph (b) is deleted; paragraph (d) is redesignated paragraph (b) and the introductory text amended and new subparagraphs (9)–(26) added; paragraphs (e) and (f) are redesignated (d) and (e), respectively, to read as follows:

§ 81.304 Frequencies available.

(a) The following tabulation indicates the frequencies which may be the authorized carrier frequencies for use by public coast stations. For single sideband radiotelephone emission, the assigned frequency will be 1.4 kc/s above the authorized carrier frequency. The specific conditions for authorization and use are enumerated in paragraph (b) of this section.

* * * * *

(4)

Carrier frequency (Mc/s)	*Conditions of use*
156.800	20, 25
156.750	19, 26
161.800	20, 22, 24
161.825	19, 21, 22, 24
161.850	20, 22, 24
161.875	19, 21, 22, 24
161.900	20, 22
161.925	19, 21, 22
161.950	20, 22
161.975	19, 21, 22
162.000	20, 22

(b) Authorization and use of the carrier frequencies set forth in paragraph (a) of this section shall be in accordance with the following limitations and conditions.

* * * * *

(9) through (18) [Reserved]

(19) The frequency deviation is limited to ± kc/s.

(20) A frequency deviation of ±15 kc/s may be employed until March 1, 1969; after March 1, 1969, a deviation of ± 5 kc/s shall be employed.

(21) Not available for assignment prior to March 1, 1969. During the period March 1, 1969, to January 1, 1971, available for assignment in areas where harmful interference will not result to assignments on Channels Nos. 07 through 20, inclusive.

(22) To the extent practicable, the order of assignment of public correspondence channels will be in accord with the U.S. priority numbering system, as follows:

Priority No. U.S.	Priority No. I.T.U.	Transmit (Mc/s)	Receive (Mc/s)	Channel designator
1	1	161.900	157.300	26
2	2	161.950	157.350	27
3	3	161.850	157.250	25
4	4	161.800	157.200	24
[1]1	6	162.000	157.400	28
5	13	161.825	157.225	84
6	14	161.975	157.375	87
7	15	161.925	157.325	86
8	17	161.875	157.275	85

[1] Channel 28 will be assigned interchangeably with Channel 26 as the first priority number.

(23) [Reserved]

(24) Not available in Puerto Rico and the Virgin Islands.

(25) In the band 156–162 Mc/s, the frequency 156.800 Mc/s is the national distress, safety and calling frequency for the maritime mobile service. It may be used for distress messages and messages preceded by the urgency and safety signals. It may be used to announce transmission on another frequency of traffic lists and, pending implementation of the environmental communication channel 156.750 Mc/s, important maritime information. It may also be used for call and reply; however, where the ship station is known to maintain a watch on both 156.800 Mc/s and a public coast working frequency, calling and replying by a public coast station should be conducted on a frequency authorized primarily for working.

(26) Available for assignment to coast stations, for use in accordance with an agreed program, for the broadcast of information to ship stations concerning the environmental conditions in which vessels operate, i.e., weather; sea conditions; time signals; notices to mariners; and hazards to navigation.

* * * * *

10. In § 81.305, the introductory text of paragraph (a) is amended; paragraph (b) is deleted; paragraph (c) is redesignated paragraph (b) and amended to read as follows:

§ 81.305 Frequencies for calling and distress.

(a) In the band 1605–4000 kc/s, the frequency 2182 kc/s is the international radiotelephone distress and general calling frequency for the maritime mobile service. In the band 156–162 Mc/s, the frequency 156.800 Mc/s is the national distress, safety and calling frequency for the maritime mobile service. 2182 kc/s and 156.800 Mc/s may be used by public coast stations solely for transmission of:

* * * * *

(b) Where the ship station is known to maintain a watch on both 156.800 Mc/s and a public coast working frequency, calling and replying by a public coast station should be conducted on a frequency authorized primarily for working. Prior to initiating the call, the coast station shall determine that the channel is not in use and that interference will not be caused to any communication in progress.

§ 81.307 [Deleted]

11. Section 81.307 is deleted.

§ 81.309 [Deleted]

12. Section 81.309 is deleted.

13. In § 81.351, paragraph (b) is amended to read as follows:

§ 81.351 Supplemental eligibility requirements.

* * * * *

(b) An authorization for a limited coast station may be granted to a person controlling public moorage facilities, to a person performing the function of service and supply to vessels other than commercial transport vessels, to an organized yacht club having moorage facilities, or to a nonprofit corporation or association organized for the purpose of furnishing noncommercial communications solely to persons who are engaged in the operation of one or more vessels other than commercial transport vessels.

* * * * *

14. In § 81.354, paragraphs (a) and (b) are amended to read as follows:

§ 81.354 Points of communication.

(a) Limited coast stations and marine-utility stations are authorized to communicate:

(1) With any mobile station in the maritime mobile service for the transmission or reception of safety communication;

(2) With any land station for the purpose of facilitating the transmission or reception of safety communication;

(3) With authorized ship stations.

(b) Upon application and satisfactory showing of a need therefor, two or more limited coast stations of the same station licensee may be specifically authorized to communicate on a secondary basis between themselves: *Provided,*

(1) The communication carried on is confined exclusively to those for which authority has been granted the coast station, and concerns ships with which one or both of the coast stations are authorized to communicate; and

(2) Other point-to-point communication facilities between the particular coast station locations are inadequate, inoperative, economically impracticable, or unavailable; and

(3) Any two coast stations of this category which communicate with each other are separated by not more than 100 miles; and

(4) Neither harmful interference nor intolerable delay is caused to communication with or between mobile stations; and

(5) Such communication shall be on frequencies for which the particular coast station(s) is eligible.

15. In § 81.355, the introductory text and subparagraphs (4) and (5) of paragraph (a), and paragraph (b) are amended to read as follows:

§ 81.355 Nature of service.

(a) Except as may be specifically provided in the station authorization, a limited coast station or marine utility station using telephony shall:

* * * * *

(4) Not be used for the transmission of press material or news items which are not required to serve the needs of ships as defined in § 81.7 (r), (s), and (t);

(5) Be used exclusively to serve the needs of ships as defined in § 81.7 (r), (s), and (t), including the transmission of safety communication.

(b) In areas where environmental communications are provided, in accordance with an agreed program, by U.S. Government stations or by public coast stations, limited coast stations, and marine utility stations on shore shall not duplicate that service. In other areas, limited coast stations and marine utility stations on shore may transmit weather and hydrographic information required for the commercial or noncommercial communication needs of the ships with which they normally communicate. Limited coast stations, in accordance with an agreed program, may be authorized to provide environmental communication service in areas where adequate service is not available.

* * * * *

16. Section 81.356 is revised to read as follows:

§ 81.356 Assignable frequencies in the band 156–162 Mc/s.

(a) The frequencies listed in the following table are available for assignment to limited coast stations for communication with ship stations as indicated. These frequencies are not authorized for communication with stations on board aircraft. The limitations applicable to the respective frequencies are set forth in paragraph (b) of this section. The types of communication are defined in § 81.7.

Channel designator	Frequency (Mc/s) Coast	Ship	Points of communication	Conditions of use
DISTRESS, SAFETY AND CALLING				
16	156.800	156.800	Coast to ship	2, 11
PORT OPERATIONS				
65	156.275	156.275	Coast to ship	1, 13
66	156.325	156.325	do	1, 13
12	156.600	156.600	do	2, 5
73	156.675	156.675	do	1, 3, 5
14	156.700	156.700	do	2, 5
74	156.725	156.725	do	1, 3, 5
20	161.600	157.000	do	2, 5, 12
NAVIGATIONAL				
13	156.650	156.650	Coast to ship	2, 5, 10
ENVIRONMENTAL				
15	156.750		Coast to ship	1, 4, 5, 8
STATE CONTROL				
17	156.850	156.850	Coast to ship	1, 4, 5, 9
COMMERCIAL				
07	156.350	156.350	Coast to ship	2
10	156.500	156.500	do	2, 5
11	156.550	156.550	do	2, 5
18	156.900	156.900	do	2, 5
19	156.950	156.950	do	2, 5
79	156.975	156.975	do	1, 3, 5
80	157.025	157.025	do	1, 3, 5
NONCOMMERCIAL				
68	156.425	156.425	Coast to ship	1, 3, 5, 7
09	156.450	156.450	do	2, 5,
69	156.475	156.475	do	1, 3, 5, 6
71	156.575	156.575	do	1, 3, 5, 6
78	156.925	156.925	do	1, 3, 5, 6

(b) Assignment of the specific carrier frequencies designated in paragraph (a) of this section and use of frequency assignments of which those frequencies are the authorized carrier frequencies shall be subject to the express limitations and conditions set forth in this paragraph.

(1) The frequency deviation is limited to ±5 kc/s.

(2) A frequency deviation of ±15 kc/s may be employed until March 1, 1969; after March 1, 1969, a deviation of ±5 kc/s shall be employed.

(3) Not available for assignment prior to March 1, 1969. During the period March 1, 1969, to January 1, 1971, available for assignment in areas where harmful interference will not result to assignments on adjacent 50 kc/s frequencies (channel designators 07–20, inclusive): *Provided*, That assignments will not be made where the geographic separation is less than 20 statute miles between (i) a coast station or proposed coast station applying for these frequencies and (ii) a coast station authorized to operate on the adjacent 50 kc/s frequencies (channel designators 07–20, inclusive).

(4) Available for assignment on September 3, 1968.

(5) [Reserved]

(6) As an interim measure, until trends in communication needs of recreational boats are more definitive, this frequency is available to ship stations and to associated coast stations at marinas, organized yacht clubs and to persons or organizations performing the function of service and supply to vessels, other than commercial transport vessels.

(7) Available for Noncommercial communications, to fulfill the wide scope of needs of smaller type boats, where, for practical reasons the number of channels, output power and investment in radio equipment would be at a minimum and battery power could or would be employed. While available to all vessels, other than commercial transport vessels, this frequency does not replace, nor may it be used in lieu of frequencies allotted for Distress Safety and Calling, Intership Safety, Navigational, Port Operations, or Public Correspondence.

(8) Available for assignment to coast stations, the use of which is in accord with an agreed program, for the broadcast of information to ship stations concerning the environmental conditions in which vessels operate, i.e., weather; sea conditions; time signals; notices to mariners; and hazards to navigation.

(9) Available for assignment to limited coast stations for State Control communications with ship stations.

(10) In the Great Lakes area only, available for Commercial communications.

(11) In the band 156–162 Mc/s, the frequency 156.800 Mc/s is the national distress, safety and calling frequency for the maritime mobile service. It may be used for distress messages, messages preceded by the urgency and safety signals. It may be used to announce transmission on another frequency of traffic lists and, pending implementation of the environmental communication channel 156.750 Mc/s, important maritime information. It may also be used for call and reply, however, where the ship station is known to maintain a watch on both 156.800 Mc/s and a limited coast working frequency, calling and replying by a limited coast station should be conducted on a frequency authorized primarily for working.

(12) These frequencies are not available in Puerto Rico or the Virgin Islands.

(13) Not available for assignment prior to January 1, 1971; during the period January 1, 1971, to January 1, 1973, available on a restricted basis; and after January 1, 1973, available on an equal-status basis with 156.300 Mc/s.

§ 81.359 [Deleted]

17. Section 81.359 is deleted.

§ 81.360 [Deleted]

18. Section 81.360 is deleted.

§ 81.363 [Deleted]

19. Section 81.363 is deleted.

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

C. Part 83, Stations on Shipboard in the Maritime Services, is amended as follows:

1. In § 83.6, paragraphs (h), (i), and (j) are amended and new paragraphs (k), (l), (m), and a note at the end of the section are added to read as follows:

§ 83.6 Operational.

* * * * *

(h) *Port operations.* Communications in or near a port, or in locks or waterways, between coast stations and ship stations, or between ship stations, in which messages are restricted to those relating to the operational handling, the movement and the safety of ships and, in emergency, to the safety of persons. Messages which are of a public correspondence nature shall be excluded.

(i) *Navigational.* Safety communications in the Maritime Mobile Service pertaining to the maneuvering of vessels or the directing of vessel movements. Such communications are primarily for the exchange of information between ship stations and secondarily between ship stations and coast stations.

(j) *Environmental.* Communications in the Maritime Mobile Service, for the broadcast of information pertaining to the environmental conditions in which vessels operate, i.e., weather, sea conditions, time signals of a grade adequate for practical navigation, notices to mariners and hazards to navigation.

(k) *State control.* Communications, other than Port Operations, in the Maritime Mobile Service on very high frequencies (VHF) between coast stations, operated by a government, other than Federal, boating administration and ship stations in which messages are restricted to those of immediate concern and are related directly to the regulation and control, or rendering of assistance.

(l) *Commercial.* Radio communication, other than Port Operations, on very high frequencies (VHF) between coast stations and ship stations aboard commercial transport vessels, or between ship stations aboard commercial transport vessels, in which messages are limited to those pertaining to commercial, operational, or economic matters related directly to the purposes for which the ship is used, including the piloting of vessels, movements of vessels and to meet immediate needs for obtaining vessel supplies, and scheduling of repairs, or modification of vessels.

(m) *Noncommercial.* Radio communication, other than Port Operations, on very high frequencies (VHF) between coast stations and ship stations aboard vessels other than commercial transport vessels, or between ship stations aboard vessels other than commercial transport vessels, in which messages are limited to those pertaining to the needs of the vessel, for example, during rendezvous, maneuvers, during cruise, piloting of vessels, movements of vessels, obtaining of vessel supplies to meet immediate needs, scheduling of repairs, berthing and accommodations.

NOTE: In regard to §§ 83.362 and 83.366, the following definitions are being continued, pending consideration of matters applicable to frequencies in the band 2000–2850 kc/s:

Operational communication. Radio communication concerning the navigation, movement, or management of a ship or ships.

Business communication. Radio communication pertaining to economic, commercial, or governmental matters related directly to the purposes for which a ship is being used.

2. In § 83.106, paragraph (b) is amended, paragraphs (c), (d), (e), and (f) are deleted, to read as follows:

§ 83.106 Required frequencies for radiotelephony.

* * * * *

(b) Each ship station equipped with radiotelephony to work in the authorized bands between 156 and 162 Mc/s shall be able to transmit and receive Class F3 emission on:

(1) The Distress, Safety and Calling frequency 156.800 Mc/s;

(2) The primary Intership Safety frequency 156.300 Mc/s;

(3) One of more working frequencies; and

(4) All other frequencies necessary for its service:

(5) Exceptionally, however, single or dual channel equipment which otherwise conforms to the technical requirements of this part, may be used solely for navigational communications on a ship's bridge, on a frequency designated for such navigational purposes, in those cases where such ships have no requirement for other VHF communications.

(c)–(f) [Deleted]

3. Paragraph (c) of § 83.131 is amended to read as follows:

§ 83.131 Authorized frequency tolerance.

* * * * *

(c) Authorized frequency tolerance for ship and survival craft stations operating on frequencies above 27.5 Mc/s;

Frequency ranges	*Tolerance—Parts in 10⁶*
(1) From 100 to 200 Mc/s, except for 121.5 Mc/s	[1] 10
(2) Survival craft stations on 121.5 Mc/s	50

[1] The tolerance shown in the table is applicable to types of transmitters type accepted after Mar. 1, 1969, and to all transmitters after Jan. 1, 1974. Until Jan. 1, 1974, a tolerance of 20 parts in 10^6 is applicable to types of transmitters which were type accepted before Jan. 1, 1969.

* * * * *

4. In § 83.133 the headnote and paragraph (a) are amended to read as follows:

§ 83.133 Authorized bandwidth and frequency deviation.

(a) Unless otherwise specified in the station license, ship stations shall use bandwidths not exceeding those set forth in this paragraph for the respective classes of emission authorized in § 83.132.

Classes of emission	Emission designator	Authorized bandwidth (kc/s)
A1	0.16A1	0.3.
A2	2.66A2	2.8.
A3	6A3	8.0.
A3A	2.8A3A	3.5.
A3B	5.6A3B	7.0.
A3H	2.8A3H	3.5.
A3J	2.8A3J	3.5.
F3	16F3 [1 2]	20.0. [1 2]
F3	36F3 [2 3]	40.0. [2 3]
P0	Variable	Variable.
Wideband telegraphy, facsimile and special transmission systems.	Variable	Variable but not to exceed 5.0.

[1] Applicable when maximum authorized frequency deviation is 5 kc/s.

[2] Applicable when maximum authorized frequency deviation is 15 kc/s.

[3] A frequency deviation of ±15 kc/s may be employed until Mar. 1, 1969; after Mar. 1, 1969 a deviation of ±5 kc/s shall be employed: *Provided, however*, That U.S. registry vessels where required for communication with coast stations of other administrations may, until Jan. 1, 1972, employ a deviation of ±15 kc/s.

* * * * *

5. In § 83.134, paragraphs (a) and (f) are amended to read as follows:

§ 83.134 Transmitter power.

(a) Unless specifically expressed otherwise, transmitter power is peak envelope power (see § 83.7) for A3A, A3B, A3H, and A3J emissions, carrier power for F3 emission in the band 156–162 Mc/s, and total plate input power to the final radio stage of the transmitter (without modulation present in the case of A3 emission) for other emissions.

* * * * *

(f) Ship station transmitters using F3 emission in the band 156–162 Mc/s shall not exceed a carrier power of 25 watts [1 2] and, additionally, shall include the capability to reduce, readily, the carrier power to one watt [2] or less.

[1] The maximum carrier power of marine-utility ship stations is 10 watts.

[2] Applicable to ship station transmitters which are type accepted after September 3, 1968.

6. In § 81.137, paragraph (b) is amended and a new paragraph (g) is added to read as follows:

§ 83.137 Modulation requirements.

* * * * *

(b) Transmitters using F3 emission in the band 156–162 Mc/s shall be capable of proper technical operation with a frequency deviation of ±5 kc/s,[1] which is defined as 100 percent modulation. In general, transmitters shall be adjusted so that transmission of speech normally produces peak modulation percentages between 75 and 100 percent.

* * * * *

[1] A frequency deviation of ±15 kc/s may be employed until Mar. 1, 1969. After Mar. 1, 1969, a deviation of ±5 kc/s shall be employed; *Provided, however*, U.S. registry vessels, when required for communication with coast stations of other administrations may employ a deviation of 15 kc/s until Jan. 1, 1972.

(g) Each transmitter [2] operated in the band 156–162 Mc/s shall be equipped with an audio low-pass filter installed between the modulation limiter and the modulated (radio frequency) stage and, at audiofrequencies between 3 kc/s and 20 kc/s, shall have an attenuation at 1 kc/s by at least 60 $\log_{10}$ (f/3) decibels, where "f" is the audiofrequency in kc/s. At audiofrequencies above 20 kc/s the attenuation shall be at least 50 decibels greater than the attenuation at 1 kc/s.

[2] Transmitters type accepted after Mar. 1, 1969; transmitters type accepted prior to Mar. 1, 1969, shall be equipped by Jan. 1, 1974.

7. A new § 83.224 is added to read as follows:

§ 83.224 Watch on 156.800 Mc/s.

Each ship station licensed to transmit by telephony on one or more frequencies within the band 156–162 Mc/s shall, during its hours of service for telephony in this band, maintain an efficient watch for the reception of F3 emissions on the authorized carrier frequency 156.800 Mc/s, whenever such station is not being used for transmission on other frequencies: *Provided, however*, That ship stations licensed under the provision of § 83.106(b)(5) are exempt from the watch requirement on 156.800 Mc/s.

8. Section 83.233 is amended to read as follows:

§ 83.233 Frequencies for use in distress.

In case of distress, mobile stations shall, in the bands set forth below, use the frequencies specified when requesting assistance from the maritime service. The preferred types of emission are shown. When a ship station cannot transmit on the designated frequency, it shall use any available frequency on which attention might be attracted.

Frequency band	Emission	Carrier frequency
405–535 kc/s	A2	500 kc/s. [1]
1605–4000 kc/s	A3 or A3H	2182 kc/s.
156–162 Mc/s	F3	156.800 Mc/s.

[1] The maximum transmitter power obtainable shall be used.

9. In § 83.248, paragraph (a) is amended to read as follows:

§ 83.248 Urgency message.

(a) The urgency signal and call, and the message following it, shall be sent on one of the international distress frequencies (500 kc/s radiotelegraph; 2182 kc/s radiotelephone), or on the national distress frequency (156.800 Mc/s radiotelephone). However, stations which cannot transmit on a distress frequency may use any other available frequency on which attention might be attracted.

* * * * *

10. In § 83.249, paragraph (d) is amended to read as follows:

§ 83.249 Safety signals.

* * * * *

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(d) The safety signal and call shall be sent on one of the international distress frequencies (500 kc/s radiotelegraph; 2182 kc/s radiotelephone), or on the national distress frequency (156.800 Mc/s radiotelephone). However, stations which cannot transmit on a distress frequency may use any other available frequency on which attention might be attracted.

11. Section 83.351 is amended as follows: The introductory text of paragraph (a) is amended, a new subparagraph (5) is added to paragraph (a), the introductory text of paragraph (b) is amended, and new subparagraphs (9)–(59) are added to paragraph (b) to read as follows:

§ 83.351 Frequencies available.

(a) The following tabulation indicates the carrier frequencies which, when authorized by station license, may be used by ship stations. The specific conditions for use are enumerated in paragraph (b) of this section:

* * * * *

(5)

Carrier frequency (Mc/s)	*Conditions of use*
156.275	33, 38, 40, 41, 45
156.300	34, 40, 44
156.325	33, 36, 40, 41, 45
156.350	34, 40, 41, 49
156.375	33, 35, 40, 49
156.400	34, 40, 49
156.425	33, 35, 40, 41, 50, 54
156.450	34, 41, 50
156.475	33, 35, 41, 50, 53
156.500	34, 40, 41, 49
156.525	33, 35, 40, 50, 52
156.550	34, 39, 40, 41, 49
156.575	33, 35, 41, 50, 53
156.600	34, 40, 41, 45
156.625	33, 35, 40, 50, 52
156.650	34, 40, 41, 46, 59
156.675	33, 35, 40, 41, 45
156.700	34, 40, 41, 45, 58
156.725	33, 35, 40, 41, 45
156.750	33, 37, 42, 56
156.800	34, 40, 41, 43
156.850	33, 37, 41, 48, 57
156.875	33, 35, 40, 49
156.900	34, 39, 40, 41, 49
156.925	33, 35, 41, 50, 53
156.950	34, 39, 40, 41, 49
156.975	33, 35, 40, 41, 49
157.000	34, 39, 40, 41, 45
157.025	33, 35, 40, 41, 49
157.200	34, 38, 41, 51
157.225	33, 35, 38, 41, 51
157.250	34, 38, 41, 51
157.275	33, 35, 38, 39, 41, 51
157.300	34, 38, 41, 51
157.325	33, 35, 38, 39, 51, 51
157.350	34, 38, 41, 51
157.375	33, 35, 38, 39, 51, 51
157.400	34, 38, 41, 51
157.425	33, 35, 40, 49, 55

(b) Assignment of the specific carrier frequencies designated in paragraph (a) of this section and use of frequency assignments of which those frequencies are the authorized carrier frequencies shall be subject to the express limitations and conditions set forth in this paragraph.

* * * * *

(9) through (32) [Reserved]

(33) The frequency deviation is limited to ±5 kc/s.

(34) A frequency deviation of ±15 kc/s may be employed until March 1, 1969; after March 1, 1969, a deviation of ±5 kc/s shall be employed: Every U.S. registry vessels when required for communication with coast stations of other administrations may employ a deviation of ±15 kc/s until January 1, 1972.

(35) Not available for assignment prior to March 1, 1969. During the period March 1, 1969, to January 1, 1971, available for assignment in areas where harmful interference will not result to assignments on channels numbers 07 through 20, inclusive.

(36) Not available for assignment prior to January 1, 1971; during the period January 1, 1971, to January 1, 1973, available on a restricted basis; and after January 1, 1973, available on an equal-status basis with 156.300 Mc/s.

(37) Available for assignment on September 3, 1968.

(38) To the extent practicable, the order of assignment of public correspondence channels will be in accord with the U.S. priority numbering system, as follows:

Priority No. U.S.	Priority No. I.T.U.	Transmit (Mc/s)	Receive (Mc/s)	Channel designator
1	1	161.900	157.300	26
2	2	161.950	157.350	27
3	3	161.850	157.250	25
4	4	161.800	157.200	24
1[1]	6	162.000	157.400	28
5	13	161.825	157.225	84
6	14	161.975	157.375	87
7	15	161.925	157.325	86
8	17	161.875	157.275	85

[1] Channel 28 will be assigned interchangeably with Channel 26 as the first priority number.

(39) [Reserved]

(40) Intership.

(41) Ship to coast.

(42) Coast station broadcast only.

(43) Distress, Safety and Calling.

(44) Intership Safety.

(45) Port Operations.

(46) Navigational.

(47) Environmental.

(48) State Control.

(49) Commercial.

(50) Noncommercial.

(51) Public Correspondence.

(52) As an interim measure, until trends in communication needs of recreational boats are more definitive, this frequency is available for noncommercial intership communications during localized fleet operations, maneuvers during a cruise, and rendezvous.

(53) As an interim measure, until trends in communication needs of recreational boats are more definitive, this frequency is available to ship stations and to associated coast stations at marinas, organized yacht clubs and to persons or organizations performing the function of service and supply to vessels, other than commercial transport vessels.

(54) Available for noncommercial communication, to fulfill the wide scope of needs of smaller type boats, where, for practical reasons the number of channels, output power and investment in radio equipment would be at a minimum and battery power could or would be employed. While available to all vessels, other than commercial transport vessels, this frequency does not replace, nor may it be used in lieu of frequencies allotted for Distress Safety and Calling, Intership Safety, Navigational, Port Operations or Public Correspondence.

(55) Available for assignment to ship stations aboard commercial transport vessels engaged in commercial fishing, in addition to the frequencies designated by footnote (49) of this section, and between these commercial fishing vessels and associated aircraft while engaged in commercial fishing activities.

(56) Available for assignment to coast stations, the use of which is in accord with an agreed program, for the broadcast of information to ship stations concerning the environmental conditions in which vessels operate, i.e., weather; sea conditions; time signals; notices to mariners; and hazards to navigation.

(57) Available for assignment to stations aboard vessels for State Control communications.

(58) Not available in Puerto Rico and the Virgin Islands.

(59) In the Great Lakes area only, available for Commercial communication.

12. Section 83.359 is revised to read as follows:

§ 83.359 Frequencies in the band 156–162 Mc/s available for assignment.

The frequencies listed in the following table are available for assignment to stations as indicated. Except as provided in § 83.351(b)(55), these frequencies are not authorized for communication with stations on board aircraft. The limitations applicable to the respective frequencies are set forth in § 83.351(a)(5).

Channel designator	Frequency (Mc/s) Ship	Frequency (Mc/s) Coast	Points of communication
DISTRESS, SAFETY AND CALLING			
16	156.800	156.800	Intership and ship to coast.
INTERSHIP SAFETY			
06	156.300	156.300	Intership.
PORT OPERATIONS			
65	156.275	156.275	Intership and ship to coast.
66	156.325	156.325	Do.
12	156.600	156.600	Do.
73	156.675	156.675	Do.
14	156.700	156.700	Do.
74	156.725	156.725	Do.
20	157.000	161.600	Do.
NAVIGATIONAL			
13	156.650	156.650	Intership and ship to coast.
ENVIRONMENTAL			
15		156.750	Coast to ship.
STATE CONTROL			
17	156.850	156.850	Ship to coast.
COMMERCIAL			
07	156.350	156.350	Intership and ship to coast.
67	156.375		Intership.
08	156.400		Do.
10	156.500	156.500	Intership and ship to coast.
11	156.550	156.550	Do.
77	156.575		Intership.
18	156.900	156.900	Intership and ship to coast.
19	156.950	156.950	Do.
79	156.975	156.975	Do.
80	157.025	157.025	Do.
88	157.425		Intership.
NONCOMMERCIAL			
68	156.425	156.425	Intership and ship to to coast.
09	156.450	156.450	Ship to coast.
69	156.475	156.475	Do.
70	156.525		Intership.
71	156.575	156.575	Ship to coast.
72	156.625		Intership.
78	156.925	156.925	Ship to coast.
PUBLIC CORRESPONDENCE			
24	157.200	161.800	Ship to public coast.
84	157.225	161.825	Do.
25	157.250	161.850	Do.
85	157.275	161.875	Do.
26	157.300	161.900	Do.
86	157.325	161.925	Do.
27	157.350	161.950	Do.
87	157.375	161.975	Do.
28	157.400	162.000	Do.

13. In § 83.365, paragraph (b) is amended to read as follows:

§ 83.365 Procedure in testing.

* * * * *

(b) When testing is conducted on any frequency within the bands 2170 to 2194 kc/s, 156.7625 to 156.8375 Mc/s, 480 to 510 kc/s (survival craft transmitters only), no test transmissions shall occur which are likely to actuate any automatic alarm receiver within range. Survival craft stations using telephony shall not be tested on the frequency 500 kc/s during the 500 kc/s silence periods.

14. In § 83.366, paragraph (i) is amended to read as follows:

§ 83.366 General radiotelephone operating procedure.

* * * * *

(i) *Limitation on commercial communication.* On frequencies in the band 156–162 Mc/s, the exchange of commercial communication shall be limited to the minimum practicable transmission time. In the conduct of ship-shore communication, other than distress, stations on board ship shall comply with instructions given by the limited coast station or marine utility station on shore with which they are communicating, in all matters relative to operating practices and procedures and to the suspension of transmission in order to minimize interference.

* * * * *

15. In paragraph (a) of § 83.369, subdivision (1) of subparagraph (2) is amended to read as follows:

§ 83.369 Operation under interim ship station license.

(a) * * *

(2) * * *

(i) 2182 kc/s for calling and distress; 156.800 Mc/s for distress, safety and calling;

* * * * *

16. Paragraph (a) of § 83.514 is amended to read as follows:

§ 83.514 Radiotelephone installation.

(a) The radiotelephone installation shall include a transmitter capable of effective transmission of A3 or A3H emission and a receiver capable of effective reception of A3 or A3H emission within the band 1605 to 2850 kc/s; or alternatively, if the vessel is within communication range of a public coast station or U.S. Coast Guard station operating in the band 156 to 162 Mc/s which maintains an efficient watch for the reception of F3 emission on 156.8 Mc/s at all times while the vessel is navigated in waters specified in § 83.511, and the vessel while so navigated is never more than 20 nautical miles from a 156.800 Mc/s receiving location of such station, the radiotelephone installation may, in lieu of medium frequency equipment, include a transmitter and receiver capable of effective transmission and reception of F3 emission within the band 156 to 162 Mc/s.

* * * * *

17. In § 83.518, paragraph (a) and subparagraph (2) of paragraph (c) are amended to read as follows:

§ 83.518 Very high frequency transmitter.

(a) The transmitter shall have a carrier power of at least 20 watts, and shall be capable of effective transmission of F3 emission on 156.800 Mc/s, 156.300 Mc/s, and on the ship-to-shore working frequency as necessary for communication with one or more public coast stations serving the area in which the vessel is navigated.

* * * * *

(c) * * *

(2) The transmitter has been demonstrated, or is of a type which has been demonstrated, to the satisfaction of the Commission as capable, with normal operating voltages applied, of delivering not less than 20 watts of carrier power into 50 ohms effective resistance on each of the frequencies 156.300 Mc/s, 156.800 Mc/s and on any one of the ship-to-shore public correspondence channels: *Provided, however,* That an individual demonstration of the power output capability of the transmitter, with the radiotelephone installation normally installed on board ship, may be required whenever in the judgment of the Commission this is deemed necessary.

[F.R. Doc. 68-9001; Filed, July 30, 1968; 8:45 a.m.]

[FCC 68-765]

PART 81—STATIONS ON LAND IN MARITIME SERVICES

PART 87—AVIATION SERVICES

Substitution of Type Accepted Equipment in Aircraft and Certain Land Stations

1. Aeronautical Radio, Inc. (ARINC), has requested a change in licensing procedure to allow routine equipment changes in stations in the Aviation Services without filing applications for modification of license. ARINC submits that the current practice of listing equipment information serves no functional value when the equipment conforms to the type acceptance requirements. Further, it would provide relief from delays associated with routine licensing actions, thereby enhancing the safety of life and property by allowing equipment changes to be made on a timely basis.

2. The Commission feels that the use of type accepted equipment makes feasible the interchange of such equipment for most stations in the Aviation Services without filing an application for modification. In addition, and by the same principle, such interchange without filing an application for modification is also feasible for most stations in the Marine Services. There are, however, certain classes of stations, which involve relatively few licenses, where it is necessary to know the specific transmitter that will be used in a station, e.g., transmitters installed for compliance with Title III, Part II of the Act and radionavigation stations in the Aviation Services. In these and similar circumstances a change in transmitter still must be initiated by an application for modification to change transmitters.

3. The amendments adopted herein will eliminate a significant number of unnecessary licensing actions each year and, therefore, provide a benefit to Commission licensees as well as the Commission. These amendments are procedural in nature, and hence, the prior notice, procedure and effective date provisions of 5 U.S.C. section 553 are not applicable.

4. *Accordingly, it is ordered,* That pursuant to sections 4(i) and 303(r) of the Communications Act of 1934, as amended, Parts 81 and 87 of the Commission's rules are amended, effective August 5, 1968, as set forth below.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: July 24, 1968.

Released: July 26, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[1] Chairman Hyde absent; Commissioner Cox concurring except that he would require notification of any significant changes in power.

1. Section 81.36 is revised to read as follows:

§ 81.36 Changes in authorized station.

(a) Except as otherwise provided in this section, an application for construction permit or modification of license, as appropriate, shall be filed when any change is to be made which would result in a deviation from terms of the authorization.

(b) Application for construction permit shall be made on FCC Form 407 or in the case of microwave stations on FCC Form 402. Application for modification of station license shall be submitted on FCC Form 403, or in the case of microwave stations on FCC Form 402.

(c) Any station authorized under this part, except stations authorized in accordance with Subpart P of this part, may be operated with any transmitter type accepted for use in the particular class of station in lieu of transmitters which may be specified on the station license and without modification of license: *Provided, however,* That:

(1) The number of transmitters in use shall not exceed those authorized; and

(2) The power of any public coast station shall not be reduced so as to reduce or impair the service of the station.

(d) When the name of a licensee is changed (without changes in the ownership, control, or corporate structure), or when the mailing address is changed (without changing the location of the coast, or fixed station) a formal application for modification of license is not required. However, the licensee shall notify the Commission promptly of these changes. The notice, which may be in letter form, shall contain the name and address of the licensee as they appear in the Commission's records, the new name and/or address, as the case may be, the call signs and classes of all radio stations authorized to the licensee under this part. The notice shall be sent to (1) Secretary, Federal Communications Commission, Washington, D.C. 20554, and (2) the Engineer in Charge of the Radio District in which the station is located, and a copy shall be posted with the license until a new license is issued.

§ 81.63 [Deleted]

2. Section 81.63 is deleted.

§ 81.118 [Deleted]

3. Section 81.118 is deleted.

§ 87.29 [Amended]

4. Paragraph (d) of § 87.29 is deleted.

5. New § 87.35 is added to read as follows:

§ 87.35 Changes in authorized station.

(a) Except as otherwise provided in this section, an application for construction permit or license as appropriate, shall be filed when any change is to be made which would result in deviation from the terms of the authorization.

(b) No application for modification of an aircraft radio station license is required to add a survival craft station using type accepted transmitters or for the addition or substitution of type accepted transmitters when the newly installed transmitters will perform the same functions and operate on the same frequencies as the transmitters specified on the license.

(c) Newly installed, type accepted aircraft transmitters which perform functions or operate on frequencies different from the transmitters specified on the station license may be used for a period of 30 days from the date of installation: *Provided:* (1) Application for station license (FCC Form 404) to include the newly installed equipment has been submitted to the Commission, and (2) operation is limited to frequencies available in accordance with § 87.183.

(d) Any ground station authorized under this part, except operational, radionavigation or radionavigation land test stations, may be operated with any transmitter type accepted for use in the particular class of station in lieu of the transmitters which may be specified on the station license and without modification of the license: *Provided, however,* That the number of transmitters in use shall not exceed those authorized.

(e) When the name of a licensee is changed (without changes in the ownership, control or corporate structure), or when the mailing address is changed (without changing the authorized location of a land or fixed station) a formal application for modification of license is not required. However, the licensee shall notify the Commission promptly of these changes. The notice, which may be in letter form, shall contain the name and address of the licensee as they appear in the Commission's records, the new name and/or address, as the case may be, the call signs and classes of all radio stations, authorized to the licensee under this part. The notice shall be sent to Secretary, Federal Communications Commission, Washington, D.C. 20554, or to Federal Communications Commission, Gettysburg, Pa. 17325, depending on where the applications for licenses are required to be filed, and a copy shall be maintained with the license of each station (or posted with the license when posting of the license is necessary) until a new license is issued. For ground stations, a copy of the notice shall also be sent to the Engineer in Charge of the Radio District to which the station is located.

§ 87.131 [Deleted]

6. Section 87.131 is deleted.

[F.R. Doc. 68-9138; Filed, July 30, 1968; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1001]

PART 1033—CAR SERVICE

St. Louis-San Francisco Railway Co. Authorized To Operate Over Tracks of Missouri Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of July 1968.

It appearing that construction of Lock & Dam No. 13 of the Arkansas River Project, in the vicinity of Van Buren, Arkansas, will require the reconstruction of St. Louis-San Francisco Railway Company bridge number 410.6 over the Arkansas River at Van Buren; that operation of St. Louis-San Francisco Railway Company trains over bridge number 410.6, during the reconstruction period is impractical; that operations of St. Louis-San Francisco Railway Company trains over tracks of the Missouri Pacific Railroad Company between Missouri Pacific mile post 498.98 at Fort Smith, Arkansas and Missouri Pacific mile post 508.84 at Van Buren, Arkansas, will enable the St. Louis-San Francisco Railway to continue to provide direct service to all stations and industries served by it between Van Buren, Arkansas, and Fort Smith, Arkansas; that there is need for the St. Louis-San Francisco Railway Company to operate over the above described trackage of the Missouri Pacific Railroad Company, to provide the service required by the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice:

It is ordered, That:

§ 1033.1001 Service Order No. 1001.

(a) *St. Louis-San Francisco Railway Company authorized to operate over tracks of Missouri Pacific Railroad Company.* The St. Louis-San Francisco Railway Company be, and it is hereby authorized to operate over tracks of the Missouri Pacific Railroad Company between Missouri Pacific mile post 498.98 at Fort Smith, Arkansas, and Missouri Pacific mile post 508.84 at Van Buren, Arkansas.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic as well as to interstate traffic.

(c) *Effective date.* This order shall become effective at 12:01 a.m., July 29, 1968.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 15, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15 and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15 and 17 (2). Interprets or applies sec. 1(10–17), 15(4) and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9128; Filed, July 30, 1968; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

The Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703 et. seq.); authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds to determine when, to what extent, and by what means, such birds or any part, nest, or egg thereof, may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

By notice of proposed rule making published in the FEDERAL REGISTER of April 25, 1968 (33 F.R. 6298), notification was given that the Secretary of the Interior proposed to amend Part 10, Title 50, Code of Federal Regulations. These amendments would specify open seasons, certain closed seasons, shooting hours, and bag and possession limits for migratory game birds for the 1968–69 hunting seasons.

All interested persons were invited to submit their views, data, or arguments regarding such matters in writing to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days following the date of publication of the notice.

After due consideration of migratory game bird survey data obtained through investigations conducted by the Bureau of Sport Fisheries and Wildlife and State game departments, and from other sources, and consideration having been given to all other relevant matters presented, it is determined that certain sections of Part 10 shall be amended as set forth below.

The taking of the designated species of migratory game birds is presently prohibited. Since this amendment benefits the public by relieving existing restrictions, they shall become effective upon publication in the FEDERAL REGISTER.

Section 10.53(c) is revised to read as follows:

§ 10.53 Seasons and limits on waterfowl, coots, gallinules, and Wilson's snipe.

* * * * * *

(c) (1) In Wisconsin, during the 1968–69 waterfowl season, the kill of Canada geese will be limited to not more than 20,000 birds; 15,000 of which may be taken in the area designated as the Horicon Zone and 5,000 in the remainder of the State.

Horicon Zone. The Horicon Zone includes portions of Columbia, Dodge, Fond du Lac, Green Lake, Marquette, Waushara, Washington, and Winnebago Counties, bounded on the north by State Highway 21, on the east by U.S. Highway 45 and State Highways 175 and 83, on the south by State Highway 60, and on the west by State Highway 73.

CANADA GEESE

	Horicon Zone	Remainder of State
Daily bag limit	1	1
Possession limit	1	2
Shooting hours	One-half hour before sunrise until sunset daily.	
Seasons in:		
Horicon Zone	October 12-November 3.	
Remainder of State	To be selected.	

(2) Seasons and tag validity: In the Horicon Zone, the hunting periods and numbers of valid permits and tags issued in each period will be as follows:

Period No.	Valid dates (inclusive)	Number of permits and tags issued	Days valid
1	Oct. 12-20	6,000	9
2	Oct. 19-27	6,000	9
3	Oct. 26-Nov. 3	6,000	9

In the remainder of Wisconsin, excluding the Horicon Zone, tags and permits will be valid for the full length of the Canada goose season.

(i) Each person must have been issued and must carry on his person while hunting Canada geese a valid State hunting license, Migratory Bird Hunting Stamp, and valid Canada goose permit, tag, and report card to hunt and kill Canada geese in Wisconsin during the 1968 season. Licensed hunters less than 16 years of age are not required to have a Migratory Bird Hunting Stamp.

(ii) The required tags and permits will be issued in the names of individuals, and will be non-transferable. Applications must be signed by the person(s) requesting tags and permits. To provide for group hunting, persons may apply jointly as a group for tags and permits simultaneously valid in the Horicon Zone. Group applications will be considered as one single application when properly filed in accordance with instructions in application. That is, a group of five will be considered as one application.

(iii) To be valid, the tag must remain attached to the permit and report card until a Canada goose is reduced to possession. Then the tag must be removed from the permit and report card, and in the Horicon Zone the appropriate date tab removed from the tag indicating the date the Canada goose was taken, and the permittee must immediately attach the tag securely around one leg of each Canada goose by compressing the adhesive surfaces together. The goose cannot be carried or transported in any manner without the tag being attached. The tag must remain on the goose until it reaches the abode of the permit holder. The tag may not be reused.

(iv) In the Horicon Zone each successful applicant will receive one permit, tag, and report card. In the event that the number of applicants exceeds the number of permits and tags available, successful applicants will be randomly selected by electronic data processing (EDP) equipment. No individual will be accorded preferential treatment nor will non-resident applicants be discriminated against.

(v) In the remainder of Wisconsin, outside the Horicon Zone, four permits with four attached tags, and report cards will be issued to each applicant. Applicants unsuccessful in receiving a permit, tag, and report card valid for the Horicon Zone will receive four permits, four tags, and four report cards valid in the remainder of the State. Individual applicants may receive a permit, tag, and report card valid in the Horicon Zone or four of each valid in the remainder of the State, but may not receive permits and tags for both zones.

(vi) A mandatory report on tag use or nonuse is required to determine the overall harvest. A franked, self-addressed return card will be distributed as part of the tag and permit issuance procedure for the Horicon Zone. In the remainder of the State, four such reporting cards will be provided so that each tag may be reported upon. Tag reports must be placed in the mail within 12 hours following tag use, or, if the hunter is unsuccessful, within 12 hours following the close of the period for which the tag is valid. Unused tags must be returned attached to the corresponding report card.

(3) Applications will be made available to the public about the second week of August and must be mailed by August 31, 1968. All applications postmarked after August 31, 1968, will be disqualified, excepting applications from persons in the military service on duty outside the State during the period August 15, 1968, to August 31, 1968. Such persons may apply anytime after September 1, 1968. Such applications must be accompanied by a notarized statement attesting such duty. Applications will be disqualified because of incompleteness, illegibility, tardiness in receipt, or duplication. A duplicate application

will disqualify all applications by an individual.

(4) Application forms will be available from county clerks, State hunting and fishing license depots and from Wisconsin Conservation Department offices in Spooner, Woodruff, Black River Falls, Oshkosh, and Madison.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

JULY 26, 1968.

[F.R. Doc. 68-9116; Filed, July 30, 1968; 8:47 a.m.]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ILLINOIS

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of black, gray and fox squirrels on the Mark Twain National Wildlife Refuge, Illinois, is permitted from sunrise September 1, 1968, to sunset September 30, 1968, only on the areas of the Gardner Division designated by signs as open to hunting. These open areas, comprising 4,200 acres of the total Gardner Division area, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minnesota 55408. Hunting shall be in accordance with all applicable State regulations concerning the hunting of squirrels subject to the following conditions:

(1) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Mark Twain National Wildlife Refuge headquarters, Quincy, Illinois.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective to September 30, 1968.

JAMES F. GILLETT,
Refuge Manager, Mark Twain National Wildlife Refuge, Quincy, Ill.

JULY 23, 1968.

[F.R. Doc. 68-9108; Filed, July 30, 1968; 8:46 a.m.]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Iowa

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

IOWA

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Mark Twain National Wildlife Refuge, Iowa, is permitted only on the areas known as the Big Timber Division and the Turkey Island area designated by signs as open to hunting. These open areas, comprising 1,660 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations concerning the hunting of upland game.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 1, 1969.

JAMES F. GILLETT,
Refuge Manager, Mark Twain National Wildlife Refuge, Quincy, Ill.

JULY 23, 1968.

[F.R. Doc. 68-9107; Filed, July 30, 1968; 8:46 a.m.]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ILLINOIS

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer with bow and arrow on the Mark Twain National Wildlife Refuge, Ill., is permitted from October 12, through October 15, and October 19, through October 22, 1968, only on the area of the Gardner Division designated by signs as open to hunting. These open areas, comprise 4,200 acres of the total Gardner Division area, and are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations concerning the hunting of white-tailed deer with bow and arrow subject to the following conditions:

(1) A Federal permit is required to enter the public hunting area. Eight hundred (800) permits will be issued for each hunting period. Applications for permits may be obtained from the Mark Twain National Wildlife Refuge headquarters, Quincy, Ill.

(2) Successful hunters will be required to check their deer through the check station on the division.

(3) Hunting will be from one-half hour before sunrise to 4 p.m.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuse areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 22, 1968.

JAMES F. GILLETT,
Refuge Manager, Mark Twain National Wildlife Refuge, Quincy, Ill.

JULY 23, 1968.

[F.R. Doc. 68-9106; Filed, July 30, 1968; 8:46 a.m.]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Iowa

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

IOWA

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Mark Twain National Wildlife Refuge, Iowa, is permitted only on the areas known as Big Timber Division and that portion of the Louisa Division known as the Turkey Island area designated by signs as open to hunting. These open areas, comprising 1,660 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minnesota 55408. Hunting shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective until March 1, 1969.

JAMES F. GILLETT,
Refuge Manager, Mark Twain National Wildlife Refuge, Quincy, Ill.

JULY 23, 1968.

[F.R. Doc. 68-9105; Filed, July 30, 1968; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 907]

[Docket No. AO-245-A8]

NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Further Amendment of Marketing Agreement and Order Regulating Handling

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed further amendment of the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, hereinafter referred to collectively as the "order." The order is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the "act."

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 15th day after the publication of the recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing, on the record of which the proposed amendment of the order is formulated, was initiated by the Consumer and Marketing Service as a result of proposals submitted by Pure Gold, Inc., Post Office Box 40, Redlands, Calif., by Sunkist Growers, Inc., Box 2706, Terminal Annex, Los Angeles, Calif., and by the Navel Orange Administrative Committee, the administrative agency established pursuant to the amended marketing agreement and order. A notice that such public hearing would be held in the Town Hall, Valley Plaza Shopping Center, 2701 Ming Avenue at New Freeway 99, Bakersfield, Calif., and continued at the Newton's Motor Inn, 917 East Van Buren, Phoenix, Ariz., was published in the FEDERAL REGISTER on March 1, 1968 (33 F.R. 3641). A correction of such notice was published in the FEDERAL REGISTER on March 12, 1968 (33 F.R. 4417).

Material issues. The material issues presented on the record of the hearing involve amendatory action relating to:

(1) Enlarging the production area and redefining the prorate districts into which the production area is divided;

(2) Permitting loans of general maturity allotment to other persons in any prorate district who also have general maturity allotments;

(3) Revising the overshipment provisions to permit a handler to overship his allotment by 20 percent instead of 10 percent and authorizing the allocation of allotment forfeited by handlers who are unable to use it to other qualified handlers who can use it;

(4) Revising the short life allotment provisions so that the handling of short life oranges will be proportional to the quantity of oranges handled within the prorate district;

(5) Providing authority for the adjustment of the prorate base and allotment of handlers who have moved all their oranges or who have remaining a quantity of oranges smaller than the allotment currently being issued;

(6) Providing for an additional alternate member for each grower member of the committee and setting forth the conditions under which he will serve for the absent member;

(7) Authorizing the establishment and maintenance of a monetary reserve;

(8) Permitting the committee to issue allotments on the basis of requests of handlers during periods when, because of extensive freeze damage, the tree crop no longer provides an equitable basis for such allotment;

(9) Providing for equity of marketing opportunity;

(10) Requiring seven concurring votes at unassembled meetings in order for the committee to recommend an increase in the quantity of oranges that may be handled; and

(11) Making conforming changes.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

(1) The production area should be enlarged and the prorate districts into which the production area is divided should be redefined as hereinafter set forth.

The northern boundary of the production area and of District 1 should be extended northward so as to include additional plantings in the area commonly referred to as the Sacramento River Valley. When the present order was promulgated, the Sacramento River area was not included in the production area. This was for the following reasons: First, the volume of oranges produced in that area was of such relative small size that its regulation would not significantly affect the level of commercial prices prevailing for oranges produced in the production area. Another reason was because a large number of producers in that area were then not affiliated with a packinghouse but marketed their own fruit differently than practically all growers in the production area.

Today, the picture has changed. Extensive plantings of Navel oranges have recently been made and more plantings are projected in the immediate future. Now the nonbearing acreage in this area approximates 1,200 acres. As such acreage comes into bearing, the volume of oranges available for market may thrice exceed present amounts. Also, there are presently three packinghouses in the area. It is reliably estimated that about 95 percent of the fruit that is marketed from this area is marketed through these three packinghouses.

Oranges produced in this area, north of the present production area, are similar in size and characteristics of the oranges produced in District 1 and they are not readily distinguishable from oranges produced in that district. The oranges are marketed at the same time and compete in the market with Navel oranges produced in District 1 and for a portion of the season with oranges produced in District 2. These shipments are at such times and in such amounts as to influence the price received for Navel oranges by growers in the production area.

While most of the plantings in this area are in Glenn, Butte, and Sacramento Counties, there are areas within adjacent counties which possess soil and other climatic factors favorable for the production of oranges. Therefore, the northern boundary should be a line due east and west through the present post office in Red Bluff, Calif., so as to include all present and potential producing areas within California. It would exclude the mountainous and heavily forested northern portion of the State where citrus production now is impractical.

It is concluded that, for the purpose of the order, the production area as hereinafter defined, is the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act.

All of the provisions presently in the order and all changes resulting from this proceeding would be appropriate for application to the added area. No new provisions are needed.

The prorate districts into which the production area is divided should be redefined and the boundary lines between districts should be revised as hereinafter set forth.

The area to be added to the production area is geographically adjacent to

District 1, and fruit produced in this area is similar to and marketed at the same time as fruit produced in District 1. On this basis, such area should be included in District 1.

Including the Sacramento River area in the production area renders obsolete the present northern boundary of District 1. Presently, such boundary coincides with the northern boundary of the production area and is a line drawn due east and west through the post office in Turlock, Calif. Such boundary line should be changed to a line drawn due east and west through the post office in Red Bluff, Calif. This northern boundary line would then coincide with the new production area boundary and would include within District 1 the area added to the production area.

The dividing line between Districts 1 and 2 should be changed from the 35th parallel to a line drawn due east and west through the post office in Gorman, Calif. This line would be the southern boundary for Distict 1 and the northern boundary for District 2. The present dividing line—the 35th parallel—places most of San Luis Obispo County in District 1 and most of Santa Barbara County in District 2. These two counties should be treated as a unit as production and other conditions affecting these counties are similar. The conditions in and the orange production of these two counties more nearly resemble those of District 2 than District 1. Thus, these two counties should be in District 2. The revised boundary line would exclude these counties from District 1 and include them in District 2.

The area within District 1 and District 2 east of a line drawn due north and south through the post office in White Water, Calif., should be included in District 3. All of this area, most of which is in San Bernardino County, Calif., is desert in nature, and any Navel oranges produced in this area would be of a desert character. Such fruit would resemble the Navel oranges produced in District 3 rather than those produced in District 1 or District 2.

The production area should be divided into three prorate districts, and the area presently comprising District 4 included within District 1.

In the order made effective in 1953, the Edison area was included as a separate district, designated as District 4. At that time there were approximately 600 acres planted to Navel oranges in Kern County south of the Kern River. These plantings were confined almost exclusively to the area presently known as the Old Edison District. The oranges produced in such area were unique in that they were characterized by high sugar-acid ratio, early maturity, and short life in relation to the fruit produced in District 1. These plantings were isolated. The nearest other plantings were approximately 50 miles away. With no plantings in the area adjacent to the Old Edison District, the boundary line was loosely drawn to include that portion of Kern County, Calif., south of the Kern River.

Today conditions in District 4 are drastically different from those of 1953, though remaining generally the same within that portion of District 4 known as the Old Edison District. Presently, the Old Edison District is generally surrounded by plantings to the east and south. Present acreage in District 4 totals approximately 2,000 acres. This is about three times the acres when the order was issued. There are plantings in District 4 which are in close proximity to groves located in District 1, and there is very little if any difference between such oranges. They are harvested and marketed at approximately the same time and are often marketed through the same packinghouse. Thus, the plantings within District 4 can no longer be readily set apart from plantings in District 1. It was established that all the oranges presently produced in District 4 do not have the same characteristics as the oranges produced in the Old Edison District. The shipping record of District 4 indicates a lack of the early maturity, short-life characteristics of much of the fruit as evidenced by the movement of a large percentage of the crop to market later in the season.

The character of the fruit produced in the Old Edison District was not controverted at the hearing. Testimony generally affirmed that the characteristics which existed when the order was issued prevail today. However, the inclusion of such area within District 1 would not adversely affect the movement of fruit possessing early maturity or short-life characteristics. All early maturity fruit would continue to earn early maturity allotment. All short life oranges would continue to earn short life allotment. Moreover, the opportunity to move fruit under these provisions would be greater in a large volume district than it would be in a small volume district. Provisions to be included in the order concerning loaning of allotment and forfeiture of allotment, the opportunity for borrowing allotment and sharing in the forfeiture credit against overshipments would be increased because loans and credits must first go to the handlers within the district. Therefore, it is appropriate to divide the production area into three prorate districts and to prescribe the boundaries as hereinafter set forth.

(2) and (3) The order should be amended as hereinafter set forth to increase the percentage by which a handler may overship his weekly allotment, to authorize interdistrict lending of allotment, and to provide that forfeited allotment may be applied to offset permissible overshipments.

Greater flexibility is needed in the order to cope with changes which have occurred in the industry since the order has been in effect. When the order was made effective shipments of oranges from each of the four prorate districts for the most part were made during a more distinct part of the season. That is, during the principal part of the season for District 1, for example, there was little movement from any of the other districts. However, changes in location of groves within districts, increased plantings, and increased production have tended to obscure the relationship formerly prevailing so that there now is considerably increased overlapping of shipments among districts. For a major part of the season Districts 1 and 2 are moving oranges at the same time. At times all districts may be shipping oranges at the same time. Because of this the proration of allotment among handlers and districts has been rendered more difficult. More handlers and a larger geographic area are involved at a given time and this tends to compound the problem of assuring that handlers in a position to ship have access to the available allotment. Inclement weather in one prorate district may limit shipments by handlers in that district, while excellent weather prevails in others. Handlers in the district which has foul weather are unable to use their allotment because the weather prevents picking of oranges. Handlers in good weather districts may not borrow this allotment because the order authorizes loans only within districts. Handlers who are in position to ship may overship their allotment, but only by 10 percent of their allotment, and such overshipment must be repaid out of allotment of the following week.

It is the intent of the order that a volume of fruit equal to the combined weekly allotment of all handlers be shipped during that week. If some handlers are precluded by circumstances from shipping their proportionate share of the volume during a week the order should provide a basis on which other handlers who can ship may be allowed to increase their volume of shipments correspondingly. Providing for more liberal overshipments would help to do this, as would authority for handlers to loan allotment across district lines. Likewise, provision for crediting forfeited allotment to overshipments would tend to achieve a similar result. Forfeited allotment is allotment which the handler to whom it was issued is unable to use or for some other reason is not used and which was not loaned to other handlers. Authorizing interdistrict loans would broaden the area in which loans could be made and would increase the opportunity for making such loans. Also, crediting forfeited allotment to handlers as an offset against permissible overshipment would encourage loaning of allotment. However, the order should provide that all allotments forfeited should not be credited as an offset against overshipment. The only forfeited allotment which should be credited against overshipments is that allotment which was not used and was not offered for loan through the committee by the handler to whom it was issued. Such restriction would encourage handlers to loan allotment. It would also discourage handlers from overshipping in anticipation of receiving credit for overshipment from forfeited allotment.

Current provisions of the order allow a handler to overship his allotment by a maximum of 10 percent or one carload, whichever is greater. Such maximum overshipment percentage should be increased to 20 percent to provide handlers greater flexibility. However, provision should be made so if the 20 percent proves to be too liberal an adjustment

can be effected to set the percentage within a range of 10 to 20 percent. The objective should be to provide handlers with the greatest flexibility possible consistent with the maintenance of orderly marketing. It is not anticipated that the overshipment percentage would need to be adjusted oftener than once each season. Preferably, such adjustment would be made at the beginning of the season and remain constant throughout the season. However, should it appear during the season that an adjustment is desirable, either to increase or to decrease the percentage, in the interest of orderly marketing the committee should be authorized to recommend and the Secretary to effect an adjustment accordingly.

Interdistrict loans should be effected through and under control of the committee. The order now provides that intradistrict loans may be made directly between handlers, or by the committee on behalf of handlers, and testimony was offered that such procedure should be made applicable to interdistrict loans. However, in the interest of preserving the equities of handlers and growers within a prorate district, loans, to the extent practicable, should continue to be transacted within a district. Allotment from one district should be made available in other districts only after it is reasonably certain that no other handler within the same district wishes to borrow the allotment. To assure that every effort will be made to place the allotment within the district, allotment available for loan for which a handler has been unable to find a borrower within the district should be turned over to the committee for placement. If the committee has requests to borrow allotment from handlers within the district, it should fill such requests. Any allotment which the committee is unable to place within the district should then be loaned to handlers in other districts who have lodged requests for loans with the committee. If such requests exceed the allotment available the committee should loan the allotment on a proportional basis so that each borrowing handler would receive allotment in proportion to the relationship the amount he requested bears to the total requested.

To provide an orderly basis for handling interdistrict loans the committee could establish a procedure covering the time and manner that lenders and borrowers shall follow in loaning and borrowing allotment. Such procedure should require handlers who wish to loan allotment to notify the committee of the amount of allotment and the repayment terms. Prospective borrowers would file requests for loans with the committee, including amount desired and preferred repayment terms.

(4) Section 907.61 *Short life allotments* should be revised as hereinafter set forth to provide that allotment granted to a handler to handle short life oranges only to the extent needed to permit the handling of a quantity of such oranges not exceeding the average proportion handled by all handlers. In the operation of the program it has been found that handlers of short life oranges may handle a disproportional amount of such oranges. This inequity stems from the failure to count shipment of short life fruit made prior to the issuance of volume regulations or during periods of open movement. Such results were not intended. This situation can be corrected by counting all oranges shipped to regulated channels by the short life handlers, including the volume shipped in periods of open movement as well as when volume regulation is in effect in computing the average to be compared with the average to be handled by to all handlers. This change would tend to assure more equitability than that which may prevail under current provisions in the order.

(5) During past marketing seasons, some handlers move oranges at a faster rate than anticipated or move a greater quantity of their oranges to products or export than was expected when the estimated shipping schedule was adopted. Since allotment is issued on basis of tree crop, such handlers may be issued allotment when they have no fruit to ship or the allotment issued to them is in excess of the quantity of fruit they have available for shipment. This situation most frequently occurs late in the season in any district when approximately two-thirds or more of the tree crop in that district has been moved. Under current provisions of the order, all such handlers are retained on the prorate base and issued weekly allotment in proportion to their share of the tree crop whenever regulations are in effect. Since the handler who has no oranges for shipment has no use for such allotment it is usually forfeited. This situation results in the committee having to estimate each weekly period the quantity of allotment which likely will not be used. To insure that the desired quantity of oranges may move to market during any specified weekly period, the committee must inflate its recommended quantity to compensate for the quantity that will probably not be shipped.

The order provisions should be amended to provide that each handler will be issued only sufficient allotment to move his proportionate share of the tree crop. His allotment should be reduced when it is not needed by him to make shipments. No allotment should be issued to a handler during any part of the season when he no longer has fruit for shipment, except during period when such handler has agreed to make loan repayments. At such times such handler should be issued allotment consistent with the proportion of the tree crop he controls for the purpose of making such loan repayments. A practical solution to this problem would be to issue to each handler only the allotment he needs to ship his proportionate share of the tree crop. When it is established by the committee that a handler no longer has any oranges to ship, he should thereafter not be issued allotment, except to the extent needed to meet loan commitments. This would enable the committee to recommend a quantity of oranges, based on the tree crops of handlers who have fruit to ship, and would avoid the necessity for inflating the quantity recommended to compensate for allotment issued to handlers who are not in a position to use it. It is therefore concluded that the order should be amended, as hereinafter set forth, consistent with the foregoing.

(6) The order should be amended to provide that each grower member of the committee shall have an additional alternate. Presently, the order provides for an alternate for each member.

Membership of the committee is divided into handler members and grower members. The handler members and alternates, in most instances, are affiliated with marketing organizations which handle oranges produced in each prorate district or at least in more than one district. The handler member or alternate will have knowledge about marketing conditions generally applicable to all prorate districts. Hence, it is unnecessary to provide more than one alternate for each handler member. However, grower members may not be as familiar with conditions in some part of the production area as they are with conditions in the district in which their groves are located. Also, there have been times when neither the grower member nor his alternate were able to attend a committee meeting. It is desirable to have grower representation on the committee from each prorate district from which shipments of oranges are being made or from the district having the greatest volume of shipments during those periods when shipments are being made from more than one district. The provision of an additional alternate member for each grower member would provide increased assurance of a full committee and that appropriate grower representation will be present at all committee meetings. The order currently authorizes the member to designate the alternate to serve in his stead. Hence, the member can designate an alternate member to serve at meetings when matters with which such alternate is more familiar than the member are to be discussed and acted upon. Such an arrangement and operational procedure would provide the committee with the appropriate information upon which to base its recommended action.

It would be appropriate and in accordance with industry preference for the additional alternate members to be nominated in the same manner as the members and alternates presently are nominated. Nomination and selection of the initial additional alternate members should be done promptly after the amendment becomes effective so they may begin serving as soon as possible.

Consistent with the authority provided in § 907.29(n) of the order, reapportionment of the grower member and alternate member positions allocated to the groups described in § 907.22 (c) and (d) was effected as set forth in present § 907.103 of which official notice is taken. The order should be conformed, as hereinafter set forth, (1) to reflect in §§ 907.22 and 907.23 the up-to-date apportionment of position as set forth in said § 907.103, and (2) to the amendment providing for additional alternate grower

representation proportioned on the same basis.

(7) The authority to establish and maintain a financial reserve under the order would contribute to efficient financial management of the order operations in that it would (1) lessen the need to borrow money, (2) permit the timely refunding of any monies due handlers, and (3) provide a source of funds during periods of low volume production, such as freeze years, when the assessment rate would normally be high because of the temporarily low volume of oranges.

The amount in the reserve should not exceed approximately one-half year's operation expenses. This amount would be adequate to meet the needs of the committee. Presently the greatest need for a reserve fund is to pay operational expenses before assessment income is available in the early part of each season and to pay expenses during seasons when production is reduced rather than raise the assessment rate.

The reserve is equitable to all concerned. Those who pay the assessment, namely the handlers, are in a lifetime occupational pursuit and there is not frequent changes in the identity of the persons involved. Under the reserve procedure, those who might pay slightly more than their proportionate share of the operating cost of the program in any given year are the same people who will benefit from the operation of the reserve. The reserve should be built up over a period of time, probably during a period of three, four, or more years.

Reserve funds should be available to cover any expenses authorized by the order including any cost of liquidation. Upon termination of the order, reserve funds would be available to defray any costs of liquidation. Any funds remaining after paying liquidation costs should, to the extent practicable, be returned to the handlers. It is possible that the order may be terminated many years after the establishment of the reserve fund. The funds remaining after liquidation may be so small that precise proration would not be feasible or advisable. Also, the time involved since their receipt may be so great that it might be impractical to return the money to the contributors. Under such circumstances, the Secretary should dispose of the funds in appropriate manner. He would probably look to the committee for its recommendation before taking any such action.

The view was expressed that following low production, such as during a freeze year, the industry would be hard pressed for money and no money should accrue to a reserve until the industry had recovered from the low production year. In this connection, the decision as to when and under what conditions assessment monies should be placed in reserve should be at the discretion of the committee and the Secretary. The committee should carefully consider prevailing and prospective conditions before forwarding a recommendation. To specify that no monies could be placed in the reserve could unduly restrict the operation of the reserve and tend to defeat the objectives of the reserve. It is concluded that authority should be provided, as hereinafter set forth, to permit the establishment and use of a reserve in the manner heretofore described.

(8) The provisions of the order should be amended to provide for volume regulations following a freeze. The order presently does not specifically so provide. When the order was made effective the act did not authorize regulations in above parity situations. It was expected that prices would likely be such following major freeze damage there would be no occasion for concern about the absence of authority for such regulations. The act has since been amended to authorize continued regulation in the interest of maintaining orderly marketing conditions and an orderly flow of the supply to market throughout the normal marketing season irrespective of the price level. The order has been amended to authorize such regulation. The order should be amended specifically to provide for regulation for such purpose following major freeze conditions.

Prorate issued to handlers under normal conditions is proportional to the quantity of oranges the applicant has under his control in relation to the total tree crop. The freeze damage provisions should provide a basis for allocation after it has been determined that the tree crop would no longer be an equitable basis for allotment. Such provisions should assure that the committee would consider both the severity of the freeze and the variation in the degree of damage. Under this procedure, allotments could be issued on the basis of requests made by handlers. Handlers generally have knowledge of the conditions within the freeze area, the supply of oranges remaining and the condition of such oranges. Each handler would thus be able to estimate the quantity of oranges he has available to ship the next week. When handlers requests equal or are less than the quantity recommended by the committee as the amount of fruit which should move from that district during the weekly period, each request should be granted in the amount requested. There may be situations when one or more handlers or all handlers request a disproportional high amount. If the requests are in excess of the amount recommended by the committee because of large volume requested by one or more handlers, the requests of such handlers should be reduced proportionally to the remaining tree crop so that the quantity authorized equals the desired volume for that district. If all handlers have filed inflated requests, each request should be reduced proportionally so that all requests equal the desired volume for that district. This procedure is similar to that used by the committee in administering the early maturity provisions of the order.

The allotment issued under this provision should be available for use only during the week for which it was issued. Undershipments for 1 week should not carryover to a succeeding week. The provisions of this freeze damage allotments should be invoked only during emergency situations. Before being placed in operation, one or more districts should have suffered severe freeze which affected the acreage of the growers in varying degrees. As allocation is issued on the basis of handler requests, there is no need for carrying forward an undershipment.

It is desirable for the specified quantity of oranges to be marketed within the prorate period. During freeze years, as otherwise, handlers may encounter many problems which will prevent the marketing of the full allotment issued. Adverse weather may prevent harvesting. Labor may prevent packing. On this basis, the order should authorize transfer of freeze damage allotment. Such transfers should be restricted to handlers who have been issued freeze damage allotments.

The freeze damage provisions should allow the committee latitude with respect to specification of the details of the method to be adopted in administering regulations thereunder. All the problems involved in administering these provisions are not presently known nor can they be accurately anticipated. It is not, therefore, practical to include them in the order. Rather the committee should develop rules and regulations, which after approval by the Secretary, will be the basis for administering the freeze damage allotment provisions.

(9) Section 907.51 should be amended as hereinafter set forth, to emphasize the necessity for and desirability of providing equity of marketing opportunity and to provide a standard by which the committee can formulate appropriate detailed procedures and practices to establish and maintain such equity.

The order should provide a procedure for allocating marketing opportunity among the districts on a basis other than judgment of the committee members, or the order should authorize the committee to adopt rules and regulations, approved by the Secretary, to effectuate the allocation of marketing opportunity among districts. In this instance, this procedure should be adopted by means of rules and regulations since procedure necessary to deal effectively with this matter has not been developed. The Valencia Orange Administrative Committee during the 1966–67 season used a procedure for allocation between districts that may form the basis for a procedure for use by the committee in providing equity of marketing opportunity. Under this procedure, the committee determined the tree crop for all districts and prepared an estimated utilization schedule based thereon. Included in the report to handlers was an estimated total weekly pattern of regulated shipments for all districts combined. At each district marketing policy meeting which followed, the handlers recommended and the committee developed a utilization schedule for such district. Following the district marketing policy meeting, the committee established the district's share on a weekly basis. Adjustments were made as necessary to protect district equities because of changes in crop conditions and for other reasons.

Let us assume for illustrative purposes only that the tree crop estimates for the three districts will be:

	Cars
District 1	15,500
District 2	5,500
District 3	1,550
Total	22,550

Let us assume further that the schedule requested by the districts and accepted by the committee will show 85 percent of the crop of each district moving in regulated channels and the balance moving to export and products. Equity of marketing opportunity would be provided by permitting each district to ship a like percentage (85 percent) in regulated channels. The weekly schedule would provide shipments over the period of expected movement from each district until each district's portion of the regulated shipments had been made.

The aforesaid procedure should not be incorporated into the order or adopted as rules and regulations at this time because doubtless the committee can and will develop improvements and refinements. When the refinements and improvements as may be necessary have been incorporated in the procedure, the committee should submit such rules and regulations to the Secretary for his approval. Upon such approval the rules and regulations will then be the basis for allocating marketing opportunity among the districts.

(10) The notice of hearing contained a proposal which would require concurrence of seven committee members to recommend, at unassembled meetings, an increase in the weekly allotment. The order currently requires concurrence of six members of the committee for any action, including initial recommendations for weekly volume regulations developed at assembled meetings and recommendations for increases in the volume at unassembled meetings.

Information bearing on the committee's recommendations for weekly volume regulation is carefully and fully considered at the committee's weekly assembled meeting. The recommendation and all available information pertaining to it is reviewed by the Secretary. If he concurs in the recommendation he issues a regulation consistent therewith.

Once set in a regulation, the volume of oranges permitted to be shipped during a week may not be decreased. Any decrease is not practical as some handlers may have shipped their allotment before a decreased quantity could be set. An increase is practical since handlers who have shipped the smaller volume previously set can make additional shipments to take advantage of an increase. The market is sensitive to volume, and a small quantity of oranges in excess of market demand may upset the market and lower prices. When this occurs, recovery often is slow. In recognition of the foregoing, the committee tends in its initial recommendation to recommend weekly volume conservatively. Subsequently, if market developments appear to warrant an increase the committee holds an unassembled meeting to consider a recommendation for an increase.

Evidence for the increased vote requirement suggested that the added vote would tend to result in more precision in the committee's initial recommendation, since it would render recommendations for increased volume more difficult. It was alleged that increases are undesirable and some organizations may be in a position to manipulate the increase to their advantage. It is desirable, of course, for the committee to recommend initially an appropriate quantity of weekly shipments and to avoid, whenever possible, the added work and expense involved in amending regulations to increase the quantity. However, the record does not show any instances in which the committee's recommendations were not as appropriate as could be developed under prevailing circumstances, nor does it show that increases are more advantageous to some organizations than to others.

Under the six vote requirement no organization has control of the committee. A high degree of committee flexibility is necessary for expeditious administration of the order. The current requirement of six concurring votes has resulted in appropriate recommendations. All such recommendations are subject to approval of the Secretary. It is, therefore, concluded that the order should not be amended to require seven concurring votes as proposed.

(11) A proposal in the notice of hearing was that consideration should be given to making such conforming changes in the order as may be necessary to make the entire order conform to any amendments that may result from this proceeding. This proposal was supported at the hearing, and without opposition, and such conforming changes as are necessary are incorporated herein.

Rulings on proposed findings and conclusions. May 1, 1968, was fixed as the latest date for interested parties to file proposed findings and conclusions, and written arguments or briefs, with respect to the facts presented in evidence at the hearing. This period was extended on April 30, 1968, to and including May 6, 1968.

Briefs were filed by Warren C. Wetteroth of Borton, Petrini, Conron & Brown, Bakersfield, Calif., attorney for Kern County Land Co.; by Andrews Bros. of California, Inc., Santa Ana, Calif., by Victor C. Andrews its president; by H. L. Southwich, Edison, Calif.; by Alfred Tisch, president, by Alex A. Vereschagin, Jr., chairman, James Mills III, member, Vernon Chamberlen, member, and Fred M. Shanks, member, growers committee, on behalf of Sacramento Valley Citrus Exchange, Hamilton City, Calif.; by John G. Giumarra, Jr., on behalf of Giumarra Vineyards Corp., Bakersfield, Calif.; and by D. M. Anderson, general manager, and Kari D. Loos, counsel, on behalf of Sunkist Growers, Inc., Los Angeles, Calif.

Each point included in the briefs was fully and carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that any suggested findings or conclusions contained in any of the briefs are inconsistent with the findings and conclusions contained herein, they are denied on the basis of the facts found and stated in connection with the decision.

General Findings. (1) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, regulate the handling of Navel oranges grown in the designated production area in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, are limited in their application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of Navel oranges; and

(5) All handling of Navel oranges grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended amendment of the marketing agreement and order. The following amendment of the marketing agreement, as amended, and order, as amended, is recommended as the detailed means by which the foregoing conclusions may be carried out:

1. Amend the provisions of § 907.4 *Production area* to read as follows:

§ 907.4 Production area.

"Production area" means the State of Arizona and that part of the State of California south of a line drawn due east and west through the post office in Red Bluff, Calif.

2. Revise the provisions of § 907.20 *Establishment and membership* so that the first sentence reads as follows:

§ 907.20 Establishment and membership.

There is hereby established a Navel Orange Administrative Committee consisting of 11 members, for each of whom there shall be one alternate, and for each grower member an additional alternate. * * *

§ 907.22 [Amended]

3. Amend the provisions of § 907.22 *Nominations* in the following respects:

a. Amend paragraph (a) to read as follows:

(a) The time and manner of nominating members, alternate members, and additional alternate members of the committee shall be prescribed by the Secretary.

b. Amend paragraph (b) by inserting the phrase "three additional alternate grower members" immediately after the phrase "three alternate grower members."

c. Amend paragraph (c) to read as follows:

(c) All cooperative marketing organizations which market oranges and which are not qualified under paragraph (b) of this section, or the growers affiliated therewith, shall nominate one grower member, one alternate grower member, and one additional alternate grower member.

d. Amend paragraph (d) to read as follows:

(d) All growers who are not affiliated with a cooperative marketing organization which market oranges shall nominate two grower members, two alternate grower members, and two additional alternate grower members.

4. Revise the provisions of § 907.23 *Selection* to read as follows:

§ 907.23 Selection.

From the nominations made pursuant to § 907.22(b) or from other qualified growers and handlers, the Secretary shall select three grower members of the committee, an alternate and an additional alternate to each of such grower members; also two handler members of the committee and an alternate to each of such handler members. From the nominations made pursuant to § 907.22(c) or from other qualified growers and handlers the Secretary shall select one grower member of the committee, an alternate and an additional alternate to such grower member; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to § 907.22 (d) or from other qualified growers and handlers the Secretary shall select two grower members of the committee, an alternate and an additional alternate to each of such grower members; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to § 907.22(f) or from other qualified persons the Secretary shall select one member of the committee and an alternate to such member.

§ 907.27 [Amended]

5. Revise the provisions of § 907.27 *Alternate member* so that the proviso in the first sentence reads as follows: *Provided*, That a member may designate any alternate member to serve in the place and stead of such member, if the alternate member so designated was selected from the same group which was authorized to nominate the member; unless another alternate member is so designated by a grower member, his alternate shall act for the member and, in the absence of such alternate, the alternate shall so act, and in his absence the additional alternate shall so act.

6. Revise the provisions of paragraph (a) § 907.42 *Accounting* to read as follows:

§ 907.42 Accounting.

(a) If, at the end of a fiscal year, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve or used to defray necessary expenses of liquidation, as provided in subparagraph (2) of this section, it shall be refunded proportionately to the persons from whom it was collected: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations due the committee from such person.

(2) The committee, which the approval of the Secretary, may establish and maintain during one or more fiscal years an operational monetary reserve in an amount not to exceed approximately one half of a fiscal year's operational expenses. Upon approval of the Secretary, funds in such reserve shall be available for use by the committee (1) for all expenses authorized pursuant to § 907.40 and (2) to cover necessary expenses of liquidation in the event of termination of this part. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

* * * * *

§ 907.51 [Amended]

7. Revise the provisions of § 907.51 *Recommendation for volume regulations* in the following respects:

a. Revise the first sentence of paragraph (b) to the colon to read as follows:

(b) In making its recommendation, the committee shall provide equity of marketing opportunity to handlers in all districts and shall give due consideration to the following factors:

b. Add a new paragraph (d) reading as follows:

(d) The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this § 907.51.

8. Revise the provisions of § 907.53 *Prorate bases* by redesignating paragraphs (f) and (g) as paragraphs (g) and (h), respectively, and adding a new paragraph (f) reading as follows:

§ 907.53 Prorate bases.

* * * * *

(f) When any person having a prorate base has moved all his oranges or has remaining a quantity smaller than his allotment, he shall be removed from the prorate base or his prorate base shall be reduced so that his allotment based thereon shall not exceed the quantity of oranges remaining under his control; except that he shall receive his allotments on his full prorate base to the extent necessary to pay back loans for which he is obligated in any week that repayment of loans may be due.

* * * * *

§ 907.55 [Amended]

9. Amend § 907.55 *Overshipments* in the following respects:

a. Replace the phrase "equivalent to 10 percent" in § 907.55 by the phrase "equivalent to 20 percent."

b. Add a proviso at the end of the first sentence of § 907.55 reading as follows: *Provided, however*, That the committee may, with the approval of the Secretary, reduce such 20 percent to a percentage not less than 10 percent: *And provided further*, That if, subsequent to the determination of general maturity, allotment (other than short life allotment) is forfeited in any prorate district during any prorate period, such forfeiture shall be used to reduce the amount of maximum permissible overshipments made during such prorate period, unless the forfeiting handler shall have made a bone fide and timely offer to the committee to lend his undershipment. Such forfeitures shall be first applied to handlers within such district in which the forfeiture occurred and second to qualified handlers in other districts. Allocation of forfeitures to handlers who have overshipped shall be made in proportion to, but not in excess of, the quantity overshipped by each such handler. In the case of short life allotments, any forfeiture thereof shall be credited as above provided only against overshipment of allotments issued pursuant to § 907.54. However, no handler who has overshipped more than the maximum permissible under this section shall participate in the credits allowed by this provision.

§ 907.57 [Amended]

10. Revise the provisions of § 907.57 *Allotment loans* by the following respects:

a. Revise the first sentence in paragraphs (a) and (b) to read as follows:

(a) A person to whom allotments have been issued under general maturity may lend such allotments to other persons within any prorate district to whom allotments have also been issued: *Provided*, That allotments issued under the short life provision of this subpart may be loaned only to other persons in the same district to whom such allotments have been issued. * * *

(b) A person desiring to loan all or part of his allotment shall attempt to do so first within his own district and if he so chooses, may request the committee to act in his behalf. A person desiring to loan to persons outside his own district shall request the committee to arrange the loan on his behalf with the committee first offering the loan to persons within the district who file requests for such loans; and failing to do so may then arrange to offer the loan outside of the district in an equitable manner. * * *

b. Add a new paragraph (f) reading as follows:

(f) The committee may, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this § 907.57.

§ 907.61 [Amended]

11. Revise the provisions of § 907.61 *Short life allotments* so that the fourth and fifth sentences thereof read as follows: Such determination and allotment issued pursuant thereto shall permit the handling in total during periods of open movement and under volume regulations of a quantity of short life oranges equal proportionately to the average to be handled by all handlers of oranges within the prorate district. After a handler of short life oranges has received allotment sufficient to permit such total handling, allotment thereafter due such handler of short life oranges shall be allocated to handlers from whom allotment has been withheld.

12. Add a new § 907.61a *Freeze damage allotments* immediately after § 907.61, reading as follows:

§ 907.61a Freeze damage allotments.

Notwithstanding the provisions of § 907.54 whenever one or more districts experience severe freeze damage, affecting a substantial portion of the crop within the district, but varying in degree, the committee may issue allotments to each handler in such district based upon requests submitted by handlers, the total allotment to be allocated among the requesting handlers in an equitable manner. Such allotments may be used only during the week for which issued, and the undershipment of such allotments shall not entitle such handler to handle an additional quantity of oranges due to such undershipment. Transfers of allotment if within the district are subject only to the parties notifying the committee. Transfer of allotment between handlers not within the same district shall be by the committee and only between handlers each of whom have been issued allotment pursuant to this section. The committee shall, with approval of the Secretary, adopt rules and regulations to effectuate the provisions of this section.

13. Revise the provisions of § 907.66 *Prorate districts* to read as follows:

§ 907.66 Prorate districts.

For purpose of administration of this part, and in recognition of the fact that there are general differences in maturity and keeping quality of oranges between certain geographical sections of the production area, the production area shall be divided into three prorate districts as follows:

(a) District 1 shall include that part of the State of California which is south of a line drawn due east and west through the present post office in Red Bluff, Calif., and north of a line drawn due east and west through the present post office in Gorman, Calif., and west of the extension of a line drawn due north and south through the present post office in White Water, Calif., but excluding San Luis Obispo and Santa Barbara Counties.

(b) District 2 shall include that part of the State of California west of a line drawn due north and south through the present post office in White Water, Calif., and south of a line drawn due east and west through the present post office in Gorman, Calif., but including San Luis Obispo and Santa Barbara Counties.

(c) District 3 shall include the State of Arizona and that part of the State of California east of a line drawn due north and south through the present post office in White Water, Calif.

Dated: July 26, 1968.

G. R. GRANGE,
Acting Deputy Administrator, Regulatory Programs.

[F.R. Doc. 68-9152; Filed, July 30, 1968; 8:50 a.m.]

[7 CFR Part 908]

[Docket No. AO-250-A4]

VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Further Amendment of Marketing Agreement and Order Regulating Handling

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed further amendment of the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, hereinafter referred to collectively as the "order." The order is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674), hereinafter referred to as the "act."

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 15th day after publication of the recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing, on the record of which the proposed amendment of the order is formulated, was initiated by the Consumer and Marketing Service as a result of proposals submitted by Pure Gold, Inc., Post Office Box 40, Redlands, Calif., and by Sunkist Growers, Inc., Box 2706, Terminal Annex, Los Angeles, Calif. A notice that such public hearing would be held in the Town Hall, Valley Plaza Shopping Center, 2701 Ming Avenue at New Freeway 99, Bakersfield, Calif., and continued at the Chilton Inn, Highway 80 at Catalina Drive, Yuma, Ariz., was published in the FEDERAL REGISTER on November 3, 1967 (32 F.R. 15394).

The Valencia Orange Administrative Committee, the administrative agency established pursuant to the amended marketing agreement and order, at its meeting on February 6, 1968, unanimously voted to request the Department to reopen the hearing to consider three additional proposals. The aforementioned Sunkist Growers, Inc., and Pure Gold, Inc., supported this request. A notice that such public hearing would be held in the Town Hall, Valley Plaza Shopping Center, 2701 Ming Avenue at New Freeway 99, Bakersfield, Calif., and continued at the Newton's Motor Inn, 917 East Van Buren, Phoenix, Ariz., was published in the FEDERAL REGISTER on March 1, 1968 (33 F.R. 3641).

Material issues. The material issues presented on the record of the hearing involved amendatory action relating to:

(1) Permitting loans of general maturity allotment to other persons in any prorate district who also have general maturity allotments;

(2) Revising the overshipment provisions to permit a handler to overship his allotment by 20 percent instead of 10 percent and authorizing the allocation of allotment forfeited by handlers who are unable to use it to other qualified handlers who can use it;

(3) Revising the short life allotment provisions so that the handling of short life oranges will be proportional to the quantity of oranges handled within the prorate district;

(4) Providing authority for the adjustment of the prorate base and allotment of handlers who have moved all their oranges or who have remaining a quantity of oranges smaller than the allotment currently being issued;

(5) Providing for an additional alternate member for each grower member of the committee, and setting forth the conditions under which he will serve for the absent member;

(6) Authorizing the establishment and maintenance of a monetary reserve;

(7) Permitting the committee to issue allotments on the basis of requests of handlers during periods when, because of extensive freeze damage, the tree crop no longer provides an equitable basis for such allotment;

(8) Revising the prorate districts into which the production area is divided;

(9) Providing for equity of marketing opportunity;

(10) Enlarging the production area;

(11) Adding additional varieties of oranges under the provisions of the order;

(12) Revising the provisions of the order dealing with oranges available for current shipment;

(13) Revising the provisions of the order dealing with the determination by the committee of general maturity;

(14) Requiring seven concurring votes at unassembled meetings in order for the committee to recommend an increase in

the quantity of oranges that may be handled; and

(15) Making conforming changes.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

(1) and (2) The order should be amended as hereinafter set forth to increase the percentage by which a handler may overship his weekly allotment, to authorize interdistrict lending of allotment, and to provide that forfeited allotment may be applied to offset permissible overshipments.

Greater flexibility is needed in the order to cope with changes which have occurred in the industry since the order has been in effect. When the order was made effective shipments of oranges from each of the three prorate districts for the most part were made during a more distinct part of the season. That is, during the principal part of the season for District 1, for example, there was little movements from either of the other districts. However, changes in location of groves within districts, increased plantings, and increased production have tended to obscure the relationship formerly prevailing so that there now is considerably increased overlapping of shipments among districts. For a major part of the season Districts 1 and 2 are moving oranges at the same time. At times all districts may be shipping oranges at the same time. Because of this the proration of allotment among handlers and districts has been rendered more difficult. More handlers and a larger geographic area are involved at a given time and this tends to compound the problem of assuring that handlers in a position to ship have access to the available allotment. Inclement weather in one prorate district may limit shipments by handlers in that district, while excellent weather prevails in others. Handlers in the district which has foul weather are unable to use their allotment because the weather prevents picking of oranges. Handlers in good weather districts may not borrow this allotment because the order authorizes loans only within districts. Handlers who are in position to ship may overship their allotment, but only by 10 percent of their allotment, and such overshipment must be repaid out of allotment of the following week.

It is the intent of the order that a volume of fruit equal to the combined weekly allotment of all handlers be shipped during that week. If some handlers are precluded by circumstances from shipping their proportionate share of the volume during a week the order should provide a basis on which other handlers who can ship may be allowed to increase their volume of shipments correspondingly. Providing for more liberal overshipments would help to do this, as would authority for handlers to loan allotment across district lines. Likewise, provision for crediting forfeited allotment to overshipments would tend to achieve a similar result. Forfeited allotment is allotment which the handler to whom it was issued is unable to use or for some other reason is not used and which was not loaned to other handlers. Authorizing interdistrict loans would broaden the area in which loans could be made and would increase the opportunity for making such loans. Also, crediting forfeited allotment to handlers as an offset against permissible overshipment would encourage loaning of allotment. However, the order should provide that all allotment forfeited should not be credited as an offset against overshipment. The only forfeited allotment which should be credited against overshipments is that allotment which was not used and was not offered for loan through the committee by the handler to whom it was issued. Such restrictions would encourage handlers to loan allotment. It would also discourage handlers from overshipping in anticipation of receiving credit for overshipment from forfeited allotment.

Current provisions of the order allow a handler to overship his allotment by a maximum of 10 percent or one carload, whichever is greater. Such maximum overshipment percentage should be increased to 20 percent to provide handlers greater flexibility. However, provision should be made so if the 20 percent proves to be too liberal and adjustment can be effected to set the percentage within a range of 10–20 percent. The objective should be to provide handlers with the greatest flexibility possible consistent with the maintenance of orderly marketing. It is not anticipated that the overshipment percentage would need to be adjusted oftener than once each season. Preferably, such adjustment would be made at the beginning of the season and remain constant throughout the season. However, should it appear during the season that an adjustment is desirable, either to increase or to decrease the percentage, in the interest of orderly marketing the committee should be authorized to recommend and the Secretary to effect an adjustment accordingly.

Interdistrict loans should be effected through and under control of the committee. The order now provides that intradistrict loans may be made directly between handlers, or by the committee on behalf of handlers, and testimony was offered that such procedure should be made applicable to interdistrict loans. However, in the interest of preserving the equities of handlers and growers within a prorate district, loans, to the extent practicable, should continue to be transacted within a district. Allotment from one district should be made available in other districts only after it is reasonably certain that no other handler within the same district wishes to borrow the allotment. To assure that every effort will be made to place the allotment within the district, allotment available for loan for which a handler has been unable to find a borrower within the district should be turned over to the committee for placement. If the committee has requests to borrow allotment from handlers within the district, it should fill such requests. Any allotment which the committee is unable to place within the district should then be loaned to handlers in other districts who have lodged requests for loans with the committee. If such requests exceed the allotment available the committee should loan the allotment on a proportional basis so that each borrowing handler would receive allotment in proportion to the relationship the amount he requested bears to the total requested.

To provide an orderly basis for handling interdistrict loans the committee could establish a procedure covering the time and manner that lenders and borrowers shall follow in loaning and borrowing allotment. Such procedure should require that handlers who wish to loan allotment to notify the committee of the amount of allotment and the repayment terms. Prospective borrowers would file requests for loans with the committee, including amount desired and preferred repayment terms.

(3) Section 908.61 *Short life allotments* should be revised as hereinafter set forth to permit the handling of short life oranges in amounts equal to the average proportion handled by all handlers. In the operation of the program it has been found that handlers of short life oranges may handle a disproportional amount of such oranges. This inequity stems from the failure to count shipment of short life fruit made prior to the issuance of volume regulations or during periods of open movement. Such results were not intended. This situation can be corrected by substituting total handling into regulated markets, both under periods of open movement and volume regulations, including the acceleration granted under the short life provisions, for the average allotments to be issued to all handlers of oranges. This change would tend to assure more equitability than that which may prevail under current provisions in the order.

(4) During past marketing seasons, some handlers move oranges at a faster rate than anticipated or move a greater quantity of their oranges to products or export than was expected when the estimated shipping schedule was adopted. Since allotment is issued on basis of tree crop, such handlers may be issued allotment when they have no fruit to ship or the allotment issued to them is in excess of the quantity of fruit they have available for shipment. This situation most frequently occurs late in the season in any district when approximately two-thirds or more of the tree crop in that district has been moved. Under current provisions of the order, all such handlers are retained on the prorate base and issued weekly allotment in proportion to their share of the tree crop whenever regulations are in effect. Since the handler who has no oranges for shipment has no use for such allotment it is usually forfeited. This situation results in the committee having to estimate each weekly period the quantity of allotment which likely will not be used. To insure that the desired quantity of oranges may move to market during any specified

weekly period, the committee must inflate its recommended quantity to compensate for the quantity that will probably not be shipped.

The order provisions should be amended to provide that each handler will be issued only sufficient allotment to move his proportionate share of the tree crop. His allotment should be reduced when it is not needed by him to make shipments. No allotment should be issued to a handler during any part of the season when he no longer has fruit for shipment, except during period when such handler has agreed to make loan repayments. At such times such handler should be issued allotment consistent with the proportion of the tree crop he controls for the purpose of making such loan repayments. A practical solution to this problem would be to issue to each handler only the allotment he needs to ship his proportionate share of the tree crop. When it is established by the committee that a handler no longer has any oranges to ship, he should thereafter not be issued allotment, except to the extent needed to meet loan commitments. This would enable the committee to recommend a quantity of oranges, based on the tree crops of handlers who have fruit to ship, and would avoid the necessity for inflating the quantity recommended to compensate for allotment issued to handlers who are not in a position to use it. It is therefore concluded that the order should be amended, as hereinafter set forth, consistent with the foregoing.

(5) The order should be amended to provide that each grower member of the committee shall have an additional alternate. Presently, the order provides for an alternate for each member.

Membership of the committee is divided into handler members and grower members. The handler members and alternates, in most instances, are affiliated with marketing organizations which handle oranges produced in each prorate district or at least in more than one district. The handler member or alternate will have knowledge about marketing conditions generally applicable to all prorate districts. Hence, it is unnecessary to provide more than one alternate for each handler member. However, grower members may not be as familiar with conditions in some part of the production area as they are with conditions in the district in which their groves are located. Also, there have been times when neither the grower member nor his alternate were able to attend a committee meeting. It is desirable to have grower representation on the committee from each prorate district from which shipments of oranges are being made or from the district having the greatest volume or shipments during those periods when shipments are being made from more than one district. The provision of an additional alternate member for each grower member would provide increased assurance of a full committee and that appropriate grower representation will be present at all committee meetings. The order currently authorizes the member to designate the alternate to serve in his stead. Hence, the member can designate an alternate member to serve at meetings when matters with which such alternate is more familiar than the member are to be discussed and acted upon. Such an arrangement and operational procedure would provide the committee with the appropriate information upon which to base its recommended action.

It would be appropriate and in accordance with industry preference for the additional alternate members to be nominated in the same manner as the members and alternates presently are nominated. Nomination and selection of the initial additional alternate members should be done promptly after the amendment becomes effective so they may begin serving as soon as possible.

Consistent with the authority provided in § 908.29(n) of the order, reapportionment of the grower member and alternate member positions allocated to the groups described in § 908.22(c) and (d) was effected as set forth in present § 908.103 of which official notice is taken. The order should be conformed, as hereinafter set forth, (1) to reflect in §§ 908.22 and 908.23 the up-to-date apportionment of positions as set forth in said § 908.103, and (2) the amendment providing for additional alternate grower representation proportioned on the same basis.

(6) The authority to establish and maintain a financial reserve under the order would contribute to efficient financial management of the order operations in that it would (1) lessen the need to borrow money, (2) permit the timely refunding of any monies due handlers, and (3) provide a source of funds during periods of low volume production, such as freeze years, when the assessment rate would normally be high because of the temporarily low volume of oranges.

The amount in the reserve should not exceed approximately one-half year's operational expenses. This amount would be adequate to meet the needs of the committee. Presently the greatest need for a reserve fund is to pay operational expenses before assessment income is available in the early part of each season and to pay expenses during seasons when production is reduced rather than raise the assessment rate to an excessive level.

The reserve is equitable to all concerned. Those who pay the assesment, namely the handlers, are in a lifetime occupational pursuit and there is not frequent changes in the identity of the persons involved. Under the reserve procedure, those who might pay slightly more than their proportionate share of the operating cost of the program in any given year are the same people who will benefit from the operation of the reserve. The reserve should be built up over a period of time, probably during a period of 3, 4, or more years.

Reserve funds should be available to cover any expenses authorized by the order including any cost of liquidation. Upon termination of the order, reserve funds would be available to defray any costs of liquidation. Any funds remaining after paying liquidation costs should, to the extent practicable, be returned to the handlers. It is possible that the order may be terminated many years after the establishment of the reserve fund. The funds remaining after liquidation may be so small that precise proration would not be feasible or advisable. Also, the time involved since their receipt may be so great that it might be impractical to return the money to the contributors. Under such circumstances, the Secretary should dispose of the funds in appropriate manner. He would probably look to the committee for its recommendation before taking any such action.

The view was expressed that following low production, such as during a freeze year, the industry would be hard pressed for money and no money should accrue to a reserve until the industry had recovered from the low production year. In this connection, the decision as to when and under what conditions assessment monies should be placed in reserve should be at the discretion of the committee and the Secretary. The committee should carefully consider prevailing and prospective conditions before forwarding a recommendation. To specify that no monies could be placed in the reserve could unduly restrict the operation of the reserve and tend to defeat the objectives of the reserve. It is concluded that authority should be provided, as hereinafter set forth, to permit the establishment and use of a reserve in the manner heretofore described.

(7) The provisions of the order should be amended to provide for volume regulations following a freeze. The order presently does not specifically so provide. When the industry requested an order the act did not authorize regulations in above parity situations. It was expected that prices would likely be such following major freeze damage there would be no occasion for concern about the absence of authority for such regulations. The act has since been amended to authorize continued regulation in the interest of maintaining orderly marketing conditions and an orderly flow of the supply to market throughout the normal marketing season irrespective of the price level. The order has been amended to authorize such regulation. The order should be amended specifically to provide for regulation for such purpose following major freeze conditions.

Prorate issued to handlers under normal conditions is proportional to the quantity of oranges the applicant has under his control in relation to the total tree crop. The freeze damage provisions should provide a basis for allocation after it has been determined that the tree crop would no longer be an equitable basis for allotment. Such provisions should assure that the committee would consider both the severity of the freeze and the variation in the degree of damage. Under this procedure, allotments could be issued on the basis of requests made by handlers. Handlers generally have knowledge of the conditions within the freeze area, the supply of oranges

remaining and the condition of such oranges. Each handler would thus be able to estimate the quantity of oranges he has available to ship the next week. When handlers requests equal or are less than the quantity recommended by the committee as the amount of fruit which should move from that district during the weekly period, each request should be granted in the amount requested. There may be situations when one or more handlers or all handlers request a disproportional high amount. If the requests are in excess of the amount recommended by the committee because of large volume requested by one or more handlers, the request of such handlers should be reduced proportionally to the remaining tree crop so that the quantity authorized equals the desired volume for that district. If all handlers have filed inflated requests, each request should be reduced proportionally so that all requests equal the desired volume for that district. This procedure is similar to that used by the committee in administering the early maturity provisions of the order.

The allotment issued under this provision should be available for use only during the week for which it was issued. Undershipments for 1 week should not carryover to a succeeding week. The provisions of this freeze damage allotments should be invoked only during emergency situations. Before being placed in operation, one or more districts should have suffered severe freeze which affected the acreage of the growers in varying degrees. As allocation is issued on the basis of handler requests, there is no need for carrying forward an undershipment.

It is desirable for the specified quantity of oranges to be marketed within the prorate period. During freeze years, as otherwise, handlers may encounter many problems which will prevent the marketing of the full allotment issued. Adverse weather may prevent harvesting. Labor may prevent packing. On this basis, the order should authorize transfer of freeze damage allotment. Such transfers should be restricted to handlers who have been issued freeze damage allotments.

The freeze damage provisions should allow the committee latitude with respect to specification of the details of the method to be adopted in administering regulations thereunder. All the problems involved in administering these provisions are not presently known nor can they be accurately anticipated. It is not, therefore, practical to include them in the order. Rather the committee should develop rules and regulations, which after approval by the Secretary, will be the basis for administering the freeze damage allotment provisions.

(8) The prorate districts into which the production area is divided should be changed, as hereinafter set forth, to more nearly be descriptive of the type of fruit that is likely to be produced in each prorate district. The only change proposed in the districts is to take that area which is east of a line running north and south through the present post office in White Water, Calif., and north of a line running east and west through the post office in Gorman, Calif., from District 1 and place it into District 3. All of the area, most of which is in San Bernardino County, Calif., which is being transferred to District 3 is desert in nature and any Valencia oranges produced in this area would be of a desert character. The fruit would thus more nearly resemble the oranges produced in District 3 rather than those of District 1.

The proposal in the notice of hearing was to include all of the State of California north of a line drawn east and west through Gorman, Calif., in District 1. There was testimony presented in support of and against the inclusion of this area into the production area. The testimony in support of the inclusion was persuasive but general in nature. It did not show that the limited plantings of Valencia oranges in this area influence the marketing of Valencia oranges grown in the production area. On the basis of record evidence, it is concluded that the northern boundary of the production area and District 1 should continue to be a line drawn due east and west through the present post office in Turlock, Calif. Also, the production area should be divided into prorate districts as hereinafter set forth.

(9) Section 908.51 should be amended as hereinafter set forth, to emphasize the necessity for and desirability of providing equity of marketing opportunity and to provide a standard by which the committee can formulate appropriate detailed procedures and practices to establish and maintain such equity.

The order should provide a procedure for allocating marketing opportunity among the districts on a basis other than judgment of the committee members, or the order should authorize the committee to adopt rules and regulations, approved by the Secretary, to effectuate the allocation of marketing opportunity among districts. In this instance, this procedure should be adopted by means of rules and regulations since procedure necessary to deal effectively with this matter has not been developed. The Valencia Orange Administrative Committee during the 1966–67 season used a procedure for allocation between districts that may form the basis for a procedure for use by the committee in providing equity of marketing opportunity. Under this procedure, the committee determined the tree crop for all districts and prepared an estimated utilization schedule based thereon. Included in the report to handlers was an estimated total weekly pattern of regulated shipments for all districts combined. At each district marketing policy meeting which followed, the handlers recommended and the committee developed a utilization schedule for such district. Following the district marketing policy meeting, the committee established the district's share on a weekly basis. Adjustments were made as necessary to protect district equities because of changes in crop conditions and for other reasons.

Let us assume for illustrative purposes only that the tree crop estimates for the three districts will be:

	Cars
District 1	5,000
District 2	16,000
District 3	3,700
Total	24,700

Let us assume further that the schedule requested by the districts and accepted by the committee will show 70 percent of the crop of each district moving in regulated channels and the balance moving to export and products. Equity of marketing opportunity would be provided by permitting each district to ship a like percentage (70 percent) in regulated channels. The weekly schedule would provide shipments over the period of expected movement from each district until each district's portion of the regulated shipments had been made.

The aforesaid procedure should not be incorporated into the order or adopted as rules and regulations at this time because doubtless the committee can and will develop improvements and refinements. When the refinements and improvements as may be necessary have been incorporated in the procedure, the committee should submit such rules and regulations to the Secretary for his approval. Upon such approval the rules and regulations will then be the basis for allocating marketing opportunity among the districts.

(10) and (11) The notice of hearing contained proposals to enlarge the production area and to redefine oranges so as to include, in addition to Valencia oranges grown in the production area and marketed at any time, additional varieties of oranges of the species Citrus sinensis handled at any time within a specified period. The first mentioned proposal would have changed the northern boundary line of the production area and District 1 from its present boundary—a line drawn due east and west through the post office in Turlock, Calif.—to coincide with the northern boundary line of the State.

The other proposal would have added additional strains of Valencia oranges and other varieties of oranges to the fruit subject to regulation under the order. Some of these additional fruits were to be subject to the provisions of the order only for a portion of each regulation season.

The evidence did not establish the need to enlarge the production area or the inclusion of additional strains and varieties of oranges at the present time. It is, therefore, concluded that the production area should not be enlarged and that no additional strains or varieties of oranges should be added to the fruit subject to regulation under the order.

(12) It was proposed that the provisions dealing with oranges available for current shipment be revised so that only those varieties determined by the committee to have reached general maturity would be considered as available. It was also proposed that the remaining supplies of oranges other than Valencia oranges be considered as oranges available for current shipment only during specified periods. There was no testimony offered in support of these proposals. Consequently, they are not included in the amendment of the order.

(13) The notice contained a proposal which would not require the committee to determine general maturity for all varieties of oranges at the same time. This proposal was not supported at the hearing and is not included in the amendment of the order.

(14) The notice of hearing contained a proposal which would require concurrence of seven committee members to recommend, at unassembled meetings, an increase in the weekly allotment. The order currently requires concurrence of six members of the committee for any action, including initial recommendations for weekly volume regulations developed at assembled meetings and recommendations for increases in the volume at unassembled meetings.

Information bearing on the committee's recommendations for weekly volume regulation is carefully and fully considered at the committee's weekly assembled meeting. The recommendation and all available information pertaining to it is reviewed by the Secretary. If he concurs in the recommendation he issues a regulation consistent therewith.

Once set in a regulation, the volume of oranges permitted to be shipped during a week may not be decreased. Any decrease is not practical as some handlers may have shipped their allotment before a decreased quantity could be set. An increase is practical since handlers who have shipped the smaller volume previously set can make additional shipments to take advantage of an increase. The market is sensitive to volume, and a small quantity of oranges in excess of market demand may upset the market and lower prices. When this occurs, recovery often is slow. In recognition of the foregoing, the committee tends in its initial recommendation to recommend weekly volume conservatively. Subsequently, if market developments appear to warrant an increase the committee holds an unassembled meeting to consider a recommendation for an increase.

Evidence for the increased vote requirement suggested that the added vote would tend to result in more precision in the committee's initial recommendation, since it would render recommendations for increased volume more difficult. It was alleged that increases are undesirable and some organizations may be in a position to manipulate the increase to their advantage. It is desirable, of course, for the committee to recommend initially an appropriate quantity of weekly shipments and to avoid, whenever possible, the added work and expense involved in amending regulations to increase the quantity. However, the record does not show any instances in which the committee's recommendations were not as appropriate as could be developed under prevailing circumstances, nor does it show that increases are more advantageous to some organizations than to others.

Under the six-vote requirement no organization has control of the committee. A high degree of committee flexibility is necessary for expeditious administration of the order. The current requirement of six concurring votes has resulted in appropriate recommendations. All such recommendations are subject to approval of the Secretary. It is, therefore, concluded that the order should not be amended to require seven concurring votes as proposed.

(15) A proposal in the notice of hearing was that consideration should be given to making such conforming changes in the order as may be necessary to make the entire order conform with any amendments that may result from this proceeding. This proposal was supported at the hearing, and without opposition, and such conforming changes as are necessary are incorporated herein.

Rulings on proposed findings and conclusions. January 31, 1968, was fixed as the latest date for interested parties to file proposed findings and conclusions, and written arguments or briefs, with respect to the facts presented in evidence at the hearing. Such date with respect to the reopened hearing was May 1, 1968. This period was extended on April 30, 1968, to and including May 6, 1968.

A brief was filed by D. M. Anderson, General Manager, and Karl D. Loos, Counsel, on behalf of Sunkist Growers, Inc., Los Angeles, Calif.

Each point in the brief was fully and carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that any suggested findings or conclusions contained in the brief are inconsistent with the findings and conclusions contained herein, they are denied on the basis of the facts found and stated in connection with this decision.

General findings. (1) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, regulate the handling of Valencia oranges grown in the designated production area in the same manner as, and are applicable to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, are limited to their application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of Valencia oranges; and

(5) All handling of Valencia oranges grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended amendment of the marketing agreement and order. The following amendment of the marketing agreement, as amended, and order, as amended, is recommended as the detailed means by which the foregoing conclusions may be carried out:

1. Revise the provisions of § 908.20 *Establishment and membership* so that the first sentence reads as follows:

§ 908.20 Establishment and membership.

There is hereby established a Valencia Orange Administrative Committee consisting of 11 members, for each of whom there shall be one alternate, and for each grower member an additional alternate. • • •

§ 908.22 [Amended]

2. Amend the provisions of § 908.22 *Nominations* in the following respects:

a. Amend paragraph (a) to read as follows:

(a) The time and manner of nominating members, alternate members, and additional alternate members of the committee shall be prescribed by the Secretary.

b. Amend paragraph (b) by inserting the phrase "three additional alternate grower members" immediately after the phrase "three alternate grower members."

c. Amend paragraph (c) to read as follows:

(c) All cooperative marketing organizations which market oranges and which are not qualified under paragraph (b) of this section, or the growers affiliated therewith, shall nominate one grower member, one alternate grower member, one additional alternate grower member, one handler member, and one alternate handler member.

d. Amend paragraph (d) to read as follows:

(d) All growers who are not affiliated with a cooperative marketing organization which markets oranges shall nominate two grower members, two alternate grower members, two additional alternate grower members, one handler member, and one alternate handler member.

3. Revise the provisions of § 908.23 *Selection* to read as follows:

§ 908.23 Selection.

From the nominations made pursuant to § 908.22(b) or from other qualified growers and handlers the Secretary shall select three grower members of the committee, an alternate and an additional alternate to each of such grower members; also two handler members of the committee and an alternate to each of such handler members. From the nominations made pursuant to § 908.22 (c) or from other qualified growers and

handlers the Secretary shall select one grower member of the committee, an alternate and an additional alternate to such grower member; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to § 908.22 (d) or from other qualified growers and handlers the Secretary shall select two grower members of the committee, an alternate and an additional alternate to each of such grower members; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to § 908.22(f) or from other qualified persons the Secretary shall select one member of the committee and an alternate to such member.

§ 908.27 [Amended]

4. Revise the provisions of § 908.27 *Alternate members* so that the proviso in the first sentence reads as follows: "*Provided*, That a member may designate any alternate member to serve in the place and stead of such member, if the alternate member so designated was selected from the same group which was authorized to nominate the member; unless another alternate member is so designated by a grower member, his alternate shall act for the member and, in the absence of such alternate, the alternate shall so act, and in his absence, the additional alternate shall so act."

5. Revise the provisions of paragraph (a) § 908.42 *Accounting* to read as follows:

§ 908.42 Accounting.

(a) If, at the end of a fiscal year, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve or used to defray necessary expenses of liquidation, as provided in subparagraph (2) of this section, it shall be refunded proportionately to the persons from whom it was collected: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations due the committee from such person.

(2) The committee, with the approval of the Secretary, may establish and maintain during one or more fiscal years an operational monetary reserve in an amount not to exceed approximately one half of a fiscal year's operational expenses. Upon approval of the Secretary, funds in such reserve shall be available for use by the committee (i) for all expenses authorized pursuant to § 908.40 and (ii) to cover necessary expenses of liquidation in the event of termination of this part. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

* * * * *

§ 908.51 [Amended]

6. Revise the provisions of § 908.51 *Recommendations for volume regulations* in the following respects:

a. Revise the first sentence of paragraph (b) to the color to read as follows:

(b) In making its recommendation, the committee shall provide equity of marketing opportunity to handlers in all districts and shall give due consideration to the following factors:

b. Add a new paragraph (d) reading as follows:

(d) The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this § 908.51.

7. Revise the provisions of § 908.53 *Prorate bases* by redesignating paragraphs (f) and (g) as paragraphs (g) and (h), respectively, and adding a new paragraph (f) reading as follows:

§ 908.53 Prorate bases.

* * * * *

(f) When any person having a prorate base has moved all his oranges or has remaining a quantity smaller than his allotment, he shall be removed from the prorate base or his prorate base shall be reduced so that his allotment based thereon shall not exceed the quantity of oranges remaining under his control; except that he shall receive his allotment on his full prorate base to the extent necessary to pay back loans for which he is obligated in any week that repayment of loans may be due.

* * * * *

§ 908.55 [Amended]

8. Amend § 908.55 *Overshipments* in the following respects:

a. Replace the phrase "equivalent to 10 percent" in § 908.55 by the phrase "equivalent to 20 percent."

b. Add a proviso at the end of the first sentence of § 908.55 reading as follows: "*Provided, however*, That the committee may, with the approval of the Secretary, reduce such 20 percent to a percentage not less than 10 percent: *And provided further*, That if, subsequent to the determination of general maturity, allotment (other than short life allotment) is forfeited in any prorate district during any prorate period, such forfeiture shall be used to reduce the amount of maximum permissible overshipments made during such prorate period, unless the forfeiting handler shall have made a bona fide and timely offer to the committee to lend his undershipment. Such forfeitures shall be first applied to handlers within such district in which the forfeiture occurred and second to qualified handlers in other districts. Allocation of forfeitures to handlers who have overshipped shall be made in proportion to, but not in excess of, the quantity overshipped by each such handler. In the case of short life allotments, any forfeiture thereof shall be credited as above provided only against overshipment of allotments issued pursuant to § 908.54. However, no handler who has overshipped more than the maximum permissible under this section shall participate in the credits allowed by this provision."

§ 908.57 [Amended]

9. Revise the provisions of § 908.57 *Allotment loans* by the following respects:

a. Revise the first sentence in paragraph (a) and (b) to read as follows:

(a) A person to whom allotments have been issued under general maturity may lend such allotments to other persons within any prorate district to whom allotments have also been issued: *Provided*, That allotments issued under the short life provision of this subpart may be loaned only to other persons in the same district to whom such allotments have been issued. * * *

(b) A person desiring to loan all or part of his allotment shall attempt to do so first within his own district and if he so chooses, may request the committee to act in his behalf. A person desiring to loan to persons outside his own district shall request the committee to arrange the loan on his behalf with the committee first offering the loan to persons within the district who file requests for such loans; and failing to do so may then arrange to offer the loan outside of the district in an equitable manner. * * *

b. Add a new paragraph (f) reading as follows:

(f) The committee may, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this § 908.57.

§ 908.61 [Amended]

10. Revise the provisions of § 908.61 *Short life allotments* so that the fourth and fifth sentences thereof read as follows: "Such determination and allotment issued pursuant thereto shall permit the handling in total during periods of open movement and under volume regulations of a quantity of short life oranges equal proportionately to the average to be handled by all handlers of oranges within the prorate district. After a handler of short life oranges has received allotment sufficient to permit such total handling, allotment thereafter due such handler of short life oranges shall be allocated to handlers from whom allotment has been withheld."

11. Add a new § 908.61a *Freeze damage allotments* immediately after § 908.61, reading as follows:

§ 908.61a Freeze damage allotments.

Notwithstanding the provisions of § 908.54 whenever one or more districts experience severe freeze damage, affecting a substantial portion of the crop within the district, but varying in degree, the committee may issue allotments to each handler in such district based upon requests submitted by handlers, the total allotment to be allocated among the requesting handlers in an equitable manner. Such allotments may be used only during the week for which issued, and the undershipment of such allotments shall not entitle such handler to handle an additional quantity of oranges due to such undershipment. Transfers of allotment if within the district are subject only to the parties notifying the committee. Transfer of allotment between handlers not within the same district shall be by the committee and only between handlers each of whom have been issued allotment pursuant to this section. The committee shall, with approval of the Secretary, adopt rules and regulations to effectuate the provisions of this section.

12. Revise paragraphs (a), (b), and (c) of § 908.66 to read as follows:

§ 908.66 Prorate districts.

(a) District 1 shall include that part of the State of California which is south of a line drawn due east and west through the present post office in Turlock, Calif., north of a line drawn due east and west through the present post office in Gorman, Calif., and west of the extension of a line drawn due north and south through the present post office in White Water, Calif., but excluding San Luis Obispo and Santa Barbara Counties.

(b) District 2 shall include that part of the State of California west of a line drawn due north and south through the present post office in White Water, Calif., and south of a line drawn due east and west through the present post office in Gorman, Calif., but including San Luis Obispo and Santa Barbara Counties.

(c) District 3 shall include the State of Arizona and that part of the State of California east of a line drawn due north and south through the present post office in White Water, Calif.

Dated: July 26, 1968.

G. R. GRANGE,
Acting Deputy Administrator, Regulatory Programs.

[F.R. Doc. 68-9156; Filed, July 30, 1968; 8:51 a.m.]

[7 CFR Part 913]

[Docket No. AO-353-A1]

GRAPEFRUIT GROWN IN INTERIOR DISTRICT IN FLORIDA

Notice of Hearing With Respect to Proposed Amendment to Marketing Agreement and Order

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and in accordance with applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Auditorium, Florida Citrus Mutual Building, Lakeland, Fla., beginning at 10 a.m., local time, August 14, 1968, with respect to proposed amendment of the marketing agreement and Order No. 913 (7 CFR Part 913), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of grapefruit grown in the Interior District in Florida.

The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and to any appropriate modifications thereof.

The following amendments to the marketing agreement and order have been proposed by the Interior Grapefruit Marketing Committee, the administrative agency established pursuant to the marketing agreement and order.

1. Revise § 913.25 *Procedure of committee* to read as follows:

§ 913.25 Procedure of committee.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, a majority of the members shall constitute a quorum and any decision or action shall require concurrence by a majority of the committee.

(b) For any recommendation for regulations to be valid, not less than 60 percent of the committee shall concur, except as provided in paragraphs (c) and (d) of this section.

(c) Not less than 80 percent of the committee shall concur to make a recommendation for regulations for any week following three or more weeks of continuous regulations, except as provided in paragraph (d) of this section.

(d) Not less than 100 percent of the committee shall concur to make a recommendation for regulations for any week following 10 weeks of regulations during any fiscal period. The requirements of paragraphs (c) and (d) of this section shall not apply to recommendations to amend an existing regulation.

(e) The vote of each member cast for or against any recommendation made pursuant to this subpart, shall be duly recorded. Each member must vote in person.

(f) In the event any member of the committee and his alternate are not present at any meeting of the committee, any alternate present who is not acting for any other member may be designated by the chairman of the committee to serve in the place and stead of the absent member.

(g) The committee shall give to the Secretary the same notice of meetings of the committee as is given to the members thereof.

2. Revise paragraph (a) in § 913.41 *Recommendation for volume regulation* to read as follows:

§ 913.41 Recommendation for volume regulation.

(a) The committee may, during any week, recommend to the Secretary the total quantity of grapefruit which it deems advisable to be handled during the next succeeding week: *Provided*, That volume regulations shall not be recommended after such regulations have been effective for an aggregate of 14 weeks during any fiscal period.

* * * * *

3. Revise § 913.42 *Issuance of volume regulation* to read as follows:

§ 913.42 Issuance of volume regulation.

Whenever the Secretary finds, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of grapefruit which may be handled during a specified week will tend to effectuate the declared policy of the act, he shall fix such quantity: *Provided*, That such regulation during each fiscal period shall not in the aggregate limit the volume of grapefruit shipments for more than 14 weeks. The quantity so fixed for any week may be increased by the Secretary at any time during such week. Such regulations may, as authorized by the act, be made effective irrespective of whether the season average price of grapefruit is in excess of the parity price of grapefruit specified therefor in the act. The Secretary may upon the recommendation of the committee, or upon other available information, terminate or suspend any regulation at any time.

4. Revise paragraphs (d) and (e) in § 913.43 *Prorate bases* to read as follows:

§ 913.43 Prorate bases.

* * * * *

(d) Each week during the marketing season when a volume regulation is likely to be recommended, the committee shall compute a prorate base for each handler who has made application in accordance with the provisions of this section. Except as provided in paragraph (e) of this section, such prorate base for each handler shall be the greatest average of the quantity of grapefruit shipped by him during any two of the three immediately preceding seasons; a handler having shipped a quantity of grapefruit only during the immediately two preceding seasons, his prorate base shall be the greatest amount shipped during either marketing season; a handler who shipped a quantity of grapefruit only during the preceding season, his prorate base shall be the quantity shipped by him multiplied by 110 percent.

(e) Any applicant for a prorate base who has made no shipments of grapefruit in the season immediately preceding the season for which prorate bases are being established, and who controls grapefruit and owns or has contracted for the use of packinghouse facilities to pack such grapefruit, shall be considered a new handler. The committee shall compute a prorate base for such applicant based upon his prior shipments of grapefruit, if any, grapefruit under his control, and any other factors which, in the judgment of the committee are relevant and proper to be used in arriving at an equitable prorate base for such handler. For the next succeeding fiscal period, the prorate base of such handler shall be the quantity of grapefruit shipped by him multiplied by 110 percent.

5. Revise § 913.45 *Overshipments* to read as follows:

§ 913.45 Overshipment.

During any week for which the Secretary has fixed the total quantity of grapefruit which may be handled, any person who has received an allotment may handle, in addition to the total allotment available to him, an amount of grapefruit equivalent to 10 percent of such allotment or 500 boxes, whichever is greater: *Provided*, That handlers may overship the entire 500 boxes or any portion of it during the period when regulations continue in effect for two or more successive weekly periods until such accumulative overshipments total but do not exceed 500 boxes. The quantity of grapefruit so handled in excess of the total allotment which such person has available for use during such week (but not exceeding an amount equivalent to the excess shipments permitted under this section) shall be deducted from such person's allotment for the next week. If such person's allotment for such week is in an amount less than the excess shipments permitted under this section, the remaining quantity shall be deducted from succeeding weekly allotments issued to such person until such excess has been entirely offset: *And provided further*, That any time there is no volume regulation in effect it shall be deemed to cancel all requirements to undership allotment because of previous overshipments pursuant to this part.

The Fruit and Vegetable Division, Consumer and Marketing Service, has proposed that consideration be given to making such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Director, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or from M. F. Miller, Lakeland Marketing Field Office, Florida Citrus Mutual Building, Post Office Box 9, Lakeland, Fla. 33802.

Dated: July 26, 1968.

G. R. GRANGE,
Acting Deputy Administrator, Regulatory Programs.

[F.R. Doc. 68-9153; Filed, July 30, 1968; 8:50 a.m.]

[7 CFR Part 944]

AVOCADOS

Importation

Notice is hereby given that the Department is giving consideration to amendment of the maturity requirements of § 944.8 (Avocado Regulation 16; 33 F.R. 8548, 9087) regulating avocados imported into the United States. This regulation is effective pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The amendment is designed to prescribe maturity requirements for avocado imports that are comparable to those applicable to Florida avocados under Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida. Such amendment would specify maturity requirements in separate schedules for the West Indian type and for the Guatemalan type of imported avocados. Currently, the maturity requirements are comparable to those for West Indian type avocados. Specifically, such amendment would provide separate maturity requirements for the West Indian and Guatemalan type avocados and would revise the maturity requirements for West Indian avocados, except the Pollock, Catalina, and Trapp varieties thereof, which remain unchanged.

The proposal is that on or about August 5, 1968, paragraph (a) of § 944.8 Avocado Regulation 16 (33 F.R. 8548, 9087) be amended by revising the introductory text of paragraph (a)(5), revising paragraph (a)(6) and renumbering it as (a)(7), and adding a new paragraph (a)(8) to read as follows:

§ 944.8 Avocado Regulation 16.

(a) On and after the effective time of this section, the importation into the United States of any avocados is prohibited unless such avocados are inspected and meet the following requirements:

(1) All avocados imported during the period June 17, 1968, through April 30, 1969, shall grade not less than U.S. No. 3.

(2) Avocados of the Pollock variety shall not be imported (i) prior to July 8, 1968; (ii) from July 8 through July 14, 1968, unless the individual fruit in each lot of such avocados weighs at least 18 ounces or measures at least $3^{11}/_{16}$ inches in diameter; and (iii) from July 15 through July 28, 1968, unless the individual fruit in each lot of such avocados weights at least 16 ounces or measures at least $3^{7}/_{16}$ inches in diameter.

(3) Avocados of the Catalina variety shall not be imported (i) prior to October 21, 1968; and (ii) from October 21, 1968, through November 10, 1968, unless the individual fruit in each lot of such avocados weighs at least 18 ounces.

(4) Avocados of the Trapp variety shall not be imported (i) prior to August 12, 1968; (ii) from August 12, 1968, through August 25, 1968, unless the individual fruit in each lot of such avocados weighs at least 14 ounces or measures at least $3^{10}/_{16}$ inches in diameter; and (iii) from August 26, 1968, through September 8, 1968, unless the individual fruit in each lot of such avocados weighs at least 12 ounces or measures at least $3^{7}/_{16}$ inches in diameter.

(5) Avocados, other than Pollock, Catalina, and Trapp varieties, of the West Indian type including unidentified West Indian varieties and West Indian varieties not listed elsewhere in this regulation shall not be imported * * * (iii) * * *; and (iv) from August 5 through September 22, 1968, unless the individual fruit in each lot of such avocados weighs at least 10 ounces: *Provided*, That any lot of such avocados may be imported without regard to the minimum weight requirements of this paragraph if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(6) Avocados of any variety of the Guatemalan type, including hybrid type seedlings, unidentified Guatemalan and hybrid varieties, and Guatemalan and hybrid varieties not listed elsewhere in the regulation shall not be imported (i) prior to September 23, 1968; (ii) from September 23 through October 20, 1968, unless the individual fruit in each lot of such avocados weighs at least 15 ounces; and (iii) from October 21 through December 22, 1968, unless the individual fruit in each lot of such avocados weighs at least 13 ounces.

(7) Notwithstanding the provisions of subparagraphs (2) through (6) of this paragraph regarding the minimum weight or diameter for individual fruit, not to exceed 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided*, That such avocados shall not fail, by more than 2 ounces, to weigh the applicable weight for the particular variety as specified in such subparagraphs. Such tolerances shall be permitted for an individual container in a lot.

* * * * *

All persons who desire to submit written data, views, or arguments for consideration in connection with the aforesaid proposals may do so, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the close of business of the 10th day after publication thereof in the FEDERAL REGISTER. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 25, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9113; Filed, July 30, 1968; 8:47 a.m.]

[7 CFR Part 946]

IRISH POTATOES GROWN IN WASHINGTON

Expenses and Rate of Assessment

Consideration is being given to the approval of the proposed expenses and rate of assessment, hereinafter set forth, which were recommended by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 946 (7 CFR Part 946).

This marketing order regulates the handling of Irish potatoes grown in Washington, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file four copies of the same with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposals are as follows:

§ 946.221 Expenses and rate of assessment.

(a) The expenses the Secretary finds may be necessary for the State of Washington Potato Committee to incur to perform its functions pursuant to Marketing Agreement No. 113 and this part during the fiscal year ending May 31, 1969, and for such other purposes as the Secretary may determine to be appropriate will amount to $32,103.04.

(b) The rate of assessment to be paid by each handler in accordance with the said marketing agreement and this part shall be two-tenths of 1 cent ($0.002) per hundredweight, or equivalent quantity, of potatoes handled by him, as the first handler thereof during said fiscal year.

(c) Terms used in this section shall have the same meaning as when used in the said marketing agreement and this part.

Dated: July 26, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9154; Filed, July 30, 1968; 8:50 a.m.]

[7 CFR Part 958]

ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Limitation of Shipments

Consideration is being given to the issuance of the limitation of shipments regulation, hereinafter set forth, which was recommended by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958), regulating the handling of onions grown in the production area defined therein. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit data, views, or arguments in connection with this proposal may file the same in quadruplicate with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 5 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposed regulation is as follows:

§ 958.313 Limitation of shipments.

During the period from August 10, 1968, through June 15, 1969, no person may handle any lot of yellow or white varieties of onions unless such onions are at least "moderately cured" as defined in paragraph (e) of this section or unless such onions are handled in accordance with paragraphs (b) and (c), or paragraph (d), of this section, and beginning August 19, 1968, no person may handle any lot of such onions unless they meet the requirements of paragraph (a) of this section, or unless such onions are handled in accordance with paragraphs (b) and (c), or paragraph (d), of this section.

(a) *Minimum grade and size requirements*—(1) *yellow varieties*—(i) *Grade.* U.S. No. 1; or U.S. No. 2 if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality.

(ii) *Size.* Two inches in diameter.

(2) *White varieties*—(i) *Grade.* (a) U.S. No. 1; or U.S. No. 2 if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality.

(b) U.S. No. 2, or better, grade if the minimum and maximum diameters of the onions in the lot are not less than 1 inch nor more than 2 inches.

(ii) *Size.* Except as otherwise provided in subdivision (i)(b) of this subparagraph, 1½ inches minimum diameter.

(b) *Special purpose shipments.* The minimum grade, size and quality requirements of this section shall not be applicable to shipments of onions for any of the following purposes:

(1) Planting;
(2) Livestock feed;
(3) Charity;
(4) Dehydration;
(5) Canning; and
(6) Freezing.

(c) *Safeguards.* Each handler making shipments of onions for dehydration, canning, or freezing pursuant to paragraph (b) of this section shall:

(1) First apply to the committee for and obtain a Certificate of Privilege to make such shipments;

(2) Prepare, on forms furnished by the committee, a report in quadruplicate on each individual shipment to such outlets authorized in paragraph (b) of this section;

(3) Bill or consign each shipment directly to the applicable processor; and

(4) Forward one copy of such report to the committee office, and two copies to the processor for signing and returning one copy to the committee office. Failure of the handler or processor to report such shipments by promptly signing and returning the applicable report to the committee office shall be cause for cancellation of such handler's Certificate of Privilege and/or the processor's eligibility to receive further shipments pursuant to such Certificate of Privilege. Upon cancellation of any such Certificate of Privilege the handler may appeal to the committee for reconsideration.

(d) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 1 ton of onions each day without regard to the inspection and assessment requirements of this part, if such onions meet minimum grade, size, and quality requirements of this section. This exception shall not apply to any portion of a shipment that exceeds 1 ton of onions.

(e) *Definitions.* The terms "U.S. No. 1" and "U.S. No. 2" shall have the same meaning as when used in the U.S. Standards for Grades of Onions (§§ 51.2830-51.2853 of this title). The term "moderately cured" means the onions are mature and are definitely fairly well cured but they need not be completely dry. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 130 and this part.

Dated: July 26, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9155; Filed, July 30, 1968; 8:51 a.m.]

[7 CFR Part 1136]

[Docket No. AO 309-A14]

MILK IN GREAT BASIN MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agriculture Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Hotel Utah (Pioneer Room), South Temple and Main Streets, Salt Lake City, Utah, beginning at 9:30 a.m., on August 5, 1968, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Great Basin marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, herein set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Federated Dairy Farms, Inc., and Hi-Land Dairyman's Association:

Proposal No. 1. Amend § 1136.50(a) (*Class I milk price*) so as to eliminate the supply-demand adjustment formula from the Class I pricing provisions of the order.

Proposed by Safeway Stores, Inc.:

Proposal No. 2. Amend § 1136.41 (*Classes of utilization*) so as to provide

that cream, sweetened and flavored, which is disposed of in bulk to a commercial bakery for processing into bakery products, be classified as Class III milk.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, John B. Rosenbury, Post Office Box 6142, Salt Lake City, Utah 84106, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on July 26, 1968.

G. R. GRANGE,
Acting Deputy Administrator, Regulatory Programs.

[F.R. Doc. 68-9157; Filed, July 30, 1968; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 81]

AIR QUALITY CONTROL REGIONS

Notice of Proposed Designation of National Capital Interstate Air Quality Control Region; Notice of Consultation with Appropriate State and Local Authorities

Section 107(a)(2) of the Clean Air Act (42 U.S.C. 1857c-2(a)(2)), provides that the Secretary of the Department of Health, Education, and Welfare, after consultation with appropriate State and local authorities, shall designate air quality control regions based on jurisdictional boundaries, urban-industrial concentrations, and other factors, including atmospheric areas, necessary to provide adequate implementation of air quality standards.

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration, 33 F.R. 9909-9911, July 10, 1968, notice is hereby given of a proposal to designate the National Capital Interstate Air Quality Control Region (District of Columbia, Maryland, and Virginia) as set forth in the following new Subchapter G which would be added to Chapter I of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the District of Columbia, the State of Maryland, the State of Virginia, and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at the Public Health Service Radiological Health offices, 12720 Twinbrook Parkway, Rockville, Md., beginning at 10 a.m., August 22, 1968.

Mr. Doyle J. Brochers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203, of such intention by August 12, 1968.

A report prepared for the consultation, entitled "Report for Consultation on the Washington, D.C., National Capital Interstate Air Quality Control Region," is available upon request to the Office of the Commissioner.

A new Subchapter G would be added to Chapter I, Title 42, Code of Federal Regulations as follows:

SUBCHAPTER G—PREVENTION CONTROL AND ABATEMENT OF AIR POLLUTION

PART 81—AIR QUALITY CONTROL REGIONS CRITERIA AND CONTROL TECHNIQUES

Subpart A—Meaning of Terms

Sec
81.1 Definitions.

Subpart B—Designation of Air Quality Control Regions

81.11 Scope.
81.12 National Capital Interstate Air Quality Control Region (District of Columbia, Maryland and Virginia).

AUTHORITY: The provisions of this Part 81 issued under sec. 301(a), sec. 2, Public Law 90-148, 81 Stat. 504; 42 U.S.C. 1857g(a).

Subpart A—Meaning of Terms

§ 81.1 Definitions.

(a) As used in this part, all terms not defined herein shall have the meaning given them by the Act.

(b) "Act" means the Clean Air Act as amended (42 U.S.C. 1857, et seq.).

(c) "Department" means the Department of Health, Education, and Welfare.

(d) "Secretary" means the Secretary of Health, Education, and Welfare.

Subpart B—Designation of Air Quality Control Regions

§ 81.11 Scope.

Air quality control regions designated by the Secretary pursuant to sec. 107(a)(2) of the Act (42 U.S.C. 1857c-2(a)(2)) are listed in this subpart. Regions so designated are subject to revision, and additional regions may be designated, as the Secretary determines necessary to protect the public health and welfare.

§ 81.12 National Capital Interstate Air Quality Control Region (District of Columbia, Maryland and Virginia).

The National Capital Interstate Air Quality Control Region (District of Columbia, Maryland and Virginia) consists of the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

District of Columbia.
In the State of Maryland:
Montgomery County.
Prince Georges County.
In the State of Virginia:
Arlington County.
Fairfax County.
Loudoun County.
Prince William County.

(As so delimited, the Virginia portion of the region will include the city of Alexandria, the city of Fairfax, and the city of Falls Church.)

Dated: July 26, 1968.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 68-9216; Filed July 30, 1968; 8:51 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 151]

[Docket No. 9032; Notice 68-17]

FEDERAL AID TO AIRPORTS

Buildings, Utilities, Sidewalks, Parking Areas, and Landscaping

The Federal Aviation Administration is considering amending § 151.93(a) of the Federal Aviation Regulations to provide uniform eligibility standards based on temperature criteria for buildings, used to house snow removal and abrasive spreading equipment. These uniform standards would apply regardless of the location of the airport.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before September 2, 1968, will be considered by the Administrator before taking action on the proposed rule. The proposal may be changed after consideration of the comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested parties.

Section 151.93(a) deals with the eligibility for participation under the Federal-aid Airport Program of buildings necessary to house snow removal and abrasive spreading equipment. Subparagraph (1) of § 151.93(a) states that such buildings are eligible if located at airports in the States of Alaska, Colorado, Idaho, Iowa, Montana, Michigan, Maine, Minnesota, Nebraska, New Hampshire, North Dakota, South Dakota, Vermont, Wisconsin, or Wyoming. Subparagraph (2) of § 151.93(a) states that airports located in any other State are eligible only if the location of the airport experiences a defined mean daily minimum temperature. In other words, § 151.93(a) bases eligibility in one instance solely on the location of the airport in a particular State, and in the other instance on certain temperature criteria.

The Federal Aviation Administration has received information that many airports located in the 15 above listed States do not experience the temperature criteria defined in § 151.93(a)(2). Under the circumstances, it is considered that it would not be appropriate for such airports to establish eligibility solely by location in one of the listed States when other airports, not located in these States, must prove eligibility by actual experience of defined temperatures. It is believed that a more appropriate basis for eligibility would be experienced temperatures as defined in § 151.93(a)(2) regardless of the location of the airport. Accordingly, it is proposed to delete § 151.93(a)(1) and to apply the criteria listed in § 151.93(a)(2) to all sponsors.

In consideration of the foregoing, it is proposed to amend § 151.93(a) of the Federal Aviation Regulations to read as follows:

§ 151.93 Buildings; utilities; sidewalks; parking areas; and landscaping.

(a) Only buildings or parts of buildings intended to house facilities or activities directly related to the safety of persons at the airport, including fire and rescue equipment buildings, are eligible items under the Federal-aid Airport Program. To the extent they are necessary to house snow removal and abrasive spreading equipment, and to provide minimum protection for abrasive materials, field maintenance equipment buildings are eligible items in any airport development project for an airport in a location having a mean daily minimum temperature of zero degrees Fahrenheit, or less, for at least 20 days each year for the 5 years preceding the year when Federal aid is requested under § 151.21(a), based on the statistics of the U.S. Department of Commerce Weather Bureau if available, or other evidence satisfactory to the Administrator.

* * * * *

This amendment is proposed under the authority of the Federal Airport Act, as amended (49 U.S.C. 1101-1120).

Issued in Washington, D.C., on July 24, 1968.

CHESTER G. BOWERS,
Director, Airports Service.

[F.R. Doc. 68-9147; Filed, July 30, 1968; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 97]

[Docket No. 18266; FCC 68-754]

NOVICE CLASS AMATEUR RADIO LICENSE

Eligibility for New Operator License

In the matter of amendment of Part 97 of the Commission's rules concerning the Novice Class Amateur Radio license; Docket No. 18266 (RM-1288).

1. The Commission has under consideration a petition for rule making in the above-entitled matter which has been submitted by the Electronic Industries Association (EIA). Two comments supporting the petition and one comment in opposition were filed. The petitioner proposes that for the Novice Class license the code speed be reduced, the license term be increased to 5 years and be renewable, radiotelephony privileges in the 145-147 MHz band be restored, operating privileges on frequencies between 29.4 and 29.6 MHz be authorized, and the restriction prohibiting the issuance of the Novice license to previous licensees of any class be removed.

2. The purpose of the Novice Class license is to provide an easy access to the Amateur Radio Service for persons who need an opportunity to obtain operating experience and proficiency for advancement in the field.

3. For the following reasons petitioner's requests for extension of the Novice Class license term, for restoration of radio telephony privileges, and for expansion of frequency operating privileges for this license are denied. The Commission reviewed and revised the term and privileges of the Novice Class license in rule making Docket 15928 (FCC 67-978) which recently established an incentive licensing program in the Amateur Radio Service. One of the rule changes adopted in that proceeding provided that, effective November 22, 1967, the Novice Class license term is increased from a 1-year to a 2-year nonrenewable term. This new period is considered to be adequate to meet the purposes for which the Novice Class license is established. The other rule change adopted in Docket 15928 with respect to the Novice Class deleted the radiotelephony privileges in the 145-147 MHz band, effective November 22, 1968, in order to foster the code proficiency of these licensees. Petitioner has not presented any factors which would justify restoration of these privileges. Nor are we aware of any valid basis for reallocations to extend the Novice Class frequency operating privileges to the 29 MHz band. Petitioner's contention that this would afford the Novice Class both long range and short range communication opportunities is not compelling since present Novice Class frequency allocations provide such capability.

4. Petitioner's proposal for a reduced Novice Class code speed requirement is not considered appropriate. The present five-word-per-minute requirement is regarded as the minimum necessary to verify the qualifications of an applicant to effectively transmit and receive the Morse Code under the conditions, emergency and otherwise, which are likely to be met. Petitioner has also proposed that the Novice Class license be renewable. General renewability is not regarded as consistent with the short-term temporary nature of this license. Accordingly, these proposals are also denied.

5. The petitioner further proposed the relaxation of § 97.9(f) of the rules to permit previous holders of Amateur licenses to obtain the Novice Class license. The Commission finds that a rule change of this nature is justified. It is not uncommon for a person to obtain an Amateur license as a youth, give up his license to follow his chosen career, and then return as a licensee in later years when he is in a better position to enjoy such pursuits. Nevertheless, the present rule bars his return as a Novice Class licensee since he has been formerly licensed. The Commission is unable to reconcile this limitation with the purpose of the Novice Class license. Accordingly, the Commission proposes to amend its rules to permit any eligible person to obtain a Novice Class license provided that he has not held a Commission-issued license within the 12 months prior to his application. The 12-month gap is intended to obviate any element of routine renewal. No person would be permitted to hold Novice and Technician Class licenses concurrently.

6. The specific rule changes proposed herein are set forth below. Authority for these proposed amendments is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before October 15, 1968, and reply comments on or before October 30, 1968. In accordance with the provisions of § 1.419(b) of the Commission's rules, an original and fourteen copies of all statements, briefs, and comments filed shall be furnished the Commission. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken. The Commission may also take into account other relevant information before

it, in addition to specific comments invited by this notice.

Adopted: July 24, 1968.

Released: July 26, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

Part 97 of the Commission's rules is proposed to be amended as follows:

[1] Chairman Hyde absent.

Section 97.9(f) is revised as follows:

§ 97.9 Eligibility for new operator license.

* * * * *

(f) *Novice Class.* Any citizen or national of the United States, except a person who holds, or who has held within the 12-month period prior to the date of receipt of his application, a Commission-issued Amateur Radio License.

[F.R. Doc. 68-9140; Filed, July 30, 1968; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

HOG BRISTLES

Importation Directly from Singapore; Available Certifications

Notice is hereby given that certificates of origin issued by the Trade Division, Ministry of Finance of the Government of Singapore under procedures agreed upon between that government and the Office of Foreign Assets Control in connection with the Foreign Assets Control Regulations are now available with respect to the importation into the United States directly, or on a through bill of lading, from Singapore of the following additional commodity:

Bristles, hog.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 68-9117; Filed, July 30, 1968; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[R 1217]

CALIFORNIA

Notice of Classification of Public Lands for Multiple-Use Management

JULY 22, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, the public lands described in paragraph 4 below are classified for multiple-use management. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. chs. 7 and 9; 25 U.S.C. sec. 334), from sale under section 2455 of the Revised Statutes, as amended (43 U.S.C. 1171), and the lands described in paragraph 5 from appropriation under the mining laws (30 U.S.C. ch. 2). The lands shall remain open to all other applicable forms of appropriation.

3. Several adverse comments were received following publication of the notice of proposed classification in the FEDERAL REGISTER (33 F.R. 5960; Apr. 18, 1968) and following the public hearing held in Barstow on June 7, 1968. Two parties suggested specific lands should not be segregated from mining. These lands (220 acres) have been removed from the segregated effect of paragraph 5 of this notice. Other adverse comments were general in scope, and when weighed against the broad acceptance of the classification, the comments do not compel further changes. The record of public participation and comments is available for inspection in the Riverside District Office.

4. The public lands affected by this classification are located within the following described area and are shown on the Baker, Kingston, and Turtle Mountains Planning Units Classification maps on file, and on the records of the Riverside District and Land Office, 1414 University Avenue, Riverside, Calif.

SAN BERNARDINO MERIDIAN, CALIFORNIA

SAN BERNARDINO COUNTY

T. 18 N., R. 1 E.,
Secs. 1 to 24, inclusive, partly unsurveyed.
T. 18½ N., R. 1 E.,
Secs. 31 to 36, inclusive, partly unsurveyed.
T. 19 N., R. 1 E., partly unsurveyed.
T. 20 N., R. 1 E.,
Secs. 31 to 36, inclusive, partly unsurveyed (that portion lying within San Bernardino County).
T. 18 N., R. 2 E.,
Secs. 1 to 24, inclusive, partly unsurveyed.
T. 19 N., R. 2 E., partly unsurveyed.
T. 20 N., R. 2 E.,
Secs. 25 to 30, inclusive, unsurveyed (that portion lying within San Bernardino County);
Secs. 31 to 35, inclusive, unsurveyed;
Sec. 36.
T. 18 N., R. 3 E.,
Secs. 1 to 24, inclusive, partly unsurveyed.
T. 19 N., R. 3 E., partly unsurveyed.
T. 20 N., R. 3 E.,
Secs. 25 to 30, inclusive, unsurveyed (that portion lying within San Bernardino County);
Secs. 31 to 35, inclusive, unsurveyed;
Sec. 36.
T. 18 N., R. 4 E.,
Sec. 13, S½, unsurveyed;
Sec. 14, S½, partly unsurveyed;
Sec. 15, S½;
Sec. 16, S½;
Sec. 17, S½;
Sec. 18, S½;
Secs. 19 to 24, inclusive, partly unsurveyed.
T. 7 N., R. 5 E.,
Secs. 2 to 9, inclusive;
Secs. 17 to 19, inclusive.
T. 8 N., R. 5 E.
T. 9 N., R. 5 E.
T. 10 N., R. 5 E.
T. 11 N., R. 5 E.
T. 12 N., R. 5 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 17, inclusive;
Secs. 19 to 36, inclusive.
T. 13 N., R. 5 E.,
Sec. 13;
Secs. 24 to 26, inclusive;
Secs. 34 to 36, inclusive.
T. 17 N., R. 5 E.,
Secs. 1 to 12, inclusive, unsurveyed.
T. 18 N., R. 5 E.,
Sec. 13, S½;
Sec. 14, S½;
Sec. 15, S½, partly unsurveyed;
Sec. 16, S½;
Sec. 17, S½, unsurveyed;
Sec. 18, S½, unsurveyed;
Secs. 19 to 36, inclusive, partly unsurveyed.
T. 7 N., R. 6 E.,
Secs. 1 to 3, inclusive;
Secs. 11 to 14, inclusive.
T. 8 N., R. 6 E.
T. 9 N., R. 6 E.
T. 10 N., R. 6 E.
T. 11 N., R. 6 E.
T. 12 N., R. 6 E.
T. 13 N., R. 6 E.,
Secs. 1 to 5, inclusive;
Secs. 7 to 36, inclusive, partly unsurveyed.
T. 14 N., R. 6 E.,
Secs. 1 and 2, partly unsurveyed;
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive, partly unsurveyed;
Secs. 33 to 36, inclusive.
T. 15 N., R. 6 E.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 16 N., R. 6 E.,
Secs. 1 and 2, unsurveyed;
Secs. 11 to 14, inclusive, unsurveyed;
Secs. 23 to 26, inclusive, unsurveyed;
Secs. 35 and 36, partly unsurveyed.
T. 17 N., R. 6 E.,
Secs. 1 to 18, inclusive, partly unsurveyed;
Secs. 22 to 27, inclusive, unsurveyed;
Secs. 34 to 36, inclusive, partly unsurveyed.
T. 18 N., R. 6 E.,
Secs. 1 to 4, inclusive;
Sec. 5, E½;
Sec. 8, E½;
Secs. 9 to 16, inclusive;
Sec. 17, NE¼ and S½;
Sec. 18, S½;
Secs. 19 to 36, inclusive, partly unsurveyed.
T. 19 N., R. 6 E.,
Secs. 1 to 4, inclusive, unsurveyed;
Sec. 5, E½, unsurveyed;
Sec. 8, E½, unsurveyed;
Secs. 9 to 16, inclusive, partly unsurveyed;
Sec. 17, E½, unsurveyed;
Sec. 20, E½, unsurveyed;
Secs. 21 to 28, inclusive, partly unsurveyed;
Sec. 29, E½, unsurveyed;
Sec. 32, E½, unsurveyed;
Secs. 33 to 36, inclusive, partly unsurveyed.
T. 19½ N., R. 6 E.,
Sec. 32, E½ unsurveyed;
Secs. 33 to 36, inclusive, partly unsurveyed.
T. 20 N., R. 6 E.,
Sec. 32, E½, unsurveyed (that portion lying within San Bernardino County);
Secs. 33 to 36, inclusive, partly unsurveyed (that portion lying within San Bernardino County).
T. 6 N., R. 7 E.,
Secs. 1, 12 and 13.
T. 7 N., R. 7 E.,
Secs. 1 to 18, inclusive;
Secs. 24, 25 and 36.
T. 8 N., R 7 E.
T. 9 N., R. 7 E.
T. 10 N., R. 7 E.
T. 11 N., R. 7 E.
T. 12 N., R. 7 E., partly unsurveyed.
T. 13 N., R. 7 E., partly unsurveyed.
T. 14 N., R. 7 E., partly unsurveyed.
T. 15 N., R. 7 E.
T. 16 N., R. 7 E., partly unsurveyed.

T. 17 N., R. 7 E., partly unsurveyed.
T. 18 N., R. 7 E., partly unsurveyed.
T. 19 N., R. 7 E., partly unsurveyed.
T. 19½ N., R. 7 E.,
Secs. 31 to 36, inclusive, partly unsurveyed.
T. 20 N., R. 7 E.,
Secs. 31 to 36, inclusive (that portion lying within San Bernardino County).
T. 6 N., R. 8 E.,
Secs. 1 to 18, inclusive.
T. 7 N., R. 8 E.
T. 8 N., R. 8 E.
T. 9 N., R. 8 E.
T. 10 N., R. 8 E.
T. 11 N., R. 8 E.
T. 12 N., R. 8 E., partly unsurveyed.
T. 13 N., R. 8 E., partly unsurveyed.
T. 14 N., R. 8 E.,
Secs. 1 to 24, inclusive, partly unsurveyed;
Sec. 25, W½NE¼, W½, and SE¼;
Secs. 26 to 36, inclusive, partly unsurveyed.
T. 15 N., R. 8 E., partly unsurveyed.
T. 16 N., R. 8 E., partly unsurveyed.
T. 17 N., R. 8 E., partly unsurveyed.
T. 18 N., R. 8 E., partly unsurveyed.
T. 19 N., R. 8 E., partly unsurveyed.
T. 19½ N., R. 8 E.,
Secs. 31 to 36, inclusive, partly unsurveyed.
T. 20 N., R. 8 E.,
Secs. 31 to 36, inclusive (that portion lying within San Bernardino County).
T. 19 N., R. 8½ E.,
Secs. 1, 12, 13, 24, 25 and 36.
T. 6 N., R. 9 E.,
Secs. 1 to 18, inclusive.
T. 7 N., R. 9 E.
T. 8 N., R. 9 E.
T. 9 N., R. 9 E.
T. 10 N., R. 9 E.
T. 11 N., R. 9 E.
T. 12 N., R. 9 E.
T. 13 N., R. 9 E.
T. 14 N., R. 9 E.,
Secs. 1 to 29, inclusive;
Secs. 31 to 36, inclusive.
T. 15 N., R. 9 E., partly unsurveyed.
T. 16 N., R. 9 E., partly unsurveyed.
T. 17 N., R. 9 E., partly unsurveyed.
T. 18 N., R. 9 E., partly unsurveyed.
T. 19 N., R. 9 E., partly unsurveyed.
T. 20 N., R. 9 E.,
Secs. 25 to 30, inclusive, unsurveyed (that portion lying within San Bernardino County);
Secs. 31 to 36, inclusive, partly unsurveyed.
T. 6 N., R. 10 E.
T. 7 N., R. 10 E.
T. 8 N., R. 10 E.
T. 9 N., R. 10 E.
T. 10 N., R. 10 E.
T. 11 N., R. 10 E.
T. 12 N., R. 10 E., partly unsurveyed.
T. 13 N., R. 10 E.
T. 14 N., R. 10 E.
T. 15 N., R. 10 E.
T. 16 N., R. 10 E., partly unsurveyed.
T. 17 N., R. 10 E., partly unsurveyed.
T. 18 N., R. 10 E., partly unsurveyed.
T. 19 N., R. 10 E., partly unsurveyed.
T. 20 N., R. 10 E.,
Secs. 25 to 30, inclusive, unsurveyed (that portion lying within San Bernardino County);
Secs. 31 to 36, inclusive, partly unsurveyed.
T. 4 N., R. 11 E.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive.
T. 5 N., R. 11 E.,
Secs. 1 to 5, inclusive;
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 6 N., R. 11 E.
T. 7 N., R. 11 E.
T. 8 N., R. 11 E.
T. 9 N., R. 11 E.
T. 10 N., R. 11 E.
T. 11 N., R. 11 E.
T. 12 N., R. 11 E., partly unsurveyed.
T. 13 N., R. 11 E.
T. 14 N., R. 11 E.
T. 15 N., R. 11 E.
T. 16 N., R. 11 E.
T. 17 N., R. 11 E., partly unsurveyed.
T. 18 N., R. 11 E., partly unsurveyed.
T. 19 N., R. 11 E., partly unsurveyed.
T. 20 N., R. 11 E.,
Secs. 25 to 30, inclusive, unsurveyed (all that portion lying in San Bernardino County);
Secs. 31 to 36, inclusive, partly unsurveyed.
T. 3 N., R. 12 E.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 4 N., R. 12 E.,
Secs. 1 to 18, inclusive;
Sec. 19, N½;
Sec. 21, E½;
Secs. 22 to 27, inclusive;
Sec. 28, E½;
Secs. 34 to 36, inclusive.
T. 5 N., R. 12 E.
T. 6 N., R. 12 E.,
Secs. 2 to 11, inclusive;
Secs. 13 to 36, inclusive.
T. 7 N., R. 12 E.,
Secs. 2 to 11, inclusive;
Secs. 14 to 23, inclusive;
Secs. 26 to 35, inclusive.
T. 8 N., R. 12 E.
T. 9 N., R. 12 E., partly unsurveyed.
T. 10 N., R. 12 E.
T. 11 N., R. 12 E.,
Secs. 1 to 23, inclusive;
Secs. 26 to 35, inclusive.
T. 12 N., R. 12 E.
T. 13 N., R. 12 E.
T. 14 N., R. 12 E.
T. 15 N., R. 12 E.
T. 16 N., R. 12 E.
T. 17 N., R. 12 E.
T. 18 N., R. 12 E., partly unsurveyed.
T. 18½ N., R. 12 E.,
Secs. 19 to 36, inclusive, partly unsurveyed.
T. 19 N., R. 12 E.,
Secs. 1 to 3, inclusive;
Sec. 4, S½, and NW¼;
Secs. 5 and 6;
Sec. 13, N½ and SE¼;
Secs. 14 to 23, inclusive;
Sec. 24, N½ and SW¼;
Sec. 25, N½ and SW¼;
Secs. 26 to 36, inclusive.
T. 16 N., R. 12½ E.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 17 N., R. 12½ E.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 18 N., R. 12½ E.,
Secs. 1, 12, 13, 24, 25, and 36, partly unsurveyed.
T. 1 N., R. 13 E., partly unsurveyed.
T. 2 N., R. 13 E., partly unsurveyed.
T. 3 N., R. 13 E.
T. 4 N., R. 13 E.
T. 5 N., R. 13 E.
T. 6 N., R. 13 E.,
Secs. 30 and 31.
T. 8 N., R. 13 E.,
Secs. 5 to 9, inclusive;
Secs. 17 to 19, inclusive.
T. 9 N., R. 13 E.,
Secs. 6, 7, 18, and 19, partly unsurveyed.
Secs. 30 to 32, inclusive, partly unsurveyed.
T. 10 N., R. 13 E.,
Secs. 18, 19, 30, and 31.
T. 11 N., R. 13 E.,
Secs. 5, 6, and 7.
T. 12 N., R. 13 E.,
Secs. 1 to 12, inclusive;
Secs. 14 to 23, inclusive;
Secs. 27 to 33, inclusive.
T. 13 N., R. 13 E.
T. 14 N., R. 13 E.
T. 15 N., R. 13 E.
T. 16 N., R. 13 E.
T. 17 N., R. 13 E.
T. 17½ N., R. 13 E.,
Secs. 19 to 36, inclusive.
T. 18 N., R. 13 E.
T. 19 N., R. 13 E.,
Secs. 6 and 7;
Secs. 16 to 22, inclusive;
Secs. 26 to 36, inclusive.
T. 1 N., R. 14 E., unsurveyed.
T. 2 N., R. 14 E., partly unsurveyed.
T. 3 N., R. 14 E.
T. 4 N., R. 14 E.
T. 5 N., R. 14 E.
T. 13 N., R. 14 E.,
Secs. 6, 7, 18, 19, and 30.
T. 14 N., R. 14 E.,
Secs. 1 to 23, inclusive;
Secs. 28 to 32, inclusive.
T. 15 N., R. 14 E.
T. 15½ N., R. 14 E.,
Secs. 19 to 36, inclusive.
T. 16 N., R. 14 E.
T. 17 N., R. 14 E.
T. 18 N., R. 14 E.,
Secs. 6 to 8, inclusive;
Secs. 16 to 22, inclusive;
Secs. 26 to 36, inclusive.
T. 1 N., R. 15 E., partly unsurveyed.
T. 2 N., R. 15 E.
T. 3 N., R. 15 E.
T. 4 N., R. 15 E.
T. 5 N., R. 15 E.
T. 6 N., R. 15 E.,
Sec. 1;
Secs. 11 to 15, inclusive;
Secs. 21 to 29, inclusive;
Secs. 31 to 36, inclusive.
T. 14 N., R. 15 E.,
Secs. 2 to 10, inclusive;
Secs. 17 and 18.
T. 15 N., R. 15 E.
T. 15½ N., R. 15 E.,
Secs. 19 to 36, inclusive.
T. 16 N., R. 15 E.
T. 17 N., R. 15 E.,
Secs. 6 to 8, inclusive;
Secs. 16 to 22, inclusive;
Secs. 26 to 36, inclusive.
T. 1 N., R. 16 E.
T. 2 N., R. 16 E.
T. 3 N., R. 16 E.
T. 4 N., R. 16 E.
T. 5 N., R. 16 E.
T. 6 N., R. 16 E.
T. 7 N., R. 16 E.,
Secs. 12 to 14, inclusive;
Secs. 22 to 28, inclusive;
Secs. 31 to 36, inclusive.
T. 15 N., R. 16 E.,
Secs. 4 to 9, inclusive;
Secs. 17 to 19, inclusive;
Sec. 30.
T. 15½ N., R. 16 E.,
Secs. 19 and 20;
Secs. 28 to 33, inclusive.
T. 16 N., R. 16 E.,
Secs. 6 to 8, inclusive;
Secs. 16 to 22, inclusive;
Secs. 26 to 32, inclusive.
T. 1 N., R. 17 E., partly unsurveyed.
T. 2 N., R. 17 E., partly unsurveyed.
T. 3 N., R. 17 E., partly unsurveyed.
T. 4 N., R. 17 E.
T. 5 N., R. 17 E.
T. 6 N., R. 17 E.
T. 7 N., R. 17 E.
T. 8 N., R. 17 E.,
Secs. 23 to 27, inclusive.
Secs. 32 to 36, inclusive.
T. 1 N., R. 18 E., partly unsurveyed.
T. 2 N., R. 18 E.
T. 3 N., R. 18 E., partly unsurveyed.
T. 4 N., R. 18 E.
T. 5 N., R. 18 E.
T. 6 N., R. 18 E.
T. 7 N., R. 18 E.
T. 8 N., R. 18 E.,
Secs. 1 and 2;
Secs. 9 to 36, inclusive.

T. 1 N., R. 19 E.
T. 2 N., R. 19 E., partly unsurveyed.
T. 3 N., R. 19 E., partly unsurveyed.
T. 4 N., R. 19 E., partly unsurveyed.
T. 5 N., R. 19 E., partly unsurveyed.
T. 6 N., R. 19 E.
T. 7 N., R. 19 E.
T. 8 N., R. 19 E.
T. 9 N., R. 19 E.,
Sec. 25;
Secs. 33 to 36, inclusive.
T. 1 N., R. 20 E., partly unsurveyed.
T. 2 N., R. 20 E., partly unsurveyed.
T. 3 N., R. 20 E., partly unsurveyed.
T. 4 N., R. 20 E., partly unsurveyed.
T. 5 N., R. 20 E., partly unsurveyed.
T. 6 N., R. 20 E.
T. 7 N., R. 20 E.
T. 8 N., R. 20 E.
T. 9 N., R. 20 E.,
Secs. 25 to 36 inclusive.
T. 1 N., R. 21 E., partly unsurveyed.
T. 2 N., R. 21 E., partly unsurveyed.
T. 3 N., R. 21 E., partly unsurveyed.
T. 4 N., R. 21 E., partly unsurveyed.
T. 5 N., R. 21 E.
T. 6 N., R. 21 E.
T. 7 N., R. 21 E.
T. 8 N., R. 21 E.
T. 9 N., R. 21 E.,
Secs. 10 to 15, inclusive;
Secs. 19 to 36, inclusive.
T. 1 N., R. 22 E.
T. 2 N., R. 22 E., partly unsurveyed.
T. 3 N., R. 22 E., partly unsurveyed.
T. 4 N., R. 22 E.
T. 5 N., R. 22 E.
T. 6 N., R. 22 E.
T. 7 N., R. 22 E.
T. 8 N., R. 22 E.
T. 1 N., R. 23 E.
T. 2 N., R. 23 E., partly unsurveyed.
T. 3 N., R. 23 E., partly unsurveyed.
T. 4 N., R. 23 E.
T. 5 N., R. 23 E.
T. 6 N., R. 23 E.
T. 7 N., R. 23 E.
T. 1 N., R. 24 E.
T. 2 N., R. 24 E.
T. 3 N., R. 24 E., partly unsurveyed.
T. 4 N., R. 24 E.,
Secs. 19 and 20;
Secs. 29 to 32, inclusive.
T. 5 N., R. 24 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 18, inclusive.
T. 2 N., R. 25 E.,
Secs. 1 to 18, inclusive.
T. 3 N., R. 25 E.,
Secs. 4 to 9, inclusive, unsurveyed;
Secs. 16 to 36, inclusive, partly unsurveyed.
T. 1 S., R. 13 E., unsurveyed.
T. 2 S., R. 13 E.,
Secs. 3 to 6, inclusive, unsurveyed.
T. 1 S., R. 14 E.,
Secs. 1 to 32, inclusive, partly unsurveyed.
T. 1 S., R. 15 E.,
Secs. 1 to 30, inclusive, partly unsurveyed;
Sec. 36, partly unsurveyed.
T. 1 S., R. 16 E.,
Secs. 1 to 20, inclusive;
Secs. 29 to 32, inclusive, partly unsurveyed.
T. 1 S., R. 17 E.,
Secs. 1 to 18, inclusive, partly unsurveyed.
T. 1 S., R. 18 E.,
Secs. 1 to 18, inclusive.
T. 1 S., R. 19 E.,
Secs. 1 to 18, inclusive.
T. 1 S., R. 20 E.,
Secs. 1 to 18, inclusive.
T. 1 S., R. 21 E.,
Secs. 1 to 18, inclusive, partly unsurveyed.
T. 1 S., R. 22 E.,
Secs. 1 to 18, inclusive, partly unsurveyed.
T. 1 S., R. 23 E., Secs. 1 to 18, inclusive.

The public lands being classified aggregate approximately 4,112,000 acres.

5. As provided in paragraph 2 above, the following lands are further segregated from appropriation under the mining laws (totaling approximately 40,226 acres):

SAN BERNARDINO MERIDIAN, CALIFORNIA

SAN BERNARDINO COUNTY

T. 11 N., R. 6 E.,
Sec. 6, lots 1 to 4, inclusive;
Sec. 14, lots 1 to 9, inclusive, NW¼NE¼, N½NW¼, SE¼;
Sec. 15, E½SW¼, SE¼;
Sec. 18, lots 1 to 4, inclusive, NE¼, E½W½, SE¼;
Sec. 20;
Sec. 21, NW¼, N½SE¼;
Sec. 22;
T. 12 N., R. 6 E.,
Sec. 26, SE¼;
Sec. 32, S½N½, S½;
Sec. 34.
T. 18 N., R. 6 E.,
Sec. 25, E½NE¼.
T. 12 N., R. 7 E.,
Sec. 1, unsurveyed;
Sec. 2, SE¼, unsurveyed;
Sec. 11, NE¼, S½;
Sec. 12, unsurveyed;
Sec. 13, N½NW¼, unsurveyed;
Sec. 14, NE¼, S½;
Sec. 15, NE¼, S½;
Sec. 20, SE¼SE¼;
Sec. 21;
Sec. 22, N½, SW¼;
Sec. 28, N½;
Sec. 29, W½NE¼, SE¼NE¼, N½NW¼, SW¼SW¼, N½SE¼;
Sec. 30, S½ lots 1 and 2 of NW¼, S½ lot 1 of SW¼, lot 2 of SW¼, NE¼, NE¼SE¼, S½SE¼;
Sec. 31, lots 1 and 2 of NW¼, NE¼.
T. 13 N., R. 7 E.,
Sec. 36.
T. 18 N., R. 7 E.,
Sec. 19, S½SW¼, unsurveyed;
Sec. 30, N½, NE¼SW¼, N½SE¼, unsurveyed.
T. 12 N., R. 8 E.,
Sec. 6, W½E½, W½, unsurveyed.
T. 13 N., R. 8 E.,
Sec. 1, lots 1 and 2 of NW¼, W½SW¼;
Sec. 2, lots 1 and 2 of NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 10, E½SE¼;
Sec. 11, N½NE¼, SW¼NE¼, W½, NW¼SE¼;
Sec. 14, NW¼, NW¼SW¼;
Sec. 15, E½, E½SW¼;
Sec. 19, S½S½, unsurveyed;
Sec. 20, unsurveyed;
Sec. 21, S½N½, S½, unsurveyed;
Sec. 22, N½, SW¼, NW¼SE¼;
Sec. 29, NW¼NE¼, NW¼, W½SW¼, unsurveyed;
Sec. 30 and 31, unsurveyed;
Sec. 32, W½W½, unsurveyed.
T. 20 N., R. 9 E.,
Sec. 34, N½NE¼NW¼, unsurveyed.
T. 15 N., R. 10 E.,
Sec. 14, S½SE¼;
Sec. 23, N½NE¼, SW¼NE¼.
T. 16 N., R. 10 E.,
Sec. 25, NE¼SW¼, N½SE¼SW¼, unsurveyed.
T. 19 N., R. 10 E.,
Sec. 3, NE¼NW¼, unsurveyed.
T. 13 N., R. 11 E.,
Sec. 12.
T. 14 N., R. 11 E.,
Sec. 7, S½ lot 2 of NW¼;
Sec. 9, NE¼NW¼.
T. 8 N., R. 12 E.,
Sec. 12, NE¼NE¼;
Sec. 20, W½NE¼;
Sec. 23, SW¼SE¼;
Sec. 26;
Sec. 27, NE¼, N½SE¼;
Sec. 35, N½N½.
T. 9 N., R. 12 E.,
Secs. 3 to 6, inclusive, partly unsurveyed;
Sec. 7, NE¼, E½NW¼, NE¼SE¼;
Sec. 8, N½, N½S½, unsurveyed;
Sec. 9, N½, NW¼SW¼, partly unsurveyed;
Sec. 25, NW¼NE¼.
T. 10 N., R. 12 E.,
Secs. 19 to 22, inclusive;
Secs. 27 to 34, inclusive;
Sec. 35, W½W½.
T. 13 N., R. 12 E.,
Secs. 5 to 8, inclusive.
T. 14 N., R. 12 E.,
Sec. 28, SW¼;
Sec. 29, SE¼;
Secs. 31 and 32.
T. 8 N., R. 13 E.,
Sec. 6, S½SW¼;
Sec. 7, N½NW¼;
Sec. 8, W½SE¼;
Sec. 18, SE¼NW¼.
T. 14 N., R. 13 E.,
Sec. 10, S½;
Sec. 11, S½;
Sec. 12, SW¼, W½SW¼SE¼;
Sec. 13, W½NE¼NE¼, W½NE¼, W½, SE¼;
Secs. 14 and 15;
Sec. 20, SW¼NE¼;
Sec. 21, E½E½;
Sec. 22;
Sec. 23, NE¼, W½, NW¼SE¼;
Sec. 24, NW¼.
T. 17 N., R. 13 E.,
Sec. 33, S½NE¼, SE¼NW¼, NE¼SW¼, SE¼;
Sec. 34, SW¼.
T. 14 N., R. 14 E.,
Sec. 18, lot 2 of SW¼.
T. 8 N., R. 18 E.,
Sec. 28, SE¼NW¼.
T. 9 N., R. 20 E.,
Sec. 22, SW¼SW¼ (that portion south of U.S. 66).
T. 3 N., R. 21 E.,
Sec. 28, SE¼, unsurveyed.
T. 1 N., R. 24 E.,
Sec. 8, S½SW¼;
Sec. 17, N½NW¼.

6. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided in 43 CFR 2411.2(c).

J. R. PENNY,
State Director.

[F.R. Doc. 68-9110; Filed, July 30, 1968; 8:47 a.m.]

[C-3900]

COLORADO

Notice of Classification of Public Lands for Multiple-Use Management

JULY 24, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, the public lands within the areas described below are hereby classified for multiple-use management. Publication of this notice (a) segregates all the described lands from appropriation only under the agricultural land laws (43 U.S.C. Chapters 7 and 9; 25 U.S.C. 334); Small Tract Act of June 1, 1938, as amended (43 U.S.C. 682 (a) and (b)); from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171); the Public Land Sale Act of September 19, 1964

(43 U.S.C. 1421–27); and (b) further segregates the land described in paragraph 3 of this notice from operation of the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869; 869–1 to 869–4); and (c) further segregates the lands described in paragraph 4 of this notice from the operation of the General Mining Laws (30 U.S.C. 21), and the Materials Act of July 31, 1947 as amended, but not from the Mineral Leasing Laws.

The lands shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws; and exchanges under section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g). As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. No protests or objections were received following publication of a notice of proposed classification (33 F.R. 7459–7460) or at the public hearing held on June 13, 1968, at Grand Junction, Colo. The record showing the comments received and other information are on file in the Grand Junction District Office, Bureau of Land Management, Federal Building, Fourth and Rood, Grand Junction, Colo.; and the Land Office, Bureau of Land Management, 1961 Stout Street, Denver, Colo.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

MESA COUNTY

T. 51 N., R. 19 W.,
Sec. 15, SE¼NW¼;
Sec. 22, NE¼NW¼SW¼;
Sec. 26, NW¼SE¼NW¼.

The above areas aggregate approximately 60 acres of public land.

3. As provided in paragraph 2(b) above, the following lands are further segregated from appropriation under the Recreation and Public Purposes Act of June 14, 1926, as amended:

SIXTH PRINCIPAL MERIDIAN, COLORADO

MESA COUNTY

T. 14 S., R. 101 W.,
Secs. 26 and 27, those portions below north rim of Unaweep Canyon;
Secs. 31 to 34, inclusive, those portions below north rim of Unaweep Canyon;
Sec. 35, S½S½;
Sec. 36, W½SW¼.
T. 14 S., R. 102 W.,
Secs. 30 to 32, inclusive, those portions below north rim of Unaweep Canyon;
Secs. 35 and 36, those portions below north rim of Unaweep Canyon.
T. 14 S., R. 103 W.,
Secs. 25 to 27, inclusive, those portions below north rim of Unaweep Canyon;
Secs. 33 to 36, inclusive, those portions below north rim of Unaweep Canyon.
T. 14 S., R. 104 W.,
Secs. 33 to 35, inclusive, those portions below north rim of Unaweep Canyon.
T. 15 S., R. 101 W.,
Secs. 5 and 6.

T. 15 S., R. 102 W.,
Sec. 1;
Secs. 3 to 5, inclusive, those portions below north rim of Unaweep Canyon;
Secs. 6 to 10, inclusive;
Sec. 11, portion below north rim of Unaweep Canyon;
Secs. 12, 13, and 15.
T. 15 S., R. 103 W.,
Secs. 1 and 2;
Secs. 3 to 6, inclusive, those portions below north rim of Unaweep Canyon;
Sec. 7;
Sec. 8, portion below north rim of Unaweep Canyon;
Secs. 9 to 36, inclusive.
T. 15 S., R. 104 W.,
Secs. 1 to 6, inclusive, those portions below north rim of Unaweep Canyon;
Secs. 7 to 10, inclusive;
Secs. 11 and 12, those portions below north rim of Unaweep Canyon;
Secs. 13 to 36, inclusive.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

MONTROSE COUNTY

T. 48 N., R. 18 W.,
Sec. 2, lots 3 and 4;
Sec. 3, lots 2, 3, 4, 39, 40, and 41;
Sec. 4, lots 1 and 8;
Sec. 5, lots 1, 2, 3, 4, and 6;
Sec. 6, lots 1 to 6, inclusive.
T. 48 N., R. 19 W.,
Sec. 1, N½N½.
T. 49 N., R. 17 W.,
Sec. 19, W½;
Sec. 30, W½W½.
T. 49 N., R. 18 W.,
Secs. 19 to 35, inclusive;
Sec. 36, W½.
T. 49 N., R. 19 W.,
Secs. 22 to 27, inclusive;
Sec. 28, NE¼SE¼, S½SE¼, SE¼SW¼;
Sec. 29, SW¼SE¼;
Sec. 36.

MESA COUNTY

T. 49 N., R. 17 W.,
Sec. 4, N½NW¼;
Sec. 5, lots 1, 2, W½E½, W½;
Secs. 6 and 7;
Sec. 8, lot 4, NW¼, NW¼SW¼;
Sec. 17, lots 1 to 4, inclusive;
Sec. 18;
Sec. 19, N½NW¼.
T. 49 N., R. 18 W.,
Secs. 1 to 24, inclusive.
T. 49 N., R. 19 W.,
Secs. 1 to 18, inclusive;
Secs. 22 to 24, inclusive.
T. 49 N., R. 20 W.,
Sec. 1.
T. 50 N., R. 17 W.,
Sec. 7;
Secs. 17 to 21, inclusive;
Secs. 27 to 32, inclusive;
Sec. 33, N½, SW¼, N½SE¼;
Sec. 34, N½.
T. 50 N., R. 18 W.,
Secs. 1 to 36, inclusive.
T. 50 N., R. 19 W.,
Secs. 1 to 18, inclusive;
Secs. 21 to 29, inclusive;
Secs. 31 to 36, inclusive.
T. 50 N., R. 20 W.,
Sec. 1;
Sec. 2;
Secs. 11 to 14, inclusive;
Secs. 35 and 36.
T. 51 N., R. 18 W.,
Secs. 7 to 9, inclusive;
Secs. 16 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 51 N., R. 19 W.,
Secs. 7 to 36, inclusive.
T. 51 N., R 20 W.,
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.

The areas described above aggregate approximately 167,678 acres of public land.

4. As provided in paragraph 2(c) above, the following lands are further segregated from appropriation under the mining laws and the Materials Act, as amended, but not from the mineral leasing laws.

SIXTH PRINCIPAL MERIDIAN, COLORADO

MESA COUNTY

T. 15 S., R. 103 W.,
Sec. 21, NE¼NE¼SE¼, SE¼SE¼NE¼.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

MONTROSE COUNTY

T. 49 N., R. 18 W.,
Sec. 28, SE¼NE¼NW¼, SW¼NW¼NE¼;
Sec. 33, S½NW¼NE¼SE¼.

The above areas aggregate approximately 45 acres of public land.

The total of all above areas aggregate approximately 167,783 acres of public land.

3. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.1–2(d)).

E. I. ROWLAND,
State Director.

[F.R. Doc. 68–9112; Filed, July 30, 1968; 8:47 a.m.]

National Park Service

CENTRAL, NATIONAL CAPITAL PARKS

Notice of Intention to Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Central, National Capital Parks, proposes to issue a concession permit to Buzzard Point Boatyard Corp., authorizing it to provide marina services for the public at the foot of First Street SW., Washington, D.C., for a period of 1 year from September 1, 1968, through August 31, 1969.

The foregoing concessioner has performed its obligations under an existing permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the issuance of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the date of publication of this notice.

Interested parties should contact the Superintendent, Central, National Capital Parks, 1100 Ohio Drive SW., Washington, D.C. 20242, for information as to the requirements of the proposed permit.

Dated: July 15, 1968.

WILLIAM R. FAILOR,
Superintendent, Central, National Capital Parks.

[F.R. Doc. 68–9127; Filed, July 30, 1968; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

GRAIN STANDARDS

Inspection Points

Statement of considerations. On May 3, 1968, there was published in the FEDERAL REGISTER (33 F.R. 6789) a notice of proposed rule making to consider requests from the Connecticut Department of Agriculture, the Maine Department of Agriculture, and the Pennsylvania Department of Agriculture asking that licensed grain inspectors be authorized to post their licenses to inspect and grade grain under the U.S. Grain Standards Act (7 U.S.C. 71 et seq.) at Manchester, Conn.; Augusta, Maine; and Harrisburg, Pa.

Inspection agencies, members of the grain trade, and other interested parties were given until June 17 to submit written data, views, or arguments with respect to the need, operation, and support of the proposed established inspection points.

The Connecticut Department of Agriculture and the Maine Department of Agriculture submitted data, views, and arguments in favor of their operating inspection points at Manchester, Conn., and Augusta, Maine. These were the only responses received from inspection agencies. One response was received from a grain firm favoring the operation of an established grain inspection point at Manchester, Conn., by the Connecticut Department of Agriculture and one response was received from a grain firm favoring the operation of an established grain inspection point at Augusta, Maine, by the Maine Department of Agriculture. No contrary written data, views, or arguments were submitted with regard to the above requests.

Pursuant to the authority contained in section 8 of the U.S. Grain Standards Act, as amended (7 U.S.C. 84), Manchester, Conn., and Augusta, Maine, are hereby approved under the U.S. Grain Standards Act as places where licensed inspectors may post their licenses, and the Connecticut Department of Agriculture and the Maine Department of Agriculture are hereby authorized to station licensed inspectors at those points respectively.

In order to provide grain inspection services at Augusta, Maine, and Manchester, Conn., it is necessary to establish such markets as inspection points under the Act. This service shall be authorized as soon as possible in view of the imminence of the grain shipping season. Therefore, under the administrative procedure provisions in 5 U.S.C., section 553, good cause is found for making this action effective less than 30 days after publication in the FEDERAL REGISTER.

The Pennsylvania Department of Agriculture asked that a decision on their request to establish and operate a grain inspection point at Harrisburg, Pa., be delayed until January 1, 1969. No other written comments were received favoring or opposing the operation of an established grain inspection point at Harrisburg, Pa., by the Pennsylvania Department of Agriculture.

Therefore, pursuant to the authority contained in section 8 of the U.S. Grain Standards Act, as amended (7 U.S.C. 84), approval of Harrisburg, Pa., as a place where licensed inspectors may post their licenses, and the authorization for the Pennsylvania Department of Agriculture to station one or more licensed inspectors at Harrisburg, Pa., is declined without prejudice.

This notice shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 8, 39 Stat. 485; 7 U.S.C. 84; 29 F.R. 16210, as amended, 32 F.R. 11741)

Done in Washington, D.C., this 26th day of July 1968.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 68–9158; Filed, July 30, 1968; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

CLAYTON FOUNDATION BIOCHEMICAL INSTITUTE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68–00608–00–46040. Applicant: Clayton Foundation Biochemical Institute, The University of Texas, Experimental Science Building 444, 24 and Speedway Street, Austin, Tex. 78712. Article: Electron microscope accessories. Manufacturer: Siemens AG, West Germany. Intended use of article: The articles will be used as accessories to an existing electron microscope presently employed for scientific and educational purposes. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: The application relates to several accessories which are intended to be used with an electron microscope manufactured by the supplier of these accessories, which is now in the possession of the applicant.

The Department of Commerce knows of no similar accessories being manufactured in the United States which are interchangeable with any of the foreign articles or can be adapted for use with the electron microscope with which these articles are intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68–9093; Filed, July 30, 1968; 8:45 a.m.]

JOHNS HOPKINS UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68–00614–00–46040. Applicant: The Johns Hopkins University, Baltimore, Md. 21218. Article: Decontamination device for Siemens electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used to modify an existing Siemens electron microscope. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for an electron microscope manufactured by the supplier of the article to which the application relates, which is now in the possession of the applicant.

The Department of Commerce knows of no similar accessory which is interchangeable with the foreign article, or can be adapted for use with the electron

microscope with which the foreign article is intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68-9088; Filed, July 30, 1968; 8:45 a.m.]

JOHNS HOPKINS UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00613-00-46040. Applicant: The Johns Hopkins University, Purchasing Department, Baltimore, Md. 21218. Article: Electromagnetic shutter/exposure meter for Siemens electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used to measure exact exposure time improvement of resolution power. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for an electron microscope manufactured by the supplier of the article to which the application relates, which is now in the possession of the applicant.

The Department of Commerce knows of no similar accessory which is interchangeable with the foreign article, or can be adapted for use with the electron microscope with which the foreign article is intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Businesss and Defense Services Administration.

[F.R. Doc. 68-9089; Filed, July 30, 1968; 8:45 a.m.]

NATIONAL INSTITUTES OF HEALTH ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of application for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Producer Goods, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribed the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Producer Goods must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 68-00688-33-46500. Applicant: National Institutes of Health, Building 6, Room 116, Bethesda, Md. 20014. Article: LKB 8800A Ultrotome III ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for thin sectioning of tumor and tissue culture materials for long term investigation of viruses in oncogenesis and tumorigenesis in human and other mammalian systems. Essential to this aspect is the correlation of sections by phase and electron microscopy. Application received by Commissioner of Customs: June 27, 1968.

Docket No. 68-00690-33-46040. Applicant: University of Florida, College of Medicine, Department of Pathology, Gainesville, Fla. 32601. Article: Electron microscope, Model EM 9A. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used for the following:

1. Introductory training of research fellows in electron microscopy.
2. Training of research fellows in the ultrastructure of tumor cells and viruses.
3. Training of research staff in elementary electron microscopy for supportive research purposes.
4. Rapid screening of a large volume of tumor specimens for cytological detection of viral particles in Burkitt tumor cells.
5. Study and identification of viral particles particularly in relationship to tumor producing cells.

Application received by Commissioner of Customs: June 28, 1968.

Docket No. 68-00691-01-77030. Applicant: Arkansas State University, Office of Finance, State University, Arkansas, via Jonesboro, Ark. 72467. Article: Nuclear magnetic resonance spectrometer and cooling water conditioner closed loop. Models JNM-C-60H and JNM-CW-IB. Manufacturer: Japan Electron Optics Laboratory Co., Inc., Japan. Intended use of article: The article will be used as the following:

A. Instructional use in connection with instrumental analysis course. Instructional use in connection with introductory organic chemistry course.

B. Search for cis and trans forms of phthalocyanine using proton techniques. X-Ray studies have been unable to resolve the questions about the existence of these forms.

C. Search for cis and trans F-19 fluorinated phthalocyanine, independent of the proton results of *B* above.

D. Proton studies for identification of chelate rings with thioamino acid chelating agents. H-H' Bis (3 mercaptopropanol) ethylene diamine is also being studied as a chelating agent.

E. The identification of compounds known to form (but yet unstudied) between lithium carbide and lithium nitride and organic compounds such as acetone.

F. Structure studies of terpenes extracted from algae.

G. Structure studies of amino acid sequence in the protein extract of snake venom.

H. Proposed proton studies of crystalline changes accompanying dehydration of carbonate hydrates.

I. Routine structure determination using protons and F-19 (when funds permit purchase of attachments).

Application received by Commissioner of Customs: June 28, 1968

Docket No. 68-00693-33-46020. Applicant: University of Hawaii, Hawaii Institute of Marine Biology, Post Office Box 1067, Kaneohe, Hawaii 96744. Article: Stereomicroscope, Model M5, with stands and accessories. Manufacturer: Wild Heerburgg Ltd., Switzerland. Intended use of article: The article will be used for scientific research and identification on shrimp anatomy. In the identification of the shrimp, ranging in size from a few millimeters to 10 centimeters, a wide span of magnification is necessary, from examining the gross appearance to distinguishing small and subtle teeth, hair, and sculpturing on the smallest of appendages. Application received by Commissioner of Customs: June 28, 1968.

Docket No. 68-00695-98-26000. Applicant: Downey Unified School District, Box 75, Downey, Calif. 90241. Article: Standard construction device for the theory of electricity, Model EG ZA/ZT B a, B b. Manufacturer: Dr. Clemenz, West Germany. Intended use of article: The article will be used in class for teaching the basic theory of electricity. The device teaches the student to construct electrical articles by actual practice and gives a basic understanding of the theory underlying the experiments. Application received by Commissioner of Customs: June 28, 1968.

Docket No. 69-00001-33-46040. Applicant: Veterans Administration Center, Wilshire and Sawtelle Boulevards, Los Angeles, Calif. 90073. Article: Electron microscope, Model HS-8, with plate drier, two fore pumps, magnetic stabilizer, and line voltage regulator auto transformer. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for examination and photomicrography of microbes, tissue, and tissue homogenates in studies of ultrastructure and function of membranes and other fine cellular elements of biological and medical significance. It will also be used by high school students in the summer work program for students from poverty level families. Application received by Commissioner of Customs: July 1, 1968.

Docket No. 69-00002-33-46500. Applicant: U.S. Veterans Administration, Veterans Administration Hospital, Hines, Ill. 60141. Article: Ultramicrotome, Model "Om U2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used for sectioning (600Å) extremely fragile choroid plexus epithelium of the developing chick embryo and adult fowl. Autoradiographic and enzyme histochemical procedures on ultra-thin sections will be carried out on the choroid plexus and nerve tissue from the central nervous system of different species. Application received by Commissioner of Customs: July 1, 1968.

Docket No. 69-00003-33-46040. Applicant: Scripps Clinic and Research Foundation, 476 Prospect Steet, La Jolla, Calif. 92037. Article: Electron microscope, Model HU-11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for training biomedical researchers and for the examination of immunologic phenomena on and within cells and cell membranes. Some of the most important efforts currently and in the future require resolution of membranes and antigen-antibody molecular complexes down to the lowest limit possible, about 5 Angstrom units. Application received by Commissioner of Customs: July 1, 1968.

Docket No. 69-00004-33-61200. Applicant: Kosair Crippled Children Hospital, 982 Eastern Parkway, Louisville, Ky. 40217. Article: Table for correction of Deformities of the Spine by Traction and Derotation. Manufacturer: ets Belembert Constructeur, France. Intended use of article: The article will be used in the correction of scoliosis deformities of the spine where there is rotation of the dorsal verebral bodies, producing a rib gibbous or hump. Application received by Commissioner of Customs: July 1, 1968.

Docket No. 69-00005-33-46040. Applicant: Cleveland Clinic Foundation, Research Division, 2020 East 93d Street, Cleveland, Ohio 44106. Article: Electron Microscope JEM 50. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The electron microscope will be used for rapid screening of prepared samples under low magnification prior to high resolution microscopy and radioautography in research studies on coronary artery disease. Application received by Commissioner of Customs: July 1, 1968.

Docket No. 69-00024-33-46040. Applicant: Tufts University, New England Medical Center Hospital, 171 Harrison Avenue, Boston, Mass. 02111. Article: Electron Microscope, Model HU-11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used to study the ultrastructure of lymphoid tissues during antibody formation and during the graft-versus-host reaction and its long term followup. In the study of antibody formation, ultrathin sections of whole tissues and cell suspensions will be used to examine the ultrastructure of the cells involved in this reaction. In mice, the study of the long time survivors of the graft-host reaction will be pursued. Application received by Commissioner of Customs: July 10, 1968.

Docket No. 68-00683-33-46500. Applicant: U.S. Department of Agriculture, ARS, Southern Administrative Division, 701 Loyola Avenue, New Orleans, La. 70150. Article: LKB 8800A Ultrotome III Ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in studying coccidia development. It is required for sectioning cells of coccidia in the tissues of domestic and laboratory animals which have been exposed to various chemotherapeutic drugs, histochemical stains and special fluorochromes. The tissues will be studied with standard and specialized methods used in electron microscopy and in freeze-etched materials followed by metallic shadow casting and electron microscopy. Application received by Commissioner of Customs: June 27, 1968.

Docket No. 68-00686-33-46500. Applicant: University of Northern Iowa, Biology Department, Cedar Falls, Iowa 50613. Article: LKB 8800A Ultrotome III Ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare long series of uniform sections down to 50A thickness for orientation and measurement by means of phase microscopy and photomicrography of the effects on membrane systems and organelles of host cells after the entry of parasitic fungus hyphae or haustoria, mycorrhizal hyphae and certain intracellular symbionts. Application received by Commissioner of Customs: June 27, 1968.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68-9091; Filed, July 30, 1968; 8:45 a.m.]

RETINA FOUNDATION

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00575-33-46595. Applicant: Retina Foundation, 20 Staniford Street, Boston, Mass. 02114. Article: McIlwain tissue chopper. Manufacturer: The Mickle Laboratory Engineering Co., United Kingdom. Intended use of article: The article will be used to cut muscle fibers in a way that avoids artifactual breakdown and isolation of fine structural components of muscle tissue. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is intended to be used for isolation of fine structural components of muscle. For the intended uses, the applicant requires an apparatus capable of preparing the tissue specimens without the artifactual breakdown of contaminating components.

We are advised by the Department of Health, Education, and Welfare that it knows of no apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68-9090; Filed, July 30, 1968; 8:45 a.m.]

RUTGERS STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00566-33-46040. Applicant: Rutgers—The State University, Rutgers Medical School, New Brunswick, N.J. 08903. Article: Electron microscope, Model EM 9A with spare parts. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used to study the ultrastructural and cytoarchitectural alterations brought about by mineral deficiencies, particularly that of magnesium in the kidney. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for

the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope which can be used by students with a minimum of detailed programming and early use by the student with self confidence. The only domestic electron microscope is the Model EMU–4 manufactured by the Radio Corporation of America (RCA), which is a high resolution and relatively complex instrument designed for high level research. (2) The foreign article provides as low as 60 magnifications. This characteristic permits the student to make an easy transition from light microscopy to electron microscopy. (3) The foreign article also provides a digital readout for focusing adjustments, which allows the instructor to objectively indicate the correct focusing for each type of experiment. For the foregoing reasons, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68–9094; Filed, July 30, 1968; 8:45 a.m.]

UNIVERSITY OF MICHIGAN

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68–00554–00–77095. Applicant: The University of Michigan, Purchasing Office, Research Administration Building, Ann Arbor, Mich. 48105. Article: Fabry-Perot etalon plates and quartz spacer. Manufacturer: Optical Surfaces, Ltd., United Kingdom. Intended use of article: The article will be used in a Fabry-Perot spectrometer in order to make airglow measurements of the night sky. Comments: Comments dated June 11, 1968 have been received from one domestic manufacturer, Gaertner Scientific Corp. (Gaertner) which alleges inter alia that it manufactures Fabry-Perot plates of most shapes and sizes. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The application relates to a set of etalon plates to be used with a Fabry-Perot interferometer manufactured in England by the company from which the plates have been ordered. For the purposes for which they are intended to be used, the applicant requires Fabry-Perot etalon plates which are six inches in diameter with a surface accuracy of lambda/200. The Gaertner Scientific Corp. lists in its literature various types of Fabry-Perot etalons, the largest having a diameter of 4 inches with a surface accuracy of lambda/100. We find that the difference in diameter of two inches between the foreign article and the most closely comparable. Fabry-Perot etalon manufactured by Gaertner, as well as the greater surface accuracy of the foreign article by a factor of two, to be pertinent to the purposes for which the foreign article is intended to be used and, therefore, the Gaertner Fabry-Perot etalons are not of equivalent scientific value to the foreign article for the purposes for which the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68–9095; Filed, July 30, 1968; 8:45 a.m.]

UNIVERSITY OF PITTSBURGH

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68–00526–33–46500. Applicant: University of Pittsburgh, Department of Microbiology, 3550 Terrace Street, Pittsburgh, Pa. 15213. Article: Ultramicrotome, LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to make a detailed comparative study of fine structure and functional organization of parasitic Bdellovibrio in order to determine the functional and structural features that enable the organism to maintain itself as a parasite. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The purposes for which the foreign article is intended to be used require an ultramicrotome capable of cutting the thinnest possible sections. The foreign article has the capability of cutting sections down to 50 Angstroms (page 6, 1965 catalogue for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The only known comparable domestic ultramicrotome, the Model MT–2 manufactured by Ivan Sorvall, Inc. (Sorvall), has a specified thin-sectioning capability down to 100 Angstroms (page 11, 1966 catalogue for "Porter-Blum" MT–1 and MT–2 ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The lower thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more it is possible to take advantage of the ultimate resolving power of the microscope. (2) For its purposes, the applicant requires an instrument capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) (memorandum dated June 20, 1968) that only an ultramicrotome equipped with a thermal advance (feed) can meet this requirement. The foreign article incorporates both a thermal advance for ultrathin sections and a mechanical advance for thicker sections. The Sorvall Model MT–2 is equipped only with a mechanical feed. In connection with Docket No. 67–00024–33–46500, which relates to an identical foreign article, HEW advised that ultramicrotomes employing a mechanical system utilize a gear mechanism and inherent in such mechanisms are backlash and slippage. Hence, in mechanical systems, the variation in thickness and uniformity will be greater than in thermal systems when both are functioning at their best. We therefore find the thermal advance of the foreign article to be pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of one degree (page 3 of catalogue on "Ultrotome III"), whereas no equivalent device is specified for the Sorvall Model MT–2. The capability of accurately measuring the knife-angle setting is pertinent because the angle at which the knife enters the specimen determines the thickness of the section.

For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68–9096; Filed, July 30, 1968; 8:45 a.m.]

VANDERBILT UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Producer Goods, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Producer Goods must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 68–00651–33–46500. Applicant: Vanderbilt University, Department of Anatomy, Nashville, Tennessee 37203. Article: LKB 8800 Ultrotome III Ultramicrotome: Manufacturer: LKB Producter AB., Sweden. Intended use of article: The article will be used for developing a program in Cell Structure and Function. It is intended that this microtome be installed in a new area to be used for high resolution electron microscopy. It is essential that highly reproducible and accurately measured thin sections be prepared for which purposes the LKB, using a thermal advance mechanism, is superior to the American microtome. The need for a long series of sections is also felt for which purposes the instrument is felt superior. Application received by Commissioner of Customs: June 14, 1968.

Docket No. 68–00676–99–69900. Applicant: Alabama Educational TV Commission, 2101 Magnolia Avenue, Suite 512, Birmingham, Ala. 35205. Article: Radio repeater units. Manufacturer: Standard Telephone & Cables Pty. Limited, Australia. Intended use of article: The equipment is composed of spare modules for existing microwave radio equipment and are sole-source items obtainable only from the original equipment manufacturer. Application received by Commissioner of Customs: June 26, 1968.

Docket No. 68–00657–33–46040. Applicant: The Trustees of Mount Holyoke College, South Hadley, Mass. 01075. Article: Electron microscope, Model EM–300, and specimen chamber cooling device. Manufacturer: Philips Electronics, The Netherlands. Intended use of article: The article will be used to train biologists in the use and applications of electron microscopy in biological research. It will also be used for basic research by faculty and select students. The students will not be trained to be technicians, but will be trained to use the electron microscope in studying original problems in biological research. They have a tutorial relationship with a faculty member and learn by participating in a research project.

Faculty research projects include:

(a) Ultrastructure and development of tadpole tails.

(b) Intercellular relationships in insect ovaries.

(c) The route of entry of foliar applied materials through the cuticle and outer epidermal wall of plants.

Application received by Commissioner of Customs: June 19, 1968.

Docket No. 68–00674–33–46040. Applicant: Jefferson Medical College, Department of Microbiology, 1020 Locust Street, Philadelphia, Pa. 19107. Article: Electron microscope, Model HS–8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used as follows:

(1) To train fellows, graduate students and medical students in the techniques of electron microscopy.

(2) It will be used as a research tool in the various areas under study, namely virus-cell interactions and the morphogenetic effect of various bacteria on the gastrointestinal tract.

(3) In a joint program with the division of gastroenterology, biopsy specimens from patients with maladsorption will be studied by electron microscopy as well as bacteriologically.

Application received by Commissioner of Customs: June 26, 1968.

Docket No. 68–00675–33–46500. Applicant: U.S. Department of Agriculture, Lab. No. 2—VBD-Agricultural Research Service, Fifth Street, Ames, Iowa 50010. Article: LKB 8800 Ultrotome III ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare long series of equal thickness serial sections between the values of 50 Angstroms to 2 microns for electron microscopy in studying problems concerning extraneous viral contaminants in live modified virus vaccines. In addition, the article will be used by bacteriological groups interested in the origins of the clostridial toxins within the cell. Application received by Commissioner of Customs: June 26, 1968.

Docket No. 68–00677–33–46500. Applicant: University of Minnesota, Box 198 Mayo, Minneapolis, Minn. 55455. Article: Ultramicrotome, Model "Om U2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used for sectioning sections of epoxy embedded tissue from 200 Angstrom units to 1 micron in thickness for electron microscopy concerning three dimensional reconstructions in striated muscle of particular subcellular organelles, transverse tubules and sarcoplasmic rebiculum, and a quantitation of the portion of the total cell volume occupied by these organelles. Application received by Commissioner of Customs: June 26, 1968.

Docket No. 68–00678–63–46040. Applicant: U.S. Department of Agriculture, Agricultural Research Service, Southern Administrative Division, 701 Loyola Avenue, New Orleans, La. 70150. Article: Electron microscope, Model EM–300 and accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for investigations of the submicroscopic structure of native and chemically modified cotton and other cellulosic fibers, and of cottonseeds, peanuts, and other agricultural commodities and related materials. Application received by Commissioner of Customs: June 26, 1968.

Docket No. 68–00679–66–46040. Applicant: National Bureau of Standards (U.S. Department of Commerce), Washington, D.C. 20234. Article: Electron microscope, Model EM–300, and accessories (Triangular Diffraction Aperture, 35mm Film Holder, Transport Mechanism, Goniometer Stage, and Anticontamination Device). Manufacturer: N. V. Philips Gloeilampenfabrieken, The Netherlands. Intended use of article: The article will be used primarily in a broad and continuing program aimed at furthering the elucidation, on a molecular basis, of the nature of the structure, morphology and mechanism of crystallization and annealing of synthetic organic polymers as well as some of their low molecular weight analogs. Among the principle goals of this program is the application of electron microscopy to determine the origins and characteristics of the diversity of crystallization habits which individual polymers exhibit. Application received by Commissioner of Customs: June 27, 1968.

Docket No. 68–00681–33–46500. Applicant: National Institutes of Health, Building 8, Room 210, Bethesda, Md. 20014. Article: LKB 8800A Ultrotome III Ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare serial sections of tissues of equal thickness necessary to carry out a research program in Murine Leukemia-Sarcoma virus complexes using an immuno-electron microscopic approach.

Application received by Commissioner of Customs: June 27, 1968.

Docket No. 68-00682-33-46500. Applicant: University of Louisville School of Medicine, Medical-Dental Research Building, 511 South Floyd Street, Louisville, Ky. 40202. Article: LKB 8800 Ultrotome III Ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare ultrathin sections of tissue in long series for studying mitochondrial structure. These tissues from diabetic and insulin treated animals are sectioned very thin for observation under the electron microscope to learn how structural changes of mitochondria from diabetic animals correlate with mitochondria from normal animals. Application received by Commissioner of Customs: June 27, 1968.

Docket No. 68-00684-33-46500. Applicant: City of Hope Medical Center, 1500 East Duarte Road, Duarte, Calif. 91010. Article: LKB 8800A Ultrotome III Ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for sectioning ultrathin sections of tumor cells in long series of equal thickness for observation under the electron microscope in studying the morphology of tumor cells under the influence of chemotherapeutic agents. Application received by Commissioner of Customs: June 27, 1968.

Docket No. 68-00687-33-46500. Applicant: Medical College of Ohio at Toledo, Post Office Box 6190, Toledo, Ohio 43614. Article: LKB 4800 Ultrotome I Ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used by medical students, residents, and faculty in the preparation of ultrathin sections of biological material for examination on a high resolution electron microscope. It will also be used to provide serial sections of relatively invariant thickness for the systematic study of tissues, many of which will be assayed by quantitative cytochemical procedures. Application received by Commissioner of Customs: June 27, 1968.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68-9092; Filed, July 30, 1968; 8:45 a.m.]

Maritime Administration

UNITED STATES LINES, INC.

Notice of Application

Notice is hereby given that United States Lines, Inc., has applied for a maximum of 55 subsidized sailings annually with freight ships to be operated on Trade Route No. 29 between U.S. Pacific Coast ports (Alaska, Washington, Oregon, California, U.S. islands lying between continental Pacific Coast United States and the Far East) and ports in the Far East (continent of Asia from the Union of Soviet Socialist Republics to Thailand, inclusive, Japan, Taiwan, Philippines, and other Pacific islands lying between continental Pacific Coast United States and the continent of Asia as heretofore described).

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c), 46 U.S.C. 1175, of the Merchant Marine Act, 1936, as amended (the "Act"), should by the close of business on August 13, 1968, notify the Secretary, Maritime Subsidy Board in writing, in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board/Maritime Administration (46 CFR Part 201).

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry in such service route or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: July 26, 1968.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 68-9115; Filed, July 30, 1968; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CERTAIN OFFICIALS

Redelegations of Authority

Under the authority delegated to me by the Administrator, Consumer Protection and Environmental Health Service (33 F.R. 9911), I hereby reinstitute all previous delegations and redelegations of authority set forth in § 2.120 and § 2.121 (21 CFR 2.120, 2.121) that were in effect immediately prior to July 1, 1968.

Dated: July 22, 1968.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 68-9145; Filed, July 30, 1968; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Notice of Issuance of Provisional Construction Permit

Notice is hereby given, that pursuant to the initial decision of the Atomic Safety and Licensing Board, dated July 24, 1968, the Director of the Division of Reactor Licensing has issued Provisional Construction Permit No. CPPR-47 to Wisconsin Electric Power Co. and Wisconsin Michigan Power Co. for the construction of a pressurized water nuclear reactor at the applicants' site in the Town of Two Creeks, Manitowoc County, Wis. The reactor, known as the Point Beach Nuclear Plant Unit No. 2, is designed for initial operation at approximately 1,396 thermal megawatts with a net electrical output of approximately 454 megawatts.

A copy of the initial decision is on file in the Commission's Public Document Room, 1717 H Street, Washington, D.C.

Dated at Bethesda, Md., this 25th day of July 1968.

For the Atomic Energy Commission.

F. SCHROEDER,
Deputy Director, Division of Reactor Licensing.

[F.R. Doc. 68-9087; Filed, July 30, 1968; 8:45 a.m.]

CIVIL SERVICE COMMISSION

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Notice of Grant of Authority to Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the National Foundation on the Arts and the Humanities to fill by noncareer executive assignment in the excepted service, the position of Deputy Chairman, National Endowment of the Arts.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-9136; Filed July 30, 1968; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

GREAT LAKES/SOUTH AND EAST AFRICA RATE AGREEMENT

Notice of Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application to modify approved dual rate contract filed by:

Mr. William L. Hamm, Secretary, Great Lakes/South and East Africa Rate Agreement, 25 Broadway, New York, N.Y. 10004.

There has been filed on behalf of the Great Lakes/South and East Africa Rate Agreement No. 9509 an application to modify its approved merchant's contract.

The proposed contract modification adds the phrase "currency devaluation by governmental action" to those conditions beyond the control of the carriers as outlined in Article 15(a) of the contract pursuant to which the carriers in the trade covered by the agreement may suspend the effectiveness of the contract with respect to the operations affected with notice to Merchant signatories. Under existing Article 15(b), currency devaluation will be one of the conditions beyond the control of the carriers under which they may increase rates on not less than 15 days written notice to the Merchant who retains the right to notify the carriers in writing of his intent to suspend the contract insofar as such increase is concerned.

Dated: July 26, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-9123; Filed, July 30, 1968; 8:48 a.m.]

[Independent Ocean Freight Forwarder License 691]

HARDEN AGENCIES

Order of Revocation

Whereas, on June 20, 1968, the Aetna Casualty and Surety Co. notified the Commission that the Independent Ocean Freight Forwarder Surety Bond No. 23 S 9033, underwritten in behalf of A. L. Harden, doing business as Harden Agencies, Post Office Box 741, Jacksonville, Fla. 32201, would be canceled effective July 20, 1968; and

Whereas, A. L. Harden, doing business as Harden Agencies was notified that unless a new surety bond was submitted to the Commission its Independent Ocean Freight Forwarder License No. 691 would be revoked effective July 20, 1968, pursuant to General Order 4, amendment 12 (46 CFR 510.9); and

Whereas, A. L. Harden, doing business as Harden Agencies has failed to submit a valid surety bond in compliance with the above Commission rule:

It is ordered, That the Independent Ocean Freight Forwarder License No. 691 is revoked effective July 20, 1968; and

It is further ordered, That the Independent Ocean Freight Forwarder License No. 691 be returned to the Commission for cancellation.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 68-9124; Filed, July 30, 1968; 8:48 a.m.]

MARFUERZA COMPANIA MARITIMA S.A. ET AL.

Financial Responsibility To Meet Liability Incurred for Death or Injury To Passengers or Other Persons On Voyages; Notice of Application for Certificate (Casualty)

Notice is hereby given that pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, Amendment 2 (46 CFR Part 540) the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages:

Marfuerza Compania Maritima S.A., Operators: Australia Line S.A.
National Hellenic American Line S.A.
Klosters Rederi A/S

Dated: July 26, 1968.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-9122; Filed, July 30, 1968; 8:48 a.m.]

MARFUERZA COMPANIA MARITIMA S.A. ET AL.

Indemnification of Passengers for Nonperformance of Transportation; Notice of Application for Certificate (Performance)

Notice is hereby given that pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20 (46 CFR Part 540) the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation:

Marfuerza Compania Maritima S.A., Operators: Australia Line S.A.
National Hellenic American Line S.A.
Commodore Cruise Line, Ltd., and Pan Cruise, Inc. (previously reported as Commodore Cruise Line, Ltd., in FEDERAL REGISTER Vol. 33, No. 85, page 6676).
Princess Cruises Corp., Inc.
Klosters Rederi A/S.

Dated: July 26, 1968.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-9121; Filed, July 30, 1968; 8:48 a.m.]

TRANS-ATLANTIC PASSENGER STEAMSHIP CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. D. I. Knowles, Chairman and Secretary, Trans-Atlantic Passenger Steamship Conference, 17 Battery Place, New York, N.Y. 10004.

Agreement No. 120-89, between the member lines of the Trans-Atlantic Passenger Steamship Conference, modifies the General Agreement, Sub-Agency Appointment Agreement and Regulations Governing Sub-Agencies:

(1) To authorize the Secretary to compile and issue to the Lines a Conference Master List of Authorized Sub-Agencies;

(2) To discontinue the Metropolitan Eligible List Territories although the Lines may establish in certain metropolitan territories lists to be known as the Metropolitan Eligible List which lists shall be an integral part of the Conference Master List of Authorized Sub-Agencies;

(3) To determine an applicant's eligibility for sub-agency appointment on the basis of objective uniform standards in effect and made known to the applicant;

(4) To provide for the release of promotional or public relations information by the Chairman/Secretary;

(5) To provide for a Sub-Agency Appointment Agreement to be entered into with the Trans-Atlantic Passenger

Steamship Conference through its Secretary on behalf of the Lines for the sale of steamship passage tickets or orders, railroad tickets or orders, money orders or drafts and/or other documents or forms relating to the business of the Lines and for no other purpose;

(6) To provide for the issuance of a revised Sub-Agency Appointment Agreement by the Secretary on behalf of the Member Lines and Allied Member Lines and the appointment of Sub-Agents by the Secretary on behalf of the Lines;

(7) To provide that each Line retains the right to decline payment of commission of any sub-agency which refuses to hold and/or issue the documents of the line;

(8) To provide for uniform regulations concerning the submission of requests for prior approval of changes by sub-agents;

(9) To provide that supplemental agency fees will be collected by the Secretary of the Trans-Atlantic Passenger Steamship Conference for each sub-agency location; and

(10) To provide for other changes affecting sub-agencies.

The stated purpose of the proposed modifications is the creation of uniform objective standards throughout the United States (and Canada) which will permit any individual, firm or corporation, meeting such standards, the opportunity of becoming an authorized agent of the Lines. The Agreed Metropolitan Eligible List Territories is being discontinued and the Productivity Standards heretofore required for those areas will be abolished.

With the proposed modification, the sub-agency appointment will become a bilateral agreement between the Conference and the agent, and upon issuance will grant such agent the right to represent all Member and Allied Member Lines. These Lines will forego their autonomy with respect to both appointments of any applicants or cancellation of any sub-agency appearing on the Conference list.

Corresponding changes to be made in the Administrative Rules and Sub-Agency Standards have been filed with the Commission for information purposes.

Dated: July 26, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-9125; Filed, July 30, 1968; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP69-8]

CITIES SERVICE GAS CO.

Notice of Application

JULY 24, 1968.

Take notice that on July 11, 1968, Cities Service Gas Co. (Applicant), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP69-8 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, installation and operation of pipelines, measuring, regulating and appurtenant facilities and the sale of natural gas to The Gas Service Co. (Gas Service) for resale which will provide initial natural gas service to eight communities in Kansas and Missouri, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority herein to:

(1) Sell and deliver gas to Gas Service for resale and distribution by it to consumers in and about the cities of Osborn and Stewartsville, De Kalb County, Mo.

(2) Install approximately 1.43 miles of 2-inch pipeline and measuring and regulating facilities to serve in and about the community of Circleville, Jackson County, Kans.

(3) Install approximately 1 mile of 2-inch pipeline and measuring and regulating facilities to serve in and about the community of Netawaka, Jackson County, Kans.

(4) Install approximately 12.7 miles of 4½-inch pipeline and measuring and regulating facilities to serve in and about Michigan Valley, Overbrook, Scranton, and Carbondale, Osage County, Kans.

Total estimated cost of Applicant's proposed facilities is $266,246, which cost will be paid from treasury cash.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 19, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-9097; Filed, July 30, 1968; 8:46 a.m.]

[Docket No. CP66-110, etc.]

GREAT LAKES GAS TRANSMISSION CO. ET AL.

Order on Remand, Establishing Procedure, and Fixing Date for Conference

JULY 24, 1968.

Great Lakes Gas Transmission Co., CP66-110, CP66-111, and CP66-112; Michigan Wisconsin Pipe Line Co., CP66-109; Midwestern Gas Transmission Co., CP66-119, CP66-120 and CP66-121; Northern Natural Gas Co., CP66-212; Northern Natural Gas Transportation Co., CP66-213, CP66-214 and CP66-215.

On June 20, 1967, the Commission granted a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, to Great Lakes Gas Transmission Co. (Great Lakes) for the construction and operation of a 989-mile natural gas pipeline beginning at a point on the international border near Emerson, Manitoba, and extending to St. Clair, Ontario. After an initial build-up period, the Great Lakes pipeline facility in the fifth year of operation, would be transporting 667,000 Mcf daily for Trans-Canada Pipe Lines, Ltd. (Trans-Canada) for redelivery at points near Sault Ste. Marie and St. Clair, Ontario. In addition, after the fourth year of operation, Great Lakes would make daily sales of gas to Michigan Consolidated Gas Co. (Michigan Consolidated) of 57,000 Mcf. Great Lakes was granted section 3 authority to import and export gas (Docket No. CP66-112) and permission to build facilities at the international border (Docket No. CP66-111).

During the first contract year Great Lakes contemplated that it would construct the so-called Phase I of the project consisting of 157 miles of pipeline between the Michigan-Wisconsin Pipeline Co. (Michigan Wisconsin)[1] central Michigan storage area and the St. Clair delivery point in eastern Michigan. These facilities, we have been apprised by Great Lakes' filed construction reports, have already been completed and are being used to transport 113 MMcf/d of gas. This gas, transported for the account of Trans-Canada, is purchased from Michigan Wisconsin through exchange purchase arrangements whereby Michigan Wisconsin purchases an equivalent volume of gas at Marshfield, Wis. from Midwestern Gas Transmission Co. which in turn purchases gas for that sale from Trans-Canada at Emerson. The necessary authority for this arrangement was granted Michigan-Wisconsin (Docket No. CP68-109 and Midwestern (Docket Nos. CP66-119, CP66-120, CP66-121).

It was contemplated that after the Phase II facilities of Great Lakes are completed, consisting of 832 miles of pipeline facilities between Emerson and the Michigan Wisconsin storage area in eastern Michigan, the 113,000 Mcf per day of gas purchased by Trans-Canada would be phased out, terminating by the end of the second contract year. The related importation of gas by Midwestern for resale of 113,000 Mcf per day to Michigan Wisconsin, however, would continue. Thus, total additional sales of gas in the United States, upon completion of the overall project, were estimated to be 170,000 Mcf per day.

Northern Natural Gas Co. (Northern) and its wholly owned subsidiary, Northern Natural Gas Transportation Co. (Transportation) intervened herein and, on December 30, 1965, filed certificate applications which sought to furnish a similar service with respect to transportation of gas from western to eastern Canada for Trans-Canada as the Great Lakes project through different pipeline facilities to be constructed. The disposition of the gas in the United States, however, would have been, in part, dissimilar. 37 FPC 1070, 1077.

After prolonged comparative proceedings we unanimously concluded that a certificate should be issued to Great Lakes and the two companies supporting its proposal, Michigan-Wisconsin and Midwestern. See Opinion No. 521, 37 FPC 1070, issued June 20, 1967. That order was affirmed on rehearing. 38 FPC ——, Opinion No. 521-A, issued August 9, 1967.

On Northern's petition for review, the U.S. Court of Appeals for the District of Columbia Circuit, on June 21, 1968, issued an opinion in which it found, inter alia, "that the Commission failed to apply proper standards to determine relevant antitrust policy and consequently ignored significant anticompetitive effects of the joint venture" and that the Commission had erred in certain of its factual findings. Northern Natural Gas Co. et al. v. Federal Power Commission (C.A.D.C. No. 21,333). The cause was remanded to the Commission for further proceedings in accordance with the views stated in the court's opinion.

Accordingly, we shall promptly schedule further proceedings herein, to determine the extent to which, if any, the certificate heretofore issued to Great Lakes should be modified or set aside in the light of the court's opinion. In order to expedite these proceedings, we are requiring each of the parties to file, on or before August 12, 1968, statements indicating the issues, both factual and legal, which they believe to be appropriate for Commission resolution in the light of the remand, and their position with respect to these issues. Further, each party should indicate which of these issues should be resolved on the basis of the present record, and which, in its view, justify supplementary evidentiary hearings. If a party believes that supplementary hearings are required with respect to any issue, it shall submit an outline of the evidence it proposes to adduce. We shall provide that, following such submissions, there will be a formal conference before the hearing examiner to explore possible areas of agreement on these questions among the parties. We are directing the hearing examiner, at the conclusion of such conference, to make a detailed report thereon, with his recommendations, to the Commission, and we will then issue an order specifying the nature of the further proceedings.

We also believe it appropriate for the Commission to consider the extent to which the public interest requires the continued operation and construction of the Great Lakes' facilities certificated in our order of June 20, 1967, while the cause is before us on remand. In this regard we need to obtain current information as to the existing and anticipated needs of consumers for the gas proposed to be furnished by Great Lakes both to eastern Canada and in the United States, and as to the present stage of completion of the Great Lakes' facilities.

Accordingly, we shall require Great Lakes to present a detailed statement, on or before August 5, 1968, of the present and projected Trans-Canada market requirements in eastern Canada and the other market requirements which were to be supplied by Great Lakes during the winter seasons of 1968-69 and 1969-70 respectively, the ability of Great Lakes' constructed facilities as of August 1, 1968 (both alone and in concert with other facilities), to meet these needs and why other means are not available or cannot be made available to transport sufficient volumes of gas to meet such requirements pending further proceedings in this case. That statement shall include a breakdown of gas between firm and interruptible customers, between existing and increased users of gas and, to the extent available, among that to be used by different types of end customers. The statement of Great Lakes shall also advise us of the current stage of completion of its certificated facilities.

Northern, and any other party who desires to do so, may, on or before August 12, 1968, file a like statement with respect to availability of alternative facilities to meet those needs. After consideration of all relevant facts, the Commission will take such action as may be appropriate.

The Commission finds: The processing of the reopened proceeding will be expedited by the filing of statements as hereinabove described and by thereafter convening a conference before the presiding examiner.

The Commission orders:

(A) Parties to the proceeding shall submit in writing, on or before August 12, 1968, a statement specifying the issues which they intend to raise in the proceedings upon remand in the above docketed applications. This statement of issues and comments shall be served on other parties to the proceeding and the Commission staff in accordance with the Commission's rules.

(B) A conference shall be held on August 19, 1968, at 10 a.m., e.d.s.t., before a presiding examiner of the Commission in a hearing room of the Federal Power Commission, 441 G Street, Washington, D.C., for the purpose of discussion and limitation of issues, the stipulation of facts and the possible resolution of issues by stipulation, and such other means as may be available to expedite the proceeding. Upon conclusion of the conference, the presiding examiner shall file a detailed report with the Commission setting forth his recommendations with respect to the need of further evidentiary hearings, if any, and related procedures.

(C) On or before August 5, 1968, Great Lakes shall submit a written statement concerning the current and 2-year projected market requirements data of Trans-Canada for its eastern Canada customers for which Trans-Canada anticipates obtaining gas at the St. Clair and Sault Ste. Marie delivery points and whether there are alternative facilities available, or which can be made available, other than Great Lakes' certificated facilities, to satisfy these requirements. Other parties to this proceeding desiring to do so may file similar statements on or before August 12, 1968. These statements shall be served on all parties to the proceeding and the Commission staff in accordance with the Commission's rules.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-9098; Filed, July 30, 1968; 8:46 a.m.]

[1] The American Natural Gas Co. is the parent of both Michigan Consolidated and Michigan-Wisconsin.

[Docket No. E-7430]

GULF STATES UTILITIES CO.

Notice of Application

JULY 24, 1968.

Take notice that on July 17, 1968, Gulf States Utilities Co. (Applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of $60 million principal amount of unsecured short-term promissory notes.

Applicant is incorporated under the laws of the State of Texas with its principal business office at Beaumont, Tex., and is engaged in the electric utility business in southeastern Texas and south central Louisiana.

Applicant proposes to issue the notes to commercial banks and to commercial paper dealers. Notes issued to commercial banks will be issued on various dates in 1968 and 1969. Those issued in 1968 will mature on December 31, 1968, and those issued in 1969 will mature on December 31, 1969. Notes issued to commercial paper dealers will be issued on various dates in 1968 and 1969 and for varying periods of time, but no note will have a maturity of more than 9 months from the date of its issuance.

The proceeds from the notes will be added to the general funds of the Applicant and will be used, among other things to provide part of the funds for construction expenditures made and to be made in 1968 and 1969. Among the principal items in this program are $48.6 million for construction work on a 580-mw generating unit at the Nelson station, Westlake, La.; $27.7 million for

construction work on a 580-mw generating unit at the Willow Glen Station near St. Gabriel, La.

Any person desiring to be heard or to make any protest with reference to said application should, on or before August 12, 1968, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-9099; Filed, July 30, 1968; 8:46 a.m.]

[Docket No. CP69-9]

KENTUCKY GAS TRANSMISSION CORP.

Notice of Application

JULY 24, 1968.

Take notice that on July 15, 1968, Kentucky Gas Transmission Corp. (Applicant), Post Office Box 1273, Charleston, W. Va. 25325, filed in Docket No. CP69-9 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain measuring and regulating facilities in Morgan County, Ky., and the wholesale sale and delivery of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission to terminate the wholesale sale and delivery of natural gas to Mid-Continent Gas Production Corp. (Mid-Continent) and to abandon existing measuring and regulating facilities related to such sale. Applicant states that Mid-Continent has notified Applicant of its intention to terminate the purchase of natural gas effective as of September 1, 1968. Applicant further states that it is advised that Mid-Continent has secured the authorization of the Public Service Commission of Kentucky to terminate Mid-Continent's public utility operations in the Commonwealth of Kentucky.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 19, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-9100; Filed, July 30, 1968; 8:46 a.m.]

[Docket No. RI69-13]

SUN OIL CO.

Order Providing for Hearing On and Suspension of Proposed Change in Rate

JULY 24, 1968.

On June 25, 1968, Sun Oil Co. (Southwest Division) (Sun)[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is designated as follows:

Description: Notice of change, dated June 24, 1968.
Purchaser and producing area: Northern Natural Gas Co. (Emperor Field, Winkler County, Tex.) (Railroad District No. 8) (Permian Basin Area).
Rate schedule designation: Supplement No. 8 to Sun's FPC Gas Rate Schedule No. 94.[2]
Effective date: July 26, 1968.[3]
Amount of annual increase: $18,000.
Effective rate: 17 cents per Mcf.[4 5]
Proposed rate: 18 cents per Mcf.[6]
Pressure base: 14.65 p.s.i.a.

Sun's proposed rate increase to 18 cents per Mcf is for a sale of old gas-well gas to Northern Natural Gas Co. in the Permian Basin Area of Texas and exceeds the applicable area ceiling rate of 14.36 cents per Mcf established by the related rate schedule quality statement previously accepted pursuant to Opinion No. 468, as amended, and should be suspended for 5 months from July 26, 1968, the proposed effective date.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 8 to Sun's FPC Gas Rate Schedule No. 94 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 8 to Sun's FPC Gas Rate Schedule No. 94.

(B) Pending such hearing and decision thereon, Supplement No. 8 to Sun's FPC Gas Rate Schedule No. 94 is hereby suspended and the use thereof deferred until December 26, 1968, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 11, 1968.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-9101; Filed, July 30, 1968; 8:46 a.m.]

[Docket No. CP69-10]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

JULY 24, 1968.

Take notice that on July 15, 1968, Texas Gas Transmission Corp. (Applicant), Post Office Box 1160, Owensboro, Ky. 42301, filed in Docket No. CP69-10 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas to Western Kentucky Gas Co. (Western), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to increase the Contract Demand of Western, in Applicant's Zone 2, by 4,000 Mcf per day effective November 1, 1968. Applicant states that the proposed increase will result in the Contract Demand of Western being 41,615 Mcf effective November 1, 1968 and 42,545 Mcf as of November 1, 1969. Applicant further states that no additional facilities are required in order to render the proposed service.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 19, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-9102; Filed, July 30, 1968; 8:46 a.m.]

[Docket No. CP69-7]

UNION GAS SYSTEM, INC., AND CITIES SERVICE GAS CO.

Notice of Application

JULY 24, 1968.

Take notice that on July 11, 1968, Union Gas System, Inc. (Applicant), Post Office Box 347, Independence, Kans. 67301, filed in Docket No. CP69-7 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Cities Service Gas Co. (Respondent), to make physical connection between its transmission facilities and Applicant's facilities and to sell and deliver natural gas to Applicant for resale in the Linwood Area, Leavenworth County, Kans., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks an order requiring Respondent to physically connect to Applicant's proposed lateral line Respondent's 26-inch transmission line in Douglas County, Kans., and to sell and deliver natural gas as proposed herein. Applicant proposes to construct and operate a natural gas distribution system in the community known as Linwood Area, which will be an initial connection for this area. Applicant will also construct and operate lateral line facilities from which the requested service will be provided consisting of 5.28 miles of 3-inch I.D. 6.63 No. API-.188WT extending East from the point of intersection with Respondent's transmission line.

The estimated third year annual and peak day requirements of Applicant are 26,730 Mcf and 363 Mcf respectively.

The total estimated cost of construction is $60,000, which cost will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 19, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-9103; Filed, July 30, 1968; 8:46 a.m.]

NATIONAL COMMISSION ON PRODUCT SAFETY

CATEGORIES OF HOUSEHOLD PRODUCTS FOR STUDY AND INVESTIGATION

Notice is hereby given that, pursuant to Public Law 90-146 (81 Stat. 466), the National Commission on Product Safety proposes to study and investigate certain household products to determine the scope and adequacy of measures now employ to protect consumers against unreasonable risk of injury which may be caused by hazardous products used in or around the household. The Commission will report its findings and recommendations to Congress and the President. The Commission's investigation will consider, among other things:

(1) The identity of categories of household products which may present an unreasonable hazard to the health and safety of the consuming public;

(2) The extent to which self-regulation by industry affords protection against such hazardous products;

(3) The protection against such hazardous products afforded at common law in the States, including the relationship of product warranty to such protection;

(4) A review of Federal, State, and local laws relating to the protection of consumers against such hazardous products, including scope of coverage, effectiveness of sanctions, adequacy of investigating powers, uniformity of application, and quality of enforcement of such laws.

Pursuant to section 2(b) of Public Law 90-146 the categories of household products which the Commission proposes to study and investigate are as follows:

I. General household appliances including but not limited to:

Clothes washers and dryers.
Electric fans.
Electric blankets.
Electric heating pads.
Sewing machines.
Water softeners and conditioners.
Floor buffers, waxers, rug cleaners, vacuum cleaners.
Electric sweepers.
Intercommunication devices.
Automatic door openers.
Water heaters including immersible water heaters.

II. Kitchen appliances including but not limited to:

Ranges.
Ovens (electric, gas, and microwave).
Refrigerators.
Freezers.
Dishwashers.
Electric fry pans and skillets.
Electric hot plates and grills.
Cutlery and openers.
Electric coffeemakers and kettles.
Electric toasters.
Rotisseries.
Electric steam and travel irons.
Electric mixers.
Electric blenders.
Knife sharpeners.
Electric broilers.
Garbage disposers.
Griddles.
Electric waffle irons.
Faucet water heaters.
Electric ice crushers.
Electric ice makers.
Electric ice-cream makers.
Electric slicers.
Electric scissors.
Electric defroster devices.

III. Space heating, cooking, and ventilating appliances including but not limited to:

Air conditioners.
Fans.
Humidifiers.
Vaporizers.
Dehumidifiers.
Ionizers.
Boilers.
Furnaces including floor furnaces.
Space heaters.
Fireplaces.
Incinerators.

IV. Housewares including but not limited to:

Cooking utensils and ovenware.
Meat grinders.
Pressure cookers.
Ironing boards and covers.
Waste containers.
Coffee makers and teapots.

V. Home entertainment appliances and equipment including but not limited to:

Television sets.
Radios.
Sound and video recording and reproducing equipment.
Electrical musical instruments.
Picture projectors.
TV and radio antennas.

VI. Home furnishings, fixtures, and construction materials including but not limited to:

Furniture including convertible and lawn furniture.
Electric fixtures, wiring devices, generators and distribution systems for use in or around the household.
Gas equipment, pipes, tubing, fittings and distribution systems for use in or around the household.
Plumbing fixtures and systems for use in or around the household.
Structural glass and glass doors.
Stairs and handrails.
Runners.
Ladders and stepstools.
Indoor-outdoor carpeting.
Electrical cords.
Extension cords.

[1] Address is: Post Office Box 2880, Dallas, Tex. 75221. Attention: Mr. R. L. Sullivan.

[2] Filing was submitted because the present effective rate of 18 cents is subject to rejection ab initio because of the affirmance of the Permian Basin Opinion.

[3] The stated effective date is the effective date proposed by Respondent.

[4] Rate effective subject to refund in Docket No. RI63-264.

[5] 18 cents rate filed on Nov. 17, 1967, is subject to rejection ab initio because of the affirmance of Opinion No. 468 by the U.S. Supreme Court.

[6] Periodic rate increase.

Gas and electric meters.
Insulation materials.
Lamps and accessories.
Medicine cabinets.
Bathtub and shower enclosures.

VII. Home alarm, escape, and protection devices including but not limited to:

Fire extinguishers.
Fire alarms.
Fire escape devices.
Burglar alarms.
Ground fault circuit interrupters.
Lightning arrestors, rods and grounding systems.

VIII. Home workshop apparatus, tools, and attachments including but not limited to:

Power saws.
Power drills.
Power sanders.
Power routers.
Power lathes.
Power grinders.
Other portable and stationary power tools.
Torches.
Welding equipment.
Soldering guns and irons.
Hoists and lifts.
Test equipment.
Battery chargers and batteries.
Portable lights and power supplies.
Motors.
Hand tools.

IX. Home and family maintenance products including but not limited to:

Cleaning agents and compounds.
Bleaches.
Solvent based cleaning and sanitizing compounds.
Waxes.
Polishes.
Fumigants.
Paints and thinners.

X. Farm household equipment including but not limited to:

Electric fences.
Home pasteurizers.
Garden tractors.
Machinery for use in or around the farm household.

XI. Packaging and containers for household products including but not limited to:

Pressurized containers.
Vacuum containers.
Self-contained openers and resealable closures.
Storage containers for liquids and gases.
Glass bottles and containers.
Plastic packaging products.
Child-resistant closures.

XII. Sports and recreational equipment including but not limited to:

Playground equipment, swings, slides and associated hardware.
Bicycles and other cycles.
Boats, motors and accessories for recreational use.
Protective head gear and other body protective sports equipment.
Fishing equipment.
Underwater equipment.
Winter sports equipment including skiis, sleds, and hockey equipment.
Golf carts.
Snowmobiles.
Beach equipment.
Picnic equipment, coolers, cooking devices.
Camping trailers.
Camping equipment.
Stationary and portable grills (charcoal and gas).
Swimming and wading pools, and associated equipment.
Photographic equipment and accessories.
Charcoal ignitors.
Rebound tumbling devices.
Play houses and tree houses.
Archery equipment.
Scooters and motors.
Gas, air, and spring operated guns.

XIII. Toys including but not limited to:

Wheeled toys, powered and unpowered.
Dolls.
Kites.
Toy guns and other toy weapons.
Skates and skateboards.
Games and kits including rocketry sets, electric toys, and chemistry sets.
Fireworks and explosives.

XIV. Yard and garden equipment including but not limited to:

Power mowers of all types.
Other power garden tools.
Hand mowers.
Hand tools.
Trimmers and edgers.
Tractors.
Snow throwers and plows.
Garden sprayers.
Outdoor lighting equipment and power supplies.
Chain saws.
Pumps.
Greenhouse equipment.

XV. Nursery equipment and supplies including but not limited to:

Highchairs.
Cribs.
Carriages.
Gates.
Blankets.
Walkers.
Bottle warmers.
Sterilizers.
Disposable diapers.
Furniture.

XVI. Personal use items including but not limited to:

Razors and shavers.
Hair dryers.
Hair curlers.
Cigarette, cigar and pipe lighters.
Wigs.
Eyeglass frames.

XVII. Other products including but not limited to:

Metallic yarn (may be used for kites).
Footwear.
Christmas and other seasonal decorations (including trees).
Internal combustion engines, for use in or around the household.
Switchblade and gravity knives.
Mobile homes and related equipment.
Matches.

In investigating the foregoing categories of household products, the Commission will consider such products in terms of the nature of energy exchange constituting hazards to consumers. Examples of such hazards are:

Electromagnetic radiation.
Thermal.
Mechanical.
Explosive.
Electrical.
Chemical and biological.

Interested persons are invited to submit their views or comments, in writing, to the National Commission on Product Safety, 1016 16th Street NW., Washington, D.C. 20036, concerning any risk of injury or the absence of risk of injury with respect to any category of household product included in this list. The Commission desires to emphasize that the inclusion of a category of household product on this list does not indicate that the Commission has reached any conclusion with respect to the existence or nonexistence of any unusual hazard to the consumer, but merely that the Commission will study and investigate such products to the extent that time and the Commission's resources permit.

The Commission may from time to time publish additional categories of household products which it intends to study and investigate pursuant to Public Law 90–146.

Dated: July 26, 1968.

ARNOLD B. ELKIND,
Chairman, National Commission on Product Safety.

[F.R. Doc. 68-9173; Filed, July 30, 1968; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 26, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41402—*Class and commodity rates from and to Indian Trail, N.C.* Filed by O. W. South, Jr., agent (No. A6037), for interested rail carriers. Rates on property moving on class and commodity rates, between Indian Trail, N.C., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

FSA No. 41403—*Class and commodity rates from and to Poplar Corner, Tenn.* Filed by O. W. South, Jr., agent (No. A6038), for interested rail carriers. Rates on property moving on class and commodity rates, between Poplar Corner, Tenn., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-9129; Filed, July 30, 1968; 8:48 a.m.]

[Notice 509]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 26, 1968.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 1042.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 28956 (Deviation No. 1), G. P. RYALS, doing business as RYALS TRUCK SERVICE, Post Office Box 634, Albany, Oreg. 97321, filed July 18, 1968. Carrier's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Portland, Oreg., and Albany, Oreg., over Interstate Highway 5, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Portland, Oreg., and Albany, Oreg., over U.S. Highway 99E.

No. MC 39300 (Deviation No. 2), MIDDLE STATES MOTOR FREIGHT, INC., 5723 Este Avenue, Cincinnati, Ohio 45232, filed July 16, 1968. Carrier's representative: Jack B. Josselson, Atlas Bank Building, Cincinnati, Ohio 45202. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highways 50 and 421 over U.S. Highway 421 to junction Indiana Highway 107, thence over Indiana Highway 107 to junction Indiana Highway 56, thence over Indiana Highway 56 to junction Indiana Highway 3, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Salem, Ind., over Indiana Highway 56 to junction Indiana Highway 3, thence over Indiana Highway 3 to junction U.S. Highway 50, thence over Indiana Highway 50 to Cincinnati, Ohio, and return over the same route.

No. MC 69116 (Deviation No. 37), SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606, filed July 15, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Auburn, N.Y., and Albany, N.Y., over U.S. Highway 20, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 41 to junction U.S. Highway 6, thence over U.S. Highway 6 to Cleveland, Ohio, thence over U.S. Highway 20 to Silver Creek, N.Y., thence over New York Highway 5 to Buffalo, N.Y., thence over New York Highway 33 to Rochester, N.Y., thence over New York Highway 31 to Weedsport, N.Y., thence over New York Highway 31B to junction New York Highway 5, thence over New York Highway 5 to Albany, N.Y., thence over U.S. Highway 9 to New York, N.Y. (also from Albany over U.S. Highway 9W and bridge or ferry to New York), (2) from Chicago, Ill., over U.S. Highway 20 to junction U.S. Highway 62, thence over U.S. Highway 62 to Buffalo, N.Y., thence over New York Highway 130 to junction U.S. Highway 20, thence over U.S. Highway 20 to Auburn, N.Y., thence over New York Highway 5 to Albany, N.Y., thence over U.S. Highway 20 to Boston, Mass., and (3) from Syracuse, N.Y., over New York Highway 5 to Auburn, N.Y., thence over U.S. Highway 20 to Silver Creek, N.Y., and return over the same routes.

No. MC 110166 (Deviation No. 5), TENNESSEE CAROLINA TRANSPORTATION, INC., Post Office Box 7308, Nance Lane, Nashville, Tenn. 37210, filed July 15, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, of a deviation route as follows: From Hopkinsville, Ky., over U.S. Highway 68 to Paducah, Ky., thence over U.S. Highway 60 to Cairo, Ill., thence over Illinois Highway 3 to junction U.S. Highway Bypass 50, thence over U.S. Highway Bypass 50 to junction Interstate Highway 55, thence over Interstate Highway 55, thence over Interstate Highway 55 to St. Louis, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Hopkinsville, Ky., over U.S. Highway 41 to junction U.S. Highway 6, thence over U.S. Highway 6 to Cleveland, Ohio, thence over U.S. Highway 20 to Silver Creek, N.Y., thence over New York Highway 5 to Buffalo, N.Y., thence over New York Highway 33 to Rochester, N.Y., thence over New York Highway 31 to Weedsport, N.Y., thence over New York Highway 31B to junction New York Highway 5, thence over New York Highway 5 to Albany, N.Y., thence over U.S. Highway 9 to New York, N.Y. (also from Albany over U.S. Highway 9W and bridge or ferry to New York), (2) from Chicago, Ill., over U.S. Highway 20 to junction U.S. Highway 62, thence over U.S. Highway 62 to Buffalo, N.Y., thence over New York Highway 130 to junction U.S. Highway 20, thence over U.S. Highway 20 to Auburn, N.Y., thence over New York Highway 5 to Albany, N.Y., thence over U.S. Highway 20 to Boston, Mass., and (3) from Syracuse, N.Y., over New York Highway 5 to Auburn, N.Y., thence over U.S. Highway 20 to Silver Creek, N.Y., and return over the same routes.

No. MC 110166 (Deviation No. 6), TENNESSEE CAROLINA TRANSPORTATION, INC., Post Office Box 7308, Nance Lane, Nashville, Tenn. 37210, filed July 15, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, of a deviation route as follows: From Hopkinsville, Ky., over U.S. Highway 68 to Paducah, Ky., thence over U.S. Highway 60 to Cairo, Ill., thence over Illinois Highway 3 to East St. Louis, Ill., thence across the river to St. Louis, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Hopkinsville, Ky., over U.S. Highway 41 to junction Alternate U.S. Highway 41 (formerly portion U.S. Highway 41), near Madisonville, Ky., thence over Alternate U.S. Highway 41 to junction Kentucky Highway 56, thence over Kentucky Highway 56 to The Rocks, Ky., thence across the Ohio River to Shawneetown, Ill., thence over Illinois Highway 13 to Equality, Ill., thence over Illinois Highway 142 to junction U.S. Highway 460, thence over U.S. Highway 460 (portion formerly Illinois Highway 142) to Mount Vernon, Ill., thence over Illinois Highway 15 to Belleville, Ill., thence over Illinois Highway 13 to East St. Louis, Ill., thence over city streets to St. Louis, Mo., and return over the same route.

No. MC 110166 (Deviation No. 7), TENNESSEE CAROLINA TRANSPORTATION, INC., Post Office Box 7308, Nance Lane, Nashville, Tenn. 37210, filed July 15, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, of a deviation route as follows: From Hopkinsville, Ky., over U.S. Highway 68 to Paducah, Ky., thence over U.S. Highway 45 to junction Illinois Highway 146, thence over Illinois Highway 146 to junction Illinois Highway 3, thence over Illinois Highway 3 to junction U.S. Highway Bypass 50, thence over U.S. Highway Bypass 50 to junction Interstate Highway 55, thence over Interstate Highway 55 to St. Louis, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Hopkinsville, Ky., over U.S. Highway 41 to junction Alternate U.S. Highway 41 (formerly portion U.S. Highway 41), near Madisonville, Ky., thence over Alternate U.S. Highway 41 to junction Kentucky Highway 56, thence over Kentucky Highway 56 to The Rocks, Ky., thence across the Ohio River to Shawneetown, Ill., thence over Illinois Highway 13 to Equality, Ill., thence over Illinois Highway 142 to junction U.S. Highway 460, thence over U.S. Highway 460 (portion formerly Illinois Highway 142) to Mount Vernon, Ill., thence over Illinois Highway 15 to Belleville, Ill., thence over Illinois Highway 13 to East St. Louis, Mo., and return over the same route.

No. MC 112188 (Deviation No. 1), GEORGE McBREEN CO., INC., 12970 Southwest Highway 217, Post Office Box 23325, Tigard, Oreg. 97223, filed July 19, 1968. Carrier's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *motion picture films, theater advertising matter*, and *motion picture machine parts and accessories*, over a deviation route as follows: Between Portland, Oreg., and Ashland, Oreg., over Interstate Highway 5, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Portland, Oreg., over U.S. Highway 99E (also over U.S. Highway 99W) to junction U.S. Highway 99, thence over U.S. Highway 99 to Ashland, Oreg., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9130; Filed, July 30, 1968; 8:48 a.m.]

[Notice 1203]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 26, 1968.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not be necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 906 (Sub-No. 53) (Republication), filed December 15, 1965, published in the FEDERAL REGISTER issue of January 13, 1966, and republished this issue. Applicant: CONSOLIDATED FORWARDING CO., INC., 1300 North 10th Street, St. Louis, Mo. 63106. By application filed December 15, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes of, frozen foods, from the plantsite and warehouse facilities utilized by American Home Foods, located at or near La Porte, Ind., to points in Arkansas, Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966 at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums* when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., to points in Ohio and the Lower Peninsula of Michigan, restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., and destined to points in the above-named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 10761 (Sub-No. 190) (Republication), filed February 11, 1966, published in the FEDERAL REGISTER issue of March 3, 1966, and republished this issue. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. Applicant's representative: Howell Ellis, Suite 616–618 Fidelity Building, Indianapolis, Ind. By application filed February 11, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes of foodstuffs, from the plantsite of American Home Products located at or near La Porte, Ind., to points in Missouri, Kansas, Oklahoma, Texas, Nebraska, Iowa, and points in Wisconsin south of Wisconsin Highway 29 to Manitowoc, and Green Bay on the east, to Hudson, Wis., on the west, and Minneapolis and St. Paul, Minn., in connection with applicant's present operating authority, and damaged and rejected shipments, on return. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966 at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums* when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., to points in Kansas, Missouri, Nebraska, Oklahoma, and Texas, restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., and destined to points in the above-named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 52110 (Sub-No. 92) (Republication), filed February 1, 1966, published in FEDERAL REGISTER issue of February 25, 1966, and republished this issue. Applicant: BRADY MOTORFRATE, INC., 1223 Sixth Avenue, Des Moines, Iowa. Applicant's representative: Homer E. Bradshaw, Fifth Floor Central National Building, Des Moines, Iowa 50309. By application filed February 1, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes of, foodstuffs, from the plantsite and warehouse facilities of American Home Foods at or near La Porte, Ind., to points in Missouri, Iowa, Kansas, Nebraska, South Dakota, and Minnesota. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966 at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums* when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., to points in the above-named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 21170 (Sub-No. 125) (Republication), filed October 29, 1965, published in FEDERAL REGISTER issue of November 11, 1965, and republished this issue. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa 50158. By application filed October 29, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes of foodstuffs, from La Porte, Ind., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966, at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums* when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., to points in the above named states and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 71106 (Sub-No. 3) (Republication), filed October 13, 1967, published FEDERAL REGISTER issue of November 2, 1967, and republished this issue. Applicant: MUNCE BROS. TRANSFER & STORAGE CO., a corporation, 221 South Franklin Avenue, Sioux Falls, S. Dak. 57103. Applicant's representative: R. G. May, 412 West Ninth Street, Sioux Falls, S. Dak. 57104. By application filed October 13, 1967, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of commodities, the transportation of which, by reason of size or weight, require the use of special equipment and related contractors' materials, equipment, and supplies when transported in connection with such commodities, between Sioux Falls, S. Dak., and points within 75 miles thereof, on the one hand, and, on the other, points in Minnesota south of U.S. Highway 12, extending from the South Dakota-Minnesota State line near Ortonville, Minn., through Willmar and Minneapolis, Minn., to the Minnesota-Wisconsin State line (excluding points in the Minneapolis-St. Paul, commercial zone, as defined by the Commission) and points in Iowa and Nebraska within 150 miles of Sioux Falls, S. Dak.

A report and order recommended by David H. Allard, Hearing Examiner, served May 8, 1968, corrected June 3, 1968, and served June 12, 1968, effective July 15, 1968, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of commodities, the transportation of which, by reason of size or weight, require the use of special equipment and related contractors' materials, equipment, and supplies when transported in connection with such commodities between points in Brookings, Moody, Minnehaha, Lincoln, Union, Clay, Turner, McCook, Lake, Miner, Hanson, Hutchinson, Yankton, Deuel, Kingsbury,

Bon Homme, Douglas, Davison, and Sanborn Counties, S. Dak., on the one hand, and, on the other, points in Minnesota south of U.S. Highway 12 extending from the South Dakota-Minnesota State line near Ortonville, Minn., through Willmar and Minneapolis, Minn., to the Minnesota-Wisconsin State line (excluding points in the Minneapolis-St. Paul commercial zone, as defined by the Commission) and points in Iowa and Nebraska within 150 miles of Sioux Falls, S. Dak., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the application, as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted, therefore, will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 93393 (Sub-No. 8) (Republication), filed March 29, 1966, published in FEDERAL REGISTER issue of April 21, 1966, and republished this issue. Applicant: EDWIN H. NELSON AND ALFRED S. NELSON, a partnership, doing business as NIGHTWAY TRANSPORTATION CO., 4106 South Emerald Avenue, Chicago, Ill. 60609. Applicant's representative: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. 60602. By application filed March 29, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of foodstuffs, from the plantsite of American Home Foods, Inc., at or near La Porte, Ind., to points in Illinois, Michigan, and Ohio. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966, at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums* when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., to points in Illinois, Ohio and the Lower Peninsula of Michigan, restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corporation at La Porte, Ind., and destined to points in the above-named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 111812 (Sub-No. 330) (Republication), filed February 14, 1966, published in FEDERAL REGISTER issue of March 10, 1966, and republished this issue. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Box 747, Sioux Falls, S. Dak. 57101. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. By application filed February 14, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, of foodstuffs, from the plantsite of American Home Foods, Inc., at or near La Porte, Ind., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Milan, Ill. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966 at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums* when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., to points in Minnesota, Nebraska, North Dakota, South Dakota, and Iowa, restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., and destined to points in the above-named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 113362 (Sub-No. 96) (Republication), filed November 4, 1965, published in FEDERAL REGISTER issue of November 18, 1965, and republished this issue. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: William J. Boyd, 30 North La Salle Street, Chicago, Ill. 60602. By application filed November 4, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes of foodstuffs, from the plantsite of American Home Foods, Division of American Home Products Corp., located at La Porte, Ind., to points in Iowa, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Missouri, and Kansas. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966 at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums* when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., to points in Iowa, Wisconsin, Minnesota, and Missouri restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., and destined to points in the above named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 113434 (Sub-No. 23) (Republication), filed April 6, 1966, published FEDERAL REGISTER issue of April 27, 1966, and republished this issue. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, Mich. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, 1001 Woodward Avenue, Detroit, Mich. 48226. By application filed April 6, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes of foodstuffs (except in bulk, in tank vehicles), from the plantsite of American Home Foods Corp., at or near La Porte, Ind., to points in Michigan, Ohio, Illinois, West Virginia, and Pennsylvania, and damaged, rejected and refused shipments on return. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966, at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums*, when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., to points in Michigan, Ohio, West Virginia, and Pennsylvania, restricted to the transportation of shipments originating at the facilities of American Home Products Corp., at La Porte, Ind., and destined to points in the above-named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 113651 (Sub-No. 100) (Republication), filed December 23, 1965, published in FEDERAL REGISTER issue of January 27, 1966, and republished this issue. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Applicant's representative: Henry A. Dillon (same address as applicant). By application filed December 23, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of foodstuffs, from the plantsite of American Home Foods, located at or near La Porte, Ind., to points in Iowa, Kansas, Missouri, Wisconsin, Minnesota, and Nebraska. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966 at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums* when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., to points in Iowa, Kansas, Missouri, Minnesota, and Wisconsin, restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., and destined to points in the above named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 113651 (Sub-No. 110) (Republication), filed April 7, 1966, published in FEDERAL REGISTER issue of April 27, 1966, and republished this issue. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. By application filed April 7, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of foodstuffs, from the plantsite of American Home Foods, at or near La Porte, Ind., to points in Ohio, Kentucky, and Illinois. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966 at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *nonfrozen foodstuffs* (except in bulk) and *advertising matter, display racks and premiums* when moving at the same time and in the same vehicle with nonfrozen foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., to points in Illinois, Kentucky, and Ohio, restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., and destined to points in the above-named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 113678 (Sub-No. 200) (Republication), filed November 26, 1965, published in FEDERAL REGISTER issue of December 16, 1965, and republished this issue. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. By

application filed November 26, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of: Foodstuffs, from the plantsite of American Home Foods, Inc., located at or near La Porte, Ind., to points in Iowa, Nebraska, Kansas, and Colorado. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966 at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums* when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., to points in Nebraska and Colorado, restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., and destined to points in the above-named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 114457 (Sub-No. 47) (Republication), filed January 10, 1966, published in FEDERAL REGISTER issue of February 3, 1966, and republished this issue. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior, St. Paul, Minn. Applicant's representative: Charles W. Singer, Tower Suite 3600, 33 North La Salle Street, Chicago, Ill. 60602. By application filed January 10, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of foodstuffs, from the plantsite of American Home Foods, La Porte, Ind., to points in North Dakota, South Dakota, Minnesota, Iowa, Kansas, Missouri, Nebraska, and Wisconsin. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966 at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums*, when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., to points in Minnesota, Missouri, Nebraska and Wisconsin, restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind. and destined to points in the above-named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 115841 (Sub-No. 280) (Republication), filed February 17, 1966, published in FEDERAL REGISTER issue of March 10, 1966, and republished this issue. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. By application filed February 17, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier over irregular routes of foodstuffs, from the plantsite and warehouses of American Home Foods, Inc., located at or near La Porte, Ind., to points in Iowa, Kansas, Missouri, Nebraska, Oklahoma, Arkansas, Texas, Mississippi, Louisiana, Alabama, Tennessee, Georgia, and Kentucky (except frozen foods, unless in mixed shipments, to points in Alabama, Arkansas, Louisiana, Mississippi, Tennessee, Georgia, and Texas). The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held June 9, 1966, at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums* when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., to points in Kentucky, Missouri, and Oklahoma; and (2) *nonfrozen foodstuffs* (except in bulk), when moving at the same time and in the same vehicle with frozen foods, and *advertising matter, display racks, and premiums* when moving at the same time and in the same vehicle with nonfrozen foodstuffs and frozen foods, from the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, Tennessee, and Texas, restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., and destined to points in the above-named states and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulation thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be witheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 117119 (Sub-No. 295) (Republication), filed November 29, 1965, published in FEDERAL REGISTER issue of December 16, 1965, and republished this issue. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark. By application filed November 29, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of foodstuffs, from the plantsite of American Home Foods, Inc., located at or near La Porte, Ind., to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, and Wisconsin. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966, at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce over irregular routes, transporting (1) *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums* when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., to points in Kansas, Missouri, Nebraska, and Oklahoma; and (2) *nonfrozen foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums*, when moving at the same time and in the same vehicle with nonfrozen foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., to points in Alabama, Arkansas, Louisiana, Mississippi, and Tennessee, restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., and destined to points in the above-named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 117815 (Sub-No. 81) (republication), filed January 6, 1966, published in FEDERAL REGISTER issue of January 27, 1966, and republished this issue. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa. By application filed January 6, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle over irregular routes of foodstuffs, from the plantsite of American Home Foods, Inc., at or near La Porte, Ind., to points in Iowa, Wisconsin, Minnesota, Nebraska, Missouri, and Kansas. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966, at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums* when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., to points in Iowa; Missouri, Minnesota, and Wisconsin, restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., and destined to points in the above-named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 119864 (Sub-No. 23) (Republication), filed March 7, 1966, published in FEDERAL REGISTER issue of March 31, 1966, and republished this issue. Applicant: HOFER MOTOR TRANSPORTATION CO., a corporation, 26740 Eckel Road, Perrysburg, Ohio 43551. By application filed March 7, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes of foodstuffs, from the plantsite and warehouse facilities of American Home Foods, at or near La Porte, Ind., to points in Kentucky, Illinois, Indiana, Michigan, Missouri, Minnesota, Ohio, West Virginia, and Wisconsin, and *damaged and rejected shipments*, on return. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966 at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *nonfrozen foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums* when moving at the same time and in the same vehicle with nonfrozen foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., to points in Illinois and Ohio, restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., and destined to points in the above-named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 123393 (Sub-No. 108) (Republication), filed December 6, 1965, republished in FEDERAL REGISTER issue of December 29, 1965, and republished this issue. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale, Springfield, Mo. By application filed December 6, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes of, foodstuffs, from La Porte, Ind., and points within 5 miles thereof to points in Iowa, Missouri, Arkansas, Oklahoma, Kansas Nebraska, and Colorado. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966, at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums* when moving at

the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Foods Products Corp., at La Porte, Ind., to points in Arkansas, Kansas, Missouri, and Oklahoma, restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., and destined to points in the above-named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 123639 (Sub-No. 62) (Republication), filed January 10, 1966, published in FEDERAL REGISTER issue of February 3, 1966, and republished this issue. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. Applicant's representative: Charles W. Singer, Tower Suite 3600, 33 North La Salle Street, Chicago, Ill. By application filed January 10, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes of, foodstuffs, from the plantsite of American Home Foods, Inc., at or near La Porte, Ind., to points in Iowa, Kansas, Nebraska, and Colorado. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966 at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, over irregular routes, transporting *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums* when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., to points in Colorado, Kansas, and Nebraska, restricted to the transporting of shipments originating at the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., and destined to points in the above-named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 124211 (Sub-No. 83) (Republication), filed January 5, 1966, published in FEDERAL REGISTER issue of January 27, 1966, and republished this issue. Applicant: HILT TRUCK LINE, INC., 3751 Sumner Street, Post Office Box 824, Lincoln, Nebr. By application filed January 5, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of *foodstuffs*, from the plantsite and storage facilities of American Home Foods Division at or near La Porte, Ind., to points in Colorado, Kansas, Nebraska, and Wyoming. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966, at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums* when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., to points in Kansas, Nebraska, and Wyoming, restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., and destined to points in the above-named States and subject to the condition that such duplicating authority is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 127274 (Sub-No. 11) (Republication), filed May 16, 1966, published in the FEDERAL REGISTER issue of May 25, 1966, and republished this issue. Applicant: SHERWOOD TRUCKING, INC., 1517 Hoyt Avenue, Post Office Box 2189, Muncie, Ind. 47302. Applicant's representative: Warren C. Moberly, 1212 Fletcher Trust Building, Indianapolis, Ind. By application filed May 16, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of foodstuffs, from the plantsite and warehouses of American Home Foods, Inc., located at or near La Porte, Ind., to points in Georgia, Alabama, Mississippi, Louisiana, Tennessee, Arkansas, and Texas. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966, at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums* when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., and destined to points in the above-named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128893 (Republication), filed February 6, 1967, published FEDERAL REGISTER issue of March 9, 1967, and republished this issue. Applicant: SAM W. CARROLL AND GROVER C. CARROLL, a partnership, doing business as CARROLL BROTHERS TRUCKING, Rural Delivery Box 1058, Umatilla, Fla. 32784. Applicant's representative: Harry Ross, Warner Building, Washington, D.C. In the above-entitled proceeding the examiner recommended the granting to applicant a permit, authorizing operations, interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) glass containers from Alton, Ill., and from Ada, Okmulgee, and Sand Springs, Okla., to Lima, Ohio, and Sioux City, Iowa; from Huntington, W. Va., to Lima, Ohio; from Lakeland, Fla., to Waycross, Ga.; from Montgomery, Ala., to Summerfield and Umatilla, Fla., and Waycross, Ga.; (2) 60-pound cans, from Conneaut, Ohio, to Waycross, Ga., Summerfield and Umatilla, Fla., and Sioux City, Iowa, and to apiaries located in Florida, Georgia, Iowa, Kansas, Minnesota, Nebraska, North Dakota, and South Dakota; (3) 55-gallon drums from Dolton and Peotone, Ill., to (a) Summerfield and Umatilla, Fla., Waycross, Ga., Wendell, Idaho, Lima, Ohio, and Temple, Tex.; and (b) to apiaries located in Alabama, Arkansas, Colorado, Florida, Georgia, Iowa (except Sioux City), Kansas, Louisiana, Minnesota, Missouri, Mississippi, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, and Wyoming; (4) 55-gallon drums, used, from Summerfield and Umatilla, Fla., Waycross, Ga., Wendell, Idaho, Sioux City, Iowa, Lima, Ohio, and Temple, Tex., to Minneapolis, Minn.;

(5) Fifty-five-gallon drums, reconditioned, from Minneapolis, Minn., to (a) Summerfield and Umatilla, Fla., Waycross, Ga., Wendell, Idaho, Sioux City, Iowa, Lima, Ohio, and Temple, Tex., and (b) apiaries located in Alabama, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Louisiana, Minnesota, Missouri, Mississippi, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, and Wyoming; (6) materials, equipment, and supplies used by honey processing, storing, and distributing plants, and by apiaries; honey, comb, granulated or strained, and/or beeswax, when moving in mixed shipments with materials, equipment, and supplies, between Summerfield and Umatilla, Fla., Waycross, Ga., Wendell, Idaho, Sioux City, Iowa, Lima, Ohio, and Temple, Tex.; (7) such supplies and equipment as are used by beekeepers exclusively in the tending or care of live bees and in the packaging or production of honey and beeswax, restricted to shipments originating or terminating at apiaries of members of the Sioux Honey Association, (a) between Sioux City, Iowa, and points in Alabama, Colorado, Florida, Georgia, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming; and (b) between Waycross, Ga., Umatilla, Fla., and Lima, Ohio, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin; and (8) plastic containers, other than expanded, from Ligonier, Ind., to Lima, Ohio, Sioux City, Iowa, Temple, Tex., and Waycross, Ga., under contract with Sioux Honey Association, of Sioux City, Iowa.

A supplemental decision and order of the Commission, Review Board Number 4, dated July 12, 1968, and served July 18, 1968, as modified, finds that operation by applicant, in interstate or foreign commerce as a contract carrier by motor vehicle, over irregular routes, of (A) *glass containers* (1) from Alton, Ill., and Ada, Okmulgee, and Sand Springs, Okla., to Lima, Ohio, and Sioux City, Iowa; (2) from Huntington, W. Va., to Lima, Ohio. (B) *Cans*, from Conneaut, Ohio, to points in Florida, Georgia, Iowa, Kansas, Minnesota, Nebraska, North Dakota, and South Dakota. (C) *Drums;* (1) from Dolton and Peotone, Ill., to Wendell, Idaho, and points in Alabama, Arkansas, Colorado, Florida, Georgia, Iowa (except Sioux City, Iowa), Kansas, Louisiana, Minnesota, Missouri, Mississippi, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, and Wyoming; (2) between Summerfield and Umatilla, Fla., to Waycross, Ga., Wendell, Idaho, Sioux City, Iowa, Lima, Ohio, and Temple, Tex., on the one hand, and, on the other, Minneapolis, Minn.; (3) From Minneapolis, Minn., to points in Arkansas, Missouri, Ohio, Oklahoma, and Texas. (D) *Plastic containers*, except expanded plastic containers, from Ligonier, Ind., to Lima, Ohio, Sioux City, Iowa, Temple, Tex., and Waycross, Ga. (E) *Materials, equipment, and supplies* used in processing, storing, and distributing honey, and honey and beeswax when moving in mixed loads with materials, equipment, and supplies used in processing, storing, and distributing honey. Between Summerfield and Umatilla, Fla., Waycross, Ga., Wendell, Idaho, Sioux City, Iowa, Lima, Ohio, and Temple, Tex. (F) *Materials, equipment, and supplies* used in the operation of apiaries and the production and packaging of honey and beeswax (1) between Sioux City, Iowa, and points in Alabama, Colorado, Florida, Georgia, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

(2) Between Waycross, Ga., Umatilla, Fla., and Lima, Ohio, on the one hand, and, on the other, points in Arkansas, Oklahoma, and Texas, under contract with Sioux Honey Association, of Sioux City, Iowa. Any duplications of the authorities granted herein shall be construed as granting only a single operating right, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129403 (Republication), filed September 14, 1967, published FEDERAL REGISTER issue of January 18, 1968, and republished this issue. Applicant: A. N. R. TRUCKING CO., INC., 518 West 29th Street, New York, N.Y. 10001. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. By application filed September 14, 1967, as amended, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of furniture, glassware, earthenware, ceramics, flatware, housewares, house furnishings, stationery, and decorative items, and related articles, from points in the New York, N.Y., commercial zone as defined by the Commission, Port Newark and Port Elizabeth, N.J., to the plant and warehouse sites of George Jensen, Inc., at Mount Pleasant, N.Y., restricted to shipments having a prior movement by water. An order of the Commission, Operating Rights Board, dated June 28, 1968, and served July 10, 1968, finds that operation by applicant, in interstate or foreign commerce as a contract carrier, by motor vehicle, over irregular routes, of *general commodities* (except classes A and B explosives, commodities in bulk, and those requiring special equipment), from points in that portion of the New York, N.Y., commercial zone as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the exceptions, provided by section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone) to the plantsites and storage facilities of George Jensen, Inc., at Mount Pleasant, N.Y., restricted to the transportation of traffic having a prior movement by water, under a continuing contract with George Jensen, Inc., of New York, N.Y., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest

in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 127080 (Clarification) (Notice of Filing of Petition To Amend Permit), filed June 28, 1968, published FEDERAL REGISTER issue of July 17, 1968, and republished as clarified this issue. Petitioner: SPRINGDALE FARMS PRODUCE COMPANY, INC., Springdale, Ark. Petitioner's representatives: A. Alvis Layne, and Walter T. Evans, 915 Pennsylvania Building, Washington, D.C. 20004. Petitioner holds permit No. MC 127080 authorizing it to operate as a contract carrier by motor vehicle, over irregular routes, in the transportation of: *Frozen foods* (except dairy products) when moving in mixed loads with frozen or ice-packed poultry, and frozen or ice-packed poultry when moving in mixed loads with frozen food (except dairy products), from the plantsites and storage facilities of Springdale Farms Service Co., Inc., Springdale, Ark., to points in Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming, with no transportation for compensation on return except as otherwise authorized. *Frozen meat*, from Kansas City, Kans., to plantsites and storage facilities of Springdale Farms Service Co., Inc., Springdale, Ark., with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts, with Springdale Farms Service Co., Inc., of Springdale, Ark. By the instant petition, petitioner requests permission to add Springdale Farms, Inc., as a shipper. The instant petition also requests authority to allow service to the State of California in connection with the movement of frozen foods from Springdale, Ark., only. Any interested person desiring to participate, may file an original and six copies of his written representation, views or arguments in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER. NOTE: The purpose of this republication is to clarify the proposed service to the State of California.

No. MC 128950 (Republication) (Notice of Filing of Petition for Modification), published FEDERAL REGISTER, issue of June 5, 1968, and republished this issue. Petitioner: PROVINCIAL WAREHOUSES, INC., Ogdensburg, N.Y. By petition filed May 20, 1968, petitioner requests that its certificate in MC-128950 be modified in part for the purpose of authorizing the transportation of the commodities named in its certificate. Said certificate authorizes the transportation of liquor, malt beverages, tobacco, and perfumes, other than in bulk, between ports of entry on the international boundary line between the United States and Canada located at or near Ogdensburg, Massena, and Alexandria Bay, N.Y., Derby Line, Vt., Blaine, Wash., and Detroit, Mich., on the one hand, and, on the other, warehouses at Ogdensburg, Massena, and Alexandria Bay, N.Y., Derby Line, Vt., Blaine, Wash., and Detroit, Mich., restricted to the transportation of traffic originating at or destined to points in Canada. An order of the Commission, Operating Rights Board, dated July 19, 1968, finds that the present and future public convenience and necessity require operation by petitioner, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *liquor, malt beverages, tobacco, and perfumes*, other than in bulk, (a) between those ports of entry on the international boundary line between the United States and Canada, at or near Ogdensburg, Massena, and Alexandria Bay, N.Y., Derby Line, Vt., Blaine, Wash., and Detroit, Mich., and on the one hand, and, on the other, Ogdensburg, Massena, and Alexandria Bay, N.Y., Derby Line, Vt., Blaine, Wash., and Detroit, Mich., and (b) between Ogdensburg, Massena, and Alexandria Bay, N.Y., Derby Line, Vt., Blaine, Wash., and Detroit, Mich., subject to the prior receipt of a request in writing by it for the cancellation of its certificate No. MC-128950; that petitioner is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder and that an appropriate certificate should be issued subject to the condition that a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9961 (Republication) (NATIONAL CITY LINES, INC.—Control—T.I.M.E. FREIGHT, INC.: T.I.M.E. FREIGHT, INC.—Merger—DC INTERNATIONAL, INC., and LOS ANGELES-SEATTLE MOTOR EXPRESS, INC.; T.I.M.E. FREIGHT, INC.—Control—RED BALL EXPRESS CO.), published in the December 6, 1967, issue of the FEDERAL REGISTER, on page 17506. This notice is to delete that portion of the transaction involving *control by T.I.M.E. FREIGHT, INC., of RED BALL EXPRESS CO.*, pursuant to the order by the Commission, Division 3, dated July 17, 1968.

No. MC-F-9989 (RYDER TRUCK LINES, INC.—Control—HELM'S EXPRESS, INC.), published in the January 4, 1968, issue of the FEDERAL REGISTER, on page 102. By petition filed July 18, 1968, Applicants seek modification of the order approving the transaction. (Order by Review Board No. 5, granting control May 21, 1968, and supplemental order dated June 19, 1968.) Applicants seeking also merger of HELM'S EXPRESS, INC., into RYDER TRUCK LINES, INC.

No. MC-F-10199. Authority sought for control and merger by CEDAR RAPIDS STEEL TRANSPORTATION, INC., 3930 16th Avenue SW., Post Office Box 68, Cedar Rapids, Iowa 52406, of the operating rights and property of BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa 50158, and for acquisition by HERALD A. SMITH, JR., and MIRIAM G. SMITH, both, also of Cedar Rapids, Iowa, of control of such rights and property through the transaction. Applicants' attorneys: Robert E. Konchar, Suite 315 Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, Iowa 52402, and Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be controlled and merged: *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the United States (except Alaska and Hawaii), with certain restrictions, serving various intermediate and off-route points, over numerous alternate routes for operating convenience only, as more specifically described in Docket No. MC 21170 and subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating in full, the entirety, thereof. CEDAR RAPIDS STEEL TRANSPORTATION, INC., is authorized to operate as a *common carrier* in Illinois, Iowa, Wisconsin, and Indiana. Application has been filed for temporary authority under section 210a(b). NOTE: See also MC-F-10010 (CONSOLIDATED FORWARDING CO., INC.—purchase (portion)—BOS LINES, INC.), published in the January 24, 1968, issue of the FEDERAL REGISTER, on page 870.

No. MC-F-10200. Authority sought for purchase by A. DUIE PYLE, INC., 144 Garfield Avenue, West Chester, Pa. 19380, of a portion of the operating rights of HARVEY H. WARFEL, doing business as BROWN'S EXPRESS, 204 Maryland Avenue, Oxford, Pa. 19363, and for acquisition by ESTATE OF A. DUIE PYLE (MARY E. PYLE, and ELEANOR P. LATTA, EXECUTRIXES), JAMES LATTA, JR., ELEANOR P. LATTA, and MARY E. PYLE, all also of West Chester, Pa., of control of such rights through the purchase. Applicants' attorneys: V. Baker Smith and Alfred N. Lowenstein, both of 2107 Fidelity Building, 123 South Broad St., Philadelphia, Pa. 19109. Operating rights sought to be transferred: *General commodities*, excepting, among others household goods and commodities in bulk, as a *common carrier*, over regular routes, between Longwood, Pa., and Rising Sun, Md., serving all intermediate points; and the off-route points in Maryland within 10 miles of Rising Sun, those in Pennsylvania within 5 miles of U.S. Highway 1, and those in Pennsylvania within 10 miles of Oxford, Pa.; *furniture*, from Oxford, Pa., to Trenton and Camden, N.J., Baltimore, Md., Wilmington, Del., and points in the District of Columbia; and *builders' millwork* and *new furniture*, from Oxford, Pa., to Baltimore, Md., Washington, D.C., and Wilmington, Del. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, Pennsylvania, Delaware, Maryland, Ohio, Connecticut, Virginia, West Virginia, Massachusetts, Illinois, Indiana, Kentucky, Michigan, North Carolina, Rhode Island, Wisconsin, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10201. Authority sought for purchase by CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, 410 North 10th Street, Post Office Box 212, Billings, Mont. 59101, of the operating rights of H. F. LLOYD TRUCKING, INC., 410 Wicks Lane, Billings, Mont. 59102. Applicants' attorney: J. F. Meglen, Post Office Box 1581, Billings, Mont. 59103. Operating rights sought to be transferred: *Lumber, timbers, poles, posts and piling, and hardboard, as a contract carrier*, over irregular routes, from White Sulphur Springs, Mont., to points within 5 miles thereof, to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Nebraska, North Dakota, South Dakota, Utah, and Wisconsin. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts with the Vollstedt-Kerr Lumber Co., of White Sulphur Springs, Mont. Vendee is authorized to operate as a *contract carrier* in Wisconsin, Illinois, Minnesota, and Montana; and to temporarily operate as a common carrier in Wyoming and Montana. Application has not been filed for temporary authority under section 210a(b). NOTE: In MC-FC-70446 (CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, TRANSFEREE, and H. F. LLOYD TRUCKING, INC., TRANSFEROR) an order by Review Board Number 5, dated May 2, 1968, granted temporary authority under section 210a(b), and was consummated May 4, 1968.)

No. MC-F-10202. Authority sought for control and merger by DUNDEE TRUCK LINE, INC., 660 Sterling Street, Toledo, Ohio 43609, of the operating rights and property of C. H. RUMPF AND SONS TRUCK LINE, INC., 1130 Treat Road, Adrian, Mich. 49221, and for acquisition by DUNDEE MOTOR EXPRESS, INC., 107 Minneola Street, Hinsdale, Ill. 60531, of control of such rights and property through the transaction. Applicants' attorney: Arthur R. Cline, 420 Security Building, Toledo, Ohio 43604. Operating rights sought to be controlled and merged: *General commodities*, excepting among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Sturgis, Mich., and Toledo, Ohio, between points in Michigan, serving all intermediate and certain off-route points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between points in Monroe County, Mich., on the one hand, and, on the other, points in Lucas County, Ohio, between points in Monroe County, Mich.; and *screens, screen doors, chairs and lawn furniture, window frames, and wood stock*, from Adrian, Mich., to points in Ohio. DUNDEE TRUCK LINE, INC., is authorized to operate as a *common carrier* in Michigan, Ohio, and Indiana. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10203. Authority sought for control and merger by DUFF TRUCK LINE, INC., Broadway and Vine Streets, Lima, Ohio 45802, of the operating rights and property of THE BROWN TRANSFER COMPANY, 900 Ninth Street SW., Canton, Ohio 44707, and for acquisition by L. EUGENE DUFF, also of Lima, Ohio, of control of such rights and property through the transaction. Applicants' attorney: James Muldoon, 88 East Broad Street, Columbus, Ohio 43215. Operating rights sought to be controlled and merged: *Packinghouse products, as a common carrier*, over irregular routes, from Canton, Ohio, to points in Ohio within 75 miles of Canton; *packinghouse products and byproducts*, including fresh meats, from Canton, Ohio, to points in Mahoning, Stark, Summit, Tuscarawas, and Wayne Counties, Ohio; and *such merchandise* as is dealt in and sold by wholesale grocery firms, from Canton, Ohio, to points in Ohio within 50 miles of Canton. DUFF TRUCK LINE, INC., is authorized to operate as a *common carrier* in Ohio; and under a certificate of registration as a common carrier, in the State of Ohio. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10204. Authority sought for purchase by BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala. 35233, of a portion of the operating rights of ALABAMA HIGHWAY EXPRESS, INC., 3300 Fifth Avenue, South, Birmingham, Ala. 35233, and for acquisition by W. D. SELLERS, JR., 2 South 32d Street, Birmingham, Ala. 35233, of control of such rights through the purchase. Applicants' attorney: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005. Operating rights sought to be transferred: *General commodities*, except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier*, over irregular routes, between Mobile, Ala., on the one hand, and, on the other, points in Alabama. Vendee is authorized to operate as a *common carrier* in all States in the United States (except Alaska, California, Hawaii, Idaho, Nevada, and Oregon), and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: See also MC-F-9921 (BOWMAN TRANSPORTATION, INC.—purchase (portion)—ALABAMA HIGHWAY EXPRESS, INC.) and MC-F-10196 (OVERNIGHT TRANSPORTATION CO.—purchase (portion)—ALABAMA HIGHWAY EXPRESS, INC.), published in the November 1, 1967, republications June 19, 1968 and July 12, 1968, and July 24, 1968, issues of the FEDERAL REGISTER, on pages 15141, 9051, 10037, and 10549, respectively.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9131; Filed, July 30, 1968; 8:49 a.m.]

[Notice 657]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 25, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 65802 (Sub-No. 40 TA), filed July 23, 1968. Applicant: LYNDEN TRANSFER, INC., doing business as LYNDEN TRANSPORT, INC., Box 433, Lynden, Wash. 98264. Applicant's representative: J. Stewart Black, 1322 Laburnum Street, Vancouver 9, British Columbia, Canada. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *General commodities* (excluding household goods and commodities of unusual value), between ports of entry on the international boundary between British Columbia and Alaska via ferry, and points in Alaska, for 180 days. NOTE: Applicant intends to tack with its existing authority. Supporting shippers: Green Construction Co., 928 Securities Building, Seattle, Wash. 98101; C & R Builders Inc., Post Office Box 7397 (Bitter Lake Station), 11728 Aurora Avenue North, Seattle, Wash. 98133; Lindbrook Construction, Inc., Post Office Box 1076, 20215 64 West, Lynnwood, Wash. 98036; Alaska Traffic Consultants, 3466 East Marginal Way South, Seattle, Wash. 98134; Juneau Dam Constructors, 123 Seward Avenue, Juneau, Alaska 99801; The Carrington Co., 91 Columbia Street, Seattle, Wash. 98104; Mason-Osberg Co., 1132 North 128 Street, Seattle, Wash. 98133. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 109689 (Sub-No. 197 TA), filed July 23, 1968. Applicant: W. S. HATCH CO., 643 South 800 West Street, Post Office Box 1825, Salt Lake City, Utah 84110, Woods Cross, Utah 84087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible animal grease or tallow*, in bulk, from Twin Falls, Idaho, to Murray, Utah, for 180 days. Supporting shipper: Utah By-Products Co., 463 South Third West Street, Salt Lake City, Utah 84101. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 115871 (Sub-No. 2 TA), filed July 23, 1968. Applicant: EVART ISAAC, doing business as EVART ISAAC TRUCKING LINE, Fort Dodge Road, Dodge City, Kans. 67801. Applicant's representative: John J. Keller, 145 West Wisconsin Avenue, Neenah, Wis. 54956. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fat* (tallow), from Hyplains Dressed Beef, Inc., Dodge City, Kans., to Buffalo, Guymon, and Woodward, Okla., Amarillo, Dallas, and Perryton, Tex., for 150 days. Supporting shipper: Hyplains Dressed Beef, Inc., Box 539, Dodge City, Kans. 67801. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 116280 (Sub-No. 8 TA), filed July 23, 1968. Applicant: W. C. McQUAIDE, INC., 153 Macridge Avenue, Johnstown, Pa. 15904. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clothing*, between Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on the other, Duncansville, Pa., restricted to transportation having a prior or subsequent movement by air, for 150 days. Supporting shipper: The Puritan Sportswear Corp., Altoona, Pa. 16603. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 120442 (Sub-No. 2 TA) (Correction), filed July 1, 1968, published FEDERAL REGISTER issues of July 10 and July 24, 1968, and republished as corrected this issue. Applicant: NICK TOTONI & SONS, INC., 1373 West Hubbard Street, Chicago, Ill. 60622. Applicant's representative: Benjamin J. Schultz, One North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Illinois on and north of U.S. Highway 24 from the east bank of the Mississippi River to junction with U.S. Highway 136, and thence on and north of U.S. Highway 136 to the Illinois-Indiana State line, for 180 days. NOTE: Applicant intends to tack the authority applied for to other authority held by it in MC-120442 and also to interline with other carriers. The purpose of this republication is to clarify the territory proposed to be served. Supporting shipper: Dole Valve Co., 6201 Oakton Street, Morton Grove, Ill. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse and Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 126102 (Sub-No. 4 TA), filed July 17, 1968. Applicant: ANDERSON MOTOR LINES, INC., 37 Woodruff Road, Walpole, Mass. 02081. Applicant's representative: Sanford A. Kowal, 73 Tremont Street, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are sold in drug stores, chain, discount, and department stores* (excluding commodities in bulk, in tank vehicles), (1) between the warehouses of Zayre Corp., in Florida, Georgia, Ohio, Illinois, on the one hand, and, on the other, points in Massachusetts, New Hampshire, Pennsylvania, Illinois, Wisconsin, Minnesota, Kentucky, Maryland, South Carolina, Maine, Rhode Island, Ohio, Indiana, Michigan, Tennessee, Virginia, Georgia, and Florida; and (2) between the warehouses of Zayre Corp., in Massachusetts, on the one hand, and, on the other, points in Pennsylvania, Illinois, Wisconsin, Minnesota, Kentucky, Maryland, South Carolina, Ohio, Indiana, Michigan, Tennessee, Virginia, Georgia, and Florida; *all restricted against* providing transportation from points in Florida, Georgia, and South Carolina to points in Massachusetts other than traffic from the warehouses of Zayre Corp.; and against the movement of new furniture from points in Lycoming, Union, Northumberland, and Montour Counties, Pa., for 180 days. Supporting shipper: Zayre Corp., Mercer Road, Natick, Mass. Send protests to: Richard D. Mansfield, District Supervisor, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Federal Building, Government Center, Boston, Mass. 02203.

No. MC 133039 TA, July 23, 1968. Applicant: COLLIER TRUCKING COMPANY INC., Rural Route No. 1, Coatesville, Ind. 46121. Applicant's representative: Richard M. Givan, 150 East Market Street, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients*, in bulk and in bags (except those moving in liquid form, in bulk, in tank vehicles) *livestock and poultry medication* (except in liquid form, in bulk, in tank vehicles); *grain*, from Lafayette, Ind., to points in Putnam, Lucas, Woods, Hancock, Hardin, Ottawa, Sandusky, Seneca, Wyandot, Marion, Erie, and Huron Counties, Ohio, for 180 days. Supporting shipper: Ralston Purina Co., Box 119, Lafayette, Ind. Send protests to: District Supervisor James W. Habermehl, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 133040 TA (Amendment), filed June 17, 1968, and published under MC 124987 Sub 11 TA, issue of June 22, 1968, and republished as amended this issue. Applicant: EARL L. BONSACK AND ELAINE M. BONSACK, a partnership, doing business as EARL L. BONSACK, 512 West Plainview Road, La Crosse, Wis. 54601. Applicant's representative: F. W. Liegois, 925 South Third Street, La Crosse, Wis. 54601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt liquors*, (1) from Newport, Ky., to points in Illinois; Indiana (except Delphi, Goodland, Monticello, and Rensselaer), Ohio, and Virginia; (2) from La Crosse, Wis., to Indianapolis, Ind., (3) *empty containers* in the reverse direction, for 180 days. NOTE: The purpose of this republication is to show applicant now seeks to conduct the proposed operation as a common carrier rather than as a contract carrier. Also, the application has been reassigned MC 133040 TA in lieu of MC 124987 (Sub-No. 11 TA). Supporting shipper: G. Heileman Brewing Co., Inc., 925 South Third Street, La Crosse, Wis. 54601. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 133041 TA, filed July 23, 1968. Applicant: GRANICO TRANSPORT LTD., Post Office Box 252, Alma, Lake St. John, Quebec, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Granite*, from United States-Canadian boundary line, ports of entry located in Maine, New Hampshire, Vermont, New York, and Michigan, to points in New Hampshire, New York, Maryland, Michigan, Illinois, Maine, Vermont, Rhode Island, Connecticut, Massachusetts, Pennsylvania, for 180 days. Supporting shipper: Columbia Granite, Inc., 74 Sacre-Coeur Street, Suite 15, Alma, Quebec. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9132; Filed, July 30, 1968; 8:49 a.m.]

[Notice 180]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 26, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70632. By order of July 23, 1968, the Transfer Board approved the transfer to Wm. Iffland Trucking & Supply, Inc., Toledo, Ohio, of the operating rights in certificate No. MC-113797 issued January 6, 1955, to C. E. Frost, doing business as C. E. Frost Sand Co., Toledo, Ohio, authorizing the transportation, over irregular routes, of sand from Tecumseh, Mich., and points within 5 miles of Tecumseh, to Silica, Ohio, and points in Lucas, Ottawa, and Fulton Counties, Ohio; and cement, sand, crushed stone, stone, concrete blocks, motar, lime, and stone aggregates from Silica, Ohio, to points in Lenawee and Monroe Counties, Mich. Arthur R. Cline, 420 Security Building, Toledo, Ohio 43604, attorney for applicants.

No. MC-FC-70634. By order of July 23, 1968, the Transfer Board approved the transfer to Sted-Fast Trans., Inc., 24 County Road, Everett, Mass. 02149, of the certificate of registration in No. MC-98797 (Sub-No. 1) issued April 10, 1964, to Joseph Picariello, Inc., Middleton, Mass. 01949, evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of Massachusetts, corresponding in scope to the service authorized by irregular route common carrier certificate No. 3519, issued November 9, 1954, by the Massachusetts Department of Public Utilities.

No. MC-FC-70643. By order of July 23, 1968, the Transfer Board approved the transfer to Hillsen's Holiday Tours, a corporation, Redlands, Calif., of Licenses in Nos. MC-12827, MC-12827 (Sub-No. 1), and MC-12827 (Sub-No. 2), issued November 7, 1963, August 24, 1964, and March 16, 1965, respectively, to California Educational Tours, a corporation, Redlands, Calif., and acquired by transferor herein, Jane Hillsen, doing business as Holiday Tours, pursuant to approval and consummation of No. MC-FC-70230, on June 17, 1968, authorizing the holder to engage in operations as a broker at Redlands, Calif., in the transportation of passengers and their baggage, in round-trip tours, beginning and ending at points in Fresno, Kern, San Bernardino, Contra Costa, San Mateo, Santa Clara, San Diego, Los Angeles, and Orange Counties, Calif., and extending to points in the United States, except Alaska and Hawaii. Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. 90212, attorney for applicants.

No. MC-FC-70649. By order of July 23, 1968, the Transfer Board approved the transfer to L. N. Tolbert, doing business as Southern Missouri Freight, Branson, Mo., of the certificate of registration in No. MC-129207 (Sub-No. 1) issued October 9, 1967, to L. N. Tolbert & W. C. Short, a partnership, doing business as Southern Missouri Freight, Branson, Mo., evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in certificate No. T-25, 449 issued July 17, 1967, by the Missouri Public Service Commission. Herman W. Huber, 101 East High Street, Jefferson City, Mo. 65101, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9133; Filed, July 30, 1968; 8:49 a.m.]

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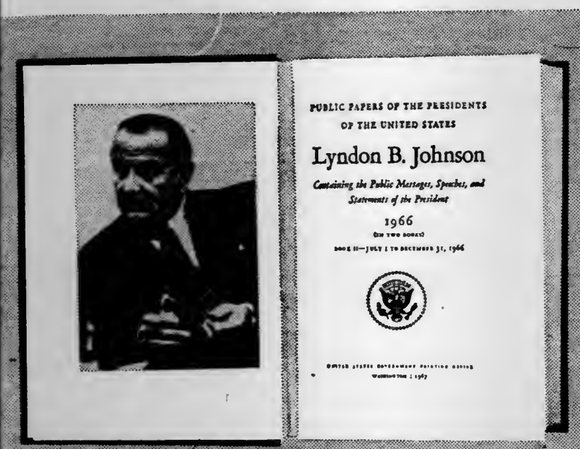
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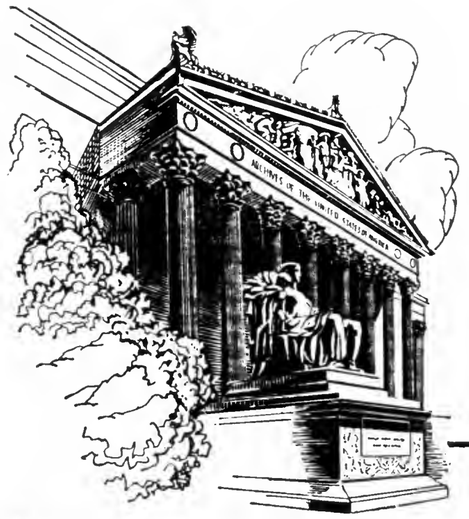
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FIRE PREVENTION WEEK, 1968

By the President of the United States of America

A Proclamation

Fire is the third largest cause of accidental death in America—and deaths from fire increased again last year.

The cost of homes and businesses which went up in flames last year is estimated to exceed $2 billion.

These tragic deaths and huge property losses constitute a shameful waste—which can and must be reduced.

The Fire Research and Safety Act of 1968 was a first step toward better trained and better equipped firefighters and modern firefighting techniques. But while such legislation can provide the technical know-how which will help to reduce our fire losses, fires can be prevented only when each citizen actively cooperates and earnestly supports the efforts of his community fire department.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the week beginning October 6, 1968 as Fire Prevention Week.

I urge all groups involved in fire safety activities, such as the National Fire Protection Association, and State and local governments to observe Fire Prevention Week and to motivate all citizens toward year-round fire prevention activity.

I also direct the Federal Fire Council and all other Federal agencies to assist in this program so as to stop this shameful waste of lives and property caused by preventable fires.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of July, in the year of our Lord nineteen hundred and sixty-eight, and of the Independence of the United States of America the one hundred and ninety-third.

Lyndon B. Johnson

[F.R. Doc. 68-9261; Filed, July 30, 1968; 1:43 p.m.]

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Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

LICENSE FEES FOR FACILITY LICENSES AND MATERIALS LICENSES

A notice of proposed rule making was published by the Atomic Energy Commission in the FEDERAL REGISTER on March 11, 1967 (32 F.R. 3995) proposing the establishment of license fees for facility construction permits and operating licenses issued under 10 CFR Part 50 and for specific byproduct, source, and special nuclear material licenses issued under 10 CFR Parts 30, 40, and 70. The fees were set out in a proposed new Part 170. Amendments to Parts 30, 40, 50, and 70 to reflect proposed application filing fee requirements also were proposed.

The Commission's decision to propose fees for licenses was made in accordance with Title V of the Independent Offices Appropriation Act of 1952 (65 Stat. 290; 31 U.S.C. 483a) which states:

> It is the sense of the Congress that any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal agency * * * to or for any person (including groups, associations, organizations, partnerships, corporations, or businesses), except those engaged in the transaction of official business of the Government, shall be self-sustaining to the full extent possible, and the head of each Federal agency is authorized by regulation * * * to prescribe therefor such fee, charge, or price, if any, as he shall determine, in case none exists, or redetermine, in case of an existing one, to be fair and equitable taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts * * *

General policies for developing an equitable and uniform system of charges in implementation of the above-cited provisions of the Independent Offices Appropriation Act of 1952, have been set forth by the Bureau of the Budget in Circular No. A–25 and in a memorandum

dated February 15, 1965, directed to heads of Federal agencies.

The notice of proposed rule making allowed 60 days for comment by interested persons. By notice published in the FEDERAL REGISTER on April 18, 1967 (32 F.R. 6099) the time for filing comments was extended to July 9, 1967. Many comments have been received.

The amendments which follow have been adopted by the Commission after careful consideration of those comments and further Commission study. The revised fee schedule eliminates most fees for materials licenses included in the previously proposed amendments, including those for medical uses. The Commission is continuing to study the matter of fees for materials licenses.

The categories of materials licenses which will be subject to application fees and annual fees are:

a. Licenses for byproduct material of 100,000 curies or more in sealed sources used for irradiation of materials;

b. Licenses for special nuclear material in quantities sufficient to form a critical mass, except for licenses for plutonium-beryllium neutron sources; and

c. Waste disposal licenses specifically authorizing the receipt of waste radioactive materials for the purpose of commercial disposal by land or sea burial. (This category of fees would not be applicable to licenses which authorize collection, processing, storage, and transfer of wastes to another person for land or sea burial to be performed by the transferee.)

The exception of licenses for special nuclear material in plutonium-beryllium neutron sources, which was not included in the proposed rule, is based upon the lack of criticality considerations involved in the licensing of such sources.

The schedule of fees for licenses for production and utilization facilities in § 170.21 of Part 170 eliminates the broad categorization of reactors set forth in notice of proposed rule making published on March 11, 1967. Fees for power reactors will be assessed on the basis of the number of megawatts of rated power (sliding scale) of the facility involved. Single fees for other facilities are established. The Commission considers that such a basis for assessment is more equitable than the grouping basis set forth in the notice of proposed rule making.

Proposed § 170.11(a)(4) has been revised to exempt from licensing fees licenses for materials or facilities other than power reactors issued to nonprofit educational institutions, used for training, teaching, or medical purposes. Many licenses for facilities or materials of this type would have fallen within the exemption of § 170.11(a)(4) as set forth in the proposed rule for licenses issued to nonprofit educational institutions holding an AEC research assistance contract or loan agreement. The present exemption, however, applies to a nonprofit educational institution which is licensed to operate a facility, other than a power reactor, for teaching, training, or medical purposes or to use materials for such purposes, but does not have a loan agreement or university reactor assistance contract with the Commission.

A new § 170.11(a)(5) has been added which specifically exempts Government agencies from licensing fees.

A number of editorial changes of a clarifying nature also have been made.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Parts 30, 40, 50, and 70, and a new 10 CFR Part 170 are published as a document subject to codification, to be effective 60 days after publication in the FEDERAL REGISTER. The Commission invites all interested persons who desire to submit written comments or suggestions in connection with the amendments and regulation to send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 60 days after publication of this notice in the FEDERAL REGISTER. Consideration will be given such submission with the view to possible amendments. Copies of comments received may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

PART 30—RULES OF GENERAL APPLICABILITY TO LICENSING OF BYPRODUCT MATERIAL

1. Section 30.32 of 10 CFR Part 30 is amended by adding a new paragraph (e) to read as follows:

§ 30.32 Applications for specific licenses.

* * * * *

(e) Each application for a byproduct material license, other than a license exempted from Part 170 of this chapter, and other than an application for renewal or amendment of a license, shall be accompanied by the fee prescribed in Part 170 of this chapter.[1]

PART 40—LICENSING OF SOURCE MATERIAL

2. Section 40.31 of 10 CFR Part 40 is amended by adding a new paragraph (f) to read as follows:

§ 40.31 Applications for specific licenses.

* * * * *

(f) Each application for a source material license, other than a license exempted from Part 170 of this chapter, and other than an application for renewal or amendment of a license, shall be accompanied by the fee prescribed in Part 170 of this chapter.[2]

[1] Section 170.31 prescribes fees for licenses for byproduct material of 100,000 curies or more in sealed sources used for irradiation of materials, and for waste disposal licenses specifically authorizing receipt of waste byproduct material from other persons for commercial disposal by land or sea burial by the waste disposal licensee.

[2] Section 170.31 prescribes fees for waste disposal licenses specifically authorizing the receipt of waste source material from other persons for commercial disposal by land or sea burial by the waste disposal licensee.

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

3. Section 50.30 of 10 CFR Part 50 is amended by adding a new paragraph (d) to read as follows:

§ 50.30 Filing of applications for licenses, oath or affirmation.

* * * * *

(d) *Filing fees.* Each application for a production or utilization facility license, including, whenever appropriate, a construction permit, other than a license exempted from Part 170 of this chapter, shall be accompanied by the fee prescribed in Part 170 of this chapter. No fee will be required to accompany an application for renewal, amendment or termination of a construction permit or operating license, except as provided in § 170.21 of this chapter.

PART 70—SPECIAL NUCLEAR MATERIAL

4. Section 70.21 of 10 CFR Part 70 is amended by adding a new paragraph (e) to read as follows:

§ 70.21 Filing.

* * * * *

(e) Each application for a special nuclear material license, other than a license exempted from Part 170 of this chapter, and other than an application for renewal or amendment of a license, shall be accompanied by the fee prescribed in § 170.31 of this chapter.[1]

5. Chapter 1 of Title 10 of the Code of Federal Regulations is amended by adding a new part 170 to read as follows:

PART 170—FEES FOR FACILITIES AND MATERIALS LICENSES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

GENERAL PROVISIONS

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SCHEDULE OF FEES

170.21 Schedule of fees for production and utilization facilities.
170.31 Schedule of fees for materials licenses.

ENFORCEMENT

170.41 Failure by licensee to pay annual fee.

AUTHORITY: The provisions of this Part 170 issued under 65 Stat. 290; 31 U.S.C. 483a and sec. 161, 68 Stat. 948; 42 U.S.C. 2201.

[1] Section 170.31 prescribes fees for licenses for special nuclear material in quantities sufficient to form a critical mass as defined in § 170.3 of this chapter, except for licenses authorizing possession and use of plutonium-beryllium neutron sources; and for waste disposal licenses specifically authorizing the receipt of waste special nuclear material from other persons for commercial disposal by land or sea burial by the waste disposal licensee.

GENERAL PROVISIONS

§ 170.1 Purpose.

The regulations in this part set out fees charged for licensing services rendered by the Atomic Energy Commission, as authorized under Title V of the Independent Offices Appropriation Act of 1952 (65 Stat. 290; 31 U.S.C. 483a) and provisions regarding their payment.

§ 170.2 Scope.

Except for persons who apply for or hold the licenses exempted in § 170.11, the regulations in this part apply to each person who is an applicant for, or holder of, a specific license for byproduct material of 100,000 curies or more in sealed sources used for irradiation of materials issued pursuant to Part 30 of this chapter, for special nuclear material in quantities sufficient to form a critical mass as defined in § 170.3 of this chapter, except for licenses authorizing possession and use of plutonium-beryllium neutron sources, issued pursuant to Part 70 of this chapter, for the receipt of waste byproduct material, source material, or special nuclear material from other persons for the specific purpose of commercial disposal by land or sea burial by the waste disposal licensee issued pursuant to Parts 30, 40, and 70 of this chapter or for a production or utilization facility issued pursuant to Part 50 of this chapter.

§ 170.3 Definitions.

As used in this part:

(a) "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(b) "Government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government.

(c) "Materials license" means a byproduct material license issued pursuant to Part 30 of this chapter, or a source material license issued pursuant to Part 40 of this chapter, or a special nuclear material license issued pursuant to Part 70 of this chapter.

(d) "Nuclear reactor" means an apparatus, other than an atomic weapon, designed or used to sustain nuclear fission in a self-supporting chain reaction.

(e) "Other production or utilization facility" means a facility other than a nuclear reactor licensed by the Commission under the authority of section 103 or 104 of the Atomic Energy Act of 1954, as amended (the Act), and pursuant to the provisions of Part 50 of this chapter.

(f) "Power reactor" means a nuclear reactor designed to produce electrical or heat energy licensed by the Commission under the authority of section 103 or subsection 104b of the Act and pursuant to the provisions of §§ 50.21(b) or 50.22 of this chapter.

(g) "Production facility" means:

(1) Any nuclear reactor designed or used primarily for the formation of plutonium or uranium-233; or

(2) Any facility designed or used for the separation of the isotopes of uranium or the isotopes of plutonium, except laboratory scale facilities designed or used for experimental or analytical purposes only; or

(3) Any facility designed or used for the processing of irradiated materials containing special nuclear material, except (i) laboratory scale facilities designed or used for experimental or analytical purposes, and (ii) facilities in which the only special nuclear materials contained in the irradiated material to be processed are uranium enriched in the isotope U^{235} and plutonium produced by the irradiation, if the material processed contains not more than 10^{-4} grams of plutonium per gram of U^{235} and has fission product activity not in excess of 0.25 millicurie of fission products per gram of U^{235}.

(h) "Research reactor" means a nuclear reactor licensed by the Commission under the authority of subsection 104c of the Act and pursuant to the provisions of § 50.21(c) of this chapter for operation at a thermal power level of 10 megawatts or less, and which is not a testing facility as defined by paragraph (m) of this section.

(i) "Sealed source" means any byproduct material that is encased in a capsule designed to prevent leakage or escape of the byproduct material.

(j) "Source material" means:

(1) Uranium or thorium, or any combination thereof, in any physical or chemical form; or

(2) Ores which contain by weight one-twentieth of one percent (0.05%) or more of (i) uranium, (ii) thorium, or (iii) any combination thereof. Source material does not include special nuclear material.

(k) "Special nuclear material" means:

(1) Plutonium, uranium-233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of section 51 of the Act, determines to be special nuclear material but does not include source material; or

(2) any material artificially enriched by any of the foregoing, but does not include source material.

(l) "Special nuclear material in quantities sufficient to form a critical mass" means uranium enriched in the isotope U^{235} in quantities in excess of 350 grams of contained U^{235}; uranium-233 in quantities in excess of 200 grams; plutonium in quantities in excess of 200 grams; or any combination of them in accordance with the following formula: For each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. If the sum of such ratios for all kinds of special nuclear materials in combination exceeds unity, the quantities are deemed sufficient to form a critical mass. For example,

$$\frac{210 \text{ (grams contained } U^{235})}{350} + \frac{50 \text{ (grams } U^{233})}{200} + \frac{50 \text{ (grams Pu)}}{200} = 1.1$$

(m) "Testing facility" means a nuclear reactor licensed by the Commission under the authority of subsection 104c of the Act and pursuant to the provisions of § 5021(c) of this chapter for operation at:

(1) A thermal power level in excess of 10 megawatts; or

(2) A thermal power level in excess of 1 megawatt, if the reactor is to contain:

(i) A circulating loop through the core in which the applicant proposes to conduct fuel experiments; or

(ii) A liquid fuel loading; or

(iii) An experimental facility in the core in excess of 16 square inches in cross-section.

(n) "Utilization facility" means any nuclear reactor other than one designed or used primarily for the formation of plutonium or U^{233} and any other equipment or device determined by rule of the Commission to be a utilization facility within the purview of subsection 11cc of the Act.

(o) "Waste disposal license" means a license specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of commercial disposal by land or sea burial by the waste disposal licensee.

§ 170.4 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by an officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

§ 170.5 Communications.

All communications concerning the regulations in this part should be addressed to the Director of Regulations, U.S. Atomic Energy Commission, Washington, D.C. 20545. Communications may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, D.C.; at 4915 St. Elmo Avenue, Bethesda, Md.; or at Germantown, Md.

§ 170.11 Exemptions.

(a) No application filing fees, license fees, or annual fees shall be required for:

(1) A license authorizing the export only of a production or utilization facility.

(2) A license authorizing the export only or import only of byproduct material, source material or special nuclear material.

(3) A license authorizing the receipt, ownership, possession, use or production of byproduct material, source material, or special nuclear material incidental to the operation of a production or utilization facility licensed under Part 50 of this chapter, including a license under Part 70 of this chapter, authorizing possession and storage only of special nuclear material at the site of a nuclear reactor for use as fuel in operation of the nuclear reactor or at the site of a spent fuel processing plant for processing at the plant.

(4) A construction permit or license applied for by, or issued to, a nonprofit educational institution for a production facility or utilization facility, other than a power reactor, to be used for teaching, training, or medical purposes, or for byproduct material, source material, or special nuclear material to be used for teaching, training, or medical purposes, or in connection with a facility, other than a power reactor, used for teaching, training, or medical purposes.

(5) A construction permit or license applied for by, or issued to, a government agency.

(b) The Commission may, upon application by an interested person, or upon its own initiative, grant such exemptions from the requirements of this part as it determines are authorized by law and are otherwise in the public interest.

§ 170.12 Payment of fees.

(a) *Application fees.* Each application for which a fee is prescribed in this part shall be accompanied by a remittance in the full amount of the fee. No application will be accepted for filing or processed prior to payment of the full amount specified. Applications for which no remittance is received may be returned to the applicant. All application fees will be charged irrespective of the Commission's disposition of the application or a withdrawal of the application.

(b) *Construction permit fees and operating license fees.* Fees for construction permits and operating licenses are payable when the provisional construction permit or provisional operating license, if any, is issued. Otherwise, fees are payable when the construction permit or operating license is issued. No provisional construction permit or provisional operating license, or construction permit or operating license, as the case may be, will be issued by the Commission until the full amount of the fee prescribed in this part has been paid.

(c) *Annual fees.* Annual fees prescribed in this part are payable in the case of licenses outstanding on the effective date of this part, 1 year after the effective date of this part and annually thereafter. In the case of the licenses issued after the effective date of this part, annual fees are payable 1 year after the first of the month following the date of issuance of the license or provisional operating license, if any, whichever is earlier, and annually thereafter.

(d) *Method of payment.* Fee payments shall be by check, draft, or money order payable to the U.S. Atomic Energy Commission.

SCHEDULE OF FEES

§ 170.21 Schedule of fees for production and utilization facilities.

Applicants for construction permits or operating licenses for production or utilization facilities and holders of construction permits or operating licenses for production or utilization facilities shall pay the following fees:

SCHEDULE OF FEES

Facility (thermal megawatt values refer to the maximum capacity stated in the permit or license) [1]	Application fee for construction permit	Construction permit fee	Operating license fee	Annual fee after issuance of operating license
(1) Power reactor	$2,500	$5,000+$10/Mw(t) [2]	$2/Mw(t) [2]	$2/Mw(t) [2]
(2) Testing facility	800	3,000	1,000	1,000
(3) Research reactor	300	2,000	500	500
(4) Other production or utilization facility	1,500	5,000	2,000	2,000

[1] Amendments reducing capacity shall not entitle the applicant to a partial refund of any fee; applications for amendments increasing capacity to a higher fee category will not be accepted for filing unless accompanied by the prescribed fee less the amount already paid.
[2] Thermal megawatts.

§ 170.31 Schedule of fees for materials licenses.

Applicants for materials licenses and holders of materials licenses shall pay the following fees:

SCHEDULE OF MATERIALS LICENSE FEES

Category of materials license	Application fee	Annual fee
1. Licenses for byproduct material of 100,000 curies or more in sealed sources used for irradiation of materials.	$500	$100
2. Licenses for special nuclear material in quantities sufficient to form a critical mass, except for licenses authorizing possession and use of plutonium-beryllium neutron sources.	300	100
3. Waste disposal licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of commercial disposal by land or sea burial by waste disposal licensee.	500	200

ENFORCEMENT

§ 170.41 Failure by licensee to pay annual fees.

In any case where the Commission finds that a licensee has failed to pay the applicable annual fee required in this part, the Commission may suspend or revoke the license or may issue such order with respect to licensed activities as the Commission determines to be appropriate or necessary in order to carry out the provisions of this part, Parts 30, 40, 50, and 70 of this chapter and of the Act.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201; 65 Stat. 290; 31 U.S.C. 483a)

Dated at Germantown, Md., this 26th day of July 1968.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 68-9160; Filed, July 31, 1968; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 21,970]

PART 526—LIMITATIONS ON RATE OF RETURN

Maximum Rate of Return Payable on Notice and Certificate Accounts

Correction

In F.R. Doc. 68-8912 appearing at page 10522 in the issue of Wednesday, July 24, 1968, the following change should be made in paragraph (b) (1) of § 526.5: The word "country" appearing in the fourth line should read "county".

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 18—MILK AND CREAM

Nonfat Dry Milk Fortified With Vitamins A and D; Order Establishing Definition and Standard of Identity

In the matter of establishing a definition and standard of identity for nonfat dry milk fortified with vitamins A and D:

A notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of May 9, 1968 (33 F.R. 6977), based on:

1. A petition filed by the American Dry Milk Institute, 130 North Franklin Street, Chicago, Ill. 60606; and

2. A proposal by the Commissioner of Food and Drugs on his own initiative that the proposed standard include a recital of the fact that the food is subject to the regulations for foods for special dietary uses promulgated under section 403(j) of the Federal Food, Drug, and Cosmetic Act and that the name of the food be "nonfat dry milk fortified with vitamins A and D" instead of the name proposed by the petitioner.

Twelve comments were received in response to the proposal of which one, from a consumer, opposed it. The other comments generally favored the proposal and some included suggested changes.

Two ingredient suppliers suggested that the standard also provide for fortification of dry milk with vitamin E. This suggestion has not been adopted because sufficient grounds were not given to show it would be reasonable and would promote honesty and fair dealing in the interest of consumers.

A modification suggested by the American Medical Association to specify maximum as well as minimum levels of vitamins A and D to be used in fortifying this food has been incorporated.

Based on consideration given the comments filed, the information furnished by the petitioner, and other relevant information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to establish a definition and standard of identity for nonfat dry milk fortified with vitamins A and D as set forth below.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52, Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered,* That Part 18 be amended by adding thereto the following new section:

§ 18.545 Nonfat dry milk fortified with vitamins A and D; identity; label statement of optional ingredients.

(a) Nonfat dry milk fortified with vitamins A and D conforms to the definition and standard of identity prescribed for nonfat dry milk by Public Law 78-244, March 2, 1944, Ch. 77, 58 Stat. 108, as amended by Public Law 84-646, July 2, 1956, Ch. 495, 70 Stat. 486; 21 U.S.C. 321c, except that:

(1) Vitamin A is added in such quantity that, when prepared according to label directions, 8 fluid ounces of the reconstituted product contains 500 U.S.P. units thereof.

(2) Vitamin D is added in such quantity that, when prepared according to label directions, 8 fluid ounces of the reconstituted product contains 100 U.S.P. units thereof.

(b) The requirements of paragraph (a) (1) and (2) of this section will be deemed to have been met if reasonable overages of the vitamins, within limits of good manufacturing practice, are present to insure that the required levels of the vitamins are maintained throughout the expected shelf life of the food under customary conditions of distribution. The vitamins may be added in a harmless carrier, such carrier being used only in the quantity reasonably necessary to effect an intimate and uniform admixture of such substances with the nonfat dry milk.

(c) The name of the food is "Nonfat dry milk fortified with vitamins A and D."

(d) Nonfat dry milk fortified with vitamins A and D is subject to the regulations for foods for special dietary uses promulgated under the provisions of section 403(j) of the Federal Food, Drug, and Cosmetic Act.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 31 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: July 23, 1968.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 68-9218; Filed, July 31, 1968; 8:49 a.m.]

PART 42—EGGS AND EGG PRODUCTS

Frozen Whole Eggs, Identity Standard; Confirmation of Effective Date of Order Listing Monopotassium Phosphate as Optional Color Preservative

In the matter of amending the standard of identity for frozen whole eggs (21 CFR 42.20) to list monopotassium phosphate as an optional color preservative:

One objection was filed to the order in the above-identified matter published in the FEDERAL REGISTER of June 1, 1968 (33 F.R. 8225). The issue raised by the objector, a firm that packs frozen whole eggs that have high color, was that the firm does not use color additives or preservatives and feels that the amendment promulgated by the subject order would be detrimental to the firm's business.

The standard of identity for frozen whole eggs was amended on March 19, 1966 (31 F.R. 4677), to provide for the optional use of monosodium phosphate as a color preservative. Information submitted in support of the amendment of 1966 and the subject amendment is that the original color of the liquid whole eggs is protected by monosodium phosphate and monopotassium phosphate during and following freezing and that the original color is not enhanced by the addition of these substances.

The Commissioner of Food and Drugs concludes that the objection received in response to the order does not meet the requirements of section 701(e)(2) of the Federal Food, Drug, and Cosmetic Act and accordingly does not justify staying the order and scheduling a hearing.

Therefore, pursuant to the provisions of said act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner (21 CFR 2.120), notice is given that the amendment promulgated by the subject order will become effective July 31, 1968.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: July 23, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-9217; Filed, July 31, 1968; 8:49 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Emergency Planning

[Defense Mobilization Order 3000.1]

DMO 3000.1—PROCEDURES FOR OBTAINING TELECOMMUNICATION RESOURCES FOR USE DURING A NATIONAL EMERGENCY

Revocation of Annex 2

Annex 2, entitled "Procedures for Obtaining International Telecommunication Service (Radio and Cable) for use During a National Emergency" of Defense Mobilization Order 3000.1, entitled "Procedures for Obtaining Telecommunications Resources for Use During a National Emergency" (28 F.R. 12273) is hereby revoked and replaced by Part 202, Chapter II, Director of Telecommunications Management, Title 47 of the Code of Federal Regulations.[1]

This revocation shall be effective as of August 1, 1968.

Dated: July 26, 1968.

PRICE DANIEL,
Director,
Office of Emergency Planning.

[F.R. Doc. 68-9194; Filed, July 31, 1968; 8:47 a.m.]

[1] F.R. Doc. 68-9195, *infra.*

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 17652; FCC 68-752]

PART 87—AVIATION SERVICES

Change in Frequencies Available for Assignment to Aeronautical En Route Stations Engaged in International High Frequency Service

Second report and order. 1. A report and order in the above-captioned matter was released November 17, 1967, and was published in the FEDERAL REGISTER on November 25, 1967 (32 F.R. 16160). The report and order was based on the ICAO plan then in effect and the proceeding was terminated. Subsequently, a revised HF plan was adopted by ICAO and an assignment plan for the CAR region was approved.

2. The purpose of this second report and order is to amend the rules concerning frequencies available to aeronautical en route stations providing international high frequency service to bring them into conformity with the present agreed upon international plans. The changes provide, for the most part, additional frequencies and will have no adverse impact on present licensees.

3. The ICAO Secretariat has indicated that coordination with member states has brought evidence through monitoring, that interference to several of the new frequencies presently exists. In the event that all frequencies cannot be sufficiently cleared it may be necessary to make future revisions to the assignment plan. Since the conversion to the new frequencies in the plan is in three steps, beginning September 19, 1968, and ending September 17, 1970, additional reports and orders may be required until final implementation of the plan is accomplished. Due to the short time available until the first implementation date it is not feasible to wait for further ICAO coordination.

4. The amendments herein are noncontroversial in nature and, hence, the prior notice, procedure and effective date provisions of 5 U.S.C. section 553 are not applicable.

5. In view of the foregoing: *It is ordered*, That the proceeding in this docket is reopened and pursuant to the authority contained in sections 4(i) and 303 (c), (h), and (r) of the Communications Act of 1934, as amended, Part 87 of the Commission's rules is amended effective August 5, 1968, as set forth below.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: July 24, 1968.

Released: July 26, 1968.

FEDERAL COMMUNICATIONS COMMISSION[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[1] Chairman Hyde absent; Commissioner Johnson concurring in the result.

Section 87.303 is amended to read as follows:

§ 87.303 International high frequency service.

Frequencies available for assignment by the authority having jurisdiction over the respective international aeronautical en route stations on the Major World Air Route Areas (MWARAs) as defined in the EARC Agreement (Geneva 1959) revised by the EARC Agreement (Geneva 1966) and the International Civil Aviation Organization (ICAO) Assignment Plan of November 1967 are as follows:

(a) *Central East Pacific (CEP).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
3432.5	3467	Sept. 19, 1968 [1]
3446.5	5534	
3467.5	5693	
3481.5	8931	
5551.5		
5604		
8930.5		
8612	8875	Sept. 17, 1970 [1]
8679.5		
10048	13336	Sept. 18, 1969 [1]
10084	[2] 17909	
11299.5		
13304.5		
13334.5		

[1] 0001 Greenwich mean time.
[2] Secondary basis.

(b) *Central West Pacific (CWP).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
2966	6631	Sept. 17, 1970 [1]
5536.5	8854	
8862.5	4675	
5506.5	5505	Sept. 19, 1968 [1]
	11303	
13354.5	13296	Sept. 18, 1969 [1]
17906.5	17909	

[1] 0001 Greenwich mean time.

(c) *North Pacific (NP).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
2987	2910	Sept. 19, 1968 [1]
5521.5	5589	
8939	8938	Sept. 17, 1970 [1]
13274.5	13264	Sept. 18, 1969 [1]
17906.5	17909	

[1] 0001 Greenwich mean time.

(d) *South Pacific (SP).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
2945	[1] 2945	Sept. 17, 1970 [2]
5641.5	5638	
8845.5	8847	
13344.5	13304	Sept. 18, 1969 [2]
17946.5	[2] 17909	

[1] No change.
[2] 0001 Greenwich mean time.
[3] Secondary basis.

(e) *North Atlantic (NA).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
2868	[1] 2868	Sept. 19, 1968 [2]
2931	[1] 2931	
2945	[1] 2945	
2987	[1] 2987	
5611.5	5610	Sept. 19, 1968 [2]
5626.5	5624	
5671.5	5673	
5641.5	5638	Sept. 17, 1970 [2]
8862.5	8854	
8888	8889	
8913.5	8910	
8947.5	8945	
13264.5	13288	Sept. 18, 1969 [2]
13284.5	13328	
13324.5	13352	
13354.5	[2] 17965	
17966.5		

[1] No change.
[2] 0001 Greenwich mean time.
[3] Secondary basis.

(f) *Europe (EU).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
2889	[1] 2910	Sept. 19, 1968 [2]
2910	3467	
3467.5	4689	
3481.5	5554	
4689.5	[1] 6582	
5551.5	8931	
6582		
8930.5		
4654.5	6568	Sept. 17, 1970 [2]
6552	8875	
8871		
11299.5	11303	Sept. 18, 1969 [2]
17906.5	[2] 17965	

[1] No change.
[2] 0001 Greenwich mean time.
[3] Secondary basis.

(g) *South America-West (SAM-1).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
2889	[1] 2889	Sept. 19, 1968 [2]
4696.5	4696	
6664.5	6666	Sept. 17, 1970 [2]
8820	8826	
13314.5	11343	Sept. 18, 1969 [2]
17916.5	[2] 17925	

[1] No change.
[2] 0001 Greenwich mean time.
[3] Secondary basis.

(h) *South America-East (SAM-2).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
2910	[1] 2910	Sept. 19, 1968 [2]
2966	5582	
3404.5		
5566.5		
5581.5		
6567	8847	Sept. 17, 1970 [2]
8845.5		
8871		
11290	11327	Sept. 18, 1969 [2]
11337.5	13320	
13344.5	[2] 17925	
17916.5		

[1] No change.
[2] 0001 Greenwich mean time.
[3] Secondary basis.

(i) *South Atlantic (SA).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
[1] 2875	3432	Sept. 19, 1968 [2]
3432.5		
6597		
3432.5	[1] 2875	
6612	6610	Sept. 17, 1970 [2]
6679.5	6680	
8939	8882	
8879.5	10049	
10048	13344	Sept. 18, 1969 [2]
13274.5	[2] 17925	
17946.5		

[1] Limited to south of 30° north latitude.
[2] 0001 Greenwich mean time.
[3] Secondary basis.

(j) *South East Asia (SEA).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
2987	2987	Sept. 19, 1968 [1]
5671.5	5673	
8837		
8879.5	8868	Sept. 17, 1970 [1]
8930.5	8882	
13284.5	13312	Sept. 18, 1969 [1]
17966.5	17965	

[1] 0001 Greenwich mean time.

(k) *Far East (FE).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
2868	[1] 2868	Sept. 19, 1968 [2]
5611.5	2967	
	5624	
8871	5645	
	[2] 8840	Sept. 17, 1970 [2]
	8868	
13284.5	13288	
17966.5	13312	Sept. 18, 1969 [2]
	17965	

[1] No change.
[2] 0001 Greenwich mean time.
[3] Secondary basis.

(l) *Middle East (ME).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
3404.5	3404	Sept. 19, 1968 [1]
3446.5	3446	
5604	5603	
6627	6624	Sept. 17, 1970 [1]
8845.5	8847	
10021	10009	
13334.5	13336	Sept. 18, 1969 [1]
17926.5	[2] 17965	

[1] 0001 Greenwich mean time.
[2] Secondary basis.

(m) *Africa-West (NSA-1).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
3411.5	3411	Sept. 19, 1968 [1]
5521.5	5519	
13304.5	13304	
8820	8826	Sept. 17, 1970 [1]
17946.5	[2] 17925	Sept. 18, 1969 [1]

[1] 0001 Greenwich mean time.
[2] Secondary basis.

(n) *Africa-East (NSA-2).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
2966	2966	Sept. 19, 1968 [1]
5606.5	3481	
	5505	
8956	6540	Sept. 17, 1970 [1]
	6561	
	8959	
13334.5	10025	
17926.5	13280	Sept. 18, 1969 [1]
	13336	
	[2] 17925	

[1] 0001 Greenwich mean time.
[2] Secondary basis.

Section 87.305 is amended to read as follows:

§ 87.305 Caribbean area.

Frequencies available for assignment to serve international air routes in the Caribbean area.

Caribbean (CAR).

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
2875	[1] 2952	Sept. 19, 1968 [2]
2952	[1] 2966	
2966	5484	
5499	5568	
5619	6540	
5566.5	6561	Sept. 17, 1970 [2]
6537	6568	
8837	8840	
8871	8959	
10021	10017	
13294.5	11343	
13344.5	11367	Sept. 18, 1969 [2]
17936.5	13320	
	[2] 17925	

[1] No change.
[2] 0001 Greenwich mean time.
[3] Secondary basis.

[F.R. Doc. 68-9139; Filed, July 31, 1968; 8:45 a.m.]

Chapter II—Director of Telecommunications Management

[Telecom Circular 3300.2]

PART 202—PROCEDURES FOR OBTAINING INTERNATIONAL TELECOMMUNICATION SERVICE FOR USE DURING A NATIONAL EMERGENCY

Part 202 is added to Title 47, Chapter II, reading as follows. This Part 202 replaces Annex 2 of DMO 3000.1, dated November 8, 1963 (28 F.R. 12273), which is being cancelled by the Director of the Office of Emergency Planning.

Sec.
202.0 Authority.
202.1 Purpose.
202.2 Scope.
202.3 Circuit restoration procedures.
202.4 Responsibilities.
202.5 Other requirements.
202.6 Coordination of requirements.
202.7 Implementation.

AUTHORITY: The provisions of this Part 202 issued under E.O. 10995, E.O. 11084, 27 F.R. 1519, 28 F.R. 1531, 3 CFR 1959–1963 Comp.; Memorandum of Aug. 21, 1963, 28 F.R. 9413, 3 CFR 1959–1963 Comp.

§ 202.0 Authority.

(a) Authority to prescribe procedures for obtaining telecommunication resources during an emergency is contained in Executive Order 10995 (27 F.R. 1519, 3 CFR, 1959–1963 Comp., p. 535, as amended, 28 F.R. 1531; 3 CFR, 1959–1963 Comp., p. 719), and the President's National Communications Memorandum of August 21, 1963 (28 F.R. 9413, 3 CFR, 1959–1963 Comp., p. 858).

(b) These procedures are applicable to the communications common carriers and non-Federal Government users under the President's authority contained in subsection 606(a) of the Communications Act of 1934, as amended. The authority under subsection 606(a) has been delegated by Executive Order 10705 to the Director, Office of Emergency Planning, who in turn, has redelegated it to the Director of Telecommunications Management. This authority may be exercised only during the continuance of a war in which the United States is engaged.

§ 202.1 Purpose.

The purpose of this part is to replace Annex 2 of DMO 3000.1, 32A CFR, Chap. I, and to provide specific guidance to Government and private entities who may have new requirements for international telecommunication service during national emergencies.

§ 202.2 Scope.

The procedures in this part provide guidance for the submission of emergency requirements for telecommunication channels between the United States and overseas or foreign points. Guidance on this subject was previously contained in Annex 2 of DMO 3000.1 and Mobilization Plan IX–3. Mobilization Plan IX–3 has been canceled.

§ 202.3 Circuit restoration procedures.

The restoration priority procedures for these emergency requirements shall be in accordance with the order entitled "Priority System for the Use and Restoration of Leased Intercity Private Line Services During Emergency Conditions," FCC Order 67–51 and DTM, 32 F.R. 791.

§ 202.4 Responsibilities.

(a) Executive departments and agencies of the United States, whether or not components of the National Communications System (NCS), shall submit their international emergency telecommunications requirements to the Executive Agent, National Communications System, for coordination and consolidation of mobilization requirements.

(b) The Department of Defense shall coordinate NATO requirements in consonance with approved NATO/U.S. procedures for subsequent processing by the Executive Agent, National Communications System.

(c) The Department of State shall coordinate and approve foreign government circuit requirements and then forward them to the Executive Agent, NCS, for further processing.

§ 202.5 Other requirements.

Those entities, other than Executive departments and agencies of the United States, having need for emergency international telecommunication service shall present their requirements to the Federal Communications Commission (FCC).

§ 202.6 Coordination of requirements.

(a) The NCS and FCC shall meet periodically to review the total mobilization requirements and to evaluate the impact of these requirements upon the common carriers' capability. If the situation develops in which emergency requirements cannot be provided by the communications common carriers, the Executive Agent, NCS, or the FCC, as appropriate, shall immediately notify the Director of Telecommunications Management of that situation.

(b) The Director of Telecommunications Management will assume the responsibility for coordinating and integrating mobilization requirements which are presented to him, making use of the knowledge, information, and advice of the FCC. These requirements shall be evaluated with due regard to facilities which must remain under the control of the commercial companies and those which must be generally available to the public and the Government.

§ 202.7 Implementation.

Executive departments and agencies of the United States are authorized to issue such additional orders as are necessary to effect implementation of this part.

Effective date. This part shall be effective as of August 1, 1968.

Dated: July 24, 1968.

J. D. O'CONNELL,
Director of Telecommunications Management.

[F.R. Doc. 68-9195; Filed, July 31, 1968; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Buzzards Bay and Adjacent Waters, Mass.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), paragraph (b) of § 204.5 governing the use and navigation of a danger zone in Buzzards Bay, Mass., is hereby revoked, effective upon publication in the FEDERAL REGISTER, since the area is no longer needed, as follows:

§ 204.5 Buzzards Bay, and adjacent waters, Mass.; danger zones for naval operations.

• • • • •

(b) *Buzzards Bay in vicinity of Gull Island.* [Revoked]

[Regs., July 15, 1968, 1507-32 (Buzzards Bay, Mass.) ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

R. F. ASKEY,
Colonel, AGC, Comptroller, TAGO.

[F.R. Doc. 68-9161; Filed, July 31, 1968; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 742—CODE OF ETHICAL CONDUCT

Personal Conduct of Employees

I. In Part 742 make the following changes which were approved by the Civil Service Commission on June 26, 1968, and are effective upon publication in the FEDERAL REGISTER:

A. Section 742.735-23 is revised to conform to § 735.107(a) of the Civil Service Regulations (5 CFR 735.107(a) and now reads as follows:

§ 742.735-23 Standards of conduct.

(a) The President has also prescribed standards of conduct for all Government employees in Executive Order 11222 of May 8, 1965, Vol. 30, Federal Register 6469. Pursuant to that Executive Order and Civil Service Commission Regulations thereunder, Vol. 32, F.R. 8281, June 9, 1967, the Postmaster General has issued these regulations to govern the conduct of all employees of the Department, including special Government employees.

(b) A violation of the standards of conduct set forth in this part, or in the laws referred to in this part, may be cause for appropriate disciplinary action which may be in addition to any penalty prescribed by law.

NOTE: The corresponding Postal Manual section is 742.23.

B. A new paragraph (h)(2) is added to § 742.735-29 to prohibit employees from bringing any intoxicating liquors onto premises occupied by any postal facility. Present paragraph (h)(2) is redesignated paragraph (h)(3).

§ 742.735-29 Other conduct by employees.

• • • • •

(h) *Personal.* • • •

(2) *Possession of intoxicating liquors.* Employees shall not bring or have beer, wine, or intoxicating liquor on premises occupied by any postal facility, including headquarters, regardless of whether the container therefor is open or not.

• • • • •

NOTE: The corresponding Postal Manual section is 742.298b.

(5 U.S.C. 301, 39 U.S.C. 501; Executive Order 11222)

JULY 26, 1968.

TIMOTHY J. MAY,
General Counsel.

[F.R. Doc. 68-9233; Filed, July 31, 1968; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

MISCELLANEOUS AMENDMENTS TO CHAPTER

This amendment of the Federal Procurement Regulations changes § 1-2.407-8 and adds § 1-30.104-1 in order to provide, respectively, for the expeditious handling of reports requested from agencies by the General Accounting Office in connection with protests against contract awards and to indicate the availability of the letter of credit method of financing advance payments provided by Treasury Department Circular 1075, Revised, February 13, 1967.

PART 1-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 1-2.4—Opening of Bids and Award of Contract

Section 1-2.407-8 is amended to amplify the provisions of paragraph (a) and reads as follows:

§ 1-2.407-8 Protests against award.

(a) *General.* Contracting officers shall consider all protests or objections to the award of a contract, whether submitted before or after award. If the protest is oral and the matter cannot otherwise be resolved, written confirmation of the protest shall be requested. The protester shall be notified in writing of the final decision on the written protest. Where protests against award are submitted directly to the General Accounting Office, GAO will inform the contracting agency of the protest and request a report on the matter. Agencies shall forward such reports to GAO as expeditiously as practicable. To facilitate these submissions, agencies shall furnish GAO with the name, title, and telephone number of one or more officials (in both field and headquarters offices, if desired) which GAO may contact regarding protests. Each agency shall be responsible for promptly advising GAO of any change in such designated officials. As a further means of expediting these submissions, agencies may provide for reports to be forwarded directly to GAO by the office handling the contract without reference to the headquarters office of the agency.

• • • • •

PART 1-30—CONTRACT FINANCING

The table of contents for Part 1-30 is amended to add the following entry:

1-30.104-1 Letters of credit.

Subpart 1-30.1—Forms of Financing

Section 1-30.104-1 is added which reads as follows:

§ 1-30.104-1 Letters of credit.

The letter of credit method of financing advance payments to contractors may be employed as provided in Treasury Department Circular 1075, Revised, February 13, 1967.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. The amendment is effective September 10, 1968, but may be observed earlier.

Dated: July 25, 1968.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 68-9190; Filed, July 31, 1968; 8:47 a.m.]

Chapter 8—Veterans Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 8 is amended as follows:

PART 8-1—GENERAL

1. Sections 8-1.307-2 and 8-1.307-6 are added to read as follows:

§ 8-1.307 Purchase descriptions.

§ 8-1.307-2 General requirements.

When a purchase description is used to describe required items of mechanical equipment, the invitation for bids or request for proposals will include the service data manual and guarantee clauses set forth in § 8-7.150-24.

§ 8-1.307-6 Invitation for bids, "brand name or equal" descriptions.

The invitation for bids or request for proposals on mechanical equipment using "brand name or equal" purchase descriptions will, in addition to the clause required by FPR 1-1.307-6, contain the service data manual and guarantee clauses set forth in § 8-7.150-24.

2. Section 8-1.311, paragraph (d) is revoked and paragraph (c)(8) is added to read as follows:

§ 8-1.311 Priorities, allocations, and allotments.

• • • • • •

(c) • • •

(8) The item(s) required is for use in a construction contract which was authorized by the Assistant Administrator for Construction to be awarded and administered by the station contracting officer.

(d) [Revoked]

PART 8-7—CONTRACT CLAUSES

3. Section 8-7.150-24 is added to read as follows:

§ 8-7.150-24 Purchase descriptions and "brand name or equal" descriptions.

The following clauses will be included in all invitations for bids or requests for proposals for mechanical equipment utilizing purchase descriptions or "brand name or equal" descriptions.

(a) *Service data manual.* The Contractor agrees to furnish in duplicate a manual, handbook, or brochure containing operating, installation, and maintenance instructions (including pictures or illustrations, as necessary). Where applicable, it will include electrical data and connection diagrams for all utilities. The instructions shall also contain a complete list of all replaceable parts showing part number, name and quantity required.

(b) *Guarantee.* The Contractor guarantees the equipment against defective material, workmanship and performance for a period of,[1] said guarantee to run from date of acceptance of the equipment by the Government. The Contractor agrees to furnish, without cost to the Government, replacement of all parts and material which are found to be defective during the guarantee period. Replacement of material and parts will be furnished to the Government at the point of installation, if installation is within the continental United States, or f.o.b. the continental U.S. port to be designated by the purchasing officer if installation is outside of the continental United States. Cost of installation of replacement material and parts shall be borne by the Contractor.[2]

PART 8-12—LABOR

4. In § 8-12.404-1, paragraph (c) is added to read as follows:

§ 8-12.404 Administration and enforcement.

§ 8-12.404-1 General.

• • • • • •

(c) The preconstruction conference or letter will also be used to discuss the information required to be shown on payrolls submitted by the contractor. The model payroll forms developed by the Department of Labor (Forms SOL-184 and 185) will be used as the basis of the discussion, and a copy of each may be furnished the contractor for his information. The form with its continuation sheet may be obtained from the Forms and Publications Depot in the usual manner. Attention is invited to the instructions on the reverse of SOL-184, particularly the instructions concerning: Optional use of the form; gross amount earned; and availability of the form to the contractor from the Government Printing Office. In addition, the discussion will cover the means by which the Government will be assured of compliance with any fringe benefit requirements, e.g., a statement as to method of compliance included on the weekly payrolls.

5. In § 8-12.404-7, that portion of paragraph (a) preceding paragraph (1) is amended, a new paragraph (c) is added and the former paragraph (c) is redesignated (d) so that the amended, added and redesignated material reads as follows:

§ 8-12.404-7 Investigations.

(a) Except for those special investigations referred to in FPR 1-12.404-7 which will be handled in accordance with paragraph (d) of this section, the contracting officer will cause to be conducted such periodic reviews as he may consider necessary to assure contract compliance. These reviews will be conducted by the contracting officer, resident engineer, or engineer officer when acting in that capacity, or their designees. In conducting these reviews, informal interviews will be conducted with a sufficient number of employees of both the prime contractor and subcontractors to:

• • • • • •

(c) For convenience in computing underpayments and the number of violations of the Contract Work Hours Standards Act, U.S. Department of Labor Form SOL-164 is provided for use on an optional basis. The form may be obtained as required from the Forms and Publications Depot in the usual manner.

(d) When a routine review, conducted by a representative of the contracting officer, indicates that there is a need for a more thorough investigation, the contracting officer will request that a special investigation be conducted. He will submit his request, together with the material which he believes justifies the investigation, to the Director, Supply Service. The contracting officer will inform the contractor that in accordance with the terms and conditions of his contract funds are being withheld from payments due him to cover possible labor compliance violations and that he (the contractor) will be informed as the facts are developed.

6. Sections 8-12.404-9 and 8-12.404-13 are revised to read as follows:

§ 8-12.404-9 Suspensions and deductions of contract payments.

(a) When funds have been ordered suspended by the contracting officer in accordance with the provisions of FPR 1-12.404-9, the contractor will be so advised. Questions raised by the contractor, as a result of this action, that involve the application and interpretation of the provisions of Subtitle A, Title 29, Code of Federal Regulations, will be referred by the contracting officer to the Director, Supply Service for submission to the Secretary of Labor in accordance with section 5.12, Title 29, Code of Federal Regulations.

(b) When liquidated damages have been assessed by the contracting officer under the labor standards provisions of the contract and the contractor protests either the amount of the damages or the assessment itself, he will be advised of his right to appeal this action to the Administrator. If the protest is made orally to the contracting officer, the contractor will be advised to submit his appeal, in writing, within 60 days after

[1] Normally, insert 1 year. If industry policy covers a shorter or longer period, i.e., 90 days or for the life of the equipment, insert such period.

[2] The above clause will be modified to conform the standards of the industry involved. Where it is industry policy to furnish, but not install, replacement material and parts at the Contractor's expense, the last sentence will be changed to indicate that cost of installation shall be borne by the Government. Where it is industry policy to (i) guarantee components for the life of the equipment (i.e., crystals in transmitters and receivers in radio communications systems) or (ii) require that highly technical equipment be returned to the factory (at Contractor's or Government's expense) for replacement of defective materials or parts, the clause used will be compatible with such policy.

receipt of the contracting officer's decision. Should the protest be in writing, however, the letter of protest will be treated as an appeal. In each instance, the written protest or appeal will be forwarded to the Director, Supply Service for further action. The contractor and contracting officer will be advised as to the final disposition of the appeal and the contract file documented accordingly.

(c) When funds have been suspended and the contractor does not make restitution within a reasonable time, or refuses to take such action, the contracting officer will advise the fiscal officer to dispose of the funds withheld in accordance with chapter 7 of title 4, General Accounting Office Manual.

§ 8–12.404–13 Review of recommendations for an appropriate adjustment in liquidated damages under the Contract Work Hours Standards Act.

The authority of the Administrator to make the determinations and to take the actions provided in FPR 1–12.404–13 is delegated, without power of redelegation, to the Director, Supply Service. He, the Director, Supply Service, is also delegated, without power of redelegation, the authority conferred upon the Administrator by section 104(c), Public Law 87–581, to review administrative determinations of liquidated damages and to issue final orders affirming such determinations.

7. Subpart 8–12.9 is added to read as follows:

Subpart 8–12.9—Service Contract Act of 1965

§ 8–12.905 Administration and enforcement.

§ 8–12.905–2 Register of wage determinations and fringe benefits.

(a) The Director, Supply Service will furnish each Veterans Administration purchasing office copies of Department of Labor registers of wage determinations and fringe benefits which are applicable to its locality.

(b) The registers will be distributed as soon as they are available. If one is not available for a particular service contract or class of employee, purchasing offices will assume one has not been issued.

§ 8–12.905–3 Notice of intention to make a service contract.

(a) Where a register of wage determinations and fringe benefits is not available, purchasing offices will follow the alternate procedure in FPR 1–12.905–3(f) in notifying the Department of Labor.

(b) When the notice required by FPR 1–12.905–3 is furnished to the Wage and Hour and Public Contract Division (WHPC), Department of Labor, less than 30 days prior to the estimated solicitation date, and the required response is not received from WHPC on or before the estimated date, the contracting officer will, by the most expeditious means available, contact that agency to ascertain the status of the response.

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective immediately.

Approved: July 26, 1968.

By direction of the Administrator.

[SEAL] A. W. STRATTON,
Deputy Administrator.

[F.R. Doc. 68–9204; Filed, July 31, 1968; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4506]

[Riverside 07520]

CALIFORNIA

Withdrawal for National Forest Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

SAN BERNARDINO MERIDIAN

SAN BERNARDINO NATIONAL FOREST

Snow Summit and Moonridge Winter Sports Areas

T. 2 N., R. 1 E.,
Sec. 26, S½SW¼;
Sec. 27, S½S½;
Sec. 28, SW¼NE¼, NW¼NW¼, S½NW¼, S½;
Sec. 29, E½;
Sec. 32, N½N½NE¼;
Sec. 33, NE¼NE¼, E½NW¼NE¼, N½SE¼NE¼, SE¼SE¼NE¼;
Sec. 34, N½, N½SW¼, N½SE¼, N½SE¼SE¼, SE¼SE¼SE¼;
Sec. 35, SW¼NE¼, W½, W½SE¼.

Snow Forest Winter Sports Area

T. 2 N., R. 1 E.,
Sec. 30, NW¼NE¼, SW¼NE¼, W½SE¼NE¼, E½NE¼SW¼, NE¼SE¼SW¼, W½NE¼SE¼, NW¼SE¼, N½SW¼SE¼, NW¼SE¼SE¼.

The areas described aggregate 2,340 acres in San Bernardino County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 25, 1968.

[F.R. Doc. 68–9193; Filed, July 31, 1968; 8:47 a.m.]

[Public Land Order 4507]

[Los Angeles 0155815]

CALIFORNIA

Withdrawal for National Forest Administrative Sites and Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

SAN BERNARDINO NATIONAL FOREST

SAN BERNARDINO MERIDIAN

Converse Flat Additions Administrative Site

T. 1 N., R. 1 E.,
Sec. 5, lots 1, 2, 3, and 4, S½N½, SE¼;
Sec. 6, lots 10 and 11, S½SE¼;
Sec. 7, NE¼.

Santa Ana Recreation Area

T. 1 N., R. 1 E.,
Sec. 6, lot 1, SE¼SW¼;
Sec. 7, lots 1, 2, 3, and 4, E½W½, SE¼;
Sec. 8, NE¼E½NW¼, E½NW¼NW¼, S½;
Sec. 9, S½;
Sec. 10, S½;
Sec. 11, SW¼, S½SE¼;
Sec. 13, W½NE¼, SE¼NE¼, NW¼, S½;
Secs. 14 to 16, inclusive;
Sec. 18, lots 1, 2, 3, and 7, E½, E½W½, E½SW¼SW¼;
Sec. 23, N½, N½S½, SE¼SW¼.
T. 1 N., R. 2 E.,
Sec. 18, lots 3 and 4, E½SW¼.
T. 1 N., R. 1 W.,
Sec. 12, NE¼, N½S½, S½SW¼, SW¼SE¼;
Sec. 13, N½, SW¼, N½SE¼, NW¼NE¼ SW¼SE¼, S½NE¼SW¼SE¼, NW¼ SW¼SE¼, S½SW¼SE¼, SW¼SE¼ SE¼, S½SE¼SE¼SE¼.

Pine Knot Administrative Site

T. 2 N., R. 1 E.,
Sec. 29, NW¼NW¼NW¼.

Deer Lick Station Administrative Site

T. 1 N., R. 2 W.,
Sec. 4, SE¼NE¼.

Running Springs Station Administrative Site

T. 1 N.; R. 2 W.,
Sec. 4, SW¼NW¼.

City Creek Administrative Site

T. 1 N., R. 3 W.,
Sec. 22, SW¼SW¼.

North Shore Campground

T. 2 N., R. 3 W.,
Sec. 11, E½SW¼.

Strawberry Flat Addition Administrative Site

T. 2 N., R. 3 W.,
Sec. 19, S½ of lot 2 of NW¼, N½ of lot 2 of SW¼;
Sec. 30, NE¼NE¼.

Arrowhead Campground

T. 2 N., R. 3 W.,
Sec. 30, lot 1.

Cajon Addition Campground and Recreation Area

T. 2 N., R. 5 W.,
Sec. 7, lots 9 and 10;
Sec. 18, lot 3.

Lost Lake Recreation Area

T. 2 N., R. 6 W.,
Sec. 12, SE¼SW¼NW¼, SW¼SE¼NW¼.

Lytle Creek Administrative Site

T. 2 N., R. 6 W.,
Sec. 26, NW¼NE¼, S½NE¼NW¼.

Joe Elliott Tree Memorial Recreation Area

T. 2 N., R. 6 W.,
Sec. 31, W½NE¼, S½NE¼NW¼, SE¼NW¼.

Stockton Flats Recreation Area

T. 2 N., R. 7 W.,
Sec. 2, lots 3 and 4, S½NW¼;
Sec. 3, lots 1 and 2, S½NE¼.
T. 3 N., R. 7 W.,
Sec. 34, SE¼;
Sec. 35, SW¼.

Cozey Meadow Administrative Site

T. 3 N., R. 2 W.,
Sec. 22, E½SE¼NE¼;
Sec. 23, W½SW¼NW¼.

Oak Glen Administrative Site

T. 2 S., R. 1 E.,
Sec. 5, N½ of lot 3.

Benning Station Administrative Site

T. 2 S., R. 1 E.,
Sec. 30, E½E½NE¼.

Vista Grande Administrative Site

T. 4 S., R. 2 E.,
Sec. 7, S½NE¼NE¼.

Black Mountain Administrative Site

T. 4 S., R. 2 E.,
Sec. 14, SW¼NW¼;
Sec. 15, E½NE¼, SW¼NE¼.

Kenworthy Administrative Site

T. 6 S., R. 3 E.,
Sec. 25, S½NW¼SE¼, SW¼SE¼.

The areas described aggregate 9,350.64 acres in San Bernardino and Riverside Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 25, 1968.

[F.R. Doc. 68–9164; Filed, July 31, 1968; 8:45 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 39, 3d Rev., Amdt. 4]

PART 222—STATEMENTS, REPORTS, AND AGREEMENTS REQUIRED TO BE FILED

Forms of Vessel Utilization and Performance Reports Prescribed

The purpose of the following amendment is to allow an additional time period for the filing of Vessel Utilization and Performance Reports.

Effective July 1, 1968, § 222.2 of this part is hereby amended to read as follows:

§ 222.2 Forms of vessel utilization and performance reports prescribed.

(a) Pursuant to authority of section 212(A) of the Merchant Marine Act, 1936, as amended by Public Law 612, 84th Congress; 70 Stat. 332; 46 U.S.C. 1122a, the Secretary of Commerce has determined that it is necessary and desirable in order to carry out the purposes and provisions of the Merchant Marine Act, 1936, as amended (49 Stat. 1985, et seq.; 46 U.S.C. 1101, et seq.) to require an operator of a vessel in waterborne foreign commerce of the United States to file accurate reports on Form MA–578 with respect to passenger and dry cargo vessels, on Form MA–578A with respect to vessels carrying certain containerized cargo and on Forms MA–7803 and MA–7804 with respect to tankers; such forms and instructions for the preparation thereof are hereby prescribed and approved.[1]

(1) An accurate report on Form MA–578, vessel Utilization and Performance Report, shall be filed in duplicate with the appropriate District Director of Customs for transmittal to the Maritime Administration by the operator of every self-propelled dry cargo and passenger vessel of 1,000 or more gross registered tons before midnight of the 30th calendar day after entry into the first U.S. port and before midnight of the 30th calendar day after clearing the last U.S. port. Operators desiring to submit combination reports for dry cargo and passenger vessels (inbound and outbound portions) after clearing the final U.S. port may do so upon obtaining written permission from the Maritime Administration, Washington, D.C. 20235.

(2) In addition, and subject to the same qualifying and filing requirements set forth above, an accurate report on Form MA–578A, Supplemental Unitized Cargo Container Report, shall be filed by such operator when, on any one voyage, a vessel carries 10 or more (i) 8 x 8 x 10 feet or larger containers, or (ii) half-height containers 8 feet in width and 10 or more feet in length, or (iii) flatbeds 8 feet in width and 20 or more feet in length. Separate reports on Forms MA–7803 and MA–7804 for tankers shall be filed within 30 calendar days after entering or clearing. Forms MA–578, MA–578A, MA–7803, and MA–7804 are required to be filed in duplicate for all voyages of merchant vessels operated by or for the account of the Department of Defense except vessels of the Military Sea Transportation Service (MSTS) nucleus fleet.

(b) By agreement with the Bureau of Customs, District Directors of Customs will be responsible for policing receipt of dry cargo and passenger vessel inbound, outbound, and combination inbound/outbound reports on Form MA–578 and Form MA–578A as well as tanker inbound and outbound reports on Forms MA–7803 and MA–7804.

NOTE: The reporting requirements contained in this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

By order of the Acting Maritime Administrator.

Dated: July 29, 1968.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 68–9260; Filed, July 31, 1968; 8:49 a.m.]

[1] Copy each of the Forms MA–578 (1–67), MA–578A (3–21–67), MA–7803, and MA–7804, together with instructions for their use, respectively, are on file in the Office of the Federal Register. These forms and instructions may be obtained from the Marine Section, District Director of Customs at U.S. ports.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

William L. Finley National Wildlife Refuge, Oreg.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special Regulations; big game for individual wildlife refuge areas.

OREGON

WILLIAM L. FINLEY NATIONAL WILDLIFE REFUGE

The public hunting of deer on the William L. Finley National Wildlife Refuge is permitted on lands as posted from August 24 through November 3 and November 9 and 10. Additional information may be obtained at Refuge headquarters approximately 15 miles south of Corvallis, Oreg., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific, Portland, Oreg. 97208. Hunting shall be in accordance with all applicable State regulations, subject to the following special condition:

1. All hunters will check in and out of the Refuge daily by use of self-service permits.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 10, 1968.

RICHARD S. RODGERS,
Refuge Manager, William L. Finley National Wildlife Refuge, Benton County, Oreg.

JULY 16, 1968.

[F.R. Doc. 68–9169; Filed July 31, 1968; 8:45 a.m.]

PART 32—HUNTING

Lacreek National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of deer with firearms on the Lacreek National Wildlife Refuge, S. Dak., is permitted from October 26, through November 3, 1968, and November 29 through December 1, 1968, but only on the area designated by signs as open to hunting. This open area comprising 310 acres is delineated on a map available at the refuge headquarters, Martin, S. Dak. 57551, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 1, 1968.

JOHN W. ELLIS,
Refuge Manager, Lacreek National Wildlife Refuge, Martin, S. Dak. 57551.

JULY 25, 1968.

[F.R. Doc. 68-9170; Filed, July 31, 1968; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 9]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas, and Quota Deficits for 1968

Basis and purpose and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act". The purpose of this amendment to Sugar Regulation 811 (32 F.R. 18083), as amended, is to revise the determination of sugar requirements for the calendar year 1968, establish quotas, prorations and direct-consumption limits consistent with such requirements and to determine and prorate or allocate the deficits in quotas established pursuant to the Act.

Section 201 of the Act requires that the Secretary shall revise the determination of sugar requirements at such time during the calendar year as may be necessary.

Large quantities of mainland produced refined beet sugar and raw cane sugar will become available for marketing this fall. The Department's Crop Report for July indicates a record sugarbeet crop and a near record sugarcane crop. Despite this prospect, cane sugar refiners and sugar users apparently desire to maintain inventories at a high level throughout the summer. The possibility of a work stoppage among stevedores at the end of September may be a contributing cause. This situation has created an unusual demand for raw cane sugar for arrival in August and September and has placed upward pressure on raw sugar prices. The spot price which was already above the Sugar Act guide price rose an additional five points on July 12 to 7.60 cents per pound.

Accordingly, total sugar requirements for the calendar year 1968 are hereby increased by 100,000 short tons, raw value, to a total of 10,900,000 short tons, raw value.

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota or proration of a quota. On the basis of the quota established for the Domestic Beet Sugar Area for the calendar year 1968 a finding was heretofore made (33 F.R. 9945) that the Domestic Beet Sugar Area was unable to fill its quota then in effect by 100,000 short tons, raw value, and accordingly a quota deficit was determined for 100,000 tons. Due to the fact that the quota for the Domestic Beet Sugar Area is increased herein by 47,667 tons it is herein found that the Domestic Beet Sugar Area will be unable to fill its quota by an additional 47,667 short tons, raw value. Therefore, a total deficit is herein determined in the 1968 quota for the Domestic Beet Sugar Area of 147,667 short tons, raw value. The government of Thailand has informed the Department that it will be unable to supply any sugar to the United States during 1968. Therefore, it is hereby found that Thailand will be unable to fill any of its quota during 1968 and a deficit is herein determined in the quota for Thailand of 17,860 short tons, raw value. Pursuant to section 202(d)(4) of the Act it is hereby determined that on the basis of information available to the Department the failure of Thailand to fill its 1968 quota was because of drought conditions which caused lower sugar production from the 1967 crop than normally expected and that the quota for future years will not be subject to reduction by reason of such shortfall. Pursuant to section 204(b) of the Act and the force majeure finding heretofore made the quota established herein for Thailand has been reduced to zero. On the basis of information available to the Department pertaining to the sugar produced from the current sugar crop in Panama, that country will be able to supply only 37,810 short tons, raw value, of sugar to the United States during 1968. Therefore, it is hereby found that Panama will be unable to fill deficit prorations previously allocated to it of 5,726 short tons, raw value, and will be unable to supply any additional deficit that may be available for proration to it during 1968. Accordingly, a deficit is herein determined in the quota for Panama of 5,726 short tons, raw value.

The additional deficit determined for the Domestic Beet Sugar Area of 47,667 short tons, raw value, and the deficit determined for Panama of 5,726 short tons, raw value, which total 53,393 short tons, raw value, are herein prorated to Western Hemisphere countries listed in section 202(c)(3)(A) of the Act which are able to supply such additional sugar on the basis of published quotas most recently in effect. The deficit in the quota for Thailand of 17,860 short tons, raw value, is prorated to other Eastern Hemisphere countries listed in section 202(c)(3)(B) of the Act which are able to supply additional sugar on the basis of published quotas most recently in effect. None of the deficits are herein prorated to the Republic of the Philippines since it has previously notified the Department that it cannot supply any sugar in excess of its statutory quota.

If the production exceeds the estimate for the Domestic Beet Sugar Area the marketing opportunity for that area will not be limited as a result of the deficit determinations and prorations provided herein.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.60, 811.61, 811.62, and 811.63 as follows:

1. Section 811.60 is amended to read as follows:

§ 811.60 Sugar requirements, 1968.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1968 is hereby determined to be 10,900,000 short tons, raw value.

2. Section 811.61 is amended by amending paragraph (a) to read as follows:

§ 811.61 Quotas for domestic areas.

(a) (1) For the calendar year 1968 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in Column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in Column (2) as follows:

Area	Quotas (1)	Direct-consumption limits (2)
	(Short tons, raw value)	
Domestic beet sugar	3,263,334	No limit
Mainland cane sugar	1,186,666	No limit
Hawaii	1,191,704	37,278
Puerto Rico	1,140,000	163,500
Virgin Islands	16,000	0

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1968 the Domestic Beet Sugar Area, Puerto Rico, and the Virgin Islands will be unable by 147,667, 615,000, and 15,000 short tons, raw value, respectively, to fill the quota established for such areas in subparagraph (1) of this paragraph. Pursuant to section 204(b) of the Act the determination of such deficits shall not effect the quotas established in subparagraph (1) of this paragraph.

* * * * *

3. Section 811.62 is amended by adding a new paragraph (a)(4) to read as follows:

§ 811.62 Proration and allocation of deficits and quotas in effect.

(a) * * *

(4) Deficits are hereby determined in the quotas established for Panama and Thailand of 5,726 and 17,860 short tons, raw value, respectively. The additional deficit in the Domestic Beet Sugar Area quota, determined in paragraph (a)(2) of § 811.61, of 47,667 short tons, raw value; plus the deficit in the quota for Panama of 5,726 short tons, raw value are herein prorated to Western Hemisphere countries named in section 202(c)(3)(A) of the Act which are able to supply such additional sugar on the basis of published quotas most recently in effect. The deficit in the quota for Thailand of 17,860 short tons, raw value, is herein prorated to countries outside the Western Hemisphere named in section 202(c)(3)(B) of the Act which are able to supply such additional sugar on the basis of published quotas most recently in effect.

* * * * *

4. Section 811.63 is amended by amending paragraph (c) to read as follows:

§ 811.63 Quotas for foreign countries.

* * * * *

(c) For the calendar year 1968, the prorations to individual foreign countries pursuant to section 202 of the Act are shown in columns (1) and (2) of the following table. Deficit prorations and allocations previously established are shown in column (3). In column (4) the deficit in the quotas for the Domestic Beet Sugar Area, Panama, and Thailand of 47,667, 5,726, and 17,860 short tons, raw value, respectively, are herein prorated pursuant to paragraph (a)(4) of § 811.62.

* * * * *

Countries	Basic quotas (1)	Temporary quotas and prorations pursuant to sec. 202(d)[1] (2)	Previous deficit prorations and allocation (3)	New deficit prorations (4)	Total quotas and prorations (5)
			(Short tons, raw value)		
Mexico	229,730	246,544	124,534	10,170	611,078
Dominican Republic	224,678	241,127	205,347	11,574	682,526
Brazil	224,678	241,122	121,895	9,946	597,641
Peru	179,207	192,325	97,226	7,933	476,691
British West Indies	89,752	74,183	43,805	3,536	211,276
Ecuador	32,691	35,083	17,736	1,447	86,957
French West Indies	23,233	23,337	13,781	1,112	66,463
Argentina	27,639	29,662	14,996	1,223	73,520
Costa Rica	25,450	25,383	14,349	1,171	70,355
Nicaragua	26,450	28,385	14,349	1,171	70,355
Colombia	23,775	25,515	12,898	1,052	63,240
Guatemala	22,289	23,922	12,093	987	59,291
Panama	16,643	17,863	9,030	−5,726	37,810
El Salvador	16,346	17,544	8,868	724	43,482
Haiti	12,482	13,396	6,772	553	33,202
Venezuela	11,293	12,118	6,127	500	30,038
British Honduras	5,538	5,404	3,192	258	15,392
Bolivia	2,675	2,869	1,451	118	7,113
Honduras	2,675	2,869	1,451	118	7,113
Australia	106,989	87,853		7,128	201,970
Republic of China	44,579	36,605		2,970	84,154
India	42,796	35,141		2,851	80,788
South Africa	31,503	25,866		2,099	59,470
Fiji Islands	23,478	19,279		1,564	44,321
Thailand	9,807	8,053		−17,860	0
Mauritius	9,807	8,053		653	18,513
Malagasy Republic	5,052	4,149		337	9,538
Swaziland	3,864	3,173		258	7,295
Ireland	5,351	0		0	5,351
Total	1,487,450	1,489,826	730,000	47,667	3,754,943

[1] Proration of the quotas withheld from Cuba and Southern Rhodesia.

(Secs. 201, 202, 204, and 403; Stat. 923, as amended, 924, as amended, and 7 U.S.C. 1111, 1112, 1114, and 1115)

Effective date. This action increases quotas for the calendar year 1968 by 100,000 tons and prorates additional deficits of 71,253 tons. In order to promote orderly marketing, it is essential that this amendment be effective immediately so that all persons selling and purchasing sugar for consumption in the continental United States can promptly plan and market under the changed marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable, and contrary to the public interest and this amendment shall be effective when filed for public inspection in the office of the FEDERAL REGISTER.

Signed at Washington, D.C., on July 26, 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-9191; Filed, July 29, 1968; 11:05 a.m.]

[Sugar Reg. 815.9, Amdt. 2]

PART 815—ALLOTMENT OF DIRECT-CONSUMPTION PORTION OF MAINLAND SUGAR QUOTA FOR PUERTO RICO

1968 Quota

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (hereinafter called the "Act") for the purpose of amending Sugar Regulation 815.9 (33 F.R. 6706), which established allotments of the direct-consumption portion of the 1968 mainland quota for Puerto Rico.

This amendment of S.R. 815.9 is necessary to give effect to the direct-consumption portion of the 1968 mainland quota for Puerto Rico amounting to 163,500 short tons, raw value, as established in Sugar Regulation 811, Amendment 9 (33 F.R. 10934). That quantity is 7,500 tons greater than the 156,000 short tons, raw value, previously allotted.

Findings heretofore made by the Secretary in the course of this proceeding (32 F.R. 21025) provide that this order shall be revised without further notice or hearing for the purpose indicated above and such findings set forth the procedure for the revision of allotments.

Accordingly, allotments are herein established on the basis of and consistent with such findings.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act, and in accordance with paragraph (c) of § 815.9 of this chapter, it is hereby ordered that paragraph (a) of § 815.9 be amended to read as follows:

§ 815.9 Allotment of the direct-consumption portion of mainland sugar quota for Puerto Rico for the calendar year 1968.

(a) *Allotments.* The direct-consumption portion of the 1968 mainland sugar quota for Puerto Rico, amounting to 163,500 short tons, raw value, is hereby allotted as follows:

Allottee	Direct-consumption allotment (short tons, raw value)
Central Aguirre Sugar Co., a trust	6,790
Central Roig Refining Co	22,644
Central San Francisco	1,385
Puerto Rican American Sugar Refinery, Inc	107,488
Western Sugar Refining Co	25,163
Liquid sugar reserve for persons other than named above	30
Total	163,500

* * * * *

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 205, 207, 209; 61 Stat. 926, 927, 928; 7 U.S.C. 1115, 1117, 1119)

Effective date. Allotments established in this order for all allottees are larger than the allotments previously established. To afford adequate opportunity to plan and to market the additional quantities of sugar in an orderly manner, it is imperative that this amendment become effective as soon as possible. Accordingly,

it is hereby determined and found that compliance with the 30-day effective date requirement in 5 U.S.C. 553 (80 Stat. 378) is impracticable and contrary to the public interest and, consequently, the amendment made herein shall become effective when published in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 26, 1968.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-9192; Filed, July 31, 1968; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 250]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.550 Valencia Orange Regulation 250.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 30, 1968.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period August 2, 1968, through August 8, 1968, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 31, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9297; Filed, July 31, 1968; 11:48 a.m.]

PART 991—HOPS OF DOMESTIC PRODUCTION

Expenses of the Hop Administrative Committee and Rate of Assessment for the 1968–69 Marketing Year

Notice was published in the July 17, 1968 issue of the FEDERAL REGISTER (33 F.R. 10111) regarding proposed expenses of the Hop Administrative Committee for the 1968–69 marketing year and rate of assessment for that marketing year, pursuant to §§ 991.55 and 991.56 of the Marketing Order No. 991, as amended (7 CFR Part 991; 33 F.R. 7229), regulating the handling of hops of domestic production effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and the unanimous recommendations submitted by the Hop Administrative Committee and other available information, it is found that the expenses of the Hop Administrative Committee and rate of assessment for the marketing year beginning August 1, 1968, shall be as follows:

§ 991.303 Expenses of the Hop Administrative Committee and rate of assessment for the 1968–69 marketing year.

(a) *Expenses.* Expenses in the amount of $140,000 are reasonable and likely to be incurred by the Hop Administrative Committee during the marketing year beginning August 1, 1968, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said marketing year, payable by each handler in accordance with § 991.56, is fixed at 0.25 cent per pound of salable hops.

It is found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of the marketing order require that the rate of assessment fixed for a particular marketing year shall be applicable to all salable hops handled during such year; and (2) the current marketing year begins on August 1, 1968, and the rate of assessment herein fixed will automatically apply to all such hops beginning with that date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 29, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9196; Filed, July 31, 1968; 8:47 a.m.]

[Bartlett Pear Reg. 2]

PART 931—FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement and Order No. 931 (7 CFR Part 931) regulating the handling of fresh Bartlett pears grown in Oregon and Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the recommendations of the Northwest Fresh Bartlett Pear Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of fresh Bartlett pears, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 2, 1968. A reasonable determination as to the supply of, and the demand for, Bartlett pears must await the development of the crop and adequate information were submitted to the Department the Northwest Fresh Bartlett Pear Marketing Committee until July 18, 1968; recommendation as to need for, and the extent of, regulation of shipments of such pears was made at the meeting of said committee on July 18, 1968, after consideration of all available information relative to the supply and demand conditions for such pears, at which time the recommendation and supporting information were submitted to the Department; necessary supplemental data for consideration in connection with the specifications of the provisions were not available until July 26, 1968; shipments of the current crop of such pears are expected to begin on or about the effective date hereof; and this regulation should be applicable, insofar as practicable, to all shipments of such pears in order to effectuate the declared policy of the act; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 931.302 Bartlett Pear Regulation 2.

(a) *Order.* During the period August 2, 1968, through June 30, 1969, no handler shall handle any lot of Bartlett pears unless such pears meet the following applicable requirements, or are handled in accordance with subparagraphs (4) or (5) of this paragraph:

(1) *Minimum grade requirement.* Such pears grade at least U.S. No. 2: *Provided,* That pears which fail to meet the requirements with respect to shape specified in the U.S. No. 2 grade only because of frost injury or healed hail marks may be handled if (i) they are not so seriously misshapen as to preclude the cutting of at least one good half and (ii) they are packed in containers containing at least 14 pounds, net weight, but not more than 15 pounds, net weight, of pears: *And provided further,* That, in determining whether pears packed in open containers or handled loose meet the aforesaid grade requirements, the tolerances set forth in §§ 51.1265 and 51.1271 and the application of tolerances in § 51.1266 of the U.S. Standards for Summer and Fall Pears (§§ 51.1260–15.1280 of this title) shall apply.

(2) *Minimum size requirements.* Such pears (i) when packed in the standard western pear box, or in the L.A. lug or their carton equivalents, are of a size not smaller than the 165 size: *Provided,* That pears not smaller than the 180 size may be handled if they grade at least the U.S. No. 1 grade, or (ii) when packed in any other container, measure at least 2⅜ inches in diameter: *Provided,* That pears which measure at least 2¼ inches in diameter may be handled if they grade at least the U.S. No. 1 grade: *And provided further,* That pears which measure at least 2⅛ inches may be handled if they are packed in containers containing at least 14 pounds, net weight, but not more than 15 pounds, net weight, of pears.

(3) *Pack requirements.* Such pears are packed in L.A. lugs, in containers containing at least 14 pounds, net weight, but not more than 15 pounds, net weight, of pears, or in containers having a capacity equal to, or greater than, the western lug.

(4) *Special purpose shipments.* Notwithstanding any other provision of this section, any shipment of pears in gift packages may be handled without regard to the provisions of this paragraph, of § 931.41 (Assessments), and of § 931.55 (Inspection and certification).

(5) Notwithstanding any other provision of this section, any individual shipment of pears which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 931.41 (Assessments), and of § 931.55 (Inspection and certification):

(i) The shipment consists of pears sold for home use and not for resale;

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of pears; and

(iii) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(6) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; "U.S. No. 1," "U.S. No. 2," "frost injury," "hail marks," and "size" shall have the same meaning as when used in the U.S. Standards for Summer and Fall Pears (7 CFR 51.1260–51.1280); "165 size" and "180 size" shall mean that the pears are of a size which, as indicated by the size number, will pack, in accordance with the sizing and packing specifications of a standard pack, as specified in said U.S. Standards, 165 or 180 pears, respectively, in a standard western pear box (inside dimensions 18 inches long by 11½ inches wide by 8½ inches deep); the term "L.A. lug" shall mean a container with inside dimensions of 5¾ by 13½ by 16⅛ inches; and the term "western lug" shall mean a container with inside dimensions of 7 by 11½ by 18 inches.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 31, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9298; Filed, July 31, 1968; 11:48 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 9, 36, 41, 44]

MILK IN CLARKSBURG, W. VA. AND CERTAIN OTHER MARKETING AREAS

Order Amending Orders

§ ___.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings are hereby made with respect to each of the aforesaid orders.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the above designated marketing areas. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the orders effective not later than August 1, 1968. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the respective marketing areas.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Program, was issued July 10, 1968 and the decision of the Under Secretary containing all amendment provisions of this order, was issued July 24, 1968. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1968 and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within each of the respective marketing areas, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the orders, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the orders as herein amended;

(The following determination is made with respect to the order amending the orders regulating the handling of milk in the Clarksburg, West Virginia, Eastern Ohio-Western Pennsylvania, and Northwestern Ohio marketing areas.)

(3) The issuance of the order amending the orders is approved or favored by at least two thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the specified marketing areas; and

(The following determination is made with respect to the order amending the order regulating the handling of milk in the Michigan Upper Peninsula marketing area.)

(4) The issuance of the order amending the order is favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the respective designated marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders as amended and as hereby further amended, as follows:

PART 1009—MILK IN CLARKSBURG, W. VA., MARKETING AREA

In § 1009.51 the text of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 1009.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.98 and plus 20 cents through April 1969, subject to the adjustment provided in subparagraph (1) of this paragraph: *Provided*, That the Class I price shall be not more than 35 cents in excess of, nor less than 15 cents in excess of the average of the Class I prices for the same month at Wheeling, W. Va., pursuant to Part 1036 (Eastern Ohio-Western Pennsylvania) of this chapter and at Athens-Scioto district plants pursuant to Part 1005 (Tri-State) of this chapter.

* * * * *

PART 1036—MILK IN EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

§ 1036.51 [Amended]

In § 1036.51(a), subparagraph (2) is revoked.

PART 1041—MILK IN NORTHWESTERN OHIO MARKETING AREA

In § 1041.51, paragraph (a) is revised to read as follows:

§ 1041.51 Class prices.

* * * * *

(a) *Class I milk price.* The monthly Class I milk price shall be the basic formula price for the preceding month, plus $1.50, plus 20 cents through April 1969, subject to adjustment for location pursuant to § 1041.53.

* * * * *

PART 1044—MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

In § 1044.51, paragraph (a) is revised to read as follows:

§ 1044.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price for plants located in Zone 1 shall be the basic formula price for the preceding month plus $0.95, plus 20 cents through April 1969. For plants located in Zone 1(a) the price shall be the price specified for Zone 1 less 10 cents; for plants located in Zone 2 the price shall be the price specified for Zone 1 plus 20 cents; and for plants located outside of the marketing area and west of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 1 and for plants located outside the marketing area and east of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 2.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: August 1, 1968.

Signed at Washington, D.C., on July 29, 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-9201; Filed, July 31, 1968; 8:47 a.m.]

MILK IN CENTRAL ILLINOIS AND CERTAIN OTHER MARKETING AREAS

Order Amending Orders

7 CFR parts	Marketing areas
1050	Central Illinois.
1062	St. Louis, Mo.
1068	Minneapolis-St. Paul.
1070	Cedar Rapids-Iowa City.
1076	Eastern South Dakota.
1078	North Central Iowa.
1079	Des Moines, Iowa.

§ ___.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings are hereby made with respect to each of the aforesaid orders.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the above designated marketing areas. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1968. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator was issued July 10, 1968, and the decision of the Under Secretary containing all amendment provisions of this order was issued July 24, 1968. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1968, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The following determination is made with respect to the order amending the orders regulating the handling of milk in the Central Illinois, St. Louis, Mo., Minneapolis-St. Paul, Cedar Rapids-Iowa City, Eastern South Dakota, and Des Moines, Iowa, marketing areas.

The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

(4) The issuance of the order amending the order regulating the handling of milk in the North Central Iowa marketing area is approved or favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the respective designated marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended, and as hereby further amended, as follows:

PART 1050—MILK IN CENTRAL ILLINOIS MARKETING AREA

Section 1050.51(a) is revised to read as follows:

§ 1050.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price applicable at plants at which no location adjustment pursuant to § 1050.53 is applicable, shall through April 1969, be the basic formula price for the preceding month plus $1.19 and plus an additional 20 cents through April 1969; and

* * * * *

PART 1062—MILK IN ST. LOUIS, MO., MARKETING AREA

Section 1062.51(a) is revised to read as follows:

§ 1062.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $1.40, and plus 20 cents through April 1969.

* * * * *

PART 1068—MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

§ 1068.52 [Revoked]

1. Section 1068.52 is revoked.

2. Section 1068.53 is revised to read as follows:

§ 1068.53 Class I price.

Subject to differentials provided in §§ 1068.55 and 1068.56(a) the price per hundredweight for Class I milk each month shall be the basic formula price for the preceding month plus 86 cents, and plus 20 cents through April 1969.

PART 1070—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

Section 1070.50(b) is revised to read as follows:

§ 1070.50 Basic formula and class prices.

* * * * *

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.10, and plus 20 cents through April 1969.

* * * * *

PART 1076—MILK IN EASTERN SOUTH DAKOTA MARKETING AREA

Section 1076.51(a) is revised to read as follows:

§ 1076.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $1.30 and plus 20 cents through April 1969.

* * * * *

PART 1078—MILK IN NORTH CENTRAL IOWA MARKETING AREA

Section 1078.50(b) is revised to read as follows:

§ 1078.50 Basic formula and class prices.

* * * * *

(b) *Class I milk price.* The Class I milk price at plants in Zone 1 shall be the basic formula price for the preceding month plus $1.05, and plus 20 cents through April 1969. "Zone 1" means all the territory in the counties of Humboldt, Wright, Franklin, Butler, Bremer, Webster, Hamilton, Hardin, Grundy, Black Hawk, and Buchanan, all in the State of Iowa.

* * * * *

PART 1079—MILK IN DES MOINES, IOWA, MARKETING AREA

Section 1079.50(b) is revised to read as follows:

§ 1079.50 Basic formula and class prices.

* * * * *

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.25 and plus 20 cents through April 1969. For milk received from approved dairy farmers at an approved plant outside the base zone the price otherwise applicable pursuant to this paragraph shall be reduced 10 cents.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: August 1, 1968.

Signed at Washington, D.C., on July 29, 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-9203; Filed, July 31, 1968; 8:48 a.m.]

[Milk Order 63]

PART 1063—MILK IN THE QUAD CITIES-DUBUQUE MARKETING AREA

Order Amending Order

§ 1063.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable

rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Quad Cities-Dubuque marketing area. Upon the basis of the evidence introduced at such hearings and the records thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1968. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. Amendments No. 1–5 are identical with those set forth in the recommended decision of the Deputy Administrator, Regulatory Programs, issued June 18, 1968, and in the decision of the Under Secretary issued July 11, 1968. Amendment No. 6 is identical with that set forth in the recommended decision of the Deputy Administrator, Regulatory Programs, issued July 10, 1968, and in the decision of the Under Secretary issued July 24, 1968. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1968, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Quad Cities-Dubuque marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Section 1063.7 is revised to read as follows:

§ 1063.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority and whose milk is received as producer milk at a pool plant or diverted pursuant to § 1063.14 from a pool plant to a nonpool plant.

2. Section 1063.14 is revised to read as follows:

§ 1063.14 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk received at a pool plant directly from a dairy farmer, except that milk received by diversion from other order plants which is assigned pursuant to § 1063.46 (a)(4)(ii), and the corresponding step of § 1063.46(b). Milk normally received from a dairy farmer at a pool plant which is diverted from such pool plant by the operator of the plant or a cooperative association handler pursuant to § 1063.12 (c) to a nonpool plant that is not an other order plant, or to a nonpool plant that is an other order plant if diverted as Class II milk, shall also be producer milk and shall be deemed to have been received by the diverting handler at the plant from which diverted: *Provided,* That in any of the months of July through January milk diverted from the farm of a producer on more than the number of days that milk was delivered to a pool plant from such farm during the month shall not be deemed to have been received by the diverting handler.

3. In § 1063.41(b) subparagraphs (6) and (7) are revised to read as follows:

§ 1063.41 Classes of utilization.

* * * * * *

(b) * * *

(6) In shrinkage assigned pursuant to § 1063.42(b)(1) of the skim milk and butterfat, respectively, but not in excess of:

(i) 2 percent of producer milk (except producer milk diverted to a nonpool plant pursuant to § 1063.14); plus

(ii) 1.5 percent of milk received in bulk tank lots from other pool plants; plus

(iii) 1.5 percent of milk received in bulk tank lots from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operators of both plants; plus

(iv) 1.5 percent of milk received in bulk tank lots from an unregulated supply plant exclusive of the quantity for which Class II utilization was requested by the handler; less

(v) 1.5 percent of milk transferred in bulk tank lots to other plants; and

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1063.42(b)(2).

4. Section 1063.42 is revised to read as follows:

§ 1063.42 Shrinkage.

The market administrator shall allocate shrinkage at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat respectively, at each pool plant; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat respectively at such plant contained in:

(1) Net receipts specified in § 1063.41 (b)(6); and

(2) Receipts of other source milk in bulk fluid milk products exclusive of that specified in § 1063.41(b)(6)

5. Section 1063.46(a)(4)(ii) is revised to read as follows:

§ 1063.46 Allocation of skim milk and butterfat classified.

* * * * * *

(a) * * *

(4) * * *

(ii) Receipts of fluid milk products in bulk, including diversions, from an other order plant in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

6. Section 1063.50(b) is revised to read as follows:

§ 1063.50 Basic formula and class prices.

* * * * * *

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.10, and plus 20 cents through April 1969.

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: August 1, 1968.

Signed at Washington, D.C., on July 29, 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-9202; Filed, July 31, 1968; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1443—OILSEEDS

Subpart—Cottonseed Oil and Meal Purchase Program Regulations (1968)

Correction

In F.R. Doc. 68–8607 appearing on page 10313 in the issue of Friday, July 19, 1968, the following changes should be made:

1. On page 10314 § 1443.63(e)(1) should read: "(1) the quantities of oil or meal which have been or can be produced from eligible cottonseed acquired by the crusher up to the time of the tender, or".

2. On page 10315 in § 1443.64(e), the 27th line should read: "to the expiration of 30 calendar days".

3. In § 1443.64(1) the 4th line should read: "sis and the certified destination".

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 33]

GREAT MEADOWS NATIONAL WILDLIFE REFUGE, MASS.

Fishing

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222, 16 U.S.C. 715), and the Endangered Species Preservation Act of October 15, 1966 (80 Stat. 926, 16 U.S.C. 668aa), it is proposed to amend 50 CFR 33.4 by the addition of the Great Meadows National Wildlife Refuge, Mass., to the list of areas open to sport fishing.

It has been determined that sport fishing may be permitted as designated on Great Meadows National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 33.4 is amended by the following addition:

§ 33.4 List of open areas; sport fishing.

* * * * *

MASSACHUSETTS

Great Meadows National Wildlife Refuge.

* * * * *

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

JULY 26, 1968.

[F.R. Doc. 68-9171; Filed, July 31, 1968; 8:46 a.m.]

National Park Service

[36 CFR Part 7]

GRAND TETON NATIONAL PARK, WYO.

Technical Mountain Climbing

Notice is hereby given that pursuant to the authority contained in the act of September 14, 1950 (64 Stat. 849), section 3 of the act of August 25, 1916 (39 Stat. 535), 245 DM-1 (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), Regional Director, Midwest Region Order No. 4 (31 F.R. 5769), as amended, it is proposed to amend § 7.22 of Title 36 of the Code of Federal Regulations by adding a new paragraph (e) which is set forth in its entirety below.

This new paragraph sets forth the requirements which are applicable to technical mountain climbing within Grand Teton National Park. The purpose of these requirements is to insure that the climbers are adequately prepared for these climbs and are cognizant of the hazards which exist on the mountains. The regulation sets forth the criteria which will be applied by the Superintendent and his representatives in deciding whether or not a permit may be issued for a particular climb or climbers.

It is the policy of the Department of the Interior to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit comments, suggestions, or objections to the Superintendent, Grand Teton National Park, Moose, Wyo. 83012, within 30 days of the publication of this notice in the FEDERAL REGISTER.

Section 7.22 is amended by adding a new paragraph (e), as follows:

§ 7.22 Grand Teton National Park.

* * * * *

(e) *Technical Mountain Climbing*—(1) *General provisions.* No person shall undertake any mountain climbing which requires the use of technical climbing aids, including, but not limited to, ropes, pitons, carabiners, crampons, unless a permit has first been issued by the Superintendent. In determining whether to issue a permit the Superintendent will consider the difficulty of the route of climb, the weather and snow conditions, the physical condition and prior experience of the climbers, whether the group is equipped with mountaineering equipment and clothing necessary to make a safe ascent and return and protect the climbers against probable weather conditions, and such other safety factors as the Superintendent deems appropriate. All mountain climbing shall be subject to the following requirements:

(i) Each climber shall sign out immediately prior to each climb.

(ii) Each climber shall sign in immediately upon return from a climb.

(iii) Solo climbing is prohibited.

(iv) Persons under 18 years of age must have the written permission of their parent or guardian before making a climb.

(v) All climbing parties shall carry adequate first aid equipment and emergency food supplies.

(2) *Winter climbing.* The Superintendent may, by posting appropriate signs or official notices, establish on the basis of weather and snow conditions a winter climbing season. All mountain climbing during the winter climbing season shall be subject to the following requirements, in addition to those described in this paragraph:

(i) Applications for permits must be submitted in writing to the Superintendent at least 30 days in advance of the scheduled climbing date to allow time to check experience and qualifications of the members of the party.

(ii) Mountain climbing parties must consist of a minimum of nine persons, of which a minimum of six persons shall be the support party. In climbing groups consisting of more than nine persons a 2 to 1 ratio must be maintained between the number of persons in the support party and the ascent party.

(iii) No permit shall be issued unless the party is adequately experienced in winter mountaineering.

(iv) The mountain climbing group must have communications equipment sufficient to assure two-way communications between the park headquarters, the base camp of the support party, and the assault party.

(v) Permits may be revoked if weather and snow conditions existing at the time of the party's arrival in the park are so severe that the ascent and return would be unduly hazardous.

HOWARD H. CHAPMAN,
Superintendent, Grand Teton National Park.

[F.R. Doc. 68-9174; Filed, July 31, 1968; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 980]

ONIONS

Notice of Proposed Import Regulation

Notice is hereby given of proposed grade, size, quality, maturity and inspection requirements to be made applicable to the importation of onions into the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The import regulation would be based on, and comply with, regulations to be made effective under the Federal marketing order for onions grown in certain designated counties in Idaho, and Malheur County, Oreg.

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file the same, in quadruplicate, with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during the regular business hours (7 CFR 1.27(b)).

§ 980.107 **Onion import regulation.**

Except as otherwise provided, during the period August 19, 1968, through June 15, 1969, no person may import dry onions of the yellow or white varieties unless such onions are inspected and meet the requirements of this section.

(a) *Minimum grade and size requirements*—(1) *yellow varieties*—(i) *Grade.* U.S. No. 2 or better grade.

(ii) *Size.* 2 inches minimum diameter.

(2) *White varieties*—(i) *Grade.* U.S. No. 2 or better grade.

(ii) *Size.* 1 inch minimum diameter.

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of 10 or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they also meet the other requirements of this section.

(c) *Minimum quantity.* Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to the provisions of this section.

(d) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) *Designation of governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated at governmental inspection services for certifying the grade, size, quality, and maturity of onions that are imported into the United States under the provisions of section 8e-1 of the act.

(f) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the onions meet the United States import requirements for onions under section 8e-1 (7 U.S.C. 608e), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, Post Office Box 111, 222 McClendon Bldg., 305 East Jackson St., Harlingen, Tex. 78550 (Phone 512—Garfield 3-5544-1240).	1 day.
All Arizona points.	B. O. Morgan, Post Office Box 1614, Nogales, Ariz. 85621 (Phone 602—Atwater 7-2902).	Do.
All California points.	D. P. Thompson, 294 Wholesale Terminal Bldg., 784 South Central Ave., Los Angeles, Calif. 90021 (Phone—213-622-8756).	3 days.
All Hawaii points.	Stevenson Ching, 1428 South King St., Honolulu, Hawaii 96814 (Phone—941-3071 Ext. 146).	1 day.
New York City.	Edward J. Beller, Room 28A Hunts Point Market, Bronx, N.Y. 10474 (Phone—212-991-7669-7668).	Do.
New Orleans...	Pascal J. Lamarca, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113 (Phone—504-527-6741-6742).	Do.
All other points.	D. S. Matheson, Fruit and Vegetable Division, Consumer and Marketing Service, Washington, D.C. 20250 (Phone—202-Dndley and 8-5870).	3 days.

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) In the event the required inspection is performed prior to the arrival of the onions at the port of entry, the inspection certificate that is issued must show that the inspection was performed at the time of loading such onions for direct transportation to the United States; and if transportation is by water, the certificate must show that the inspection was performed at the time of loading onto the vessel.

(6) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among others things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets U.S. Import requirements under section 8e-1 of the Agricultural Marketing Agreement Act.

(g) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) *Definitions.* For the purpose of this section, "Onions" means all varieties of Allium cepa marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickling onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The term "U.S. No. 2" shall have the same meaning as set forth in the U.S. Standards for Grades of Onions (Other than Bermuda-Granex and Creole Types), §§ 51.2830-51.2854 of this title. Tolerances for size shall be those in the U.S. Standards. Onions meeting the requirements of Canada No. 2 grade shall be deemed to comply with the requirements of U.S. No. 2 grade. "Importation" means release from custody of the U.S. Bureau of Customs.

Dated: July 29, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9175; Filed, July 31, 1968; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 68-CE-10-AD]

AIRWORTHINESS DIRECTIVES

Beech Model 18 Series Airplanes; Advance Notice

Correction

In F.R. Doc. 68-7970 appearing at page 9712 in the issue of Thursday, July 4, 1968, the following correction should be made: The fourth line of the third column should be deleted and "of a history of fatigue cracking and/or" be substituted therefor.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 89, 91, 93]

[Docket No. 18261; FCC 68-743]

GEOGRAPHIC REALLOCATION OF CERTAIN UHF TV CHANNELS TO LAND MOBILE RADIO SERVICES

Notice of Proposed Rule Making

In the matters of amendment of Parts 2, 89, 91, and 93; geographic reallocation UHF TV Channels 14 through 20 to the land mobile radio services for use within the 25 largest urbanized areas of the United States, Docket No. 18261; petition filed by the Telecommunications Committee of the National Association of Manufacturers to permit use of TV Channels 14 and 15 by land mobile stations in the Los Angeles Area, RM-566.

1. In a public notice released April 14, 1967, the Commission announced the beginning of an intensified study of the feasibility of meeting the needs of the land mobile services within the spectrum space now assigned to UHF television broadcasting. The objective was to provide needed spectrum space to allow for continued growth of these important radio services with a minimum of impact on our nationwide television service.

2. On May 3, 1967, the Commission announced the formation of a Land Mobile Relief Committee composed of Bureau Chiefs and Staff officers under the Chairmanship of the Chief Engineer to:

a. Study the impact presented by the outright reallocation of from four to seven low UHF television channels.

b. Study the feasibility of land mobile station use of UHF channels on a geographic basis.

c. Identify and evaluate problems and overall costs associated with outright reallocation of the frequency band 806–960 Mc/s (includes UHF TV Channels 70 through 83) in whole or in part to the land mobile service, commensurate with their projected requirements to the year 1980.

Each of these projects was assigned to a group of staff officials for study. The report of the Land Mobile Frequency Relief Committee was released on March 20, 1968, and contains the reports of each of the working groups.

3. Consideration of the possibility of reallocating a number of channels at the lower end of the UHF television band involved a study of the area lying between Boston and Chicago and extending southward to Washington, D.C. This area was chosen because it is heavily populated and it was believed that the results would be representative of the potential for the entire United States with the possible exception of the areas around Los Angeles and San Francisco, Calif. The results of this study indicated that replacement channels could be found for all displaced stations. However, a number of community assignments could not be replaced, and a number of displaced stations would be located above Channel 69. The report of the working group considering the possibility of reallocating four to seven UHF TV channels at the low end states:

> Reallocation of even as few as four channels (Channels 14, 15, 16, and 17) or 24 Mc/s of space would dislocate some 25 assignments within the test area which now have stations actually in operation, outstanding construction permits, or for which applications are pending.[1] These stations (and proposed stations) would, if required to vacate these four channels, have to be reassigned to various channels interspersed throughout the remaining UHF television band (Channels 18 to 83 inclusive) with assignments for 13 of them below Channel 40 and the other 12 above Channel 40. The dollar cost of relocating these stations would vary considerably from case-to-case with about $100,000 (in those instances where construction of the station has been completed) as a minimum. If seven channels instead of four are to be reallocated, the figure of 25 stations (and pending applications) affected in the test area increases to 44 with their reassignments distributed in about the same manner throughout the band above Channel 20. With respect to the stations in operation, an additional cost factor is involved in maintaining operation during the transition period and in the requirements that will be imposed on the public for readjusted sets and antennas.

4. The report of the working group that considered the possibility of land mobile use of the lower 37 UHF TV channels on a geographic basis indicates a number of possibilities for land mobile relief. The amount of relief would, however, be dependent upon the number of channels made available and the amount of protection that would be provided to TV reception. Three plans were considered:

Plan 1. "Equivalent Protection Method." Potential land mobile channels are based upon permitting the land mobile service to cause TV interference to the same extent that the existing TV allocation standards permit mutual interference between TV stations.

Plan 2. "Grade B Contour Protection Method." TV receiver antenna directivity is assumed for cochannels. Potential land mobile channels are based upon protecting the Grade B TV contours for a 35 db desired to undesired signal strength ratio, TV receiver antennas are assumed to have a 15 db rejection of land mobile signals for reception of desired cochannel TV stations.

Plan 3. "Grade B Contour Protection Method." TV receiver antennas are considered to have no directivity. Potential land mobile channels are based upon protecting the Grade B TV contours for a 50 db desired to undesired signal strength ratio.

All three plans indicate potential for land mobile relief in many areas (Chicago is a difficult problem under all three).

5. The working group considering the feasibility of reallocation of the upper 14 UHF TV channels indicated their belief that all or any portion of the band 806–890 Mc/s could be reallocated immediately with relatively little cost to broadcast interests. There was agreement within the Staff Committee however, that these higher frequencies could not be looked on as an acceptable answer to an immediate requirement for additional frequency space. Unavailability of equipment, propagation vagaries and other considerations label possibilities for effective use of this part of the spectrum by the land mobile services largely speculative and in any event strictly a long range possibility outside the time frame within which relief is being sought.

6. Among the three alternatives, the possibility that land mobile users could utilize some of the lower UHF TV channels in the 20–25 largest urban areas on a geographic allocation basis with appropriate protection to insure a minimum of impact on television reception appears to offer the best prospect for immediate relief for land mobile users. Existing equipment designs could be modified to permit use of the lowest UHF TV channels within about 6 months and new or redesigned equipment could be expected for the remaining channels within about 1 to 2 years. This would provide early frequency relief permitting the land mobile services to expand on an orderly basis and allow time for fuller consideration of the other possibilities considered by the Land Mobile Frequency Relief Committee.

7. Thus, the Commission is now proposing to reallocate on a geographic basis certain of the lowest seven UHF TV channels (14 through 20) to the land mobile radio services for use within the 25 largest urbanized areas of the country.[2] In each instance the channels would be chosen and their usage restricted so as to be compatible with the current TV assignment table and such TV stations as may be authorized pursuant to the table.[3] Proposed rules and assignment standards to govern land mobile use of these seven channels are set forth in the attached appendix. The limits of permissible use—i.e., service area, maximum power and maximum antenna height and the specific TV channels available in each can be determined from the tables contained in the proposed rules. While three possible plans for geographic sharing were reviewed and considered by the Land Mobile Relief Committee and the method designated as "Plan 3" is the basis of the proposed reallocation and assignment standards proposed for adoption, adjustments and changes can be expected based on engineering data filed in this proceeding.

8. As part of the process of providing for the allocation and use of the band 470 MHz to 512 MHz, the engineering criteria which will provide the required degree of protection to television stations authorized pursuant to the assignment table (section 73.606) must be determined. The current UHF TV assignment plan is based, among other things, upon certain engineering assignment standards or "taboos" developed in a series of rule making proceedings. These standards establish the various mileage separations between cochannel and adjacent channel assignments, as well as those assignments which produce images at the sound and picture frequencies, intermediate frequency (IF) beats, intermodulation, and also allow for rather high levels of receiver local oscillator radiation. The separations (taboos) which are mandatory for TV stations could also be used in establishing land mobile assignment standards in the UHF TV bands, but in view of the substantially lower power output levels of land mobile stations and the much narrower bandwidth utilized, appreciably less interference is to be expected from a land mobile assignment operating at the

[1] See report for exact description of test area. Roughly the populous area lying between Chicago and Boston to the north and extending southward to the latitude of Washington, D.C. Essentially, all of Pennsylvania, Ohio, Maryland, New Jersey, Delaware, Rhode Island, New Hampshire, Vermont, Indiana, New York, Massachusetts, and substantial portions of Illinois, Michigan, Virginia, and Kentucky.

[2] As defined in the U.S. Census of Population 1960, Volume 1, page 50.

[3] Section 73.606 of the Commission's rules.

separation required for a TV station with maximum power and antenna height than would be caused by the TV station. This suggests the feasibility of maintaining full protection to TV stations with less restrictive mileage separation for the lower power land mobile stations and we are proposing an appropriate lower figure. Also, a number of the "taboos" stem from TV station to TV station interference capabilities and related receiver characteristics which are not pertinent with respect to land mobile to TV station interference potentialities. If only the lower seven UHF–TV channels are considered, then the principal problem is that involved in determining cochannel and adjacent channel desired to undesired signal ratios as discussed below. Oscillator, image and intermodulation taboos may not be required.

Cochannel. Available data concerning the susceptibility of television receivers to interference from the type of signals produced by land mobile operations within a TV channel indicate that a ratio of 45–55 db desired to undesired signal strength ratio is required if interference to TV reception is to be maintained below objectionable levels. The susceptibility of TV receivers to cochannel interference is not constant across the TV channel however, and the two most susceptible areas are those in the proximity of the color subcarrier and the picture carrier. (See FCC Tech. Report R–6306, Figure 1A.)[3] In view of the above, we are proposing to adopt as an assignment standard a −50 db desired TV to land mobile signal strength ratio, and the signal ratios will be computed based on the TV signal at the Grade B contours (64 dbu). Land mobile transmitters would be limited to a maximum signal at the TV Grade B contour 50 db below 64 dbu or 14 dbu [64 dBu−50 dB=14 dbu].

Adjacent channel. Available data indicates that typical TV receivers are capable of rejecting an adjacent channel TV station when the desired TV station is no more than 20 db below the undesired TV station. Further, the UHF assignment plan provides for adjacent channel separation of 55 miles based on an assumed receiver adjacent channel rejection ratio of −6 db. (Since receiver adjacent channel selectivity is primarily IF selectivity with the receiver front end contributing little to the adjacent channel rejection figure, UHF receivers should not be appreciably worse in this regard than are VHF receivers.) However, as a further safeguard, we propose to limit the ratio of land mobile to adjacent channel TV signal strengths to 0 db. Land mobile transmitters would be limited to a maximum signal at the TV Grade B contour that equals but does not exceed the Grade B signal of 64 dbu.

Other taboos. We have disregarded all remaining taboos. This treatment is based upon the belief that the relatively low power of stations in the land mobile service will cause little intermodulation or IF beat problems. Receivers used by the land mobile service are designed to have very low oscillator radiation and this should not be a problem. Confining this geographical land mobile usage to the lowest seven UHF TV channels eliminates the usual sound and picture image problems. Comments are invited concerning any problems that may be generated, particularly those from land mobile stations separated by 7 or 8 channels. One further consideration appears worthy of special comment. The "taboos" considered in our studies of land mobile use of TV channels have not taken into account the fact that a multiplicity of transmitters may be operating on any given channel. We have conducted some initial laboratory experimentation on this matter to determine what the nature of this problem may be. Our initial experiments in this regard were conducted by "translating" the entire 150–162 MHz spectrum to a UHF TV channel and arranging the equipment so that the land mobile operation in the Washington-Baltimore complex in the 150 MHz band could be made to purposely cause interference to a UHF TV color receiver tuned to local UHF TV stations. Our initial observations indicate that a multiplicity of land mobile service transmitters add very little, if any, to TV interference caused by the strongest signals appearing in the 150 MHz band (translated to UHF). These observations have been made through the use of a television receiver, panoramic receiver, separate antennas and attenuators arranged to permit observations of interference under various signal level combinations.

9. The TV station Grade B contour used to determine land mobile use will be based on an assumed TV power of 1 megawatt effective radiated power (ERP) at 1,000 feet (antenna height above average terrain-AAT) for stations in Zone I and 1 megawatt ERP at 2,000 feet (AAT) for stations in Zones II and III. The distance to the Grade B contour (64 dbu) of the TV station is determined from the F(50, 50) curves in FCC Research Division Report No. R–6602 and is 43 miles for Zone I and 55 miles for Zones II and III.[4] The F(50, 50) curves indicate the estimated field strengths exceeded at 50 percent of the potential receiver locations for at least 50 percent of the time at a receiving height of 30 feet.

10. The required minimum distance between a proposed land mobile station and the Grade B contour of a TV facility or assignment may be determined by using the table in the appendix. The table has been developed by use of the F(50, 10) curves in Report No. R–6602 [F(50, 50) curves where the distance is less than 10 miles] which indicate the estimated field strengths exceeded at 50 percent of the potential receiver locations for at least 10 percent of the time. The cochannel land mobile field must be at least 50 db below the established Grade B contour of the TV station which is that point where the field is 64 db above 1 uv/m or 64 dbu. That combination of land mobile effective radiated power and antenna height above average terrain that permits this ratio to be satisfied can be authorized at that point. The same procedure is used for checking the adjacent channel feasibility; however, the land mobile field may be equal to or less than the TV field at the Grade B contour. In using the table it must be emphasized that both the cochannel and adjacent channel desired to undesired TV/land mobile field strength ratios must be met or bettered if the land mobile use is to be permitted.

11. The assignment criteria proposed and the method of predicting or determining areas where land mobile stations can share UHF TV channels are intended to be assignment tools only and while they can give a fairly good picture of the potential interference to TV reception by land mobile use, individual situations may be uncovered where the potential is decreased due to special or unusual geographic conditions or where lesser separations could be permitted for the same reasons. We do not at this time propose to provide for lesser separations on the basis of terrain. However, we are not closing the door to consideration of this and other factors that may be developed in comments in this proceeding.

12. The propagation curves described in Research Division Report R6602[5] have been used to determine both the UHF TV Grade B contour and the land mobile distance to the 14 dbu contour. While the results here are somewhat different from predictions that are based on the low VHF channel charts contained in Part 73, the UHF propagation curves are based on the latest available data and it is believed that they provide a better basis for establishing station separations than would charts intended primarily for the VHF frequency band 54–88 Mc/s.

13. We have pending a petition filed by the NAM Communications Committee (now Telecommunications Committee), RM 566, filed on February 3, 1964, which seeks adoption of rules which would permit land mobile to share the lowest two UHF TV channels in the Los Angeles area. To the extent that the proposals contained in this petition are compatible with the proposals contained herein, the petition will be granted and in all other respects denied.

14. The criteria for making land mobile assignments also includes power and antenna height limitations and will require that persons desiring to use frequencies located within these bands determine the height of their antennas above average terrain and compute the effective radiated power (ERP) by determining transmitter output power, transmission line loss and gain or loss of the antenna. Specific frequencies are not set forth in the proposed rules, and

[3] See Volume 5 of the Documents of the Xth Plenary Assembly of the CCIR (Oslo 1966), Sound Broadcasting and Television.

[4] Section 73.609 of the Commission's rules.

[5] At the time the Channel 2–6 charts were adopted for UHF TV use, the Commission pointed out that these curves were not based on measured data at distances beyond about 30 miles.

suballocation to various radio services is not proposed.

15. Frequency channels will be available on a 25 kc/s basis, and the first assignable frequency will be 37.5 kc/s from the upper band edge with alternate channels being assigned first. Frequency separation or pairing will not be uniform throughout the United States and is indicated in the table specifying channel availability in the various urbanized areas.

16. It should be noted that this proceeding is not now otherwise concerned with the suballocation or frequency assignment structure, priority system, etc., under which the various land mobile services may be given access to the additional spectrum space contemplated herein. Possibilities for extensive changes and departures from the allocation and frequency assignment procedures now in effect are under consideration in a number of areas. The study which the Commission has contracted with the Stanford Research Institute is directly concerned with possibilities for improving allocation and assignment procedures. The President's Task Force on Communications Policy has examined the problem in depth and will undoubtedly make suggestions for changes. The Joint Technical Advisory Committee (Institute of Electrical and Electronic Engineers, Inc., and Electronic Industries Association) have just completed a lengthy study and comprehensive report on Spectrum Engineering and suggestions for changes are treated in considerable detail. Eventual provisions for utilization of the additional spectrum space by the various land mobile services will be made with careful and due regard for these and other pertinent studies, deficiencies in present procedures, and the need for improved and more efficient ones. This may be accomplished at an appropriate time, through either a separate proceeding or through enlargement of this one.

17. Authority for the proposed amendment to the appropriate rules is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

18. Any interested person who is of the opinion that the proposed amendment should not be adopted in the form set forth herein may file with the Commission on or before December 2, 1968, written data, views, or arguments setting forth his comments. Comments in support of the proposal may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed on or before January 31, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

19. In accordance with § 1.419 of the Commission's rules, an original and 14 copies of all statements, views, or comments filed shall be furnished the Commission.

Adopted: July 17, 1968.

Released: July 26, 1968.

FEDERAL COMMUNICATIONS COMMISSION*

[SEAL] BEN F. WAPLE, *Secretary.*

The following amendments to Parts 2 and 89 of the Commission's rules are proposed. Rules identical in substance to those proposed for Part 89 will be included in Parts 91 and 93 of the rules.

I. Part 2 of the Commission's rules is amended as follows:

§ 2.106 [Amended]

1. In § 2.106, the Table of Frequency Allocations, the frequency band 470–890 Mc/s is amended as set forth below, and a new footnote NG__ is added.

Federal Communications Commission

Band (Mc/s)	Service	Class of station	Frequency	Nature OF SERVICES of station	
7	8	9	10	11	
470–512	BROADCASTING. LAND MOBILE.	Television broadcasting. Land Mobile.	NG__	BROADCAST. PUBLIC SAFETY. INDUSTRIAL. LAND TRANSPORTATION.	
512–890	BROADCASTING.	Television broadcasting.			

NG__ The frequency band 470–512 Mc/s is allocated to the Public Safety, Industrial and Land Transportation Radio Services in the 25 largest urbanized areas of the United States, as defined in the U.S. Census of Population, 1960, Vol. 1, Table 23, in accordance with the following table and subject to the standards and conditions set forth in Parts 89, 91, and 93 of this chapter.

Urbanized area	*TV Channels*
New York-Northeastern New Jersey.	14, 15, 16, 17.
Los Angeles	14, 15, 16, 20.
Chicago-Northwestern Indiana.	16, 17, 18.
Philadelphia, Pa.-New Jersey.	14, 15, 19, 20.
Detroit, Mich	15, 16, 17, 18.
San Francisco-Oakland, Calif.	17, 18.
Boston, Mass	18, 19, 20.
Washington, D.C.-Maryland-Virginia.	16, 17, 18.
Pittsburgh, Pa	18, 19, 20.
Cleveland, Ohio	14, 15, 16.
St. Louis, Mo.-Illinois	14, 15, 16, 20.
Baltimore, Md	16, 17, 18.
Minneapolis-St. Paul, Minn.	14, 15, 20.
Milwaukee, Wis	14, 15, 16, 20.
Houston, Tex	18.
Buffalo, N.Y	14, 15, 16, 20.
Cincinnati, Ohio-Kentucky	17.
Dallas, Tex	14 thru 19.
Kansas City, Mo.-Kansas	14, 18.
Seattle, Wash	14, 18.
Miami, Fla	19, 20.
New Orleans, La	14 thru 18.
San Diego, Calif	17, 18, 19.
Denver, Colo	16, 17, 18.
Atlanta, Ga	19, 20.

II. Part 89 of the Commission's rules is amended as follows:

1. Section 89.3(c) is amended by adding the following definitions in the appropriate alphabetical order:

§ 89.3 Definitions.

• • • • • •

(c) • • • .

Antenna Height Above Average Terrain (AAT). The average of the antenna heights above the terrain from 2 to 10 miles from the antenna for eight directions spaced evenly for 45° of azimuth starting with True north. In general, a different antenna height will be determined in each direction from the antenna. The average of these various heights is considered the antenna height above average terrain.

Antenna Power Gain. The square of the ratio of the root-mean-square free space field intensity produced at 1 mile in the horizontal plane, in millivolts per meter for 1 kilowatt antenna input power to 137.6 mv/m. This ratio should be expressed in decibels (db). (If specified for a particular direction, antenna power gain is based on the field strength in that direction only.)

Effective Radiated Power. The product of the antenna input power and the antenna power gain. This product should be expressed in watts. (If specified in a particular direction, effective radiated power is based on the antenna power gain in that direction only.)

• • • • • •

2. Add a new § 89.102 as follows:

§ 89.102 Availability of frequencies in the band 470–512 Mc/s.

Frequencies in the band 470–512 Mc/s are available for assignment within the 25 largest urbanized areas of the United States as specified in paragraphs (a) through (f) of this section. Frequencies within this band will be assigned subject to the rules of this part and under the conditions and limitations contained in this section.

(a) Stations may be authorized only that combination of effective radiated power and antenna height above average terrain (both are defined in § 89.3) so as to produce a maximum radiated field that is at least 50 db below 64 dbu at the Grade B contour of the nearest cochannel television broadcast station or community assignment and that does not exceed 64 dbu at the Grade B contour of the nearest adjacent channel television broadcast station or community assignment in accordance with § 73.606 of this chapter.

(c) A television broadcast station or community assignment is cochannel if the frequency of a land mobile station falls within the television channel and is adjacent when the frequency of a land mobile station falls within the immediately adjacent television channel. The frequencies encompassed by each of the numerical television designators are set forth in § 73.603 of this chapter.

(d) The maximum permissible effective radiated power and antenna height above average terrain for a station authorized under this section may be determined from the table below:

TABLE OF LAND MOBILE/UHF TV SEPARATIONS VS. POWER/ANTENNA HEIGHT

	LM Power (ERP) (in watts)		400	200	100	50	25	100	50	20	10	5	100	5
	LM Antenna Height (AAT) (in feet)		200	200	200	200	200	800	800	800	800	800	50	6
ZONE I	Cochannel (in mi.)		127	117	107	97	90	94	87	79	70	61	61	51
	Adjacent channel (in mi.)		49	48	47	47	46	45	45	44	44	44	44	44
ZONE II and III	Cochannel (in mi.)		139	129	119	109	101	96	89	82	78	73	68	63
	Adjacent channel (in mi.)		61	60	59	58	58	57	57	56	56	56	56	56

The distance between a land mobile base station or land mobile operating area and the nearest cochannel or adjacent channel UHF TV station must equal or exceed the distances indicated in the table.

(e) Land mobile frequencies will be assigned on a 25 kc/s channel basis commencing 37.5 kc/s from the high end of each television channel, with alternate channels assigned first. Frequency bands available in specific areas are as indicated below:

Urbanized area	Frequency (Mc/s)	Power (ERP)	Antenna (AAT)	Zone	Class of stations	Limitations
New York-Northeastern New Jersey	470–476	400	200	1	Base	(1)
	476–482	400	200		Mobile	(2)
	482–488	400	200		Base	(1)
	488–494	400	200		Mobile	(2)
Los Angeles-Long Beach, Calif	470–476	50	20	1	Base	(1)
	476–482	50	20		Mobile	(2)
	482–488	100	200	2	Base	(1)
	488–494	100	200		Mobile	(2)
Chicago-Northwestern Indiana	470–476	5	6	1	Base	(1)
	476–482	25	200		Mobile	(2)
	482–488	50	50	1	Base	(1)
	488–494	50	50		Mobile	(2)
Philadelphia, Pa.-New Jersey	470–476	50	50	1	Base-Mobile	(1)
	476–482	200	200		Mobile	(2)
	500–506	20	50	1	Base	(1)
	506–512	200	50		Mobile	(2)
Detroit, Mich	470–482	20	200	1	Base	(1)
	482–488	400	200		Mobile	(2)
	488–494	400	200		Base	(1)
	494–500	400	200		Mobile	(2)
San Francisco-Oakland, Calif	488–494	100	200	2	Mobile	(2)
	494–500	400	200		Base	(1)
Boston, Mass	494–500	50	200	1	Mobile	(2)
	500–506	400	200		Base	(1)
	506–512	100	200	1	Base-Mobile	(1)
Washington, D.C.-Maryland-Virginia	482–488	100	200	1	Mobile	(2)
	488–494	400	200		Base	(1)
Pittsburgh, Pa	494–500	400	200		Base-Mobile	(1)
	500–506	100	200	1	Base-Mobile	(1)
	506–512	5	6		Mobile	(2)
Cleveland, Ohio	470–476	400	200		Base	(1)
	476–482	10	50	1	Mobile	(2)
	482–488	5	6		Mobile	(2)
	488–494	100	200		Base	(1)

[1] Pair, uniform base-mobile separation in any area.
[2] Lower ½ for base; upper ½ for mobile.

(f) In determining the average elevation of the terrain, the elevations between 2 and 10 miles from the antenna site are employed. Profile graphs shall be drawn for eight radials beginning at the antenna site and extending 10 miles therefrom. The radials should be drawn for each 45° of azimuth starting with True north. At least one radial should be constructed in the direction of the nearest cochannel and adjacent channel UHF television stations. The profile graph for each radial shall be plotted by contour intervals of from 40 to 100 feet and, where the data permits, at least 50 points of elevation (generally uniformly spaced) should be used for each radial. For very rugged terrain 200 to 400 feet contour intervals may be used. Where the terrain is uniform or gently sloping, the smallest contour interval indicated on the topographic map may be used. The average elevation of the 8-mile distance between 2 and 10 miles from the antenna site should be determined from the profile graph for each radial. This may be obtained by averaging a large number of equally spaced points, by using a planimeter, or by obtaining the median elevation (that exceeded by 50 percent of the distance) in sectors and averaging those values. In the preparation of the profile graphs the elevation or contour intervals shall be taken from U.S. Geological Survey Topographic Quadrangle Maps, U.S. Army Corps of Engineers maps, or Tennessee Valley Authority Maps, whichever is the latest. If such maps are not published for the area in question, the next

* Commissioner Lee's dissenting statement and Commissioner Cox's concurring statement filed as part of the original document.

best topographic information should be used.

3. The table in § 89.103(a) is amended to read as follows:

§ 89.103 Frequency stability.

(a) • • •

Frequency Range	All fixed and base stations	All mobile stations	
		Over 3 watts	3 watts or less
Mc/s	*Percent*	*Percent*	*Percent*
Below 25	0.01	0.01	0.02
25 to 50	.002	.002	.005
50 to 450	[1].0005	.0005	.005
450 to 950	[2].00025	.0005	[2].0005
Above 950	(3)	(3)	(3)

• • • • • •

4. Amend the table in § 89.107(b)(2) to read as follows:

§ 89.107 Emission limitations.

• • • • • •

(b) • • •
(2) • • •

Frequency band (Mc/s)	Authorised bandwidth (kc/s)	Frequency deviation (kc/s)
25 to 50	20	5
50 to 360	[1]30	[1]5

• • • • • •

[F.R. Doc. 68-9070; Filed, July 31, 1968; 8:45 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 418]

LENGTH OF EXTENSION LADDERS

Deceptive Advertising and Labeling

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41 et seq., and the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.11, et seq., has initiated a proceeding for the promulgation of a Trade Regulation Rule regarding the failure of manufacturers and other marketers of extension ladders to clearly and conspicuously disclose in advertising and labeling, the length of these ladders in an undeceiving manner.

The Commission has initiated this proceeding, having reason to believe that:

(1) Manufacturers and other marketers engaged in the sale of extension ladders in commerce, as "commerce" is defined in the Federal Trade Commission Act, have represented the sizes or lengths of their products by stating the total combined lengths of the component sections thereof, e.g., a 20-foot ladder would consist of two 10-foot long sections;

(2) For strength and safety purposes, there must be an overlapping of the sections of an extension ladder, and when fully extended and placed in position for use, footage is lost in such overlapping;

(3) The length of an extension ladder, when fully extended and positioned for use, is invariably less than the combined lengths of the component parts;

(4) Such manufacturers and other marketers do not disclose the length of their products when positioned for use;

(5) This practice has the capacity and tendency (a) to mislead and deceive purchasers into believing that the represented size is the maximum usable length of the ladder whereas the maximum usable length is in fact substantially smaller, and (b) to divert business from competitors who clearly disclose length minus overlapping; and that therefore,

(6) This practice constitutes an unfair method of competition in commerce and and unfair and deceptive act or practice in commerce, in violation of section 5 of the Federal Trade Commission Act.

Accordingly, the Commission now proposes the following Trade Regulation Rule:

§ 418.1 The Rule.

In connection with the sale or offering for sale of extension ladders in commerce, as "commerce" is defined in the Federal Trade Commission Act, any representation as to length, in advertising, labeling, marking, or otherwise, which exceeds the maximum safe useable length of such ladders when extended and placed into position for use, constitutes an unfair method of competition and an unfair deceptive act or practice.

All interested persons, including the consuming public, are hereby notified that they may file written data, views, or arguments concerning the proposed rule set forth above in this notice, with the Chief, Division of Trade Regulation Rules, Bureau of Industry Guidance, Federal Trade Commission, Sixth Street at Pennsylvania Avenue NW., Washington, D.C. 20580, not later than September 30, 1968. To the extent practicable, such written data, views, or arguments should be filed in duplicate.

All interested parties are given notice of opportunity to orally present data, views, or arguments with respect to the proposed rule at a hearing to be held at 10 a.m., e.d.t., on October 9, 1968, in Room 532 of the Federal Trade Commission Building, Washington, D.C.

The data, views, or arguments presented orally or in writing with respect to the proposed rule will be available for examination by interested parties at the office of the Federal Trade Commission, Washington, D.C., and will be considered by the Commission in the establishment of a Trade Regulation Rule.

All persons, firms, corporations, or others engaged in the manufacture, sale, or distribution of extension ladders in commerce as "commerce" is defined in the Federal Trade Commission Act, would be subject to the requirements of any Trade Regulation Rule promulgated in the course of this proceeding.

Where a Trade Regulation Rule is relevant to any issue involved in an adjudicative proceeding thereafter instituted, the Commission may rely upon the rule to resolve such issue, provided that the respondent shall have been given a fair hearing on the applicability of the rule to the particular case.

Trade Regulation Rules express the experience and judgment of the Commission, based on facts of which it has knowledge derived from studies, reports, investigations, hearings, and other proceedings, or with official notice, concerning the substantive requirements of the statutes which it administers.

The labeling, advertising, and sale promotional material of manufacturers and other marketers of extension ladders indicate that the practice which would be prohibited by the proposed rule is widespread in the industry. This proceeding is designed to inform all industry members of their obligations under the law and assure equitable treatment in complying therewith.

Manufacturers and other marketers of extension ladders and other interested parties, including the purchasing public are urged to express their approval or disapproval of the proposed rule, or to recommend revisions thereof, and to give a full statement of their views.

Issued: July 31, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-9104; Filed, July 31, 1968; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-1542]

IDAHO

Notice of Classification of Public Lands for Multiple-Use Management; Correction

JULY 26, 1968.

1. In F.R. Doc. 68-7664, filed June 27, 1968, appearing on page 9513 of the issue for June 28, 1968, the S½ of sec. 25, T. 6 S., R. 22 E., in sentence 4 of paragraph 2, should be corrected as follows:

E½, sec. 25, T. 6 S., R. 22 E.

2. In the same document on page 9514, the following correction should be made to the land description in sec. 1 of T. 1 S., R. 22 E.:

T. 1 S., R. 22 E., Sec. 1, lot 1 and S½SE¼.

JOE T. FALLINI, *State Director.*

[F.R. Doc. 68-9165; Filed, July 31, 1968; 8:45 a.m.]

[New Mexico 7206]

NEW MEXICO

Notice of Proposed Classification of Public Lands for Transfer Out of Federal Ownership

JULY 26, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify the public lands described below for transfer out of Federal ownership as hereinafter specified.

2. This proposal has been discussed with State and local government officials, BLM advisory board and general public. Public meetings were held June 5, 1968 in Cuba, New Mexico and June 6, 1968 in Abiquiu, N. Mex. A public hearing on the proposed classification will be held at 1 p.m. on August 15, 1968 in the All-Purpose Room, Cuba High School, Cuba, N. Mex.

3. It is proposed to classify the lands described below for transfer out of Federal ownership. Priority for disposals will be given to applications for (a) State grants and indemnity selections (43 U.S.C. 851, 852); (b) exchanges for transfer out of Federal ownership under section 8 of the Taylor Grazing Act (43 U.S.C. 315g); (c) public uses and development under the act of June 14, 1926 (44 Stat. 741) as amended (43 U.S.C. 869); and (d) public sales under section 2455 of Revised Statutes (43 U.S.C. 1171).

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 N., R. 1 E.,
Sec. 5, lots 1, 6, 7, 8, SE¼NE¼, SW¼NW¼, W½SW¼, SE¼SW¼, and NE¼NW¼ SE¼;
Sec. 8, lots 1, 2, W½NW¼ and E½SW¼.
T. 21 N., R. 1 W.,
Sec. 8, SW¼SW¼;
Sec. 18, SW¼NE¼ and N½SE¼.
T. 23 N., R. 1 W.,
Sec. 3, N½;
Sec. 4, E½ and E½SW¼;
Sec. 8, NE¼, N½SE¼, and SW¼SE¼;
Sec. 9, NW¼ and N½SW¼.
T. 24 N., R. 1 W.,
Sec. 21, SW¼SW¼;
Sec. 23, S½;
Sec. 26, N½N½;
Sec. 27, NE¼, NE¼NW¼, S½NW¼, and SW¼;
Sec. 28;
Sec. 29, E½NE¼, SW¼NE¼, and SE¼;
Sec. 33, E½;
Sec. 34, W½.
T. 24 N., R. 2 W.,
Sec. 20, S½;
Sec. 21, S½;
Sec. 22, S½NE¼ and S½;
Sec. 23, NE¼NE¼, S½N½, and S½;
Sec. 24.
T. 25 N., R. 2 W.,
Sec. 6, lot 1.
T. 26 N., R. 2 W.,
Sec. 3, lots 1, 2, 3, 4, S½N½, SW¼, and N½SE¼;
Sec. 4, lots 1, 2, S½NE¼, E½SW¼, and SE¼;
Sec. 7, lot 4;
Sec. 8, E½ and SW¼;
Sec. 9, W½E½ and W½;
Sec. 17;
Sec. 18, lots 1, 2, 3, and 4;
Sec. 19, lots 1, 2, 3, and 4;
Sec. 20, W½W½;
Sec. 29, W½W½;
Sec. 30, lots 1, 2, 3, and 4;
Sec. 31, lots 1, 2, 3, and 4.
T. 24 N., R. 3 W.,
Sec. 3, SW¼;
Secs. 4 and 5;
Sec. 6, lots 1 to 6, inclusive, S½NE¼ and SE¼;
Sec. 7, lots 1, 2, and NE¼;
Sec. 8, NW¼;
Sec. 10.
T. 25 N., R. 3 W.,
Sec. 1, lots 1, 2, 3, 4, SW¼NE¼, S½NW¼, and W½SE¼;
Sec. 5, lots 3 and 4;
Sec. 6, lot 1;
Sec. 11;
Sec. 12, W½;
Secs. 14 and 15;
Sec. 16, SE¼;
Secs. 19, 20, 21, 22, 28, 29, 30, and 31;
Sec. 32, NW¼NE¼, S½NE¼, W½, and SE¼.

The areas described above aggregate 21,871.66 acres.

4. It is proposed to classify the public lands described below for transfer out of Federal ownership. Priority for disposals will be given to (a) state grants and indemnity selections (43 U.S.C. 851, 852); (b) exchange under Section 8 of the Taylor Grazing Act (43 U.S.C. 315g); (c) public uses and development under the act of June 14, 1926 (44 Stat. 741) as amended (43 U.S.C. 869); (d) public sales under section 2455 of Revised Statutes (43 U.S.C. 1171) and (e) any other appropriate land law except the agricultural land laws (43 U.S.C. Parts 7 and 9, and 25 U.S.C. 334).

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 N., R. 1 E.,
Sec. 6, lots 2, 7, S½NE¼, SE¼SW¼, and SE¼.
T. 24 N., R. 1 E.,
Sec. 16, NW¼SW¼ and E½SE¼, excluding HES 214;
Sec. 21, lot 5 and NE¼NW¼;
Sec. 28, NE¼NE¼, exclusive of HES 215, SE¼NE¼, and E½SE¼.
T. 21 N., R. 1 W.,
Sec. 4, lots 1, 2, 3, and 4;
Sec. 9, SE¼SW¼;
Sec. 14, lots 1, 2, 3, and 4;
Sec. 15, lots 1, 3, and NE¼NE¼;
Sec. 17, lots 3, 6, and 7;
Sec. 26, SE¼NE¼, E½SE¼, and SW¼SE¼;
Sec. 31, lots 10 and 11;
Sec. 34, lots 7 and 8;
Sec. 35, lot 7.
T. 22 N., R. 1 W.,
Sec. 4, N½NE¼SW¼, N½S½NE¼SW¼, SE¼SW¼NE¼SW¼, S½SE¼NE¼SW¼, E½NE¼NW¼SW¼, NW¼NE¼NW¼SW¼, N½NW¼NW¼SW¼, NE¼SE¼NW¼SW¼, S½SW¼SW¼, and N½SE¼;
Sec. 5, N½N½NE¼SE¼, NW¼SW¼SE¼, N½N½NW¼SE¼, S½NW¼NW¼SE¼, SW¼NW¼SE¼, and S½S½SE¼;
Sec. 7, SW¼SW¼SE¼SE¼ and E½SW¼SE¼SE¼;
Sec. 8, NW¼NW¼NW¼SW¼;
Sec. 17, E½NE¼, NW¼NE¼, NE¼NW¼, N½NE¼SW¼, N½S½NE¼SW¼, S½SE¼NE¼SW¼, S½NW¼SW¼SW¼, S½SW¼SW¼, N½SE¼SE¼, N½S½SE¼SE¼, and S½SW¼SE¼SE¼;
Sec. 20, SW¼NE¼NE¼, W½SE¼NE¼, W½E½SE¼NE¼, and E½SE¼SE¼NE¼;
Sec. 28, lots 1, 2, 3, and S½NW¼;
Sec. 29, lots 2, 3, SE¼NE¼, N½NW¼, and W½SW¼;
Sec. 30, NE¼NE¼;
Sec. 31, lots 2 and 3;
Sec. 33, lots 5, 6, NW¼SE¼, and S½S½.
T. 23 N., R. 1 W.,
Sec. 1, lot 1 and SE¼SW¼;
Sec. 5, lot 1, S½NE¼, SW¼, and N½SE¼;
Sec. 8, NW¼NW¼;
Sec. 11, NE¼NE¼ and S½NE¼;
Sec. 16, SW¼SW¼;
Sec. 21, NW¼ and W½SW¼.
T. 24 N., R. 1 W.,
Sec. 1, lots 3, 4, and S½NW¼;
Sec. 10, E½NE¼, NE¼SE¼, and SW¼SE¼;
Sec. 11, NW¼;
Sec. 15, NW¼NE¼ and N½NW¼;
Sec. 21, NE¼NW¼ and S½NW¼.
T. 25 N., R. 1 W.,
Sec. 36, E½SE¼ and SW¼SE¼.
T. 24 N., R. 2 W.,
Sec. 3, lot 1;
Sec. 8, E½NE¼ and NW¼NE¼;
Sec. 9, NW¼NE¼;
Sec. 14, SW¼NE¼;
Sec. 17, S½SW¼;
Sec. 18, NW¼ and S½SE¼;
Sec. 20, W½NE¼ and NW¼;
Sec. 30, SE¼NW¼.

T. 25 N., R. 2 W.,
Sec. 3, lots 1, 2, 3, S½NE¼, SE¼NW¼, SW¼, NE¼SE¼, and W½SE¼;
Sec. 9, N½NE¼;
Sec. 10, NW¼NW¼ and NE¼SW¼;
Sec. 23, SW¼;
Sec. 24, N½.
T. 26 N., R. 2 W.,
Sec. 13, SE¼SW¼ and S½SE¼;
Sec. 23, NE¼SW¼ and W½SW¼;
Sec. 24, N½NE¼;
Sec. 25, NE¼SW¼;
Sec. 26, NW¼NW¼;
Sec. 27, SE¼NE¼, NE¼SW¼, and SW¼SW¼;
Sec. 33, N½NE¼ and N½SE¼;
Sec. 34, W½NW¼, NW¼SW¼, and SW¼SE¼.
T. 24 N., R. 3 W.,
Sec. 11, E½ and NW¼;
Sec. 12, NW¼NW¼, SW¼, NW¼SE¼, and S½SE¼;
Sec. 13, N½N½;
Sec. 14, N½NE¼ and SE¼;
Sec. 15, SE¼;
Sec. 17, SE¼;
Sec. 18, lots 1, 2, 3, and 4;
Sec. 19, lots 1, 2, 3, and 4;
Sec. 22, E½;
Sec. 27, E½;
Sec. 31, lots 3, 4, and NE¼;
Sec. 34, E½.
T. 25 N., R. 3 W.,
Sec. 3, lots 3, 4, and SW¼NW¼;
Sec. 33, S½SE¼.

The lands described above aggregate 10,485.71 acres.

5. Publication of this notice segregates the affected lands from all forms of disposal under the public land laws, including the mining laws, except the form or forms of disposal for which it is proposed to classify the lands. However, publication does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws.

6. The public lands affected by this proposed classification are shown on maps on file and available for inspection in the Albuquerque District Office, 1304 Fourth Street NW., Albuquerque, N. Mex. 87107, and in the Land Office, Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex. 87501. The lands are located in Sandoval and Rio Arriba Counties, N. Mex.

7. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, 1304 Fourth Street NW., Albuquerque, N. Mex. 87107.

W. J. ANDERSON,
State Director.

[F.R. Doc. 68-9166; Filed, July 31, 1968; 8:45 a.m.]

[OR 3051]

OREGON

Notice of Classification of Public Lands for Multiple-Use Management

JULY 26, 1968.

1. Pursuant to the act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, the public lands within the areas described in paragraph 3 are hereby classified for multiple-use management. Publication of this notice has the effect of segregating the lands described in paragraph 3 from appropriation only under the agricultural land laws (43 U.S.C., Chs. 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171), and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No adverse comments were received following publication of the notice of proposed classification (33 F.R. 5051 of Mar. 27, 1968), or at the public hearing at Baker, Oreg., which was held on Apr. 2, 1968. Therefore, no changes have been made in the list of lands included in this classification, except that the Mar. 27, 1968 notice of proposed classification (33 F.R. 5051) contained in error certain lands which are already included in the Whitman National Forest. These lands are not included in this notice, but are listed in a separate notice of termination. The record showing the comments received and other information is on file and can be examined in the Baker District Office, Baker, Oreg., and in the Land Office, Bureau of Land Management, 729 Northeast Oregon Street, Portland, Oreg.

3. As provided in paragraph 1 above, the public lands affected by this classification are located within the following described areas and are shown on a map designated "OR 3051, 2411.2:36–060: Mar. 1968" on file in the Baker District Office, Bureau of Land Management, Baker, Oreg., and the Land Office, Bureau of Land Management, 729 Northeast Oregon Street, Portland, Oreg. The description of the areas is as follows:

WILLAMETTE MERIDIAN

WALLOWA COUNTY

T. 5 S., R. 48 E.,
Secs. 25, 34, 35, and 36.
T. 5 S., R. 49 E.,
Sec. 30.

BAKER COUNTY

T. 6 S., R. 46 E.,
Secs. 1 to 4, inclusive, secs. 8 to 12, inclusive, secs. 14 to 22, inclusive, and secs. 28 to 33, inclusive.
T. 7 S., R. 40 E.,
Sec. 1, secs. 11 to 14, inclusive, secs. 20, 21, 22, W½SW¼ sec. 26, secs. 27, 28, 33, and 34.
T. 7 S., R. 41 E.,
Secs. 16 to 21, inclusive, S½ sec. 22, S½ sec. 23, secs. 26 to 29, inclusive, and secs. 31 to 35, inclusive.
T. 7 S., R. 42 E.,
Secs. 17, 20, S½ sec. 23, S½ sec. 24, secs. 25 to 28, inclusive, and secs. 30 to 35, inclusive.
T. 7 S., R. 43 E.,
W½ sec. 28 and secs. 29 to 33, inclusive.
T. 7 S., R. 47 E.,
Secs. 25 and 36.
T. 7 S., R. 48 E.,
Secs. 4 to 8, inclusive, secs. 17 to 22, inclusive, and secs. 27 to 34, inclusive.
T. 8 S., R. 38 E.,
Secs. 9, 10, 11, 14, 15, 16, 21, SW¼NE¼, NW¼, N½SW¼, W½SE¼ sec. 22, and sec. 28.
T. 8 S., R. 41 E.,
Sec. 3, secs. 5 to 8, inclusive, secs. 10, 11, 13, 14, 15, 17, 18, secs. 22 to 26, inclusive, and secs. 32 to 36, inclusive.
T. 8 S., R. 42 E.,
Secs. 1 to 6, inclusive, secs. 8 to 12, inclusive, secs. 14, 15, W½W½, sec. 19, secs. 23, 24, 27, 28, E½NE¼ and SW¼SW¼ sec. 29, S½ sec. 30, sec. 31, NW¼ and S½ sec. 32, secs. 33, 34, and 35.
T. 8 S., R. 43 E.,
Secs. 4 to 10, inclusive, secs. 15 to 30, inclusive, secs. 33, 34, and 35.
T. 8 S., R. 44 E.,
Sec. 25, W½W½ sec. 28, secs. 29 to 33, inclusive, and sec. 36.
T. 8 S., R. 45 E.,
Secs. 20, 21, secs. 25 to 29, inclusive, and secs. 31 to 36, inclusive.
T. 8 S., R. 46 E.,
Secs. 19, 20, 24, 29, 30, 31, 32, 34, and 35.
T. 8 S., R. 47 E.,
Secs. 1, 2, 3, 10, 12, 13, 15, secs. 17 to 20, inclusive, sec. 22, secs. 24 to 30, inclusive, secs. 33, 34, 35, and 36.
T. 8 S., R. 48 E.,
Secs. 4 to 9, inclusive, secs. 17, 18, 19, and 30.
T. 9 S., R. 39 E.,
Sec. 23, SE¼NW¼, NE¼SW¼, sec. 34, secs. 35 and 36.
T. 9 S., R. 41 E.,
Secs. 1 to 8, inclusive, secs. 10 to 13, inclusive, secs. 15 to 21, inclusive, secs. 25 to 29, inclusive, and secs. 32 to 36, inclusive.
T. 9 S., R. 42 E.,
Secs. 1 to 18, inclusive, secs. 20 to 25, inclusive, secs. 27, 28, 33, 34, and 35.
T. 9 S., R. 43 E.,
Secs. 1 to 10, inclusive, and sec. 18.
T. 9 S., R. 44 E.,
Secs. 3, 4, 5, 6, 10, 11, 14, and 15.
T. 9 S., R. 45 E.,
Secs. 1, 2, 4, 5, 6, 7, 8, 12, and secs. 28 to 35, inclusive.
T. 9 S., R. 46 E.,
Secs. 1 to 8, inclusive, secs. 11, 12, 13, 14, 17, 18, and secs. 20 to 34, inclusive.
T. 9 S., R. 47 E.,
Secs. 2, 3, 4, secs. 6 to 11, inclusive, secs. 14, 15, secs. 17 to 21, inclusive, secs. 29 and 30.
T. 10 S., R. 39 E.,
Secs. 1, 2, secs. 10 to 16, inclusive, secs. 21, 22, 25, 27, 28, E½NE¼, sec. 29, and sec. 34.
T. 10 S., R. 41 E.,
Secs. 1, 2, 3, and 4.
T. 10 S., R. 42 E.,
Secs. 1, 2, 3, 4, secs. 7 to 19, inclusive, secs. 21 to 28, inclusive, N½, N½S½ sec. 30, W½NW¼ sec. 33, and secs. 34 to 36, inclusive.
T. 10 S., R. 43 E.,
Secs. 6, 7, 8, secs. 17 to 20, inclusive, secs. 23 to 26, inclusive, secs. 29 to 33, inclusive, and sec. 35.
T. 10 S., R. 44 E.,
Sec. 1, secs. 17 to 21, inclusive, and secs. 27 to 33, inclusive.
T. 10 S., R. 45 E.,
Secs. 2 to 15, inclusive, N½ sec. 22, secs. 23, 24, 26, 35, and 36.
T. 10 S., R. 46 E.,
Secs. 2 to 10, inclusive, sec. 15, secs. 17 to 21, inclusive, and secs. 28 to 33, inclusive.
T. 11 S., R. 37 E.,
SW¼NW¼ sec. 19, SE¼SE¼ sec. 20, N½NW¼, SW¼SE¼ sec. 21, SE¼NE¼, NE¼SE¼ sec. 22, N½NW¼ sec. 27, NW¼NW¼ sec. 29, and SE¼SE¼ sec. 35.

T. 11 S., R. 38 E.,
E½NE¼, N½NW¼, E½SW¼, SE¼ sec. 25, E½NE¼, NW¼NE¼, NW¼NW¼ sec. 26, E½NW¼, NW¼NW¼ sec. 27, secs. 33 and 34.
T. 11 S., R. 39 E.,
Secs. 2, 11, SW¼SW¼ sec. 29, NE¼NE¼, W½NE¼, W½ sec. 30, and sec. 31.
T. 11 S., R. 40 E.,
Sec. 1, secs. 5 to 9, inclusive, NE¼NW¼ sec. 12, S½NE¼, SE¼NW¼, NW¼SE¼ sec. 13, sec. 22, SW¼SE¼ sec. 23, SE¼NW¼ sec. 24, E½NE¼, NW¼NE¼ sec. 26, and W½SW¼, SE¼SE¼ sec. 35.
T. 11 S., R. 41 E.,
Sec. 11, NW¼NW¼, SE¼SW¼ sec. 14, SE¼SW¼ sec. 18, SE¼SE¼ sec. 21, NE¼, E½NW¼, NW¼NW¼, SW¼SW¼, N½SE¼, SE¼SE¼ sec. 22.
Secs. 23 to 27, inclusive, NW¼NE¼, S½N½, S½ sec. 28, S½NE¼, NE¼SW¼, SE¼ sec. 29, NW¼SE¼ sec. 30, SW¼NW¼, SE¼SW¼ sec. 31, E½, SE¼NW¼, E½SW¼ sec. 32, and secs. 33 to 36, inclusive.
T. 11 S., R. 42 E.,
Secs. 1, 8, 9, 11, and secs. 12 to 35, inclusive.
T. 11 S., R. 43 E.,
Secs. 2 to 10, inclusive, secs. 14 to 22, inclusive, and N½ sec. 23.
T. 11 S., R. 44 E.,
Secs. 5, 6, 7, 13, 14, 23, 24, 25, and 36.
T. 11 S., R. 45 E.,
Secs. 1, 3, S½ sec. 4, secs. 9, 10, 11, 12, 14, 15, secs. 18 to 23, inclusive, and secs. 26 to 36, inclusive.
T. 11 S., R. 46 E.,
Secs. 4, 5, 6, 7, 8, 17, 18, 19, and 30.
T. 12 S., R. 36 E.,
SE¼SE¼ sec. 22, secs. 23, 24, and 25.
T. 12 S., R. 37 E.,
SE¼SW¼ sec. 5, SW¼SW¼ sec. 6, NW¼SW¼, NW¼SE¼, E½SE¼ sec. 7, NE¼NE¼, E½NW¼, SW¼SW¼, E½SW½, W½SE¼, NE¼SE¼ sec. 8, sec. 9, secs. 12, 13, 14, 19, 21, 22, 26, 27, 28, 31, and secs. 33 to 36, inclusive.
T. 12 S., R. 38 E.,
Secs. 1, 2, 4, 10, secs. 12 to 15, inclusive, secs. 22, 24, 29, and secs. 31 to 34, inclusive.
T. 12 S., R. 39 E.,
Secs. 5, 6, 7, 9, SW¼, W½SE¼ sec. 10, S½NE¼, NE¼SE¼ sec. 11, SE¼SW¼ sec. 12, secs. 14, 15, 16, 21, 22, and 23.
T. 12 S., R. 40 E.,
NE¼SW¼, SW¼SW¼ sec. 1, NE¼NE¼, S½NE¼, NW¼, SE¼ sec. 12, secs. 14, 15, 21, 22, 23, 24, 26, and 27.
T. 12 S., R. 41 E.,
Secs. 1 to 5, inclusive, W½NW¼, NW¼, E½SE¼ sec. 6, NE¼NE¼, S½N½ sec. 7, secs. 8 to 16, inclusive, secs. 19 to 29, inclusive, and secs. 35 and 36.
T. 12 S., R. 42 E.,
Secs. 2 to 9, inclusive, sec. 15, secs. 18 to 22, inclusive, and secs. 28 to 36, inclusive.
T. 12 S., R. 43 E.,
Secs. 1, 2, 3, secs. 5 to 17, inclusive, secs. 21, 23, 24, 26, 27, 28, and secs. 31 to 35, inclusive.
T. 12 S., R. 44 E.,
Secs. 1, 7, secs. 12 to 29, inclusive, and secs. 31 to 36, inclusive.
T. 12 S., R. 45 E.,
Secs. 1 to 12, inclusive, secs. 14, 15, 18, 19, 20, and secs. 28 to 32, inclusive.
T. 13 S., R. 37 E.,
Secs. 1, 2, 3, secs. 5 to 9, inclusive, secs. 11, 12, 14, 15, 21, 22, 23, 27, and 28.
T. 13 S., R. 38 E.,
Secs. 3 to 9, inclusive, secs. 18, 19, and 20.
T. 13 S., R. 41 E.,
Secs. 1, 2, and 12.
T. 13 S., R. 42 E.,
Secs. 1, 2, 3, secs. 5 to 15, inclusive, and secs. 22 to 25, inclusive.
T. 13 S., R. 43 E.,
Secs. 2 to 16, inclusive, N½ sec. 17, secs. 18, 19, secs. 21 to 28, inclusive, and secs. 32 to 36, inclusive.
T. 13 S., R. 44 E.,
Secs. 1 to 9, inclusive, secs. 11 to 15, inclusive, secs. 17 to 23, inclusive, secs. 26, 27, 29, 30, 35, and 36.
T. 13 S., R. 45 E.,
Secs. 5 to 9, inclusive, secs. 16 to 21, inclusive, and secs. 29 to 32, inclusive.
T. 14 S., R. 43 E.,
Secs. 1, 2, 4, 5, 11, and 12.
T. 14 S., R. 44 E.,
Secs. 1, 2, 5, 6, 12, secs. 15 to 18, inclusive, secs. 21 to 29, inclusive, and secs. 33 to 36, inclusive.
T. 14 S., R. 45 E.,
Secs. 6 to 9, inclusive, secs. 15, 16, 17, 21, 22, 27, and 31.

The areas described aggregate approximately 341,700 acres of public lands.

4. For a period 30 days from the date of publication of this notice in the FEDERAL REGISTER, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.1–2(d)).

ARCHIE D. CRAFT,
State Director.

[F.R. Doc. 68-9167; Filed, July 31, 1968; 8:45 a.m.]

[OR 3051]

OREGON

Notice of Termination of Proposed Classification of Public Lands

JULY 26, 1968.

Notice of a proposed classification of public lands for multiple-use management was published as F.R. Doc. 68-3626 on pages 5051 and 5052 of the issue for March 27, 1968. The proposed classification has been cancelled insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR 2411.2(e)(z)(ii), such lands will be at 10 a.m. on September 3, 1968, relieved of any segregative effect the above-mentioned proposed classification may have had.

The lands involved in this notice of termination are:

WILLAMETTE MERIDIAN

T. 7 S., R. 42 E.,
Sec. 23, N½;
Sec. 24, N½.
T. 7 S., R. 43 E.,
Sec. 28, E½.
T. 8 S., R. 38 E.,
Sec. 22, N½NE¼.
T. 9 S., R. 39 E.,
Sec. 34, SE¼SW¼.
T. 10 S., R. 39 E.,
Sec. 29, SW¼NE¼, W½, and SE¼.
T. 11 S., R. 37 E.,
Sec. 19, NW¼NW¼, W½SW¼, and E½SE¼;
Sec. 20, SW¼SW¼;
Sec. 21, SE¼SE¼;
Sec. 22, N½NE¼, SW¼NE¼, NW¼SE¼, and S½S½;
Sec. 27, N½NW¼;
Sec. 29, SW¼NW¼;
Sec. 35, NE¼NE¼, S½NE¼, NE¼SW¼, and N½SE¼.
T. 11 S., R. 38 E.,
Sec. 25, SW¼NE¼, S½NW¼, and W½SW¼;
Sec. 26, SE¼SE¼;
Sec. 27, NE¼NE¼.
T. 11 S., R. 39 E.,
Sec. 29, W½NW¼;
Sec. 30, SE¼NE¼ and E½SE¼.
T. 11 S., R. 40 E.,
Sec. 12, S½NE¼, W½NW¼, and N½SE¼;
Sec. 13, SW¼SW¼ and SW¼SE¼;
Sec. 23, N½, SW¼, N½SE¼, and SE¼SE¼;
Sec. 24, W½NE¼, SE¼NE¼, N½NW¼, SW¼NW¼, and S½;
Sec. 26, SW¼NE¼, NW¼, and SE¼SE¼;
Sec. 35, E½NE¼, E½SW¼, N½SE¼, and SW¼SE¼.
T. 11 S., R. 41 E.,
Sec. 14, S½NW¼ and N½SW¼;
Sec. 18, N½NE¼;
Sec. 21, E½NE¼, S½SW¼, N½SE¼, and SW¼SE¼;
Sec. 22, SW¼NW¼, N½SW¼, and SE¼SW¼;
Sec. 28, N½NW¼;
Sec. 29, N½NE¼, E½NW¼, W½W½, and SE¼SW¼;
Sec. 30, N½, SW¼, NE¼SE¼, and S½SE¼;
Sec. 31, NE¼, N½NW¼, SE¼NW¼, N½S½, SW¼SW¼, and SE¼SE¼;
Sec. 32, NE¼NW¼ and W½W½.
T. 12 S., R. 36 E.,
Sec. 22, W½ and W½SE¼.
T. 12 S., R. 37 E.,
Sec. 5, S½NW¼, N½SW¼, and SW¼SW¼;
Sec. 6, NE¼NE¼, S½NE¼, SE¼NW¼, N½SW¼, SE¼SW¼, and SE¼;
Sec. 7, N½ and NE¼SW¼;
Sec. 8, W½NW¼ and NW¼SW¼.
T. 12 S., R. 39 E.,
Sec. 10, NE¼;
Sec. 11, N½N½, S½NW¼, and SE¼SE¼;
Sec. 12, N½, N½SW¼, SW¼SW¼, and SE¼.
T. 12 S., R. 40 E.,
Sec. 1, N½, NW¼SW¼, SE¼SW¼, and SE¼;
Sec. 12, NW¼NE¼.
T. 12 S., R. 41 E.,
Sec. 6, SW¼ and W½SE¼;
Sec. 7, NW¼NE¼, N½NW¼, and S½.

ARCHIE D. CRAFT,
State Director.

[F.R. Doc. 68-9168; Filed, July 31, 1968; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 132]

LOAN GUARANTEE PROGRAM

Organization and Functions

The following order was issued by the Secretary of Commerce on July 22, 1968. This material supersedes the material appearing at 28 F.R. 5688 of June 11, 1963.

SECTION 1. *Purpose.* The purpose of this order is to delegate authority and otherwise provide for performance of the loan guarantee functions of the Department of Commerce as a guaranteeing agency under the provisions of section 301 of the Defense Production Act of 1950, as amended, and Part III of Executive Order 10480 of August 14, 1953, as amended.

SEC. 2. *Authority.* .01 Section 301 of the Defense Production Act of 1950, as amended, provides in substance that (a) in order to expedite production and deliveries under Government contracts, the President may authorize certain agencies (including the Department of Commerce) to guarantee any financing institution, public or private, against loss on loans made to finance any contractor or subcontractor, in connection with the performance or termination of any contract deemed by the guaranteeing agency to be necessary to expedite production and deliveries or services for the national defense; (b) any Federal Reserve Bank may act, on behalf of any guaranteeing agency, as fiscal agent of the United States, and be reimbursed by the guaranteeing agency for expenses in acting as agent; (c) the President may issue regulations and prescribe rates of interest, guarantee and commitment fees, and other charges; and (d) each guaranteeing agency may use funds allocated or appropriated for such purposes.

.02 Under Executive Order 10480, as amended, the President designated the Department of Commerce as one of the guaranteeing agencies. He designated the Federal Reserve Banks as fiscal agents for the guaranteeing agencies, and authorized the Board of Governors of the Federal Reserve System after consultation with the guaranteeing agencies, to prescribe necessary regulations.

SEC. 3. *Delegation of authority.* .01 Authority is hereby delegated to the Assistant Secretary of Commerce for Domestic and International Business and, as alternate, the Deputy Assistant Secretary for Domestic Business Policy to exercise the powers and authorities vested in the Secretary of Commerce by section 301 of the Defense Production Act of 1950, as amended, section 302 of Executive Order 10480, as amended, and related regulations which have been or may subsequently be prescribed by the Board of Governors of the Federal Reserve System.

.02 This delegation of authority is made in accordance with the provisions of section 703 of the Defense Production Act of 1950, as amended, and section 602(b) of Executive Order 10480, as amended.

SEC. 4. *Loan Guarantee Advisory Board.* .01 There shall be in the Office of the Secretary a Loan Guarantee Advisory Board which shall be composed of the General Counsel of the Department of Commerce (or his designated representative), the Administrator of the Business and Defense Services Administration (or his designated representative), and, in the case of each proposed loan guarantee, the head of the operating unit having preponderant interest in the procurement contracts for which the financing is required (or his designated representative).

.02 It shall be the function of the Loan Guarantee Advisory Board, after review and analysis of the request for a loan guarantee and the procurement of the necessary Certificates of Eligibility and other documents and clearances, to recommend to the Assistant Secretary of Commerce for Domestic and International Business the action to be taken with respect to each proposed loan guarantee.

.03 The General Counsel, or his designated representative, shall serve as Chairman of the Board. The Office of the General Counsel shall provide the Board with such professional and clerical assistance as may be necessary.

.04 A representative of the Board of Governors of the Federal Reserve System may be invited to meet with the Board as deemed desirable by the Board. Likewise, the Board may from time to time obtain the advice of representatives of other branches of the Government and other persons and may invite such representatives and persons to its meetings.

SEC. 5. *Issuance of instructions.* The Assistant Secretary of Commerce for Administration shall issue any orders, instructions or directives necessary to implement the provisions of this order.

Effective date: July 22, 1968.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 68-9162; Filed, July 31, 1968; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMDAL CO.

Notice of Filing of Petition for Food Additive Erythromycin Thiocyanate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Amdal Co., Agricultural Division, Abbott Laboratories, 14th Street and Sheridan Road, North Chicago, Ill. 60064, proposing that the food additive regulations (21 CFR Part 121, Subpart C) be amended to provide for the safe use of erythromycin (as erthromycin base) for intramuscular injection as follows:

Cattle: For treatment of foot rot, mastitis, metritis, pneumonia (or pneumonia enteritis complex), and shipping fever and stress.

Sheep: For treatment of upper respiratory infections and as an aid in the prevention of dysentery in newborn lambs.

Swine: For treatment of bronchitis, pneumonia, rhinitis, leptospirosis, mastitis, metritis, and bacterial scours (in baby pigs).

Dated: July 23, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-9219; Filed, July 31, 1968; 8:49 a.m.]

FULTS-SANKO

Notice of Filing of Petition for Food Additives Polysorbate 60 (Polyoxyethylene (20) Sorbitan Monostearate), Sorbitan Monostearate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Fults-Sanko, Post Office Box 331, Tulare, Calif. 93274, proposing amendment of the food additive regulations (21 CFR Part 121) to provide for the safe use of polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) in combination with sorbitan monostearate as a wetting agent in steam flaking of grains intended for use in animal feeds.

Dated: July 23, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-9220; Filed, July 31, 1968; 8:49 a.m.]

SHELL CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0739) has been filed by the Shell Chemical Co., a division of Shell Oil Co., 1700 K Street NW., Washington, D.C. 20006, proposing the establishment of a tolerance of 10 parts per million for residues of the insecticide 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate, including its low-melting isomer, in or on apples.

The analytical method proposed in the petition for determining residues of the insecticide, including its low-melting isomer, is a gas-liquid chromatographic procedure using a phosphorus-sensitive thermionic emission detector.

Dated: July 23, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-9221; Filed, July 31, 1968; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 19909, 16080; Order 68-7-124]

AMERICAN AIRLINES, INC.

Carrier Discussions Concerning the Air Freight Rate Structure and Containerization

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 25th day of July 1968.

By application filed May 24, 1968, American Airlines, Inc., (American) requests Board permission to hold carrier discussions for the purpose of reviewing the domestic air freight rate structure and determining whether adjustments in the rates for various types of shipments may be warranted in light of current conditions. American also requests the Board to expand the scope of the containerization discussions which are presently authorized to include certain additional matters.[1] In addition to this latter request of American, the Air Transport Association (ATA) filed a request on June 24, 1968, for authority to renew carrier dicussions involving a review of the containerization program under their current agreements.[2]

American lists seven examples of general areas involving the rate structure which it considers appropriate for discussion, including (1) whether the existing rate structure gives sufficient recognition to the density of shipments, (2) the proper pricing of weight-breaks in the structure, (3) whether the number of pieces, as well as weight and density, should be reflected in the rate, (4) reduced daytime rates, (5) reserved space for shippers, (6) door-to-door service and through rates, and (7) the proper role and number of specific commodity rates.

American notes that the Board has already authorized industry discussions concerning the application of incentive discounts to mixed shipments in containers and requests the Board to broaden that authority to permit these discussions to include (1) extending container program benefits to air-truck through-rate shipments, (2) whether there should be one base rate for all commodities shipped in containers, (3) additional incentives to high density freight, (4) discounts to shippers who load containers at origin but lack facilities to unload at designation, and (5) registration of containers on an industry basis.

In support of its application, American states that the existing rate structure may not accurately reflect the cost of transporting various types of shipments under present circumstances. It points out that the current structure was developed a number of years ago when air freight shipments were small, were loaded and unloaded by hand, and were carried in piston and combination aircraft. In the interim, there has been a substantial increase in the volume of air freight, ground handling is being automated, and a considerble portion of air freight is being transported in all-cargo turbine-powered aircraft. In addition, the carrier states there is a question whether the existing structure gives sufficient recognition to density differences of shipments, since the existing rates are based primarily upon weight, whereas modern jet aircraft are generally space-limited and not weight-limited.

American also claims that it is difficult for a carrier to make substantial revisions in its rate structure through unilateral action. Furthermore, no single carrier has access to all traffic and cost data which should be considered. Therefore, American states it would be difficult for a single carrier to determine if substantial revisions in the air freight rate structure are appropriate or to implement such a decision.

Trans World Airlines, Inc.,[3] and Braniff Airways, Inc., have filed answers supporting American's application, with respect to discussing the freight rate structure and to expanding the scope of the containerization discussions. United Air Lines, Inc., has supported American only insofar as it sought authorization to discuss the container program.

Upon consideration of the petition, supporting letters, and other relevant factors, the Board has determined to deny permission to hold industry discussions concerning the air freight rate structure. As a general rule, discussions of this nature may be authorized when the Board has sufficient information to evaluate the potential public benefits which may result from concerted carrier action and when it appears that this desirable end cannot be achieved by individual carrier action. However, there is no information before us which demonstrates that intercarrier discussions of the air freight rate structure are required by a serious transportation need or necessary to secure important public benefits. The petition merely notes changes which have occurred in the air freight industry and cites examples of various areas which may be explored. In the absence of a more compelling showing of the problems that the carriers are encountering, and the results which the carriers are seeking to achieve, we cannot assume that the public interest would be served by authorizing these discussions.

We recognize however that there is little of a factual nature known about various areas cited by American, e.g. unit costs of air freight service by shipment size and length of haul, the effect of density and number of pieces on unit costs, the volume of air freight and related revenues by weight break, the distribution of air freight by hour of the day, and the volume of traffic and revenues of air freight carried at specific commodity rates. Industry studies may be helpful in developing facts which may suggest solutions or at least assist the industry and the Board in determining the best approach to various problems. We also recognize that specific problems may exist and that in some situations competitive forces may prevent unilaterial carrier action which would be beneficial to the public and to the industry. For this reason, our denial of American's application will be without prejudice to any further request to discuss problems involving the air freight rate structure within a clearly defined framework.

With respect to American's request to expand the scope of the containerization discussions presently authorized in Docket 16080, the Board has concluded that such discussions may produce desirable results and the carrier's request will be granted. This authority is consistent with that heretofore given in Order E-22190, May 20, 1965. The Board will also approve expansion of these discussions in Docket 16080 to include the question of standard incentive discounts for container shipments regardless of the commodity mix therein, and the establishment of reduced charges for the return transportation of empty containers. However, the Board is not convinced that there is a present need to discuss the actual container rates or the level of rates, and the authority granted by this order is subject to the express limitation that there shall be no discussion of container rates or rate levels. In addition, the Board will grant ATA's request to renew discussions for the purpose of reviewing the containerization program under the currently effective agreement.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 412, and 414 thereof: *It is ordered*, That:

1. The applications of American Airlines, Inc., in Docket 19909 and the Air Transport Association in Docket 16080 to authorize further containerization discussions are granted for a period of 180 days from the date of this order: *Provided however*, That such authority shall not extend to the discussions of rates or rate levels;

2. The application of American Airlines, Inc., in Docket 19909 to authorize discussions of the air freight rate structure is denied without prejudice to any subsequent request which may be filed for this purpose; and

3. The discussions authorized herein shall be subject to the conditions and restrictions heretofore applied to containerization discussions in Order E-26678, April 18, 1968, and the expiration date for the authority granted in that order is extended for a period of 180 days from the date of this order: *Provided however*, That such authority shall not extend to the discussion of rates or rate levels.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-9210; Filed, July 31, 1968; 8:48 a.m.]

CARIBBEAN-ATLANTIC AIRLINES, INC.

Notice of Prehearing Conference Regarding Charter Provisions

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 12, 1968, at 10 a.m., e.d.s.t., in Room 726,

[1] Order E-26678, Apr. 18, 1968, in Docket 16080; this discussion authority is limited to the application of incentive discounts on mixed shipments in containers, and expires 180 days from the date of that order.

[2] This review was contemplated by the Board when these agreements were approved on Feb. 6, 1968 (Order E-26320).

[3] Trans World Airlines, Inc., requests that the discussions include discounts for the return transportation of empty containers.

Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Merritt Ruhlen.

Dated at Washington, D.C., July 29, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 68-9209; Filed, July 31, 1968; 8:48 a.m.]

[Docket No. 19649]

JET FORWARDING, INC., AND HENRY A. PONTES

Notice of Proposed Approval of Application

Application of Jet Forwarding, Inc., and Henry A. Pontes for approval of control and interlocking relationships pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended, Docket 19649.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., July 26, 1968.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER APPROVING CONTROL AND INTERLOCKING RELATIONSHIPS

Issued under delegated authority.

Application of Jet Forwarding, Inc., Henry A. Pontes, for aproval of common control and interlocking relationships under sections 408 and 409 of the Act; Docket 19649.

By amended application filed April 18, 1968, Jet Forwarding, Inc. (Jet), and Henry A. Pontes request approval, pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act), of the control relationships resulting from Mr. Pontes' control of Jet, a domestic and international air freight forwarder of used household goods and Southern California Van and Storage (SoCal) and Queen Van and Storage (Queen).[1] Both SoCal and Queen are intrastate common carriers by motor vehicle in the State of California engaged in the moving and storage of household goods.[2]

Approval is also sought, pursuant to section 409 of the Act, of the interlocking relationships resulting from Mr. Pontes holding the positions of president and director Jet, SoCal, and Queen.

The application states that the above relationships are in the public interest, do not create a monopoly nor tend to restrain trade. In addition, the application states that the same considerations that caused the Board to approve the relationships involving Jet and Pacific are present in the instant case.

No comments relative to the application or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day following such publication, both in accordance with section 408(b) of the Act.[3]

Upon consideration of the foregoing, it is concluded that Jet is an air carrier and that SoCal and Queen are common carriers, both within the meaning of section 408(a) of the Act, that Mr. Pontes exercises control over Jet, SoCal, and Queen and that his common control of the companies is subject to that section. However, it has been further concluded that such a control relationship does not affect a carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and does not restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing and it is concluded that the public interest does not require a hearing. The control relationship is similar to others which have been approved by the Board and does not, essentially, present any new substantive issues.[4] It therefore appears that approval of the control relationships would be consistent with the public interest.[5]

We also find that interlocking relationships within the meaning of section 409 result from the holding by Mr. Pontes of the positions described herein. However, we have concluded that such relationships come within the scope of the exemption from the provisions of section 409 afforded by section 287.2 of the Board's economic regulations. Thus, to the extent that the application requests approval of such relationships, it will be dismissed.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13 and 385.3, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, without hearing, and that the application, to the extent that it requests approval of the aforementioned interlocking relationships, should be dismissed.

Accordingly, it is ordered:

1. That the common control of Jet, SoCal, and Queen by Mr. Pontes be and it hereby is approved; and

2. That, to the extent that approval of interlocking relationships is sought under section 409 of the Act, the application be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

By A. M. ANDREWS,
Director,
Bureau of Operating Rights.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-9211; Filed, July 31, 1968; 8:48 a.m.]

[1] Mr. Pontes owns 78.7 percent of the stock of Jet. Both SoCal and Queen were acquired and are wholly owned by Pacific Van and Storage (Pacific) which in turn is wholly owned by Mr. Pontes. The control and interlocking relationships involving Mr. Pontes, Jet and Pacific were approved by Board Order E-21836 Feb. 24, 1965.

[2] The application states, however, that since Dec. 31, 1967, Queen has been inactive.

[3] It has been concluded that exceptional circumstances exist within the meaning of The Sherman Doctrine, and that there is no impediment to the processing of the application on its merits.

[4] Order E-21836, Feb. 24, 1965.

[5] As was noted in Order E-21836, Jet's operating authorizations are restricted to the movement of used household goods. Approval of the instant application is not, in any way, intended to alter that restricted authority.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18128; FCC 68-756]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Regarding Tariff Investigation

In the matter of American Telephone and Telegraph Co., Long Lines Department, revisions of Tariff FCC No. 260, private line services, Series 5000 (TEL PAK); Docket No. 18128.

1. By order adopted April 10, 1968, and released April 12, 1968 (FCC 68-388), the Commission instituted an investigation, pursuant to section 204 of the Communications Act of 1934, as amended, into the lawfulness of revised tariff schedules filed by American Telephone and Telegraph Co. (A.T. & T.) on March 25, 1968, under its Transmittal No. 10069, which would effectuate substantial increases in TEL PAK rates. Further, in that order, the effective date of the proposed tariff schedules was suspended from June 1, 1968, to September 1, 1968—the full 3-month period beyond the time when it would otherwise go into effect—as authorized by section 204 of the Act.

2. Similarly revised TELPAK tariff schedules were originally filed by The Western Union Telegraph Co. (Western Union) in its Tariff FCC No. 237 on March 1, 1968, under its Transmittal No. 6186, to become effective April 1, 1968; the effective date of the revised schedules was deferred until June 1, 1968, by Western Union under Transmittal No. 6193 (filed Mar. 27, 1968); the effective date was again deferred, this time until September 1, 1968, under Transmittal No. 6213 (filed May 21, 1968). In view of the deferral of the effective date until September 1, 1968, the same date that the suspension expires and A.T. & T.'s TEL PAK revisions become effective, there was no occasion to suspend Western Union's revised TELPAK schedules.

3. By order adopted July 11, 1968, and released July 16, 1968 (FCC 68-711), the Commission instituted an investigation and hearing into the lawfulness of charges by A.T. & T. for private line services in general, including charges for teletypewriter station equipment. The investigation of A.T. & T.'s TELPAK rates ordered in the April 12, 1968 order (FCC 68-388) was included in the private line investigation. In the same order, the Commission suspended the revised tariff schedules increasing A.T. & T.'s charges for teletypewriter station equipment for the full 3-month period authorized by section 204 of the Act—from the proposed effective date of August 1, 1968, until November 1, 1968.

4. In view of our investigation of A.T. & T.'s revised TELPAK schedules and the expansion of that investigation to include A.T. & T.'s private line schedules in general, and as Western Union has similarly revised TELPAK schedules and has revised tariff schedules increasing its charges for teleprinter station equipment (the equivalent of A.T. & T. teletypewriter station equipment), and is otherwise competitive with A.T. & T. in private line tariff offerings, the same questions are raised as to the lawfulness of the equivalent Western Union tariffs. Therefore, it is the view of the Commission that the lawfulness of the Western Union private line charges, including charges for Western Union TELPAK and the teleprinter station equipment, should also be determined and that the effective date for the revised tariff schedules for Western Union teleprinter station equipment should be suspended from the proposed August 1, 1968, date until November 1, 1968.

5. *Accordingly, it is ordered,* That, pursuant to sections 201, 202, 204, 205, and 403 of the Communications Act of 1934, as amended, the hearing and investigation in Docket No. 18128 concerning the lawfulness of the private line tariff schedules of American Telephone and Telegraph Co. shall include like schedules of The Western Union Telegraph Co. in its Tariff FCC No. 237, and that the issues heretofore specified in that docket shall apply with equal force to the tariff schedules of The Western Union Telegraph Co.

6. *It is further ordered,* That pursuant to section 204 of the Communications Act of 1934, as amended, the operation of the tariff schedules listed in the Appendix hereto[1] as becoming effective August 1, 1968, is hereby suspended, unless otherwise ordered by the Commission, until November 1, 1968, and that during said period of suspension no changes shall be made in said tariff schedules or in the charges sought to be altered thereby unless authorized by special permission of the Commission.

7. *It is further ordered,* That, in the event a decision as to the lawfulness of all the provisions suspended has not been made during the suspension period, and said increased charges, practices, classifications, and regulations go into effect, The Western Union Telegraph Co. shall, as provided in section 204 of the Communications Act of 1934, as amended, and until further ordered by the Commission, keep accurate account of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts are paid, and upon completion of the hearing and decision therein, the Commission may by further order require the refund thereof, with interest, pursuant to section 205 of the Act, and the carrier shall file with the Commission a report on or before the 10th day of each calendar month, commencing December 10, 1968, showing the amounts accounted for as aforesaid during the previous calendar month;

8. *It is further ordered,* That a copy of this order be filed in the offices of the Commission with said tariff schedules herein suspended; that Western Union is hereby made party respondent to this proceeding; and that a copy hereof be served upon such respondent, upon the agency of each State and the District of Columbia which has regulatory jurisdiction with respect to communications rates and services and the National Association of Regulatory Utility Commissioners.

Adopted: July 24, 1968.

Released: July 29, 1968.

FEDERAL COMMUNICATIONS COMMISSION[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-9214; Filed, July 31, 1968; 8:49 a.m.]

[1] Filed as part of the original document.

[1] Chairman Hyde absent; Commissioner Cox abstaining from voting.

[Docket Nos. 17681, 17682; FCC 68M-1097]

LIBERTY TELEVISION AND MEDFORD PRINTING CO.

Order Scheduling Hearing

In re applications of Liberty Television, a joint venture comprised of Liberty Television, Inc., and Siskiyou Broadcasters, Inc., Medford, Oreg., Docket No. 17681, File No. BPCT-3858; Medford Printing Co., Medford, Oreg., Docket No. 17682, File No. BPCT-3859; for construction permit for new television broadcast station (Channel 8).

A hearing conference having been held on July 24, 1968;

It is ordered, That hearing herein shall resume on September 23, 1968, at 10 a.m., in the offices of the Commission at Washington, D.C.

Issued: July 24, 1968.

Released: July 25, 1968.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-9215; Filed, July 31, 1968; 8:49 a.m.]

[Docket No. 18263; FCC 68-750]

INTERNATIONAL TELEGRAPH REGULATIONS

Notice of Inquiry

In the matter of revision of the Telegraph Regulations (Geneva Revision, 1958) annexed to the International Telecommunications Convention (Montreux, 1965).

1. The International Telegraph Regulations (Geneva Revision, 1958), which are annexed to the International Telecommunication Convention (Montreux, 1965),[1] contain provisions, particularly operating provisions, which many administrations believe should be transferred from the Telegraph Regulations and became the subject of recommendations (which do not have treaty effect) issued by the ITU's International Telephone and Telegraph Consultative Committee (CCITT). Those supporting this approach do so because, among other things, they believe that the transferred material can more easily be kept current in reflecting modern telegraph practice as recommendations than as regulations since the CCITT meets more often than do Administrative Telegraph and Telegraph Conferences at which regulations are revised.

2. Thus, the Plenipotentiary Conference of the ITU held at Montreux in 1965 to revise the basic Convention, adopted its Resolution No. 36, which instructed the CCITT:

1. To ascertain which provisions of the Telegraph [and Telephone] Regulations are, or could be, the subject of CCITT recommendations and could accordingly be omitted from the regulations; and

2. To submit proposals for this purpose to the next Plenary Assembly of the CCITT.

After consideration and approval by the CCITT Plenary Assembly, the proposal for simplification shall be submitted to the next world administrative conference dealing with telegraph [and telephone] questions.

3. This question is now being considered by CCITT Study Group I which, at its Melbourne meeting in 1968 assigned the matter to a working party. The working party has met twice, and the study group has considered the progress so far made. The matter will be further discussed this next September–October, on the occasion of the CCITT Plenary Conference at Argentina, which is to consider, among other things, the report on the matter by Study Group I.

4. The United States has thus far taken the position that it agrees to the transfer of those provisions in the Regulations relating to operating matters, but that provisions more directly affecting the public, such as those relating to charges, should be retained. This position was conveyed to Study Group I in writing (see Attachment 1)[2], and was followed by the United States at meetings of Study Group I and its Working Party on revision of the Telegraph Regulations. A copy of the draft text (prepared by the CCITT Secretariat) of the Telegraph Regulations as revised by the Working Party at its second meeting in 1967 is annexed hereto (Attachment 2).[2] This draft substantially agrees with the United States position.

5. However at the most recent meetings on this matter in March and April 1968, several administrations have taken the view that the draft should be further revised, proposing that regulations concerning optional services should be

[1] The United States is a signatory to both treaties. Treaties and other International Acts Series 4390 and 6267, respectively.

[2] Filed as part of the original document.

[2] Minor revisions were made to this document in Spring 1968. Filed as part of the original document.

transferred to the recommendations. The Working Party took note of these views, as did Study Group I, but deferred a decision to the CCITT Plenary Assembly meeting this fall in Argentina.

6. The proposals are contained in Contributions Nos. 60 and 61, submitted by Sweden and Australia, respectively. These are attached hereto as Attachments 3 and 4.[1] Since both proposals relate to removal from the regulations of matter affecting the obligations of a telegraph carrier in furnishing service to the public, the Commission, before advising the Department of State on a United States position to be taken at the forthcoming meetings, desires to afford all interested persons an opportunity to submit their views.

7. Accordingly, pursuant to section 403 of the Communications Act, an inquiry is instituted into the matters set forth above. Persons wishing to comment may do so in writing and should file such comments by August 16, 1968.

Adopted: July 22, 1968.

Released: July 25, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-9213; Filed, July 31, 1968; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

HAMBURG-AMERIKA LINIE AND NORDDEUTSCHER LLOYD

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 809; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. F. J. Barry, General Traffic Department, United States Navigation Co., Inc., 17 Battery Place, New York, N.Y. 10004.

Agreement No. 7825-2, between Hamburg-Amerika Linie and Norddeutscher Lloyd modifies the basic agreement to provide that the parties may advertise their respective containership services in the name of Hapag/Lloyd Container Linien (Hapag/Lloyd Container Lines) or alternatively, Hapag/Lloyd. These trade names may be used in advertisements, circulars, documents on ships and container equipment.

Dated: July 29, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-9222; Filed, July 31, 1968; 8:49 a.m.]

MARSEILLES NORTH ATLANTIC U.S.A. FREIGHT CONFERENCE

Notice of Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application to modify an approved exclusive patronage (dual rate) contract filed by:

Mr. Guy L. Retournat, Secretary, Marseilles North Atlantic U.S.A. Freight Conference, 10, Place de la Joliette, Marseilles, 2, France.

There has been filed on behalf of the Marseilles North Atlantic U.S.A. Freight Conference (Agreement No. 5660, as amended) an application to modify its form of merchant's contract pursuant to section 14b of the Shipping Act, 1916. The proposed contract modification adds currency devaluations to those conditions beyond the control of the Conference under which it may suspend the effectiveness of the contract or increase any rate or rates affected thereby in order to meet such conditions on not less than 15 days written notice to the Merchant who retains the right to notify the Conference in writing of his intent to suspend the contract insofar as such increase is concerned.

Dated: July 29, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-9223; Filed, July 31, 1968; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP68-106]

OHIO FUEL GAS CO.

Notice of Petition To Amend

JULY 25, 1968.

Take notice that on July 15, 1968, The Ohio Fuel Gas Co. (Petitioner), 99 North Front Street, Columbus, Ohio 43215, filed in Docket No. CP68-106 a petition to amend the order of the Commission issued in said docket on February 20, 1968, by deleting certain facilities authorized therein and authorization for the construction and operation of additional facilities on its existing transmission system in the State of Ohio to enable Petitioner to provide increased capacity to serve the growing requirements of existing markets, and to assure adequate market service, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Specifically, Petitioner proposes to construct and operate the following natural gas facilities in the State of Ohio:

(1) An addition of 1.3 miles to the previously approved 1.9 miles of 12¾-inch O.D. x 0.203-inch wall pipeline in Miami County, Ohio, looping a section of Line Z-167 serving the Sidney-Piqua market area;

(2) 2.5 miles of 8⅝-inch O.D. x 0.172-inch wall pipeline in Wyandot County, Ohio, replacing a section of 6⅝-inch O.D. Line D-35 serving the Carey market area;

(3) 3.8 miles of 3½-inch O.D. x 0.156-inch wall pipeline in Hardin County, Ohio, replacing 2⅜-inch O.D. Line D-329 serving the Mount Victory market area;

(4) 1.7 miles of 16-inch O.D. x 0.219-inch wall pipeline in Clark County, Ohio, replacing a section of 10¾-inch Line Z-8 serving the Bellefontaine-Urbana market area;

Together with valves, fittings, and incidental facilities necessary for practical operation.

Further, Applicant requests approval for the deletion of the following facilities authorized in its order of February 20, 1968:

(1) Delete the 1.7 miles of 12¾-inch O.D. x 0.203-inch wall pipeline in Muskingum and Coshocton Counties, Ohio, looping an additional section of Line 0-731 serving the Coshocton market area;

(2) Delete the 3 miles of 6⅝-inch O.D. x 0.156-inch wall pipeline in Shelby County, Ohio, replacing a section of 4½-inch O.D. Line Z-38 serving the Versailles market area.

Applicant also requests that the present limitation on the maximum daily deliveries under firm rate schedules to its customers be increased by 33,640 Mcf per day.

Applicant estimates that total cost of the proposed facilities at approximately $382,000, which cost will be financed by The Columbia Gas System, Inc., its parent company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before August 19, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-9205; Filed, July 31, 1968; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

COMMERCE BANCSHARES, INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Commerce Bancshares, Inc., Kansas City, Mo., for approval of action to become a bank holding company through the acquisition of 80 percent or more of the voting shares of Chariton County Exchange Bank, Brunswick, Mo., Citizens Bank of Joplin, Joplin, Mo., and The Citizens Bank, Springfield, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Commerce Bancshares, Inc., Kansas City, Mo., for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of the following three banks in Missouri: Chariton County Exchange Bank, Brunswick; Citizens Bank of Joplin, Joplin; and The Citizens Bank, Springfield. Applicant presently owns more than 90 percent of the voting shares of Commerce Trust Co., Kansas City, Mo.

As required by section 3(b) of the Act, the Board notified the Commissioner of Finance for the State of Missouri of receipt of the application and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on February 10, 1968 (33 F.R. 2873), which provided an opportunity for interested persons to submit comments and views with respect to the proposed acquisition. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, That said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

Dated at Washington, D.C., this 25th day of July 1968.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-9163; Filed, July 31, 1968; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

ALCAR INSTRUMENTS, INC.

Order Suspending Trading

JULY 25, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Alcar Instruments, Inc., 225 East 57th Street, New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 26, 1968, through August 4, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-9177; Filed, July 31, 1968; 8:46 a.m.]

ALSCOPE CONSOLIDATED, LTD.

Order Suspending Trading

JULY 26, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Alscope Consolidated, Ltd., Passaic, N.J., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 29, 1968, through August 6, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-9178; Filed, July 31, 1968; 8:46 a.m.]

[File No. 1-3909]

BSF CO.

Order Suspending Trading

JULY 26, 1968.

The capital stock (66⅔ cents par value) and the 5¾ percent convertible subordinated debentures due 1969 of BSF Co. being listed and registered on the American Stock Exchange, and such capital stock being listed and registered on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the said capital stock on such exchanges and in the debenture on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 29, 1968, through August 7, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-9179; Filed, July 31, 1968; 8:46 a.m.]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JULY 25, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act

[1] Filed as part of the original document.
[2] Chairman Hyde absent, Commissioner Johnson concurring in the result.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City.
[2] Voting for this action: Governors Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Martin and Governors Robertson and Daane.

of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 26, 1968, through August 4, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68-9180; Filed, July 31, 1968; 8:46 a.m.]

[812-2354]

EDUCATORS LIFE SEPARATE ACCOUNT A

Notice of Application for Exemptions

JULY 26, 1968.

Notice is hereby given that Educators Life Separate Account A ("Applicant"), 12444 Victory Boulevard, North Hollywood, Calif., a unit investment trust registered under the Investment Company Act of 1940 15 U.S.C. section 80a-1 et seq. ("Act"), has filed an application pursuant to Section 6(c) of the Act for an order exempting Applicant from the provisions of sections 12(d)(1), 14(a), 22(d), 22(e), 26(a)(2), 26(a)(3), 27(c)(1), and 27(c)(2) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations which are summarized below.

Educators Life Insurance Company of America ("Insurance Company") has established Applicant principally to offer contracts which qualify as tax-deferred annuities under section 403(b) of the Internal Revenue Code. A purchaser makes a series of payments under the contract which are invested (net of deductions for insurance [certain death benefit and mortality guarantees] sales, administrative and other expenses) through Applicant, depending upon the contract purchased, exclusively in the shares of NEA Mutual Fund, Inc. or Horace Mann Fund, Inc. ("Funds"), diversified, open-end, management investment companies.

Commencing upon a maturity date selected by the purchaser, the contracts provide for lifetime annuity payments, either fixed or variable, or other settlement options. The value of a contract will fluctuate as the value of the shares of the Fund credited to such contract fluctuates. If a fixed payment option is elected, the amount of the payments will be determined by the value of the Fund shares at the maturity date of the contract. If a variable payment option is elected, the amount of the initial payment will be determined generally as in the fixed payment option, but subsequent payments will fluctuate as the value of the Fund shares fluctuate. Other factors affecting the amount of the payments are the expected mortality of the purchaser and the type of settlement option elected.

Insurance Company is a stock life insurance company registered under the California Insurance Code. Applicant is administered and accounted for as a part of the business of the Insurance Company, but under the California Insurance Code, the income, gains or losses of Applicant are credited to or charged against the amounts allocated to Applicant in accordance with the terms of the contracts without regard to the other income, gains or losses of the Insurance Company. The Insurance Company has executed on behalf of Applicant a custodian agreement with a bank, pursuant to which the custodian will hold the assets of Applicant for the exclusive benefit of the purchasers of the contracts. All obligations arising under the contracts are general corporate obligations of the Insurance Company, all of the assets of which are available to meet the obligations and expenses under the contracts.

Applicant requests exemption from the following provisions of the Act to the extent stated below:

Section 12(d)(1), as here pertinent, provides, in substance, that it shall be unlawful for any registered investment company to purchase any security issued by any other investment company if such registered investment company will, as a result of that purchase own more than 3 percent of the outstanding voting securities of the other investment company. Section 12(d)(1)(B) of the Act provides, in substance, that such 3 percent restriction is not applicable with respect to securities purchased with the proceeds of payments on periodic payment plan certificates issued pursuant to the terms of a trust indenture.

Applicant states that the payments under the contracts allocated to Applicant must be invested exclusively in the Funds. Because of the relatively small size of the Funds, it is possible that Applicant may acquire more than 3 percent of the voting stock of one or both of the Funds. Applicant further states that an exemption from section 12(d)(1) is appropriate because the purchase of Fund shares with such payments will be substantially identical in all respects relevant to the purchase of securities with the proceeds of payments on periodic payment plan certificates issued pursuant to the terms of a trust indenture.

Section 14(a), as here pertinent, provides in substance that no registered investment company shall make a public offering of securities of which it is the issuer unless it has a net worth of at least $100,000.

Applicant states that under the provisions of the California Insurance Code only payments made under the contracts may be allocated to the Applicant and that all obligations arising under the contracts, including the promise to make annuity payments, are general corporate obligations of the Insurance Company. Applicant further states that the Insurance Company has ample capital and surplus $2,313,341 as of December 31, 1967) to meet any anticipated expenses of the operation and maintenance of Applicant. In addition, the Insurance Company and Applicant are bound under the provisions of the California Insurance Code and the regulations thereunder and the supervisory authority of the Commissioner of Insurance to perform their contractual obligations under the contracts.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at the current offering price described in the prospectus. Applicant requests an exemption from the provisions of section 22(d) to permit its group variable annuity contracts to contain a provision for experience rating credits. Insurance Company will annually determine its experience with respect to sales and administrative costs allocable to and mortality experience under each group contract to determine whether its charges exceeded the actual costs and mortality experience for the prior year. On the basis of such determination, it may provide to the employer or individual participants an experience credit in the form of Fund shares for his share of the excess, if any, of the amounts deducted for such expenses over such actual costs. Such Fund shares will be credited without sales or administrative charge. No additional charge is made if the charges fail to cover the Insurance Company's costs and mortality experience. Applicant further states that it will be unable to determine whether an experience credit rating reflects solely a reduction in sales charge, since it is not feasible to determine what portion of its charges are for sales, administrative, insurance and other expenses, as each group contract presents its own peculiar problems and varying costs.

Sections 22(e) and 27(c)(1), as here pertinent, provide, in substance, that Applicant, a unit investment trust, may not suspend the right of redemption or postpone the date of payment of any redeemable security in accordance with its terms for more than 7 days after the tender of such security for redemption and prohibit Applicant, a unit investment trust issuing periodic payment plan certificates, from selling any such certificate unless such certificate is a redeemable security.

Applicant states that prior to their maturity dates the contracts are redeemable and satisfy the redemption provisions of the Act. On their respective maturity dates, the then value of the contracts is determined and applied to provide for lifetime annuity payments of either fixed or variable amounts. Applicant states that because the amount of annuity payments under the variable option are calculated actuarially, based upon the life expectancies of the purchasers of the contracts, if a purchaser were permitted to redeem his contract after the maturity date, it would upset the actuarial computations made with respect to the remaining purchasers. Applicant requests exemption from sections 22(e) and 27(c)(1) to the extent that once a purchaser begins to receive annuity payments he should not be able to redeem the value credited to his contract.

Sections 26(a)(2), 26(a)(3), and 27(c)(2), as here pertinent, provide, in substance, that a unit investment trust or a depositor or underwriter for such an investment company is prohibited from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a qualified bank as trustee or custodian and held under an agreement of custodianship. The agreement must provide (i) that the custodian bank shall have possession of all property of the unit investment trust and shall segregate and hold the same in trust, (ii) that the custodian bank shall not resign until either the unit investment trust has been liquidated or a successor appointed, (iii) that the custodian may collect from the income and, if necessary, from the corpus of the unit investment trust fees for services performed and reimbursement of expenses incurred, and (iv) that no payment to the depositor or principal underwriter shall be allowed the custodian bank as an expense except a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to the custodian.

Applicant requests exemption from the provisions of sections 26(a)(2), 26(a)(3), and 27(c)(2) because the custodianship agreement which in all other respects meets the requirements of those sections, does not provide that the property of the Applicant will be held in trust. Applicant states that Insurance Company is required under the California Insurance Code to maintain substantial minimum amounts of capital and surplus. In all of its dealings with the purchaser of the contract, Insurance Company will operate as a regulated insurance company, subject to the authority and jurisdiction of the Commissioner of Insurance of the State of California, which authority includes extensive supervisory powers respecting the rehabilitation, liquidation, conservation and dissolution of California insurance companies. Accordingly, Applicant states that such authority and jurisdiction affords the essential protections against the orphanage of the trust by the sponsor which the trusteeship under section 26(a) and 27(c)(2) is designed to provide. Applicant has consented to the requested exemption being subject to the condition that its charges under the contracts for administrative services shall not exceed such reasonable amount as the Commission shall prescribe, and that the Commission may reserve jurisdiction for such purpose.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 12, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68-9181; Filed, July 31, 1968; 8:46 a.m.]

[File No. 1-1740]

KENNEBEC CONSOLIDATED MINING CO.

Order Suspending Trading

JULY 25, 1968.

The common stock, 1-cent par value, of Kennebec Consolidated Mining Co., being listed and registered on the Salt Lake Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Kennebec Consolidated Mining Co., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Salt Lake Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 26, 1968 through August 4, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68-9184; Filed, July 31, 1968; 8:46 a.m.]

LEEDS SHOES, INC.

Order Suspending Trading

JULY 26, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Leeds Shoes, Inc., Tampa, Fla., and all other securities of Leeds Shoes, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 29, 1968 through August 7, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68-9182; Filed, July 31, 1968; 8:46 a.m.]

[812-2353]

LIFE INSURANCE COMPANY OF NORTH AMERICA SEPARATE ACCOUNT A

Notice of Application for Exemption

JULY 26, 1968.

Notice is hereby given that Life Insurance Company of North America Separate Account A ("Applicant"), 1600 Arch Street, Philadelphia, Pa. 19101, a unit investment trust registered under the Investment Company Act of 1940 15 U.S.C. section 80a-1 et seq. ("Act"), has filed an application pursuant to section 6(c) of the Act for an order exempting Applicant from the provisions of sections 12(d)(1), 14(a), 22(d), 22(e), 26(a)(2), 26(a)(3), 27(c)(1), and 27(c)(2) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations which are summarized below.

Life Insurance Company of North America ("Insurance Company") has established Applicant principally to offer contracts which qualify as tax deferred annuities under section 403(b) of the Internal Revenue Code. A purchaser makes a series of payments under the contract which are invested (net of deductions for insurance [certain death benfit and mortality guarantees] sales, administrative and other expenses) through Applicant, depending on the contract purchased, exclusively in the shares of NEA Mutual Fund, Inc., or Horace Mann Fund, Inc. ("Funds"), diversified, open-end management investment companies.

Commencing upon a maturity date selected by the purchaser, the contracts provide for lifetime annuity payments, either fixed or variable, or other settlement options. The value of a contract will fluctuate as the value of the shares of the Fund credited to such contract fluctuates. If a fixed payment option is elected, the amount of the payments will be determined by the value of the Fund shares at the maturity date of the contract. If a variable payment option is elected, the amount of the initial payment will be determined generally as in

the fixed payment option, but subsequent payments will fluctuate as the value of the Fund shares fluctuate. Other factors affecting the amount of the payments are the expected mortality of the purchaser and the type of settlement option elected.

Insurance Company is a stock life insurance company organized under the laws of the State of Pennsylvania. Applicant is administered and accounted for as a part of the business of the Insurance Company, but under the Pennsylvania Insurance Code, the income, gains or losses of Applicant are credited to or charged against the amounts allocated to Applicant in accordance with the terms of the contracts without regard to the other income, gains or losses of the Insurance Company. The Insurance Company has executed on behalf of Applicant a custodian agreement with a bank, pursuant to which the custodian will hold the assets of Applicant for the exclusive benefit of the purchasers of the contracts. All obligations arising under the contracts are general corporate obligations of the Insurance Company, all of the assets of which are available to meet the obligations and expenses under the contracts.

Applicant requests exemption from the following provisions of the Act to the extent stated below:

Section 12(d)(1), as here pertinent, provides, in substance, that it shall be unlawful for any registered investment company to purchase any security issued by any other investment company if such registered investment company will, as a result of that purchase own more than 3 percent of the outstanding voting securities of the other investment company. Section 12(d)(1)(B) of the Act provides, in substance, that such 3 percent restriction is not applicable with respect to securities purchased with the proceeds of payments on periodic payment plan certificates issued pursuant to the terms of a trust indenture.

Applicant states that the payments under the contracts allocated to Applicant must be invested exclusively in the Funds. Because of the relatively small size of the Funds, it is possible that Applicant may acquire more than 3 percent of the voting stock of one or both of the Funds. Applicant further states that an exemption from section 12(d)(1) is appropriate because the purchase of Fund shares with such payments will be substantially identical in all respects relevant to the purchase of securities with the proceeds of payments on periodic payment plan certificates issued pursuant to the terms of a trust indenture.

Section 14(a), as here pertinent, provides in substance that no registered investment company shall make a public offering of securities of which it is the issuer unless it has a net worth of at least $100,000.

Applicant states that under the provisions of the Pennsylvania Insurance Code only payments made under the contracts may be allocated to Applicant and that all obligations arising under the contracts, including the promise to make annuity payments, are general corporate obligations of the Insurance Company. Applicant further states that the Insurance Company has ample capital and surplus ($24,469,449 as of Dec. 31, 1967) to meet any anticipated expenses of the operation and maintenance of Applicant. In addition, the Insurance Company and Applicant are bound under the provisions of the Insurance Code of Pennsylvania and the regulations thereunder and the supervisory authority of the Commissioner of Insurance to perform their contractual obligations under the contracts.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at the current offering price described in the prospectus. Applicant requests an exemption from the provisions of section 22(d) to permit its group variable annuity contracts to contain a provision for experience rating credits. Insurance Company will annually determine its experience with respect to sales and administrative costs allocable to and mortality experience under each group contract to determine whether its charges exceeded the actual costs and mortality experience for the prior year. On the basis of such determination, it may provide to the employer or individual participants an experience credit in the form of Fund shares for his shares of the excess, if any, of the amounts deducted for such expenses over such actual costs. Such Fund shares will be credited without sales or administrative charge. No additional charge is made if the charges fail to cover the Insurance Company's costs and mortality experience. Applicant further states that it will be unable to determine whether an experience credit rating reflects solely a reduction in sales charge, since it is not feasible to determine what portion of its charges are for sales, administrative, insurance, and other expenses, as each group contract presents its own peculiar problems and varying costs.

Sections 22(e) and 27(c)(1), as here pertinent, provide, in substance, that Applicant, a unit investment trust, may not suspend the right of redemption or postpone the date of payment of any redeemable security in accordance with its terms for more than 7 days after the tender of such security for redemption and prohibit Applicant, a unit investment trust issuing periodic payment plan certificates, from selling any such certificate unless such certificate is a redeemable security.

Applicant states that prior to their maturity dates the contracts are redeemable and satisfy the redemption provisions of the Act. On their respective maturity dates, the then value of the contracts is determined and applied to provide for lifetime annuity payments of either fixed or variable amounts. Applicant states that because the amount of annuity payments under the variable option are calculated actuarially, based upon the life expectancies of the purchasers of the contracts, if a purchaser were permitted to redeem his contract after the maturity date, it would upset the actuarial computations made with respect to the remaining purchasers. Applicant requests exemption from sections 22(e) and 27(c)(1) to the extent that once a purchaser begins to receive annuity payments he should not be able to redeem the value credited to his contract.

Sections 26(a)(2), 26(a)(3), and 27(c)(2), as here pertinent, provide, in substance, that a unit investment trust or a depositor or underwriter for such an investment company is prohibited from selling periodic payment plant certificates unless the proceeds of all payments, other than the sales load, are deposited with a qualified bank as trustee or custodian and held under an agreement of custodianship. The agreement must provide (i) that the custodian bank shall have possession of all property of the unit investment trust and shall segregate and hold the same in trust, (ii) that the custodian bank shall not resign until either the unit investment trust has been liquidated or a successor appointed, (iii) that the custodian may collect from the income and, if necessary, from the corpus of the unit investment trust fees for services performed and reimbursement of expenses incurred, and (iv) that no payment to the depositor or principal underwriter shall be allowed the custodian bank as an expense except a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to the custodian.

Applicant requests exemption from the provisions of sections 26(a)(2), 26(a)(3), and 27(c)(2) because the custodianship agreement, which in all other respects meets the requirements of those Sections, does not provide that the property of the Applicant will be held in trust. Applicant states that Insurance Company is required under the Pennsylvania Insurance Code to maintain substantial minimum amounts of capital and surplus. In all of its dealings with the purchaser of the contract, Insurance Company will operate as a regulated insurance company subject to the authority and jurisdiction of the Commissioner of Insurance of the State of Pennsylvania, which authority includes extensive supervisory powers respecting the rehabilitation, liquidation, conservation and dissolution of Pennsylvania insurance companies. Accordingly, Applicant states that such authority and jurisdiction affords the essential protections against the orphanage of the trust by the sponsor which the trusteeship under section 26(a) and 27(c)(2) is designed to provide. Applicant has consented to the requested exemption being subject to the condition that its charges under the contracts for administrative services shall not exceed such reasonable amount as the Commission shall prescribe, and that the Commission may reserve jurisdiction for such purpose.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 12, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68-9183; Filed, July 31, 1968; 8:46 a.m.]

NATIONAL SWEEPSTAKES CORP.

Order Suspending Trading

JULY 26, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of National Sweepstakes Corp., 555 East Fourth South, Salt Lake City, Utah, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 27, 1968, through August 5, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68-9185; Filed, July 31, 1968; 8:47 a.m.]

PARAMOUNT GENERAL CORP.

Order Suspending Trading

JULY 26, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Paramount General Corp., Los Angeles, Calif., and all other securities of Paramount General Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 27, 1968, through August 5, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68-9186; Filed, July 31, 1968; 8:47 a.m.]

[812-2343]

STRUTHERS CAPITAL CORP.

Notice of Filing of Application for Exemption

JULY 25, 1968.

Notice is hereby given that Struthers Capital Corp. ("applicant"), 630 Fifth Avenue, New York, N.Y. 10020, a New York corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940, 15 U.S.C. section 80a-1 et seq. ("Act"), for an order exempting it from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant, all of the capital stock of which is owned by Struthers Wells Corp. ("Struthers"), was formed by Struthers in April 1968 for the purpose of acquiring the business and assets of Developers Small Business Investment Corp. ("Developer"), a New Jersey corporation licensed under the Small Business Investment Act of 1958 ("SBIA") and a registered closed-end nondiversified investment company. Applicant has applied to the U.S. Small Business Administration ("SBA") for a license to operate as a small business investment company under the SBIA.

Struthers had outstanding at April 1, 1968, 2,060,528 shares of common stock, which is traded on the American Stock Exchange, and 82,533 shares of preferred stock. It has approximately 3,850 common stockholders and 530 preferred stockholders.

Under the terms of an agreement between Struthers and Developers dated March 11, 1968, applicant proposes to acquire all of the assets and business of Developers and assume substantially all of the liabilities of Developers in exchange for 120,238 shares of the common stock of Struthers, having an aggregate market value of approximately $2,404,760 at the time the agreement was executed. The number of shares to be delivered to Developers is subject to reduction by one share of Struthers stock for every five shares of Developers capital stock, the holders of which shall have filed objection to the transaction and demanded payment for their shares in accordance with the rights of dissenting stockholders under New Jersey law. After the exchange, the Struthers stock would be distributed to Developers' shareholders, and Developers be liquidated.

After the transaction is completed, applicant will be an "investment company" as defined in section 3(a) of the Act. Section 3(b)(3) of the Act excepts from the definition of investment company any issuer all of the outstanding securities of which (other than short-term paper and directors' qualifying shares) are owned by a company primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities. Applicant represents that Struthers is engaged, and intends to engage, primarily in businesses other than investing, reinvesting, owning, holding or trading in securities and that applicant upon consummation of the proposed transaction would be excepted from status as an investment company, pursuant to section 3(b)(3), except for the fact that it will assume $2,073,000 principal amount of indebtedness of Developers represented by subordinated notes and debentures held by the SBA. Applicant asserts that there is no public interest in regulating applicant under the Act solely on the basis of such debt not held by Struthers, since the SBA is in a position under the provisions of the SBIA amply to protect itself with respect to this investment.

Applicant has agreed that an order granting the application may be based upon conditions providing that no person other than Struthers or the SBA shall at any time own any security of applicant (other than short-term paper) and providing for the periodic filing with the Commission of certain financial and other information concerning applicant and Struthers.

Struthers is engaged in the engineering, design and manufacture of equipment for use in chemical and fertilizer plants, conventional and nuclear power generation units and petroleum refining process plants. In addition, majority-owned or wholly owned subsidiaries of

Struthers are engaged in the engineering and manufacturing of equipment packages for secondary oil recovery and steam and hot water extraction of sulphur; the engineering and manufacturing of microwave components, test equipment and subsystems; as well as certain other activities, including development projects and businesses in a developmental stage. Struthers and its subsidiaries employ over 1100 persons. At the end of its last fiscal year, November 30, 1967, Struthers and its subsidiaries had total assets on a consolidated basis of approximately $24,900,000. Struthers concluded that diversification into the SBIC field, as an adjunct to its present operations, would allow it to use certain of its existing management and technical resources to assist applicant in the infusion of venture capital into new industries.

Notice is further given that any interested person may, not later than August 8, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponments thereof.

It is ordered, That the Secretary of the Commission shall send a copy of this notice by certified mail to the Associate Administrator for Investment, Investment Division, Small Business Administration, Washington, D.C. 20416.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68–9187; Filed, July 31, 1968; 8:47 a.m.]

[File No. 1–4371]

WESTEC CORP.

Order Suspending Trading

JULY 25, 1968.

The common stock, 10-cent par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 26, 1968, through August 4, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68–9188; Filed, July 31, 1968; 8:47 a.m.]

ZIMOCO PETROLEUM CORP.

Order Suspending Trading

JULY 26, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zimoco Petroleum Corp., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 28, 1968, through August 6, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68–9189; Filed, July 31, 1968; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1204]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JULY 26, 1968.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247 (d) (4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 2202 (Sub-No. 351), filed July 17, 1968. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Ford Motor Co. plantsite at the junction of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's regular-route authority to and from Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Frankfort, Ky.

No. MC 2986 (Sub-No. 30), filed July 15, 1968. Applicant: I & S McDANIEL, INC., 1102 Prairie Street, Vincennes, Ind. 47591. Applicant's representatives: Lesow and Lesh, 3737 North Meridian Street, Indianapolis, Ind. 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's presently authorized regular routes into and out of Louisville, Ky. NOTE: Applicant states it will tack with its presently held authority to enable service to Terre Haute, Ind.; Danville, and Chicago, Ill.; Cincinnati, Ohio; and Indianapolis and Evansville, Ind. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Indianapolis, Ind.

No. MC 11207 (Sub-No. 276), filed July 17, 1968. Applicant: DEATON, INC., 317 Avenue W, Post Office Box 1271, Birmingham, Ala. 35201. Applicant's representatives: Paul M. Daniell and Bill R. Davis, Suite 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition boards and materials and accessories* used in the installation thereof, from points in Henry County, Tenn., to points in Alabama, Georgia, Florida, Mississippi, Arkansas, Louisiana, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, and Missouri and Tennessee; (2) *material* used in the manufacture and distribution of composition boards, except in bulk, from points in (1) above, to points in Henry County, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Atlanta, Ga.

No. MC 17002 (Sub-No. 43) (Amendment), filed September 26, 1967, published FEDERAL REGISTER issue of October 12, 1967, amended July 17, 1968, and republished as amended this issue. Applicant: CASE DRIVEWAY, INC., 6001 U.S. Route 60, East, Huntington, W. Va. 25714. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Huntington, W. Va., to points in Connecticut, Delaware, Georgia (except Atlanta, Brunswick, and Woodbine), Idaho, Illinois, Indiana, Maryland, Massachusetts, New Jersey, New York, Michigan on and south of Michigan Highway 21, North Carolina, North Dakota, Rhode Island, South Carolina, Tennessee, Utah, Washington, and Nebraska. NOTE: Applicant states it intends to tack the proposed authority at Huntington, W. Va., with other presently held authorized authority serving points in Kentucky, Virginia, West Virginia, Pennsylvania, and Ohio. The purpose of this republication is to delete the exceptions from commodity description. If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va., Cincinnati, Ohio, or Chicago, Ill.

No. MC 28536 (Sub-No. 14), filed July 17, 1968. Applicant: FOX & GINN, INC., 12 Howard Lane, Bangor, Maine 04401. Applicant's representatives: Roland Rice and Richard R. Sigmon, 618 Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, new furniture, uncrated, commodities in bulk, and those requiring special equipment), between Livermore Falls and Farmington, Maine, over Maine Highway 4, serving all intermediate points and the off-route point of Dryden, Maine. NOTE: Applicant states it proposes to use the above-sought authority in conjunction with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Augusta or Portland, Maine.

No. MC 29079 (Sub-No. 46), filed July 15, 1968. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union, Kokomo, Ind. 46901. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and liquid commodities in bulk), between the plantsite of the Ford Motor Co. located at the junction of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., on the one hand, and, on the other, points in Illinois, Indiana, Ohio, and St. Louis, Mo., and points in that part of Michigan south of Mason, Lake, Osceola, Clare, Gladwin, and Arenac Counties, and Saginaw Bay. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 35628 (Sub-No. 289), filed July 15, 1968. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville, SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, near Louisville, Ky, as an off-route point in connection with applicant's regular-route operations to and from Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich, or Louisville, Ky.

No. MC 42487 (Sub-No. 695), filed July 15, 1968. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, Post Office Box 5138, 7101 South Cicero Avenue, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those requiring armored vehicles or armed guards, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Grinnell Corp., located at or near Hampton, in Reading Township, Adams County, Pa., as an off-route point in connection with applicant's presently authorized regular-route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 43421 (Sub-No. 39), filed July 15, 1968. Applicant: DOHRN TRANSFER COMPANY, a corporation, 4016 Ninth Street, Rock Island, Ill. 61201. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 46280 (Sub-No. 66), filed July 18, 1968. Applicant: DARLING FREIGHT, INC., 15 Andre Street SE., Grand Rapids, Mich. 49507. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission,

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

commodities in bulk, and those requiring special equipment), serving the plantsite of the Ford Motor Co. located at the junction of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's authorized regular-route operations serving Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 51146 (Sub-No. 103), filed July 15, 1968. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: Charles Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products: products produced or distributed by manufacturers and converters of paper and paper products;* (except commodities in bulk, in tank or hopper type vehicles), from points in Brown, Marinette, Outagamie, Shawano, and Winnebago Counties, Wis., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (2) *materials and supplies* used in the manufacture and distribution of the above-described commodities (except commodities in bulk, in tank or hopper type vehicles), and returned and rejected shipments, from the destination points in No. (1) above, to points in Brown, Marinette, Outagamie, Shawano, and Winnebago Counties, Wis. NOTE: Application states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52523 (Sub-No. 3), filed July 11, 1968. Applicant: LEONARD SCHERTZER, doing business as SCHERTZER TRUCKING CO., 94 Sycamore Street, Carteret, N.J. 07008. Applicant's representative: Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbonated beverages and empty carbonated beverage containers*, between Brooklyn, N.Y., on the one hand, and, on the other, points in that part of New Jersey, New York, Pennsylvania, Delaware, Maryland, Connecticut, and Massachusetts within 150 miles of Brooklyn, N.Y., under contract with Myer 1890 Beverages. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 52953 (Sub-No. 35), filed July 12, 1968. Applicant: ET&WNC TRANSPORTATION COMPANY, a corporation, 132 Legion Street, Johnson City, Tenn. 37601. Applicant's representative: James H. Epps III, 2101 North Roan Street, Johnson City, Tenn. 37601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, in tank vehicles, commodities requiring special equipment and those injurious or contaminating to other lading), between Jackson, Tenn., and plantsite of Grinnell Corp., located near Henderson, Tenn., over U.S. Highway 45, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 59135 (Sub-No. 21), filed July 12, 1968. Applicant: RED STAR EXPRESS LINES OF AUBURN, INCORPORATED, doing business as RED STAR EXPRESS LINES, 24–50 Wright Avenue, Auburn, N.Y. 13021. Applicant's representatives: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005, and Harold L. Copp, Red Star Express Lines, 24–50 Wright Avenue, Auburn, N.Y. 13021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silver bullion, anodes or strip*, from Perth Amboy and Newark, N.J., New York, N.Y., and Fairfield, Conn., to Oneida and Sherrill, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 59154 (Sub-No. 12), filed July 16, 1968. Applicant: EASTERN FREIGHT WAYS, INC., Eastern and Moonachie Avenues, Carlstadt, N.J. 07072. Applicant's representative: Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Business forms and materials and supplies* used or useful in their manufacture, serving the plantsite of Moore Business Forms, Inc., at or near Thurmont, Md., as an off-route point in connection with applicant's presently authorized regular-route operations between Washington, D.C., and Philadelphia, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 59206 (Sub-No. 19), filed July 15, 1968. Applicant: HOLLAND MOTOR EXPRESS, INC., 1 West Fifth Street, Holland, Mich. 49423. Applicant's representative: Kirkwood Yockey, Suite 501 Union Federal Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's existing regular-route authority. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.; Louisville, Ky.; or Lansing, Mich.

No. MC 61592 (Sub-No. 118), filed July 15, 1968. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chains and parts*, from points in Lee County, Ill., to points in Iowa, Kansas, Minnesota, New York, Pennsylvania, and Wisconsin, and points on the international boundary between the United States and Canada; (2) *materials, supplies, and equipment* used in the manufacture of chains and parts, from the destination points in (1) above to points in Lee County, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 62288 (Sub-No. 5), filed July 17, 1968. Applicant: JAMES P. ANAGNOS, South Willow Street, Londonderry, N.H. 03053. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Powdered pumice*, in bulk, in dump vehicles, from Portsmouth, N.H., to points in Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island, under contract with Pumice Aggregate Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Concord, N.H.

No. MC 64112 (Sub-No. 39), filed July 18, 1968. Applicant: NORTHEASTERN TRUCKING COMPANY, a corporation, 2508 Starita Road, Post Office Box 1493, Charlotte, N.C. 28201. Applicant's representative: John M. Dunn, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, from Newark, N.J., to Bristol, Va., and Norton, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Washington, D.C.

No. MC 67200 (Sub-No. 31), filed July 15, 1968. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., Furniture Row, Milford, Conn. 06461. Applicant's Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated and uncrated, *lamps and grass matting*, between points in Orange County, Fla., on the one hand, and, on the other, points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Orlando or Miami, Fla.

No. MC 67866 (Sub-No. 23), filed July 12, 1968. Applicant: FILM TRANSIT, INC., 291 Hernando Street, Memphis, Tenn. 38126. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* except classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and livestock, over irregular routes, between Memphis, Tenn., and points in its commercial zone, except those in Mississippi, on the one hand, and, on the other, points in Kentucky, (1) on U.S. Highway 51 between Fulton and Clinton, Ky., (2) on Kentucky Highway 94 between junction U.S. Highway 51 and the Kentucky-Tennessee State line, (3) on U.S. Highway 45 between Fulton and Paducah, Ky., (4) on U.S. Highway 641 between the Kentucky-Tennessee State line and junction U.S. Highway 68, (5) on U.S. Highway 68 between junction U.S. Highway 641 and Paducah, Ky., and (6) including the terminals as described above. Restrictions: (1) No service shall be rendered in the transportation of any package or article weighing more than 70 pounds or exceeding 108 inches in length and girth combined. (2) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 67866 (Sub-No. 24), filed July 12, 1968. Applicant: FILM TRANSIT, INC., 291 Hernando Street, Memphis, Tenn. 38126. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* except classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and livestock, over irregular routes, between Memphis, Tenn., and points in its commercial zone (except those in Mississippi), on the one hand, and, on the other, (1) points in Missouri, within an area beginning at the intersection of U.S. Highway 61 and the Arkansas-Missouri State line, westwardly along the State line to the St. Francis River to its intersection with U.S. Highway 62, thence along U.S. Highway 62 to its intersection with U.S. Highway 61, thence along U.S. Highway 61 to its intersection with the Arkansas-Missouri State line; and (2) New Madrid, Lilbourn, and Caruthersville, Mo. restrictions: (1) No service shall be rendered in the transportation of any package or article weighing more than 70 pounds or exceeding 108 inches in length and girth combined. (2) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day. NOTE: Applicant states it could tack at points in the Memphis, Tenn., commercial zone (except those points in Mississippi) with any of its presently held authorities. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 69833 (Sub-No. 95), filed July 15, 1968. Applicant: ASSOCIATED TRUCK LINES, INC., Vandenberg Center, Grand Rapids, Mich. 49502. Applicant's representative: Harry Pohlad (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the Ford Motor Co. at the intersection of Westport Road and Murphy Lane, Jefferson County, Ky., as an off-route point in connection with carrier's authorized regular-route operation to and from Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Louisville, Ky.

No. MC 76025 (Sub-No. 9) (Amendment), filed June 17, 1968, published in FEDERAL REGISTER issue of July 4, 1968, and republished as amended this issue. Applicant: OVERLAND EXPRESS, INC. Post Office Box 2667, 498 First Street NW., New Brighton, Minn. 55112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, and advertising materials*, from (1) points in Cottonwood, Dakota, Douglas, Freeborn, Goodhue, Hennepin, Jackson, Meeker, Olmstead, Pine, Ramsey, Rice, Waseca, and Washington Counties, Minn.; and (2) from points in Clark, Chippewa, Columbia, Eau Claire, Green, Juneau, Marathon, Sauk, Trempealeau, and Wood Counties, Wis., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Vermont, and the District of Columbia, under a continuing contract or contracts with Land O'Lakes Creameries, Inc., of Minneapolis, Minn. NOTE: The purpose of this republication is to add Hennepin County, Minn., to the origin points in No. (1) above. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., Chicago, Ill., or Washington, D.C.

No. MC 83217 (Sub-No. 35), filed July 15, 1968. Applicant: DAKOTA EXPRESS, INC., 1217 West Cherokee Avenue, Sioux Falls, S. Dak. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Logansport, Ind., to points in Minnesota, North Dakota, and South Dakota, restricted to the transportation of Wilson & Co., Inc., traffic originating at the above-specified plantsite and/or cold storage facilities and destined to the above-specified destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 95224 (Sub-No. 4), filed July 15, 1968. Applicant: R. COMEAU, INC., Lime Street, Adams, Mass. 01220. Applicant's representative: William L. Mobley, 1694 Main Street, Springfield, Mass. 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Adams, Mass., to points in Connecticut, Maine, New Hampshire, New York, Rhode Island, and Vermont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsfield or Springfield, Mass., Hartford, Conn., or Albany, N.Y.

No. MC 97699 (Sub-No. 26) (Correction) filed July 1, 1968, published in FEDERAL REGISTER issue of July 25, 1968, and republished, as corrected this issue. Applicant: BARBER TRANSPORTATION CO., a corporation, 321 Sixth Street, Rapid City, S. Dak. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Chamberlain and Sioux Falls, S. Dak.; (1) from Chamberlain over U.S. Highway 16 to Sioux Falls,

S. Dak., and return over the same route, serving no intermediate points; (2) from Chamberlain over U.S. Highway 16 to junction South Dakota Highway 38 at Alexandria, S. Dak., thence over South Dakota Highway 38 to Sioux Falls, S. Dak., and return over the same route serving no intermediate points; and (3) from Chamberlain, S. Dak., over U.S. Highway 16 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Interstate Highway 29, thence south over Interstate Highway 29 to Sioux Falls, S. Dak., and return over the same route serving no intermediate points. NOTE: The purpose of this republication is to correctly show in the route description in (1) above serving no intermediate points, in lieu of serving all intermediate points. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 100666 (Sub-No. 120), filed July 12, 1968. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition boards and materials and accessories used in the installation thereof*, from points in Henry County, Tenn., to points in South Carolina, Mississippi, Alabama, Florida, Louisiana, Arkansas, Missouri, Texas, Oklahoma, Kansas, Colorado, New Mexico, Georgia, Kentucky, Indiana, Illinois, Wyoming, Nebraska, Iowa, North Dakota, South Dakota, Montana, and Tennessee; and, (2) *materials used in the manufacture and distribution of composition boards* (except commodities in bulk), from points in South Carolina, Mississippi, Alabama, Florida, Louisiana, Arkansas, Missouri, Texas, Oklahoma, Kansas, Colorado, New Mexico, Georgia, Kentucky, Indiana, Illinois, Wyoming, Nebraska, Iowa, North Dakota, South Dakota, Montana, and Tennessee, to points in Henry County, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Atlanta, Ga.

No. MC 103051 (Sub-No. 219), filed July 15, 1968. Applicant: FLEET TRANSPORT COMPANY, INC., 1000 44th Avenue North, Post Office Box 7645, Nashville, Tenn. 37209. Applicant's representative: R. J. Reynolds, Jr., 604–09 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in Crittenden County, Ark., and Shelby County, Tenn., to points in Alabama, Arkansas, Kentucky, Mississippi, Missouri, and Tennessee. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis or Nashville, Tenn.

No. MC 103654 (Sub-No. 137), filed July 17, 1968. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 1145 Homer Street, St. Paul, Minn. 55116. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Starch, blends of starch, corn products, and blends of corn products and corn products blended with other products*, moving in bulk, from points in Minnesota to points in Iowa, Minnesota, North Dakota, South Dakota, Wisconsin, and the Upper Peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 105413 (Sub-No. 31) (Amendment), filed February 9, 1968, published FEDERAL REGISTER issues of February 22, 1968, and March 14, 1968, amended July 11, 1968 and republished as amended this issue. Applicant: PETROLEUM TRANSPORT SERVICE, INC., Highway No. 275, Council Bluffs, Iowa 51501. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and fertilizers and fertilizer materials* derived from petroleum and petroleum products, in bulk, from the warehouse and storage facilities of Terra Chemicals International, Inc., Air Park West, Lincoln, Nebr., to points in Colorado, Iowa, Kansas, Missouri, South Dakota, and Wyoming, restricted to traffic originating at the warehouse or storage facilities of Terra Chemicals International, Inc., Air Park West, Lincoln, Nebr., and destined to the named destination States. NOTE: The purpose of this republication is to more clearly set forth the proposed operation. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 107295 (Sub-No. 123), filed July 15, 1968. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representatives: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842, and Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition boards* (including wallboard, insulation board, fiberboard, pulpboard, ceiling tile) *and parts, materials, and accessories*, incidental to the installation thereof, from the plantsite of the Flintkote Co. at Meridian, Miss., to points in Kansas, Louisiana, Oklahoma, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., St. Louis, Mo., or Washington, D.C.

No. MC 107871 (Sub-No. 58), filed July 15, 1968. Applicant: BONDED FREIGHTWAYS INC., 441 Kirkpatrick Street West, Syracuse, N.Y. 13204. Applicant's representative: Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk, in a coordinated rail-motor service, from the FlexiFlo rail-motor interchange terminals of the Pennsylvania New York Central Transportation Co. in the State of New York to points in the State of New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Syracuse, or New York, N.Y., or Washington, D.C.

No. MC 107906 (Sub-No. 23), filed July 17, 1968. Applicant: TRANSPORT MOTOR EXPRESS, INC., Post Office Box 958, Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's otherwise authorized regular-route operation. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 108393 (Sub-No. 14), filed July 11, 1968. Applicant: SIGNAL DELIVERY SERVICE, INC., 782 Industrial Drive, Elmhurst, Ill. 60126. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise, articles and commodities as are dealt in by mail order houses and retail stores, and in connection therewith, such equipment, materials, and supplies used in the conduct of such business, including returned shipments*, between points in Cuyahoga County, Ohio, on the one hand, and, on the other, points in Ashtabula,Trumbull, and Mahoning Counties, Ohio, and points in Crawford, Mercer, Verango, Lawrence, Butler, and Beaver Counties, Pa., under contract with Sears, Roebuck & Co. NOTE: Applicant also holds authority as a common carrier of property in MC 118459. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109637 (Sub-No. 343), filed July 15, 1968. Applicant: SOUTHERN TANK LINES, INC., Post Office Box 1047, 4107 Bells Lane, Louisville, Ky. 40201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrup, coloring* (caramel), in bulk, in tank vehicles, from Louisville, Ky., to points in Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 111594 (Sub-No. 35), filed July 15, 1968. Applicant: C. W. TRANSPORT, INC., High Street, Wisconsin Rapids, Wis. 54494. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's otherwise authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 111611 (Sub-No. 21), filed July 17, 1968. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Avenue, Lewistown, Pa. 17044. Applicant's representative: John E. Fullerton and Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving Strinestown, Emigsville, and York, Pa. as off-route points in connection with applicant's regular route operations between Lewistown and Philadelphia, Pa., for the purpose of interchange of traffic only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112520 (Sub-No. 186), filed July 15, 1968. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude and refined vegetable oil*, in bulk, in tank vehicles, from points in Lowndes and Colquitt Counties, Ga., to points in Georgia Florida, Alabama, Mississippi, Louisiana, South Carolina, North Carolina, Tennessee, Kentucky, West Virginia, Virginia, and Maryland. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 113362 (Sub-No. 151), filed July 15, 1968. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, from the plantsite and storage facilities of Charms Co. at Bloomfield, N.J., to Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113843 (Sub-No. 140), filed July 15, 1968. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02110. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts* as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Greenfield, Ohio, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 113843 (Sub-No. 141), filed July 15, 1968. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02110. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods, teething biscuits, cookies, pretzels, baby supplies, and incidental nursery accessories*, from the plantsites of The Gerber Products Co. at Rochester, N.Y., to Providence, R.I., points in Connecticut, Massachusetts, New Hampshire, Vermont, and points in that part of Maine on and south of Maine Highway 25. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 114115 (Sub-No. 15), filed July 15, 1968. Applicant: TRUCKWAY SERVICE, INC., 1099 Oakwood Boulevard, Detroit, Mich. Applicant's representatives: Herbert Baker and James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Products used in agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries*, when shipped in mixed shipments with salt and salt products: (1) From Fairport, Ohio, to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia; (2) from Rittman, Ohio, to points in Delaware, Maryland, New Jersey (except points in New Jersey in the Philadelphia, Pa., commercial zone, as defined by the Commission, and the New York, N.Y., commercial zone, as defined by the Commission), and Kentucky (except Covington, Louisville, and Newport, Ky.); (3) from ports of entry on the international boundary of the United States and Canada, located on the St. Marys, St. Clair, Detroit, Niagara, and St. Lawrence Rivers, Saginaw Bay, and on the Lakes of St. Clair, Ontario, Erie, Huron, Superior, and Michigan (except Wisconsin ports on Lake Michigan and Wisconsin and Minnesota ports on Lake Superior), to points in Delaware, Illinois, Indiana, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia; (4) between points in Ohio (except those in Ashtabula, Columbiana, Cuyahoga, Geauga, Mahoning, Portage, Summit, and Trumbull Counties, Ohio); (5) betweeen points in West Virginia; (6) between points in Kentucky; (7) between points in Michigan (except from Detroit and Port Huron, Mich., to points in the Lower Peninsula of Michigan); under a continuing contract, or contracts, with Morton International, Inc., of Chicago, Ill. NOTE: If a hearing is deeemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 115003 (Sub-No. 5) (Correction), filed May 17, 1968, published in FEDERAL REGISTER issue of June 5, 1968, and republished as corrected this issue. Applicant: RED RIVER TRUCKING COMPANY, a corporation, Post Office Box 247, Commerce, Tex. 76442. Applicant's representative: James W. Hightower, 136 Wynnwood Professional Building, Dallas, Tex. 25224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone, rip rap, rock, sand, gravel, caliche, crushed limestone, agricultural lime, iron ore, and flexible base*, in dump vehicles, (1) from points in Bryan, Choctaw, and McCurtain Counties, Okla., to points in Delta, Franklin, Rockwall, Kaufman, Rains, Wood, Upshur, Van Zandt, Smith, Gregg, Rusk, Henderson, Cherokee, and Shelby Counties, Tex., (2) from points in McCurtain County, Okla., to points in Bowin, Camp, Cass, Harrison, Marion, Morris, Panola, Red River, and Titus Counties, Tex., and (3) from points in Choctaw County, Okla., to points in Camp, Hopkins, Hunt, and Titus Counties, Tex. NOTE: Applicant states no duplicating authority is being sought. The purpose of this republication is to reflect "Rusk" County, in (1) above, inadvertently shown as "Rush" in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex., or Oklahoma City, Okla.

No. MC 115162 (Sub-No. 157), filed July 16, 1968. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate, Suite 2023–2028, City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition boards and materials and accessories* used in the installation thereof, from points in Henry County, Tenn., to points in Alabama, Florida, Georgia, Illinois, Iowa, Indiana, Ohio, Wisconsin, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, Tennessee, Louisiana, Mississippi, Virginia, West Virginia, Pennsylvania, and Kansas, and (2) *materials* used in the manufacture and distribution of composition boards from points in Alabama, Florida, Georgia, Illinois, Iowa, Indiana, Ohio, Wisconsin Michigan, Minnesota, Nebraska, North Dakota, South Dakota, Tennessee, Louisiana, Mississippi, Virginia, West Virginia, Pennsylvania, and Kansas, to

points in Henry County, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No MC 115322 (Sub-No. 56), filed June 27, 1968. Applicant: REDWING REFRIGERATED, INC., Post Office Box 1698, 2939 Orlando Drive, Sanford, Fla. 32771. Applicant's representative: J. V. McCoy, Post Office Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products*, frozen and unfrozen, and *frozen foods*, from points in Florida to Detroit, Mich., as a port of entry to the Province of Ontario, Canada as presently authorized. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 115331 (Sub-No. 256), filed July 18, 1968. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, Mo. 63111. Applicant's representative: Thomas F. Kilroy, 913 Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk from Herculaneum, Mo., to points in Minnesota, Wisconsin, Iowa, Missouri, Indiana, Kentucky, Ohio, Michigan, Arkansas, Illinois, Kansas, Nebraska, Oklahoma, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 115669 (Sub-No. 92), filed July 17, 1968. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. 68933. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite and bentonite products*, from Colony, Wyo., to points in California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 116077 (Sub-No. 240), filed July 15, 1968. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Houston, Tex., to points in Louisiana, Arkansas, Oklahoma, and New Mexico. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 116077 (Sub-No. 241), filed July 15, 1968. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry urea, dry fertilizer, and dry fertilizer materials*, from the plant site of Nipak, Inc., near Kerens, Tex., to points in Oklahoma, Kansas, Missouri, Nebraska, Colorado, New Mexico, and Arkansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 116544 (Sub-No. 93), filed July 15, 1968. Applicant: WILSON BROS. TRUCK LINES, INC., Post Office Box 636, Carthage, Mo. 64836. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Logansport, Ind., to points in Oklahoma, Texas, Arkansas, and Louisiana, restricted to the transportation of Wilson & Co., Inc., traffic originating at the above-specified plantsite and/or cold storage facilities and destined to the above-specified destinations. NOTE: If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 116763 (Sub-No. 134), filed July 15, 1968. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared and preserved foodstuffs*, from points in Wilson County, N.C., to points in Alabama, Arkansas, Connecticut, Florida, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Wisconsin, and Vermont. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 117088 (Sub-No. 1), filed July 15, 1968. Applicant: ASPHALT TRANSPORT, INC., Post Office Box 10416, New Orleans, La. 70121. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and bags, from Echo (Orange County), Tex., to points in Louisiana. NOTE: If hearing is deemed necessary, applicant request it be held at New Orleans, La.

No. MC 117568 (Sub-No. 2), filed July 8, 1968. Applicant: KEMPT TRUCK LINES, INC., Post Office Box 1047, Joplin, Mo. 64801. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials and ingredients, urea and urea products*, dry, in bulk or in packages; (a) from Gulf Oil Corp. plant at or near Donaldsonville, La. (Faustina Works), to points in Arkansas, Illinois, Iowa, Kansas, Missouri, Nebraska, Oklahoma, and Texas; (b) from Gulf Oil Corp. plant, terminal, and/or storage facilities in Kansas City, Mo.-Kansas City, Kans., to points in Arkansas, Iowa, Kansas, Missouri, Nebraska, and Oklahoma, (c) from Gulf Oil Corp. plant, terminal, and/or storage facilities in Cairo, Ill., to points in Arkansas, Illinois, Indiana, Kentucky, Missouri, and Tennessee; and (d) from Gulf Oil Corp. plant, terminal, and/or storage facilities in Little Rock, Pine Bluff, and Fort Smith, Ark., to points in Arkansas, Illinois, Iowa, Kansas, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, and Texas, under contract with Gulf Oil Corp. NOTE: Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 117574 (Sub-No. 173), filed July 17, 1968. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, Pa. 17013. Applicant's representative: G. K. Bishop (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board and materials and accessories* used in the installation thereof, from Henry County, Tenn., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan; New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and (2) *materials* used in the manufacture and distribution of composition board (except in bulk), from points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, to points in Henry County, Tenn. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117574 (Sub-No. 174), filed July 17, 1968. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr., Post Office Box 39, Carlisle, Pa. 17013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid and food processing, handling, and packaging machinery, equipment, materials, and supplies* which because of size, weight, or bulk, require special equipment or special handling and (2) *commodities named in (1) above* which do not require special equipment or special handling, only when moving as part of the same shipment and in the same vehicle with commodities named in (1) above which because of size, weight, or bulk do require special equipment or special handling, between points in the United States (excluding

Alaska and Hawaii. NOTE: Applicant indicates tacking possibilities with its existing authority wherein it is authorized to serve points in Pennsylvania, Vermont, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Florida, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117823 (Sub-No. 33), filed July 15, 1968. Applicant: DUNKLEY REFRIGERATED TRANSPORT, INC., 240 West California Avenue, Salt Lake City, Utah 84115. Applicant's representative: Lon Rodney Kump, 720 Newhouse Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cream and cream substitutes*, in mechanically refrigerated vehicles, from Gustine, Calif., to points in Nevada, Utah, Idaho, Montana, Wyoming, and Colorado. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or San Francisco, Calif.

No. MC 118282 (Sub-No. 13) (Correction), filed May 6, 1968, published in FEDERAL REGISTER issues of May 30, 1968, and June 20, 1968, and republished as corrected, this issue. Applicant: JOHNNY BROWN'S, INC., 6801 Northwest 74th Avenue, Miami, Fla. 33166. Applicant's representative: Archie B. Culbreth and Guy H. Postell, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Horticultural supplies* (2) *nursery supplies and such commodities* as are sold, used, and dealt in by nurseries when moving in the same vehicle with commodities named in (1) above, and (3) the transportation of *commodities* named in (1) or (2) above when moving in the same vehicles with canned goods or commodities exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act, between points in Florida on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant holds contract authority in MC 125811, therefore dual operations may be involved. The purpose of this republication is to show section 203(b)(6) in lieu of 206(b)(6) as previously published. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 118282 (Sub-No. 16), filed July 15, 1968. Applicant: JOHNNY BROWN'S INC., 6801 Northwest 74th Avenue, Miami, Fla. 33166. Applicant's representative: Archie B. Culbreth and Guy H. Postell, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and frozen foods* (except hanging meat), from New York, N.Y., to points in Virginia (except points in Virginia east of the Chesapeake Bay). NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 118959 (Sub-No. 35), filed July 15, 1968. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: A. S. Dunn, 3805 Mobile Highway Pensacola, Fla. 32505. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products and materials, equipment and supplies used in the manufacture and processing of paper and paper products*, except commodities in bulk and those requiring special equipment because of size or weight, between the plantsite and warehouse facilities of West Virginia Pulp and Paper Co. at or near Wickliffe, Ky., on the one hand, and, on the other, points in Florida, Louisiana, Kentucky, Alabama, North Carolina, South Caroline, Illinois, Ohio, Virginia, West Virginia, Massachusetts, Michigan, Wisconsin, Minnesota, Iowa, New York, Pennsylvania, Indiana, Georgia, Texas, Tennessee, Mississippi, and Missouri. NOTE: Applicant has contract carrier authority in MC 125664 and Sub 26 thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill., or Washington, D.C.

No. MC 119160 (Sub-No. 2), filed July 15, 1968. Applicant: H. E. SPANN AND COMPANY, INC., Post Office Box 1111, Mount Pleasant, Tex. 75455. Applicant's representative: Dan Felts and Wallace H. Nations, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, in sacks, from points in Miller County, Ark., to points in Texas, Arkansas, Oklahoma, and Louisiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 119934 (Sub-No. 150), filed July 18, 1968. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. 46040. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ink*, in bulk, in tank vehicles, from Buffalo, N.Y., to Sylacauga, Ala. NOTE: Applicant holds contract carrier authority under MC 128161, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Birmingham, Ala.

No. MC 119968 (Sub-No. 3), filed July 15, 1968. Applicant: A. J. WEIGAND, INC., 1046 Tuscarawas Avenue, Dover, Ohio 44622. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles and equipment and supplies used or useful in the production and distribution of such articles*, between Mansfield, Ohio, on the one hand, and, on the other, points in Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124206 (Sub-No. 3), filed July 11, 1968. Applicant: BARRY CARTAGE, INC., 120 East National Avenue, Milwaukee, Wis. 53204. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, from Wauwatosa, Wis., to points in that part of Minnesota located on and east of Minnesota Highway 15 from the Iowa-Minnesota State line, to its junction with Minnesota Highway 95 at or near St. Cloud, Minn., and on and south of Minnesota Highway 95 from St. Cloud, Minn., to the Minnesota-Wisconsin State line, under contract with Roundy's Inc., of Wauwatosa, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 124211 (Sub-No. 117), filed July 10, 1968. Applicant: HILT TRUCK LINE, INC., 2648 Cornhusker Highway, Post Office Box 824, Lincoln, Nebr. 68501. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Macaroni, noodle, grain products, foodstuffs* (except meats, and packinghouse products), *pancake and cake flour, spaghetti and vermicelli*, between Sioux City, Iowa, on the one hand, and, on the other, points in the United States (except Hawaii). Restriction: The authority sought herein to the extent it duplicates any authority heretofore granted to or now held by applicant shall not be construed as conferring more than one operating right servable by sale or otherwise. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Washington, D.C.

No. MC 124324 (Sub-No. 12), filed July 15, 1968. Applicant: MURHPY TRUCKING CO., INC., Denver, Ind. Applicant's representative: Alki E. Scopelitis, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Joliet, Ill., to points in Indiana, Ohio, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 124692 (Sub-No. 53), filed July 17, 1968. Applicant: SAMMONS TRUCKING, a corporation, Post Office Box 933, Missoula, Mont. 59801. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Idaho and Montana to points in Colorado and Utah. NOTE: Applicant states that the proposed authority could be tacked

with its present authority under (Sub-12) at points in Montana to perform a circuitous service to points in Utah and Colorado, also, its authority under (Sub-16) could be tacked at points in Wyoming to perform a circuitous service to points in Colorado. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash., or Missoula, Mont.

No. MC 124947 (Sub-No. 6), filed July 12, 1968. Applicant: MACHINERY TRANSPORTS, INC., 617 Chicago Street, East Peoria, Ill. 61611. Applicant's representative: J. G. Dail, Jr., Federal Bar Building, 1815 H. Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, and *oilfield pipe and equipment*, between points in Illinois, on the one hand, and, on the other, points in Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas, and Wyoming; (2) *commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment (other than oilfield machinery and parts therefor); (a) from Chicago, Ill., to points in Oklahoma and Texas, with no transportation for compensation on return except as otherwise authorized, (b) from points in Illinois, Missouri, Oklahoma, and Texas; to points in Arkansas, Colorado, Kansas, and New Mexico, with no transportation for compensation on return except as otherwise authorized, between points in Missouri, Oklahoma, and Texas; (3) *commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between points in Williamson, Franklin, and Saline Counties, Ill., on the one hand, and, on the other, points in Kentucky, Indiana, Ohio, Missouri, and Arkansas. NOTE: The purpose of this application is to seek to substitute the foregoing commodity descriptions for "heavy machinery" and similar authorizations in applicant's existing authority in certificates No. MC–124947 and MC–124947 (Sub-No. 3), and it is related to a petition pending before the Commission for reopening and reconsideration of those proceedings. Applicant does not seek to broaden the territorial scope of its present authority, nor does it seek any duplicating authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 126537 (Sub-No. 18), filed July 12, 1968. Applicant: Kent I. TURNER, KENNETH E. TURNER AND ERVIN L. TURNER, a partnership, doing business as TURNER EXPEDITING SERVICE, Post Office Box 21333, Standiford Field, Louisville, Ky. 40221. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Tri-Cities Airport, Sullivan County, Tenn., and McGhee-Tyson Airport, Knoxville, Tenn., on the one hand, and on the other, points in Scott, Smyth, Washington, Wythe, and Russell Counties, Va.; (2) between Tri-Cities Airport, Sullivan County, Tenn., on the one hand, and on the other, Blue Grass Field, Lexington, Ky., and Berry Field, Nashville, Tenn., and the Greater Cincinnati Airport near Erlanger, Ky.; and, (3) between McGhee-Tyson Airport, Knoxville, Tenn., on the one hand, and on the other, Berry Field, Nashville, Tenn., and the Greater Cincinnati Airport near Erlanger, Ky., restricted to traffic having a prior or subsequent movement by air. NOTE: Applicant is also authorized to conduct operations as a contract carrier in permit No. MC 129652, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville or Lexington, Ky.

No. MC 127557 (Sub-No. 8), filed July 17, 1968. Applicant: COMMERCIAL TRANSPORTATION, INC., 833 Warner Street SW., Atlanta, Ga. 30310. Applicant's representative: Virgil H. Smith, 431 Title Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (1) from Pittsburgh, Pa., and Norfolk, Va., to points in Alabama, Florida, North Carolina, and South Carolina, and (2) from Hammonton, N.J., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 128490 (Sub-No. 2), filed July 17, 1968. Applicant: GERALD C. SHELBY, doing business as SHELBY TRUCKING, Post Office Box 73, Deer Park, Wis. 54007. Applicant's representative: Robert E. Swanson, 1211 South Sixth Street, Stillwater, Minn. 55082. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the manufacture and sale of ice cream, ice milk, and products derived therefrom, from Baldwin, Wis., to Esterville, Iowa, and points in North Dakota, South Dakota, Montana, and Minnesota, under contract with Regal Services, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 128491 (Sub-No. 2), filed July 17, 1968. Applicant: GEORGE JOHN JOHANNSEN, doing business as JOHANNSEN TRUCKING, Route No. 1, Deer Park, Wis. 54007. Applicant's representative: Robert E. Swanson, 1211 South Sixth Street, Stillwater, Minn. 55082. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular *routes*, transporting: *Materials and supplies* used in the manufacture and sale of ice cream, ice milk or products derived therefrom, from Baldwin, Wis., to Esterville, Iowa, and points in Wisconsin, Minnesota, and North Dakota, under contract with Regal Services, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 129264 (Sub-No. 4), filed July 17, 1968. Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, 410 North 10th Street, Post Office Box 212, Billings, Mont. 59101. Applicant's representative: J. F. Meglen, 2822 Third Avenue, North, Post Office Box 1581, Billings, Mont. 59101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tires, tubes and rubber products*, from Dayton, Ohio, to Billings, Rudyard, Great Falls, and Darby, Mont.; Rapid City, S. Dak.; and Spokane, Wash., and rejected and returnable tires, tubes, and rubber products inventory, on return, under contract with B.L.M. Tire, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 129403 (Sub-No. 2), filed July 17, 1968. Applicant: A.N.R. TRUCKING CO., INC., 518 West 29th Street, New York, N.Y. 10001. Applicant's representative: Morris Honing, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by a manufacturer, distributor, wholesaler, and retailer of sporting goods*, from points in New York, N.Y., commercial zone as defined by the Commission, and Port Newark and Port Elizabeth, N.J., to Bergenfield, N.J., restricted to traffic having a prior movement by water, under a continuing contract with General Sportcraft Co., Ltd. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 129615 (Sub-No. 1), filed July 11, 1968. Applicant: AMERICAN INTERNATIONAL DRIVE-AWAY, a corporation, 809 Van Ness Avenue, San Francisco, Calif. 94109. Applicant's representative: Martin J. Rosen, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles, and small boats, campers, and camper-type trailers* (not mobile homes), in shipper-owned vehicles, in secondary movements in driveaway service, between points in California, on the one hand, and, on the other, points in the United States. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 129827 (Sub-No. 1), filed July 19, 1968. Applicant: BLAIR MOTOR SERVICE INCORPORATED, 1531 East 14th Street, St. Louis, Mo. 63106. Applicant's representative: G. M. REBMAN, 314 Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shoes, shoe findings, and shoe materials*, from Trenton, Tenn., to St. Louis, Mo. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 129883, filed May 3, 1968. Applicant: WESWAY TRUCKING CORP., 208 West 35th Street, New York, N.Y. 10018. Applicant's representative: Joel D. Rickover, 570 Seventh Avenue, New York, N.Y. 10018. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textiles* consisting of piece goods—dacrons, cotton, synthetics together with materials and supplies used in the manufacture with such textiles, between New York, N.Y., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J. under contract with Melco Textile Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 129961 (Amendment), filed June 6, 1968, published in FEDERAL REGISTER issue of June 27, 1968, and republished as amended this issue. Applicant: DONALD HACKMAN, INC., 835 Centre Avenue., Ephrate, Pa. 17522, Post Office Box D, Camden, Del. 19934. Applicant's representatives: Harold Blumberg and Gerald P. Sigal, 233 North Fifth Street, Reading, Pa. 19601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bar-Bell equipment, health and recreational equipment*, between Reading, Pa., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Missouri, Nebraska, New Mexico, Kentucky, Louisiana, Minnesota, Mississippi, North Carolina, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Wisconsin, Wyoming, Michigan, and Rhode Island, under contract with Manson-Billiard, Inc. NOTE: The purpose of this republication is to show that applicant desires radial operations between Reading, Pa., and points in the States listed above. If a hearing is deemed necessary, applicant requests it be held at Harrisburg or Reading, Pa.

No. MC 133016 (Correction), filed July 5, 1968, published FEDERAL REGISTER issue July 18, 1968, and republished as corrected this issue. Applicant: CLAY A. IVESTER, doing business as CLAY IVESTER TRUCKING CO., Post Office Box 296, Murphy, N.C. Applicant's representative: Boyce A. Whitmire, Post Office Box 908, Hendersonville, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, (a) from Greenville, S.C., to points in Macon, Clay, Cherokee, and Graham Counties, N.C., and (b) from Chattanooga, Tenn., and Atlanta, Ga., to points in Macon, Clay, Cherokee, and Graham Counties, N.C.; (2) *pallettes*, from Murphy, N.C., to Greenville and Spartanburg, S.C., and Atlanta, Ga.; (3) *lumber*, from West Union and Easley, S.C., to Murphy, N.C.; (4) *feed* (a) from Gainesville, Ga., to points in Macon, Clay, Cherokee, and Graham Counties, N.C.; and (b) from Chattanooga, Tenn., to Murphy, N.C.; and (5) *fertilizer materials*, dry, in packages, from Greenville, S.C., to points in Macon, Clay, Cherokee, and Graham Counties, N.C. NOTE: The purpose of this republication is to add No. (4)(a) above, which was inadvertently omitted in previous publication. If a hearing is deemed necessary, applicant requests it to be held at Raleigh or Charlotte, N.C.

No. MC 133020, filed July 10, 1968. Applicant: CHARLES EDWARD WALTZ, JR., Route 13, DeRuyter, N.Y. 13052. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes transporting: *Lumber and lumber products* from points in Onondaga, Madison, Schuyler, Tioga, and Cortland Counties, N.Y., to points in Suffolk, Worcester, and Middlesex Counties, Mass.; Hillsboro County, N.H.; Hartford and Fairfield Counties, Conn.; Passaic, Essex, Union, Middlesex, and Gloucester Counties, N.J.; Lackawanna, Susquehanna, Philadelphia, Dauphin, Carbon, Lycoming, Northampton, Bucks, Northumberland, Erie, and Lancaster Counties, Pa.; Baltimore and Frederick Counties, Md.; Hamilton County, Ohio; Muskegon and Kent Counties, Mich.; and Bennington County, Vt. NOTE: If a hearing is deemed necessary, applicant requests it be held at Syracuse or Rochester or Buffalo, N.Y.

No. MC 133032, filed July 15, 1968. Applicant: BURKETT TRUCKING CO., INC., 2508 East Roosevelt, Little Rock, Ark. 72202. Applicant's representative: Glenn W. Jones, Jr., 1426 Donaghey Building, Little Rock, Ark. 72201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable shipping containers;* (1) from Little Rock, Ark., to points in; (a) Denver, Boulder, Weld, Adams, Arapahoe, Larimer, Jefferson, Douglas, Gilpin, Clear Creek, and Park Counties, Colo; and (b) points in Costilla, Alamosa and Conejos Counties, Colo.; (2) from Little Rock, Ark., to (a) Daytona Beach, Fla., and points in Florida on and north of the following highways; U.S. Highway 92 from Daytona Beach to junction U.S. Highway 17, U.S. Highway 17 to junction Florida Highway 40, Florida Highway 40 to Yankeetown, Fla.; (b) Lake Worth, West Palm Beach, Fort Myers, Fla., and points in Florida on and north of the following highways; U.S. Highway 98 from West Palm Beach to junction U.S. Highway 441, U.S. Highway 441 to junction U.S. Highway 27, U.S. Highway 27 to junction Florida Highway 80, Florida Highway 80 to junction Florida Highway 867, and Florida Highway 867 to Gulf of Mexico and south of the following highways; U.S. Highway 92 from Daytona Beach to junction U.S. Highway 17, U.S. Highway 17 to junction Florida Highway 40, Florida Highway 40 to Yankeetown, Fla.; and (c) points in Florida (except Lake Worth, West Palm Beach and Fort Myers) south of the following U.S. highways; U.S. Highway 98 from West Palm Beach to junction of U.S. Highway 441, U.S. Highway 441 to junction U.S. Highway 27, U.S. Highway 27 to junction of Florida Highway 80, Florida Highway 80 to junction of Florida Highway 867, and Florida Highway 867 to Gulf of Mexico; and (3) from Little Rock, Ark., to (a) Corpus Christi and Laredo, Tex., and points in Texas on and north of the following highways; Texas Highway 44 from Corpus Christi to junction U.S. Highway 59, U.S. Highway 59 to Texas border at Laredo; north of Texas Highway border from Laredo to Del Rio; and on and east of the following highways; U.S. Highway 377 from Del Rio, Tex., to junction of Interstate Highway 35, Interstate Highway 35 to Texas-Oklahoma boundary line; and (b) points in Texas south of the following highways; Texas Highway 44 from Corpus Christi to junction U.S. Highway 59, U.S. Highway 59 to Laredo, Tex., under contract with Little Rock Crate & Basket Co. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 133032 (Sub-No. 1), filed July 15, 1968. Applicant: BURKETT TRUCKING CO., INC., 2508 East Roosevelt, Little Rock, Ark. 72202. Applicant's representative: Glenn W. Jones, Jr., 1426 Donaghey Building, Little Rock, Ark. 72201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Gulfport, Miss., and Mobile, Ala., to Little Rock, Ark., under contract with Safeway Stores Inc. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 133038, filed July 19, 1968. Applicant: FIRST SCOTT STREET CORPORATION, 249 Schweizer, Detroit, Mich. 48226. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Detroit, Mich., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia,

and West Virginia. NOTE: Applicant holds contract authority under MC 128634, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

MOTOR CARRIERS OF PASSENGERS

No. MC 2353 (Sub-No. 14), filed July 11, 1968. Applicant: MONUMENTAL MOTOR TOURS, INC., 3319 Pulaski Highway, Baltimore, Md. 21224. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing and pleasure tours beginning and ending at points in the Baltimore, Md., commercial zone as defined by the Commission and extending to all points in the United States, including Alaska but excluding Hawaii. NOTE: Applicant states that it presently holds authority in MC 2353 and Sub-9 thereunder to conduct special operations beginning and ending at Baltimore, Md., to all points in the United States, and the authority sought in the instant application will be tacked to said present authority in the conduct of tours. If a hearing is deemed necessary, applicant requests it be held in Baltimore, Md.

APPLICATIONS OF FREIGHT FORWARDERS

FREIGHT FORWARDERS OF PROPERTY

No. FF-36 (Sub-No. 5), D. C. ANDREWS INTERNATIONAL, INC. Extension—UNITED STATES, CANADA, etc., filed July 1, 1968. Applicant: D. C. ANDREWS INTERNATIONAL, INC., 327 South La Salle Street., Chicago, Ill. Applicant's representative: Charles B. Myers, 611 Field Building, Chicago, Ill. 60603. Authority sought under section 410, Part IV of the Interstate Commerce Act to extend operations as a *freight forwarder* in interstate or foreign commerce, through use of the facilities of common carriers by railroad, motor vehicle and water in the transportation of (a) *general commodities*, when imported or consigned for export; (1) between points in Arkansas, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin, on the one hand, and, on the other, the Canadian ports of Montreal, Quebec; St. John, New Brunswick; and Halifax, Nova Scotia; insofar as the transportation takes place within the United States; (2) between points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, and Wisconsin, on the one hand, and, on the other, the port of New York, N.Y.; (3) between all points in the United States, on the one hand, and, on the other, the port of Portland, Maine; (b) *general commodities*, when imported; (1) from all ports in California, Oregon, and Washington, to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, North Dakota, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Dakota, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia; (2) from the ports of Baltimore, Md., Philadelphia, Pa., and ports in Virginia, to points in Arkansas, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin; and, (c) *general commodities* when consigned for export, from points in Pennsylvania to the ports of Philadelphia, Pa., and Baltimore, Md.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUIRED

No. MC 3647 (Sub-No. 403), filed July 22, 1968. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Edgewater and Union City, N.J.: (A) from the Edgewater-North Bergen municipal line at River Road, over River Road to junction of Boulevard East and 60th Street, West New York, N.J., returning over the same route and serving all intermediate points, and (B) from junction of 48th Street and Boulevard East, Weehawken, N.J., over 48th Street, to junction of Broadway, Union City, N.J., returning over the same route and serving all intermediate points. *Restrictions:* (1) No passengers shall be transported over the above-described routes through the Lincoln Tunnel between the Midtown Port Authority Bus Terminal, New York City, N.Y., and points in Fort Lee, N.J., except in Fort Lee, N.J., on Hudson Terrace south of South Marginal Street and over that part of Main Street between Hudson Terrace and the Edgewater-Fort Lee municipal line; (2) no passengers whose trips begin at the Midtown Port Authority Bus Terminal, New York City, N.Y., and end south of 61st Street on Boulevard East in Weehawken or West New York, N.J., and/or on 48th Street east of Park Avenue in Weehawken, N.J., and vice versa, shall be transported on buses operating over River Road from the Edgewater-North Bergen municipal line to the junction of Boulevard East and 60th Street in West New York, N.J. NOTE: Applicant states that the above-described routes will be tacked with its existing routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9134; Filed, July 31, 1968; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 29, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41404—*Wheat and grain sorghums to gulf ports, for export.* Filed by Missouri Pacific Railroad Co. (No. 1138), for itself and interested rail carriers. Rates on wheat and grain sorghums, in bulk, in carloads, from specified points in Kansas, on the Missouri Pacific Railroad Co., to gulf ports, Destrehan, La., Gulport and Pascagoula, Miss., Mobile, Ala., and Pensacola, Fla., for export.

Grounds for relief—Motortruck competition and port relationship.

Tariff—Supplement 39 to Missouri Pacific Railroad Co. tariff ICC 364.

FSA No. 41405—*Wheat or grain sorghums to Texas gulf ports.* Filed by The Atchison, Topeka, and Santa Fe Railway Co. (No. 97-A), for itself and interested rail carriers. Rates on wheat or grain sorghums, in bulk, in carloads, from points in Kansas and Oklahoma, to Corpus Christi, Tex., for export.

Grounds for relief—Motortruck and barge competition.

Tariff—Supplement 41 to The Atchison, Topeka, and Santa Fe Railway Co. tariff ICC 15044.

By the Commission.

H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9206; Filed, July 31, 1968; 8:48 a.m.]

[Notice 658]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 29, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 29988 (Sub-No. 115 TA), filed July 23, 1968. Applicant: DC INTERNATIONAL, INC., 45th Avenue at Jackson Street, Denver, Colo. 80216. Applicant's representatives: Arnold L. Burke, 39 South La Salle Street, Chicago, Ill. 60603, and Ed. Upp (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); serving Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with carrier's otherwise authorized regular-route operations. Carrier does intend to tack the authority here applied for to other authority held by it, for 180 days. Supporting shipper: Ford Motor Co., The American Road, Dearborn, Mich. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 35628 (Sub-No. 291 TA), filed July 25, 1968. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 1 Vandenberg Center, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods and commodities in bulk), serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's regular route operations to and from Louisville, Ky., as authorized at sheets and 11 of certificate MC 35628. Applicant intends to tack and interline, for 180 days. Supporting shipper: Ford Motor Co., The American Road, Dearborn, Mich. 48121. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich. 48921.

No. MC 41116 (Sub-No. 36 TA), filed July 25, 1968. Applicant: FOGLEMAN TRUCK LINE, INC., 1724 West Mill Street, Post Office Box 1504, Crowley, La. 70526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard* (linerboard), from Pineville, La., to Lake Charles, La., for 180 days. Supporting shipper: Pineville Kraft Corp., Post Office Box 870, Pineville, La. 71360. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 43654 (Sub-No. 74 TA), filed July 25, 1968. Applicant: DIXIE OHIO EXPRESS, INC., Post Office Box 750, 237 Fountain Street, Akron, Ohio 44309. Applicant's representative: R. E. Gifford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the Ford Motor Co. plantsite near the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with carrier's regular-route operations, for 180 days. Supporting shipper: Ford Motor Co., The American Road, Dearborn, Mich. Send protests to: District Supervisor G. J. Baccel, Interstate Commerce Commission, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 52579 (Sub-No. 112 TA), filed July 24, 1968. Applicant: GILBERT CARRIER CORP., 1 Gilbert Drive, Secaucus, N.J. 07094. Applicant's representative: Wilfred Abel (same address as above. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, loose, on hangers, from New Smyrna, Fla., to Atlanta, Ga., and Shelby, N.C., for 150 days. Supporting shipper: Kingly Manufacturing Corp., 1350 Broadway, New York, N.Y. 10018. Send protests to: District Supervisor W. J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 55822 (Sub-No. 7 TA), filed July 25, 1968. Applicant: VICTORY EXPRESS, INC., 2600 Willowburn Avenue, Dayton, Ohio 45427. Applicant's representative: Carl C. Schaefer, Sr. (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ink, rubber products, paper products, machinery, paper and metal cases, magnetic tape, and filing cabinets*, between the plantsite and facilities of The National Cash Register Co. at Dayton, Ohio, and the plantsite and facilities of The National Cash Register Co. at Morristown, Tenn., *cash register paper*, from Morristown, Tenn., to Washington, D.C., Baltimore, Md., Philadelphia, Pa., and New York, N.Y., for 180 days. Supporting shipper: The National Cash Register Co., Dayton, Ohio 45409. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 57435 (Sub-11 TA), filed July 25, 1968. Applicant: LOUISIANA, ARKANSAS & TEXAS TRANSPORTATION COMPANY, 4601 Blanchard Road, Shreveport, La. 71107. Applicant's representative: R. W. Spachman, 114 West 11th Street, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives*, between Shreveport, La., and Minden, La., from Shreveport over Interstate Highway 20 to junction U.S. Highway 79-80, thence to junction unnumbered highway near Louisiana Army Ammunition Plant near Doyline, La. (old U.S. Highway 79-80), thence to junction U.S. Highway 79-80, thence over U.S. Highway No. 79-80 to junction Interstate Highway 20, thence over Interstate Highway 20 to junction Louisiana Highway No. 7, thence over Louisiana Highway No. 7 to Minden, and return over the same route, serving all intermediate points, including, but not limited to, the Louisiana Army Ammunition Plant near Doyline, La., and including all points within all commercial zones of all points served. The above service is to be limited to that which is auxiliary to or supplemental of rail service of Louisiana & Arkansas Railway Co., for 180 days. Supporting shippers: Department of Defense (Defense Transportation Office) Washington, D.C. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 59206 (Sub-No. 20 TA), filed July 25, 1968. Applicant: HOLLAND MOTOR EXPRESS, INC., 1 West Fifth Street, Holland, Mich. 49423. Applicant's representative: Charles J. Cooper (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and classes A and B explosives, household goods as defined by the Commission, commodities in bulk requiring special equipment), from Louisville, Ky., to Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicants existing regular route authority. Applicant tends to tack and interline, for 180 days. Supporting shipper: Ford Motor Co., The American Road, Dearborn, Mich. 48121. Send protests to: C. R. Fleming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich. 48933.

No. MC 63973 (Sub-No. 13 TA) filed July 24, 1968. Applicant: HARRY KALER, doing business as KALER FREIGHT LINE, 504 12th Street SE., Mason City, Iowa 50401. Applicant's representative: Gerald Kaler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (1) between Mason City and Hampton, Iowa, over U.S. Highway 65, serving all intermediate points; (2) between Mason City and Osage, Iowa, serving the intermediate points of St. Ansgar as follows: From Mason City east over U.S. Highway 18 to junction unnumbered highway, thence over unnumbered highway through Plymouth, Iowa, to junction Iowa Highway 337; thence over Iowa Highway 337 to junction unnumbered highway at Grafton, Iowa; thence over unnumbered highway to junction Iowa Highway 105 at Carpenter, Iowa;

thence over Iowa Highway 105 to junction U.S. Highway 218; thence over U.S. Highway 218 to Osage, Iowa; and return over the same route, for 180 days. Supporting shippers: There are approximately 19 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Ellis Annett, District Supervisor, 677 Federal Building, 210 Walnut Street, Des Moines, Iowa 50309.

No. MC 69833 (Sub-No. 96 TA), filed July 25, 1968. Applicant: ASSOCIATED TRUCK LINES, INC., Vandenberg Center, Grand Rapids, Mich. 49502. Applicant's representative: Harry Pohlad (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the Ford Motor Co. at Westport Road and Murphy Lane, Jefferson County, Ky., as an off-route point in connection with carrier's authorized regular-route operations to and from Louisville, Ky. Applicant intends to tack and interline, for 180 days. Supporting shipper: Ford Motor Co., The American Road, Dearborn, Mich. 48121. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich. 48933.

No. MC 74718 (Sub-15 TA), filed July 25, 1968. Applicant: ADKINS CARGO EXPRESS, INC., 2130 South Avenue, La Crosse, Wis. 54601. Applicant's representative: Joseph E. Ludden (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and household goods, as defined by the Commission) serving the plantsite of the Ford Motor Co., Kentucky Truck Plant, located near the intersection of Westport Road and Murphy Lane, Jefferson County, Ky., as an off-route point in connection with applicant's present authority, as set forth in Docket MC 74718. Will engage in the same transportation on return. It will interline at any common point, with duly authorized carriers. It will tack over presently authorized routes where there is a common point, for 180 days. Supporting shippers: Ford Motor Co., The American Road, Dearborn, Mich., Attention C. F. Wilkins, Supervisor, Parts and Material, Transportation and Traffic, Analysis Department. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 94350 (Sub-No. 191 TA), filed July 23, 1968. Applicant: TRANSIT HOMES INC., Post Office Box 1628, Haywood Road, Greenville, S.C. 29602. Applicant's representative: Mitchell King (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: 60' x 12' units which will include *frames, chassis and undercarriages for mobile homes and portable buildings*, from their plantsite in Laurens, S.C., to new facilities in Mechlenburg and Cabarrus Counties, N.C., with return of said undercarriages, for 180 days. Supporting shipper: Riblet Products, Inc., Laurens, S.C. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, 601A Sumter Street, Columbia, S.C. 29201.

No. MC 108068 (Sub-No. 67 TA), filed July 22, 1968. Applicant: U.S.A.C. TRANSPORT, INC., 25200 West Six Mile Road, Detroit, Mich. 48240. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Internal combustion engines*, other than aircraft, which require the use of special equipment or handling; and *parts, attachments, equipment, materials, and supplies* moving in connection therewith, between East Hartford and Southington, Conn., on the one hand, and, on the other, points in the United States, except Alaska and Hawaii, restricted to traffic originating at or destined to the plants and facilities of United Aircraft in Connecticut, for 180 days. Supporting shipper: United Aircraft Corp., 400 Main Street, East Hartford, Conn. Send protests to: District Supervisor Gerald J. Davis, Bureau of Operations, Interstate Commerce Commission, 1110 Broderick Tower, Detroit, Mich. 48226.

No. MC 110683 (Sub-No. 43 TA), filed July 25, 1968. Applicant: SMITH'S TRANSFER CORPORATION OF STAUNTON, VA., Post Office Box 1000, Staunton, Va. 24401. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the plantsite of the Ford Motor Co. at the intersection of Westport Road and Murphy Lane, Jefferson County near Louisville, Ky., as an off-route point in connection with applicant's presently authorized operations to and from Louisville, Ky. (Note that applicant proposes to tack the proposed authority with authority it now holds), for 180 days. Supporting shipper: Ford Motor Co., Dearborn, Mich. 48120. Send protests to: George S. Hales, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 111594 (Sub-No. 36 TA), filed July 25, 1968. Applicant: C. W. TRANSPORT, INC., 610 High Street, Post Office Box 200, Wisconsin Rapids, Wis. 54494. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's otherwise authorized regular-route operations, for 180 days. Supporting shipper: Ford Motor Co., The American Road, Dearborn, Mich., Attention C. F. Wilkins, Supervisor, Parts and Material, Transportation and Traffic, Analysis Department. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 111729 (Sub-No. 267 TA), filed July 22, 1968. Applicant: AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Gerard L. Peace (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records and audit, and accounting media of all kinds, and advertising materials moving therewith*, (a) between New York, N.Y., on the one hand, and, on the other, points in New Castle County, Del.; points in Bucks, Delaware, Montgomery, and Philadelphia Counties, Pa. (except Philadelphia, Pa.); (b) Between Philadelphia, Pa., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y. (except Manhasset, N.Y.); and points in Bergen and Morris Counties, N.J. (except Carlstadt, N.J.); (c) Between Columbus, Ohio, on the one hand, and, on the other, points in Indiana (except Marion County, Ind.) and points in Kentucky (except Ashland, Ky.). (2) *Drugs, narcotics, pharmaceuticals and drug products*, between Columbus, Ohio, on the one hand, and, on the other, points in Indiana and points in Kentucky. (3) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theater and television exhibition). (a) Between Richmond, Va., on the one hand, and, on the other, points in South Carolina; (b) between Columbus, Ohio, on the one hand, and, on the other, points in Indiana and points in Kentucky (except Louisville, Ky.) for 180 days. Supporting shippers: (1) J. C. Penney Co., Inc., 1301 Avenue of the Americas, N.Y. 10019, (2) Galeski Photo Center, Inc., Post Office Box 658, Richmond, Va. 23205, (3) Big Bear Stores Co., 770 West Goodale Boulevard, Columbus, Ohio 43212. Send protests to: E. N. Carignan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, N.Y. 10007.

No. MC 114533 (Sub-No. 164 TA), filed July 24, 1968. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Small parts, electronic components and supplies* limited to 75 pounds per shipment, between Cleveland, Ohio, on the one hand, and, on the other, Erie and Pittsburgh, Pa., and Detroit, Mich., for 150 days. Supporting shipper: International Business Machines Corp., 601 Rockwell Avenue, Cleveland, Ohio 44114. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 116077 (Sub-No. 242 TA), filed July 24, 1968. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue 77023, Post Office Box 1505 77001, Houston, Tex. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in bags, from Houston, Tex., to Santa Fe, N. Mex. Applicant does not intend to tack authority with presently authorized routes, for 180 days. Supporting shipper: Ideal Cement Co., Division of Ideal Basic Industries, Inc., 821 17th Street, Denver, Colo. 80202. Send protests to: District Supervisor John C. Redus, 8610 Federal Building, 515 Rusk, Interstate Commerce Commission, Bureau of Operations, Houston, Tex. 77002.

No. MC 117183 (Sub-6 TA), filed July 25, 1968. Applicant: 3–B TRUCKING COMPANY, INC., 20 Jewell Street, Garfield, N.J. 07026. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Canned beverages, equipment, materials, and supplies used or useful in the manufacture and sale of canned beverages*, between the plantsite and facilities of Cantrell and Cochrane, Ltd., Inc., and/or Garfield Products, Inc., at Garfield, N.J., on the one hand, and, on the other, points in New York, Pennsylvania, and Connecticut, for 150 days. Supporting shipper: Cantrell & Cochrane Corp., 20 Jewell Street, Garfield, N.J. 07026. Send protests to: District Supervisor, Joel Morrow, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 119654 (Sub-No. 6 TA), filed July 24, 1968. Applicant: HI-WAY DISPATCH, INC., 26th Street and Bypass, Marion, Ind. 46952. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps, covers, and tops* therefor and *fiberboard boxes*, from Dunkirk, Ind., to points in Illinois, Kentucky, Michigan, St. Louis, Mo., Ohio, and Wisconsin, for 180 days. Supporting shipper: Armstrong Cork Co., Lancaster, Pa. 17604. Send protests to: District Supervisor J. H. Grey, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 127988 (Sub-No. 6 TA), filed July 23, 1968. Applicant: LEON F. FIALA, doing business as FIALA FEED AND GRAIN CO., Osceola, Nebr. 68651. Applicant's representative: Richard C. Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Grain storage bins, grain drying bins, bulk feed tanks, and metal buildings*, from Grand Island, Nebr., to points in Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, North Dakota, Oklahoma, South Dakota, Washington, Wyoming, and Wisconsin, and (2) *Cold rolled steel, steel sheets, and steel coils*, from St. Louis, Mo., and points in Illinois and Indiana to Grand Island, Nebr., under continuing contract with Big Chief of Nebraska, Inc., for 180 days. Supporting shipper: Big Chief of Nebraska, Inc., West Highway 30, Grand Island, Nebr. Send protests to: District Supervisor Max H. Johnston, Bureau of Operations, 315 Post Office Building, Lincoln, Nebr. 68508.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretray.*

[F.R. Doc. 68–9207; Filed, July 31, 1968; 8:48 a.m.]

[Notice 181]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 29, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–70621. By order of July 23, 1968, the Transfer Board approved the transfer to Lohrenze Trucking Co., Inc., Casper, Wyo., of certificates Nos. MC–52471 and MC–52471 (Sub-No. 3), issued September 21, 1940, and March 3, 1947, respectively to C. B. Edmonds, doing business as C. B. Edmonds Transportation, authorizing the transportation of: Machinery, materials, supplies, and equipment used in the natural gas and petroleum industry and in the operation of pipe lines, between points in Wyoming and Montana. Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. 82001, attorney for applicants.

No. MC–FC–70651. By order of July 23, 1968, the Transfer Board approved the transfer to Rediehs Interstate, Inc., a Delaware corporation, Gary, Ind., of the operating rights in certificates Nos. MC–128270 and MC–128270 (Sub-No. 1) issued March 21, 1968, and January 9, 1967, respectively, to Rediehs Interstate, Inc., Gary, Ind., authorizing the transportation of various specified commodities, including iron and steel articles, from the plantsite of Jones & Laughlin Steel Corp., located in Putnam County, Ill., to points in Iowa, Missouri, and Wisconsin, and materials, equipment, and supplies used in the manufacture and processing of iron and steel articles, from points in Iowa, Missouri, and Wisconsin, to the plantsite of the Jones & Laughlin Steel Corp. in Putnam County, Ill.; and general commodities, with exceptions, between the plantsite of the Bethlehem Steel Corp. at Burns Harbor, Porter County, Ind., on the one hand, and, on the other, points in Illinois north of U.S. Highway 40 and points in Missouri, except St. Louis. Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602, attorney for applicants.

No. MC–FC–70653. By order of July 23, 1968, the Transfer Board approved the transfer to J. A. Grimm & Wheeling Motor Express, Inc., McKees Rocks, Pa., of the operating rights in certificate No. MC–21788 issued January 31, 1950, to Joseph Grimm, doing business as J. A. Grimm & Wheeling Motor Express, McKees Rocks, Pa., authorizing the transportation of general commodities, with the usual exceptions between Pittsburgh, Pa., and Apollo, Pa., serving all intermediate points and the off-route points of Vandergrift and Schenley, Pa.; between Pittsburgh, Pa., and Moundsville, W. Va., serving the intermediate points of Beechbottom, W. Va., and those between Beechbottom and Moundsville, and the off-route points of Wilkinsburg and McKees Rocks, Pa., and Bethany, W. Va.; between Pittsburgh, Pa., and Wheeling, W. Va., serving intermediate points in West Virginia and specified off-route points in Pennsylvania; and between Pittsburgh, Pa., and Bellaire, Ohio, serving specified intermediate and off-route points. Edward M. Larkin, 5151 Penn Avenue, Pittsburgh, Pa. 15224, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–9208; Filed, July 31, 1968; 8:48 a.m.]

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Thursday, August 1, 1968 • Washington, D.C.

PART II

Department of Agriculture
Consumer and Marketing Service

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Milk in New York-New Jersey Marketing Area

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DECISION



THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1002]

[Docket Nos. AO–71–A46, AO–71–A46–R01]

MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was convened at New York City, on July 19, 1965, pursuant to notice thereof issued on June 11, 1965 (30 F.R. 7839). Sessions were held at such location July 19–23, and August 3–27, 1965, and at Syracuse, N.Y., on July 26–29, 1965. The hearing was reopened at New York City during the period May 9–June 9, 1967, pursuant to supplemental notice thereof issued on April 20, 1967 (32 F.R. 6407).

Upon the basis of the evidence introduced at the July–August 1965 sessions of the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, Consumer and Marketing Service on January 19, 1967 (32 F.R. 807) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto. The decision proposed certain modifications in the cooperative payment provisions of the order (issue No. 1) and denied the adoption of certain other proposals at issue (issues No. 2, 3, and 4).

After review of the recommended decision and exceptions filed, and on the basis of requests from two of the cooperative groups receiving the payments and from duly authorized representatives of the States of New York and New Jersey, the Acting Secretary of Agriculture decided on April 20, 1967 (32 F.R. 6401) that the hearing should be reopened. He concluded in his partial final decision that: (1) A continuing need for cooperative payment provisions in the order had been demonstrated, (2) some modification of the provisions should be made and (3) because evidence relating to (a) delineation of the marketwide services for which payment should be made, (b) the total amount of such payment, and (c) its allocation among cooperatives, was not fully developed in the prior sessions of the hearing, the hearing should be reopened for the limited purpose of receiving any further pertinent evidence interested parties might wish to offer on the latter issues to permit a full and comprehensive reexamination of the matter.

Consequently, a supplemental notice of hearing was issued concurrently with the issuance of the partial final decision. However, the partial decision did contain findings and conclusions with respect to the remainder of the issues of record (Issues 2, 3, and 4). The hearing was reopened at New York City on May 9, 1967, and was in session 16 days during the period May 9–June 9, 1967.

On March 29, 1968, the Deputy Administrator, Regulatory Programs, filed with the Hearing Clerk, U.S. Department of Agriculture, his revised recommended decision (33 F.R. 5304) with respect to the completion of findings and conclusions on issue No. 1 (as described in the partial final decision) based on the complete record of the hearing. Such decision contained a recommended order amending the order as the detailed and appropriate means by which such findings and conclusions and the findings and conclusions of the partial final decision may be carried out. The revised recommended decision contained notice of the opportunity to file written exceptions thereto.

The statement of issues, description of hearing proposals, findings and conclusions, and rulings of the partial final decision of April 20, 1967 (32 F.R. 6401), although not repeated here, are adopted as part of this decision.

The findings and conclusions, rulings, and general findings of the revised recommended decision (33 F.R. 5304; F.R. Doc. 68–3988) are hereby approved and are set forth in full herein subject to the following revisions:

1. Under II B. *Cost of Marketwide Services:*

a. The last sentence in the 11th paragraph is revised.

b. A footnote is added to the tabular material therein.

2. Under III A. *Public disclosure:* In the last paragraph the reference § 1002.81(i) is changed to § 1002.89(i).

3. Under III C. *Miscellaneous changes:* The next to last paragraph is revised and a new paragraph is added between it and the last paragraph.

The findings and conclusions set forth below relate only to the matters subject to discussion at the reopened hearing, to wit: "Whether the basis for and rates of payment from the producer-settlement fund (commonly referred to as "cooperative payments") to qualifying cooperatives to perform specified services to producers on a marketwide basis should be modified or revoked."

Current order provisions require that each eligible producer organization must perform certain marketwide services if it is to continue to receive payments. These include (but are not necessarily limited to) the following:

(1) Analyzing milk marketing problems and their solutions, conducting market research and maintaining current information as to all market developments, preparing and assembling statistical data relative to prices and marketing conditions, and making an economic analysis of all such data;

(2) Determining the need for the formulation of amendments to the order and proposing such amendments or requesting other appropriate action by the Secretary or the market administrator in the light of changing conditions;

(3) Participating in proceedings with respect to amendments to the order, including the preparation and presentation of evidence at public hearings, the submission of appropriate briefs and exceptions, and also participating, by voting or otherwise, in the referenda relative to amendments;

(4) Participating in the meetings called by the market administrator, such as meetings with respect to rules and regulations issued under the order, including activities such as the preparation and presentation of data at such meetings and briefs for submission thereafter;

(5) Conducting a comprehensive education program among producers—i.e., members and nonmembers of cooperatives—and keeping such producers well informed for participation in the activities under the regulatory order and, as a part of such program, issuing publications that contain relevant data and information about the order and its operation, and the distribution of such publications to members and, on the same subscription basis, to nonmembers who request it, and holding meetings at which members and nonmembers may attend; and

(6) Under some circumstances, the operation of marketing facilities, i.e., pool plants.

Much of the hearing record (particularly after reopening) was devoted to a discussion of whether cooperative payments should continue to be subject to the same performance requirements in terms of marketwide services.

At the reopened hearing a spokesman for two cooperatives primarily associated with the Delaware Valley order and another speaking for proprietary handlers in this market advocated a specific listing of services deemed to be marketwide in nature. It was suggested that proper expenditure of cooperative payment funds be strictly limited to the defined services. In part, these proposals were directed toward the justification of a limited payment. Particular concern was expressed in regard to the use of these monies for membership activity and operation of plants.

Eastern Milk Producers Cooperative Association, Inc., which is a large bargaining cooperative presently qualified to receive payments under the order, also expressed opposition to payments made or used for the operation of marketing facilities.

The handlers also criticized expenditure of pool funds for cooperative publications because, in their view, these periodicals served largely to build the image of these organizations.

The Dairymen's League Co-operative Association, Inc., a current payments recipient, proposed that order language be changed to broaden the list of required services to include legislative activities and to specifically acknowledge that the required services are not the only activities which are of a marketwide nature. They also suggested that the present requirement for additional payment based on marketing facilities be modified to require manufacturing capacity. Specifically, eligibility for such added payment would be limited to an organization operating pool plants handling 25 percent of its members' milk and also maintaining manufacturing plant capacity for at least 10 percent of membership production.

Northeast Dairy Cooperative Federation, Inc., another presently qualified group, also stressed the importance of service to all producers via cooperative operation of manufacturing facilities.

Findings and Conclusions

The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

I. *Modification of provisions.* The present rates of payment should be adjusted only to accommodate changes in cooperative eligibility requirements for payment as adopted in the partial final decision of April 20, 1967, which is made an integral part hereof. Other changes of an administrative nature should be made (1) as provided by the April 20 decision, and (2) as discussed below.

Basic to the findings in the partial final decision that cooperative payments should be continued were the following:

(1) That certain activities of cooperatives are necessary to the effective operation of the regulatory program and consequently benefit alike those producers who are not members of cooperative associations as well as those who are members; and

(2) That payments to cooperatives provide the means necessary in this market to encourage performance of marketwide services and to correct any inequities of cost that would otherwise burden members of cooperatives undertaking such tasks.

Consistency with these two principles was considered the ultimate touchstone for reaching the findings and conclusions set forth below in regard to the unresolved issues on the record of this hearing.

At the hearing the most urgent criticism of the cooperative payment provisions revolved around the following points: whether the present provisions are (1) resulting in excessive payments to cooperatives and consequently detracting from the uniformity of returns between member and nonmember producers, and (2) impeding the uniform application of pricing between proprietary handlers and the recipient cooperative associations in their capacity as handlers.

The question of assessing a reasonable level of expenditure for those services which benefit nonmember producers as well as members of cooperatives, and in differentiating such activities related to the regulatory program from services designed primarily for members, are the basis for much of the current controversy over the cooperative payment provisions and led to the review made at this hearing.

At issue then is both a workable definition of marketwide services and the appropriate level of compensable payment for such services. The partial decision reaffirmed that "certain activities of cooperatives are necessary to effective operation of the regulatory program and consequently benefit alike those producers who are not members of cooperative associations as well as those who are members." The problem, however, is whether each activity on which payment is based should be enumerated in the order or whether some general minimum requirements are more appropriate as a basis for compensation of cooperatives.

In deciding these questions it is necessary to keep in mind that all producers have a proportionate interest in monies deducted from the producer-settlement fund since any deduction therefrom reduces the uniform price payable to all producers. On the other hand, any action which leads to an increase in the uniform price also redounds to the benefit of all producers.

Several public witnesses placed their views on the matter of delineating cooperative and marketwide services into the record. One, a university staff member who authored a study of cooperative payments, listed two criteria for identifying a marketwide service: (1) That it accrue to the benefit of all producers, and (2) that it be "reasonably necessary for the proper functioning of the order".[1] Another, a professor at one of the large land-grant universities in the milkshed, suggested that marketwide services should include all activities by cooperatives necessary to the operation of the order, including the solution of problems by means other than order changes. A third professor indicated that the suitable services should include only order activities and education.

The most important type of cooperative activity related to effective operation of the regulatory program concerns the solution of problems that arise in marketing of milk in the New York-New Jersey milkshed. Because of the dynamic nature of such marketing there is a constantly changing array of problems requiring solution. Presently, new problems are arising due to concern over air and water pollution. New regulations concerned with elimination of such pollution sometimes means closing of a milk plant, and the subsequent relocation of producers. Changes in sanitary regulations are a continuing concern. One example may be found in the widespread need for United States Public Health Service approval due to increasing use of its standards for acceptance of milk supplies.

Dairy farmers and their representatives must be concerned with the loss of markets to substitutes, both domestic and foreign. For example, imports of butterfat sugar mixtures have been replacing locally produced butter and cream in recent years. Moreover, non-dairy substitutes, having taken over much of the butter and cream market, now threaten to substitute for fluid milk products. In any case, the problem of competition takes many forms, all requiring study and solution.

Milk marketing does not simply consist of producing the milk or obtaining a favorable market. Assembly of the raw product is also subject to difficulties some of which result from changing technology. For example, the change to bulk handling of milk is altering many of the historical can assembly patterns. Close scrutiny is required to assure that the transition progresses smoothly to an efficient result.

Effective dealing with such problems frequently requires order changes, but solutions often go beyond the scope of the order. Presently, however, the order only refers specifically to the pursuit of solutions available under the order. By the same token present provisions do not preclude attempts at solution beyond the order. Nor does this record support the conclusion that it would be desirable to make such a restriction on cooperative activity. It would be ironic to charge these organizations with the responsibility of studying milkshed problems without permitting flexibility in dealing with their solution.

Because of the block voting in referenda provided for in the Act, cooperatives have a special responsibility in the regulatory process. Voting on an order or amended order frequently depends primarily on votes cast en block. Cooperative decisions on how a vote shall be cast thus become extremely important to all producers. Because membership sentiment normally provides for means for assessing the mood of producers throughout the milkshed (in fact this is one of the reasons for limiting payments to large cooperatives), able directors and officers are extremely important to the activity of cooperatives that are to receive pool payments.

Therefore, dissemination of accurate information about problems and alternative solutions to members and officers requires particular emphasis. This does not indicate that nonmember education is unimportant, but rather recognizes that much of the most effective nonmember education is accomplished through contact with other producers. The organizational structure of the cooperative provides for feedback of producer (both member and nonmember) sentiment to the decisionmakers. Indeed, new problems confronting producers may come to light through operation of an efficient communications apparatus within these producer organizations.

Some critics of cooperative payments contend that membership activities of a cooperative accrue only to members' benefit. According to this view it is only the technical staff of the qualified organizations that provide benefits to all producers in the market.

Emphasis on the technical staff of a cooperative, while extremely important, deals only with one part of the need. Professional economists, lawyers, fieldmen, public relations personnel, and

[1] See definition of marketwide service in thesis "Compensation of Milk Producer Cooperatives for Marketwide Services Under Federal Milk Orders" (p. 80) by Dr. William Park, accepted in partial fulfillment of the degree Doctor of Philosophy at College of Agriculture, Cornell University.

supporting staff are necessary to prepare meaningful data and alternative programs, provide professional contact with producers, disseminate useful information, and competently pursue solutions. But membership, officers, and organizational structure of the cooperative provide the means to choose among alternative solutions to problems of a marketwide nature by assessing producer wants and needs.

Evidence in the record does not support the conclusion that publications presently disseminated by qualified cooperatives do not benefit all producers. Sample copies of the publications of the two qualified operating cooperatives and testimony of both editors indicate, in general, that information presented is reasonably well-balanced and factual. While views of the sponsoring organizations are aired, editorial policy and published content as revealed on the record demonstrate the usefulness of the periodicals to provide educational information for all producers.

Milk marketing problems often require an establishment of communications with legislative and other public agencies. Many examples of this need were placed on the record, notably concerning milk standardization, sanitation requirements, cooperative laws, and possible changes in the Act authorizing milk orders. A State legislator testified to the value of information supplied to him by the qualified cooperatives. Other legal work arises from court actions such as those that challenge provisions of the order. Such work is a marketwide service when it involves providing factual material to legislators or legal support to uphold the efficacy of the order. A suitable program of marketwide services should continue to include analysis of the myriad milk marketing problems facing producers under the order even though it may require action related only indirectly to Order 2 provisions.

The cooperatives also provide services of a marketwide nature by the maintenance of manufacturing facilities capable of providing an outlet for producers' milk. Such facilities are necessary in this milkshed in order to insure that producers will have an outlet for their milk at all times. Testimony at the hearing emphasized the value of manufacturing facilities to handle the surplus resulting from the wide supply variations.

Consumer needs for fluid milk do not vary in a manner similar to production. While daily fluid sales are rather consistent, even the practice of processing such milk on a 5-day week basis conflicts with the biological nature of production. Thus, assurance of an adequate supply of fluid milk is a problem inextricably associated with the equitable disposition of any resulting surplus. If proprietary handlers are not both willing and able to offer producers an outlet for their milk, the cooperatives must provide such outlets as an alternative to the uneconomic reduction of herds or dumping of milk. While manufacturing capacity should be available to handle surplus milk that cannot be utilized as fluid milk, the need for such plants varies with the amount of surplus. Therefore, such facilities often must be maintained on a costly standby basis subject to daily, seasonal, and annual variation in use.

On a hypothetical basis, handler spokesmen attempted to demonstrate how cooperative payments could be used by qualified cooperatives to gain unfair competitive advantage over proprietary handlers. It was alleged that proprietary handlers also maintain surplus facilities that are operated on an intermittent basis. Mere existence of such plants, however, does not necessarily provide an outlet for the milk of all producers. Because they are owned and controlled by producers, cooperatives incur obligations not shared by proprietary handlers to provide outlets for producers during such periods of worsening market conditions. Due to this difference in the motive for operation, processing plants owned by other handlers do not provide the same assurance of market outlets to producers, under all circumstances, as do those operated by cooperatives.

Temporary periods may be expected during which the margins provided by class prices for the operation of surplus facilities will be unfavorable. For example, large imports of butterfat sugar mixtures during 1966 suddenly provided handlers with substantially lower cost butterfat than that available under the order. Under such circumstances the availability of cooperative facilities became very important in providing a market for the displaced butterfat which was no longer acceptable to proprietary handlers. It is important that the cooperatives continue to provide the marketwide service of maintaining processing facilities in the milkshed to insure that milk outlets remain available to producers during such periods.

In the long run, perhaps the greatest benefit that arises from operation of cooperative marketing facilities, including processing facilities, is the additional knowledge that accrues to the organizations concerned with such operations. Daily contact with current problems of processing and marketing of milk under the order makes them more immediately aware of problems somewhat removed from actual farm production of milk. Moreover, data not otherwise available is susceptible to their use. For example, actual costs of receiving, processing, or manufacturing may be introduced into the record of hearing even though proprietary handlers may be unwilling to provide such data for competitive or other reasons. Such data are invaluable for use in making intelligent decisions on class pricing provisions. Importance of subtle changes in the level of long-term handling charges and of spot prices are also likely to be more immediately recognized by cooperatives that are engaged in daily handling of relatively large milk volumes.

In the short run the ability to remove excess supplies from the market is also of benefit to all producers. For example, the record indicates that several proprietary handlers declared bankruptcy since 1960. In the bankruptcies both member and nonmember milk were involved. During the same period other dealers served notice to cooperative suppliers that annual contracts were not to be renewed. The losses of contracts affected member milk directly, but indirectly had comparable effects on nonmember milk. In either situation, however, frantic scrambling for market outlets might have resulted if cooperative facilities had not been available. Such are the seeds of market instability that would likely affect all producers in the milkshed.

To support their view that cooperative facilities were unneeded additions to milkshed plant capacity, critics of these cooperative operations pointed out that no milk was made homeless as supplies increased during the early sixties. The record indicates that availability of cooperative facilities, in fact, provided a market for these increased supplies (as well as the supplies resulting from bankruptcies) in a period when surplus margins under the order were unattractive to proprietary handlers. Data in the record indicate milk used for butter at the plants of producer groups qualified to receive payments jumped from zero in March 1960 to 28 percent of all pool milk used for butter in March 1965. It has since showed further increase to 34 percent in March of 1966 and 50 percent in March of 1967. As the tail end surplus product, butter output has also provided the alternative for much of the milk displaced by recent increases in butterfat imports.

The complete and detailed financial information presented by Northeast Federation at this hearing revealed application of some $700,000 derived from cooperative payments to the surplus operation, about half of which was stock investments. While this use of the funds was actually made in the period since 1962, it represents monies received over the whole period of the current provisions, or about $54,000 per year since 1954. A comparison of the balance sheets of the two predecessors of Northeast Federation showed reserve accounts amounting to 9.09 percent of cooperative payments receipts were accumulated between 1954 and 1964. The insurance of market outlets provided producers was worth far in excess of an annual premium of less than $2 per producer.

Handler spokesmen contended that the benefits from cooperative facilities accrue only to members. Data published by the New York State Department of Agriculture and Markets, however, showed that average payments to producers by proprietary handlers somewhat exceeded those by operating cooperatives in each of the years 1962 through 1965 for the State as a whole. So the benefits of maintaining market outlets hardly seem to benefit members exclusively. If anything, the payments have not been fully compensating.

The constantly changing milk marketing problems facing producers in this large milkshed are not capable of precise listing, except perhaps in retrospect. Furthermore, suitable solutions to these questions are not always available by

the same means. Education also has a great variety of vehicles, often not cast in a formal setting. Needed data and information may require drawing on both formal and informal sources. Yet the benefit to all producers from education and problem solution remains regardless of the means.

Even a clairvoyant specification of marketwide services would not be desirable, assuming that it were possible. To compile a rigid set of unyielding guidelines to services that must be performed would do little to attain the first objective set forth in the partial decision. Effective producer representation requires strengthening of cooperatives, not burdening them with unnecessary administrative difficulties. It is better to set forth broad guidelines, placing the responsibility on the cooperatives to identify the activities necessary to attack current problems. Suitable rules and regulations can be used to provide more specific details if and when needed.

Some testimony on the record contended that cooperatives would undertake most, if not all the activities not now listed in the order even in the absence of pool payments. Such arguments miss the point. Principles underlying cooperative payments, as reaffirmed in the partial decision, seek not only to assure that cooperatives continue to provide services of benefit to all producers but also to maintain equity between returns to members and nonmembers. To suggest that qualified groups should render some of these services without recompense flies in the face of one of the intended purposes of these payments.

The record thus does not support the conclusion that marketwide services should be strictly specified, nor that use of the payments should be limited to itemized services. The needs for services on behalf of all producers are far too varied and dynamic to impose such inflexibility upon response by qualified producer organizations. It is more desirable to encourage efficiency in the performance of desirable marketwide services by other means. Modification of procedures for reporting, discussed below, are means that can be used without destroying the major benefits to all producers provided by present flexibility of action accorded to participating cooperatives.

The order should indicate clearly the types of services that are marketwide in nature even though specific enumeration of all such services in the order is impractical, as noted above. Therefore, in the amended order accompanying this decision, marketwide services are defined as services performed by cooperatives or federations, as defined herein, which benefit all producers in the marketing of their milk under this order. This is consistent with findings in the partial decision that "certain activities of cooperatives are necessary for effective operation of the regulatory program and consequently benefit alike those producers who are not members of cooperative associations as well as those who are members." In addition, this definition recognizes the need for flexibility of action by cooperatives on behalf of all producers.

An additional category of required services also should be included in the order. Therefore, the amendments require that cooperatives or federations receiving payments engage in other marketwide services for the improvement of market conditions, such as aid to public officials in formulation of public policy and participation in other Government programs that affect marketing of the milk of all producers in this market. This change places specific responsibility on the cooperatives to identify current marketing difficulties regardless of their nature and to use their best efforts to eliminate them.

Producers in the New York milkshed cannot ignore the adjacent or related orders. The functioning of Orders 1, 15, and 4, and the intermingling of production and the interrelationship of marketing areas among these orders are matters of direct impact. Order 2 cooperatives have members under several such orders, but it is often their Order 2 members whose interests, as well as all Order 2 producers, are of primary concern in the consideration of amendments to those orders.

In addition, issues in the Midwest or other distant order hearings may establish decisions or precedents which are of vital interest to Order 2 producers.

Order litigation is an important, and may be a very expensive service. Many court cases have considered the New York-New Jersey order and adjacent orders. The services rendered by cooperatives which have benefited all producers in such litigation are valuable marketwide services and should be recognized as such.

Governmental officials often depend upon the advice and consultation of informed marketing experts for guidance in administering their regulatory programs. Such services may be related only indirectly to the provisions of the order, but are nevertheless necessary if the order is to provide the orderly marketing intended by the Agricultural Marketing Agreement Act of 1937. For example, recent activities by the cooperatives to prevent continued evasion of the import laws on butterfat were important in bringing about effective governmental action which stabilized the market. Dr. Park, in his thesis stated "Legislative activities are certainly marketwide in the sense that both members and nonmembers benefit more or less equally, but such services may or may not be related to an order. For example, the activities of a cooperative pertaining to an amendment of the Agricultural Marketing Agreement Act of 1937 would certainly be directly related to an order. But, if the legislative activities pertained to animal disease or general farm legislation, then such activities could hardly be deemed reasonably necessary for the proper functioning of an order. Thus, according to the definition of marketwide services, legislative activities are defined as marketwide only when such activity is directly related to an order."

The recognition of such services given by Dr. Park should be broadened somewhat to include those marketwide services which promote or tend to promote orderly marketing and benefit all producers. For example, activity of the cooperatives during the past year was helpful in the enactment of a state law in New York permitting the standardization of milk. This was an important marketwide service which would not have been included in Dr. Park's narrow definition because it was not order related. Nevertheless, the enactment of the standardization bill was necessary so that the order could be amended to return to producers the full value for their milk.

Several changes also are needed in the service that is required of a cooperative or federation receiving an additional payment on the basis of the operation of marketing facilities. Among other things these will require that such cooperatives or federations maintain a certain amount of processing capacity. These modifications will be discussed in detail under III B of this decision. This amendment also places specific responsibility on the cooperatives to maintain an organizational structure capable of identifying current marketing difficulties and choosing avenues of approach consonant with the best interests of producers. In this manner, it is intended that the qualified organizations continue to use their best efforts to maintain a stable and orderly market in the interest of all producers.

II. *Amount and method of payment.* The payment to cooperatives or federations for the performance of marketwide services should remain at present levels.

Two reference points may be useful in determining the level of payments to be made to cooperatives under this program. First is the consideration of what the desired services are worth to producers. An upper limit to the payment may thus be indicated. The second is an estimate of the cost incurred by cooperatives in performing these functions for all producers. In the latter we are faced with a minimum payment required to fulfill the principle of equity. Neither of these limiting factors, cost and value, are subject to precise calculation but some estimates can be made and examined.

A. *Value of marketwide service.* Many of the cooperative activities on behalf of all producers have intangible, but nontheless valuable, benefits. Such services include information, research, and education as well as participation in order proceedings. For example, the qualified groups by virtue of their organizational structure and expert personnel have been able to help milk producers in the milkshed become much better informed on milk marketing issues than they were before these provisions went into effect. Enlightened producer participation provides the foundation for a strong and effective order program.

Research and analysis of marketing problems not only has contributed to

producer understanding but also has formed the necessary basis for participation by producer groups in order hearings and other suitable forums. A current example of this type would include their participation in a study group concerned with a possible Class I base plan for the milkshed. The economic effects of acceptance or rejection of such a plan could be of considerable significance to all producers. Other examples include appearances made recently before a Congressional committee and the Federal Tariff Commission in the matter of butterfat import quotas.

Moreover, activity by qualified cooperatives provided valuable information and expertise necessary relating to the recently enacted New York milk standardization statute.

Useful services to all producers also may be found in the informational services of cooperatives. Press and radio news services look to these organizations as a major source of information concerning the dairy industry. The cooperatives are called upon for an expert interpretation of dairy production and marketing data as well as changes in the regulations or laws. Without such translation, the general press and radio reporters could not be expected to have the specialized knowledge for accurate reporting to the public.

In short, the benefits of the market stability obtained by means of producer education, representation and knowledge is not always measurable in dollars although monetary value derives from it. Nor do the benefits of welding more than a hundred cooperatives into three easily convert to financial terms even when one takes into account that cooperative manufacturing facilities thereby become possible. Yet perhaps the greatest value to producers of cooperative activity is the resulting stability.

The benefits of direct participation by the qualified cooperatives in the regulatory program are of a more tangible nature. Activity such as proposals for amendment, suspension, or termination of order provisions, and participation in the various order hearings and meetings is of obvious concern to all producers.

While it is difficult to place a precise value on such activity, it is possible to estimate the financial importance of some of the issues involved. Between 1955 and 1963, a series of amendments and suspensions to the Class I pricing provisions of the order added an estimated $8 million to producer returns. This included $3 million added to farm receipts in the last three months of 1960 as the result of a Class I suspension action.

Also important are potential losses that do not occur. For instance, tentative order changes in 1960 would have placed a ceiling on the Class I price by relating it to the Midwest condensery price. Because the amendments were not made, reduction of producer incomes estimated to be in excess of $5 million were averted. Unfortunately, it is not always possible to arrive at figures to fully account for the effects of price declines that would have occurred in the absence of effective cooperative action.

The value of other cooperative efforts somewhat more removed from the formal regulatory procedure may also be gauged. The cooperatives collectively obtained a superpool agreement for a 3-month period in 1955 to improve producer returns. This amounted to some $2 million in terms of producer milk checks. Moreover, not only did the cooperatives participate significantly in providing for farm point pricing of bulk milk under the order, but their joint action has generally maintained that price throughout the milkshed despite later amendments permitting a 10-cent per hundredweight service charge. Handlers have thus absorbed some $21 million in the hauling costs for bulk milk for 1962 through 1964 alone.

The farm point pricing feature has not benefited bulk shippers alone. Protection has also been afforded can producers by alleviating the severe pressure otherwise likely to have forced them to convert to bulk or sell out. As a result, conversion to bulk has been largely by economic attraction rather than force. The fruits of technological advance are thus shared with all producers and with dealers.

The above estimates cover only a part of cooperative activity during the period from 1955 through 1964. Yet the total of more than $35 million in known benefits to all producers exceed the total payments made to cooperatives for these services during the entire history of the current provisions. In addition, the value of the indirect benefits has been substantial.

B. *Cost of marketwide services.* Throughout this hearing considerable emphasis was placed on discussion of the costs incurred by cooperatives in providing services of a marketwide nature. While some of this discussion was mired in semantics due to differences in the proposed definition of services (discussed above), substantial evidence on costs was placed in the hearing record.

In the earlier portion of the hearing, attention in this regard centered around the results of a thesis made as the subject of the doctoral dissertation by Dr. William L. Park entitled "Compensation of Milk Producer Cooperatives for Marketwide Services Under Federal Milk Orders". The author, now associated with a nearby land-grant university, was an employee of the market administrator during the conduct of the thesis. The thesis included tables showing expenditures by the organizations receiving cooperative payments allocated to various market service categories. The categories included: (1) Membership and association activities, (2) education and information services, (3) order activities, (4) legislative services, and (5) administrative overhead. (Data updating these tables were prepared by the market administrator and placed in the record. This updated material was based on the original techniques used by Dr. Park.)

Not all expenditures made by the cooperatives were included in thesis data, nor were allocations limited to amounts received under order provisions. No monies identified as being spent on operation of plant facilities were included, nor were expenditures at the local level of the organizations. Any additions to reserves were also ignored. Portions of expense in direct relation to nonpool membership of cooperatives, where applicable, were also eliminated.

Evidence of cooperative expenditures for marketwide services in the reopened hearing is considerably more elaborate than in the first part of the hearing. The two major proponents supporting cooperative payments submitted more extensive data on expenditures of their organizations. Dairymen's League Cooperative Association, Inc., provided an allocation of cooperative expenditures to the marketwide services it performs; Northeast Dairy Cooperative Federation, Inc., provided detailed basic accounting data for their whole organization, including operations. Eastern Milk Producers' Cooperative Association, Inc., a third recipient of cooperative payments but opposed to their continuation, did not submit any of its accounting data.

In making their allocations, the Dairymen's League Co-operative Association, Inc., selected four principal service categories: (1) Policy development relative to market order, legislative, and industry matters, (2) amendments to Order 2 and related orders, (3) activities related to consideration of state and Federal legislative matters, and (4) informational services to producers, consumers, and related persons. Only a portion of total cooperative expenditures were allocated to these groupings, but the sources of allocated amounts were discussed fully.

Spokesmen for a trade association of proprietary handlers and two cooperatives principally based in neighboring markets also submitted limited data on their own costs. Because of the differences in circumstances, however, these data appeared of little use in coping with the problem at hand. Comparison of the costs for sending out a newsletter designed for handler use, for example, has little relation to the costs of providing producer education and information. Nor does the expenditure for order participation or producer education by a cooperative whose primary interest and concern is a market having a few thousand producers or several score handlers have much relevance to costs likely to be incurred in this market.

The relationship between the activities of cooperatives and the marketwide services to which they relate is a source of considerable difficulty. The services specified in the order generally involved more than a single subdivision of activity of a cooperative. For example, the analysis of marketing problems may simultaneously involve economic, legislative, policy and operating personnel, etc. At the same time, the general areas of activity in which a cooperative is involved may be of a marketwide nature part of the time and of nonmarketwide nature the rest of the time. Field services are a good example; at times field staff members carry out information and education activities, at other times they may

perform direct services for members of the cooperative.

This difficulty in finding demarcation lines in cooperative activity is further complicated when applied to allocation of expenditures. First, there are expenses not specifically related to any service function, the so-called overhead items. Then there are expenses that are associated with several identified services. Both these problems remain even after one solves the primary difficulty of separately defining cooperative services to which expenses are to be allocated.

In his thesis, Dr. Park dealt with the allocation problem by choosing five categories of service performed by cooperatives. Two of these, entitled "Membership and Association Activities" and "Administrative Overhead", were broad enough to include all items not fully assigned to the other three. No attempt was made to reallocate overhead to the specific service accounts. Moreover, while each of the specific accounts included expenditures for activities defined by the researcher as marketwide, two of the four embraced some costs for services beyond the scope of the strict definition applied. Clearly, these data were not intended to isolate cooperative outlay required in the performance of marketwide services.

Allocation problems are further complicated when aggregations are involved. The three qualified cooperatives are quite different in structure, function, and accounting methods. One is a highly integrated operating cooperatives with both pool and nonpool facilities and membership. A second is a federation of many local operating and bargaining cooperatives that owns two manufacturing plants and acts as broker for a large portion of its members' milk. The third group is a centralized bargaining cooperative with members in several orders. Aggregations of accounting data from such diverse groups are difficult to devise and must be interpreted carefully.

The allocation made for the reopened hearing of Dairymen's League expenditures was made by their former Comptroller, a man of 30 years experience with the organization. Allocations were made on the basis of this individual's intimate knowledge of both the accounts and activities of the League. His data allocated to marketwide services about one-third of the noncommercial expenses of the cooperative for their fiscal year ending March 31, 1966. No costs for the operation of marketing facilities were included in the allocations made.

Financial data submitted by Northeast Dairy Cooperative Federation, Inc., as placed in evidence by their accounting consultant, were not broken down on the basis of specifically defined services. Their accounts for the 1966 calendar year, however, were separated into two major groupings identified as operating and service. The first of these relates to operation of their manufacturing plants and fluid brokerage division. The latter account concerns all other services to producers. Transfers from the service to the operating divisions were also shown. Some of this involved investment in plants and equipment and some to cover operating losses. Nearly all income to the service division was derived from cooperative payments except for producer investment in operations. The latter were simply funneled through the service accounts.

Northeast took the position that all of its cooperative payments receipts were expended on marketwide services. This included about 1 cent per hundredweight applied to plant operating losses during the past year. Brief submitted by this group also suggested means to allocate their accounts in a manner similar to that of the League.

The Federation is the product of the merger of two smaller federations of cooperatives. Both the merged group and its predecessors were, in fact, products of the cooperative payments provisions themselves. These provisions were specifically designed to encourage the development of larger cooperatives, or federations of cooperatives. Moreover, dues paid by members go directly to pay expenses of running the local groups and provide direct services to members. When the federation provides such services, their accounts show payment received from the local group. In short, the central organization has been concerned primarily with services of a marketwide nature. Establishment of the operating division did not alter appreciably this situation.

Inclusion in the record of the detailed accounts of these two organizations, along with explanatory data, provides opportunity to examine the cost of these services of an individual basis.

In the Park thesis, activities identified as order activities, education and information services, and association activities were held to be marketwide services, as defined therein. Membership services (by definition, those activities not benefiting nonmembers) were not deemed to be marketwide service. The author also felt that legislative services, while benefiting all producers in a similar manner, were not always clearly within his definition of a marketwide service.

The Park data, however, were not allocated according to his definition of marketwide and nonmarketwide categories. Expenses on membership activities, for example, were included with those on association activities (a marketwide service). Both marketwide and nonmarketwide legislative service costs were also included in a single category. Costs of commercial operations were ignored entirely.

Allocations placed in the record by the Dairymen's League were suggested by them as suitable allocations to marketwide services for their 1965–66 fiscal year. Close scrutiny indicates that the allocations used did not depart greatly from the definitions suggested by Park. In this case, however, joint costs attributable to marketwide and nonmarketwide services were divided carefully on the basis of the best judgment of the witness from his intimate knowledge of accounts and internal procedures of his organization.

As noted previously, Northeast accounting data for 1966 were also made available. It is feasible (especially as suggested in the brief of this organization) to allocate this data in a manner similar to that of the League.

Northeast allocations take into account amounts used to defray losses in operations of marketing facilities, a category not included in the League data. For the year 1966, $265,000, or approximately 1 cent of the 4 cents per hundredweight payment to Northeast, was applied to such losses. Total losses in the Operating Division were shown in excess of half a million dollars, or somewhat over 6 cents per hundred pounds of milk handled.

A comparison of such allocations for the two organizations may be made:

	Northeast Jan. 1, 1966–Dec. 31, 1966	League Apr. 1, 1965–Mar. 31, 1966
1. Policy development relative to market order, legislative, and industry matters	$115,297	$325,741
2. Amendments to Order 2 and related orders	132,755	134,675
3. Activities related to consideration of State and Federal legislative matters	62,820	128,907
4. Education services to producers, consumers, and related persons	474,408	606,816
5. Manufacturing plant maintenance	264,568	(1)
Total	1,049,848	1,198,139

[1] None submitted.

Amounts allocated to work on amendments to Order 2 and related orders were about the same for both groups. This is not surprising in view of the basic similarity of activity involved. For all other categories League amounts are greater than those assigned for Northeast.

For policy development the League costs listed are more than double those of the Federation. This is not surprising since the centralized League organization requires a rather complex structure. Northeast, as a federation, has a relatively simple structure based on delegates from the local member cooperatives. (It should be noted that expenditures for meetings at the local level would not be included in Federation accounts since local dues are used for this purpose.)

Amounts indicated as spent by Northeast on legislative matters were about half that for the League. This would indicate that the latter is more active in this field than the Federation. The record, in fact, describes in detail the considerable effort put forth by the League for aid to legislators in drafting of bills and providing of other specialized information.

League expenditures for informational services deemed of a marketwide nature were also in excess of those indicated for Northeast. The League has developed a sophisticated program of education for its officers, members, youth group, ladies affiliate, nonmembers, and other interested parties that merits considerable praise. It is not surprising that the younger federation has a somewhat

simpler educational program. The federation structure itself probably requires a somewhat different type of program. It is likely that its educational procedures will change as the organization develops.

Analysis of these allocations of expenditures provides no basis for the conclusion that payments to cooperatives for services to all producers should be reduced. Moreover, taking into account the amount of operating losses sustained by Northeast, and very likely the League as well, it would appear that current payments may be very conservative from an equity standpoint.

It was proposed by Northeast that the payment for operation of marketing facilities should be increased 1 cent per hundredweight in order to offset the heavy losses incurred in surplus operations. Under present conditions such an increase might have some merit. However, these rates should be made applicable for a long-term basis. Thus it seems suitable to continue the payment for operation of marketing facilities at the present relatively moderate level.

Building of a reserve fund is necessary for effective operation of a cooperative. Testimony on the record shows rare agreement on this point. Moreover, the cooperatives are to be commended for placing unneeded funds aside, regardless of source. Such reserves proved useful in dealing with the crisis stemming from the tremendous increase in supplies early in this decade that led to acquisition of the two Federation plants.

C. *Calculation of payment.* Certain modifications should be made in the method of computing payments to eligible cooperatives or federations. Each eligible cooperative or federation should receive an amount equal to 3 cents per hundredweight of receipts represented by its members' milk.

Each cooperative that otherwise qualifies, and also operates marketing facilities at which is received at least 25 percent by weight of its members' milk and maintains processing facilities capable of handling a million pounds per day but not less than 10 percent of its members' milk should receive from the producer-settlement fund an additional one cent per hundredweight of receipts represented by its members' milk. A federation also should receive the 1-cent increment if at least 25 percent by weight of milk delivered by members of its federated cooperatives is received at pool plants or bulk tank units operated by a member cooperative of the federation or by the federation itself, provided that the federation or its member cooperatives maintain processing facilities capable of handling 1 million pounds per day but not less than 10 percent of members' milk.

The present rate structure provides for payment of two cents per hundredweight of member milk to an eligible cooperative with at least 4,000 members. A 3-cent rate applies to the organization with more than 6,000 members. In the partial decision issued earlier, the requirements for the minimum size of cooperative eligible for payments was changed from 4,000 members to total membership of at least 15 percent of all pool producers. In essence, the number of members required for qualification thus has been raised in terms of present pool numbers. (Fifteen percent of 1966 average number of pool producers was equivalent to 5,461 members.)

It was suggested at the hearing that rates based on pool value be used. It was proposed that they be graduated so that payments to a cooperative would increase in less than direct proportion to its size. This was intended to take into account the possibility of cost economies related to size in performance of the services. It does not seem desirable, however, to complicate the provisions unnecessarily by adopting these proposals. There was no evidence of economies of size shown on the record. In fact, such economies seem quite unlikely in the type of services here involved. Moreover, this method would also tend to remove the more important incentive to increase cooperative membership in the milkshed.

The change in size requirements, however, does remove the need for differentiating the rates according to the size of organization. Thus a single rate should be used for eligible associations not engaged in operation of marketing facilities. A qualified cooperative should receive a payment equal to 3 cents per hundredweight of receipts represented by milk deliveries of its member producers. A federation also should receive 3 cents per hundredweight of receipts delivered by producer members of its federated cooperatives.

Under current provisions an eligible association that also meets the requirements for operation of marketing facilities may receive an additional cent per hundred pounds of member milk. The additional payment for operation of plant facilities should be continued. (See IIIB below for discussion of requirements.) Value and cost of cooperative plant operations have been discussed previously. Certainly the added value to all producers of the services performed by an association operating such facilities is sufficient to warrant the modest increment of payment set forth in this decision. Moreover, the additional payment is mandatory if we are to attain equity of returns as intended by these provisions.

On the basis of the hearing record it is evident that the cost of rendering the required marketwide services has been at least equal to the amount of the payments received by the qualified cooperatives. Considering the requirements set forth in this decision expenditures by the cooperatives for marketwide services will continue to equal or exceed the amount of the payments.

III. *Other modifications.* The order also should be modified to:

(1) Require certain public reports by cooperatives receiving payment.

(2) Modify the requirements in regard to additional payments to cooperatives on the basis of the operation of marketing facilities.

(3) Provide for certain miscellaneous changes related to the cooperative payments provisions.

A. *Public disclosure.* The record established that there is a need for more adequate public disclosure concerning the use of the funds paid to cooperatives under these provisions. Since all producers have an equal interest in the producer-settlement fund from which such payments are made, information on the use of payments for marketwide services should be available to all producers. While it is true that roughly 70 percent of the amount paid to cooperatives for marketwide services has been contributed by members of the associations receiving such payments, the program is designed to serve all producers. Regardless of cooperative affiliation, all producers also should be kept informed of their collective financial contribution to the various aspects of this program and the nature of services performed. For this reason, each qualified cooperative should make public, in accordance with rules and regulations issued by the market administrator, a complete annual report of its activities on behalf of all producers. This report should include relevant data on the receipt and use of cooperative payment funds.

Allocations of expenditures should be made to various categories of marketwide services. Narrative description of services rendered should be ordered in a similar manner. Categories of service and such other specification of the public report should be in accordance with rules and regulations issued by the market administrator.

In addition, the annual report to the market administrator should include a detailed report of the prior annual activity. Basis for allocations of expenditures filed in the public report also should be explained. All data in both reports shall be subject to verification. Prior to its issuance, the public report shall be submitted to the market administrator for certification. After verification, the market administrator shall certify that the report is, to the best of his knowledge, accurate and in accordance with the rules and regulations which he has established. Such certification shall be published with the report.

In order to assure that the qualified organizations continue to plan and administer a well-organized and adequate program, each organization also should submit annually to the market administrator, in accordance with the rules and regulations, a brief description of its program of marketwide services for the coming year, including a proposed budget.

These new provisions for public disclosure of the receipts and use of cooperative payment funds will provide an opportunity, in a manner not heretofore available, for a critical anaylsis by interested parties of cooperative activities under this program. To further assure that interested parties are adequately informed as to the expenditures of such funds, they may be reviewed under the provisions of § 1002.89(l).

B. *Requirements in regard to marketing facilities.* The order now provides for an additional payment to be made to a cooperative that operates marketing facilities, i.e., pool plants, because of the added value of the services performed by such an association.

It is desirable that the cooperative payments program continue to recognize the added value of services provided by a cooperative directly engaged in marketing the milk of its members without placing an incentive on the retention of unneeded facilities. It was pointed out during the hearing, that recent technological changes have led to the closing of many country plants. These payments to cooperatives should not encourage the maintenance of inefficient or unnecessary plant facilities. Nevertheless, a cooperative that is directly engaged in the daily process of marketing the milk of its members does perform services to the whole market that are of greater value than the services rendered by an association whose activities are more remote from the actual marketing process. The source and nature of the added value of these marketwide services have been discussed previously. As conversion to bulk handling continues, country plants designed to receive can milk are being replaced by direct shipment of bulk tank milk. Under such circumstances, pool bulk tank units frequently become the equivalent of the pool plants that are closed. Moreover, the cooperative operating bulk tank units is engaged in direct marketing on a daily basis.

Under the provisions hereinafter set forth qualification of cooperatives for the added payment based on marketing facilities should take into account both pool plants and pool bulk tank units operated by applicant cooperative or federation.

It was suggested in the latter part of this hearing that a cooperative eligible to receive the supplemental payment for operations also should be required to own and operate surplus facilities of a certain minimum capacity. The value of such cooperative facilities has been recognized previously in this decision.

The cooperative that operates marketing facilities to handle the milk of its members directly assumes the obligation for disposing of that milk on the market. Having assumed such obligation, the association should equip itself for the job by acquiring any necessary physical equipment such as bulk tank pickup trucks, receiving plants, and processing facilities as well as establishing the all important business contacts of both a formal and informal nature. It thus acquires the physical means to be better able to provide an alternative outlet to producers when circumstances require emergency action of this nature.

From the standpoint of all producers the maintenance of cooperative processing facilities is of critical importance. For this reason, the cooperative receiving this additional payment should be required to maintain a level of processing capacity under its control that would be expected to meet this need. Because of the large volume of milk produced for this market, such required processing capability should be substantial. The largest plants in the milkshed are capable of handling 1 million pounds of milk per day. A cooperative receiving additional payments from the pool because of the value accruing from marketing ability should be required to maintain facilities capable of handling this capacity but not less than 10 percent of their members' milk.

It was alleged at the hearing that the proprietary plants rendered the same balancing service as cooperative plants. However, this contention was refuted by the evidence submitted relative to the receipt of milk by proprietary vs. cooperative plants. The receipts of milk by Dairymen's League and Northeast and the increasingly large proportion of the Order 2 milk converted into butter and powder by these organizations during periods of unfavorable margins demonstrated the unique balancing function served by these facilities. The Dairymen's League took milk directly from nonmember producers in some of their facilities. The maintenance of such facilities should not be construed to mean free use by nonmembers. As indicated previously, nonmembers received substantial benefits indirectly from such facilities even though they may not market any of their own milk through such plants. Facilities maintained by cooperatives or federations receiving an operating increment should continue to serve all producers. Such associations should be required to receive nonmember milk on a temporary basis at the generally prevailing arrangements for such services in the market. A handling charge may be necessary to provide reasonable equity between members who have made greater investments in such facilities than nonmembers. All producers have contributed to marketing facilities through cooperative payments but members have made additional capital investments in order to assure that orderly marketing conditions shall prevail.

At least one witness testified to the current and potential problems associated with imported butterfat-sugar mixtures and with substitutes. Rendering services on these matters by cooperatives has taken several forms. Some action was taken by testifying before Congressional committees and the Federal Tariff Commission with respect to import quotas while on the other hand cooperatively owned marketing facilities have absorbed some of the milk displaced by imports.

C. *Miscellaneous changes.* During the period that the current provisions have been in effect, each of the two qualified cooperatives has devised an affiliation program whereby other cooperatives may join with it in order to undertake collective action on a formal and continuous basis. The additional unity of effort to be gained through such a program is desirable and should be encouraged as a means to provide greater services on behalf of all producers. Analogous concerted efforts by cooperatives by means of federation agreements have been fostered under the present payment program and the provisions should be extended to include this new vehicle of cooperation. A cooperative thus should be eligible to apply for payments based on the membership of its affiliated cooperatives as well as its direct membership. Payments should be made on the basis of such affiliation provided the arrangement meets requirements similar to those required of a federated-type of organization.

The present order prescribes the method whereby the market administrator shall take action to "disqualify" a cooperative or federation no longer deemed eligible to receive payments. There is an undesirable stigma associated with this term "disqualification", however, which may be construed by some to imply illegal actions or dishonesty on the part of the organization being declared ineligible. Generally, disqualification does not stem from this type of unsavory action, but rather it is a result of a change in status associated with the rate of payment or the voluntary dissolution of a federated cooperative. The words "designation" and "removal of designation" should be substituted for "Qualification" and "Disqualification" to prevent unintentional misunderstandings of the nature of the official action.

Currently the order enumerates certain conditions whereby a qualified federation may become ineligible for that portion of its payments based on membership, milk, or operation of a noncomplying federated cooperative. Partial disqualification is also provided for both cooperatives and federations under the provisions that accompany this decision.

The present provisions were criticized on the record on the basis that qualified groups were encouraged to raid each other for additions to membership. While transfers of membership may be expected to occur, little concrete evidence of intentional cross-solicitation was shown. It was alleged also that payments currently provide an incentive for cooperatives to draw nonpool producers into the pool regardless of fluid needs of the market. Again the record does not provide substantiation of the charge.

It is desirable that cooperatives continue their efforts to increase membership. These provisions, however, should encourage them to concentrate their activities on producers for this market who have not yet joined a cooperative. Certainly the payment should not provide an incentive for adding unneeded supplies to this market. Therefore, an organization should not receive payments based on the membership or milk deliveries of any producer before he has been a pool producer for at least a year.

Similarly, payments should not encourage solicitation of producers who already belong to a cooperative. Hence, payments should not be made to an organization based on the membership or milk deliveries of a producer for a period of 1 year after he has ceased to be an active member of another cooperative or federation. This should not be

construed to prevent mergers between, or reorganizations within, designated organizations. Nor should this provision be construed to penalize the affiliation, federation or merger of a cooperative not previously included in the basis for any payments.

Present provisions prohibit counting a producer more than once in determining membership of the various eligible cooperatives or federations. Nor may more than one organization receive payments based on the same milk delivered by a producer. This principle will be continued and extended somewhat under the waiting period required in the amendments accompanying this decision.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

(d) The terms and conditions in the amendments are incidental to, and not inconsistent with, the terms and conditions specified in subsections (5)–(7) of section 8c of the Act (7 U.S.C. secs. 608c (5)–(7)) and necessary to effectuate the other provisions of the order.

(e) The terms and conditions in the amendments are necessary in the circumstances to accord such recognition and encouragement to producer-owned and producer-controlled cooperative associations as will be in harmony with the policy toward cooperative associations set forth in the relevant Acts of Congress, and as will tend to promote efficient methods of marketing and distribution.

RULINGS ON EXCEPTIONS

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision and as set forth below.

Several cooperative associations based in neighboring Federal order markets requested either the adoption of the January 19, 1967, recommended decision or immediate reopening of the hearing to consider the adoption of similar cooperative payment provisions in the other Federal orders throughout the Northeast. The request to adopt the findings and conclusions of the January 19, 1967, recommended decision is hereby overruled for the reasons previously stated in this decision.

To reopen the hearing for the purpose of considering the amendment of other orders would tend to delay the completion of this proceeding. The completion of this proceeding will not materially affect the consideration of similar provisions for such other orders. Since the rates of payments provided herein for a New York-New Jersey cooperative or federation of cooperatives are not significantly different from the rates of payments being made under the current provisions, the prompt completion of this proceeding will not tend to materially affect the relationships which exist between New York-New Jersey cooperatives or federations and similar organizations in neighboring markets. Accordingly, the request to reopen the hearing is hereby denied.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the New York-New Jersey Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the New York-New Jersey Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

DETERMINATION OF REPRESENTATIVE PERIOD

The month of January 1968 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the New York-New Jersey marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on July 26, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the New York-New Jersey Marketing Area

§ 1002.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New York-New Jersey marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the New York-New Jersey marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the revised recommended decision issued by the Deputy Administrator, Regulatory Programs, on March 29, 1968, and published in the FEDERAL REGISTER on April 3, 1968 (33 F.R. 5304; F.R. Doc. 68–3988), shall be and are the terms and provisions of this order, and are set forth in full herein subject to the following revisions:

1. The section number § 1002.81 wherever it appears therein is changed to § 1002.89 and the reference to § 1002.11 is changed to § 1002.10, both to conform with the revision of the format of the order as amended effective July 1, 1968 (33 F.R. 8201).

2. A proviso is added in paragraph (a)(5)(iii) and in paragraph (l).

3. A phrase is deleted in paragraph (b)(1)(i).

Section 1002.89 is revised to read as follows:

§ 1002.89 Cooperative payments for marketwide services.

Payments shall be made to qualified cooperatives or to federations under the conditions, in the manner, and at the rates set forth in this section.

(a) *Definitions.* As used in this section the following terms shall have the following meanings:

(1) "Cooperative" means a cooperative association of producers which is duly incorporated under the cooperative corporation laws of a state; is qualified under the Capper-Volstead Act (7 U.S.C. 291 et seq.); has all its activities under the control of its members; and has full authority in the sale of its members' milk.

(2) "Federation" means a federation of cooperatives which is duly incorporated under the laws of a State.

(3) "Federated cooperatives" means a cooperative which is a member of a federation and on whose membership the federation is an applicant for or receives payments under subparagraph (2) of paragraph (f) of this section.

(4) "Affiliated cooperatives" means a cooperative upon whose entire membership another cooperative, by mutual consent, is an applicant for or receives payments under subparagraph (2) of paragraph (f) of this section.

(5) "Member producer" means, when used with respect to a cooperative or federation which is an applicant for or is receiving payments, is a producer as defined in § 1002.6 who has met the following conditions:

(i) He is a member of the cooperative or one of its affiliated cooperatives, or in the case of a federation, he is a member of one of its federated cooperatives from whom the cooperative, affiliated cooperative, or federated cooperative is receiving at least 1 cent per hundredweight of milk delivered by him: *Provided*, That the cooperative of which he is a member is meeting the requirements of this part applicable to it;

(ii) He has been a producer, or his farm, as defined in § 1002.10, had been the farm of a producer for at least a prior 12-month period; and

(iii) He has not for a prior 12-month period been a member producer of another cooperative or federation: *Provided*, That in the case of membership transfers resulting from mergers of designated organizations, or from affiliation, federation or merger of cooperatives not previously meeting the definition of (a)(3) or (a)(4) of this section, this subdivision shall not apply.

(6) "Marketwide services" means services performed by cooperatives or federations, as defined herein, which benefit all producers in the marketing of their milk under this order; such services are not limited to those specified in subparagraphs (1) through (6) of paragraph (e) of this section and may include services directly or indirectly related to the order.

(b) *Designated cooperatives and federations.* A cooperative or federation may submit an application to the market administrator for payments under the provisions of this section or for modification of the basis of a previous designation. In accordance with the requirements of the rules and regulations issued by the market administrator, such application shall include a written description of the applicant's program for the performance of marketwide services, including evidence that adequate facilities and personnel will be maintained by it so as to enable it to perform the marketwide services; and the application shall contain a statement by the applicant that it will perform the required marketwide services for which it is applying for payments: *Provided*, That in the case of an application for modification of the basis for a previous designation the market administrator may waive the requirement for submission of the written description of the programs. The application shall set forth all necessary data so as to enable the market administrator to determine whether it meets the designation requirements with respect to the payments for which the application is submitted. An application shall be approved by the market administrator only if he determines that:

(1) In the case of a cooperative;

(i) It has as member producers not less than 15 percent of all producers, as defined in § 1002.6;

(ii) It has contracts with each of its affiliated cooperatives under which the cooperatives agree to continue as affiliated cooperatives for at least 1 year, and such contracts cover or will be renewed for a yearly period for every subsequent year for which member producers of the affiliated cooperative are to be included within its membership for cooperative payment purposes;

(iii) It receives from each of its affiliated cooperatives not less than 1 cent per hundredweight of milk delivered by member producers of such cooperatives; and

(iv) If the application is also for an additional payment under subparagraph (3) of paragraph (f) of this section, the cooperative or its affiliated cooperatives operate marketing facilities, i.e., pool plants and pool bulk tank units, at which is received at least 25 percentum, by weight, of all milk delivered by its member producers; and, in addition, the cooperative or its affiliated cooperatives control processing facilities capable of handling at least 10 percentum, by weight, of all milk marketed by its member producers: *Provided*, That such processing facilities must be capable of handling not less than 1 million pounds of milk daily: *Provided further*, That the cooperative must be willing to accept nonmember milk on a temporary basis under the generally prevailing conditions for acceptance of milk from its own members.

(2) In the case of a federation:

(i) It has contracts with each of its federated cooperatives under which the cooperatives agree to remain in the federation for at least 1 year, and such contracts cover or will be renewed for a yearly period for every subsequent year for which the federated cooperatives are to be included within the membership of the federation for cooperative payment purposes;

(ii) It has as member producers not less than 15 percent of all producers, as defined in § 1002.6;

(iii) It receives from each of its federated cooperatives not less than 1 cent per hundredweight of milk delivered by member producers of such cooperative;

(iv) If the application is also for an additional payment under subparagraph (4) of paragraph (f) of this section, the federation or its federated cooperatives operate marketing facilities, i.e., pool plant(s) and pool bulk tank unit(s), at which is received at least 25 percentum, by weight, of the milk marketed by its member producers; and, in addition, the federation or its federated cooperatives control processing facilities capable of handling at least 10 percentum, by weight, of all milk marketed by its member producers: *Provided*, That such processing facilities must be capable of handling not less than 1 million pounds of milk daily: *Provided further*, That the

federation must be willing to accept nonmember milk on a temporary basis under the generally prevailing conditions for such acceptance of milk from its own members.

(3) The applicant cooperative or federation demonstates that it has the ability to perform the marketwide services for which application is made, and that such services will be performed.

(4) The applicant cooperative or the federated cooperatives of an applicant federation are in no way precluded from arranging for the utilization of milk under their respective control so as to yield the highest available net return to all producers without displacing an equivalent quantity of other producer milk in the preferred classification.

(c) *Notice of designation or denial; effective date.* Upon determination by the market administrator that a cooperative or a federation shall be designated to receive payment for performance of the marketwide services, he shall transmit such determination to the applicant cooperative or federation and publicly announce the issuance of the determination. The determination shall be effective with respect to milk delivered on and after the first day of the month following issuance of the determination. If, after consideration of an application for payments for marketwide services, the market administrator determines that the cooperative or federation is not qualified to receive such payments he shall promptly notify the applicant and specifically set forth in such notice his reasons for denial of the application.

(d) *Requirements for continued designation.* From time to time and in accordance with the rules and regulations which may be issued by the market administrator, each designated cooperative or federation must demonstrate to the market administrator that it continues to meet the designation requirements for the payments and is fully performing the marketwide services for which it is being paid.

(e) *Marketwide services.* Each cooperative or federation shall perform the marketwide services enumerated in this paragraph. Such services shall include: (1) Analyzing milk marketing problems and their solutions, conducting market research and maintaining current information as to all market developments, preparing and assembling statistical data relative to prices and marketing conditions, and making an economic analysis of all such data; (2) determining the need for the formulation of amendments to the order and proposing such amendments or requesting other appropriate action by the Secretary or the market administrator in the light of changing conditions; (3) participating in proceedings with respect to amendments to the order, including the preparation and presentation of evidence at public hearings, the submission of appropriate briefs and exceptions, and also participating, by voting or otherwise, in the referenda relative to amendments; (4) participating in the meetings called by the market administrator, such as meetings with respect to rules and regulations issued under the order, including activities such as the preparation and presentation of data at such meetings and briefs for submission thereafter; (5) conducting a comprehensive education program among producers—i.e., members and nonmembers of cooperatives—and keeping such producers well informed for participation in the activities under the regulatory order and, as a part of such program, issuing publications that contain relevant data and information about the order and its operation, and the distribution of such publications to members and, on the same subscription basis, to nonmembers who request it, and holding meetings at which members and nonmembers may attend; (6) in the case of a cooperative or federation which receives an additional payment under subparagraph (3) or (4) of paragraph (f) of this section, operating marketing facilities, or having affiliated cooperatives or federated cooperatives that operate marketing facilities, i.e., pool plant(s) and pool bulk tank unit(s), at which is received at least 25 percentum, by weight, of the milk marketed by its member producers; and in addition, controls, or having affiliated cooperatives or federated cooperatives that control processing facilities capable of handling at least 10 percentum, by weight, of the milk marketed by its member producers: *Provided*, That such processing facilities must be capable of handling at least one million pounds of milk daily: *Provided further*, That the cooperative or federation must be willing to accept nonmember milk on a temporary basis under the generally prevailing conditions for such acceptance of milk of its own members; and (7) performing such other services as are needed to maintain satisfactory marketing conditions and promote market stability.

(f) *Rate, computation, time, and method of payment.* (1) Subject to the provisions of paragraph (g) of this section, the market administrator, on or before the 25th day of each month, shall make payment out of the producer-settlement fund, or issue equivalent credit therefore, to each cooperative or federation which is designated for such payments for marketwide services. The payments to a cooperative or federation shall be based upon the milk reported by cooperative or proprietary handlers to have been received during the preceding month from its member producers, subject to adjustment upon verification by the market administrator.

(2) Such payment or credit shall be at the rate of 3 cents per hundredweight of milk in accordance with subparagraph (1) of this paragraph.

(3) Any cooperative that operates marketing facilities or whose affiliated cooperatives operate marketing facilities, i.e., pool plant(s) and pool bulk tank unit(s), at which is received at least 25 percentum, by weight, of the milk marketed by its member producers, and, in addition, controls, or has affiliated cooperatives that control, processing facilities capable of handling, at least 10 percentum, by weight, of the milk marketed by its member producers but not less than one million pounds of milk daily shall receive a payment in addition to that provided for in subparagraph (2) of this paragraph of one cent per hundredweight of all milk marketed by member producers in accordance with subparagraph (1) of this paragraph.

(4) Any federation that operates marketing facilities, or whose federated cooperatives operate marketing facilities, i.e., pool plant(s) and pool bulk tank unit(s), at which is received at least 25 percentum, by weight, of the milk marketed by its member producers, and, in addition, controls, or whose federated cooperatives control, processing facilities capable of handling at least 10 percentum of the milk marketed by its member producers but not less than 1 million pounds daily, shall receive a payment, in addition to the payment provided for in subparagraph (2) of this paragraph, of 1 cent per hundredweight of all milk marketed by member producers in accordance with subparagraph (1) of this paragraph.

(5) If an individually designated cooperative is affiliated with a federation, the cooperative payment shall be made to such cooperative unless its contract with the federation specified in writing that the federation is to receive the payments. Any such contract must authorize the federation to receive the payments for at least 1 year, and such agreement must cover or be renewed for a yearly period for every subsequent year for which the federation is to receive the payments.

(g) *Cancellation of designation.* (1) The market administrator shall issue an order wholly or partly canceling the designation of a previously designated cooperative or federation for payments authorized pursuant to this section and such payments shall not thereafter be made to it if he determines that:

(i) The cooperative or federation no longer complies with the requirements of this part: *Provided*, That if one of its affiliated or federated cooperatives has failed to comply with the requirements of this part applicable to it or has failed, promptly after demand by the market administrator, to arrange for the utilization of milk under its control so as to yield the highest available net return to all producers without displacing an equivalent quantity of other producer milk in the preferred classification, the cooperative or federation shall be disqualified only to the extent that its qualification for payments or the amount of its payment are based upon the membership, milk, or operations of such noncomplying affiliated or federated cooperatives.

(ii) The cooperative or federation has failed to make reports or furnish records pursuant to this section or pursuant to rules and regulations issued by the market administrator; or

(iii) In the case of the cooperative, it has failed, promptly after demand by the market administrator, to arrange for the utilization of milk under its control so as to yield the highest available net return to all producers without displacing an equivalent quantity of other producer milk in the preferred classification.

(2) An order of the market administrator wholly or partly canceling the designation of a cooperative or federation shall not be issued until after the cooperative or federation has had opportunity for hearing thereon following not less than 15 days' notice to it specifying the reasons for the proposed cancellation. If the cooperative or federation fails to file a written request for hearing with the market administrator within such period of 15 days, the market administrator may issue an order of cancellation without further notice: but if within such period a request for hearing is filed, the market administrator shall promptly proceed to hold such hearing pursuant to rules and regulations issued by him under paragraph (i) of this section.

(3) A cancellation order issued by the market administrator shall set forth the findings and conclusions on the basis of which it is issued.

(h) *Appeals*—(1) *From denials of application.* Any cooperative or federation whose application for designation has been denied by the market administrator may, within 30 days after notice of such denial, file with the Secretary a written petition for review. But the failure to file such petition shall not bar the cooperative or federation from again applying to the market administrator for designation.

(2) *From cancellation orders.* A cancellation order by the market administrator shall become final 30 days after its service on the cooperative or federation unless within such 30-day period the cooperative or federation files a written petition with the Secretary for review thereof. If such petition for review is filed, payments for which the cooperative or federation has been canceled by the order shall be held in reserve by the market administrator pending ruling of the Secretary, after which the sums so held in reserve shall either be returned to the producer-settlement fund or paid over to the cooperative or federation depending on the Secretary's ruling on the petition. If such petition for review is not filed, any payments which otherwise would be made within the 30-day period following issuance of the cancellation order shall be held in reserve until such order becomes final and shall then be returned to the producer-settement fund.

(3) *Record on appeal.* If an appeal is taken under subparagraph (1) or subparagraph (2) of this paragraph, the market administrator shall promptly certify to the Secretary the ruling or order appealed from and the evidence upon which it was issued: *Provided*, That if a hearing was held the complete record thereof, including the applications, petitions, and all exhibits or other documentary material submitted in evidence shall be the record so certified. Such certified material shall constitute the sole record upon which the appeal shall be decided by the Secretary.

(i) *Regulations.* The market administrator is authorized to issue regulations and amendments thereto to effectuate the provisions of this section and to facilitate and implement the administration of its provisions. Such regulations shall be issued in accordance with the following procedure:

(1) All proposed rules and regulations and amendments thereto shall be the subject of a meeting called by the market administrator, at which all interested persons shall have opportunity to be heard. Not less than 5 days prior to the meeting, notice thereof and of the proposed regulations or amendments shall be published in the FEDERAL REGISTER and mailed to qualified cooperatives and federations. A stenographic record shall be made at such meetings which shall be public information and be available for inspection at the office of the market administrator.

(2) A period of at least 5 days after the meeting shall be allowed for the filing of briefs.

(3) All regulations and amendments thereto issued by the market administrator pursuant to this section must be submitted in tentative form to the Secretary for approval, shall not be effective without such approval, and shall be published in the FEDERAL REGISTER following such approval. The regulations or amendments in tentative form shall be forwarded also to cooperatives and federations designated under this section and to other persons upon request in writing. The Secretary shall either approve the regulations or amendments thereto submitted by the market administrator or direct the market administrator to reconsider the tentative rules or amendments. In the event the market administrator is directed to give reconsideration to the matter, the market administrator shall either issue revised tentative regulations or amendments or call another meeting pursuant to this section for additional consideration of the rules or amendments.

(j) *Reports and records.* Each designated cooperative or federation shall, in accordance with rules and regulations issued by the market administrator:

(1) After submission to the market administrator for verification, make a public report of its performance of marketwide services pursuant to this section, including data on its receipts and expenditure of cooperative payments funds and a description of the marketwide services performed. The report shall contain a certification by the market administrator that the report is, to the best of his knowledge, accurate and in accordance with the rules and regulations which he has established.

(2) Submit an annual report to the market administrator which shall include:

(i) A concise report of its performance of marketwide services and allocations of expenditures to such performance for the previous year; and

(ii) An outline of its proposed program and budget for performance of marketwide services for the coming year.

(3) Make such additional reports to the market administrator as may be requested by him for the administration of the provisions of this section.

(4) Maintain and make available to the market administrator or his representative such records as will enable the market administrator to verify such reports.

(k) *Notices, demands, orders, etc.* All notices, demands, orders, or other papers required by this section to be given to or served upon a cooperative or federation shall be deemed to have been given or served as of the time when mailed to the last known secretary of the cooperative or federation at his last known address.

(l) *Adjustment period.* Any cooperative or federation which was qualified on the effective date of this section, to receive payments pursuant to the provisions of § 1002.89 as effective, referred to in this paragraph as the "former provisions", shall continue to receive payments pursuant to and subject to the conditions specified in such former provisions on milk received during the 100-day period immediately following the effective date of this section; and if such cooperative or federation has applied for designation pursuant to this section at least 80 days prior to the expiration of such 100-day period, it shall continue to receive payments pursuant to the former provisions until such time as the market administrator has ruled upon such application: *Provided*, That a cooperative or federation may be designated to receive payments pursuant to this section within such 10-day period: *Provided further*, That in no event shall a cooperative or federation receive payments under the former provisions for any period following the effective date of designation of the cooperative or federation under this section: *And provided further*, That the waiting periods prescribed in paragraph (a)(5) (ii) and (iii) of this section shall not apply to member producers whose milk deliveries were part of the basis for payments to the applicant under the former provisions immediately prior to designation pursuant to this section. For the purpose and to the extent specified in this paragraph, the provisions of § 1002.89 as effective shall remain in force and effect after the effective date of this section.

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Title 3—THE PRESIDENT

Proclamation 3861

PROFESSIONAL PHOTOGRAPHY WEEK

By the President of the United States of America

A Proclamation

There is scarcely a single field of human endeavor which has not been influenced in some way by photography. In addition to its traditional role as a chronicle of family history and personal remembrance, photography:

—documents and reports current events, at home and abroad, in war and peace.

—assists scientists in such vital fields as astronomy, biology and physics, ocean exploration, and outer space.

—serves commerce and industry in advertising and manufacturing.

—contributes to the national security.

—provides visual aids for general and specialized educational purposes.

—aids law enforcement agencies by providing identification and fingerprint photographs.

More than 150,000 men and women are engaged as professional photographers in these various fields of endeavor. To recognize their contributions to our culture and to our economy, the Congress has requested the President to issue a proclamation designating the week of August 4 through August 10, 1968, as Professional Photography Week.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the week of August 4 through August 10 as Professional Photography Week, and I call upon the people of the United States to observe that week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of July, in the year of our Lord nineteen hundred and sixty-eight, and of the Independence of the United States of America the one hundred and ninety-third.



[F.R. Doc. 68-9314; Filed, July 31, 1968; 2:57 p.m.]

Executive Order 11420

ESTABLISHING THE EXPORT EXPANSION ADVISORY COMMITTEE

WHEREAS foreign trade is an essential and continuing element in sustaining the growth, strength, and prosperity of our economy, contributes to the improvement of our balance of payments, and fosters the long-term commercial interest of the United States; and

WHEREAS, on March 20, 1968, I requested the Congress to empower the Export-Import Bank of the United States to use up to $500,000,000 of its loan, guarantee, and insurance authority to finance a broadened program to sell American goods in foreign markets; and

WHEREAS the Congress has authorized the Bank to extend loans, guarantees, and insurance which, in the judgment of the Board of Directors of the Bank, offer sufficient likelihood of repayment to justify the Bank's support in order to actively foster the foreign trade and long-term commercial interest of the United States; and

WHEREAS it is desirable and appropriate that guidance concerning the commercial interests and the balance of payments objectives of the United States be provided to the Board of Directors of the Bank in the use of such loan, guarantee, and insurance authority allocated to finance export expansion, and I have stated that I would establish an Export Expansion Advisory Committee to provide such guidance to the Board of Directors of the Bank:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Establishment of Advisory Committee.* (a) There is hereby established the Export Expansion Advisory Committee (hereinafter referred to as "the Committee").

(b) The Committee shall be composed of the following members: the Secretary of Commerce, who shall be Chairman of the Committee, the Secretary of the Treasury, the Secretary of State, and the President and Chairman of the Board of the Export-Import Bank of the United States.

SEC. 2. *Functions of the Committee.* The Committee shall review and make recommendations concerning applications and proposals for loans, guarantees, and insurance to be charged against allocations made to finance export expansion and shall provide guidance to the Board of Directors of the Bank concerning the use of such allocations with the view to fostering the foreign trade and long-term commercial interest of the United States.

SEC. 3. *Construction.* Nothing in this order shall be construed to abrogate, modify, or restrict any function vested by law in, or assigned pursuant to law to, any Federal agency or any officer thereof or to any Federal interagency council or committee. As used herein the term "any Federal agency" includes any executive department and any other executive agency.

Lyndon B. Johnson

THE WHITE HOUSE,
July 31, 1968.

[F.R. Doc. 68-9313; Filed, July 31, 1968; 2:57 p.m.]

Rules and Regulations

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Eradication and Free States

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134–134h), § 76.2 of Part 76, Title 9, Code of Federal Regulations, restricting the interstate movements of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

Paragraphs (f) and (g) of § 76.2 are amended to read as follows:

§ 76.2 Notices relating to existence of hog cholera; prohibition of movement of virulent virus; spread of disease through raw garbage; regulations; quarantines; eradication States; and free States.

* * * * *

(f) Notice is hereby given that there is no clinical evidence that the virus of hog cholera exists in swine in the following States, that systematic procedures are in effect to detect and eradicate the disease should it appear within any of such States, and that such States are hereby designated as hog cholera eradication States:

Connecticut.	Utah.
Delaware.	Vermont.
Florida.	Wisconsin.
Maryland.	Wyoming.
North Dakota.	

(g) Notice is hereby given that a period of more than 1 year has passed since there has been clinical evidence that the virus of hog cholera exists in the following States, that more than 1 year has passed since systematic procedures were placed in effect to exclude the virus of hog cholera and to detect and eradicate the disease should it appear within any of such States, and that the virus of hog cholera has been eradicated from such States and such States are hereby designated as hog cholera free States:

Alaska.	Nevada.
Idaho.	Oregon.
Michigan.	Washington.
Montana.	

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134–134h; 29 F.R. 16210, as amended, 30 F.R. 5799, as amended)

The purpose of the foregoing amendment is to remove the State of Vermont from the list of free States set forth in § 76.2(g) and to add such State to the list of hog cholera eradication States set forth in § 76.2(f), as Vermont no longer meets the specified criteria for States designated in § 76.2(g).

This amendment does not change the requirements under 9 CFR Part 76 concerning the interstate movement of swine.

Accordingly, under the administrative procedure provisions of 5 U.S.C., Section 553, is is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendment shall become effective upon issuance.

Done at Washington, D.C., this 29th day of July 1968.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 68-9279; Filed, Aug. 1, 1968; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8458]

PART 13—PROHIBITED TRADE PRACTICES

Grand Union Co.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Order to set aside a cease and desist order, The Grand Union Co., East Paterson, N.J., Docket 8458, June 21, 1968]

In the Matter of The Grand Union Co., a Corporation.

Order reopening proceeding and setting aside a cease and desist order dated June 10, 1965, 30 F.R. 12,938, which required a major food chain to divest certain retail grocery stores, the respondent having made all except one of the required divestitures, and prohibitions against certain future acquisitions provided for in docket No. C–1350, the Commission has determined that the public interest would be served by vacating the cease and desist order.

The order to set aside the cease and desist order is as follows:

It is ordered, That the order to cease and desist entered in Docket No. 8458 be, and it hereby is, set aside.

Issued: June 21, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-9229; Filed, Aug. 1, 1968; 8:45 a.m.]

[Docket No. 4902 o.]

PART 13—PROHIBITED TRADE PRACTICES

Hollywood Film Studios

Subpart—Advertising falsely or misleadingly: § 13.75 *Free Goods or services.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1663 *Individual's special selection or situation.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified order to cease and desist, Ned R. Baskin doing business as Hollywood Film Studios, Hollywood, Calif., Docket 4902, May 10, 1968]

In the Matter of Ned R. Baskin, an Individual Doing Business as Hollywood Film Studios

Order modifying a cease and desist order dated January 27, 1951, 16 F.R. 3106, which charged a Hollywood, Calif., mail-order seller of photo enlargements with certain false advertising practices by adding prohibitions against deceptively representing that customers will receive color enlargements without added cost, will receive two enlargements forthwith and unconditionally, and that cash will be paid for using customer photos in advertising.

The modified order to cease and desist, is as follows:

It is ordered, That the respondent, Ned R. Baskin, an individual trading under the name of Hollywood Film Studios, or trading under any other name, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of plain or colored photographs, or enlargements thereof, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, directly or by implication, that any photograph or enlargement, colored or black and white, framed or unframed, will be made and delivered for a stipulated price, unless such photograph or enlargement will in fact be made and delivered for the stipu-

lated price without the imposition or attempted imposition of any condition not clearly disclosed in the representation.

(2) Representing, directly or by implication, that any offer is for a limited time only, when such offer is not in fact limited in point of time, but is made by respondent in the regular course of business.

(3) Using the words "free" or "given", or any other word or term expressly or impliedly importing a like meaning, in advertising, to designate, describe, or refer to any article of merchandise which is not in fact a gift or gratuity or which is not given without requiring the purchase of other merchandise or the performance of some service inuring directly or indirectly to the benefit of the respondent.

(4) Using the name "Hollywood Film Studios", together with pictures of motion picture celebrities, on letterheads or in advertising matter; or otherwise representing that the respondent has any connection whatsoever with the motion picture industry.

It is further ordered, That respondent, Ned R. Baskin, an individual doing business as Hollywood Film Studios, or under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, furnishing, offering for sale, sale, or distribution or photographs, photographic enlargements, photographic coloring or enlargement services, or any other products or services in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering to furnish any photograph or any enlargement of a picture, photograph, print, snapshot, negative, slide, color slide, or similar article, either free of cost or for any stated amount or compensation:

(a) Unless the offered photograph or enlargement is in every instance furnished upon the request therefor, when accompanied by the stated amount or compensation, if any, and

(b) Unless the negative, slide or photograph forwarded pursuant to the offer is returned simultaneously with the offered photograph or enlargement, and

(c) Without the imposition or attempted imposition of any condition, and

(d) Without first sending to the requesting person any form of communication offering to sell respondent's coloring services or any other services.

2. Offering to furnish a black and white photograph or enlargement of a picture, photograph, print, snapshot, negative, slide, color slide, or similar article, either free of cost or for any stated amount or compensation, unless in immediate conjunction with such offer, in letters of equal size and prominence, the disclosure is made that the offered photograph or enlargement is black and white.

3. Requesting information for having any photograph, enlargement, or similar article colored, in any advertisement or in any other form of communication, unless in each instance in which such request for information is made:

(a) There is clear and conspicuous disclosure that forthcoming is an offer to sell respondent's coloring services, and

(b) There is clear and conspicuous disclosure of the full amount of respondent's charge for such coloring services.

4. Representing that photographs, including those made from submitted negatives or slides, received from customers are being considered for use as advertisements or that a fee of $100 or any other amount each will be paid for such use.

5. Misrepresenting in any manner the terms of any offer or the services provided by respondent.

It is further ordered, That respondent, Ned R. Baskin, shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: May 10, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-9228; Filed, Aug. 1, 1968; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 68-79]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Kissimmee River, Fla.

1. The Florida State Road Commission by letter dated November 30, 1967 requested the Jacksonville District, Corps of Engineers to revise the special operation regulations for the drawbridges across the Kissimmee River at mile 0.5 on State Road 78 and mile 19.5 on State Road 70. This revision would increase the time an advance notice is required from 48 hours to 72 hours. On April 8, 1968, the Commander 7th Coast Guard District issued a public notice to this effect. There were no adverse comments to this change and the revision is accepted. Also, a review of available records disclosed that the C. H. Carlton bridge, mile 2.7, Kissimmee River, Fla., was removed on October 20, 1962. The purpose of this document is to revise 3 CFR 117.245 (h) (26) to reflect these changes.

2. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 14 U.S.C. 632 and 49 CFR 1.4(a)(3), the text of 33 CFR 117.245(h)(26) shall be amended to read as follows and shall be effective on and after 30 days after date of publication of this document in the FEDERAL REGISTER:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * * *

(h) *Waterways discharging into Atlantic Ocean south of Charleston.* * * *

(26) Kissimmee River, Florida:

(i) State Road 78 bridge 0.5 mile above mouth and State Road 70 bridge 19.5 miles above mouth. At least 72 hours' advance notice required.

(ii) Seaboard Coast Line Railroad bridge 37 miles above mouth. At least 48 hours' advance notice required.

* * * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g), 80 Stat. 941; 33 U.S.C. 499; 49 U.S.C. 1655(g); 49 CFR 1.4(a)(3)(v); 32 F.R. 5606)

Dated: July 25, 1968.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 68-9239; Filed, Aug. 1, 1968; 8:46 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER J—MISCELLANEOUS

[General Order 89, Amdt. 3]

PART 355—REQUIREMENTS FOR ESTABLISHING U.S. CITIZENSHIP

Changes in Citizenship Data

Correction

In F.R. Doc. 68-9114, appearing at page 10849 in the issue of Wednesday, July 31, 1968, the fourth line of § 355.4(a) should be corrected to read "act in the absence or disability of the".

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 10—MIGRATORY BIRDS

Shooting From Certain Floating Craft

A proposal was issued on June 18, 1968 (33 F.R. 8820), to revise § 10.3(a)(3), concerning shooting of migratory game birds from certain floating craft.

Interested persons were given an opportunity to participate in the rule making through submission of comments. The majority of responses received were favorable. Accordingly, 50 CFR Part 10 is hereby amended as follows:

Section 10.3(a)(3) is revised to read:

§ 10.3 Hunting methods.

* * * * * *

(a) *Permitted methods.* * * *

(3) From floating craft (except a sinkbox), including those propelled by motor, sail and wind, or both, when (i) the motor of such craft has been completely shut off and/or the sails furled, as the case may be; its progress therefrom has ceased; and it is drifting, beached, moored, resting at anchor, or it is being propelled by paddle, oars, or pole; or (ii) the craft is being operated in accordance with paragraph (b)(4) of this section or § 10.53(b).

* * * * * *

Effective date. This amendment of Part 10 shall become effective on the date of publication in the FEDERAL REGISTER.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

JULY 30, 1968.

[F.R. Doc. 68-9263; Filed, Aug. 1, 1968; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 68-SW-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway Segment

On June 26, 1968, F.R. Doc. 68-7534 was published in the FEDERAL REGISTER (33 F.R. 9334) effective August 22, 1968. This document amended Part 71 of the Federal Aviation Regulations by realigning VOR Federal airway segment No. 222 between Industry, Tex., and Lake Charles, La., via Houston, Tex.

The intent of this realignment of the portion of the airway between Industry and Houston was to have the centerline of V-222 coincide with the centerline of VOR Federal airway No. 76 segment which is currently designated between Industry and Houston.

Accordingly, action is taken herein to provide a one degree correction to the alignment of V-222 segment to coincide with V-76 between Industry and Houston.

Since this amendment is minor in nature, will not require the designation of additional airspace and will impose no additional burden on any person, compliance with notice and public procedure is unnecessary and the effective date of the final rule as initially adopted is retained.

In consideration of the foregoing, effective immediately, F.R. Doc. 68-7534 (33 F.R. 9334) is amended as follows:

In line five of the Cheraw, S.C., transition area description "* * * 079° radial * * *" is deleted and "* * * 077° radial * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on July 24, 1968.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 68-9243; Filed, Aug. 1, 1968; 8:46 a.m.]

[Airspace Docket No. 67-WE-67]

PART 71—DESIGNATION OF FEDERAL AIRWAY, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway Segments

On June 26, 1968, F.R. Doc. 68-7533 was published in the FEDERAL REGISTER (33 F.R. 9334) effective August 22, 1968. This document amended Part 71 of the Federal Aviation Regulations by altering in part VOR Federal airway No. 8 south alternate segment between Hanksville, Utah, and Grand Junction, Colo. This amendment realigned V-8S in part through use of the Grand Junction 231° radial whereas it should have been realigned by use of the Grand Junction 232° radial as proposed in the Notice. "12 AGL Houston, Tex.; 12 AGL Beaumont, Tex.;" is deleted and "12 AGL INT Industry 104° and Houston, Tex., 287° radials; 12 AGL Houston; 12 AGL Beaumont, Tex.;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 24, 1968.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-9242; Filed, Aug. 1, 1968; 8:46 a.m.]

[Airspace Docket No. 68-SO-24]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On June 6, 1968, F.R. Doc. 68-6664 was published in the FEDERAL REGISTER (33 F.R. 8389), amending Part 71 of the Federal Aviation Regulations by designating the Cheraw, S.C., transition area.

In the amendment the final approach radial for Cheraw Municipal Airport was shown as "079°."

Subsequent to the publication of the rule, the final approach radial was redefined by Coast and Geodetic Survey as the "077° radial."

Since this amendment is minor in nature and imposes no additional burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, F.R. Doc. 68-6664 is amended as follows:

In line five of the Cheraw, S.C., transition area description "* * * 079° radial * * *" is deleted and "* * * 077° radial * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on July 24, 1968.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 68-9243; Filed, Aug. 1, 1968; 8:46 a.m.]

[Airspace Docket No. 67-WE-67]

PART 71—DESIGNATION OF FEDERAL AIRWAY, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway Segments

On June 26, 1968, F.R. Doc. 68-7533 was published in the FEDERAL REGISTER (33 F.R. 9334) effective August 22, 1968. This document amended Part 71 of the Federal Aviation Regulations by altering in part VOR Federal airway No. 8 south alternate segment between Hanksville, Utah, and Grand Junction, Colo. This amendment realigned V-8S in part through use of the Grand Junction 231° radial whereas it should have been realigned by use of the Grand Junction 232° radial as proposed in the Notice. Accordingly, action is taken herein to correct this alignment.

Since this amendment is editorial in nature and imposes no additional burden on any person, the Administrator finds that compliance with notice and public procedure is unnecessary, and the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing, effective immediately, F.R. Doc. 68-7533 (33 F.R. 9334) is amended as hereinafter set forth.

In Item a. "Grand Junction 231°" is deleted and "Grand Junction 232°" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; U.S.C. 1348)

Issued in Washington, D.C., on July 24, 1968.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-9244; Filed, Aug. 1, 1968; 8:46 a.m.]

[Airspace Docket No. 68-EA-36]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

On May 7, 1968, a notice of proposed rule making was publishing in the FEDERAL REGISTER (33 F.R. 6882) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign V-308 between Nottingham, Md., and Hampton, N.Y.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 19, 1968, as hereinafter set forth.

Section 71.123 (33 F.R. 2009) V-308 is amended by deleting all between "12 AGL Nottingham,;" and "12 AGL Hampton;" and substituting therefor "12 AGL Sea Isle, N.J.; 12 AGL INT Sea Isle 050° and Hampton, N.Y., 223° radials;."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 24, 1968.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-9245; Filed, Aug. 1, 1968; 8:46 a.m.]

[Airspace Docket No. 68-CE-69]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regula-

tions is to alter the Sault Ste. Marie, Mich., transition area.

The Whitefish, Mich., VOR is being decommissioned on August 22, 1968, and the controlled airspace designated with reference to this VOR must be rescinded. Consequently, it is necessary to alter the Sault Ste. Marie transition area to delete this airspace from the designation.

Since the alteration will reduce the existing designated Sault Ste. Marie transition area, it will not impose any additional burden on any person. Therefore, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective August 22, 1968, as hereinafter set forth:

In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

SAULT STE. MARIE, MICH.

That airspace within the United States extending upward from 700 feet above the surface within a 7-mile radius of Kincheloe AFB (latitude 46°15'00" N., longitude 84°-28'00" W.); within 8 miles northeast and 5 miles southwest of the 129° bearing from the Sault Ste. Marie RBN, extending from the RBN to 12 miles southeast of the RBN; within 2 miles each side of the Sault Ste. Marie VOR 153° radial, extending from the VOR to 8 miles southeast of the VOR, within 2 miles each side of the Sault Ste. Marie, Ontario, Canada, ILS localizer nowthwest course, extending from the OM to 8 miles northwest of the OM, and within 2 miles each side of the 293° bearing from the Gros Cap RBN, extending from the RBN to 8 miles northwest of the RBN, and the airspace within the United States extending upward from 1,200 feet above the surface within a 34-mile radius of Kincheloe AFB.

(Sec. 307(a), Federal Aivation Act of 1958; 49 U.S.C. 1348)

Issued at Kansas City, Mo., on July 17, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 68-9246; Filed, Aug. 1, 1968; 8:46 a.m.]

[Airspace Docket No. 68-SW-19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Additional Control Area

On May 17, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 7330) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an additional control area in the vicinity of Coyote, N. Mex.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 19, 1968, as hereinafter set forth.

Section 71.163 (33 F.R. 2051) is amended by adding the following:

COYOTE, N. MEX.

That airspace extending upward from 11,000 feet MSL bounded on the north by V-264, on the west by long. 106°04'00" W., on the southeast by the Corona, N. Mex., additional control area.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 24, 1968.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-9247; Filed, Aug. 1, 1968; 8:47 a.m.]

[Airspace Docket No. 67-CE-141]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Area

On May 24, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 7696) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an additional control area from the Quincy, Ill., VOR with a 1,200-foot AGL floor direct to the intersection of the Quincy 247° T (242° M) and the Macon, Mo., VOR 172° (166° M) radials.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., September 19, 1968, as hereinafter set forth.

Section 71.163 (33 F.R. 2051) is amended by adding the following:

QUINCY, ILL.

That airspace extending from Quincy, Ill., VORTAC 12 AGL INT Quincy 247° and Macon, Mo., 172° radials.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 24, 1968.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-9248; Filed, Aug. 1, 1968; 8:47 a.m.]

[Airspace Docket No. 68-CE-34]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Extension of Federal Airway

On May 24, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 7697) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend VOR Federal airway No. 227 from Lafayette, Ind., to Rockford, Ill.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 19, 1968, as hereinafter set forth.

In § 71.123 (33 F.R. 2009) V-227 is amended by deleting "12 AGL Lafayette." and substituting therefor "12 AGL Lafayette; 12 AGL Roberts, Ill.; 12 AGL Pontiac, Ill.; 12 AGL INT Pontiac 338° and Rockford, Ill., 172° radials; 12 AGL Rockford."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 24, 1968.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-9249; Filed, Aug. 1, 1968; 8:47 a.m.]

[Airspace Docket No. 68-SO-57]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Washington, N.C., transition area.

The Washington transition area is described in § 71.181 (33 F.R. 2137).

In the description, reference is made to the Washington Municipal Airport. Since the name of this airport has been changed to "Warren Field," it is necessary to amend the description accordingly.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (33 F.R. 2137), the Washington, N.C., transition area is amended as follows:

"* * * Washington Municipal Airport * * *" is deleted and "* * * Warren Field * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on July 22, 1968.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 68-9258; Filed, Aug. 1, 1968; 8:47 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9030; Amdt. 608]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

New Orleans, La.—New Orleans International (Moisant), ADF 1, Amdt. 14, 8 Aug. 1964 (established in Subpart C).
North Bend, Oreg.—North Bend Municipal, ADF 1, Amdt 1, 22 Oct. 1966 (established in Subpart C).
London, Ky.—Corbin-London War Memorial, VOR 1, Amdt. 4, 25 July 1964 (established in Subpart C).
New Orleans, La.—New Orleans International (Moisant), VOR 1, Amdt. 5, 8 Aug. 1964 (established in Subpart C).
North Bend, Oreg.—North Bend Municipal, VOR 1, Amdt. 4, 22 Oct. 1966 (established in Subpart C).

2. By amending § 97.11 of Subpart B to cancel low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Springfield, Vt.—Hartness Municipal, ADF 1, Amdt 4, 22 Jan. 1966, canceled, effective 22 Aug. 1968.
Blythe, Calif.—Blythe, VOR 1, Amdt. 3, 27 May 1965, canceled, effective 22 Aug. 1968.

3. By amending § 97.15 of Subpart B to delete very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

North Bend, Oreg.—North Bend Municipal VOR/DME Runway 4, Amdt. 2, 8 Apr. 1967 (established under Subpart C).

4. By amending § 97.17 of Subpart B to delete instrument landing system (ILS) procedures as follows:

New Orleans, La.—New Orleans International (Moisant), ILS Runway 10, Amdt. 19, 29 May 1967 (established under Subpart C).
New Orleans, La.—New Orleans International (Moisant), ILS-28, Amdt. 1, 24 July 1965 (established under Subpart C).

5. By amending § 97.19 of Subpart B to delete radar procedures as follows:

New Orleans, La.—New Orleans International (Moisant), Radar 1, Amdt. 5, 1 Jan. 1966 (established under Subpart C).

6. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5 miles after passing Creek Int.
Muncie VOR	Creek Int (NOPT)	Direct	2500	Climbing right turn to 2500' direct to MIE VOR.

Procedure turn not authorized. Approach crs (Profile) starts at MIE VOR.
FAF, Creek Int. Final approach crs, 266°. Distance FAF to MAP, 5 miles.
Minimum altitude over MIE VOR, 2500'; over Creek Int, 2500'.
MSA: 000°-360°—2500'.
NOTES: (1) Use Muncie altimeter setting, if not available, use Indianapolis altimeter setting and increase straight-in and circling MDA 160'. (2) Dual VOR receivers required.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-27	1260	1	360	1260	1	360	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1260	1	360	1360	1	460	NA	NA
A	Not authorized.		T 2-eng or less—Standard.				T over 2-eng—Not authorized.	

City, Alexandria; State, Ind.; Airport name, Alexandria; Elev., 900'; Facility, MIE; Procedure No. VOR Runway 27, Amdt. Orig.; Eff. date, 22 Aug. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 1.9 miles after passing BLH VOR.
				Right turn to intercept BLH R 130°, climbing to 3000' within 10 miles of VOR. All maneuvering W of crs. Supplementary charting information: Final approach crs aligned with ARP.

Procedure turn N side of crs, 258° Outbnd, 078° Inbnd, 3800' within 10 miles of BLH VOR.
FAF, BLH VOR. Final approach crs, 040°. Distance FAF to MAP, 1.9 miles.
Minimum altitude over BLH VOR, 1800'.
MSA: 020°–110°—4400'; 110°–200°—3800'; 200°–290°—5600'; 290°–020°—5400'.
NOTE: Air carrier will not reduce landing visibility due to local conditions.
CAUTION: Rapidly rising terrain starting 2 miles WNW of airport.
%IFR departure procedures: Departures 180° clockwise through 040° and 070° clockwise through 095°, climb via the BLH, R 130° within 10 miles of VOR to recross VOR at or above 3000', then via assigned route. All maneuvering W of crs.
#Takeoff Runway 26 requires a climb rate of 280' per mile to 1500'.
*1000-2 required Category D alternate minimums.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1040	1	643	1040	1	643	1040	1½	643	1260	2	863
A	* Standard.*		T 2-eng. or less—Standard.%#				T over 2-eng.—Standard.%#					

City, Blythe; State, Calif.; Airport name, Blythe; Elev., 397'; Facility, BLH; Procedure No. VOR-2, Amdt. Orig.; Eff. date, 22 Aug. 68

Terminal Routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 8.1 miles after passing HRL VOR.
Hargill Int	HRL VOR (NOPT)	Direct	1600	Climb to 1600', left turn to HRL VOR.
Elsa Int	HRL VOR (NOPT)	Direct	1600	Supplementary charting information: LRCO—122.1R and 123.6R. UNICOM—122.8.

Procedure turn N side of crs, 238° Outbnd, 106° Inbnd, 1600' within 10 miles of HRL VOR.
FAF, HRL VOR. Final approach crs, 106°. Distance FAF to MAP, 8.1 miles.
Minimum altitude over HRL VOR, 1600'.
MSA: 090°–270°—2100'; 270°–090°—1500'.
NOTE: Use Brownsville altimeter when Harlingen Industrial Airpark altimeter setting is not received.
*Alternate minimum—800–2 authorized for air carriers having weather reporting service.
#MDA for all categories increased 80' when Harlingen Industrial Airpark altimeter setting is not received.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#	600	1	565	600	1	565	600	1½	565	600	2	565
A	Not authorized.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Harlingen; State, Tex.; Airport name, Harlingen Industrial Airpark; Elev., 35'; Facility, L-BVOR HRL; Procedure No. VOR-1 Amdt. Orig.; Eff. date, 22 Aug. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.2 miles after passing LOZ VORTAC.
				Make left-climbing turn to 3400' direct to LOZ VORTAC and hold. Supplementary charting information: Hold S, 1-minute, right turns, 022° Inbd. 1286'n water tank and 1592' obstruction (lighted pole) NE of airport. TDZ elevation, 1201'.

Procedure turn E side of crs, 202° Outbnd, 022° Inbnd, 3400' within 10 miles of LOZ VORTAC.
FAF, LOZ VORTAC. Final approach crs., R 022°. Distance FAF to MAP, 3.2 miles.
Minimum altitude over LOZ VORTAC, 2300'.
MSA: 000°–090°—3000'; 090°–180°—4300'; 180°–270°—3200'; 270°–360°—2900'.
CAUTION: 1592' obstruction (lighted pole) 1.5 miles NE of airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIZ
S–5	1580	1	379	1580	1	379	1580	1	379	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1700	1	499	1900	1	699	1940	1½	739	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Runway 5, 300–1; Runway 23, Standard.			

City, London; State, Ky.; Airport name, Corbin-London War Memorial; Elev., 1201'; Facility, LOZ; Procedure No. VOR Runway 5, Amdt. 5; Eff. date, 22 Aug. 68; Sup. Amdt. No. VOR 1, Amdt. 4; Dated, 25 July 64

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MTJ VOR.
Grand Junction VORTAC	Bridgeport DME Fix	Direct	10,500	Climbing right turn to 8,300' on R 299 of MTJ VOR within 10 miles, return to VOR and hold.
Bridgeport DME Fix	Delta DME Fix	Direct	8,300	Supplementary charting information: Hold NW MTJ VOR, right turns, 119° inbnd. Final approach crs, intercepts Runway 12 centerline 5200' from threshold. LRCO—122.1. TDZ elevation, 5,731'.
Delta DME Fix	Roe Fan Marker (NOPT)	Direct	6,600	
MTJ VOR	Roe Fan Marker	Direct	8,300	

Procedure turn S side of crs, 299° Outbnd, 119° Inbnd, 8,300' within 10 miles of Roe Fan Marker.
Final approach crs, 119°.
Minimum altitude over Roe Fan Marker, *6,600'.
MSA: 000°–090°—13,800'; 090°–180°—15,200'; 180°–270°—13,000'; 270°–360°—11,300'.
NOTES: (1) Use GJT altimeter setting when control zone not effective. (2) Approach from holding pattern not authorized.
#Alternate minimums not authorized when control zone not effective.
*Circling and straight-in MDA increased 400' and MDA over Roe FM becomes 6,800' when control zone not effective.
%IFR departure procedures: Climb in standard holding pattern on MTJ VOR R 299° to sufficient altitute to cross MTJ VOR at 10,000', eastbound V–244, 9,300', westbound V–244.
$ Sliding scale not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–12*$	6140	1	409	6140	1	409	6140	1	409	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*	6280	1	521	6280	1	521	6340	1½	581	NA
	Without FM Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S–12*$	6600	1	869	6600	1¼	869	6600	1½	869	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*	6600	1	841	6600	1¼	841	6600	1½	841	NA
A	1000–2.#		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%			

City, Montrose; State, Colo.; Airport name, Montrose County; Elev., 5759'; Facility, MTJ; Procedure No. VOR Runway 12, Amdt. Orig.; Eff. date, 22 Aug. 68

Terminal routes				Missed approach
From	To—	Via	Minimum altitudes (feet)	MAP: 4.4 miles from MSY VOR.
				Climb to 1500' via MSY R 237° within 15 miles, or when directed by ATC, climb to 1500', right turn to MSY R 269° to Turtle Int.

Procedure turn N side of crs, 057° Outbnd, 237° Inbnd, 1600' within 10 miles of MSY VOR.
FAF, MSY VOR. Final approach crs, 237°. Distance FAF to MAP, 4.4 miles.
Minimum altitude over MSY VOR, 1200'.
MSA: 000°–360°—2100'.
NOTE: ASR.
*When determined through New Orleans approach control that booms of pile drivers NW of airport are in lowered position, circling MDA's for Categories A, B, and C may be reduced to 460'.
%RVR 18 authorized Runway 10 for Categories A, B, and C.
%RVR 20 authorized Runway 10 for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	*520	1	517	*520	1	517	*520	1½	517	560	2	557
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, New Orleans; State, La.; Airport name, New Orleans International (Moisant); Elev., 3'; Facility, MSY; Procedure No. VOR-1, Amdt. 6; Eff. date, 22 Aug. 68; Sup. Amdt. No. VOR-1, Amdt. 5; Dated, 8 Aug. 64

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.1 miles after passing OTH VOR.
				Climb to 3000′ on R 250° from OTH VOR within 13 miles. Supplementary charting information: Final approach crs to a point 700′ S of airport reference point.

Procedure turn S side of crs, 070° Outbnd, 250° Inbnd, 3500′ within 10 miles of OTH VOR.
FAF, OTH VOR. Final approach crs, 250°. Distance FAF to MAP, 3.1 miles.
Minimum altitude over OTH VOR, 2300′.
MSA: 000°-090°—3600′; 090°-180°—4200′; 180°-270°—2600′; 270°-360°—2900′.
%IFR departure procedures: Runways 4, 31, and 34 turn left; Runways 16, 13, and 22 turn right; intercept and climb westbound on R 250° to 500′; return to VOR via R 250°, climbing to cross VOR at or above 1000′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	1100	1½	1086	1100	1½	1086	1100	1½	1086	NA
A	1200-2.		T 2-eng. or less—Runway 4, 600-1; Standard all other runways.%				T over 2-eng.—Runway 4, 600-1; Standard all other runways.%			

City, North Bend; State, Oreg.; Airport name, North Bend Municipal; Elev., 14′; Facility, OTH; Procedure No. VOR-1, Amdt. 5; Eff. date, 22 Aug. 68; Sup. Amdt. No. VOR 1, Amdt. 4; Dated, 22 Oct. 66

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.6 miles after passing VOR.
				Climb to 3900′ on R 201° within 10 miles return to VOR. Supplementary charting information: LRCO—122.1. Tower 1.4 miles S of airport 2420′. Final approach crs aligned to center of airport.

Procedure turn W side of crs, 021° Outbnd, 201° Inbnd, 3900′ within 10 miles of ISD VOR.
FAF, ISD, VOR. Final approach crs, 201°. Distance FAF to MAP, 6.6 miles
Minimum altitude over ISD VOR, 3900′.
MSA: 270°-090°—3400′; 090°-270°—3600′.
CAUTION: Turf landing strips 3/21 and 8/26 unlighted.
NOTE: Use Pierre, S. Dak. altimeter setting.
%Aircraft departing Runway 13, left-climbing turn to 2900′ before proceeding southbound or westbound.
%Aircraft departing Runway 21, immediate right-climbing turn to 2900′ before proceeding southbound or eastbound.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	3100	1½	1062	3100	1¾	1062	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.%				T over 2-eng.—Not authorized.	

City, Winner; State, S. Dak.; Airport name, Bob Wiley Field; Elev., 2039′; Facility, ISD; Procedure No. VOR Runway 21, Amdt. Orig.; Eff. date, 22 Aug. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4-mile DME Fix, R 250°.
OTH VOR	4-mile DME Fix, R 250°	Direct	2800	Climbing right turn to 3000′ on R 250° within 14 miles. Supplementary charting information: Final approach crs intercepts runway centerline extended 1000′ from runway threshold. TDZ elevation, 9′.
10-mile DME Fix, R 024°	OTH VOR	Direct	3900	
10-mile DME Fix, 001°	OTH VOR	Direct	3900	
10-mile DME Fix, R 162°	OTH VOR	Direct	3700	
R 003°, OTH VOR counterclockwise	R 250°, OTH VOR	14-mile Arc OTH R 258°, lead radial.	2200	
R 162°, OTH VOR clockwise	R 250°, OTH VOR	14-mile Arc OTH R 242°, lead radial.	2200	
14-mile DME Fix, R 250°	9-mile DME Fix, R 250° (NOPT)	Direct	1500	

Procedure turn S side of crs, 250° Outbnd, 070° Inbnd, 2200′ within 10 miles of 4-mile DME Fix, R 250°.
Final approach crs, 070°.
Minimum altitude over 9-mile DME Fix, R 250°, 1500′.
MSA: 000°-090°—3600′; 090°-180°—4200′; 180°-270°—2600′; 270°-360°—2900′.
NOTE: Inoperative components table does not apply to HIRL runway 4.
%IFR departure procedures: Runways 4, 31, and 34 turn left; runways 13, 16, and 22 turn right; intercept and climb westbound on R 250° to 500′; return to VOR via R 250° climbing to cross VOR at or above 1000′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-4	460	1	451	460	1	451	460	1	451	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	660	1	646	800	1¾	786	820	1½	806	NA
A	900-2.		T 2-eng. or less—Runway 4, 600-1; Standard all other runways.%				T over 2-eng.—Runway 4, 600-1; Standard all other runways.%			

City, North Bend; State, Oreg.; Airport name, North Bend Municipal; Elev., 14′; Facility, OTH; Procedure No. VOR/DME Runway 4, Amdt. 3; Eff. date, 22 Aug. 68; Sup. Amdt. No. 2; Dated, 8 Apr. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: SLR R 231° 5.5-mile DME Fix.
SLR VORTAC	10-mile DME Fix	R 231°	2100	Climbing left turn to 2100′ on SLR R 252° within 20 miles.
R 267°, SLR VORTAC Counterclockwise	R 231°, SLR VORTAC (NOPT)	20-mile Arc SLR R 237°, lead radial.	2100	
R 208°, SLR VORTAC clockwise	R 231°, SLR VORTAC (NOPT)	20-mile Arc SLF R 225°, lead radial.	2100	Supplementary charting information: Depict tower 1 mile E. of airport, 812′.

Procedure turn S side of crs, 231° Outbnd, 051° Inbnd, 2100′ within 10 miles of 10-mile DME Fix.
Final approach crs, 051°.
Minimum altitude over 10-mile DME Fix, 1100′.
MSA: 000-360°—2100′.
NOTE: Use Tyler, Tex., altimeter setting.
°CAUTION: Maneuvering not authorized E of airport as defined by extension of runway centerline.
#Landing and takeoff authorized Runways 17-35 only.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C°	1060	1	576	1060	1	576	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.#				T over 2-eng—Standard.#	

City, Sulphur Springs; State, Tex.; Airport name, Sulphur Springs Municipal; Elev., 484′; Facility, SLR VORTAC; Procedure No. VOR/DME-1, Amdt. Orig.; Eff. date, 22 Aug. 68.

7. By amending § 97.25 of Subpart C to establish localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for an route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6 miles after passing Bridge Int.
MSY VOR	Bridge Int	Direct	2000	Climb to 1500′ direct to MS LOM.
MS LOM	Bridge Int	Direct	2000	Supplementary charting information: TDZ elevation, 3′.

Procedure turn N side of crs, 099° Outbnd, 279° Inbnd, 2000′ within 10 miles of Bridge Int.
FAF, Bridge Int. Final approach crs, 279°. Distance FAF to MAP, 6 miles.
Minimum altitude over Bridge Int, 1800′.
NOTE: ASR.
*When determined through New Orleans approach control that booms of pile drivers NW of airport are in lowered position, circling MDA's Categories A, B, and C may be reduced to 460′.
%RVR 18 authorized Runway 10 for Categories A, B, and C.
%RVR 20 authorized Runway 10 for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-28	380	¾	377	380	¾	377	380	¾	377	380	1	377
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	*520	1	517	*520	1	517	*520	1½	517	560	2	557
A	Standard.			T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%				

City, New Orleans; State, La.; Airport name, New Orleans International (Moisant); Elev., 3′; Facility, I-MSY; Procedure No. LOC (BC) Runway 28, Amdt. 2; Eff. date, 22 Aug. 68; Sup. Amdt. No. 1LS-28, Amdt. 1; Dated, 24 July 68

8. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for an route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ADG NDB.
Jasper Int	ADG NDB	Direct	2400	Left-climbing turn to 2400′ on 223° bearing within 10 miles, return to NDB.
Hudson Int	ADG NDB	Direct	2400	Supplementary charting information: Final approach crs intercepts runway centerline 4751′ from threshold. TDZ elevation, 799′.

Procedure turn N side of crs, 223° Outbnd, 043° Inbnd, 2400′ within 10 miles of ADG NDB.
Final approach crs, 043°.
Minimum altitude over ADG NDB, 1360′.
MSA: 000°–090°—2300′; 090°–180°—2000′; 180°–360°—2500′.
NOTES: (1) Radar vectoring. (2) Use Toledo altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-5	1360	1	561	1360	1	561	1360	1	561	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1360	1	557	1360	1	557	1360	1½	557	NA
A	Not authorized.			T 2-eng. or less—Standard.				T over 2-eng.—Standard.		

City, Adrian; State, Mich.; Airport name, The Lenawee County; Elev., 803′; Facility, ADG; Procedure No. NDB (ADF) Runway 5, Amdt. Orig.; Eff. date, 22 Aug. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: FCY NDB.
				Climbing right turn to 2000′, heading 175° and hold on FCY NDB.
				Supplementary charting information: Hold S of FCY NDB on bearing 175°–355° Inbnd, right turns, 1 minute. Tower 600′, 2 miles N of airport. TDZ elevation, 242′.

Procedure turn E side of crs, 175° Outbnd, 355° Inbnd, 2000′ within 10 miles of FCY NDB.
Final approach crs, 355°.
Minimum altitude over FCY NDB, 860′.
MSA: 000°–360°—1600′.
*Use Memphis, Tenn., FSS altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-35°	860	1	618	860	1	618	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C*	900	1	651	900	1	651	NA	NA
A	Not Authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.	

City, Forrest City; State, Ark.; Airport name, Forrest City Municipal; Elev., 249′; Facility, FCY; Procedure No. NDB (ADF) Runway 35, Amdt. Orig.; Eff. date, 22 Aug. 68

Terminal routes—				Missed approach
From—	To—	Via—	Minimum altitudes (feet)	MAP: 4.2 miles after passing HRL NDB.
HRL VOR	HRL NDB	Direct	1500	Climb to 1500′, left turn to HRL NDB.
Mansfield Int	HRL NDB	Direct	1500	Supplementary charting information: LRCO—122.1R and 123.6R. UNICOM—122.8.
Raymondsville Int	HRL NDB (NOPT)	Direct	1500	

Procedure turn W side of crs, 352° Outbnd, 172° Inbnd, 1500′ within 10 miles of HRL NDB.
FAF, HRL NDB. Final approach crs, 172°. Distance FAF to MAP, 4.2 miles.
Minimum altitude over HRL NDB, 1000′.
MSA: 000°–180°—1400′; 180°–270°—2100′; 270°–360°—1500′.
NOTE: Use Brownsville altimeter setting when Harlingen Industrial Airpark altimeter setting is not received.
*Alternate minimum: 800-2 authorized for air carriers having approved weather reporting service. Inoperative table does not apply to HIRL Runway 17R.
#Circling and straight-in MDA increased 80′ when Harlingen Industrial Airpark altimeter setting is not received.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
S-17R#	400	1	365	400	1	365	400	1	365	400	1	365
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#	*500	1	465	500	1	465	500	1½	465	600	2	565
A	Not authorized.*			T 2-eng. or less—Standard.				T over 2-eng.—Standard.				

City, Harlingen; State, Tex.; Airport name, Harlingen Industrial Airpark; Elev., 35′; Facility, MHW HRL; Procedure No. NDB (ADF) Runway 17R, Amdt. Orig.; Eff. date, 22 Aug. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.6 miles from MS NDB.
MSY VOR	MS NDB	Direct	1800	Climb to 2000′ on crs 099° within 15 miles, or when directed by ATC, climb to 1500′, left turn to Clam Int via MSY VOR R 064°.
Wave Int	MS NDB	Direct	1800	
Sally Int	MS NDB	Direct	1800	
TBD VOR	Turtle Int (NOPT)	Direct	1800	
Turtle Int	MS NDB (NOPT)	Direct	1800	Supplementary charting information: TDZ elevation, 2′.

Procedure turn S side of crs, 279° Outbnd, 099° Inbnd, 1800′ within 10 miles of MS NDB.
FAF, MS NDB. Final approach crs, 099°. Distance FAF to MAP, 6.6 miles.
Minimum altitude over MS NDB, 1800′.
MSA: 000°–360°—2100′.

NOTE: ASR.
When determined through New Orleans approach control that the booms of pile drivers NW of airport are in lowered position:
*(1) Straight-in MDA's may be reduced to 400′.
♯(2) Circling MDA's Categories A, B, and C may be reduced to 460′.
%RVR 18 authorized Runway 10 for Categories A, B, and C
%RVR 20 authorized Runway 10 for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–10	*520	RVR 40	518	*520	RVR 40	518	*520	RVR 40	518	*520	RVR 50	518
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	♯520	1	517	♯520	1	517	♯520	1¼	517	560	2	557
A	Standard.		T 2-eng. or less—Standard. %				T over 2-eng.—Standard. %					

City, New Orleans; State, La.; Airport name, New Orleans International (Moisant); Elev., 3′; Facility, MS; Procedure No. NDB (ADF) Runway 10, Amdt. 15; Eff. date, 22 Aug. 68; Sup. Amdt. No. ADF 1, Amdt. 14; Dated, 8 Aug. 64

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: OTH NDB.
OTH VOR	OTH NDB	Direct	3600	Climbing right turn to 3000′ on 317° bearing within 10 miles.
				Supplementary charting information: final approach crs 500′ right of runway centerline 3000′ from threshold. TDZ elevation 9′.

Procedure turn W side of crs, 317° Outbnd, 137° Inbnd, 1700′ within 10 miles of OTH NDB.
Final approach crs, 137°.
MSA: 000°–090°—3600′; 090°–180°—4200′; 180°–360°—2200′.
% IFR departure procedures: Runways 4, 31, and 34 turn left; Runways 16, 13, and 22 turn right; intercept and climb westbound on R 250° to 500′; return to VOR via R 250° climbing to cross VOR at or above 1000′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–13	580	1	571	580	1	571	580	1	571	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	660	1	646	800	1¼	786	820	1½	806	NA
A	900–2.		T 2-eng. or less—Runway 4, 600–1; Standard all other runways.%				T over 2-eng.—Runway 4, 600–1; Standard all other runways.%			

City, North Bend; State, Oreg.; Airport name, North Bend Municipal; Elev., 14′; Facility, OTH; Procedure No. NDB (ADF) Runway 13, Amdt. 2; Eff. date, 22 Aug. 68; Sup. Amdt. No. ADF 1, Amdt. 1; Dated, 22 Oct. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5 miles after passing VSF NDB.
Hartness Int	VSF NDB	Direct	4000	Make right-climbing turn to VSF NDB. Cross VSF NDB at 3000′ or above, continue climb in holding pattern to 4000′ and hold.
				Supplementary charting information: Hold SW of VSF NDB, 048° Inbnd, 1-minute right turns. ♯ Chart in plan view.

Procedure turn S side of crs, 228° Outbnd, 048° Inbnd, 4000′ within 10 miles of VSF NDB.
FAF, VSF NDB. Final approach crs, 048°. Distance FAF to MAP, 5 miles.
Minimum altitude over VSF NDB, 3000′.
MSA: 000°–090°—5000′; 090°–180°—3800′; 180°–270°—5000′; 270°–360°—5300′.
NOTES: (1) Use Lebanon altimeter setting. (2) Facility must be monitored aurally during approach.
♯Final approach from holding pattern at VSF NDB not authorized; procedure turn required.
IFR departure: Depart airport at 1300′ on heading 050°, make right-climbing turn to VSF NDB, cross VSF NDB at 3000′ or above. Continue climb in holding pattern to MEA for route of flight.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	1820	1¼	1245	1820	2	1245	1820	2¼	1245	NA
A	Not authorized.		T 2-eng. or less—800–1.				T over 2-eng.—800–1.			

City, Springfield; State, Vt.; Airport name, Hartness Municipal; Elev., 575′; Facility, VSF; Procedure No. NDB (ADF) Runway 5, Amdt. Orig.; Eff. date, 22 Aug. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: HEE NDB.
La Grange Int	HEE NDB	Direct	2000	Climb to 2000′, right turn to HEE NDB and hold.
				Supplementary charting information: Hold N of HEE NDB on bearing 345°–165° Inbnd, right turns, 1 minute. TDZ elevation, 240′.

Procedure turn W side of crs, 345° Outbnd, 165° Inbnd, 2000′ within 10 miles of HEE NDB.
Final approach crs, 165°.
Minimum altitude over HEE NDB, 1060′.
MSA: 000°–360°—1700′.
* Use Memphis, Tenn., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S–17*	1060	1	820	1060	1	820	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C*	1060	1	820	1060	1¼	820	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, West Helena; State, Ark.; Airport name, Thompson-Robbins Field; Elev., 240′; Facility, HEE; Procedure No. NDB (ADF) Runway 17, Amdt. Orig.; Eff. date, 22 Aug. 68

9. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instruction approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.2 miles after passing Lakeside LOM.
Atlanta NDB	Lakeside LOM	Direct	2700	Climb to 3000', left turn direct Tucker Int via ATL VOR, R 033°.
Atlanta VORTAC	Lakeside LOM	Direct	2700	
Harrison Int	Lakeside LOM	Direct	3000	Supplementary Charting Information: TDZ elevation, 1024'.
Chattahoochee Int	Lakeside LOM (NOPT)	Direct	2700	

Procedure turn S side of crs, 269° Outbnd, 089° Inbnd, 2700' within 10 miles of Lakeside LOM (AT).
FAF, Lakeside LOM. Final approach crs, 089°. Distance FAF to MAP, 5.2 miles.
Minimum altitude over Lakeside LOM, 2700'.
MSA: 000°–090°—3100'; 090°–180°—2200'; 180°–270°—2700'; 270°–360°—2900'.
NOTE: ASR.
% RVR 24 authorized Runways 9L, 33.
% RVR 18 authorized Runway 9R for Categories A, B, and C.
% RVR 20 authorized Runway 9R for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9L	1520	RVR 40	496	1520	RVR 40	496	1520	RVR 40	496	1520	RVR 50	496
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1520	1	496	1520	1	496	1520	1¼	496	1580	2	556
A	Standard.		T 2-eng. or less—Standard. %				T over 2-eng.—Standard. %					

City, Atlanta; State, Ga.; Airport name, Atlanta; Elev., 1024'; Facility, AT; Procedure No. NDB (ADF) Runway 9L, Amdt. 28; Eff. date, 22 Aug. 68; Sup. Amdt. No.27; Dated, 8 Aug. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.6 miles after pasing GS LOM.
Fort Worth NDB	GS LOM	Direct	2200	Climbing right turn to 2000' on crs 190° within 15 miles.
Britton VOR	GS LOM	Direct	2800	Supplementary charting information: TDZ elevation, 568'.

Procedure turn N side of crs, 309° Outbnd, 129° Inbnd, 2300' within 10 miles of GS LOM.
FAF, GS LOM. Final approach crs, 129°. Distance FAF to MAP, 4.6 miles.
Minimum altitude over GS LOM, 2000'.
MSA: 090°–180°—3400'; 180°–270°—2800'; 270°–090°—2300'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13	940	RVR 40	372	940	RVR 40	372	940	RVR 40	372	940	RVR 50	372
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1020	1	452	1020	1	452	1020	1¼	452	1120	2	552
A	Standard.		T 2-eng. or less—standard.				T over 2-eng.—Standard.					

City, Fort Worth; State, Tex.; Airport name, Greater Southwest International, Dallas-Fort Worth Field; Elev., 568'; Facility, GS; Procedure No. NDB(ADF) Runway 13, Amdt. 12; Eff. date, 22 Aug. 68; Sup. Amdt. No. 11; Dated, 18 July 68

10. By amending § 97.29 of Subpart C to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 202'. LOC 6.6 miles after passing MS LOM.
Sally Int	LOM	Direct	1800	Climb to 2000' on E crs ILS within 15 miles, or when directed by ATC, (1) climb to 1500', left turn via R 030° MSY VOR to Snail Int, or, (2) climb to 1500', right turn via R 175° MSY VOR to Sally Int.
Wave Int	LOM	Direct	1800	
MSY VOR	LOM	Direct	1500	Supplementary charting information: TDZ elevation, 2'.
French Int	LOM	Direct	1800	
Tibby VOR	Turtle Int	Direct	1800	
Turtle Int	LOM (NOPT)	Direct	1800	

Procedure turn S side of crs, 279° Outbnd, 099° Inbnd, 1800' within 10 miles of MS LOM.
FAF, LOM. Final approach crs, 099°. Distance FAF to MAP, 6.6 miles.
Minimum altitude over LOM, 1800'.
Minimum glide slope interception altitude, 1800'. Glide slope altitude at OM, 1842'; at MM 209'; at IM 98.2'.
Distance to runway threshold at OM, 6.6 mile at MM, 0.6 miles; at IM, 0.18 mile.
MSA: 000°–360°—2100'.
NOTE: ASR.
*When determined through New Orleans approach control that booms of pile drivers NW of airport are in lowered position, circling MDA's for categories A, B, and C may be reduced to 460'.
% RVR 18 authorized Runway 10 for Categories A, B, and C.
% RVR 20 authorized Runway 10 for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-10	202	RVR 18	200	202	RVR 18	200	202	RVR 18	200	202	RVR 20	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-10	360	RVR 24	358	360	RVR 24	358	360	RVR 24	358	360	RVR 40	358
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	*320	1	317	*320	1	317	*320	1¼	317	380	2	357
Category II: Special authorization required.												
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-10	152 RA152	RVR 16	150	152 RA152	RVR 16	150	152 RA152	RVR 16	150	152 RA152	RVR 16	150
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, New Orleans; State, La.; Airport name, New Orleans International (Moisant); Elev., 3'; Facility, I-MSY; Procedure No. ILS Runway 10, Amdt. 20; Eff. date, 22 Aug. 68 Sup. Amdt. No. 19; Dated, 20 May 67

11. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA: Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
ATL NDB	Lakeside LOM	Direct	2700	MAP: ILS DH, 1324. LOC 5.2 miles after passing AT LOM. Climb to 3000′ left turn direct to Tucker Int. via ATL VORTAC, R 033°. Supplementary charting information: Back crs unusable. TDZ elevation, 1024′.
ATL VORTAC	Lakeside LOM	Direct	2700	
Harrison Int	Lakeside LOM	Direct	3000	
Chattahoochee Int	Lakeside LOM (NOPT)	Direct	2700	

Procedure turn S side of crs, 269° Outbnd, 089° Inbnd, 2700′ within 10 miles of Lakeside LOM.
FAF, Lakeside LOM. Final approach crs, 089°. Distance FAF to MAP, 5.2 miles.
Minimum glide slope interception altitude, 2700′. Glide slope altitude at OM, 2660′; at MM, 1236′.
Distance to runway threshold at OM, 5.2 miles; at MM, 0.5 mile.
MSA: 000°–090°—3100′; 090°–180°—2200′; 180°–270°—2700′; 270°–360°—2900′.
NOTE: ASR.
%RVR 24 authorized Runways 9L, 33.
%RVR 18 authorized Runways 9R for Categories A, B, and C.
%RVR 20 authorized Runways 9R for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-9L	1324	RVR 40	300	1324	RVR 40	300	1324	RVR 40	300	1324	RVR 40	300
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9L	1400	RVR 40	376	1400	RVR 40	376	1400	RVR 40	376	1400	RVR 50	376
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1500	1	476	1500	1	476	1500	1½	476	1580	2	556
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Atlanta; State, Ga.; Airport name, Atlanta; Elev., 1024′; Facility I-ATL; Procedure No. ILS 9L, Amdt. 31; Eff. date, 22 Aug. 68; Sup. Amdt. No. 30; Dated, 8 Aug. 68

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	
				MAP: 09R—ILS DH 1216′, 90L—ILS DH 1324′. 09R—Climbing right turn to 3000′ direct to ATL VORTAC and hold. 90L—Climb to 3000′, left turn, direct Tucker Int via ATL VOR, R 033°. Supplementary charting information: 09R—Hold S, 1-minute right turns, 354° Inbnd. 90L—Back crs unusable. TDZ elevation, 09R—1016′; 90L—1024′.

Radar vector to intercept final approach crs at established vectoring altitudes.
Procedure turn not authorized.
FAF, AL or AT LOM. Final approach crs, 089°. Distance FAF to MAP, 09R—5 miles; 90L—5.2 miles.
Altitudes as advised by radar controller.
Minimum glide slope interception altitude, 09R—2500′; 90L—3300′*. Glide slope altitude at OM, 09R—2439′; 90L—2660′; at MM, 09R—1227′; 90L—1236′.
Distance to runway threshold at OM, 09R—5 miles: 90L—5.2 miles; at MM, 09R—0.6 mile; 90L—0.5 mile.
MSA: 000°–090°—3100′; 090°–180°—2300′; 180°–270°—2700′; 270°–360°—2900′.
NOTE: Radar required.
*Or as directed by Radar Controller.
%RVR 24 authorized runways 9L, 33.
%RVR 18 authorized runway 9R for Categories A, B, and C.
%RVR 20 authorized runway 9R for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-9R	1216	RVR 18	200	1216	RVR 18	200	1216	RVR 18	200	1216	RVR 20	200
S-9L	1324	RVR 40	300	1324	RVR 40	300	1324	RVR 40	300	1324	RVR 40	300
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1500	1	476	1500	1	476	1500	1½	476	1580	2	556
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Atlanta; State, Ga.; Airport name, Atlanta; Elev., 1024′; Facility, I-ALR, I-ATL; Procedure No. Dual ILS Runways 9L and 9R, Amdt. 8; Eff. date, 22 Aug. 68; Sup. Amdt. No. 7; Dated, 8 Aug. 68

12. By amending § 97.31 of Subpart C to establish precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antennas)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
000°	360°	25	*1500									1. Descend aircraft to MDA after FAF at 5 miles from thresholds of Runways 1, 10, 19, and 28. *2. Radar Control must provide 3 miles horizontal or 1000′ vertical separation from 1049′ tower 12 miles ESE and 1049′ tower 16 miles E of airport. *3. CAUTION: Radar Control will not descend aircraft below 700′ on approach to Runway 19 until observed to have passed 409′ radio towers 2.3 miles N of airport. Supplementary charting information: TDZ elevation Runway 1, 3′. TDZ elevation Runway 10, 2′. TDZ elevation Runway 19, 0′. TDZ elevation Runway 28, 3′.

*Missed approach: Climb to 1500′, right or left turn as appropriate direct to MSY VORTAC, or when directed by ATC, direct to MS NDB (LOM).
** When determined through New Orleans approach control that booms of pile drivers NW of airport are in lowered position:
(1) Circling MDA for Categories A, B, and C may be reduced to 460′.
(2) Straight-in MDA for all categories may be reduced to 400′.
%RVR 18 authorized Runway 10 for Categories A, B, and C.
%RVR 20 authorized Runway 10 for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-1	420	1	417	420	1	417	420	1	417	420	1	417
S-10	480	RVR 40	478	480	RVR 40	478	480	RVR 40	478	480	RVR 50	478
S-19	400	1	400	#400	1	400	#400	1	400	#400	1	400
S-28	400	1	397	400	1	397	400	1	397	400	1	397
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	**520	1	517	**520	1	517	**520	1½	517	560	2	557
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, New Orleans; State, La.; Airport name, New Orleans International (Moisant); Elev., 3′; Facility, New Orleans Radar; Procedure No. Radar 1, Amdt. 6; Eff. date, 22 Aug. 68; Sup. Amdt. No. 5; Dated, 1 Jan. 66

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C. on July 19, 1968.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 68-8934; Filed, Aug. 1, 1968; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 34-8370]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Acquisitions, Tender Offers, and Solicitations

The Securities and Exchange Commission has adopted temporary rules and regulations to implement the recent amendments, effected by Public Law 90-432, 82 Stat. 454, to sections 13 and 14 of the Securities Exchange Act of 1934. These amendments, set forth in sections 13 (d) and (e) and sections 14 (d) and (f) of the Act, apply to classes of equity securities registered pursuant to section 12 of the Act and classes of equity securities issued by closed-end investment companies registered under the Investment Company Act of 1940. They relate to the acquisition of more than 10 percent of a class of such securities by any person, the purchase of securities by the issuer thereof, the making of tender offers or solicitations in favor of, or in opposition to, such tender offers, and the replacement of a majority of the directors of an issuer in connection with an acquisition subject to section 13(d) or a tender offer subject to section 14(d) of the Act. The statutory amendments became effective immediately when the President signed the Bill on July 29, 1968. The Commission adopted the temporary rules to put into operation the provisions of the amendments. This constitutes a first step in the development of comprehensive regulations to accomplish the full purposes of the statutory amendments.

The rules under the new section 13(d) of the Act with respect to the acquisition of securities are set forth in Regulation 13D. That regulation provides that the information with respect to such acquisitions called for by Schedule 13D be filed with the Commission and sent to the issuer of the security and to each exchange where the security is traded. For the purpose of preventing fraudulent, deceptive or manipulative acts and practices, the Commission has adopted § 240.13e-1. The rule provides that no issuer which is subject to section 13(e) of the Act shall purchase any of its equity securities when a tender offer is being made unless a statement with respect to

the proposed purchase has been filed by it with the Commission, and the substance of the information therein has been sent or given to its equity security holders within the preceding six months.

The rules under section 14(d) of the Act with respect to tender offers and solicitations to accept or to reject such offers are set forth in Regulation 14D. That regulation provides that the information called for by Schedule 13D or Schedule 14D shall be filed with the Commission. Certain of such information, or a fair and adequate summary thereof, is required to be included in all requests and solicitations.

Section 240.14f–1 relates to the replacement of a majority of the directors of an issuer in connection with an acquisition subject to section 13(d) of the Act or a tender offer subject to section 14(d) of the Act. The rule requires that not less than 10 days prior to the time the persons elected or designated as directors of the issuer take office, or such shorter period as the Commission may authorize, the issuer shall file with the Commission and transmit to certain holders of securities of the issuer information required by certain items of the Commission's proxy rules.

Provisions are made for delay in compliance with the rules in regard to activities which had been commenced before the statutory amendments became effective.

It is suggested that the applicable sections of the statute be read in connection with the temporary rules. The Commission's staff will endeavor to be as helpful as possible in connection with interpretive or other problems which may arise under the new legislation or the rules thereunder. The Commission will be glad to receive any comments or suggestions which interested persons may wish to make in regard to the temporary rules.

It should be noted that compliance with these rules does not provide relief from other applicable provisions of the Act and rules and regulations thereunder.

The rules and regulations which were adopted pursuant to the Securities Exchange Act of 1934, particularly sections 13 (d) and (e) and sections 14 (d) and (f), are set forth below.

The Commission finds that it is necessary in the public interest and for the protection of investors that temporary rules and regulations be adopted immediately to implement the recent amendments to sections 13 and 14 of the Securities Exchange Act of 1934 and that notice and procedure specified in the Administrative Procedure Act (5 U.S.C. 552) is impracticable. Accordingly, the foregoing rules and regulations shall become effective immediately.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

JULY 30, 1968.

REGULATION 13D

§ 240.13d–1 Filing of Schedule 13D.

Any person who, after acquiring, subsequent to July 29, 1968, directly or indirectly the beneficial ownership of any equity security of a class which is registered pursuant to section 12 of the Act, or any security issued by a closed-end investment company registered under the Investment Company Act of 1940, is directly or indirectly the beneficial owner of more than 10 per centum of such class shall, within ten days after such acquisition, send to the issuer of the security at its principal executive office, by registered or certified mail, send to each exchange where the security is traded, and file with the Commission, a statement containing the information required by Schedule 13D.

§ 240.13d–2 Filing of amendments.

If any material change occurs in the facts set forth in the statement required by § 240.13d–1, the person who filed such statement shall promptly file with the Commission and send to the issuer and the exchange an amendment disclosing such change.

§ 240.13d–101 Schedule 13D—Information to be included in statements filed pursuant to § 240.13d–1 or § 240.14d–1.

NOTES: A. The item numbers and captions of the items shall be included but the text of the items are to be omitted. The answers to the items shall be so prepared as to indicate clearly the coverage of the items without referring to the text of the items. Answer every item. If an item is inapplicable or the answer is in the negative, so state.

B. If the statement is filed by a partnership, limited partnership, syndicate, or other group, the information called for by Items 2 to 6, inclusive, shall be given with respect to (1) each partner or any partnership or limited partnership, (2) each member of such syndicate or group and (3) each person controlling such partner or member. If a person referred to in (1), (2), or (3) is a corporation or the statement is filed by a corporation, the information called for by the abovementioned items shall be given with respect to each officer and director of such corporation and each person controlling such corporation.

Item 1. Security and Issuer.

State the title of the class of equity securities to which this statement relates and the name and address of the issuer of such securities.

Item 2. Identity and Background.

State the following with respect to the person filing this statement:

(a) Name and business address;

(b) Residence address;

(c) Present principal occupation or employment and the name, principal business and address of any corporation or other organization in which such employment is carried on;

(d) Material occupations, positions, offices or employments during the last 10 years, giving the starting and ending dates of each and the name, principal business and address of any business corporation or other organization in which each such occupation, position, office, or employment was carried on; and

(e) Whether or not, during the last 10 years, such person has been convicted in a criminal proceeding (excluding traffic violations or similar misdemeanors) and, if so, give the dates, nature of conviction, name and location of court, and penalty imposed, or other disposition of the case. A negative answer to this subitem need not be furnished to security holders.

Item 3. Source and Amount of Funds or Other Consideration.

State the source and amount of funds or other consideration used or to be used in making the purchases, and if any part of the purchase price or proposed purchase price is represented or is to be represented by funds or other consideration borrowed or otherwise obtained for the purpose of acquiring, holding, or trading the securities, a description of the transaction and the names of the parties thereto.

Item 4. Purpose of Transaction.

If the purpose of the purchases or prospective purchases is to acquire control of the business of the issuer of the securities, describe any plans or proposals which such persons may have to liquidate such issuer, to sell its assets to or merge it with any other persons, or to make any other major change in its business or corporate structure.

Item 5. Interest in Securities of the Issuer.

State the number of shares of the security which are beneficially owned, and the number of shares concerning which there is a right to acquire, directly or indirectly, by (i) such person, and (ii) each associate of such person, giving the name and address of each such associate.

Item 6. Contracts, Arrangements, or Understanding With Respect to Securities of the Issuer.

Furnish information as to any contracts, arrangements, or understandings with any person with respect to any securities of the issuer, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guaranties of loans, guaranties against loss or guaranties of profits, division of losses or profits, or the giving or withholding of proxies, naming the persons with whom such contracts, arrangements, or understandings have been entered into, and giving the details thereof.

Item 7. Persons Retained, Employed, or To Be Compensated.

Where the Schedule 13D relates to a tender offer, or request or invitation for tenders, identify all persons and classes of persons employed, retained, or to be compensated by the person filing this Schedule 13D, or by any person on his behalf, to make solicitations or recommendations to security holders and describe briefly the terms of such employment, retainer, or arrangement for compensation.

Item 8. Material To Be Filed as Exhibits.

Copies of all requests or invitations for tenders or advertisements making a tender offer or requesting or inviting tenders, additional material soliciting or requesting such tender offers, solicitations or recommendations to the holders of the security to accept or reject a tender offer or request or invitation for tenders shall be filed as an exhibit.

Signature.

I certify that to the best of my knowledge and belief the information set forth in this statement is true, complete, and correct.

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(Date) (Signature)

If the statement is signed on behalf of a person by an authorized representative, evidence of the representative's authority to sign on behalf of such person shall be filed with the statement.

§ 240.13e–1 Purchase of securities by issuer thereof.

When a person other than the issuer makes a tender offer for, or request or invitation for tenders of, any class of equity securities of an issuer subject to section 13(e) of the Act, and such person has filed a statement with the Commission pursuant to § 240.14d–1 and the issuer has received notice thereof, such issuer shall not thereafter, during the period such tender offer, request or invitation continues, purchase any equity securities of which it is the issuer unless:

(a) The issuer has filed with the Commission a statement containing the information specified below with respect to proposed purchases:

(1) The title and amount of securities to be purchased, the names of the persons or classes of persons from whom, and the market in which, the securities are to be purchased, including the name of any exchange on which the purchase is to be made;

(2) The purpose for which the purchase is to be made and whether the securities are to be retired, held in the treasury of the issuer or otherwise disposed of, indicating such disposition; and

(3) The source and amount of funds or other consideration used or to be used in making the purchases, and if any part of the purchase price or proposed purchase price is represented by funds or other consideration borrowed or otherwise obtained for the purpose of acquiring, holding, or trading the securities, a description of the transaction and the names of the parties thereto.

(b) The issuer has at any time within the past 6 months sent or given to its equity security holders the substance of the information contained in the statement required by paragraph (a) of this section.

Provided, however, That any issuer making such purchases which commenced prior to July 30, 1968, shall, if such purchases continue after such date, comply with the provisions of this section on or before August 12, 1968.

REGULATION 14D

§ 240.14d–1 Filing of Schedule 13D.

(a) No person, directly or indirectly, by use of the mails or by any means or instrumentality of interstate commerce or of any facility of a national securities exchange or otherwise, shall make a tender offer for, or a request or invitation for tenders of, any class of any equity security which is registered pursuant to section 12 of the Act, or any equity security issued by a closed-end investment company registered under the Investment Company Act of 1940, if, after consummation thereof, such person would directly or indirectly, be the beneficial owner of more than 10 per centum of such class, unless, at the time copies of the offer or request or invitation are first published or sent or given to security holders, such person has filed with the Commission a statement containing the information and exhibits required by Schedule 13D: *Provided, however,* That any person making a tender offer for or a request or invitation for tenders which commenced prior to July 30, 1968 shall, if such offer, request or invitation continues after such date, file the statement required by this section on or before August 12, 1968.

(b) If any material change occurs in the facts set forth in the statement required by paragraph (a) of this section, the person who filed such statement shall promptly file with the Commission an amendment disclosing such change.

(c) All requests or invitations for tenders or advertisements making a tender offer or requesting or inviting tenders shall contain the name of the persons making such requests, invitations, or advertisements and the information required by Items 2 (a), (c), and (e), 3, 4, 5, and 6 of Schedule 13D, or a fair and adequate summary thereof, and shall be filed with the Commission as part of the statement required by paragraph (a) of this section.

(d) Any additional material soliciting or requesting such tender offers subsequent to the initial solicitation or request shall contain the name of the persons making such solicitation or request and the information required by Items 2 (a), (c), and (e), 3, 4, 5, and 6 of Schedule 13D, or a fair and adequate summary thereof: *Provided, however,* That such material may omit any of such information previously furnished to the persons solicited or requested for tender offers. Copies of such additional material soliciting or requesting such tender offers shall be filed with the Commission not later than the time copies of such material are first published or sent or given to security holders.

§ 240.14d–4 Filing of Schedule 14D.

(a) No solicitation or recommendation to the holders of a security to accept or reject a tender offer or request or invitation for tenders subject to section 14(d) of the Act shall be made unless, at the time copies of the solicitation or recommendation are first published or sent or given to holders of the security, the person making such solicitation or recommendation has filed with the Commission a statement containing the information specified by Schedule 14D: *Provided, however,* That this section shall not apply to (1) a person required by § 240.14d–1(a) to file a statement, or (2) a person, other than the issuer or the management of the issuer, who makes no written solicitations or recommendations other than solicitations or recommendations copies of which have been filed with the Commission pursuant to this section or § 240.14d–1: *And, provided further,* That any person making a solicitation or recommendation to the holders of a security to accept or reject a tender offer or request or invitation for tenders which solicitation or recommendation commenced prior to July 30, 1968 shall, if such solicitation or recommendation continues after such date, file the statement required by this section on or before August 12, 1968.

(b) If any material change occurs in the facts set forth in the statement required by paragraph (a) of this section, the person who filed such statement shall promptly file with the Commission an amendment disclosing such change.

(c) Any written solicitation or recommendation to the holders of a security to accept or reject a tender offer or request or invitation for tenders subject to section 14(d) of the Act shall include the name of the person making such solicitation or recommendation and the information required by Items 1(b), 2(b) of Schedule 14D or a fair and adequate summary thereof: *Provided, however,* That such written solicitation or recommendation may omit any of such information previously furnished to the persons to whom the solicitation or recommendation is made.

§ 240.14d–101 Schedule 14D.

Item 1. Security and Issuer.

(a) State the title of the class of equity securities to which this statement relates and the name and address of the issuer of such securities.

(b) Identify the tender offer or request or invitation for tenders to which this statement relates and state the reasons for the solicitation or recommendation to security holders to accept or reject such tender offer, request, or invitation for tenders.

Item 2. Identity and Background.

(a) State the name and business address of the person filing this statement.

(b) Describe any arrangement or understanding in regard to the solicitation with (i) the issuer or the management of the issuer or (ii) the maker of the tender offer or request or invitation for tender of securities of the class to which this statement relates.

Item 3. Persons Retained, Employed, or To Be Compensated.

Identify any person or class or persons employed, retained or to be compensated, by the person filing this Schedule 14D, or by any person on his behalf, to make solicitations or recommendations to security holders and describe briefly the terms of such employment, retainer or arrangement for compensation.

Item 4. Material To Be Filed as Exhibits.

Copies of all solicitations or recommendations to accept or to reject a tender offer or request or invitation for tenders of the securities specified in Item 1 shall be filed as an exhibit.

Signature.

I certify that to the best of my knowledge and belief the information set forth in this statement is true, complete and correct.

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(Date) (Signature)

If the statement is signed on behalf of a person by an authorized representative, evidence of the representative's authority to sign on behalf of such person shall be filed with the statement.

§ 240.14f–1 Change in majority of directors.

If, pursuant to any arrangement or understanding with the person or persons acquiring securities in a transaction subject to sections 13(d) or 14(d) of the Act, any persons are to be elected or designated as directors of the issuer, otherwise than at a meeting of security

holders, and the persons so elected or designated will constitute a majority of the directors of the issuer, then, not less than 10 days prior to the date any such person take office as a director, or such shorter period prior to that date as the Commission may authorize upon a showing of good cause therefor, the issuer shall file with the Commission and transmit to all holders of record of securities of the issuer who would be entitled to vote at a meeting for election of directors, information substantially equivalent to the information which would be required by Items 5 (a), (d), (e), and (f), 6, and 7 of Schedule 14A of Regulation 14A to be transmitted if such person or persons were nominees for election as directors at a meeting of such security holders.

[F.R. Doc. 68-9347; Filed, Aug. 1, 1968; 9:40 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter V—Federal Water Pollution Control Administration, Department of the Interior

PART 607—FILING OF REPORTS WITH SECRETARY OF THE INTERIOR BY PERSONS WHOSE ALLEGED ACTIVITIES RESULT IN DISCHARGES CAUSING OR CONTRIBUTING TO WATER POLLUTION

On February 22, 1968, notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 3283) which set forth the text of regulations, proposed to be adopted as Part 607, establishing the procedure for filing of requested or required reports with the Secretary of the Interior by persons whose alleged activities result in discharges causing or contributing to water pollution.

Pursuant to the above notice, a number of comments have been received from interested persons, and due consideration has been given to all relevant matter presented. In light of the preceding, a number of revisions have been made in the rules as proposed.

In accordance with the statement in the notice of proposed rule making, Part 607, as set forth below, is hereby adopted effective on publication.

Sec.
607.1 Applicability.
607.2 Definitions.
607.3 Initiation of request for report.
607.4 Service.
607.5 Report; form and content, time for submission.
607.6 Protection of trade secrets; confidential information.
607.7 Penalties.

AUTHORITY: The provisions of this Part 607 issued under section 10(k) of the Federal Water Pollution Control Act, as amended (80 Stat. 1250; 33 U.S.C. 466g(k)) and section 12(a) of the act, as amended (75 Stat. 204; 33 U.S.C. 466i(a)).

§ 607.1 Applicability.

The provisions of this part apply to reports requested or required by the Secretary of the Interior to be filed with him by any person whose alleged activities result in discharges causing or contributing to water pollution. The Secretary is authorized to request such reports to be filed at the request of a majority of the conferees in any conference and to require such reports in connection with any hearing called under section 10 of the Federal Water Pollution Control Act, as amended. (80 Stat. 1250; 33 U.S.C. 466g (f) (2), (3), and (4), and (k).)

§ 607.2 Definitions.

(a) "Act" means the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.).

(b) "Department" means the Department of the Interior.

(c) "Secretary" means the Secretary of the Interior.

(d) The definitions of terms contained in sections 10 and 13 of the act shall be applicable to such terms as used in this part unless the context otherwise requires.

§ 607.3 Initiation of request for report.

(a) The Secretary of the Interior at the request of a majority of the conferees in any conference may request, or in connection with any public hearing called under section 10 of the Federal Water Pollution Control Act, as amended, may require any person whose alleged activities result in discharges causing or contributing to water pollution of the subject waters of such conference or public hearing to file with him a report as to the character, kind and quantity of such discharges and the use of facilities or other means to prevent or reduce such discharges by the person filing such report.

(b) When the Secretary finds that the conditions precedent to the requesting or requiring of such report or reports have been met he may request or require in writing the submission to him of such report in the time, form and content as herein provided.

(c) The request for or requirement of such report shall be served on any person whose alleged activities result in discharges causing or contributing to the pollution of waters in the matter of which the conference or the public hearing has been called.

§ 607.4 Service.

The written request for or requirement of such report may be served by mailing a copy thereof to the person whose alleged activities result in discharges causing or contributing to the pollution of waters subject to the conference or to the public hearing, or in the case of a corporation, partnership, association, State, municipality, other political subdivision of a State, upon an authorized representative thereof at his residence, office or place of business as ascertained by the Secretary.

§ 607.5 Report; form and content, time for submission.

(a) No particular form for such reporting will be required unless specified within the written request for or requirement of such report.

(b) Such report shall detail, based on existing data, and covering such period as the Secretary may direct, all pertinent and useful information as to the character, kind and quantity of the discharges, treated, or untreated, alleged to be causing or contributing to the pollution of the waters. The reported data shall identify the causes and sources of the alleged pollutional discharges and shall include but not be limited to applicable information as to the physical, chemical, or biological properties of any liquid, gaseous, solid, radioactive, or other substance composing the discharges in whole or in part. Thermal characteristics of the discharges and the level of heat in flow shall be included in the reported data. Where available in existing data, twenty-four (24) hour daily average quantities of discharges, in whole and of separate individual component substances shall be stated either in units of pounds per day or, as measurable in concentration, in milligrams per liter. Peak hourly discharge quantities, in whole, in combination, or of separate individual component substances, which exceed such twenty-four (24) hour daily average by twenty (20) percent or more shall be noted.

(c) Facilities or other means used to prevent or reduce such discharges shall be reported and described in sufficient detail, including pertinent plans and specifications, to permit a technical judgment of the present and future effectiveness of such facilities or other means, together with any specific data the Secretary may reasonably consider necessary and useful. Plans for future improvement of existing facilities or other means or for the installation of new facilities or other means may be included, together with a projected timetable for their planning and installation, at the option of the respondent.

(d) Five (5) copies of the report shall be furnished. It shall be directed to the Secretary, be dated, clearly identify the subject matter of the report, bear the name, address and telephone number of the reporting person and shall be signed by such person, or in the case of a corporation, municipality or other political subdivision, by a duly authorized officer thereof. The report shall be clearly typed, printed, or duplicated and shall be securely stapled or otherwise fastened. Each page shall be numbered and in proper sequence. Any exhibits shall be included in or securely attached to the report.

(e) Such reports shall be filed with the Secretary within such time as specified in his written request or requirement which shall not be less than thirty (30) days from the date of the request or requirement unless the Secretary finds that an emergency exists requiring the report to be furnished in a shorter time, or unless an extension for good cause shown is requested of and granted by the Secretary in writing.

§ 607.6 Protection of trade secrets; confidential information.

No person shall be required in such report to divulge trade secrets or secret processes and all information reported shall be considered confidential for the purposes of section 1905 of title 18 of the United States Code which provides:

Whoever, being an officer or employee of the United States or of any department or agency thereof, publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by law any information coming to him in the course of his employment or official duties or by reason of any examination or investigation made by, or return, report or record made to or filed with, such department or agency or officer or employee thereof, which information concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association; or permits any income return or copy thereof of any book containing any abstract or particulars thereof to be seen or examined by any persons except as provided by law; shall be fined not more than $1,000, or imprisoned not more than 1 year, or both; and shall be removed from office or employment. June 25, 1948, c. 645, 62 Stat. 791.

§ 607.7 Penalties.

(a) If any person fails to file a report required by the Secretary in connection with any public hearing within the time set for the filing of such report and such failure shall continue for thirty (30) days after written notice of such default given by the Secretary to such persons by registered or certified mail at his last known address, such person shall forfeit to the United States the sum of $100 for each and every day of continued default following immediately upon the expiration of the thirtieth (30th) day after the Secretary has given written notice; such forfeiture to be paid into the Treasury of the United States.

(b) If any person, having agreed to submit a report to any conference, fails to file a report requested by the Secretary in response to a request of a majority of the conferees in such conference within the time set for the filing of such report and such failure shall continue for thirty (30) days after written notice of such default given by the Secretary to such person by registered or certified mail at his last known address, the Secretary shall forthwith report such failure to the conferees.

(c) A majority of the conferees of said conference may order such person to be subject to a forfeiture of $100 for each and every day of continued default following immediately upon the expiration of the thirtieth (30th) day after the Secretary has given written notice; such forfeiture to be paid into the Treasury of the United States.

(d) Such forfeitures, without demand or further notice, may be recovered in a civil suit in the name of the United States brought in the district in which such person has his principal office or in which he does business.

(e) The Secretary may, upon timely application therefor, remit or mitigate any forfeiture and he shall have authority to determine the facts upon all such applications.

Dated: July 26, 1968.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 68-9230; Filed, Aug. 1, 1968; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 68-191]

PART 12—SPECIAL CLASSES OF MERCHANDISE

Hazardous Substances

Section 1273, title 15, United States Code, prohibits the importation of certain hazardous substances found by the Secretary of Health, Education, and Welfare, to be misbranded hazardous substances or banned hazardous substances. The following amendments are made to conform provisions of the Customs Regulations to amended and revised regulations of the Food and Drug Administration, Department of Health, Education, and Welfare (21 CFR 191.1–191.272), made pursuant to the Federal Hazardous Substances Act, as amended (15 U.S.C. 1261–1273).

1. The centerhead preceding § 12.1 and § 12.1 are amended to read as follows:

FOOD, DRUGS, AND COSMETICS, ECONOMIC POISONS, HAZARDOUS SUBSTANCES, AND DANGEROUS CAUSTIC OR CORROSIVE SUBSTANCES

§ 12.1 Cooperation with certain agencies; joint regulations.

(a) *Federal Food, Drug, and Cosmetic Act.* The importation into the United States of food, drugs, devices, and cosmetics as defined in section 201 (f), (g), (h), and (i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 (f), (g), (h), (i)) is governed by section 801 of the Act, as amended (21 U.S.C. 381) and regulations issued under authority of section 701(b) of the Act (21 U.S.C. 371(b)) by the Secretary of Health, Education, and Welfare, and the Secretary of the Treasury (21 CFR 1.315–1.322).

(b) *Federal Insecticide, Fungicide, and Rodenticide Act.* The importation of insecticides and certain economic poisons and devices is governed by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135h) and regulations issued under authority of section 6b of the Act (7 U.S.C. 135d(b)) by the Secretary of Agriculture and the Secretary of the Treasury (7 CFR 362.30–362.36).

(c) *Federal Hazardous Substances Act.* The importation of hazardous substances, misbranded hazardous substances, or banned hazardous substances as defined in section 2 of the Federal Hazardous Substances Act, as amended (15 U.S.C. 1261) is governed by regulations issued under the authority of sections 10(b) and 14 of said Act, as amended (15 U.S.C. 1296, 1273), by the Secretary of Health, Education, and Welfare and the Secretary of the Treasury (21 CFR 191.265–191.272).

(d) *Federal Caustic Poison Act.* The importation of certain dangerous caustic or corrosive substances as defined in section 2(a) of the Federal Caustic Poison Act (15 U.S.C. 402(a)) is governed by section 5 of the Federal Caustic Poison Act (15 U.S.C. 405) and regulations prescribed by the Food and Drug Administration, Department of Health, Education, and Welfare (21 CFR 285.20–285.32) under authority of section 9 of the Act (15 U.S.C. 409).

2. Section 12.3 is amended to read:

§ 12.3 Release under bond.

No food, drug, device, cosmetic, hazardous substance, economic poison or device, or dangerous caustic or corrosive substance, the subject of § 12.1, shall be released except in accordance with the laws and regulations applicable thereto. Where any such merchandise is to be released under bond pursuant to regulations applicable thereto, a bond on customs Form 7551, 7553, or other appropriate form containing a condition for the return of the merchandise, or any part thereof, to customs custody upon demand at any time of the district director of customs shall be required.

3. Section 12.4 is amended to read:

§ 12.4 Exportation.

The exportation of merchandise, the subject of § 12.1, refused admission into the United States in accordance with regulations applicable thereto shall be under customs supervision in accordance with the regulations set forth in §§ 18.25 and 18.26 of this chapter.

4. Section 12.5 is amended to read:

§ 12.5 Shipment to other ports.

When imported merchandise, the subject of § 12.1, is shipped to another port for reconditioning or exportation, such shipment shall be under a customs carrier's manifest, customs Form 7512, in the same manner as shipments in bond.

5. Paragraph (a) of § 12.6 is amended to read:

§ 12.6 Suspension of liquidation.

(a) The liquidation of each entry covering merchandise, the subject of § 12.1 shall be suspended until it is determined whether admission of the merchandise into the United States is permitted under the law.

* * * * *

6. Footnotes 1, 2, 3, 4, and 5 to Part 12 are deleted.

(80 Stat. 379, R.S. 251; 5 U.S.C. 301, 19 U.S.C. 66)

Effective date. These amendments shall be effective on publication in the FEDERAL REGISTER.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: July 24, 1968.

JOSEPH M. BOWMAN,
Assistant Secretary of the Treasury.

[F.R. Doc. 68-9276; Filed, Aug. 1, 1968; 8:49 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER M—INTERNATIONAL TRAFFIC IN ARMS

[Departmental Reg. 108.593]

PART 121—ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

PART 122—REGISTRATION

PART 123—LICENSING CONTROLS

PART 125—TECHNICAL DATA

Miscellaneous Amendments

Parts 121, 122, 123, and 125 of Title 22 of the Code of Federal Regulations are amended as set forth below:

1. In Part 121, § 121.13(b) is revised to read as follows:

§ 121.13 Aircraft and related articles.

• • • • •

(b) Regardless of demilitarization, all aircraft bearing an original military designation are included in Category VIII of the U.S. Munitions List, except the following aircraft which have not been specifically equipped or modified for military operations:

(1) Cargo aircraft bearing "C" designations C–45 through C–118 inclusive, and C–121;

(2) Trainer aircraft bearing "T" designations and using reciprocating engines only;

(3) Utility aircraft bearing "U" designations and using reciprocating engines only;

(4) All liaison aircraft bearing an "L" designation.

2. In Part 122, §§ 122.02(b) and 122.03 are revised, and § 122.02(c) is added, reading as follows:

§ 122.02 Application for registration.

• • • • •

(b) Applicants may be registered for periods of from 1 to 5 years at a time upon payment of a fee of $75 per year at the option of the registrant.

(c) A registrant who fails to renew his registration for any number of years between the time his registration expires and the time he seeks to re-register may be liable to pay registration fees for each year in which he was not registered.

§ 122.03 Refund of fee.

When a multiple-year registration fee is paid, a request for refund for whole future years will be honored only if the registrant ceases to be a manufacturer, exporter, or importer of Munitions List articles.

3. In Part 123, §§ 123.53, 123.61, and 123.64 are revised to read as follows:

§ 123.53 Arms for personal use of members of Armed Forces.

The following exemptions apply to uniformed personnel of the U.S. Armed Forces or U.S. civilian personnel (both referred to as "personnel") employed by those forces who are assigned abroad for extended duty. These exemptions do not apply to the family members of such personnel. Personnel may take the exemption in either § 123.52 or § 123.53 for themselves, but not both. Adult members 18 years or older (as defined by the Department of Defense) of families of such personnel may, however, take advantage of the exemption in § 123.52 without prejudice to the exemptions provided for the personnel.

(a) *War trophies and war souvenirs.* District directors of customs are authorized to permit personnel employed by those forces to ship or bring (but not mail) into the United States, without license, nonautomatic firearms, upon presentation of written authorization from their commanding officer, which authorization shall include a certification that such firearms are bona fide war trophies or war souvenirs. (This exemption does not include parts or ammunition for war trophies and war souvenirs.)

(b) *Other firearms.* (1) Subject to the provisions of § 123.22, district directors of customs are authorized to permit Category I(a) firearms and parts for such weapons to leave (but not be mailed from) the United States without a license provided they are consigned to servicemen's clubs abroad or to individual members of the Armed Forces of the United States, and are accompanied by a written authorization from the commanding officer.

(2) District directors of customs are authorized to permit the same identical firearms and parts (as described in subparagraph (1) of this paragraph) to reenter (but not be mailed to) the United States without a license when the owner states they are being returned for his personal use and not for sale, and are accompanied by a written authorization from the commanding officer who certifies to their identity.

(3) Subject to the provisions of § 123.22, district directors of customs are authorized to permit, after declaration by the personnel and inspection by a customs officer, not more than three Category I(a) firearms and parts for such weapons to enter the United States without a license when the owner certifies that the firearms and parts are for his personal use, for sporting or scientific purposes, or for personal protection, and not for sale or disposal from his possession.

(c) *Ammunition.* Subject to the provisions of § 123.22, district directors of customs are authorized to permit not more than 1,000 cartridges (or rounds) of ammunition for the firearms in paragraph (b) of this section to enter the United States or depart therefrom without a license when the firearms are on the person of the owner or with his baggage or effects, whether accompanied or unaccompanied (but not mailed).

§ 123.61 Certain helium gas.

(a) No license shall be required for the importation of helium gas.

(b) Subject to the provisions of §§ 121.14 and 123.22, district directors of customs are authorized to permit the exportation, without a license, of miniature cylinders containing helium gas in fractional cubic foot quantities mixed with other gases, provided that the shipment does not exceed 10 cubic feet of "contained helium" to any consignee in any one shipment, and (1) the gas is intended for medical use or for the use of educational and research institutions and laboratories where such organizations have education and research as their primary purpose; (2) the gas is to be used by U.S. companies to repair or provide maintenance on equipment for which they have contractual responsibilities.

§ 123.64 Temporary exports.

A license for temporary export of articles on the Munitions List may be issued, usually for a period not to exceed 6 months, by the Department of State in lieu of export and import licenses when the applicant intends to export the articles temporarily and return them to the United States. The Department of State may require documentary evidence pertinent to the sojourn abroad of the articles, and may require execution of a bond before issuance of a temporary export license.

(a) Owners of articles on the Munitions List who intend to use or send such articles abroad for temporary periods and return them in the same condition to the United States must apply for a License for Temporary Export of Articles on the U.S. Munitions List on form DSP–73.

(b) If a license is issued, the license is forwarded to the applicant who is required to have the articles depart the United States where a customs officer is available. The license must be presented to a customs officer who, if he finds no discrepancy, endorses the exit column on the reverse of the license. The license is returned to the owner or bearer and is carried in company with the article as evidence that it has been authorized to leave the United States by the Department of State and Bureau of Customs, Department of Treasury.

(c) When the article is returned to the United States, the license must be endorsed in the entry column by a customs officer, and the license is returned to the owner or bearer. The owner is responsible to return the used license immediately to the Office of Munitions Control, Department of State.

(d) The Department may permit a series of temporary exports of the same Munitions List articles under a License for Temporary Export. Full details must be given on form DSP–73 or in a covering letter. If a series of exports and imports is authorized, usually for a period not to exceed 6 months, the owner or person in whose custody the article is entrusted must have the license endorsed by customs upon each exit and reentry. On the final return, the owner is responsible to return the used license immediately to the Office of Munitions Control, Department of State.

(e) All unused licenses must be returned by the owner to the Office of Munitions Control not later than the expiration of the period of validity for which the license was issued.

(f) Owners are responsible for the acts of their employees and agents to whom the owner may, orally or in writing, delegate authority to operate, carry, or otherwise use a Munitions List article abroad. Similarly, owners are responsible for the acts of persons and companies to whom they may, orally or in writing, lease, give, or otherwise grant temporary custody of a Munitions List article for operation or other use abroad. By the same token, such persons and companies are equally responsible to comply with the regulations in this subchapter.

(g) Failure to return a used or unused License for Temporary Export (DSP–73) to the Office of Munitions Control shall constitute an offense subject to the provisions of Part 126 of this subchapter.

(h) Requests for extension of a License for Temporary Export must be submitted to the Department of State on a new application form (DSP–73) reflecting the port of departure stated on the original application, or if different therefrom, the actual port of departure.

4. In Part 125, § 125.30(a)(2) is revised to read as follows:

§ 125.30 General exemptions.

• • • • •

(a) • • •

(2) If it has been approved for public release by any department or agency having authority for the classification of information or material under Executive Order 10501, as amended, and does not disclose the details of design, production, or manufacture of an article on the U.S. Munitions List.

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

(Sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934; secs. 101 and 105, E.O. 10973, 3 CFR, 1959–1963 Comp.; sec. 6, Departmental Delegation of Authority No. 104, 26 F.R. 10608, as amended, 27 F.R. 9925, 28 F.R. 7231; Redelegation of Authority No. 104–3–A, 28 F.R. 7231)

Dated: July 23, 1968.

[SEAL] DEAN RUSK,
Secretary of State.

[F.R. Doc. 68-9275; Filed, Aug. 1, 1968; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER I—MILITARY PERSONNEL

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter I of Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

PART 882—DECORATIONS AND AWARDS

Subpart B—U.S. Military Decorations

1. Section 882.24 is amended by revising paragraphs (a) and (b)(1) to read as follows:

§ 888.24 Special entitlements.

(a) *Increase in retired pay.* Any Regular enlisted member of the Air Force retired under 10 U.S.C. 8914 credited with extraordinary heroism in the line of duty, is entitled to 10 percent increase in retired pay, provided the total retired pay does not exceed 75 percent. An enlisted man who has been awarded the Medal of Honor, Air Force Cross, or equivalent Army or Navy decorations, satisfies the requirement for extraordinary heroism for the purpose of this additional pay. The determination of the Secretary of the Air Force regarding such increases in pay is final for all lesser decorations, where extraordinary heroism was involved.

(b) *Medal of Honor recipients.* (1) Medal of Honor Roll: Upon written application to the Secretary of the Air Force, each living recipient of the Medal of Honor, who has served on active duty in the Armed Forces of the United States, may have his name entered on the Medal of Honor Roll, if the Medal of Honor was awarded for conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while so serving. Each person whose name is placed on the Roll is certified to the Veterans Administration as being entitled to receive a special pension of $100 per month for life, if he so desires, payable monthly by that agency. The payment of this special pension is in addition to, and does not deprive the pensioner of, any other pension, benefit, right, or privilege to which he is or may be thereafter entitled (38 U.S.C. 560–562). Necessary application is automatically furnished each Air Force recipient of the Medal of Honor by Hq USAF.

• • • • • •

2. Section 882.26 is amended by revising paragraphs (c)(10) and (d)(1) and (4) and by adding a new paragraph (c)(11). These paragraphs now read as follows:

§ 882.26 Joint Service Commendation Medal (JSCM) (Department of Defense).

• • • • • •

(c) • • •

(10) Jointly manned staffs with Allied Command Europe and Allied Command Atlantic, the NATO Military Committee and military agencies associated with the functions of the Military Committee; the Inter-American Defense Board, and the combined staffs of the North American Air Defense Command.

(11) Joint activities for which the Secretary of a Military Department has been designated as the executive agent for the Secretary of Defense.

(d) Awarded by: (1) The Assistant Secretary of Defense (Administration) for awards to military personnel assigned to the Office of the Secretary of Defense or to Joint Activities of the Department of Defense for which the Secretary of a Military Department has been designated as Executive Agent.

• • • • • •

(4) Supreme Allied Commander, Europe (when of U. S. national origin), for awards to U.S. personnel assigned to Allied Command Europe, and Supreme Allied Commander, Atlantic (when of U.S. national origin) for awards to U.S. personnel assigned to Allied Command Atlantic; the U.S. Representative to the Military Committee, NATO, for award to U.S. personnel serving on the NATO Military Committee and in military agencies associated with the Military Committee; and the Commander-in-Chief, North American Air Defense Command (when of U.S. national origin).

• • • • • •

Subpart E—U.S. Service Awards

3. Section 882.71 is amended by revising paragraph (b)(5)(v) to read as follows:

§ 882.71 Air Reserve Forces Meritorious Service Ribbon.

• • • • • •

(b) *Requirement for award.* • • •

(5) *General.* • • •

(v) The ARFMSR may be awarded after an airman is called to active duty or after he is appointed a commissioned officer or warrant officer, if he had sufficient time accrued toward the award prior to the occurrence of either of these changes of status. Termination of enlisted Reserve status by enlistment in the regular component or by appointment as a commissioned officer or warrant officer cancels all accrued time of less than 4 years duration.

• • • • • •

4. Section 882.77 is amended by revising the establishment of the National Defense Service Medal (12th award) to read as follows:

§ 882.77 Authority for U.S. Service awards.

• • • • • •

National Defense Service Medal (NDSM).	E.O. 10448, Apr. 22, 1953, as amended by E.O. 11265, Jan. 11, 1966.

• • • • • •

Subpart H—U.S. Unit Awards

5. Section 882.106 is amended by revision of paragraphs (b), (e)(2), and (f)(1) to read as follows:

§ 882.106 Air Force Outstanding Unit Award (AFOUA).

• • • • •

(b) *AFOUA Lapel Button.* The AFOUA Lapel Button is a civilian award exclusively for use in recognizing Air Force civilians who are assigned or attached to units awarded the AFOUA, and who contribute to the achievements of a cited unit on or after January 6, 1954 (when the AFOUA was established).

• • • • •

(e) *Component units sharing in the Air Force Outstanding Unit Award.* • • •

(2) The parent organization will consider its operationally detached units for the Air Force Outstanding Unit Award. Such units will not share in the award of the AFOUA to the host organization. This does not preclude the personnel concerned from sharing in the award of the AFOUA to the host organization on an individual basis.

• • • • •

(f) *Attached personnel sharing in the Air Force Outstanding Unit Award.* (1) Attached personnel (including temporary duty or permanent party) may be permanently entitled to the AFOUA ribbon on an individual basis if they directly contributed to the mission and accomplishments of the cited unit. Entitlement of such personnel, whether attached by verbal or written order, to wear the individual ribbon will be verified by the commander of the cited unit who will issue a letter confirming such entitlement. This letter will state the name of the individual, certify his entitlement, specify the designation of the cited unit to which the individual was attached, state the authority for the award (order number, date, and headquarters of issue), and indicate the inclusive dates of the award. The original of this letter will be filed in the individual's unit personnel records group and a copy provided the individual.

• • • • •

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted) [AFM 900-3B, Sept. 8, 1967]

PART 888b—ENLISTMENT IN THE AIR FORCE RESERVE

Subpart A—General

6. Section 888b.3 is amended by revising (a) (2) (ii) to read as follows:

§ 888b.3 Where and when a person may enlist.

(a) *Within the United States and U.S. possessions and territories.* • • •

(2) • • •

(ii) Other applicants not subject to induction may enlist or reenlist for assignment to Ready Reserve units or mobilization augmentation positions. Members assigned to RRPS or NARS may reenlist provided:

(*a*) The Reservist has earned a minimum of 15 points during his last retention year.

(b) The commander having custody of the Reservist's Field Personnel Records contacts the person or gives him a letter of notification or authority to reenlist and the airman is discharged and reenlisted within 90 days before the AFRes enlistment would normally expire.

• • • • •

Subpart B—Enlistment and Grades

7. Section 888b.5 is amended by revising the sixth sentence of the introductory text of paragraph (c)(2) to read as follows:

§ 888b.5 How to determine applicants' grade.

• • • • •

(c) *Prior service applicants whose date of discharge was beyond the 24-month limitation.* • • •

(2) • • • The Commanders of major commands are authorized to make final enlistment grade determinations for mobilization augmentees enlisting within their commands. • • •

• • • • •

8. Section 888b.8 is amended by revising (*1*) and (2) and deleting (3) of paragraph (d) (5) (i) (b).

§ 888b.8 Enlisting selected Reserve officers (including warrant officers) for appointment to the Air Force or Military Academies.

• • • • •

(d) • • •

(5) • • •

(i) DD Form 4: • • •

(b) Exceptions: • • •

(*1*) If the applicant meets the requirements of subparagraph (1) of this paragraph, the following entry will be placed in Item 48 and the enlistee will initial the entry: "This airman has been selected for appointment to the USAF (or Military) Academy."

(2) Physical and mental testing will not be required, and Items 25 and 44 will be left blank.

(3) [Deleted]

• • • • •

Subpart C—Qualifications

9. Section 888b.9 is amended by revising the first sentence of paragraph (b) to read as follows:

§ 888b.9 Age requirements.

• • • • •

(b) *Women.* A woman may be enlisted if she is 18 to 54 years of age, inclusive: *Provided*, That her age at time of enlistment is not greater than 27 years plus the length of her total military service. • • •

• • • • •

10. Section 888b.10 is amended by revising paragraph (a) to read as follows:

§ 888b.10 Citizenship requirements.

(a) Applicant must be a citizen of the United States or possess a valid Department of Justice Form I-151, "Immigration and Naturalization Service Alien Registration Receipt Card," as evidence of lawful entry into the United States for permanent residence. Reproduction of the form in any manner is prohibited.

• • • • •

Subpart D—Who Is Ineligible

11. Section 888b.34 is amended by revising paragraph (a) to read as follows:

§ 888b.34 Male applicants with dependents.

(a) *Without prior service.* A man without prior service who has more than one dependent will not be enlisted except for the AFROTC program or other course of instruction leading to a commission.

• • • • •

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012) [AFR 45-47, Change 1, Dec. 8, 1967]

PART 888c—CAREER RESERVE STATUS FOR RESERVE OFFICERS AND ACTIVE DUTY SERVICE COMMITMENTS FOR OFFICERS AND WARRANT OFFICERS

Subpart A—General

12. Section 888c.3 is amended by revising paragraph (a) to read as follows:

§ 888c.3 Definitions.

(a) *Active duty service commitment.* A period of active military service which an officer must serve as a result of PCS movement; Government-sponsored training; appointment in the Regular Air Force; or acceptance of promotion to the active duty grade of CWO W-3, CWO W-4, major, lieutenant colonel, or colonel, or as required by other Air Force directives. Service commitments are acquired on active duty or EAD after commissioning.

• • • • •

Subpart C—Active Duty Service Commitments

13. Section 888c.12 is revised to read as follows:

§ 888c.12 Reference tables.

Active duty service commitments incurred as a result of Air Force-sponsored training or active duty promotion to the grade of CWO W-3, CWO W-4, major, lieutenant colonel, or colonel are contained in the following sections:

(a) *Section 888c.13.* Active Duty Service Commitment from Operation Bootstrap, Service Schools, and Technical Training.

(b) *Section 888c.14.* Active Duty Service Commitment from Flying Training.

(c) *Section 888c.15.* Active Duty Service Commitment for Physicians and Dentists.

(d) *Section 888c.16.* Active Duty Service Commitment when Eliminated from Training.

(e) *Section 888c.16a.* Active Duty Service Commitment from Promotion.

14. Section 888c.13 is amended by revising Rule 1, Column A; and Note 7.

§ 888c.13 Active duty service commitment for Operation Bootstrap, service schools, and technical training.

Rule	A If type training is—	• • •
1	Operation Bootstrap—TDY Programs (AFM 213-1) (Operation and Administration of the Air Force Education Service Program).	• • •
•	• • •	•

NOTES: • • •

7. Formalized by USAF/NASA Memoranda Agreement, July 16, 1965, and October 5, 1967.

• • • • •

15. Section 888c.14 is amended by revising Note 5(g) and adding Note 5(i). These notes now read as follows:

§ 888c.14 Active duty service commitment for flying.

• • • • •

NOTES: • • •

5. • • •

(g) T-28, except for officers who attend IP training conducted by ATC who will accrue commitments based on Rule 2.

• • • • •

(i) A-26

16. Section 888c.16 is amended by revising Rule 4, Column A.

§ 888c.16 Active duty service commitment when eliminated from training.

Rule	A If member is eliminated—	• • •
• • •	• • •	• • •
4	From postgraduate or professional education and training (for physicians and dentists only).	• • •
•	• • •	•

NOTE: • • •

17. A new § 888c.16a is added:

§ 888c.16a Active duty service commitment from promotion.

Rule	A If promotion date is—	B To the active duty grade of—	C Then service commitment is—
1	Before July 1, 1967.	CWO W-3, CWO W-4, lieutenant colonel, or colonel.	None (see § 888c.19a(a)).
2	On/after July 1, 1967.	CWO W-3, CWO W-4, major, lieutenant colonel, or colonel.	2 years (note).

NOTES: Active duty service commitment commences on effective date of promotion, at which time UOR will be updated. This does not apply to officers serving on active duty under 10 U.S.C. 265, 8033, and 8496, and 32 U.S.C. 708. The consecutive feature of rule 1, column C, and rule 5, column D, § 888c.13, is not applied in conjunction with this commitment.

18. New §§ 888c.19a and 888c.19b are added as follows:

§ 888c.19a After acceptance of promotion.

(a) Officers in categories of Rule 1, § 888c.16a, are required to serve a minimum of 2 years active duty as a condition precedent to voluntary retirement. Exception: Officers promoted prior to March 1, 1967, who were entitled to retire in a permanent Reserve grade equal to or higher than their temporary grade are exempt from this provision.

(b) Officers in categories of Rule 2, § 888c.16a, acquire a 2-year active duty service commitment. Reserve officers in a noncareer status who have a DOS which will occur prior to fulfillment of the commitment from promotion must sign a SPTC (AFR 36-94) to insure the separation date is concurrent with fulfillment of commitment.

§ 888c.19b After appointment in the Regular Air Force.

(a) FY 67 Regular Air Force Appointment Program and before:

(1) Regular officers appointed from Reserve commissioned status—4 years of continuous active commissioned service, including 1 year after appointment as a Regular Air Force officer.

(2) Regular officers appointed upon graduation from a service academy or the AFROTC program, and civilian or non-EAD Reserve dentists appointed upon entry on active duty—4 years of active service after appointment as a Regular Air Force officer.

(3) Regular commissioned officers appointed upon graduation from a service academy before 1962, who did not possess current aeronautical ratings at the time of entry into active military service—3 years of active service after appointment as a Regular Air Force officer.

(b) FY 68 Regular Air Force Appointment Program and thereafter:

(1) Regular officers appointed from Reserve commissioned status 5 years of continuous active commissioned service, including a 1-year active duty service commitment after appointment as a Regular Air Force officer.

(2) Regular officers appointed upon graduation from a service academy or the AFROTC program, and civilian or non-EAD Reserve dentists appointed upon entry on active duty—5 years of active service after appointment as a Regular Air Force officer.

(Sec. 8012, 70A Stat. 488; 10 U.S.A. 8012, except as otherwise noted) [AFR 36-51, Change 2, dated Dec. 15, 1967]

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 68-9224; Filed, Aug. 1, 1968; 8:45 a.m.]

Title 44—PUBLIC PROPERTY AND WORKS

Chapter IV—Business and Defense Services Administration, Department of Commerce

[Foreign Excess Property Order No. 1]

PART 401—FOREIGN EXCESS PROPERTY

General Determination No. 1 (Revised)

On May 23, 1968, there was published in the FEDERAL REGISTER (33 F.R. 7630) a proposal to revise General Determination No. 1 of Foreign Excess Property Order No. 1 (44 CFR Part 401 et seq.). Said notice provided for the submission of views or arguments in writing to the Foreign Excess Property Officer of the Department of Commerce within 20 days following the day of publication of the notice. Views and arguments have been received in writing and modifications have been made in the text of the proposed amendment in order to avoid delays in the entry of items covered by General Determination No. 1, Revised.

Pursuant to the above and in accordance with the provisions of 5 U.S.C. 553, General Determination No. 1 is hereby revised to read as follows:

General Determination No. 1 Revised. Importation of foreign excess property consisting of the following listed items would relieve domestic shortages and otherwise be beneficial to the economy of this country. Consequently, and in accordance with § 401.5, General determinations of shortage or benefit, of Foreign Excess Property Order No. 1, foreign excess property specified in (a), (b), (c), and (d) below may be imported into the United States, unless otherwise prohibited by law, subject to the conditions of this General Determination.

(a) *Pneumatic tires and inner tubes.* (1) All used pneumatic tires and inner tubes, except 14-inch rim diameter passenger car tires and inner tubes.

(2) All unused airplane tires and inner tubes.

(3) All other unused pneumatic tires and inner tubes, except 14-inch rim diameter passenger car tires and inner tubes, that are overage or which by virtue of handling or exposure have deteriorated so that they are fit only for limited service application. Deterioration of the tires must be evidenced by either (i) branding with the letters "N.F.C." (Not First Class) in one inch (1") block type

on each sidewall of each tire so as to be clearly visible above the bead area, or (ii) buffing the tires so as to remove from each sidewall thereof the name of the manufacturer and trade name(s). Deterioration of the inner tubes must be evidenced by the stamping thereon in one inch block type with indelible ink, the letters "N.F.C." (Not First Class).

(b) *Used compressed gas cylinders.* All used compressed gas cylinders, both high pressure and low pressure intended but not limited for use of such gases as oxygen, acetylene, nitrogen, and hydrogen.

(c) *Military motor vehicles.* All used military motor vehicles over ½-ton rated capacity including: General purpose types such as bomb service, cargo, carryall, chassis, dump, panel, pickup, platform, prime mover, stake; special purpose types such as shop van, medical van, laboratory, fluid tank, wrecker and ambulance, and all tactical vehicles.

(d) *Used parts for military motor vehicles.* All used parts for military motor vehicles including but not limited to those listed in (c) above.

Any of the property described above may be entered into the economy of the United States on presentation of the original FEP Import Authorization to the District Director of Customs for his endorsement at the time of entry: *Provided,* (i) The requirements, if any, stated in (a) through (d) above are complied with to the satisfaction of the District Director of Customs at the port of entry, and (ii) the entry document, Customs Form 7501 carries the statement, "The foreign excess property described hereon is being entered into the United States under the provisions of General Determination No. 1, Revised, of FEP Order No. 1, United States Department of Commerce."

Nothing in General Determination No. 1, Revised, shall be construed to exempt the importer from presentation of such other entry documents or conforming with any procedures required by the Bureau of Customs.

General Determination No. 1, Revised, is effective upon publication in the FEDERAL REGISTER.

In order to conform FEP Order No. 1 (44 CFR Part 401 et seq.) with General Determination No. 1, Revised, the following amendments to the Order are necessary. The rule making requirements of 5 U.S.C. 553 are not applicable to these amendments, therefore, they are effective upon publication in the FEDERAL REGISTER:

1. Paragraph (b) of § 401.5, *General determinations of shortage or benefit,* of FEP Order No. 1 (44 CFR 401.5) is amended to read as follows:

§ 401.5 General determinations of shortage or benefit.

* * * * *

(b) Upon publication in the FEDERAL REGISTER of a General Determination that the importation of particular kinds of foreign excess property would relieve a domestic shortage or would otherwise be beneficial to the economy of this country, and until such General Determination is withdrawn by notice of withdrawal published in the FEDERAL REGISTER, the Foreign Excess Property Officer (FEPO) will issue FEP Import Authorizations for such property upon the receipt of applications for FEP Import Determination provided (1) each such application is complete in all material respects as prescribed in the instructions contained on Form FEPF–1 and in FEP Order No. 1; (2) the following statement is entered in Part I, Box 8 of Form FEPF–1 in lieu of the information called for in the heading thereof:

This application is filed in accordance with the provisions of General Determination No. 1, Revised.

and (3) proof of ownership of the property is attached to the application.

* * * * *

§ 401.11 [Amended]

2. Section 401.11, *Applications,* of FEP Order No. 1 (44 CFR 401.11) is amended by deleting the following from the first sentence thereof: "§ 401.5".

(63 Stat. 398; 40 U.S.C. 512)

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
RODNEY L. BORUM,
Administrator.

[F.R. Doc. 68–9262; Filed, Aug. 1, 1968; 8:47 a.m.]

TABLE 1—AMPROLIUM IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
2.1 Amprolium	113.5–227 (0.0125%–0.025%)			For broiler chickens; for replacement chickens where immunity to coccidiosis is not desired.	Prevention of coccidiosis.
2.2 Amprolium	113.5–227 (0.0125%–0.025%)	Ethopabate	3.6 (0.0004%)	For broiler chickens; for replacement chickens where immunity to coccidiosis is not desired; not for laying hens.	Do.
2.3 Amprolium	113.5–227 (0.0125%–0.025%)	Arsanilic acid	90 (0.01%)	For broiler chickens; for replacement chickens where immunity to coccidiosis is not desired; as sole source of organic arsenic; withdraw 5 days before slaughter.	Prevention of coccidiosis; growth promotion and feed efficiency; improving pigmentation.
2.4 Amprolium	113.5–227 (0.0125%–0.025%)	Ethopabate + Arsanilic acid	3.6 (0.0004%) 90 (0.01%)	For broiler chickens; for replacement chickens where immunity to coccidiosis is not desired; as sole source or organic arsenic; withdraw 5 days before slaughter; not for laying hens.	Do.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in the Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

AMPROLIUM

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Inc., Rahway, N.J. 07065, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of amprolium in the feed of replacement chickens where development of active immunity to coccidiosis is not desired. Also, the regulation for amprolium and ethopabate is clarified by adding thereto a limitation that such feeds are not to be fed to laying chickens.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended in Subpart C in the following respects:

1. Section 121.210(c) is amended in table 1 by revising items 2.1, 2.2, 2.3, 2.4, 2.5, 2.8, and 2.9; subitems a, b, c, d, e, f, g, h, i, j, o, and p under item 2.9; subitems a, b, d, e, f, g, h, i, j, o, and p under item 3.3; and items 5.1 and 6.1 to read as follows:

§ 121.210 Amprolium.

* * * * *

(c) * * *

TABLE 1—AMPROLIUM IN COMPLETE CHICKEN AND TURKEY FEED—Continued

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
2.5 Amprolium	113.5–227 (0.0125%–.025%)	Dienestrol diacetate.	20.9 (0.0023%)	For broiler, fryer, and roaster chickens; withdraw 48 hours before slaughter; start treatment at 3 weeks of age; treat broiler and fryer chickens 4 to 6 weeks; treat roaster chickens 6 to 10 weeks; not for laying hens or breeding flocks.	Prevention of coccidiosis; promotion of fat distribution for tenderness and bloom.
* * *	* * *	* * *	* * *	* * *	* * *
2.8 Amprolium	113.5–227 (0.0125%–0.025%)	3-Nitro-4-hydroxyphenyl-arsonic acid.	22.7–45.4 (0.0025%–0.005%)	For broiler chickens; for replacement chickens where immunity to coccidiosis is not desired; as sole source of organic arsenic; withdraw 5 days before slaughter.	Prevention of coccidiosis; growth promotion and feed efficiency; improving pigmentation.
2.9 Amprolium	113.5–227 (0.0125%–0.025%)	Ethopabate + 3-Nitro-4-hydroxyphenyl-arsonic acid.	3.6 (0.0004%) 22.7–45.4 (0.0025%–0.005%)	For broiler chickens; for replacement chickens where immunity to coccidiosis is not desired; as sole source of organic arsenic; withdraw 5 days before slaughter; not for laying hens.	Do.
a. 2.1, 2.2, 2.3, 2.4, 2.5, or 2.8.	113.5–227	Penicillin	2.4–50	As procaine penicillin	Growth promotion and feed efficiency.
b. 2.1 or 2.2	113.5–227	Penicillin plus bacitracin.	2.4–50	Not less than 0.6 gm. of penicillin nor less than 2 gm. of bacitracin; as procaine penicillin plus bacitracin, methylene disalicylate, manganese bacitracin, or zinc bacitracin.	Do.
c. 2.1, 2.2, 2.3, or 2.4	113.5–227	Penicillin+streptomycin.	14.4–50	As procaine penicillin plus streptomycin sulfate; 14.4–50 gm. of combination containing 16.7% of penicillin.	Do.
d. 2.1 or 2.2	113.5–227	Streptomycin	30–50	As streptomycin sulfate	Do.
e. 2.1, 2.2, or 2.9	113.5–227	Bacitracin	4–50	As bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin.	Do.
* * *	* * *	* * *	* * *	* * *	* * *
f. 2.1 or 2.2	113.5–227	Chlortetracycline	10–50	As chlortetracycline hydrochloride.	Do.
g. 2.1 or 2.2	113.5–227	Bacitracin	50–100	As bacitracin, bacitracin methylene disalicylate, or zinc bacitracin.	Prevention of chronic respiratory disease (air-sac infection) and blue comb (nonspecific infectious enteritis).
* * *	* * *	* * *	* * *	* * *	* * *
h. 2.1 or 2.2	113.5–227	do	100–200	do	Treatment of chronic respiratory disease (air-sac infection) and blue comb (nonspecific infectious enteritis).
i. 2.1 or 2.2	113.5–227	Chlortetracycline	50–200	As prescribed in § 121.208(d), table 1, items 1, 2, 5, 6.	§ 121.208(d), table 1, items 1, 2, 5, 6.
j. 2.1 or 2.2	113.5–227	Penicillin plus streptomycin.	90–180	§ 121.256(d), table 1, item 5.1.	§ 121.256(d), table 1, item 5.1.
* * *	* * *	* * *	* * *	* * *	* * *
5.1 Amprolium	* * * (0.0125%)	* * *	* * *	For moderate outbreaks of coccidiosis in laying chickens; administer for 2 weeks.	Treatment of coccidiosis.
6.1 Amprolium	227 (0.025%)			For severe outbreaks of coccidiosis in laying chickens; administer for 2 weeks.	Do.

§ 121.232 [Amended]

2. In § 121.232 *Bacitracin*, paragraph (d), table 1 is amended by deleting from items 2.2b and 6.2b under "Limitations" the words "For broiler chickens;".

§ 121.233 [Amended]

3. In § 121.233 *Zinc bacitracin*, paragraph (d), table 1 is amended by deleting from items 2.2b and 6.2b under "Limitations" the words "For broiler chickens;".

§ 121.252 [Amended]

4. In § 121.252 *Bacitracin methylene disalicylate*, paragraph (d), table 1 is amended by deleting from items 2.2b and 7.2b under "Limitations" the words "For broiler chickens;".

5. Section 121.253(c) is amended in table 1 by revising item 1.2 to read as follows:

§ 121.253 Arsanilic acid.

* * * * *

(c) * * *

TABLE 1—ARSANILIC ACID IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
1.2 Arsanilic acid.	90 (0.01%)	Amprolium.....	113.5–227 (0.0125%–0.025%)	For broiler chickens; for replacement chickens where immunity to coccidiosis is not desired; withdraw 5 days before slaughter; as sole source of organic arsenic.	Growth promotion and feed efficiency; improving pigmentation; prevention of coccidiosis.
* * *	* * *	* * *	* * *	* * *	* * *

* * * * *

6. Section 121.262(c) is amended in table 1 by revising items 1.7 and 1.8 to read as follows:

§ 121.262 3-Nitro-4-hydroxyphenylarsonic acid.

* * * * *

(c) * * *

TABLE 1—3-NITRO-4-HYDROXYPHENYLARSONIC ACID IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
1.7 3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4 (0.0025%–0.005%)	Amprolium.....	113.5–227 (0.012%–0.025%)	For broiler chickens; for replacement chickens where immunity to coccidiosis is not desired; withdraw 5 days before slaughter; as sole source of organic arsenic.	Prevention of coccidiosis; growth promotion and feed efficiency; improving pigmentation.
1.8 3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4 (0.0025%–0.005%)	Amprolium..... + Ethopabate.....	113.5–227 (0.0125%–0.025%) 3.6 (0.0004%)	For broiler chickens; for replacement chickens where immunity to coccidiosis is not desired; withdraw 5 days before slaughter; as sole source of organic arsenic; not for laying hens.	Do.
* * *	* * *	* * *	* * *	* * *	* * *

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 23, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-9144; Filed, Aug. 1, 1968; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Segregated Asset Accounts of Foreign Life Insurance Companies

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 15 days from the date of publication of this notice in the FEDERAL REGISTER. Comments are particularly invited as to whether the percentage figure referred to below is consistent with the practices of life insurance companies, and whether such percentage figure is consistent with a ratio, the numerator of which is the excess of the assets attributable to segregated asset accounts over the total insurance liabilities attributable to such accounts, and the denominator of which is the total insurance liabilities attributable to such accounts. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

In order to change the rules applicable to segregated asset accounts of foreign corporations carrying on a life insurance business, the Income Tax Regulations (26 CFR Part 1) are amended as follows:

PARAGRAPH 1. Section 1.801–8 is amended by adding after paragraph (g) the following new paragraph:

§ 1.801–8 Contracts with reserves based on segregated asset accounts.

* * * * *

(h) *Additional separate computation*—(1) *Assets and total insurance liabilities.* A life insurance company which issues contracts with reserves based on segregated asset accounts (as defined in section 801(g)(1)(B) and paragraph (a)(2) of this section) shall separately compute and report with its return the assets and total insurance liabilities which are properly attributable to all of such segregated asset accounts. Each foreign corporation carrying on a life insurance business which issues such contracts shall separately compute and report with its return assets held in the United States and total insurance liabilities on United States business which are properly attributable to all of such segregated asset accounts.

(2) *Foreign life insurance companies.* For adjustment under section 819 in the case of a foreign life insurance company which issues contracts based on segregated asset accounts under section 801(g), see § 1.819–2(b)(4).

PAR. 2. Paragraph (b) of § 1.819–2 is amended by adding at the end thereof the following new subparagraph:

§ 1.819–2 Foreign life insurance companies.

* * * * *

(b) *Adjustment where surplus held in the United States is less than specified minimum.* * * *

(4) *Segregated asset accounts.* For taxable years beginning after December 31, 1967, pursuant to the provisions of section 801(g)—

(i) A foreign corporation carrying on a life insurance business which issues contracts based on segregated asset accounts shall separately compute in a manner consistent with this subparagraph the adjustment (if any) under section 819 to the amount of policy and other contract liability requirements and the amount of required interest properly attributable to each of such segregated asset accounts. The "minimum figure" used in section 819 in making the adjustment with respect to each of the segregated asset accounts shall be computed as provided in subdivision (ii) of this subparagraph in lieu of the manner provided in subparagraphs (1), (2), and (3) of this paragraph.

(ii) The minimum figure applicable to a segregated asset account referred to in subdivision (i) of this subparagraph is the amount determined by multiplying the total insurance liabilities on U.S. business attributable to such a segregated asset account, by 1 percent.

(iii) The minimum figure as computed under subdivision (ii) of this subparagraph shall be compared only with the surplus held in the United States attributable to each segregated asset account referred to in subdivision (i) of this subparagraph. Such surplus is the excess of assets held in the United States properly attributable to such segregated asset account over the total insurance liabilities on U.S. business properly attributable to such account.

(iv) No adjustment under section 819 or this paragraph shall be made if the aggregate of the minimum figures applicable to segregated asset accounts plus the minimum figure applicable to accounts other than segregated asset accounts does not exceed the surplus held in the United States with respect to the company's entire U.S. life insurance business, including segregated asset accounts as well as other accounts. In the case of a company which issues contracts based on more than one segregated asset account, no adjustment under section 819 or under this subparagraph shall be made with respect to any segregated asset account if the aggregate of the minimum figures applicable to segregated asset accounts does not exceed the surplus held in the United States with respect to all such segregated asset accounts, but nothing in this sentence shall preclude an adjustment under section 819 with respect to accounts other than segregated asset accounts.

(v) Subdivisions (i), (ii), (iii), and (iv) of this subparagraph may be illustrated by the following examples:

Example (1). (a) For the taxable year 1968, T, a foreign life insurance company carrying on a life insurance business within the United States and taxable under section 802, has the following assets and total insurance liabilities with respect to such U.S. business:

	Regular account	Separate account A	Separate account B
Assets	$9,300,000	$1,810,000	$515,000
Total insurance liabilities	8,000,000	1,800,000	500,000

It is further assumed that the percentage determined and proclaimed by the Secretary under section 819(a)(2)(A) for the taxable year 1968 is 15 percent.

(b) In order to determine whether any adjustment under section 819 must be made, T must compute the minimum figure applicable to its Regular Account as well as each of its Separate Accounts. The minimum figure for the Regular Account is $1,200,000 (15 percent of $8,000,000). The minimum figure applicable to Separate Account A is $18,000 (1 percent of $1,800,000). The minimum figure applicable to Separate Account B is $5,000 (1 percent of $500,000). The aggregate of the minimum figures is $1,223,000 ($1,200,000+$18,000+$5,000). The surplus held in the United States with respect to the Regular Account is $1,300,000 ($9,300,000 −$8,000,000), with respect to Separate Account A is $10,000 ($1,810,000−$1,800,000) and with respect to Separate Account B is $15,000 ($515,000−$500,000). The surplus held in the United States with respect to T's entire U.S. life insurance business is $1,325,000 ($1,300,000+$10,000+$15,000).

(c) Since the aggregate of the minimum figures ($1,223,000) does not exceed the surplus held in the United States attributable to T's entire U.S. life insurance business ($1,325,000), under subdivision (iv) of this subparagraph no adjustment under section 819 shall be made with respect to the Regular Account or either of the Separate Accounts.

Example (2). (a) The facts are the same as in example (1) except that the assets held in the United States with respect to the Regular Account is $8,300,000 instead of $9,300,000. Thus, the surplus held in the United States with respect to the Regular Account is

$300,000 ($8,300,000−$8,000,000), and the surplus held in the United States with respect to T's entire U.S. life insurance business is $325,000 ($300,000+$10,000+$15,000).

(b) Since the aggregate of the minimum figures ($1,223,000) does not exceed the surplus held in the United States with respect to T's entire U.S. life insurance business ($325,000), subdivision (iv) of this subparagraph does not apply with respect to the Regular Account. However, since the aggregate of the minimum figures with respect to the Separate Accounts, $23,000 ($18,000+$5,000), does not exceed the surplus held in the United States with respect to both of such Separate Accounts, $25,000 ($10,000+$15,000), under the second sentence of subdivision (iv) of this subparagraph, no adjustment under section 819 must be made with respect to either of the Separate Accounts.

(c) The excess of the minimum figure for the Regular Account ($1,200,000) over the surplus held in the United States with respect to the Regular Account ($300,000) is equal to $900,000 ($1,200,000−$300,000). Thus, the amount of policy and other contract liability requirements with respect to T's Regular Account and the amount of required interest with respect to T's Regular Account (both computed without regard to section 819) shall each be reduced by an amount equal to the product of such excess ($900,000) and the current earnings rate computed only with respect to T's Regular Account.

* * * * *

[F.R. Doc. 68-9322; Filed, Aug. 1, 1968; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 916]

NECTARINES GROWN IN CALIFORNIA

Approval of Expenses and Fixing of Rate of Assessment for 1968–69 Fiscal Period and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Nectarine Administrative Committee, established under the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916), regulating the handling of nectarines grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) Expenses that are reasonable and likely to be incurred by the Nectarine Administrative Committee, during the period March 1, 1968, through February 28, 1969, will amount to $254,445;

(2) The rate of assessment for such period, payable by each handler in accordance with § 916.41 to be fixed at $0.045 per No. 22D standard lug box, or equivalent quantity of nectarines in other containers or in bulk; and

(3) Unexpended assessment funds in excess of expenses incurred during the fiscal period ending February 28, 1969, shall be carried over as a reserve in accordance with § 916.42 of the said amended marketing agreement and order.

Terms used in the marketing agreement, as amended, and order, as amended, shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order, and "No. 22D standard lug box" shall have the same meaning as set forth in section 43601 of the Agricultural Code of California.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 29, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9178; Filed, Aug. 1, 1968; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 68-WE-18-AD]

AIRWORTHINESS DIRECTIVE

Boeing 707–300, –400, –300B, and –300C Series Aircraft

Amendment 752, Part 507 (29 F.R. 7923), AD 64-14-1, requires repetitive inspections of the trailing edge of the upper wing at wing stations 211 and 232 on Boeing 707–300, –400, –300B, and –300C Series aircraft. Repairs as well as preventative modifications are prescribed therein. After issuing Amendment 752, Part 507, AD 64-14-1, reports have been received that the preventative modification is inadequate and, further, that abrasion and cracking have occurred in the faying surface between the wing skin trailing edge and the attaching zee strip. The Administration is considering superseding AD 64-14-1 with a new AD that requires an inspection for abrasion in the upper wing skin trailing edge, repetitive inspections for cracks at the same locations and appropriate repairs. Aircraft which have been modified so as to comply with the terminating portions of AD 64-14-1 will be subject to this AD.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, FAA Western Region, Attention: Regional Counsel, Airworthiness Rules Docket, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received on or before September 2, 1968, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BOEING. Applies to all 707–300, –400, –300B, and –300C Series Aircraft.

Compliance required as indicated.

(a) Inspect for cracks in the faying surface around and emanating from the fastener holes in the trailing edge of the upper wing skin at wing stations 211 and 232, as noted in Figure 1 of Boeing Service Bulletin 1796 (Revision 3 or later approved FAA revision), in accordance with eddy current or dye penetrant inspection techniques, at the time specified in (h) or (i). If cracks are found, repair in accordance with (e), (f), or (g), as appropriate. If cracks are not found and unless already accomplished, reinstall fasteners in accordance with step "e" of Part I of Boeing Service Bulletin 1796 (Revision 3 or later FAA approved revision) or equivalent fastener installation approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(b) Unless already accomplished, conduct a one time inspection at Wing Station 232 for gaps between adjacent layers of structure by removing the two fasteners shown in Figure 1 of Boeing Service Bulletin 1796 (Revision 3 or later approved FAA revision) at the threshold times specified in (h) or (i), as appropriate. Shim as necessary to eliminate these gaps.

(c) On aircraft which do not have the stainless steel straps (Boeing P/N.69-27339-1, P/N 69-27338-1 and -2) installed or have had such straps installed in the field, remove the fasteners shown in Figure 1 of Boeing Service Bulletin 1796 (Revision 3) and conduct a one time inspection for abrasion on the trailing edge of the wing skin and around the fastener holes at wing stations 211 and 232, in accordance with eddy current or dye penetrant inspection techniques at the threshold times specified in (h) or (i), as appropriate. Surfaces found abraded are to be cleaned up in accordance with standard maintenance techniques.

(d) Unless already accomplished, wings which have been repaired in accordance with Boeing Service Bulletin 1796 (Revision 2) for cracks at wing station 211, must have the internal crack stop plate installed in accordance with Figure 3 of Boeing Service Bulletin 1796 (Revision 3 or later FAA approved revision) or equivalent installation approved by the Chief, Aircraft Engineering Division, FAA Western Region, within 6,000 hours time in service after that repair.

(e) Cracks not exceeding 1.25 inches in length measured from the trailing edge of the wing skin may be repaired in accordance with (d), Note 2, of Part I of Boeing Service Bulletin 1796 (Revision 3 or later FAA approved revision) or an equivalent repair approved by Chief, Aircraft Engineering Division, FAA Western Region, and the airplane continued in service for the next 200 hours if inspections utilizing eddy current inspection techniques for crack growth are accomplished prior to each days operation. If crack growth is found, repair prior to further flight in accordance with (f) or (g), as appropriate. If crack growth is not found, the aircraft must be repaired within the aforementioned 200 hours in accordance with (f).

(f) Cracks not exceeding 3 inches in length should be repaired in accordance with Part II of Boeing Service Bulletin 1796 (Revision 3 or later FAA approved revision) or an equivalent repair approved by Chief, Aircraft Engineering Division, FAA Western Region.

(g) If cracks exceed 3 inches in length, accomplish the modification described in Boeing Service Bulletin 2607, or repair in accordance with a method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(h) For those aircraft having less than 7,500 hours time in service on the effective date of this AD, prior to the accumulation of 7,700 hours time in service and at intervals thereafter not to exceed 100 hours time in service from the last inspection.

(i) For those aircraft having 7,500 or more hours time in service on the effective date of this AD, within the next 200 hours time in service and at intervals thereafter not to exceed 100 hours time in service from the last inspection.

(j) The inspections required by this AD may be discontinued when wings have been modified in accordance with Boeing Service Bulletin 1796 Part II Revision 2 or later FAA approved revision, Boeing Drawing 65-68328, Boeing Service Bulletin 1796 Part III Revision 3 or later FAA approved revisions, Boeing Service Bulletin 2427 Part X, Boeing Service Bulletin 2607, or another method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(k) Airplanes having cracks which require rework under this AD may be flown in accordance with FAR 21.197 with the concurrence of the Chief, Aircraft Engineering Division, FAA Western Region, to a base where rework can be accomplished.

(l) Upon request of an operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This supersedes Amendment 752, Part 507 (29 F.R. 7923).

Issued in Los Angeles, Calif., on July 23, 1968.

LEE E. WARREN,
Acting Director, FAA Western Region.

[F.R. Doc. 68-9254; Filed, Aug. 1, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-SO-54]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Rocky Mount, N.C., control zone and transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Rocky Mount control zone described in § 71.171 (33 F.R. 2058) would be redesignated as follows:

Within a 5-mile radius of Rocky Mount Airport (lat. 35°58'01" N., long. 77°47'33" W.).

The Rocky Mount transition area described in § 71.181 (33 F.R. 2137) would be redesignated as follows:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Rocky Mount Municipal Airport (lat. 35°58'01" N., long. 77°47'33" W.); within 2 miles each side of the Rocky Mount VORTAC 083° radial, extending from the 7-mile radius area to 8 miles northeast of the VORTAC.

Since the original designation of controlled airspace at Rocky Mount Airport, the geographic coordinate for the airport has been refined, necessitating an alteration to the control zone. Additionally, turboprop aircraft have begun utilizing this airport. Current criteria, appropriate to this airport, requires an alteration to the transition area. The proposed alteration permits the revocation of the transition area extension predicated on the Rocky Mount VORTAC 263° radial.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on July 19, 1968.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 68-9250; Filed, Aug. 1, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-WE-27]

FEDERAL AIRWAY, TRANSITION AREA, AND REPORTING POINTS

Proposed Alteration and Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter controlled airspace in the vicinity of Astoria, Oreg., and realign airways between Newport, Oreg., and Seattle, Wash.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

In consideration of the foregoing, the following amendments to Part 71 of the Federal Aviation Regulations are proposed.

1. Realign V–27 from Astoria, Oreg., VOR 1,200 feet AGL; Hoquiam, Wash., VORTAC; 1,200 feet AGL; Seattle, Wash., VORTAC.

2. Designate a 1,200 feet AGL east alternate to V–27 from Newport, Oreg., to Seattle, Wash., via INT Newport 016° T (355° M) and Astoria, 157° T (135° M) radials, Astoria, Olympia, Wash., INT Olympia 010° T (348° M) and Seattle 249° T (227° M) radials.

3. Realign V–27 west alternate from Astoria, 1,200 feet AGL via INT Astoria 309° T (287° M) and Hoquiam 182° T (160° M) radials, 1,200 feet AGL to Hoquiam.

4. Alter the Astoria, Oreg., 1,200-foot portion of the transition area as that airspace within 6 miles northeast and 5 miles southwest of the Astoria, Oreg., VOR 147° and 327° T radials, extending from 7 miles southeast to 13 miles northwest of the VOR; within 9 miles south and 2 miles north of the Astoria VOR 268° T radial; extending from the VOR to 13 miles west of the VOR; within 5 miles northeast and 8 miles southwest of the Astoria VOR 309° T radial, extending from the Fort Stevens, fan marker to 12 miles northwest of the fan marker and within 8 miles northeast and 6 miles southwest of the Astoria VOR 309° T radial extending from the Fort Stevens fan marker to 20 miles northwest of the fan marker.

5. Designate the Ilwaco intersection domestic reporting point as the intersection of the Astoria, Oreg., VOR 309° T (287° M) and the Hoquiam, Wash., VOR TAC 182° T (160° M) radials.

The proposed realignment and designation of the airways would provide additional routes for aircraft operating in accordance with instrument flight rules between these terminals; provide the necessary flexibility for air traffic control and simplify flight plan procedures. Additionally, the proposed airways would be used mainly to provide a straight approach route into Astoria and a bypass route when the proposed restricted area west of Astoria (Airspace Docket No. 68–WE–31) is in use.

The increase of the 1,200-foot portion of the Astoria, Oreg., transition area is required to provide controlled airspace for aircraft executing holding patterns at the Astoria, Oreg., VOR and for an instrument approach procedure.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510) and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on July 25, 1968.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68–9251; Filed, Aug. 1, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68–SO–56]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation and Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would designate the Greenwood, S.C., part-time control zone and alter the Greenwood, S.C., 700-foot transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Greenwood part-time control zone would be designated as:

Within a 5-mile radius of Greenwood County Airport (lat. 34°15'00" N., long. 82°09'22" W.); within 2 miles each side of the Greenwood VORTAC 099° and 259° radials, extending from the 5-mile radius zone to 8 miles east and west of the VORTAC, effective 0615 to 2245 local time, Monday through Friday, 0615 to 1830 local time, Saturday, and 1045 to 2230 local time, Sunday.

The Greenwood 700-foot transition area described in § 71.181 (33 F.R. 2137) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Greenwood County Airport (lat. 34°15'00" N., long. 82°09'22" W.); within 2 miles each side of the Greenwood VORTAC 099° and 259° radials, extending from the 8-mile radius area to 8 miles east and west of the VORTAC.

The proposed part-time control zone would provide controlled airspace protection for IFR aircraft during climb from 700 feet above the surface and during descent below 1,000 feet above the surface. Airline personnel will be performing aviation weather observations and reporting duties during the times the control zone is in effect.

Since the original designation of the 700-foot transition area at Greenwood, turbojet aircraft have begun utilizing the Greenwood County Airport. Criteria appropriate to this airport requires an increase in the basic radius circle from 5 to 8 miles.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on July 22, 1968.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 68–9252; Filed, Aug. 1, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68–CE–63]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Manistique, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Schoolcraft County Airport, Manistique, Mich., using a state-owned VOR located on the airport as a navigational aid. Communications will be provided through the Escanaba VOR. Consequently, it is necessary to provide controlled airspace protection for aircraft that will be executing this approach procedure by designating a transition area at Manistique, Mich. The new procedure will become effective concurrently with the designation of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (33 F.R. 2137), the following transition area is added:

MANISTIQUE, MICH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Schoolcraft County Airport (latitude 45°58'25" N., longitude 86°10'35" W.); and within 2 miles each side of the 099° bearing from Schoolcraft County Airport, extending from the 5-mile radius area to 8 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles south and 8 miles north of the 099° bearing from Schoolcraft County Airport, extending from the airport to 12 miles east of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on July 18, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 68–9253; Filed, Aug. 1, 1968; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 81, 83]

[Docket No. 18218]

TRANSITION OF SHIP AND COAST RADIO-TELEGRAPH STATIONS

Order Extending Time for Filing Comments

In the matter of amendments of Parts 2, 81 and 83—to establish a schedule of dates, revised technical standards, frequencies, and other requirements for the orderly transition of ship and coast radiotelegraph stations from present frequency assignments in the low, medium, and high frequency bands to new assignments within allotments and/or frequency usage as adopted by the ITU World Administrative Radio Conference on marine matters, Geneva, 1967, Docket No. 18218.

1. A notice of proposed rule making was released in this proceeding on June 25, 1968. It provided for the filing of comments by August 1, 1968, and reply comments by August 12, 1968. The American Merchant Marine Institute, Inc. (AMMI) has filed a request for extension of time in which to file comments.

2. AMMI states that it has no adverse comment to submit with respect to those portions of the Docket dealing with the radio frequency changes involved in the new table of ship radiotelegraph high frequencies. It urges, since a number of crystal changes will be involved, that this portion of the rule making should be finalized at an early date. However, AMMI feels that those aspects of the proposed rule changes dealing with revision of authorized frequency tolerances contain serious implications for existing ship radio equipments which will require further study by the industry. Accordingly, an extension of time until August 16 in which to file comments is requested.

3. In view of the foregoing and inasmuch as the brief additional time will not have an adverse affect upon this proceeding: *It is ordered*, That the time for filing comments and reply comments is extended to August 16, 1968, and August 26, 1968, respectively.

4. This action is taken pursuant to authority contained in sections 4(i) and 5(d)(1) of the Communications Act of 1934, as amended, and § 0.331(b)(4) of the Commission's rules.

Adopted: July 25, 1968.

Released: July 29, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JAMES E. BARR,
Chief, Safety and Special Radio Services Bureau.

[F.R. Doc. 68–9268; Filed, Aug. 1, 1968; 8:48 a.m.]

[47 CFR Part 73]

[Docket No. 18269; FCC 68–770]

FM BROADCAST STATIONS

Table of Assignments; Moncks Corner, S.C., etc.

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations. (Moncks Corner, S.C.; Rochelle, Ill.; Carlisle, Pa.; Laredo, Tex.; Burney, Calif.; Fulton, Miss.; Ojai, Calif.; Buford, Ga.; and Berlin, Wis.); Docket No. 18269; RM–1304, RM–1305, RM–1307, RM–1310, RM–1312, RM–1313, RM–1315, RM–1318, RM–1319.

1. Notice is hereby given of proposed rule making in the above entitled matter, concerning amendments of the FM Table of Assignments in § 73.202 of the rules. All proposed assignments are alleged and appear to meet the minimum separation requirements of the rules. All proposed assignments which are within 250 miles of the United States-Canadian border require coordination with the Canadian Government, under the terms of the Canadian-United States FM Agreement of 1947 and the Working Arrangement of 1963. Except as otherwise noted, all channels proposed for shift or deletion are unoccupied and not applied for, and all population figures are from the 1960 U.S. Census.

2. *RM–1304, Moncks Corner, S.C. (Associates of Berkeley); RM–1313, Fulton, Miss. (Itawamba County Broadcasting Co.); RM–1315, Ojai, Calif. (Edward T. Martin); RM–1318, Buford, Ga. (Buford Broadcasting, Inc.); and RM–1319, Berlin, Wis. (Kingsley H. Murphy, Jr.).* In these five cases interested parties seek the assignment of a first Class A channel in a community without requiring any other changes in the Table. The populations of the communities range from 1,706 in Fulton, Miss., to 4,838 in Berlin, Wis., and appear to warrant the proposed assignments. Comments are therefore invited on the following additions to the FM Table of Assignments:

City	Channel No.
Moncks Corner, S.C.	288A
Fulton, Miss.	269A
Ojai, Calif.	288A
Buford, Ga.	272A
Berlin, Wis.	232A

3. *RM–1305, Rochelle and Savanna, Ill., and Dubuque, Iowa.* Tilton Publications, Inc., filed a petition on May 13, 1968, and a supplement on May 29, 1968, requesting the assignment of a first FM channel to Rochelle, Ill., and to make other necessary changes in the table as follows:

City	Channel No.	
	Present	Proposed
Rochelle, Ill.		272A
Savanna, Ill.	272A	261A
Dubuque, Iowa	225, 257A, 261A, 287	225, 257A, 272A, 287

Rochelle, with a population of 7,008 persons and located about 22 miles south of Rockford, is the largest city in Ogle County, which has a population of 38,106. A daytime-only AM station, WRHL, is licensed to petitioner for operation at Rochelle; there are no FM assignments in the community.

4. The petitioner proposes that Channels 261A and 272A presently assigned at Dubuque, Iowa, and Savanna, Ill., respectively, be switched in order to permit Channel 272A to be assigned to Rochelle in conformity with the spacing requirements of the rules. The proposed changes would not involve any existing FM stations or pending applications and the number and class of existing assignments would remain the same in each community. The petitioner's engineering statement reveals Channel 272A would require a site about 2.5 miles north or northeast of Dubuque in order to meet the spacing requirements with Channel 275 at Cedar Rapids, Iowa. There is also pending a rule making, RM–1220, Docket No. 18051 (FCC 68–231), which, among other things, proposes changing the channel assigned to Station WGLC–FM, Mendota, Ill., from 261A to 265A. In the event this proposal is adopted, a site for Channel 261A proposed herein for Savanna would require a site slightly less than 1 mile north of the Savanna post office (standard reference point) in order to meet the spacing requirements with Station WGLC–FM.

5. In support of its request, the petitioner urges that (since the only aural outlet for Ogle County is the daytime-only station licensed to petitioner at Rochelle, there is a need for a full time aural outlet to that community and the surrounding rural area. Sources of statistical information for 1967 are cited

which show Ogle County had 471 retail establishments with $50,096,000 in retail sales, 71 wholesale establishments with $30,525,000 in sales, 61 places of manufacturing with a payroll of $27,634,000 and a total of $46,150,000 in farm product sales. The petitioner submits that the proposed changes would provide for a more effecient, fair and equitable distribution of facilities than presently exists and that it will file an application to operate on Channel 272A at Rochelle if the request is adopted.

6. We are of the view that the proposal for a first FM assignment in Rochell merits rule making and so we invite comments on the request. Comments and showings are also requested on the availability of suitable transmitter sites for Channel 272A at Dubuque and Channel 275 at Cedar Rapids in light of the requirements of § 73.208(a)(4) of the rules. Similarly, comments are requested on the availability of suitable sites for Channel 261A at Savanna, assuming the proposal in RM-1220 to change the assignment of Station WGLC-FM, Mendota, from Channel 261A to 265A is adopted.

7. *RM-1307, Carlisle, Pa.* In a petition filed May 16, 1968, WIOO, Inc., requests the assignment of a second Class A FM channel to Carlisle, Pa., as follows:

City	Channel No.	
	Present	Proposed
Carlisle, Pa.	272A	228A, 272A

Carlise, having a population of 16,623 persons, is the county seat and largest community in Cumberland County, which has a population of 124,816. The community is located about 19 miles west of Harrisburg, Pa., and is located within the Harrisburg SMSA (population 345,071), but outside the Harrisburg urbanized area. There are two daytime-only AM stations and one Class A FM station operating in Carlisle. One (WIOO(AM)) is licensed to petitioner, and the FM station (WHYL-FM) is licensed to the licensee of the second AM station (WHYL(AM)).

8. WIOO submits numerous statistics and descriptions of the cultural, industrial, and business characteristics of Carlisle and its surrounding area to support its contention that the community has an active community life and that it is an important commercial center. The petitioner urges that, in view of the size and importance of Carlisle, the requested channel should be assigned to provide a first competitive full-time broadcast service to the community.

9. The engineering statement included with the petition demonstrates that assignment of Channel 228A to Carlisle would be in full compliance with the separation requirements of the rules. As to the important matter of preclusion of assignments to other communities which would result on the proposed and the six pertinent adjacent channels, it is shown that an area with dimensions of about 20 by 50 miles for Channel 228A would be so involved. This area includes the principal metropolitan city of York, Pa., which has three Class B FM assignments. There are no other communities with populations greater than 1,840 within the precluded area that are not also located within the urbanized area of either Harrisburg of York. Harrisburg has three Class B and one Class A FM assignment.

10. We are of the view that rule making should be instituted in this case in order that all interested parties may submit their views and relevant data. Comments are invited, therefore, on petitioner's proposal to add Channel 228A to Carlisle, Pa.

11. *RM-1310, Laredo, Tex.* Border Broadcasters, Inc., a prospective FM applicant, filed a petition on May 10, 1968, requesting that the table be amended to add Channel 221A to Laredo, Tex., as follows:

City	Channel No.	
	Present	Proposed
Laredo, Tex.	264, 289, 300	221A, 264, 289, 300

Laredo has a population of 60,678 persons and the Laredo Metropolitan Area (Webb County) has a population of 64,791. The community is located in southern Texas on the United States-Mexican border and has two AM stations: A Class IV and an unlimited-time Class III (1 kw). The Class IV station, KVOZ, is licensed to the petitioner. The three existing Class C FM assignments are neither occupied or have applications pending.

12. The petitioner submits that assignment of the requested Class A assignment will enable Laredo to have its first FM station on an economical basis.[1] The petition is supported by an engineering statement showing that the proposed channel is technically feasible at Laredo.

13. We note that the proposed Channel 221A is adjacent to the educational portion of the FM broadcast band. Study is currently being given to the formulation of an educational FM table, and, where possible, assignments on Channels 221A, 222, and 223 are avoided to permit maximum latitude in arriving at an efficient table of assignments for educational Channels 218, 219, and 220. We have determined that Channel 224A could also be used at Laredo, since it appears to meet the spacing requirements and would avoid conflict with possible educational assignments in the area. Additionally, in view of the apparent lack of interest at this time in the three Class C channels assigned to Laredo, it appears desirable to delete one of the three channels in the event a Class A channel is added.

[1] Although petitioner does not further elaborate on the economic aspect, it is assumed recognition is being made of the fact that a minimum of 25 kw ERP is required for Class C stations as compared to the maximum of 3 kw ERP permitted for Class A channels.

14. We are of the opinion that comments should be invited on the petitioner's proposal, except as we have modified it above to specify Channel 224A in lieu of 221A and to delete Channel 300. Because of the brevity of the petition and lack of supporting data, we are not convinced that departure from our normal practices of assigning Class A channels to relatively small communities and Class C channels to sizeable communities, or principal city of a metropolitan area, and of not mixing channels of different classes, has been justified here. (See purposes for which Class A and C stations are designated in § 73.206 (a)(2) and (b)(2) of the rules.) It may be that the population in the Laredo area cannot be adequately served by a Class A station whereas it could by a Class C station even with minimum facilities. We are, therefore, requesting that comments by proponents of this proposal include a comparative showing of the U.S. land areas and populations contained within the predicted 60 dbu (1 mv/m) contours of a Class A station (assuming 3 kw at 300 feet) and a Class C station (assuming 25 kw at 300 feet), both operating from the same assumed site in Laredo. Our decision on this proposal will depend largely on the relative areas and populations determined from such showings.

15. *RM-1312, Burney, Calif.* A petition was filed on June 10, 1968, by Ulysses C. Bartmess requesting the assignment of Class C Channel 291 to Burney, Calif. Burney, having a population of 1,294 persons, is located in north-central California in Shasta County, which has a population of 59,468. Burney is about 42 miles northwest of Redding, population 12,773, the county seat of Shasta County. There is one Class IV station, KAVA, operating in Burney and licensed to petitioner. There are no FM assignments in the community.

16. In support of the request, petitioner submits that the nearest operating FM station to Burney is KEWB(FM), Redding, located about 50 miles southeast, and that reception at Burney of the station is adversely affected by intervening mountainous terrain. It is urged that, since Burney's only local radio outlet is limited to 250 watts, several nearby communities and a large portion of the agricultural area lie outside of the nighttime signal of KAVA(AM). It is claimed that the assignment of a Class C FM channel would make it possible to service such communities with the first nighttime signal. In an accompanying engineering statement it is shown that Channel 291 to Burney would meet the spacing requirements of the rules without any other changes in the table. It is also shown that the anticipated operation would cover a "white area" in large portions of Shasta, Siskiyou, Modoc, and Lassen Counties. It is estimated by petitioner, based on facilities of 100 kw ERP and antenna height of 1,500 feet he says he intends to use, that a population of 34,900 persons would be included in the above-described "white area" (1960 census). It is claimed that a conservative

estimate of the present population would be over 50,000.

17. Ordinarily, a community the size of Burney would only be considered for a Class A channel. However, in view of the isolated location of the community in a sparsely populated mountainous area, the facilities to be utilized and the showing by the petitioner of the "white area" it is claimed will be served, we are inviting comments on the proposal to assign Channel 291 to Burney, Calif.

18. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

19. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before September 3, 1968, and reply comments on or before September 13, 1968. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

20. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: July 24, 1968.

Released: July 30, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-9269; Filed, Aug. 1, 1968; 8:48 a.m.]

[2] Chairman Hyde absent; Commissioner Cox dissenting to the proposal for Laredo, Tex.; Commissioner Wadsworth concurring in the proposal for Laredo, Tex.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF OFF LOUISIANA

Call for Nominations for Sulphur Leasing

Pursuant to the authority prescribed in 43 CFR Part 3380, notice is hereby given that nominations of areas for prospective sulphur leasing in the Outer Continental Shelf off Louisiana may be submitted to the Director, Bureau of Land Management, Washington, D.C. 20240, not later than September 23, 1968. Copies of nominations should be sent to the Regional Oil and Gas Supervisor, Geological Survey, 301 Gateway Building, 124 Camp Street, New Orleans, La. 70130. Envelopes containing nominations should be marked "Nominations for leasing on the Outer Continental Shelf—Louisiana."

The areas open for nominations are shown upon official leasing maps for Louisiana and include all mapped areas awarded to the United States by the Supplemental Decree of the Supreme Court, entered December 13, 1965, in the United States v. Louisiana, No. 9 Original (382 U.S. 288), or included in Zone 3 as described in the Interim Agreement of October 12, 1956, between the United States and the State of Louisiana. Whole blocks or properly described subdivisions thereof, not less than one-quarter block, may be nominated.

Official leasing maps, showing leasing blocks off Louisiana, in a set of 25 maps and a cover sheet, may be purchased from the Manager, New Orleans Office, Bureau of Land Management, Room T-9003 Federal Office Building, 701 Loyola Avenue, Post Office Box 53226, New Orleans, La. 70150, and the Manager, Eastern States Land Office, 7981 Eastern Avenue, Silver Spring, Md. 20910, for $5 per set.

Notice is hereby given that any tract offered for leasing following this call for nominations will be subject to stipulations in any resulting lease that drilling will be limited to 3,000 feet beneath the seabed of the leased area: *Provided, however*, That following the discovery of a valuable deposit of sulphur, the Oil and Gas Supervisor, Geological Survey, may approve the drilling of development wells without regard to the depth limitation herein specified when necessary for the proper development of such deposit. Any areas selected for competitive bidding will be published in the FEDERAL REGISTER and this published notice of lease offers will further state the conditions and terms for leasing and the date, place, and hour at which bids will be received and opened.

JOHN O. CROW,
Associate Director,
Bureau of Land Management.

Approved: July 26, 1968.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 68-9238; Filed, Aug. 1, 1968; 8:46 a.m.]

Office of the Secretary

[Order 2882, Amdt. 4]

CONGRESS OF MICRONESIA, TRUST TERRITORY OF THE PACIFIC ISLANDS

Legislative Authority

Whereas, on September 28, 1964, the Secretary of the Interior promulgated Secretarial Order No. 2882 creating the Congress of Micronesia and granting legislative authority thereto; and

Whereas, such order has been from time to time amended, in part in response to requests from the Congress of Micronesia, and in part to clarify certain of its provisions; and

Whereas, requests for further modifications have been received from the Congress of Micronesia, and additional areas requiring modification have since appeared;

Now, therefore, Secretarial Order No. 2882, as amended, is further amended in the following particulars:

1. Effective January 1, 1969, section 4 of the said Order No. 2882, as amended, is amended by deleting therefrom the second paragraph.

2. Effective July 1, 1968, the proviso in the first sentence of section 5 of the said Order No. 2882, as amended, is amended to read as follows: "*Provided*, That the Secretary of the Interior shall, from time to time, define the term 'revenue' as used herein, so as generally to exclude therefrom all sums attributable to user charges or service related reimbursements to the Government of the Trust Territory."

3. Effective January 1, 1969, section 11 of the said Order No. 2882, as amended, is amended to read as follows:

SEC. 11. *Disqualification of government officers and employees.* Any person employed by any branch of the Government of the Trust Territory, or any political subdivision thereof, shall be accorded leave without pay, for a period not to exceed 30 days prior to and including the day of the election, for the purpose of seeking election to the Congress. If any person is elected, he shall resign from his employment with the Government of the Trust Territory, or any political subdivision thereof, prior to the date upon which his term of office commences.

No person serving as a member of a legislative body of any political subdivision of the Government of the Trust Territory shall be eligible, while so serving, to serve as a member of the Congress of Micronesia.

No member of the Congress shall receive any compensation, other than that provided for in this order, from the Government of the Trust Territory or any political subdivision thereof.

4. Effective January 1, 1969, the first paragraph of section 12 of the said Order No. 2882, as amended, is amended to read as follows:

There shall be a regular session of the Congress held in each year beginning on the second Monday of July and continuing for not to exceed 45 consecutive calendar days. In each odd numbered year there shall also be a regular session of the Congress beginning on the second Monday in January and continuing for not to exceed 15 consecutive calendar days.

5. Effective July 1, 1968, section 16 of the said Order No. 2882, as amended, is amended to read as follows:

SEC. 16. *Publication of laws.* The High Commissioner shall cause the resolutions and laws to be published within 30 days after they become law, and shall make provision for their distribution to public officials and sale to the public.

6. Effective July 1, 1969, section 19 of the said Order No. 2882, as amended, is amended to read as follows:

SEC. 19. *Compensation.* Each member of the Congress shall be entitled to receive an annual salary of $4,500, and the President of the Senate and the Speaker of the House of Representatives shall each be entitled to receive an additional $500, all of which amounts shall be payable from funds appropriated by the Congress of the United States, when such funds are appropriated pursuant to estimates submitted by the Secretary of the Interior. Each member shall also be entitled to receive, from funds available to and appropriated by the Congress of Micronesia, travel expenses and per diem at the standard Trust Territory Government rates for each day the member is in a travel status to and from sessions of the Congress or while on other official legislative business away from the seat of the Government of the Trust Territory. Travel shall be performed by the most expeditious and direct means: *Provided*, That compensation, travel, and per diem shall not be allowed in excess of such amounts as may be budgeted therefor.

7. Effective for the period beginning January 1, 1969, and ending June 30, 1969, members and officers of the Congress of Micronesia shall be entitled to compensation, travel, and per diem at the rates prescribed in section 5 of this order, but all such compensation, travel, and per diem shall be paid from funds available to and appropriated by the Congress of Micronesia.

8. Effective July 1, 1969, section 23 of the said Order No. 2882, as amended, is amended to read as follows:

SEC. 23. *Legislative counsel.* The Congress of Micronesia may by joint resolution nominate a legislative counsel of its own choosing. The salary and other benefits available to such legislative counsel shall be established and paid by the Congress of Micronesia. The Congress of Micronesia may make budgetary provision for such supporting staff for the legislative counsel and the legislature as it may deem necessary.

STEWART L. UDALL,
Secretary of the Interior.

JULY 26, 1968.

[F.R. Doc. 68-9231; Filed, Aug. 1, 1968; 8:45 a.m.]

WILLIAM G. MEESE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Addition: American Seating Co.
(3) No change.
(4) No change.

This statement is made as of July 24, 1968.

Dated: July 24, 1968.

WILLIAM G. MEESE.

[F.R. Doc. 68-9232; Filed, Aug. 1, 1968; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ARKANSAS AND NEBRASKA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Arkansas and Nebraska, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS	
Bradley.	Howard.
Clark.	Perry.
Hot Spring.	Sevier.
NEBRASKA	
Franklin.	Webster.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1969, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 29th day of July 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-9240; Filed, Aug. 1, 1968; 8:46 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

AMENDMENTS MADE BY TITLE VIII OF HOUSING AND URBAN DEVELOPMENT ACT OF 1968

Notice of Establishment of Effective Date

I hereby establish September 1, 1968, as the effective date of the amendments made by title VIII of the Housing and Urban Development Act of 1968. Notice is hereby given of the establishment of such date, as required by section 808 of such Act.

Issued this first day of August 1968.

ROBERT C. WEAVER,
Secretary of Housing and Urban Development.

[F.R. Doc. 68-9350; Filed, Aug. 1, 1968; 12:30 p.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIR CARRIER DISTRICT OFFICE AT AURORA, COLO.

Notice of Relocation

Notice is hereby given that on or about August 3, 1968, the Air Carrier District Office at 9635 Montview Boulevard, Aurora, Colo., will be relocated at 2525 Geneva Street, Aurora, Colo. Services to the public will not be affected.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Los Angles, Calif., on July 19, 1968.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 68-9259; Filed, Aug. 1, 1968; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20051; Order 68-7-138]

TRANS WORLD AIRLINES, INC.

Order Authorizing Multi-Carrier Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of July 1968.

By letter dated July 24, 1968, (Docket 20051), Trans World Airlines, Inc. (TWA), requests authority from the Board to engage in joint discussions with American Airlines, Inc. (American), Eastern Air Lines, Inc. (Eastern), Pan American World Airways, Inc. (Pan American), and United Air Lines, Inc. (United), and other United States and foreign scheduled airlines authorized to serve New York City, Chicago, Los Angeles, Washington and other "critical air transport centers" with the purpose of exploring, subject to Board approval, the means by which the carriers can alleviate the critical air traffic congestion problem now adversely affecting flight operations in those areas.

The letter indicates that during the peak traffic hours in the morning and evening delays in the air and on the ground at John F. Kennedy International Airport and La Guardia Airport extend from 1 to 3 hours. Furthermore it is alleged that the congestion is frequently extended over a number of hours. The letter contains excerpts from various newspaper articles and a statement from the President of the Air Transport Association attesting to the delays recently experienced at the New York airports. TWA asserts that while the problem is worst in the New York area, it is also serious at Chicago, Los Angeles, Washington and other major air transport hubs. In light of these considerations the carrier requests permission to explore with other carriers all possible solutions to the problem, including the rescheduling or elimination of schedules during the congested traffic periods and the use of fare differentials during peak or low volume periods.

The Board is cognizant of the congestion problem—a situation which has reached critical proportions at some cities. We are aware that those Federal, State, and local agencies whose authority extends to maintenance and control of the airways, airports, and ground facilities are spending considerable time and money to alleviate the problem, and are currently engaged in a mass effort to meet what appears to be an emergency situation.

The Board, too, is concerned with the problem and is actively exploring possible areas within the limits of its authority in which it may assist with respect to congestion resulting from air carrier operations. The Board's powers in this area are limited. It has no authority to regulate either airport operators as such or general aviation, as opposed to air carriers. Furthermore, the

extent of our authority to act with respect to air carrier scheduling is limited.

Under usual circumstances, we would not permit air carriers to discuss scheduling and fares, matters which reach to the heart of the competitive air transportation system. Normally such discussions would be antithetical to the competitive system. However, as set forth above, the congestion problems are highly unusual circumstances which compel extraordinary measures by all segments of the air transportation community. Accordingly, we find that the public interest in reducing the congestion problems warrants a grant of Board approval for intercarrier discussions. However, because of the competitive implications heretofore noted, and since an authorization from the Board for these discussions carries with it immunity from the antitrust laws, we further find that the public interest also requires the imposition of the restrictions hereinafter stated.

To begin with, any multicarrier agreements resulting from the discussions shall not be implemented until they have been filed with and approved by the Board pursuant to section 412 of the Act. Furthermore, the discussions will be limited to the congestion problems at New York City, Chicago, Los Angeles, and Washington. They will be authorized only for the purpose of exploring means to meet the congestion problems created by arrivals and departures at those four points. Discussions are not authorized for the purpose of allocating schedules or frequencies of particular carriers in specific inter-city markets, but only for the purpose of establishing general criteria under which each carrier will independently determine its own schedule pattern. The Board will also authorize discussions for the purpose of establishing differentials in fares between any of the four cities involved (on the one hand) and any other city (on the other hand) based upon peak and low volume periods of operations at the airports of such four cities. The Board would expect that any peak period surcharges, fare increases, or other fare changes having such effect to be at least offset by equivalent fare reductions in the same markets. Any fare agreements shall be filed with and approved by the Board prior to the filing of tariffs. Additionally, all meetings will be held upon the premises of the Board in the Universal Building, Washington, D.C.; an observer or observers from the Board will be in attendance at all times; and the carriers shall cause a transcript of all meetings to be made and shall provide two copies of all such transcripts to the Board.[1] All air carriers and foreign air carriers holding certificates or permits authorizing service to any of the four cities may attend, as well as representatives of the airport operators in the four cities, and of other interested Federal departments and agencies.

Accordingly, it is ordered, That:

1. Trans World Airlines, Inc., is hereby authorized to hold discussions with other United States and foreign air carriers providing scheduled services to and from New York City, Chicago, Los Angeles, and Washington concerning possible means of alleviating the air traffic congestion problems at such cities, or any of them, subject to the following conditions:

(a) Discussion shall be limited to the matters and to the extent heretofore specified affecting air traffic congestion problems only at New York City, Chicago, Los Angeles, and Washington.

(b) All discussions will be held on the Board's premises at the Universal Building, Washington, D.C.; a notice of any meeting called pursuant to this order shall be filed with the Board in this docket and mailed to all persons upon whom this order is to be served herein at least 3 calendar days prior to such meeting; a transcript of all discussions will be made and two copies shall be delivered to the Board by the reporter at the same time that copies are delivered to the carriers; and an observer or observers from the Board will be in attendance at all meetings.

(c) Representatives of all interested Federal departments and agencies of all air carriers and foreign air carriers holding certificates of public convenience and necessity or permits authorizing service to any of the cities heretofore specified in subparagraph (a), and of all airport operators at any of such cities shall be permitted to attend the meetings.

(d) All agreements resulting from such discussions shall be filed with the Board and shall not be implemented until approved by the Board.

2. The authorization granted herein shall expire 60 days from the date of issuance of this order, and this order may be earlier revoked or amended at any time without hearing in the discretion of the Board; and

3. A copy of this order shall be served upon all U.S. certificated air carriers, all foreign air carriers holding permits from the Board, the Departments of Transportation and Justice, the Port of New York Authority, the Department of Aviation of the city of Chicago, the Los Angeles Department of Airports, and the Federal Aviation Administration.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[2]

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-9267; Filed, Aug. 1, 1968; 8:48 a.m.]

[1] In light of these requirements, the meetings will not be open to the public, but the transcript will be available in the public docket in accordance with normal Board procedures.

[2] Concurring statement of member Adams filed as part of the original document.

FEDERAL MARITIME COMMISSION

CITY OF OAKLAND ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. J. Kerwin Rooney, Port Attorney, Port of Oakland, 66 Jack London Square, Oakland, Calif. 94607.

City of Oakland and Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., and Yamashita-Shinnihon Steamship Co., Ltd.

Agreement No. T-2197 is a containership crane lease agreement between the city of Oakland (Oakland) and Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., and Yamashita-Shinnihon Steamship Co., Ltd. (the Lines). The crane is located in the Seventh Street Terminal Area. (Oakland has entered into a lease with the Lines for this terminal facility (Agreement No. T-2138), and the lease is the subject of FMC Docket No. 68-27.) The crane will be used for loading and unloading containers to and from the Lines' containership and semicontainer vessels, and handling containers between 20 and 40 feet in length on the Lines' break-bulk vessels. As rental, the Lines will pay monthly 1/12 of an estimated annual rental of $78,537.00. Actual rental may be adjusted, depending on the actual cost of the crane. A formula for such an adjustment is included in the agreement. Secondary use of the crane by Oakland or by third parties is permitted, and charges therefor will be those specified in Oakland's tariff. The Lines' rental will be reduced by the amount of crane rental charges paid to the Port for such secondary use. Any secondary user will pay $12 per hour to the lines as compensation for the cost of utilities, repairs, and maintenance.

Dated: July 30, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-9277; Filed, Aug. 1, 1968; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP69-11]

HUMBLE GAS TRANSMISSION CO.

Notice of Application

JULY 25, 1968.

Take notice that on July 15, 1968, the Humble Gas Transmission Co. (Applicant), 1700 Commerce Building, New Orleans, La. 70112, filed in Docket No. CP69-11 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon and remove certain natural gas facilities in the Baton Rouge, La., Area, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval to abandon the following:

(1) The "Maryland Tank Farm delivery point" used for supplying natural gas to Humble Oil and Refining Co.

(2) The TEL and HCL metering stations used for supplying natural gas to Ethyl Corp.

(3) Facilities used for supplying natural gas to the Louisiana Station Power Plant owned by Gulf States Utilities Co.

Applicant states it is abandoning the "Maryland Tank Farm delivery point" because it is now considered advisable to supply gas to the "Tank Farm" from other sources. Applicant states that in recent years a greater part of the service to Ethyl Corp. was transferred to Applicant's nonjurisdictional system with the result that only approximately 1 percent of the total delivery to the account passed from Applicant's jurisdictional system through the metering station to the TEL plant. Since November 24, 1967, deliveries have ceased entirely to the TEL plant, thus terminating all deliveries to this customer from Applicant's jurisdictional system. There have been no deliveries of gas through Applicant's metering station at the HCL plant delivery point in recent years and the facilities are not required. Applicant further states that a small amount of gas was previously delivered to the Louisiana Station Power Plant but these deliveries were discontinued July 1967. The Power Plant requirements are now being satisfied from other sources.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 19, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-9225; Filed, Aug. 1, 1968; 8:45 a.m.]

[Docket No. CP69-12]

MICHIGAN GAS STORAGE CO.

Notice of Application

JULY 25, 1968.

Take notice that on July 17, 1968, Michigan Gas Storage Co. (Applicant), 212 West Michigan Avenue, Jackson, Mich. 49201, filed in Docket No. CP 69-12 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to use its existing facilities for the transportation for and in behalf of Consumers Power Co. (Consumers) of 525,000 Mcf of natural gas per day and additional volumes of gas, in excess of contract quantities, of up to 50,000 Mcf per day, which are received from time to time by Consumers from Trunkline Gas Co. (Trunkline), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

By order of the Commission issued in Docket No. CP 67-291 on July 10, 1967, Applicant was authorized to transport up to 425,000 Mcf of natural gas per day for and in behalf of Consumers on a firm basis, and additional volumes of gas of up to 50,000 Mcf per day which might be received by Consumers from Trunkline commencing November 1, 1967. The gas contemplated by said authorization is supplied to Consumers by Trunkline, under an agreement dated October 29, 1963, as amended February 21, 1967, which also provides, inter alia, for the delivery by Trunkline to Consumers of 525,000 Mcf per day commencing November 1, 1968.

The Commission on May 24, 1968, in Docket No. CP68-174 approved the 1968 increase in deliveries by Trunkline to Consumers. Applicant also states that, from time to time, during periods of low market demand, Trunkline may have available, in excess of such contract quantities, volumes of gas ranging up to 50,000 Mcf per day, and that Consumers may desire to purchase some of such additional gas. The application states that Applicant desires to transport said volumes of gas for and in behalf of Consumers. The application further states that these transportation services will be provided by Applicant without the construction of any additional facilities and all costs arising from said service will be passed on to Consumers pursuant to Applicant's cost-of-service tariff.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 19, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-9226; Filed, Aug. 1, 1968; 8:45 a.m.]

[Docket Nos. CP68-177, R-341; Order 363]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order on Petition for Clarification of Order Issuing Conditional Certificate of Public Convenience and Necessity and of Statement of Policy

JULY 25, 1968.

Transcontinental Gas Pipe Line Corp. (Transco), on June 7, 1968, filed a petition for clarification of the "Findings and Order After Statutory Hearing Issuing Certificate of Public Convenience and Necessity", 39 FPC Docket No. CP68-177, issued on May 3, 1965, in which we granted conditional certificate authorization under section 7(c) and 7(e) of the Natural Gas Act for the construction and operation of pipeline facilities in the Southern Louisiana offshore area. The proposed facilities involve an estimated capital investment of approximately $65.7 million.

The grant of the certificate was conditioned upon Transco's agreement to make future filings for offshore facilities by September 1 of each year con-

taining such supplemental information as we prescribed. Thus, in the future, Transco is required to submit data concerning the potential joint utilization of existing and/or proposed new facilities; we also stated that it shall present information which will: "(iii) Utilize 30-inch (or larger if technologically possible) pipe for its offshore main line facilities * * * [and], (iv) demonstrate that its proposed facilities will be utilized, either by it individually or jointly with other pipeline companies, at a minimum annual load factor of 60 percent of the annual capacity available by the end of a 12-month period following the installation thereof, unless a waiver is issued." (Transco order mimeo. p. 3). Identical requirements were subsequently prescribed on June 4, 1968, for all future Southern Louisiana offshore pipeline certificate applicants. Statement of Policy, Order No. 363, 39 FPC ------, issued June 4, 1968, in Docket No. R-341. We treat the instant petition for clarification, as suggested by Transco, as also pertaining to this policy statement.

Transco seeks clarification of two questions: (1) Whether the September 1st filing date and the prescribed supplemental information apply only to mainline facilities, or to branch and stub lines, as well? (Petition, p. 3). It urges application to mainline facilities only so that it and other pipelines may file certificate applications for minor gathering facilities at times other than September 1st of each year. (2) What is the basis for the imposition of a 12-month/60 percent minimum annual load factor standard for offshore facilities? (Petition, p. 4). Transco requests, in light of the fact that production build-up may take several years after a new supply of natural gas is attached, that the 60 percent load factor requirement be imposed after a 3-year, rather than a 1-year, build-up; or alternatively, that the imposition of any load factor requirement await the "determinations" emanating from the Commission's Technical Advisory Committee on offshore natural gas, established by Commission order, issued June 19, 1968, 39 FPC ------. And, further, Transco urges that the provision for enforcement of the 60 percent requirement in any subsequent rate case be deleted from our orders.

We believe that the policy objectives and the related certificate filing requirements, as set out in our May 3 and June 4, 1968, orders, are sound and should not be modified at least until such time as the Commission and the industry gain additional experience in searching out all possible means of decreasing unit transmission costs for offshore natural gas.

1. We recognize that additional gas supplies will, from time to time, become available in the immediate vicinity of existing facilities which can most effectively be connected by the construction of minor gathering laterals or stub lines. Accordingly, applications for such minor facilities, involving relatively small investments, may be filed and considered for certification at any time during the year. However, we will examine any such applications to insure that the proposed minor facilities reflect the most efficient and economical means of transporting the related offshore gas volumes, giving full consideration to other lines or proposed lines in the area and other reserves including those not under contract to the applicant pipeline, and pipeline applicants will be expected to append to their applications factual information in sufficient detail to permit Commission determination of these questions.

2. The 60 percent load factor was an exercise of Commission judgment based upon the normal pipeline design capacity required to permit the maximum take provisions permissible under most Southern Louisiana gas purchase contracts. Under these contracts a pipeline is authorized to take up to 125 percent of the daily contract quantity obligation (DCQ). If a field were depleted at a rate necessary to meet the DCQ obligation, the pipeline facilities would have a load factor of 80 percent (i.e. 100÷125=80 percent). However, to allow for flexibility in the design of facilities, this optimum level of operation was discounted to a 60 percent level which, it should be noted, is the annual load factor attained if the pipeline buyer takes gas at a rate equal to only 75 percent of the DCQ (i.e., 75 percent÷125 percent =60 percent).

Concerning the propriety of the requirement that pipelines shall demonstrate that proposed mainline offshore facilities will have a minimum load factor of 60 percent within 12 months after installation, Transco correctly points out that some fields will have projected production buildup period which may make the imposition of these criteria inappropriate. If so, it was for this reason that we expressly provided that upon an appropriate showing in the application (e.g., a schedule of estimated daily gas and liquids production, by years) we were prepared to waive the 12 months period and prescribe a longer period within which the 60 percent minimum load factor could be met. In seeking such extensions because of the buildup period, we will also expect the pipeline buyer and the producer sellers to advise us, of the estimated proven and probable reserves, and why a more rapid developmental program cannot be undertaken. If accumulated experience later demonstrates that this requirement should be adjusted in some manner we will of course entertain a further request to do so.

We also see no reason for deleting the paragraph from our orders, which apprises pipeline certificate applicants of our intended cost-of-service treatment where offshore facilities fail to achieve a 60 percent load factor within the time period prescribed.[1] It should be obvious however, that we do not intend to apply the policy inflexibly to cases where lower utilization of installed offshore pipeline capacity than had been contemplated at the time of certification is demonstrably due to unavoidable situations beyond the control of the pipeline company.

For these reasons we think that the Commission's offshore pipeline policy is a workable one and should serve as a guide in future gas certificate and rate proceedings before the Commission without any modifications at this time.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 68-9227; Filed, Aug. 1, 1968; 8:45 a.m.]

[1] This paragraph reads as follows: It is the intention of the Commission to enforce the fourth requirement by permitting offshore pipeline facilities, certificated after the date of this order, to be included in Applicant's cost-of-service in future rate proceedings at an average unit cost predicated upon load factors of not less than 60 percent of the annual capacity available. (See Order No. 363, Mimeo p. 4).

FEDERAL RESERVE SYSTEM

OTTO BREMER CO. AND OTTO BREMER FOUNDATION

Notice of Request and Order for Hearing

Notice is hereby given that request has been made to the Board of Governors of the Federal Reserve System, pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)(8)) and § 222.4(a) of the Board's Regulation Y (12 CFR 222.4(a)), by Otto Bremer Co. and Otto Bremer Foundation, St. Paul, Minn., both registered bank holding companies, for a determination that the planned activities of their proposed nonbanking subsidiaries, The State Agency of Redwood Falls, Inc., The American State Insurance Agency, Inc., The Cassabanka Insurance Agency, Inc., The Elk Valley Agency, Inc., and The Citizens Insurance Agency, Inc., are of the kind described in the aforementioned sections of the Act and the regulation so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to the acquisition or retention of shares in nonbanking organizations to apply in order to carry out the purposes of the Act.

Inasmuch as section 4(c)(8) of the Act requires that any determination pursuant thereto be made by the Board after due notice and hearing and on the basis of the record made at such hearing:

It is hereby ordered, That pursuant to section 4(c)(8) of the Bank Holding Company Act and in accordance with §§ 222.4(a) and 222.5(a) of the Board's Regulation Y (12 CFR 222.4(a), 222.5(a)), promulgated under the Bank Holding Company Act, a hearing with respect to this matter be held commencing on August 21, 1968, at 10 a.m., at the Federal Reserve Bank of Minneapolis, Minneapolis, Minn., before a hearing examiner selected by the Civil Service Commission, pursuant to section 3344 of Title 5 of the United States Code, such hearing to be conducted according to the rules of practice for Formal Hearings of the Board of Governors of the Federal Reserve System (12 CFR Part 263). The right is reserved to the Board or such hearing examiner to designate any other date or place for such hearing or any part thereof which may be determined to be necessary or appropriate for the convenience of the parties. The Board's rules of practice for Formal Hearings provide, in part, that "All such hearings shall be private and shall be attended only by parties and their representatives or counsel, representatives of the Board, witnesses, and other persons having an official interest in the proceedings: *Provided, however*, That, on written request by a party or representative of the Board, or on the Board's own motion, the Board, unless prohibited by law, may permit other persons to attend or may order the hearing to be public."

Any person desiring to give testimony in this proceeding should file with the Secretary of the Board, directly or through the Federal Reserve Bank of Minneapolis, Minneapolis, Minn., on or before August 16, 1968, a written request containing a statement of the nature of the petitioner's interest in the proceeding and a summary of the matters concerning which said petitioner wishes to give testimony. Such request will be presented to the designated hearing examiner for his determination. Persons submitting timely requests will be notified of the hearing examiner's decision.

Dated at Washington, D.C., this 25th day of July 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 68-9237; Filed, Aug. 1, 1968; 8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

[Wildlife Order 82]

PORTION OF CAMP BRECKINRIDGE, MORGANFIELD, KY.

Transfer of Property

Pursuant to section 2 of Public Law 537, 80th Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By deed from the United States of America dated June 14, 1968, the property known as a 900 acre, more or less, unimproved portion of Camp Breckinridge, Morganfield, Ky., and more particularly described in the deed dated June 14, 1968, has been transferred from the United States to the Commonwealth of Kentucky.

2. The above described property was transferred for wildlife purposes in accordance with the provisions of section 1 of said Public Law 537 (16 U.S.C. 667b).

Dated: July 29, 1968.

CURTIS A. ROOS, *Acting Assistant Commissioner for Real Property Disposal.*

[F.R. Doc. 68-9278; Filed, Aug. 1, 1968; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

ROVER SHOE CO.

Order Suspending Trading

JULY 29, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Rover Shoe Co., Bushnell, Fla., and stock purchase warrants of Rover Shoe Co. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 30, 1968, through August 8, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68-9234; Filed, Aug. 1, 1968; 8:45 a.m.]

[File No. 1-2879]

ROYSTON COALITION MINES, LTD.

Order Suspending Trading

JULY 29, 1968.

The capital stock 1-cent par value of Royston Coalition Mines, Ltd., being listed and registered on the Salt Lake Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Royston Coalition Mines, Ltd., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Salt Lake Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 30, 1968, through August 8, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68-9235; Filed, Aug. 1, 1968; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

DOWELL CAPITAL CORP.

Notice of Issuance of Small Business Investment Company License

On June 18, 1968, a notice of application for a license as a small business investment company was published in the FEDERAL REGISTER (33 F.R. 8863) stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR Part 107; 33 F.R. 326) for a license as a small business investment company by Dowell Capital Corp., 6517 Hillcrest Avenue, Dallas, Tex. 75205.

Interested persons were given until the close of business July 3, 1968, to submit to SBA their written comments. No comments were received.

Notice is hereby given that pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information and facts with regard thereto, SBA has issued License No. 10-0151 to Dowell Capital Corp. to operate as a small business investment company.

The License was issued at Washington, D.C., on July 11, 1968.

GLENN R. BROWN, *Associate Administrator for Investment.*

[F.R. Doc. 68-9236; Filed, Aug. 1, 1968; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JULY 30, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41406—*Wheat and grain sorghums to gulf ports, for export.* Filed jointly by St. Louis-San Francisco Railway Co. (No. 235), for and on behalf of itself and interested rail carriers, and Texas-Louisiana Freight Bureau, agent (No. 614), for interested rail carriers. Rates on wheat and grain sorghums, in bulk, in carloads, from points in Arkansas, Kansas, Missouri, Oklahoma, and Texas, to Baton Rouge, Lake Charles, and New Orleans, La., and Beaumont, Corpus Christi, Freeport, and Port Arthur, Tex., for export.

Grounds for relief—Motortruck competition and port relationship.

Tariffs—Supplement 51 to St. Louis-San Francisco Railway Co. tariff ICC A–1059 and supplements 125 and 13 to Texas-Louisiana Freight Bureau, agent, tariffs ICC 1012 and 1058, respectively.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–9264; Filed, Aug. 1, 1968; 8:48 a.m.]

[Notice 182]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 30, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–35422. By order of July 26, 1968, the Transfer Board approved the lease to Charles J. Unrath, doing business as Westgor Trucking Co., Wittenberg, Wis., for a period of 1 year, of the operating rights in certificate No. MC–119754 issued May 24, 1961, to Stanley A. Westgor, Wittenberg, Wis., authorizing the transportation of: Cedar posts and poles, lumber, and charcoal, in bulk, between points in Wisconsin, Illinois, Minnesota, and Michigan. John L. Bruemmer, 121 West Doty Street, Madison, Wis. 53703; attorney for applicants.

No. MC–FC–70606. By order of July 24, 1968, the Transfer Board approved the transfer to Jerald W. Hoverson, doing business as D & H Truck Service, 1314 Utah Avenue, Benson, Minn. 56215, of the certificate of registration No. MC–98119 (Sub-No. 1), issued July 22, 1964, to Glenn E. Darling and Jerald W. Hoverson, a partnership, doing business as D & H Truck Service, Benson, Minn., evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of Minnesota, corresponding to its Minnesota intrastate authority evidenced by A.T.C. Order No. 975–7, issued June 13, 1951, by the Railroad and Warehouse Commission, authorizing transportation of freight over a regular route between St. Paul and Willmar, Minn., subject to specified restrictions.

No. MC–FC–70630. By order of July 25, 1968, the Transfer Board approved the transfer to Roy W. Zimmerman & Sons, Inc., Ephrata, Pa., of certificate in No. MC–73796, issued April 21, 1966, to Roy W. Zimmerman, Ephrata, Pa., authorizing the transportation of: Fertilizer, from Baltimore, Md., to points in Lancaster, Lebanon, and Dauphin Counties, Pa. Thomas H. Wentz, 118 East Main Street, New Holland, Pa. 17557; attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–9265; Filed, Aug. 1, 1968; 8:48 a.m.]

[Notice 182A]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 30, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–69893. By order of July 26, 1968, the Commission, Division 3, acting as an Appellate Division, approved the transfer to White Heavy Haulers, Inc., Jackson, Miss., of the operating rights in certificate No. MC–55861 issued October 15, 1956, to Brock E. Collins and Thomas L. Collins, a partnership, doing business as T. E. Collins Trucking Co., Shreveport, La., authorizing the transportation of machinery, materials, supplies and equipment incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Illinois, Indiana, and Kentucky; and machinery, equipment, materials, and supplies used in the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials, and supplies used in the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, between points in Alabama, Arkansas, Florida, Louisiana, Georgia, Mississippi, and Texas. Harold D. Miller, Jr., Butler, Snow, O'Mara, Stevens and Cannada, Suite 700 Petroleum Building, Post Office Box 22567, Jackson, Miss. 39205; attorney for applicants.

No. MC–FC–70336. By order of July 24, 1968, the Commission, Division 3, acting as an Appellate Division, approved the transfer to Clarence Vogt, doing business as Vogt Transfer & Storage Co., Ontario, Oreg., of certificate No. MC–6154, issued November 25, 1964, to Lewis C. Dyer, doing business as Dyer Freight Line, Portland, Oreg., authorizing the transportation of: General commodities, excluding articles of unusual value and petroleum products in bulk, in tank vehicles, from Portland, Oreg., to points in Gilliam and Wheeler Counties, Oreg.; and livestock, household goods, emigrant movables, dressed turkey, wool, grain, feed, hay, and machinery, from and to or between points in Gilliam and Wheeler Counties, Oreg., and points as specified in California, Idaho, and Washington. Philip G. Skofstad, 1500 Northeast Irving Street, Portland, Oreg. 97232; attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–9266; Filed, Aug. 1, 1968; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 18213, 18214; FCC 68M–1110]

R. EDWARD CERIES AND JACK C. HUGHES

Order Continuing Hearing

In re applications of R. Edward Ceries, Albuquerque, N. Mex., Docket No. 18213, File No. BPH–6001; Jack C. Hughes, Albuquerque, N. Mex., Docket No. 18214, File No. BPH–6041; for construction permits.

Pursuant to agreements of counsel arrived at during the prehearing conference in the above-styled proceeding held on July 26, 1968: *It is ordered,* That the evidentiary hearing in this proceeding scheduled to begin on September 23, 1968, is continued to Monday, October 21, 1968, at 10 a.m., in the offices of the Commission, Washington, D.C.

Issued: July 29, 1968.

Released: July 29, 1968.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68–9270; Filed, Aug. 1, 1968; 8:48 a.m.]

[Docket No. 17613; FCC 68M–1107]

MILTON BROADCASTING CO.

Order Rescheduling Hearing

In re application of Clayton W. Mapoles, trading as Milton Broadcasting Co., Docket No. 17613, File No. BR–2983; for renewal of license of station WEBY, Milton, Fla.

Broadcast Bureau counsel in this case is also counsel in a case recently designated for expedited hearing which might conflict with the August 19 hearing in the present matter.

Accordingly, on the unopposed oral request of the Bureau: *It is ordered,* That the hearing is rescheduled from August 19, to September 30, 1968, at 10 a.m., at Milton, Fla. (As now scheduled, there will be a further prehearing conference in Washington on August 1, 1968, at 9 a.m.)

Issued: July 26, 1968.

Released: July 29, 1968.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68–9271; Filed, Aug. 1, 1968; 8:48 a.m.]

[Docket Nos. 18267, 18268; FCC 68–758]

PORT JERVIS BROADCASTING CO., INC., AND MURRAY HILL ASSOCIATES

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Port Jervis Broadcasting Co., Inc., Port Jervis, N.Y., Docket No. 18267, File No. BPH–6115; Requests: 96.7 mc, No. 244; 3 kw; 300 feet; Murray Hill Associates, Port Jervis, N.Y., Docket No. 18268, File No. BPH–6185; Requests: 96.7 mc, No. 244; 3 kw; 300 feet; for construction permits.

1. The Commission has under consideration the above captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. In Minshall Broadcasting Co., Inc., 11 FCC 2d 796, RR 2d 502 (1968), we indicated that applicants were expected to provide full information on (i) the steps they have taken to inform themselves of the real needs and interests of the area; (ii) the suggestions they have received; (iii) their evaluation of those suggestions; and (iv) the programing proposed to meet the community needs as they have been evaluated. Although both applicants appear to have made adequate surveys, neither one has listed the suggestions received, its evaluation of those suggestions or the programing proposed to meet these needs as evaluated. Thus, we are unable at this time to determine whether the applicants are aware of and responsive to the needs of the area. Accordingly, Suburban issues are required.

3. Port Jervis Broadcasting Co., Inc., proposes 100 percent duplication while Murray Hill Associates proposes independent programing. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programing is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be permitted in the absence of a specific programing inquiry—Jones T. Sudbury 8 FCC 2d 360, FCC 67–614, (1967).

4. Murray Hill Associates, a New Jersey corporation, has not indicated that it has qualified to do business in New York, and an issue on this matter will be specified.

5. Since no determination has yet been reached on whether the antennae proposed by either applicant would constitute a menace to air navigation, issues regarding these matters are required.

6. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing on the issues set forth below.

7. *It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether there is a reasonable possibility that the tower height and location proposed by Port Jervis Broadcasting Co., Inc., would constitute a menace to air navigation.

(2) To determine whether there is a reasonable possibility that the tower height and location proposed by Murray Hill Associates would constitute a menace to air navigation.

(3) To determine the efforts made by Port Jervis Broadcasting Co., Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(4) To determine the efforts made by Murray Hill Associates to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(5) To determine whether Murray Hill Associates is or can be qualified to do business in the State of New York.

(6) To determine which of the proposals would better serve the public interest.

(7) To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

8. *It is further ordered,* That the Federal Aviation Administration is made a party to the proceeding.

9. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

10. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 24, 1968.

Released: July 30, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68–9272; Filed, Aug. 1, 1968; 8:48 a.m.]

[1] Chairman Hyde absent; Commissioner Lee concurring in the result.

[Docket Nos. 18204, 18205; FCC 68M–1109]

SUMITON BROADCASTING CO., INC., AND CULLMAN MUSIC BROADCASTING CO.

Statement and Order Following Prehearing Conference

In re applications of Sumiton Broadcasting Co., Inc., Sumiton, Ala., Docket No. 18204, File No. BP–17108; Dan Cole Mitchell and Leon A. Murphree, doing business as Cullman Music Broadcasting Co., Cullman, Ala.; Docket No. 18205, File No. BP–17193; for construction permits.

At a prehearing conference held on July 26, 1968, the following schedule of procedural dates was agreed to by the parties:

Exchange of engineering showings: September 30, 1968.

Exchange of written presentation of nonengineering showings: October 14, 1968.

Notification of witnesses: October 24, 1968.

Hearing (rescheduled from Sept. 10, 1968): November 4, 1968.

So ordered.

Issued: July 26, 1968.

Released: July 29, 1968.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68–9273; Filed Aug. 1, 1968; 8:49 a.m.]

DOMESTIC PUBLIC RADIO SERVICES

Applications Accepted for Filing [1]

JULY 29, 1968.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, an

[1] All applications accepted for filing during the course of the proceeding week are, for administrative convenience of the Commission, listed below. This Notice is not intended to serve as a final acceptance of any applications. All applications listed in the appendix are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations or other requirements.

application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days from July 29, 1968, the date of acceptance of the first application for filing as listed below. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

Applications Accepted For Filing:

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

4-C2-MP-69	Michigan Radio Dispatch Service.	(KQC573)	Modification of C.P. to replace the base transmitter operating on 454.05 MHz. Loc. No. 2: 16500 North Park Dr., Southfield, Mich.
247-C2-AP/AL-69	George W. Smith	(KME438)	Consent to assignment of C.P. and license from George W. Smith, Assignor, to Radio Page Communications, Inc., Assignee.
248-C2-P-69	Southwestern Bell Telephone Co.	(KKE967)	C.P. to add a sixth channel to operate on 152.81 MHz. at base station located at 2.5 miles south of Sinton, Tex., and add auxiliary test facilities to operate on 157.77, 157.89, 157.98, 158.01, 158.04, and 158.07 MHz. at 401 North Broadway, Corpus Christi, Tex.
255-C2-P-69	Radar Paging Service	(New)	C.P. for a new 2-way station to be located at 1620 Bowar Street, Kansas City, Kans., to operate on base frequency 454.25 MHz. and (20 Dispatch Stations) pursuant to the provisions of section 21.519(a) of the rules.
256-C2-P-69	Southern Message Service, Inc.	(KKQ962)	C.P. to change the base frequency from 152.09 MHz. to 152.18 MHz. at Loc. No. 2: Near Fillmore, 13 miles east of Bossier City, La.
257-C2-P-69	South Central Bell Telephone Co.	(KIA960)	C.P. to add a fourth base channel to operate on 152.78 MHz. and add a second isolator in the transmission line of 152.75 MHz. transmitter, station location: On Red Mountain, 1 mile south of Birmingham, Ala.
263-C2-AL-69	Rochester Uni-Call Radio Corp.	(KEC518)	Consent to assignment of license from Rochester Uni-Call Radio Corp., Assignor to: Lad Radio Systems, Inc., Assignee.
264-C2-P-69	The Bell Telephone Co. of Pennsylvania.	(KGA585)	C.P. for four additional base channels on 454.40, 454.50, 454.55, and 454.60 MHz. at Loc. No. 2: 12 South 12th St., Philadelphia, Pa.
308-C2-AL-69	Norristown Miscellaneous Common Carrier.	(KGB875)	Consent to assignment of license from Norristown Miscellaneous Common Carrier, Assignor, to: Scott Communications, Inc., Assignee.
310-C2-P-69	Northwestern Bell Telephone Co.	(New)	C.P. for a new 2-way station to be located at 5 miles NNE of North Platte, Nebr., to operate on base frequencies 152.60 and 152.78 MHz. and auxiliary frequencies 157.86 and 158.04 MHz.
311-C2-P-69	Tribune Publishing Co	(KOP299)	C.P. to relocate base facilities to 1701 South 11th St., Tacoma, Wash., operating on frequency 152.06 MHz.

Renewal of Licenses expiring July 1, 1968, Term: July 1, 1968 to July 1, 1973.

Licensee	*Call sign*
Adams Telephone Co-operative	KSJ820
Bay Springs Telephone Co., Inc.	KLB565
Niagara Telephone Co.	KSJ801
Southwestern Bell Telephone Co.	KAQ808
Triangle Telephone Co.	KBM511

Correction:

Southwestern Bell Telephone Co. — Correct Call Sign to read KKD289, not KKG289. All other particulars are same as reported on public notice dated June 13, 1968, Report No. 391-1.

Applications Accepted For Filing—Continued

POINT TO POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

258-C1-P/ML-69	The Pacific Telephone & Telegraph Co.	(KME46)	C.P. to add 7087.5 MHz. toward Mount San Antonio, near Tijuana, Mexico, station location: 3848 Seventh Ave., San Diego, Calif.
259-C1-P/ML-69	do	(KMJ79)	C.P. to add 7087.5 MHz. toward Mexicali, Mexico, station location: Mount Laguna, Calif.
260-C1-ML-69	do	(KNL59)	Modification of licenses (3) for authority to change emission designators from FO, 2200F3 and 2200F9 to 24000F9 and 28000F9 on the radio channels between Ranger and Sage, Calif., and between Sage and Julian, Calif.
261-C1-ML-69	do	(KPP94)	
262-C1-ML-69	do	(KPP95)	
266-C1-P-69	Northwestern Bell Telephone Co.	(New)	C.P. for a new fixed station to be located at 78th St. and Cedar Ave. South, Bloomington, Minn., to operate on frequencies 11245.0, 11365.0, and 11525.0 MHz.
	American Telephone & Telegraph Co.		C.P.'s (14) fourteen to construct the initial TD-2/TD-3 radio relay channels on a new route section between Attica and Holland, N.Y., and additional TD-2 channels on an existing route between Holland and New York, N.Y., as follows:
267-C1-P-69	do	(KZA49)	Add 3730, 3810, and 4130 MHz. toward Holland, N.Y. Station location: 2.75 miles west of Attica, N.Y.
268-C1-P-69	do	(KEM46)	Add 3770, 3850, and 4170 MHz. toward Attica, N.Y., and Franklinville, N.Y. Station location: 1.2 miles NE of Holland, N.Y.
269-C1-P-69	do	(KEA79)	Add 3730, 3810, and 4130 MHz. toward Holland and Alma, N.Y. Station location: 4.9 miles south of Franklinville, N.Y.
270-C1-P-69	do	(KEA47)	Add 3770, 3850, and 4170 MHz. toward Franklinville, N.Y., and 3930 and 4070 MHz. toward Hartsville, N.Y. Station location: 3.2 miles NE of Alma, N.Y.
271-C1-P-69	do	(KEA46)	Add 3890 and 4030 MHz. toward Monterey and 3890 MHz. toward Alma, N.Y. Station location: 2.4 miles south of Hartsville, N.Y.
272-C1-P-69	do	(KEA45)	Add 3930 and 4070 MHz. toward Erin and 3930 MHz. toward Hartsville, N.Y. Station location: 2.5 miles NW of Monterey, N.Y.
273-C1-P-69	do	(KEA39)	Add 3890 and 4030 MHz. toward Center Lisle and 3890 MHz. toward Monterey, N.Y. Station location: 2.7 miles NE of Erin, N.Y.
274-C1-P-69	do	(KEA36)	Add 3930 and 4070 MHz. toward Tyner and 3930 MHz. toward Erin, N.Y. Station location: 3 miles SW of Center Lisle, N.Y.
275-C1-P-69	do	(KEA34)	Add 3890 and 4030 MHz. toward Deposit and 3890 MHz. toward Center Lisle, N.Y. Station location: 1.1 miles SW of Tyner, N.Y.
276-C1-P-69	do	(KEL96)	Add 3930 and 4010 MHz. toward Long Eddy and 3930 MHz. toward Tyner, N.Y. Station location: 5 miles north of Deposit, N.Y.
277-C1-P-69	do	(KEL79)	Add 3890 and 3970 MHz. toward Monticello and 3970 MHz. toward Deposit, N.Y. Station location: 2.5 miles north of Long Eddy, N.Y.
278-C1-P-69	do	(KEL98)	Add 3930 and 4010 MHz. toward Monroe and 4010 MHz. toward Long Eddy, N.Y. Station location: 6.5 miles SE of Monticello, N.Y.
279-C1-P-69	do	(KEL99)	Add 3890 and 3970 MHz. toward New York No. 7 and 3970 MHz. toward Monticello, N.Y. Station location: 4 miles SW of Monroe, N.Y.
280-C1-P-69	do	(KEL79)	Add 4010 MHz. toward Monroe, N.Y. Station location: 811 10th Ave., N.Y.

POINT TO POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—Continued

281-C1-P-69	South Central Bell Telephone Co.	(KYS48)	C.P. to add 3730 and 3810 MHz. toward Stanton, Ky. Station location: 222 West Lexington Ave., Winchester, Ky.
282-C1-P-69	do	(KIV60)	C.P. to change frequencies 6062 and 6071.2 MHz. to 4090 and 4170 MHz. toward Winchester, Ky.; and 5937.8 and 6064.4 MHz. to 3770 and 3850 MHz. toward Wellington, Ky.; replace transmitters operating on same and change the antenna system. Station location: Approximately 2.3 miles SE of Stanton, Ky.
283-C1-P-69	do	(KIV64)	C.P. to change frequencies 6189.9 and 6306.4 MHz. to 4050 and 4130 MHz. toward Stanton, Ky.; change 6393.6 and 6412.2 MHz. to 3730 and 3810 MHz. toward White Oak, Ky.; replace transmitters operating on same and change the antenna system. Station location: Approximately 0.3 mile west of Wellington, Ky.
284-C1-P-69	do	(KIV65)	C.P. to change frequencies 5962.5 and 6071.2 MHz. to 4090 and 4170 MHz. toward Wellington, Ky.; change 5937.8 and 6064.4 MHz. to 3770 and 3850 MHz. toward Hagerhill, Ky.; replace transmitters operating on same and change the antenna system. Station location: Approximately 2.4 miles south of White Oak, Ky.
285-C1-P-69	do	(KIV66)	C.P. to change frequencies 6278.8 and 6397.4 MHz. to 4050 and 4130 MHz. toward White Oak, Ky.; change 6393.6 and 6412.2 MHz. to 6271.4 and 11325 MHz. toward Pikeville, Ky.; change 11445 and 11985 MHz. to 11395 and 11605 MHz. toward Paintsville, Ky.; replace transmitters operating on same and change the antenna system. Station location: Approximately 1.5 miles SE of Paintsville, Ky.
286-C1-P-69	do	(KIW76)	C.P. to add 10915 and 11185 MHz. toward Hagerhill, Ky. Station location: 217 West Second Street, Paintsville, Ky.
287-C1-P-69	do	(KIV67)	C.P. to change frequencies 6062.6 and 6071.2 MHz. to 4090 and 4170 MHz. toward Hagerhill, Ky. Station location: Approximately 1.5 miles SW of Pikeville, Ky.

MAJOR AMENDMENT

6339-C1-P-68	Central Telephone Co.	(KJW73)	Change coordinates from lat. 35°42'22" N. long. 79°40'25" W. to: Lat. 35°42'22" N.—long. 79°40'07" W. All other particulars to remain as reported on Public Notice dated July 1, 1968.

CORRECTION

227-C1-P-69	The Pacific Telephone & Telegraph Co.	(KMQ36)	Correct call sign to read KMQ94, not KMQ63. All other particulars are to remain as reported on public notice dated July 22, 1968.
6689-C1-P-68	Western Microwave, Inc.	(KSQ33)	C.P. to change frequency 6260 MHz. to 6080 MHz. toward Great Falls, Mont., on azimuth 205°00'. Station location: Blackhorse, 6 miles north of Great Falls, Mont.
249-C1-P-69	American Television Relay.	(KNK67)	C.P. to add frequency 6941.7 MHz. via power split (Informative: Applicant proposes to provide the TV signal of KTLA(TV) Los Angeles, Calif., to Telecable Service Corp. in Borrego Springs, Calif.)
250-C1-P-69	Western Microwave, Inc.	(KPV60)	C.P. to add new point of communication via power split toward Laurel, Mont., frequencies 6110, 6210, 6310, and 6410 MHz. on azimuth 337°00' to provide the TV signals of KUTV(TV), KCPX-TV, KSL-TV and KUED(TV) of Salt Lake City, Utah, to TV Cable Association, Inc. in Laurel, Mont.)
251-C1-P-69	Wyomhog Microwave, Corp.	(KPS63)	C.P. to add new point of communication via power split toward Lovell, Wyo., frequencies 6075, 6175, 6275, and 6375 MHz. on azimuth 97°30' to provide the TV (Informative: It is proposed to provide the TV signals of KUTV(TV), KCPX-TV, KSL-TV and KUED(TV) of Salt Lake City, Utah, to Televents of Wyoming, Inc., in Lovell, Wyo.)

MAJOR AMENDMENTS

3605-C1-P-67	Eastern Microwave, Inc.	(KEM59)	Change frequencies toward East Syracuse, N.Y. to: 5630.4, 5990.0, 5989.7, 6019.2, 6078.6 and 6138.0 MHz.
3746-C1-P-67	do	(KEM36)	Change frequency toward Sentinel Heights, N.Y., from 6410.7 MHz. to: 6040.0 MHz.
3747-C1-P-67	do	(KEM59)	Change 6040.0 MHz. to 6030.4 MHz. All other particulars are to remain as reported on public notices dated Jan. 10, 1966, Feb. 21, 1966, Aug. 15, 1966, and Mar. 20, 1967.

[F.R. Doc. 68-9274; Filed, Aug. 1, 1968; 8:49 a.m.]

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PART II

Department of Agriculture

Consumer and Marketing Service

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UNITED STATES STANDARDS FOR BEANS

PROPOSED REVISION



THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 68]

U.S. STANDARDS FOR BEANS

Notice of Proposed Rule Making

Pursuant to the administrative procedure provisions of 5 U.S.C. 553, notice is hereby given that the U.S. Department of Agriculture is proposing a revision of the U.S. Standards for Beans (7 CFR 68.101 et seq.) under authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1946, 60 Stat. 1087 and 1090, as amended (7 U.S.C. 1622 and 1624).

Statement of considerations. The Agricultural Marketing Act of 1946 specifically authorizes and directs the Secretary of Agriculture "• • • to develop and improve standards • • • and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices." Under this authority, the standards for beans are continually being reviewed for further improvement. Such improvement depends, in part, on comments, views, and recommendations received from the various segments of the bean industry and other interested parties.

The Michigan Department of Agriculture, the Michigan Bean Shippers Association, and the National Dry Bean Council have recommended that certain features of the Michigan standards for dry edible beans be incorporated into the U.S. Standards for Beans. The Michigan Department of Agriculture and the Michigan Bean Shippers Association have recommended that the class name for Pea beans be changed to Michigan Navy Beans. The Department questions the desirability of the designation of a class of any product by an area of production. Furthermore, the California Bean Growers Association, The Rocky Mountain Bean Dealers Association, and the Western Bean Dealers Association are opposed to limiting the use of the term "navy beans" to Pea beans. They contend that Small White beans, Flat Small White beans, and Great Northern beans are marketed as "Navy type" beans, and that restricting the term "Navy" to Pea beans such as are grown in Michigan would be a detriment to these classes. Therefore, the recommendation that Pea beans be designated as Michigan Navy Beans is not proposed. However, it is proposed that the parenthetical phrases following the class names in the present standards be retained as heretofore; e.g., Pea beans (the type as grown in the Great Lakes region known also as Navy beans), Small White beans (the type as grown on the Pacific Coast, not including Tepary beans), and Cranberry beans (known also as Speckled Cranberry and Horticultural Pole). The information contained in the parenthetical phrases after the class names could then be shown, upon request by the applicant for inspection, under "remarks" on the inspection certificate. These standards would not prohibit the sale of Pea beans which are labeled Michigan Navy beans or Navy beans.

In several informal discussion meetings, producer and trade groups have also recommended certain other changes. Suggestions and views of all interested persons have been considered in preparing the proposed revision of the standards.

Proposed changes. The proposed changes in the standards are:

1. Change the format of the standards to set them forth as sections (e.g. 68.101, 68.102, etc.) rather than subdivisions of sections.

2. Delete the class names "Medium White beans," "Large White beans," "Old Fashioned Yelloweye beans," and "Bayo beans." According to the National Dry Bean Council, there is little or no production of these varieties. Such varieties, if grown, would be classified as "Miscellaneous beans."

3. Delete the class name "Western Red Kidney beans," which is a type of Light Red Kidney beans grown on the Pacific Coast. The bean trade recommends that all types of Light Red Kidney beans be classified as such regardless of production area.

4. Change the definitions for badly damaged beans, classes that blend, contrasting classes, defects, stones, weevily beans, well screened, and U.S. Substandard to more clearly define these terms.

5. Add a new section for color requirements for Pea beans. This section would provide for type samples for good and fair color, which would be maintained by the Grain Division, Consumer and Marketing Service, and would be available for reference in all bean inspection offices that inspect and grade beans. These samples would be prepared by the Department of Agriculture in cooperation with the bean industry.

6. Add a new table for the class Pea beans and include premium grades; i.e., U.S. Choice Handpicked and U.S. Prime Handpicked. The table would provide for the following grades:

U.S. Choice Handpicked.
U.S. Prime Handpicked.
U.S. No. 1.
U.S. No. 2.
U.S. Substandard.
U.S. Sample grade.

7. Combine into one grade table the grade requirements and grade designation for the following classes:

(a) Blackeye, Cranberry, and Yelloweye beans.

(b) Pinto beans.

(c) Marrow, Great Northern, Small White, Flat Small White, White Kidney, Light Red Kidney, Dark Red Kidney, Small Red, Pink, and Mung beans, and all the classes of Miscellaneous beans.

The class "Yelloweye beans" would be included with group (a) because the same grading factors would apply to these three classes.

8. Add "Black Turtle Soup beans" to the class names and to the grade table as provided for in item 7, because there is a substantial increase in production of this class.

9. Delete the class names "Blackeye" and "Cranberry beans" from the excepted list of beans that do not qualify under the Handpicked special grades.

10. Provided that the special grade "Off-color" shall only apply to grades U.S. No. 2, U.S. Substandard, and U.S. Sample grade for the class "Pea beans." The trade has requested that U.S. Choice Handpicked and U.S. No. 1 shall be of "good color" and U.S. Prime Handpicked shall be at least of "fair color."

11. Add "lentils, peas, and cowpeas other than Blackeye types" between the words "cereal grains" and "and all matter other than beans" in the definition for foreign material. These do not qualify as beans under the U.S. Standards for Beans.

12. Provide that, upon request, the words "Stated by applicant to be (State) grown" may be shown under "Remarks" on bean certificates.

13. Add the sentence "Beans with a significant amount of dirt or dirt-like substance adhering to the seedcoat shall be considered as damaged beans." to the definition for damaged beans.

14. Change the definition for "U.S. Sample grade" in the grade tables by including "which contain insect webbing or filth, animal filth, any unknown foreign substance, broken glass, or metal fragments." By adding these substances to the definition of U.S. Sample grade, the specific reason or reasons for assigning such grade would be stated on the certificate without using the general statement "distinctly low quality."

15. Provide that Handpicked beans may be "electronically sorted."

16. Change the definition for "Basis of determination" to provide that all determinations would be made on the basis of the beans as a whole, except that color and off-color would be determined on the basis of the beans after the removal of defects.

17. Change the definition for "Percentages" to provide that all percentages would be determined upon the basis of weight and would be stated in terms of whole, tenths, and hundredths of a percent as required for individual factors.

18. Change the maximum limits for stones from "trace" to "0.01 percent" for grade U.S. Extra No. 1 in the grade tables for Large Lima, Baby Lima, and Miscellaneous beans. This would define the limit for "trace."

19. Consolidate the information under the section on "Grade designations" in the interest of clarity.

An alternate proposal would provide for: (a) The deletion of the term "handpicked" from U.S. Choice Handpicked and U.S. Prime Handpicked in proposal No. 6 above, (b) the deletion of "Choice Handpicked" and "Handpicked" from the special grades section, and (c) the addition of the premium grade "U.S. Choice" above the grade "U.S. No. 1" in the combined table as provided for under item "7." In the alternate proposal, it has been recommended that premium grades be shown in appropriate tables rather than in narrative form.

It has been recommended that sound beans, the halves of which are held together loosely by the seedcoat, should function as "sound whole beans" and not as "splits," because such beans have the same cooking quality as whole beans. However, data available to the Department indicates that most loosely hung beans will separate completely as splits when run through handling and packaging equipment. Such beans deteriorate more rapidly than whole beans and have substantially the same cooking characteristics as splits. It is generally recognized that uniform size beans, which are free from splits or loosely hung halves, have better cooking characteristcs than mixtures of whole beans and splits. Beans which retain firmness after cooking are more desirable for making salads. Therefore, the recommendation that loosely hung beans be considered as whole beans is not proposed.

The Department proposes to revise the United States Standards for Beans to read as follows:

U.S. Standards for Beans [1]

Terms Defined

§ 68.101 Beans.

Beans shall be dry threshed field and garden beans, whole, broken, and split, commonly used for edible purposes.

§ 68.102 Classes.[2]

Beans shall be divided into classes as follows, each of which, except Mixed beans, may contain not more than 2.0 percent of beans of contrasting classes and not more than 15.0 percent of beans of other classes that blend:

Pea beans (the type as grown in the Great Lakes region known also as Navy beans).
Marrow beans (not including Red Marrow).
Great Northern beans.
Small White beans (the type as grown on the Pacific coast, not including Tepary beans).
Flat Small White beans (the type as grown in northern Idaho).
White Kidney beans.
Light Red Kidney beans.
Dark Red Kidney beans.
Yelloweye beans.
Small Red beans (known also as Red Mexican, California Red, and Idaho Red).
Pink beans.
Black Turtle Soup beans.
Mung beans.
Blackeye beans (cowpeas of the Blackeye variety).
Cranberry beans (known also as Speckled Cranberry and Horticultural Pole).
Pinto beans (including the Mexican Pinto type but not the type known as Spotted Red Mexican).
Large Lima beans (characteristic of the Large White Pole and Burpee Bush Lima type).
Baby Lima beans (characteristic of Small White Lima beans of the Henderson Bush and similar types).

Miscellaneous Lima beans: Lima beans that do not come within the classes Large Lima or Baby Lima shall be classified and designated according to their commonly accepted commercial name.

Miscellaneous beans: Beans that are not otherwise classified in these standards shall be classified and designated according to the commonly accepted commercial name of such beans.

Mixed beans: Mixed beans shall be any mixture of beans not provided for in the classes listed above.

§ 68.103 Grades.

Grades shall be the premium grades, numerical grades, substandard grades, sample grades, and special grades provided for in §§ 68.127–68.132.

§ 68.104 Sound beans.

Sound beans shall be beans that are free from defects.

§ 68.105 Defects.

Defects for the classes Baby Lima and Miscellaneous Lima beans shall be damaged beans, contrasting classes, and foreign material. Defects for all other classes of beans shall be splits, damaged beans, contrasting classes, and foreign material.

§ 68.106 Splits.

Splits shall be pieces of beans that are not damaged, each of which consists of three-fourths or less of the whole bean, and shall include any sound bean the halves of which are held together loosely.

§ 68.107 Damaged beans.

Damaged beans shall be beans and pieces of beans that are damaged by frost, weather, disease, weevils or other insects, or other causes. Beans with a significant amount of dirt or dirt-like substance adhering to the seedcoat shall be considered as damaged beans.

§ 68.108 Badly damaged beans.

Badly damaged beans shall be beans and pieces of beans that are materially damaged or discolored by frost, weather, disease, weevils or other insects, or other causes so as to materially affect the appearance and quality of the beans.

§ 68.109 Foreign material.

Foreign material shall be stones, dirt, weed seeds, cereal grains, lentils, peas, cowpeas other than Blackeye types, and all matter other than beans.

§ 68.110 Stones.

Stones shall be concreted earthy or mineral matter, and other substances of similar hardness that do not disintegrate readily in water.

§ 68.111 Contrasting classes.

Contrasting classes shall be beans of other classes that are of a different color, size, or shape from the beans of the class designated.

§ 68.112 Classes that blend.

Classes that blend shall be sound beans of other classes that are similar in color, size, and shape to the beans of the class designated, and shall include white beans in the class Yelloweye which are similar in size and shape to the Yelloweye beans.

§ 68.113 Broken beans.

Broken beans shall be sound beans with some but less than one-fourth of each bean broken off or with one-fourth or more of the seedcoat removed.

§ 68.114 Blistered beans.

Blistered beans shall be sound beans with badly blistered or burst seedcoats.

§ 68.115 Wrinkled beans.

Wrinkled beans shall be sound beans that have deeply wrinkled seedcoats and/or are badly warped or misshapen.

§ 68.116 Weevily beans.

Weevily beans shall be beans that are infested with live weevils or other insects injurious to stored beans or that contain weevil-bored beans.

§ 68.117 Clean-cut weevil-bored beans.

Clean-cut weevil-bored beans shall be beans from which weevils have emerged, leaving a clean-cut open cavity free from larvae, webbing, refuse, mold, or stain.

§ 68.118 Well screened.

Well screened, as applied to the general appearance of beans, shall mean that the beans are uniform in size and are practically free from such small, shriveled, underdeveloped beans, splits, broken beans, large beans, and foreign material that can be removed readily by the ordinary process of milling or screening through the proper use of sieves.

§ 68.119 Good natural color.

Good natural color, as applied to the general appearance of beans, shall mean that the beans in mass are practically free from discoloration and have the natural color and appearance of the class of beans that predominates in the sample.

§ 68.120 30/64 sieve.

A $^{30}/_{64}$ sieve shall be a metal sieve 0.0319-inch thick perforated with round holes 0.4687 ($^{30}/_{64}$) inch in diameter which are $^{11}/_{16}$ inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

§ 68.121 28/64 sieve.

A $^{28}/_{64}$ sieve shall be a metal sieve 0.0319-inch thick perforated with round holes 0.4375 ($^{28}/_{64}$) inch in diameter which are $^{19}/_{32}$ inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

§ 68.122 24/64 sieve.

A $^{24}/_{64}$ sieve shall be a metal sieve 0.0319-inch thick perforated with round holes 0.3750 ($^{24}/_{64}$) inch in diameter which are $^{17}/_{32}$ inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

Principles Governing Application of Standards

§ 68.123 Basis of determination.

The determination of "color" including "off-color" shall be upon the basis of the beans after the removal of defects.

[1] The specifications of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] The use of a variety name in the designation of the class of beans does not imply any guarantee of varietal purity.

All other determinations shall be upon the basis of the beans as a whole.

§ 68.124 Percentages.

All percentages shall be determined upon the basis of weight, and shall be stated in terms of whole, tenths, and hundredths of a percent as required for individual factors.

§ 68.125 Moisture.

Moisture shall be determined by the use of equipment and procedures prescribed by the Consumer and Marketing Service, U.S. Department of Agriculture, or determined by any method that gives equivalent results. (Information thereon may be obtained from said Service.)

§ 68.126 Color requirements.

Samples illustrating the lowest level for good color and fair color for the class Pea beans will be maintained by the Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, and will be available for reference in all inspection offices that inspect and grade beans. The term "Good natural color" in § 68.119 shall not apply to the class Pea beans.

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

§ 68.127 Grades and grade requirements for the class Pea beans.

(See also § 68.132.)

Grade	Maximum limits of— Total defects	Badly damaged beans	Contrasting classes	Foreign material: Total	Foreign material: Stones	Classes that blend	Minimum requirements—Color
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	
U.S. Choice handpicked[1]	1.5	0.3	0.01	0.01	----------	2.0	Good.
U.S. Prime handpicked[1]	3.0	0.3	0.01	0.01	----------	2.0	Fair.
U.S. No. 1[1]	2.0	----------	0.5	0.4	0.2	4.0	Good.
U.S. No. 2[1]	3.0	----------	1.0	0.8	0.4	4.0	Fair.[2]
U.S. Substandard	U.S. Substandard shall be beans of this class which do not meet the requirements for the grades U.S. Choice handpicked through U.S. No. 2 or U.S. Sample grade.						
U.S. Sample grade	U.S. Sample grade shall be beans of this class which are musty, sour, heating, materially weathered, or weevily; which have any commercially objectionable odor; which contain insect webbing or filth, animal filth, any unknown foreign substance, broken glass, or metal fragments; or which are otherwise of distinctly low quality.						

[1] The beans of this class in grades U.S. Choice handpicked, U.S. Prime handpicked, U.S. No. 1, and U.S. No. 2 shall be well screened.
[2] Provided that the special grade "off-color" may be applied to U.S. No. 2 and lower grades for this class. [See § 68.132(c).]

§ 68.128 Grades and grade requirements for the classes (a) Blackeye, Cranberry, and Yelloweye beans; (b) Pinto beans; and (c) Marrow, Great Northern, Small White, Flat Small White, White Kidney, Light Red Kidney, Dark Red Kidney, Small Red, Pink, Black Turtle Soup, Mung, and Miscellaneous beans.

(See also § 68.132.)

Grade	Maximum limits of— Total defects (see applicable classes above): (a)	(b)	(c)	Contrasting classes	Foreign material: Total	Foreign material: Stones	Classes that blend
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U.S. No. 1[1 2 3 4]	4.0	3.0	2.0	0.5	0.5	0.2	5.0
U.S. No. 2[1 2 3 4]	6.0	5.0	4.0	1.0	1.0	0.4	10.0
U.S. No. 3[1 2 3 4]	8.0	7.0	6.0	2.0	1.5	0.6	15.0
U.S. Substandard	U.S. Substandard shall be beans of any one of these classes which do not meet the requirements for the grades U.S. No. 1, U.S. No. 2, U.S. No. 3, or U.S. Sample grade.						
U.S. Sample grade	U.S. Sample grade shall be beans of any one of these classes which are musty, sour, heating, materially weathered, or weevily; which have any commercially objectionable odor; which contain insect webbing or filth, animal filth, any unknown foreign substance, broken glass, or metal fragments; or which are otherwise of distinctly low quality.						

[1] The beans of any one of these classes shall be well screened.
[2] The beans of the class Mung beans in grade U.S. No. 1 and of the classes Mung and Blackeye beans in grades U.S. Nos. 2 and 3 may contain not more than 0.1, 0.2, and 0.5 percent, respectively, of clean-cut weevil-bored beans.
[3] The beans of the class Yelloweye beans in the grades U.S. Nos. 1 and 2 may contain an additional 5.0 percent of classes that blend, when such additional percentage consists of white beans which are similar in size and shape to the Yelloweye beans.
[4] The beans of the classes Blackeye, Cranberry, and Yelloweye beans in grades U.S. Nos. 1, 2, and 3 may contain not more than 2.0, 4.0, and 6.0 percent, respectively, of damaged beans.

§ 68.129 Grades and grade requirements for the class Large Lima beans.

(See also § 68.132.)

Grade	Maximum limits of— Total blistered, wrinkled, and defects	Splits	Damaged beans: Total	Damaged beans: Badly damaged	Contrasting classes	Foreign material: Total	Foreign material: Stones	Classes that blend
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U.S. Extra No. 1[1]	4.0	2.0	1.0	0.2	0.2	0.2	0.01	2.0
U.S. No. 1[1]	6.0	3.0	2.0	0.5	0.5	0.5	0.2	5.0
U.S. No. 2[2]	9.0	5.0	3.0	1.0	1.0	1.0	0.3	10.0
U.S. Substandard	U.S. Substandard shall be beans of this class which do not meet the requirements for the grades U.S. Extra No. 1, U.S. No. 1, U.S. No. 2, or U.S. Sample grade.							
U.S. Sample grade	U.S. Sample grade shall be beans of this class which are musty, sour, heating, materially weathered, or weevily; which have any commercially objectionable odor; which contain insect webbing or filth, animal filth, any unknown foreign substance, broken glass, or metal fragments; or which are otherwise of distinctly low quality.							

[1] U.S. Extra No. 1 shall be well screened and meet the following additional requirements:
(a) Contain not more than 17 percent moisture.
(b) Be of good natural color.
(c) Contain not more than 3.0 percent broken beans.
(d) Contain not more than 20 percent of beans that will pass through a 30/64 sieve of which not more than 5 percent will pass through a 28/64 sieve.
[1] U.S. No. 1 shall be well screened and meet the following additional requirements:
(a) Contain not more than 5.0 percent of broken beans.
(b) Contain not more than 25 percent of beans that will pass through a 28/64 sieve, of which not more than 5 percent will pass through a 24/64 sieve.
[2] U.S. No. 2 shall be well screened and meet the following additional requirements:
(a) Contain not more than 5.0 percent of broken beans.
(b) Contain not more than 40 percent of beans that will pass through a 28/64 sieve, of which not more than 5 percent will pass through a 24/64 sieve.

§ 68.130 Grades and grade requirements for the class Baby Lima beans, and for the classes of Miscellaneous Lima beans.

(See also § 68.132.)

Grade	Maximum limits of— Blistered, wrinkled, and/or broken	Splits	Total defects	Badly damaged beans	Contrasting classes	Foreign material: Total	Foreign material: Stones	Classes that blend
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U.S. Extra No. 1[1 2]	2.0	2.0	2.0	1.0	0.5	0.2	0.2	0.01	2.0
U.S. No. 1[1]	3.0	3.0	3.0	2.0	1.0	0.5	0.5	0.2	5.0
U.S. No. 2[1]	5.0	5.0	5.0	3.0	1.5	1.0	1.0	0.3	10.0
U.S. No. 3[1]	8.0	8.0	8.0	5.0	2.0	2.0	1.5	0.6	15.0
U.S. Substandard	U.S. Substandard shall be beans of any one of these classes which do not meet the requirements for the grades U.S. Extra No. 1, U.S. No. 1, U.S. No. 2, U.S. No. 3, or U.S. Sample grade.							
U.S. Sample grade	U.S. Sample grade shall be beans of any one of these classes which are musty, sour, heating, materially weathered, or weevily; which have any commercially objectionable odor; which contain insect webbing or filth, animal filth, any unknown foreign substance, broken glass, or metal fragments; or which are otherwise of distinctly low quality.							

[1] The beans of any one of these classes in the grades U.S. Extra No. 1, U.S. No. 1, U.S. No. 2, and U.S. No. 3 shall be well screened.
[2] The beans of any one of these classes in the grade U.S. Extra No. 1 shall be of good natural color, and may contain not more than 17 percent moisture.

§ 68.131 Grade designations.

The grade designation for all classes of beans, except Mixed beans, shall include the letters "U.S.," the name or number of the grade, and the name of the class. In addition, the designation for the grade U.S. Substandard shall include the percentage each of sound beans, splits, damaged beans, contrasting classes, and foreign material. Mixed beans shall be graded according to the grade requirements of the class of beans which predominates in the mixture, except that the factors "contrasting classes" and "classes that blend" and the factor of size when Large Lima beans predominate, shall be disregarded, and the grade designation shall include the name and percentage of each class in the mixture. The name of each applicable special grade shall be shown as provided for in § 68.132.

§ 68.132 Special grades, special grade requirements, and special grade designations for all classes of beans.

(a) *Handpicked beans*—(1) *Grade requirements.* The special grade "Handpicked" beans shall be applicable to beans of any one of the classes, except Pea, Large Lima, Baby Lima, Miscellaneous Lima, and Mixed beans, which meet the grade requirements for any of the grades U.S. No. 1, U.S. No. 2, or U.S. No. 3, which have been handpicked, electronically sorted, or otherwise processed so that they contain not more than 0.3 percent of badly damaged beans, not more than 0.01 percent contrasting classes, and not more than 0.01 percent of foreign material. Handpicked beans shall not include "off-color" beans.

(NOTE: The handpicked grades for Pea beans are shown in § 68.127.)

(2) *Grade designation.* Handpicked beans shall be graded and designated as provided in either subdivision (i) or (ii) of this subparagraph as follows:

(i) *Choice handpicked.* Handpicked beans of all classes to which the special grade Handpicked applies, except the class Pinto beans, which meet the grade requirements for the grade U.S. No. 1, and which do not contain more than 1.5 percent total defects, and Pinto beans which meet the grade requirements for the grade U.S. No. 1 and which do not contain more than 2.0 percent total defects, shall be graded and designated as "U.S. Choice Handpicked." Such designation shall precede the name of the class.

(ii) *Handpicked.* Handpicked beans which do not meet the grade requirements for the grade U.S. Choice Handpicked shall be graded and designated according to the grade requirements of the standards applicable to such beans if they were not handpicked, and there shall be added to and made a part of the grade designation, following the number of the grade, the word "Handpicked."

(b) *High moisture beans*—(1) *Grade requirements.* High moisture beans shall be beans of any class which contain more than 18 percent of moisture.

(2) *Grade designation.* High moisture beans shall be graded and designated according to the grade requirements of the standards otherwise applicable to such beans, and there shall be added to and made a part of the grade designation, following the name of the class, the words "high moisture," followed by a statement of the percentage of moisture in the beans.

(c) *Off-color beans*—(1) *Grade requirements.* Off-color beans shall be beans of any class that, in mass, are distinctly off-color due to age or to any other natural cause but which are not materially weathered.

(2) *Grade designations.* Off-color beans shall be graded and designated according to the grade requirements of the standards applicable to such beans if they were not off-color, and there shall be added to and made a part of the grade designation, following the name of the class, the word "off-color."

Alternate proposed amendments to delete the term "Handpicked":

(1) Delete the word "Handpicked" from the grades U.S. Choice Handpicked and U.S. Prime Handpicked in the proposed table for Pea beans,

(2) Delete the special grades "Choice Handpicked" and "Handpicked" from the section on special grades,

(3) Add the grade U.S. Choice and a maximum limit for badly damaged beans in addition to the other grading factors above U.S. No. 1 in the grade tables for all classes except Baby Lima, Large Lima, and Miscellaneous Lima beans.

The alternate proposals are as follows:

§ 68.127 Grades and grade requirements for the class Pea beans.

(See also § 68.132.)

Grade	Maximum limits of—						Minimum requirements—Color
	Total defects	Badly damaged beans	Contrasting classes	Foreign material		Classes that blend	
				Total	Stones		
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	
U.S. Choice [1]	1.5	0.3	0.01	0.01	----------	2.0	Good.
U.S. Prime [1]	3.0	0.3	0.01	0.01	----------	2.0	Fair.
U.S. No. 1 [1]	2.0	----------	0.5	0.4	0.2	4.0	Good.
U.S. No. 2 [1]	3.0	----------	1.0	0.8	0.4	4.0	Fair. [3]
U.S. Substandard	U.S. Substandard shall be beans of this class which do not meet the requirements for the grade U.S. Choice through U.S. No. 2 or U.S. Sample grade.						
U.S. Sample grade	U.S. Sample grade shall include beans of this class which are musty, sour, heating, materially weathered, or weevily; which have any commercially objectionable odor; which contain insect webbing or filth, animal filth, any unknown foreign substance, broken glass, or metal fragments; or which are otherwise of distinctly low quality.						

[1] The beans of this class in grades U.S. Choice, U.S. Prime, U.S. No. 1, and U.S. No. 2 shall be well screened.
[3] Provided that the special grade "off-color" may be applied to U.S. No. 2 and lower grades of this class [See § 68.132 (b).]

§ 68.128 Grades and grade requirements for the classes (a) Blackeye, Cranberry, and Yelloweye beans; (b) Pinto beans; and (c) Marrow, Great Northern, Small White, Flat Small White, White Kidney, Light Red Kidney, Dark Red Kidney, Small Red, Pink, Black Turtle Soup, Mung, and Miscellaneous beans.

(See also § 68.132.)

Grade	Maximum limits of—						
	Total defects (See applicable classes above)			Contrasting classes	Foreign material		Classes that blend
	(a)	(b)	(c)		Total	Stones	
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U.S. Choice [1] [2] [5]	1.5	1.5	1.5	0.01	0.01	----------	2.0
U.S. No. 1 [1] [2] [3] [5]	4.0	3.0	2.0	0.5	0.5	0.2	5.0
U.S. No. 2 [1] [3] [5]	6.0	5.0	4.0	1.0	1.0	0.4	10.0
U.S. No. 3 [1] [2] [4]	8.0	7.0	6.0	2.0	1.5	0.6	15.0
U.S. Substandard	U.S. Substandard shall be beans of any one of these classes which do not meet the requirements for the grades U.S. No. 1, U.S. No. 2, U.S. No. 3, or U.S. Sample grade.						
U.S. Sample grade	U.S. Sample grade shall be beans of any one of these classes which are musty, sour heating, materially weathered, or weevily; which have any commercially objectionable odor; which contain insect webbing or filth, animal filth, any unknown foreign substance, broken glass, or metal fragments; or which are otherwise of distinctly low quality.						

[1] The beans of any one of these classes shall be well screened.
[2] The beans of any of these classes in grade U.S. Choice may contain not more than 0.3 percent of badly damaged beans.
[3] The beans of the class Mung beans in grade U.S. No. 1 and of the classes Mung and Blackeye beans in grades U.S. Nos. 2 and 3 may contain not more than 0.1, 0.2, and 0.5 percent, respectively, of clean-cut weevil-bored beans.
[4] The beans of the class Yelloweye beans in the grades U.S. Nos. 1 and 2 may contain an additional 5.0 percent of classes that blend, when such additional percentage consists of white beans which are similar in size and shape to the Yelloweye beans.
[5] The beans of the classes Blackeye, Cranberry, and Yelloweye beans in grade U.S. Choice and in grades U.S. Nos. 1, 2, and 3 may contain not more than 1.0, 2.0, 4.0, and 6.0 percent, respectively, of damaged beans.

§ 68.132 Special grades, special grade requirements, and special grade designations for all classes of beans.

(a) *High moisture beans*—(1) *Grade requirements.* High moisture beans shall be beans of any class which contain more than 18 percent of moisture.

(2) *Grade designation.* High moisture beans shall be graded and designated according to the grade requirements of the standards otherwise applicable to such beans, and there shall be added to and made a part of the grade designation, following the name of the class, the words "high moisture," followed by a statement of the percentage of moisture in the beans.

(b) *Off-color beans*—(1) *Grade requirements.* Off-color beans shall be beans of any class that, in mass, are distinctly off-color due to age or to any other natural cause but which are not materially weathered.

(2) *Grade designations.* Off-color beans shall be graded and designated according to the grade requirements of the standards applicable to such beans if they were not off-color, and there shall be added to and made a part of the grade designation, following the name of the class, the word "off-color."

Public hearings on the proposed revision will not be held, but all persons who desire to submit written data, views, or arguments on this proposal should file them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 45 days after the proposal has been published in the FEDERAL REGISTER. All comments so filed will be available for public inspection during official hours of business (7 CFR 1.27(b)). Consideration will be given to all written comments filed with the Hearing Clerk, and to all other information available to the U.S. Department of Agriculture, in arriving at a decision on the proposed revision of the bean standards.

Copies of the current U.S. Standards for Beans may be obtained from the Director, Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, or from any Field Office of the Grain Division.

Any revision of the bean standards, if adopted, will become effective on or about November 1, 1968.

Done at Washington, D.C., this 26th day of July 1968.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 68-9197; Filed, Aug. 1, 1968; 8:45 a.m.]

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...OGY & ECONOMICS

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PART 930—PROGRAMS FOR SPECIFIC POSITIONS AND EXAMINATIONS (MISCELLANEOUS)

Subpart B—Appointment, Compensation, and Removal of Hearing Examiners

Subpart B of Part 930 is revised to correct citations as required by the codification of title 5, United States Code (Public Law 89-554); to provide a new basis for the reinstatement of former Hearing Examiners; to simplify the provisions relative to the promotion and transfer of Hearing Examiners; and to update and clarify other provisions.

Subpart B—Appointment, Compensation, and Removal of Hearing Examiners

GENERAL PROVISIONS

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AUTHORITY: The provisions of this Subpart B issued under 5 U.S.C. 1305, 3105, 3344, 5362, 7521.

Subpart B—Appointment, Compensation, and Removal of Hearing Examiners

GENERAL PROVISIONS

§ 930.201 Coverage.

(a) This subpart applies to persons appointed under section 3105 of title 5, United States Code, for proceedings required to be conducted in accordance with sections 556 and 557 of that title, and to hearing examiner positions.

(b) Except as otherwise provided in this subpart, the rules and regulations applicable to positions in the competitive service apply to hearing examiner positions.

§ 930.202 Definitions.

In this subpart:

(a) "Agency" has the meaning given it by section 551 of title 5, United States Code.

(b) "Detail" means the temporary assignment of an employee from one position to another position without change in his civil service or pay status. The assignment to a hearing examiner of a case of the level of difficulty that would ordinarly be assigned to a hearing examiner of a different grade does not of itself constitute a detail within the meaning of this subpart.

(c) "Hearing examiner position" mean a position in which any portion of the duties includes those which require the appointment of a hearing examiner under section 3105 of title 5, United States Code.

(d) "Promotion" means a change in grade from one position to a higher graded position, whether newly created, or left vacant because of promotion, demotion, transfer, reassignment, retirement, separation of the last incumbent, or a change resulting from the assignment of work of higher grade than the work of the position to which the examiner was absolutely appointed.

(e) "Reinstatement" means reemployment authorized on the basis of the appointee's absolute status as hearing examiner after separation from a hearing examiner position.

(f) "Removal" means an involuntary change in the status of a hearing examiner, including discharge, demotion, and suspension from the position of hearing examiner and demotion, reassignment, and promotion to a position other than that of hearing examiner.

§ 930.203 Appointment.

(a) *Eligible rating.* An applicant for a hearing examiner position who meets the minimum entrance requirements for entrance to the examination and attains a numerical rating determined by the Commission as sufficient to produce an adequate register is eligible for appointment.

(b) *Prior approval.* An agency may make an appointment to a hearing examiner position only with the prior approval of the Commission, except when it makes its selection from a certificate of eligibles furnished by the Commission. An appointment is subject to investigation in accordance with §§ 731.201 and 731.303 of this chapter and subject to security clearance by the agency.

(c) *Probationary and career-conditional periods.* The requirement of a probationary and career-conditional period before absolute appointment does not apply to an appointment to a hearing examiner position.

(d) *Appointment of incumbents of newly classified hearing examiner positions.* An agency may appoint as a hearing examiner an employee who is serving in a position which is classified as a hearing examiner position on the basis of legislation, Executive order, or decision of a court if:

(1) He has a competitive status or was serving in an excepted position under a permanent appointment;

(2) He was serving in the position on the date of the legislation, Executive order, or decision of the court on which the classification of the position is based;

(3) The Commission receives a recommendation for his appointment from the agency concerned not later than 6 months after classification of the position on the basis of the legislation, Executive order, or decision of the court; and

(4) The Commission approves his qualifications for the position. In an emergency situation, when the needs of the service require it, the Commission may authorize the conditional appointment of an employee to a hearng examiner position pending final decision on his eligibility for absolute appointment under this paragraph.

(e) *Appointment of legislative and judicial employees.* An agency may appoint a former employee of the legislative or judicial branch to a hearing examiner position if he passes such suitable noncompetitive examination as the Commission prescribes and is otherwise eligible under the provisions of section 3304(c) of title 5, United States Code.

(f) *Appointment of incumbents of nonhearing examiner positions.* Except as provided in paragraphs (c) and (d) of this section, an agency may not appoint an employee who is serving in a position other than a hearing examiner position to a hearing examiner position, except by selection from a certificate of eligibles furnished by the Commission from the open competitive register.

§ 930.204 Promotion.

When the Commission classifies an occupied hearing examiner position at a higher grade, the Commission shall direct the promotion of the incumbent hearing examiner and the promotion is effective on the date named by the Commission.

§ 930.205 Reassignment.

An agency may reassign a hearing examiner who is serving under absolute appointment from one hearing examiner

position to another hearing examiner position with the prior approval of the Commission on a noncompetitive basis in accordance with regular civil service procedures.

§ 930.206 Transfer.

(a) With the prior approval of the Commission, an agency may transfer a hearing examiner with a promotion only after he has established his eligibility at the higher grade in accordance with all current examination requirements.

(b) An agency may transfer a hearing examiner from one hearing examiner position to another hearing examiner position, when this does not involve a promotion, with the prior approval of the Commission on a noncompetitive basis in accordance with regular civil service procedures.

§ 930.207 Reinstatement.

(a) Except as provided in paragraph (b) of this section, an agency may reinstate a person who has reinstatement status and who has served with absolute status as a hearing examiner under section 3105 of title 5, United States Code, only after (1) he has established his eligibility at the grade to which he is to be reinstated in accordance with all current examination requirements, and (2) he demonstrates that his experience satisfies all current qualification requirements. Reinstatement is subject to investigation by, and the prior approval of, the Commission.

(b) A person whose reinstatement is proposed need only demonstrate that his experience satisfies all current qualification requirements if (1) he left his former hearing examiner position for a Government position of equal or superior rank, and (2) he is being reinstated by the agency on whose rolls he formerly served as a hearing examiner.

§ 930.208 Restoration.

Parts 352 and 353 of this chapter governing reemployment rights and restoration after military service apply to reemployment and restoration to hearing examiner positions.

§ 930.209 Detail and assignment to other duties.

(a) An agency may not detail an employee who is not a hearing examiner to a hearing examiner position.

(b) An agency may assign a hearing examiner (by detail or otherwise) to perform duties that are not duties of a hearing examiner without the prior approval of the Commission only when:

(1) The other duties are not inconsistent with the duties and responsibilities of a hearing examiner;

(2) The assignment is to last no longer than 120 days; and

(3) The hearing examiner has not had an aggregate of more than 120 days of those assignments within the preceding 12 months.

(c) On a showing by an agency that it is in the public interest to do so, the Commission may authorize a waiver of subparagraphs (2) and (3) of paragraph (b) of this section.

§ 930.210 Pay.

(a) The Commission shall classify hearing examiner positions in accordance with the regulations and procedures adopted by the Commission for classifications under chapter 51 of title 5, United States Code. The Commission shall make these classifications independently of agency recommendations and ratings.

(b) A hearing examiner is entitled to within-grade increases in accordance with Part 531 of this chapter, except that the requirement that his work be of an acceptable level of competence as determined by the head of his agency does not apply.

(c) An agency shall not grant a quality increase under section 5336(a) of title 5, United States Code, to a hearing examiner.

(d) Upon appointment, a hearing examiner shall be paid at the minimum rate of the grade approved by the Commission unless he is eligible for a higher rate because of prior service.

§ 930.211 Performance rating.

An agency shall not rate the performance of a hearing examiner.

§ 930.212 Rotation of examiners.

Insofar as practicable, an agency shall assign its hearing examiners in rotation to cases.

§ 930.213 Use of examiners of other agencies.

At the request of an agency that is occasionally or temporarily insufficiently staffed, the Commission shall provide for the temporary use by the agency of the services of a hearing examiner of another agency. The Commission, with the consent of the agency in which a hearing examiner is employed, shall select the examiner to be used, and shall name the date on which the examiner is to be made available to the agency in need of his services.

§ 930.214 Separation.

(a) *Removal.* An agency may remove a hearing examiner only for good cause, established and determined by the Commission, after opportunity for a hearing and on the record thereof as provided in §§ 930.221 through 930.234.

(b) *Status during removal proceedings.* In exceptional cases when there are circumstances by reason of which the retention of a hearing examiner in his position, pending adjudication of the existence of good cause for his removal, would be detrimental to the interests of the Government, the agency shall either assign the hearing examiner to duties in which these conditions would not exist, or place him on annual leave for the period that will be covered by the annual leave to his credit. An agency may take action under this paragraph only with the prior approval of the Commission.

(c) *Exceptions from procedures.* The procedures in this subpart governing the removal of hearing examiners do not apply in making dismissals requested by the Commission under § 5.2 and § 5.4 of this chapter, nor to dismissals made by agencies in the interest of national security.

§ 930.215 Reduction in force.

(a) *Service date.* The service date for the purpose of reductions in force of hearing examiners reflects the length of Federal Government service.

(b) *Determination of tenure groups.* In determining retention standing in a reduction in force, each agency shall classify its hearing examiners in groups and subgroups according to tenure of employment and veteran preference in the manner prescribed in Part 351 of this chapter. However, as hearing examiners are not given performance ratings, the provisions in Part 351 of this chapter referring to the effect of performance ratings on retention standing are not applicable to hearing examiners.

(c) *Status of hearing examiners who are reached in reduction in force.* (1) The Commission, on request of a hearing examiner who has been notified he is to be separated, furloughed, or demoted because of a reduction in force, shall place his name on:

(i) The Commission's priority referral list for the grade in which he last served and for all lower grades; and

(ii) The open competitive hearing examiner register, ahead of all other eligibles, for the grade from which he was separated, furloughed, or demoted as a hearing examiner and for all lower grades. When more than one hearing examiner is affected, the Commission shall rate the qualifications of the several examiners and relative standing at the top of the register is based on these ratings.

(2) A hearing examiner may file a request under subparagraph (1) of this paragraph at any time after the receipt of the reduction-in-force notice but not later than 90 days after the date of separation, furlough, or demotion. He shall file with his request a Standard Form 171 and a copy of the reduction-in-force notice.

(3) When there is no hearing examiner on the agency's reemployment priority list, but there is a hearing examiner who has been placed on the priority referral list (subparagraph (1)(i) of this paragraph) or on the top of the open competitive register for priority certification (subparagraph (1)(ii) of this paragraph), the agency may fill a vacant hearing examiner position only by selection from the priority referral list or the register, unless it obtains the prior approval of the Commission under § 930.203(b), § 930.204, § 930.205, § 930.206, or § 930.207.

(4) Referral, certification, and selection of hearing examiners from the agency's reemployment priority list, the Commission's priority referral list, or the open competitive register are made without regard to selective certification procedures applied in original appointment.

(d) *Retention preference regulations.* The reduction-in-force regulations for use in in reduction in force (Part 351 of this chapter), except as modified by this section, apply to reductions in force of hearing examiners.

HEARINGS IN REMOVAL CASES; RULES OF PRACTICE

§ 930.221 Letter of charges.

An agency shall initiate removal proceedings against a hearing examiner by filing with the General Counsel of the Commission a letter of charges (original and four copies) which shall set forth specifically and in detail the reasons that are alleged to constitute good cause for the hearing examiner's removal.

§ 930.222 Service.

The Commission, through its General Counsel, shall serve a copy of the letter of charges on the hearing examiner named therein. Service shall be by registered mail.

§ 930.223 Answer.

(a) When a respondent desires to contest the proceedings he shall file an answer (original and four copies) to the letter of charges with the Commission within 15 days of the service of the copy of the letter of charges. The respondent shall specifically admit, deny, or explain each of the reasons alleged in the letter of charges unless he is without knowledge, in which case he shall so state. The Commission shall serve a copy of the answer on the agency.

(b) Failure of respondent to file answer within the time limit is deemed to authorize the Commission, without further notice to the respondent, to proceed in regular course on the reasons set forth in the letter of charges.

§ 930.224 Appearance.

A respondent may appear for himself or by an attorney at law who is admitted to practice before the Federal courts, or before the courts of any State or territory of the United States. An attorney shall file a written notice of appearance. The notice of appearance shall state the court to which the attorney is admitted to practice and the date of that admission.

§ 930.225 Notice of hearing.

After the filing of answer or other appropriate response, the Commission shall fix a time and place for hearing and shall notify the parties.

§ 930.226 Hearing.

(a) The Commission, a member of the Commission, or one or more hearing examiners appointed under section 3105 of title 5, United States Code shall preside at any hearing under this subpart.

(b) Hearings are open to the public unless otherwise ordered by the Commission.

(c) The Commission shall designate an official reporter who shall record the hearing under the supervision of the presiding officer. The official reporter's transcript of the hearing is the sole official transcript of the hearing. The Commission shall make the official transcript a part of the record. The official reporter shall supply each party with a transcript at a rate not in excess of the maximum rate fixed by the contract between the Commission and the reporter.

§ 930.227 Burden of proof.

(a) The agency initiating removal proceedings has the general burden of proof, and the proponent of any factual proposition is required to sustain the burden of proof with reference thereto.

(b) Objections to evidence shall be stated briefly and shall include the grounds relied on. The transcript shall not include argument on objections except as ordered by the presiding officer. Rulings on objections shall appear in the record.

§ 930.228 Motions.

The presiding officer shall act on motions, or he may refer them to the Commission for decision. Each ruling by the presiding officer is subject to review by the Commission on its adjudication of the case.

§ 930.229 Subpenas.

The presiding officer or a member of the Commission may issue subpenas requiring the attendance of witnesses or the production of documentary evidence from any place in the United States, at any designated place of hearing. Application for subpenas may be made either to the presiding officer or to the Commission.

§ 930.230 Witnesses and fees.

A party at whose instance a witness appears shall pay witness fees and milage. A witness may appear voluntarily without subpena.

§ 930.231 Proposed findings and conclusions before presiding officer.

At the termination of a hearing, the presiding officer shall fix a time within which parties may submit to him proposed findings, conclusions, or reasons therefor (or briefs which may contain the same). Each party shall furnish copies of briefs or proposals to other parties to the proceeding (certifying to the Commission that this has been done) and shall deliver to the presiding officer an original and two copies.

§ 930.232 Recommended decision.

(a) The presiding officer, as soon as practicable after receipt of the transcript of the hearing and of proposed findings and conclusions, or briefs, shall make and file a recommended decision.

(b) The presiding officer shall send a copy of the recommended decision to each party to the proceeding. Any party, within 10 days after receipt of the copy of the recommended decision, may submit:

(1) Execptions to it or to any omission from it; and

(2) Additional proposals for findings and conclusions with reasons therefor.

The party making the submission shall furnish copies to the other parties (certifying to the Commission that this has been done), and shall file the original and two copies with the presiding officer.

§ 930.233 Commission's adjudication.

On receipt of exceptions and additional proposals, or expiration of time therefor, the presiding officer shall prepare the files of the proceeding and shall transmit them to the Commission, certifying that the record submitted is complete. The Commission shall consider the entire record and decide the issues in accordance with what it considers to be the applicable law and the greater weight of the evidence.

§ 930.234 Report of action taken.

An agency shall take action in accordance with the Commission's decision not later than 10 days after receipt thereof, and shall report to the Commission without delay, the action taken.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-9288; Filed, Aug. 2, 1968; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Section 849.2, Rev. 3, Supp. 1]

PART 849—DOMESTIC BEET SUGAR PRODUCING AREA PREVENTED ACREAGE CREDIT; 1967 AND SUBSEQUENT CROPS

Approved Local Areas for the 1967 Crop of Sugar Beets

Pursuant to the provisions of section 302(b) of the Sugar Act of 1948, as amended, § 849.10 is added to read as follows:

§ 849.10 Approved local areas for the 1967 crop of sugar beets.

For purposes of considering eligibility for prevented acreage credit, the respective Agricultural Stabilization and Conservation County Committees have determined with respect to the local producing areas listed herein that on 10 percent or more of the sugar beet farms in each or more of the number of acres planted to sugar beets on farms in each area, the planting of sugar beets was prevented because of drought, flood, storm, freeze, disease, or insects, or the planting or harvesting was prevented by other similar abnormal and uncontrollable conditions determined by the Deputy Administrator, State and County Operations, in accordance with § 849.2.

(a) *California.*

COUNTY AND AREAS

Butte: Area 1; T. 20 N., R. 2 E.
Colusa: Area 1.
Contra Costa: Contra Costa County.
Fresno: Area 1; Area 3; Area 4; Area 6; T. 15 S., R. 14 E.
Glenn: Area 3.
Madera: Area 1.
Merced: Area 1.
Sacramento: Area 2; Area 3; Area 5; T. 4 N., R. 3 E.; T. 4 N., R. 4 E.; T. 7 N., R. 8 E.

San Luis Obispo: T. 26 S., R. 12 E.
Solano: Area 1; Area 2; Area 3; Area 4; T. 7 N., R. 1 E.
Sutter: Area 1.
Yolo: Area 1; Area 2; Area 3; Area 4; Area 5; Area 6; Area 7; Area 8.

(b) *Colorado.*

COUNTY AND AREAS

Adams: Area 1; Area 2; T. 2 S., R. 67 W.
Crowley: T. 21 S., R. 58 W.
Las Animas: Las Animas County.
Morgan: T. 3 N., R. 56 W.; T. 4 N., R. 55 W.
Otero: Area 2.
Washington: T. 5 N., R. 54 W.
Weld: Area 2; Area 3; T. 6 N., R. 64 W.; T. 7 N., R. 64 W.; T. 1 N., R. 65 W.; T. 2 N., R. 65 W.; T. 6 N., R. 65 W.; T. 1 N., R. 66 W.; T. 2 N., R. 66 W.; T. 3 N., R. 66 W.; T. 4 N., R. 66 W.

(c) *Idaho.*

COUNTY AND AREAS

Bannock: Area 3.
Cassia: Area 3.
Franklin: Area 1.

(d) *Michigan.*

COUNTY AND AREAS

Gratiot: Area 1; Lafayette.
Isabella: Area 1; Area 2.
Midland: Geneva; Ingersoll.
Monroe: Area 4; Erie; La Salle.
Saginaw: Area 4; Tittabawassee; Thomas; Albee.
Sanilac: Area 3; Marlette; Elmer; Buel; Fremont; Lexington; North.
Shiawassee: Shiawassee County.

(e) *Minnesota.*

COUNTY AND AREAS

Redwood: Redwood County.

(f) *Montana.*

COUNTY AND AREAS

Treasure: T. 5 N., R. 34 E.
Blaine: Area 1; Area 2; Area 3.

(g) *New York.*

COUNTY AND AREAS

Cayuga: Conquest; Sennett.
Ontario: Seneca.

(h) *Ohio.*

COUNTY AND AREAS

Hancock: Area 1; Area 2; Area 4; Area 5; Area 6.
Henry: Richfield; Bartlow.
Lucas: Oregon; Jerusalem.
Van Wert: Area 1.

(i) *Utah.*

COUNTY AND AREAS

Cache: Area 1; Area 2; Community C; Community D; Community E; Community F; Community I.
Sevier: Sevier County.

(j) *Wyoming.*

COUNTY AND AREAS

Washakie: Area 1; T. 47 N., R. 91 W.

STATEMENT OF BASES AND CONSIDERATIONS

One of the conditions of eligibility of a sugar beet producer for prevented acreage credit, as provided in § 849.2 of this chapter, is that the farm of such producer be located in a local producing area for which the Agricultural Stabilization and Conservation County Committee determines that the planting or harvesting of sugar beets was adversely, seriously and generally affected by certain uncontrollable natural conditions on 10 percent or more of the sugar beet farms in the area or on an acreage equal to 10 percent or more of the number of acres planted to sugar beets on farms in the area.

The purpose of this supplement is to give notice that specific local producing areas have qualified under the requirements of § 849.2 with respect to the 1967 crop of sugar beets.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, sec. 302, 61 Stat. 930, as amended; 7 U.S.C. 1132)

Effective date: Date of publication.

Signed at Washington, D.C., on July 30, 1968.

CHAS M. COX,
Acting Deputy Administrator, State and County Operations.

[F.R. Doc. 68-9299; Filed, Aug. 2, 1968; 8:46 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 249, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 908.549 (Valencia Orange Reg. 249, 33 F.R. 10561) are hereby amended to read as follows:

§ 908.549 Valencia Orange Regulation 249.

* * * * *

(b) *Order.* (1) * * *

(ii) District 2: 350,000 cartons;

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 31, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9331; Filed, Aug. 2, 1968; 8:49 a.m.]

[Lemon Reg. 332]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.632 Lemon Regulation 332.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical wth the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 30, 1968.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period August 4, 1968, through August 10, 1968, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 265,050 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 31, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9349; Filed, Aug. 2, 1968; 8:49 a.m.]

[Pear Reg. 7]

PART 927—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Regulation by Grades, Quality, and Sizes

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 927, as amended (7 CFR Part 927), regulating the handling of the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Control Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 9, 1968. A reasonable determination as to the composition of the available supplies of such pears, and therefore the extent of grade and size regulation warranted, must await the development of the crop; recommendation as to the need for, and the extent of, regulation of shipments of such pears were made by said committee on July 17, 1968, after consideration of all information then available relative to the supply and demand conditions for such pears, at which time such recommendations and supporting information were submitted to the Department on July 19, 1968, with supplemental information received on July 26, 1968, and notice thereof given to handlers and growers; shipments of the current crop of such pears are expected to begin on or about the effective time hereof, and this regulation should be applicable to all shipments of such pears in order to effectuate the declared policy of the act; and compliance with this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 927.307 Pear Regulation 7.

(a) *Order.* (1) During the period August 9, 1968, through June 30, 1969, no handler shall ship any pears which do not meet the following requirements for the variety specified:

(i) Beurre D'Anjou and Beurre Bosc pears shall be of a size not smaller than 195 size and shall grade at least U.S. No. 2: *Provided,* That pears of such varieties which fail to meet the U.S. No. 2 grade requirements only because of serious damage, but not very serious damage, caused by frost injury, healed hail marks, russeting or being seriously misshapen may be shipped if they are of a size not smaller than the 180 size, and: *Provided further,* That pears of such varieties which bear unhealed broken skin punctures not exceeding three-sixteenths (3/16) of an inch in diameter or depth, as the case may be, may be shipped if such pears otherwise grade at least U.S. No. 1 and are of a size not smaller than the 150 size;

(ii) Beurre D'Anjou pears shipped from the State of Oregon or the State of Washington prior to October 15, 1968, shall have an appropriate certification by the Federal-State Inspection Service, issued prior to shipment, showing that the core temperature of such pears has been lowered to at least 35° F.;

(iii) Doyenne du Comice pears shall be of a size not smaller than 180 size and shall grade at least U.S. No. 2: *Provided,* That pears of such variety may fail to meet the U.S. No. 2 grade requirement only because of serious damage, but not very serious damage, caused by frost injury, healed hail marks, russeting, or being seriously misshapen, and: *Provided further,* That pears of such variety which bear unhealed broken skin punctures not exceeding three-sixteenths (3/16) of an inch in diameter or depth, as the case may be, may be shipped if they otherwise grade at least U.S. No. 1 and are of a size not smaller than the 150 size;

(iv) Winter Nelis pears shall be of a size not smaller than the 225 size and shall grade at least U.S. No. 2: *Provided,* That pears of such variety which fail to meet the U.S. No. 2 grade requirements only because of serious damage, but not very serious damage, caused by frost injury, healed hail marks, russeting, or being seriously misshapen may be shipped if they are of a size not smaller than the 180 size, and: *Provided further,* That pears of such variety which bear unhealed broken skin punctures not exceeding three-sixteenths (3/16) of an inch in diameter or depth, as the case may be, may be shipped if they grade at least U.S. No. 1 and are of a size not smaller than the 150 size.

(2) Each handler may ship on any one conveyance up to, but not to exceed, 200 standard western pear boxes of pears, or an equivalent quantity of pears in other containers computed by weight to the nearest 5 pounds, without regard to the inspection requirements of § 972.60 (b), under the following conditions:

(i) Each handler desiring to make shipment of pears pursuant to this subparagraph shall first apply to the committee on forms furnished by the committee for permission to make such shipments. The application form shall provide a certification by the shipper that all shipments made thereunder during the marketing season shall meet the marketing order requirements, that he agrees such shipments shall be subject to spot check inspection, and that he agrees to report such shipments at time of shipment to the committee on forms furnished by the committee, showing the car or truck number and destination; and

(ii) On the basis of such individual reports, the committee shall request spot check inspection of such shipments.

(3) When used herein, "U.S. No. 1," "U.S. No. 2," "frost injury," "healed hail marks," "russeting," and "seriously misshapen" shall have the same meaning as when used in the U.S. Standards for Winter Pears such as Anjou, Bosc, Winter Nelis, Comice, and other Similar

Varieties (§§ 51.1300–51.1323 of this title); "150 size," "180 size," "195 size," and "225 size" shall mean that the pears are of a size which, as indicated by the size number, will pack, in accordance with the sizing and packing specifications of a standard pack, as specified in said U.S. Standards, 150, 180, 195, or 225 pears, respectively, in a standard western pear box (inside dimensions 18 inches long by 11½ inches wide by 8½ inches deep); "very serious damage" shall mean any injury or defect which very seriously affects the appearance or the edible or shipping quality of the pear; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 31, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9300; Filed, Aug. 2, 1968; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Securities Eligible for Underwriting and Unlimited Holding

§ 1.218 San Bernardino Public Safety Authority Revenue Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $2,830,000 San Bernardino Public Safety Authority Revenue Bonds, First Issue, for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The San Bernardino Public Safety Authority is a public entity created under the laws of California by an agreement between the city of San Bernardino and the county of San Bernardino. Under this agreement the Authority is authorized to acquire land, construct public safety buildings (jail, juvenile hall, and related facilities) to be leased to and operated by the county and to issue bonds to finance such projects. The Authority is issuing these bonds to finance the construction of a juvenile hall. It is expected that bonds to finance jail facilities will be issued in 1969.

(2) The county, as required by its agreement with the city, has unconditionally promised in the lease rental agreement to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The county which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $2,830,000 San Bernardino Public Safety Authority Revenue Bonds, First Issue, are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Comptroller's letter dated July 26, 1968.)

§ 1.219 Merced County-Atwater Civic Center Authority, City Building Facilities 1968, Revenue Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $300,000 Merced County-Atwater Civic Center Authority, City Building Facilities 1968, Revenue Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Merced County-Atwater Authority is a public entity created under the laws of California by an agreement between the city of Atwater and the county of Merced. Under this agreement the Authority is authorized to acquire, construct and lease public buildings and to issue bonds to finance such projects. The Authority is issuing these bonds to finance the construction of administration and public safety buildings which will be leased to the city.

(2) The city has unconditionally agreed with the county to pay annual rentals to the Authority in an amount sufficient to meet the annual interest and principal payments on these bonds as well as other necessary expenses. The city which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $300,000 Merced County-Atwater Civic Center Authority, City Building Facilities 1968, Revenue Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Comptroller's letter dated July 26, 1968.)

§ 1.220 Santa Barbara County Public Safety Authority Revenue Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $4,100,000 Santa Barbara County Public Safety Authority Revenue Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Santa Barbara County Public Safety Authority is a public entity created under the laws of California by an agreement between the city of Santa Barbara and the county of Santa Barbara. Under this agreement the Authority is authorized to develop a site for and to acquire and construct public safety buildings and related facilities to be leased to and operated by the county and to issue bonds to finance this project. The Authority is issuing these bonds for that purpose.

(2) The county, as required by its agreement with the city, has unconditionally promised in the lease rental agreement to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The county which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $4,100,000 Santa Barbara County Public Safety Authority Revenue Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Comptroller's letter dated July 31, 1968.)

§ 1.221 Redevelopment Agency of the City of Vallejo Library Lease Revenue Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $1,950,000 Library Lease Revenue Bonds of the Redevelopment Agency of the City of Vallejo for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Redevelopment Agency of the city of Vallejo is a public body, corporate and politic, created under the Community Redevelopment Law of the State of California. Under the law, the Agency has power to issue bonds for any of its corporate purposes. It is engaged in the redevelopment of the Marina Vista project area of the city of Vallejo. The redevelopment plan for this area provides for a community civic center including a library. The Agency is issuing these bonds to finance a part of the cost of construction of the library which will be leased to the city. The remainder of the cost, amounting to $1,182,370, will be paid for from Federal and State grants and from city funds.

(2) Under the lease rental agreement the city has unconditionally promised to pay annual rentals to the Agency in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The city which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $1,950,000 Library Lease Revenue Bonds of the Redevelopment Agency of the City of Vallejo are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Comptroller's letter dated July 31, 1968.)

Dated: August 1, 1968.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 68-9353; Filed, Aug. 2, 1968; 8:49 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS TO CHAPTER

Parts 521, 522, 523, 524, 525, and 526 are revised to update the regulations of the Post Office Department relative to the above subjects. As these regulations relate to a proprietary function of the Government advance notice, public rule making procedures, or a delayed effective date are unnecessary. Accordingly, these revised parts now read as follows:

PART 521—STAR ROUTE SERVICE

Sec.
521.1 Description.
521.2 Postal services.
521.3 Contracts.
521.4 Administration of star route service.
521.5 Record of performance.
521.6 Certification of exceptional contract services performed.
521.7 Responsibilities and duties of postmasters.
521.8 Screening contractors, subcontractors, and certain employees.

AUTHORITY: The provisions of this Part 521 issued under 5 U.S.C. 301, 39 U.S.C. 501, 6106, 6106–6107, 6352, 6401–6402, 6407, 6411–6426, 6429–6434, 6436–6440.

§ 521.1 Description.

(a) *Definition.* Star route service is the means used by the Post Office Department for intercity highway transportation of mail. Routes are operated under formal contracts, awarded after competitive bidding, and may provide box delivery, collection, and other services normally furnished by rural carriers.

(b) *Head of route.* The term "head of a route" means the first post office referred to in the statement of service. It may be the initial point originally named or one later stated as a result of change in the route. The office from which a carrier starts his trip is not necessarily the head of a route.

§ 521.2 Postal services.

(a) *Exchange of mail.*—(1) *At post offices.* (i) The carrier must exchange mail at each post office on the route in accordance with the terms of the contract and any subsequent orders changing the service.

(ii) Where tailgate exchange at a loading platform cannot be made at an intermediate post office and the carrier cannot drive his vehicle near the door of the post office, the postmaster must arrange to take the mail. A carrier must not leave his vehicle containing mail unprotected. In no case shall mail be thrown on the ground.

(iii) All intermediate post offices on star routes must be supplied by carriers on both outward and inward trips unless otherwise specified. Directors, transportation divisions, may change the frequency of supply to intermediate offices, without issuance of formal orders on Form 5440–C, Contract Route Service Order, provided distances as shown in the statement of service are not affected.

(iv) Where no time is specified at intermediate offices, mail should be exchanged within 10 minutes. Directors, transportation divisions, are authorized to vary from this standard whenever service conditions require.

(v) Except when space is available at a loading platform where tailgate exchange may be made, a contractor or carrier is required to deliver mail into and take mail from the post office at each end of his route.

(vi) Employees of postal installations served by star routes may be required to load or unload contractors' vehicles or to assist contractors in loading and unloading mail, when, in the judgment of directors, transportation divisions, it is in the best interests of the Postal Service to do so.

(2) *Through lobbies or lockers of post offices.* (i) Mail may be exchanged, when authorized, through the lobby of a post office when no one is on duty. For this purpose the contractor will be provided a key to the lobby. A lobby exchange can be authorized only where the screen work extends to the ceiling; all doors, windows, and wickets connecting the lobby with the working portion of the post office are securely locked; and police protection is adequate. If any doubt exists as to the propriety of a lobby exchange, secure approval of the postal inspector in charge.

(ii) Exchanges may also be made through lockers when approved by the postal service officer, or the director, transportation division, and the postal inspector in charge. Locks and keys for lockers may be provided by either the postmaster or the contractor.

(iii) Postmasters shall obtain a signed receipt for each key furnished to star route contractors or carriers for use in exchanging mail through the lobby or locker of the post office. Reclaim the key and surrender the receipt when key is no longer needed. When old keys are recovered or new ones issued, notify the director, transportation division, who will maintain a current record of all outstanding keys.

(iv) Keys furnished to star route contractors or carriers must be protected against theft at all times. Do not allow examination of the key or its possession by an unauthorized person.

(v) Star route contractors or carriers must not have access to rotary, LA, SR series padlock, street letterbox (except METRO series—see subparagraph (4) of this paragraph), or post office workroom keys.

(3) *At railroad stations.* (i) Where a star route terminal is at a railroad station at which no agent is on duty, the carrier may be required to exchange mail with trains, unless locker service is provided. Where catcher service is provided, the carrier may be required to hang pouches and take charge of mail dispatched from trains.

(ii) Where a railroad agent is on duty and the exchange of mail would impose a hardship on the carrier or delay mail for the star route, the carrier must deliver the mail to, and receive it from, the agent who must make the exchange with the train.

(4) *Through collection boxes (collections only).* (i) The Director, transportation division, may require star route contractors or carriers on intrasectional routes to make collections from hasp and staple-type collection boxes locked by METRO series padlocks. Generally this type collection will not be required on intersectional star routes because this would dilute their essential purpose of high-speed, over-the-road transport between larger post offices.

(ii) The director, postal operations division, will arrange for and keep record of, METRO padlocks and keys issued for use by star route contractors or carriers who are authorized to make collections from collection boxes. The METRO keys will be issued to the administrative postmaster or postmaster at the head of the star route on which collections are authorized. Such postmaster will be responsible for issuing the keys to the contractors and recovering the keys when no longer needed for collections. See subparagraph (2)(iv) of this paragraph.

(b) *Box delivery and collection service.*—(1) *Duties of postmasters.* Postmasters shall:

(i) Upon request of a patron for box delivery and collection service, complete and furnish patron Form 5431, Star Route Box Patron Notice. If uncertain as to the type of box service required by the contract, ascertain contract requirements from the director, transportation division.

(ii) Arrange mail addressed to patrons served through boxes in the order of delivery by the carrier, unless the contract requires that the carrier arrange his mail in proper order for distribution.

(iii) Make a table and routing case available to the carrier if the contract requires that he case his mail and instruct him in the distribution and arrangement of mail in proper order for delivery to patrons.

(iv) Deliver to carrier any mail addressed to a patron of his office who:

(*a*) Lives on or near the star route on which box delivery is required.

(*b*) Has provided suitable box or sack. See § 159.4 of this chapter.

(c) Has completed and filed a Form 5431 with the postmaster.

(v) Instruct carrier as to proper point at which mail is to be delivered.

(vi) Withhold delivery of registered, insured, certified, and COD mail to carrier for delivery. See § 159.3(b)(4) of this carrier deliver such mail.

(vii) Tie out and place in pouch mail addressed to patrons of his office who reside along road traveled by carrier after serving another post office on the route. This mail is removed from pouch by the postmaster at office last supplied before serving such patrons and handed to carrier for delivery. See § 159.3(b)(4) of this chapter.

Postmasters must not deliver mail to carrier outside of regular lock pouch before it has reached the post office to which it is addressed.

(2) *Duties of carriers and patrons.* (i) See §§ 159.3 and 159.4 of this chapter for the principal duties of carriers and patrons.

(ii) If the contract requires that the carrier case his mail, he must:

(*a*) Report to post office in sufficient time to distribute mail in advance of scheduled departure time.

(*b*) Accept mail addressed to patrons of the route, from the postmaster, and arrange it in order of delivery.

(*c*) Prepare and maintain a list of the names of the patrons served, arranged in alphabetical order with the box number opposite each name.

(*d*) Markup and forward mail for patrons on his route who have filed a change of address order and make appropriate entry in the roster book.

(*e*) *Sale of stamps and stamp supplies.* If contract requires carrier to sell stamps and stamp supplies, he must:

(1) Carry a stock sufficient to meet the needs of his patrons.

(2) Accept a fixed credit of postage stamp stock. Fixed credit will be provided by the postmaster at the head of the route. Where the carrier serves patrons who receive mail through other offices on the route, the carrier will replenish his fixed credit at those offices in amounts representing sales made by him to patrons served through these offices.

§ 521.3 Contracts.

(a) *Contract terms.* Contracts are made for terms of 4 years or for the remainder of a contract term set for the State in which the route is located. To spread the workload, contract terms are staggered for the different States within regions.

(b) *Types of contracts.* Star routes are classified according to services required as follows:

(1) Serving post offices and performing delivery and collection service to box patrons.

(2) Serving post offices but not performing box delivery and collection service.

(3) Performing box delivery and collection service to box patrons but not serving post offices.

(4) Serving post offices and providing rural delivery features to box patrons.

(5) Providing rural delivery features to patrons but not serving post offices.

(6) Handling restricted classes of mail for post offices only.

(7) Handling empty equipment primarily.

(c) *Obtaining bids.*—(1) *Advertisements*—(i) *Issuance and distribution.* When it becomes necessary to advertise for bids for a 4-year contract term or for the remainder of a regular contract term, when less than 4 years, advertisements will be prepared on Form 5435, Advertisement for Mail Service, by the director, transportation division. Advertisements will allow at least 30 days' posting from the date of receipt until the closing date for bids, except in emergencies when the advertisements will contain an explanation for the shorter posting period. Sufficient copies of advertisements will be prepared by the director, transportation division, for distribution to postmasters at post offices named in advertisements, prospective bidders, and other interested persons. Form 5468–5468–A, Star or Water Route Bid and Bond—Work Sheet, is used in submitting bids.

(ii) *Distances stated in advertisements.* Most advertisements inviting proposals for star route service show the one-way length of the routes and refer to:

(*a*) Distances traveled by carriers where service is in operation.

(*b*) Distances by shortest public roads between points named on new routes.

Distances stated in advertisements are believed to be substantially correct. The pay will be neither increased nor decreased if the actual distance is greater or less than advertised, provided the points to be supplied are correctly stated.

(iii) *Advertising by postmasters.* Postmasters must:

(*a*) Post copies of bulletin advertisements in conspicuous places in the lobbies of their post offices for the periods stated in the advertisements.

(*b*) Obtain the widest possible publicity, without expense to the Postal Service, to gain the attention of interested persons.

(*c*) Familiarize themselves with the advertisements and attached instructions, and the services to be performed.

(*d*) Maintain an ample supply of proposal forms (Form 5468–5468–A) while advertisement is pending. Make immediate request to director, transportation division, for needed forms, telephoning or telegraphing that office when necessary to obtain forms during last few closing days for receipt of bids.

(*e*) Furnish prospective bidders a copy of the advertisement and bid form on request.

(2) *Requirements of bidders*—(i) *Eligibility.* Any person who is at least 21 years of age and who is a citizen of the United States, or has filed a declaration of intention within the past 7 years to become a citizen, may submit a proposal and enter into a contract for carrying the mail, subject to the following restrictions:

(*a*) No proposal for a contract for star route service shall be considered unless the bidder is a legal resident of one of the counties crossed by the roads over which the mail is to be carried or a legal resident of a county adjoining one through which the mail is to be carried, with this exception: Proposals for carrying mail will be accepted from firms, companies, or corporations actually engaged in some business other than transportation of mail under a contract within the counties in which individuals are restricted as to residence.

(*b*) No postmaster, assistant postmaster, clerk employed in any post office, rural carrier, special delivery messenger, or other postal employee, including substitute or temporary, shall be a bidder, contractor, or concerned in a bond or contract for carrying mail on a star route.

(*c*) No member of the immediate family of a postmaster or assistant postmaster shall be awarded a contract or be a surety on a bond, or be a subcontractor or carrier on a star route; except, that a person who becomes a member of the immediate family of a postmaster or assistant postmaster after being awarded a contract or after being recognized as a subcontractor may continue to perform such contract and is eligible for a renewal contract. "Immediate family," as used in this section, means spouse and other persons related to the postmaster or assistant postmaster by blood who are regular members of the postmaster's or assistant postmaster's household.

(*d*) No contract for carrying mail will be made with any person who has entered or proposed any combination to prevent the making of any bid for carrying mail or who has agreed, or given or promised any consideration, to induce another person not to bid for such a contract.

(*e*) No contract will be made with a person known to have been convicted of a crime such as embezzlement, robbery, burglary, larceny, perversion or other notoriously immoral acts; known to have associated with known criminals; or known to have a record of serious moving traffic violations, unless he has since been rehabilitated and has become a responsible citizen.

(*f*) A married woman may contract or be surety as though she were unmarried where the laws of the State permit. When a woman bids or signs as surety, whether she is married or single must be stated.

(ii) *Knowledge of service factors.* Bidders should familiarize themselves with:

(*a*) Service to be performed, including mileage and time required.

(*b*) Estimated weight and volume of mail to be carried and size of vehicle required.

(*c*) Condition of roads, including toll charges.

(*d*) Laws and regulations governing the operation of motor vehicles.

(*e*) Other circumstances affecting the cost of operation, without regard to the prevailing rate of pay or amount of bond specified.

(iii) *Bonds.* (*a*) Each proposal must be accompanied by a bond executed by a qualified surety company or by two or more individual sureties, each of whom must own real estate worth at least the face amount of bond required, over and above all debts, judgments, mortgages, executions, and exemptions.

(*b*) As a part of the bond, the individual sureties must sign a statement showing the amount of real estate owned by them, a brief description of the real estate, its estimated market value, where it is situated, and in what county and State the titles are recorded.

(*c*) When the laws of the State permit, a husband and wife owning real estate as "tenants by the entireties," are acceptable as one surety provided both execute the bond. Any other two or more persons owning real estate as "joint tenants" are acceptable as one surety, provided all parties concerned execute the bond. In these cases, at least one other qualified surety is necessary.

(*d*) The obligation under the bid bond is that the bidder will execute a contract with good and sufficient sureties (see paragraph (d)(2) of this section) and that service will be performed according to the contract. If an accepted bidder fails to enter into the prescribed contract or, after having executed a contract, fails to perform service in accordance with the contract, he and his sureties are liable for the amount of the bid bond.

(*e*) No proposal for the transportation of the mail shall be considered when accompanied by a bond executed on behalf of a surety by or through any organization of mail transportation contractors or an officer or employee of such organization, nor shall any such proposal be considered when a portion of the bond premium, a commission on the bond sale, or any other thing of value accrues to any organization of mail transportation contractors or officer or employee thereof as a result of the execution of the bond.

(*f*) Amount of bond required with bid is stated in advertisement.

(*g*) Following is a list of surety companies, and locations of their principal offices, approved by the Treasury Department as acceptable on Federal bonds. However, only a few of these companies underwrite star route bonds. In many cases, local agents for surety companies have been instructed by the surety companies that they have no authority to execute star route bonds although this exception may not be reflected in the agent's general power of attorney.

The Aetna Casualty & Surety Co., Hartford, Conn.
Aetna Insurance Co., Hartford, Conn.
Agricultural Insurance Co., Watertown, N.Y.
Allegheny Mutual Casualty Co., Meadville, Pa.
Allied Mutual Insurance Co., Des Moines, Iowa.
Allstate Insurance Co., Skokie, Ill.
American Automobile Insurance Co., San Francisco, Calif.
American Bonding Co., Los Angeles, Calif.
American Casualty Co., of Reading, Pa., Chicago, Ill.
American Credit Indemnity Co., of New York, Baltimore, Md.
American Employers' Insurance Co., Boston, Mass.
American Fidelity Co., Manchester, N.H.
American Fire and Casualty Co., Orlando, Fla.
American and Foreign Insurance Co., New York, N.Y.
American General Insurance Co., Houston, Tex.
American Guarantee & Liability Insurance Co., Chicago, Ill.
American Home Assurance Co., New York, N.Y.
American Indemnity Co., Galveston, Tex.
American Insurance Co., San Francisco, Calif.
American Manufacturers Mutual Insurance, Co., Chicago, Ill.
American Motorists Insurance Co., Chicago, Ill.
American Mutual Liability Insurance Co., Wakefield, Mass.
American National Fire Insurance Co., New York, N.Y.
American Re-Insurance Co., New York, N.Y.
American States Insurance Co., Indianapolis, Ind.
Argonaut Insurance Co., Menlo Park, Calif.
Associated Indemnity Corp., San Francisco, Calif.
Atlantic Insurance Co., Dallas, Tex.
Atlantic Mutual Insurance Co., New York, N.Y.
Auto-Owners Insurance Co., Lansing, Mich.
Balboa Insurance Co., Los Angeles, Calif.
Bankers Multiple Line Insurance Co., Chicago, Ill.
Bankers and Shippers Insurance Co., of New York, New York, N.Y.
Birmingham Fire Insurance Co. of Pennsylvania, Pittsburgh, Pa.
Boston Old Colony Insurance Co., New York, N.Y.
Buckeye Union Insurance Co., Columbus, Ohio.
Camden Fire Insurance Association, Camden, N.J.
Capitol Indemnity Corp., Madison, Wis.
Cascade Insurance Co., Tacoma, Wash.
Celina Mutual Insurance Co., Celina, Ohio.
Centennial Insurance Co., New York, N.Y.
Central Mutual Insurance Co., Van Wert, Ohio.
Cincinnati Insurance Co., Cincinnati, Ohio.
Charter Oak Fire Insurance Co., Hartford, Conn.
Citizens Insurance Co. of New Jersey, Hartford, Conn.
Commercial Insurance Co. of Newark, N.J., New York, N.Y.
Commercial Standard Insurance Co., Fort Worth, Tex.
Commercial Union Insurance Co. of New York, New York, N.Y.
Connecticut Indemnity Co., Hartford, Conn.
Consolidated Insurance Co., Indianapolis, Ind.
Consolidated Mutual Insurance Co., Brooklyn, N.Y.
Continental Casualty Co., Chicago, Ill.
Continental Insurance Co., New York, N.Y.
Cosmopolitan Mutual Insurance Co., New York, N.Y.
Cumis Insurance Society, Inc., Madison, Wis.
Emmco Insurance Co., South Bend, Ind.
Empire Fire & Marine Insurance Co., Omaha, Nebr.
Employers Casualty Co., Dallas, Tex.
Employers' Fire Insurance Co., Boston, Mass.
Employers Mutual Casualty Co., Des Moines, Iowa.
Employers Mutual Liability Insurance Co. of Wisconsin, Wausau, Wis.
Employers Reinsurance Corp., Kansas City, Mo.
Equitable Fire & Marine Insurance Co., Hartford, Conn.
Farmers Elevator Mutual Insurance Co., Des Moines, Iowa.
Farmers Mutual Hail Insurance Co. of Iowa, Des Moines, Iowa.
Federal Insurance Co., New York, N.Y.
Federated Mutual Implement & Hardware Insurance Co., Owatonna, Minn.
Fidelity & Casualty Co. of New York, New York, N.Y.
Fidelity and Deposit Co. of Maryland, Baltimore, Md.
Fidelity-Phenix Insurance Co., New York, N.Y.
Fireman's Fund Insurance Co., San Francisco, Calif.
Firemen's Insurance Co. of Newark, N.J., New York, N.Y.
First Insurance Co. of Hawaii, Ltd., Honolulu, Hawaii
Fulton Insurance Co., New York, N.Y.
General Fire & Casualty Co., New York, N.Y.
General Insurance Co. of America, Seattle, Wash.
General Reinsurance Corp., New York, N.Y.
Glens Falls Insurance Co., Glens Falls, N.Y.
Globe Indemnity Co., New York, N.Y.
Grain Dealers Mutual Insurance Co., Indianapolis, Ind.
Granite State Insurance Co., Manchester, N.H.
Great American Insurance Co., New York, N.Y.
Great Northern Insurance Co., Minneapolis, Minn.
Greater New York Mutual Insurance Co., New York, N.Y.
Guarantee Insurance Co., Los Angeles, Calif.
Gulf American Fire & Casualty Co., Montgomery, Ala.
Gulf Insurance Co., Dallas, Tex.
Hanover Insurance Co., New York, N.Y.
Hardware Mutual Casualty Co., Stevens Point, Wis.
Hartford Accident & Indemnity Co., Hartford, Conn.
Hartford Fire Insurance Co., Hartford, Conn.
Hawkeye-Security Insurance Co., Des Moines, Iowa
Highlands Insurance Co., Houston, Tex.
Home Indemnity Co., New York, N.Y.
Home Insurance Co., New York, N.Y.
Home Owners Insurance Co., Chicago, Ill.
Hudson Insurance Co., New York, N.Y.
Illinois National Insurance Co., Springfield, Ill.
Indiana Bonding & Surety Co., Indianapolis, Ind.
Indiana Insurance Co., Indianapolis, Ind.
Industrial Indemnity Co., San Francisco, Calif.
Inland Insurance Co., Lincoln, Nebr.
Insurance Company of North America, Philadelphia, Pa.
Insurance Company of the State of Pennsylvania, New York, N.Y.
International Fidelity Insurance Co., Newark, N.J.
International Service Insurance Co., Fort Worth, Tex.
Iowa Mutual Insurance Co., De Witt, Iowa
Jersey Insurance Co. of New York, New York, N.Y.
Kansas City Fire & Marine Insurance Co., Glens Falls, N.Y.
Lawyers Surety Corp., Dallas, Tex.
Liberty Mutual Insurance Co., Boston, Mass.
Lumbermens Mutual Casualty Co., Chicago, Ill.
Maine Bonding and Casualty Co., Portland, Maine
Manhattan Fire and Marine Insurance Co., New York, N.Y.
Maryland American General Insurance Co., Houston, Tex.
Maryland Casualty Co., Baltimore, Md.
Massachusetts Bay Insurance Co., Boston, Mass.
Merchants Mutual Bonding Co., Des Moines, Iowa
Michigan Millers Mutual Insurance Co., Lansing, Mich.
Michigan Mutual Liability Co., Detroit, Mich.
Mid-Century Insurance Co., Los Angeles, Calif.
Millers Mutual Fire Insurance Co., Harrisburg, Pa.
Millers Mutual Fire Insurance Co. of Texas, Fort Worth, Tex.
Millers' Mutual Insurance Association of Illinois, Alton, Ill.
Millers National Insurance Co., Chicago, Ill.
Mutual Boiler and Machinery Insurance Co., Waltham, Mass.
National Automobile & Casualty Insurance Co., Los Angeles, Calif.
National-Ben Franklin Insurance Co., of Pittsburgh, Pa., New York, N.Y.
National Casualty Co., Detroit, Mich.
National Fire Insurance Co., of Hartford, Chicago, Ill.
National Grange Mutual Insurance Co., Keene, N.H.
National Indemnity Co., Omaha, Nebr.
National Reinsurance Corp., New York, N.Y.

National Standard Insurance Co., Houston, Tex.
National Surety Corp., New York, N.Y.
National Union Fire Insurance Co., of Pittsburgh, Pa., Pittsburgh, Pa.
National Union Indemnity Co., Pittsburgh, Pa.
Nationwide Mutual Insurance Co., Columbus, Ohio
New Hampshire Insurance Co., Manchester, N.H.
New York Underwriters Insurance Co., New York, N.Y.
Newark Insurance Co., New York, N.Y.
Niagara Fire Insurance Co., New York, N.Y.
North American Reinsurance Corp., New York, N.Y.
North River Insurance Co., New York, N.Y.
North Star Reinsurance Corp., New York, N.Y.
Northeastern Insurance Co. of Hartford, Des Moines, Iowa.
Northern Assurance Co. of America, Boston, Mass.
Northern Insurance Co. of New York, Baltimore, Md.
Northwestern National Casualty Co., Milwaukee, Wis.
Northwestern National Insurance Co., Milwaukee, Wis.
Ohio Casualty Insurance Co., Hamilton, Ohio.
Ohio Farmers Insurance Co., LeRoy, Ohio.
Olympic Insurance Co., Los Angeles, Calif.
Oregon Automobile Insurance Co., Portland, Oreg.
Pacific Employers Insurance Co., Los Angeles, Calif.
Pacific Indemnity Co., Los Angeles, Calif.
Pacific Insurance Co., Ltd., Honolulu, Hawaii.
Pacific Insurance Co. of New York, New York, N.Y.
Peerless Insurance Co., Keene, N.H.
Pennsylvania Insurance Co., New York, N.Y.
Pennsylvania Manufacturer's Association Insurance Co., Philadelphia, Pa.
Pennsylvania Millers Mutual Insurance Co., Wilkes-Barre, Pa.
Pennsylvania National Mutual Casualty Insurance Co., Harrisburg, Pa.
Phoenix Assurance Co. of New York, New York, N.Y.
Phoenix Insurance Co., Hartford, Conn.
Planet Insurance Co., Philadelphia, Pa.
Potomac Insurance Co., Philadelphia, Pa.
Providence Washington Insurance Co., Providence, R.I.
Prudential Insurance Co. of Great Britain Located in New York, New York, N.Y.
Public Service Mutual Insurance Co., New York, N.Y.
Queen Insurance Co. of America, New York, N.Y.
Ranger Insurance Co., Houston, Tex.
Reinsurance Corp. of New York, New York, N.Y.
Reliance Insurance Co., Philadelphia, Pa.
Republic Insurance Co., Dallas, Tex.
Resolute Insurance Co., Hartford, Conn.
Royal Indemnity Co., New York, N.Y.
Safeco Insurance Co. of America, Seattle, Wash.
Safeguard Insurance Co., New York, N.Y.
St. Paul Fire & Marine Insurance Co., St. Paul, Minn.
St. Paul Mercury Insurance Co., St. Paul, Minn.
Seaboard Surety Co., New York, N.Y.
Security Insurance Co. of Hartford, Hartford, Conn.
Security Mutual Casualty Co., Chicago; Ill.
Security National Insurance Co., Dallas, Tex.
Select Insurance Co., Dallas, Tex.
Southern General Insurance Co., Allentown, Pa.
Standard Fire Insurance Co., Hartford, Conn.
State Automobile Mutual Insurance Co., Columbus, Ohio.
State Fire and Casualty Co., Miami, Fla.
State Surety Co., Des Moines, Iowa.
Statesman Insurance Co., Indianapolis, Ind.
Stuyvesant Insurance Co., Allentown, Pa.
Summit Fidelity & Surety Co., Chicago, Ill.
Sun Insurance Co. of New York, New York, N.Y.
Superior Insurance Co., Indianapolis, Ind.
Superior Risk Insurance Co., LeRoy, Ohio.
Traders & General Insurance Co., Dallas, Tex.
Transamerica Insurance Co., Los Angeles, Calif.
Transcontinental Insurance Co., Chicago, Ill.
Transit Causualty Co., St. Louis, Mo.
Transport Indemnity Co., Los Angeles, Calif.
Transportation Insurance Co., Chicago, Ill.
Travelers Indemnity Co., Hartford, Conn.
Trinity Universal Insurance Co., Dallas, Tex.
Tri-State Insurance Co., Tulsa, Okla.
Twin City Fire Insurance Co., Hartford, Conn.
United Bonding Insurance Co., Indianapolis, Ind.
United Fire and Casualty Co., Cedar Rapids, Iowa.
United Pacific Insurance Co., Tacoma, Wash.
United States Fidelity & Guaranty Co., Baltimore, Md.
United States Fire Insurance Co., New York, N.Y.
Universal Surety Co., Lincoln, Nebr.
Utica Mutual Insurance Co., Utica, N.Y.
Valley Forge Insurance Co., Chicago, Ill.
Vigilant Insurance Co., New York, N.Y.
West American Insurance Co., Hamilton, Ohio.
Westchester Fire Insurance Co., New York, N.Y.
Western Casualty & Surety Co., Fort Scott, Kans.
Western Fire Insurance Co., Fort Scott, Kans.
Western Pacific Insurance Co., Seattle, Wash.
Western Surety Co., Sioux Falls, S. Dak.
Wisconsin Surety Corp., Madison, Wis.
Wolverine Insurance Co., Battle Creek, Mich.

(3) *Instructions to bidders.* Postmasters must:

(i) Caution prospective bidders that their proposals must be completed and properly executed, including the required bonds, and must be mailed to reach the director, transportation division, within the time limit for the receipt of bids as shown in the advertisements.

(ii) Point out to bidders the instructions attached to the advertisements and on the proposal forms.

(iii) Suggest that bidders contact the proper director, transportation division, to obtain definite information regarding local conditions and services required.

(iv) Point out to prospective bidders the legal residence requirements. See subparagraph (2)(i)(*a*) of this paragraph.

(v) Caution bidders not to submit bids with the expectation of having their pay readjusted if awarded a contract, as no increase will be allowed except for changed conditions as provided by law. See part 526 of this chapter.

(vi) Advise bidders that no claim for additional pay can be allowed which is based on alleged mistakes or misapprehensions as to service requirements.

(vii) Inform prospective bidders not to permit the use of their names unless they intend to carry the mail or supervise the service in person. Every bidder must sign a statement that his bid is made in good faith and with the intention of performing service if it is accepted.

(viii) Point out to bidders and individual sureties the obligation under the bid bond. See subparagraph (2)(iii)(*d*) of this paragraph.

(ix) Suggest to bidders that if they plan to obtain corporate bid bond through a local agent, they make sure the agent has authority from the surety company to write this type of bond. See subparagraph (2)(iii)(*g*) of this paragraph.

(4) *Restriction on postmaster participation.* Postmasters are official agents of the Post Office Department. They are liable to dismissal from office for:

(i) Acting as agents of contractors, subcontractors, or bidders, with or without compensation, in any negotiations relating to mail service.

(ii) Divulging the amount of any proposal which they have certified.

(5) *Obtaining proposal forms.* Proposal forms may be obtained from:

(i) Directors, transportation divisions.

(ii) Postmasters at offices where advertisements are posted.

Similar forms, approved by the Department, are furnished by surety companies and distributed through local agents and postmasters directly to contractors and bidders.

(6) *Submitting Bids.* Bids must be submitted as follows:

(i) Each proposal must be sent in a sealed envelope addressed:

Director, Transportation Division, Post Office Department, City ----------, State ----------, and endorsed Mail Proposal, Route from City --------- to City ---------, State of ----------.

(ii) Bids must be mailed in time to reach the director, transportation division, at the address and within the time limit specified in the advertisement. Bids received after the time limit specified in the advertisement will not be considered unless they are received before the award of contract is made and it is determined that their failure to arrive on time was due solely to delay in the mail for which the bidder was not responsible.

(iii) If bond is to be executed by a surety company, the proposal should be properly prepared, other than the bond, and transmitted directly to the bonding company in ample time to have it completed and filed in the office of the director, transportation division, within the time limit stated in the advertisement.

(iv) When bond is to be executed by a surety company, the certificate as to bidder may be executed prior to the completion of the bond. (See certificate and note on back of proposal, Form 5468.)

(7) *Time limitations.* The following time limitations apply:

(i) No withdrawal of a bid will be allowed unless notice of withdrawal is received in the office of the director, transportation division, at least 24 hours before the expiration of the time limit stated in the advertisement.

(ii) The Post Office Department may award a contract at any time within 60 days after the date stated in the advertisement as the closing date for the receipt of bids. A contract may be awarded during an additional 60-day period on written consent of the bidder and his sureties at their bid price.

(d) *Award of contracts.—Requirements for award.* Contracts are awarded to the lowest responsible bidder who tenders sufficient guarantees for celerity, certainty, and security in faithful performance of service in accordance with terms of the advertisement. The Postmaster General shall not be bound to consider the bid of any person who has wilfully or negligently failed to comply with the terms of a former contract.

(2) *Execution of contract.* The accepted bidder will be required to execute a contract with good and sufficient sureties satisfactory to the Postmaster General. These sureties can be the same as those furnished on the bid bond.

(3) *Qualifications of sureties.* Although individual sureties on a contract are not required to be owners of real estate, they must be responsible persons and competent to perform the service required by the contract if called on to do so.

(4) *Obligation of sureties on contract.* Sureties on the contract are, in effect, cocontractors, and in event of default or removal of contractor, are responsible for continued operation of the service. They may also be called on to take over operation of the route in the event of death of the contractor. See § 521.4(f)(4).

(5) *Filing contract.* The successful bidder must execute and file his contract with the director, transportation division, within 60 days from the date of acceptance of bid.

(6) *Reservations.* The Postmaster General reserves the right to:

(i) Reject all bids on any route whenever the interest of the service requires.

(ii) Rescind the acceptance of a proposal at any time before the signing of the formal contract by a representative of the United States, without allowing indemnity.

(iii) Suspend the award of a contract for a period not exceeding 60 days after the date stated in the advertisement as the closing date for receipt of bids and allow a corresponding extension of time for execution of the contract. It is not always possible to award contracts to be effective on the dates specified in the advertisements.

(iv) Reject bids accompanied by bonds on which there appears as surety the name of a person who is not responsible or who is barred from bidding for any reason.

(v) Disregard bids of those persons who have not submitted proposals in good faith and do not intend to perform service in accordance with the terms of the advertisement.

(7) *Tie bids.* When the lowest acceptable bids are at the same rate, preference will be given to the present contractor if his is one of the tie bids. Otherwise, the selection will be made by lot.

(8) *Certification.* The contractor must certify that he has not employed any person to solicit or secure the contract upon any agreement for a commission, percentage, brokerage, or contingent fees. He must agree not to discriminate against any employee or applicant for employment because of race, color, religion, or national origin.

(9) *Oath of contractor.* A contractor shall take the required oath when executing his contract.

(e) *Contractor's responsibilities*—(1) *For providing and maintaining equipment.* (i) The contractor must furnish adequate and suitable motor vehicles or other equipment necessary to carry the mail.

(ii) Unless otherwise specified, motor vehicles must be used. When road or weather prevent their use, other means of conveyance must be furnished.

(iii) Contracts for certain routes specify the size or number, or both size and number, of vehicles required. Contractors on such routes cannot be required to provide equipment and service in excess of that specified.

(iv) Contractors must maintain their vehicles in a safe and dependable condition and must keep them clean and tidy.

(v) If a truck is used to carry the mail, the director, transportation division, shall require the contractor to provide a truck, the body of which must be fully enclosed, waterproof, equipped with secure locking devices, such as key or combination locks, and kept locked enroute between offices.

(2) *For performing service.* (i) Contractors must perform service on all scheduled days including holidays, unless otherwise specified in contracts.

(ii) The contractor must serve regularly post offices in operation on the date of the advertisement. Also, he must serve regularly post offices established after the date of the advertisement, as well as railroad stations and junction points, which may be included for supply on his routes, without additional compensation if there is no additional travel.

(iii) Contractors must agree in their contracts to deductions from their pay for all regularly authorized service not performed. See § 521.4(d)(4).

(iv) Contractors must not carry mail on a railroad or electric car except as directed by the Bureau of Transportation.

(3) *For giving preference to mail.* (i) Contractors must transport the whole of the mail on each scheduled trip during the term of the contract unless otherwise specified. Where a contract specifies only certain classes of mail to be transported, the term "the whole of the mail" means all mail of the classes specified.

(ii) Star route contractors and carriers may transport passengers, freight, and express so long as it does not interfere with transportation of mail, provided all applicable Federal and State laws and regulations are complied with.

(iii) When sent as mail, packages must be carried as such and no charge shall be made by the carrier for transporting them.

(iv) Where permitted by law, the contractor may transport intoxicating liquors outside the mail if carrying them does not interfere with the transportation of the mail.

(v) Contractors and their drivers are prohibited from picking up hitchhikers while transporting mail.

(4) *For maintaining schedules.* (i) Contractors and carriers must:

(*a*) Carry the mail according to the schedule of departures and arrivals and within the running time stated in the advertisement under which the contract is made, unless the schedule is altered by authority of the director, transportation division. If the schedule is altered by a proper order, they must adhere to the altered schedule.

(*b*) Be allowed an equal amount of additional time on the schedule when more than 10 minutes is taken for opening and closing the mail at any post office, unless otherwise provided in the contract.

(*c*) Where specific instructions have been issued by the director, transportation division, on routes serving large post offices and sectional centers, notify postmasters in advance by telephone collect of estimated delayed arrival due to breakdowns or other causes or when extra large volumes of mail are being carried.

(*d*) Operate on standard time unless otherwise specified.

(ii) Postmasters must not:

(*a*) Except in cases of emergency, deliver mail to carriers before scheduled departure time without permission from the postal service officer or the director, transportation division. When earlier delivery of mail to a carrier would be advantageous to the carrier, patrons on the route, or the mailing public, the postmaster may recommend to the postal service officer or the director, transportation division, that the carrier be permitted to leave before scheduled time. Star route carriers and dispatch clerks will conform to the closing times listed in post offices.

(*b*) Permit mail to be taken from the post office to be kept in a private home overnight.

(5) *For operating vehicles according to law.* Transportation by contractors of passengers or property other than mail is subject to the following:

(i) The award of a contract for the transportation of mail grants no special right or privilege to the contractor to transport passengers, freight, or express. If the contractor desires to transport passengers or cargo other than mail for compensation in interstate or foreign commerce, he must obtain authority from the Interstate Commerce Commission. If he desires to transport either in intrastate commerce, he must obtain authority from the State in which he will operate, if such authority is required by that State. He must comply with all laws and regulations of the State or States which apply to carriers of passengers and cargo for hire. If passengers are transported, mail must be carried in a separate compartment so passengers will not have access to the mail.

(ii) Contractors must know and comply with interstate and intrastate laws governing the operation of motor vehicles. They must comply with all safety measures prescribed by State and Federal laws and regulations governing the operation of motor vehicles and with

the Interstate Commerce Commission's Motor Carrier Safety regulations issued from time to time, to the extent stated in the advertisement and as required by the Post Office Department.

(6) *For transporting postal officials and equipment.* (i) Contractors and carriers must transport postal inspectors and other officials of the Postal Service, on presentation of their credentials, over regularly scheduled trips and between the points specified in the official statement of the route, if the conveyance used is suitable.

(ii) Bus companies are not required to transport postal inspectors and other officials except on vehicles carrying mail and between points where service is authorized.

(iii) The presence of a postal inspector in the carrier's vehicle or in the vicinity of the route shall not be revealed by the carrier to any person at any time.

(iv) Contractors must convey, without extra charge, all post office blanks, mail bags, lock and keys, and other postal supplies offered them. This does not include furniture, letter cases, mail boxes, and other similar items. Such equipment must not be shipped under penalty labels for transportation on star routes unless it has been determined in advance that the contractors involved are willing to perform the additional work without compensation. This does not prevent contractors from handling such equipment as freight or express.

(7) *For providing carriers*—(i) *Qualifications.* Carriers must be:

(*a*) Not less than 16 years of age.

(*b*) Of good character, reliable, and trustworthy.

(c) Sufficiently educated to enable them to perform all required duties in a satisfactory manner.

(ii) *Persons ineligible.* The following are ineligible to serve as carriers on star routes:

(*a*) All postal employees, including temporaries and substitutes.

(*b*) Members of the immediate families of postmasters and assistant postmasters as defined in paragraph (c)(2)(i)(c) of this section, unless they become members of the immediate family after the contract was awarded.

(c) Persons undergoing sentences of hard labor imposed by a criminal court (out on parole or under suspended sentence).

(*d*) Persons with known criminal records involving moral turpitude or dishonesty.

(*e*) Persons whose traffic records indicate that their driving motor vehicles would be hazardous.

(8) *For identifying equipment.* (i) The use of a sign or lettering reading "United States Mail" or "U.S. Mail" is optional but may be used only on vehicles that are actually carrying mail. If a sign is used, it must be removed when the vehicle is used exclusively for other purposes. If the lettering is painted on the vehicle, it must be covered when the vehicle is being used exclusively for other than mail service.

(ii) Vehicles that are painted red, white, and blue must have inscribed on both tractor or truck cab side doors in block letters at least 1 inch high, "U.S. Mail Contractor." Trailers, so painted, must also bear the same inscription in block letters at least 2 inches high on the front of the trailer, sufficiently high to be visible above the tractor unit.

(e) *For protection of mail.* The contractor and his sureties are accountable and answerable in damages for failure to protect the mail from loss, depredation, becoming wet, and other damage either from the elements or other causes. Contractors and carriers must not smoke or carry lighted cigars, cigarettes, or pipes in the mail compartments of their vehicles.

(f) *Renewals.* A regular contract may be renewed for additional terms, without advertising, at the rate prevailing at the end of the contract.

(g) *Extension of contract period.* A contract may be continued in force beyond its expressed term for a period of not more than 6 months. The extension of a contract also extends any subcontract in effect on the route.

§ 521.4 Administration of star route service.

(a) *Administrative postmasters.* Star routes are placed under the immediate supervision and administrative control of one of the postmasters on the route. The Regional Director will select the routes and designate the postmaster to whom the administrative and supervisory authority will be delegated.

(b) *Changes in service.* (1) Directors, transportation divisions, may at any time issue orders extending, increasing frequency, and changing the line of travel, by allowing a pro rata increase in compensation for any increased service required. They may also issue orders curtailing, reducing frequency, discontinuing, or changing line of travel by allowing 1 month's extra pay on the amount of service eliminated, and not exceeding pro rata compensation for the service retained. See paragraph 7 (e)(5) of this section.

(2) For contracts entered into prior to October 23, 1962, extensions during the contract term without the concurrence of the contractor may not exceed a net aggregate of 50 miles one way. If the contractor in such a contract agrees to a larger extension, then an extension during a contract term may be made not in excess of a net aggregate of 100 miles one way. The contractor's agreement to an extension greater than 50 miles must be evidenced in writing for contracts entered into on and after October 23, 1962. Extensions up to 100 miles one way may be unilaterally ordered provided the contract general provisions have been amended to read "100" instead of "50" miles.

(3) Star route service may not be extended to take over a segment of a rural route unless the segment becomes detached from the rural route and it is impracticable for the rural carrier to serve such segment.

(4) If the road usually traveled becomes impassable, the carrier must use the most available road to perform full service. He should immediately report the matter to the administrative postmaster. See paragraph (e)(4) of this section.

(c) *Changes in schedules.* (1) Directors, transportation divisions, may issue orders changing schedules of departure and arrival, particularly to make them conform to connections with railroads or other mail routes, without increase in pay.

(2) Changes in schedules must be authorized by the director, transportation division.

(3) The schedule on a route must not be changed for the convenience of the contractor, subcontractor, or carrier, if the change would be detrimental to the service.

(4) The financial effect that a change in schedule may have on a contractor must be taken into consideration. Reversal of schedule or excessive layover time could result in material increase in cost or undue hardship and provide a basis for readjustment of compensation.

(5) Postmasters must inform the proper postal service officer or the transportation division whenever changes in schedules are necessary or appear advisable, with a full explanation of the reasons. They should not recommend changes entirely in the interest of the contractor.

(d) *Unsatisfactory service by contractor*—(1) *Fines.* When a contractor fails to comply with terms of the contract or when serious irregularities occur, the administrative postmaster and the director, transportation division, will make every effort, by letter or by personal interview, to correct the situation. If the contractor persists in the irregularities and makes no satisfactory reply on Form 5500, Report of Star Route Irregularity, or otherwise, the transportation division may issue an order on Form 5440–C–D–E imposing a fine.

(2) *Irregularities.* Form 5500, Report of Star Route Irregularity, will be used to report irregularities on all star routes. This form will be used only at SCF offices and at offices of other administrative postmasters. Postmasters at all other offices will report irregularities to the appropriate administrative postmaster authorized to issue the form. Only administrative postmasters who are authorized to prepare Form 5398 may issue Form 5500 for all routes operating to their office, whether they are the administrative postmaster or not. If an administrative postmaster is authorized to record service on Form 5399, he will prepare Form 5500 for only the routes for which he is the administrative postmaster. On other routes operating to his office he will report irregularities to the administrative postmaster on Form 5177, by phone or memorandum. The administrative postmaster will then prepare Form 5500 in these cases. Examples of irregularities which should be reported on Form 5500 are as follows:

(i) Failure to carry all or any portion of the mail in order to accommodate passengers, freight, or express. All available mail not taken for any other reason if space is available.

(ii) Departure of carrier ahead of schedule without permission of responsible postal official.

(iii) Neglect to deliver or collect mail along the route.

(iv) Refusal to deliver or collect mail along the route.

(v) Failure to protect mail from rain or extremes of weather.

(vi) Permitting mail to become damaged or destroyed.

(vii) Loss of or depredation to mail through fault of contractor or his agent.

(viii) Failure of carrier to depart or arrive.

(ix) Delays of 15 minutes or more in departure or arrival even though mail is not delayed in delivery.

(x) Any delay resulting in delay in delivery, missed connections, or disruption of work schedules in office.

(xi) Misconduct of driver or contractor.

Administrative postmasters will review the irregularities reported along with the contractors' comments in section 2 of Form 5500; will consult with the contractors and take any corrective action possible. When such corrective action fails to cause the contractor to comply with the terms of the contract, the administrative postmaster will forward the file to the director, transportation division.

(3) *Forfeitures or contract annulment.* Forfeitures may be imposed or contracts may be annulled for:

(i) Failure to follow instructions of the Department.

(ii) Administratively determined violations of the postal laws and regulations and other laws related to the performance of the service.

(iii) Failure to give proper supervision to performance of service.

(iv) Transportating matter due to be in the mail as cargo other than mail.

(v) Entrusting mail to an unsuitable person.

(vi) Refusing to discharge a carrier when instructed to do so by the Department.

(vii) Subletting a contract without consent of the director, transportation division.

(viii) Participating in combinations to prevent others from bidding.

(ix) Violation of any of the provisions of the advertisement or contract.

(x) Conviction of a crime such as embezzlement, robbery, burglary, larceny, perversion, or other notoriously immoral acts, or serious moving traffic violations.

(xi) Association with known criminals.

(4) *Deductions for service omitted.* Directors, transportation divisions, are authorized, in their discretion, to make deductions for trips not performed and service omitted. When a deduction is made, an order will be issued on Form 5440 C–D–E, Contract Route Service Order. (See § 521.76(i).)

(e) *Payments*—(1) *For regular service.* Payments for stated services are:

(i) Made by check after the expiration of each 4-week accounting period.

(ii) Not made under new or renewed contract until the contract is executed.

(2) *For special delivery service.* Postmasters may pay special delivery fees to contractors and carriers when special service is rendered. If the special delivery mail is delivered into the patron's box, the carrier is not entitled to the fee.

(3) *Readjustment of compensation.* See Part 526 of this chapter.

(4) *Allowance for detours.* (i) Pro rata additional payments to contractors may be authorized for necessary increased travel caused by obstruction of roads, destruction of bridges, discontinuance of ferries, or any other cause, provided the increase amounts to as much as $1 during any 4-week accounting period and a report is made within 90 days after service is performed.

(ii) The contractor or carrier is responsible for reporting to the administrative postmaster all necessary detours, with the reasons, and the additional distance traveled on each trip.

(iii) The administrative postmaster is responsible for obtaining all pertinent facts and will verify the information reported by the contractor.

(5) *Pro rata computation of change in pay.* To determine the amount to be allowed or deducted in making changes in service, directors, transportation divisions, must observe the following:

(i) Determine the one-way length of the route as it would operate if changed as proposed.

(ii) Multiply the one-way length by the number of trips to be required, as determined by the frequency conversion table. If the route has more than one part, follow the same procedure for each part and add annual mileages for all parts.

(iii) Determine the difference between the total annual mileage as shown on the records and the new annual mileage.

(iv) Multiply the difference in annual mileage by the prevailing rate per mile, except as otherwise provided in this section.

(v) When a less than pro rata change has been made, or a change has been made without allowance of additional pay, and a further change is proposed, base the computation on the original distance and pay.

(vi) If service that has been added without the allowance of additional pay, or at less than pro rata, is to be discontinued, base the computation on the rate per mile allowed when the service was added.

(vii) When a change involves part of the original service and service added under conditions outlined in f, base the computation on the two rates.

(viii) When a contract is renewed, a new basic rate per mile is established effective at the beginning of the new contract term, regardless of any orders issued during the previous term.

(6) *Withholding payments.* (i) When a contractor has more than one route and fails to perform service on any one of them according to contract, payment will be withheld on all routes until the unsatisfactory conditions are remedied and all penalties are satisfied.

(ii) When a contractor dies, payments should be suspended until the necessary court orders or claim papers or both can be approved. Frequently there is considerable delay in making payments following the death of a contractor.

(f) *Termination*—(1) *Time.* Star route contracts may be terminated at the end of any 4-year term at the option of the Postmaster General or the contractor or they may be terminated at any time as provided by law. (See paragraph (b)(1) of this section.)

(2) *For changed service conditions.* Star routes may be readvertised and new contracts may be awarded for the purpose of releasing contractors and sureties on routes where undue hardships have been imposed by:

(i) An ordered change which increases or decreases the amount of service required.

(ii) An abnormal or sustained increase in the quantity of mail to be carried during a contract term, necessitating larger equipment.

(iii) An ordered change in schedule, requiring the contractor to be away from the initial terminal much more or less time than was required in the advertised schedule.

(3) *For inadequate compensation.* A star route may be readvertised and a new contract may be awarded to release the contractor and his sureties when, after full investigation, compensation is found to be wholly inadequate and continuation of the contract will impose undue hardship, even though conditions have not changed since the contractor submitted his bid. This action may be taken only when the contractor:

(i) Gives 90-days' advance notice of his desire to be released.

(ii) Waives the 1-month extra pay authorized by law when contracts are canceled under this provision.

(iii) Continues service until another contract is awarded even though the award may be made more than 90 days after filing the advance notice.

(4) *Death of a contractor*—(i) *Notification.* When a contractor dies, the postmaster should immediately notify the director, transportation division, of the date and approximate time of contractor's death. The transportation division will suspend payments and notify the Highway Transportation Branch, Bureau of Transportation, and sureties on the contracts. Postmasters must notify the transportation division of the death of a contractor, even though the route has been sublet.

(ii) *Transfer of responsibility for route.* On the death of a contractor, performance of service becomes the responsibility of the executor or administrator of the deceased contractor or the sureties of his contract.

(iii) *Responsibility of legal representative.* If a legal representative is appointed, he has the right, after obtaining

the necessary court orders, to continue the service for the benefit of the estate or to sublet to himself or some other suitable person, after obtaining permission from the Department.

(iv) *Responsibility of sureties.* The surety or sureties on the contract are responsible for assuming charge of the route and continuing the service in person, by a suitable carrier, or under a subcontract when no executor or administrator is appointed or the service is not continued by the legal representative for the benefit of the estate.

(v) *Temporary service.* If service is not provided promptly by or for the estate of a deceased contractor or his sureties, the postmaster at the head of the route or the director, transportation division, who has supervision over the route should arrange to hire a temporary carrier at the lowest obtainable rate. Temporary service should be continued until regular service is resumed by the legal representative of the estate of the deceased contractor or by sureties. Payments to temporary carriers should not be made until they are approved by the Department.

(5) *Insanity of a contractor.* If a contractor becomes temporarily or permanently incapacitated due to insanity or unsound mind, the postmaster shall immediately notify the director, transportation division, having jurisdiction over the route.

(g) *Subcontracts*—(1) *Requirements for subletting.* (i) A contractor must obtain permission from the director, transportation division, before subletting. Subletting without proper written consent may cause a route to be relet, thereby making the contractor and his sureties liable under their bond for damages.

(ii) Subletting for an amount less than the contract rate of pay is prohibited by law.

(iii) The contractor and subcontractor must warrant that the subcontractor has not given or agreed to give to the contractor, directly or indirectly, any consideration for subletting of the contract. Such a consideration includes, but is not limited to, a cash payment for the agreement to sublet; rebates from the compensation received from the Government; payment of unusually high prices for equipment; and purchase of unnecessary operating rights.

(iv) Subcontracts are executed in triplicate, providing a copy for: director, transportation division; contractor; and subcontractor.

(v) After an order has been issued recognizing a subcontract, payments are made directly to and in name of the subcontractor.

(vi) The subcontract must be executed for service on the whole route and for a period of not less than 1 year or for the remainder of the contract term when less than 1 year.

(2) *Requirements of subcontractors.* A subcontractor must:

(i) Meet the legal residence and other requirements of contractors as provided in § 521.3(c)(2)(i) except that subcontractors must be not less than 18 years of age.

(ii) Be in a position to supervise the service properly.

(iii) Be financially and morally responsible.

(iv) Have fully adequate and suitable equipment.

(3) *Assignment.* Assignment or transfer of a contract for transporting mail is prohibited by law, except as provided in the Assignment of Claims Act. A contract may be sublet as provided by law.

(4) *Responsibility of contractor.* The execution and recognition of a subcontract does not release a contractor from his obligation, but it relieves him of the necessity of giving the route his personal supervision.

(5) *Termination*—(i) *For cause.* The director, transportation division, may terminate a subcontract on abandonment, unsatisfactory service by the subcontractor, or for the reasons stated in paragraph (d)(3) of this section.

(ii) *By request.* The director, transportation division, will recognize the termination of a subcontract prior to its stated period on proper notification by either party to the subcontract.

(iii) *By death of subcontractor.* On the death of a subcontractor, the contractor, legal representative of the estate of a deceased contractor, or sureties in charge should immediately resume charge of the route. Postmasters should notify the director, transportation division, having supervision over the route, who will issue necessary instructions to all concerned.

(6) *Contracting with subcontractors.* When a contractor has sublet a route in accordance with law and does not indicate in writing to the Postmaster General at least 90 days before the end of the contract term that he desires to renew the contract, the director, transportation division, may enter into a contract on the same terms, without advertising the route for bids, wih a subcontractor who has performed satisfactory service on the route for a period of at least 6 months.

(b) *Temporary service*—(1) *On new routes.* (i) Contracts for temporary star route service may be made without formal advertisements for periods not to exceed 1 year.

(ii) No bond is required with a temporary contract. These contracts may run to the end of the fiscal year or not exceeding 1 full calendar year.

(iii) Contracts for temporary service provide for their termination on 15-days' notice by either party.

(iv) Before temporary service is authorized, bids are usually solicited by the director, transportation division. The lowest bid must be accepted unless there is sufficient reason for rejecting it.

(2) *On regular routes.* Temporary service may be provided under the following conditions:

(i) When a contractor fails to provide service, the director, transportation division, in charge of the service, or the postmaster at the head of the route, has authority to employ a carrier at the lowest obtainable rate.

(ii) The expense of temporary service is charged to the contractor.

(iii) Employment of temporary service is to be continued until regular service is resumed by or for the contractor or his sureties.

(iv) When temporary carriers have been employed by postmasters, full report of the circumstances must be made to the director, transportation division.

(v) When the employment of a temporary carrier is necessary on a regular route, payment to the regular contractor must be suspended until proper adjustments are made.

(vi) No payment will be made to a temporary carrier before the director, transportation division, has issued an order authorizing the payment.

(3) *In lieu of train service.* (i) Limited Interruption of Railroad Service. When temporary interruption of railroad service of a very limited nature is expected to last no more than a day or two, temporary service should be employed at the lowest obtainable rate. Bills shall be prepared on Form 2524, Bill for Temporary Service in Lieu of Railroad Service, and must be charged to the Railroad Transportation account.

(ii) Extended Interruption of Railroad Service. When an interruption of railroad service appears to be of an extended nature, such as a strike or damage to or destruction of rail facilities, temporary star route service should be employed. This service shall be certified to on Form 5429, Certification of Exceptional Contract Service Performed, appropriately marked to be charged to Temporary in Lieu of Rail account.

(4) *Emergency temporary service.* When an emergency makes it necessary to divert mail in transit, temporary service may be provided.

(5) *On airmail routes.* In the event of a major disaster, temporary service may be provided, without advertising, for the transportation of mail by aircraft to or from the affected localities.

(6) *Death of a temporary contractor.* When a contractor or carrier for a temporary route dies, it is necessary to enter into another temporary contract or employ another temporary carrier. New bids may be solicited by the director, transportation division.

§ 521.5 Record of performance.

(a) *At large installations.* Postmasters and heads of large installations having extensive star route operations will be designated as recording offices for performance of star route service and will be specifically directed by the director, transportation division, to maintain Form 5398, Report of Performance on Star Routes—Large Installations. If directed to use Form 5398, postmasters and other installation heads shall prepare and submit reports as follows:

(1) Assign responsibility for preparation of Form 5398 to the tour supervisor or the postal employee responsible for supervision of the star route operations. This employee shall sign each form certifying its correctness.

(2) Enter outbound and inbound trips on separate forms, showing all scheduled trips and any extra trips performed. Separate forms shall be prepared by the supervisor of each tour.

(3) Report any detours, omitted service or extra trips to the administrative postmaster for the route if the installation preparing Form 5398 is not the administrative postmaster for the route. Use Form 5399 to make the report.

(b) *At other installations.* Postmasters and other installation heads designated by the director, transportation division, as recording offices for performance of star route service, and who are not specifically directed to use Form 5398, shall record daily on Form 5399, Record of Performance of Highway and Water Routes, the actual departure and arrival times and all irregularities. Entries on Form 5399 will not be made by star route contractors or their drivers.

(1) Recording Postmasters other than Administrative Postmasters. All designated recording offices, other than the administrative office, will submit the original of their Form 5399's to the administrative postmaster at the end of each accounting period and retain a copy of the form.

(2) Administrative Postmasters Recording on Form 5399. If other offices on the route have been designated to send their Form 5399's to the administrative postmaster, the administrative postmaster will review these forms for any information requiring attention and keep the forms with his Form 5399.

(3) Administrative Postmasters Recording on Form 5398. If other offices on a route have been designated to send Form 5399 to the administrative postmaster, the administrative postmaster will review Form 5399's received for any information requiring attention and file the forms with the Form 5398 prepared by his office.

(c) *Form 5397, star route extra trip authorization.* If the director, transportation division, must frequently authorize extra trips on a star route, he will furnish a supply of Form 5397 to the postmaster or other installation head responsible for reporting the extra trips, who will complete the form in accordance with instructions thereon. When an extra trip is authorized and performed, and the postmaster does not have a Form 5397, the transportation division will furnish the postmaster a Form 5397 with instructions as to how it should be completed.

(d) *Form 5463, report of performance of highway mail transportation (unit rate contracts).* Form 5463 will be used to record performance of service under unit rate contracts (piece rate, pound rate, trip rate, mileage rate, etc.). The transportation division will designate the postmasters and other installation heads who will record on Form 5463.

§ 521.6 Certification of exceptional contract service performed.

The director, transportation division, will designate the postmasters and other installation heads who will certify exceptional contract service performed and will instruct these installation heads on the proper preparation of the certification forms.

§ 521.7 Responsibilities and duties of postmasters.

Postmasters at all other offices on a route shall report, by memorandum or, on Form 5177, Transit Mail Delay or MVS Platform Irregularity, irregularities, complaints, and any other local problems regarding operation of the route to the designated administrative postmaster, who shall:

(a) Give daily supervision to the contractor's operations to assure compliance with the contract.

(b) Investigate complaints regarding service on the route and take corrective action whenever possible.

(c) Investigate irregularities reported on Form 5177, or otherwise, and prepare Form 5500 if appropriate. (See § 521.4(d)(2).)

(d) Prepare recommendations for establishment, discontinuance, or changes in existing routes on Form 5471, Recommendation for Star Route Changes, and forward to the director, transportation division.

(e) Make an annual inspection during September of box delivery routes. Report inspection on Form 5406, Box Deliver Star Route Inspection Report. Prepare in triplicate, send original to director, transportation division, one copy to director, postal operations division, and keep a copy.

(f) Make inspection of nonbox delivery star routes during the fall of the year prior to the renewal on July 1 of the following year. Report inspection on Form 5407, Survey of Star Route. Prepare in triplicate, and submit original and one copy to the director, transportation division, and keep other copy.

(g) Submit report to the director, transportation division, when roads regularly traveled by carrier are changed or become permanently obstructed, necessitating use of other roads.

(h) Certify service performed at end of each accounting period in accordance with § 521.6.

(i) Obtain a prompt explanation from a carrier who failed to provide required service. Report any full or partial trips not performed due to fault or negligence of the contractor, showing miles of service omitted and reason for omissions (see § 521.4(d)(4)).

§ 521.8 Screening contractors, subcontractors, and certain employees.

(a) Who Must Be Screened. Each contractor, subcontractor, or person employed by a contractor or subcontractor, to handle mail or drive mail vehicle, except those enumerated in paragraph (b) of this section, must complete Form 2025, Contract Personnel Questionnaire, and have his fingerprints taken on Form FD-258, (Fingerprint Chart), within 30 days after beginning service. The 30-day limit may be extended by the director, transportation division, in unusual circumstances.

(b) *Those exempted from screening.* The following are exempted from completing screening forms:

(1) Certificated interstate common carriers and their employees, except when specifically requested to do so.

(2) Civil service personnel otherwise subject to investigation under Executive Order 10450.

(3) Persons who have been screened previously for another route.

(4) Employees hired for an emergency of only a few days. This does not exempt regular, relief or substitute employees.

(c) When a new contract is awarded or subcontract recognized, the administrative postmaster of the route will ascertain whether or not the contractor, subcontractor or their employees need to be screened according to the requirement of paragraph (a) of this section. If the contractor, subcontractor or their employees must be screened, the administrative postmaster will forward to the contractor or subcontractor sufficient copies of Form 2025 and FD-258 for the screening and will see that the forms are properly completed. Form 2025 shall be prepared in duplicate.

(d) The administrative postmaster will maintain a list of contractors, subcontractors and employees who have been screened. A copy of the list will be furnished to the dock supervisor who will consult the list before mail is turned over to an unknown driver. If the driver's name does not appear on the list, the dock supervisor will check with the contractor to see if the driver is authorized to receive the mail and report the name of the new driver to the postmaster. The postmaster will send screening forms to the contractor or subcontractor.

(e) Postal data center will send each contractor and subcontractor Form 5415, List of Employees—Post Office Department Screening Program, with their last check for Postal Quarters 1 and 3 reminding them of their responsibility for reporting changes in employees to the administrative postmaster. This official will see that reports are received on all routes for which he is administratively responsible and that new employees are screened by following procedures in paragraph (c) of this section.

(f) If the administrative postmaster does not receive cooperation from a contractor or subcontractor in completing the screening forms, he will submit the case to the highway transportation branch for advice. Include with the report name and address of the contractor, subcontractor, and their employees, with copies of all correspondence in the case.

(g) When forms are returned to the administrative postmaster, he will act as follows:

(1) Upon receipt of completed forms, the administrative postmaster will insert name of the region on Form 2025 and review forms to assure that every item on both forms is complete and legible and that fingerprints appear to be sufficiently clear for classification. Return unsatisfactory forms for correction.

(2) When forms are in order, the administrative postmaster will send original Form 2025, stapled to Form FD–258 to the Personnel Security Officer, Bureau of Chief Postal Inspector, Post Office Department, Washington, D.C. 20260. The copy of Form 2025 will be filed in route number order in a locked cabinet. The forms will be retained for 1 year after the contractor, subcontractor, or employee is separated for any reason.

(h) When no derogatory information is developed or when only minor traffic offenses are involved, forms will be returned without comment to the director, transportation division, by the Personnel Security Officer. The remainder will be reviewed by the Director, Domestic Transportation Division, and returned to the director, transportation division, with instructions to retain or remove. The original of Form 2025 and Form FD–258 will be filed in the office of the postmaster at the city where the director, transportation division is located.

(i) *Removals.* Contractors, subcontractors, or their employees, handling mail or driving mail vehicle, may with Departmental approval, be removed if the screening process shows they have been convicted of a crime such as embezzlement, robbery, burglary, larceny, perversion, or other notoriously immoral acts; have associated with known criminals; or have a record of serious moving traffic violation, unless they have since been rehabilitated and have become responsible citizens.

PART 522—MAIL MESSENGER SERVICE

Sec.
522.1 Description.
522.2 Establishing service.
522.3 Operation.
522.4 Protection of mail.
522.5 Termination of service.
522.6 Payments.
522.7 Screening messengers and certain employers.

AUTHORITY: The provisions of this Part 522 issued under 5 U.S.C. 301, 39 U.S.C. 501, 6101, 6401–6403, 6413, 6423.

§ 522.1 Description.

Mail messenger service is a local mail transportation service performed by mail messengers designated by the Department to collect, transport, and transfer mail between post offices, stations, and branches and railroad terminals, steamboats, highway post offices, star routes, truck terminals, airport mail facilities, and stop points in the same or adjacent communities, including collection of mail from collection boxes when so directed by the director, transportation division. It may be used for occasional unscheduled trips of intercity mail or mail equipment transportation over longer distances. When service is principally for scheduled intercity transportation, use star route service. When local service is so extensive that a performance bond is needed to protect the Government's interest, use contract motor vehicle service. Mail messenger service will not be authorized to transport mail consigned between an airport and a post office at which there is Government-owned vehicle service operated by motor vehicle operators when the distance is not more than 35 miles, if it is possible to transport the mail by Government-owned motor vehicles.

§ 522.2 Establishing service.

(a) *Authorizing service.* (1) When an immediate need for service develops, the postmaster shall apply to the director, transportation division, for authority to employ a temporary messenger. Application must show the necessity for service and the lowest rate obtainable.

(2) If the director, transportation division, determines that temporary service is justified, he will authorize the postmaster to employ a temporary messenger. No service shall be put into effect until authorized by the director, transportation division.

(3) When the need for service is not immediate it is usually desirable for the director, transportation division, to advertise for regular service. He may advertise temporary routes for regular service at any time he considers it desirable.

(4) The postmaster shall furnish the director, transportation division, a detailed description of the service required showing for each one-way trip, the origin, loading time, leaving time, average number of pieces handled, distance, destination, arriving time, unloading time, train or trip number connected (if any), and average waiting time (if any) for late train or other carrier.

(5) The director, transportation division, shall require postmasters at fourth-class offices to transport mail between the post office and railroad station or other exchange points without additional pay provided:

(i) The exchange point is within one-fourth of a mile of the post office.

(ii) No motor or horse-drawn vehicle is required.

(iii) Transporting the mail will not cause an unreasonable hardship on the postmaster.

(6) When mail messenger service cannot be obtained at a reasonable rate, the Regional Director may authorize postmasters to assign postal employees to transfer mail between the post office and exchange points as a part of their regular duties.

(7) If a truck is needed to perform the service, the director, transportation division, shall require the messenger to provide one with fully enclosed body, waterproof, equipped with secure locking devices, such as key or combination locks, and it must be kept locked enroute between exchange points.

(b) *Advertising for service.* (1) When a regular designation is necessary, the director, transportation division, will prepare advertisements and forward them to the postmaster at the post office where service is needed. Advertisements will allow at least 10 days' posting from date of receipt until closing date for bids.

(2) Postmasters shall post advertisements in the most conspicuous place in the post office lobby and other points where they can be seen by persons most likely to place bids. He must give the widest publicity possible to all advertisements, without expense to the Postal Service.

(c) *Requirements for bidders*—(1) *Age.* Mail messengers must not be under 18 years of age.

(2) *Residence.* A bidder must either reside on or adjoining the route on which service is to be performed, or file with his bid an agreement that, if designated as mail messenger, he will reside on or adjoining the route.

(3) *Reliability.* Postmasters and director, transportation division, shall disapprove bidders who:

(i) Are known to have been convicted of a crime as listed in § 521.3(c) (2) (i) (e) unless he has since been rehabilitated and has become a responsible citizen.

(ii) Have traffic records which indicate that it would be hazardous to permit them to operate vehicles.

(iii) Are unable to furnish adequate equipment.

(iv) Are aliens.

(4) *Eligibility of postal employees.* (i) Postal employees and members of their immediate families (persons who are members of the same household or dependent one upon the other for support) may or may not become bidders, messengers, or assistant messengers, or receive compensation for carrying the mail on mail messenger routes as shown in the following chart, subject to conditions in subdivisions (ii) and (iii) of this subparagraph.

Employee's position	Mail messenger annual rate of compensation	
	Exceeds $900 [1]	Is $900 or under
Postmaster and assistant postmaster at:		
First- and second-class offices.	Ineligible	Ineligible.
Third- and fourth-class offices.	do	Eligible.
Members of immediate family of postmaster and assistant postmaster at:		
First- and second-class offices.	do	Do.
Third- and fourth-class offices.	Eligible	Do.
Special delivery messenger	do	Do.
Other postal employees	Ineligible	Do.
Member of immediate family of postal employees other than postmaster and assistant postmaster.	Eligible	Do.

[1] Includes routes originally paying less than $900 increased to over $900.

(ii) Any employee is ineligible if his interest in mail messenger service interferes with his postal duties. Before accepting an employee's proposal or permitting his employment under a mail messenger designation, the director, transportation division, must get a statement from the postmaster that the employee's interest in mail messenger service will not interfere with his postal duties.

(iii) Any employee or any member of his immediate family is ineligible if the employee has access to mail messenger files during the period when bids are being received.

(d) *Bid procedures*—(1) *Submitting.* Advertisements specify that bids will be submitted to the director, transportation division. Postmasters shall not accept bids except as sealed, postage-paid letters addressed to the director, transportation division. Bids mistakenly mailed to postmasters should be forwarded at once "Unopened" to the director, transportation division. If the amount of any bid becomes known in any way to the postmaster, he must not divulge it to anyone. This type of information may be disclosed only after all bids have been opened, subject to public observation, by the regional bid-opening committee and the information made available, as may be requested, to interested parties.

(2) *Returning advertisement.* Immediately after the closing date of the advertisement, the postmaster shall forward the actual posted copy to the director, transportation division, endorsed to show the period of time and place it was posted, with a statement showing how it was publicized.

(3) *Opening and awarding.* Proposals shall be opened in the office of the director, transportation division. The lowest acceptable bidder must be designated as the mail messenger if award is made. Right is reserved to reject any or all bids if they are not acceptable, but sufficient information must be shown on the designating order to justify such action.

(e) *Designation of messenger.* The director, transportation division, shall prepare the mail messenger's notice of designation on Form 5489, Notice of Designation of Mail Messenger. One copy of Form 5489 will be sent to the postmaster concerned, with a copy of Form 5498, Oath of Mail Messenger. Immediately on receipt of his copy, the postmaster must administer the oath and notify the designated messenger to begin service on the date specified in the notice. At the same time, he must inform the retiring messenger the date he is to be released.

(f) *Oaths.* Form 5498 is required of all designated regular and temporary mail messengers. Immediately on their acceptance of the position, the postmaster shall forward the completed Form 5498 to the director, transportation division. Postmasters shall "not" stock Form 5498.

(g) *Employment of assistants.* Messengers shall personally supervise the performance of service. They must not assign or sublet the service, but they may employ assistants at their own expense during absence from duty for short periods. Assistants must conform to all requirements stated for the messenger himself. They must be approved by the postmaster in charge of the service.

§ 522.3 Operation.

(a) *Postal services provided.* (1) Mail messengers shall obey all orders and regulations or special instructions from the Department, the office of director, transportation division, the postal service officer, or the postmaster, affecting the mail messenger service.

(2) When required by the director, transportation division, mail messengers must:

(i) Receive mail from and deliver it into post offices and to air carriers or airport mail facilities; and receive from and deliver to mail cars and steamboats when such cars or boats are accessible.

(ii) Deliver and receive mail at mail cars even when not accessible to his vehicle, if mail trains arrive at times when no railroad representative is on duty. If the use of hand trucks is necessary, the railroad company shall furnish them. Messengers are not required to load mail across or move hand trucks across live tracks.

(iii) Deliver and receive mail at mail cars not accessible to his vehicle if the mail can be readily handled by hand on one trip, even though a railroad representative is on duty.

(iv) Place mail on cranes, at points where the use of cranes is necessary, if the mail can be readily handled by hand at one trip, even though a railroad representative is on duty.

(v) Deliver to and receive from railroad and steamboat employees at the nearest accessible point when those employees are on duty and the volume of mail is too large to be handled by hand at one trip.

(vi) Make collections from hasp and staple-type collection boxes locked by METRO series padlocks. The director, local services division, will arrange for METRO padlocks and keys to be furnished postmasers at offices where mail messengers are authorized to make collections from collection boxes.

(vii) Perform service in accordance with the schedules of arrivals and departures prescribed by the postmaster.

(viii) See § 521.3(e) (6) (iv).

(b) *Instructions to messengers.* (1) The director, transportation division, will prepare Form 5489, so that service requirements will be properly and clearly stated.

(2) The postmaster shall instruct the messenger in the performance of his duties as stated on Form 5489. Subject to the approval of the director, transportation division, the postmaster must prescribe schedules of arrival and departures. He must require the messenger to wait for and receive mail from and deliver it to delayed trains, planes, or boats. Messengers may be required to wait 2 hours for delayed carriers unless local conditions are such that the transportation division designates a specific waiting time more or less than 2 hours.

(3) Where payment for service is on a trip basis, the postmaster shall notify the mail messenger in advance when flights are canceled making service to the airport or heliport unnecessary. The mail messenger must make provisions for receipt of notifications by telephone or other direct means of communication. When so notified, payment for the trip will not be made.

(c) *Changes in service*—(1) *Extension.* The postmaster must obtain authorization from the director, transportation division, before extending the service of a mail messenger beyond the limits stated in the advertisements. The transportation division will issue the necessary instructions on Form 5440 C–D–E, Contract Route Service Order.

(2) *Reduction.* Before making any reduction in service:

(i) Postmasters shall report promptly to the director, transportation division, when requirements are reduced due to curtailment of RPO service, change of location of post office, railroad station, or airport, etc.

(ii) In the event of service changes, postmasters shall not reduce requirements without instructions from transportation division.

(iii) When service is reduced, the transportation division will:

(*a*) If possible, negotiate a lower rate. (He should request assistance from the postmaster or the postal service officer in this respect.)

(*b*) If a reasonable lower rate is obtained, restate service and pay on Form 5440 C–D–E.

(c) When a reasonable rate cannot be negotiated, readvertise the route.

(*d*) *Irregularities*—(1) *Observation of Service.* Postal employees shall observe the services performed by mail messengers at railroad stations or other facilities and report any failures or irregularities that come to their attention.

(2) *Record of irregularities.* (i) The postmaster shall: (*a*) Keep an accurate record of all delays, omitted trips, and other irregularities, using Form 5177 if delay results in later delivery or missed connections; (*b*) consult with the messenger concerning the irregularities reported and take any corrective action possible; (c) report omitted trips when certifying payment on Form 2640, Postmaster's Certification of Mail Messenger Service Performed; (*d*) immediately issue a brief against the messenger on Form 5178, Notification of Irregularity, for each serious irregularity, unless there is a satisfactory explanation.

(ii) If action by the postmaster fails to cause the messenger to provide improved service, the postmaster will forward the case to the director, transportation division.

(3) *Assessing fines.* (i) Messengers shall be allowed a reasonable time to explain irregularities briefed on Form 5178. An unsatisfactory explanation or no reply may become the basis for assessing fines against messengers.

(ii) Directors, transportation divisions, or Regional Directors may assess fines of $5 or more against messengers depending on gravity of the irregularity.

(iii) Postal data centers will deduct fines from payment due messengers, upon receipt of Form 5440–C signed by the director, transportation division, or the Regional Director.

(4) *Investigation of complaints.* (i) The director, transportation division, will direct investigation of complaints of improper or unsatisfactory service. (See subparagraph (2) (ii) of this paragraph.)

(ii) The Regional Director will investigate complaints of irregular handling of advertisements or bids.

§ 522.4 Protection of mail.

(a) *Failure to protect mail.* Mail messengers may be held financially liable

for loss or damage to mail in their custody. They must not smoke or carry lighted cigars, cigarettes, or pipes in the mail compartment of their vehicles. They are also accountable and answerable in fines for failure to:

(1) Carry the mail in a safe and secure manner.

(2) Guard pouches and other mail in their custody against theft or damage by water or any other source.

(3) Return and deliver the mail into the post office, notifying the postmaster, when for any reason he is unable to make proper dispatch of the mail in his custody (for example, a railway post office's failure to catch a pouch from a crane). The mail messenger must not retain mail in his home.

(b) *Access to keys.* Mail messengers must not have access to rotary, LA, street letterbox (other than METRO series—see § 522.3(a)(2)(vi)) or post office workroom keys, unless they are also postal employees and require the key or keys in the course of their postal duties.

(c) *Transporting passengers.* If passengers are transported, mail must be carried in a separate compartment so passengers will not have access to the mail.

§ 522.5 Termination of service.

(a) *For cause.* See § 521.4(d)(3) (x) and (xi).

(b) *For improper service.* The director, transportation division, must try to correct irregularities by cooperating with the postmaster in direct action and the imposition of fines. If this fails, take the following steps, as appropriate:

(1) Consider terminating the designation and advertising for another messenger.

(2) If necessary to replace the mail messenger immediately, the transportation division must authorize the postmaster to employ the temporary service necessary at a rate not exceeding that at which service on the route was authorized.

(3) If temporary service cannot be obtained at the existing rate, the postmaster must ascertain the lowest rate obtainable and report this, with a statement of necessity, to the transportation division. If time is a factor, report may be made by wire.

(c) *For changed service conditions.* (1) Service may be rendered unnecessary by changed service conditions (such as discontinuance of a post office, extension of rural or star route service, direct supply by highway post office or railroad truck service). A postmaster shall not discontinue service without appropriate instructions from the director, transportation division.

(2) The director, transportation division, may discontinue the service or require postmasters at fourth-class offices to perform it when he considers such action warranted. (See § 522.2(a)(5).)

(3) The director, transportation division, must use Form 5440 C–D–E in giving notice of discontinuance of service and elimination of expenditure. He should also indicate substituted service, if any.

(d) *By messenger.* (1) If a messenger dies, resigns, or abandons the service, the postmaster must immediately report the facts to the director, transportation division, for his action. A messenger may resign at any time by giving written notice 45 days in advance. In justifiable cases, the 45-day notice may be waived. If immediately replacement service is necessary, proceed as in paragraph (b) (2) and (3) of this section.

(2) When a messenger is relieved of his contractual obligations due to being called to military service or is compelled to suspend his services because of illness or other valid reason, the postmaster shall ascertain whether he desires the messenger to resume his duties when possible. The postmaster must advise him that his designation will be continued with the proviision that changing conditions during his absence may necessitate its reduction or termination. If the messenger wishes to continue with this understanding, his regular service and pay may be suspended pending his return. During the interim, the director, transportation division, may designate a temporary messenger. When temporary service can be obtained only at a higher rate, it can be authorized if the rate is considered reasonable. It may be necessary to advertise for temporary service during the emergency.

§ 522.6 Payments.

(a) *Certification.* (1) Postal data centers will pay messengers at the close of each accounting period after performed service is certified by postmaster or director, transportation division.

(2) Postmasters and installation heads designated to certify performance of mail messenger service shall use Form 2640, Postmasters Certification of Mail Messenger Service Performed.

(3) Where payment for mail messenger service is made on a trip basis to airports and heliports, and the messenger is not officially notified in advance of cancellation of a flight, and he reports at the post office to perform the trip, the postmaster or installation head shall include the scheduled trip in his certification on Form 2640. The postmaster or installation head shall report by memorandum to the director, transportation division, each trip certified for payment under this section. (See 522.323.)

(b) *Termination.* (1) The postmaster shall immediately notify the director, transportation division when the service of a messenger is terminated.

(2) The transportation division must immediately notify the postal data center to suspend payment until official order on Form 5440–C is received showing date of termination.

(c) *Readjustment of Compensation.* See Part 526 of this chapter.

§ 522.7 Screening messengers and certain employees.

See § 521.8.

PART 523—CONTRACTING FOR HIGHWAY POST OFFICES

Sec.
523.1 Description.
523.2 Contracting.
523.3 Reports.
523.4 Screening contractors, subcontractors, and certain employees.

AUTHORITY: The provisions of this Part 523 issued under 5 U.S.C. 301, 39 U.S.C. 501, 6351–6355.

§ 523.1 Description.

(a) *Authorization.* (1) Highway post offices are bus-type vehicles operated over designated routes, authorized by the Department for the acceptance, receipt, distribution, storage, dispatch, and delivery of mail by mobile clerks. All these vehicles are operated by private individuals or companies under contract with the Department.

(2) Government-owned HPO vehicles may be operated experimentally or in emergencies.

(b) *Title designation.* The title of a route is derived in the same manner as that of a railway post office.

(c) *Service.*—(1) *Location.* Highway post offices are set up where highway transportation an en route distribution can appreciably advance mail delivery to postal patrons and afford them expeditious dispatch of their outgoing mail.

(2) *Schedules.* Highway post office routes operate on fixed schedules which are arranged, whenever possible, to provide early morning receipt and late afternoon dispatch for the post offices along the route.

(3) *To intermediate offices.* The postmaster to whom the highway post office route is assigned shall issue instructions for exchange of mail with intermediate offices.

(4) *Supervision over service.* Direct supervision of highway post office service will be assigned to the designated postmasters or installation heads.

§ 523.2 Contracting.

(a) *Ineligible bidders.* (1) Postal employees and members of their immediate families may not submit bids, hold contracts, or be concerned with bonds for highway post office service.

(2) See § 521.3(c)(2)(i)(e).

(b) *Agreement of contractors.* The contractor must agree not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin. He will be guided by the provisions contained in Form 5466, Highway Post Office Contract General Provisions.

(c) *Award of contracts.* Contracts for highway post office service are subject to terms of the advertisement for the service and are awarded to the lowest responsible bidder meeting these terms.

(d) *Services required of contractor*—(1) *Providing vehicles.* The contractor must furnish the specified number of vehicles, fitted up, maintained, and operated in accordance with the specifications, rules, and regulations prescribed by the Postmaster General. He must also have available sufficient spare vehicles to maintain service while regular vehicles are being serviced or repaired. Specifications (POD Publication 10) require the use of the latest safety features to give the greatest possible protection to personnel and mail. Construction requirements limits distortion to a minimum in the event of a collision. These vehicles shall be equipped with letter and paper distributing tables, pouch racks, overhead paper boxes, letter cases, drawer which may be locked with LA locks, clothes locker, folding lavatory, and drinking water container. A screened metal partition must be installed between the driver's compartment and working area.

(2) *Providing drivers.* The contractor shall furnish drivers who must comply with the following laws and regulations:

(i) *Qualifications.* Drivers must be licensed chauffeurs not less than 21 years old. They must be intelligent, of good character, and physically qualified to perform service. They must not have criminal records involving crimes such as those listed in § 521.3(c)(2)(i)(e) or traffic records that indicate their driving of motor vehicles would be dangerous.

(ii) *Supervision.* Drivers must comply with all proper orders and instructions of the foremen of their vehicles that are consistent with safety. Safe operation of the vehicle is the responsibility of the driver.

(iii) *Schedule of duty.* Drivers' schedules must be arranged to comply with Interstate Commerce Commission safety regulations or Post Office Department regulations requiring sufficient rest periods between trips to assure alert, efficient operation of the vehicles.

(iv) *Duties.* A driver must:

(*a*) Comply with applicable provisions of subparagraphs (4) and (5) of this paragraph regarding operation of the vehicle and performance of service.

(*b*) Transfer mail as provided in subparagraph (6) of this paragraph.

(c) Immediately request instructions from the foreman of the vehicle when the highway on the designated route becomes impassable for any reason.

(v) *Liability for accidents.* The contractor and driver are responsible for accidents occurring in the operation of the vehicle. The Post Office Department is not responsible for damage caused by contract vehicles operated by contractors or their employees.

(3) *Placing vehicles.* A contractor must place highway post office vehicles at the terminals of the routes at the designated times.

(4) *Operating vehicles.* The contractor must:

(i) Furnish evidence of financial ability to cover liability for personal injuries in the amount of $100,000.

(ii) Know and comply with both intrastate and interstate laws governing the operation of motor vehicles.

(iii) Observe all safety measures for protection of the general public and operating personnel as prescribed by applicable State and Federal laws and regulations governing operation of motor vehicles, as well as the safety regulations of the Interstate Commerce Commission or those prescribed by the Post Office Department.

(iv) Observe schedules on all routes according to standard time unless otherwise specified.

(5) *Performing service.* The contractor must:

(i) Perform service promptly, reliably, safely, and without interruption. If he fails to do so after his attention has been called to delinquencies, the director, transportation division, may impose fines for past failures and order the removal of the driver and vehicle from the route. It may order the employment of temporary service at the expense of the contractor until he provides a satisfactory driver.

(ii) Perform service within the limit of the running time prescribed in the advertisement under which he submitted bid.

(iii) Comply with all orders and instructions from the director, transportation division and the supervising postmaster.

(6) *Transporting, transferring, and delivering mail.* The contractor must:

(i) Transport all mail to the cubical or weight capacity of the vehicle, promptly, reliably, and safely. This includes foreign mail in transit across the continental United States or its territories.

(ii) Transfer mail between the vehicle and postal installations when the vehicle can normally be driven to a point within 150 feet of the door or tailboard space of the installation, or place the vehicle at the platform or loading dock of a postal installation to permit hand-to-hand exchange of mail between clerks in the door of the vehicle and clerks on duty at the installation. The director, transportation division, is expected to make reasonable adjustments in these requirements by agreements with postmasters and contractors to assure on-time operation.

(iii) Deliver mail to each intermediate post office on the route on both outward and inward trips unless otherwise instructed by the supervising postmaster.

(7) *Transporting postal officials.* The contractor shall transport on regular trips all duly accredited officials of the postal service, traveling on official business, on presentation of their credentials. The contractor or his driver must not make known to any person at any time the presence of a postal inspector in his vehicle or in the vicinity of the route.

(8) *Transporting passengers.* Contractors are prohibited from carrying passengers in highway post office vehicles, other than postal personnel and contractors' employees. Contractors' employees may be permitted to ride in the driver's compartment when traveling on company business directly related to highway post office service, when such travel does not interfere with safe operation of the vehicle.

(e) *Extensions, discontinuances, and changes.* The director, transportation division, may:

(1) Order an increase in service on any route.

(2) Change schedule of arrivals and departures in all cases, particularly to make them conform to connections with railroads and other mail routes.

(3) Discontinue, change, or curtail the service, to improve mail service or to serve public interest.

(4) Extend the service on a route to improve mail service.

(f) *Forfeitures or contract annulment.* See § 521.4(d)(3).

(g) *Subcontracts.* Contractors for highway post office service must not subcontract the service unless the subcontract is approved by the director, transportation division. Subcontractors must conform to all requirements stated for the contractor himself. Approved subcontractors must perform the same service required of the original contractor.

(h) *Payments*—(1) *For regular service.* See § 521.4(e)(1).

(2) *Allowance for detours.* See § 521.4(e)(4).

(3) *Readjustment of compensation.* See part 526 of this chapter.

(4) *Deductions for service omitted.* See § 521.4(d)(4).

(5) *Fine.* When a contractor fails to comply with terms of the contract or when serious irregularities occur, the postmaster in charge of the mobile unit and the director, transportation division, will make every effort, by letter or by personal interview, to correct the situation. If the contractor persists in the irregularities, the transportation division may issue an order on Form 5440–C–D–E imposing a fine.

(6) *Record of performance.* See § 521.5.

(i) *Inspection of highway post office vehicles.* Vehicles and equipment shall be inspected by officials of the postal service to assure compliance with departmental instructions.

§ 523.3 Reports.

(a) *Special reports of irregularities.* Postmasters and other designated installation heads shall analyze trip reports promptly upon receipt, and issue a brief against the contractor on Form 5500, unless there is a satisfactory explanation, when the following irregularities occur:

(1) Gross negligence on the part of the contractor or his employees.

(2) Trips repeatedly not performed or service omitted.

(3) Delays of 30 minutes or more due to driver's failure to report or because of equipment failure. (Delays of less than 30 minutes may be briefed in unusual circumstances.)

(4) Heat and light failures of 30 minutes or more during one round trip.

(5) Unsanitary and unclean conditions in the vehicle.

(6) Failure to provide potable water.

(7) Loss or damage to mail or postal equipment.

(8) Failure of the contractor or his employees to follow reasonable instructions of postal officials or employees.

(9) Violation of postal laws or regulations.

(10) Failure to give proper supervision to performance of contracted service.

(11) Transporting as cargo matter due to be in the mail.

(12) Entrusting the vehicle to an unsuitable person.

The postmaster in charge of the mobile unit will review the irregularities reported along with the contractors' comments in section 2 of Form 5500; will consult with the contractors and take any corrective action possible. When such corrective action fails to cause the contractor to comply with the terms of the contract, the matter should be referred to the director, transportation division, with the complete file.

(b) *Accident reports*—(1) *Contractor's reports.* The postmaster to whom the highway post office is assigned shall require the contractor to submit reports of all accidents occurring when the highway post office is in scheduled operation. Copies of State, municipal, ICC, insurance carrier's accident report forms, or a narrative written report are acceptable.

(2) *HPO supervisor's report.* Accidents are reported to the postmaster to whom the highway post office is assigned on trip reports. See that each accident reported on trip report is followed by the contractor's report of accident. Form 1769, Supervisor's Report of Accident, must accompany trip report if postal employees are injured or Government property is damaged.

(3) *Postmaster's reports.* On receipt of accident reports the postmaster to whom the highway post office is assigned must:

(i) Advise the inspector in charge immediately of any accidents requiring inspection service attention.

(ii) Report serious accidents immediately to director, transportation division.

(iii) Compare contractor's report with trip report.

(iv) Prepare and submit a brief abstract of accident to the director, transportation division, to include:

(a) Route.
(b) Trip number.
(c) Date.
(d) Time.
(e) Place.
(f) Weather conditions.
(g) Injuries.
(h) Damages.
(i) Other vehicles or object involved.
(j) Any other pertinent information.

(v) Submit contractor's report to regional safety officer and, if postal employees are injured, submit Form 1769.

§ 523.4 Screening contractors, subcontractors, and certain employees.

See § 521.8 of this chapter.

PART 524—WATER ROUTE SERVICE

Sec.
524.1 Description.
524.2 Postal services provided.
524.3 Contracts.
524.4 Protection of mail.
524.5 Record of performance.
524.6 Routes under administration of postmasters.
524.7 Screening contractors, subcontractors, and certain employees.

AUTHORITY: The provisions of this Part 524 issued under U.S.C. 301, 39 U.S.C. 501, 6101, 6103–6105, 6408, 6410, 6413, 6416, 6423, 6433.

§ 524.1 Description.

Water route service is a contract service established by the Department to provide for the transportation of mail between post offices, or other designated points, via steamboats, or other powerboats, when land transport is unavailable or impracticable. It is operated under formal contracts, awarded after competitive bidding. In addition to transportation of mail, contracts may require:

(a) Box delivery and collection service.

(b) Sale of stamp stock.

(c) Delivery of registered, insured, certified and COD matter.

(d) Acceptance of matter presented for registration, certification, or insurance, or to be sent COD, and money with applications for money orders.

(e) Facilities for distribution of mail en route by postal clerks.

§ 524.2 Postal services provided.

(a) *Exchange of mail.* The contractor shall exchange mail with:

(1) All intermediate post offices and nonpost office points on the route, as stated in the advertisement, on both outward and return trips, unless otherwise instructed.

(2) Post offices established after the advertisement is issued. No additional pay is made in such instances if the distance is not increased.

(3) Post offices at each end of the route, unless the director, transportation division, has otherwise provided for such terminal service.

(4) Mail carriers on connecting routes, if necessary.

(b) *Box delivery and collection service.* Advertisements and contracts state whether box delivery and collection service is required. They also state the scope of such service. Instructions contained in part 159 of this chapter are applicable to water route service, so far as practicable. See also § 521.2(b) and (c) of this chapter.

(c) *Acceptance of mail en route.* Every mail carrier shall receive any mail presented to him, if it is properly prepaid by stamps, and deliver it at the next post office at which he arrives. No fees are allowed for this service.

(d) *Other postal services.* On routes where provisions of the contract require, the carrier must sell stamp stock and transact money-order and registry business in accordance with instructions contained in the advertisement.

§ 524.3 Contracts.

(a) *Contract terms.* See § 521.3(a) of this chapter.

(b) *Obtaining bids.* See § 521.3(c) of this chapter except § 521.3(c)(2)(i)(a) of this chapter as bidders for water route service are not restricted as to residence.

(c) *Award of contract.* See § 521.3(d) of this chapter.

(d) *Contractor's responsibilities*—(1) *Providing equipment.* Contractors must provide:

(i) Steamboats or other powerboats which are safe, suitable, and satisfactory to the Department.

(ii) The means necessary to transport all mail, regardless of size, weight, or increase in volume during the term of the contract.

(2) *Performing service.* Contractors shall:

(i) Carry the mail or supervise the service in person or by an agent.

(ii) Be held accountable for the acts and omissions of the persons to whom they commit the care and transportation of the mail and for careful and faithful performance of duties by those persons. They shall discharge any persons engaged in carrying the mail whenever the director, transportation division, requires that they take such action.

(iii) Carry the mail with certainty, celerity, and security.

(iv) Transport foreign mail in transit across the territory of the United States.

(v) Not carry, otherwise than in the mail, letters that should go by mail or transport any person engaged in carrying letters that should go by mail.

(3) *Maintaining schedules.* Contractors shall:

(i) Provide scheduled service satisfactory to director, transportation division.

(ii) Observe the schedule stated in the advertisement or such other schedule of like running time as may be directed by the transportation division having supervision over the route.

(4) *Giving preference to mail.* See § 521.3(e)(3) of this chapter.

(5) *Transporting postal employees and equipment.* (i) Postal clerks may be assigned to water routes. The contractor on those routes shall provide and fit up suitable space for their use in accordance with specifications in the advertisements.

(ii) Contractors shall furnish post office officials, on exhibition of credentials, transportation on trips handling mail between scheduled points on the mail route.

(iii) The contractor shall transport, without extra charge, all post office blanks, mail bags, lock and keys, and other postal supplies offered to him.

(6) *Providing carriers.*—(i) *Qualifications.* See § 521.3(e)(7)(i) of this chapter.

(ii) *Persons ineligible.* See § 521.3(c)(2)(ii)(e) and § 521.3(e)(7)(ii) of this chapter.

(e) *Renewals, extensions, and changes without advertising*—(1) *Renewals.* See § 521.3(f) of this chapter.

(2) *Extensions of contract period.* See § 521.3(g) of this chapter.

(3) *Changes in service*—(i) *Extensions of service.* Service may be increased or extended by allowing a pro rata increase in compensation, but the contractor, if he prefers, may elect to relinquish the service on timely notice.

(ii) *Reduction of service.* Service may be curtailed or discontinued in whole or in part by allowing 1 month's extra pay on the amount of service dispensed with and not exceeding pro rata compensation for the service retained.

(f) *Irregularities*—(1) *Deductions or fines.* See § 521.4(d)(1) or (4) of this chapter.

(2) *Forfeitures or contract annulment.* See § 521.4(d)(3) of this chapter.

(g) *Payments*—(1) *Payments.* See § 521.4(e)(1) of this chapter.

(2) *Pound rate contracts.* Claims for payment for service performed will be submitted by the contractor to the director, transportation division, each accounting period, on Standard Form 1034, Public Voucher for Purchases and Services Other Than Personal, with two copies of SF 1034A, Memorandum Copy of SF 1034, supported by an itemized statement of all service performed, rates per pound, and the amount due. The director, transportation division, will verify all items shown on the itemized statement submitted by the contractor with the reports submitted by the postmasters. SF 1034 will be covered by certification of service on Form 5429, to the postal data center.

(3) *Readjustment of compensation.* See Part 526 of this chapter.

§ 524.4 Protection of mail.

See § 521.3(e)(9) of this chapter.

§ 524.5 Record of performance.

See § 521.5 of this chapter. In lieu of Form 5399, postmasters and other designated installation heads may be required by the director, transportation division, to maintain whatever records are necessary as evidence of service performed.

§ 524.6 Routes under administration of postmasters.

See § 521.7 of this chapter.

§ 524.7 Screening contractors, subcontractors, and certain employees.

See § 521.8 of this chapter.

PART 525—CONTRACT MOTOR VEHICLE SERVICE

Sec.
525.1 Description.
525.2 Establishment.
525.3 Operation.
525.4 Protection of mail.
525.5 Termination.
525.6 Payments.
525.7 Screening contractors, subcontractors, and certain employees.

AUTHORITY: The provisions of this Part 525 issued under 5 U.S.C. 301, 39 U.S.C. 501, 6403, 6416.

§ 525.1 Description.

Contract motor vehicle service is similar to mail messenger service, except that it is provided under formal contracts with bonds for specified terms. It is used for the same purposes as for mail messenger service. See § 522.1 of this chapter.

§ 525.2 Establishment.

(a) *Authorization.* Transportation of mail by contract motor vehicles may be authorized in cities, under formal contract with bond.

(b) *Advertisements.* Contract motor vehicle service is advertised the same as star routes on Form 5435, Advertisement for Mail Service. See § 521.3(c)(1) of this chapter.

(c) *Requirements for bidders.* Bidders must meet the following:

(1) *Age.* Contract motor vehicle contractors shall not be under 21 years of age, and their assistants not under 18.

(2) *Residence.* See § 522.2(c)(2) of this chapter.

(3) *Reliability.* See § 522.2(c)(3) of this chapter.

(4) *Dual employment.* See § 521.3(c)(2)(i)(b) and (c) of this chapter.

(d) *Bid procedures.* See § 521.3(c) of this chapter. Form 5449–5449–A, Contract Motor Vehicle Service Bid and Bond—Work Sheet, is used in submitting bids for contract motor vehicle service.

(e) *Oaths.* See § 521.3(d)(9) of this chapter.

(f) *Employment of assistants.* Contract motor vehicle contractors must either personally supervise their contracts or employ competent supervisors who will personally supervise performance of the contracts. They may not assign or sublet their contracts without approval of the director, transportation division. They may employ assistants at their own expense. Assistants so employed must meet the minimum requirements shown in paragraph (c) of this section.

§ 525.3 Operation.

(a) *Postal services provided.* Contract motor vehicle contractors and their assistants must receive and dispatch mail according to regulations stated for mail messengers. See § 522.3(a) of this chapter.

(b) *Instruction for contractors.* Postmasters shall instruct contract motor vehicle contractors as to service requirements in accordance with instructions contained in advertisements.

(c) *Changes in service.*—(1) *Extension.* The director, transportation division, will issue orders for extension of contract motor vehicle service.

(2) *Reduction.* Postmasters shall report promptly to the director, transportation division, when contract motor vehicle requirements are reduced, so that a lower rate may be negotiated.

(d) *Irregularities.*—(1) *Observation of service.* See § 522.3(d)(1) of this chapter.

(2) *Record of irregularities.* See § 522.3(d)(2) of this chapter.

(3) *Assessing fines.* See § 522.3(d)(3) of this chapter.

(4) *Investigation of complaints.* See § 522.3(d)(4) of this chapter.

§ 525.4 Protection of mail.

(a) Contract motor vehicle contractors and their employees must protect the mail in the manner stated in § 522.4. Contractors and sureties may be held financially liable for loss or damage to mail in their custody.

(b) Contractor shall provide vehicles as required by the contract. Vehicle bodies must be fully enclosed, waterproof, equipped with key or combination locks, and kept locked en route between exchange points.

§ 525.5 Termination.

(a) The director, transportation division, after approval by the Highway Transportation Branch, Bureau of Transportation may annul any contract motor vehicle contract for failure by the contractor or any of his employees to perform service or to furnish equipment in accordance with provisions of the advertisement, or for reasons stated in § 521.4(d)(3) of this chapter.

(b) The director, transportation division, may discontinue service under a contract motor vehicle contract whenever public interest requires discontinuance by allowing, as full indemnity to the contractor, as extra pay one-twelfth of the per annum rate, unless the contract has been terminated for cause.

§ 525.6 Payments.

(a) *Certification.* Postmasters or other designated installation heads will use Form 2640 to certify performance of contract motor vehicle service.

(b) *Contract payments.* Postal data centers must pay contract motor vehicle contractors at the close of each accounting period upon certification that service has been performed. Payment may not be made without an order awarding or renewing contract.

(c) *Readjustment of compensation.* See Part 526 of this chapter.

§ 525.7 Screening contractors, subcontractors, and certain employees.

See § 521.8 of this chapter.

PART 526—CONTRACT PAY ADJUSTMENTS

Sec.
526.1 Eligibility.
526.2 Requests.
526.3 Cost statement—contract service.

AUTHORITY: The provisions of this Part 526 issued under 5 U.S.C. 301, 39 U.S.C. 501, 6423.

§ 526.1 Eligibility.

(a) The laws authorizing contract pay adjustments provide that the contract compensation may be readjusted by mutual consent for increased or decreased costs occasioned by changed conditions occurring during the contract term which could not reasonably have been anticipated at the time of contracting or renewing. Only regular contractors or subcontractors are eligible for consideration (star, water, contract motor vehicle and highway post office).

(b) The law authorizes readjustment consideration for the pay of mail messengers by mutual consent for increased or decreased costs occasioned by changed conditions which could not reasonably have been anticipated at the time of designation. Only regular mail messengers are eligible for this consideration

§ 526.2 Requests.

It is unlawful for a Federal Official to encourage a claim against the Government. The request must be instituted by the contractor, subcontractor, or messenger. Preferably, it should be written; however, verbal requests may be accepted

to initiate action. Immediate written record shall be made of any verbal requests, particularly regarding date. All requests received by postmasters, whether written or verbal, shall be immediately forwarded to the director, transportation division.

§ 526.3 Cost statement—contract service.

(a) *Furnishing forms.* When requests are received by the director, transportation division, from a contractor or through a postmaster, he will furnish the contractor, subcontractor, or mail messenger, three copies of Form 5478, Cost Statement Contract Service, under cover of Form 5478–A, Transmittal Letter and Instructions for Completing Form 5478.

(b) *Completing forms.* (1) The contractor will return two completed Forms 5478 direct to the director, transportation division.

(2) When additional information is necessary to more fully support or refute the contractor's data, the director, transportation division, may request such information from the administrative postmaster.

TIMOTHY J. MAY,
General Counsel.

JULY 31, 1968.

[F.R. Doc. 68-9309; Filed, Aug. 2, 1968; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9048; Amdt. 159-9]

PART 159—NATIONAL CAPITAL AIRPORTS

Subpart C—Aircraft Rules

CONFINEMENT OF AIRCRAFT OPERATIONS

The purpose of this amendment to § 159.41 of the Federal Aviation Regulations is to permit the Airport Managers at the Washington National Airport and at the Dulles International Airport to designate certain specific taxi strips for operations of aircraft.

Section 159.41 states in pertinent part that "no person may use a taxi strip on the Airport for a takeoff or landing."

The Federal Aviation Administration is currently expecting that V/Stol aircraft operations will commence at the Washington National Airport and the Dulles International Airport on or about September 1, 1968. It is contemplated that some of the taxi strips at the two airports would be used for the V/Stol operations. This amendment to § 159.41 would allow the Airport Manager at each of the named airports to designate certain specific taxi strips for operations of these aircraft.

Since this amendment is relaxatory in nature and imposes no additional burden on any person, I find that notice and public procedure thereon are unnecessary, and that good cause exists for making it effective on less than 30 days notice.

In consideration of the foregoing, the second sentence of § 159.41 is amended, effective August 5, 1968, by adding the following words thereto: "except as authorized by the Airport Manager".

This amendment is issued under the authority of section 1602 of Title 2, District of Columbia Code, section 2 of the Act of June 29, 1940, as amended, 54 Stat. 658, and sections 4 and 8 of the Act of September 7, 1950, as amended, 64 Stat. 770.

Issued in Washington, D.C. on July 29, 1968.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 68-9296; Filed, Aug. 2, 1968; 8:46 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. No. SPR-26, Amdt. 1]

PART 378—INCLUSIVE TOURS BY SUPPLEMENTAL AIR CARRIERS, CERTAIN FOREIGN AIR CARRIERS, AND TOUR OPERATORS

Tour Operators Providing Free or Reduced-Rate Transportation for Their Employees and Families on Inclusive Tours

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of July 1968.

On June 3, 1968, by notice of proposed rule making, SPDR–13, 33 F.R. 8394, June 6, 1968, Docket 19930, the Board proposed to amend Part 378 to permit tour operators to provide free or reduced-rate transportation for their employees and families[1] on inclusive-tour charter flights. Three comments were filed, two by inclusive tour operators[2] and one by a supplemental air carrier.[3] All comments support the proposed rule. Therefore, the Board has decided to adopt the regulation as proposed. We shall also incorporate herein, by reference, and make final the tentative findings set forth in the explanatory statement to the proposed rule (SPDR–13, supra).

In consideration of the foregoing, the Board hereby amends Part 378 of its special regulations (14 CFR Part 378), effective September 2, 1968, by amending the definition of "inclusive tour group" in § 378.2(c) to read as follows:

§ 378.2 Definitions.

* * * * *

(c) An "inclusive tour group" means an aggregate of persons who are assembled by a tour operator for the purpose of participation as a single unit in an inclusive tour: *Provided, however,* That nothing contained herein shall preclude a tour operator from utilizing any unused space on an aircraft chartered by it for an inclusive tour, for the transportation, on a free or reduced-rate basis, of such tour operator's employees, directors, and officers, and the parents and immediate families of such persons, subject to the provisions of Part 223 of this chapter.

* * * * *

(Secs. 101(3), 204(a), and 401 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 49 U.S.C. 1301; 72 Stat. 743, 49 U.S.C. 1324; 72 Stat. 754, as amended by 76 Stat. 143, 49 U.S.C. 1371)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-9316; Filed, Aug. 2, 1968; 8:47 a.m.]

[1] Including directors and officers of such tour operators and their families.

[2] AITS, Inc., and Berry World Travel, Inc.

[3] World Airways, Inc.

Title 15—COMMERCE AND FOREIGN TRADE

Chapter I—Bureau of the Census, Department of Commerce

PART 30—FOREIGN TRADE STATISTICS

Authorization for Waiver of Individually Filed Shipper's Export Declarations in Favor of Monthly Declarations or Other Statistical Summaries

Pursuant to Title 13, United States Code, section 302, the following amendments are made to the regulations published in the FEDERAL REGISTER on August 27, 1966 (31 F.R. 11368) (15 CFR Part 30). In accordance with Administrative Procedure, 5 U.S.C. 553, notice and hearing on these amendments and postponement of the effective date thereof are unnecessary because (1) the amendments are changes in the substantive rules which grant or recognize exemptions or relieve restrictions, and (2) are interpretive rules and statements of policy.

This amendment will provide the framework within the Foreign Trade Statistics Regulations for lessening the reporting burden involved in certain kinds of shipments by authorizing the acceptance for statistical purposes of monthly declarations, company records, or other substitutes for Shipper's Export Declarations filed with each shipment.

Effective date: This amendment is effective on the date of publication.

Section 30.39 is amended by a change in title, renumbering and relettering existing portions, and the addition of new paragraphs (b) and (c) so that as amended § 30.39 reads as follows:

§ 30.39 Authorization for reporting statistical information other than by means of individual Shipper's Export Declarations filed for each shipment.

(a) A Customs Director, if he finds that no administrative difficulties are involved, may authorize the filing of one Shipper's Export Declaration per month, in lieu of a declaration for each shipment as required by § 30.6, for the following types of frequently recurring shipments by air from a single consignor from one U.S. airport to one country of destination and one port of unlading via a single airline:

(1) Newspapers and magazines.

(2) Newsreel films, mats, proofs, etc.

(3) Airline timetables being shipped by the airline.

(4) Shipments of registered carrier stores by a United States or Canadian airline to each of its installations or agents abroad which are exported under General License RCS of the Export Regulations set forth in § 371.13(d) of Chapter III of this title.

Such authorization will be subject to the requirement that a declaration covering all such shipments made during the month named on the declaration will be filed by the consignor with the Customs Director no later than the fifth working day of the month following the month covered, and also, except for shipments under subparagraph (4) of this paragraph, subject to the requirement that a Continuation Sheet or other attachment filed with the declaration will list the names of the individual consignees and the number of items shipped to each.

(b) In addition to the procedures authorized in paragraph (a) of this section, the Bureau of the Census, may, on an individual case basis, on application of the shipper or his agent, authorize exemption from the requirement of § 30.6 that an export declaration be filed for each shipment, the exemption to be conditioned upon the filing, after the close of each month or as otherwise prescribed by the Bureau of the Census and the Office of Export Control, of a single export declaration or other statistical report covering shipments made during the month or other period, as follows:

(1) The authorization shall apply only to merchandise destined to Canada or to a nonforeign area where export control is not a consideration.

(2) Authorization will be issued only when in the judgment of the Bureau of the Census complete and accurate statistical information will be available on a monthly basis from the records of the applicant and where the exemption from the filing of a Shipper's Export Declaration for individual shipments represents a reduction of reporting or compiling burdens sufficient to justify administration of the special reporting procedure in the individual case. To the extent possible, as more experience with monthly reporting procedures is obtained, more precise specifications as to eligibility for special monthly reporting procedures will be spelled out in these regulations by future amendment.

(3) Application for special procedures may be made directly to the Foreign Trade Division, Bureau of the Census, by an exporter or shipper, or by a forwarder, carrier or any other repesentative duly authorized to act as agent of the shipper or shippers in the execution of Shipper's Export Declarations.

(4) Procedures for clearing individual shipments through Customs without the presentation of a declaration, and the exact type of monthly or other report to be delivered will be discussed and specifications developed in connection with each eligible application.

Such authorizations will be subject to the requirement that declarations or other approved summarizations containing the necessary statistical information for all such shipments made during a given month or other period will be submitted by the consignor or his agent no later than the fifth working day of the month following the month of export.

(c) Authorization for the filing of monthly declarations or other summarizations under paragraphs (a) and (b) of this section may be terminated by the Bureau of the Census or the District Director of Customs at any time.

A. ROSS ECKLER,
Director,
Bureau of the Census.

JUNE 12, 1968.

JOSEPH M. BOWMAN,
Assistant Secretary of the Treasury.

JULY 8, 1968.

[F.R. Doc. 68-9280; Filed, Aug. 2, 1968; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in the Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

AMMONIATED COTTONSEED MEAL

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Ranchers Cotton Oil Co., Fresno, Calif. 93708, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of ammoniated cottonseed meal in ruminant feed as specified below. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart C the following new section:

§ 121.319 Ammoniated cottonseed meal.

The food additive ammoniated cottonseed meal may be safely used in accordance with the following conditions:

(a) The food-additive is the product obtained by the treatment of cottonseed meal with anhydrous ammonia until a pressure of 50 pounds per square inch gauge is reached.

(b) It is used or intended for use in the feed of ruminants as a source of protein and/or as the sole source of nonprotein nitrogen in an amount not to exceed 20 percent of the total ration.

(c) To assure safe use, the label and labeling of the additive and of any feed additive supplement, concentrate, or premix prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive.

(2) The maximum percentage of equivalent crude protein from the nonprotein nitrogen.

(3) Directions for use to provide not more than 20 percent of the additive in the total ration.

(4) A statement:

(i) That not more than one-third of the total protein in the feed should come from nonprotein nitrogen sources.

(ii) That the additive is not to be given to debilitated or starved animals.

(iii) "Warning—This feed should be used only in accordance with directions furnished on the label."

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 26, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-9323; Filed, Aug. 2, 1968; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

PART 25—REINSURANCE FOR RIOT OR CIVIL DISORDER LOSSES

In Subtitle A a new Part 25 is added as follows:

Sec.
25.1 Statement of applicable law.
25.2 Definitions.
25.11 Offer to bind reinsurance.
25.12 Policies reinsured.
25.13 Premium rates and premium payment.
25.14 Assessment.
25.15 Continuity of coverage and replacement of canceled policies.
25.16 Claims.

Sec.
25.17 Effective date of offer to bind reinsurance.
25.18 Acceptance of offer to bind reinsurance.

AUTHORITY: The provisions of this Part 25 issued under sec. 1221(b), National Housing Act, added under sec. 1103, Housing and Urban Development Act of 1968.

§ 25.1 Statement of applicable law.

(a) Section 1221(a) of the National Housing Act, added under section 1103 of the Housing and Urban Development Act of 1968, authorizes the Secretary of Housing and Urban Development to offer to any insurer, subject to the conditions set forth in section 1223 of the Act, reinsurance against losses resulting from riots or civil disorders in any one or more States, on all standard lines of property insurance enumerated under subparagraphs (A) through (E) of section 1203 (a)(10) together, and, with respect to any State in which such reinsurance is purchased, to offer reinsurance on any one or more standard lines of property insurance enumerated under subparagraphs (F) through (J) of section 1203 (a)(10) of the Act.

(b) Section 1221(b) of the Act authorizes the Secretary, immediately following enactment of title XII of the National Housing Act, to offer such reinsurance to any insurer in any State on a temporary basis, and to bind such coverage with respect to any such insurer by means of a written binder which shall remain in force for 90 days, unless sooner replaced by a governing reinsurance contract.

§ 25.2 Definitions.

As used in this part:

(a) "Act" means the National Housing Act.

(b) "Secretary" means the Secretary of Housing and Urban Development.

(c) "Company" means any company or group of companies under common ownership authorized to engage in the insurance business under the laws in each State in which an offer to bind reinsurance is accepted.

(d) "Losses" means all claims proved and approved by the company for covered losses resulting from riots or civil disorders during the period of the binder together with direct expenses incurred in the investigation, appraisal, adjustment, and defense of such claims, after making proper deduction for recoveries other than reinsurance, plus unallocated loss expenses, hereby agreed to equal five and eleven one hundredths per centum (5.11%) of the net amount of all the foregoing.

(e) "Losses resulting from riots or civil disorders" means losses resulting from riots or civil disorders under policies for which reinsurance is provided under the binder, as determined under regulations of the Secretary. Such regulations will include as losses from civil disorders those losses which result from intentionally caused fire or other property damage which may not be connected in time or place to a specific riot or group activity but which can be determined, pursuant to such regulations, to be a form of civil disorder.

(f) "Aggregate losses" means the sum total of losses resulting from riots or civil disorders occurring in a State during the period of the binder.

(g) "Excess aggregate losses" means ninety per centum (90%) of that part of aggregate losses which is in excess of the net retention.

(h) "Net retention" as used with respect to a binder means the amount of aggregate losses that a reinsured company must stand on its own account before the Secretary's liability attaches and shall be one aggregate figure for each State which shall be determined by applying a factor of one per centum (1%) to the specified percentage of the company's direct premiums earned in the State for the calendar year 1967 on those lines of insurance reinsured.

(i) "Specified percentage" means one hundred per centum (100%) of each line of insurance reinsured under the binder except that the specified percentage of Homeowners multiple peril shall be eighty-five per centum (85%) and that of commercial multiple peril shall be sixty-five per centum (65%).

(j) "Direct premiums earned" means direct premiums earned as reported in column 3 on page 14 of a company's Fire and Casualty Annual Statements, for the calendar year 1967, in the form adopted by the National Association of Insurance Commissioners.

(k) "Pool" means any pool or association of insurance companies in any State which is formed, associated, or otherwise created for the purpose of making property insurance more readily available.

§ 25.11 Offer to bind reinsurance.

The Secretary of Housing and Urban Development, subject to the terms and conditions set forth in this part, offers to bind reinsurance against a company's excess aggregate losses resulting from riots or civil disorders in the lines of mandatory and optional lines of property insurance coverage purchased by the company as separately designated by the company for each State.

§ 25.12 Policies reinsured.

(a) This offer applies to all policies or contracts of insurance and participation shares in any State pools or facilities which are in force on the effective date of the binder or which commence or are renewed on or after such effective date in the standard lines of property insurance set forth in paragraphs (b) and (c) of this section.

(b) The mandatory lines of property insurance coverage are as follows:

(1) Fire and extended coverage;
(2) Vandalism and malicious mischief;
(3) Other allied lines of fire insurance;
(4) Burglary and theft; and
(5) Those portions of multiple peril policies covering similar perils to those provided in subparagraphs (1), (2), (3), and (4) of this paragraph.

(c) The optional lines of property insurance coverage are as follows:

(1) Inland marine;
(2) Glass;
(3) Boiler and machinery;
(4) Ocean marine; and
(5) Aircraft physical damage.

(d) Reinsurance coverage is offered in any one or more States on all the mandatory lines of property insurance enumerated in paragraph (b) of this section together, and in any State in which such reinsurance is purchased, reinsurance coverage is offered on any one or more of the optional lines of property insurance enumerated in paragraph (c) of this section.

§ 25.13 Premium rates and premium payment.

(a) The reinsurance premium due the Secretary for the coverage provided under the binder shall be computed by applying a rate of three-fourths of 1 per centum (0.75%) to the specified percentage of a company's direct premiums earned in each State in reinsured lines of insurance for the calendar year 1967.

(b) The premium due for reinsurance coverage under a binder shall be paid to the Secretary not later than fifteen (15) days after the effective date of the binder. If a company subsequently enters into a standard reinsurance contract with the Secretary, with no lapse of coverage following the termination of coverage under a binder, the premium paid for coverage under the binder shall be applied as a credit against any premium due under such standard reinsurance contract.

§ 25.14 Assessment.

If, during the period of a company's binder with the Secretary, one or more other insurance companies reinsured by the Secretary under substantially similar binders incur aggregate losses in a State, in any reinsured lines, which exceed the net retention for such lines in such State and, as a result, lodge claims against the Secretary, then the company shall pay to the Secretary on demand one or more assessments to meet the company's equitable share of the Secretary's aggregate losses, which shall be in the proportion that (a) the amount, if any, by which the company's aggregate losses in such lines plus previous assessments in such State, bears to (b) the aggregate amount of such unabsorbed net retention for all companies reinsured by the Secretary in such State, but such equitable share shall not exceed the amount of the company's unabsorbed net retention under paragraph (a) of this section.

§ 25.15 Continuity of coverage and replacement of canceled policies.

Under the terms and conditions of this offer to bind reinsurance, a company must agree to the following:

(a) During the period of the binder it will not cancel any policy in reinsured lines applicable to urban area property where coverage of the property, under the present policy and any previous policy which it issued, has been in force for a continuous period of 60 days or more, except in case of (1) nonpayment of premium, (2) evidence of incendiarism, (3) a finding by the company on the basis of satisfactory evidence that changes in the physical condition of the property

or other changed conditions make the risk uninsurable, or (4) other satisfactory placement through State pools or facilities. The Secretary may terminate reinsurance coverage under the binder in any State in which the company fails to comply with the conditions of this paragraph.

(b) During the period of the binder it will neither cancel nor fail to renew any policy in reinsured lines applicable to urban area property because of the area or neighborhood in which such property is located or because of environmental hazard beyond the control of the property owner, except where other satisfactory placement is provided through State pools or facilities. The Secretary may terminate a company's reinsurance coverage under the binder in any State in which the State insurance authority certifies, after hearing, that the company has failed to renew such policies so as to affect adversely and materially the urban insurance market in the State for such lines of insurance.

(c) In each State for which reinsurance is provided under a binder, it will cooperate with other insurance companies doing business in the State, in providing for the reinstatement, or other satisfactory placement through State pools or facilities, of any policy, in reinsured lines applicable to urban area property, which it cancelled because of the location of property or environmental hazard, between April 1, 1968, and the effective date of the binder.

§ 25.16 Claims.

A company reinsured under a binder shall advise the Secretary, as soon as is reasonably possible after receiving knowledge of any riots or civil disorders, whenever it appears probable that the net retention in a State will be exceeded. If a company has incurred aggregate property losses which exceed the net retention, it may make claim upon the Secretary for payment of excess aggregate losses by filing a certification of loss and the Secretary shall, in such installments and on such conditions as he may determine, pay to the company the amount for which he is liable, subject to adjustments on account of previously made underpayments or overpayments. If the ultimate cost of all claims against the company has not been finally determined when the certification of loss is filed, the company shall, in due course, file one or more supplementary certifications and thereafter the Secretary or the company, as the case may be, shall pay the amount due.

§ 25.17 Effective date of offer to bind reinsurance.

The Secretary's offer to bind reinsurance under the terms and conditions set forth in this part is effective at the time this document is filed for public inspection at the Office of the Federal Register.

§ 25.18 Acceptance of offer to bind reinsurance.

(a) This offer to bind reinsurance may be accepted by execution and dispatch of a binder of reinsurance, Form HUD–1600. The offer may also be accepted by telegraphic or letter notice, provided that a company's notice of acceptance of this offer must indicate the States in which reinsurance on lines of mandatory coverage is bound, and specifically designate for each such State the lines of optional coverage for which reinsurance is bound.

(b) A binder shall be effective after midnight of the date on which notice of acceptance of this offer of reinsurance is dispatched to the Secretary, and shall remain in force until midnight of October 29, 1968, unless sooner replaced by a standard reinsurance contract.

(c) Issuance and acceptance of a binder obligates the Secretary to issue a standard reinsurance contract commencing on the effective date of the binder and expiring at midnight, April 30, 1969. No reinsurance coverage will be offered to a company after the expiration of this binder with respect to any State unless there is in effect a statewide plan as set forth in Part A of title XII of the National Housing Act, and the company is participating in such plan and unless, in a State where a pool has been established pursuant to State law, the company is participating in such pool.

Effective date: This part is effective at the time this document is filed for public inspection at the Office of the Federal Register.

ROBERT C. WEAVER,
Secretary of Housing and Urban Development.

[F.R. Doc. 68–9354; Filed, Aug. 1, 1968; 3:22 p.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER I—ANCHORAGES

[CGFR 68–89]

PART 110—ANCHORAGE REGULATIONS

Subpart A—Special Anchorage Areas

HINGHAM HARBOR, MASSACHUSETTS

1. The Chairman of the Board of Selectmen of Hingham, Mass., by letter dated September 20, 1967, requested the establishment of five Special Anchorage Areas in Hingham Harbor. A public notice dated November 13, 1967, was issued by the New England Division, Corps of Engineers, describing the proposed anchorage areas. All known interested parties were notified and no objection was received. Therefore the request is granted and the establishment of special anchorage areas as described in 33 CFR 110.32 below is granted, subject to the right to change the requirements and to amend the regulations if and when necessary in the public interest.

2. The purpose of this document is to establish and describe special anchorage areas in Hingham Harbor, Mass., as described in 33 CFR 110.32 below, wherein vessels not more than 65 feet in length, when at anchor in such special anchorage area, shall not be required to carry or exhibit anchor lights or shapes (day signals). The areas will be principally for use by yachts and other recreation craft. Temporary floats or buoys for marking anchors will be allowed in the areas but fixed piles or stakes may not be placed. The anchoring of vessels and the placing of moorings will be under the jurisdiction of the local Harbor Master.

3. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 14 U.S.C. 632 and the delegation in 49 CFR 1.4(a)(3) of the Secretary of Transportation under 49 U.S.C. 1655 (g)(1), Part 110 is amended by inserting after § 110.30 a new § 110.32 to read as follows and to become effective upon publication of this document in the FEDERAL REGISTER:

§ 110.32 Hingham Harbor, Hingham, Mass.

(a) *Area 1.* Beginning at latitude 42°15′39″, longitude 70°53′24″; thence to latitude 42°15′53.5″, longitude 70°53′-32″; thence to latitude 42°15′56″, longitude 70°53′23″; thence to latitude 42°-15′42″, longitude 70°53′15″; thence to point of beginning.

(b) *Area 2.* Beginning at latitude 42°15′30″, longitude 70°53′02.5″; thence to latitude 42°15′30″, longitude 70°53′-13.5″; thence to latitude 42°15′27.5″, longitude 70°53′18″; thence to latitude 42°15′28.5″, longitude 70°53′31″; thence to latitude 42°15′35″, longitude 70°53′-34″; thence to latitude 42°15′36″, longitude 70°53′36.5″; thence to latitude 42°-15′41″, longitude 70°53′34.5″; thence to latitude 42°15′31″, longitude 70°53′28″; thence to latitude 42°15′31.5″, longitude 70°53′03″; thence to point of beginning.

(c) *Area 3.* Beginning at latitude 42°-15′33″, longitude 70°53′01.5″; thence to latitude 42°15′33.5″, longitude 70°53′-19″; thence to latitude 42°15′35.5″, longitude 70°53′02″; thence to point of beginning.

(d) *Area 4.* Beginning at latitude 42°-14′47″, longitude 70°53′09.5″; thence to latitude 42°14′48.5″, longitude 70°53′-11.5″; thence to latitude 42°14′54″, longitude 70°53′08″; thence to latitude 42°14′56.5″, longitude 70°52′58.5″; thence to point of beginning.

(e) *Area 5.* Beginning at latitude 42°-14′48″, longitude 70°52′57″; thence to latitude 42°14′48.5″, longitude 70°53′-02″; thence to latitude 42°14′58″, longitude 70°52′51″; thence to latitude 42°-14′53.5″, longitude 70°52′50″; thence to point of beginning.

NOTE: The areas will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed in the areas but fixed piles or stakes may not be placed. The anchoring of vessels and the placing of moorings will be under the jurisdiction of the local Harbor Master.

(R.S. 4233, as amended, 28 Stat. 647, as amended, 30 Stat. 98, as amended, sec. 6(g)(1), 80 Stat. 940; 33 U.S.C. 180, 258, 322; 49 U.S.C. 1655(g)(1); 49 CFR 1.4(a)(3))

Dated: July 29, 1968.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 68-9295; Filed, Aug. 2, 1968; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 17—MEDICAL

Utilization of Facilities Other Than Those Under Direct and Exclusive Jurisdiction of the Veterans Administration

In § 17.50(j)(1), subdivision (1) is amended to read as follows:

§ 17.50 Utilization of facilities other than those under direct and exclusive jurisdiction of the Veterans Administration.

• • • • •

(j)(1) • • •

(i) The cost of nursing home care for such veterans in such institution does not exceed 40 per centum of the cost of care furnished by the Veterans Administration in a general medical and surgical hospital as is determined from time to time by the Administrator.

• • • • •

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective July 26, 1968.

Approved: July 30, 1968.

By direction of the Administrator.

[SEAL] A. W. STRATTON,
Deputy Administrator.

[F.R. Doc. 68-9315; Filed, Aug. 2, 1968; 8:47 a.m.]

PART 17—MEDICAL

Payment of Federal Aid to States for War Veterans Receiving Hospital, Domiciliary and Nursing Home Care in State Homes

In § 17.166, paragraph (a) and that portion of paragraph (b) preceding subparagraph (1) are amended to read as follows:

§ 17.166 Payment of Federal aid to States for war veterans receiving hospital, domiciliary and nursing home care in State homes.

(a) The Administrator shall pay to the designated State official of each State at the per diem rate of $3.50 for each veteran of any war receiving hospitalization or domiciliary care in a recognized State home in such State if the veteran is eligible for hospitalization or domiciliary care in a Veterans Administration facility. However, in no case shall such payment be more than one-half of the cost of maintenance of the veteran in such State home, computed in accordance with instructions furnished by the Veterans Administration.

(b) The Administrator will pay, effective no earlier than July 27, 1968, to the designated State official at the per diem rate of $5 for each veteran of any war receiving nursing home care in a recognized State home with facilities designated and staffed to provide such care, provided the following conditions are met:

• • • • • •

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective July 26, 1968.

Approved: July 30, 1968.

By direction of the Administrator.

[SEAL] A. W. STRATTON,
Deputy Administrator.

[F.R. Doc. 68-9312; Filed, Aug. 2, 1968; 8:47 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER A—GENERAL PROVISIONS

[General Order 16, Amdt. 3; Docket No. 68-2]

PART 502—RULES OF PRACTICE AND PROCEDURE

Subpart U—Conciliation Service

On January 18, 1968, the Federal Maritime Commission published in the FEDERAL REGISTER (33 F.R. 638) proposed rules and regulations covering the establishment of a Conciliation Service. In the preamble to its notice of proposed rule making, the Commission explained that the proposed Conciliation Service would:

• • • provide a method for settling disputes between persons or companies involved in the shipping, receiving, handling, or movement of merchandise in the waterborne commerce of the United States domestic offshore and foreign.

Eleven written comments were filed by, or on behalf of, 44 interested parties. Replies to these comments were filed by Hearing Counsel, and there were filed answers to these replies. The Commission has carefully considered the positions of the parties and the final rules promulgated herein have been drafted with the parties' comments and arguments in mind. Comments and arguments not discussed or reflected herein have been considered and found not relevant or material.

The vast majority of the comments received level a general attack on the matters covered by the proposed rules and, for the most part, are grounded on the contention that, though purporting to authorize conciliation, the proposed rules actually provide for a kind of arbitration or mediation. In response to these objections, Hearing Counsel recommend extensive changes in the proposed rules in order "• • • to exclude all aspects of arbitration and allow for truly conciliatory negotiations • • •." Under the Conciliation Service as so revised, Hearing Counsel explain that:

• • • the parties are allowed to determine the procedures to be employed; there is no written record; they are free to withdraw at any stage of the proceeding; and there is the added safeguard that all parties must agree to the conciliator's opinion before it is issued.

We have carefully considered all of the suggested revisions submitted by Hearing Counsel and we concur that the proposed rules as so revised are more closely in accord with the purpose and spirit of a true conciliation service. Accordingly, except for a few minor clarifications and revisions, all of the modifications requested by Hearing Counsel have been incorporated in the final rules as adopted herein. As a result of these changes and for reasons stated below, the general objections to the proposed Conciliation Service originally voiced by some of the commenting parties are no longer valid.

1. The contention is made that the Federal Maritime Commission lacks the authority to provide for and undertake the matters covered by the proposed Conciliation Service. The Commission's authority to promulgate the proposed rules is challenged, in large part, on the grounds that the rules actually provide for a kind of arbitration or mediation which can only be authorized by statute. Whatever might have been the merit to this argument, it is clear that the revisions suggested by Hearing Counsel and adopted by this Commission, have mooted this issue. Under section 43 of the Shipping Act, 1916, the Commission is expressly given the authority to "• • • make such rules and regulations as may be necessary to carry out the provisions of this Act." The Conciliation Service now contemplated by the proposed rules merely establishes an informal procedure for resolving disputes involving persons and matters falling within the Commission's jurisdiction, as set forth in its Shipping Act, 1916, and the other Shipping Statutes,[1] without the necessity of costly and protracted litigation.

2. Several commentators are of the opinion that the proposed Conciliation Service is unnecessary and duplicative in that there are allegedly now existing ample facilities, both governmental and nongovernmental, which are adequate to assist in the settlement of disputes between persons subject to the Commission's jurisdiction. Some of the means referred to as being available for the prompt resolution of disputes include remedies provided by this Commission, such as the Small Claims and Informal Complaints procedures, and facilities made available by various arbitration associations. In view of the fact that the rules have been revised so as to eliminate any aspect of arbitration and to allow for purely informal conciliatory negotiations, the adversary-type of forum provided by arbitration associations would not be suitable or appropriate.

[1] The other "Shipping Statutes" are enumerated in 502.401(b) of the rules.

As to those existing remedies provided for by the Commission which are allegedly adequate to resolve any dispute contemplated by the proposed rules, suffice it to say that, although there may be some overlap with existing procedures, this Commission has no procedure now in effect which provides the informal mechanisms and renders the unencumbered assistance contemplated by the proposed rules for the resolution of disputes between persons subject to its jurisdiction.

3. Certain commentators argue that establishing the proposed Conciliation Service could have serious consequences to persons subject to the Commission's jurisdiction and could be prejudicial to the legal rights of these persons. These parties are especially concerned that the information and documents presented to and required by the conciliator could conceivably form the basis of subsequent action by the Commission or be used in a later formal proceeding as a means of discovery. In our view, this fear is unwarranted. Under the provisions of the proposed rules as revised, the parties themselves determine the procedure to be used and further determine whether, and to what extent, "affidavits, documents or other materials" are to be submitted. Moreover, the fact that parties to the Conciliation Service are now free to withdraw at any stage of the proceeding should overcome any prejudice which might otherwise result from a party having to produce any information or documents.

4. Finally, some parties contend that the proceeding contemplated by the proposed rules is too formal and, in the words of one commentator, results in an atmosphere which is "• • • not conducive to frank and open discussion about the dispute." Accordingly, it is suggested that the proposed rules be redrafted to exclude any words or implications that the conciliator is expected to follow a particular way to take evidence or is expected to reduce his thoughts to a written opinion, without the parties' advance consent. Hearing Counsel, in their proposed revision of the rules, which we have adopted, have incorporated all of the above-requested changes and, consistent with one particular commentator's request, have provided "an atmosphere in which the parties can fully and informally discuss and solve their own problems."

Apart from the aforementioned comments, which constituted a general attack against the establishment of the proposed Conciliation Service, our notice of proposed rulemaking also elicited the following objections to specific provisions and language in the proposed rules.

1. Opposition is voiced to the "almost unlimited character of 'disputes'" as defined in the proposed rules. It is contended that the area of disputes made subject to the Conciliation Service under this section is far broader than the Commission's own jurisdiction under the statutes and would embrace matters clearly without the "expertise" of the Commission. This point is well taken. Accordingly, in the final rules, the following language has been inserted at the end of § 502.401(a) in order to clarify the scope of the disputes which may be conciliated under the proposed rules:

The foregoing definition is limited to those disputes which fall within the jurisdiction of the Federal Maritime Commission.

2. Opposition is also lodged against the section of the proposed rules dealing with the selection of conciliators. It is the position of at least one commentator that "• • • as no standards for the selection of the conciliation are prescribed, the Managing Director may appoint whomever he sees fit in his unfettered discretion." It is suggested the section relating to the assignment of conciliators be amended to provide for the assignment of only Hearing Examiners as conciliators. We have given considerable thought to this recommendation and have decided to reject it. As Hearing Counsel have so succinctly pointed out, the fact that the Office of Hearing Examiners is not vested exclusively with the task of presiding as conciliators should not unduly trouble anyone in view of the fact that it:

• • • behooves the Managing Director to choose a conciliator that would be acceptable to all parties involved since, as already noted, under section • • • (§ 502.404) as revised, participation is purely voluntary at all stages.

Various other minor revisions and modifications have been incorporated into the final rules promulgated here. These changes are not substantive but were made solely in the interest of clarity and to allow for better organization. For example:

1. In the final rules, § 502.401(d) has been rewritten to more accurately define Domestic Offshore Commerce.

2. "Conference of carriers" had been included in the list of persons eligible for the Conciliation Service under § 502.403 of the final rules. Its omission from the rules as originally proposed was an oversight.

3. Section 502.405, dealing with the Assignment of Conciliators, has been amended in order to delete certain redundant and unnecessary language.

4. Finally, sections (in the final rules) have been renumbered, retitled, and reorganized in order to provide for a more efficient and readable arrangement. The final rules are being incorporated in Part 502—Rules of Practice and Procedure.

Therefore, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553), and section 43 of the Shipping Act, 1916 (46 U.S.C. 841a), Part 502 of Title 46 of the Code of Federal Regulations is hereby amended by the addition of Subpart U, reading as below:

Subpart U—Conciliation Service

Sec.
502.401 Definitions.
502.402 Policy.
502.403 Persons eligible for service.
502.404 Procedures.
502.405 Assignment of conciliators.
502.406 Opinions.

AUTHORITY: The provisions of this Part 502 issued pursuant to Sec. 43 Shipping Act, 1916, 75 Stat. 766, 46 U.S.C. 841a.

§ 502.401 Definitions.

(a) "Disputes" means disagreements between two or more parties arising from the transportation of goods or the performance of services in connection with such transportation in the domestic offshore commerce or the foreign commerce of the United States; a difference of opinion regarding the interpretation of any tariff, rate, rule, or regulation; a disagreement regarding the performance of any service in connection with such transportation; a disagreement with respect to an alleged violation of the Shipping Statutes; any other disagreement or opposing opinion regarding any matter connected with transportation of cargoes in the waterborne commerce of the United States. The foregoing definition is limited to those disputes which fall within the jurisdiction of the Federal Maritime Commission.

(b) "Shipping Statutes" means the Shipping Act, 1916, as amended, 46 U.S.C. 801 et seq.; Merchant Marine Act, 1936, 46 U.S.C. 1101 et seq.; Merchant Marine Act, 1920, 46 U.S.C. 861 et seq.; the Intercoastal Shipping Act, 1933, 46 U.S.C. 843 et seq.; and Acts relating to the foregoing, to the extent of the Federal Maritime Commission's jurisdiction under such Acts.

(c) "Advisory opinions" means nonbinding conclusions reached by a conciliator on the basis of oral presentation and/or documentary authority.

(d) "Domestic Offshore Commerce" means waterborne common carriage between:

(1) The Continental United States and Alaska or Hawaii;

(2) Alaska and Hawaii;

(3) The United States (including Alaska and Hawaii) and any territory or possession of the United States; and

(4) A territory or possession of the United States and any other such territory or possession.

(e) "Foreign Commerce" means waterborne common carriage between the United States or any of its territories or possessions, and a foreign country.

§ 502.402 Policy.

It is the policy of the Federal Maritime Commission:

(a) To offer its good offices and expertise to parties to disputes involving matters within its jurisdiction, so as to permit resolution of such disputes with dispatch and without the necessity of costly and time-consuming formal proceedings;

(b) To facilitate and promote the resolution of problems and disputes by encouraging affected parties to resolve differences through their own resources;

(c) To create a forum in which grievances, interpretations, problems, and questions involving the waterborne commerce of the United States may be aired, discussed and, hopefully, resolved to the mutual advantage of all concerned parties.

§ 502.403 Persons eligible for service.

Request for conciliation service may be made by any shipper, merchant, carrier, conference of carriers, freight

forwarder, terminal operator, Government agency, or any other person affected by or involved in the transportation of goods by common carrier in the waterborne domestic offshore or foreign commerce of the United States.

§ 502.404 Procedures.

(a) The request for conciliation should be addressed to the Federal Maritime Commission Conciliation Service, 1321 H Street NW., Washington, D.C. 20573, and should contain the details of the dispute, names and addresses of all involved parties, the contentions of each party or parties, and copies of any documents that are relevant to the disposition of the issues. If the request is made by any one party to the dispute, the party requesting conciliation should mail to the other party or parties to the dispute a copy of the letter of request, with attachments, if any.

(b) Each matter will be assigned a number prefixed by the letters FMCCS and assigned to a conciliator for disposition and the involved parties will be informed of the case number and the name of the conciliator.

(c) While it is preferable that all parties involved in a dispute request a service jointly, a request by a single party for the service will be acted upon, provided all parties agree that the dispute should be conciliated. In the event that the request is made by only one party, the conciliator will contact the other party or parties to the dispute and be advised as to whether such parties agree to participate in the conciliation. If the other party or parties to the dispute do not agree to the Conciliation Service, no further action will be taken by the conciliator and the conciliation ceases.

(d) The parties will be free to determine the best procedures to be used with the qualification that the conciliator may disapprove procedures that would in his opinion be either too time-consuming or involve inordinate expense to the Federal Maritime Commission. The parties may agree to (1) fix a time and place for the oral presentation of each party's contention; and (2) request affidavits, documents or other materials that could help resolve the dispute. The conciliator will be in a strictly advisory capacity. There will be no written record of the conciliation discussions.

(e) Participation in the conciliation of a dispute is purely voluntary at all stages and the parties involved may withdraw at any time without prejudice.

§ 502.405 Assignment of conciliators.

The Commission's Managing Director, giving due regard to the type and complexity of the problem presented and the degree of expertise required, will assign a conciliator to each dispute.

§ 502.406 Opinions.

(a) The conciliator will write an advisory opinion that must meet the approval of all parties. If the advisory opinion, or revision thereof requested by one or more of the parties, is not unanimously agreed upon, then the conciliation will stop without prejudice to any of the parties involved. If unanimity is not reached, the conciliator will note in a report to the Commission, which he shall serve on all parties, that the parties failed to reach agreement. Only if unanimity is reached, will the informal advisory opinion, although not binding, be sent to all interested parties and be made available to the public in the Federal Maritime Commission Docket Room.

(b) There will be no appeal from, or review of, such decisions and any party may pursue any further course of action under any other rule or statute that it deems advisable.

Effective date. These rules shall become effective upon date of publication in the FEDERAL REGISTER.

By order of the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY, *Assistant Secretary.*

[F.R. Doc. 68-9319; Filed, Aug. 2, 1968; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1130]

[Docket No. AO-259-A19]

MILK IN CORPUS CHRISTI, TEX., MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Vista Room, Echo Motel, Edinburg, Tex., beginning at 10 a.m., local time, on August 20, 1968, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Corpus Christi, Tex., marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order. Proposals two through six were made contingent upon whether the present individual handler pooling system under the order is changed to market-wide pooling of producer returns.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Milk Producers, Inc.:

Proposal No. 1.

PROPOSED AMENDED ORDER FOR THE CORPUS CHRISTI, TEX., MARKETING AREA

DEFINITIONS

§ 1130.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1130.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1130.3 Department.

"Department" means the U.S. Department of Agriculture.

§ 1130.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1130.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 1130.6 Corpus Christi, Tex., marketing area.

"Corpus Christi, Tex., marketing area," called the "marketing area" in this part means all the territory within the counties of Brooks, Cameron, Duval, Hidalgo, Jim Wells, Kleberg, Live Oak, Nueces, and San Patricio, all in the State of Texas.

§ 1130.7 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products are received, processed and/or packaged. Separate facilities used only as a reload point for transferring bulk milk from one tank truck to another shall not be a plant under this definition if the milk transferred at such facilities can be identified as receipts from specific farmers until the milk is received at a plant. Facilities used only as a distribution point for storing fluid milk products in transit on routes shall not be a plant under this definition.

§ 1130.8 Distributing plant.

"Distributing plant" means a plant from which Grade A fluid milk products are disposed of during the month on a route(s) in the marketing area.

§ 1130.9 Supply plant.

"Supply plant" means any plant approved by an appropriate health authority to supply fluid milk for distribution as Grade A milk in the marketing area and from which milk is moved to a distributing plant.

§ 1130.10 Pool plant.

"Pool plant" means:

(a) Any distributing plant, except a producer-handler plant or an other order plant, from which during the month:

(1) The disposition of fluid milk products on routes within the marketing area is 10 percent or more of the receipts of Grade A milk at such plant; and

(2) The total disposition of fluid milk products on routes is 50 percent or more of the receipts of Grade A milk at such plant;

(b) A supply plant:

(1) During any month in which 50 percent or more of the receipts of Grade A milk from dairy farmers and handlers pursuant to § 1130.12(d) at such plant is moved as fluid milk products in bulk to pool distributing plants; or

(2) During each of the months of January through August, if such plant was a pool plant pursuant to subparagraph (1) of this paragraph during each of the immediately preceding months of September through December, unless the operator of such plant has filed with the market administrator before the first day of any month written request that such plant not be a pool plant for each month through August during which it does not otherwise qualify as a pool plant; or

(c) Any plant operated by a cooperative association which has been approved by any duly constituted State or municipal health authority and at which milk is received from dairy farmers holding permits or authorizations from such health authority, and at least 50 percent or more of the producer milk of members of such cooperative association is physically received during the month at pool plants of other handlers described in paragraph (a) of this section or is transferred to such pool plants from a plant of the cooperative association.

§ 1130.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another Federal order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Unregulated supply plant" means a nonpool plant from which fluid milk products eligible for distribution as Grade A milk in the marketing area are moved to a pool plant during the month but which is neither an other order plant nor a producer-handler plant.

(d) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes (other than to pool plants) in the marketing area during the month.

§ 1130.12 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

(c) Any cooperative association with respect to producer milk which it causes

to be diverted from a pool plant to another handler to a nonpool plant for the account of such cooperative association;

(d) Any cooperative association with respect to milk of its producer members which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association;

(e) Any person in his capacity as the operator of another order plant from which route disposition of fluid milk products is made in the marketing area; or

(f) A producer-handler.

§ 1130.13 Producer.

(a) "Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk approved for consumption as Grade A milk by any duly constituted State or municipal health authority, which is:

(1) Received at a pool plant; or

(2) Diverted by a handler for his account from a pool plant to a nonpool plant, subject to the provisions of § 1130.-14.

(b) "Producer" shall not include:

(1) Any person with respect to milk produced by him which is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and the handler under the other order diverting such milk and the operator of the pool plant each have requested Class III classification (or comparable classification) of such milk in the reports of receipts and utilization filed with their respective market administrators; and

(2) Any person with respect to milk produced by him which is diverted to an other order plant if such person is designated as a producer under the other order with respect to such milk.

§ 1130.14 Producer milk.

"Producer milk" means skim milk and butterfat for each handler's account in milk from producers as follows:

(a) With respect to operations of a pool plant:

(1) Received directly from such producers;

(2) Received from a cooperative association handler pursuant to § 1130.12 (d); and

(3) Diverted by the operator of such pool plant to a nonpool plant for his account, subject to the conditions of paragraph (c) of this section.

(b) With respect to additional receipts by a cooperative association handler:

(1) Diverted by such cooperative association from the pool plant of another handler to a nonpool plant for the account of such cooperative association, subject to the conditions of paragraph (d) of this section; and

(2) Received by such cooperative association from producers' farms as a handler pursuant to § 1130.12(d) in excess of the quantity delivered to pool plants pursuant to paragragh (a) (2) of this section.

(c) With respect to diversions to nonpool plants:

(1) A cooperative association may divert for its account a total quantity of milk not in excess of one-third of the total producer milk of its members received at all pool plants during the month. Diversions in excess of such quantity shall not be producer milk and the diverting cooperative shall specify the dairy farmers whose diverted milk is ineligible as producer milk. If the cooperative association fails to designate such producers, producer milk status shall be forfeited with respect to all milk diverted by such cooperative association;

(2) A handler operating a pool plant may divert for his account milk of producers other than members of a cooperative association diverting milk pursuant to subparagraph (1) of this paragraph, in a total quantity not in excess of one-third of the milk at such pool plant during the month from producers who are not members of such a cooperative association. Milk diverted in excess of such quantity shall not be producer milk and the diverting handler shall specify the dairy farmers whose diverted milk is ineligible as producer milk. If a handler fails to designate such producers, producer milk status shall be forfeited with respect to all milk diverted by such handler; and

(3) For the purposes of location adjustments pursuant to §§ 1130.53 and 1130.82, diverted milk shall be priced at the location of the nonpool plant to which diverted.

§ 1130.15 Producer-handler.

"Producer-handler" means any person who:

(a) Produces milk and operates a distributing plant;

(b) Receives no milk from other dairy farmers;

(c) Disposes of no other source milk (except that represented by nonfat solids used in the fortification of fluid milk products) as Class I milk;

(d) Receives from pool plants not more than a total of 5,000 pounds of milk during the month or 5 percent of his Class I disposition, whichever is less; and

(e) Furnishes satisfactory proof to the market administrator that the maintenance, care and management of all dairy animals and other resources necessary to produce the entire amount of fluid milk handled (excluding transfers from pool plants) and the operation of the plant are each the personal enterprise of and at the personal risk of such person.

§ 1130.16 Fluid milk products.

"Fluid milk products" means all skim milk (including reconstituted skim milk) and butterfat disposed of in fluid form as milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream and sour cream products labeled Grade A, and any mixture of cream and milk or skim milk (other than frozen cream, aerated cream products, eggnog, ice cream, ice cream mix or other frozen mixes, evaporated or condensed milk and milk products contained in hermetically sealed containers): *Provided*, That when nonfat milk solids are added for "fortification", the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1130.17 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts at a pool plant during the month of fluid milk products except (1) fluid milk products received from other pool plants, (2) producer milk; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month, and any disappearance of products other than fluid milk products which are in a form in which they may be converted into fluid milk products or used to make Class II and III products and which are not otherwise accounted for pursuant to § 1130.33.

§ 1130.18 Route disposition.

"Route disposition", or "disposed of on routes", means any delivery (including any delivery by a vendor or disposition at a plant store) of fluid milk products other than a delivery to a milk plant.

§ 1130.19 Chicago butter price.

"Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

§ 1130.20 Designation.

The agency for the administration of this part shall be a market administrator selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 1130.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend to the Secretary amendments to this part.

§ 1130.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties or such lesser period as may be prescribed by the Secretary execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with satisfactory surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1130.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1130.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler by audit of such handler's records and the records of any other handler or person upon whose disposition of milk such handler claims classification of skim milk and butterfat and by such investigation as the market administrator deems necessary;

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts has not made reports pursuant to §§ 1130.30 to 1130.32, has not maintained adequate records and facilities pursuant to § 1130.33, or made payments pursuant to §§ 1130.80, 1130.84, 1130.86, and 1130.88;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate and notify each handler in writing:

(1) On or before the fifth day of each month, the minimum price for Class I milk computed pursuant to § 1130.51(a), and the Class I milk butterfat differential computed pursuant to § 1130.52(a) both for the current month, and the minimum price for Class II and Class III milk computed pursuant to § 1130.51 (b) and (c) and the butterfat differential for Class II and Class III milk computed pursuant to § 1130.52 (b) and (c), all for the previous month; and

(2) On or before the 12th day after the end of each month the uniform price computed pursuant to § 1130.72; and the butterfat differential computed pursuant to § 1130.81;

(j) On or before the 12th day after the end of each month, mail to each handler at his last known address, a statement showing for such handler the amount and value of producer milk in each class and the totals thereof; and

(k) Prepare and make available for the benefit of producers, consumers and handlers such general statistics and such information concerning the operations hereof as are necessary and essential to the proper functioning of this part.

(l) On or before the 12th day after the end of each month report to each cooperative association, upon request by such association, the percentage of producer milk caused to be delivered by such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class.

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classifications to which such receipts are allocated pursuant to § 1130.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler who operates a pool plant (including a cooperative association in its capacity as a handler pursuant to § 1130.12(c)) and who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and as necessary, any changes in such classification arising in the verification of such report.

(o) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1130.46(a) (9) and the corresponding step of § 1130.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

§ 1130.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, reports of receipts and utilization for such month shall be made to the market administrator as follows in the detail and on forms prescribed by the market administrator:

(a) Each handler operating a pool plant shall report for each of his pool plants:

(1) Receipts of skim milk and butterfat in or represented by:

(i) Producer milk, showing separately receipts from producers and from each cooperative association bulk tank handler;

(ii) Receipts of fluid milk products from other pool plants; and

(iii) Other source milk, with the identity of each source.

(2) Inventories of fluid milk products at the beginning and end of the month:

(i) In packaged form; and

(ii) In bulk form.

(3) The utilization or disposition of all quantities required to be reported, showing separately:

(i) Total route disposition;

(ii) Route disposition in the marketing area;

(iii) Transfers to other pool plants;

(iv) Transfers to other order plants;

(v) Transfers to nonpool plants; and

(vi) Diversion to nonpool plants.

(4) Such other information with respect to receipts and utilization as the market administrator may request;

(b) Each cooperative association shall report with respect to milk for which it is the handler pursuant to § 1130.12 (c) or (d):

(1) Receipts of skim milk and butterfat from producers;

(2) The quantities delivered to each pool plant and to each nonpool plant;

(3) The utilization of all such milk not delivered to a pool plant; and

(4) Such other information as the market administrator may require.

(c) Each handler operating a partially regulated distributing plant shall report as required in paragraph (a) of this section except that receipts of Grade A milk from dairy farmers shall be reported in lieu of receipts of producer milk. Such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area.

§ 1130.31 Payroll reports.

On or before the 20th day of each month, each handler operating a pool plant(s), each cooperative association which is a handler pursuant to § 1130.12 (c) or (d), and each handler operating a partially regulated distributing plant and making payments pursuant to §1130.61(a), shall submit to the market administrator his producer payroll (or in the latter case, his payroll for dairy farmers delivering Grade A milk) for deliveries made in the preceding month which shall show:

(a) The total pounds and the average butterfat test of milk received from each producer and cooperative association the number of days, if less than the entire month for which milk was received from such producer;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 1130.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler operating an other order plant with route disposition in the marketing area shall report such disposition to the market administrator on

or before the 7th day after the end of the month.

(c) Each handler who causes milk to be delivered for his account directly from producers' farms to a nonpool plant shall, prior to such diversion, report to the market administrator his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 1130.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations including any deductions authorized by producers and disbursement of money so deducted.

§ 1130.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15)(A) of the Act of a court action specified in such notice the handler shall retain such books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 1130.40 Basis of classification.

The skim milk and butterfat which are required to be reported pursuant to § 1130.30 shall be classified by the market administrator, subject to the provisions of §§ 1130.41 through 1130.45, inclusive. If any of the water contained in the milk from which a product is made has been removed, before it is utilized or disposed of by the handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all the water originally associated with such solids.

§ 1130.41 Classes of utilization.

Subject to the conditions set forth in §§ 1130.43 and 1130.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product (including those reconstituted) except those fluid milk products classified pursuant to subparagraphs (2), (3), and (4) of paragraph (c) of this section;

(2) In inventory of fluid milk products in packaged form on hand at the end of the month; and

(3) Not specifically accounted for as Class II milk or as Class III milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat used to produce or added to cottage cheese and cottage cheese curd, except as classified pursuant to subparagraphs (2) and (3) of paragraph (c) of this section; and

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product or cottage cheese;

(2) In fluid milk products or cottage cheese disposed of for livestock feed;

(3) In fluid milk products or cottage cheese dumped after notification to and opportunity for verification as may be requested by the market administrator;

(4) Disposed of in fluid milk products in bulk form to any commercial food processing establishment for use in food products prepared for consumption off the premises;

(5) Contained in any fluid milk product which has been fortified with additional milk solids not fat which is in excess of the pounds classified as Class I milk pursuant to paragraph (a)(1) of this section;

(6) In inventory of bulk fluid milk products on hand at the end of the month;

(7) In actual shrinkage at each plant but not in excess of the following limitations:

(i) Two percent of receipts directly from producers; plus

(ii) 1.5 percent of receipts from a cooperative association handler pursuant to § 1130.12(d), except that if the handler operating the pool plant files notice with the market administrator that he is accounting for such milk on the basis of farm weights determined by the cooperative association the applicable percentage shall be 2 percent; plus

(iii) 1.5 percent of bulk fluid milk products (except cream) received from other pool plants; plus

(iv) 1.5 percent of bulk fluid milk products received from other order plants, exclusive of the quantity for which Class I utilization was requested by the handlers; plus

(v) 1.5 percent of bulk fluid milk products received from unregulated supply plants, exclusive of the quantity for which Class I utilization was requested by the handler; less

(vi) 1.5 percent of bulk fluid milk products (except cream) disposed of to other milk plants, except; in the case of milk diverted to a nonpool plant, if the operator of the plant to which the milk is diverted accounts for such milk on the basis of farm weights, the applicable percentage shall be 2 percent.

(8) In shrinkage of skim milk and butterfat, respectively, in other source milk assigned pursuant to § 1130.12(b)(2); and

(9) In shrinkage of skim milk and butterfat, respectively, resulting from milk for which a cooperative association is the handler pursuant to § 1130.12 (c) or (d) not being delivered to pool plants and nonpool plants, but not in excess of one-half percent of the quantity received from producers, exclusive of receipts for which farm weights are used as the basis of receipt at the plant to which delivered.

§ 1130.42 Assignment of shrinkage.

The market administrator shall prorate the total shrinkage of skim milk and butterfat, respectively, computed at each pool plant between the following:

(a) Skim milk and butterfat in amounts, respectively, equal to 50 times the maximum quantities that may be computed pursuant to § 1130.41(c)(7); and

(b) The skim milk and butterfat, respectively, in other source milk received as bulk fluid milk products, exclusive of the other source milk specified in § 1130.41(c)(7).

§ 1130.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified otherwise. With respect to milk received for delivery to a pool plant by a cooperative association handler pursuant to § 1130.12(d), the operator of the pool plant shall have the burden of proving the classification of the skim milk and butterfat defined in § 1130.14(a)(2);

(b) Milk received by a handler pursuant to § 1130.12(d) shall be classified according to use or disposition at the receiving plant and the value thereof at class prices shall be included in the receiving handler's net obligation pursuant to § 1130.70; and

(c) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses the original classification was incorrect.

§ 1130.44 Transfers.

Skim milk or butterfat shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred in the form of fluid milk products from a pool plant to another pool plant subject to the following conditions:

(1) The skim milk or butterfat so assigned to any class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1130.46(a)(9) and the corresponding step of § 1130.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1130.46(a)(4) and the corresponding step of § 1130.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I (then Class II) utilization to such other source milk; and

(3) If the handler transferring to the pool plant of another handler received during the month other source milk to be allocated pursuant to § 1130.46(a)(8) or (9) and the corresponding steps of § 1130.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I (or Class II) milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred in the form of fluid milk products from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted in the form of bulk milk, skim milk, or cream to a nonpool plant that is not an other order plant or a plant of a producer-handler, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1130.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I milk utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I milk utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular source of supply for such nonpool plant;

(iii) Class I milk utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I milk utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I milk utilization is not so assigned to it, the skim milk and butterfat so transferred or diverted shall be classified as Class II milk to the extent of such uses at the plant and then as Class III milk;

(d) On the basis of the conditions and the allocation procedure described in paragraph (e) of this section at a second nonpool plant, that is neither an other order plant, nor a producer-handler plant, when transferred or diverted from the pool plant as milk or skim milk in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, and from which all receipts of milk or skim milk are moved in bulk to such second nonpool plant for further processing;

(e) As follows, if transferred or diverted to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in Class I if allocated as a fluid milk product to Class I under the other order, in Class II if allocated to Class II under an order which provides three classes and in Class III if allocated to Class III under the other order or if allocated to Class II under an order which provides only two classes (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class III milk to the extent of the Class III milk utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I milk subject to adjustment when such information is available;

(5) For purposes of this paragraph (e), if the transferee order provides for only two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and milk allocated to another class shall be classified as Class III milk; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1130.41.

§ 1130.45 Computation of the skim milk and butterfat in each class.

(a) For each month the market administrator shall correct for mathematical and other obvious errors the reports of receipts and utilization submitted pursuant to § 1130.30 for each pool plant of each handler, and compute the pounds of skim milk and butterfat in each class for such plant;

(b) If no fluid milk products to be assigned pursuant to § 1130.46(a)(8) or (9) were received at any of his pool plants, allocations pursuant to § 1130.46 and computation of obligations pursuant to § 1130.70 shall be made separately for each pool plant of a handler with two or more pool plants;

(c) Unless the conditions specified in paragraph (b) of this section apply, the market administrator shall combine the receipts and utilization (exclusive of utilization based upon movements between such plants) at all pool plants of such handler for purposes of allocation pursuant to § 1130.46 and computation of obligation pursuant to § 1130.70; and

(d) The market administrator shall determine the classification, allocation and pool obligation with respect to producer milk for which a cooperative association is accountable pursuant to § 1130.12 (c) and (d) separately from the operations of any pool plant operated by such cooperative association. The pounds of skim milk and butterfat so determined in each class shall be used for computation pursuant to § 1130.46(c).

§ 1130.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1130.45, the market administrator shall determine the classification of producer milk for each handler (or pool plant, if applicable) as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III milk the pounds of skim milk classified as Class III milk pursuant to § 1130.41(c)(7);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipt;

(3) Except for the first month this order is effective, subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk in inventory of fluid milk products in packaged

form on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class in series beginning with Class III milk, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order.

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II or Class III milk but not in excess of such quantity:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant;

(a) For which the handler requests Class II or Class III milk utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class II or Class III milk utilization was requested by the operator of such plant and the handler;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III milk, the pounds of skim milk in inventory of bulk fluid milk products (and for the first month the order is effective the pounds of fluid milk products in packaged form) on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (5)(i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (5)(ii) of this paragraph:

(i) In series beginning with Class III milk, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1130.22(m) or the percentage that Class II and Class III milk utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I milk, the remaining pounds of such receipts;

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other handlers (or other pool plants, if applicable) according to the classification assigned pursuant to § 1130.44(a); and

(11) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III milk. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section and § 1130.45(d) for each class and determine the weighted average butterfat content of producer milk in each class.

§ 1130.51 Class prices.

Subject to the provisions of §§ 1130.52 and 1130.53, the minimum prices per hundredweight to be paid by each handler for milk received at his pool plant from producers during the month shall be as follows:

(a) *Class I price.* The Class I milk price shall be the price for Class I milk established under Part 1126 (North Texas) of this chapter plus 75 cents.

(b) *Class II price.* The Class II milk price shall be the Class III milk price for the month plus 25 cents.

(c) *Class III price.* The Class III milk price shall be the price computed pursuant to subparagraph (1) of this paragraph except that for the months of March, April, May, and June, 12 cents shall be deducted from such price:

(1) The sum of the plus values of subdivisions (i) and (ii) of this subparagraph, less five times the butterfat differential computed pursuant to § 1130.52(c):

(i) Subtract 3 cents from the Chicago butter price, add 20 percent thereof, and multiply by 4; and

(ii) From the weighted average of carlot prices per pound for nonfat dry milk, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture deduct 5.5 cents and multiply by 8.16.

§ 1130.52 Butterfat differentials to handlers.

If the average butterfat content of the milk of any handler allocated to any class pursuant to § 1130.46 is more or less than 3.5 percent, there shall be added to the respective class price, computed pursuant to § 1130.51, for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 3.5 percent an amount equal to the butterfat differential computed by multiplying the butter price for the appropriate month by the applicable factor listed below and rounding to the nearest one-tenth cent:

(a) *Class I milk.* Multiply the Chicago butter price for the preceding month by 0.120; and

(b) *Class II milk.* Multiply the Chicago butter price for the current month by 0.110; and

(c) *Class III milk.* Multiply the Chicago butter price for the current month by 0.110.

§ 1130.53 Location differential to handlers.

(a) For milk which is received from producers or a cooperative association at a pool plant located more than 80 miles, but not more than 150 miles from the city hall in Mercedes, Tex., by the shortest hard-surfaced highway distance as determined by the market administrator, and which is classified as Class I milk, the price specified in § 1130.51(a) shall be reduced 9 cents per hundredweight and for milk which is received from producers or a cooperative association at a pool plant located more than 150 miles from the city hall in Mercedes, Tex., by the shortest hard-surfaced highway distance as determined by the market administrator, and which is classified as Class I milk, the price specified in § 1130.51(a) shall be reduced one-cent per hundredweight for each ten miles distance or fraction thereof that such plant is from the city hall in Mercedes, Tex.

(b) For purposes of calculating such location adjustments, transfers between pool plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of 95 percent of receipts at such plant from producers and cooperative associations pursuant to § 1130.12(d), plus the pounds assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor plants having the same Class I price, and then in sequence to plants having a lower Class I price, beginning with the plant at which the highest Class I price would apply.

§ 1130.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

§ 1130.60 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except that the operator shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market

administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) A plant meeting the requirements of § 1130.10(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition is made in such other marketing area unless notwithstanding the provisions of this paragraph, it is regulated under such other order.

(b) A plant meeting the requirements of § 1130.10(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which the Secretary determines a greater quantity of Class I milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order.

(c) A plant meeting the requirements of § 1130.10(b) which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months January through August, if such plant retains automatic pooling status under this part.

§ 1130.61 Obligation of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1130.30 and 1130.31 the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1130.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II (or Class III) milk if allocated to such classes at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1130.70(e) and a credit computed at the uniform price with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1130.30 and 1130.31 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plants by shipments to such plant during the month equivalent to the requirements of § 1130.9, with agreement of the operator of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III price).

§ 1130.62 Producer-handler.

Sections 1130.40 through 1130.46, 1130.51 through 1130.54, 1130.70 through 1130.72 and 1130.80 through 1130.89 shall not apply to a producer-handler.

§ 1130.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler (at each pool plant, if applicable) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1130.46(c), by the applicable class prices (adjusted pursuant to §§ 1130.52 and 1130.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1130.46(a)(11) and the corresponding step of § 1130.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1130.46(a)(6) and the corresponding step of § 1130.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1130.46(a)(4) and the corresponding step of § 1130.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received with respect to skim milk and butterfat subtracted from Class I pursuant to § 1130.46(a)(8) and the corresponding step of § 1130.46(b); and

(f) Add an amount determined by multiplying the difference between the Class I price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1130.46(a)(3) and the corresponding step of § 1130.46(b). If the Class I price for the current month is less than the Class I price for the preceding month, the result shall be a minus amount.

§ 1130.71 Computation of aggregate value used to determine uniform price.

For each month the market administrator shall compute an aggregate value from which to determine the uniform price per hundredweight for milk of 3.5 percent butterfat content as follows:

(a) Combine into one total the values computed pursuant to § 1130.70 for all handlers who made the reports prescribed in § 1130.30 and who made the payments pursuant to § 1130.80 for the preceding months;

(b) Add not less than one-fourth of the unobligated cash balance on hand in the producer-settlement fund;

(c) Subtract, if the average butterfat content of the milk specified in § 1130.72(a) is greater than 3.5 percent or add, if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1130.81 and multiplying the resulting figure by the total hundredweight of such milk; and

(d) Add the aggregate of the values of the minus location differentials pursuant to § 1130.82.

§ 1130.72 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight applicable for milk of 3.5 percent butterfat content at pool plants at which no location differential applies as follows:

(a) Divide the aggregate value computed pursuant to § 1130.71 by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1130.70(e); and

(b) Subtract not less than 4 cents nor more than 5 cents.

§ 1130.80 Time and method of payment.

Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the uniform price for such month computed pursuant to § 1130.72, adjusted by the butterfat differential computed pursuant to § 1130.81 and the location differential computed pursuant to § 1130.82 and less the amount of payment made pursuant to paragraph (b) of this section. If by such date such handler has not received full payment for such month pursuant to § 1130.85, he may reduce his total payments to all producers uniformly by not more than the amount of feduction in payments from the market administrator. He shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the 25th day of each month, to each producer (1) for whom payment is not made pursuant to paragraph (c) of this section, and (2) who has not discontinued delivery of milk to such handler, a partial payment for milk received from such producer during the first 15 days of such month computed at not less than the Class III price for 3.5 percent milk of the preceding month; without deduction for hauling.

(c) On or before the 13th and 23d days of each month, in lieu of payments pursuant to paragraphs (a) and (b) of this section, respectively, to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payments, an amount equal to the sum of the individual payments otherwise payable to such producers. Such payment shall be accompanied by a statement showing for each producer the items required to be reported pursuant to § 1130.31.

(d) As follows, to each cooperative association for milk for which it is the handler pursuant to § 1130.12(d):

(1) On or before the 23d day of the month, a partial payment for milk received during the first 15 days of such month, at not less than the amount specified in paragraph (b) of this section; and

(2) On or before the 13th day of the following month, in final settlement, the value of such milk received during the month, at the applicable uniform price, less the amount of payment made pursuant to subparagraph (1) of this paragraph.

(e) On or before the 13th day after the end of the month, for milk received from the pool plant of a cooperative association, to such cooperative association not less than the value of such milk at the applicable price(s) for the class(es) at which transferred pursuant to § 1130.44(a).

§ 1130.81 Butterfat differentials to producers.

In making payments to producers pursuant to § 1130.80 (a) or (c), the uniform price shall be increased or decreased for each one-tenth of 1 percent which the butterfat content of his milk is above or below 3.5 percent, respectively, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a), (b), and (c) of § 1130.52, weighted by the pounds of butterfat in producer milk in each class and the result rounded to the nearest tenth of a cent.

§ 1130.82 Location adjustments to producers.

In making payments pursuant to § 1130.80 (a) or (c), the uniform price computed pursuant to § 1130.72 to be paid for such milk received at a pool plant at which a location differential pursuant to § 1130.53 applies may be reduced by the amount of such location adjustments.

§ 1130.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", into which he shall deposit all payments made by handlers pursuant to §§ 1130.61, 1130.84, and 1130.86, and out of which he shall make all payments to handlers pursuant to §§ 1130.85 and 1130.86.

§ 1130.84 Payments to the producer-settlement fund.

On or before the 13th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1130.70 for such handler;

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform price computed pursuant to § 1130.72, and

(2) The value at the uniform price applicable at the location of the plant(s) from which received (not to be less than the value of the Class III price) with respect to other source milk for which a value is computed pursuant to § 1130.70 (e).

§ 1130.85 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1130.84(b) exceeds the amount computed pursuant to § 1130.84(a). If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. Any amount due a handler pursuant to this section may be reduced by the amount of any unpaid balances due the market administrator from such handler, pursuant to § 1130.84, § 1130.86, § 1130.87, or § 1130.88.

§ 1130.86 Adjustment of accounts.

(a) *Payments.* Whenever verification by the market administrator of any handler's reports, books, records, accounts, or payments discloses errors resulting in money due:

(1) The market administrator from such handler;

(2) Such handler from the market administrator; or

(3) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

(b) *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to § 1130.84, § 1130.85, § 1130.87, § 1130.88, or paragraph (a) of this section shall be increased one-half of 1 percent on the first day of the calendar month next following the due date of such obligation and, on the first day of each calendar month thereafter until such obligation is paid.

§ 1130.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 1130.80, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of milk from producers who are not receiving such service from a cooperative association; and

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 15th day after the end of each month pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

§ 1130.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 13th day after the end of the month 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including that pursuant to § 1130.14(a)(2) and such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1130.46(a) (4) and (8) and the corresponding steps of § 1130.46(b); and

(c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

§ 1130.89 Termination of obligation.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part shall terminate 2 years after the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

§ 1130.90 Effective time.

The provisions of this part or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1130.91.

§ 1130.91 Suspension or termination.

The Secretary may suspend or terminate this subpart or any provision of this part whenever he finds this part or any provision hereof obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 1130.92 Actions after suspension or termination.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1130.92 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

Proposed by Hygeia Dairy Company, Harlingen, Tex.:

Proposal No. 2. Revise § 1130.8 to read:

§ 1130.8 Handler.

"Handler" means any person in his capacity as the operator of one or more pool plants, and any person in his capacity as the operator of a nonpool plant from which Class I milk is disposed of on routes in the marketing area.

Proposal No. 3. Revise § 1130.9(b) to read:

§ 1130.9 Producer-handler.

* * * * * *

(b) Receives no milk from other dairy farmers and disposes of no other source milk (except that represented by nonfat solids used in the fortification of fluid milk products) as Class I; and

* * * * * *

Proposal No. 4. Revise § 1130.15 to read:

§ 1130.15 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, processing, or packaging plant other than a pool plant.

Proposal No. 5. Revise § 1130.61, Plants subject to other Federal orders, by changing the semicolon at the end of paragraph (a) to a comma, and adding the following: "except that if such plant was subject to all of the provisions of this part in the immediately preceding month, it shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I route disposition is made in such other marketing area unless notwithstanding the provisions of this paragraph it is fully regulated under such other order."

Proposal No. 6. Any provision in the order for the computation of the net pool obligation of each pool handler should contain substantially the following language: "In determining the net pool obligation of any handler for producer milk, there shall be subtracted pro rata out of each class from the milk involved in the pool the quantity of milk received from the handler's own farm."

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 7. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, M. C. Jenkins, Post Office Box 12–506, San Antonio, Tex. 78212, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on July 31, 1968.

G. R. GRANGE,
Acting Deputy Administrator, Regulatory Programs.

[F.R. Doc. 68-9332; Filed, Aug. 2, 1968; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Patent Office

[37 CFR Part 1]

RULES OF PRACTICE IN PATENT CASES

Increase of Miscellaneous Fees and Charges

Notice is hereby given that, pursuant to the authority contained in sections 6, 31, and 41 of the Act of July 19, 1952 (66 Stat. 793, 795, 796; 35 U.S.C. 6, 31, 41), the U.S. Patent Office proposes to revise paragraphs (h) and (i) of § 1.21 (37 CFR 1.21 (h) and (i)) to read as follows:

§ 1.21 Patent and miscellaneous fees and charges.

* * * * *

(h) For registration of an attorney, agent, or firm:	
For admission to examination for registration to practice, fee payable upon application	$35.00
On registration to practice	25.00
On application for registration of a firm	25.00
(i) For certificate of good standing as an attorney or agent	5.00

* * * * *

The purpose of the proposed revision is to enable the Patent Office to recover a greater proportion of the expenses incurred in rendering the identified services.

All persons who desire to submit written data, views, arguments, or suggestions for consideration in connection with the proposed revision are invited to forward the same to the Commissioner of Patents, Washington, D.C. 20231, on or before September 16, 1968. An oral hearing will not be scheduled.

EDWARD J. BRENNER,
Commissioner of Patents.

Approved: July 25, 1968.

JOHN F. KINCAID
Assistant Secretary for Science and Technology.

[F.R. Doc. 68-9287; Filed, Aug. 2, 1968; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circular; Public Debt Series—No. 6-68]

5⅝ PERCENT TREASURY NOTES OF SERIES B–1974

Offering of Notes

AUGUST 1, 1968.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers $5,100,000,000, or thereabouts, of notes of the United States, designated 5⅝ percent Treasury Notes of Series B–1974, at 99.62 percent of their face value and accrued interest. In adition to the amount offered for public subscription, the Secretary of the Treasury reserves the right to allot an additional amount of these notes to Government Investment Accounts and Federal Reserve Banks. The following securities, maturing August 15, 1968, will be accepted at par in payment or exchange, in whole or in part, to the extent subscriptions are allotted by the Treasury:

4¼ percent Treasury Notes of Series C–1968; or 3¾ percent Treasury Bonds of 1968.

The books will be open only on August 5, 1968, for the receipt of subscriptions.

II. *Description of notes.* 1. The notes will be dated August 15, 1968, and will bear interest from that date at the rate of 5⅝ percent per annum, payable semi-annually on February 15 and August 15 in each year until the princpal amount becomes payable. They will mature August 15, 1974, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220. Only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers provided the names of the customers are set forth in such subscriptions. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be restricted in each case to an amount not exceeding 50 percent of the combined capital (not including capital notes or debentures), surplus and undivided profits of the subscribing bank. Subscriptions will be received without deposit from banking institutions for their own account, federally insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon. Subscriptions from all others must be accompanied by payment (in cash or in securities of the issues enumerated in paragraph 1 of section I hereof, which will be accepted at par) of 10 percent of the amount of notes applied for, not subject to withdrawal until after allotment. Registered securities submitted as deposits should be assigned as provided in section V hereof. Following allotment, any portion of the 10 percent payment in excess of 10 percent of the amount of notes allotted may be released upon the request of the subscribers.

2. All subscribers are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after midnight August 5, 1968.

3. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

4. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, to allot less than the amount of notes applied for, and to make different percentage allotments to various classes of subscribers when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, subscriptions will be allotted:

(i) In full if the subscription is for $250,000 or less;

(ii) In full for any State, political subdivision or instrumentality thereof, public pension and retirement and other public fund, international organization in which the United States holds membership, and foreign central bank and foreign State and such subscriber certifies in writing that at 4 p.m., e.d.s. time, July 31, 1968, it owned or had contracted to purchase for value securities of the issues enumerated in paragraph 1 of section I hereof, in an aggregate amount equal to or greater than the amount of such subscription (any such subscriber may enter an additional subscription subject to a percentage allotment); and

(iii) On a percentage basis as publicly announced, but not less than $250,000.

Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at 99.62 percent of their face value and accrued interest, if any, for notes allotted hereunder must be made or completed on or before August 15, 1968, or on later allotment. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with application up to 10 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Payment may be made for any notes allotted hereunder in cash or by exchange of securities of the issues enumerated in paragraph 1 of section I hereof, which will be accepted at par. A cash adjustment will be made for the difference ($3.80 per $1,000) between the par value of maturing securities accepted in exchange and the issue price of the new notes. The payment will be made by check or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District, following acceptance of the maturing securities. In the case of registered securities, the payment will be made in accordance with the assignments on the

securities surrendered. Any qualified depositary will be permitted to make payment by credit in its Treasury Tax and Loan Account for not more than 50 percent of the amount of notes allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District. When payment is made with securities in bearer form, coupons dated August 15, 1968, should be detached and cashed when due. When payment is made with registered securities, the final interest due on August 15, 1968, will be paid by issue of interest checks in regular course to holders of record on July 15, 1968, the date the transfer books closed.

V. *Assignment of registered securities.* 1. Treasury securities in registered form tendered as deposits and in payment for notes allotted hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department, in one of the forms hereafter set forth. Securities tendered in payment should be surrendered to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The maturing securities must be delivered at the expense and risk of the holder. If the new notes are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for 5⅝ percent Treasury Notes of Series B–1974"; if the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for 5⅝ percent Treasury Notes of Series B–1974 in the name of _____"; if new notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for 5⅝ percent Treasury Notes of Series B–1974 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOSEPH W. BARR,
Acting Secretary of the Treasury.

[F.R. Doc. 68-9367; Filed, Aug. 2, 1968; 8:49 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

U.S. DEFENSE/INDUSTRY ADVISORY GROUP IN EUROPE

Establishment

The Deputy Secretary of Defense approved the following:

References: (a) DoD Directive 5030.13, "Regulations for the Formation and Use of Advisory Committees," April 20, 1962;

(b) DoD Directive 5105.20, "Defense Representation, United States Mission to the North Atlantic Treaty Organization and European Regional Organizations," April 9, 1966;

(c) DoD Directive 5030.27, "U.S. Defense/Industry Export Advisory Group in Europe," August 27, 1963 (hereby canceled).

I. *Authority.* Pursuant to reference (a), it is hereby determined to be in the public interest, in connection with the performance of duties imposed on the Department of Defense by law, to establish a U.S. Defense/Industry Advisory Group in Europe for the purposes set forth below.

II. *Cancellation.* Reference (c) is canceled.

III. *Mission.* The mission of the U.S. Defense/Industry Advisory Group in Europe (DIAGE) is to provide the Office of the U.S. Permanent Representative on the North Atlantic Council (USRO) and U.S. defense/industry representatives in Europe a forum for the mutual exchange of defense/industrial information pertinent to NATO and European Regional Organizations.

IV. *Membership.* The ex-officio Chairman of DIAGE shall be the U.S. Permanent Representative on the North Atlantic Council (reference (b)). The ex-officio Chairman shall designate a regular Chairman, an alternate Chairman and a Group Secretary from his office, and such members of the Group as he deems appropriate from representatives of key U.S. industries in Europe.

V. *Method of operation.* The Group shall function in accordance with the requirements and provisions of reference (a), and, pursuant to the provisions thereof, for the purposes of this Group summary minutes of the meetings shall be kept. A summary report of each meeting shall be submitted to the Secretary of Defense containing any recommended actions considered desirable for the attainment of the missions outlined above.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

JULY 30, 1968.

[F.R. Doc. 68-9286; Filed, Aug. 2, 1968; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

Notice of Filing of Colorado Protraction Diagram

JULY 29, 1968.

Notice is hereby given that effective August 19, 1968, the following approved protraction diagram is officially filed of record in the Colorado Land Office. In accordance with Title 43 CFR, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

COLORADO PROTRACTION DIAGRAM NO. 8

(Approved May 17, 1968)

SIXTH PRINCIPAL MERIDIAN

T. 15 S., R. 67 W.,
Sec. 7, W½, SE¼;
Secs. 15 through 20;
Sec. 21, N½, SW¼;
Sec. 22, N½, SE¼;
Sec. 27, N½, SW¼;
Secs. 28 and 29;
Sec. 30, N½, SE¼.
T 14 S., R. 68 W.,
All unsurveyed portions of secs. 4, 5, 7, 8, 9, 16, 17, 18, 19, 20, 21, 22, 28, 29, and 30 within the boundaries of the U.S. Army Corps of Engineers' survey of 1873 exclusive of areas granted to the city of Colorado Springs.
T. 14 S., R. 69 W.,
All unsurveyed portions of secs. 2, 11, 12, and 13.
T. 10 S., R. 71 W.,
Secs. 3 through 10;
Sec. 15;
Sec. 16, E½;
Secs. 17 through 20;
Sec. 21, E½, SE¼NW¼, E½SW¼, SW¼SW¼;
Sec. 22;
Secs. 25 through 36.
T. 11 S., R. 99 W.,
Unsurveyed portions of secs. 1 and 2.

NEW MEXICO PRINCIPAL MERIDIAN

T. 40 N., R. 17 W.,
Secs. 3 through 5;
Secs. 9 and 10;
Secs. 15 and 16;
Sec. 21, N½, E½SW¼, SE¼;
Sec. 22;
Sec. 27;
Sec. 28, E½NW¼, NE¼, S½;
Secs. 33 and 34.

Copies of this diagram are for sale for $2 each at the Colorado Land Office, Bureau of Land Management, 15019 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

ANDREW J. SENTI,
Acting Land Office Manager.

[F.R. Doc. 68-9308; Filed, Aug. 2, 1968; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case 285]

MAX ROSE

Order Conditionally Restoring Export Privileges

In the matter of Max Rose, M. Rose Handelsgesellschaft m.b.H., Biberstrasse 22, Vienna 1, Austria, respondents.

By order dated January 18, 1961 (26 F.R. 697), the above named respondents were denied all U.S. export privileges for the duration of export controls. The order provided that 1 year after the date thereof the respondents might apply to have the effective denial of export privileges held in abeyance while they remain on probation. The said respondents have filed such an application.

The respondents' application was referred to the Compliance Commissioner and considered by him. He has reported that it appears from respondent's representations and otherwise from information in possession of the Investigations Division, Office of Export Control, that conditional restoration of respondents' export privileges is consistent with the purposes of the export control program. The Compliance Commissioner has recommended that an order be entered conditionally restoring export privileges to said respondents.

The undersigned has considered the record herein and concurs with the Compliance Commissioner that conditional restoration of respondents' export privileges is consistent with the purposes of the U.S. Export Control Act and regulations. The undersigned is also of the view that the recommended action is fair and just.

Accordingly, it is hereby ordered that the export privileges of the above named respondents be and hereby are restored conditionally, and the said parties are placed on probation for the duration of export controls. The conditions of probation are that the said parties: (1) Shall fully comply with all of the requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder; (2) shall on request of the Office of Export Control, or a representative of the U.S. Government acting on its behalf, promptly disclose fully the details of their participation in any and all transactions involving U.S.-origin commodities or technical data, including information as to the disposition or intended disposition of such commodities or technical data, and on such request shall also furnish all records and documents relating to such matters. Further, on such request, respondents shall promptly disclose the names and addresses of its partners, shareholders, agents, representatives, employees, and other persons associated with them in trade or commerce.

Upon a finding by the Director, Office of Export Control, or such other official as may be exercising the duties now exercised by him, that said parties or either of them have failed to comply with the conditions of probation, said official, with or without prior notice to said parties, by supplemental order, may revoke the probation of said parties and deny to said parties all export privileges for such period as said official may deem appropriate. Such order shall not preclude the Bureau of International Commerce from taking further action for any violation as may be warranted.

Dated: July 29, 1968.

This order shall become effective forthwith.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 68-9320; Filed, Aug. 2, 1968; 8:48 a.m.]

Business and Defense Services Administration

MICHIGAN STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68–00421–01–11000. Applicant: Michigan State University, East Lansing, Mich. 48823. Article: LKB 9000 combined gas chromatograph-single focusing mass spectrometer. Manufacturer: LKZ Produkter AB, Sweden. Intended use of article: The article will be used in a wide variety of research that requires mass spectral data for chemical structural elucidations, identifications of trace constituents in complex mixtures from biological sources, determinations of stable isotopic abundance in minute quantities of an organic compound and location of isotopic atom(s) within the compound, and studies of mechanisms of organic reactions. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, is being manufactured in the United States. Reasons: The foreign article is a single unit in which the functions of a gas chromatograph, molecular separator (or interface) and a mass spectrometer have been integrated. There are known domestic manufacturers of gas chromatographs which do not produce mass spectrometers and, conversely, domestic manufacturers of mass spectrometers that do not produce gas chromatographs. Such manufacturers are in a position to offer to supply either a mass spectrometer or gas chromatograph of their own manufacture, to be combined with a gas chromatograph (or mass spectrometer) manufactured by another domestic manufacturer. However, this is not considered to constitute a "reasonable combination of instruments" within the purview of § 602.1(e) of the regulations cited above, unless (a) the domestic manufacturer offering to furnish the combination undertakes to functionally integrate the instruments as a single operating unit and (b) establish through appropriate test procedures the performance characteristics and specifications of the chromatographic and spectometric functions as a single unit. (See decision on Docket No. 67–00108–33–11000, FEDERAL REGISTER, volume 33, page 597, Jan. 17, 1968.)

The Department of Commerce knows of only two domestic manufacturers which offer combinations that meet these criteria; Varian Associates (Varian) and Perkin-Elmer Corp. (P–E). The following presents a comparison of the pertinent characteristics and pertinent specifications of the foreign article, with similar pertinent characteristics and pertinent specifications of the P–E Model L–270 (P–E brochure on L–270/RP56710) and the Varian Model MS/GC (Varian brochure INS 1655A): (1) The foreign article provides a sensitivity of 0.2 nanograms per second for methyl stearate with a signal-to-noise ratio of 10 to 1 at a scan speed of 1 mass decade per second. The P–E Model L–270 provides a sensitivity of less than 3×10^{-9} gram [30 nanograms] per second for methyl stearate with a signal-to-noise ratio greater than unity for a 1-second decade scan rate. The Varian Model MS/GC specifies a sensitivity of 20 nanograms per second, with no associated specification for the type of sample, signal-to-noise ratio on the scan speed. (2) The foreign article provides a resolution of better than 1,000 at 10 percent valley, over a mass range from 1 to 1,000 atomic mass units, at a 3.5 kilovolt acceleration and ionization potential of 70 electron volts. The P–E Model L–270 specifies a resolution of 850 at 10 percent valley, with no corresponding specification for the useable mass range, accelerating voltage or ionizing potential. The Varian Model MS/GC has a specified "standard resolution in MS/GC studies" of 800 at one-half of the height of the maximum peak. According to the conversion table furnished by Varian, this corresponds to a resolution of approximately 425 when taken at 10 percent valley. For the purposes for which the foreign article is intended to be used, both sensitivity and resolution are pertinent characteristics. We therefore find that for such purposes, neither the P–E Model L–270 nor the Varian Model MS/GC is of equivalent scientific value to the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such

article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-9281; Filed, Aug. 2, 1968; 8:45 a.m.]

PENNSYLVANIA STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00301-33-11000. Applicant: The Pennsylvania State University, University Park, Pa. 16802. Article: LKB combined gas chromatograph-mass spectrometer. Manufacturer: LKB Produkter, Sweden. Intended use of article: The article will be employed in diverse studies concerned with the following:

(1) Identification of trace contaminants in foods which affect public health.
(2) Characterization of compounds of flavor significance in dairy, meat, and chocolate products.
(3) How milk fat is synthesized in the mammary gland.
(4) Control of ketosis and other metabolic disorders affecting milk production.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, is being manufactured in the United States. Reasons: The foreign article is a single unit in which the functions of a gas chromatograph, molecular separator (or interface) and a mass spectrometer have been integrated. There are known domestic manufacturers of gas chromatographs which do not produce mass spectrometers and, conversely, domestic manufacturers of mass spectrometers that do not produce gas chromatographs. Such manufacturers are in a position to offer to supply either a mass spectrometer or gas chromatograph of their own manufacture, to be combined with a gas chromatograph (or mass spectrometer) manufactured by another domestic manufacturer. However, this is not considered to constitute a "reasonable combination of instruments" within the purview of § 602.1(e) of the regulations cited above, unless (a) the domestic manufacturer offering to furnish the combination undertakes to functionally integrate the instruments as a single operating unit and (b) establish through appropriate test procedures the performance characteristics and specifications of the chromatographic and spectrometric functions as a single unit. (See decision on Docket No. 67-00108-33-11000, FEDERAL REGISTER, volume 33, page 597, Jan. 17, 1968.)

The Department of Commerce knows of only two domestic manufacturers which offer combinations that meet these criteria; Varian Associates (Varian) and Perkin-Elmer Corp. (P-E). The following presents a comparison of the pertinent characteristics and pertinent specifications of the foreign article, with similar pertinent characteristics and pertinent specifications of the P-E Model L-270 (P-E brochure on L-270/RP56710) and the Varian Model MS/GC (Varian brochure INS 1655A): (1) The foreign article provides a sensitivity of 0.2 nanograms per second for methyl stearate with a signal-to-noise ratio of 10 to 1 at a scan speed of 1 mass decade per second. The P-E Model L-270 provides a sensitivity of less than 3×10^{-9} gram [30 nanograms] per second for methyl stearate with a signal-to-noise ratio greater than unity for a 1-second decade scan rate. The Varian Model MS/GC specifies a sensitivity of 20 nanograms per second, with no associated specification for the type of sample, signal-to-noise ratio or the scan speed. (2) The foreign article provides a resolution of better than 1,000 at 10 percent valley, over a mass range from 1 to 1,000 atomic mass units, at a 3.5 kilovolt acceleration and ionization potential of 70 electron volts. The P-E Model L-270 specifies a resolution of 850 at 10 percent valley, with no corresponding specification for the useable mass range, accelerating voltage or ionizing potential. The Varian Model MS/GC has a specified "standard resolution in MS/GC studies" of 800 at one-half of the height of the maximum peak. According to the conversion table furnished by Varian, this corresponds to a resolution of approximately 425 when taken at 10 percent valley. For the purposes for which the foreign article is intended to be used, both sensitivity and resolution are pertinent characteristics. We therefore find that for such purposes, neither the P-E Model L-270 nor the Varian Model MS/GC is of equivalent scientific value to the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator, for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-9282; Filed, Aug. 2, 1968; 8:45 a.m.]

RESEARCH TRIANGLE INSTITUTE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Docket No. 68-00440-01-11000. Applicant: Research Triangle Institute, Post Office Box 12194, Research Triangle Park, N.C. 27709. Article: Mass spectrometer-gas chromatograph system, Model LKB 9000. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for research problems as indicated below:

1. The composition of metabolic products of drugs which have undergone biochemical transformation in vitro incubation and in vivo using laboratory animals.
2. Metabolic studies using in vitro and in vivo techniques will be carried out using nontoxic stable isotope labeled drugs, which will be prepared in the laboratory.
3. The distribution of drugs and their metabolic products will be studied.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instruction or apparatus of equivalent scientific value to the foreign article, is being manufactured in the United States. Reasons: The foreign article is a single unit in which the functions of a gas chromatograph, molecular separator (or interface) and a mass spectrometer have been integrated. There are known domestic manufacturers of gas chromatographs which do not produce mass spectrometers and, conversely, domestic manufacturers of mass spectrometers that do not produce gas chromatographs. Such manufacturers are in a position to offer to supply either a mass spectrometer or gas chromatograph of their own manufacture, to be combined with a gas chromatograph (or mass spectrometer) manufactured by another domestic manufacturer. However, this is not considered to constitute a "reasonable combination of instruments" within the purview of section 602.21(e) of the regulations cited above, unless (a) the domestic manufacturer offering to furnish the combination undertakes to functionally integrate the instruments as a single operating unit and (b) establish through appropriate test procedures the performance characteristics and specifications of the chromatographic and spectrometric functions as a single unit. (See decision on Docket No. 67-00108-33-11000, FEDERAL REGISTER, volume 33, page 597, Jan. 17, 1968.)

The Department of Commerce knows of only two domestic manufacturers which offer combinations that meet these criteria; Varian Associates (Varian) and Perkin-Elmer Corp. (P-E). The following presents a comparison of the pertinent characteristics and pertinent specifications of the foreign article, with similar pertinent characteristics and pertinent specifications of the P-E Model L-270 (P-E brochure on L-270/RP56710) and the Varian Model MS/GC (Varian brochure INS 1655A): (1) The foreign article provides a sensitivity of 0.2 nanograms per second for methyl stearate with a signal-to-noise ratio of 10 to 1 at a scan speed of one mass decade per second. The P-E Model L-270 provides a sensitivity of less than 3×10^{-9} gram [30 nanograms] per second for methyl stearate with a signal-to-noise ratio greater than unity for a one-second decade scan rate. The Varian Model MS/GC specifies a sensitivity of 20 nanograms per second, with no associated specification for the type of sample, signal-to-noise ratio or the scan speed. (2) The foreign article provides a resolution of better than 1,000 at 10 percent valley, over a mass range from 1 to 1,000 atomic mass units, at a 3.5 kilovolt acceleration and ionization potential of 70 electron volts. The P-E Model L-270 specifies a resolution of 850 at 10 percent valley, with no corresponding specification for the useable mass range, accelerating voltage or ionizing potential. The Varian Model MS/GC has a specified "standard resolution in MS/GC studies" of 800 at one-half of the height of the maximum peak. According to the conversion table furnished by Varian, this corresponds to a resolution of approximately 425 when taken at 10 percent valley. For the purposes for which the foreign article is intended to be used, both sensitivity and resolution are pertinent characteristics. We therefore find that for such purposes, neither the P-E Model L-270 nor the Varian Model MS/GC is of equivalent scientific value to the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-9283; Filed, Aug. 2, 1968; 8:45 a.m.]

ROCKLAND STATE HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Docket No. 68-00450-33-11000. Applicant: Rockland State Hospital, Research Center, Orangeburg, N.Y. 10962. Article: Gas chromatographmass spectrometer, Model LKB 9000. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for a number of research problems in the areas of psychopharmacology, biological psychiatry, normal biochemistry, quality control of analytical work and metabolic studies in psychiatric patients using stable isotopes. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, is being manufactured in the United States. Reasons: The foreign article is a single unit in which the functions of a gas chromatograph, molecular separator (or interface) and a mass spectrometer have been integrated. There are known domestic manufacturers of gas chromatographs which do not produce mass spectrometers and, conversely, domestic manufacturers of mass spectrometers that do not produce gas chromatographs. Such manufacturers are in a position to offer to supply either a mass spectrometer or gas chromatograph of their own manufacture, to be combined with a gas chromatograph (or mass spectrometer) manufactured by another domestic manufacturer. However, this is not considered to constitute a "reasonable combination of instruments" within the purview of § 602.1(e) of the regulations cited above, unless (a) the domestic manufacturer offering to furnish the combination undertakes to functionally integrate the instruments as a single operating unit and (b) establish through appropriate test procedures the performance characteristics and specifications of the chromatographic and spectrometric functions as a single unit. (See decision on Docket No. 67-00108-33-11000, FEDERAL REGISTER, volume 33, page 597, Jan. 17, 1968.)

The Department of Commerce knows of only two domestic manufacturers which offer combinations that meet these criteria; Varian Associates (Varian) and Perkin-Elmer Corp (P-E). The following presents a comparison of the foreign article, with similar pertinent characteristics and pertinent specifications of the P-E Model L-270 (P-E brochure on L-270/RP56710) and the Varian Model MS/GC (Varian brochure INS 1655A): (1) The foreign article provides a sensitivity of 0.2 nanograms per second for methyl stearate with a signal-to-noise ratio of 10 to 1 at a scan speed of 1 mass decade per second. The P-E Model L-270 provides a sensitivity of less than 3×10^{-9} gram [30 nanograms] per second for methyl stearate with a signal-to-noise ratio greater than unity for a 1-second decade scan rate. The Varian Model MS/GC specifies a sensitivity of 20 nanograms per second, with no associated specification for the type of sample, signal-to-noise ratio or the scan speed. (2) The foreign article provides a resolution of better than 1,000 at 10 percent valley, over a mass range from 1 to 1,000 atomic mass units, at a 3.5 kilovolt acceleration and ionization potential of 70 electron volts. The P-E Model L-270 specifies a resolution of 850 at 10 percent valley, with no corresponding specification for the useable mass range, accelerating voltage or ionizing potential. The Varian Model MS/GC has a specified "standard resolution in MS/GC studies" of 800 at one-half of the height of the maximum peak. According to the conversion table furnished by Varian, this corresponds to a resolution of approximately 425 when taken at 10 percent valley. For the purposes for which the foreign article is intended to be used, both sensitivity and resolution are pertinent characteristics. We therefore find that for such purposes, neither the P-E Model L-270 nor the Varian Model MS/GC is of equivalent scientific value to the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-9284; Filed, Aug. 2, 1968; 8:45 a.m.]

VANDERBILT UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Docket No. 68-00516-01-11000. Applicant: Vanderbilt University, Department of Chemistry, Nashville, Tenn. 37203. Article: Gas chromatograph-mass spectrometer system. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for scientific research as well as in the training of Ph. D. students and post doctoral fellows. Comments: No comments have

been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article is being manufactured in the United States. Reasons: The foreign article is a single unit in which the functions of a gas chromatograph, molecular separator (or interface) and a mass spectrometer have been integrated. There are known domestic manufacturers of gas chromatographs which do not produce mass spectrometers and, conversely, domestic manufacturers of mass spectrometers that do not produce gas chromatographs. Such manufacturers are in a position to offer to supply either a mass spectrometer or gas chromatograph of their own manufacture, to be combined with a gas chromatograph (or mass spectrometer) manufactured by another domestic manufacturer. However, this is not considered to constitute a "reasonable combination of instruments" within the purview of § 602.1(e) of the regulations cited above, unless (a) the domestic manufacturer offering to furnish the combination undertakes to functionally integrate the instruments as a single operating unit and (b) establish through appropriate test procedures the performance characteristics and specifications of the chromatographic and spectrometric functions as a single unit. (See decision on Docket No. 67-00108-33-11000, FEDERAL REGISTER, Volume 33, page 597, Jan. 17, 1968.)

The Department of Commerce knows of only two domestic manufacturers which offer combinations that meet these criteria: Varian Associates (Varian) and Perkin-Elmer Corp. (P-E). The following presents a comparison of the pertinent characteristics and pertinent specifications of the foreign article, with similar pertinent characteristics and pertinent specifications of the P-E Model L-270 (P-E brochure on L-270RP56710) and the Varian Model MS/GC (Varian brochure INS 1655A): (1) The foreign article provides a sensitivity of 0.2 nanograms per second for methyl stearate with a signal-to-noise ratio of 10 to 1 at a scan speed of 1 mass decade per second. The P-E Model L-270 provides a sensitivity of less than 3×10^{-9} gram [30 nanograms] per second for methyl stearate with a signal-to-noise ratio greater than unity for a 1-second decade scan rate. The Varian Model MS/GC specifies a sensitivity of 20 nanograms per second, with no associated specification for the type of sample, signal-to-noise ratio scan speed. (2) The foreign article provides a resolution of better than 1,000 at 10 percent valley, over a mass range from 1 to 1,000 atomic mass units, at a 3.5 kilovolt acceleration and ionization potential of 70 electron volts. The P-E Model L-270 specifies a resolution of 850 at 10 percent valley, with no corresponding specification for the usable mass range, accelerating voltage or ionizing potential. The Varian Model MS/GC has a specified "standard resolution in MS/GC studies" of 800 at one-half of the height of the maximum peak. According to the conversion table furnished by Varian, this corresponds to a resolution of approximately 425 when taken at 10 percent valley. For the purposes for which the foreign article is intended to be used, both sensitivity and resolution are pertinent characteristics. We, therefore, find that for such purposes, neither the P-E Model L-270 nor the Varian Model MS/GC is of equivalent scientific value to the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-9285; Filed, Aug. 2, 1968; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ALLIED CHEMICAL CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9B2315) has been filed by Allied Chemical Corp., Post Office Box 70, Morristown, N.J. 07960, proposing the issuance of a food additive regulation (21 CFR Part 121, Subpart F) to provide for the safe use of caprolactam-(ethylene-ethyl acrylate) graft polymer as an optional component in side-seam cements for food containers and in adhesives for food packaging.

Dated: July 26, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-9325; Filed, Aug. 2, 1968; 8:48 a.m.]

CHEMAGRO CORP.

Notice of Filing of Pesticide and Food Additive Petitions

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 409(b)(5), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a petition (PP 9F0737) has been filed by Chemagro Corp., Post Office Box 4913, Hawthorn Road, Kansas City, Mo. 64120, proposing the establishment of tolerances for residues of the defoliant *S,S,S*-tributylphosphorotrithioate in or on the raw agricultural commodities: Cottonseed at 9.5 parts per million; meat, fat, and meat byproducts of cattle, sheep, and goats at 0.04 part per million; and milk at 0.004 part per million.

Notice is also given that the same firm has filed a related petition (FAP 9H2317) proposing the establishment of a food additive tolerance of 12.4 parts per million for residues of the defoliant in or on cottonseed hulls resulting from application of the defoliant to the growing raw agricultural commodity cottonseed.

The analytical method proposed for determining residues of the defoliant is the method of J. S. Thornton and C. A. Anderson, "Journal of Agricultural and Food Chemistry," vol. 14, p. 143 (1966).

Dated: July 26, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-9326; Filed, Aug. 2, 1968; 8:48 a.m.]

DEPARTMENT OF THE ARMY

Notice of Withdrawal of Petition for Food Additive Gamma Radiation

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), the Department of the Army, U.S. Army Natick Laboratories, Natick, Mass. 01761, has withdrawn its petition (FAP 7M2056), notice of which was published in the FEDERAL REGISTER of August 25, 1966 (31 F.R. 11241), proposing the issuance of a regulation to provide for the safe use of an absorbed dose of 3.5 to 5.6 megarads of gamma radiation from cobalt 60 or cesium 137 in the radiation processing of canned hams.

Dated: July 23, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-9324; Filed, Aug. 2, 1968; 8:48 a.m.]

ROHM AND HAAS CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9B2316) has been filed by Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105, proposing that the restriction "used as provided under § 121.2526(a)(5)" for petroleum wax be deleted from § 121.2586(d).

Dated: July 26, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-9327; Filed, Aug. 2, 1968; 8:48 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT SECRETARY FOR ADMINISTRATION

Delegation of Authority Regarding Procurement Regulations and Related Rules

The delegation of authority to the Assistant Secretary for Administration effective March 15, 1968 (33 F.R. 4593, March 15, 1968), is hereby amended by adding at the end thereof the following:

5. Make administrative determinations under FPR § 1-2.406-3 in connection with mistakes in bids alleged after opening of bids and before award.

(FPR § 1-2.406-3(b); sec. 7(d), Dept. of HUD Act, 42 U.S.C. 3535(d))

Effective date. This amendment of delegation of authority is effective as of August 3, 1968.

ROBERT C. WEAVER,
Secretary of Housing and Urban Development.

[F.R. Doc. 68-9301; Filed, Aug. 2, 1968; 8:46 a.m.]

ASSISTANT SECRETARY AND DEPUTY ASSISTANT SECRETARY FOR METROPOLITAN DEVELOPMENT

Delegations of Authority

The Secretary's delegations of authority to the Assistant Secretary for Metropolitan Development and the Deputy Assistant Secretary for Metropolitan Development effective May 18, 1966 (31 F.R. 7358, May 20, 1966), as amended (31 F.R. 8969, June 29, 1966, and 31 F.R. 13148, Oct. 11, 1966), are hereby amended in the following respects:

(1) Under section A, by adding a new paragraph 12 to read:

SECTION A. *Authority delegated with respect to specific programs.* * * *

12. Historic Preservation Grant Program under Title VII of the Housing Act of 1961, as amended (42 U.S.C. 1500-1500e).

(2) Under section C, by revising paragraph 2 to read:

SEC. C. *Additional authority delegated.* * * *

2. Redelegate to headquarters employees any of the authority delegated under section A and authorize further redelegation to employees under the jurisdiction of the Assistant Secretary for Metropolitan Development.

(Sec. 7(d) of Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. These amendments of delegations of authority are effective as of May 23, 1967.

ROBERT C. WEAVER,
Secretary of Housing and Urban Development.

[F.R. Doc. 68-9302; Filed, Aug. 2, 1968; 8:46 a.m.]

REGIONAL ADMINISTRATORS AND DEPUTY REGIONAL ADMINISTRATORS

Redelegations of Authority

The redelegations of authority from the Assistant Secretary for Metropolitan Development to Regional Administrators and Deputy Regional Administrators effective May 18, 1966 (31 F.R. 7359, May 20, 1966), as amended (31 F.R. 8969, June 29, 1966), are hereby amended under section A by adding a new paragraph 8 as follows:

SECTION A. *Authority redelgated with respect to specific programs.* * * *

8. Historic Preservation Grant Program under Title VII of the Housing Act of 1961, as amended (42 U.S.C. 1500-1500e), except the authority to:

a. Provide technical assistance and undertake studies and publish information under section 708 (42 U.S.C. 1500d).

b. Determine further terms and conditions under section 702(d) (42 U.S.C. 1500a(d)).

(Secretary's delegations of authority effective May 18, 1966, 31 F.R. 7358, May 20, 1966, as amended at 31 F.R. 8969, June 29, 1966; 31 F.R. 13148, Oct. 11, 1966; and 33 F.R. 11099, Aug. 3, 1968)

Effective date. This amendment of redelegations of authority is effective as of May 23, 1967.

CHARLES M. HAAR,
Assistant Secretary for Metropolitan Development.

[F.R. Doc. 68-9303; Filed, Aug. 2, 1968; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-312]

SACRAMENTO MUNICIPAL UTILITY DISTRICT (RANCHO SECO NUCLEAR GENERATING STATION UNIT NO. 1)

Notice of Hearing on Application for Provisional Construction Permit

Pursuant to the Atomic Energy Act of 1954, as amended (the Act) and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities", and Part 2, rules of practice, notice is hereby given that a hearing will be held at 10 a.m. local time, on September 17, 1968, in Room 2170, State Capitol Building, Sacramento, Calif., to consider the application filed under § 104b of the Act by Sacramento Municipal Utility District (the applicant), for a provisional construction permit for a pressurized water reactor, designed to operate initially at 2,452 megawatts (thermal), to be located at the Applicant's Rancho Seco Nuclear Generating Station in Sacramento County, Calif., in the southeast part of the county, located approximately 25 miles southeast of Sacramento, Calif.

The hearing will be conducted by the Atomic Safety and Licensing Board designated by the Atomic Energy Commission, consisting of Dr. Hugh C. Paxton, Los Alamos, N. Mex.; Dr. Charles E. Winters, Cleveland, Ohio; and Mr. J. D. Bond, Chairman, Washington, D.C., Dr. John C. Geyer, Baltimore, Md., has been designated as a technically qualified alternate, and Mr. James P. Gleason, Esq., Washington, D.C., has been designated as an alternate qualified in the conduct of administrative proceedings.

A prehearing conference will be held by the Board at 10 a.m., local time, on September 5, 1968, in Room 5101 at Federal Office Building No. 7, 17th and H Streets, Washington, D.C. (entrance on 17th Street NW.) to consider the matters provided for consideration by § 2.752 of 10 CFR Part 2 and section II of Appendix A to 10 CFR Part 2.

The Director of Regulation proposes to make affirmative findings of Item Nos. 1-3 and a negative finding on Item 4 specified below as the basis for the issuance of a provisional construction permit to the applicant substantially in the form proposed in Appendix A hereto.

1. Whether in accordance with the provisions of 10 CFR § 50.35(a):

(a) The applicant has described the proposed design of the facility including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest dates stated in the application for completion of construction of the proposed facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public;

2. Whether the applicant is technically qualified to design and construct the proposed facility;

3. Whether the applicant is financially qualified to design and construct the proposed facility; and

4. Whether the issuance of a permit for the construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

In the event that this proceeding is not a contested proceeding, as defined by

§ 2.4 of the Commission's rules of practice, 10 CFR Part 2, the Board will, without conducting a de novo evaluation of the application, consider the issues of whether the application and the record of the proceeding contain sufficient information, and the review by the Commission's regulatory staff has been adequate, to support the findings proposed to be made and the provisional construction permit proposed to be issued by the Director of Regulation.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as the issues in this proceeding, Item Nos. 1 through 4 above as the basis for determining whether a provisional construction permit should be issued to the applicant.

As they become available, the application, the applicant's summary of the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS) and the Safety Evaluation by the Commission's regulatory staff will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., where they will be available for inspection by members of the public. Copies of this notice of hearing, the ACRS report, the applicant's summary of the application and the regulatory staff's Safety Evaluation will also be available at Room 2170, State Capitol Building, Sacramento, Calif., for inspection by members of the public each weekday between the hours of 9 a.m. and 5 p.m. Copies of the ACRS report and the regulatory staff's Safety Evaluation may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who does not wish to file a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of § 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, by September 3, 1968.

Any person whose interest may be affected by the proceeding who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a petition for leave to intervene.

Petitions for leave to intervene, pursuant to the provisions of § 2.714 of the Commission's rules of practice, must be received in the Office of the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than September 3, 1968, or in the event of a postponement of the prehearing conference, at such time as the Board may specify. The petition shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail. A petition which sets forth contentions relating only to matters outside the Commission's jurisdiction will be denied. A petition for leave to intervene which is not timely filed will be denied unless the petitioner shows good cause for failure to file it on time.

A person permitted to intervene becomes a party to the proceeding, and has all the rights of the applicant and the regulatory staff to participate fully in the conduct of the hearing. For example, he may examine and cross-examine witnesses. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of § 2.705 of the Commission's rules of practice, must be filed by the applicant on or before September 3, 1968.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the Board, parties are required to file, pursuant to the provisions of § 2.708 of the Commission's rules of practice, an original and 20 conformed copies of each such paper with the Commission.

Dated at Washington, D.C., this 31st day of July 1968.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. McCOOL,
Secretary.

APPENDIX "A"

PROVISIONAL CONSTRUCTION PERMIT

Construction Permit No. -------

1. Pursuant to § 104(b) of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, Chapter 1, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities", and pursuant to the order of the Atomic Safety and Licensing Board, the Atomic Energy Commission (the Commission) hereby issues a provisional construction permit to Sacramento Municipal Utility District (the applicant) for a utilization facility (the facility), designed to operate at 2,452 megawatts (thermal) described in the application and amendments thereto (the application) filed in this matter by the applicant and as more fully described in the evidence received at the public hearing upon that application. The facility, known as Rancho Seco Nuclear Generating Station Unit No. 1, will be located at the applicant's Sacramento County, Calif., site in the southeast part of the county, located approximately 25 miles southeast of Sacramento, Calif., and approximately 26 miles northnortheast of Stockton, Calif.

2. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act, and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the conditions specified or incorporated below:

A. The earliest date for the completion of the facility is December 31, 1972, and the latest date for completion of the facility is December 31, 1973.

B. The facility shall be constructed and located at the site as described in the application in the southeast part of Sacramento County, Calif.

C. This construction permit authorizes the applicant to construct the facility described in the application and the hearing record in accordance with the principal architectural and engineering criteria set forth therein.

3. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless (a) the applicant submits to the Commission, by amendment to the application, the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; and (c) the applicant submits proof of financial protection and the execution of an indemnity agreement as required by Part 170 of the Act.

For the Atomic Energy Commission.

[F.R. Doc. 68-9321; Filed, Aug. 2, 1968; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17007]

CHICAGO-DES MOINES NONSTOP SERVICE CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on August 27, 1968, at 10 a.m., e.d.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to Orders E-26131, December 15, 1967, and E-26557, March 21, 1968, the Report of Prehearing Conference served May 9, 1968, and to the documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., July 30, 1968.

[SEAL] ROBERT M. JOHNSON,
Hearing Examiner.

[F.R. Doc. 68-9317; Filed, Aug. 2, 1968; 8:47 a.m.]

[Docket No. 20062; Order 68-7-149]

UNITED AIR LINES, INC.

Order of Investigation and Suspension Regarding Fare Additions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of July 1968.

By tariff revisions[1] marked to become effective August 1, 1968, United Air Lines, Inc. (United), proposes (1) to establish 13 jet first-class and 19 jet coach fares between Fresno, Calif., and other points on its system; (2) to add a propeller first-class fare between Fresno and Lincoln; and (3) to reduce its propeller first-class fares to the level of its proposed jet first-class fares between Fresno, on the one hand, and Grand Junction and Spokane, on the other. The proposed jet fares bear an expiration date of December 31, 1968, whenever they are higher than the present propeller fares.

In support of its proposal, United asserts that the proposed fares are being added in connection with the inauguration of new jet service.

No complaints have been filed.

Six of the jet first-class, 11 of the jet coach fares, and one propeller first-class fare are proposed at levels in excess of the industry average fare for the distance and class of service involved. The carrier, however, has shown no basis or economic justification for its proposal. The Board concludes that the proposed fares above the industry average (rounded) should not be permitted to become effective without investigation, and accordingly, these fares will be suspended and an investigation instituted. Since, of the remaining proposed fares, five jet first-class and six jet coach fares would, under existing tariff rules, be used to establish constructed jet first-class and coach fares between Fresno and other points on United's system at levels above the industry average, these proposed jet fares will also be suspended and investigated. We will permit, however, the remaining jet fares and the reduced propeller first-class fares to become effective.

In these circumstances, the Board finds that the proposed jet first-class, jet coach, and propeller first-class fares set forth in Appendix A, attached hereto may be unjust or unreasonable, or unduly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A[1a] attached hereto, and rules, regulations, and practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto are suspended and their use deferred to and including October 29, 1968, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order be filed with the aforesaid tariff and be served upon United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[2]

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-9318; Filed, Aug. 2, 1968; 8:48 a.m.]

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 101, filed June 26, 1968.

[1a] Filed as part of the original document.

[2] Member Adams' dissenting statement filed as part of the original document.

FEDERAL POWER COMMISSION

[Docket No. CP69-14]

VALLEY GAS TRANSMISSION, INC.

Notice of Application

JULY 29, 1968.

Take notice that on July 22, 1968, Valley Gas Transmission, Inc. (Applicant), Houston Natural Gas Building, 1200 Travis, Box 1188, Houston, Tex. 77001, filed in Docket No. CP69-14 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon service to Tennessee Gas Pipeline Co. (Tennessee) for the account of Texkan Oil Co. (Texkan), and to Trunkline Gas Co. (Trunkline), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authority to abandon the transportation service which it rendered for Texkan pursuant to the Commission's certificate order issued March 23, 1965 in Docket Nos. CI62-124 and CI61-1043 (33 FPC 604). Applicant also requests authority to abandon service to Trunkline which was authorized by the Commission's certificate order issued May 31, 1962 in Docket No. CI61-909. Applicant states that all of these services have been abandoned as a matter of fact because the gas supplies have been depleted. Applicant states that no abandonment of facilities is involved since the facilities necessary to commence these services were constructed by producers supplying the gas to Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 23, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-9291; Filed, Aug. 2, 1968; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on April 30, 1968.[1]

The information reviewed at this meeting indicates that overall economic activity has expanded at a very rapid pace thus far in 1968, with prices rising substantially, and that prospects are for a continuing rapid advance in activity and persisting inflationary pressures in the period ahead. Since late fall, growth rates of bank credit, the money supply, and time and savings accounts at financial institutions have on balance moderated considerably. Market interest rates have risen in recent weeks, partly in reaction to the firming of monetary policy including the further increase in Federal Reserve discount rates. The U.S. foreign trade balance has worsened further, and the international payments position of the United States continues to be a matter of serious concern. In this situation, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to resistance of inflationary pressures and attainment of reasonable equilibrium in the country's balance of payments.

To implement this policy, while taking account of Treasury financing activity, System open market operations until the next meeting of the Committee shall be conducted with a view to maintaining the firmer conditions prevailing in the money market: *Provided, however,* That operations shall be

[1] The Record of Policy Actions of the Committee for the meeting of Apr. 30, 1968, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

modified, to the extent permitted by Treasury financing, if bank credit appears to be deviating significantly from current projections.

Dated at Washington, D.C., the 25th day of July 1968.

By order of the Federal Open Market Committee.

ARTHUR L. BROIDA,
Assistant Secretary.

[F.R. Doc. 68-9292; Filed, Aug. 2, 1968; 8:46 a.m.]

FEDERAL OPEN MARKET COMMITTEE

Authorization for System Foreign Currency Operations

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below paragraph 1B(3) of the Committee's Authorization for System Foreign Currency Operations, as amended at its meeting on April 30, 1968.

1. The Federal Open Market Committee authorizes and directs the Federal Reserve Bank of New York, for System Open Market Account, to the extent necessary to carry out the Committee's foreign currency directive:

* * * * *

B. To hold foreign currencies listed in paragraph A above, up to the following limits:

* * * * *

(3) Sterling purchased on a covered or guaranteed basis in terms of the dollar, under agreement with the Bank of England, up to $250 million equivalent.

(NOTE.—For remainder of paragraph 1 of the authorization, see 33 F.R. 3665; for paragraph 2, see 33 F.R. 9045; for paragraph 3, see 33 F.R. 8470; and for paragraphs 4 through 10, see 32 F.R. 9583.)

Dated at Washington, D.C., the 25th day of July 1968.

By order of the Federal Open Market Committee.

ARTHUR L. BROIDA,
Assistant Secretary.

[F.R. Doc. 68-9293; Filed, Aug. 2, 1968; 8:46 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE ARGENTINE REPUBLIC

Entry and Withdrawal From Warehouse for Consumption

JULY 30, 1968.

On May 17, 1968, the U.S. Government requested the Government of the Argentine Republic to enter into consultations concerning exports to the United States of cotton textiles in Category 9, produced or manufactured in Argentina. In that request, the U.S. Government indicated that exports in this category from Argentina should be restrained at a level to be determined through consultation. Following those consultations, the U.S. Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 3, paragraph 3, and Article 6(c) which relates to nonparticipants, is establishing a restraint at the level of 607,753 square yards for the 12-month period beginning July 19, 1968, and extending through July 18, 1969. This restraint does not apply to cotton textiles in Category 9 produced or manufactured in Argentina and exported to the United States prior to July 19, 1968.

There is published below a letter of July 30, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textiles in Category 9, produced or manufactured in Argentina which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning July 19, 1968, be limited to the designated level.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226

JULY 30, 1968.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 8(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning July 19, 1968, and extending through July 18, 1969, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles in Category 9, produced or manufactured in Argentina, in excess of a level of restraint for the period of 607,753 square yards.[1]

In carrying out this directive, entries of cotton textiles in Category 9, produced or manufactured in the Argentine Republic and which have been exported to the United States from Argentina prior to July 19, 1968, shall not be subject to this directive.

In addition, cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be subject to this directive.

[1] This level has not been adjusted to reflect any entries made on or after July 19, 1968.

A detailed description of Category 9, in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Argentine Republic and with respect to imports of cotton textiles and cotton textile products from the Argentine Republic have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965-66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

C. R. SMITH,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 68-9304; Filed, Aug. 2, 1968; 8:46 a.m.]

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MEXICO

Entry and Withdrawal From Warehouse for Consumption

JULY 30, 1968.

On June 29, 1968, there was published in the FEDERAL REGISTER (33 F.R. 9568) a letter dated June 27, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, amending and extending the temporary level of restraint for cotton textiles and cotton textile products in Categories 28 through 64, produced or manufactured in Mexico and exported to the United States during the 3-month period beginning May 1, 1968, and extending through July 31, 1968. Pursuant to consultations with the Government of Mexico, it has been determined that this level for Categories 28 through 64, shall remain in effect for an additional 9-month period beginning on August 1, 1968, and extending through April 30, 1969.

Accordingly, there is published below a letter of July 30, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, further amending the directive of April 30, 1968.

Attention is called to the fact that entries for consumption and withdrawals from warehouse for consumption charged by the Bureau of Customs against the level of restraint for Categories 28 through 64 have already exhausted the level for the period of 1,058,335 square yards equivalent.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

JULY 30, 1968.

DEAR MR. COMMISSIONER: This directive further amends but does not cancel the directive issued to you on April 30, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee, establishing temporary levels for the entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Mexico, beginning on May 1, 1968, and extending through May 31, 1968.

The first sentence of the first paragraph of the directive of April 30, 1968, as amended, is further amended to read as follows:

"Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of June 2, 1967, between the Governments of the United States and Mexico, and in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective May 1, 1968, and for the 12-month period extending through April 30, 1969, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 28 through 64, produced or manufactured in Mexico, in excess of an adjusted level of restraint for the period of 1,058,335 square yards equivalent."

The directive of April 30, 1968, as amended, is further amended by substituting "Twelve-Month Level of Restraint" for the heading "Three-Month Level of Restraint" applicable to Categories 63 and 64.

The levels set forth in the directive of April 30, 1968, as further amended hereby, have not been adjusted to reflect entries or withdrawals from warehouse made on or after May 1, 1968.

The actions taken with respect to the Government of Mexico and with respect to imports of cotton textiles and cotton textile products from Mexico have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965-66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

C. R. SMITH,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 68-9305; Filed, Aug. 2, 1968; 8:47 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS UNDER THE LONG-TERM ARRANGEMENT REGARDING INTERNATIONAL TRADE IN COTTON TEXTILES

Exemptions From Levels of Restraint

JULY 30, 1968.

The purpose of this notice is to announce that entries of cotton textiles and cotton textile products in Categories 1 through 64 valued at $250 or less and imported for the noncommercial personal use of the individual importing such merchandise shall not be subject to any level of restraint or other entry requirements now or hereafter put into effect pursuant to either Article 3 of the Long-Term Arrangement or any bilateral cotton textile agreement negotiated under Article 4 of the aforesaid Arrangement. This is intended to clarify an existing administrative practice of the Bureau of Customs designed to avoid inconvenience to individuals importing items of limited value for personal use, and, in particular, those returning from overseas travel.

Accordingly, there is published below a letter of July 29, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs setting out the above exemptions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

JULY 29, 1968.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Articles 3 and 6(c) thereof relating to nonparticipants, pursuant to bilateral cotton textiles agreements between the United States and exporting countries negotiated under Article 4 of the aforesaid Arrangement, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed, effective as soon as possible, and until further notice, to exclude from the coverage of any directives issued pursuant to the aforementioned authorities cotton textiles and cotton textile products satisfying the following requirements:

Cotton textiles and cotton textile products in Categories 1 through 64 entered in quantities valued at $250 or less which are imported for the noncommercial personal use of the individual importing the said merchandise.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the administration of controls on imports of cotton textiles and cotton textile products produced or manufactured abroad have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary for the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965-66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

LAWRENCE C. MCQUADE,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 68-9306; Filed, Aug. 2, 1968; 8:47 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS UNDER THE LONG-TERM ARRANGEMENT REGARDING INTERNATIONAL TRADE IN COTTON TEXTILES

Exemptions From Levels of Restraint

JULY 30, 1968.

The purpose of this notice is to announce that entries of paintings, which are in chief value of cotton, executed partially by hand, or by stencil or other mechanical processes shall not be subject to any level of restraint or other entry requirements now or hereafter put into effect pursuant to either Article 3 of the Long-Term Arrangement or any bilateral cotton textile agreement negotiated under Article 4 of the aforesaid Arrangement. It has been determined that such paintings are not properly classified as cotton textiles or cotton textile products and should therefore be excluded from the operation of the above-mentioned authorities.

Accordingly, there is published below a letter of July 29, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs setting out the above exemptions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

JULY 29, 1968.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Articles 3 and 6(c) thereof relating to nonparticipants, pursuant to bilateral cotton textile agreements between the United States and exporting countries negotiated under Article 4 of the aforesaid Arrangement, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed, effective as soon as possible, and until further notice, to exclude from the coverage of any directives issued pursuant to the aforementioned authorities cotton textiles and cotton textile products satisfying the following requirements:

Paintings, which are in chief value of cotton, executed partially by hand, or by stencil or other mechanical processes.

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the administration of controls on imports of cotton textiles and cotton textile products produced or manufactured abroad have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary for the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965–66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

LAWRENCE C. MCQUADE,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 68-9306; Filed, Aug. 2, 1968; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

AMERICAN CHECKMASTER SYSTEM, INC.

Order Suspending Trading

JULY 30, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of American Checkmaster System, Inc., Houston, Tex., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 31, 1968, through August 4, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-9310; Filed, Aug. 2, 1968; 8:47 a.m.]

[70-4654]

AMERICAN ELECTRIC POWER CO., INC., ET AL.

Notice of Proposed Intrasystem Transfer of Utility Plant Under Construction and Related Transactions

JULY 30, 1968.

Notice is hereby given that American Electric Power Co. ("AEP"), 2 Broadway, New York, N.Y. 10004, a registered holding company, and two of its electric utility subsidiary companies, Appalachian Power Co. ("Appalachian"), 20 Franklyn Road, Roanoke, Va. 24001, and Ohio Power Co. ("Ohio"), 301 Cleveland Avenue SW., Canton, Ohio 44702, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a)(1), 10, and 12 of the Act and Rule 43 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Appalachian is engaged in the construction of a 1,600 mw coal fired electric generating plant near Moundsville, W. Va., to be known as the Mitchell Plant. The plantsite covers approximately 235.5 acres and is located on the Ohio River near Ohio's Kammer Plant. Construction was begun in 1967 with certain foundation and structural work now completed. Appalachian has numerous contracts for the supply of construction equipment, materials, and labor and also has a contract for a coal supply. In addition, Appalachian has an option to purchase adjacent tracts of land to be used for ash disposal, transmission lines, a substation, and other facilities.

Appalachian and Ohio have entered into an agreement pursuant to which the Mitchell Plant site, together with all materials incorporated into the construction, and the option to purchase the adjacent land will be transferred from Appalachian to Ohio. Ohio will pay Appalachian its total construction costs as of the date of closing, which as of May 31, 1968, amounted to $22,084,608, and Ohio will assume all of Appalachian's obligations incurred in connection with the construction of the Mitchell Plant. Ohio will use available cash to pay the purchase price.

It is stated that in the early part of 1968, Appalachian had also considered the suitability of a site near Scary, W. Va. for the location of a new generating plant. As a result of an evaluation, it was concluded that it would be preferable from the standpoint of the system as a whole for Appalachian to proceed with construction of a plant at Scary to be known as the John E. Amos Plant and for Ohio to postpone construction of a new generating plant elsewhere, but, instead, to take over construction and operation of the Mitchell Plant. It is further stated that if both the Mitchell and Amos plants were owned and operated by Appalachian, there would be, as between Appalachian and Ohio, a substantial imbalance of generating capacity as related to load and in addition, if both such plants were constructed, owned, and operated by Appalachian, Appalachian, in view of present high interest rates and its other anticipated construction commitments, might be burdened financially to an extent not consistent with prudent financial management.

The filing states that the only fees, commissions, or other expenses in connection with the proposed transactions will be transfer taxes, and recordation fees and miscellaneous legal and engineering fees and other expenses not exceeding $2,500. It is further stated that the proposed transfer is subject to the jurisdiction of the State Corporation Commission of Virginia, in which State Appalachian is organized and doing business, and the Public Service Commission of West Virginia, in which State Appalachian is doing business, and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. The orders of the State commissions with the papers and documents filed and to be filed with these commissions will be supplied by amendment.

Notice is further given that any interested person may, not later than August 22, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-9311; Filed, Aug. 2, 1968; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 679]

NEW MEXICO

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1968, because of the effects of certain disasters, damage resulted to residences and business property located in the county of Santa Fe, in the State of New Mexico;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on July 25, 1968.

OFFICE

Small Business Administration Regional Office, 500 Gold Avenue SW., Albuquerque, N. Mex. 87101.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to January 31, 1969.

Dated: July 29, 1968.

HOWARD GREENBERG,
Acting Administrator.

[F.R. Doc. 68-9294; Filed, Aug. 2, 1968; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 31, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days for the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41407—*Grain and grain products from points in South Dakota.* Filed by Great Northern Railway Co., (No. 1094), for itself. Rates on grain and grain products, in carloads, as described in the application, from points in South Dakota, to Sioux City, Iowa.

Grounds for relief—Motortruck competition and carrier competition.

Tariff—Supplement 49 to Great Northern Railway Co. tariff ICC A-9229.

FSA No. 41408—*Class and commodity rates from and to Pabst, Ga.* Filed by O. W. South, Jr., agent, (No. A6039), for interested rail carriers. Rates on property moving on class and commodity rates, between Pabst, Ga., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-9328; Filed, Aug. 2, 1968; 8:48 a.m.]

[Notice 659]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 30, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 239 (Sub-No. 24 TA), filed July 25, 1968. Applicant: ECKLAR-MOORE EXPRESS, INC., Forbes Road, Extended, Lexington, Ky. 40505. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, serving the plantsite of the Ford Motor Co. at the intersection of Westport Road and Murphy Lane in Jefferson County, Ky., as an off-route point in connection with existing authority, for 180 days. NOTE: Applicant proposes to tack to other authority held by it in MC 239. Supporting shipper: C. F. Wilkins, Supervisor, Parts and Material Analysis Section, Transportation and Traffic Analysis Department, Ford Motor Co., The American Road, Dearborn, Mich. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 203 Featherston Building, 177 North Upper Street, Lexington, Ky. 40507.

No. MC 2962 (Sub-No. 38 TA), filed July 25, 1968. Applicant: A & H TRUCK LINE, INC., 1111 East Louisiana Street, Evansville, Ind. 47717. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, from Louisville, Ky., to the plantsite of Ford Motor Co. located at the intersection of Westport Road and Murphy Lane in Jefferson County near Louisville, for 180 days. NOTE: Applicant intends to tack the authority sought herein with its existing authority under MC 2962 and various sub thereunder. Supporting shipper: Ford Motor Co., The American Road, Dearborn, Mich. Send protests to: District Supervisor James W. Habermehl, Bureau of Operations, Interstate Commerce Commission, 802 Century Bldg., 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 111045 (Sub-No. 62 TA), filed July 26, 1968. Applicant: REDWING CARRIERS, INC., Post Office Box 426, 7809 Palm River Road, Tampa, Fla. 33601. Applicant's representative: J. V. McCoy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ilmenite ore*, in bulk, in tank or hopper type vehicles, from Highland and Trailridge, Fla., to Jacksonville, Fla., for subsequent movement by water, for 180 days. Supporting shipper: E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 111170 (Sub-No. 125 TA), filed July 26, 1968. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum sulfate*, in bulk, in tank vehicles, from Pine Bluff, Ark., to Amarillo, Tex., for 150 days. Supporting shipper: Allied Chemical Corp., 40 Rector Street, New York, N.Y. 10006. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 113678 (Sub-No. 322 TA), filed July 25, 1968. Applicant: CURTIS, INC., 770 East 51st Avenue, Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Oscar Mandel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed sausage*, from Palmyra, Pa., to points in Illinois, Iowa, Missouri, Kansas, Oklahoma, Nebraska, Colorado, Utah, Arizona, and California, for 180 days. Supporting shipper: Palmyra Bologna Co., Inc., Palmyra, Pa. 17078. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 116544 (Sub-No. 94 TA), filed July 25, 1968. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Post Office Box 636, Carthage, Mo. 64836. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I as defined by the Commission (except commodities in bulk, in tank vehicles, and hides) from Pratt, Kans., to points in Florida, Georgia, Alabama, South Carolina, North Carolina, Tennessee, Mississippi, Louisiana, Texas, Arkansas, Oklahoma, Missouri, Nebraska, Iowa, Illinois, Indiana, Kentucky, Minnesota, and Wisconsin, for 150 days. Supporting shipper: Fletcher's Packing Co., Post Office Box 510, Pratt, Kans. 67124. Send

protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 123490 (Sub-No. 8 TA), filed July 26, 1968. Applicant: CHIP CARRIERS, INC., 1217 South 24 Street, Omaha, Nebr. 68108. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chips, twists, or puffs made of flour, meal, dough, or mush* (Doritos, tortilla chips and cheetos, cheese flavored puffs) and *fried pork skins* (Bakenets fried pork rinds), from Irving and Dallas, Tex., to points in Kansas, Missouri, Iowa, Nebraska, and Colorado, for 150 days. Supporting shipper: Frito-Lay, Inc., Dallas, Tex. 75235. Send protest to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 126603 (Sub-No. 3 TA), filed July 26, 1968. Applicant: R. MENARD TRANSPORT LTD., St. Phillippe, La-Prarie County, Quebec, Canada. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dressed lumber and rough lumber*, from the ports of entry located on the United States-Canada boundary line, at or near Champlain, N.Y., and Highgate Springs, Vt., to New York City, N.Y., and Port Chester, N.Y.; Passaic, Essex, Union, Middlesex Counties and Merchantville, N.J.; Philadelphia and Chester, Pa.; Hartford, Fairfield, and New Haven Counties, Conn.; Boston and Hampshire County, Mass., for 150 days. Supporting shippers: Lloyd W. Wise Lumber Co., Inc., Fifth Avenue, New York, N.Y.; Furman Lumber, Inc., Top Floor, Transit Building, 108 Massachusetts Avenue, Boston, Mass. 02115; Lorraine Lumber Co. Ltd., 4875 Dufferin Road, Montreal 29, Quebec, Canada; Hebert Lumber, 01417 Charlevoix, Montreal, Quebec, Canada. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

MOTOR CARRIER OF PASSENGERS

No. MC 15364 (Sub-No. 12 TA), filed July 25, 1968. Applicant: WISCONSIN-MICHIGAN COACHES, INC., 725 Smith Street, Green Bay, Wis. 54302. Applicant's representative: Rolfe E. Hanson, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, and express* in the same vehicle with passengers, between Green Bay and Ashland, Wis., serving all intermediate points which are stations on the rail line of the Chicago & North Western Railway Co. hereinafter called "Railroad," from Green Bay over Wisconsin Highway 29 to junction of Wisconsin Highway 29 and Wisconsin Highway 32, thence over Wisconsin Highway 32 to Pulaski, thence over Wisconsin Highway 160 to Angelica, thence over Wisconsin Highway 29 to Wittenberg, Wis., thence over U.S. Highway 45 to junction of U.S. Highway 45 and Wisconsin Highway 47, thence over Wisconsin Highway 47 to Woodruff, Wis., thence over U.S. Highway 51 to Hurley, Wis., thence over U.S. Highway 2 to Ashland and return over the same route. Between Hurley, Wis., and Ironwood, Mich., from Hurley over U.S. Highway 2 and Highway BR 2 to Ironwood, Mich. and return over the same route. Restriction: The service authorized above is subject to the following conditions: (1) The service to be performed by carrier shall be restricted to that which is auxiliary to or supplemental of rail service of the railroad. (2) Carrier shall not serve any points not a station on the line of the railroad. (3) The service authorized shall be restricted to the transportation of traffic having an immediately prior or immediately subsequent movement by rail. (4) Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict carrier's service to that which is auxiliary to or supplemental of the service of the railroad, for 180 days. Supporting shippers: City of Rhinelander, Office of the Mayor, Rhinelander, Wis. (P. A. Taylor, Mayor); Chicago and North Western Railway Co., Passenger Traffic Department, 400 West Madison Street, Chicago, Ill. 60606 (R. B. Krehl); Mercer Chamber of Commerce, Mercer, Wis. (Betty E. Snyder, President); Shawano Area Chamber of Commerce, 323 South Main Street, Shawano, Wis.; Antigo Area Chamber Commerce, Antigo, Wis. 54409. Send protests to: District Supervisor Lyle Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

MOTOR CARRIER OF PASSENGERS

No. MC 133046 (Sub-No. 1 TA), filed July 26, 1968. Applicant: AIRPORT LIMOUSINE SERVICE, INC., 24 North River Road, Wheeling, W. Va. 26003. Applicant's representative: D. L. Bennett, 206 First National Bank Building, Wheeling, W. Va. 26003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage having prior or subsequent transportation by air*, between Wheeling, W. Va., and Greater Pittsburgh Airport located on Parkway West near Pittsburgh, Pa., for 180 days. Supporting shippers: Stone & Thomas Department Stores, Wheeling, W. Va.; St. Clair Travel Bureau, St. Clairville, Ohio; Security Travel Bureau, Wheeling, W. Va.; Wheeling Automobile Club, Wheeling, W. Va.; Wheeling Dollar Savings & Trust Co., Wheeling, W. Va.; Belmont County Automobile Club, Bridgeport, Ohio. Send protests to: Joseph A. Niggemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 531 Hawley Building, Wheeling, W. Va. 26003.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9329; Filed, Aug. 2, 1968; 8:49 a.m.]

[Notice 660]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 31, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub-No. 352 TA), filed July 26, 1968. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representative: Douglas W. Faris (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky. as an off-route point in connection with applicant's authority to and from Louisville, Ky., for 180 days. Supporting shipper: Ford Motor Co., The American Road, Dearborn, Mich. Send protests to: District Supervisor G. J. Baccei, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 2401 (Sub-No. 44 TA), filed July 26, 1968. Applicant: MOTOR FREIGHT CORPORATION, 2345 South 13th Street, Post Office Box 2057, Idaho Station, Terre Haute, Ind. 47802. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with carrier's presently authorized regular route service from and to Louisville, Ky., for 180 days. NOTE: Applicant proposes service to new plant as off-route points to existing operations. Supporting shipper: Ford Motor Co., The American Road, Dearborn, Mich. Send protests to: District Supervisor James W. Habermehl, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 20802 (Sub-No. 4 TA), filed July 29, 1968. Applicant: WHEELER MOTOR EXPRESS, INCORPORATED, 279 Lake Shore Drive West, Dunkirk, N.Y. 14048. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities limited to shipments weighing not more than 5,000 pounds each*, between Barcelona, N.Y., and Jamestown, N.Y.: From Barcelona over New York Highway 17 to Mayville, N.Y., thence over New York Highway 17J to Jamestown, and return over the same route, serving all intermediate points and the off-route point in New York of: Ashville, Blockville, Clymer, Findley Lake, North Clymer, Panama, Sherman, and Stedman, for 150 days. NOTE: Applicant would continue its interline arrangements with approximately 50 carriers including motor carriers, airlines, and freight forwarders. Interline takes place at Buffalo, N.Y., and Jamestown, N.Y. Supporting shippers: There are approximately 16 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, N.Y. 14203.

No. MC 61440 (Sub-No. 112 TA) (amendment), filed July 17, 1968, published FEDERAL REGISTER, issue of July 26, 1968, and republished as amended this issue. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Post Office Box 82488, Exchange Branch, Oklahoma City, Okla. 73108. Applicant's representative: Richard H. Champlin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including classes A and B explosives* (except commodities in bulk, household goods as defined by the Commission, and those commodities requiring special equipment), when moving (1) on Government bills of lading, and (2) on commercial bills of lading containing endorsements approved in interpretation of *Government Rate Tariff—Eastern Central*, 332 I.C.C. 161, 164, 165, between oints in Kentucky, Indiana, Illinois, Missouri, Arkansas, Louisiana, Texas, Oklahoma, and Kansas, on the one hand, and on the other, points in Washington, California, Nevada, Arizona, and Utah, for 180 days. NOTE: Applicant intends to tack the authority sought herein with its existing authority under MC 61440. The purpose of this republication is to more clearly set forth the restriction. Supporting shipper: Curtis L. Wagner, Jr., Chief Regulatory Law Division, Department of the Army, Office of the Judge Advocate General, Washington, D.C. 20310. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 76436 (Sub-No. 34 TA), filed July 26, 1968. Applicant: SKAGGS TRANSFER, INC., 2400 Ralph Avenue, Post Office Box 16206, Louisville, Ky. 40216. Applicant's representative: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, in Jefferson County, Ky., as an off-route point in connection with presently authorized operations to and from Louisville, Ky., for 180 days. NOTE: Applicant proposes to tack the temporary authority sought with its present permanent authority at Louisville, Ky. Supporting shipper: C. F. Wilkins, Supervisor, Transportation and Traffic Analysis Department, Ford Motor Co., Dearborn, Mich. 48120. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40404.

No. MC 114679 (Sub-No. 12 TA), filed July 29, 1968. Applicant: HOWARD H. KRAPF, doing business as KRAPF TRUCK SERVICE, Rural Delivery No. 4, Allentown, Pa. 18103. Applicant's representative: Kenneth R. Davis, 1106 Dartmouth Street, Scranton, Pa. 18504. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Allentown, Pa., on the one hand, and points within 30 miles of Allentown, including Allentown, Pa., on the other. Restricted to shipments having a prior or subsequent movement by rail, for 180 days. Supporting shipper: Lehigh Valley Railroad Co., Traffic Department, 140 Cedar Street, New York, N.Y. 10006. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse Building, Second and Chestnut Streets, Philadelphia, Pa. 19106.

MOTOR CARRIER OF PASSENGERS

No. MC 13028 (Sub-No. 14 TA), filed July 29, 1968. Applicant: THE SHORT LINE, INC., 27 Sabin Street, Box 1116, Annex Station, Providence, R.I. 02901. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in special operations, beginning and ending at Providence and Pawtucket, R.I., and North Attleboro, Mass., and extending to Rockingham Race Track at Salem, N.J., for 150 days. Supporting shippers: Supported by 17 individuals wishing to obtain service to Rockingham Race Track, and whose statements may be examined here at the Interstate Commerce Commission, Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Gerald H. Curry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 187 Westminster Street, Providence, R.I. 02903.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9330; Filed, Aug. 2, 1968; 8:49 a.m.]

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1968, and specifies how they are affected.

7 CFR

777 11113

PROPOSED RULES:

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PROPOSED RULES:

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PROPOSED RULES:

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PROPOSED RULES:

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Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 10]

PART 777—PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Miscellaneous Amendments

On pages 9403 and 9404 of the FEDERAL REGISTER of June 27, 1968, there was published a notice of proposed rule making with respect to the blending and mixing of flour second clears by food processors.

Interested persons were given 15 days in which to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received, and the amendment as so proposed is hereby adopted as set forth below and an interpretation pertaining to flour second clears published in the FEDERAL REGISTER on April 19, 1967, is hereby revoked. Also incorporated into the amendment as set forth below is the addition of a sentence in paragraph (5), Appendix III, of the regulations. The additional sentence permits those food processors on a conversion factor basis to exclude reporting any quantity of food product processed which becomes unsuitable for marketing as a food product prior to marketing or removal from the plant and which is not used for human consumption. The change permits food processors reporting on a conversion factor basis to exclude from reporting any normal manufacturing losses which occur as part of the processing operation since the conversion factor provided in the regulations takes into account such losses and it is anticipated will result in processors acquiring certificates on all the wheat used in the manufacture of a food product.

Since the provisions of this amendment must be acted on immediately, or are needed immediately in the administration of the regulations and since the amendment to Appendix III relieves restrictions it is hereby found and determined with respect to the amendment to Appendix III that compliance with the notice, public procedure and the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 533) is unnecessary and contrary to the public interest and with respect to the other provisions of this amendment that compliance with the 30-day effective date requirements of such section is impractical and contrary to the public interest and that this amendment shall be effective as provided below.

Effective date. This amendment shall be effective as of the first reporting period beginning on or after the date the amendment is published in the FEDERAL REGISTER.

Signed at Washington, D.C. on August 2, 1968.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

1. Section 777.18 is amended to read as follows:

§ 777.18 Food processors manufacturing flour second clears.

(a) *General.* The food processor is required to purchase and surrender certificates for the wheat used in processing flour second clears in accordance with the other provisions of these regulations. Refunds of the cost of such certificates shall be made only to industrial users of flour second clears as provided in § 777.19.

(b) *Certification.* The processor shall upon request from the buyer, distributor, or other transferee of flour second clears execute and furnish a Form CCC–165, Processor Certification, Flour Second Clears, to establish that the flour second clears produced by him and sold to the buyer meet the definition of flour second clears. A separate invoice and a separate Form CCC–165 is required for each separate railroad car, truckload, or other applicable shipment unit of flour second clears. The processor shall issue only one original Form CCC–165 for each such unit. The processor shall issue only one original Form CCC–165 for each shipment unit of blended flour second clears. If the blend is constituted in whole or in part of flour second clears produced by the processor in a different plant than the plant in which the blending is accomplished, a separate Form CCC–165 must be issued by each plant from which the flour second clears were transferred and such form must be retained in the records of the plant in which the blending is accomplished to identify the use of such flour second clears in the blend.

(c) *Blending by the processor.* (1) Except as provided in subparagraph (2) of this paragraph if a processor blends flour second clears with either nonqualifying clears, other types of flour or any other ingredient, or if the processor blends flour second clears produced by him with flour second clears produced by a different processor, the entire blended quantity shall be ineligible for refund.

(2) A processor may blend flour second clears under any of the following conditions without the blended lot thereby becoming ineligible for refund:

(i) If the processor blends together different quantities of flour second clears produced by him, including quantities of flour second clears produced from different classes of wheat and quantities of flour second clears produced in two or more plants;

(ii) If the processor blends flour second clears with nonqualifying clears, other types of flour or any other ingredient in a plant in which the processor, acting as an industrial user, uses the blended lot in the production of a product not for human consumption; or

(iii) If the processor mixes quantities of flour second clears with nonqualifying clears which, except for ash content, meets the requirements of § 777.3(u): *Provided* (*a*) All of the clears were produced in the same plant as where the mixing occurs, and (*b*) the clears were processed either from the same class of wheat, or if processed from different classes of wheat all of the clears in the mixture are subject to the same minimum ash requirements of § 777.3(u). The resultant product shall qualify as flour second clears if it meets the requirements of § 777.3(u), irrespective of whether all of the clears which constituted the blend conformed to the ash requirements of § 777.3(u) prior to the time the combining occurred.

(d) *Records.* The processor shall retain a copy of all Forms CCC–165 which he issues. Each Form CCC–165 shall be identified to its respective invoice number and the quantity invoiced. To support the certifications, the processor must retain laboratory reports and mill records which identify production runs by date of processing, lot number, type of wheat processed, and which can be identified to the flour second clears covered by an invoice. The laboratory reports shall contain an analysis of the ash content of the flour second clears but need not show the granulation of the clears. In the case of blended flour second clears, it is necessary that (1) all the flour second clears used in the blend be sampled and analyzed at the processor's plant where the flour second clears were produced prior to the blending and issuance of the Forms CCC–165 and (2) the records reflect the quantity of each type of flour second clears used in the blend except that the ash analysis which supports blended clears as described in paragraph (c) (2) (iii) of this section must be based on a composite of samples which are representative of the clears shipped and not on samples of the production runs comprising the shipments. The forms and records required of processors of flour second clears shall be retained and be subject to examination as provided in § 777.15.

2. Paragraph (5) of Appendix III is amended to read as follows:

APPENDIX III—INSTRUCTIONS FOR PREPARATION OF PROCESSING REPORT—CONVERSION FACTOR BASIS

* * * * *

(5) Enter in Item 5 for each food product processed during the reporting period the total quality in hundredweights which was processed. (When flour is produced, include the weight of all clears.) Do not include any food product which prior to marketing or removal from the plant (whichever occurs first) becomes unsuitable as a food product and is not used for human consumption.

* * * * *

[F.R. Doc. 68-9403; Filed, Aug. 5, 1968; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 68-EA-80; Amdt. 39-627]

PART 39—AIRWORTHINESS DIRECTIVES

Lycoming Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive which will amend AD 63-23-2 as it applies to the O-320 type Lycoming engines.

AD 63-23-2 required repetititive inspections of exhaust valves and guides of O-320 type Lycoming engines which incorporated camshaft assembly, P/N 68769. The engines contained 7/16-inch-diameter exhaust valve stems. Experience with the IO-320-B engine which is the fuel injector version of the O-320 type engine and has ½-inch diameter exhaust valve stems, has demonstrated the compatibility of the ½-inch valve stem with camshaft assembly P/N 68767 in the IO-320-B engine. Thus, it is appropriate to amend AD 63-23-2 to reflect the foregoing experience by deleting application to the IO-320-B engine.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure herein are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89, 31 F.R. 13697, § 39.13 of Part 39 of the Federal Aviation Regulations, AD 63-23-2 is amended as follows:

1. Delete the applicability paragraph and insert in lieu thereof: "Applies to all O-320 type engines which incorporate the 7/16-inch-diameter exhaust valve stem with camshaft assembly P/N 68769."

2. Delete paragraph (d) and insert in lieu thereof: "Inspect and, where necessary, replace exhaust valves and guides in accordance with Lycoming Service Bulletin No. 293B or other alternative method approved by the Chief, Engineering and Manufacturing Branch of the Eastern Region."

This amendment is effective August 6, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Jamaica, N.Y., on July 26, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68-9360; Filed, Aug. 5, 1968; 8:47 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to the general authority contained in section 12 of the act of June 25, 1938 (52 Stat. 1107, as amended; 45 U.S.C. 362), § 300.1 (e) and (f) of Part 300 (20 CFR 300.1), the first paragraph of § 322.1 of Part 322 (20 CFR 322.1), the second and fourth paragraphs of §§ 325.1, 325.18 and 325.25 (a) and (b) of Part 325 (20 CFR 325.1, 325.18, 325.25), §§ 330.1 and 330.5(a) of Part 330 (20 CFR 330.1, 330.5), §§ 332.1 and 332.2(b) of Part 332 (20 CFR 332.1, 332.2), the second and fourth paragraphs of §§ 335.101, 335.104 (e), 335.105, 335.201, and 335.301 of Part 335 (20 CFR 335.101, 335.104, 335.105, 335.201, 335.301), the title of Part 336, the first paragraph of § 336.1 and the title of § 336.2 of Part 336 (20 CFR 336.1, 336.2) of the regulations under such act are amended, and § 325.25(c), the final paragraph of § 335.101, a statement following the title of Subpart B of Part 335 and § 336.4 are added, by Board Order 68-72, dated July 17, 1968, to read:

PART 300—DEFINITIONS

§ 300.1 Words and phrases.

* * * * *

(e) The term "United States", when used in a geographical sense, means the States and the District of Columbia.

(f) The term "State" means any of the States or the District of Columbia.

* * * * *

PART 322—REMUNERATION

§ 322.1 Statutory provisions.

Subject to the provisions of section 4 of this act, (1) a day of unemployment, with respect to any employee, means a calendar day * * * with respect to which * * * no remuneration is payable or accrues to him * * *; and (2) a "day of sickness", with respect to any employee, means a calendar day * * * with respect to which * * * no remuneration is payable or accrues to him * * * *Provided, however,* That "subsidiary remuneration", as hereinafter defined in this subsection, shall not be considered remuneration for the purpose of this subsection except with respect to an employee whose base-year compensation, exclusive of earnings from the position or occupation in which he earned such subsidiary remuneration, is less than $1,000 * * *.

* * * * *

PART 325—REGISTRATION AND CLAIMS FOR BENEFITS

§ 325.1 Statutory provisions.

* * * * *

Section 14(k) of the Railroad Unemployment Insurance Act (as amended) provides that:

* * * a day of unemployment, with respect to any employee, means a calendar day on which he is able to work and is available for work and with respect to which (i) no remuneration is payable or accrues to him, and (ii) he has, in accordance with such regulations as the Board may prescribe, registered at an employment office * * *: *Provided, however,* That "subsidiary remuneration" as * * * defined * * * shall not be considered remuneration for the purpose of this subsection except with respect to an employee whose base-year compensation, exclusive of earnings from the position or occupation in which he earned such subsidiary remuneration, is less than $1,000: *Provided, further,* That remuneration for a working day which includes a part of each of 2 consecutive calendar days shall be deemed to have been earned on the first of such 2 days, and any individual who takes work for such working day shall not by reason thereof be deemed not available for work on the second of such calendar days: *Provided, further,* That any calendar day on which no remuneration is payble to or accrues to an employee solely because of the application to him of mileage or work restrictions agreed upon in schedule agreements between employers and employees or solely because he is standing by for or laying over between regularly assigned trips or tours of duty shall not be considered * * * a day of unemployment * * *.

* * * * *

Section 2(c) of the Railroad Unemployment Insurance Act, as amended, provides that:

* * * with respect to an employee who has 10 or more years of service as defined in section 1(f) of the Railroad Retirement Act of 1937, who did not voluntarily retire and (in a case involving exhaustion of rights to benefits for days of unemployment) did not voluntarily leave work without good cause, and who had current rights to normal benefits for days of unemployment or days of sickness in a benefit year but has exhausted such rights, the benefit year in which such rights are exhausted shall be deemed not to be ended until the last day of the extended benefit period determined under the following schedule, and the maximum number of days of, and amount of payment for, unemployment or sickness (depending on the type of benefit rights exhausted) within such benefit year for which benefits may be paid to the employee shall be enlarged to include all compensable days of unemployment or days of sickness, as the case may be, within such extended benefit period:

If the employee's "years of service" total—	The extended benefit period shall begin on the first day of unemployment or sickness, as the case may be, following the day on which the employee exhausted his then current rights to normal benefits for days of unemployment or days of sickness and shall continue for successive 14-day periods (each of which periods shall constitute a registration period) until the number of such 14-day periods totals—
10 and less than 15	7 (but not more than 65 days).
15 and over	13.

but no such extended benefit period shall extend beyond the beginning of the first registration period in a benefit year in which the employee is again qualified for benefits in accordance with section 3 of this Act on the basis of compensation earned after the first of such successive 14-day periods has begun. * * *

* * * * *

§ 325.18 Registration in Alaska.

Nothing provided in § 325.12 shall apply to employees registering in Alaska, but such employee shall register for each day of unemployment with the Alaska Department of Labor, or persons designated by it as agents for this purpose, as required by such Department under arrangements with the Board.

§ 325.25 Registration period.

(a) *First day.* Except for registration periods in extended unemployment benefit periods, the first day of a registration period with respect to any employee is the first day for which he registers, and thereafter the first day for which he next registers after the last day of his last preceding registration period.

(b) *Last day.* Except for registration periods in extended unemployment benefit periods, the last day of a registration period with respect to any employee shall be initially determined to be the 13th day after the first day of such registration period, subject to redetermination as the day immediately preceding the first day, not later than such 13th day, for which he registers at an employment office other than the one at which he registered for the first day of such registration period.

(c) *Extended benefit period.* Each of the successive 14-day periods in an extended unemployment benefit period shall constitute a registration period.

PART 330—DETERMINATION OF DAILY BENEFIT RATES

§ 330.1 Statutory provisions.

* * * The benefits payable to any * * * employee for each * * * day of unemployment or sickness shall be the amount appearing in the following table in column II on the line on which, in column I, appears the compensation range containing his total compensation with respect to employment in his base year:

Column I—Total compensation	*Column II—Daily benefit rate*
$1,000 to $1,299.99	$8.00
$1,300 to $1,599.99	8.50
$1,600 to $1,899.99	9.00
$1,900 to $2,199.99	9.50
$2,200 to $2,499.99	10.00
$2,500 to $2,799.99	10.50
$2,800 to $3,099.99	11.00
$3,100 to $3,499.99	11.50
$3,500 to $3,999.99	12.00
$4,000 and over	12.70

Provided, however, That if the daily benefit rate in column II with respect to any employee is less than an amount equal to 60 per centum of the daily rate of compensation for the employee's last employment in which he engaged for an employer in the base year, such rate shall be increased to such amount but not to exceed $12.70. The daily rate of compensation referred to in the last sentence shall be as determined by the Board on the basis of information furnished to the Board by the employee, his employer, or both * * *. (Section 2(a), Railroad Unemployment Insurance Act.)

§ 330.5 Use of daily rate of compensation in determining daily benefit rate.

(a) *Initial determination.* If the daily benefit rate specified in section 2(a) of the Act for the amount of the employee's base year compensation is less than the maximum daily benefit rate, it shall be compared to 60 percent of the daily rate (up to $21.16) of his compensation for the last employment in which he engaged for an employer in the base year; and whichever is the greater shall be established as the employee's daily benefit rate for the benefit year. For this purpose, the office processing the employee's application for benefits may use the information furnished (1) on a verified or corrected pay rate report or (2) on an unverified and uncorrected pay rate report, provided there is information, including information supplied by employers, sufficient to give reasonable assurance of the correctness of a daily benefit rate based on such pay rate report. If the office processing the application for benefits of an employee whose pay rate report has not been verified or corrected, does not have information sufficient to give reasonable assurance of the correctness of a daily benefit rate based on the report, the daily benefit rate to which the employee's base year compensation entitles him shall be used pending verification or correction of the report.

* * * * *

PART 332—MILEAGE OR WORK RESTRICTIONS AND STAND-BY OR LAY-OVER RULES

§ 332.1 Statutory provisions.

* * * (1) a day of unemployment with respect to any employee, means a calendar day on which he is able to work and is available for work and with respect to which * * * no remuneration is payable or accrues to him * * * and (2) a "day of sickness", with respect to any employee, means a calendar day on which because of any physical, mental, psychological, or nervous injury, illness, sickness, or disease he is not able to work, or, with respect to a female employee, a calendar day on which, because of pregnancy, miscarriage, or the birth of a child, (i) she is unable to work or (ii) working would be injurious to her health, and with respect to which * * * no remuneration is payable or accrues to him * * * *Provided, further,* That any calendar day on which no remuneration is payable to or accrues to an employee solely because of the application to him of mileage or work restrictions agreed upon in schedule agreements between employers and employees or solely because he is standing by for or laying over between regularly assigned trips or tours of duty shall not be considered either a day of unemployment or a day of sickness. (Section 1(k), Railroad Unemployment Insurance Act)

§ 332.2 General considerations.

* * * * *

(b) *Sickness claims.* An employee who, in connection with a claim to a day as a day of sickness, is held to be not able to work because of any physical, mental, psychological, or nervous injury, illness, sickness, or disease shall not be considered to lack remuneration with respect to such day solely because of the application to him of mileage or work restrictions or solely because he is standing by for or laying over between regularly assigned trips or tours of duty. Nor shall a female employee be considered to lack remuneration with respect to a day solely because of the application to her of mileage or work restrictions or solely because she is standing by for or laying over between regularly assigned trips or tours of duty if the day is one on which, because of pregnancy, miscarriage, or the birth of a child, (1) she is unable to work or (2) working would be injurious to her health.

PART 335—SICKNESS BENEFITS AND MATERNITY BENEFITS

§ 335.101 Statutory provisions.

* * * * *

The term "statement of sickness" means a statement with respect to days of sickness of an employee * * * executed in such manner and form by an individual duly authorized pursuant to section 12(l) to execute such statements, and filed as the Board may prescribe by regulations (section 1(*l*)(2) of the act).

* * * * *

The Board shall provide a form or forms for statements of sickness and a procedure for the execution and filing thereof. Such forms and procedure shall be designed with

a view to having such statements provide substantial evidence of the days of sickness of the employee and, in the case of maternity sickness, the expected date of birth and the actual date of birth of the child. Such statements may be executed by any doctor (authorized to practice in the State or foreign jurisdiction in which he practices his profession) or any officer or supervisory employee of a hospital, clinic, group health association, or other similar organization, who is qualified under such regulations as the Board may prescribe to execute such statements. The Board shall issue regulations for the qualification of such persons to execute such statements. When so executed by any such person, or, in the discretion of the Board, by others designated by the Board individually or by groups, they may be accepted as initial proof of days of sickness sufficient to certify for payment a claim for benefits • • • (section 12(l) of the act prior to amendment by Public Law 90-257, which deleted the words "and, in the case of maternity sickness, the expected date of birth and the actual date of birth of the child").

• • • • •

(See also section 2(c) of the act as quoted in § 325.1.)

§ 335.104 Filing statement of sickness and claim for sickness benefits.

• • • • •

(e) *Days for which no statement of sickness deemed filed.* Except for statements of sickness with respect to days in extended periods, no statement of sickness shall be deemed to have been filed with respect to any day which, if a statement of sickness were filed with respect to it, would be the first day of a registration period in a benefit year in which (1) the employee is not a qualified employee under section 3 of the Railroad Unemployment Insurance Act, or (2) benefits have already been payable to the employee for 130 days of sickness, other than days of sickness in a maternity period, or (3) benefits have already been payable to the employee for days of sickness, other than days of sickness in a maternity period, in an amount equal to his compensation in the base year.

§ 335.105 Registration period.

For the purposes of this subpart, the term "registration period" means, with respect to any employee, the period of 14 consecutive days beginning with the first day with respect to which a statement of sickness is filed in his behalf; and thereafter each period of 14 consecutive days beginning with the first day, with respect to which a statement of sickness is filed in his behalf, occurring after the end of his last preceding registration period begun with a day with respect to which a statement of sickness was filed in his behalf: *Provided, however,* That each of the successive 14-day periods in an extended sickness benefit period shall constitute a registration period.

Subpart B—Claiming Maternity Benefits

(Applicable only with respect to days prior to July 1, 1968. Public Law 90-257.)

§ 335.201 Statutory provisions.

• • • the term "statement of maternity sickness" means a statement with respect to a maternity period of a female employee, • • • executed in such manner and form by an individual duly authorized pursuant to section 12(l) to execute such statements, and filed as the Board may prescribe by regulations. (Section 1(*l*)(1) of the act prior to amendment, and redesignation as section 1(*l*)(2), by Public Law 90-257).

(See sections 1(k), 5(a), and 12(l) of the act, quoted in § 335.101.)

§ 335.301 Statutory provisions.

Benefits accrued to an individual but not yet paid at death shall, upon certification by the Board, be paid, without necessity of filing further claims therefor, to the same individuals or individuals to whom any accrued annuities under section 3(f)(1) of the Railroad Retirement Act of 1937 are paid. In the event that no such accrued annuities are paid, and if application for such accrued benefits is filed prior to the expiration of 2 years after the death of the individual to whom such benefits accrued, such accrued benefits shall be paid, upon certification by the Board, to the individual or individuals who would be entitled thereto under section 3(f)(1) of the Railroad Retirement Act of 1937 if such accrued benefits were accrued annuities. If there is no individual to whom all or any part of such accrued benefits can be paid in accordance with the foregoing provisions, such benefits or part thereof shall escheat to the credit of the account. (Section 2(g) of the act.)

PART 336—EXHAUSTION OF RIGHTS TO BENEFITS

§ 336.1 Statutory provisions.

Section 2(c) of the Railroad Unemployment Insurance Act, as amended, provides that:

• • • with respect to an employee who has 10 or more years of service as defined in section 1(f) of the Railroad Retirement Act of 1937, who did not voluntarily retire and (in a case involving exhaustion of rights to benefits for days of unemployment) did not voluntarily leave work without good cause, and who had current rights to normal benefits for days of unemployment or days of sickness in a benefit year but has exhausted such rights, the benefit year in which such rights are exhausted shall be deemed not to be ended until the last day of the extended benefit period determined under the following schedule, and the maximum number of days of, and amount of payment for, unemployment or sickness (depending on the type of benefit rights exhausted) within such benefit year for which benefits may be paid to the employee shall be enlarged to include all compensable days of unemployment or days of sickness, as the case may be, within such extended benefit period:

If the employee's "years of service" total—	The extended benefit period shall begin on the first day of unemployment or sickness, as the case may be, following the day on which the employee exhausted his then current rights to normal benefits for days of unemployment or days of sickness and shall continue for successive 14-day periods (each of which periods shall constitute a registration period) until the number of such 14-day periods totals—
10 and less than 15	7 (but not more than 65 days).
15 and over	13.

but no such extended benefit period shall extend beyond the beginning of the first registration period in a benefit year in which the employee is again qualified for benefits in accordance with section 3 of this Act on the basis of compensation earned after the first of such successive 14-day periods has begun. • • •

• • • • •

§ 336.2 Exhaustion of rights to unemployment benefits.

• • • • •

§ 336.4 Exhaustion of rights to sickness benefits.

An employee shall be deemed to have exhausted his current rights to normal benefits for days of sickness, within the meaning of section 2(c) of the Act, if:

(a) He has received sickness benefits for 130 days of sickness in the benefit year, or

(b) He has received sickness benefits in the benefit year equal to his base-year compensation, or

(c) At the end of a normal benefit year during which he was qualified for benefits he has received less than the maximum sickness benefits for the benefit year and he is not qualified for benefits in the next succeeding benefit year.

Dated: July 31, 1968.

By authority of the Board.

LAWRENCE GARLAND,
Secretary of the Board.

[F.R. Doc. 68-9348; Filed, Aug. 5, 1968; 8:46 a.m.]

Title 23—HIGHWAYS AND VEHICLES

Chapter II—Vehicle and Highway Safety

PART 255—INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Change in Address

The purpose of this amendment is to update the addresses given for the Society of Automotive Engineers, Inc., and the National Highway Safety Bureau in § 255.5 of 23 CFR Part 255.

Since this amendment is for the purpose of correcting inaccurate addresses and does not affect any substantive rights, notice and public procedure are not required and the amendment is made effective upon issuance.

This action is taken under the authority of section 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.) and the delegation of authority contained in § 1.4(c) of Part 1 of the Regulations of the Office of the Secretary.

In consideration of the foregoing 23 CFR Part 255 is amended as set forth below:

In § 255.5, paragraph (b) is revised to read as follows:

§ 255.5 Matter incorporated by reference.

• • • • •

(b) • • •

(1) *Standards of the Society of Automotive Engineers (SAE).* They are published by the Society of Automotive Engineers, Inc. Information and copies may be obtained by writing to: Society of Automotive Engineers, Inc., 2 Pennsylvania Plaza, New York, N.Y. 10001.

• • • • •

All incorporated materials are available for inspection at the Federal Highway Administration, Room 512, 400 Sixth Street SW., Washington, D.C. 20591.

Issued in Washington, D.C., on July 31, 1968.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

[F.R. Doc. 68-9351; Filed, Aug. 5, 1968; 8:46 a.m.]

[Docket No. 7]

PART 255—INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standard No. 104; Windshield Wiping and Washing Systems; Passenger Cars, Multipurpose Passenger Vehicles, Trucks, and Buses

An amendment to Motor Vehicle Safety Standard No. 104, which specifies requirements for windshield wiping and washing systems in passenger cars, multipurpose passenger vehicles, trucks, and buses, was issued on April 24, 1968 (33 F.R. 6466). The amendment is effective January 1, 1969.

Paragraph S3 of the amended standard, entitled "Definitions," contains a definition of the "plan view reference line" which, as it applies to vehicles with individual-type seats, locates the line parallel to the vehicle's longitudinal centerline so that the 95 percent eye range contour, or eyellipse, is geometrically positioned around the longitudinal centerline of the driver's designated seating position.

The purpose of the definition, as stated in the preamble to the standard, was to position the eyellipse geometrically in the center of the seat. The Administrator has determined that the definition may be construed to permit a different location of the eyellipse, since it provides that the 95 percent eye range contour must be geometrically positioned "around" the longitudinal centerline of the driver's seat. Therefore, the definition is being amended to clarify the location of the eyellipse by requiring its geometric center to be positioned on the longitudinal centerline of the driver's designated seating position.

Several petitions for reconsideration of the amendment have raised the possibility that the definition of plan view reference line may impose an unintended hardship on manufacturers of smaller cars. The effect of the definition is to relocate the eyellipse slightly outboard of the location prescribed in the standard prior to the amendment. This change may make it impracticable for manufacturers of smaller cars to comply with the wiped-area requirements of the standard. Therefore, the definition is being further amended to permit optional positioning of the eyellipse on the plan view reference line in the manner prescribed in the standard prior to the previous amendment.

Neither of these revisions appreciably alters the amount of the windshield surface which wiping systems must wipe under the standard. Hence the amendments will have no adverse effect on motor vehicle safety.

Paragraph S4.1.1.3 of the amendment provides, in part, that the lowest frequency or speed of windshield wiping systems must be at least 20 cycles per minute regardless of engine speed and engine load. The Administrator has received petitions asking that a frequency or speed lower than 20 cycles per minute be allowed. The petitioners state that such a lower frequency or speed will be useful under conditions of very light precipitation or wheel spray, and that retention of the 20-cycle-per-minute minimum will preclude the use of so-called "intermittent" windshield wiping systems. The Administrator has concluded that the standard should be amended to allow manufacturers to use systems which can operate at a frequency or speed of less than 20 cycles per minute so long as the driver of the vehicle has available a system capable of operating at at least two other frequencies or speeds, differing by at least 15 cycles per minute, the lower of which is at least 20 cycles per minute. The net effect of this change is to allow as many different frequencies or speeds as the manufacturer desires as long as at least two of these speeds or frequencies meet the specified requirements.

Since these amendments provide clarification, relieve a hardship and impose no additional burden on any person, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, § 255.21 of Part 255, Federal Motor Vehicle Safety Standards, Motor Vehicle Safety Standard No. 104 (32 F.R. 2410), as amended (33 F.R. 6466), is amended, effective July 31, 1968, as follows:

1. Subparagraph (b) of the definition of plan view reference line in paragraph S3 is revised to read as follows:

(b) For vehicles with individual-type seats, either—

(i) A line parallel to the vehicle longitudinal centerline which passes through the center of the driver's designated seating position; or

(ii) A line parallel to the vehicle longitudinal centerline located so that the geometric center of the 95 percent eye range contour is positioned on the longitudinal centerline of the driver's designated seating position.

2. Paragraph S4.1.1.3 is revised to read as follows:

S4.1.1.3 Regardless of engine speed and engine load, the highest and one lower frequency or speed shall differ by at least 15 cycles per minute. Such lower frequency or speed shall be at least 20 cycles per minute regardless of engine speed and engine load.

It is found, for good cause shown, that an effective date sooner than 180 days after the issuance of these amendments is in the public interest.

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1470); delegation of authority of Apr. 24, 1968 (33 F.R. 6538))

Issued in Washington, D.C., on July 31, 1968.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

[F.R. Doc. 68-9352; Filed, Aug. 5, 1968; 8:46 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 400-68]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart Q—Bureau of Prisons

DELEGATING AUTHORITY TO CONTRACT FOR AFTERCARE OF CERTAIN CONDITIONALLY RELEASED OFFENDERS

By virtue of the authority vested in me by sections 509 and 510 of title 28 and section 301 of title 5 of the United States Code, § 0.96 of Subpart Q of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended by adding the following new paragraph (m) at the end thereof:

§ 0.96 Delegations.

• • • • •

(m) Contracting with appropriate public or private agencies or with persons for supervisory aftercare of certain conditionally released offenders (18 U.S.C. 4255).

Dated: July 29, 1968.

RAMSEY CLARK,
Attorney General.

[F.R. Doc. 68-9342; Filed, Aug. 5, 1968; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 131]

SAN XAVIER AND SALT RIVER PIMA-MARICOPA RESERVATIONS

Leasing and Permitting

JULY 30, 1968.

Basis and purpose. This notice is published in the exercise of rule-making authority (hereinafter referred to) delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM2. Pursuant to the authority vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9), and the Act of November 2, 1966 (80 Stat. 1112), notice is hereby given that it is proposed to amend Part 131, Subchapter L, Chapter I, Title 25, Code of Federal Regulations by revising paragraph (a) of § 131.8 and by adding a new § 131.20 as set forth below.

The purpose of these changes is to implement long-term leasing authorities contained in the Acts of November 2, 1966 (80 Stat. 1112); December 8, 1967 (81 Stat. 559); and December 10, 1967 (81 Stat. 560). It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule-making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Indian Affairs, Washington, D.C. 20242, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

In § 131.8, paragraph (a) is revised to include the Gila River Reservation and the San Carlos Apache Reservation, Arizona, among those for which 99-year leases have been authorized. As revised, § 131.8(a) reads as follows:

§ 131.8 Duration of leases.

* * * * *

(a) Leases for public, religious, educational, recreational, residential, or business purposes shall not exceed 25 years but may include provisions authorizing a renewal or an extension for one additional term of not to exceed 25 years, except such leases of land on the Hollywood (formerly Dania) Reservation, Fla.; the Navajo Reservation, Ariz., N. Mex., and Utah; the Palm Springs Reservation, Calif.; the Southern Ute Reservation, Colo.; the Fort Mohave Reservation, Calif., Ariz., and Nev.; the Pyramid Lake Reservation, Nev.; the Gila River Reservation, Ariz.; the San Carlos Apache Reservation, Ariz.; and land on the Colorado River Reservation, Ariz., and Calif., as stated in § 131.18; which leases may be made for terms of not to exceed 99 years.

* * * * *

The new § 131.20 reads as follows:

§ 131.20 San Xavier and Salt River Pima-Maricopa Reservations.

(a) *Purpose and scope.* The Act of November 2, 1966 (80 Stat. 1112), provides statutory authority for long-term leasing on the San Xavier and Salt River Pima-Maricopa Reservations, Ariz., in addition to that contained in the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415). When leases are made under the 1955 Act on the San Xavier or Salt River Pima-Maricopa Reservations, the regulations in §§ 131.1 through 131.14 and in § 131.19 apply. The purpose of this § 131.20 is to provide regulations for implementation of the 1966 Act. The 1966 Act does not apply to leases made for purposes that are subject to the laws governing mining leases on Indian lands.

(b) *Duration of leases.* Leases made under the 1966 Act for public, religious, educational, recreational, residential, or business purposes may be made for terms of not to exceed 99 years. The terms of a grazing lease shall not exceed 10 years; the term of a farming lease that does not require the making of a substantial investment in the improvement of the land shall not exceed 10 years; and the term of a farming lease that requires the making of a substantial investment in the improvement of the land shall not exceed 40 years. No lease shall contain an option to renew which extends the total term beyond the maximum term permitted by this section.

(c) *Required covenant and enforcement thereof.* Every lease under the 1966 Act shall contain a covenant on the part of the lessee that he will not commit or permit on the leased land any act that causes waste or a nuisance or which creates a hazard to health of persons or to property wherever such persons or property may be.

(d) *Notification regarding leasing proposals.* If the Secretary determines that a proposed lease to be made under the 1966 Act for public, religious, educational, recreational, residential, or business purposes will substantially affect the governmental interests of a municipality contiguous to the San Xavier Reservation or the Salt River Pima-Maricopa Reservation, as the case may be, he shall notify the appropriate authority of such municipality of the pendency of the proposed lease. The Secretary may, in his discretion, furnish such municipality with an outline of the major provisions of the lease which affect its governmental interests and shall consider any comments on the terms of the lease affecting the municipality or on the absence of such terms from the lease that the authorities may offer. The notice to the authorities of the municipality shall set forth a reasonable period, not to exceed 30 days, within which any such comments shall be submitted.

(e) *Applicability of other regulations.* The regulations of §§ 131.1 through 131.14 and in § 131.19 shall apply to leases made under the 1966 Act except where such regulations are inconsistent with this § 131.20.

(f) *Mission San Xavier del Bac.* Nothing in the 1966 Act authorizes development that would detract from the scenic, historic, and religious values of the Mission San Xavier del Bac owned by the Franciscan Order of Friars Minor and located on the San Xavier Reservation.

ROBERT L. BENNETT,
Commissioner.

[F.R. Doc. 68-9338; Filed, Aug. 5, 1968; 8:45 a.m.]

Fish and Wildlife Service

[50 CFR Part 32]

LOSTWOOD NATIONAL WILDLIFE REFUGE, N. DAK.

Hunting

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Endangered Species Preservation Act of October 15, 1966 (80 Stat. 926, 16 U.S.C. 668aa), it is proposed to amend 50 CFR 32.21 by the addition of Lostwood National Wildlife Refuge, N. Dak., to the list of areas open to the hunting of upland game, as legislatively permitted.

It has been determined that the regulated hunting of upland game may be permitted as designated on the Lostwood National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 15 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 32.21 is amended by the following addition:

§ 32.21 List of open areas; upland game.

* * * * *

NORTH DAKOTA

Lostwood National Wildlife Refuge.

* * * * *

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

JULY 30, 1968.

[F.R. Doc. 68-9404; Filed, Aug. 5, 1968; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. X]

[Ex Parte No. MC-73]

TRANSFER OF EQUIPMENT OR TRAFFIC AT OR NEAR PORTS OF ENTRY ON UNITED STATES-CANADIAN AND UNITED STATES-MEXICAN INTERNATIONAL BOUNDARY LINES

Notice of Proposed Rule Making

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 26th day of July 1968.

This proceeding is specifically directed to the consideration of and the examination into the operations of common carriers of property by motor vehicle presently conducted between the United States, Canada, and Mexico, for the purpose of facilitating and promoting the transfer of motor vehicle equipment and traffic moving to, from, or through the United States and with a view to determining whether the present and future public convenience and necessity, considered on a national basis, require that all common carriers of property by motor vehicle, regardless of their country of origin, be authorized by appropriate procedures to conduct for-hire operations between ports of entry on the United States-Canadian and the United States-Mexican international boundary lines, on the one hand, and, on the other, the nearest practical point in the United States at which such carrier's equipment or traffic may be interchanged or interlined with carriers subject to this Commission's jurisdiction.

Pursuant to the provisions of the Interstate Commerce Act, as interpreted in Consolidated T. Lines v. Fess and Wittmeyer Trucking Co., 83 M.C.C. 673, motor common carriers of property engaged in transportation not otherwise exempt from economic regulation by this Commission, in foreign commerce, between ports of entry on the international boundary line between the United States and Canada and nearby points in the United States, under arrangements for the continuous carriage of traffic moving between points in Canada, on the one hand, and, on the other, points in the United States, require appropriate authority from this Commission despite the relatively short distances over which such transportation takes place. This requirement is equally applicable to those carriers engaged in similar operations across the United States-Mexican international boundary line; and in neither instance does the interchange or interline of their equipment or traffic with carriers within the United States obviate the necessity of obtaining appropriate authority for that portion of the operation performed within the United States. Stated affirmatively, where Canadian or Mexican for-hire motor carriers themselves desire to bring into U.S. border points motor vehicles containing shipments of nonexempt commodities which they have transported from the interior of Canada or Mexico, for the purpose of transfer to U.S. carriers, or where they desire to receive such vehicles or traffic from connecting carriers at U.S. border points for movement in the reverse direction, they must first obtain appropriate operating authority from this Commission and comply with all applicable rate, insurance, and other general requirements imposed by statute.

This direct transfer of motor vehicle equipment and traffic between Canadian or Mexican and United States property carriers at border points within the United States is distinguishable from the movement of such equipment and traffic across the international boundary line by local motor carriers operating pursuant to the provisions of section 203(b)(8) of the Interstate Commerce Act. In this latter context, Canadian or Mexican for-hire line-haul carriers interchange or interline their equipment and traffic with local carriers at border municipalities within their respective countries and, in turn, the local carriers move these motor vehicles or traffic across the international boundary line to contiguous municipalities in the United States. These vehicles or traffic may then be transferred to authorized U.S. line-haul carriers for movement to points in the interior of the United States. Local transportation conducted between these contiguous municipalities, absent any arrangement between carriers for the continuous carriage of traffic to or from a point without such municipalities, is exempt from economic regulation by this Commission pursuant to section 203(b)(8). See Verbeem v. United States, 154 F. Supp. 431 (1957), affd. per curiam 356 U.S. 676.

Recently, this local transportation came into question with respect to operations of for-hire motor carriers between Laredo, Tex., and ports of entry on the international boundary line between the United States and Mexico and was the subject of a report in G. Arredondo Transfer Co., Inc.—Petition, 106 M.C.C. 577. Cognizant of the unique issues presented in the Arredondo case, we thereupon instituted a rulemaking proceeding in Ex Parte No. MC-37 (Sub-No. 13) solely to inquire into the peculiar circumstances which may affect the partial exemption under section 203(b)(8) and the local operations conducted pursuant to this exemption. The pending rulemaking proceeding in Ex Parte No. MC-37 (Sub-No. 13) thus will not affect the direct movement of motor vehicles to border points in the United States or the need for appropriate authority from this Commission for the conduct of such operations, inasmuch as these operations constitute an integral part of a prearranged continuous movement beyond such border municipalities.

This Commission has become increasingly aware of the ever expanding international movement of goods between the United States, Canada, and Mexico and, in particular, the difficulties attendant to such movements across the United States-Canadian and the United States-Mexican international boundary lines. Some of these difficulties owe their existence to customs regulations and practices which are beyond the power of this Commission to alter. Others have been precipitated by the decision in the Fess case which, though concerned with a Canadian carrier, has equally affected Mexican carriers conducting similar operations across the international boundary line between the United States and Mexico.

The approach described generally in the opening paragraph of this order appears to represent the best means of facilitating the transfer of motor vehicle equipment and traffic moving in foreign commerce and promoting the international movement of goods between Canada, Mexico, and the United States. In the first place, all motor common carriers of property by motor vehicle, notwithstanding their country or origin, would be in a position to provide the public with a more economic, responsive, and expeditious motor carrier service with respect to the international movement of goods between these countries. Today, Canadian and Mexican carriers may render such service within the United States provided they have obtained the appropriate authority from this Commission and are otherwise in compliance with the provisions of the act and the applicable rules and regulations promulgated thereunder. The U.S. carriers by virtue of being authorized to serve municipalities in the United States situated along the respective international boundary lines possess the implied right to interchange equipment or traffic at border points within Canada and Mexico opposite such municipalities, subject to the approval of these respective countries. The U.S. carriers do not require any additional certification from this Commission to perform these operations. Accordingly, it would appear neither unreasonable nor arbitrary to accord the Canadian and Mexican carriers the right to conduct operations between ports of entry on the United States-Canadian and the United States-Mexican international boundary lines, on the one hand, and, on the other, the nearest practical point, which might be determined either generally (by a mileage or other formula) or individually in specific situations, at which such carriers' equipment or traffic may be interchanged or interlined with motor carriers authorized by this Commission. The removal of any artificial and unduly burdensome barriers that may be found to exist in the international movement of property by motor vehicle between Canada, Mexico, and the United States,

will serve to expedite greatly and increase substantially the international flow of commerce between these countries and foster greater cooperation between their governments.

It is ordered, That, based upon the foregoing explanation and good cause appearing therefor, a proceeding be, and it is hereby, instituted under the authority of part II of the Interstate Commerce Act, and more specifically sections 204(a) (1) and (6), 206, 207, and 208(a) thereof, and sections 4 and 12 of the Administrative Procedure Act, to inquire into the problems attendant to the international movement of goods by common carriers of property by motor vehicle between Canada, Mexico, and the United States, for the purpose of facilitating and promoting the transfer of motor vehicle equipment and traffic moving to, from, or through these respective countries and with a view to determining whether the present and future public convenience and necessity, considered on a national basis, require that all common carriers of property by motor vehicle, regardless of their country of origin, be authorized by appropriate procedures to conduct for-hire operations between ports of entry on the United States-Canadian and the United States-Mexican international boundary lines, on the one hand, and, on the other, the nearest practical point in the United States at which such carrier's equipment or traffic may be interchanged or interlined with carriers subject to this Commission's jurisdiction.

It is further ordered, That all common carriers of property operating in interstate or foreign commerce subject to the Interstate Commerce Act, be, and they are hereby, made respondents in this proceeding.

It is further ordered, That no oral hearing be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that carriers or any other interested persons may participate in this proceeding by submitting for consideration written statements of facts, views, and arguments on the subjects mentioned above, or any other subjects pertinent to this proceeding.

It is further ordered, That any person intending to participate in this proceeding by submitting initial statements or reply statements shall notify the Commission, by filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before August 26, 1968, the original and one copy of a statement of his intention to participate; that the Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties to this proceeding, upon whom copies of all statements must be filed; and that at the time of the service list the Commission will fix the time within which initial statements and the replies must be filed.

And it is further ordered, That a copy of this order be mailed to the governor of every State and to the Public Utilities Commissions or boards of each State having jurisdiction over motor transportation; that a copy be posted in the office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to respondents and to all other interested persons.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-9357; Filed, Aug. 5, 1968; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 993]

DRIED PRUNES PRODUCED IN CALIFORNIA

Salable and Reserve Percentages and Handler Reserve Obligation for 1968–69 Crop Year

Notice is hereby given of a proposal to establish for the 1968–69 crop year, salable and reserve percentages for California dried prunes of 71 and 29 percent, respectively, and, in connection therewith, the required composition of each handler's reserve obligation. The proposal would be established in accordance with provisions of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposed percentages were unanimously recommended by the Prune Administrative Committee.

All persons who desire to submit written data, views or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 8 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The proposed percentages are based on the following estimates:

Item	Tons of dried prunes: Natural condition weight	Processed weight
1. Domestic trade demand [1]		125,000
2. Export trade demand [2]		43,000
3. Total trade demand		168,000
4. Less Pacific Nations (except W. Hemisphere)		3,000
5. Adjusted trade demand		165,000
6. Estimated carryout—July 31, 1968		61,800
7. Desirable carryout—July 31, 1969		30,900
8. Adjusted carryout—July 31, 1968 (Item 6–Item 7)		30,900
9. Adjusted trade demand for 1968 crop (Item 5–Item 8)	130,194	134,100
10. Estimated 1968 production	160,000	
11. Salable percentage (Item 9÷Item 10)	81%	
12. Reserve percentage (100%–Item 11)	19%	
13. Adjustment for error in estimation of supply:		
(a) Salable percentage (81% −10%)	71%	
(b) Reserve percentage (19% +10%)	29%	

[1] United States, Canal Zone, Puerto Rico, Virgin Islands, and Canada.
[2] All countries other than those specified in footnote [1].

Therefore, the salable and reserve percentages for prunes and handler reserve obligation for the 1968–69 crop year shall be as follows:

§ 993.204 Salable and reserve percentages for prunes and handler reserve obligation for the 1968–69 crop year.

The salable and reserve percentages for the 1968–69 crop year shall be 71 percent and 29 percent, respectively, or such increased salable percentage and decreased reserve percentage as may be established upon delivery of the 1968 crop to provide a supply of salable prunes adequate to meet the estimated trade demand and a desirable carryover. The reserve obligation of each handler shall be a weight of natural condition prunes, by variety and standard or substandard grade, equal to the sum of the results of applying the reserve percentage to the natural condition weight of each lot of prunes received by him from producers and dehydrators, excluding the weight obligation of § 993.49(c). Such obligation as to standard prunes and as to substandard prunes, of each variety, shall be consistent with the receipt by field pricing size categories, and the obligation shall be the weighted average count per pound of all such lots within each such category, as computed from inspection analysis. The field pricing size categories, by variety and grade, expressed in minimum and maximum numbers of prunes per pound for each, are as follows:

Standard French prunes—33 or less, 34/50, 51/60, 61/70, 71/81, 82/101, 102/111, 112/121, and 122 or more;

Substandard French prunes—70 or less, 71/101, and 102 or more.

Standard Non-French prunes (except Robe de Sargent)—24 or less, 25/29, 30/33, 34/50, and 51 or more.

Substandard Non-French prunes (except Robe de Sargent)—51 or less and 52 or more.

Standard Robe de Sargent—33 or less, 34/50, 51/60, and 61 or more.

Substandard Robe de Sargent—61 or less and 62 or more.

Dated: August 1, 1968.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 68-9364; Filed, Aug. 5, 1968; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

[49 CFR Parts 172, 173]

[Docket No. HM-3; Notice No. 68-2A]

EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Notice of Extension of Time To File Comments

On February 16, 1968, the Hazardous Materials Regulations Board issued a notice of proposed rule making (33 F.R. 3382) proposing several amendments to the hazardous materials regulations of the Department of Transportation. That notice stated that all comments received before May 1, 1968, would be considered by the Board before taking final action on the notice.

The Board has received several requests for additional time to comment on certain portions of the notice, particularly the proposals relating to the definition of flammable liquids and the transportation of liquefied gases in the lower temperature ranges. Since these proposals are complicated and more controversial than other parts of the notice, the Board has decided to extend the comment period thereon to September 5, 1968.

Extension of time to comment on these portions of Notice No. 68-2 does not commit the Board to withhold final action on the remaining portions of that notice.

Issued in Washington, D.C., on August 2, 1968.

LOWELL K. BRIDWELL,
Administrator,
Federal Highway Administration.

A. SCHEFFER LANG,
Administrator,
Federal Railroad Administration.

W. J. SMITH,
Commandant,
United States Coast Guard.

SAM SCHNEIDER,
Board Member, for the
Federal Aviation Administration.

[F.R. Doc. 68-9458; Filed, Aug. 5, 1968; 11:21 a.m.]

Notices

DEPARTMENT OF DEFENSE

Department of the Army

KINZUA DAM AND ALLEGHENY RESERVOIR, NEW YORK AND PENNSYLVANIA

Joint Order Interchanging Administrative Jurisdiction of Department of the Army Lands and National Forest Lands

By virtue of the authority vested in the Secretary of Agriculture and the Secretary of the Army by the Act of July 26, 1956 (70 Stat. 656; 16 U.S.C. 505a, 505b) it is ordered as follows:

(1) The lands under the jurisdiction of the Department of the Army described in Exhibit A, attached hereto and made a part hereof, which lands are within the exterior boundaries of the Allegheny National Forest, Pa., are hereby transferred from the jurisdiction of the Secretary of the Army to the jurisdiction of the Secretary of Agriculture, subject to interests outstanding in third parties and to such continued use by the Corps of Engineers as is necessary for the protection and unrestricted operation, maintenance, and administration of the water storage, electric power generation, and flood control facilities and functions of the Kinzua Dam and the Allegheny Reservoir.

(2) The National Forest lands described in Exhibit B, attached hereto and made a part hereof, which are a part of the Allegheny National Forest, Pa., are hereby transferred from the jurisdiction of the Secretary of Agriculture to the jurisdiction of the Secretary of the Army, subject to interests outstanding in third parties and continued access over and through such land by the Forest Service necessary for National Forest purposes.

Pursuant to section 2 of the aforesaid Act of July 26, 1956, the National Forest lands transferred to the Secretary of the Army by this order are hereafter subject only to laws applicable to Department of the Army lands comprising the Allegheny Reservoir Project. The Department of the Army lands transferred to the Secretary of Agriculture by this order are hereafter subject to the laws applicable to the lands acquired under the Act of March 1, 1911 (36 Stat. 961), as amended.

This order will be effective as of date of publication in the FEDERAL REGISTER.

Dated: June 10, 1968.

STANLEY R. RESOR,
Secretary of the Army.

Dated: June 14, 1968.

JOHN A. BAKER,
Assistant Secretary of Agriculture.

EXHIBIT A

LANDS TRANSFERRED FROM THE SECRETARY OF THE ARMY TO THE SECRETARY OF AGRICULTURE

All lands under the jurisdiction of the Department of the Army for or in connection with the Kinzua Dam and Allegheny Reservoir in Warren and McKean Counties, Pa., except the following:

Segment 1: All tracts.
Segment 2: All of Tracts 200–1, 200–2, 201, 203, and those portions of Tracts 202 and 204 lying northerly and westerly of the top of the cut slope of Pennsylvania State Route 59.
Segment 3: All of Tracts 301, 302, 303, 305, 306, 307, 308, 309, 313, 314, 315, 317, 318, 319, 322, 323, 324, 325, and those portions of Tracts 300, 304, 316, 320, and 321 lying northerly and westerly of the top of the cut slope of Pennsylvania State Route 59.
Segment 4: Tract 419E.
Segment 23: All of Tracts 2314E, 2315E, 2316E, 2319E, 2320E, 2321E, 2322E, and 2323E.
Segment 24: Tract 2418E—road easement.
Segment 33: All of Tracts 3317E, 3318E, 3319 E–1 and E–2, 3320E, 3321E, 3322 E–1 and E–2, 3324E, 3325E, 3326E, 3330E, 3331E, 3332E, 3333 E–1 and E–2, 3334E, and 3335E.

The lands transferred herein consist of 11,400 acres, more or less. Legal descriptions of the transferred tracts and Real Estate Segment Maps depicting their locations are on file in the Office of the District Engineer, U.S. Army Engineer District, Pittsburgh, Pa., and the Office of the Forest Supervisor, Allegheny National Forest, Warren, Pa.

EXHIBIT B

LANDS TRANSFERRED FROM THE SECRETARY OF AGRICULTURE TO THE SECRETARY OF THE ARMY

Tracts 25a–I, 33–I, 77h–I and 333a–I consisting of 65.1 acres, more or less.

Complete legal descriptions of the transferred tracts and Real Estate Segment Maps depicting their locations are on file in the Office of the District Engineer, U.S. Army Engineer District, Pittsburgh, Pa., and the Office of the Forest Supervisor, Allegheny National Forest, Warren, Pa.

[F.R. Doc. 68–9366; Filed, Aug. 5, 1968; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AR 035656]

ARIZONA

Notice of Classification of Public Lands for Exchange

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18), notice is hereby given of the classification of the public lands described below for exchange. This exchange will be made under the authority of section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272) as amended by section 3 of the act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g). As used herein, "public lands" mean any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or other purpose.

2. Publication of the notice of proposed classification had the effect of segregating the described lands from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, except private exchanges.

3. Information concerning these lands may be received by inquiry at the office of the District Manager, Phoenix District Office, Room 3041, Federal Building, Phoenix, Ariz. 85025.

4. The notice of proposed classification was published in 33 F.R. 7887 of May 30, 1968. No protests have been received and no changes have been made.

5. The public lands involved are located in Mohave County and are described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 21 N., R. 18 W.,
Sec. 7, lot 2, S½NE¼ and SE¼NW¼;
Sec. 10;
Sec. 14, S½;
Sec. 18, lots 1, 2, 3, and 4, E½ and E½W½;
Secs. 22, 24, and 26;
Sec. 28, N½NE¼.
T. 21 N., R. 19 W.,
Sec. 12.

The lands in the areas described comprise 4,383.85 acres.

6. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2c.

FRED J. WEILER,
State Director.

JULY 30, 1968.

[F.R. Doc. 68–9339; Filed, Aug. 5, 1968; 8:45 a.m.]

[Serial No. I–2377]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

The Corps of Engineers, Department of the Army has filed an application, Serial No. I–2377, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2) and mineral leasing laws, subject to valid existing rights.

The applicant desires the land for the Lower Granite Lock and Dam Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 334, Federal Building, 550 West Fort Street, Boise, Idaho 83702.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of the Army, Corps of Engineers.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in this application are:

BOISE MERIDIAN, IDAHO

T. 35 N., R. 6 W.,
Unsurveyed island, opposite lot 1, section 12.

The island contains 7.17 acres, more or less, in Nez Perce County, Idaho.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 68–9340; Filed, Aug. 5, 1968; 8:45 a.m.]

[New Mexico 7333]

NEW MEXICO

Notice of Proposed Classification of Public Lands

JULY 29, 1968.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 586; 43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, the Bureau of Land Management proposes to classify for multiple-use management, the public lands within the Cebolla Planning Unit 01–32. Publication of this notice has the effect of segregating the described lands from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9, and 25 U.S.C. sec. 334) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public lands located within the area are shown on maps on file in Albuquerque District Office, Bureau of Land Management, 1304 Fourth Street NW., Albuquerque, N. Mex. 87107, and in the Land Office, U.S. Post Office and Federal Building, Santa Fe, N. Mex. 87501. The description of the lands is as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 26 N., R. 1 E.,
Sec. 1.
T. 26 N., R. 2 E.,
Secs. 1, 3, 4, 5, 6, 10, and 11;
Sec. 12, NW¼ and S½;
Sec. 13;
Sec. 14, NE¼, SW¼NW¼ and S½;
Sec. 15, lots 1, 2, NW¼NE¼, S½NE¼, NW¼, NE¼SW¼ and SE¼;
Sec. 22, lots 1, 3, and NE¼NE¼;
Secs. 23 and 24.
T. 27 N., R. 2 E.,
Sec. 19, lots 1, 2, 3, and 4;
Sec. 20, lots 1, 2, 3, and 4;
Sec. 21, lots 1, 2, 3, and 4;
Sec. 22, lots 1 and 2;
Sec. 23, lots 1, 2, 3, and 4;
Sec. 24, lots 4, 5, S½SW¼, and SE¼;
Sec. 25;
Sec. 27, SW¼NW¼;
Sec. 28, NE¼ and N½NW¼;
Secs. 29, 30 and 31;
Sec. 33, E½;
Sec. 34, W½;
Sec. 35, N½;
T. 26 N., R. 3 E.,
Sec. 1, S½;
Sec. 3;
Sec. 4, lots 1, 2, 3, 4, S½N½, and SW¼;
Secs. 5 and 6;
Sec. 7, lots 1, 2, 3, 4, E½W½, and SE¼;
Sec. 8;
Sec. 9, W½;
Sec. 10, E½;
Sec. 11, W½E½ and W½;
Sec. 13, W½NW¼ and SW¼SE¼;
Sec. 14, N½, N½S½, S½SW¼, and SW¼SE¼;
Sec. 15, N½, N½S½, SW¼SW¼, and SW¼SE¼;
Sec. 18, lots 1, 2, E½, and E½NW¼;
Sec. 19, lots 1, 2, NE¼, and E½NW¼;
Sec. 20, E½;
Sec. 23, NE¼NW¼, E½SW¼, and W½SE¼;
Sec. 24, NE¼SE¼;
Sec. 25, W½ and S½SE¼;
Sec. 27;
Sec. 28, NW¼NE¼, S½NE¼, and SE¼.
T. 27 N., R. 3 E.,
Sec. 19, SW¼NE¼, S½NW¼, and S½;
Sec. 20, lot 1, SE¼NE¼, and S½;
Sec. 22, N½NE¼, S½N½, and S½;
Sec. 25, lots 1 to 6, inclusive, E½NE¼, N½NW¼, and N½S½;
Sec. 26, lots 1, 2, 8, E½NE¼, and NE¼SE¼;
Sec. 27;
Sec. 28, lot 4;
Secs. 29, 30, 31, and 33.
T. 25 N., R. 4 E.,
Sec. 11, W½.
T. 26 N., R. 4 E.,
Sec. 15, SW¼;
Sec. 19, SW¼SW¼;
Sec. 21, N½;
Sec. 22;
Sec. 23, S½;
Sec. 25, lots 3, 4, SW¼, and W½SE¼;
Sec. 26, E½, NW¼, and NW¼SW¼;
Sec. 27;
Sec. 28, E½SW¼ and SE¼;
Sec. 30, NE¼NE¼, SW¼NE¼, NW¼NW¼, S½NW¼, SW¼, NW¼SE¼, and S½SE¼;
Sec. 31, NE¼;
Sec. 35, SE¼SW¼ and W½SE¼.
T. 27 N., R. 4 E.,
Sec. 30, lots 8, 9, 10, E½NW¼, NE¼SW¼, and N½SE¼.

The areas described above aggregate 31,841.69 acres in Rio Arriba County.

3. It is proposed to classify the following described public lands for transfer out of Federal ownership. Priority for disposals will be given applications for (a) state grants and indemnity selections (43 U.S.C. 851, 852); (b) exchanges under section 8 of the Taylor Grazing Act (43 U.S.C. 315g); (c) public uses and development under the act of June 14, 1926 (44 Stat. 741) as amended (43 U.S.C. 869); (d) public sales under section 2455 of Revised Statutes (43 U.S.C. 1171) and (e) any other appropriate land law except the agricultural land laws (43 U.S.C. Parts 7 and 9, and 25 U.S.C. 334).

NEW MEXICO PRINCIPAL MERIDIAN

T. 27 N., R. 3 E.,
Sec. 23, N½SE¼.
T. 26 N., R. 4 E.,
Sec. 10, NW¼, and N½SW¼.
T. 27 N., R. 4 E.,
Sec. 15, NW¼SW¼;
Sec. 19, lot 2 and SE¼NW¼;
Sec. 20, SE¼SW¼;
Sec. 21, NW¼SE¼;
Sec. 28, NW¼NE¼, N½NW¼, and NW¼SW¼;
Sec. 29, NE¼NE¼.
T. 27 N., R. 5 E.,
Sec. 7, S½SE¼;
Sec. 18, NE¼NE¼.

The areas described above aggregate 839.31 acres in Rio Arriba County.

Publication of this notice segregates the lands described in paragraph 3 from all forms of disposal under the public land laws, including the mining laws, except the form or forms of disposal for which it is proposed to classify the lands. However, publication does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, governing the disposal of their mineral and vegetative resources, other than under the mining laws.

4. The above proposals have been discussed with State and local government officials, BLM advisory board and general public. Public meetings were held June 5, 1968, in Cuba, N. Mex., and June 6, 1968 in Abiquiu, N. Mex. A public hearing on the proposed classifications will be held at 1 p.m., in the Cuba High School All-Purpose Room, Cuba, N. Mex., on August 15, 1968.

5. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, 1304 Fourth Street NW., Albuquerque, N. Mex. 87107.

W. J. ANDERSON,
State Director.

[F.R. Doc. 68–9341; Filed, Aug. 5, 1968; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-314]

SAFE, INC.

Notice of Withdrawal of Application for Facility License

Notice is hereby given that the application dated December 1, 1967, by Safe, Inc., of Galveston, Tex., for the necessary licenses to authorize possession, refueling, resctor startup, and sea trial testing operations of the Nuclear Ship "Savannah" has been withdrawn pursuant to 10 CFR 2.107. Notice of the receipt of the application was published in the FEDERAL REGISTER on December 28, 1967, 32 F.R. 20889. Docket No. 50-314 is hereby closed.

An application dated June 19, 1968, has been filed jointly by First Atomic Ship Transport, Inc. (FAST), and Safe requesting renewal of the FAST Operating License No. NS-1 for the "Savannah" until June 30, 1971, and authority to refuel the nuclear ship.

A copy of the June 19, 1968, application is available for public inspection in Docket No. 50-238 at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 26th day of July 1968.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 68-9333; Filed, Aug. 5, 1968; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

TRANS-TEXAS AIRWAYS, INC.

Notice of Application for Amendment of Certificate of Public Convenience and Necessity

AUGUST 1, 1968.

Notice is hereby given that the Civil Aeronautics Board on July 31, 1968, received an application, Docket 20066, from Trans-Texas Airways, Inc., for amendment of its certificate of public convenience and necessity for route 82 to authorize it to engage in nonstop service between Dallas, Tex., and San Antonio, Tex. The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-9361; Filed, Aug. 5, 1968; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

[FPR Bulletin, Aug. 3, 1968]

STEEL AND STEEL PRODUCTS

Directive to Federal Agencies To Assure Procurement at Lowest Possible Price

The national interest requires that steel and steel products be bought at the lowest price in view of the need to conduct Government operations as economically as possible and to avoid inflationary pressures on the economy. Accordingly, because of wide variations in market prices, Federal agencies are directed, pursuant to the authority vested in me by section 201, Federal Property and Administrative Services Act of 1949, as amended, to take extraordinary precautions to assure that all direct and indirect procurements by the agencies, including any grants-in-aid, of steel and steel products be made at the lowest possible price. Federal agencies are further directed to make every effort to insure that the agency's contractors and grantees adopt the same procedure with respect to their subcontractors.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 68-9464; Filed, Aug. 5, 1968; 12:10 p.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

KINZUA DAM AND ALLEGHENY RESERVOIR, NEW YORK AND PENNSYLVANIA

Joint Order Interchanging Administrative Jurisdiction of Department of the Army Lands and National Forest Lands

CROSS REFERENCE: For a document issued jointly by the Department of the Army and the Department of Agriculture regarding interchanging administrative jurisdiction of certain Department of the Army lands and national forest lands, see F.R. Doc. 68-9366, Department of Defense, Department of the Army, *supra*.

Packers and Stockyards Administration

HODGES CAPITAL STOCKYARDS ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
ALABAMA	
Hodges Capital Stockyards, Hurtsboro, Oct. 1, 1959.	Hodges Hurtsboro Stock Yards, May 22, 1968.
ARKANSAS	
Valley Livestock Auction Co., Albuquerque, Jan. 15, Dec. 15, 1958.	Allen-White Auction, July 11, 1968.
IOWA	
Donnellson Community Exchange, Donnellson, May 12, 1959.	Donnellson Livestock Sales, Inc., July 1, 1968.
KANSAS	
El Dorado Sales, Inc., El Dorado, May 27, 1959.	El Dorado Sales Company, July 1, 1968.
MISSISSIPPI	
George County Stockyards, Lucedale, Feb. 18, 1959.	George County Stockyard, Inc., July 1, 1968.
NEW MEXICO	
Valley Livestock Auction Co., Albuquerque, Jan. 15, 1968.	Valley Livestock Auction, Inc., Jan. 15, 1968.
NORTH DAKOTA	
Lake Region Auction and Livestock Market, Inc., Devils Lake, Dec. 12, 1965.	Lake Region Livestock Sales, Inc., July 1, 1968.
SOUTH DAKOTA	
Redfield Livestock Auction, Redfield, May 18, 1959.	Redfield Livestock Auction, Inc., June, 21, 1968.

Done at Washington, D.C., this 31st day of July 1968.

G. H. HOPPER,
Acting Chief, Registrations, Bonds, and Reports Branch Livestock Marketing Division.

[F.R. Doc. 68-9365; Filed, Aug. 5, 1968; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

INDIA, PAKISTAN, CEYLON AND BURMA OUTWARD FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. William L. Hamm, General Secretary, the India, Pakistan, Ceylon and Burma Outward Freight Conference, 25 Broadway, New York, N.Y. 10004.

Agreement No. 7690-11 between the memberslines of the India, Pakistan, Ceylon and Burma Outward Freight Conference, operating in the trade from U.S. Atlantic and gulf ports to ports in India, Pakistan, Ceylon, and Burma, amends the basic agreement to permit members to bare boat or time charter for the full reach of their vessels with a wholly independent company without participating in the vessel's earnings; to establish a quorum and other voting provisions, and; additionally, to rearrange the basic agreement to incorporate previously approved modifications and delete language which is no longer appropriate.

Dated: July 30, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-9358; Filed, Aug. 5, 1968; 8:46 a.m.]

[Agreements 6400, 8660]

PACIFIC COAST RIVER PLATE BRAZIL CONFERENCE AND LATIN AMERICA/PACIFIC COAST STEAMSHIP CONFERENCE

Notice of Petitions Filed for Approval

Notice is hereby given that the following petitions have been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46, U.S.C. 814).

Interested parties may inspect a copy of the current contract forms and of the petitions, reflecting the changes proposed to be made in the language of said contracts, at the Washington Office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petitions, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the parties filing the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of applications to modify approved dual rate contracts filed by:

Mr. R. F. Burley, Chairman, 417 Montgomery Street, San Francisco, Calif. 94104.

There has been filed on behalf of the conferences listed below applications to modify their approved Shippers' and Receivers' Rate Agreements.

Pacific Coast River Plate Brazil Conference (Agreement No. 6400, as amended).

Latin America/Pacific Coast Steamship Conference (Agreement No. 8660, as amended).

The proposed Shippers' and Receivers' Rate Agreement modifications add the phrase "currency devaluation by governmental action" to those conditions beyond the control of the carriers as outlined in Article 7(e) of the contracts pursuant to which the carriers in the trade covered by the agreements may suspend the effectiveness of the contract with respect to the operations affected with notice to Merchant signatories. Under existing Article 7(f), currency devaluation will be one of the conditions beyond the control of the carriers under which they may increase rates on not less than 15 days written notice to the Merchant who retains the right to notify the carriers in writing of his intent to suspend the contract insofar as such increase is concerned.

Dated: July 30, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-9359; Filed, Aug. 5, 1968; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4148]

ALSCO, INC.

Order Suspending Trading

JULY 31, 1968.

The Class A common stock and the 5½ percent convertible subordinated debentures of Alsco, Inc., being listed and registered on the American Stock Exchange and all other securities of Alsco, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 31, 1968, at 12:30 p.m. e.d.t., through August 9, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-9344; Filed, Aug. 5, 1968; 8:46 a.m.]

[File No. 1-4672]

CAMEO-PARKWAY RECORDS, INC.

Order Suspending Trading

JULY 31, 1968.

The common stock, 10 cents par value of Cameo-Parkway Records, Inc., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Cameo-Parkway Records, Inc., Philadelphia, Pa., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 1, 1968, through August 10, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-9345; Filed, Aug. 5, 1968; 8:46 a.m.]

[File No. 1-2250]

COMSTOCK-KEYSTONE MINING CO.

Order Suspending Trading

JULY 31, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Comstock-Keystone Mining Co. being traded otherwise than on a national securities exchange is required in

the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 1, 1968, through August 10, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68-9346; Filed, Aug. 5, 1968; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

ARCATA INVESTMENT CO.

Notice of Application for License as Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations Governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) under the name of Arcata Investment Co., 770 Welch Road, Palo Alto, Calif. 94301, for a license to operate in the State of California as a small business investment company under the provisions of The Small Business Investment Act of 1958, as amended. (15 U.S.C. 661 et seq.)

The proposed Officers and Directors are as follows:

Robert O. Dehlendorf II, 253 LaLoma Drive, Los Altos Hills, Calif. 94022, President and Director.

Derek W. Hansen, 2131 Aitkin Avenue, Mountain View, Calif. 94040, Vice President, Director, Assistant Secretary, and Manager.

Nathaniel F. Branch, 151 Calderon, Apartment 346, Mountain View, Calif. 94041, Vice President, Director, and Project Coordinator.

John M. Lillie, 385 Camino Al, Atherton, Calif. 94025, Treasurer and Director.

Albert J. Moorman, 172 Tuscaloosa Avenue, Atherton, Calif. 94025, Secretary and Assistant Treasurer.

Boyd K. Dyer, 2290 Stockton, Apartment 204, San Francisco, Calif. 94133, Assistant Secretary.

Matters involved in SBA's consideration of the application include the general business reputation and character of the management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

The company which will be a wholly owned subsidiary of Arcata National Corp., 770 Welch Road, Palo Alto, Calif., proposes to commence operations with a capitalization of $150,000. The company proposes to aid in the development of locally owned, economically successful business in the communities it serves. The company will, however, entertain applications from any potential borrower.

Notice is further given that any interested person may not later than August 12, 1968, at 5 p.m. submit to SBA in writing, relevant comments on the proposed company. Any communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in San Francisco and Palo Alto, Calif.

Dated: July 30, 1968.

For SBA (pursuant to delegated authority).

GLENN R. BROWN, *Associate Administrator for Investment.*

[F.R. Doc. 68-9343; Filed, Aug. 5, 1968; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 1, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41409—*Beet or cane sugar to Paris, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-9099), for interested rail carriers. Rates on sugar, beet or cane, in bulk in covered hopper cars, in carloads, from points in Colorado, Idaho, Kansas, Nebraska, Utah, and Wyoming, to Paris, Tex.

Grounds for relief—Market competition.

Tariff—Supplement 46 to Southwestern Freight Bureau, agent, tariff ICC 4434.

FSA No. 41410—*Asphalt (asphaltum) from Cody and Thermopolis, Wyo.* Filed by Western Trunk Line Committee, agent (No. A-2560), for interested rail carriers. Rates on asphalt (asphaltum), natural, byproduct or petroleum (other than paint, stain, or varnish), petroleum road oil and petroleum wax tailings, in tank carloads, from Cody and Thermopolis, Wyo., to points in Iowa, Minnesota, South Dakota, and Wisconsin.

Grounds for relief—Market competition.

Tariff—Supplement 59 to Western Trunk Line Committee, agent, tariff ICC A-4572.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9355; Filed, Aug. 5, 1968; 8:46 a.m.]

[Notice 661]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 1, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30837 (Sub-No. 354 TA) (Correction), filed June 24, 1968, published FEDERAL REGISTER issue of July 3, 1968, and republished as corrected. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53140. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Display materials,* in shipper-owned demonstration trucks and tractor-trailer units, between points in Arizona, California, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, for 150 days. NOTE: Applicant intends to tack the authority sought herein with its existing authority under MC 308737 and Sub 335. Supporting shipper: Honeywell, Inc., 1885 Douglas Drive, Minneapolis, Minn. 55422 (Raymond R. Murray, Traffic Analyst). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 52458 (Sub-No. 216 TA), filed July 29, 1968. Applicant: T. I. McCORMACK TRUCKING CO., INC., 4107 Bells Lane, Post Office Box 1047, Louisville, Ky. 40211. Applicant's representative: Harris G. Andrews (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Inedible animal grease,* in bulk, from Alexandria, Va., to Weirton, W. Va., for 180 days. Supporting shipper: LeRoy Draper, Assistant Secretary-Treasurer, Palm Oil Recovery, Inc., Post Office Box 6657, Baltimore, Md. 21219. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 64994 (Sub-No. 100 TA), filed July 29, 1968. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 621, Winston-Salem, N.C. 27102. Authority is sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except dangerous explosives and except petroleum products in tank trucks, livestock, sand, gravel, and coal in bulk), serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off route point in connection with carrier's regular route operations to and from Louisville, Ky., for 180 days. NOTE: Applicant intends to tack with existing authority. Supporting shipper: Ford Motor Co., The American Road, Dearborn, Mich. 48127. Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite 417, 316 East Morehead Street, Charlotte, N.C. 28202.

No. MC 107871 (Sub-No. 59 TA), filed July 29, 1968. Applicant: BONDED FREIGHTWAYS, INC., 441 Kirkpatrick Street West, Post Office Box 1012, Syracuse, N.Y. 13201. Applicant's representative: Herbert M. Canter, Mezzanine, Warren Shopping Center, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry cement,* in bulk, in pneumatic vehicles, from Syracuse, N.Y., and Rochester, N.Y., to points in New York, on freight having a prior out-of-State movement by rail, for 180 days. Supporting shippers: Lafarge Cement Quebec Ltee., 750 Boul. Laurentien, Ville St. Laurent, Montreal, Province of Quebec, Canada 9; Penn Central Co., 466 Lexington Avenue, New York, N.Y. 10017 (Carl J. Liba, Manager) Construction Industry Services. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, 301 Erie Boulevard West, Syracuse, N.Y. 13202.

No. MC 111231 (Sub-No. 158 TA), filed July 29, 1968. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients, pesticides, insecticides, fungicides, and herbicides,* from the plantsite of W. R. Grace & Co. at or near Atlas, Mo., to points in Arkansas, Oklahoma, and Kansas, for 180 days. Supporting shipper: W. R. Grace & Co., Baltimore, Md. Send protests to: District Supervisor William H. Land, Jr., 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 111434 (Sub-No. 71 TA), filed July 29, 1968. Applicant: DON WARD, INC., 241 West 56th Avenue, Post Office Box 1488, Duringo, Colo. 81301, Denver, Colo. 80216. Applicant's representative: J. Albert Sebald, 1700 Western Federal Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bentonite,* from International Minerals and Chemical Corp. plant, Bentonite Spur, Wyo., to Farmington, N. Mex., and points in North Dakota, for 180 days. Supporting shipper: International Minerals & Chemical Corp., Administrative Center, Skokie, Ill. 60076. Send protests to: District Supervisor C. W. Buckner, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 116544 (Sub-No. 95 TA), filed July 29, 1968. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Post Office Box 636, Carthage, Mo. 64836. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses,* as described in sections A and C of appendix I as defined by the Commission (except commodities in bulk, in tank vehicles, and hides), from Dodge City, Kans., to points in Georgia and Florida, for 150 days. Supporting shipper: Hyplains Dressed Beef, Inc., Box 539, Dodge City, Kans. 67801. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 129988 (Sub-No. 1 TA), filed July 29, 1968. Applicant: RICHARD HAMM, Post Office Box 14, Lame Deer, Mont. 59043. Applicant's representative: Clayton Brown, 912 Wyoming Avenue, Billings, Mont. 59102. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Lumber,* from Lame Deer, Mont., to Aurora and St. Charles, Ill., for 180 days. Supporting shipper: Black Lumber Co., Lame Deer, Mont. 59043. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 133049 TA, filed July 30, 1968. Applicant: JOHNNY MASON, doing business as MASON TRUCKING, West, Miss. Applicant's representative: Calvin R. King, Post Office Drawer 392, Durant, Miss. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Burlap bagging,* for cotton bales and *metal ties* for cotton bales, from Gulfport, Miss., and New Orleans, La., to points in Louisiana, Arkansas, Tennessee, Missouri, and Alabama, for 120 days. Supporting shipper: Ludlow Corp., Needham, Mass. 02194. Send protests to: District Supervisor Floyd A. Johnson, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, 145 East Amite Street, Jackson, Miss. 39201.

No. MC 133051 TA, filed July 30, 1968. Applicant: R & H HAULING CO., INC., 972 Hampton Street NW., Atlanta, Ga. 30318. Applicant's representative: James Lamar Flemister, Fulton Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cotton, cotton bagging, cotton waste, cotton mote, and cotton and rayon waste* in mixed loads, between points in Georgia, North Carolina, and South Carolina, for 180 days. Supporting shippers: James R. Gamble Co., Inc., 3330 Peachtree Road, NE., Atlanta, Ga.; International Corp., 3088 Roswell Road, NE., Atlanta, Ga.; Bryant Bros. Textiles, Inc., 3330 Peachtree Road, NE., Atlanta, Ga. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9356; Filed, Aug. 5, 1968; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69-28]

GULF OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

JULY 26, 1968.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to

comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 11, 1968.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI69-28	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102, Attn: Arthur F. Whitt, Esq.	[1] 246	1	Southern Natural Gas Co. (Section 28 "Dome" Field, St. Martin Parish, La.) (South Louisiana).	$2,300	7-1-68	[3] 8-1-68	[4] 8-2-68	[5] [7] [8] 20.25	[6] [7] [8] 20.50	

[1] Contract dated after Sept. 23, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, and the proposed rate does not exceed the 21.25 cents per Mcf initial ceiling for the area.
[2] The stated effective date is the effective date requested by Respondent.
[3] The suspension period is limited to 1 day.
[4] "Fractured" rate increase. Contractually due a rate of 22.25 cents (20.5 cents base plus 1.75 cents tax reimbursement).
[5] Pressure base is 15.025 p.s.i.a.
[6] Subject to a downward B.t.u. adjustment.
[7] Inclusive of 1.75 cents tax reimbursement.

The contract related to the rate filing of Gulf Oil Corp. (Gulf) was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed increased rate of 20.50 cents per Mcf exceeds the area increased rate ceiling of 14 cents per Mcf for the South Louisiana Area, but does not exceed the initial service ceiling of 21.25 cents per Mcf established for the area involved. We believe, in this situation, Gulf's proposed rate filing should be suspended for 1 day from August 1, 1968, the proposed effective date.

[F.R. Doc. 68-9289; Filed, Aug. 5, 1968; 8:45 a.m.]

[Docket No. RI69-14 etc.]

WARREN PETROLEUM CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JULY 26, 1968.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 11, 1968.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate Sched. No.	Supp. No.	Purchaser and Producing Area	Amount of Annual Increase	Date Filing Tendered	Effective Date Unless Suspended	Date Suspended Until	Cents per Mcf: Rate in Effect	Cents per Mcf: Proposed Increased Rate	Rate in Effect Subject to Refund in Docket Nos.
RI69-14	Warren Petroleum Corp. (Operator), Post Office Box 1589, Tulsa, Okla. 74102.	21	6	Lone Star Gas Co. (Garvin County Plants, Garvin and McClain Counties, Okla.) (Oklahoma "Other" Area).	$126,750	[2] 6-28-68	[3] 8-1-68	1-1-69	[4] 14.0	[5] 17.9	
	----do----	35	6	Cities Service Gas Co. (Garvin County Plants, Garvin and McClain Counties, Okla.) (Oklahoma "Other" Area).	28,275	[2] 6-28-68	[3] 8-1-68	1-1-69	[4] 14.0	[5] 17.9	
RI69-15	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	17	7	Lone Star Gas Co. (Garvin County Plants, Garvin and McClain Counties, Okla.) (Oklahoma "Other" Area).	31,550	7-1-68	[3] 8-1-68	1-1-69	[4] 14.0	[5] 17.9	
	----do----	47	7	Cities Service Gas Co. (Garvin County Plants, Garvin and McClain Counties, Okla.) (Oklahoma "Other" Area).	7,051	7-1-68	[3] 8-1-68	1-1-69	[4] 14.0	[5] 17.9	

See footnotes at end of table.

APPENDIX A-Continued

Docket No.	Respondent	Rate Sched. No.	Supp. No.	Purchaser and Producing Area	Amount of Annual Increase	Date Filing Tendered	Effective Date Unless Suspended	Date Suspended Until	Cents per Mcf: Rate in Effect	Cents per Mcf: Proposed Increased Rate	Rate in Effect Subject to Refund in Docket Nos.
RI69-16	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052.	123	6	Lone Star Gas Co. (Garvin County Plants, Garvin and McClain Counties, Okla.) (Oklahoma "Other" Area).	$205,184	7-1-68	[3] 8-1-68	1-1-69	[4] 14.0	[5] [6] 17.9	
	Texaco, Inc., Post Office Box 430, Bellaire, Tex. 77401, Attn: Mr. W. H. Drushel.	320	1	Banquete Gas Co., a division of Crestmont Oil & Gas Co.[8] (East Taft Field, San Patricio County, Tex.) (R.R. District No. 4).	900	6-28-68	[7] 9-17-68	2-17-69	[6] [10] 10.0	[5] [6] [9] 11.0	
RI69-17	Cities Service Oil Co., Cities Service Bldg., Bartlesville, Okla. 74003.	42	7	Cities Service Gas Co.[11] (Garvin County Plants, Garvin County, Okla.) (Oklahoma "Other" Area).	339,300	7-2-68	[3] 8-2-68	1-2-69	[4] 14.0	[5] [6] 17.9	
RI69-18	Petroleum International, Inc., 1605 National Bank of Tulsa, Tulsa, Okla. 74103.	4	2	Northern Natural Gas Co. (West Sharon Field, Woodward County, Okla.) (Panhandle Area).	580	6-26-68	[6] 7-27-68	12-27 68	[12] 19.345	[6] [13] 20.499	
RI69-19	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	239	2	Lone Star Gas Co. (Milroy and Velma Pools, Stephens County, Okla.) (Oklahoma "Other" Area).	8,250	6-27-68	[3] 8-1-68	1-1-69	16.0	[5] [6] 17.0	RI64-247.
	----do----	216	5	Lone Star Gas Co. (East Durant Field, Bryan County, Okla.) (Oklahoma "Other" Area).	760	7-1-68	[3] 8-1-68	1-1-69	16.0	[5] [6] 17.9	RI67-333.
RI69-20	Sinclair Oil & Gas Co. (Operator) et al., Post Office Box 521, Tulsa, Okla. 74102.	251	18	Arkansas Louisiana Gas Co. (Wilburton et al., Fields, Latimer, Haskell, and Pittsburg Counties, Okla.) (Oklahoma "Other" Area).	113,089	6-25-68	[3] 9-1-68	2-1-69	15.0	[6] [9] 16.0	
RI69-21	Sinclair Oil & Gas Co.	358	3	Arkansas Louisiana Gas Co. (Le Flore and Pittsburg Counties, Okla.) (Oklahoma "Other" Area).	4,542	6-25-68	[3] 9-1-68	2-1-69	15.0	[6] [9] 16.0	
	----do----	380	2	Arkansas Louisiana Gas Co. (Wilburton Field, Pittsburg County, Okla.) (Oklahoma "Other" Area).	3,600	6-25-68	[3] 9-1-68	2-1-69	15.0	[6] [9] 16.0	
	----do----	369	2	----do----	1,488	6-25-68	[3] 9-1-68	2-1-69	15.0	[6] [9] 16.0	
RI69-22	Signal Oil & Gas Co. (Operator), 1010 Wilshire Blvd., Los Angeles, Calif. 90017.	1	11	Cities Service Gas Co. (Fox Plant, Carter County, Okla.) (Oklahoma "Other" Area).	84,000	7-2-68	8-2-68	1-2-69	[14] 14.0	[6] [14] 15.0	
RI69-23	LaGloria Oil & Gas Co., Post Office Box 2521, Houston, Tex. 77001.	[15] [17] 18	5	Arkansas Louisiana Gas Co. (Wankomis Area, Garfield County, Okla.) (Oklahoma "Other" Area).	4,015	6-28-68	[7] 7-29-68	12-29-68	15.0	[6] [18] 17.0	
RI69-24	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla. 74102.	261	2	Natural Gas Pipeline Co. of America (South Taloga Field, Dewey County, Okla.) (Oklahoma "Other" Area).	1,209	7-3-68	[3] 8-3-68	1-3-69	[3] 15.0	[6] [19] [20] 17.015	
RI69-25	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001, Attn: R. D. Haworth, Esq.	320	[21] 19	Natural Gas Pipeline Co. of America (LaGloria Field, Jim Wells and Brooks Counties, Tex.) (R.R. District No. 4).	497	6-28-68	[7] 7-29-68	12-29-68	[3] [22] 14.0	[6] [22] 15.5133	RI68-676.
	----do----	81	10	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Donna Field, Hidalgo County, Tex.) (R.R. District No. 4).	482	7-5-68	[3] 8-5-68	1-5-69	[6] [24] 14.6	[6] [9] 15.6	
RI69-26	Stauffer Chemical Co. of Wyoming, 636 California St., San Francisco, Calif. 94108.	1	2	Colorado Interstate Gas Co. (North Desert Springs Area, Sweetwater County, Wyo.	1,784	7-1-68	[3] 8-1-68	1-1-69	[25] [26] 17.2	[6] 18.2	
RI69-27	Union Pacific Railroad Co., Natural Resources Division, 5480 Ferguson Dr., Los Angeles, Calif., 90022.	10	2	----do----	2,878	7-1-68	[3] 8-1-68	1-1-69	[25] [26] 17.2	[6] 18.2	

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] Periodic increase to 17.9 cents contractually due on July 1, 1963. Contractual rate of 19 cents due July 1, 1968.
[4] Pressure base is 14.65 p.s.i.a.
[5] Settlement rate pursuant to Commission order issued June 3, 1965, approving Respondents' offer of settlement in Docket Nos. G-20478 et al. Filing moratorium expired July 1, 1968.
[6] Banquete resells gas involved to United Gas Pipe Line Co. under Banquete's FPC Gas Rate Schedule No. 1 at a presently effective rate of 12.1536 cents per Mcf. Banquete's next periodic increase due Dec. 6, 1968.
[7] The stated effective date is the effective date requested by Respondent.
[8] Periodic rate increase.
[9] Subject to a downward B.t.u. adjustment.
[10] Initial rate.
[11] Buyer and seller are subsidiaries of Cities Service Co.
[12] Includes base rate of 17 cents plus upward B.t.u. adjustment before increase and 18 cents plus upward B.t.u. adjustment plus 0.015-cent tax reimbursement. Base rate subject to upward and downward B.t.u. adjustment. (Present B.t.u. content of gas is 1,138 B.t.u.'s per cubic foot.)
[13] Date filing received. Warren requests that notice of change be given date of July 1, 1968, the expiration date of filing moratorium under settlement in Docket Nos. G-20478 et al.
[14] Renegotiated rate increase.
[15] Settlement rate pursuant to Commission order issued Dec. 20, 1965, approving Signal's offer of settlement in Docket Nos. RI61-438 and RI64-669. Filing moratorium expired July 1, 1968.
[16] Mobil's pending Rate Schedule No. 424.
[17] Mobil Oil Corporation's succession to the subject sale, among others, is pending Commission action in Docket Nos. G-3973 et al. Filing being made jointly by LaGloria and Mobil.
[18] "Fractured" rate increase. Seller contractually due 17.8 cents per Mcf.
[19] Respondent filing from conditioned permanent certificated rate to initial contract rate plus tax reimbursement.
[20] Includes 0.015-cent tax reimbursement.
[21] Applies only to acreage added by Supplement No. 17. A rate of 15.5133 cents, effective subject to refund in Docket No. RI67-272, applies to other acreage.
[22] Increase from fractured rate previously suspended to contractually provided for rate, plus proportional increase in tax reimbursement.
[23] Rate, although equal to area increased ceiling, was suspended due to Mobil's refusal to waive its right to file for the additional increment to which it was contractually entitled.
[24] Settlement rate pursuant to Commission order issued May 5, 1964, as amended, approving Mobil's offer of settlement in Docket Nos. G-12193 et al. Moratorium expired on Jan. 1, 1967.
[25] Includes 2.2 cents per Mcf for upward B.t.u. adjustment.
[26] Initial rate provided by Commission order issued Mar. 19, 1968, accepting producer's offer of settlement.

Warren Petroleum Corp. (Operator), Kerr-McGee Corp. and Texaco Inc. (Texaco) (Supplement No. 6 to Texaco's FPC Gas Rate Schedule No. 123) request that their proposed rate increases be permitted to become effective as of July 1, 1968, the expiration date of the filing moratorium under settlement in Docket No. G–20478 et al. Signal Oil and Gas Co. (Operator) requests that its proposed rate increase be permitted to become effective on August 1, 1968. Stauffer Chemical Company of Wyoming (Stauffer) and Union Pacific Railroad Co. (Union Pacific) request waiver of the statutory notice to permit an effective date of July 2, 1968, for their rate filings and should the Commission suspend their rate increases that the suspension period be limited to 1 day. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied. Stauffer and Union Pacific's requests for limiting to 1 day the suspension period with respect to their rate filings are also denied.

Texaco proposes a periodic rate increase from 10 cents to 11 cents per Mcf for gas sold to Banquete Gas Co., a division of Crestmont Oil & Gas Co. (Banquete) from the East Taft Field, San Patricio County, Tex. (Railroad District No. 4). Banquete gathers the subject gas, together with other gas produced in this area, and resells such gas to United Gas Pipe Line Co. under its FPC Gas Rate Schedule No. 1 at a presently effective initial rate of 12.1536 cents per Mcf. Banquete is contractually due a periodic increase to 14.1792 cents (14-cent base plus 0.1752-cent tax reimbursement) on December 8, 1968, which, if filed for, would be suspended for 5 months as exceeding the area's 14-cent increased ceiling. No further increases are provided for in Banquete's contract which has a primary term expiring on December 6, 1968. Although Texaco's proposed rate increase to 11 cents per Mcf does not exceed the area increased rate ceiling of 14 cents per Mcf for Texas Railroad District No. 4 as announced in the Commission's statement of general policy No. 61–1, as amended, it should be suspended because such ceiling is applicable to Banquete's resale rate, not to Texaco's rate. In view of the fact that Banquete's 14.1792-cent increase would be suspended, if filed for, we conclude that Texaco's proposed rate increase should be suspended for 5 months from September 17, 1968, the proposed effective date.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56), with the exception of the rate increase filed by Texaco (Supplement No. 1 to Texaco's FPC Gas Rate Schedule No. 320) which is suspended herein for the reason set forth above.

[F.R. Doc. 68–9290; Filed, Aug. 5, 1968; 8:45 a.m.]

[Docket Nos. G–16859, RI64–121]

F. WILLIAM CARR ET AL.

Order Accepting Offers of Settlement Requiring Filings of Notices of Change, Contract Amendments, Refunds, and Severing and Terminating Proceedings

JULY 30, 1968.

On July 1, 1968, F. William Carr (Operator), et al. (Carr), filed notice of change in rates from 13.8733 cents to 14.8733 cents under its FPC Gas Rate Schedule Nos. 10 and 11 for natural gas sold to Texas Eastern Transmission Corp. (TETC) in the Sunset and West George West Fields, Live Oak County, Tex. (Texas Railroad Commission District No. 2).[1]

Contemporaneously with the filing of these rate changes, Carr also submitted, pursuant to § 1.18(e) of the Commission's rules of practice and procedure, offers of settlement in accordance with the second amendment to the Commission's statement of general policy No. 61–1 covering the above sales, and in addition, Carr presented an offer of settlement for a sale of natural gas to Tennessee Gas Pipeline Co., a division of Tenneco Inc. (TGPC) from the Duffy Field, Wharton County, Tex. (Texas Railroad Commission District No. 3), under Carr's FPC Gas Rate Schedule No. 9.

The currently effective rate under Carr's FPC Gas Rate Schedule No. 9 is 16.16947 cents per Mcf of natural gas, which has been collected subject to refund in Docket No. G–16859 since June 2, 1959. The last effective rate, not subject to refund, was 13.49751 cents per Mcf.

Carr proposes to settle each of the rates under the subject rate schedules at a remaining life-of-contract rate of 15 cents per Mcf.[2] Carr also proposes to amend each of such contracts, in accordance with the provisions of the second amendment to the Commission's statement of general policy No. 61–1, by deleting the price escalation provision therefrom, except for future changes in tax reimbursement, and substituting, therefor, the settlement rate of 15 cents per Mcf,[2] for the remainder of the subject contract terms, which exceed the 5-year requirement of the ninth amendment of the Commission's general policy No. 61–1. There are at least 5 years of recoverable gas reserves under each of the contracts.

The proposed offer by Carr in Docket No. G–16859 for the sale of natural gas under its FPC Gas Rate Schedule No. 9 also entails a refund of the amount of monies collected subject to refund, plus applicable interest, in excess of the settlement rate. Such refunds will approximate $87,000, exclusive of interest. TGPC is required to flow-through such refund monies to its jurisdictional customers.

Carr's settlement proposals are consistent with the provisions of the second and ninth amendments, and acceptance of such offers would serve the public interest.

However, we desire to make it clear that acceptance of Carr's offers of settlement shall not be construed as approval of any future increase in rates that may be filed by Carr under the subject rate schedules, in accordance with its reservation of the right to file increased rates to cover possible future tax increases, and is without prejudice to any findings or order of the Commission in any future proceedings, including area rate or other similar proceedings involving Carr's rates and rate schedules.

The Commission finds: The proposed settlement of the above designated proceedings on the basis described herein, as more fully set forth in Carr's offers of settlement filed with the Commission on July 1 and 2, 1968, is in the public interest and appropriate to carry out the provisions of the Natural Gas Act, and should be approved and made effective as hereinafter ordered.

The Commission orders:

(A) The offers of settlement filed with the Commission, in the above docketed proceedings, by Carr on July 1 and 2, 1968, are approved in accordance with the provision of this order.

(B) The proposed notices of change in rates under Carr's FPC Gas Rate Schedules Nos. 10 and 11, filed by it on July 1, 1968, aforementioned, are deemed withdrawn by it, and shall be returned to it by the Secretary of the Commission.

(C) Carr shall file, within 30 days from the date of this order, as a supplement to each of its FPC Gas Rate Schedule Nos. 9, 10, and 11, a notice of change in rate providing for the settlement rate of 15 cents per Mcf at 14.65 p.s.i.a.,[3] together with an executed contract amendment to each of such rate schedules eliminating all escalation provisions, except for future changes in tax reimbursement therefrom, as provided in its settlement proposals. The notices of change and the contractual amendments shall be submitted in accordance with Part 154 of the Commission's regulations under the Natural Gas Act.

(D) Carr shall compute the differences between the rate collected subject to refund, and the 14.78069-cent settlement rate for sales of natural gas to TGPC in Docket No. G–16859, with applicable interest to the date of this order, and shall report to the Commission, with a copy to TGPC, within 30 days from the date of this order, the amount of such refund (showing separately the principal and applicable interest), the period covered, and the basis used for such determination, and 10 days thereafter shall file a letter from TGPC agreeing to the correctness of such amounts, and shall, within 10 days from such filing, refund such monies to TGPC and file a release for payment of the same from TGPC.

(E) Upon notice by the Secretary of the Commission that Carr has complied with the terms and conditions of this order, the rate and charge of 15 cents per Mcf[3] of natural gas under each of the subject rate schedules shall be effective as of the date of this order; Docket Nos. G–16859 and RI64–121 shall be deemed severed from the Texas Gulf Coast Area proceedings, Docket No. AR64–2 et al., and terminated without further order of the Commission.

(F) The acceptance by the Commission of Carr's offers of settlement in these proceedings is without prejudice to any findings or determinations that may be made in any proceedings now pending, or hereafter instituted by or against Carr, including area rate or other similar proceedings.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 68–9334; Filed, Aug. 5, 1968; 8:45 a.m.]

[1] Previous increases, from 13.8733 cents to 14.3733 cents were suspended by order of the Commission in Docket No. RI64–121 until February 12, 1964, but have not been made effective.

[2] Less 0.21931 cent per Mcf dehydration charge with respect to the sale of TGPC under Carr's FPC Gas Rate Schedule No. 9, and 0.5 cent per Mcf for dehydration and central delivery point with respect to the sales to TETC under Carr's FPC Gas Rate Schedule Nos. 10 and 11.

[Docket Nos. RI64–354, AR61–1]

MOBIL OIL CORP.

Order Severing and Terminating Proceeding

JULY 29, 1968.

On June 14, 1968, Mobil Oil Corp. et al. (Mobil), filed a motion requesting that the proceeding in Docket No. RI64–354 be terminated and that it be relieved of any refund obligations therein. This proceeding involves a sale of natural gas originally made by Bayview Oil Corp. (Bayview), to Brooks Gas Corp. in the Permian Basin Area of Texas.

On October 23, 1963, Bayview filed an increased rate of 9 cents per Mcf of natural gas which was suspended by order of the Commission in Docket No. RI64–354. On May 1, 1964, the proposed increased rate was placed in effect, subject to refund, by Bayview. Subsequently, by order of October 27, 1964, Mobil, as successor to Bayview's interest, was substituted in lieu of Bayview as respondent in this proceeding.

On March 3, 1966, Mobil filed a rate schedule quality statement establishing an applicable ceiling rate of 16.61 cents per Mcf for the sale of flowing gas-well gas, and, thereafter, on March 8, 1968, filed an increased rate of 12 cents per Mcf, which was accepted by Commission letter order issued April 5, 1968. Since the 9 cents per Mcf rate does not exceed the applicable area ceiling rate, and the Commission has accepted, without suspension, a higher rate for the subject sale, it is proper that Docket No. RI64–354 be severed from the proceeding instituted by the order to show cause (issued Aug. 5, 1965, 34 FPC 424) in the Permian Basin Area Rate Proceeding Docket No. AR61–1, and that it be terminated without refund obligation.

The Commission orders: The proceeding in Docket No. RI64–354 is severed from the proceeding instituted by the order to show cause in the Permian Basin Area Rate Proceeding, Docket No. AR61–1, said proceeding is terminated, and Mobil is relieved of any refund obligation therein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 68–9335; Filed, Aug. 5, 1968; 8:45 a.m.]

[Docket No. RP69–1]

NORTHERN NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

JULY 30, 1968.

Take notice that Northern Natural Gas Co., on July 26, 1968, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, to become effective on September 10, 1968. The proposed rate changes would increase charges for jurisdictional sales by $17,391,473 per year, based upon sales for the 12-month period ending March 31, 1968. The proposed increase would be applicable to Northern Natural's Rate Schedules CD–1, CD–2, CD–3, CD–B, CD–C, CD–D, PL–1, PL–3, PL–B, R–1, R–2, R–3, R–B, R–C, R–D, PO–1, PO–3, PO–B, ERS–1, IPS–3, IPS–C, and IPS–D.

Northern Natural states that the principal reasons for the proposed rate increases are: (1) The need for a 7.5 percent rate of return; (2) increased cost of purchasing new gas supplies and increases in prices for present gas supplies; (3) increased Federal and State income taxes and other ad valorem and payroll taxes; and (4) increased cost of construction, wages and supplies and expenses.

Copies of the proposed tariff changes were served on all of Northern Natural's customers and interested state commissions.

Protests, petitions to intervene, or notices of intervention may be filed with the Federal Power Commission, Washington, D.C. 20426, pursuant to the Commission's rules of practice and procedure on or before August 22, 1968.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 68–9336; Filed, Aug. 5, 1968; 8:45 a.m.]

[Docket No. CP67–95]

SOUTH GEORGIA NATURAL GAS CO.

Notice of Petition To Amend

JULY 30, 1968.

Take notice that on July 18, 1968, South Georgia Natural Gas Co. (Petitioner), Post Office Box 1279, Thomasville, Ga. 31792, filed in Docket No. CP67–95 a petition to amend the order of the Commission issued in said docket February 1, 1967, which order authorized Petitioner to sell and deliver natural gas on an interruptible basis to Jackson Tubing and Conduit Corp. (Jackson) in Early County, Ga., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the instant filing, Petitioner seeks amendment of said order by requesting (1) that the sale so authorized shall be made to the city of Blakely, Ga. (Blakely), for resale to Jackson; (2) that the facilities so authorized shall be used as a secondary delivery point for such sales to Blakely; (3) that the time within which the facilities are to be constructed and placed in actual operation as set forth in the Commission's order of February 1, 1967, and as extended by order issued on February 7, 1968, be further extended to March 31, 1969.

The petition states that Jackson encountered financial problems which stopped physical construction of the plant. The petition further states that the citizens of Blakely and Early County, Ga., became quite active in correcting these financial problems and that as a result of their active involvement, Blakely has requested that Jackson become a customer of the Blakely gas distribution system, which is now supplied with natural gas by Petitioner.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before August 23, 1968.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 68–9337; Filed, Aug. 5, 1968; 8:45 a.m.]

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FEDERAL REGISTER

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Tuesday, August 6, 1968 • Washington, D.C.

PART II

Department of Labor

Bureau of Labor Standards

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Safety and Health Regulations for Longshoring; Gear Certification



Miscellaneous Amendments and Notice of Proposed Rule Making

Title 29—LABOR

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1504—SAFETY AND HEALTH REGULATIONS FOR LONGSHORING

Certification of Shore-Based Material Handling Devices

On April 15, 1967, a notice was published in the FEDERAL REGISTER (32 F.R. 6058) of a proposal to add to 29 CFR Part 1504 a new section regarding certification of shore-based material handling devices and a new paragraph of definitions relating to that section. Interested persons were given opportunity to participate through submission of data, views, or argument both orally and in writing. After consideration of all matter presented, and pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941) 29 CFR Part 1504 is hereby amended as set forth below. The amendments shall be effective February 1, 1970, so that there will be opportunity meanwhile to make an effective disposition of the proposal published elsewhere in this edition of the FEDERAL REGISTER to add Subparts F, G, and H to Part 1505 of this Title 29.

1. Part 1504 is amended by adding at the end of Subpart B a new § 1504.13 to read as follows:

§ 1504.13 Certification of shore-based material handling devices.

(a) An employer shall not use in vessel-to-shore, shore-to-vessel, or in vessel-to-vessel cargo handling any crane, derrick, bulk cargo spout, or bulk cargo sucker, as defined in § 1504.3(r), which—

(1) Is not part of a vessel's permanent equipment and is either located ashore or placed aboard a vessel only temporarily; and

(2) Is used to transfer cargo or materials other than bulk liquids directly between the shore and a vessel or between vessels; and

(3) Is so located that its failure could cause injury to an employee, as defined in § 1504.3(d);

until he has ascertained that the device has been certificated as evidenced by current and valid documents attesting to compliance with the requirements specified in paragraph (b) of this section.

(b) The certification required by paragraph (a) of this section must have been performed—

(1) In accordance with the standards of Part 1505 of this chapter, by persons then currently accredited by the Bureau of Labor Standards as provided in Part 1505 of this chapter; or

(2) In accordance with standards established and enforced by the State in which the device is located, or by a political subdivision thereof, which have been found by the Director of the Bureau of Labor Standards, U.S. Department of Labor,

to be compatible with the standards of Part 1505 of this chapter, by persons designated as competent to perform such certification by competent state authority and recognized as such by the Director.

(c) Cranes and derricks shall have been tested as a unit, inspected and/or examined, at the intervals required by, and in accordance with applicable requirements set forth in, paragraph (b) of this section. Appropriate documentation, acceptable for the purpose, shall be available for inspection at the worksite.

(d) Bulk cargo spouts and suckers, together with any portable extensions and rigging or outriggers associated therewith which support them vertically, need not be tested, but shall be subject to an annual examination in accordance with applicable requirements as set forth in paragraph (b) of this section. Certificates attesting to the required examination and acceptable for the purpose shall be available for inspection.

(e) Disassembly and reassembly of equipment, which is necessary for movement from job to job, or which becomes necessary during the normal course of operations as a routine matter, does not nullify existing certification nor require additional certification functions to be carried out.

(f) Where equipment which is certificated in accordance with paragraph (b) of this section is transferred for use in another state, the then current and valid certification shall remain valid until the next survey becomes due.

(g) In the case of seasonal operations, initial certification required by this section may be deferred until the end of the current season. Subsequent annual and/or quadrennial requirements will then become applicable during normally idle periods.

(h) Certification procedures shall not be construed as a substitute for, or cause for elimination of, normal operational inspection and maintenance routine throughout the year, which shall be carried out as usual by operating and maintenance personnel.

2. Section 1504.3 is amended by adding at the end thereof a new paragraph (r) to read as follows:

§ 1504.3 Definitions.

(r) For the purpose of § 1504.13 only—

(1) The term "crane" means a mechanical device intended for lifting or lowering a load and moving it horizontally, in which the hoisting mechanism is an integral part of the machine. A crane may be a fixed or mobile machine.

(2) The term "derrick" means a mechanical device intended for lifting, with or without a boom supported at its head by a topping lift from a mast, fixed A frame, or similar structure. The mast or equivalent member may or may not be supported by guys or braces. The boom, where fitted, may or may not be controlled in the horizontal plane by guys (vangs). The term shall include shear legs.

(3) The term "bulk cargo spout" means a spout, which may or may not be telescopic and may or may not have removable sections, but is suspended over the vessel from some overhead structure by wire rope or other means. Such a spout is often used with a thrower or trimming machine. A grain loading spout is an example of spouts covered by this definition.

(4) The term "bulk cargo sucker" means a pneumatic conveyor which utilizes a spout-like device, which may be adjustable vertically and/or laterally, and which is suspended over a vessel from some overhead structure by wire rope or other means. An example of an installation of this nature is the grain sucker used to discharge grain from barges.

(5) Unless otherwise specifically required, the terms defined in this paragraph shall not include, and the provisions of § 1504.13 shall not apply to, the following equipment:

(i) Small industrial crane trucks as described and illustrated in United States of America Standards Institute, B56.1, 1959, "Safety Code for Powered Industrial Trucks".

(ii) Huletts.

(iii) Bridge cranes including steeple towers and dock-leg elevators.

(iv) Ore and taconite loading facilities of such type that failure could not cause injury to an employee as defined in paragraph (d) of this section.

(v) Bulk coal loading facilities.

(vi) Vertical pocket conveyors such as banana, sugar, or other similar marine legs.

(Sec. 41, 44 Stat. 1444, as amended; 33 U.S.C. 941)

Signed at Washington, D.C., this 29th day of July 1968.

WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 68-9255; Filed, Aug. 5, 1968; 8:45 a.m.]

DEPARTMENT OF LABOR

Bureau of Labor Standards

[29 CFR Part 1504]

SAFETY AND HEALTH REGULATIONS FOR LONGSHORING

Notice of Proposed Rule Making

Reexamination of the safety and health regulations for longshoring established pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941) and experience in their administration and enforcement have indicated a need for certain changes. Accordingly, pursuant to authority contained in section 41 of that Act, it is proposed to amend 29 CFR Part 1504 as set forth below.

Interested persons are invited to submit data, views, or argument concerning this proposal both orally and in writing. Oral data, views, or argument will be received by Hearing Examiner E. West Parkinson or John Mealey, beginning at 10 a.m. on October 3, 1968, in Room 404, Railway Labor Building, First and D Streets NW., Washington, D.C. Persons desiring to participate orally shall file a notice of intention to do so with the Director of the Bureau of Labor Standards, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210, not later than September 23, 1968. The notice shall state the name and address of the person who is to appear, specify his interest, and the amount of time required for his presentation, and shall identify his counsel or other representative, if any.

The oral proceedings shall be reported, and transcripts thereof shall be available to any interested person on such terms as the hearing examiner may provide. The hearing examiner shall regulate the course of the proceedings, dispose of procedural requests, objections, and comparable matters, and shall confine the presentations to matters pertinent to this proposal. He shall have discretion to keep the record open for a reasonable stated period of time to receive written recommendations and supporting reasons, or additional data, views, or argument from persons who have participated in the proceedings. Interested persons may also submit written data, views, or argument by mailing them in quadruplicate to the Director of the Bureau of Labor Standards, U.S. Department of Labor, Washington, D.C. 20210, not later than October 3, 1968.

Upon completion of the proceedings, the transcript thereof, together with the exhibits, written submissions, and all posthearing recommendations and supporting reasons shall be certified by the hearing examiner to the Secretary of Labor. After consideration of all relevant matter presented, and of any other information available, the Secretary will issue such regulations as he will deem appropriate.

1. In § 1504.3, new paragraph (s) is proposed to be added to read as follows:

§ 1504.3 Definitions.

* * * * *

(s) The term "hazardous cargo" includes:

(1) Any packaged commodity in the "List of explosives and other dangerous articles and combustible liquids" of the "dangerous cargoes" regulations of the U.S. Coast Guard (46 CFR 146.04–5) requiring a label, without regard to the exemptions mentioned at the foot of the list;

(2) Any packaged commodity in the list identified in subparagraph (1) of this paragraph, not requiring a label but classed as a combustible liquid;

(3) Any packaged liquid commodity in the list identified in subparagraph (1) of this paragraph not requiring a label but classed as a hazardous article; or

(4) Any article not properly described by a name in that list but which is properly classified under the definition of those categories of dangerous articles given in 46 CFR 146.03–8 and is included in subparagraph (1), (2), or (3) of this paragraph.

2. In Part 1504, a new § 1504.14 is proposed to be added to Subpart B to read as follows:

§ 1504.14 Container cranes.

The provisions of § 1504.13 requiring certification of certain shore-based material handling devices shall apply to any crane utilized to handle containers in containerized operations between the vessel and the shore.

3. In § 1504.25, paragraph (e) is proposed to be revised to read as follows:

§ 1504.25 Ladders.

* * * * *

(e) When necessary to obtain access to or from a stowed deckload or other cargo and no other safe means is available, ladders or steps of adequate strength, and secured against shifting or slipping, shall be furnished: *Provided, however,* That adequate steps formed by the cargo itself are acceptable when the nature of the cargo and the type of storage permits. This paragraph does not apply to the circumstances covered by § 1504.54(f).

* * * * * *

4. In § 1504.31, paragraph (a) is proposed to be revised to read as follows:

§ 1504.31 Hatch coverings.

(a) No cargo, dunnage, or other material shall be loaded or unloaded by means requiring the services of employees at any partially opened intermediate deck unless either the hatch at that deck is sufficiently covered or an adequate landing area suitable for the prevailing conditions exists: *Provided, however,* That in no event shall such work be done unless the working area available for such employees extends for a distance of 10 feet or more.

* * * * *

5. In § 1504.32, paragraph (b) is propose to be revised to read as follows:

§ 1504.32 Stowed cargo and temporary landing platforms.

* * * * *

(b) When an edge of a hatch section or of stowed cargo more than 8 feet high is so exposed that it presents a danger of a person falling, the edge shall be guarded by a safety net or other means providing equal protection under the existing circumstances.

* * * * *

6. In § 1504.33, paragraph (b) is proposed to be revised to read as follows:

§ 1504.33 Deck loads.

* * * * *

(b) Signalmen shall not be permitted to walk over deck loads from rail to coaming unless there is a safe passage. If it is necessary to stand at the outboard edge of the deck load where less than 24 inches of bulwark, rail, or other protection exists, the signalman shall be provided with a suitable means of protection against falling overboard.

7. Section 1504.37 is proposed to be revised to read as follows:

§ 1504.37 Barges.

(a) Employees shall not be permitted to walk along the sides of covered lighters or of barges with coamings more than 5 feet high unless there is a 3-foot clear walkway or a grab rail or taut handline is provided.

(b) Employees shall not be permitted to walk or work on barges unless the walking or working surfaces are determined by visual inspection to be structurally sound and properly maintained.

8. In § 1504.51, a new paragraph (c) is proposed to be added to read as follows:

§ 1504.51 General requirements.

* * * * *

(c) The following limitations shall apply to the use of wire rope as a part of the ship's cargo handling gear:

(1) An eye splice made in any wire rope shall have not less than three full tucks. However, this requirement shall not operate to preclude the use of another form of splice or connection which can be shown to be as efficient and which is not otherwise prohibited;

(2) Except for eye splices in the ends of wires, each wire rope used in hoisting or lowering, in guying derricks, or as a topping lift, preventer or pendant, shall consist of one continuous piece without knot or splice; and

(3) Wire rope shall not be used for the ship's cargo gear if, in any length of eight diameters, the total number of visible broken wires exceeds 10 percent of the total number of wires or if the rope shows other signs of excessive wear, corrosion or defect.

9. In § 1504.52, a new subparagraph (2) is proposed to be added to paragraph (a) to read as follows:

§ 1504.52 Specific requirements.

* * * * *

(a) *Preventers.* • • •

(2) Wire rope clips or knots shall not be used to form eyes in, or to join sections of, preventers.

• • • • • •

10. In § 1504.63, a new paragraph (e) is proposed to be added to read as follows:

§ 1504.63 Wire rope and wire rope slings.

• • • • • •

(e) The following limitations shall apply to the use of wire rope:

(1) An eye splice made in any wire rope shall have not less than three full tucks. However, this requirement shall not operate to preclude the use of another form of splice or connection which can be shown to be as efficient and which is not otherwise prohibited.

(2) Except for eye splices in the ends of wires and for endless rope slings, each wire rope used in hoisting or lowering, or in bulling cargo, shall consist of one continuous piece without knot or splice.

(3) Eyes in wire rope bridles, slings, or bull wires shall not be formed by wire rope clips or knots.

(4) Wire rope shall not be used as cargo handling gear if, in any length of eight diameters, the total number of visible broken wires exceeds 10 percent of the total number of wires or if the rope shows other signs of excessive wear, corrosion or defect.

11. In § 1504.69, paragraph (a) is proposed to be revised to read as follows:

§ 1504.69 Powered conveyors.

(a) Readily accessible stop controls shall be provided for use in an emergency. Whenever the operation of any power conveyor requires personnel to work in the immediate vicinity of the conveyor, the conveyor controls shall not be left unattended.

• • • • • •

12. In § 1504.73, subparagraph (1) of paragraph (b) is proposed to be revised to read as follows:

§ 1504.73 Mechanically powered vehicles used aboard vessels.

• • • • • •

(b) Overhead guards for fork lift trucks:

(1) Except as noted in subparagraph (5) of this paragraph, fork lift trucks shall be equipped with overhead guards. The guards shall be of such design and construction as to protect the operator from boxes, cartons, packages, bagged material, and other similar individual items of cargo which may fall from the load being handled or from stowage.

• • • • • •

13. Section 1504.74 is proposed to be revised to read as follows:

§ 1504.74 Cranes and derricks other than vessel's gear.

(a) The following requirements shall be met in the use of cranes, whether hoisted aboard a vessel for use thereon or used to service a vessel from the dock, shore, or another vessel, and in the use of any other crane or derrick not a part of a vessel's permanent equipment, but used in longshoring operations:

(1) The crane weight shall be posted on all mobile cranes hoisted aboard vessels for temporary use thereon.

(2) All types of cranes shall be equipped with a durable rating chart visible to the operator, covering the complete range of the manufacturer's (or design) capacity ratings and for which they are certificated, where required. The rating chart shall include all operating radii for all permissible boom lengths and jib lengths as applicable, with and without outriggers which may be fitted, and alternate ratings with optional equipment affecting such ratings. Necessary precautions or warnings shall be included. Operating controls shall be marked, or an explanation posted, at the operator's position to indicate function.

(3) A boom angle or radius indicator shall be fitted where applicable.

(4) All shore-based derricks shall be clearly marked to indicate all applicable capacity ratings, based on manufacturer's (or design) data for which certificated. Such ratings, and any necessary precautions or warnings shall be visible to the operator. Operating controls shall be marked, or an explanation posted at the operator's position to indicate function.

(5) The rated safe working loads of each crane and derrick, for the conditions of use, shall not be exceeded.

(6) No counterweights in excess of manufacturer's (or design) specifications shall be fitted. All equipment shall be used in accordance with manufacturer's (or design) specifications and recommendations.

(7) Bulling of barges or rail cars, and bulling of cargo, in such a way as to exert side loading stresses upon crane booms shall not be permitted.

(8) No crane or derrick shall be used in any case where a visible defect affecting safe use exists.

(9) Where cranes are used to load rough logs into a vessel, from the water, rail cars or other location, such cranes shall be fitted with load indicating devices in proper working condition.

(10) Accessible areas within the swing radius of the outermost part of the body of a revolving crane shall be temporarily guarded by ropes or other suitable means during cargo operations, so as to prevent an employee being in a position to be caught between the body of the crane and fixed parts of the vessel or of the crane itself.

(11) During the hours of darkness, illumination provided shall be sufficient under the prevailing circumstances so that an operator can see clearly the work area and any signalmen associated with the operation.

14. In § 1504.76, paragraph (a) is proposed to be revised to read as follows:

§ 1504.76 Grounding.

(a) The frames of portable electric equipment and tools, except double insulated tools approved by Underwriters' Laboratories, Inc., shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current.

• • • • • •

15. In § 1504.85, paragraph (a) is proposed to be revised, paragraph (d) is proposed to be redesignated as paragraph (e) and a new paragraph (d) is proposed to be added immediately before it to read as follows:

§ 1504.85 Containerized cargo.

(a) The gross maximum allowable weight shall be permanently marked on every van and reusable cargo container. The gross maximum allowable weight shall be considered the weight of the van or container at the time of hoisting, except when the actual gross weight is plainly marked or otherwise indicated on the van or container or when the van or container is empty.

• • • • • •

(d) All outbound vans or containers shall be inspected for any visual defects in structural members and fittings, which would affect safe handling in loading. To the extent it is reasonably possible, inbound vans or containers shall be similarly inspected before discharge. Any outbound van or container found to have such a defect shall not be loaded unless the defect is corrected. Any inbound van or container found to have such a defect shall either be discharged by such special means as ensure safety or shall be emptied before discharge.

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16. A new § 1504.86 is proposed to be added at the end of Subpart H to read as follows:

§ 1504.86 Hazardous cargo.

(a) Prior to the start of cargo handling operations a responsible representative of the employer shall ascertain from labels on the cargo, and from the dangerous cargo manifest, what hazardous cargoes, if any, are to be handled and the general nature of the hazard. He shall inform employees of the general nature of the hazard, the importance to the employees of preventing damage to the cargo, and the special precautions to be taken. The responsible representative of the employer aboard the vessel shall instruct the employees to notify him of any leaks or spills.

(b) Drafts of cargo ascertained by the employer to be hazardous shall be so slung and secured that neither the draft nor individual packages can fall as a result of tipping the draft or slacking the supporting gear.

(c) If a cargo ascertained by the employer to be hazardous is spilled or any of its containers has or develops a serious leak, the employees shall be removed from the hold or compartment until the employer has ascertained the specific hazards, has provided such personal protective equipment and clothing and such ventilation and fire protective equipment as may be necessary to avoid, or protect against, the hazard, and has instructed the employees as to the safe method of cleaning up and disposing of a spill or handling and disposing of the leaking containers. The actual work of clean up or disposal shall be carried out under the personal supervision of a responsible representative of the employer aboard the vessel.

17. Section 1504.93 is proposed to be revised to read as follows:

§ 1504.93 Ventilation and atmospheric conditions.

(a) Ventilation requirements with respect to carbon monoxide:

(1) (i) When internal combustion engines exhaust into a hold, an intermediate deck, or any other compartment, the employer shall see that tests of the carbon monoxide content of the atmosphere are made as frequently as conditions require to insure that dangerous concentrations do not develop. Such tests shall be made in the area in which employees are working, by persons acquainted with the test equipment and procedure.

(ii) The carbon monoxide content of the atmosphere shall be maintained at not more than 50 parts per million (0.005%) as a time weighted average, and employees shall be removed from the compartment if the carbon monoxide concentration exceeds 100 parts per million (0.01%). The term "time weighted average" means that for any period of time in which the concentration exceeds 50 parts per million, it shall be maintained at a corresponding amount below 50 parts per million for an equal period of time.

(iii) When neither natural ventilation nor the vessel's ventilating system, where fitted, is adequate to keep the carbon monoxide concentration within the allowable limits set forth in this paragraph, the employer shall use supplementary means of portable ventilation in such size and number and so arranged as to bring such concentration within such limits before work is resumed.

(2) A record of the date, time, location and results of the tests required by subparagraph (1) of this paragraph shall be maintained for at least 30 days after the work is completed. The record shall be available for examination by representatives of the Bureau of Labor Standards.

(3) The intakes of portable blowers and any exposed belt drives shall be guarded adequately by screens.

(4) The frames of portable blowers shall be grounded at the source of the current either through a third wire in the cable containing the circuit conductors or through a separate wire. When the vessel is the source of the current the ground shall be made to the structure of the vessel. Electric cords used shall be free of visible defects.

(5) The employer shall not permit the use of shore electrical circuits unless they have been checked to ensure that the circuit between the ground and the grounded power conductor has resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current. When the vessel is the source of the current, it is required only that a check be made to ensure good electrical contact between the ground wire and the vessel's structure.

(b) (1) Before commencing to load grain which has been fumigated, the employer shall ascertain from the elevator operator that the cargo is free from hazardous concentrations of fumigants.

(2) Before commencing to load tobacco which has been fumigated with any toxic fumigant, the employer shall determine by test that the aeration of the cargo has been such as to reduce the concentration of the fumigant to a safe limit. The requirements of paragraph (a)(2) of this section shall apply with regard to such tests.

(3) Before commencing to load cargo other than cargo mentioned in subparagraph (1) or (2) of this paragraph, which has been fumigated at the loading port, the employer shall ascertain that such cargo does not contain a hazardous concentration of fumigants.

(c) Before employees are permitted to enter or work in any stowage space or tank, the employer shall ascertain from the officer in charge of the vessel, or the vessel's agent or operator, whether explosive, poisonous, noxious, or gaseous cargoes have been carried or are stowed therein, or whether dry ice has been used as a refrigerant therein, or whether such places have been fumigated, or whether there is a possibility of oxygen deficiency. Upon establishing that any of such conditions may exist, the employer shall ascertain from the officer in charge of the vessel, if he is properly equipped and qualified so to evaluate, the condition of the work place with respect to atmospheric contaminants or deficiencies. If the officer in charge of the vessel is not equipped or qualified to carry out such evaluation, this shall be done by another person qualified and equipped to do it.

(d) When it is ascertained as set forth in paragraph (c) of this section that the atmosphere in which employees would be working is immediately dangerous to life, or if the atmosphere becomes immediately dangerous to life during cargo handling operations, no employee shall be permitted to enter or remain in the work place until the atmospheric condition has been made safe. Atmospheres immediately dangerous to life are those which contain less than 16.5 percent oxygen, or which by reason of the high toxicity of the contaminant, as in fumigation, or the high concentration of contaminants, as with carbon dioxide, would endanger the life of a person breathing them for even a short period of time.

(e) When it is ascertained as set forth in paragraph (c) of this section that the atmosphere in which employees would be working contains dangerous gaseous contaminants not immediately dangerous to life, or if the atmosphere becomes so contaminated during cargo handling operations, no employee shall be permitted to enter or remain in the work place until the atmosphere is made safe, or the employees are protected by suitable respiratory protective equipment in accordance with the requirements of § 1504.102 (a) and (b). Dangerous gaseous contaminants not immediately dangerous to life are gases present in concentrations that could be breathed for a short period of time without endangering the life of a person breathing them, but might produce discomfort and injury after a prolonged single exposure or repeated short exposures.

(f) When employees are exposed to heavy concentrations of dusts, as in loading bulk grain, they shall be protected by suitable respiratory protective equipment in accordance with the requirements of § 1504.102 (a) and (c).

18. In § 1504.96, paragraphs (a) and (d) are proposed to be revised to read as follows:

§ 1504.96 First aid and life saving equipment.

(a) Unless a first aid room is close at hand and a qualified attendant is prepared to render first aid to employees on behalf of the employer, the employer shall furnish a first aid kit for each vessel on which work is being performed, except that when work is being performed on more than one small vessel at one pier only one kit is required. The kit shall be kept close to the vessel, and at least one employee close at hand shall hold a currently valid first aid certificate.

• • • • • •

(d) There shall be available for each vessel being worked one Stokes basket stretcher, or its equivalent, permanently equipped with bridles for attaching to the hoisting gear, except that there need be no more than two stretchers on each pier. Stretchers shall be kept close to the vessels.

• • • • • •

19. In § 1504.97, paragraph (a) is proposed to be revised to read as follows:

§ 1504.97 Qualifications of machinery operators.

(a) Only those employees considered by the employer to be competent by reason of training or experience, and who understand the signs, notices, and operating instructions and are familiar with the signal code in use shall be permitted to operate a crane, winch or other power-operated hoisting apparatus, or any power-operated vehicle, or to give signals to the operator of any hoisting apparatus.

• • • • • •

(Sec. 41, 44 Stat. 1444, as amended; 33 U.S.C. 941)

Signed at Washington, D.C., this 29th day of July 1968.

WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 68-9256; Filed, Aug. 5, 1968; 8:45 a.m.]

[29 CFR Part 1505]

CERTIFICATION OF VESSELS' CARGO HANDLING GEAR AND OF SHORE-BASED MATERIAL HANDLING DEVICES

Notice of Proposed Rule Making

Pursuant to the authority in section 41 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941) it is proposed to amend 29 CFR Part 1505 as set forth below.

The purpose of this proposed amendment is to implement a new § 1504.13 of 29 CFR Part 1504, which is promulgated elsewhere in this edition of the FEDERAL REGISTER, and to make certain changes to the existing provisions of Part 1505 which experience in their administration have indicated to be desirable.

Interested persons are invited to submit written data, views or argument regarding the proposed amendments in quadruplicate to the Director of the Bureau of Labor Standards, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210, by mail, postmarked no later than October 3, 1968. Upon consideration of all relevant matter submitted and of any other information available to him, the Secretary of Labor will issue such regulations as may seem appropriate.

1. Section 1505.1 is proposed to be revised to read as follows:

§ 1505.1 Purpose and scope.

(a) The regulations in this part implement §§ 1504.12 (c) and (d)(3) and 1504.13 of this chapter. They provide procedures and standards governing accreditation of persons by the Bureau of Labor Standards, U.S. Department of Labor, for the purpose of certificating vessels' cargo gear and shore-based material handling devices, and the manner in which such certification shall be performed.

(b) Accreditation is not required, and the regulations of this part are not applicable, under the following circumstances:

(1) When cargo gear certification is performed for vessels inspected and certificated under the authority of the U.S. Coast Guard,[1] or for foreign vessels certificated under the requirements of a foreign nation or by persons acceptable for certification purposes by a foreign nation.

(2) When cargo gear certification is performed for shore-based material handling devices under standards established and enforced by the States wherein the devices are located, or by political subdivisions delegated this responsibility by the States, provided such standards meet the requirements of § 1504.13(b)(2) of this chapter.

(c) Persons not required to be accredited for gear certification purposes, as set forth in paragraph (b) of this section, may, nevertheless, apply for and receive accreditation by the Bureau. The appropriate subparts of this part shall apply to persons accredited pursuant to this paragraph except insofar as exemptions may be granted.

2. Section 1505.2 is proposed to be revised to read as follows:

§ 1505.2 Definition of terms.

(a) "Vessel" means every description of watercraft or other artificial contrivance used or capable of being used, as a means of transportation on water, including special-purpose floating structures not primarily designed for or used as a means of transportation on water.

(b) Except as otherwise noted, "cargo gear", as used in Subparts B through E of this part, includes that gear forming a part of a vessel's equipment which is used for the handling of cargo other than bulk liquids, but does not include gear which is used only for handling or holding hoses, handling ships' stores, handling the gangway, or boom conveyor belt systems for the self-unloading of bulk cargo vessels.

(c) With reference to equipment covered by this part—

(1) "Derrick" means—

(i) When applied to vessels' cargo handling gear, a mechanical device for lifting, including a boom which is suspended at its head by a topping lift from a mast, king post, or similar structure, controlled in the horizontal plane by vangs, and used either singly or in pairs with married falls;

(ii) When applied to shore-based material handling devices, a mechanical device intended for lifting, with or without a boom supported at its head by a topping lift from a mast, fixed A frame, or similar structure. The mast or equivalent member may or may not be supported by guys or braces. The boom, where fitted, may or may not be controlled in the horizontal plane by guys (vangs). The term includes shear legs.

(2) "Crane" means a mechanical device intended for lifting or lowering a load and moving it horizontally, in which the hoisting mechanism is an integral part of the machine. A crane may be a fixed or mobile machine.

(3) "Bulk cargo spout" means a spout, which may or may not be telescopic and may or may not have removable sections, but is suspended over the vessel from some overhead structure by wire rope or other means. Such a spout is often used with a "thrower" or "trimming machine". A grain loading spout is an example of those covered by this definition.

(4) "Bulk cargo sucker" means a pneumatic conveyor which utilizes a spout-like device, which may be adjustable vertically and/or laterally, and which is suspended over a vessel from some overhead structure by wire rope or other means. An example of an installation of this nature is the "grain sucker" used to discharge grain from barges.

(d) "Director" means the Director of the Bureau of Labor Standards, U.S. Department of Labor, or his authorized representative.

(e) "Bureau" means the Bureau of Labor Standards, U.S. Department of Labor.

(f) "Person" includes any individual, partnership, corporation, agency, association, or organization.

(g) "Competent person" means:

(1) An individual qualified to perform gear certification functions with respect to vessels' cargo handling gear, as specifically set forth in § 1505.37.

(2) An individual qualified under the provisions of Subparts F and G of this part to perform gear certification functions with respect to short-based material handling devices.

(h) "Ton" means a ton of 2,240 pounds when applied to vessels' cargo handling gear, and a ton of 2,000 pounds when applied to shore-based material handling devices or to shore-type cranes permanently mounted aboard barges or other vessels employed in domestic trade and designed on the basis of the 2,000-pound ton. Capacity ratings may be stated in pounds.

(i) "Nondestructive" examination means examination of structure or parts by electronic, ultrasonic, or other nondestructive examination suitable for the purpose.

3. In § 1505.6, the section heading and paragraph (c) are proposed to be revised to read as follows:

§ 1505.6 Criteria governing accreditation to certificate vessels' cargo gear.

* * * * *

(c) (1) A person applying for accreditation shall be staffed by individuals technically qualified to conduct the inspections and examinations and to conduct or supervise tests and heat treatments prescribed in this part. Any representatives, agents or surveyors acting on behalf of a person applying for accreditation in ports in which such operations are conducted shall be similarly qualified.

(2) Accreditation to conduct such nondestructive examination as may be a part of any certification activity may be granted to applicants found competent and equipped to carry out this activity.

* * * * *

4. The heading of Subpart C of Part 1505 is proposed to be revised to read as follows:

Subpart C—Duties of Persons Accredited to Certificate Vessels' Cargo Gear

5. In § 1505.10, paragraphs (c) and (d) are proposed to be revised to read as follows:

§ 1505.10 General duties; exemptions.

(c) The certificates issued by an accredited person shall be signed and all register entries made only by an authorized agent of such accedited person. No certification shall be issued until any deficiencies considered by the accredited person to constitute a currently unsatisfactory condition have been corrected. Replacement parts shall be of equal or better quality as original equipment and suitable for the purpose. In the event deficiencies remain uncorrected and no certification may therefore be issued, the accredited person shall inform the nearest District Office of the Bureau of the circumstances.

(d) Dynamometers or other recording test equipment owned by an accredited person shall have been tested for accuracy within the six months next preceding application for accreditation or renewal of same. Such test shall be performed with calibrating equipment which has been checked in turn so that indications are traceable to the U.S. Bureau of Standards. A copy of test reports shall accompany the application. Where test equipment is not the property of the accredited person, that person shall not issue any certificate based upon the use of such equipment unless its owner has made available a certificate of accuracy based on the requirements of this paragraph, obtained within 1 year prior to such use, and stating the errors of the equipment. Reasonable standards of accuracy shall be met and proof loads adjusted as necessary.

* * * * *

6. The heading of Subpart D of Part 1505 is proposed to be revised to read as follows:

Subpart D—Certification of Vessels' Cargo Gear

7. Section 1505.13 is proposed to be revised to read as follows:

§ 1505.13 General.

(a) Except as noted in § 1505.1 and as provided in exemptions under § 1505.10 (h), certification performed by accredited persons shall conform to the requirements contained in this subpart.

(b) Safe working loads assigned to assembled units of gear shall be based on applicable design criteria acceptable to the accredited person. Where no design data on which to base a rating is obtainable, the safe working load ratings assigned shall be based on the owner's information and warranty that those so assigned are correct. Unit test certificates shall state the basis for any such safe working load assignment.

8. In § 1505.14, two new paragraphs (d) and (e) are proposed to be added to read as follows:

§ 1505.14 Initial tests of cargo gear and tests after alterations, renewals or repairs.

* * * * *

(d) If the operation in which cargo gear is engaged never utilizes more than a fraction of the safe working load rating, the owner may, at his option, have said gear certificated for, and limited in operation to, a lesser maximum safe working load: *Provided, however,* That the gear concerned is physically capable of operation at the original load rating and the load reduction is not for the purpose of avoiding correction of any deficiency.

(e) In no case shall safe working loads be increased beyond the original design limitations unless such increase is based on engineering calculations by or acceptable to the accredited certification agency, and all necessary structural changes are carried out.

9. In § 1505.15, paragraph (b) is proposed to be revised and two new paragraphs (d) and (e) are proposed to be added to read as follows:

§ 1505.15 Periodic tests, examinations and inspections.

* * * * *

(b) Derricks, their permanent attachments and any other fixed gear the dismantling of which is especially difficult shall be visually inspected every twelve months. In order to facilitate such inspection all derricks shall be lowered.

* * * * *

(d) Where a derrick or crane is mounted on a barge hull and ballast tanks within the hull are used to facilitate use of the derrick or crane, or uncontrolled free surface may be a factor, each annual inspection or examination, as required, shall include such inspection as is necessary for the purpose of determining the integrity of any internals contributing to stability under conditions of use. The owner shall provide the accredited person with necessary information on any ballasting arrangements required.

(e) Annual inspection or examination, as required, shall include, among other things, examination of the following:

(1) Derrick heel attachment points. Heel pins may, if possible, be examined by nondestructive examination.

(2) Shrouds and stays necessary in the use of the gear, together with attachment points.

(3) Deck fittings for the securing of vangs, topping lifts, and/or preventers.

(4) Means of attachment to the hull of "A" frame or other fixed derrick or crane structure and of mobile types of equipment permanently placed aboard the barge or vessel.

(5) Clamshell buckets or other similar equipment, such as magnets, etc., used in conjunction with a derrick or crane mounted aboard a vessel, with particular attention to closing line wires and sheaves. The accredited person may supplement such examination by requesting any operational tests he may deem appropriate.

(6) Winch and other operating drums for excessive wear or defect.

10. Section 1505.21 is proposed to be revised to read as follows:

§ 1505.21 Marking and posting of safe working loads.

(a) The safe working load of the assembled gear and the minimum angle to the horizontal at which this load may be applied shall be plainly marked at the heels of all booms along with the date of the test. Where gear is certificated for use in union purchase, the union purchase safe working load shall also be plainly marked. Any limitations shall be noted in the vessel's papers.

(b) The safe working load shall be marked on all blocks used in hoisting or lowering.

(c) When the capacity of the boom of a crane or derrick has been or will be rated in accordance with the variance of its radius, the maximum safe working loads for the various working angles of the boom and the maximum and minimum radius at which the boom may be safely used, shall be conspicuously posted near the controls and visible to the crane operator. Ratings may be stated in pounds. When they are stated in tons of 2,000 pounds, this fact shall be indicated.

11. In § 1505.24, paragraph (e) is proposed to be revised to read as follows:

§ 1505.24 Limitations on use of wire rope.

* * * * *

(e) Wire rope shall not be used for the vessel's cargo gear if in any length of eight diameters, the total number of visible broken wires exceeds 10 percent of the total number of wires, or if the rope shows other signs of excessive wear, corrosion, or defect. Particular attention shall be given to the condition of those sections of wire rope adjacent to any terminal connections, those sections exposed to abnormal wear, and those sections not normally exposed for examination.

12. The heading of Subpart E of Part 1505 is proposed to be revised to read as follows:

Subpart E—Certification of Vessels: Tests and Proof Loads; Heat Treatment; Competent Persons

13. Section 1505.26 is proposed to be revised to read as follows:

§ 1505.26 Visual inspection before tests.

Before any test under this Subpart E is carried out, a visual inspection of the gear involved shall be conducted and any visibly defective gear shall be replaced or repaired. The provisions of § 1505.15(d) shall be adhered to.

14. In § 1505.27, paragraphs (f) and (g) are proposed to be revised to read as follows:

§ 1505.27 Unit proof tests—winches, derricks, and gear accessory thereto.

* * * * *

(f) The test shall not be regarded as satisfactory unless the indicator remains constant under the proof load for a period of at least 5 minutes.

(g) (1) The safe working load, determined pursuant to the requirements of this section, shall be applicable only to a swinging derrick. When using two fixed derricks in "union purchase" rigs, the safe working load should generally be reduced. It is recommended that owners obtain union purchase safe working load

[1] Jurisdiction of the U.S. Coast Guard extends to matters within the scope of title 52 of the Revised Statutes and Acts supplementary or amendatory thereto (46 U.S.C. 1–1388, passim); to matters within the regulatory authority of the U.S. Coast Guard under the provisions of the Espionage Act of June 15, 1917, as amended (40 Stat. 220; 50 U.S.C. 191 et seq.; 22 U.S.C. 401 et seq.) or to matters within the regulatory authority of the U.S. Coast Guard under section 4(e) of the Outer Continental Shelf Lands Act of Aug. 7, 1953 (67 Stat. 462; 43 U.S.C. 1333).

certification based upon design study and analysis by, or acceptable to, a qualified technical office of an accredited gear certification agency, with the recognition that such determinations are valid only for the conditions contemplated in the analysis.

(2) Where both guys and preventers are fitted, union purchase certification shall state whether the guy or the preventer is the working strength member, when the guy is for slewing only, and when the guy and preventer should share working loads as far as practicable.

* * * * *

15. In § 1505.28, paragraphs (a) and (d)(2) are proposed to be revised and a new paragraph (e) is proposed to be added to read as follows:

§ 1505.28 Unit proof tests—cranes and gear accessory thereto.

(a) Except as noted in paragraph (e) of this section, cranes and other hoisting machines, together with gear accessory thereto, shall be tested with a proof load which shall exceed the safe working load as follows:

Safe working load:	*Proof load*
Up to 20 tons	25 percent in excess.
20–50 tons	5 tons in excess.
Over 50 tons	10 percent in excess.

* * * * *

(d) * * *

(2) An additional test shall be conducted with partial load and shall include all functions and movements contemplated in the use of the crane.

(e) In cases where shore-type cranes are mounted permanently aboard barges, the requirements of this Subpart E with respect to unit proof tests and examinations shall not apply and the applicable requirements of Subpart H of this part shall be adhered to with respect to unit proof tests and examinations.

16. Section 1505.29 is proposed to be revised to read as follows:

§ 1505.29 Limitations on safe working loads and proof loads.

The proof loads specified by §§ 1505.27 and 1505.28 shall be adjusted as necessary to meet any pertinent limitations based on stability and/or on structural competence at particular radii. Safe working loads shall be reduced accordingly.

17. In § 1505.31, paragraph (b) is proposed to be revised to read as follows:

§ 1505.31 Proof tests—loose gear.

* * * * *

(b) In cases where persons accredited to carry out loose gear tests may be retained to conduct tests of special stevedoring gear as described in § 1504.61(b) of this chapter, which does not form part of a vessel's equipment, such tests shall adhere to the requirements set forth in § 1504.61(b) (1), (2), and (3) of this chapter.

* * * * *

18. In § 1505.32, paragraph (b) is proposed to be revised to read as follows:

§ 1505.32 Specially designed blocks and components.

* * * * *

(b) In lieu of the loose gear proof test required by § 1505.31(a), design data shall be submitted to an accredited certification agency indicating design and material specifications and analysis whereby the designed strength of such gear may be determined.

* * * * *

19. Section 1505.33 is proposed to be revised to read as follows:

§ 1505.33 Proof tests—wire rope.

Wire rope, except as provided in § 1505.14(b), shall be tested by sample, a piece being tested to destruction, and the safe working load of running ropes, unless otherwise acceptable to the Bureau on the basis of design, shall not exceed one-fifth of the breaking load of the sample tested. In the case of running ropes used in gear with a safe working load exceeding 10 tons, the safe working load shall not exceed one-fourth of the breaking load of the sample tested.

20. New Subparts F, G, and H are proposed to be added to Part 1505 to read as follows:

Subpart F—Accreditation to Certificate Shore-Based Equipment

§ 1505.50 Eligibility for accreditation to certificate shore-based material handling devices covered by § 1504.13 of the safety and health regulations for longshoring.

(a) A person applying for accreditation to carry out certification activities and to issue and maintain the requisite records must be:

(1) A manufacturer of cranes or derricks or of specialized equipment of the type for which accreditation application is made, or a person or organization representing such a manufacturer in a technical capacity; or

(2) Technically experienced and qualified to carry out examinations and/or testing, as applicable, of vessels or shore-based equipment or gear of the type for which accreditation application is made.

(b) The owner of shore-based equipment affected may designate a member of his organization to carry out certification functions respecting the owner's equipment, on the following conditions:

(1) The designee is technically experienced and qualified in the inspection and maintenance or design of the type of equipment involved, aside from employment as an operator only.

(2) The designee has applied to an accredited, nationally operating certification agency and has been granted appointment or equivalent recognition by that agency as a surveyor for the purpose intended.

(3) Certification activities carried out by the designee are cleared through the offices, and are subject to the approval, of the accredited certificating agency.

(4) In cases where equipment is certificated by a person designated by the equipment owner, the cognizant accredited certification agency retains the right to inspect such equipment as desired and convenient, in order to ascertain the adequacy of the certification activity performed.

(c) Accreditation to conduct such nondestructive examination as may be a part of any certification activity may be granted to applicants found competent and equipped to carry out this activity.

(d) Unless exemptions are granted at the discretion of the Director in cases of practical difficulties or unnecessary hardship, applicants for accreditation as specified in this section shall be prepared to carry out all necessary functions, except that any requisite wire rope tests, nondestructive examinations, and heat treatments may be carried out by the manufacturer of the gear concerned or by another person accredited specifically for these purposes.

(e) A person applying for accreditation shall have a satisfactory record of relevant experience and performance, and shall be in sound financial condition.

§ 1505.51 Provisions respecting application for accreditation, action upon the application, and related matters.

The provisions of §§ 1505.3, 1505.4, 1505.5, 1505.7, 1505.8, and 1505.9 shall govern accreditation to certificate shore-based material handling devices, to the extent applicable.

Subpart G—Duties of Persons Accredited to Certificate Shore-Based Material Handling Devices

§ 1505.60 General duties, exemptions.

(a) The requirements of Subpart H of this part shall be strictly observed: *Provided, however,* That in cases of practical difficulties or unnecessary hardship, the Director in his discretion may grant exemptions or variations from any provision in that subpart.

(b) Except as otherwise noted in this part, all functions required by Subpart H of this part shall be carried out by or under the supervision of a person accredited for the purpose or by his authorized representative.

(c) All required unit proof load tests shall be carried out by the use of weights as a dead load. Only where this is not possible may dynamometers or other recording test equipment be used. Any such recording test equipment owned by an accredited person shall have been tested for accuracy within the 6 months next preceding application for accreditation or renewal thereof. Such test shall be performed with calibrating equipment which has been checked in turn so that indications are traceable to the U.S. Bureau of Standards. A copy of test reports shall accompany the accreditation application. Where test equipment is not the property of the accredited person, that person shall not issue any certificate based upon the use of such equipment unless its owner has made available a certificate of accuracy based on the requirements of this paragraph, obtained within the year prior to such use, and stating the errors of the equipment. In any event reasonable standards of accuracy shall be met and proof loads adjusted as necessary.

(d) The qualifications of any person appointed or recognized by any accredited person for the purpose of carrying out certification functions shall meet with the approval of the Director.

(e) Sections 1505.10 (e) and (g) and 1505.11 shall govern, to the extent applicable, persons accredited under Subpart F of this part.

Subpart H—Certification of Shore-Based Material Handling Devices

§ 1505.70 General provisions.

(a) Certification of shore-based material handling devices shall conform to the requirements contained in this subpart, except in cases for which exemptions or variations have been granted by the Director as provided in §§ 1505.50(d) and 1505.60(a).

(b) Any replacements or repairs deemed necessary by the accredited person shall be carried out before application of a proof test.

(c) "Ton" in this subpart means a ton of 2,000 pounds.

(d) When applied to shore-based material handling devices, ratings may be stated in pounds rather than tons. When stated in tons of 2,000 pounds, this fact shall be indicated.

§ 1505.71 Unit proof test and examination of cranes.

(a) Unit proof tests of cranes shall be carried out at the following times:

(1) In the cases of new cranes, before initial use and every 4 years thereafter.

(2) In the cases of uncertificated cranes which have been in use, at the time of initial certification and every 4 years thereafter.

(3) After important alterations and renewals, and after repairs due to failure of, or damage to, major components.

(b) Unit proof load tests of cranes shall be carried out where applicable with the boom in the least stable direction relative to the mounting, based on the manufacturer's specifications.

(c) Unit proof load tests shall be based on the manufacturer's load ratings for the conditions of use and shall consist of application of a proof load of 10 percent in excess of the load ratings at maximum and minimum radius, and at such intermediate radii as the certificating authority may deem necessary in the circumstances.[1] In cases of foreign manufacture, the manufacturer's specifications shall be subject to approval by the certificating authority as being equivalent to U.S. practice. The weight of all auxiliary handling devices such as, but not limited to, magnets, hooks, slings, and clamshell buckets shall be considered part of the load.

(d) An examination shall be carried out in conjunction with each unit proof load test. The accredited person, or his authorized representative, shall make a determination as to correction of deficiencies found. The examination shall cover the following points as applicable:

(1) All functional operating mechanisms shall be examined for improper function, maladjustment, and excessive component wear, with particular attention to sheaves, pins, and drums. The examination shall include operation with partial load, in which all functions and movements, including, where applicable, maximum possible rotation in both directions, are performed.

(2) All safety devices shall be examined for malfunction.

(3) Lines, tanks, valves, drains, pumps, and other parts of air or hydraulic systems shall be examined for deterioration or leakage.

(4) Loose gear components, such as hooks, including wire rope and wire rope terminals and connections, shall be checked with particular attention to sections of wire rope exposed to abnormal wear and to sections not normally exposed for examination. The provisions of § 1505.24 shall apply in wire rope examinations. Cracked or deformed hooks shall be discarded and not reused on any equipment subject to the provisions of Part 1504 of this chapter and this Part 1505.

(5) Rope reeving shall comply with manufacturer's recommendations.

(6) Deformed, cracked, or excessively corroded members in crane structure and boom shall be repaired or replaced as necessary.

(7) Loose bolts, rivets, or other connections shall be corrected.

(8) Worn, cracked, or distorted parts affecting safe operation shall be corrected.

(9) Brake and clutch system parts, linings, pawls, and ratchets shall be examined for excessive wear and free operation.

(10) Load, boom angle, or other indicators shall be checked over their full range for any significant inaccuracy. A boom angle or radius indicator shall be fitted.

(11) It shall be ascertained that there is a durable rating chart visible to the operator, covering the complete range of the manufacturer's capacity ratings at all operating radii, for all permissible boom lengths and jib lengths, with alternate ratings for optional equipment affecting such ratings. Necessary precautions or warnings shall be included. Operating controls shall be marked or an explanation of controls shall be posted at the operator's position to indicate function.

(12) Where used, clamshell buckets or other similar equipment such as magnets, etc., shall be carefully examined in all respects, with particular attention to closing line wires and sheaves. The accredited person may supplement such examination by requesting any operational tests as may be appropriate.

(13) Careful examination of the junction areas of removable boom sections, particularly for proper seating, cracks, deformities, or other defects in securing bolts and in the vicinity of such bolts.

(14) It shall be ascertained that no counterweights in excess of the manufacturer's specifications are fitted.

(15) Such other examination or supplemental functional tests shall be made as may be deemed necessary by the accredited person under the circumstances.

§ 1505.72 Annual examination of cranes.

(a) In any year in which no quadrennial unit proof test is required, an examination shall be carried out by an accredited person or his authorized representative. Such examination shall be made not later than the anniversary date of the quadrennial certification and shall conform with the requirements of § 1505.71(d).

§ 1505.73 Unit proof test and examination of derricks.

(a) Unit proof tests of derricks shall be carried out at the same times as are specified in § 1505.71(a) for cranes.

(b) Unit proof load tests and safe working load ratings shall be based on the design load ratings at the ranges of boom angles or operating radii. Unit proof loads shall exceed the safe working load as follows:

SWL	*Proof Load*
Up to 20 tons	25 percent in excess.
20–50 tons	5 tons in excess.
Over 50 tons	10 percent in excess.

Proof loads shall be applied at the designed maximum and minimum boom angles or radii, or, if this is impracticable, as close to these as practicable. The angles or radii of test shall be stated in the certificate of test. Proof loads shall be swung as far as possible in both directions. The weight of all auxiliary handling devices shall be considered a part of the load.

(c) After satisfactory completion of a unit proof load test the derrick and all component parts thereof shall be carefully examined in accordance with the requirements of § 1505.71(d), as far as applicable.

§ 1505.74 Annual examination of derricks.

(a) In any year in which no quadrennial unit proof test is required, an examination shall be carried out by an accredited person or his authorized representative. Such annual examination shall be made not later than the anniversary date of the quadrennial certification and shall conform in all applicable respect with § 1505.71(d).

§ 1505.75 Determination of crane or derrick safe working loads and limitations in absence of manufacturer's data.

(a) In the event neither manufacturer's data nor design data on safe working loads (including any applicable limitations) are obtainable, the safe working load ratings assigned shall be

[1] The manufacturer's load ratings are usually based upon percentage of tipping loads under some conditions and upon limitations of structural competence at others, as well as on other criteria such as type of crane mounting, whether or not outriggers are used, etc. Some cranes utilizing a trolly may have only one load rating assigned and applicable at any outreach. It is important that the manufacturer's ratings be used.

based on the owner's information and warranty that those so assigned are correct. Unit test certificates shall state the basis for any such safe working load assignment.

§ 1505.76 Safe working load reduction.

(a) If the operation in which equipment is engaged never utilizes more than a fraction of the safe working load rating, the owner of such equipment may, at his option, have the crane or derrick certificated for and operated at a lesser maximum safe working load in keeping with the use and based on radius and other pertinent factors: *Provided, however,* That the equipment concerned is physically capable of operation at the original load rating and the load reduction is not for the purpose of avoiding correction of any deficiency.

§ 1505.77 Safe working load increase.

(a) In no case shall safe working loads be increased beyond the manufacturer's ratings or original design limitations unless such increase meets with the manufacturer's approval. Where the manufacturer's services are not available, or where the equipment is of foreign manufacture, engineering design analysis by, or acceptable to, the accredited certification agency is required. All necessary structural changes shall be carried out.

§ 1505.78 Nondestructive examinations.

(a) Wherever it is considered necessary by the accredited person or his authorized representative and wherever it is practical and advisable to avoid disassembly of equipment, removal of pins, etc., examination of structure or parts by electronic, ultrasonic or other nondestructive methods may be carried out, provided that the procedure followed is acceptable to the Director and the person carrying out such examination is accredited or acceptable to the Director for the purpose.

§ 1505.79 Wire rope.

(a) Wire rope and replacement wire rope shall be of the same size, same or better grade, and same construction as originally furnished by the equipment manufacturer or contemplated in the design, unless otherwise recommended by the equipment or the wire rope manufacturer due to actual working condition requirements. In the absence of specific requirements as noted, wire rope shall be of a size and construction suitable for the purpose, and a safety factor of 4 shall be adhered to, and verified by wire rope test certificate.

(b) Wire rope in use on equipment previously constructed and prior to initial certification of said equipment shall not be required to be tested but shall be subject to thorough examination at the time of initial certification of the equipment.

§ 1505.80 Heat treatment.

(a) Wherever heat treatment of any loose gear is recommended by the manufacturer, it shall be carried out in accordance with the specifications of the manufacturer.

§ 1505.81 Examination of bulk cargo loading or discharging spouts or suckers.

(a) Those portions of bulk cargo loading or discharging spouts or suckers which extend over vessels, together with any portable extensions, rigging components, outriggers, and attachment points, supporting them or any of their components vertically, shall be examined annually. The examination shall be carried out with particular attention to the condition of wire rope and accessories. The equipment shall not be considered satisfactory unless, in the opinion of the accredited person or his authorized representative, it is deemed fit to serve its intended function.

§ 1505.90 Documentation.

(a) Documents issued respecting a certification function by an accredited person shall have been approved for such use by the Director of the Bureau of Labor Standards and shall so state.

(b) Such documents shall be issued by the accredited person to the owners of affected equipment, attesting to satisfactory compliance with applicable requirements. The forms used shall contain the following information:

(1) Unit proof tests where required—

(i) Identification of crane or derrick including manufacturer, model number, serial number, and ownership.

(ii) Basis for assignment of safe working load ratings, with the ratings assigned (i.e., whether based on manufacturer's ratings, whether for any specific service, etc.).

(iii) Proof test details noting radii and proof loads, how applied, and, where applicable, direction relative to mounting.

(iv) A statement that the test and associated examination were conducted and all applicable requirements of this subpart are met.

(v) Any necessary remarks or supplementary data, including limitations imposed and the reason therefore.

(vi) Name of accredited person and identification of authorized representative actually conducting test and/or examination.

(vii) Authorized signature of accredited person, date and place of test and/or examination.

(2) Annual examination of cranes or derricks—

(i) Information specified in subparagraph (1) (i), (v), (vi), and (vii) of this paragraph.

(ii) A statement that the required examination has been carried out and that, in the opinion of the accredited person or his authorized representative, the equipment has been found in compliance in all applicable respects with the requirements of this subpart.

(3) Annual examination of bulk cargo loading or discharging spouts or suckers—

(i) Specific identification of equipment.

(ii) A statement that examination has been completed and that, in the opinion of the accredited person or his authorized representative, the equipment meets the criteria of § 1505.52(a).

(iii) Information specified in subparagraph (1) (v), (vi), and (vii) of this paragraph.

(c) Certificates relating to wire rope, whether tested by or under the supervision of the accredited person or by its manufacturer, and whether or not issued on the basis of the manufacturer's certificates, shall follow the general format of sample Form 5, contained in the booklet edition of this Part 1505.

(d) Accredited persons shall advise owners of affected equipment of the necessity for maintaining required documentation or acceptable copies thereof available for inspection at or near the worksite of the equipment involved.

(1) Where initial and periodic tests as well as annual examinations are required, documentation available for inspection shall include the latest unit test certificate and any subsequent annual examination certificates, together with wire rope test certificates relating to any replacements since the last unit test or annual examination.

(2) Where only annual examination is required, documentation available for inspection shall include the latest annual examination certificate and wire rope test certificates relating to any wire replaced since the last annual examination.

(3) In the event that heat treatment of any loose gear is recommended by its manufacturer, the latest heat treatment certificate, attesting to compliance with the manufacturer's specifications, shall be part of the available documentation.

(e) No certification shall be issued until any deficiencies considered by the accredited person to constitute a currently unsatisfactory condition have been corrected. Replacement parts shall be of equal or better quality as original equipment and suitable for the purpose. In the event deficiencies remain uncorrected and no certification therefore is issued, the accredited person shall inform of the circumstances the nearest district office of the Bureau.

(Sec. 41, 44 Stat. 1444, as amended; 33 U.S.C. 941)

Signed at Washington, D.C., this 29th day of July 1968.

WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 68-9257; Filed, Aug. 5, 1968; 8:45 a.m.]

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LOGY & ECONOMICS

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FEDERAL REGISTER

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Defense Department
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Federal Aviation Administration
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Federal Maritime Commission
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The *Weekly Compilation of Presidential Documents* began with the issue dated Monday, August 2, 1965. It contains transcripts of the President's news conferences, messages to Congress, public speeches, remarks and statements, and other Presidential material released by the White House up to 5 p.m. of each Friday.

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1969 COUNTY ACREAGE ALLOTMENTS

Correction

In F.R. Doc. 68–8699 appearing at page 10627 of the issue for Friday, July 26, 1968, in § 728.357 under the center heading "Ohio", the figure in the "County reserve for appeals and corrections" column opposite "Medina" county should read "50".

Title 12—BANKS AND BANKING

Chapter III—Federal Deposit Insurance Corporation

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 329—PAYMENT OF INTEREST ON DEPOSITS

Computation of Interest

§ 329.101 Payment of interest on basis that 360 days equals 1 year.

(a) The question has arisen whether an insured nonmember bank may pay interest on 1-year deposits on the basis that 360 days entitles a depositor to a full year's interest and add interest at the maximum permissible rate on the type of deposit in question for the remaining days (5 or 6) of the calendar year. Under such a practice, the depositor would, in effect, receive 370 days of interest on the deposit in 1 year.

(b) The Board of Directors considers that practices of this type violate Part 329 of the rules and regulations of the Federal Deposit Insurance Corporation. Such regulation does not authorize a bank to use "grace periods" in computing interest on time deposits at the maximum permissible rate. In other words, the terms of Part 329 are not designed to permit a bank to pay interest at the maximum rate for more days than funds are on deposit.

(c) Nevertheless, the Board of Directors has concluded that no useful purpose would be served by preventing banks from computing interest, as a matter of mathematical simplicity, on the basis that 30 days equals 1 month or one-twelfth of a year, 90 days equals 3 months or one-quarter of a year, 180 days equals 6 months or one-half of a year, or even that 360 days equals 1 year. Although it is recognized that a bank which computes interest on such a basis will be paying interest at an effective annual rate of interest slightly in excess of the applicable maximum simple interest rate compounded continuously for the number of days the funds are on deposit, the Corporation will disregard this insignificant violation of its regulation.

(d) However, a bank that does compute interest on the basis of 360 days equals 1 year, or the like, may not add any interest computed on a daily basis. The mathematical simplicity argument supporting disregard of the violation that arises from the 360-days-equals-1-year basis falls with respect to such a bank.

(e) The Board of Directors also considers that it would be inappropriate for a bank to advertise an effective annual rate of interest on deposits in excess of the rate that results from computing interest at the maximum permissible simple interest rate on the type of deposit involved, compounded continuously for a full year. This means, for example, that an insured nonmember bank may not advertise an effective annual rate of interest in excess of 5.13 percent on a 5 percent multiple maturity time deposit.

(12 U.S.C. 1819. Interprets and applies 12 U.S.C. 1828)

Dated at Washington, D.C. the 1st day of August 1968.

By order of the Board of Directors.

[SEAL] E. F. DOWNEY, *Secretary.*

[F.R. Doc. 68–9401; Filed, Aug. 6, 1968; 8:47 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 4, Amdt. 1]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Repayment of Subordinated Debentures

Section 107.1001 of Part 107 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by revoking paragraph (h) thereof.

Effective date: August 1, 1968.

HOWARD J. SAMUELS, *Administrator.*

[F.R. Doc. 68–9493; Filed, Aug. 6, 1968; 8:50 a.m.]

[Rev. 3, Amdt. 1]

PART 108—LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Miscellaneous Amendments

Part 108 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended as follows:

1. By revoking subdivision (i) of subparagraph (2) of paragraph (e) of § 108.501–1 thereof.

2. By revoking subparagraph (5) of paragraph (b) of § 108.502–1 thereof.

Effective date: August 1, 1968.

HOWARD J. SAMUELS, *Administrator.*

[F.R. Doc. 68–9492; Filed, Aug. 6, 1968; 8:50 a.m.]

[Rev. 3, Amdt. 4]

PART 120—LOAN POLICY

Business Loans and Guarantees

Section 120.2 of Part 120 of Title 13 of the Code of Federal Regulations is hereby amended by repealing and thereby eliminating subparagraph (7) of paragraph (d) thereof.

Effective date: August 1, 1968.

HOWARD J. SAMUELS, *Administrator.*

[F.R. Doc. 68–9375; Filed, Aug. 6, 1968; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 68–CE–45]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 7883 of the FEDERAL REGISTER dated May 30, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Kirksville, Mo.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendments.

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 G.m.t., October 17, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on July 22, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

(1) In § 71.171 (33 F.R. 2058), the following control zone is amended to read:

KIRKSVILLE, Mo.

Within a 5-mile radius of Clarence Cannon Memorial Airport (latitude 40°05'45" N., longitude 92°32'50" W.).

(2) In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

KIRKSVILLE, Mo.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Kirksville, Mo., VORTAC 316° radial, extending from the arc of a 5-mile radius circle centered on the Clarence Cannon Memorial Airport (latitude 40°05'45" N., longitude 92°32'50" W.), to 8 miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of Kirksville VORTAC.

[F.R. Doc. 68-9384; Filed, Aug. 6, 1968; 8:46 a.m.]

[Airspace Docket No. 68-EA-53]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 8508 of the FEDERAL REGISTER for June 8, 1968, the Federal Aviation Administration published a proposed regulation which would alter the Teterboro, N.J. Control Zone and 700 foot floor New York, N.Y. Transition Area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., September 19, 1968.

(Sec. 307 (a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on July 22, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Teterboro, N.J., control zone description by adding "and within 2 miles each side of the La Guardia VOR 295° radial extending northwest from the Teterboro, N.J., 5-mile radius zone to 17.5 miles northwest of the La Guardia VOR."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the New York, N.Y., 700-foot transition area as follows: In the description, delete "to latitude 40°57'00" N., longitude 74°28'30" W.; to latitude 41°11'00" N., longitude 74°09'00" W.;" and insert the following in lieu thereof, "to latitude 40°55'00" N., longitude 74°31'00" W.; to latitude 40°57'00" N., longitude 74°33'00" W.; to latitude 41°03'00" N., longitude 74°27'00" W.; to latitude 41°02'30" N., longitude 74°21'00" W.; to latitude 41°11'00" N., longitude 74°09'00" W.;"

[F.R. Doc. 68-9385; Filed, Aug. 6, 1968; 8:46 a.m.]

[Airspace Docket No. 68-EA-47]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 8509 of the FEDERAL REGISTER for June 8, 1968, the Federal Aviation Administration published a proposed regulation which would alter the Geneva, Ohio, 700-foot transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., September 19, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on July 22, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Geneva, Ohio, transition area by deleting the last sentence.

[F.R. Doc. 68-9386; Filed, Aug. 6, 1968; 8:46 a.m.]

[Airspace Docket No. 68-EA-49]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 8509 of the FEDERAL REGISTER for June 8, 1968, the Federal Aviation Administration published a proposed regulation which would alter the 700 foot floor Lima, Ohio, transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., September 19, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on July 22, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the 700-foot floor Lima, Ohio, transition area as follows: In the description of the 700-foot floor transition area, after the words "east of the VOR" insert the following "; within a 5-mile radius of the center 40°45'45" N., 84°10'35" W., of Lima Airport, Lima, Ohio; and within 2 miles each side of a 274° bearing from the Lima, Ohio, RBN (40°45'41" N., 84°10'46" W.) extending from the 5-mile radius area to 8 miles west of the RBN."

[F.R. Doc. 68-9387; Filed, Aug. 6, 1968; 8:46 a.m.]

[Airspace Docket No. 68-EA-54]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 8509 of the FEDERAL REGISTER for June 8, 1968, the Federal Aviation Administration published a proposed regulation which would alter the Middletown, N.Y., transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

Mr. Robert H. Duwel, Airport Director of the Orange County Airport commented that a study was underway to determine the feasibility of a direct instrument approach to Orange County Airport. He was of the opinion that the proposed alteration would have a direct bearing on such study. However, the proposal merely extends the daily duration of the transition area from part time to a full time basis to cover the authorized night approaches to Randall Airport, Middletown, N.Y. The dimensions of the area would not be altered. Thus, the present overriding issue is protection of the night use of the instrument approaches to Randall Airport.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., September 19, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on July 22, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Middletown, N.Y., transition area by deleting the last sentence.

[F.R. Doc. 68-9388; Filed, Aug. 6, 1968; 8:46 a.m.]

[Airspace Docket No. 68-CE-44]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 7883 of the FEDERAL REGISTER dated May 30, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Mexico, Mo.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change:

The coordinates recited in the Mexico, Mo., Memorial Airport transition area designation as "latitude 39°09'15" N., longitude 91°49'15" W." are changed to read "latitude 39°09'35" N., longitude 91°49'25" W.".

This amendment shall be effective 0901 G.m.t., October 17, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on July 22, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.81 (33 F.R. 2137), the following transition area is added:

MEXICO, Mo.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Mexico Memorial Airport (latitude 39°-09'35" N., longitude 91°49'25" W.); and that airspace extending upward from 1,200 feet above the surface northeast of the Hallsville, Mo., VORTAC within a 34-mile radius circle centered on the Hallsville VORTAC, extending from the southeast edge of V-63 clockwise to the north edge of V-4.

[F.R. Doc. 68-9389; Filed, Aug. 6, 1968; 8:46 a.m.]

[Airspace Docket No. 68-EA-43]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 8510 of the FEDERAL REGISTER for June 8, 1968, the Federal Aviation Administration published a proposed regulation to designate a 700-foot-floor transition area over Tri-Cities Airport, Endicott, N.Y.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

The Owego Heat Treat Corp. of Apalachin, N.Y., by Mr. Edward L. Engelhard pointed out that a proposed microwave tower would be built at a location which placed it on the extended centerline of Runway 9 of Tri-Cities Airport. However, this type of proposed obstruction would not be a necessary consideration in the formulating of the transition area protecting the instrument approaches to the airport.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., September 19, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on July 22, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot Endicott, New York transition area described as follows:

ENDICOTT, N.Y.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 42°04'45" N., 76°05'50" W., of Tri-Cities Airport, Endicott, N.Y.; within 2 miles each side of the Binghamton, N.Y. VORTAC 340° and 160° radials, extending from the 5-mile radius area to 8 miles north of the VORTAC; within 2 miles each side of the Runway 27 centerline extended from the 5-mile radius area to 10 miles west of the end of the runway; within 2 miles each side of the Runway 9 centerline extended from the 5-mile radius area to 6 miles east of the end of the runway; within 2 miles each side of the Runway 22 centerline extended from the 5-mile radius area to 12 miles southwest of the end of the runway; and within 2 miles each side of the Runway 4 centerline extended from the 5-mile radius area to 10 miles northeast of the end of the runway, excluding the portion that coincides with the Binghamton, N.Y., transition area. This transition area shall be effective from sunrise to sunset, daily.

[F.R. Doc. 68-9390; Filed, Aug. 6, 1968; 8:46 a.m.]

[Airspace Docket No. 68-EA-51]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 8510 of the FEDERAL REGISTER for June 8, 1968, the Federal Aviation Administration published a proposed regulation which would designate a 700-foot-floor transition area over Port Meadville Airport, Meadville, Pa.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., September 19, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on July 22, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor Meadville, Pa., transition area described as follows:

MEADVILLE, PA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°37'35" N., 80°12'55" W. of Port Meadville Airport, Meadville, Pa.; within 2 miles each side of the Runway 4 centerline extended from the 5-mile radius area to 5 miles northeast of the end of the runway; within 2 miles each side of the Runway 7 centerline extended from the 5-mile radius area to 5 miles northeast of the end of the runway and within 2 miles each side of the Youngstown, Ohio, VORTAC 050° radial extending from 18 miles northeast of the Youngstown VORTAC to the Meadville, Pa., 5-mile radius area.

[F.R. Doc. 68-9391; Filed, Aug. 6, 1968; 8:47 a.m.]

[Airspace Docket 68-EA-72]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Emporia, Va., transition area.

A refinement of the coordinates of the non-Federal RBN presently a part of the description of the Emporia, Va., transition area requires that they be changed and published.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure herein are unnecessary and may be made effective in less than 30 days.

In view of the foregoing, the proposed regulation is hereby adopted effective upon publication in the FEDERAL REGISTER, as follows:

1. Amend § 71.181 so as to delete in the description of the Emporia, Va. Transition Area the coordinates 36°41'20" N., 77°29'30" W., and insert in lieu thereof 36°40'56" N., 77°29'33" W.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on July 24, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68-9428; Filed, Aug. 6, 1968; 8:49 a.m.]

[Airspace Docket No. 68-WE-50]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On June 21, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 9178) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations which would designate a transition area for Salyer Farms Airport, Corcoran, Calif.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments, suggestions, or objections. Due consideration was given to all relevant matter presented.

The California Aeronautics Division requested the cancellation of the notice of proposed rule making and, in support

of its position, submitted several matters which were considered. Relevant to the position of the California Aeronautics Division, the following analysis appears pertinent: Salyer Farms Airport, Calif., currently underlies a 1,200-foot transition area. The radio beacon is privately maintained and annually flight checked by the FAA in accordance with FAA standards. The radio beacon is not available for use to the general aviation public and is not chartered or otherwise published in aeronautical publications. (A special unpublished approach procedure has been in effect since August 2, 1962). A 700-foot transition area is proposed to provide controlled airspace protection for approaches to Salyer Farms Airport. It will have no adverse effect on other airspace users under VFR conditions, and will enhance safety under less than VFR conditions by providing controlled airspace protection for aircraft executing the private approach procedure and alerting others to avoid the area.

In consideration of the foregoing, the proposed amendment is hereby adopted without change.

Effective date: This amendment is effective 0901 G.m.t., October 17, 1968.

Issued in Los Angeles, Calif., on July 25, 1968.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (33 F.R. 2137) the following transition area is added:

SALYER FARMS, CALIF.

That airspace extending upward from 700 feet above the surface within a 3-mile radius of Salyer Farms Airport (latitude 36°05'01" N., longitude 119°32'39" W.), and within 2 miles each side of the 151° bearing from the Salyer Farms radio beacon (latitude 36°05'14" N., longitude 119°32'44" W.) extending from the 3-mile radius area to 8 miles southeast of the radio beacon; that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 151° bearing from the Salyer Farms radio beacon extending from the radio beacon to 12 miles southeast.

[F.R. Doc. 68-9430; Filed, Aug. 6, 1968; 8:49 a.m.]

[Docket No. 68-AL-16]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Soldotna, Alaska, control zone.

The Soldotna Alaska control zone is designated within a 5-mile radius of the Soldotna Airport (latitude 60°28'25" N., longitude 151°02'20" W.); within 2 miles each side of the Soldotna RBN 261° bearing, extending from the 5-mile radius zone to 8 miles west of the RBN; and within 2 miles each side of the Kenai VOR 151° radial, extending from the 5-mile radius zone to the VOR, excluding the portion within the Kenai, Alaska, control zone. This control zone is effective from 0800 to 1600 hours, local time, daily.

Official hourly and special weather observations which are a prerequisite to the continued designation of the control zone will not be available after August 1, 1968.

Therefore, it is necessary to revoke the Soldotna Control Zone on August 1, 1968. In view of the circumstances, it has been determined that issuance of Notice would be impractical and unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective August 1, 1968, as hereinafter set forth.

In § 71.171 (33 F.R. 2058) the Soldotna, Alaska, control zone is revoked.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Anchorage, Alaska, on July 25, 1968.

JOHN R. KULLMAN,
Brigadier General, U.S. Air Force, Acting Director, Alaskan Region.

[F.R. Doc. 68-9431; Filed Aug. 6, 1968; 8:50 a.m.]

[Airspace Docket No. 67-EA-113]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES

Designation of Jet Route and Controlled Airspace

On February 10, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 2856) stating that the Federal Aviation Administration was considering establishment of two new jet routes northeast of Hampton, N.Y., and realignment of J-55 between Gordonsville, Va., and Kennebunk, Maine. These actions were contingent upon appropriate frequency changes to the Hyannis, Mass., and Putnam, Conn., VOR's.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

After the appropriate change was made to the Hyannis VOR, amendments to Parts 71 and 75 of the Federal Aviation Regulations were published in the FEDERAL REGISTER (33 F.R. 6287 on April 25, 1968), to establish the two new jet routes northeast of Hampton. It was stated at that time that action to realign J-55 would be taken after the Putnam VOR frequency had been changed. The Putnam VOR frequency is now scheduled for change on August 6, 1968.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., October 17, 1968, as hereinafter set forth.

1. Section 75.100 (33 F.R. 2349) is amended as follows:

In the text of Jet Route No. 55, all after "INT of the Gordonsville 059°" is deleted, and "and Sea Isle, N.J., 257° radials; Sea Isle; INT of Sea Isle 040° and Putnam, Conn., 217° radials; Putnam; Kennebunk, Maine; Bangor, Maine; Presque Isle, Maine; to Mont Joli, Quebec, Canada, excluding the portion within Canada." is substituted therefor.

2. Section 71.161 (33 F.R. 2050) is amended by adding the following:

Jet Route No. 55 from Sea Isle, N.J., to Putnam, Conn.

(Sec. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348; E.O. 10854; 24 F.R. 9575)

Issued in Washington, D.C., on August 1, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-9429; Filed, Aug. 6, 1968; 8:49 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-8363]

PART 241—INTERPRETATIVE RELEASES RELATING TO SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Notice to Brokers and Dealers Concerning Prompt Consummation of Securities Transactions

The Securities and Exchange Commission today again expressed its concern regarding problems certain broker-dealers are experiencing in carrying out their responsibilities to customers to deliver securities and money promptly and in maintaining accurate and current records of their transactions.

While the Commission is aware of the many steps being taken by the industry to cope with the delays caused by the large increase in trading volume, it cautions broker-dealers that it is a violation of the antifraud provisions of the Federal securities laws, and particularly section 10(b) of the Securities Exchange Act of 1934 and rule 10b-5 (17 CFR 240.10b-5) thereunder, for a dealer, as principal for his own account, to sell a security to a customer, or for a broker to buy a security as agent for a customer, or to induce the purchase of a security by a customer, if the broker-dealer has reason to believe that he will not be able to deliver the security to the customer promptly. This is consistent with the Commission's long standing position taken in Commission decisions and discussed in Securities Exchange Act Release No. 6778, dated April 16, 1962 (27 F.R. 3991), that a broker-dealer impliedly represents that he will deal fairly with the public and that this representation includes the implied representation that the transaction will be consummated promptly, which includes prompt delivery to the customer.

Thus, for example, it would be inconsistent with applicable requirements for a broker-dealer to sell a security as principal for his own account, or to purchase it as broker for any other person, if the broker-dealer knows, or has reason to believe, that it is difficult to obtain delivery with respect to a particular security because of delays in transfer or because, in order to obtain the security either for his own account or for the customer, it will be necessary to purchase the security from another broker-dealer whose deliveries to him have not been prompt in accordance with traditional customs and usage of the trade.

The Commission also warns broker-dealers that it is a violation of applicable antifraud provisions for a broker-dealer to accept or execute any order for the purchase or sale of a security or to induce or attempt to induce such purchase or sale, if he does not have the personnel and facilities to enable him to promptly execute and consummate all of his securities transactions.

Broker-dealers who are unable to consummate all their securities transactions promptly in accordance with traditional customs and usage of the trade, or who are encountering any delays because of back-office problems of any kind, are compounding their difficulties and increasing the likelihood of disciplinary action being taken against them if during any such period they advertise, employ additional salesmen, or take any other action designed to expand the volume of their business. In these cases they should first take the steps necessary to eliminate any backlog which currently exists in the back-office with respect to maintenance of books and records, prompt delivery of securities, prompt payment for securities sold for customers, and also eliminate open or unresolved items such as "DK's", and any other problems which impede their compliance with all applicable securities regulations.

Also, it may be appropriate in many cases, for a broker, before he accepts an order to sell a security for a customer, to make sure either that the security is carried long in the account which the broker maintains for the customer, or to require the customer to deliver the certificate in deliverable form to the broker before the order is executed.

Brokers and dealers should be fully aware that the Commission has taken and will continue to take prompt enforcement action against individual firms and persons where applicable rules are violated.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

JULY 29, 1968.

[F.R. Doc. 68-9376; Filed, Aug. 6, 1968; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

MISCELLANEOUS AMENDMENTS TO TITLE

Title 24 is amended as follows:

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

PART 5—RENT SUPPLEMENT PAYMENTS

In § 5.15 paragraph (a) is amended to read as follows:

§ 5.15 Eligible housing owner.

(a) To be eligible to receive rent supplement payments, the owner of the multifamily project shall be a nonprofit, limited distribution, or cooperative mortgagor. The project shall be financed in one of the following ways:

(1) By a mortgage bearing interest at the market rate prescribed in § 221.518 (a) of this title and insured under section 221(d)(3) of the National Housing Act. Such mortgage shall be insured pursuant to an insurance commitment issued after August 10, 1965.

(2) By a state or local program providing assistance through loans, loan insurance, or tax abatements, if the project is approved by the Commissioner for receiving rent supplement payments and such approval is given prior to the completion of the construction or rehabilitation.

* * * * * *

In § 5.20 paragraph (a)(1) is amended to read as follows:

§ 5.20 Qualified tenant.

(a) * * *

(1) Have an annual income below the maximum amount established by the Secretary, which amount shall not be higher than can be established in the area where the property is located for occupancy in a low-rent public housing project assisted under the United States Housing Act of 1937. In computing a tenant's income for the purpose of this section, $300 shall be deducted for each minor person who is a member of the immediate family of the tenant and residing with the tenant and any earnings of such minor shall not be included in computing the tenant's income.

* * * * * *

In § 5.45 paragraph (b) is amended to read as follows:

§ 5.45 Maximum payments under contract for each tenant.

* * * * * *

(b) In computing tenant's income for the purpose of this section, the following deductions shall be taken into consideration:

(1) $300 shall be deducted for each minor person who is a member of the immediate family of the tenant and residing with the tenant and any earnings of such minor shall not be included in computing the tenant's income.

(2) The Commissioner may allow special deductions to take into account expenses incurred as a result as a result of physical disability or continuing illness, the cost of necessary child care while a wage earner of the household is at work and such other deductions as the Secretary considers appropriate.

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER B—PROPERTY IMPROVEMENT LOANS

PART 201—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

In § 201.2 paragraph (d)(2) is amended to read as follows:

§ 201.2 Eligible notes.

* * * * *

(d) *Maturity.* * * *

(2) *Maximum.* The maximum permissible maturity of a note evidencing:

(i) A Class 1(a), 1(b), or 2(a) loan is 7 years and 32 days from the date of the note.

(ii) A Class 2(b) loan is 7 years and 32 days from the date of the note, except that if a Class 2(b) loan is secured by a first mortgage, first deed of trust, or other security instrument constituting a first lien upon the improved property, the loan may have a final maturity not in excess of 15 years and 32 days from the date of the note.

(iii) A combination of any of the above classes of loans shall be no greater than the maximum maturity governing that component part of the loan having the shortest maturity if made alone.

* * * * *

In § 201.3 paragraphs (a) and (c) are amended to read as follows:

§ 201.3 Maximum amount of loans.

(a) *Class 1(a) loan.* A Class 1(a) loan shall not involve a principal amount, exclusive of financing charges, in excess of $5,000.

* * * * * *

(c) *Class 2 loans.* A Class 2 loan shall not involve a principal amount, exclusive of financing charges, in excess of $5,000.

* * * * * *

In § 201.4 paragraphs (a)(1), (a)(2) and (d) are amended to read as follows:

§ 201.4 Financing charges.

(a) *Maximum charge.* * * *

(1) Class 1 and Class 2 loans, having a principal amount, exclusive of financing charges, not in excess of $2,500 and having a maturity not in excess of 7 years and 32 days, may have a financing charge not in excess of an amount equivalent to $5.50 discount per $100 original face amount of a 1 year note, to be paid in equal monthly installments, calculated from the date of the note.

(2) Class 1 and Class 2 loans, having a principal amount, exclusive of financing charges, in excess of $2,500 and a

maturity not in excess of 7 years and 32 days, may have a financing charge equivalent to the total of (i) an amount, with respect to so much of the net loan proceeds as does not exceed $2,500, equivalent to $5.50 discount per $100 original face amount of a 1 year note payable in equal monthly installments, plus (ii) an amount, with respect to any portion of the net loan proceeds in excess of $2,500, equivalent to $4.50 discount per $100 original face amount of a 1 year note to be paid in equal monthly installments, calculated from the date of the note.

* * * * *

(d) *Repayment rebate.* If a note is paid in full prior to maturity, the insured shall rebate the full unearned charge, except that where the law of the jurisdiction permits an acquisition or minimum retained charge, such charge may be deducted from the rebate. An insured is not required to make rebates of less than $1 except upon application of the borrower.

In § 201.8 paragraph (a) (1) is amended to read as follows:

§ 201.8 Dealer investigation, approval and control.

(a) * * *

(1) Have approved as dealer an applicant who the insured considers to be reliable, financially responsible and qualified to perform satisfactorily the work to be financed, and to extend proper services to the customer. This approval shall be evidenced by an application, on a form approved by the Commissioner, dated and signed by the insured to signify such approval. The insured shall maintain a file for each dealer in which shall be included the dealer application, as approved by the insured, with the credit reports and any other information obtained to support the dealer's application. Records of inspections of the dealer's work and memoranda relating to the insured's experience with loans originated by the dealer shall also be maintained in the dealer file. Except where the dealer engages exclusively in the sale of materials, the insured shall make an inspection of the work performed by the dealer and shall interview the borrower. These inspections and interviews shall be conducted in connection with the first contract performed by the dealer and with respect to not less than one out of every five contracts of the dealer involving net proceeds in excess of $3,500.

* * * * *

In § 201.13 paragraph (a) is amended to read as follows:

§ 201.13 Insurance charge.

(a) *Rate.* The insured shall pay to the Commissioner on loans made or refinanced on or after August 1, 1968, an insurance charge equal to fifty one-hundredths (0.50) of 1 percent per annum of the net proceeds of any eligible loan reported and acknowledged for insurance. In computing the insurance charge, no charge shall be made for the fractional period of a month of 14 days or less, and a charge for a full month shall be made for the fractional period of a month of more than 14 days.

* * * * *

(Sec. 2, 48 Stat. 1246, as amended; 12 U.S.C. 1703)

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

In Part 203 in the Table of Contents §§ 203.497, 203.498 together with the center heading preceding such section are deleted, the headings of §§ 203.249 and 203.499 are amended; and new §§ 203.43a and 203.426 are added as follows:

Sec.
203.43a Eligibility of mortgages covering housing in certain neighborhoods.
203.249 Effect of amendments.
203.426 Inapplicability to housing in declining urban areas.
203.499 Effect of amendments.

Subpart A—Eligibility Requirements

In § 203.18 paragraph (d) (1) is amended to read as follows:

§ 203.18 Maximum mortgage amounts.

* * * * *

(d) *Outlying area properties.* * * *

(1) $13,500;

* * * * *

In § 203.28 paragraph (c) is amended to read as follows:

§ 203.28 Economic soundness of project.

* * * * *

(c) To a mortgage of the character described in § 203.43a.

* * * * *

Section 203.43 is amended by adding a new paragraph (k) to read as follows:

§ 203.43 Eligibility of miscellaneous type mortgages.

* * * * *

(k) The Commissioner may insure under this part, without regard to any limitation upon eligibility contained in this subpart, any mortgage assigned to him in connection with payment under a contract of mortgage insurance, or executed in connection with a sale by him of any property acquired in the settlement of an insurance claim under any section or title of the Act.

In Part 203, Subpart A a new § 203.43a is added to read as follows:

§ 203.43a Eligibility of mortgages covering housing in certain neighborhoods.

(a) A mortgage financing the repair, rehabilitation, construction, or purchase of property located in an older declining urban area shall be eligible for insurance under this subpart subject to compliance with the additional requirements of this section.

(b) The mortgage shall meet all of the requirements of this subpart, except such requirements as are judged to be not applicable on the basis of the following determinations to be made by the Commissioner:

(1) That the conditions of the area in which the property is located prevent the application of certain eligibility requirements of this subpart.

(2) That the area is reasonably viable, and there is a need in the area for adequate housing for families of low and moderate income.

(3) That the mortgage to be insured is an acceptable risk.

(c) Mortgages complying with the requirements of this section shall be insured under this subpart pursuant to section 223(e) of the National Housing Act. Such mortgages shall be insured under and be the obligation of the Special Risk Insurance Fund.

Section 203.249 is amended to read as follows:

§ 203.249 Effect of amendments.

The regulations in this subpart may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee or lender under the contract of insurance on any mortgage or loan already insured and shall not adversely affect the interests of a mortgagee or lender on any mortgage or loan to be insured on which the Commissioner has made a commitment to insure.

In § 203.287 the introductory text and paragraph (a) are amended to read as follows:

§ 203.287 Prepayments excepted from adjusted premium charge.

No adjusted premium charge shall be due or payable to the Commissioner in each of the following instances:

(a) *New insured mortgage.* Where the insured mortgage is paid in full with or from the proceeds of a loan secured by a new mortgage on the same property which is insured by the Commissioner.

* * * * *

Subpart B—Contract Rights and Obligations

Section 203.400 is amended to read as follows:

§ 203.400 Method of payment.

If the application for insurance benefits is acceptable to the Commissioner, payment of the insurance claim shall be made in cash, in debentures or in a combination of both, as determined by the Commissioner at the time of payment, except that where the mortgage is insured pursuant to section 223(e) of the Act such claim shall be paid in cash from the Special Risk Insurance Fund, unless the mortgagee files a written request with the application for payment in debentures. If such a request is made, the claim shall be paid by issuing debentures.

In Part 203, Subpart B a new § 203.426 is added to read as follows:

§ 203.426 Inapplicability to housing in older declining urban areas.

The provisions of §§ 203.420 through 203.425 shall not apply to mortgages financing housing in declining urban areas meeting the requirements of § 203.43a.

§§ 203.497, 203.498 [Deleted]

In Part 203, Subpart B §§ 203.497 and 203.498 together with the center heading preceding each such section are deleted.

Section 203.499 is amended to read as follows:

§ 203.499 Effect of amendments.

The regulations in this subpart may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee or lender under the contract of insurance on any mortgage or loan already insured and shall not adversely affect the interests of a mortgagee or lender on any mortgage or loan to be insured on which the Commissioner has made a commitment to insure.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

In Part 207 in the Table of Contents §§ 207.36b, 207.37 together with the center heading preceding such section, §§ 207.263, 207.264 together with the center heading preceding such section are deleted, the center heading preceding § 207.36a is amended to read "Extension of Time" and new §§ 207.31a, 207.249, 207.252a, 207.256b, and 207.499 are added as follows:

Sec.
207.31a Eligibility of mortgages covering housing in certain neighborhoods.
207.249 Effect of amendments.
207.252a Premiums—operating loss loans.
207.256b Modification of mortgage terms.
207.499 Effect of amendments.

Subpart A—Eligibility Requirements

Section 207.1(f) (3) is amended to read as follows:

§ 207.1 Application filing and required fees.

* * * * *

(f) *Fees on increases.* * * *

(3) *Loan to cover operating loss.* In connection with a loan to cover operating losses during the first 2 years following completion of the project, a combined application and commitment fee of $3 per thousand dollars shall be paid on the amount of the commitment issued. Such fee shall be paid within 30 days after the issuance of the commitment to insure such loan.

* * * * *

In § 207.4 paragraph (f) is amended to read as follows:

§ 207.4 Maximum mortgage amounts.

* * * * *

(f) *Loans to cover 2-year operating loss—(1) Operating loss determination.* When the Commissioner determines that an operating loss has occurred during the first 2 years following completion of the project, he may, in his discretion, accept for insurance under this part, a loan to cover such loss. For the purposes of this section, an operating loss shall occur when the Commissioner determines that the total of the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project (excluding depreciation) exceeds the project income.

(2) *Security instrument.* The loan shall be secured by an instrument in a form approved by the Commissioner for use in the jurisdiction in which the project is located.

(3) *Maximum interest rate.* The loan may bear interest at such rate as may be agreed upon by the mortgagee and the mortgagor, but in no case shall such rate exceed the rate in effect under § 207.7 on the date the commitment is issued. Interest shall be payable in monthly installments on the principal then outstanding.

(4) *Maturity.* The loan shall be limited to a term not exceeding the unexpired term of the original mortgage.

Section 207.9 is amended to read as follows:

§ 207.9 Covenant against liens.

The mortgage shall contain a covenant against the creation by the mortgagor of liens against the property superior or inferior to the lien of the mortgage except for such inferior lien as may be required in connection with the insurance of an operating loss loan or a supplementary loan.

In Part 207, Subpart A, a new § 207.31a is added to read as follows:

§ 207.31a Eligibility of mortgages covering housing in certain neighborhoods.

(a) A Mortgage financing the repair, rehabilitation or construction of property located in an older declining urban area shall be eligible for insurance under this subpart subject to compliance with the additional requirements of this section.

(b) The mortgage shall meet all of the requirements of this subpart, except such requirements (other than those relating to labor standards and prevailing wages) as are judged to be not applicable on the basis of the following determinations to be made by the Commissioner:

(1) That the conditions of the area in which the property is located prevent the application of certain eligibility requirements of this subpart.

(2) That the area is reasonably viable, and there is a need in the area for adequate housing for families of low and moderate income.

(3) That the mortgage to be insured is an acceptable risk.

(c) Mortgages complying with the requirements of this section shall be insured under this subpart pursuant to section 223(e) of the National Housing Act. Such mortgages shall be insured under and be the obligation of the Special Risk Insurance Fund.

Section 207.34 is amended to read as follows:

§ 207.34 Reinsurance of Commissioner-held mortgages.

The Commissioner may insure under this part, without regard to any limitation upon eligibility contained in this subpart, any mortgage assigned to him in connection with payment under a contract of mortgage insurance, or executed in connection with a sale by him of any property acquired under any section or title of the Act.

§§ 207.36b, 207.37 [Deleted]

In Part 207, Subpart A, the center heading preceding § 207.36a is amended to read "Extension of Time", §§ 207.36b and 207.37 together with the center heading preceding each such section are deleted.

In Part 207, Subpart A, a new § 207.249 is added to read as follows:

§ 207.249 Effect of amendments.

The regulations in this subpart may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee or lender under the contract of insurance on any mortgage or loan already insured and shall not adversely affect the interests of a mortgagee or lender on any mortgage or loan to be insured on which the Commissioner has made a commitment to insure.

Subpart B—Contract Rights and Obligations

In § 207.251, paragraph (c) is amended by adding at the end thereof a new sentence as follows:

§ 207.251 Definitions.

* * * * * *

(c) * * * In any instance where an operating loss loan is involved, the term shall include both the original mortgage and the instrument securing the operating loss loan.

* * * * * *

In Part 207, Subpart B, a new § 207.252a is added to read as follows:

§ 207.252a Premiums — operating loss loans.

(a) The mortgagee, upon the insurance endorsement of the increase loan credit instrument covering the operating loss loan, shall pay to the Commissioner a first mortgage insurance premium of one-half of 1 percent of the original amount of the loan.

(b) The provisions of paragraphs (d), (e), and (f) of § 207.252 shall apply to operating loss loans.

In § 207.255, former paragraphs (a) and (b) are combined, amended and redesignated as paragraph (a) and a new

paragraph (b) is added to read as follows:

§ 207.255 Defaults.

(a) The following shall be considered a default under the terms of a mortgage insured under this subpart:

(1) Failure of the mortgagor to make any payment due under the mortgage; or

(2) Failure to perform any other covenant under the provisions of the mortgage, if the mortgagee, because of such failure, has accelerated the debt.

(b) In the case of an operating loss loan, the failure of the mortgagor to make any payment due under such loan or under the original mortgage shall be considered a default under both the loan and original mortgage.

* * * * *

In Part 207, Subpart B, a new § 207.256b is added to read as follows:

§ 207.256b Modification of mortgage terms.

(a) The mortgagor and the mortgagee may, with the approval of the Commissioner, enter into an agreement which extends the time for curing a default under the mortgage or modifies the payment terms of the mortgage.

(b) The Commissioner's approval of the type of agreement specified in paragraph (a) of this section shall not be given unless the mortgagor agrees in writing that, during such period as payments to the mortgagee are less than the amounts required under the terms of the original mortgage, it will hold in trust for disposition as directed by the Commissioner all rents or other funds derived from the property which are not required to meet actual and necessary expenses arising in connection with the operation of such property, including amortization charges under the mortgage.

(c) The Commissioner may exempt a mortgagor from the requirement of paragraph (b) of this section in any case where the Commissioner determines that such exemption does not jeopardize the interests of the United States.

In § 207.259 paragraph (a) is amended and paragraph (e)(6) is amended by adding at the end thereof a new sentence to read as follows:

§ 207.259 Insurance benefits.

(a) *Method of payment.* Upon either an assignment of the mortgage to the Commissioner or a conveyance of the property to him in accordance with the requirements of § 207.258, payment of insurance claim shall be made in cash, in debentures, or in a combination of both, as determined by the Commissioner at the time of payment, except that where the mortgage is insured pursuant to section 223(e) of the National Housing Act such claim shall be paid in cash from the Special Risk Insurance Fund, unless the mortgagee files a written request with the application for payment in debentures. If such a request is made, the claim shall be paid by issuing debentures and by paying any balance in cash.

* * * * *

(e) *Issuance of debentures.* * * *

(6) * * * Debentures representing the portion of the claim applicable to an operating loss loan shall bear interest at the rate in effect as of the date the commitment to insure such loan was issued, or as of the date of endorsement for insurance of such loan, whichever rate is the higher, although debentures representing the portion of the claim applicable to the original mortgage may bear interest at a different rate.

§§ 207.263, 207.264 [Deleted]

In Part 207, Subpart B, §§ 207.263 and 207.264 together with the center heading preceding each section are deleted.

In Part 207, Subpart B, a new § 207.499 is added to read as follows:

§ 207.499 Effect of amendments.

The regulations in this subpart may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee or lender under the contract of insurance on any mortgage or loan already insured and shall not adversely affect the interests of a mortgagee or lender on any mortgage or loan to be insured on which the Commissioner has made a commitment to insure.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER E—COOPERATIVE HOUSING INSURANCE

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

In Part 213 in the Table of Contents the heading of § 213.6 together with the center heading preceding such section and the heading of § 213.253 are amended; §§ 213.50 and 213.350 are deleted; §§ 213.100 and 213.600 together with the center heading preceding each such section are deleted; and new §§ 213.45a, 213.249, 213.550, and 213.749 are added as follows:

ELIGIBLE MORTGAGES AND LOANS

Sec.
213.6 Mortgage and loan requirements.
213.45a Eligibility of mortgages covering housing in certain neighborhoods.
213.249 Effect of amendments.
213.253 Premiums upon initial endorsement.
213.550 Eligibility of mortgages covering housing in certain neighborhoods.
213.749 Effect of amendments.

Subpart A—Eligibility Requirements—Projects

Section 213.1(l) is amended to read as follows:

§ 213.1 Definitions.

* * * * *

(l) "Borrower" means the mortgagor of a management project which receives and becomes primarily obligated for the payment of a supplementary loan, and such project shall be one of the following types:

(1) A project covered by a mortgage insured under section 213 of the Act.

(2) A project purchased from the federal government which is covered by an uninsured mortgage representing a part of the purchase price.

* * * * *

Section 213.3(d)(3) is amended to read as follows:

§ 213.3 Fees required by Commissioner.

* * * * *

(d) *Fees on increases.* * * *

(3) *Loan to cover operating loss.* In connection with an application for a loan to cover operating losses incurred during the first 2 years following completion of the project, a combined application and commitment fee of $3 per thousand dollars shall be paid on the amount of the loan granted. Such fee shall be paid within 30 days after the issuance of the commitment to insure such loan.

* * * * *

In Part 213, Subpart A, the center heading preceding § 213.6, and the headings of § 213.6 and paragraph (d) thereof are amended to read as follows:

ELIGIBLE MORTGAGES AND LOANS

§ 213.6 Mortgage and loan requirements.

* * * * *

(d) *Operating loss loans and supplementary loans.* * * *

* * * * *

In § 213.7 paragraph (k) is amended to read as follows:

§ 213.7 Maximum insurable amounts.

* * * * *

(k) *Loans to cover 2-year operating loss*—(1) *Operating loss determination.* When the Commissioner determines that an operating loss has occurred during the first 2 years following completion of the project, he may, in his discretion, accept for insurance under this part a loan to cover such loss. For the purposes of this section, an operating loss shall occur when the Commissioner determines that the total of the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project (excluding depreciation) exceeds the project income.

(2) *Security instrument.* The loan shall be secured by an instrument in a form approved by the Commissioner for use in the jurisdiction in which the project is located.

(3) *Maximum interest rate.* The loan may bear interest at such rate as may be agreed upon by the mortgagee and the mortgagor, but in no case shall such rate exceed the rate in effect under § 213.10 on the date the commitment is issued. Interest shall be payable in monthly installments on the principal then outstanding.

(4) *Maturity.* The loan shall be limited to a term not exceeding the unexpired term of the original mortgage.

* * * * *

Section 213.8 is amended to read as follows:

§ 213.8 Amortization period.

(a) The mortgage or supplementary loan shall have a maturity and shall contain amortization provisions satisfactory to the Commissioner.

(b) Mortgage maturity shall not exceed 40 years from the date of the beginning of amortization of the mortgage. In the case of a sales project mortgage maturity shall not exceed 35 years from the date of the beginning of amortization of the mortgage.

(c) Except as provided in paragraph (d) of this section, supplementary loan maturity shall not exceed the remaining term of the mortgage covering the management project.

(d) In the case of a project covered by an uninsured mortgage dated more than 20 years prior to the date of the commitment to insure a supplementary loan, the supplementary loan may have a maturity date up to 10 years in excess of the remaining term of the uninsured mortgage, but not more than 40 years from the commencement of amortization of such uninsured mortgage, if such loan is made to finance project repairs or improvements of such magnitude that the Commissioner deems them to be a major rehabilitation or modernization of the project.

Section 213.12 is amended to read as follows:

§ 213.12 Covenant against liens.

The mortgage shall contain a covenant against the creation by the mortgagor of liens against the property superior or inferior to the lien of the mortgage except for such inferior lien as may be required in connection with the insurance of an operating loss loan or a supplementary loan.

In § 213.45 paragraph (e) is amended to read as follows:

§ 213.45 Eligibility of miscellaneous type mortgages.

* * * * *

(e) The Commissioner may insure under this part, without regard to any limitation upon eligibility contained in this subpart, any mortgage assigned to him in connection with payment under a contract of mortgage insurance, or executed in connection with a sale by him of any property acquired under any section or title of the Act.

In Part 213, Subpart A a new § 213.45a is added to read as follows:

§ 213.45a Eligibility of mortgages covering housing in certain neighborhoods.

(a) A mortgage financing the repair, rehabilitation, construction, or purchase of property located in an older declining urban area shall be eligible for insurance under this subpart subject to compliance with the additional requirements of this section.

(b) The mortgage shall meet all of the requirements of this subpart, except such requirements (other than those relating to labor standards and prevailing wages) as are judged to be not applicable on the basis of the following determinations to be made by the Commissioner:

(1) That the conditions of the area in which the property is located prevent the application of certain eligibility requirements of this subpart.

(2) That the area is reasonably viable, and there is a need in the area for adequate housing for families of lower income.

(3) That the mortgage to be insured is an acceptable risk.

(c) Mortgages complying with the requirements of this section shall be insured under this subpart pursuant to section 223(e) of the National Housing Act. Such mortgages shall be insured under and be the obligation of the Special Risk Insurance Fund.

§§ 213.50, 213.100 [Deleted]

In Part 213, Subpart A § 213.50 is deleted and § 213.100 together with the center heading preceding such section is deleted.

In Part 213, Subpart A, a new § 213.249 is added as follows:

§ 213.249 Effect of amendments.

The regulations in this subpart may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee or lender under the contract of insurance on any mortgage or loan already insured and shall not adversely affect the interests of a mortgagee or lender on any mortgage or loan to be insured on which the Commissioner has made a commitment to insure.

Subpart B—Contract Rights and Obligations—Projects

In § 213.251(a) in the listed exceptions the reference to "207.264 Effective date." is deleted and a new paragraph (e) is added to read as follows:

§ 213.251 Incorporation by reference.

* * * * *

(e) Where the provisions of this subpart are applicable to operating loss loans, the terms "mortgagor," "mortgagee" and "mortgage" shall be construed to mean "borrower," "lender" and "operating loss loan, including required security instrument," respectively.

In § 213.252 paragraph (c) is amended by adding at the end thereof a new sentence as follows:

§ 213.252 Definitions.

* * * * *

(c) * * * In any instance where an operating loss loan is involved, the term shall include both the original mortgage and the instrument securing the operating loss loan.

* * * * *

In § 213.253 the heading thereof and paragraph (d) are amended to read as follows:

§ 213.253 Premiums upon initial endorsement.

* * * * *

(d) *Operating loss loans and supplementary loans.* The provisions of paragraph (a) of this section shall apply to any operating loss loan and to any supplementary loan, except a supplementary loan to finance the acquisition of an existing community facility.

In § 213.258 paragraph (b) is amended to read as follows:

§ 213.258 Subsequent annual premiums.

* * * * *

(b) The provisions of paragraph (a) of this section shall apply to operating loss loans and to supplementary loans.

§ 213.350 [Deleted]

In Part 213, Subpart B § 213.350 is deleted.

Subpart C—Eligibility Requirements—Individual Properties Released From Project Mortgage

In Part 213, Subpart C a new § 213.550 is added to read as follows:

§ 213.550 Eligibility of mortgages covering housing in certain neighborhoods.

(a) A mortgage financing the repair, rehabilitation, construction, or purchase of property located in an older declining urban area shall be eligible for insurance under this subpart subject to compliance with the additional requirements of this section.

(b) The mortgage shall meet all of the requirements of this subpart, except such requirements as are judged to be not applicable on the basis of the following determinations to be made by the Commissioner:

(1) That the conditions of the area in which the property is located prevent the application of certain eligibility requirements of this subpart.

(2) That the area is reasonably viable, and there is a need in the area for adequate housing for families of low and moderate income.

(3) That the mortgage to be insured is an acceptable risk.

(c) Mortgages complying with the requirements of this section shall be insured under this subpart pursuant to section 223(e) of the National Housing Act. Such mortgages shall be insured under and be the obligation of the Special Risk Insurance Fund.

In Part 213, Subpart C § 213.600 together with the center heading preceding such section are deleted and a new § 213.749 is added as follows:

§ 213.749 Effect of amendments.

The regulations in this subpart may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee or lender under the contract of insurance on any mortgage or loan already insured and shall not adversely affect the interests of a mortgagee or lender on any mortgage or loan to be insured on which the Commissioner has made a commitment to insure.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

In Part 220 in the Table of Contents §§ 220.200, 220.450, 220.634, 220.700, 220.851 and 220.950 are deleted.

Subpart A—Eligibility Requirements—Homes

§ 220.1 [Amended]

In § 220.1(a) in the listed exceptions the reference to "203.249 Effective date" is deleted.

§ 220.200 [Deleted]

In Part 220, Subpart A § 220.200 is deleted.

Subpart B—Contract Rights and Obligations—Homes

§ 220.450 [Deleted]

In Part 220, Subpart B § 220.450 is deleted.

Subpart C—Eligibility Requirements—Projects

§ 220.501 [Amended]

In § 220.501(a) in the listed exceptions the reference to "207.37 Effective date" is deleted.

In § 220.507 paragraph (e) is amended to read as follows:

§ 220.507 Maximum mortgage amounts.

* * * * *

(e) *Loans to cover 2-year operating loss*—(1) *Operating loss determination.* When the Commissioner determines that an operating loss has occurred during the first 2 years following completion of the project, he may, in his discretion, accept for insurance under this part, a loan to cover such loss. For the purposes of this section, an operating loss shall occur when the Commissioner determines that the total of the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project (excluding depreciation) exceeds the project income.

(2) *Security instrument.* The loan shall be secured by an instrument in a form approved by the Commissioner for use in the jurisdiction in which the project is located.

(3) *Maximum interest rate.* The loan may bear interest at such rate as may be agreed upon by the mortgagee and the mortgagor, but in no case shall such rate exceed the rate in effect under § 207.7 of this chapter on the date the commitment is issued. Interest shall be payable in monthly installments on the principal then outstanding.

(4) *Maturity.* The loan shall be limited to a term not exceeding the unexpired term of the original mortgage.

Section 220.508 is amended by adding a new paragraph (e) to read as follows:

§ 220.508 Maximum mortgage amount—loan-to-value limitation.

* * * * *

(e) *Limitations on purchase from local public agency.* If the mortgage involves the financing of the purchase of property which has been rehabilitated by a local public agency with federal assistance pursuant to section 110(c)(8) of the Housing Act of 1949, the mortgage shall not exceed the lesser of the following amounts:

(1) 90 percent of the Commissioner's estimate of the appraised value of the property, as of the date the mortgage is accepted for insurance.

(2) 90 percent of the actual cost of acquisition, as approved by the Commissioner.

§§ 220.634, 220.770 [Deleted]

In Part 220, Subpart C §§ 220.634 and 220.700 are deleted.

Subpart D—Contract Rights and Obligations—Projects

In § 220.751(a) the reference in the listed exceptions to "207.264 Effective date" is deleted and a new reference is added to such list as follows:

§ 220.751 Incorporation by reference.

(a) * * *

Sec.
207.256b Modification of mortgage terms.

* * * * *

In § 220.753 the introductory text and paragraphs (a) and (b) are redesignated as paragraph (a) and subparagraphs (1) and (2), respectively, and a new subparagraph (3) and paragraph (b) are added to read as follows:

§ 220.753 Forbearance relief.

(a) * * *

(3) The mortgagor agrees in writing to hold in trust for disposition as directed by the Commissioner, during such period as payments to the mortgagee are less than the amounts required under the terms of the original mortgage, all rents and other funds derived from the property which are not required to meet actual and necessary expenses arising in connection with the operation of such property, including amortization charges under the mortgage.

(b) The Commissioner may exempt a mortgagor from the requirement of paragraph (a)(3) of this section in any case where the Commissioner determines that such exemption does not jeopardize the interests of the United States.

§§ 220.851, 220.950 [Deleted]

In Part 220, Subpart D, §§ 220.851 and 220.950 are deleted.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

In Part 221 in the Table of Contents new center headings are added preceding §§ 221.1, 221.60, 221.65, and 221.300; the center heading preceding § 221.564 is amended to read "Extension of Time;" §§ 221.200, 221.450, 221.575, 221.700 together with the center heading preceding such section and § 221.950 are deleted; the heading of § 221.256 is amended; the title of § 221.60 is amended; and new §§ 221.65, 221.300 through 221.330, 221.559a, 221.559b, and 221.749 are added as follows:

INSURANCE UNDER 221(d)(2)

INSURANCE UNDER 221(h)

INSURANCE UNDER 221(i)

Sec.
221.60 Eligibility requirement for low income homeowners.
221.65 Eligibility requirements for low and moderate income purchaser of family unit in condominium.
221.256 Interest rate increase and payment of mortgage insurance premiums on mortgages under §§ 221.60 and and 221.65

SPECIAL PROVISIONS APPLICABLE ONLY TO MORTGAGES INVOLVING CONDOMINIUM UNITS

221.300 Changes in plan of apartment ownership.
221.305 Condition of multifamily structure.
221.310 Assessment of taxes.
221.315 Certificate of tax assessment.
221.320 Certificate or statement of condition.
221.325 Cancellation of hazard insurance.
221.330 Waived title objections.
221.559a Eligibility of mortgages covering housing in certain neighborhoods.
221.559b Eligibility for insurance under section 221(j) of mortgage financing purchase of existing project by cooperative.
221.749 Effect of amendments.

Subpart A—Eligibility Requirements—Low Cost Homes

§ 221.1 [Amended]

In Part 221 preceding § 221.1 a new center heading is added as follows:

INSURANCE UNDER 221(d)(2)

In § 221.1(a) in the listed exceptions the reference to "203.249 Effective date" is deleted.

In § 221.10 paragraph (a) is amended to read as follows:

§ 221.10 Maximum mortgage amount—dollar limitation.

* * * * *

(a) $15,000 for a one-family residence, except that such amount may be increased to $17,500 in the case of a family with five or more persons.

* * * * *

In § 221.11 paragraph (a) is amended to read as follows:

§ 221.11 Increased mortgage amount—high cost areas.

* * * * *

(a) $17,500 for a one-family residence, except that such amount may be increased to $20,000 in the case of a family with five or more persons.

* * * * *

Section 221.12 is amended to read as follows:

§ 221.12 Eligibility limitations—two- to four-family residences.

A mortgage secured by property upon which there is located a dwelling designed principally for a two-, three-, or four-family residence shall not be eligible for insurance under this section unless one of the dwelling units is occupied by the mortgagor.

In § 221.50 the introductory text is amended to read as follows:

§ 221.50 Mortgagor's minimum investment.

At the time a mortgage is insured, the mortgagor shall have paid, in cash or its equivalent, on account of the property at least 3 percent of the Commissioner's estimate of its acquisition cost, except where the mortgagor is a displaced family. A mortgagor qualifying as a displaced family shall have paid in cash or its equivalent on account of the property, at the time the mortgage is insured, not less than:

* * * * *

In Part 221 the center heading preceding § 221.60, the heading of § 221.60, and the text of § 221.60 are amended to read as follows:

INSURANCE UNDER 221(h)

§ 221.60 Eligibility requirements for low income homeowners.

(a) *Application of subpart to section 221(h).* Except as provided in this section, all of the provisions of this subpart shall apply to the insurance of a home mortgage under section 221(h) of the National Housing Act.

(b) *Definitions.* As used in this section, the following terms shall have the meaning indicated:

(1) "Single family dwelling" includes a two family dwelling in which one of the units is occupied by the owner.

(2) "Assessment," when used in a mortgage covering a one family unit in a condominium project (except where the term refers to assessments and charges by the association of owners) means special assessments by state or local governmental agencies, districts, or other public taxing or assessing bodies.

(c) *Types of transactions.* The mortgage shall involve one of the following types of transactions:

(1) The financing of the purchase of a rehabilitated single family dwelling or a rehabilitated one family unit in a condominium project from a nonprofit mortgagor by a low income purchaser.

(2) The rehabilitation or improvement and refinancing of a single family dwelling owned and occupied by a mortgagor who has purchased the dwelling from a nonprofit organization that is engaged in purchasing, rehabilitating and selling substandard housing.

(d) *Application and commitment extension fees.* The mortgagee shall not be required to pay an application fee or a commitment extension fee, if the mortgage is financing the purchase of property from a nonprofit mortgagor that has paid the applicable fees required by § 221.506a in connection with a project mortgage covering the same property. Such fees shall be paid, where applicable, in connection with a mortgage involving the rehabilitation or improvement and refinancing of property owned by the mortgagor.

(e) *Income qualifications.* To qualify under this section, the mortgagor's income shall be approved by the Commissioner as meeting the requirements of section 221(h) of the Act.

(f) *Mortgagor's minimum investment.* At the time the mortgage is insured, the mortgagor shall have paid on account of property at the time of purchase or at the time of rehabilitation or improvement and refinancing, as applicable, not less than $200 (in cash or its equivalent) all or any part of which may be applied in payment of closing costs.

(g) *Mortgage interest rate.* (1) The mortgage shall bear interest at the rate of 3 percent per annum or 1 percent per annum, depending upon the income of the mortgagor. The 1 percent interest rate shall only be available to a mortgagor when 20 percent of his family income is insufficient to make mortgage payments of principal, interest, taxes, and insurance at a 3 percent interest rate. A mortgage bearing interest at the 1 percent rate shall provide that the interest rate will be increased to 3 percent per annum when 20 percent of the income of the mortgagor is sufficient to make mortgage payments of principal, interest, taxes and insurance at a 3 percent interest rate.

(2) In determining the mortgagor's family income, for the purpose of the 20 percent requirement specified in subparagraph (1) of this paragraph, there shall be deducted an amount equal to $300 for each person under 21 who is a member of the immediate family and living with such family; and the earnings of the person under 21 shall not be included in family income.

(h) *Interest rate increase—discontinuance of occupancy.* The mortgage shall provide that if the mortgagor does not continue to occupy the property, the interest rate shall increase to the maximum rate in effect under this subpart at the time the commitment for insurance was issued on the project mortgage (where the mortgage finances the purchase of the property from a nonprofit mortgagor) or on the individual mortgage (where the mortgage finances the rehabilitation or improvement and refinancing of property owned by the mortgagor). Such increase in interest rate shall not be required if the property is sold to one of the following purchasers:

(1) A nonprofit organization which has been engaged in purchasing and rehabilitating deteriorating and substandard housing with financing provided pursuant to section 221(h) of the National Housing Act, except that the sale must be to the same nonprofit organization from which the unit was purchased if the mortgage finances such purchase.

(2) A public housing agency under the U.S. Housing Act of 1937 having jurisdiction over the area where the dwelling is located.

(3) A low income purchaser meeting the income requirements of section 221(h) of the Act.

(i) *Mortgage requirements—purchase from nonprofit.* Where the mortgage is financing the purchase of the property from a nonprofit mortgagor, the mortgage shall comply with each of the following requirements:

(1) It shall involve a principal obligation in an amount not exceeding that portion of the unpaid balance of the project mortgage which is allocable to the dwelling being purchased.

(2) It shall be limited to a term not exceeding the term of project mortgage remaining at the time of the purchase.

(j) *Property requirements—purchase of condominium unit.* Where the property being purchased from a nonprofit mortgagor involves a one-family unit in a condominium project, the following additional requirements shall be met:

(1) *Plan of apartment ownership.* The project in which the family unit is located shall have been committed to a plan of apartment ownership by enabling deed, deed of constitution, public deed, or other recorded instrument which has been approved by the Commissioner prior to its execution, and which is certified by the mortgagee as acceptable and binding within the jurisdiction where the project is located.

(2) *Certificate by mortgagee.* The mortgagee shall certify as to each of the following:

(i) That the individual deed for the family unit to be covered by an FHA-insured mortgage complies with all legal requirements of the jurisdiction and that ownership thereunder is subject to the plan of apartment ownership.

(ii) That the mortgagor has good and marketable title to the family unit subject only to the mortgage which is a valid first lien on the property.

(iii) That the family unit is assessed and subject to assessment for taxes pertaining to the unit.

(3) *FHA controls for consumer and public interest.* The Commissioner may require the execution of a regulatory agreement which shall be made applicable to any association or cooperative of owners and to any subsequent owner of a family unit. The Commissioner may impose such additional conditions and provisions as he deems necessary for the protection of the consumer and public interest.

(4) *Project mortgage certification.* The project mortgagee shall certify that, without regard to any provisions that may be contained in the mortgage relating to prepayment, no charge is contemplated or has been collected for the prepayment in full of the project mortgage.

(5) *Mortgage covenant concerning common expenses and assessments.* The mortgage presented for insurance shall contain a covenant by the mortgagor to pay the allocated share of the common

expenses or assessments and charges by the Association of Owners as provided in the Plan of Apartment Ownership and a provision approved by the Commissioner by which the regulatory agreement is incorporated in and made a part of the mortgage.

(k) *Special requirements—rehabilitation of mortgagor's property.* Where the mortgage involves the rehabilitation or improvement and refinancing of the property owned by the mortgagor, the following requirements shall be met:

(1) The property shall involve a single-family dwelling of detached, semi-detached, or row construction.

(2) The mortgage shall not exceed $15,000 or the sum of the estimated cost of repair and rehabilitation plus the Commissioner's appraised value of the property before repair and rehabilitation, whichever is the lesser amount. Where refinancing is involved, the mortgage shall be further limited to the sum of estimated cost of any repairs and rehabilitation plus the amount determined by the Commissioner as required to refinance the existing indebtedness secured by the property.

In Part 221 a new § 221.65 is added preceded by a new center heading as follows:

INSURANCE UNDER 221(i)

§ 221.65 Eligibility requirements for low and moderate income purchaser of family unit in condominium.

(a) *Incorporation by reference.* Except as provided in this section, all of the provisions of this subpart shall apply to the insurance of a mortgage under section 221(i) of the National Housing Act covering the purchase of a family unit in a condominium by a low or moderate income mortgagor.

(b) *Purchaser qualifications.* To qualify as a mortgagor, the purchaser shall be approved by the Commissioner as having an income within the limits prescribed for occupants in projects financed with a below market interest rate mortgage insured pursuant to §§ 221.501 et seq.

(c) *Application and commitment fees.* A mortgagee shall not be required to pay an application fee or a commitment extension fee if the mortgagor is purchasing the family unit in connection with the initial conversion to condominium ownership of a project financed with a mortgage insured pursuant to §§ 221.501 et seq.

(d) *Mortgage requirements.* The mortgage shall comply with the following requirements:

(1) It shall involve a principal obligation in an amount not exceeding 97 percent of the Commissioner's appraised value of the family unit, including the mortgagor's interest in the common areas and facilities, as of the date the mortgage is accepted for insurance.

(2) It shall bear interest at the below market rate in effect under § 221.518(b) at the time of the issuance of the commitment.

(3) It shall provide for complete amortization within 40 years from the beginning of amortization or within three-quarters of the Commissioner's estimate of the economic life of the building improvements, whichever period is the lesser.

(4) It shall provide that if the mortgagor does not continue to occupy the property, the interest rate shall increase to the maximum rate in effect under this subpart at the time the commitment for insurance was issued on the project mortgage, except that the increase in interest rate shall not be applicable if the property is sold to one of the following purchasers:

(i) A nonprofit organization approved by the Commissioner.

(ii) A low or moderate income purchaser meeting the requirements of paragraph (b) of this section.

(5) It shall provide that if the annual family income of the mortgagor has increased above the limits prescribed in paragraph (b) and 20 percent of such income is sufficient to make mortgage payments of principal, interest, taxes, insurance, and mortgage insurance premiums, the interest rate shall be increased to the maximum rate permitted under this subpart at the time the commitment for insurance was issued for the insurance of the mortgage pursuant to this section. In determining the mortgagor's family income, there shall be deducted an amount equal to $300 for each minor person who is a member of the immediate family and living with such family; and the earnings of the minor person shall not be included in family income.

(e) *Family unit price.* The price, including closing costs, for which the family unit is sold to the mortgagor shall not exceed the Commissioner's appraised value.

(f) *Downpayment by mortgagor.* At the time the mortgage is insured, the mortgagor shall have paid on account of the property not less than 3 percent of the acquisition cost, in cash or its equivalent, all or part of which may be applied in payment of closing costs.

(g) *Enabling instrument.* The family unit shall have been committed to a plan of apartment ownership by enabling deed, deed of constitution, public deed or other recorded instrument which has been approved by the Commissioner prior to its execution, and which is certified by the mortgagee as acceptable and binding within the jurisdiction where the project is located.

(h) *Certificate of mortgagee.* The mortgagee shall certify as to each of the following:

(1) That the individual deed for the family unit to be covered by an FHA-insured mortgage complies with all legal requirements of the jurisdiction and that ownership thereunder is subject to the plan of apartment ownership.

(2) That the mortgagor has good marketable title to the family unit subject only to the mortgage which is a valid first lien on the property.

(3) That the family unit is assessed and subject to assessment for taxes pertaining to the unit.

(i) *Regulatory agreement and conditions.* The Commissioner may require the execution of a regulatory agreement which shall be made applicable to any association or cooperative of owners and to any subsequent owner of a family unit. The Commissioner may impose such additional conditions and provisions as he deems necessary for the protection of the consumer and public interest.

(j) *No prepayment charge.* The project mortgagee shall certify that, without regard to any provisions that may be contained in the mortgage relating to prepayment, no charge is contemplated or has been collected for the prepayment in full of the project mortgage.

(k) *Payment of common expenses.* The mortgage presented for insurance shall contain a covenant by the mortgagor to pay the allocated share of the common expenses or assessments and charges by the Association of Owners as provided in the Plan of Apartment Ownership and a provision approved by the Commissioner by which the regulatory agreement is incorporated in and made a part of the mortgage.

(l) *Definition of assessment.* As used in the mortgage, the term "assessment," except where it refers to assessments and charges by the Association of Owners, shall be defined to mean "special assessments by state or local governmental agencies, districts or other public taxing or assessing bodies."

§ 221.200 [Deleted]

In Part 221, Subpart A § 221.200 is deleted.

Subpart B—Contract Rights and Obligations—Low Cost Homes

In § 221.256 the heading thereof and paragraph (a) are amended to read as follows:

§ 221.256 Interest rate increase and payment of mortgage insurance premiums on mortgages under §§ 221.60 and 221.65.

(a) Where a mortgage meets the special requirements of § 221.60 or 221.65, the following procedures are applicable:

(1) The mortgagee shall determine, at least annually, whether the mortgagor has continued to occupy the property securing the mortgage. If the mortgagee determines that the mortgagor is not occupying the property or that the mortgagor has sold the property subject to the mortgage to a purchaser not qualifying under the provisions of § 221.60(h) or § 221.65(d)(4) (as appropriate) for the continuation of a below market interest rate, interest on such mortgage shall be computed by the mortgagee at the highest rate permissible under the mortgage. The computation at the higher rate shall be effective from the first day of the month following the month in which the right to collect interest at the increased rate first accrued, as determined by the mortgagee.

(2) The mortgagee shall determine the mortgagor's family income, at least annually, and shall increase the mortgage interest pursuant to the requirements of §§ 221.60(g) and 221.65(d)(5), as appropriate, to comply with the requirements of such sections. The computation at the higher rate shall be effective from the first day of the month following the month in which the mortgagee determines that the mortgagor's family income was increased.

* * * * *

In Part 221, Subpart B, new §§ 221.300 through 221.330 preceded by a new center heading are added as follows:

SPECIAL PROVISIONS APPLICABLE ONLY TO MORTGAGES INVOLVING CONDOMINIUM UNITS

§ 221.300 Changes in the plan of apartment ownership.

The mortgagee shall notify the Commissioner of any changes in the plan of apartment ownership and in the administration of the property. Such notification shall be given either at the time of the conveyance of the property or at the time of the assignment of the mortgage. Any changes in such plan shall require approval by the Commissioner.

§ 221.305 Condition of the multifamily structure.

(a) When a family unit is conveyed or a mortgage is assigned to the Commissioner, the family unit and the common areas and facilities (including restricted common areas and facilities) designated for the particular unit shall be undamaged by fire, earthquake, tornado, or boiler explosion, except if the property has been damaged, either of the following actions shall be taken:

(1) The property may be repaired prior to its conveyance or prior to the assignment of the mortgage to the Commissioner.

(2) With the prior approval of the Commissioner, the property may be conveyed or the mortgage assigned to the Commissioner without repairing the damage. In such instances, the Commissioner shall deduct from the insurance benefits either his estimate of the decrease in value of the family unit or the amount of any insurance recovery received by the mortgagee, whichever is the greater.

(b) If the property has been damaged by fire and such property was not covered by fire insurance at the time of the damage, the mortgagee may convey the property or assign the mortgage to the Commissioner without deduction from the insurance benefits for any loss occasioned by such fire if the following conditions are met:

(1) The property shall have been covered by fire insurance at the time the mortgage was insured.

(2) The fire insurance shall have been later cancelled or renewal shall have been refused by the insuring company.

(3) The mortgagee shall have notified the Commissioner within 30 days (or within such further time as the Commissioner may approve) of the cancellation of the fire insurance or of the refusal of the insuring company to renew the fire insurance. This notification shall have been accompanied by a certification of the mortgagee that diligent efforts were made, but it was unable to obtain fire insurance coverage at reasonably competitive rates and that it will continue its efforts to obtain adequate fire insurance coverage at competitive rates.

§ 221.310 Assessment of taxes.

When a family unit is conveyed to the Commissioner or a mortgage is assigned to the Commissioner, the unit shall be assessed and subject to assessment for taxes pertaining only to that unit.

§ 221.315 Certificate of tax assessment.

The mortgagee shall certify, as of the date of filing for record of the deed or assignment of the mortgage to the Commissioner, that the family unit is assessed and subject to assessment for taxes pertaining to that unit.

§ 221.320 Certificate or statement of condition.

(a) At the time of the assignment of the mortgage or conveyance of the property to the Commissioner, the mortgagee shall, as of the date of the filing for record of the deed or assignment, either:

(1) Certify that the conditions of § 221.305(a) have been met; or

(2) Submit a statement describing any such damage that may still exist.

(b) In the absence of evidence to the contrary, the mortgagee's certificate or its statement as to damage shall be accepted by the Commissioner as establishing the condition of the family unit and the common areas and facilities including restricted common areas and facilities designated for the particular unit.

§ 221.325 Cancellation of hazard insurance.

The provisions of § 203.382 of this chapter are incorporated by reference and shall apply to hazard insurance policies carried solely for the family unit.

§ 221.330 Waived title objections.

The Commissioner shall not object to title in connection with property involving a family unit in a condominium by reason of the following matters:

(a) Violations of a restriction based on race, color or creed, even where such restriction provides for a penalty of reversion or forfeiture of title or a lien for liquidated damage.

(b) Easements for public utilities along one or more of the property lines, provided the exercise of the rights thereunder do not interfere with any of the buildings or improvements located on the subject property.

(c) Encroachments on the subject property by improvements on adjoining property, provided such encroachments do not interfere with the use of any improvements on the subject property.

(d) Variations between the length of the subject property lines as shown on the application for insurance and as shown by the record or possession lines, provided such variations do not interfere with the use of any of the improvements on the subject property.

(e) Customary building or use restrictions for breach of which there is no reversion and which have not been violated to a material extent.

§ 221.450 [Deleted]

In Part 221, Subpart B, § 221.450 is deleted.

Subpart C—Eligibility Requirements—Moderate Income Projects

Section 221.506(c) is amended to read as follows:

§ 221.506 Fees on increases.

* * * * *

(c) *Loan to cover operating loss.* In connection with a loan to cover operating losses during the first 2 years following completion of the project, a combined application and commitment fee of $3 per thousand dollars shall be paid on the amount of the loan granted. Such fee shall be paid within 30 days after the issuance of the commitment to insure such loan.

In § 221.514 a new paragraph (a)(4) is added and paragraph (e) is amended to read as follows:

§ 221.514 Maximum mortgage amounts.

(a) *Principal obligation.* * * *

(4) *Purchase from local public agency.*

(i) In the case of a mortgage financing the purchase by a mortgagor other than a general or limited distribution mortgagor of property which has been rehabilitated by a local public agency, the Commissioner's estimate of the appraised value of the property, as of the date the mortgage is accepted for insurance.

(ii) In the case of a mortgage financing the purchase by a general or limited distribution mortgagor of property which has been rehabilitated by a local public agency, 90 percent of the Commissioner's estimate of the appraised value of the property, as of the date the mortgage is accepted for insurance.

* * * * *

(e) *Loans to cover 2-year operating loss—(1) Operating loss determination.* When the Commissioner determines that an operating loss has occurred during the first 2 years following completion of the project, he may, in his discretion, accept for insurance under this part, a loan to cover such loss. For the purposes of this section, an operating loss shall occur when the commissioner determines that the total of the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project (excluding depreciation) exceeds the project income.

(2) *Security instrument.* The loan shall be secured by an instrument in a form approved by the Commissioner for use in the jurisdiction in which the project is located.

(3) *Maximum interest rate.* The loan may bear interest at such rate as may be agreed upon by the mortgagee and mortgagor, but in no case shall such rate exceed the rate in effect under

§ 221.518(a) on the date the commitment is issued. Interest shall be payable in monthly installments on the principal then outstanding.

(4) *Maturity.* The loan shall be limited to a term not exceeding the unexpired term of the original mortgage.

Section 221.520(a) is amended to read as follows:

§ 221.520 Covenant against liens.

(a) The mortgage shall contain a covenant against the creation by the mortgagor of liens against the property superior or inferior to the lien of the mortgage except for such inferior lien as may be required in connection with the insurance of an operating loss loan or a supplementary loan.

* * * * *

In § 221.524(a)(1) a new subdivision (iii) is added to read as follows:

§ 221.524 Prepayment privileges.

(a) *Prepayment in full*—(1) *Without prior Commissioner consent.* * * *

(iii) Where the project is converted to condominium ownership or is purchased by a cooperative mortgagor, which actions are taken pursuant to section 221(i) or 221(j) of the Act.

* * * * *

Section 221.532 is amended to read as follows:

§ 221.532 Supervision applicable to limited distribution mortgagors.

(a) The provisions of § 221.531(b) (rate of return) shall apply to limited distribution mortgagors except that the amount of any allowable distribution or disbursement from surplus cash shall not exceed in any one fiscal year more than the following:

(1) *New construction.* For projects involving new construction, 6 percent of the product of 11.11 percent times the finally endorsed amount of the insured mortgage.

(2) *Rehabilitation projects.* For projects involving rehabilitation, 6 percent of the mortgagor's equity as determined by the Commissioner.

(b) The right of any allowable distribution or disbursement from surplus cash shall be cumulative.

In § 221.545 paragraph (b)(2) is amended to read as follows:

§ 221.545 Development of property.

* * * * *

(b) *Minimum number of units.* * * *

(2) A project, where the mortgagor is a rehabilitation sales mortgagor meeting the requirements of § 221.510(a)(3), shall consist of not less than four single family dwellings or four one-family units in a condominium. The single family dwellings may be detached, semidetached, or row houses. The family units shall be located in a structure or structures concerning which the mortgagor certifies that it intends, upon completion of the project, to commit the ownership of the project to a plan of apartment ownership approved by the Commissioner.

* * * * *

In § 221.546 paragraph (b) is amended to read as follows:

§ 221.546 Commercial and community facilities.

* * * * *

(b) *Urban renewal area projects.* Where the project is located in an urban renewal area, it may include such nondwelling facilities as the Commissioner determines will be desirable and consistent with the urban renewal plan and contribute to the economic feasibility of the project. Approval of such nondwelling facilities shall only be granted under the following conditions:

(1) That the project will remain predominantly residential.

(2) That the nondwelling facilities will not adversely affect the other business enterprises in the community.

(3) That the mortgagor, in a case involving a mortgage bearing interest at the special below market rate provided in § 221.518(b), agree to waive the right to receive dividends on its equity investment in the portion of the project devoted to commercial facilities.

* * * * *

In Part 221, Subpart C, new §§ 221.559a and 221.559b are added to read as follows:

§ 221.559a Eligibility of mortgages covering housing in certain neighborhoods.

(a) A mortgage financing the repair, rehabilitation, or construction of property located in an older declining urban area shall be eligible for insurance under this subpart subject to compliance with the additional requirements of this section.

(b) The mortgage shall meet all of the requirements of this subpart, except such requirements (other than those relating to labor standards and prevailing wages) as are judged to be not applicable on the basis of the following determinations to be made by the Commissioner:

(1) That the conditions of the area in which the property is located prevent the application of certain eligibility requirements of this subpart.

(2) That the area is reasonably viable, and there is a need in the area for adequate housing for families of low and moderate income.

(3) That under all of the special surrounding circumstances, the mortgage to be insured is an acceptable risk.

(c) Mortgages complying with the requirements of this section shall be insured under this subpart pursuant to section 223(e) of the National Housing Act. Such mortgages shall be insured under and be the obligation of the Special Risk Insurance Fund.

§ 221.559b Eligibility for insurance under section 221(j) of mortgage financing purchase of existing project by cooperative.

(a) A mortgage given to finance the purchase of an existing project by a cooperative mortgagor shall be eligible for insurance under this subpart, if such mortgage meets the requirements of this subpart, except as modified by this section.

(b) The project being purchased by the cooperative shall have been covered by a mortgage insured under this subsection bearing interest at the below market rate prescribed in § 221.518(b).

(c) The mortgage shall meet the following requirements:

(1) It shall involve a principal obligation (including such initial service charges, appraisal, inspection, and other fees as the Commissioner shall approve) not exceeding the lesser of the following:

(i) The Commissioner's estimated value of the property for continued use as a cooperative, which value shall be based upon a mortgage amount on which the debt service can be met from the income of the property when operated on a nonprofit basis, after payment of all operating expenses, taxes, and required reserves.

(ii) The certified cost of acquisition plus the cost of repairs, improvements, alterations, and additions, as approved by the Commissioner.

(2) It shall bear interest at the below market rate prescribed in § 221.518(b).

Section 221.561 is amended to read as follows:

§ 221.561 Reinsurance of Commissioner-held mortgages.

The Commissioner may insure under this part, without regard to any limitation upon eligibility contained in this subpart, any mortgage assigned to him in connection with payment under a contract of mortgage insurance, or executed in connection with a sale by him of any property acquired under any section or title of the Act.

§§ 221.575, 221.700 [Deleted]

In Part 221, Subpart C, the center heading preceding § 221.564 is amended to read "Extension of Time" and §§ 221.575 and 221.700, together with the center heading preceding each such section, are deleted.

In Part 221, Subpart C a new § 221.749 is added to read as follows:

§ 221.749 Effect of amendments.

The regulations in this subpart may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee or lender under the contract of insurance on any mortgage or loan already insured and shall not adversely affect the interests of a mortgagee or lender on any mortgage or loan to be insured on which the Commissioner has made a commitment to insure.

Subpart D—Contract Rights and Obligations—Moderate Income Projects

§ 221.751 [Amended]

In § 221.751(a) in the listed exceptions the reference to "207.264 Effective date" is deleted.

Section 221.760 is amended to read as follows:

§ 221.760 Adjusted premium charge.

All of the provisions of § 207.253 of this chapter shall apply to mortgages insured under this part, except that no adjusted premium charge or termination charge shall be due or payable in connection with the prepayment of a mortgage or the voluntary termination of the mortgage insurance on such mortgage where the mortgage has been finally endorsed and the special below market interest rate provided in § 221.518(b) is applicable.

§ 221.950 [Deleted]

In Part 221, Subpart D, § 221.950 is deleted.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715*l*)

SUBCHAPTER H—MORTGAGE INSURANCE FOR SERVICEMAN

PART 222—SERVICEMEN'S MORTGAGE INSURANCE

In Part 222 in the Table of Contents § 222.10 is deleted and a new § 222.50 is added as follows:

Sec.
222.50 Transfer of insurance.

Subpart A—Eligibility Requirements

§ 221.1 [Amended]

In § 222.1(a) in the listed exceptions the reference to "203.249 Effective date" is deleted.

In § 222.2 paragraph (d) is amended to read as follows:

§ 222.2 Definition of terms.

* * * * *

(d) "Period of ownership by serviceman" means that period of time during which a military service is required to pay mortgage insurance premiums to the Federal Housing Commissioner, commencing with the date the Commissioner endorses a mortgage for insurance and terminating when the Secretary furnishes the Commissioner with a certificate indicating that the military service will no longer be liable for payment of insurance premiums to the Commissioner.

§ 222.10 [Deleted]

In Part 222, Subpart A § 222.10 is deleted.

In Part 222, Subpart A, a new § 222.50 is added to read as follows:

§ 222.50 Transfer of insurance.

The insurance of a mortgage pursuant to §§ 203.1 et seq. (Part 203, Subpart A); §§ 213.501 et seq. (Part 213, Subpart C); §§ 220.1 et seq. (Part 220, Subpart A); §§ 221.1 et seq. (Part 221, Subpart A); §§ 234.1 et seq. (Part 234, Subpart A); §§ 809.1 et seq. (Part 809, Subpart A); or §§ 810.1 et seq. (Part 810, Subpart C) covering a single-family dwelling or a family unit in a condominium project may, with the approval of the Commissioner and upon request by the mortgagee, be transferred for insurance under this subpart, if the mortgage indebtedness has been assumed by a serviceman who holds a certificate of eligibility issued by the Secretary and who becomes the owner of the property and either occupies the property or certifies that his failure to do so is the result of his military assignment, or, in the case of the Coast Guard, either assignment.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 222, 68 Stat. 603; 12 U.S.C. 1715m)

SUBCHAPTER I—HOUSING FOR ELDERLY PERSONS

PART 231—HOUSING MORTGAGE INSURANCE FOR THE ELDERLY

In Part 231 in the Table of Contents the heading of § 231.7 is amended and §§ 231.100 and 231.350 are deleted as follows:

Sec.
231.7 Loans to cover two year operating loss.

Subpart A—Eligibility Requirements

§ 231.1 [Amended]

In § 231.1(a) in the listed exceptions the reference to "207.37 Effective date" is deleted.

Section 231.7 and the heading thereof are amended to read as follows:

§ 231.7 Loans to cover two year operating loss.

(a) *Operating loss determination.* When the Commissioner determines that an operating loss has occurred during the first 2 years following completion of the project, he may, in his discretion, accept for insurance under this part, a loan to cover such loss. For the purposes of this section, an operating loss shall occur when the Commissioner determines that the total of the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project (excluding depreciation) exceeds the project income.

(b) *Security instrument.* The loan shall be secured by an instrument in a form approved by the Commissioner for use in the jurisdiction in which the project is located.

(c) *Maximum interest rate.* The loan may bear interest at such rate as may be agreed upon by the mortgagee and the mortgagor, but in no case shall such rate exceed the rate in effect under § 231.2 on the date the commitment is issued. Interest shall be payable in monthly installments on the principal then outstanding.

(d) *Maturity.* The loan shall be limited to a term not exceeding the unexpired term of the original mortgage.

§ 231.100 [Deleted]

In Part 231, Subpart A § 231.100 is deleted.

Subpart B—Contract Rights and Obligations

In § 231.251 paragraph (a) is amended to read as follows:

§ 231.251 Incorporation by reference.

(a) All of the provisions of Part 207, Subpart B of this chapter covering mortgages insured under section 207 of the National Housing Act apply to mortgages insured under section 231 of such Act.

* * * * *

§ 231.450 [Deleted]

In Part 231, Subpart B § 231.450 is deleted.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 231, 73 Stat. 665; 12 U.S.C. 1715v)

SUBPART J—MORTGAGE INSURANCE FOR NURSING HOMES

PART 232—NURSING HOMES MORTGAGE INSURANCE

In Part 232 in the Table of Contents §§ 232.98 together with the center heading preceding such section, 232.100, 232.345, and 232.350 are deleted and new §§ 232.31a, 232.41a, and 232.249 are added as follows:

Sec.
232.31a Loans to cover 2 year operating loss.
232.41a Eligibility of mortgages covering housing in certain neighborhoods.
232.249 Effect of amendments.

Subpart A—Eligibility Requirements

In § 232.13 paragraph (c) is amended and a new paragraph (d) is added to read as follows:

§ 232.13 Fees on increases.

* * * * *

(c) *Loan to cover operating loss.* In connection with a loan to cover operating losses incurred during the first 2 years following completion of the project, a combined application and commitment fee of $3 per thousand dollars shall be paid on the amount of the loan granted. Such fee shall be paid within 30 days after the issuance of the commitment to insure such loan.

(d) *Reopening of expired commitment.* An expired commitment may be reopened if a request for reopening is received by the Commissioner within 90 days of the expiration of the commitment. The reopening request shall be accompanied by a fee of 50 cents per thousand dollars of the amount of the expired commitment. A commitment which has expired because of failure to pay the commitment fee may be reopened only upon payment of the commitment fee and the reopening fee. If the reopening request is not received by the Commissioner within the required 90 day period, a new application, accompanied by an application fee, must be submitted. If a commitment for an increased amount has expired because of failure to pay an additional commitment fee based on the amount of the increase, the reopening fee shall be computed on the basis of the amount of the increase rather than the amount of the original commitment.

Section 232.26 is amended to read as follows:

§ 232.26 Mortgage lien.

The mortgagor shall certify at the final endorsement of the mortgage for insurance as to each of the following:

(a) That the mortgage is a first lien upon and covers the entire project, including the equipment financed with mortgage proceeds.

(b) That the property upon which the improvements have been made or constructed, and the equipment financed with mortagage proceeds, are free and clear of all liens other than the insured mortgage and such other liens as may be approved by the Commissioner.

(c) That the certificate sets forth all unpaid obligations in connection with the mortgage transaction, the purchase of the mortgaged property, the construction or rehabilitation of the project or the purchase of the equipment financed with mortgage proceeds.

Section 232.28(b) is amended to read as follows:

§ 232.28 Payment requirements.

* * * * *

(b) *Date of first payment to principal.* The Commissioner shall estimate the date of the first payment to principal so that the lapse of time between completion of the project and commencement of amortizaton will not be longer than necessary to obtain a sustaining level of operation.

Section 232.30(b) is amended to read as follows:

§ 232.30 Maximum mortgage amounts.

* * * * *

(b) *Loan-to-value limitation.* 90 percent of the Commissioner's estimate of the value of the property or project, including equipment to be used in its operation, when the proposed improvements are completed and the equipment is installed.

§ 232.31 [Amended]

In § 232.31 the heading of paragraph (a) "(a) *High cost areas.*" and paragraph (b) are deleted.

In Part 232, Subpart A, a new § 232.31a is added to read as follows:

§ 232.31a Loans to cover two year operating loss.

(a) *Operating loss determination.* When the Commissioner determines that an operating loss has occurred during the first 2 years following completion of the project, he may, in his discretion, accept for insurance under this part, a loan to cover such loss. For the purposes of this section, an operating loss shall occur when the Commissioner determines that the total of the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project (excluding depreciation) exceeds the project income.

(b) *Security instrument.* The loan shall be secured by an instrument in a form approved by the Commissioner for use in the jurisdiction in which the project is located.

(c) *Maximum interest rate.* The loan may bear interest at such rate as may be agreed upon by the mortgagee and the mortgagor, but in no case shall such rate exceed the rate in effect under § 232.29 on the date the commitment is issued. Interest shall be payable in monthly installments on the principal then outstanding.

(d) *Maturity.* The loan shall be limited to a term not exceeding the unexpired term of the original mortgage.

In Part 232, Subpart A, a new § 232.41a is added to read as follows:

§ 232.41a Eligibility of mortgages covering housing in certain neighborhoods.

(a) A mortgage financing the repair, rehabilitation, or construction of property located in an older declining urban area shall be eligible for insurance under this subpart subject to compliance with the additional requirements of this section.

(b) The mortgage shall meet all of the requirements of this subpart, except such requirements (other than those relating to labor standards and prevailing wages) as are judged to be not applicable on the basis of the following determinations to be made by the Commissioner:

(1) That the conditions of the area in which the property is located prevent the application of certain eligibility requirements of this subpart.

(2) That the area is reasonably viable, and there is a need in the area for an adequate nursing home for persons of low and moderate income.

(3) That under all of the special surrounding circumstances, the mortgage to be insured is an acceptable risk.

(c) Mortgages complying with the requirements of this section shall be insured under this subpart pursuant to section 223(e) of the National Housing Act. Such mortgages shall be insured under and be the obligation of the Special Risk Insurance Fund.

Section 232.61(a) is amended to read as follows:

§ 232.61 Equity requirements.

(a) *Funds and finances—in general.* The mortgagor shall establish to the Commissioner's satisfaction that, in addition to the proceeds of the insured mortgage, the mortgagor has adequate funds or acceptable financing arrangements to meet the expenses of the project (including the cost of equipment and supplies not to be purchased with mortgage proceeds) for such period as the Commissioner estimates as necessary to establish a sustaining level of operation.

* * * * *

§§ 232.98, 232.100 [Deleted]

In Part 232, Subpart A § 232.98 together with the center heading preceding such section and § 232.100 are deleted.

In Part 232, Subpart A a new § 232.249 is added to read as follows:

§ 232.249 Effect of amendments.

The regulations in this subpart may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee or lender under the contract of insurance on any mortgage or loan already insured and shall not adversely affect the interests of a mortgagee or lender on any mortgage or loan to be insured on which the Commissioner has made a commitment to insure.

Subpart B—Contract Rights and Obligations

In § 232.251 paragraph (a) is amended to read as follows:

§ 232.251 Incorporation by reference.

(a) All of the provisions of Part 207, Subpart B of this chapter covering mortgages insured under section 207 of the National Housing Act apply to mortgages on nursing homes insured under section 232 of such Act.

* * * * *

§§ 232.345, 232.350 [Deleted]

In Part 232, Subpart B §§ 232.345 and 232.350 are deleted.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

SUBCHAPTER K—EXPERIMENTAL HOUSING INSURANCE

PART 233—EXPERIMENTAL HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Homes

§ 233.100 [Deleted]

In Part 233, Subpart A, § 233.100 is deleted.

Subpart B—Contract Rights and Obligations—Homes

§ 233.450 [Deleted]

In Part 233, Subpart B, § 233.450 is deleted.

Subpart C—Eligibility Requirements—Projects

§ 233.600 [Deleted]

In Part 233, Subpart C, § 233.600 is deleted.

Subpart D—Contract Rights and Obligations—Projects

In § 233.751 a new paragraph (b)(3) is added to read as follows:

§ 233.751 Incorporation by reference.

* * * * *

(b) * * *

(3) The Cooperative Management Housing Insurance Fund or the General Insurance Fund shall be construed to refer to the Special Risk Insurance Fund, where the mortgage is to be insured under section 233(a)(2) of the National Housing Act.

§ 233.850 [Deleted]

In Part 233, Subpart D, § 233.850 is deleted.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 233, 75 Stat. 158; 12 U.S.C. 1715x)

SUBCHAPTER L—CONDOMINIUM HOUSING INSURANCE

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

In Part 234 in the Table of Contents §§ 234.100 together with the center heading preceding such section, §§ 234.300, 234.700 and 234.850 are deleted and new §§ 234.68, 234.249 and 234.531 are added as follows:

Sec.
234.68 Eligibility of mortgages covering housing in certain neighborhoods.
234.249 Effect of amendments.
234.531 Loans to cover 2-year operating loss.

Subpart A—Eligibility Requirements—Individually Owned Units

In § 234.26 paragraph (a) is amended to read as follows:

§ 234.26 Conversion of project to family units.

* * * * *

(a) *Location of family unit.* In all cases (except where the family unit is located in a project involving 11 or less units), the family unit shall be located in a project which is or has been covered by a project mortgage insured by the FHA.

* * * * *

In § 234.27 paragraph (a)(2) is amended to read as follows:

§ 234.27 Maximum mortgage amounts.

(a) *Occupant mortgagors.* * * *

(2) 97 percent of the first $15,000 of the Commissioner's estimate of appraised value of the family unit, as of the date the mortgage is accepted for insurance, and 90 percent of such value in excess of $15,000 but not in excess of $20,000 and 80 percent of such value in excess of $20,000.

* * * * *

In Part 234, Subpart A, a new § 234.68 is added to read as follows:

§ 234.68 Eligibility of mortgages covering housing in certain neighborhoods.

(a) A mortgage financing the repair, rehabilitation, construction, or purchase of property located in an older declining urban area shall be eligible for insurance under this subpart subject to compliance with the additional requirements of this section.

(b) The mortgage shall meet all of the requirements of this subpart, except such requirements as are judged to be not applicable on the basis of the following determinations to be made by the Commissioner:

(1) That the conditions of the area in which the property is located prevent the application of certain eligibility requirements of this subpart.

(2) That the area is reasonably viable, and there is a need in the area for adequate housing for families of low and moderate income.

(3) That the mortgage to be insured is an acceptable risk.

(c) Mortgages complying with the requirements of this section shall be insured under this subpart pursuant to section 223(e) of the National Housing Act. Such mortgages shall be insured under and be the obligation of the Special Risk Insurance Fund.

§ 234.100 [Deleted]

In Part 234, Subpart A, § 234.100 together with the center heading preceding such section are deleted.

In Part 234, Subpart A a new § 234.249 is added to read as follows:

§ 234.249 Effect of amendments.

The regulations in this subpart may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee or lender under the contract of insurance on any mortgage or loan already insured and shall not adversely affect the interests of a mortgagee or lender on any mortgage or loan to be insured on which the Commissioner has made a commitment to insure.

Subpart B—Contract Rights and Obligations—Individually Owned Units

§ 234.300 [Deleted]

In Part 234, Subpart B § 234.300 is deleted.

Subpart C—Eligibility Requirements—Projects

§ 234.501 [Amended]

In § 234.501(a) in the listed exceptions the reference to "207.37 Effective date" is deleted. In § 234.505 paragraph (e) is amended by adding at the end thereof a new sentence as follows:

§ 234.505 Definitions.

* * * * *

(e) * * * In any instance where an operating loss loan is involved, the term shall include both the original mortgage and the instrument securing the loan.

* * * * *

In § 234.520 paragraph (c) is amended to read as follows:

§ 234.520 Eligibility of property.

* * * * *

(c) The project shall consist of not less than four dwelling units which may be detached, semidetached, or row house, or multi-family structures.

In § 234.530 paragraph (c) is revoked as follows:

§ 234.530 Increased mortgage amounts.

* * * * *

(c) [Revoked]

In Part 234, Subpart C, a new § 234.531 is added to read as follows:

§ 234.531 Loans to cover 2 year operating loss.

(a) *Operating loss determination.* When the Commissioner determines that an operating loss has occurred during the first 2 years following completion of the project, he may, in his discretion, accept for insurance under this part, a loan to cover such loss. For the purposes of this section, an operating loss shall occur when the Commissioner determines that the total of the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project (excluding depreciation) exceeds the project income.

(b) *Security instrument.* The loan shall be secured by an instrument in a form approved by the Commissioner for use in the jurisdiction in which the project is located.

(c) *Maximum interest rate.* The loan may bear interest at such rate as may be agreed upon by the mortgagee and the mortgagor, but in no case shall such rate exceed the rate in effect under § 207.7 of this chapter on the date the commitment is issued. Interest shall be payable in monthly installments on the principal then outstanding.

(d) *Maturity.* The loan shall be limited to a term not exceeding the unexpired term of the original mortgage.

§ 234.700 [Deleted]

In Part 234, Subpart C, § 234.700 is deleted.

Subpart D—Contract Rights and Obligations—Projects

In § 234.751 paragraph (a) is amended to read as follows:

§ 234.751 Incorporation by reference.

(a) All of the provisions of §§ 207.251 et seq. (Part 207, Subpart B) of this chapter covering mortgages insured under section 207 of the National Housing Act shall apply to mortgages insured under section 234(d) of such Act.

§ 234.850 [Deleted]

In Part 234, Subpart D, § 234.850 is deleted.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 234, 75 Stat. 160; 12 U.S.C. 1715y)

In Chapter II, Subchapters M, N, and O are reserved as follows:

SUBCHAPTERS M–O [RESERVED]

In Chapter II a new Subchapter O and Part 237 are added to read as follows:

SUBCHAPTER O—CREDIT ASSISTANCE

PART 237—SPECIAL MORTGAGE INSURANCE FOR LOW AND MODERATE INCOME FAMILIES

Subpart A—Eligibility Requirements

Sec.
237.1 Scope of subpart.
237.5 Incorporation by reference.
237.15 Credit requirements.
237.20 Eligible property.
237.25 Income criteria.
237.30 Maximum mortgage amount.

Subpart B—Contract Rights and Obligations—Loans for Purchase of Fee Simple Title

237.251 Incorporation by reference.

AUTHORITY: The provisions of this Part 237 issued under secs. 203, 211, 52 Stat. 10, as amended, sec. 237, 82 Stat. 476, as amended; 12 U.S.C. 1715b.

Subpart A—Eligibility Requirements

§ 237.1 Scope of subpart.

Mortgage insurance under section 237 of the National Housing Act is provided under this section for mortgages financing the purchase of a single family home by a low or moderate income family that is unable to meet the credit requirements for mortgages insured under section 203, 220, 221, or 234 of the Act, if the mortgage meets the special requirements of this subpart.

§ 237.5 Incorporation by reference.

To be eligible for insurance under this subpart, a mortgage shall meet all of the eligibility requirements for insurance under §§ 203.1 et seq. (Part 203, Subpart A) of this chapter; §§ 220.1 et seq. (Part 220, Subpart A) of this chapter; §§ 221.1 et seq. (Part 221, Subpart A) of this chapter; or §§ 234.1 et seq. (Part 234, Subpart A) of this chapter, except that the mortgage shall comply with the special requirements of this subpart.

§ 237.15 Credit requirements.

The mortgage shall be executed by a mortgagor who the Commissioner has determined would not be an acceptable credit risk for mortgage insurance purposes under one of the subparts referred to in § 237.5, but who would be a reasonably satisfactory credit risk and acceptable for insurance under this subpart. The determination of unacceptability for mortgage insurance under one of the referenced subparts shall be based on the mortgagor's credit standing, debt obligations, total annual income, or income characteristics. The determination of acceptability for mortgage insurance under this subpart shall be based on a finding by the Commissioner that the mortgagor should be able to meet his obligations under the insured mortgage if he receives budget, debt management, and related counseling.

§ 237.20 Eligible property.

The mortgage shall be given to finance the purchase of a single family dwelling or a family unit in a condominium.

§ 237.25 Income criteria.

The mortgage shall be executed by a mortgagor who meets the income criteria established by the Commissioner for low and moderate income families.

§ 237.30 Maximum mortgage amount.

The mortgage shall not exceed the smallest of the following amounts:

(a) The applicable dollar limits of the subpart under which the mortgage would otherwise be eligible for insurance.

(b) $15,000 or $17,500 in any geographical area where the Commissioner finds that cost levels so require.

(c) A principal amount which when amortized will result in monthly payments consisting of principal, interest, mortgage insurance premiums, and estimated real estate taxes, the aggregate of which will not exceed 25 percent of the mortgagor's income. For the purposes of determining such 25 percent, the mortgagor's income shall be computed either as his average monthly income during the year prior to the date of the application for mortgage insurance or as his average monthly income during the 3 years prior to such application, whichever amount is the greater.

Subpart B—Contract Rights and Obligations

§ 237.251 Incorporation by reference.

(a) Mortgages insured under section 237 of the Act shall be governed by the provisions covering contract rights and obligations, as they respectively relate to the several mortgage insurance programs set forth in § 237.3, except that the foregoing regulations concerning mutuality of an insurance fund shall not apply and the mortgage insurance shall be the obligation of the Special Risk Insurance Fund.

(b) For the purposes of this subpart, all of the references in §§ 203.251 et seq. (Part 203, Subpart B) of this chapter; §§ 220.251 et seq. (Part 220, Subpart B) of this chapter; §§ 221.251 et seq. (Part 221, Subpart B) of this chapter; or §§ 234.251 et seq. (Part 234, Subpart B) of this chapter to:

(1) Section 203, 220, 221, or 234 of the Act shall be construed to refer to section 237 of the Act.

(2) The Mutual Mortgage Insurance Fund or the General Insurance Fund shall be construed to refer to the Special Risk Insurance Fund.

In Chapter II a new Subchapter P and Part 240 are added to read as follows:

SUBCHAPTER P—PURCHASE OF FEE SIMPLE TITLE

PART 240—MORTGAGE INSURANCE ON LOANS FOR TITLE PURCHASE

Subpart A—Eligibility Requirements

Sec.
240.1 Incorporation by reference.
240.5 Maximum loan amounts.
240.10 Use of proceeds.
240.15 Nature of property.

Subpart B—Contract Rights and Obligations

240.251 Incorporation by reference.

AUTHORITY: The provisions of this Part 240 issued under sec. 211, 52 Stat. 23, as amended, sec. 240, 82 Stat. 476, as amended; 12 U.S.C. 1715b.

Subpart A—Eligibility Requirements

§ 240.1 Incorporation by reference.

(a) All of the provisions in §§ 203.50 et seq. of this chapter covering insured home improvement loans under section 203(k) of the Act shall apply to loans for the purchase of the fee simple title to property which are insured under section 240 of the Act except the following provisions:

Sec.
203.73 Maximum loan amounts.
203.82 Use of proceeds.
203.83 Nature of borrower's ownership.
203.95 Owner-occupancy in military service cases.

(b) For the purposes of this subpart, all references in §§ 203.50 et seq. of this chapter to:

(1) Section 203(k) of the Act shall be construed to refer to section 240 of the Act.

(2) Sections 203.50 et seq. of this chapter shall be construed to refer to this subpart.

§ 240.5 Maximum loan amounts.

The loan shall not exceed:

(a) The cost of purchasing the fee simple title or $10,000 per family unit, whichever is the lesser; or

(b) An amount which when added to any outstanding indebtedness related to the property, as determined by the Commissioner, creates a total outstanding indebtedness which does not exceed the limits prescribed in §§ 203.18(a)(1), 203.18(b), or 203.18(c) of this chapter, as applicable.

§ 240.10 Use of proceeds.

The proceeds of the loan shall be used only by homeowners to finance the purchase of the fee simple title to property on which their homes are located.

§ 240.15 Nature of property.

To be eligible for insurance, the loan must relate to property on which there is located a dwelling designed principally for a one-, two-, three- or four-family residence, and which prior to the purchase of the fee simple title is being leased by the borrower under a long-term ground lease.

Subpart B—Contract Rights and Obligations—Loans for Purchase of Fee Simple Title

§ 240.251 Incorporation by reference.

(a) All of the provisions of §§ 203.440 et seq. of this chapter covering insured home improvement loans under section 203(k) of the Act shall apply to loans for the purchase of the fee simple title to property which are insured under section 240 of the Act.

(b) In addition to the provisions of paragraph (a) of this section, the definitions contained in § 203.50 of this chapter shall apply to this subpart.

In Chapter II a new Subchapter Q and Part 241 are added to read as follows:

Subchapter Q—Supplemental Project Loan Insurance

PART 241—SUPPLEMENTARY FINANCING FOR FHA PROJECT MORTGAGES

Subpart A—Eligibility Requirements

Sec.
241.1 Definitions.
241.10 Application and application fee.
241.15 Commitment and commitment fee.
241.20 Inspection fee.
241.25 Fees on increases.
241.30 Refund of fees.
241.35 Charges by lender.
241.40 Eligible lenders.
241.45 Note and security form.
241.55 Method of loan payment.
241.60 Date of first payment to principal.
241.65 Maturity.
241.70 Maximum loan amount.
241.75 Maximum interest rate.
241.80 Eligibility of title.
241.85 Title evidence.
241.90 Accumulation of next premium.
241.95 Application of payments.
241.100 Prepayment privilege and charge.
241.105 Late charge.
241.110 Certificate of use for transient or hotel purposes.
241.115 Zoning, deed or building restrictions.
241.120 Covenant regarding racial restrictions.
241.125 Use of loan proceeds.
241.130 Supervision by Commissioner.
241.135 Building loan agreement.
241.140 Assurance of completion.
241.145 Labor requirements.
241.150 Discrimination prohibited.

Sec.
241.155 Cost certification requirements; loans $200,000 or less.
241.160 Cost certification requirements; loans over $200,000.
241.249 Effect of amendments.

Subpart B—Contract Rights and Obligations

241.251 Incorporation by reference.
241.260 Definitions.
241.265 Termination of insurance.
241.270 Refund upon termination of insurance.

AUTHORITY: The provisions of this Part 241 issued under sec. 211, 52 Stat. 23, as amended, sec. 241, 82 Stat. 476, as amended; 12 U.S.C. 1715b.

Subpart A—Eligibility Requirements

§ 241.1 Definitions.

As used in this subpart, the following terms shall have the meaning indicated:

(a) "Commissioner" means the Federal Housing Commissioner or his authorized representative.

(b) "Act" means the National Housing Act, as amended.

(c) "FHA" means the Federal Housing Administration.

(d) "Insured loan" means a loan which has been insured by the FHA, as evidenced by the endorsement of the credit instrument for insurance by the Commissioner.

(e) "Insurance premium" means the loan insurance premium paid by the financial institution to the Commissioner in consideration of the contract of insurance.

(f) "Loan" means an advance of funds or credit evidenced by a note, which is secured by a security instrument.

(g) "Outstanding indebtedness relating to the property" means the total outstanding amount of unsecured obligations of the borrower incurred in connection with improving, repairing or maintaining the property and outstanding mortgages or obligations constituting liens on the title to the property to be improved.

(h) "Lender" means an approved financial institution eligible for insurance under section 241 of the Act that is the holder of an insured loan or the holder of a loan presented for insurance.

(i) "Borrower" means the owner of a project covered by an insured mortgage, which owner receives and becomes primarily obligated for the payment of a supplementary loan.

§ 241.15 Commitment and commitment fee.

(a) *Commitment*—(1) *Conditions of commitment.* Upon approval of an application for insurance, a commitment shall be issued by the Commissioner setting forth the terms and conditions upon which the loan will be insured.

(2) *Types of commitments.* The commitment may provide for the insurance of advances of loan proceeds during construction or may provide for the insurance of the loan after completion of the improvements.

(3) *Term of commitment.* (i) If the commitment fee is paid as required, a commitment shall have a term which is determined as follows:

(a) A commitment to insure advances shall be effective for a period of not more than 180 days from the date of issuance.

(b) A commitment to insure upon completion shall be effective for a designated term within which the mortgagor is required to begin construction, and if construction is begun as required, the commitment shall be effective for such additional period, estimated by the Commissioner, as will allow for completion of construction.

(ii) The term of a commitment may be extended in such manner as the Commissioner may, from time to time, prescribe.

(iii) If the payment of a commitment fee is not received by the Commissioner within 30 days after the date of issuance of a commitment, the commitment shall expire on the 30th day.

(4) *Reopening of expired commitments.* An expired commitment may be reopened if a request for reopening is received by the Commissioner within 90 days of the expiration of the commitment. The reopening request shall be accompanied by a fee of 50 cents per thousand dollars of the amount of the expired commitment. A commitment which has expired because of failure to pay the commitment fee may be reopened only upon payment of the commitment fee and the reopening fee. If the reopening request is not received by the Commissioner within the required 90-day period, a new application, accompanied by an application fee, must be submitted. If a commitment for an increased amount has expired because of failure to pay an additional commitment fee based on the amount of the increase, the reopening fee shall be computed on the basis of the amount of the commitment increase rather than on the amount of the original commitment.

(b) *Commitment fee.* A commitment fee which, when added to the application fee, will aggregate $3 per thousand dollars of the face amount of the loan set forth in the commitment, shall be paid within 30 days after the date of the commitment.

§ 241.20 Inspection fee.

The commitment may provide for the payment of an inspection fee in an amount not to exceed $5 per thousand dollars of the amount of the loan set forth in the commitment. If the inspection fee is required, it shall be paid as follows:

(a) If the case involves the insurance of advances, it shall be paid at the time of initial endorsement.

(b) If the case involves insurance upon completion, it shall be paid prior to the date construction is begun.

§ 241.25 Fees on increases.

(a) *Increase in commitment prior to endorsement.* Upon an application, filed prior to initial endorsement (or prior to endorsement in a case involving insurance upon completion), for an increase in the amount of an outstanding commitment, an additional application fee of $1.50 per thousand dollars computed upon the amount of the increase requested shall accompany the application. Any increase in the amount of a commitment shall be subject to the payment of an additional commitment fee which, when added to the additional application fee, will aggregate $23 per thousand dollars of the amount of the increase. The additional commitment fee shall be paid within 30 days after the date of the issuance of the amended commitment. If the additional commitment fee is not paid within 30 days, the commitment for the increased amount will expire and the previous commitment will be reinstated. If an inspection fee was required in the original commitment, an additional inspection fee shall be paid in an amount not to exceed $5 per thousand dollars of the amount of increase in commitment. Where insurance of advances is involved, the additional inspection fee shall be paid at the time of initial endorsement. Where insurance upon completion is involved, the additional inspection fee shall be paid prior to the date construction is begun or within 30 days after the date of the issuance of the amended commitment, if construction has begun.

(b) *Increase in loan between initial and final endorsement.* Upon application, filed between initial and final endorsement, for an increase in the amount of the loan either by amendment or by substitution of a new loan, an additional application fee of $1.50 per thousand dollars computed on the amount of the increase requested shall accompany the application. The approval of any increase in the amount of the loan shall be subject to the payment of an additional commitment fee which, when added to the additional application fee, will aggregate $3 per thousand dollars of the amount of the increase granted. If an inspection fee was required in the original commitment, an additional inspection fee shall be paid in an amount not to exceed $5 per thousand dollars of the amount of the increase granted. The additional commitment and inspection fees shall be paid within 30 days after the increase is granted.

§ 241.30 Refund of fees.

If an application is rejected before it is assigned for processing, or in such other instances as the Commissioner may determine, the entire application fee or any portion thereof may be returned to the applicant. Commitment, inspection and reopening fees may be refunded, in whole or in part, if it is determined by the Commissioner that the improvements or financing of the project have been prevented because of condemnation proceedings or other type of legal action taken by a governmental body or public agency, or in such other instances as the Commissioner may determine. A transfer fee may be refunded only in such instances as the Commissioner may determine.

§ 241.35 Charges by lender.

The lender may collect from the borrower the amount of the fees provided for

in this subpart. The lender may also collect from the borrower an initial service charge in an amount not to exceed 2 percent of the original principal amount of the loan to reimburse the lender for the cost of closing the transaction. Any additional charges shall be subject to prior approval of the Commissioner.

§ 241.40 Eligible lenders.

Lenders meeting the applicable eligibility qualifications and requirements contained in §§ 203.1–203.4 or 203.6 of this chapter shall be eligible for insurance of project improvement loans under this subpart.

§ 241.45 Note and security form.

The lender shall present for insurance a note and security instrument on forms approved by the Commisisoner for use in the jurisdiction in which the property to be improved is located.

§ 241.55 Method of loan payment.

The loan shall provide for monthly payments on the first day of each month on account of interest and principal and shall provide for payments in accordance with the amortization plan as agreed upon by the borrower, the lender, and the Commissioner.

§ 241.60 Date of first payment to principal.

The Commissioner shall estimate the time necessary to complete the improvements to the project and shall establish the date of the first payment to principal.

§ 241.65 Maturity.

The loan shall have a maturity satisfactory to the Commissioner but not to exceed the remaining term of the insured mortgage.

§ 241.70 Maximum loan amount.

The principal amount of the loan shall not exceed the lesser of the following:

(a) Ninety percent of the Commissioner's estimate of the value of the improvements, additions, or equipment.

(b) An amount which, when added to any outstanding indebtedness relating to the property does not exceed the maximum mortgage amount insurable under the section or title pursuant to which the mortgage covering such project or facility is insured.

§ 241.75 Maximum interest rate.

The loan shall bear interest at the rate agreed upon by the lender and borrower, but in no case shall the interest rate exceed 6¾ percent per annum. Interest shall be payable in monthly installments on the principal then outstanding.

§ 241.80 Eligibility of title.

In order for the mortgaged property to be eligible for insurance, the Commissioner shall determine that the title to the property is vested in the borrower as of the date the security instrument is filed for record. The title evidence will be examined by the Commissioner and the endorsement of the credit instrument for insurance shall be evidence of its acceptability.

§ 241.85 Title evidence.

(a) Upon insurance of the loan, the lender shall furnish to the Commissioner a survey, satisfactory to the Commissioner, and a policy of title insurance as provided in subparagraph (1) of this paragraph. If the lender is unable to furnish such policy for reasons satisfactory to the Commissioner, the lender shall furnish such evidence of title as provided in subparagraph (2), (3), or (4) of this paragraph as the Commissioner may require. Any survey, policy of title insurance, or evidence of title required under this section shall be furnished without expense to the Commissioner. The acceptable types of title evidence are:

(1) A policy of title insurance issued by a company satisfactory to the Commissioner. Such policy shall comply with the "L.I.C. Standard Mortgage Form", or the "ATA Standard Mortgage Form", or such other form as may be approved by the Commissioner; shall name the lender and the Secretary of Housing and Urban Development, as their respective interests may appear, as the insured; and shall become an owner's policy, running to the lender as owner upon its acquisition of the property in extinguishment of the debt, and to the Secretary as owner upon his acquisition of the property pursuant to the loan insurance contract.

(2) An abstract of title satisfactory to the Commissioner, prepared by an abstract company or individual engaged in the business of preparing abstracts of title, accompanied by a legal opinion satisfactory to the Commissioner, as to the quality of such title, signed by an attorney at law experienced in the examination of titles.

(3) A Torrens or similar title certificate.

(4) Evidence of title conforming to the standards of a supervising branch of the Government of the United States of America, or of any State or territory thereof.

(b) The survey required by paragraph (a) of this section need not be furnished in connection with a project involving rehabilitation where the loan does not exceed $100,000.

§ 241.90 Accumulation of next premium.

The security instrument shall provide for payments by the borrower to the lender on each interest payment date of an amount sufficient to accumulate in the hands of the lender one payment period prior to its due date the next annual insurance premium payable by the lender to the Commissioner. Such payments shall continue only as long as the contract of insurance remains in effect.

§ 241.95 Application of payments.

(a) The security instrument shall provide that all monthly payments to be made by the borrower shall be added together and the aggregate amount shall be paid by the borrower upon each monthly payment date in a single payment. The lender shall apply the payment in the following order:

(1) Premium charges under the contract of insurance.

(2) Interest on the loan.

(3) Amortization of the principal of the loan.

(b) Any deficiency in the amount of any monthly payments required under paragraph (a) of this section shall constitute a default. The security instrument shall provide for a grace period of 30 days within which time the default must be cured.

§ 241.100 Prepayment privilege and charge.

(a) *Prepayment privilege.* (1) The security instrument shall contain the following provisions:

(i) A provision permitting prepayment of the loan in whole or in part upon any interest payment date after giving to the lender 30 days advance written notice.

(ii) A provision requiring full prepayment of the loan in the event the insured mortgage is paid in full prior to maturity, unless the borrower submits to such regulation or restriction as the Commissioner may require.

(2) If the loan exceeds $200,000, it may contain a provision for such charge in the event of prepayment of principal as may be agreed upon between the borrower and lender. The borrower shall be permitted to prepay up to 15 percent of the original principal amount of the loan in any one calendar year without any additional charge. A provision for a charge in the event of prepayment may not be included in a loan of $200,000 or less.

(b) *Prepayment under cost certification.* Any reduction in the original principal amount of the loan resulting from the cost certification requirements of § 241.155 or § 241.160 shall not be construed as a prepayment of the mortgage permitting the imposition of any penalty or charge.

§ 241.105 Late charge.

The note and security instrument may provide for the lender's collection of a late charge, not to exceed 2 cents for each dollar of each payment to interest or principal more than 15 days in arrears, to cover the expense involved in handling delinquent payments. Late charges shall be separately charged to and collected from the borrower and shall not be deducted from any aggregate monthly payment.

§ 241.110 Certificate of use for transient or hotel purposes.

(a) The borrower shall certify under oath, that so long as the loan is insured or held by the Commissioner, the borrower will not rent, permit the rental, or permit the offering for rental of the housing, or any part thereof, covered by such loan for transient or hotel purposes. For the purpose of this certificate, the term rental for transient or hotel purposes shall mean:

(1) Rental for any period less than 30 days; or

(2) Any rental which includes the provision of customary hotel services such as room service for food and beverages, maid service, furnishing and laundering of linens and bellboy service.

(b) The provisions of paragraph (a) of this section shall not apply in the following instances:

(1) In connection with a housing for the elderly project covered by a mortgage insured under the provisions of §§ 231.1 et seq. of this chapter.

(2) In connection with a nursing home covered by a mortgage insured under the provisions of §§ 232.1 et seq. of this chapter.

§ 241.115 Zoning, deed or building restrictions.

The project when improved shall not violate any material zoning or deed restrictions applicable to the project site, and shall comply with all applicable building and other governmental regulations.

§ 241.120 Covenant regarding racial restrictions.

The security instrument shall contain a covenant by the borrower that until the loan has been paid in full, or the contract of insurance otherwise terminated, the borrower will not execute or file for record any instrument which imposes a restriction upon the sale or occupancy of the mortgaged property on the basis of race, color or creed. Such covenant shall be binding upon the borrower and his assigns and shall provide that upon violation thereof, the lender may, at its option, declare the unpaid balance of the loan immediately due and payable.

§ 241.125 Use of loan proceeds.

The proceeds of the loan shall be used only to finance improvements or additions to a multifamily project or group practice facility which is subject to a mortgage insured under section 232 of title of the Act. The proceeds of a loan involving a nursing home covered by a mortgage insured under section 232 of the Act or a group practice facility covered by a mortgage insured under title XI of the Act may also be used to purchase equipment to be used in the operation of such nursing home or facility.

§ 241.130 Supervision by Commissioner.

The Commissioner may regulate and restrict the borrower as long as the Commissioner is the insurer, holder or reinsurer of the loan. Such regulation or restriction may be in the form of a regulatory agreement, corporate charter or such other means as the Commissioner approves.

§ 241.135 Building loan agreement.

When advances of loan proceeds during the construction of the improvements are to be insured, the borrower and lender shall, prior to the initial endorsement of the note for insurance, execute a building loan agreement approved by the Commissioner and setting forth the terms and conditions on which progress payments may be advanced during construction.

§ 241.140 Assurance of completion.

(a) Assurance of completion satisfactory to the Commissioner shall be furnished in an amount of at least 10 percent of the cost of the construction of the improvements to the project as estimated by the Commissioner and shall be in one of the following forms:

(1) A bond of a surety company satisfactory to the Commissioner on the standard form prescribed by the Commissioner with the borrower and lender as joint obligees.

(2) An escrow deposit with the lender or with a depository satisfactory to the lender and the Commissioner of cash or securities of, or fully guaranteed as to principal and interest by, the United States of America, under a completion assurance agreement prescribed by the Commissioner.

(b) The mortgagee may accept, in lieu of a cash deposit required by paragraph (a) of this section, an unconditional, irrevocable letter of credit issued to the mortgagee by a banking institution. In the event a demand under the letter of credit is not immediately met, the mortgagee shall forthwith provide cash equivalent to the undrawn balance thereunder.

§ 241.145 Labor requirements.

(a) *Labor standards.* Any contract or subcontract executed for the construction of improvements shall comply with all applicable provisions of the Regulations of the Secretary of Labor (29 CFR 5.1–5.12).

(b) *Ineligible contractors.* No contract shall be entered into with a general contractor or any subcontractor for the construction of improvements, if such contractor or any subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest is included on the ineligible list of contractors or subcontractors established by the Commissioner or by the Comptroller General pursuant to the Regulations of the Secretary of Labor (29 CFR 5.6(b)).

(c) *Ineligible advances.* Unless approved by the Commissioner, no advance under the loan shall be eligible for insurance after notification from the Commissioner that the general contractor or any subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest was, on the date the contract or subcontract was executed, on the ineligible list established by the Commissioner or by the Comptroller General pursuant to the provisions of the Regulations of the Secretary of Labor (29 CFR 5.6(b)).

(d) *Wage certificate.* No advance under the loan shall be eligible for insurance unless there is filed with the application for such advance a certificate as required by the Commissioner, certifying that the laborers and mechanics employed in constructing the improvements to the project involved have been paid not less than the wages prevailing in the locality in which the work was performed for the corresponding classes of laborers and mechanics employed on construction of a similar character, as determined by the Secretary of Labor prior to the beginning of construction and after the date of filing of the application for insurance.

§ 241.150 Discrimination prohibited.

Any contract or subcontract for the construction of improvements to the project shall provide that there shall be no discrimination against any employee or applicant for employment because of race, color, creed or national origin.

§ 241.155 Cost certification requirements; loans $200,000 or less.

When the principal amount of the loan is $200,000 or less, the following provisions shall apply:

(a) *Certification agreement.* The lender shall submit with the application an agreement on a form prescribed by the Commissioner and executed by the borrower and the lender, in which:

(1) The borrower agrees to execute, upon completion of the improvements, a certificate of the actual cost of the improvements.

(2) The borrower and the lender agree that if the actual cost of the improvements is less than the amount authorized in the commitment, the amount of the loan shall not exceed the applicable percentage of the actual cost of the improvements, and that the amount of the loan shall be further adjusted to the lowest $50 multiple where the amount is not in excess of $10,000, or adjusted to the lowest $100 multiple where the amount exceeds $10,000.

(b) *Certificate and adjustment.* No loan shall be insured unless:

(1) The required certification of actual cost is made by the borrower; and

(2) The amount of the loan is adjusted to reflect the actual cost of the improvements.

(c) *Cost computation.* The term "actual cost of the improvements" shall mean the borrower's cost of the improvements, after deducting the amount of any kickbacks, rebates, or trade discounts received in connection with the improvements, and including:

(1) The amounts paid under any contract for the improvements, labor and materials, and for any other items of expense approved by the Commissioner: and

(2) A reasonable allowance for contractor's profit, in an amount approved by the Commissioner, where the Commissioner determines that there is an identity of interest between the borrower and the contractor.

§ 241.160 Cost certification requirements; loans over $200,000.

When the principal amount of the loan is over $200,000, the following provisions shall apply:

(a) *Certification of cost requirements.* Prior to initial endorsement of the loan for insurance, the borrower, the lender and the Commissioner shall enter into an agreement approved by the Commissioner for the purpose of precluding any excess of loan proceeds over the actual

cost of the improvements to the project. Under this agreement, the borrower shall agree to:

(1) Disclose its relationship with the builder, including any collateral agreement, and with subcontractors, material suppliers, and equipment lessors;

(2) Enter into a construction contract, the terms of which shall depend on whether or not there exists an identity of interest between the borrower and the builder;

(3) Execute a certificate of actual costs upon completion of the improvements; and

(4) Apply any excess of loan proceeds over the borrower's actual cost of the improvements in reduction of the outstanding balance of the principal of the loan.

(b) *Form of contract.* The form of contract between the borrower and the builder shall be in accordance with the following:

(1) *Lump sum contract.* If the Commissioner determines that there is no identity of interest between the borrower or any of the officers, directors or stockholders of the borrower and the builder or contractor, there may be used a lump sum contract providing for payment of a specified amount.

(2) *Cost plus fixed fee contract.* (i) If the Commissioner determines that there is any identity of interest (financial or otherwise) between the borrower, its officers, directors or stockholders and the builder or contractor, the form of contract shall provide for payment of the actual cost of construction not to exceed an upset price and may provide for payment of a builder's fixed fee not exceeding a reasonable allowance as established by the Commissioner in accordance with customary practices in the area.

(ii) In any case where the mortgagor is a nonprofit entity, a cost plus fixed fee contract shall be used unless it is established to the Commissioner's satisfaction that such form of contract is not required to protect his interests and the interests of the mortgagor, in which case, a lump sum form of contract may be used.

(c) *Certificates as to subcontracts.* If the Commissioner determines that there is any identity of interest (financial or otherwise) between the borrower, its officers, directors or stockholders and any subcontractor, material supplier, or equipment lessor, the borrower shall certify in form prescribed by the Commissioner, prior to final endorsement of the loan for insurance, that the amounts paid to such subcontractor, material supplier, or equipment lessor, were not more than the rate prevailing in the locality for similar work, materials, and equipment.

(d) *Certificate of actual cost.* The borrower's certificate of actual cost, in form prescribed by the Commissioner, shall be submitted upon completion of the physical improvements to the satisfaction of the Commissioner and prior to final endorsement and shall show the actual cost to the borrower of:

(1) The construction contract, including all costs of construction under a lump sum contract, after deduction of any kickbacks, rebates, trade discounts, or other similar payments to the borrower corporation, or to any of its officers, directors or stockholders.

(2) Architect's fees;

(3) Off-site public utilities and streets not included in the general contract;

(4) Organizational and legal work; and

(5) Other items of expense approved by the Commissioner.

(e) *Cost plus fixed fee contract—additional certification.* When the work has been completed under a cost plus fixed fee contract, the borrower's certification shall also show:

(1) Allocations of general overhead items as are acceptable to the Commissioner; and

(2) A reasonable allowance for the builder's profit as established by the Commissioner.

(f) *Contractor's certification—cost plus fixed fee contract.* A contractor receiving a cost plus fixed fee contract shall certify in form prescribed by the Commissioner as to all actual costs paid for labor, materials, and subcontract work under the general contract. Such certification shall take into consideration any kickbacks, rebates, trade discounts, or other similar payments to the builder or borrower corporation or any of its officers, directors or stockholders.

(g) *Adjustment resulting from cost certification.* If the principal obligation of the loan exceeds the applicable percentage of the borrower's actual cost of the improvement, the loan shall be reduced by the amount of such excess prior to the final endorsement for insurance.

(h) *Certificate of public accountant.* Each certificate of actual cost shall be supported by a certificate as to accuracy by an independent Certified Public Accountant or independent public accountant which shall include a statement that the accounts, records and supporting documents have been examined in accordance with generally accepted auditing standards to the extent deemed necessary to varify the actual costs.

§ 241.249 Effect of amendments.

The regulations in this subpart may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee or lender under the contract of insurance on any mortgage or loan already insured and shall not adversely affect the interests of a mortgagee or lender on any mortgage or loan to be insured on which the Commissioner has made a commitment to insure.

Subpart B—Contract Rights and Obligations

§ 241.251 Incorporation by reference.

(a) All of the provisions of Subpart B, Part 207 of this chapter, covering mortgages insured under section 207 of the National Housing Act, apply with full force and effect to multifamily project and group practice facility mortgages insured under section 241 of the National Housing Act, except the following provisions:

Sec.
207.251 Definitions.
207.253 Adjusted premium and termination charges.
207.253a Termination of insurance contract.
207.260 Protection of mortgage security.

(b) For the purposes of this subpart, the terms "mortgagor," "mortgagee" and "mortgage," as used in Subpart B, Part 207 of this chapter shall be construed to mean "borrower," "lender" and "supplementary loan (including the security instrument)," respectively.

§ 241.260 Definitions.

All of the definitions contained in § 241.1 shall apply to this subpart. In addition, the term "contract of insurance", as used in this subpart, means the agreement evidenced by endorsement of the credit instrument by the Commissioner or his duly authorized representative, and includes the provisions of this subpart and of the National Housing Act.

§ 241.265 Termination of insurance.

(a) *Prepayment in full.* The contract of insurance shall be terminated if a supplementary loan is paid in full prior to its maturity. Notice of the prepayment shall be given to the Commissioner, on a form prescribed by the Commissioner, within 30 days from the date of the prepayment. The insurance termination shall become effective as of the date of the prepayment. No adjusted premium charge shall be due the Commissioner in connection with such prepayment.

(b) *Voluntary termination.* The contract of insurance shall be terminated upon receipt by the Commissioner of a written request, on a form prescribed by the Commissioner, by the lender and the borrower for such termination. With such request, the lender shall (1) submit the original credit instrument for cancellation of the insurance endorsement, and (2) remit all sums to which the Commissioner is entitled. The termination shall become effective as of the date these requirements are met. No termination charge shall be due the Commissioner in connection with such termination.

§ 241.270 Refund upon termination of insurance.

Upon termination of the insurance contract by payment in full or by voluntary termination, the Commissioner shall refund to the lender for the account of the borrower an amount equal to the pro rata portion of the current annual loan insurance premium theretofore paid, which is applicable to the portion of the year subsequent to (a) the date of the prepayment or (b) the effective date of the voluntary termination of the contract of insurance.

SUBCHAPTER T—MILITARY AND ARMED SERVICES HOUSING

PART 809—ARMED SERVICES HOUSING—CIVILIAN EMPLOYEES

In Part 809 in the Table of Contents § 809.50 is deleted.

Subpart A—Eligibility Requirements

§ 809.1 [Amended]

In § 809.1(a) in the listed exceptions the references to "203.43 eligibility of miscellaneous type mortgages" and "203.249 Effective date" are deleted and a new reference is added to such exceptions as follows:

Sec.
203.43a Eligibility of housing in declining urban areas.

§ 809.50 [Deleted]

In Part 809, Subpart A § 809.50 is deleted.

(Sec. 807, 69 Stat. 651; 12 U.S.C. 1748f. Interpret or apply sec. 809, 70 Stat. 273; 12 U.S.C. 1748h–1)

SUBCHAPTER T—MILITARY AND ARMED SERVICES HOUSING MORTGAGE INSURANCE

PART 810—ARMED SERVICES HOUSING—IMPACTED AREAS

In Part 810 in the Table of Contents §§ 810.100 and 810.700 are deleted and a new § 810.47 is added to read as follows:

Sec.
810.47 Loans to cover two year operating loss.

Subpart A—Eligibility Requirements—Projects

In § 810.1 paragraph (b) is amended by adding § 207.31a to the listed exceptions as follows:

§ 810.1 Incorporation by reference.

* * * * * *

(b) *Multifamily, sales or rental projects.* (1) * * *

Sec.
207.31a Eligibility of housing in declining urban areas.

* * * * * *

In Part 810 a new § 810.47 is added to read as follows:

§ 810.47 Loans to cover 2-year operating loss.

(a) *Operating loss determination.* When the Commissioner determines that an operating loss has occurred during the first 2 years following completion of the project, he may, in his discretion, accept for insurance under this part, a loan to cover such loss. For the purposes of this section, an operating loss shall occur when the Commissioner determines that the total of the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project (excluding depreciation) exceeds the project income.

(b) *Security instrument.* The loan shall be secured by an instrument in a form approved by the Commissioner for use in the jurisdiction in which the project is located.

(c) *Maximum interest rate.* The loan may bear interest at such rate as may be agreed upon by the mortgagee and mortgagor, but in no case shall such rate exceed the rate in effect under § 207.7 of this chapter on the date the commitment is issued. Interest shall be payable in monthly installments on the principal then outstanding.

(d) *Maturity.* The loan shall be limited to a term not exceeding the unexpired term of the original mortgage.

§ 810.100 [Deleted]

In Part 810, Subpart A § 810.100 is deleted.

Subpart B—Contract Rights and Obligations—Projects

§ 810.251 [Amended]

In § 810.251(a) in the listed exceptions the reference to "207.264 Effective date" is deleted.

Subpart C—Eligibility Requirements—Individual Mortgages

§ 810.501 [Amended]

In § 810.501(b) in the listed exceptions the reference to "203.249 Effective date" is deleted and a new reference is added to such exceptions as follows:

Sec.
203.43a Eligibility of housing in declining urban areas.

Subpart D—Contract Rights and Obligations—Individual Mortgages

§ 810.700 [Deleted]

In Part 810, Subpart D § 810.700 is deleted.

(Sec. 807, 69 Stat. 651; 12 U.S.C. 1748f. Interpret or apply sec. 810, 73 Stat. 683; 12 U.S.C. 1748h–2)

SUBCHAPTER V—LAND DEVELOPMENT INSURANCE

PART 1000—MORTGAGE INSURANCE FOR LAND DEVELOPMENT

In Part 1000 in the Table of Contents §§ 1000.145, 1000.147, 1000.255, and 1000.260 are deleted and a new § 1000.249 is added as follows:

Sec.
1000.249 Effect of amendments.

Subpart A—Eligibility Requirements

In § 1000.47(b) the introductory text of the paragraph is amended and a new subparagraph (3) is added to read as follows:

§ 1000.47 Mortgage amortization and maximum maturity.

* * * * *

(b) The mortgage shall have a maturity not to exceed 10 years from the date of initial endorsement or such longer maturity as the Commissioner deems reasonable in each of the following instances:

* * * * *

(3) In a case where the Commissioner determines that unusual or unforseen circumstances make such longer maturity necessary in order to avoid undue hardship to the mortgagee.

§§ 1000.145, 1000.147 [Deleted]

In Part 1000, Subpart A, §§ 1000.145 and 1000.147 are deleted.

In Part 1000, Subpart A, a new § 1000.249 is added to read as follows:

§ 1000.249 Effect of amendments.

The regulations in this subpart may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee or lender under the contract of insurance on any mortgage or loan already insured and shall not adversely affect the interests of a mortgagee or lender on any mortgage or loan to be insured on which the Commissioner has made a commitment to insure.

Subpart B—Contract Rights and Obligations

§ 1000.251 [Amended]

In § 1000.251(a) in the listed provisions, the reference to "207.264 Effective date." is deleted.

§§ 1000.255, 1000.260 [Deleted]

In Part 1000, Subpart B, §§ 1000.255 and 1000.260 are deleted.

(Sec. 1010, 79 Stat. 464; 12 U.S.C. 1749jj)

In § 1000.253 the introductory text of paragraphs (a) and (b) each is amended to read as follows:

§ 1000.253 Mortgage insurance premium.

(a) If the mortgage is for a term not in excess of 10 years, the mortgage insurance premium shall be computed and paid as follows:

* * * * * *

(b) If the mortgage is for a term in excess of 10 years, the mortgage insurance premium shall be computed and paid as follows:

* * * * * *

SUBCHAPTER W—GROUP PRACTICE FACILITIES

PART 1100—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES

In Part 1100 in the Table of Contents § 1100.185 is deleted and new § § 1100.38 and 1100.249 are added as follows:

Sec.
1100.38 Loans to cover 2-year operating loss.
1100.249 Effect of amendments.

Subpart A—Eligibility Requirements

In Part 1100, Subpart A, a new § 1100.38 is added to read as follows:

§ 1100.38 Loans to cover 2-year operating loss.

(a) *Operating loss determination.* When the Commissioner determines that an operating loss has occurred during the first 2 years following completion of the project, he may, in his discretion, accept for insurance under this part, a loan to cover such loss. For the purposes of this section, an operating loss shall occur when the Commissioner determines that the total of the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance

premiums, and the expense of maintenance and operation of the project (excluding depreciation) exceeds the project income.

(b) *Security instrument.* The loan shall be secured by an instrument in a form approved by the Commissioner for use in the jurisdiction in which the project is located.

(c) *Maximum interest rate.* The loan may bear interest at such rate as may be agreed upon by the mortgagee and the mortgagor, but in no case shall such rate exceed the rate in effect under § 1100.45 on the date the commitment is issued. Interest shall be payable in monthly installments on the principal then outstanding.

(d) *Maturity.* The loan shall be limited to a term not exceeding the unexpired term of the original mortgage.

Section 1100.47 is amended to read as follows:

§ 1100.47 Maximum mortgage maturity.

The mortgage shall have a maturity not to exceed 25 years from the date of the beginning of amortization of the mortgage, and shall contain amortization or sinking fund provisions satisfactory to the Commissioner.

§ 1100.185 [Deleted]

In Part 1100, Subpart A, § 1100.185 is deleted.

In Part 1100, Subpart A a new § 1100.249 is added to read as follows:

§ 1100.249 Effect of amendments.

The regulations in this subpart may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee or lender under the contract of insurance on any mortgage or loan already insured and shall not adversely affect the interests of a mortgagee or lender on any mortgage or loan to be insured on which the Commissioner has made a commitment to insure.

Subpart B—Contract Rights and Obligations

In § 1100.251 paragraph (a) is amended to read as follows:

§ 1100.251 Incorporation by reference.

(a) All of the provisions of §§ 207.251 et seq. (Part 207, Subpart B) of this chapter, relating to mortgages insured under section 207 of the National Housing Act, apply to a mortgage covering a group practice facility insured under title XI of such Act.

* * * * *

(Sec. 1101, 80 Stat. 1255, 1274; 12 U.S.C. 1749aaa–1 et seq.)

Issued at Washington, D.C., August 1, 1968.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 68-9397; Filed, Aug. 6, 1968; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 40—STANDARDS OF CONDUCT

Outside Employment of DoD Personnel; Correction

The reference to § 40.735–5(a) appearing in § 40.735–9(a)(3) (31 F.R. 4991) is hereby corrected to read "§ 40.735–3(a)".

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

JULY 31, 1968.

[F.R. Doc. 68-9370; Filed, Aug. 6, 1968; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 135—FOURTH CLASS

Conditions for Mailing 1,000 or More Pieces in Single Mailing at Special Fourth-Class Rate or at Library Rate

In the daily issue of June 29, 1968 (33 F.R. 9554), the Department published a notice of proposed rule making consisting of the addition of a new paragraph (a)(6) to § 135.2 of Title 39, Code of Federal Regulations. The proposed addition of new paragraph (a)(6) was made pursuant to authority in section 108(a) of Public Law 90–206 approved December 16, 1967, and prescribed presorting requirements of articles mailed in quantities of 1,000 or more pieces at the special fourth-class rate or at the library rate. The proposed presorting requirements were to be effective in two stages, the first on October 1, 1968, and the second on January 15, 1969. The first stage requirement provided that identical pieces presented in quantities of 1,000 or more in a single day be separated and placed in sacks by the mailer, and the second stage requirement provided that each piece presented in a single day of 1,000 or more pieces include the complete ZIP code in the address and be merged and presorted by three-digit ZIP code area.

Interested persons were given thirty days in which to submit written data, views, and arguments concerning the proposals. After consideration of the comments received, the Department has concluded to adopt the proposals. Accordingly, new paragraph (a)(6) of § 135.2 reads as follows and will be effective on October 1, 1968, and January 15, 1969, as noted:

§ 135.2 Classification.

(a) *Description.* * * *

(6) Pieces which are identical, presented in quantities of 1,000 or more in a single day for mailing under subparagraphs (4) or (5) of this paragraph, must be separated by the mailer and placed in sacks as follows:

(i) When there is sufficient quantity for a three-digit ZIP code area to fill a sack approximately one-third full the mailer must place the pieces in a sack labeled for this area.

(ii) If the pieces remaining after the three-digit sort for any state are sufficient to fill a sack approximately one-third full they must be placed in a sack labeled for the state.

(iii) All pieces remaining after the state sacks have been prepared, must be pieced in sacks labeled "Mixed States."

(iv) The total weight of pieces placed in one sack must not exceed 80 pounds.

* * * * *

NOTE: The corresponding Postal Manual section is 135.216.

NOTE: Effective January 15, 1969, § 135.2(a)(6) will read as follows:

§ 135.2 Classification.

(a) Description. * * *

(6) Mailers who present 1,000 or more pieces in any single day for mailing under subparagraphs (4) or (5) of this paragraph, must prepare the mailings as follows:

(i) Each piece must include the complete ZIP code in the address.

(ii) All pieces must be merged and presorted by three-digit ZIP code area. When there is sufficient quantity for a three-digit ZIP code area to fill a sack approximately one-third full, the pieces must be placed in a sack labeled for this area.

(iii) If the pieces remaining after the three-digit sort for any state are sufficient to fill a sack approximately one-third full, they must be placed in a sack labeled for the state.

(iv) All pieces remaining after the state sacks have been prepared, must be placed in sacks labeled "Mixed States."

(v) The total weight of pieces placed in one sack must not exceed 80 pounds.

* * * * *

NOTE: The corresponding Postal Manual section is 135.216.

(5 U.S.C. 301, 39 U.S.C. 501, 4554(e)).

TIMOTHY J. MAY,
General Counsel.

AUGUST 5, 1968.

[F.R. Doc. 68-9465; Filed, Aug. 6, 1968; 8:50 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 11—Coast Guard, Department of Transportation

[CGFR 68-10]

PART 11–1—GENERAL

Subpart 11–1.2—Definition of Terms

Pursuant to the authority vested in me as Commandant, U.S. Coast Guard, by 49 CFR 1.4:

1. New Subpart 11–1.2 is added, reading as follows:

11–1.201 Definitions.
11–1.204 Head of the agency.
11–1.205 Procuring activity.
11–1.206 Head of the procuring activity.
11–1.207 Contracting officer.
11–1.250 Department.
11–1.251 Secretary.
11–1.252 Chief officer responsible for procurement.
11–1.253 Includes.
11–1.254 May.
11–1.255 Shall.
11–1.256 Supplies.
11–1.257 Construction.
11–1.258 Classified procurement.
11–1.259 Ordering officer.
11–1.260 Purchasing office.
11–1.261 Local purchase.
11–1.262 Paying office.

AUTHORITY: The provisions of this Subpart 11–1.2 issued under 14 U.S.C. 633, 10 U.S.C. Ch. 137, Apply sec. 6(b), 80 Stat. 936; 49 U.S.C. 1655(b); 49 CFR 1.4.

§ 11–1.201 Definitions.

This subpart contains definitions of terms used in Coast Guard procurement, in addition to those set forth in FPR 1–1.2. Additional definitions will be found in individual parts of FPR and CGPR covering terms used in those parts only.

§ 11–1.204 Head of the agency.

"Head of the agency" means the Secretary of Transportation.

§ 11–1.205 Procuring activity.

"Procuring activity" means organizational units within the Coast Guard having contracting authority (including units with limited purchasing authority (see § 11–1.404–2(d)).

§ 11–1.206 Head of the procuring activity.

"Head of the procuring activity" means Chief, Supply Division of Coast Guard Headquarters, district commander of district offices and commanding officer of Headquarters units.

§ 11–1.207 Contracting officer.

"Contracting officer" means any employee of Coast Guard who, either by virtue of his position or by appointment in accordance with procedures prescribed by this chapter is currently a contracting officer (see § 11–1.404) with authority to enter into and administer contracts and make determinations and findings with respect thereto, or with any part of such authority (including personnel that are authorized to act as contracting officers with limited purchasing authority (see § 11–1.404–2(d)).

§ 11–1.250 Department.

"Department" means the Department of Transportation, in which the Coast Guard has the status of an operating Administration.

§ 11–1.251 Secretary.

"Secretary" means the Secretary of Transportation.

§ 11–1.252 Chief officer responsible for procurement.

"Chief officer responsible for procurement" means Comptroller, U.S. Coast Guard.

§ 11–1.253 Includes.

"Includes" means "includes but is not limited to".

§ 11–1.254 May.

"May" is permissive. However, the words "no person may * * *" mean that no person is required, authorized, or permitted to do the act prescribed.

§ 11–1.255 Shall.

"Shall" is used in an imperative sense.

§ 11–1.256 Supplies.

"Supplies" means all property except land or interests in land. It includes public works, buildings, and facilities; ships, floating equipment, and vessels of every character, type, and description, together with parts and accessories thereto; aircraft and aircraft parts, accessories, and equipment, machine tools; and the alteration or installation of any of the foregoing. "Supplies" as used in this chapter is synonymous with "property" as described in 10 U.S.C. 2303(b). The terms "personal property and nonpersonal services" as used in the FPR have the same meaning as "supplies and services" used herein.

§ 11–1.257 Construction.

"Construction" means construction, alteration or repair (including dredging, excavating, and painting) of buildings, structures or other real property. For purposes of this definition, the terms "buildings, structures or other real property" include but are not limited to buildings, structures, and improvements of all types, such as bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, power lines, pumping stations, railways, airport facilities, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, canals, and channels. "Construction" does not include the manufacture, production, furnishing, construction, alteration, repair, processing or assembling of vessels, aircraft or other kinds of personal property.

§ 11–1.258 Classified procurement.

"Classified procurement" is that which requires access to classified information ("confidential," including "Confidential—Modified Handling authorized," or higher) either to submit a bid or proposal or to perform the contract or that which because of other considerations should not be publicly disclosed; see § 11–1.352.

§ 11–1.259 Ordering officer.

"Ordering officer" means an individual (military or civilian) operating under the jurisdiction of the Coast Guard who has been appointed an ordering officer in accordance with the provisions of § 11–1.451 and who is thereby granted limited, specific authority to place orders under contracts and upon other Government sources.

§ 11–1.260 Purchasing office.

"Purchasing office" means any activity, or any division, office, branch, section, department, or other organizational element or activity within the Coast Guard (including vessels), charged with the functions of buying, purchasing or contracting for supplies or services. The term "purchasing activity" shall be interpreted to mean "purchasing office."

§ 11–1.261 Local purchase.

"Local purchase" means the authorized purchase of materials, supplies and services by an activity for its own use or the use of an activity logistically supported by it. "Local purchase" is not limited to the immediate geographical area in which the purchasing activity is located.

§ 11–1.262 Paying office.

"Paying office" means the office which makes payments under the contract.

Dated: July 30, 1968.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 68-9369; Filed, Aug. 6, 1968; 8:45 a.m.]

[CGFR 68-55]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to authority vested in me as Commandant, U.S. Coast Guard, by 49 CFR 1.4:

PART 11–1—GENERAL

Subpart 11–1.8—Labor Surplus Area Concerns

§ 11–1.807 [Deleted],

1. Section 11–1.807 is deleted from the Code of Federal Regulations in its entirety. Publication of this material in Chapter 11, Title 41 CFR is not required.

PART 11–12—LABOR

Subpart 11–12.1—Basic Labor Policies

§ 11–12.101–1 [Deleted]

1. Section 11–12.101–1 is deleted from the Code of Federal Regulations in its entirety. Publication of this material in Chapter 11, Title 41 CFR is not required.

PART 11–3—PROCUREMENT BY NEGOTIATION

Subpart 11–3.6—Small Purchases

1. In § 11–3.604–6 paragraph (h)(2) is revised to read as follows:

FEDERAL REGISTER, VOL. 33, NO. 153—WEDNESDAY, AUGUST 7, 1968

§ 11–3.604–6 Procurement and payment.

• • • • •

(h) • • •

(2) *Receipt from common carrier or post office.* When c.o.d. shipments are received or picked up from a common carrier or post office, the certification of cash payment may be accomplished on a list of the packages provided by the post office or common carrier. Such receipt will be supported by copies of the applicable sales documents if available.

§ 11–3.650.2 [Amended]

2. Section 11–3.650–2 *Order for Supplies or Services/Request for Quotations (DD Forms 1155, 1155r, Standard Form 36; DD Form 1155c–1 and Standard Form 30)*, is amended by deleting subdivision (v) and renumbering subdivision (vi) as subdivision (v) of paragraph (a) (1).

PART 11–10—BONDS AND INSURANCE

Subpart 11–10.4—Insurance Under Fixed-Price Contracts

1. Section 11–10.450 is revised to read as follows:

§ 11–10.450 Work at a Government installation.

(a) Except for contracts:

(1) Of $2,500 or less;

(2) Where only a small amount of work is required on a Government installation (e.g., a few brief visits per month); or

(3) Where all work on a Government installation is to be performed outside the United States, its possessions, and Puerto Rico, the following clause shall be inserted in all contracts requiring work on a Government installation:

INSURANCE (MAY 1968)

(a) The Contractor shall, at his own expense, procure and maintain during the entire performance period of this contract insurance of at least the kinds and minimum amounts set forth in the Schedule.

(b) At all times during performance, the Contractor shall maintain with the Contracting Officer a current Certificate of Insurance showing at least the insurance required by the Schedule, and providing for thirty (30) days' written notice to the Contracting Officer by the insurance company prior to cancellation or material change in policy coverage.

(c) The Contractor shall also require all first-tier subcontractors who will perform work on a Government installation to procure and maintain the insurance required by the Schedule during the entire period of their performance. The Contractor shall furnish (or assure that there has been furnished) to the Contracting Officer a current Certificate of Insurance meeting the requirements of (b) above for each such first-tier subcontractor, at least five (5) days prior to entry of each such subcontractor's personnel on the Government installation.

(b) The coverage specified in ASPR "32 CFR Part 10–501" is the minimum requirement and shall be included in the contract Schedule; however, contracting officers are permitted and encouraged to establish higher minimum limits when deemed necessary to cover special conditions such as erection of tall towers etc.

(c) The clause specified in paragraph (a) of this section may also be included in contracts described in paragraphs (a) (1), (2), and (3) of this section when the contracting officer judges this to be in the interest of the Government. In such contracts, if appropriate, any of the kinds of insurance listed in ASPR "32 CFR Part 10–501" may be omitted from the Schedule, and the limits may be lowered.

PART 11–16—PROCUREMENT FORMS

Subpart 11–16.2—Forms for Negotiated Supply Contracts

1. Section 11–16.252–2 is revised to read as follows:

§ 11–16.252–2 DD Form 633 (Contract Pricing Proposal).

DD Form 633 (Contract Pricing Proposal) or one of the special forms authorized in § 11–16.252 shall be used whenever contractor or subcontractor cost or pricing data (see § 1–3.807–3(h) of this title) is required pursuant to §§ 1–3.807–3(a) and 1–3.814–3 of this title: *Provided, however*, That the "Cost Elements" and the "Proposed Contract Estimate" may be presented in a different format, acceptable to the contracting officer, where the contractor's or subcontractor's accounting system makes the use of the prescribed format impracticable or when required for a more effective and efficient presentation of cost or pricing information: *And provided further*, That in such cases a signed DD Form 633 or one of the special forms shall be submitted fully accomplished as to all items except that the "Cost Elements" and the "Proposed Contract Estimate" may be accomplished by making reference to the Contractor's format.

(14 U.S.C. 633, 10 U.S.C. Ch. 137. Apply sec. 6(b), 80 Stat. 938; 49 U.S.C. 1655(b); 49 CFR 1.4)

Dated: July 31, 1968.

[SEAL] W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 68–9427; Filed, Aug. 6, 1968; 8:49 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 4; Amdt. 13; Docket 67–58]

PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

Subpart B—Duties and Obligations

COMPENSATION AND FREIGHT FORWARDER CERTIFICATION; PETITION FOR RECONSIDERATION

On June 19, 1968, the Commission published an amendment to § 510.24 of Title 46 CFR (33 F.R. 9019). The amendment would require a licensee freight forwarder to disclose the name of the actual shipper on the "shipper line" of the ocean bill of lading in order to be entitled to compensation from the carrier.

New York Foreign Freight Forwarders & Brokers Association, Inc. (New York Association), petitioned for reconsideration and requested a postponement of the effective date of the rule. By publication of July 16, 1968 (33 F.R. 10145), we postponed the effective date of the rule until further order.

The New York Association alleges five grounds for reconsideration. Four of the alleged grounds consist of arguments previously considered and rejected by us in adopting the rule. The New York Association's petition offers no further enlightenment which requires reconsideration on any of the four grounds.

A fifth ground has not previously been considered by us. The following discussion of this alleged ground for reconsideration will show that it is also lacking in merit.

The New York Association suggests that we violated the Administrative Procedure Act when we adopted a rule which would apply the "shipper line" requirement to nondual rate trades. The New York Association's argument is that in the notice of proposed rulemaking we stated that the proposed amendment was for the purpose of enabling conferences to more effectively police their Commission approved dual rate contracts; that a rule designed to police dual rate contracts has no applicability to nondual rate trades; and that by explaining that the rule is to be applied to nondual rate trades for the purpose of preventing rebates, we are adopting a rule without affording proper notice or opportunity to comment since the notice did not refer to the antirebating purpose.

The Administrative Procedure Act requires that the notice of proposed rulemaking include "either the terms or substance of the proposed rule or a description of the subjects and issues involved." In this proceeding, the notice contained the very wording that was subsequently adopted.[1] The notice indicated that the "shipper line" requirement would apply on all shipments by all ocean-going common carriers. It was obvious that no distinction was intended to be made between dual rate trades and nondual rate trades. The Administrative Procedure Act requirements on notice are met by setting forth in the proposal the terms of the rule as finally adopted.

It is true that the notice specifically stated that this amendment was for the purpose of aiding dual rate contract enforcement. However, the original rule as adopted in Docket 66–31 (31 F.R. 13650, Oct. 22, 1966) was adopted for two purposes, to prevent unlawful rebating and to enforce dual rate contracts. The notice in this proceeding referred to that fact. Although the stated purpose of the present amendment referred only to dual rate contract enforcement, it could not be overlooked that the accomplishment of the other original purpose of the rule; i.e., to prevent rebating, would have to be preserved.

Therefore, it is ordered, That the petition for reconsideration in this proceeding is hereby denied.

It is further ordered, That the amendment to § 510.24(a) of Title 46 CFR, published in the FEDERAL REGISTER of June 19, 1968 (33 F.R. 9019), shall become effective 15 days from the date of publication of this notice in the FEDERAL REGISTER.

By the Commission.[2]

[SEAL] FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68–9422; Filed, Aug. 6, 1968; 8:49 a.m.]

[1] An additional clause was added to the final rule, but it is not in dispute here.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Kirwin National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of deer with bow and arrow on the Kirwin National Wildlife Refuge, Kans., is permitted from October 1 through December 1, 1968, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,300 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kans., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations governing the archery hunting of deer.

The provisions of this special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 1, 1968.

KEITH S. HANSEN,
Refuge Manager, Kirwin National Wildlife Refuge, Kirwin, Kans.

JULY 23, 1968.

[F.R. Doc. 68–9372; Filed, Aug. 6, 1968; 8:45 a.m.]

PART 32—HUNTING

Lacreek National Wildlife Refuge, S. Dak.

MOURNING DOVES

The following special regulation is issued and it effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Public hunting of mourning doves on the Lacreek National Wildlife Refuge, S. Dak., is permitted from September 1, through September 8, 1968, but only on the area designated by signs as open to hunting. This open area, comprising 310 acres is delineated on a map available at the refuge headquarters, Martin, S. Dak., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of mourning doves.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 8, 1968.

S. E. JORGENSEN,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 30, 1968.

[F.R. Doc. 68–9400; Filed, Aug. 6, 1968; 8:47 a.m.]

PART 32—HUNTING

Seney National Wildlife Refuge, Mich.

On page 9555 of the FEDERAL REGISTER of June 29, 1968, there was published a notice of a proposed amendment to § 32.11 and § 32.21 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide public hunting of migratory game birds and upland game on the Seney National Wildlife Refuge, Mich., as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 10, 45 Stat. 1224, 16 U.S.C. 715i, as amended; sec. 4, 80 Stat. 927, 16 U.S.C. 668dd)

1. Section 32.11 is amended by the following addition:

§ 32.11 List of open areas; migratory game birds.

• • • • • •

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

• • • • • •

2. Section 32.21 is amended by the following addition:

§ 32.21 List of open areas; upland game.

• • • • • •

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

• • • • • •

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 2, 1968.

[F.R. Doc. 68–9405; Filed, Aug. 6, 1968; 8:47 a.m.]

[2] Vice Chairman Day and Commissioner Hearn would grant Petition for Reconsideration consistent with their previous opinions in the Commission Report served June 14, 1968, in this proceeding.

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

PERCENTAGE DEPLETION

Notice of Hearing on Proposed Regulations

The proposed amendment to the regulations under sections 482 (relating to allocation of income and deductions among taxpayers) and 613 (relating to percentage depletion) was published in the FEDERAL REGISTER for July 26, 1968. Interested persons were requested to submit any written comments on or before September 9, 1968.

A public hearing on the provisions of this proposed amendment to the regulations will be held starting on Wednesday, September 25, 1968, at 10 a.m., e.d.s.t., and continuing if necessary on September 26 and 27 to hear oral comments from those who may desire to make an oral presentation in addition to commenting in writing. The hearing will be held in Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by September 18, 1968, Telephone (Washington, D.C., area code 202) 964-3935.

In order to provide an orderly schedule of appearances at a convenient time, it will be appreciated if all persons who desire an opportunity to present oral comments will so notify the Commissioner at the earliest practicable date, even if they expect to defer submission of their written comments until a date nearer the end of the period provided therefor (September 9, 1968). It will also be appreciated if such persons will notify the Commissioner of the number of persons who will represent them at the hearing.

In order to facilitate the conduct of the hearing, it is requested that the oral comments be presented to the extent practicable on an industry-wide basis.

JAMES F. DRING,
Director, Legislation and Regulations Division.

[F.R. Doc. 68-9435; Filed, Aug. 6, 1968; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 926]

TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Notice of Proposed Rule Making With Respect to Approval of Expenses and Fixing of Rate of Assessment for the 1968-69 Fiscal Period

Consideration is being given to the following proposals submitted by the Tokay Industry Committee, established under the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926; 32 F.R. 13045), regulating the handling of Tokay grapes grown in San Joaquin County, Calif., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by the Tokay Industry Committee, during the period April 1, 1968, through March 31, 1969, will amount to $31,265.30.

(2) That there be fixed, at one and three-tenths cents ($0.013) per standard package or equivalent quantity of Tokay grapes, the rate of assessment payable by each handler in accordance with § 926.46 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 1, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9399; Filed, Aug. 6, 1968; 8:47 a.m.]

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Notice of Proposed Free and Restricted Percentages and Withholding Factors for the 1968-69 Crop Year

Notice is hereby given of a proposal to establish, for the 1968-69 crop year beginning August 1, 1968, free and restricted percentages and withholding factors applicable to marketable dates of the Deglet Noor, Zahidi, Halawy, and Khadrawy varieties. The proposed percentages and withholding factors would be established in accordance with the provisions of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. The amended agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was recommended by the Date Administrative Committee.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the eighth day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Estimates pertinent to the establishment of the proposed volume regulation percentages and withholding factors are as follows:

Factors	Deglet Noor	Zahidi
	1,000 pounds	
1. Uncertified handler carryover (July 31, 1968)	13,356	497
2. Production of marketable dates (1968-69 crop year)	31,285	1,344
3. Total available supply of marketable dates subject to regulation	44,641	1,841
4. Trade demand [1]	20,000	1,200
5. Plus: Allowance for desirable handler carryover (July 31, 1969)	13,500	400
6. Less: Certified handler carryover (July 31, 1968)	2,207	66
7. Requirements for free dates	31,293	1,534
8. Marketable dates in excess of requirements for free dates (item 3 minus item 7)	13,348	307

[1] The Date Administrative Committee included no countries other than the United States and Canada in its determination of trade demand.

On the basis of the foregoing estimates, free and restricted percentages and a withholding factor for Deglet Noor dates of 70 percent, 30 percent, and 42.9 percent, respectively, and for Zahidi dates of 83 percent, 17 percent, and 20.5 percent, respectively, appear to be appropriate for the 1968-69 crop year.

Estimated below average 1968 productions of the Halawy variety and the Khadrawy variety indicate total supplies subject to regulation of 550,000 pounds as compared with most recent 5-year average sales of 677,000 pounds. A free percentage of 100 percent, therefore, is proposed for each variety.

The proposal is as follows:

§ 987.216 Free and restricted percentages, and withholding factors.

The various free percentages, restricted percentages, and withholding factors applicable to marketable dates of each variety shall be, for the crop year beginning August 1, 1968, and ending July 31, 1969, as follows: (a) Deglet Noor variety dates: Free percentage, 70 percent; restricted percentage, 30 percent; and withholding factor, 42.9 percent; (b) Zahidi variety dates: Free percentage, 83 percent; restricted percentage, 17 percent; and withholding factor, 20.5 percent; (c) Halawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; and (d) Khadrawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent.

Dated: August 1, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 68-9398; Filed, Aug. 6, 1968; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 526]

ALMOND HULLING INDUSTRY

Industries of a Seasonal Nature

It is proposed to find the almond hulling industry, as defined below, is of a seasonal nature within the meaning and under the auhority of section 7(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(c) as amended by the Fair Labor Standards Act Amendments of 1966 (Public Law 89-601). This proposal is made under the further authority of Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and Secretary's Order No. 19-67 (32 F.R. 12980).

For the purpose of this proposal the almond hulling industry is defined as the hulling of almonds, including any operations necessary or incidental thereto.

Accordingly, it is also proposed to amend 29 CFR 526.10 by adding the almond hulling industry to the list of those found to be of a seasonal nature.

The issue presented is whether the industry thus defined is of a seasonal nature within the meaning of 29 CFR 526.2(a). (See 29 CFR 526.4(a).)

Any person interested in this proposal may present pertinent written data, views, or argument to the Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210, by mail within 15 days after this document appears in the FEDERAL REGISTER.

Signed at Washington, D.C., this 1st day of August 1968.

CLARENCE T. LUNDQUIST,
Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

[F.R. Doc. 68-9373; Filed, Aug. 6, 1968; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 71, 75]

[Airspace Docket No. 68-EA-28]

JET ROUTES AND HIGH ALTITUDE REPORTING POINTS

Proposed Alterations and Establishment

Correction

In F.R. Doc. 68-8857 appearing at page 10579 of the issue for Thursday, July 25, 1968, item 7 at the head of the first column of page 10580 should read as follows:

7. Designation of a new Jet Route No. 152 from Ellwood City, Pa., via intersection of Ellwood City 256° T (261° M) and Rosewood, Ohio, 083° T (084° M) radials; Rosewood; intersection of Rosewood 263° T (264° M) and Capital, Ill., 091° T (087° M) radials; to Capital.

[14 CFR Part 71]

[Airspace Docket No. 68-CE-66]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone at Davenport, Iowa, and to alter the transition area at Moline, Ill.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Davenport, Iowa Municipal Airport, utilizing the Cordova VOR as a navigational aid. Consequently, it is necessary to provide additional controlled airspace for the protection of aircraft executing the new approach procedure by altering the Davenport, Iowa, control zone and Moline, Ill., transition area. The new procedure will become effective concurrently with the alteration of the control zone and transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (33 F.R. 2058), the following control zone is amended to read:

DAVENPORT, IOWA

Within a 5-mile radius of Davenport Municipal Airport (latitude 41°46'40" N., longitude 90°35'20" W.); within 2 miles each side of the 224° bearing from the Davenport RBN, extending from the 5-mile radius zone to 8 miles SW of the RBN; and within 2 miles each side of the Cordova VORTAC 219° radial, extending from the 5-mile radius zone to the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

MOLINE, ILL.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Quad City Airport (latitude 41°26'55" N., longitude 90°30'30" W.); within 5 miles N and 8 miles S of the Quad City ILS localizer W course, extending from 1 mile E to 12 miles W of the OM; within a 6-mile radius of Davenport, Iowa, Municipal Airport (latitude 41°36'30" N., longitude 90°35'20" W.); within 2 miles each side of the 224° bearing from the Davenport RBN extending from the 6-mile radius area to 12 miles SW of the RBN; within 2 miles each side of the Cordova VORTAC 220° radial, extending from the 6-mile radius area to the VORTAC; and that airspace extending upward from 1200 feet above the surface bounded on the N by latitude 41°55'00" N., on the E by longitude 89°50'00" W., on the S by latitude 41°10'00" N., and on the W by longitude 91°00'00" W.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on July 22, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 68-9393; Filed, Aug. 6, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-CE-67]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Clinton, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Clinton, Iowa, Municipal Airport, utilizing the Cordova VORTAC at a relocated site as a navigational aid. Upon relocation of this VORTAC, the present approach procedure for the Clinton Municipal Airport will be canceled and the new procedure will be authorized. In addition, changes in criteria for the designation of transition areas require enlargement of the Clinton transition area. Therefore, it is necessary to alter the Clinton transition area to provide controlled airspace for the protection of aircraft executing the new instrument approach procedure and to meet the changed criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

CLINTON, IOWA

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Clinton Municipal Airport (latitude 41°-49'45" N., longitude 90°19'50" W.); within 2 miles each side of the Cordova VORTAC 043° radial, extending from the 7-mile radius area to the VORTAC; and within 8 miles southwest and 5 miles northeast of the 324° bearing from Clinton Municipal Airport, extending from the airport to 12 miles northwest of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on July 22, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 68-9394; Filed, Aug. 6, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-SW-49]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Big Spring, Tex., transition area to provide airspace protection for aircraft flight operations.

Interested persons may submit such written data, views, or arguments, as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

On July 17, 1968, a final rule was published in the FEDERAL REGISTER (33 F.R. 10204) F.R. Doc. 68-8435, which would amend Part 71 by amending in § 71.181 (33 F.R. 2150) the Big Spring, Tex., transition area 7,500-foot portion by deleting "• • • 101°00'00" W • • •" and substituting therefor "• • • 101°-05'00" W • • •" effective September 19, 1968, and incorporating the airspace deleted by that action into the San Angelo, Tex., transition area to provide airspace protection for aircraft executing amended instrument approach procedures at San Angelo, Tex.

The Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (33 F.R. 2150, 10204), the Big Spring, Tex., transition area 7,500-foot portion is amended to read "• • • and that airspace extending upward from 7,500 feet MSL within the area bounded by a line beginning at latitude 31°28'40" N., longitude 102°00'00" W., to latitude 31°28'40" N., longitude 101°-05'00" W., to latitude 30°51'00" N., longitude 101°05'00" W., to latitude 31°-02'00" N., longitude 103°16'00" W.; to latitude 31°09'00" N., longitude 103°18'-00" W., to latitude 31°09'00" N., longitude 103°16'00" W., to latitude 31°26'-25" N., longitude 103°16'00" W., to latitude 31°26'20" N., longitude 103°01'00" W.; to latitude 31°33'40" N., longitude 102°59'10" W., to latitude 31°33'00" N., longitude 102°53'00" W., to latitude 31°-40'00" N., longitude 102°39'30" W., to latitude 31°30'00" N., longitude 102°20'-00" W., to point of beginning, excluding the portion of the transition area with a floor of 7,500 feet MSL that lies within Federal airways and that portion within the Fort Stockton, Tex., transition area."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on July 26, 1968.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 68-9395; Filed, Aug. 6, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-SW-51]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Lubbock, Tex., transition area to provide airspace protection for aircraft flight operations.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The Official Docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal Docket will also be available for examination at the Office of the Chief, Air Traffic Division.

The Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (33 F.R. 2212), the Lubbock, Tex., transition area 1,200-foot portion is amended in part by deleting "• • • lat. 33°09'30" N., long. 103°01'00" W., to lat. 33°30'00" N., long. 103°30'00" W., to lat. 34°22'00" N., long. 102°22'00" W., • • •" and substituting therefor "• • • lat. 33°09'30" N., long. 103°01'00" W., to lat. 33°00'00" N., long. 103°18'00" W., to lat. 32°47'00" N., long. 103°23'25" W., to lat. 33°00'00" N., long. 103°48'00" W., to lat. 33°23'00" N., long. 103°48'00" W., to lat. 33°24'10" N., long. 103°41'30" W., to lat. 33°46'30" N., long. 103°22'00" W., to lat 33°59'00" N., long. 103°06'00" W., thence counterclockwise along the arc of a 30-mile radius circle centered at lat. 34°23'01" N., long. 103°18'58" W. (Cannon AFB, Clovis, N. Mex.), to lat. 34°19'00" N., thence to lat. 34°19'00" N., long. 102°40'00" W., to lat. 34°22'00" N., long. 102°22'00" W., • • •."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on July 26, 1968.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 68-9396; Filed, Aug. 6, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-EA-63]

FEDERAL AIRWAYS AND REPORTING POINTS

Proposed Alteration, Extension, Revocation, and Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would:

1. Alter VOR Federal airway No. 141 East alternate from Lebanon, N.H., 1,200 feet AGL via intersection Lebanon 103° T (118° M) and Concord, N.H., 022° T (037° M) radials, 1,200 feet AGL to Concord.

2. Alter and extend VOR Federal airway No. 322 from Concord, N.H., 1,200 feet AGL via intersection Concord 022° T (037° M) and Berlin, N.H., 161° T (178° M) radials, 1,200 feet AGL Berlin, 1,200 feet AGL to Sherbrooke, Quebec, Canada; excluding the airspace within Canada.

3. Revoke Blue Federal airway No. 63.

4. Designate Berlin, N.H., as a domestic reporting point.

The fiscal year 1967 IFR Peak Day survey indicates that air traffic on Blue Federal airway No. 63 totaled five movements. The proposed extension of VOR Federal airway No. 322 overlies a major portion of Blue Federal airway No. 63 and will provide a substitute route. Additionally, the proposed VOR airway will facilitate air traffic movement within that area and is in consonance with our objective of eliminating colored airways within the National Airspace System wherever possible.

The realinement of VOR Federal airway No. 141 East alternate will provide a more compatible route for connecting Lebanon, N.H.; Concord, N.H.; North Conway, N.H.; and Berlin, N.H., terminals.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on July 29, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-9433; Filed, Aug. 6, 1968; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-WE-62]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the description of the Riverside Municipal Airport, Riverside, Calif., control zone.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The FAA proposes to amend the description of the control zone to provide for the use of a NOTAM to publish the effective times of the control zone.

In view of the foregoing, the FAA proposes the following airspace action:

In § 71.171 (33 F.R. 2119) the Riverside, Calif. (Municipal Airport), control zone is amended by deleting, "This control zone is effective from 0600 to 2200 hours, local time daily." and substituting therefor, "This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on July 25, 1968.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 68-9434; Filed, Aug. 6, 1968; 8:50 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 68-EA-73]

JET ROUTE

Proposed Establishment

The Federal Aviation Administration is considering an amendment to Part 75 of the Federal Aviation Regulations that would establish the United States segment of Jet Route No. 573 from the Kennebunk, Maine, VORTAC direct to the St. John, New Brunswick, Canada, VOR, to join with Canadian high level airway No. 573. This action would improve air

traffic service by providing an additional route between the United States and European terminals.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11440. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on July 29, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-9432; Filed, Aug. 6, 1968; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18063]

ELIMINATION OF REQUIREMENT FOR METERS AS INDICATORS ON AM MODULATION MONITORS

Order Extending Time for Filing Reply Comments

In the matter of amendment of Part 73 of the Commission's rules and regulations to eliminate the requirement for meters as indicators on AM modulation monitors, Docket No. 18063, RM-1208.

1. The notice of proposed rule making in this matter was adopted March 6, 1968. The filing dates for comments and reply comments, originally set as April 15, 1968, and April 30, 1968, respectively, were extended to July 15, 1968, and July 30, 1968, by an order adopted April 18, 1968.

2. On July 30, 1968, the attorney for Collins Radio Co. (Collins), whose petition resulted in the institution of this proceeding, filed a request that the deadline for filing reply comments be extended from July 30 to August 20, 1968.

3. In justification of this request, Collins alleges that the comments filed by some of the parties to the proceeding did not become available to it in time to prepare an adequate and meaningful response by July 30, 1968.

4. Since the other parties will not be prejudiced by the brief extension requested, and the additional time afforded will permit the submission of reply comments contributing to the ultimate disposition of this proceeding, we find it in the public interest that Collins' request be granted.

5. *Accordingly, it is ordered*, That the time for filing reply comments in this proceeding is extended from July 30, 1968, to August 20, 1968.

6. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: August 1, 1968.

Released: August 1, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 68-9414; Filed, Aug. 6, 1968; 8:48 a.m.]

[47 CFR Part 73]

[Docket No. 18281, RM-1291; FCC 68-798]

TELEVISION BROADCAST STATIONS

Table of Assignments; Glendive, Mont.

1. Meyer Broadcasting Co. asks that we assign Channel 9 to Glendive, Mont., and proposes to use it there for a 100-watt translator to rebroadcast the signals of its television station KUMV-TV at Williston, N. Dak. (Petition for rule making filed April 15, 1968.) The Table of Television Assignments (sec. 3.606(b)) would thus be amended as follows:

City	Channel No.	
	Present	Proposed
Glendive, Mont.	5+, *16	5+, 9+, *16

2. Glendive Broadcasting Corp., licensee of KXGN-TV at Glendive objects, alleging that 100-watt translators were intended only on pre-assigned channels and that the translator would cause it unfair competition, to the detriment of the public.

3. Glendive Broadcasting's first contention is incorrect. In our report and order adopted September 7, 1966, 8 R.R. 2d 1501, we assigned Channel 7 to Dickinson, N. Dak., in order to enable a low-power translator there to increase power to 100 watts, holding that higher powered transmitters are not restricted to previously assigned channels. In view of this, and since the assignment of Channel 9 at Glendive would meet minimum spacing requirements for a regular station, its acceptability turns on its effect upon the public interest.

4. Only Channel 5 and reserved Channel *16 are now assigned to Glendive. Glendive Broadcasting operates Glendive's only television station, KXGN-TV, on Channel 5. Channel *16 is unused. KXGN-TV, which preponderantly carries CBS programs, also offers ABC and NBC programs during 54½ of its 122 weekly broadcast hours. About 21 hours of this ABC and NBC programming is carried also by KUMV-TV. A CATV at Glendive, which serves between 800 and 900 subscribers, also carries the programs of KUMV-TV (NBC and ABC) along with those of KXGN-TV (CBS, NBC and ABC), KUTZ, Salt Lake City (NBC), KCTX, Salt Lake City (ABC). The licensee of KXGN-TV has a half interest in the local CATV.

5. Glendive Broadcasting alleges that competition from a 100-watt translator would injure the public by hazarding curtailment of its local programing services. Glendive, among the smallest TV markets, had a 1960 population of 7,058. Dawson County, where it is located, has a population currently estimated at 14,000. The pleadings raise the basic issue of whether the advantages of a second local source of off-the-air reception of programs not now available to nonsubscribers to the CATV are sufficiently offset by jeopardy to the KXGN-TV's local programing service to warrant our denial of the channel assignment sought for the 100-watt translator.

6. Hesitant—as we said in the Dickinson case—to prevent developing competition, we are not persuaded on the pleadings that Glendive Broadcasting has sufficiently shown detriment to the public from the introduction at Glendive of a second off-the-air service from the proposed translator, warranting denial of Meyer's petition to institute rule making looking toward the assignment of Channel 9 to Glendive. Mindful, however, of the controlling importance of the demonstrable impact of the proposed translator on services available to the public, we will be attentive to any meaningful indicia which the parties may submit as to the probable effects of a local translator on enhancement or curtailment of broadcast service in the area. It is pertinent that, under policies stated in our Second Report and Order released March 8, 1966, in Dockets 14895, 15233 and 15971, 2 FCC 2d 725, the proposed translator at Glendive would be required to give same-day nonduplication protection to KXGN-TV.

7. Accordingly, pursuant to the authority contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended; it is proposed to amend the table of assignments in § 73.606(b) of the Commission rules by assigning Channel 9 to Glendive, Montana.

8. Pursuant to applicable procedures set out in § 1.415 of the Commission rules, interested parties may file comments on or before September 13, 1968, and reply comments on or before September 23, 1968. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

9. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: July 31, 1968.

Released: August 2, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-9415; Filed, Aug. 6, 1968; 8:48 a.m.]

[47 CFR Part 73]

[Docket No. 18283, RM-1234; FCC 68-802]

TELEVISION BROADCAST STATIONS

Table of Assignments; Bay City, Tex.

1. United Artists Broadcasting, Inc. (UA), permittee of Station KUAB-TV, Channel 20, Houston, Tex., has petitioned to substitute an alternate assignment for Channel *27 at Bay City, Tex. The petitioner has applied to change its transmitter site to the Houston antenna farm to provide more extensive service to the Houston area. Because the distance from the proposed site to the Bay City reference point is only 49.51 miles, and the rules require a 60-mile separation, UA requests substitution of another channel at Bay City. There are no applications for Bay City. The petitioner's engineering study discloses that there are many channels available for assignment to Bay City including Channel 17.

2. TVue Associates, Inc., permittee of Station KVVV-TV, Channel 16, Galveston, Tex., opposes the petition as concerns the specific assignment of Channel 17 to Bay City. While the mileage separation for adjacent channels would be met, it is contended that there would nevertheless be some interference. No other comments were filed.

3. The Commission's electronic computer shows that Channel 43 is the most efficient replacement for Channel 27. It is proposed therefore to substitute this channel.

4. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend § 73.606(b) of the rules by deleting Channel *27 and substituting Channel *43 at Bay City, Tex.

5. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before September 13, 1968, and reply comments on or before September 23, 1968. All submissions by parties to this proceeding, or by persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

6. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: July 31, 1968.

Released: August 2, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-9416; Filed, Aug. 6, 1968; 8:48 a.m.]

[47 CFR Part 73]

[Docket No. 18282, RM-1243; FCC 68-799]

TELEVISION BROADCAST STATIONS

Table of Assignments, Rochester, N.Y.

1. Rochester Area Educational Television Association, Inc. (RAETA), has filed a petition for rule making (RM-1243) requesting the reservation of the presently unreserved Channel 61 assignment at Rochester, N.Y. In the alternative, RAETA requests that Channel 71 be assigned and reserved on a full-power basis at Rochester.

2. Channels 8, 10, 13, *21, 31, and 61 are presently assigned to Rochester. Stations WROC-TV, Channel 8, WHEC-TV, Channel 10, and WOKR, Channel 13 are affiliated with the three national commercial networks. RAETA is the licensee of Station WXXI, Channel 21, a noncommercial educational station, now the only UHF channel assignment in operation. In March of this year, the application (BPCT-3927) of Philip Y. Hahn, Jr., was granted for a construction permit to operate on Channel 31. Station construction is not yet completed. There are no pending applications for Channel 61.

3. Under the minimum objectives of the overall revision of the television table of assignments (fifth report and memorandum opinion and order in Docket No. 14229) Rochester, according to its market ranking, received five unreserved assignments. Although approximately fifty communities received two reserved assignments, scarcity of channels would not permit this at Rochester. RAETA now proposes to reserve Channel 61 as a means for acquiring a second reserved assignment at Rochester. It plans to integrate Channel 61 with its Channel 21 operation to provide more in-school programming mainly at the secondary level and also to offer formal and informal adult education as well as cultural and public affairs programming. The needs of the first category could be met by using instructional fixed television stations. A television broadcast station would be necessary to provide for adult education in the home.

4. RAETA states that it stands ready, willing, and able to activate a second channel in Rochester just as soon as financial capability allows. Its request for a second reserved channel is supported by the State University of New York and the National Association of Educational Broadcasters. Although Channel 61 is presently available to RAETA upon application, reservation of Channel 61 would provide federal matching funds and protection from commercial applicants. RAETA's alternative proposal to assign and reserve Channel 71 cannot be considered at present because it conflicts with an outstanding Commission proposal to utilize the upper 14 UHF channels for a new class of local, low-powered TV broadcast station, another proposal to reallocate these channels to the land mobile services, and a Canadian proposal to revise its UHF assignment table.

5. It is the policy of the Commission to foster expanded use of UHF television broadcast channels by both educational and commercial TV stations for broadcasting to the general public. New channels may be assigned and changes in existing assignments may be made if such are consistent with basic allocations policies where the petitioner is prepared to proceed promptly with the construction and operation of a new station. The petition of RAETA does not make it perfectly clear that the principal use of the additional channel will be for broadcasting to the public and that it will proceed promptly with the construction and operation of the additional station if the assignment is reserved for educational use in Rochester. These points should be cleared up in comments filed in response to the notice adopted herein. Any opposition to the reservation of the channel by commercial interests should likewise be specific as to plans for implementation of the channel.

6. In the light of the foregoing, the Commission finds sufficient merit in the petition of RAETA to warrant the institution of rule making. Pursuant to the authority contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the table of assignments in § 73.606(b) of the Commission rules by reserving for educational use Channel 61 assigned to Rochester, N.Y.

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before September 13, 1968, and reply comments on or before September 23, 1968. All submissions by parties to this proceeding, or by persons acting in behalf of such parties, must be in written comments, reply comments, or other appropriate pleadings.

8. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all written comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: July 31, 1968.

Released: August 2, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-9417; Filed, Aug. 6, 1968; 8:48 a.m.]

[1] Commissioner Johnson concurring in the result.

[47 CFR Part 73]

[Docket No. 18280, RM-1277; FCC 68-797]

TELEVISION BROADCAST STATIONS

Table of Assignments; Las Cruces, N. Mex.

1. Notice is hereby given of proposed rule making to amend the Television Table of Assignments (§ 73.606(b) of the rules) as concerns Las Cruces, N. Mex.

2. The New Mexico State University filed a petition on March 20, 1968, requesting that Channel 22, already assigned to Las Cruces, be reserved for educational noncommercial use. Petitioner states that it is committed to long-range use of audio and visual media for educational purposes, for example, the operation of educational FM Station KRWG for 4 years which caters to the area's bilingual population. The University intends to apply for Channel 22 as soon as the ETV reservation is made, and the proposed programing would be oriented toward Dona Ana County (population, 59,948, Census) and the El Paso, Texas-Juarez, Mexico, area with a population of about 1 million and at a distance of approximately 40 miles. El Paso County's 1960 population was 314,700. The University has committed $213,000 for remodeling the former Student Union for television use; approximately 70 percent of the space is intended for the proposed television station while the remainder is for the existing closed circuit television laboratory.

3. From the foregoing, it appears that the public interest would be served by reserving Channel 22 for educational noncommercial use and substitution of another channel for commercial use at Las Cruces to which it is entitled because of population (29,367, 1960 Census). Petitioner's engineering consultant states that under existing criteria either Channel 34 or 35 is available for a commercial assignment with Channel 35 preferable because Channel 33 is assigned to Roswell. Our own engineering study reveals that neither channel could properly be assigned to Las Cruces because of the necessary mileage separations to Channel 20, Juarez, Mexico. By use of the electronic computer, we have determined that it is feasible to assign Channel 48.

4. Accordingly, pursuant to the authority contained in Sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended it is proposed to amend the Television Table of Assignments (§ 73.606(b) of the Rules) by reserving Channel 22 at Las Cruces, N. Mex., for educational noncommercial use, and further assigning Channel 48 to that community.

5. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before September 13, 1968, and reply comments on or before September 23, 1968. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

6. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: July 31, 1968.

Released: August 2, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-9418; Filed, Aug. 6, 1968; 8:48 a.m.]

[47 CFR Part 95]

[Docket No. 18273; FCC 68-783]

CITIZENS RADIO SERVICE

Licensees To Vacate Frequencies in Certain Band

In the matter of amendment of § 95.41 (a) (2) (i) of the Commission's rules to require licensees in the Citizens Radio Service to vacate the frequencies in the 465.000 to 465.500 Mc/s band by January 1, 1969, Docket No. 18273.

1. In the second report and order in Docket 13847, released on February 9, 1968, 34 F.R. 3114, forty frequencies (20, two-frequency channels) were allocated to the police radio service in the 460 to 465 Mc/s band. The 20 frequencies made available for base and mobile station operations, i.e., 460.025 to 460.500 Mc/s, became available for assignment and use on June 1, 1968.[1] But, in the corresponding mobile only band, 465.000 to 465.500 Mc/s, only the 10 new (split) frequencies became available on that date. The remaining 10 frequencies continue to be available until January 1, 1970, to those licensees of Class A Citizens Radio stations who were assigned these frequencies prior to March 18, 1968, and who elect to continue their operations until the cut-off date. See section 95.41(a)(2)(i) of the rules. See also second report and order, paragraph 38.

2. Thus, until January 1, 1970, police departments will not have available to them all of the new channels. However, police departments in some of our major cities have made plans to expand and modernize their radio communication systems on the frequencies allocated for police use in the 460 to 470 Mc/s band before January 1, 1970, to enable them to cope more effectively with the rapidly increasing demands for police protection and they have found that they need all or a substantial portion of these frequencies to implement their plans. The police departments of New York City, Chicago, Ill., and Washington, D.C., as well as several state police agencies, have filed or are in the process of filing applications for assignment of a substantial portion of these 20 channels. These plans, of course, cannot be implemented until these channels fully become available on January 1, 1970. But the rapid response of police agencies to our action allocating additional frequencies for police use, and the well recognized need to improve police communications indicate that all of these frequencies should be made available for police use as soon as possible in the interest of public safety.

3. Accordingly, we propose to amend § 95.41(a)(2)(i) of the Commission's rules to require licensees in the Citizens Radio Service to vacate the frequencies in the 465.000 to 465.500 Mc/s band by January 1, 1969, instead of January 1, 1970, as provided for in the second report and order. However, the proposed rules would provide for exceptions to this requirement in those situations where police agencies do not need to use these frequencies before 1970. Thus, consideration would be given, on a case-by-case basis, to requests from Citizens licensees occupying any of the frequencies in question for extension of time to change frequencies up to January 1, 1970, if they show that their continued operation on their frequency would not be inconsistent with police plans to use those frequencies prior to January 1, 1970.

4. This proposal would not affect other "grandfather" privileges in the second report and order allowing deferred compliance with new requirements concerning fixed operations and technical standards. Licensees of mobile service systems required to change frequencies by this action may elect to make applications in the business radio service, if eligible, in which event the requirement for full compliance with all new technical standards would not become applicable until November 1, 1971. Licensees of fixed point-to-point facilities required to change frequencies will be permitted to change to frequencies available in the citizens or, if eligible, in the business radio service, and continue operating these facilities until November 1, 1971, without any other changes. No application fee would be required in connection with any of these changes.

5. The proposed amendments to the rules are issued pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before September 13, 1968, and reply comments on or before September 23, 1968. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

7. In accordance with the provisions of § 1.409 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: July 31, 1968.

Released: August 2, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-9419; Filed, Aug. 6, 1968; 8:48 a.m.]

[1] Class A Citizens station licensees in the 460-461 Mc/s band had been operating on a year-to-year basis.

[2] Commissioner Johnson concurring in the result.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 4436]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

JULY 30, 1968.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. C-4436, for the withdrawal of the lands described below, from mineral location and entry under the mining laws (30 U.S.C. Ch. 2) subject to valid existing rights.

The public lands involved are in use for, or are proposed for use for public purposes.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado Land Office, Room 15019 Federal Building, 1961 Stout, Denver, Colo. 80202.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested part of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN

PIKE NATIONAL FOREST

Windy Ridge Bristlecone Pine Scenic Area

T. 8 S., R. 78 W.,
Sec. 26, lot 1, lot 2—N 15 chains of E 10 chains, lot 8—S 5 chains, lot 9—E 10 chains of S 5 chains, W½SE¼.

Woodland Park—Crystola Scenic Zone

T. 12 S., R. 68 W.,
Sec. 29, lots 1, 2, 3, 4, 7, 8, 9, and 10;
Sec. 30, SE¼NE¼, E½SE¼;
Sec. 31, NE¼NE¼;
Sec. 32, lots 2, 3, 4, 5, 7, 8, and 9.
T. 13 S., R. 68 W.,
Sec. 5, lots 1 and 2, SE¼NW¼.

The areas aggregate approximately 970 acres.

ANDREW J. SENTI,
Acting Land Office Manager.

[F.R. Doc. 68-9371; Filed, Aug. 6, 1968; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

August Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The U.S. Department of Agriculture announced the prices at which CCC commodity holdings are available for sale beginning at 3 p.m., e.d.t., on July 31, 1968, and, subject to amendment, continuing until superseded by the September Monthly Sales List.

There are no changes in the number of commodities listed for August.

With the 1968-crop marketing year beginning August 1 for rice and upland cotton, the August list includes formula minimum pricing for these commodities based on 1968-price support loan rates.

Information on the availability of commodities stored in Commodity Credit Corporation bin sites may be obtained from ASCS State offices shown at the end of the sales list, and for commodities stored at other locations from ASCS commodity and grain offices also shown at the end of the list.

Corn, oats, barley, or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

In the following listing of commodities and sale prices or method of sales, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality, and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Commodity Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM-3 or (4) for August 1968 are 6 percent for U.S. bank obligations and 7 percent for foreign bank obligations. Commodities now eligible for financing under the CCC Export Credit Sales Program include oats, wheat, wheat flour, barley, bulgur, corn, cornmeal, grain sorghum, upland and extra long staple cotton, milled and brown rice, tobacco, cottonseed oil, soybean oil, dairy products, tallow, lard, and breeding cattle, and rye. Commodities purchased from CCC may be financed for export as private stocks under Annoucement GSM-4.

Information on the CCC Export Credit Sales Program and on commodities available under Title I, Public Law 480, private trade agreements, and current information on interest rates and other phases of these programs may be obtained from the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250.

The following commodities are currently available for new and existing barter contracts: Oats, cotton (upland and extra long staple), and tobacco. Wheat and grain sorghum are also available under conditions noted in the individual commodity listings. In addition, free market stocks of corn, grain sorghum, barley, oats, wheat, and wheat flour, under Announcement PS-1; tobacco under Announcement PS-3; cottonseed oil and soybean oil under Announcement PS-2; and upland and extra long staple cotton under Announcement PS-4; are eligible for programing in connection with barter contracts covering procurement for Federal agencies that will reimburse CCC. (However, Hard Red Winter 13 percent protein or higher, Hard Red Spring 14 percent protein or higher, Durum wheats, and flour produced from these wheats may not be exported under Barter through west coast ports. Hard Red Winter 12.99 percent protein or less may be exported under barter from the West Coast and will be

eligible for or subject to the applicable announced payment rate or certificate cost depending on the protein content of the wheat exported. Hard Red Winter 13 percent protein and higher exported under barter from the Gulf Coast will be subject to the Gulf Coast export payment rate or certificate cost which applies to Hard Red Winter "all proteins".) Further information on private-stock commodities may be obtained from the Office of Barter and Stockpiling, Foreign Agricultural Service, USDA, Washington, D.C. 20250.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchase from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C. 20250, with respect to all commodities or—for specified commodities—with the designated ASCS commodity office.

Commodity Credit Corporation reserves the right to amend from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to U.S. Government agencies, with only minor exceptions will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or reexportation by anyone of any commodities under this program to Cuba, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Viet Nam except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule § 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

Sales Price or Method of Sale

WHEAT, BULK

Unrestricted use.

A. *Storable.* All classes of wheat in CCC inventory are available for sale at market price but not below 115 percent of the 1968 price-support loan rate for the class, grade, and protein of the wheat plus the markup shown in C below applicable to the type of carrier involved.

B. *Nonstorable.* At not less than market price, as determined by CCC.

C. *Markup and examples (dollars per bushel in-store).*[3]

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.05½	$0.03	Minneapolis—No. 1 DNS ($1.56) 115 percent +$0.03; $1.83. Portland—No. 1 SW ($1.44) 115 percent +$0.03; $1.69. Kansas City—No. 1 HRW ($1.44) 115 percent +$0.03; $1.69. Chicago—No. 1 RW ($1.46) 115 percent +$0.03; $1.71.

Export.

A. CCC will sell limited quantities of Hard Red Winter and Hard Red Spring wheat at west coast ports at domestic market price levels for export under Announcement GR–345 (Revision IV, Oct. 30, 1967, as amended) as follows:

(1) Offers will be accepted subject to the purchasers' furnishing the Portland ASCS Branch Office with a Notice of Sale containing the same information (excluding the subsidy acceptance number) as required by exporters who wish to receive an export payment under GR–345. The Notice of Sale must be furnished to the Commodity Office within 5 calendar days after the date of purchase.

(2) Sales will be made only to fill dollar market sales abroad and exporter must show export from the west coast to a destination west of the 170th meridian, west longitude, and east of the 60th meridian, east longitude, and to countries on the west coast of Central and South America.

B. CCC will sell wheat for export under Announcement GR–261 (Revision II, Jan. 9, 1961, as amended and supplemented) subject to the following:

(1) All classes will be sold subject to offers which include the price at which the buyer proposes to purchase the wheat.

(2) All classes will be sold to fill dollar market sales abroad and exporter must show export from the west coast to a destination within the geographical limitation shown in A(2) above.

(3) All classes will be sold for application to barter contracts entered into pursuant to invitations for barter offers dated prior to August 26, 1966. However, CCC-owned wheat will not be sold for barter at west coast ports.

C. Announcement GR–262 (Revision II, Jan. 9, 1961, as amended) for export as flour as follows: All classes will be sold for application to barter contracts entered into pursuant to invitations for barter offers dated prior to August 26, 1966. However, sales for barter will not be made at west coast ports.

D. CCC will not sell wheat under Announcement GR–346 until further notice.

Available. Chicago, Kansas City, Minneapolis, and Portland ASCS offices.

CORN, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of corn as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The price at which corn shall be valued for such dispositions shall be the market price as determined by CCC, but not less than 115 percent of the applicable 1967 price-support loan rate[2] for the class, grade, and quality of the corn plus the markup shown in C of this unrestricted use section.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable corn as CCC may designate as general sales will be made during the month at market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1967 price-support rate[2] (published loan rate plus 19 cents per bushel) for the class, grade, and quality of the corn, plus the markup shown in C of this unrestricted use section.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store[1] basis No. 2 yellow corn 14 percent M.T. 2 percent F.M.).*

Markup in-store received by—	Examples
Truck	
$0.17½	Feed grain program domestic PIK certificate minimums: McLean County, Ill. ($1.08+$0.02½) 115 percent +$0.17½; $1.45½. Agricultural Act of 1949; stat. minimums: McLean County, Ill. ($1.08+$0.02½ +$0.19): 105 percent +$0.17½; $1.53½.

Available. Chicago, Kansas City, Minneapolis, and Portland ASCS grain offices.

Export. Limited quantities of corn at East Coast and eastern gulf ports for cash at the market price, as determined by CCC, for export under Announcement GR–212 (Revision 2, Jan. 9, 1961). The statutory minimum price referred to in GR–212 is computed in accordance with B1 of the unrestricted use section for corn.

Available. Kansas City ASCS Commodity Office.

GRAIN SORGHUM, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of grain sorghum as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which grain sorghum shall be valued for such dispositions shall be market price, as determined by CCC, but not less than 115 percent of the applicable 1967 price-support loan rate[2] for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable grain sorghum as CCC may designate as general sales will be made during the month at market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1967 price-support rate[2] (published loan rate plus 34 cents per hundredweight) for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per hundredweight in-store[1] No. 2 or better).*

Mark-upin store received by—		Examples
Truck	Rail or barge	
$0.29¾	$0.25¼	Feed grain program domestic PIK certificate minimums: Hale County, Tex. ($1.59) 115 percent +$0.29¾; $2.12¾. Kansas City, Mo. (ex-rail) ($1.85) 115 percent +$0.25¼; $2.38¼. Agricultural Act of 1949; stat. minimums: Hale County, Tex. ($1.59+$0.34); 105 percent +$0.29¾; $2.32¾. Kansas City, Mo. (ex-rail) ($1.85 +$0.34); 105 percent +$0.25¼; $2.55¼.

Export.

Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1967 price-support loan rate plus carrying charges in section C. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in C of the unrestricted use section for grain sorghum. Sales will be made pursuant to the following announcement:

A. Announcement GR–212 (Revision 2, Jan. 9, 1961) for application to barter contracts entered into pursuant to invitations for barter offers dated prior to August 26, 1966, and for cash or other designated sales.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

BARLEY, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1968 price-support rate[2] for the class, grade, and quality of the barley plus the applicable markup.

B. *Markups and examples (dollars per bushel in-store[1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.05½	$0.03	Cass County, N. Dak. ($0.87); 115 percent +$0.05½; $1.04½. Minneapolis, Minn. (ex-rail) ($1.10); 115 percent +$0.03; $1.30.

C. *Nonstorable.* At not less than market price as determined by CCC.

Export.

Sales are made at the higher of the domestic market price, as determined by CCC or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section B. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcement is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for barley. Sales will be made pursuant to the following announcement:

A. Announcement GR–212 (Revision 2, Jan. 9, 1961) for cash or other designated sales.

Available. Chicago, Kansas City, Minneapolis, and Portland grain offices.

OATS, BULK

Unrestricted use.

A. Market price, as determined by CCC, but not less than 115 percent of the applicable 1968 price-support rates[2] for the class, grade, and quality of the oats plus the markup shown in B below.

B. *Markups and examples (dollars per bushel in-store[1] Basis No. 2 XHWO).*

Markup in-store received by—	Examples—Agricultural Act of 1949; Stat. minimum
Truck	
$0.05½	Redwood County, Minn. ($0.60+$0.03 quality differential); 115 percent +$0.05½; $0.78½.

C. *Nonstorable.* At not less than the market price as determined by CCC.

Export. Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section B. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for oats. Sales will be made pursuant to the following announcement:

A. Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to barter contracts and for cash or other designated sales.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

RYE, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 115 percent[2] of the applicable 1968 price-support rate for the class, grade, and quality of the grain plus the markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store[1] No. 2 or better).*

Markup in-store received by—		Examples—Agricultural Act of 1949: Stat. minimum
Truck	Rail or barge	
$0.05½	$0.03	Rolette County, N. Dak. ($0.89); 115 percent +$0.05½; $1.08½. Minneapolis, Minn. (ex-rail) ($1.23); 115 percent +$0.03; $1.45.

C. *Nonstorable.* At not less than market price as determined by CCC.

Export.

Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section B. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcement is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for rye. Sales will be made pursuant to the following announcement:

A. Announcement GR–212 (Revision 2, Jan. 9, 1961) for cash or other designated sales.

Available. Chicago, Kansas City, Portland, and Minneapolis ASCS grain offices.

RICE, ROUGH

Unrestricted use.

Market price but not less than 1968 loan rate plus 5 percent plus 13 cents per hundredweight, basis in store.

Export.

As milled or brown under Announcement GR–369, Revision III, as amended, Rice Export Program.

Available. Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

COTTON, UPLAND

Unrestricted use.

A. Competitive offers under the terms and conditions of Announcement NO–C–32 (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price-support programs will be sold at the highest price offered but in no event at less than the higher of (a) 110 percent of the 1968 loan rate for such cotton, or (b) the market price for such cotton, as determined by CCC.

B. Competitive offers under the terms and conditions of Announcement NO–C–31 (Disposition of Upland Cotton—In Redemption of Payment-In-Kind Certificates or Rights in Certificate Pools, In Redemption of Export

Commodity Certificates, Against the "Shortfall," and Under Barter Transactions), as amended. Cotton may be acquired at its current market price, as determined by CCC, but not less than a minimum price determined by CCC, which will in no event be less than 120 points (1.2 cents) per pound above the 1968 loan rate for such cotton.

Export.

CCC disposals for barter. Competitive offers under the terms and conditions of Announcements CN–EX–28 (Acquisition of Upland Cotton for Export Under the Barter Program), and NO–C–31 (described above), as amended.

COTTON, EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcements NO–C–6. (Revised July 22, 1960), as amended, and NO–C–10, as amended. Under these announcements extra long staple cotton (domestically grown) will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC.

Export.

A. *CCC sales for export.* Competitive offers under the terms and conditions of Announcements CN–EX–22 (Extra Long Staple Cotton Export Program) and NO–C–27 (Sale of Extra Long Staple Cotton), as amended.

B. *Barter.* Competitive offers under the terms and conditions of Announcement CN–EX–27 (Acquisition of Extra Long Staple Cotton for Export Under the Barter Program), and NO–C–27 (Sale of Extra Long Staple Cotton), as amended.

COTTON, UPLAND OR EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcement NO–C–20 (Sale of Special Condition Cotton). Any such cotton (Below Grade, Sample Loose, Damaged Pickings, etc.) owned by CCC will be offered for sale periodically on the basis of samples representing the cotton according to schedules issued from time to time by CCC.

Availability information.

Sale of cotton will be made by the New Orleans ASCS Commodity Office. Sales announcements, related forms and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and location may be obtained for a nominal fee from that office.

PEANUTS, SHELLED

When stocks are available in their area of responsibility, the quantity, type, and grade offered and whether for restricted or unrestricted use are announced in weekly lot lists are invitations to bid issued by the following:

GFA Peanut Association, Camilla, Ga.

Peanut Growers Cooperative Marketing Association, Franklin, Va.

Southwestern Peanut Growers' Association, Gorman, Tex.

A. *Restricted use sales.* Announcement PR–1 as amended, and the lot list contain terms and conditions of sales restricted to domestic crushing or export.

1. Shelled peanuts of less than U.S. No. 1 grade may be purchased for foreign or domestic crushing.

All sales are made on the basis of competitive bids each Wednesday, by the Producer Associations Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250, to which all bids are submitted.

TUNG OIL

Unrestricted use.

Sales are made periodically on a competitive bid basis. Bids are submitted to the Producer Association Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250.

The quantity offered and the date bids are to be received are announced to the trade in notices of Invitation to Bid, issued by the National Tung Oil Marketing Cooperative, Inc., Poplarville, Miss. 39470.

Terms and conditions of sale are as set forth in Announcement NTOM–PR–4 of April 6, 1967, as amended, and the applicable Invitation to Bid.

Bids will include, and be evaluated on the basis of, price offered per pound f.o.b. storage location. For certain destinations, CCC will as provided in the Announcement, as amended, refund to the buyer a "freight equalization" allowance.

Copies of the Announcement or the Invitation may be obtained from the Cooperative or Producer Associations Division, ASCS, Telephone Washington, D.C., area code 202, DU 8–3901.

DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products.

Submission of offers.

Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

Unrestricted use.

Announced prices, under MP–14: Spray process, U.S. Extra Grade, 25.40 cents per pound packed in 100-pound bags and 25.65 cents per pound packed in 50-pound bags.

Export.

Announced prices, under MP–23, pursuant to invitations issued by Minneapolis ASCS Commodity Office. Invitations will indicate the type of export sales authorized, the announced price and the period of time such price will be in effect.

BUTTER

Unrestricted use.

Announced prices, under MP–14: 74 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 73.25 cents per pound—Washington, Oregon, and California. All other States 73 cents per pound.

CHEDDAR CHEESE (STANDARD MOISTURE BASIS)

Unrestricted use.

Announced prices, under MP–14: 52.750 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 51.750 cents per pound.

FOOTNOTES

[1] The formula price delivery basis for bin-site sales will be f.o.b.

[2] Round product up to the nearest cent.

USDA AGRICULTURE STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Kansas City ASCS Commodity Office, 8930 Ward Parkway (Post Office Box 205), Kansas City, Mo. 64141. Telephone: Area Code 816, Emerson 1–0860.

Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Hawaii, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming (domestic and export). California (domestic only), Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (export only).

Branch Office—Chicago ASCS Branch Office, 226 West Jackson Boulevard, Chicago, Ill. 60606. Telephone: Area Code 312, 353–6581.

Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (domestic only).

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn. 55415. Telephone: Area Code 612, 334–2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin (domestic and export).

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg. 97205. Telephone: Area Code 503, 226–3361.

Idaho, Oregon, Utah, and Washington (domestic and export sales), California (export sales only).

PROCESSED COMMODITIES OFFICE—(ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55435. Telephone: Area Code 612, 334–3200.

COTTON OFFICE (ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112. Telephone: Area Code 504, 527–7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, Federal Building, Room 1759, 26 Federal Plaza, New York, N.Y. 10007. Telephone: Area Code 212, 264–8439, 8440, 8441.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraisers' Building, Room 802, 630 Sansome Street, San Francisco, Calif. 94111. Telephone: Area Code 415, 556–6185.

ASCS STATE OFFICES

Illinois, Room 232, U.S. Post Office and Courthouse, Springfield, Ill. 62701. Telephone: Area Code 217, 525–4180.

Indiana, Room 110, 311 West Washington Street, Indianapolis, Ind. 46204. Telephone: Area Code 317, 633–8521.

Iowa, Room 937, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309. Telephone: Area Code 515, 284–4213.

Kansas, 2601 Anderson Avenue, Manhattan, Kans. 66502. Telephone: Area Code 913, JE 9–3531.

Michigan, 1405 South Harrison Road, East Lansing, Mich. 48823. Telephone: Area Code 517, 372–1910.

Missouri, I.O.O.F. Building, 10th and Walnut Streets, Columbia, Mo. 65201. Telephone: Area Code 314, 442–3111.

Minnesota, Room 230, Federal Building and U.S. Courthouse, 316 Robert Street, St. Paul, Minn. 55101. Telephone: Area Code 612, 228–7651.

Montana, Post Office Box 670, U.S.P.O. and Federal Office Building, Bozeman, Mont. 59715. Telephone: Area Code 406, 587–4511, Ext. 3271.

Nebraska, Post Office Box 793, 5801 O Street, Lincoln, Nebr. 68501. Telephone: Area Code 402, 475–3361.

North Dakota, Post Office Box 2017, 15 South 21st Street, Fargo, N. Dak. 58103. Telephone: Area Code 701, 237–5205.

Ohio, Room 202, Old Federal Building, Columbus, Ohio 43215. Telephone: Area Code 614, 469–5644.

South Dakota, Post Office Box 843, 239 Wisconsin Street SW., Huron, S. Dak. 57350. Telephone: Area Code 605, 352–8651, Ext. 321 or 310.

Wisconsin, Post Office Box 4248, 4601 Hammersley Road, Madison, Wis. 53711. Telephone: Area Code 608, 254–4441, Ext. 7535.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, 307, 76 Stat. 614–617; 7 U.S.C. 1441 (note))

Signed at Washington, D.C., on August 1, 1968.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 68–9436; Filed, Aug. 6, 1968; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case 384]

JOSEPH V. FISHER ET AL.

Denial and Probation Order for Export Control Violations

In the matter of Joseph V. Fisher, Valencia, Pa.; Howard M. Greenawalt, Cooperstown, Pa.; Semi-Elements, Inc., Saxonburg, Pa.; respondents.

By charging letter dated August 9, 1967, the above respondents, pursuant to § 382.3 of the Export Regulations, were charged with violations of the Export Control Act and Regulations thereunder. There were two charges. Charge I alleges 18 exportations by respondents of chemicals and related products (especially manufactured for electronic applications of an advanced nature) to France, West Germany, and Switzerland without obtaining in each instance the required export license; incorrectly representing on the shipper's Export Declarations that the products were exportable under General License; and failing to place destination control notices on the commercial invoices. Charge II alleges that respondent Semi-Elements made an exportation of crystalline material to a party who was subject to an order denying U.S. export privileges.

The respondents filed answers and requested an oral hearing. Fisher and Greenawalt were represented by one attorney and Semi-Elements by another. A hearing was held before the Compliance Commissioner on June 18, 1968, and he has submitted to the undersigned the record in the case together with his report and recommendation which includes findings of fact and findings that violations have occurred. He has recommended that the remedial action as hereinafter set forth be taken against the respondents.

The respondents did not contest the essential allegations of fact relating to the violations. By way of defense or mitigation Fisher and Greenawalt claimed that they were unaware of the regulations, the infractions which resulted in the violations. Semi-Elements likewise did not contest the essential factual allegations. It claimed that subsequent to the violations Riker Video Industries, Inc., had purchased all of the shares of stock of Semi-Elements and that the individuals responsible for the violations were no longer with Semi-Elements and further, at the time Riker Video took over Semi-Elements it had not been informed of the investigation which ultimately resulted in the charging letter in this case.

After considering the record in the case, I hereby make the following

FINDINGS OF FACT

1. The respondent Semi-Elements, Inc., is a corporation with a place of business in Saxonburg, Pa. The company is engaged in the processing and sale of crystalline materials and also in the purchase and resale of such materials. The company also deals in high purity chemicals.

2. The respondent Joseph V. Fisher of Valencia, Pa., established Semi-Elements, Inc., in 1958. He was the sole stockholder, manager, president, treasurer, and a director of the company until October 1966. In October 1966 Riker Video Industries, Inc., a corporation with a place of business in New York purchased from Fisher all of the shares of stock in Semi-Elements and since that time Riker Video has been operating Semi-Elements as a wholly owned subsidiary. Fisher remained as manager of Semi-Elements until October 1967 and he has not participated in any of the business affairs of the company since that time. He is now engaged in the building construction business. None of the personnel of Riker Video were connected with Semi-Elements prior to October 1966.

3. The respondent Howard M. Greenawalt, of Cooperstown, Pa., was an employee of Semi-Elements from 1963 until October 1967. He was a bookkeeper for the company. From November 1964 until July 27, 1965, he was also in charge of ascertaining whether commodities exported by the company required export licenses and it was his duty to see to it that documents relating to export controls were properly prepared. Greenawalt had no previous experience with regard to export control matters and he was unfamiliar with the technical aspects of the products processed and handled by the company and Fisher knew of Greenawalt's shortcomings on these matters. Fisher knew that some of the commodities exported by Semi-Elements required export licenses.

4. For several years prior to and at the time of the violations in question Semi-Elements had been a subscriber to and received the Comprehensive Export Schedule (the compilation of official regulations and policies governing the export licensing of commodities and technical data) issued by the Office of Export Control and also the Schedule B issued by the Department of Commerce—Statistical Classification of Domestic and Foreign Commodities Exported from the United States. Greenawalt had possession of these publications. Information as to whether commodities exported by Semi-Elements required export licenses and the proper way to prepare export control documents was readily available from these publications. Greenawalt failed to read the instructions as to how the publications should be used and he failed to ascertain that certain commodities which the company was exporting required export licenses. Fisher knew that some of the commodities exported by Semi-Elements required export licenses. He did not check to see if Greenawalt was carrying out his duties on export control matters properly.

5. Between December 4, 1964, and July 19, 1965, Semi-Elements exported from the United States to European countries 18 shipments (15 to France, 2 to Federal Republic of Germany and one to Switzerland) of crystalline material and high purity chemicals, some especially manufactured for electronic application of an advanced nature and others for use in research. The total value of the commodities in the shipments was $7,323.83.

6. Each of the shipments required a validated export license to export it lawfully from the United States to the destination to which it was exported. The respondents knew or should have known that such licenses were required but they did not apply for or obtain such export licenses. In each instance the respondents represented on the Shipper's Export Declaration that the commodities were exportable to the named destination under General License.

7. In each instance the respondents did not place a destination control statement on the commercial invoice which they knew or should have known was required by § 379.10 of the U.S. Export Regulations.

8. The shipment to Switzerland referred to in Finding No. 5 was made by Semi-Elements to the firm Continental Fine Chemicals Co., Zurich, Switzerland, on December 12, 1964, and consisted of crystalline material valued at $3,300. The said Continental firm was subject to an order denying to it all U.S. export privileges and it was listed as a denied party in the Table of Denial and Probation Orders, Supplement No. 1 to Part 382 of the CES which publication Greenawalt as an employee of Semi-Elements had in his possession.

9. The respondent Semi-Elements knew or had reason to know that said Continental firm was subject to an order denying to it all U.S. export privileges but Semi-Elements, without disclosure of the facts of the transaction to, and without authorization from, the Office of Export Control, made the aforesaid exportation.

Based on the foregoing I have concluded that the respondents Joseph V. Fisher, Howard M. Greenawalt, and Semi-Elements, Inc., violated §§ 381.2, 381.5, 381.6 of the Export Regulations in that: They knowingly exported and caused to be exported crystalline materials and high purity chemicals to destinations in European countries, for which validated export licenses were required, without applying for or obtaining such licenses; they filed or caused to be filed Shipper's Export Declarations with the Collector of Customs which represented that the commodities covered thereby were exportable under General Licenses

whereas in truth and in fact said commodities required validated export licenses; they knowingly failed to include destination control notices on commercial invoices as required by § 379.10. I further conclude that the respondent Semi-Elements, Incorporated violated § 381.10 of the Export Regulations in that without prior disclosure of the facts to, and specific authorization from the Office of Export Control, it exported commodities to a party that it knew or should have known was subject to an order denying all U.S. export privileges.

With respect to the culpability of the respondents for the violations in question, the Compliance Commissioner said in his report:

There is no question as to the liability of Semi-Elements for the acts of its employees acting within the scope of their employment. N.Y. Central R.R. v. U.S., 212 U.S. 481 (1909); U.S. v. George F. Fish, Inc., 154 F. 2d 798 (C.A. 2, 1946) cert. denied 328 U.S. 869. Fisher, as manager and principal official of Semi-Elements, in delegating authority to Greenawalt, a lesser agent, had the duty to take effective measures to supervise and assure performance by Greenawalt of his duties in compliance with the law. U.S. v. Matlack, 149 F. Supp. 814 (D.C. Md. 1957). This Fisher failed to do. Fisher knew that export licenses were necessary for some of the materials the company was handling. He assigned to Greenawalt the duty of handling export documents. He knew that Greenawalt had no experience in this field and that Greenawalt had no knowledge of the technical aspects of the products handled by the company. It does not appear that Fisher ever checked with Greenawalt to learn if he was properly performing his duties with regard to export matters. The fact that Fisher was busy with other matters did not excuse him from his duty to see that Greenawalt was performing his duties in compliance with the requirements of the law.

Greenawalt had at hand the Government publications from which he could have ascertained with ease whether the materials in question required export licenses. He just never bothered to read the instructions in these publications to find out whether export licenses were necessary for the commodities that were being exported. This was "negligent ignorance" on his part which the courts have said "frequently has the same effect in law as actual knowledge". Greenspan v. Seagram, 188 F. 2d 616, 620 (C.A. 2, 1951), and cases cited. The law imputes knowledge when opportunity and interest, combined with reasonable care would necessarily impart it. Ives v. Sargent, 119 U.S. 652, 661. In many situations it has been held that constructive or imputed knowledge is sufficient to satisfy the requirement of "knowledge" or "knowingly" called for in a statute. As to "knowingly" the courts have said that "it means knowing or having reason to know. A person has reason to know when he has such information as would lead a person exercising reasonable care to acquire knowledge of the fact in question or infer its existence". U.S. v. Sweet Briar, 92 F. Supp. 777 (W.D. S.C. 1950). This rule has also been applied in criminal cases. In U.S. v. Starkey, 52 F. Supp. 1 (E.D. 111, 1943), the court found the defendant had knowledge in a situation where "he closed his eyes to obvious sources of information, ignoring results of inquiries readily accessible".

Greenawalt's failure to observe that Continental was listed as a denied party in the CES was also "negligent ignorance" and Semi-Elements is chargeable with imputed or constructive knowledge of its employee.

Concerning the sanctions that should be imposed the Compliance Commisioner said:

Both Fisher and Greenawalt were culpable to a sufficient degree to impose sanctions denying them export privileges. Since they are not now engaged in export operations and will probably not so engage in the foreseeable future, denying them export privileges may be a meaningless exercise. But the extent of the sanction imposed may be considered as a measure of the seriousness with which we regard violations of this type by domestic exporters. I recommend that they be denied export privileges for two years and thereafter be placed on probation for the remainder of four years.

On the matter of sanction, I believe that Semi-Elements should be treated differently. It is true that this firm is the same legal entity that it was at the time the violations were committed. However, the firm is now wholly owned by Riker Video. None of the executive personnel of Riker Video were connected with Semi-Elements at the time of the violations. Fisher and Greenawalt, the individuals responsible for the violations are no longer with Semi-Elements. Since October 1967 the company has had a new manager, appointed by Riker Video. The export transactions of Semi-Elements are now being handled by an individual who has technical knowledge of the products exported by the company and he is under strict instructions to seek advice from the Department of Commerce on any doubtful question relating to export matters. The indications are that the company under new ownership and management is handling its export matters carefully and in compliance with the law. I believe that the purposes of the Export Control Act will be accomplished if Semi-Elements is placed on probation for three years and I so recommend.

I have considered the record in the case and the report and recommendations of the Compliance Commissioner concerning the sanctions that should be imposed and have concluded that the recommendations are fair and just and designed to achieve the purposes of the law: *Accordingly, it is hereby ordered,*

I. All outstanding licenses in which the respondents Joseph V. Fisher and Howard M. Greenawalt appear or participate in any manner are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. Except as qualified in Part IV hereof, the respondents Fisher and Greenawalt for a period of four years from the effective date of this order are hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction, involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction either in the United States or abroad shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) In the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) In the obtaining or using of any validated or general export license or other export control documents; (d) In the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) In the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents Fisher and Greenawalt but also to their agents and employees and to any person, firm, corporation, or other business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility or other connection in the conduct of trade or services connected therewith.

IV. Two years after the effective date of this order the privileges denied to the respondents Fisher and Greenawalt shall be restored conditionally and thereafter said respondents shall be on probation for the remainder of the denial period. The condition of probation is that the respondents shall fully comply with all requirements of the Export Control Act of 1949, as amended, and all regulations, licenses and orders issued thereunder, including this order.

V. During the time that the respondents Fisher and Greenawalt are prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with the respondents or whereby said respondents may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for the respondent; or (b) Order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. The respondent Semi-Elements, Incorporated for a period of three years from the effective date of this order is placed on probation on condition that it does not knowingly violate the Export Control Act of 1949, as amended, or any regulations, licenses, or orders issued thereunder. While said respondent is on probation it shall be permitted all export privileges as though this order had not been entered. If said respondent does not violate the condition of probation, this order without further action shall terminate at the expiration of three years from its effective date.

VII. In the event that it is found, after investigation, by the Director, Office of Export Control, or such other official as may at that time be exercising his duties, that the respondent Semi-Elements, Incorporated failed during the three year period of probation to comply in any respect with the condition thereof, such official may summarily and without notice to said respondent enter and publish an order against it denying export privileges up to a period of three years. Such order as may be entered for violation of probation shall contain the usual terms and prohibitions of denial orders as set forth in Paragraphs I, II, III, and V of this order.

The entry of an order under this part shall not limit the Bureau of International Commerce from taking other action based on the violation for which probation was revoked as said Bureau shall deem warranted.

This order shall become effective on August 6, 1968.

Dated: July 30, 1968.

RAUER H. MEYER,
Director,
Office of Export Control.

[F.R. Doc. 68-9402; Filed, Aug. 6, 1968; 8:47 a.m.]

Maritime Administration

AMERICAN EXPORT ISBRANDTSEN LINES, INC.

Notice of Application

Notice is hereby given that American Export Isbrandtsen Lines, Inc., has applied for approval under Article II-16 of its Operating-Differential Subsidy Agreements, Contracts Nos. FMB-87 and MA/MSB-52, to permit an affiliated or associated company, Allied Equities Shipping Corp., to operate under U.S. registry, in the foreign commerce of the United States, the following ten (10) of its owned cargo vessels as tramp vessels carrying full shiploads of bulk cargoes:

Vessel	*Official No.*	*Type*
U.S. Navigator	248751	AP-2
U.S. Pilot	245016	C-2
U.S. Tourist	248171	AP-3
U.S. Victory	245754	AP-3
U.S. Caper	247194	AP-3
U.S. Defender	248013	AP-2
U.S. Explorer	248565	AP-3
U.S. Mate	252492	C-2
U.S. Builder	247121	AP-3
U.S. Adventurer	247320	AP-3

Article II-16 of the aforesaid Operating-Differential Subsidy Agreements provides as follows:

II-16. *Competition.* (a) Without the express approval of the United States, (1) neither the Operator nor any wholly owned subsidiary shall operate or cause or permit to be operated any unsubsidized vessel, and (2) no affiliate, subsidiary, associate, or holding company of the Operator shall operate or cause or permit to be operated any unsubsidized vessel owned or controlled by any of them in competition with any subsidized service of the Operator or in the foreign commerce of the United States in competition with any other essential U.S. flag service, route, or line, as defined in applicable rules and regulations of the United States.

(b) Neither the Operator nor any affiliate, subsidiary, associate or holding company shall operate or cause or permit to be operated any unsubsidized vessel owned or controlled by any of them in the foreign commerce of the United States in violation of applicable rules and regulations of the United States.

The Acting Maritime Administrator has concluded that a public hearing, though not required by law, may be of assistance in determining the action to be taken, and in the exercise of his discretionary authority, has directed that a public hearing be held with respect to this matter, at a time and place to be announced later, in the event requests therefor are received from interested parties.

Such hearing will be before the Chief Hearing Examiner of the Maritime Administration (or a designee of his office) as the duly authorized representative of the Acting Maritime Administrator and a recommended decision will be issued. The purpose of the hearing will be to receive evidence relative to whether the proposed operation of the above-listed vessels (1) will result in competition with any subsidized service of American Export Isbrandtsen Lines, Inc., or (2) will result in competition in the foreign commerce of the United States with any other essential U.S. flag service, route, or line, as defined in the applicable rules and regulations of the United States.

Any person, firm, or corporation having an interest in this matter and desiring to be heard on the referred-to issues pertinent thereto, must file a request to participate in such hearing by close of business on August 21, 1968, with the Secretary, Martime Subsidy Board/Maritime Administration, in writing, in triplicate, stating clearly and concisely the grounds of interest, and the alleged facts relied on in support of its position in the matter. Notwithstanding any provision of the Maritime Subsidy Board/Maritime Administration Rules of Practice and Procedure (46 CFR Part 201), any request to participate in the hearing which is received after the close of business August 21, 1968, will not be entertained in this proceeding.

If no requests to participate in the hearing are received within the specified time, or if it is determined that the submitted requests do not demonstrate sufficient interest to warrant a hearing, the Acting Maritime Administrator will take such action as may be deemed appropriate.

Dated: August 5, 1968.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 68-9494; Filed, Aug. 6, 1968; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-296]

TENNESSEE VALLEY AUTHORITY

Notice of Issuance of Provisional Construction Permit

Notice is hereby given that, pursuant to the Initial Decision of the Atomic Safety and Licensing Board, dated July 30, 1968, the Director of the Division of Reactor Licensing has issued Provisional Construction Permit No. CPPR-48 to the Tennessee Valley Authority for the construction of a single cycle, forced circulation, boiling water nuclear reactor, designated as Browns Ferry Nuclear Power Station Unit 3, at the applicant's site in Limestone County, Ala. The reactor is designed for initial operation at approximately 3,293 megawatts (thermal).

A copy of the initial decision is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 31st day of July 1968.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 68-9368; Filed, Aug. 6, 1968; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18101; FCC 68-810]

BROADCAST BY WBBM-TV OF A MARIJUANA PARTY

Order Continuing Inquiry

In the matter of inquiry into WBBM-TV's broadcast on November 1 and 2, 1967 of a report on a marijuana party.

The Commission is in receipt of a letter from Chairman Staggers of the Special Subcommittee on Investigations of the House Committee on Interstate and Foreign Commerce stating that the special subcommittee has no objection to the Commission's continuation of its investigation of the WBBM-TV program "Pot Party at a University";

It is therefore ordered, That the Commission's inquiry into WBBM-TV's broadcast on November 1 and 2, 1967, of a report on a marijuana party shall proceed and that the Chief Hearing Examiner (or an Examiner designated by him), shall hold hearings at such time and place as may be deemed appropriate,

and that the Commission's order released June 17, 1968, is hereby set aside.

Adopted: July 31, 1968.

Released: August 1, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-9420; Filed, Aug. 6, 1968; 8:49 a.m.]

[Docket No. 17554, 18270; FCC 68-776]

WESTERN UNION TELEGRAPH CO.

Memorandum Opinion and Order Regarding Tariff Investigation

In the matter of proposed revisions in the rates of the Western Union Telegraph Co. for Tie-line domestic interstate telegraph services and in the matter of proposed revisions in the domestic telegraph message tariffs of the Western Union Telegraph Co.

1. The Commission has under consideration (a) its order adopted June 28, 1967, in Docket No. 17554 (FCC 67-744) instituting an investigation and hearing into the lawfulness of certain tariffs of The Western Union Telegraph Co. (Western Union) applicable to charges for tie-line interstate telegraph services, and (b) new and revised tariff schedules which were submitted by Western Union under Transmittal No. 6223 and which are identified on the appendix attached hereto[1] to become effective in part on August 1, 1968, and in part on September 1, 1968.

2. The new and revised tariff schedules make extensive rate structure and related changes in the company's domestic service offerings which will result in new and increased charges for various classes of service. These increased charges will generally affect all message users of Western Union including tie-line customers. The increases proposed herein for users of tie-lines are in addition to those already under an investigation that is now pending in docket No. 17554. Moreover, we are concerned about the propriety of these proposed increases in view of the quality and speed of message service provided by the company and other matters specified hereinafter in the issues. From an examination of the new and revised schedules the Commission is unable to determine whether the charges, classifications, regulations or practices contained therein will be lawful under the Communications Act of 1934, as amended. If the increased charges are permitted to become effective on the dates specified therein, the rights and interests of the public may be adversely affected thereby.

3. *Accordingly, it is ordered,* That, pursuant to sections 201, 202, 204, 205, and 403 of the Communications Act of 1934, as amended, the Commission shall enter upon a hearing and investigation concerning the lawfulness of the charges, classifications, regulations or practices set forth in the tariff schedules identified in the Appendix hereto[1] and any amendments, cancellations or successive issues thereof during the pendency of the investigation; and

4. *It is further ordered,* That, pursuant to section 204 of the Communications Act of 1934, as amended, the operation of the tariff schedules shown in the appendix hereto is hereby suspended until November 1, 1968, as to those tariff schedules published to become effective August 1, 1968, and until December 1, 1968, as to those tariff schedules published to become effective September 1, 1968, and that during said period of suspension no changes shall be made in said tariff schedules or in the charges, classifications, regulations or practices sought to be altered thereby, unless authorized by special permission of the Commission; and

5. *It is further ordered,* That, the issues in this case shall be as follows:

(1) Whether the proposed tariff revisions are just and reasonable and not otherwise unlawful under sections 201(b) and 202(a) of the Communications Act of 1934, as amended.

(2) Without in anyway limiting the scope of the matters to be considered under the foregoing issue, consideration shall be given to the following matters:

(a) Whether Western Union, under existing rate levels applicable to all of its services, has any additional overall revenue and earnings requirements and, if so, the extent to which such requirements are attributable to the message services involved;

(b) The extent to which the proposed tariff revisions may be expected to satisfy any such additional requirements of Western Union on both a short run and long run basis;

(c) The speed, quality and adequacy of Western Union's message telegraph services and the relationship thereof to the lawfulness of the proposed tariff revisions;

(d) The nature, scope and costs of Western Union's construction and modernization programs and the relationship of such programs to (i) the speed, quality and adequacy of the message telegraph service and (ii) the lawfulness of the proposed tariff revisions;

(e) The nature and extent of the public need for telegraph message and money order services and the extent to which such needs will be met under the revised tariffs.

(3) Whether the Commission should prescribe just and reasonable charges, classifications, regulations, and practices or the maximum or minimum or maximum and minimum charges to be hereafter followed with respect to the services governed by the tariff schedules herein suspended, and, if so, what charges, classifications, regulations and practices should be prescribed.

6. *It is further ordered,* That, in the event a decision as to the lawfulness of the provisions suspended has not been made during the aforesaid suspension period, and said revised charges, classifications, regulations and practices go into effect, the Western Union Telegraph Co. and its connecting and concurring carriers shall, until further order by the Commission, keep accurate account or record of all amounts received by reason of the increased charges specifying by whom and in whose behalf such amounts are paid, and upon completion of the hearing and decision therein the Commission may by further order require the refund thereof, with interest, pursuant to section 205 of the Communications Act of 1934, as amended, and the carrier shall file with the Commission reports with respect to the aforementioned accounting requirements as shall be prescribed by the Chief, Common Carrier Bureau.

7. *It is further ordered,* That, a copy of this order be filed in the offices of the Commission with said tariff schedules herein suspended; that the Western Union Telegraph Co. and all carriers listed in its Tariff F.C.C. No. 211 as concurring carriers with respect to matters contained in said tariff schedules herein suspended are hereby made parties respondent to this proceeding; and that a copy hereof be served upon each such respondent and National Association of Regulatory Utilities Commissioners; and

8. *It is further ordered,* That, a hearing be held in this proceeding at the Commission's offices in Washington, D.C., at a time to be specified, before a presiding officer to be designated hereafter who shall certify the record to the Commission, without preparation of an initial or recommended decision, and the Chief of the Common Carrier Bureau shall thereafter issue a recommended decision which shall be subject to the submittal of exceptions and requests for oral argument as provided in 47 CFR 1.276 and 1.277, after which the Commission shall issue its decision as provided in 47 CFR 1.282; and

9. *It is further ordered,* That, the proceedings ordered herein are hereby consolidated with the proceedings heretofore ordered in Docket No. 17554.

Adopted: July 29, 1968.

Released: August 2, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-9421; Filed, Aug. 6, 1968; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Commission Order 201.1 (Rev.), Supp. 1]

DIRECTOR, BUREAU OF DOMESTIC REGULATION

Redelegation of Authority Regarding Suspension or Revocation of Bonds

In Commission Order 201.1 (Revised), section 6, *Specific authorities Redelegated to the Director, Bureau of Domestic Regulation,* is hereby supplemented by amending authority (h) in subsection 6.03 to read as follows:

(h) Upon receipt of notice of cancellation of any bond, to notify the licensee in writing that his license will automatically be suspended or revoked, effective on the bond cancellation date, unless a new or reinstated bond is submitted to and approved by the Commission prior to such date, and to subsequently order such suspension or revocation for failure to maintain a bond.

EDWARD SCHMELTZER,
Managing Director.

[F.R. Doc. 68-9423; Filed, Aug. 6, 1968; 8:49 a.m.]

[Commission Order 1 (Rev.), Supp. 2]

MANAGING DIRECTOR

Delegation of Authority Regarding Suspension or Revocation of Bonds

In Commission Order 1 (Revised) section 7, *Specific authorities delegated to the Managing Director,* is hereby supplemented by amending authority (g) in subsection 7.04 to read as follows:

(g) Upon receipt of notice of cancellation of any bond, to notify the licensee in writing that his license will automatically be suspended or revoked, effective on the bond cancellation date, unless a new or reinstated bond is submitted to and approved by the Commission prior to such date, and to subsequently order such suspension or revocation for failure to maintain a bond.

JOHN HARLLEE,
Rear Admiral, U.S. Navy (Retired),
Chairman.

[F.R. Doc. 68-9424; Filed, Aug. 6, 1968; 8:49 a.m.]

AMERICAN EXPORT ISBRANDTSEN LINES, INC. ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

American Export Isbrandtsen Lines, Inc.; American Mail Line; Farrell Lines, Inc.; Grace Line Inc.; Moore-McCormack Lines, Incorporated; States Marine-Isthmian Agency, Inc.; and, United States Lines, Inc.

Notice of agreement filed for approval by:

Mr. James N. Jacobi, Kurrus and Jacobi, 2000 K Street NW., Washington, D.C. 20006.

Agreement No. 9735, between American Export Isbrandtsen Lines, Inc.; American Mail Line; Farrell Lines, Inc.; Grace Line Ino.; Moore-McCormack Lines, Inc.; States Marine-Isthmian Agency, Inc.; and United States Lines, Inc., will establish a cooperative working arrangement whereby the parties may consult and consider among themselves all aspects of containerized transportation in the foreign ocean-borne commerce of the United States including inland movement of containers in the United States and abroad, applicable charges and practices, intermodal interchange, consolidation, inland and through documentation, governmental regulation over inland movements, insurance and liability, expedition of through movements, division of rates, and contracts and agreements between common carriers.

Pursuant to the agreement, the parties may

(1) consult with governmental and private agencies,

(2) consult and confer with transportation related organizations including rail carriers, motor carriers, air carriers, forwarders, shippers and insurers, and provide membership on any joint committees that may be established,

(3) agree to appear at public of private hearings and proceedings and

(4) Arrive at such other related agreements which shall not become effective until approved by the Commission and the Maritime Administration where such approvals are required.

Joint actions of the parties to this agreement may be taken by two-thirds vote of the members. Each party retains the right of independent action except that no party may take independent action contrary to its individual position established under the voting procedures in the agreement.

Membership in the agreement is open to any ocean common carrier operating a cargo service from and to U.S. ports which utilizes containers, unitized equipment, trailers, and related running gear.

Dated: August 2, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-9425; Filed, Aug. 6, 1968; 8:49 a.m.]

[Independent Ocean Freight Forwarder License 480]

WORLD-WIDE SERVICES, INC.

Order of Revocation

Whereas, on June 28, 1968, the New Hampshire Insurance Co. notified the Commission that the Independent Ocean Freight Forwarder Surety Bond No. 873062, underwritten in behalf of World-Wide Services, Inc., 152-70 Rockaway Boulevard, Jamaica, N.Y. 11434, would be canceled effective July 28, 1968; and

Whereas, World-Wide Services, Inc., was notified that unless a new surety bond was submitted to the Commission its Independent Ocean Freight Forwarder License No. 480 would be revoked effective July 28, 1968, pursuant to General Order 4, Amendment 12 (46 CFR 510.9) and;

Whereas, World-Wide Services, Inc., has failed to submit a valid surety bond in compliance with the above Commission rule.

It is ordered, That the Independent Ocean Freight Forwarder License No. 480 is revoked effective July 28, 1968; and

It is further ordered, That the Independent Ocean Freight Forwarder License No. 480 be returned to the Commission for cancellation.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 68-9426; Filed, Aug. 6, 1968; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

CENTRAL BANCORPORATION, INC.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by The Central Bancorporation, Inc., Cincinnati, Ohio, for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of each of the following banks: The Central Trust Co., Cincinnati, Ohio, and The Citizens National Bank of Marietta, Ohio.

Section 3(c) of the Act, as amended, provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in

[1] Filed as part of the original document.

[2] Commissioner Johnson concurring in part and dissenting in part and issuing a statement filed as part of the original document.

meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Cleveland.

Dated at Washington, D.C., this 31st day of July 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-9381; Filed, Aug. 6, 1968; 8:46 a.m.]

DOMINION BANKSHARES CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Dominion Bankshares Corp., which is a bank holding company located in Roanoke, Va., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of The City Bank and Trust Co. of Alexandria, Alexandria, Va.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Richmond.

Dated at Washington, D.C., this 31st day of July 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-9382; Filed, Aug. 6, 1968; 8:46 a.m.]

DOMINION BANKSHARES CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Dominion Bankshares Corp., which is a bank holding company located in Roanoke, Va., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of First National Bank of Norfolk, Norfolk, Va.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than 30 days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Richmond.

Dated at Washington, D.C., this 31st day of July 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-9383; Filed, Aug. 6, 1968; 8:46 a.m.]

OFFICE OF EMERGENCY PLANNING

INDIANA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter dated July 30, 1968, reading in part as follows:

I have determined that the damage in those areas of the State of Indiana adversely affected by heavy rains and flooding, beginning on or about May 24, 1968, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875.

I do hereby determine the following areas in the State of Indiana to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 30, 1968:

The counties of:

Brown.	Harrison.
Daviess.	Jefferson.
Dearborn.	Jennings.
Fayette.	Ripley.
Franklin.	Switzerland.
Gibson.	

Dated: July 31, 1968.

PRICE DANIEL,
Director,
Office of Emergency Planning.

[F.R. Doc. 68-9374; Filed, Aug. 6, 1968; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4660]

MONONGAHELA POWER CO. ET AL.

Notice of Proposed Acquisitions and Sales of Undivided Interests in Utility Assets

AUGUST 1, 1968.

In the matter of Monongahela Power Co., 1310 Fairmount Avenue, Fairmount, W. Va. 26554; The Potomac Edison Co., Downsville Pike, Hagerstown, Md. 21740; West Penn Power Co., 800 Cabin Hill Drive, Greensburg, Pa. 15601.

Notice is hereby given that Monongahela Power Co. ("Monongahela"), The Potomac Edison Co. ("Potomac"), and West Penn Power Co. ("West Penn"), electric utility subsidiary companies of Allegheny Power System, Inc., a registered holding company, have filed a joint declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating section 12 of the Act and Rules 43 and 44 promulgated thereunder as applicable to the proposed transactions. Monongahela and Potomac also are registered holding companies while West Penn is an exempt holding company. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Monongahela, Potomac, and Duquesne Light Co. ("Duquesne"), a nonaffiliated electric utility company not subject to the Act, own, as tenants in common, Unit No. 1 of the Fort Martin electric generating station which is located on the Monongahela River near Morgantown, W. Va. Their undivided ownership interests are 25 percent, 25 percent, and 50 percent, respectively. The first unit, a 500,000 kw generator also has certain facilities ("common facilities") appropriate for common use with another 500,000 kw unit ("the second unit") now being built by Monongahela, Potomac, and West Penn as tenants in common. Their undivided ownership interests as tenants in common in this second unit are 20 percent, 30 percent, and 50 percent, respectively. Thus the ownership in both units will be: Monongahela, 22.5 percent; Potomac, 27.5 percent; West Penn, 25 percent; and Duquesne, 25 percent.

In order to divide the ownership interests in the common facilities in the same way, Monongahela, Potomac, and West Penn, respectively, propose to acquire at depreciated original cost, from Duquesne, 5 percent, 7.5 percent, and 12.5 percent of the undivided interest in the common facilities. This will reduce Duquesne's undivided interest in the common facilities to 25 percent. Concurrently, Monongahela proposes to sell to Potomac and West Penn and such companies propose to acquire undivided interests in the common facilities of 1.25 percent and 6.25 percent, respectively, and Potomac proposes to sell to West Penn and West Penn proposes to acquire an undivided interest in the common facilities of 6.25 percent. As a result of these transactions the undivided ownership interests in the common facilities of Monongahela, Potomac, West Penn, and Duquesne will be 22.5 percent, 27.5 percent, 25 percent, and 25 percent, respectively.

It is stated that, assuming October 1, 1968, to be the closing date for the proposed transfers, the cash considerations to be paid for the acquisition of interests will be as follows:

Monongahela	$701,700
Potomac	1,236,650
West Penn	3,500,000
Total	5,428,350

The dispositions of interests are set forth below:

Monongahela	$1,044,600
Potomac	875,250
Duquesne	3,508,500
Total	5,428,350

The fees and expenses in connection with the proposed transactions are estimated at $1,000. It is represented that the Pennsylvania Public Utility Commission and the West Virginia Public Service Commission have jurisdiction over the proposed transactions and that appropriate orders of these commissions will be filed by amendment.

Notice is hereby given that any interested person may, not later than August 23, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-9377; Filed, Aug. 6, 1968; 8:45 a.m.]

[812-2259]

REAL ESTATE PROPERTIES CORP. AND DYSON-KISSNER CORP.

Notice of Filing of Application for Exemption

AUGUST 1, 1968.

Notice is hereby given that Real Estate Properties Corp. ("REPC"), Room 711, 26 Broadway, New York, N.Y. 10004, and the Dyson-Kissner Corp. ("Dyson-Kissner"), 230 Park Avenue, New York, N.Y. 10017, both Delaware corporations, have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), 15 U.S.C. sec. 80a-1 et seq., requesting an order of the Commission exempting from the provisions of section 17(a) of the Act the sale by Dyson-Kissner to REPC of the shares of common stock and preferred stock of the Garden City Co. ("Garden City") held by Dyson-Kissner. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

The Equity Corp. ("Equity"), a closed-end, nondiversified investment company registered under the Act, owns approximately 52 percent of the outstanding common stock of Bell Intercontinental Corporation ("Bell"); Bell owns 100 percent of the outstanding common stock of REPC. REPC and Dyson-Kissner own respectively 50.2 percent and 15.1 percent of the outstanding voting securities of Garden City. Under sections 2(a)(3) and 2(a)(9) of the Act, REPC and Garden City are controlled by, and affiliates of, Equity. Dyson-Kissner, by virtue of its ownership of the voting securities of Garden City, is an affiliate of Garden City. Garden City, a New York corporation, is engaged in the real estate business in Garden City, New York.

The proposed transaction is pursuant to an agreement dated June 7, 1963 between Esterline Angus Instrument Co., Inc. ("Esterline Angus"), a subsidiary of and predecessor in interest to Dyson-Kissner, and REPC (then called Bell Properties Corp.) pursuant to which Esterline Angus sold and REPC purchased 9,966 shares of common stock and 1,824 shares of preferred stock of Garden City, constituting 50.2 percent of its outstanding voting securities, at a price of approximately $4,143,000, subject to certain adjustments for tax deficiencies and condemnation awards. Such adjustments, the amount of which has been agreed upon, have the effect of reducing the purchase price by approximately $92,000. Esterline Angus retained 15.1 percent of Garden City's outstanding voting securities, consisting of 2,960 shares of common stock and 592 shares of preferred stock.

The agreement provided that, with respect to the securities of Garden City retained by Esterline Angus (now owned by Dyson-Kissner), (a) REPC shall have the option for a period of 5 years from the date of the agreement, to purchase all or any part of such securities in units consisting of one share of preferred stock and five shares of common stock for a price per unit of $2,108.40, subject to similar adjustments for the tax deficiencies and condemnation awards referred to above, plus an additional payment equivalent to 6 percent per annum of such additional purchase price from the date of the agreement to the date of actual purchase, and (b) Dyson-Kissner shall

have the right, at the end of 5 years from the date of the agreement, to sell the balance of such securities to REPC for a purchase price equal to that described in clause (a) above, except that Dyson-Kissner would not be entitled to the additional 6 percent payment.

Dyson-Kissner desires to divest itself of its 15.1 percent interest in Garden City and REPC is willing to purchase the Dyson-Kissner interest in Garden City in accordance with the terms of the agreement without payment of the 6 percent increment to the purchase price. The proposed purchase price is $1,220,490.88.

The application states that there is no affiliation or other relationship between Equity, Bell, or REPC on the one hand and Dyson-Kissner on the other, except the ownership interests of REPC and Dyson-Kissner in Garden City, and no business activity or other relationship is contemplated. In June 1963 there was and had been no affiliation or other relationship between REPC and Esterline Angus and the agreement was negotiated at arms length.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any transaction from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 15, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the addresses stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68–9378; Filed, Aug. 6, 1968; 8:45 a.m.]

TARIFF COMMISSION

[337–21]

FURAZOLIDONE

Notice of Investigation and Date of Hearing

A complaint was filed with the Tariff Commission March 19, 1968, by Norwich Pharmacal Co. of Norwich, N.Y., alleging unfair methods of competition and unfair acts in the importation of furazolidone into the United States, or in its sale by the owner, importer or consignee, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States in violation of the provisions of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Complainant alleges, inter alia, that:

(a) Numerous persons and firms named in the complaint have engaged in unfair methods of competition to the manufacture and sale of furazolidone within the United States by importing and using or selling furazolidone in infringement of U.S. letters patent 2,742,462, and, in addition, have engaged in unfair acts in the importation of furazolidone; and

(b) Complainant has suffered and continues to suffer irreparable injury by virtue of repeated acts of unfair competition, infringement of its patent and unfair acts in the importation and sale of furazolidone.

Having conducted in accordance with section 203.3 of the Commission's rules of practice and procedure (19 CFR 203.3) a preliminary inquiry with respect to the matters alleged in the said complaint, the U.S. Tariff Commission, on the 19th of July ordered:

(1) That, for the purpose of section 337 of the Tariff Act of 1930, an investigation is instituted with respect to the alleged violations in the importation and sale in the United States of the said furazolidone.

(2) A public hearing in connection with the investigation to be held in the Hearing Room of the Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m. e.d.s.t., on the 10th of September, at which hearing all parties concerned will be afforded an opportunity to be present, to produce evidence, and to be heard concerning the subject matter of the investigation.

Public notice of the receipt of the complaint was published in the FEDERAL REGISTER for April 6, 1968 (33 F.R. 5481), and in the Customs Bulletin for April 24, 1968, and the complaint was served on the parties named in the complaint and has been available for inspection by interested persons continuously since issuance of the notice, at the office of the Secretary located in the Tariff Commission Building, and also in the New York City Office of the Commission located in Room 437 of the Customhouse.

Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission in writing at least 5 days in advance of the opening of the hearing.

Issued: August 1, 1968.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 68–9379; Filed, Aug. 6, 1968; 8:46 a.m.]

[337–21]

FURAZOLIDONE

Temporary Exclusion Order Action

A complaint was filed with the Tariff Commission March 19, 1968, by Norwich Pharmacal Co. of Norwich, N.Y., alleging unfair methods of competition and unfair acts in the importation of furazolidone into the United States, or in its sale by the owner, importer or consignee, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States in violation of the provisions of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337).

Complainant requested that the Commission recommended to the President the issuance of a temporary exclusion order in accordance with the provisions of section 337(f) of the Tariff Act of 1930. Consideration by the Commission of this question resulted in an evenly divided vote with one group of Commissioners affirmative (Vice Chairman Sutton and Commissioner Clubb) and the other group negative (Chairman Metzger and Commissioner Thunberg). Pursuant to section 330(d)(1) of the Tariff Act of 1930, as amended (19 U.S.C. 1330(d)(1)), the recommendations of both groups are being forwarded to the President for his consideration, and his determination as to the issuance of a temporary exclusion order in accordance with section 337(f).

Issued: August 1, 1968.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 68–9380; Filed, Aug. 6, 1968; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

AUGUST 2, 1968.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by special rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. C–321, Case No. 3, filed May 21, 1968. Applicant: PARKER MOTOR FREIGHT, INC., 1505 Steele Avenue SW., Grand Rapids, Mich. Applicant's representative: Walter N. Bieneman, Suite 1700—One Woodward Avenue, Detroit, Mich. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* over regular routes (1) between the junction of U.S. 27 and U.S. 10 (and/or I–75) and East Jordan via U.S. 27 and I–75 to junction with M–32, thence via M–32 to East Jordan; (2) between the junction of I–75 and M–72 and the junction of M–72 and U.S. 131 via M–72; (3) between Lansing and Flint via M–78; (4) between the junction of I–96 and M–59 and Pontiac via M–59; (5) between Saginaw and the junction of M–46 and U.S. 131 via M–46; (6) between Flint and Grand Rapids via M–21; and (7) between junction of County Road and U.S. 131 at Alba and Mackinaw City via County Road to junction with M–32, thence via M–32 to junction with I–75, and thence via I–75 to Mackinaw City. Restriction: Service over routes (1) through (7) above described shall include the right to join such routes with otherwise authorized routes but shall be restricted for operating convenience only in the performance of service and subject to the same restrictions between points otherwise authorized. Both intrastate and interstate authority sought.

HEARING: Friday, September 6, 1968, at 9:30 a.m., Michigan Public Service Commission, Lewis Cass Building, South Walnut Street, Lansing, Mich. Objections to this application should be addressed to the Michigan Public Service, Lewis Cass Building, South Walnut Street, Lansing, Mich., and should not be directed to the Interstate Commerce Commission.

State Docket No. 68–210–MP/O, filed July 2, 1968. Applicant: CLARENCE AMOS WILLHITE, 3810 Carolina Drive, Spenard, Alaska. Applicant's representative: James K. Tallman, 926 Third Avenue, Anchorage, Alaska. Certificate of public convenience and necessity sought to operate a passenger service as follows: Special services in the transportation of *passengers* in sightseeing, tour, and charter operations in interstate commerce between points in Alaska. Both intrastate and interstate authority sought.

HEARING: Unknown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Alaska Transportation Commission, 750 MacKay Building, 338 Denali Street, Anchorage, Alaska 99501, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–9406; Filed, Aug. 6, 1968; 8:48 a.m.]

[Notice 510]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 2, 1968.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 1042.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 33641 (Deviation No. 7), IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 94110, filed July 24, 1968. Carrier's representative: Edward J. Hegarty, 100 Bush Street, 21st floor, San Francisco, Calif. 94104. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From St. Louis, Mo., over Interstate Highway 70 (U.S. Highway 40) to junction Interstate Highway 57, at or near Effingham, Ill., thence over Interstate Highway 57 to junction Illinois Highway 16, at or near Mattoon, Ill., thence over Illinois Highway 16 to junction U.S. Highway 150, at or near Paris, Ill., thence over U.S. Highway 150 to junction Interstate Highway 70 (U.S. Highway 40), at or near Terre Haute, Ind., thence over Interstate Highway 70 (U.S. Highway 40) to junction Interstate Highway 75, thence over Interstate Highway 75 to Dayton, Ohio, and (2) from St. Louis, Mo., over Interstate Highway 70 (U.S. Highway 40) to junction Interstate Highway 57, at or near Effingham, Ill., thence over Interstate Highway 57 to junction Illinois Highway 16, at or near Mattoon, Ill., thence over Illinois Highway 16 to junction U.S. Highway 150, at or near Paris, Ill., thence over U.S. Highway 150 to junction Interstate Highway 70 (U.S. Highway 40), at or near Terre Haute, Ind., thence over Interstate Highway 70 (U.S. Highway 40) to junction Interstate Highway 74, thence over Interstate Highway 74 to Cincinnati, Ohio, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From St. Louis, Mo., over U.S. Highway 50 via Shoals, Ind., to Cincinnati, Ohio, (2) from Cincinnati, Ohio, over Ohio Highway 4 to Dayton, Ohio.

Thence over Ohio Highway 444 (formerly portion Ohio Highway 4) via Fairborn, Ohio, to junction unnumbered highway (formerly portion Ohio Highway 4), thence over unnumbered highway to Springfield, Ohio, thence over U.S. Highway 40 via Lafayette, to Columbus, Ohio, thence over Ohio Highway 3 to junction unnumbered highway (formerly Ohio Highway 3), north of Westerville, Ohio, thence over unnumbered highway via Galena, Ohio, to Sunbury, Ohio, thence over Ohio Highway 61 to Mount Gilead, Ohio, thence over U.S. Highway 42 to Mansfield, Ohio, and (3) from Lima, Ohio, over unnumbered highway (formerly portion U.S. Highway 25) to Wapakoneta, Ohio, thence over U.S. Highway 25 to Piqua, Ohio, thence over unnumbered highway (formerly portion U.S. Highway 25) to junction U.S. Highway 25, thence over U.S. Highway 25 to Dayton, Ohio, and return over the same routes.

No. MC 60186 (Deviation No. 1), NELSON FREIGHTWAYS, INC., 47 East Street, Rockville, Conn. 06066, filed July 25, 1968. Carrier's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Amesbury, Mass., over Interstate Highway 495 to junction Massachusetts Highway 9 near Westboro, Mass., (2) from Amesbury, Mass., over Interstate Highway 95 to Danvers, Mass., (3) from Newton, Mass., over Interstate Highway 90 to Westboro, Mass., and (4) from Methune, Mass., over Massachusetts Highway 213 to junction Interstate Highway 93, thence over Interstate Highway 93 to Boston, Mass., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes, as follows: (1) From Amesbury, Mass., over Massachusetts Highway 110 to Salisbury, Mass., thence over U.S. Highway 1 to Lynnville, Mass., thence over Massachusetts Highway 128 to Newton, Mass., thence over Massachusetts Highway 9 to Westboro, Mass., (2) from Amesbury, Mass., over Massachusetts Highway 110 to Salisbury, Mass., thence over U.S. Highway 1 to Danvers, Mass., (3) from

Newton, Mass., over Massachusetts Highway 9 to Westboro, Mass., and (4) from Methune, Mass., over Massachusetts Highway 113 to junction Massachusetts Highway 28.

Thence over Massachusetts Highway 28 to Boston, Mass., and return over the same routes.

No. MC 74502 (Deviation No. 1), LEIGHTY TRUCK LINES, INC., Post Office Box 638, Canby, Oreg. 97013, filed July 26, 1968. Carrier's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Portland, Oreg., over Interstate Highway 5 to junction Wilsonville-Hubbard Highway, thence over the Wilsonville-Hubbard Highway to junction unnumbered county road (approximately 5 miles), thence over unnumbered county road to Aurora, Oreg., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Aurora, Oreg., and Portland, Oreg., over U.S. Highway 99E.

No. MC 105807 (Deviation No. 2), RED BALL EXPRESS CO., 5445 Dahlia Street, Commerce City, Colo. 80022, filed July 24, 1968. Carrier's representative: Warren D. Braucher, 604 Rio Grande Building, Denver, Colo. 80217. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Denver, Colo., and Kansas City, Mo., over Interstate Highway 70, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Denver, Colo., over U.S. Highway 6 to Sterling, Colo., thence over U.S. Highway 138 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Nebraska Highway 44, at or near Kearney, Nebr, thence over Nebraska Highway 44 to junction U.S. Highway 6, thence over U.S. Highway 6 to Lincoln, Nebr., thence over U.S. Highway 77 to Beatrice, Nebr., thence over Nebraska Highway 4 to junction U.S. Highway 73, thence over U.S. Highway 73 to Victory Junction, Kans., thence over U.S. Highway 40 to Kansas City, Mo., and return over the same route.

No. MC 106943 (Deviation No. 24), EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. 47808, filed July 23, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Louis, Mo., over Interstate Highway 64 to junction Interstate Highway 71 at or near Louisville, Ky., thence over Interrtate Highway 71 to junction Interstate Highway 80 at or near Akron, Ohio, thence over Interstate Highway 80 to junction Interstate Highway 81 near Stroudsburg, Pa., thence over Interstate Highway 81 to junction Interstate Highway 84 at or near Scranton, Pa., thence over Interstate Highway 84 to junction Connecticut Highway 34 at Sandy Hook, Conn., thence over Connecticut Highway 34 to junction Connecticut Highway 114, thence over Connecticut Highway 114 to junction U.S. Highway 1, thence over U.S. Highway 1 to New Haven, Conn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 50 to Cincinnati, Ohio, thence over U.S. Highway 42 to Lafayette, Ohio, thence over U.S. Highway 40 via Cambridge, Ohio, to Washington, Pa., thence over U.S. Highway 19 to Pittsburgh, Pa., thence over U.S. Highway 22 to Newark, N.J., thence over U.S. Highway 1 to New Haven, Conn., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 2890 (Deviation No. 72), AMERICAN BUSLINES, INC., 1501 South Central Avenue, Los Angeles, Calif. 90021, filed July 22, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over a deviation route as follows: Between Tucson, Ariz., and Phoenix, Ariz., over Interstate Highway 10, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Los Angeles, Calif., over U.S. Highway 99 to Beaumont, Calif., thence over U.S. Highway 60 to Mesa, Ariz., thence over Arizona Highway 87 to junction Arizona Highway 84, thence over Arizona Highway 84 to Tuscon, Ariz., and return over the same route.

No. MC 89037 (Deviation No. 6), CONTINENTAL PACIFIC LINES, INC., 1501 South Central Avenue, Los Angeles, Calif. 90021, filed July 22, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over a deviation route as follows: From Eugene, Oreg., over Interstate Highway 5 to a point 15 miles north of Grants Pass, Oreg., which is the junction with old U.S. Highway 99 (now an unnumbered highway), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From San Francisco, Calif., over U.S. Highway 40 to Sacramento, Calif., thence over California Highway 16 to Woodland, Calif., thence over U.S. Highway 99–W to Red Bluff, Calif., thence over U.S. Highway 99 to Seattle, Wash., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9407; Filed, Aug. 6, 1968; 8:46 a.m.]

[Notice 1205]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 2, 1958.

The following publications are governed by special rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 25869 (Sub-No. 59) (republication), filed February 7, 1966, published in FEDERAL REGISTER issue of February 25, 1966, and republished this issue. Applicant: NOLTE BROS. TRUCK LINES, INC., Post Office Box 7184, South Omaha, Nebr. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. By application filed February 7, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes of foodstuffs, from the plant site of American Home Foods, Inc., at or near La Porte, Ind., to points in Iowa, Nebraska, Kansas, and Colorado. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966 at Indianapolis, Ind. A report and order of the Commission, division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, (except in bulk), and *advertising matter, display racks, and premiums* when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., to points in Kansas, Colorado, and Nebraska, restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., and destined to points in the above named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in the proceeding will be withheld for a period of 30 days from the date of such publication during which period any proper party in interest may file an appropriate petition to reopen or for other approriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 64932 (Sub-No. 437) (Republication), filed June 12, 1967, published FEDERAL REGISTER issue of June 29, 1967, and republished this issue. Applicant: ROGERS CARTAGE, a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. In the above-entitled proceeding, the examiner recommended the granting to applicant a certificate of public convenience and necessity, authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes of the same commodities and from and to the same points substantially as indicated below.

A decision and order of the Commission, Review Board No. 3, dated July 15, 1968, and served July 23, 1968, as modified, find that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of *core oil and liquid resins*, in bulk, in tank vehicles, from Mishawaka, Ind., to points in Illinois, Iowa, Kentucky, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, and Wisconsin, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 110420 (Sub-No. 551) (Republication), filed August 7, 1967, published in FEDERAL REGISTER issue of August 25, 1967, and republished this issue. Applicant: QUALITY CARRIER, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst, Post Office Box 339, Burlington, Wis. 53105. In the above-entitled proceeding, the examiner recommended the granting to applicant a certificate of public convenience and necessity, authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes of, the commodities, to, and from points substantially as indicated below. A decision and order of the Commission, Review Board No. 3, dated July 15, 1968, and served July 23, 1968, as modified, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *core oil and liquid resins*, in bulk, in tank vehicles, from Mishawaka, Ind., to points in Illinois, Iowa, Kentucky, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, and Wisconsin, subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; this applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 114045 (Sub-No. 306) (Republication), filed January 8, 1968, published FEDERAL REGISTER issue of January 25, 1968, and republished this issue. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: M. L. Beaty (same address as applicant). By application filed January 8, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of canned and preserved foodstuffs, except cold pack and frozen, from Wellsboro, Pa., and Arcade, Syracuse, Penn Yan, Lyons, and Newark, N.Y., to points in Missouri, Kansas, Colorado, Alabama, Mississippi, and points in Tennessee on and west of U.S. Highway 127. A report and order of the Commission Review Board No. 4, decided July 22, 1968, and served July 29, 1968, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, transporting (1) *milk beverages* from Wellsboro, Pa., to points in Missouri, Kansas, Colorado, Alabama, Mississippi, and points in Tennessee on and west of U.S. Highway 127, restricted to traffic originating at Wellsboro and destined to points in the specified destination States and described part of Tennessee, (2) *milk substitutes processed from grain, soybean or vegetable products* (with or without other ingredients), from Arcade, N.Y., to points in Missouri, Kansas, Colorado, Alabama, Mississippi, and points in Tennessee on and west of U.S. Highway 127, restricted to the transportation of traffic originating at Arcade and destined to points in the above-specified destination States and described part of Tennessee, and (3) *canned and preserved foodstuffs* from Syracuse, Penn Yan, Lyons, and Newark, N.Y., to points in Missouri, Kansas, Colorado, Alabama, Mississippi, and points in Tennessee on and west of U.S. Highway 127, restricted to the transportation of traffic originating at Syracuse, Penn Yan, Lyons, and Newark and destined to points in the above-specified destination States and described part of Tennessee; that applicant is fit, willing, and able, properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 119767 (Sub-No. 135) (Republication), filed November 1, 1965, published in FEDERAL REGISTER issue of November 11, 1965, and republished this issue. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Post Office Box 339, Burlington, Wis. 53105. By application filed November 1, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes of frozen foods, from plantsite or warehouse facilities utilized by American Home Foods, located at or near La Porte, Ind., to points in Illinois, Missouri, and Kansas City, Kans. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966, at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums* when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., to points in Kansas City, Kans., and points in Illinois and Missouri, restricted to the transportation of shipments originating at the

facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., and destined to points in the above named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 108057 (Sub-No. 3) (NOTICE OF FILING OF PETITION TO AMEND PERMIT BY ADDING A NEW CONTRACTING SHIPPER), filed June 18, 1968. Petitioner: McDONNELL BROTHERS, INC., 759 Riverside Avenue, Lyndhurst, N.J. Petitioner holds a permit in MC 108057 (Sub-No. 3) to transport nonferrous scrap metal by contracts entered into with shippers named in the Permit, between Newark, N.J., and Elizabeth, N.J., on the one hand, and, on the other, Baltimore, Md., and points in Connecticut, New York, Ohio, Pennsylvania, and Rhode Island, and Wilmington, Del. By the instant petition, petitioner prays that it will be permitted to transport nonferrous scrap metal, from Elizabeth and Newark, N.J., to all points in Ohio, under a bilateral contract with the U.S. Reduction Co. of East Chicago, Ind. Any interested persons desiring to participate, may file an original and six copies of his written representations, views, or arguments in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

NOTICE OF FILING OF PETITION

No. W-101 MERRITT-CHAPMAN & SCOTT CORPORATION EXEMPTION, SECTION 303(e), and No. W-101 MERRITT-CHAPMAN & SCOTT CORPORATION EXEMPTION, SECTION 303(e)—CONTRACTORS EQUIPMENT. PETITION FILED: July 26, 1968. Petitioners: MERRITT-CHAPMAN & SCOTT CORPORATION, 277 Park Avenue, New York, N.Y., and RAYMOND INTERNATIONAL, INC., 2 Pennsylvania Plaza, New York, N.Y. Petitioners' representative: H. L. Cassard, Raymond International, Inc., 2 Pennsylvania Plaza, New York, N.Y. By petition filed July 26, 1968, petitioners request that the exemption orders issued January 28, 1942, and November 7, 1958, in the above-entitled proceedings, under section 303(e) of part III of the Interstate Commerce Act, in the name of Merritt-Chapman & Scott Corp. be canceled and reissued in the name of Raymond International, Inc. Said order of January 28, 1942, exempts from the provisions of part III of the act transportation by Merritt-Chapman & Scott Corp. by derricks and/or barges and tugs from and to ports on the Atlantic and Gulf coasts of heavy or bulky articles such as tanks, boilers, airplanes, cracking chambers, machinery, and similar pieces of freight. The said order of November 7, 1958, exempts from the provisions of part III of the act, transportation by Merritt-Chapman & Scott Corp. as a contract carrier by water, by towing vessels and derrick lighters of contractors' equipment and material, consisting of steam shovels, pile driving rigs, trucks, bulldozers, ditching machines, caterpillar cranes, compressors, dredges, derrick lighters, and other miscellaneous heavy and bulky material used in construction work between construction sites, and between contractors' yards and construction sites, along the Atlantic coast, on Long Island, N.Y., and along Long Island Sound, Block Island Sound, and their tributary waterways, Narragansett Bay, Providence River, and in the area defined in the Order of March 26, 1941, in Ex Parte No. 140, *Determination of the Limits of New York Harbor and Harbors Contiguous Thereto.*

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 4963 (Sub-No. 29), filed July 15, 1968. Applicant: JONES MOTOR CO., INC., Bridge Street and Schuylkill Road, Spring City, Pa. 19475. Applicant's representatives: Harry A. Hershey (same address as applicant) and Roland Rice, 618 Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (1) between points within 50 miles of Allentown, Ill., and (2) between points within 50 miles of Allentown, Ill., on the one hand, and, on the other, points in Illinois located more than 50 miles from Allentown. NOTE: This application is directly related to MC-F-10190 published FEDERAL REGISTER issue of July 24, 1968. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 58016 (Sub-No. 4) (Correction), filed June 19, 1968, published in FEDERAL REGISTER issue of July 17, 1968, and republished as corrected this issue. Applicant: WESTERN NEW YORK STATE LINES, INC., 3454 Pearl Street, Batavia, N.Y. 14020. Applicant's representative: Herbert M. Canter & Norman M. Pinsky, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment: *Regular routes:* (a) between Buffalo, Olean, and Salamanca, N.Y., as follows: From Buffalo, over New York Highway 16 to Olean; thence over New York Highway 17 to Salamanca; thence over the New York Highway 18 to Buffalo, and over an alternate route between Cadiz and Salamanca over New York Highway 98; serving Arcade, Angola, Cuba, Ellicottville, Limestone, Randolph, Perrysburg, Portville, South Dayton and Springville Villages, N.Y., Collins, Elton, Otto, Rock City, Westons Mills Hamlets, N.Y., and Tonawanda, N.Y., as intermediate points and offroute points, including service to all points in the commercial zones of Buffalo, Olean, Salamanca, and Tonawanda as defined by the New York Public Service Commission for same as follows: *The city of Buffalo*, the city of Buffalo, the city of Lackawanna, the town of Tonawanda (excluding the city of Tonawanda), the town of Amherst, the town of Cheektowaga, the part of the town of Lancaster in which is located a portion of the village of Depew and all of the village of Lancaster, the town of West Seneca, the village of Blasdell, in the town of Hamburg, *The city of Olean*, the city of Olean and the towns of Olean and Allegany.

The city of Salamanca, the city of Salamanca, the town of Salamanca, the southwesterly corner of the town of Great Valley, which portion is bounded by a line beginning at the intersection of the northeasterly boundary of the city of Salamanca with the western boundary of the town of Great Valley; thence proceeding easterly and southerly along said northeasterly boundary of the city of Salamanca to its intersection with State Route No. 17; thence southeasterly along said State Route No. 17 to its intersection with the southern boundary of the town of Great Valley; thence along said southern boundary of the town of Great Valley to its intersection with the eastern boundary of the town of Salamanca. The Hamlets of Salamanca Junction and Killbuck are included. *The city of Tonawanda*, the city of Tonawanda, city of North Tonawanda, and the towns of Tonawanda, Amherst and Wheatfield. 2. *Irregular routes, except as set forth in paragraph 1*, above: (a) Between points in Monroe County, N.Y., on the one hand, and, on the other, points in Cayuga, Genesee, Onondaga, Erie, Monroe, Ontario, Niagara Counties, N.Y., (b) from points in Monroe County, N.Y., to points in Livingston, Oswego, Seneca, Orleans, Yates Counties, N.Y., (c) between points in Erie County, N.Y., on the one hand, and, on the other, points in Allegany, Niagara, Wayne, Erie, Onondaga, Wyoming, Genesee, Ontario, Yates, Livingston, and Steuben Counties, N.Y., (d) from points in Erie County, N.Y., to points in Cayuga, Orleans, Seneca, and Oswego Counties, N.Y., (e) between points in Genesee County, N.Y., on the one hand, and, on the other, points in Livingston and Onondaga Counties, N.Y., (f) from points in Genesee County, N.Y., to points in Niagara and Ontario Counties, N.Y., (g) between points in Livingston County, N.Y., (h) between points in Onondaga County, N.Y., on the one hand, and, on the other, points in Livingston and Wayne Counties, N.Y., (i) from points in Onondaga County, N.Y., to points in Cayuga, Ontario, Seneca, Niagara, Orleans, Yates Counties, N.Y., (j) from points in Niagara and Oswego Counties, N.Y., to points in Ontario County, N.Y., (k) from points in Niagara County, N.Y., to points in Wyoming County, N.Y., (l) NOTE: By this instant application, applicant seeks to convert its certificate of registration in MC 58016, Sub 3 into a certificate of public convenience and necessity.

(2) No duplicating authority is being sought. (3) Applicant intends to tack the authorities contained in paragraphs (1) and (2) above as presently authorized under regulations of the New York Public Service Commission and also to tack the various parts of paragraph (2) with each other as also presently authorized under regulations of the New York Public Service Commission. (4) This application is a matter directly related to MC-F-10094, published in FEDERAL REGISTER issue of April 17, 1968. NOTE: The purpose of this republication is (1) to describe the commercial zone of Buffalo, Olean, Salamanca, and Tonawanda, N.Y., in (1)(a) above and (2) to show authority sought in (2)(c) as a between movement. If a hearing is deemed necessary, applicant requests it be held at Syracuse or Buffalo, N.Y.

No. MC 121503 (Sub-No. 3), filed July 14, 1968. Applicant: TWIN COUNTY TRANSPORT, INC., 150 Milens Road, Tonawanda, N.Y. 14150. Applicant's representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Erie County, N.Y., on the one hand, and, on the other, points in Erie and Niagara Counties, N.Y. NOTE: Applicant intends to tack with its proposed parent corporation at Buffalo, N.Y., to perform through service on traffic moving between points in Erie and Niagara Counties, N.Y., on the one hand, and, on the other ports of entry on the international boundary line between the United States and Canada located at Detroit and Port Huron, Mich. This application is a matter directly related to MC-F 10191, published in the FEDERAL REGISTER issue of July 24, 1968, wherein the Overland Express, Ltd., of Woodstock, Ontario, Canada, MC-111307 seeks to acquire control of applicant. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9659. (Petition and Amendment) (ILLINOIS-CALIFORNIA EXPRESS, INC.—Purchase—ARIZONA-UTAH EXPRESS), published in the February 8, 1967, issue of the FEDERAL REGISTER, on page 2684. Report and order, decided May 23, 1968 (104 M.C.C. 578), of the Commission, Division 3, tentatively denied the transaction but made final approval contingent upon petition and amendment. This petition and amendment filed July 29, 1968, seeks to cure the deficiency by the joining in of COPAMOL, INC., and, in turn by WALTER F. MULLADY, JR., PATRICK J. MULLADY and MARGARET M. (MULLADY) PFOHL, as party applicants in control of ILLINOIS-CALIFORNIA EXPRESS, INC.

No. MC-F-10205. Authority sought for (1) merger into LEASEWAY TRANSPORTATION CORP. (a holding company), 21111 Chagrin Boulevard, Cleveland, Ohio 44122, of the operating rights and property of PEP LINES TRUCKING CO. (present company) 15120 Third Street, Highland Park, Mich. 48203; (2) purchase by PEP LINES TRUCKING CO. (new company) 15120 Third Street, Highland Park, Mich. 48203, of the operating rights and property of LEASEWAY TRANSPORTATION CORP., 21111 Chagrin Boulevard, Cleveland, Ohio 44122; and (3) control by LEASEWAY TRANSPORTATION CORP., 21111 Chagrin Boulevard, Cleveland, Ohio 44122, of PEP LINES TRUCKING CO. (new company), 15120 Third Street, Highland Park, Mich. 48203, and for acquisition by H. M. O'NEILL, F. J. O'NEILL, and W. J. O'NEILL, all also of Cleveland, Ohio, of control of such rights and property through the transactions. Applicants' attorneys: Ewald E. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115, and Roland Rice, 618 Perpetual Building, Washington, D.C. 20004. Operating rights sought to be merged: *Motion picture, still picture, and sound producing films*, and *recording, reproducing, and amplifying devices, advertising matter, exhibits, tickets, vending machines, supplies, and materials* used in connection with the operation and maintenance of theatres and places of motion picture exhibition when moving to and from such theatres or places of exhibition, as a *common carrier*, over irregular routes.

Between points in Michigan, and *magazines*, from Detroit, Mich., to points in Michigan (except Port Huron and Mount Clemens), from New Buffalo, Mich., to Saint Louis and Westbranch, Mich.; and *General commodities*, except commodities in bulk, those requiring special equipment, classes A and B explosives, household goods as defined by the Commission, and commodities of unusual value, limited to packages and parcels not exceeding seventy (70) pounds per shipment from one consignor to one consignee on any one day, and moving in vehicles having a rated capacity not exceeding two tons, from points in the Detroit, Mich., commercial zone, as defined by the Commission, to certain specified points in Michigan, with restrictions. LEASEWAY TRANSPORTATION CORP., holds no authority from this Commission. However, it controls: PEP LINES TRUCKING CO., 15120 Third Street, Highland Park, Mich. 48203, which is authorized to operate as a *common carrier* in Michigan; ANCHOR MOTOR FREIGHT, INC., 21111 Chagrin Blvd., Cleveland, Ohio 44122, which is authorized to operate as a *contract carrier* in all points in the United States (except Alaska and Hawaii).

MITCHELL TRANSPORT, INC., 21111 Chagrin Boulevard, Cleveland, Ohio 44122, which is authorized to operate as a *common carrier* in Indiana, Ohio, Kentucky, Illinois, Maryland, Pennsylvania, Rhode Island, Connecticut, Massachusetts, Florida, Georgia, Mississippi, Tennessee, Kansas, New York, Maine, New Hampshire, Vermont, New Jersey, Alabama, Arkansas, Missouri, Oklahoma, Iowa, Minnesota, North Dakota, South Dakota, Wisconsin, Delaware, Virginia, North Carolina, West Virginia, South Carolina, Louisiana, Nebraska, Oklahoma, Texas, Michigan, Washington, Idaho, Montana, Oregon, and the District of Columbia; REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio, which is authorized to operate as a *common carrier* in Ohio, Michigan, Indiana, Illinois, Pennsylvania, West Virginia, Kentucky, Missouri, Wisconsin, New York, Iowa, Minnesota, Connecticut, Delaware, Tennessee, Florida, Georgia, Maryland, Maine, Massachusetts, New Hampshire, New Jersey, North Carolina, Rhode Island, South Carolina, Vermont, Virginia, North Dakota, South Dakota, Nebraska, Kansas, Arkansas, Alabama, Colorado, Louisiana, Mississippi, New Mexico, Oklahoma, Texas, Oregon, and the District of Columbia; SUGAR TRANSPORT, INC., Post Office Box 4063, Port Wentworth, Ga., 31407, which is authorized to operate as a *contract carrier* in Georgia, Tennessee, Florida, North Carolina, South Carolina, Virginia, Alabama, Kentucky, and West Virginia; and SIGNAL DELIVERY SERVICE, INC., 782 Industrial Drive, Elmhurst, Ill. 60126, which is authorized to operate as a *common carrier* in Virginia, Maryland, and the District of Columbia, and as a *contract carrier* in Illinois, Indiana, Michigan, Ohio, Maryland, Delaware, Virginia, New York, Pennsylvania, West Virginia, Wisconsin, Massachusetts, Vermont, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: A motion to dismiss for lack of jurisdiction has simultaneously been filed with this application. LEASEWAY TRANSPORTATION CORP., controls PEP LINES TRUCKING CO., through ownership of stock pursuant to authority granted in Docket No. MC-F-9942, effective April 24, 1968, and consummated May 6, 1968.

No. MC–F–10206. Authority sought for control and merger by ST. JOHNSBURY TRUCKING COMPANY, INC., 38 Main Street, St. Johnsbury, Vt. 05819, of the operating rights and property of H. & H. TRANSPORTATION LINES, INC., Post Office Box 352, Hudson, N.Y. 12534, and for acquisition by HARRY D. ZABARSKY, also of St. Johnsbury, Vt., MILTON J. ZABARSKY, MAURICE ZABARSKY, and MARTIN N. ZABARSKY, all of 40 Erie Street, Cambridge, Mass., of control of such rights and property through the transaction. Applicants' attorneys: Francis E. Barrett, Francis P. Barrett, both of 60 Adams Street, Milton (Boston), Mass. 02187, and George A. Roland, Chamber of Commerce Building, 70 Chapel Street, Albany, N.Y. 12207. Operating rights sought to be controlled and merged: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, and commodities requiring special equipment, as a *common carrier*, over regular routes, between Albany, N.Y., and New York, N.Y., serving all intermediate and off-route points within 5 miles of certain specified routes, and points in New Jersey within 10 miles of Newark, N.J.; *general commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Waterford, N.Y., and Albany, N.Y., serving certain intermediate points, and the off-route points of Rensselaer and Troy, N.Y., between Albany N.Y., and Gloversville, N.Y., serving all intermediate points, and certain off-route points; *general commodities*, with exceptions as next above, over irregular routes, between certain specified points in New Jersey, on the one hand, and, on the other, New York, N.Y., and points in Westchester County, N.Y.; and *soap, glycerine*, and *toilet preparations*, from Jersey City, N.J., to points in New York on, east, and south of New York Highway 8. ST. JOHNSBURY TRUCKING COMPANY, INC., is authorized to operate as a *common carrier* in Massachusetts, Vermont, New Hampshire, Maine, Rhode Island, New York, New Jersey, Pennsylvania, Connecticut, Delaware, Maryland, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10207. Authority sought for control by R. C. MOTOR LINES, INC., 2500 Laura Street, Jacksonville, Fla. 32203, of GEORGE W. BROWN, INC., 1475 222d Street, Bronx, N.Y. 10469, and for acquisition by B. S. REID, and G. D. JOYNER, both also of Jacksonville, Fla., of control of GEORGE W. BROWN, INC., through the acquisition by R. C. MOTOR LINES, INC. Applicants' attorney: J. Edward Allen, Post Office Box 1086, Jacksonville, Fla. 32201. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between New York, N.Y., and Harrisburg, Pa., between New York, N.Y., and Hollidaysburg, Pa., serving all intermediate points and certain off-route points, between Allentown, Pa., and Lancaster, Pa., serving the intermediate point of Reading, Pa., between New York, N.Y., and Buffalo, N.Y., between Newark, N.J., and Richmond, Va., serving certain intermediate points, between New York, N.Y., and Rochester, N.Y., serving certain intermediate points, and the off-route points of Watervliet, N.Y., and those in the New York, N.Y., commercial zone as defined by the Commission, between Stroudsburg, Pa., and Syracuse, N.Y., serving the intermediate points of Scranton, Pa. and Binghamton, N.Y., between termediate points and certain off-route ing all intermediate points, and the off-route points in the New York, N.Y., commercial zone as defined by the Commission, between Norwalk, Conn., and Boston, Mass., serving certain intermediate points, and the off-route point of New Britain, Conn., between Albany, N.Y., and Glens Falls, N.Y., serving all intermediate points, and the off-route point of Greenwich, N.Y., between Hartford, Conn., and junction U.S. Highway 20 and Massachusetts Highway 15 (near Sturbridge, Mass.) over an alternate route for operating convenience only, serving no intermediate points, between Greenwich, Conn., and Pawcatuck, Conn., between East Lyme, Conn., and the Connecticut-Rhode Island State line, between Pawcatuck, Conn., and Hartford, Conn., between Groton, Conn., and Norwich, Conn.

Between New London, Conn., and Norwich, Conn., between Norwalk, Conn., and Kent, Conn., between Danbury, Conn., and Hartford, Conn., between Bridgeport, Conn., and Winsted, Conn., between New Haven, Conn., and junction Connecticut Highway 34 and U.S. Highway 6 (or Interstate Highway 84), between New Haven, Conn. (including East Haven and West Haven, Conn.), and Simsbury, Conn., between Hartford (including East Hartford and West Hartford), Conn., and Winsted, Conn., between Torrington, Conn., and junction Connecticut Highway 25 and U.S. Highway 44, between New Haven, Conn., and Thompsonville, Conn., between Hartford, Conn., and Danielson, Conn., between Old Saybrook, Conn., and Hartford, Conn., between Meriden, Conn., and Hartford, Conn., between New Milford, Conn., and Torrington, Conn., between Kent, Conn., and junction Connecticut Highways 341 and 25, east of Woodville, Conn., between Kent, Conn., and Torrington, Conn., between Norwich, Conn., and Danielson, Conn., serving all intermediate points; and *general commodities, except those* of unusual value, classes A and B explosives, livestock, alcoholic liquors, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, from Reading, Pa., to New York, N.Y., from New York, N.Y., to Reading, Pa., serving all intermediate points and certain off-route points. R. C. MOTOR LINES, INC., is authorized to operate as a *common carrier* in Georgia, South Carolina, North Carolina, Virginia, Maryland, New Jersey, Pennsylvania, Alabama, Tennessee, Florida, New York, Massachusetts, Connecticut, and the District of Columbia. Application has been filed for temporary authority under Section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–9408; Filed, Aug. 6, 1968; 8:48 a.m.]

[Notice 1207]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 2, 1968.

The following publications are governed by special rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 107799 (Sub-No. 5), filed July 31, 1968. Applicant: J. O. RINGGENBERG, INC., Jetmore, Kans. 67854. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, urea, and dry fertilizer*, from Omaha, Nebr., to points in Iowa, Kansas, Minnesota, Missouri (except St. Louis), Nebraska, North Dakota, and South Dakota.

HEARING: September 9, 1968, in room 1006, New Federal Building, 215 North 17th Street, Omaha, Nebr., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 119767 (Sub-No. 212), filed July 23, 1968. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products; advertising materials, including premium merchandise, in mixed loads with candy and confectionery products; and materials and supplies used in manufacture, sale and/or distribution of candy and confectionery products* (except, in each case, commodities in bulk), between plantsites and storage facilities of Reed Candy Co. at or near Campbellsville, Ky., on the one hand, and, on the other, points in Iowa, Wisconsin, and Minnesota. Restricted to traffic which either originates at or is destined to plantsites and storage facilities of Reed Candy Co. at or near Campbellsville, Ky.

HEARING: September 16, 1968, before an examiner to be later designated at Louisville, Ky.

No. MC 133035 (Sub-No. 4), filed July 30, 1968. Applicant: DILTS TRUCKING, INC., Route 1, Crescent, Iowa 51526. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, urea and dry fertilizer*, in bulk, from Omaha, Nebr., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota, restricted to traffic orginating at plantsite or storage facilities of Olin Mathieson Chemical Corp. at Omaha, Nebr., and destined to points in the named destination States.

HEARING: September 9, 1968, in Room 1006, New Federal Building, 215 North 17th Street, Omaha, Nebr., before Examiner Lawrence A. Van Dyke, Jr.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–9409; Filed, Aug. 6, 1968, 8:48 a.m.]

[Notice 662]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 2, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub-No. 298 TA), filed July 29, 1968. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Post Office Box 958, Oakland, Calif. 94604. Applicant's representative: Earl J. Brooks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with carrier's presently authorized regular route service at Louisville, Ky., for 180 days. NOTE: Applicant proposes to interline MC–730, Sub No. 272, at Chicago, Ill.; St. Louis, Mo.; Detroit, Mich.; Buffalo, N.Y.; Albany, N.Y.; Baltimore, Md.; Jersey City, N.J.; Omaha, Nebr.; St. Paul, Minn.; and Denver, Colo., and at all applicant's terminal points. Supporting shipper: Ford Motor Co., Dearborn, Mich. Send protests to: District Supervisor William E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 2452 (Sub-No. 11 TA), filed July 29, 1968. Applicant: HAJEK TRUCKING CO., INC., 7635 West Loandale Avenue (Post Office Box E., Argo, Ill. 60501), Summit, Ill. 60502. Applicant's representative: Eugene L. Cohen, 1 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, liquid commodities in bulk, household goods as defined by the Commission and commodities requiring special equipment), between the Ford Motor Co. plantsite at intersection of Westport Road and Murphy Lane, Jefferson County, Ky., and points in Fulton, Jasper, Starke, and Pulaski Counties, Ind., Cook County, Ill., and the Chicago, Ill., commercial zone as defined by the Commission, for 180 days. Supporting shipper: Ford Motor Co., the American Road, Dearborn, Mich. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 115000 (Sub-No. 4 TA), filed July 31, 1968. Applicant: JAMES A. BLOCKER, doing business as BLOCKER TRANSPORTATION, 910 West 14th Avenue, Blythe, Calif. 92225. Applicant's representative: Milton W. Flack, Suite 400, 1813 Wilshire Boulevard, Los Angeles, Calif. 90057. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial fertilizer*, from points in Pinal and Maricopa Counties, Ariz., to Blythe, Calif., for 180 days. Supporting shipper: Growers Fertilizer Association, Post Office Box 771, Blythe, Calif. 92225. Send protests to: Robert G. Harrison, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 123502 (Sub-No. 26 TA), filed July 31, 1968. Applicant: FREE STATE TRUCK SERVICE, INC., 10 Vernon Avenue, Glen Burnie, Md. 21061. Applicant's representative: William C. Nolte (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys and Ores*, from Port Newark, N.J., to points in Maine, Vermont, New Hampshire, Connecticut, Rhode Island, Massachusetts, New York, Pennsylvania, Delaware, Maryland, West Virginia, Ohio, and the District of Columbia, for 150 days. Supporting shipper: Associated Metals & Minerals Corp., 733 Third Avenue, New York, N.Y. 10017. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 129671 (Sub-No. 3 TA), filed July 30, 1968. Applicant: MAURICE BUSBY, Post Office Box 7372, 825 West El Puente Lane, Tucson, Ariz. 85713. Applicant's representative: A. Michael Bernstein, 1327 Guaranty Bank Building, 3550 North Central, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Phoenix, Ariz., to Kingman, Ariz., traversing California for operating convenience only. *Empty bakery cartons, stale and rejected bakery products*, from Kingman, Ariz. to Phoenix, Ariz., for 180 days. Supporting shipper: Holsum Bakery, Inc., Post Office Box 6674, Phoenix, Ariz. 85005. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 129987 (Sub-No. 1 TA), filed July 31, 1968. Applicant: TERRA COTTA TRUCK SERVICE, INC., Junction Rt. Nos. 31 and 176, Crystal Lake, Ill. 60014. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt in bulk* and *salt in bags or packages*, from Chicago, Ill., to points in Indiana and Wisconsin under continuing contract with Cargill, Inc., for 150 days. Supporting shipper: Cargill, Inc., 1200 Harger Road, Oakbrook, Ill. 60521. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street—Room 1086, Chicago, Ill. 60604.

No. MC 133040 (Sub-No. 1 TA), filed July 31, 1968. Applicant: EARL L. BONSACK AND ELAINE M. BONSACK, a partnership, doing business as EARL L. BONSACK, 512 West Plainview Road, La Crosse, Wis. 54601. Applicant's representative: F. W. Liegois, 925 South Third Street, La Crosse, Wis. 54601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from La Crosse, Wis., to Indianapolis, Ind., and from Newport, Ky., to points in Illinois, Indiana, except Delphi, Goodland, Monticello, and Rensselaer, Ohio and Virginia, *Empty containers* returned in the reverse direction, for 180 days. Supporting shipper: G. Helleman Brewing Co., Inc., 925 South Third Street, La Crosse, Wis. 54601. Send protests to: Barney L.

Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 133052 TA, filed July 30, 1968. Applicant: THE T&W TRUCKING CO., a corporation, 18 Van Ness Place, Newark, N.J. 07108. Applicant's representative: Edward Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *swimming pools*, knocked down, and *swimming pool supplies and materials* in cartons, from Newark, N.J., to points in Albany, Rensselaer, Schenectady, Saratoga, Washington, Broome, Onandaga, and Chemung Counties, N.Y., points in Pennsylvania on and east of U.S. Highway 15, points in Connecticut on and east of U.S. Highway 5, points in Baltimore County, Md., Washington, D.C., and Fairfax and Prince George Counties, Va., for the account of Richards Centers, Inc., (2) *Rugs and carpets*, (a) from New York, N.Y., to Newark, N.J., for the account of Carpet Linoleum Service, Inc.; (b) from Springfield, N.J., to points in Rockland and Orange Counties, N.Y., for the account of Sandler and Worth, for 150 days. Supporting shippers: Richards Centers, Inc., 587 Springfield Avenue, Newark, N.J. 07103; Sandler & Worth, Route 22, Springfield, N.J. 07081. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 133054 TA, filed July 31, 1968. Applicant: CLEMENT E. COUILLARD, doing business as RELIABLE TRANSPORT SERVICE, 600 Spear Street, South Burlington, Vt. 05401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coins, currency, receipts, coin boxes* (empty or with coin), from points in Vermont to Boston, Mass., for 180 days. Supporting shipper: R. B. Billings, 260 College Street, Burlington, Vt. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9410; Filed, Aug. 6, 1968; 8:48 a.m.]

[Notice 183]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 2, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following-numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70609. By order of July 26, 1968, the Transfer Board approved the transfer to Earl Roy, doing business as Roy's Transfer & Storage Co., Lincoln, Nebr., of a portion of certificate No. MC-101695 (Sub-No. 8), issued January 25, 1967, to B. A. Fisher, doing business as Hi-Ball Contractors, Billings, Mont., authorizing the transportation of: Emigrant movables and household goods, between Belle Fourche, S. Dak., and points within 75 miles thereof (except Deadwood, Lead, and Rapid City, S. Dak.), on the one hand, and, on the other, points in Montana, South Dakota, and Wyoming. Robert J. Gallagher, 111 State Street, Boston, Mass. 02109, attorney for applicants.

No. MC-FC-70624. By order of July 26, 1968, the Transfer Board, approved the transfer to A&W Trucking Co., Inc., Route 1, Box 370, Mosinee, Wis. 54455, of the operating rights in certificate No. MC-66053 issued March 14, 1968, in the name of Lynn D. Fleishauer, Arkansaw, Wis. 54721, authorizing transportation in interstate or foreign commerce, over irregular routes, of general commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in the towns of Durant, Frankfort, Waterville, Waubeek, Albany, and Lena, in Pepin County, Wis., Canton in Buffalo County, Wis., Union in Pierce County, Wis., and Eau Galle, in Dunn County, Wis., on the one hand, and, on the other, Minneapolis, St. Paul, South St. Paul, Newport, Hastings, Red Wing, and Winona, Minn.

No. MC-FC-70626. By order of July 25, 1968, the Transfer Board, approved the transfer to John T. McNally, doing business as Central Cab Co., 238 South East Street, Waynesburg, Pa. 15370, of the operating rights in certificate No. MC-120554 (Sub-No. 6) issued August 25, 1966, to Nick Encapera, doing business as Tri-State Transit, 1150 Wood Street, California, Pa. 15419, authorizing transportation service in interstate or foreign commerce of passengers and their baggage, in round-trip, special, and charter operations, beginning and ending in points in Green County, Pa., and extending to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC-FC-70660. By order of July 26, 1968, the Transfer Board approved the transfer to Riley's Express, Inc., Nutley, N.J., of certificate No. MC-13814, issued June 9, 1941, to Security Haulage Co., Inc., Maplewood, N.J., authorizing the transportation of; general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Newark, N.J., and points in New Jersey within 10 miles of Newark, on the one hand, and, on the other, New York, N.Y. James J. Farrell, 201 Montague Place, South Orange, N.J. 07079, counsel for applicants.

No. MC-FC-70677. By order of July 31, 1968, the Transfer Board approved the transfer to Stanlar Corp., a corporation, doing business as National Ski Tours, New York, N.Y., of License No. MC-12586, issued December 6, 1954, to Charles M. Post, doing business as Post Ski Club, New York, N.Y., authorizing broker operations in connection with transportation by motor vehicles of passengers and their baggage in round-trip, all-expense ski tours during a specified season, beginning and ending at New York, N.Y., and extending to points in Connecticut, Massachusetts, New Hampshire, New York, and Vermont. Samuel B. Zinder, 160 Jamaica Avenue, Jamaica, N.Y. 11432, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9411; Filed, Aug. 6, 1968; 8:48 a.m.]

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Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

PART 121—FOOD ADDITIVES

2,2-Dichlorovinyl Dimethyl Phosphate

A. A petition (PP 8F0706) was filed with the Food and Drug Administration by the Shell Chemical Co., a Division of Shell Oil Co., 1700 K Street NW., Washington, D.C. 20006, proposing the establishment of tolerances for residues, from postharvest application of insecticide 2,2-dichlorovinyl dimethyl phosphate in or on the raw agricultural commodities peanuts at 2 parts per million and in or on beans (dry), cocoa beans, and rice at 0.25 part per million. Subsequently, the petitioner amended the petition to request tolerances for residues of the insecticide in or on nonperishable packaged or bagged raw agricultural commodities of high fat content (over 6 percent), including peanuts and cocoa beans, at 2 parts per million, and in or on nonperishable packaged or bagged raw agricultural commodities of low fat content (6 percent maximum), including beans (dry) and rice, at 0.5 part per million.

The Secretary of Agriculture has certified that the pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner (21 CFR 2.120), Part 120 is amended as follows:

1. To define the term "nonperishable raw agricultural commodity," the following new paragraph is added to § 120.1:

§ 120.1 Definitions and interpretations.

* * * * *

(m) The term "nonperishable raw agricultural commodity" means any raw agricultural commodity not subject to rapid decay or deterioration that would render it unfit for consumption. Examples are cocoa beans, coffee beans, field-dried beans, field-dried peas, grains, and nuts. Not included are eggs, milk, meat, poultry, fresh fruits, and vegetables such as onions, parsnips, potatoes, and carrots.

2. Section 120.235 is revised to read as follows to establish the subject tolerances:

§ 120.235 2,2-Dichlorovinyl dimethyl phosphate; tolerances for residues.

Tolerances for residues of the insecticide 2,2-dichlorovinyl dimethyl phosphate from postharvest application are established as follows:

2 parts per million in or on nonperishable packaged or bagged raw agricultural commodities that contain more than 6 percent fat.

0.5 part per million in or on nonperishable packaged or bagged raw agricultural commodities that contain 6 percent fat or less.

0.5 part per million (expressed as naled) in or on tomatoes.

B. Having evaluated the data in a petition (FAP 7H2166) submitted by the aforementioned petitioner, and other relevant material, the Commissioner has concluded that the food additive regulations should be amended to establish a food additive tolerance of 0.5 part per million for residues of the subject insecticide in or on packaged or bagged nonperishable processed foods resulting from application to stored food commodities. Therefore, pursuant to the provisions of said act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under authority delegated as cited above, Part 121 is amended as follows:

1. To define the term "nonperishable processed food," the following new paragraph is added to § 121.1:

§ 121.1 Definitions and interpretations.

* * * * *

(j) The term "nonperishable processed food" means any processed food not subject to rapid decay or deterioration that would render it unfit for consumption. Examples are flour, sugar, cereals, packaged cookies, and crackers. Not included are hermetically sealed foods or manufactured dairy products and other processed foods requiring refrigeration.

2. The following new section is added to Subpart D:

§ 121.1220 2,2-Dichlorovinyl dimethyl phosphate.

The food additive 2,2-dichlorovinyl dimethyl phosphate may be present as a residue, from application as an insecticide on packaged or bagged nonperishable processed food (see § 121.1(j)), in an amount in such food not in excess of 0.5 part per million. To assure safe use of the insecticide, its label and labeling shall conform to the label and labeling registered by the U.S. Department of Agriculture and the usage employed shall conform with such label or labeling.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing wil be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 408(d)(2), 409(c)(1), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(2), 348(c)(1))

Dated: July 29, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-9474; Filed, Aug. 7, 1968; 8:47 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGE

Chapter II—Securities and Exchange Commission

[Release 34-8370]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Acquisitions, Tender Offers, and Solicitations

Correction

In F.R. Doc. 68-9347 appearing at page 11015 in the issue of Friday, August 2, 1968, the public law number in the fourth and fifth lines of the first paragraph now reading "90-432" should be changed to read "90-439".

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

MISCELLANEOUS AMENDMENTS TO CHAPTER

The regulations set forth in Treasury Department Circulars No. 653, Seventh Revision, dated March 18, 1966, as revised and amended (31 CFR Part 316); No. 905, Fourth Revision, dated April 7, 1966, as revised and amended (31 CFR Part 332); and Public Debt Series No. 3–67, dated February 22, 1967 (31 CFR Part 342), have been further revised and amended as shown below. The changes in Department Circulars Nos. 653 and 905 were effected under authority of sections 22 and 25 of the Second Liberty Bond Act, as amended (49 Stat. 21, as amended, 73 Stat. 621; 31 U.S.C. 757c, 757c–1). Treasury Department Circular, Public Debt Series No. 3–67, was reissued under authority of sections 18 and 20 of said Act (40 Stat. 1304, 48 Stat. 343, both as amended; 31 U.S.C. 753, 754b). These revisions and amendments were effected pursuant to 5 U.S.C. 301. Notice and public procedures thereon are unnecessary as public property and contracts are involved. The amended and revised regulations were adopted on June 19, 1968.

Dated: June 19, 1968.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

PART 316—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES E

Treasury Department Circular No. 653, Seventh Revision, dated March 18, 1966, as revised and amended (31 CFR Part 316), is hereby further amended and revised as follows:

§ 316.1 Offering of bonds.

The Secretary of the Treasury hereby offers for sale to the people of the United States, U.S. Savings Bonds of Series E, hereinafter generally referred to as "Series E bonds" or "bonds." This offering, which shall be effective June 1, 1968, will continue until terminated by the Secretary of the Treasury.

§ 316.2 Description of bonds.

* * * * *

(b) *Denominations and prices.* Series E bonds are issued on a discount basis. The denominations and purchase prices are:

Denomination	*Purchase price*
$25	$18.75
50	37.50
75	56.25
100	75.00
200	150.00
500	375.00
1,000	750.00
10,000	7,500.00
100,000 [1]	75,000.00

[1] The $100,000 denomination is available only for purchase by trustees of employees' savings and savings and vacation plans (see § 316.5(c) of Department Circular No. 653, Seventh Revision).

(e) *Investment yield (interest).* The investment yield (interest) on a Series E bond with issue date of June 1, 1968, or thereafter, will be approximately 4.25 percent per annum compounded semiannually, if the bond is held to maturity; [2] but the yield will be less if the bond is redeemed prior to maturity. The interest will be paid as a part of the redemption value. For the first 6 months from issue date the bond will be redeemable only at purchase price. Thereafter, its redemption value will increase at the beginning of each successive half-year period. See Table 1.

(f) *Stock for bonds issued on and after June 1, 1968.* Series E bond stock in use prior to June 1, 1968, will be used for bonds issued hereunder until such time as new stock is printed and supplied to issuing agents. The new investment yield and redemption values shall apply to such bonds as fully as if expressly set forth in the text. They will be redeemed by all paying agents at the redemption values in Table 1. Accordingly, it is not necessary for owners to exchange bonds on old stock when the new stock is available but they may do so if they wish by presenting bonds issued on and after June 1, 1968, on old stock to any Federal Reserve Bank or Branch, or to the Treasurer of the United States, Securities Division, Washington, D.C. 20220.

§ 316.3 Extended terms and improved yields for outstanding bonds.

* * * * *

(b) *Improved yields.* [3] The investment yield on outstanding bonds is increased by one-tenth of 1 percent per annum compounded semiannually but only if the bonds are held to the next maturity date and there is an intervening or final 6-month interest accrual period. In addition, the investment yield for any presently authorized subsequent extension period will be 4.25 percent per annum compounded semiannually provided the bonds are held to the maturity date for that period. Interim redemption values remain unchanged and the increases, which will be computed from the first 6-month interest accrual period starting on or after the following dates, is conditioned on retention of the bonds to next maturity and, as appropriate, to the end of the authorized subsequent extension period:

(1) *March 1, 1968.* For bonds with issue dates of June 1, 1959, through November 1, 1960.

(2) *May 1, 1968.* For bonds with issue dates of February 1, 1957, through May 1, 1959.

(3) *June 1, 1968.* For bonds with issue dates of May 1, 1941, through January 1, 1957, and December 1, 1960, through May 1, 1968.

The Secretary of the Treasury may at any time prior to their maturity prescribe a different yield for the extended maturity period for bonds for which no tables of redemption values and investment yields have been previously provided for such period. The tables, which are a part of this circular, will be published periodically for the extended maturity period for bonds bearing issue dates of June 1, 1961, or thereafter.[4]

[2] Under authority of section 25, 73 Stat. 621 (31 U.S.C. 757c–1), the President of the United States on May 31, 1968, concluded that with respect to Series E bonds it was necessary in the national interest to exceed the maximum interest rate and investment yield prescribed by section 22 of the Second Liberty Bond Act, as amended (31 U.S.C. 757c).

[3] See § 316.8(b) and footnote 8 of Department Circular No. 653, Seventh Revision, as amended, for earlier yields.

[4] In effect since Feb. 23, 1967.

TABLES OF REDEMPTION VALUES AND INVESTMENT YIELDS FOR UNITED STATES SAVINGS BONDS OF SERIES E

Each table shows: (1) the redemption value for each successive half-year term of holding during the current maturity period and the authorized redemption values during any subsequent maturity period, on bonds bearing issue dates covered by the table; (2) for each maturity period shown, the approximate investment yield on the redemption value at the beginning of such maturity period to the beginning of each half-year period thereafter; and (3) the approximate investment yield on the current redemption value from the beginning of each half-year period to next maturity. Yields are expressed in terms of rate percent per annum, compounded semiannually.

TABLE 1

BONDS BEARING ISSUE DATES BEGINNING JUNE 1, 1968

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$56.25 / 75.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after issue date	(1) Redemption values during each half-year period (values increase on first day of period shown)								(2) On purchase price from issue date to beginning of each half-year period	(3) On current redemption value from beginning of each half-year period to maturity
									Percent	*Percent*
First ½ year	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7,500	0.00	4.25
½ to 1 year	18.96	37.92	56.88	75.84	151.68	379.20	758.40	7,584	2.24	4.40
1 to 1½ years	19.32	38.64	57.96	77.28	154.56	386.40	772.80	7,728	3.02	4.45
1½ to 2 years	19.70	39.40	59.10	78.80	157.60	394.00	788.00	7,880	3.32	4.50
2 to 2½ years	20.10	40.20	60.30	80.40	160.80	402.00	804.00	8,040	3.51	4.54
2½ to 3 years	20.52	41.04	61.56	82.08	164.16	410.40	820.80	8,208	3.64	4.58
3 to 3½ years	20.96	41.92	62.88	83.84	167.68	419.20	838.40	8,384	3.75	4.62
3½ to 4 years	21.42	42.84	64.26	85.68	171.36	428.40	856.80	8,568	3.84	4.65
4 to 4½ years	21.89	43.78	65.67	87.56	175.12	437.80	875.60	8,756	3.91	4.70
4½ to 5 years	22.37	44.74	67.11	89.48	178.96	447.40	894.80	8,948	3.96	4.76
5 to 5½ years	22.86	45.72	68.58	91.44	182.88	457.20	914.40	9,144	4.00	4.85
5½ to 6 years	23.36	46.72	70.08	93.44	186.88	467.20	934.40	9,344	4.04	5.01
6 to 6½ years	23.88	47.76	71.64	95.52	191.04	477.60	955.20	9,552	4.07	5.29
6½ to 7 years	24.42	48.84	73.26	97.68	195.36	488.40	976.80	9,768	4.11	6.06
MATURITY VALUE (7 years from issue date)	25.16	50.32	75.48	100.64	201.28	503.20	1,006.40	10,064	4.25	----------

TABLE 2

BONDS BEARING ISSUE DATE OF MAY 1, 1941

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$375.00 / 500.00	$750.00 / 1,000.00	Approximate investment yield	
Period after first extended maturity (beginning 20 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown)					(2) On the redemption value at start of the second extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption value from beginning of each half-year period to second extended maturity
	SECOND EXTENDED MATURITY PERIOD						
						Percent	*Percent*
First ½ year [1] (5/1/61)	$33.63	$67.26	$134.52	$672.60	$1,345.20	0.00	[2] 3.75
½ to 1 year (11/1/61)	34.26	68.52	137.04	685.20	1,370.40	3.75	[2] 3.75
1 to 1½ years (5/1/62)	34.90	69.80	139.60	698.00	1,396.00	3.74	[2] 3.75
1½ to 2 years (11/1/62)	35.56	71.12	142.24	711.20	1,422.40	3.76	[2] 3.75
2 to 2½ years (5/1/63)	36.22	72.44	144.88	724.40	1,448.80	3.74	[2] 3.75
2½ to 3 years (11/1/63)	36.90	73.80	147.60	738.00	1,476.00	3.75	[2] 3.75
3 to 3½ years (5/1/64)	37.60	75.20	150.40	752.00	1,504.00	3.75	[2] 3.75
3½ to 4 years (11/1/64)	38.30	76.60	153.20	766.00	1,532.00	3.75	[2] 3.75
4 to 4½ years (5/1/65)	39.02	78.04	156.08	780.40	1,560.80	3.75	[2] 3.75
4½ to 5 years (11/1/65)	39.75	79.50	159.00	795.00	1,590.00	3.75	[2] 3.75
5 to 5½ years (5/1/66)	40.50	81.00	162.00	810.00	1,620.00	3.75	[3] 4.15
5½ to 6 years (11/1/66)	41.26	82.52	165.04	825.20	1,650.40	3.75	[3] 4.19
6 to 6½ years (5/1/67)	42.06	84.12	168.24	841.20	1,682.40	3.76	[3] 4.23
6½ to 7 years (11/1/67)	42.90	85.80	171.60	858.00	1,716.00	3.78	[3] 4.27
7 to 7½ years (5/1/68)	43.78	87.52	175.04	875.20	1,750.40	3.80	[3] 4.31
7½ to 8 years (11/1/68)	44.66	89.32	178.64	893.20	1,786.40	3.82	4.45
8 to 8½ years (5/1/69)	45.60	91.20	182.40	912.00	1,824.00	3.84	4.52
8½ to 9 years (11/1/69)	46.57	93.14	186.28	931.40	1,862.80	3.87	4.60
9 to 9½ years (5/1/70)	47.58	95.16	190.32	951.60	1,903.20	3.89	4.74
9½ to 10 years (11/1/70)	48.64	97.28	194.56	972.80	1,945.60	3.92	5.02
SECOND EXTENDED MATURITY VALUE (20 years from original maturity date) [4] (5/1/71)	49.86	99.72	199.44	997.20	1,994.40	[5] 3.98	----------

[1] Month, day, and year on which issues of May 1, 1941, enter each period.
[2] Yield from beginning of each half-year period to second extended maturity at second extended maturity value prior to the December 1, 1965, revision.
[3] Yield from beginning of each half-year period to second extended maturity at second extended maturity value prior to the June 1, 1968, revision.
[4] 20 years from issue date. Second extended maturity value improved by the revision of June 1, 1968.
[5] Yield on purchase price from issue date to second extended maturity date is 3.20 percent.

TABLE 3

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1941

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$375.00 / 500.00	$750.00 / 1,000.00	Approximate investment yield	
Period after first extended maturity (beginning 20 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown)					(2) On the redemption value at start of the second extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption value from beginning of each half-year period to second extended maturity
	SECOND EXTENDED MATURITY PERIOD						
						Percent	*Percent*
First ½ year [1] (6/1/61)	$33.73	$67.46	$134.92	$674.60	$1,349.20	0.00	[2] 3.75
½ to 1 year (12/1/61)	34.36	68.72	137.44	687.20	1,374.40	3.74	[2] 3.75
1 to 1½ years (6/1/62)	35.01	70.02	140.04	700.20	1,400.40	3.76	[2] 3.75
1½ to 2 years (12/1/62)	35.66	71.32	142.64	713.20	1,426.40	3.74	[2] 3.75
2 to 2½ years (6/1/63)	36.33	72.66	145.32	726.60	1,453.20	3.74	[2] 3.75
2½ to 3 years (12/1/63)	37.01	74.02	148.04	740.20	1,480.40	3.75	[2] 3.75
3 to 3½ years (6/1/64)	37.71	75.42	150.84	754.20	1,508.40	3.75	[2] 3.75
3½ to 4 years (12/1/64)	38.41	76.82	153.64	768.20	1,536.40	3.75	[2] 3.75
4 to 4½ years (6/1/65)	39.13	78.26	156.52	782.60	1,565.20	3.75	[2] 3.75
4½ to 5 years (12/1/65)	39.87	79.74	159.48	797.40	1,594.80	3.75	[3] 4.15
5 to 5½ years (6/1/66)	40.63	81.26	162.52	812.60	1,625.20	3.76	[3] 4.19
5½ to 6 years (12/1/66)	41.41	82.82	165.64	828.20	1,656.40	3.76	[3] 4.22
6 to 6½ years (6/1/67)	42.22	84.44	168.88	844.40	1,688.80	3.78	[3] 4.26
6½ to 7 years (12/1/67)	43.06	86.12	172.24	861.20	1,722.40	3.79	[3] 4.30
7 to 7½ years (6/1/68)	43.95	87.90	175.80	879.00	1,758.00	3.82	4.43
7½ to 8 years (12/1/68)	44.86	89.72	179.44	897.20	1,794.40	3.84	4.49
8 to 8½ years (6/1/69)	45.80	91.60	183.20	916.00	1,832.00	3.86	4.57
8½ to 9 years (12/1/69)	46.80	93.60	187.20	936.00	1,872.00	3.89	4.64
9 to 9½ years (6/1/70)	47.81	95.62	191.24	956.20	1,912.40	3.91	4.80
9½ to 10 years (12/1/70)	48.88	97.76	195.52	977.60	1,955.20	3.94	5.11
SECOND EXTENDED MATURITY VALUE (20 years from original maturity date) [4] (6/1/71)	50.13	100.26	200.52	1,002.60	2,005.20	[5] 4.00	----------

[1] Month, day, and year on which issues of June 1, 1941, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to second extended maturity at second extended maturity value prior to the December 1, 1965, revision.
[3] Yield from beginning of each half-year period to second extended maturity at second extended maturity value prior to the June 1, 1968, revision.
[4] 20 years from issue date. Second extended maturity value improved by the revision of June 1, 1968.
[5] Yield on purchase price from issue date to second extended maturity date is 3.21 percent.

TABLE 4

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1941, THROUGH APRIL 1, 1942

Issue price / Denomination	$18.75 / $25.00	$37.50 / $50.00	$75.00 / $100.00	$375.00 / $500.00	$750.00 / $1,000.00	Approximate investment yield	
Period after first extended maturity (beginning 20 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — SECOND EXTENDED MATURITY PERIOD					(2) On the redemption value at start of the second extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption value from beginning of each half-year period to second extended maturity
First ½ year	[1](12/1/61)	$33.83	$67.66	$135.32	$676.60	$1,353.20	Percent 0.00	Percent [2] 2.75
½ to 1 year	(6/1/62)	34.46	68.92	137.84	689.20	1,378.40	3.72	[2] 2.75
1 to 1½ years	(12/1/62)	35.11	70.22	140.44	702.20	1,404.40	3.75	[2] 2.75
1½ to 2 years	(6/1/63)	35.77	71.54	143.08	715.40	1,430.80	3.75	[2] 2.75
2 to 2½ years	(12/1/63)	36.44	72.88	145.76	728.80	1,457.60	3.75	[2] 2.75
2½ to 3 years	(6/1/64)	37.12	74.24	148.48	742.40	1,484.80	3.75	[2] 2.75
3 to 3½ years	(12/1/64)	37.82	75.64	151.28	756.40	1,512.80	3.75	[2] 2.75
3½ to 4 years	(6/1/65)	38.53	77.06	154.12	770.60	1,541.20	3.75	[2] 2.75
4 to 4½ years	(12/1/65)	39.25	78.50	157.00	785.00	1,570.00	3.75	[2] 4.15
4½ to 5 years	(6/1/66)	40.00	80.00	160.00	800.00	1,600.00	3.76	[2] 4.18
5 to 5½ years	(12/1/66)	40.77	81.54	163.08	815.40	1,630.80	3.77	[2] 4.21
5½ to 6 years	(6/1/67)	41.56	83.12	166.24	831.20	1,662.40	3.78	[2] 4.25
6 to 6½ years	(12/1/67)	42.39	84.78	169.56	847.80	1,695.60	3.79	[2] 4.28
6½ to 7 years	(6/1/68)	43.25	86.50	173.00	865.00	1,730.00	3.82	4.42
7 to 7½ years	(12/1/68)	44.14	88.28	176.56	882.80	1,765.60	3.84	4.47
7½ to 8 years	(6/1/69)	45.07	90.14	180.28	901.40	1,802.80	3.86	4.52
8 to 8½ years	(12/1/69)	46.03	92.06	184.12	920.60	1,841.20	3.89	4.58
8½ to 9 years	(6/1/70)	47.02	94.04	188.08	940.40	1,880.80	3.91	4.68
9 to 9½ years	(12/1/70)	48.05	96.10	192.20	961.00	1,922.00	3.94	4.83
9½ to 10 years	(6/1/71)	49.12	98.24	196.48	982.40	1,964.80	3.96	5.21
SECOND EXTENDED MATURITY VALUE (20 years from original maturity date)[3]	(12/1/71)	50.00	100.00	201.00	1,005.00	2,010.00	[4] 4.03	

[1] Month, day, and year on which issues of December 1, 1941, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to second extended maturity at second extended maturity value prior to the December 1, 1963, revision.
[3] Yield from beginning of each half-year period to second extended maturity at second extended maturity value prior to the June 1, 1963, revision.
[4] 20 years from issue date. Second extended maturity value improved by the revision of June 1, 1963.
[5] Yield on purchase price from issue date to second extended maturity date is 3.32 percent.

TABLE 5

BONDS BEARING ISSUE DATE OF MAY 1, 1942

Issue price / Denomination	$18.75 / $25.00	$37.50 / $50.00	$75.00 / $100.00	$375.00 / $500.00	$750.00 / $1,000.00	Approximate investment yield	
Period after first extended maturity (beginning 20 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — SECOND EXTENDED MATURITY PERIOD					(2) On the redemption value at start of the second extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption value from beginning of each half-year period to second extended maturity
First ½ year	[1](5/1/62)	$34.00	$68.18	$136.36	$681.80	$1,363.60	Percent 0.00	Percent [2] 2.75
½ to 1 year	(11/1/62)	34.73	69.46	138.92	694.60	1,389.20	3.75	[2] 2.75
1 to 1½ years	(5/1/63)	35.38	70.76	141.52	707.60	1,415.20	3.75	[2] 2.75
1½ to 2 years	(11/1/63)	36.04	72.06	144.16	720.80	1,441.60	3.74	[2] 2.75
2 to 2½ years	(5/1/64)	36.72	73.44	146.88	734.40	1,468.80	3.75	[2] 2.75
2½ to 3 years	(11/1/64)	37.41	74.82	149.64	748.20	1,496.40	3.75	[2] 2.75
3 to 3½ years	(5/1/65)	38.11	76.22	152.44	762.20	1,524.40	3.75	[2] 2.75
3½ to 4 years	(11/1/65)	38.82	77.64	155.28	776.40	1,552.80	3.75	[2] 2.75
4 to 4½ years	(5/1/66)	39.55	79.10	158.20	791.00	1,582.00	3.75	[2] 4.15
4½ to 5 years	(11/1/66)	40.30	80.60	161.20	806.00	1,612.00	3.75	[2] 4.18
5 to 5½ years	(5/1/67)	41.08	82.16	164.32	821.60	1,643.20	3.77	[2] 4.22
5½ to 6 years	(11/1/67)	41.88	83.76	167.52	837.60	1,675.20	3.78	[2] 4.25
6 to 6½ years	(5/1/68)	42.71	85.42	170.84	854.20	1,708.40	3.79	[2] 4.29
6½ to 7 years	(11/1/68)	43.56	87.16	174.32	871.60	1,743.20	[3] 3.81	4.42
7 to 7½ years	(5/1/69)	44.49	88.98	177.96	889.80	1,779.60	3.84	4.46
7½ to 8 years	(11/1/69)	45.41	90.82	181.64	908.20	1,816.40	3.86	4.52
8 to 8½ years	(5/1/70)	46.38	92.76	185.52	927.60	1,855.20	3.89	4.59
8½ to 9 years	(11/1/70)	47.38	94.78	189.52	947.60	1,895.20	3.91	4.69
9 to 9½ years	(5/1/71)	48.42	96.84	193.68	968.40	1,936.80	3.94	4.84
9½ to 10 years	(11/1/71)	49.50	99.00	198.00	990.00	1,980.00	3.96	5.22
SECOND EXTENDED MATURITY VALUE (20 years from original maturity date)[4]	(5/1/72)	50.79	101.58	203.16	1,015.80	2,031.60	[5] 4.06	

[1] Month, day, and year on which issues of May 1, 1942, enter each period.
[2] Yield from beginning of each half-year period to second extended maturity at second extended maturity value prior to the December 1, 1963, revision.
[3] Yield from beginning of each half-year period to second extended maturity at second extended maturity value prior to the June 1, 1963, revision.
[4] 20 years from issue date. Second extended maturity value improved by the revision of June 1, 1963.
[5] Yield on purchase price from issue date to second extended maturity date is 3.30 percent.

TABLE 6

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1942

Issue price / Denomination	$18.75 / $25.00	$37.50 / $50.00	$75.00 / $100.00	$375.00 / $500.00	$750.00 / $1,000.00	Approximate investment yield	
Period after first extended maturity (beginning 20 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — SECOND EXTENDED MATURITY PERIOD					(2) On the redemption value at start of the second extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption value from beginning of each half-year period to second extended maturity
First ½ year	[1](6/1/62)	$34.17	$68.34	$136.68	$683.40	$1,366.80	Percent 0.00	Percent [2] 3.75
½ to 1 year	(12/1/62)	34.81	69.62	139.24	696.20	1,392.40	3.75	[2] 3.75
1 to 1½ years	(6/1/63)	35.46	70.92	141.84	709.20	1,418.40	3.74	[2] 3.75
1½ to 2 years	(12/1/63)	36.13	72.26	144.52	722.60	1,445.20	3.75	[2] 3.75
2 to 2½ years	(6/1/64)	36.81	73.62	147.24	736.20	1,472.40	3.76	[2] 3.75
2½ to 3 years	(12/1/64)	37.50	75.00	150.00	750.00	1,500.00	3.75	[2] 3.75
3 to 3½ years	(6/1/65)	38.20	76.40	152.80	764.00	1,528.00	3.75	[2] 3.75
3½ to 4 years	(12/1/65)	38.92	77.84	155.68	778.40	1,556.80	3.75	[2] 4.15
4 to 4½ years	(6/1/66)	39.65	79.30	158.60	793.00	1,586.00	3.75	[2] 4.18
4½ to 5 years	(12/1/66)	40.41	80.82	161.64	808.20	1,616.40	3.76	[2] 4.21
5 to 5½ years	(6/1/67)	41.21	82.42	164.84	824.20	1,648.40	3.76	[2] 4.24
5½ to 6 years	(12/1/67)	42.02	84.04	168.08	840.40	1,680.80	3.80	[2] 4.27
6 to 6½ years	(6/1/68)	42.86	85.72	171.44	857.20	1,714.40	3.81	4.40
6½ to 7 years	(12/1/68)	43.74	87.48	174.96	874.80	1,749.60	3.83	4.45
7 to 7½ years	(6/1/69)	44.65	89.30	178.60	893.00	1,786.00	3.86	4.50
7½ to 8 years	(12/1/69)	45.59	91.18	182.36	911.80	1,823.60	3.88	4.55
8 to 8½ years	(6/1/70)	46.57	93.14	186.28	931.40	1,862.80	3.91	4.62
8½ to 9 years	(12/1/70)	47.58	95.16	190.32	951.60	1,903.20	3.93	4.71
9 to 9½ years	(6/1/71)	48.63	97.26	194.52	972.60	1,945.20	3.96	4.88
9½ to 10 years	(12/1/71)	49.71	99.42	198.84	994.20	1,988.40	3.99	5.27
SECOND EXTENDED MATURITY VALUE (20 years from original maturity date)[3]	(6/1/72)	51.02	102.04	204.08	1,020.40	2,040.80	[4] 4.06	

[1] Month, day, and year on which issues of June 1, 1942, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to second extended maturity at second extended maturity value prior to the December 1, 1963, revision.
[3] Yield from beginning of each half-year period to second extended maturity at second extended maturity value prior to the June 1, 1963, revision.
[4] 20 years from issue date. Second extended maturity value improved by the revision of June 1, 1963.
[5] Yield on purchase price from issue date to second extended maturity date is 3.30 percent.

TABLE 7

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1942, THROUGH MAY 1, 1943

Issue price / Denomination	$18.75 / $25.00	$37.50 / $50.00	$75.00 / $100.00	$375.00 / $500.00	$750.00 / $1,000.00	Approximate investment yield	
Period after first extended maturity (beginning 20 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — SECOND EXTENDED MATURITY PERIOD					(2) On the redemption value at start of the second extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption value from beginning of each half-year period to second extended maturity
First ½ year	[1](12/1/62)	$34.26	$68.52	$137.04	$685.20	$1,370.40	Percent 0.00	Percent [2] 3.75
½ to 1 year	(6/1/63)	34.90	69.80	139.60	698.00	1,396.00	3.74	[2] 3.75
1 to 1½ years	(12/1/63)	35.56	71.12	142.24	711.20	1,422.40	3.76	[2] 3.75
1½ to 2 years	(6/1/64)	36.22	72.44	144.88	724.40	1,448.80	3.74	[2] 3.75
2 to 2½ years	(12/1/64)	36.90	73.80	147.60	738.00	1,476.00	3.75	[2] 3.75
2½ to 3 years	(6/1/65)	37.59	75.18	150.36	751.80	1,503.60	3.75	[2] 3.75
3 to 3½ years	(12/1/65)	38.30	76.60	153.20	766.00	1,532.00	3.75	[2] 4.15
3½ to 4 years	(6/1/66)	39.03	78.06	156.12	780.60	1,561.20	3.76	[2] 4.18
4 to 4½ years	(12/1/66)	39.77	79.54	159.08	795.40	1,590.80	3.78	[2] 4.21
4½ to 5 years	(6/1/67)	40.54	81.08	162.16	810.80	1,621.60	3.78	[2] 4.24
5 to 5½ years	(12/1/67)	41.34	82.68	165.36	826.80	1,653.60	3.79	[2] 4.27
5½ to 6 years	(6/1/68)	42.18	84.36	168.72	843.60	1,687.20	3.82	4.40
6 to 6½ years	(12/1/68)	43.04	86.08	172.16	860.80	1,721.60	3.84	4.44
6½ to 7 years	(6/1/69)	43.93	87.86	175.72	878.60	1,757.20	3.86	4.48
7 to 7½ years	(12/1/69)	44.85	89.70	179.40	897.00	1,794.00	3.89	4.53
7½ to 8 years	(6/1/70)	45.79	91.58	183.16	915.80	1,831.60	3.91	4.60
8 to 8½ years	(12/1/70)	46.78	93.56	187.12	935.60	1,871.20	3.93	4.67
8½ to 9 years	(6/1/71)	47.79	95.58	191.16	955.80	1,911.60	3.95	4.78
9 to 9½ years	(12/1/71)	48.84	97.68	195.36	976.80	1,953.60	3.98	4.97
9½ years to 10 years	(6/1/72)	49.94	99.88	199.76	998.80	1,997.60	4.01	5.45
SECOND EXTENDED MATURITY VALUE (20 years from original maturity date)[3]	(12/1/72)	51.30	102.60	205.20	1,026.00	2,052.00	[4] 4.06	

[1] Month, day, and year on which issues of December 1, 1942, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to second extended maturity at second extended maturity value prior to the December 1, 1963, revision.
[3] Yield from beginning of each half-year period to second extended maturity at second extended maturity value prior to the June 1, 1963, revision.
[4] 20 years from issue date. Second extended maturity value improved by the revision of June 1, 1963.
[5] Yield on purchase price from issue date to second extended maturity date is 3.30 percent.

TABLE 8

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1943

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$375.00 / 500.00	$750.00 / 1,000.00	Approximate investment yield
Period after first extended maturity (beginning 20 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — SECOND EXTENDED MATURITY PERIOD					(2) On the redemption values at start of the second extended maturity period to the beginning of each half-year period thereafter / (3) On current redemption values from beginning of each half-year period to second extended maturity
						Percent / Percent
First ½ year [1] (6/1/63)	$34.24	$68.48	$137.36	$686.80	$1,373.60	0.00 / [2] 3.75
½ to 1 year (12/1/63)	34.98	69.96	139.92	699.60	1,399.20	2.73 / [2] 3.75
1 to 1½ years (6/1/64)	35.64	71.28	142.56	712.80	1,425.60	2.75 / [2] 3.75
1½ to 2 years (12/1/64)	36.31	72.62	145.24	726.20	1,452.40	2.75 / [2] 3.75
2 to 2½ years (6/1/65)	36.99	73.96	147.96	739.80	1,479.60	2.75 / [2] 4.15
2½ to 3 years (12/1/65)	37.68	75.36	150.72	753.60	1,507.20	2.75 / [2] 4.15
3 to 3½ years (6/1/66)	38.40	76.80	153.60	768.00	1,536.00	2.76 / [2] 4.16
3½ to 4 years (12/1/66)	39.13	78.26	156.52	782.60	1,565.20	2.77 / [2] 4.20
4 to 4½ years (6/1/67)	39.89	79.78	159.56	797.80	1,595.60	2.78 / [2] 4.23
4½ to 5 years (12/1/67)	40.68	81.36	162.72	813.60	1,627.20	3.80 / [2] 4.25
5 to 5½ years (6/1/68)	41.49	82.98	165.96	829.80	1,659.60	3.82 / 4.39
5½ to 6 years (12/1/68)	42.33	84.66	169.32	846.60	1,693.20	3.84 / 4.42
6 to 6½ years (6/1/69)	43.20	86.40	172.80	864.00	1,728.00	3.86 / 4.46
6½ to 7 years (12/1/69)	44.09	88.18	176.36	881.80	1,763.60	3.88 / 4.51
7 to 7½ years (6/1/70)	45.02	90.04	180.08	900.40	1,800.80	3.91 / 4.56
7½ to 8 years (12/1/70)	45.97	91.94	183.88	919.40	1,838.80	3.93 / 4.62
8 to 8½ years (6/1/71)	46.98	93.96	187.92	939.60	1,879.20	3.96 / 4.69
8½ to 9 years (12/1/71)	47.99	95.98	191.96	959.80	1,919.60	3.98 / 4.81
9 to 9½ years (6/1/72)	49.06	98.12	196.24	981.20	1,962.40	4.00 / 4.99
9½ to 10 years (12/1/72)	50.15	100.30	200.60	1,003.00	2,006.00	4.03 / 5.54
SECOND EXTENDED MATURITY VALUE (20 years from original maturity date) [4] (6/1/73)	51.54	103.08	206.16	1,030.80	2,061.60	[5] 4.10 / ----------

[1] Month, day, and year on which issues of June 1, 1943, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to second extended maturity at second extended maturity value prior to the December 1, 1943, revision.
[3] Yield from beginning of each half-year period to second extended maturity at second extended maturity value prior to the June 1, 1943, revision.
[4] 20 years from issue date. Second extended maturity value improved by the revision of June 1, 1943.
[5] Yield on purchase price from issue date to second extended maturity date is 2.50 percent.

TABLE 9

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1943, THROUGH MAY 1, 1944

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$375.00 / 500.00	$750.00 / 1,000.00	Approximate investment yield
Period after first extended maturity (beginning 20 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — SECOND EXTENDED MATURITY PERIOD					(2) On the redemption value at start of the second extended maturity period to the beginning of each half-year period thereafter / (3) On current redemption values from beginning of each half-year period to second extended maturity
						Percent / Percent
First ½ year [1] (12/1/63)	$34.43	$68.86	$137.72	$688.60	$1,377.20	0.00 / [2] 3.75
½ to 1 year (6/1/64)	35.08	70.16	140.32	701.60	1,403.20	2.78 / [2] 3.75
1 to 1½ years (12/1/64)	35.73	71.46	142.92	714.60	1,429.20	2.74 / [2] 3.75
1½ to 2 years (6/1/65)	36.40	72.80	145.60	728.00	1,456.00	2.74 / [2] 3.75
2 to 2½ years (12/1/65)	37.09	74.18	148.36	741.80	1,483.60	2.76 / [2] 4.15
2½ to 3 years (6/1/66)	37.79	75.58	151.16	755.80	1,511.60	2.76 / [2] 4.17
3 to 3½ years (12/1/66)	38.51	77.02	154.04	770.20	1,540.40	2.77 / [2] 4.20
3½ to 4 years (6/1/67)	39.25	78.50	157.00	785.00	1,570.00	2.78 / [2] 4.23
4 to 4½ years (12/1/67)	40.03	80.06	160.12	800.60	1,601.20	3.80 / [2] 4.25
4½ to 5 years (6/1/68)	40.83	81.66	163.32	816.60	1,633.20	3.82 / 4.27
5 to 5½ years (12/1/68)	41.65	83.30	166.60	833.00	1,666.00	3.84 / 4.41
5½ to 6 years (6/1/69)	42.50	85.00	170.00	850.00	1,700.00	3.87 / 4.44
6 to 6½ years (12/1/69)	43.37	86.74	173.48	867.40	1,734.80	3.88 / 4.49
6½ to 7 years (6/1/70)	44.27	88.54	177.08	885.40	1,770.80	3.90 / 4.53
7 to 7½ years (12/1/70)	45.23	90.44	180.88	904.40	1,808.80	2.93 / 4.57
7½ to 8 years (6/1/71)	46.18	92.36	184.72	923.60	1,847.20	2.95 / 4.64
8 to 8½ years (12/1/71)	47.18	94.36	188.72	943.60	1,887.20	3.98 / 4.72
8½ to 9 years (6/1/72)	48.22	96.44	192.88	964.40	1,928.80	4.00 / 4.82
9 to 9½ years (12/1/72)	49.28	98.50	197.12	985.60	1,971.20	4.02 / 5.03
9½ to 10 years (6/1/73)	50.38	100.76	201.52	1,007.60	2,015.20	4.05 / 5.60
SECOND EXTENDED MATURITY VALUE (20 years from original maturity date) [4] (12/1/73)	51.79	103.58	207.16	1,035.80	2,071.60	[5] 4.12 / ----------

[1] Month, day, and year on which issues of December 1, 1943, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to second extended maturity at second extended maturity value prior to the December 1, 1943, revision.
[3] Yield from beginning of each half-year period to second extended maturity at second extended maturity value prior to the June 1, 1943, revision.
[4] 20 years from issue date. Second extended maturity value improved by the revision of June 1, 1943.
[5] Yield on purchase price from issue date to second extended maturity date is 2.62 percent.

TABLE 10

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1944

Issue price / Denomination	$7.50 / 10.00	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$375.00 / 500.00	$750.00 / 1,000.00	Approximate investment yield
Period after first extended maturity (beginning 20 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — SECOND EXTENDED MATURITY PERIOD						(2) On the redemption value at start of the second extended maturity period to the beginning of each half-year period thereafter / (3) On current redemption value from beginning of each half-year period to second extended maturity
							Percent / Percent
First ½ year [1] (6/1/64)	$13.80	$34.51	$69.02	$138.04	$690.20	$1,380.40	0.00 / [2] 3.75
½ to 1 year (12/1/64)	14.06	35.16	70.32	140.64	703.20	1,406.40	3.77 / [2] 3.75
1 to 1½ years (6/1/65)	14.33	35.82	71.64	143.28	716.40	1,432.80	3.78 / [2] 3.75
1½ to 2 years (12/1/65)	14.60	36.49	72.98	145.96	729.80	1,459.60	3.75 / [2] 4.15
2 to 2½ years (6/1/66)	14.87	37.18	74.36	148.72	743.60	1,487.20	3.76 / [2] 4.17
2½ to 3 years (12/1/66)	15.16	37.89	75.78	151.56	757.80	1,515.60	3.77 / [2] 4.20
3 to 3½ years (6/1/67)	15.45	38.62	77.24	154.48	772.40	1,544.80	3.79 / [2] 4.22
3½ to 4 years (12/1/67)	15.75	39.37	78.74	157.48	787.40	1,574.80	3.80 / [2] 4.25
4 to 4½ years (6/1/68)	16.06	40.15	80.32	160.64	803.20	1,606.40	3.83 / 4.37
4½ to 5 years (12/1/68)	16.38	40.96	81.92	163.84	819.20	1,638.40	3.84 / 4.40
5 to 5½ years (6/1/69)	16.72	41.79	83.58	167.16	835.80	1,671.60	3.87 / 4.44
5½ to 6 years (12/1/69)	17.06	42.65	85.30	170.60	853.00	1,706.00	3.89 / 4.48
6 to 6½ years (6/1/70)	17.42	43.54	87.08	174.16	870.80	1,741.60	3.91 / 4.51
6½ to 7 years (12/1/70)	17.78	44.46	88.92	177.84	889.20	1,778.40	3.94 / 4.55
7 to 7½ years (6/1/71)	18.16	45.40	90.80	181.60	908.00	1,816.00	3.96 / 4.61
7½ to 8 years (12/1/71)	18.55	46.37	92.74	185.48	927.40	1,854.80	3.98 / 4.68
8 to 8½ years (6/1/72)	18.95	47.37	94.74	189.48	947.40	1,894.80	4.00 / 4.77
8½ to 9 years (12/1/72)	19.37	48.42	96.84	193.68	968.40	1,936.80	4.02 / 4.88
9 to 9½ years (6/1/73)	19.80	49.49	98.98	197.96	989.80	1,979.60	4.05 / 5.11
9½ to 10 years (12/1/73)	20.24	50.60	101.20	202.40	1,012.00	2,024.00	4.07 / 5.73
SECOND EXTENDED MATURITY VALUE (20 years from original maturity date) [4] (6/1/74)	20.82	52.05	104.10	208.20	1,041.00	2,082.00	[5] 4.15 / ----------

[1] Month, day, and year on which issues of June 1, 1944, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to second extended maturity at second extended maturity value prior to the December 1, 1943, revision.
[3] Yield from beginning of each half-year period to second extended maturity at second extended maturity value prior to the June 1, 1943, revision.
[4] 20 years from issue date. Second extended maturity value improved by the revision of June 1, 1943.
[5] Yield on purchase price from issue date to second extended maturity date is 2.65 percent.

TABLE 11

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1944, THROUGH MAY 1, 1945

Issue price / Denomination	$7.50 / 10.00	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$375.00 / 500.00	$750.00 / 1,000.00	Approximate investment yield
Period after first extended maturity (beginning 20 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — SECOND EXTENDED MATURITY PERIOD						(2) On the redemption value at start of the second extended maturity period to the beginning of each half-year period thereafter / (3) On current redemption value from beginning of each half-year period to second extended maturity
							Percent / Percent
First ½ year [1] (12/1/64)	$13.84	$34.59	$69.18	$138.36	$691.80	$1,383.60	0.00 / [2] 3.75
½ to 1 year (6/1/65)	14.10	35.24	70.48	140.96	704.80	1,409.60	3.76 / [2] 3.75
1 to 1½ years (12/1/65)	14.36	35.90	71.80	143.60	718.00	1,436.00	3.75 / [2] 4.15
1½ to 2 years (6/1/66)	14.63	36.58	73.16	146.32	731.60	1,463.20	3.78 / [2] 4.17
2 to 2½ years (12/1/66)	14.91	37.28	74.56	149.12	745.60	1,491.20	3.78 / [2] 4.19
2½ to 3 years (6/1/67)	15.20	38.00	76.00	152.00	760.00	1,520.00	3.80 / [2] 4.21
3 to 3½ years (12/1/67)	15.50	38.74	77.48	154.96	774.80	1,549.60	3.81 / [2] 4.24
3½ to 4 years (6/1/68)	15.80	39.50	79.00	158.00	790.00	1,580.00	3.83 / 4.36
4 to 4½ years (12/1/68)	16.12	40.29	80.58	161.16	805.80	1,611.60	3.85 / 4.39
4½ to 5 years (6/1/69)	16.44	41.10	82.20	164.40	822.00	1,644.00	3.87 / 4.43
5 to 5½ years (12/1/69)	16.78	41.95	83.90	167.80	839.00	1,678.00	3.90 / 4.46
5½ to 6 years (6/1/70)	17.12	42.81	85.62	171.24	856.20	1,712.40	3.91 / 4.49
6 to 6½ years (12/1/70)	17.48	43.71	87.42	174.84	874.20	1,748.40	3.94 / 4.53
6½ to 7 years (6/1/71)	17.85	44.63	89.26	178.52	892.60	1,785.20	3.96 / 4.58
7 to 7½ years (12/1/71)	18.23	45.58	91.16	182.32	911.60	1,823.20	3.98 / 4.63
7½ to 8 years (6/1/72)	18.63	46.57	93.14	186.28	931.40	1,862.80	4.00 / 4.69
8 to 8½ years (12/1/72)	19.03	47.57	95.14	190.28	951.40	1,902.80	4.02 / 4.79
8½ to 9 years (6/1/73)	19.45	48.63	97.28	194.52	972.60	1,945.20	4.05 / 4.90
9 to 9½ years (12/1/73)	19.88	49.69	99.38	198.76	993.80	1,987.60	4.07 / 5.17
9½ to 10 years (6/1/74)	20.32	50.81	101.62	203.24	1,016.20	2,032.40	4.09 / 5.83
SECOND EXTENDED MATURITY VALUE (20 years from original maturity date) [4] (12/1/74)	20.92	52.29	104.58	209.16	1,045.80	2,091.60	[5] 4.18 / ----------

[1] Month, day, and year on which issues of December 1, 1944, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to second extended maturity at second extended maturity value prior to the December 1, 1943, revision.
[3] Yield from beginning of each half-year period to second extended maturity at second extended maturity value prior to the June 1, 1943, revision.
[4] 20 years from issue date. Second extended maturity value improved by the revision of June 1, 1943.
[5] Yield on purchase price from issue date to second extended maturity date is 2.65 percent.

TABLE 12

BONDS BEARING ISSUES DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1945

Issue price / Denomination	$7.50 / 10.00	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	Approximate investment yield	
Period after first extended maturity (beginning 20 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — SECOND EXTENDED MATURITY PERIOD							(2) On the redemption values at start of the second extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption values from beginning of each half-year period to second extended maturity
								Percent	Percent
First ½ year [1] (6/1/65)	$12.97	$34.68	$69.36	$138.72	$277.44	$693.60	$1,387.20	0.00	[2] 2.75
½ to 1 year (12/1/65)	14.13	35.33	70.66	141.32	282.64	706.60	1,413.20	2.75	[2] 4.15
1 to 1½ years (6/1/66)	14.48	36.00	72.00	144.00	288.00	720.00	1,440.00	2.77	[2] 4.17
1½ to 2 years (12/1/66)	14.69	36.89	73.38	146.76	293.52	733.80	1,467.60	2.79	[2] 4.19
2 to 2½ years (6/1/67)	14.96	37.40	74.80	149.60	299.20	748.00	1,496.00	2.81	[2] 4.21
2½ to 3 years (12/1/67)	15.22	38.12	76.24	152.48	304.96	762.40	1,524.80	2.82	[2] 4.23
3 to 3½ years (6/1/68)	15.54	38.87	77.74	155.48	310.96	1777.40	1,554.80	2.84	4.25
3½ to 4 years (12/1/68)	14.84	39.45	78.90	158.80	317.20	1793.00	1,586.00	2.86	4.38
4 to 4½ years (6/1/69)	16.11	40.45	80.90	161.80	323.60	1809.00	1,618.00	2.88	4.41
4½ to 5 years (12/1/69)	16.51	41.27	82.54	165.08	330.16	825.40	1,650.80	2.90	4.44
5 to 5½ years (6/1/70)	16.83	42.12	84.24	168.48	336.96	842.40	1,684.80	2.93	4.47
5½ to 6 years (12/1/70)	17.20	42.99	85.98	171.96	343.92	859.80	1,719.60	2.94	4.51
6 to 6½ years (6/1/71)	17.54	43.89	87.78	175.56	351.12	877.80	1,755.60	2.96	4.55
6½ to 7 years (12/1/71)	17.91	44.82	89.64	179.28	358.56	896.40	1,792.80	2.99	4.60
7 to 7½ years (6/1/72)	18.31	45.78	91.56	183.12	366.24	916.20	1,831.20	4.01	4.65
7½ to 8 years (12/1/72)	18.71	46.77	93.54	187.08	374.16	935.40	1,870.80	4.03	4.72
8 to 8½ years (6/1/73)	19.13	47.79	95.58	191.16	382.32	955.80	1,911.60	4.05	4.80
8½ to 9 years (12/1/73)	19.54	48.84	97.68	195.36	390.72	976.80	1,953.60	4.07	4.94
9 to 9½ years (6/1/74)	19.97	49.92	99.84	199.68	399.36	998.40	1,996.80	4.09	5.20
9½ to 10 years (12/1/74)	20.41	51.04	102.08	204.16	408.32	1,020.80	2,041.60	4.11	5.92
SECOND EXTENDED MATURITY VALUE (20 years from original maturity date)[4] (6/1/75)	21.87	54.55	109.10	218.20	436.40	1,091.00	2,182.00	[3] 4.20	

[1] Month, day, and year on which issues of June 1, 1945, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to second extended maturity at second extended maturity value prior to the December 1, 1965, revision.
[3] Yield from beginning of each half-year period to second extended maturity at second extended maturity value prior to the June 1, 1965, revision.
[4] 20 years from issue date. Second extended maturity values improved by the revision of June 1, 1965.
[5] Yield on purchase price from issue date to second extended maturity date is 3.86 percent.

TABLE 13

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1945, THROUGH MAY 1, 1946

Issue price / Denomination	$7.50 / 10.00	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	Approximate investment yield	
Period after first extended maturity (beginning 20 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — SECOND EXTENDED MATURITY PERIOD							(2) On the redemption values at start of the second extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption values from beginning of each half-year period to second extended maturity
								Percent	Percent
First ½ year [1] (12/1/65)	$12.91	$34.77	$69.54	$139.08	$278.16	$695.40	$1,390.80	0.00	[2] 4.15
½ to 1 year (6/1/66)	14.20	35.49	70.98	141.96	283.92	709.80	1,419.60	4.14	[2] 4.15
1 to 1½ years (12/1/66)	14.49	36.23	72.48	144.92	289.84	724.60	1,449.20	4.16	[2] 4.15
1½ to 2 years (6/1/67)	14.79	36.98	73.96	147.92	295.84	739.60	1,479.20	4.15	[2] 4.15
2 to 2½ years (12/1/67)	15.10	37.75	75.50	151.00	302.00	755.00	1,510.00	4.15	[2] 4.15
2½ to 3 years (6/1/68)	15.41	38.53	77.06	154.12	308.24	770.60	1,541.20	4.15	4.25
3 to 3½ years (12/1/68)	15.73	39.32	78.66	157.32	314.64	1786.60	1,572.20	4.15	4.26
3½ to 4 years (6/1/69)	16.09	40.15	80.30	160.60	321.20	1803.00	1,606.00	4.15	4.26
4 to 4½ years (12/1/69)	16.39	40.98	81.96	163.92	327.84	819.60	1,639.20	4.15	4.28
4½ to 5 years (6/1/70)	16.73	41.83	83.66	167.32	334.64	836.60	1,673.20	4.15	4.29
5 to 5½ years (12/1/70)	17.08	42.70	85.40	170.80	341.60	854.00	1,708.00	4.15	4.30
5½ to 6 years (6/1/71)	17.46	43.68	87.18	174.32	348.64	871.60	1,743.20	4.15	4.32
6 to 6½ years (12/1/71)	17.80	44.49	88.98	177.96	355.92	889.80	1,779.60	4.15	4.34
6½ to 7 years (6/1/72)	18.19	45.41	90.82	181.64	363.28	908.20	1,816.40	4.15	4.37
7 to 7½ years (12/1/72)	18.58	46.35	92.70	185.40	370.80	927.00	1,854.00	4.15	4.40
7½ to 8 years (6/1/73)	18.98	47.31	94.62	189.24	378.48	946.20	1,892.40	4.15	4.42
8 to 8½ years (12/1/73)	19.39	48.30	96.60	193.20	386.40	966.00	1,932.00	4.15	4.65
8½ to 9 years (6/1/74)	19.79	49.30	98.60	197.20	394.40	986.00	1,972.00	4.15	4.91
9 to 9½ years (12/1/74)	20.23	50.32	100.64	201.28	402.56	1,006.40	2,012.80	4.15	5.65
9½ to 10 years (6/1/75)	20.65	51.37	102.74	205.48	410.96	1,027.40	2,054.80	4.15	
SECOND EXTENDED MATURITY VALUE (20 years from original maturity date)[4] (12/1/75)	21.12	52.82	105.64	211.28	422.56	1,056.40	2,112.80	[3] 4.22	

[1] Month, day, and year on which issues of December 1, 1945, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to second extended maturity at second extended maturity value prior to the June 1, 1965, revision.
[3] 20 years from issue date. Second extended maturity values improved by the revision of June 1, 1965.
[4] Yield on purchase price from issue date to second extended maturity date is 3.86 percent.

TABLE 14

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1946

Issue price / Denomination	$7.50 / 10.00	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	Approximate investment yield	
Period after first extended maturity (beginning 20 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — SECOND EXTENDED MATURITY PERIOD							(2) On the redemption values at start of the second extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption values from beginning of each half-year period to second extended maturity
								Percent	Percent
First ½ year [1] (6/1/66)	$13.97	$34.92	$69.84	$139.68	$279.36	$698.40	$1,396.80	0.00	[2] 4.15
½ to 1 year (12/1/66)	14.26	35.64	71.28	142.56	285.12	712.80	1,425.60	4.12	[2] 4.15
1 to 1½ years (6/1/67)	14.55	36.38	72.76	145.52	291.04	727.60	1,455.20	4.14	[2] 4.17
1½ to 2 years (12/1/67)	14.86	37.14	74.28	148.56	297.12	742.80	1,485.60	4.15	[2] 4.15
2 to 2½ years (6/1/68)	15.16	37.91	75.82	151.64	303.28	758.20	1,516.40	4.15	4.25
2½ to 3 years (12/1/68)	15.48	38.70	77.40	154.80	309.60	774.00	1,548.00	4.15	4.26
3 to 3½ years (6/1/69)	15.80	39.50	79.00	158.00	316.00	790.00	1,580.00	4.15	4.27
3½ to 4 years (12/1/69)	16.13	40.32	80.64	161.28	322.56	806.40	1,612.80	4.15	4.28
4 to 4½ years (6/1/70)	16.46	41.16	82.32	164.64	329.28	823.20	1,646.40	4.15	4.28
4½ to 5 years (12/1/70)	16.80	42.01	84.02	168.04	336.08	840.20	1,680.40	4.15	4.30
5 to 5½ years (6/1/71)	17.15	42.88	85.76	171.52	343.04	857.60	1,715.20	4.15	4.31
5½ to 6 years (12/1/71)	17.51	43.77	87.54	175.08	350.16	875.40	1,750.80	4.15	4.33
6 to 6½ years (6/1/72)	17.87	44.68	89.36	178.72	357.44	893.60	1,787.20	4.15	4.35
6½ to 7 years (12/1/72)	18.24	45.61	91.22	182.44	364.88	912.20	1,824.40	4.15	4.38
7 to 7½ years (6/1/73)	18.62	46.55	93.10	186.20	372.40	931.00	1,862.00	4.15	4.42
7½ to 8 years (12/1/73)	19.01	47.52	95.04	190.08	380.16	950.40	1,900.80	4.15	4.48
8 to 8½ years (6/1/74)	19.40	48.50	97.00	194.00	388.00	970.00	1,940.00	4.15	4.56
8½ to 9 years (12/1/74)	19.80	49.51	99.02	198.04	396.08	990.20	1,980.40	4.15	4.70
9 to 9½ years (6/1/75)	20.22	50.54	101.08	202.16	404.32	1,010.80	2,021.60	4.15	4.96
9½ to 10 years (12/1/75)	20.64	51.59	103.18	206.36	412.72	1,031.80	2,063.60	4.15	5.78
SECOND EXTENDED MATURITY VALUE (20 years from original maturity date)[4] (6/1/76)	21.23	53.06	106.16	212.32	424.64	1,061.60	2,123.20	[3] 4.23	

[1] Month, day, and year on which issues of June 1, 1946, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to second extended maturity at second extended maturity value prior to the June 1, 1965, revision.
[3] 20 years from issue date. Second extended maturity values improved by the revision of June 1, 1965.
[4] Yield on purchase price from issue date to second extended maturity date is 3.90 percent.

TABLE 15

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1946, THROUGH MAY 1, 1947

Issue price / Denomination	$7.50 / 10.00	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	Approximate investment yield	
Period after first extended maturity (beginning 20 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — SECOND EXTENDED MATURITY PERIOD							(2) On the redemption values at start of the second extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption values from beginning of each half-year period to second extended maturity
								Percent	Percent
First ½ year [1] (12/1/66)	$14.03	$35.08	$70.16	$140.32	$280.64	$701.60	$1,403.20	0.00	[2] 4.15
½ to 1 year (6/1/67)	14.32	35.81	71.62	143.24	286.48	716.20	1,432.40	4.16	[2] 4.15
1 to 1½ years (12/1/67)	14.62	36.55	73.10	146.20	292.40	731.00	1,462.00	4.15	[2] 4.15
1½ to 2 years (6/1/68)	14.92	37.31	74.62	149.24	298.48	746.20	1,492.40	4.15	4.25
2 to 2½ years (12/1/68)	15.23	38.08	76.16	152.32	304.64	761.60	1,523.20	4.15	4.26
2½ to 3 years (6/1/69)	15.55	38.87	77.74	155.48	310.96	777.40	1,554.80	4.15	4.27
3 to 3½ years (12/1/69)	15.87	39.68	79.36	158.72	317.44	793.60	1,587.20	4.15	4.28
3½ to 4 years (6/1/70)	16.20	40.50	81.00	162.00	324.00	810.00	1,620.00	4.15	4.30
4 to 4½ years (12/1/70)	16.54	41.34	82.68	165.36	330.72	826.80	1,653.60	4.15	4.30
4½ to 5 years (6/1/71)	16.88	42.20	84.40	168.80	337.60	844.00	1,688.00	4.15	4.31
5 to 5½ years (12/1/71)	17.22	43.06	86.16	172.32	344.64	861.60	1,723.20	4.15	4.32
5½ to 6 years (6/1/72)	17.59	43.97	87.94	175.88	351.76	879.40	1,758.80	4.15	4.34
6 to 6½ years (12/1/72)	17.95	44.88	89.76	179.52	359.04	897.60	1,795.20	4.15	4.37
6½ to 7 years (6/1/73)	18.33	45.82	91.64	183.28	366.56	916.40	1,832.80	4.15	4.39
7 to 7½ years (12/1/73)	18.71	46.77	93.54	187.08	374.16	935.40	1,870.80	4.15	4.44
7½ to 8 years (6/1/74)	19.10	47.74	95.48	190.96	381.92	954.80	1,909.60	4.15	4.49
8 to 8½ years (12/1/74)	19.49	48.73	97.46	194.92	389.84	974.60	1,949.20	4.15	4.58
8½ to 9 years (6/1/75)	19.90	49.74	99.48	198.96	397.92	994.80	1,989.60	4.15	4.73
9 to 9½ years (12/1/75)	20.31	50.77	101.54	203.08	406.16	1,015.40	2,030.80	4.15	5.02
9½ to 10 years (6/1/76)	20.73	51.82	103.64	207.28	414.56	1,036.40	2,072.80	4.15	5.91
SECOND EXTENDED MATURITY VALUE (20 years from original maturity date)[4] (12/1/76)	21.34	53.35	106.70	213.40	426.80	1,067.00	2,134.00	[3] 4.24	

[1] Month, day, and year on which issues of December 1, 1946, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to second extended maturity at second extended maturity value prior to the June 1, 1965, revision.
[3] 20 years from issue date. Second extended maturity values improved by the revision of June 1, 1965.
[4] Yield on purchase price from issue date to second extended maturity date is 3.90 percent.

TABLE 16

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1947

Issue price / Denomination	$37.50 / 10.00	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	Approximate investment yield	
Period after first extended maturity (beginning 20 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — SECOND EXTENDED MATURITY PERIOD							(2) On the redemption value at start of the second extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption value from beginning of each half-year period to second extended maturity
								Percent	Percent
First ½ year [1] (6/1/67)	$14.09	$35.23	$70.46	$140.92	$281.84	$704.60	$1,409.20	0.00	[2] 4.15
½ to 1 year (12/1/67)	14.38	35.96	71.92	143.84	287.68	719.20	1,438.40	4.14	[3] 4.15
1 to 1½ years (6/1/68)	14.68	36.71	73.42	146.84	293.68	734.20	1,468.40	4.16	4.25
1½ to 2 years (12/1/68)	14.99	37.47	74.94	149.88	299.76	749.40	1,498.80	4.15	4.26
2 to 2½ years (6/1/69)	15.30	38.25	76.50	153.00	306.00	765.00	1,530.00	4.15	4.26
2½ to 3 years (12/1/69)	15.62	39.04	78.08	156.16	312.32	780.80	1,561.60	4.15	4.27
3 to 3½ years (6/1/70)	15.94	39.85	79.70	159.40	318.80	797.00	1,594.00	4.15	4.28
3½ to 4 years (12/1/70)	16.27	40.68	81.36	162.72	325.44	813.60	1,627.20	4.15	4.29
4 to 4½ years (6/1/71)	16.61	41.52	83.04	166.08	332.16	830.40	1,660.80	4.15	4.31
4½ to 5 years (12/1/71)	16.95	42.38	84.76	169.52	339.04	847.60	1,695.20	4.15	4.32
5 to 5½ years (6/1/72)	17.30	43.26	86.52	173.04	346.08	865.20	1,730.40	4.15	4.34
5½ to 6 years (12/1/72)	17.66	44.16	88.32	176.64	353.28	883.20	1,766.40	4.15	4.36
6 to 6½ years (6/1/73)	18.03	45.08	90.16	180.32	360.64	901.60	1,803.20	4.15	4.38
6½ to 7 years (12/1/73)	18.40	46.01	92.02	184.04	368.08	920.20	1,840.40	4.15	4.42
7 to 7½ years (6/1/74)	18.79	46.97	93.94	187.88	375.76	939.40	1,878.80	4.15	4.46
7½ to 8 years (12/1/74)	19.18	47.94	95.88	191.76	383.52	958.80	1,917.60	4.15	4.52
8 to 8½ years (6/1/75)	19.58	48.94	97.88	195.76	391.52	978.80	1,957.60	4.15	4.57
8½ to 9 years (12/1/75)	19.98	49.95	99.90	199.80	399.60	999.00	1,998.00	4.15	4.77
9 to 9½ years (6/1/76)	20.40	50.99	101.98	203.96	407.92	1,019.80	2,038.60	4.15	5.07
9½ to 10 years (12/1/76)	20.82	52.05	104.10	208.20	416.40	1,041.00	2,082.00	4.15	5.99
SECOND EXTENDED MATURITY VALUE (20 years from original maturity date) [3] (6/1/77)	21.44	53.61	107.22	214.44	428.88	1,072.20	2,144.40	[4] 4.24	----------

[1] Month, day, and year on which issues of June 1, 1947, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to second extended maturity at second extended maturity value prior to the June 1, 1968, revision.
[3] 20 years from issue date. Second extended maturity value improved by the revision of June 1, 1968.
[4] Yield on purchase price from issue date to second extended maturity date is 3.58 percent.

TABLE 17

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1947, THROUGH MAY 1, 1948

Issue price / Denomination	$37.50 / 10.00	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	Approximate investment yield	
Period after first extended maturity (beginning 20 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — SECOND EXTENDED MATURITY PERIOD							(2) On the redemption value at start of the second extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption value from beginning of each half-year period to second extended maturity
								Percent	Percent
First ½ year [1] (12/1/67)	$14.16	$35.39	$70.78	$141.56	$283.12	$707.80	$1,415.60	0.00	[2] 4.15
½ to 1 year (6/1/68)	14.45	36.12	72.24	144.48	288.96	722.40	1,444.80	4.13	4.25
1 to 1½ years (12/1/68)	14.75	36.87	73.74	147.48	294.96	737.40	1,474.80	4.14	4.26
1½ to 2 years (6/1/69)	15.06	37.64	75.28	150.56	301.12	752.80	1,505.60	4.15	4.26
2 to 2½ years (12/1/69)	15.37	38.42	76.84	153.68	307.36	768.40	1,536.80	4.15	4.27
2½ to 3 years (6/1/70)	15.69	39.22	78.44	156.88	313.76	784.40	1,568.80	4.15	4.28
3 to 3½ years (12/1/70)	16.01	40.03	80.06	160.12	320.24	800.60	1,601.20	4.15	4.29
3½ to 4 years (6/1/71)	16.34	40.86	81.72	163.44	326.88	817.20	1,634.40	4.15	4.30
4 to 4½ years (12/1/71)	16.68	41.71	83.42	166.84	333.68	834.20	1,668.40	4.15	4.31
4½ to 5 years (6/1/72)	17.03	42.58	85.16	170.32	340.64	851.60	1,703.20	4.15	4.32
5 to 5½ years (12/1/72)	17.38	43.46	86.92	173.84	347.68	869.20	1,738.40	4.15	4.34
5½ to 6 years (6/1/73)	17.74	44.36	88.72	177.44	354.88	887.20	1,774.40	4.15	4.36
6 to 6½ years (12/1/73)	18.11	45.28	90.56	181.12	362.24	905.60	1,811.20	4.15	4.39
6½ to 7 years (6/1/74)	18.49	46.22	92.44	184.88	369.76	924.40	1,848.80	4.15	4.42
7 to 7½ years (12/1/74)	18.87	47.18	94.36	188.72	377.44	943.60	1,887.20	4.15	4.47
7½ to 8 years (6/1/75)	19.26	48.16	96.32	192.64	385.28	963.20	1,926.40	4.15	4.53
8 to 8½ years (12/1/75)	19.66	49.16	98.32	196.64	393.28	983.20	1,966.40	4.15	4.63
8½ to 9 years (6/1/76)	20.07	50.18	100.36	200.72	401.44	1,003.60	2,007.20	4.15	4.79
9 to 9½ years (12/1/76)	20.49	51.22	102.44	204.88	409.76	1,024.40	2,048.80	4.15	5.11
9½ to 10 years (6/1/77)	20.91	52.28	104.56	209.12	418.24	1,045.60	2,091.20	4.15	6.08
SECOND EXTENDED MATURITY VALUE (20 years from original maturity date) [3] (12/1/77)	21.33	53.37	106.74	213.48	426.96	1,067.40	2,134.80	[4] 4.25	----------

[1] Month, day, and year on which issues of December 1, 1947, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to second extended maturity at second extended maturity value prior to the June 1, 1968, revision.
[3] 20 years from issue date. Second extended maturity value improved by the revision of June 1, 1968.
[4] Yield on purchase price from issue date to second extended maturity date is 3.58 percent.

TABLE 18

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1948

Issue price / Denomination	$7.50 / 10.00	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	Approximate investment yield	
Period after original maturity (beginning 10 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — FIRST EXTENDED MATURITY PERIOD							(2) On the redemption value at start of each extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption value from beginning of each half-year period (a) to first extended maturity
								Percent	Percent
First ½ year [1] (6/1/58)	$10.00	$25.00	$50.00	$100.00	$200.00	$500.00	$1,000.00	0.00	[2] 3.00
½ to 1 year (12/1/58)	10.15	25.37	50.75	101.50	203.00	507.50	1,015.00	3.00	[3] 3.00
1 to 1½ years (6/1/59)	10.30	25.75	51.50	103.00	206.00	515.00	1,030.00	2.98	[4] 3.50
1½ to 2 years (12/1/59)	10.46	26.14	52.28	104.56	209.12	522.80	1,045.60	2.99	[5] 3.53
2 to 2½ years (6/1/60)	10.61	26.52	53.04	106.08	212.16	530.40	1,060.80	2.97	[6] 3.57
2½ to 3 years (12/1/60)	10.77	26.93	53.86	107.72	215.44	538.60	1,077.20	3.00	[6] 3.60
3 to 3½ years (6/1/61)	10.94	27.36	54.72	109.44	218.88	547.20	1,094.40	3.03	[6] 3.63
3½ to 4 years (12/1/61)	11.12	27.80	55.60	111.20	222.40	556.00	1,112.00	3.06	[6] 3.66
4 to 4½ years (6/1/62)	11.30	28.24	56.48	112.96	225.92	564.80	1,129.60	3.07	[6] 3.70
4½ to 5 years (12/1/62)	11.48	28.69	57.38	114.76	229.52	573.80	1,147.60	3.08	[6] 3.75
5 to 5½ years (6/1/63)	11.68	29.21	58.42	116.84	233.68	584.20	1,168.40	3.14	[6] 3.78
5½ to 6 years (12/1/63)	11.89	29.73	59.46	118.92	237.84	594.60	1,189.20	3.18	[6] 3.79
6 to 6½ years (6/1/64)	12.10	30.26	60.52	121.04	242.08	605.20	1,210.40	3.21	[6] 3.81
6½ to 7 years (12/1/64)	12.32	30.81	61.62	123.24	246.48	616.20	1,232.40	3.24	[6] 3.84
7 to 7½ years (6/1/65)	12.55	31.37	62.74	125.48	250.96	627.40	1,254.80	3.27	[6] 3.87
7½ to 8 years (12/1/65)	12.77	31.93	63.86	127.72	255.44	638.60	1,277.20	3.29	[6] 4.34
8 to 8½ years (6/1/66)	13.01	32.52	65.04	130.08	260.16	650.40	1,300.80	3.31	[6] 4.60
8½ to 9 years (12/1/66)	13.28	33.20	66.40	132.80	265.60	664.00	1,328.00	3.37	[6] 4.61
9 to 9½ years (6/1/67)	13.57	33.93	67.86	135.72	271.44	678.60	1,357.20	3.42	[6] 4.72
9½ to 10 years (12/1/67)	13.88	34.70	69.40	138.80	277.60	694.00	1,388.00	3.48	[6] 4.90
FIRST EXTENDED MATURITY VALUE (10 years from original maturity date) [7] (6/1/68)	14.22	35.55	71.10	142.20	284.40	711.00	1,422.00	[8] 3.55	----------
Period after first extended maturity (beginning 20 years after issue date)	SECOND EXTENDED MATURITY PERIOD								(b) to second extended maturity
First ½ year (6/1/68)	$14.22	$35.55	$71.10	$142.20	$284.40	$711.00	$1,422.00	0.00	4.25
½ to 1 year (12/1/68)	14.52	36.29	72.58	145.16	290.32	725.80	1,451.60	4.16	4.25
1 to 1½ years (6/1/69)	14.82	37.04	74.08	148.16	296.32	740.80	1,481.60	4.15	4.26
1½ to 2 years (12/1/69)	15.12	37.81	75.62	151.24	302.48	756.20	1,512.40	4.15	4.27
2 to 2½ years (6/1/70)	15.44	38.59	77.18	154.36	308.72	771.80	1,543.60	4.15	4.27
2½ to 3 years (12/1/70)	15.76	39.39	78.78	157.56	315.12	787.80	1,575.60	4.15	4.28
3 to 3½ years (6/1/71)	16.08	40.21	80.42	160.84	321.68	804.20	1,608.40	4.15	4.29
3½ to 4 years (12/1/71)	16.42	41.05	82.10	164.20	328.40	821.00	1,642.00	4.15	4.30
4 to 4½ years (6/1/72)	16.76	41.90	83.80	167.60	335.20	838.00	1,676.00	4.15	4.31
4½ to 5 years (12/1/72)	17.11	42.77	85.54	171.08	342.16	855.40	1,710.80	4.15	4.33
5 to 5½ years (6/1/73)	17.46	43.65	87.30	174.60	349.20	873.00	1,746.00	4.18	4.35
5½ to 6 years (12/1/73)	17.82	44.56	89.12	178.24	356.48	891.20	1,782.40	4.15	4.37
6 to 6½ years (6/1/74)	18.20	45.49	90.98	181.96	363.92	909.80	1,819.60	4.15	4.39
6½ to 7 years (12/1/74)	18.57	46.43	92.86	185.72	371.44	928.60	1,857.20	4.15	4.43
7 to 7½ years (6/1/75)	18.96	47.39	94.78	189.56	379.12	947.80	1,895.60	4.15	4.48
7½ to 8 years (12/1/75)	19.35	48.38	96.78	193.52	387.04	967.60	1,935.20	4.15	4.54
8 to 8½ years (6/1/76)	19.75	49.38	98.76	197.52	395.04	987.60	1,975.20	4.15	4.65
8½ to 9 years (12/1/76)	20.16	50.40	100.80	201.60	403.20	1,008.00	2,016.00	4.15	4.82
9 to 9½ years (6/1/77)	20.58	51.45	102.90	205.80	411.60	1,029.00	2,058.00	4.15	5.14
9½ to 10 years (12/1/77)	21.01	52.52	105.04	210.08	420.16	1,050.40	2,100.80	4.15	6.13
SECOND EXTENDED MATURITY VALUE (20 years from original maturity date) [7] (6/1/78)	21.65	54.13	108.26	216.52	433.04	1,082.60	2,165.20	[9] 4.25	----------

[1] Month, day, and year on which issues of June 1, 1948, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to first extended maturity at first extended maturity value prior to the June 1, 1968, revision.
[3] Yield from beginning of each half-year period to first extended maturity at first extended maturity value prior to the December 1, 1968, revision.
[4] Yield from beginning of each half-year period to first extended maturity at first extended maturity value prior to the June 1, 1968, revision.
[5] 20 years from issue date.
[6] Yield on purchase price from issue date to first extended maturity date is 3.22 percent; second extended maturity date is 3.57 percent.
[7] 20 years from issue date. Second extended maturity value improved by the revision of June 1, 1968.

TABLE 19

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1948, THROUGH MAY 1, 1949

Issue price / Denomination	$7.50 / 10.00	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	Approximate investment yield	
Period after original maturity (beginning 10 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — FIRST EXTENDED MATURITY PERIOD							(2) On the redemption value at start of each extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption value from beginning of each half-year period to first extended maturity
								Percent	Percent
First ½ year[1] (12/1/58)	$10.00	$25.00	$50.00	$100.00	$200.00	$500.00	$1,000.00	0.00	[2] 3.00
½ to 1 year (6/1/59)	10.15	25.37	50.75	101.50	203.00	507.50	1,015.00	3.00	[2] 3.50
1 to 1½ years (12/1/59)	10.30	25.76	51.52	103.04	206.08	515.20	1,030.40	3.02	[2] 3.53
1½ to 2 years (6/1/60)	10.46	26.14	52.28	104.56	209.12	522.80	1,045.60	2.99	[2] 3.56
2 to 2½ years (12/1/60)	10.61	26.53	53.06	106.12	212.24	530.60	1,061.20	2.99	[2] 3.59
2½ to 3 years (6/1/61)	10.78	26.96	53.92	107.84	215.68	539.20	1,078.40	3.04	[2] 3.62
3 to 3½ years (12/1/61)	10.96	27.39	54.78	109.56	219.12	547.80	1,095.60	3.07	[2] 3.65
3½ to 4 years (6/1/62)	11.13	27.83	55.66	111.32	222.64	556.60	1,113.20	3.09	[2] 3.68
4 to 4½ years (12/1/62)	11.31	28.28	56.56	113.12	226.24	565.60	1,131.20	3.11	[2] 3.72
4½ to 5 years (6/1/63)	11.50	28.74	57.48	114.96	229.92	574.80	1,149.60	3.12	[2] 3.76
5 to 5½ years (12/1/63)	11.70	29.26	58.52	117.04	234.08	585.20	1,170.40	3.17	[2] 3.78
5½ to 6 years (6/1/64)	11.92	29.79	59.58	119.16	238.32	595.80	1,191.60	3.21	[2] 3.79
6 to 6½ years (12/1/64)	12.13	30.33	60.66	121.32	242.64	606.60	1,213.20	3.25	[2] 3.82
6½ to 7 years (6/1/65)	12.35	30.87	61.74	123.48	246.96	617.40	1,234.80	3.27	[2] 3.85
7 to 7½ years (12/1/65)	12.57	31.43	62.86	125.72	251.44	628.60	1,257.20	3.30	[2] 4.29
7½ to 8 years (6/1/66)	12.80	32.01	64.02	128.04	256.08	640.20	1,280.40	3.32	[2] 4.41
8 to 8½ years (12/1/66)	13.05	32.63	65.28	130.52	261.04	652.60	1,305.20	3.36	[2] 4.55
8½ to 9 years (6/1/67)	13.32	33.33	66.66	133.32	266.64	666.60	1,333.20	3.41	[2] 4.63
9 to 9½ years (12/1/67)	13.63	34.07	68.14	136.28	272.56	681.40	1,362.80	3.47	[2] 4.73
9½ to 10 years (6/1/68)	13.94	34.85	69.70	139.40	278.80	697.00	1,394.00	3.53	4.99
FIRST EXTENDED MATURITY VALUE (10 years from original maturity date)[3] (12/1/68)	14.29	35.72	71.44	142.88	285.76	714.40	1,428.80	[2] 3.60	
Period after first extended maturity (beginning 20 years after issue date)	SECOND EXTENDED MATURITY PERIOD[7]								(b) to second extended maturity
First ½ year (12/1/68)	$14.29	$35.72	$71.44	$142.88	$285.76	$714.40	$1,428.80	0.00	4.25
½ to 1 year (6/1/69)	14.58	36.46	72.92	145.84	291.68	729.20	1,458.40	4.14	4.25
1 to 1½ years (12/1/69)	14.89	37.22	74.44	148.88	297.76	744.40	1,488.80	4.16	4.26
1½ to 2 years (6/1/70)	15.20	37.99	75.98	151.96	303.92	759.80	1,519.60	4.15	4.27
2 to 2½ years (12/1/70)	15.51	38.78	77.56	155.12	310.24	775.60	1,551.20	4.15	4.27
2½ to 3 years (6/1/71)	15.83	39.58	79.16	158.32	316.64	791.60	1,583.20	4.15	4.28
3 to 3½ years (12/1/71)	16.16	40.40	80.80	161.60	323.20	808.00	1,616.00	4.15	4.29
3½ to 4 years (6/1/72)	16.50	41.24	82.48	164.96	329.92	824.80	1,649.60	4.15	4.30
4 to 4½ years (12/1/72)	16.84	42.10	84.20	168.40	336.80	842.00	1,684.00	4.15	4.31
4½ to 5 years (6/1/73)	17.19	42.97	85.94	171.88	343.76	859.40	1,718.80	4.15	4.33
5 to 5½ years (12/1/73)	17.54	43.86	87.72	175.44	350.88	877.20	1,754.40	4.15	4.35
5½ to 6 years (6/1/74)	17.91	44.77	89.54	179.08	358.16	895.40	1,790.80	4.15	4.37
6 to 6½ years (12/1/74)	18.28	45.70	91.40	182.80	365.60	914.00	1,828.00	4.15	4.40
6½ to 7 years (6/1/75)	18.66	46.65	93.30	186.60	373.20	933.00	1,866.00	4.15	4.43
7 to 7½ years (12/1/75)	19.05	47.62	95.24	190.48	380.96	952.40	1,904.80	4.15	4.45
7½ to 8 years (6/1/76)	19.44	48.61	97.22	194.44	388.88	972.20	1,944.40	4.15	4.54
8 to 8½ years (12/1/76)	19.85	49.62	99.24	198.48	396.96	992.40	1,984.80	4.15	4.64
8½ to 9 years (6/1/77)	20.26	50.65	101.30	202.60	405.20	1,013.00	2,026.00	4.15	4.51
9 to 9½ years (12/1/77)	20.68	51.70	103.40	206.80	413.60	1,034.00	2,068.00	4.15	5.14
9½ to 10 years (6/1/78)	21.11	52.77	105.54	211.08	422.16	1,055.40	2,110.80	4.15	5.14
SECOND EXTENDED MATURITY VALUE (20 years from original maturity date)[3] (12/1/78)	21.76	54.39	108.78	217.56	435.12	1,087.80	2,175.60	[2] 4.25	

[1] Month, day, and year on which issues of December 1, 1948, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to first extended maturity at first extended maturity value prior to the June 1, 1968, revision.
[3] Yield from beginning of each half-year period to first extended maturity at first extended maturity value prior to the December 1, 1968, revision.
[4] Yield from beginning of each half-year period to first extended maturity at first extended maturity value prior to the June 1, 1968, revision.
[5] 20 years from issue date. First extended maturity value improved by the revision of June 1, 1968.
[6] Yield on purchase price from issue date to first extended maturity date is 3.25 percent; to second extended maturity date is 3.85 percent.
[7] Redemption values during second extended maturity period raised to reflect improvement at first extended maturity. Second extended maturity value improved to provide an investment yield of approximately 4.85 percent from first extended maturity.
[8] 20 years from issue date.

TABLE 20

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1949

Issue price / Denomination	$7.50 / 10.00	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	Approximate investment yield	
Period after original maturity (beginning 10 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD							(2) On the redemption value at start of the extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption value from beginning of each half-year period to extended maturity
								Percent	Percent
First ½ year[1] (6/1/59)	$10.00	$25.00	$50.00	$100.00	$200.00	$500.00	$1,000.00	0.00	[2] 3.75
½ to 1 year (12/1/59)	10.18	25.44	50.88	101.76	203.52	508.80	1,017.60	3.52	[2] 3.76
1 to 1½ years (6/1/60)	10.36	25.89	51.78	103.56	207.12	517.80	1,035.60	3.53	[2] 3.77
1½ to 2 years (12/1/60)	10.54	26.35	52.70	105.40	210.80	527.00	1,054.00	3.54	[2] 3.79
2 to 2½ years (6/1/61)	10.73	26.83	53.66	107.32	214.64	536.60	1,073.20	3.56	[2] 3.80
2½ to 3 years (12/1/61)	10.92	27.31	54.62	109.24	218.48	546.20	1,092.40	3.57	[2] 3.81
3 to 3½ years (6/1/62)	11.12	27.81	55.62	111.24	222.48	556.20	1,112.40	3.58	[2] 3.82
3½ to 4 years (12/1/62)	11.32	28.32	56.64	113.28	226.56	566.40	1,132.80	3.59	[2] 3.83
4 to 4½ years (6/1/63)	11.54	28.84	57.68	115.36	230.72	576.80	1,153.60	3.60	[2] 3.85
4½ to 5 years (12/1/63)	11.75	29.38	58.76	117.52	235.04	587.60	1,175.20	3.62	[2] 3.86
5 to 5½ years (6/1/64)	11.97	29.93	59.86	119.72	239.44	598.60	1,197.20	3.63	[2] 3.87
5½ to 6 years (12/1/64)	12.20	30.49	60.98	121.96	243.92	609.80	1,219.60	3.64	[2] 3.88
6 to 6½ years (6/1/65)	12.43	31.07	62.14	124.28	248.56	621.40	1,242.80	3.66	[2] 3.90
6½ to 7 years (12/1/65)	12.66	31.66	63.32	126.64	253.28	633.20	1,266.40	3.67	[2] 4.31
7 to 7½ years (6/1/66)	12.91	32.27	64.54	129.08	258.16	645.40	1,290.80	3.68	[2] 4.39
7½ to 8 years (12/1/66)	13.17	32.93	65.86	131.72	263.44	658.60	1,317.20	3.71	[2] 4.45
8 to 8½ years (6/1/67)	13.45	33.62	67.24	134.48	268.96	672.40	1,344.80	3.74	[2] 4.51
8½ to 9 years (12/1/67)	13.74	34.34	68.68	137.36	274.72	686.80	1,373.60	3.77	[2] 4.59
9 to 9½ years (6/1/68)	14.04	35.10	70.20	140.40	280.80	702.00	1,404.00	3.81	4.79
9½ to 10 years (12/1/68)	14.36	35.91	71.82	143.64	287.28	718.20	1,436.40	3.85	4.96
EXTENDED MATURITY VALUE (10 years from original maturity date)[3] (6/1/69)	14.72	36.80	73.60	147.20	294.40	736.00	1,472.00	[2] 3.90	

[1] Month, day, and year on which issues of June 1, 1949, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the December 1, 1968, revision.
[3] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the June 1, 1968, revision.
[4] 20 years from issue date. Extended maturity value improved by the revision of June 1, 1968.
[5] Yield on purchase price from issue date to extended maturity date is 3.40 percent.

TABLE 21

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1949, THROUGH MAY 1, 1950

Issue price / Denomination	$7.50 / 10.00	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	Approximate investment yield	
Period after original maturity (beginning 10 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD							(2) On the redemption value at start of the extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption value from beginning of each half-year period to extended maturity
								Percent	Percent
First ½ year[1] (12/1/59)	$10.02	$25.06	$50.16	$100.32	$200.64	$501.60	$1,003.20	0.00	[2] 3.75
½ to 1 year (6/1/60)	10.21	25.52	51.04	102.08	204.16	510.40	1,020.80	3.51	[2] 3.76
1 to 1½ years (12/1/60)	10.39	25.97	51.94	103.88	207.76	519.40	1,038.80	3.52	[2] 3.77
1½ to 2 years (6/1/61)	10.58	26.44	52.88	105.76	211.52	528.80	1,057.60	3.55	[2] 3.78
2 to 2½ years (12/1/61)	10.76	26.91	53.82	107.64	215.28	538.20	1,076.40	3.55	[2] 3.80
2½ to 3 years (6/1/62)	10.96	27.40	54.80	109.60	219.20	548.00	1,096.00	3.57	[2] 3.81
3 to 3½ years (12/1/62)	11.16	27.90	55.80	111.60	223.20	558.00	1,116.00	3.58	[2] 3.82
3½ to 4 years (6/1/63)	11.36	28.41	56.82	113.64	227.28	568.20	1,136.40	3.59	[2] 3.83
4 to 4½ years (12/1/63)	11.57	28.93	57.86	115.72	231.44	578.60	1,157.20	3.60	[2] 3.85
4½ to 5 years (6/1/64)	11.79	29.47	58.94	117.88	235.76	589.40	1,178.80	3.62	[2] 3.87
5 to 5½ years (12/1/64)	12.01	30.02	60.04	120.08	240.16	600.40	1,200.80	3.63	[2] 3.88
5½ to 6 years (6/1/65)	12.24	30.59	61.18	122.36	244.72	611.80	1,223.60	3.64	[2] 3.89
6 to 6½ years (12/1/65)	12.46	31.16	62.32	124.64	249.28	623.20	1,246.40	3.65	[2] 4.30
6½ to 7 years (6/1/66)	12.71	31.77	63.54	127.08	254.16	635.40	1,270.80	3.67	[2] 4.35
7 to 7½ years (12/1/66)	12.96	32.40	64.80	129.60	259.20	648.00	1,296.00	3.69	[2] 4.42
7½ to 8 years (6/1/67)	13.22	33.06	66.12	132.24	264.48	661.20	1,322.40	3.72	[2] 4.49
8 to 8½ years (12/1/67)	13.50	33.76	67.52	135.04	270.08	675.20	1,350.40	3.75	[2] 4.55
8½ to 9 years (6/1/68)	13.80	34.50	69.00	138.00	276.00	690.00	1,380.00	3.79	4.72
9 to 9½ years (12/1/68)	14.11	35.27	70.54	141.08	282.16	705.40	1,410.80	3.82	4.85
9½ to 10 years (6/1/69)	14.44	36.10	72.20	144.40	288.80	722.00	1,444.00	3.87	4.99
EXTENDED MATURITY VALUE (10 years from original maturity date)[3] (12/1/69)	14.80	37.00	74.00	148.00	296.00	740.00	1,480.00	[2] 3.93	

[1] Month, day, and year on which issues of December 1, 1949, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the December 1, 1968, revision.
[3] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the June 1, 1968, revision.
[4] 20 years from issue date. Extended maturity value improved by the revision of June 1, 1968.
[5] Yield on purchase price from issue date to extended maturity date is 3.43 percent.

TABLE 22

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1950

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	Approximate investment yield	
Period after original maturity (beginning 10 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD						(2) On the redemption values at start of the extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption values from beginning of each half-year period to extended maturity
							Percent	*Percent*
First ½ year [1] (6/1/60)	$25.15	$50.30	$100.60	$201.20	$503.00	$1,006.00	0.00	[2] 3.75
½ to 1 year (12/1/60)	25.59	51.18	102.36	204.72	511.80	1,023.60	3.50	[2] 3.76
1 to 1½ years (6/1/61)	26.05	52.10	104.20	208.40	521.00	1,042.00	3.55	[2] 3.77
1½ to 2 years (12/1/61)	26.51	53.02	106.04	212.08	530.20	1,060.40	3.54	[2] 3.79
2 to 2½ years (6/1/62)	26.99	53.98	107.96	215.92	539.80	1,079.60	3.56	[2] 3.80
2½ to 3 years (12/1/62)	27.48	54.96	109.92	219.84	549.60	1,099.20	3.58	[2] 3.81
3 to 3½ years (6/1/63)	27.98	55.96	111.92	223.84	559.60	1,119.20	3.59	[2] 3.82
3½ to 4 years (12/1/63)	28.49	56.98	113.96	227.92	569.80	1,139.60	3.59	[2] 3.84
4 to 4½ years (6/1/64)	29.01	58.02	116.04	232.08	580.20	1,160.40	3.60	[2] 3.85
4½ to 5 years (12/1/64)	29.55	59.10	118.20	236.40	591.00	1,182.00	3.62	[2] 3.86
5 to 5½ years (6/1/65)	30.10	60.20	120.40	240.80	602.00	1,204.00	3.63	[2] 3.88
5½ to 6 years (12/1/65)	30.67	61.34	122.68	245.36	613.40	1,226.80	3.64	[2] 4.29
6 to 6½ years (6/1/66)	31.26	62.52	125.04	250.08	625.20	1,250.40	3.66	[2] 4.34
6½ to 7 years (12/1/66)	31.88	63.76	127.52	255.04	637.60	1,275.20	3.68	[2] 4.40
7 to 7½ years (6/1/67)	32.53	65.06	130.12	260.24	650.60	1,301.20	3.71	[2] 4.45
7½ to 8 years (12/1/67)	33.20	66.40	132.80	265.60	664.00	1,328.00	3.74	[2] 4.51
8 to 8½ years (6/1/68)	33.92	67.84	135.68	271.36	678.40	1,356.80	3.77	4.97
8½ to 9 years (12/1/68)	34.67	69.34	138.68	277.36	693.40	1,386.80	3.81	4.75
9 to 9½ years (6/1/69)	35.44	70.88	141.76	283.52	708.80	1,417.60	3.85	4.91
9½ to 10 years (12/1/69)	36.26	72.52	145.04	290.08	725.20	1,450.40	3.89	5.18
EXTENDED MATURITY VALUE (10 years from original maturity date) [3] (6/1/70)	37.20	74.40	148.80	297.60	744.00	1,488.00	[4] 3.95	----------

[1] Month, day, and year on which issues of June 1, 1950, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the December 1, 1965, revision.
[3] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the June 1, 1965, revision.
[4] 20 years from issue date. Extended maturity value improved by the revision of June 1, 1965.
[5] Yield on purchase price from issue date to extended maturity date is 2.46 percent.

TABLE 23

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1950, THROUGH MAY 1, 1951

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	Approximate investment yield	
Period after original maturity (beginning 10 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD						(2) On the redemption values at start of the extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption values from beginning of each half-year period to extended maturity
							Percent	*Percent*
First ½ year [1] (12/1/60)	$25.22	$50.44	$100.88	$201.76	$504.40	$1,008.80	0.00	[2] 3.75
½ to 1 year (6/1/61)	25.66	51.32	102.64	205.28	513.20	1,026.40	3.49	[2] 3.76
1 to 1½ years (12/1/61)	26.12	52.24	104.48	208.96	522.40	1,044.80	3.54	[2] 3.77
1½ to 2 years (6/1/62)	26.58	53.16	106.32	212.64	531.60	1,063.20	3.53	[2] 3.79
2 to 2½ years (12/1/62)	27.06	54.12	108.24	216.48	541.20	1,082.40	3.55	[2] 3.80
2½ to 3 years (6/1/63)	27.55	55.10	110.20	220.40	551.00	1,102.00	3.57	[2] 3.81
3 to 3½ years (12/1/63)	28.05	56.10	112.20	224.40	561.00	1,122.00	3.58	[2] 3.83
3½ to 4 years (6/1/64)	28.57	57.14	114.28	228.56	571.40	1,142.80	3.60	[2] 3.83
4 to 4½ years (12/1/64)	29.09	58.18	116.36	232.72	581.80	1,163.60	3.60	[2] 3.85
4½ to 5 years (6/1/65)	29.63	59.26	118.52	237.04	592.60	1,185.20	3.61	[2] 3.86
5 to 5½ years (12/1/65)	30.19	60.38	120.76	241.52	603.80	1,207.60	3.63	[2] 4.27
5½ to 6 years (6/1/66)	30.77	61.54	123.08	246.16	615.40	1,230.80	3.65	[2] 4.32
6 to 6½ years (12/1/66)	31.37	62.74	125.48	250.96	627.40	1,254.80	3.67	[2] 4.38
6½ to 7 years (6/1/67)	32.00	64.00	128.00	256.00	640.00	1,280.00	3.70	[2] 4.43
7 to 7½ years (12/1/67)	32.65	65.30	130.60	261.20	653.00	1,306.00	3.72	[2] 4.49
7½ to 8 years (6/1/68)	33.35	66.70	133.40	266.80	667.00	1,334.00	3.76	4.64
8 to 8½ years (12/1/68)	34.06	68.12	136.24	272.48	681.20	1,362.40	3.79	4.73
8½ to 9 years (6/1/69)	34.82	69.64	139.28	278.56	696.40	1,392.80	3.83	4.82
9 to 9½ years (12/1/69)	35.61	71.22	142.44	284.88	712.20	1,424.40	3.87	4.97
9½ to 10 years (6/1/70)	36.43	72.86	145.72	291.44	728.60	1,457.20	3.91	5.33
EXTENDED MATURITY VALUE (10 years from original maturity date) [3] (12/1/70)	37.40	74.80	149.60	299.20	748.00	1,496.00	[4] 3.98	----------

[1] Month, day, and year on which issues of December 1, 1950, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the December 1, 1965, revision.
[3] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the June 1, 1965, revision.
[4] 20 years from issue date. Extended maturity value improved by the revision of June 1, 1965.
[5] Yield on purchase price from issue date to extended maturity date is 2.68 percent.

TABLE 24

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1951

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	Approximate investment yield	
Period after original maturity (beginning 10 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD						(2) On the redemption values at start of the extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption values from beginning of each half-year period to extended maturity
							Percent	*Percent*
First ½ year [1] (6/1/61)	$25.30	$50.60	$101.20	$202.40	$506.00	$1,012.00	0.00	[2] 3.75
½ to 1 year (12/1/61)	25.75	51.50	103.00	206.00	515.00	1,030.00	3.56	[2] 3.76
1 to 1½ years (6/1/62)	26.20	52.40	104.80	209.60	524.00	1,048.00	3.53	[2] 3.77
1½ to 2 years (12/1/62)	26.67	53.34	106.68	213.36	533.40	1,066.80	3.55	[2] 3.78
2 to 2½ years (6/1/63)	27.15	54.30	108.60	217.20	543.00	1,086.00	3.56	[2] 3.80
2½ to 3 years (12/1/63)	27.84	55.28	110.56	221.12	552.80	1,105.60	3.57	[2] 3.81
3 to 3½ years (6/1/64)	28.14	56.28	112.56	225.12	562.80	1,125.60	3.58	[2] 3.82
3½ to 4 years (12/1/64)	28.66	57.32	114.64	229.28	573.20	1,146.40	3.59	[2] 3.83
4 to 4½ years (6/1/65)	29.19	58.38	116.76	233.52	583.80	1,167.60	3.61	[2] 3.84
4½ to 5 years (12/1/65)	29.73	59.46	118.92	237.84	594.60	1,189.20	3.62	[2] 4.26
5 to 5½ years (6/1/66)	30.29	60.58	121.16	242.32	605.80	1,211.60	3.63	[2] 4.31
5½ to 6 years (12/1/66)	30.87	61.74	123.48	246.96	617.40	1,234.80	3.65	[2] 4.36
6 to 6½ years (6/1/67)	31.49	62.98	125.96	251.92	629.80	1,259.60	3.68	[2] 4.40
6½ to 7 years (12/1/67)	32.13	64.26	128.52	257.04	642.60	1,285.20	3.71	[2] 4.45
7 to 7½ years (6/1/68)	32.80	65.60	131.20	262.40	656.00	1,312.00	3.74	4.60
7½ to 8 years (12/1/68)	33.50	67.00	134.00	268.00	670.00	1,340.00	3.78	4.67
8 to 8½ years (6/1/69)	34.23	68.46	136.92	273.84	684.60	1,369.20	3.81	4.75
8½ to 9 years (12/1/69)	34.99	69.98	139.96	279.92	699.80	1,399.60	3.85	4.85
9 to 9½ years (6/1/70)	35.79	71.58	143.16	286.32	715.80	1,431.60	3.89	4.99
9½ to 10 years (12/1/70)	36.62	73.24	146.48	292.96	732.40	1,464.80	3.93	5.35
EXTENDED MATURITY VALUE (10 years from original maturity date) [3] (6/1/71)	37.60	75.20	150.40	300.80	752.00	1,504.00	[4] 4.00	----------

[1] Month, day, and year on which issues of June 1, 1951, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the December 1, 1965, revision.
[3] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the June 1, 1965, revision.
[4] 20 years from issue date. Extended maturity value improved by the revision of June 1, 1965.
[5] Yield on purchase price from issue date to extended maturity date is 2.51 percent.

TABLE 25

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1951, THROUGH APRIL 1, 1952

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	Approximate investment yield	
Period after original maturity (beginning 10 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD						(2) On the redemption values at start of the extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption values from beginning of each half-year period to extended maturity
							Percent	*Percent*
First ½ year [1] (12/1/61)	$25.37	$50.74	$101.48	$202.96	$507.40	$1,014.80	0.00	[2] 3.75
½ to 1 year (6/1/62)	25.82	51.64	103.28	206.56	516.40	1,032.80	3.55	[2] 3.76
1 to 1½ years (12/1/62)	26.27	52.54	105.08	210.16	525.40	1,050.80	3.52	[2] 3.78
1½ to 2 years (6/1/63)	26.74	53.48	106.96	213.92	534.80	1,069.60	3.54	[2] 3.79
2 to 2½ years (12/1/63)	27.22	54.44	108.88	217.76	544.40	1,088.80	3.55	[2] 3.80
2½ to 3 years (6/1/64)	27.72	55.44	110.88	221.76	554.40	1,108.80	3.58	[2] 3.81
3 to 3½ years (12/1/64)	28.22	56.44	112.88	225.76	564.40	1,128.80	3.58	[2] 3.82
3½ to 4 years (6/1/65)	28.74	57.48	114.96	229.92	574.80	1,149.60	3.60	[2] 3.84
4 to 4½ years (12/1/65)	29.27	58.54	117.08	234.16	585.40	1,170.80	3.61	[2] 4.25
4½ to 5 years (6/1/66)	29.82	59.64	119.28	238.56	596.40	1,192.80	3.62	[2] 4.29
5 to 5½ years (12/1/66)	30.39	60.78	121.56	243.12	607.80	1,215.60	3.64	[2] 4.34
5½ to 6 years (6/1/67)	30.99	61.98	123.96	247.92	619.80	1,239.60	3.67	[2] 4.39
6 to 6½ years (12/1/67)	31.60	63.20	126.40	252.80	632.00	1,264.00	3.69	[2] 4.44
6½ to 7 years (6/1/68)	32.26	64.52	129.04	258.08	645.20	1,290.40	3.73	4.58
7 to 7½ years (12/1/68)	32.94	65.88	131.76	263.52	658.80	1,317.60	3.77	4.64
7½ to 8 years (6/1/69)	33.64	67.28	134.56	269.12	672.80	1,345.60	3.80	4.72
8 to 8½ years (12/1/69)	34.38	68.76	137.52	275.04	687.60	1,375.20	3.84	4.80
8½ to 9 years (6/1/70)	35.16	70.32	140.64	281.28	703.20	1,406.40	3.88	4.89
9 to 9½ years (12/1/70)	35.96	71.92	143.84	287.68	719.20	1,438.40	3.91	5.05
9½ to 10 years (6/1/71)	36.80	73.60	147.20	294.40	736.00	1,472.00	3.95	5.43
EXTENDED MATURITY VALUE (10 years from original maturity date) [3] (12/1/71)	37.80	75.60	151.20	302.40	756.00	1,512.00	[4] 4.03	----------

[1] Month, day, and year on which issues of December 1, 1951, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the December 1, 1965, revision.
[3] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the June 1, 1965, revision.
[4] 20 years from issue date. Extended maturity value improved by the revision of June 1, 1965.
[5] Yield on purchase price from issue date to extended maturity date is 2.54 percent.

TABLE 26

BONDS BEARING ISSUE DATE OF MAY 1, 1952

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after original maturity (beginning 9 years 5 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD							(2) On the redemption value at start of the extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption values from beginning of each half-year period to extended maturity
								Percent	*Percent*
First ½ year [1] (1/1/62)	$25.27	$50.54	$101.08	$202.16	$505.40	$1,010.80	$10,108	0.00	[2] 3.75
½ to 1 year (7/1/62)	25.71	51.42	102.84	205.68	514.20	1,028.40	10,284	3.48	[2] 3.76
1 to 1½ years (1/1/63)	26.13	52.34	104.68	209.36	523.40	1,046.80	10,468	3.53	[2] 3.77
1½ to 2 years (7/1/63)	26.64	53.28	106.56	213.12	532.80	1,065.60	10,656	3.55	[2] 3.79
2 to 2½ years (1/1/64)	27.12	54.24	108.48	216.96	542.40	1,084.80	10,848	3.56	[2] 3.80
2½ to 3 years (7/1/64)	27.61	55.22	110.44	220.88	552.20	1,104.40	11,044	3.57	[2] 3.81
3 to 3½ years (1/1/65)	28.11	56.22	112.44	224.88	562.20	1,124.40	11,244	3.58	[2] 3.82
3½ to 4 years (7/1/65)	28.62	57.24	114.48	228.96	572.40	1,144.80	11,448	3.59	[2] 3.84
4 to 4½ years (1/1/66)	29.11	58.30	116.60	233.20	583.00	1,166.00	11,660	3.60	[3] 4.25
4½ to 5 years (7/1/66)	29.70	59.40	118.80	237.60	594.00	1,188.00	11,880	3.62	[3] 4.30
5 to 5½ years (1/1/67)	30.27	60.54	121.08	242.16	605.40	1,210.80	12,108	3.64	[3] 4.34
5½ to 6 years (7/1/67)	30.87	61.74	123.48	246.96	617.40	1,234.80	12,348	3.67	[3] 4.38
6 to 6½ years (1/1/68)	31.48	62.96	125.92	251.84	629.60	1,259.20	12,592	3.70	[3] 4.44
6½ to 7 years (7/1/68)	32.13	64.26	128.52	257.04	642.60	1,285.20	12,852	3.73	4.55
7 to 7½ years (1/1/69)	32.81	65.62	131.24	262.48	656.20	1,312.40	13,124	3.77	4.64
7½ to 8 years (7/1/69)	33.51	67.02	134.04	268.08	670.20	1,340.40	13,404	3.80	4.71
8 to 8½ years (1/1/70)	34.25	68.50	137.00	274.00	685.00	1,370.00	13,700	3.84	4.79
8½ to 9 years (7/1/70)	35.02	70.04	140.08	280.16	700.40	1,400.80	14,008	3.88	4.89
9 to 9½ years (1/1/71)	35.82	71.64	143.28	286.56	716.40	1,432.80	14,328	3.91	5.05
9½ to 10 years (7/1/71)	36.63	73.30	146.60	293.20	733.00	1,466.00	14,660	3.95	5.46
EXTENDED MATURITY VALUE (10 years from original maturity date) [4] (1/1/72)	37.83	75.30	150.60	301.20	753.00	1,506.00	15,060	[5] 4.03	----------

[1] Month, day, and year on which issues of May 1, 1952, enter each period.
[2] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the December 1, 1965, revision.
[3] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the June 1, 1965, revision.
[4] 10 years and 8 months from issue date. Extended maturity value improved by the revision of June 1, 1965.
[5] Yield on purchase price from issue date to extended maturity date is 2.56 percent.

TABLE 27

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH SEPTEMBER 1, 1952

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after original maturity (beginning 9 years 5 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD							(2) On the redemption value at start of the extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption values from beginning of each half-year period to extended maturity
								Percent	*Percent*
First ½ year [1] (2/1/62)	$25.34	$50.68	$101.36	$202.72	$506.80	$1,013.60	$10,136	0.00	[2] 3.75
½ to 1 year (8/1/62)	25.78	51.56	103.12	206.24	515.60	1,031.20	10,312	3.55	[2] 3.76
1 to 1½ years (2/1/63)	26.23	52.46	104.92	209.84	524.60	1,049.20	10,492	3.52	[2] 3.78
1½ to 2 years (8/1/63)	26.70	53.40	106.80	213.60	534.00	1,068.00	10,680	3.54	[2] 3.79
2 to 2½ years (2/1/64)	27.18	54.36	108.72	217.44	543.60	1,087.20	10,872	3.56	[2] 3.80
2½ to 3 years (8/1/64)	27.67	55.34	110.68	221.36	553.40	1,106.80	11,068	3.57	[2] 3.81
3 to 3½ years (2/1/65)	28.18	56.36	112.72	225.44	563.60	1,127.20	11,272	3.59	[2] 3.82
3½ to 4 years (8/1/65)	28.69	57.38	114.76	229.52	573.80	1,147.60	11,476	3.59	[2] 3.84
4 to 4½ years (2/1/66)	29.22	58.44	116.88	233.76	584.40	1,168.80	11,688	3.60	[3] 4.25
4½ to 5 years (8/1/66)	29.77	59.54	119.08	238.16	595.40	1,190.80	11,908	3.62	[3] 4.30
5 to 5½ years (2/1/67)	30.34	60.68	121.36	242.72	606.80	1,213.60	12,136	3.64	[3] 4.34
5½ to 6 years (8/1/67)	30.94	61.88	123.76	247.52	618.80	1,237.60	12,376	3.67	[3] 4.39
6 to 6½ years (2/1/68)	31.56	63.12	126.24	252.48	631.20	1,262.40	12,624	3.70	[3] 4.43
6½ to 7 years (8/1/68)	32.20	64.40	128.80	257.60	644.00	1,288.00	12,880	3.73	4.59
7 to 7½ years (2/1/69)	32.89	65.78	131.56	263.12	657.80	1,315.60	13,156	3.77	4.64
7½ to 8 years (8/1/69)	33.59	67.18	134.36	268.72	671.80	1,343.60	13,436	3.80	4.71
8 to 8½ years (2/1/70)	34.33	68.66	137.32	274.64	686.60	1,373.20	13,732	3.84	4.79
8½ to 9 years (8/1/70)	35.10	70.20	140.40	280.80	702.00	1,404.00	14,040	3.87	4.89
9 to 9½ years (2/1/71)	35.90	71.80	143.60	287.20	718.00	1,436.00	14,360	3.91	5.06
9½ to 10 years (8/1/71)	36.73	73.48	146.96	293.92	734.80	1,469.60	14,696	3.95	5.44
EXTENDED MATURITY VALUE (10 years from original maturity date) [4] (2/1/72)	37.93	75.48	150.96	301.92	754.80	1,509.60	15,096	[5] 4.03	----------

[1] Month, day, and year on which issues of June 1, 1952, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the December 1, 1965, revision.
[3] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the June 1, 1965, revision.
[4] 10 years and 9 months from issue date. Extended maturity value improved by the revision of June 1, 1965.
[5] Yield on purchase price from issue date to extended maturity date is 2.50 percent.

TABLE 28

BONDS BEARING ISSUE DATES FROM OCTOBER 1 THROUGH NOVEMBER 1, 1952

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after original maturity (beginning 9 years 6 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD							(2) On the redemption value at start of the extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption values from beginning of each half-year period to extended maturity
								Percent	*Percent*
First ½ year [1] (6/1/62)	$25.33	$50.66	$101.32	$202.64	$506.60	$1,013.20	$10,132	0.00	[2] 3.75
½ to 1 year (12/1/62)	25.78	51.60	103.12	206.24	515.60	1,031.20	10,312	3.55	[2] 3.76
1 to 1½ years (6/1/63)	26.23	52.46	104.92	209.84	524.60	1,049.20	10,492	3.52	[2] 3.78
1½ to 2 years (12/1/63)	26.70	53.40	106.80	213.60	534.00	1,068.00	10,680	3.54	[2] 3.79
2 to 2½ years (6/1/64)	27.18	54.36	108.72	217.44	543.60	1,087.20	10,872	3.56	[2] 3.80
2½ to 3 years (12/1/64)	27.67	55.34	110.68	221.36	553.40	1,106.80	11,068	3.57	[2] 3.81
3 to 3½ years (6/1/65)	28.18	56.36	112.72	225.44	563.60	1,127.20	11,272	3.59	[2] 3.82
3½ to 4 years (12/1/65)	28.69	57.38	114.76	229.52	573.80	1,147.60	11,476	3.59	[2] 4.24
4 to 4½ years (6/1/66)	29.23	58.46	116.92	233.84	584.60	1,169.20	11,692	3.61	[2] 4.28
4½ to 5 years (12/1/66)	29.75	59.50	119.12	238.24	595.60	1,191.20	11,912	3.63	[2] 4.32
5 to 5½ years (6/1/67)	30.36	60.72	121.44	242.88	607.20	1,214.40	12,144	3.66	[2] 4.37
5½ to 6 years (12/1/67)	30.97	61.94	123.88	247.76	619.40	1,238.80	12,388	3.69	[2] 4.41
6 to 6½ years (6/1/68)	31.60	63.20	126.40	252.80	632.00	1,264.00	12,640	3.72	4.55
6½ to 7 years (12/1/68)	32.25	64.50	129.00	258.00	645.00	1,290.00	12,900	3.75	4.61
7 to 7½ years (6/1/69)	32.94	65.88	131.76	263.52	658.80	1,317.60	13,176	3.79	4.67
7½ to 8 years (12/1/69)	33.65	67.30	134.60	269.20	673.00	1,346.00	13,460	3.82	4.74
8 to 8½ years (6/1/70)	34.39	68.78	137.56	275.12	687.80	1,375.60	13,756	3.86	4.82
8½ to 9 years (12/1/70)	35.16	70.32	140.64	281.28	703.20	1,406.40	14,064	3.90	4.94
9 to 9½ years (6/1/71)	35.97	71.94	143.88	287.76	719.40	1,438.80	14,388	3.93	5.11
9½ to 10 years (12/1/71)	36.81	73.62	147.24	294.48	736.20	1,472.40	14,724	3.97	5.54
EXTENDED MATURITY VALUE (10 years from original maturity date) [4] (6/1/72)	37.83	75.66	151.32	302.64	756.60	1,513.20	15,132	[5] 4.05	----------

[1] Month, day, and year on which issues of October 1, 1952, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the December 1, 1965, revision.
[3] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the June 1, 1965, revision.
[4] 10 years and 8 months from issue date. Extended maturity values improved by the revision of June 1, 1965.
[5] Yield on purchase price from issue date to extended maturity date is 2.60 percent.

TABLE 29

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1952, THROUGH MARCH 1, 1953

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after original maturity (beginning 9 years 9 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD							(2) On the redemption value at start of the extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption values from beginning of each half-year period to extended maturity
								Percent	*Percent*
First ½ year [1] (8/1/62)	$25.39	$50.78	$101.56	$203.12	$507.80	$1,015.60	$10,156	0.00	[2] 3.75
½ to 1 year (2/1/63)	25.84	51.68	103.36	206.72	516.80	1,033.60	10,336	3.54	[2] 3.76
1 to 1½ years (8/1/63)	26.29	52.58	105.16	210.32	525.80	1,051.60	10,516	3.51	[2] 3.77
1½ to 2 years (2/1/64)	26.76	53.52	107.04	214.08	535.20	1,070.40	10,704	3.53	[2] 3.79
2 to 2½ years (8/1/64)	27.24	54.48	108.96	217.92	544.80	1,089.60	10,896	3.55	[2] 3.80
2½ to 3 years (2/1/65)	27.74	55.48	110.96	221.92	554.80	1,109.60	11,096	3.57	[2] 3.81
3 to 3½ years (8/1/65)	28.24	56.48	112.96	225.92	564.80	1,129.60	11,296	3.58	[2] 3.82
3½ to 4 years (2/1/66)	28.76	57.52	115.04	230.08	575.20	1,150.40	11,504	3.59	[2] 4.23
4 to 4½ years (8/1/66)	29.30	58.60	117.20	234.40	586.00	1,172.00	11,720	3.61	[2] 4.27
4½ to 5 years (2/1/67)	29.85	59.70	119.40	238.80	597.00	1,194.00	11,940	3.63	[2] 4.32
5 to 5½ years (8/1/67)	30.43	60.86	121.72	243.44	608.60	1,217.20	12,172	3.65	[2] 4.36
5½ to 6 years (2/1/68)	31.04	62.08	124.16	248.32	620.80	1,241.60	12,416	3.69	[2] 4.40
6 to 6½ years (8/1/68)	31.67	63.34	126.68	253.36	633.40	1,266.80	12,668	3.72	4.55
6½ to 7 years (2/1/69)	32.33	64.66	129.32	258.64	646.60	1,293.20	12,932	3.75	4.60
7 to 7½ years (8/1/69)	33.02	66.04	132.08	264.16	660.40	1,320.80	13,208	3.79	4.66
7½ to 8 years (2/1/70)	33.73	67.46	134.92	269.84	674.60	1,349.20	13,492	3.82	4.73
8 to 8½ years (8/1/70)	34.47	68.94	137.88	275.76	689.40	1,378.80	13,788	3.86	4.81
8½ to 9 years (2/1/71)	35.24	70.48	140.96	281.92	704.80	1,409.60	14,096	3.89	4.93
9 to 9½ years (8/1/71)	36.06	72.12	144.24	288.48	721.20	1,442.40	14,424	3.94	5.07
9½ to 10 years (2/1/72)	36.90	73.80	147.60	295.20	738.00	1,476.00	14,760	3.97	5.47
EXTENDED MATURITY VALUE (10 years from original maturity date) [4] (8/1/72)	37.91	75.82	151.64	303.28	758.20	1,516.40	15,164	[5] 4.05	----------

[1] Month, day, and year on which issues of December 1, 1952, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the December 1, 1965, revision.
[3] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the June 1, 1965, revision.
[4] 10 years and 8 months from issue date. Extended maturity value improved by the revision of June 1, 1965.
[5] Yield on purchase price from issue date to extended maturity date is 2.61 percent.

TABLE 30

BONDS BEARING ISSUE DATES FROM APRIL 1 THROUGH MAY 1, 1953

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after original maturity (beginning 2 years 3 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD							(2) On the redemption value at start of the extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption value from beginning of each half-year period to extended maturity
								Percent	*Percent*
First ½ year[1] (2/1/62)	$25.39	$50.78	$101.56	$203.12	$507.80	$1,015.60	$10,156	0.00	[2] 3.75
½ to 1 year (6/1/63)	25.84	51.68	103.36	206.72	516.80	1,033.60	10,336	3.54	[2] 3.76
1 to 1½ years (12/1/63)	26.29	52.58	105.16	210.32	525.80	1,051.60	10,516	3.51	[2] 3.77
1½ to 2 years (6/1/64)	26.76	53.52	107.04	214.08	535.20	1,070.40	10,704	3.53	[2] 3.79
2 to 2½ years (12/1/64)	27.24	54.48	108.96	217.92	544.80	1,089.60	10,896	3.55	[2] 3.80
2½ to 3 years (6/1/65)	27.74	55.48	110.96	221.92	554.80	1,109.60	11,096	3.57	[2] 3.81
3 to 3½ years (12/1/65)	28.24	56.48	112.96	225.92	564.80	1,129.60	11,296	3.58	[3] 4.22
3½ to 4 years (6/1/66)	28.77	57.54	115.08	230.16	575.40	1,150.80	11,508	3.60	[3] 4.26
4 to 4½ years (12/1/66)	29.31	58.62	117.24	234.48	586.20	1,172.40	11,724	3.62	[3] 4.30
4½ to 5 years (6/1/67)	29.87	59.74	119.48	238.96	597.40	1,194.80	11,948	3.64	[3] 4.35
5 to 5½ years (12/1/67)	30.46	60.92	121.84	243.68	609.20	1,218.40	12,184	3.67	[3] 4.39
5½ to 6 years (6/1/68)	31.07	62.14	124.28	248.56	621.40	1,242.80	12,428	3.70	4.53
6 to 6½ years (12/1/68)	31.71	63.42	126.84	253.68	634.20	1,268.40	12,684	3.74	4.58
6½ to 7 years (6/1/69)	32.38	64.76	129.52	259.04	647.60	1,295.20	12,952	3.78	4.63
7 to 7½ years (12/1/69)	33.07	66.14	132.28	264.56	661.40	1,322.80	13,228	3.81	4.70
7½ to 8 years (6/1/70)	33.79	67.58	135.16	270.32	675.80	1,351.60	13,516	3.85	4.76
8 to 8½ years (12/1/70)	34.54	69.08	138.16	276.32	690.80	1,381.60	13,816	3.88	4.84
8½ to 9 years (6/1/71)	35.31	70.62	141.24	282.48	706.20	1,412.40	14,124	3.92	4.97
9 to 9½ years (12/1/71)	36.13	72.26	144.52	289.04	722.60	1,445.20	14,452	3.96	5.14
9½ to 10 years (6/1/72)	36.97	73.94	147.88	295.76	739.40	1,478.80	14,788	3.99	5.63
EXTENDED MATURITY VALUE (10 years from original maturity date)[4] (12/1/72)	38.01	76.02	152.04	304.08	760.20	1,520.40	15,204	[5] 4.08	

[1] Month, day, and year on which issues of April 1, 1953, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the December 1, 1956, revision.
[3] Yield from beginning of each half-year period to extended maturity at extended maturity values prior to the June 1, 1965, revision.
[4] 10 years and 3 months from issue date. Extended maturity value improved by the revision of June 1, 1965.
[5] Yield on purchase price from issue date to extended maturity date is 3.66 percent.

TABLE 31

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH SEPTEMBER 1, 1953

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after original maturity (beginning 2 years 9 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD							(2) On the redemption value at start of the extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption value from beginning of each half-year period to extended maturity
								Percent	*Percent*
First ½ year[1] (2/1/63)	$25.45	$50.90	$101.80	$203.60	$509.00	$1,018.00	$10,180	0.00	[2] 3.75
½ to 1 year (8/1/63)	25.90	51.80	103.60	207.20	518.00	1,036.00	10,360	3.54	[2] 3.76
1 to 1½ years (2/1/64)	26.36	52.72	105.44	210.88	527.20	1,054.40	10,544	3.54	[2] 3.77
1½ to 2 years (8/1/64)	26.83	53.66	107.32	214.64	536.60	1,073.20	10,732	3.55	[2] 3.78
2 to 2½ years (2/1/65)	27.31	54.62	109.24	218.48	546.20	1,092.40	10,924	3.56	[2] 3.80
2½ to 3 years (8/1/65)	27.80	55.60	111.20	222.40	556.00	1,112.00	11,120	3.56	[3] 4.22
3 to 3½ years (2/1/66)	28.31	56.62	113.24	226.48	566.20	1,132.40	11,324	3.58	[3] 4.22
3½ to 4 years (8/1/66)	28.84	57.68	115.36	230.72	576.80	1,153.60	11,536	3.60	[3] 4.26
4 to 4½ years (2/1/67)	29.38	58.76	117.52	235.04	587.60	1,175.20	11,752	3.62	[3] 4.30
4½ to 5 years (8/1/67)	29.94	59.88	119.76	239.52	598.80	1,197.60	11,976	3.64	[3] 4.35
5 to 5½ years (2/1/68)	30.53	61.06	122.12	244.24	610.60	1,221.20	12,212	3.67	[3] 4.39
5½ to 6 years (8/1/68)	31.15	62.30	124.60	249.20	623.00	1,246.00	12,460	3.71	4.53
6 to 6½ years (2/1/69)	31.78	63.56	127.12	254.24	635.60	1,271.20	12,712	3.74	4.59
6½ to 7 years (8/1/69)	32.46	64.92	129.84	259.68	649.20	1,298.40	12,984	3.78	4.63
7 to 7½ years (2/1/70)	33.14	66.28	132.56	265.12	662.80	1,325.60	13,256	3.81	4.70
7½ to 8 years (8/1/70)	33.87	67.74	135.48	270.96	677.40	1,354.80	13,548	3.85	4.76
8 to 8½ years (2/1/71)	34.62	69.24	138.48	276.96	692.40	1,384.80	13,848	3.88	4.85
8½ to 9 years (8/1/71)	35.40	70.80	141.60	283.20	708.00	1,416.00	14,160	3.92	4.96
9 to 9½ years (2/1/72)	36.21	72.42	144.84	289.68	724.20	1,448.40	14,484	3.96	5.15
9½ to 10 years (8/1/72)	37.05	74.10	148.20	296.40	741.00	1,482.00	14,820	3.99	5.67
EXTENDED MATURITY VALUE (10 years from original maturity date)[4] (2/1/73)	38.10	76.20	152.40	304.80	762.00	1,524.00	15,240	[5] 4.08	

[1] Month, day, and year on which issues of June 1, 1953, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the December 1, 1956, revision.
[3] Yield from beginning of each half-year period to extended maturity at extended maturity values prior to the June 1, 1965, revision.
[4] 10 years and 3 months from issue date. Extended maturity value improved by the revision of June 1, 1965.
[5] Yield on purchase price from issue date to extended maturity date is 3.84 percent.

TABLE 32

BONDS BEARING ISSUE DATES FROM OCTOBER 1 THROUGH NOVEMBER 1, 1953

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after original maturity (beginning 2 years 3 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD							(2) On the redemption value at start of the extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption value from beginning of each half-year period to extended maturity
								Percent	*Percent*
First ½ year[1] (6/1/63)	$25.45	$50.90	$101.80	$203.60	$509.00	$1,018.00	$10,180	0.00	[2] 3.75
½ to 1 year (12/1/63)	25.90	51.80	103.60	207.20	518.00	1,036.00	10,360	3.54	[2] 3.76
1 to 1½ years (6/1/64)	26.36	52.72	105.44	210.88	527.20	1,054.40	10,544	3.54	[2] 3.77
1½ to 2 years (12/1/64)	26.83	53.66	107.32	214.64	536.60	1,073.20	10,732	3.55	[2] 3.78
2 to 2½ years (6/1/65)	27.31	54.62	109.24	218.48	546.20	1,092.40	10,924	3.56	[2] 3.80
2½ to 3 years (12/1/65)	27.80	55.60	111.20	222.40	556.00	1,112.00	11,120	3.56	[2] 4.21
3 to 3½ years (6/1/66)	28.32	56.64	113.28	226.56	566.40	1,132.80	11,328	3.59	[2] 4.24
3½ to 4 years (12/1/66)	28.85	57.70	115.40	230.80	577.00	1,154.00	11,540	3.61	[2] 4.28
4 to 4½ years (6/1/67)	29.40	58.80	117.60	235.20	588.00	1,176.00	11,760	3.64	[2] 4.32
4½ to 5 years (12/1/67)	29.96	59.92	119.84	239.68	599.20	1,198.40	11,984	3.66	[2] 4.37
5 to 5½ years (6/1/68)	30.56	61.12	122.24	244.48	611.20	1,222.40	12,224	3.69	4.51
5½ to 6 years (12/1/68)	31.19	62.38	124.76	249.52	623.80	1,247.60	12,476	3.73	4.55
6 to 6½ years (6/1/69)	31.83	63.66	127.32	254.64	636.60	1,273.20	12,732	3.76	4.61
6½ to 7 years (12/1/69)	32.51	65.02	130.04	260.08	650.20	1,300.40	13,004	3.80	4.65
7 to 7½ years (6/1/70)	33.19	66.38	132.76	265.52	663.80	1,327.60	13,276	3.83	4.73
7½ to 8 years (12/1/70)	33.93	67.86	135.72	271.44	678.60	1,357.20	13,572	3.87	4.79
8 to 8½ years (6/1/71)	34.68	69.36	138.72	277.44	693.60	1,387.20	13,872	3.91	4.88
8½ to 9 years (12/1/71)	35.47	70.94	141.88	283.76	709.40	1,418.80	14,188	3.94	4.99
9 to 9½ years (6/1/72)	36.28	72.56	145.12	290.24	725.60	1,451.20	14,512	3.98	5.20
9½ to 10 years (12/1/72)	37.13	74.26	148.52	297.04	742.60	1,485.20	14,852	4.02	5.71
EXTENDED MATURITY VALUE (10 years from original maturity date)[4] (6/1/73)	38.19	76.38	152.76	305.52	763.80	1,527.60	15,276	[5] 4.10	

[1] Month, day, and year on which issues of October 1, 1953, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the December 1, 1956, revision.
[3] Yield from beginning of each half-year period to extended maturity at extended maturity values prior to the June 1, 1965, revision.
[4] 10 years and 3 months from issue date. Extended maturity value improved by the revision of June 1, 1965.
[5] Yield on purchase price from issue date to extended maturity date is 3.66 percent.

TABLE 33

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1953, THROUGH MARCH 1, 1954

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after original maturity (beginning 2 years 9 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD							(2) On the redemption value at start of the extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption value from beginning of each half-year period to extended maturity
								Percent	*Percent*
First ½ year[1] (6/1/63)	$25.52	$51.04	$102.08	$204.16	$510.40	$1,020.80	$10,208	0.00	[2] 3.75
½ to 1 year (12/1/63)	25.97	51.94	103.88	207.76	519.40	1,038.80	10,388	3.53	[2] 3.76
1 to 1½ years (6/1/64)	26.43	52.86	105.72	211.44	528.60	1,057.20	10,572	3.53	[2] 3.77
1½ to 2 years (12/1/64)	26.90	53.80	107.60	215.20	538.00	1,076.00	10,760	3.54	[2] 3.79
2 to 2½ years (6/1/65)	27.38	54.76	109.52	219.04	547.60	1,095.20	10,952	3.55	[2] 3.80
2½ to 3 years (12/1/65)	27.88	55.76	111.52	223.04	557.60	1,115.20	11,152	3.57	[2] 4.21
3 to 3½ years (6/1/66)	28.40	56.80	113.60	227.20	568.00	1,136.00	11,360	3.60	[2] 4.25
3½ to 4 years (12/1/66)	28.93	57.86	115.72	231.44	578.60	1,157.20	11,572	3.62	[2] 4.29
4 to 4½ years (6/1/67)	29.48	58.96	117.92	235.84	589.60	1,179.20	11,792	3.64	[2] 4.33
4½ to 5 years (12/1/67)	30.05	60.10	120.20	240.40	601.00	1,202.00	12,020	3.66	[2] 4.37
5 to 5½ years (6/1/68)	30.65	61.30	122.60	245.20	613.00	1,226.00	12,260	3.70	4.51
5½ to 6 years (12/1/68)	31.27	62.54	125.08	250.16	625.40	1,250.80	12,508	3.73	4.56
6 to 6½ years (6/1/69)	31.92	63.84	127.68	255.36	638.40	1,276.80	12,768	3.76	4.61
6½ to 7 years (12/1/69)	32.60	65.20	130.40	260.80	652.00	1,304.00	13,040	3.80	4.68
7 to 7½ years (6/1/70)	33.30	66.60	133.20	266.40	666.00	1,332.00	13,320	3.84	4.72
7½ to 8 years (12/1/70)	34.02	68.04	136.08	272.16	680.40	1,360.80	13,608	3.87	4.80
8 to 8½ years (6/1/71)	34.77	69.54	139.08	278.16	695.40	1,390.80	13,908	3.90	4.89
8½ to 9 years (12/1/71)	35.56	71.12	142.24	284.48	711.20	1,422.40	14,224	3.94	5.01
9 to 9½ years (6/1/72)	36.38	72.76	145.52	291.04	727.60	1,455.20	14,552	3.98	5.21
9½ to 10 years (12/1/72)	37.23	74.46	148.92	297.84	744.60	1,489.20	14,892	4.02	5.79
EXTENDED MATURITY VALUE (10 years from original maturity date)[4] (6/1/73)	38.30	76.60	153.20	306.40	766.00	1,532.00	15,320	[5] 4.10	

[1] Month, day, and year on which issues of December 1, 1953, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the December 1, 1956, revision.
[3] Yield from beginning of each half-year period to extended maturity at extended maturity values prior to the June 1, 1965, revision.
[4] 10 years and 3 months from issue date. Extended maturity value improved by the revision of June 1, 1965.
[5] Yield on purchase price from issue date to extended maturity date is 3.66 percent.

TABLE 34

BONDS BEARING ISSUE DATES FROM APRIL 1 THROUGH MAY 1, 1954

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield
Period after original maturity (beginning 9 years 5 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD							(2) On the redemption value at start of the extended maturity period to the beginning of each half-year period thereafter / (3) On current redemption values from beginning of each half-year period to extended maturity
								Percent / Percent
First ½ year[1] (12/1/63)	$25.52	$51.04	$102.08	$204.16	$510.40	$1,020.80	$10,208	0.00 / [2] 3.75
½ to 1 year (6/1/64)	25.97	51.94	103.88	207.76	519.40	1,038.80	10,388	3.53 / [2] 3.76
1 to 1½ years (12/1/64)	26.43	52.86	105.72	211.44	528.60	1,057.20	10,572	3.53 / [3] 3.77
1½ to 2 years (6/1/65)	26.90	53.80	107.60	215.20	538.00	1,076.00	10,760	3.54 / [3] 3.79
2 to 2½ years (12/1/65)	27.38	54.76	109.52	219.04	547.60	1,095.20	10,952	3.55 / [4] 4.20
2½ to 3 years (6/1/66)	27.89	55.78	111.56	223.12	557.80	1,115.60	11,156	3.58 / [4] 4.23
3 to 3½ years (12/1/66)	28.41	56.82	113.64	227.28	568.20	1,136.40	11,364	3.61 / [4] 4.27
3½ to 4 years (6/1/67)	28.94	57.88	115.76	231.52	578.80	1,157.60	11,576	3.63 / [4] 4.31
4 to 4½ years (12/1/67)	29.50	59.00	118.00	236.00	590.00	1,180.00	11,800	3.66 / [4] 4.35
4½ to 5 years (6/1/68)	30.08	60.16	120.32	240.64	601.60	1,203.20	12,032	3.69 / 4.48
5 to 5½ years (12/1/68)	30.69	61.38	122.76	245.52	613.80	1,227.60	12,276	3.72 / 4.53
5½ to 6 years (6/1/69)	31.31	62.62	125.24	250.48	626.20	1,252.40	12,524	3.75 / 4.58
6 to 6½ years (12/1/69)	31.96	63.92	127.84	255.68	639.20	1,278.40	12,784	3.79 / 4.64
6½ to 7 years (6/1/70)	32.65	65.30	130.60	261.20	653.00	1,306.00	13,060	3.83 / 4.68
7 to 7½ years (12/1/70)	33.35	66.70	133.40	266.80	667.00	1,334.00	13,340	3.86 / 4.75
7½ to 8 years (6/1/71)	34.08	68.16	136.32	272.64	681.60	1,363.20	13,632	3.89 / 4.82
8 to 8½ years (12/1/71)	34.84	69.68	139.36	278.72	696.80	1,393.60	13,936	3.93 / 4.91
8½ to 9 years (6/1/72)	35.63	71.26	142.52	285.04	712.60	1,425.20	14,252	3.96 / 5.04
9 to 9½ years (12/1/72)	36.45	72.90	145.80	291.60	729.00	1,458.00	14,580	4.00 / 5.25
9½ to 10 years (6/1/73)	37.30	74.60	149.20	298.40	746.00	1,492.00	14,920	4.04 / 5.84
EXTENDED MATURITY VALUE (10 years from original maturity date)[4] (12/1/73)	38.39	76.78	153.56	307.12	767.80	1,535.60	15,356	[5] 4.13 / ----------

[1] Month, day, and year on which issues of April 1, 1954, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the December 1, 1965, revision.
[3] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the June 1, 1965, revision.
[4] 19 years and 5 months from issue date. Extended maturity values improved by the revision of June 1, 1965.
[5] Yield on purchase price from issue date to extended maturity date is 3.69 percent.

TABLE 35

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH SEPTEMBER 1, 1954

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield
Period after original maturity (beginning 9 years 8 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD							(2) On the redemption value at start of the extended maturity period to the beginning of each half-year period thereafter / (3) On current redemption values from beginning of each half-year period to extended maturity
								Percent / Percent
First ½ year[1] (2/1/64)	$25.58	$51.16	$102.32	$204.64	$511.60	$1,023.20	$10,232	0.00 / [2] 3.75
½ to 1 year (8/1/64)	26.03	52.06	104.12	208.24	520.60	1,041.20	10,412	3.52 / [2] 3.76
1 to 1½ years (2/1/65)	26.49	52.98	105.96	211.92	529.80	1,059.60	10,596	3.53 / [3] 3.77
1½ to 2 years (8/1/65)	26.96	53.92	107.84	215.68	539.20	1,078.40	10,784	3.53 / [3] 3.79
2 to 2½ years (2/1/66)	27.45	54.90	109.80	219.60	549.00	1,098.00	10,980	3.56 / [4] 4.20
2½ to 3 years (8/1/66)	27.95	55.90	111.80	223.60	559.00	1,118.00	11,180	3.58 / [4] 4.24
3 to 3½ years (2/1/67)	28.47	56.94	113.88	227.76	569.40	1,138.80	11,388	3.60 / [4] 4.27
3½ to 4 years (8/1/67)	29.01	58.02	116.04	232.08	580.20	1,160.40	11,604	3.63 / [4] 4.31
4 to 4½ years (2/1/68)	29.57	59.14	118.28	236.56	591.40	1,182.80	11,828	3.66 / [4] 4.35
4½ to 5 years (8/1/68)	30.15	60.30	120.60	241.20	603.00	1,206.00	12,060	3.69 / 4.49
5 to 5½ years (2/1/69)	30.76	61.52	123.04	246.08	615.20	1,230.40	12,304	3.72 / 4.53
5½ to 6 years (8/1/69)	31.39	62.78	125.56	251.12	627.80	1,255.60	12,556	3.76 / 4.58
6 to 6½ years (2/1/70)	32.04	64.08	128.16	256.32	640.80	1,281.60	12,816	3.79 / 4.64
6½ to 7 years (8/1/70)	32.72	65.44	130.88	261.76	654.40	1,308.80	13,088	3.82 / 4.69
7 to 7½ years (2/1/71)	33.42	66.84	133.68	267.36	668.40	1,336.80	13,368	3.86 / 4.76
7½ to 8 years (8/1/71)	34.16	68.32	136.64	273.28	683.20	1,366.40	13,664	3.89 / 4.83
8 to 8½ years (2/1/72)	34.92	69.84	139.68	279.36	698.40	1,396.80	13,968	3.93 / 4.93
8½ to 9 years (8/1/72)	35.71	71.42	142.84	285.68	714.20	1,428.40	14,284	3.96 / 5.06
9 to 9½ years (2/1/73)	36.53	73.06	146.12	292.24	730.60	1,461.20	14,612	4.00 / 5.30
9½ to 10 years (8/1/73)	37.39	74.78	149.56	299.12	747.80	1,495.60	14,956	4.04 / 5.88
EXTENDED MATURITY VALUE (10 years from original maturity date)[4] (2/1/74)	38.49	76.98	153.96	307.92	769.80	1,539.60	15,396	[5] 4.13 / ----------

[1] Month, day, and year on which issues of June 1, 1954, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the December 1, 1965, revision.
[3] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the June 1, 1965, revision.
[4] 19 years and 8 months from issue date. Extended maturity values improved by the revision of June 1, 1965.
[5] Yield on purchase price from issue date to extended maturity date is 3.69 percent.

TABLE 36

BONDS BEARING ISSUE DATES FROM OCTOBER 1 THROUGH NOVEMBER 1, 1954

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield
Period after original maturity (beginning 9 years 9 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD							(2) On the redemption value at start of the extended maturity period to the beginning of each half-year period thereafter / (3) On current redemption values from beginning of each half-year period to extended maturity
								Percent / Percent
First ½ year[1] (6/1/64)	$25.58	$51.16	$102.32	$204.64	$511.60	$1,023.20	$10,232	0.00 / [2] 3.75
½ to 1 year (12/1/64)	26.03	52.06	104.12	208.24	520.60	1,041.20	10,412	3.53 / [2] 3.76
1 to 1½ years (6/1/65)	26.49	52.98	105.96	211.92	529.80	1,059.60	10,596	3.53 / [3] 3.77
1½ to 2 years (12/1/65)	26.96	53.92	107.84	215.68	539.20	1,078.40	10,784	3.53 / [3] 3.79
2 to 2½ years (6/1/66)	27.46	54.92	109.84	219.68	549.20	1,098.40	10,984	3.56 / [4] 4.22
2½ to 3 years (12/1/66)	27.96	55.92	111.84	223.68	559.20	1,118.40	11,184	3.59 / [4] 4.26
3 to 3½ years (6/1/67)	28.48	56.96	113.92	227.84	569.60	1,139.20	11,392	3.61 / [4] 4.30
3½ to 4 years (12/1/67)	29.03	58.06	116.12	232.24	580.60	1,161.20	11,612	3.66 / [4] 4.33
4 to 4½ years (6/1/68)	29.60	59.20	118.40	236.80	592.00	1,184.00	11,840	3.68 / 4.47
4½ to 5 years (12/1/68)	30.19	60.38	120.76	241.52	603.80	1,207.60	12,076	3.72 / 4.51
5 to 5½ years (6/1/69)	30.80	61.60	123.20	246.40	616.00	1,232.00	12,320	3.75 / 4.56
5½ to 6 years (12/1/69)	31.42	62.86	125.72	251.44	628.60	1,257.20	12,572	3.78 / 4.61
6 to 6½ years (6/1/70)	32.09	64.18	128.36	256.72	641.80	1,283.60	12,836	3.81 / 4.66
6½ to 7 years (12/1/70)	32.77	65.54	131.08	262.16	655.40	1,310.80	13,108	3.85 / 4.72
7 to 7½ years (6/1/71)	33.46	66.96	133.92	267.84	669.60	1,339.20	13,392	3.88 / 4.78
7½ to 8 years (12/1/71)	34.22	68.44	136.88	273.76	684.40	1,368.80	13,688	3.92 / 4.85
8 to 8½ years (6/1/72)	34.98	69.96	139.92	279.84	699.60	1,399.20	13,992	3.95 / 4.96
8½ to 9 years (12/1/72)	35.78	71.56	143.12	286.24	715.60	1,431.20	14,312	3.99 / 5.09
9 to 9½ years (6/1/73)	36.60	73.20	146.40	292.80	732.00	1,464.00	14,640	4.02 / 5.24
9½ to 10 years (12/1/73)	37.47	74.94	149.88	299.76	749.40	1,498.80	14,988	4.06 / 5.92
EXTENDED MATURITY VALUE (10 years from original maturity date)[4] (6/1/74)	38.58	77.16	154.32	308.64	771.60	1,543.20	15,432	[5] 4.15 / ----------

[1] Month, day, and year on which issues of October 1, 1954, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the December 1, 1965, revision.
[3] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the June 1, 1965, revision.
[4] 19 years and 8 months from issue date. Extended maturity values improved by the revision of June 1, 1965.
[5] Yield on purchase price from issue date to extended maturity date is 3.70 percent.

TABLE 37

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1954, THROUGH MARCH 1, 1955

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield
Period after original maturity (beginning 9 years 9 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD							(2) On the redemption value at start of the extended maturity period to the beginning of each half-year period thereafter / (3) On current redemption values from beginning of each half-year period to extended maturity
								Percent / Percent
First ½ year[1] (8/1/64)	$25.64	$51.28	$102.56	$205.12	$512.80	$1,025.60	$10,256	0.00 / [2] 3.75
½ to 1 year (2/1/65)	26.09	52.18	104.36	208.72	521.80	1,043.60	10,436	3.51 / [2] 3.76
1 to 1½ years (8/1/65)	26.55	53.10	106.20	212.40	531.00	1,062.00	10,620	3.52 / [3] 3.77
1½ to 2 years (2/1/66)	27.03	54.06	108.12	216.24	540.60	1,081.20	10,812	3.55 / [3] 4.19
2 to 2½ years (8/1/66)	27.53	55.04	110.08	220.16	550.40	1,100.80	11,008	3.57 / [4] 4.22
2½ to 3 years (2/1/67)	28.03	56.06	112.12	224.24	560.60	1,121.20	11,212	3.60 / [4] 4.26
3 to 3½ years (8/1/67)	28.55	57.10	114.20	228.40	571.00	1,142.00	11,420	3.62 / [4] 4.29
3½ to 4 years (2/1/68)	29.09	58.18	116.36	232.72	581.80	1,163.60	11,636	3.64 / [4] 4.32
4 to 4½ years (8/1/68)	29.67	59.34	118.68	237.36	593.40	1,186.80	11,868	3.68 / 4.46
4½ to 5 years (2/1/69)	30.28	60.52	121.04	242.08	605.20	1,210.40	12,104	3.72 / 4.51
5 to 5½ years (8/1/69)	30.87	61.74	122.48	246.96	617.40	1,234.80	12,348	3.75 / 4.56
5½ to 6 years (2/1/70)	31.51	63.02	126.04	252.08	630.20	1,260.40	12,604	3.78 / 4.60
6 to 6½ years (8/1/70)	32.18	64.32	128.64	257.28	643.20	1,286.40	12,864	3.81 / 4.66
6½ to 7 years (2/1/71)	32.85	65.70	131.40	262.80	657.00	1,314.00	13,140	3.85 / 4.72
7 to 7½ years (8/1/71)	33.56	67.12	134.24	268.48	671.20	1,342.40	13,424	3.88 / 4.78
7½ to 8 years (2/1/72)	34.30	68.60	137.20	274.40	686.00	1,372.00	13,720	3.92 / 4.85
8 to 8½ years (8/1/72)	35.06	70.12	140.24	280.48	701.20	1,402.40	14,024	3.96 / 4.96
8½ to 9 years (2/1/73)	35.87	71.74	143.48	286.96	717.40	1,434.80	14,348	3.99 / 5.07
9 to 9½ years (8/1/73)	36.69	73.38	146.76	293.52	733.80	1,467.60	14,676	4.02 / 5.33
9½ to 10 years (2/1/74)	37.55	75.10	150.20	300.40	751.00	1,502.00	15,020	4.06 / 5.97
EXTENDED MATURITY VALUE (10 years from original maturity date)[4] (8/1/74)	38.67	77.34	154.68	309.36	773.40	1,546.80	15,468	[5] 4.15 / ----------

[1] Month, day, and year on which issues of December 1, 1954, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the December 1, 1965, revision.
[3] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the June 1, 1965, revision.
[4] 19 years and 8 months from issue date. Extended maturity values improved by the revision of June 1, 1965.
[5] Yield on purchase price from issue date to extended maturity date is 3.71 percent.

TABLE 38

BONDS BEARING ISSUE DATES FROM APRIL 1 THROUGH MAY 1, 1955

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield (2)	Approximate investment yield (3)
Period after original maturity (beginning 9 years 9 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD							(2) On the redemption value at start of the extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption values from beginning of each half-year period to extended maturity
								Percent	*Percent*
First ½ year[3] (12/1/64)	$25.64	$51.28	$102.56	$205.12	$512.80	$1,025.60	$10,256	0.00	[5] 2.75
½ to 1 year (6/1/65)	26.16	52.32	104.64	208.72	521.80	1,043.60	10,436	2.51	[5] 2.76
1 to 1½ years (12/1/65)	26.64	53.10	106.20	212.40	531.00	1,062.00	10,620	3.52	[6] 4.16
1½ to 2 years (6/1/66)	27.04	54.08	108.16	216.32	540.80	1,081.60	10,816	3.58	[6] 4.21
2 to 2½ years (12/1/66)	27.52	55.06	110.12	220.24	550.60	1,101.20	11,012	3.59	[6] 4.24
2½ to 3 years (6/1/67)	28.04	56.08	112.16	224.32	560.80	1,121.60	11,216	3.61	[6] 4.26
3 to 3½ years (12/1/67)	28.52	57.14	114.28	228.56	571.40	1,142.80	11,428	3.64	[6] 4.31
3½ to 4 years (6/1/68)	29.12	58.24	116.48	232.96	582.40	1,164.80	11,648	3.67	4.45
4 to 4½ years (12/1/68)	29.76	59.40	118.80	237.60	594.00	1,188.00	11,880	3.71	4.49
4½ to 5 years (6/1/69)	30.28	60.58	121.16	242.32	605.80	1,211.60	12,116	3.74	4.54
5 to 5½ years (12/1/69)	30.91	61.82	123.64	247.28	618.20	1,236.40	12,364	3.77	4.58
5½ to 6 years (6/1/70)	31.54	63.10	126.20	252.40	631.00	1,262.00	12,620	3.81	4.63
6 to 6½ years (12/1/70)	32.21	64.42	128.84	257.68	644.20	1,288.40	12,884	3.84	4.69
6½ to 7 years (6/1/71)	32.91	65.82	131.64	263.28	658.20	1,316.40	13,164	3.88	4.74
7 to 7½ years (12/1/71)	33.62	67.24	134.48	268.96	672.40	1,344.80	13,448	3.91	4.81
7½ to 8 years (6/1/72)	34.36	68.72	137.44	274.88	687.20	1,374.40	13,744	3.94	4.89
8 to 8½ years (12/1/72)	35.13	70.26	140.52	281.04	702.60	1,405.20	14,052	3.98	4.99
8½ to 9 years (6/1/73)	35.94	71.88	143.76	287.52	718.80	1,437.60	14,376	4.01	5.12
9 to 9½ years (12/1/73)	36.78	73.52	147.04	294.08	735.20	1,470.40	14,704	4.04	5.40
9½ to 10 years (6/1/74)	37.62	75.24	150.48	300.96	752.40	1,504.80	15,048	4.08	6.11
EXTENDED MATURITY VALUE (10 years from original maturity date)[4] (12/1/74)	38.77	77.54	155.08	310.16	775.40	1,550.80	15,508	[5] 4.18	----------

[1] Month, day, and year on which issues of April 1, 1955, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the December 1, 1955, revision.
[3] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the June 1, 1956, revision.
[4] 10 years and 0 months from issue date. Extended maturity values improved by the revision of June 1, 1956.
[5] Yield on purchase price from issue date to extended maturity date is 2.75 percent.

TABLE 39

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH SEPTEMBER 1, 1955

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield (2)	Approximate investment yield (3)
Period after original maturity (beginning 9 years 9 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD							(2) On the redemption value at start of the extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption values from beginning of each half-year period to extended maturity
								Percent	*Percent*
First ½ year[3] (2/1/65)	$25.71	$51.42	$102.84	$205.68	$514.20	$1,028.40	$10,284	0.00	[5] 2.75
½ to 1 year (8/1/65)	26.28	52.32	104.64	209.28	522.20	1,046.40	10,464	2.50	[5] 2.76
1 to 1½ years (2/1/66)	26.70	53.26	106.52	213.04	532.60	1,065.20	10,652	3.55	[6] 4.17
1½ to 2 years (8/1/66)	27.18	54.22	108.44	216.88	542.20	1,084.40	10,844	3.57	[6] 4.21
2 to 2½ years (2/1/67)	27.64	55.22	110.44	220.88	552.20	1,104.40	11,044	3.60	[6] 4.24
2½ to 3 years (8/1/67)	28.12	56.24	112.48	224.96	562.40	1,124.80	11,248	3.62	[6] 4.28
3 to 3½ years (2/1/68)	28.66	57.30	114.60	229.20	573.00	1,146.00	11,460	3.64	[6] 4.31
3½ to 4 years (8/1/68)	29.20	58.40	116.80	233.60	584.00	1,168.00	11,680	3.67	4.45
4 to 4½ years (2/1/69)	29.78	59.56	119.12	238.24	595.60	1,191.20	11,912	3.71	4.49
4½ to 5 years (8/1/69)	30.37	60.74	121.48	242.96	607.40	1,214.80	12,148	3.74	4.54
5 to 5½ years (2/1/70)	30.99	61.98	123.96	247.92	619.80	1,239.60	12,396	3.77	4.58
5½ to 6 years (8/1/70)	31.63	63.26	126.52	253.04	632.60	1,265.20	12,652	3.80	4.63
6 to 6½ years (2/1/71)	32.30	64.60	129.20	258.40	646.00	1,292.00	12,920	3.84	4.68
6½ to 7 years (8/1/71)	33.00	66.00	132.00	264.00	660.00	1,320.00	13,200	3.88	4.73
7 to 7½ years (2/1/72)	33.71	67.42	134.84	269.68	674.20	1,348.40	13,484	3.91	4.80
7½ to 8 years (8/1/72)	34.46	68.92	137.84	275.68	689.20	1,378.40	13,784	3.94	4.88
8 to 8½ years (2/1/73)	35.23	70.46	140.92	281.84	704.60	1,409.20	14,092	3.98	4.98
8½ to 9 years (8/1/73)	36.03	72.06	144.12	288.24	720.60	1,441.20	14,412	4.01	5.12
9 to 9½ years (2/1/74)	36.86	73.72	147.44	294.88	737.20	1,474.40	14,744	4.04	5.38
9½ to 10 years (8/1/74)	37.72	75.44	150.88	301.76	754.40	1,508.80	15,088	4.08	6.10
EXTENDED MATURITY VALUE (10 years from original maturity date)[4] (2/1/75)	38.87	77.74	155.48	310.96	777.40	1,554.80	15,548	[5] 4.18	----------

[1] Month, day, and year on which issues of June 1, 1955, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the December 1, 1955, revision.
[3] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the June 1, 1956, revision.
[4] 10 years and 0 months from issue date. Extended maturity values improved by the revision of June 1, 1956.
[5] Yield on purchase price from issue date to extended maturity date is 2.74 percent.

TABLE 40

BONDS BEARING ISSUE DATES FROM OCTOBER 1 THROUGH NOVEMBER 1, 1955

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield (2)	Approximate investment yield (3)
Period after original maturity (beginning 9 years 9 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD							(2) On the redemption value at start of the extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption values from beginning of each half-year period to extended maturity
								Percent	*Percent*
First ½ year[1] (6/1/65)	$25.71	$51.42	$102.84	$205.68	$514.20	$1,028.40	$10,284	0.00	[3] 2.75
½ to 1 year (12/1/65)	26.16	52.32	104.64	209.28	523.20	1,046.40	10,464	3.50	[5] 4.16
1 to 1½ years (6/1/66)	26.64	53.28	106.56	213.12	532.80	1,065.60	10,656	3.59	[5] 4.19
1½ to 2 years (12/1/66)	27.12	54.24	108.48	216.96	542.40	1,084.80	10,848	3.59	[5] 4.22
2 to 2½ years (6/1/67)	27.62	55.24	110.48	220.96	552.40	1,104.80	11,048	3.62	[5] 4.26
2½ to 3 years (12/1/67)	28.14	56.28	112.56	225.12	562.80	1,125.60	11,256	3.65	[5] 4.29
3 to 3½ years (6/1/68)	28.68	57.38	114.72	229.44	573.60	1,147.20	11,472	3.68	4.43
3½ to 4 years (12/1/68)	29.23	58.46	116.92	233.84	584.60	1,169.20	11,692	3.70	4.47
4 to 4½ years (6/1/69)	29.81	59.62	119.24	238.48	596.20	1,192.40	11,924	3.73	4.52
4½ to 5 years (12/1/69)	30.41	60.82	121.64	243.28	608.20	1,216.40	12,164	3.77	4.56
5 to 5½ years (6/1/70)	31.03	62.06	124.12	248.24	620.60	1,241.20	12,412	3.80	4.61
5½ to 6 years (12/1/70)	31.68	63.36	126.72	253.44	633.60	1,267.20	12,672	3.83	4.66
6 to 6½ years (6/1/71)	32.36	64.72	129.44	258.88	647.20	1,294.40	12,944	3.87	4.70
6½ to 7 years (12/1/71)	33.05	66.10	132.20	264.40	661.00	1,322.00	13,220	3.90	4.76
7 to 7½ years (6/1/72)	33.77	67.54	135.08	270.16	675.40	1,350.80	13,508	3.93	4.83
7½ to 8 years (12/1/72)	34.52	69.04	138.08	276.16	690.40	1,380.80	13,808	3.97	4.91
8 to 8½ years (6/1/73)	35.30	70.60	141.20	282.40	706.00	1,412.00	14,120	4.00	5.01
8½ to 9 years (12/1/73)	36.10	72.20	144.40	288.80	722.00	1,444.00	14,440	4.03	5.17
9 to 9½ years (6/1/74)	36.93	73.86	147.72	295.44	738.60	1,477.20	14,772	4.06	5.45
9½ to 10 years (12/1/74)	37.80	75.60	151.20	302.40	756.00	1,512.00	15,120	4.10	6.19
EXTENDED MATURITY VALUE (10 years from original maturity date)[4] (6/1/75)	38.97	77.94	155.88	311.76	779.40	1,558.80	15,588	[5] 4.20	----------

[1] Month, day, and year on which issues of October 1, 1955, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the December 1, 1955, revision.
[3] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the June 1, 1956, revision.
[4] 10 years and 0 months from issue date. Extended maturity value improved by the revision of June 1, 1956.
[5] Yield on purchase price from issue date to extended maturity date is 2.73 percent.

TABLE 41

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1955, THROUGH MARCH 1, 1956

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield (2)	Approximate investment yield (3)
Period after original maturity (beginning 9 years 9 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD							(2) On the redemption value at start of the extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption values from beginning of each half-year period to extended maturity
								Percent	*Percent*
First ½ year[1] (8/1/65)	$25.77	$51.54	$103.08	$206.16	$515.40	$1,030.80	$10,308	0.00	[3] 3.75
½ to 1 year (2/1/66)	26.22	52.44	104.88	209.76	524.40	1,048.80	10,488	3.49	[5] 4.17
1 to 1½ years (8/1/66)	26.70	53.40	106.80	213.60	534.00	1,068.00	10,680	3.58	[5] 4.19
1½ to 2 years (2/1/67)	27.18	54.36	108.72	217.44	543.60	1,087.20	10,872	3.58	[5] 4.22
2 to 2½ years (8/1/67)	27.68	55.36	110.72	221.44	553.60	1,107.20	11,072	3.61	[5] 4.26
2½ to 3 years (2/1/68)	28.20	56.40	112.80	225.60	564.00	1,128.00	11,280	3.64	[5] 4.30
3 to 3½ years (8/1/68)	28.74	57.48	114.96	229.92	574.80	1,149.60	11,496	3.67	4.43
3½ to 4 years (2/1/69)	29.30	58.60	117.20	234.40	586.00	1,172.00	11,720	3.70	4.47
4 to 4½ years (8/1/69)	29.88	59.76	119.52	239.04	597.60	1,195.20	11,952	3.73	4.52
4½ to 5 years (2/1/70)	30.48	60.96	121.92	243.84	609.60	1,219.20	12,192	3.77	4.56
5 to 5½ years (8/1/70)	31.11	62.22	124.44	248.88	622.20	1,244.40	12,444	3.80	4.60
5½ to 6 years (2/1/71)	31.76	63.52	127.04	254.08	635.20	1,270.40	12,704	3.84	4.65
6 to 6½ years (8/1/71)	32.43	64.86	129.72	259.44	648.60	1,297.20	12,972	3.87	4.70
6½ to 7 years (2/1/72)	33.12	66.24	132.48	264.96	662.40	1,324.80	13,248	3.90	4.77
7 to 7½ years (8/1/72)	33.85	67.70	135.40	270.80	677.00	1,354.00	13,540	3.93	4.82
7½ to 8 years (2/1/73)	34.60	69.20	138.40	276.80	692.00	1,384.00	13,840	3.97	4.91
8 to 8½ years (8/1/73)	35.38	70.76	141.52	283.04	707.60	1,415.20	14,152	4.00	5.01
8½ to 9 years (2/1/74)	36.18	72.36	144.72	289.44	723.60	1,447.20	14,472	4.03	5.17
9 to 9½ years (8/1/74)	37.02	74.04	148.08	296.16	740.40	1,480.80	14,808	4.07	5.44
9½ to 10 years (2/1/75)	37.89	75.78	151.56	303.12	757.80	1,515.60	15,156	4.10	6.18
EXTENDED MATURITY VALUE (10 years from original maturity date)[4] (8/1/75)	39.06	78.12	156.24	312.48	781.20	1,562.40	15,624	[5] 4.20	----------

[1] Month, day, and year on which issues of December 1, 1955, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the December 1, 1955, revision.
[3] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the June 1, 1956, revision.
[4] 10 years and 0 months from issue date. Extended maturity value improved by the revision of June 1, 1956.
[5] Yield on purchase price from issue date to extended maturity date is 2.77 percent.

TABLE 42

BONDS BEARING ISSUE DATES FROM APRIL 1 THROUGH MAY 1, 1956

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after original maturity (beginning 9 years 5 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD							(2) On the redemption values at start of the extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption values from beginning of each half-year period to extended maturity
								Percent	Percent
First ½ year[1] (12/1/65)	$25.77	$51.54	$103.08	$206.16	$515.40	$1,030.80	$10,308	0.00	[2] 4.15
½ to 1 year (6/1/66)	26.30	52.60	105.20	210.40	526.00	1,052.00	10,520	4.11	[3] 4.15
1 to 1½ years (12/1/66)	26.85	53.70	107.40	214.80	537.00	1,074.00	10,740	4.15	[3] 4.15
1½ to 2 years (6/1/67)	27.41	54.82	109.64	219.28	548.20	1,096.40	10,964	4.16	[3] 4.15
2 to 2½ years (12/1/67)	27.98	55.96	111.92	223.84	559.60	1,119.20	11,192	4.16	[3] 4.15
2½ to 3 years (6/1/68)	28.56	57.12	114.24	228.48	571.20	1,142.40	11,424	4.15	4.25
3 to 3½ years (12/1/68)	29.15	58.30	116.60	233.20	583.00	1,166.00	11,660	4.15	4.26
3½ to 4 years (6/1/69)	29.75	59.50	119.00	238.00	595.00	1,190.00	11,900	4.15	4.27
4 to 4½ years (12/1/69)	30.37	60.74	121.48	242.96	607.40	1,214.80	12,148	4.15	4.28
4½ to 5 years (6/1/70)	31.00	62.00	124.00	248.00	620.00	1,240.00	12,400	4.15	4.29
5 to 5½ years (12/1/70)	31.65	63.30	126.60	253.20	633.00	1,266.00	12,660	4.15	4.30
5½ to 6 years (6/1/71)	32.30	64.60	129.20	258.40	646.00	1,292.00	12,920	4.15	4.32
6 to 6½ years (12/1/71)	32.97	65.94	131.88	263.76	659.40	1,318.80	13,188	4.15	4.34
6½ to 7 years (6/1/72)	33.66	67.32	134.64	269.28	673.20	1,346.40	13,464	4.15	4.36
7 to 7½ years (12/1/72)	34.35	68.70	137.40	274.80	687.00	1,374.00	13,740	4.15	4.41
7½ to 8 years (6/1/73)	35.07	70.14	140.28	280.56	701.40	1,402.80	14,028	4.15	4.45
8 to 8½ years (12/1/73)	35.80	71.60	143.20	286.40	716.00	1,432.00	14,320	4.15	4.52
8½ to 9 years (6/1/74)	36.54	73.08	146.16	292.32	730.80	1,461.60	14,616	4.15	4.65
9 to 9½ years (12/1/74)	37.30	74.60	149.20	298.40	746.00	1,492.00	14,920	4.15	4.90
9½ to 10 years (6/1/75)	38.07	76.14	152.28	304.56	761.40	1,522.80	15,228	4.15	5.67
EXTENDED MATURITY VALUE (10 years from original maturity date)[3] (12/1/75)	39.15	78.30	156.60	313.20	783.00	1,566.00	15,660	[4] 4.23	----------

[1] Month, day, and year on which issues of April 1, 1956, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to extended maturity at extended maturity values prior to the June 1, 1956, revision.
[3] 10 years and 3 months from issue date. Extended maturity value improved by the revision of June 1, 1956.
[4] Yield on purchase price from issue date to extended maturity date is 3.76 percent.

TABLE 43

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1956

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after original maturity (beginning 9 years 9 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD							(2) On the redemption value at start of the extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption values from beginning of each half-year period to extended maturity
								Percent	Percent
First ½ year[1] (2/1/66)	$25.83	$51.66	$103.32	$206.64	$516.60	$1,033.20	$10,332	0.00	[2] 4.15
½ to 1 year (8/1/66)	26.37	52.74	105.48	210.96	527.40	1,054.80	10,548	4.18	[3] 4.15
1 to 1½ years (2/1/67)	26.91	53.82	107.64	215.28	538.20	1,076.40	10,764	4.14	[3] 4.15
1½ to 2 years (8/1/67)	27.47	54.94	109.88	219.76	549.40	1,098.80	10,988	4.15	[3] 4.15
2 to 2½ years (2/1/68)	28.04	56.08	112.16	224.32	560.80	1,121.60	11,216	4.15	[3] 4.15
2½ to 3 years (8/1/68)	28.62	57.24	114.48	228.96	572.40	1,144.80	11,448	4.15	4.25
3 to 3½ years (2/1/69)	29.22	58.44	116.88	233.76	584.40	1,168.80	11,688	4.15	4.26
3½ to 4 years (8/1/69)	29.82	59.64	119.28	238.56	596.40	1,192.80	11,928	4.15	4.27
4 to 4½ years (2/1/70)	30.44	60.88	121.76	243.52	608.80	1,217.60	12,176	4.15	4.28
4½ to 5 years (8/1/70)	31.07	62.14	124.28	248.56	621.40	1,242.80	12,428	4.15	4.29
5 to 5½ years (2/1/71)	31.71	63.44	126.88	253.76	634.40	1,268.80	12,688	4.15	4.30
5½ to 6 years (8/1/71)	32.38	64.76	129.52	259.04	647.60	1,295.20	12,952	4.15	4.32
6 to 6½ years (2/1/72)	33.06	66.10	132.20	264.40	661.00	1,322.00	13,220	4.15	4.34
6½ to 7 years (8/1/72)	33.71	67.46	134.92	269.84	674.60	1,349.20	13,492	4.15	4.37
7 to 7½ years (2/1/73)	34.43	68.86	137.72	275.44	688.60	1,377.20	13,772	4.15	4.41
7½ to 8 years (8/1/73)	35.15	70.30	140.60	281.20	703.00	1,406.00	14,060	4.15	4.45
8 to 8½ years (2/1/74)	35.88	71.76	143.52	287.04	717.60	1,435.20	14,352	4.15	4.53
8½ to 9 years (8/1/74)	36.61	73.24	146.48	292.96	732.40	1,464.80	14,648	4.15	4.66
9 to 9½ years (2/1/75)	37.36	74.76	149.52	299.04	747.60	1,495.20	14,952	4.15	4.92
9½ to 10 years (8/1/75)	38.11	76.22	152.44	304.88	763.20	1,526.40	15,264	4.15	5.66
EXTENDED MATURITY VALUE (10 years from original maturity date)[3] (2/1/76)	38.94	77.88	155.76	311.52	779.00	1,558.00	15,580	[4] 4.23	----------

[1] Month, day, and year on which issues of June 1, 1956, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the June 1, 1956, revision.
[3] 10 years and 3 months from issue date. Extended maturity value improved by the revision of June 1, 1956.
[4] Yield on purchase price from issue date to extended maturity date is 3.79 percent.

TABLE 44

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1956, THROUGH JANUARY 1, 1957

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after original maturity (beginning 9 years 8 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD							(2) On the redemption values at start of the extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption values from beginning of each half-year period to extended maturity
								Percent	Percent
First ½ year[1] (8/1/66)	$25.97	$51.94	$103.88	$207.76	$519.40	$1,038.80	$10,388	0.00	[2] 4.15
½ to 1 year (2/1/67)	26.51	53.02	106.04	212.08	530.20	1,060.40	10,604	4.16	[3] 4.15
1 to 1½ years (8/1/67)	27.06	54.12	108.24	216.48	541.20	1,082.40	10,824	4.15	[3] 4.15
1½ to 2 years (2/1/68)	27.62	55.24	110.48	220.96	552.40	1,104.80	11,048	4.15	[3] 4.15
2 to 2½ years (8/1/68)	28.19	56.38	112.76	225.52	563.80	1,127.60	11,276	4.14	4.25
2½ to 3 years (2/1/69)	28.78	57.56	115.12	230.24	575.60	1,151.20	11,512	4.15	4.26
3 to 3½ years (8/1/69)	29.38	58.76	117.52	235.04	587.60	1,175.20	11,752	4.15	4.26
3½ to 4 years (2/1/70)	29.99	59.98	119.96	239.92	599.80	1,199.60	11,996	4.15	4.27
4 to 4½ years (8/1/70)	30.61	61.22	122.44	244.88	612.20	1,224.40	12,244	4.15	4.28
4½ to 5 years (2/1/71)	31.24	62.48	124.96	249.92	624.80	1,249.60	12,496	4.15	4.30
5 to 5½ years (8/1/71)	31.89	63.78	127.56	255.12	637.80	1,275.60	12,756	4.15	4.31
5½ to 6 years (2/1/72)	32.55	65.10	130.20	260.40	651.00	1,302.00	13,020	4.15	4.33
6 to 6½ years (8/1/72)	33.23	66.46	132.92	265.84	664.60	1,329.20	13,292	4.15	4.35
6½ to 7 years (2/1/73)	33.92	67.84	135.68	271.36	678.40	1,356.80	13,568	4.15	4.38
7 to 7½ years (8/1/73)	34.62	69.24	138.48	276.96	692.40	1,384.80	13,848	4.15	4.42
7½ to 8 years (2/1/74)	35.34	70.68	141.36	282.72	706.80	1,413.60	14,136	4.15	4.47
8 to 8½ years (8/1/74)	36.07	72.14	144.28	288.56	721.40	1,442.80	14,428	4.15	4.56
8½ to 9 years (2/1/75)	36.82	73.64	147.28	294.50	736.40	1,472.80	14,728	4.15	4.69
9 to 9½ years (8/1/75)	37.59	75.18	150.36	300.72	751.80	1,503.60	15,036	4.15	4.94
9½ to 10 years (2/1/76)	38.37	76.74	153.48	306.96	767.40	1,534.80	15,348	4.15	5.73
EXTENDED MATURITY VALUE (10 years from original maturity date)[3] (8/1/76)	39.47	78.94	157.88	315.76	789.40	1,578.80	15,788	[4] 4.22	----------

[1] Month, day, and year on which issues of December 1, 1956, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the June 1, 1956, revision.
[3] 10 years and 8 months from issue date. Extended maturity value improved by the revision of June 1, 1956.
[4] Yield on purchase price from issue date to extended maturity date is 3.82 percent.

TABLE 45

BONDS BEARING ISSUE DATES FROM FEBRUARY 1 THROUGH MAY 1, 1957

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after original maturity (beginning 9 years 11 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD							(2) On the redemption value at start of the extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption value from beginning of each half-year period to extended maturity
								Percent	Percent
First ½ year[1] (1/1/66)	$25.80	$51.60	$103.20	$206.40	$516.00	$1,032.00	$10,320	0.00	[2] 4.15
½ to 1 year (7/1/66)	26.34	52.68	105.36	210.72	526.80	1,053.60	10,536	4.19	[3] 4.15
1 to 1½ years (1/1/67)	26.88	53.76	107.52	215.04	537.60	1,075.20	10,752	4.14	[3] 4.15
1½ to 2 years (7/1/67)	27.44	54.88	109.76	219.52	548.80	1,097.60	10,976	4.15	[3] 4.15
2 to 2½ years (1/1/68)	28.01	56.02	112.04	224.08	560.20	1,120.40	11,204	4.15	[3] 4.15
2½ to 3 years (7/1/68)	28.59	57.18	114.36	228.72	571.80	1,143.60	11,436	4.16	4.25
3 to 3½ years (1/1/69)	29.18	58.36	116.72	233.44	583.60	1,167.20	11,672	4.16	4.26
3½ to 4 years (7/1/69)	29.79	59.58	119.16	238.32	595.80	1,191.60	11,916	4.15	4.27
4 to 4½ years (1/1/70)	30.41	60.82	121.64	243.28	608.20	1,216.40	12,164	4.15	4.28
4½ to 5 years (7/1/70)	31.04	62.08	124.16	248.32	620.80	1,241.60	12,416	4.15	4.29
5 to 5½ years (1/1/71)	31.68	63.36	126.72	253.44	633.60	1,267.20	12,672	4.15	4.31
5½ to 6 years (7/1/71)	32.34	64.68	129.36	258.72	646.80	1,293.60	12,936	4.15	4.32
6 to 6½ years (1/1/72)	33.01	66.02	132.04	264.08	660.20	1,320.40	13,204	4.15	4.34
6½ to 7 years (7/1/72)	33.70	67.40	134.80	269.60	674.00	1,348.00	13,480	4.15	4.37
7 to 7½ years (1/1/73)	34.39	68.78	137.56	275.12	687.80	1,375.60	13,756	4.15	4.41
7½ to 8 years (7/1/73)	35.11	70.22	140.44	280.88	702.20	1,404.40	14,044	4.15	4.46
8 to 8½ years (1/1/74)	35.84	71.68	143.36	286.72	716.80	1,433.60	14,336	4.15	4.53
8½ to 9 years (7/1/74)	36.58	73.16	146.32	292.64	731.60	1,463.20	14,632	4.15	4.67
9 to 9½ years (1/1/75)	37.34	74.68	149.36	298.72	746.80	1,493.60	14,936	4.15	4.92
9½ to 10 years (7/1/75)	38.11	76.22	152.44	304.88	762.20	1,524.40	15,244	4.15	5.72
EXTENDED MATURITY VALUE (10 years from original maturity date)[3] (1/1/76)	39.20	78.40	156.80	313.60	784.00	1,568.00	15,680	[4] 4.25	----------

[1] Month, day, and year on which issues of February 1, 1957, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the June 1, 1956, revision.
[3] 10 years and 11 months from issue date. Extended maturity value improved by the revision of June 1, 1956.
[4] Yield on purchase price from issue date to extended maturity date is 3.94 percent.

TABLE 46

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1957

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after original maturity (beginning 5 years 11 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD							(2) On the redemption value at start of the extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption values from beginning of each half-year period to extended maturity
								Percent	Percent
First ½ year[1] (5/1/66)	$25.91	$51.82	$103.64	$207.28	$518.20	$1,036.40	$10,364	0.00	[2] 4.15
½ to 1 year (11/1/66)	26.45	52.90	105.80	211.60	529.00	1,058.00	10,580	4.17	[2] 4.15
1 to 1½ years (5/1/67)	27.00	54.00	108.00	216.00	540.00	1,080.00	10,800	4.16	[2] 4.15
1½ to 2 years (11/1/67)	27.56	55.12	110.24	220.48	551.20	1,102.40	11,024	4.16	[2] 4.15
2 to 2½ years (5/1/68)	28.13	56.26	112.52	225.04	562.60	1,125.20	11,252	4.15	4.25
2½ to 3 years (11/1/68)	28.71	57.42	114.84	229.68	574.20	1,148.40	11,484	4.15	4.26
3 to 3½ years (5/1/69)	29.31	58.62	117.24	234.48	586.20	1,172.40	11,724	4.15	4.26
3½ to 4 years (11/1/69)	29.92	59.84	119.68	239.36	598.40	1,196.80	11,968	4.15	4.27
4 to 4½ years (5/1/70)	30.54	61.08	122.16	244.32	610.80	1,221.60	12,216	4.15	4.28
4½ to 5 years (11/1/70)	31.17	62.34	124.68	249.36	623.40	1,246.80	12,468	4.15	4.30
5 to 5½ years (5/1/71)	31.82	63.64	127.28	254.56	636.40	1,272.80	12,728	4.15	4.31
5½ to 6 years (11/1/71)	32.48	64.96	129.92	259.84	649.60	1,299.20	12,992	4.15	4.33
6 to 6½ years (5/1/72)	33.15	66.30	132.60	265.20	663.00	1,326.00	13,260	4.15	4.35
6½ to 7 years (11/1/72)	33.84	67.68	135.36	270.72	676.80	1,353.60	13,536	4.15	4.38
7 to 7½ years (5/1/73)	34.54	69.08	138.16	276.32	690.80	1,381.60	13,816	4.15	4.42
7½ to 8 years (11/1/73)	35.26	70.52	141.04	282.08	705.20	1,410.40	14,104	4.15	4.47
8 to 8½ years (5/1/74)	35.99	71.98	143.96	287.92	719.80	1,439.60	14,396	4.15	4.55
8½ to 9 years (11/1/74)	36.74	73.48	146.96	293.92	734.80	1,469.60	14,696	4.15	4.68
9 to 9½ years (5/1/75)	37.50	75.00	150.00	300.00	750.00	1,500.00	15,000	4.15	4.95
9½ to 10 years (11/1/75)	38.28	76.56	153.12	306.24	765.60	1,531.20	15,312	4.15	5.75
EXTENDED MATURITY VALUE (10 years from original maturity date)[4] (5/1/76)	39.38	78.76	157.52	315.04	787.60	1,575.20	15,752	[4] 4.23	

[1] Month, day, and year on which issues of June 1, 1957, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the June 1, 1968, revision.
[3] 18 years and 11 months from issue date. Extended maturity value improved by the revision of June 1, 1968.
[4] Yield on purchase price from issue date to extended maturity date is 2.98 percent.

TABLE 47

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1957, THROUGH MAY 1, 1958

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after original maturity (beginning 5 years 11 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD							(2) On the redemption value at start of the extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption values from beginning of each half-year period to extended maturity
								Percent	Percent
First ½ year[1] (11/1/66)	$26.03	$52.06	$104.12	$208.24	$520.60	$1,041.20	$10,412	0.00	[2] 4.15
½ to 1 year (5/1/67)	26.57	53.14	106.28	212.56	531.40	1,062.80	10,628	4.15	[2] 4.15
1 to 1½ years (11/1/67)	27.12	54.24	108.48	216.96	542.40	1,084.80	10,848	4.14	[2] 4.15
1½ to 2 years (5/1/68)	27.68	55.36	110.72	221.44	553.60	1,107.20	11,072	4.14	4.25
2 to 2½ years (11/1/68)	28.26	56.52	113.04	226.08	565.20	1,130.40	11,304	4.15	4.26
2½ to 3 years (5/1/69)	28.85	57.70	115.40	230.80	577.00	1,154.00	11,540	4.16	4.26
3 to 3½ years (11/1/69)	29.44	58.88	117.76	235.52	588.80	1,177.60	11,776	4.15	4.27
3½ to 4 years (5/1/70)	30.05	60.10	120.20	240.40	601.00	1,202.00	12,020	4.15	4.28
4 to 4½ years (11/1/70)	30.68	61.36	122.72	245.44	613.60	1,227.20	12,272	4.15	4.29
4½ to 5 years (5/1/71)	31.31	62.62	125.24	250.48	626.20	1,252.40	12,524	4.15	4.31
5 to 5½ years (11/1/71)	31.96	63.92	127.84	255.68	639.20	1,278.40	12,784	4.15	4.32
5½ to 6 years (5/1/72)	32.63	65.26	130.52	261.04	652.60	1,305.20	13,052	4.15	4.34
6 to 6½ years (11/1/72)	33.30	66.60	133.20	266.40	666.00	1,332.00	13,320	4.15	4.37
6½ to 7 years (5/1/73)	34.00	68.00	136.00	272.00	680.00	1,360.00	13,600	4.15	4.39
7 to 7½ years (11/1/73)	34.70	69.40	138.80	277.60	694.00	1,388.00	13,880	4.15	4.43
7½ to 8 years (5/1/74)	35.42	70.84	141.68	283.36	708.40	1,416.80	14,168	4.15	4.49
8 to 8½ years (11/1/74)	36.16	72.32	144.64	289.28	723.20	1,446.40	14,464	4.15	4.57
8½ to 9 years (5/1/75)	36.91	73.82	147.64	295.28	738.20	1,476.40	14,764	4.15	4.71
9 to 9½ years (11/1/75)	37.67	75.34	150.68	301.36	753.40	1,506.80	15,068	4.15	5.01
9½ to 10 years (5/1/76)	38.44	76.90	153.80	307.60	769.00	1,538.00	15,380	4.15	5.88
EXTENDED MATURITY VALUE (10 years from original maturity date)[3] (11/1/76)	39.53	79.16	158.32	316.64	791.60	1,583.20	15,832	[4] 4.23	

[1] Month, day, and year on which issues of November 1, 1957, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the June 1, 1968, revision.
[3] 18 years and 11 months from issue date. Extended maturity value improved by the revision of June 1, 1968.
[4] Yield on purchase price from issue date to extended maturity date is 3.90 percent.

TABLE 48

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1958

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after original maturity (beginning 5 years 11 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD							(2) On the redemption value at start of the extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption values from beginning of each half-year period to extended maturity
								Percent	Percent
First ½ year[1] (5/1/67)	$26.14	$52.28	$104.58	$209.12	$522.80	$1,045.60	$10,456	0.00	[2] 4.15
½ to 1 year (11/1/67)	26.68	53.36	106.72	213.44	533.60	1,067.20	10,672	4.18	[2] 4.15
1 to 1½ years (5/1/68)	27.24	54.48	108.96	217.92	544.80	1,089.60	10,896	4.16	4.25
1½ to 2 years (11/1/68)	27.80	55.60	111.20	222.40	556.00	1,112.00	11,120	4.15	4.26
2 to 2½ years (5/1/69)	28.38	56.76	113.52	227.04	567.60	1,135.20	11,352	4.15	4.26
2½ to 3 years (11/1/69)	28.97	57.94	115.88	231.76	579.40	1,158.80	11,588	4.15	4.27
3 to 3½ years (5/1/70)	29.57	59.14	118.28	236.56	591.40	1,182.80	11,828	4.15	4.28
3½ to 4 years (11/1/70)	30.18	60.36	120.72	241.44	603.60	1,207.20	12,072	4.15	4.29
4 to 4½ years (5/1/71)	30.81	61.62	123.24	246.48	616.20	1,232.40	12,324	4.15	4.30
4½ to 5 years (11/1/71)	31.45	62.90	125.80	251.60	629.00	1,258.00	12,580	4.15	4.31
5 to 5½ years (5/1/72)	32.10	64.20	128.40	256.80	642.00	1,284.00	12,840	4.15	4.33
5½ to 6 years (11/1/72)	32.77	65.54	131.08	262.16	655.40	1,310.80	13,108	4.15	4.35
6 to 6½ years (5/1/73)	33.45	66.90	133.80	267.60	669.00	1,338.00	13,380	4.15	4.37
6½ to 7 years (11/1/73)	34.14	68.28	136.56	273.12	682.80	1,365.60	13,656	4.15	4.41
7 to 7½ years (5/1/74)	34.85	69.70	139.40	278.80	697.00	1,394.00	13,940	4.15	4.45
7½ to 8 years (11/1/74)	35.57	71.14	142.28	284.56	711.40	1,422.80	14,228	4.15	4.51
8 to 8½ years (5/1/75)	36.31	72.62	145.24	290.48	726.20	1,452.40	14,524	4.15	4.60
8½ to 9 years (11/1/75)	37.06	74.12	148.24	296.48	741.20	1,482.40	14,824	4.15	4.76
9 to 9½ years (5/1/76)	37.83	75.66	151.32	302.64	756.60	1,513.20	15,132	4.15	5.06
9½ to 10 years (11/1/76)	38.62	77.24	154.48	308.96	772.40	1,544.80	15,448	4.15	5.96
EXTENDED MATURITY VALUE (10 years from original maturity date)[3] (5/1/77)	39.77	79.54	159.08	318.16	795.40	1,590.80	15,908	[4] 4.24	

[1] Month, day, and year on which issues of June 1, 1958, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the June 1, 1968, revision.
[3] 18 years and 11 months from issue date. Extended maturity value improved by the revision of June 1, 1968.
[4] Yield on purchase price from issue date to extended maturity date is 4.01 percent.

TABLE 49

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1958, THROUGH MAY 1, 1959

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after original maturity (beginning 5 years 11 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD							(2) On the redemption value at start of the extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption values from beginning of each half-year period to extended maturity
								Percent	Percent
First ½ year[1] (11/1/67)	$26.26	$52.52	$105.04	$210.08	$525.20	$1,050.40	$10,504	0.00	[2] 4.15
½ to 1 year (5/1/68)	26.80	53.60	107.20	214.40	536.00	1,072.00	10,720	4.11	4.25
1 to 1½ years (11/1/68)	27.36	54.72	109.44	218.88	547.20	1,094.40	10,944	4.15	4.26
1½ to 2 years (5/1/69)	27.93	55.86	111.72	223.44	558.60	1,117.20	11,172	4.15	4.26
2 to 2½ years (11/1/69)	28.51	57.02	114.04	228.08	570.20	1,140.40	11,404	4.15	4.27
2½ to 3 years (5/1/70)	29.10	58.20	116.40	232.80	582.00	1,164.00	11,640	4.15	4.28
3 to 3½ years (11/1/70)	29.70	59.40	118.80	237.60	594.00	1,188.00	11,880	4.15	4.29
3½ to 4 years (5/1/71)	30.32	60.64	121.28	242.56	606.40	1,212.80	12,128	4.15	4.30
4 to 4½ years (11/1/71)	30.95	61.90	123.80	247.60	619.00	1,238.00	12,380	4.15	4.31
4½ to 5 years (5/1/72)	31.59	63.18	126.36	252.72	631.80	1,263.60	12,636	4.15	4.33
5 to 5½ years (11/1/72)	32.25	64.50	129.00	258.00	645.00	1,290.00	12,900	4.15	4.34
5½ to 6 years (5/1/73)	32.92	65.84	131.68	263.36	658.40	1,316.80	13,168	4.15	4.36
6 to 6½ years (11/1/73)	33.60	67.20	134.40	268.80	672.00	1,344.00	13,440	4.15	4.39
6½ to 7 years (5/1/74)	34.30	68.60	137.20	274.40	686.00	1,372.00	13,720	4.15	4.43
7 to 7½ years (11/1/74)	35.01	70.02	140.04	280.08	700.20	1,400.40	14,004	4.15	4.47
7½ to 8 years (5/1/75)	35.73	71.46	142.92	285.84	714.60	1,429.20	14,292	4.15	4.55
8 to 8½ years (11/1/75)	36.46	72.90	145.92	291.84	728.60	1,459.20	14,592	4.15	4.63
8½ to 9 years (5/1/76)	37.23	74.46	148.92	297.84	744.60	1,489.20	14,892	4.15	4.81
9 to 9½ years (11/1/76)	38.01	76.02	152.04	304.08	760.20	1,520.40	15,204	4.15	5.12
9½ to 10 years (5/1/77)	38.79	77.58	155.16	310.32	776.80	1,551.60	15,516	4.15	6.14
EXTENDED MATURITY VALUE (10 years from original maturity date)[3] (11/1/77)	39.98	79.96	159.92	319.84	799.60	1,599.20	15,992	[4] 4.25	

[1] Month, day, and year on which issues of December 1, 1958, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the June 1, 1968, revision.
[3] 18 years and 11 months from issue date. Extended maturity value improved by the revision of June 1, 1968.
[4] Yield on purchase price from issue date to extended maturity date is 4.04 percent.

TABLE 50

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1959

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after original maturity (beginning 7 years 9 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD							(2) On the redemption value at start of the extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption value from beginning of each half-year period to extended maturity
								Percent	Percent
First ½ year[1] (3/1/67)	$25.13	$50.26	$100.52	$201.04	$502.60	$1,005.20	$10,052	0.00	[3] 4.15
½ to 1 year (9/1/67)	25.65	51.30	102.60	205.20	513.00	1,026.00	10,260	4.14	[3] 4.15
1 to 1½ years (3/1/68)	26.18	52.36	104.72	209.44	523.60	1,047.20	10,472	4.14	4.25
1½ to 2 years (9/1/68)	26.73	53.46	106.92	213.84	534.60	1,069.20	10,692	4.16	4.25
2 to 2½ years (3/1/69)	27.28	54.56	109.12	218.24	545.60	1,091.20	10,912	4.15	4.26
2½ to 3 years (9/1/69)	27.85	55.70	111.40	222.80	557.00	1,114.00	11,140	4.15	4.27
3 to 3½ years (3/1/70)	28.43	56.86	113.72	227.44	568.60	1,137.20	11,372	4.16	4.28
3½ to 4 years (9/1/70)	29.02	58.04	116.08	232.16	580.40	1,160.80	11,608	4.15	4.29
4 to 4½ years (3/1/71)	29.62	59.24	118.48	236.96	592.40	1,184.80	11,848	4.15	4.30
4½ to 5 years (9/1/71)	30.23	60.46	120.92	241.84	604.60	1,209.20	12,092	4.15	4.31
5 to 5½ years (3/1/72)	30.86	61.72	123.44	246.88	617.20	1,234.40	12,344	4.15	4.33
5½ to 6 years (9/1/72)	31.50	63.00	126.00	252.00	630.00	1,260.00	12,600	4.15	4.35
6 to 6½ years (3/1/73)	32.15	64.30	128.60	257.20	643.00	1,286.00	12,860	4.15	4.38
6½ to 7 years (9/1/73)	32.82	65.64	131.28	262.56	656.40	1,312.80	13,128	4.15	4.41
7 to 7½ years (3/1/74)	33.50	67.00	134.00	268.00	670.00	1,340.00	13,400	4.15	4.45
7½ to 8 years (9/1/74)	34.20	68.40	136.80	273.60	684.00	1,368.00	13,680	4.15	4.51
8 to 8½ years (3/1/75)	34.91	69.82	139.64	279.28	698.20	1,396.40	13,964	4.15	4.59
8½ to 9 years (9/1/75)	35.63	71.26	142.52	285.04	712.60	1,425.20	14,252	4.15	4.75
9 to 9½ years (3/1/76)	36.37	72.74	145.48	290.96	727.40	1,454.80	14,548	4.15	5.05
9½ to 10 years (9/1/76)	37.12	74.24	148.48	296.96	742.40	1,484.80	14,848	4.15	5.98
EXTENDED MATURITY VALUE (16 years from original maturity date)[2] (3/1/77)	38.23	76.46	152.92	305.84	764.60	1,529.20	15,292	[4] 4.24	----------

[1] Month, day, and year on which issues of June 1, 1959, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the June 1, 1965, revision.
[3] 17 years and 9 months from issue date. Extended maturity value improved by the revision of June 1, 1965.
[4] Yield on purchase price from issue date to extended maturity date is 4.06 percent.

TABLE 51

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1959, THROUGH MAY 1, 1960

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after original maturity (beginning 7 years 9 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD							(2) On the redemption value at start of the extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption value from beginning of each half-year period to extended maturity
								Percent	Percent
First ½ year[1] (9/1/67)	$25.18	$50.36	$100.72	$201.44	$503.60	$1,007.20	$10,072	0.00	[3] 4.15
½ to 1 year (3/1/68)	25.70	51.40	102.80	205.60	514.00	1,028.00	10,280	4.13	4.25
1 to 1½ years (9/1/68)	26.24	52.48	104.96	209.92	524.80	1,049.60	10,496	4.17	4.26
1½ to 2 years (3/1/69)	26.78	53.56	107.12	214.24	535.60	1,071.20	10,712	4.15	4.28
2 to 2½ years (9/1/69)	27.34	54.68	109.36	218.72	546.80	1,093.60	10,936	4.16	4.27
2½ to 3 years (3/1/70)	27.90	55.80	111.60	223.20	558.00	1,116.00	11,160	4.15	4.28
3 to 3½ years (9/1/70)	28.48	56.96	113.92	227.84	569.60	1,139.20	11,392	4.15	4.29
3½ to 4 years (3/1/71)	29.07	58.14	116.28	232.56	581.40	1,162.80	11,628	4.15	4.30
4 to 4½ years (9/1/71)	29.68	59.36	118.72	237.44	593.60	1,187.20	11,872	4.15	4.31
4½ to 5 years (3/1/72)	30.29	60.58	121.16	242.32	605.80	1,211.60	12,116	4.15	4.33
5 to 5½ years (9/1/72)	30.92	61.84	123.68	247.36	618.40	1,236.80	12,368	4.15	4.34
5½ to 6 years (3/1/73)	31.56	63.12	126.24	252.48	631.20	1,262.40	12,624	4.15	4.37
6 to 6½ years (9/1/73)	32.22	64.44	128.88	257.76	644.40	1,288.80	12,888	4.15	4.39
6½ to 7 years (3/1/74)	32.89	65.78	131.56	263.12	657.80	1,315.60	13,156	4.15	4.42
7 to 7½ years (9/1/74)	33.57	67.14	134.28	268.56	671.40	1,342.80	13,428	4.15	4.47
7½ to 8 years (3/1/75)	34.26	68.52	137.04	274.08	685.20	1,370.40	13,704	4.15	4.54
8 to 8½ years (9/1/75)	34.96	69.96	139.92	279.84	699.60	1,399.20	13,992	4.15	4.63
8½ to 9 years (3/1/76)	35.70	71.40	142.80	285.60	714.00	1,428.00	14,280	4.15	4.80
9 to 9½ years (9/1/76)	36.44	72.88	145.76	291.52	728.80	1,457.60	14,576	4.15	5.12
9½ to 10 years (3/1/77)	37.20	74.40	148.80	297.60	744.00	1,488.00	14,880	4.15	6.08
EXTENDED MATURITY VALUE (10 years from original maturity date)[2] (9/1/77)	38.33	76.66	153.32	306.64	766.60	1,533.20	15,332	[4] 4.25	----------

[1] Month, day, and year on which issues of December 1, 1959, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each half-year period to extended maturity at extended maturity value prior to the June 1, 1965, revision.
[3] 17 years and 9 months from issue date. Extended maturity value improved by the revision of June 1, 1965.
[4] Yield on purchase price from issue date to extended maturity date is 4.07 percent.

TABLE 52

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1960

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after issue date	(1) Redemption values during each half-year period[1] (values increase on first day of period shown)							(2) On the redemption value at start of each maturity or extended maturity period to beginning of each half-year period thereafter	(3) On current redemption value from beginning of each half-year period[1] (a) to maturity
								Percent	Percent
First ½ year[2] (6/1/60)	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7,500	0.00	[3] 3.75
½ to 1 year (12/1/60)	18.91	37.82	75.64	151.28	378.20	756.40	7,564	1.71	[3] 3.89
1 to 1½ years (6/1/61)	19.19	38.38	76.76	153.52	383.80	767.60	7,676	2.33	[3] 3.96
1½ to 2 years (12/1/61)	19.51	39.02	78.04	156.08	390.20	780.40	7,804	2.67	[3] 4.01
2 to 2½ years (6/1/62)	19.90	39.80	79.60	159.20	398.00	796.00	7,960	3.00	[3] 4.01
2½ to 3 years (12/1/62)	20.28	40.56	81.12	162.24	405.60	811.20	8,112	3.16	[3] 4.03
3 to 3½ years (6/1/63)	20.66	41.32	82.64	165.28	413.20	826.40	8,264	3.26	[3] 4.05
3½ to 4 years (12/1/63)	21.07	42.14	84.28	168.56	421.40	842.80	8,428	3.36	[3] 4.06
4 to 4½ years (6/1/64)	21.60	43.00	86.00	172.00	430.00	860.00	8,600	3.45	[3] 4.06
4½ to 5 years (12/1/64)	21.95	43.90	87.80	175.60	439.00	878.00	8,780	3.53	[3] 4.04
5 to 5½ years (6/1/65)	22.40	44.80	89.60	179.20	448.00	896.00	8,960	3.59	[3] 4.03
5½ to 6 years (12/1/65)	22.86	45.72	91.44	182.88	457.20	914.40	9,144	3.64	[3] 4.43
6 to 6½ years (6/1/66)	23.33	46.66	93.32	186.64	466.60	933.20	9,332	3.68	[3] 4.52
6½ to 7 years (12/1/66)	23.83	47.66	95.32	190.64	476.60	953.20	9,532	3.72	[3] 4.62
7 to 7½ years (6/1/67)	24.37	48.74	97.48	194.96	487.40	974.80	9,748	3.78	[3] 4.66
7½ years to 7 years and 9 months (12/1/67)	24.93	49.86	99.72	199.44	498.60	997.20	9,972	3.83	[3] 4.84
MATURITY VALUE (7 years and 9 months from issue date) (3/1/68)	25.23	50.46	100.92	201.84	504.60	1,009.20	10,092	3.87	----------

Period after maturity date	EXTENDED MATURITY PERIOD								(b) to extended maturity
									Percent
First ½ year (3/1/68)	$25.23	$50.46	$100.92	$201.84	$504.60	$1,009.20	$10,092	0.00	4.25
½ to 1 year (9/1/68)	25.75	51.50	103.00	206.00	515.00	1,030.00	10,300	4.12	4.26
1 to 1½ years (3/1/69)	26.29	52.58	105.16	210.32	525.80	1,051.60	10,516	4.16	4.26
1½ to 2 years (9/1/69)	26.83	53.66	107.32	214.64	536.60	1,073.20	10,732	4.14	4.27
2 to 2½ years (3/1/70)	27.39	54.78	109.56	219.12	547.80	1,095.60	10,956	4.15	4.28
2½ to 3 years (9/1/70)	27.96	55.92	111.84	223.68	559.20	1,118.40	11,184	4.15	4.28
3 to 3½ years (3/1/71)	28.54	57.08	114.16	228.32	570.80	1,141.60	11,416	4.15	4.29
3½ to 4 years (9/1/71)	29.13	58.26	116.52	233.04	582.60	1,165.20	11,652	4.15	4.30
4 to 4½ years (3/1/72)	29.74	59.48	118.96	237.92	594.80	1,189.60	11,896	4.15	4.31
4½ to 5 years (9/1/72)	30.35	60.70	121.40	242.80	607.00	1,214.00	12,140	4.15	4.33
5 to 5½ years (3/1/73)	30.98	61.96	123.92	247.84	619.60	1,239.20	12,392	4.15	4.35
5½ to 6 years (9/1/73)	31.62	63.24	126.48	252.96	632.40	1,264.80	12,648	4.15	4.38
6 to 6½ years (3/1/74)	32.28	64.56	129.12	258.24	645.60	1,291.20	12,912	4.15	4.40
6½ to 7 years (9/1/74)	32.95	65.90	131.80	263.60	659.00	1,318.00	13,180	4.15	4.44
7 to 7½ years (3/1/75)	33.63	67.26	134.52	269.04	672.60	1,345.20	13,452	4.15	4.49
7½ to 8 years (9/1/75)	34.33	68.66	137.32	274.64	686.60	1,373.20	13,732	4.15	4.55
8 to 8½ years (3/1/76)	35.05	70.10	140.20	280.40	701.00	1,402.00	14,020	4.15	4.64
8½ to 9 years (9/1/76)	35.77	71.54	143.08	286.16	715.40	1,430.80	14,308	4.15	4.82
9 to 9½ years (3/1/77)	36.51	73.02	146.04	292.08	730.20	1,460.40	14,604	4.15	5.16
9½ to 10 years (9/1/77)	37.27	74.54	149.08	298.16	745.40	1,490.80	14,908	4.15	6.17
EXTENDED MATURITY VALUE (10 years from original maturity date)[4] (3/1/78)	38.42	76.84	153.68	307.36	768.40	1,536.80	15,368	[5] 4.25	----------

[1] 3-month period in the case of the 7½-year to 7-year and 9-month period.
[2] Month, day, and year on which issues of June 1, 1960, enter each period. For subsequent issue months add the appropriate number of months.
[3] Yield from beginning of each period to maturity at maturity value prior to the December 1, 1965, revision.
[4] Yield from beginning of each period to maturity at maturity value prior to the June 1, 1965, revision.
[5] 17 years and 9 months from issue date. Extended maturity value improved by the revision of June 1, 1965.
[6] Yield on purchase price from issue date to extended maturity date is 4.06 percent.

TABLE 53

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1960, THROUGH MAY 1, 1961

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after issue date	(1) Redemption values during each half-year period [1] (values increase on first day of period shown)							(2) On the redemption value at start of each maturity or extended maturity period to beginning of each half-year period thereafter	(3) On current redemption value from beginning of each half-year period [1] (a) to maturity
								Percent	Percent
First ½ year (12/1/60)	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7,500	0.00	[2] 3.75
½ to 1 year (6/1/61)	18.91	37.82	75.64	151.28	378.20	756.40	7,564	1.71	[2] 3.89
1 to 1½ years (12/1/61)	19.19	38.38	76.76	153.52	383.80	767.60	7,676	2.67	[3] 4.01
1½ to 2 years (6/1/62)	19.51	39.02	78.04	156.08	390.20	780.40	7,804	3.00	[3] 4.01
2 to 2½ years (12/1/62)	19.90	39.80	79.60	159.20	398.00	796.00	7,960	3.16	[3] 4.03
2½ to 3 years (6/1/63)	20.28	40.56	81.12	162.24	405.60	811.20	8,112	3.26	[3] 4.05
3 to 3½ years (12/1/63)	20.66	41.32	82.64	165.28	413.20	826.40	8,264	3.36	[3] 4.06
3½ to 4 years (6/1/64)	21.07	42.14	84.28	168.56	421.40	842.80	8,428	3.45	[3] 4.06
4 to 4½ years (12/1/64)	21.50	43.00	86.00	172.00	430.00	860.00	8,600	3.53	[3] 4.04
4½ to 5 years (6/1/65)	21.95	43.90	87.80	175.60	439.00	878.00	8,780	3.59	[4] 4.45
5 to 5½ years (12/1/65)	22.40	44.80	89.60	179.20	448.00	896.00	8,960	3.64	[4] 4.50
5½ to 6 years (6/1/66)	22.87	45.74	91.48	182.96	457.40	914.80	9,148	3.69	[4] 4.59
6 to 6½ years (12/1/66)	23.35	46.70	93.40	186.80	467.00	934.00	9,340	3.75	[4] 4.64
6½ to 7 years (6/1/67)	23.67	47.74	95.48	190.96	477.40	954.80	9,548	3.80	[4] 4.72
7 to 7½ years (12/1/67)	24.41	48.82	97.64	195.28	488.20	976.40	9,764		
7½ years to 7 years and 9 months (6/1/68)	24.97	49.94	99.88	199.76	499.40	998.80	9,988	3.86	[4] 5.00
MATURITY VALUE (7 years and 9 months from issue date) (9/1/68)	25.28	50.56	101.12	202.24	505.60	1,011.20	10,112	3.89	
Period after maturity date	EXTENDED MATURITY PERIOD								(b) to extended maturity
First ½ year (9/1/68)	$25.28	$50.56	$101.12	$202.24	$505.60	$1,011.20	$10,112	0.00	4.25
½ to 1 year (3/1/69)	25.80	51.60	103.20	206.40	516.00	1,032.00	10,320	4.11	4.26
1 to 1½ years (9/1/69)	26.34	52.68	105.36	210.72	526.80	1,053.60	10,536	4.15	4.26
1½ to 2 years (3/1/70)	26.89	53.78	107.56	215.12	537.80	1,075.60	10,756	4.16	4.26
2 to 2½ years (9/1/70)	27.44	54.88	109.76	219.52	548.80	1,097.60	10,976	4.14	4.25
2½ to 3 years (3/1/71)	28.01	56.02	112.04	224.08	560.20	1,120.40	11,204	4.14	4.28
3 to 3½ years (9/1/71)	28.60	57.20	114.40	228.80	572.00	1,144.00	11,440	4.16	4.29
3½ to 4 years (3/1/72)	29.19	58.38	116.76	233.52	583.80	1,167.60	11,676	4.15	4.30
4 to 4½ years (9/1/72)	29.79	59.58	119.16	238.32	595.80	1,191.60	11,916	4.15	4.32
4½ to 5 years (3/1/73)	30.41	60.82	121.64	243.28	608.20	1,216.40	12,164	4.15	4.33
5 to 5½ years (9/1/73)	31.04	62.08	124.16	248.32	620.80	1,241.60	12,416	4.15	4.35
5½ to 6 years (3/1/74)	31.69	63.38	126.76	253.52	633.80	1,267.60	12,676	4.15	4.37
6 to 6½ years (9/1/74)	32.35	64.70	129.40	258.80	647.00	1,294.00	12,940	4.15	4.39
6½ to 7 years (3/1/75)	33.02	66.04	132.08	264.16	660.40	1,320.80	13,208	4.15	4.42
7 to 7½ years (9/1/75)	33.70	67.40	134.80	269.60	674.00	1,348.00	13,480	4.15	4.48
7½ to 8 years (3/1/76)	34.40	68.80	137.60	275.20	688.00	1,376.00	13,760	4.15	4.54
8 to 8½ years (9/1/76)	35.11	70.22	140.44	280.88	702.20	1,404.40	14,044	4.15	4.65
8½ to 9 years (3/1/77)	35.84	71.68	143.36	286.72	716.80	1,433.60	14,336	4.15	4.81
9 to 9½ years (9/1/77)	36.59	73.18	146.36	292.72	731.80	1,463.60	14,636	4.15	5.13
9½ to 10 years (3/1/78)	37.33	74.70	149.40	298.80	747.00	1,494.00	14,940	4.15	6.10
EXTENDED MATURITY VALUE (10 years from original maturity date) (9/1/78)	38.48	76.96	153.96	307.92	769.80	1,539.60	15,396	[4] 4.25	

[1] 3-month period in the case of the 7½-year to 7-year and 9-month period.
[2] Month, day, and year on which issues of December 1, 1960, enter each period. For subsequent issue months add the appropriate number of months.
[3] Yield from beginning of each period to maturity at maturity value prior to the December 1, 1965, revision.
[4] Yield from beginning of each period to maturity at maturity value prior to the June 1, 1968, revision.
[5] 17 years and 9 months from issue date. Extended maturity value improved by the revision of June 1, 1968.
[6] Yield on purchase price from issue date to extended maturity date is 4.09 percent.

TABLE 54.

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1961

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after issue date	(1) Redemption values during each half-year period [1] (values increase on first day of period shown)							(2) On purchase price from issue date to beginning of each half-year period [1]	(3) On current redemption value from beginning of each half-year period [1] to maturity
								Percent	Percent
First ½ year [2] (6/1/61)	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7,500	0.00	[3] 3.75
½ to 1 year (12/1/61)	18.91	37.82	75.64	151.28	378.20	756.40	7,564	1.71	[3] 3.89
1 to 1½ years (6/1/62)	19.19	38.38	76.76	153.52	383.80	767.60	7,676	2.33	[3] 3.95
1½ to 2 years (12/1/62)	19.51	39.02	78.04	156.08	390.20	780.40	7,804	2.67	[3] 4.01
2 to 2½ years (6/1/63)	19.90	39.80	79.60	159.20	398.00	796.00	7,960	3.00	[3] 4.01
2½ to 3 years (12/1/63)	20.28	40.56	81.12	162.24	405.60	811.20	8,112	3.16	[3] 4.03
3 to 3½ years (6/1/64)	20.66	41.32	82.64	165.28	413.20	826.40	8,264	3.26	[3] 4.05
3½ to 4 years (12/1/64)	21.07	42.14	84.28	168.56	421.40	842.80	8,428	3.36	[3] 4.06
4 to 4½ years (6/1/65)	21.50	43.00	86.00	172.00	430.00	860.00	8,600	3.45	[3] 4.06
4½ to 5 years (12/1/65)	21.95	43.90	87.80	175.60	439.00	878.00	8,780	3.53	[4] 4.44
5 to 5½ years (6/1/66)	22.41	44.82	89.64	179.28	448.20	896.40	8,964	3.60	[4] 4.49
5½ to 6 years (12/1/66)	22.89	45.78	91.56	183.12	457.80	915.60	9,156	3.66	[4] 4.53
6 to 6½ years (6/1/67)	23.38	46.76	93.52	187.04	467.60	935.20	9,352	3.71	[4] 4.61
6½ to 7 years (12/1/67)	23.91	47.82	95.64	191.28	478.20	956.40	9,564	3.78	[4] 4.64
7 to 7½ years (6/1/68)	24.46	48.92	97.84	195.68	489.20	978.40	9,784	3.83	4.77
7½ years to 7 years and 9 months (12/1/68)	25.02	50.04	100.08	200.16	500.40	1,000.80	10,008	3.88	5.15
MATURITY VALUE (7 years and 9 months from issue date) [5] (3/1/69)	25.34	50.68	101.36	202.72	506.80	1,013.60	10,136	3.92	

[1] 3-month period in the case of the 7½-year to 7-year and 9-month period.
[2] Month, day, and year on which issues of June 1, 1961, enter each period. For subsequent issue months add the appropriate number of months.
[3] Yield from beginning of each period to maturity at maturity value prior to the December 1, 1965, revision.
[4] Yield from beginning of each period to maturity at maturity value prior to the June 1, 1968, revision.
[5] Maturity value improved by the revision of June 1, 1968.

TABLE 55

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1961, THROUGH MAY 1, 1962

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after issue date	(1) Redemption values during each half-year period (values increase on first day of period shown)							(2) On purchase price from issue date to beginning of each half-year period [1]	(3) On current redemption value from beginning of each half-year period [1] to maturity
								Percent	Percent
First ½ year [2] (12/1/61)	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7,500	0.00	[3] 3.75
½ to 1 year (6/1/62)	18.91	37.82	75.64	151.28	378.20	756.40	7,564	1.71	[3] 3.89
1 to 1½ years (12/1/62)	19.19	38.38	76.76	153.52	383.80	767.60	7,676	2.33	[3] 3.95
1½ to 2 years (6/1/63)	19.51	39.02	78.04	156.08	390.20	780.40	7,804	2.67	[3] 4.01
2 to 2½ years (12/1/63)	19.90	39.80	79.60	159.20	398.00	796.00	7,960	3.00	[3] 4.01
2½ to 3 years (6/1/64)	20.28	40.56	81.12	162.24	405.60	811.20	8,112	3.16	[3] 4.03
3 to 3½ years (12/1/64)	20.66	41.32	82.64	165.28	413.20	826.40	8,264	3.26	[3] 4.05
3½ to 4 years (6/1/65)	21.07	42.14	84.28	168.56	421.40	842.80	8,428	3.36	[3] 4.06
4 to 4½ years (12/1/65)	21.50	43.00	86.00	172.00	430.00	860.00	8,600	3.45	[3] 4.06
4½ to 5 years (6/1/66)	21.96	43.92	87.84	175.68	439.20	878.40	8,784	3.54	[4] 4.49
5 to 5½ years (12/1/66)	22.42	44.84	89.68	179.36	448.40	896.80	8,968	3.61	[4] 4.55
5½ to 6 years (6/1/67)	22.91	45.82	91.64	183.28	458.20	916.40	9,164	3.68	[4] 4.58
6 to 6½ years (12/1/67)	23.42	46.84	93.68	187.36	468.40	936.80	9,368	3.74	[4] 4.62
6½ to 7 years (6/1/68)	23.95	47.90	95.80	191.60	479.00	958.00	9,580	3.80	4.79
7 to 7½ years (12/1/68)	24.50	49.00	98.00	196.00	490.00	980.00	9,800	3.86	4.92
7½ years to 7 years and 9 months (6/1/69)	25.07	50.14	100.28	200.56	501.40	1,002.80	10,028	3.91	5.46
MATURITY VALUE (7 years and 9 months from issue date) [5] (9/1/69)	25.41	50.82	101.64	203.28	508.20	1,016.40	10,164	3.96	

[1] 3-month period in the case of the 7½-year to 7-year and 9-month period.
[2] Month, day, and year on which issues of December 1, 1961, enter each period. For subsequent issue months add the appropriate number of months.
[3] Yield from beginning of each period to maturity at maturity value prior to the December 1, 1965, revision.
[4] Yield from beginning of each period to maturity at maturity value prior to the June 1, 1968, revision.
[5] Maturity value improved by the revision of June 1, 1968.

TABLE 56

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1962

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after issue date	(1) Redemption values during each half-year period [1] (values increase on first day of period shown)							(2) On purchase price from issue date to beginning of each half-year period [2]	(3) On current redemption value from beginning of each half-year period [1] to maturity
								Percent	Percent
First ½ year [3] (6/1/62)	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7,500	0.00	[5] 3.75
½ to 1 year (12/1/62)	18.91	37.82	75.64	151.28	378.20	756.40	7,564	1.71	[5] 3.89
1 to 1½ years (6/1/63)	19.19	38.38	76.76	153.52	383.80	767.60	7,676	2.33	[5] 3.96
1½ to 2 years (12/1/63)	19.51	39.02	78.04	156.08	390.20	780.40	7,804	2.67	[6] 4.01
2 to 2½ years (6/1/64)	19.90	39.80	79.60	159.20	398.00	796.00	7,960	3.00	[6] 4.01
2½ to 3 years (12/1/64)	20.28	40.56	81.12	162.24	405.60	811.20	8,112	3.16	[6] 4.03
3 to 3½ years (6/1/65)	20.69	41.32	82.64	165.28	413.20	826.40	8,264	3.26	[6] 4.05
3½ to 4 years (12/1/65)	21.07	42.14	84.28	168.56	421.40	842.80	8,428	3.36	[6] 4.47
4 to 4½ years (6/1/66)	21.51	43.02	86.04	172.08	430.20	860.40	8,604	3.46	[6] 4.50
4½ to 5 years (12/1/66)	21.97	43.94	87.88	175.76	439.40	878.80	8,788	3.55	[6] 4.54
5 to 5½ years (6/1/67)	22.45	44.90	89.80	179.60	449.00	898.00	8,980	3.63	[6] 4.57
5½ to 6 years (12/1/67)	22.95	45.90	91.80	183.60	459.00	918.00	9,180	3.71	[6] 4.60
6 to 6½ years (6/1/68)	23.46	46.92	93.84	187.68	469.20	938.40	9,384	3.77	4.75
6½ to 7 years (12/1/68)	23.99	47.98	95.96	191.92	479.80	959.60	9,596	3.83	4.85
7 to 7½ years (6/1/69)	24.55	49.10	98.20	196.40	491.00	982.00	9,820	3.89	4.97
7½ years to 7 years and 9 months (12/1/69)	25.12	50.24	100.48	200.96	502.40	1,004.80	10,048	3.94	5.61
MATURITY VALUE (7 years and 9 months from issue date) [4] (3/1/70)	25.47	50.94	101.88	203.76	509.40	1,018.80	10,188	3.99	----------

[1] 3-month period in the case of the 7½-year to 7-year and 9-month period.
[2] Month, day, and year on which issues of June 1, 1962, enter each period. For subsequent issue months add the appropriate number of months.
[3] Yield from beginning of each period to maturity at maturity value prior to the December 1, 1965, revision.
[4] Yield from beginning of each period to maturity at maturity value prior to the June 1, 1965, revision.
[5] Maturity value improved by the revision of June 1, 1965.

TABLE 57

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1962, THROUGH MAY 1, 1963

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after issue date	(1) Redemption values during each half-year period [1] (values increase on first day of period shown)							(2) On purchase price from issue date to beginning of each half-year period [2]	(3) On current redemption value from beginning of each half-year period [1] to maturity
								Percent	Percent
First ½ year [3] (12/1/62)	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7,500	0.00	[5] 3.75
½ to 1 year (6/1/63)	18.91	37.82	75.64	151.28	378.20	756.40	7,564	1.71	[5] 3.89
1 to 1½ years (12/1/63)	19.19	38.38	76.76	153.52	383.80	767.60	7,676	2.33	[5] 3.96
1½ to 2 years (6/1/64)	19.51	39.02	78.04	156.08	390.20	780.40	7,804	2.67	[6] 4.01
2 to 2½ years (12/1/64)	19.90	39.80	79.60	159.20	398.00	796.00	7,960	3.00	[6] 4.01
2½ to 3 years (6/1/65)	20.28	40.56	81.12	162.24	405.60	811.20	8,112	3.16	[6] 4.03
3 to 3½ years (12/1/65)	20.66	41.32	82.64	165.28	413.20	826.40	8,264	3.26	[6] 4.46
3½ to 4 years (6/1/66)	21.05	42.16	84.32	168.64	421.60	843.20	8,432	3.37	[6] 4.50
4 to 4½ years (12/1/66)	21.52	43.04	86.08	172.16	430.40	860.80	8,608	3.47	[6] 4.54
4½ to 5 years (6/1/67)	21.99	43.98	87.96	175.92	439.80	879.60	8,796	3.57	[6] 4.57
5 to 5½ years (12/1/67)	22.48	44.96	89.92	179.84	449.60	899.20	8,992	3.66	[6] 4.59
5½ to 6 years (6/1/68)	22.98	45.96	91.92	183.84	459.60	919.20	9,192	3.73	4.73
6 to 6½ years (12/1/68)	23.50	47.00	94.00	188.00	470.00	940.00	9,400	3.80	4.79
6½ to 7 years (6/1/69)	24.04	48.08	96.16	192.32	480.80	961.60	9,616	3.86	4.87
7 to 7½ years (12/1/69)	24.60	49.20	98.40	196.80	492.00	984.00	9,840	3.92	5.01
7½ years to 7 years and 9 months (6/1/70)	25.17	50.34	100.68	201.36	503.40	1,006.80	10,068	3.96	5.76
MATURITY VALUE (7 years and 9 months from issue date) [4] (9/1/70)	25.53	51.06	102.12	204.24	510.60	1,021.20	10,212	4.02	----------

[1] 3-month period in the case of the 7½-year to 7-year and 9-month period.
[2] Month, day, and year on which issues of December 1, 1962, enter each period. For subsequent issue months add the appropriate number of months.
[3] Yield from beginning of each period to maturity at maturity value prior to the December 1, 1965, revision.
[4] Yield from beginning of each period to maturity at maturity value prior to the June 1, 1965, revision.
[5] Maturity value improved by the revision of June 1, 1965.

TABLE 58

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1963

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after issue date	(1) Redemption values during each half-year period [1] (values increase on first day of period shown)							(2) On purchase price from issue date to beginning of each half-year period [2]	(3) On current redemption value from beginning of each half-year period [1] to maturity
								Percent	Percent
First ½ year [3] (6/1/63)	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7,500	0.00	[5] 3.75
½ to 1 year (12/1/63)	18.91	37.82	75.64	151.28	378.20	756.40	7,564	1.71	[5] 3.89
1 to 1½ years (6/1/64)	19.19	38.38	76.76	153.52	383.80	767.60	7,676	2.33	[5] 3.96
1½ to 2 years (12/1/64)	19.51	39.02	78.04	156.08	390.20	780.40	7,804	2.67	[6] 4.01
2 to 2½ years (6/1/65)	19.90	39.80	79.60	159.20	398.00	796.00	7,960	3.00	[6] 4.01
2½ to 3 years (12/1/65)	20.28	40.56	81.12	162.24	405.60	811.20	8,112	3.16	[6] 4.43
3 to 3½ years (6/1/66)	20.67	41.34	82.68	165.36	413.40	826.80	8,268	3.28	[6] 4.49
3½ to 4 years (12/1/66)	21.09	42.18	84.36	168.72	421.80	843.60	8,436	3.39	[6] 4.54
4 to 4½ years (6/1/67)	21.54	43.08	86.16	172.32	430.80	861.60	8,616	3.50	[6] 4.57
4½ to 5 years (12/1/67)	22.02	44.04	88.08	176.16	440.40	880.80	8,808	3.60	[6] 4.59
5 to 5½ years (6/1/68)	22.51	45.02	90.04	180.08	450.20	900.40	9,004	3.69	4.72
5½ to 6 years (12/1/68)	23.02	46.04	92.08	184.16	460.40	920.80	9,208	3.77	4.76
6 to 6½ years (6/1/69)	23.54	47.08	94.16	188.32	470.80	941.60	9,416	3.83	4.83
6½ to 7 years (12/1/69)	24.08	48.16	96.32	192.64	481.60	963.20	9,632	3.89	4.93
7 to 7½ years (6/1/70)	24.64	49.28	98.56	197.12	492.80	985.60	9,856	3.94	5.11
7½ years to 7 years and 9 months (12/1/70)	25.22	50.44	100.88	201.76	504.40	1,008.80	10,088	3.99	5.91
MATURITY VALUE (7 years and 9 months from issue date) [4] (3/1/71)	25.59	51.18	102.36	204.72	511.80	1,023.60	10,236	4.05	----------

[1] 3-month period in the case of the 7½-year to 7-year and 9-month period.
[2] Month, day, and year on which issues of June 1, 1963, enter each period. For subsequent issue months add the appropriate number of months.
[3] Yield from beginning of each period to maturity at maturity value prior to the December 1, 1965, revision.
[4] Yield from beginning of each period to maturity at maturity value prior to the June 1, 1965, revision.
[5] Maturity value improved by the revision of June 1, 1965.

TABLE 59

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1963, THROUGH MAY 1, 1964

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$56.25 / 75.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after issue date	(1) Redemption values during each half-year period [1] (values increase on first day of period shown)								(2) On purchase price from issue date to beginning of each half-year period [2]	(3) On current redemption value from beginning of each half-year period [1] to maturity
									Percent	Percent
First ¼ year [3] (12/1/63)	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7,500	0.00	[5] 3.75
½ to 1 year (6/1/64)	18.91	37.82	56.73	75.64	151.28	378.20	756.40	7,564	1.71	[5] 3.89
1 to 1½ years (12/1/64)	19.19	38.38	57.57	76.76	153.52	383.80	767.60	7,676	2.33	[5] 3.96
1½ to 2 years (6/1/65)	19.51	39.02	58.53	78.04	156.08	390.20	780.40	7,804	2.67	[6] 4.01
2 to 2½ years (12/1/65)	19.90	39.80	59.70	79.60	159.20	398.00	796.00	7,960	3.00	[6] 4.41
2½ to 3 years (6/1/66)	20.29	40.58	60.87	81.16	162.32	405.80	811.60	8,116	3.18	[6] 4.45
3 to 3½ years (12/1/66)	20.68	41.36	62.04	82.72	165.44	413.60	827.20	8,272	3.29	[6] 4.52
3½ to 4 years (6/1/67)	21.10	42.20	63.30	84.40	168.80	422.00	844.00	8,440	3.40	[6] 4.57
4 to 4½ years (12/1/67)	21.56	43.12	64.68	86.24	172.48	431.20	862.40	8,624	3.52	[6] 4.60
4½ to 5 years (6/1/68)	22.05	44.10	66.15	88.20	176.40	441.00	882.00	8,820	3.64	4.72
5 to 5½ years (12/1/68)	22.54	45.08	67.62	90.16	180.32	450.80	901.60	9,016	3.72	4.77
5½ to 6 years (6/1/69)	23.05	46.10	69.15	92.20	184.40	461.00	922.00	9,220	3.79	4.82
6 to 6½ years (12/1/69)	23.58	47.16	70.74	94.32	188.64	471.60	943.20	9,432	3.86	4.89
6½ to 7 years (6/1/70)	24.13	48.26	72.39	96.52	193.04	482.60	965.20	9,652	3.92	4.98
7 to 7½ years (12/1/70)	24.69	49.38	74.07	98.76	197.52	493.80	987.60	9,876	3.97	5.20
7½ years to 7 years and 9 months (6/1/71)	25.27	50.54	75.81	101.08	202.16	505.40	1,010.80	10,108	4.02	6.22
MATURITY VALUE (7 years and 9 months from issue date) [4] (9/1/71)	25.66	51.32	76.98	102.64	205.28	513.20	1,026.40	10,264	4.09	----------

[1] 3-month period in the case of the 7½-year to 7-year and 9-month period.
[2] Month, day, and year on which issues of December 1, 1963, enter each period. For subsequent issue months add the appropriate number of months.
[3] Yield from beginning of each period to maturity at maturity value prior to the December 1, 1965, revision.
[4] Yield from beginning of each period to maturity at maturity value prior to the June 1, 1965, revision.
[5] Maturity value improved by the revision of June 1, 1965.

TABLE 60

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1964

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$56.25 / 75.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after issue date	(1) Redemption values during each half-year period [1] (values increase on first day of period shown)								(2) On purchase price from issue date to beginning of each half-year period [4]	(3) On current redemption value from beginning of each half-year period [4] to maturity
									Percent	Percent
First ½ year [2] (6/1/64)	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7,500	0.00	[5] 3.75
½ to 1 year (12/1/64)	18.91	37.82	56.73	75.64	151.28	378.20	756.40	7,564	1.71	[5] 3.89
1 to 1½ years (6/1/65)	19.19	38.38	57.57	76.76	153.52	383.80	767.60	7,676	2.33	[5] 3.96
1½ to 2 years (12/1/65)	19.51	39.02	58.53	78.04	156.08	390.20	780.40	7,804	2.67	[6] 4.41
2 to 2½ years (6/1/66)	19.91	39.82	59.73	79.64	169.28	398.20	796.40	7,964	3.02	[6] 4.43
2½ to 3 years (12/1/66)	20.30	40.60	60.90	81.20	162.40	406.00	812.00	8,120	3.20	[6] 4.48
3 to 3½ years (6/1/67)	20.99	41.38	62.07	82.76	165.52	413.80	827.60	8,276	3.31	[6] 4.55
3½ to 4 years (12/1/67)	21.12	42.24	63.36	84.48	168.96	422.40	844.80	8,448	3.43	[6] 4.60
4 to 4½ years (6/1/68)	21.59	43.18	64.77	86.36	172.72	431.80	863.60	8,636	3.56	[6] 4.72
4½ to 5 years (12/1/68)	22.08	44.16	66.24	88.32	176.64	441.60	883.20	8,832	3.67	4.75
5 to 5½ years (6/1/69)	22.58	45.16	67.74	90.32	180.64	451.60	903.20	9,032	3.75	4.79
5½ to 6 years (12/1/69)	23.09	46.18	69.27	92.36	184.72	461.80	923.60	9,236	3.82	4.85
6 to 6½ years (6/1/70)	23.62	47.24	70.86	94.48	188.96	472.40	944.80	9,448	3.89	4.93
6½ to 7 years (12/1/70)	24.17	48.34	72.51	96.68	193.36	483.40	966.80	9,668	3.94	5.03
7 to 7½ years (6/1/71)	24.74	49.48	74.22	98.96	197.92	494.80	989.60	9,896	4.00	5.25
7½ years to 7 years and 9 months (12/1/71)	25.32	50.64	75.96	101.28	202.56	506.40	1,012.80	10,128	4.05	6.37
MATURITY VALUE (7 years and 9 months from issue date) [3] (3/1/72)	25.72	51.44	77.16	102.88	205.76	514.40	1,028.80	10,288	4.12	

[1] 3-month period in the case of the 7½-year to 7-year and 9-month period.
[2] Month, day, and year on which issues of June 1, 1964, enter each period. For subsequent issue months add the appropriate number of months.
[3] Yield from beginning of each period to maturity at maturity value prior to the December 1, 1965, revision.
[4] Yield from beginning of each period to maturity at maturity value prior to the June 1, 1968, revision.
[5] Maturity value improved by the revision of June 1, 1968.

TABLE 61

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1964, THROUGH MAY 1, 1965

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$56.25 / 75.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield [1]	
Period after issue date	(1) Redemption values during each half-year period [1] (values increase on first day of period shown)								(2) On purchase price from issue date to beginning of each half-year period [1]	(3) On current redemption value from beginning of each half-year period [1] to maturity
									Percent	Percent
First ½ year [2] (12/1/64)	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7,500	0.00	[3] 3.75
½ to 1 year (6/1/65)	18.91	37.82	56.73	75.64	151.28	378.20	756.40	7,564	1.71	[4] 3.89
1 to 1½ years (12/1/65)	19.19	38.38	57.57	76.76	153.52	383.80	767.60	7,676	2.33	[4] 3.96
1½ to 2 years (6/1/66)	19.51	39.04	58.56	78.08	156.16	390.40	780.80	7,808	2.70	[4] 4.42
2 to 2½ years (12/1/66)	19.92	39.84	59.76	79.68	159.36	398.40	796.80	7,968	3.05	[4] 4.46
2½ to 3 years (6/1/67)	20.31	40.62	60.93	81.24	162.48	406.20	812.40	8,124	3.22	[4] 4.51
3 to 3½ years (12/1/67)	20.71	41.42	62.13	82.84	165.68	414.20	828.40	8,284	3.34	[4] 4.57
3½ to 4 years (6/1/68)	21.13	42.30	63.45	84.60	169.20	423.00	846.00	8,460	3.47	4.71
4 to 4½ years (12/1/68)	21.61	43.22	64.83	86.44	172.88	432.20	864.40	8,644	3.58	4.76
4½ to 5 years (6/1/69)	22.11	44.22	66.33	88.44	176.88	442.20	884.40	8,844	3.70	4.78
5 to 5½ years (12/1/69)	22.61	45.22	67.83	90.44	180.88	452.20	904.40	9,044	3.78	4.83
5½ to 6 years (6/1/70)	23.13	46.26	69.39	92.52	185.04	462.60	925.20	9,252	3.85	4.88
6 to 6½ years (12/1/70)	23.67	47.34	71.01	94.68	189.36	473.40	946.80	9,468	3.92	4.94
6½ to 7 years (6/1/71)	24.23	48.44	72.66	96.88	193.76	484.40	968.80	9,688	3.98	5.05
7 to 7½ years (12/1/71)	24.79	49.58	74.37	99.16	198.32	495.80	991.60	9,916	4.03	5.29
7½ years to 7 years and 9 months (6/1/72)	25.37	50.74	76.11	101.48	202.96	507.40	1,014.80	10,148	4.07	6.52
MATURITY VALUE (7 years and 9 months from issue date) [5] (9/1/72)	25.78	51.56	77.34	103.12	206.24	515.60	1,031.20	10,312	4.15	

[1] 3-month period in the case of the 7½-year to 7-year and 9-month period.
[2] Month, day, and year on which issues of December 1, 1964, enter each period. For subsequent issue months add the appropriate number of months.
[3] Yield from beginning of each period to maturity at maturity value prior to the December 1, 1965, revision.
[4] Yield from beginning of each period to maturity at maturity value prior to the June 1, 1968, revision.
[5] Maturity value improved by the revision of June 1, 1968.

TABLE 62

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1965

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$56.25 / 75.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after issue date	(1) Redemption values during each half-year period (values increase on first day of period shown)								(2) On purchase price from issue date to beginning of each half-year period [4]	(3) On current redemption value from beginning of each half-year period [4] to maturity
									Percent	Percent
First ½ year [2] (6/1/65)	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7,500	0.00	[5] 3.75
½ to 1 year (12/1/65)	18.91	37.82	56.73	75.64	151.28	378.20	756.40	7,564	1.71	[6] 4.29
1 to 1½ years (6/1/66)	19.20	38.40	57.60	76.80	153.60	384.00	768.00	7,680	2.39	[6] 4.38
1½ to 2 years (12/1/66)	19.53	39.06	58.59	78.12	156.24	390.60	781.20	7,812	2.74	[6] 4.45
2 to 2½ years (6/1/67)	19.93	39.86	59.79	79.72	159.44	398.60	797.20	7,972	3.08	[6] 4.49
2½ to 3 years (12/1/67)	20.32	40.64	60.96	81.28	162.56	406.40	812.80	8,128	3.24	[6] 4.54
3 to 3½ years (6/1/68)	20.73	41.46	62.19	82.92	165.84	414.60	829.20	8,292	3.37	4.69
3½ to 4 years (12/1/68)	21.17	42.34	63.51	84.68	169.36	423.40	846.80	8,468	3.50	4.75
4 to 4½ years (6/1/69)	21.65	43.30	64.95	86.60	173.20	433.00	866.00	8,660	3.63	4.77
4½ to 5 years (12/1/69)	22.14	44.28	66.42	88.56	177.12	442.80	885.60	8,856	3.73	4.81
5 to 5½ years (6/1/70)	22.65	45.30	67.95	90.60	181.20	453.00	906.00	9,060	3.82	4.85
5½ to 6 years (12/1/70)	23.18	46.36	69.54	92.72	185.44	463.60	927.20	9,272	3.89	4.89
6 to 6½ years (6/1/71)	23.71	47.42	71.13	94.84	189.68	474.20	948.40	9,484	3.95	4.98
6½ to 7 years (12/1/71)	24.26	48.52	72.78	97.04	194.08	485.20	970.40	9,704	4.00	5.11
7 to 7½ years (6/1/72)	24.84	49.68	74.52	99.36	198.72	496.80	993.60	9,936	4.06	5.33
7½ years to 7 years and 9 months (12/1/72)	25.42	50.84	76.26	101.68	203.36	508.40	1,016.80	10,168	4.10	6.66
MATURITY VALUE (7 years and 9 months from issue date) [3] (6/1/73)	25.84	51.68	77.52	103.36	206.72	516.80	1,033.60	10,336	4.18	

[1] 3-month period in the case of the 7½-year to 7-year and 9-month period.
[2] Month, day, and year on which issues of June 1, 1965, enter each period. For subsequent issue months add the appropriate number of months.
[3] Yield from beginning of each period to maturity at maturity value prior to the December 1, 1965, revision.
[4] Yield from beginning of each period to maturity at maturity value prior to the June 1, 1968, revision.
[5] Maturity value improved by the revision of June 1, 1968.

TABLE 63

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1965, THROUGH MAY 1, 1966

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$56.25 / 75.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after issue date	(1) Redemption values during each half-year period (values increase on first day of period shown)								(2) On purchase price from issue date to beginning of each half-year period	(3) On current redemption value from beginning of each half-year period to maturity
									Percent	Percent
First ½ year [1] (12/1/65)	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7,500	0.00	[2] 4.15
½ to 1 year (6/1/66)	18.96	37.92	56.88	75.84	151.68	379.20	758.40	7,584	2.24	[2] 4.30
1 to 1½ years (12/1/66)	19.32	38.64	57.96	77.28	154.56	386.40	772.80	7,728	3.02	[2] 4.34
1½ to 2 years (6/1/67)	19.70	39.40	59.10	78.80	157.60	394.00	788.00	7,880	3.32	[2] 4.38
2 to 2½ years (12/1/67)	20.10	40.20	60.30	80.40	160.80	402.00	804.00	8,040	3.51	[3] 4.41
2½ to 3 years (6/1/68)	20.52	41.04	61.56	82.08	164.16	410.40	820.80	8,208	3.64	4.55
3 to 3½ years (12/1/68)	20.96	41.92	62.88	83.84	167.68	419.20	838.40	8,384	3.75	4.58
3½ to 4 years (6/1/69)	21.42	42.84	64.26	85.68	171.36	428.40	856.80	8,568	3.84	4.60
4 to 4½ years (12/1/69)	21.89	43.78	65.67	87.56	175.12	437.80	875.60	8,756	3.91	4.64
4½ to 5 years (6/1/70)	22.37	44.74	67.11	89.48	178.96	447.40	894.80	8,948	3.96	4.69
5 to 5½ years (12/1/70)	22.86	45.72	68.58	91.44	182.88	457.20	914.40	9,144	4.00	4.77
5½ to 6 years (6/1/71)	23.36	46.72	70.08	93.44	186.88	467.20	934.40	9,344	4.04	4.90
6 to 6½ years (12/1/71)	23.88	47.76	71.64	95.52	191.04	477.60	955.20	9,552	4.07	5.13
6½ to 7 years (6/1/72)	24.42	48.84	73.26	97.68	195.36	488.40	976.80	9,768	4.11	5.73
MATURITY VALUE (7 years from issue date) [3] (12/1/73)	25.12	50.24	75.36	100.48	200.96	502.40	1,004.80	10,048	4.22	

[1] Month, day, and year on which issues of December 1, 1965, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each period to maturity at maturity value prior to the June 1, 1968, revision.
[3] Maturity values improved by the revision of June 1, 1968.

TABLE 64

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1966

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$56.25 / 75.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after issue date	(1) Redemption values during each half-year period (values increase on first day of period shown)								(2) On purchase price from issue date to beginning of each half-year period	(3) On current redemption value from beginning of each half-year period to maturity
									Percent	Percent
First ½ year [1] (6/1/66)	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7,500	0.00	[2] 4.15
½ to 1 year (12/1/66)	18.96	37.92	56.88	75.84	151.68	379.20	758.40	7,584	2.24	[2] 4.30
1 to 1½ years (6/1/67)	19.32	38.64	57.96	77.28	154.56	386.40	772.80	7,728	3.02	[2] 4.34
1½ to 2 years (12/1/67)	19.70	39.40	59.10	78.80	157.60	394.00	788.00	7,880	3.32	4.38
2 to 2½ years (6/1/68)	20.10	40.20	60.30	80.40	160.80	402.00	804.00	8,040	3.51	4.62
2½ to 3 years (12/1/68)	20.52	41.04	61.56	82.08	164.16	410.40	820.80	8,208	3.64	4.55
3 to 3½ years (6/1/69)	20.96	41.92	62.88	83.84	167.68	419.20	838.40	8,384	3.75	4.59
3½ to 4 years (12/1/69)	21.42	42.84	64.26	85.68	171.36	428.40	856.80	8,568	3.84	4.62
4 to 4½ years (6/1/70)	21.89	43.78	65.67	87.56	175.12	437.80	875.60	8,756	3.91	4.65
4½ to 5 years (12/1/70)	22.37	44.74	67.11	89.48	178.96	447.40	894.80	8,948	3.96	4.71
5 to 5½ years (6/1/71)	22.86	45.72	68.58	91.44	182.88	457.20	914.40	9,144	4.00	4.79
5½ to 6 years (12/1/71)	23.36	46.72	70.08	93.44	186.88	467.20	934.40	9,344	4.04	4.92
6 to 6½ years (6/1/72)	23.88	47.76	71.64	95.52	191.04	477.60	955.20	9,552	4.07	5.17
6½ to 7 years (12/1/72)	24.42	48.84	73.26	97.68	195.36	488.40	976.80	9,768	4.11	5.81
MATURITY VALUE (7 years from issue date) [3] (5/1/73)	25.13	50.26	75.39	100.52	201.04	502.60	1,005.20	10,052	4.23	

[1] Month, day, and year on which issues of June 1, 1966, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each period to maturity at maturity value prior to the June 1, 1968, revision.
[3] Maturity value improved by the revision of June 1, 1968.

TABLE 65

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1966, THROUGH MAY 1, 1967

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$56.25 / 75.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after issue date	(1) Redemption values during each half-year period (values increase on first day of period shown)								(2) On purchase price from issue date to beginning of each half-year period	(3) On current redemption value from beginning of each half-year period to maturity
									Percent	Percent
First ½ year [1] (12/1/66)	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7,500	0.00	[2] 4.15
½ to 1 year (6/1/67)	18.96	37.92	56.88	75.84	151.68	379.20	758.40	7,584	2.24	[2] 4.30
1 to 1½ years (12/1/67)	19.32	38.64	57.96	77.28	154.56	386.40	772.80	7,728	3.02	[2] 4.34
1½ to 2 years (6/1/68)	19.70	39.40	59.10	78.80	157.60	394.00	788.00	7,880	3.32	4.48
2 to 2½ years (12/1/68)	20.10	40.20	60.30	80.40	160.80	402.00	804.00	8,040	3.51	4.53
2½ to 3 years (6/1/69)	20.52	41.04	61.56	82.08	164.16	410.40	820.80	8,208	3.64	4.56
3 to 3½ years (12/1/69)	20.96	41.92	62.88	83.84	167.68	419.20	838.40	8,384	3.75	4.60
3½ to 4 years (6/1/70)	21.42	42.84	64.26	85.68	171.36	428.40	856.80	8,568	3.84	4.63
4 to 4½ years (12/1/70)	21.89	43.78	65.67	87.56	175.12	437.80	875.60	8,756	3.91	4.67
4½ to 5 years (6/1/71)	22.37	44.74	67.11	89.48	178.96	447.40	894.80	8,948	3.96	4.72
5 to 5½ years (12/1/71)	22.86	45.72	68.58	91.44	182.88	457.20	914.40	9,144	4.00	4.81
5½ to 6 years (6/1/72)	23.36	46.72	70.08	93.44	186.88	467.20	934.40	9,344	4.04	4.96
6 to 6½ years (12/1/72)	23.88	47.76	71.64	95.52	191.04	477.60	955.20	9,552	4.07	5.21
6½ to 7 years (6/1/73)	24.42	48.84	73.26	97.68	195.36	488.40	976.80	9,768	4.11	5.90
MATURITY VALUE (7 years from issue date) [3] (12/1/73)	25.14	50.28	75.42	100.56	201.12	502.80	1,005.60	10,056	4.23	

[1] Month, day, and year on which issues of December 1, 1966, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each period to maturity at maturity value prior to the June 1, 1968, revision.
[3] Maturity value improved by the revision of June 1, 1968.

TABLE 66

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1967

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$56.25 / 75.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after issue date	(1) Redemption values during each half-year period (values increase on first day of period shown)								(2) On purchase price from issue date to beginning of each half-year period	(3) On current redemption value from beginning of each half-year period to maturity
									Percent	Percent
First ½ year [1] (6/1/67)	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7,500	0.00	[2] 4.15
½ to 1 year (12/1/67)	18.96	37.92	56.88	75.84	151.68	379.20	758.40	7,584	2.24	[2] 4.30
1 to 1½ years (6/1/68)	19.32	38.64	57.96	77.28	154.56	386.40	772.80	7,728	3.02	4.44
1½ to 2 years (12/1/68)	19.70	39.40	59.10	78.80	157.60	394.00	788.00	7,880	3.32	4.49
2 to 2½ years (6/1/69)	20.10	40.20	60.30	80.40	160.80	402.00	804.00	8,040	3.51	4.53
2½ to 3 years (12/1/69)	20.52	41.04	61.56	82.08	164.16	410.40	820.80	8,208	3.64	4.57
3 to 3½ years (6/1/70)	20.96	41.92	62.88	83.84	167.68	419.20	838.40	8,384	3.75	4.61
3½ to 4 years (12/1/70)	21.42	42.84	64.26	85.68	171.36	428.40	856.80	8,568	3.84	4.64
4 to 4½ years (6/1/71)	21.89	43.78	65.67	87.56	175.12	437.80	875.60	8,756	3.91	4.68
4½ to 5 years (12/1/71)	22.37	44.74	67.11	89.48	178.96	447.40	894.80	8,948	3.96	4.74
5 to 5½ years (6/1/72)	22.86	45.72	68.58	91.44	182.88	457.20	914.40	9,144	4.00	4.83
5½ to 6 years (12/1/72)	23.36	46.72	70.08	93.44	186.88	467.20	934.40	9,344	4.04	4.98
6 to 6½ years (6/1/73)	23.88	47.76	71.64	95.52	191.04	477.60	955.20	9,552	4.07	5.25
6½ to 7 years (12/1/73)	24.42	48.84	73.26	97.68	195.36	488.40	976.80	9,768	4.11	5.98
MATURITY VALUE (7 years from issue date) [3] (6/1/74)	25.15	50.30	75.45	100.60	201.20	503.00	1,006.00	10,060	4.24	

[1] Month, day, and year on which issues of June 1, 1967, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each period to maturity at maturity value prior to the June 1, 1968, revision.
[3] Maturity value improved by the revision of June 1, 1968.

TABLE 67

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1967, THROUGH MAY 1, 1968

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$56.25 / 75.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after issue date	(1) Redemption values during each half-year period (values increase on first day of period shown)								(2) On purchase price from issue date to beginning of each half-year period	(3) On current redemption value from beginning of each half-year period to maturity
									Percent	Percent
First ½ year [1] (12/1/67)	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7,500	0.00	[2] 4.15
½ to 1 year (6/1/68)	18.96	37.92	56.88	75.84	151.68	379.20	758.40	7,584	2.24	4.40
1 to 1½ years (12/1/68)	19.32	38.64	57.96	77.28	154.56	386.40	772.80	7,728	3.02	4.45
1½ to 2 years (6/1/69)	19.70	39.40	59.10	78.80	157.60	394.00	788.00	7,880	3.32	4.50
2 to 2½ years (12/1/69)	20.10	40.20	60.30	80.40	160.80	402.00	804.00	8,040	3.51	4.54
2½ to 3 years (6/1/70)	20.52	41.04	61.56	82.08	164.16	410.40	820.80	8,208	3.64	4.58
3 to 3½ years (12/1/70)	20.96	41.92	62.88	83.84	167.68	419.20	838.40	8,384	3.75	4.62
3½ to 4 years (6/1/71)	21.42	42.84	64.26	85.68	171.36	428.40	856.80	8,568	3.84	4.65
4 to 4½ years (12/1/71)	21.89	43.78	65.67	87.56	175.12	437.80	875.60	8,756	3.91	4.70
4½ to 5 years (6/1/72)	22.37	44.74	67.11	89.48	178.96	447.40	894.80	8,948	3.96	4.76
5 to 5½ years (12/1/72)	22.86	45.72	68.58	91.44	182.88	457.20	914.40	9,144	4.00	4.85
5½ to 6 years (6/1/73)	23.36	46.72	70.08	93.44	186.88	467.20	934.40	9,344	4.04	5.01
6 to 6½ years (12/1/73)	23.88	47.76	71.64	95.52	191.04	477.60	955.20	9,552	4.07	5.29
6½ to 7 years (6/1/74)	24.42	48.84	73.26	97.68	195.36	488.40	976.80	9,768	4.11	6.08
MATURITY VALUE (7 years from issue date) [3] (12/1/74)	25.16	50.32	75.48	100.64	201.28	503.20	1,006.40	10,064	4.25	

[1] Month, day, and year on which issues of December 1, 1967, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield from beginning of each period to maturity at maturity value prior to the June 1, 1968, revision.
[3] Maturity value improved by the revision of June 1, 1968.

PART 332—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES H

Treasury Department Circular No. 905, Fourth Revision, dated April 7, 1966, as revised and amended (31 CFR Part 332), is hereby further amended and revised as follows:

§ 332.1 Offering of bonds.

The Secretary of the Treasury hereby offers for sale to the people of the United States, U.S. Savings Bonds of Series H, hereinafter generally referred to as "Series H bonds" or "bonds." This offering, which shall be effective June 1, 1968, will continue until terminated by the Secretary of the Treasury.

§ 332.2 Description of bonds.

* * * * *

(e) *Interest (investment yield).* The interest on a Series H bond will be paid semiannually by check drawn to the order of the registered owner or coowners, beginning 6 months from issue date. Interest payments will be on a graduated scale, fixed to produce an investment yield of approximately 4.25 percent per annum compounded semiannually, if the bond is held to maturity; [1] but the yield will be less if the bond is redeemed prior to maturity. See Table 1. Interest will cease at maturity or, in the case of redemption before maturity, at the end of the interest period next preceding the date of redemption, except that if the date of redemption falls on an interest payment date, interest will cease on that date.

[1] Under authority of section 25, 73 Stat. 621 (31 U.S.C. 757c–1), the President of the United States on May 31, 1968, concluded that with respect to Series H bonds it was necessary in the national interest to exceed the maximum interest rate and investment yield prescribed by section 22 of the Second Liberty Bond Act, as amended (31 U.S.C. 757c).

(f) *Stock for bonds issued on and after June 1, 1968.* Series H bond stock in use prior to June 1, 1968, will be used for issue of bonds hereunder until such time as new stock is printed and supplied to issuing agents. The new interest rate shall apply to such bonds as fully as if expressly set forth in the text. The Treasury Department will issue interest checks for the bonds in the appropriate amounts as set forth in Table 1. Accordingly, it is not necessary for owners to exchange bonds on old stock when the new stock becomes available but they may do so if they wish by presenting bonds issued on and after June 1, 1968, on old stock to any Federal Reserve Bank or Branch, or to the Treasurer of the United States, Securities Division, Washington, D.C. 20220.

§ 332.8 Extended term and improved yields for outstanding bonds.

* * * * *

(b) *Improved yields.*[2] The investment yield on outstanding bonds with issue dates of June 1, 1952, through May 1, 1968, is increased by one-tenth of 1 percent per annum compounded semiannually, but only if the bonds are held to the next maturity date. The increase for the remaining time to next maturity will be computed from the beginning of the first interest period starting on or after June 1, 1968. The investment yield for any presently authorized subsequent extension period will be 4.25 percent per annum compounded semiannually if the bonds are held to the maturity date for that period. Interim interest payments remain unchanged. All increases will be reflected in the final interest check for the particular maturity period involved.

[2] See § 332.8(b) and footnote 5 of Department Circular No. 905, Fourth Revision, as amended (31 CFR Part 332), for earlier yields.

TABLES OF CHECKS ISSUED AND INVESTMENT YIELDS FOR UNITED STATES SAVINGS BONDS OF SERIES H

Each table shows: (1) The amounts of interest check payments during the current maturity period and during any authorized subsequent maturity period, on bonds bearing issue dates covered by the table; (2) for each maturity period shown, the approximate investment yield on the face value from the beginning of such maturity period to each subsequent interest payment date; and (3) the approximate investment yield on the face value from each interest payment date to next maturity. Yields are expressed in terms of rate percent per annum, compounded semiannually.

TABLE 1

BONDS BEARING ISSUE DATES BEGINNING JUNE 1, 1968

Face value: Maturity value / Redemption value [1] / Issue price	$500 / 500 / 500	$1,000 / 1,000 / 1,000	$5,000 / 5,000 / 5,000	$10,000 / 10,000 / 10,000	Approximate investment yield on face value	
Period of time bond is held after issue date	(1) Amounts of interest checks for each denomination				(2) From issue date to each interest payment date	(3) From each interest payment date to maturity
					Percent	*Percent*
½ year	$5.50	$11.00	$55.00	$110.00	2.20	4.38
1 year	9.70	19.40	97.00	194.00	3.03	4.42
1½ years	10.75	21.50	107.50	215.00	3.45	4.42
2 years	10.75	21.50	107.50	215.00	3.65	4.43
2½ years	10.75	21.50	107.50	215.00	3.78	4.44
3 years	10.75	21.50	107.50	215.00	3.86	4.45
3½ years	10.75	21.50	107.50	215.00	3.92	4.47
4 years	10.75	21.50	107.50	215.00	3.96	4.48
4½ years	10.75	21.50	107.50	215.00	4.00	4.50
5 years	10.75	21.50	107.50	215.00	4.03	4.53
5½ years	10.75	21.50	107.50	215.00	4.05	4.55
6 years	10.75	21.50	107.50	215.00	4.07	4.59
6½ years	10.75	21.50	107.50	215.00	4.08	4.63
7 years	10.75	21.50	107.50	215.00	4.10	4.69
7½ years	10.75	21.50	107.50	215.00	4.11	4.78
8 years	10.75	21.50	107.50	215.00	4.12	4.91
8½ years	10.75	21.50	107.50	215.00	4.13	5.12
9 years	10.75	21.50	107.50	215.00	4.13	5.54
9½ years	10.75	21.50	107.50	215.00	4.14	6.81
10 years (maturity)	17.63	34.06	170.30	340.60	4.25	----------

[1] At all times, except that bond is not redeemable during first 6 months.

TABLE 2

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH SEPTEMBER 1, 1952

Face value: Issue price / Redemption and maturity value	$500 / 500	$1,000 / 1,000	$5,000 / 5,000	$10,000 / 10,000	Approximate investment yield on face value	
Period of time bond is held after maturity date	(1) Amounts of interest checks for each denomination, EXTENDED MATURITY PERIOD				(2) From beginning of extended maturity period to each interest payment date	(3) From each interest payment date to extended maturity
					Percent	*Percent*
½ year [1] (8/1/62)	$9.37	$18.75	$93.75	$187.50	3.75	[2] 3.75
1 year (2/1/63)	9.37	18.75	93.75	187.50	3.75	[2] 3.75
1½ years (8/1/63)	9.37	18.75	93.75	187.50	3.75	[2] 3.75
2 years (2/1/64)	9.37	18.75	93.75	187.50	3.75	[2] 3.75
2½ years (8/1/64)	9.37	18.75	93.75	187.50	3.75	[2] 3.75
3 years (2/1/65)	9.37	18.75	93.75	187.50	3.75	[2] 3.75
3½ years (8/1/65)	9.37	18.75	93.75	187.50	3.75	[2] 3.75
4 years (2/1/66)	9.37	18.75	93.75	187.50	3.75	[2] 4.15
4½ years (8/1/66)	9.55	19.10	95.50	191.00	3.76	[2] 4.19
5 years (2/1/67)	9.55	19.10	95.50	191.00	3.76	[2] 4.23
5½ years (8/1/67)	9.55	19.10	95.50	191.00	3.77	[2] 4.28
6 years (2/1/68)	10.15	20.30	101.50	203.00	3.79	[2] 4.31
6½ years (8/1/68)	10.15	20.30	101.50	203.00	3.81	4.44
7 years (2/1/69)	10.15	20.30	101.50	203.00	3.82	4.51
7½ years (8/1/69)	10.60	21.20	106.00	212.00	3.85	4.57
8 years (2/1/70)	10.60	21.20	106.00	212.00	3.87	4.66
8½ years (8/1/70)	10.60	21.20	106.00	212.00	3.89	4.80
9 years (2/1/71)	11.40	22.80	114.00	228.00	3.92	4.92
9½ years (8/1/71)	11.40	22.80	114.00	228.00	3.95	5.31
10 years (extended maturity) [4] (2/1/72)	13.28	26.56	132.80	265.60	[3] 4.00	----------

[1] Month, day, and year on which interest check is payable on issues of June 1, 1952. For subsequent issue months add the appropriate number of months.
[2] Yield on face value from each interest payment date to extended maturity based on the original schedule of interest checks prior to the December 1, 1965 revision.
[3] Yield on face value from each interest payment date to extended maturity based on the schedule of interest checks prior to the June 1, 1968 revision.
[4] 19 years and 8 months after issue date. Final check at extended maturity improved by revision of June 1, 1968.
[5] Yield on purchase price from issue date to extended maturity is 5.49 percent.

TABLE 3

BONDS BEARING ISSUE DATES FROM OCTOBER 1, 1952 THROUGH MARCH 1, 1953

Face value: Issue price / Redemption and maturity value	$500 / 500	$1,000 / 1,000	$5,000 / 5,000	$10,000 / 10,000	Approximate investment yield on face value	
Period of time bond is held after maturity date	(1) Amounts of interest checks for each denomination, EXTENDED MATURITY PERIOD				(2) From beginning of extended maturity period to each interest payment date	(3) From each interest payment date to extended maturity
					Percent	*Percent*
½ year [1] (12/1/62)	$9.37	$18.75	$93.75	$187.50	3.75	[2] 3.75
1 year (6/1/63)	9.37	18.75	93.75	187.50	3.75	[2] 3.75
1½ years (12/1/63)	9.37	18.75	93.75	187.50	3.75	[2] 3.75
2 years (6/1/64)	9.37	18.75	93.75	187.50	3.75	[2] 3.75
2½ years (12/1/64)	9.37	18.75	93.75	187.50	3.75	[2] 3.75
3 years (6/1/65)	9.37	18.75	93.75	187.50	3.75	[2] 3.75
3½ years (12/1/65)	9.37	18.75	93.75	187.50	3.75	[2] 4.15
4 years (6/1/66)	9.55	19.10	95.50	191.00	3.76	[2] 4.18
4½ years (12/1/66)	9.55	19.10	95.50	191.00	3.76	[2] 4.22
5 years (6/1/67)	9.55	19.10	95.50	191.00	3.77	[2] 4.26
5½ years (12/1/67)	10.05	20.10	100.50	201.00	3.79	[2] 4.29
6 years (6/1/68)	10.05	20.10	100.50	201.00	3.81	4.43
6½ years (12/1/68)	10.05	20.10	100.50	201.00	3.82	4.50
7 years (6/1/69)	10.60	21.20	106.00	212.00	3.85	4.54
7½ years (12/1/69)	10.60	21.20	106.00	212.00	3.87	4.61
8 years (6/1/70)	10.60	21.20	106.00	212.00	3.89	4.70
8½ years (12/1/70)	10.60	21.20	106.00	212.00	3.91	4.86
9 years (6/1/71)	11.45	22.90	114.50	229.00	3.94	5.01
9½ years (12/1/71)	11.45	22.90	114.50	229.00	3.97	5.45
10 years (extended maturity) [4] (6/1/72)	13.62	27.24	136.20	272.40	[3] 4.03	----------

[1] Month, day, and year on which interest check is payable on issues of October 1, 1952. For subsequent issue months add the appropriate number of months.
[2] Yield on face value from each interest payment date to extended maturity based on the original schedule of interest checks prior to the December 1, 1965 revision.
[3] Yield on face value from each interest payment date to extended maturity based on the schedule of interest checks prior to the June 1, 1968 revision.
[4] 19 years and 8 months after issue date. Final check at extended maturity improved by revision of June 1, 1968.
[5] Yield from issue date to extended maturity date on bonds dated: October 1 and November 1, 1952 is 5.50 percent; December 1, 1952 through March 1, 1953 is 5.52 percent.

TABLE 4

BONDS BEARING ISSUE DATES FROM APRIL 1 THROUGH SEPTEMBER 1, 1953

Face value: Issue price / Redemption and maturity value	$500 / 500	$1,000 / 1,000	$5,000 / 5,000	$10,000 / 10,000	Approximate investment yield on face value	
Period of time bond is held after maturity date	(1) Amounts of interest checks for each denomination — EXTENDED MATURITY PERIOD				(2) From beginning of extended maturity period to each interest payment date	(3) From each interest payment date to extended maturity
					Percent	Percent
½ year [1]	($9.37	$18.75	$93.75	$187.50	[2] 3.75	[2] 3.75
1 year	9.37	18.75	93.75	187.50	3.75	[2] 3.75
1½ years	9.37	18.75	93.75	187.50	3.75	[2] 3.75
2 years	9.37	18.75	93.75	187.50	3.75	[2] 3.75
2½ years	9.37	18.75	93.75	187.50	3.75	[3] 4.15
3 years	9.55	19.10	95.50	191.00	3.76	[3] 4.18
3½ years	9.55	19.10	95.50	191.00	3.77	[3] 4.20
4 years	9.55	19.10	95.50	191.00	3.78	[3] 4.21
4½ years	9.55	19.10	95.50	191.00	3.77	[3] 4.26
5 years	10.00	20.00	100.00	200.00	3.79	[3] 4.28
5½ years	10.00	20.00	100.00	200.00	3.81	4.42
6 years	10.00	20.00	100.00	200.00	3.82	4.48
6½ years	10.50	21.00	105.00	210.00	3.85	4.52
7 years	10.50	21.00	105.00	210.00	3.87	4.58
7½ years	10.50	21.00	105.00	210.00	3.89	4.66
8 years	10.50	21.00	105.00	210.00	3.91	4.78
8½ years	11.35	22.70	113.50	227.00	3.94	4.86
9 years	11.35	22.70	113.50	227.00	3.97	5.03
9½ years	11.35	22.70	113.50	227.00	3.99	5.53
10 years (extended maturity) [4]	13.82	27.64	138.20	276.40	[5] 4.05	

[1] Month, day, and year on which interest check is payable on issues of April 1, 1953. For subsequent issue months add the appropriate number of months.
[2] Yield on face value from each interest payment date to extended maturity based on the original schedule of interest checks prior to the December 1, 1965 revision.
[3] Yield on face value from each interest payment date to extended maturity based on the schedule of interest checks prior to the June 1, 1968 revision.
[4] 19 years and 3 months after issue date. Final check at extended maturity improved by revision of June 1, 1968.
[5] Yield from issue date to extended maturity date on bonds dated: April 1 and May 1, 1953 is 3.53 percent; June 1 through September 1, 1953 is 3.54 percent.

TABLE 5

BONDS BEARING ISSUE DATES FROM OCTOBER 1, 1953 THROUGH MARCH 1, 1954

Face value: Issue price / Redemption and maturity value	$500 / 500	$1,000 / 1,000	$5,000 / 5,000	$10,000 / 10,000	Approximate investment yield on face value	
Period of time bond is held after maturity date	(1) Amounts of interest checks for each denomination — EXTENDED MATURITY PERIOD				(2) From beginning of extended maturity period to each interest payment date	(3) From each interest payment date to extended maturity
					Percent	Percent
½ year [1]	($9.37	$18.75	$93.75	$187.50	3.75	[2] 3.75
1 year	9.37	18.75	93.75	187.50	3.75	[2] 3.75
1½ years	9.37	18.75	93.75	187.50	3.75	[2] 3.75
2 years	9.37	18.75	93.75	187.50	3.75	[2] 3.75
2½ years	9.37	18.75	93.75	187.50	3.75	[3] 4.15
3 years	9.55	19.10	95.50	191.00	3.76	[3] 4.18
3½ years	9.55	19.10	95.50	191.00	3.77	[3] 4.21
4 years	9.55	19.10	95.50	191.00	3.78	[3] 4.25
4½ years	9.95	19.90	99.50	199.00	3.80	[3] 4.27
5 years	9.95	19.90	99.50	199.00	3.81	4.41
5½ years	9.95	19.90	99.50	199.00	3.83	4.46
6 years	10.45	20.90	104.50	209.00	3.85	4.50
6½ years	10.45	20.90	104.50	209.00	3.88	4.55
7 years	10.45	20.90	104.50	209.00	3.89	4.62
7½ years	10.45	20.90	104.50	209.00	3.91	4.71
8 years	10.45	20.90	104.50	209.00	3.93	4.85
8½ years	11.45	22.90	114.50	229.00	3.96	4.94
9 years	11.45	22.90	114.50	229.00	3.99	5.13
9½ years	11.45	22.90	114.50	229.00	4.01	5.69
10 years (extended maturity) [4]	14.23	28.46	142.30	284.60	[5] 4.06	

[1] Month, day, and year on which interest check is payable on issues of October 1, 1953. For subsequent issue months add the appropriate number of months.
[2] Yield on face value from each interest payment date to extended maturity based on the original schedule of interest checks prior to the December 1, 1965 revision.
[3] Yield on face value from each interest payment date to extended maturity based on the schedule of interest checks prior to the June 1, 1968 revision.
[4] 19 years and 3 months after issue date. Final check at extended maturity improved by revision of June 1, 1968.
[5] Yield from issue date to extended maturity date on bonds dated: October 1 and November 1, 1953 is 3.55 percent; December 1, 1953 through March 1, 1954 is 3.57 percent.

TABLE 6

BONDS BEARING ISSUE DATES FROM APRIL 1 THROUGH SEPTEMBER 1, 1954

Face value: Issue price / Redemption and maturity value	$500 / 500	$1,000 / 1,000	$5,000 / 5,000	$10,000 / 10,000	Approximate investment yield on face value	
Period of time bond is held after maturity date	(1) Amounts of interest checks for each denomination — EXTENDED MATURITY PERIOD				(2) From beginning of extended maturity period to each interest payment date	(3) From each interest payment date to extended maturity
					Percent	Percent
½ year [1]	($9.37	$18.75	$93.75	$187.50	3.75	[2] 3.75
1 year	9.37	18.75	93.75	187.50	3.75	[2] 3.75
1½ years	9.37	18.75	93.75	187.50	3.75	[2] 3.75
2 years	9.37	18.75	93.75	187.50	3.75	[3] 4.15
2½ years	9.55	19.10	95.50	191.00	3.76	[3] 4.18
3 years	9.55	19.10	95.50	191.00	3.77	[3] 4.20
3½ years	9.55	19.10	95.50	191.00	3.78	[3] 4.24
4 years	9.55	19.10	95.50	191.00	3.78	[3] 4.28
4½ years	10.15	20.30	101.50	203.00	3.81	4.40
5 years	10.15	20.30	101.50	203.00	3.83	4.44
5½ years	10.15	20.30	101.50	203.00	3.85	4.49
6 years	10.15	20.30	101.50	203.00	3.87	4.54
6½ years	10.60	21.20	106.00	212.00	3.89	4.59
7 years	10.60	21.20	106.00	212.00	3.92	4.66
7½ years	10.60	21.20	106.00	212.00	3.93	4.74
8 years	10.60	21.20	106.00	212.00	3.95	4.88
8½ years	11.45	22.90	114.50	229.00	3.98	4.98
9 years	11.45	22.90	114.50	229.00	4.01	5.19
9½ years	11.45	22.90	114.50	229.00	4.03	5.82
10 years (extended maturity) [4]	14.54	29.08	145.40	290.80	[5] 4.11	

[1] Month, day, and year on which interest check is payable on issues of April 1, 1954. For subsequent issue months add the appropriate number of months.
[2] Yield on face value from each interest payment date to extended maturity based on the original schedule of interest checks prior to the December 1, 1965 revision.
[3] Yield on face value from each interest payment date to extended maturity based on the schedule of interest checks prior to the June 1, 1968 revision.
[4] 19 years and 3 months after issue date. Final check at extended maturity improved by revision of June 1, 1968.
[5] Yield from issue date to extended maturity date on bonds dated: April 1 and May 1, 1954 is 3.58 percent; June 1 through September 1, 1954 is 3.59 percent.

TABLE 7

BONDS BEARING ISSUE DATES FROM OCTOBER 1, 1954 THROUGH MARCH 1, 1955

Face value: Issue price / Redemption and maturity value	$500 / 500	$1,000 / 1,000	$5,000 / 5,000	$10,000 / 10,000	Approximate investment yield on face value	
Period of time bond is held after maturity date	(1) Amounts of interest checks for each denomination — EXTENDED MATURITY PERIOD				(2) From beginning of extended maturity period to each interest payment date	(3) From each interest payment date to extended maturity
					Percent	Percent
½ year [1]	($9.37	$18.75	$93.75	$187.50	3.75	[2] 3.75
1 year	9.37	18.75	93.75	187.50	3.75	[2] 3.75
1½ years	9.37	18.75	93.75	187.50	3.75	[3] 4.15
2 years	9.55	19.10	95.50	191.00	3.77	[3] 4.17
2½ years	9.55	19.10	95.50	191.00	3.78	[3] 4.20
3 years	9.55	19.10	95.50	191.00	3.78	[3] 4.23
3½ years	9.55	19.10	95.50	191.00	3.79	[3] 4.27
4 years	10.10	20.20	101.00	202.00	3.82	4.39
4½ years	10.10	20.20	101.00	202.00	3.84	4.43
5 years	10.10	20.20	101.00	202.00	3.86	4.47
5½ years	10.10	20.20	101.00	202.00	3.87	4.53
6 years	10.55	21.10	105.50	211.00	3.90	4.57
6½ years	10.55	21.10	105.50	211.00	3.92	4.62
7 years	10.55	21.10	105.50	211.00	3.94	4.69
7½ years	10.55	21.10	105.50	211.00	3.96	4.80
8 years	10.55	21.10	105.50	211.00	3.97	4.95
8½ years	11.55	23.10	115.50	231.00	4.00	5.06
9 years	11.55	23.10	115.50	231.00	4.03	5.29
9½ years	11.55	23.10	115.50	231.00	4.06	5.98
10 years (extended maturity) [4]	14.96	29.92	149.60	299.20	[5] 4.14	

[1] Month, day, and year on which interest check is payable on issues of October 1, 1954. For subsequent issue months add the appropriate number of months.
[2] Yield on face value from each interest payment date to extended maturity based on the original schedule of interest checks prior to the December 1, 1965 revision.
[3] Yield on face value from each interest payment date to extended maturity based on the schedule of interest checks prior to the June 1, 1968 revision.
[4] 19 years and 3 months after issue date. Final check at extended maturity improved by revision of June 1, 1968.
[5] Yield from issue date to extended maturity date on bonds dated: October 1 and November 1, 1954 is 3.60 percent; December 1, 1954 through March 1, 1955 is 3.62 percent.

TABLE 8

BONDS BEARING ISSUE DATES FROM APRIL 1 THROUGH SEPTEMBER 1, 1955

Face value: Issue price / Redemption and maturity value	$500 / 500	$1,000 / 1,000	$5,000 / 5,000	$10,000 / 10,000	Approximate investment yield on face value
Period of time bond is held after maturity date	(1) Amounts of interest checks for each denomination — EXTENDED MATURITY PERIOD				(2) From beginning of extended maturity period to each interest payment date	(3) From each interest payment date to extended maturity
					Percent	Percent
½ year (6/1/65)	$9.37	$18.75	$93.75	$187.50	3.75	[2] 3.75
1 year (12/1/65)	9.37	18.75	93.75	187.50	3.75	[2] 4.15
1½ years (6/1/66)	9.55	19.10	95.50	191.00	3.77	[2] 4.18
2 years (12/1/66)	9.55	19.10	95.50	191.00	3.78	[2] 4.20
2½ years (6/1/67)	9.55	19.10	95.50	191.00	3.79	[2] 4.23
3 years (12/1/67)	9.55	19.10	95.50	191.00	3.80	[2] 4.27
3½ years (6/1/68)	10.05	20.10	100.50	201.00	3.83	4.39
4 years (12/1/68)	10.05	20.10	100.50	201.00	3.85	4.42
4½ years (6/1/69)	10.05	20.10	100.50	201.00	3.87	4.46
5 years (12/1/69)	10.05	20.10	100.50	201.00	3.88	4.51
5½ years (6/1/70)	10.05	20.10	100.50	201.00	3.89	4.57
6 years (12/1/70)	10.70	21.40	107.00	214.00	3.92	4.61
6½ years (6/1/71)	10.70	21.40	107.00	214.00	3.95	4.67
7 years (12/1/71)	10.70	21.40	107.00	214.00	3.97	4.74
7½ years (6/1/72)	10.70	21.40	107.00	214.00	3.98	4.83
8 years (12/1/72)	10.70	21.40	107.00	214.00	4.00	4.98
8½ years (6/1/73)	11.55	23.10	115.50	231.00	4.03	5.10
9 years (12/1/73)	11.55	23.10	115.50	231.00	4.06	5.36
9½ years (6/1/74)	11.55	23.10	115.50	231.00	4.08	5.11
10 years (extended maturity)[1] (12/1/74)	18.25	36.56	182.80	365.60	[4] 4.16	

[1] Month, day, and year on which interest check is payable on issues of April 1, 1955. For subsequent issue months add the appropriate number of months.
[2] Yield on face value from each interest payment date to extended maturity based on the original schedule of interest checks prior to the December 1, 1965 revision.
[3] Yield on face value from each interest payment date to extended maturity based on the schedule of interest checks prior to the June 1, 1968 revision.
[4] 19 years and 8 months after issue date. Final check at extended maturity improved by revision of June 1, 1968.
[5] Yield from issue date to extended maturity date on bonds dated: April 1 and May 1, 1955 is 3.85 percent; June 1 through September 1, 1955 is 3.84 percent.

TABLE 9

BONDS BEARING ISSUE DATES FROM OCTOBER 1, 1955 THROUGH MARCH 1, 1956

Face value: Issue price / Redemption and maturity value	$500 / 500	$1,000 / 1,000	$5,000 / 5,000	$10,000 / 10,000	Approximate investment yield on face value
Period of time bond is held after maturity date	(1) Amounts of interest checks for each denomination — EXTENDED MATURITY PERIOD				(2) From beginning of extended maturity period to each interest payment date	(3) From each interest payment date to extended maturity
					Percent	Percent
½ year (12/1/65)	$9.37	$18.75	$93.75	$187.50	3.75	[2] 4.15
1 year (6/1/66)	9.55	19.10	95.50	191.00	3.78	[2] 4.17
1½ years (12/1/66)	9.55	19.10	95.50	191.00	3.80	[2] 4.20
2 years (6/1/67)	9.55	19.10	95.50	191.00	3.80	[2] 4.23
2½ years (12/1/67)	9.55	19.10	95.50	191.00	3.81	[3] 4.26
3 years (6/1/68)	10.00	20.00	100.00	200.00	3.84	4.38
3½ years (12/1/68)	10.00	20.00	100.00	200.00	3.86	4.42
4 years (6/1/69)	10.00	20.00	100.00	200.00	3.87	4.45
4½ years (12/1/69)	10.00	20.00	100.00	200.00	3.89	4.50
5 years (6/1/70)	10.00	20.00	100.00	200.00	3.90	4.56
5½ years (12/1/70)	10.65	21.30	106.50	213.00	3.93	4.59
6 years (6/1/71)	10.65	21.30	106.50	213.00	3.95	4.64
6½ years (12/1/71)	10.65	21.30	106.50	213.00	3.97	4.70
7 years (6/1/72)	10.65	21.30	106.50	213.00	3.99	4.78
7½ years (12/1/72)	10.65	21.30	106.50	213.00	4.01	4.89
8 years (6/1/73)	11.45	22.90	114.50	229.00	4.04	4.97
8½ years (12/1/73)	11.45	22.90	114.50	229.00	4.06	5.11
9 years (6/1/74)	11.45	22.90	114.50	229.00	4.09	5.38
9½ years (12/1/74)	11.45	22.90	114.50	229.00	4.11	5.21
10 years (extended maturity)[1] (6/1/75)	15.52	31.04	155.20	310.40	[4] 4.19	

[1] Month, day, and year on which interest check is payable on issues of October 1, 1955. For subsequent issue months add the appropriate number of months.
[2] Yield on face value from each interest payment date to extended maturity based on the schedule of interest checks prior to the June 1, 1968 revision.
[3] 19 years and 8 months after issue date. Final check at extended maturity improved by revision of June 1, 1968.
[4] Yield from issue date to extended maturity date on bonds dated: October 1 and November 1, 1955 is 3.85 percent; December 1, 1955 through March 1, 1956 is 3.87 percent.

TABLE 10

BONDS BEARING ISSUE DATES FROM APRIL 1 THROUGH MAY 1, 1956

Face value: Issue price / Redemption and maturity value	$500 / 500	$1,000 / 1,000	$5,000 / 5,000	$10,000 / 10,000	Approximate investment yield on face value
Period of time bond is held after maturity date	(1) Amounts of interest check's for each denomination — EXTENDED MATURITY PERIOD				(2) From beginning of extended maturity period to each interest payment date	(3) From each interest payment date to extended maturity
					Percent	Percent
½ year [1] (6/1/66)	$10.37	$20.75	$103.75	$207.50	4.15	[2] 4.15
1 year (12/1/66)	10.37	20.75	103.75	207.50	4.15	[2] 4.15
1½ years (6/1/67)	10.37	20.75	103.75	207.50	4.15	[2] 4.15
2 years (12/1/67)	10.37	20.75	103.75	207.50	4.15	[2] 4.15
2½ years (6/1/68)	10.37	20.75	103.75	207.50	4.15	4.25
3 years (12/1/68)	10.37	20.75	103.75	207.50	4.15	4.26
3½ years (6/1/69)	10.37	20.75	103.75	207.50	4.15	4.27
4 years (12/1/69)	10.37	20.75	103.75	207.50	4.15	4.28
4½ years (6/1/70)	10.37	20.75	103.75	207.50	4.15	4.29
5 years (12/1/70)	10.38	20.75	103.75	207.50	4.15	4.31
5½ years (6/1/71)	10.38	20.75	103.75	207.50	4.15	4.33
6 years (12/1/71)	10.38	20.75	103.75	207.50	4.15	4.35
6½ years (6/1/72)	10.38	20.75	103.75	207.50	4.15	4.38
7 years (12/1/72)	10.38	20.75	103.75	207.50	4.15	4.43
7½ years (6/1/73)	10.38	20.75	103.75	207.50	4.15	4.48
8 years (12/1/73)	10.38	20.75	103.75	207.50	4.15	4.57
8½ years (6/1/74)	10.38	20.75	103.75	207.50	4.15	4.72
9 years (12/1/74)	10.38	20.75	103.75	207.50	4.15	5.01
9½ years (6/1/75)	10.38	20.75	103.75	207.50	4.15	5.90
10 years (extended maturity)[3] (12/1/75)	14.74	29.48	147.40	294.80	[4] 4.22	

[1] Month, day, and year on which interest check is payable on issues of April 1, 1956. For issues of May 1, 1956 add one month.
[2] Yield on face value from each interest payment date to extended maturity based on the schedule of interest checks prior to the June 1, 1968 revision.
[3] 19 years and 8 months after issue date. Final check at extended maturity improved by revision of June 1, 1968.
[4] Yield on purchase price from issue date to extended maturity is 3.66 percent.

TABLE 11

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH SEPTEMBER 1, 1956

Face value: Issue price / Redemption and maturity value	$500 / 500	$1,000 / 1,000	$5,000 / 5,000	$10,000 / 10,000	Approximate investment yield on face value
Period of time bond is held after maturity date	(1) Amounts of interest checks for each denomination — EXTENDED MATURITY PERIOD				(2) From beginning of extended maturity period to each interest payment date	(3) From each interest payment date to extended maturity
					Percent	Percent
½ year [1] (8/1/66)	$10.37	$20.75	$103.75	$207.50	4.15	[2] 4.15
1 year (2/1/67)	10.37	20.75	103.75	207.50	4.15	[2] 4.15
1½ years (8/1/67)	10.37	20.75	103.75	207.50	4.15	[2] 4.15
2 years (2/1/68)	10.37	20.75	103.75	207.50	4.15	[2] 4.15
2½ years (8/1/68)	10.37	20.75	103.75	207.50	4.15	4.25
3 years (2/1/69)	10.37	20.75	103.75	207.50	4.15	4.26
3½ years (8/1/69)	10.37	20.75	103.75	207.50	4.15	4.27
4 years (2/1/70)	10.37	20.75	103.75	207.50	4.15	4.28
4½ years (8/1/70)	10.37	20.75	103.75	207.50	4.15	4.29
5 years (2/1/71)	10.38	20.75	103.75	207.50	4.15	4.31
5½ years (8/1/71)	10.38	20.75	103.75	207.50	4.15	4.33
6 years (2/1/72)	10.38	20.75	103.75	207.50	4.15	4.35
6½ years (8/1/72)	10.38	20.75	103.75	207.50	4.15	4.38
7 years (2/1/73)	10.38	20.75	103.75	207.50	4.15	4.43
7½ years (8/1/73)	10.38	20.75	103.75	207.50	4.15	4.48
8 years (2/1/74)	10.38	20.75	103.75	207.50	4.15	4.57
8½ years (8/1/74)	10.38	20.75	103.75	207.50	4.15	4.72
9 years (2/1/75)	10.38	20.75	103.75	207.50	4.15	5.01
9½ years (8/1/75)	10.38	20.75	103.75	207.50	4.15	5.90
10 years (extended maturity)[3] (2/1/76)	14.74	29.48	147.40	294.80	[4] 4.22	

[1] Month, day, and year on which interest check is payable on issues of June 1, 1956. For subsequent issue months add the appropriate number of months.
[2] Yield on face value from each interest payment date to extended maturity based on the schedule of interest checks prior to the June 1, 1968 revision.
[3] 19 years and 9 months after issue date. Final check at extended maturity improved by revision of June 1, 1968.
[4] Yield on purchase price from issue date to extended maturity is 3.70 percent.

TABLE 12

BONDS BEARING ISSUE DATES FROM OCTOBER 1 THROUGH NOVEMBER 1, 1956

Face value: Issue price / Redemption and maturity value	$500 / 500	$1,000 / 1,000	$5,000 / 5,000	$10,000 / 10,000	Approximate investment yield on face value	
Period of time bond is held after maturity date	(1) Amounts of interest checks for each denomination — EXTENDED MATURITY PERIOD				(2) From beginning of extended maturity period to each interest payment date	(3) From each interest payment date to extended maturity
					Percent	Percent
½ year	[1](12/1/66)	$10.37	$20.75	$103.75	$207.50	[2] 4.15
1 year	(6/1/67)	10.37	20.75	103.75	207.50	4.15	[2] 4.15
1½ years	(12/1/67)	10.37	20.75	103.75	207.50	4.15	[2] 4.15
2 years	(6/1/68)	10.37	20.75	103.75	207.50	4.15	4.25
2½ years	(12/1/68)	10.37	20.75	103.75	207.50	4.15	4.26
3 years	(6/1/69)	10.37	20.75	103.75	207.50	4.15	4.27
3½ years	(12/1/69)	10.37	20.75	103.75	207.50	4.15	4.28
4 years	(6/1/70)	10.37	20.75	103.75	207.50	4.15	4.29
4½ years	(12/1/70)	10.37	20.75	103.75	207.50	4.15	4.30
5 years	(6/1/71)	10.38	20.75	103.75	207.50	4.15	4.32
5½ years	(12/1/71)	10.38	20.75	103.75	207.50	4.15	4.34
6 years	(6/1/72)	10.38	20.75	103.75	207.50	4.15	4.37
6½ years	(12/1/72)	10.38	20.75	103.75	207.50	4.15	4.40
7 years	(6/1/73)	10.38	20.75	103.75	207.50	4.15	4.45
7½ years	(12/1/73)[3]	10.38	20.75	103.75	207.50	4.15	4.51
8 years	(6/1/74)	10.38	20.75	103.75	207.50	4.15	4.61
8½ years	(12/1/74)	10.38	20.75	103.75	207.50	4.15	4.76
9 years	(6/1/75)	10.38	20.75	103.75	207.50	4.15	5.02
9½ years	(12/1/75)	10.38	20.75	103.75	207.50	4.15	6.03
10 years (extended maturity)[4]	(6/1/76)	15.60	30.17	150.90	301.70	[5] 4.22	

[1] Month, day, and year on which interest check is payable on issues of October 1, 1956. For issues of November 1, 1956 add one month.
[2] Yield on face value from each interest payment date to extended maturity based on the schedule of interest checks prior to the June 1, 1956 revision.
[3] 19 years and 8 months after issue date. Final check at extended maturity improved by revision of June 1, 1956.
[4] Yield on purchase price from issue date to extended maturity is 3.70 percent.

TABLE 13

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1956 THROUGH JANUARY 1, 1957

Face value: Issue price / Redemption and maturity value	$500 / 500	$1,000 / 1,000	$5,000 / 5,000	$10,000 / 10,000	Approximate investment yield on face value	
Period of time bond is held after maturity date	(1) Amounts of interest checks for each denomination — EXTENDED MATURITY PERIOD				(2) From beginning of extended maturity period to each interest payment date	(3) From each interest payment date to extended maturity
					Percent	Percent
½ year	[1](2/1/67)	$10.37	$20.75	$103.75	$207.50	[2] 4.15
1 year	(8/1/67)	10.37	20.75	103.75	207.50	4.15	[2] 4.15
1½ years	(2/1/68)	10.37	20.75	103.75	207.50	4.15	[2] 4.15
2 years	(8/1/68)	10.37	20.75	103.75	207.50	4.15	4.25
2½ years	(2/1/69)	10.37	20.75	103.75	207.50	4.15	4.26
3 years	(8/1/69)	10.37	20.75	103.75	207.50	4.15	4.27
3½ years	(2/1/70)	10.37	20.75	103.75	207.50	4.15	4.28
4 years	(8/1/70)	10.37	20.75	103.75	207.50	4.15	4.29
4½ years	(2/1/71)	10.37	20.75	103.75	207.50	4.15	4.30
5 years	(8/1/71)	10.38	20.75	103.75	207.50	4.15	4.32
5½ years	(2/1/72)	10.38	20.75	103.75	207.50	4.15	4.34
6 years	(8/1/72)	10.38	20.75	103.75	207.50	4.15	4.37
6½ years	(2/1/73)	10.38	20.75	103.75	207.50	4.15	4.40
7 years	(8/1/73)	10.38	20.75	103.75	207.50	4.15	4.45
7½ years	(2/1/74)	10.38	20.75	103.75	207.50	4.15	4.51
8 years	(8/1/74)	10.38	20.75	103.75	207.50	4.15	4.61
8½ years	(2/1/75)	10.38	20.75	103.75	207.50	4.15	4.76
9 years	(8/1/75)	10.38	20.75	103.75	207.50	4.15	5.02
9½ years	(2/1/76)	10.38	20.75	103.75	207.50	4.15	6.03
10 years (extended maturity)[3]	(8/1/76)	15.60	30.17	150.90	301.70	[4] 4.23	

[1] Month, day, and year on which interest check is payable on issues of December 1, 1956. For issues of January 1, 1957 add one month.
[2] Yield on face value from each interest payment date to extended maturity based on the schedule of interest checks prior to the June 1, 1956 revision.
[3] 19 years and 8 months after issue date. Final check at extended maturity improved by revision of June 1, 1956.
[4] Yield on purchase price from issue date to extended maturity is 3.75 percent.

TABLE 14

BONDS BEARING ISSUE DATES FROM FEBRUARY 1 THROUGH MAY 1, 1957

Face value: Issue price / Redemption and maturity value	$500 / 500	$1,000 / 1,000	$5,000 / 5,000	$10,000 / 10,000	Approximate investment yield on face value	
Period of time bond is held after maturity date	(1) Amounts of interest checks for each denomination — EXTENDED MATURITY PERIOD				(2) From beginning of extended maturity period to each interest payment date	(3) From each interest payment date to extended maturity
					Percent	Percent
½ year	[1](8/1/67)	$10.37	$20.75	$103.75	$207.50	[2] 4.15
1 year	(2/1/68)	10.37	20.75	103.75	207.50	4.15	[2] 4.15
1½ years	(8/1/68)	10.37	20.75	103.75	207.50	4.15	4.25
2 years	(2/1/69)	10.37	20.75	103.75	207.50	4.15	4.26
2½ years	(8/1/69)	10.37	20.75	103.75	207.50	4.15	4.27
3 years	(2/1/70)	10.37	20.75	103.75	207.50	4.15	4.28
3½ years	(8/1/70)	10.37	20.75	103.75	207.50	4.15	4.29
4 years	(2/1/71)	10.37	20.75	103.75	207.50	4.15	4.30
4½ years	(8/1/71)	10.37	20.75	103.75	207.50	4.15	4.31
5 years	(2/1/72)	10.38	20.75	103.75	207.50	4.15	4.33
5½ years	(8/1/72)	10.38	20.75	103.75	207.50	4.15	4.36
6 years	(2/1/73)	10.38	20.75	103.75	207.50	4.15	4.38
6½ years	(8/1/73)	10.38	20.75	103.75	207.50	4.15	4.42
7 years	(2/1/74)	10.38	20.75	103.75	207.50	4.15	4.47
7½ years	(8/1/74)	10.38	20.75	103.75	207.50	4.15	4.54
8 years	(2/1/75)	10.38	20.75	103.75	207.50	4.15	4.64
8½ years	(8/1/75)	10.38	20.75	103.75	207.50	4.15	4.81
9 years	(2/1/76)	10.38	20.75	103.75	207.50	4.15	5.15
9½ years	(8/1/76)	15.44	30.87	154.40	308.70	[4] 4.23	6.17
10 years (extended maturity)[3]	(2/1/77)						

[1] Month, day, and year on which interest check is payable on issues of February 1, 1957. For subsequent issue months add the appropriate number of months.
[2] Yield on face value from each interest payment date to extended maturity based on the schedule of interest checks prior to the June 1, 1956 revision.
[3] 20 years after issue date. Final check at extended maturity improved by revision of June 1, 1956.
[4] Yield on purchase price from issue date to extended maturity is 3.88 percent.

TABLE 15

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1957

Face value: Issue price / Redemption and maturity value	$500 / 500	$1,000 / 1,000	$5,000 / 5,000	$10,000 / 10,000	Approximate investment yield on face value	
Period of time bond is held after maturity date	(1) Amounts of interest checks for each denomination — EXTENDED MATURITY PERIOD				(2) From beginning of extended maturity period to each interest payment date	(3) From each interest payment date to extended maturity
					Percent	Percent
½ year	[1](12/1/67)	$10.37	$20.75	$103.75	$207.50	[2] 4.15
1 year	(6/1/68)	10.37	20.75	103.75	207.50	4.15	4.25
1½ years	(12/1/68)	10.37	20.75	103.75	207.50	4.15	4.26
2 years	(6/1/69)	10.37	20.75	103.75	207.50	4.15	4.27
2½ years	(12/1/69)	10.37	20.75	103.75	207.50	4.15	4.27
3 years	(6/1/70)	10.37	20.75	103.75	207.50	4.15	4.28
3½ years	(12/1/70)	10.37	20.75	103.75	207.50	4.15	4.30
4 years	(6/1/71)	10.37	20.75	103.75	207.50	4.15	4.31
4½ years	(12/1/71)	10.37	20.75	103.75	207.50	4.15	4.33
5 years	(6/1/72)	10.38	20.75	103.75	207.50	4.15	4.35
5½ years	(12/1/72)	10.38	20.75	103.75	207.50	4.15	4.37
6 years	(6/1/73)	10.38	20.75	103.75	207.50	4.15	4.40
6½ years	(12/1/73)	10.38	20.75	103.75	207.50	4.15	4.44
7 years	(6/1/74)	10.38	20.75	103.75	207.50	4.15	4.49
7½ years	(12/1/74)	10.38	20.75	103.75	207.50	4.15	4.56
8 years	(6/1/75)	10.38	20.75	103.75	207.50	4.15	4.67
8½ years	(12/1/75)	10.38	20.75	103.75	207.50	4.15	4.85
9 years	(6/1/76)	10.38	20.75	103.75	207.50	4.15	5.22
9½ years	(12/1/76)	10.38	20.75	103.75	207.50	4.15	6.32
10 years (extended maturity)[3]	(6/1/77)	15.79	31.58	157.90	315.80	[4] 4.24	

[1] Month, day, and year on which interest check is payable on issues of June 1, 1957. For subsequent issue months add the appropriate number of months.
[2] Yield on face value from each interest payment date to extended maturity based on the schedule of interest checks prior to the June 1, 1956 revision.
[3] 20 years after issue date. Final check at extended maturity improved by revision of June 1, 1956.
[4] Yield on purchase price from issue date to extended maturity is 3.91 percent.

TABLE 16

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1957 THROUGH MAY 1, 1958

Face value / Issue price / Redemption and maturity value	$500 / 500	$1,000 / 1,000	$5,000 / 5,000	$10,000 / 10,000	Approximate investment yield on face value	
Period of time bond is held after maturity date	(1) Amounts of interest checks for each denomination — EXTENDED MATURITY PERIOD				(2) From beginning of extended maturity period to each interest payment date	(3) From each interest payment date to extended maturity
					Percent	Percent
½ year	(6/1/68)	$10.37	$20.75	$103.75	$207.50	4.15	4.25
1 year	(12/1/68)	10.37	20.75	103.75	207.50	4.15	4.26
1½ years	(6/1/69)	10.37	20.75	103.75	207.50	4.15	4.26
2 years	(12/1/69)	10.37	20.75	103.75	207.50	4.15	4.27
2½ years	(6/1/70)	10.37	20.75	103.75	207.50	4.15	4.28
3 years	(12/1/70)	10.37	20.75	103.75	207.50	4.15	4.29
3½ years	(6/1/71)	10.37	20.75	103.75	207.50	4.15	4.31
4 years	(12/1/71)	10.37	20.75	103.75	207.50	4.15	4.32
4½ years	(6/1/72)	10.37	20.75	103.75	207.50	4.15	4.34
5 years	(12/1/72)	10.38	20.75	103.75	207.50	4.15	4.36
5½ years	(6/1/73)	10.38	20.75	103.75	207.50	4.15	4.39
6 years	(12/1/73)	10.38	20.75	103.75	207.50	4.15	4.42
6½ years	(6/1/74)	10.38	20.75	103.75	207.50	4.15	4.46
7 years	(12/1/74)	10.38	20.75	103.75	207.50	4.15	4.51
7½ years	(6/1/75)	10.38	20.75	103.75	207.50	4.15	4.59
8 years	(12/1/75)	10.38	20.75	103.75	207.50	4.15	4.71
8½ years	(6/1/76)	10.38	20.75	103.75	207.50	4.15	4.90
9 years	(12/1/76)	10.38	20.75	103.75	207.50	4.15	5.29
9½ years	(6/1/77)	10.38	20.75	103.75	207.50	4.15	6.46
10 years (extended maturity)[3]	(12/1/77)	16.16	32.31	161.60	323.10	[4] 4.24	

[1] Month, day, and year on which interest check is payable on issues of December 1, 1967. For subsequent issue months add the appropriate number of months.
[2] 20 years after issue date. Final check at extended maturity improved by revision of June 1, 1968.
[4] Yield on purchase price from issue date to extended maturity is 3.94 percent.

TABLE 17

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1958

Face value / Issue price / Redemption [1] and maturity value	$500 / 500	$1,000 / 1,000	$5,000 / 5,000	$10,000 / 10,000	Approximate investment yield on face value	
Period of time bond is held after issue date	(1) Amounts of interest checks for each denomination				(2) From issue date or maturity date to each interest payment date thereafter	(3) From each interest payment date (a) to maturity
					Percent	Percent
½ year	[2] (12/1/58)	$4.00	$8.00	$40.00	$80.00	1.60	[3] 3.35
1 year	(6/1/59)	7.25	14.50	72.50	145.00	2.25	[4] 3.88
1½ years	(12/1/59)	8.70	17.40	87.00	174.00	2.65	[4] 3.91
2 years	(6/1/60)	8.70	17.40	87.00	174.00	2.695	[4] 3.94
2½ years	(12/1/60)	8.70	17.40	87.00	174.00	2.98	[4] 3.97
3 years	(6/1/61)	8.70	17.40	87.00	174.00	3.06	[4] 4.01
3½ years	(12/1/61)	8.70	17.40	87.00	174.00	3.11	[4] 4.06
4 years	(6/1/62)	9.55	19.10	95.50	191.00	3.20	[4] 4.08
4½ years	(12/1/62)	9.55	19.10	95.50	191.00	3.26	[4] 4.11
5 years	(6/1/63)	9.55	19.10	95.50	191.00	3.31	[4] 4.14
5½ years	(12/1/63)	9.55	19.10	95.50	191.00	3.35	[4] 4.18
6 years	(6/1/64)	9.55	19.10	95.50	191.00	3.39	[4] 4.23
6½ years	(12/1/64)	10.30	20.60	103.00	206.00	3.44	[4] 4.25
7 years	(6/1/65)	10.30	20.60	103.00	206.00	3.48	[4] 4.27
7½ years	(12/1/65)	10.30	20.60	103.00	206.00	3.52	[4] 4.71
8 years	(6/1/66)	10.55	21.10	105.50	211.00	3.56	[4] 4.84
8½ years	(12/1/66)	10.55	21.10	105.50	211.00	3.59	[4] 5.06
9 years	(6/1/67)	12.65	25.30	126.50	253.00	3.66	[4] 5.06
9½ years	(12/1/67)	12.65	25.30	126.50	253.00	3.72	[4] 5.06
10 years (maturity)	(6/1/68)	12.65	25.30	126.50	253.00	3.78	
Period of time bond is held after maturity date	EXTENDED MATURITY PERIOD					(b) To extended maturity
½ year	(12/1/68)	10.37	20.75	103.75	207.50	4.15	4.26
1 year	(6/1/69)	10.37	20.75	103.75	207.50	4.15	4.26
1½ years	(12/1/69)	10.37	20.75	103.75	207.50	4.15	4.27
2 years	(6/1/70)	10.37	20.75	103.75	207.50	4.15	4.28
2½ years	(12/1/70)	10.37	20.75	103.75	207.50	4.15	4.29
3 years	(6/1/71)	10.37	20.75	103.75	207.50	4.15	4.30
3½ years	(12/1/71)	10.37	20.75	103.75	207.50	4.15	4.32
4 years	(6/1/72)	10.37	20.75	103.75	207.50	4.15	4.33
4½ years	(12/1/72)	10.37	20.75	103.75	207.50	4.15	4.35
5 years	(6/1/73)	10.38	20.75	103.75	207.50	4.16	4.37
5½ years	(12/1/73)	10.38	20.75	103.75	207.50	4.15	4.40
6 years	(6/1/74)	10.38	20.75	103.75	207.50	4.15	4.42
6½ years	(12/1/74)	10.38	20.75	103.75	207.50	4.15	4.46
7 years	(6/1/75)	10.38	20.75	103.75	207.50	4.15	4.54
7½ years	(12/1/75)	10.38	20.75	103.75	207.50	4.16	4.62
8 years	(6/1/76)	10.38	20.75	103.75	207.50	4.15	4.74
8½ years	(12/1/76)	10.38	20.75	103.75	207.50	4.15	4.95
9 years	(6/1/77)	10.38	20.75	103.75	207.50	4.16	5.36
9½ years	(12/1/77)	10.38	20.75	103.75	207.50	4.15	6.61
10 years (extended maturity)[5]	(6/1/78)	16.53	33.05	165.30	330.50	[6] 4.25	

[1] At all times, except that bond was not redeemable during first 6 months.
[2] Month, day, and year on which interest check is payable on issues of June 1, 1958. For subsequent issue months add the appropriate number of months.
[3] Yield on face value from each interest payment date to maturity based on the original schedule of interest checks prior to the June 1, 1958 revision.
[4] Yield on face value from each interest payment date to maturity based on the schedule of interest checks prior to the December 1, 1965 revision.
[5] Yield on face value from each interest payment date to maturity based on the schedule of interest checks prior to the June 1, 1968 revision.
[6] 20 years after issue date. Final check at extended maturity improved by revision of June 1, 1968.
[7] Yield on purchase price from issue date to extended maturity is 3.97 percent.

TABLE 18

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1958 THROUGH MAY 1, 1959

Face value / Issue price / Redemption [1] and maturity value	$500 / 500	$1,000 / 1,000	$5,000 / 5,000	$10,000 / 10,000	Approximate investment yield on face value	
Period of time bond is held after issue date	(1) Amounts of interest checks for each denomination				(2) From issue date or maturity date to each interest payment date thereafter	(3) From each interest payment date (a) to maturity
					Percent	Percent
½ year	[2] (6/1/59)	$4.00	$8.00	$40.00	$80.00	1.60	[3] 3.85
1 year	(12/1/59)	7.50	15.00	75.00	150.00	2.30	[3] 3.91
1½ years	(6/1/60)	8.70	17.40	87.00	174.00	2.68	[3] 3.94
2 years	(12/1/60)	8.70	17.40	87.00	174.00	2.88	[3] 3.97
2½ years	(6/1/61)	8.70	17.40	87.00	174.00	3.00	[3] 4.01
3 years	(12/1/61)	8.70	17.40	87.00	174.00	3.07	[3] 4.05
3½ years	(6/1/62)	9.45	18.90	94.50	189.00	3.17	[3] 4.08
4 years	(12/1/62)	9.45	18.90	94.50	189.00	3.24	[3] 4.10
4½ years	(6/1/63)	9.45	18.90	94.50	189.00	3.30	[3] 4.14
5 years	(12/1/63)	9.45	18.90	94.50	189.00	3.34	[3] 4.18
5½ years	(6/1/64)	9.45	18.90	94.50	189.00	3.38	[3] 4.23
6 years	(12/1/64)	10.25	20.50	102.50	205.00	3.43	[3] 4.24
6½ years	(6/1/65)	10.25	20.50	102.50	205.00	3.48	[3] 4.26
7 years	(12/1/65)	10.25	20.50	102.50	205.00	3.52	[4] 4.70
7½ years	(6/1/66)	10.50	21.00	105.00	210.00	3.56	[4] 4.81
8 years	(12/1/66)	10.50	21.00	105.00	210.00	3.59	[4] 4.97
8½ years	(6/1/67)	10.50	21.00	105.00	210.00	3.62	[4] 5.24
9 years	(12/1/67)	13.10	26.20	131.00	262.00	3.70	[4] 5.24
9½ years	(6/1/68)	13.10	26.20	131.00	262.00	3.76	5.34
10 years (maturity)	(12/1/68)	13.35	26.70	133.50	267.00	3.83	
Period of time bond is held after maturity date	EXTENDED MATURITY PERIOD					(b) To extended maturity
½ year	(6/1/69)	10.37	20.75	103.75	207.50	4.15	4.26
1 year	(12/1/69)	10.37	20.75	103.75	207.50	4.15	4.26
1½ years	(6/1/70)	10.37	20.75	103.75	207.50	4.15	4.27
2 years	(12/1/70)	10.37	20.75	103.75	207.50	4.15	4.28
2½ years	(6/1/71)	10.37	20.75	103.75	207.50	4.15	4.29
3 years	(12/1/71)	10.37	20.75	103.75	207.50	4.15	4.30
3½ years	(6/1/72)	10.37	20.75	103.75	207.50	4.15	4.32
4 years	(12/1/72)	10.37	20.75	103.75	207.50	4.15	4.33
4½ years	(6/1/73)	10.37	20.75	103.75	207.50	4.15	4.35
5 years	(12/1/73)	10.38	20.75	103.75	207.50	4.15	4.37
5½ years	(6/1/74)	10.38	20.75	103.75	207.50	4.15	4.40
6 years	(12/1/74)	10.38	20.75	103.75	207.50	4.15	4.43
6½ years	(6/1/75)	10.38	20.75	103.75	207.50	4.15	4.48
7 years	(12/1/75)	10.38	20.75	103.75	207.50	4.15	4.54
7½ years	(6/1/76)	10.38	20.75	103.75	207.50	4.15	4.62
8 years	(12/1/76)	10.38	20.75	103.75	207.50	4.15	4.74
8½ years	(6/1/77)	10.38	20.75	103.75	207.50	4.15	4.95
9 years	(12/1/77)	10.38	20.75	103.75	207.50	4.15	5.36
9½ years	(6/1/78)	10.38	20.75	103.75	207.50	4.15	6.61
10 years (extended maturity)[5]	(12/1/78)	16.53	33.05	165.30	330.50	[6] 4.25	

[1] At all times, except that bond was not redeemable during first 6 months.
[2] Month, day, and year on which interest check is payable on issues of December 1, 1958. For subsequent issue months add the appropriate number of months.
[3] Yield on face value from each interest payment date to maturity based on the schedule of interest checks prior to the December 1, 1965 revision.
[4] Yield on face value from each interest payment date to maturity based on the schedule of interest checks prior to the June 1, 1968 revision.
[5] 20 years after issue date. Final checks at original and extended maturity improved by revision of June 1, 1968.
[6] Yield on purchase price from issue date to extended maturity is 4.00 percent.

TABLE 19

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1959

Face value / Issue price / Redemption [1] and maturity value	$500 / 500	$1,000 / 1,000	$5,000 / 5,000	$10,000 / 10,000	Approximate investment yield on face value	
Period of time bond is held after issue date	(1) Amounts of interest checks for each denomination				(2) From issue date to each interest payment date	(3) From each interest payment date to maturity
					Percent	Percent
½ year	[2] (12/1/59)	$4.00	$8.00	$40.00	$80.00	1.60	[3] 3.88
1 year	(6/1/60)	7.25	14.50	72.50	145.00	2.25	[3] 3.95
1½ years	(12/1/60)	8.00	16.00	80.00	160.00	2.56	[3] 4.00
2 years	(6/1/61)	10.00	20.00	100.00	200.00	2.91	[3] 4.00
2½ years	(12/1/61)	10.00	20.00	100.00	200.00	3.12	[3] 4.00
3 years	(6/1/62)	10.00	20.00	100.00	200.00	3.26	[3] 4.00
3½ years	(12/1/62)	10.00	20.00	100.00	200.00	3.36	[3] 4.00
4 years	(6/1/63)	10.00	20.00	100.00	200.00	3.44	[3] 4.00
4½ years	(12/1/63)	10.00	20.00	100.00	200.00	3.49	[3] 4.00
5 years	(6/1/64)	10.00	20.00	100.00	200.00	3.54	[3] 4.00
5½ years	(12/1/64)	10.00	20.00	100.00	200.00	3.58	[3] 4.00
6 years	(6/1/65)	10.00	20.00	100.00	200.00	3.61	[3] 4.00
6½ years	(12/1/65)	10.00	20.00	100.00	200.00	3.64	[4] 4.41
7 years	(6/1/66)	10.20	20.40	102.00	204.00	3.66	[4] 4.47
7½ years	(12/1/66)	10.20	20.40	102.00	204.00	3.69	[4] 4.55
8 years	(6/1/67)	10.90	21.80	109.00	218.00	3.72	[4] 4.60
8½ years	(12/1/67)	10.90	21.80	109.00	218.00	3.76	[4] 4.68
9 years	(6/1/68)	11.70	23.40	117.00	234.00	3.80	4.78
9½ years	(12/1/68)	11.70	23.40	117.00	234.00	3.84	4.88
10 years (maturity)[5]	(6/1/69)	12.21	24.42	122.10	244.20	3.86	

[1] At all times, except that bond was not redeemable during first 6 months.
[2] Month, day, and year on which interest check is payable on issues of June 1, 1959. For subsequent issue months add the appropriate number of months.
[3] Yield on face value from each interest payment date to maturity based on the schedule of interest checks prior to the December 1, 1965 revision.
[4] Yield on face value from each interest payment date to maturity based on the schedule of interest checks prior to the June 1, 1968 revision.
[5] Final check at maturity improved by revision of June 1, 1968.

TABLE 20

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1959 THROUGH MAY 1, 1960

Face value / Issue price / Redemption[1] and maturity value	$500 / 500	$1,000 / 1,000	$5,000 / 5,000	$10,000 / 10,000	Approximate investment yield on face value	
Period of time bond is held after issue date	(1) Amounts of interest checks for each denomination				(2) From issue date to each interest payment date	(3) From each interest payment date to maturity
					Percent	Percent
½ year[2] (6/1/60)	$4.00	$8.00	$40.00	$80.00	1.60	[5] 3.88
1 year (12/1/60)	7.25	14.50	72.50	145.00	2.25	[5] 3.95
1½ years (6/1/61)	8.00	16.00	80.00	160.00	2.58	[6] 4.00
2 years (12/1/61)	10.00	20.00	100.00	200.00	2.91	[6] 4.00
2½ years (6/1/62)	10.00	20.00	100.00	200.00	3.12	[6] 4.00
3 years (12/1/62)	10.00	20.00	100.00	200.00	3.26	[6] 4.00
3½ years (6/1/63)	10.00	20.00	100.00	200.00	3.36	[6] 4.00
4 years (12/1/63)	10.00	20.00	100.00	200.00	3.44	[6] 4.00
4½ years (6/1/64)	10.00	20.00	100.00	200.00	3.49	[6] 4.00
5 years (12/1/64)	10.00	20.00	100.00	200.00	3.54	[6] 4.00
5½ years (6/1/65)	10.00	20.00	100.00	200.00	3.58	[6] 4.00
6 years (12/1/65)	10.00	20.00	100.00	200.00	3.61	[6] 4.41
6½ years (6/1/66)	10.20	20.40	102.00	204.00	3.64	[6] 4.46
7 years (12/1/66)	10.20	20.40	102.00	204.00	3.67	[6] 4.52
7½ years (6/1/67)	10.80	21.60	108.00	216.00	3.71	[6] 4.57
8 years (12/1/67)	10.80	21.60	108.00	216.00	3.74	[6] 4.63
8½ years (6/1/68)	10.80	21.60	108.00	216.00	3.77	4.84
9 years (12/1/68)	11.85	23.70	118.50	237.00	3.81	4.89
9½ years (6/1/69)	11.85	23.70	118.50	237.00	3.85	5.05
10 years (maturity)[3] (12/1/69)	12.62	25.24	126.20	252.40	3.90	

[1] At all times, except that bond was not redeemable during first 6 months.
[2] Month, day, and year on which interest check is payable on issues of December 1, 1959. For subsequent issue months add the appropriate number of months.
[3] Yield on face value from each interest payment date to maturity based on the schedule of interest checks prior to the December 1, 1965 revision.
[4] Yield on face value from each interest payment date to maturity based on the schedule of interest checks prior to the June 1, 1965 revision.
[5] Final check at maturity improved by revision of June 1, 1965.

TABLE 21

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1960

Face value / Issue price / Redemption[1] and maturity value	$500 / 500	$1,000 / 1,000	$5,000 / 5,000	$10,000 / 10,000	Approximate investment yield on face value	
Period of time bond is held after issue date	(1) Amounts of interest checks for each denomination				(2) From issue date to each interest payment date	(3) From each interest payment date to maturity
					Percent	Percent
½ year[2] (12/1/60)	$4.00	$8.00	$40.00	$80.00	1.60	[5] 3.88
1 year (6/1/61)	7.25	14.50	72.50	145.00	2.25	[5] 3.95
1½ years (12/1/61)	8.00	16.00	80.00	160.00	2.58	[6] 4.00
2 years (6/1/62)	10.00	20.00	100.00	200.00	2.91	[6] 4.00
2½ years (12/1/62)	10.00	20.00	100.00	200.00	3.12	[6] 4.00
3 years (6/1/63)	10.00	20.00	100.00	200.00	3.26	[6] 4.00
3½ years (12/1/63)	10.00	20.00	100.00	200.00	3.36	[6] 4.00
4 years (6/1/64)	10.00	20.00	100.00	200.00	3.44	[6] 4.00
4½ years (12/1/64)	10.00	20.00	100.00	200.00	3.49	[6] 4.00
5 years (6/1/65)	10.00	20.00	100.00	200.00	3.54	[6] 4.00
5½ years (12/1/65)	10.00	20.00	100.00	200.00	3.58	[6] 4.00
6 years (6/1/66)	10.20	20.40	102.00	204.00	3.62	[6] 4.50
6½ years (12/1/66)	10.20	20.40	102.00	204.00	3.65	[6] 4.54
7 years (6/1/67)	10.70	21.40	107.00	214.00	3.69	[6] 4.60
7½ years (12/1/67)	10.70	21.40	107.00	214.00	3.72	[6] 4.78
8 years (6/1/68)	10.70	21.40	107.00	214.00	3.75	4.96
8½ years (12/1/68)	10.70	21.40	107.00	214.00	3.78	5.03
9 years (6/1/69)	12.05	24.10	120.50	241.00	3.83	5.24
9½ years (12/1/69)	12.05	24.10	120.50	241.00	3.87	
10 years (maturity)[4] (6/1/70)	13.00	26.18	130.90	261.80	3.93	

[1] At all times, except that bond was not redeemable during first 6 months.
[2] Month, day, and year on which interest check is payable on issues of June 1, 1960. For subsequent issue months add the appropriate number of months.
[3] Yield on face value from each interest payment date to maturity based on the schedule of interest checks prior to the December 1, 1965 revision.
[4] Yield on face value from each interest payment date to maturity based on the schedule of interest checks prior to the June 1, 1965 revision.
[5] Final check at maturity improved by revision of June 1, 1965.

TABLE 22

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1960 THROUGH MAY 1, 1961

Face value / Issue price / Redemption[1] and maturity value	$500 / 500	$1,000 / 1,000	$5,000 / 5,000	$10,000 / 10,000	Approximate investment yield on face value	
Period of time bond is held after issue date	(1) Amounts of interest checks for each denomination				(2) From issue date to each interest payment date	(3) From each interest payment date to maturity
					Percent	Percent
½ year[2] (6/1/61)	$4.00	$8.00	$40.00	$80.00	1.60	[5] 3.88
1 year (12/1/61)	7.25	14.50	72.50	145.00	2.25	[5] 3.95
1½ years (6/1/62)	8.00	16.00	80.00	160.00	2.58	[6] 4.00
2 years (12/1/62)	10.00	20.00	100.00	200.00	2.91	[6] 4.00
2½ years (6/1/63)	10.00	20.00	100.00	200.00	3.12	[6] 4.00
3 years (12/1/63)	10.00	20.00	100.00	200.00	3.26	[6] 4.00
3½ years (6/1/64)	10.00	20.00	100.00	200.00	3.36	[6] 4.00
4 years (12/1/64)	10.00	20.00	100.00	200.00	3.44	[6] 4.00
4½ years (6/1/65)	10.00	20.00	100.00	200.00	3.49	[6] 4.00
5 years (12/1/65)	10.00	20.00	100.00	200.00	3.54	[6] 4.00
5½ years (6/1/66)	10.20	20.40	102.00	204.00	3.58	[6] 4.44
6 years (12/1/66)	10.20	20.40	102.00	204.00	3.62	[6] 4.49
6½ years (6/1/67)	10.20	20.40	102.00	204.00	3.65	[6] 4.58
7 years (12/1/67)	11.00	22.00	110.00	220.00	3.70	[6] 4.68
7½ years (6/1/68)	11.00	22.00	110.00	220.00	3.74	4.72
8 years (12/1/68)	11.00	22.00	110.00	220.00	3.78	4.81
8½ years (6/1/69)	11.00	22.00	110.00	220.00	3.81	4.95
9 years (12/1/69)	11.95	23.90	119.50	239.00	3.85	5.04
9½ years (6/1/70)	11.95	23.90	119.50	239.00	3.89	5.21
10 years (maturity)[4] (12/1/70)	13.27	26.54	132.70	265.40	3.95	

[1] At all times, except that bond was not redeemable during first 6 months.
[2] Month, day, and year on which interest check is payable on issues of December 1, 1960. For subsequent issue months add the appropriate number of months.
[3] Yield on face value from each interest payment date to maturity based on the schedule of interest checks prior to the December 1, 1965 revision.
[4] Yield on face value from each interest payment date to maturity based on the schedule of interest checks prior to the June 1, 1965 revision.
[5] Final check at maturity improved by revision of June 1, 1965.

TABLE 23

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1961

Face value / Issue price / Redemption[1] and maturity value	$500 / 500	$1,000 / 1,000	$5,000 / 5,000	$10,000 / 10,000	Approximate investment yield on face value	
Period of time bond is held after issue date	(1) Amounts of interest checks for each denomination				(2) From issue date to each interest payment date	(3) From each interest payment date to maturity
					Percent	Percent
½ year[2] (12/1/61)	$4.00	$8.00	$40.00	$80.00	1.60	[5] 3.88
1 year (6/1/62)	7.25	14.50	72.50	145.00	2.25	[5] 3.95
1½ years (12/1/62)	8.00	16.00	80.00	160.00	2.58	[6] 4.00
2 years (6/1/63)	10.00	20.00	100.00	200.00	2.91	[6] 4.00
2½ years (12/1/63)	10.00	20.00	100.00	200.00	3.12	[6] 4.00
3 years (6/1/64)	10.00	20.00	100.00	200.00	3.26	[6] 4.00
3½ years (12/1/64)	10.00	20.00	100.00	200.00	3.36	[6] 4.00
4 years (6/1/65)	10.00	20.00	100.00	200.00	3.44	[6] 4.00
4½ years (12/1/65)	10.00	20.00	100.00	200.00	3.49	[6] 4.40
5 years (6/1/66)	10.20	20.40	102.00	204.00	3.55	[6] 4.44
5½ years (12/1/66)	10.20	20.40	102.00	204.00	3.59	[6] 4.48
6 years (6/1/67)	10.20	20.40	102.00	204.00	3.63	[6] 4.54
6½ years (12/1/67)	10.85	21.70	108.50	217.00	3.68	[6] 4.57
7 years (6/1/68)	10.85	21.70	108.50	217.00	3.72	4.71
7½ years (12/1/68)	10.85	21.70	108.50	217.00	3.75	4.79
8 years (6/1/69)	11.35	22.70	113.50	227.00	3.80	4.85
8½ years (12/1/69)	11.35	22.70	113.50	227.00	3.83	4.96
9 years (6/1/70)	11.35	22.70	113.50	227.00	3.87	5.18
9½ years (12/1/70)	12.15	24.30	121.50	243.00	3.91	5.50
10 years (maturity)[4] (6/1/71)	12.75	27.50	137.50	275.00	3.97	

[1] At all times, except that bond was not redeemable during first 6 months.
[2] Month, day, and year on which interest check is payable on issues of June 1, 1961. For subsequent issue months add the appropriate number of months.
[3] Yield on face value from each interest payment date to maturity based on the schedule of interest checks prior to the December 1, 1965 revision.
[4] Yield on face value from each interest payment date to maturity based on the schedule of interest checks prior to the June 1, 1965 revision.
[5] Final check at maturity improved by revision of June 1, 1965.

TABLE 24

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1961 THROUGH MAY 1, 1962

Face value / Issue price / Redemption[1] and maturity value	$500 / 500	$1,000 / 1,000	$5,000 / 5,000	$10,000 / 10,000	Approximate investment yield on face value	
Period of time bond is held after issue date	(1) Amounts of interest checks for each denomination				(2) From issue date to each interest payment date	(3) From each interest payment date to maturity
					Percent	Percent
½ year[2] (6/1/62)	$4.00	$8.00	$40.00	$80.00	1.60	[5] 3.88
1 year (12/1/62)	7.25	14.50	72.50	145.00	2.25	[5] 3.95
1½ years (6/1/63)	8.00	16.00	80.00	160.00	2.56	[6] 4.00
2 years (12/1/63)	10.00	20.00	100.00	200.00	2.91	[6] 4.00
2½ years (6/1/64)	10.00	20.00	100.00	200.00	3.12	[6] 4.00
3 years (12/1/64)	10.00	20.00	100.00	200.00	3.26	[6] 4.00
3½ years (6/1/65)	10.00	20.00	100.00	200.00	3.36	[6] 4.00
4 years (12/1/65)	10.00	20.00	100.00	200.00	3.44	[6] 4.40
4½ years (6/1/66)	10.20	20.40	102.00	204.00	3.50	[6] 4.43
5 years (12/1/66)	10.20	20.40	102.00	204.00	3.56	[6] 4.47
5½ years (6/1/67)	10.20	20.40	102.00	204.00	3.60	[6] 4.52
6 years (12/1/67)	10.75	21.50	107.50	215.00	3.65	[6] 4.55
6½ years (6/1/68)	10.75	21.50	107.50	215.00	2.69	4.69
7 years (12/1/68)	10.75	21.50	107.50	215.00	3.73	4.76
7½ years (6/1/69)	11.25	22.50	112.50	225.00	3.78	4.82
8 years (12/1/69)	11.25	22.50	112.50	225.00	3.82	4.90
8½ years (6/1/70)	11.25	22.50	112.50	225.00	3.85	5.05
9 years (12/1/70)	12.00	24.00	120.00	240.00	3.89	5.17
9½ years (6/1/71)	12.00	24.00	120.00	240.00	3.93	5.56
10 years (maturity)[4] (12/1/71)	13.89	27.78	138.90	277.80	4.00	

[1] At all times, except that bond was not redeemable during first 6 months.
[2] Month, day, and year on which interest check is payable on issues of December 1, 1961. For subsequent issue months add the appropriate number of months.
[3] Yield on face value from each interest payment date to maturity based on the schedule of interest checks prior to the December 1, 1965 revision.
[4] Yield on face value from each interest payment date to maturity based on the schedule of interest checks prior to the June 1, 1965 revision.
[5] Final check at maturity improved by revision of June 1, 1965.

TABLE 25

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1962

Face value / Issue price / Redemption[1] and maturity value	$500 / 500	$1,000 / 1,000	$5,000 / 5,000	$10,000 / 10,000	Approximate investment yield on face value	
Period of time bond is held after issue date	(1) Amounts of interest checks for each denomination				(2) From issue date to each interest payment date	(3) From each interest payment date to maturity
					Percent	Percent
½ year[2] (12/1/62)	$4.00	$8.00	$40.00	$80.00	1.60	[5] 3.88
1 year (6/1/63)	7.25	14.50	72.50	145.00	2.25	[5] 3.95
1½ years (12/1/63)	8.00	16.00	80.00	160.00	2.56	[6] 4.00
2 years (6/1/64)	10.00	20.00	100.00	200.00	2.91	[6] 4.00
2½ years (12/1/64)	10.00	20.00	100.00	200.00	3.12	[6] 4.00
3 years (6/1/65)	10.00	20.00	100.00	200.00	3.26	[6] 4.00
3½ years (12/1/65)	10.00	20.00	100.00	200.00	3.36	[6] 4.40
4 years (6/1/66)	10.20	20.40	102.00	204.00	3.43	[6] 4.43
4½ years (12/1/66)	10.20	20.40	102.00	204.00	3.51	[6] 4.47
5 years (6/1/67)	10.20	20.40	102.00	204.00	3.56	[6] 4.51
5½ years (12/1/67)	10.65	21.30	106.50	213.00	3.62	[6] 4.54
6 years (6/1/68)	10.65	21.30	106.50	213.00	3.67	4.68
6½ years (12/1/68)	10.65	21.30	106.50	213.00	3.71	4.75
7 years (6/1/69)	11.25	22.50	112.50	225.00	3.76	4.79
7½ years (12/1/69)	11.25	22.50	112.50	225.00	3.80	4.85
8 years (6/1/70)	11.25	22.50	112.50	225.00	3.84	4.95
8½ years (12/1/70)	11.25	22.50	112.50	225.00	3.87	5.10
9 years (6/1/71)	12.05	24.10	120.50	241.00	3.91	5.25
9½ years (12/1/71)	12.05	24.10	120.50	241.00	3.96	5.69
10 years (maturity)[4] (6/1/72)	14.22	28.46	142.30	284.60	4.03	

[1] At all times, except that bond was not redeemable during first 6 months.
[2] Month, day, and year on which interest check is payable on issues of June 1, 1962. For subsequent issue months add the appropriate number of months.
[3] Yield on face value from each interest payment date to maturity based on the schedule of interest checks prior to the December 1, 1965 revision.
[4] Yield on face value from each interest payment date to maturity based on the schedule of interest checks prior to the June 1, 1965 revision.
[5] Final check at maturity improved by revision of June 1, 1965.

TABLE 26

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1962 THROUGH MAY 1, 1963

Face value: Issue price / Redemption[1] and maturity value	$500 / 500	$1,000 / 1,000	$5,000 / 5,000	$10,000 / 10,000	Approximate investment yield on face value	
Period of time bond is held after issue date	(1) Amounts of interest checks for each denomination				(2) From issue date to each interest payment date	(3) From each interest payment date to maturity
					Percent	Percent
½ year [2] (11/1/63)	$4.00	$8.00	$40.00	$80.00	1.60	[3] 3.88
1 year (12/1/63)	7.25	14.50	72.50	145.00	2.25	[3] 3.95
1½ years (6/1/64)	8.00	16.00	80.00	160.00	2.56	[5] 4.00
2 years (12/1/64)	10.00	20.00	100.00	200.00	2.91	[5] 4.00
2½ years (6/1/65)	10.00	20.00	100.00	200.00	3.12	[5] 4.00
3 years (12/1/65)	10.00	20.00	100.00	200.00	3.26	[6] 4.40
3½ years (6/1/66)	10.20	20.40	102.00	204.00	3.37	[6] 4.43
4 years (12/1/66)	10.20	20.40	102.00	204.00	3.45	[6] 4.46
4½ years (6/1/67)	10.20	20.40	102.00	204.00	3.52	[6] 4.50
5 years (12/1/67)	10.60	21.20	106.00	212.00	3.58	[6] 4.53
5½ years (6/1/68)	10.60	21.20	106.00	212.00	3.64	4.67
6 years (12/1/68)	10.60	21.20	106.00	212.00	3.68	4.73
6½ years (6/1/69)	11.15	22.30	111.50	223.00	3.74	4.77
7 years (12/1/69)	11.15	22.30	111.50	223.00	3.78	4.82
7½ years (6/1/70)	11.15	22.30	111.50	223.00	3.82	4.90
8 years (12/1/70)	11.15	22.30	111.50	223.00	3.85	5.02
8½ years (6/1/71)	11.95	23.90	119.50	239.00	3.90	5.10
9 years (12/1/71)	11.95	23.90	119.50	239.00	3.94	5.27
9½ years (6/1/72)	11.95	23.90	119.50	239.00	3.98	5.77
10 years (maturity)[4] (12/1/72)	14.43	28.86	144.30	288.60	4.05	

[1] At all times, except that bond was not redeemable during first 6 months.
[2] Month, day, and year on which interest check is payable on issues of December 1, 1962. For subsequent issue months add the appropriate number of months.
[3] Yield on face value from each interest payment date to maturity based on the schedule of interest checks prior to the December 1, 1965 revision.
[4] Yield on face value from each interest payment date to maturity based on the schedule of interest checks prior to the June 1, 1968 revision.
[5] Final check at maturity improved by revision of June 1, 1968.

TABLE 27

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1963

Face value: Issue price / Redemption[1] and maturity value	$500 / 500	$1,000 / 1,000	$5,000 / 5,000	$10,000 / 10,000	Approximate investment yield on face value	
Period of time bond is held after issue date	(1) Amounts of interest checks for each denomination				(2) From issue date to each interest payment date	(3) From each interest payment date to maturity
					Percent	Percent
½ year [2] (12/1/63)	$4.00	$8.00	$40.00	$80.00	1.60	[3] 3.88
1 year (6/1/64)	7.25	14.50	72.50	145.00	2.25	[3] 3.95
1½ years (12/1/64)	8.00	16.00	80.00	160.00	2.56	[5] 4.00
2 years (6/1/65)	10.00	20.00	100.00	200.00	2.91	[5] 4.00
2½ years (12/1/65)	10.00	20.00	100.00	200.00	3.12	[6] 4.40
3 years (6/1/66)	10.20	20.40	102.00	204.00	3.27	[6] 4.43
3½ years (12/1/66)	10.20	20.40	102.00	204.00	3.38	[6] 4.46
4 years (6/1/67)	10.20	20.40	102.00	204.00	3.46	[6] 4.49
4½ years (12/1/67)	10.55	21.10	105.50	211.00	3.54	[6] 4.52
5 years (6/1/68)	10.55	21.10	105.50	211.00	3.60	4.66
5½ years (12/1/68)	10.55	21.10	105.50	211.00	3.65	4.71
6 years (6/1/69)	11.10	22.20	111.00	222.00	3.71	4.75
6½ years (12/1/69)	11.10	22.20	111.00	222.00	3.76	4.80
7 years (6/1/70)	11.10	22.20	111.00	222.00	3.80	4.86
7½ years (12/1/70)	11.10	22.20	111.00	222.00	3.84	4.95
8 years (6/1/71)	11.10	22.20	111.00	222.00	3.87	5.09
8½ years (12/1/71)	12.05	24.10	120.50	241.00	3.92	5.18
9 years (6/1/72)	12.05	24.10	120.50	241.00	3.96	5.37
9½ years (12/1/72)	12.05	24.10	120.50	241.00	4.00	5.94
10 years (maturity)[4] (6/1/73)	14.84	29.68	148.40	296.80	4.08	

[1] At all times, except that bond was not redeemable during first 6 months.
[2] Month, day, and year on which interest check is payable on issues of June 1, 1963. For subsequent issue months add the appropriate number of months.
[3] Yield on face value from each interest payment date to maturity based on the schedule of interest checks prior to the December 1, 1965 revision.
[4] Yield on face value from each interest payment date to maturity based on the schedule of interest checks prior to the June 1, 1968 revision.
[5] Final check at maturity improved by revision of June 1, 1968.

TABLE 28

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1963 THROUGH MAY 1, 1964

Face value: Issue price / Redemption[1] and maturity value	$500 / 500	$1,000 / 1,000	$5,000 / 5,000	$10,000 / 10,000	Approximate investment yield on face value	
Period of time bond is held after issue date	(1) Amounts of interest checks for each denomination				(2) From issue date to each interest payment date	(3) From each interest payment date to maturity
					Percent	Percent
½ year [2] (6/1/64)	$4.00	$8.00	$40.00	$80.00	1.60	[3] 3.88
1 year (12/1/64)	7.25	14.50	72.50	145.00	2.25	[3] 3.95
1½ years (6/1/65)	8.00	16.00	80.00	160.00	2.56	[4] 4.40
2 years (12/1/65)	10.00	20.00	100.00	200.00	2.91	[4] 4.43
2½ years (6/1/66)	10.20	20.40	102.00	204.00	3.14	[4] 4.46
3 years (12/1/66)	10.20	20.40	102.00	204.00	3.29	[4] 4.48
3½ years (6/1/67)	10.20	20.40	102.00	204.00	3.39	[4] 4.49
4 years (12/1/67)	10.20	20.40	102.00	204.00	3.47	[4] 4.52
4½ years (6/1/68)	10.75	21.50	107.50	215.00	3.56	4.65
5 years (12/1/68)	10.75	21.50	107.50	215.00	3.63	4.69
5½ years (6/1/69)	10.75	21.50	107.50	215.00	3.68	4.74
6 years (12/1/69)	10.75	21.50	107.50	215.00	3.73	4.80
6½ years (6/1/70)	11.25	22.50	112.50	225.00	3.78	4.93
7 years (12/1/70)	11.25	22.50	112.50	225.00	3.83	5.01
7½ years (6/1/71)	11.25	22.50	112.50	225.00	3.86	5.14
8 years (12/1/71)	11.25	22.50	112.50	225.00	3.90	5.24
8½ years (6/1/72)	12.10	24.20	121.00	242.00	3.94	5.45
9 years (12/1/72)	12.10	24.20	121.00	242.00	3.98	6.05
9½ years (6/1/73)	12.10	24.20	121.00	242.00	4.02	
10 years (maturity)[4] (12/1/73)	15.21	30.42	152.10	304.20	4.11	

[1] At all times, except that bond was not redeemable during first 6 months.
[2] Month, day, and year on which interest check is payable on issues of December 1, 1963. For subsequent issue months add the appropriate number of months.
[3] Yield on face value from each interest payment date to maturity based on the schedule of interest checks prior to the December 1, 1965 revision.
[4] Yield on face value from each interest payment date to maturity based on the schedule of interest checks prior to the June 1, 1968 revision.
[5] Final check at maturity improved by revision of June 1, 1968.

TABLE 29

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1964

Face value: Issue price / Redemption[1] and maturity value	$500 / 500	$1,000 / 1,000	$5,000 / 5,000	$10,000 / 10,000	Approximate investment yield on face value	
Period of time bond is held after issue date	(1) Amounts of interest checks for each denomination				(2) From issue date to each interest payment date	(3) From each interest payment date to maturity
					Percent	Percent
½ year [2] (12/1/64)	$4.00	$8.00	$40.00	$80.00	1.60	[3] 3.88
1 year (6/1/65)	7.25	14.50	72.50	145.00	2.25	[3] 3.95
1½ years (12/1/65)	8.00	16.00	80.00	160.00	2.56	[4] 4.40
2 years (6/1/66)	10.20	20.40	102.00	204.00	2.93	[4] 4.42
2½ years (12/1/66)	10.20	20.40	102.00	204.00	3.15	[4] 4.45
3 years (6/1/67)	10.20	20.40	102.00	204.00	3.30	[4] 4.48
3½ years (12/1/67)	10.20	20.40	102.00	204.00	3.41	[4] 4.52
4 years (6/1/68)	10.70	21.40	107.00	214.00	3.51	4.64
4½ years (12/1/68)	10.70	21.40	107.00	214.00	3.58	4.68
5 years (6/1/69)	10.70	21.40	107.00	214.00	3.65	4.72
5½ years (12/1/69)	10.70	21.40	107.00	214.00	3.70	4.78
6 years (6/1/70)	11.20	22.40	112.00	224.00	3.76	4.82
6½ years (12/1/70)	11.20	22.40	112.00	224.00	3.81	4.87
7 years (6/1/71)	11.20	22.40	112.00	224.00	3.85	4.94
7½ years (12/1/71)	11.20	22.40	112.00	224.00	3.89	5.04
8 years (6/1/72)	11.20	22.40	112.00	224.00	3.92	5.19
8½ years (12/1/72)	12.15	24.30	121.50	243.00	3.96	5.31
9 years (6/1/73)	12.15	24.30	121.50	243.00	4.01	5.54
9½ years (12/1/73)	12.15	24.30	121.50	243.00	4.04	6.23
10 years (maturity)[5] (6/1/74)	15.58	31.16	155.80	311.60	4.13	

[1] At all times, except that bond was not redeemable during first 6 months.
[2] Month, day, and year on which interest check is payable on issues of June 1, 1964. For subsequent issue months add the appropriate number of months.
[3] Yield on face value from each interest payment date to maturity based on the schedule of interest checks prior to the December 1, 1965 revision.
[4] Yield on face value from each interest payment date to maturity based on the schedule of interest checks prior to the June 1, 1968 revision.
[5] Final check at maturity improved by revision of June 1, 1968.

TABLE 30

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1964 THROUGH MAY 1, 1965

Face value: Issue price / Redemption[1] and maturity value	$500 / 500	$1,000 / 1,000	$5,000 / 5,000	$10,000 / 10,000	Approximate investment yield on face value	
Period of time bond is held after issue date	(1) Amounts of interest checks for each denomination				(2) From issue date to each interest payment date	(3) From each interest payment date to maturity
					Percent	Percent
½ year [2] (6/1/65)	$4.00	$8.00	$40.00	$80.00	1.60	[3] 3.88
1 year (12/1/65)	7.25	14.50	72.50	145.00	2.25	[4] 4.35
1½ years (6/1/66)	8.20	16.40	82.00	164.00	2.89	[4] 4.42
2 years (12/1/66)	10.20	20.40	102.00	204.00	2.95	[4] 4.45
2½ years (6/1/67)	10.20	20.40	102.00	204.00	3.17	[4] 4.45
3 years (12/1/67)	10.20	20.40	102.00	204.00	3.31	[4] 4.51
3½ years (6/1/68)	10.65	21.30	106.50	213.00	3.44	4.63
4 years (12/1/68)	10.65	21.30	106.50	213.00	3.54	4.67
4½ years (6/1/69)	10.65	21.30	106.50	213.00	3.61	4.71
5 years (12/1/69)	10.65	21.30	106.50	213.00	3.67	4.76
5½ years (6/1/70)	10.65	21.30	106.50	213.00	3.72	4.83
6 years (12/1/70)	11.35	22.70	113.50	227.00	3.78	4.93
6½ years (6/1/71)	11.35	22.70	113.50	227.00	3.83	4.92
7 years (12/1/71)	11.35	22.70	113.50	227.00	3.88	4.93
7½ years (6/1/72)	11.35	22.70	113.50	227.00	3.91	5.08
8 years (12/1/72)	11.35	22.70	113.50	227.00	3.95	5.22
8½ years (6/1/73)	12.15	24.30	121.50	243.00	3.99	5.35
9 years (12/1/73)	12.15	24.30	121.50	243.00	4.03	5.60
9½ years (6/1/74)	12.15	24.30	121.50	243.00	4.07	6.36
10 years (maturity)[5] (12/1/74)	15.91	31.82	159.10	318.20	4.16	

[1] At all times, except that bond was not redeemable during first 6 months.
[2] Month, day, and year on which interest check is payable on issues of December 1, 1964. For subsequent issue months add the appropriate number of months.
[3] Yield on face value from each interest payment date to maturity based on the schedule of interest checks prior to the December 1, 1965 revision.
[4] Yield on face value from each interest payment date to maturity based on the schedule of interest checks prior to the June 1, 1968 revision.
[5] Final check at maturity improved by revision of June 1, 1968.

TABLE 31

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1965

Face value: Issue price / Redemption[1] and maturity value	$500 / 500	$1,000 / 1,000	$5,000 / 5,000	$10,000 / 10,000	Approximate investment yield on face value	
Period of time bond is held after issue date	(1) Amounts of interest checks for each denomination				(2) From issue date to each interest payment date	(3) From each interest payment date to maturity
					Percent	Percent
½ year [2] (12/1/65)	$4.00	$8.00	$40.00	$80.00	1.60	[3] 4.28
1 year (6/1/66)	7.45	14.90	74.50	149.00	2.29	[3] 4.27
1½ years (12/1/66)	8.20	16.40	82.00	164.00	2.61	[3] 4.45
2 years (6/1/67)	10.20	20.40	102.00	204.00	2.97	[3] 4.47
2½ years (12/1/67)	10.20	20.40	102.00	204.00	3.18	[3] 4.51
3 years (6/1/68)	10.60	21.20	106.00	212.00	3.35	4.63
3½ years (12/1/68)	10.60	21.20	106.00	212.00	3.47	4.66
4 years (6/1/69)	10.60	21.20	106.00	212.00	3.56	4.70
4½ years (12/1/69)	10.60	21.20	106.00	212.00	3.63	4.75
5 years (6/1/70)	10.60	21.20	106.00	212.00	3.69	4.81
5½ years (12/1/70)	11.30	22.60	113.00	226.00	3.76	4.84
6 years (6/1/71)	11.30	22.60	113.00	226.00	3.81	4.89
6½ years (12/1/71)	11.30	22.60	113.00	226.00	3.86	4.95
7 years (6/1/72)	11.30	22.60	113.00	226.00	3.90	5.02
7½ years (12/1/72)	11.30	22.60	113.00	226.00	3.94	5.13
8 years (6/1/73)	12.05	24.10	120.50	241.00	3.98	5.21
8½ years (12/1/73)	12.05	24.10	120.50	241.00	4.03	5.35
9 years (6/1/74)	12.05	24.10	120.50	241.00	4.08	5.63
9½ years (12/1/74)	12.05	24.10	120.50	241.00	4.09	6.46
10 years (maturity)[4] (6/1/75)	16.15	32.30	161.50	323.00	4.19	

[1] At all times, except that bond was not redeemable during first 6 months.
[2] Month, day, and year on which interest check is payable on issues of June 1, 1965. For subsequent issue months add the appropriate number of months.
[3] Yield on face value from each interest payment date to maturity based on the schedule of interest checks prior to the June 1, 1968 revision.
[4] Final check at maturity improved by revision of June 1, 1968.

TABLE 32

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1965 THROUGH MAY 1, 1966

Face value: Issue price / Redemption[1] and maturity value	$500 500	$1,000 1,000	$5,000 5,000	$10,000 10,000	Approximate investment yield on face value	
Period of time bond is held after issue date	(1) Amounts of interest checks for each denomination				(2) From issue date to each interest payment date	(3) From each interest payment date to maturity
					Percent	Percent
½ year[2] (6/1/66)	$5.50	$11.00	$55.00	$110.00	2.20	[3] 4.27
1 year (12/1/66)	9.70	19.40	97.00	194.00	3.03	[3] 4.30
1½ years (6/1/67)	10.75	21.50	107.50	215.00	3.45	[3] 4.30
2 years (12/1/67)	10.75	21.50	107.50	215.00	3.65	4.40
2½ years (6/1/68)	10.75	21.50	107.50	215.00	3.78	4.41
3 years (12/1/68)	10.75	21.50	107.50	215.00	3.86	4.42
3½ years (6/1/69)	10.75	21.50	107.50	215.00	3.92	4.42
4 years (12/1/69)	10.75	21.50	107.50	215.00	3.96	4.43
4½ years (6/1/70)	10.75	21.50	107.50	215.00	4.00	4.44
5 years (12/1/70)	10.75	21.50	107.50	215.00	4.03	4.46
5½ years (6/1/71)	10.75	21.50	107.50	215.00	4.05	4.48
6 years (12/1/71)	10.75	21.50	107.50	215.00	4.07	4.50
6½ years (6/1/72)	10.75	21.50	107.50	215.00	4.08	4.53
7 years (12/1/72)	10.75	21.50	107.50	215.00	4.10	4.58
7½ years (6/1/73)	10.75	21.50	107.50	215.00	4.11	4.64
8 years (12/1/73)	10.75	21.50	107.50	215.00	4.12	4.72
8½ years (6/1/74)	10.75	21.50	107.50	215.00	4.13	4.87
9 years (12/1/74)	10.75	21.50	107.50	215.00	4.13	5.17
9½ years (6/1/75)	10.75	21.50	107.50	215.00	4.14	6.06
10 years (maturity)[4] (12/1/75)	15.14	30.28	151.40	302.80	4.22	

[1] At all times, except that bond was not redeemable during first 6 months.
[2] Month, day, and year on which interest check is payable on issues of December 1, 1965. For subsequent issue months add the appropriate number of months.
[3] Yield on face value from each interest payment date to maturity based on the schedule of interest checks prior to the June 1, 1968 revision.
[4] Final check at maturity improved by revision of June 1, 1968.

TABLE 33

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1966

Face value: Issue price / Redemption[1] and maturity value	$500 500	$1,000 1,000	$5,000 5,000	$10,000 10,000	Approximate investment yield on face value	
Period of time bond is held after issue date	(1) Amounts of interest checks for each denomination				(2) From issue date to each interest payment date	(3) From each interest payment date to maturity
					Percent	Percent
½ year[2] (12/1/66)	$5.50	$11.00	$55.00	$110.00	2.20	[3] 4.27
1 year (6/1/67)	9.70	19.40	97.00	194.00	3.03	[3] 4.30
1½ years (12/1/67)	10.75	21.50	107.50	215.00	3.45	[3] 4.30
2 years (6/1/68)	10.75	21.50	107.50	215.00	3.65	4.40
2½ years (12/1/68)	10.75	21.50	107.50	215.00	3.78	4.41
3 years (6/1/69)	10.75	21.50	107.50	215.00	3.86	4.42
3½ years (12/1/69)	10.75	21.50	107.50	215.00	3.92	4.43
4 years (6/1/70)	10.75	21.50	107.50	215.00	3.96	4.44
4½ years (12/1/70)	10.75	21.50	107.50	215.00	4.00	4.45
5 years (6/1/71)	10.75	21.50	107.50	215.00	4.03	4.47
5½ years (12/1/71)	10.75	21.50	107.50	215.00	4.05	4.49
6 years (6/1/72)	10.75	21.50	107.50	215.00	4.07	4.52
6½ years (12/1/72)	10.75	21.50	107.50	215.00	4.08	4.55
7 years (6/1/73)	10.75	21.50	107.50	215.00	4.10	4.60
7½ years (12/1/73)	10.75	21.50	107.50	215.00	4.11	4.66
8 years (6/1/74)	10.75	21.50	107.50	215.00	4.12	4.76
8½ years (12/1/74)	10.75	21.50	107.50	215.00	4.13	4.92
9 years (6/1/75)	10.75	21.50	107.50	215.00	4.13	5.24
9½ years (12/1/75)	10.75	21.50	107.50	215.00	4.14	6.20
10 years (maturity)[4] (6/1/76)	15.49	30.98	154.90	309.80	4.23	

[1] At all times, except that bond was not redeemable during first 6 months.
[2] Month, day, and year on which interest check is payable on issues of June 1, 1966. For subsequent issue months add the appropriate number of months.
[3] Yield on face value from each interest payment date to maturity based on the schedule of interest checks prior to the June 1, 1968 revision.
[4] Final check at maturity improved by revision of June 1, 1968.

TABLE 34

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1966 THROUGH MAY 1, 1967

Face value: Issue price / Redemption[1] and maturity value	$500 500	$1,000 1,000	$5,000 5,000	$10,000 10,000	Approximate investment yield on face value	
Period of time bond is held after issue date	(1) Amounts of interest checks for each denomination				(2) From issue date to each interest payment date	(3) From each interest payment date to maturity
					Percent	Percent
½ year[2] (6/1/67)	$5.50	$11.00	$55.00	$110.00	2.20	[3] 4.27
1 year (12/1/67)	9.70	19.40	97.00	194.00	3.03	[3] 4.30
1½ years (6/1/68)	10.75	21.50	107.50	215.00	3.45	4.40
2 years (12/1/68)	10.75	21.50	107.50	215.00	3.65	4.41
2½ years (6/1/69)	10.75	21.50	107.50	215.00	3.78	4.42
3 years (12/1/69)	10.75	21.50	107.50	215.00	3.86	4.43
3½ years (6/1/70)	10.75	21.50	107.50	215.00	3.92	4.44
4 years (12/1/70)	10.75	21.50	107.50	215.00	3.96	4.45
4½ years (6/1/71)	10.75	21.50	107.50	215.00	4.00	4.47
5 years (12/1/71)	10.75	21.50	107.50	215.00	4.03	4.48
5½ years (6/1/72)	10.75	21.50	107.50	215.00	4.05	4.50
6 years (12/1/72)	10.75	21.50	107.50	215.00	4.07	4.53
6½ years (6/1/73)	10.75	21.50	107.50	215.00	4.08	4.57
7 years (12/1/73)	10.75	21.50	107.50	215.00	4.10	4.62
7½ years (6/1/74)	10.75	21.50	107.50	215.00	4.11	4.69
8 years (12/1/74)	10.75	21.50	107.50	215.00	4.12	4.79
8½ years (6/1/75)	10.75	21.50	107.50	215.00	4.13	4.96
9 years (12/1/75)	10.76	21.50	107.50	215.00	4.13	5.30
9½ years (6/1/76)	10.75	21.50	107.50	215.00	4.14	6.34
10 years (maturity)[4] (12/1/76)	15.84	31.68	158.40	316.80	4.23	

[1] At all times, except that bond was not redeemable during first 6 months.
[2] Month, day, and year on which interest check is payable on issues of December 1, 1966. For subsequent issue months add the appropriate number of months.
[3] Yield on face value from each interest payment date to maturity based on the schedule of interest checks prior to the June 1, 1968 revision.
[4] Final check at maturity improved by revision of June 1, 1968.

TABLE 35

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1967

Face value: Issue price / Redemption[1] and maturity value	$500 500	$1,000 1,000	$5,000 5,000	$10,000 10,000	Approximate investment yield on face value	
Period of time bond is held after issue date	(1) Amounts of interest checks for each denomination				(2) From issue date to each interest payment date	(3) From each interest payment date to maturity
					Percent	Percent
½ year[2] (12/1/67)	$5.50	$11.00	$55.00	$110.00	2.20	[3] 4.27
1 year (6/1/68)	9.70	19.40	97.00	194.00	3.03	4.40
1½ years (12/1/68)	10.75	21.50	107.50	215.00	3.45	4.41
2 years (6/1/69)	10.75	21.50	107.50	215.00	3.65	4.42
2½ years (12/1/69)	10.75	21.50	107.50	215.00	3.78	4.42
3 years (6/1/70)	10.75	21.50	107.50	215.00	3.86	4.43
3½ years (12/1/70)	10.75	21.50	107.50	215.00	3.92	4.45
4 years (6/1/71)	10.75	21.50	107.50	215.00	3.96	4.46
4½ years (12/1/71)	10.75	21.50	107.50	215.00	4.00	4.48
5 years (6/1/72)	10.75	21.50	107.50	215.00	4.03	4.50
5½ years (12/1/72)	10.75	21.50	107.50	215.00	4.05	4.52
6 years (6/1/73)	10.75	21.50	107.50	215.00	4.07	4.55
6½ years (12/1/73)	10.75	21.50	107.50	215.00	4.08	4.59
7 years (6/1/74)	10.75	21.50	107.50	215.00	4.10	4.64
7½ years (12/1/74)	10.75	21.50	107.50	215.00	4.11	4.72
8 years (6/1/75)	10.75	21.50	107.50	215.00	4.12	4.83
8½ years (12/1/75)	10.75	21.50	107.50	215.00	4.13	5.01
9 years (6/1/76)	10.75	21.50	107.50	215.00	4.13	5.36
9½ years (12/1/76)	10.75	21.50	107.50	215.00	4.14	6.48
10 years (maturity)[4] (6/1/77)	16.20	32.40	162.00	324.00	4.24	

[1] At all times, except that bond was not redeemable during first 6 months.
[2] Month, day, and year on which interest check is payable on issues of June 1, 1967. For subsequent issue months add the appropriate number of months.
[3] Yield on face value from each interest payment date to maturity based on the schedule of interest checks prior to the June 1, 1968 revision.
[4] Final check at maturity improved by revision of June 1, 1968.

TABLE 36

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1967 THROUGH MAY 1, 1968

Face value: Issue price / Redemption[1] and maturity value	$500 500	$1,000 1,000	$5,000 5,000	$10,000 10,000	Approximate investment yield on face value	
Period of time bond is held after issue date	(1) Amounts of interest checks for each denomination				(2) From issue date to each interest payment date	(3) From each interest payment date to maturity
					Percent	Percent
½ year[2] (6/1/68)	$5.50	$11.00	$55.00	$110.00	2.20	4.27
1 year (12/1/68)	9.70	10.40	97.00	194.00	3.03	4.41
1½ years (6/1/69)	10.75	21.50	107.50	215.00	3.45	4.41
2 years (12/1/69)	10.75	21.50	107.50	215.00	3.65	4.42
2½ years (6/1/70)	10.75	21.50	107.50	215.00	3.78	4.43
3 years (12/1/70)	10.75	21.50	107.50	215.00	3.86	4.44
3½ years (6/1/71)	10.75	21.50	107.50	215.00	3.92	4.46
4 years (12/1/71)	10.75	21.50	107.50	215.00	4.00	4.47
4½ years (6/1/72)	10.75	21.50	107.50	215.00	4.00	4.49
5 years (12/1/72)	10.75	21.50	107.50	215.00	4.03	4.51
5½ years (6/1/73)	10.75	21.50	107.50	215.00	4.05	4.54
6 years (12/1/73)	10.75	21.50	107.50	215.00	4.07	4.57
6½ years (6/1/74)	10.75	21.50	107.50	215.00	4.08	4.61
7 years (12/1/74)	10.75	21.50	107.50	215.00	4.10	4.67
7½ years (6/1/75)	10.75	21.50	107.50	215.00	4.11	4.74
8 years (12/1/75)	10.75	21.50	107.50	215.00	4.12	4.86
8½ years (6/1/76)	10.75	21.50	107.50	215.00	4.13	5.06
9 years (12/1/76)	10.75	21.50	107.50	215.00	4.13	5.45
9½ years (6/1/77)	10.75	21.50	107.50	215.00	4.14	6.63
10 years (maturity)[3] (12/1/77)	16.57	33.14	165.70	331.40	4.24	

[1] At all times, except that bond was not redeemable during first 6 months.
[2] Month, day, and year on which interest check is payable on issues of December 1, 1967. For subsequent issue months add the appropriate number of months.
[3] Final check at maturity improved by revision of June 1, 1968.

PART 342—OFFERING OF UNITED STATES SAVINGS NOTES

Treasury Department Circular, Public Debt Series No. 3–67, dated February 22, 1967, including the table incorporated therein (31 CFR Part 342), is hereby amended and reissued as Treasury Department Circular, Public Debt Series No. 3–67, Revised, as follows:

Sec.
342.0 Offering of notes.
342.1 Definition of words and terms as used in this offer.
342.2 Description of notes.
342.3 Purchase—registration.
342.4 Limitations.
342.5 Taxation.
342.6 Payment or redemption.
342.7 Governing regulations.
342.8 Fiscal agents.
342.9 Reservations.

AUTHORITY: The provisions of this Part 342 issued under sec. 18, 20, Second Liberty Bond Act, as amended (40 Stat. 1304, 48 Stat. 343, both as amended; 31 U.S.C. 753, 754b).

§ 342.0 Offering of notes.

The Secretary of the Treasury hereby offers for sale to the people of the United States, U.S. Savings Notes (also known as "Freedom Shares" and generally referred to herein as "savings notes" or "notes"). The notes may be purchased only in combination with U.S. Savings Bonds of Series E of equal or greater face amounts. This offering, which shall be effective June 1, 1968, will continue until terminated by the Secretary of the Treasury.

§ 342.1 Definitions of words and terms as used in this offer.

(a) "Payroll savings plan" refers to a voluntary program maintained by an employer whereby its participating officers and employees authorize regular withholdings from their salaries or wages for the purchase of Series E bonds.

(b) "Quarter" refers to a 3-month period of a year, as follows: January-February-March, April-May-June, July-August-September, or October-November-December.

§ 342.2 Description of notes.

(a) *General.* Savings notes are issued only in registered form and are nontransferable.

(b) *Term.* A savings note will be dated as of the first day of the month in which payment of the purchase price is received by an issuing agent.[1] This date is the issue date and the note will mature and be payable at its maturity value 4 years and 6 months from such issue date. The note may not be called for redemption by the Secretary of the Treasury prior to maturity, and is not redeemable during the first year from issue date. Thereafter, the note may be redeemed at fixed redemption values at the option and request of the owner.

(c) *Denominations—prices—investment yield (interest).* Savings notes are issued on a discount basis. The denominations and purchase prices are:

Denomination	*Purchase Price*
$25.00	$20.25
50.00	40.50
50.00	60.75
100.00	81.00

Interest will be paid as a part of the redemption value. A note will increase in value 1 year after issue date and at the beginning of each half-year period thereafter until maturity, at which time interest will cease. Interest on a note redeemed before maturity will cease at the end of the interest period next preceding the redemption date, except that if redeemed on a date on which the redemption value increases, interest will cease on that date.

(1) *Notes with issue dates June 1, 1968, or thereafter.* The investment yield on a savings note with issue date of June 1, 1968, or thereafter, will be approximately 5 percent per annum compounded semiannually, if the note is held to maturity, but the yield will be less if the note is redeemed prior to maturity. See Table 1.

(2) *Notes with issue dates May 1, 1967, through May 1, 1968.* The investment yield on savings notes with issue dates of May 1, 1967, through May 1, 1968, if held to maturity, will be 4.74 percent per annum compounded semiannually, but the yield will be less if the notes are redeemed earlier. See Table 2.

(d) *Inscription and issue.* At the time of issue the authorized issuing agent will (1) inscribe on the face of each note the name and address of the owner and the name of the beneficiary, if any, or the names of the coowners and the address of the first-name coowner,[2] (2) enter the issue date in the right-hand portion of the note in the space provided for that

[1] Generally, incorporated banks, trust companies and other agencies as have been duly qualified as issuing agents of Series E bonds.

[2] When placing a taxpayer identifying number (an individual's social security account number) on a note, the issuing agent should place the number on the note in the same position as on the companion Series E bond.

purpose, and (3) imprint thereunder, by use of the agent's validating stamp for the issue of U.S. Savings Bonds, the date the note is actually inscribed. A note shall be valid only if an authorized issuing agent receives payment therefor and duly inscribes, dates, stamps, and delivers it.

(c) *Stock for notes issued on and after June 1, 1968.* Savings note stock in use prior to June 1, 1968, will be used for notes issued hereunder until such time as new stock is printed and supplied to issuing agents. The new investment yield and redemption values shall apply to such notes as fully as if expressly set forth in the text. They will be redeemed by all paying agents at the redemption values in Table 1. Accordingly, it is not necessary for owners to exchange notes on old stock when the new stock is available, but they may do so if they wish by presenting notes issued on and after June 1, 1968, on old stock to any Federal Reserve Bank or Branch, or to the Treasurer of the United States, Securities Division, Washington, D.C. 20220.

§ 342.3 Purchase—registration.

(a) *Purchase.* Savings notes, in combination with Series E bonds, may be obtained from any authorized issuing agent, or a Federal Reserve Bank or Branch, or the Office of the Treasurer of the United States, Securities Division, Washington, D.C. 20220. Payments for the notes may be made in the same manner as payments for U.S. Savings Bonds. Issuing agents will deliver the notes at the time of purchase, or by mail at the risk and expense of the United States, but only within the United States, its territories and possessions, the Commonwealth of Puerto Rico and the Canal Zone. No mail deliveries elsewhere will be made.

(b) *Registration.* On original issue a savings note (1) is limited to registration in the name of a natural person (whether adult or minor), alone or with another natural person as coowner or beneficiary, and (2) must be identical in registration to the Series E bond purchased in combination therewith.

§ 342.4 Limitations.

(a) *Purchases*—(1) *Payroll savings plans.* Under a payroll savings plan, withholdings for notes shall not exceed the ratio of $1.08 for the notes to $1 for the Series E bonds and shall not exceed $20.25 per weekly pay period, or $40.50 per biweekly or semimonthly pay period, or $81 per monthly pay period.

(2) *Others.* In combination purchases of notes and Series E bonds, other than under a payroll savings plan, purchases of notes shall not exceed $350 (face amount) a quarter, and in no event shall the annual limitation of $1,350 (face amount) be exceeded.

(b) *Holdings.* Savings notes originally issued to any one person during any one calendar year that may be held by that person at any one time is limited to $1,350 (face amount).

§ 342.5 Taxation.

(a) *General.* For the purpose of determining taxes and tax exemptions, the increment in value represented by the difference between the purchase price and the redemption value received for a savings note will be considered as interest. The interest is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

(b) *Federal income tax on notes.* An owner of savings notes who is a cash basis taxpayer may use either of two methods for reporting the increase in the redemption value of the notes for Federal income tax purposes, as follows:

(1) Defer reporting of the increase until the year of maturity, actual redemption, or other disposition, whichever is earlier, or

(2) Elect to report the increase for the year in which it accrues, in which case the election will apply also to all Series E bonds then owned by him and those thereafter acquired, as well as to any other similar obligations sold on a discount basis.

If the method in subparagraph (1) of this paragraph is used, the taxpayer may change to the method in subparagraph (2) of this paragraph without obtaining permission from the Internal Revenue Service. However, once the election to use the method in subparagraph (2) of this paragraph is made, the taxpayer may not change the method of reporting, unless he obtains permission to do so from the Internal Revenue Service. Inquiries requesting further information on Federal taxes should be addressed to the District Director, Internal Revenue Service, of the taxpayer's district, or the Internal Revenue Service, Washington, D.C. 20224.

§ 342.6 Payment or redemption.

(a) *General.* At any time 1 year or more after the issue date, a savings note may be redeemed upon presentation and surrender of the note with a duly executed request for payment to any Federal Reserve Bank or Branch, or the Office of the Treasurer of the United States, Securities Division, Washington, D.C. 20220, or to any financial institution which has been designated as paying agent by the Secretary of the Treasury.

(b) *Judgment creditors.* Payment of a savings note to the purchaser at a sale under a levy or to the officer authorized to levy upon the property of the owner under appropriate process to satisfy a money judgment will not be made until 1 year after the issue date of the note.

§ 342.7 Governing regulations.

Savings notes are subject to the regulations of the Treasury Department, now or hereafter prescribed, governing U.S. Savings Bonds, contained in Department Circular No. 530, current revision (Part 315 of this chapter),[2] except as otherwise specifically provided herein.

§ 342.8 Fiscal agents.

Federal Reserve Banks and Branches, as fiscal agents of the United States, are authorized to perform such services as may be requested of them by the Secretary of the Treasury in connection with the issue, delivery, redemption, and payment of savings notes.

§ 342.9 Reservations.

(a) *Issue of notes.* The Secretary of the Treasury reserves the right to reject any application for purchase of savings notes, in whole or in part, and to refuse to issue or permit to be issued hereunder any such notes in any case or any class or classes of cases if he deems such action to be in the public interest, and his action in any such respect shall be final.

(b) *Terms of offer.* The Secretary of the Treasury may at any time or from time to time supplement or amend the terms of this offering of notes, or of any amendments or supplements thereto.

[2] Copies may be obtained from any Federal Reserve Bank or Branch, or the Bureau of the Public Debt, Division of Loans and Currency Branch, 536 South Clark Street, Chicago, Ill. 60605.

TABLE 1

NOTES BEARING ISSUE DATES BEGINNING JUNE 1, 1968

Denomination / Issue price	$25.00 / 20.25	$50.00 / 40.50	$75.00 / 60.75	$100.00 / 81.00	Approximate investment yield	
Period after issue date	(1) Redemption values during each half-year period after the first year (values increase on first day of period shown) [1]				(2) On purchase price from issue date to beginning of each half-year period [2]	(3) On current redemption values from beginning of each half-year period to maturity [2]
1 to 1½ years	$21.07	$42.14	$63.21	$84.28	Percent 4.01	Percent 4.95
1½ to 2 years	21.53	43.06	64.59	86.12	4.13	5.04
2 to 2½ years	22.03	44.06	66.09	88.12	4.26	5.12
2½ to 3 years	22.56	45.12	67.68	90.24	4.37	5.20
3 to 3½ years	23.14	46.28	69.42	92.56	4.50	5.22
3½ to 4 years	23.74	47.48	71.22	94.96	4.60	5.24
4 to 4½ years	24.36	48.72	73.08	97.44	4.67	5.25
MATURITY VALUE (4½ years from issue date)	25.00	50.00	75.00	100.00	4.74	

[1] Savings notes are not redeemable before 1 year from issue date.
[2] Except the first half-year.

TABLE 2

NOTES BEARING ISSUE DATES FROM MAY 1, 1967 THROUGH MAY 1, 1968

Denomination / Issue price	$25.00 / 20.25	$50.00 / 40.50	$75.00 / 60.75	$100.00 / 81.00	Approximate investment yield	
Period after issue date	(1) Redemption values during each half-year period after the first year (values increase on first day of period shown) [1]				(2) On purchase price from issue date to beginning of each half-year period [2]	(3) On current redemption values from beginning of each half-year period to maturity [2]
1 to 1½ years	$21.07	$42.14	$63.21	$84.28	Percent 4.01	Percent 4.95
1½ to 2 years	21.53	43.06	64.59	86.12	4.13	5.04
2 to 2½ years	22.03	44.06	66.09	88.12	4.26	5.12
2½ to 3 years	22.56	45.12	67.68	90.24	4.37	5.20
3 to 3½ years	23.14	46.28	69.42	92.56	4.50	5.22
3½ to 4 years	23.74	47.48	71.22	94.96	4.60	5.24
4 to 4½ years	24.36	48.72	73.08	97.44	4.67	5.25
MATURITY VALUE (4½ years from issue date)	25.00	50.00	75.00	100.00	4.74	

[1] Savings notes are not redeemable before 1 year from issue date.
[2] Except the first half-year.

[F.R. Doc. 68-8234; Filed, Aug. 7, 1968; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 21,995]

PART 561—DEFINITIONS

Scheduled Items

AUGUST 1, 1968.

Resolved that, notice and public procedure having been duly afforded (33 F.R. 9675) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, for the purposes of excluding from the definition of "scheduled items" certain loans and contracts which have the benefit of a guaranty by the Federal Savings and Loan Insurance Corporation and including within such definition any real estate owned as a result of default by a contract purchaser and certain real estate sold, hereby amends paragraphs (c) and (d) of § 561.15 of the Rules and Regulations for Insurance of Accounts (12 CFR 561.15) to read as follows; effective September 9, 1968:

§ 561.15 Scheduled items.

* * * * *

(c) The total amount invested in real estate owned as a result of foreclosure, or acquired by deed in lieu of foreclosure, and any other real estate owned on which a contract purchaser has defaulted and the contract canceled, other than real estate owned pending transfer to an insuring or guaranteeing agency of the U.S. Government.

(d) Such real estate and real estate previously owned or held by the insured institution for development or investment purposes, sold on contract or by a loan (other than an insured or guaranteed loan or any loan or contract which has the benefit of any guaranty by the Federal Savings and Loan Insurance Corporation) during the period that the unpaid principal balance or the unexpired portion of the term exceeds that permitted under otherwise applicable lending limitations, or, in the absence of otherwise applicable lending limitations, the unpaid principal balance exceeds 90 percent of the value of the security or the unexpired portion of the term exceeds 30 years.

* * * * *

(Secs. 402, 403, 48 Stat. 1258, 1257, as amended; 12 U.S.C. 1725, 1726, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 68-9473; Filed, Aug. 7, 1968; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8918; Amdt. 39-628]

PART 39—AIRWORTHINESS DIRECTIVES

SIAI-Marchetti Model S.205/22R Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) requiring the installation of a microswitch, applicable to the main landing gear, on each wing on SIAI-Marchetti Model S.205/22R airplanes, was published in 33 F.R. 8349.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SIAI-MARCHETTI. Applies to Model S.205/22R airplanes—Serial Nos. 213, 370, 371, 372, 373, 374, 379, 380, 381, 382, and 384.

Compliance required within the next 200 hours' time in service after the effective date of this AD, unless already accomplished.

To provide a position indicating means for the main landing gear, install a Burgess MK4BR microswitch on the right and left wing in accordance with SIAI-Marchetti Service Bulletin No. 205B5A, dated April 11, 1968, or later RAI-approved issue, or an FAA-approved equivalent.

This amendment becomes effective September 7, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 1, 1968.

JAMES F. RUDOLPH, *Director, Flight Standards Service.*

[F.R. Doc. 68-9453; Filed, Aug. 7, 1968; 8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6968]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Reporting of Interest on Deposits Evidenced by Negotiable Time Certificates of Deposits

On August 10, 1967, notice of proposed rule making with respect to amendment of the Income Tax Regulations (26 CFR Part 1) under sections 6041 and 6049 of the Internal Revenue Code of 1954, to change the requirements for information reporting with respect to interest on deposits evidenced by certain types of negotiable time certificates of deposits, was published in the FEDERAL REGISTER (32 F.R. 11533). After consideration of all such relevant matter as

was presented by interested persons regarding the rules proposed, the amendments to the regulations as so proposed are hereby adopted, subject to the changes set forth below:

Paragraph (a) (2) (ii) of § 1.6049–2, as set forth in paragraph 2 of the notice of proposed rule making, is revised.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] SHELDON S. COHEN,
Commissioner of Revenue.

Approved: August 2, 1968.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to change the requirements for information reporting with respect to interest on deposits evidenced by certain types of negotiable time certificates of deposits, the Income Tax Regulations (26 CFR Part 1) under sections 6041 and 6049 of the Internal Revenue Code of 1954, are amended, effective for calendar years after 1966, as follows:

PARAGRAPH 1. Section 1.6041–3 is amended by revising paragraph (n), by revising paragraph (o), and by adding a new paragraph (p). These amended and added provisions read as follows:

§ 1.6041–3 Payments for which no return of information is required under section 6041.

• • • • •

(n) Amounts paid to persons in the service of an international organization, as defined in section 7701(a)(18), as an allowance or reimbursement for traveling or other bona fide ordinary and necessary expenses, including an allowance for meals and lodging or a per diem allowance in lieu of subsistence;

(o) A payment of a type determined by the Commissioner to be paid as an award to an informer or other payment of a similar character made by the United States, a State, Territory, or political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing; and

(p) On and after (September 9, 1968), payments by a person carrying on the banking business of interest on a deposit evidenced by a negotiable time certificate of deposit (but for reporting requirements as to payments made after Dec. 31, 1962, of interest on certain deposits, see sec. 6049 and the regulations thereunder in this part).

PAR. 2. Paragraph (a) (2) of § 1.6049–2 is amended to read as follows:

§ 1.6049–2 Interest subject to reporting.

(a) *In general.* • • •

(2) (i) Before (September 9, 1968), interest on deposits (except deposits evidenced by negotiable time certificates of deposits) paid (or credited) by persons carrying on the banking business.

(ii) On and after September 9, 1968, interest on deposits (except deposits evidenced by negotiable time certificates of deposit issued either in bearer form or in an amount of $100,000 or more) paid (or credited) by persons carrying on the banking business. For purposes of this subdivision, a negotiable time certificate of deposit shall not be considered as issued in bearer form if it has been indorsed by the purchaser as payable to his order, and has not been indorsed by any other person (other than a banking institution).

• • • • •

[F.R. Doc. 68–9469; Filed, Aug. 7, 1968; 8:47 a.m.]

SUBCHAPTER E—ALCOHOL, TOBACCO AND OTHER EXCISE TAXES

[T.D. 6967]

PART 251—IMPORTATION OF DISTILLED SPIRITS, WINES, AND BEER

Samples Imported for Quality Control Purposes

On April 23, 1968, a notice of proposed rule making to amend 26 CFR Part 251 was published in the FEDERAL REGISTER (33 F.R. 6164). In accordance with the notice, interested persons were afforded an opportunity to submit written comments or suggestions pertaining thereto. No comments or suggestions were received within the 30-day period prescribed in the notice, and the amendments as published in the FEDERAL REGISTER are hereby adopted, subject to the following change:

Paragraph 1 is amended to conform the wording to that in Treasury Decision 6954, published May 4, 1968, by striking "Part 175 of this subchapter" in the first sentence of § 251.74 and inserting in lieu thereof "Subpart N of this part".

This Treasury decision shall become effective on the first day of the first month which begins not less than 30 days after the date of its publication in the FEDERAL REGISTER.

(Sec. 7805, Internal Revenue Code (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.
LESTER D. JOHNSON,
Commissioner of Customs.

Approved: August 2, 1968.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to exempt samples of distilled spirits, wine, and beer imported for quality control purposes from certain regulatory requirements, and to make editorial and clarifying changes, the regulations in 26 CFR Part 251 are amended as follows:

PARAGRAPH 1. Section 251.74 is amended to include a reference to a new section, § 251.75, which pertains to samples imported for quality control purposes, and to make certain editorial and clarifying changes. As amended, § 251.74 reads as follows:

§ 251.74 Exemption from requirements pertaining to stamps, marks, bottles, and labels.

The provisions of this part relating to the affixing of red strip stamps, the indicia requirements for containers prescribed by Subpart N of this part, and the labeling of containers as prescribed by 27 CFR Part 5 are not applicable to imported distilled spirits (a) not for sale or for any other commercial purpose whatever; (b) on which no internal revenue tax is required to be paid or determined on or before withdrawal from customs custody; (c) for use as ship stores; or (d) for personal use. Samples of distilled spirits, other than those provided for in § 251.49 and § 251.75, imported for any purpose are not exempt from the requirements pertaining to stamps, marks, bottles, and labels. Samples of wine and beer brought into the United States pursuant to § 251.49 are exempt from the labeling requirements of 27 CFR Parts 4 and 7, respectively. Exemptions from the requirement that imported distilled spirits, wines, and beer be marked to indicate the country of origin are set forth in customs regulations (19 CFR Part 11).

(72 Stat. 1358, 1374; 26 U.S.C. 5205, 5301)

PAR. 2. A new section, § 251.75, is inserted, immediately following § 251.74, to provide for the importation of samples of distilled spirits, wine, and beer for quality control purposes and to exempt such samples from any requirements relating to stamps, marks, bottles, labels, and standards of fill, as applicable. The new § 251.75 reads as follows:

§ 251.75 Samples of distilled spirits, wine, and beer for quality control purposes.

Samples of distilled spirits, wine, and beer in containers of a capacity of not more than 40 ounces, imported solely for quality control purposes (laboratory testing and analysis) and not for sale or for use in the manufacture or production of any article for sale, shall be exempt from any requirements relating to stamps, marks, bottles, labels, and standards of fill. Samples imported for quality control purposes shall not be exempt from the payment of any internal revenue tax imposed on, or by reason of, importation.

[F.R. Doc. 68–9487; Filed, Aug. 7, 1968; 8:48 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Rev. 5, Amdt. 10]

OI REG. 1—OIL IMPORT REGULATION

Crude and Unfinished Oils; Allocations and Use

For the allocation period January 1, 1968, through December 31, 1968, from the total amount of oil available for allocation in Districts I–IV, 2,000 b/d of crude oil and unfinished oils were set aside for the Oil Import Appeals Board and 35,700 b/d were set aside for "carry-overs" of 1967 import licenses, the latter amount to be licensed under new section 23 of the regulations. The licenses which have been issued under new section 23 of the regulations have not required all of the 35,700 b/d and, in view of the anticipated requirements of the Oil Import Appeals Board, paragraph (a) of section 10 of the regulations is amended to increase the amount of crude oil and unfinished oils available to the Board by 1,000 b/d. Also, Section 17 of the regulations is amended to enable persons receiving an allocation under new section 25 of the regulations to enter into exchange agreements.

1. Paragraph (a) of section 10 of Oil Import Regulation 1 (Revision 5), (33 F.R. 9900) is amended to read as follows:

Sec. 10. Allocations—Crude and unfinished oils—refiners—Districts I–IV.

(a) For the allocation period January 1, 1968, through December 31, 1968, approximately 3,000 b/d of imports of crude oil and unfinished oils into Districts I–IV are made available to the Oil Import Appeals Board. The Administrator shall make, to eligible persons having refinery capacity in these districts, allocations of such imports for the last 184 days of the allocation period as provided in paragraphs (b) and (c) of this section.

• • • • •

2. Section 17 of Oil Import Regulation 1 (Revision 5) (31 F.R. 16787), is amended to read as follows:

Sec. 17. Use of imported crude oil and unfinished oils.

(a) Except as provided in paragraph (b) of this section, each person who imports crude oil or unfinished oils under a license issued pursuant to an allocation made under section 9, 10, 11, 15, or 25 of this regulation must process the oils so imported in his own refinery or petrochemical plant.

(b) (1) Subject to the provisions of this paragraph (b), a person who imports crude oil or unfinished oils under an allocation made under sections 9, 10, 11, paragraph (a) of section 15 or section 25 of this regulation may exchange his imported crude oil either for domestic crude oil or for domestic unfinished oils or exchange his imported unfinished oils either for domestic unfinished oils or for domestic crude oil. However, a person receiving an allocation under section 9 may be restricted in the exchange of imported unfinished oils, as provided in paragraph (c) of that section.

(2) A proposed agreement for each such exchange must be reported to the Administrator before any action involved in the exchange is taken.

(3) Each such exchange must be effected on a ratio of not less than one barrel of domestic oil for each barrel of imported oil unless a different exchange ratio is approved by the Administrator.

(4) In any such exchange, the person who is exchanging oil imported pursuant to an allocation under sections 9, 10, 11, 15, or 25 for domestic oil must take delivery of the domestic oil and process it in his own refinery or petrochemical plant, located in the same district for which the allocation is granted, not later than 120 days after the day on which the imported oil is delivered to the other party to the exchange.

(5) Each such exchange must be on an oil-for-oil basis, and no exchange involving adjustments, settlements, or accounting on a monetary basis is permissible.

(6) Any such exchange must not be otherwise unlawful.

As this amendment merely reallocates a quantity of imports of crude oil and unfinished oils to the Oil Import Appeals Board and extends the provisions of the regulations regarding exchange agreements to new or reactivated refiners and petrochemical plants, it is unnecessary to give notice of proposed rulemaking and this amendment shall become effective immediately.

STEWART L. UDALL,
Secretary of the Interior.

JULY 31, 1968.

[F.R. Doc. 68–9448; Filed, Aug. 7, 1968; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Upper Souris National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

UPPER SOURIS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Upper Souris National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 31,800 acres, are delineated on maps available at refuge headquarters, Foxholm, N. Dak., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) The open season for hunting deer on the refuge is from noon November 8 to sunset November 17, c.s.t.

(2) All refuge trails will be closed to vehicular travel.

(3) Only males with forked antlers on at least one side will be legal.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 17, 1968.

JOHN M. DAHL,
Refuge Manager, Upper Souris National Wildlife Refuge, Foxholm, N. Dak.

JULY 25, 1968.

[F.R. Doc. 68–9446; Filed, Aug. 7, 1968; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 135—FOURTH CLASS

Reformation of Fourth-Class Postage Rates

In the daily issue of Saturday, April 6, 1968 (33 F.R. 5460–5462), the Post Office Department published a notice stating the intention of the Postmaster General to file a request with the Interstate Commerce Commission for an increase in the rates of postage on parcel post and fourth-class catalogs pursuant to section 4558 of Title 39, United States Code, and in that notice set out the proposed rates. In addition, that notice advised that interested persons could submit written comments to the Department and that an informal conference on the proposed rates would be held by Postal Officials on May 17, 1968, in which they could orally submit data, views, and arguments. On June 24, 1968, the Department submitted a request to the Interstate Commerce Commission for an increase in the schedule of rates of postage on parcel post and fourth-class catalogs. The submitted rate schedule request was amended in accordance with views which had been submitted by interested persons. On July 24, 1968, the Commission announced that it had concluded not to enter upon an investigation of the Postmaster General's request, and pursuant to section 4558 of Title 39, United States Code, the proposed rate reformation request was approved 30 days from the date of its filing. Accordingly, Title 39, Code of Federal Regulations, is amended as follows to reflect these new postage rates which are effective on October 19, 1968:

In § 135.1, make the following changes:

A. The table under paragraph (a) is revised to reflect the new parcel post zone rates. The exceptions following the tabular material are unchanged.

B. The table under paragraph (b) (1) is revised to reflect the new postage rates for fourth-class catalogs mailed in quantities of not less than 300 at one time.

C. Paragraph (b) (3), and its accompanying table are revised to reflect the new postage rates applicable to fourth-class catalogs mailed separately.

§ 135.1 Rates.

(a) *Fourth class (parcel post) zone rates.*

Weight 1 pound and not exceeding (pounds)	Zones							
	Local	1 and 2	3	4	5	6	7	8
2	$0.80	$0.80	$0.80	$0.85	$0.70	$0.80	$0.85	$0.90
3	.50	.65	.70	.75	.85	.95	1.05	1.15
4	.55	.70	.75	.85	.95	1.10	1.20	1.35
5	.55	.75	.80	.90	1.05	1.25	1.40	1.60
6	.55	.80	.90	1.00	1.15	1.40	1.55	1.75
7	.60	.90	.95	1.10	1.30	1.50	1.75	1.95
8	.60	.95	1.00	1.15	1.40	1.65	1.90	2.15
9	.65	1.00	1.05	1.25	1.50	1.80	2.05	2.35
10	.65	1.05	1.15	1.35	1.65	1.90	2.25	2.55
11	.65	1.10	1.20	1.40	1.75	2.00	2.40	2.75
12	.70	1.15	1.25	1.50	1.85	2.15	2.55	2.90
13	.70	1.20	1.35	1.55	1.95	2.25	2.70	3.10
14	.75	1.25	1.40	1.65	2.05	2.40	2.85	3.25
15	.75	1.30	1.45	1.75	2.15	2.50	3.00	3.45
16	.75	1.35	1.55	1.80	2.25	2.60	3.15	3.60
17	.80	1.40	1.60	1.90	2.35	2.75	3.30	3.80
18	.80	1.45	1.65	1.95	2.45	2.85	3.45	4.00
19	.85	1.50	1.75	2.05	2.55	2.95	3.60	4.15
20	.85	1.55	1.80	2.10	2.65	3.10	3.75	4.35
21	.85	1.60	1.85	2.15	2.75	3.20	3.90	4.50
22	.90	1.65	1.90	2.25	2.80	3.30	4.05	4.70
23	.90	1.70	1.95	2.30	2.90	3.40	4.20	4.85
24	.95	1.75	2.00	2.35	3.00	3.55	4.35	5.00
25	.95	1.75	2.05	2.45	3.05	3.65	4.50	5.20
26	.95	1.80	2.05	2.50	3.15	3.75	4.65	5.35
27	1.00	1.85	2.10	2.55	3.25	3.90	4.80	5.55
28	1.00	1.90	2.15	2.60	3.35	4.00	4.90	5.70
29	1.05	1.90	2.20	2.70	3.40	4.10	5.05	5.90
30	1.05	1.95	2.25	2.75	3.50	4.20	5.20	6.05
31	1.05	2.00	2.30	2.80	3.60	4.35	5.35	6.25
32	1.10	2.05	2.35	2.90	3.65	4.45	5.50	6.40
33	1.10	2.10	2.40	2.95	3.75	4.55	5.65	6.55
34	1.15	2.10	2.45	3.00	3.85	4.65	5.75	6.75
35	1.15	2.15	2.50	3.05	3.95	4.80	5.90	6.90
36	1.15	2.20	2.55	3.15	4.00	4.90	6.05	7.10
37	1.20	2.25	2.60	3.20	4.10	5.00	6.20	7.25
38	1.20	2.25	2.65	3.25	4.20	5.10	6.35	7.40
39	1.25	2.30	2.70	3.35	4.25	5.25	6.45	7.60
40	1.25	2.35	2.75	3.40	4.35	5.35	6.60	7.75
41	1.25	2.40	2.80	3.45	4.45	5.45	6.75	7.90
42	1.30	2.45	2.80	3.50	4.55	5.55	6.90	8.10
43	1.30	2.45	2.85	3.60	4.60	5.70	7.05	8.25
44	1.35	2.50	2.90	3.65	4.70	5.80	7.15	8.40
45	1.35	2.55	2.95	3.70	4.80	5.90	7.30	8.55
46	1.35	2.60	3.00	3.75	4.90	6.00	7.45	8.70
47	1.40	2.60	3.05	3.85	4.95	6.10	7.60	8.90
48	1.40	2.65	3.10	3.90	5.05	6.25	7.75	9.05
49	1.45	2.70	3.15	3.95	5.15	6.35	7.85	9.20
50	1.45	2.75	3.20	4.05	5.20	6.45	8.00	9.35
51	1.45	2.75	3.25	4.10	5.30	6.55	8.15	9.50
52	1.50	2.80	3.30	4.15	5.40	6.65	8.25	9.70
53	1.50	2.85	3.35	4.20	5.45	6.80	8.40	9.85
54	1.55	2.85	3.40	4.30	5.55	6.90	8.55	10.00
55	1.55	2.90	3.45	4.35	5.65	7.00	8.65	10.15
56	1.95	2.95	3.50	4.40	5.70	7.10	8.80	10.30
57	1.60	2.95	3.55	4.50	5.80	7.20	8.90	10.50
58	1.60	3.00	3.60	4.55	5.90	7.35	9.05	10.65
59	1.65	3.05	3.60	4.60	5.95	7.45	9.20	10.80
60	1.65	3.05	3.65	4.65	6.05	7.55	9.30	10.95
61	1.65	3.10	3.70	4.75	6.10	7.65	9.45	11.10
62	1.70	3.10	3.75	4.80	6.20	7.75	9.55	11.30
63	1.70	3.15	3.80	4.85	6.30	7.90	9.70	11.45
64	1.75	3.20	3.85	4.90	6.35	8.00	9.85	11.60
65	1.75	3.20	3.90	5.00	6.45	8.10	9.95	11.75
66	1.75	3.25	3.95	5.05	6.50	8.20	10.10	11.90
67	1.80	3.30	4.00	5.10	6.60	8.30	10.20	12.10
68	1.80	3.30	4.05	5.15	6.70	8.45	10.35	12.25
69	1.85	3.35	4.10	5.20	6.75	8.55	10.50	12.40
70	1.85	3.40	4.15	5.30	6.85	8.65	10.60	12.55

NOTE: The corresponding Postal Manual section is 135.11.

* * * * * *

(b) *Catalogs and similar printed advertising matter in bound form having 24 or more pages at least 22 of which are printed, weighing 16 ounces or more but not exceeding 10 pounds*—(1) *Rates for bulk mailings of separately addressed identical pieces in quantities of not less than 300 mailed at one time.*

Zones	Piece rate	Bulk pound rate
	Cents	*Cents*
Local	19	2.1
1 and 2	23	3.4
3	23	4.0
4	23	5.0
5	23	6.1
6	23	7.5
7	23	9.1
8	24	10.8

NOTE: The total charges for each bulk mailing shall be the sum of the charges derived by applying the applicable pound rate to the total number of pounds and by applying the applicable piece rate to the total number of pieces.

NOTE: The corresponding Postal Manual section is 135.121.

* * * * * *

(3) *Single piece rates for individual mailings of catalogs not mailed under subparagraph (1) of this paragraph.*

Weight (pounds)	Zones							
	Local	1 and 2	3	4	5	6	7	8
1.5	$0.26	$0.32	$0.32	$0.34	$0.36	$0.38	$0.40	$0.44
2	.27	.33	.34	.36	.39	.41	.45	.49
2.5	.28	.35	.36	.39	.42	.45	.49	.54
3	.29	.37	.38	.41	.45	.49	.54	.60
3.5	.30	.38	.40	.44	.48	.53	.58	.65
4	.31	.40	.42	.46	.51	.56	.63	.71
4.5	.32	.42	.44	.49	.54	.60	.67	.76
5	.33	.43	.46	.51	.57	.64	.72	.81
6	.35	.47	.50	.56	.63	.71	.81	.92
7	.37	.50	.54	.61	.69	.79	.90	1.03
8	.39	.54	.58	.66	.75	.86	.99	1.14
9	.41	.57	.62	.71	.81	.94	1.08	1.25
10	.43	.60	.66	.76	.87	1.01	1.17	1.35

NOTE: The corresponding Postal Manual section is 135.123.

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(5 U.S.C. 301, 39 U.S.C. 501, 4558)

TIMOTHY J. MAY,
General Counsel.

AUGUST 5, 1968.

[F.R. Doc. 68-9466; Filed, Aug. 7, 1968; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 251]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.551 Valencia Orange Regulation 251.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 6, 1968.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period August 9, 1968, through August 15, 1968, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325,000 cartons;

(iii) District 3: Unlimited movement;

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 7, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9555; Filed, Aug. 7, 1968; 11:26 a.m.]

PART 932—OLIVES GROWN IN CALIFORNIA

Order Amending Order Regulating Handling

§ 932.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Fresno, Calif., March 21, 1968, upon proposed amendment of the marketing agreement and to Order No. 932 (7 CFR Part 932) regulating the handling of olives grown in California. Upon the basis of the evidence adduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order as hereby amended, regulates the handling of olives grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order as hereby amended is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of olives grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of olives grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found, on the basis hereinafter indicated, that good cause exists for making the provisions of this amendatory order effective not later than September 1, 1968. The provisions of this order would authorize paid advertising and sales promotion activities designed to expand the market and stimulate sales of olives. Such provisions also would authorize the committee to consider limitations on natural condition olives at the incoming level and on certain styles of canned ripe olives at the outgoing level and to recommend changes in the light of current crop conditions. The crop year and the fiscal period begin September 1, 1968, and the effective time of the provisions of this amendment should coincide with this date so that such promotional activity and such limitations as may be indicated may be developed in accordance with such provisions. The provisions of this order are well known to producers and handlers. The hearing was held at Fresno, Calif., on March 21, 1968. The recommended decision and final decision were published in the FEDERAL REGISTER on May 24, 1968 (33 F.R. 7823), and July 12, 1968 (33 F.R. 10011), respectively. Copies of the text of the amendment to the order have been made available to all known producers and handlers; and compliance with provisions of the amendment will not require advance preparation on the part of persons subject thereto which cannot be completed by the effective time specified.

(c) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Olives Grown in California,"[1] upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the olives covered by this order) who, during the period September 1, 1967, through May 31, 1968, handled not less than 50 percent of the volume of olives covered by the said order as hereby amended; and

(2) The issuance of this order, amending the aforesaid order, is favored or approved by at least two-thirds of the respective producers who participated in a referendum on the question of its approval and who, during the determined representative period (September 1, 1967, through May 31, 1968), were engaged, within the production area specified in the aforesaid amended order, in the production for market of olives for market as packaged olives; such producers having also produced for market at least two-thirds of the volume of olives represented in such referendum.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of olives grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order as hereby amended as follows:

1. Section 932.8 is revised to read as follows:

§ 932.8 Natural condition olives.

"Natural condition olives" means olives in their fresh harvested state, whether or not placed in a water or other preserving medium.

2. Section 932.25 is amended by deleting the final sentence and inserting in lieu thereof a sentence to read as follows:

§ 932.25 Establishment and membership.

* * * Allocation of the handler members shall be four members to represent cooperative marketing organizations, herein referred to as "cooperative handlers," and four members to represent handlers who are not cooperative marketing organizations, herein referred to as "independent handlers": *Provided*, That whenever during the crop year in which nominations are made and in the preceding crop year, the cooperative handlers or the independent handlers handled as first handler 65 percent or more of the total quantity of olives so handled by all handlers allocation shall be five members to represent the group which so handled 65 percent or more of such olives and three members to represent the group which handled 35 percent or less. The committee may, with the approval of the Secretary, provide such other allocation of producer or handler membership, or both, as may be necessary to assure equitable representation.

3. Section 932.29 is revised to read as follows:

§ 932.29 Nominations.

(a) *Producer members.* (1) Nominations for producer members of the committee, and their respective alternates, shall be made at meetings of producers held by the committee at such times and places as it shall designate. The names of nominees shall be submitted to the Secretary prior to April 16 of the year in which nominations are made. The committee shall prescribe such procedure for the conduct of such meetings and for voting on the candidates selected thereat as shall be fair to all persons concerned.

(2) Only producers, including duly authorized officers or employees of producers, who are present shall participate in the nomination of producer members and alternate members. Each producer shall be entitled to cast only one vote for each nominee to be selected in the district in which he produces olives. No producer shall participate in the selection of nominees in more than one district. If a producer produces olives in more than one district, he shall select the district in which he will so participate and notify the committee of his choice.

(b) *Handler members.* (1) At a meeting or meetings called by the committee, the cooperative handlers shall nominate a qualified person for each member position and a qualified person for each alternate member position allocated to cooperative handlers as provided in § 932.25.

(2) At a meeting or meetings called by the committee, the independent handlers shall nominate a qualified person for each member position and a qualified person for each alternate member position allocated to independent handlers as provided in § 932.25.

(3) Each handler shall be entitled to cast only one vote for each nominee for cooperative handler member or alternate member or independent handler member or alternate member, as the case may be, which vote shall be weighted by the tonnages of olives handled by such handler during the crop year in which nominations are made and in the previous crop year.

4. Section 932.35 is amended by revising paragraph (k) to read as follows:

§ 932.35 Duties.

The committee shall have, among others, the following duties:

* * * * *

(k) With the approval of the Secretary, to redefine the districts into which the area has been divided in § 932.21 and to reapportion the membership in accordance therewith: *Provided*, That any such changes reflect insofar as practicable shifts in olive acreage within the districts and area, the numbers of growers in the districts, the tonnage produced, and are equitable as to producers; and

* * * * *

5. The first sentence of paragraph (a) of § 932.39 is amended to read as follows:

§ 932.39 Assessments.

(a) As his pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee during a fiscal year, each handler who first handles olives during such year shall pay to the committee, upon demand, assessments on all olives to be used in the production of packaged olives, including olives to be used in canned ripe olives of the "tree ripened" type or green olives when such are regulated as packaged olives pursuant to § 932.52. * * *

* * * * *

6. Section 932.45 is revised to read as follows:

§ 932.45 Marketing research and development.

(a) The committee may, with the approval of the Secretary, establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of California olives. Such projects may provide for any form of marketing promotion, including paid advertising. The expenses of such projects shall be paid from funds collected pursuant to § 932.39.

(b) In recommending projects pursuant to this section, the committee shall give consideration to the following factors:

(1) The expected supply of olives in relation to market requirements;

(2) The supply situation among competing areas and commodities; and

(3) The need for marketing research with respect to any marketing development activity and the need for a coordinated effort with USDA's Plentiful Foods Program.

(c) If the committee should conclude that a program of marketing research or development should be undertaken or continued pursuant to this section in any crop year, it shall submit the following for the approval of the Secretary:

(1) Its recommendations as to funds to be obtained pursuant to § 932.39;

(2) Its recommendations as to any marketing research projects; and

(3) Its recommendations as to promotion activity and paid advertising.

7. Paragraph (a) of § 932.51 is revised to read as follows:

§ 932.51 Incoming regulations.

(a) *Minimum standards for natural condition olives.* (1) Except as otherwise provided in this section, no handler shall process any lot of natural condition olives for use in the production of packaged olives which has not first been:

(i) Weighed on scales sealed by the State of California Department of Weights and Measures, an official certified weight certificate issued thereon, and a copy of such certificate furnished to the Federal or Federal-State Inspection Service and the committee; and

(ii) Size-graded, either by sample or by lot, under the supervision of any such inspection service and classified into separate size designations and a certification issued with respect thereto by such inspection service. Such size designations shall be in accordance with those set forth in Table 1 of the U.S. Standards for Grades of Canned Ripe Olives (§§ 52.3751–52.3766 of this title) or such sizes as may be recommended by the committee and established by the Secretary: *Provided*, That, for the purpose of this part, the size designations in said Table 1 shall be deemed to include the following two additional size designations:

Designations(s)	Approximate count (per pound)	Average count (per pound)
Subpetite		181 and up.
Petite	160	141 to 180, inclusive.

Such certification shall show, in addition to the quantities by weight of the olives in the lot that are classified as being in each size or size designation, the quantity of olives classified as culls by the handler: *Provided*, That when the Secretary, upon the recommendation of the committee, issues a definition of and classification for "culls," the aforesaid quantity of culls shall be determined on the basis of such definition and in accordance with such classification.

(2) Each handler shall, under the supervision of any such inspection service, dispose of as other than canned ripe olives an aggregate quantity of olives, comparable in size and characteristics and equal to the quantities shown on the certification for each lot to be:

(i) Variety Group 1 olives, except the Ascolano, Barouni, and St. Agostino varieties, of a size which individually weigh less than 1/105th pound;

(ii) Variety Group 1 olives of the Ascolano, Barouni, and St. Agostino varities of a size which individually weigh less than 1/180th pound;

(iii) Variety Group 2 olives, except the Obliza variety, of a size which individually weigh less than 1/225th pound;

(iv) Variety Group 2 olives of the Obliza variety of a size which individually weigh less than 1/180th pound;

(v) Such other sizes for the foregoing variety groups as are not authorized for use in the production of halved, sliced, chopped, or minced styles of canned ripe olives pursuant to § 932.52; and

(vi) Olives classified as culls.

(3) Notwithstanding the provisions of subparagraph (2) of this section, a handler may (i) meet any deficit in his undersize obligation in one variety by disposing of under supervision of the inspection service, as other than canned ripe olives, an equal quantity of undersize olives of any other variety, or by so disposing of an equal quantity of olives of that or any other variety of sizes larger than undersize of a quality better than culls, and (ii) meet any deficit in his cull obligation in one variety by so disposing of an equal quantity of cull olives of any other variety, or by so disposing of an equal quantity of olives of any variety of sizes larger than undersize of a quality better than culls.

(4) Each handler shall hold at all times a quantity of olives equal to the quantities required in subparagraph (2) of this paragraph, less any quantity previously disposed of as specified in such subparagraph.

* * * * *

8. Section 932.52 is amended by revising paragraph (a) (1) and (3) to read as follows:

§ 932.52 Outgoing regulations.

(a) *Minimum standards for packaged olives.* * * *

(1) Canned ripe olives, other than those of the "tree-ripened" type, shall grade at least U.S. Grade C, as such grade is defined in the then current U.S. Standards for Canned Ripe Olives (§§ 52.3751–52.3766 of this title) or as modified by the committee, with the approval of the Secretary, for purposes of this part.

* * * * *

(3) Processed olives to be used in the production of canned pitted ripe olives, other than those of the "tree-ripened" type, shall meet the same size requirements as specified in subparagraph (2) of this paragraph: *Provided*, That olives smaller than those so specified, as recommended annually by the committee and established by the Secretary, may be used in the production of halved, sliced, chopped, or minced styles of canned ripe olives, as defined in said U.S. Standards, but any such olives shall be not smaller than the following applicable minimum size:

(i) Variety Group 1 olives, except the Ascolano, Barouni, and St. Agostino varieties, of a size which individually weigh 1/105th pound;

(ii) Variety Group 1 olives of the Ascolano, Barouni, or St. Agostino varieties, of a size which individualy weigh 1/180th pound;

(iii) Variety Group 2 olives, except the Obliza variety, of a size which individually weigh 1/225th pound;

(iv) Variety Group 2 olives of the Obliza variety of a size which individually weigh 1/180th pound.

* * * * *

9. Section 932.54 is revised to read as follows:

§ 932.54 Interhandler transfers.

Transfers within the area of olives from one handler to another for further handling within the area are permitted. Whenever such a transfer of olives is made, the transferring handler shall comply with all applicable regulations up to the time of such transfer, and the receiving handler shall comply with all applicable regulations subsequent to such transfer: *Provided*, That the disposition obligations referable to transferred natural condition olives pursuant to § 932.51(a)(2) may be transferred along with the olives, in which event the receiving handler shall comply with the disposition obligations.

10. Section 932.55 is amended by revising paragraph (b) to read as follows:

§ 932.55 Exemption.

* * * * *

(b) Upon the basis of the recommendation submitted by the committee or from other available information, the Secretary may relieve from any or all requirements under this part the handling of olives in such minimum quantities, in such types of shipments, or for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to § 932.45) as the committee with the approval of the Secretary may prescribe.

* * * * *

11. Section 932.56 is deleted, and the word "solely" is deleted from § 932.16.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, August 5, 1968, to become effective September 1, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 68-9461; Filed, Aug. 7, 1968; 8:46 a.m.]

[1] Filed as part of the original document.

[Area No. 3]

PART 948—IRISH POTATOES GROWN IN COLORADO

Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment for Area No. 3 (Northern Colorado), to be effective under Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948), was published in the July 13, 1968, FEDERAL REGISTER (33 F.R. 10102). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than the 15th day after its publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Area Committee for Area No. 3, established pursuant to the said marketing agreement and order, it is hereby found and determined that:

§ 948.257 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 3 to enable such committee to perform its functions, pursuant to the provisions of Marketing Agreement No. 97, as amended, and this part, during the fiscal period ending May 31, 1969, will amount to $2,860.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 97, as amended, and this part, shall be $0.0013 per hundredweight of potatoes grown in Area No. 3 handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending May 31, 1969, may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of the said marketing agreement and this part require that the rate of assessment for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began on June 1, 1968, and the rate of assessment herein fixed will apply to all assessable potatoes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 2, 1968.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9459; Filed, Aug. 7, 1968; 8:46 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter X—Office of Foreign Direct Investments, Department of Commerce

PART 1000—FOREIGN DIRECT INVESTMENT REGULATIONS

Miscellaneous Amendments

On June 8, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 8506) relating to the addition of a new Subpart J and a new § 1000.702 to the Foreign Direct Investment Regulations (the "regulations") (15 CFR Part 1000). After consideration of all relevant matter presented by interested persons, Subpart J and § 1000.702 as so proposed are hereby adopted, effective as of June 10, 1968, subject to certain modifications. The principal modifications are as follows:

1. Proposed paragraph (b) of § 1000.1001 has been revised to make clear that the only repayments of direct investor borrowings which are subject to the provisions of Subpart J are those which would result in a transfer of capital under § 1000.312(a)(7). In addition, the proviso contained in proposed paragraph (b) of § 1000.1001 has been eliminated from that paragraph and has been inserted as a new paragraph (e) in § 1000.324 which defines "long-term foreign borrowings" by a direct investor. As a result of this change, a foreign borrowing made by a direct investor on or after June 10, 1968, will not qualify as "long-term foreign borrowing" eligible for the deduction provided by § 1000.313(d)(1) (nor will repayment of such a borrowing be generally authorized under Subpart J) unless the borrowing meets the substantive tests formerly contained in the proviso and now contained in § 1000.324(e).

2. Subparagraph (4) of paragraph (c) of § 1000.1001, relating to guarantees, has been revised to make clear that the only mortgages, pledges or hypothecations which qualify as "guarantees" are those which do not constitute transfers of capital by a direct investor under § 1000.312. Examples of transactions which will qualify as guarantees are set forth below in connection with the discussion of new § 1000.312(a)(9).

3. Proposed paragraph (b) of § 1000.1002, relating to the filing of certificates, has been revised to make clear that a direct investor can file a certificate with respect to a borrowing by the direct investor or a borrowing by an affiliated foreign national which is guaranteed by the direct investor if the direct investor believes that it will not make any repayments of the borrowing within 7 years from the date thereof or the date of the guarantee, as the case may be. If, however, the direct investor believes that it will have to make repayments within the 7-year period, the direct investor can still file a certificate if the direct investor believes that none of such repayments will result in positive direct investment in Scheduled Areas A or B or a positive net transfer of capital to Scheduled Area C, or that any positive direct investment or positive net transfer of capital which does result will be authorized by § 1000.503 or § 1000.504. Section 1000.1002(c) provides that, in determing whether the direct investor will be required to make any repayments within the 7-year period or whether any such repayment will result in unauthorized positive direct investment in Scheduled Areas A or B or an unauthorized positive net transfer of capital to Scheduled Area C, the direct investor may disregard the possible occurence of events which are not reasonably likely to occur based on the existing facts and circumstances.

The following examples illustrate situations in which certificates may properly be filed under § 1000.1002(b):

Example 1. Direct investor intends to borrow $50,000 from a foreign bank in 1968, which it intends to use to purchase all of the stock of a company in a schedule A country. The borrowing is repayable in 1970, but the direct investor has no allowable positive direct investment under § 1000.504 of the regulations. The direct investor believes, under existing circumstances, that the acquired company will earn $40,000 in 1970, all of which will be reinvested, but (apart from repayment of the loan and such reinvested earnings) does not intend to make any positive direct investment anywhere in the world during 1970. In this situation, the direct investor may file a certificate under § 1000.1002(b)(2). The reason is that repayment of the $50,000 borrowing in 1970, plus the $40,000 of reinvested earnings in 1970, would result in positive direct investment of $90,000 in Schedule A during that year, all of which would be authorized by § 1000.503 of the regulations.

Example 2. Same facts as in Example 1, except that the amount borrowed and used to purchase the Schedule A company is $500,000 and that the direct investor has an allowable positive direct investment of $600,000 in Schedule A under § 1000.504(a)(1) of the regulations. The direct investor does not anticipate making any transfers of capital to Schedule A countries in 1970 apart from repayment of the loan. In this situation, the direct investor may file a certificate under § 1000.1002(b)(2). The reason is that repayment of the $500,000 borrowing in 1970, plus the $40,000 of reinvested earnings in 1970, would result in positive direct investment of $540,000 in Schedule A during that year, all of which would be authorized by § 1000.504(a)(1).

Example 3. Same facts as in Example 2 except that the direct investor has no allowable positive direct investment in Schedule A countries under § 1000.504(a)(1) of the regulations but has an allowable positive direct investment in Schedule B countries of $600,000 under § 1000.504(a)(2). The direct investor has reason to believe, under existing circumstances, that it will not make any transfers of capital to Schedule A countries in 1970 (apart from repayment of the loan) and will not have any positive direct investment in Schedule B during 1970 except the reinvestment of $50,000 of earnings. In this situation, the direct investor may file a certificate under § 1000.1002(b)(2). The reason is that the $540,000 of positive direct investment in Schedule A during 1970 would be authorized by the provisions of § 1000.504(b)(2)(i).

Example 4. Direct investor proposes to borrow $500,000 from a foreign bank on September 1, 1968, which it immediately intends to invest in an affiliated foreign national in Schedule C. The loan matures on August 31, 1973, but is renewable by its terms until August 31, 1975. In this situation, the direct investor may file a certificate under § 1000.1002(b)(1). The reason is that under § 1000.324(b)(1), a renewal of the loan does not constitute a repayment thereof, and thus no repayments are expected to be made during the 7-year period after the loan is made.

Example 5. Same facts as in Example 4 except that the loan is not renewable by its terms until August 31, 1975. However, the direct investor has been assured by the lender that, if there has been no material adverse change in the direct investor's business and financial condition, it will give favorable consideration to a request by the direct investor to renew the loan until August 31, 1975. Based on existing circumstances, the direct investor does not anticipate any material adverse change in its business or financial condition, and intends to request a renewal of at least 2 years prior to the time the loan matures on August 31, 1973. In this situation, the direct investor may file a certificate under § 1000.1002(b)(1) for the same reason set forth in Example 4.

Example 6. Same facts as in Example 5 except that direct investor has no reason to believe that the loan will be renewed or extended. The direct investor does anticipate, however, that it will have a negative net transfer of capital in excess of $700,000 in Schedule C during 1972 due to the planned liquidation of another investment in Schedule C during that year, and that its share in the reinvested earnings of its incorporated Schedule C affiliates will not exceed $100,000 in either 1972 or 1973. In this situation, the direct investor may file a certificate under § 1000.1002(b)(2). The reason is that the transfer of capital of $500,000 in 1973 resulting from repayment of the loan (assuming no other transfers to Schedule C during 1973 were anticipated) would be authorized under the carry-forward provisions of § 1000.504(c)(2)(ii).

Example 7. Direct investor proposes to issue publicly to foreign nationals in 1968 $20 million principal amount of convertible bonds. The proceeds are to be invested in Schedule C. The bonds mature in 1988 and there are no required sinking fund payments. In this situation, the direct investor may file a certificate under § 1000.1002(b)(1). The reason is that no repayment of the borrowing (disregarding repayments resulting from possible conversions) are expected to be made during the 7-year period after the borrowing is made.

Example 8. Direct investor proposes to borrow $1 million from a foreign bank in 1968 with which it immediately intends to make an equity investment in an affiliated foreign national in Schedule C. The bank loan matures in 1971. The direct investor is authorized to reinvest earnings under § 1000.504(a)(3) in the amount of $2,500,000. The direct investor has reason to believe, under existing circumstances, that all of its incorporated affiliated foreign nationals in Schedule C will have net earnings of $4 million in 1971 and that they will also pay dividends of $2,500,000 to the direct investor in 1971. No transfers of capital to Schedule C (apart from repayment of the borrowing) are anticipated during 1971. In this situation, the direct investor may file a certificate under § 1002(b)(2). The reason is that the transfer of capital of $1 million in 1971 resulting from repayment of the loan would be authorized under the excess-dividend provisions of § 1000.504(c)(1).

Example 9. Direct investor's sole affiliated foreign national in Schedule C proposes to borrow $1 million from a bank in 1968. The loan will be guaranteed by the direct investor and will mature in 1971. The direct investor believes, under existing circumstances, that the affiliated foreign national will have sufficient financial resources in 1971 (generated by depreciation, earnings, and borrowings) to repay the loan and to pay all dividends which are required to be paid by virtue of the Schedule C reinvested earnings limitations imposed by the regulations. In this situation, the direct investor may file a certificate under § 1000.1002(b)(1). The reason is that, based on the expected ability of the affiliated foreign national to repay the loan and to pay all required dividends, the direct investor does not anticipate that the direct investor itself will be required to make any repayments under the guarantee.

A certificate filed under § 1000.1002(b) should briefly set forth the reasons underlying the beliefs referred to therein. Thus, for example, if a direct investor files a certificate under § 1000.1002(b)(1) with respect to a long-term foreign borrowing by the direct investor, the reason given by the direct investor may be either that the borrowing has an original maturity of 7 years or more or that the borrowing has a maturity of less than 7 years but the direct investor expects to be able to refinance the borrowing so that the borrowing will not in fact be repaid within 7 years. If the certificate is filed under § 1000.1002(b)(2), the reason given by the direct investor may be either that no repayment of the loan will result in positive direct investment in Scheduled Areas A or B or a positive net transfer of capital to Schedule Area C, or that any positive direct investment or positive net transfer of capital which does result will be authorized by § 1000.503 or § 1000.504. The essential point to recognize is that the reasons should be set forth in a brief and conclusory manner; the certificate should not describe all of the facts and circumstances underlying such reasons. It should be noted, in this connection, that the Office of Foreign Direct Investments is presently preparing a form of certificate to be used by direct investors for filing under § 1000.1002(b). As soon as such preparation is completed, the form certificates will be made generally available to all direct investors who will then be able to furnish the relevant information in accordance with instructions to the form and file the completed form under § 1000.1002(b). Until the form certificates are available, direct investors should continue to file certificates in accordance with the guidelines set forth above.

4. Section 1000.1002(e) provides that a borrowing by a direct investor or by an affiliated foreign national is deemed to have been made on the date the proceeds are received by the borrower, or, if a purchase of property on credit is involved, on the date the property is purchased. However, if the borrowing involves a public offering of securities, it is deemed to have been made on the date the securities are issued, and if the borrowing involves the use of an overdraft facility, the borrowing is deemed to have been made when the overdraft is used.

A certificate will ordinarily be required as to each borrowing made by a direct investor and as to each guarantee by the direct investor of a borrowing made by an affiliated foreign national. However, if funds are to be borrowed by a direct investor or an affiliated foreign national pursuant to an arrangement (such as, for example, a line of credit or revolving credit agreement) whereby the borrower will take down funds from time to time over a specified period up to a specified maximum aggregate amount, the direct investor may, if it desires, file a single certificate covering all take-downs to be made under the arrangement which constitute "borrowings" (i.e., take-downs which are not to be used to refinance outstanding borrowings as described in § 1000.1002(e)(2)); if the arrangement is subsequently renewed or extended, the direct investor must, on or prior to the date of the first borrowing under the arrangement as so renewed or extended, file a new certificate as to all such borrowings. If the direct investor does not wish to file a single certificate with respect to all borrowings to be made under such an arrangement or any renewal or extension thereof, it may file a separate certificate as to each borrowing on or prior to the date thereof. The following examples are illustrative:

Example 1. On September 1, 1968, direct investor enters into a revolving credit arrangement with a foreign bank pursuant to which the direct investor may borrow up to $5 million over a period ending August 31, 1971. Borrowings under the arrangement are to be made against notes with maturities of 180 days which can be renewed within the overall period of the arrangement. Funds borrowed under this arrangement are to be invested by the direct investor in Schedule A affiliates where the direct investor is authorized under § 1000.504(a)(1) to make annual positive direct investment of $7,500,000. The direct investor believes, under existing circumstances, that none of the borrowings made under the arrangement will be repaid within 1 year from the date thereof and that its positive direct investment in Schedule A in 1971, when all outstanding indebtedness will be paid in full, will not exceed $6,500,000. In this situation, the direct investor may, on or prior to the date of the first borrowing under the arrangement, file a single certificate under § 1000.1002(b)(2) stating its belief that all repayments made within 7 years from the date of each borrowing will be authorized by § 1000.504(a)(1). Alternatively, the direct investor may file a separate certificate on or prior to the date of each borrowing.

Example 2. Same facts as in Example 1 except that the arrangement is made between the bank and one of the direct investor's Schedule A affiliates and the direct investor guarantees repayment of all borrowings made by the affiliate under the arrangement. The direct investor believes, under existing circumstances, that the borrowing affiliate will have sufficient financial resources to repay the borrowing and that all of the direct investor's Schedule A affiliates will be able to pay all dividends which are required to be paid because of the Schedule A limitation on positive direct investment imposed by the regulations. In this situation, the direct investor may, on or prior to the date of the first borrowing under the arrangement, file a single certificate under § 1000.1002(b)(1) stating its belief that it will not be required to make any repayments pursuant to the guarantee within 7 years from the date thereof. Alternatively, the direct investor may file a separate certificate on or prior to the date of each borrowing.

Example 3. Same facts as in Example 1 except that, on August 30, 1971, when all borrowings made under the arrangement have been repaid in full, the direct investor and the bank renew the revolving credit arrangement on the same terms for an additional three year period ending August 31, 1974. Funds borrowed under the arrangement as renewed are also to be invested in Schedule A affiliates. In this situation, the direct investor may, on or prior to the date of the first borrowing under the renewed arrangement, file a single certificate under § 1000.1002(b)(2) stating its belief that all repayments made within 7 years from the date of each borrowing will be authorized by § 1000.504(a)(1). Alternatively, the direct investor may file a separate certificate on or prior to the date of each borrowing.

Example 4. Same facts as in Example 2 except that, on August 30, 1971, when all borrowings made under the arrangement have been repaid in full by the borrowing affiliated foreign national, the direct investor, the borrowing affiliated foreign national and the bank renew the revolving credit arrangement and guarantee on the same terms for an additional three year period ending August 31, 1974. In this situation, the direct investor may, on or prior to the date of the first borrowing under the renewed arrangement, file a single certificate under § 1000.1002(b)(1) stating its belief that it will not be required to make any repayments pursuant to the renewed guarantee within 7 years from the date thereof. Alternatively, the direct investor may file a separate certificate on or prior to the date of each borrowing.

Example 5. Same facts as in Example 3 except that, when the arrangement is renewed on August 30, 1971, $5 million of borrowings made under the arrangement are still outstanding and the funds to be borrowed under the renewed arrangement are to be used to refinance the outstanding indebtedness. Since, by virtue of the provisions of § 1000.1002(e)(2), the funds borrowed under the renewed arrangement to refinance the existing indebtedness will not constitute borrowings by the direct investor, the direct investor is not required to file any additional certificates because of the renewal of the arrangement. If only $3 million of indebtedness was outstanding at the time of the renewal, the remaining $2 million to be borrowed under the renewal to be invested in Schedule A affiliates, the direct investor could file a single certificate under § 1000.1002(b)(2) with respect to all borrowings under the renewal (i.e., an aggregate of $2 million) or could file a separate certificate as to each such borrowing.

Example 6. Same facts as in Example 4 except that, when the arrangement is renewed on August 30, 1971, $5 million of borrowings made under the arrangement are still outstanding and the funds to be borrowed under the renewed arrangement are to be used to refinance the outstanding indebtedness. Since, by virtue of the provisions of § 1000.1002(e)(2), the funds borrowed under the renewed arrangement to refinance the existing indebtedness will not constitute borrowings by the affiliated foreign national, the direct investor is not required to file any additional certificates because of the renewal of the arrangement and the guarantee. If only $3 million of indebtedness was outstanding at the time of the renewal, the direct investor could file a single certificate under § 1000.1002(b)(1) with respect to all borrowings under the renewal (i.e., an aggregate of $2 million) or could file a separate certificate as to each such borrowing.

5. Under § 1000.1003, all positive direct investment authorized under § 1000.1002 (including positive direct investment resulting from repayment of a borrowing made after 7 years from the date of the borrowing or guarantee thereof) reduces § 1000.504 "allowables" in the year of repayment and in succeeding years. A new paragraph (c) has been added to § 1000.1003 to make clear that the reduction provisions also apply to positive direct investment authorized under § 1000.503.

6. After considering the comments received with respect to proposed § 1000.702, it was decided that proposed § 1000.702(b) is unnecessary for the protection of lenders. Accordingly, proposed paragraph (b) has been deleted from § 1000.702 as adopted hereby.

In view of the adoption of Subpart J, General Authorization No. 1 (Transfers of Capital) (33 F.R. 816) and General Interpretative Rule No. 2 (33 F.R. 4441) are hereby revoked, effective as of June 10, 1968.

Notwithstanding the revocation of General Authorization No. 1, repayment of borrowings will be authorized by Subpart J if, prior to June 10, 1968, certificates relating to such borrowings were filed pursuant to and in compliance with General Authorization No. 1.

In addition, notwithstanding the changes made in § 1000.1002(b) of Subpart J as published in proposed form, repayment of borrowings will also be authorized under Subpart J if, prior to August 12, 1968, certificates relating to such borrowings are filed pursuant to and in compliance with § 1000.1002(b) either as so published in proposed form or in the form adopted hereby. All certificates filed on or after August 12, 1968, should be filed pursuant to § 1000.1002(b) in the form adopted hereby. For purposes hereof, a certificate mailed to the Office of Foreign Direct Investments is deemed to have been filed when mailed.

The other amendments contained herein, including a revision of paragraph (a)(2) of § 1000.203 and of paragraph (a) of § 1000.324, the addition of a new paragraph (e) to § 1000.324, and the addition of a new subparagraph (9) to § 1000.312(a), were not published in proposed form as they essentially represent clarifications of established Office positions; publication in proposed form was not, therefore, deemed necessary in the public interest. Such amendments are hereby adopted, effective as of the effective date of the regulations.

The amendment to §1000.324(a) is designed to make clear that the "original maturity" of a borrowing refers to the date the first principal repayment of the borrowing in whole or in part is required to be made.

New subparagraph (9) of § 1000.312(a) generally provides that any pledge, hypothecation or other transfer by a direct investor of foreign balances (as defined in § 1000.203(a)(1)) or equity securities of a foreign corporation owned by the direct investor (other than equity securities of an affiliated foreign national of the direct investor) will constitute a transfer of capital by the direct investor if the pledge, hypothecation or other transfer is made to or with a foreign national on or after the effective date of the regulations in connection with a borrowing by an affiliated foreign national of the direct investor from the foreign national, or in connection with a long-term foreign borrowing by the direct investor from the foreign national, the proceeds of which are invested in such an affiliated foreign national. The amount of the transfer is equal to the lesser of (i) the value of the foreign balances or equity securities pledged with or transferred to the foreign national or (ii) the amount borrowed by or invested in the affiliated foreign national. The following examples are illustrative:

Example 1. In 1968, a direct investor deposits $1 million with a foreign bank to be held as security for an $800,000 loan by the bank to an affiliated foreign national of the direct investor. The deposit constitutes an $800,000 transfer of capital by the direct investor to the affiliated foreign national.

Example 2. In 1968, a direct investor purchases a $1 million 18-motnh certificate of deposit from a foreign bank and transfers the certificate to another foreign bank to be held as security for a $1,250,000 loan made by the bank to an affiliated foreign national of the direct investor. The transfer of the certificate constitutes a $1 million transfer of capital by the direct investor to the affiliated foreign national.

Example 3. In 1968, a direct investor deposits $1 million with the home office of a domestic bank to be held as security for a $1 million loan made by a foreign branch of the bank to an affiliated foreign national of the direct investor. The deposit does not constitute a transfer of capital by the direct investor.

Example 4. A direct investor has a portfolio of equity securities of U.S. corporations. In 1968, the direct investor pledges $1 million in market value of such securities, together with $1 million in market value of equity securities of an affiliated foreign national, with a foreign bank as security for a $2 million loan made by the bank to another affiliated foreign national of the direct investor. The pledge does not constitute a transfer of capital.

Example 5. In 1968, a direct investor deposits $1 million with a foreign bank under a so-called back-to-back financing arrangement pursuant to which the bank then lends $1 million to an affiliated foreign national of the direct investor. The deposit constitutes a $1 million transfer of capital by the direct investor.

Example 6. In 1968, a direct investor pledges a 6-month certificate of deposit of a foreign bank with another foreign bank as security for a 6-month loan by the second bank to the direct investor. The direct investor invests the proceeds of the loan in an affiliated foreign national. The pledge is not a transfer of capital. However, investment of the loan proceeds in the affiliated foreign national is a transfer of capital and there is no deduction under § 1000.313(d)(1) as the loan does not qualify as a long-term foreign borrowing under § 1000.324.

Example 7. Same facts as in Example 6 except that the bank loan is for 12 months. The pledge to the bank is a transfer of capital as is the investment of the bank loan proceeds in the affiliated foreign national. However, there is a deduction under § 1000.313(d)(1) for the investment of the loan proceeds since the 12 month loan does qualify as a long-term foreign borrowing.

Example 8. Same facts as in Example 7 except that the 6-month certificate of deposit represents the proceeds of long-term foreign borrowings and constitutes a direct investment liquid foreign balance as defined in § 1000.203(a)(3). The pledge to the bank is a transfer of capital as is the investment of the bank loan proceeds in the affiliated foreign national. However, there is a deduction under § 1000.313(d)(1) for both the pledge and the investment in the affiliated foreign national since both were made with proceeds of long-term foreign borrowings.

The amendment to § 1000.203(a)(2) provides that foreign government securities with a period of 1 year or more remaining to maturity when acquired by the direct investor are not liquid foreign balances.

The texts of the amendments adopted hereby are as follows:

I. Section 1000.203 is hereby amended by revising paragraph (a)(2) as follows:

§ 1000.203 Liquid foreign balances.

(a) • • •

(2) The term "liquid foreign balances" means foreign balances (as defined in subparagraph (1) of this paragraph) other than (i) those negotiable instruments, nonnegotiable instruments, commercial paper and securities which are acquired on or before June 30, 1968, and which are not redeemable at the option of the direct investor and are not transferable and readily marketable; (ii) bank deposits, negotiable instruments, nonnegotiable instruments, commercial paper and securities with a period of more than 1 year remaining to maturity when acquired by the direct investor and which are not redeemable in full at the option of the direct investor within a period of 1 year after such acquisition; (iii) foreign balances which are subject to restrictions of a foreign country on liquidation and transfer; and (iv) foreign balances which have been pledged or hypothecated in connection with borrowings by a direct investor or its affiliated foreign nationals.

• • • • •

II. Section 1000.312 is hereby amended by adding a new paragraph (a)(9) to read as follows:

§ 1000.312 Transfers of capital.

(a) • • •

(9) A pledge, hypothecation or other transfer by a direct investor of foreign balances (as defined in § 1000.203(a)(1)) or equity securities of a foreign corporation owned by the direct investor (other than equity securities of an affiliated foreign national of the direct investor), which pledge, hypothecation or other transfer is made by the direct investor to or with a foreign national, on or after the effective date of the regulations, pursuant to an express or implied agreement with the foreign national whereby the foreign national transfers or agrees to transfer funds or other property, as a loan or otherwise, to an affiliated foreign national of the direct investor or to the direct investor itself for investment in such an affiliated foreign national: *Provided*, That this subparagraph shall not apply to a pledge, hypothecation or other transfer by a direct investor to a foreign national in connection with a borrowing by the direct investor for investment in an affiliated foreign national, if the borrowing is not a long-term foreign borrowing (as defined in § 1000.324(a)).

• • • • •

III. Section 1000.324 is hereby amended by revising paragraph (a) and adding a new paragraph (e), as follows:

§ 1000.324 Long-term foreign borrowing.

(a) "Long-term foreign borrowing" means a borrowing by a direct investor from any foreign national (other than an affiliated foreign national) with an original maturity of at least 12 months from the original date of the borrowing (without regard to provisions for acceleration upon default or provisions contained in convertible debt instruments which permit conversion within 12 months from the original date of the borrowing) including, but not by way of limitation, an extension of credit by any such foreign national to the direct investor in connection with the purchase of property (including securities) by the direct investor from such foreign national. For purposes of this paragraph (a), a borrowing shall be deemed to have an original maturity of at least 12 months if (in the case of borrowings made prior to the effective date) the borrowing was (or is) not in fact repaid in whole or in part within 12 months from the original date of the borrowing, or (in the case of borrowings made after the effective date), there exist provisions for renewal, extension or continuance of the borrowing for a total term of at least 12 months and the direct investor reasonably expects that the borrowing will not in fact be repaid in whole or in part in less than 12 months from its original date.

• • • • •

(e) Notwithstanding the foregoing provisions of this section, a borrowing by a direct investor made on or after June 10, 1968, shall not be deemed a "long-term foreign borrowing" unless (1) the borrowing is from a foreign bank; or (2) the borrowing is from or is guaranteed by a foreign country or any agency thereof; or (3) the borrowing has an original maturity of at least 3 years from the original date of the borrowing (without regard to provisions for acceleration upon default or provisions in convertible debt obligations which permit conversion within 3 years from the original date of the borrowing) and, at the time of the borrowing, the debt obligations resulting therefrom would, if purchased by nationals or residents of the United States, be subject to the Interest Equalization Tax (Internal Revenue Code, Chapter 41, sections 4911–4931); or (4) the lender agrees in writing that, for a period of 3 years from the original date of the borrowing or until final maturity, whichever first occurs, it will not sell or otherwise transfer the debt obligation resulting from the borrowing to (i) a resident or national of the United States (other than a foreign bank described in § 1000.317(b)(2)) or a Canadian person (as defined in § 1000.1101(d)) or (ii) any person who the lender has reason to believe will sell or otherwise transfer the debt obligation to any such United States resident or national or Canadian person.

IV. A new § 1000.702 is added to read as follows:

§ 1000.702 Effect upon lenders.

Any person (other than an affiliated foreign national of a direct investor) who lends money or extends credit to such direct investor or to an affiliated foreign national of such direct investor and who does not have actual knowledge, when such loan is made or credit extended (or when a commitment is given to make the loan or extend the credit), that the use of the proceeds thereof, the repayment thereof or any other transaction in connection therewith will involve or constitute a violation by the direct investor of any provision of this part or of any license, ruling, regulation, order, direction or instruction issued by or pursuant to the authorization or direction of the Secretary pursuant to this part or otherwise under § 1000.701, may receive repayment thereof (together with all interest and other fees and charges) and otherwise participate in any other transaction in connection therewith without being subject to the penalties referred to in § 1000.701(a), and such person's rights against the direct investor or affiliated foreign national in connection with such loan or extension of credit shall not in any way be affected or impaired by reason of the provisions of this part.

V. A new Subpart J is added to read as follows:

Subpart J—Repayment of Borrowings

Sec.
1000.1001 Definitions.
1000.1002 Transfers of capital in connection with repayment of borrowings.
1000.1003 Effect of transfers of capital in repayment of borrowing.

AUTHORITY: The provisions of this Subpart J issued under sec. 5, Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47.

Subpart J—Repayment of Borrowings

§ 1000.1001 Definitions.

For purposes of this part and General Authorization No. 1 (33 F.R. 818):

(a) The term "borrowing by an affiliated foreign national" means a borrowing by an affiliated foreign national of a direct investor from any person (other than the direct investor or another affiliated foreign national of the direct investor), including, but not by way of limitation, an extension of credit by any such person to the affiliated foreign national in connection with the purchase of property (including securities) by the affiliated foreign national from such person. Repayment by a direct investor of a borrowing by an affiliated foreign national includes repayment of all interest, premiums and other fees and charges, if any, owing to the lender in connection therewith.

(b) The term "borrowing by a direct investor" means a borrowing by the direct investor, repayment of which by the

direct investor would constitute a transfer of capital under § 1000.312(a)(7).

(c) The term "guarantee," when used with respect to a borrowing by an affiliated foreign national, includes (1) a written acknowledgement of secondary responsibility (whether or not legally enforceable) to a bank with respect to the borrowing or with respect to the financial condition of the affiliated foreign national; (2) a written guarantee, endorsement, surety agreement, application for letter of credit or standby agreement with respect to the borrowing; (3) a contingent contractual commitment with respect to the borrowing of the type involved in so-called through put agreements, take or pay contracts, keep well agreements, and other similar written agreements; and (4) a mortgage, pledge or hypothecation of property as security for repayment of the borrowing, other than a mortgage, pledge or hypothecation to or with a foreign national which constitutes a transfer of capital under § 1000.312(a)(9). The term "guarantee" includes a guarantee given by one affiliated foreign national of a direct investor with respect to a borrowing by another affiliated foreign national of the direct investor if repayment pursuant to the guarantee would result in a transfer of capital by the direct investor under § 1000.505.

(d) The term "bank" means a domestic bank or a foreign bank as described in § 1000.317.

§ 1000.1002 Transfers of capital in connection with repayment of borrowings.

(a) Subject to the provisions of § 1000.1003, positive direct investment by a direct investor during any year in affiliated foreign nationals in any Scheduled Area is authorized, notwithstanding the provisions of § 1000.201, to the extent such positive direct investment is attributable in whole or in part to those transfers of capital by the direct investor (including transfers of capital under § 1000.505) as are described in subparagraphs (1) through (6) of this paragraph (a):

(1) A transfer of capital, pursuant to a guarantee made prior to June 10, 1968, which transfer is made in repayment of, or to enable an affiliated foreign national to repay, a borrowing by such affiliated foreign national: *Provided*, That, in the case of a guarantee made on or after January 1, 1968, the direct investor shall have complied with the certification requirements set forth in section 2(a)(1) of General Authorization No. 1.

(2) A transfer of capital in repayment of, or to enable an affiliated foreign national to repay, a borrowing by such affiliated foreign national from a bank made prior to January 1, 1968, or a borrowing by such affiliated foreign national from a bank made on or after January 1, 1968, pursuant to a fixed loan commitment or line of credit established prior to such date or pursuant to any renewal or extension of such a fixed loan commitment or line of credit: *Provided*, That the liquid assets of the affiliated foreign national are not sufficient to repay such borrowing and that the affiliated foreign national has made every reasonable effort to refinance the borrowing on terms generally available to companies of similar size and financial position; *And provided further*, That, if, on or after January 1, 1968, the amount of such a fixed loan commitment or line of credit is increased by 10 percent or more, a new fixed loan commitment or line of credit shall be deemed to have been established at the time of such increase in an amount equal to the amount of the increase.

(3) A transfer of capital consisting of the delivery of equity securities of the direct investor, pursuant to the exercise of conversion or similar rights, to holders of debt obligations issued by the direct investor or by an affiliated foreign national of the direct investor, without regard to the date the borrowing is made: *Provided*, That, for purposes of § 1000.1003, any such transfer of capital shall be deemed to have been made in the year immediately following the year in which the conversion or similar rights are exercised.

(4) A transfer of capital (other than a transfer referred to in subparagraph (3) of this paragraph) in repayment of a borrowing by the direct investor made prior to June 10, 1968: *Provided*, That with respect to a borrowing made on or after January 1, 1968, the direct investor shall have complied with the certification requirements set forth in section 2(b) of General Authorization No. 1.

(5) A transfer of capital, pursuant to a guarantee made on or after June 10, 1968, which transfer is made in repayment of, or to enable an affiliated foreign national to repay, a borrowing by such affiliated foreign national: *Provided*, That the direct investor shall have complied with the certification requirements set forth in paragraph (b) of this section.

(6) A transfer of capital (other than a transfer referred to in subparagraph (3) of this paragraph) in repayment of a borrowing by the direct investor made on or after June 10, 1968: *Provided*, That the direct investor shall have complied with the certification requirements set forth in paragraph (b) of this section.

(b) The certificate required by subparagraphs (5) and (6) of paragraph (a) of this section shall, except as otherwise provided in paragraph (e)(3) of this section, be delivered to the Secretary on or prior to the date of the borrowing by the direct investor or the date of the guarantee of the borrowing by the affiliated foreign national, as the case may be. It shall be executed by the direct investor or a duly authorized representative of the direct investor, shall state the amount and the required principal repayments (calculated on the basis of the aggregate principal amount due in each calendar year) of the borrowing, shall identify the lender (or the managing underwriter, if the borrowing involves a public offering), and shall certify as follows:

(1) If the direct investor believes, on the basis of all facts and circumstances existing when the certificate is delivered to the Secretary, that it will not make any transfers of capital in connection with repayment of the borrowing within 7 years after the date of the borrowing (or the date of the guarantee, if the borrowing is by an affiliated foreign national), the certificate shall state such belief and the reasons therefor.

(2) If the direct investor believes, on the basis of all facts and circumstances existing when the certificate is delivered to the Secretary, that it will make transfers of capital in connection with repayment of the borrowing within the aforesaid 7-year period, but also believes, on the basis of such facts and circumstances, that no positive direct investment by the direct investor in Schedules A or B and no positive net transfer of capital to Schedule C during any year will result in whole or in part from such transfers, or that any positive direct investment in Schedules A or B or positive net transfer of capital to Schedule C which does result from such transfers will be authorized by § 1000.503 or § 1000.504, the certificate shall state such beliefs and the reasons therefor.

(c) In determining whether a transfer of capital in connection with the repayment of a borrowing will be made within 7 years from the date of the borrowing or the guarantee thereof, as the case may be, and whether any such transfer will result in unauthorized positive direct investment in Schedule A or B or an unauthorized positive net transfer of capital to Schedule C during any year:

(1) A direct investor may disregard the possible occurrence of events (such as defaults by the direct investor or the borrowing affiliated foreign national, as the case may be), which are not reasonably likely to occur in view of the facts and circumstances existing when the certificate is delivered to the Secretary;

(2) A direct investor may disregard potential transfers of capital resulting from conversions into equity securities of the direct investor of the debt obligation as to which the certificate is being given and of other convertible debt obligations issued by the direct investor or affiliated foreign nationals of the direct investor: *Provided*, That potential transfers of capital resulting from conversions of debt obligations issued on or after June 10, 1968, shall not be disregarded if (i) the obligations have an original maturity of less than 7 years or (ii) the obligations are not sold in a public offering and are convertible within 3 years from the date of issuance; and

(3) A direct investor must consider, if a guaranteed borrowing by an affiliated foreign national is involved, whether the borrowing affiliated foreign national is reasonably likely to have sufficient financial resources to repay the borrowing after such affiliated foreign national (and all other incorporated affiliated foreign nationals in the same Scheduled Area) have paid all dividends which they may be required to pay by virtue of the limitations which the regulations impose on positive direct investment (in Schedules A and B) and on reinvested earnings (in Schedule C).

(d) Notwithstanding the provisions of paragraph (a) of this section, no positive direct investment resulting from repayment of a borrowing shall be authorized by this subpart if repayment is made at the option of the direct investor. For purposes hereof, a repayment shall be deemed to have been made at the option of a direct investor if it was made pursuant to a call or like provision resting control of the time of repayment in the direct investor or an affiliated foreign national or if, at the time of repayment, the direct investor or an affiliated foreign national had the option to renew, extend or continue the borrowing and such option was not exercised.

(e) For purposes of this part and of General Authorization No. 1:

(1) A borrowing by a direct investor or an affiliated foreign national shall be deemed to have been made on the date the proceeds thereof are received by the borrower or, if an extension of credit in connection with the purchase of property is involved, on the date such property is purchased. Notwithstanding the foregoing, (i) if a borrowing involves a public offering of debt obligations, the borrowing shall be deemed to have been made on the date the obligations are issued and (ii) if a borrowing involves the use of an overdraft facility, the borrowing shall be deemed to have been on the date the overdraft is used.

(2) The refinancing of a long-term foreign borrowing by a direct investor as described in § 1000.324(b)(1), or the refinancing of a borrowing by an affiliated foreign national (by virtue of the renewal, extension or continuance thereof or a subsequent borrowing from the same or another lender) shall not be deemed a repayment of the original borrowing or the making of a new borrowing.

(3) If funds are to be borrowed by a direct investor or an affiliated foreign national pursuant to an arrangement with a lender (such as a line of credit or revolving credit arrangement) whereby the funds may be taken down from time to time over a specified period up to a stated maximum aggregate amount (or pursuant to a renewal or extension of such an arrangement), the direct investor may, in lieu of filing a separate certificate as to each take-down which constitutes a borrowing, file a single certificate with respect to all such borrowings, such certificate to be filed on or prior to the date of the first borrowing under the arrangement or under the renewal or extension thereof, as the case may be.

§ 1000.1003 Effect of transfers of capital in repayment of borrowing.

(a) All positive direct investment made by a direct investor pursuant to § 1000.1002 in Schedules A or B, as the case may be, during any year shall reduce the amount of positive direct investment authorized to be made by the direct investor in such Scheduled Area pursuant to §1000.504 during such year and subsequent years (but not to an amount less than zero during any year) until reductions equal in the aggregate to the aggregate of the positive direct investment so authorized by § 1000.1002 shall have been made.

(b) All positive direct investment made by a direct investor pursuant to § 1000.1002 in Schedule C during any year shall reduce (1) the amount of the positive net transfer of capital authorized to be made by the direct investor to such Scheduled Area pursuant to § 1000.504 during such year and subsequent years and (2) the amount of reinvested earnings authorized to the direct investor in such Scheduled Area pursuant to § 1000.504 during such year and subsequent years (but not, in either case, to an amount less than zero during any year) until reductions equal in the aggregate to the aggregate of the positive direct investment so authorized by § 1000.1002 shall have been made. Reductions under this paragraph (b) during any year shall be allocated first to the amount of the positive net transfer of capital authorized for such year and then (to the extent all required reductions shall not have been made) to the amount of reinvested earnings authorized for such year.

(c) In addition to the reductions referred to in paragraphs (a) and (b) of this section, all positive direct investment made by a direct investor pursuant to § 1000.1002 in any Scheduled Area during any year shall reduce the amount of positive direct investment authorized to be made by the direct investor under § 1000.503 during such year and in subsequent years (but not to an amount less than zero during any year) until reductions equal in the aggregate to the aggregate of the positive direct investment so authorized by § 1000.1002 shall have been made.

Effective date. Subpart J and § 1000.702 shall be effective as of June 10, 1968.

(Sec. 5 of the Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47)

CHARLES E. FIERO,
Director, Office of Foreign Direct Investments.

AUGUST 5, 1968.

[F.R. Doc. 68-9522; Filed, Aug. 7, 1968; 8:49 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 5]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965——)

Principles of Reimbursement for Provider Costs

Subpart D of Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. In § 405.452, paragraph (c)(3)(ii), (4), and (5) is revised to read as follows:

§ 405.452 Determination of cost of services to beneficiaries.

• • • • • •

(c) *Application.* • • •

(3) *Combination method.* • • •

(ii) *Using estimated percentage.* For periods ending after December 31, 1968, providers are required to use the cost finding methods described in § 405.453 to determine the costs of routine and ancillary services. Where the intermediary determines, however, that a provider is unable to make the necessary computations by cost-finding methods as indicated in § 405.453, the intermediary will estimate the appropriate percentage of the provider's allowable cost that represents routine service costs and the appropriate percentage that represents the ancillary service costs. These percentages are to be based upon study, analysis, and judgment by the intermediary and designed to approximate the result that a cost-finding method would have produced for the particular provider. The use of estimated percentages would apply only to cost reports for periods ending before January 1, 1969. For subsequent periods, the use of cost-finding methods as described in § 405.453 will be required for the apportionment of allowable costs.

• • • • • •

(4) *Option to use departmental method or combination method for the first reporting period.* (i) The provider has the option of using either the departmental method or the combination method for the first reporting period. Thereafter, a provider may change from one to the other method provided a written request is made to the intermediary before the end of the fourth month of the period for which the change is to be applied and such request is approved.

(ii) A request to change from one to the other method made by a provider prior to or at the time it submitted an audited cost report for its first reporting period is acceptable and the change may be made if approved by the intermediary provided that the audited report was submitted before the end of the second reporting period. Providers which submit an audited cost report for the first period after the end of the second reporting period must use the same method of apportionment for both the first and second periods.

(5) *Temporary methods of apportionment for cost reporting periods ending before January 1, 1969.* (i) The intermediary may find that a provider is unable to apply either the departmental method or the combination method employing cost finding or estimated percentages. In such case, the intermediary can authorize the provider to use, on a temporary basis, an apportionment based on the ratio of beneficiary inpatient charges to total inpatient charges applied to the total cost of all services. This would permit the provider time to establish the records necessary for applying either of the basic alternative methods

of apportionment in the next accounting period. This method may not, however, be used by hospitals which have all-inclusive rates, or no-charge structures. In some cases, the intermediary may determine that a provider is unable to employ this temporary method of apportionment based on the ratio of beneficiary inpatient charges to total inpatient charges applied to total inpatient cost. In such a case any other method determined by the intermediary to be reasonable may be used on a temporary basis, however, temporary methods for hospitals having all-inclusive rates or no-charges structures will be developed by the Social Security Administration. Any temporary method of apportionment may not be used to cover cost reporting periods ending on or after January 1, 1969.

EXAMPLE: The following illustration demonstrates the apportionment of cost based on the ratio of beneficiary inpatient charges to all inpatient charges computed on a total basis for all inpatient services.

HOSPITAL D

Financial data—Inpatient services:	
Total allowable cost	$950,000
Total charges	1,000,000
Charges for beneficiary services	200,000
Computation of cost of beneficiary inpatient services:	
Ratio of beneficiary charges to total charges: $200,000÷$1,000,000=20%	
Cost of Services rendered to beneficiaries: 20%×$950,000	$190,000

(ii) Whenever authorization is given to apportion costs by a method other than one of the two basic alternative methods, such authorization would be considered to be a temporary expediency to cover only cost reports for periods ending before January 1, 1969. It would be available to a provider only after diligent efforts have been made by the provider to apportion its costs based upon either of the approved methods of apportionment.

2. In § 405.453, paragraph (d)(2)(ii) is revised to read as follows:

§ 405.453 Adequate cost data and cost finding.

* * * * *

(d) *Cost finding methods.* * * *

(2) *Other methods.* * * *

(ii) *More sophisticated methods.* A more sophisticated method designed to allocate costs more accurately may be used by the provider upon approval of the intermediary. However, having elected to use the double-apportionment method, the provider may not thereafter use the step-down method without approval of the intermediary. Written request for the approval must be made on a prospective basis and must be submitted before the end of the fourth month of the prospective reporting period. Likewise, once having elected to use a more sophisticated method, the provider may not thereafter use either the double-apportionment or step-down methods without similar request and approval.

(Secs. 1102, 1814(b), 1861(v), 1871, 49 Stat. 647, as amended, 79 Stat. 296, 79 Stat. 322, 79 Stat. 331; 42 U.S.C. 1302, 1395 et seq.)

3. *Effective date.* These revisions shall become effective on the date of publication in the FEDERAL REGISTER.

Dated: July 11, 1968.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: July 31, 1968.

WILBUR J. COHEN,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 68-9478; Filed, Aug. 7, 1968; 8:48 a.m.]

[Regs. No. 5]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965——)

Agreements and Contracts Executed Under the Provisions of Title XVIII of the Social Security Act

On December 16, 1967, there was published in the FEDERAL REGISTER (32 F.R. 18050) a notice of proposed rule making relating to agreements and contracts with the Secretary of Health, Education, and Welfare executed under the provisions of title XVIII of the Act.

Significant changes, which also implement the provisions of the 1967 Amendments to the Social Security Act, made in the tentative regulations published on December 16, 1967, include: The additions of §§ 405.625–405.626 (re transfer of provider ownership) and § 405.658 (re hospital election to receive health insurance payments for emergency services); revision to § 405.608 (setting forth a discussion of the charges a participating provider may make to the individual; and revision to § 405.678 (re payment of supplementary medical insurance on the basis of an itemized bill). While tentative regulations relating to allowable charges for whole blood costs (§ 405.609) were announced on December 16, 1967, the publication of regulations respecting such charges is not being consummated at this time. Chapter III, Title 20 is amended by adding thereto Subpart F of Part 405 to read as set forth below. The addition of Subpart F of Part 405, Title 20, shall be effective upon publication in the FEDERAL REGISTER.

Dated: July 11, 1968.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: July 31, 1968.

WILBUR J. COHEN,
Secretary of Health, Education, and Welfare.

Subpart F—Agreements With and Functions of Providers, Intermediaries, Carriers, and State Agencies

Sec.

405.601 Scope of subpart.
405.602 Provider agreements; general.
405.605 Provider of services; scope of term.
405.606 Acceptance of provider as a participant.
405.607 Essentials of agreements with providers of services.
405.608 Allowable charges; deductible, coinsurance and copayment.
405.610 Allowable charges; items or services more expensive than, or in excess of, those for which payment may be made.
405.612 Compliance with procedural and other requirements; individual's refusal to execute request for payment.
405.613 Termination by provider of services.
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405.616 Reinstatement of provider as participant after termination.
405.617 Limitation; failure to make timely utilization review.
405.618 Disposition of incorrect collections.
405.619 Notice of charges and collections by a provider of services.
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405.621 Appropriate time limits within which provider action must be taken.
405.625 Transfer of provider ownership; general.
405.626 Change of ownership; participating in the health insurance program.
405.651 Nomination of agency or organization as "intermediary"; contractual undertakings with intermediaries.
405.652 Nomination procedure.
405.653 Nomination by providers of services; nonmembers or nonconcurring members of a group or association.
405.654 Election to deal through a nominated agency or organization or to deal directly with the Secretary.
405.655 Notification of selection or nonselection of nominated agency or organization.
405.656 Withdrawal of nomination or election.
405.658 Emergency hospital services; hospital election to receive health insurance payments.
405.660 Criteria considered by Secretary in determining whether to enter into an agreement pursuant to section 1816 with a nominated agency or organization.
405.662 Termination by intermediary.
405.663 Termination by Secretary.
405.670 Contracts with carriers pursuant to section 1842; general.
405.671 Carrier; defined.
405.672 Competitive bidding for contract not required.
405.673 Carrier's ability to perform duties; financial responsibility; etc.
405.675 Termination of section 1842 contract by notice of nonrenewal.
405.676 Termination of section 1842 contract by Secretary for cause.
405.677 Functions which a carrier may perform under contract with the Secretary.
405.678 Duties to be performed by a carrier.
405.685 Agreements with States pursuant to section 1864; general.

AUTHORITY: The provisions of this Subpart F issued under Secs. 1102, 1816, 1842, 1861(u), 1864, 1866, 1871, 49 Stat. 647 as amended, 79 Stat. 297–299, 79 Stat. 309–312, 79 Stat. 322; 79 Stat. 326; 79 Stat. 327–329; 79 Stat. 331; 81 Stat. 849; 81 Stat. 852; 81 Stat. 863; 81 Stat. 942; 42 U.S.C. 1302, 1395 et seq.

Subpart F—Agreements With and Functions of Providers, Intermediaries, Carriers, and State Agencies

§ 405.601 Scope of subpart.

The provisions of §§ 405.602–405.626 discuss provider agreements which an eligible provider of services must file with the Secretary in order to qualify for participation in the health insurance program for the aged. Sections 405.651–405.663 and §§ 405.670–405.678 discuss agreements under which Part A intermediaries and Part B carriers will perform specified functions necessary in the administration of the hospital insurance and supplementary medical insurance programs. Section 405.685 discusses agreements which the Secretary shall enter into with any State for the purpose of assisting the Secretary in determining whether an institution or agency situated in such State is a hospital, extended care facility, or home health agency, and whether an independent laboratory meets the conditions for coverage of services, or whether a clinic, rehabilitation agency or public health agency meets the requirements of section 1861(p)(4).

§ 405.602 Provider agreements; general.

A hospital, extended care facility, or home health agency which meets the conditions of participation (see Subparts J, K, and L of this part) will be qualified to participate in the health insurance program and shall be eligible for payments if it is found to be in compliance with the provisions of title VI of the Civil Rights Act of 1964 (78 Stat. 252; P.L. 88–352) and if it submits to the Secretary a duly executed agreement to participate and such agreement is accepted for filing by the Secretary.

§ 405.605 Provider of services; scope of term.

As used in the Act and the Social Security Administration's regulations, the term "provider of services" (or "provider") refers only to a hospital, an extended care facility, or a home health agency (see Subparts J, K, and L of this part); except that for purposes of section 1835 and section 1866 of the Act the term "provider of services" includes a clinic, rehabilitation agency, or public health agency which meets the requirements of section 1861(p)(4).

§ 405.606 Acceptance of provider as a participant.

(a) Where the Secretary, after reviewing the agency certification (see § 405.686) and other evidence relating to the qualifications of the institution or agency, determines that the requirements for participation are met by the institution or agency, such institution or agency will be furnished:

(1) Written notice of the determination; and

(2) Two copies of the provider agreement to be entered into pursuant to section 1866 of the Act.

(b) If the provider wishes to participate in the program, both copies of the agreement must be signed by an authorized official of the organization and filed with the Secretary and, upon acceptance for filing by the Secretary, a copy of such agreement shall be returned to the provider with notice of acceptance.

§ 405.607 Essentials of agreements with providers of services.

Under the terms of the agreement (see § 405.606) the provider agrees:

(a) Not to charge any individual, or any other person (except as described in §§ 405.608–405.610):

(1) For items and services for which such individual is entitled to have payment made under the provisions described in the regulations in this Part 405; or

(2) For items and services for which the individual would be so entitled to have payment made if such provider of services had complied with the procedural and other requirements described in § 405.612; or

(3) For inpatient hospital services furnished an individual who has exhausted his benefits under Subpart A of this part, if the provider is reimbursed by the Secretary as discussed in § 405.161;

(b) To return or make disposition, in accordance with the provisions of §§ 405.618–405.621, of any amounts incorrectly collected from an individual, or from any other person on his behalf.

§ 405.608 Allowable charges; deductible, coinsurance and copayment.

(a) Subject to the provisions of paragraphs (b) and (c) of this section, a participating provider of services may charge an individual, or other person:

(1) The amount of the inpatient hospital deductible or if less, the actual charges for such services (see § 405.113) and the amount of inpatient hospital coinsurance for each day the individual is furnished inpatient hospital services during a spell of illness after the 60th day and before the 91st day or the 151st day, as applicable (see § 405.115);

(2) With respect to outpatient hospital diagnostic services furnished on or before March 31, 1968, the outpatient hospital diagnostic services deductible for individuals covered only under the hospital insurance program, and 20 percent of the reasonable charges for outpatient hospital diagnostic services during a diagnostic study period for which payment is made under the hospital insurance plan;

(3) The posthospital extended care services coinsurance amount;

(4) The $50 supplementary medical insurance deductible;

(5) Twenty percent of the reasonable charges in excess of the $50 deductible for items and services covered under the supplementary medical insurance plan.

(b) After March 31, 1968, where a hospital rendering outpatient services to a beneficiary enrolled under part B is unable to determine the individual's deductible status (for example, where the individual does not furnish the hospital with official information as to his deductible status such as his Explanation of Benefits or Utilization Notice) the hospital may, notwithstanding the limitations of § 405.608(a)(4) and (5), charge the beneficiary its full customary charges for such services, but only if such charges for such services do not exceed $50. Where the beneficiary furnishes the hospital with official information as to his deductible status, the hospital may charge the beneficiary only the unmet portion of his deductible and the 20 percent coinsurance amount. In either case the hospital is required to file with the intermediary information as to the services, charges and amounts collected on a Social Security Administration prescribed form. The intermediary will reimburse the beneficiary where reimbursement is authorized and will credit the expenses to the beneficiary's deductible, where the deductible has not yet been met.

(c) A provider may not charge an individual more than the amount customarily charged by such provider for items and services furnished such individual.

§ 405.610 Allowable charges; items or services more expensive than, or in excess of, those for which payment may be made.

Where items or services furnished by a provider of services at the request of an individual are more expensive than, or in excess of, items and services for which an individual is entitled to have payment made under the provisions described in Subpart A and B of this Part 405, a provider of services may charge such individual an amount equal to the difference between that amount which the provider of services customarily charges for such items or services and the amount customarily charged by it for the items or services with respect to which payment can be made under title XVIII of the Act. To avoid misunderstanding and disputes the provider should inform the individual who requests a service for which a charge will be made, that there will be a charge of specified amount for the service.

§ 405.612 Compliance with procedural and other requirements; individual's refusal to execute request for payment.

(a) For purposes of § 405.607(a)(2), compliance with procedural and other requirements means that the provider of services:

(1) Has secured, from the individual or a proper person acting on his behalf, a written request for payment to be made to the provider, and the provider has properly filed such request; and

(2) Has in its files the required certification and recertification by a physician relating to the services furnished to the individual (see §§ 405.1625–405.1634); and

(3) Has furnished to the Secretary such information as the Secretary has found necessary in order to determine the amount due the provider on behalf of the individual for the period with respect to which payment is to be made or any prior period; and

(4) Has complied with the provisions requiring timely utilization review of long stay cases so that a limitation on days of service has not been imposed under section 1866(d) of the Act (see § 405.617).

(b) Failure on the part of the provider to be in compliance with each of the procedural and other requirements prescribed in paragraph (a) of this section prevents the provider from charging the individual, or any other person, for items and services for which the individual is entitled to have payment made under the the provisions described in the regulations in this Part 405, except that, the provisions of paragraph (a) of this section will not be applicable when the individual refuses to execute a written request for payment to be made on his behalf to the provider. In such cases, the provider may charge the individual, subject to the provisions of § 405.618, for all items and services furnished.

§ 405.613 Termination by provider of services.

(a) A provider may terminate a section 1866 agreement by filing with the Secretary a written notice of its intention to terminate such agreement. The notice of intent to terminate should state the date for the termination of the agreement (the date must be the first day of a month). The Secretary may accept the termination date stated in the notice or he may set a different date. If the notice of termination does not specify the date for the termination of the agreement, the date is to be set by the Secretary. However, if the termination date is set by the Secretary, such date shall not be more than 6 months from the date the notice is filed. In addition to giving notice to the Secretary, the provider should also give at least 15 days notice to the public by publishing in one or more local newspaper a statement of the date of termination of the provider agreement with the Secretary. The notice also should inform the public of the applicability of termination (see § 405.615) as it relates to the services of the provider.

(b) The Secretary may accept a notice of termination which is filed by a provider less than 6 months before the termination date, if the Secretary determines that to do so would not unduly disrupt the furnishing of services to the community serviced by the provider or otherwise interfere with the effective and efficient administration of the health insurance benefits program provided by title XVIII of the Act. If the notice of termination is accepted by the Secretary, the provider should also give notice to the public in accordance with the provisions of paragraph (a) of this section.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a cessation of business (e.g., the permanent or temporary cessation of the furnishing of services to the community by the provider) is deemed to be a voluntary termination of the agreement by the provider effective with the date of cessation of business.

§ 405.614 Termination by the Secretary.

(a) *Cause for termination.* The Secretary may terminate an agreement if the Secretary determines that the provider of services:

(1) Is not complying substantially with the provisions of title XVIII and this Part 405, or with the provisions of the agreement entered into pursuant to § 405.606; or

(2) No longer meets the appropriate conditions of participation necessary to qualify as a hospital (see Subpart J of this part), extended care facility (see Subpart K of this part), or home health agency (see Subpart L of this part), as the case may be; or

(3) Fails to furnish information as the Secretary finds to be necessary for a determination as to whether payments are due or were due under this Part 405 and the amounts thereof; or

(4) Refuses to permit examination of its fiscal or other records by, or on behalf of, the Secretary as may be necessary for verification of information furnished as a basis for payment under the health insurance benefits program.

(b) *Notice of termination.* The Secretary shall give notice of termination to the provider of services at least 15 days before the effective date of termination of the provider's agreement. In addition to giving notice to the provider, the Secretary shall also give notice of such termination to the public. The notice of termination by the Secretary shall state the effective date of the termination of the provider agreement and the applicability of termination (see § 405.615), as it relates to the services of the provider.

(c) *Appeal by agency or institution.* Any provider dissatisfied with a determination terminating the section 1866 agreement with such provider, shall be entitled to a hearing with respect to such determination (see Subpart O of this part).

§ 405.615 Applicability of termination.

A termination of an agreement under the conditions described in § 405.613 or § 405.614, shall be applicable:

(a) In the case of inpatient hospital services (including inpatient tuberculosis hospital services and inpatient psychiatric hospital services), or posthospital extended care services, furnished to any individual who is admitted to the hospital or extended care facility furnishing such services on or after the effective day of the termination;

(b) In the case of home health services furnished to an individual under a plan therefor established on or after the effective date of such termination or, if a plan is established before such effective date, with respect to such services furnished to such individual after the calendar year in which such termination is effective; and

(c) In the case of items and services (other than those described in paragraphs (a) and (b) of this section) furnished on or after the effective date of such termination.

§ 405.616 Reinstatement of provider as participant after termination.

Where an agreement between a provider of services and the Secretary is terminated by the Secretary, such institution or agency may not file another agreement to participate in the health insurance benefits program unless the Secretary finds that the reason for the termination of the prior agreement has been removed and that there is reasonable assurance that it will not recur.

§ 405.617 Limitation; failure to make timely utilization review.

(a) If it is found that there is a substantial failure to make timely utilization review of long-stay cases in a hospital or extended care facility the Secretary may determine that no payment shall be made for inpatient hospital services (including inpatient tuberculosis hospital services and inpatient psychiatric hospital services) or for posthospital extended care services furnished an individual after the 20th day of a continuing period of such services.

(b) Before making any such determination to withhold payment as described in paragraph (a) of this section, notice shall be given to the provider of the intention to make such determination and will afford the institution or agency an opportunity for a hearing.

(c) The limitation described in paragraph (a) of this section, shall become effective as of the date specified in the determination and shall be applicable to services furnished to individuals admitted after such date. The limitation shall remain in effect until such date as the Secretary finds that:

(1) The reason for such limitation has been removed; and

(2) There is reasonable assurance that it will not recur.

§ 405.618 Disposition of incorrect collections.

Under the terms of the agreement between a provider and the Secretary (see § 405.607), a provider must make adequate provision for the return (or other disposition) of any moneys incorrectly collected from an individual or any other person on his behalf. The term "moneys incorrectly collected" means amounts (other than those paid in accordance with the provisions of § 405.608(b)) in excess of the deductible or coinsurance, paid to a provider of services by an individual (or other person on his behalf) for items and services for which the individual is entitled to have payment made under the health insurance program. For purposes of this section, a payment by an individual to a provider which was proper when made, will be deemed to be an "incorrect collection," for which refund or other disposition must be made where the individual is retroactively entitled to hospital insurance benefits.

§ 405.619 Notice of charges and collections by a provider of services.

Where a provider of services collects moneys from a beneficiary or any other person on his behalf, for items and services furnished to the beneficiary, such provider shall inform the intermediary of such collection (see § 405.621).

§ 405.620 Return or other disposition of moneys incorrectly collected.

(a) *General.* A provider of services in possession of an incorrect collection (see § 405.618) is required to refund or set aside the money. Until such time as the provider returns or sets aside the incorrectly collected funds, an amount equal to such incorrect collections may be offset against the amounts otherwise due the provider.

(b) *Refund.* Refund is to be made by the provider to the beneficiary, or any other person from whom the provider collected the moneys. If the individual to whom refund is to be made cannot be located, or is determined to have died, the provider is to make disposition of the moneys in accordance with the applicable State law.

(c) *Moneys set aside.* Where it appears that refund will be delayed indefinitely, the provider of services will so notify the intermediary and will then set an amount equal to the amount incorrectly collected aside in a separate account identified as to the individual to whom the payment is due. This amount incorrectly collected will be carried on the provider's records in this manner until final disposition is made in accordance with the applicable State law.

(d) *Applicable State law.* The applicable State law means the law which would be applied by the courts of the State in which the hospital, extended care facility, or home health agency is located.

§ 405.621 Appropriate time limits within which provider action must be taken.

The incorrect collection should be refunded as promptly as possible. If refund cannot be made within 60 days after the date of notice to the provider that an incorrect collection was made, an amount of money equal to the amount incorrectly collected must be set aside as described in § 405.620(c).

§ 405.625 Transfer of provider ownership; general.

(a) A transfer of ownership of a provider of services participating in the health insurance program under an agreement with the Secretary will, under the conditions discussed in § 405.626, render such agreement invalid as between the Secretary and the transferee. In order for the new entity to participate in the program, it must be established that it meets the conditions for participation appropriate to the hospital, extended care facility or home health agency, or rehabilitation agency or clinic, as the case may be (see Subparts J, K, and L of this Part 405) and that it meets the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; P.L. 88–352).

(b) A participating provider contemplating or negotiating a change of ownership must advise the Secretary of such a contingency to assure, if the successor owner desires to participate in the program, continued payment to the hospital, extended care facility or home health agency, rehabilitation agency, or clinic on behalf of individuals entitled under title XVIII of the Act.

§ 405.626 Change of ownership; participating in the health insurance program.

(a) *Partnership.* In the case of a partnership which is a party to an agreement with the Secretary, the removal, addition, or the substitution of an individual for a partner in the association generally, in the absence of an express statement to the contrary, dissolves the old partnership and creates a new partnership which is not a party to the previously executed provider agreement. Thus, for the purpose of section 1866 of the Act, a change of ownership has occurred, the section 1866 agreement with the prior partnership is dissolved, the new entity must meet the applicable title XVIII conditions of participation set forth in Subparts J, K, and L of this Part 405 and title VI of the Civil Rights Act of 1964 (78 Stat. 252; P.L. 88–352); and an agreement must be executed and filed with the Secretary in order to establish the title XVIII obligations of the new partnership.

(b) *Sole proprietorship.* Where a participating provider of services consists of a sole proprietorship not incorporated under applicable State law, a transfer of title and property to another party, constitutes a change of ownership for the purpose of section 1866 of the Act. The successor must establish that the applicable title XVIII conditions of participation and title VI of the Civil Rights Act of 1964 are met and an agreement must be filed with the Secretary by the successor owner.

(c) *Corporation.* If the provider is a corporate body, a transfer of corporate stock would not, in itself, constitute a change of ownership for the purpose of section 1866 of the Act. Similarly, a merger of one or more corporations with the participating provider corporation surviving would not generally require a new certification or the execution of a new provider agreement with the surviving entity. A consolidation of two or more corporations resulting in the creation of a new corporate entity would constitute a change of ownership, however, requiring a certification by the State agency and the filing of a provider agreement with the Secretary by the new corporation.

(d) *Leasing.* When a facility which has achieved participating provider status is leased in whole, or in part, the lessee does not assume provider status under title XVIII of the Act.

(1) If the entire provider facility is leased, the section 1866 provider agreement with the former operator of the facility terminates. If only part of the provider facility is leased, the provider agreement remains in effect with respect to the unleased portion, but a survey must be conducted to determine whether the unleased portion continues to be in compliance with the conditions for participation in the program.

(2) If the lessee of the facility requests approval as a provider of services for the purpose of participating in the program, it must be established that the leased portion of the facility meets the conditions for participation, requirements of Title VI of the Civil Rights Act of 1964, and an agreement must be filed with the Secretary by the lessee.

§ 405.651 Nomination of agency or organization as "intermediary"; contractual undertakings with intermediaries.

(a) Under section 1816 of the Act, groups of providers, or associations of providers, may nominate on behalf of the members of such group or association, a national, State, or other public or private agency or organization for the purpose of entering into an agreement with the Secretary providing for the determination of amounts payable under title XVIII, and the making of such payments, by such agency or organization to providers of services. A member of a group or association may, however, deal directly with the Secretary rather than through an intermediary. The nomination of an agency or organization by a group or association of providers of services (see § 405.653) shall not be binding on any member of such group or association if such member notifies the Secretary of its desire not to be bound by such nomination.

(b) In order to accomplish the objectives of the supplementary medical insurance benefits provisions described in Subpart B of this part, with maximum efficiency and convenience to both the enrollees and providers of services furnishing medical and other health services to them and, at the same time, to coordinate the implementation of hospital insurance benefits provisions (see Subpart A of this part), the Secretary may, in his discretion, contract with nominated agencies or organizations with which agreements discussed in paragraph (a) of this section are in effect, to perform all or some of the functions described in section 1842 of the Act; except that, such agencies or organizations (which otherwise do not qualify as a carrier described in § 405.671) are "carriers" with respect to providers of service only.

(c) In the performance of their contractual undertakings, the fiscal intermediaries act on behalf of the Secretary, carrying on for him the administrative responsibilities imposed by the law. The Secretary, however, is the real party in interest in the administration of the program and will endeavor to safeguard the interests of his contractual representatives with respect to their actions in the fulfillment of commitments under the agreements entered into by them with the Secretary.

(d) Contractual undertakings with intermediaries, pursuant to section 1842 of the Act, may be entered into without regard to section 3709 of the U.S. Revised Statutes or any other provision of law requiring competitive bidding.

§ 405.652 Nomination procedure.

The nomination of an agency or organization to determine the amount of and

make payments to providers of services, must be made by an association or groups of providers of services, in writing to the Secretary and such writing shall:

(a) Identify the agency or organization being nominated; i.e., complete name and address;

(b) Include, or furnish as an attachment, the name, address, and bed capacity (or patient care capacity in the case of home health agencies) of each member of the group or association;

(c) List those members which have concurred in the nomination of such agency or organization; and

(d) Be signed by an authorized individual of such group or association.

§ 405.653 Nomination by providers of services; nonmembers or nonconcurring members of a group or association.

Providers of services which are not members of a group or association, and those providers of services not concurring in the nomination of their group or association may form a group of two or more individual providers of services for the specific purpose of nominating a national, State, or other public or private agency or organization and such nomination shall be made as discussed in § 405.652.

§ 405.654 Election to deal through a nominated agency or organization or to deal directly with the Secretary.

A provider which is not a member of a group or association which has nominated an intermediary or a nonconcurring member of a group or association of providers of services, may with the consent of the Secretary and an agency or organization which has entered into an agreement with the Secretary, elect such agency or organization to determine the amount of and make payment to such provider under the provisions described in Subpart A of this part or, elect to receive payment directly from the Secretary. This procedure is also available to any provider of services which has forwarded notice of intent to withdraw its concurrence in the nomination or its election of a particular agency or organization (see § 405.656).

§ 405.655 Notification of selection or nonselection of nominated agency or organization.

(a) The Secretary, upon selection or nonselection of a nominated agency or organization (see § 405.660), shall send written notice to each member of the nominating group or association of the selection or the nonselection of the nominated agency or organization. Any member of such group or association may elect, instead, to receive payment in accordance with the provisions discussed in § 405.654.

(b) Any member of a group or association having more than one nominated agency or organization approved and selected by the Secretary to act on its behalf shall be given the opportunity to withdraw from all but one of such nominations or, as provided in paragraph (a) of this section, to elect to receive payment in accordance with the provisions of § 405.654.

§ 405.656 Withdrawal of nomination or election.

(a) Any provider which has nominated an intermediary may, subject to the provisions of this section, withdraw its concurrence in the nomination or its election of such agency or organization. Notice of its intent to withdraw from its concurrence in the nomination or its election must be given to the Secretary at least 120 days prior to the end of such provider's current fiscal year. Concurrently with the notice to the Secretary, the provider shall also notify its intermediary of its intent to withdraw from its concurrence in the nomination or its election in order to elect another intermediary, or to deal directly with the Secretary. The notice of intent to withdraw must be signed by an authorized representative of such provider.

(b) Where the Secretary approves the withdrawal and election, the provider, the outgoing intermediary, and the newly elected intermediary will be advised that the election shall be effective on the first day following the close of the fiscal year in which it filed the timely withdrawal, or July 1, 1967, whichever is later.

§ 405.658 Emergency hospital services; hospital election to receive health insurance payments.

(a) *General.* A hospital which meets the requirements of section 1861(e) applicable for purposes of sections 1814(d) and 1835(b) of the Act and does not have in effect an agreement with the Secretary to participate in the health insurance program but is furnishing emergency inpatient and outpatient services to individuals entitled to health insurance benefits may elect, pursuant to sections 1814 (d) and 1835(b) of the Act, to receive payment under such program for all emergency services furnished in a calendar year, after December 31, 1967, by the hospital or under arrangements with the hospital, to entitled individuals.

(b) *Elements of statement of election.* Under the provisions of the statement of election, the hospital elects for the period of calendar year:

(1) To comply with the provisions of §§ 405.607–405.610 which relate to charges for items and services the hospital may make to the individual, or other person, for emergency hospital services furnished such individual;

(2) To comply with the provisions described in §§ 405.618–405.621 which relate to proper disposition of moneys incorrectly collected from, or on behalf of, an individual furnished emergency hospital services; and

(3) To request payment under the health insurance program based on reasonable costs of furnishing emergency hospital services determined in accordance with section 1861(v) of the Act.

§ 405.660 Criteria considered by Secretary in determining whether to enter into an agreement pursuant to section 1816 with a nominated agency or organization.

The Secretary may enter into an agreement with an agency or organization which has been nominated by a group or association of providers under the provisions of section 1816 of the Act, if the Secretary finds that:

(a) To do so would be consistent with effective and efficient administration of the hospital insurance benefits plan;

(b) Where the proposed agreement is to provide that the nominated agency or organization is to assist providers in the application of safeguards against unnecessary utilization of services under Subpart A of this part, such agency or organization is willing and able to provide such assistance;

(c) Such agency or organization agrees to furnish to the Secretary such of the information acquired by it in carrying out its agreement as the Secretary may find necessary for the proper administration of the hospital insurance benefits plan;

(d) The nominated agency or organization (or an agency or organization which is affiliated with such nominated agency or organization and which has undertaken by subcontract to perform the functions and obligations of such nominated agency or organization) meets all requirements as to solvency and financial responsibility imposed by the statutes and regulatory authorities of any State, or States in which it would serve;

(e) The nominated agency or organization has the overall resources and experience to administer effectively and efficiently the responsibilities it would undertake under the hospital insurance program and that such agency or organization has an existing operational, statistical, and recordkeeping capacity commensurate with the magnitude of the additional program responsibilities it proposes to assume. An agency's or organization's capacity to perform is presumed where such agency or organization has at least 5 years' experience in paying for or reimbursing the cost of health services. If an agency or organization has less than 5 years' experience but there is other evidence which clearly shows it has the capacity to perform such services, the Secretary will consider entering into an agreement with such nominated agency or organization;

(f) The nominated agency or organization serves a sufficient number of providers of services to permit a finding of effective and efficient administration of the hospital insurance program by the Secretary; except that:

(1) The Secretary may enter into an agreement with a nominated agency or organization servicing only a few providers of services if the Secretary finds it is in the best interest of the program to do so; and

(2) The selection of such agency or organization by the Secretary shall not be based exclusively on the number of providers of services such agency or organization will serve;

(g) The nominated agency or organization has an ongoing professional and institutional relationship that successful administration of the hospital insurance program will necessitate and that the extent and substance of these relationships will assure affirmative and effective cooperation with such agency or organization by the providers of services with whom it will deal, and by the physicians and medical societies in the area or areas it will serve;

(h) The nominated agency or organization has established a record of integrity and satisfactory service to the public; and

(i) The nominated agency or organization has personnel practices which reflect an affirmative equal employment opportunity program which is in compliance with the fair employment provisions of the Civil Rights Act of 1964 and Executive Order 11246.

§ 405.662 Termination by intermediary.

An intermediary which has entered into an agreement with the Secretary, may terminate such agreement at any time provided it gives 180 days notice of intention to terminate the agreement to the Secretary, and the providers of service receiving payment through such intermediary. In addition to giving notice to the Secretary and the providers of service, the intermediary will also notify the public of its intention to terminate its agreement with the Secretary by publishing, at least 180 days before the date of termination, a statement of the effective date of termination. Publication is to be in a newspaper of general circulation which serves each community in which a provider receiving payment through such intermediary is located.

§ 405.663 Termination by Secretary.

If the Secretary finds, after 60 days notice and opportunity for hearing to the intermediary, that:

(a) The intermediary has failed substantially to carry out the provisions of the agreement; or

(b) The continuation of some or all of the functions provided for in the agreement is disadvantageous or is inconsistent with the efficient administration of title XVIII of the Act, the Secretary may terminate the agreement at any time upon 120 days notice to the public, to the intermediary and to providers receiving payment through such intermediary.

§ 405.670 Contracts with carriers pursuant to section 1842; general.

In order to accomplish the objectives of the supplementary medical insurance benefits provisions described in Subpart B of this part, with maximum efficiency and convenience to both the enrollees and persons furnishing medical and other health services to them, the Secretary may enter into a contract, pursuant to section 1842 of the Act, with carriers (see § 405.671) to perform, in areas determined on the basis of geographical convenience, all or some of the functions as described in section 1842 of the Act as shall be specified in such contract. With respect to the performance of functions involving payments for services of physicians, the Secretary shall, to the extent possible, enter into such contracts with carriers. In the performance of their contractual undertakings, the carriers act on behalf of the Secretary, carrying on for him the administrative responsibilities imposed by the law. The Secretary, however, is the real party in interest in the administration of the program and will endeavor to safeguard the interests of his contractual representatives with respect to their actions in the fulfillment of commitments under the contracts entered into by them with the Secretary.

§ 405.671 Carrier; defined.

An organization is classified as a carrier for purposes of entering into a contract (see § 405.670) if it is:

(a) A voluntary association, corporation, partnership, or other nongovernmental organization which is lawfully engaged in providing, paying for, or reimbursing the cost of, health services under group insurance policies or contracts, medical or hospital service agreements, membership or subscription contracts, or similar group arrangements, in consideration of premiums or other periodic charges payable to the carrier, including a health benefits plan duly sponsored or underwritten by an employee organization;

(b) A State agency, specified in an agreement to enroll welfare recipients under the supplementary medical insurance benefits plan, which administers, or supervises the administration of, the plan of such State approved under title I, XVI, or XIX of the Act.

§ 405.672 Competitive bidding for contract not required.

Contracts with carriers may be entered into without regard to section 3709 of the U.S. Revised Statutes or any other provision of law requiring competitive bidding.

§ 405.673 Carrier's ability to perform duties; financial responsibility; etc.

The Secretary shall not enter into a contract with any carrier unless the Secretary finds that such carrier will perform its obligations under the contract efficiently and effectively and will meet such requirements as to financial responsibility, legal authority, and other matters as the Secretary finds pertinent.

§ 405.675 Termination of section 1842 contract by notice of nonrenewal.

Except as provided in § 405.676, a contract between the Secretary and a carrier shall terminate at the end of the last day of the term prescribed in the contract unless automatically renewable. An automatic renewal provision shall have the effect of continuing the contract from term to term in the absence of at least 90 days notice by either party to the contract of intention to terminate at the end of the current term.

§ 405.676 Termination of section 1842 contract by Secretary for cause.

The Secretary may terminate a contract with a carrier at any time if it is determined that the carrier has failed substantially to carry out any material terms of the contract or is carrying out the contract in a manner inconsistent with the efficient administration of the supplementary medical insurance benefits program. However, before a final determination of termination for cause is made, the Secretary shall give such carrier at least 60 days notice and opportunity for a hearing.

§ 405.677 Functions which a carrier may perform under contract with the Secretary.

A contract between the Secretary and a carrier may provide for the performance of some or all of the following functions:

(a) Determining the rates and amounts of payments required pursuant to the provisions described in Subpart B of this part to be made to providers of services and other persons on a reasonable cost basis (see §§ 405.401–405.454) or reasonable charge basis (see §§ 405.501–405.508) as may be applicable;

(b) Receiving, disbursing, and accounting for funds in making such payments;

(c) Auditing the records of providers of services, as necessary, to assure that proper payments are made under the provisions described in Subpart B of this part;

(d) Assisting providers of services and other persons who furnish services for which payment may be made under the supplementary medical insurance benefits provisions described in Subpart B of this part:

(1) In the development of procedures relating to utilization practices;

(2) In making studies of the effectiveness of such procedures and methods for their improvement;

(3) In the application of safeguards against unnecessary utilization of services furnished by providers of services and other persons to individuals entitled to supplementary medical insurance benefits (see Subpart B of this part); and

(4) In establishing procedures for, and assisting in arranging, where necessary, the establishment of groups outside hospitals to make reviews of utilization;

(e) Serving as a channel of communication of information relating to the administration of the supplementary medical insurance benefits provisions described in Subpart B of this part; and

(f) Otherwise assisting, in such manner as the contract may provide, in discharging administrative duties necessary to carry out the purposes of the supplementary medical insurance benefits program.

§ 405.678 Duties to be performed by a carrier.

A carrier which has entered into a contract with the Secretary shall:

(a) Take such action as may be necessary to assure that, where payment under the supplementary medical insurance benefits plan is on a cost basis, the cost is the reasonable cost as determined under the provisions discussed in Subpart D of this part;

(b) Take such action as may be necessary to assure that, where payment under the supplementary medical insurance benefits plan is on a charge basis (see Subpart E of this part):

(1) Such charge will be reasonable and not higher than the charge applicable

for a comparable service and under comparable circumstances to the policyholders and subscribers of the carrier; and

(2) Payment is to be based on an:

(i) Itemized bill;

(ii) Assignment under the terms of which the reasonable charge is the full charge for the service (see § 405.251(b)); or

(iii) Where the individual furnished the covered services has died and the bill has not been paid, agreement by the person or persons who furnished the services to accept the reasonable charge as the full charge for the services.

(c) Institute utilization safeguards which include methods for professionally assuring that payments made under part B of title XVIII are for covered services which are medically necessary. If, after appropriate consultation, the carrier concludes that a service or services for which a claim has been made were not medically necessary or that the claim as presented is improper in reflecting the amount and character of services rendered, the carrier is responsible for taking appropriate action with respect to adjustment or rejection of the claim.

(d) Establish methods and procedures for identifying utilization patterns which deviate from medically established norms, and bring such patterns of utilization to the attention of appropriate professional groups.

(e) Furnish to the Secretary such timely information and reports as he may find necessary in performing his functions in the administration of the supplementary medical insurance benefits plan;

(f) Maintain such records and afford such access thereto as the Secretary finds necessary to assure the correctness and verification of the information and reports under paragraph (c) of this section and otherwise to carry out the purposes of the supplementary medical insurance benefits plan;

(g) Establish and maintain procedures in accordance with Subpart H of this part, pursuant to which an individual enrolled under the supplementary medical insurance benefits plan, will be granted an opportunity for a fair hearing by such carrier when a request for payment is denied, or is not acted upon with reasonable promptness, or the amount of payment is in controversy; and

(h) Comply with such other terms and conditions as the Secretary may find necessary or appropriate for inclusion, in the particular contract to which such carrier is a party.

§ 405.685 Agreements with States pursuant to section 1864; general.

The Secretary shall enter into an agreement with any State which is able and willing to do so, under which the services of the State health agency or other appropriate State agency (or the appropriate local agencies) will be utilized by the Secretary:

(a) To assist the Secretary in determining, for the purposes of title XVIII of the Social Security Act, whether:

(1) An institution is a hospital (see § 405.1001 et seq.) or an extended care facility (see § 405.1101 et seq.);

(2) An agency is a home health agency (see § 405.1201 et seq.);

(3) An independent laboratory meets the conditions for coverage of services of independent laboratories (see § 405.1301 et seq.);

(4) A clinic, rehabilitation agency or public health agency meets the requirements of section 1861(p)(4) of the Act; or

(5) A supplier of portable X-ray services meets the requirements of section 1861(s)(3) of the Act.

(b) To undertake surveys of institutions, agencies, independent laboratories, and clinics, and other appropriate supporting activities in accordance with Secretary's policies and procedures; and to certify to the Secretary its findings.

(c) To provide consultative services by the State agency to institutions and agencies to assist such institutions and agencies to comply with the provisions of title XVIII of the Act.

[F.R. Doc. 68-9477; Filed, Aug. 7, 1968; 8:47 a.m.]

[Regs. No. 22]

PART 422—ORGANIZATION AND PROCEDURES

Miscellaneous Amendments

Part 422 of Chapter III of Title 20 of the Code of Federal Regulations, Organizations and Procedures (Regulations No. 22 of the Social Security Administration) is amended as follows:

§ 422.505 [Amended]

1. In the list in § 422.505(b) *Related forms* insert, in numerical order, the following items:

SSA-21—Supplement to Claim of Person Outside the United States. (To be completed by or on behalf of a person who is, was, or will be outside the United States.)

SSA-1724—Claim for Amounts Due in the Case of a Deceased Beneficiary. (For use in requesting amounts payable under title II to a deceased beneficiary.)

SSA-7163—Questionnaire About Employment or Self-Employment Outside United States. (To be completed by or on behalf of a beneficiary who is, was, or will be employed or self-employed outside the United States.)

§ 422.510 [Amended]

2. In the list in § 422.510(b) *Related forms* insert in numerical order the following item:

SSA-1650—Statement of Person Requesting Supplementary Medical Insurance Payment on Behalf of Estate. (For use in requesting amounts payable under title XVIII to a deceased beneficiary.)

§ 422.520 [Amended]

3. In the list in § 422.520 *Forms related to maintenance of earnings records*, delete the following item:

Form 4029—Application for Exemption From Tax on Self-Employment Income, and Waiver of Benefits. (To be completed by self-employed individuals who are members of certain recognized religious sects (or division thereof) and do not wish to pay FICA taxes or participate in the programs provided under titles II and XVIII.)

and in numerical order insert in lieu thereof:

Form 4029—Application for Exemption From Tax on Self-Employment Income, Claim for Refund, and Waiver of Benefits. (To be completed by self-employed individuals who are members of certain recognized religious sects (or division thereof) and do not wish to pay FICA taxes or participate in the programs provided under titles II and XVIII.)

Form 4361—Application for Exemption From Self-Employment Tax for Use By Ministers, Members of Religious Orders, and Christian Science Practitioners.

Form 4415—Election To Exempt From Self-Employment Coverage Fees Received by Certain Public Officers and Employees of a State or a Political Subdivision Thereof.

4. Section 422.525 is amended to read as follows:

§ 422.525 Where applications and other forms are available.

All applications and related forms prescribed for use in the programs administered by the Social Security Administration pursuant to the provisions of titles II and XVIII of the Act are printed under the specifications of the Administration and distributed free of charge to the public, institutions, or organizations for the purposes described therein. All prescribed forms can be obtained upon request from any social security district office or branch office (see § 422.5). Forms appropriate for use in requesting payment for services provided under the health insurance for the aged programs can also be obtained from the intermediaries or carriers (organizations under contract with the Social Security Administration to make payment for such services) without charge. Form 2031 (Waiver Certificate To Elect Social Security Coverage for Use by Ministers, Certain Members of Religious Orders, and Christian Science Practitioners), Form 4029 (Application for Exemption From Tax on Self-Employment Income, Claim for Refund, and Waiver of Benefits), Form 4361 (Application for Exemption From Self-Employment Tax for Use by Ministers, Members of Religious Orders, and Christian Science Practitioners), Form 4415 (Election To Exempt From Self-Employment Coverage Fees Received by Certain Public Officers and Employees of a State or a Political Subdivision Thereof), Form SS-4 (Application for Employer Identification Number), Form SS-4A (Agricultural Employer's Application for Identification Number), Form SS-5 (Application for Social Security Number (or Replacement of Lost Card)), Form SS-15 (Certificate Waiving Exemption From Taxes Under the FICA), and Form SS-15a (List of Concurring Employees) can also be obtained without charge from offices of the Internal Revenue Service. For other offices where applications and certain other forms can be obtained, see Subparts B and C of this Part 422.

5. Section 422.527 is added after § 422.525 to read as follows:

§ 422.527 Private printing and modification of prescribed applications and other forms.

Any person, institution, or organization wishing to reproduce, duplicate, or privately print any application or other form prescribed by the Administration should obtain the prior approval of the Administration. Requests for approval to so reproduce any prescribed form must be in writing and include the reason or need for such reproduction, the intended user of the form, the proposed modifications, if any, the proposed format, with printing or other specifications, the type of automatic data processing machinery (e.g., printer, burster, mail handling), if any, for which the form is being designed, estimated printing quantity, estimated cost per thousand, estimated annual usage, and such other pertinent information as may be required by the Administration. All requests are to be forwarded to: Social Security Administration, Printing and Records Management Branch, Baltimore, Md. 21235.

6. *Effective date.* These amendments shall be effective on the date of publication in the FEDERAL REGISTER.

Dated: July 18, 1968.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: July 31, 1968.

WILBUR J. COHEN,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 68-9479; Filed, Aug. 7, 1968; 8:48 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 118—SUPPLEMENTARY EDUCATIONAL CENTERS AND SERVICES

Federal financial assistance given pursuant to the regulations set forth below is subject to the regulation in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President to effectuate the provisions of section 601 (42 U.S.C. 2000d) of the Civil Rights Act of 1964 (P.L. 88-352).

In order to reflect the amendments to the Elementary and Secondary Education Act of 1965 that are contained in P.L. 90-247, Part 118 is revised to read as follows:

Subpart A—Definitions

Sec.
118.1 Definitions.

Subpart B—State Advisory Council

118.2 State advisory council.
118.3–118.5 [Reserved]

Subpart C—State Plan Provisions

118.6 State educational agency.
118.7 State plan conditions.
118.8 State plan program requirements.
118.9 State plan assurances.
118.10 Reports.
118.11 Records.
118.12–118.14 [Reserved]

Subpart D—Fiscal Procedures

118.15 State fiscal procedures.
118.16 Proration of costs.
118.17–118.21 [Reserved]

Subpart E—Equipment and Construction

118.22 Acquisition and maintenance of equipment.
118.23 Grants involving construction.
118.24 Obligation of funds for construction.
118.25 Recovery of payments.
118.26 Leasing facilities.
118.27 Participation of children enrolled in private schools.
118.28 Copyrights and patents.
118.29–118.31 [Reserved]

Subpart F—Federal Financial Participation and Payment Procedures

118.32 Allotment of funds.
118.33 Reallotment.
118.34 Payment of funds.
118.35 Allowable expenditures for State and local educational agencies.
118.36–118.37 [Reserved]

Subpart G—Programs of the U.S. Commissioner

118.39 General provisions.
118.40 Designation and certification of agency for administration.
118.41 Purposes.
118.42 Administration and reporting.
118.43 Proposed services.
118.44 Qualifications of professional personnel.
118.45 Adequacy of facilities.
118.46 Submission of project proposal.
118.47 Program assurances.
118.48 Amendments.
118.49–118.51 [Reserved]

Subpart H—Approval of Project Proposals Submitted to the U.S. Commissioner

118.52 Criteria for review of project proposals.
118.53 Review of project proposal by a panel of experts.
118.54 Disposition.
118.55 Projects for handicapped children.
118.56–118.57 [Reserved]

Subpart I—Federal Financial Participation and Payment Procedures for Project Proposals Submitted to the U.S. Commissioner

118.59 Effective date of approved project.
118.60 Payment procedures.
118.61 Availability of funds for approved projects.
118.62 Fiscal and auditing procedures.
118.63 Adjustments.
118.64 Disposal of records.
118.65 Cooperative agreements.
118.66 Allowable expenditures for local educational agencies.
118.67 Funds not expended.
118.68 Reallotment.
118.69–118.72 [Reserved]

Subpart J—Equipment and Construction

Sec.
118.73 Equipment and construction.

Subpart K—State Educational Agency Recommendations

118.74 State educational agency review and recommendations.

AUTHORITY: The provisions of this Part 118 issued under 5 U.S.C. 301 except as otherwise noted.

Subpart A—Definitions

§ 118.1 Definitions.

As used in this part:

(a) "Act" means the Elementary and Secondary Education Act of 1965, Public Law 89-10, as amended.

(b) "Commissioner" or "U.S. Commissioner" means the U.S. Commissioner of Education.

(c) "Construction" means (1) the erection of new or expansion of existing structures, and the acquisition and installation of equipment therefor; (2) the acquistion of existing structures not owned by the agency making application for assistance under Title III of the Act; (3) the remodeling or alteration (including the acquisition, installation, modernization, or replacement of equipment) of existing structures; or (4) a combination of any two or more of the foregoing.

(d) "Cultural and educational resources" includes State educational agencies, institutions of higher education, nonprofit private schools, public and nonprofit private agencies such as libraries, museums, musical and artistic organizations, educational radio and television, and other cultural and educational resources.

(e) "Department" means the U.S. Department of Health, Education, and Welfare.

(f) "Educational center" means an organization or facility designed to provide for the planning, development or provision of innovative and exemplary programs and services for teachers, children, and adults to serve a large local educational agency, several local educational agencies, several counties, or one or more intermediate educational agencies. Such services or activities provided by the educational center cannot be adequately provided by a small or single local educational agency, because of the nature of the activity or the condition of the geographical area to be served.

(g) "Elementary school" means a day or residential school which provides elementary education, as determined under State law.

(h) "Equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture, printed, published, and audiovisual instructional

materials, and books, periodicals, documents, and other related materials. Equipment does not include supplies.

(i) "Exemplary educational programs" means educational programs or activities designed to serve as models for regular school programs.

(j) "Handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education and related services.

(k) "Innovative educational program" means the adoption of new or improved educational ideas, practices, or techniques.

(l) "Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as is recognized in a State as an administrative agency for its public elementary or secondary schools. That term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(m) "Nonprofit private" as applied to a school, agency, organization, or institution means a school, agency, organization or institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(n) "Project period" means the total period of time for which a project may be supported with funds under Title III of the Act.

(o) "Project proposal" means an application for a grant for the planning, establishing, operating, or maintaining of programs or services which is submitted to the State educational agency for approval pursuant to an approved State plan, or to the Commissioner for approval.

(p) "Secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include education beyond grade 12.

(q) "Service function" means an educational service which is performed by a legal entity, such as an intermediate agency, whose jurisdiction does not extend to the whole of the State and which is authorized to provide consultative, advisory, or educational program services to public elementary or secondary schools, or which has regulatory functions over agencies having administrative control or direction of public elementary or secondary schools, rather than a service which is performed by a cultural or educational resource.

(r) "State" includes, in addition to the States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(s) "State advisory council" means a group of persons appointed by the State educational agency, broadly representative of the cultural and educational resources of the State (including representatives of (1) elementary and secondary schools; (2) institutions of higher education; and (3) areas of professional competence in dealing with the education of handicapped children) and of the public, particularly those with low incomes.

(t) "State aid" means any grant or financial aid by a State government paid to or on behalf of a local educational agency for the support of public education within a State.

(u) "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(v) "Supplies" means those nonequipment items which are consumed in use or which may not reasonably be expected to last longer than one year.

(w) "Works of art" means those items, which may be in the nature of fixtures, that are incorporated in school facilities primarily because of their esthetic value. The cost of a work of art which is in the nature of a fixture shall be the estimated additional cost of incorporating those special esthetic features which exceed the general requirements of excellence of architecture and design.

(20 U.S.C. 844, 881)

Subpart B—State Advisory Council

§ 118.2 State advisory council.

(a) The State educational agency shall appoint a State advisory council, whose functions shall include: (1) Advising the State educational agency on the preparation of, and policy matters arising in the administration of, the State plan, and in the development of criteria for approval of applications under the State plan; (2) reviewing, and making recommendations to the State educational agency on the action to be taken with respect to, each application for a grant under the State plan; (3) evaluating programs and projects assisted under this part; (4) preparing and submitting through the State educational agency reports of its activities, recommendations, and evaluation, together with such additional comments as the State educational agency deems appropriate, to the Commissioner and to the National Advisory Council on Supplementary Centers and Services, established pursuant to Title III of the Act.

(b) The State educational agency shall specify in the State plan: (1) The number, education, experience, and current positions of persons to serve on the State advisory council and designate the chairman; (2) the method of providing technical, professional, and clerical assistance, and the services of experts and consultants, to be utilized by the State advisory council in the execution of its responsibilities; (3) provisions for review and recommendation (by the State advisory council) of all applications for grants under the State plan; (4) provisions for the annual evaluation (by the State advisory council) of all projects funded under the State plan; and (5) provisions for an annual report by the State advisory council of its activities, recommendations, and evaluations under the State plan to be submitted through the State educational agency to the Commissioner and to the National Advisory Council.

(20 U.S.C. 844a)

§§ 118.3–118.5 [Reserved]

Subpart C—State Plan Provisions

§ 118.6 State educational agency.

(a) *Staff.* The State plan shall set forth the number, types, function, and qualifications of all staff members required for the administration of the plan, and shall describe their organization. If State statutes or regulations establish such positions and give such information, the plan shall so state.

(b) *Panel of experts.* The State plan shall provide for the selection of a panel of experts, including experts in the education of the handicapped to review proposals designed to meet the special educational and related needs of handicapped children, which shall review all project applications, and the plan shall set forth the policy for determining the qualifications required of the panel members and the approximate number to be utilized.

(c) *State leadership.* The State plan shall describe procedures which may be utilized for appropriate professional staff development of State and local administrative, instructional, and service personnel, who will be involved in developing and conducting programs or projects.

(d) *Designation.* The State plan shall give the official name of the State educational agency which will be, either directly or through arrangements with State or local public agencies, the sole agency for administering the plan.

(e) *Authority and organization.* The State plan shall set forth the authority of the State educational agency under State law to submit the plan and to administer and supervise the programs set forth therein.

(20 U.S.C. 844)

§ 118.7 State plan conditions.

(a) *Purpose.* A basic condition for the granting of Federal funds to the State under Title III of the Act is a plan which provides for a program based on educational needs as determined by the State, and the manner in which the funds paid to the State under this part shall be used to meet such educational needs in the State through grants to local educational agencies for programs or projects and for the administration of the plan.

(b) *Effects of State plan.* The State plan, as approved by the Commissioner, shall constitute the basis on which Federal grants will be made, and the basis for determining the propriety of the expenditures of those funds. The administration of the program shall be kept in conformity with the approved plan.

(c) *Amendments.* Whenever there is any change in the content or administration of the program, or when there has been any material change in pertinent State law or in the organization policies, or operations of the State educational agency affecting the program under the plan, the plan shall be appropriately amended.

(d) *Submission.* A State plan shall be updated by amendments at least annually to reflect all relevant information and appropriate recommendations from the State advisory council. The plan shall indicate the official or officials authorized to submit plan materials. The State educational agency shall act as the sole agency for the administration of the State plan.

(e) *Certificate by the State educational agency.* The State plan and all amendments thereto shall include as an attachment a certificate of the officer of the State educational agency authorized to submit the State plan to the effect that the State plan or amendment has been adopted by the State educational agency and that the State plan, or State plan as amended, will constitute the basis for operation and administration of the program.

(f) *Certificate of the State Attorney General or other appropriate State legal officer.* The State plan shall also include, as an attachment, a certificate by the State Attorney General or other appropriate State legal officer to the effect that the State educational agency named in the plan is the "State educational agency" required by section 305(a)(1)(c) of the Act to have authority to act as the sole agency to submit the State plan; that such agency has authority under State law to carry out or arrange for the carrying out of the program described therein; and that all the State plan provisions with respect to the use of funds under Title III of the Act can be carried out in the State.

(g) *Approval by the Commissioner.* The Commissioner will approve annually each plan, or modifications thereof, which he determines meets the applicable requirements of Title III of the Act and the regulations in this part, and will notify the State educational agency of the granting, conditioning, or withholding of approval in each such case. However, no final action with respect thereto, other than one of approval, will be taken by the Commissioner unless he first notifies the State educational agency of his proposed action and in connection therewith affords the State educational agency a reasonable opportunity for a hearing on whether the affected plan or modification meets such requirements.

(h) *Partial approval.* Whenever the Commissioner, after reasonable notice and opportunity for a hearing, finds: (1) That the plan fails to comply with the requirements of Title III of the Act and the regulations in this part; or (2) that in the administration of the plan, there is a failure to comply substantially with any such provisions, the Commissioner will notify the State educational agency that further payments will not be made to the State under Title III of the Act or that the State educational agency may not make further payments under Title III of the Act to specified local educational agencies affected by the failure. For the fiscal year ending June 30, 1969, the Commissioner may, if he finds that a State plan is in substantial compliance with the requirements set forth in Title III of the Act and the regulations in this part, approve that part of the plan which is in compliance with such requirements and make available to that State that part of the State's allotment, but not less than 50 percent, which he determines to be necessary to carry out that part of the plan so approved. The Commissioner will assume responsibility for the administration of the remainder of the State's allotment. If a State educational agency does not submit an approvable State plan under Title III of the Act for fiscal year 1969, the Commissioner will assume the responsibility for the administration of the Title III program in that State for that fiscal year.

(i) *Effective date of the plan.* Funds under Title III of the Act may not be applied to any expenditure for the administration of a State plan made prior to the date on which the State plan is approved by the Commissioner.

(j) *Provision for the continuation costs for previously funded projects.* (1) The Commissioner and the State educational agency, will, in cooperation with each other, make such arrangements as may be possible for continuing the funding of projects which had been approved by the Commissioner prior to fiscal year 1969. Such arrangements will be made with the view of minimizing the disruption of continuing projects under Title III of the Act which might otherwise result from the change from Federal to State administration.

(2) The State plan will provide a list of each of the Title III projects to be administered by the State educational agency, which will include the project number assigned by the U.S. Office of Education, the project title, and the State educational agency's proposed level of funding for the project period following the expiration of the current grant.

(k) *Participation by nonprofit private school children.* The State plan shall, to the extent consistent with the number of children enrolled in nonprofit private schools in the area to be served whose educational needs are of the type provided by the program or project, make provision for the participation of such children. Wherever practicable, educational services, including broadened instructional offerings made available to children enrolled in nonprofit private schools, shall be provided on publicly controlled premises. Provisions for educational services for children in private nonprofit schools shall not include the paying of salaries of teachers or other employees of such schools except for services performed outside their regular hours of duty and under public supervision and control, nor shall they include the financing of regular school instruction for nonpublic schools, the leaving of equipment on private school premises, or the construction of facilities for such schools. None of the funds made available under Title III of the Act may be used for religious worship or instruction.

(20 U.S.C. 844)

§ 118.8 State plan program requirements.

(a) *Assessment of educational needs in the State.* The State plan shall identify the educational needs of the State, and explain the objective criteria and measurements used to identify those needs.

(b) *Determination of critical educational needs.* The State plan shall describe the critical educational needs in the various areas of the State and describe the process used to determine those respective needs. Such a determination shall be based upon the results of surveys involving objective criteria and measurements.

(c) *Role in meeting educational needs in the State.* The State plan shall explain the manner in which the funds paid to the State under Title III of the Act shall be used in meeting the critical educational needs.

(d) *State long-range strategy for advancing education.* The State plan shall describe the long-range strategy for advancing education in the State during the next several years through Title III of the Act. The description shall include procedures for making possible the effective coordination of Federal programs which would involve two or more Federal programs; Federal, State, and local programs; or any combination of programs funded from different sources which includes Title III of the Act.

(e) *Criteria for review of project applications.* The State plan shall list the major criteria which will be applied to review project applications from local educational agencies. They shall include: (1) The extent to which the proposed project is designed to meet the most critical educational needs in the area of the State to be served by the project; (2) the adequacy of evidence that the proposed project will supplement the regular school program; (3) the extent to which the project would contribute to the solution of important educational problems; (4) the extent to which procedures to be used in achieving objectives are appropriate, adequate, and efficient; (5) the extent to which (i) the proposed project is innovative (a new or improved educational idea, practice, or technique), or (ii) the proposed project is exemplary (an activity designed to serve as a model for regular school programs); (6) the adequacy of documentation showing the extent of the involvement in planning, implementing, and appraising project activities of teachers, students, or other school personnel and others, including those with low income, broadly representative of the cultural and educational resources and of the

public in the area to be served; (7) the adequacy of planning for the proposed project; (8) the degree of awareness of similar programs, research findings, or the knowledge of recognized experts; (9) the economic feasibility and efficiency of the proposed project; (10) whether the proposed project makes provision for the participation of children, to the extent consistent with their number, enrolled in nonprofit private schools in the area to be served whose educational needs are of the type provided by the project; (11) the extent to which provisions for evaluating the proposed project are appropriate and adequate, and provide for a reasonable degree of objectivity; (12) the extent to which provisions for dissemination of information about the proposed project are appropriate and adequate for the area to be served; (13) the suitability of the size of the staff; (14) the suitability of the qualifications of the staff; (15) the adequacy and appropriateness of the facilities, equipment, and materials to be used for the proposed project; and (16) the extent to which the best available talents and resources will be utilized to increase substantially the educational opportunities of children to be served by the project. Additional criteria may be included which are consistent with the objectives of Title III of the Act.

(f) *Special consideration to local educational agencies.* The State educational agency will develop, and list in its State plan, criteria and procedures for giving special consideration to applications submitted by local educational agencies: (1) That are making a reasonable tax effort but are unable to meet critical educational needs (including preschool and bilingual education) because of overcrowded, obsolete, or unsafe conditions; or (2) whose proposed projects were planned with funds under Title III of the Act; or (3) both. Following the application of the requirements listed above, if it is determined that two or more proposals are judged to be of substantially the same high quality, the special consideration requirements will be applied to determine the local educational agencies whose proposed projects will be given the highest priority for funding.

(g) *Maintenance of fiscal efforts at State and local levels.* The State plan will set forth procedures for assuring that the use of funds under Title III of the Act for projects approved by the State educational agency will supplement and, to the extent practical, increase the level of State and local funds that would otherwise be available for the purposes described in Title III of the Act or otherwise for educational purposes and in no case supplant such State and local funds. No payments to a State under Title III of the Act for any fiscal year may be paid by the State educational agency to a local educational agency unless the State educational agency finds that the combined fiscal effort of that local educational agency and the State with respect to the provision of free public education by that local educational agency for the preceding fiscal year was not less than such a combined fiscal effort for that purpose for the second preceding fiscal year. For purposes of this paragraph, fiscal effort by a local educational agency shall be determined by the State educational agency on the basis of expenditures other than those made from funds derived from Federal sources for which the local educational agency is required to account to the Federal Government directly or through the State educational agency, such as funds under Title III of the Act. Expenditures by a State on behalf of a local educational agency rather than by such a local educational agency itself shall be deemed to have been maintained at the same level in the preceding fiscal year as in the second preceding fiscal year unless the basis for making such expenditures has been altered or unless such expenditures are assumed by such a local educational agency. In such an event, the actual expenditures of that nature shall be taken into account in both years in determining combined fiscal effort. A combined fiscal effort in the preceding fiscal year shall not be deemed to be a reduction from that in the second preceding fiscal year unless the per pupil expenditure in the preceding fiscal year is less than that in the second preceding fiscal year by more than 5 percent. Any such reduction in fiscal effort by a local educational agency for any fiscal year by more than 5 percent will disqualify a local educational agency unless the local educational agency is able to demonstrate to the satisfaction of the State educational agency that such a reduction was occasioned by an unusual event, such as the removal of a large segment of property from the tax rolls, that could not have been fully anticipated or reasonably compensated for by the local educational agency and that fiscal effort of the local educational agency does not otherwise indicate a diminished fiscal effort. No payment may be made to a State educational agency for any fiscal year unless the Commissioner finds that State aid for free public education in the preceding fiscal year was not less than such State aid for the second preceding fiscal year.

(h) *Projects for handicapped children.* Each State plan shall describe the procedures for assuring that at least 15 percent of the funds under Title III of the Act will be used for: (1) Planning innovative or exemplary services or activities, including pilot projects, to meet the special educational needs of handicapped children; or (2) establishing or expanding innovative and exemplary educational programs for the purpose of stimulating the adoption of new educational programs to meet the special educational needs of handicapped children; or (3) establishing services or activities which utilize new and improved approaches to meet the special educational needs of handicapped children. The State plan shall also describe how funds for such activities will be coordinated with funds available from other sources for the education of handicapped children, including funds available under Title I and Title VI of the Act.

(i) *Criteria for achieving equitable distribution of assistance.* The State educational agency will develop and list in its State plan criteria to achieve an equitable distribution of assistance under Title III of the Act. Those criteria will be applied only after it is determined that two or more proposals are judged to be of substantially the same high quality. The decision on which proposals will be funded will then take into consideration: (1) The size and population of the State, (2) the geographical distribution and density of the population within the State, and (3) the relative needs of persons in the different geographical areas, and in the different population groups within the State, for the types of programs provided for under Title III of the Act, and the financial ability of the local educational agency serving such persons.

(j) *Applications from local educational agencies.* Each State plan shall describe procedures through which the State will inform, stimulate, and advise local educational agencies to submit applications for projects under Title III of the Act which are consistent with the critical educational needs in the various areas of the State, and which are designed in consideration of the major criteria by which applications will be reviewed. The State plan shall also specify dates for the submission of project proposals.

(k) *Disposition of proposals received from local educational agencies.* The State plan shall describe procedures which will be used to approve and disapprove project applications. These procedures will explain the role which the following groups will perform in the review process: (1) State educational agency, (2) panel of experts, and (3) State advisory council.

(l) *Length of project period.* The plan shall set forth the period of time or project period for which projects may be supported.

(m) *On-site evaluation of projects.* The plan shall provide for on-site evaluation by the State educational agency, at least annually, of all projects funded. Such provisions will include the role of the State educational agency staff in the evaluation process, procedures for incorporating into the projects recommendations made as a result of on-site evaluations, and followup methods to insure implementation. Such provisions will also specify the role of the State advisory council in the evaluation process, procedures for incorporating into the projects recommendations made as a result of on-site evaluations, and followup methods to insure implementation.

(n) *Developing evaluation strategies.* The plan shall set forth provisions to describe strategies designed to evaluate, at least annually, the effectiveness of the programs and projects funded under Title III of the Act. In carrying out this provision the plan will describe the role of the State educational agency and the State advisory council.

(o) *Dissemination.* The plan shall set forth provisions for statewide dissemination of information concerning projects which are determined, through evaluation, to be innovative and exemplary, and of high quality.

(p) *Adoption and adaptation of promising practices.* The plan shall set forth provisions for encouraging the adoption and adaptation within the State of promising educational practices resulting from projects which are innovative and exemplary, and of high quality.

(q) *Educational centers.* If educational centers are to be established or continued, the plan shall set forth provisions and criteria for their establishment and relate the proposed functions of the educational centers to the State educational agency and the geographical area to be served in terms of program planning and development, evaluation, and dissemination activities.

(r) *Termination of projects.* The plan shall provide for terminating unsuccessfull operating projects (including educational centers) during a grant period.

(s) *Continuation of projects.* The plan shall set forth provisions for the continuation of promising projects, consistent with this § 118.8.

(t) *Amendment of projects.* The plan shall set forth provisions whereby the State educational agency may review requests by grantees to alter or amend projects during the project period.

(u) *Construction.* The plan shall set forth criteria for determining the conditions under which necessary construction of facilities may be approved.

(v) *Hearings.* The plan shall set forth provisions to give a local educational agency or agencies submitting an application (or amendment thereof) reasonable notice and an opportunity for a hearing prior to final action by the State educational agency regarding the disposition of that application if such action is other than approval.

(w) *Commingling of funds.* The plan shall set forth policies and procedures by which Federal funds made available under section 301 of the Act for programs and projects for any fiscal year will not be so commingled with State or local funds as to lose their identity as Title III funds.

(20 U.S.C. 844a)

§ 118.9 State plan assurances.

Each State plan shall contain assurances:

(a) That in determining the eligibility of any local educational agency for State aid, or the amount of such aid, grants to that agency under Title III of the Act shall not be taken into consideration;

(b) That, in approving applications for grants, the State educational agency will give special consideration to applications proposing to carry out projects previously funded under Title III of the Act;

(c) That not less than 50 percent of funds under Title III of the Act will be used to: (1) Plan innovative, exemplary, and enriching programs or activities, including the development of pilot projects to test the effectiveness of such plans; and (2) establish or expand innovative and exemplary educational programs for the purpose of stimulating the adaptation of new educational programs in the schools of the State;

(d) That no grant will be made to a local educational agency without satisfactory assurance that in the planning of the project there has been, and in the establishment and carrying out and appraising thereof there will be, participation of persons broadly representative of the cultural and educational resources of the area to be served, including persons representative of potential beneficiaries;

(e) That a grant will be approved only if it is consistent with the applicable provisions of Title III of the Act and makes provision for the participation of children enrolled in nonprofit private schools in the area to be served, to the extent consistent with the number of such children whose educational needs are of the type to be met by the project;

(f) That any facilities constructed under Title III of the Act will conform to the following requirements:

(1) Contracts for the construction approved pursuant to the project proposal will provide that all laborers and mechanics employed by contractors or subcontractors shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a–5), that such contractors and subcontractors will comply with the regulations in 29 CFR Part 3 (see 29 F.R. 97), and include all clauses required by 29 CFR 5.5 (a) and (c) (see 29 F.R. 100, 101, 13463, and 29 CFR Part 3, Subpart B—Interpretation of the Fringe Benefits Provisions of the Davis-Bacon Act—published at 29 F.R. 13465), and that the nondiscrimination in employment clause prescribed by Executive Order No. 11246 of September 24, 1965 (30 F.R. 12319), will be incorporated in any contract for construction work or modification thereof as defined in said Executive order.

(2) Reasonable provision will be made, consistent with the other uses to be made of the facilities, for facilities which are: (i) Adaptable to artistic and cultural activities, and (ii) accessible to and usable by handicapped persons and comply with the minimum standards contained in "American Standard Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped" approved by American Standard Association, Inc., with appropriate usable segments of "Building Standards of the University of Illinois Rehabilitation Center" and "Occupancy Guide—Department of Veterans Benefits, Regional Offices, Veterans Administration", with such other standards in that regard as the Secretary of Health, Education, and Welfare may prescribe or approve.

(3) Due consideration will be given to: (i) Excellence of architecture and design; and (ii) the inclusion of works of are (representing not more than 1 percent of the cost of construction).

(4) In the planning of the construction, the local educational agency must, in accordance with the provisions of Executive Order No. 11296 of August 10, 1966 (31 F.R. 10663), and such rules and regulations as may be issued to carry out those provisions, evaluate flood hazards in connection with such construction and, as far as is practical, avoid the uneconomic, hazardous, or unnecessary use of flood plains in connection with such construction.

(5) Upon completion of any construction, title to the facilities will be in a State or local educational agency.

(g) That funds under Title III of the Act will be used to supplement and not supplant State and local funds expended for educational purposes and, to the extent practical, increase the fiscal effort that would in the absence of such funds be made by the applicant for educational purposes;

(h) That no payments shall be made to any local educational agency under Title III of the Act if there is a decrease in the combined local and State fiscal effort for free public education provided by that agency for the preceding fiscal year from the second preceding fiscal year; and, that the application for local participation under Title III of the Act will provide data for the 2 preceding fiscal years;

(i) That no board or staff member of a State or local educational agency, or State advisory council member, will participate in or make recommendations with respect to an administrative decision relating to a program or project under Title III of the Act if such a decision can be expected to result in any benefit or remuneration, such as a royalty, commission, contingent fee, brokerage fee, consultant fee, or other benefit, to him or any member of his immediate family;

(j) That in the case of a State educational agency that also is a local educational agency, its approval of a program or project to be carried out by it in the latter capacity shall be deemed an award of a grant by the State educational agency upon its application as a local educational agency, subject to all State plan provisions and assurances (applicable to such programs and projects) that are fully equivalent to those otherwise required of a local educational agency within that State; and

(k) That programs carried out under Title III of the Act will be operated in compliance therewith and with the regulations in this part and other policies and administrative issuances by the Commissioner.

(20 U.S.C. 844, 848)

§ 118.10 Reports.

The State educational agency will provide for making an annual report and such other reports containing such information (including five copies of all approved project applications) as the Commissioner may reasonably require to carry out his functions under Title III of the Act and to determine the extent to which funds provided under Title III

of the Act have been effective in improving the educational opportunities of persons in the areas served by programs or projects supported under the State plan and in the State as a whole. These reports should include evaluations made in accordance with objective measurements to determine the critical educational need under the State plan, including an annual evaluation of the effectiveness of projects funded under Title III of the Act. The State will also keep such records and afford access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(20 U.S.C. 845)

§ 118.11 Records.

(a) *General rule.* Each State educational agency and local educational agency receiving a grant under Title III of the Act shall keep intact and accessible all records supporting claims for such Federal grants or relating to the accountability of the grantee for the expenditure of such grants (1) for 5 years after the close of the fiscal year in which the expenditure was made or (2) until the State educational agency is notified that such records are not needed for administrative review, whichever occurs first.

(b) *Inventories of equipment.* Each State educational agency and each local educational agency shall maintain inventories of all equipment it has acquired with funds under Title III of the Act and costing $100 or more per unit for the expected useful life of the equipment or until its disposition, whichever is earlier. The records of such inventories shall be kept for 3 years following the period for which such inventories are required to be made.

(20 U.S.C. 843)

§§ 118.12–118.14 [Reserved]

Subpart D—Fiscal Procedures

§ 118.15 State fiscal procedures.

(a) *State administration.* The plan shall prescribe such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for funds under Title III of the Act. Accounts and supporting documents relating to the program under Title III of the Act shall be adequate to permit an accurate and expeditious audit of the program.

(b) *Obligations and expenditures—*(1) *Expenditures by State educational agency.* The use of funds under Title III of the Act by the State for the administration of State plans, the activities of advisory councils, and evaluation and dissemination activities will be determined on the basis of documentary evidence of binding commitments for the acquisition of goods or for the performance of work, except that funds for personal services, for services performed by public utilities, for travel, and for the rental of facilities shall be considered to have been expended as of the time such services were rendered, such travel was performed, and such rented facilities were used, respectively.

(2) *Liquidation of obligations by the State educational agency.* An obligation entered into by the State educational agency and payable out of funds under Title III of the Act shall be liquidated during the fiscal year following the fiscal year in which such funds are made available for use by that agency unless prior to the end of that following fiscal year the State educational agency determines that the time of liquidating a particular obligation should be extended and does so extend the time for liquidating the obligation and so notifies the Commissioner.

(3) *Obligation of funds to local educational agency.* The issuance of a grant award document by the State educational agency to a local educational agency, if made during the period in which the funds are available for obligation, will be regarded as an obligation of funds under Title III of the Act in the amount of the grant award. Federal funds so obligated will remain available for expenditure by the local educational agency during the period for which the grant was awarded. The obligation recorded by the State educational agency shall be adjusted when the grant award is amended and is determined to be at variance with amounts so expended by the local educational agency.

(4) *Expenditures by local educational agency.* Federal funds shall be considered to be expended by the local educational agency on the basis of documentary evidence of binding commitments for the acquisition of goods or property, for the construction of school facilities, or for the performance of work; or, on the basis of a reservation of funds for administrative activities in connection with the completion of project activities, such as evaluation and auditing activities; except that the use of funds for personal services other than those for administrative activities for which such a reservation of funds has been made, for services performed by public utilities, for travel, and for rental of equipment and facilities shall be determined on the basis of the time in which such services were rendered, such travel was performed, and such rented equipment and facilities were used, respectively.

(c) *Custody and expenditure of funds.* The State plan shall designate the officer or officers of the State educational agency who will have legal authority to receive all funds granted to the State and who will have authority to authorize expenditures or transfer such funds to the local educational agency.

(d) *Financial reports.* Each State agency shall submit, in accordance with procedures established by the Commissioner:

(1) Following the end of any fiscal year, a report of the total expenditures made under the plan during that fiscal year; and

(2) Such other reports as are periodically needed to account properly for funds.

(e) *Federal fiscal audits.* The State agency's program expenditure records will be audited by the Federal Government to determine whether the State agency has properly accounted for Federal funds.

(31 U.S.C. 200)

§ 118.16 Proration of costs.

Funds under Title III of the Act are available only with respect to that portion of any expenditure which is attributable to an activity under the State plan. The plan shall specify the basis for identifying and the method to be used in prorating expenditures attributable solely to State plan activities. The State educational agency also must maintain records (documented on a before- and after-the-fact basis) to substantiate the proration of expenditures for applicable items such as salaries, travel, rent, and equipment.

(20 U.S.C. 843)

§§ 118.17–118.21 [Reserved]

Subpart E—Equipment and Construction

§ 118.22 Acquisition and maintenance of equipment.

(a) *Title to equipment.* Title to equipment acquired under Title III of the Act must be vested in, and retained by, a State or local educational agency.

(b) *Use and control.* All equipment acquired under Title III of the Act must be used for the purposes specified in the approved project, or for a related purpose, for the expected useful life of the equipment, and such equipment must be subject to the administrative control of the State or local educational agency.

(c) *Maintenance and repair of equipment.* Costs of maintaining and repairing equipment purchased under Title III of the Act shall be eligible for financial participation. It shall be the responsibility of the State or local educational agency to make reasonable provision for the maintenance and repair of such equipment.

(20 U.S.C. 844)

§ 118.23 Grants involving construction.

(a) *General provisions.* Where construction is allowed under the provisions of the State plan, or under the programs of the U.S. Commissioner, applications submitted by local educational agencies for construction under Title III of the Act will contain the following assurances:

(1) Reasonable provision has been made, consistent with the other uses to be made of the facilities, for such facilities which are adaptable for artistic and cultural activities;

(2) Upon completion of the construction, title to the facilities will be in and retained by a State or local educational agency, and the building will be operated and used for the educational and related purposes for which it was constructed for a period of not less than 20 years;

(3) Construction approved pursuant to the project proposal will be undertaken promptly;

(4) Representatives of the State educational agency or, in the case of programs of the U.S. Commissioner, the U.S. Commissioner will have access at all reasonable times to work wherever it is in preparation or progress, and the contractor will provide proper facilities for such access and inspection;

(5) The final working drawings and specifications will be submitted to the State educational agency and, in the case of programs of the U.S. Commissioner, to the U.S. Commissioner before the construction is approved and the project is placed on the market for bidding;

(6) The grantee will furnish progress reports and such other information relating to the proposed construction and the grant as the State educational agency or, in the case of programs of the U.S. Commissioner, the U.S. Commissioner may require;

(7) Architectural or engineering supervision and inspection will be provided at the construction site to insure that the completed work conforms to the approved plans and specifications;

(8) In developing the plans for the construction the applicant has given due consideration to excellence of the architecture and design and to the inclusion of works of art, for which funds under Title III of the Act will be available for not in excess of one percent of the cost of the project;

(9) In planning the construction of school facilities each applicant shall, in accordance with the provision of Executive Order No. 11296 of August 10, 1966 (31 F.R. 10663), and such rules and regulations as may be issued by the Department of Health, Education, and Welfare to carry out those provisions, evaluate flood hazards in connection with such school facilities and, as far as practicable, avoid the uneconomic, hazardous, or unnecessary use of flood plains in connection with such construction;

(10) In developing plans for school facilities, provision shall be made in order to insure that such facilities shall be, to the extent appropriate in view of the uses to be made of the facilities, accessible to and usable by handicapped persons and in developing such plans there will be compliance with the minimum standards contained in "American Standard Specifications for Making Building and Facilities Accessible To and Useable By the Physically Handicapped" approved by the American Standards Association, Inc., October 31, 1961, with appropriate useable segments of "Building Standards of the University of Illinois Rehabilitation Center" and "Occupancy Guide Requirement of Veterans Benefits, Regional Offices, Veterans Administration", and with such other standards as the Secretary of Health, Education, and Welfare may prescribe or approve;

(11) In developing plans for school facilities, the local and State codes with regard to fire and safety will be observed. In situations where local and State codes do not apply, recognized codes shall be observed; and

(12) The applicant has or will have a fee simple or such other estate or interest in the site, including access thereto, as is sufficient to assure undisturbed use and possession of the facilities for not less than the expected useful life of the facility.

(b) *Manner of construction.* Construction must be functional, must be undertaken in an economical manner, and must not be elaborate in design or extravagant in the use of materials in comparison with school facilities of a similar type constructed in the State within recent years. A policy, though not mandatory, should be established for fallout shelters in planning for the construction of school facilities.

(c) *Contracts for construction.* All contracts for construction shall be awarded to the lowest qualified bidder on the basis of open competitive bidding; except that, if one or more items of construction are covered by an established alternative procedure, consistent with State and local laws and regulations, which is approved by the State educational agency or, in the case of programs by the U.S. Commissioner, is designed to assure construction in an economical manner consistent with sound business practice, such alternative procedure may be followed.

(20 U.S.C. 847)

§ 118.24 Obligation of funds for construction.

Funds made available for construction pursuant to a grant under Title III of the Act must be obligated within 12 months from the effective date of the project, except that a longer period may be allowed by the State educational agency or, in the case of programs approved by the U.S. Commissioner, upon a showing of good cause.

(31 U.S.C. 200)

§ 118.25 Recovery of payments.

If within 20 years after the completion of any construction undertaken pursuant to a grant under Title III of the Act (a) the owner of the facility shall cease to be a State or local educational agency, or (b) the facility shall cease to be used for educational and related purposes for which it was constructed, recovery of payments may be had in accordance with the procedures set forth in section 308 of the Act.

(20 U.S.C. 847)

§ 118.26 Leasing facilities.

In the case of the lease of a facility the grantee shall have the right to occupy, and to operate, and if necessary to maintain and improve, the premises to be leased during the proposed period of the project.

(20 U.S.C. 843)

§ 118.27 Participation of children enrolled in private schools.

Any project to be carried out in public facilities and involving joint participation by children enrolled in private schools and children enrolled in public schools shall include such provisions as are necessary to avoid the separation of participating children by school enrollment or religious affiliation.

(20 U.S.C. 844)

§ 118.28 Copyrights and patents.

(a) Any material of a copyrightable nature produced through a project approved by the U.S. Commissioner under Title III of the Act shall not be copyrighted unless, at the request of the grantee, a copyright for a limited period of time is authorized by the U.S. Commissioner upon his determination that the authorization to receive such a copyright will result in more effective development or dissemination of the materials and would otherwise be in the public interest. The U.S. Commissioner shall, with respect to any copyright of materials produced with funds under Title III of the Act, be granted a nonexclusive, irrevocable, royalty free license to reproduce and publish or to sublicense others to do so for governmental purposes.

(b) Any materials of a patentable nature produced through a project with financial assistance under Title III of the Act shall be subject to the provisions of Parts 6 and 8 of this title.

(BOB letter of Dec. 3, 1964 to Register of Copyrights and 28 F.R. 10943, Oct. 12, 1963)

§§ 118.29–118.31 [Reserved]

Subpart F—Federal Financial Participation and Payment Procedures

§ 118.32 Allotment of funds.

The Federal Government will pay from each State's allotment amounts equal to the sums expended by the State under an approved State plan for (a) grants to local educational agencies; and for (b) the administration of the State plan, the activities of the State advisory council, and evaluation and dissemination of information. In no case will the amount paid for the activities described in paragraph (b) of this section exceed an amount equal to 7½ percent of the allotment for any fiscal year or $150,000 ($50,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater. Of the 7½ percent available during the fiscal year ending June 30, 1970, the amount paid for the administration of the State plan shall not exceed an amount equal to 5 percent of the allotment for that fiscal year or $100,000 ($35,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater.

(20 U.S.C. 843, 845)

§ 118.33 Reallotment.

(a) *General.* The amount of any State allotment under Title III of the Act for any fiscal year which the Commissioner determines will not be required for such fiscal year shall be available for grants pursuant to section 306 of the Act or for

reallotment. During the fiscal year ending June 30, 1969, such amount will be used for grants to local educational agencies within that State and, if the Commissioner determines that such amount (or any part thereof) will not be required for grants within that State, such amount (or part thereof) will be used for grants in other States. During fiscal years ending after June 30, 1969, such amount will be reallotted. Funds available for reallotment may be reallotted, from time to time on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under Title III of the Act for that year but with such proportionate amounts for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced.

(b) *Statements of anticipated need.* In order to provide a basis for reallotment by the Commissioner pursuant to this section, each State agency shall, if requested, submit to the Commissioner, by such date or dates as he may specify, a statement or statements showing the anticipated need during the current fiscal year for the amount previously allotted, or any amount needed to be added thereto by reallotment. Such further information as the Commissioner may request for the purpose of making reallotments shall be reflected in such statements. In the case of any State which (1) has not established a State advisory council within 30 days after the beginning of any fiscal year, or (2) has not submitted a plan within 90 days after the beginning of any fiscal year which can be approved pursuant to § 118.7(g), or (3) has not submitted a plan within 120 days after the beginning of any fiscal year which can be approved pursuant to § 118.7(h), its allotment (or the appropriate part thereof) is deemed not to be required for that fiscal year. Any part of any allotment to any State which cannot be made available to a State under an approved State plan 5 days before the end of any fiscal year is deemed not to be required for that fiscal year.

(20 U.S.C. 842)

§ 118.34 Payment of funds.

(a) *Amounts.* From the amounts allotted to the States, the Commissioner will, during the fiscal year, pay to each State, either in advance or by way of reimbursement, amounts equal to the total allowable expenditures necessary to carry out its State plan as approved. Funds under Title III of the Act to pay for amounts expended by a State in carrying out its State plan will be limited to the amount necessary to meet current needs.

(b) *Limitations.* Funds will be limited for the fiscal year ending June 30, 1969, to that approved part of the plan that is approved as being in substantial compliance with the requirements of Title III of the Act. The remainder of the amount the State is eligible to receive may be made available to the State only if the unapproved portion of the State plan has been so modified as to bring it into compliance with the requirements of Title III of the Act and regulations in this part.

(20 U.S.C. 845)

§ 118.35 Allowable expenditures for State and local educational agencies.

Expenditures which are eligible for participation under Title III of the Act are those expenditures which are additional, clearly identifiable expenditures stipulated in the terms of the approved project and consistent with Title III of the Act and regulations in this part. They may include such expenditures as those for:

(a) Salaries, wages, and other personal service costs of permanent and temporary staff;

(b) Communications;

(c) Utilities;

(d) Consumable office supplies, including stationery;

(e) Printing and the acquisition of printed and published materials for use of administrative and supervisory staff;

(f) Travel and transportation expenses;

(g) Acquisition (including rental), maintenance, or repair of office equipment, or that equipment needed for supervisory and demonstration functions, for use of the administrative and supervisory staff;

(h) Minor alterations in previously completed building space used or to be used for administration of the program under Title III of the Act which would be needed to make effective use of equipment acquired for administration. Excluded are construction of buildings, structural alterations to buildings, building maintenance, repair, or renovation.

(i) Pair rental of office space in privately or publicly owned building, provided that:

(1) The expenditures for the space are necessary and properly related to the efficient administration of the program;

(2) The State will receive the benefits of the expenditures during the period of occupancy commensurate with such expenditures;

(3) The amounts paid are not in excess of comparable rental in the particular locality;

(4) Expenditures represent a current cost; and

(5) In the case of a publicly owned building, like charges are made in other State agencies occupying similar space for similar purposes.

(20 U.S.C. 845)

§§ 118.36–118.37 [Reserved]

Subpart G—Programs of the U.S. Commissioner

§ 118.39 General provisions.

A grant under Title III of the Act will be made to a local educational agency or agencies only upon submission of an application (in the form of a project proposal) to the U.S. Commissioner for such a grant or payment on such forms as he provides and upon his approval of the application.

(20 U.S.C. 844b)

§ 118.40 Designation and certification of agency for administration.

(a) *Designation.* Each project proposal and amendment thereto shall give the official name of the applicant, which shall be the agency responsible for carrying out the project.

(b) *Certification.* Each such proposal or amendment shall include as an attachment a certificate by the officer authorized to make and submit the proposal or amendment on behalf of the applicant to the effect that the proposal or amendment has been adopted by the applicant.

(20 U.S.C. 844b)

§ 118.41 Purposes.

The purposes of this subpart are to stimulate and promote new and improved approaches to education by making grants to local educational agencies which meet the purposes of section 303 of the Act and hold promise of making a substantial contribution to the solution of critical educational problems common to all or several States.

(20 U.S.C. 844b)

§ 118.42 Administration and reporting.

(a) *Administration.* Each project proposal shall provide that the activities and services for which assistance under this subpart is sought will be administered by, or under the supervision of, the applicant.

(b) *Reports and records.* Each project proposal shall provide for the making of an annual report and such other reports, in such form, and containing such information, as the Commissioner may reasonably require to carry out his functions under Title III of the Act and to determine the extent to which the use of funds provided under this subpart has been effective in improving the educational opportunities of persons in the area served. The applicant shall keep such records, and afford such access thereto, as the Commissioner may find necessary to assure the correctness of such reports.

(20 U.S.C. 844b)

§ 118.43 Proposed services.

Each project proposal shall describe the program to be provided with funds made available under this subpart and how it will meet the educational and cultural needs of persons in the geographical area to be served. It shall also describe the manner in which the project would improve programs.

(20 U.S.C. 844b)

§ 118.44 Qualifications of professional personnel.

Each project proposal shall set forth minimum acceptable qualifications, including educational background and experience, of all supervisory, teaching, and consulting personnel so as to assure the Commissioner that the best available talents will be used for proposed assignments.

(20 U.S.C. 844b)

§ 118.45 Adequacy of facilities.

Each project proposal shall describe the facilities available for the project. If a project proposal of a local educational agency calls for the acquisition, leasing, remodeling or construction of facilities, it must show why such action is essential to the success of the project.

(20 U.S.C. 844b)

§ 118.46 Submission of project proposal.

Project proposals shall be submitted to the Commissioner on or before such dates as he establishes. Each project proposal, under this subpart shall, on or before its submission to the Commissioner, also be submitted to the State educational agency for its review and recommendation.

(20 U.S.C. 844b)

§ 118.47 Program assurances.

Each project proposal shall contain assurances:

(a) That in the planning of the project there has been, and in the establishment and carrying out thereof there will be, participation of persons broadly representative of the cultural and educational resources of the area to be served, including persons representative of the interests of potential beneficiaries;

(b) That the proposal is consistent with the applicable provisions of Title III of the Act and makes provision for the participation of children enrolled in nonprofit private schools in the area to be served, to the extent consistent with the number of such children whose educational needs are of the type to be met by the project;

(c) That federal funds made available under this subpart will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such federal funds, be made available by the applicant for the purposes as described in section 303 of the Act and in no case supplant such funds;

(d) That no board or staff member of the local educational agency will participate in or make recommendations with respect to an administrative decision relating to a program or project under Title III of the Act if such a decision can be expected to result in any benefit or remuneration, such as a royalty, commission contingent fee, brokerage fee, consultant fee, or other benefit, to him or any member of his immediate family; and

(e) That programs carried out under this subpart will be operated in compliance with the applicable regulations in this part and other policies and administrative issuances by the Commissioner.

(20 U.S.C. 844b)

§ 118.48 Amendments.

Whenever there is any material change in the content or administration of an approved project, or in the organization, policies, or operations of the local educational agency affecting an approved project, the project proposal shall be appropriately amended.

(20 U.S.C. 844b)

§§ 118.49–118.51 [Reserved]

Subpart H—Approval of Project Proposals Submitted to the U.S. Commissioner

§ 118.52 Criteria for review of project proposals.

The criteria set out in § 118.8(c) shall apply to the review of project proposals submitted to the U.S. Commissioner.

(20 U.S.C. 844b)

§ 118.53 Review of project proposal by a panel of experts.

Each project proposal will be reviewed by a panel of experts consisting of the best available persons possessing the technical and professional expertise needed to judge the significance of a proposed Title III project and to advise the Office of Education on its relevance in terms of innovative, exemplary, and new and improved approaches to education.

(20 U.S.C. 844b)

§ 118.54 Disposition.

The Commissioner will, on the basis of a review of a project proposal (a) approve the project proposal in whole or in part, (b) disapprove the project proposal, or (c) defer action on the project proposal for such reasons as lack of funds or a need for further review. Any deferral or disapproval of the project proposal will not preclude its reconsideration or resubmission at a later date. The Commissioner will notify the applicant and the appropriate State educational agency in writing of the disposition of the project proposal. Each grant award document will include an approved budget and the terms and conditions upon which the grant is made.

(20 U.S.C. 844b)

§ 118.55 Projects for handicapped children.

The Commissioner on the basis of reviews of project proposals will assure himself that at least 15 percent of the funds under this subpart will be used for: (a) Planning innovative or exemplary services or activities, including pilot projects, to meet the special educational needs of handicapped children; or (b) establishing or expanding innovative and exemplary educational programs for the purpose of stimulating the adoption of new educational programs to meet the special educational needs of handicapped children; or (c) establishing services or activities which utilize new and improved approaches to meet the special educational needs of handicapped children.

(20 U.S.C. 844b)

§§ 118.56–118.57 [Reserved]

Subpart I—Federal Financial Participation and Payment Procedures for Project Proposals Submitted to the U.S. Commissioner

§ 118.59 Effective date of approved project.

The effective date of any approved project shall be the date indicated in the grant award document. There will be no financial participation under this subpart with respect to expenditures made prior to the effective date of the grant award document.

(20 U.S.C. 844b)

§ 118.60 Payment procedures.

From the amounts apportioned to the States under Subpart H of this part, the U.S. Commissioner will pay to each grantee in a State, either in advance or by way of reimbursement, amounts equal to the total allowable expenditures by the recipient under an approved project. Payments will be made in a manner consistent with the nature of the activities and the services under the project.

(20 U.S.C. 844b)

§ 118.61 Availability of funds for approved projects.

The issuance of a grant award document will be regarded as an obligation of the Government of the United States in the amount of the grant award. Federal appropriations so obligated will remain available for expenditure by such local educational agencies during the period for which the grant is awarded. For purposes of the regulations in this subpart, funds shall be considered to have been expended by a local educational agency on the basis of documentary evidence of binding commitments for the acquisition of goods or property, for the construction of school facilities, or for the performance of work, or on the basis of a reservation of funds for administrative activities in connection with the completion of project activities such as evaluation and auditing activities, except that funds for personal services, for services performed by public utilities, for travel, and for the rental of facilities shall be considered to have been expended respectively as of the time such services were rendered, such travel was performed, and such rented facilities were used. Such binding commitments for the acquisition of goods or property, for the construction of school facilities or for the performance of work, shall be liquidated within a reasonable period of time.

(20 U.S.C. 844b)

§ 118.62 Fiscal and auditing procedures.

(a) *Custody of funds.* Each project proposal shall designate the officer who will receive and have custody of project funds.

(b) *Fiscal procedures.* Each grantee receiving Federal funds for an approved project shall provide for such fiscal control and fund accounting procedures as

are necessary to assure proper disbursement of, and accounting for, the Federal funds paid to it. Accounts and supporting documents relating to project expenditures shall be adequate to permit an accurate and expeditious audit.

(c) *Auditing procedures.* Each grantee shall make appropriate provision for the auditing of project expenditure records, and such records as well as the audit reports shall be available to auditors of the Federal Government.

(20 U.S.C. 844b)

§ 118.63 Adjustments.

Each grantee shall, in maintaining program expenditure accounts, records, and reports, make any necessary adjustments to reflect refunds, credits, underpayments, or overpayments, as well as any adjustments resulting from Federal or local administrative reviews and audits. Such adjustments shall be set forth in the financial reports filed with the U.S. Commissioner.

(20 U.S.C. 844b)

§ 118.64 Disposal of records.

Subject to the provisions of paragraph (b) of § 118.11, each grantee shall provide for keeping accessible and intact all records pertaining to such Federal grants or relating to the expenditure of such grants (a) for 5 years after the liquidation of the expenditure or (b) until the grantee is notified that such records are not needed for program administrative review, whichever occurs first.

(20 U.S.C. 844b)

§ 118.65 Cooperative agreements.

An applicant may enter into a cooperative agreement or contract to provide services under a project if the services to be so provided, as well as the cooperating institution, organization, or agency, are specified in the project proposal and if the agreement or contract is acceptable to the U.S. Commissioner. Such a cooperative agreement or contract will be acceptable only if the U.S. Commissioner is assured that the applicant will retain the responsibility for supervision of the project.

(20 U.S.C. 844b)

§ 118.66 Allowable expenditures for local educational agencies.

The provisions of § 118.35 shall apply to projects approved by the U.S. Commissioner under this subpart.

(20 U.S.C. 844b)

§ 118.67 Funds not expended.

In the event that funds previously made available under Title III of the Act have not been expended pursuant to the approved project and, in the judgment of the U.S. Commissioner, will not be expended for such purposes, the U.S. Commissioner may, upon notice to the recipient, reduce the amount of the grant or payment to an amount consistent with the recipient's needs. In the event that an excess over the sum needed for completion of the project shall have actually been paid to the recipient, the custodian of the project funds shall pay that excess to the U.S. Commissioner.

(20 U.S.C. 844b)

§ 118.68 Reallotment.

Funds available for purposes of this subpart shall be subject to reallotment in the manner as is provided for in § 118.33.

(20 U.S.C. 844b)

§§ 118.69–118.72 [Reserved]

Subpart J—Equipment and Construction

§ 118.73 Equipment and construction.

The provisions of Subpart E of this part apply to projects approved by the U.S. Commissioner.

(20 U.S.C. 844b)

Subpart K—State Educational Agency Recommendations

§ 118.74 State educational agency review and recommendations.

In order to afford State educational agencies a reasonable oportunity to review and recommend project proposals submitted within a State, the U.S. Commissioner will not take final action with regard to any project proposal until 30 days after the applicable deadline date established by the U.S. Commissioner for the filing of project proposals by local educational agencies.

(20 U.S.C. 844b)

Dated: July 19, 1968.

[SEAL] HAROLD HOWE II,
U.S. Commissioner of Education.

Approved: July 31, 1968.

WILBUR J. COHEN,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 68-9475; Filed, Aug. 7, 1968; 8:47 a.m.]

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 203—DEPRIVATION OF PARENTAL SUPPORT OR CARE

Notice of proposed regulations for the aid to families with dependent children program, with respect to the deprivation of parental support or care, was published in the FEDERAL REGISTER of June 26, 1968 (33 F.R. 9346). The views of interested persons were requested, received, and considered, and, in the light thereof, certain changes in the proposed regulations were made. Accordingly, a new Part 203 is added to Chapter II of Title 45 of the Code of Federal Regulations as set forth below.

§ 203.1 Condition of plan approval; bases for determining eligibility of a child.

(a) A State plan for aid and services to needy families with children under part A of title IV of the Social Security Act, to be approved under section 402 of such Act (42 U.S.C. 602), must provide that the determination whether a child has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, or (if the State plan includes such cases) the unemployment of his father, will be made only in relation to the child's natural or adoptive parent, or in relation to a child's stepparent who is ceremonially married to the child's natural or adoptive parent and is legally obligated to support the child under State law of general applicability which requires stepparents to support stepchildren to the same extent that natural or adoptive parents are required to support their children.

(b) The inclusion in the family, or the presence in the home, of a "substitute parent" or "man-in-the-house" or any individual other than one described in paragraph (a) of this section is not an acceptable basis for a finding of ineligibility or for assuming the availability of income by the State. As provided in Interim Policy Statement No. 4 (33 F.R. 10230, July 17, 1968), items 3.C.2 (i) and (iii), and 6(ii), in the consideration of all income and resources in establishing financial eligibility and the amount of the assistance payment, only such net income as is actually available for current use on a regular basis will be considered, and the income only of the parent described in paragraph (a) of this section will be considered available for children in the household in absence of proof of actual contributions.

(c) Any State whose past policies and procedures with respect to the determination referred to in paragraph (a) of this section have been inconsistent with the provisions in paragraph (a) or (b) of this section must provide effective methods for giving notice of its present policies and procedures to former and potential applicants for and recipients of AFDC and to other interested persons. The methods which the State agency proposes to meet this notice requirement must be submitted to and be approved by the Regional Commissioner, SRS, DHEW. In addition, where the records of the State agency permit identification of persons whose cases have been terminated or applications denied at any time within the past 2 years by reason of such inconsistent policies or procedures, the State agency must give prompt written notification to such persons concerning the change in such policies or procedures. Such notification must be given within 90 days of publication of the regulations in this part and must explain clearly the rights which such persons have under the regulations in this part.

(Sec. 1102, 49 Stat. 647, sec. 402, 49 Stat. 627; 42 U.S.C. 1302, 602)

Effective date. The regulations in this part shall be effective on the date of their publication in the FEDERAL REGISTER.

Dated: August 2, 1968.

[SEAL] MARY E. SWITZER,
Administrator, Social and Rehabilitation Service.

Approved: August 2, 1968.

WILBUR J. COHEN,
Secretary.

[F.R. Doc. 68-9480; Filed, Aug. 7, 1968; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 17986; FCC 68-780]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Incorporation of New and Modified Earth Station Coordination Distance Contours

Report and order. 1. Notice of proposed rule making in the above-entitled matter was adopted by the Commission on January 31, 1968. Opportunity was afforded interested persons to file comments by March 11, 1968, and reply comments by March 21, 1968. In response to a petition filed by Hughes Aircraft Co., the Commission extended these dates to March 25, 1968, and April 4, 1968, respectively. Comments were filed by:

American Telephone & Telegraph Company (AT&T).
Hughes Aircraft Co. (Hughes).
Western Union Telegraph Co. (Western Union).

There were no reply comments filed.

2. All comments favored the intent of the proposed amendment of Part 21; however, Hughes points out certain discrepancies in the information contained in the proposed rule making concerning its earth station.

3. The AT&T comments support adoption of the amendment as proposed in the Commission's notice of proposed rule making but point out that the methods of calculating interference between terrestrial radio stations and earth stations are under intensive investigation by interested organizations and that the results of this investigation could suggest that the Commission reevaluate the methods of determining coordination distance contours specified in § 25.251 of the Commission's rules.

4. Although the Western Union comments concur with the intent of the proposed amendment, they suggest that coordination distance contour maps be incorporated into the rules for all earth terminal stations, regardless of the mode of operation. They point out that the figures contained in the proposed rules are approximations of the coordination distance contours and feel that this information is not as specific as that which would be provided by contour maps. Western Union states that an applicant could determine early in the preliminary engineering of a radio system if he needs to comply with § 21.706(c), if maps of the coordination areas were available.

5. The Hughes comments favor the proposed amendment, but they request that errors and omission in the information concerning its earth station be corrected. Hughes states that the frequency 6301.02 MHz and the listing of its earth station as a receiving station in the 3700–4200 MHz band have been omitted from the proposed amendment and that the correct spelling of the site location is Hopper rather than Harper, Ark.

6. The Commission has considered all of the comments filed and will incorporate the corrections suggested by Hughes Aircraft Co. The comments of Western Union are well taken, but the Commission at this time does not feel that the burdening of its rules with maps for those earth stations operating in a nonsynchronous mode would be in the public interest since the figures shown in column four of the proposed amendment adequately describe these coordination distance contours. These figures are not intended to provide precision data and we feel that they are sufficiently accurate to permit the preliminary engineering determination required for a radio system. Section 21.706(d) provides that additional information required to complete a detailed engineering determination can be obtained from the Commission. The maps included for the synchronous operating stations are also approximations and were included only to avoid the gross errors which would have resulted from an attempt to numerically describe those contours.

7. It should also be noted that several of these earth stations (i.e., Andover, Maine; Brewster Flat, Wash.; Mill Village, Nova Scotia, and Paumalu, Hawaii), are/or will be operating with multiple antennas although most antennas at one complex will be geographically located within a few seconds of each other. Since these multiple antenna arrangements do not significantly alter the coordination distance contour, the Commission lists only one set of coordinates so as to avoid having to amend the rules each time an antenna is added at a complex. Since, as previously noted, only general information is intended, and further, since antenna or path data is not included, no errors of any consequence will be generated by the omission of coordinates for specific adjacent antennas.

8. The changed coordination distances for the Camp Irwin and Mill Village earth stations result from additional information supplied since the issuance of the proposed rule making.

9. The Commission is of the opinion that the updating of the list of satellite earth terminal stations will be beneficial to all persons operating or proposing to operate in the Common Carrier frequency bands 2110–2130, 3700–4200 and 5925–6425 MHz and therefore concludes that the public interest, convenience and necessity will be served by amending Part 21 of the rules as set forth below.

10. *Accordingly, it is ordered,* Pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, that effective September 13, 1968, Part 21 of the Commission's rules is amended as set forth below.

11. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: July 31, 1968.

Released: August 2, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

Part 21 of the Commission's rules is amended as follows:

In § 21.706(d), the introductory text and subparagraphs (1) and (2) are amended to read as follows:

§ 21.706 Supplementary showing required with applications.

* * * * *

(d) Earth stations listed herein operate in frequency bands which are shared on a coequal basis with the Point-to-Point Microwave Radio Service. The figures shown in column 4 for each earth station operating with a nonsynchronous orbiting satellite represent the maximum coordination distance calculated along any radial from the earth station on an overland path or, for the Guam, Mill Village, and Hawaiian stations, over water and mixed paths. Each figure may be used as the radius of a circle centered on the earth station, and will permit preliminary determination of the need for coordination in compliance with paragraph (c) of this section. Composite contours for earth stations operating with synchronous and medium altitude equatorial orbiting satellites are displayed on maps (Figures 1, 2, and 3) and the contours displayed represent a composite of the maximum coordination distance from the earth stations for both modes of operation. Proposed operations within these defined areas may require coordination with the earth stations. Applicants proposing such operations, upon request, will be supplied with pertinent technical data to permit a more detailed analysis of the electrical interference potential.

[1] Commissioner Johnson concurring in the result.

(1) Transmitting earth stations—

Station location (1)	Geographical coordinates (2)	Band (MHz) (3)	Maximum coordination distance (statute miles) (4)
(Commercial—Nonsynchronous Orbit)			
Andover, Maine	44°37'59" N., 70°41'52" W.	5925–6425	270.
Brewster Flat, Wash.	48°08'30" N., 119°41'43" W.	5925–6425	270.
Mill Village, Nova Scotia, Canada	44°11'19" N., 64°40'12" W.	5925–6425	500.
Paumaln, Hawaii	21°40'25" N., 158°02'18" W.	5925–6425	1,243.
(Commercial—Synchronous and Medium Altitude Equatorial Orbit)			
Cayey, P.R.	18°08'00" N., 66°07'57" W.	5925–6425	See footnote 3.
Jamesburg, Calif.	36°24'10" N., 121°38'48" W.	5925–6425	See figure 1.
Rowlesburg, W. Va.	39°16'50" N., 79°44'13" W.	5925–6425	See figure 2.
(Government)			
Goldstone (Camp Irwin), Calif.	35°14'38" N., 116°52'43" W.	2110–2120	285.
Do.	35°12'29" N., 116°50'57" W.	2110–2120	375.
Goldstone (Yermo), Calif.	35°07'07" N., 116°48'19" W.	2110–2120	375.
Do.	35°04'00" N., 116°47'42" W.	2110–2120	375.
Guam	13°18'33" N., 144°44'04" E.	2110–2120	945.
Kauai, Hawaii	22°07'00" N., 159°40'16" W.	2110–2120	710.
Mojave, Calif.	35°19'54" N., 116°53'12" W.	5925–6425	180.
Rosman, N.C.	35°11'56" N., 82°52'33" W.	5925–6425	200.
(Experimental)			
Bouchette, Quebec, Canada	46°13'18" N., 75°52'30" W.	5925–6425	See figure 3.
Hopper, Ark.[2]	34°22'12" N., 93°40'00" W.	5925–6425	180.

(2) Receiving earth stations—

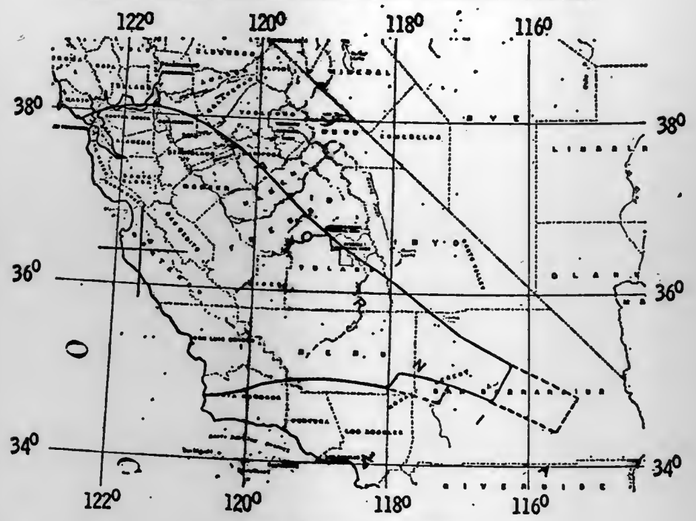
Station location (1)	Geographical coordinates (2)	Band (MHz) (3)	Maximum coordination distance (statute miles) (4)
(Commercial—Nonsynchronous Orbit)			
Andover, Maine	44°37'59" N., 70°41'52" W.	3700–4200	308.
Brewster Flat, Wash.	48°08'30" N., 119°41'43" W.	3700–4200	317.
Mill Village, Nova Scotia, Canada	44°11'19" N., 64°40'12" W.	3700–4200	470.
Paumalu, Hawaii	21°40'25" N., 158°02'18" W.	3700–4200	1,154.
(Commercial—Synchronous and Medium Altitude Equatorial Orbit)			
Cayey, P. R.	18°08'00" N., 66°07'57" W.	3700–4200	See footnote 3.
Jamesburg, Calif.	36°24'10" N., 121°38'48" W.	3700–4200	See figure 1.
Rowlesburg, W. Va.	39°16'50" N., 79°44'13" W.	3700–4200	See figure 2.
(Government).[1]			
Mojave, Calif.	35°19'54" N., 116°53'12" W.	3700–4200	265.
Rosman, N.C.	35°11'56" N., 82°52'33" W.	3700–4200	361.
(Experimental)			
Bouchette, Quebec, Canada	46°13'18" N., 75°52'30" W.	3700–4200	See figure 3.
Hopper, Ark.[2]	34°22'12" N., 93°40'00" W.	3700–4200	219.

[1] These stations are authorized on the condition that harmful interference will not be caused to non-Government stations operating in the bands 3700–4200 and 5925–6425 MHz.

[2] This station is authorized to transmit on frequencies 6301.02, 6301.05, 6212.09, and 6389.97 MHz on the condition that harmful interference will not be caused to stations operating in this band and receive on frequencies in the 3700–4200 MHz band.

[3] The following possessions of the United States lie within the coordination distance contour of the Cayey earth station: Buck Island, Culebra, Desecheo, Isla Mona, Monita, Navassa, P.R., Swan Island, U.S. Virgin Islands and Vieques. Applicants applying for facilities therein must comply with § 21.706(e).

COMPOSITE COORDINATE DISTANCE CONTOUR FOR SYNCHRONOUS AND MEDIUM ALTITUDE EQUATORIAL SATELLITE SYSTEM



JAMESBURG, CALIFORNIA

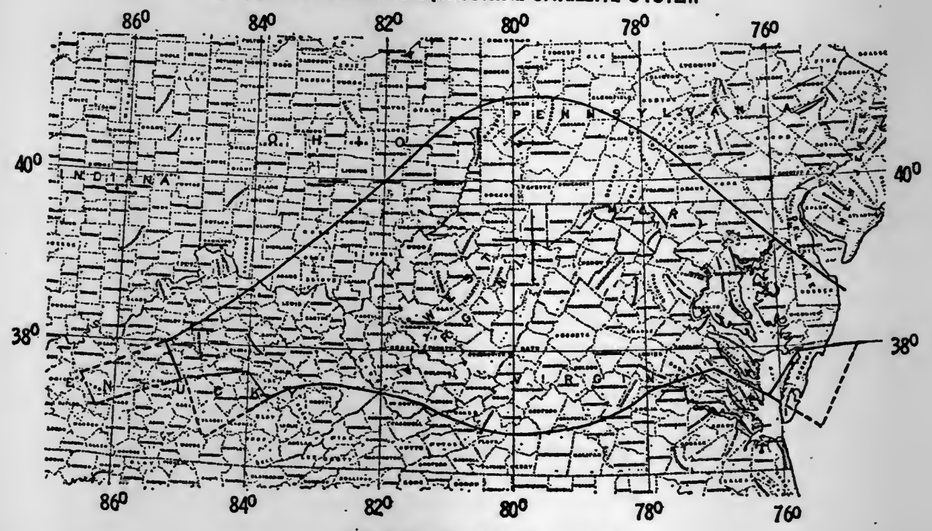
4 and 6 GHz _____
Add on for 4 GHz -------

Figure 1.

Miles 0 50 100 150 200

FCC § 21.706 (d)

COMPOSITE COORDINATION DISTANCE CONTOUR FOR SYNCHRONOUS AND MEDIUM ALTITUDE EQUATORIAL SATELLITE SYSTEM



ROWLESBURG, WEST VIRGINIA

4 and 6 GHz _____
Add on for 4 GHz -------

Figure 2.

Miles 0 50 100 150 200

FCC § 21.706 (d)

COORDINATION DISTANCE CONTOUR FOR SYNCHRONOUS EQUATORIAL SATELLITE SYSTEM

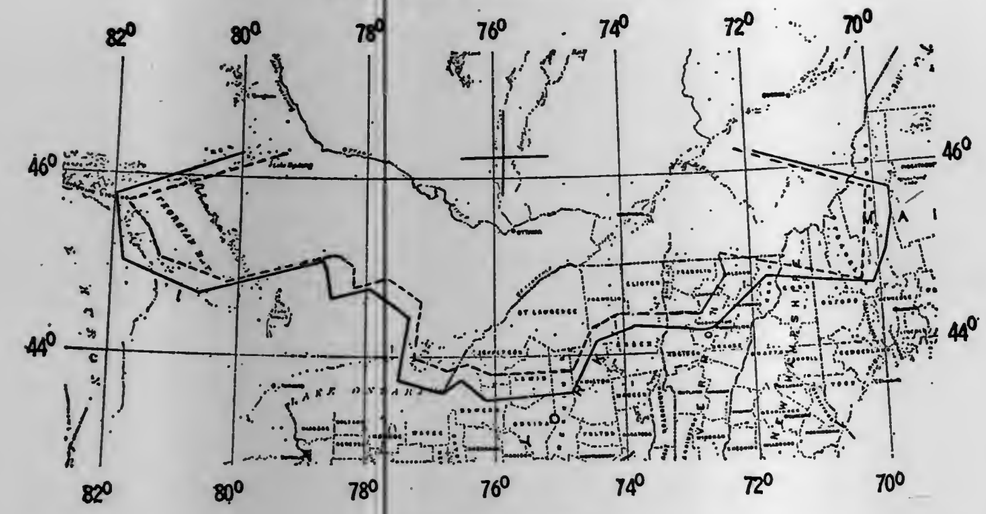


Figure 3

[F.R. Doc. 68-9413; Filed, Aug. 7, 1968; 8:45 a.m.]

[Docket No. 18189; FCC 68-801]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments; Donalsonville, Ga., etc.

Report and order. In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Donalsonville, Ga., Chester, S.C., Mobridge, S. Dak., Moline, Canton, Geneseo, and Aledo, Ill., Keokuk, Iowa, Kahoka, Mo., Oakdale, La., Egg Harbor City, Atlantic City, and Pleasantville, N.J., and Webster City and Perry, Iowa); Docket No. 18189. RM-1278, RM-1281, RM-1271, RM-1274, RM-1275, RM-1280.

1. The Commission has before it for consideration its notice of proposed rule making, FCC 68-535, issued in this proceeding on May 17, 1968, and published in the FEDERAL REGISTER on May 22, 1968 (33 F.R. 7586), inviting comments on a number of proposed changes in the FM Table of Assignments advanced by various interested parties. All the comments and data filed were considered in making the following determinations. Except as noted, the proposals were unopposed and all population figures are taken from the 1960 U.S. Census.

2. *RM-1278, Donalsonville, Ga. (Merchants' Broadcasting Co.); RM-1281, Chester, S. C. (Chester Broadcasting Co.).* In these two cases interested parties seek the assignment of a first Class A channel in a community without requiring any other changes in the Table. The communities have populations of 2,621 and 6,906. We are of the view that the requests for a first FM assignment in each community are merited and that they would serve the public interest. We are therefore making the following additions to the FM Table of Assignments:

City	Channel No.
Donalsonville, Ga.	292A
Chester, S.C.	[1] 257A

[1] This assignment will require a site about 1.5 miles south of Chester, S.C., to meet the required minimum spacing with Station WRKB-FM, Kannapolis, N.C., operating on Channel 259, the second adjacent channel.

3. *RM-1271, Mobridge, S. Dak.* In a petition for rule making filed on March 13, 1968, Mobridge Broadcasting Corp., licensee of Station KOLY(AM), Mobridge, S. Dak., requested the substitution of Class C Channel 258 for the unused Class A Channel 221A in Mobridge, as follows:

City	Channel No.	
	Present	Proposed
Mobridge, S. Dak.	221A	258

Mobridge, located in north central South Dakota, is a community of 4,391 persons, the largest in Walworth County, population 8,097, in which Selby, the county seat, has a population of 979. KOLY(AM) is a daytime only station (1 kw, Class III), the only station at Mobridge. The petitioner was granted a construction permit (BP-17744) to increase the power of KOLY(AM) to 5 kw, daytime only, on May 29, 1968. Mobridge urges that because of the rural nature of the area and its associated sparse population density, it would not be economically feasible to operate an FM station with the coverage limitations inherent in a Class A channel assignment. It is submitted that a Class C channel should be substituted for the present Class A in order to enable a new FM broadcast station to serve as wide a coverage area as possible.

4. The petitioner shows that the entire northern area of South Dakota is a "white area" for FM service. The nearest other FM assignments to Mobridge are in Pierre, S. Dak., about 80 miles distant, with two Class A channels unapplied for, and in Aberdeen, S. Dak., about 88 miles distant, with two Class C channels unapplied for. It is pointed out that replacement of the Class A assignment by the proposed Class C channel would permit a substantial "white area" to receive its first FM service. The showing is based on an assumed Class C operation of 50 kw at 500 feet, and since Mobridge states that it intends to apply for an FM construction permit if the proposed change is adopted, it is assumed that the facilities applied for would be at least equivalent to that used in this showing.

5. The engineering statement filed with the petition states that, although a number of Class C channels are available for assignment to Mobridge, the Channel 258 selection is the lowest frequency available which it appears would not interfere with existing television reception in the area.

6. Normally, a community the size of Mobridge is assigned a Class A channel, as was done here. However, in view of the isolated location of the community in a sparsely populated area, and the showing of the "white area" to be served, we are of the opinion that it is in the public interest to delete Channel 221A from Mobridge and replace it with Channel 258.

7. *RM-1275, Oakdale, La.* On March 18, 1968, C. Winsett Reddoch, a member of a partnership which is the licensee of KREH(AM), Oakdale, La., filed a petition requesting Channel 221 as the first FM assignment to Oakdale, La. Oakdale, La., with a population of 6,618 persons, is the largest city within Allen Parish, population 19,867, with the parish seat, Oberlin, having a population of 1,794. Oakdale has one broadcast station, KREH(AM), licensed to Louisiana Broadcasting Service for daytime-only operation with 250 watts. Applicant submits that the proposed provision of a first FM outlet for Oakdale would permit the "one and only" nighttime local radio service to a community and area where none now exists. Reddoch claims that the nearest nighttime service to Oakdale is Station KALB-FM, located at a distance of some 35 miles.

8. In the notice for this proceeding we pointed out that the proposed channel, 221A, is immediately adjacent to the educational portion of the FM broadcast band and that, pending finalization of a current study on the formulation of an educational table of assignments (Docket No. 14185), additional assignments on Channel 221A are avoided where possible. We noted that Channel 285A appeared satisfactory for assignment to Clarksdale and offered it as an alternate assignment. In comments filed in response to the notice, the petitioner concurred in the substitution of Channel 285A for Channel 221A originally requested.

9. After consideration of the above, we believe it to be in the public interest to make available a first nighttime service to the community of Oakdale by assignment of alternate Channel 285A.

10. *RM-1280, Egg Harbor City, Atlantic City and Pleasantville, N.J.* On March 25, 1968, Rodio Radio, Inc., licensee of Station WNJH (AM daytime only), Hammonton, N.J., filed a petition for a rule making requesting the assignment of Channel 285A to Egg Harbor City, N.J., by removing the channel from Pleasantville, N.J., and adding Channel 257A to Atlantic City, N.J., as follows:

City	Channel No.	
	Present	Proposed
Atlantic City, N.J.	236, 245, 279	236, 245, 257A, 279
Egg Harbor City, N.J.		285A
Pleasantville, N.J.	285A	

Egg Harbor City, a community of 4,416 persons, is located about 12 miles southeast of Hammonton (population 9,854) and 15 miles northwest of Atlantic City (population 59,544). All of the named communities are located in Atlantic County, which has a total population of 160,880. Pleasantville, having a population of 15,172, is a part of the Atlantic City Urbanized Area with a population of 124,902.

11. The petitioner states that it determined from an earlier engineering study that the only FM channel that could be allocated to the Hammonton area (where it operates WNJH(AM)) under the rules was Channel 285A, which is presently assigned to Pleasantville, N.J.[2] However, on February 7, 1968, the mutually exclusive application of WMID, Inc. (BPH-5958), and Atlantic City Broadcasting Co. (BPH-6060) for operation of Channel 285A at Pleasantville, N.J., were designated for hearing (Dockets 18005 and 18006), thereby barring acceptance of any further application for the same assignment at Hammonton subsequent to that date.[3] In view of these circumstances Rodio now proposes a plan whereby Channel 285A would be assigned to Egg Harbor City by removing it from Pleasantville and adding Channel 257A to Atlantic City as a replacement. It is submitted that the two pending applications for the Pleasantville channel proposed transmitter sites in Atlantic City, and that it would only be necessary for the applicants to amend their applications to specify the proposed new assignment of Channel 267A at Atlantic City, since all other factors would remain the same.

12. In support of its content on of need for a new FM service, Rodio submits that the rural communities making up the Hammonton-Egg Harbor complex have peculiar program and public service needs, and that it would permit an extension of the local daytime only agricultural and farm programing of particular interest to the predominant truck and farm population of rural South Jersey.

[2] Since Hammonton and Pleasantville are about 23 miles apart, application for use of the Pleasantville Channel 285A in the Hammonton area would have been acceptable under the then existing "25-mile" provision of sec. 73.203(b) of the rules. The provision of this rule was modified, effective June 4, 1968 (Docket 17969, FCC 68-454), changing the former "25-mile" provision to "10 miles" for Class A channels.

[3] On Feb. 13, 1968, Rodio Radio, Inc., tendered an application for a construction permit for Channel 285A at Hammonton-Egg Harbor City, N.J. Rodio's simultaneously-filed petition for waiver of sec. 1.591(b)(1) of the rules to permit acceptance of the late-filed application was denied on Mar. 13, 1968, by Commission Order (FCC 68-280).

It is claimed that the proposed changes in channel assignments would conform to the technical requirements of the rules.

13. In the Notice concerning this proposal, we noted that the petitioner's plan to add Channel 257A to Atlantic City would result in a fourth FM assignment to that community and, in addition, would mean a mixture of Classes A and B channels in the same community, a result we have attempted to avoid where possible. It was assumed that the principal reason petitioner did not propose assigning Channel 257A as a substitute for 285A at Pleasantville was that it would not meet the spacing requirements with respect to the reference point (post office) in that community. We further noted, however, that both of the sites presently specified by the Pleasantville applications, now in hearing, will meet the spacing requirements of the rules for Channel 257A. For these reasons we invited comments on the petitioner's proposal and also on assigning Channel 257A as a replacement for 285A at Pleasantville directly, leaving the Atlantic City assignments unchanged as follows:

City	Channel No.	
	Present	Proposed
Egg Harbor City, N.J.		285A
Pleasantville, N.J.	285A	257A

Finally, it was noted that the Pleasantville hearing applicants would be allowed to amend their applications to specify Channel 257A if the Pleasantville assignment is changed.

14. In comments in response to the Notice, Rodio supports the alternate proposal to assign Channel 257A to Pleasantville in lieu of Atlantic City, and submits that there would be no cognizable adverse affect upon the Pleasantville applicants presently in hearing. There were no oppositions filed.

15. After careful review of the comments and data submitted in this proceeding, we are of the view that the proposed assignment to Egg Harbor City would serve the public interest and should be adopted. The assignment would provide the community and surrounding area a first nighttime, locally located broadcast outlet without the loss or change in number of assignments in any other community. We are therefore assigning Channel 285A to Egg Harbor City and substituting Channel 257A for 285A at Pleasantville. The applications of WMID, Inc. (BPH-5958) and Atlantic City Broadcasting Co. (BPH-6060), specifying operation on Channel 285A at Pleasantville, N.J., and presently in hearing (Docket Nos. 18005-6), may be amended to specify operation on Channel 257A.

16. *RM-1274, Moline, Canton, Geneseo, and Aledo, Ill., Keokuk, Iowa, and Kahoka, Mo.* On March 18, 1968, Lee Enterprises, Inc., permittee of Class A FM Station WMDR, Channel 285A,

Moline, Ill., filed a petition requesting substitution of Class B Channel 245 for 285A at Moline and to make other necessary and proposed changes in the Table as follows:

City	Channel No.	
	Present	Proposed
Moline, Ill.	285A	245
Canton, Ill.	252A	265 or 276A
Geneseo or Aledo, Ill.		285A
Keokuk, Iowa	245	237A or 244A or 276A
Kahoka, Mo.		253

Moline has a population of 42,705 and its Standard Metropolitan Statistical Area (Davenport-Rock Island-Moline, Iowa-Ill.) has a population of 270,058. There are four FM channels assigned to the area, two Class C at Davenport, one Class B at Rock Island, and one Class A at Moline. Except for the Moline Class A assignment, for which petitioner holds a construction permit, all of these channels are in operation. There are six AM stations operating in the same area, two unlimited-time and one daytime-only at Davenport, one unlimited at Rock Island, one Class IV at Moline, and one daytime-only at East Moline.

17. In order for Channel 245 to be assigned to Moline, the petitioner proposes that it be deleted from Keokuk, Iowa (population 16,316), where it has neither been occupied or applied for. Keokuk has one unlimited time AM station. Although it is claimed by petitioner that no Class C channel can be found as a replacement for Channel 245 at Keokuk, it is shown that there are three Class A channels (237A, 244A, 276A), any one of which would satisfy the technical requirements there. The accompanying engineering statement contains a comparison between the 1 mv/m contours of a hypothetical Class C station (assuming 75 kw at 500 feet) and a Class A station (assuming 3 kw at 300 feet) at Keokuk. The comparison reveals that a "white area" (about 300 square miles) would occur to the west of Keokuk. This could be served by assignment of Class C Channel 253 at Kahoka, Mo., a town of 2,160 located in Clark County about 17.5 miles west of Keokuk; there are presently no FM assignments in the county (population 8,725), and the only purpose for this proposal is to provide coverage equal to that of a Keokuk Class C channel.

18. Lee further points out that the assignment of Channel 253 to Kahoka, Mo., would require the deletion of Channel 252A from Canton, Ill., for which a construction permit (BPH–5885) was granted for WBYS–FM on December 13, 1967, to Fulton County Broadcasting Co., for operation at Canton. It is claimed that discussions with Fulton indicates that the Canton construction has not progressed to the point where any hardship would result from modification of the outstanding construction permit to specify a different channel. Therefore, the petitioner requests the deletion of Channel 252A from Canton, proposing that Fulton's authorization (WBYS–FM) for Channel 252A be modified to specify either Channel 265A or 276A, either of which would be technically satisfactory at Canton.[4]

19. Finally, the petitioner submits that Channel 285A, which it proposes be deleted from Moline upon modification of its own construction permit to specify Channel 245, could be assigned to either Geneseo[5] or Aledo, Ill., which have populations of 5,169 and 3,080, respectively. Neither community has an FM assignment; Geneseo has one daytime only AM facility.

20. In support of its proposal, the petitioner urges that changing the WMDR authorization from a Class A to a Class B channel at Moline will enable it to serve more effectively Moline and its environs, pointing out that Moline, presently limited to a single Class A assignment, is a principal city of the Davenport-Rock Island-Moline Urbanized Area. Lee cites the criteria for a Class B station found in § 73.206(b)(2) of the rules to justify such an assignment to Moline and submits that Class B or C channels have been assigned to smaller cities than Moline in a number of instances. Lee also states that the other requested changes at Keokuk, Iowa, and Canton, Ill., will not adversely affect the public interest, since the number of assignments possible there is not changed. In recognizing that changing the Keokuk assignment from Classes C to A will decrease by one the services which might otherwise be available from an FM station at Keokuk to outlying areas, it is contended that the proposed first assignment to Clark County, Mo. (Kahoka), will ameliorate that condition and at the same time provide a first opportunity for a local radio outlet in the county.

21. After consideration of the pertinent facts presented in this case, we come to the conclusion that assignment of a Class B Channel to Moline, along with other necessary or possible changes, would be in the public interest. We consider that the extent of population existing in the Davenport-Rock Island-Moline area warrants a total assignment of four Classes B and C channels, particularly when it can be accomplished without creating a significant "white area" in another area. We note that release of the presently assigned Channel 285A at Moline makes it available as a first FM assignment for either Geneseo or Aledo, Ill. Such action would also eliminate an undesirable mixture of a Class A channel with Classes B and C channels among the contiguous principal cities of Davenport, Rock Island, and Moline. Lee shows that there are three Class A channels (237A, 244A, 276A) available for assignment in the Keokuk-Kahoka area as replacement for Channel 245 at Keokuk. There has been neither support nor opposition for an assignment at Keokuk or for the assignment of a Class C to Kahoka. Assignment of Class A channels to both Keokuk and Kahoka would practically eliminate the hypothetical "white area" created by removal of the Keokuk C channel. We are assigning a replacement Class A channel to Keokuk, but in view of the relatively small size of Kahoka, the lack of supporting comments and the remaining reserve of at least two additional Class A channels assignable in the area, we are withholding any assignment, either Class A or C, to Kahoka or the general area until sufficient interest or a future demand is indicated. This course of action will also avoid the necessity of changing the assignment of Station WBYS–FM, Canton, Ill., at this time. As to the choice of assigning Channel 285A between Geneseo or Aledo, we are choosing the larger community of Geneseo. In view of the above, we are substituting Channel 245 for 285A at Moline, Ill., and modifying the WMDR (FM) construction permit accordingly. In addition, Channel 237A is substituted for 245 at Keokuk, Iowa, and 285A is assigned to Geneseo, Ill.

22. *Webster City and Perry, Iowa.* In the notice we pointed out that Channel 249A was inadvertently assigned to Webster City, Iowa, short-spaced to Channel 247 at Des Moines, Iowa, and invited comments on our own proposal to shift Channel 285A from Perry Iowa, to Webster City and replace the Perry assignment with Channel 288A, as follows:

City	Channel No.	
	Present	Proposed
Webster City, Iowa	249A	285A
Perry, Iowa	285A	288A

Opposition to the proposal as it concerned assignment of Channel 288A to Perry was filed by Palmer Broadcasting Co., licensee of Station WHO–TV, Channel 13, Des Moines, on the grounds that reception of its station in the area of Perry would be subjected to potential interference due to second harmonic radiation by Channel 288A. Palmer points out that the present assignment of 285A at Perry was a replacement for 292A as a direct result of its earlier petition showing second harmonic interference potential of 292A (then assigned to Perry) to WHO–TV reception. (See Report and Order, Docket No. 16186, FCC 66–19.)

23. After further study it has been determined that Channel 240A is available for assignment to Webster City as a replacement for 249A in full compliance with the separation requirements and without the necessity of changing the assignments in any other community. This would meet the objection by Palmer and make Channel 249A available in other areas farther removed from Des Moines. We are therefore resolving the conflict by substituting Channel 240A for 249A at Webster City.

[4] On June 28, 1968, 3 days after the last day for filing comments Fulton County Broadcasting Co., Canton, Ill. (WBYS–FM), filed comments opposing the Lee proposal, particularly as it concerned changing the channel assignment of Station WBYS–FM. Timely reply comments were filed by Lee. However, in view of the action taken herein, there is no need to discuss these pleadings.

[5] Geneseo was inadvertently referred to as "Genesco" in the notice.

24. Authority for the adoption of the amendments adopted herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

25. In accordance with the foregoing determinations: *It is ordered*, That effective September 13, 1968, § 73.202(b) of the Commission's rules, the FM Table of Assignments, is amended to read, insofar as the communities named are concerned, as follows:

City	Channel No.
Georgia: Donalsonville	292A
Illinois:	
Geneseo	285A
Moline	245
Iowa:	
Keokuk	237A
Webster City	240A
Louisiana: Oakdale	285A
New Jersey:	
Egg Harbor City	285A
Pleasantville	257A
South Carolina: Chester	257A
South Dakota: Mobridge	258

26. *It is further ordered*, Pursuant to section 316 of the Communications Act of 1934, as amended, That the outstanding construction permit for Station WMDR, Channel 285A, Moline, Ill., held by Lee Enterprises, Inc., is modified, to specify operation on Channel 245 in lieu of Channel 285A subject to the following condition:

(a) That permittee shall submit to the Commission by September 3, 1968, technical information conforming to the rules of the type normally required for the issuance of a construction permit for operation on Channel 245.

27. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: July 31, 1968.

Released: August 5, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68–9483; Filed, Aug. 7, 1968; 8:48 a.m.]

[Docket No. 18126; FCC 68–800]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments; Huntington, W. Va.

Report and order. In the matter of amendment of the Table of Assignments in § 73.606(b) of the Commission's rules and regulations to substitute Channel 33 for Channel 67 at Huntington, W. Va.; Docket No. 18126, RM–1237.

1. On April 10, 1968, the Commission released a notice of proposed rule making (FCC 68–383) in the above-entitled matter. The proceeding was instituted pursuant to a petition for rule making (RM–1237) by West Virginia Educational Broadcasting Authority. Interested parties were invited to file comments on or before May 16, 1968, and reply comments on or before May 27, 1968.

2. In the notice of proposed rule making the Commission proposed Channel 33 as a replacement for Channel 67. Petitioner had requested that Channel 17 be substituted for Channel 67, on which it holds a construction permit to construct a new noncommercial educational TV broadcasting station, WMUL–TV. The assignment of Channel 17 at Huntington required the deletion of Channel 31 at Williamson, W. Va. Petitioner had proposed to substitute Channel 45 at Williamson to remove this conflict. The Commission's proposal to assign Channel 33 rather than 17 was based on the assignment principle that selects the channel having the least impact on the pool of unassigned but available channels in the area affected by an assignment. Although a computer study showed that there was no significant difference between the use of Channel 17 or Channel 33 at Huntington insofar as impact on channel availabilities in the Huntington area was concerned, the Commission objected to the substitution of Channel 45 for Channel 31 at Williamson since Channel 45 or any other channel substitution for Channel 31 would be substantially less efficient.

3. The petitioner suggests that this objection can be removed by simply deleting Channel 31 from Williamson and not replacing it. The West Virginia Educational Broadcasting Authority states that it has no plans for using Channel 31 at Williamson and if Williamson should be included in future plans, TV translators or some other means would be used to provide educational TV broadcast reception to that area. West Virginia University supports this suggestion. Harvit Broadcasting Corp., licensee of standard broadcast station WBTH at Williamson, opposes the deletion of Channel 31 from Williamson on the grounds that if it is not needed for educational TV it could be unreserved and used for a commercial TV station. Williamson has no commercial TV channel assignment.

4. The outright deletion of Channel 31 from Williamson merely to accommodate the assignment of Channel 17 instead of Channel 33 at Huntington, has little merit. The Commission is not impressed by claims of the technical superiority of Channel 17 over Channel 33. They are both in the lower third of the UHF television broadcast band. If the West Virginia educational interests subsequently decide that there is a need for an educational TV channel in the Williamson area of West Virginia, the assignment of Channel 17 at Huntington would prevent the reassignment of Channel 31 to Williamson and the Commission would have to select a less efficient channel to meet a commercial TV channel need should it arise.

5. Therefore, if a substitution for Channel 67 at Huntington is to be made, it should be Channel 33. The overall efficiency of the assignment plan will be improved to the extent that Channel 67 will become available for assignment elsewhere than Huntington and the use of Channel 33 at Huntington will not deplete the reserve of unassigned but available channels because it can be used only in a limited area which includes the authorized transmitter site of WMUL–TV. Simultaneously with the amendment of the Table of Assignments, we are modifying the construction permit for WMUL–TV to specify Channel 33. This action is consistent with the policy of the Commission to decline to substitute lower numbered UHF television broadcast channels for those in the Table of Assignments except where it can be shown that such an action will not decrease the overall efficiency of the assignment plan

6. Although the petitioner has not stated that it would accept a channel substitution other than Channel 17, the Commission has found in its extensive computer study that Channel 33 is the most efficient channel for use at the WMUL–TV site at Huntington. At the time of its assignment, Channel 67 was the most efficient assignment at the Huntington reference point. This reference point is no longer applicable. The authorized site of the channel now becomes the reference point for channel efficiency evaluations.

7. In the light of the foregoing and pursuant to the authority contained in sections 4(i), 303, 307(b) and 316: *It is ordered*, That effective September 13, 1968, the Table of Assignments in § 73.606(b) of the Commission rules is amended, insofar as the city listed below is concerned, to read as follows:

City	Channel No.
Huntington, W. Va.	3+, 13+, *33

NOTE: The appropriate offset for Channel 33 will be supplied in a subsequent order.

8. *It is further ordered*, That the construction permit of West Virginia Educational Broadcasting Authority for WMUL–TV at Huntington, W.Va., is modified effective September 13, 1968, to specify Channel 33 instead of Channel 67, subject to the following conditions:

(a) That the permittee shall advise the Commission in writing by August 20, 1968, of its acceptance of its authorization; and

(b) That the permittee shall submit to the Commission by September 20, 1968, all necessary information for the preparation of a modified authorization to construct and operate on the newly specified channel with transmitting facilities meeting all requirements of the Commission rules for operation on that channel.

9. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat. 1066, 1082, 1083, as amended, sec. 316, 66 Stat. 717; 47 U.S.C. 154, 303, 307, 316)

Adopted: July 31, 1968.

Released: August 5, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68–9484; Filed, Aug. 7, 1968; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Meaning of Employment Relationship for Certain Statutory Stock Options

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

In order to clarify the meaning of the employment relationship for purposes of certain stock options, the Income Tax Regulations (26 CFR Part 1) are amended as follows:

Paragraph (h)(2) of § 1.421–7 is amended to read as follows:

§ 1.421–7 Meaning and use of certain terms.

* * * * *

(h) *Employment relationship.* * * *

(2) In order to qualify for the special tax treatment of section 421, in addition to meeting the requirements of subparagraph (1) of this paragraph, an individual exercising a qualified stock option or an option granted under an employee stock purchase plan must, at all times during the period beginning with the date of the granting of such option and ending at the time of such exercise or on the day 3 months before the date of such exercise, be an employee of either the corporation granting such option, a related corporation of such corporation, or a corporation or a related corporation of such corporation issuing or assuming a stock option in a transaction to which section 425(a) applies. For this purpose, the employment relationship in respect of an option granted in accordance with the requirements of subparagraph (1) of this paragraph will be treated as continuing intact while the individual is on military, sick leave or other bona fide leave of absence (such as temporary employment by the Government) if the period of such leave does not exceed 90 days, or, if longer, so long as the individual's right to reemployment with the corporation granting the option (or a related corporation of such corporation, or a corporation, or a related corporation of such corporation issuing or assuming a stock option in a transaction to which section 425(a) applies) is guaranteed either by statute or by contract. Where the period of leave exceeds 90 days and where the individual's right to reemployment is not guaranteed either by statute or by contract, the employment relationship will be deemed to have terminated on the 91st day of such leave.

* * * * *

[F.R. Doc. 68–9488; Filed, Aug. 7, 1968; 8:48 a.m.]

[26 CFR Part 1]

INCOME TAX

Segregated Asset Accounts of Foreign Life Insurance Companies

Correction

In F.R. Doc. 68–9322 appearing at page 11027 in the issue of Friday, August 2, 1968, delete the word "not" in the second line of Example (2)(b) of § 1.819–2 (b)(4)(v).

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 922]

APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Expenses and Fixing of Rate of Assessment for 1968–69 Fiscal Period

Consideration is being given to the following proposals submitted by the Washington Apricot Marketing Committee, established under the marketing agreement, as amended, and Order No. 922, as amended (7 CFR Part 922), regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That the expenses that are reasonable and likely to be incurred by the Washington Apricot Marketing Committee during the period April 1, 1968, through March 31, 1969, will amount to $3,706.

(2) That there be fixed, at $1 per ton of apricots, the rate of assessment payable by each handler in accordance with § 922.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 5, 1968.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68–9495; Filed, Aug. 7, 1968; 8:49 a.m.]

[7 CFR Part 993]

DRIED PRUNES PRODUCED IN CALIFORNIA

Expenses of Prune Administrative Committee and Rate of Assessment for 1968–69 Crop Year

Notice is hereby given of the pro-

Notice is hereby given of a proposal regarding expenses of the Prune Administrative Committee for the 1968–69 crop year and rate of assessment for that crop year, pursuant to §§ 993.80 and 993.81 of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Prune Administrative Committee has recommended for the crop year beginning August 1, 1968, a budget of expenses in the total amount of $117,000 and an assessment rate of 90 cents per ton of assessable prunes. Expenses in that amount and the assessment rate are specified in the proposal hereinafter set forth. The assessable tonnage is estimated by the Committee at 130,000 tons.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the eighth day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 993.319 Expenses of the Prune Administrative Committee and rate of assessment for the 1968–69 crop year.

(a) *Expenses.* Expenses in the amount of $117,000 are reasonable and likely to be incurred by the Prune Administrative Committee during the crop year beginning August 1, 1968, for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the applicable provisions of the marketing agreement, as amended, and this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for such crop year which each handler is required, pursuant to § 993.81, to pay to the Prune Administrative Committee as his pro rata share of the said expenses is fixed at 90 cents per ton of salable prunes handled by him as the first handler thereof.

Dated: August 5, 1968.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division.

[F.R. Doc. 68–9496; Filed, Aug. 7, 1968; 8:49 a.m.]

[7 CFR Part 1104]

[Docket No. AO 298–A14]

MILK IN RED RIVER VALLEY MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Trade Winds Motor Hotel, 13th and Broad Streets, Wichita Falls, Tex., beginning at 9:30 a.m., local time, on August 15, 1968, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Red River Valley marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Milk Producers, Inc.:

Proposal No. 1. Revise § 1104.11(c) to read as follows:

§ 1104.11 Handler.

* * * * *

(c) A cooperative association with respect to the milk of producers diverted for the account of such association from a pool plant to a nonpool plant within the limits prescribed in § 1104.63, or a cooperative association with respect to the milk of member producers delivered directly from the farm to the pool plant of another handler in a tank truck owned and operated by, under contract to, or under the control of such association, unless the association notifies the Market Administrator and the operator of the pool plant, in writing, prior to the time of delivery, that the transferee handler is to be the responsible handler on such milk.

* * * * *

Proposal No. 2. Add a new § 1104.19 to read as follows:

§ 1104.19 Route.

"Route" means any delivery (including any delivery by a vendor or disposition at a plant store) of fluid milk products, other than a delivery in bulk form to a milk plant.

Proposal No. 3. Revise § 1104.41(b)(6)(ii) and (iii) to read as follows:

§ 1104.41 Classes of utilization.

* * * * *

(b) * * *

(6) * * *

(ii) 1.5 percent of milk received in bulk tank loads from other pool plants, a cooperative association who is a handler of milk pursuant to § 1104.11(c), other order plants and unregulated supply plants (exclusive of the quantities on which such transfers are agreed to as being Class II); less

(iii) 1.5 percent of milk in bulk tank loads transferred or diverted to pool and nonpool plants.

* * * * *

Proposal No. 4. In § 1104.80, add a new paragraph (b)(3) to read as follows:

§ 1104.80 Time and method of payment for producer milk.

* * * * *

(b) * * *

(3) Each handler who receives milk for which a cooperative association is the handler pursuant to § 1104.11(c), shall, on or before the second day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(i) An advance payment for milk received during the first 15 days of the month at the rate specified in paragraph (a) of this section; and

(ii) In making final settlement, the value of such milk at the applicable uniform price, less the amount of advance payment made on such milk.

Proposal No. 5. Revise § 1104.84 to read as follows:

§ 1104.84 Adjustments of accounts.

(a) Whenever audit by the market administrator or other verification discloses errors resulting in moneys due (1) the market administrator from a handler, (2) a handler from the market administrator, or (3) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such errors occurred.

(b) Any unpaid obligation of a handler pursuant to § 1104.80, § 1104.82, § 1104.83, or paragraph (a) of this section shall be increased one-half of 1 percent on the first day of the calendar month next following the due date of such obligation and compounded on the first day of each calendar month thereafter until such obligation is paid.

Proposal No. 6. Revoke the base-excess payment plan by deleting § § 1104.17, 1104.18, 1104.65, 1104.66, 1104.67, 1104.72, and by making conforming changes in other changes in other sections of the other sections of the order, particularly in § 1104.80, as may be necessary.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 7. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Richard E. Arnold, Post Office Box 45563, Tulsa, Okla. 74145, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250; or may be there inspected.

Signed at Washington, D.C., on August 2, 1968.

G. R. GRANGE,
Acting Deputy Administrator, Regulatory Programs.

[F.R. Doc. 68–9460; Filed, Aug. 7, 1968; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 87]

[Docket No. 18234]

ESTABLISHMENT OF INDUSTRY FREQUENCY ADVISORY COMMITTEE FOR COORDINATION OF FREQUENCIES

Order Extending Time for Filing Comments

In the matter of amendment of Part 87 of the Commission's rules to make provision for the establishment of an industry frequency advisory committee for

coordination of frequencies in the 1435–1535 Mc/s band, Docket No. 18234, RM 1198.

1. A notice of proposed rule making was released in this proceeding on July 9, 1968. It provided for the filing of comments by August 13, 1968, and reply comments by August 26, 1968. The Aerospace and Flight Test Radio Coordinating Council (AFTRCC) has filed a request for extension of time in which to file comments.

2. The proposal in this docket was initiated on the basis of a petition filed by AFTRCC. In support of their request for additional time, AFTRCC states that data for their comments is to be obtained from a number of Aerospace companies and because of various vacation schedules among those to be consulted a short extension is necessary.

3. In view of the foregoing and inasmuch as the brief additional time will not have an adverse affect upon this proceeding: *It is ordered*, That the time for filing comments and reply comments is extended to August 26, 1968, and September 6, 1968, respectively.

4. This action is taken pursuant to authority contained in sections 4(i) and 5(d)(1) of the Communications Act of 1934, as amended, and § 0.331(b)(4) of the Commission's rules.

Adopted: July 31, 1968.

Released: August 2, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JAMES E. BARR,
Chief, Safety and Special Radio Services Bureau.

[F.R. Doc. 68-9485; Filed, Aug. 7, 1968; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

CHINESE TYPE FOODSTUFFS

Importation Directly From Taiwan (Formosa); Available Certifications

Notice is hereby given that certificates of origin issued by the Ministry of Economic Affairs of the Government of the Republic of China under procedures agreed upon between that government and the Office of Foreign Assets Control in connection with the Foreign Assets Control Regulations are now available with respect to the importation into the United States directly, or on a through bill of lading, from Taiwan (Formosa) of the following commodities:

Mustard green, salted.
Turnips, salted.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 68-9489; Filed, Aug. 7, 1968; 8:48 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ELSE SCHLIPP

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Else Schlipp, 71 Nerotal, Wiesbaden, Germany; Claim No. 58024; Vesting Order Nos. 9170 and 12640; $21,827.94 in the Treasury of the United States.

Executed at Washington, D.C., on August 2, 1968.

For the Attorney General.

EDWIN L. WEISL, JR.,
Assistant Attorney General, Civil Division, Director, Office of Alien Property.

[F.R. Doc. 68-9463; Filed, Aug. 7, 1968; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. N-2373]

NEVADA

Notice of Proposed Classification of Public Lands for Disposal

AUGUST 1, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18), and to the regulations in 43 CFR 2411.1–2(b), it is proposed to classify for disposal, the public lands described in paragraph 4 below.

2. This proposal has been discussed with local governmental officials, and other interested parties. Information derived from discussions and other sources indicate that these lands meet the criterion of 43 CFR 2410.1–3(c)(4), which authorizes classification of lands for exchange under appropriate authority and 43 CFR 2410.1–3(d)(2), which authorizes classification of lands for sale pursuant to the Public Land Sale Act.

3. Publication of this notice will segregate the lands from all appropriation including location under the mining laws. Publication will not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws. As used in this order, the term "public lands" means any lands (1) withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or (2) within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

4. Is is hereby proposed to classify the following described lands under one of the following acts:

(1) For selection under the Point Reyes National Seashore Act of September 13, 1962 (76 Stat. 538; 16 U.S.C. secs. 459c–459c–7);

(2) Section 8(b) of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272, 43 U.S.C. 315g); or

(3) The Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421–1427).

MOUNT DIABLO MERIDIAN, NEVADA

LANDER COUNTY

T. 32 N., R. 44 E.,
Sec. 24, lots 1–10;
Sec. 25, NE¼;
Sec. 26, N½, SE¼, N½SW¼, SE¼SW¼;
Sec. 36, lots 1, 2, W½NE¼, NW¼.
T. 32 N., R. 45 E.,
Sec. 31.
T. 31 N., R. 46 E.,
Sec. 29, S½;
Sec. 31.
Total acreage: 3,158.97.

5. The land will be opened to application by all qualified individuals on an equal opportunity basis when the lands are classified by a subsequent order. All applications for exchange must be accompanied by a statement from either the Bureau of Land Management, Battle Mountain District Manager or Chief, Office of Land and Water Rights, National Park Service, San Francisco Planning and Service Center, that the proposal is feasible, in accordance with 43 CFR 2244.1–2(b)(1).

6. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Battle Mountain District Manager, Bureau of Land Management, Post Office Box 194, Battle Mountain, Nev. 89820.

For the State Director.

ROBERT T. WEBB,
Acting Manager,
Nevada Land Office.

[F.R. Doc. 68-9444; Filed, Aug. 7, 1968; 8:45 a.m.]

[Serial No. N-1025]

NEVADA

Notice of Proposed Classification of Public Lands for Multiple Use Management

AUGUST 1, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18), and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple use management, the public lands described in paragraph 3 below.

2. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. chs. 7 and 9; 25 U.S.C. sec. 334) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing or material sale laws, with the exception contained in paragraph 4. As used in this order, the term "public lands" means any lands (1) withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or (2) within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

3. The public lands proposed to be classified as shown on Map No. N–1025 on file in the Battle Mountain District Office, Battle Mountain, Nev., and the Nevada Land Office, Bureau of Land Management, Federal Building, Reno, Nev.

The public lands proposed to be classified are wholly located within Lander County, Nev.

The area described above aggregates approximately 2,488,400 acres of public land.

4. The public lands listed below are further segregated from all forms of appropriation under the public land laws, including the general mining laws, but not the Recreation and Public Purposes Act (44 Stat. 741, 68 Stat. 173; 43 U.S.C. 869) or the mineral leasing and material sale laws:

MOUNT DIABLO MERIDIAN, NEVADA

T. 16 N., R. 38 E.,
Sec. 8, N½SE¼.
T. 19 N., R. 41 E.,
Sec. 20, E½NE¼;
Sec. 21, NW¼.
T. 20 N., R. 43 E.,
Sec. 26, SE¼SE¼.
T. 20 N., R. 44 E.,
Sec. 11, SW¼SE¼, S½SW¼;
Sec. 14, NW¼NE¼, N½NW¼;
Sec. 15, SE¼;
Sec. 22, N½NE¼, SW¼NE¼, E½NW¼.
T. 29 N., R. 45 E.,
Sec. 12, NW¼.
T. 18½ N., R. 46 E.,
Sec. 1, S½SE¼;
Sec. 2, S½S½;
Sec. 11, N½;
Sec. 12, E½NW¼.
T. 20 N., R. 46 E.,
Sec. 26, SE¼NW¼.

The areas described above aggregate approximately 1,800 acres of public land.

5. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification, may present their views in writing to the Battle Mountain District Manager, Bureau of Land Management, Post Office Box 194, Battle Mountain, Nev. 89820.

6. A public hearing on the proposed classification will be held on September 11, 1968, at 2 p.m., in the County Building, Old Grammar School, Humboldt Street, Battle Mountain, Nev.

For the State Director.

ROBERT T. WEBB,
Acting Manager,
Nevada Land Office.

[F.R. Doc. 68–9445; Filed, Aug. 7, 1968; 8:45 a.m.]

OREGON

Notice of Termination of Proposed Withdrawal and Reservation of Lands

AUGUST 2, 1968.

Notices of Bureau of Reclamation's applications, Oregon 013327 and Oregon 013328, for withdrawal and reservation of lands for the Deschutes Project, were published as F.R. Docs. 63–4996 and 63–4997, on pages 4675 and 4676 of the issue for May 9, 1963. The applicant agency has canceled its application involving the lands described in the FEDERAL REGISTER publication referred to above. Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands at 10 a.m., on September 9, 1968, will be relieved of the segregative effect of the above-mentioned applications.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 68–9467; Filed Aug. 7, 1968; 8:47 a.m.]

[Wyoming 12616]

WYOMING

Notice of Classification of Public Lands

AUGUST 2, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, notice of classification is given for the public lands described in paragraph number 3 below. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269) as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Several comments and recommendations were received following publication of the Notice of Proposed Classification of Public Lands (33 F.R. 7089–7090), at the formal hearing held June 20, 1968, and subsequently by letter and in person. The comments and recommendations requested that certain lands as described in paragraph 4 adjoining Fremont County be retained for multiple use management. Careful analysis shows the proposals have merit and as a result, the lands shown in paragraph 4 below have been deleted from this classification and placed in Classification of Public Lands for Multiple Use Management Serial Number W–12617.

3. The public lands described and classified in this notice are shown as Area IV on the Hot Springs County Classification Maps, which are on display in the District Office, Bureau of Land Management, Worland, Wyo., and in the Land Office, Bureau of Land Management, 2120 Capitol Avenue, Cheyenne, Wyo.

a. The public lands described below are classified for disposal through public sale under section 2455 of the Revised Statutes (43 U.S.C. 1171); through exchange under section 8 of the Act of June 28, 1934 (43 U.S.C. 1272; 43 U.S.C. 315g); and through State Selection (43 U.S.C. 851, 852):

SIXTH PRINCIPAL MERIDIAN

HOT SPRINGS COUNTY

T. 41 N., R. 90 W.,
Sec. 20, SE¼NE¼;
Sec. 21, NW¼NW¼;
Sec. 23, W½SW¼;
Sec. 24, SE¼NW¼ and NE¼SW¼;
Sec. 26, NE¼NW¼;
Sec. 27, NW¼NE¼.
T. 42 N., R. 90 W.,
Sec. 30, E½NE¼.
T. 41 N., R. 91 W.,
Sec. 9, E½SW¼ and SE¼;
Sec. 11, SE¼SW¼;
Sec. 17, E½NE¼ and NE¼SE¼;
Sec. 18, NE¼SE¼;
Sec. 24, SW¼NW¼;
Sec. 29, NE¼SW¼;
Sec. 35, SW¼NW¼.
T. 42 N., R. 91 W.,
Sec. 19, lots 1 to 4, inclusive, SE¼NW¼, and E½SW¼;
Sec. 24, W½SW¼;
Sec. 25, NW¼NW¼;
Sec. 30, lots 1 to 4 inclusive, and E½W½;
Sec. 31, lots 1 to 4, inclusive, E½W½, and W½SE¼.
T. 41 N., R. 92 W.,
Sec. 1, lots 1, 2, and 3, S½NE¼, SE¼NW¼, and SW¼;
Sec. 2, W½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 3, S½N½ and S½;
Sec. 4, SE¼NE¼, SW¼NW¼, NW¼SW¼, SE¼SW¼, and E½SE¼;
Sec. 5, lot 1 and SE¼NE¼;
Sec. 9, N½NE¼, NE¼NW¼, and SW¼SW¼;
Sec. 10, N½N½ and SE¼SE¼;
Sec. 11, SE¼NW¼, SW¼, and W½SE¼;
Sec. 12, W½;
Sec. 14, W½NE¼, NW¼, and N½SW¼;
Sec. 15, NE¼, SE¼NW¼, and SE¼SW¼;
Sec. 21, SW¼NE¼ and NW¼SE¼;
Sec. 22, W½NE¼, E½NW¼, SW¼NW¼, and SE¼SE¼;
Sec. 27, NE¼NE¼, SW¼NE¼, and S½NW¼;
Sec. 28, S½NE¼ and SE¼NW¼;
Sec. 31, NE¼SE¼;
Sec. 32, SW¼.
T. 42 N., R. 92 W.,
Sec. 23, S½NE¼, N½SE¼, and SW¼SE¼;
Sec. 24, E½ and W½W½;
Sec. 26, NW¼NE¼.
T. 41 N., R. 93 W.,
Sec. 3, lots 1 and 4, and SW¼NW¼;
Sec. 4, SE¼NE¼;
Sec. 5, SW¼NE¼, SE¼NW¼, SE¼SW¼, and SW¼SE¼;
Sec. 6, S½NE¼ and E½SW;
Sec. 7, W½NE¼ and E½W½;
Sec. 8, NW¼NE¼ and NE¼NW¼;
Sec. 14, W½NW¼ and N½SW¼;
Sec. 15, E½NE¼;
Sec. 18, W½E½;
Sec. 19, E½E½;
Sec. 22, S½NW¼, NE¼SW¼, and W½SE¼;
Sec. 23, E½W½;
Sec. 25, NW¼NE¼ and NE¼NW¼;
Sec. 29, NW¼NW¼;
Sec. 30, E½NE¼;
Sec. 34, SE¼SE¼;
Sec. 35, S½SW¼.
T. 42 N., R. 93 W.,
Sec. 20, SW¼SE¼;
Sec. 21, NE¼NW¼;
Sec. 22, SE¼SE¼;
Sec. 27, N½SE¼;
Sec. 28, NE¼ and E½SE¼;
Sec. 29, SW¼NE¼, NE¼SW¼, and NW¼SE¼;
Sec. 32, W½NW¼, NW¼SW¼, and SE¼;
Sec. 33, W½NW¼, SE¼NW¼, SW¼, and NW¼SE¼;
Sec. 34, NE¼NW¼.

T. 41 N., R. 94 W.,
Sec. 1, SW¼SW¼ and S½SE¼;
Sec. 2, SW¼NW¼, SW¼, W½SE¼, and SE¼SE¼;
Sec. 3, E½SE¼;
Sec. 4, SW¼NE¼ and SE¼NW¼;
Sec. 10, W½NE¼ and N½SE¼;
Sec. 11, NE¼, E½NW¼, SW¼, W½SE¼, and SE¼SE¼;
Sec. 12, NW¼NE¼ and N½NW¼;
Sec. 14, S½NW¼ and NW¼SW¼;
Sec. 15, S½NE¼, SW¼SW¼, and SE¼;
Sec. 21, lots 1, 2, and 3;
Sec. 22, SW¼NE¼, NW¼NW¼, N½SE¼, and SW¼SE¼;
Sec. 26, SW¼ and W½SE¼;
Sec. 27, SE¼NW¼, NE¼SW¼, and SE¼;
Sec. 28, lots 9 and 10, SE¼SW¼, and SW¼SE¼;
Sec. 33, lots 1, 2, 4, 5, and 9, NE¼SW¼;
Sec. 34, NE¼NE¼;
Sec. 35, NW¼NE¼, N½NW¼, and SE¼NW¼.
T. 42 N., R. 94 W.,
Sec. 3, lots 1 and 2;
Sec. 5, S½NW¼, N½SW¼, and NW¼SE¼;
Sec. 6, SE¼NE¼;
Sec. 8, lots 1 to 4, inclusive, N½SW¼, SE¼SW¼, and W½SE¼;
Sec. 9, lots 2, 3, and 4, SE¼NW¼;
Sec. 14, S½NE¼ and SW¼NW¼;
Sec. 15, S½NE¼, W½W½, and SE¼NW¼;
Sec. 17, lots 1 and 2, NW¼NE¼, and SW¼SW¼;
Sec. 20, lot 1;
Sec. 21, lot 1 and N½NE¼;
Sec. 22, W½NW¼, NW¼SW¼, SE¼SW¼, and W½SE¼;
Sec. 23, SW¼NE¼ and SE¼NW¼;
Sec. 25, E½SW¼;
Sec. 28, SE¼SE¼;
Sec. 34, SE¼SE¼.
T. 46 N., R. 100 W.,
Sec. 3, lots 1 to 4, inclusive, SW¼NW¼, and NW¼SW¼;
Sec. 4, SW¼NW¼, SW¼, and NE¼SE¼;
Sec. 6, E½SW¼;
Sec. 7, lot 2 and SE¼NW¼;
Sec. 11, NE¼NE¼ and NW¼SE¼;
Sec. 18, SW¼NE¼ and SE¼SW¼.

The public lands described above aggregate approximately 15,816.15 acres.

b. The public lands described below are classified for disposal through exchange under section 8 of the Act of June 28, 1934 (43 U.S.C. 1272; 43 U.S.C. 315g) and through State Selection (43 U.S.C. 851, 852):

SIXTH PRINCIPAL MERIDIAN

HOT SPRINGS COUNTY

T. 41 N., R. 90 W.,
Sec. 12, NE¼;
Sec. 13, E½SE¼;
Sec. 24, N½NE¼ and SE¼NE¼;
Sec. 25, NE¼ and S½NW¼.
T. 41 N., R. 91 W.,
Sec. 2, lot 4, S½NW¼, N½SW¼, and SE¼SW¼.
T. 42 N., R. 91 W.,
Sec. 19, E½SE¼.
T. 41 N., R. 92 W.,
Sec. 5, lot 4 and SW¼NW¼.
T. 42 N., R. 92 W.,
Sec. 35, N½SW¼.
T. 46 N., R. 100 W.,
Sec. 9, SE¼SE¼;
Sec. 10, S½SW¼.

The public lands described above aggregate approximately 1,199.26 acres. The total area of public lands described in paragraphs 3 (a) and (b) aggregate approximately 17,015.41 acres.

4. The following described lands have been eliminated from the Notice of Proposed Classification of Public Lands W–12616 dated May 6, 1968.

SIXTH PRINCIPAL MERIDIAN

HOT SPRINGS COUNTY

T. 41 N., R. 90 W.,
Sec. 31, lots 2, 3, and 4, E½SW¼ and SE¼;
Sec. 32, SE¼NE¼ and S½;
Sec. 33, W½NE¼, S½NW¼ and S½;
Sec. 34, SW¼NE¼, S½NW¼, and S½;
Sec. 35, W½SW¼ and SE¼SW¼.

The area described aggregates 1,759.68 acres.

5. Publication of this notice segregates:

a. The lands described in paragraph 3(a) from all forms of disposal under the public land laws except as to sales under section 2455 of the Revised Statutes, exchanges under section 8 of the Act of June 28, 1934, State Selections and appropriation under the mining laws.

b. The lands described in paragraph 3 (b) from all forms of disposal under the public land laws except as to exchanges under section 8 of the Act of June 28, 1934, State Selections and appropriations under the mining laws.

6. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, interested parties who wish to submit comments, suggestions or objections concerning this classification may present their views in writing to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240.

ED PIERSON,
State Director.

[F.R. Doc. 68–9456; Filed, Aug. 7, 1968; 8:46 a.m.]

[Wyoming 12617]

WYOMING

Notice of Classification of Public Lands for Multiple-Use Management

AUGUST 2, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18), and to the regulations in 43 CFR Parts 2410 and 2411, the public lands within the areas described in paragraphs 3, 4, and 5 below, are hereby classified for multiple-use management. Publication of this notice segregates (a) the public lands described in paragraphs 3 and 5 of this notice from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and (b) the public lands described in paragraph 4 of this notice from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. 334). Except as provided in (a) and (b) above, the lands shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269) as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No protests or objections were received following publication of the Notice of Proposed Classification (33 F.R. 93). Public meetings and discussions covered all public domain lands in Hot Springs County. As a result, the subject classification for multiple-use management and a separate classification (W–12616) for disposal were prepared. Testimony presented at the formal hearing held June 20, 1968, recommended that a portion of the lands proposed for disposal classification should be classified for multiple-use management. Subsequent study with the aid of the public disclosed the merit of this change. The record showing comments received is on file and can be examined in the Worland District Office, Worland, Wyo. The lands are shown on the Hot Springs County map at the Worland District Office, Worland, Wyo:, and at the Land Office, Bureau of Land Management, 2120 Capitol Avenue, Cheyenne, Wyo.

3. Public lands located within the following described area are shown on the Hot Springs County Classification maps as Area I. The overall description of the area is as follows:

SIXTH PRINCIPAL MERIDIAN

HOT SPRINGS COUNTY, WYO.

Beginning at the junction of the Hot Springs-Park-Washakie County lines which point is the northwest corner of T. 47 N., R. 97 W.;

Thence west and south along the Hot Springs-Park County line to the northeast corner to T. 46 N., R. 100 W.;

Thence west to the northwest corner of Section 1, T. 46 N., R. 100 W.;

Thence along section lines in T. 46 N., R. 100 W., south to the northwest corner of Section 13, west to the northeast corner of Section 16, south to the southeast corner of Section 16, west to the northwest corner of Section 19, which point is on the Hot Springs-Park County line;

Thence south and west along the Hot Springs-Park County line to its junction with the Shoshone National Forest boundary;

Thence south along the Shoshone National Forest boundary to the township line between T. 44 and 45 N., in R. 101 W.;

Thence east along the township line between T. 44 and 45 N., to the northwest corner of Section 4, T. 44 N., R. 100 W.;

Thence south along section lines to the southwest corner of Section 4, T. 43 N., R. 100 W.;

Thence east along section lines to the range line between R. 99 and 100 W., T. 43 N.;

Thence south along the range line between R. 99 and 100 W., T. 43 N., to the North Fork of Owl Creek;

Thence northeasterly down the North Fork of Owl Creek to its junction with the South Fork of Owl Creek, which is also the Wind River Indian Reservation boundary;

Thence southeasterly, south and east along the Wind River Reservation boundary to the range line between R. 94 and 95 W., T. 42 N.;

Thence north along the range line between R. 94 and 95 W., to the township line between T. 42 and 43 N.;

Thence east along the township line between T. 42 and 43 N., to the northwest corner of Section 1, T. 42 N., R. 94 W.;

Thence south along section lines to the southwest corner of Section 24, T. 42 N., R. 94 W.;

Thence east along section lines to the southeast corner of Section 19, T. 42 N., R. 93 W.;

Thence along section lines in T. 42 N., R. 93 W., north to the northeast corner of Section 19, east to the northwest corner of Section 23, south to the township line between T. 41 and 42 N., R. 93 W.;

Thence east along the township line between T. 41 and 42 N., to the southeast corner of Section 34, T. 42 N., R. 92 W.;

Thence along section lines in T. 42 N., R. 92 W., north to the northwest corner of Section 23, east to the range line between R. 91 and 92 W., T. 42 N.;

Thence along section lines in T. 42 N., R. 91 W., east to the northeast corner of Section 19, south to the southwest corner of Section 32, east to the southeast corner of Section 35, north to the northwest corner of Section 25, east to the range line between R. 90 and 91 W., T. 42 N.;

Thence along section lines in T. 42 N., R. 90 W., east to the northeast corner of Section 29, south to the township line between T. 41 and 42 N., R. 90 W.;

Thence along section lines in T. 41 N., R. 90 W., south to the southwest corner of Section 4, east to the range line between R. 89 and 90 W., which line is the Hot Springs-Washakie County line;

Thence north and west along the Hot Springs-Washakie County line to the junction of the Hot Springs-Park-Washakie County lines, the point of beginning.

The public lands within the above-described area aggregate approximately 432,083 acres.

4. Public lands located within the following described area are shown on the Hot Springs County Classification Maps as Area II. The overall description of the area is as follows:

SIXTH PRINCIPAL MERIDIAN

HOT SPRINGS COUNTY, WYO.

Beginning at the junction of the Shoshone National Forest boundary and the township line between T. 44 and 45 N., R. 101 W.;

Thence east along the township line between T. 44 and 45 N., to the northwest corner of Section 4, T. 44 N., R. 100 W.;

Thence south along section linea to the southwest corner of Section 4, T. 43 N., R. 100 W.;

Thence east along section lines to the range line between R. 99 and 100 W., T. 43 N.;

Thence south along the range line between R. 99 and 100 W., in T. 43 N., to the North Fork of Owl Creek;

Thence northeasterly down the North Fork of Owl Creek to its junction with the South Fork of Owl Creek, which is also the Wind River Indian Reservation boundary;

Thence westerly up the South Fork of Owl Creek along the Wind River Indian Reservation boundary to the Shoshone National Forest boundary;

Thence east and north along the Shoshone National Forest boundary to the point of beginning.

The public lands within the above-described area aggregate approximately 34,060 acres.

5. Public lands located within the following described area are shown on the Hot Springs County Classification Maps as Area Ia. The overall description of the area is as follows:

SIXTH PRINCIPAL MERIDIAN

T. 41 N., R. 90 W.,
Sec. 31, lots 2, 3, and 4, E½SW¼ and SE¼;
Sec. 32, SE¼NE¼ and S½;
Sec. 33, W½NE¼, S½NW¼ and S½;
Sec. 34, SW¼NE¼, S½NW¼, and S½;
Sec. 35, W½SW¼ and SE¼SW¼.

The public lands described above aggregate 1,759.68 acres.

6. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.1–2(d)).

ED PIERSON,
State Director.

[F.R. Doc. 68-9457; Filed, Aug. 7, 1968; 8:46 a.m.]

Fish and Wildlife Service

[Docket No. G-411]

LOUIS ALBERT MUECKE

Notice of Loan Application

AUGUST 2, 1968.

Louis Albert Muecke, 203 North Conrad, Pasadena, Tex. 77502, has applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new 65-foot length overall wood vessel to engage in the fishery for oysters.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. L. MCHUGH,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 68-9447; Filed, Aug. 7, 1968; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

OTTAWA NATIONAL FOREST

Addition of Certain Lands in Michigan to the Ottawa National Forest

Whereas, the United States has acquired or hereafter may acquire certain land within the hereinafter-described area in the State of Michigan under authority of section 7 of the Clarke-McNary Act of June 7, 1924 (43 Stat. 654), as amended and supplemented, and

Whereas, the Clarke-McNary Act provides that said lands shall, upon acceptance of title, become National Forest lands subject to all laws applicable to lands acquired under the Weeks Law of March 1, 1911 (36 Stat. 961), and amendments thereto, and

Whereas, pursuant to the provisions of section 11 of the Weeks Law of March 1, 1911, the Secretary of Agriculture may from time to time divide the lands acquired under the aforementioned Acts into such specific National Forest and so designate the same as he may deem best for administrative purposes, and

Whereas, the lands acquired or those that may be acquired by the United States under said Acts within the hereinafter-described areas are so situated that the public interest will be served by having them designated and administered as part of the Ottawa National Forest:

Now, therefore, I, Orville L. Freeman, Secretary of Agriculture, by virtue of the authority vested in me by section 11 of the aforementioned Act of March 1, 1911, as amended, do hereby order that any lands of the United States within the following described area which have been or hereafter are acquired pursuant to the aforementioned Acts, shall be administered as part of the Ottawa National Forest:

MICHIGAN MERIDIAN

T. 49 N., R. 29 W.,
Secs. 5, 6, and 7;
Sec. 8, W½, W½NE¼.
T. 49 N., R. 30 W.,
Secs. 1, 2, and 3;
Secs. 10, 11, and 12;
Secs. 14 and 15.
T. 50 N., R. 29 W.,
Sec. 17, S½;
Sec. 18, SE¼NE¼, S½;
Secs. 19 and 20;
Sec. 21, W½NW¼, NW¼SW¼;
Secs. 29 to 32, inclusive;
Sec. 33, W½, SW¼SE¼.
T. 50 N., R. 30 W.,
Secs. 22 to 26, inclusive;
Sec. 27, E½;
Sec. 34, E½;
Secs. 35 and 36.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the city of Washington, this 2d day of August 1968.

[SEAL] ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-9462; Filed, Aug. 7, 1968; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

SUBURBAN BLOOD SERVICE, INC.

Notice of Revocation of Licenses

Pursuant to section 351 of the Public Health Service Act, 58 Stat. 703, as amended, and the Public Health Service Regulations, 42 CFR Part 73, notice is hereby given that I have revoked for cause establishment license No. 377 and the product license for the propagation or manufacture and preparation of Citrated Whole Blood (Human) heretofore issued by me in accordance with such regulations, effective upon date of publication in the FEDERAL REGISTER.

The revocation is based upon violations by the licensee of regulations contained in 42 CFR Part 73 relating to withdrawal of blood from donors with a history of viral hepatitis, serological tests for syphilis, determination of blood group and Rh factor, labeling, dating periods and maintenance of records, all as set forth in a notice to Suburban Blood Service, Inc., of summary suspension of licenses dated April 24, 1967.

Recommended:

[SEAL] STUART M. SESSOMS,
Acting Director,
National Institutes of Health.

Dated: July 31, 1968.

WILBUR J. COHEN,
Secretary.

[F.R. Doc. 68-9476; Filed, Aug. 7, 1968; 8:47 a.m.]

Office of the Secretary

STATEMENT OF ORGANIZATION AND FUNCTIONS AND DELEGATIONS OF AUTHORITY

Section 1-000 of Part 1 of the Statement of Organization and Functions and Delegations of Authority is amended to read as follows:

SEC. 1-000.10 *Creation of the Department.* The Department of Health, Education, and Welfare was created by Reorganization Plan No. 1 of 1953. Under provisions of the Act approved April 1, 1953 (67 Stat. 18), the Plan became effective on April 11, 1953. The Plan abolished the Federal Security Agency, created by Reorganization Plan No. 1, 1939 and transferred all functions of the Federal Security Administrator to the Secretary of Health, Education, and Welfare, and all components of the Agency to the Department.

SEC. 1-000.20 *Department oganization.* A. The Department consists of the Office of the Secretary and the following operating agencies:

1. Office of Education.
2. Consumer Protection and Environmental Health Service.*
3. Health Services and Mental Health Administration.*
4. National Institutes of Health.*
5. Social and Rehabilitation Service.
6. Social Security Administration.

B. *Federally aided corporations.* 1. The Secretary has certain statutory responsibilities for the administration of Federal appropriations to the American Printing House for the Blind (Louisville, Kentucky). 20 Stat. 467 (1879); Reorganization Plan No. II of 1939; 20 U.S.C. 101, 102, 104.

2. The Secretary has certain statutory responsibilities for the supervision of public business relating to Gallaudet College (Washington, D.C.). 36 Stat. 1422 (1911), 31 D.C. Code 1022; Reorganization Plan No. IV of 1940; 68 Stat. 266 (1954), 31 D.C. Code 1031.

3. The Secretary has certain statutory responsibility for visiting and inspection of Howard University and for the control and supervision of Federal appropriations to Howard University. 14 Stat. 438 (1867); Reorganization Plan No. IV of 1940; 20 U.S.C. 121, 122, 123.

SEC. 1-000.30 *Field organization.* A. The nine Department Regions, their boundaries, and Regional Offices are as follows:

1. Region I—Boston, Mass.: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

Region II—New York, N.Y.: Delaware, New Jersey, New York, and Pennsylvania.

Region III—Charlottesville, Va.: District of Columbia, Kentucky, Maryland, North Carolina, Virginia, West Virginia, Puerto Rico, and the Virgin Islands.

Revion IV—Atlanta, Ga.: Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee.

Region V—Chicago, Ill.: Illinois, Indiana, Michigan, Ohio, and Wisconsin.

Region VI—Kansas City, Mo.: Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota.

Region VII—Dallas, Tex.: Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

Region VIII—Denver, Colo.: Colorado, Idaho, Montana, Utah, and Wyoming.

Region IX—San Francisco, Calif.: Alaska, Arizona, California, Hawaii, Nevada, Oregon, Washington, Guam, and American Samoa.[1]

2. Each Regional Office is headed by a Regional Director who is the Secretary's representative within the Region.

3. The following operating agencies have representatives in the Regional Offices who are under the general administrative supervision of the Regional Director but receive program direction from the appropriate headquarters office:

Office of Education.
Consumer Protection and Environmental Health Service.
Health Services and Mental Health Administration.
Social and Rehabilitation Service.
Social Security Administration.

B. In addition to the Regional Offices the following operating agencies administer various major field installations:

Consumer Protection and Environmental Health Service.
Health Services and Mental Health Administration.
Social Security Administration.

Dated: July 30, 1968.

WILLIAM H. MITCHEL,
Acting Assistant Secretary for Administration.

[F.R. Doc. 68-9481; Filed, Aug. 7, 1968; 8:48 a.m.]

* These operating agencies together constitute the Public Health Service.

[1] Responsibility for administration of certain programs in Wake Island and the Trust Territory of the Pacific.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

BOATING INDUSTRY ASSOCIATION

Decision Regarding Petition for Extension of Effective Date of Motor Vehicle Safety Standard No. 108

Boating Industry Association, a trade association representing manufacturers of boat trailers, has filed a petition seeking an extension of the effective date for certain requirements of Motor Vehicle Safety Standard No. 108 which are applicable to boat trailers 80 or more inches in width. The petition, filed on May 28, 1968, asks that the effective date of the standard's requirements for clearance lamps, side-marker lamps, and identification lamps on such trailers be extended from June 1, 1968, to September 1, 1968. The petition claims that extension of the effective date is necessary because manufacturers of boat trailers have encountered "technical difficulties * * * which render it impossible to comply with the Standard by June 1, 1968 * * * in respect to the Standard's requirements for clearance lights, side-marker lights, and identification lights on boat trailers over 80 inches in width."

Motor Vehicle Safety Standard No. 108 specifies requirements for lamps, reflective devices, and associated equipment on multipurpose passenger vehicles, trucks, trailers (other than pole trailers), and buses. In its original form, the standard was issued on January 31, 1967, applied only to vehicles 80 or more inches in width and carried a January 1, 1968, effective date. On December 11, 1967, at the request of the present petitioner, the standard's requirements for clearance lamps on boat trailers were modified, and the effective date of those modified requirements, as well as the requirements for identification and front side-marker lamps on boat trailers, was moved forward to June 1, 1968 (33 F.R. 18032). Thereafter, Boating Industry Association filed a petition for reconsideration of the December 11 action, seeking to have the effective date of the requirement for rear side-marker lamps extended to June 1, 1968. The relief sought was granted on February 8, 1968 (33 F.R. 2993).

The net result of the Administrator's December 11 and February 8 rulings was that the requirements of Standard No. 108 for identification lamps, clearance lamps, and both front and rear side-marker lamps on boat trailers 80 inches in width or more did not become effective until June 1, 1968. The two rulings permitted manufacturers of boat trailers to delay their compliance with the standard for 5 months after the date when makers of other vehicles subject to Standard No. 108 were compelled to meet

its requirements. Boat trailer manufacturers have now had 16 months from the date when the standard was published in which to identify and resolve any problems that it might cause.

The principal ground of Boating Industry Association's present petition is that those problems, technical in nature, have not been overcome. There is, however, very little information in the petition which delineates the precise nature of those problems, indicates what efforts have previously been made to solve them or explains what progress toward their solution can be anticipated in the next 2 months. No documentary evidence, by affidavit or otherwise, was supplied with the petition. The petition consists, almost in its entirety, of conclusory allegations and lacks detailed substantiating data.

The petition states that "[o]bstacles have been encountered in the area of light redesign and tooling, light location, and wiring and circuitry", and that "substantial difficulties have been met in almost every case and many of these problems have not yet been effectively resolved." The precise nature of these "obstacles and difficulties" is not disclosed, however; nor has any attempt been made to show what efforts have been made to overcome them or the prognosis for overcoming them if further time extension were granted. Indeed, apart from the general conclusion quoted above, the petition says nothing whatever about any problem of light redesign or light location.

The petition also states that manufacturers have encountered difficulties in designing lights and circuitry so that their products will comply with both Standard No. 108 and the provisions of State laws that require lights to be attached to boat transported on the trailers. It is claimed that compliance with these dual requirements has necessitated "new circuitry planning in some cases, and the usual lead time with wiring harness suppliers who must tailor the harness to the individual trailers." The petition does not indicate what planning and design efforts were found necessary or whether, and the extent to which, such efforts were made during the 11 months available to petitioner prior to the standard's effective date or during the 6 months that have elapsed since that date. It also fails to reveal what contacts were made with harness suppliers, what "the usual lead time" is, or what representations were made by manufacturers to their suppliers. Consequently, it is impossible to ascertain whether manufacturers have made a timely effort to bring their problems to the attention of suppliers or have offered sufficient inducements to the solutions of those problems.

Finally, the petition speaks of "problems of voltage drop", the nature of which is not disclosed. These problems are said to be compounded by the possibility that compliance with the standard may overload some automobile electrical systems, dangers which "require additional analysis of what wiring should be developed." The difficulties to which petitioner has alluded, insofar as they can be discerned from its cryptic allegations, appear to be similar to some of the grounds asserted in its petition of last January, which were disposed of in the Administrator's February 8, 1968, action. Since that date, boat trailer manufacturers have had nearly 6 months in which to deal with these matters. The petition does not reveal what efforts or what progress has been made toward overcoming them since that time.

The short of the matter is that the petitioner seeks an additional 90 days to comply with Standard No. 108 (and an additional 90 days in which boat trailers that violate the standard may be manufactured) solely on the basis of its claim that manufacturers have encountered obstacles and difficulties in complying with the standard. The existence of "obstacles" and "difficulties" in complying with a standard is not, of itself, significant, however. Under the law, standards must specify performance characteristics of motor vehicles and motor vehicle equipment. The essence of performance requirements is that they set goals and criteria, not detailed design specifications, thereby challenging the innovative capacities of manufacturers whose products must comply with the standards. What matters, therefore, is not whether problems inhere in efforts to comply with a standard but whether the task of solving those problems is so costly, time consuming or beyond the reach of available technology as to be impracticable. Judged by this test, the contents of the present petition fall far short of the mark.

At present, Standard No. 108 applies only to boat trailers which are 80 or more inches in width. Such trailers present a greater safety hazard than smaller ones. The risk of injury and death is magnified if these larger trailers are not properly lighted.

If boat trailer manufacturers are granted a further exemption from the application of the standard, the result will be an absence of any Federal requirement for those lights to which the exemption is applicable. Vehicles manufactured before the effective date of a standard may be sold for use on the public highways at any time. Hence, granting the exemption which the petitioner seeks would further extend the risk to the public of the presence of improperly-lighted large trailers on the highways. In view of the paucity of substantiating data in the petition, the Administrator concludes that the public interest does not warrant taking the risk.

For these reasons, the petition of Boating Industry Association for a further extension of the effective date of Motor Vehicle Safety Standard No. 108 is denied.

This decision is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority of § 1.4(c)(3) of Part 1 of the regulations of the Secretary of Transportation (32 F.R. 5607).

Issued in Washington, D.C., on August 5, 1968.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

[F.R. Doc. 68-9468; Filed, Aug. 7, 1968; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-238]

FIRST ATOMIC SHIP TRANSPORT, INC.

Notice of Issuance of Facility Operating License Amendment

The Atomic Energy Commission ("the Commission") has issued Amendment No. 2, as set forth below and effective as of the date of issuance, to Facility Operating License No. NS-1. The license authorizes First Atomic Ship Transport, Inc., to operate the pressurized water nuclear reactor facility aboard the Nuclear Ship *Savannah* at steady state power levels up to a maximum of 80 thermal megawatts. The amendment extends the expiration date of the license to June 30, 1971, in accordance with application dated June 19, 1968.

Within fifteen (15) days from the publication of this notice in the FEDERAL REGISTER, the applicant may file a request for hearing, and any person whose interest may be affected by the issuance of this amendment may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this amendment, see the application for amendment dated June 19, 1968, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 31st day of July 1968.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

FACILITY OPERATING LICENSE AMENDMENT

[License No. NS-1, Amdt. 2]

The Atomic Energy Commission ("the Commission") has found that:

a. The application for extension of the license complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

b. The issuance of this amendment for license extension will not be inimical to the common defense and security or to the health and safety of the public; and

c. Prior public notice of proposed issuance is not required since the license extension does not involve hazards considerations different from those previously evaluated.

Facility Operating License No. NS-1, as amended, which authorizes First Atomic Ship Transport, Inc., to operate the pressurized water nuclear reactor facility aboard the Nuclear Ship *Savannah*, is hereby further amended in accordance with application dated June 19, 1968, by revising paragraph 4 thereof to read:

"4. This license is effective as of the date of issuance and shall expire at midnight, June 30, 1971."

This amendment is effective as of the date of issuance.

Date of issuance: July 31, 1968.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 68-9437; Filed, Aug. 7, 1968; 8:45 a.m.]

[Docket No. 50-89]

GULF GENERAL ATOMIC, INC.

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission has issued Amendment No. 16 as set forth below and effective as of the date of issuance, to Facility License No. R-38. The license authorizes Gulf General Atomic, Inc., to operate its TRIGA Mark I type nuclear reactor located at Torrey Pines Mesa, San Diego, Calif. The amendment extends the expiration date of the license to May 2, 1998.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amendment may file a petition for leave to intervene. A request for hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see the licensee's application for license renewal dated March 27, 1968, as amended July 18, 1968, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 29th day of July 1968.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

AMENDMENT TO FACILITY LICENSE

[License No. R-38, Amdt. 16]

The Atomic Energy Commission has found that:

1. Gulf General Atomic, Inc., application for license renewal dated March 27, 1968, as amended July 18, 1968, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

2. Operation of the reactor in accordance with the license, as amended, will not be inimical to the common defense and security or to the health and safety of the public; and

3. Prior public notice of proposed issuance of this amendment is not required, since the amendment does not involve significant hazards considerations different from those previously evaluated.

Accordingly, Facility License No. R-38, as amended, is hereby further amended by revising the last paragraph thereof in its entirety to read as follows:

"This license is effective as of the date of issuance and shall expire at midnight, May 2, 1998."

Date of issuance: 29th day of July 1968.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 68-9438; Filed, Aug. 7, 1968; 8:45 a.m.]

[Docket No. 50-128]

TEXAS A. & M. UNIVERSITY

Notice of Issuance of Amended Facility License

No request for a hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 3 to Facility License No. R-83 to Texas A. & M. University. The amended license authorizes the University to operate its reactor with the modified TRIGA-type core installed under Construction Permit No. CPRR-104 in the existing reactor located on the University's Nuclear Science Center near College Station, Tex.

The amended license was issued in the form published in the Notice of Proposed Issuance of Construction Permit and Amended Facility License in the FEDERAL REGISTER on June 19, 1968, 33 F.R. 9038.

Dated at Bethesda, Md., this 29th day of July 1968.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 68-9486; Filed, Aug. 7, 1968; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

U.S. GREAT LAKES SCANDINAVIAN AND BALTIC EASTBOUND CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 3tat. 763; 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. David F. Graham, Manager-Secretary, U.S. Great Lakes Scandinavian & Baltic Eastbound Conference, 108 North State Street, Chicago, Ill. 60602.

Agreement No. 8180-3, between the member lines of the U.S. Great Lakes Scandinavian and Baltic Eastbound Conference, amends the basic agreement to: (1) Extend the range of ports served by the parties to include U.S. ports on the St. Lawrence River, and (2) reflect the current geographic designations of those countries bordering on the Baltic whose ports are served by the Conference members. To this end, German ports and U.S.S.R. ports served via the Baltic have been substituted for the Danzig Free State, Estonia, Latvia, and Lithuania.

Dated: August 5, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-9491; Filed, Aug. 7, 1968; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19834; Order 68-8-9]

MOHAWK AIRLINES, INC.

Order Amending Route 94 Certificate To Permit Syracuse-Cleveland Nonstop Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of August 1968.

In Order 68-7-13, adopted July 2, 1968, the Board set for hearing the certificate amendment application of Mohawk Airlines, Inc. (Mohawk), in Docket 19834. The application was filed pursuant to Subpart M of Part 302 of the Board's Procedural Regulations and requests a certificate amendment to eliminate condition 4(b) applicable to route 94 insofar as the condition requires that flights operating between Syracuse and Cleveland serve at least one intermediate point. For the reasons hereinafter set forth, we have decided to rescind Order

68–7–13 and grant Mohawk's application without hearing.

As set forth in Order 68–7–13, Trans-East Airlines, Inc. (Trans-East), an applicant for certificate authority, filed an answer to Mohawk's application requesting denial or deferral. By letter dated July 16, 1968, Trans-East has advised that it withdraws its answer. Because Trans-East was the sole party objecting to the authority sought, the application of Mohawk may now be adjudicated by the Board in accordance with Subpart M procedures without hearing.

In its application, Mohawk proposes to offer two daily Syracuse-Cleveland round-trip flights. One round trip would also serve Boston and Hartford while the other would also serve Albany.

According to the Board's surveys the Syracuse-Cleveland market has grown at about 16 percent annually for the last 3 years. There were 30,730 local and connecting passengers for the year ended September 30, 1967, and Mohawk carried 30 percent of this traffic on its one- and two-stop services. The unrestricted carrier, American Airlines, Inc. (American), carried the balance of the traffic on its one- and two-stop services. There is no nonstop service currently provided. Mohawk estimates that the market will produce about 144 daily passengers in 1969 and 167 in 1970. We find these estimates to be reasonable.

The applicant forecasts a substantial operating profit and some subsidy need reduction in connection with the proposed flights in the forecast years 1969 and 1970, as follows:

Operating profit	*Subsidy need reduction*
1969: $316,759	$11,561
1970: $478,832	173,634

The revenue projection is based on estimated traffic in all of the markets to be served by the new flights, except Albany-Syracuse, after deducting for self-diversion.[2] Cost estimates are based on Subpart K methodology, except that block hours could not be estimated in accordance with the Board's publication entitled "Local Service Air Carriers' Unit Costs," September 30, 1967, because experience for BAC–111 aircraft were not published therein at the time the supporting data were prepared.

The above traffic consists of passengers which Mohawk estimates it would carry on the proposed flights. Participation factors take into account all other flights offered in the market. Dilution is computed at 10 percent and nonpassenger revenue at 5.5 percent of passenger revenue in accordance with system experience. In addition to the above, a forecast was made of the traffic estimated to be lost in the Albany-Cleveland market as a result of adding a stop on an Albany-Cleveland nonstop flight.

We have carefully examined the revenue forecast and, with the exception of the Boston-Cleveland market, find that it is reasonable. Generally, the forecast was made in accordance with accepted methodology. In the case of the Boston-Cleveland market, a significant increase in schedules provided by other carriers subsequent to the preparation of Mohawk's application will have the effect of substantially reducing the participation claimed by Mohawk in that market.

With respect to Mohawk's expense estimates, the block hours utilized by the carrier[2] for the flights, 1,874, are understated. Subsequent to the preparation of the data submitted by Mohawk in support of its application, the Board published data in Local Service Air Carriers' Unit Costs, March 31, 1968, which indicate that approximately 1,992 block hours would be required to operate the new services proposed in connection with the provision of Syracuse-Cleveland nonstop service. For this reason Mohawk's projected direct operating costs are understated.

Based on the foregoing, we conclude that the Syracuse-Cleveland market is large enough to support competitive nonstop service, and that Mohawk, by providing nonstop flights, will offer a significant service improvement.

Nonstop authority will also economically benefit Mohawk. Although such authority will probably not result in a subsidy need reduction in the forecast year 1969 after the above-discussed traffic and cost adjustments have been made, we find that some operating profit will be achieved even in the first year, which will contribute to reducing Mohawk's breakeven need, and contribute significant revenues to its system. Subsequent years should result in increasingly large subsidy need reduction contributions.

Accordingly, we find that the public convenience and necessity require the amendment of Mohawk's certificate for route 94 so as to eliminate condition 4(b) insofar as the said condition precludes the operation of Syracuse-Cleveland nonstop service. Such authority will be ineligible for Federal subsidy. We also find that the increase in Mohawk's gross transport revenues as a result of the authority granted herein will be within the $1 to $5 million range as set forth in § 389.25. Consequently, the license fee to be paid pursuant to § 389.21(b) shall be $6,000.

Accordingly, it is ordered, That:

1. The certificate of public convenience and necessity issued to Mohawk Airlines, Inc., for route 94 be and it hereby is amended, effective August 12, 1968, by deleting "Syracuse, N.Y., and Cleveland, Ohio" from condition (4)(b) thereof and adding the same to condition (11)(b) thereof: *Provided, however,* That the effective date of said amendment shall be automatically postponed until further Board order if the appropriate license fee is not paid pursuant to § 389.21(b) of the regulations;

2. The amended certificate ordered in paragraph 1 above shall be issued on an appropriate occasion; and

3. Order 68–7–13, dated July 2, 1968, be and it hereby is rescinded.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 68–9490; Filed, Aug. 7, 1968; 8:49 a.m.]

[1] See the following table:

Market	1969 Passengers	1969 Revenues	1970 Passengers	1970 Revenues
Cleveland-Syracuse	23,266	$651,448	26,878	$752,584
Syracuse-Hartford	5,990	107,820	7,861	141,498
Hartford-Boston	1,834	20,174	1,907	20,977
Cleveland-Boston	10,428	427,548	11,849	485,809
Syracuse-Boston	9,830	245,750	11,486	287,150
Cleveland-Hartford	8,836	318,096	9,818	353,448
Total	60,184	1,770,836	69,799	2,041,466
Total after dilution and nonpassenger revenue added		1,636,445		1,881,439

[2] Total terminal-to-terminal block hours are used for the round trip serving Boston. Block hours for the flight serving Albany constitute the added circuity mileage for the flight operating via Syracuse instead of Albany-Cleveland nonstop. The Albany-Cleveland nonstop service is planned for 1969.

FEDERAL COMMUNICATIONS COMMISSION

[File No. 18285; FCC 68–811]

BLUEGRASS BROADCASTING CO., INC.

Order Designating Application for Hearing on Stated Issues

In re application of Bluegrass Broadcasting Co., Inc., Docket No. 18285, File No. BR–1953; for renewal of license of standard broadcast station WVLK, Lexington, Ky.

1. The Commission has before it for consideration: (a) The above-captioned application; and (b) the Commission's field inquiry into the operation of Station WVLK.

2. Information before the Commission raises a number of serious questions bearing upon whether the above-captioned applicant possesses the qualifications to remain or to be a licensee of the Commission. In view of these questions, the Commission is unable to find that a grant of the above-captioned application would serve the public interest, convenience, and necessity, and must therefore designate the application for hearing.

3. *Accordingly, it is ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned application is designated for hearing at a place and time to be specified in a subsequent order, upon the following issues:

(1) To determine the extent to which the applicant herein has engaged in fraudulent billing practices.

(2) To determine whether the applicant misrepresented its policy on commercial time standards.

(3) To determine whether in written or oral statements to the Commission the applicant or its agents, employees or representatives misrepresented facts to the Commission or were lacking in candor.

(4) To determine whether the Applicant falsified its program logs during August 1967.

(5) To determine whether the applicant violated §§ 73.111 and 73.112 of the Commission's rules.

(6) To determine whether the applicant conformed to its proposals regarding public service announcements.

(7) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether the applicant herein has exercised reasonable licensee responsibility in the management of the station, and possesses the requisite qualifications to continue to be a licensee of the Commission.

(8) To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application for renewal of the license of Station WVLK would serve the public interest, convenience and necessity.

4. *It is further ordered,* That the Chief, Broadcast Bureau, is directed to serve upon the applicant within 20 days of the release of this order a bill of particulars setting forth the basis for adoption of the above hearing issues.

5. *It is further ordered,* That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to Issues (1) through (6), and the applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be a licensee of the Commission and that a grant of its application would serve the public interest, convenience and necessity.

6. *It is further ordered,* That to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 of the Commission's rules, in person or by attorney, shall file with the Commission, within twenty (20) days of the mailing of this order, a written appearance in triplicate, stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

7. *It is further ordered,* That the applicant herein, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, shall give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by § 1.594 of the rules.

Adopted: July 31, 1968.

Released: August 5, 1968.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68–9482; Filed, Aug. 7, 1968; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP69–13]

CENTRAL ILLINOIS PUBLIC SERVICE CO. AND MIDWESTERN GAS TRANSMISSION CO.

Notice of Application

JULY 31, 1968.

Take notice that on July 19, 1968, Central Illinois Public Service Co. (Applicant), Illinois Building, Springfield, Ill. 62701, filed in Docket No. CP69–13 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Midwestern Gas Transmission Co. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant, and to sell and deliver to Applicant its natural gas requirements for the community of East Lynn and environs, Vermilion County, Ill.; all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it proposes to construct and operate a gas transmission system from a proposed metering station of Respondent to be located approximately 3½ miles west of East Lynn to a point south of the community of East Lynn. Applicant states that it will construct and operate a town border station south of the community of East Lynn and from said town border station will construct and operate gas distribution mains for the purpose of operating and maintaining a gas distribution system to serve the community of East Lynn and environs.

Applicant states that on June 19, 1968, the necessary certification from the Illinois Commerce Commission was received authorizing Applicant to construct and operate the facilities proposed herein.

The estimated third year peak day and annual requirements of Applicant are 190 Mcf and 20,551 Mcf respectively.

The total estimated cost of Applicant's new construction is $57,172, which cost will be financed from internal funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 26, 1968.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 68–9439; Filed, Aug. 7, 1968; 8:45 a.m.]

[Docket No. E–7432]

NORTHERN STATES POWER CO.

Notice of Application

AUGUST 1, 1968.

Take notice that on July 29, 1968, Northern States Power Co. (Applicant) of Minneapolis, Minn., filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of $80 million in unsecured promissory notes to commercial banks and to commercial paper dealers. Applicant requests that such order be in place of and supersede the Commission's order of September 18, 1967, in Docket No. E–7364, which authorized the Applicant to issue up to $60 million in short-term promissory notes to commercial banks and commercial paper dealers.

The promissory notes to be issued by the Applicant to commercial banks will be issued on various days in 1968 and 1969, but no note will mature more than 12 months after date of issue or renewal. The interest rate of such Notes will be at the prime loan interest rate at the time and place of making.

The promissory notes issued to commercial paper dealers will be issued on various days in 1968 and 1969, but no note will mature more than 9 months prior to date of issue nor will any note be extended or renewed. The interest rate on such notes will be dependent upon the term of the notes and the money market conditions at the time of issuance. Applicant represents that currently the interest rate on commercial paper is less than the prime loan interest rate of commercial banks. According to the application, the aggregate amount of commercial paper to be outstanding at any one time will not exceed the sum of (1) the dollar amount of Applicant's receivables arising out of the sale of electric gas, heating and telephone service and merchandise and (2) the dollar amount of Applicant's fuel inventory exclusive of nuclear fuels.

The proceeds from the issuance of the notes will be used, among other things, to finance in part the Applicant's 1968 and 1969 construction program. Applicant estimates that construction expenditures for 1968 will total $111,800,000 and that

its construction program for 1969 will total $132 million.

Any person desiring to be heard or to make any protest with reference to said application should, on or before August 23, 1967, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-9440; Filed, Aug. 7, 1968; 8:45 a.m.]

[Project No. 2678]

PACIFIC GAS & ELECTRIC CO.

Notice of Application for License for Unconstructed Project (Transmission Line)

JULY 31, 1968.

Public notice is hereby given that an application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Pacific Gas & Electric Co. (correspondence to: E. J. Lage, vice president, Pacific Gas & Electric Co., 245 Market Street, San Francisco, Calif. 94106), for a license authorizing the construction, operation and maintenance of Project No. 2678, to be located in the Counties of Yuba and Nevada, Calif. in the vicinity of Marysville and Smartville, Calif., and affecting public lands of the United States.

The proposed project would consist of a 3-mile long single circuit 60-kv woodpole transmission line extending from Narrows No. 2 hydroelectric plant of Yuba County Water Agency's Project No. 2246 to Applicant's Smartville substation of Smartville, Calif., about 18 miles from Marysville.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 18, 1968, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-9441; Filed, Aug. 7, 1968; 8:45 a.m.]

[Docket Nos. CS69-1–CS69-3]

TRACE, INC. ET AL.

Notice of Applications for "Small Producer" Certificates [1]

AUGUST 1, 1968.

Take notice that on July 11, 1968, Trace, Inc. (Operator) et al., 1000 Wilco Building, Midland, Tex. 79701, on July 10, 1968, DST Exploration Corp., Post Office Box 683, Midland, Tex. 79701, and on July 15, 1968, Continental-Emsco Co., a division of Youngstown Sheet & Tube Co., Post Office Box 359, Dallas, Tex. 75221, filed in Docket Nos. CS69-1, CS69-2, and CS69-3, respectively, applications pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for "small-producer" certificates of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 22, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-9442; Filed, Aug. 7, 1968; 8:45 a.m.]

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

ST. CROIX RIVER

Water Pollution

Notice is hereby given that the International Joint Commission will convene a public international meeting on September 17, 1968, at 2 p.m., local time, in the All Purpose Room, St. Stephen School, St. Stephen, New Brunswick, to inquire into the adequacy and effectiveness of United States and Canadian programs for abatement of pollution of the boundary waters of the St. Croix River, and to ascertain why the water quality objectives, which the Commission recommended for the St. Croix River in 1959 and which the several Governments approved, are not being met.

Briefly stated, these objectives provide that all wastes, including sanitary sewage and industrial effluents, shall be in such condition when discharged into these boundary waters that they will not adversely affect the use of those waters for the following purposes: Source of domestic or industrial water supply, navigation, fish and wildlife, bathing, recreation, agriculture, and other riparian activities.

At this meeting the Commission will invite water pollution control agencies and enforcement authorities in both countries to describe the abatement programs they have underway and their timetables for achievement of the established water quality objectives in the St. Croix River. The Commission similarly is requesting the municipalities and industries involved to be represented at the meeting and to describe what they have done or plan to do to abate objectionable pollution for which they are responsible. Others wishing to submit written or oral statements to the Commission concerning these matters may also do so. If a written statement is to be submitted, 30 copies should be brought to the meeting and deposited with the Secretaries.

Statements should be addressed to the adequacy and effectiveness of the pollution control measures and abatement programs referred to above and any additional measures that might be taken to:

(1) Ensure the successful implementation of such programs;

(2) Accelerate or improve the corrective measures contemplated; and

(3) Minimize the extent of pollution in the interim period before the corrective measures take full effect.

W. A. BULLARD,
Secretary, United States Section, International Joint Commission.
D. G. CHANCE,
Secretary, Canadian Section, International Joint Commission.

AUGUST 6, 1968.

[F.R. Doc. 68-9497; Filed Aug. 7, 1968; 8:49 a.m.]

ST. CROIX PAPER CO.

Application for Approval To Construct Dam at Forest City, Maine—Forest City, New Brunswick

Notice is hereby given that the International Joint Commission will convene a public hearing on September 17, 1968, at 9:30 a.m., local time, in the All Purpose Room, St. Stephen School, St. Stephen, New Brunswick, on the application of the St. Croix Paper Co. (a subsidiary of Georgia-Pacific Corp.) for approval of plans to reconstruct an existing timber dam in the St. Croix River at Forest City, Maine and Forest City, New Brunswick. As stated in the previous public notice the Applicant states that there will be no change in the maximum or minimum water levels of East Grand Lake of the past; i.e., 434.94 feet and 427.94 feet m.s.l. datum 1929 as referenced to RM 56 prior to December 1966.

At the hearing opportunity will be given to all interested persons to express their views orally or by written statements. Where possible fifteen (15) copies of written statements should be filed with each Secretary ten (10) days in advance of the hearing with thirty (30) copies to be deposited with them at the hearing. Copies of the Application and drawings are available on request to the Secretaries of the Commission or the company at Woodland, Maine.

W. A. BULLARD,
Secretary, U.S. Section, International Joint Commission.
D. G. CHANCE,
Secretary, Canadian Section, International Joint Commission.

AUGUST 5, 1968.

[F.R. Doc. 68-9498; Filed, Aug. 7, 1968; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

ALCAR INSTRUMENTS, INC.

Order Suspending Trading

AUGUST 2, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Alcar Instruments, Inc., 225 East 57th Street, New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 5, 1968, through August 14, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-9449; Filed, Aug. 7, 1968; 8:45 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

AUGUST 2, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 5, 1968, through August 14, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-9450; Filed, Aug. 7, 1968; 8:46 a.m.]

GOLDEN AGE MINES, LTD.

Order Suspending Trading

AUGUST 2, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Golden Age Mines, Ltd., 250 University Avenue, Toronto, Canada, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 4, 1968, through August 13, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-9451; Filed, Aug. 7, 1968; 8:46 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

AUGUST 2, 1968.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 5, 1968, through August 14, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-9452; Filed, Aug. 7, 1968; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 1206]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

AUGUST 2, 1968.

The following applications are governed by Special Rule 1.247 [1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures,

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 200 (Sub-No. 226), filed July 22, 1968. Applicant: RISS & COMPANY, INC., 903 Grand Avenue, Kansas City, Mo. 64101. Applicant's representative: Ivan E. Moody, 12th Floor, Temple Building, 903 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, live poultry, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with carrier's authorized regular route operations to and from Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Detroit, Mich.

No. MC 921 (Sub-No. 15), filed July 23, 1968. Applicant: DEAN TRUCK LINE, INC., Fulton Drive, Post Office Box, Drawer 32, Corinth, Miss. 38834. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the Grinnell Corp., located approximately 3.2 miles north of Henderson, Tenn., as an off-route point in connection with applicant's regular-routes operations between Louisville, Ky., and Selmer, Tenn., as authorized in applicant's (Sub-No. 8) certificate. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville or Memphis, Tenn., or Louisville, Ky.

No. MC 1375 (Sub-No. 15), filed July 24, 1968. Applicant: BELL LINES, INC., 6414 McCorkle Avenue SE., Charleston, W. Va. 25304. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value and except dangerous explosives, livestock, commodities in bulk and those requiring special equipment), between Morristown, Tenn., and Bluefield, W. Va., (a) from Morristown over U.S. Highway 25E to junction U.S. Highway 11W, thence over U.S. Highway 11W to junction Interstate Highway 81, thence over U.S. Highway 11 and/or Interstate Highway 81 to junction U.S. Highway 21, thence over U.S. Highway 21 to Bluefield, and return over the same route, serving all intermediate points, and (b) from Morristown over U.S. Highway 11E to Bristol, thence over Interstate Highway 81 and/or U.S. Highway 11 to junction U.S. Highway 21, thence over U.S. Highway 21 to Bluefield, and return over the same route, serving all intermediate points. NOTE: Applicant has pending in MC 1375 (Sub Nos. 11 and 13), applications for certain regular routes partially duplicative of the regular route authority sought in this proceeding. The authority requested, if granted, will be merged with other authority presently held or granted by the Commission in Subs 11 and 13 and not be severable by sale or otherwise. Applicant also holds extensive regular route authority in the States of North Carolina, South Carolina, Virginia, West Virginia, Pennsylvania, Ohio, Indiana, and Michigan, including regular route authority at Bluefield, W. Va., on one of the proposed tacking routes. To the extent that applicant holds duplicative authority, the proposed authority, if granted, will be merged with the existing authority or any authority finally granted in MC 1375 (Sub-No. 11). If a hearing is deemed necessary, applicant requests it be held at Bristol, Tenn., or Washington, D.C.

No. MC 2401 (Sub-No. 43), filed July 19, 1968. Applicant: MOTOR FREIGHT CORPORATION, 2345 South 13th Street, Terre Haute, Ind. 47802. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Ford Motor Co. located at the junction of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's presently authorized regular-route operations to and from Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., Detroit, Mich., or Washington, D.C.

No. MC 2962 (Sub-No. 37), filed July 17, 1968. Applicant: A & H TRUCK LINE, INC., 1111 East Louisiana Street, Evansville, Ind. 47717. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value and except dangerous explosives, household goods as defined in *Practices of Motor Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's present regular-routes authority. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Indianapolis, Ind.

No. MC 3083 (Sub-No. 36), amendment), filed July 5, 1968, published in FEDERAL REGISTER issue of July 18, 1968, amended July 24, 1968, and republished, as amended this issue. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, 277 Monroe Avenue, Post Office Box 66, Memphis, Tenn. 38103. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency, and negotiable securities*, in armored vehicles, between Memphis, Tenn., on the one hand, and, on the other, points in Green County, Ark., under contract with Federal Reserve Bank of St. Louis (Memphis Branch). NOTE: The purpose of this republication is to redescribe the authority being sought. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 8973 (Sub-No. 12) (amendment), filed July 5, 1968, published FEDERAL REGISTER of July 18, 1968, amended July 24, 1968, and republished as amended this issue. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, asphalt and composition roofing products, composition boards, urethane and urethane products, insulating materials, plastic resin and products* thereof, and *materials, accessories, and supplies* used in the installation of the above-named commodities (except commodities in bulk), from the plantsite of the Celotex Corp. at Edgewater, N.J., to points in New York, Massachusetts, Rhode Island, Delaware, Vermont, West Virginia, Virginia, Maryland, New Hampshire, Ohio, Maine, Pennsylvania, and the District of Columbia, and *returned, refused, and rejected shipments* on return. NOTE: Applicant states that no duplicating authority is sought. The purpose of this republication is to add the destination States of Maine and Pennsylvania and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., Washington, D.C., or New York, N.Y.

No. MC 14702 (Sub-No. 22), filed July 29, 1968. Applicant: OHIO FAST FREIGHT, INC., Post Office Box 808, Warren, Ohio 44482. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, between Camden, N.J., and Mountaintop, Pa., on the one hand, and, on the other, points in Illinois, Indiana, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 21623 (Sub-No. 83), filed July 1, 1968. Applicant: W. J. DILLNER TRANSFER CO., a corporation, 2748 West Liberty Avenue, Pittsburgh, Pa. 15216. Applicant's representative: Ernie Adamson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Pittsburgh, Pa., and points in Lawrence, Butler, Mercer, Venango, Armstrong, Westmoreland, Cambria, Indiana, Fayette, Somerset, Washington, Greene, Beaver, and Allegheny Counties, Pa., to points in Pennsylvania, Ohio, West Virginia, Virginia, Maryland, and New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 22229 (Sub-No. 49), filed July 22, 1968. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue, SE., Atlanta, Ga. 30316. Applicant's representative: Ralph B. Matthews, Post Office Box 1918, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with presently authorized regular route service of Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 36900 (Sub-No. 12), filed June 28, 1968. Applicant: U.S. VAN LINES, INC., 59642 U.S. No. 31 South, Post Office Box 2608, South Bend, Ind. 46614. Applicant's representatives: Lee Reeder and Frank W. Taylor, 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Airplane parts, aluminum doors and window frames, aluminum down spouting, gutters and related parts, aluminum lawn chairs, articles of display, business machines, electronic machines, golf carts, gym equipment, lawn and lawn care equipment, missile parts, motor scooters, new furniture, office furniture, plastic furniture, rugs and carpeting, safes and voting machines*, uncrated, unpacked, and unpackaged, provided they are at the time, moving on bills of lading of freight forwarders as defined in section 402(a)(5) of the Act, (1) between points in South Dakota, and those in Minnesota and Iowa within 60 miles of Sioux Falls, S. Dak., on the one hand, and, on the other, points in South Dakota, North Dakota, Wyoming, Colorado, Oklahoma, Kansas, Nebraska, Minnesota, Iowa, Missouri, Illinois, Wisconsin, Michigan, Indiana, Ohio, Pennsylvania, New York, Arizona, Arkansas, California, Idaho, Louisiana, Montana, North Carolina, Oregon, Tennessee, Texas, Utah, Washington, and the District of Columbia, (2) between points in Minnesota, on the one hand, and, on the other, points in Illinois, Iowa, Indiana, Michigan, North Dakota, South Dakota, and Wisconsin, (3) between points in Missouri, Iowa, Wisconsin, Illinois, Indiana, Ohio, Pennsylvania, New York, Massachusetts, Connecticut, New Jersey, Maryland, Rhode Island, Delaware, and those in that part of Michigan on and east of U.S. Highway 27 and south of Michigan Highway 55, (4) between points in the territory bounded by a line beginning at Manitowoc, Wis., and extending along U.S. Highway 10 to Minneapolis, Minn.

Thence south along U.S. Highway 169 to Mankato, Minn., thence west along Minnesota Highway 60 to the Minnesota-Iowa State line, thence along Iowa Highway 33 to Le Mars, Iowa, thence along U.S. Highway 75 to Sioux City, Iowa, thence south along the Missouri River to its confluence with the Mississippi River, thence south along the Mississippi River to its confluence with the Ohio River, thence northeast along the Ohio River to Wheeling, W. Va., thence along U.S. Highway 40 to Washington, Pa., thence north along U.S. Highway 19 to Pittsburgh, Pa., thence along the shore of the Alleghany River to Salamanca, N.Y., thence north along U.S. Highway 219 to Hamburg, N.Y., thence along New York Highway 18 to Buffalo, N.Y., thence along the shore of Lake Erie to Detroit, Mich., thence along U.S. Highway 10 to Ludington, Mich., and thence along a straight line across Lake Michigan to point of beginning at Manitowoc, Wis., including points on the indicated portions of the highways specified, and Louisville, Ky., St. Louis, Mo., Kansas City, Kans., Kansas City, Mo., and Omaha, Nebr., on the one hand, and, on the other, points in Virginia, South Dakota, Arkansas, Colorado, Michigan, Minnesota, Nebraska, West Virginia, Kansas, Oklahoma, North Dakota, and the District of Columbia, (5) between points in McLean County, Ill., on the one hand, and, on the other, points in Louisiana and Texas, (6) between points in North Carolina, on the one hand, and, on the other, points in South Carolina and Virginia, (7) between points in Forsyth County, N.C., on the one hand, and, on the other, points in Florida, Georgia, New York, Ohio, South Carolina, Virginia, Tennessee, West Virginia, and the District of Columbia.

Restriction: Carrier may combine two or more of the above-described irregular route authorities provided the authorities have a point common to both to which the carrier may transport a given shipment under one authority and from which it may transport the same shipment under the other, and establish through service under such combination provided in each instance the shipment is transported through the common or gateway point, and provided further that this certificate does not contain any restriction or other indication that through service shall not be conducted. Any repetition in the statement of the authority granted herein shall not be construed as conferring more than one operating right, (8) between points in Oregon, on the one hand, and, on the other, points in Washington; (9) between Boston, Mass., on the one hand, and, on the other, points in Massachusetts, New Hampshire, Maine, Vermont, Rhode Island, and Connecticut; (10) between points in Douglas, Jackson, and Josephine Counties, Oreg., on the one hand, and, on the other, points in California; (11) between points in all States east of the Mississippi River and in the District of Columbia; and, (12) between points in Illinois, on the one hand, and, on the other, points in New York, Wisconsin, Missouri, Arkansas, Nebraska, West Virginia, Tennessee, Indiana, Georgia, Minnesota, Pennsylvania, Michigan, Ohio, Iowa, Kentucky, and New Jersey.

Restriction: Against service: (a) Between Chicago and East St. Louis, Ill.; Fort Wayne, Indianapolis, Muncie, and South Bend, Ind.; Louisville, Ky.; Baltimore, Md.; Boston, Mass.; Battle Creek, Detroit, Grand Rapids, Kalamazoo, and Muskegon, Mich.; Minneapolis and St. Paul, Minn.; St. Louis, Mo.; Newark, N.J.; Buffalo, Rochester, and Syracuse, N.Y.; Akron, Cincinnati, Cleveland, Columbus, Dayton, Middleton, Springfield, Toledo, and Warren, Ohio; Erie, Philadelphia, and Pittsburgh, Pa.; and Milwaukee, Wis. (b) Between Bridgeport, Conn.; Evansville, Ind.; Springfield, Mass.; Albany, Troy, and Utica, N.Y.; Canton, Ravenna, Salem, and Youngstown, Ohio; Harrisburg and Wilkes-Barre, Pa.; and Washington, D.C., and between these points, on the one hand, and, on the other, points named in part (a) hereof. NOTE: Applicant holds authority between the points and territories and areas set forth above in the transportation of household goods. Applicant now seeks to transport the above-named commodities over all of its present routes. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 52657 (Sub-No. 660), filed July 22, 1968. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, trailer chassis* (except those designed to be drawn by passenger automobiles), and *trailer converter dollies*, in initial truckaway and driveaway service, between Avon Lake, Ohio; Fort Wayne, Ind.; and points in the United States, including Alaska, but excluding Hawaii; (2) *tractors*, in secondary movements, in driveaway service, only when drawing trailers in initial movements, between Avon Lake, Ohio, Fort Wayne, Ind., and points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South

Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia; (3) *bodies and containers*, between Avon Lake, Ohio; Fort Wayne, Ind.; and points in the United States, including Alaska, but excluding Hawaii; (4) *materials, supplies, and parts* used in the manufacture, assembly, or servicing of the commodities described in paragraphs (1) and (3) above, when moving in mixed loads with such commodities, between Avon Lake, Ohio; Fort Wayne, Ind., and points in the United States, including Alaska, but excluding Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Detroit, Mich.

No. MC 56167 (Sub-No. 8), filed July 25, 1968. Applicant: DAVID K. HERSHEY, Rural Delivery No. 5, Hanover, Pa. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Limestone and crushed limestone products*, from points in Adams County, Pa., to points in New York, and (2) *brick*, from points in Mount Pleasant Township, Adams County, Pa., to points in Ohio, Alexandria, Va., points in Arlington, Clarke, Fairfax, Fauquier, Frederick, Loudoun, Prince William, and Stafford Counties, Va., and points in Berkeley and Jefferson Counties, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 56679 (Sub-No. 22), filed July 22, 1968. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, Ga. 30315. Applicant's representative: B. K. McClain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, between Knoxville, and Jellico, Tenn., over U.S. Highway 25–W and return over the same route serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn., or Atlanta, Ga.

No. MC 59583 (Sub-No. 119), filed July 22, 1968. Applicant: THE MASON & DIXON LINES, INCORPORATED, Eastman Road, Kingsport, Tenn. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. 37660. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Bedford and Lynchburg, Va., over Virginia Highway 297, serving no intermediate points as an alternate route for operating convenience only, and (2) between Appomattox and Richmond, Va., from Appomattox over U.S. Highway 460 to Farmville, Va., thence over Virginia Highway 307 to Jetersville, Va., thence over U.S. Highway 360 to Richmond, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 61592 (Sub-No. 119), filed July 19, 1968. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from points in Wyoming to points in Michigan, Minnesota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 62745 (Sub-No. 9), filed July 19, 1968. Applicant: WOOLEYHAN TRANSPORT COMPANY, a corporation, City Line and South Heald Street, Wilmington, Del. 19899. Applicant's representative: R. K. Fillingame, c/o applicant above (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives and commodities or materials incidental thereto*, moving on government bills of lading, from Dover Air Force Base, Del., to Aberdeen, Md. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Wilmington, Del.

No. MC 63973 (Sub-No. 14), filed July 22, 1968. Applicant: HARRY KALER, doing business as KALER FREIGHT LINE, 504 12th Street SE., Mason City, Iowa 50401. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Mason City and Hampton, Iowa, over U.S. Highway 65, serving all intermediate points, and (2) between Mason City and Osage, Iowa, from Mason City east over U.S. Highway 18 to junction unnumbered highway, thence over unnumbered highway through Plymouth, Iowa, to junction Iowa Highway 9, thence over Iowa Highway 9 to junction Iowa Highway 337, thence over Iowa Highway 337 to junction unnumbered highway at Grafton, Iowa, thence over unnumbered highway to junction Iowa Highway 105 at Carpenter, Iowa, thence over Iowa Highway 105 to junction U.S. Highway 218, thence over U.S. Highway 218 to Osage, and return over the same route, serving the intermediate point of St. Ansgar, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Mason City or Des Moines, Iowa.

No. MC 67450 (Sub-No. 30), filed July 25, 1968. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 South Ewing Avenue, Chicago, Cook County, Ill. 60617. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Starch and blends thereof, corn products, and products of corn*, having a prior movement by rail, between points in Wisconsin, Minnesota, North Dakota, Iowa, Missouri, Illinois, Indiana, Kansas, Michigan, Ohio, Tennessee, Mississippi, Arkansas, Oklahoma, Nebraska, Colorado, Wyoming, and Montana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 67818 (Sub-No. 77), filed July 22, 1968. Applicant: MICHIGAN EXPRESS, INC., 1122 Freeman Avenue SW., Grand Rapids, Mich. 49502. Applicant's representative: J. M. Neath, Jr., 900–One Vandenberg Center, Grand Rapids, Mich. 49502. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, serving the plantsite of Republic Powdered Metals, Inc., in Brunswick Hill Township, Medina County, Ohio, as an off-route point in connection with the regular-route operations to and from Cleveland, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland or Columbus, Ohio.

No. MC 67996 (Sub-No. 4), filed July 16, 1968. Applicant: DISTILLERY TRANSFER SERVICE, INC., Bardstown, Ky. 40004. Applicant's representative: Harry McChesney, Post Office Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodites*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Louisville and Bardstown, Ky., over U.S. Highway 31–E, serving all intermediate points and serving as off-route points, all points within 5 miles of Bardstown and all points in the part of Nelson County lying on and north of the segment of U.S. Highway 62 between Bardstown and the Hardin County line, and lying west of U.S. Highway 31–E. NOTE: Applicant states it holds in MC 67996 Sub-3, authority covering same route limited to Alcoholic Liquors and Distillers Supplies. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 69116 (Sub-No. 115), filed July 25, 1968. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual

value, classes A and B explosives, livestock, household goods as described by the Commission, commodities in bulk, and those requiring special equipment, (1) between Grand Rapids and Kalamazoo, Mich., over U.S. Highway 131, as an alternate route for operating convenience only, serving no intermediate points, and (2) between the junction of U.S. Highway 131 and Michigan Highway 89, and Battle Creek, Mich., over Michigan Highway 89, as an alternate route for operating convenience only, serving no intermediate points, and serving the junction of U.S. Highway 131 and Michigan Highway 89 for joinder purposes only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 69316 (Sub-No. 5), filed June 26, 1968. Applicant: GEORGE T. DONNER, doing business as CHECKER MOVING, Post Office Box 136, Mount Holly, N.J. Applicant's representative: A. Davis Milliner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kent and New Castle Counties, Del.; Baltimore, Harford, and Kent Counties, Md.; Atlantic, Burlington, Camden, Cape May, Cumberland, Essex, Gloucester, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Somerset, Union, and Warren Counties, N.J.; and Berks, Bucks, Carbon, Chester, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Philadelphia, and Schuylkill Counties, Pa. NOTE: Tacking is proposed with existing authority of applicant and of A. A. Lexington Moving & Storage Co., Inc., at common points in New Jersey and Pennsylvania. Applicant states that no duplicating authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 69901 (Sub-No. 20), filed July 15, 1968. Applicant: COURIER-NEWSOM EXPRESS, INC., Post Office Box 509, Columbus, Ind. 47201. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with carrier's authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 73165 (Sub-No. 250) (Amendment), filed April 24, 1968, published in FEDERAL REGISTER issue of May 30, 1968, amended July 10, 1968, and republished as amended this issue. Applicant: EAGLE MOTOR LINES, INC., Post Office Box 1348, Birmingham, Ala. 35201. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from points on the Ohio River to points in Alabama, Louisiana, North Carolina, South Carolina, Tennessee, and Texas. NOTE: The purpose of this republication is to add Alabama as a destination State, thereby broadening the scope of authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 74718 (Sub-No. 14), filed July 22, 1968. Applicant: ADKINS CARGO EXPRESS, INC., 2130 South Avenue, La Crosse, Wis. 54601. Applicant's representative: Jos. E. Ludden (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and those exceeding ordinary equipment and loading facilities), serving the plantsite of the Ford Motor Co., Kentucky Truck Plant, located near the intersection of Westport Road and Murphy Lane, Jefferson County, Ky., as an off-route point in connection with applicant's presently authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., Chicago, Ill., or Washington, D.C.

No. MC 75320 (Sub-No. 142), filed July 15, 1968. Applicant: CAMPBELL SIXTH-SIX EXPRESS, INC., Post Office Box 807, Springfield, Mo. 65801. Applicant's representative: P. E. Adams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and except livestock, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requirinig special equipment, and those injurious or contaminating to other lading, between Chicago, Ill., and Birmingham, Ala., from Chicago over U.S. Highway 41 to Hopkinsville, Ky., thence over U.S. Highway 41A to Nashville, Tenn., thence over Interstate Highway 65 (U.S. Highway 31 to extent necessary because of the incompleteness of Interstate 65), to Birmingham, and return over the same route, serving no intermediate points as an alternate route for operating convenience only in connection with applicant's regular-routes operations between Chicago and Birmingham. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Birmingham, Ala.

No. MC 77424 (Sub-No. 36), filed July 24, 1968. Applicant: WENHAM TRANSPORTATION, INC., 3200 East 79th Street, Cleveland, Ohio 44104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers, caps, stoppers, and covers*, from points in McKean County, Pa., to points in Indiana, Illinois, the Lower Peninsula of Michigan, and to St. Louis and Jefferson City, Mo., and (2) *materials, equipment, and supplies* used in the manufacture, packing, and shipping of glass containers, caps, stoppers, and covers, from points in the described destinations in (1) above, to points in McKean County, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 79999 (Sub-No. 4), filed July 23, 1968. Applicant: E. JACK WALTON TRUCKING COMPANY, a corporation, 13020 Sarah Lane, Houston, Tex. 77015. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and conduit, including couplings, fittings, and materials* necessary for installation, *except* pipe, pipe line materials, machinery, and equipment incidental to, or used in the construction, repairing or dismantling of gas, gasoline, oil, and water pipe lines, including the stringing of pipe, from the plantsites and warehouses of Johns-Manville Products Corp., at or near Denison, Tex., and Marrero, La., to points in Oklahoma, Kansas, Texas, New Mexico, and Louisiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., New Orleans, La., or Houston, Tex.

No. MC 87720 (Sub-No. 84), filed July 24, 1968. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Office furniture*, crated, from Newbern, Tenn., to points in the United States, except Alaska and Hawaii; (2) *Materials and supplies*, ether than in bulk, from points in the United States to Newbern, Tenn.; and (3) *Returned shipments* in the reverse direction. Restriction: The proposed service to be performed under a contract or continuing contracts with Sheller-Globe Corp., Globe-Wernicke Division. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 92273 (Sub-No. 4), filed June 17, 1968. Applicant: JOE SAIA, 2630 Fifth Street, Sacramento, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, uncrated household goods and personal effects, livestock, liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank vehicles, tank trailers, tank semitrailers, or a combination of such highway vehicles, commodities in bulk, logs), (1) between Sacramento, Calif., and junction U.S. Highway 50 and Nevada Highway 28 at or near Glenbrook, Nev., as follows: (a) from Sacramento over U.S. Highway 50 via

Placerville and Stateline, Calif., to junction Nevada Highway 28 at or near Glenbrook (also from junction U.S. Highway 50 and California Highway 89 at or near Al Tahoe, Calif., over California Highway 89 to junction U.S. Highway 40 at or near Truckee, Calif.) (also from junction California Highways 89 and 28 at or near Tahoe City, Calif., over California Highway 28 to the California-Nevada State line, thence over Nevada Highway 28 to junction U.S. Highway 50 at or near Glenbrook), and (b) from Sacramento over U.S. Highway 40 via Auburn, Calif., to Truckee, thence over California Highway 89 to junction U.S. Highway 50 at or near Al Tahoe, Calif. (also from junction California Highways 89 and 28 at or near Tahoe City to junction Nevada Highway 28 and U.S. Highway 50 at or near Glenbrook as described in (a) above); and return over the same routes or over a combination of the routes described in (1) (a) and (b) above, serving in (a) above, all intermediate points and off-route points within 5 miles of the specified highways (except between Sacramento and Fresh Pond, Calif.), and in (b) above, all intermediate and off-route point within 5 miles of the specified highways (except between Sacramento and Bowman, Calif.), and (2) between Truckee, Calif., and Kings Beach, Calif., over unnumbered highways, serving all intermediate and off-route points within 5 miles of the specified route. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sacramento, Calif., Reno, Nev., and San Francisco, Calif.

No. MC 96098 (Sub-No. 28), filed July 16, 1968. Applicant: H. H. FOLLMER TRANSPORTATION, INC., Post Office Box 389, Milton, Pa. 17847. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printing paper*, from Urbana, Franklin, and Dayton, Ohio, to points in New York, New Jersey, Connecticut, and Pennsylvania, and (2) *paper sealing tape*, gummed, from Troy, Ohio to points in New York, New Jersey, Connecticut, and Pennsylvania under contract with St. Regis Paper Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 99656 (Sub-No. 2), filed July 23, 1968. Applicant: IDDINGS TRUCKING, INC., New Matamoras, Ohio 45767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are usually transported in dump trucks, between points in Monroe, Washington, and Noble Counties, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 102567 (Sub-No. 125), filed July 23, 1968. Applicant: EARL GIBBON TRANSPORT, INC., 235 Benton Road, Post Office Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, 816 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, in bulk, from Avondale, La., to points in Illinois, Iowa, Nebraska, Minnesota, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 103993 (Sub-No. 330), filed July 15, 1968. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Cleveland County, N.C., to points in the United States on and east of the Mississippi River, including Louisiana and Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Shelby, N.C.

No. MC 105457 (Sub-No. 61), filed July 16, 1968. Applicant: THURSTON MOTOR LINES, INC., 601 Johnson Road, Charlotte, N.C. 28201. Applicant's representative: Roland Rice, Suite 618, Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), between Greenville, S.C., and Memphis, Tenn.: From Greenville over U.S. Highway 123 to Cornelia, Ga., thence over U.S. Highway 23 to Gainesville, Ga., thence over Georgia Highway 141 to junction Georgia Highway 306, thence over Georgia Highway 306, to junction U.S. Highway 19, thence over U.S. Highway 19 to junction Georgia Highway 20 at or near Cumming, Ga., thence over Georgia Highway 20 to junction U.S. Highway 411, thence over U.S. Highway 411 to Rome, Ga., thence over Georgia Highway 20 to Alabama-Georgia State Line, thence over Alabama Highway 9 to junction Alabama Highway 68 at or near Cedar Bluff, Ala., thence over Alabama Highway 68 to junction Alabama Highway 75, thence over Alabama Highway 75 to junction U.S. Highway 431 at or near Albertsville, Ala., thence over U.S. Highway 431 to Guntersville, Ala., thence over Alabama Highway 69 to junction Alabama Highway 67 at or near Baileyton, Ala., thence over Alabama Highway 67 to junction U.S Highway 31, thence over U.S. Highway 31 to Decatur, Ala., thence over Alternate U.S. Highway 72 to junction U.S. Highway 72 at or near Tuscumbia, Ala., thence over U.S. Highway 72 to Memphis, and return over the same route, serving all intermediate points in Tennessee, the intermediate point of Iuka, Miss., and all other points in Tennessee as off-route points, and serving the junction of Alternate U.S. Highway 72 and U.S. Highway 43 and junction Georgia Highway 20 and U.S. Highway 41 for joinder only; (2) between Knoxville, Tenn., and junction Tennessee Highway 57 and U.S. Highway 72 at or near Collierville, Tenn.:

From Knoxville over U.S. Highway 11 to Chattanooga, Tenn., thence over U.S. Highway 64 to Bolivar, Tenn., thence over Tennessee Highway 18 to junction Tennessee Highway 57 at or near Grand Junction, Tenn., thence over Tennessee Highway 57 to junction U.S. Highway 72, and return over the same route, serving all intermediate points in Tennessee and all other points in Tennessee and Iuka, Miss., as off-route points; (3) between junction Georgia Highway 20 and U.S. Highway 41 and Chattanooga, Tenn.: From junction Georgia Highway 20 and U.S. Highway 41 over U.S. Highway 41 to Chattanooga, and return over the same route, serving all intermediate points in Tennessee and all other points in Tennessee as off-route points; (4) between Monteagle, and Nashville, Tenn.: From Monteagle over U.S. Highway 41 to Nashville, and return over the same route, serving all intermediate points in Tennessee and all other points in Tennessee as off-route points, (5) between junction Alternate U.S. Highway 72 and U.S. Highway 43 at or near Tuscumbia, Ala., and Savannah, Tenn.: From junction Alternate U.S. Highway 72 and U.S. Highway 43 at or near Tuscumbia over U.S. Highway 43 to Florence, Ala., thence over Alabama Highway 20 to the Alabama-Tennessee State Line, thence over Tennessee Highway 69 to Savannah, and return over the same route, serving all intermediate points in Tennessee and all other points in Tennessee and Iuka, Miss.; as off-route points, (6) between Charlotte, N.C., and Memphis, Tenn.:

From Charlotte over North Carolina Highway 16 to junction U.S. Highway 70 at or near Conover, N.C., thence over U.S. Highway 70 to junction U.S. Highway 70N at or near Crossville, Tenn., thence over U.S. Highway 70N to junction U.S. Highway 70 approximately 14 miles southwest of Nashville, Tenn., thence over U.S. Highway 70 to junction Alternate U.S. Highway 70 at or near Huntingdon, Tenn., thence over Alternate U.S. Highway 70 to junction U.S. Highway 70 at or near Brownsville, Tenn., and thence over U.S. Highway 70 to Memphis, and return over the same route, serving all intermediate points in Tennessee and all other points in Tennessee; and Mayfield, Ky., as off-route points. NOTE: Applicant proposes to use above authority in conjunction with all existing authority. Applicant further states that it now holds common carrier authority over the routes sought herein, restricted to the transportation of shipments moving to, through, or from a point in South Carolina, or points located within 35 miles of Clover, S.C. The purpose of the application is to eliminate that gateway requirement as to these routes. If a hearing is deemed necessary, applicant requests it be held at Nashville or Memphis, Tenn., or Charlotte, N.C.

No. MC 105566 (Sub-No. 5) (amendment), filed June 18, 1968, published in the FEDERAL REGISTER issue of July 4, 1968, amended and republished as amended this issue. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 68, East Prairie, Mo. 63845. Applicant's representative: Thomas F. Kilroy, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden boxes*, from Gideon, Mo., to points in Wyoming, Colorado, and Utah. NOTE: If a hearing is deemed necessary, applicant does not specify a location. This republication adds the State of Wyoming.

No. MC 107107 (Sub-No. 394), filed July 18, 1968. Applicant: ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, Miami, Fla. 33142. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery, and related advertising and promotional materials and premiums*, when shipped with candy and confectionery, from Salem, Va., and points within 10 miles thereof, and Richmond, Va., to points in Florida, Georgia, Alabama, Mississippi, Louisiana, and Texas. NOTE: If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 670), filed July 22, 1968. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855; Des Moines, Iowa 50304, Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, except salt and urea, (1) between points in Arkansas, Colorado, Kansas, Missouri, Oklahoma, and Texas, and (2) from points in Louisiana and Mississippi, and Memphis, Tenn., to points in Colorado, Kansas, Missouri, Oklahoma, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Des Moines, Iowa.

No. MC 107496 (Sub-No. 671), filed July 22, 1968. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from the plantsites of Central Farmers Fertilizer Co., and Missouri Farmers Association, Inc. (MFA), near Palmyra, Marion County, Mo., to points in Arkansas, Illinois, Iowa, Kansas, Missouri, and Nebraska. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jefferson City, Mo., or Des Moines, Iowa.

No. MC 108207 (Sub-No. 245), filed July 22, 1968. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Dallas, Tex. 75222. Applicant's representative: J. B. Ham, Post Office Box 5888, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and articles used by restaurants* (except commodities in bulk), between Loring, Kans., on the one hand, and, on the other, points in Winnebago, Ogle, Lee, Bureau, Putnam, Marshall, Livingston, Ford Iroquois, Kankakee, Grundy, La Salle, Kendall, De Kalb, Kane, Boone, McHenry, Lake, Du Page, Will, and Cook Counties, Ill., Montague, Cook, Grayson, Fannin, Lamar, Delta, Hopkins, Collin, Hunt, Denton, Jack, Wise, Palo Pinto, Parker, Tarrant, Hill, Dallas, Rockwall, Franklin, Rains, Wood, Kaufman, Van Zandt, Smith, Henderson, Anderson, Freestone, Limestone, Navarro, Ellis, Johnson, Hood, Erath, Somervell, Bosque, McLennan, Hamilton, and Falls Counties, Tex., Mendoceno, Lake, Sonoma, Napa, Marin, Solano, Yolo, Sutter, Sacramento, Contra Costa, Joaquin, Stanislaus, San Mateo, Santa Cruz, Santa Clara, Merced, Alameda, San Benito, Monterey, and San Francisco; Santa Barbara, Ventura, San Luis Obispo, Kern, Los Angeles, Orange, Riverside, San Diego, and San Bernardino Counties, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 110098 (Sub-No. 93), filed July 22, 1968. Applicant: ZERO REFRIGERATED LINES, a corporation, 815 Merida Street, Box 7429, Station A, San Antonio, Tex. 78207. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Texas to points in Arizona, California, New Mexico, Nevada, Oregon, and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Antonio or Dallas, Tex.

No. MC 111401 (Sub-No. 256), filed July 23, 1968. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the plantsite of E. I. du Pont Co., Pineville (Rapides Parish), La., to points in Arkansas, Mississippi, and Texas: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Washington, D.C.

No. MC 111670 (Sub-No. 3), filed July 18, 1968. Applicant: ABLE TRUCKING CO., INC., 615 Industrial Road, Carlstadt, N.J. 07072. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel strapping, stitching wire, strapping accessories, and packaging materials*, from the plantsite of Delta Mercantile Corp., Woodside, N.Y., to Philadelphia, Pa., points in Fairfield County, Conn.; Rockland and Orange Counties, N.Y., and points in New Jersey. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 111729 (Sub-No. 266), filed July 18, 1968. Applicant: AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Commonwealth Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records and audit and accounting media of all kinds, and advertising material moving therewith*, (a) between Rosendale, N.Y., on the one hand, and, on the other, points in Bergen County, N.J., (b) between points in Middlesex County, N.J., on the one hand, and, on the other, East Boston, Mass., (c) between Toledo, Ohio, and South Bend, Ind., (d) between points in New Haven County, Conn., on the one hand, and, on the other, points in Albany, Nassau, and Westchester Counties, N.Y.; Essex and Mercer Counties, N.J.; Suffolk County, Mass.; Philadelphia County, Pa.; and Baltimore, Md., (e) between points in Hartford County, Conn. (except the City of Hartford), on the one hand, and, on the other, points in Putnam, Rockland, and Westchester Counties, N.Y., (f) between points in Hartford County, Conn., on the one hand, and, on the other, points in Dutchess County, N.Y., and Philadelphia County, Pa., (g) between Celina, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, Michigan (except Detroit, Mich.), and Pennsylvania, (h) between Delaware, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, Michigan (except Detroit, Mich.), Pennsylvania, and West Virginia, (i) between Paulding, Ohio, and Chicago, Ill., (j) between Pittsburgh, Pa., on the one hand, and, on the other, Bayonne, N.J.; Chicago, Ill.; New York, N.Y.; Rockville, Md.; and Washington, D.C.

(2) *Small machine parts and tools*, restricted against the transportation of packages or articles weighing in the aggregate more than 75 pounds from one consignor to one consignee on any one day, between points in Hartford County, Conn., on the one hand, and, on the other, points in Berkshire, Hampden, Hampshire, and Worcester Counties, Mass.; Middlesex County, N.J.; Queens County, N.Y.; and Philadelphia County, Pa., (3) *designs, blueprints, engineering drawings, accompanying documents, and results of laboratory tests*, (a) between points in Hartford County, Conn., on the one hand, and, on the other, points in Berkshire, Hampden, Hampshire, and Worcester Counties, Mass.; Middlesex County, N.J.; Queens County, N.Y.; and Philadelphia County, Pa., (b) between Paulding, Ohio, and Chicago, Ill., (4) *paint samples, coatings, and resins*, restricted against the transportation of packages or articles weighing in the aggregate more than 75 pounds from one consignor to one consignee on any one day, between Delaware, Ohio, on the one hand, and, on the other points in Indiana, Kentucky, Michigan, Pennsylvania,

and West Virginia, (5) *bottled oil samples, maps, promotion items, and miscellaneous small hardware, consisting of small valves, surveyor's instruments, portable pumps, pump parts, tank measuring sticks, boiler fire eyes,* restricted against the transportation of packages or articles weighing in the aggregate more than 75 pounds from the consignor to one consignee on any one day, between points in Middlesex County, N.J., on the one hand, and, on the other, East Boston, Mass.

(6) *Engineering samples to be tested,* restricted against the transportation of packages or articles weighing in the aggregate more than 75 pounds from one consignor to one consignee on any one day, between Toledo, Ohio, and South Bend, Ind., (7) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising literature* moving therewith (except motion picture film used primarily for theater and television exhibition), (a) between Toledo, Ohio, on the one hand, and, on the other, Chicago, Ill.; Rochester, N.Y.; points in the Lower Peninsula of Michigan; Adams, Allen, De Kalb, Franklin, Jay, Randolph, Steuben, Union, and Wayne Counties, Ind., (b) between New York, N.Y., on the one hand, and, on the other, points in Berks, Bucks, Chester, Cumberland, Dauphin, Delaware, Franklin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Northampton, and York Counties, Pa., (c) between Allentown, Pa., on the one hand, and, on the other, points in Fairfield, Hartford, Litchfield, New Haven (except Hartford and Windsor, Conn.); and New London Counties, Conn.; and Dutchess County, N.Y., (8) *cameras, projectors, tape recorders, electronic flash units, light meters, and other electronic components for repair,* between Toledo, Ohio, on the one hand, and, on the other, Chicago, Ill.; Rochester, N.Y.; points in the Lower Peninsula of Michigan; Adams, Allen, De Kalb, Franklin, Jay, Randolph, Steuben, Union, and Wayne Counties, Ind., (9) *works of art (paintings, drawings, prints, and/or sculpture)* between points in Suffolk County, Mass.; on the one hand, and, on the other, points in Worcester County, Mass.; Hartford and New Haven Counties, Conn.; points in Bronx, Kings, Nassau, New York, Queens, Richmond, Suffolk, and Westchester Counties, N.Y. NOTE: Applicant holds authority as a contract carrier in MC 112750 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 111856 (Sub-No. 5), filed July 22, 1968. Applicant: CHOCTAW TRANSPORT, INC., 954 Bay Bridge Road, Prichard, Ala. 36610. Applicant's representative: John W. Cooper, 1301 City Federal Building, Birmingham, Ala. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods,* 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), (1) between Prichard, Ala., and Mississippi State line, over U.S. Highway 90 and Interstate Highway 10, serving all intermediate points, (2) between Grand Bay and Prichard, Ala., from Grand Bay, over Alabama Highway 188 to junction Alabama Highway 163, thence over Alabama Highway 163 to junction U.S. Highway 90 and Interstate Highway 10, thence over U.S. Highway 90 and Interstate Highway 10 to Prichard, and return over the same route, serving all intermediate points, (3) between Irvington, Ala., and junction Alabama Highway 188 and County Highway 39, over County Highway 39, serving all intermediate points, (4) between Theodore, Ala., and junction Alabama Highway 188 and County Highway 59, over County Highway 59, serving all intermediate points, (5) between Theodore, Ala., and junction Alabama Highway 163 and County Highway 32, over County Highway 32, serving all intermediate points, and (6) between the junction of County Highways 59 and 22 and junction Alabama Highway 163 and County Highway 22, over County Highway 22, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.

No. MC 112520 (Sub-No. 187), filed July 22, 1968. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: William I. Hill, II, Second Floor, Hill Building, Montgomery, Ala. 36101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chemicals,* in bulk, from points in Alabama, except Mobile, Ala., to points in Gulf and Bay Counties, Fla. NOTE: Applicant states it intends to tack with its present authority to serve Mobile, Ala. If a hearing is deemed necessary, applicant requests it be held at Montgomery or Birmingham, Ala.

No. MC 112713 (Sub-No. 104), filed July 24, 1968. Applicant: YELLOW TRANSIT FREIGHT LINES, INC., Box 8462, 92d at State line, Kansas City, Mo. 64114. Applicant's representative: John M. Records (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods,* 17 M.C.C. 467, commodities in bulk and those requiring special equipment), serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, Ky., as an off-route point in connection with carrier's regular route operations to and from Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Detroit, Mich.

No. MC 113678 (Sub-No. 321), filed July 19, 1968. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen poultry and poultry products,* from Schamburg, Ill., to points in Colorado, Arizona, Nebraska, Iowa, Oregon, and California. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113784 (Sub-No. 29), filed July 18, 1968. Applicant: CANAL CARTAGE LIMITED, a corporation, Post Office Box 368, Station C, Hamilton, Ontario, Canada. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry fertilizer, feed, and feed ingredients,* in bulk, between ports of entry in Michigan and New York located on or adjacent to the international boundary line between the United States and Canada, on the one hand, and, on the other, points in Delaware, Indiana, Maryland, New Jersey, New York, Ohio, and Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

No. MC 113861 (Sub-No. 42), filed July 19, 1968. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Avenue, Memphis, Tenn. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Asphalt,* in bulk, from Memphis, Tenn., to points in Arkansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 114019 (Sub-No. 190) (Amendment), filed June 24, 1968, published FEDERAL REGISTER issue of July 11, 1968, and republished as amended this issue. Applicant: MIDWEST EMORY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Hog mucus,* liquid, in bulk, in tank vehicles, from points in Missouri, Minnesota, Wisconsin, and Iowa, to Chicago, Ill. (2) *Animal fats, animal oils, and vegetable oils, including products and blends thereof,* in bulk, in tank vehicles, from Champaign, Ill., to points in Virginia, West Virginia, North Carolina, and Maryland. The purpose of this republication is to show that Minnesota has been added as an origin point in (1) above. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115311 (Sub-No. 89), filed July 17, 1968. Applicant: J & M TRANSPORTATION, Post Office Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell and Bill R. Davis, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Composition boards and materials and accessories* used in the installation thereof, from points in Henry County, Tenn., to points in Georgia, Alabama, Mississippi, Louisiana, Florida, North Carolina, South Carolina, Virginia, West Virginia, Arkansas, Missouri, Kentucky, Illinois, and the District of Columbia, and (2) *materials* used in the manufacture and distribution of composition boards, except in bulk, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Atlanta, Ga.

No. MC 115876 (Sub-No. 19), filed July 22, 1968. Applicant: ERWIN HURNER, 2605 South Rivershore Drive, Moorhead, Minn. 56560. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Dairy products, beverages, and frozen foods,* from Moorhead, Minn. to Rapid City, S. Dak., under contract with Fairmont Foods Co., Inc. NOTE: Applicant also holds common carrier authority under MC 117148, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 116280 (Sub-No. 7), filed July 17, 1968. Applicant: W. C. McQUAIDE, INC., 153 Macridge Avenue, Johnstown, Pa. 15904. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Clothing,* between the Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on the other, Duncansville, Pa., restricted to transportation having a prior or subsequent movement by air. NOTE: Applicant holds contract carrier authority in MC 88299, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Johnstown or Harrisburg, Pa.

No. MC 116856 (Sub-No. 2), filed July 25, 1968. Applicant: DON G. BREWER, doing business as JACKSON-VICTOR EXPRESS, 601 West Norwood Street, Jackson, Wyo. 83001. Applicant's representative: Robert A. Hufsmith, Post Office Box 988, Jackson, Wyo. 83001. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities,* except petroleum products, in bulk, in tank vehicles, classes A and B explosives, and household goods as defined by the Commission, between Idaho Falls, Idaho, on the one hand, and, on the other, Victor, Idaho, from Idaho Falls over U.S. Highway 26 to junction U.S. Highway 26 and Idaho Highway 48, thence over Idaho Highway 48 to junction Idaho Highway 48 and U.S. Highway 191, thence over U.S. Highway 191 to junction U.S. Highway 191 and Idaho Highway 33, thence over Idaho Highway 33 to Victor, Idaho, and return over the same route. Restriction: Service is restricted against traffic destined to points in Idaho east of Idaho Falls on traffic from Idaho Falls. NOTE: Applicant states it will tack at Victor, Idaho, to connect Idaho Falls, Idaho, to points in Teton County, Wyo., with its presently held authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Wyo., or Idaho Falls, Idaho.

No. MC 117730 (Sub-No. 11), filed July 22, 1968. Applicant: KOUBENEC MOTOR SERVICE, INC., 641 Maple Lane, Batavia, Ill. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Sand,* in bags from Oregon, Ill., to points in Rock County, Wis., and (2) *Sand,* in bags, in bulk, from Oregon, Ill., to points in Green, Racine, and Walworth Counties, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119118 (Sub-No. 24), filed July 23, 1968. Applicant: LEWIS W. McCURDY, doing business as McCURDY'S TRUCKING CO., Post Office Box 388, Latrobe, Pa. 15650. Applicant's representative: Paul F. Sullivan, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages,* in containers, from Columbus, Ohio, to points in Pennsylvania, on and west of U.S. Highway 15, and empty containers, on return. NOTE: Applicant indicates tacking possibilities with its existing authority under MC 119118 (Sub-Nos. 16 and 18), wherein applicant is authorized to serve points in the States of Indiana, Maryland, Michigan, New York, New Jersey, Ohio, Pennsylvania, and West Virginia. Applicant holds contract carrier authority under MC 116564 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 119767 (Sub-No. 211), filed July 18, 1968. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst, Post Office Box 339, Burlington, Wis. 53105. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* from Austin, Ind., to points in the Upper Peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119777 (Sub-No. 112), filed July 24, 1968. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box L, Madisonville, Ky. 42431. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber,* from points in New Mexico to points in Michigan, Ohio, West Virginia, Virginia, North Carolina, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, and the District of Columbia. NOTE: Applicant holds contract carrier authority in MC 126970 and Subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 121373 (Sub-No. 2), filed July 17, 1968. Applicant: EVANS TRANSFER, INC., U.S. Highway 81 North, Grand Forks, N. Dak. 58201. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier,* by motor vehicle, transporting: *General commodities,* except classes A and B explosives and commodities in bulk. A. *REGULAR ROUTES:* (1) Between East Grand Forks, Minn., and Neche, N. Dak., (a) from East Grand Forks over U.S. Highway 81 to junction North Dakota Highway 5, thence over North Dakota Highway 5, to junction North Dakota Highway 18, thence over North Dakota Highway 18, to Neche and return over the same route, serving all intermediate points and the off-route point of Bathgate, N. Dak., and (b) from junction U.S. Highway 81 and North Dakota Highway 44, over North Dakota Highway 44 and Interstate Highway 29 to junction U.S. Highway 81, as an alternate route for operating convenience only; (2) between Grafton and Edmore, N. Dak., from Grafton, over North Dakota Highway 17 to Edmore, and return over the same route, serving all intermediate points and the off-route point of Adams, N. Dak.; (3) between Edmore, and Langdon, N. Dak.; from Edmore over North Dakota Highway 17 to junction North Dakota Highway 1, thence over North Dakota Highway 1 to Langdon and return over the same route, serving all intermediate points; (4) between Langdon and Hamilton, N. Dak., from Langdon, over North Dakota Highway 5 to Hamilton, and return over the same route, serving all intermediate points; (5) between Hamilton, N. Dak., and the international boundary between the United States and Canada near Pembina, N. Dak.; from Hamilton, over North Dakota Highway 81 to said international boundary and return over the same routes, serving all intermediate points; (6) between junction North Dakota Highway 5 and North Dakota Highway 32 and Walhalla, N. Dak.; from said junction over North Dakota Highway 32 to Walhalla, and return over the same route, serving all intermediate points.

B. *Irregular routes:* (1) Between Fargo and points within 10 miles thereof, Grand Forks, Minot, and Williston, N. Dak., on the one hand, and, on the other, points in that territory bounded on the west by the North Dakota-Montana State line, on the north by North Dakota Highway 5, on the south by U.S. Highway 2, and on the east by U.S. Highway 81, including points on said highways; (2) between points in that territory bounded on the east by the North Dakota-Minnesota State line, on the north by the international boundary line, on the west by the North Dakota Highway 18, and on the south by a line running directly east of Cavalier, N. Dak., to the Minnesota State line, on the one hand, and, on the other, points in North Dakota, as well as between points in the territory described by metes and bounds above; (3) between points in North Dakota within a 25-mile radius of Grafton, N. Dak.; (4) between Grafton, N. Dak., and points within 25 miles thereof on the

one hand, and, on the other, points in North Dakota, (a) restricted against service from and to Fargo, N. Dak., and points within 25 miles thereof, (b) restricted against service between Williston, Minot, and Grand Forks, N. Dak., on the one hand, and, on the other, points within 25 miles of Grafton, N. Dak., which are west of U.S. Highway No. 81. NOTE: Applicant states it holds a certificate of registration under No. MC 121373 (Sub-No. 1), wherein it is authorized to serve the points involved herein, except East Grand Forks, Minn. If a hearing is deemed necessary, applicant requests it be held at Fargo or Grand Forks, N. Dak.

No. MC 121499 (Sub-No. 1), filed July 15, 1968. Applicant: WILLIAM HAYES LINES, INC., Hartman Drive, Lebanon, Tenn. 37087. Applicant's representative: Walter Harwood, 515 Nashville Bank and Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission in 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment), (1) between Nashville and Lebanon, Tenn., over U.S. Highway 70, serving all intermediate points; (2) between Nashville and Lebanon, Tenn., over Interstate Highway 40, serving all intermediate points; (3) between Lebanon, Tenn., and junction Tennessee Highways 25 and 10, over Tennessee Highway 10, serving all intermediate points; (4) between Lebanon, Tenn., and Louisville, Ky., and points within 6 miles of Louisville: (a) From Lebanon over U.S. Highway 231 to junction U.S. Highway 31E, thence over U.S. Highway 31E to Louisville and return over the same route, serving no intermediate points; (b) from Lebanon over U.S. Highway 231 to junction U.S. Highway 31E, thence over U.S. Highway 31E to Glasgow, Ky., thence over Kentucky Highway 90 to junction U.S. Highway 31W, thence over U.S. Highway 31W to junction Kentucky Highway 70, thence over Kentucky Highway 70 to junction Interstate Highway 65, thence over Interstate Highway 65 to Louisville, and return over same route, serving no intermediate points; (c) from Lebanon over U.S. Highway 231 to junction U.S. Highway 31E, thence over U.S. Highway 31E to junction Kentucky Highway 218, thence over Kentucky Highway 218 to junction Interstate Highway 65, thence over Interstate Highway 65 to Louisville, and return over same route, serving no intermediate points; (d) from Lebanon over U.S. Highway 70 to junction Tennessee Highway 109, thence over Tennessee Highway 109 to junction Interstate Highway 65, thence over Interstate Highway 65 to Louisville, and return over same route, serving no intermediate points; (e) from Lebanon over Interstate Highway 40 to junction Interstate Highway 65 at or near Nashville, thence over Interstate Highway 65 to Louisville, and return over same route, serving no intermediate points. Restriction: Restricted against the handling of traffic which originates at, is destined to, or interlined at Nashville, Tenn., and its commercial zone, on the one hand, and, on the other hand, which originates at, is destined to, or interlined at Louisville, Ky., and points within 6 miles of Louisville. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 123067 (Sub-No. 69), filed July 18, 1968. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Applicant's representative: B. M. Shirley, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials and ingredients*, in bulk, from Williamston, N.C. to points in Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123245 (Sub-No. 5), filed July 17, 1968. Applicant: LEESER & STAUFFER TRUCK SERVICE, INC., Taylor, Mo. 63471. Applicant's representative: Robert L. Hawkins, Jr., 312 East Capitol Avenue, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers, fertilizer ingredients, and ammonium nitrate*, from the plantsite and facilities of Missouri Farmers Association, Inc., and Central Farmers Fertilizer Co. at or near Palmyra, Mo., in Marion County, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, and Nebraska. NOTE: Applicant holds contract carrier authority in MC 113865, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis or Jefferson City, Mo.

No. MC 124813 (Sub-No. 55), filed July 19, 1968. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, from Colony, Wyo., to points in Iowa, Minnesota, Nebraska, and Wisconsin. NOTE: Applicant states it is authorized to operate as a contract carrier under MC 118468, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 124952 (Sub-No. 4), filed July 19, 1968. Applicant: RUSSELL HASINEILLER, doing business as R & H TRANSPORT, Box 28, Craigville, Ind. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nonalcoholic beverages*, from the plantsite of Steury Bottling Co., Inc., at Bluffton, Ind., to points in Michigan, Ohio, Illinois, Kentucky, Wisconsin, and St. Louis, Mo.; (2) *nonalcoholic beverage containers*, from Chicago, Ill., to the plantsite of Steury Bottling Co., Inc., at Bluffton, Ind.; and (3) *pallets*, from points in Michigan, Ohio, Illinois, Kentucky, Wisconsin, and St. Louis, Mo., to the plantsite of Steury Bottling Co., Inc., at Bluffton, Ind., all under contract with Steury Bottling Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 125123 (Sub-No. 3), filed July 19, 1968. Applicant: MARY DICK AND HOLLIS A. DICK, a partnership, doing business as DICK TRANSFER, Bethany, Ill. 61914. Applicant's representative: Robert T. Lawley, 308 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Equipment used for storing, handling, and applicating* fertilizer, and parts and components *fertilizer, and parts and components thereof*, (1) from Decatur, Ill., and St. Charles, Ill., to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, and Tennessee; and, (2) from Chillicothe, Ohio, to points in Alabama, Arkansas, Georgia, Indiana, Iowa, Kansas, Illinois, Kentucky, Louisiana, Mississippi, Michigan, Minnesota, Missouri, Pennsylvania, Tennessee, and Wisconsin, under contract with Tryco Manufacturing Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or St. Louis, Mo.

No. MC 125433 (Sub-No. 8), filed July 19, 1968. Applicant: F-B TRUCK LINE COMPANY, a corporation, 4255 South Second West, Salt Lake City, Utah 84107. Applicant's representative: Duane W. Acklie, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Kitchen and Bathroom cabinets, accessories and materials* used in the installation thereof, from Salt Lake City, Utah, to points in Washington, Idaho, Oregon, California, Nevada, Arizona, New Mexico, Wyoming, Colorado, and Montana, and (2) *supplies, materials, and equipment* utilized in the manufacture and distribution of kitchen and bathroom cabinets, from points in Washington, Idaho, Oregon, California, Nevada, Arizona, New Mexico, Wyoming, Colorado, and Montana, to Salt Lake City, Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 125474 (Sub-No. 19), filed July 24, 1968. Applicant: BULK HAULERS, INC., Post Office Box 3201, Wilmington, N.C. 28401. Applicant's representative: John C. Bradley, 618 Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials, nitric acid, anhydrous ammonia, and nitrogen solutions*, from points in Hertford County, N.C. to points in Delaware, Georgia, Maryland, New Jersey, Pennsylvania, South Carolina, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Washington, D.C.

No. MC 125708 (Sub-No. 93), filed July 19, 1968. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Containers* from Alton, Ill. to points in Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 125777 (Sub-No. 124), filed July 19, 1968. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Scrap metals*, in dump vehicles, (1) from points in New York, Maryland, Delaware, New Jersey, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Virginia, Georgia, North Carolina, and South Carolina to Cleveland and Montpelier, Ohio; (2) from points in Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Colorado, Texas, Oklahoma, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, and Florida, to Cleveland and Montpelier, Ohio; and (3) between ports of entry on the United States-Canada boundary line at or near Niagara Falls, N.Y., and Detroit, Mich., on the one hand, and, on the other, all States named in (1) and (2) above, restricted to shipments originating at or destined to points in Canada; and (B) *ferro alloys, metal alloys, metals, sand, ore, lime, limestone, and limestone products*, in dump vehicles, (1) from Graham, W. Va., and Vancoram, Ohio, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, and (2) from points in Connecticut, Delaware, Indiana, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Vermont, Virginia, and West Virginia, to Graham, W. Va., and Vancoram, Ohio, restricted to shipments originating at and destined to the plantsite and facilities of Foote Mineral Co. at Graham, W. Va., and Vancoram, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 125978 (Sub-No. 8), filed July 26, 1968. Applicant: DEPENDABLE CAR TRAVEL SERVICE, INC., Hotel National, Suite 201, 592 Seventh Avenue, New York, N.Y. 10036. Applicant's representative: Charles H. Trayford, 137 East 36th Street, New York, N.Y. 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used passenger automobiles*, with or without baggage and personal effects of owners of such vehicles, in a driveway service, (1) between points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania, and (2) between points in Florida, restricted to the transportation of used passenger automobiles with or without baggage and personal effects having an immediately prior or subsequent movement in freight forwarder service. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 126118 (Sub-No. 7), filed July 22, 1968. Applicant: GEORGE M. HILL, doing business as HILL TRUCKING COMPANY, Route 8, Johnson City, Tenn. 37601. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. 37660. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (1) from Milwaukee, Wis.; Cincinnati, Ohio; and Newark, N.J., to Johnson City and Knoxville, Tenn., and (2) from Newark, N.J., to Bristol and Norton, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 126603 (Sub-No. 2), filed July 21, 1968. Applicant: R. MENARD TRANSPORT, LTD., St. Phillippe County of LaPrarie; Quebec, Canada. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dressed lumber and rough lumber*, from ports of entry on the international boundary line between the United States and Canada at or near Champlain, Rouses Point, Trout River, Alexandria Bay, Rosseveltown, and Ogdensburg, N.Y.; Morses Line, Richford, North Troy, Derby Line, and Norton, Vt.; Van Buren, Houlton, Jackman, Vanceboro, and Calais, Maine, to points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, and Delaware. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany or Plattsburgh, N.Y.

No. MC 127204 (Sub-No. 7), filed July 24, 1968. Applicant: KINDSVATER, INC., Fort Dodge Road, Dodge City, Kans. 67801. Applicant's representative: Arthur L. Claussen, 303 New England Building, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from points in Kansas on and west of U.S. Highway 281, on the one hand, and, on the other, points in Arkansas, Colorado, Missouri, Nebraska, Oklahoma, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Topeka, or Dodge City, Kans.

No. MC 127215 (Sub-No. 40), filed July 22, 1968. Applicant: KENDRICK CARTAGE CO., a corporation, Post Office Box 63, Salem, Ill. 62881. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from the plantsite of Central Farmers Fertilizer Co., at or near Palmyra (Marion County), Mo., to points in Illinois and Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128356 (Sub-No. 2), filed July 10, 1968. Applicant: DOWNINGTOWN TRAILER CARRIERS, INC., 410 South Brandywine Avenue, Downingtown, Pa. 19335. Applicant's representative: Paul Ribner, 400 Penn Square Building, Juniper and Fibert Streets, Philadelphia, Pa. 19107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used trailers*, excluding housetrailers, between the plantsites of the Gindy Manufacturing Corp., located in Lebanon and Honeybrook, Pa., and the village of Eagle, Upper Uwchlund Township, Chester County, Pa.; and Pennsauken and Moorestown, N.J., and points in New York, Ohio, West Virginia, Virginia, North Carolina, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 128539 (Sub-No. 1), filed July 24, 1968. Applicant: H & P TRANSIT COMPANY, a corporation, Post Office Box 1456, Kinston, N.C. 28501, Applicant's representative: John C. Bradley, 618 Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Fertilizer and fertilizer materials, nitric acid, anhydrous ammonia and nitrogen solutions*, from points in Hertford County, N.C., to points in Delaware, Georgia, Maryland, New Jersey, Pennsylvania, South Carolina, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Washington, D.C.

No. MC 129046 (Sub-No. 5), filed July 19, 1968. Applicant: BURKS-PELZ TRANSFER, INC., 1751 West Ohio Street, Post Office Box 6014, Station B, Evansville, Ind. 47710. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Dress Memorial Airport at or near Evansville, Ind., on the one hand, and, on the other, points in Vanderburg and Warrick Counties, Ind., and Henderson, Hopkins, Daviess, Webster, and Union Counties, Ky.; restricted to traffic having an immediately prior or subsequent movement by air. NOTE: Applicant has contract carrier authority under MC 69876 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Evansville, Ind., or Louisville, Ky.

No. MC 129640 (Sub-No. 1), filed July 24, 1968. Applicant: KENNETH BETZOLD, doing business as BETZOLD TRUCKING, Route 1, Farmington, Minn. 55024. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular

routes, transporting: *Wooden pallets,* from Farmington, Minn., to Mason City, Iowa, under contract with Uhl's Industrial Wood Manufacturing. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 129654 (Sub-No. 2), filed July 24, 1968. Applicant: J. L. ANDERSON, doing business as J. L. ANDERSON AND SON, Post Office Box 471, Wendell, Idaho 83355. Applicant's representative: R. W. Wigton, 509 Plymouth Street., Post Office Box 1107, Sioux City, Iowa 51102. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Such supplies and equipment* as are used by beekeepers exclusively in the tending or care of live bees and in the packaging or production of honey and beeswax, and *honey and/or beeswax* when moving in mixed shipments with the above supplies and equipment, (a) between Wendell, Idaho, on the one hand, and, on the other, points in Arizona, Colorado, California, Iowa, Minnesota, Montana, Nebraska, New Mexico, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, and (b) between Anaheim, Calif., on the one hand, and, on the other, points in Arizona, Colorado, Iowa, Idaho, Minnesota, Montana, Nebraska, New Mexico, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, restricted to shipments originating or terminating at apiaries of members of Sioux Honey Association, in connection with (a) and (b) above, (2) *materials, equipment, and supplies* used by honey processing, storing, and distributing plants and by apiaries; *honey and/or beeswax* when moving in mixed shipments with such materials, equipment and supplies; between plants, warehouses or storage facilities used by Sioux Honey Association located at Anaheim, Calif.; Sioux City, Iowa; Temple, Tex.; and Wendell, Idaho, (3) *such supplies, and equipment* as are used by beekeepers in the tending or care of live bees and the packaging or production of honey and beeswax; and *such supplies, and equipment* as used by honey processing, storing and distributing plants, (a) from Hamilton, Ill., and Polson, Mont., to Wendell, Idaho, and (b) from Hamilton, Ill., and Polson, Mont., to points in Arizona, California, Colorado, Idaho, Iowa, Minnesota, Montana, Nebraska, New Mexico, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, restricted to shipments terminating at apiaries of members of Sioux Honey Association, (4) *glass bottles, jars, and bowls,* (a) from Ada, Okla., El Monte, Calif., and Santa Ana, Calif., to Wendell, Idaho, and (b) from Seattle, Wash., to Wendell, Idaho, (5) *metal caps,* for bottles, and jars, from El Monte, Calif., to Wendell, Idaho, (6) *plastic articles,* other than expanded; *honey,* when moving in mixed shipments with such plastic articles, from Anaheim, Calif., to Wendell, Idaho, and (7) *metal cans, set up,* not exceeding 5 gallon capacity, from Los Angeles and San Francisco, Calif., to Wendell, Idaho, under contract with Sioux Honey Association. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Boise, Idaho.

No. MC 129871 (Sub-No. 2), filed July 18, 1968. Applicant: L. W. McELROY, 321 Chestnut, Rich Hill, Mo. 64779. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Clay targets, class C ammunition and lead shot,* from the plantsite of the Winchester Western Division of the Olin Mathieson Chemical Corp., at or near East Alton, Ill., to points in Iowa, Kansas, Nebraska, Missouri, Oklahoma, and Arkansas under contract with B. E. Hodgdon, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 129922 (Sub-No. 2), filed July 26, 1968. Applicant RODNEY M. BOWIE, doing business as BOWIE'S STONE SUPPLY CO., Route 1, Box 51, Dickerson, Md. 20753. Applicant's representative: Robert R. Tiernan, 1712 N Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Flagstone, granite, and slate,* other than crushed or pulverized, from points in Vermont, Pennsylvania, New York, New Jersey, Tennessee, North Carolina, Virginia, and Ohio, to points in the District of Columbia, Maryland, and Virginia, under contracts with Battista Stone Co., Inc., and A. D. Battista & Son, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133031, filed July 16, 1968. Applicant: HAROLD C. HORAH, INC., 279 West Chestnut Hill Road, Newark, Del. 19711. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Christmas decorations and aluminum furniture,* from (1) points in the New York, N.Y., commercial zone, as defined by the Commission, Paterson, N.J., and Amsterdam, N.Y., to the District of Columbia, and points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Wisconsin, and those in Minnesota, on east of a line beginning at the international boundary line between the United States and Canada and extending south along the western boundaries of Koochiching and Itasca Counties to the Mississippi River, and thence south along the Mississippi River to the Minnesota-Wisconsin State line, and (2) between points in the New York, N.Y., commercial zone, as defined by the Commission, Paterson, N.J., and Amsterdam, N.Y., under contract with the Consolidated Novelty Co., Consolidated Chair Co., Delta Novelty Co., Mirrostar Products Co. NOTE: If a hearing is deemed necessary, applicant request it be held at Washington, D.C., or New York, N.Y.

No. MC 133038 (Sub-No. 1), filed July 22, 1968. Applicant: FIRST SCOTT STREET CORPORATION, 249 Schweizer, Detroit, Mich. 48226. Applicant's representative: William J. Boyd, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* from Detroit, Mich., to points in Arizona, California, Colorado, New Mexico, Nevada, Oregon, Utah, and Washington. NOTE: Applicant holds contract carrier authority under MC 128634 and Subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 133044, filed July 22, 1968. Applicant: WESSON FARMS, INC., General Delivery, Victoria, Ark. 72388. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *John Deere Farm Tractors and Implements,* from Waterloo, Iowa; Des Moines, Iowa; Moline, Ill.; and, Horicon, Wis., to Osceola, Ark.; Monette, Ark.; Joiner, Ark., and Blytheville, Ark., under contract with Missco, Inc., Osceola, Ark., and Joiner, Ark.; Missco Implement Co., of Blytheville, Inc., Blytheville, Ark.; Missco Implement Co., Monette, Ark. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Little Rock, Ark.

MOTOR CARRIERS OF PASSENGERS

No. MC 107583 (Sub-No. 42), filed July 18, 1968. Applicant: SALEM TRANSPORTATION CO., INC., 1222 Jerome Avenue, Bronx, New York, N.Y. 10452. Applicant's representative: George H. Rosen, 265 Broadway, Monticello, N.Y. 12701. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Passengers and their baggage,* in the same vehicle with passengers, in special operations in nonscheduled door-to-door service, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats, between Philadelphia, Pa., points in the Philadelphia, Pa., commercial zone as defined by the Commission, and Wilmington, Del., on the one hand, and, on the other, John F. Kennedy International Airport, New York, N.Y. NOTE: Applicant states it presently holds 8 passenger authority for the identical service. By this application it seeks to increase the limitation in its authority to 11 passengers in any one vehicle. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 129575 (Sub-No. 1), filed July 19, 1968. Applicant: LEWIS PIERCE, doing business as HIGHWAY 2 EXPRESS, 1321 First Avenue North, Grand Forks, N. Dak. 58201. Applicant's representative: E. J. Hanson, Box 1177, Grand Forks, N. Dak. 58201. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers,* in the same vehicle with passengers, between Grand Forks and Minot, N. Dak., over U.S. Highway 2, serving all intermediate points (except those between Grand Forks and junction U.S. Highway 2 and North Dakota Highway 18). NOTE: If a hearing is deemed necessary, applicant requests it be held at Grand Forks or Fargo, N. Dak.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130064 (correction), filed July 10, 1968, published in FEDERAL REGISTER issue of July 25, 1968, and republished as corrected this issue. Applicant: M. B. LEPOW, doing business as CENTRAL TRAVEL BUREAU, 222 Worthington Street, Springfield, Mass. 01103. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. For a license (BMC 5), to engage in operations as a broker at Springfield, Mass., in arranging for the transportation in interstate or foreign commerce of *Passengers and their baggage,* both as individuals and in groups, in special and charter operations, between points in the United States, including Alaska and Hawaii. NOTE: The purpose of this republication is to reflect the correct name of applicant, which was erroneously shown in previous publication.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 103435 (Sub-No. 204), filed July 15, 1968. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, INC., East 4005 Broadway, Spokane, Wash. 99220. Applicant's representative: George Labissoniere, 920 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Cranberry food products,* serving Markham, Wash., as an off-route point in connection with carriers authorized regular-route operations. NOTE: Applicant states it holds all of the issued and outstanding stock of Nortrock Corporations and its subsidiaries which hold authority from the Interstate Commerce Commission, therefore, common control may be involved.

No. MC 111981 (Sub-No. 17), filed July 22, 1968. Applicant: ROBIDEAU'S EXPRESS, INC., 2701 South Front Street, Philadelphia, Pa. 19148. Applicant's representative: Charles H. Trayford, 137 East 36th Street, New York, N.Y. 10016. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Food and food products,* in vehicles equipped with mechanical refrigeration, from Florence, N.J., to Colonie, N.Y. NOTE: Applicant states it will tack with its MC 11981 at Florence, N.J., to enable service to points in Pennsylvania, New Jersey, Delaware, and Maryland, and with its Sub 14 to enable service to Delaware, Maryland, New Jersey, New York, Virginia, and the District of Columbia.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9412; Filed, Aug. 7, 1968; 8:45 a.m.]

EUGENE S. ROOT

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (20 F.R. 10086; 21 F.R. 3475, 9198; 22 F.R. 3777, 9450; 23 F.R. 3798, 9501; 24 F.R. 4187, 9502; 25 F.R. 102; 26 F.R. 1693, 6405; 27 F.R. 648, 6409; 28 F.R. 197, 7060; 29 F.R. 1675, 981; 30 F.R. 1073, 9342; 31 F.R. 592, 9432; 32 F.R. 2404, 11190; and 33 F.R. 609) for the period from January 1, 1968, through June 30, 1968.

Nothing to report.

E. S. ROOT.

JULY 2, 1968.

[F.R. Doc. 68-9470; Filed, Aug. 7, 1968; 8:47 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 5, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41411—*Insulating material between points in western trunkline territory.* Filed by Western Trunk Line Committee, agent (No. A-2561), for interested rail carriers. Rates on insulating material, as described in the application, in carloads, between points in western trunkline territory.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Supplement 45 to Western Trunk Line Committee, agent, tariff ICC A-4669.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9471; Filed, Aug. 7, 1968; 8:47 a.m.]

[Notice 184]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 5, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70579. By order of July 26, 1968, the Transfer Board approved the transfer to Canal Cartage (1968), Ltd., Hamilton, Ontario, Canada, of the operating rights in certificates Nos. MC-113784 (Sub-No. 7) and MC-113784 (Sub-No. 16) issued October 23, 1959, and July 24, 1968, respectively, to Canal Cartage, Ltd., Hamilton, Ontario, Canada, authorizing the transportation, over irregular routes, of scrap metal, in dump type motor vehicles, between ports of entry on the United States-Canada boundary line at Buffalo and Niagara Falls, N.Y., on the one hand, and, on the other, points in Chautauqua, Erie, and Niagara Counties, N.Y.; commodities in bulk (other than cement, dry sugar, and liquid commodities), in dump vehicles and tank vehicles, between the above ports of entry, on the one hand, and, on the other, points in New York; urea and ammonium nitrate, dry, in bulk, cullet, grinding balls, pig iron, and scrap metal from ports of entry in Michigan and New York to points in Illinois, Indiana, Ohio, New Jersey, and Pennsylvania; pig iron from ports of entry in Michigan and New York to points in Michigan; grinding balls from the port of entry at Saulte Ste. Marie, Mich., to points in Michigan; scrap metal from points in Illinois, Indiana, Ohio, Pennsylvania, New York (except Chautauqua, Erie, and Niagara Counties), and the Lower Peninsula of Michigan (except Detroit and points within 8 miles thereof) to ports of entry in Michigan and New York; and coal tar pitch, fluorspar, ferro phosphorous, clay, lime, sand, and soybean meal, in bulk, from Cannelton, Leetsdale, and New Galilee, Pa., and points in Illinois, Indiana, New Jersey, and Ohio (except Ironton and Strasburg) to ports of entry in Michigan and New York. William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202, attorney for applicants.

No. MC-FC-70612. By order of July 26, 1968, the Transfer Board approved the transfer to Kenneth G. Estes, Kingsford,

Mich., of certificate No. MC–106857, issued December 12, 1947, to Dona J. Trudell, doing business as Trudell Transfer, Iron Mountain, Mich., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, from Iron Mountain, Mich., to points in Marinette, Florence, and Forest Counties, Wis. John R. Weber, Longyear Building, Marquette, Mich. 49855, attorney for applicants.

No. MC–FC–70667. By order of July 29, 1968, the Transfer Board approved the transfer to Auto Messenger Service, Inc., Philadelphia, Pa., of the operating rights in certificates Nos. MC–65529 and MC–65529 (Sub-No. 1) issued May 14, 1941, and July 7, 1964, respectively, to Meyer Adleman, doing business as New Jersey Messenger Service, Philadelphia, Pa., authorizing the transportation of general commodities, with usual exceptions, between Philadelphia, Pa., and Camden, N.J., on the one hand, and, on the other, points in that part of New Jersey on and south of New Jersey Highway 33, and automobile and truck parts, accessories and supplies, between the warehouse site of General Motors Corp., at King of Prussia, Pa., on the one hand, and, on the other, points in that part of New Jersey on and south of New Jersey Highway 33. Philip M. Shiekman, Cohen, Shapiro, Berger, Polisher & Cohen, 22d Floor, PSFS Building, Philadelphia, Pa. 19107, attorney for applicants.

No. MC–FC–70676. By order of July 31, 1968, the Transfer Board approved the transfer to Arthur Brundage, Inc., doing business as Oneonta Bus Lines, 46 Orchard Street, Oneonta, N.Y. 13820, of certificate No. MC–89578, issued May 16, 1950, to Arthur M. Brundage, doing business as Oneonta Bus Lines, 46 Orchard Street, Oneonta, N.Y. 13820, authorizing the transportation of: Passengers and their baggage, restricted to traffic originating at the point indicated, in charter operations, from Oneonta, N.Y., to points in New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, Connecticut, Vermont, Massachusetts, and the District of Columbia.

H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–9472; Filed, Aug. 7, 1968; 8:47 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—AUGUST

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during August.

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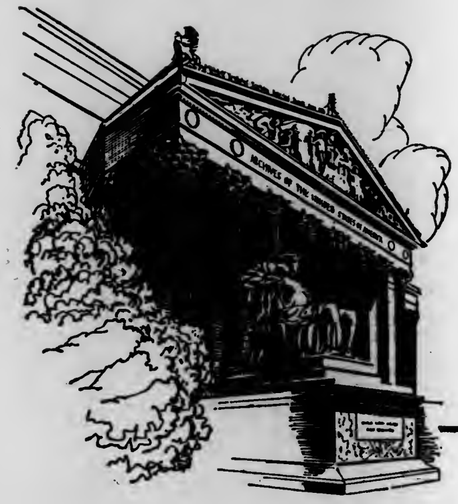
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Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Prune Reg. 6]

PART 925—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREG.

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement and Order No. 925 (7 CFR Part 925) regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oreg., under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the recommendations of the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of fresh prunes, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 12, 1968. A reasonable determination as to the supply of, and the demand for, prunes must await the development of the crop and adequate information thereon was not available to the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee until July 23, 1968; recommendation as to the need for, and the extent of, regulation of shipments of such prunes was made at the meeting of said committee on July 23, 1968, after consideration of all available information relative to the supply and demand conditions for such prunes, at which time the recommendation and supporting information were submitted to the Department; necessary supplemental data for consideration in connection with the specification of the provisions of this section were not available until August 2, 1968; shipments of the current crop of such prunes are expected to begin on or about the effective date hereof; and this section should be applicable, insofar as practicable, to all shipments of such prunes in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 925.307 Prune Regulation 6.

(a) *Order.* During the period August 12, 1968, through December 31, 1968, no handler shall handle any lot of prunes unless such prunes meet the following applicable requirements, or are handled in accordance with subparagraph (3) of this paragraph:

(1) Minimum grade and size requirements: Such prunes grade at least U.S. No. 1 and are a minimum size of 1⅛ inches in diameter: *Provided,* That prunes which are affected by healed hail marks may be shipped if they otherwise grade at least U.S. No. 1.

(2) Containers: The net weight of prunes in any container, other than the one-half (½) bushel basket shall be either (1) less than 20 pounds, or (2) more than 30 pounds.

(3) Notwithstanding any other provision of this regulation, any individual shipment of prunes which, in the aggregate, does not exceed 150 pounds net weight may be handled without regard to the restrictions specified in this paragraph (a) or in § 925.41 (Assessment) and 925.55 (Inspection and certification) of this part.

(4) The terms "U.S. No. 1," "diameter," and "hail marks" shall have the same meaning as when used in the U.S. Standards for Fresh Plums and Prunes (7 CFR 51.1520–51.1538); and terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 6, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9508; Filed, Aug. 8, 1968; 8:45 a.m.]

[958.313]

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Limitation of Shipments

Notice of rule making regarding a proposed limitation of shipments, to be effective under Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958) regulating the handling of onions grown in designated counties in Idaho and Malheur County, Oreg., was published in the July 31, 1968, FEDERAL REGISTER (33 F.R. 10881). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to submit data, views or arguments pertaining thereto not later than 5 days following its publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice which was recommended by the Idaho-Eastern Oregon Onion Committee, established pursuant to the said marketing agreement and order, it is hereby found that the limitation of shipments regulation, hereinafter set forth, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1968 crop onions grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to growers, this regulation should apply to all such shipments, (3) producers and handlers have operated under this marketing order program since 1957, so special preparation on the part of handlers is not required, and (4) notice of the proposed regulation has been given to producers and handlers of onions in the production area and such notice was also published in the FEDERAL REGISTER of July 31, 1968.

§ 958.313 Limitation of shipments.

During the period from August 10, 1968, through June 15, 1969, no person may handle any lot of yellow or white varieties of onions unless such onions are at least "moderately cured" as defined in paragraph (e) of this section or unless such onions are handled in accordance with paragraphs (b) and (c), or paragraph (d), of this section, and beginning August 19, 1968, no person may handle any lot of such onions unless they meet the requirements of paragraph (a) of this section, or unless such onions are handled in accordance with paragraphs (b) and (c), or paragraph (d), of this section.

(a) *Minimum grade and size requirements*—(1) *yellow varieties*—(i) *Grade.* U.S. No. 1; or U.S. No. 2 if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality.

(ii) *Size.* 2 inches in diameter.

(2) *White varieties*—(i) *Grade.* (a) U.S. No. 1; or U.S. No. 2 if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality.

(b) U.S. No. 2, or better, grade if the minimum and maximum diameters of the onions in the lot are not less than 1 inch nor more than 2 inches.

(ii) *Size.* Except as otherwise provided in subdivision (i)(b) of this subparagraph, 1½ inches minimum diameter.

(b) *Special purpose shipments.* The minimum grade, size and quality requirements of this section shall not be applicable to shipments of onions for any of the following purposes:

(1) Plantings;
(2) Livestock feed;
(3) Charity;
(4) Dehydration;
(5) Canning; and
(6) Freezing.

(c) *Safeguards.* Each handler making shipments of onions for dehydration, canning, or freezing pursuant to paragraph (b) of this section shall:

(1) First apply to the committee for and obtain a Certificate of Privilege to make such shipments;

(2) Prepare, on forms furnished by the committee, a report in quadruplicate on each individual shipment to such outlets authorized in paragraph (b) of this section;

(3) Bill or consign each shipment directly to the applicable processor; and

(4) Forward one copy of such report to the committee office, and two copies to the processor for signing and returning one copy to the committee office. Failure of the handler or processor to report such shipments by promptly signing and returning the applicable report to the committee office shall be cause for cancellation of such handler's Certificate of Privilege and/or the processor's eligibility to receive further shipments pursuant to such Certificate of Privilege. Upon cancellation of any such Certificate of Privilege the handler may appeal to the committee for reconsideration.

(d) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 1 ton of onions each day without regard to the inspection and assessment requirements of this part, if such onions meet minimum grade, size, and quality requirements of this section. This exception shall not apply to any portion of a shipment that exceeds 1 ton of onions.

(e) *Definitions.* The terms "U.S. No. 1" and "U.S. No. 2" shall have the same meaning as when used in the U.S. Standards for Grades of Onions (§§ 51.2830–51.2853 of this title). The term "moderately cured" means the onions are mature and are definitely fairly well cured but they need not be completely dry. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 130 and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. Dated August 6, 1968, to become effective August 10, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9530; Filed, Aug. 8, 1968; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 68-SO-21]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On June 18, 1968, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 8850), stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the NAS Albany, Ga., control zone and the Albany, Ga., 700-foot transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to the publication of the notice, the geographic coordinate (lat. 31°33'25" N., long. 83°53'40" W.) for Sylvester Airport was obtained from Coast and Geodetic Survey. Additionally, the geographic coordinate for Sylvester RBN was refined to lat. 31°33'27" N., long. 83°53'34" W.

Since these amendments are editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the descriptions accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 17, 1968, as hereinafter set forth.

In § 71.171 (33 F.R. 2058), the NAS Albany, Ga., control zone is amended to read:

NAS ALBANY, GA.

Within a 5-mile radius of NAS Albany (lat. 31°35'50" N., long. 84°05'05" W.); within 2 miles each side of the Albany VORTAC 110° radial, extending from the 5-mile radius zone to 12 miles E of the VORTAC; within 2 miles each side of the NAS Albany TACAN 038° radial, extending from the 5-mile radius zone to 7.5 mile NE of the TACAN; within 2 miles each side of the 031° bearing from the NAS Albany LF RBN (lat. 31°35'52" N., long. 84°05'42" W.), extending from the 5-mile radius zone to 8 miles NE of the RBN; within 2 miles each side of the 031° bearing from the NAS Albany UHF RBN (lat. 31°35'58" N., long. 84°05'56" W.), extending from the 5-mile radius zone to 12 miles NE of the RBN; excluding the airspace which coincides with the Albany, Ga. (Municipal Airport), control zone.

In § 71.181 (33 F.R. 2137), the Albany, Ga., 700-foot transition area is amended to read:

ALBANY, GA.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Albany Municipal Airport (lat. 31°32'08" N., long. 84°11'34" W.); within a 10-mile radius of NAS Albany (lat. 31°35'50" N., long. 84°05'50" W.); within a 5-mile radius of Sylvester Airport (lat. 31°33'25" N., long. 83°53'40" W.); within 2 miles each side of the Albany VORTAC 110° radial, extending from the NAS Albany 10-mile radius area to the VORTAC; within 2 miles each side of the Albany VORTAC 145° radial, extending from the 9-mile radius area to the VORTAC; within 2 miles each side of the 194° bearing from the Sylvester RBN (lat. 31°33'27" N., long. 83°53'34" W.), extending from the 5-mile radius area to 8 miles S of the RBN;

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on July 30, 1968.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 68-9499; Filed, Aug. 8, 1968; 8:45 a.m.]

[Airspace Docket No. 68-AL-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On May 30, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 7883) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations which would alter the Yakutat, Alaska, 1,200-foot transition area by adding a 1,200-foot transition area to the southeast. Interested persons were given 30 days to submit written comments or objections regarding the proposed amendment. No comments or objections were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 10, 1968, as hereinafter set forth:

1. In § 71.171 (33 F.R. 2058) the Yakutat, Alaska, transition area is amended to read as follows:

YAKUTAT, ALASKA

That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Yakutat VORTAC, and within a 15-mile radius of the Yakutat RR, excluding the portion NE of a line 5 miles NE of and parallel to the Yakutat VORTAC 319° and 139° radials; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Yakutat VORTAC 147° radial, extending from the 15-mile radius area to 18 miles SE of the VORTAC; and within 5 miles each side of the Yakutat VORTAC 119° radial, extending from the 15-mile radius area to 65 miles southeast of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Anchorage, Alaska, on July 31, 1968.

JOHN R. KULLMAN,
Brigadier General, USAF, Acting Director, Alaskan Region.

[F.R. Doc. 68-9500; Filed, Aug. 8, 1968; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9033; Amdt. 609]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Herndon VOR	DO RBn	Direct	2000	T-dn	300-1	300-1	300-1½
Potomac Int	DO RBn	Direct	2000	C-dn$	700-1	700-1	700-1½
GTN RBn	DO RBn	Direct	2000	S-dn-36¢	500-1	500-1	500-1
Ironsides Int	DO RBn	Direct	1500	A-dn	800-2	800-2	800-2

Radar available.
Procedure turn W. side of crs, 181° Outbnd, 001° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 001°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing DO NDB, make a left-climbing turn to 2000', proceed to GTN NDB, hold NW GTN NDB on bearing 144° Inbnd, 1-minute, right turns.
CAUTION: 442' monument 1.7 miles W of final approach crs, 193' stacks 1.3 miles S of airport, 500' monument approximately 1.7 miles N of airport.
NOTE: Jet operations restricted between the hours 2300-0700 local time.
¢Reductions not authorized for turbojets.
$All turbojet aircraft circling visibility minimums, 2 miles.
MSA within 25 miles of facility: 000°-090°—2100'; 090°-180°—1600'; 180°-270°—1700'; 270°-360°—2100'.

City, Washington; State, D.C.; Airport name, Washington National; Elev., 15'; Facility class., H-SAB; Ident., DC; Procedure No. NDB (ADF) Runway 36, Amdt. 3; Eff. date, 29 Aug. 68; Sup. Amdt. No. ADF 1, Amdt. 2; Dated, 11 June 65

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	NA
				C-dn	600-2	600-2	NA
				S-dn-23	600-2	600-2	NA
				A-dn	NA	NA	NA

Procedure turn N side of crs, 073° Outbnd, 253° Inbnd, 2500' within 10 miles.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 253°—6.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.6 miles after passing OCT VOR, make climbing left turn to 2500', return to OCT VOR. Hold E, 1-minute right turns, 253° Inbnd.
NOTE: Use Evansville altimeter setting.
MSA within 25 miles of facility: 000°-090°—1000'; 090°-180°—2300'; 180°-270°—2600'; 270°-360°—1900'.

City, Madisonville; State, Ky.; Airport name, Madisonville Municipal; Elev., 438'; Fac. Class., L-BVOR; Ident., OCT; Procedure No. VOR Runway 23, Amdt. 1; Eff. date, 29 Aug. 68; Sup. Amdt. No. VOR 1, Orig.; Dated, 18 Jan. 64

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
COL VOR	Arlene Int	Via COL, R 045°..	2000	T-dn	300–1	300–1	200–½
Arlene Int	CRI VOR (final)	Via R 221°	**1800	LDIN-dn-13L%.	800–2	800–2	800–2
				LDIN-dn-13R%.	1000–3	1000–3	1000–3
				C-dn	NA	NA	NA
				A-dn	1000–3	1000–3	1000–3

ASR.
Procedure turn not authorized.
Minimum altitude over facility on final approach crs, **1800'; over JFK R 280°, **1800'.
Crs and distance, facility to lead-in lights, 041°—1.7 miles. Arc distance via lead-in lights to Runway 13L, 4.7 miles; 13R, 3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 2.5 miles after passing CRI VOR and/or at intersection of JFK VOR R 295° turn right to heading of 100° climb to 3000', intercept and proceed via JFK VOR R 077° to DPK VOR. Hold E, 1-minute, left turns, 257° Inbnd.
AIR CARRIER NOTE: Sliding scale not authorized.
%LDIN (lead-in light system) must be operational to execute this procedure. When visual reference established at 2.5 miles beyond CRI VOR, follow lead-in lights to Runway 13L or 13R. Do not descend below 500' until runway threshold in sight.
**1900' mandatory altitude unless advised by ATC (1000' minimum).
MSA within 25 miles of facility: 000°–090°—2600'; 090°–180°—1400'; 180°–270°—2000'; 270°–360°—2600'.

City, New York; State, N.Y.; Airport name, John F. Kennedy International; Elev., 12'; Fac. Class., T-VORW; Ident., CRI; Procedure No. VOR Runway 13L/13R, Amdt. 7; Eff. date, 29 Aug. 68; Sup. Amdt. No. VOR-13L/13R, Amdt. 6; Dated, 25 Apr. 68

2. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Ardmore, Okla.—Ardmore Municipal, ADF 1, Amdt. 3, 6 July 1963 (established under Subpart C).
Blackstone, Va.—Blackstone AAF, ADF 1, Amdt. 3, 24 Apr. 1965 (established under Subpart C).
Lake Charles, La.—Municipal, NDB (ADF) Runway 15, Amdt. 9, 1 Apr. 1967 (established under Subpart C).
Muskogee, Okla.—Davis Field, NDB (ADF) Runway 31, Amdt. 4, 25 Nov. 1967 (established under Subpart C).
Providence, R.I.—Theodore Francis Green State, ADF 1, Amdt. 7, 21, Jan. 1967 (established under Subpart C).
Springfield, Mo.—Municipal, NDB (ADF) Runway 1, Amdt. 7, 26 Oct. 1967 (established under Subpart C).
Springfield, Mo.—Municipal, NDB (ADF) Runway 13, Amdt. 3, 26 Aug. 1967 (established under Subpart C).
Ardmore, Okla.—Downtown Ardmore, VOR–1, Orig., 8 Dec. 1966 (established under Subpart C).
Ardmore, Okla.—Ardmore Municipal, VOR 1, Amdt. 3, 16 Apr. 1966 (established under Subpart C).
Bluefield, W. Va.—Mercer County, VOR 1, Amdt. 2, 15 June 1963 (established under Subpart C).
Florence, S.C.—Municipal, VOR 1, Amdt. 3, 7 Sept. 1963 (established under Subpart C).
Iron Mountain, Mich.—Ford, VOR Runway 1, Orig., 30 Mar. 1967 (established under Subpart C).
Iron Mountain, Mich.—Ford, VOR Runway 31, Amdt. 1, 30 Mar. 1967 (established under Subpart C).
Lake Charles, La.—Municipal, VOR 1, Amdt. 5, 5 June 1965 (established under Subpart C).
Liberty, Tex.—Liberty Air Service, VOR 1, Amdt. 1, 21 Mar. 1964 (established under Subpart C).
Okmulgee, Okla.—Okmulgee Municipal, VOR 1, Amdt. 4, 28 Aug. 1965 (established under Subpart C).
Pecos, Tex.—Pecos Municipal, VOR 1, Orig., 13 June 1964 (established under Subpart C).
Springfield, Mo.—Municipal, VOR Runway 19, Amdt. 6, 26 Aug. 1967 (established under Subpart C).

3. By amending § 97.13 of Subpart B to delete terminal very high frequency omnirange (TerVOR) procedures as follows:

Providence, R.I.—Theodore Francis Green State, TerVOR–5L/5R, Amdt. 6, 21 Jan. 1967 (established under Subpart C).

4. By amending § 97.15 of Subpart B to amend very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
KG LFR	AKN VORTAC	Direct	2000	T-dn	300–1	300–1	200–½
				T-dn-29°	300–1	300–1	300–1
				C-dn*	500–1	500–1	500–1½
				S-dn-29#	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 111° Outbnd, 291° Inbnd, 2000' within 10 miles beyond 8-mile DME Fix. Nonstandard.
Minimum altitude over 10-mile DME Fix, 1300'; 8-mile DME Fix, 900' on final approach crs.
Crs and distance, 8-mile DME Fix to airport, 291°—3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 5-mile DME Fix, climb straight ahead to AKN VORTAC. Continue climb to 1700' on R 291° within 10 miles.
NOTE: When authorized by ATC, DME may be used to position aircraft for final approach at 2000' on all radials within 15 miles with elimination of procedure turn.
*Radio towers 262'—¼ mile W of airport.
#400–¾ authorized with operative HIRL except 4-engine turbojet aircraft.
MSA within 25 miles of facility: 000°–090°—3000'; 090°–180°—2000'; 180°–270°—1500'; 270°–360°—1500'.

City, King Salmon; State, Alaska; Airport name, King Salmon; Elev., 57'; Fac. Class., H-BVORTAC; Ident., AKN; Procedure No. VOR/DME–29, Amdt. 2; Eff. date, 29 Aug. 68; Sup. Amdt. No. VOR/DME No. 1, Amdt. 1; Dated, 30 Apr. 66

5. By amending § 97.15 of Subpart B to delete very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

Lake Charles, La.—Municipal, VOR/DME 1, Orig., 22 May 1965 (established under Subpart C).
Providence, R.I.—Theodore Francis Green State, VOR/DME–1, Amdt. 1, 21 Jan. 1967 (established under Subpart C).

6. By amending § 97.17 of Subpart B to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Herndon VOR	LOM	Direct	2000	T-dn*	300–1	300–1	200–½
Potomac Int	LOM	Direct	2000	C-dn, 15, 18, 21, 33$	700–1	700–1	700–1½
Nottingham VOR	LOM	Direct	2000	C-dn–33$$#	500–1	500–1	500–1½
Ironsides Int	LOM	Direct	1600	S-dn–36#%	$200–½	$200–½	$200–½
				A-dn	700–2	700–2	700–2

Category II special authorization required: TDZ, 14'. S–dn–36 DH 150', RVR 1600', 164' MSL, RA 16.

Radar available.
Procedure turn W side 8 crs, 183° Outbnd, 003° Inbnd, 1500' within 10 miles of OM.
Minimum altitude at glide slope interception Inbnd, 1500'.
Altitude of glide slope and distance to approach end of runway at OM, 1408'—4.6 miles, at MM, 224'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles from LOM, make left-climbing turn to 2000'; proceed to Georgetown MHW; hold NW GTN on bearing 144° Inbnd, 1-minute, right turns.
Category II missed approach: Make left-climbing turn to 2000'; proceed to Georgetown MHW; hold NW GTN on bearing 144° Inbnd, 1-minute, right turns, if contact with visual guidance system not established at DH.
NOTE: Jet operations restricted between the hours 2300–0700 local time.
CAUTION: Washington Monument 506', 1.7 miles N of airport. 193' stack 1.3 miles SW of airport. 316' stack 1.5 miles E of airport.
Supplementary charting information: Category II, DH 164' MSL located 2078' from runway threshold.
*Reductions not authorized for turbojets.
$$All turbojet aircraft circling minimums: R/W 33—600–2; R/W's 3, 15, 18, 21—700–2.
#RVR 2000' authorized for 4-engine turbojet; RVR 1800' authorized all other aircraft Runway 36.
%Descent below 214' not authorized unless approach lights visible.
$500–1 required when glide slope not utilized. 500–¾ for high-intensity runway lights and 500–½ for ALS authorized, except for turbojet aircraft.
#Circling to Runway 33 not authorized beyond the DCA VOR, R 157°.
MSA within 25 miles of LOM: 000°–090°—2100'; 090°–180°—1600'; 180°–270°—1700'; 270°–360°—2100'.

City, Washington; State, D.C.; Airport name, National; Elev., 15'; Fac. Class., ILS; Ident., I–DCA; Procedure No. ILS Runway 36, Amdt. 20; Eff. date, 29 Aug. 68; Sup. Amdt. No. ILS–36, Amdt. 19; Dated, 11 June 66

7. By amending § 97.17 of Subpart B to delete instrument landing system (ILS) procedures as follows:

Lake Charles, La.—Municipal, ILS Runway 15, Amdt. 9, 6 Jan. 1968 (established under Subpart C).
Lake Charles, La.—Municipal, LOC (BC) Runway 33, Amdt. 6, 6 Jan. 1968 (established under Subpart C).
Midland, Tex.—Midland-Odessa Regional Air Terminal, ILS Runway 10, Amdt. 3, 13 June 1968 (established under Subpart C).
Midland, Tex.—Midland-Odessa Regional Air Terminal, LOC (BC) Runway 28, Amdt. 3, 13 June 1968 (established under Subpart C).
Providence, R.I.—Theodore Francis Green State, ILS Runway 5R, Amdt. 5, 21 Jan. 1968 (established under Subpart C).
Springfield, Mo.—Municipal, ILS Runway 1, Amdt. 7, 28 Oct. 1967 (established under Subpart C).
Springfield, Mo.—Municipal, LOC (BC) Runway 19, Amdt. 7, 26 Aug. 1967 (established under Subpart C).

8. By amending § 97.19 of Subpart B to delete radar procedures as follows:

Gastonia, N.C.—Gastonia, Municipal, Radar 1, Orig., 14 Oct. 1967 (established under Subpart C).

9. By amending § 97.21 of Subpart C to amend low or medium frequency range (L/MF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LFR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	Terminal routes To—	Via	Minimum altitudes (feet)	Missed approach: MAP: 2 miles after passing GKN LFR.
Gulkana VOR	Gulkana LFR	Direct	3200	Climbing right turn direct to GKN LFR, continue climb to 3200' on NW crs GKN LFR within 15 miles.

Supplementary charting information: Antenna on airport in building area 320' west of Runway 14, 1696'.

Procedure turn W side of crs, 329° Outbnd, 149° Inbnd, 3200' within 10 miles of GKN LFR.
FAF, GKN LFR. Final approach crs, 143°. Distance FAF to MAP, 2 miles.
Minimum altitude over GKN LFR, 2500'.
MSA: N—4000'; E—13,000'; S—5800'; W—4200'.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAA	B MDA	B VIS	B HAA	C MDA	C VIS	C HAA	D MDA	D VIS	D HAA
C	2020	1	442	2040	1	462	2040	1¼	462	2140	2	562
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Gulkana; State, Alaska; Airport name, Gulkana; Elev., 1578'; Facility, GKN; Procedure No. LFR Runway 14, Amdt. 10; Eff. date, 29 Aug. 68; Sup. Amdt. No. 9; Dated, 15 Apr. 66

10. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.3 miles after passing ADM VOR.
			Climb to 2500', right turn direct to ADM VOR and hold. Supplementary charting information: Hold SW of Ardmore VORTAC R 224°, Inbnd 044° right turns, 1-minute pattern.

Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 2500' within 10 miles of ADM VOR.
FAF, ADM VOR. Final approach crs, 140°. Distance FAF to MAP, 4.3 miles.
Minimum altitude over ADM VOR, 1800'.
MSA: 180°-270°—2500'; 270°-180°—2300'.
*Use McAlester altimeter setting when control zone not effective.
*Circling MDA increased 300' when control zone not effective.
%N takeoff maintain runway heading until reaching 1300'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C*	1540	1	700	1540	1	700	1580	1¼	740	NA
A	Not authorized.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%			

City, Ardmore; State, Okla.; Airport name, Downtown Ardmore; Elev., 840'; Facility, ADM; Procedure No. VOR-1; Amdt. 1; Eff. date, 29 Aug. 68; Sup. Amdt. No. VOR 1, Orig.; Dated, 8 Dec. 66

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 8.7 miles after passing ADM VOR.
ADM NDB	ADM VORTAC	Direct	2500	Climb to 2700' on R 047° within 20 miles. Supplementary charting information: Tower 1.7 miles N, 1079'.
DUO VOR	ADM VORTAC	Direct	2600	

Procedure turn S side of crs, 227° Outbnd, 047° Inbnd, 2500' within 10 miles of ADM VORTAC.
FAF, Ardmore VORTAC. Final approach crs, 047°. Distance FAF to MAP, 8.7 miles.
Minimum altitude over ADM VORTAC, 2000'; over Autry 8-mile DME, 1360'.
MSA: 000-090°—2700'; 090-180°—2300'; 180°-270°—2500'; 270°-360°—2700'.
$Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.
*Use McAlester altimeter setting when control zone not effective except for operators with approved weather reporting service.
*Circling and straight-in MDA increased 320' when control zone not effective except operators with approved weather reporting service.
#Night operations not authorized Runways 4-22.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-4#	1360	1	596	1360	1	596	1360	1	596	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*	1360	1	596	1360	1	596	1380	1¼	618	NA
	VOR/DME Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-4#	1200	1	438	1200	1	438	1200	1	438	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*	1300	1	538	1300	1	538	1380	1¼	618	NA
A	Standard.$		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Ardmore; State, Okla.; Airport name, Ardmore Municipal; Elev., 762'; Facility, ADM; Procedure No. VOR Runway 4, Amdt. 4; Eff. date, 29 Aug 68; Sup. Amdt. No. VOR 1, Amdt. 3; Dated, 16 Apr. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: BLF VOR.
			Climb straight ahead to 5300', turn right and return to BLF VOR and hold. Supplementary charting information: Hold NE, 1-minute right turns, 230° Inbd.

Procedure turn N side of crs, 050° Outbnd, 230° Inbnd, 5200' within 10 miles of BLF VOR.
Final approach crs, 230°.
Minimum altitude over BLF VOR, 3660'.
MSA: 000°-090°—5100'; 090°-180°—5100'; 180°-270°—5800'; 270°-360°—4900'.
CAUTION: Precipitous terrain underlying this procedure. Turbulence of varying intensities may be encountered.
CAUTION: 3200' mountain ridge ½ mile S of airport boundary and 3837' tower and mountains 2½ miles SSE.
*Circling not authorized S of airport defined by runway centerlines extended.
#Night minimum visibility 2 miles.
%Climb NW on BLF VOR R 270° to 4800' before proceeding as cleared.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C*#	3660	1	803	3660	1¼	803	NA	NA
A	1000-2.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%	

City, Bluefield; State, W. Va.; Airport name, Mercer County; Elev., 2857'; Facility, BLF; Procedure No. VOR Runway 22, Amdt. 3; Eff. date, 29 Aug. 68; Sup. Amdt. No. VOR 1, Amdt. 2; Dated, 15 June 63

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.7 miles after passing FLO VORTAC.
R 006° FLO VORTAC Clockwise	R 055°, FLO VORTAC	8-mile arc	1900	Left turn, climb to 2000' direct to FLO VORTAC and hold. Supplementary charting information: Hold NE of FLO VORTAC, 235° Inbnd, right turn, 1 minute/7 miles.
8-mile arc	FLO VORTAC (NOPT)	FLO R 055°	900	

Procedure turn N side of crs, 055° Outbnd, 235° Inbnd, 1700' within 10 miles of FLO VORTAC.
FAF, FLO VORTAC. Final approach crs, 235°. Distance FAF to MAP, 3.7 miles.
Minimum altitude over FLO VORTAC, 900'.
MSA: 000°-090°—1500'; 090°-180°—1500'; 180°-270°—1800'; 270°-360°—1900'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-23	560	1	413	560	1	413	560	1	413	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	600	1	453	600	1	453	600	1¼	453	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Florence; State, S.C.; Airport name, Municipal; Elev., 147'; Facility, FLO; Procedure No. VOR Runway 23, Amdt. 4; Eff. date, 29 Aug. 68; Sup. Amdt. No. VOR 1, Amdt. 3; Dated, 7 Sept. 63

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: IMT VOR.
				Climbing left turn to 2800′ on R 320° within 10 miles, return to VOR. Supplementary charting information: Final approach crs intercepts runway centerline 2480′ from threshold. LRCO, 122.1, 123.6. TDZ elevation, 1128′.

Procedure turn E side of crs, 192° Outbnd, 012° Inbnd, 2500′ within 10 miles of IMT VOR.
Final approach crs, 012°.
Minimum altitude over IMT VOR, 1760′ (*1980′ when control zone not effective).
MSA: 000°–270°—2800′; 270°–360°—2900′.
NOTE: Prominent hill and tower 1700′, 1.7 miles NNE; hills 1400′, 1 mile S.
*Use Marquette altimeter setting when control zone not effective. Circling and straight-in MDA increased 220′ and alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.
$Night minimums 2 miles.
%Aircraft departing Runway 1, climbing left turn to 2200′ on R 313° before proceeding on crs; aircraft departing Runway 13, climbing right turn to 2200′ on R 150° before proceeding on crs; aircraft departing Runway 31, right turn not authorized until reaching 2200′.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-1*	1760	$1	632	1760	$1	632	1760	$1¼	632	1760	$1¼	632
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*$	1760	$1	611	1760	$1	611	1760	$1½	611	1760	2	611
A	Standard.*		T 2-eng. or less—500-1.$%				T over 2-eng—500-1.$%					

City, Iron Mountain; State, Mich.; Airport name, Ford; Elev., 1149′; Facility, IMT; Procedure No. VOR Runway 1, Amdt. 1; Eff. date, 29 Aug. 68; Sup. Amdt. No. Orig.; Dated, 30 Mar. 67

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: IMT VOR.
				Climb to 2800′ on R 320° within 10 miles, return to VOR. Supplementary charting information: Final approach crs intercepts runway, centerline 2620′ from threshold. LRCO, 122.1, 123.6. TDZ elevation, 1124′.

Procedure turn S side of crs, 140° Outbnd, 320° Inbnd, 2800′ within 10 miles of IMT VOR.
Final approach crs, 320°.
Minimum altitude over IMT VOR, 1640′ (*1860′ when control zone not effective).
MSA: 000°–270°—2800′; 270°–360°—2900′.
NOTE: Prominent hill and tower 1700′, 1.7 miles NNE; hills 1400′, 1 mile S.
*Use Marquette altimeter setting when control zone not effective. Circling and straight-in MDA increased 220′ and alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.
$Night minimums 2 miles.
%Aircraft departing Runway 1, climbing left turn to 2200′ on R 313° before proceeding on crs; aircraft departing Runway 13, climbing right turn to 2200′ on R 150° before proceeding on crs; aircraft departing Runway 31, right turn not authorized until reaching 2200′.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
*S-31	1640	$1	516	1640	$1	516	1640	$1	516	1640	$1¼	516
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*$	1700	$1	551	1700	$1	551	1700	$1½	551	1700	2	551
A	Standard.*		T 2-eng. or less—500-1.$%				T over 2-eng.—500-1.$%					

City, Iron Mountain; State, Mich.; Airport name, Ford; Elev., 1149′; Facility, IMT; Procedure No. VOR Runway 31, Amdt. 2; Eff. date, 29 Aug. 68; Sup. Amdt. No. 1; Dated 30 Mar. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 6.3 miles after passing LCH VOR.
LCH VORTAC 10-mile DME Fix, R 057°	LCH VORTAC (NOPT)	Direct	1500	Climb to 1500′ to Waterway Int via LCH VOR, R 249°.
Hayes Int 10-mile DME Fix, R 082°	LCH VOR (NOPT)	Direct	1500	

Procedure turn S side of crs, 062° Outbnd, 242° inbnd, 1500′ within 10 miles of LCH VOR.
FAF, LCH VOR. Final approach crs, 242°. Distance FAF to MAP, 6.3 miles.
Minimum altitude over LCH VOR, 1500′.
MSA: 000°–360°—1500′.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAA	B MDA	B VIS	B HAA	C MDA	C VIS	C HAA	D MDA	D VIS	D HAA
C	440	1	424	480	1	464	480	1½	464	580	2	564
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Lake Charles; State, La.; Airport name, Municipal; Elev., 16′; Facility, LCH; Procedure No. VOR-1, Amdt. 6; Eff. date, 29 Aug. 68; Sup. Amdt. No. VOR 1, Amdt. 5; Dated, 5 June 65

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 7.3 miles after passing DAS VOR.
Honey Int	DAS VOR (NOPT)	Direct	1600	Climb to 1600′, right turn direct to DAS VOR. Supplementary charting information: Turf runway soft when wet. 4′ fence at approach end of Runway 16. 60′ powerline at approach end of Runway 34. 4′ fence 50′ from E edge of runway. 100′ obstruction SW corner of airport. Runway lights on request. UNICOM, 122.8.

Procedure turn W side of crs, 015° Outbnd, 195° Inbnd, 1600′ within 10 miles of DAS VOR.
FAF, DAS VOR. Final approach crs, 195°. Distance FAF to MAP, 7.3 miles.
Minimum altitude over DAS VOR, 1600′.
MSA within 25 miles of DAS VOR: 000°–180°—1600′; 180°–360°—1500′.
*When Liberty Air Service altimeter setting not available, use Houston, Tex., altimeter setting and increase circling MDA by 170′.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAA	B MDA	B VIS	B HAA	C MDA	C VIS	C HAA	D VIS
C*	540	1	470	540	1	470	540	1½	470	NA
A	Not authorized.		T 2-eng or less—Standard.				T over 2-eng.—Standard.			

City, Liberty; State, Tex.; Airport name, Liberty Air Service; Elev., 70′; Facility, DAS; Procedure No. VOR-1, Amdt. 2; Eff. date, 29 Aug. 68; Sup. Amdt. No. VOR 1, Amdt. 1; Dated, 21 Mar. 64

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 4.7 miles after passing Conneaut Lake Int.
ERI VORTAC	Conneaut Lake Int	Direct	3000	Climbing left turn to 2000′ direct to Conneaut Lake Int, via YNG R 055 and hold. Supplementary charting information: Hold SW of Conneaut Lake Int, 1-minute left turns, 055° Inbnd. Final approach crs 500′ left of Runway 4 threshold. Tower 1.2 miles ENE of airport, 1900′. UNICOM, 122.8.
FKL VOR	Conneaut Lake Int	Direct	3500	
YNG VORTAC	Hartstown Int	Direct	3000	
Hartstown Int	Conneaut Lake Int (NOPT)	Direct	2500	
JFN VORTAC	Conneaut Lake Int	Direct	3000	

Procedure turn N side of crs, 235° Outbnd, 055° Inbnd, 3000′ within 10 miles of Conneaut Lake Int.
FAF, Conneaut Lake Int. Final approach crs, 055°. Distance FAF to MAP, 4.7 miles.
Minimum altitude over Conneaut Lake Int, 2500′.
MSA: 000°–090°—3000′; 090°–180°—3200′; 180°–270°—3200′; 270°–360°—2700′.
NOTE: Use YNG FSS altimeter setting.
%Departures eastbound, climb to 2900′ W of airport before proceeding on crs.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAA	B MDA	B VIS	B HAA	C VIS	D VIS
C	2320	1¼	899	2320	1½	899	NA	NA
A	Not authorized.		T 2-eng. or less—All runways 300-1.%				T over 2-eng.—All runways 300-1.%	

City, Meadville; State, Pa.; Airport name, Port Meadville; Elev., 1421′; Facility, YNG; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 29 Aug. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 9.2 miles after passing TVT VOR.
				Climbing right turn to 3000' direct to Tiverton VOR and hold. Supplementary charting information: Hold SW, 1-minute right turns, 062° Inbnd. Final approach crs to center of landing area, 1393' tower ¾ mile N of airport LRCO, 122.1.

Procedure turn S side of crs, 242° Outbnd, 062° Inbnd, 3000' within 10 miles of TVT VOR.
FAF, Tiverton VOR. Final approach crs, R 062°. Distance FAF to MAP, 9.2 miles.
Minimum altitude over Tiverton VOR, 3000'.
MSA: 000°–180°—2500'; 180°–270°—2600'; 270°–360°—2300'.
NOTE: Use Mansfield, Ohio, altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	2020	1	804	2020	1¼	804	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Millersburg; State, Ohio; Airport name, Holmes County; Elev., 1216'; Facility, TVT; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 29 Aug. 68

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.3 miles after passing OKM VOR.
				Climb to 2200' on R 237° within 20 miles.

Procedure turn S side of crs, 061° Outbnd, 241° Inbnd, 2000' within 10 miles of OKM VOR.
FAF, OKM VOR. Final approach crs, 241°. Distance FAF to MAP, 4.3 miles.
Minimum altitude over OKM VOR, 1700'.
MSA: 000°–090°—3600'; 090°–180°—2100'; 180°–270°—2300'; 270°–360°—2200'.
*Use Tulsa FSS altimeter setting.
#Night operations not authorized Runways 4–22.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–22#	1140	1	425	1140	1	425	1140	1	425	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*	1200	1	485	1200	1	485	1360	1½	645	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Okmulgee; State, Okla.; Airport name, Okmulgee Municipal; Elev., 713'; Facility, OKM; Procedure No. VOR Runway 22, Amdt. 5; Eff. date, 29 Aug. 68; Sup. Amdt. No. VOR 1, Amdt. 4; Dated, 28 Aug. 65

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.3 miles after passing Normal VHF/DME Fix.
R 257°, MOB VORTAC counterclockwise	R 196°, MOB VORTAC (NOPT)	Via 10-mile arc	2000	Climbing right turn to 2000' direct to MOB VORTAC or, when directed by ATC, climbing right turn to 2000' to Horn Int via BFM VOR R 236° and enter holding pattern. Supplementary charting information: Holding Horn Int: Hold SW R 236° BFM VORTAC, 056° Inbnd, right turns, 1 minute, 7 miles. Chart 21.3-mile DME Fix, MOB R 196° in profile view as missed approach point. TDZ elevation, 16'.
R 108°, MOB VORTAC clockwise	R 196°, MOB VORTAC (NOPT)	Via 10-mile arc	2000	

Procedure turn not authorized. Approach crs (profile) starts at Norma Int.
FAF, Norma Int. Final approach crs, 196°. Distance FAF to MAP, 4.3 miles.
Minimum altitude over MOB VORTAC, 2000'; over Norma VHF/DME Fix, 1600'.
MSA: 000°–180°—2400'; 180°–270°—1400'; 270°–360°—1600'.
NOTE: (1) Radar vectoring. (2) Use Mobile altimeter setting.
*Night minimums: Runways 13/36 and 5/23 not authorized.
#Dual VOR or VOR/DME receivers required.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–18#	720	1	704	720	1	704	720	1¼	704	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*	720	1	704	720	1	704	720	1½	704	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Pascagoula; State, Miss.; Airport name, Jackson County; Elev., 16'; Facility, MOB; Procedure No. VOR Runway 18, Amdt. Orig.; Eff. date, 29 Aug. 68

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.5 miles after passing PEQ VOR.
Wink VORTAC	Pecos VOR	Direct	5000	Climb to 4500' on PEQ R 135°, left turn, direct to PEQ VOR and hold. Supplementary charting information: Hold NW of the PEQ VOR R 315°—135° Inbnd, left turns, 1 minute. Depict: 2800' water tank 0.5 mile W; 2800' water tank 1 mile N of airport.

Procedure turn E side of crs, 315° Outbnd, 135° Inbnd, 4500' within 10 miles of PEQ VOR.
FAF, PEQ VOR. Final approach crs, 135°. Distance FAF to MAP, 5.5 miles.
Minimum altitude over PEQ VOR, 4200'.
MSA: 000°–180°—4100'; 180°–360°—5500'.
*Night operations to Runways 13–31 only.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
8–13	3200	1	583	3200	1	583	3200	1	583	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*	3240	1	623	3240	1	623	3240	1½	623	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Pecos; State, Tex.; Airport name, Pecos Municipal; Elev., 2617'; Facility, PEQ; Procedure No. VOR Runway 13, Amdt. 1; Eff. date, 29 Aug. 68; Sup. Amdt. No. VOR 1 Orig.; Dated, 13 June 64

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: PVD VORTAC.
Lafayette Int	Greenwich Int/5.7-mile DME Fix, R 226° (NOPT).	Direct	1600	Make climbing left turn to 2300' to Foster Int via PVD VORTAC R 321° and hold, or, when directed by ATC, make climbing left turn direct to Greenwich Int at 1700'. Hold SW Greenwich Int, 1 minute, left turns, 046° Inbnd. Supplementary charting information: Hold SW Foster Int on R 057° ORW VOR, 1 minute, left turns, 057° Inbnd. Final approach crs 750' right and left of runway threshold. 825' tower 4.8 miles N of airport. TDZ elevation, 53'.

Procedure turn N side of crs, 226° Outbnd, 046° Inbnd, 1700' within 10 miles of Greenwich Int/5.7-mile DME R 226°.
FAF, Greenwich Int/5.7-mile DME Fix R 226°. Final approach crs, 046°. Distance FAF to MAP, 5.7 miles.
Minimum altitude over Greenwich Int/5.7-mile DME Fix, R 226°, 1600'; over 2.5-mile DME Fix, 600'.
MSA: 000°–090°—2200'; 090°–180°—2100'; 180°–270°—1800'; 270°–360°—2100'.
NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-5R	600	RVR 24	547	600	RVR 24	547	600	RVR 24	547	600	RVR 60	547
S-5L	600	1	547	600	1	547	600	1	547	600	1¼	547
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	620	1	564	620	1	564	620	1½	564	620	2	564
	DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-5R	460	RVR 24	407	460	RVR 24	407	460	RVR 24	407	460	RVR 50	407
S-5L	460	1	407	460	1	407	460	1	407	460	1	407

A—Standard. T 2-eng. or less—Runway 5R, RVR 24; Standard all other runways. T over 2-eng.—Runway 5R, RVR 24; Standard all other runways.

City, Providence; State, R.I.; Airport name, Theodore Francis Green State; Elev., 56'; Facility, PVD; Procedure No. VOR Runway 5L and 5R, Amdt. 7; Eff. date, 29 Aug. 68; Sup. Amdt. No. Ter VOR-5L/5R, Amdt. 6; Dated, 21 Jan. 67

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: PVD VORTAC.
R 226°, PVD VORTAC counterclockwise	R 147°, PVD VORTAC	Via 7-mile arc PVD, R 164° lead radial.	2000	Climb to 2300' to Foster Int via the PVD VOR R-321° and hold.
R 027°, PVD VORTAC clockwise	R 147°, PVD VORTAC	Via 7-mile arc PVD, R 130° lead radial.	2100	Supplementary charting information: Hold SW Foster Int on R 057° ORW VOR, 1 minute, left turns, 057° Inbnd. Final approach crs intercepts runway centerline extended 4000' from threshold. Heading to runway, 336°. TDZ elevation, 50'.
7-mile arc	2-mile DME, R 147° PVD VORTAC (NOPT).	PVD, R 147°	560	

Procedure turn E side of crs, 147° Outbnd, 327° Inbnd, 2000' within 10 miles of PVD VORTAC.
Final approach crs, 327°.
Minimum altitude over 2-mile DME Fix, 560'.
MSA: 000°-090°—2200'; 090°-180°—2100'; 180°-270°—1800'; 270°-360°—2100'.
NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-34	560	1	510	560	1	510	560	1	510	560	1¼	510
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	620	1	564	620	1	564	620	1½	564	620	2	564
	DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-34	380	1	330	380	1	330	380	1	330	380	1	330

A—Standard. T 2-eng. or less—Runway 5R, RVR 24; Standard all T over 2-eng.—Runway 5R, RVR 24; Standard all other runways.

City, Providence; State, R.I.; Airport name, Theodore Francis Green State; Elev., 56'; Facility, PVD; Procedure No. VOR Runway 34, Amdt. Orig.; Eff. date, 29 Aug. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.8 miles after passing SGF VORTAC.
R 254°, SGF VORTAC clockwise	R 013°, SGF VORTAC (NOPT)	7-mile arc	2800	Climb to 2800' on R 203° SGF VORTAC and proceed to Billings Int.
R 072°, SGF VORTAC counterclockwise	R 013°, SGF VORTAC (NOPT)	7-mile arc	2800	Supplementary charting information: TDZ elevation, 1257'.
SGF NDB	SGF VORTAC	Direct	2800	

Procedure turn W side of crs, 013° Outbnd, 193° Inbnd, 2800' within 10 miles of SGF VORTAC.
FAF, SGF VORTAC. Final approach crs, 193°. Distance FAF to MAP, 6.8 miles.
Minimum altitude over SGF VORTAC, 2800'; over 4-mile DME Fix, 1620'.
MSA: 000°-090°—2600'; 090°-180°—4200'; 180°-270°—2800'; 270°-360°—2600'.
NOTE: Inoperative table does not apply for HIRL Runway 19.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-19	1620	1	363	1620	1	363	1620	1	363	1620	1	363
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1700	1	433	1720	1	453	1720	1½	453	1820	2	553
	VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-19	1580	1	323	1580	1	323	1580	1	323	1580	1	323
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1700	1	433	1720	1	453	1720	1½	453	1820	2	553

A—Standard. T 2-eng. or less—Standard. T over 2-eng.—Standard.

City, Springfield; State, Mo.; Airport name, Municipal; Elev., 1267'; Facility, SGF; Procedure No. VOR Runway 19, Amdt. 9; Eff. date, 29 Aug. 68; Sup. Amdt. No. 8; Dated, 26 Aug. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME—Continued

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.3-mile DME Fix.
R 265°, LCH VOR counterclockwise	R 249°, LCH VOR	20-mile DME Arc LCH VOR R 255°, lead radial.	1500	Climb to 1500' direct to LCH VOR Supplementary charting information: Approach crs changed to coincide with airway radial.
R 234°, LCH VOR clockwise	R 249°, LCH VOR	20-mile DME Arc LCH VOR R 243°, lead radial.	1500	
20-mile DME LCH, R 249°	11-mile DME LCH, R 249°	Direct	1500	
11-mile DME LCH, R 249°	8-mile DME LCH, R 249°	Direct	600	

Procedure turn not authorized approach crs (profile) starts at 11-mile DME, R 249°.
Final approach crs, 069°.
Minimum altitude over 11-mile DME, 1500'; over 8-mile DME, 600'.
MSA: 000°-360°—1500'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	440	1	424	480	1	464	480	1¼	464	580	2	564

A—Standard. T 2-eng. or less—Standard. T over 2-eng.—Standard.

City, Lake Charles; State, La.; Airport name, Municipal; Elev., 16'; Facility, LCH; Procedure No. VOR/DME-1, Amdt. 1; Eff. date, 29 Aug. 68; Sup. Amdt. No. VOR/DME 1, Orig.; Dated, 22 May 65

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME—Continued

Terminal routes From—	To—	VIA	Minimum altitudes (feet)	Missed approach MAP: PVD VORTAC.
Whitman VOR	Norton DME Fix	R 250°, HTM VOR	2100	Climb to 2300' to Foster Int via the PVD VOR R 321° and hold. Supplementary charting information: Hold SW on ORW VOR R 057°, 1-minute, left turns, 057° Inbnd. Final approach crs intercepts runway centerline extended 4000' from threshold. 825' antenna 4.8 miles N of airport. TDZ elevation, 45'.
Providence VOR	7-mile DME (Briggs) R 053°, PVD VORTAC.	Direct	2100	
Norton DME Fix	7-mile DME (Briggs) R 053° PVD VORTAC.	Direct	2100	
7-mile DME Fix (Briggs) R 053°, PVD VORTAC.	4-mile DME (NOPT)	Direct	1000	

Procedure turn S side of crs, 053° Outbnd, 233° Inbnd, 2100' within 10 miles of Briggs, 7-mile DME Fix R 053°.
Final approach crs, 053°.
Minimum altitude over 7-mile DME Fix (Briggs) R 053°, PVD VORTAC, 2100'; over 4-mile DME Fix, 1000'.
MSA: 000°–090°—2200'; 090°–180°—2100'; 180°–270°—1800'; 270°–360°—2100'.
NOTES: (1) Radar vectoring. (2) Inoperative components table does not apply to HIRL Runway 23L.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-23L	380	1	335	380	1	335	380	1	335	380	1	335
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	620	1	564	620	1	564	620	1½	564	620	2	564
A	Standard.		T 2-eng. or less.—Runway 5R, RVR 24; Standard all other runways.				T over 2-eng.—Runway 5R, RVR 24; Standard all other runways.					

City, Providence; State, R.I.; Airport name, Theodore Francis Green State; Elev., 56'; Facility, PVD; Procedure No. VOR/DME Runway 23L, Amdt. 2; Eff. date, 29 Aug 68; Sup. Amdt. No. VOR/DME-1, Amdt. 1; Dated, 21 Jan. 67

11. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA: Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach MAP: OKK VORTAC.
MZZ VOR	OKK VORTAC	Direct	2400	Climbing left turn to 2400' on OKK R 039 and return to VORTAC. Supplementary charting information: Approach radial intercepts runway centerline at 3038'. TDZ elevation, 825'. LRCO, 122.1.
R 290°, OKK VORTAC clockwise	R 039°, OKK VORTAC	8-mile arc	2400	
R 160°, OKK VORTAC counterclockwise	R 039°, OKK VORTAC	8-mile arc	2400	
8-mile arc	OKK R 039°, 3-mile DME Fix (NOPT).	Direct	1400	

Procedure turn E side of crs, 039° Outbnd, 219° Inbnd, 2400' within 10 miles of OKK VORTAC.
Final approach crs, 219°.
Minimum altitude over OKK, 039°; over 3-mile DME Fix with procedure turn, 1240'; without procedure turn, 1400'.
MSA: 000°–360°—2200'.
NOTES: (1) Radar vectoring. (2) Use Bunker Hill AFB altimeter setting, except for air carrier with approved weather reporting service.
$Standard alternate minimums authorized for air carrier with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D VIS
S-22	1240	1	415	1240	1	415	1240	1	415	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1260	1	433	1280	1	453	1280	1½	453	
	DME Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-22	1200	1	375	1200	1	375	1200	1	375	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1260	1	433	1280	1	453	1280	1½	453	
A	$Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Kokomo; State, Ind.; Airport name, Kokomo Municipal; Elev., 827'; Facility, OKK; Procedure No. VOR Runway 22, Amdt. 5; Eff. date, 28 Aug. 68; Sup. Amdt. No. 4; Dated, 23 May 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach MAP: OKK VORTAC.
9-mile arc	OKK R 129°, 3-mile DME Fix (NOPT).	Direct	1500	Climb to 2400', right turn to OKK VORTAC.
R 010°, OKK VORTAC clockwise	R 129°, OKK VORTAC	9-mile arc	2400	Supplementary charting information. Approach radial intercepts runway centerline at 2566'. TDZ elevation, 825'. LRCO, 122.1.
R 250°, OKK VORTAC counterclockwise	R 129°, OKK VORTAC	9-mile arc	2400	
MZZ VOR	OKK VORTAC	Direct	2400	

Procedure turn E side of crs, 129° Outbnd, 309° Inbnd, 2400' within 10 miles of OKK VORTAC.
Final approach crs, 309°.
Minimum altitude over OKK, R 129°, 3-mile DME Fix with procedure turn, 1280'; without procedure turn, 1500'.
MSA: 000°–360°—2200'.
NOTES: (1) Radar vectoring. (2) Use Bunker Hill AFB altimeter setting, except for air carriers with approved weather reporting service.
$Standard alternate minimums authorized for air carrier with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D VIS
S-31	1280	1	455	1280	1	455	1280	1	455	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1280	1	453	1280	1	453	1280	1½	453	
	DME Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-31	1200	1	375	1200	1	375	1200	1	375	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1260	1	433	1280	1	453	1280	1½	453	
A	Not authorized.$		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Kokomo; State, Ind.; Airport name, Kokomo Municipal; Elev., 827'; Facility, OKK; Procedure No. VOR Runway 31, Amdt. 7; Eff. date, 29 Aug. 68; Sup. Amdt. No. 6; Dated, 23 May 68,

12. By amending § 97.25 of Subpart C to establish localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach MAP: 5.7 miles after passing Brown Int.
LCH VOR	Brown Int	Direct	1500	Climb to 1500' on NW crs of LCH LOC to Maple Int. Supplementary charting information: TDZ elevation, 13'.

Procedure turn W side of crs, 148° Outbnd, 328° Inbnd, 1500' within 10 miles of Brown Int.
FAF, Brown Int. Final approach crs, 328°. Distance FAF to MAP, 5.7 miles.
Minimum altitude over Brown Int, 1500'.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-33	340	¾	327	340	¾	327	340	¾	327	340	1	327
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	440	1	424	480	1	464	480	1½	464	580	2	564
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Lake Charles; State, La.; Airport name, Municipal; Elev., 16'; Facility, LCH; Procedure No. LOC (BC) Runway 33, Amdt. 7; Eff. date, 29 Aug. 68; Sup. Amdt. No. 6; Dated, 6 Jan. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
R 036°, MFD VORTAC counterclockwise	MFD LOC (BC)	7-mile arc MFD R 340°, lead radial.	2700	MAP: 4 miles after passing Laser Int.
R 183°, MFD VORTAC clockwise	MFD LOC (BC)	7-mile arc MFD R 310°, lead radial.	2700	Climbing left turn to 3000′ to Reedsburg Int via MFD VOR R 101° or, when directed by ATC, climbing left turn to 2700′ to MFD VORTAC; hold NW
7-mile DME Arc MFD VORTAC	Laser Int (NOPT)	LOC (BC)	2300	MFD VORTAC, 1 minute, right turns.
	Laser Int	Direct	2700	130° Inbnd.
				Supplementary charting information: Hold W of Reedsburg Int, 1 minute, right turns, 101° Inbnd. Steel towers: 1.8 miles S of airport 1484′; 4.4 miles SW of airport 1725′. TDZ elevation, 1276′.

Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 2700′ within 10 miles of Laser Int.
FAF, Laser Int. Final approach crs, 140°. Distance FAF to MAP, 4 miles.
Minimum altitude over Laser Int, 2300′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–14	1620	¾	344	1620	¾	344	1620	¾	344	1620	1	344
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1740	1	443	1760	1	463	1760	1½	463	1860	2	563
A	Standard.		T 2-eng. or less—RVR 24, Runway 32; Standard all other runways.				T over 2-eng.—RVR 24, Runway 32; Standard all other runways.					

City, Mansfield; State, Ohio; Airport name, Mansfield-Lahm Municipal; Elev., 1297′; Facility, I-MFD; Procedure No. LOC (BC) Runway 14, Amdt. Orig.; Eff. date, 29 Aug. 68

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
R 254°, SGF VORTAC clockwise	SGF LOC (NOPT)	7 mile arc SGF R 360°, lead radial.	2800	MAP: 6.8 miles after passing Spring Int.
R 072°, SGF VORTAC counterclockwise	SGF LOC (NOPT)	7 mile arc SGF R 035°, lead radial.	2800	Climb to 2800′ on R 203° SGF VORTAC to Billings Int, or, when directed by ATC, climb to 2800′ on S crs of SGF
SGF VORTAC	Spring Int	Direct	2800	ILS, proceed to SG LOM.
				Supplementary charting information: TDZ elevation, 1257′.

Procedure turn W side of crs, 015° Outbnd, 195° Inbnd, 2800′ within 10 miles of Spring Int.
FAF, Spring Int. Final approach crs, 195°. Distance FAF to MAP 6.8 miles.
Minimum altitude over Spring Int, 2800′; over Glidewell Int, 1620′.
NOTE: Inoperative table does not apply for HIRL Runway 19.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–19	1620	1	363	1620	1	363	1620	1	363	1620	1	363
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1700	1	433	1720	1	453	1720	1½	453	1820	2	553
	LOC/ADF Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–19	1560	1	303	1560	1	303	1560	1	303	1560	1	303
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1700	1	433	1720	1	453	1720	1½	453	1820	2	553
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Springfield; State, Mo.; Airport name, Municipal; Elev., 1267′; Facility, I-SGF; Procedure No. LOC (BC) Runway 19, Amdt. 8; Eff. date, 29 Aug. 68; Sup. Amdt. No. 7; Dated, 26 Aug. 67

13. By amending § 97.25 of Subpart C to amend localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
MAF VOR	Octane Int	Direct	4500	MAP: 3.6 miles after passing Octane Int.
MAF LOM	Octane Int	Direct	4500	Climb to 4500′ on MAF ILS W crs within 20 miles or, when directed by ATC, turn left, climb to 4500′ on MAF VOR R 190° within 20 miles.
By Pass Int	Derrick Int	Direct	4500	
Johnson Int	Derrick Int	Direct	4500	
Derrick Int	Octane Int (NOPT)	Direct	4000	Supplementary charting information: TDZ elevation, 2853′.

Procedure turn N. side of crs, 103° Outbnd, 283° Inbnd, 4500′ within 10 miles of Octane Int.
FAF, Octane Int. Final approach crs, 283°. Distance FAF to MAP, 3.6 miles.
Minimum altitude over Octane Int, 4000′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–28	3160	¾	307	3160	¾	307	3160	¾	307	3160	1	307
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	3320	1	450	3320	1	450	3320	1½	450	3420	2	550
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Midland; State, Tex.; Airport name, Midland-Odessa Regional Air Terminal; Elev., 2870′; Facility, I-MAF; Procedure No. LOC (BC) Runway 28, Amdt. 4; Eff. date, 29 Aug. 68; Sup. Amdt. No. 3; Dated, 13 June 68

14. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
ADM VORTAC	ADM NDB	Direct	2500	MAP: 5.7 miles after passing ADM NDB.
DUC VOR	ADM NDB	Direct	2600	Climb to 2700′ on crs 076° within 20 miles.
				Supplementary charting information: Tower 1.7 miles N, 1075′.

Procedure turn S side of crs, 256° Outbnd, 076° Inbnd, 2500′ within 10 miles of ADM NDB.
FAF, ADM NDB. Final approach crs, 076°. Distance FAF to MAP, 5.7 miles
Minimum altitude over ADM NDB, 2300′.
MSA: 000°–090°—2700′; 090°–180°—2900′; 180°–270°—2500′; 270°–360°—2700′.
$Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.
*Use McAlester altimeter setting when control zone not effective except for operators with approved weather reporting service.
**Circling and straight-in MDA increased 320′ when control zone not effective except operators with approved weather reporting service.
#Night operations not authorized runway 4–22.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–8*	1300	1	538	1300	1	538	1300	1	538	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C**	1300	1	538	1300	1	538	1380	1¼	618	NA
A	Standard.$		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Ardmore; State, Okla.; Airport name, Ardmore Municipal; Elev., 767′; Facility, ADM; Procedure No. NDB (ADF) Runway 8, Amdt. 3; Eff. date, 29 Aug. 68; Sup. Amdt. No. ADF 1, Amdt. 2; Dated, 6 July 63

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.8 miles after passing BKT NDB.
Nutbush Int	Blackstone NDB	Direct	2100	Climbing left turn to 2100′ direct to Blackstone NDB and hold.
Amelia Int	Blackstone NDB	Direct	2100	Supplementary charting information: Hold NW, 1 minute, right turns, 135° Inbnd. Final approach bearing from BKT NDB to airport, 135°. 757′ antenna located 3 miles SW of airport.

Procedure turn E side of crs, 315° Outbnd, 135° Inbnd, 2100′ within 10 miles of BKT NDB.
FAF, BKT NDB. Final approach crs, 135°. Distance FAF to MAP, 4.8 miles.
Minimum altitude over BKT NDB, 2100′.
MSA: 000°-180°—1800′; 180°-270°—1900′; 270°-360°—2200′.
*Circling MDA increased 180′ and alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B	C	D
	MDA	VIS	HAA	VIS	VIS	VIS
C*	880	1	452	NA	NA	NA
A	Standard.*		T 2-eng. or less—Standard.		T over 2-eng.—Standard.	

City, Blackstone; State, Va.; Airport name, Blackstone AAF; Elev., 425′; Facility, BKT; Procedure No. NDB (ADF)-1, Amdt. 4; Eff. date, 29 Aug. 68; Sup. Amdt. No ADF 1, Amdt. 3; Dated, 24 Apr. 65

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: CDN NDB.
Blythewood Int	CDN NDB	Direct	2000	Climbing left turn to 2000′ direct to CDN NDB and hold.
CTF VOR	CDN NDB	Direct	2000	Supplementary charting information: Hold NE, 1 minute, right turns, 222° Inbnd.
Lamar Int	CDN NDB	Direct	2000	

Procedure turn N side of crs, 042° Outbnd, 222° Inbnd, 2000′ within 10 miles of CDN NDB.
Final approach crs, 222°.
MSA: 000°-090°—1900′; 090°-180°—1700′; 180°-270°—2900′; 270°-360°—2000′.
NOTES: (1) Use Shaw AFB altimeter setting. (2) Aircraft will cancel IFR flight plan with FLO FSS or JAX ARTCC prior to landing or upon reaching VFR conditions.
*Night minimums not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C*	1020	1	713	1020	1	713	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Camden; State, S.C.; Airport name, Woodward; Elev., 307′; Facility, CDN NDB; Procedure No. NDB (ADF) Runway 23, Amdt. Orig.; Eff. date, 29 Aug. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.3 miles from LC LOM.
LCH VOR	LC LOM	Direct	1500	Climb to 1500′, left turn direct to LCH VOR or, when directed by ATC, make climbing right turn to 1500′ on LCH VOR R 210°, within 15 mile. Supplementary charting information: TDZ elevation, 14′.

Procedure turn W side of crs, 328° Outbnd, 148° Inbnd, 1500′ within 10 miles of LC LOM.
FAF, LC LOM. Final approach crs, 148°. Distance FAF to MAP, 4.3 miles.
Minimum altitude over LC LOM, 1200′.
MSA: 000°-360°—1500′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-15	480	¾	466	480	¾	466	480	¾	466	480	1	466
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	464	480	1	464	480	1¼	464	580	2	564
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Lake Charles; State, La.; Airport name, Municipal; Elev., 16′; Facility, LC; Procedure No. NDB (ADF) Runway 15, Amdt. 10; Eff. date, 29 Aug. 68; Sup. Amdt. No. 9; Dated, 1 Apr. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MKO NDB.
OKM VOR	MKO NDB	Direct	3000	Climbing left turn to 2500′ direct to MKO NDB and hold.
Mazie, Int	MKO NDB	Direct	3000	Supplementary charting information: Hold SE bearing 120°-300° Inbnd, 1 minute, left turns. TDZ elevation, 596′.

Procedure turn S side of crs, 120° Outbnd, 300° Inbnd, 2000′ within 10 miles of MKO NDB.
Final approach crs, 300°.
MSA: 000°-270°—2300′; 270°-360°—3700′.
*Use Tulsa altimeter setting when local altimeter setting not available.
*Alternate minimums not authorized except for operators with approved weather reporting service.
*Circling and straight-in MDA increased 180′ when local altimeter setting not available.

DAY AND NIGHT MINIMUMS

Cond	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-31*	1220	1	624	1220	1	624	1220	1	624	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*	1220	1	610	1220	1	610	1220	1¼	610	
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Muskogee; State, Okla.; Airport name, Davis Field; Elev., 610′; Facility, MKO; Procedure No. NDB (ADF) Runway 31, Amdt. 5; Eff. date, 29 Aug. 68; Sup. Amdt. No. 4; Dated, 25 Nov. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.2 miles after passing PV LOM.
Lafayette Int	PV LOM (NOPT)	Direct	1600	Make climbing left turn to the PV LOM at 1700′ and hold.
Sterling Int	PV LOM	Direct	2200	Supplementary charting information: Hold SW PV LOM, 046° Inbnd, 1 minute, left turns. 825′ tower 4.8 miles N of airport. TDZ elevation, 53′.
Providence VOR	PV LOM	Direct	1700	

Procedure turn N side of crs, 226° Outbnd, 046° Inbnd, 1700′ within 10 miles of PV LOM.
FAF, PV LOM. Final approach crs, 046°. Distance FAF to MAP, 5.2 miles.
Minimum altitude over PV LOM, 1600′.
MSA: 000°-090°—2200′; 090°-180°—2100′; 180°-270°—1800′; 270°-360°—2100′.
NOTES: (1) Radar vectoring. (2) Inoperative components table does not apply to ALS Runway 5R.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-5R	660	RVR 50	607	660	RVR 50	607	660	RVR 50	607	660	RVR 60	607
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	660	1	604	660	1	604	660	1¼	604	660	2	604
A	Standard.		T 2-eng. or less—Runway 5R, RVR 24; Standard all other runways.				T over 2-eng.—Runway 5R, RVR 24; Standard all other runways.					

City, Providence; State, R.I.; Airport name, Theodore Francis Green State; Elev., 56′; Facility, PV; Procedure No. NDB(ADF) Runway 5R, Amdt. 8; Eff. date, 29 Aug. 68; Sup. Amdt. No. ADF1, Amdt. 7; Dated, 21 Jan. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.6 miles after passing SG LOM.
SGF VORTAC	SG LOM	Direct	2800	Climb to 2800′ direct to SGF VORTAC.
SGF NDB	SG LOM	Direct	2800	Supplementary charting information: TDZ
Vernon Int	SG LOM	Direct	2800	elevation, 1263′.
Billings Int	SG LOM	Direct	2800	
Crane Int	SG LOM	Direct	2800	
Miller Int	SG LOM	Direct	2800	
Plano Int	SG LOM	Direct	2800	
Ford Int	SG LOM	Direct	3000	

Procedure turn E side of crs, 195° Outbnd, 015° Inbnd, 2600′ within 10 miles of SG LOM.
FAF, SG LOM. Final approach crs, 015°. Distance FAF to MAP, 3.6 miles.
Minimum altitude over SG LOM, 2500′.
MSA: 000°-180°—4200′; 180°-360°—2700′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-1	1680	¾	417	1680	¾	417	1680	¾	417	1680	1	417
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1700	1	433	1720	1	453	1720	1¼	453	1820	2	553
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Springfield; State, Mo.; Airport name, Municipal; Elev., 1267′; Facility, SG; Procedure No. NDB (ADF) Runway 1, Amdt. 8; Eff. date, 29 Aug. 68; Sup. Amdt. No. 7, Dated, 28 Oct. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.6 miles after passing SGF NDB.
SGF VORTAC	SGF NDB	Direct	2800	Climb to 2800′, right turn to SGF NDB. Supplementary charting information: TDZ elevation, 1257′.

Procedure turn W side of crs, 317° Outbnd, 137° Inbnd, 2800′ within 10 miles of SGF NDB.
FAF, SGF NDB. Final approach crs, 137°. Distance FAF to MAP, 3.6 miles.
Minimum altitude over SGF NDB, 2300′.
MSA: 000°-090°—3100′; 090°-180°—4200′; 180—360°—2600′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13	1620	1	363	1620	1	363	1620	1	363	1620	1	363
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1700	1	433	1720	1	453	1720	1¼	453	1820	2	553
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Springfield; State, Mo.; Airport name, Municipal; Elev., 1267′; Facility, SGF; Prodedure No. NDB (ADF) Runway 13, Amdt. 4; Eff. date, 29 Aug. 68; Sup. Amdt. No. 3; Dated, 26 Aug. 67

15. By amending § 97.29 of Subpart C to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation; Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 214′. LOC 4.3 miles after passing LC LOM.
LCH VOR	LOM	Direct	1500	Climb to 1500′, left turn direct to LCH
Sulphur Int	LOM	Direct	1500	VOR or, when directed by ATO, make
Gillis Int	Maple Int	Direct crs 195° and NW crs LCH ILS.	1500	right-climbing turn to 1500′ on LCH VOR, R 210°, within 15 miles.
Maple Int	LOM (NOPT)	Direct	1200	Supplementary charting information: Depict Lynch VHF Int as stepdown fix for LOC S-15. TDZ elevation, 14′.

Procedure turn W side of crs, 328° Outbnd, 148° Inbnd, 1500′ within 10 miles of LOM.
FAF, LC LOM. Final approach crs, 148°. Distance FAF to MAP, 4.3 miles.
Minimum altitude over LC LOM, 1200′; over Lynch Int, 420′.
Minimum glide slope interception altitude, 1200′. Glide slope altitude at OM, 1170′; at MM, 199′.
Distance to runway threshold at OM, 4.3 miles; at MM, 0.6 mile.
MSA: 000°-360°—1500′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-15	214	½	200	214	½	200	214	½	200	214	½	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-15	420	½	406	420	½	406	420	½	406	420	¾	406
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	440	1	424	480	1	464	480	1½	464	580	2	564
	LOC/VOR Minimums:											
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-15	340	½	326	340	½	326	340	½	326	340	¾	326
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Lake Charles; State, La.; Airport name, Municipal; Elev., 16′; Facility, LCH; Procedure No. ILS Runway 15, Amdt. 10; Eff. date, 29 Aug. 68; Sup. Amdt. No. 9; Dated 6 Jan. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 3067′. LOC, 6.1 miles after passing MA LOM.
MAF VORTAC	MA LOM	Direct	4600	Climb to 4500′ on SE crs ILS within 20
Pipeline Int	MA LOM	Direct	5000	miles or, turn right, climb to 4500′ on
Goldsmith Int	MA LOM (NOPT)	Direct	4600	MAF VORTAC, R 150° within 20 miles;
Penwell Int	MA LOM	Direct	5000	Supplementary charting information.
Mustang Int	MA LOM	Direct	5000	TDZ elevation, 2867′.
INK VORTAC	MAF ILS (NOPT)	INK R 065°	5500	
INK VORTAC R 065° and MAF ILS front crs.	MA LOM (NOPT)	Direct	4600	

Procedure turn S side of crs, 283° Outbnd, 103° Inbnd, 4600′ within 10 miles of MA LOM.
FAF, MA LOM. Final approach crs, 103°. Distance FAF to MAP, 6.1 miles.
Minimum glide slope interception altitude, 4600′. Glide slope altitude at OM, 4533′; at MM, 3070′.
Distance to runway threshold at OM, 6.1 miles; at MM, 0.5 mile.
MSA: 090°-180°—4400′; 180°-270°—5500′; 270°-090°—5100′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-10	3067	½	200	3067	½	200	3067	½	200	3067	½	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-10	3180	½	313	3180	½	313	3180	½	313	3180	¾	313
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	3320	1	450	3320	1	450	3320	1½	450	3420	2	550
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Midland; State, Tex.; Airport name, Midland-Odessa Regional Air Terminal; Elev., 2870′; Facility, I-MAF; Procedure No. ILS Runway 10, Amdt. 4; Eff. date, 29 Aug. 68; Sup. Amdt. No. 3; Dated, 12 June 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal route From—	To—	Via	Minimum altitudes (feet)	Missed approach
Providence VOR	PV LOM	Direct	1700	MAP: ILS DH 253'. LOC 5.2 miles after passing PV LOM.
Sterling Int	PV LOM	Direct	2200	
Lafayette Int	PV LOM (NOPT)	Direct	1700	Make climbing left turn to 2300' to Foster Int via PVD VOR, R 321° and hold or, when directed by ATC, make climbing left turn to PV LOM at 1700'. Hold SW PV LOM, 046° Inbnd 1 minute, left turns. Supplementary charting information: Hold SW Foster Int on R 057°, OREW VOR, 1 minute, left turns, 057° Inbnd. 825' tower 4.8 miles N of airport. TDZ elevation, 53'

Procedure turn N side of crs, 226° Outbnd, 046° Inbnd, 1700' within 10 miles of PV LOM.
FAF, PV LOM. Final approach crs, 046°. Distance FAF to MAP, 5.2 miles.
Minimum glide slope interception altitude, 1700'. Glide slope altitude at OM, 1641'; at MM, 268'.
Distance to runway threshold at OM, 5.2 miles; at MM, 0.6 mile.
MSA: 000°–090°—2200'; 090°–180°—2100'; 180°–270°—1800'; 270°–360°—2100'.
NOTES: (1) Radar vectoring. (2) Back crs unusable.

DAY AND NIGHT MINIMUMS

Cond.	A DH	A VIS	A HAT	B DH	B VIS	B HAT	C DH	C VIS	C HAT	D DH	D VIS	D HAT
S-5R	253	RVR 24	200	253	RVR 24	200	253	RVR 24	200	253	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-5R	480	RVR 24	427	480	RVR 24	427	480	RVR 24	427	480	RVR 40	427
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	620	1	564	620	1	564	620	1½	564	620	2	564
A	Standard.		T 2-eng. or less—Runway 5R, RVR 24; Standard all other runways.				T over 2-eng.—Runway 5R, RVR 24; Standard all other runways.					

City, Providence; State, R.I.; Airport name, Theodore Francis Green State; Elev., 56'; Facility, I-PVD; Procedure No. ILS Runway 5R, Amdt. 6; Eff. date, 29 Aug. 68; Sup. Amdt. No. ILS-5R, Amdt. 5; Dated, 21 Jan. 67

Terminal route From—	To—	Via	Minimum altitudes (feet)	Missed approach
R 051°, SGF VORTAC clockwise	R 129° SGF VORTAC	18-mile arc	4200	MAP: ILS DH 1463'. LOC 3.6 miles after passing SG LOM.
R 129°, SGF VORTAC clockwise	SGF LOC	18-mile arc SGF R 189° lead radial.	2800	Climb to 2800' on LOC back crs. Proceed to SGF VORTAC. Supplementary charting information: TDZ elevation, 1263'.
R 269°, SGF VORTAC counterclockwise	SGF LOC	18-mile arc SGF R 201°, lead radial.	2800	
SGF VORTAC	SG LOM	Direct	2800	
SGF NDB	SG LOM	Direct	2800	
Vernon Int	SG LOM	Direct	2800	
Billings Int	SG LOM	Direct	2800	
Crane Int	SG LOM	Direct	2800	
Miller Int	SG LOM	Direct	2800	
Plano Int	SG LOM	Direct	3000	
Ford Int	SG LOM	Direct	2500	
18-mile DME Arc	SG LOM (NOPT)	LOC Crs		

Procedure turn E side of crs, 198° Outbnd, 015° Inbnd, 2600' within 10 miles of SG LOM.
FAF, SG LOM. Final approach crs, 015°. Distance FAF to MAP, 3.6 miles.
Minimum glide slope interception altitude, 2500'. Glide slope altitude at OM, 2449'; at MM, 1465'.
Distance to runway threshold at OM, 3.6 miles; at MM, 0.5 mile.
MSA: 000°–180°—4200'; 180°–360°—2700'.

DAY AND NIGHT MINIMUMS

Cond.	A DH	A VIS	A HAT	B DH	B VIS	B HAT	C DH	C VIS	C HAT	D DH	D VIS	D HAT
S-1	1463	½	200	1463	½	200	1463	½	200	1463	½	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-1	1640	½	377	1640	½	377	1640	½	377	1640	¾	377
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1700	1	433	1720	1	453	1720	1½	453	1820	2	553
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Springfield; State, Mo.; Airport name, Municipal; Elev., 1267'; Facility, I-SGF; Procedure No. ILS Runway 1, Amdt. 8; Eff. date, 29 Aug. 68; Sup. Amdt. No. 7; Dated 28 Oct. 67

16. By amending § 97.31 of Subpart C to establish precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)

From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Notes
000°	110°	0–10	2300	10–25	3000							Radar control will provide 1000' vertical clearance within a 3-mile radius of the following towers: 1932', 10 miles E, 2049', 13 miles E, 1866', 10 miles NW, 1733', 16.5 miles W. FAF, 5 miles from approach end of Runway 3. No weather reporting. Use CLT altimeter setting.
110°	255°	0–25	2200									
255°	360°	0–10	2300	10–25	2900							

Radar azimuth clockwise with distance and altitudes based on antenna at Douglas Municipal Airport.
Missed approach: Over Gastonia Airport, make right turn, climb to 3000' direct to CLT VORTAC.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C VIS	D VIS
S-3	1520	1	717	1520	1	717	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1520	1	717	1520	1	717	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Gastonia; State, N.C.; Airport name, Gastonia Municipal; Elev., 803'; Facility, CLT Radar; Procedure No. Radar 1, Amdt. 1; Eff. date, 29 Aug. 68; Sup. Amdt. No. Orig.; Dated, 14 Oct. 67

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on July 24, 1968.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 68-9241; Filed, Aug. 8, 1968; 8:45 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 100—STATEMENT OF ORGANIZATION

§ 100.4 [Amended]

Sector No. 18—Laredo, Tex., of paragraph (d) *Border Patrol Sectors* of § 100.4 *Field Service* is amended by deleting "Zapata, Tex."

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

1. Paragraph (b) of § 212.1 is amended to read as follows:

§ 212.1 Documentary requirements for nonimmigrants.

* * * * *

(b) *British, French, and Netherlands nationals, and nationals of certain adjacent islands of the Caribbean which are independent countries.* A visa is not required of a British, French, or Netherlands national, or a national of Jamaica, Trinidad, and Tobago or Barbados, who has his residence in British, French, or Netherlands territory located in the adjacent islands of the Caribbean area, or in Jamaica, Trinidad, and Tobago or Barbados, for admission and stay in Puerto Rico or the Virgin Islands of the United States, or as an agricultural worker in the United States: *Provided*, That the authorized period for which an alien was admitted pursuant to this paragraph for temporary stay in Puerto Rico or the Virgin Islands of the United States shall be terminated automatically when such alien manifests an intention to depart or attempts to depart or departs directly for any U.S. destination outside Puerto Rico or the Virgin Islands of the United States.

§ 212.8 [Amended]

2. Subparagraph (5) *Aliens who are not members of the professions, who do not have exceptional ability in the sciences or arts, and whose occupations are not included in Schedules A, B, or C, 29 CFR 60* of paragraph (c) *Department of Labor certifications in connection with visa petitions and applications for adjustment of status* of § 212.8 *Certification requirement of section 212(a)(14)* is amended by deleting the headnote "(i) *General.*" and by deleting subdivision (ii) *Multiple certifications* in its entirety.

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

Paragraph (b) *Signatory lines* of § 238.3 *Aliens in immediate and continuous transit* is amended by deleting the transportation line "Northern Consolidated Airlines, Inc." and by adding in alphabetical sequence the following transportation lines: "Air West, Inc." and "Wien Consolidated Airlines, Inc."

PART 264—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES

1. The "Class" descriptions of Form I–94 in paragraphs (a) *Prescribed registration forms* and (b) *Evidence of registration* of § 264.1 *Registration and fingerprinting* are amended by deleting the first phrases "Nonimmigrants in status;" and inserting in lieu thereof the phrases "Aliens admitted as nonimmigrants;".

2. Paragraphs (a) and (b) of § 264.1 are further amended by adding Form I–95 in numerical sequence to read as follows:

§ 264.1 Registration and fingerprinting.

(a) *Prescribed registration forms.* The following forms are prescribed as registration forms:

Form No.	*Class*
* * *	* * *
I–95 Crewman's Landing Permit.	Crewmen arriving by vessel or aircraft.
* * *	* * *

(b) *Evidence of registration.* The following forms constitute evidence of registration:

Form No.	*Class*
* * *	* * *
I–95 Crewman's Landing Permit.	Crewman arriving by vessel or aircraft.
* * *	* * *

PART 319—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: SPOUSES OF UNITED STATES CITIZENS

Section 319.3 is amended to read as follows:

§ 319.3 Persons continuously employed abroad for 5 years by United States organizations engaged in disseminating information and surviving spouses of United States citizens who died during a period of honorable service in an active duty status in the Armed Forces of the United States.

A person of the class described in section 319(c) or section 319(d) of the Act shall establish that, at the time of filing of the petition for naturalization, he is a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States.

PART 332a—OFFICIAL FORMS

Section 332a.13 is amended by adding new paragraph (k) to read as follows:

§ 332a.13 Alteration of forms of petitions or applications for naturalization.

* * * * *

(k) *Benefits of section 319(d) of the Act claimed.* Whenever the benefits of section 319(d) of the Act are claimed, by inserting in allegation (14) the statement "I am the surviving spouse of a United States citizen who died during a period of honorable service in the Armed Forces of the United States, and with whom I was living in marital union at the time of his death."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of § 553 of Title 5 of the United States Code (P.L. 89–554, 80 Stat. 383), as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendment to § 100.4(d) deletes a station; the amendment to § 212.8(c)(5) relates to agency procedure; the amendment to § 238.3(b) adds two transportation lines to the listing and deletes one; the amendment to § 264.1 (a) and (b) is clarifying in nature; and the amendments to §§ 319.3 and 332a.13 relates to agency procedure and implement the Act of June 29, 1968 (82 Stat. 279). With regard to the amendment to § 212.1(b), notice of proposed rule making and delayed effective date is contrary to the public interest because it is designed to deter aliens from using this nonimmigrant visa waiver when they intend to proceed to the United States.

Dated: August 5, 1968.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 68–9512; Filed, Aug. 8, 1968; 8:46 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Packers and Stockyards Administration

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

Livestock, Carcasses, and Live Poultry

INSTRUCTIONS ON WEIGHING LIVESTOCK AND TESTING SCALES, AND CODE OF SPECIFICATIONS AND TOLERANCES FOR LIVESTOCK, POULTRY, AND MONORAIL SCALES

On March 19, 1968, there was published in the FEDERAL REGISTER (33 F.R. 4682) a Notice of Proposed Rule Making with respect to instructions for testing livestock scales, weighing livestock, testing monorail scales used for weighing livestock carcasses purchased by meatpackers on a carcass weight, or carcass grade and weight basis, and a code of specifications and tolerances applicable to scales used for weighing livestock, livestock carcasses, and live poultry, pursuant to section 407 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 228) and sections 201.72, 201.73, 201.74, and 201.78 of the regulations issued thereunder (9 CFR 201.72, 201.73, 201.74, and 201.78).

After consideration of all relevant matters presented with respect to the proposal, and under said section 407 of the Act and said sections of the regulations, the instructions as so published are hereby adopted, subject to the changes set forth below.

In § 201.72–2(c)(9), Table 2 should read as follows:

TABLE 2.—MINIMUM TOLERANCE VALUES FOR MONORAIL AND POULTRY SCALES

[This table applies where the appropriate value in the table is smaller than 1/5 the value of the minimum graduated interval on the device under test]

Nominal capacity (pounds)	Minimum tolerance value	
	Ounces	*Pounds*
0 to 250, inclusive	2	
251 to 500, inclusive	4	
501 to 1,000, inclusive	8	
1,001 to 2,500, inclusive		1

In § 201.72–2(c)(10), Table 3 should read as follows:

TABLE 3.—BASIC TOLERANCES FOR MONORAIL AND POULTRY SCALES

[See also (4) (T.1.2)]

Test load (pounds)	Maintenance	Acceptance
	Ounces	*Ounces*
0 to 149, inclusive	2	1
150 to 199, inclusive	3	1½
200 to 299, inclusive	4	2
300 to 399, inclusive	6	3
400 to 599, inclusive	8	4
600 to 799, inclusive	12	6
800 to 999, inclusive	14	7
1,000 and over	(1)	(2)

[1] 0.1 percent of test load.
[2] 0.05 percent of test load.

In § 201.78–1(e)(5), Table I should read as follows:

TABLE I.—MINIMUM TOLERANCE VALUES FOR MONORAIL SCALES

[This table applies where the appropriate value in the table is smaller than one-half the value of the minimum graduated interval on the device under test]

Nominal capacity (pounds)	Minimum tolerance value	
	Ounces	*Pounds*
0 to 250, inclusive	2	
251 to 500, inclusive	4	
501 to 1,000, inclusive	8	
1,001 to 2,500, inclusive		1

In § 201.78–1(e)(6), Table II should read as follows:

TABLE II.—BASIC TOLERANCES FOR MONORAIL SCALES

Test load (pounds)	Maintenance tolerances	Acceptance tolerances
	Ounces	*Ounces*
0 to 149, inclusive	2	1
150 to 199, inclusive	3	1½
200 to 299, inclusive	4	2
300 to 399, inclusive	6	3
400 to 599, inclusive	8	4
600 to 799, inclusive	12	6
800 to 999, inclusive	14	7
1,000 and over	(1)	(2)

[1] 0.1 percent of test load.
[2] 0.05 percent of test load.

These changes in the foregoing tables are being made so that the tables will conform to the nominal capacity for the class of scales covered by the instructions.

In § 201.73–1(g)(5) change the word "should" following "weigher" to "shall."

In § 201.78–1 paragraph (f)(2)(ii) last sentence change the word "removed" to read "moved." In paragraph (f)(2)(vii) change next to the last sentence to read "Those counterpoise weights which cause an error different from that indicated when using the standard test weights should be either adjusted or replaced."

These changes are for clarification and do not modify the intent of the original proposal.

It does not appear that notice of rule making or other public procedure on these changes would make additional information available to this Department, and therefore, pursuant to the administrative procedure provisions of 5 U.S.C., § 553, it is found upon good cause that further notice of rule making and other public procedure on the foregoing code and instructions are unnecessary.

The instructions and code shall become effective 30 days after date of publication.

(Sec. 407, 42 Stat. 169, 7 U.S.C. 228; 29 F.R. 16210 as amended; 32 F.R. 7186)

The reporting and recordkeeping requirements contained herein have been approved by the Bureau of Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., this 5th day of August 1968.

DONALD A. CAMPBELL,
Administrator, Packers and Stockyards Administration.

[F.R. Doc. 68–9510; Filed, Aug. 8, 1968; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER A—MISCELLANEOUS REGULATIONS

PART 366—JOINT EXPORT ASSOCIATIONS

Sec.
366.1 Background and purpose.
366.2 Eligible applicants.
366.3 Eligible export promotion activities.
366.4 Selection considerations.
366.5 Acceptance of proposals.
366.6 Publicity.
366.7 Applications.

AUTHORITY: The provisions of this Part 366 issued under sec. 3, 32 Stat. 826, 15 U.S.C. 1512.

§ 366.1 Background and purpose.

(a) In furtherance of the announcement of the President on January 1, 1968, in his Balance-of-Payments Message, the Department of Commerce announces the initiation of a Joint Export Association program whereby the Department will contract with groups of firms or their representatives on a cost-sharing basis for the systematic development of specific export markets over a sustained period.

(b) The objectives of this program are to cause exporters to expand their operations and to assist nonexporters to enter the field through providing a new technique for export expansion, to assist companies to enter new markets and introduce new products abroad, and to obtain an increased share of existing foreign markets for U.S. suppliers.

§ 366.2 Eligible applicants.

(a) The Joint Export Association program is predicated on group activity.

The following examples illustrate the types of business organizations adaptable to this program: (1) Trade associations or subsidiaries or components thereof; (2) groups of firms operating under the leadership of export management companies; (3) export trade associations organized under the Export Trade Act of 1918; (4) groups of firms specially organized to participate in this program; and (5) "piggyback" arrangements, whereby one manufacturer represents a group of companies with related products.

(b) Applicants will be required to demonstrate financial structures adequate to cover their planned activities and the necessary professional and technical competence.

§ 366.3 Eligible export promotion activities.

(a) The following types of export promotion activities are illustrative of those which may be considered for cost-sharing under this program:

Advertising and publicity.
Participation in trade exhibitions.
Market research.
Supplying samples and technical data.
Overseas export promotional visits.
Preparing and submitting bids.
Training of sales and service personnel.
Product use familiarization programs.
Operation abroad of market development offices, showrooms, warehouses, service centers.

(b) Activities must be additional to those that might be otherwise undertaken at the time by the applicant or its component firms. Costs shared by the Department of Commerce must be incurred on behalf of the Joint Export Association project.

(c) The Department of Commerce's share may not exceed 50 percent of project expenses eligible for cost-sharing.

§ 366.4 Selection considerations.

(a) Important among the considerations for selecting proposals under the Joint Export Association program are:

(1) Proposals must comprise product and geographic coverage and market development programs suitable for producing significant and continuing export growth results.

(2) Proposals must be clearly additional to other overseas export efforts by participants.

(b) Proposals meeting the above criteria nevertheless might not be approved by reason of limited availability of funds, higher trade potential of other proposals, or other export promotion objectives.

§ 366.5 Acceptance of proposals.

When a Joint Export Association proposal is accepted, a contract will be negotiated with the applicant on the basis of the proposal, containing appropriate provisions for disbursement, accounting, adjustments in the light of changed circumstances, and other relevant factors.

§ 366.6 Publicity.

Publicity relating to the program will be provided periodically as required in International Commerce, to American International Traders' Index registrants, and otherwise.

§ 366.7 Applications.

Interested parties may secure further information, including guidelines for the preparation of applications, by writing to "Joint Export Associations," Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230.

It is found that compliance with the notice, public rulemaking procedure, and effective date requirements of Administrative Procedure (5 U.S.C. 553) is unnecessary in connection with the issuance of the foregoing procedures since they involve a benefit to the public. The foregoing, therefore, shall be effective upon publication in the FEDERAL REGISTER.

Dated: August 6, 1968.

LAWRENCE A. FOX,
Director,
Bureau of International Commerce.

[F.R. Doc. 68-9502; Filed, Aug. 8, 1968; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1363]

PART 13—PROHIBITED TRADE PRACTICES

Carleton Woolen Mills, Inc., and Edward P. LeVeen, Jr.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-40 Federal Trade Commission. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Carleton Woolen Mills, Inc., et al., Rochdale, Mass., Docket C-1352, July 8, 1968]

In the Matter of Carleton Woolen Mills, Inc., a Corporation, and Edward P. LeVeen, Jr., Individually and as an Officer of Said Corporation

Consent order requiring a Rochdale, Mass., manufacturer of wool fabrics to cease misrepresenting the fiber content of its goods on invoices and misbranding its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Carleton Woolen Mills, Inc., a corporation, and its officers, and Edward P. LeVeen, Jr., individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment of shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Failing to set forth the common generic name of fibers in naming such fibers in the required information on stamps, tags, labels, or other means of identification attached to wool products.

It is further ordered, That respondents Carleton Woolen Mills, Inc., a corporation, and its officers, and Edward P. LeVeen, Jr., individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of textile fabrics or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of constituent fibers contained in such products on invoices or shipping memoranda applicable thereto, or in any other manner.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 8, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-9454; Filed, Aug. 7, 1968; 8:46 a.m.]

[Docket No. 8671 o]

PART 13—PROHIBITED TRADE PRACTICES

The Sperry and Hutchinson Company

Subpart—Coercing and Intimidating: § 13.358 *Distributors.* Subpart—Combining or Conspiring: § 13.395 *To control marketing practices and conditions.* Subpart—Cutting off access to customers or market: § 13.595 *Threatening withdrawal of patronage from competitors' customers.* Subpart—Cutting off supplies or service: § 13.655 *Threatening disciplinary action or otherwise.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Sperry and Hutchinson Co., New York, N.Y., Docket 8671, June 26, 1968]

Order requiring the Nation's largest trading stamp company to cease setting a maximum number of stamps to be dispensed by its retail licensees in relation to the price of the goods sold, conspiring with others to enforce its policy of limitation, and suppressing the operation of trading stamp exchanges and other stamp redemption activity.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, the Sperry and Hutchinson Co., its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the issuing, distribution, sale, or the redemption of trading stamps in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Putting into effect, maintaining, or enforcing any plan or policy under which contracts, agreements, or understandings are entered into with any retailer which have the purpose or effect of:

(a) Fixing or establishing the maximum number of trading stamps which may be dispensed by retailers to their customers in relation to such customers' purchases of goods or services;

(b) Requiring, expressly or by implication, or suggesting to or inviting any retailer to dispense trading stamps on a basis not to exceed a specified number of trading stamps in relation to purchases by such retailer's customers of goods or services.

2. Securing adherence to a scheme or policy of foreclosing the dispensing of trading stamps at the retail level in excess of any specified ratio of stamps to goods or services sold, by terminating or threatening to terminate or cancel, or refusing to enter into contractual relationship with, or threatening to refuse to deal with, any retailer, or taking any other affirmative action which goes beyond the mere declination to deal with a customer who will not observe such policy.

3. Combining, conspiring, or otherwise knowingly acting in concert with any other person to cause any retailer to dispense trading stamps in any specified ratio of the number of stamps to goods or services sold.

4. Communicating in any way with any other trading stamp company, or acting in any way in response to any communication from any trading stamp company, with respect to the ratio of the number of trading stamps dispensed in relation to goods or services sold by the retailer.

5. Attempting in any way to:

(a) Impair, limit, or make subject to any conditions, whether by a purported retention of legal interest or otherwise, the freedom of any retailer to whom the respondent has issued trading stamps or any person to whom such retailer dispenses or transfers such respondent's trading stamps, to alienate such stamps, and

(b) To suppress or prevent the free and open redemption or exchange of trading stamps or the operation of trading stamps exchanges, whether by bringing any action in any court of any jurisdiction to enforce any purported legal interest referred to herein, or otherwise,

except that the provisions of this paragraph shall not apply to the extent that respondent can establish that dispensing or transferring of respondent's stamps was made with the sale of goods or the furnishing of services by persons or concerns not licensees of respondent.

6. Combining or conspiring with, or soliciting concerted action from, any other trading stamp company to prevent redemption of trading stamps or the operation of a trading stamp exchange.

7. Communicating in any way with any other trading stamp company or acting in any way in response to any communication from any trading stamp company with respect to preventing the operation of any trading stamp exchange or the free and open redemption or exchange of trading stamps by any person.

It is further ordered, That the respondent, within sixty (60) days after the effective date of this order:

1. (a) Notify in writing all of its sales employees, sales representatives, and licensees of the provisions of this cease and desist order;

(b) Reform all contracts with retailers or others who dispense S&H green stamps to the public to conform with the provisions of this cease and desist order;

(c) Eliminate the "Notice" contained in the S&H stamp-saving book, or reform said "Notice" to conform with the provisions of this cease and desist order.

2. Except as respondent can show that the situations consisted of the dispensing or transferring of respondent's stamps with the sale of goods or the furnishing of services by persons or concerns not licensees of respondent:

(a) Notify in writing each person to whom it has written, within the 5 years preceding the effective date of this order, a letter warning such person not to operate a trading stamp exchange or otherwise engage in the free and open redemption of trading stamps, that the respondent no longer intends to, nor will in any way, prevent such acts by such person;

(b) Notify in writing each person against whom it has secured, within the 10 years preceding the effective date of this order, an injunction or other restraining order in any court of any jurisdiction, forbidding such person to engage in the operation of a trading stamp exchange or otherwise engage in the free and open redemption of trading stamps, that the respondent will not oppose the dissolution of such injunction or other restraining order.

It is further ordered, That respondent, the Sperry and Hutchinson Co., shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission. Commissioner Elman concurred and has filed a concurring statement; Commissioner Jones dissented and has filed a dissenting statement; and Commissioner Nicholson did not participate for the reason that oral argument was heard prior to his appointment to the Commission.

Issued: June 26, 1968.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-9455; Filed, Aug. 7, 1968; 8:46 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 609—UNEMPLOYMENT COMPENSATION FOR FEDERAL CIVILIAN EMPLOYEES

Assignment of Federal Civilian Service and Wages

To facilitate the use of expanded interstate wage-combining plans it has been found desirable to modify existing regulations pertaining to the program of unemployment compensation for Federal civilian employees so that a transfer of Federal civilian service and wages from a transferring State to the paying State may be made in accordance with wage combining plans applicable to State claimants even though the plan does not limit the transfer, as the present regulation does, to so much of such service and wages as are in that portion of the transferring State's base period which overlaps the paying State's base period. It also has been found desirable to amend the existing regulation to make it clear that there is an assignment of Federal civilian service and wages to a State only if a benefit year is established for an individual claiming unemployment compensation.

The provisions of 5 U.S.C. 553 which require notice of proposed rulemaking, public participation in their adoption, and delay in effective date are not applicable because these rules relate to public benefits. I do not believe such procedures or delay will serve a useful purpose here. Accordingly, the following amendments shall become effective immediately.

1. In 20 CFR § 609.16, paragraphs (d) (2) and (e) are revised to read as follows:

§ 609.16 Assignment of Federal civilian service and wages.

* * * * * * *

(d) * * *

(2) Federal civilian service and wages shall not be transferred in whole or in part under an interstate wage combining plan if a Federal civilian employee has filed a first claim under the unemployment compensation law of the State to which such service and wages are assigned or, in the case of a first claim filed in the Virgin Islands, under the District of Columbia Unemployment Compensation Act.

(e) *When assignment deemed complete.* An individual's Federal civilian service and wages shall be deemed to have been assigned to a State or to the Virgin Islands when the State agency receives a completed Form ES-931 from a Federal agency and a benefit year is established for such individual.

* * * * * * *

(5 U.S.C. 8508)

Signed at Washington, D.C., this 31st day of July 1968.

WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 68-9505; Filed, Aug. 8, 1968; 8:45 a.m.]

PART 614—UNEMPLOYMENT COMPENSATION FOR EX-SERVICEMEN

Interstate Plans

To facilitate the use of expanded interstate wage-combining plans it has been found desirable to modify existing regulations pertaining to the program of unemployment compensation for ex-servicemen so that a transfer of Federal military service and wages from a transferring State to the paying State may be made in accordance with wage combining plans applicable to State claimants

even though the plan does not limit the transfer, as the present regulation does, to so much of such service and wages as are in that portion of the transferring State's base period which overlaps the paying State's base period.

The provisions of 5 U.S.C. 553 which require notice of proposed rulemaking, public participation in their adoption, and delay in effective date are not applicable because these rules relate to public benefits. I do not believe such procedures or delay will serve a useful purpose here. Accordingly, the following amendment shall become effective immediately.

1. In 20 CFR § 614.13 is revised to read as follows:

§ 614.13 Interstate plans.

(a) The interstate benefit payment plan and interstate wage combining plans shall apply, where appropriate, to individuals filing claims under the UCX program. For the purpose of these plans Federal military service and wages shall be considered employment and wages under any applicable State unemployment compensation law.

(b) Federal military service and wages shall not be transferred in whole or in part under an interstate wage combining plan if an ex-serviceman has filed a first claim under the unemployment compensation law of a State to which such service and wages are assigned or, in the case of a first claim filed in the Virgin Islands, under the District of Columbia Unemployment Compensation Act, if such service and wages were included in the base period established in connection with such first claim.

(5 U.S.C. 8508)

Signed at Washington, D.C., this 31st day of July, 1968.

WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 68-9506; Filed, Aug. 8, 1968; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 31—NONALCOHOLIC BEVERAGES

Soda Water, Identity Standard; Confirmation of Effective Date of Order Deleting Nordihydroguaiaretic Acid From List of Permitted Optional Ingredients

In the matter of amending the definition and standard of identity for soda water (21 CFR 31.1) by removing nordihydroguaiaretic acid from the list of chemical preservatives permitted in that beverage:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of June 12, 1968 (33 F.R. 8593). Accordingly, the amendment promulgated by that order will become effective August 11, 1968.

Dated: August 1, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-9524; Filed, Aug. 8, 1968; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 7B2127) filed by American Cyanamid Co., Wayne, N.J. 07470, and other relevant material, has concluded that the food additive regulations should be amended as set forth below to provide for the use of an additional optional substance as an antioxidant and/or stabilizer in polymers used in the manufacture of articles intended for food-contact use. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner (21 CFR 2.120), § 121.2566(b) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * * * *

(b) * * *

	Limitations
* * *	* * *
2,2'-Methylenebis (4-methyl-6-*tert*-butylphenol).	For use only at levels not to exceed 0.1 percent by weight of olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, and 4 used in articles that contact food of the types identified in § 121.2526(c), Table 1, under categories I, II, IV-B, VI, VII-B, and VIII.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 1, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-9523; Filed, Aug. 8, 1968; 8:47 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SERVICE CONCESSIONERS

Glen Canyon Recreation Area, Utah-Arizona

UNATTENDED PROPERTY

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), 245 DM-I (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), Regional Director, Southwest Regional Order No. 4 (31 F.R. 8134), as amended, it is proposed to amend § 7.70 of the Code of Federal Regulations as set forth below.

The purpose of this amendment is to relax existing restrictions regarding unattended property as contained in § 2.1 of Title 36 of the Code of Federal Regulations.

Since this amendment will relax restrictions on the public now in effect, public comment thereon is deemed to be unnecessary and this amendment shall take effect upon publication in the FEDERAL REGISTER.

Section 7.70 is amended to read as follows:

§ 7.70 Glen Canyon Recreation Area.

* * * * * * *

(b) *Unattended property.* Vehicles or boat trailers, or vehicle/boat trailer combinations, may be left unattended for periods of up to 14 days, when parked in parking areas adjacent to designated boat launching sites, without the prior permission of the Superintendent. Any vehicle or boat trailer or vehicle/boat trailer combination which is left in parking areas adjacent to designated boat launching sites for over 14 days may be impounded by the Superintendent.

WILLIAM J. BRIGGLE,
Superintendent, Glen Canyon, Recreation Area.

[F.R. Doc. 68-9503; Filed, Aug. 8, 1968; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 135—FOURTH CLASS

Conditions for Mailing 1,000 or More Pieces in Single Mailing at Special Fourth-Class Rate or at Library Rate

Correction

F.R. Doc. 68-9465 appearing at page 11170 of the issue for Wednesday, August 7, 1968, is corrected to read as follows:

In the daily issue of June 29, 1968 (33 F.R. 9554) the Department published a notice of proposed rule making consisting of the addition of a new paragraph (a)(6) to § 135.2 of Title 39, Code of Federal Regulations. The proposed addition of new paragraph (a)(6) was made pursuant to authority in section 108(a) of Public Law 90-206 approved December 16, 1967, and prescribed presorting requirements of articles mailed in quantities of 1,000 or more pieces at the special fourth-class rate or at the library rate. The proposed presorting requirements were to be effective in two stages, the first on October 1, 1968, and the second on January 15, 1969. The first stage requirement provided that identical pieces presented in quantities of 1,000 or more in a single day be separated and placed in sacks by the mailer, and the second stage requirement provided that each piece presented in a single day of 1,000 or more pieces include the complete ZIP Code in the address and be merged and presorted by three-digit ZIP Code area.

Interested persons were given 30 days in which to submit written data, views, and arguments concerning the proposals. After consideration of the comments received, the Department has concluded to adopt the original proposals with the exception that the second stage provision now only requires that nonidentical pieces be merged and presented by State and not by the three-digit ZIP Code area. Accordingly, new paragraph (a)(6) of § 135.2 reads as follows and will be effective on October 1, 1968, and January 15, 1969, as noted:

NOTE: Effective October 1, 1968, § 135.2(a)(6) will read as follows:

§ 135.2 Classification.

(a) *Description.* * * *

(6) Pieces which are identical, presented in quantities of 1,000 or more in a single day for mailing under subparagraphs (4) or (5) of this paragraph, must be separated by the mailer and placed in sacks as follows:

(i) When there is sufficient quantity for a three-digit ZIP code area to fill a sack approximately one-third full, the mailer must place the pieces in a sack labeled for the area.

(ii) If the pieces remaining after the three-digit sort for any State are sufficient to fill a sack approximately one-third full they must be placed in a sack labeled for the State.

(iii) All pieces remaining after the State sacks have been prepared, must be placed in sacks labeled "Mixed States."

(iv) The total weight of pieces placed in one sack must not exceed 80 pounds.

* * * * * *

NOTE: The Corresponding Postal Manual section is 135.216.

NOTE: Effective January 15, 1969, § 135.2(a)(6) will read as follows:

§ 135.2 Classification.

(a) *Description.* * * *

(6) Mailers who present 1,000 or more pieces including both identical and nonidentical pieces in any single day for mailing under subparagraph (4) or (5) of this paragraph must prepare the mailings as follows:

(i) Each piece must include the complete ZIP Code in the address.

(ii) Identical pieces (nonidentical pieces may voluntarily be merged with identical pieces).

(*a*) When there is sufficient quantity of identical pieces for a three-digit ZIP Code area to fill a sack approximately one-third full the mailer must place the pieces in a sack labeled for the area.

(*b*) If the identical pieces remaining after the three-digit sort for any State are sufficient to fill a sack approximately one-third full they must be placed in a sack labeled for the State.

(c) All identical pieces remaining after the State sacks have been prepared must be placed in sacks labeled "Mixed States."

(iii) Nonidentical pieces.

(*a*) All nonidentical pieces must be merged and presorted by State. When there is sufficient quantity for a State to fill a sack approximately one-third full, the pieces must be placed in a sack labeled for the State.

(*b*) All nonidentical pieces remaining after the State sacks have been prepared, must be placed in sacks labeled "Mixed States."

(iv) The total weight of pieces (identical or nonidentical) placed in one sack must not exceed 80 pounds.

* * * * * *

NOTE: The corresponding Postal Manual section is 135.216.

(5 U.S.C. 301, 39 U.S.C. 501, 4554(e))

TIMOTHY J. MAY,
General Counsel.

AUGUST 5, 1968.

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 51—GRANTS TO STATES FOR COMPREHENSIVE HEALTH PLANNING AND PUBLIC HEALTH SERVICES

State Allotments; Services in Communities

Notice of proposed rule making, public rule making procedures, and delay of effective date have been omitted as unnecessary in the issuance of the following amendments to Subpart B of Part 51, which relates solely to grants to State health and mental health authorities for the establishment and maintenance of adequate public health services in the State. These amendments relate to the inclusion of the Trust Territory of the Pacific Islands, requirements for records maintenance, computation of State allotments, the provision of health services in communities of the State, and the exclusion of research funds from eligible costs.

These amendments were adopted after consultation with a joint conference of State health and mental health authorities and shall become effective on July 1, 1968.

1. Section 51.101 is revised to read as follows:

§ 51.101 Applicability.

The regulations of this subpart apply to grants to State health and mental health authorities to assist the States, including the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, in establishing and maintaining adequate public health services, including the training of personnel for State and local health work, as authorized pursuant to section 314(d) of the Public Health Service Act, as amended, hereinafter referred to as the "Act."

2. Subparagraphs (1), (2), (3), and (4) of paragraph (j) of § 51.104 are renumbered as subparagraphs (2), (3), (4), and (5), respectively, a new subparagraph (1) is inserted and the newly renumbered subparagraph (3) are amended and subparagraph (1) of paragraph (k) is revised to read as follows:

§ 51.104 State plan requirements.

* * * * * *

(j) * * *

(1) The State authority shall maintain adequate records to show the disposition of all funds (Federal and non-Federal) expended for activities under the approved State plan.

* * * * * *

(3) The State authority shall make annual expenditure reports.

• • • • • •

(k) • • •

(1) Provide for the separation of allowable expenditures as between the State plan for public health services and the State plan for mental health services and for the separation of allowable expenditures under each State plan between those which are for the provision of health services in communities of the State and those which are for other purposes;

• • • • • •

3. Section 51.105 is revised to read as follows:

§ 51.105 State allotments.

The allotments for fiscal years 1969 and 1970 to each State shall be determined in the following manner:

(a) On the basis of population (as determined from the latest available estimate from the Department of Commerce), $3 per person up to a maximum of 100,000 persons, plus:

(b) Fifty percent of the remainder of the amount available on the basis of population (as determined above) and 50 percent on the basis of population weighted by financial need (as determined by the latest available estimates of per capita personal income from the Department of Commerce), adjusted so that the total allotment to any State under (a) plus (b) will not be less than the total of the amounts allotted to it under formula grants for cancer control, plus other allotments under section 314 of the Act, prior to amendment, for the fiscal year ending June 30, 1967.

(c) For the purposes of these computations, American Samoa and the Trust Territory of the Pacific Islands shall each be considered to have had total allotments for fiscal year 1967 equal to the lowest total allotments of any other State for that year.

4. A new § 51.106a is inserted as follows:

§ 51.106a Allocation of allotments to support services in communities.

For fiscal years ending after June 30, 1968 at least 70 percent of the funds allotted to the State health authority, and to the State mental health authority, respectively, under section 314(d) of the Act shall be available only for the provision of health services in communities of the State. Such services in communities shall include all eligible activities conducted under the State plan which, in the judgment of the Secretary or his delegate, are directly involved in the provision of services to people, in the training of personnel for community services, and in the prevention or alleviation of health, mental health, or environmental health problems in communities, whether such activities are provided by State or local agencies, but shall not include such activities as administration, planning, consultation, and data collection and analysis activities conducted by the State agency for statewide planning and administrative purposes not directly involved in the provision of services to people.

5. Section 51.107 is amended by the renumbering of subparagraphs (4) and (5) of paragraph (b) as subparagraphs (5) and (6), respectively, and the insertion of a new subparagraph (4) as follows:

§ 51.107 Expenditures and payments.

• • • • • •

(b) *Eligible costs.* Federal participation in providing "Public Health Services" under a State plan may include the costs of any physical, mental, or environmental health service which the State authority is authorized to undertake or support, or the costs of training, including in-service and specialized or short-term training of personnel for State and local health work, except that the following costs of services and training shall not be included:

• • • • • •

(4) Research activities, other than those which are a part of health service programs or demonstrations, or of health surveys, epidemiologic studies, or case findings;

• • • • • •

(Secs. 215, 314 of the Public Health Service Act; 58 Stat. 690, 80 Stat. 1181; 42 U.S.C. 216, 246)

Dated: May 2, 1968.

[SEAL] ROBERT Q. MARSTON,
Acting Administrator, Health Services and Mental Health Administration.

Approved: August 2, 1968.

WILBUR J. COHEN,
Secretary.

[F.R. Doc. 68-9529; Filed, Aug. 8, 1968; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBIC LAND ORDERS

[Public Land Order 4501]

[Idaho 1675]

IDAHO

Revocation of Air Navigation Site Withdrawals, in Whole or in Part

Correction

In F.R. Doc. 68-8630 appearing at page 10401 in the issue of Saturday, July 20, 1968, the second line under the center heading "Huntington Beacon Site" should read "Sec. 34, SW¼NE¼SE¼ SW¼."

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 335—PROMOTION AND INTERNAL PLACEMENT

PART 351—REDUCTION IN FORCE

PART 752—ADVERSE ACTIONS BY AGENCIES

PART 771—EMPLOYEE GRIEVANCES AND ADMINISTRATIVE APPEALS

Miscellaneous Amendments

To provide for the demotion of employees to their regular positions after temporary promotions without compliance with the procedures for adverse action, and to limit all details to 120 days without the prior approval of the Commission, the Commission has amended Parts 335, 351, 752, and 771 as set out below.

1. Part 335 is amended by adding a new paragraph (f) to § 335.102.

§ 335.102 Agency authority to promote, demote, or reassign.

• • • • • •

(f) (1) Temporarily promote an employee to meet a temporary need for a definite period of 1 year or less and extend such a promotion for a definite period not to exceed 1 additional year. At the end of the period for which the agency temporarily promoted the employee, or when the agency determines that it no longer needs the employee in the position, the agency shall return the employee to the position from which it temporarily promoted him, except when it reassigns or demotes him, without time limitation and with his consent, to a different position. The return of an employee to the position from which the agency temporarily promoted him under this subparagraph or his reassignment or demotion to a different position that is not at a lower grade or level than the position from which he was temporarily promoted is not subject to part 315, 752, 771, or 772 of this chapter.

(2) This paragraph applies to a career, career-conditional, status quo, indefinite, or term employee and to an employee serving under a career executive assignment, an overseas limited appointment of indefinite duration, or an overseas limited term appointment.

(5 U.S.C. 3301, 3302; E.O. 10577; 3 CFR, 1954–58 Comp., p. 218)

2. Part 351 is amended by adding a new paragraph (e) to § 351.201, amending paragraphs (a), (b), and (c) of § 351.404, and amending section 351.601.

§ 351.201 Use of regulations.

• • • • • •

(e) This part does not apply to the termination of a temporary promotion or to the return of an employee to the position from which he was temporarily promoted or his reassignment or demotion to a different position that is not at a lower grade or level than the position from which he was temporarily promoted.

• • • • • •

§ 351.404 Retention register.

(a) Each agency shall establish a separate retention register from the current retention records of employees in, and employees temporarily promoted from, each competitive level affected when a competing employee is to be released from a competitive level under this part.

(b) The agency shall enter on the retention register in the order of his retention standing the name of each competing employee in, and each competing employee temporarily promoted from, a competitive level (whether in duty, leave, or furlough status), except an employee on military duty with a restoration right.

(c) The agency shall enter on a list apart from the retention register the name and expiration date of the appointment or promotion of each employee serving in a position in the competitive level under specifically limited temporary appointment or temporary promotion followed by the name of each employee serving in a position in the competitive level with a performance rating of less than "Satisfactory".

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§ 351.601 General.

An agency may not release a competing employee from a competitive level while retaining in that level an employee with a specifically limited temporary appointment, a specifically limited temporary promotion, or an "Unsatisfactory" performance rating. It may not release a competing employee from a competitive level while retaining in that level an employee with lower retention standing, except as required under § 351.606 or § 351.806 or as permitted under § 351.607 and § 351.608.

(1302, 3502)

3. Part 752 is amended by adding a new subparagraph (5) to paragraph (b) of § 752.103.

§ 752.103 General exclusions.

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(b) Adverse actions. • • •

(5) An action terminating a temporary promotion within a maximum period of 2 years and returning the employee to the position from which he was temporarily promoted or reassigning or demoting him to a different position that is not at a lower grade or level than the position from which he was temporarily promoted.

(5 U.S.C. 1302, 3301, 3302, 7301; E.O. 10577, 3 CFR 1954–58 Comp., p. 218; E.O. 10988, 3 CFR 1959–63 Comp., p. 521)

4. Part 771 is amended by adding a new subparagraph (5) to paragraph (b) of section 771.205.

§ 771.205 Adverse action coverage.

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(b) *Actions not covered.* • • •

(5) An action terminating a temporary promotion within a maximum period of 2 years and returning the employee to the position from which he was temporarily promoted or reassigning or demoting him to a different position that is not at a lower grade or level than the position from which he was temporarily promoted.

(5 U.S.C. 1302, 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218; E.O. 10967; CFR 1959–63 Comp., p. 519)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-9580; Filed, Aug. 8, 1968; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 947]

IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIFORNIA, AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY.

Funds From Reserve for Liquidation As Operating Reserve

Consideration is being given to the approval of a proposal to use funds from reserve for liquidation as an operating reserve, as hereinafter set forth, which was recommended by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114 and Order No. 947 (7 CFR Part 947, as amended).

This marketing order program regulates the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and all counties in Oregon except Malheur County, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with this proposal shall file the same with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, no later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposal is as follows:

§ 947.221 Authorization to use funds from reserve for liquidation as an operating reserve.

The committee, with the approval of the Secretary, may use funds authorized pursuant to § 947.44(b) to defray any expenses authorized pursuant to this part.

Terms used in this section shall have the same meaning as when used in said marketing agreement and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 6, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9509; Filed, Aug. 8, 1968; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

ETHION

Proposed Establishment of Pesticide Tolerances

A petition (PP 7F0527) was filed with the Food and Drug Administration by the FMC Corp., Niagara Chemical Division, 100 Niagara Street, Middleport, N.Y. 14105, proposing the establishment of tolerances for residues of the insecticide ethion (*0,0,0',0'*-tetraethyl *S,S'*-methylene bisphosphorodithioate) in or on the raw agricultural commodities meat and meat byproducts of cattle at 2.5 parts per million from use to control certain insects on beef cattle outside the United States.

Subsequently the petitioner amended the petition by changing the proposed tolerances from 2.5 parts per million on meat and meat byproducts of cattle to tolerances in fat of cattle at 2.5 parts per million and in meat and meat byproducts of cattle at 0.75 part per million. The petition was filed pursuant to section 408(d)(1) of the Federal Food, Drug, and Cosmetic Act; however, in the absence of a certificate of usefulness because no use in the United States is proposed, the procedure is pursuant to section 408(e) of the Act.

The Secretary of Agriculture has advised that this pesticide chemical is reported to be successfully used as a cattle pesticide in Australia.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances proposed herein are safe and would protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare, by the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)) and delegated to the Commissioner (21 CFR 2.120), it is proposed that § 120.173 be amended by inserting after "5 parts per million • • •" a new tolerance "2.5 parts per million • • •" and after "1 part per million • • •" a new tolerance "0.75 part per million • • •" and by revising the zero tolerance, as follows:

§ 120.173 Ethion; tolerances for residues.

• • • • •

2.5 parts per million in or on fat of cattle.

• • • • •

0.75 part per million in or on meat and meat byproducts of cattle.

• • • • •

Zero in milk.

Any person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing ethion may request, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments on this proposal, preferably in quintuplicate. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: August 1, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-9525; Filed, Aug. 8, 1968; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-WA-39]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would raise the floors of the Federal airways in Alaska, from 700 feet above the surface to 1200 feet above the surface or higher. This would release additional controlled airspace for Visual Flight Rule operations. Only that airspace not required for Instrument Flight Rule operations would be released.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments, as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the Office of the Regional Air Traffic Division Chief.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable air space outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Federal Aviation Administration proposes to redesignate the floors of the pertinent airway segments as hereinafter set forth.

1. G-7—From Nome, Alaska, RR, 1,200 feet AGL Moses Point, Alaska, RR; 1,200 feet AGL INT E course Moses Point RR and N course Unalakleet, Alaska, RR; 68 mi. 5,500 feet MSL, 1,200 feet AGL Galena, Alaska, RR; 1,200 feet AGL INT E course Galena RR and W course Fairbanks, Alaska, RR; 1,200 feet AGL Fairbanks RR.

2. G-8—From King Salmon, Alaska, RR, 1,200 feet AGL Big Mountain, Alaska, RBN; 1,200 feet AGL Homer, Alaska, RR; 1,200 feet AGL Kenai, Alaska, RR; 1,200 feet AGL INT NE course Kenai and a bearing of 266° from Anchorage, Alaska, RR; 1,200 feet AGL Anchorage RR; 1,200 feet AGL INT NE course Anchorage RR and SE course Skwentna, Alaska, RR; 1,200 feet AGL Gulkana, Alaska, RR; 1,200 feet AGL INT NE course Gulkana RR and SW course Northway, Alaska, RR; 1,200 feet AGL Northway RR.

3. G-9—From Bethel, Alaska, RBN (BET) 35 mi. 1,200 feet AGL, 125 mi. 5,500 feet MSL, 1,200 feet AGL Sparrevohn, Alaska, RBN; 24 mi. 12 AGL, 20 mi. 5,300 feet MSL, 9,600 feet MSL INT Sparrevohn RBN 093° and Anchorage, Alaska, RR 266° bearings; 17 mi. 9,600 feet MSL, 1,200 feet AGL Anchorage.

4. A-1—From Sandspit, British Columbia, Canada, RR, INT NW course Sandspit RR and SW course Annette Island, Alaska, RR; 117 mi. 3,500 feet MSL, 1,200 feet AGL Sitka, RR; 31 mi. 1,200 feet AGL, 50 mi. 4,800 feet MSL, 112 mi. 2,000 feet MSL, 1,200 feet AGL Yakutat, Alaska, RR; 1,200 feet AGL INT NW course Yakutat RR and SE course Hinchinbrook, Alaska, RR; 1,200 AGL Hinchinbrook, RR; 1,200 feet AGL Whittier, Alaska, RBN; 1,200 feet AGL Anchorage, Alaska, RR; 1,200 feet AGL INT NW course Anchorage and SE course Skwentna, Alaska, RR; 1,200 feet AGL Skwentna RR; 1,200 feet AGL Puntilla Lake, Alaska, RBN; 1,200 feet AGL Farewell, Alaska, RR; 1,200 feet AGL McGrath, Alaska, RR; 24 mi. 1,200 feet AGL, 53 mi. 5,500 feet MSL, 46 mi. 4,000 feet MSL, 1,200 feet AGL Unalakleet, Alaska, RR; 52 mi. 1,200 feet AGL, 51 mi. 2,500 feet MSL, 1,200 feet AGL Nome, Alaska, RR. The airspace within Canada is excluded.

5. A-2—From Burwash Landing, Yukon Territory, Canada, RR, 86 mi.; 40 mi. 1,200 feet AGL Northway, Alaska, RR; 1,200 feet AGL Big Delta, Alaska, RR; 1,200 feet AGL INT NW course Big Delta RR and E course Fairbanks, Alaska, RR; 1,200 feet AGL Fairbanks RR; 1,200 feet AGL Bettles, Alaska, RBN. The airspace within Canada is excluded.

6. A-15—From Ethelda Bay, British Columbia, Canada, RBN 112 mi.; 26 mi. 1,200 feet AGL, Annette Island, Alaska, RR; 42 mi. 1,200 feet AGL, 5,200 feet MSL Petersburg, Alaska, RR; 1,200 feet AGL Coghlan Island, Alaska, RBN; 1,200 feet AGL Haines, Alaska, RBN; 1,200 feet AGL Burwash Landing, Yukon Territory, Canada, RR; 1,200 feet AGL Northway, Alaska, RR; 1,200 feet AGL Big Delta, Alaska, RR; 1,200 feet AGL INT NW course Big Delta RR and E course of Fairbanks, Alaska, RR; 1,200 feet AGL Fairbanks, RR; excluding the airspace within Canada.

7. R-1—From Sitka, Alaska, RR 1,200 feet AGL INT SE course Sitka RR and SW course Petersburg, Alaska, RR; 5,500 feet MSL Cape Decision, Alaska, RBN; 5,500 feet MSL Guard Island, Alaska, RBN; 1,200 feet AGL Annette Island, Alaska, RR.

8. R-27—From INT NW course Nenana, Alaska, RR and W course Fairbanks, Alaska, RR; 1,200 feet AGL Nenana, RR; 1,200 feet AGL INT SE course Nenana RR and SW course Fairbanks RR.

9. R-39—From Bethel, Alaska, RBN (BET) 1,200 feet AGL Aniak, Alaska, RBN; 25 mi. 1,200 feet AGL, 89 mi. 5,500 feet MSL, 1,200 feet AGL McGrath, Alaska, RR; 26 mi. 1,200 feet AGL, 57 mi. 4,300 feet MSL, 1,200 feet AGL Minchumina, Alaska, RR; 1,200 feet AGL Nenana, Alaska, RR; 1,200 feet AGL Fairbanks, Alaska, RR.

10. R-40—From Kodiak, Alaska, RR; 27 mi. 1,200 feet AGL, 24 mi. 3,500 feet MSL, 29 mi. 5,500 feet MSL, 1,200 feet AGL Homer, Alaska, RR; 1,200 feet AGL INT E course Kenai, Alaska, RR and SW course Anchorage, Alaska, RR; 1,200 feet AGL Anchorage, RR.

11. R-41—From INT NW course Sitka, Alaska, RR and SW course Gustavus, Alaska, RR 1,200 feet AGL Gustavus RR; 1,200 feet AGL Sisters Island, Alaska RBN.

12. R-50—From INT E course Galena, Alaska, RR and SW course Tanana, Alaska, RR, 1,200 feet AGL Tanana RR; 1,200 feet AGL INT SE course Tanana RR and W course Fairbanks, Alaska, RR.

13. R-64—From INT SW course Annette Island, Alaska, RR and the United States/Canadian border, 1,200 feet AGL Annette RR.

14. R-82—From Skwentna, Alaska, RR, 1,200 feet AGL INT SE course Skwentna RR and NE course Anchorage, Alaska, RR.

15. R-99—From Big Mountain, Alaska, RBN 1,200 feet AGL Iliamna, Alaska, RBN; 1,200 feet AGL INT Iliamna RBN 145° and Big Mountain RBN 080° bearings.

16. R-103—From Anchorage, Alaska, RR, 1,200 feet AGL INT Anchorage RR 266° bearing and NE course Kenai, Alaska, RR; 1,200 feet AGL Kenai RR; 1,200 feet AGL INT SE course Kenai RR and SW course Anchorage, RR; 49 mi. 1,200 feet AGL, 58 mi. 3,500 feet MSL, 1,200 feet AGL Middleton Island, Alaska, RBN.

17. B-2—From Sitka, Alaska, RR, 1,200 feet AGL Sisters Island, Alaska, RBN.

18. B-12—From McGrath, Alaska, RR, 24 mi. 1,200 feet AGL, 54 mi. 5,500 feet MSL, 1,200 feet AGL Galena, Alaska, RR; 34 mi. 1,200 feet AGL, 122 mi. 5,500 feet MSL, 1,200 feet AGL Kotzebue, Alaska, RBN.

19. B-25—From INT SW course Hinchinbrook, Alaska, RR and Middleton Island, Alaska, RBN 296° bearing; 1,200 feet AGL Hinchinbrook RR; 11 mi., 1,200 feet AGL, 21 mi. 5,500 feet MSL, 28 mi. 9,000 feet MSL, INT NE course Hinchinbrook RR and S course Gulkana, Alaska, RR; 1,200 feet AGL Gulkana, RR; 1,200 feet AGL Big Delta, Alaska, RR.

20. B-26—From Anchorage, Alaska, RR, 1,200 feet AGL Talkeetna, Alaska, RBN; 1,200 feet AGL Summit, Alaska, RR; 1,200 feet AGL INT N course Summit RR and SW course Fairbanks, Alaska, RR; 1,200 feet AGL Fairbanks RR; 46 mi. 1,200 feet AGL, 31 mi. 6,500 feet MSL, 1,200 feet AGL Fort Yukon, Alaska, RBN.

21. B-27—From Kodiak, Alaska, RR 48 mi. 1,200 feet AGL, 8,500 feet MSL INT Kodiak RR 270° bearing and SE course King Salmon, Alaska, RR; 24 mi. 8,500 feet MSL, 1,200 feet AGL King Salmon RR; 43 mi. 1,200 feet AGL, 117 mi. 7,000 feet MSL, 1,200 feet AGL Bethel, Alaska (BET) RBN; 17 mi. 1,200 feet AGL, 202 mi. 3,000 feet MSL, 1,200 feet AGL Nome, Alaska, RR, 35 mi. 1,200 feet AGL 89 mi. 5,500 feet MSL, 1,200 feet AGL Kotzebue.

22. B-38—From Five Fingers, Alaska, USCG RBN, 1,200 feet AGL Gustavus, Alaska, RR; 1,200 feet AGL Haines, Alaska, RBN; 1,200 feet AGL Whitehorse, Yukon Territory, Canada, RR, excluding the airspace within Canada.

23. B-43—From INT N course Summit, Alaska, RR and SW course Fairbanks, Alaska, RR, 1,200 feet AGL INT N course Summit RR and SE course Nenana, Alaska, RR; 1,200 feet AGL Nenana RR; 1,200 feet AGL Fairbanks RR.

24. B-79—From Sandspit, British Columbia, Canada, RR 89 mi.; 23 mi. 1,200 feet AGL Annette Island, Alaska, RR; 42 mi. 1,200 feet AGL, 5,200 feet MSL Petersburg, Alaska, RR; 1,200 feet AGL Coghlan Island, Alaska, RBN; 1,200 feet AGL Haines, Alaska, RBN; 1,200 feet AGL Burwash Landing, Yukon Territory, Canada, RR; 1,200 feet AGL Northway, Alaska, RR, excluding the airspace within Canada.

25. B-80—From INT NW course Unalakleet, Alaska, RR and S course Moses Point, Alaska, RR; 1,200 feet AGL Moses Point RR.

26. V-307—From Sandspit, British Columbia, Canada, 1,200 feet AGL Annette Island,

Alaska; 42 mi. 1,200 feet AGL, 99 mi. 5,500 feet MSL, 1,200 feet AGL, Biorka Island, Alaska; 1,200 feet AGL Sisters Island, Alaska. The airspace within Canada is excluded.

27. V–317—From Elthelda Bay, British Columbia, Canada, RBN, 1,200 feet AGL Annette Island, Alaska, including a 1,200 feet AGL W alternate via INT Sandspit, British Columbia, Canada, 039° and Annette Island 167° radials; 42 mi. 1,200 feet AGL, 5,200 feet MSL Level Island, Alaska; 1,200 feet AGL Sisters Island, Alaska; 1,200 feet AGL INT Sisters Island 272° and Yakutat, Alaska, 139° radials; 86 mi. 2,000 feet MSL, 1,200 feet AGL Yakutat; 1,200 feet AGL Johnstone Point, Alaska; 1,200 feet AGL INT Johnstone Point 286° and Anchorage, Alaska 117° radials; 1,200 feet AGL Anchorage, including a 1,200 feet AGL S alternate via INT Johnstone Point 275° and Anchorage 130° radials. The airspace within Canada is excluded.

28. V–436—From King Salmon, Alaska, 1,200 feet AGL INT King Salmon 068° and Kenai, Alaska, 217° radials; 1,200 feet AGL Kenai, including a 1,200 feet AGL E alternate from King Salmon to Kenai via INT King Salmon 068° and Kenai 217° radials, and Homer, Alaska; 1,200 feet AGL Anchorage, Alaska.

29. V–438—From Kodiak, Alaska, 27 mi. 1,200 feet AGL 24 mi. 3,500 feet MSL, 29 mi. 5,500 feet MSL, 1,200 feet AGL Homer, Alaska, including a W alternate from Kodiak 27 mi. 1,200 feet AGL, 24 mi. 3,500 feet MSL, 33 mi. 5,500 feet MSL, 1,200 feet AGL to Homer; 1,200 feet AGL INT Homer 027° and Anchorage, Alaska, 198° radials; 1,200 feet AGL Anchorage; 1,200 feet AGL Big Lake, Alaska; 1,200 feet AGL Fairbanks, Alaska; 54 mi. 1,200 feet AGL, 31 mi. 6,500 feet MSL, 1,200 feet AGL Fort Yukon, Alaska, including an E alternate from Fairbanks 54 mi. 1,200 feet AGL, 34 mi. 6,500 feet MSL, 1,200 feet AGL to Fort Yukon.

30. V–440—From Seattle, Wash., 1,200 feet AGL Victoria, British Columbia, Canada. From Sandspit, British Columbia, Canada; 83 mi.; 115 mi. 8,500 feet MSL, 1,200 feet AGL Biorka Island, Alaska; 31 mi. 1,200 feet AGL, 50 mi. 4,800 feet MSL, 106 mi. 2,000 feet MSL, 1,200 feet AGL Yakutat, Alaska, 50 mi. 1,200 feet AGL 105 mi. 7,500 feet MSL, 1,200 feet AGL Middleton Island, Alaska, 56 mi. 1,200 feet AGL, 48 mi. 8,000 feet MSL, 1,200 feet AGL Anchorage, Alaska, including an S alternate from Middleton Island, 56 mi. 1,200 feet AGL, 8,500 feet MSL INT Middleton Island 298° and Anchorage 163° radials; 1,200 feet AGL to Anchorage, excluding the airspace between the main and this S alternate; 1,200 feet AGL McGrath, Alaska; 23 mi. 1,200 feet AGL, 54 mi. 5,500 feet MSL, 46 mi. 4,000 feet MSL, 1,200 feet AGL Unalakleet, Alaska; 52 mi. 1,200 feet AGL, 51 mi. 2,500 feet MSL, 1,200 feet AGL Nome, Alaska. The airspace within Canada is excluded.

31. V–444—From Bettles, Alaska, 1,200 feet AGL Fairbanks, Alaska, including a 1,200 feet AGL S alternate via INT Bettles 155° and Fairbanks 307° radials; 1,200 feet AGL Big Delta, Alaska; 1,200 feet AGL Northway, Alaska; 1,200 feet AGL Burwash Landing, Yukon Territory, Canada. The airspace within Canada is excluded.

32. V–452—From Nome, Alaska, 1,200 feet AGL Moses Point, Alaska, including a 1,200 feet AGL N alternate; 36 mi. 1,200 feet AGL, 68 mi. 5,500 feet MSL, 1,200 feet AGL Galena, Alaska; 1,200 feet AGL Nenana, Alaska.

33. V–453—From King Salmon, Alaska, 1,200 feet AGL Dillingham, Alaska, including a 1,200 feet AGL S alternate; 38 mi. 1,200 feet AGL, 6,000 feet MSL INT Dillingham 308° and Bethel, Alaska 143° radials; 50 mi. 6,000 feet MSL, 1,200 feet AGL Bethel.

34. V–456—From King Salmon, Alaska, 93 mi. 1,800 feet AGL, 61 mi. 12,500 feet MSL, 15 mi. 10,500 feet MSL, 1,200 feet AGL Anchorage, Alaska; 1,200 feet AGL Big Lake, Alaska; 1,200 feet AGL Gulkana, Alaska; 1,200 feet AGL Northway, Alaska.

35. V–463—From Anchorage, Alaska, 1,200 feet AGL INT Anchorage 330° and Big Lake, Alaska, 294° radials.

36. V–480—From Bethel, Alaska, 105 mi. 1,200 feet AGL, 89 mi. 5,500 feet MSL, 1,200 feet AGL McGrath, Alaska, 26 mi. 1,200 feet AGL, 57 mi. 4,300 feet MSL, 1,200 feet AGL Nenana, Alaska; 1,200 feet AGL Fairbanks, Alaska.

37. V–488—From Galena, Alaska, 1,200 feet INT Galena 074° and Tanana, Alaska, 260° radials; 1,200 feet AGL Tanana, including a 1,200 feet AGL S alternate; 1,200 feet AGL Fairbanks, Alaska.

38. V–498—From McGrath, Alaska, 24 mi. 1,200 feet AGL, 54 mi. 5,500 feet MSL, 1,200 feet AGL Galena, Alaska; 34 mi. 1,200 feet AGL, 122 mi. 5,500 feet MSL, 1,200 feet AGL Kotzebue, Alaska.

39. V–504 From Nenana, Alaska, 1,200 feet AGL Bettles, Alaska.

40. V–506—From INT Kodiak, Alaska, 107° radial and NW boundary Anchorage Oceanic Control Area at Lat. 57°28'' N, Long. 150°32'' W; 37 mi. 2,000 feet MSL 1,200 feet AGL Kodiak; 27 mi. 1,200 feet AGL; 4,000 feet MSL INT Kodiak 332° and King Salmon, Alaska, 097° radials; 50 mi. 9,500 feet MSL, 1,200 feet AGL King Salmon; 41 mi. 1,200 feet AGL, 117 mi. 7,000 feet MSL, 1,200 feet AGL Bethel, Alaska; 18 mi. 1,200 feet AGL, 202 mi. 3,000 feet MSL, 1,200 feet AGL Nome, Alaska; 35 mi. 1,200 feet AGL, 90 mi. 5,500 feet MSL, 1,200 feet AGL Kotzebue, Alaska.

41. V–508—From Middleton Island, Alaska, 56 mi. 1,200 feet AGL, 58 mi. 8,500 feet MSL, 1,200 feet AGL, Kenai, Alaska.

42. V–510—From McGrath, Alaska, 1,200 feet AGL INT McGrath 123° and Big Lake, Alaska, 294° radials; 1,200 feet AGL Big Lake.

These amendments are proposed under the authority of secs. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510), and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on August 2, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68–9501; Filed, Aug. 8, 1968; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

National Park Service

GRAND CANYON NATIONAL PARK, ARIZ.

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that 30 days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Verkamp's, authorizing it to continue to provide merchandising facilities and services for the public at Grand Canyon National Park, Ariz., for a period of 10 years from January 1, 1968, through December 31, 1977.

The foregoing concessioner has performed its obligations under the expired contract to the satisfaction of the National Park Service and, therefore, pursuant to the act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within 30 days after the publication date of this notice.

Interested parties should contact the Chief of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: August 2, 1968.

EDWARD A. HUMMEL,
Assistant Director, National Park Service.

[F.R. Doc. 68–9504; Filed, Aug. 8, 1968; 8:45 a.m.]

Office of the Secretary

[Order 2882, Amdt. 4]

CONGRESS OF MICRONESIA, TRUST TERRITORY OF THE PACIFIC ISLANDS

Legislative Authority

Correction

In F.R. Doc. 68–9231 appearing at page 11034 of the issue for Friday, August 2, 1968, the first sentence in Section 19 *Compensation* should read "For the period beginning July 1, 1969, and ending June 30, 1973, each member of the Congress shall be entitled to receive an annual salary of $3,500, and the President of the Senate and the Speaker of the House of Representatives shall each be entitled to receive an additional $500 all of which amounts shall be payable from funds appropriated by the Congress of the United States, when such funds are appropriated pursuant to estimates submitted by the Secretary of the Interior."

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

RECTOR AUCTION SALE BARN, INC., ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, location of stockyard, and date of posting

Rector Auction Sale Barn, Inc., Rector, Ark., Aug. 17, 1957.
Vernon Livestock Commission Market, Leesville, La., Mar. 20, 1967.
Mississippi Livestock Producers Association, Yazoo City, Miss., Aug. 21, 1965.
Farmers Stock Yard, Newport, Tenn., May 14, 1959.
Jamestown Stockyards, Inc., Jamestown, Tenn., June 1, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not depositing promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER. (42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 1st day of August 1968.

G. H. HOPPER,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 68–9511; Filed, Aug. 8, 1968; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CHEMAGRO CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 8F0678) has been filed by Chemagro Corp., Post Office Box 4913, Hawthorn Road, Kansas City, Mo. 64120, proposing the establishment of a tolerance of 0.1 part per million for residues of the insecticide *0,0*-diethyl *0*-(3-chloro-4-methyl- 2 -oxo-(2H)-1-benzopyran-7-yl) phosphorothioate in eggs.

The analytical methods proposed in the petition for determining residues of the insecticide are: (1) A gas chromatographic procedure with thermionic emission flame ionization detection and (2) the method of Anderson, Adams, and MacDougall published in "Journal of Agricultural and Food Chemistry," vol. 7, pp. 256–59 (1959).

Dated: August 1, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–9526; Filed, Aug. 8, 1968; 8:47 a.m.]

DEL MONTE CORP.

Canned Tomato Wedges Deviating From Identity Standard; Temporary Permit for Market Testing

Pursuant to § 10.5 (21 CFR 10.5) concerning temporary permits to facilitate market testing of foods deviating from the requirements of standards of identity promulgated pursuant to section 401 (21 U.S.C. 341) of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to Del Monte Corp., 215 Fremont Street, San Francisco, Calif. 94119. This permit covers interstate marketing tests of canned tomato wedges with added cyclamic acid, an ingredient not provided for by the standard of identity for canned tomatoes (21 CFR 53.40), and calcium salts in excess of the amount provided for by said standard.

The subject food will contain cyclamic acid in a quantity of 0.026 percent by weight and calcium salts, as specified in § 53.40(a)(5), in a quantity such that the amount of the calcium added thereby is not more than 0.1 percent by weight of the finished canned tomato wedges.

Labels on the food are to name the ingredients by the statement "Tomato wedges with added tomato juice, citric acid, trace of calcium salt and cyclamic acid."

The term of this permit is from September 15, 1968, through September 15, 1969.

Dated: August 1, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-9527; Filed, Aug. 8, 1968; 8:47 a.m.]

SALSBURY LABORATORIES

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348 (b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Salsbury Laboratories, Charles City, Iowa 50616, has withdrawn its petition, notice of which was published in the FEDERAL REGISTER of January 5, 1967 (32 F.R. 59), proposing the amendment of the food additive regulations to provide for the safe use of a combination drug containing aklomide and sulfanitran in combination with low-levels of bacitracin, manganese bacitracin, or bacitracin methylene dialicylate in chicken feed.

Dated: August 1, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-9528; Filed, Aug. 8, 1968; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19923; Order 68-8-18]

AMERICAN AIRLINES, INC. ET AL.

Order Regarding Discussions on Freight Liability and Claim Rules and Practices

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of August 1968.

By petition filed May 29, 1968, on behalf of seven airlines,[1] the carriers request Board authority to hold intercarrier and shipper-carrier discussions relating to air freight tariff rules and practices relating to liability, valuation, and claims. The petitioners also ask that the discussion authority sought to be extended to include all United States certificated route carriers which engage in interstate or overseas air transportation of air freight, and those United States and Canadian flag air carriers which provide air freight service between the United States and Canada on prescribed routes.[2]

The carriers have determined that joint discussions of, and possible agreement on, revisions of the various tariff rules and carrier practices in this general area should be conducted only with prior Board approval, and to this end have filed their petition.

The carriers request that the authority sought should be effective for a period of not less than 6 months from the date of the Board's order approving such discussions.

No objections to the petition have been filed.

Numerous joint carrier discussions have already been held concerning these air freight tariff rules and practices. Such discussions have primarily been concerned with how best to advance the matter, and the numerous separate but related tariff rules and practices. As indicated by progress reports which have been furnished the Board, recommendations for minor revision of rules relating to Carriers Lien (Rule 38), Notice and Disposition of Property (Rule 40), Claim Procedure (Rule 60 as to overcharge claims) and Limitations of Actions (Rule 62) have been resolved,[3] as well as a preliminary draft of an industry Claims Manual and a rudimentary report of statistical data on claims. The airline tariff publishing agent has been instructed to submit certain recommendations for rules revisions to the airline tariff participants by means of a mail vote procedure, which will presumably be followed by a filing with the Board of the agreed revised rules in agreement form, pursuant to section 412 of the Federal Aviation Act.[4] The filing of such revised rules in the carriers' tariffs will await Board approval of these agreements.

With respect to other rules and practices in the general area under consideration, it is apparent that the carriers do not wish to proceed further on a collective basis without prior Board approval.

Approximately 75 shippers responded to the Board's notice of last August, and it is evident that there is considerable dissatisfaction with the air carriers' liability and claim rules and practices; that the lack of carrier uniformity, both in the printed text of a particular rule as well as in the carriers' interpretations and practices, is a source of irritation to shippers; and that a general swing in air freight towards surface carrier freight liability and claim rules and practices is favored by many shippers. Such uniformity would not only generally increase the upper dollar limits on air carrier liability for loss or damage and other actions, but would also materially improve the understanding and acceptance of air freight transportation by the average surface-oriented shipper.

It is clear that the general area of air freight liability, valuation, and claim rules and practices warrants a close review. Most of the tariff rules in question have been in existence in substantially the same form and content since the 1944–1947 period of inception of the air freight industry. Technological changes, as well as sheer growth, would indicate that an updating and modernization of the carrier-shipper relationship is appropriate in order that the industry will continue to well serve the public and to prosper. This view is supported by the shipper response to the Board's inquiry, cited above, and by an equally impressive volume of separate correspondence from the public as to its dissatisfaction with unknown rules and interpretations of the carriers with respect to claims for loss, damage, delay, undercharges, and overcharges.

The Board believes that the carriers and their shipper customers, working together under Board supervision, should be able to develop improved rules and practices for the mutual benefit of the carriers and the public. Except as to valuation rates or liability limits, the Board would, however, caution the carriers to refrain from discussions relating to transportation rates or rate structures.

In short, the discussions sought may well prove advantageous to all concerned and appear to warrant our approval. In any event, and should generally acceptable provisions not be resolved, the Board will not have foreclosed its prerogatives.

The Board will authorize the participation of Canadian-flag air carriers with respect to United States-Canada transborder traffic, as requested by the carriers. However, the Board will not limit the geographical scope of the discussions to United States and United States-Canadian traffic, since numerous rules and practices in foreign air transportation are not regulated by treaty and are within the prerogative of the air carriers.

As the petitioners suggest, we would agree that shippers, including forwarders, should be provided the opportunity to submit their views, both in person or in writing; that shippers should be provided advance notice of the meetings at which they may request an appointment to be heard; and that, upon request, shippers should be provided copies of minutes of meetings, as well as copies of any agreement filings with the Board. Finally, the Board would expect the carriers to support their conclusions and any agreement filings with factual data to the maximum extent possible.

Under the circumstances, the discussions sought by the carriers appear to meet the test of public interest, and we shall authorize discussions for a period of 180 days on the major rules, specifically cited hereinafter, which appear to warrant substantial improvement.[5] The Board would note that more than 10 months have passed since the industry was requested to review these matters, with little tangible result other than the petition now before us. Consequently, the Board would urge the carriers to move forward without delay.[6] As in the past, the Board will also condition its approval to permit the attendance of Board observers.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412, and 414 thereof,

It is ordered, That:

1. All U.S. certificated route air carriers and Canadian air carriers engaged in air transportation, and the Air Transport Association, are authorized for a period of 180 days from the date of this order to meet and discuss the following tariff rules and related practices on liability, valuation, and claims:

Rule No. in Rules Tariff[7]	*Subject*
14	Packing and Marking Requirements.
30	Exclusions From Liability.
32	Limit of Liability.
36	Liability for Charges.
40	Notice and Disposition of Property.
42(A)	Routing and Rerouting (in part).[8]
44	Schedules.[9]
46	Availability of Equipment and Space.[9]
52	Charges for Declared Value.
54(C)	Charges on Mixed Shipments (insofar as pertains to charges provided in Rule 52).
60	Claim Procedure.
62	Limitation of Actions.
64	Interline Shipments—Litigation of Claims.
20	Combination of Intermediate Rates or Charges (with reference to Rule 42(A) above).

2. A notice of any meeting called pursuant to this order and an agenda of matters to be discussed shall be filed with the Board in this docket at least 15 calendar days in advance, and the same notice and agenda shall also be mailed to shippers and any other interested parties, with such notice to include an invitation to submit comments upon the agenda matters and to request appointments for personal appearances at those meetings of the carriers which are to be open to shippers;

3. The Civil Aeronautics Board reserves the right to have one or more observers in attendance at all meetings of the carriers;

4. Complete and accurate minutes shall be kept of all discussions by the carriers, and a true copy thereof filed with the Board, and mailed to shippers and other interested parties, not later than 15 days (excluding Saturdays, Sundays, and holidays) after the conclusion of each meeting; and

5. Any agreement or agreements reached as a result of such discussions shall be filed with the Board in accordance with section 412 of the Act, mailed to shippers and other interested parties, and approved by the Board prior to being filed as tariffs or placed into effect.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-9517; Filed, Aug. 8, 1968; 8:46 a.m.]

MOHAWK AIRLINES, INC.

Notice of Application for Amendment of Certificate of Public Convenience and Necessity

AUGUST 6, 1968.

Notice is hereby given that the Civil Aeronautics Board on August 5, 1968, received an application, Docket 20078, from Mohawk Airlines, Inc., for amendment of its certificate of public convenience and necessity for route 94 to authorize it to engage in nonstop service between Syracuse, N.Y., and Washington, D.C. The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-9518; Filed, Aug. 8, 1968; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 6, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 41412—*Liquid Caustic Soda from Mobile, Ala.* Filed by O. W. South, Jr., Agent (No. A6040), for interested rail carriers. Rates on soda (sodium), caustic (sodium hydroxide), in solution, in tank-car loads, of not less than 3 carloads per shipment, from Mobile, Ala., to Cedar Springs, Ga.

Grounds for relief—Barge-truck competition.

Tariff—Supplement 130 to Southern Freight Association, Agent, tariff I.C.C. S-600.

FSA No. 41413—*Fertilizer and Fertilizer Materials to Points in Utah.* Filed by Southwestern Freight Bureau, Agent (No. B-9096), for interested rail carriers. Rates on fertilizer, fertilizer compounds, fertilizer materials, superphosphate, and urea, in carloads, from Dimmitt, Tex., to points in Utah on the Union Pacific Railroad Company.

Grounds for relief—Market competition.

Tariff—Supplement 199 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4493.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-9513; Filed, Aug. 8, 1968; 8:46 a.m.]

[Notice 663]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 5, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and

[1] American Airlines, Inc., The Flying Tiger Line Inc., Delta Air Lines, Inc., Trans World Airlines, Inc., Eastern Air Lines, Inc., United Air Lines, Inc., Pan American World Airways, Inc.

[2] The petitioners state that such United States-Canadian trans-border traffic has traditionally been regarded as "domestic" transportation for tariff purposes.

[3] Rule numbers refer to Tariff C.A.B. No. 96, Airline Tariff Publishers, Inc. (ATPI), Agent.

[4] Revised versions of Rules 38 and 40 have been filed with the Board in tariff form and as agreements.

[5] Some rules and practices cited by shippers are not embraced in the listing of rules to be discussed. Should any person feel that additional rules or practices should be embraced within the scope of this proceeding, the Board will give further consideration to appropriate letter requests. Such requests should cite the rule or practice, explain the problem, and set forth a proposed solution.

[6] In this regard, the Board would urge the carriers to file agreements as reached, including any agreements relating to a claims manual and the accumulation and dissemination of claims data, and not wait until the total effort is complete.

[7] References again refer to ATPI Tariff C.A.B. No. 96 (Rules), and ATPI Tariff C.A.B. No. 8 (Rates). The discussion authority granted would, of course, extend to similar rules in other domestic and international tariffs of the carriers, and related practices.

[8] Paragraph (B) of Rule 42—Routing and Rerouting concerns the substitution of surface carriage for air. This matter is currently under investigation by the Board in another proceeding (Order E-26929, dated June 17, 1968, Docket 19797). The Board will not authorize discussions at this time on Paragraph (B) of Rule 42.

[9] The carriers' discussion of Rule 44—Schedules, and Rule 46—Availability of Equipment and Space, should include a review of their current practices concerning reserved space for air freight shipments, as well as the rules and practices relating to shipments not moving under reserved space commitments.

will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 107002 (Sub-No. 348 TA), filed July 31, 1968. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, Highway 80, West, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn starch*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Alabama, Arkansas, Mississippi, and Tennessee; between points in Mississippi; from points in Mississippi to points in Alabama, Arkansas, Louisiana, and Tennessee; from Mobile, Ala., to points in Alabama, Louisiana, and Mississippi, for 180 days. Supporting shipper: Clinton Corn Processing Co., Clinton, Iowa 52732. Send protests to: District Supervisor Floyd A. Johnson, Interstate Commerce Commission, room 212, 145 East Amite Building, 145 East Amite Street, Jackson, Miss. 39201.

No. MC 107496 (Sub-No. 672 TA), filed July 31, 1968. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third; Post Office Box 855(50309), Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium polyphosphate solution*, in bulk, in tank vehicles, from Omaha, Nebr., to points in Iowa, Kansas, North Dakota, South Dakota, Colorado, Minnesota, and Missouri, for 150 days. Supporting shipper: Hooker Chemical Corp., Farm Chemicals Division, 79 Progress Parkway, Maryland Heights, Mo. 63042. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 109435 (Sub-No. 54 TA), filed July 31, 1968. Applicant: ELLSWORTH BROS. TRUCK LINE, INC., Post Office Drawer J–116, North Allied Road, Stroud, Okla. 74079. Applicant's representative: Levoy C. Ellsworth, Post Office Drawer J, Stroud, Okla. 74079. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt*, in bulk, from Okmulgee, Okla., to points in Missouri for 150 days. Supporting shippers: Magic Marketing, Inc., Stanley H. Gwinn, Jr., president, 518 Philtower, Tulsa, Okla. 74103; Southern Missouri Oil Co., Clarence M. Stapp, president, Cabool, Mo.; OKC Corp., J. Larry McLendon, Director Transportation, 1949 North Stemmons Freeway, Dallas, Tex. 75207. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 116077 (Sub-No. 243 TA), filed July 31, 1968. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue—Post Office Box 9527, Houston, Tex. 77011. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dichlorobutane waste*, in bulk, in tank vehicle from Du Pont Pontchartrain Plant at La Place, La., to Du Pont Plant, Victoria, Tex., for 180 days. NOTE: Applicant does not intend to tack authority with presently authorized routes. Supporting shipper: E. I. du Pont de Nemours & Co. (J. C. Jessen, A.T.M.) (Motor Carrier Section), Wilmington, Del. 19898. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, 8610 Federal Building, 515 Rusk Avenue, Houston, Tex. 77002.

No. MC 123407 (Sub-No. 39 TA), filed July 31, 1968. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. 55404. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board and materials and accessories* used in the installation thereof, from Marrero, La., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, for 180 days. Supporting shipper: The Celotex Corp., 1500 North Dale Mabry, Tampa, Fla. 33607. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 133039 TA (Correction), July 23, 1968, published FEDERAL REGISTER of July 31, 1968, and republished as corrected this issue. Applicant: COLLIER TRUCKING COMPANY INC., Rural Route No. 1, Coatesville, Ind. 46121. Applicant's representative: Richard M. Givan, 150 East Market Street, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients*, in bulk and in bags (except those moving in liquid form, in bulk, in tank vehicles); *Livestock and poultry medication* (except in liquid form, in bulk, in tank vehicles); *Grain*, from Lafayette, Ind., to points in Williams, Defiance, Paulding, Fulton, Henry, Putman, Lucas, Woods, Hancock, Hardin, Ottawa, Sandusky, Seneca, Wyandot, Marion, Erie, and Huron Counties, Ohio, for 180 days. NOTE: The purpose of this republication is to include Williams, Defiance, Paulding, Fulton, and Henry Counties, inadvertently omitted as destination points in previous publication. Supporting shipper: Ralston Purina Co., Box 119, Lafayette, Ind. Send protests to: District Supervisor James W. Habermehl, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 133041 TA (Correction), filed July 23, 1968, published FEDERAL REGISTER of July 31, 1968, and republished as corrected this issue. Applicant: GRANICO TRANSPORT LTD., Post Office Box 252, Alma, Lake St. John, Quebec, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Granite*, from United States-Canadian boundary line, ports of entry located in Maine, New Hampshire, Vermont, New York, and Michigan to points in New Hampshire, New York, Maryland, Michigan, Illinois, Maine, Vermont, Rhode Island, Connecticut, Massachusetts, Pennsylvania, for 180 days. NOTE: The purpose of this republication is to include a shipper, which was inadvertently omitted from previous publication. Supporting shippers: Columbia Granite, Inc., 74 Sacre-Coeur Street, Suite 15, Alma, Quebec; National Granite Ltd., Alma, Quebec. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 133053 TA, filed July 31, 1968. Applicant: FRANCIS MANGIARDI, 1001 Peck's Road, Pittsfield, Mass. 01201. Applicant's representative: James J. Scullary, 28 North Street, Pittsfield, Mass. 01201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil and gasoline*, from Glenmont, N.Y., over New York Highway 32, to Albany, N.Y., then over U.S. Highway 20 to Pittsfield, Mass., and return over the same route, serving no intermediate points, for 180 days. Supporting shipper: J. W. Gull, 243 West Housatonic Street, Pittsfield, Mass. 01201. Send protests to: District Supervisor Joseph W. Balin, Bureau of Operations, Interstate Commerce Commission, 338 Federal Building, Springfield, Mass. 01103.

No. MC 133055 TA, filed July 31, 1968. Applicant: SAM GORDON, doing business as ATLAS TRANSPORTATION CO., 4207 Whiteside Street, Los Angeles, Calif. 90063. Applicant's representative: Milton W. Flack, 1813 Wilshire Boulevard, Suite 400, Los Angeles, Calif. 90057. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum plaster and gypsum wallboard* (plasterboard), from Blue Diamond, Nev., to points in San Bernardino, Riverside, Orange, and Los Angeles Counties, Calif., for 180 days. Supporting shipper: The Flintkote Co., Blue Diamond Gypsum Division, 1650 South Alameda Street, Los Angeles, Calif. 90054. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, Room 7708, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–9514; Filed, Aug. 8, 1968; 8:46 a.m.]

[Notice 664]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 6, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 57239 (Sub-No. 11 TA), filed July 31, 1968. Applicant: RENNER'S EXPRESS, INC., 1350 South West Street, Post Office Box 613, Indianapolis, Ind. 46206. Applicant's representative: Robert C. Smith, 620 Illinois Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with carrier's authorized regular-route operations, to and from Louisville, Ky., for 180 days. NOTE: Applicant intends to join with present regular routes at Louisville, Ky. Supporting shipper: Ford Motor Co., The American Road, Dearborn, Mich. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 63973 (Sub-No. 13 TA) (correction), filed July 24, 1968, published FEDERAL REGISTER issue of August 1, 1968, and republished as corrected this issue. Applicant: HARRY KALER, doing business as, KALER FREIGHT LINE, 504–12th Street SE., Mason City, Iowa 50401. Applicant's representative: Gerald Kaler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) Between Mason City, and Hampton, Iowa, over U.S. Highway 65, serving all intermediate points; (2) Between Mason City and Osage, Iowa, serving the intermediate points of St. Ansgar as follows: From Mason City east over U.S. Highway 18 to junction unnumbered highway, thence over unnumbered Highway through Plymouth, Iowa, to junction Iowa Highway 9: Thence over Iowa Highway 9 to junction Iowa Highway 337; thence over Iowa Highway 337 to junction unnumbered Highway at Grafton, Iowa; thence over unnumbered Highway to junction Iowa Highway 105 to 105 at Carperter, Iowa; thence over Iowa Highway 105 to junction U.S. Highway 218: Thence over U.S. Highway 218 to Osage, Iowa; and return over the same route, for 180 days. NOTE: The purpose of this republication is to clearly set forth the route description, which was inadvertently omitted from previous publication. Supporting shippers: There are approximately 19 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Ellis Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, 210 Walnut Street, Des Moines, Iowa 50309.

No. MC 83322 (Sub-No. 3 TA), filed August 1, 1968. Applicant: MORRIS OBLIGEN, doing business as LINKS TRUCKING, 1239 DeKalb Avenue, Brooklyn, N.Y. 11221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Knitting machinery and parts*, uncrated from New York, N.Y., to Edinburg, Va., for 180 days. Supporting shipper: Aileen, Inc., 331 East 38th Street, New York, N.Y.; Speizman Knitting Machine Corp., 2894 Fulton Street, Brooklyn, N.Y. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111651 (Sub-No. 11 TA), filed August 1, 1968. Applicant: MIDDLE-WEST FREIGHTWAYS, INC., 6810 Prescott Avenue, St. Louis, Mo. 63147. Applicant's representative: Harry McChesney, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives (except small-arms ammunition and fireworks), livestock, used or uncrated furniture, and commodities injurious or contaminating to other lading), serving the plantsite of the Ford Motor Co. at the intersection of Westport Road and Murphy Lane in Jefferson County, Ky. as an off-route point in connection with existing authority, such existing authority consisting of regular routes between Louisville, Ky., and St. Louis, Mo., for 180 days. Supporting shipper: Ford Motor Co., Dearborn, Mich. Attention: C. F. Wilkins, Supervisor. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3248, 1520 Market Street, St. Louis, Mo. 63130.

No. MC 113861 (Sub-No. 43 TA), filed August 1, 1968. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Avenue, Post Office Box 10216, McKellar Station, Memphis, Tenn. 38106. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wet bottom boiler slag aggregates*, in bulk and in bags, from Memphis, Tenn., to points in Arkansas, Mississippi, Alabama, Louisiana, Kentucky, and Missouri, for 150 days. Supporting shipper: Perma-Black Co., Inc., 3294 Poplar Avenue, Post Office Box 11445, Memphis, Tenn. 38111. Send protests to: W. W. Garland, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, 167 North Main, Memphis, Tenn. 38103.

No. MC 118631 (Sub-No. 3 TA), filed July 31, 1968. Applicant: EPHREM BOUCHARD, Mackay Street, Milton, Vt. 05468. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial chemical fertilizer, materials and mixtures*, in bags and in bulk, in hopper type vehicles, equipped with a field spreading device, from ports of entry on the international boundary line between Canada and the United States, located in the counties of Franklin, and Orleans, Vermont; and Franklin and Clinton, N.Y., to points in Essex, Clinton, Franklin, St. Lawrence, Lewis, and Jefferson Counties, N.Y.; Coos, Grafton, Carroll, and Sullivan Counties, N.H.; Chittenden, Grand Isle, Lamoille, Washington, Addison, Orange and Windsor Counties, Vt., for 180 days. Supporting shipper: Brockville Chemical Inc., Post Office Box 1012, Burlington, Vt. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

MOTOR CARRIER OF PASSENGERS

No. MC 13028 (Sub-No. 14 TA) (Correction), filed July 29, 1968, published in the FEDERAL REGISTER, issue of August 3, 1968, and republished as corrected this issue. Applicant: THE SHORT LINE, INC., 27 Sabin Street, Box 1116, Annex Station, Providence, R.I. 02901. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in special operations, beginning and ending at Providence and Pawtucket, R.I., and North Attleboro, Mass., and extending to Rockingham Race Track at Salem, N.H., for 150 days.

NOTE: The purpose of this republication is to reflect the correct location of Rockingham Race Track as Salem, N.H., inadvertently shown as Salem, N.J., in the previous publication. Supporting shippers: Supported by: Seventeen individuals wishing to obtain service to Rockingham Race Track, and whose statements may be examined here at the Interstate Commerce Commission, Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Gerald H. Curry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 187 Westminster Street, Providence, R.I. 02903.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9515; Filed, Aug. 8, 1968; 8:46 a.m.]

[Notice 185]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 6, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70615. By order of July 29, 1968, the Transfer Board approved the transfer to Reliance Moving & Storage, Inc., Hackensack, N.J., of certificate No. MC-74565; issued April 30, 1963, to Walter F. Kuhnen, doing business as Reliance Moving, Hackensack, N.J., authorizing the transportation of: Household goods, between Hackensack, N.J., and points in New Jersey within 60 miles of Hackensack, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New York, Pennsylvania, and Rhode Island. James J. Farrell, 201 Montague Place, South Orange, N.J. 07079, practitioner for applicants.

No. MC-FC-70628. By order of July 29, 1968, the Transfer Board approved the transfer to Annie W. McLemore and T. J. McLemore, Jr., a partnership, doing business as McLemore Transfer & Storage, 2311 Front Street, Post Office Box 769, Meridian, Miss. 39301, of the operating rights in certificate No. MC-104488 issued October 2, 1944, to T. J. McLemore, doing business as McLemore Transfer & Storage, 2311 Front Street, Meridian, Miss. 39301, authorizing the transportation of household goods, as defined by the Commission, between Meridian, Miss., and points within 30 miles thereof, on the one hand, and, on the other, points in Alabama.

No. MC-FC-70645. By order of July 29, 1968, the Transfer Board approved the transfer to William H. Patterson, Jr., and Ralph Patterson, a partnership, doing business as Patterson Trucking, Yardville, N.J. 08620, of the operating rights in permits Nos. MC-108117 and MC-108117 (Sub-No. 3) issued June 27, 1955, and November 21, 1962, respectively, to William Patterson, doing business as Patterson Trucking, Yardville, N.J. 08620, authorizing the transportation of: Limestone and lime, fertilizer, and sulphate of ammonia, between points in Pennsylvania, New Jersey, and Maryland. Robert Watkins, 170 South Broad Street, Trenton, N.J. 08608, attorney for applicants.

No. MC-FC-70646. *Dual Operations Are Involved.* By order of July 29, 1968, the Transfer Board approved the transfer to Crist Trucking, Inc., Mount Vernon, N.Y., of the operating rights in certificate No. MC-107665 and permit No. MC-115846 (Sub-No. 2) issued May 4, 1956, and November 25, 1959, respectively, to William Crist, Jr., authorizing the transportation of: *Paper, paper products,* and *papermill supplies and materials used in the manufacture of paper and paper products,* in truckload lots only, as a common carrier, and *carbonated beverages,* in containers, and *empty containers, advertising material, supplies and equipment* used in the manufacture and distribution of carbonated beverages, as a contract carrier, between points in New York and New Jersey. Martin Werner, 2 West 45th Street, New York, N.Y. 10036, attorney for applicants.

No. MC-FC-70648. By order of July 29, 1968, the Transfer Board approved the transfer to Eyre's Bus Service, Inc., Woodbine, Md., of the operating rights in certificates Nos. MC-116212, MC-116212 (Sub-No. 1), MC-116212 (Sub-No. 2), MC-116212 (Sub-No. 3), and MC-116212 (Sub-No. 4), respectively, issued April 19, 1957, September 3, 1957, April 16, 1962, August 7, 1964, and June 17, 1968, respectively, to Harry Lee Eyre, Woodbine, Md., authorizing the transportation of: Passengers and their baggage, in special and charter operations, between points in Maryland, Pennsylvania, District of Columbia, Virginia, New York, and New Jersey. Bruce E. Mitchell, 1735 K Street NW., Washington, D.C. 20006, attorney for applicants.

No. MC-FC-70671. By order of July 29, 1968, the Transfer Board approved the transfer to Richard S. Hasson, doing business as Juniata Moving & Storage Co., Philadelphia, Pa., of the operating rights in certificate No. MC-7542 issued November 13, 1953, to Louis Hasson, doing business as Juniata Moving & Storage Co., Philadelphia, Pa., authorizing the transportation of household goods between Philadelphia, Pa., and points in Pennsylvania within 25 miles of Philadelphia, on the one hand, and, on the other, New York, N.Y., points on Long Island, N.Y., and those in New Jersey; and new furniture, between Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., points on Long Island, N.Y., and points in that part of New Jersey on and south of U.S. Highway 1. Fred Blume, Blan, Rudenko, Klaus & Rome, 4 Penn Center Plaza, Philadelphia, Pa. 19103, Attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9516; Filed, Aug. 8, 1968; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 18278, 18279; FCC 68-793]

HEART OF GEORGIA BROADCASTING CO. AND MIDDLE GEORGIA BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Heart of Georgia Broadcasting Company, Inc., Gordon, Ga., Docket No. 18278, File No. BPH-5906; Requests: 107.9 mc, #300; 100kw; 418.2 feet; Middle Georgia Broadcasting Co., Macon, Ga., Docket No. 18279, File No. BPH-6123; Requests: 107.9 mc, #300; 100kw; 425 feet; for construction permits.

1. The Commission has under consideration the above captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. The respective proposals are for different communities. Consequently, it will be necessary to determine pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

3. According to its application, Heart of Georgia Broadcasting Company, Inc., would require a total of $34,895 to construct and operate for 1 year without revenue. To meet this requirement it relies on cash on hand of $1,142, stock subscriptions of $3,500 and a letter of credit from Maurice Graham for $25,000. Since the letter of credit was not included in the application, Heart of Georgia Broadcasting Company, Inc., can be credited with only the first two items. Thus, an issue will be specified to determine the availability of the additional $30,253 required.

4. In Minshall Broadcasting Co., Inc., 11 FCC 2d 796, 12 RR 2d 502 (1968), we indicated that applicants were expected to provide full information on (i) the steps they have taken to inform themselves of the real needs and interests of the area; (ii) the suggestions they have received; (iii) their evaluation of those suggestions; and (iv) the programing proposed to meet the community needs as they have been evaluated. Neither applicant appears to have made an adequate survey, nor have they listed the suggestions received, their evaluation of those suggestions or the programing proposed to meet these needs as evaluated. Thus, we are unable at this time to determine whether the applicants are aware of and responsive to the needs of the areas. Accordingly Suburban issues are required.

5. Heart of Georgia Broadcasting Co., Inc., proposes 100 percent duplicated programing while Middle Georgia Broadcasting Co., proposes only about 8 percent duplicated programing. Therefore, evidence regarding program duplication will be admissible under the contingent comparative issue. When duplicated programing is proposed, the showing permitted under the comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be permitted in the absence of a specific programing inquiry—Jones T. Sudbury 8 FCC 2d 360, FCC 67-614, (1967).

6. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing on the issues set forth below.

7. *It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Heart of Georgia Broadcasting Company, Inc., has available to it the additional $30,253 required for construction and first-year operation and thus demonstrate its financial qualifications.

2. To determine the efforts made by Heart of Georgia Broadcasting Company, Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

3. To determine the efforts made by Middle Georgia Broadcasting Co., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

4. To determine the areas and populations which would receive FM service of 1 mv/m or greater intensity from the respective proposals and the availability of other FM services of 1 mv/m or greater intensity in such areas.

5. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

6. To determine, in the event it is concluded that a choice between applications should not be based solely on considerations relating to section 307(b), which of the proposals would better serve the public interest.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

8. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

9. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 31, 1968.

Released: August 6, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68-9520; Filed, Aug. 8, 1968; 8:46 a.m.]

[Docket Nos. 18274-18277; FCC 68-792]

WARWICK BROADCASTING CORP. ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Warwick Broadcasting Corporation, Warwick, N.Y., Docket No. 18274, File No. BP-16957; Requests: 1110kc, 250w, Day; Blue Ribbon Broadcasting, Inc., Pittsfield, Mass., Docket No. 18275, File No. BP-17054; Requests: 1110kc, 1kw, Day; Everette Broadcasting Co., Inc., Walden, N.Y., Docket No. 18276, File No. BP-17480; Requests: 1110kc, 250w, Day; Robert K. McConnell and Edward H. Peene, Jr., doing business as Taconic Broadcasters, Pittsfield, Mass., Docket No. 18277, File No. BP-17499; Requests: 1110kc, 5kw, DA-Day; for construction permits.

1. The Commission has before it the above-captioned applications which are mutually exclusive in that simultaneous operation of the stations as proposed would result in prohibited overlap of contours as defined by Section 73.37 of the Commission's Rules. The Warwick and Walden proposals are mutually exclusive due to reciprocal overlap of their 0.05 mv/m and 1 mv/m contours, and the Walden proposal is mutually exclusive with the Pittsfield proposals due to overlap of the 0.5 mv/m Pittsfield contours by the 0.025 mv/m Walden contour.[1] Although Figure M-3 indicates prohibited overlap between the Warwick and Pittsfield proposal of Blue Ribbon, a showing has been made by Blue Ribbon, with which we concur, that on the basis of actual measurement data taken on Station WBEC, Pittsfield (1420kc, 1kw, DA-2), there is in fact no prohibited overlap with the Warwick proposal.

2. The Walden applicant has alleged that the Warwick proposal would involve prohibited overlap of its 25 mv/m contour with the 2 mv/m contour of the minor change proposal (BP-17624) of Station WNEW, New York City (1130kc, 50kw, DA-N, U) to move its transmitter site 5.5 miles northeast of its existing site and to increase daytime radiation. However, based on measurement data submitted by WNEW and the Warwick applicant, as well as other data on file we have determined that no prohibited overlap will result.

3. To meet its first-year costs of construction and operation, which are indicated to be $56,851, Warwick Broadcasters claims that it will have available $2,712 in existing capital, $29,940 in new capital (stock subscriptions), $40,000 in personal loans, and a $30,000 bank line of credit. Examination of the application, however, indicates that two of the applicant's principals have failed to show sufficient current and liquid assets to meet their commitments and the remaining principals have failed to provide satisfactory evidence (pursuant to the instructions to Section III of Form 301), that they can meet their stock subscription commitments. Furthermore, the applicant cannot be given credit for the bank commitment because it is contingent upon the endorsement of the corporate officers, and Warwick has submitted no evidence that such endorsement will be forthcoming. The applicant also relies upon a showing of $25,000 in estimated first-year revenues, for which demographic and economic business statistics are submitted. However, there is no documentation or indication of commitments or intention to advertise on the part of the individual businesses named by the applicant, and Warwick's showing is marginal at best. Whether or not the showing as to this item is deemed

[1] Commissioner Lee concurring in the result.

[1] The Walden applicant attempted to eliminate this conflict with the Pittsfield proposals by submitting field intensity measurement data purporting to show that the conductivity over part of the pertinent path is lower than that indicated by Figure M-3. However, we are unable to accept these measurements as valid to supersede the M-3 criteria due to the fact that the apparent terminal conductivity relied upon to establish the Walden proposed 0.025 mv/m contour was determined from measurements made from transmitter sites which are far removed (Stations WGBQ and WHVW at 27 and 22 miles, respectively) from the Walden proposed site.

to be adequate, the applicant falls considerably short of meeting the Ultravision standard[3] and a financial issue is accordingly specified.

4. Blue Ribbon relies upon $50,000 in new capital and $25,000 in personal loans from stockholders to meet its first-year costs of construction and operation which, based on the applicant's figures, will total $60,406. By way of documentation of its stockholders' financial resources, the applicant has submitted "financial statements" purporting to show that they have sufficient current and liquid assets in excess of current liabilities to meet the terms of their respective commitments. However, the statements of Herbert M. and Debra Levin, and of Marion Levin, rely in part on "Listed Securities", without further description or indication as to whether these are securities listed on one of the major exchanges so that they can be considered as available "quick" assets. Thus, the applicant has substantiated current available assets of $24,400 ($24,900 in cash and government cash and government bonds less $500 in liabilities[4] for Herbert and Debra Levin to meet their total commitment of $29,000, and current available assets of $25,500 ($26,500 in cash less $1,000 in liabilities[4] for Marion Levin to meet her total commitment of $27,750. Inasmuch as these, along with the substantiated quick assets of the other stockholders, total only $60,150, the applicant has failed to demonstrate its financial ability to construct and operate the proposed facility for 1 year without revenues, and accordingly, a financial issue will be specified.

5. Taconic Broadcasters states that the proposed station would serve as a connective link between the educational institutions of the Pioneer Valley, which is served by its commonly owned station, WTTT, Amherst, Mass., and the Housatonic Valley which it proposes to serve as part of an area-wide service. However, although Taconic refers to a similarity between the two areas and a "felt need for different emphasis on music programing and a demand for more educational and cultural offerings", it fails to list any specific suggestions received from those interviewed as to how the station could help meet the needs of the area, or to state its evaluation of such suggestions. Thus, the applicant has not provided sufficient information to enable the Commission to determine whether it is aware of and responsive to the needs of the Pittsfield area.[5] Accordingly, a Suburban programing issue will also be included as to Taconic Broadcasters.[6]

6. From the information before the Commission it appears that except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below:

7. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

2. To determine, with respect to the application of Warwick Broadcasting Corporation:

(a) Whether the individual stockholders will have the necessary net available current assets to meet their respective loan and stock purchase commitments.

(b) Whether the $30,000 bank line of credit is available to the applicant.

(c) The basis of the applicant's estimated revenues for the first year of operation.

(d) Whether, in light of the evidence adduced pursuant to (a) through (c) above, the applicant is financially qualified.

3. To determine, with respect to the application of Blue Ribbon Broadcasting, Inc.:

(a) Whether stockholders Herbert M. and Debra Levin, and Marion Levin, have the necessary net available current assets to meet their respective loan and stock purchase commitments.

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

4. To determine the efforts made by Taconic Broadcasters to ascertain the community needs and interests of the area to be served, and the means by which it proposes to meet those needs and interests.

5. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

6. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

8. *It is further ordered,* That, in the event of a grant of any of the applications, the construction permit shall contain the following condition:

Any presunrise operation must conform with §§ 73.87 and 73.99 of the rules, as amended June 28, 1967 (32 F.R. 10437), supplementary proceedings (if any) involving Docket No. 14419, and/or the final resolution of matters at issue in Docket No. 17562.

9. *It is further ordered,* That, in the event of a grant of the application of Blue Ribbon Broadcasting, Inc., the construction permit shall contain the following condition:

Permittee shall assume responsibility for the elimination of interference due to external cross-modulation and for the installation and adjustment of filter circuits or other equipment in the antenna systems of the proposed operation and of station WBEC or any other stations, which may be necessary to prevent adverse effects due to internal cross-modulation and reradiation. In addition, field observations shall be made to determine whether spurious emissions exist, and any objectionable interference problems resulting therefrom shall be eliminated.

10. *It is further ordered,* That, in the event of a grant of the application of Taconic Broadcasters, the construction permit shall contain the following condition:

Permittee shall assume responsibility for the elimination of interference due to external cross-modulation and for the installation and adjustment of filter circuits or other equipment in the antenna systems of the proposed operation and of station WBRK or any other stations which may be necessary, to prevent adverse effects due to internal cross-modulation and reradiation. In addition, field observations shall be made to determine whether spurious emissions exist, and any objectionable interference problems resulting therefrom shall be eliminated.

11. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

12. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Comunications Act of 1934, as amended, and § 1.549 of the Commission's rules give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 31, 1968.

Released: August 6, 1968.

FEDERAL COMMUNICATIONS COMMISSION.[8]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68-9521; Filed, Aug. 8, 1968; 8:47 a.m.]

[3] Ultravision Broadcasting Co., 2 FCC 2d 544, 5 RR 2d 343 (1965).

[4] We are considering all liabilities as current since there is no indication to the contrary.

[5] In *Minshall Broadcasting Co., Inc.*, 11 FCC 2d 796, 12 RR 2d 502 (1968) the applicants were directed to provide full information on (1) the steps that they have taken to become informed of the real needs and interests of the area to be served; (2) the suggestions they had received as to how the proposed station could help meet the area's needs; (3) the applicants' evaluations of those suggestions; and (4) the programing that the applicants proposed to meet those needs as they had been evaluated.

[6] *Suburban Broadcasters*, 30 FCC 1021, 20 RR 951 (1961).

[8] Commissioner Lee concurring in the result.

COMMON CARRIER SERVICES INFORMATION[1]

[Report No. 399]

Domestic Public Radio Services Applications Accepted for Filing[2]

AUGUST 5, 1968.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, and application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days from August 5, 1968, the date of acceptance of the first application for filing as listed in the attached appendix. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

APPENDIX

Applications Accepted For Filing:

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE:

374-C2-P-69	Anserfone, Inc.	(KIA955)	C.P. to add an additional base channel to operate on 454.30 MHz. at a site to be identified as location No. 2: 224 Datura St., West Palm Beach, Fla.
375-C2-P-69	Waco Communications, Inc.	(KKJ453)	C.P. to relocate facilities at location No. 2 from 1 mile south of Highway No. 190, 4 miles southeast of Killeen, Tex., To: On Highway 81, Approximately 5 miles south of Waco City limit, Tex., operating on 152.21 MHz. and replace transmitter for same.
387-C2-MP-69	Mahaffey Message Relay	(KDT223)	C.P. to change antenna location at location No. 2 from 1600 Chelsea Ave., Memphis, Tenn., To: 165 Madison Ave., Memphis, Tenn., operating on base frequency 152.15 MHz.
388-C2-P-69	Ralph C. Parker, doing business as Ratel Communications Co.	(New)	C.P. for a new two-way station, base frequency: 152.12 MHz. Location: 1000 Northeast Ninth St., Mineral Wells, Tex.
389-C2-P-69	McLean County Telephone Answering Service, Inc.	(KSA746)	C.P. to change antenna system and replace transmitter for base frequency 152.15 MHz. at station located 2 miles west of Union Depot and 0.25 mile south of Bloomington, Ill.
397-C2-AL-69	Tydings Electronics, Inc.	(KQK587)	Consent to assignment of license from Tydings Electronics, Inc., Assignor To Anserphone, Inc., Assignee.
462-C2-P-69	York Telephone & Telegraph Co.	(New)	C.P. for a new two-way station, base frequency: 152.78 MHz. Location: 0.25 mile east of Prospect St., 1 mile south of Freyavalley, Pa.
463-C2-P-69	Paul C. & Teresa M. Stark	(KFL957)	C.P. to change antenna location from 2.25 miles northwest of Gainesville, Fla., to State Highway No. 346, 4.5 miles east-southeast of Archer, Fla., operating on base frequency 152.06 MHz.
532-C2-P-69	The Mountain States Telephone & Telegraph Co.	(KOF327)	C.P. to add a second base channel to operate on 152.72 MHz. at station located Cooper Mountain, 16 miles southeast of Thermopolis, Wyo. and change antenna system.
548-C2-P/L-69	United Telephone Co. of Ohio.	(KQA651)	C.P. and License for two-way station formerly licensed to The Lima Telephone Co. Base frequency: 152.63 MHz. Location: 2.5 miles East of Bellefontaine, Ohio.
549-C2-P/L-69	do.	(KQA459)	C.P. and License for two-way station formerly licensed to The Lima Telephone and Telegraph Co. location No. 1: Findlay Road, Rural Delivery No. 2, Lima, Ohio. Base frequency: 35.42 MHz. Location No. 2: 122 Sonth Elizabeth St., Lima, Ohio. Base frequency: 35.42 MHz.
550-C2-P-69	Montana Communications	(KOF914)	C.P. to change location of base station operating on 152.03 MHz from location No. 1: 3112 Highway No. 93 south, Missoula, Mont., to 3200 Clark St., Missoula, Mont.; reorient repeater antenna at Location No. 2: On TV Mountain, 9 miles north of Missoula, Mont., and change control station location operating on 454.05 MHz from location No. 3: 147 West Broadway, Missoula, Mont. to location No. 1: 3200 Clark St., Missoula, Mont.
551-C2-P-69	General Communication Systems, Inc.	(KAF643)	C.P. to add base station to operate on 152.06 MHz at a new site identified as location No. 3: 125 North Market St., Wichita, Kans.
558-C2-R-69	Michigan Bell Telephone Co.	(KQM40)	Renewal of Developmental License expiring 9-20-68. Term: 9-20-68 to 9-20-69. (10 Units) Operating at any temporary fixed location within the territory of the grantee.
552-C2-P-69	Radio and Electronic Service Co., Inc. doing business as MOBILFONE.	(KIF649)	C.P. to replace antenna operating on 152.09 MHz and C.P. to change the length of the transmission line and install a duplexer for base station 152.18 MHz at 3101 North R St., Pensacola, Fla.

Renewal of Licenses expiring July 1, 1968, Term: July 1, 1968 to July 1, 1973.

Licensee	*Call sign*
The Inter-County Telephone Co.	KDN398
Urban Telephone Corp.	KSJ805
Walnut Hill Telephone Co.	KLB682

Applications for renewal of Developmental radio (Air-To-Ground) ground statsons licenses expiring 9-10-68. Term: 9-10-68 to 9-19-69.

48-C2-R-69	The Bell Telephone Co. of Pennsylvania	(KGC406)
140-C2-R-69	The Chesapeake & Potomac Telephone Co.	(KGC405)
2632-C2-R-69	The Chesapeake & Potomac Telephone Co. of West Virginia	(KQD411)
492-C2-R-69	Michigan Bell Telephone Co.	(KQD306)

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MAJOR AMENDMENT

5081-C2-P-68	Vernon H. Johnson	(KKT397)	Change base frequency from 152.06 MHz to 152.03 MHz at a new site identified as location number 4: All other particulars are to remain the same as reproted on public notice dated April 8, 1968, Report No. 382.

POINT TO POINT MICROWAVE RADIO SERVICE: (TELEPHONE CARRIERS)

376-C1-P-69	Southern Bell Telephone & Telegraph Co.	(KJB47)	C.P. to change frequencies from 6249.1 and 6367.8 MHz. To 6226.9 and 6345.5 MHz. toward Camden, S.C.; change frequencies from 6197.2 and 6315.2 MHz. To 6226.9 MHz. 6345.5 MHz. toward Columbia, S.C., and replace transmitters at station located two blocks southeast of U.S. Highway No. 1, Blaney S.C.
378-C1-P-69	do	(KJA71)	C.P. to change frequencies from 5967.1 and 6115.7 MHz. To 5974.8 and 6093.5 MHz. toward Blaney, S.C., at station located 1209 Broad St., Camden, S.C.
379-C1-MP-69	American Telephone & Telegraph Co.	(KZA58)	Mod. C.P. to change frequencies from 6004.5 and 6063.8 MHz. To 6093.5 and 6152.8 MHz. toward Salinas, Calif., at station located Loma Prieta Mountain, 11 miles northeast of Santa Cruz, Calif.
380-C1-P-69	Southern Bell Telephone & Telegraph Co.	(KJB50)	C.P. to add frequency 3930 MHz. toward Baldwin, Fla., at station located 415 Clay St., Jacksonville, Fla.
381-C1-P-69	do	(KJL31)	C.P. to add 6404.8 MHz. toward Jacksonville, Fla., and 3890 MHz. toward Sanderson, Fla., at station located approximately 3.2 miles northwest of Baldwin, Fla.
382-C1-P-69	do	(KJL32)	Add 6123.1 MHz. toward Baldwin, Fla., and 3930 MHz. toward Lake City, Fla., at station located approximately 2.6 miles west southwest of Sanderson, Fla.
383-C1-P-69	do	(KJB55)	Add 6404.8 MHz. toward Sanderson, Fla., at station located Nassau and Columbia Sts., Lake City, Fla.
384-C1-P-69	The Midland Telephone Co.	(KPN73)	C.P. to add frequency 2114.6 MHz. toward Monticello, Utah, at station located at LaSal Mountain, Bald Mesa, Utah.
385-C1-P-69	do	(KPC54)	C.P. to add 2164.6 MHz. toward Bald Mesa, Utah, and correct coordinates at its station located 62 East Center St., Monticello, Utah.
	American Telephone & Telegraph Co.		C.P.'s (29) to construct and provide one half of a pair of telephone channels between Frick, Colo., and Oakdale, Ill. This channel will be used in conjunction with existing facilities released from the television layout to provide one pair of telephone channels between Frick and Oakdale, as follows:
398-C1-P-69	do	(KSP32)	Add 4090 MHz. toward Walsh, Ill., at station located 4.9 miles east of Oakdale, Ill.
399-C1-P-69	do	(KSP31)	Add 4050 MHz. toward Halifax, Mo., at station located 1.3 miles south of Walsh, Ill.
400-C1-P-69	do	(KAM34)	Add 4090 MHz. toward Richwoods, Mo., at station located 0.6 mile southwest of Halifax, Mo.
401-C1-P-69	do	(KAL75)	Add 4050 MHz. toward Rosati, Mo., at station located 4.2 miles southwest of Richwoods, Mo.
402-C1-P-69	do	(KAL52)	Add 4090 MHz. toward Brinktown, Mo., at 1.5 miles northeast of Rosati, Mo.
403-C1-P-69	do	(KAK80)	Add 4050 MHz. toward Barnett, Mo., at station located 0.9 mile north of Brinktown, Mo.
404-C1-P-69	do	(KAJ60)	Add 4090 MHz. toward Cole Camp, Mo., at station located 0.8 mile south southeast of Barnett, Mo.
405-C1-P-69	do	(KAJ77)	Add 4050 MHz. toward Windsor, Mo., at station located 7.5 miles south southeast of Cole Camp, Mo.
406-C1-P-69	do	(KBT55)	Add 4110 MHz. toward Windsor, Mo., at station located 0.8 mile west of Deepwater, Mo.
407-C1-P-69	do	(KBT54)	Add 4150 MHz. toward Deepwater, Mo., at its station located 3.7 miles north of Walker, Mo.
408-C1-P-69	do	(KBT48)	Add 4110 MHz. toward Walker, Mo., at station located 3.1 miles west of Fort Scott, Kans.
409-C1-P-69	do	(KBT49)	Add 4150 MHz. toward Fort Scott, Kans., at station located 2.4 miles north of Walnut, Kans.
410-C1-P-69	do	(KBT46)	Add 4110 MHz. toward Walnut, Kans., at station located 3.7 miles south of Dennis, Kans.
411-C1-P-69	do	(KBI99)	Add 4150 MHz. toward Dennis, Kans., at station located 1.2 miles south-southwest of Tyro, Kans.
412-C1-P-69	do	(KRR52)	Add 4110 MHz. toward Tyro, Kans., at its station located 1 mile northwest of Herd, Okla.
413-C1-P-69	do	(KRR51)	Add 4150 MHz. toward Herd, Okla., at station located 9.2 miles east of Burbank, Okla.

POINT TO POINT MICROWAVE RADIO SERVICE: (TELEPHONE CARRIERS)—Continued

414-C1-P-69	do	(KRR50)	Add 4110 MHz. toward Burbank, Okla., at station located 4.8 miles northeast of Sumner, Okla.
415-C1-P-69	do	(KRR49)	Add 4150 MHz. toward Sumner, Okla., at station located 4.6 miles east-southeast of Hunter, Okla.
416-C1-P-69	do	(KRR48)	Add 4110 MHz. toward Hunter, Okla., at station located 2.6 miles east of Goltry, Okla.
417-C1-P-69	do	(KRR47)	Add 4150 MHz. toward Goltry, Okla., at station located 5.2 miles east of Alva, Okla.
418-C1-P-69	do	(KRR46)	Add 4110 MHz. toward Alva, Okla., at station located at Lookout, 12 miles north of Freedom, Okla.
419-C1-P-69	do	(KBI98)	Add 4150 MHz. toward Lookout, Okla., at station located 5.5 miles northwest of Coldwater, Kans.
420-C1-P-69	do	(KBT49)	Add 4110 MHz. toward Lookout, Okla., at station located 6.2 miles southeast of Minneola, Kans.
421-C1-P-69	do	(KBT53)	Add 4090 MHz. toward Minneola, Kans., at station located 5.1 miles east-northeast of Plains, Kans.
422-C1-P-69	do	(KBT52)	Add 4050 MHz. toward Plains, Kans., at station located Woods, 11.6 miles east-northeast of Moscow, Kans.
423-C1-P-69	do	(KBT51)	Add 4090 MHz. toward Woods, Kans., at station located 10 miles south of Ulysses, Kans.
424-C1-P-69	do	(KBT50)	Add 4050 MHz. toward Ulysses, Kans., at station located 1.2 miles north-northwest of Manter, Kans.
425-C1-P-69	do	(KBI97)	Add 4090 MHz. toward Manter, Kans., at station located 2.3 miles west of Two Buttes, Colo.
426-C1-P-69	do	(KAZ60)	Add 4050 MHz. toward Two Buttes, Colo., at station located at Frick, 20.4 miles north of Pritchett, Colo.
	do		C.P.'s (30) to construct one pair of Telephone channels and one pair of protection channels on a new radio relay route between Lee, Ill., and Villa Rica, Ga., utilizing Western Electric type TD-3 equipment and to construct one pair of Raytheon KTR-4 plant maintenance channels utilizing hot standby operation in the Payneville, Ky.-Orme, Tenn., section of the aforementioned new route as follows:
429-C1-P-69	do	(KSA49)	Add 3710 and 3790 MHz. toward Newark, Ill., at station located 3.5 miles north northeast of Lee, Ill.
430-C1-P-69	do	(New)	C.P. for a new fixed station. Frequencies: 3750 and 3830 MHz. Location: 2.5 miles northeast of Newark, Ill.
431-C1-P-69	do	do	C.P. for a new fixed station. Location: 1.8 miles south of Verona, Ill. Frequencies: 3710 and 3790 MHz.
432-C1-P-69	do	do	C.P. for a new fixed station. Frequencies: 3750 and 3830 MHz. Location: 4.5 miles south of Herscher, Ill.
433-C1-P-69	do	do	C.P. for a new fixed station. Frequencies: 3710 and 3790 MHz. Location: 2.2 miles northeast of Onarga, Ill.
434-C1-P-69	do	do	C.P. for a new fixed station. Frequencies: 3750 and 3830 MHz. Location: 0.3 mile northwest of East Lynn, Ill.
435-C1-P-69	do	do	C.P. for a new fixed station. Location: 2.9 miles west of Williamsport, Ind. Frequencies: 3710 and 3790 MHz.
436-C1-P-69	do	do	C.P. for a new fixed station. Location: 2.1 miles southwest of Crawfordsville, Ind. Frequencies: 3750 and 3830 MHz.
437-C1-P-69	do	(KSB67)	Add 3710 and 3790 MHz. toward Crawfordsville and toward Cloverdale, Ind., and change antenna system at station located 3.5 miles northwest of Danville, Ind.
438-C1-P-69	do	(New)	C.P. for a new fixed station. Frequencies: 3750 and 3830 MHz. Location: 6.4 miles south of Cloverdale, Ind.
439-C1-P-69	do	do	C.P. for a new fixed station. Location: 3 miles east of Freedom, Ind. Frequencies: 3710 and 3790 MHz.

POINT TO POINT MICROWAVE RADIO SERVICE: (TELEPHONE CARRIERS)—Continued

440-C1-P-69	do	do	C.P. for a new fixed station: Frequencies: 3750 and 3830 MHz. Location: 2.3 miles west of Marco, Ind.
441-C1-P-69	do	do	C.P. for a new fixed station. Frequencies: 3710 and 3790 MHz. Location: 4.8 miles northwest of Montgomery, Ind.
442-C1-P-69	do	do	C.P. for a new fixed station. Frequencies: 3750 and 3830 MHz. Location: 3.1 miles southwest of Schnellyville, Ind.
443-C1-P-69	do	do	C.P. for a new fixed station. Frequencies: 3710 and 3790 MHz. Location: 4 miles southwest of Leopold, Ind.
444-C1-P-69	do	do	C.P. for a new fixed station. Frequencies: 3750, 3830, and 4198 MHz. Location: 0.7 mile northwest of Payneville, Ky.
445-C1-P-69	do	do	C.P. for a new fixed station. Frequencies: 3710, 3790, and 4190 MHz. Location: 1.8 miles northeast of Madrid, Ky.
446-C1-P-69	do	do	C.P. for a new fixed station, Frequencies: 3750, 3830, and 4198 MHz. Location: 3.5 miles north-northwest of Brownsville, Ky.
447-C1-P-69	do	do	C.P. for a new fixed station. Frequencies: 3710, 3790, and 4190 MHz. Location: 0.6 mile north of Game, Ky.
448-C1-P-69	do	do	C.P. for a new fixed station. Frequencies: 3750, 3830, and 4198 MHz. Location: 0.4 mile south of Flippen, Ky.
449-C1-P-69	do	do	C.P. for a new fixed station. Frequencies: 3710, 3790, and 4190 MHz. Location: 3.6 miles south-southeast of Gainesboro, Tenn.
450-C1-P-69	do	do	C.P. for a new fixed station. Frequencies: 3750, 3830, and 4198 MHz. Location: 9.4 miles northeast of Smithville, Tenn.
451-C1-P-69	do	do	C.P. for a new fixed station. Frequencies: 3710, 3790, and 4190 MHz. Location: 7.2 miles south of Spencer, Tenn.
452-C1-P-69	do	do	C.P. for a new fixed station. Frequencies: 3750, 3830, and 4198 MHz. Location: 1 mile west-northwest of Coalmont, Tenn.
453-C1-P-69	do	do	C.P. for a new fixed station. Frequencies: 3710, 3790, and 4190 MHz. Location: 3 miles north of Orme, Tenn.
454-C1-P-69	do	do	C.P. for a new fixed station to be located at 1.8 miles west-southwest of Rosalie, Ala. Frequencies: 3750 and 3830 MHz.
455-C1-P-69	do	do	C.P. for a new fixed station to be located 1.6 miles north of Collbran, Ala. Frequencies: 3710 and 3790 MHz.
456-C1-P-69	do	do	C.P. for a new fixed station to be located 1 mile south-southeast of Haney, Ga. Frequencies: 3750 and 3830 MHz.
457-C1-P-69	do	do	C.P. for a new fixed station to be located 6 miles east-northeast of Buchanan, Ga. Frequencies: 3710 and 3790 MHz.
458-C1-P-69	do	(KIT28)	C.P. to add frequencies 3750 and 3830 MHz. toward Buchanan, Ga. at station located 1.8 miles east of Villa Rica, Ga.
469-C1-P-69	Southern Bell Telephone & Telegraph Co.	(KIW68)	C.P. to add 3890 MHz. toward Crestview, Fla. at station located Liberty, approximately 6.5 miles south of Lakewood, Fla.
470-C1-P-69	do	(KIW69)	C.P. to add 3930 MHz. toward Harold, Fla., and toward Liberty, Fla., at its station located Beach Avenue and Savage Street, Crestview, Fla.
471-C1-P-69	do	(KIW70)	C.P. to add 3890 MHz. toward Pensacola and Crestview, Fla., at station located approximately 4.1 miles west of Harold, Fla.
472-C1-P-69	Southern Bell Telephone & Telegraph Co.	(KIW71)	C.P. to add 3930 MHz. toward Harold, Fla., at station located 30 West Belmont Street, Pensacola, Fla.
473-C1-P-69	Utah Telephone Co	(New)	C.P. for a new fixed station to be located at 50 West Center Street, Fillmore, Utah. Frequency: 2179.0 MHz.
474-C1-P-69	do	(KVU95)	C.P. to add 2129.0 MHz. toward Fillmore, Utah, at station located 390 West 100 North, Delta, Utah.

POINT TO POINT MICROWAVE RADIO SERVICE: (TELEPHONE CARRIERS)—Continued

5678-C1-R-69	Northwestern Bell Telephone Co.	(KYN35)	Renewal of license expiring August 23, 1968. Term: 8-23-68 to 2-17-69.
	do		Renewal of licenses for the following stations expiring August 23, 1968. Term: 8-23-68 to 5-27-69.
			Stations:
5681-C1-R-69	do		(KYN36)—Blunt, S. Dak.
5682-C1-R-69	do		(KYN37)—Highmore, S. Dak.
5684-C1-R-69	do		(KYN38)—Fort Thompson, S. Dak.
	Northwestern Bell Telephone Co.		Renewal of licenses for the following stations expiring August 23, 1968. Term: 8-23-68 to 10-25-70.
			Stations:
5686-C1-R-69	do		(KYN39)—Wessington Springs, S. Dak.
5688-C1-R-69	do		(KYN40)—Harrison, S. Dak.
5690-C1-R-69	do		(KYN41)—Fort Randall, S. Dak.
	do		Renewal of licenses expiring August 23, 1968. Term: 8-23-68 to 1-20-70.
			Stations:
5692-C1-R-69	do		(KYN42)—Huron Substation, S. Dak.
5694-C1-R-69	do		(KYN43)—Clark, S. Dak.
5696-C1-R-69	do		(KYN44)—Watertown, S. Dak.
534-C1-P-69	Northwestern Bell Telephone Co.	(KYO42)	C.P. to add 6360.3 and 6390.0 MHz. toward St. John, N. Dak., at station located 0.25 mile west of Willow City, N. Dak.
535-C1-P-69	do	(New)	C.P. for a new fixed station to be located 9.5 miles west-southwest of St. John, N. Dak. Frequencies: 5974.8, 6049.0, 6093.5, and 6138.5 MHz.
536-C1-P-69	Indiana Bell Telephone Co.	(KY035)	C.P. to add frequency 6108.3 MHz. toward Kokomo, Ind., at station located 9.4 miles west northwest of Burlington, Ind.
	United Telephone Co. of Ohio		C.P. and Licenses to operate facilities formerly authorized to The Lima Telephone Co. as follows:
553-C1-P/L-69	do	(KQI71)	Frequencies: 6241.7 and 6360.3 MHz. toward Napoleon, Ohio, at station located on State Highway No. 191, 0.75 mile south of West Unity, Ohio.
554-C1-P/L-69	do	(KQI72)	Frequencies: 5960.0, 6019.4, 6078.6, and 6138.0 MHz. Location: On the J. J. Reiser farm, 1,050 feet south of U.S. Highway No. 6, 1.4 miles northwest of Napoleon, Ohio.
555-C1-P/L-69	do	(KQI73)	Frequencies: 6182.4, 6226.9, 6256.5, 6330.7, 6345.5, and 6375.2 MHz. Location: Adjacent to U.S. Highway No. 15, 1.5 miles northwest of Ottawa, Ohio.
556-C1-P/L-69	do	(KQI74)	Frequencies: 5945.2, 5974.8, 6063.8, and 6093.5 MHz. Location: Adjacent to U.S. Highway No. 30, south on the C. Williams farm, 14 miles east of Lima, Ohio.
557-C1-P/L-69	do	(KQI75)	Frequencies: 6315.9 and 6197.2 MHz. Location: Off U.S. Highway No. 33, on the Allen farm, approximately 1,000 feet north of highway, 2.1 miles east of Bellefontaine, Ohio.
558-C1-P/L-69	do	(KQL22)	Frequencies: 5945.2, 5974.8, 6063.8, and 6093.5 MHz. Location: Off State Route No. 36, approximately 0.1 mile northeast of Marysville, Ohio.
559-C1-P/L-69	do	(KQK45)	Frequencies: 6226.9 and 6345.5 MHz. Location: 0.1 mile south of Air Force Base, 2.5 miles east of Bellefontaine, Ohio.
560-C1-P/L-69	do	(KQL23)	Frequencies: 5945.2, 5974.8, 6063.8, and 6093.5 MHz. Location: On State Route No. 61, approximately 0.5 mile north of Mount Gilead, Ohio.
561-C1-P/L-69	do	(KQL38)	Frequencies: 6004.5 and 6123.1 MHz. Location: 122 South Elizabeth St., Lima, Ohio.
562-C1-P/L-69	do	(KQM31)	Frequencies: 6034.2 and 6152.8 MHz. Location: 122 South Elizabeth Street, Lima, Ohio.
563-C1-P/L-69	do	(KQN64)	Frequencies: 6226.2 and 6404.8 MHz. Location: Corner Canal and Third Sts, Delphos, Ohio.
	do		C.P. and licenses to operate facilities formerly authorized to Ohio Central Telephone Corp. as follows:
564-C1-P/L-69	do	(KQN44)	Frequencies: 5989.7 and 6108.4 MHz. Location: 1.5 miles west of Millersburg, Ohio.

POINT TO POINT MICROWAVE RADIO SERVICE: (TELEPHONE CARRIERS)—Continued				
385-C1-P/L-69	do	(EQN62)	Frequencies: 6241.8, 6271.4, 6360.4 and 6390.0 MHz. Location: 2104 East Lincoln Way, Wooster, Ohio.	
386-C1-P/L-69	do	(EQN63)	Frequencies: 6019.4 and 6138.0 MHz. Location: 31 North Main St., Ritman, Ohio.	
387-C1-P/L-69	do	(EQH49)	Frequencies: 6625 and 6423 MHz. Location: (4 miles easterly from the present fixed location within the latitude and longitude limits of the grant). C.P. for a new fixed station.	
388-C1-P-69	do	(New)	Frequencies: 6330.7 and 11545.0 MHz. Location: 2104 East Lincoln Way, Wooster, Ohio.	
CORRECTION				
380-C1-P-69	Pacific Northwest Bell Telephone Co.	(KYR63)	Correct entry to read C.P. to change antenna system operating on frequency 2160.0 MHz. via new passive reflector at Greys River, Wash. All other particulars are to remain as reported on public notice dated 7-22-68, Report No. 397	
MAJOR AMENDMENTS				
1364-C1-P-68	Pacific Northwest Bell Telephone Co.	(New)	Change frequency 2114.8 MHz directed toward Ashnola, Wash., to 2111.0 MHz. Change frequency 2087.2 MHz directed toward Kingfisher, Wash., to 6042.2 MHz. Location: Minot Peak, 4.8 miles southwest of Lankner, Wash.	
1365-C1-P-68	do	(New)	Change frequency 2164.6 MHz directed toward Minot Peak, Wash., to 2161.0 MHz. Location: Laban, 8.5 miles south-southwest of Frances, Wash.	
1370-C1-P-68	do	(New)	Change frequency 2129.0 MHz directed toward Mount Horeb, Oreg., to 2111.0 MHz. Location: 4.5 miles northeast of Amity, Oreg.	
1372-C1-P-68	do	(New)	Change frequency 2179.0 MHz directed toward Amity, Oreg., to 2161.0 MHz. Change frequency 2171.8 MHz. directed toward Hoodoo Butte, Oreg., to 2179.0 MHz. Location: Mount Horeb, 7 miles east-northeast of Mill City, Oreg.	
1373-C1-P-68	do	(New)	Change frequency 2121.4 MHz directed toward Mount Horeb, Oreg., to 2129.0 MHz. Change frequency 2114.8 MHz. directed toward Long Butte, Oreg., to 2111.0 MHz. Location: Hoodoo Butte, 18.2 miles west-northeast of Sisters, Oreg.	
1374-C1-P-68	do	(New)	Change frequency 2164.6 MHz directed toward Hoodoo Butte, Oreg., to 2161.0 MHz. Location: Long Butte, 3.2 miles northeast of Tumalo, Oreg.	
1375-C1-P-68	do	(New)	Change frequency 2114.8 MHz directed toward Brady Butte, Oreg., to 2111.0 MHz. Location: Medicine Mountain, 3 miles southeast of Beatty, Oreg.	
1280-C1-P-68	do	(New)	Change frequency 2164.6 MHz directed toward Medicine Mountain, Oreg., to 2161.0 MHz. Location: Brady Butte, 22.7 miles southeast of Beatty, Oreg. All other particulars same as reported in Public Notices dated 9-18-67 and 5-6-68 and 6-17-68.	
AMENDMENT				
1360-C1-P-68	Tower Communications System Corp.	(KQO41)	Change Informative to read Applicant is television signal to be carried from WKYC-TV, Cleveland, Ohio, to WKBF-TV, Cleveland, Ohio. All other particulars to remain same as reported on Public Notice dated 7-8-68, Report No. 396.	

[F.R. Doc. 68-9519; Filed, Aug. 8, 1968; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69-29, etc.]

MURPHY OIL CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JULY 31, 1968.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 16, 1968.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI69-29	Murphy Oil Corp., 200 Jefferson Ave., El Dorado, Ark. 71730.	16	10	Texas Gas Transmission Corp. (Sligo Field, Bossier Parish, La.) (North Louisiana).	$812	7-5-68	[3] 8-5-68	1-5-69	[4] [5] 16.25	[4] [6] 16.25	
RI69-30	Midwest Oil Corp., 1700 Broadway, Denver, Colo. 80202.	33	5	Arkansas Louisiana Gas Co. (Red Oak Field, Latimer County, Okla.) (Oklahoma "Other" Area).	300	7-5-68	[3] 9-1-68	2-1-69	15.0	[7] 16.0	
	do	39	1	Arkansas Louisiana Gas Co. (Backbone Area, Le Flore County, Okla.) (Oklahoma "Other" Area).	352	7-5-68	[3] 9-1-68	2-1-69	15.0	[7] 16.0	
RI69-31	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	84	5	Michigan Wisconsin Pipe Line Co. (Woodward Area, Dewey County, Okla.) (Oklahoma "Other" Area).	3,610	7-8-68	[3] 8-8-68	1-8-69	[8] 15.145	[9] [10] 18.03	RI68-372.
	do	85	6	Panhandle Eastern Pipe Line Co. (Avard Area, Woods County, Okla.) (Oklahoma "Other" Area).	11,199	7-8-68	[3] 8-8-68	1-8-69	[8] 15.984	[9] [10] [11] 19.055	RI68-290.
	do	100	1	Cities Service Gas Co. (Bishop Area, Roger Mills County, Okla.) (Oklahoma "Other" Area).	661	7-8-68	[3] 8-8-68	1-8-69	15.0	[7] 17.0	
RI69-32	American Petrofina Co. of Texas, Post Office Box 2159, Dallas, Tex. 75221;	66	5	Arkansas Louisiana Gas Co. (Milton Field, Haskell County, Okla.) (Oklahoma "Other" Area).	260	7-12-68	[3] 9-1-68	2-1-69	[12] 15.0	[7] [12] 16.0	
RI69-33	Humble Oil & Refining Co. (Operator) et al., Post Office Box 2180, Houston, Tex. 77001.	337	55	Arkansas Louisiana Gas Co. (Arkoma Area, Haskell et al., Counties, Okla.) (Oklahoma "Other" Area and Arkansas).	826 83,925	7-15-68	[3] 9-1-68	2-1-69	[12] 15.0 [13] 15.01556	[7] [12] 16.0 [7] [13] 16.01556	RI68-155.
RI69-34	do	420	6	Arkansas Louisiana Gas Co. (Kinta Field, Haskell et al., Counties, Okla.) (Oklahoma "Other" Area).	6,000	7-15-68	[3] 9-1-68	2-1-69	[12] 15.01556 [13] 15.0	[7] [12] 16.01556 [7] [13] 16.01556	RI68-154.
RI69-35	Calvert-Mid-America, Inc. (Operator) et al., 2300 Fourth National Bank Bldg., Tulsa, Okla. 74119.	2	1	Arkansas Louisiana Gas Co. (Southeast Stigler Area, Haskell County, Okla.) (Oklahoma "Other" Area).	5,746	7-15-68	[3] 9-1-68	2-1-69	15.0	[7] [13] 16.015	
RI69-36	Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co. (Operator) et al., Post Office Box 747, Dallas, Tex. 75221.	10	11	Arkansas Louisiana Gas Co. (Red Oak et al., Fields, Haskell, et al., Counties, Okla.) (Oklahoma "Other" Area).	90,904	7-12-68	[3] 9-1-68	2-1-69	[13] 15.015	[7] [13] 16.015	RI68-368.
RI69-37	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	306	4	Arkansas Louisiana Gas Co. (Bonanza Field, Sebastian County, Ark.).	75,000	7-16-68	[3] 9-1-68	2-1-69	15.0	[7] 16.0	
	do	324	3	Arkansas Louisiana Gas Co. (Red Oak Field, Le Flore County, Okla.) (Oklahoma "Other" Area).	203	7-16-68	[3] 9-1-68	2-1-69	15.0	[7] [13] 16.015	
RI69-38	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla. 74102.	177	3	Kansas Nebraska Gas Co., Inc. (Hugoton Field, Finney County, Kans.).	407	6-25-68	[3] 8-1-68	1-1-69	[11] 0	[7] 12.0	
RI69-39	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	160	3	Arkansas Louisiana Gas Co. (Erick Field, Beckham County, Okla.) (Oklahoma "Other" Area).	5,000	7-12-68	[3] 8-12-68	1-12-69	12.0	[7] 13.0	

See footnotes at end of table.

[1] The stated effective date is the effective date requested by Respondents.
[2] Periodic rate increase.
[3] Pressure base is 15.025 p.s.i.a.
[4] Subject to a downward B.t.u. adjustment.
[5] Includes 1.75 cents tax reimbursement.
[6] Pressure base is 14.65 p.s.i.a.
[7] "Fractured" rate increase. Respondent contractually due a base rate of 22 cents per Mcf.
[8] Includes base rate of 15 cents plus upward B.t.u. adjustment before increase and 17.585 cents plus upward B.t.u. adjustment after increase. Base rate subject to upward and downward B.t.u. adjustment.
[9] Includes 0.015 cent tax reimbursement.
[11] "Fractured" rate increase. Respondent is contractually due a base rate of 19.5 cents per Mcf.
[12] Subject to 0.75 cent deduction by buyer for compressing gas.
[13] Rate applicable to Arkansas sales.
[14] Rate applicable to Oklahoma sales. Rate includes 0.01556 cent tax reimbursement and is subject to a deduction by buyer of 0.75 cent for gas sold under a compression agreement dated Mar. 5, 1963, and rate is also subject to a 3 cents deduction by buyer for gas sold under a compression agreement dated Jan. 1, 1965.
[15] Includes 0.015 cent excise tax reimbursement and 0.00056 production tax reimbursement.
[16] Rate for additional acreage added by Supplement No. 4.

Humble Oil & Refining Co. (Operator) et al., and Humble Oil & Refining Co. (both referred to herein as Humble) request that should the Commission suspend their rate filings that the suspension period be limited to one day. Good cause has not been shown for granting Humble's request for limiting to one day the suspension period with respect to their rate filings and such requests are denied.

Supplement No. 55 to Humble's FPC Gas Rate Schedule No. 337 and Supplement No. 4 to Shell's FPC Gas Rate Schedule No. 306 contain periodic rate increases from 15 cents to 16 cents per Mcf for sales of gas to Arkansas Louisiana Gas Co. in Arkansas where no formal guideline prices have been established for the area involved. Since the proposed 16 cent rate exceeds the 11 cents per Mcf rate established for adjacent Oklahoma "Other" Area which has previously been applied for increased rates filed in this area of Arkansas, we conclude that Humble and Shell's proposed rate increases should be suspended for five months from September 1, 1968, the proposed effective date.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56), with the exception of the rate increases filed by Humble and Shell, mentioned above, for which no formal ceiling rates have been established for the area involved but exceed the area increased rate ceiling for adjacent Oklahoma "Other" Area which has been used for similar cases in the past.

Humble's proposed rate increases include 0.015 cent partial reimbursement (75 percent) of the Oklahoma excise tax which was increased by the State from 0.02 cent to 0.04 cent effective July 1, 1967. In addition, they reflect 0.0056 cent for partial reimbursement of increased taxes based on the application of the existing 5 percent Oklahoma production tax to the increase in excise tax. Arkansas Louisiana Gas Co., the buyer, has protested the inclusion of the 0.0056 cent tax reimbursement in the proposed rate increases filed by Humble contending there is no contractual authorization for such tax reimbursement. Because of the contractual question raised by the buyer, the hearings with respect to Humble's rate increases will pertain to the contract question as well as the question as to the justness and reasonableness of Humble's proposed rates.

[F.R. Doc. 68-9443; Filed, Aug. 8, 1968; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

[FPR Temporary Reg. 16]

FEDERAL SERVICE CONTRACTS

Interim Policies and Procedures

1. *Purpose.* This regulation prescribes interim policies and procedures to be followed by Federal agencies in complying with the requirements of the Service Contract Act of 1965 (P.L. 89-286, 41 U.S.C. 351-357).

2. *Effective date.* This regulation is effective August 9, 1968.

3. *Expiration date.* This regulation expires December 31, 1968, unless sooner revised or canceled.

4. *Background.* The Department of Labor has revised 29 CFR Part 4, Labor Standards for Federal Service Contracts, which sets forth policies and procedures pursuant to the Service Contract Act of 1965. (See 33 F.R. 9880.) As revised, Part 4 consists of three subparts, namely: Subpart A, Service Contract Labor Standards Provisions and Procedures; Subpart B, Equivalents of Determined Fringe Benefits; and Subpart C, Application of the McNamara-O'Hara Service Contract Act. The subject matter of Subpart A has heretofore been published in 29 CFR Part 4 and has been implemented in FPR Subpart 1–12.9, Service Contract Act of 1965. However, the material in Subpart A has been extensively revised and has occasioned the necessity for a corresponding revision of Subpart 1–12.9. (Subparts B and C represent new material and FPR implementation thereof is not deemed necessary.) Presently, the codified amendment of Subpart 1–12.9 is being coordinated with the Department of Labor and will not be available prior to August 9, 1968, the effective date of the new Department of Labor regulations published in 33 F.R. 9880. Accordingly, paragraph 4, below, prescribes interim regulatory direction in this regard.

5. *Agency implementation.* Pending the issuance of an amendment of FPR Subpart 1–12.9, agencies shall follow the policies and procedures set forth in Subpart A of 29 CFR Part 4 as published in the FEDERAL REGISTER on July 10, 1968 (33 F.R. 9880), in carrying out procurement operations involving the Service Contract Act of 1965. Any provision of present FPR Subpart 1–12.9 which is inconsistent with Subpart A of 29 CFR Part 4 is superseded to the extent of the inconsistency. Particular attention is invited to the revised contract clauses provided in 29 CFR 4.6 and 4.7. Also, the procedures involving agency notification to the Department of Labor of its intention to enter into a service contract and procedures with respect to wage and fringe benefit determinations (see 29 CFR 4.4 and 4.5) have been significantly changed.

6. *Effect on other issuances.* The following temporary regulations are canceled:

a. FPR Temporary Regulation 10, February 11, 1967.

b. FPR Temporary Regulation 12, July 27, 1967.

c. FPR Temporary Regulation 14, January 29, 1968.

7. *Department of Labor regulations.* Reprints of the regulations published in 33 F.R. 9880 may be obtained from the Department of Labor, Wage and Hour and Public Contracts Divisions, Washington, D.C. 20210.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

AUGUST 7, 1968.

[F.R. Doc. 68-9633; Filed, Aug. 8, 1968; 10:54 a.m.]

DEPARTMENT OF LABOR

Wage And Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 20 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

Avellone Pharmacy, drugstore; 27251 Wolf Road, Bay Village, Ohio; 6–6–68 to 6–5–69.

Baconia Plantation, Inc., agriculture; Cary, Miss.; 5–12–68 to 5–11–69.

Baptist Memorial Hospital, hospital; 1007 Goodyear Avenue, Gadsden, Ala.; 5–10–68 to 5–9–69.

John Beno Co., Inc., department store; 508 West Broadway, Council Bluffs, Iowa; 5–1–68 to 4–30–69.

Bern's Super Foods, foodstore; 31 North Main, Midvale, Utah; 5–2–68 to 5–1–69.

Big Giant Super Market, Inc., foodstore; 2121 South Portland, Oklahoma City, Okla.; 5–1–68 to 4–30–69.

Richard W. Bishop, agriculture; 8995 Peterson Road, Whitehall, Mich.; 5–22–68 to 5–21–69.

C. H. Block & Co., Inc., agriculture; Tunica, Miss.; 6–16–68 to 6–15–69.

The Bomber, service station; 13515 Southeast McLoughlin, Portland, Oreg.; 5–10–68 to 5–9–69.

Bond Stores, Inc., apparel store; 729 Broad Street, Newark, N.J.; 5–15–68 to 5–14–69.

Bristol County Agricultural High School, agriculture; Segreganset, Mass.; 6–1–68 to 5–31–69.

Buehler Market, Inc., foodstore; 1509 First Avenue SE., Cedar Rapids, Iowa; 5–2–68 to 5–1–69.

Andrew Buist, Sr., agriculture; 1055 Chippewa, Jenison, Mich.; 6–5–68 to 6–4–69.

Dale Buist, agriculture; 7213 Pingree, Allendale, Mich.; 5–20–68 to 5–19–69.

Robert Buist, agriculture; 11993 74th Avenue, Allendale, Mich.; 5–5–68 to 5–4–69.

Capitol Nursing Home & Annex, nursing home; 31 and 62 Barre Street, Montpelier, Vt.; 5–22–68 to 5–21–69.

Carson City Hospital, hospital; Elm at Third, Carson City, Mich.; 6–7–68 to 6–6–69.

Carson Pirie Scott & Co., department store; 500 Maine Street, Quincy, Ill.; 5–1–68 to 4–30–69.

Central Store, Inc., department store; Central Avenue and Verity Parkway, Middletown, Ohio; 5–21–68 to 5–20–69.

Chaumiere Farms, agriculture; Steelville, Mo.; 3–20–68 to 3–19–69.

Clarys 5 & 10, variety store; 228 Crogan Street, Lawrenceville, Ga.; 5–7–68 to 5–6–69.

Glen W. Clay, agriculture from 5–1–68 to 9–30–68 except as otherwise indicated: Carlisle, Ky. (5–1–68 to 12–31–68); Greensburg, Ky.; Milton, Ky.

Craven County Hospital Corp., hospital; 2000 Neuse Boulevard, New Bern, N.C.; 5–24–68 to 5–23–69.

Crestview, Inc., nursing home; North Downey Street, West Branch, Iowa; 6–18–68 to 6–17–69.

Dover, Inc., foodstore; Crossville, Ala.; 5–10–68 to 5–9–69.

Duckwall Stores, Inc., variety stores: No. 71, Denver, Colo. (6–19–68 to 3–30–69); No. 69, Lawrence, Kans. (5–7–68 to 5–6–69); No. 2, Salina, Kans. (6–19–68 to 3–30–69).

Eat'n Park Restaurant, restaurants from 5–10–68 to 5–9–69: Sheffield Road at 21st Street, Aliquippa, Pa.; 2820 Duss Avenue, Ambridge, Pa.; Library Road, Bethel Park, Pa.; 1197 Washington Pike, Bridgeville, Pa.; 419 North Washington Road, Canonsburg, Pa.; State Highway 51, Clairton, Pa.; Lincoln Highway, East McKeesport, Pa.; 201 Ohio River Boulevard, Edgeworth, Pa.; Greensburg, Pa.; Freeport Road at Guys Run Road, Harmarville, Pa.; Hays and Eighth Avenue, Homestead, Pa.; Jeannette, Pa.; 805 Lysle Boulevard, McKeesport, Pa.; 3701 Walnut Street, McKeesport, Pa.; Main Street, Monongahela, Pa.; 3893 Wm. Penn Highway, Monroeville, Pa.; Broadview Boulevard, Natrona Heights, Pa.; Freeport Street at Fourth Street, New Kensington, Pa.; 11746 Franklstown Road, Penn Hills, Pa.; 1300 Banksville Road, Pittsburgh, Pa.; 5100 Clairton Boulevard, Pittsburgh, Pa.; 8500 Frankstown Road, Pittsburgh, Pa.; 2874 West Liberty Avenue, Pittsburgh, Pa.; 7905 McKnight Road, Pittsburgh, Pa.; 1002 Ohio River Boulevard, Pittsburgh, Pa.; 6351 Penn Avenue, Pittsburgh, Pa.; Saxonburg Boulevard, Pittsburgh, Pa.; 2209 Saw Mill Run Boulevard, Pittsburgh, Pa.; 1050 Washington Boulevard, Pittsburgh, Pa.; 807 West Chestnut Street, Washington, Pa.; Wexford, Pa.

Egremont Plantation, agriculture; Cary, Miss.; 6–5–68 to 6–4–69.

Evanna Plantation, Inc., agriculture; Cary, Miss.; 6–5–68 to 6–4–69.

Faisonia Plantation, agriculture; Indianola, Miss.; 6–12–68 to 6–11–69.

Fantle's Inc., department store; 100 South Main, Sioux Falls, S. Dak.; 6–6–68 to 6–5–69.

Fisher Bros., agriculture; 846 Oak Avenue, Muskegon, Mich.; 6–16–68 to 6–15–69.

Food Carnival Food Stores, Inc., foodstore; 366 Mulberry Street, Macon, Ga.; 5–1–68 to 4–30–69.

Food Giant Super Markets, Inc., foodstores from 5–24–68 to 5–23–69: Nos. 1 and 2, Tucson, Ariz.

Forest Retreat Farms, Inc., agriculture; Carlisle, Ky.; 5–8–68 to 5–7–69.

Forrest Keeling Nursery, Inc., agriculture; Elseberry, Mo.; 5–25–68 to 5–24–69.

Franenmuth IGA, foodstore; 270 S. Main Street, Frankenmuth, Mich.; 5–8–68 to 5–7–69.

Frank's Food Fair, foodstores from 5–20–68 to 5–19–69: Nos. 1 and 2, Martinsville, Va.

Galyan's Super Market, Inc., foodstores from 5–27–68 to 5–26–69: 1102 West 16th Street, Indianapolis, Ind.; Plainfield, Ind.

Goldblatt Brothers, Inc., department stores from 6–1–68 to 5–31–69: 14 Country Fair Shopping Center, Champaign, Ill.; State and Van Buren Street, Chicago, Ill.

W. T. Grant Co., variety stores: No. 877, Jacksonville, Fla. (5–19–68 to 5–18–69); No. 400, Rumford, Maine (5–1–68 to 4–30–69); No. 494, Leominster, Mass. (6–16–68 to 6–15–69); No. 53, St. Ann, Mo. (5–12–68 to 5–11–69); No. 629, Ashland, Ohio (5–10–68 to 5–9–69); No. 14, Johnstown, Pa. (5–28–68 to 5–27–69).

M. Grundfest, agriculture; Cary, Miss.; 6–5–68 to 6–4–69.

Hart-Albin Co., department store; Billings, Mont.; 5–21–68 to 5–20–69.

Henderson Drugs, Inc., drugstore; 5941 Kingston Pike, Knoxville, Tenn.; 5–13–68 to 5–12–69.

Herberger's, department store; 518 St. Germain Street, St. Cloud, Minn.; 5–16–68 to 5–15–69.

Howard Johnson's Restaurant, restaurant; 1370 West Chestnut Street, Washington, Pa.; 6–9–68 to 6–8–69.

Hub Clothing Co., apparel store; 41–49 South Main Street, Wilkes-Barre, Pa.; 5–1–68 to 4–30–69.

Ideal Poultry Breeding Farms, Inc., agriculture; Cameron, Tex.; 6–5–68 to 6–4–69.

Iowa City Extended Care Center, Inc., nursing home; Rochester Road and Scott Boulevard, Iowa City, Iowa; 5–15–68 to 5–14–69.

Jackson County Hospital & Nursing Home, hospital; Scottsboro, Ala.; 6–15–68 to 6–14–69.

Boulware H. Jameson, Inc., automobile dealer; 1200 Highway 54, South, Fulton, Mo.; 6–18–68 to 6–17–69.

Jerry's Markets, foodstore; 2101 West Franklin Street, Evansville, Ind.; 5–2–68 to 5–1–69.

Herbert Klug, agriculture; 271 Seminole Road, Muskegon, Mich.; 5–13–68 to 5–12–69.

S. S. Kresge Co., variety stores: No. 4600, Chicago, Ill. (6–3–68 to 6–2–69); No. 90, Jacksonville, Ill. (6–7–68 to 6–6–69); No. 4058, Springfield, Ill. (5–2–68 to 5–1–69); No. 244, Atchison, Kans. (6–10–68 to 6–9–69); No. 4560, Kansas City, Kans. (5–29–68 to 5–28–69); No. 689, Grandview, Mo. (6–20–68 to 6–19–69); No. 704, Dallas, Tex. (5–13–68 to 5–12–69).

S. H. Kress & Co., variety stores from 5–1–68 to 4–30–69 except as otherwise indicated: 1912 Second Avenue, Bessemer, Ala. (6–5–68 to 6–4–69); 116 North Main, Rockford, Ill. (5–19–68 to 6–18–69); 103 North Main Street, Nevada, Mo. (6–19–68 to 6–18–69); 343 Springfield Avenue, Summit, N.J. (5–24–68 to 5–23–69); 414 Central Avenue SW., Albuquerque, N. Mex.; 206 North Main Street, Roswell, N. Mex. (5–15–68 to 5–14–69); 119 West Main Street, Ardmore, Okla.; 325 Chickasha Avenue, Chickasha, Okla.; 129 West Main Street, Enid, Okla.; 324 C Avenue, Lawton, Okla.; 100 East Seventh Street, Okmulgee, Okla.; 105 East Grand Avenue, Ponca City, Okla.; 109 East Main, Shawnee, Okla.; 216 South Main Street, Tulsa, Okla.; 243 East Main Street, Johnson City, Tenn.; 700 Polk Street, Amarillo, Tex.; 591 Pearl Street, Beaumont Tex.; 1404 Elm Street, Dallas, Tex.; 206 West Jefferson Street, Dallas, Tex.; 230 Main Street, Eagle Pass, Tex.; 201 West California Street, Gainesville, Tex.; 2506 Lee Street, Greenville, Tex.; 6704 Harrisburg Boulevard, Houston, Tex.; 116 West Broad Street, Texarkana, Tex.; 114 West Erwin Street, Tyler, Tex.; 101 South College Street, Waxahachie, Tex.; 806 Indiana Avenue, Wichita Falls, Tex.

Le-Mac Nurseries, Inc., agriculture; Hampton, Va.; 5–1–68 to 8–31–68.

Logli Pacemaker Food Store, foodstore; 2019 Broadway, Rockford, Ill.; 5–2–68 to 5–1–69.

Low Cost Drug Centre, Inc., drugstore; 101 North Main Street, Logan, Utah; 6–10–68 to 6–9–69.

Lynndale Planting Co., Inc., agriculture; Cary, Miss.; 5–12–68 to 5–11–69.

Maplecrest Nursing Home, nursing home; 174 Main Street, Madison, Maine; 6–10–68 to 6–9–69.

McAdoos', apparel store; 146–147 Public Square, Lebanon, Tenn.; 5–22–68 to 5–21–69.

McCrory-McClellan-Green Stores, variety store; No. 466, St. Paul, Minn.; 5–2–68 to 5–1–69.

W. O. McCurdy & Sons, agriculture; Fremont, Iowa; 6–2–68 to 6–1–69.

McDonald's Hamburgers, restaurant; 9783A St. Charles Rock Road, St. Louis, Mo.; 6–10–68 to 6–9–69.

MFA Central Cooperative, foodstore; Morgan and Lafayette Streets, Marshall, Mo.; 4–7–68 to 4–6–69.

Morgan & Lindsey, Inc., variety stores; No. 3006, Mansfield, La. (4–14–68 to 4–13–69); No. 3036, Pascagoula, Miss. (5–27–68 to 5–26–69).

Mount Arbor Nurseries, Inc., agriculture; 400 North Center Street, Shenandoah, Iowa; 5–10–68 to 5–9–69.

G. C. Murphy Co., variety stores from 5–1–68 to 4–30–69 except as otherwise indicated: No. 97, Naugatuck, Conn. (5–4–68 to 5–3–69); No. 93, Torrington, Conn. (5–4–68 to 5–3–69); No. 435, Albion, Mich.; No. 436, Charlotte, Mich.; No. 444, Coldwater, Mich.; No. 406, Hillsdale, Mich.; No. 437, Marshall, Mich.; No. 424, Owosso, Mich.; No. 120, St. Joseph, Mich.; No. 451, South Haven, Mich.; No. 136, Ocean City, N.J. (5–8–68 to 5–7–69); No. 298, Trenton, N.J. (5–8–68 to 5–7–69); No. 139, Washington, N.J. (5–8–68 to 5–7–69); No. 135, Wildwood, N. J. (5–8–68 to 5–7–69); No. 161, Alliance, Ohio; No. 140, Barnesville, Ohio; No. 65, Bellaire, Ohio; No. 36, Bellefontaine, Ohio; No. 415, Bryan, Ohio; No. 234, Cincinnati, Ohio; No. 110, Circleville, Ohio; No. 265, Columbus, Ohio; No. 281, Dayton, Ohio (5–9–68 to 5–8–69); No. 418, Defiance, Ohio; No. 441, Franklin, Ohio; No. 469, Galion, Ohio; Nos. 2 and 468, Gallipolis, Ohio; No. 37, Greenville, Ohio; No. 456, Hillsboro, Ohio; No. 459, Jackson, Ohio; No. 269, Kettering, Ohio (5–8–68 to 5–7–69); No. 446, Lebanon, Ohio (5–9–68 to 5–8–69); No. 469, London, Ohio (5–9–68 to 5–8–69); No. 230, Marion, Ohio (5–9–68 to 5–8–69); No. 38, Middletown, Ohio (5–9–68 to 5–8–69); No. 462, Napoleon, Ohio (5–9–68 to 5–8–69); No. 257, North Ridgeville, Ohio (5–9–68 to 5–8–69); No. 41, Piqua, Ohio (5–9–68 to 5–8–69); No. 453, St. Marys, Ohio (5–9–68 to 5–8–69); No. 52, Salem, Ohio (5–9–68 to 5–8–69); No. 40, Sidney, Ohio (5–9–68 to 5–8–69); No. 434, Toledo, Ohio (5–9–68 to 5–8–69); No. 122, Toronto, Ohio (5–9–68 to 5–8–69); No. 35, Troy, Ohio (5–9–68 to 5–8–69); No. 419, Urbana, Ohio (5–9–68 to 5–8–69); No. 20, Washington Court House, Ohio (5–8–68 to 5–7–69); No. 192, Wilmington, Ohio (5–8–68 to 5–7–69); Nos. 187 and 222, Youngstown, Ohio (5–8–68 to 5–7–69); No. 87, Pittsburgh, Pa. (6–17–68 to 6–16–69).

Myers Fried Chicken, Inc., restaurant; 2700 Georgia, Amarillo, Tex.; 5–8–68 to 5–7–69.

J. J. Newberry Co., variety stores: No. 239, Pocomoke City, Md.; 6–12–68 to 6–11–69.

Ochs Bros., Inc., department store; 414 Central Avenue, Fairbault, Minn.; 5–19–68 to 5–18–69.

Orbach's Varsity Shop, Inc., apparel store; 1827 East 21st Street, Tulsa, Okla.; 3–26–68 to 3–28–69.

The Orme School & Orme Ranch, agriculture; Mayer, Ariz.; 6–1–68 to 5–31–69.

Panhandle Cooperative Association, foodstore; Scottsbluff, Nebr.; 5–1–68 to 8–31–68.

Park "N" Market, foodstores from 5–1–68 to 4–30–69: 1400 North Meade Street, Appleton, Wis.; 838 West Main Street, Neenah, Wis.

Park N Shop Supermarket, foodstores from 5–12–68 to 5–11–69; East Jefferson, Culver, Ind.; Lincolnway at Beach, Osceola, Ind.; 54977 Mayflower, South Bend, Ind.

B. Pearl Plantation, agriculture; Cary, Miss.; 6–5–68 to 6–4–69.

Post Gardens of Battle Creek, Inc., agriculture; 3055 West Michigan, Battle Creek, Mich.; 5–8–68 to 5–7–69.

Powers Co., Inc., agriculture; Cary, Miss.; 5–24–68 to 5–23–69.

Raylass Department Stores, department stores from 5–1–68 to 4–30–69 except as otherwise indicated: 835–841 Broad Street, Augusta, Ga.; Corner Main and Davis Streets, Burlington, N.C.; 315 West Main Street, Durham, N.C.; 202 Hay Street, Fayetteville, N.C.; 102–04 West Main Street, Gastonia, N.C.; Corner Main Street and Second Avenue, Lexington, N.C.; 406 Elm Street, Lumberton, N.C. (5–31–68 to 5–30–69); 220–22 Main Street, Salisbury, N.C.; 112 Pendelton Street, Easley, S.C.; 144–46 South Main Street, Rock Hill, S.C. (5–31–68 to 5–30–69).

Reeble Food Market, foodstores from 5–15–68 to 5–14–69: Nos. 1 and 2, Emporia, Kans.

Rhea's Inc., bakeries from 6–10–68 to 6–9–69: 441 Market Street, Pittsburgh, Pa.; 536 Smithfield Street, Pittsburgh, Pa.

Rice County District One Hospital, hospital; 631 Southeast First Street, Faribault, Minn.; 5–29–68 to 5–19–69.

Rivin's IGA, foodstore; Wagner, S. Dak.; 5–27–68 to 5–26–69.

Roanoke Memorial Rehabilitation Center, hospital; South Jefferson and McClanahan SW., Roanoke, Va.; 5–6–68 to 5–5–69.

Robie's Food Center, Inc., foodstores from 6–12–68 to 6–11–69: 604 South State Street, Abbeville, La.; 1001 East Main Street, Jeanerette, La.

Rockton Avenue Pacemaker Food Store, foodstore; 3132 North Rockton Avenue, Rockford, Ill.; 5–2–68 to 5–1–69.

Rosefield Food Center, Inc., foodstore; Richeyville, Pa.; 5–16–68 to 5–15–69.

Royal's Inc., department store; Immokalee, Fla.; 5–9–68 to 5–8–69.

Rudyard Co-op Co., foodstores: Pickford, Mich. (5–24–68 to 5–23–69); Rudyard, Mich. (5–11–68 to 5–10–69).

St. Mary's Hospital, hospital; 803 East Dakota Avenue, Pierre, S. Dak.; 5–10–68 to 5–9–69.

St. Thomas More Hospital, Inc., hospital; 431 Macon Avenue, Canon City, Colo.; 5–24–68 to 5–23–69.

Sams Drugs, drugstore; 14200 Fenkell Avenue, Detroit, Mich.; 5–26–68 to 5–25–69.

Nelson W. Scott, agriculture; 3825 Werner Street, Muskegon, Mich.; 5–13–68 to 5–12–69.

Self Service Shoe Store, shoestore; 8511 North Florida Avenue, Tampa, Fla.; 5–21–68 to 5–20–69.

Shop Rite, foodstore; Eagle River, Wis.; 5–31–68 to 5–30–69.

Shutlers Market, foodstore; 726 North Summit, Arkansas City, Kans.; 5–1–68 to 4–30–69.

Arthur E. Snyder, agriculture; 57537 Mayflower Road, South Bend, Ind.; 5–13–68 to 5–12–69.

Spurgeon's, department stores; 125 South Side Square, Macomb, Ill. (5–1–68 to 4–30–69); 100 West Washington, Pittsfield, Ill. (5–28–68 to 5–27–69); 116 West Main Street, Washington, Iowa (6–3–68 to 6–2–69).

Sterling Stores Co., Inc., variety stores from 5–1–68 to 4–30–69: 121–123 North Moose Street, Morrilton, Ark.; 2240 Lamar Avenue, Memphis, Tenn.

Stevens, apparel store; 221 East Capitol Street, Jackson, Miss.; 6–7–68 to 6–6–69.

Sward-Kemp Drug Co., drugstore; 207 South Washington, Redwood Falls, Minn.; 6–10–68 to 6–9–69.

Tankard Nurseries, agriculture; Exmore, Va.; 6–1–68 to 5–31–69.

Tate's Supermarket, Inc., foodstore; 58 Franklin Street, Clymer, Pa.; 5–18–68 to 5–17–69.

T. G. & Y. Stores Co., variety stores: No. 231, Mobile, Ala. (5–1–68 to 4–30–69); No. 129, Kansas City, Mo. (6–6–68 to 6–5–69); No. 39, Oklahoma City, Okla. (5–27–68 to 5–26–69); No. 56, Oklahoma City, Okla. (6–1–68 to 5–31–69).

Van Solkema Farms, Inc., agriculture; 8513 Harlow Avenue SW., Byron Center, Mich.; 5–28–68 to 5–27–69.

Jacob Wagenmaker & Son, agriculture; 1243 East Norton Road, Muskegon, Mich.; 5–10–68 to 5–9–69.

Walnut Hall Farm, agriculture; Donerail, Ky.; 6–1–68 to 5–31–69.

Ward-Brodt Music Co., music store; 315 North Henry Street, Madison, Wis.; 5–15–68 to 5–14–69.

White Orchard Co., agriculture; Ogden, Utah; 5–6–68 to 5–5–69.

Willis Nursery Co., agriculture; Ottawa, Kans.; 5–15–68 to 6–14–69.

Wolke & Kotler, Inc., department store; 4811 Milwaukee Avenue, Chicago, Ill.; 5–16–68 to 5–15–69.

Woods 5 & 10 Cent Stores, Inc. variety stores from 6–14–68 to 6–13–69: 301 Elm Street, Lumberton, N.C.; Whiteville, N.C.

F. W. Woolworth Co., variety stores from 5–2–68 to 5–1–69 except as otherwise indicated: No. 654, Little Rock, Ark. (5–16–68 to 5–15–69); No. 881, Phoenix, Ariz. (5–31–68 to 5–30–69); No. 1812, Alamosa, Colo. (5–9–68 to 5–8–69); No. 440, Aurora, Colo. (5–6–68 to 5–5–69); No. 247, Colorado Springs, Colo. (5–31–68 to 5–30–69); No. 23–15, Cortez, Colo. (5–9–68 to 5–8–69); No. 1513, Denver, Colo. (5–9–68 to 5–8–69); No. 2082, Englewood, Colo.; No. 645, Fort Collins, Colo. (5–9–68 to 5–8–69); No. 610, Greeley, Colo.; No. 1451, Sterling, Colo.; No. 667, Centralia, Ill.; No. 1, Chicago, Ill. (5–16–68 to 5–15–69); No. 2444, Bettendorf, Iowa (5–31–68 to 5–30–69); No. 836, Cedar Rapids, Iowa (6–1–68 to 5–31–69); No. 1582, Cherokee, Iowa (5–16–68 to 5–15–69); No. 240, Fort Dodge, Iowa (5–17–68 to 5–16–69); No. 434, Keokuk, Iowa; No. 444, Oskaloosa, Iowa; No. 113, Sioux City, Iowa (5–9–68 to 5–8–69); No. 349, Waterloo, Iowa (5–9–68 to 5–8–69); No. 1611, Dodge City, Kans. (5–24–68 to 5–23–69); No. 1015, Emporia, Kans. (5–24–68 to 5–23–69); No. 1220, Houma, La. (5–24–68 to 5–23–69); No. 2201, New Orleans, La. (5–24–68 to 5–23–69); No. 1854, Alexandria, Minn. (5–4–68 to 5–3–69); No. 1806, Detroit Lakes, Minn. (5–12–68 to 5–11–69); No. 62, St. Paul, Minn. (5–9–68 to 5–8–69); No. 1268, Clarksdale, Miss.; No. 2229, Crestwood, Mo. (5–16–68 to 5–15–69); No. 657, North Kansas City, Mo.; No. 1027, St. Louis, Mo. (5–24–68 to 5–23–69); No. 140, Springfield, Mo.; No. 845, Norfolk, Nebr.; No. 693, Omaha, Nebr.; No. 1075, Jamestown, N. Dak.; No. 1037, Miami, Okla. (5–15–68 to 5–15–69); No. 641, Muskogee, Okla. (5–16–68 to 5–15–69); No. 2314, Tulsa, Okla.; No. 873, Coatesville, Pa. (5–31–68 to 5–30–69); No. 1714, Brookings, S. Dak.; No. 844, Mitchell, S. Dak. (5–9–68 to 5–8–69); No. 1334, Rapid City, S. Dak. (5–9–68 to 5–8–69); No. 719, Watertown, S. Dak. (5–9–68 to 5–8–69); No. 1314, Dyersburg, Tenn.; No. 935, Jackson, Tenn.; Nos. 1355 and 2275, Memphis, Tenn.; Nos. 2156 and 2208, Memphis, Tenn. (5–4–68 to 5–3–69); No. 648, Amarillo, Tex. (5–16–68 to 5–15–69); No. 2258, Beaumont, Tex.; No. 1758, Bryan, Tex. (6–6–68 to 6–5–69); No. 1884, Houston, Tex.; No. 2253, Houston, Tex. (5–16–68 to 5–15–69); No. 1098, McKinney, Tex. (5–16–68 to 5–15–69); No. 2255, Richardson, Tex.; No. 804, Temple, Tex. (5–16–68 to 5–15–69); No. 2233, Waco, Tex. (5–16–68 to 5–15–69); No. 966, Wichita Falls, Tex. (6–1–68 to 5–31–69); No. 289, Fond du Lac, Wis. (5–16–68 to 5–15–69); No. 923, Marshfield, Wis. (5–4–68 to 5–3–69); No. 178, Oshkosh, Wis.; No. 731, Sheridan, Wyo. (5–11–68 to 5–10–69).

The following certificates were issued to retail or service establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Aland's Inc., apparel stores from 6–15–68 to 6–14–69, cashier, wrapper, ticket writer, office clerk, salesclerk, between 3 percent and 8 percent; 7734 Eastwood Mall, Birmingham, Ala.; Five Points West Shopping Center, Birmingham, Ala.

Ashcraft's Market, Inc., foodstore; 158 First Street, Harrison, Mich.; stock clerk, carryout; between 15 percent and 27 percent; 5–16–68 to 5–15–69.

Ashton Bros. Grocery & Locker, Inc., foodstore; 901 West Crawford, Salina, Kans.; carryout; between 6 percent and 17 percent; 5–6–68 to 5–5–69.

Avellone Pharmacy, drugstore; 395 West Bagley Road, Berea, Ohio; stock clerk, salesclerk; between 11 percent and 31 percent; 6–6–68 to 6–5–69.

Butler's Department Store, department store; 150 Main Street, Biddeford, Maine; salesclerk, office clerk, stock clerk; 10 percent; 6–8–68 to 6–7–69.

Caseville H & L, Inc., foodstore; Caseville, Mich.; carryout, stock clerk; between 13 percent and 20 percent; 5–8–68 to 5–7–69.

Community Hospital of Roanoke Valley, hospital; 101 Elm Avenue SE., Roanoke, Va.; general duty nursing, technology aide, office trainee; 1 percent; 5–1–68 to 4–30–69.

Craft's Drug Store, drugstore; No. 11, Spartanburg, S.C.; salesclerk; 8 percent; 5–6–68 to 5–5–69.

Dick's Super Market, foodstore; 138 South Iowa Street, Dodgeville, Wis.; bagger, stock clerk, clean up; between 17 percent and 23 percent; 6–10–68 to 6–9–69.

J. S. Dillon & Sons Stores Co., Inc., foodstores from 6–9–68 to 6–8–69 except as otherwise indicated, cashier, clerk, carryout, wrapper, maintenance except as otherwise indicated, between 11 percent and 32 percent except as otherwise indicated: No. 105, Springdale, Ark. (checker, cashier, clerk, carryout, wrapper, maintenance, 5–12–68 to 5–11–69); No. 51, Great Bend, Kans. (checker, cashier, clerk, carryout, wrapper, maintenance, between 17 percent and 38 percent, 5–2–68 to 5–1–69); No. 44, Junction City, Kans.; No. 43, Lawrence, Kans.; No. 46, Manhattan, Kans.; No. 47, Topeka, Kans.

Duckwall's Stores, Inc., variety store; 3929 Palmer Park Boulevard, Colorado Springs, Colo.; salesclerk, stock clerk; between 13 percent and 32 percent; 5–31–68 to 5–30–69.

Eagle Stores Co., variety store; No. 24, Clinton, N.C.; salesclerk; between 3 percent and 18 percent; 5–25–68 to 5–24–69.

Eat'n Park Restaurant, restaurant; Chartiers Avenue, McKees Rocks, Pa.; waiter-waitress, car host-hostess; between 6 percent and 23 percent; 5–23–68 to 5–22–69.

Edwards, Inc., variety store; Midland Valley Shopping Center, Clearwater, S.C.; salesclerk, stock clerk; between 10 percent and 15 percent; 5–21–68 to 5–20–69.

Food Fair, Inc., foodstores from 5–22–68 to 5–21–69, bagger, carryout, clean up, pricing clerk, tagging clerk, stock clerk, between 4 percent and 20 percent except as otherwise indicated; Hazard, Ky. (between 2 percent and 7 percent); Mount Vernon, Ky.; Somerset, Ky.

Food Giant, foodstore; No. 5, Tucson, Ariz.; carryout; between 13 percent and 25 percent; 5–24–68 to 5–23–69.

Galyan's Super Market, Inc., foodstore; 800 East Main, Brownsburg, Ind.; stock clerk, counter help, carryout; between 5 percent and 10 percent; 5–27–68 to 5–26–69.

W. T. Grant Co., variety stores from 5–31–68 to 5–30–69 except as otherwise indicated, salesclerk, stock clerk except as otherwise indicated, between 4 percent and 18 percent except as otherwise indicated: No. 815, Buena Park, Calif. (6–17–68 to 6–16–69); No. 873, Fontana, Calif.; No. 301, Fresno, Calif. (5–13–68 to 5–12–69); 4051 East Ashlan, Fresno, Calif.; No. 800, Fullerton, Calif.; No. 224, Garden Grove, Calif. (6–17–68 to 6–16–69); No. 424, Inglewood, Calif. (6–17–68 to 6–16–69); No. 760, La Puente, Calif.; No. 352, Los Angeles, Calif. (5–3–68 to 5–2–69); No. 512, Los Angeles, Calif. (5–17–68 to 5–16–69); Nos. 894 and 1054, Riverside, Calif.; No. 405, Griffin, Ga. (salesclerk, cashier, office clerk, stock clerk, between 5 percent and 29 percent, 6–17–68 to 6–16–69); No. 1185, Lewiston, Idaho (salesclerk, between 2 percent and 14 percent); No. 226, Rockford, Ill. (between 6 percent and 18 percent, 5–17–68 to 5–16–69); No. 1133, Fairview, Mass. (salesclerk, stock clerk, office clerk, cashier, between 4 percent and 12 percent); No. 1066, Niles, Mich. (salesclerk, stock clerk, office clerk, cashier, between 3 percent and 22 percent, 5–21–68 to 5–20–69); No. 142, Ballwin, Mo. (salesclerk, office clerk, stock clerk, between 5 percent and 18 percent, 5–12–68 to 5–11–69); No. 282, Sparks, Nev. (salesclerk, between 2 percent and 14 percent); No. 967, Albuquerque, N. Mex. (salesclerk, stock clerk, office clerk, cashier, between 3 percent and 12 percent, 5–10–68 to 5–9–69); No. 126, Newark, Ohio (salesclerk, stock clerk, office clerk, cashier, between 6 percent and 23 percent, 5–15–68 to 5–14–69); No. 440, Eugene, Oreg.; No. 963, New Kensington, Pa. (salesclerk, between 6 percent and 20 percent); No. 3370, Washington, Pa. (salesclerk, between 6 percent and 20 percent, 5–13–68 to 5–12–69, Replacement); No. 285, Fairmont, W. Va. (salesclerk, between 6 percent and 20 percent); No. 1058, Brookfield, Wis. (salesclerk, office clerk, between 8 percent and 10 percent, 5–13–68 to 5–12–69); No. 797, Manitowoc, Wis. (salesclerk, office clerk, between 8 percent and 10 percent).

H. E. B. Food Store, foodstore; 613–15 West 12th Street, Georgetown, Tex.; bottle clerk, package clerk, sacker; 10 percent; 6–17–68 to 6–16–69.

Handy-Andy, Inc., foodstore; No. 135, Austin, Tex.; package clerk, stock clerk, salesclerk, checker, cashier, porter, sorter, clerk; between 20 percent and 39 percent, 6–7–68 to 6–6–69.

Harveys of Valparaiso, Inc., variety store; 152 West Lincolnway, Valparaiso, Ind.; salesclerk; between 11 percent and 25 percent; 6–18–68 to 6–17–69.

Hub Frankel Co., Inc., department store; 232–234 West Main Street, Danville, Ky.; salesclerk, stock clerk, office clerk; between 2 percent and 12 percent; 5–14–68 to 5–13–69.

Import Plaza, variety store; 1 Northwest Couch, Portland, Oreg.; pricing clerk, stock clerk, cashier, janitorial; between 2 percent and 22 percent; 6–18–68 to 6–17–69.

Jerry's Markets, foodstores from 5–2–68 to 5–1–69, sacker, carryout, 10 percent; 2800 Lincoln Avenue, Evansville, Ind.; 1115 Main Street, Evansville, Ind.

S. S. Kresge Co., variety stores for the occupations of salesclerk, stock clerk, office clerk, checker-cashier except as otherwise indicated; No. 4111, Birmingham, Ala. (salesclerk, between 3 percent and 11 percent, 5–8–68 to 5–7–69); No. 4011, Fresno, Calif. (between 3 percent and 19 percent, 5–17–68 to 5–16–69); No. 4181, Boulder, Colo. (between 3 percent and 19 percent, 5–2–68 to 5–1–69); No. 4101, Lakewood, Colo. (between 9 percent and 16 percent, 6–8–68 to 6–7–69); No. 786, Oakland Park, Fla. (salesclerk, between 1 percent and 12 percent, 5–2–68 to 5–1–69); No. 4085, Pensacola, Fla. (salesclerk, between 1 percent and 12 percent, 5–3–68 to 5–2–69); No. 4072, Atlanta, Ga. (salesclerk, between 3 percent and 13 percent, 2–1–68 to 1–31–69); No. 4210, Atlanta, Ga. (salesclerk, between 3 percent and 13 percent, 5–31–68 to 5–30–69); No. 4148, Hammond, Ind. (salesclerk, 10 percent, 5–25–68 to 5–24–69); No. 4152, Mishawaka, Ind. (10 percent, 6–8–68 to 6–7–69); 2535 Hubbell Avenue, Des Moines, Iowa (between 2 percent and 10 percent, 5–2–68 to 5–1–69); No. 4018, Dubuque, Iowa (between 8 percent and 20 percent, 5–3–68 to 5–2–69); No. 4550, Muscatine, Iowa (checker, stock clerk, salesclerk, between 3 percent and 10 percent, 6–9–68 to 6–8–69); No. 4006, Louisville, Ky. (maintenance, stock clerk, counter filling, cashier, customer service, salesclerk, bookkeeping, office cashier, display clerk, between 11 percent and 25 percent, 6–12–68 to 6–11–69); No. 4180, Louisville, Ky. (salesclerk, between 11 percent and 25 percent, 6–12–68 to 6–11–69); No. 585, Lincoln, Nebr. (salesclerk, stock clerk, checker-casheir, between 3 percent and 10 percent, 6–17–68 to 6–16–69); No. 4130, Omaha, Nebr. (between 3 percent and 10 percent, 6–18–68 to 6–17–69); No. 41.10, High Point, N.C. (salesclerk, checker, 16 percent, 5–13–68 to 5–12–69); No. 4167, Hamilton, Ohio (salesclerk, between 7 percent and 22 percent, 4–5–68 to 4–4–69); No. 4233, Youngstown, Ohio (salesclerk, 10 percent, 6–13–68 to 6–12–69); No. 747, El Paso, Tex. (between 3 percent and 19 percent, 5–17–68 to 5–16–69); No. 4188, Charleston, W. Va. (maintenance, stock clerk, checker, counter filling, customer service, salesclerk, bookkeeping, office cashier, display clerk, between 7 percent and 47 percent, 6–12–68 to 6–11–69); No. 4069, Casper, Wyo. (between 9 percent and 16 percent, 5–17–68 to 5–16–69).

S. H. Kress & Co., variety store; 36 West Landis Avenue, Vineland, N.J.; stock clerk, salesclerk; between 17 percent and 35 percent; 5–23–68 to 5–22–69.

Kwik Shop, Inc., foodstores for the occupations of cashier, clerk, carryout, wrapper, maintenance except as otherwise indicated, between 11 percent and 32 percent except as otherwise indicated; No. 79, Haysville, Kans. (cashier, checker, carryout, clerk, maintenance, wrapper, between 9 percent and 17 percent, 5–2–68 to 5–1–69); Nos. 70 and 74, Hutchinson, Kans. (6–9–68 to 6–8–69); No. 73, Lawrence, Kans. (6–9–68 to 6–8–69); Nos. 81, 82 and 83, Topeka, Kans. (cashier, checker, carryout, clerk, maintenance, wrapper, 5–12–68 to 5–11–69); No. 80, Wichita, Kans. (cashier, checker, carryout, clerk, maintenance, wrapper, between 9 percent and 17 percent, 5–2–68 to 5–1–69).

Lerner Shops, apparel stores from 5–15–68 to 5–14–69 except as otherwise indicated, salesclerk, cashier, credit clerk except as otherwise indicated; No. 125, Mobile, Ala. (salesclerk, stock clerk, credit clerk, between 8 percent and 21 percent); Nos. 406, 470, 477, and 479, Phoenix, Ariz. (15 percent, 5–23–68 to 5–22–69); No. 416, Tucson, Ariz. (15 percent); No. 437, Colorado Springs, Colo. (salesclerk, credit clerk, stock clerk, janitorial, between 12 percent and 28 percent, 6–13–68 to 6–12–69); Nos. 411, 452 and 462, Denver, Colo. (salesclerk, credit clerk, stock clerk, janitorial, between 12 percent and 28 percent, 6–13–68 to 6–12–69); No. 463, Lakewood, Colo. (salesclerk, credit clerk, stock clerk, janitorial, between 12 percent and 28 percent, 6–13–68 to 6–12–69); No. 406, Pueblo, Colo. (salesclerk, credit clerk, stock clerk, janitorial, between 12 percent and 28 percent, 6–13–68 to 6–12–69); No. 460, Westminster, Colo. (salesclerk, credit clerk, stock clerk, janitorial, between 12 percent and 28 percent, 6–13–68 to 6–12–69); Nos. 75, 80 and 82, Washington, D.C. (10 percent, 6–13–68 to 6–12–69); No. 46, Bradenton, Fla. (between 4 percent and 18 percent, 5–2–68 to 5–1–69); No. 146, Sarasota, Fla. (between 4 percent and 18 percent, 5–2–68 to 5–1–69); Nos. 54, 62 and 106, Tampa, Fla. (between 4 percent and 18 percent, 5–2–68 to 5–1–69); No. 435, Boise, Idaho (between 2 percent and 14 percent, 6–13–68 to 6–12–69); No. 203, Berwyn, Ill. (salesclerk, credit clerk, between 15 percent and 32 percent, 6–13–68 to 6–12–69); Nos. 201, 226, 229, 230, 241, and 247, Chicago, Ill. (salesclerk, credit clerk, between 15 percent and 32 percent, 6–13–68 to 6–12–69); No. 275, Melrose Park, Ill. (salesclerk, credit clerk, between 15 percent and 32 percent, 6–13–68 to 6–12–69); No. 253, Fort Wayne, Ind. (salesclerk, credit clerk, between 3 percent and 16 percent); No. 228, South Bend, Ind. (salesclerk, credit clerk, between 3 percent and 9 percent); No. 255, Wichita, Kans. (salesclerk, stock clerk, credit clerk, between 10 percent and 17 percent, 5–2–68 to 5–1–69); No. 267, Pleasure Ridge Park, Ky. (between 5 percent and 13 percent, 5–2–68 to 5–1–69); No. 161, Portland, Maine (17 percent, 6–1–68 to 5–31–69); Nos. 134 and 302, Hyattsville, Md. (10 percent); No. 176, Langley Park, Md. (10 percent); No. 179, Marlow Heights, Md. (10 percent, 6–1–68 to 5–31–69); No. 69, Silver Spring, Md. (10 percent); No. 177, Wheaton, Md. (10 percent); No. 159, Boston, Mass. (17 percent, 5–2–68 to 5–1–69); No. 166, Framingham, Mass. (17 percent, 5–2–68 to 5–1–69); No. 158, Medford, Mass. (17 percent, 5–2–68 to 5–1–69); No. 164, Peabody, Mass. (17 percent, 5–2–68 to 5–1–69); No. 156, Revere, Mass. (17 percent, 5–2–68 to 5–1–69); No. 152, Worcester, Mass. (17 percent); No. 220, Flint, Mich. (between 4 percent and 10 percent, 5–23–68 to 5–22–69); No. 249, Grand Rapids, Mich. (between 4 percent and 10 percent, 5–23–68 to 5–22–69); No. 235, Jackson, Mich. (between 4 percent and 10 percent, 5–23–68 to 5–22–69); No. 246, Kalamazoo, Mich. (between 4 percent and 10 percent, 5–23–68 to 5–22–69); No. 227, Minneapolis, Minn. (salesclerk, stock clerk, credit clerk, between 17 percent and 39 percent, 4–25–68 to 4–24–69); No. 166, Biloxi, Miss. (salesclerk, credit clerk, stock clerk, between 5 percent and 21 percent); No. 74, Meridian, Miss. (salesclerk, stock clerk, credit clerk, between 5 percent and 21 percent); Nos. 208, 209, and 300, Kansas City, Mo. (salesclerk, stock clerk, credit clerk, between 10 percent and 17 percent, 5–2–68 to 5–1–69); Nos. 219, 266, and 306, St. Louis, Mo. (salesclerk, stock clerk, credit clerk, between 10 percent and 17 percent, 6–1–68 to 5–31–69); No. 240, Omaha, Nebr. (salesclerk, stock clerk, credit clerk, between 10 percent and 17 percent, 6–1–68 to 5–31–69); No. 421, Reno, Nev. (between 2 percent and 14 percent, 6–13–68 to 6–12–69); No. 27, Metuchen, N.J. (salesclerk, stock clerk, credit clerk, between 6 percent and 25 percent, 5–8–68 to 5–8–69); No. 18, Paramus, N.J. (salesclerk, stock clerk, credit clerk between 19 percent and 37 percent, 5–9–68 to 5–8–69); No. 311, Wilmington, N.J. (sales clerk, stock clerk, credit clerk, 10 per-

cent, 5–2–68 to 5–1–69); No. 89, Asheville, N.C. (between 6 percent and 20 percent, 5–2–68 to 5–1–69); No. 39, Charlotte, N.C. (between 4 percent and 19 percent, 5–2–68 to 5–1–69); No. 309, Akron, Ohio (salesclerk, credit clerk, between 3 percent and 18 percent); Nos. 252 and 304, Cincinnati, Ohio (salesclerk, credit clerk, between 4 percent and 11 percent); No. 264, Columbus, Ohio (salesclerk, credit clerk, between 3 percent and 10 percent); No. 202, Dayton, Ohio (salesclerk, credit clerk, between 4 percent and 11 percent); No. 278, Parma, Ohio (between 8 percent and 12 percent); No. 206, Erie, Pa. (between 6 percent and 13 percent, 4–25–68 to 4–24–69); No. 61, Anderson, S.C. (between 7 percent and 26 percent, 5–2–68 to 5–1–69); No. 473, Abilene, Tex. (salesclerk, credit clerk, between 10 percent and 28 percent); No. 466, Amarillo, Tex. (between 2 percent and 35 percent); No. 131, Austin, Tex. (between 11 percent and 28 percent); No. 50, Beaumont, Tex. (between 1 percent and 21 percent, 5–17–68 to 5–16–69); Nos. 37 and 101, Dallas, Tex. (between 4 percent and 11 percent); Nos. 130 and 471, El Paso, Tex. (salesclerk, credit clerk, between 10 percent and 28 percent); No. 476, El Paso, Tex. (salesclerk, credit clerk, between 11 percent and 29 percent, 5–22–68 to 5–21–69); Nos. 104 and 148, Fort Worth, Tex. (salesclerk, stock clerk, credit clerk, between 4 percent and 11 percent); Nos. 56, 98, and 182, Houston, Tex. (between 4 percent and 11 percent, 5–17–68 to 5–16–69); No. 58, Lubbock, Tex. (between 13 percent and 28 percent); No. 47, Mesquite, Tex. (salesclerk, stock clerk, credit clerk, between 4 percent and 11 percent); No. 447, Provo, Utah (salesclerk, between 2 percent and 14 percent, 6–1–68 to 5–31–69); No. 407, Salt Lake City, Utah (salesclerk, between 2 percent and 14 percent, 6–1–68 to 5–31–69); No. 33, Lynchburg, Va. (between 9 percent and 10 percent); No. 140, Newport News, Va. (between 11 percent and 20 percent); Nos. 77 and 306, Norfolk, Va. (salesclerk, stock clerk, credit clerk, between 11 percent and 20 percent, 5–28–68 to 5–27–69); Nos. 40, 52, and 76, Richmond, Va. (salesclerk, stock clerk, credit clerk, between 11 percent and 20 percent, 5–28–68 to 5–27–69); No. 53, Seven Corners, Va. (salesclerk, stock clerk, credit clerk, between 11 percent and 20 percent, 5–28–68 to 5–27–69); No. 81, Clarksburg, W. Va. (between 5 percent and 22 percent, 4–12–68 to 4–11–69); Nos. 215, 248, and 261, Milwaukee, Wis. (salesclerk, credit clerk, between 9 percent and 20 percent); No. 221, Wauwatosa, Wis. (salesclerk, credit clerk, between 9 percent and 20 percent).

Magic Mart, Inc., department store; 1701 Main Street, Little Rock, Ark., salesclerk, stock clerk, janitorial; between 8 percent and 17 percent; 5–25–68 to 5–24–69.

Mason's Store, variety stores from 6–17–68 to 6–16–69 except as otherwise indicated, salesclerk, stock clerk except as otherwise indicated; 280 North Third Street at Meighan Boulevard, Gadsden, Ala. (salesclerk, between 0.2 percent and 7 percent); Tunnel Road Shopping Center, Asheville, N.C. (between 4 percent and 10 percent, 6–10–68 to 6–9–69); North Church Street, Burlington, N.C. (between 5 percent and 10 percent); Tarrytown Shopping Center, Rocky Mount, N.C. (between 4 percent and 10 percent).

May's Drug Store, drugstores from 6–14–68 to 6–13–69 except as otherwise indicated, salesclerk, stock clerk, between 5 percent and 8 percent; No. 186, Bloomington, Ill.; No. 185, Crystal Lake, Ill.; No. 182, Freeport, Ill.; No. 200, McHenry, Ill.; No. 187, Mundelein, Ill.; Nos. 179, 188, and 196, Rockford, Ill.; No. 173, Round Lake, Ill.; Nos. 183 and 195, Waukegan, Ill.; No. 199, Woodstock, Ill.; No. 167, Cedar Falls, Iowa (5–2–68 to 5–1–69); Nos. 161, 165, 166, 170, 171, and 178, Cedar Rapids, Iowa (5–2–68 to 5–1–69); No. 204, Dubuque, Iowa (5–2–68 to 5–1–69); No. 196, Iowa City, Iowa (5–2–68 to 5–1–69); No. 184, Marion, Iowa (5–2–68 to 5–1–69); No. 194, Marshalltown, Iowa (5–2–68 to 5–1–69); No. 197, Ottumwa, Iowa (5–2–68 to 5–1–69); Nos. 174 and 181, Waterloo, Iowa (5–2–68 to 5–1–69); No. 180, Beloit, Wis.; No. 176, Janesville, Wis.

McCrory-McLellan-Green Stores, variety stores for the occupations of salesclerk, stock clerk, office clerk; No. 376, Freehold, N.J. (between 17 percent and 30 percent, 6–6–68 to 6–5–69); No. 1071, Allentown, Pa. (between 2 percent and 10 percent, 6–14–68 to 6–13–69).

Minyard Food Stores, Inc., food store; 2138 Fort Worth Avenue, Dallas, Tex.; carryout; between 11 percent and 16 percent; 5–8–68 to 5–7–69.

Morgan & Lindsey, Inc., variety stores for the occupations of salesclerk, stock clerk except as otherwise indicated; No. 3120, Baton Rouge, La. (salesclerk, stock clerk, office clerk, between 8 percent and 27 percent, 5–12–68 to 5–11–69); No. 3027, Bunkie, La. (between 8 percent and 27 percent, 5–16–68 to 5–15–69); No. 3110, Lafayette, La. (salesclerk, stock clerk, office clerk, between 6 percent and 17 percent, 5–2–68 to 5–1–69); No. 3067, Metairie, La. (between 6 percent and 31 percent, 6–2–68 to 6–1–69); No. 3069, New Orleans, La. (between 6 percent and 31 percent, 5–16–68 to 5–15–69); No. 3119, West Monroe, La. (between 3 percent and 15 percent, 6–1–68 to 6–1–69).

G. C. Murphy Co., variety stores from 6–2–68 to 5–1–69 except as otherwise indicated, salesclerk, stock clerk, office clerk, janitorial, between 9 percent and 15 percent except as otherwise indicated; No. 296, Decatur, Ala.; No. 297, Gadsden, Ala.; No. 306, Huntsville, Ala.; No. 282, Shreveport, La. (between 12 percent and 25 percent, 5–12–68 to 5–11–69); No. 71, Trenton, N.J. (between 17 percent and 28 percent, 5–8–68 to 5–7–69); No. 291, Cleveland, Ohio (between 2 percent and 18 percent, 5–9–68 to 5–8–69).

Neisner Bros., Inc., variety store; No. 169, Newton, Iowa; salesclerk; between 1 percent and 18 percent; 5–2–68 to 5–1–69.

Park 'N' Market, food store; 1800 South Lawe Street, Appleton, Wis.; checker, stock clerk, carryout; 10 percent; 5–1–68 to 4–30–69.

Park Pacemaker Food Store, foodstore; 8010 North Second Street, Rockford, Ill.; bagger, carryout, stock clerk, cashier, janitorial, window trimmer; 20 percent; 5–2–68 to 5–1–69.

Pence Food Center, foodstore: Highway 169 North, Humboldt, Kans.; sacker, carryout, stock clerk, janitorial, checker; between 8 percent and 25 percent; 6–20–68 to 6–19–69.

Piggly Wiggly, Inc., foodstores from 5–25–68 to 5–24–69 except as otherwise indicated, bagger, carryout except as otherwise indicated, between 9 percent and 10 percent except as otherwise indicated: 2–6 Cooper Street, Evergreen, Ala. (6–2–68 to 6–1–69); Corner Cherry and Central, Harrison, Ark. (carryout, bagger, cart clerk, between 9 percent and 20 percent, 5–31–68 to 5–30–69); Ozark Shopping Center, Mountain Home, Ark. (carryout, bagger, cart clerk, between 9 percent and 20 percent, 5–31–68 to 5–30–69); 226 North Waukesha Street, Bonifay, Fla.; 10th Street, De Funiak Springs, Fla. (bagger, 5–12–68 to 5–11–69); Cotton Street, Graceville, Fla.; West Lafayette Street, Marianna, Fla.; Corner Brent Lane and Palafox, Pensacola, Fla.; 209 West College Street, Colquitt, Ga.; Nos. 28 and 29, De Ridder, La. (stock clerk, checker, bagger, clerk, 10 percent, 6–18–68 to 6–17–69); No. 30 Oakdale, La. (stock clerk, checker, bagger, clerk, 10 percent, 6–18–68 to 6–17–69), No. 5 West Florence Annex, S.C. (bagger, stock clerk, marker, janitorial, 6–7–68 to 6–6–69); No. 26, Ennis, Tex. (stock clerk, checker, bagger, clerk, 10 percent, 6–12–68 to 6–11–69).

Pleasing Food Store, foodstore; No. 4, Pensacola, Fla.; bagger, checker, stock clerk, market counter helper; between 8 percent and 18 percent, 5–14–68 to 5–13–69.

Raylass Department Store department stores for the occupations of salesclerk, stock clerk, office clerk, marker, janitorial except as otherwise indicated: Scottsboro Shopping Center, Scottsboro, Ala. (between 13 percent and 34 percent), 6–15–68 to 6–14–69); 1123–5 Broadway, Columbus, Ga. (between 11 percent and 29 percent, 5–4–68 to 5–3–69); 131 Main Street, Spartanburg, S.C. (between 11 percent and 29 percent, 5–1–68 to 4–30–69); Brainerd Village Shopping Center, Chattanooga, Tenn. (salesclerk, stock clerk, office clerk, marker, janitorial, cashier, wrapper, between 13 percent and 29 percent, 5–31–68 to 5–30–69); 607 Market Street, Chattanooga, Tenn. (salesclerk, stock clerk, office clerk, marker, janitorial, cashier, wrapper, between 13 percent and 29 percent, 5–31–68 to 5–30–69).

Rose's Stores, Inc., variety stores from 5–15–68 to 5–14–69 except as otherwise indicated, salesclerk, stock clerk except as otherwise indicated: No. 172, Augusta, Ga. (between 6 percent and 21 percent); No. 11, La Grange, Ga. (salesclerk, stock clerk, order writer, window trimmer, marker, checker, between 17 percent and 32 percent, 5–5–68 to 5–4–69); No. 173, Tifton, Ga. (salesclerk, stock clerk, checker, window trimmer, marker, order writer, between 17 percent and 32 percent); No. 170, Hendersonville, N.C. (between 4 percent and 35 percent); No. 171, Aiken, S.C. (between 6 percent and 21 percent); No. 157, Morristown, Tenn. (salesclerk, stock clerk, office clerk, checker, between 2 percent and 8 percent); No. 112, Norfolk, Va. (salesclerk, between 13 percent and 24 percent, 5–31–68 to 5–30–69).

Royal's Inc., department store; 300 West North Park Street, Okeechobee, Fla.; salesclerk; between 2 percent and 46 percent; 5–9–68 to 5–8–69.

Seifert's apparel store: 32–34 East Main Street, Marshalltown, Iowa; salesclerk, marker, cleanup; between 2 percent and 9 percent; 5–1–68 to 4–30–69.

Sterling Jewelry & Distributing Co., Inc., jewelry store; 5801 East Northwest Highway, Dallas, Tex.; stock clerk, salesclerk, sacker, runner; between 7 percent and 27 percent; 5–24–68 to 5–23–69.

Sterling Stores Co., Inc., variety stores for the occupations of salesclerk, stock clerk, janitorial: University and Markham Streets, Little Rock, Ark. (between 17 percent and 40 percent, 6–2–68 to 6–1–69); 5030 Park Avenue, Memphis, Tenn. (between 12 percent and 43 percent, 5–1–68 to 4–30–69).

Stern's Big Star, foodstore; No. 95, Memphis, Tenn.; sacker, carryout, bottle clerk; between 15 percent and 20 percent; 5–9–68 to 5–8–69.

Sureway Food Store, foodstore; No. 12, Providence, Ky.; carryout, checker, stock clerk; between 26 percent and 48 percent; 5–15–68 to 5–14–69.

T. G. & Y. Stores Co., variety stores from 6–12–68 to 6–11–69 except as otherwise indicated, salesclerk, office clerk, stock clerk; No. 249, Fort Smith, Ark. (between 11 percent and 30 percent); No. 763, Jonesboro, Ark. (between 11 percent and 30 percent, 5–9–68 to 5–8–69); No. 596, Chula Vista, Calif. (between 20 percent and 30 percent, 5–15–68 to 5–14–69); No. 515, Covina, Calif. (between 19 percent and 35 percent); No. 517, Garden Grove, Calif. (between 19 percent and 33 percent); No. 534, Huntington Beach, Calif. (between 19 percent and 30 percent); No. 759, Orlando, Fla. (between 2 percent and 17 percent, 6–18–68 to 6–17–69); No. 314, Atchison, Kans. (between 4 percent and 17 percent, 6–1–68 to 5–31–69); No. 305, Kansas City, Kans. (between 9 percent and 19 percent); No. 455, Kansas City, Kans. (between 15 percent and 29 percent, 5–2–68 to 5–1–69); No. 318, Shreveport, La. (between 3 percent and 15 percent, 6–18–68 to 6–17–69); No. 701, West Monroe, La. (between 3 percent and 15 percent, 5–1–68 to 4–30–69); No. 140, Independence, Mo. (between 22 percent and 39 percent, 5–2–68 to 5–1–69); No. 450, Sedalia, Mo. (between 14 percent and 30 percent, 5–2–68 to 5–1–69); No. 293, Silver City, N. Mex. (between 13 percent and 24 percent, 5–29–68 to 5–28–69); No. 418, Oklahoma City, Okla. (between 22 percent and 30 percent, 5–1–68 to 4–30–69); No. 449, Oklahoma City, Okla. (between 28 percent and 30 percent); No. 833, Beaumont, Tex. (between 7 percent and 20 percent, 6–1–68 to 5–31–69); No. 355, Big Spring, Tex. (between 6 percent and 21 percent); No. 817, Deer Park, Tex. (30 percent, 5–1–68 to 4–30–69); No. 358, Huntsville, Tex. (30 percent); No. 110, Lubbock, Tex. (between 6 percent and 21 percent, 5–29–68 to 5–28–69).

Tom's Super Market, foodstore; Front Street at Kellner Boulevard, Rensselaer, Ind.; stock clerk, carryout; between 35 percent and 40 percent; 5–16–68 to 5–15–69.

Tom Thumb Stores, Inc., foodstore; No. 40, Dallas, Tex.; package clerk; between 11 percent and 16 percent; 5–31–68 to 5–30–69.

Trowbridge Super Markets, Inc., foodstore; 300–10 Gilbert, Charles City, Iowa; carryout, stock clerk; between 8 percent and 22 percent; 5–15–68 to 5–14–69.

Unimart Thrift Center, foodstore; No. 503, Kearney, Nebr.; carryout, stock clerk, clean up; between 21 percent and 29 percent; 5–19–68 to 5–18–69.

Whittaker Foods, foodstore; No. 5, Oklahoma City, Okla.; package clerk, carryout, delicatessan clerk; 30 percent; 5–26–68 to 5–25–69.

F. W. Woolworth Co., variety stores from 5–2–68 to 5–1–69 except as otherwise indicated, salesclerk except as otherwise indicated; No. 487, Phoenix, Ariz. (salesclerk, office clerk, stock clerk, between 2 percent and 7 percent, 5–31–68 to 5–30–69); No. 2403, Phoenix, Ariz. (salesclerk, stock clerk, office clerk, between 0.4 percent and 17 percent, 5–31–68 to 5–30–69); No. 2666, Denver, Colo. (salesclerk, stock clerk, checker, clean up, between 10 percent and 25 percent); No. 937, Ames, Iowa (salesclerk, stock clerk, checker, clean up, between 3 percent and 18 percent, 5–16–68 to 5–15–69); No. 324, Clinton, Iowa (salesclerk, stock clerk, between 8 percent and 19 percent); No. 189, Council Bluffs, Iowa (salesclerk, stock clerk, checker, between 0.5 percent and 9 percent, 5–11–68 to 5–10–69); No. 115, Davenport, Iowa (salesclerk, stock clerk, checker, between 8 percent and 19 percent); No. 30, Des Moines, Iowa (checker, stock clerk, clean up, salesclerk, between 5 percent and 19 percent, 5–12–68 to 5–11–69); No. 2243, Des Moines, Iowa (salesclerk, stock clerk, clean up, between 5 percent and 19 percent, 5–9–68 to 5–8–69); No. 666, Independence, Kans. (between 2 percent and 13 percent, 6–5–68 to 6–4–69); No. 821, Manhattan, Kans. (between 4 percent and 23 percent, 6–1–68 to 5–31–69); No. 644, Pittsburg, Kans. (between 2 percent and 10 percent, 5–19–68 to 5–18–69); No. 621, Wichita, Kans. (between 2 percent and 13 percent, 6–1–68 to 5–31–69); No. 203, Paducah, Ky. (between 4 percent and 16 percent, 6–16–68 to 6–15–69); No. 2591, Brooklyn Center, Minn. (salesclerk, stock clerk, checker, between 15 percent and 33 percent, 5–5–68 to 5–4–69); No. 2242, Marshall, Minn. (salesclerk, stock clerk, clean up, between 1 percent and 7 percent, 5–9–68 to 5–8–69); No. 1738, Minneapolis, Minn. (salesclerk, stock clerk, 15 percent); No. 2105, St. Louis Park, Minn. (salesclerk, stock clerk, clean up, between 25 percent and 30 percent); No. 2365, St. Paul, Minn. (salesclerk, stock clerk, clean up, 10 percent, 5–18–68 to 5–17–69); No. 2633, Worthington, Minn. (salesclerk, stock clerk, checker, clean up, between 5 percent and 18 percent); No. 1146, Clayton, Mo. (between 9 percent and 15 percent, 6–5–68 to 6–4–69); No. 1385, Independence, Mo. (between 7 percent and 23 percent, 5–24–68 to 5–23–69); No. 2280, Kansas City, Mo. (between 4 percent and 23 percent, 6–1–68 to 5–31–69); No. 2604, Kansas City, Mo. (between 7 percent and 23 percent); No. 884, St. Charles, Mo. (between 9 percent and 15 percent); No. 2652, St. Joseph, Mo. (between 4 percent and 23 percent, 6–5–68 to 6–4–69); No. 1940, St. Louis, Mo. (between 9 percent and 15 percent, 6–5–68 to 6–4–69); No. 2598, St. Louis, Mo. (between 9 percent and 15 percent); No. 2469, University City, Mo. (between 9 percent and 15 percent, 5–24–68 to 5–23–69); No. 2674, Bellevue, Nebr. (salesclerk, stock clerk, checker, clean up, between 10 percent and 24 percent, 5–12–68 to 5–11–69); No. 29, Omaha, Nebr. (salesclerk, stock clerk, clean up, checker, between 10 percent and 27 percent, 5–16–68 to 5–15–69); No. 2557, Omaha, Nebr. (salesclerk, stock clerk, checker, clean up, between 12 percent and 24 percent, 6–1–68 to 5–31–69); No. 846, Minot, N. Dak. (salesclerk, stock clerk, checker, cashier, between 8 percent and 10 percent, 5–23–68 to 5–22–69); No. 2417, Sand Springs, Okla. (between 15 percent and 30 percent, 5–17–68 to 5–16–69); No. 724, Pierre, S. Dak. (salesclerk, stock clerk, clean up, between 1 percent and 7 percent, 5–11–68 to 5–10–69); No. 1312, Beaumont, Tex. (between 6 percent and 22 percent, 5–24–68 to 5–23–69); No. 1013, Brownsville, Tex. (between 4 percent and 9 percent, 6–7–68 to 6–6–69); No. 2272, Dallas, Tex. (between 6 percent and 21 percent); No. 2650, Dallas, Tex. (between 6 percent and 21 percent, 5–24–68 to 5–23–69); No. 16, Houston, Tex. (between 10 percent and 15 percent); No. 2594, Lake Jackson, Tex. (between 9 percent and 15 percent); No. 995, Laredo, Tex. (between 5 percent and 9 percent, 5–24–68 to 5–23–69); No. 2563, San Antonio, Tex. (between 4 percent and 9 percent, 5–23–68 to 5–22–69); No. 867, Antigo, Wis. (salesclerk, checker, between 9 percent and 10 percent, 5–11–68 to 5–10–69); No. 866, Baraboo, Wis. (salesclerk, stock clerk, clean up, checker, between 10 percent and 27 percent); No. 2664, Beloit, Wis. (salesclerk, stock clerk, between 10 percent and 25 percent, 5–5–68 to 5–4–69); No. 311, Green Bay, Wis. (salesclerk, stock clerk, checker, between 9 percent and 22 percent, 5–11–68 to 5–10–69); No. 453, Janesville, Wis. (salesclerk, stock clerk, between 10 percent and 25 percent); No. 120, Madison, Wis. (salesclerk, stock clerk, clean up, checker, between 10 percent and 27 percent); No. 484, Milwaukee, Wis. (salesclerk, stock clerk, between 10 percent and 27 percent); No. 951, Portage, Wis. (salesclerk, stock clerk, clean up, checker, between 10 percent and 27 percent); No. 1307, Watertown, Wis. (salesclerk, stock clerk, checker, between 10 percent and 27 percent); No. 849, Waukesha, Wis. (salesclerk, stock clerk, between 10 percent and 27 percent); No. 1392, West Allis, Wis. (salesclerk, stock clerk, clean up, checker, between 10 percent and 27 percent).

Zukora of Lloyd Center, Inc., apparel store; 1232 Lloyd Center, Portland, Oreg.; stock clerk, bookkeeper, credit clerk; between 2 percent and 22 percent; 6–9–68 to 6–8–69.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within thirty days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 2d day of August 1968.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 8–9507; Filed, Aug. 8, 1968; 8:45 a.m.]

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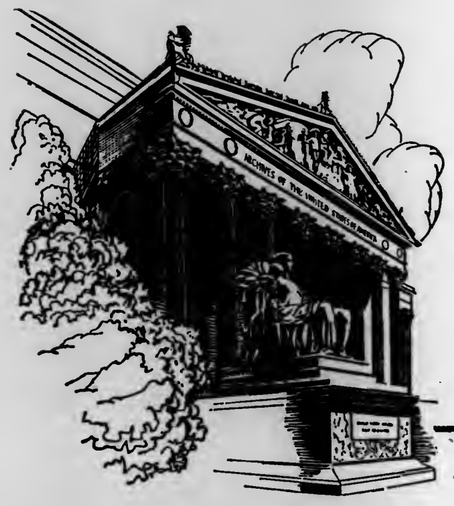
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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 180—EMPLOYEES' PERSONAL PROPERTY CLAIMS

Chapter I is amended by adding a new Part 180. The purpose of the new part is set forth in the text.

Sec.
180.101 Purpose.
180.102 Definitions.
180.103 Decision on claim.
180.104 Who may file claim.
180.105 Time limits for filing.
180.106 Principal types of claims allowable.
180.107 Principal types of claims not allowable.
180.108 Computation of award and finality of settlement.

AUTHORITY: The provisions of this Part 180 issued under 31 U.S.C. 240–242.

§ 180.101 Purpose.

This part prescribes regulations under the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, for the settlement of a claim against the United States made by an officer or employee of the Commission for damage to, or loss of, personal property incident to his service.

§ 180.102 Definitions.

As used in this part:

(a) "Act" means the Military Personnel and Civilian Employees' Claims Act of 1964, as amended.

(b) "Employee" means an officer or employee of the Commission.

(c) "Settle" means consider, ascertain, adjust, determine, and dispose of any claim, whether by full or partial allowance or disallowance.

§ 180.103 Decision on claim.

The General Counsel of the Commission shall settle any claim filed under this part.

§ 180.104 Who may file claim.

A claim may be filed by an employee, by his spouse in his name as authorized agent, or by any other authorized agent or legal representative of the employee. If the employee is dead, his (a) spouse, (b) child, (c) father or mother, or both, or (d) brother or sister, or both, may file the claim and is entitled to payment in that order.

§ 180.105 Time limits for filing.

(a) A claim under this part may be considered only if:

(1) The damage or loss occurred after August 31, 1964; and

(2) Except as provided in paragraph (b) of this section, the claim is filed in writing within 2 years after accrual or, if the claim accrued more than 21 months before publication of this part in the FEDERAL REGISTER, within 3 months of the date of publication.

(b) A claim that cannot be filed within the time limits of paragraph (a) of this section because or circumstances attendant on a war or armed conflict involving one of the armed forces of the United States that exists at the time the claim accrues or within the 2-year period after the claim accrued, may be considered if filed in writing within 2 years after the circumstances permit filing or within 2 years after the end of the war or armed conflict, whichever is earlier.

§ 180.106 Principal types of claims allowable.

(a) In general, a claim may be allowed only for tangible personal property of a type and quantity that was reasonable, useful, or proper for the employee to possess under the circumstances at the time of the loss or damage.

(b) Claims that will ordinarily be allowed include, but are not limited to, cases in which the loss or damage occurred:

(1) In quarters assigned or provided in kind by the Government, wherever situated;

(2) In quarters outside the 50 States and the District of Columbia whether or not assigned or provided in kind by the Government, unless the claimant is a local or native resident;

(3) In a place officially designated for storage of property such as a warehouse, office, hospital, or other storage place;

(4) In a marine, rail, aircraft, or other common disaster or a natural disaster such as a fire, flood, hurricane;

(5) When the property, including personal clothing and vehicles, was subjected to extraordinary risks in the performance of duty, such as in connection with civil disturbances, public disorder, common or natural disaster, or efforts to save Government property or human life;

(6) When the property was used for the benefit of the Government at the direction of a superior; and

(7) When the property was money deposited with an authorized Government agent for safekeeping.

§ 180.107 Principal types of claims not allowable.

(a) Claims that will ordinarily not be allowed include, but are not limited to, claims for:

(1) Losses or damages totaling less than $10 or more than $6,500;

(2) Money or currency except when deposited with an authorized Government agent for safekeeping or except when lost incident to a marine, rail, aircraft, or other common disaster or a natural disaster such as a fire, flood, or hurricane;

(3) Transportation losses involving baggage, household goods, or other shipments which could have been insured;

(4) Articles of extraordinary value;

(5) Articles being worn (unless allowable under § 180.106);

(6) Intangible property such as bank books, checks, notes, stock certificates, money orders, or travelers checks;

(7) Property owned by the United States unless the employee is financially responsible for it to another Government agency;

(8) Claims for loss or damage to motor vehicles or trailers (unless allowable under § 180.106);

(9) Losses of insurers and subrogees;

(10) Losses recoverable from insurer and carriers;

(11) Losses in quarters within the United States not assigned or otherwise provided in kind by the Government;

(12) Losses recovered or recoverable pursuant to contract;

(13) Claims for damage or loss caused, in whole or in part, by the negligent or wrongful act of the employee or his agent;

(14) Property used for business or profit;

(15) Theft from the possession of the employee unless due care was used to protect possession; or

(16) Property acquired, possessed or transported in violation of law, or regulations.

§ 180.108 Computation of award and finality of settlement.

(a) *Some governing computation principles.* The amount awarded on any items of property may not exceed the adjusted cost, based either on the price paid or value at the time of acquisition. The amount normally payable for property damaged beyond economical repair is found by determining its depreciated value immediately before loss or damage, less any salvage value. If the cost of repair is less than the depreciated value, it will be considered to be economically repairable and only the cost of repair will be allowable.

(b) *Finality of settlement.* Notwithstanding any other provision of law, settlement of a claim under the Act and this part is final and conclusive.

(c) *Attorney's fee.* Under the terms of the Act, no more than 10 percent of the amount paid in settlement of a claim submitted and settled under this part may be paid or delivered to or received by any agent or attorney on account of services rendered in connection with that claim, any contract to the contrary notwithstanding; any person violating this or any other provision of the Act is guilty

of a misdemeanor and on conviction shall be fined not to exceed $1,000.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-9581; Filed, Aug. 9, 1968; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3332 is amended to show that a third position of Special Assistant to the Administrator is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (h) of § 213.3332 is amended as set out below.

§ 213.3332 Small Business Administration.

* * * * *

(h) Three Special Assistants to the Administrator.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-9583; Filed Aug. 9, 1968; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the position of Technical Assistant to the President, Federal National Mortgage Association, is in Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (30) is added to paragraph (a) of § 213.3384 as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* * * *

(30) One Technical Assistant to the President, Federal National Mortgage Asosciation.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-9582; Filed, Aug. 9, 1968; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[Amdt. 1]

PART 842—BEET SUGAR AREA

1968 and Subsequent Crops

Pursuant to the provisions of section 303 of the Sugar Act of 1948, as amended, paragraph (c) of § 842.2 (29 F.R. 4139, 33 F.R. 9586 and 10277) is amended by changing the third entry under Grant County, Wash., to read: "3. Tps. 18 and 19 N., R. 30 E."

Statement of bases and considerations. The third entry under Grant County, Washington, was inadvertently shown as: "3. Tps. 18 and 18 N., R. 30 E."

Effective date: Date of publication.

Signed at Washington, D.C., on August 6, 1968.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-9586; Filed, Aug. 9, 1968; 8:49 a.m.]

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Section 849.2, Rev. 3, Supp. 1]

PART 849—DOMESTIC BEET SUGAR PRODUCING AREA PREVENTED ACREAGE CREDIT; 1967 AND SUBSEQUENT CROPS

Approved Local Areas for the 1967 Crop of Sugar Beets

Correction

In F.R. Doc. 68-9299 appearing at page 11057 in the issue of Saturday, August 3, 1968, the following line should be inserted between the seventh and eighth lines of § 849.10: "area, or on an acreage equal to 10 percent".

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 333]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.633 Lemon Regulation 333.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 6, 1968.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period August 11, 1968, through August 17, 1968, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 265,050 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31 as amended; 7 U.S.C. 601–674)

Dated: August 7, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9634; Filed, Aug. 9, 1968; 8:50 a.m.]

[Pear Reg. 2, Amdt. 1]

PART 931—FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement and Order No. 931 (7 CFR Part 931) regulating the handling of fresh Bartlett pears grown in Oregon and Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Northwest Fresh Bartlett Pear Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of such pears.

a. *Order, as amended.* The provisions of paragraph (a)(1) of § 931.302 (Pear Regulation 2; 33 F.R. 10936) are hereby amended to read as follows:

§ 931.302 Bartlett Pear Regulation 2.

(a) *Order.* * * *

(1) *Minimum grade requirement.* Such pears grade at least U.S. No. 2: *Provided,* That (i) pears which are seriously damaged by frost injury or healed hail marks may be handled if such pears are packed in containers containing at least 14 pounds, net weight, but not more than 15 pounds, net weight, of pears, or (ii) pears which fail to meet the requirements with respect to shape specified in the U.S. No. 2 grade only because of frost injury or healed hail marks may be handled if (*a*) they are not so seriously misshapen as to preclude the cutting of at least one good half and (*b*) they are packed in containers containing at least 14 pounds, net weight, but not more than 15 pounds, net weight, of pears: *And provided further,* That, in determining whether pears packed in open containers or handled loose meet the aforesaid grade requirements, the tolerances set forth in §§ 51.1265 and 51.1271 of this title and the application of tolerances in § 51.1266 of this title of the U.S. Standards for Summer and Fall Pears (§§ 51.1260–51.1280 of this title) shall apply.

* * * * *

b. *Effective time.* The provisions of this amendment shall become effective August 7, 1968.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 7, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9588; Filed, Aug. 9, 1968; 8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 316—MARKING, BRANDING AND IDENTIFYING PRODUCTS

PART 317—LABELING

PART 328—DEFINITIONS AND STANDARDS OF IDENTITY INGREDIENT STATEMENTS

Label Statements of Ingredients

On September 12, 1967, there was published in the FEDERAL REGISTER (32 F.R. 12953) a notice of proposed amendments of Parts 316, 317, and 328 of the Federal Meat Inspection Regulations (9 CFR Parts 316, 317, and 328) requiring the display of ingredient statements on labels for products for which standards of identity have been established, e.g., products designated "Corned Beef Hash" and "Chopped Ham." After due consideration of all relevant matters in connection with the proposal and under the authority of the Federal Meat Inspection Act (34 Stat. 1260, as amended by Pub. Law 90–201), it has been determined that such amendments are necessary in order to assure that such products will not have false or misleading labeling and otherwise to protect the public, and accordingly the regulations are hereby amended as follows:

§ 316.14 [Amended]

1. Section 316.14 is amended by deleting the first proviso and the word "further" in the second proviso.

§ 317.2 [Amended]

2. Section 317.2(b) is amended by deleting that part which reads: ", except in the case of products for which definitions and standards of identity have been prescribed under Part 328 of this subchapter".

3. Section 328.2(d) is amended by revising subparagraph (1) to read as follows:

§ 328.2 Corned beef hash; identity; label statement of optional ingredients.

* * * * *

(d) (1) The label shall bear the name "Corned Beef Hash," an ingredient statement, and other information required by Parts 301 through 328 of this subchapter.

* * * * *

4. Section 328.3 is amended by revising paragraph (c) to read as follows:

§ 328.3 Chopped ham; identity; label statement of optional ingredients.

* * * * *

(c) The label shall bear the name "Chopped Ham," an ingredient statement and other information required by Parts 301 through 328 of this subchapter.

(Sec. 21, 34 Stat. 1264, 21 U.S.C. 89, as amended by Pub. Law 90–201; 29 F.R. 16210, as amended; 32 F.R. 11741)

Numerous comments and opinions were submitted as a result of the notice. Most were from consumers. They overwhelmingly supported the proposals and cited a number of reasons why the public would benefit from the display of ingredient statements on labels for these products. Some responses, however, suggested that consideration should be given to involved label development and procurement problems in setting an effective date for compliance with the requirements.

A review of the matter indicates affected persons will need time to secure stocks of labels with the necessary modifications. Therefore, the amendments shall become effective 6 months after their publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of August 1968.

R. K. SOMERS,
Deputy Administrator, Consumer Protection.

[F.R. Doc. 68-9587; Filed, Aug. 9, 1968; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. F]

PART 206—SECURITIES OF MEMBER STATE BANKS

Tender Offers and Other Stock Acquisitions

1. Section 206.4 is amended to change its title and to revise paragraph (g), as set forth below:

§ 206.4 Registration statements and reports.

* * * * *

(g) *Current reports.* (1) Every registrant bank shall file a current report in conformity with the requirements of Form F–3 within 10 days after the close of any month during which any of the events specified in that form occurs, unless substantially the same information as required by that form has been previously reported by the bank.

(2) Any person who, after acquiring, subsequent to July 29, 1968, directly or indirectly the beneficial ownership of any equity security of a member State bank, of a class which is registered pursuant to section 12 of the Act, is directly or indirectly the beneficial owner of more than 10 percent of such class shall, within 10 days after such acquisition, send to the bank at its principal executive office, by registered or certified mail, send to each exchange where the security is traded, and file with the Board a statement containing the information required by Form F–11.

(3) If any material change occurs in the facts set forth in the statement required by subparagraph (2) of this paragraph, the person who filed such statement shall promptly file with the Board and send to the bank and the exchange an amendment disclosing such change.

* * * * *

2. Section 206.5 is amended to change its title and to add paragraphs (l), (m), and (n), as set forth below:

§ 206.5 Proxy statements and other solicitations under section 14 of the Act.

* * * * *

(l) *Invitations for tenders.* (1) No person, directly or indirectly, by use of the mails or by any means or instrumentality of interstate commerce or of any facility of a national securities exchange or otherwise, shall make a tender offer for, or a request or invitation for tenders of, any class of any equity security, which is registered pursuant to section 12 of the Act, of a member State bank if, after consummation thereof, such person would, directly or indirectly, be the beneficial owner of more than 10 percent of such class, unless, at the time copies of the offer or request or invitation are first published or sent or given to security holders, such person has filed with the Board a statement containing the information and exhibits required by Form F–11: *Provided, however,* That any person making a tender offer for or a request or invitation for tenders which commenced prior to August 6, 1968, shall, if such offer, request or invitation continues after such date, file the statement required by this paragraph on or before August 15, 1968.

(2) If any material change occurs in the facts set forth in the statement required by subparagraph (1) of this paragraph, the person who filed such statement shall promptly file with the Board an amendment disclosing such change.

(3) All requests or invitations for tenders or advertisements making a tender offer or requesting or inviting tenders shall contain the name of the persons making such requests, invitations, or advertisements and the information required by Items 2 (a) and (c), 3, 4, 5, and 6 of Form F–11, or a fair and adequate summary thereof, and shall be filed with the Board as part of the statement required by subparagraph (1) of this paragraph.

(4) Any additional material soliciting or requesting such tender offers subsequent to the initial solicitation or request shall contain the name of the persons making such solicitation or request and the information required by Items 2 (a) and (c), 3, 4, 5, and 6 of Form F–11, or a fair and adequate summary thereof: *Provided, however,* That such material may omit any of such information previously furnished to the persons solicited or requested for tender offers. Copies of such additional material soliciting or requesting such tender offers shall be filed with the Board not later than the time copies of such material are first published or sent or given to security holders.

(m) *Recommendations as to tender offers.* (1) No solicitation or recommendation to the holders of a security to accept or reject a tender offer or request or invitation for tenders subject to section 14(d) of the Act shall be made unless, at the time copies of the solicitation or recommendation are first published or sent or given to holders of the security, the person making such solicitation or recommendation has filed with the Board a statement containing the information specified by Form F–12: *Provided, however,* That this paragraph shall not apply to (1) a person required by paragraph (l) of this section to file a statement, or (2) a person, other than the bank or the management of the bank, who makes no written solicitations or recommendations other than solicitations or recommendations copies of which have otherwise been filed with the Board; *And provided further,* That any person making a solicitation or recommendation to the holders of a security to accept or reject a tender offer or request or invitation for tenders which solicitation or recommendation commenced prior to August 6, 1968, shall, if such solicitation or recommendation continues after such date, file the statement required by this paragraph on or before August 15, 1968.

(2) If any material change occurs in the facts set forth in the statement required by subparagraph (1) of this paragraph, the person who filed such statement shall promptly file with the Board an amendment disclosing such change.

(3) Any written solicitation or recommendation to the holders of a security to accept or reject a tender offer or request or invitation for tenders subject to section 14(d) of the Act shall include the name of the person making such solicitation or recommendation and the information required by Items 1(b), 2(b) of Form F–12, or a fair and adequate summary thereof: *Provided, however,* That such written solicitation or recommendation may omit any of such information previously furnished to the persons to whom the solicitation or recommendation is made.

(n) *Change in majority of directors.* If, pursuant to any arrangement or understanding with the person or persons acquiring securities in a transaction subject to section 13(d) or 14(d) of the Act, any persons are to be elected or designated as directors of the bank, otherwise than at a meeting of security holders, and the persons so elected or designated will constitute a majority of the directors of the bank, then, not less than 10 days prior to the date any such person takes office as a director, or such shorter period prior to that date as the Board may authorize upon a showing of good cause therefor, the bank shall file with the Board and transmit to all holders of record of securities of the bank who would be entitled to vote at a meeting for election of directors, information substantially equivalent to the information which would be required by Items 5 (a), (d), (e), and (f), 6 and 7 of Form F–5 to be transmitted if such person or persons were nominees for election as directors at a meeting of such security holders.

3. The following forms are added:

§ 206.47 Form for statement to be filed pursuant to § 206.4(g)(2) or § 206.5(l) of Regulation F (Form F–11).

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, FORM F–11

STATEMENT TO BE FILED PURSUANT TO § 206.4 (g) (2) OR § 206.5(l) OF REGULATION F

General Instructions

The item numbers and captions of the items shall be included but the text of the items may be omitted. The answers to the items shall be so prepared as to indicate clearly the coverage of the items without referring to the text of the items. Answer every item. If an item is inapplicable or the answer is in the negative, so state.

If the statement is filed by a partnership, limited partnership, syndicate, or other group, the information called for by Items 2 to 6, inclusive, shall be given with respect to (1) each partner or any partnership or limited partnership, (2) each member of such syndicate or group and (3) each person controlling such partner or member. If a person referred to in (1), (2), or (3) is a corporation or the statement is filed by a corporation, the information called for by the above-mentioned items shall be given with respect to each principal officer and director of such corporation and each person controlling such corporation.

Item 1—Security and bank. State the title of the class of equity securities to which this statement relates and and the name and address of the bank which issued such securities.

Item 2—Identity and background. State the following with respect to the person filing this statement:

(a) Name and business address;

(b) Residence address;

(c) Present principal ocupation or employment and the name, principal business and address of any corporation or other organization in which such employment is carried on;

(d) Material. occupations, positions, offices or employments during the last 10 years, giving the starting and ending dates of each and the name, principal business and address of any business corporation or other organization in which each such occupation, position, office or employment was carried on; and

(e) Whether or not, during the last 10 years, such person has been convicted in a criminal proceeding (excluding traffic violations or similar misdemeanors) and, if so, give the dates, nature of conviction, name and location of court, and penalty imposed, or other disposition of the case.

Item 3—Source and amount of funds or other consideration. State the source and amount of funds or other consideration used or to be used in making the purchases, and if any part of the purchase price or proposed purchase price is represented or is to be represented by funds or other consideration borrowed or otherwise obtained for the purpose of acquiring, holding, or trading the securities, a description of the transaction and the names of the parties thereto.

Instruction: If the source of funds is a loan made in the ordinary course of business by a bank, the person filing the statement may, at his option, omit the name of the bank, provided it is furnished to the Board in a letter requesting confidential treatment as to such information. Pursuant to section 13(d)(1)(B) of the Act, such information shall not be made available to the public.

Item 4—Purpose of transaction. If the purpose of the purchases or prospective purchases is to acquire control of the bank, describe any plans or proposals which such persons may have to liquidate such bank, to sell its assets to or merge it with any other persons, or to make any other major change in its business or corporate structure.

Item 5—Interest in securities of the bank. State the number of shares of the security which are beneficially owned, and the number of shares concerning which there is a right to acquire, directly or indirectly, by (i) such person, and (ii) each associate of such person, giving the name and address of each such associate.

Item 6—Contracts, arrangements, or understandings with respect to securities of the bank. Furnish information as to any contracts, arrangements, or understandings with any person with respect to any securities of the bank, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guaranties of loans, guaranties against loss or guaranties of profits, division of losses or profits, or the giving or withholding of proxies, naming the persons with whom such contracts, arrangements, or understandings have been entered into, and giving the details thereof.

Item 7—Persons retained, employed or to be compensated. Where this statement relates to a tender offer, or request or invitation for tenders, identify all persons and classes of persons employed, retained or to be compensated by the person filing this statement, or by any person on his behalf, to make solicitations or recommendations to security holders and describe briefly the terms of such employment, retainer or arrangement for compensation.

Item 8—Material to be filed as exhibits. Copies of all requests or invitations for tenders or advertisements making a tender offer or requesting or inviting tenders, additional material soliciting or requesting such tender offers, solicitations or recommendations to the holders of the security to accept or reject a tender offer or request or invitation for tenders shall be filed as an exhibit.

SIGNATURE

I certify that to the best of my knowledge and belief the information set forth in this statement is true, complete and correct.

---------- ----------
(Date) (Signature)

If the statement is signed on behalf of a person by an authorized representative, evidence of the representative's authority to sign on behalf of such person shall be filed with the statement.

§ 206.53 Form for statement to be filed pursuant to § 206.5(m) of Regulation F (Form F–12).

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FORM F–12

STATEMENT TO BE FILED PURSUANT TO § 206.5(M) OF REGULATION F

General Instructions

The item numbers and captions of the items shall be included but the text of the items may be omitted. The answers to the items shall be so prepared as to indicate clearly the coverage of the items without referring to the text of the items. Answer every item. If an item is inapplicable or the answer is in the negative, so state.

Item 1—Security and bank. (a) State the title of the class of equity securities to which this statement relates and the name and address of the bank which issued such securities.

(b) Identify the tender offer or request or invitation for tenders to which this statement relates and state the reasons for the solicitation or recommendation to security holders to accept or reject such tender offer, request, or invitation for tenders.

Item 2—Identity and background. (a) State the name and business address of the person filing this statement.

(b) Describe any arrangement or understanding in regard to the solicitation with (i) the bank or the management of the bank or (ii) the maker of the tender offer or request or invitation for tender of securities of the class to which this statement relates.

Item 3—Persons retained, employed or to be compensated. Identify any person or class or persons employed, retained or to be compensated, by the person filing this Form F–12, or by any person on his behalf, to make solicitations or recommendations to security holders and describe briefly the terms of such employment, retainer or arrangement for compensation.

Item 4—Material to be filed as exhibits. Copies of all solicitations or recommendations to accept or to reject a tender offer or request or invitation for tenders of the securities specified in Item 1 shall be filed as an exhibit.

SIGNATURE

I certify that to the best of my knowledge and belief the information set forth in this statement is true, complete and correct.

---------- ----------
(Date) (Signature)

If the statement is signed on behalf of a person by an authorized representative, evidence of the representative's authority to sign on behalf of such person shall be filed with the statement.

4. Section 206.51 (Form F–5) is amended by adding the following paragraphs (e) and (f) to Item 5—"Voting Securities and Principal Holders Thereof" of such form:

§ 206.51 Form for proxy statement; statement where management does not solicit proxies (Form F–5).

FORM F–5

* * * * *

Item 5—Voting securities and principal holders thereof.

* * * * *

(e) If to the knowledge of the persons on whose behalf the solicitation is made, a change in control of the bank has occurred since the beginning of its last fiscal year, state the name of the person or persons who acquired such control, the basis of such control, the date and a description of the transaction or transactions in which control was acquired and the percentage of voting securities of the bank now owned by such person or persons.

(f) Describe any contractual arrangements, including any pledge of securities of the bank or any of its parents, known to the persons on whose behalf the solicitation is made, the operation of the terms of which may at a subsequent date result in a change in control of the bank.

Instruction. Paragraph (f) does not require a description of ordinary default provisions contained in the charter, trust indentures or other governing instruments relating to securities of the bank.

* * * * *

5. (a) The foregoing amendments, which are effective immediately, implement the provisions of Public Law 90–439, which became effective July 29, 1968, as they apply to State member banks.

(b) The provisions of section 553 of Title 5, United States Code, relating to notice, public participation, and deferred effective date were not followed in connection with these amendments, for the reason that the Board finds it is necessary in the public interest and for the protection of investors that regulations implementing Public Law 90–439 be adopted effective immediately and that such procedures, with respect to these amendments, would serve no useful purpose as the amendments simply implement statutory provisions without significant exercise of administrative discretion or interpretation.

Dated at Washington, D.C., this 5th day of August 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68–9542; Filed, Aug. 9, 1968; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 68-195]

PART 25—CUSTOMS BONDS

Blanket Vessel, Vehicle, or Aircraft Term Bond

AUGUST 2, 1968.

Under § 25.4(a)(20) of the Customs Regulations, a carrier desiring to execute the blanket vessel, vehicle, or aircraft term bond, is required to file an application for permission to execute the bond with the district director of customs concerned.

An approved employee suggestion has pointed out that there has been a change in handling of these bond applications so that there appears no necessity for continuing this requirement.

Accordingly, § 25.4(a) is amended as follows:

Subparagraph (19) is amended to read as follows and subparagraph (20) is deleted:

§ 25.4 Bonds approved by collectors; form and execution.

(a) * * *

(19) Vessel, vehicle, or aircraft term bond, customs Form 7569, in the amount of $10,000, or such larger amount as may be fixed by the district director of customs at the port where the bond is filed. The bond, when used as a blanket bond, shall be accompanied by a copy for each port named therein.

(20) [Deleted]

(80 Stat. 379, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 66, 1624)

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: August 2, 1968.
JOSEPH M. BOWMAN,
Assistant Secretary of the Treasury.

[F.R. Doc. 68-9559; Filed, Aug. 9, 1968; 8:47 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 0—CONDUCT OF EMPLOYEES

Outside Employment and Other Outside Activity

Part 0 is amended as follows: § 0.735-40(d) is amended to include a provision governing the special preparation of persons for an examination of the Civil Service Commission or the Board of Examiners for the Foreign Service; and § 0.735-40(f) is revoked, since outside employment with a State or local government will now be regulated as any other outside employment. These changes in the regulations are approved by the Civil Service Commission pursuant to FPM Letter No. 735-4 dated May 21, 1968.

Part 0 is amended as set out below:

§ 0.735-40 Outside employment and other outside activity.

* * * * *

(d) Employees are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law, Executive Order 11222, CSC regulations, or the regulations in this part. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service, that is dependent on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the General Manager or Director of Regulation, as appropriate, has given written authorization for the use of nonpublic information on the basis that the use is in the public interest.

* * * * *

(f) [Revoked]

(E.O. 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR 1965 Supp; 5 CFR 735-104)

Dated at Germantown, Md., this 2d day of August 1968.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 68-9531; Filed, Aug. 9, 1968; 8:45 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 526—INDUSTRIES OF A SEASONAL NATURE AND INDUSTRIES WITH MARKED SEASONAL PEAKS OF OPERATION

Hop Drying Industry

On June 19, 1968, a notice was published in the FEDERAL REGISTER (33 F.R. 9034) proposing to find that the hop drying industry, as defined below, is an industry of a seasonal nature within the meaning of section 7(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(c)), and is engaged in the handling, packing, storing, preparing and first processing of perishable agriculture or horticultural commodities in their raw or natural state within the meaning and under the authority of section 7(d) of the same Act. Interested persons were given 30 days in which to present written data, views, or argument. No response has been made. Pursuant to sections 7(c) and 7(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207 (c) and (d)), Reorganization Plan No. 6 of 1950 (3 CFR, 1949-53 Comp., p. 1004), Secretary's Order 19-67 (32 F.R. 12980) and the procedures set out in 29 CFR Part 526 the proposed findings are hereby made.

For the purposes of these findings, the hop drying industry is defined as the receiving, picking, and drying of hops and any operations necessary or incidental to the foregoing including the curing, compressing, and bailing of hops when performed at the hop drying establishment during the hop drying period.

Accordingly, 29 CFR Part 526 is hereby amended by adding to the list provided in § 526.12 Hop Drying Industry with the date of this document shown under the heading "Date of finding" and the volume and page of the FEDERAL REGISTER in which the document appears under the heading "Citation." As these amendments merely grant exemptions, no delay in their effective date is required by 5 U.S.C. 553(d). Such delay would serve no useful purpose. These amendments shall, therefore, be effective immediately.

Signed at Washington, D.C., this 7th day of August 1968.

CLARENCE T. LUNDQUIST,
Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

[F.R. Doc. 68-9590; Filed, Aug. 9, 1968; 8:49 a.m.]

PART 526—INDUSTRIES OF A SEASONAL NATURE AND INDUSTRIES WITH MARKED SEASONAL PEAKS OF OPERATION

Mint Oil Distilling Industry

On June 19, 1968, a notice was published in the FEDERAL REGISTER (33 F.R. 9034) proposing to find that the mint oil distilling industry, as defined below, is an industry of a seasonal nature within the meaning of section 7(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(c)), and is engaged in the handling, packing, storing, preparing, and first processing of perishable agriculture or horticultural commodities in their raw or natural state within the meaning and under the authority of section 7(d) of the same Act. Interested persons were given 30 days in which to present written data, views, or argument. No response has been made. Pursuant to sections 7(c) and 7(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207 (c) and (d)), Reorganization Plan No. 6 of 1950 (3 CFR, 1949-53 Comp., p. 1004), Secretary's Order 19-67 (32 F.R. 12980) and the procedures set out in 29 CFR Part 526 the proposed findings are hereby made.

For the purposes of these findings, the mint oil distilling industry is defined as the distilling of mint oil from mint hay, including any operations necessary or incidental thereto.

Accordingly, 29 CFR Part 526 is hereby amended by adding to the list provided in § 526.12 Mint Oil Distilling Industry

with the date of this document shown under the heading "Date of finding" and the volume and page of the FEDERAL REGISTER in which the document appears under the heading "Citation." As these amendments merely grant exemptions, no delay in their effective date is required by 5 U.S.C. 553(d). Such delay would serve no useful purpose. These amendments shall, therefore, be effective immediately.

Signed at Washington, D.C., this 7th day of August 1968.

CLARENCE T. LUNDQUIST,
Administrator, Wage and Hour and Public Contracts, Divisions, U.S. Department of Labor.

[F.R. Doc. 68-9591; Filed, Aug. 9, 1968; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER E—CLAIMS

PART 754—NAVY AFFIRMATIVE SALVAGE CLAIMS

Settlement of Claims and Per Diem Rates for Salvage Services

Scope and purpose. Part 754 is amended by changing the address of the Assistant Supervisor of Salvage, and setting forth new per diem rates for fleet type salvage ships.

1. Section 754.1 is amended to reflect the new address of the Assistant Supervisor of Salvage as follows:

§ 754.1 Settlement of Navy affirmative salvage claims.

* * * * *

(b) *Delegation of authority.* * * *

(3) The Assistant Supervisor of Salvage, Office of the Supervisor of Shipbuilding Conversion and Repair, USN, Third Naval District, 44 Whitehall Street, New York, N.Y. 10004.

2. Section 754.2 is amended as follows:

§ 754.2 Per diem rates for salvage services.

(a) Effective August 1, 1968, and subject to the rules set forth in paragraphs (b) through (f) of this section, the following vessel rates per day of 24 hours or part thereof have been established for salvage services rendered by the Department of the Navy to any vessel:

(1) *Fleet-type ships.*

Large Salvage Tugs (6,000-10,000 hp.)	$5,000
Salvage Ships or Fleet Tugs (3,000 hp.)	4,100
Ocean Tugs (ATA, AN, YTB) (1,000-2,200 hp.)	2,500
Medium Harbor Tugs (YTM) (600-900 hp.)	1,300
Small Harbor Tugs (YTL) (under 600 hp.)	1,100

Rates for other types of ships used for search, communications, control, and the like will be established on a case-by-case basis, with consideration being given to their special features as required for the particular operations.

(2) *Harbor clearance craft.*

Heavy lift craft (YHLC) (2,000 ton capacity)	$2,000
Medium lift craft (YMLC) (600-1,000 ton capacity)	1,000
Light lift craft (YLLC)	750

Rates for pulling barges, diving boats and barges, launches, and support equipment in general will be specified on a case-by-case basis.

(3) *Deep dive systems.*

Deep Dive Sysems (DDS) used in search and salvage work will be charged at the following rates per day or any portion thereof:

MARK I DDS (2-man)	$4,000
MARK II DDS (4-man)	6,000

Ship time in support of Deep Dive System will be charged as above. Bottom habitats, submersible vehicles, special surface navigation systems, and underwater search and navigation systems will be charged at a rate to be determined on a case-by-case basis.

(4) *Supernumerary personnel.* * * *

* * * * *

(5 U.S.C. 301; 10 U.S.C. 5031, 7361-7367)

By direction of the Secretary of the Navy.

[SEAL] D. D. CHAPMAN,
Rear Admiral, U.S. Navy, Acting Judge Advocate General of the Navy.

AUGUST 6, 1968.

[F.R. Doc. 68-9541; Filed, Aug. 9, 1968; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 11—Coast Guard, Department of Transportation

[CGFR 68-31]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to authority vested in me as Commandant, U.S. Coast Guard, by 49 CFR 1.4:

PART 11-2—PROCUREMENT BY FORMAL ADVERTISING

1. New Subpart 11-2.1 is added, reading as follows:

Subpart 11-2.1—Use of Formal Advertising

§ 11-2.102 Policy.

(a) Chapter 137 of Title 10 of the United States Code (see 10 U.S.C. 2304(a)), which is applicable to procurements by Coast Guard, provides that purchases of and contracts for supplies or services shall be made by formal advertising in all cases in which the use of such method is feasible and practicable under the existing conditions and circumstances. It further provides that, if the use of formal advertising is not feasible and practicable, negotiation of contracts is authorized under certain circumstances enumerated therein. The circumstances are set forth in Subpart 11-3.2 of this chapter.

(b) Chapter 137 of Title 10 of the United States Code (10 U.S.C. 2306(f)) provides that a contractor or subcontractor shall be required to submit cost or pricing data for certain contract modifications, and shall be required to certify that, to the best of his knowledge and belief, the cost or pricing data he submits is accurate, complete, and current. To insure compliance with this requirement, contracting officers shall follow the instructions set forth in § 1-3.807-3 of this title before agreeing to a price adjustment of a formally advertised contract.

PART 11-16—PROCUREMENT FORMS

Subpart 11-16.4—Forms for Advertised Construction Contracts

1. Section 11-16.401(a) is revised to read as follows:

§ 11-16.401 Forms prescribed.

* * * * *

(a) CG Form 2557C (Additional General Provisions to U.S. Standard Form 23-A). Pending revision of CG Form 2557C, contracting officers shall modify this form by deleting clause 36, "Price Adjustment for Suspension, Delay, or Interruption of the Work." Deletion of this clause shall be made in accordance with the procedures prescribed in § 11-16.404(e).

* * * * *

PART 11-17—EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE NATIONAL DEFENSE

Subpart 11-17.1—General

1. Section 11-17.101 is revised to read as follows:

§ 11-17.101 Authority.

The Department of Transportation Contract Appeals Board is authorized to exercise the authority of Public Law 85-804 (72 Stat. 972; 50 U.S.C. 1431 to 1435, Aug. 28, 1958) as vested in the Secretary of Transportation by Executive Order No. 10789, dated November 14, 1958 (23 F.R. 8897, as amended by Executive Order No. 11051, dated September 27, 1962 (27 F.R. 9683), and section 6(b)(1) of the Department of Transportation Act (Public Law 89-670, 49 U.S.C. 1655(b)(1)).

§ 11-17.105 [Deleted]

2. Section 11-17.105 is deleted from the Code of Federal Regulations in its entirety. Publication of this material in Chapter 11, Title 41 CFR is not required.

Subpart 11-17.2—Requests for Contractual Adjustments

§ 11-17.208-4 [Deleted]

3. Section 11-17.208-4 is deleted from the Code of Federal Regulations in its

entirety. Publication of this material in Chapter 11, Title 41 CFR is not required.

§ 11–7.304 [Deleted]

4. Subpart 11–17.3 is deleted from the Code of Federal Regulations in it entirety. Publication of this material in Chapter 11, Title 41 is not required.

PART 11–50—CONTRACTS GENERAL

Subpart 11–50.1—Administrative Matters

§ 11–50.102–2 [Amended]

1. Section 11–50.102–2 *Assignment of numbers* is amended by changing in the last line of paragraph (b) the words "Example T12cg–8" to "Example DOT-CG12–8".

2. Section 11–50.102–3 is revised to read as follows:

§ 11–50.102–3 Symbol identification.

(a) The capital letters DOT shall preface each contract number to identify the Department of Transportation.

(b) The capital letters DOT shall be followed by a hyphen and the capital letters CG shall be inserted, identifying the document as a Coast Guard contract.

(c) When a contract number is assigned by a field unit, the allotment symbol of the unit (district office or Headquarters unit) shall be shown immediately after the letters "CG" thus, the numeral "12" used in the example in § 11–50.102–2(b) identifies the 12th Coast Guard District.

(d) The numbers of the allotment symbol are followed by a hyphen and the serial number of the contract. In the example in § 11–50.102–2(b), "8" identifies the eighth contract assigned a number by the 12th Coast Guard District.

(14 U.S.C. 633, 10 U.S.C. Ch. 137. Apply sec. 6(b), 80 Stat. 938; 49 U.S.C. 1655(b); 49 CFR 1.4)

Dated: August 5, 1968.

T. R. SARGENT,
Rear Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 68–9569; Filed, Aug. 9, 1968; 8:48 a.m.]

[68–73]

PART 11–7—CONTRACT CLAUSES

Subpart 11–7.6—Fixed-Price Construction Contracts

ACCIDENT PREVENTION

Pursuant to authority vested in me as Commandant, U.S. Coast Guard, by 49 CR 1.4:

Section 11–7.650–37 is added, reading as follows:

§ 11–7.650–37 Accident prevention.

Normally the clause set forth in 32 CFR 7–602.42 (ASPR) concerning safety controls, records, reports and corrective action to be taken shall be inserted.

(14 U.S.C. 633, 10 U.S.C., Chapter 137. Apply sec. 6(b), 80 Stat. 938; 49 U.S.C. 1655(b); 49 CFR 1.4)

Dated: August 5, 1968.

T. R. SARGENT,
Rear Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 68–9570; Filed, Aug. 9, 1968; 8:48 a.m.]

[CGFR 68–44]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to authority vested in me as Commandant, U.S. Coast Guard, by 49 CFR 1.4:

PART 11–7—CONTRACT CLAUSES

Subpart 11–7.50—Clauses for Fixed Price Vessel Repair, Alteration or Conversion Contracts

1. Section 11–7.5001–6 is revised to read as follows:

§ 11–7.5001–6 Changes.

Insert the clause set forth in § 1–7.501–2 of this title.

2. Section 11–7.5001–15 is retitled and revised to read as follows:

§ 11–7.5001–15 Suspension of work.

Insert the clause set forth in § 1–7.501–4 of this title.

3. Section 11–7.5001–33 is revised to read as follows:

§ 11–7.5001–33 Utilization of concerns in labor surplus areas.

Insert the clause set forth in § 1–1.805–3(a) of this title. The provisions of this clause shall be applicable only if the amount of this contract exceeds $5,000.

PART 11–16—PROCUREMENT FORMS

Subpart 11–16.50—Forms for Advertised and Negotiated Alteration or Repair of Vessels Contracts

1. Section 11–16.5003(a) is revised to read as follows:

§ 11–16.5003 Terms, conditions, and provisions.

(a) Coast Guard Form 2557B, General Provisions (Repair and alteration contracts–vessels) is prescribed for use in advertised and negotiated alteration or repair to vessels contracts in lieu of SF–32 prescribed in §§ 1–16.101 and 1–16.202–1 of this title and CG Form 2557A prescribed in §§ 11–16.101 and 11–16.202 for supply contracts. This form is not to be used in contracts for construction of vessels. The following modifications to CG Form 2557B shall be made in accordance with the procedure prescribed in paragraph (d) of this section pending the publication of a new edition:

(1) The clause prescribed in §1–7.601–2 of this title, shall be substituted for the present provision of article 6, Changes.

(2) The clause prescribed in § 1–7.601–4 of this title, shall be substituted for the present provision of article 15, Price Adjustment for Suspension, Delay, or Interruption of Work.

(3) The clause prescribed in § 1–1.805–3(a) of this title, shall be substituted for the present provision of article 34, Utilization of Concerns in Labor Surplus Areas.

* * * * *

(14 U.S.C. 633, 10 U.S.C., Chapter 137. Apply sec. 6(b), 80 Stat. 938; 49 U.S.C. 1655(b); 49 CFR 1.4)

Dated: August 2, 1968.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 68–9552; Filed, Aug. 9, 1968; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4508]

[Fairbanks 532; 014601; 031031]

ALASKA

Withdrawal for Geophysical Observatory; Partial Revocation of Public Land Orders No. 882 and No. 1760

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for use by the Department of Commerce for a geophysical observatory:

FAIRBANKS MERIDIAN

T. 1 N., R. 1 W.,
Sec. 15, SW¼NW¼SW¼;
Sec. 16;
Sec. 17, SE¼.

The areas described aggregate approximately 810 acres.

2. Public Land Orders No. 882 of February 2, 1953, and No. 1760 of November 21, 1958, withdrawing lands for use of the Department of the Air Force for military purposes, are hereby revoked so far as they affect the lands described in paragraph 1, above. At 10 a.m. on September 11, 1968, the said lands will be open to applications and offers under the mineral leasing laws.

3. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws. However, leases, licenses or permits will be issued only if the Department of Commerce finds that the proposed use of the lands will not interfere with the proper operation of its facilities on the lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

AUGUST 6, 1968.

[F.R. Doc. 68–9544; Filed, Aug. 9, 1968; 8:46 a.m.]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 12—DISPOSAL AND UTILIZATION OF SURPLUS REAL PROPERTY FOR EDUCATIONAL PURPOSES AND PUBLIC HEALTH PURPOSES

Part 12 of Title 45 CFR is hereby amended to read as follows:

Sec.
12.1 Definitions.
12.2 Scope.
12.3 General policies.
12.4 Limitations.
12.5 Awards.
12.6 Notice of available property.
12.7 Applications for surplus real property.
12.8 Assignment of surplus real property.
12.9 General disposal terms and conditions.
12.10 Deferred use, disposal terms and conditions.
12.11 Special terms and conditions.
12.12 Utilization.
12.13 Form of conveyance.
12.14 Compliance inspections and reports.

AUTHORITY: The provisions of this Part 12 issued under sec. 203, 63 Stat. 385 as amended; 40 U.S.C. 484.

§ 12.1 Definitions.

(a) "Act" means the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress (63 Stat. 377), as amended (40 U.S.C. 471 et seq.). Terms defined in the Act and not defined in this section, shall have in this part the meaning given to them in the Act.

(b) "Accredited" means approval by a recognized accreditation board or association on a regional, State, or national level, such as a State Board of Education or Health, State University, Middle States Association of College of Surgeons, etc. A college, university, or secondary school may be said to be accredited if the credits are accepted for transfer purposes by no fewer than three accredited colleges, universities, or secondary schools not connected or associated with it.

(c) "Administrator" means the Administrator of General Services.

(d) "Assigned property" means real and related personal property which, in the discretion of the Administrator or his designee, has been made available to the Department for transfer for educational or for public health purposes, including research.

(e) "Department" means the Department of Health, Education, and Welfare.

(f) "Disposal agency" means the executive agency of the Government which has authority to assign or to consider assignment of property to the Department for transfer for health and educational utilization.

(g) "Excess" when used with respect to real property means any real property under the control of any Department or agency in the executive branch of the Government which is not required for its needs and the discharge of its responsibilities as determined by the head thereof.

(h) "Fair market value" means the highest price estimated in terms of money which the property will bring if exposed for sale in the open market by a seller who is willing but not obliged to sell, allowing a reasonable time to find a buyer who is willing but not obliged to buy, both parties having full knowledge of all the uses to which it is adapted and for which it is capable of being used.

(i) "Holding Agency" means the executive agency of the Government which has control and accountability for the real property involved.

(j) "Nonprofit institution" as used in this part means any institution, organization, or association, whether incorporated or unincorporated, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, and which has been held by the Internal Revenue Service to be tax-exempt under either the provisions of section 101(6) of the 1939 Internal Revenue Code, or section 501(c)(3) of the 1954 Internal Revenue Code.

(k) "Off-site property" means surplus buildings, underground utilities and all other removable improvements, including related personal property, to be transferred where located, by the Department for educational or for public health purposes, including research, for removal and use away from the site.

(l) "On-site" means surplus real property, including related personalty, to be transferred by the Department for educational or for public health purposes, including research, for use in place.

(m) "Public benefit allowance" means a discount on the purchase price of real property to be transferred for educational or public health purposes, including research, representing any benefit determined by the Secretary which has accrued or may accrue to the United States from use of surplus real property for educational or public health purposes, including research.

(n) "Related personal property" means any personal property, (1) which is located on and is (i) an integral or necessary part of, or is (ii) essential to the operation of real property, or (2) which is determined by the Administrator to be otherwise related to the real property.

(o) "Secretary" means the Secretary of Health, Education, and Welfare.

(p) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(q) "Surplus" when used with respect to real property means any excess real property not required for the needs and the discharge of the responsibilities of all Federal agencies as determined by the Administrator or his designee.

§ 12.2 Scope.

This part is applicable to surplus real property located within any State which is appropriate for assignment to, or which has been assigned to the Department for disposal for educational or public health purposes, as provided in section 203(k) of the Act.

§ 12.3 General policies.

(a) It is the policy of the Department to foster and assure maximum utilization of surplus real property for educational and public health purposes, including research.

(b) Transfers may be made only to States, their political subdivisions, and instrumentalities, tax-supported educational or public health institutions, and nonprofit educational or public health institutions which have been held exempt from taxation under section 101(6) of the Internal Revenue Code of 1939 (now substantially reenacted in section 501(c)(3) of the Internal Revenue Code of 1954).

(c) Real property will be requested for assignment only when the Department has determined that the property is suitable and needed for public health or educational purposes. The amounts of both real and related personal property to be transferred shall not be excessive to normal operating requirements. Such property, except for transfers contemplated under § 12.10 will not be requested for assignment unless it is needed at the time of application for educational or for public health purposes, including research, or unless it will be so needed within the immediate foreseeable future. When construction is contemplated, the initiation of construction of the major functional facility in the approved program must begin within 18 months after the date of transfer. Construction shall be deemed to have been initiated when the transferee executes a contract providing a firm date in the reasonably near future for actual commencement of construction. The Department may, in its discretion, grant extensions of the 18-month period where the transferee can factually demonstrate that it has exercised due diligence in attempting to initiate construction within the said period and that such construction will be initiated during the period of any such extension.

(d) Land may be requested for assignment for transfer in accordance with § 12.10, for public tax-supported educational and public health purposes where, although there is no immediate need for the property, population trends, location, present facilities and plans for additional facilities justify immediate transfer to reasonably provide for future needs.

(e) Transfers will be made only when the proposed program is not in conflict with State or local zoning restrictions, building codes, or similar limitations.

(f) Only those activities devoted to academic, vocational or professional instruction, or organized and operated to promote and protect the public health, are eligible. Examples of such eligible activities are universities, colleges, junior colleges, junior or senior high schools, elementary schools or school systems, vocational or specialized schools, research activities, public libraries, and similar activities primarily educational in character, general and specialty hospitals, mental institutions, clinics, health sanitation activities (including water and sewer departments), facilities providing public health services, and similar activities devoted primarily to the protection and promotion of public health. The program of an institution eligible for a transfer must contemplate use of the property as an integral part of an activity of the kind above described. The activity must obtain such licenses for operations as may be required by State and local law.

(g) Use of the property applied for must be for a fundamental educational or public health purpose. Examples of such fundamental utilizations are classrooms, vocational shops, libraries, laboratories, auditoriums, gymnasiums, cafeterias, dormitories, faculty housing, infirmaries, recreational facilities, hospitals, clinics, facilities providing public health services, and similar utilization. The property applied for must be for a purpose for which the eligible organization would be authorized to expend its own funds to acquire.

(h) An applicant's plan of operation shall not be approved unless it includes a provision that the applicant will not discriminate because of race, color, creed, or national origin in the use of any portions of the property.

§ 12.4 Limitations.

(a) Surplus property transferred pursuant to this part shall be disposed of "as is," "where is," and without warranty of any kind.

(b) Unless excepted by the General Services Administration from the assignment of property to this Department, mineral rights will, in all cases, be conveyed together with the surface rights. However, where the property to be conveyed overlies a known mineral structure of commercial value, the Department, in its discretion will:

(1) Convey the mineral rights separately from the surface rights upon payment by the transferee of the fair value thereof, as determined by the Department, without application of the public benefit allowance; or

(2) Convey the mineral rights together with the surface rights with the requirement in the conveyance instrument that, during the period of restricted use, all revenues or the reasonable value, as determined by the Department, of benefits to the transferee deriving directly or indirectly from any and all mineral leases or royalties shall be considered to have been received and held in trust by the transferee for the United States and shall be subject to direction and control of the Department, together with a reservation to the Government, in the conveyance instrument, at its option, to revert title to any and all mineral interests conveyed at any time during the period of restricted use.

§ 12.5 Awards.

Where there is more than one applicant for the same property, the following principles shall be observed:

(a) Greater consideration will be given to programs of utilization most nearly consistent with the Government's purpose in acquiring or using the property. For instance, a surplus hospital will be considered for transfer for a health program in preference to an educational program if all other factors are equal.

(b) Property will be awarded to the applicant having a program of utilization which provides, in the opinion of the Department, the greatest public benefit.

(c) The Department will have, as an objective, the apportionment of an available property to fit the needs of as many applicant health and educational programs as is practicable.

§ 12.6 Notice of available property.

Reasonable publicity shall be given to the availability of surplus real property which is suitable for assignment to the Department for disposal for educational or public health use. The Department shall establish procedures reasonably calculated to afford all eligible users having a legitimate interest in acquiring property for educational or public health purposes including research who show due diligence a full and complete opportunity to make an application therefor: *Provided, however,* That publicity need not be given as to the availability of surplus real property which is occupied and being used by an applicant for eligible educational or public health purposes, including research, at the time the property is declared excess and the Department determines that the applicant has a continuing need for the property.

§ 12.7 Applications for surplus real property.

Applications for surplus real property for educational or public health purposes, including research, shall be made to the Department through the regional office specified in the notice of availability. Where cooperative agreements have been entered into with State Agencies for Surplus Property and where a State instrumentality has been designated by State law or executive order to represent or assist educational and health institutions in acquiring Federal surplus real property, the applications will be made through State Agencies or instrumentalities to regional offices of the Department.

§ 12.8 Assignment of surplus real property.

(a) Notice of interest in a specific property for educational or public health utilization shall be furnished the General Services Administration or other agency having disposal jurisdiction by the Department at the earliest possible date.

(b) Requests to the Administrator, or his designee disposal agency, for assignment of surplus real property to the Department for disposal for educational and public health purposes, including research, shall be based on the following conditions:

(1) There is an acceptable application for the property of record with the Department.

(2) The applicant is willing, authorized, and in a position to assume immediate care, custody, and maintenance of the property.

(3) The applicant is able, willing and authorized to pay the external administrative expenses incident to a transfer.

(c) A copy of each request for assignment of surplus real property shall be furnished the holding agency.

§ 12.9 General disposal terms and conditions.

(a) Surplus real property disposals under this part shall be limited to transactions which are primarily for educational or public health purposes, including research. Transferees shall be entitled to public benefit allowances which shall be applied against the sale price of the property to be conveyed. These allowances will be computed in consideration of benefits which have accrued or may accrue to the United States from the use of such property for educational or public health purposes, including research. The computation of these public benefit allowances shall be in accordance with Exhibits A and B attached hereto and made a part hereof.

(b) Transfer of surplus real property for educational or public health purposes is subject to the disapproval of the Administrator within 30 days after notice is given to him of a proposed transfer.

(c) Transfer shall be on the following terms and conditions:

(1) The transferee shall be obligated to utilize the property continuously in accordance with an approved plan of operation.

(2) The transferee shall not be permitted to sell, lease, rent, mortgage, encumber, or otherwise dispose of the property, or any part thereof, without prior written authorization of the Department or its designee.

(3) The transferee shall file with the Department such reports covering the utilization of the property as may be required.

(4) In the event the property is sold, leased, encumbered, disposed of, or is used for purposes other than those set forth in the approved plan without the consent of the Department, all revenues or the reasonable value, as determined by the Department, of benefits to the transferee deriving directly or indirectly from such use shall be considered to have been received and held in trust by the transferee for the United States and shall be subject to direction and control of the Department. The provisions of this paragraph shall not impair or affect the rights reserved to the United States in subparagraph (6) of this paragraph.

(5) It is not the Department's policy to require transferees to carry insurance as a condition of transfer. However, where a transferee carries insurance against damages to or loss of on-site property due to fire or other hazards, and where loss of or damage to transferred Federal surplus real property occurs, said insurance and all moneys payable to the transferee, its successors or assigns, thereunder shall be held in trust by the transferee, its successors or assigns. All such moneys shall be promptly used by the transferee for the purpose of repairing and restoring the property for its former use, or replacing it with equivalent or more suitable facilities. If not so used, there shall be paid to the Treasurer of the United States an amount not exceeding the unamortized public benefit allowance of the buildings, structures or improvements lost, damaged, or destroyed.

(6) With respect to on-site property, in the event of noncompliance with any of the conditions of the transfer, title to the property transferred, and right to immediate possession shall, at the option of the Department, revert to the Government. In the event title is reverted to the United States for noncompliance or voluntarily reconveyed in lieu of reverter, the transferee, at the option of the Department, shall be responsible and be required to reimburse the Government for the decreased value of the property not due to reasonable wear and tear, acts of God, and alterations and conversions made by the transferee to adapt the property to the educational or health use for which the property was acquired. The Government shall, in addition thereto, be reimbursed for such damages including such costs as may be incurred in recovering title to or possession of the property as it may sustain as the result of the noncompliance.

(7) With respect to off-site property, in the event of noncompliance with any of the terms and conditions of the transfer, the unearned public benefit allowance shall, at the option of the Department, become immediately due and payable or, if the property or any portion thereof is sold, leased, or otherwise disposed of without authorization from the Department or its designee, such sale, lease, or other disposal shall be for the benefit and account of the United States and the United States shall be entitled to the proceeds of any such disposal. In the event the transferee fails to remove the property or any portion thereof within the time specified, then, in addition to the rights reserved above, at the option of the Department, all right, title, and interest in and to such unremoved property shall be retransferred to other eligible applicants or shall be forfeited to the United States.

(8) With respect to on-site property, the Government, at its option, shall have the right during any period of emergency declared by the President of the United States or by the Congress of the United States to the full unrestricted use of the surplus real property, or of any portion thereof, disposed of in accordance with the provisions of this part. Such use may be either exclusive or nonexclusive. Prior to the expiration or termination of the period of restricted use by the transferee, the Government shall not be obligated to pay rent or any other fees or charges during the period of emergency, except that the Government shall (i) bear the entire cost of maintenance of such portion of the property used by it exclusively or over which it may have exclusive possession or control, (ii) pay the fair share, commensurate with the use, of the cost of maintenance of such surplus real property as it may use nonexclusively or over which it may have nonexclusive possession or control, (iii) pay a fair rental for the use of improvements or additions to the surplus real property made by the purchaser or lessee without Government aid, and (iv) be responsible for any damage to the surplus real property caused by its use, reasonable wear and tear, the common enemy and acts of God excepted. Subsequent to the expiration or termination of the period of restricted use, the obligations of the Government shall be as set forth in the preceding sentence and in addition, the Government shall be obligated to pay a fair rental for all or any portion of the conveyed premises which it uses.

NOTE: The final sentence above serves to clarify by publication a long-standing interpretation of the obligations of the Government not explicitly provided for prior to publication of that sentence and does not represent any alteration of policy or interpretation. It is, therefore, explanatory of the Government's obligations under conveyances executed prior to the date of its publication as well as under conveyances executed subsequent thereto.

(9) The restrictions set forth in subparagraphs (1) through (6) of this paragraph shall extend for the following periods:

(i) Thirty (30) years for land with or without improvements being acquired for use in place;

(ii) A minimum of five (5) years for facilities being acquired separately from land whether they are for use on-site or off-site. However, where the estimated economic life of the structures for the use for which they are requested is greater than 5 years, the period of limitations on the use of the structures shall be equal to their estimated economic life.

(d) Transferees by obtaining the consent of the Department may obtain abrogation of the restrictions set forth in the transfer terms, for all or any portion of the property, upon payment to the Department in accordance with the following:

(1) If the abrogation is requested by the institution for the purpose of serving the needs or purposes of a third party, payment shall be based upon the current fair market value of the conveyed property, as of the date of the request for abrogation, less amortized credit based on the original sale price of the property.

(2) If the abrogation is requested by the institution for the purpose of using the property as security for new construction, for acquiring substitute or better facilities, or for relocating elsewhere, all for the purpose of further advancing or promoting the program for which the property was originally conveyed, payment shall be based upon the original sale price as of the date of the deed, less amortization credit. Such abrogation shall be conditioned upon the requirement that all proceeds of sale obtained by the transferee in disposing of the property in excess of the amount paid the Department to obtain abrogation will be devoted to such program use. To assure this, appropriate agreements, supported by Surety Bond, or other security that may be deemed by the Department to be necessary or advisable, will be obtained from the grantee.

(3) The Government's right of recapture for use during a period of emergency will not be released unless there are exceptional circumstances.

(e) Related personal property shall be transferred as a part of the realty and in accordance with real property procedures and forms. It will be subject to the same public benefit allowance granted for the real property. Where related personal property is involved in an on-site transaction, the related personal property may be transferred by a bill of sale imposing restrictions for a period not to exceed 5 years from the date of transfer, other terms and conditions to be the same as, and made a part of the real property transaction.

§ 12.10 Deferred use, disposal terms and conditions.

(a) Surplus real property disposals under this section shall be limited to transfers of land to States and their political subdivisions and instrumentalities and tax-supported educational or public health institutions for use as sites for school or public health facilities to be constructed thereon within a maximum period of 8 years from date of transfer.

(b) Transfers under this section shall be subject to all of the general terms and conditions set forth in § 12.9 (b) and (c) (1), (2), (3), (4), (5), (6), and (8) and, in addition, the following special terms and conditions shall apply:

(1) Transferee shall be obligated to use the property continuously, including the proposed facilities constructed thereon, in conformance with its approved plan, for a period of thirty (30) years from the date of transfer.

(2) The transferee shall be obligated to construct the proposed facilities and commence utilization of the conveyed property for educational or public health purposes in conformance with the approved plan no later than eight (8) years from the date of transfer. The Department may, in its discretion, effect transfer upon the requirement that construction be completed and utilization be commenced within a period of time less

than eight (8) years from the date of transfer.

(3) The transfer shall be made in consideration of payments and public benefits inuring to the United States equal to the sale price of the property as follows: Until such time as the facilities contemplated in the transferee's approved plan have been constructed and placed in use in conformance therewith, the transferee shall pay to the United States within 1 year from the date of transfer and annually thereafter on the anniversary date thereof an amount equal to three and one-third (3⅓) percent of the fair value of the property, together with interest at the prevailing rate as determined by the Department for the disposals of government real property upon the unpaid balance of the sale price of the property. At such time as the facilities last mentioned shall have been constructed and placed in use, which may be prior to but not later than the maximum time fixed by the Department and specified in the instrument of transfer, the transferee shall be entitled to a public benefit allowance, to be applied against the unpaid balance of the sale price computed upon the basis of the benefit which has accrued or may accrue to the United States from the use of such property for educational or health purposes. In the case of a transfer of less than 100 percent public benefit allowance, the public benefit allowance shall be computed on and applied against the balance of the sale price remaining unpaid at the time of commencement of utilization in accordance with this section. The transferee shall, at such time, make full payment in cash of any balance of the sale price remaining after application of such public benefit allowance.

(c) Prior to the transfer of any land under this section, the transferee shall submit to the Department, together with its application, an opinion of the highest legal officer of the State as to the authority of the transferee to enter into the proposed transaction, accept the property subject to the foregoing terms and conditions and undertake the obligations provided for thereunder.

(d) After the facilities have been constructed and the property has been placed into required use in conformance with the approved plan, a transferee, by obtaining the consent of the Department, may secure abrogation of the restrictions set forth in the transfer terms, consistent with the requirements of § 12.9(d).

(e) Any installments, interest, or other payments against the sale price of property transferred under this section shall, upon a forfeiture of title to the property for breach of condition, be forfeited.

(f) If at any time it is determined that the transferee is unable to construct the facilities contemplated in the approved plan because of circumstances beyond its control, the Department may permit the transferee to obtain abrogation of all restrictions set forth in the transfer terms upon payment to the Department of (1) the current fair market value of the property, or (2) the sale price as of the date of the deed, whichever is greater, less all payments of principal made during the term of deferred use. Payments of interest and any reimbursement for administrative costs shall be forfeited.

§ 12.11 Special terms and conditions.

(a) In the case of on-site disposals, applicants shall be required to pay all external administrative costs which shall include, but not be limited to, taxes, surveys, appraisals, inventorying costs, legal fees, title search, certificate or abstract expenses, decontamination costs, government moving costs, closing fees in connection with the transaction and service charges, if any, made by State Agencies for Surplus Property under the terms of a cooperative agreement with the Department.

(b) In the case of off-site property, applicants will be required to post performance bonds, make performance guarantee deposits, or give such other assurances as may be required by the Department or the holding agency to insure adequate site clearance and pay service charges, if any, made by State Agencies for Surplus Property under the terms of a cooperative agreement with the Department.

(c) Whenever negotiations are undertaken for disposal to nonprofit public health or educational organizations which are not instrumentalities of State or local governments of any surplus real property which cost the Government $1 million or more, the Department shall give notice to the Attorney General of the United States of the proposed disposal and the probable terms and conditions thereof. The applicant shall furnish to the Department such information and documents as the Attorney General may determine to be appropriate or necessary to enable him to give the advice as provided for by section 207 of the Act or to determine whether any other disposition or proposed disposition of the surplus real property violates the antitrust laws of the United States.

(d) Where an applicant proposes to acquire and use in place improvements located on land which the Government does not own, he shall be required, before disposal shall be consummated, to obtain a right to use the land commensurate with the duration of the restrictions applicable to the improvements. The applicant shall be required to assume, or obtain release of, the Government's obligations respecting the land including but not limited to such obligations as restoration, waste, and rent. At the option of the Department, the applicant may be permitted to post a bond to indemnify the Government against such obligations.

(e) The Department may require the inclusion on the transfer document of any other provision deemed desirable or necessary.

(f) Where an eligible applicant for an on-site transfer proposes to construct new, or rehabilitate old facilities, the financing of which must be accomplished through issuance of revenue bonds having terms inconsistent with the terms and conditions or transfer prescribed in § 12.9 (c), (d), and (e), the Department may, in its discretion, impose such alternate terms and conditions of transfer in lieu thereof as may be appropriate and effective to assure utilization of the property for educational or public health purposes: *Provided, however,* That the right to repossess in the event of national emergency, as set forth in § 12.9(c)(7) shall be reserved in every transfer.

§ 12.12 Utilization.

(a) Where property or any portion thereof is not being utilized for the purposes for which transferred, the transferee shall be required at the direction of the Department:

(1) To retransfer such property to other health or educational user as the Department may direct;

(2) To sell such property for the benefit and account of the United States;

(3) To return title to such property to the United States; or

(4) To abrogate the conditions and restrictions of the transfer, as set forth in § 12.9(d), except that where property has never been placed in use for the purposes for which transferred, abrogation will not be permitted except under extenuating circumstances.

(5) When the transferee is unable to construct the proposed facilities on land conveyed under the deferred use plan, it may purchase the land as set for in § 12.10(f).

(b) Where the transferee desires to place the property in temporary use for a purpose other than that for which the property was transferred, approval of the Department must be obtained, and will be conditioned upon such terms as the Department may impose, including but not limited to the requirement that net revenues therefrom will be payable to the Department.

§ 12.13 Form of conveyance.

(a) Transfers of surplus real property shall be on forms approved by the General Counsel of the Department and shall include the disposal terms and conditions set forth in this part and such other terms and conditions as the General Counsel may deem appropriate or necessary.

(b) Transfers of on-site property normally shall be by quitclaim deed without warranty of title.

§ 12.14 Compliance inspections and reports.

The Department, or its designee, shall make such compliance inspections as are necessary and shall require of the transferee such compliance reports and actions as are deemed necessary.

Dated: August 6, 1968.

[SEAL] WILBUR J. COHEN,
Secretary.

EXHIBIT A—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—OFFICE OF SURPLUS PROPERTY UTILIZATION

PUBLIC BENEFIT ALLOWANCE FOR TRANSFER OF REAL PROPERTY FOR EDUCATIONAL PURPOSES [1]

Classification	Percent allowed													
		Organization allowances								Utilization allowances				
	Basic public benefit allowance	Tax support	Accreditation	Federal impact	Public service training	Hardship	Inadequacy of existing facilities (percent)			Introduction of new instructional programs	Student health and welfare	Research	Service to handicapped	Maximum public benefit allowance
							10–25	26–50	51–100					
Elementary and high schools	50	20	20	10	10	10	10	20	30	10	10	10	10	100
Institutions of higher learning	50	20	20		10	10	10	20	30	10	10	10	10	100
Specialized schools	50	20	20		10	10	10	20	30	10	10	10	10	100
Research and related activities	[2] 100													[2] 100
Public libraries and educational museums	[2] 100													[2] 100
School outdoor education	[3] 50													[3] 50
Central administrative and/or service centers	100													100
	[3] 80													[3] 80

[1] This public benefit allowance applies only to surplus real property being sold for on-site use. When surplus real property is to be moved from the site, a basic public benefit allowance of 95 percent will be granted to educational institutions for any educational use authorized by regulations and defined by implementing procedures except for School Outdoor Education where a 50-percent public benefit allowance will be granted.

[2] Applicable when this is the primary use to be made of the property. The public benefit allowance for the overall educational program is applicable when such facilities are conveyed as a minor component of other facilities.

[3] The maximum allowance available to eligible private, nonprofit institutions. Tax supported institutions receive 100-percent allowance.

EXHIBIT B—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—OFFICE OF SURPLUS PROPERTY UTILIZATION

PUBLIC BENEFIT ALLOWANCE FORMULA FOR TRANSFER OF REAL PROPERTY FOR HEALTH PURPOSES [1]

Classification	Percent allowed													
		Organization allowances							Utilization allowances					
	Basic public benefit allowance	Tax support	Accreditation	Hardship	Inadequacy of existing facilities (percent)			Research program	Outpatient services	Public service	Training program		Maximum public benefit allowance
					10–25	26–50	51–100						
Hospitals	50	20	20	10	10	20	30	10	10	10	10		100
Clinics	50	20	20	10	10	20	30						100
Nursing homes	50	20	20	10	10	20	30					10	100
Public health administration	[2] 100												[2] 100
Public refuse disposal systems	[2] 100												[2] 100
Water systems	[2] 50												[2] 50
Rehabilitation facility	50	20	20	10	10	20	30	10	10	10	10		100
Special services	50	20	20	10	10	20	30				10		100

[1] This public benefit allowance formula applies only to surplus real property being sold for on-site use. When surplus real property is to be moved from the site, a basic public benefit allowance of 95 percent will be granted to health institutions in the purchase of such real property for any health use authorized by regulations and defined by implementing procedures except water systems and facilities therefor where a 50-percent public benefit allowance will be granted.

[2] Applicable when this is the primary use to be made of the property. The public benefit allowance for the overall health program is applicable when such facilities are conveyed as a minor component of other facilities.

[F.R. Doc. 68-9572; Filed, Aug. 9, 1968; 8:48 a.m.]

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 119—GRANTS TO STRENGTHEN STATE DEPARTMENTS OF EDUCATION

Miscellaneous Amendments

The following amendments to Part 119 are issued to reflect the amendments to P.L. 89–10 affecting Title V thereof which are contained in P.L. 89–750 and P.L. 90–247.

§ 119.1 [Amended]

1. In § 119.1, paragraph (g) is deleted.

(Sec. 152, P.L. 89–750)

2. In § 119.1, paragraph (l) is amended to read as follows:

(l) "State" means, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(Sec. 142, P.L. 90–247)

3. In § 119.2, paragraphs (a) and (b) are amended to read, respectively, as follows:

§ 119.2 State applications.

(a) *Purpose and content.* The principal condition for basic grants of Federal funds apportioned to a State under Title V of the Act is the submission by the State through the State educational agency of an application or applications to the Commissioner. Any State desiring to receive basic grants shall submit an application or applications on such date or dates as the Commissioner may fix, and in accordance with such procedures as he may prescribe. Each State shall for each fiscal year provide for the distribution among local educational agencies in the State in an equitable manner on the basis of need at least 10 percent of its apportionment to be used by such agencies for any of the purposes of Title V of the Act as applied to a local educational agency for local purpose in lieu of the State educational agency for State purposes.

(b) *Submission and approval.* Each application and all amendments thereto shall be submitted to the Commissioner for his approval by a duly authorized officer of the State educational agency. Each application shall indicate the official or officials authorized to submit application material. If found by the Commissioner to be in conformity with the provisions and purposes of the Act and the regulations in this part, the application will be approved subject to the limits of available appropriations. The Commissioner will not finally disapprove an application except after reasonable notice and opportunity for a hearing has been afforded to the State educational agency. An approved application forms the basis for making payments to a State under Title V of the Act, except that minor deviations are permitted where (1) they do not result in expenditures in excess of the total amount granted, (2) there is not any material change in the content or the administration of the approved program, (3) expenditures are otherwise made in accordance with, and for kinds of expenditures authorized in, the approved application, and (4) the

total expenditures for each approved project do not exceed the total amount authorized by more than 15 percent or $1,000, whichever is greater; however, with respect to items budgeted for equipment or rental of land and buildings, deviations in excess of 15 percent or $1,000, whichever is greater, are not permitted unless justified in writing and approved by the Commissioner.

* * * * *

(31 U.S.C. 200)

4. In § 119.3, paragraph (b)(5) is amended to read as follows:

§ 119.3 Procedures for application review and disposition.

* * * * *

(b) * * *

(5) The extent to which each program and part thereof proposed in an application or amendment thereto takes into account the current level of development and will contribute effectively to the improvement of such essential programs as: Long-term planning, aid to local educational agencies in improvement of curricula, quality of teaching and competence of teachers, particularly in basic schools subjects, data processing, public information, technical and consultative services to local educational agencies, research, staff development, evaluation and demonstration to accelerate children's learning, academic and other social achievements, utilization of auxiliary personnel, comprehensive planning in metropolitan areas, and distribution of funds to be used by local educational agencies.

(Sec. 154, P.L. 89–750; sec. 145(a), P.L. 90–247)

5. Section 119.9 is amended to read as follows:

§ 119.9 Effective date of application.

The effective date of any approved application shall not be earlier than the date on which it is received by the Commissioner in substantially approvable form. No funds under Title V of the Act may be used for the payment of obligations incurred prior to the effective date of the approved application.

(40 C.G. 615)

6. Section 119.10 is amended to read as follows:

§ 119.10 Period during which Federal funds are available.

The approval of an application pursuant to § 119.2 will be regarded as an obligation of the Government of the United States in the amount of the approved application. Federal funds so obligated will remain available for expenditure by State educational agencies during the period for which the application was approved.

(31 U.S.C. 200)

7. Section 119.12 is amended to read as follows:

§ 119.12 Expenditures by States.

Beginning July 1, 1969, or at such earlier date as the State educational agency may determine and notify the Commissioner, expenditures of funds under Title V of the Act will be determined on the basis of documentary evidence of binding commitments for the acquisition of goods or property or for the performance of work, except that the use of funds for personal services, for services performed by public utilities, for travel, and for rental of equipment and facilities shall be determined on the basis of the time such services were rendered, such travel was performed, and such rented equipment and facilities were used, respectively.

(31 U.S.C. 200)

8. The introductory material in § 119.13 is amended to read as follows:

§ 119.13 Federal payments.

Subject to the authority of the Commissioner to make reapportionments or to transfer apportionments pursuant to section 502(b) of the Act and §§ 119.15 and 119.16, and subject also to any withholding of payments by the Commissioner pursuant to section 508 of the Act and § 119.14(a), the Federal Government will pay from each State apportionment the sums expended by each such State educational agency in accordance with Title V of the Act, the regulations in this part, and its approved application or applications. Such payments will be made in installments in advance on the basis of estimated expenditures or reimbursement of actual costs incurred, with appropriate adjustments for underpayments or overpayments for actual expenditures in any prior period. Such payments will be made available to the States after:

* * * * *

(Sec. 152, P.L. 89–750)

9. Section 119.16 is amended to read as follows:

§ 119.16 Transfer of apportioned funds.

(a) Upon the request of a State, any part of the amount of Federal funds apportioned to it for basic grants may, pursuant to paragraph (b) of this section, be added to or combined with the amount apportioned to another State for the purpose of carrying out one or more programs (including specific projects, activities, and services pertaining thereto) which would benefit each participating State.

(b) Any State desiring that a portion of its apportionment of Federal funds for basic grants be added to or combined with that of another State shall submit to the Commissioner a request for such a transfer, either as a part of each application covering a program or programs affected by such a transfer or as an amendment or amendments thereto. Such a request shall be submitted by a State either simultaneously with such an application or applications or at any time subsequent to such an application or applications. Such a request shall contain (1) a description of the programs to be carried out by the receiving State with funds contributed to it by other participating States; (2) a statement of the total amount to be expended for such programs and the sources and amounts of Federal and non-Federal funds, if any, contributed by each participating State, including the receiving State; (3) information showing how such programs will assist all participating States in strengthening the leadership resources of their respective State educational agencies and in identifying and meeting their educational needs; and (4) a certificate of the receiving State educational agency accepting the transfer of funds for the purposes identified by the State or States requesting such transfer. Each such request, when approved by the Commissioner, shall become a part of each application of the receiving State which covers a program or programs affected by such a transfer.

(Sec. 152, P.L. 89–750)

10. Section 119.20 is amended to read as follows:

§ 119.20 Purpose.

Special project grants authorized in section 505 of the Act will be made by the Commissioner (a) to State educational agencies to pay part of the cost of experimental projects for developing State leadership or for the establishment of special services which, in the judgment of the Commissioner, hold promise of making a substantial contribution to the solution of problems common to the State educational agencies of all or several States, and (b) to public regional interstate commissions or agencies for educational planning and research.

(Sec. 146, P.L. 90–247)

11. Section 119.24 is amended to read as follows:

§ 119.24 Duration of the project.

The project shall remain in effect for the period specified in the grant award or until otherwise terminated in accordance with § 119.29. All payments made with respect to the project shall remain available for such a period. Such a period may be extended by revision of the project pursuant to § 119.26.

(31 U.S.C. 200)

12. In § 119.40, paragraph (a) is amended to read as follows:

§ 119.40 Arrangements with individuals or other organizations.

(a) In carrying out programs or special projects under Title V of the Act, the State educational agency receiving such grants may not transfer to others responsibility in whole or in part for the use of such grants or the conduct of such programs or special projects, but may enter into contracts or arrangements with others for carrying out a portion of any such program or special project. Such contracts or arrangements shall (1) be in writing, (2) incorporate by reference all requirements of the Act, the regulations in this part, the applications of the State educational agency, and the grant conditions, (3) be made for a period not exceeding the period for which the grant is available, (4) constitute a reasonable and prudent use of grant funds, (5) provide that funds received pursuant to Title V of the Act and paid by the State educational agency to the other party of the contract or arrangement will be used only for costs incurred by such other party in carrying out its portion of a program or special project, and (6) provide that such other party will account to the State educational agency for any funds which are not expended in accordance with the contract or arrangement.

* * * * *

(Sec. 152, P.L. 89–750)

13. In § 119.42, paragraph (a) is amended to read as follows:

§ 119.42 Records management.

(a) *Records maintenance and disposition.* The State educational agency shall maintain and keep intact and accessible all records supporting claims for Federal grants or relating to the accountability of such State agency for expenditure of such grants (1) for 5 years after the end of the period for which such grants were made available to the State educational agency for expenditure; or (2) until the State agency is notified that such records are not needed for administrative review, whichever occurs first.

* * * * *

(5 U.S.C. 301)

Dated: June 24, 1968.

[SEAL] HAROLD HOWE II,
U.S. Commissioner of Education.

Approved: August 6, 1968.

WILBUR J. COHEN,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 68–9571; Filed, Aug. 9, 1968; 8:48 a.m.]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 1; Amdt. No. 1–17]

PART 1—FUNCTIONS, POWERS, AND DUTIES IN THE DEPARTMENT OF TRANSPORTATION

Subpart A—Delegations by Secretary of Transportation

ORGANIZATION

Executive Order 11357, issued on June 6, 1967 (32 F.R. 8225), directed that the provisions of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 U.S.C. 1381 et seq.) be carried out through the National Highway Safety Bureau. This amendment is being issued to conform 49 CFR 1.3 to that order. In addition, paragraph (c) of that section is being dropped as surplusage.

Since this amendment relates to Departmental management, procedures, and practices, notice and public procedures thereon is unnecessary and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, effective August 10, 1968, Part 1 of the Regulations of the Office of the Secretary of Transportation (49 CFR Part 1) is amended as follows:

By deleting paragraphs (c) and (d) of § 1.3 and adding a new paragraph (c) reading as follows:

§ 1.3 Organization.

* * * * *

(c) Pursuant to the authority vested in the Secretary by the Act, there are hereby established and created in the Federal Highway Administration, the Bureau of Public Roads and the National Highway Safety Bureau. The Director of each Bureau shall report to the Federal Highway Administrator. Pursuant to Executive Order 11357, the provisions of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 U.S.C. 1381 et seq.), shall be carried out by the National Highway Safety Bureau.

(Sec. 9, Department of Transportation Act (49 U.S.C. 1657); Executive Order 11357, issued on June 6, 1967 (32 F.R. 8225))

Issued in Washington, D.C., on August 3, 1968.

ALAN S. BOYD,
Secretary of Transportation.

[F.R. Doc. 68–9553; Filed, Aug. 9, 1968; 8:46 a.m.]

[OST Docket No. 16; Amdt. 99–1]

PART 99—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Miscellaneous Amendments

The purpose of these amendments is to make changes required by Executive Order 11408 of April 25, 1968 (33 F.R. 6459), to make certain changes regarding positions the incumbents of which are required to file statements of financial interests, and to clarify § 99.735–15(b) relating to participation by employees in matters in which their financial interests may be affected.

Executive Order 11408 revoked Executive Order 9 of January 17, 1873, various Executive orders that interpreted Executive Order 9, and Executive Order 9367 of August 4, 1943. Executive Order 9 related to dual Federal-State and local office holding. Executive Order 9367 prohibited Government employees from instructing persons with a view to their special preparation for Civil Service and Foreign Service examinations. The Executive orders were revoked as they were unnecessary in view of the authority of the Civil Service Commission to regulate the conduct of employees in the executive branch under section 601 of Executive Order 11222 of May 8, 1965, and 5 U.S.C. 7301 (formerly 5 U.S.C. 631).

The matters of conduct covered by the revoked Executive orders are now regulated under amended § 735.203 of the Civil Service Regulations. Outside employment with a State or local government will be judged by the same criteria as other outside employment, that is, an employee shall not engage in outside employment that is not compatible with his Government employment. Teaching or instructing for the special preparation of persons for a Civil Service or Foreign Service examination will be judged by the same criteria as other teaching or instructing, that is, an employee is encouraged to teach or instruct but shall not do so if it is dependent on information obtained as a result of his Government employment that is not available to the public. In brief, an employee may teach or instruct persons to prepare them for Civil Service and Foreign Service examinations so long as he does not use "inside" information that would give an unfair advantage to those whom he is teaching. In this regard, attention is also directed to 18 U.S.C. 1917 which, among other things, makes it a criminal offense for an employee to furnish a person with "special or secret information" for the purpose of improving the person's prospects of appointment. For these reasons, the Civil Service Commission Regulations have been amended. The amendments to those regulations require corresponding amendments to Agency regulations, including that of the Department of Transportation, issued under Part 735 of the Commission's regulation.

Section 99.735–15 is being amended to clarify the intention of the first sentence of paragraph (b), so far as it applies to any "other matter." The words "other particular matter" are substituted for the words "other matter" to conform to the language of 18 U.S.C. 208, and a new paragraph (c) is inserted to explain the intent of those words based on the discussion in the President's Memorandum of May 2, 1963 (28 F.R. 4539, 4543) and the Memorandum of the Department of Justice attached to the Attorney General's Memorandum of February 1, 1963; 18 U.S.C. 201 (Note). The general intent of the amendment is to make it clear that the quoted words do not prevent participation in matters of a broad or general nature, but do cover matters in which the employee's action may reasonably be expected to have a direct and predictable effect on the financial interest associated with the employee.

Because of changes in position description, reanalysis of duties, and changes in the names of positions, and the creation of new positions, certain changes are being made in the listing of positions in paragraph II A of Appendix A (positions in Federal Aviation Administration to which exemptions based on small holdings do not apply) and paragraphs II and III of Appendix C (Listed of Federal Aviation Administration and Coast Guard employees required to file financial statements).

These amendments were approved by the Civil Service Commission on July 26, 1968.

Since this amendment relates to Departmental management, procedures, and practices, notice and public procedure thereon is unnecessary and it

may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, effective August 10, 1968, Part 99 of the Regulations of the Office of the Secretary of Transportation is amended as follows:

1. By amending § 99.735–11(c) and revoking paragraph (e) as follows:

§ 99.735–11 Outside employment and other activities.

* * * * *

(c) Employees are encouraged to engage in teaching, lecturing and writing that is not prohibited by law, the Executive order, this part, or the Department's regulations. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Commission or Board of Examiners for the Foreign Service, that depends on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when an appropriately designated official gives written authorization for use of nonpublic information on the basis that the use is in the public interest. In addition, an employee who is a Presidential appointee covered by section 401(a) of the Order shall not receive compensation or anything or monetary value for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the Department, or which draws substantially on official data or ideas which have not become part of the body of public information.

* * * * *

(e) [Revoked]

* * * * *

2. By amending § 99.735–15 as follows:

a. By amending the first sentence of paragraph (b) to read as set forth below.

b. By redesignating paragraphs (c), (d), (e), (f), (g), and (h) as (d), (e), (f), (g), (h), and (i), respectively.

c. By adding a new paragraph (c).

§ 99.735–15 Disqualification arising from private financial matters.

* * * * *

(b) The kinds of participation covered by section 208 include any decision, approval, disapproval, recommendation, investigation, or the furnishing of advice in any proceeding, application, request for ruling or other determination, contract, claim controversy, charge, accusation, or other particular matter.

* * *

(c) The words "other particular matter" in the first sentence of paragraph (b) of this section are intended to refer to matters in which the employee concerned may reasonably anticipate that his participation or advice will have a direct and predictable effect on the financial interest referred to in the second sentence of paragraph (b) of this section. While not restricted to matters involving a specific party or parties, the words "other particular matter" nevertheless do not necessarily include rule making of wide applicability, the formulation of general policy or standards, or similar matters of broad scope.

* * * * *

3. By amending paragraph II A of Appendix A to read as follows:

APPENDIX A

Categories of Financial Interests Exempted from the Prohibitions of Section 208(a) of title 18, United States Code.

* * * * *

II. * * *

(A) Federal Aviation Administration:

(1) General Aviation Operations Inspectors.

(2) General Aviation Maintenance Inspectors.

(3) Air Carrier Operations Inspectors.

(4) Air Carrier Maintenance Inspectors.

(5) Manufacturing Specialists/Inspectors.

(6) Aeronautical Engineers.

(7) Aircraft Systems Engineers.

(8) Flight Test Pilots/Specialists.

(9) Quality Control Representatives.

(10) Contracting Officers Technical Representatives.

4. By amending paragraphs II and III of Appendix C to read as follows:

APPENDIX C

List of Employees Required to submit Statements of Employment and Financial Interest, Under § 99.735–31.

* * * * *

II. FEDERAL AVIATION ADMINISTRATION

WASHINGTON HEADQUARTERS

Associate Administrators, General Counsel, and Deputies.
Assistant Administrators and Deputies.
Directors of Offices and Services and Deputies (except Information Services and Systems Maintenance Service).

Office of Policy Development

Chief, Investment Analysis Division.
Industry Economist.

Office of General Counsel

Associate General Counsels.
Supervisory Attorney Advisor.
Attorney Advisor, Procurement Legal Division, GS–13/15.
Supervisory General Attorney.
Supervisory Trial Attorney.
Trial Attorney, GS–15.
Patent Advisor, GS–15.

National Airspace Systems Program Office

Division Chiefs.
Technical Advisor.
Chief, Engineering Branch.
Chief, Configuration Management Branch.
Electronic Engineer, GS–15.
Computer Systems Analyst.
Communication Specialist.
Contracting Officer's Representative.
Contract Specialist, GS–14.

Office of Supersonic Transport Development

Assistants to Director.
Division Chiefs and Assistants.
Branch Chiefs.
Chief, Special Projects Staff.
Economic Advisor.
Contract Specialist, GS–13/15.
Chief, Seattle Office.
Industry Economist.
Financial Analyst.
Financial and Cost Evaluation Specialist.
Program Analyst.
Mechanical Engineer.
Aerospace Engineer.
Administrative Officer.
Technical Publications Writer-Editor.
Supervisory Aerospace Engineer.
Chief, Engine Section.

Air Traffic Service

Chief, Communications Staff.
Chief, ATC System Requirements Division.
Chief, Flight Information Division.
Chief, Airspace and Air Traffic Rules Division.
Chief, Obstruction Evaluation Branch.

Systems Research and Development Service

Executive Officer.
Division Chiefs.
Assistant Division Chiefs.
Technical Advisor, ATC Development Division.

Aircraft Development Service

Chief, Plans and Management Staff.
Division Chief.
Program Managers.
Associate Program Managers.
Program Development Officer.

Logistics Service

Executive Officer.
Chief and Assistant Chief, Facilities Establishment Division.
Chief, Procurement Operations Division.
Procurement Officer.
Contract Price Analyst.
Supervisory Electronic Engineer.
Airways Engineer.
Contract Specialist.
Supervisory Contract Specialist.
Supervisory Property Administration Specialist.
Property Administration Specialist.
Transportation Specialist.
Supervisory Quality Control Specialist.
Quality Control Specialist.

Airports Service

Chief and Assistant Chief, Development Programs Division.
Chief, FAAP Establishment Branch.
Airports Program Officers, GS–13/14.
Chief, Compliance and Property Conveyance Branch.
Chief, FAAP Requirements Branch.

Bureau of National Capital Airports

Director and Deputy.
Bureau Counsel.
Special Assistant.
Staff Chiefs (except Information and Education Staff).
Division Chiefs.
Assistant Division Chiefs.
Airport Manager and Assistant Airport Managers, WNA and DIA.
Industrial Property Officer.
Administrative Officer, GS–13.
Chief, Engineering Branch.
Supervisory Civil Engineer.
Chief, Contract Management Branch.
General Business and Industry Officer.
Chief, Property Management Branch.

Office of Audit

Auditor, GS–13/15.

Office of Management Systems

Supervisory Accountant, GS–15.
Chief, Management Analysis Division.
Chief, Data Systems Division.

Office of International Aviation Affairs

Special Assistant to Assistant Administrator.

Office of Aviation Medicine

Chief, Aeromedical Applications Division.
Chief, Research Planning Branch.
Chief, Executive Staff.

Office of Headquarters Operations

Manager.
Deputy Manager.
Executive Officer.
Records Center Facility Manager.

Field Installations

Regional Director and Deputy.
Executive Officer.
Supervisory Auditor.
Procurement Officer.
Supply Management Officer.
Realty Supply Officer.
Realty Officer.
Regional Counsel.
Medical Officer.
Chief, Accounting Division.
Area Manager and Assistant.
Area Counsel.
Chief and Assistant Chief of Air Traffic, Flight Standards, Airports, Airway Facilities, Division and/or Branch.
Chief and Assistant Chief of Administrative Services Division.
Chief and Assistant Chief of General Aviation District Office, Air Carrier District Office, Flight Standards District Office, and Flight Inspection District Office.
All Principal Inspectors, except those at Flight Inspection District Offices, having such titles as Air Carrier Inspector, General Aviation Inspector, Air Carrier Operations Inspector, Aviation Operations Inspector, Aviation Safety Officer/Inspector, Airborne Instrument Specialist, Aviation Maintenance Specialist, Aviation Electronic Specialist.
Manufacturing Inspectors/Specialists.
Aeronautical Engineers.
Aircraft Systems Engineers.
Flight Test Pilots/Specialists.

National Aviation Facilities Experimental Center

Director and Deputy.
Executive Officer.
Program Manager.
Procurement Officer.
Chief Scientist.
Electronic Engineer, GS–14/15/16.
General Engineer.
Air Traffic Control Specialist, GS–15.
Aerospace Engineer, GS–14/15.
Flight Operations Analyst.
Attorney Advisor.
Chief, Aviation Facilities Division.
Aviation Maintenance Officer.
Supervisory Airplane Pilot.
Supervisory Auditor.
Auditor.
Aircraft Program Coodinator.
Supervisory Aircraft Inspector.
Chief, Test and Evaluation Division.
Chief, ATC Systems Branch.
Chief, Guidance Branch.
Chief, Communications Branch.
Chief, Aircraft Branch.
Airport Operations Officer.

Aeronautical Center

Director and Deputy.
Executive Officer.
Attorney-Advisor (Contracts), GS–15.
Attorney-Advisor (General), GS–14.
Supervisory General Engineer.
Chief, Civil Aeromedical Institute.
Chief, FAA Depot.
Procurement Officer, GS–14/15.
Supervisory Procurement Agent, GS–13/14.
Chief, Aircraft Services Base.
Superintendent, FAA Academy.

III. U.S. COAST GUARD

Comptroller.
Chief, Office of Engineering.
Chief Counsel.
Chief and Assistant Chief, Procurement Branch.
Supervisory Contract Specialist.
Contract Specialist, GS–13.
Chief, Office of Operations.
Chief, Office of Merchant Marine Safety.
Chief, Office of Public and International Affairs.
Assistant Chief of Staff for Research and Development.
Assistant Chief of Staff for Boating Safety.
Commanders, U.S. Coast Guard Districts.
Officer-in-Charge, Marine Inspection Offices.
Director, Great Lakes Pilotage Staff.

(Executive Order 11222 (30 F.R. 6468); and section 9, Department of Transportation Act (49 U.S.C. 1657))

Issued in Washington, D.C., on August 3, 1968.

ALAN S. BOYD,
Secretary of Transportation.

[F.R. Doc. 68–9554; Filed, Aug. 9, 1968; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds; Correction

F.R. Doc. 68–8951, published at page 10727 in the issue dated Saturday, July 27, 1968, is corrected by making the following changes:

§ 10.41 Seasons and limits on doves and wild pigeons.

* * * * *

(c) *Mourning doves—Western Management Unit.*

* * * * *

Arizona[3] * * *	
California[1] [3]	Sept. 1–Sept. 30. Nov. 30–Dec. 8.
* * * * *	
Utah[3] * * *	

* * * * *

[3] Check State regulations for additional restrictions.

* * * * *

§ 10.46 Seasons and limits on rails, woodcock, and common snipe (Wilson's).

* * * * *

(a) *Atlantic Flyway States.*

* * * * *

Shooting hours: One-half hour before sunrise until sunset on all species.[6]

* * * * *

New Jersey[1] [2] * * * *	Oct. 5–Dec. 7 * * * *
New York[1] [2] * * * * *	Sept. 23–Nov. 26 * * * * *

* * * * *

[6] New York: Except in Long Island and that part of Westchester County lying south of the Hutchinson River Parkway, and other areas delineated by the State in its hunting regulations, the season on woodcock is Oct. 7–Nov. 26.

[6] New York: Except in Long Island and that part of Westchester County lying south of the Hutchinson River Parkway, and other areas delineated by the State in its hunting regulations, the season on snipe is Oct. 7–Nov. 11.

* * * * *

[6] Shooting hours in the State of New York on woodcock will begin at sunrise and end at sunset daily.

* * * * *

§ 10.53 Seasons and limits on waterfowl, gallinules, coots, and Wilson's snipe.

* * * * *

(b) Gallinules: [1]

* * * * *

Atlantic Flyway:	
New Hampshire	Closed season.
* * * * *	
Central Flyway:	
Colorado	Closed season.
* * * * *	
Mississippi Flyway:	
* * * * *	
Illinois	Closed season.
* * * * *	
Louisiana	Sept. 1–Nov. 9.
* * * * *	
Pacific Flyway:	
* * * * *	
Colorado	Closed season.

* * * * *

[2] New York: Except in Long Island and that part of Westchester County lying south of the Hutchinson River Parkway, and other areas delineated by the State in its hunting regulations.

These corrections are to become effective upon publication in the FEDERAL REGISTER.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 6, 1968.

[F.R. Doc. 68–9594; Filed, Aug. 9, 1968; 8:50 a.m.]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Havasu Lake National Wildlife Refuge, Arizona and California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations; public access, use, and recreation; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU LAKE NATIONAL WILDLIFE REFUGE

Havasu Lake National Wildlife Refuge, Needles, Calif., is open to public access, use and recreation, subject to the

provisions of Title 50, Code of Federal Regulations, all applicable Federal and State laws and regulations, and the following special conditions:

(1) Water skiing is permitted in the channelized segment of the Colorado River, as designated by signs, from 1.7 miles south of Topock, Ariz., to the north boundary of the refuge.

(2) Fires may be built only at camping and picnicking areas.

(3) Camping is limited to seven days and only at designated sites.

(4) Boating is permitted in all waters of the refuge except where restricted by appropriate signs.

(5) Vehicle access is permitted on all refuge roads except where restricted by appropriate signs.

The provisions of this special regulation supplement the regulations which govern public access, use and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1969.

BLAYNE D. GRAVES,
Refuge Manager, Havasu Lake National Wildlife Refuge, Needles, Calif.

AUGUST 6, 1968.

[F.R. Doc. 68-9568; Filed, Aug. 9, 1968; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1005]

[Docket No. AO-177-A34]

MILK IN TRI-STATE MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Daniel Boone Hotel, Washington and Capitol Streets, Charleston, W. Va., beginning at 10 a.m., on August 27, 1968, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Tri-State marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposals relative to a redefinition of the marketing area raise the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Central Ohio Cooperative Milk Producers, Dairymen's Cooperative Sales Association and Milk Producers Federation:

Proposal No. 1. Amend § 1005.16(b) to allow diversions to "an other order plant" and have such milk retain pooling privileges and a Class II utilization under Order No. 5.

Proposed by Central Ohio Cooperative Milk Producers, Dairymen's Cooperative Sales Association, Milk Producers Federation and Huntington Interstate Milk Producers Association:

Proposal No. 2. Add to the list of cities in § 1005.51(a) (1) the following: Quaker City and/or Coshocton, Ohio, and Bluefield, W. Va.

Proposal No. 3. In § 1005.53, provide for an initial location adjustment of 15 cents at a distance of 100 miles from a city listed in § 1005.51(a)(1) or extend the f.o.b. pricing (no location adjustment) to 130 miles from a city listed in § 1005.51(a)(1).

Proposed by Huntington Interstate Milk Producers Association and Dairymen's Cooperative Sales Association:

Proposal No. 4. Amend § 1005.51(a)(1) to provide that the Class I price differential shall be $1.55 for all districts.

Proposal No. 5. In § 1005.51(a), delete subparagraph (2).

Proposed by Valley Bell Dairy Co.

Proposal No. 6. Establish the Class I price differential for both the Athens-Scioto District and the Charleston-Huntington District at $1.47.

Proposal No. 7. Eliminate the additional 15 cents per hundredweight over the Class III price for producer milk used in the production of cottage cheese.

Proposed by Broughton's Farm Dairy:

Proposal No. 8. Combine the Class II and Class III classifications and have the present Class III price apply to skim milk and butterfat used to produce cottage cheese.

Proposed by Johnson's Dairy:

Proposal No. 9. Amend the order to eliminate the separate pricing districts in the Tri-State marketing area.

Proposal No. 10. Add Carter County, Kentucky, to the Charleston-Huntington District of the Tri-State marketing area.

Proposed by Beatrice Foods Co.:

Proposal No. 11. Raise the Class I price differential in the Athens-Scioto District 8 cents to the same level as that in the Charleston-Huntington District.

Proposal No. 12. Eliminate the additional 15 cents per hundredweight over the Class III price for skim milk and butterfat used to produce cottage cheese.

Proposal No. 13. Add Greenbrier and Pocahontas Counties, W. Va., and Rowan and Carter Counties, Ky., to the Tri-State marketing area.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 14. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Fred W. Issler, Post Office Box 33, Gallipolis, Ohio 45631; or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C. on August 7, 1968.

G. R. GRANGE,
Acting Deputy Administrator, Regulatory Programs.

[F.R. Doc. 68-9589; Filed, Aug. 9, 1968; 8:49 a.m.]

[7 CFR Part 1138]

[Docket No. AO 335-A13]

MILK IN RIO GRANDE VALLEY MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Rio Grande Valley marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, by the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Albuquerque, New Mexico, on June 3-4, 1968, pursuant to notice thereof which was issued May 22, 1968 (33 F.R. 7761).

The material issues on the record of the hearing relate to:

(1) Continuation of credits for specified Class II uses beyond August 1968;

(2) Point of pricing diverted milk;

(3) Pooling provisions for cooperative association "standby plants";

(4) Deletion or modification of the supply-demand adjustor to the Class I price;

(5) Changing marketwide pooling provisions to individual-handler pooling;

(6) Changing the assignment with respect to receipts of packaged milk at a pool plant from a producer-handler; and

(7) Deletion of the present exemption from pricing and pooling for larger producer-handlers.

Consideration of issues 6 and 7 is reserved for later decision. The period for filing briefs and proposed findings and conclusions with respect to issue No. 7

extends through July 20, 1968. Issue No. 6 can best be considered at the same time.

FINDINGS AND CONCLUSIONS. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Extension of special Class II credits.* Temporary order provisions which reduce cost to handlers with respect to certain uses of Class II milk, now scheduled to expire August 31, 1968, should be extended through August 1969, with modification of the rate applicable to movements to nonpool plants outside the marketing area (or use in condensed skim milk) to provide credit at approximately the 1967 level.

Since April 1966, special pricing provisions have resulted in no charge to handlers for Class II producer skim milk disposed of for livestock feed or dumped. For Class II producer skim milk used to produce condensed skim milk, and for milk or skim milk transferred from pool plants or diverted from farms in the marketing area to nonpool plants outside the marketing area, a nominal charge of approximately 15 cents per hundredweight of skim milk results under these provisions. In effect these provisions provide separate classification and pricing for the uses specified. In view of their temporary nature, the purposes of classification are accomplished by means of credits.

As set forth in detail in the decisions (31 F.R. 4732; 32 F.R. 3298) in which such provisions were first included in the order for the April 1966–February 1967 period, and later extended through August 1968, these provisions are designed to (1) encourage handlers to receive and separate milk for which they have economic use only for the resulting cream, and (2) to share among all producers the substantial costs of moving to distant nonpool manufacturing plants milk produced in the marketing area in excess of that which handlers receive at their pool plants.

The basic elements of the problem for which these provisions were designed remain in the market. There are still no facilities in the marketing area in which the skim milk component of milk can be converted into manufactured dairy products, either of a storable nature or in a form suitable to provide nonfat solids for ice cream use. Milk must still be moved substantial distances (up to 800 miles) to nonpool manufacturing plants.

Increased volumes of milk are presently subject to these special pricing provisions. For the January–April 1968 period approximately 18.3 million pounds of milk were priced under them, contrasted with 10.2 million pounds in the corresponding months of 1967. The average effect on the uniform price of the order increased from about 9.5 cents per hundredweight to about 15 cents.

While total producer receipts for the January–April period increased 12.5 percent in 1968 over those of 1967, milk produced in the marketing area increased only 4.2 percent, or 3.9 million pounds, while milk produced outside the area increased 66 percent, or 9.7 million pounds. The percentage of producer receipts from farms in the marketing area dropped from 86.7 percent to 80 percent.

Total Class I sales for the January–April period declined 3.2 percent (3.1 million pounds) from 1967 to 1968, but the producer milk classified as Class I increased by 4.9 million pounds or 5.2 percent. Class I milk assigned to other source receipts was reduced substantially, from 14.0 million pounds to 6.5 million pounds.

During the period from January 1967 through April 1968, producer milk from outside the marketing area has been received from the States of Arizona, Kansas, Oklahoma, and Utah. As of January 1967, Kansas supplied 2.5 percent of all producer milk, Arizona 4.0 percent, and Oklahoma 0.2 percent. No producer milk supplies have been received from Kansas since April 1967, when the handler supplied with Kansas milk ceased operations. In April 1968, Arizona supplied 17.0 percent of total producer milk and Utah 0.85 percent. One Texas producer whose farm is outside the marketing area has supplied the market regularly for several years.

The majority of the milk moved to distant manufacturing plants has been handled by a cooperative association, Dairy Farmers Association. During the past year this association has merged with Milk Producers, Inc., a cooperative which now represents most of the producers in Federal order markets in Texas, Oklahoma, Arkansas, and southern Kansas. Milk Producers, Inc., proposed extension of the special pricing provisions through August 1969.

The other cooperative association representing producers with farms in the marketing area, New Mexico Milk Producers Association, opposed continuation of these provisions. Heretofore, it has supported their use in the order. Before they were incorporated in the order NMMPA shared with DFA some cost of movement of milk to distant plants. NMMPA has also moved some milk under the provisions since they became effective. No position was taken at the hearing by cooperative associations which represent Arizona and Utah producers.

In opposing continuation of special pricing provisions, NMMPA attributes the increased volumes of surplus milk to be handled to what it describes as MPI failure to market milk to certain handlers at "the going price". Following the merger of DFA into MPI, the latter association attempted to negotiate with the dealers it supplied the same 50-cent premium above the Class I order price as it had earlier made effective in the other Federal order markets it supplies. With a majority of these handlers it was successful. However, two large dairies at El Paso negotiated for an Arizona supply of producer milk at a 35-cent premium. NMMPA was either unable or unwilling to negotiate a premium higher than 35 cents with the dealers it supplies.

Basically, however, NMMPA no longer wishes to share the substantial cost of handling reserve milk in the Rio Grande Valley market. It hopes to keep its relatively smaller supply of producer milk placed with local handlers, and to allow others to dispose of the reserve milk that handlers do not receive without NMMPA sharing the costs involved. While premium negotiations may be the occasion for increased surplus at this time, the record does not indicate that the problems which the provisions were designed to meet would have disappeared from the market had there been no dispute over premiums.

It is concluded that Class II credits which result in special pricing for the uses presently specified should be continued through August 1969. The method of computing the rates of credit for skim milk used for condensing and for milk or skim milk transferred or diverted to nonpool plants outside the marketing area should be revised to maintain the rate of credit at about the average rate prevailing in 1967. This can be accomplished by changing the 15-cent factor to 40 cents.

The rate of credit on all uses is computed from the value of skim milk in Class II milk. For Class II producer skim milk disposed of for livestock feed or dumped the entire value of such skim milk is credited. For that transferred or diverted as milk or skim milk to nonpool manufacturing plants the rate of credit is reduced 15 cents, resulting in a net charge of 15 cents per hundredweight.

Presently Class II prices exceed those of comparable months of 1967 by approximately 25 cents per hundredweight, but the Class II butterfat differential is the same as a year earlier. Official notice is hereby taken of announcements of minimum class prices released by the Market Administrator for May 1968 on June 5, 1968, and for June 1968 on July 5, 1968. The 25-cent increase is therefore reflected entirely in the value of skim milk. Official notice is hereby taken of the Dairy Price Support Announcement issued March 20, 1968, in which prices for nonfat dry milk to be purchased for price support were increased as of April 1, 1968, but butter prices were continued at the 1967 level. The market prices of nonfat dry milk and butter used to compute the Rio Grande Valley order Class II price and Class II butterfat differential are influenced to a substantial degree by the support price program. Hence, the present relationships may be expected to continue for some time.

The net effect under the present computation of increased Class II skim values is to increase the amount of credit. For skim milk dumped or disposed of for livestock feed, this is appropriate. There is no basis to conclude that the economic value of these uses has changed. With respect to skim milk disposed of to manufacturing plants the economic value to such plants has increased, since the market prices at which products made from it can be sold have increased.

It is concluded that, for the period for which credits are to be continued, the recent increase in Class II skim milk

value should be reflected in the net charge made for milk moved to outside nonpool plants rather than in the credit allowed the responsible handler. The same conclusion applies to skim milk used to produce condensed skim milk at in-area plants, should any such use occur. If the credit is computed by reducing the Class II skim milk value by 40 cents, the 1967 average rate of credit will be maintained. The provision should specify 40 cents rather than 15 cents in § 1138.55(b).

2. *Point of pricing diverted milk.* No change should be made with respect to provisions which determine the point at which milk diverted to nonpool plants is priced.

The Rio Grande Valley order presently prices milk produced on farms in the marketing area at the location of the pool plant from which diverted when such milk is diverted to a nonpool plant. Milk produced on farms outside the marketing area is priced at the location of the nonpool plant to which it may be diverted from a pool plant.

The New Mexico Milk Producers Association proposed that all diverted milk be priced at the location of the nonpool plant to which diverted.

The present provisions became effective in May 1965. They recognize the fact that nonpool plants to which milk produced in the marketing area may be diverted for manufacturing use are located substantially greater distances from the farms on which such milk is produced than are the pool plants to which it is normally delivered. On the other hand, the farms of Rio Grande Valley producers located outside the marketing area are much closer to nonpool plants to which their milk may be diverted than to the pool plants (all of which are in the marketing area) to which their milk is regularly delivered. This results in substantial increases in transportation costs when milk produced in the marketing area is diverted, and substantial savings in costs when milk produced outside the area is diverted.

In support of their proposed amendment, the proponent offered no evidence of change in the relative transportation costs of diversion, as between in-area producers and other producers. It merely indicated that it considered this proposal an alternative to its proposed deletion of the provisions discussed under issue No. 1. The proponent cooperative association represents only producers whose farms are located in the marketing area. It apparently does not expect its members to incur any costs of surplus removal associated with diversion to distant nonpool plants.

The provisions with respect to point of pricing diverted milk are designed to provide equity between in-area producers and other producers in the returns they receive with respect to diverted milk. This record indicates no economic reason for change. The proposal to price all such milk at the nonpool plant to which diverted should be denied.

3. *Pooling cooperative association "standby plants".* The provision for pooling a "standby" plant operated by a cooperative association should be retained in the order. Such a plant, if located in the marketing area, may be pooled if 50 percent or more of the milk delivered during the month by producer members of the cooperative association is delivered to pool plants of other handlers, either directly from farms or through its plant.

The New Mexico Milk Producers Association proposed deletion of this provision. The provision was placed in the order effective March 1967 on the record of a public hearing held January 19, 1967, at which the provision was proposed jointly by NMMPA and DFA.

NMMPA now believes this provision to be in conflict with the provisions which limit diversions by cooperative associations to either 15 or 25 percent, depending upon the month, of its member-producer milk received at all pool plants during the month. MPI operates such a "standby" plant at El Paso, equipped with storage facilities in which milk may be held for needs of pool plants of other handlers or may be assembled for transfer to distant manufacturing plants. In view of the current loss of sales to certain El Paso handlers, more milk is now transferred from the plant for manufacturing than is delivered from it to pool plants of other handlers. The opportunity to use the plant for supplemental supply to pool plants is, however, essential to servicing pool plants the association may supply in the El Paso portion of the marketing area.

There is no limitation as such upon the quantity of milk that may be transferred to nonpool plants by the operators of distributing or supply plants that qualify as pool plants under the Rio Grande Valley order. There are practical limitations, however, in that to qualify as pool plants they must use specified portions of their receipts in other designated ways. A distributing plant must dispose of 50 percent or more of its receipts as Class I milk on routes, and a supply plant must ship 50 percent or more of its receipts to pool distributing plants. Likewise, the cooperative association must deliver 50 percent or more of its member-producer milk to pool plants of other handlers if its standby plant is to be pooled. The cooperative association, therefore, has the same limitation of 50 percent of its supply that applies to other operators of pool plants with respect to milk that must be used for purposes other than transfer to nonpool plants.

Similar provisions for pooling cooperative association plants are contained in many orders without specific correlation with the diversion provisions of such orders. Any milk diverted is, of course, included in the member milk supply of which half must be delivered to pool plants of other handlers.

The provision for pooling cooperative standby plants should not be deleted from the Rio Grande Valley order on the basis of this record.

4. The supply-demand adjustor to the Class I price should be deleted from the order.

The Rio Grande Valley order provides for a supply-demand adjustment of its Class I price equal to the simple average of the supply-demand adjustments effective for the same month in the Wichita, Oklahoma Metropolitan, north Texas, central Arizona, Great Basin, and eastern Colorado orders. The supply-demand adjustors of the Wichita, Oklahoma Metropolitan, and north Texas orders have been deleted from these orders as a result of amendments effective April 1, 1968. Prior to that time they had been inoperative for substantial periods due to suspension during the pendency of amendment proceedings. The central Arizona adjustor has been suspended effective June 1, 1968, pending a public hearing proceeding to consider Class I price provisions of the order.

The New Mexico Milk Producers Association proposed deletion of the Rio Grande Valley order provisions. A handler proposed that in computation of the simple average, those orders in which supply-demand provisions were suspended or deleted should be excluded from the computation.

The present supply-demand adjustor does not measure Rio Grande Valley milk supplies in relation to sales in the market. Rather, it attempted to effect changes in the Rio Grande price in relation to changes in prices in nearby orders resulting from changes in supplies and sales in the markets regulated by such orders. The orders used represent actual or potential alternative sources of supply for the Rio Grande Valley market or provide sales competition with milk priced under the Rio Grande Valley order. Four of the six orders used for this purpose no longer have supply-demand adjustors. The influences upon marketing conditions in the Rio Grande Valley area of the eastern Colorado and Great Basin prices, which still are affected by supply-demand adjustors, are not sufficient to allow these orders alone to determine changes in the Rio Grande Valley Class I price.

At the present time the supply-demand adjustor of the Rio Grande Valley order is ineffective in modifying producer returns and handler costs in relation to marketing conditions. As set forth elsewhere in this decision, prices paid by regulated handlers for Class I milk exceed order prices by from 35 to 50 cents per hundredweight. Supply-demand adjustments computed for the months of January through April 1968 have ranged from minus 1 cent to minus 3 cents. For 1967 the maximum adjustment computed was minus 9 cents. Premiums have thus negated any effect of the adjustors. While the effect of premium prices on milk supplies and fluid sales of the Rio Grande Valley market are not reflected in the present adjustor, nevertheless the effect of the adjustor upon Rio Grande Valley prices is negated by the premium pricing.

Under these circumstances it is concluded that the present supply-demand adjustment provisions should be deleted from the order.

5. *Proposal for handler pooling.* The order should continue to return to producers proceeds from the sale of their

milk by means of a marketwide type of pool.

A handler proposed that the present marketwide pool should be replaced by handler pools. This handler operates a large milk production unit. His proposal was supported by another handler who produces part of his needs for fluid use. New Mexico Milk Producers Association also supported the proposal, as did another handler without own farm production who uses considerable Class II milk for his ice cream production. The proposal was vigorously opposed by MPI, the cooperative association which takes responsibility for handling reserve milk supplies, and for assuring its members a market for their milk.

In support of his proposal the proponent handler claimed that it would:

1. Put the business of regulating milk supplies back in the hands of the milk processor who better than anyone else can project his sales requirements;

2. Stop the present wasteful practice of milk from outside the area being imported when local milk is being exported for surplus removal;

3. Stabilize the number of producers in other order areas that become Rio Grande Valley producers;

4. Remove incentive for handlers with own production to become producer-handlers;

5. Give milk producers a higher uniform price; and

6. Eliminate need for Class I premiums which increase prices to producers.

It was clear from the proponent's testimony that he expected that under handler pooling milk supplies for the market would be reduced and that this reduction would be principally in deliveries of milk from producers whose farms are outside the marketing area. Handler pooling might reduce the volume of milk priced under the order and the number of producers supplying milk to the market. This would be because handlers without facilities for processing milk in excess of fluid needs would continue to restrict their receipts to their needs for fluid use. As a consequence, producers whole milk was not accepted by pool plants with fluid distribution would receive no share of the Class I sales of the market and might no longer have producer status on the market.

It does not follow, however, that most such producers would be those whose farms are at substantial distance outside the marketing area. Various groups of such producers have supplied the market in the past, and under varying conditions. In 1964, when 83 percent of producer milk was used in Class I, 9.8 percent of it was from outside-area producers; for 1965, the comparable percentages were 81 percent in Class I and nine percent from outside area; for 1966, 80 percent and 11.9 percent; for 1967, 77 percent and 9.8 percent; and for January–April 1968, 73 percent in Class I and 19.8 percent from outside the area.

Invariably these outside producers have been members of cooperative associations which have as their primary function supplying the needs of some other Federal order market, and which also operate surplus disposal facilities in such other market. Supplies in the other markets have been such that milk was available for Rio Grande Valley handlers. These cooperative associations have thus been in position to supply the Rio Grande Valley handlers with milk as needed for fluid use while they could manufacture reserve supplies without delivery costs.

Sale of producer milk under the Rio Grande Valley market is attractive to such organizations when the blend price (plus Class I premium, if any) exceeds the manufacturing value of such milk by more than transportation costs. Under a handler pooling system the handlers who have found distant milk a satisfactory source of producer milk supply may be expected to have higher than average blend prices. They are handlers with higher than average utilization. Consequently, the market will continue to be attractive to such supplies.

Presently, producer milk from distant sources shares through the marketwide blend price of the order any surplus that it may cause in supplies for the market. Under handler pooling, it could replace local supplies in additional pool plants without affecting the blend prices it would receive. Except for the predicted elimination of premium pricing, no basis was shown why handlers who now get distant supplies would prefer local supplies under handler pooling. Two such Rio Grande Valley pool plants are operated by cooperative associations which are primarily engaged in supplying milk under other orders.

It is difficult to see how handler pools would provide a satisfactory result in the market. Handlers have no facilities for using reserve milk supplies beyond their needs for cottage cheese and ice cream. They can be assured of dependable supplies of local milk to meet their varying needs for Class I use only if there is some organization in position to supply such milk as it is needed, and to provide the means for disposal of daily and seasonal reserve milk not currently used by the handler. No local producer organization can provide these services without sharing fully the Class I utilization of the market. Otherwise, the utilization of its members' milk could be reduced substantially below the market average. The blend prices the cooperative association performing such services would return to its members would be less than those paid other producers who did not provide such services. The proposal for handler pools should be denied.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Rio Grande Valley marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. In § 1138.51, paragraph (a) is revised to read as follows:

§ 1138.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price at plants located in Zone I (comprising all the counties in the marketing area except those specified in § 1138.52 as comprising Zones II and III) shall be the basic formula price for the preceding month plus $2.15 and plus 20 cents through April 1969.

* * * * *

2. In § 1138.55 the introductory text preceding paragraph (a) and paragraph (b) are revised to read as follows:

§ 1138.55 Credit for specified Class II uses.

From the effective date hereof through August 1969, producer milk classified as Class II milk in the following utilizations shall be subject to a credit at the respective rates specified:

* * * * *

(b) For skim milk in producer milk used to produce condensed skim milk, and for milk or skim milk transferred or diverted as Class II milk to a nonpool plant located outside the marketing area from a pool plant or from farms located within the marketing area, at the rate specified in paragraph (a) of this section, less 40 cents.

* * * * *

Signed at Washington, D.C., on August 6, 1968.

G. R. GRANGE,
Acting Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68-9556; Filed, Aug. 9, 1968; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 20]

STANDARDS FOR PROTECTION AGAINST RADIATION

Microcurie Amounts of Byproduct Material

Concurrently with publication of this notice the Atomic Energy Commission is publishing a notice of proposed rule making to amend 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material;" 10 CFR Part 31, "General Licenses for Certain Quantities of Byproduct Material and Byproduct Material Contained in Certain Items;" 10 CFR Part 32, "Specific Licenses to Manufacture, Distribute, or Import Exempted and Generally Licensed Items Containing Byproduct Material;" and 10 CFR Part 35, "Human Uses of Byproduct Material." Those proposed amendments to 10 CFR Part 32 would establish (a) criteria for the issuance of specific licenses for the manufacture, processing, production, packaging, repackaging, import, or transfer of the proposed exempt quantities of byproduct material, and (b) certain license conditions for these specific licenses.

Appendix C, 10 CFR Part 20, currently consists of a list of radioisotopes in which the kinds and quantities of byproduct material are identical to those generally licensed "not as a sealed source" by §§ 31.4 and 31.100, Schedule A, 10 CFR Part 31. The list of quantities in Appendix C, 10 CFR Part 20, is referred to in providing exceptions from labeling requirements pursuant to § 20.203 and in specifying quantities of byproducts material which may be disposed by release into sanitary sewerage systems pursuant to § 20.303(b) (2) or by burial in soil pursuant to § 20.304. For the purposes of these sections, the quantities of byproduct material in the present Appendix C may be modified to conform with the quantities proposed in the new § 30.71, Schedule B, 10 CFR Part 30, without undue risk to the health and safety of employees or the public.

Accordingly the proposed amendment to 10 CFR Part 20, "Standards for Protection against Radiation." which follows would conform the microcurie amounts of byproduct material listed in Appendix C, 10 CFR Part 20, with the quantities proposed in the new § 30.71, Schedule B, 10 CFR Part 30. Americium 241, while not included in § 30.71, Schedule B, would be added to Appendix C, 10 CFR Part 20, and the quantities listed in Appendix C for radium 226, uranium 233, 234, 235, and plutonium 239 would be reduced to values more consistent with the toxicity of those nuclides and with the criteria used to derive the exempt quantities. The quantities listed for natural uranium and natural thorium would not be reduced because of the low specific activity of those source materials and the attendant low risk of human intake of the materials. The last entry of Appendix C, 10 CFR Part 20, now provides a quantity for "Unidentified radioactive materials or any of the above in unknown mixtures." The proposed amendment would provide two listings, one for unlisted alpha emitting radionuclides or mixtures of alpha emitters of unknown composition, and one for any radionuclides, other than alpha emitting radionuclides, not listed in Appendix C or mixtures of beta emitters of unknown composition.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendment to 10 CFR Part 20 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendment should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within sixty (60) days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of the comments on the proposed rule may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Appendix C of 10 CFR Part 20 is amended to read as follows:

Material	*Microcuries*
Americium 241	0.01
Antimony 122	100
Antimony 124	10
Antimony 125	10
Arsenic 73	100
Arsenic 74	10
Arsenic 76	10
Arsenic 77	100
Barium 131	10
Barium 140	10
Bismuth 210	1
Bromine 82	10
Cadmium 109	10
Cadmium 115m	10
Cadmium 115	100
Calcium 45	10
Calcium 47	10
Carbon 14	1,000
Cerium 141	100
Cerium 143	100
Cerium 144	1
Cesium 131	1,000
Cesium 134m	100
Cesium 134	1
Cesium 135	10
Cesium 136	10
Cesium 137	10
Chlorine 36	10
Chlorine 38	10
Chromium 51	1,000
Cobalt 58m	10
Cobalt 58	10
Cobalt 60	1
Copper 64	100
Dysprosium 165	10
Dysprosium 166	100
Erbium 169	100
Erbium 171	100
Europium 152 9.2h	100
Europium 152 13yr	1
Europium 154	1
Europium 155	10
Fluorine 18	1,000
Gadolinium 153	10
Gadolinium 159	100
Gallium 72	10
Germanium 71	100
Gold 198	100
Gold 199	100
Hafnium 181	10
Holmium 166	100
Hydrogen 3	1,000
Indium 113m	100
Indium 114m	10
Indium 115m	100
Indium 115	10
Iodine 125	1
Iodine 126	1
Iodine 129	.1
Iodine 131	1
Iodine 132	10
Iodine 133	1
Iodine 134	100
Iodine 135	10
Iridium 192	10
Iridium 194	100
Iron 55	100
Iron 59	10
Krypton 85	100
Krypton 87	10
Lanthanum 140	10
Lutetium 177	100
Manganese 52	10
Manganese 54	10
Manganese 56	10
Mercury 197m	100
Mercury 197	100
Mercury 203	10
Molybdenum 99	100
Neodymium 147	100
Neodymium 149	100
Nickel 59	100
Nickel 63	10
Nickel 65	100
Niobium 93m	10
Niobium 95	10
Niobium 97	10
Osmium 185	10
Osmium 191m	100
Osmium 191	100
Osmium 193	100
Palladium 103	100
Palladium 109	100
Phosphorus 32	10
Platinum 191	100
Platinum 193m	100
Platinum 193	100
Platinum 197m	100
Platinum 197	100
Plutonium 239	.01
Polonium 210	.1
Potassium 42	10
Praseodymium 142	100
Praseodymium 143	100
Promethium 147	10
Promethium 149	10
Radium 226	.01
Rhenium 186	100
Rhenium 188	100
Rhodium 103m	100
Rhodium 105	100
Rubidium 86	10
Rubidium 87	10
Ruthenium 97	100

Material	Microcuries
Ruthenium 103	10
Ruthenium 105	10
Ruthenium 106	1
Samarium 151	10
Samarium 153	100
Scandium 46	10
Scandium 47	100
Scandium 48	10
Selenium 75	10
Silicon 31	100
Silver 105	10
Silver 110m	1
Silver 111	100
Sodium 24	10
Strontium 85	10
Strontium 89	1
Strontium 90	.1
Strontium 91	10
Strontium 92	10
Sulphur 35	100
Tantalum 182	10
Technetium 96	10
Technetium 97m	100
Technetium 97	100
Technetium 99m	100
Technetium 99	10
Tellurium 125m	10
Tellurium 127m	10
Tellurium 127	100
Tellurium 129m	10
Tellurium 129	100
Tellurium 131m	10
Tellurium 132	10
Terbium 160	10
Thallium 200	100
Thallium 201	100
Thallium 202	100
Thallium 204	10
Thorium (natural)	50
Thulium 170	10
Thulium 171	10
Tin 113	10
Tin 125	10
Tungsten 181	10.01
Tungsten 185	10.01
Tungsten 187	100
Uranium (natural)	50
Uranium 233	.01
Uranium 234–Uranium 235	.01
Vanadium 48	10
Xenon 131m	1,000
Xenon 133	100
Xenon 135	100
Ytterbium 175	100
Yttrium 90	10
Yttrium 91	10
Yttrium 92	100
Yttrium 93	100
Zinc 65	10
Zinc 69m	100
Zinc 69	1,000
Zirconium 93	10
Zirconium 95	10
Zirconium 97	10
Any alpha emitting radionuclide not listed above or mixtures of alpha emitters of unknown composition	0.01
Any radionuclide, other than alpha emitting radionuclides, not listed above or mixtures of beta emitters of unknown composition	.1

NOTES: For purposes of §§ 20.203 and 20.304, where there is involved a combination of isotopes in known amounts the limit for the combination should be derived as follows: Determine, for each isotope in the combination, the ratio between the quantity present in the combination and the limit otherwise established for the specific isotope when not in combination. The sum of such ratios for all isotopes in the combination may not exceed "1" (i.e. "unity"). Example: For purposes of § 20.304, if a particular batch contains 20,000 μc of Au^{198} and 500,000 μc of C^{14}, it may also include not more than 300 μc of I^{131}. This limit was determined as follows:

$$\frac{20{,}000\ \mu c\ Au^{198}}{100{,}000\ \mu c} + \frac{500{,}000\ \mu c\ C^{14}}{1{,}000{,}000\ \mu c} + \frac{300\ \mu c\ I^{131}}{1{,}000\ \mu c} = 1$$

The denominator in each of the above ratios was obtained by multiplying the figure in the table by 1,000 as provided in § 20.304.

(Sec. 161, 68 Stat. 948; 42 .S.C. 2201)

Dated at Washington, D.C., this 30th day of July 1968.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 68-9532; Filed, Aug. 9, 1968; 8:45 a.m.]

[10 CFR Parts 30, 31, 32, 35]

BYPRODUCT MATERIAL

Exemption of Small Quantities

The Atomic Energy Commission is considering an amendment to 10 CFR Part 30 of its regulations, as set forth below, which would exempt from licensing requirements the receipt, possession, use, transfer, ownership, or acquisition of small quantities of byproduct material and would revoke the general license for small quantities of byproduct material currently set forth in §§ 31.4 and 31.100, Schedule A, 10 CFR Part 31. Conforming amendments would also be made to the title and to §§ 31.1 and 31.2(b) of 10 CFR Part 31. Proposed amendments to 10 CFR Part 32 would establish (a) criteria for the issuance of specific licenses for the manufacture, processing, production, packaging, repackaging, import, or transfer of the proposed exempt quantities of byproduct material, and (b) certain license conditions for these specific licenses. A proposed amendment to 10 CFR Part 35 would clarify that the proposed exempt quantities of byproduct material are not for use in humans. Concurrently with publication of this notice the Commission is publishing proposed amendments of 10 CFR Part 20, "Standards for Protection Against Radiation", to conform the byproduct material portions of Appendix C, 10 CFR Part 20, to the quantities proposed for exemption in §§ 30.18 and 30.71, Schedule B, 10 CFR Part 30, to add americium 241, and to change certain other quantities listed in Appendix C.

At the present time the Commission's regulations provide in § 31.4, 10 CFR Part 31, a general license for the transfer, receipt, acquisition, ownership, possession, use, and import of certain quantities of byproduct material as set out in § 31.100, Schedule A. That schedule was last modified in 1956. Since that time additional radioisotopes have become available, and new estimates of relative hazard have been made. With the development of tracer methods and more sensitive instrumentation, small quantities of byproduct material have gained wider use. They are used increasingly as teaching aids and their research applications are expanding. It appears that use of small quantities of byproduct material would be facilitated by the proposed exemption in 10 CFR Part 30, § 30.18 set forth below, and that a degree of radiological safety comparable to that provided under the present general license can be achieved by imposing appropriate controls on the producer, importer, packager, repackager, or transferor of such quantities. The existing general license would no longer be necessary and would be revoked.

The proposed amendment to 10 CFR Part 30 would add a new § 30.71, Schedule B, of exempt quantities which revises and enlarges the schedule of radioisotopes in present § 31.100, Schedule A, Generally Licensed Quantities. Two basic criteria were used in deriving the quantities. Since inhalation is considered the most likely route of entry into the body, the quantity that would be inhaled by a standard man exposed for 1 year at the highest average concentration permitted in air (by 10 CFR Part 20) for members of the general public was computed. If the radioisotope emits gamma radiation, the quantity that, from a point source, would produce a radiation level of 1 milliroentgen per hour at a distance of 10 centimeters was also computed. The smaller of these two quantities was then logarithmically rounded to the nearest decade, in microcuries, and entered in § 30.71, Schedule B. In the case of the radionuclide krypton 85, the quantity was set at 100 microcuries to limit the external dose rate due to beta radiation.

Section 31.100, Schedule A, 10 CFR Part 31, presently specifies, for each radioisotope listed, a generally licensed quantity "as a sealed source", and a quantity "not as a sealed source". In most cases the two quantities do not differ, but in one-third of the cases the quantity "as a sealed source" is larger by a factor of 10. In the proposed schedule of quantities to be exempted no allowance is made for sealing. The quantities are generally larger than the quantities of the same radioisotopes listed in the present schedule of generally licensed quantities "not as a sealed source" by factors that average about nine. For three radioisotopes—iodine 131, manganese 56 and thallium 204—and for byproduct materials not specifically identified, the "not as a sealed source" quantities have been reduced by factors ranging from five to 10. The proposed quantities for seven radioisotopes—cerium 144, cobalt 60, europium 154, polonium 210, ruthenium 106, strontium 89, and strontium 90—would be equal to those quantities presently authorized "not as a sealed source", but lower than the present "as a sealed source" values by a factor of 10. Two of these—cobalt 60 and strontium 90—have found considerable use in sealed reference or calibration sources containing quantities higher than those proposed for exemption. The quantities for the radionuclides would be reduced to maintain a consistent relative degree of safety between the quantities of individual radionuclides under the exemption in accord with the criteria used to arrive at the quantities. Specific comment on the proposed quantity limits for those radionuclides for which the quantities would be reduced is requested to aid the Commission in judging the degree to which the proposed reduction in the individual quantities of these radionuclides might affect present uses.

The proposed amendments to 10 CFR Part 32 would establish, under Subpart A, requirements for the issuance of specific licenses to persons who manufacture, process, produce, package, repackage, import, or transfer byproduct material for commercial distribution to persons exempt pursuant to § 30.18, 10 CFR Part 30, or equivalent regulations of an agreement State.[1]

Persons holding an AEC byproduct material license or an agreement State license for manufacture, processing, or production of byproduct material would be authorized to make transfers, on a noncommercial basis, of exempt quantities of byproduct material possessed under the license. This provision is designed to accommodate the occasional transfers between laboratories of small quantities of byproduct material in tissue samples, bioassay samples, tagged compounds, counting standards, etc., which involve a negligible risk.

It is considered highly unlikely that the provisions of the proposed exemption, any individual would inhale or ingest more than a very small fraction of any radioactive material being used or that any individual would receive excessive doses of external radiation.

The Commission is considering a finding that exemption from licensing requirements for the receipt, possession, use, transfer, ownership, and acquisition of the specified quantities of byproduct material, under the conditions set out in the proposed amendments, will not constitute an unreasonable risk to the common defense and security and to the health and safety of the public.

Pursuant to Part 150, persons in agreement States who import the exempt quantities of byproduct material or who manufacture, process, or produce such quantities, for transfer on a commercial basis, would be subject to the Commission's licensing and regulatory authority. An agreement State producer, packager, repackager, or importer of byproduct material who intends to distribute quantities of byproduct material to exempt users, would be required to file an application with the Commission for a specific license authorizing the import or transfer of such quantities. The application should meet the criteria of § 32.18 of 10 CFR Part 32.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Parts 30, 31, 32, and 35 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545; Attention: Chief, Public Proceedings Branch, within sixty (60) days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments on the proposed rule may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

[1] A State to which the Commission has transferred certain regulatory authority over radioactive material by formal agreement, pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

PART 30—RULES OF GENERAL APPLICABILITY TO LICENSING OF BYPRODUCT MATERIAL

1. A new § 30.18 is added to 10 CFR Part 30 to read as follows:

§ 30.18 Exempt quantities.

(a) Except as provided in paragraphs (c) and (d) of this section, any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in Parts 30–34 of this chapter to the extent that such person receives, possesses, uses, transfers, owns, or acquires byproduct material in individual quantities each of which does not exceed the applicable quantity set forth in § 30.71 Schedule B.

(b) Any person who possesses byproduct material received or acquired prior to (date)[1] under the general license then provided in § 31.4 of this chapter is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in Parts 30–34 of this chapter to the extent that such person possesses, uses, transfers, or owns such byproduct material.

(c) This section does not authorize the production, packaging, repackaging, or import of byproduct material, for purposes of commercial distribution, or the incorporation of byproduct material into products intended for commercial distribution.

(d) No person may, for purposes of commercial distribution, import or transfer byproduct material in the individual quantities set forth in § 30.71 Schedule B, knowing or having reason to believe that such quantities or byproduct material will be transferred to persons exempt under this section or equivalent regulations of an agreement State, except in accordance with a license issued under § 32.18 of this chapter, which license states that the byproduct material may be transferred by the licensee to persons exempt under this section or the equivalent regulations of an agreement State.

[1] Effective date of these amendments.

2. A new § 30.71 is added to 10 CFR Part 30 to read as follows:

§ 30.71 Schedule B.

Byproduct Material	Microcuries
Antimony 122 (Sb 122)	100
Antimony 124 (Sb 124)	10
Antimony 125 (Sb 125)	10
Arsenic 73 (As 73)	100
Arsenic 74 (As 74)	10
Arsenic 76 (As 76)	10
Arsenic 77 (As 77)	100
Barium 131 (Ba 131)	10
Barium 140 (Ba 140)	10
Bismuth 210 (Bi 210)	1
Bromine 82 (Br 82)	10
Cadmium 109 (Cd 109)	10
Cadmium 115m (Cd 115m)	10
Cadmium 115 (Cd 115)	100
Calcium 45 (Ca 45)	10
Calcium 47 (Ca 47)	10
Carbon 14 (C 14)	1,000
Cerium 141 (Ce 141)	100
Cerium 143 (Ce 143)	100
Cerium 144 (Ce 144)	1
Cesium 131 (Cs 131)	1,000
Cesium 134m (Cs 134m)	100.01
Cesium 134 (Cs 134)	1
Cesium 135 (Cs 135)	10
Cesium 136 (Cs 136)	10
Cesium 137 (Cs 137)	10
Chlorine 36 (Cl 36)	10
Chlorine 38 (Cl 38)	10
Chromium 51 (Cr 51)	1,000
Cobalt 58m (Co 58m)	10
Cobalt 58 (Co 58)	10
Cobalt 60 (Co 60)	1
Copper 64 (Cu 64)	100
Dysprosium 165 (Dy 165)	10
Dysprosium 166 (Dy 166)	100
Erbium 169 (Er 169)	100
Erbium 171 (Er 171)	100
Europium 152 9.2 h (Eu 152 9.2 h)	100
Europium 152 13 yr (Eu 152 13 yr)	1
Europium 154 (Eu 154)	1
Europium 155 (Eu 155)	10
Fluorine 18 (F 18)	1,000
Gadolinium 153 (Gd 153)	10
Gadolinium 159 (Gd 159)	100
Gallium 72 (Ga 72)	10
Germanium 71 (Ge 71)	100
Gold 198 (Au 198)	100
Gold 199 (Au 199)	100
Hafnium 181 (Hf 181)	10
Holmium 166 (Ho 166)	100
Hydrogen 3 (H 3)	1,000
Indium 113m (In 113m)	100
Indium 114m (In 114m)	10
Indium 115m (In 115m)	100
Indium 115 (In 115)	10
Iodine 125 (I 125)	1
Iodine 126 (I 126)	1
Iodine 129 (I 129)	.1
Iodine 131 (I 131)	1
Iodine 132 (I 132)	10
Iodine 133 (I 133)	1
Iodine 134 (I 134)	100
Iodine 135 (I 135)	10
Iridium 192 (Ir 192)	10
Iridium 194 (Ir 194)	100
Iron 55 (Fe 55)	100
Iron 59 (Fe 59)	10
Krypton 85 (Kr 85)	100
Krypton 87 (Kr 87)	10
Lanthanum 140 (La 140)	10
Lutetium 177 (Lu 177)	100
Manganese 52 (Mn 52)	10
Manganese 54 (Mn 54)	10
Manganese 56 (Mn 56)	10
Mercury 197m (Hg 197m)	100
Mercury 197 (Hg 197)	100
Mercury 203 (Hg 203)	10
Molybdenum 99 (Mo 99)	100
Neodymium 147 (Nd 147)	100
Neodymium 149 (Nd 149)	100
Nickel 59 (Ni 59)	100

Byproduct Material	Microcuries
Nickel 63 (Ni 63)	10
Nickel 65 (Ni 65)	100
Niobium 93m (Nb 93m)	10
Niobium 95 (Nb 95)	10
Niobium 97 (Nb 97)	10
Osmium 185 (Os 185)	10
Osmium 191m (Os 191m)	100
Osmium 191 (Os 191)	100
Osmium 193 (Os 193)	100
Palladium 103 (Pd 103)	100
Paladium 109 (Pd 109)	100
Phosphorus 32 (P 32)	10
Patinum 191 (Pt 191)	100
Platinum 193m (Pt 193m)	100
Platinum 193 (Pt 193)	100
Platinum 197m (Pt 197m)	100
Platinum 197 (Pt 197)	100
Polonium 210 (Po 210)	.1
Potassium 42 (K 42)	10
Praseodymium 142 (Pr 142)	100
Praseodymium 143 (Pr 143)	100
Promethium 147 (Pm 147)	10
Promethium 149 (Pm 149)	10
Rhenium 186 (Re 186)	100
Rhenium 188 (Re 188)	100
Rhodium 103m (Rh 103m)	100
Rhodium 105 (Rh 105)	100
Rubidium 86 (Rb 86)	10
Rubidium 87 (Rb 87)	10
Ruthenium 97 (Ru 97)	100
Ruthenium 103 (Ru 103)	10
Ruthenium 105 (Ru 105)	10
Ruthenium 106 (Ru 106)	1
Samarium 151 (Sm 151)	10
Samarium 153 (Sm 153)	100
Scandium 46 (Sc 46)	10
Scandium 47 (Sc 47)	100
Scandium 48 (Sc 48)	10
Selenium 75 (Se 75)	10
Silicon 31 (Si 31)	100
Silver 105 (Ag 105)	10
Silver 110m (Ag 110m)	1
Silver 111 (Ag 111)	100
Sodium 24 (Na 24)	10
Strontium 85 (Sr 85)	10
Strontium 89 (Sr 89)	1
Strontium 90 (Sr 90)	.1
Strontium 91 (Sr 91)	10
Strontium 92 (Sr 92)	10
Sulphur 35 (S 35)	100
Tantalum 182 (Ta 182)	10
Technetium 96 (Tc 96)	10
Technetium 97m (Tc 97m)	100
Technetium 97 (Tc 97)	100
Technetium 99m (Tc 99m)	100
Technetium 99 (Tc 99)	10
Tellurium 125m (Te 125m)	10
Tellurium 127m (Te 127m)	10
Tellurium 127 (Te 127)	100
Tellurium 129m (Te 129m)	10
Tellurium 129 (Te 129)	100
Tellurium 131m (Te 131m)	10
Tellurium 132 (Te 132)	10
Terbium 160 (Tb 160)	10
Thallium 200 (Tl 200)	100
Thallium 201 (Tl 201)	100
Thallium 202 (Tl 202)	100
Thallium 204 (Tl 204)	10
Thulium 170 (Tm 170)	10
Thulium 171 (Tm 171)	10
Tin 113 (Sn 113)	10
Tin 125 (Sn 125)	10
Tungsten 181 (W 181)	10
Tungsten 185 (W 185)	10
Tungsten 187 (W 187)	100
Vanadium 48 (V 48)	10
Xenon 131m (Xe 131m)	1,000
Xenon 133 (Xe 133)	100
Xenon 135 (Xe 135)	100
Ytterbium 175 (Yb 175)	100
Yttrium 90 (Y 90)	10.01
Yttrium 91 (Y 91)	10
Yttrium 92 (Y 92)	100
Yttrium 93 (Y 93)	100
Zinc 65 (Zn 65)	10
Zinc 69m (Zn 69m)	100
Zinc 69 (Zn 69)	1,000
Zirconium 93 (Zr 93)	10
Zirconium 95 (Zr 95)	10
Zirconium 97 (Zr 97)	10
Any byproduct material not listed above other than alpha emitting byproduct material	.1

NOTE: An exempt quantity of any radionuclide may be composed of fractional quantities contained in one or more packages or containers, provided the sum of such fractional quantities does not exceed the quantity specified for that radionuclide in § 30.71, Schedule B. For two or more radionuclides, the exempt quantity for the combination is determined as follows: For each radionuclide, determine the ratio of the quantity desired to the quantity specified in § 30.71, Schedule B, for that nuclide. The sum of the ratios of all radionuclides shall not exceed unity.

PART 31—GENERAL LICENSES FOR BYPRODUCT MATERIAL CONTAINED IN CERTAIN ITEMS

3. The title of 10 CFR Part 31 is revised to read as set forth above.

4. Section 31.2(b) of 10 CFR Part 31 is amended to read as follows:

§ 31.2 Terms and conditions.

* * * * *

(b) Persons who transfer, receive, acquire, own, possess, use, or import items pursuant to the general licenses provided in § 31.3:

(1) Shall not effect an increase in the radioactivity of said items by adding other radioactive material thereto, by combining byproduct material from two or more such items, or by altering them in any other manner so as to increase thereby the rate or radiation therefrom;

(2) Shall not administer externally or internally, or direct the administration of, said items to a human being for any purpose, including, but not limited to, diagnostic, therapeutic, and research purposes;

(3) Shall not add, or direct the addition of said items to any food, beverage, cosmetic, drug, or other product designed for ingestion or inhalation by, or application to, a human being;

(4) Shall not include said items in any device, instrument, apparatus (including component parts and accessories thereto) intended for use in diagnosis, treatment, or prevention of disease in human beings or animals or otherwise intended to affect the structure or any function of the body of human beings or animals.

§§ 31.4, 31.100 [Revoked]

5. Sections 31.4 and 31.100 of 10 CFR Part 31 are revoked.

PART 32—SPECIFIC LICENSES TO MANUFACTURE, DISTRIBUTE, OR IMPORT EXEMPTED AND GENERALLY LICENSED ITEMS CONTAINING BYPRODUCT MATERIAL

6. New §§ 32.18, 32.19 and 32.20 are added to 10 CFR Part 32 to read as follows:

§ 32.18 Manufacture, distribution and transfer of exempt quantities of byproduct material: requirements for license.

An application for a specific license to manufacture, process, produce, package, repackage, import, or transfer quantities of byproduct material for commercial distribution to persons exempt pursuant to § 30.18 of this chapter or the equivalent regulations of an agreement State will be approved if:

(a) The applicant satisfies the general requirements specified in § 30.33 of this chapter: *Provided, however,* That the requirements of § 30.33(a) (2) and (3) do not apply to an application for a license to transfer byproduct material manufactured, processed, produced, packaged, or repackaged pursuant to a license issued by an agreement State:

(b) The byproduct material is not contained in any food, beverage, cosmetic, drug, or other commodity designed for ingestion or inhalation by, or application to, a human being, or incorporated into any commodity or product intended for commercial distribution; and

(c) The applicant submits copies of prototype labels and brochures and the Commission approves such labels and brochures.

§ 32.19 Same: conditions of licenses.

Each license issued under § 32.18 is subject to the following conditions:

(a) Each quantity of byproduct material set forth in § 30.71 Schedule B of this chapter shall be separately and individually packaged. Not more than 10 such packaged exempt quantities shall be contained in any outer package for transfer to persons exempt pursuant to § 30.18 of this chapter. The outer package shall be such that the dose rate at the external surface of the package does not exceed 0.5 millirem per hour.

(b) The immediate container of each quantity or separately packaged fractional quantity of byproduct material shall bear a durable, legible label which (1) identifies the radioisotope and the quantity of radioactivity, (2) states that the contents are exempt from AEC or Agreement State licensing requirements, and (3) bears the words "Radioactive Material—Not for Human Use or for Addition to Foods, Beverages, Cosmetics, Drugs, or Medicinals—Exempt Quantities Should Not Be Combined—Introduction Into Products Manufactured for Commercial Distribution is Prohibited." The label, or an accompanying brochure, shall also set forth appropriate additional radiation safety precautions and instructions relating to the handling, use, storage, and disposal of the radioactive material.

(c) Not more than 10 quantities set forth in § 30.71 Schedule B of this chapter shall be sold or transferred in any single transaction.

§ 32.20 Same: records and material transfer reports.

Each person licensed under § 32.18 shall maintain records identifying by name and address, each person to whom byproduct material is transferred for use under § 30.18 of this chapter or the equivalent regulations of an agreement State, and stating the kinds and quantities of byproduct material transferred, and shall file an annual report with the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545, stating the kinds and total quantities of each byproduct material transferred to such exempt persons. Each report shall cover the calendar year and shall be filed within thirty (30) days after the end of the calendar year.

PART 35—HUMAN USES OF BYPRODUCT MATERIAL

7. Section 35.2 of 10 CFR Part 35 is amended to read as follows:

§ 35.2 License requirements.

No person subject to the regulations in this chapter shall receive, possess, use, or transfer byproduct material for any human use except in accordance with a specific or general license issued pursuant to the regulations in this part and Parts 30 and 32 or 33 of this chapter.

(Sec. 81, 68 Stat. 935; 42 U.S.C. 2111; sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 30th day of July 1968.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[FR. Doc. 68-9533; Filed, Aug. 9, 1968; 8:45 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 303]

[File No. 206-9-1]

TEXTILE FIBER PRODUCTS

Fiber Content of Special Types of Products; Postponement of Hearing Date

On June 18, 1968, the Commission issued a notice of proposed rule making relating to a proposed amendment of Part 303, rules and regulations under the Textile Fiber Products Identification Act, to specify the manner and form of disclosing the required fiber content information of textile fiber products which contain two or more chemically distinct components which are combined at or prior to the time of fiber formation and which if separately extruded would fall within existing definitions of textile fibers as set forth in the rules and regulations under the Textile Fiber Products Identification Act. Such notice was published in the FEDERAL REGISTER on June 20, 1968.

On application of certain interested parties and for good cause shown, the date for presentation of oral views, arguments, and data is postponed to September 11, 1968.

Interested parties may participate by submitting in writing on or before September 11, 1968, their views, arguments, or other pertinent data to the Federal Trade Commission, Washington, D.C. 20580, or they may be given orally at such time at 10 a.m., e.d.t., at the 1101 Building, 11th Street and Pennsylvania Avenue NW., in the city of Washington, District of Columbia. Any part wishing to submit further views, arguments, or data in response to that submitted as a result of this notice or at the hearing may do so in writing at any time within 45 days after such hearing is closed.

Such action is taken pursuant to the authority given to the Federal Trade Commission under section 7(c) of the Textile Fiber Products Identification Act (72 Stat. 1717; 15 U.S.C. 70) to make such rules and regulations, including the establishment of generic names of manufactured fibers, under and in pursuance of the terms of this Act as may be necessary and proper for administration and enforcement.

Issued: August 8, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-9649; Filed, Aug. 9, 1968; 8:50 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 9 (Revised)]

DEPUTY ADMINISTRATOR AND ASSISTANT ADMINISTRATORS

Delegations of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104 of November 3, 1961, as amended, from the Secretary of State (26 F.R. 10608) and in accordance with the provisions of section 624(b) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2384), it is directed as follows:

In the event of the absence, death, resignation or disability of the Administrator, the following designated officers of the Agency for International Development shall, in the order of succession indicated, act as Administrator:

(1) Deputy Administrator.

(2) Assistant Administrator for Administration.

(3) Assistant Administrator, Bureau for Near East and South Asia.

(4) Assistant Administrator, Bureau for Vietnam.

(5) Assistant Administrator, Bureau for Africa.

(6) Assistant Administrator, Bureau for East Asia.

This delegation of authority supersedes Delegation of Authority No. 9 of January 26, 1962, as amended by (1) the third paragraph of Delegation of Authority No. 16 of June 12, 1962, and by (2) Delegation of Authority No. 34 of February 29, 1964.

This delegation of authority is effective immediately.

Dated: August 2, 1968.

WILLIAM S. GAUD,
Administrator.

[F.R. Doc. 68-9562; Filed, Aug. 9, 1968; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

ELLERTON E. WALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of August 23, 1968.

Dated: July 30, 1968.

E. E. WALL.

[F.R. Doc. 68-9545; Filed, Aug. 9, 1968; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

CERTIFICATES OF INTEREST IN PRICE-SUPPORT LOANS

Notice of Decrease in Interest Rate

In accordance with § 1479.25 of the regulations issued by the Commodity Credit Corporation governing Participation of Financial Institutions in a Pool of Price-Support Loans (7 CFR 1479.20 et seq.), published in 33 F.R. 10184, notice is hereby given that the rate of interest on certificates evidencing participation in financing such price-support loans will be changed, effective August 25, 1968, as follows: Certificates shall earn interest at the rate of 5.875 percent yearly through and including August 24, 1968, and 5.375 percent yearly thereafter until changed.

Signed at Washington, D.C., on August 7, 1968.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 68-9558; Filed, Aug. 9, 1968; 8:47 a.m.]

Packers and Stockyards Administration

HODGES CAPITAL STOCKYARDS ET AL.

Notice of Changes in Names of Posted Stockyards

Correction

In F.R. Doc. 68-9365 appearing at page 11124 in the issue of Tuesday, August 6, 1968, the entry in the "Original name of stockyard, location, and date of posting" column under the center heading "Arkansas" should read as follows: "Valley Livestock Sales Co., Russellville, Dec. 15, 1968."

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

BATTELLE MEMORIAL INSTITUTE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Docket No. 68-00528-65-46070. Applicant: Battelle Northwest, Pacific Northwest Laboratories, Division of Battelle Memorial Institute, Post Office Box 999, Richland, Wash. 99352. Article: Scanning electron microscope, Model JSM-2. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used for research programs involving detailed study of microstructures of materials. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, was being manufactured and made available to the applicant without unreasonable delay at the time the applicant placed the order for the foreign article. Reasons: The applicant required the foreign article for use in a research program already in progress at the time the foreign article was ordered, for which a firm time schedule had been established. The only known domestic manufacturer of scanning electron microscopes, K-Square Corp., quoted a delivery time of 6 months following receipt of order, whereas the foreign article was made available to the applicant within 3 months after the date on which applicant requested a quotation from the foreign manufacturer. We are advised by the National Bureau of Standards (memorandum dated June 20, 1968) that the delay in the delivery time would have seriously retarded the program in which the foreign article is intended to be used and, therefore the delivery time is pertinent to such purposes.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Service Administration.

[F.R. Doc. 68-9535; Filed, Aug. 9, 1968; 8:45 a.m.]

BOSTON UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Docket No. 68-00451-33-46040. Applicant: Boston University, School of Medicine, 15 Stoughton St., Boston, Mass. 02118. Article: Electron microscope, Model EM6B. Manufacturer: GEC-AEI Electronics, Ltd., United Kingdom. Intended use of article: The article will be used for biological research in the field of Neuroanatomy in which morphological studies on the structure of neurons and their processes will be conducted. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific article as intended to be used, is being manufactured in the United States.

Reasons: (1) The foreign article has a guaranteed resolution of five Angstroms. The only known comparable domestic instrument is the Model EMU-4 electron microscope manufactured by the Radio Corp. of America (RCA), which has a guaranteed resolution of eight Angstroms. (The lower the numerical rating in terms of Angstroms units, the better the resolution.) For the purposes for which the foreign article is intended to be used, the applicant requires the ultimately attainable resolution. Therefore, the additional resolving capabilities of the foreign article are pertinent to such purposes. (2) The foreign article provides accelerating voltages of 30, 40, 50, 60 and 80 kilovolts, whereas the RCA Model EMU-4 provides only 50 and 100 kilovolt accelerating voltages below 50 kilovolts afford optimal contrast for ultrathin biological specimens and that the voltages intermediate between 50 and 100 kilovolts afford optimal contrast for negatively stained specimens. Since the applicant intends to experiment with both unstained and negatively stained ultrathin biological specimens, the additional accelerating voltages of the foreign article are pertinent. For the foregoing reasons, we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which the foreign article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-9536; Filed, Aug. 9, 1968; 8:45 a.m.]

CALIFORNIA INSTITUTE OF TECHNOLOGY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Docket No. 68-00483-33-46040. Applicant: California Institute of Technology, 1201 East California Boulevard, Pasadena, Calif. 91109. Article: Electron Microscope, Model EM-300 and accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for the visualization of biological structures in the fields of biomedical research. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed resolution of five Angstroms. The only known comparable domestic instrument is the Model EMU-4 electron microscope manufactured by the Radio Corp. of America (RCA), which has a guaranteed resolution of eight Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capabilities of an electron microscope.) For the purposes for which the foreign article is intended to be used, the additional resolving capabilities of the foreign article are pertinent. (2) The foreign article incorporates accelerating voltages of 20, 40, 60, 80 and 100 kilovolts, whereas the RCA Model EMU-4 incorporates only 50 and 100 kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltage provides optimum contrast for unstained specimens and that the voltages intermediate between 50 and 100 kilovolts provide optimum contrast for negatively stained specimens. Since both unstained and fixed specimens will be used in conducting experiments, the additional accelerating voltages of the foreign article are pertinent. For the foregoing reasons, we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-9537; Filed, Aug. 9, 1968; 8:45 a.m.]

MEDICAL COLLEGE OF OHIO AT TOLEDO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Docket No. 68-00577-33-46040. Applicant: Medical College of Ohio at Toledo, Post Office Box 6190, Toledo, Ohio 43614. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for scientific research on fine structure of mammalian spermatozoa and on negatively stained proteins extracted from sperm. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) Foreign article has a guaranteed resolution of five Angstroms. The only known comparable domestic instrument is the Model EMU-4 electron microscope manufactured by the Radio Corporation of America (RCA), which has a guaranteed resolution of eight Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capabilities of an electron microscope.) For the purposes for which the foreign

article is intended to be used, the additional resolving capabilities of the foreign article are pertinent. (2) The foreign article incorporates accelerating voltages of 20, 40, 60, 80 and 100 kilovolts, whereas the RCA Model EMU–4 incorporates only 50 and 100 kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltage provides optimum contrast for unstained specimens and that the voltages intermediate between 50 and 100 kilovolts provide optimum contrast for negatively stained specimens. Since both unstained and fixed specimens will be used in conducting experiments, the additional accelerating voltages of the foreign article are pertinent. For the foregoing reasons, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–9538; Filed, Aug. 9, 1968; 8:45 a.m.]

OHIO STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Docket No. 68–00254–65–46040. Applicant: Ohio State University, Department of Ceramic Engineering, 190 North Oval Drive, Columbus, Ohio 43210. Article: Electron Microscope, Model JEM–30B. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used by undergraduate students for structural studies, determination of particle size and shape, grain boundary studies, fracture surface studies, nucleation development and time-temperature relational studies of ceramic systems. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is primarily intended to be used in connection with courses in ceramic engineering on the undergraduate level. The only known domestic electron microscope is the Model EMU–4 manufactured by the Radio Corporation of America (RCA). This domestic instrument is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. The foreign article is a small, relatively simple electron microscope which is suitable for teaching undergraduate students who are later expected to use the more complex instruments. In addition, the foreign article is mobile and may thus be moved from one laboratory to another for different courses, whereas the RCA Model EMU–4 requires a fixed installation with suitable provisions for water cooling and shielding. For the foregoing reasons, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–9539; Filed, Aug. 9, 1968; 8:45 a.m.]

PURDUE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Docket No. 68–00441–33–11000. Applicant: Purdue University, Lafayette, Ind. 47907. Article: Combined gas chromatograph-single focusing mass spectrometer Model LKB 9000. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for simultaneous resolution and analysis of complex biological materials in the solution of a broad spectrum of biological problems. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, is being manufactured in the United States. Reasons: The foreign article is a single unit in which the functions of a gas chromatograph, molecular separator (or interface) and a mass spectrometer have been integrated. There are known domestic manufacturers of gas chromatographs which do not produce mass spectrometers and, conversely, domestic manufacturers of mass spectrometers that do not produce gas chromatographs. Such manufacturers are in a position to offer to supply either a mass spectrometer or gas chromatograph of their own manufacture, to be combined with a gas chromatograph (or mass spectrometer) manufactured by another domestic manufacturer. However, this is not considered to constitute a "reasonable combination of instruments" within the purview of § 602.1(e) of the regulations cited above, unless (a) the domestic manufacturer offering to furnish the combination undertakes to functionally integrate the instruments as a single operating unit and (b) establish through appropriate test procedures the performance characteristics and specifications of the chromatographic and spectrometric functions as a single unit. (See decision on Docket Number 67–00108–33–11000, 33 F.R. 597, Jan. 17, 1968.)

The Department of Commerce knows of only two domestic manufacturers which offer combinations that meet these criteria; Varian Associates (Varian) and Perkin-Elmer Corporation (P-E). The following presents a comparison of the pertinent characteristics and pertinent specifications of the foreign article, with similar pertinent characteristics and pertinent specifications of the P-E Model L–270 (P-E brochure on L–270/RP56710) and the Varian Model MS/GC (Varian brochure INS 1655A): (1) The foreign article provides a sensitivity of 0.2 nanograms per second for methyl stearate with a signal-to-noise ratio of 10 to 1 at a scan speed of one mass decade per second. The P-E Model L–270 provides a sensitivity of less than 3×10^{-9} gram [30 nanograms] per second for methyl stearate with a signal-to-noise ratio greater than unity for a one-second decade scan rate. The Varian Model MS/GC specifies a sensitivity of 20 nanograms per second, with no associated specification for the type of sample, signal-to-noise ratio or the scan speed. (2) The foreign article provides a resolution of better than 1,000 at 10 percent valley, over a mass range from 1 to 1,000 atomic mass units, at a 3.5 kilovolt acceleration and ionization potential of 70 electron volts. The P-E Model L–270 specifies a resolution of 850 at 10 percent valley, with no corresponding specifications for the useable mass range, accelerating voltage or ionizing potential. The Varian Model MS/GC has a specified "standard resolution in MS/GC studies" of 800 at one-half of the height of the maximum peak. According to the conversion table furnished by Varian, this corresponds to a resolution of approximately 425 when taken at 10 percent valley. For the purposes for which the foreign article is intended to be used, both sensitivity and resolution are pertinent characteristics. We therefore find that for such purposes, neither the P-E Model 270 nor the Varian Model MS/GC is of equivalent scientific value to the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–9540; Filed, Aug. 9, 1968; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[Interim Policy Statement 10]

EXPIRATION OF COMMUNITY WORK AND TRAINING PROGRAM

Notice of Interim Policies and Requirements

Notice is hereby given that the regulations set forth below (made pursuant to section 1102 of the Social Security Act, 42 U.S.C. 1302) prescribe certain interim policies and requirements for Social and Rehabilitation Service programs which were announced, in a policy statement with binding effect on June 28, 1968, by the Administrator, Social and Rehabilitation Service. Interested persons who wish to submit comments, suggestions, or objections pertaining thereto may present their views in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of these interim policies and requirements in the FEDERAL REGISTER. The final regulations will be codified in Title 45 of the Code of Federal Regulations.

Dated: July 17 1968.

[SEAL] MARY E. SWITZER,
Administrator, Social and Rehabilitation Services.

Approved: August 3, 1968.
WILBUR J. COHEN,
Secretary.

Subject. Expiration of Community Work and Training Program.

Purpose. To implement section 204(c)(2) of P.L. 90–248.

Policy statement. The provisions of section 409 of the Social Security Act, as amended, "Community Work and Training Programs," shall not apply to any State with respect to any quarter beginning after June 30, 1968. Federal financial participation will not be available in expenditures made in the form of payments for work performed in any month after June 1968, except under the Work Incentive Program or title V of the Economic Opportunity Act.

[F.R. Doc. 68–9573; Filed, Aug. 9, 1968; 8:48 a.m.]

[Interim Policy Statement 9]

MAINTENANCE OF STATE EFFORT

Notice of Interim Policies and Requirements

Notice is hereby given that the regulations set forth below (made pursuant to section 1102 of the Social Security Act, 42 U.S.C. 1302) prescribe certain interim policies and requirements for Social and Rehabilitation Service programs which were announced, in a policy statement with binding effect on States, on June 28, 1968, by the Administrator, Social and Rehabilitation Service. Interested persons who wish to submit comments, suggestions, or objections pertaining thereto may present their views in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of these interim policies and requirements in the FEDERAL REGISTER. The final regulations will be codified in Title 45 of the Code of Federal Regulations.

Dated: July 17, 1968.

[SEAL] MARY E. SWITZER,
Administrator, Social and Rehabilitation Service.

Approved: August 3, 1968.

WILBUR J. COHEN,
Secretary.

1. *Subject.* Maintenance of State effort.

2. *Purpose.* To implement the 1967 amendments to section 1117 of the Social Security Act.

3. *Regulations.* Federal financial participation:

A. For fiscal years ending June 30, 1967, and June 30, 1968, a State may, at its option, apply the "maintenance of State effort" provisions under section 1117 on a fiscal year basis rather than on a quarterly basis. If a State exercises this option, it must choose, as the base period against which its effort is to be measured, either the fiscal year ending June 30, 1965, or the fiscal year ending June 30, 1964. Subsections (b) and (c) of section 1117 (relating to the manner of determining expenditures and reductions) would also be applied on a fiscal year basis if the State exercises this option.

B. A State may, at its option, apply the "maintenance of State effort" provisions under section 1117 on the basis of several additional alternatives as to the expenditures (total and Federal share) that will be taken into account in determining whether a reduction is necessary under this section.

(1) The State may take into account, as previously provided, all expenditures under titles I, IV (Part A), X, XIV, XVI, and XIX (including money payments, vendor medical payments and costs of administration); or

(2) The State may make the determination (a) on the basis of these expenditures plus the expenditures under section 523 (or section 422 of the Social Security Act, as amended by section 240 (c) of P.L. 90–248), relating to child welfare services, (b) on the basis of money payments alone (under titles I, IV (Part A), X, XIV, and XVI), or (c) on the basis of money payments alone plus the expenditures under section 523 or 422.

C. These additional options both as to making the determination on a fiscal year rather than quarterly basis, and as to the expenditures included, may be applied retroactively to July 1, 1966, by any State subject to a reduction under the provisions of section 1117 as in effect prior to the 1967 Amendments.

D. The "maintenance of State effort" provisions have been made inapplicable to periods prior to July 1, 1966.

E. Section 1117 is repealed, effective July 1, 1968.

[F.R. Doc. 68–9574; Filed, Aug. 9, 1968; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50–295, 50–304]

COMMONWEALTH EDISON CO.

Notice of Hearing on Application for Provisional Construction Permits

Pursuant to the Atomic Energy Act of 1954, as amended (the Act) and the regulations to Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities", and Part 2, rules of practice, notice is hereby given that a hearing will be held at 10 a.m., local time, on September 24, 1968, in Courtroom 407, Lake County Administration Building, North Entrance, Washington and County Streets, Waukegan, Ill., to consider the application filed under section 104b. of the Act by Commonwealth Edison Co. (the applicant) for provisional construction permits for two pressurized water reactors, each designed to initially operate at 3,250 megawatts (thermal) to be located at the applicant's Zion Station, on the west shore of Lake Michigan in Zion, Lake County, Ill., approximately 6 miles north-northeast of Waukegan, Ill., and 8 miles south of Kenosha, Wis.

The hearing will be conducted by the Atomic Safety and Licensing Board designated by the Atomic Energy Commission, consisting of Dr. Stuart G. Forbes, Idaho Falls, Idaho; Dr. John H. Buck, Los Angeles, Calif.; Samuel W. Jensch, Esq., Chairman, Washington, D.C., Mr. Reuel C. Stratton, Hartford, Conn., has been designated as a technically qualified alternate, and Jack M. Campbell, Esq., Santa Fe, N. Mex., has been designated as an alternate qualified in the conduct of administrative proceedings.

A prehearing conference will be held by the Board at 10 a.m., local time, on September 10, 1968, in the Library, Suite 5101, Federal Office Building No. 7, 17th and H Streets NW., Washington, D.C. 20242 (entrance on 17th Street), to consider the matters provided for consideration by § 2.752 of 10 CFR Part 2 and section II of Appendix A to 10 CFR Part 2.

The Director of regulation proposes to make affirmative findings on Item Numbers 1–3 and a negative finding on Item 4 specified below as the basis for the issuance of provisional construction permits to the applicant substantially in the forms proposed in Appendices A and B hereto.

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicant has described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest dates stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public;

2. Whether the applicant is technically qualified to design and construct the proposed facilities;

3. Whether the applicant is financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for the construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

In the event that this proceeding is not a contested proceeding, as defined by § 2.4 of the Commission's rules of practice, 10 CFR Part 2, the Board will, without conducting a de novo evaluation of the application, consider the issues of whether the application and the record of the proceeding contain sufficient information, and the review by the Commission's regulatory staff has been adequate, to support the findings proposed to be made and the provisional construction permits proposed to be issued by the Director of Regulation.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as the issues in this proceeding, Item Numbers 1 through 4 above as the basis for determining whether provisional construction permits should be issued to the applicant.

As they become available, the application, the applicant's summary of the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS) and the Safety Evaluation by the Commission's regulatory staff will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., where they will be available for inspection by members of the public. Copies of this notice of hearing, the ACRS report, the applicant's summary of the application and the regulatory staff's Safety Evaluation will also be available at the Lake County Administration Building, North Entrance, Courtroom 407, Washington and County Streets, Waukegan, Ill. 60085, for inspection by members of the public each weekday between the hours of 9 a.m. and 5 p.m. Copies of the ACRS report and the regulatory staff's Safety Evaluation may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who does not wish to file a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of § 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, by September 5, 1968.

Any person whose interest may be affected by the proceeding who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a petition for leave to intervene.

Petitions for leave to intervene, pursuant to the provisions of § 2.714 of the Commission's rules of practice, must be received in the Office of the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than September 5, 1968, or in the event of a postponement of the prehearing conference, at such time as the Board may specify. The petition shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail. A petition which sets forth contentions relating only to matters outside the Commission's jurisdiction will be denied. A petition for leave to intervene which is not timely filed will be denied unless the petitioner shows good cause for failure to file it on time.

A person permitted to intervene becomes a party to the proceeding, and has all the rights of the applicant and the regulatory staff to participate fully in the conduct of the hearing. For example, he may examine and cross-examine witnesses. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specific in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of § 2.705 of the Commission's rules of practice, must be filed by the applicant on or before September 5, 1968.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the Board, parties are required to file, pursuant to the provisions of § 2.708 of the Commission's rules of practice, an original and twenty conformed copies of each such paper with the Commission.

Dated at Germantown, Md., this 6th day of August 1968.

UNITED STATES ATOMIC ENERGY COMMISSION,
F. T. HOBBS,
Assistant Secretary.

APPENDIX A

COMMONWEALTH EDISON CO. (ZION STATION UNIT 1)

[Docket No. 50-295]

PROVISIONAL CONSTRUCTION PERMIT

Construction Permit No. .....

1. Pursuant to section 104b, of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, Chapter I, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and pursuant to the order of the Atomic Safety and Licensing Board, the Atomic Energy Commission (the Commission) hereby issues a provisional construction permit to Commonwealth Edison Co. (the applicant) for a utilization facility (the facility), designed to operate at 3,250 megawatts (thermal), described in the application and amendments thereto (the application) filed in this matter by the applicant and as more fully described in the evidence received at the public hearing upon that application. The facility, known as Zion Station Unit No. 1, will be located at the applicant's Zion Station site on the west shore of Lake Michigan in Zion, Lake County, Ill., approximately 6 miles north-northeast of Waukegan, Ill., and 8 miles south of Kenosha, Wis.

2. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act, and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the conditions specified or incorporated below:

A. The earliest date for the completion of the facility is September 1, 1971, and the latest date for completion of the facility is July 1, 1972.

B. The facility shall be constructed and located at the site as described in the application on the west shore of Lake Michigan in Zion, Lake County, Ill.

C. This construction permit authorizes the applicant to construct the facility described in the application and the hearing record in accordance with the principal architectural and engineering criteria set forth therein.

3. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless (a) the applicant submits to the Commission, by amendment to the application, the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; and (c) the applicant submits proof of financial protection and the execution of an indemnity agreement as required by section 170 of the Act.

For the Atomic Energy Commission.

APPENDIX B

COMMONWEALTH EDISON CO. (ZION STATION UNIT 2)

[Docket No. 50-304]

PROVISIONAL CONSTRUCTION PERMIT

Construction Permit No. .....

1. Pursuant to section 104 b. of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, Chapter I, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and pursuant to the order of the Atomic Safety and Licensing Board, the Atomic Energy Commission (the Commission) hereby issues a provisional construction permit to Commonwealth Edison Co. (the applicant) for a utilization facility (the facility), designed to operate at 3,250 megawatts (thermal), described in the application and amendments thereto (the application) filed in this matter by the applicant and as more fully described in the evidence received at the public hearing upon that application. The facility, known as Zion Station Unit No. 2, will be located at the applicant's Zion Station site on the west shore of Lake Michigan in Zion, Lake County, Ill., approximately 6 miles north-northeast of Waukegan, Ill., and 8 miles south of Kenosha, Wis.

2. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act, and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the conditions specified or incorporated below:

A. The earliest date for the completion of the facility is September 1, 1972, and the latest date for completion of the facility is July 1, 1973.

B. The facility shall be constructed and located at the site as described in the application on the west shore of Lake Michigan in Zion, Lake County, Ill.

C. This construction permit authorizes the applicant to construct the facility described in the application and the hearing record in accordance with the principal architectural and engineering criteria set forth therein.

3. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless (a) the applicant submits to the Commission, by amendment to the application, the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; and (c) the applicant submits proof of financial protection and the execution of an indemnity agreement as required by section 170 of the Act.

For the Atomic Energy Commission.

Dated at Bethesda, Md., this 31st day of July 1968.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 68-9557; Filed, Aug. 9, 1968; 8:45 a.m.]

[Docket No. 50-188]

KANSAS STATE UNIVERSITY

Notice of Issuance of Facility License Amendment

No request for hearing or petition to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Amendment No. 3 to Facility License No. R-88 to Kansas State University. The amendment authorizes the University to operate its TRIGA Mark II type nuclear reactor at power levels up to 250 kilowatts (thermal) in accordance with technical specifications incorporated into the amended license. The amendment was issued as set forth in the notice of proposed issuance published in the FEDERAL REGISTER on July 6, 1968, 33 F.R. 9790.

Dated at Bethesda, Md., this 31st day of July 1968.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 68-9534; Filed, Aug. 9, 1968; 8:45 a.m.]

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Notice of Hearing on Application for Provisional Construction Permit

Pursuant to the Atomic Energy Act of 1954, as amended (the Act) and the regulations to Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held at 10 a.m., local time, on September 18, 1968, in the Hearing Room, Municipal Building, U.S. Route 1, Wiscasset, Maine, to consider the application filed under section 104b of the Act by Maine Yankee Atomic Power Co. (the applicant) for a provisional construction permit for a pressurized water reactor, designed to initially operate at 2,440 megawatts (thermal), to be located at the applicant's Maine Yankee Atomic Power Station in Lincoln County, Maine, on the west shore of the Back River, about 3.9 miles south of Wiscasset, Maine.

The hearing will be conducted by the Atomic Safety and Licensing Board designated by the Atomic Energy Commission, consisting of Dr. A. Dixon Callihan, Oak Ridge, Tennessee; Dr. Clarke Williams, Upton, Long Island, N.Y.; and Valentine B. Deale, Esq., Chairman, Washington, D.C. Dr. Lawrence R. Quarles, Charlottesville, Va., has been designated as a technically qualified alternate; and Arthur W. Murphy, Esq., New York, N.Y., has been designated as an alternate qualified in the conduct of administrative proceedings.

A prehearing conference will be held by the Board at 2 p.m., local time, on September 4, 1968, in the Hearing Room, Municipal Building, U.S. Route 1, Wiscasset, Maine, to consider the matters provided for consideration by § 2.752 of 10 CFR Part 2 and section II of Appendix A to 10 CFR Part 2.

The Director of Regulation proposes to make affirmative findings on Item Numbers 1–3 and a negative finding on Item 4 specified below as the basis for the issuance of a provisional construction permit to the applicant substantially in the form proposed in Appendix A hereto.

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicant has described the proposed design of the facility, including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest dates stated in the application for completion of construction of the proposed facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public;

2. Whether the applicant is technically qualified to design and construct the proposed facility;

3. Whether the applicant should be granted an interim exemption, pursuant to its request in Amendment No. 13 to the application, dated July 16, 1968, from the requirements of Part 50 that it demonstrate prior to the issuance of the construction permit that it is financially qualified to design and construct the proposed facility; and

4. Whether the issuance of a permit for the construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

In the event that this proceeding is not a contested proceeding, as defined by § 2.4 of the Commission's rules of practice, 10 CFR Part 2, the Board will, without conducting a de novo evaluation of the application, consider the issues of whether the application and the record of the proceeding contain sufficient information, and the review by the Commission's regulatory staff has been adequate, to support the findings proposed to be made and the provisional construction permit proposed to be issued by the Director of Regulation.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as the issues in this proceeding, Item Numbers 1 through 4 above as the basis for determining whether the provisional construction permit should be issued to the applicant.

As they become available, the application, the applicant's summary of the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS) and the Safety Evaluation by the Commission's regulatory staff will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., where they will be available for inspection by members of the public. Copies of this notice of hearing, the ACRS report, the applicant's summary of the application and the regulatory staff's Safety Evaluation will also be available at the Municipal Building, U.S. Route 1, Wiscasset, Maine, for inspection by members of the public Monday through Friday between the hours of 8:30 a.m. and 4 p.m. Copies of the ACRS report and the regulatory staff's Safety Evaluation may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who does not wish to file a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of § 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, by August 30, 1968.

Any person whose interest may be affected by the proceeding who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a petition for leave to intervene.

Petitions for leave to intervene, pursuant to the provisions of § 2.714 of the Commission's rules of practice, must be received in the Office of the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than August 30, 1968, or in the event of a postponement of the prehearing conference, at such time as the Board may specify. The petition shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail. A petition which sets forth contentions relating only to matters outside the Commission's jurisdiction will be denied. A petition for leave to intervene which is not timely filed will be denied unless the petitioner shows good cause for failure to file it on time.

A person permitted to intervene becomes a party to the proceeding, and has all the rights of the applicant and the regulatory staff to participate fully in the conduct of the hearing. For example, he may examine and cross-examine witnesses. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of § 2.705 of the Commission's rules of practice, must be filed by the applicant on or before August 30, 1968.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the Board, parties are required to file, pursuant to the provisions of § 2.708 of the Commission's rules of practice, an original and twenty conformed copies of each such paper with the Commission.

Dated at Washington, D.C., this 7th day of August 1968.

UNITED STATES ATOMIC ENERGY COMMISSION,
F. T. HOBBS,
Assistant Secretary.

APPENDIX

PROVISIONAL CONSTRUCTION PERMIT

Construction Permit No. _____

1. Pursuant to section 104b of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, Chapter I, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and pursuant to the order of the Atomic Safety and Licensing Board, the Atomic Energy Commission (the Commission) hereby issues a provisional construction permit to Maine Yankee Atomic Power Co. (the applicant) for a utilization facility (the facility), designed to operate at 2,440 megawatts (thermal), described in the application and amendments thereto (the application) filed in this matter by the applicant and as more fully described in the evidence received at the public hearing upon that application. The facility, known as the Maine Yankee Atomic Power Station, will be located at the applicant's 740-acre site on the west shore of the Back River, in Lincoln County, Maine, approximately 3.9 miles south of Wiscasset, Maine.

2. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act, and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the conditions specified or incorporated below:

A. The earliest date for the completion of the facility is October 1, 1971, and the latest date for completion of the facility is December 31, 1973.

B. The facility shall be constructed and located at the site as described in the application on the west shore of the Back River in Lincoln County, Maine.

C. This construction permit authorizes the applicant to construct the facility described in the application and the hearing record in accordance with the principal architectural and engineering criteria set forth therein.

3. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless (a) the applicant submits to the Commission, by amendment to the application, the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; and (c) the applicant submits proof of financial protection and the execution of an indemnity agreement as required by section 170 of the Act.

4. This construction permit is conditioned upon the submission by the applicant on or before (1 year after issuance of initial decision) of sufficient information relating to the financial resources of the Maine Yankee Atomic Power Co. to enable the Commission to make a finding that the company is financially qualified to design and construct the proposed facility. The time within which such information shall be submitted may be extended from time to time for periods not to exceed twelve months each by order of the Commission on motion for good cause shown, including evidence of the applicant's current financial condition.

For the Atomic Energy Commission.

[F.R. Doc. 68-9562; Filed, Aug. 9, 1968; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18388]

FLYING TIGER LINE ADDITIONAL POINTS CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 4, 1968, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Merritt Ruhlen.

In order to facilitate the conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before August 23, 1968, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., August 6, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 68-9563; Filed, Aug. 9, 1968; 8:47 a.m.]

[Docket No. 19330]

PIEDMONT CHICAGO ENTRY CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 5, 1968, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Herbert K. Bryan.

In order to facilitate the conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before August 29, 1968, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., August 6, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 68-9564; Filed, Aug. 9, 1968; 8:47 a.m.]

[Docket No. 18078; Order 68-8-21]

TRANSATLANTIC AND TRANSPACIFIC PRIORITY SERVICE MAIL RATES AND SERVICE MAIL RATES FOR MILITARY ORDINARY MAIL

Provisional Findings and Conclusions and Order To Show Cause

AUGUST 6, 1968.

STATEMENT OF PROVISIONAL FINDINGS AND CONCLUSIONS

The Board is hereby proposing establishment of new service mail rates for transatlantic and transpacific priority airmail and worldwide military ordinary mail (MOM). For the period January 1, 1967, through June 30, 1968, the rates proposed are 36 cents per ton-mile for transatlantic airmail, 32.4 cents per ton-mile for transpacific airmail, and 24.57 cents per ton-mile for MOM. On and after July 1, 1968, rates of 32 cents per ton-mile for transatlantic airmail, 28.8 cents per ton-mile for transpacific airmail, and 21.84 cents per ton-mile for MOM are proposed.

The investigation, which the Board proposes to terminate by this order, was undertaken on the Board's own motion when it reopened the rates effective January 1, 1967.[1] At that time, the transatlantic airmail rate was 40 cents per ton-mile, and the transpacific airmail rate was 36 cents per ton-mile. Both of these rates had been effective as final rates since October 1, 1964.[2] The military ordinary mail (MOM) rate was 27.3 cents per ton-mile worldwide, having been initially established at that level during 1960.[3]

In reopening the rates, the Board called attention to the substantial decline in transatlantic and transpacific average costs since 1964. It noted that overall average costs per revenue ton-mile in fiscal year 1966, excluding non-mail costs but allowing a 10-percent return on investment, had declined from the fiscal 1964 levels by about 19 percent in the Atlantic and 25 percent in the Pacific. On the same basis, average available ton-mile costs declined by about 10 percent in the Atlantic and 20 percent in the Pacific. The Board concluded that the magnitude of the indicated unit costs declines in fiscal years 1965 and 1966 called into question the continued reasonableness of mail rates predicated on the cost experience of fiscal year 1964.

The rates proposed in this order were arrived at in informal conferences. Extensive discussions were initially conducted between the Board staff and representatives of the Post Office Department, the Department of Defense, Pan American World Airways, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., and Seaboard World Airlines, Inc. At a later stage, the Board itself, joined these discussions.

The focus of the conferences, from which the rates proposed emerged, was on the cost of the transatlantic and transpacific mail services performed by the U.S.-flag carriers. There was considerable discussion of the trend in average costs experienced by such carriers since the last rate adjustment in 1964. There was also much discussion of various mail costing and pricing arguments raised by individual parties.

On the basis of the information developed in the course of these conferences, it is clear that the costs of the mail services have declined since 1964 when the current airmail rates were set. However, it is also clear that a portion of the decline of carrier reported overall unit costs is due to the increasing extent, since 1964, of the very low cost military charter operations which have little relevance to mail services.[4] Accordingly, a substantial element of judgment is entailed in determining the extent of the required mail rate reduction. An additional judgment area relates to the likely behavior of future unit costs in the light of inflationary cost pressures and present uncertainties surrounding foreign travel, which may affect passenger traffic growth and load factors, and therefore the share of joint costs allocable to the mail services.

In the informal conferences it also became apparent that the questions of what rate should be fixed for the past and what rate should be fixed for the future were closely related issues. While there was no apparent reason why the rate for the past period should be much different from the rate to apply for the future, it developed during the conferences that the parties would not object to the establishment of final rates on the basis of a two-step formula, namely, a 10-percent reduction for the period from January 1967 to June 1968 and a 20-percent cut thereafter.[5]

Considering the matters discussed above and all the data available to it, the Board is of the view that the service mail rates produced in the aggregate by this formula are reasonable. While the Board might not consider the 10-percent reduction for the period January 1, 1967, through June 30, 1968, to be reasonable standing alone, it does consider it reasonable when coupled with a 20-percent reduction for the indefinite future.

The Board wishes to make it clear that in proposing this rate adjustment it is not passing on any of the many issues raised by the parties. Our judgment that the proposed adjustment is fair and reasonable is based in large part on the fact that, notwithstanding their diverse interests, the parties have each stated that they would prefer to accept such an informal disposition rather than pursue their individual contentions in a formal proceeding. The Board also believes that it has sufficient general information available to it, including that obtained by its participation in the informal conferences, to make a judgment that such a

[1] Order E-24579, Dec. 29, 1966.
[2] Order E-21514, Nov. 19, 1964.
[3] Order E-15182, May 4, 1960 (31 CAB 865), applicable to Atlantic services. Order E-15463, June 29, 1960 (31 CAB 893), applicable to Pacific services. Order E-16012, Nov. 10, 1960 (32 CAB 1303), applicable to Latin American services.

[4] Some indication of the relative efficiency of military charters for example, may be gained from the fact that cargo in round-trip military charters is currently rated at 7.06 cents per ton-mile, 42 percent below the comparable average cost per available ton-mile of 12 cents reported by Pan American and Northwest for transpacific services during the 12 months ending Sept. 30, 1967. It is 57 percent below the Atlantic comparable average cost per available ton-mile of 16.66 cents reported by Pan American and TWA during the same period.

[5] The 20-percent reduction is in relation to the previous final rates not the rates to be established for the 18-month past period.

disposition is within the zone of reasonableness. In view of these facts, the Board believes that the public interest would not be served by requiring the parties to pursue formal procedures.

Conclusion. On the basis of the foregoing, the Board tentatively finds that the fair and reasonable rates of compensation to be paid the carriers named below by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft over their respective routes as described below, the facilities used and useful therefor, and the services connected therewith are as follows:

1. For all mail matter other than specific mail matter for which rates are elsewhere established, the rates of compensation shall be as follows:

a. During the period January 1, 1967, through June 30, 1968, the compensation to be paid Pan American World Airways, Inc., Seaboard World Airlines, Inc., and Trans World Airlines, Inc., in transatlantic service [6] shall be a rate of 36 cents per ton-mile to be paid in accordance with the terms and conditions set forth below.

b. During the period January 1, 1967, through June 30, 1968, the compensation to be paid Pan American World Airways, Inc., and Northwest Airlines, Inc., in transpacific service [7] shall be a rate of 32.4 cents per ton-mile to be paid in accordance with the terms and conditions set forth below.

c. On and after July 1, 1968, the transatlantic services [8] of Pan American World Airways, Inc., Seaboard World Airlines, Inc., and Trans World Airlines, Inc., shall be compensated at the rate of 32 cents per ton-mile; and the transpacific services [8] of Pan American World Airways, Inc., and Northwest Airlines, Inc., shall be compensated at the rate of 28.8 cents per ton-mile. These rates are to be paid in accordance with the terms and conditions set forth below.

Mail ton-miles. The mail ton-miles for each shipment of mail shall be based upon the standard mileage established herein for service between the points of origin and destination of each shipment.

[6] "Transatlantic service" as used herein is defined as those services performed by Pan American, Seaboard, and TWA over their respective routes:

(1) Between points in the United States, on the one hand, and points in Bermuda, Europe, Africa, and Asia, on the other hand, via the Atlantic; and

(2) Between points in Bermuda, Europe, Africa and Asia, as authorized by certificates of public convenience and necessity or exemptions.

[7] "Transpacific service" as used herein is defined as those services performed by Pan American and Northwest over their respective routes:

(1) Between points in the United States, on the one hand, and foreign and overseas points in the Pacific area, on the other hand; and

(2) Between foreign and overseas points in the Pacific area, as authorized by certificates of public convenience and necessity or exemptions.

[8] See footnote 6, supra.

[9] See footnote 7, supra.

Standard mileage. The standard mileage for each pair of points shall be as set forth in the Appendix to this order.[9a]

Changes in standard mileage. The standard mileages set forth in the appendix to this order [9a] shall remain in effect throughout the period this rate order is in effect: *Provided, however,* That at any time the Board may institute a proceeding and any carrier subject to this order and/or the Postmaster General may make application to the Board for establishment of standard mileages to a new point: *And provided further, however,* That once each fiscal year the Board may institute a proceeding and any carrier subject to this order and/or the Postmaster General may make application to the Board for revision of any standard mileage effective July 1 of such fiscal year. Such applications will not be regarded as reopening the rate. Applications provided for above shall be clearly entitled "Application for (New) (Revised) Standard mileage", shall contain a clear and concise statement of the requested standard mileage or standard mileage revision, the facts upon which such request is based, and shall in all other respects conform to the applicable requirements of the rules of practice.

In establishing standard mileages to a new point, the Board will consider the routings of flights to such point and the number of flights required by the postal service. In establishing revised standard mileages, the Board will consider the effect of changes in airport location, mail flow, and flight routings reflected in the carriers' general schedules during the first seven days of the month of May immediately preceding the July 1 effective date of such revision.

Origin and destination of mail shipments. As used herein "point of origin" means the point at which the carrier first enplanes the mail shipment after receipt thereof from a Postal Administration or its representatives, from another ratemaking division of the same carrier the operations of which division are not encompassed herein, or from another carrier; and "point of destination" means the point at which the carrier deplanes the mail shipment for delivery to a Postal Administration or its representatives, to a separate ratemaking division of the same carrier the operations of which division are not encompassed herein, or to another carrier.

Equalization of rates—1. *Election to equalize.* Any air carrier, or, pursuant to agreement, any two or more air carriers providing service on an interline or interchange basis, may, by notice, elect to establish a reduced charge for the carriage of mail between:

(a) Any point where a U.S. Post Office Department international exchange office is located [10] and any other point to which such international exchange office is authorized to dispatch airmail, or

(b) Foreign points,

equal to the charge then in effect for service between such points by any other air carrier or air carriers.[11]

2. *Common-rating of certain points.* Any carrier, or, pursuant to agreement, any two or more carriers providing service on an interline or interchange basis, may, by notice, elect to establish a reduced charge for the carriage of mail between San Francisco, Calif., and Tokyo, Japan, equal to the charge then in effect for service between Seattle, Wash., and Tokyo, Japan. Any such reduced charge shall apply to all mail carried between San Francisco, Calif., and Tokyo, Japan, moving to, from, or beyond San Francisco and to, from, or beyond Tokyo.

Notice of election to equalize rate. An original and three copies of each notice of election and agreement pursuant to equalization paragraph 1 or 2 above shall be filed with the Board and a copy thereof shall be served upon the Postmaster General and each carrier providing online or connecting service between the stated points. Such notices shall contain a complete description of the reduced charge being established, the routing over which it applies, how it is constructed, and the charge with which equalization is sought.

Any equalized rate established pursuant to this order shall be effective for the electing carrier or carriers as of the date of filing of the notice required by such paragraphs or such later date as may be specified in the notice and shall continue in effect until such election is terminated. Elections may be terminated by any electing carrier upon 10 days' notice filed with the Board and served upon the Postmaster General and each carrier providing on-line or connecting service between the stated points.

Division of equalized rates. In case of equalization of rates by agreement pursuant to equalization paragraph 1 or 2 above, the agreement shall provide for the proration of the mail compensation between participating carriers on the basis of the relative compensation which

[9a] On July 11, 1968, the Post Office Department filed an application to revise the standard mileages effective July 1, 1968. The standard mileages set forth in the appendix hereto will therefore be applicable through June 30, 1968. A separate order will be issued in this docket establishing revised standard mileages effective July 1, 1968. Appendix A filed as part of the original document.

[10] International exchange offices currently authorized to dispatch mail for the transatlantic area are located in Boston, New York, Washington, Chicago, Miami, San Francisco, Los Angeles, Seattle, Detroit, New Orleans, Dallas, Houston, and San Juan. Such offices for the transpacific area are currently located in Seattle, Anchorage, San Francisco, Los Angeles, Honolulu, Wake, Guam, Pago Pago, Washington, Chicago, and New York. The terms of this paragraph shall apply to points at which international exchange offices are hereafter established and shall cease to apply to any points at which international exchange offices are discontinued. The Postmaster General will file a notice of such new and discontinued offices in this docket and serve a copy on each carrier subject to this order.

[11] Outstanding equalizations effected under the terms of Order E-21514, November 19, 1964, shall continue in effect hereunder until canceled by the equalizing carrier or carriers.

would otherwise be payable to each carrier in the absence of the provisions of equalization paragraph 1 or 2 above.

In the absence of an agreement among carriers pursuant to equalization paragraph 1 or 2 above for equalization of rates for interline or interchange shipments between a stated pair of points, any carrier (or two or more carriers jointly) may, by notice, elect to receive as its portion of the total compensation for each shipment the amount remaining after subtracting from such total compensation the compensation due the other carrier or carriers involved (nonelecting carriers). Such total compensation shall be computed on the basis of the lowest rate then in effect for service between the stated pair of points for any carrier or carriers. The compensation due the nonelecting carrier or carriers shall be that otherwise applicable to the point-to-point service it actually provides. In those instances where there is a nonelecting carrier or carriers involved in providing the through service and two or more carriers elect to receive payment under this provision, the total payment due such electing carriers shall be prorated by them on the basis of the relative compensation which would otherwise be payable to each of them in the absence of the provisions of this paragraph.

Divisions of equalized rates prescribed by the Board. In the eyent that any carrier is unable to enter into an agreement with any other carrier to transport mail between any stated points at a reduced rate pursuant to equalization paragraph 1 or 2 above, it may file an application with the Board requesting it to determine and fix a different method of apportioning the total compensation for each such shipment of mail between the participating carriers. Such applications shall not be deemed to reopen the mail rates fixed by this order. Applications filed pursuant to this paragraph shall conform generally to the provisions of the rules of practice governing the filing of petitions in mail rate cases. Within 7 days after the application is served any party may file an answer in support of or in opposition to the application together with any documentary material upon which it relies. Any order upon an application filed pursuant to this paragraph shall be effective no earlier than the filing date of the application with the Board.

In reviewing such application, the Board will consider, among other pertinent factors, the need for the proposed service, the historical participation of electing carrier or carriers in the transportation of mail between such stated points, the amount of absorption required, and the grounds for refusal by the carrier or carriers to enter into an equalization agreement. After hearing the carriers concerned, either in writing or orally in those cases where it deems such action appropriate, the Board will, by order, prescribe the method for apportioning the total compensation between such carriers, but in no event shall the carrier or carriers which refuse to enter into an agreement to equalize compensation be required to accept less than the compensation which would have been payable if the service were performed under voluntary agreement pursuant to equalization paragraph 1 or 2, above.

The compensation provided herein shall be in lieu of, and not in addition to, the service mail compensation received by each carrier for mail transported on and after January 1, 1967.

2. For that mail matter (for convenience sometimes referred to as military mail) consisting of all classes of U.S. mail other than airmail and air parcel post, including official and personal letters and parcels addressed to or from Armed Forces Post Offices outside of the United States and tendered from time to time to an air carrier by the Post Office Department or its agents or representatives for transportation in this class of service, transported by Pan American World Airways, Inc., in transatlantic,[12] transpacific [13] and Latin American [14] service, by Seaboard World Airlines, Inc., and Trans World Airlines, Inc., in transatlantic service,[15] by Northwest Airlines, Inc., in transpacific service; [16] and by Aerovias Sud Americana, Inc., American Airlines, Inc., Braniff Airlines, Inc., Caribbean-Atlantic Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., and Western Air Lines, Inc., in Latin American service [17] the rate of compensation for the period January 1, 1967 through June 30, 1968, shall be 24.57 ments per ton-mile; and, on or after July 1, 1968, the rate of compensation shall be 21.84 cents per ton-mile.

The rates of compensation set forth above shall be applied in accordance with the following terms and conditions:

The rates established herein, 24.57 cents per ton-mile for the period January 1, 1967, through June 30, 1968, and 21.84 cents per ton-mile on and after July 1, 1968, shall be applied to the mail ton-miles carried each month by each carrier in the class of service to which such rates are applicable. The mail ton-miles shall be computed in accordance with the standard mileages between point of origin and destination concurrently used in computing the compensation applicable to airmail and other classes of mail.

[12] See footnote 6, supra.

[13] See footnote 7, supra.

[14] See footnote, 17, infra.

[15] See footnote 6, supra.

[16] See footnote 7, supra.

[17] "Latin American service" as used herein is defined as services performed by Aerovias, American, Braniff, Caribbean-Atlantic, Delta, Eastern, Pan American, and Western over their respective routes:

(1) Between points in the United States, on the one hand, and foreign and overseas points other than Puerto Rico in the Caribbean area, the Central America area, South America, Mexico, Bermuda, and the Bahama Islands, on the other hand, and

(2) Between foreign and overseas points in the Caribbean area, Central America area, South America, Mexico, Bermuda, and the Bahama Islands, as authorized by certificates of public convenience of necessity.

No such mail may be transported in this class of service on any aircraft unless the air carrier has first provided fully for the needs of the postal service for the transportation of airmail and air parcel post on that aircraft, and (in the case of a service offering passenger transportation) has also first provided fully for the passenger requirements on that flight.

That the rate here fixed, determined, and published is a service mail rate payable in its entirety by the Postmaster General, pursuant to section 406(c) of the Federal Aviation Act of 1958.

3. The investigation in Docket 18078 is hereby terminated.

An appropriate order will be entered.

Crooker, Chairman, Murphy, Vice Chairman, and Gillilland, Member, concurred in the above Statement. Minetti and Adams, Members, filed a joint dissent which is filed as part of the original document.

ORDER TO SHOW CAUSE

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of August 1968.

The Board, having considered all of the information and data set forth or specifically referred to in the statement of provisional findings and conclusions (statement), which is attached hereto and incorporated herein,[1] and having on the basis thereof made the provisional findings and conclusions and determined the rates specified in the Statement:

It is ordered, That:

1. All interested persons, and particularly Aerovias Sud Americana, Inc., American Airlines, Inc., Braniff Airways, Inc., Caribbean-Atlantic Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Seaboard World Airlines, Inc., Trans World Airlines, Inc., Western Air Lines, Inc., the Postmaster General, and the Department of Defense are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine and publish the final rates specified in the statement as the fair and reasonable rates of compensation to be paid to the air carriers mentioned above.

2. Further procedures herein shall be in accordance with the rules of practice, 14 CFR Part 302, and, if there is any objection to the rates or to the other findings and conclusions specified in the statement, notice thereof shall be filed within 10 days, and, if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of service of this order.

3. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days after

[1] All forms and reports, including Form 41 reports and the official mileage record of the Board, filed with the Board by the parties hereto, to the date of the Board's final decision, are incorporated into the record of this proceeding. Appendix A filed as part of original document.

service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order fixing the rates and incorporating the findings and conclusions specified in the Statement.

4. If notice of objection and answer are filed, all issues going to the establishment of the rates shall be open, in accordance with Rule 319 of the rules of practice, except as limited in prehearing conference.

5. This order and the attached statement of provisional findings and conclusions shall be served upon the Postmaster General, Aerovias Sud Americana, Inc., American Airlines, Inc., Braniff Airways, Inc., Caribbean-Atlantic Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Seaboard World Airlines, Inc., Trans World Airlines, Inc., Western Air Lines, Inc., and the Department of Defense.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-9565; Filed, Aug. 9, 1968; 8:47 a.m.]

CIVIL SERVICE COMMISSION

NURSES; STATE OF ALASKA

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has increased the minimum rates and rate ranges for certain nurse positions in the following location:

GS-610 NURSE SERIES

GS-615 PUBLIC HEALTH NURSE SERIES

Geographic coverage: State of Alaska.
Effective date: First day of the first pay period beginning on or after Aug. 11, 1968.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-4	$5,829	$6,000	$6,171	$6,342	$6,513	$6,684	$6,855	$7,026	$7,197	$7,368
GS-5	6,307	6,498	6,690	6,881	7,073	7,265	7,456	7,648	7,840	8,032
GS-6	6,743	6,955	7,166	7,377	7,588	7,799	8,010	8,221	8,433	8,645
GS-7	7,214	7,447	7,680	7,913	8,146	8,379	8,612	8,845	9,078	9,311

[1] Corresponding statutory rates: GS-4—fifth; GS-5—fourth; GS-6—third; GS-7—second.

All new employees in the specified occupational levels will be hired at the new minimum rate.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the statutory rates shall receive basic compensation at the corresponding numbered rate authorized on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-9584; Filed, Aug. 9, 1968; 8:49 a.m.]

SHORTHAND REPORTER, NEW YORK CITY

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has established the following special minimum salary rate and rate range:

GS-312-9 SHORTHAND REPORTER

Geographic coverage: New York, N.Y.
Effective date: First day of the first pay period beginning on or after Aug. 25, 1968.

PER ANNUM RATE

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-9	$9,590	$9,872	$10,154	$10,436	$10,718	$11,000	$11,282	$11,564	$11,846	$12,128

[1] Corresponding statutory rate: GS-9—fifth.

All new employees in the specified occupational level will be hired at the new minimum rate.

As of the effective date, the agency will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational level. An employee who immediately prior to the effective date was receiving basic compensation at a statutory rate shall receive basic compensation at the corresponding numbered rate authorized on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-9585; Filed, Aug. 9, 1968; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18137; FCC 68-785]

CHICKASAW TELEPHONE CO. AND AMERICAN TELEPHONE & TELEGRAPH CO. (A.T. & T.)

Order Regarding Tariff Schedules

In the matter of Chickasaw Telephone Co. and American Telephone & Telegraph Co. (A.T. & T.), Docket No. 18137; revision of A.T. & T. Tariff F.C.C. No. 260, Private Line Service, to establish a monthly supplemental charge for Type 2001 channels; and supplemental charges for foreign exchange (Type 2006 channels) in general.

1. The Commission has before it revised tariff schedules filed by A.T. & T. on July 9, 1968, under its Transmittal No. 10158 on behalf of the East Ascension Telephone Co., Gonzales, La., which would establish a monthly supplemental charge of $75 for each Type 2006 (foreign exchange) Houston, Tex., individual line and private branch exchange trunk furnished in the Gonzales, La., exchange, at Gonzales.

2. The proposed revision would institute a charge similar to those charges presently under investigation in this proceeding and which have previously been filed by A.T. & T. on behalf of the carriers listed in section b of the appendix to our order adopted April 24, 1968.

3. During the pendency of this proceeding, the justness and reasonableness of such a supplemental charge cannot be determined, but if the revised schedules are permitted to become effective on the date specified, the rights and interests of the public may be adversely affected thereby.

4. Accordingly, in view of the foregoing considerations: *It is ordered*, That, pursuant to the provisions of section 204 of the Communications Act of 1934, as amended, the operation of the above described tariff schedule is hereby suspended until November 10, 1968.

5. *It is further ordered*, That, the charges, classifications, practices, and regulations published in the aforesaid tariff schedules are incorporated into the investigation set forth in our order of April 24, 1968, upon the issues set forth therein, and that the East Ascension Telephone Co. is made a party respondent.

6. *It is further ordered*, That, in the event a decision as to the lawfulness of the provisions suspended has not been made during the aforesaid suspension period, and said revised charges, classifications, practices, and regulations go into effect, the East Ascension Telephone Co. shall, until further ordered by the Commission, keep accurate account of all amounts received by reason of such revisions specifying by whom and in whose behalf such amounts are paid and upon completion of the hearing and decision therein the Commission may by further order require the refund thereof, with interest, pursuant to section 205 of the Communications Act of 1934, as amended, and the carrier shall file with the Commission a report on or before the 10th day of each calendar month, commencing December 10, 1968, showing the amounts accounted for as aforesaid during the previous calendar month.

Adopted: July 31, 1968.

Released: August 7, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-9575; Filed, Aug. 9, 1968; 8:48 a.m.]

[Docket Nos. 18183, 18184; FCC 68R-326]

H-B-K ENTERPRISES AND BROADCASTING, INC.

Memorandum Opinion and Order Amending Issues

In re applications of John P. Hilmes, Geoffrey B. Knutson and Tom E. Beal, doing business as H-B-K Enterprises, Grandview, Mo., Docket No. 18183, File No. BP-13823; Broadcasting, Inc., Kansas City, Mo., Docket No. 18184, File No. BP-14486; for construction permits.

1. H-B-K Enterprises (H-B-K) seeks addition of issues in this section 307(b) proceeding[1] to determine whether the mutually exclusive application of Broadcasting, Inc. (Broadcasting), for construction permit for a new standard broadcast station would be in compliance daytime with § 73.188(b)(2), requiring that "a minimum field intensity of 5 to 10 mv/m will be obtained over the most distant residential section" of the principal community of Kansas City; and whether that application would be in compliance daytime or nighttime with the requirement of § 73.188(b)(1) that "a minimum field intensity of 25 to 50 mv/m will be obtained over the business or factory areas of the city." Present issues include an inquiry into Broadcasting's compliance with § 73.188(b)(2) nighttime. H-B-K's request is accompanied by a map of Kansas City showing Broadcasting's 5 mv/m daytime contour and its 25 mv/m daytime and nighttime contours, and depicting "Kansas City Metropolitan Area—20 Major Industrial Districts and Individual Plants"; an affidavit from the Kansas City clerk attesting to (1) the accuracy of depiction of corporate limits and (2) the fact that "darker shaded areas are areas which are zoned for industrial use;" and finally, a sworn engineering statement to the effect that examination of Broadcasting's application reveals "apparent deficiencies therein" with respect to the above-noted rules. The statement then recites that the map (Exhibit A) was prepared on various cited assumptions, which need not be enumerated inasmuch as they appear to be both accurate and unchallenged.

2. While the record supports both the allegation that a 5-mv/m signal would not be placed over the entire city daytime and the allegation that a 25-mv/m signal would not be placed over all city areas zoned for industrial use, Broadcasting opposes both requests for issues and the Bureau opposes the § 73.188(b)(1) issue request. The Board is of the view that with respect to the latter request the opposing parties have offered convincing reasons for denial of the H-B-K petition. The petition is based on the fact that portions of the designated community, which either contain individual industrial plants or are zoned for industrial use, would not receive a 25-mv/m signal. It is clear, however, both from the Broadcasting application and the materials contained in the instant pleadings, that the entire area denominated Kansas City's main business district by the U.S. Census Bureau, and the central portion of the city's industrial areas, would receive the requisite signal both day and night. H-B-K does not dispute this fact, which, under Commission precedent, is dispositive of the request.

3. In Ian S. Lansdown (KRKS), FCC 56-857, 14 R.R. 488, cited by both Broadcasting and the Bureau, the Commission held that interpretation of the relevant rule as requiring 25-mv/m coverage of every business area within the city served, rather than the major portion of such areas, would, in a case like the instant one where various such areas are scattered throughout the principal city, amount in effect to "requiring 25-mv/m coverage of the entire city instead of the 5-mv/m coverage of residential areas required by its Rules". This conclusion was based on the Commission's recognition in this and other cases (see, e.g., Reilly and Spates, 24 FCC 257, 14 R.R. 985 (1958)) of the fact that, as stated in the Lansdown case, supra, "in many cities the general growth pattern reflects the establishment of additional neighborhood business and shopping centers in outlying areas." Accordingly, the Board holds here, as did the Commission in the cited cases, that Broadcasting's provision of the requisite signal day and night to the principal business and factory areas of Kansas City is sufficient to establish its compliance with the relevant requirement of Rule 73.188(b)(1).

4. With respect to H-B-K's request for an issue as to daytime violation of § 73.188(b)(2) the situation is somewhat different, however. The pleadings clearly establish a failure to place the requisite 5-mv/m daytime signal over all of Kansas City. In designating a similar issue concerning Broadcasting's nighttime coverage, the Commission made only the following unqualified statement:

> 8. Examination of Broadcasting, Inc.'s application indicates that the proposal fails to provide the nighttime city coverage required by § 73.188 of the rules, since the 5-mv/m contour does not cover the entire city. Accordingly, an appropriate city coverage issue will be specified (12 FCC 2d 862, 863).

It is equally clear from the language quoted above from the Lansdown case (see par. 3, supra) that those areas of principal cities not covered by a 25-mv/m signal are expected to be covered by a 5-mv/m signal. Broadcasting has attempted to justify its failure to provide the requisite signal by noting that much of the noncovered area has been annexed in recent years and that some of the area is occupied by an airport; and by alleging that most of the rest is rural, an allegation supported by a map and several photographs which Broadcasting characterizes as "representative" of all areas not receiving a 5-mv/m signal. While such a showing would clearly be relevant to any argument for waiver and might arguably, after the requisite complete hearing examination, be found to constitute grounds for a finding of substantial compliance, it is not sufficient to permit resolution, on the pleadings, of the substantial question raised by the applicant's admitted failure to cover the entire city with a 5-mv/m daytime signal. In any event addition of the requested daytime 5-mv/m coverage issue follows from the Commission's similar action in the designation order, *supra*, with respect to broadcasting's nighttime 5-mv/m contour.[2]

5. *Accordingly, it is ordered*, That the petition to enlarge issues, filed June 3, 1968, by H-B-K Enterprises, is granted to the extent indicated herein and is denied in all other respects; and

6. *It is further ordered*, That issue 2 herein is amended to read as follows:

> 2. To determine whether the proposed daytime and nighttime 5-mv/m contours of Broadcasting, Inc., would provide coverage of the city sought to be served, as required by § 73.188 of the Commission's rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

Adopted: August 5, 1968.

Released: August 7, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-9576; Filed, Aug. 9, 1968; 8:48 a.m.]

[1] Pleadings before the Board are: H-B-K Enterprises' petition to enlarge issues, filed June 3, 1968; Broadcasting, Inc.'s opposition, filed June 25, 1968; and the Broadcast Bureau's comments, also filed on June 25, 1968.

[2] Andy Valley Broadcasting System, Inc., 12 FCC 2d 8, R.R. 2d 691 (1968), cited in Broadcasting's opposition pleading, is inapposite. In that case the Commission found that an applicant's proposal would be in substantial compliance with the rule where the proposal was for a New England town whose urban boundaries and geographical boundaries were conclusively shown not to be coterminous; extensive proof, including complete population breakdowns and aerial photographs was before the Commission; this proof conclusively established that all residential areas in fact would be covered; and, finally, it was proven that no site existed from which a 5-mv/m signal could reach the geographical boundaries of the principal community.

[Docket No. 18272; FCC 68-782]

MATTHEW O'HARA

Order Designating Application for Hearing on Stated Issues

In re application of Matthew O'Hara, Long Island City, N.Y., Docket No. 18272; for citizens (Class D) radio station license.

The Commission has under consideration the above-entitled application for citizens radio station license.

There are substantial questions:

(a) Arising from the conviction of Matthew O'Hara in the District Court for the Eastern District of New York for the transmission of radio communications containing obscene, indecent or profane language in violation of Title 18, United States Code, section 1464;

(b) Whether on various dates in 1965 and 1966 Matthew O'Hara, while operating a radio station in the Citizens Radio Service, violated various provisions of Part 95 of the Commission's rules;

(c) Whether Matthew O'Hara operated radio transmitting apparatus on Citizens Radio Service frequencies without a license therefor, in violation of section 301 of the Communications Act of 1934, as amended;

(d) Whether Matthew O'Hara, while operating radio transmitting apparatus on Citizens Radio Service frequencies, without a license therefor, engaged in conduct which, had he been licensed, would have been in violation of various provisions of Part 95 of the Commission's rules.

In view of these questions, the Commission is unable to find that a grant of the captioned application would serve the public interest, convenience and necessity and must, therefore, designate the application for hearing. Except for the issues specified herein, the applicant is otherwise qualified to hold a license for a radio station in the Citizens Radio Service.

Accordingly, it is ordered, Pursuant to section 309(e) of the Communications Act of 1934, as amended, and § 1.973(b) of the Commission's rules, that the captioned application is designated for hearing, at a time and place to be specified by subsequent order, upon the following issues:

(1) To determine the circumstances surrounding the conviction of Matthew O'Hara for the transmission, on or about January 1, 1966, of radio communications containing obscene, indecent or profane language in violation of Title 18, United States Code, section 1464.

(2) To determine whether Matthew O'Hara, on or about October 21, 1965, operated a citizens radio station in violation of § 95.37(c) of the Commission's rules.

(3) To determine whether Matthew O'Hara, on or about January 20, 1966, operated a citizens radio station in violation of §§ 95.37(c), 95.83(a) (1) and (13), 95.95(c) and 95.91(b) of the Commission's rules.

(4) To determine whether Matthew O'Hara, on or about May 26, 1966, operated a citizens radio station in violation of §§ 95.37(c), 95.83(a)(13), 95.43, 95.95(c) and 95.91(b) of the Commission's rules.

(5) To determine whether, on or about November 4, 1967; February 28 and 29, 1968, Matthew O'Hara operated radio transmitting apparatus on Citizens Radio Service frequencies without a valid station authorization, in violation of section 301 of the Communications Act of 1934, as amended.

(6) If issue 5 is affirmatively resolved, to determine whether Matthew O'Hara, on or about November 4, 1967; February 28 and 29, 1968, engaged in conduct which, had he been licensed, would have been in violation of §§ 95.83(a) (1) and (13) and 95.95 of the Commission's rules.

(7) To determine whether, in light of the evidence adduced with respect to the foregoing issues, Matthew O'Hara possesses the requisite qualifications to be a licensee of the Commission.

(8) To determine whether, in light of the evidence adduced with respect to the foregoing issues, the grant of the subject application for a radio station license in the Citizens Radio Service would serve the public interest, convenience and necessity.

It is further ordered, That, to avail himself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission in triplicate a written appearance stating an intent to appear on the date fixed for hearing and present evidence on the issues specified in this order; and

It is further ordered, That the Chief, Safety and Special Radio Services Bureau, shall, within 10 days after the release of this order, furnish a bill of particulars to the applicant herein, setting forth the basis for the above issues.

Adopted: July 31, 1968.

Released: August 7, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-9577; Filed, Aug. 9, 1968; 8:48 a.m.]

[Docket Nos. 18202, 18203; FCC 68R-324]

RADIO KYNO, INC., AND INTERNATIONAL RADIO, INC.

Memorandum Opinion and Order Enlarging Issues

In re applications of Radio KYNO, Inc., Fresno, Calif., Docket No. 18202, File No. BPH-6118; International Radio, Inc., Fresno, Calif., Docket No. 18203, File No. BPH-6202; for construction permits.

1. This proceeding involves the mutually exclusive applications of Radio KYNO, Inc. (KYNO), and International Radio, Inc. (International), each seeking an authorization to construct a new FM broadcast station at Fresno, Calif. The applications were designated for hearing under comparative and other issues by Order, FCC 68-566, released May 24, 1968. Now before the Review Board is a petition for enlargement of issues, filed on June 13, 1968, by KYNO, seeking the addition of Suburban and specialized programing issues against International;[1] and a petition to enlarge issues, filed on the same date by International, seeking to expand the comparative inquiry to encompass a determination of whether a greater need exists for its specialized program proposal or the general program format proposed by KYNO.[2] Since both petitions are, in part, concerned with issues regarding specialized programing and the arguments are interrelated, they will be treated in one document.

2. In support of its request for a Suburban issue, KYNO contends that despite the fact that International has been operating a standard broadcast station in Fresno for a number of years, it must demonstrate an acceptable program survey designed to determine the needs and interests of the area to be served. However, KYNO alleges, International's application identifies only one individual contacted, and identification of organizations is "similarly obscure." In response, International contends that its application clearly demonstrates continuous efforts to acquire knowledge of the programing needs and interests of the community which it now serves with standard broadcast Station KGST. International further contends that its president and general manager, Richard E. Ryan, has "special expertise" in serving the needs and interests of that segment of the population—the Mexican-American community in the Fresno area—which it proposes to serve.[3] In an affidavit submitted with the opposition, Ryan states that he and two employees conducted the program survey for the applicant. Ryan lists several Mexican-American and general community organizations, and twelve individuals and the organizations they represent, all of whom were allegedly contacted to ascertain programing needs.

3. In Minshall Broadcasting Co., Inc., FCC 68-184, 12 R.R. 2d 502, the Commission outlined the nature of the information it requires from an applicant to permit a determination that that applicant is aware of and responsive to community programing needs. The required information includes summaries of steps taken to become informed of local needs, of the suggestions received, of its evaluation of those suggestions, and of the programs that it proposes to meet those needs. An examination of International's application reveals that none of these requirements have been adequately met. While Ryan's affidavit does list the names of various individuals and organizations contacted, it does not specify the nature of the suggestions received or supply any of the other missing information. We cannot accept International's contention that its general manager has "special expertise" in the area of Mexican-American programing as a substitute for the required showing on the Suburban issue. Nor do we believe that the requirements for showing awareness of and responsiveness to community needs and interests are less stringent when specialized programing is proposed. Cf. Azalea Corp., FCC 67-756, 10 R.R. 2d 717. Thus, while Ryan's experience in operating a Spanish language station in Fresno may be a relevant factor in determining whether International is aware of community needs, it is not, per se, sufficient to avoid the necessity for adding a Suburban issue.

4. It is not disputed that International proposes a specialized program format consisting entirely of Spanish language programing, whereas KYNO proposes general market programing. Based upon this difference, International, in its petition to enlarge issues, seeks to expand the comparative inquiry to determine whether a greater need exists for its specialized program format or for a general program format. KYNO opposes this request, and, in its petition for enlargement of issues, seeks the addition of an issue to determine the type and character of program service proposed by International; whether that service would meet the needs of the area to be served; and the extent to which the programing of other existing stations are meeting those needs. KYNO contends that the comparative issue requested by its opponent is not appropriate. Rather, KYNO submits where an applicant proposes to serve a limited minority group, it must first establish a need for the service proposed. KYNO urges that a distinction should be drawn between specialized program formats directed to such limited groups, and those which could serve the general public; i.e., entirely religious or educational programing. A proposal to serve a limited group, the applicant contends, should be treated the same as a proposal to duplicate programing. Thus, KYNO avers, International should have the burden of proving that there are benefits offsetting the disadvantages of its proposal "designed to exclude service to the general public," and a comparative evaluation of the program proposals of the two applicants is completely unjustified. KYNO cites La Fiesta Broadcasting Co., FCC 63R-550, 1 R.R. 2d 684; Chicagoland TV Co., FCC 65R-21, 4 R.R. 2d 261; and Hawaiian Paradise Park Corp., FCC 67 R-7, 9 R.R. 2d 1, in support of its argument. In all of those cases, KYNO points out, issues were specified inquiring into the need for specialized programing, including the question of whether those needs were already being met by existing stations, without any reference to a comparison of applicants. Salter Broadcasting Co. (WBEL), FCC 67R-288, 10 R.R. 2d 606, which KYNO concedes supports the addition of a comparative issue, should be clarified in accordance with the views expressed above.

5. In its policy statement on Comparative Broadcast Hearings, FCC 65-689, 5 R.R. 2d 1901, the Commission ended its former practice of automatically including a comparison of program proposals in the standard comparative issue. However, the Commission stated that such comparisons would be appropriate where there were substantial differences between applicants' proposed program plans. With regard to specialized programing, the Commission stated that it "will examine the need for specialized service as against the need for a general-service station where the question is presented by competing applicants." In our view, the Commission clearly envisioned a comparison of the competing proposals rather than an inquiry limited to the advantages of specialized programing which might offset its detriments.[4] Moreover, we do not agree with KYNO's implication that by specifying a comparative inquiry, the question of need for the specialized service is foreclosed. As stated by International, in its reply pleading, "It is impossible to demonstrate a 'greater need' [for specialized programing] without first demonstrating a 'need'." Thus, the type of inquiry contemplated in the La Fiesta and Chicagoland cases, supra, is still relevant to a resolution of this question. However, the pertinent issues in those cases were added prior to the adoption of the policy statement (when the comparative issue included programing considerations), and therefore there was no need to specifically state that a comparison of applicants in this regard was contemplated.[5] We therefore find nothing inconsistent with those cases and our action herein.[6] Nor do we share KYNO's view that different issues should be specified for a specialized program format directed toward a minority group and other specialized program formats. Suffice it to say that no precedent is cited which supports this view, and, while KYNO contends that only in the Salter case was a comparative evaluation called for when one of the applicants proposed a service directed toward a minority group, the Azalea case, supra (cited by KYNO in support of its request for a Suburban issue) also calls for a comparision of applicants because some propose a specialized service directed toward a minority group.[7] Finally, we will adopt the suggestion of the Broadcast Bureau, and, following the Commission's practice, permit consideration at the hearing of the question of whether a greater need exists for a specialized program format or for a general market program format under the existing comparative issue.

6. *Accordingly, it is ordered,* That the petition for enlargement of issues, filed by Radio KYNO, Inc., on June 13, 1968, and the petition to enlarge issues, filed on the same date by International Radio, Inc., are granted to the extent indicated herein, and are denied in all other respects; and

7. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issue: To determine the efforts made by International Radio, Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

8. *It is further ordered,* That the burden of proceeding with the introduction of evidence and burden of proof under the issue added herein will be on International Radio, Inc.

Adopted: August 5, 1968.

Released: August 7, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-9578; Filed, Aug. 9, 1968; 8:48 a.m.]

[Docket No. 18284; FCC 68-809]

WBJA-TV, INC.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re Application of WBJA-TV, Inc., Elmira, N.Y., Docket No. 18284, File No. BPTT-1652; for construction permit for new UHF television broadcast translator station.

1. The Commission has before it for consideration the above-captioned application of WBJA-TV, Inc., licensee of Television Broadcast Station WBJA-TV, Channel 34, Binghamton, N.Y., requesting a construction permit for a new 100-watt UHF television broadcast translator station to service Elmira, N.Y., by rebroadcasting Station WBJA-TV (ABC) on output Channel 71; a petition to deny, filed September 18, 1967, by WENY, Inc., licensee of Standard Radio Broadcast Station WENY and Radio Station WENY-FM, and permittee of a new

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[1] The following related pleadings are also before the Board: (a) Opposition, filed by International on July 3, 1968; (b) Broadcast Bureau's comments on (both) petitions to enlarge issues, filed on July 3, 1968; and (c) reply, filed by KYNO on July 16, 1968.

[2] The following related pleadings are also before the Board: (a) Opposition, filed by KYNO on July 3, 1968; and (b) reply, filed by International on July 16, 1968.

[3] International proposes 100 percent Spanish language programing.

[4] We do not mean to imply that a full-scale comparison of specific programs is appropriate. The evidence should be limited to that which would compare the needs of Fresno for Spanish language programing as against a service not directed toward any particular group. See Salter Broadcasting Co. (WBEL), supra.

[5] The specification of issues in addition to the standard comparative issue was required in those cases because Commission precedent precluded consideration of the programing of existing stations under the standard comparative issue.

[6] The Hawaiian Paradise Park case, supra, involved a transfer application, and the question of a comparison of applicants was not presented.

[7] Also see WUST, Inc., FCC 66-526, 8 R.R. 2d 306, where a similar comparison was authorized.

UHF television station authorized to operate on Channel 36, Elmira, N.Y.,[1] and various pleadings filed in connection therewith.[2]

2. Petitioner claims standing as a "party in interest" within the meaning of section 309(d) of the Communications Act of 1934, as amended, on the grounds that, as the licensee of radio broadcast stations in Elmira, it would be in competition for audience and advertising revenues with the proposed translator station and a grant of the application would inflict upon it economic injury.[3] We find that WENY has standing. Atlantic Telecasting Corp. (WECT), 3 FCC 2d 442, 7 R.R. 297, affirmed sub nom Jackson F. Lee v. Federal Communications Commission. 126 U.S. App. D.C. 45, 347 F. 2d, 259, 8 R.R. 2d 2111. The applicant contends that the petition to deny was not timely filed because the Commission gave public notice of the acceptance of the application for filing on August 16, 1967, and the petition was not filed until September 18, 1967, 3 days beyond the time limit imposed by § 1.580(i) of the Commission's rules.[4] In its reply pleading, WENY conceded that its petition was late-filed and requested a waiver of § 1.580(i) of the rules or, in the alternative, consideration of its petition as an informal objection filed pursuant to § 1.587 of the Commission's rules. We do not consider an error in computing time to be good cause for waiver of the rules, but we will consider the petition as an informal objection as requested by WENY.

3. The proposed translator would rebroadcast the ABC network programing of Station WBJA–TV, Binghamton, N.Y. Elmira is within the predicted Grade B contours[5] of Stations WBJA–TV, Channel 34, Binghamton (ABC); WINR–TV, Channel 40, Binghamton (NBC); and WSYR–TV, Channel 3, Syracuse, N.Y. (NBC), and is within the predicted principal city contours of Stations WNBF–TV, Channel 12, Binghamton (CBS); WSYE–TV, Channel 18, Elmira (NBC; operated as a satellite of WSYR–TV); and WENY's newly-authorized station which will operate on Channel 36 in Elmira. WENY reasons that, with two television stations presently providing predicted principal city contours beyond Elmira, one having an NBC affiliation and the other having a CBS affiliation, its new Elmira station would logically be able to obtain an ABC network affiliation. If, however, the translator is authorized to bring into Elmira the ABC network programing of the applicant's Binghamton station, the chances of obtaining an ABC network affiliation for petitioner's new Elmira station would be jeopardized because ABC would already have coverage of Elmira by translator.

4. The problem is not a new one. West Michigan Telecasters, Inc., 11 FCC 2d 549, 12 R.R. 2d 133. Where, as here, a television station licensee in one community proposes a translator to rebroadcast its programing in a different community[6] providing the same network programing as that proposed by the permittee of a new UHF television station in that community, we think that substantial question is raised as to whether authorization of the translator under these circumstances might preclude the new UHF television station from obtaining the network affiliation it seeks. We have indicated our concern that, in such situations, authorization of the translator might defeat our hope of promoting the early activation of a new UHF television station by impeding or impairing its opportunities to compete successfully. West Michigan Telecasters, Inc., *supra*. In view of the fact that the prospect exists for an ABC-affiliated regular television station capable of locally originated programing to meet the tastes, needs and interests of Elmira, we question whether a real public need exists for the proposed translator station. The regular television station is, of course, capable of far greater coverage than the translator and could bring its service to a larger number of persons. We think, therefore, that we must determine, initially, whether there is a need for the translator and an issue with respect thereto will be specified.

5. For the reasons discussed, we are unable to make the statutory finding that a grant of the application would serve the public interest, convenience and necessity, and we are of the opinion that the application must be designated for hearing.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned application of WBJA–TV, Inc., is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether there is a need for the proposed television broadcast translator station.

2. To determine whether grant of the application would impede or impair the opportunities for the new UHF television broadcast station authorized to WENY, Inc., to operate on Channel 36 Elmira, N.Y., to compete successfully.

3. To determine whether grant of the application would tend to frustrate the intent of the Commission to promote the early activation of a viable UHF television broadcast station in Elmira, N.Y.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That the request of WENY, Inc., for waiver of § 1.580(i) of the Commission's rules is denied, the petition to deny is dismissed, as untimely filed, but, considered as an informal objection filed pursuant to § 1.587 of the Commission's rules, is granted.

It is further ordered, That WENY, Inc., is made a party respondent in this proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and the party respondent herein, pursuant to § 1.331(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594 (g) of the rules.

Adopted: July 31, 1968.

Released: August 7, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[7]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68–9579; Filed, Aug. 9, 1968; 8:49 a.m.]

[1] WENY, Inc., was awarded the construction permit by an order which became final on July 5, 1968 (File No. BPCT–3918, Docket No. 17926). Call letters have not yet been assigned.

[2] The Commission also has before it for consideration an opposition, filed Oct. 2, 1967, by WBJA–TV, Inc., and a reply thereto, filed Oct. 5, 1967, by WENY, Inc.

[3] At the time the pleadings were filed, WENY had not received its construction permit for the Elmira television station and could not assert standing as the permittee of a television station in Elmira. Its pleadings have not been supplemented since grant of the application, but we now recognize its standing in this capacity as well as that of a licensee of radio stations in Elmira.

[4] Sec. 1.580(i) of the rules requires that a petition to deny be filed no later than 30 days after the Commission gives public notice of the acceptance of an application for filing.

[5] In each case, the predicted Grade B contour actually passes through parts of Elmira and other portions of the city are outside these contours.

[6] Elmira and Binghamton are about 40 miles apart.

[7] Commissioner Lee dissenting.

FEDERAL POWER COMMISSION

[Docket No. G–18694]

SUPERIOR OIL CO. AND GAS ROCK CORP.[1]

Order Accepting Decreased Rate Filing Subject to Refund in Existing Rate Suspension Proceeding, and Requiring Refunds

AUGUST 1, 1968.

On July 3, 1968, The Superior Oil Co. (Superior) tendered for filing a notice of change in rate[2] under its FPC Gas Rate Schedule No. 15, proposing a renegotiated rate decrease for gas sold to United Gas Pipe Line Co. (United), in the Baxterville Field, Lamar and Marion Counties, Miss. The proposed rate decrease, amounting to $12,500 annually, is from a 22.88298 cents per Mcf rate being collected subject to refund in Docket No. G–18694 since November 13, 1959, to 20 cents per Mcf. As part of the above rate change filing, Superior submitted an amendment dated June 13, 1968, which provides for the proposed 20-cent rate for the period from July 1, 1967, to July 1, 1972, and for a rate of 21 cents per Mcf thereafter until expiration of the contract. The amendment also provides for full reimbursement of any new, additional or increased taxes levied after July 1, 1967.

Superior's last effective rate, not subject to refund, for the sale is 11.97872 cents per Mcf. Since the proposed decreased rate of 20 cents per Mcf still exceeds the 14 cents per Mcf area increased rate ceiling for Mississippi as announced in the Commission's Statement of General Policy No. 61–1, as amended, we conclude that it should be accepted for filing effective as of July 1, 1967, the proposed effective date, subject to refund in the existing rate suspension proceeding in Docket No. G–18694.

It is also appropriate that Superior make refunds to United of all amounts collected in excess of 20 cents per Mcf for sales of natural gas made under its FPC Gas Rate Schedule No. 15, on and after July 1, 1967, to the date of issuance of this order with appropriate interest. For all of the reasons stated in Hunt Oil Co., Docket Nos. G–9065 et al., 30 FPC 220, and Humble Oil and Refining Co., Docket Nos. G–9287 et al., 32 FPC 49, we shall require United to retain the refund monies as hereinafter provided.

The Commission finds: Good cause exists for accepting for filing Superior's proposed rate decrease, designated as Supplement No. 10 to Superior's FPC Gas Rate Schedule No. 15, to become effective as of July 1, 1967, the proposed effective date, subject, however, to the existing rate suspension proceeding in Docket No. G–18694 and refund obligation related thereto, and for requiring Superior to make refunds as hereinafter provided.

The Commission orders:

(A) The 20 cents per Mcf rate contained in Supplement No. 10 to Superior's FPC Gas Rate Schedule No. 15 is accepted for filing and permitted to become effective as of July 1, 1967, subject to refund in the existing rate suspension proceeding in Docket No. G–18694.

(B) Superior shall compute the difference between the rate collected, subject to refund, and 20 cents per Mcf for the period from July 1, 1967, to the date of this order, together with interest as specified in Docket No. G–18694 to the date of this order. Superior shall within 15 days from the date of this order submit a report to the Commission, and serve a copy on United setting out the amount of refunds (showing separately the principal and applicable interest), the basis used for such determination and the period covered, and 10 days thereafter shall pay such refund monies to United, and 10 days thereafter shall submit a release from United with respect to such refund obligation.

(C) United shall retain the refund monies required under paragraph (B) above, subject to further action of the Commission directing the disposition of those amounts.

(D) If United elects to commingle these retained refunds with its general assets, and use them for its corporate purposes, it shall pay interest thereon at the rate of 6½ percent per annum on all funds thus available from receipt of such monies to the date on which they are paid over to the person or persons ultimately determined to be entitled thereto by final action of the Commission.

(E) If United elects to deposit the retained refunds in a special escrow account, United shall tender for filing, on or before August 30, 1968, an executed escrow agreement, conditioned as set out below, accompanied by a certificate showing service of a copy thereof upon United. Unless notified to the contrary by the Secretary within 30 days from the date of filing thereof, the escrow agreement shall be deemed to be satisfactory and to have been accepted for filing. The escrow agreement shall be entered into between United and any bank or trust company used as a depositor for funds of the U.S. Government and the agreement shall be conditioned as follows:

(1) United, the bank or trust company, and the successors and assigns of each, shall be held and formally bound unto the Federal Power Commission for the use and benefit of those entitled thereto, with respect to all amounts, and the interest thereon, deposited in a special escrow account, subject to such agreement, and such bank or trust company shall be bound to pay over to such person or persons as may be identified and designated by final action of the Commission and in such manner as may be therein specified, all or any portion of such deposits and the interest thereon.

(2) The bank or trust company may invest, and reinvest, such deposits in any short-term indebtedness of the U.S. Government, or any agency thereof, or in any form of obligation guaranteed by the U.S. Government which is, respectively, payable within 120 days as the said bank or trust company in the exercise of its sound discretion may select.

(3) Such bank or trust company shall be liable only for such interest as the invested funds described in paragraph (2) above will earn and no other interest may be collected from it.

(4) Such bank or trust company shall be entitled to such compensation as is fair, reasonable and customary for its services as such, which compensation shall be paid out of the escrow account to such bank or trust company. Said bank or trust company shall likewise be entitled to reimbursement for its reasonable expenses necessarily incurred in the administration of this escrow account, which reimbursement shall be made out of the escrow account.

(5) Such bank or trust company shall report to the Secretary quarterly, certifying the amount deposited in the trust account for the quarterly period.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 68–9560; Filed, Aug. 9, 1968; 8:47 a.m.]

[1] Formerly The Superior Oil Co. Redesignated as The Superior Oil Co. and Gas Rock Corp. by paragraph (X) of the Commission's order issued October 7, 1966, in Docket Nos. G–4581 et al.

[2] Designated as Supplement No. 10 to Superior's FPC Gas Rate Schedule No. 15.

FEDERAL RESERVE SYSTEM

FIRST HOLDING CO., INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by First Holding Co., Inc., which is a bank holding company located in Waukesha, Wis., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of New Berlin State Bank, New Berlin, Wis.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Chicago.

Dated at Washington, D.C., this 5th day of August 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-9543; Filed, Aug. 9, 1968; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2358]

EMPRESA ELECTRICA DEL ECUADOR, INC.

Notice of Filing of Application for Exemption

AUGUST 5, 1968.

Notice is hereby given that Empresa Electrica Del Ecuador, Inc., 2 Rector Street, New York, N.Y. 10006 ("Applicant"), a subsidiary of Ebasco Industries, Inc. ("Ebasco"), a registered closed-end nondiversified management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 17(b) of the Act requesting an order of the Commission exempting from the provisions of section 17(a) of the Act the purchase by Applicant from Cuban Electric Co. ("Cuban") of a 33,000 Kw steam electric turbine generator unit and certain accessory equipment. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

The parties. Applicant is a Maine corporation engaged exclusively in the production, distribution and sale of electric power in and near the Municipality of Guayaquil, Republic of Ecuador. Applicant is engaged in a 5-year construction program estimated to require the expenditure of approximately $17 million, of which $6 million is being financed through a loan from Export-Import Bank of the United States. The construction program is being carried out pursuant to Decree-Law No. 580 of March 10, 1966, of the Republic of Ecuador which requires the expansion of Applicant's facilities by at least 34,000 Kw during the period 1967 through 1971.

Cuban is a Florida corporation which was exclusively engaged in the generation, distribution and sale of electric power in the Republic of Cuba until August 7, 1960 when its properties in Cuba were seized without compensation by the Castro government. The application states that since the seizure of its properties in Cuba, Cuban has endeavored to conserve its few remaining assets not located in Cuba, and to convert tangible assets to cash wherever possible. Cuban and Applicant were majority owned subsidiaries of American & Foreign Power Co., Inc., which merged on December 31, 1967, with Ebasco (formerly known as Electric Bond & Share Co.).

Background. The application states that on August 15, 1957, Cuban placed an order with International General Electric Co. for a 33,000 Kw steam electric turbine generator unit which was delivered in accordance with that contract to Ebasco International Corp. in New York as the purchasing agent for Cuban, at a cost of $993,137.24. Accessory equipment consisting of one "BTG" control board and three Alco fuel oil heaters was also delivered at a cost of $70,001. Because of the seizure, this property has, since its delivery, been stored in the United States at an additional expense through December 31, 1967, of $90,719.13 for the rental of storage space and $27,895.06 for insurance. The application further states that extensive efforts have been made by Cuban to sell the unit over the last 8 years at asking prices ranging from $950,000 at the beginning of the period to approximately $470,000 most recently.

The parties employed Franklin J. Leerburger, an independent consultant engineer practicing in New York City, to make an appraisal. Mr. Leerburger fixed the value of the unit at $425,000 and the value of the accessory equipment at $35,335, which the parties have agreed upon as the price for the equipment. Further, the application states that the purchase price is to be paid in cash and that any applicable sales tax and other expenses, the costs of the appraisals and the transportation of the unit to Guayaquil, Ecuador, are to be borne by Applicant.

Commission jurisdiction. Ebasco, a registered investment company owns 100 percent of the voting securities of Applicant and approximately 88 percent of the voting securities of Cuban, thus such companies are "affiliated persons" of Ebasco under the Act.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company from selling to or purchasing from any company controlled by such registered company any securities or other property. However, the Commission, upon application pursuant to section 17(b), may grant an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of such investment company and with the general purposes of the Act.

Supporting statements. The application states that Applicant originally contemplated the installation of one gas turbine generator unit of 12,000 Kw and a steam generating plant of 22,000 Kw, and also contemplated purchasing power from a hydroelectric plant to be installed by the Government to fill its needs for electric power to supply the increasing demand for electric power in the rapidly growing area of Guayaquil. However, the opportunity to install the 33,000 Kw unit at a total cost and efficiency approximately equal to the 22,000 Kw plant will be of great benefit to Applicant and to its consumers in Guayaquil because the per kilowatt installed cost of the capacity represented by the 33,000 Kw unit would be one-third the cost per kilowatt of the 22,000 Kw plant. The application also states that it appears that the government hydroelectric project cannot be counted upon to supply energy within the next 10 years, thus Applicant would require even more generating capacity. In this circumstance, Applicant states that the opportunity to install the 33,000 Kw unit at this time is of particular advantage.

The application states that the unit and the accessory equipment represent to Cuban wasting assets which ought to be sold and converted to cash before technological advances in the electric equipment manufacturing industry and the results of prolonged storage further reduce their value. Applicant states that in addition to the purchase of the unit representing an economic advantage, it also represents an opportunity to advance the construction program by eliminating the manufacturing lead time, thus enabling the capacity to be on the line by the December 1969 peak.

The application represents that because the parties have chosen a valuation made by a reputable and impartial third party there has been no overreaching on the part of either the purchaser or the seller. Applicant states that the proposed transaction does not change the nature of Ebasco's business, and is consistent with its policy as recited in its registration statement and reports filed under the Act. Applicant further states that the proposed transaction is also consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than August 26, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-9546; Filed, Aug. 9, 1968; 8:46 a.m.]

[812-2346]

GULF LIFE HOLDING CO.

Notice of Filing of Application for Exemption

AUGUST 5, 1968.

Notice is hereby given that Gulf Life Holding Co. ("applicant"), Gulf Life Tower, Jacksonville, Fla. 32201, a Florida corporation, has filed an application pursuant to sections 17(b) and 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act the proposed exchange by applicant with ISI Trust Fund ("Trust Fund"), a registered open-end diversified investment company, of up to 251,829 shares of applicant's common stock for an equal number of shares of the common stock of Gulf Life Insurance Co. ("Gulf Life"), a Florida corporation. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Trust Fund at July 1, 1968, owned 239,837 shares, or 7.1 percent, of the outstanding capital stock of Gulf Life. Gulf Life organized and may be deemed to control applicant. Accordingly, Gulf Life is an affiliated person of Trust Fund, and applicant is an affiliated person of Gulf Life, within the meaning of section 2(a)(3) of the Act.

Applicant's offer to exchange its shares for shares of Gulf Life held by Trust Fund is part of a general offer, made by applicant to all stockholders of Gulf Life pursuant to a registration statement and prospectus filed with the Commission under the Securities Act of 1933, to exchange one share of applicant's common stock for each outstanding share of common stock of Gulf Life. The exchange offer is contingent upon the receipt by applicant of at least 80 percent of the outstanding shares of Gulf Life. Applicant may at its option, but is not required to, accept Gulf Life shares tendered after the expiration date of the offer. Giving effect to a 5 percent stock dividend payable August 1, 1968 to holders of record on July 15, 1968, Gulf Life has 3,583,488 shares of its common stock outstanding.

At the effectiveness of the exchange offer, the only asset of applicant will be the shares of Gulf Life common stock received by it in the exchange offer and applicant will have outstanding an equal number of shares of its common stock. Upon the effectiveness of the exchange offer, Gulf Life will transfer to applicant all of the common stock of Stonewall Insurance Co., an Alabama insurance company ("Stonewall") at Gulf Life's cash cost of $15 million plus accrued interest. Gulf Life acquired the stock of Stonewall in May 1968 from Greatamerica Corp. ("Greatamerica"), a Nevada corporation. Applicant will obtain funds for its acquisition of the Stonewall stock by short term bank borrowings. Gulf Life will also transfer to applicant the 80.4 percent of the common stock of Gulf Enterprises, Inc., a Florida corporation, held by Gulf Life and will receive in exchange 243,880 shares of common stock of applicant.

Applicant has entered into an agreement under which it proposes to acquire from Greatamerica approximately 57 percent of the common stock of American-Amicable Life Insurance Co., an Alabama insurance company ("American-Amicable"). Agreement is subject to the effectiveness of the exchange offer and to the sale by applicant to the public of sufficient additional shares of its common stock to yield at least $17 million. There are no underwriting contracts or agreements presently in effect with respect to any such common stock financing. Accordingly, there is no assurance that the acquisition of American-Amicable will take place. The purchase price provided in the agreement is $48 million, of which $18 million is to be paid in cash and $30 million is to be represented by applicant's 3 percent promissory note in that principal amount due June 30, 1973, to which there will be attached warrants to purchase 525,000 shares of the common stock of applicant at $20.95 per share (subject to adjustment), expiring June 30, 1973.

American-Amicable owns 19.7 percent of the common stock of Gulf Life. Greatamerica, of which Ling-Temco-Vought, Inc., is the controlling stockholder, has agreed to cause American-Amicable to tender such shares of Gulf Life in exchange for shares of applicant's common stock in acceptance of applicant's exchange offer.

Section 17(a) of the Act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered company any securities or other property unless the Commission, upon application pursuant to section 17(b), grants an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of such investment company and with the general purposes of the Act.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given than any interested person may, not later than August 20, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-9547; Filed, Aug. 9, 1968; 8:46 a.m.]

[70-4659]

METROPOLITAN EDISON CO.

Notice of Proposed Issue and Sale at Competitive Bidding of First Mortgage Bonds

AUGUST 5, 1968.

Notice is hereby given that Metropolitan Edison Co. ("Met-Ed"), 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pa., an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Met-Ed proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 promulgated under the Act, $26 million principal amount of first mortgage bonds, ____ percent series, to be dated the date of their issue. The interest rate of the bonds which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Met-Ed (which shall be not less than 100 percent nor more than 102.75 percent of the principal amount

thereof) will be determined by the competitive bidding. The bonds, which will mature on September 1, 1998, will be issued under an Indenture dated as of June 1, 1944, between Met-Ed and Guaranty Trust Co. of New York (now Morgan Guaranty Trust Co. of New York), trustee, as heretofore supplemented, and as to be further supplemented by a supplemental indenture to be dated September 1, 1968.

The filing states that the proceeds (other than premium, if any, and accrued interest) from the sale of the bonds will be utilized for construction purposes, including reimbursement of Met-Ed's treasury for expenditures therefrom for such purposes and to pay bank loans outstanding at the time of the sale of the bonds, which loans are expected to aggregate $20,700,000. The cost of Met-Ed's 1968 construction program is estimated at approximately $48,500,000, and such costs and other cash requirements will be met, in part, by interim utilization of treasury funds made available from the proposed sale of the bonds.

Fees and expenses incident to the proposed transaction are estimated at $82,000, including counsel fees of $26,000 and accounting fees of $5,000. The fees and disbursements of counsel for the underwriters to be paid by the successful bidders, will be supplied by amendment.

The filing states that the issue and sale of the bonds are subject to the jurisdiction of the Pennsylvania Public Utility Commission, the State commission of the State in which Met-Ed is organized and doing business. It is further stated that no other State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than August 22, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68-9548; Filed, Aug. 9, 1968; 8:46 a.m.]

[70-4656]

MICHIGAN CONSOLIDATED GAS CO. AND AMERICAN NATURAL GAS CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding, Increase in Authorized Capital Stock, and Issue and Sale, and Acquisition of Shares of Common Stock

AUGUST 5, 1968.

Notice is hereby given that American Natural Gas Co. ("American Natural"), Suite 4950, 30 Rockefeller Plaza, New York, N.Y. 10020, a registered holding company, and its subsidiary company, Michigan Consolidated Gas Co. (Michigan Consolidated"), 1 Woodward Avenue, Detroit, Mich. 48226, have filed a joint application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9, 10, and 12(f) of the Act and Rules 43 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Michigan Consolidated will issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $25 million principal amount of first mortgage bonds, ____ percent series, due 1993. The interest rate (which will be a multiple of one-eighth of 1 percent and the price, exclusive of accrued interest (which will not be less than 100 percent nor more than 102¾ percent of the principal amount), will be determined by the competitive bidding. The bonds will be issued under a Mortgage and Deed of Trust, dated as of March 1, 1944, between Michigan Consolidated and First National City Bank and Blair A. Powell, as trustees, as heretofore supplemented and as to be further supplemented by a 17th supplemental indenture to be dated as of September 1, 1968.

Michigan Consolidated also proposes to (a) amend its Articles of Incorporation so as to increase the number of its authorized shares of common stock, par value $14 per share, from 10,060,000 shares to 10,350,000 shares, and (b) issue and sell 290,000 shares of such common stock to American Natural for a cash consideration of $4,060,000, the aggregate par value thereof.

Michigan Consolidated will use the net proceeds from the issue and sale of the bonds and common stock to pay its short-term notes to banks estimated to be outstanding in the amount of $25 million, and to pay construction costs. Michigan Consolidated's 1968 construction expenditures are estimated at $42 million, and such additional funds which may be required therefor will be obtained from the sale of additional securities, which will be the subject of future filings with this Commission, and from internal sources.

The fees and expenses to be paid by Michigan Consolidated in connection with the issue and sale of the bonds are estimated at $112,000, including counsel fees of $27,000, and accountant's fees of $7,500; and in connection with the issue and sale of the common stock are estimated at $7,300, including counsel fees of $1,000. The fee of counsel for the bond underwriters, estimated at $12,000, is to be paid by the successful bidders. A statement of the expenses of such counsel will be filed by amendment.

The Michigan Public Service Commission has jurisdiction over the proposed issue and sale of bonds and common stock by Michigan Consolidated, and a copy of that commission's order authorizing the same will be filed by amendment in this proceeding. It is stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than August 21, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the joint applicants-declarants at the above stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68-9549; Filed, Aug. 9, 1968; 8:46 a.m.]

PARAMOUNT GENERAL CORP.

Order Suspending Trading

AUGUST 5, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Paramount General Corp., Los Angeles, Calif., and all other securities of Paramount General Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 6, 1968, through August 15, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68-9550; Filed, Aug. 9, 1968; 8:46 a.m.]

[812-2339]

STATE STREET INVESTMENT CORP.

Notice of Filing of Application for Order Exempting Sale by Open-End Company of Securities at Other Than Public Offering Price

AUGUST 5, 1968.

Notice is hereby given that State Street Investment Corp. ("Applicant"), 225 Franklin Street, Boston, Mass., a Massachusetts corporation registered under the Investment Company Act of 1940, 15 U.S.C. Sec. 80a-1 et seq. ("Act"), as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price in exchange for substantially all the assets of Jomor Investing Co. ("Jomor"). All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Jomor, a Nevada corporation, is a personal holding company all of whose outstanding stock is owned by 22 stockholders and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Jomor has conducted its business as a private investment company since September 1957.

Pursuant to an agreement between Applicant and Jomor, assets owned by Jomor with a value of approximately $25,219,166 on May 31, 1968, will be transferred to Applicant in exchange for shares of Applicant's stock.

The number of shares of Applicant to be issued to Jomor is to be determined by dividing the aggregate market value of the assets of Jomor (subject to certain adjustments set forth in the application) to be transferred to Applicant by Applicant's net asset value per share (as defined in the agreement), both to be determined as of the valuation time. If the valuation in the agreement had taken place on May 31, 1968, Jomor would have received 456,196 shares of Applicant's stock.

When received by Jomor, the shares of Applicant are to be distributed to the Jomor shareholders on the liquidation of Jomor. Applicant has been advised by the management of Jomor that the stockholders of Jomor do not have any present intenton of distributing the shares of Applicant to be received on such liquidation following the sale of assets transaction or of redeeming any substantial number thereof. Applicant will sell a portion of the securities subsequent to their acquisition from Jomor as set out in the application.

Applicant represents that there is no affiliation or relationship between the officers and directors of Applicant and the officers and directors of Jomor and that the proposed transaction is the result of arms-length negotiations by the principals of both corporations.

Section 22(d) of the Act provides that registered open-end investment companies may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act, other than section 22(d) and submits that the granting of the application would be in accordance with established practice of the Commission, is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 23, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68-9551; Filed, Aug. 9, 1968; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 680]

MICHIGAN

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of June 1968, because of the effects of certain disasters, damage resulted to residences and business property located in the City of Ann Arbor, Mich.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid city, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on June 25 and 26, 1968.

OFFICE

Small Business Administration Regional Office, 1249 Washington Boulevard, Detroit, Mich. 48226.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to December 31, 1968.

Dated: August 5, 1968.

HOWARD J. SAMUELS, *Administrator.*

[F.R. Doc. 68-9561; Filed, Aug. 9, 1968; 8:47 a.m.]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

[Docket No. 102–68]

BETHLEHEM STEEL CORP.

Notice of Hearing Regarding Breach of Contracts

The Director of the Office of Federal Contract Compliance, U.S. Department of Labor (hereinafter the Director), having reason to believe that the provisions of the contracts referred to herein have been breached, having given Respondent notice of proposed termination of existing contracts and determination of contract ineligibility under the authority of Executive Order 11246, 30 F.R. 12319 (1965), and the rules and regulations pursuant thereto, 41 CFR Part 60–1, and Respondent having requested a hearing on said proposed actions, hereby sets the matter down for a hearing to be conducted in accordance with rules of procedure which are available at Room 4136, 14th and Constitution Avenue, Washington, D.C., and which specify the terms on which others may participate.

The allegations on which the Director's proposed action is based are as follows:

I. Bethlehem Steel Corp. (hereinafter the Respondent) is a Delaware corporation, maintaining its principal office in Bethlehem, Pa. It maintains production facilities in numerous locations throughout the United States including facilities in Sparrows Point, Md., where it manufactures steel and copper products, including steel wire, plates, and reinforcing bars.

II. A. At all times pertinent hereto, Respondent has regularly contracted and continues to regularly contract with departments and agencies of the U.S. Government.

B. Pursuant to the requirements of section 202, Executive Order 11246, 30 F.R. 12320 (1965) (and the corresponding section of preceding Executive orders), the contracts between Respondent and the U.S. Government contain an "equal opportunity clause" in the form attached hereto as Exhibit A. This "equal opportunity clause" provides in part:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to race, creed, color, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

III. A. In 1960, the Baltimore, Md. urban area had a population of 1,418,948 of which approximately 378,575 were Negro.

B. Of approximately 2,304 persons employed by Respondent as officials, managers, professionals, technicians, and sales workers, approximately 63 are Negroes. Of the 25,920 employees, the 8,080 Negro employees are employed primarily in departments, units, and jobs in which the working conditions are the least desirable, the pay is lowest, and the opportunity for advancement is smallest.

IV. Since March 6, 1961, Respondent has violated, and continues to violate its contracts with agencies and Departments of the Federal Government. These violations include:

(a) Excluding Negroes from administrative and executive positions and supervisory positions above the first line;

(b) Discriminating in the selection of first-line supervisors and limiting Negro supervisors to racially segregated units, and having failed to take affirmative action to cure the effects of discriminatory practices in selection and assignment of supervisors;

(c) For many years, assigning Negroes on a racially discriminatory basis to those departments, units, and jobs in which the working conditions are the least desirable, the pay is lowest, and the opportunity for advancement is smallest, and continuing to limit the transfer opportunities of Negro employees from these segregated departments and units, and having failed to take affirmative action to cure the effects of discriminatory assignment practices;

(d) Requiring Negro workers to meet higher standards for placement in certain departments, units, and jobs than incumbent white employees were required to meet;

(e) Failure to take necessary affirmative action to cure the effects of previous discriminatory practices in the operation of training programs;

(f) Failing to take necessary affirmative action to cure the effects of previous discriminatory hiring practices in regard to clerical, professional, technical, and other white collar employees; and

(g) Maintaining company-owned housing on a racially segregated basis.

V. The Government has made reasonable efforts to secure compliance by the Respondent with the "equal opportunity clause" by methods of conference, conciliation, mediation, and persuasion. These reasonable efforts included numerous conciliation meetings between Respondent and the Office of Federal Contract Compliance including meetings on May 29, 1967, February 12–14, 1968, March 7, 1968, April 24–25, 1968, and May 7, 1968 attended by Respondent's officials and representatives of the Office of Federal Contract Compliance. At those times, Respondent failed and refused to take adequate steps to eliminate the conditions described in paragraph IV of this notice. On May 23, 1968, the Office of Federal Contract Compliance informed Respondent that it proposed to cause the termination of existing contracts and to provide for Respondent's ineligibility for future contracts. Respondent was accorded an opportunity to request a hearing. On May 31 Respondent requested a hearing, seeking to have the hearing scheduled no earlier than September 1, 1968. The Office of Federal Contract Compliance on June 14, 1968, granted that request on the understanding that the company resolve all matters expeditiously which could be resolved outside the scope of collective bargaining. By letter of June 17, 1968, the Respondent refused to resolve those matters. In order to give Respondent another opportunity to remedy its noncompliance prior to the institution of formal proceedings, representatives of the Office of Federal Contract Compliance met with officials of Respondent on July 11, 1968. At that time, Respondent presented no satisfactory proposals.

Wherefore, the Secretary of Labor has designated as the Panel to hear and determine this matter in accordance with the attached rules of procedure,[1]

Rev. Dexter L. Hanley, S. J., Georgetown University Law Center, 506 E Street NW., Washington, D.C., Chairman.
Mr. Lloyd H. Baller, 645 Walther Way, Los Angeles, Calif. 90049.
Mr. Peter Seitz, 285 Central Park West, New York, N.Y.

and to recommend to the Director whether,

(a) Pursuant to section 209(a)(5) of Executive Order 11246, the Director shall cause to be terminated all existing contracts or any portion or portions thereof which the Respondent holds with agencies and departments of the Federal Government and all subcontracts as defined in 41 CFR 60–1.2(k); and

(b) Pursuant to sections 202 and 209(a)(6) of Executive Order 11246 and 41 CFR 60–1.27(b), the Director shall declare the Respondent ineligible for further contracts, subcontracts and extensions of existing contracts or subcontracts until the Respondent has satisfied the Director that it has established and will carry out personnel and employment policies in compliance with the provisions of Executive Order 11246; and

(c) Other appropriate action authorized by section 209 of Executive Order 11246 shall be taken.

The Hearing will be convened at 10 a.m., on September 9, 1968, at Conference Room B, Interstate Commerce Commission Building, Constitution Avenue NW., Washington, D.C.

This notice has been signed and issued pursuant to 41 CFR 60–1.26(b) and 60–1.27 at Washington, D.C., this 2d day of August 1968.

WARD MCCREEDY,
Acting Director, Office of Federal Contract Compliance.

[F.R. Doc. 68-9593; Filed, Aug. 9, 1968; 8:50 a.m.]

[1] Rules of procedure filed as part of original document.

INTERSTATE COMMERCE COMMISSION

[Notice 665]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 7, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate

Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 13134 (Sub-No. 21 TA), filed August 1, 1968. Applicant: GRANT TRUCKING, INC., Post Office Box 256, State Route 93 North, Oak Hill, Ohio. Applicant's representative: Thomas V. Martin, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hood and fender assemblies*, from Jackson, Ohio, to Fort Wayne, Ind., for 180 days. Supporting shipper: Goodyear Aerospace Corp., Akron, Ohio. Send protests to: Arthur M. Culver, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 236 New Post Office Building, Columbus, Ohio 43215.

No. MC 26088 (Sub-No. 16 TA), filed August 2, 1968. Applicant: THE SANDERS TRUCK TRANSPORTATION CO., INC., Post Office Box 68, Highway 301 North, Allendale, S.C. 29810. Applicant's representative: William Addams, Room 527, 1776 Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mortar mix and cement*, in bags, when moving in mixed shipments of brick, tile, and concrete blocks for which applicant has authority MC 26088 and MC 26088, Sub 8, from Augusta, Ga., to points in South Carolina, for 180 days. NOTE: Applicant intends to tack with its existing authority. Supporting shipper: Merry Brothers Brick and Tile Co., Post Office Box 1474, Augusta, Ga. 30903. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operation, 601A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 103721 (Sub-No. 16 TA), filed August 1, 1968. Applicant: RAYMOND B. LONG, INC., Ridge Road, Tylersport, Pa. 18971. Applicant's representative: Theodore Polydoroff, Munsey Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinyl plastic coated stone*, from points in Northampton County, Pa., to points in New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, and the District of Columbia, for 180 days. Supporting shipper: Alpha Aggregates, a division of Alpha Portland Cement Co., Alpha Building, Easton, Pa. 18042. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Custom House, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 107002 (Sub-No. 349 TA), filed August 1, 1968. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Formaldehyde*, in bulk, in tank vehicles, from Vicksburg, Miss., to points in Texas south and west of U.S. Highways 84, 69, 271, and 67, for 180 days. Supporting shipper: Gulf Oil Co., U.S. Post Office Box 2100, Houston, Tex. 77001. Send protests to: District Supervisor Floyd A. Johnson, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, 145 East Amite Street, Jackson, Miss. 39201.

No. MC 111401 (Sub-No. 257 TA), filed August 1, 1968. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat-packing houses* (except dairy products, animal fats, greases, and blends thereof, and commodities in bulk), from the plantsite of Hyplains Dressed Beef, Inc., near Dodge City, Kans., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Hyplains Dressed Beef, Inc., Thomas O. Malcolm, Traffic Manager, Box 539, Dodge City, Kans. 67801. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 111401 (Sub-No. 258 TA), filed August 1, 1968. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from Eldorado, Kans., to points in Douglas, Greene, Phelps, Pulaski, Schuyler, and Texas Counties, Mo., for 180 days. Supporting shipper: Sam T. Spencer, Traffic Manager, American Petrofina Company of Dallas, Dallas, Tex. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 111401 (Sub-No. 259 TA), filed August 1, 1968. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Four-wheel carts*, set-up, for use in the wholesale-retail grocery trade, in truckload lots, from Liberal, Kans., to points in Illinois, Iowa, Michigan, New Mexico, and Texas, for 180 days. Supporting shipper: Tradewind Industries, Inc., West Highway 54, Liberal, Kans. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 111740 (Sub-No. 25 TA), filed August 2, 1968. Applicant: OIL TRANSPORT COMPANY, Post Office Drawer 2679, Abilene, Tex. 79604. Applicant's representative: Jerry E. Matthews (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur*, in bulk, from Borger, Tex., to the site of the Kerr-McGee Corp. plant located approximately 23 miles northwest of Grants, N. Mex., for 180 days. Supporting shipper: Phillips Petroleum Co., Bartlesville, Okla. 74003. Send protests to: Billy R. Reid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 123067 (Sub-No. 71 TA), filed August 2, 1968. Applicant: M & M TANK LINES, INC., Post Office Box 4167 North Station, Winston-Salem, N.C. 27105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, dry in bulk, from Goldsboro, N.C., to points in North Carolina, restricted to shipments having had a prior movement by rail, for 120 days. Supporting shipper: Cargill, Inc., Cargill Building, Minneapolis, Minn. 55402. Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 417 BSR Building, Charlotte, N.C. 28202.

No. MC 126210 (Sub-No. 3 TA), filed August 2, 1968. Applicant: KELLY & ADKINS TRUCKING CO., INC., Jenkins, Ky. 41537. Applicant's representative: Fred F. Bradley, 202–204 Court Square Office Building, 213 St. Clair Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone, limestone, gravel, aggregate, road base, and agricultural lime*, from points in Pike County, Ky., to points in Buchanan, Dickenson, Lee, Russell,

Scott, Smyth, Tazewell, Washington, and Wise Counties, Va., and Logan, Mingo, McDowell, and Wyoming Counties, W. Va., for 180 days. Supporting shipper: John W. Ruth, Jr., Vice President and Plant Manager, Elkhorn Stone Co., Inc., Elkhorn City, Ky. 41522. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 203 Featherstone Building, 177 North Upper Street, Lexington, Ky. 40507.

No. MC 127093 (Sub-No. 8 TA), filed August 1, 1968. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a partnership, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicant's representative: Daniel B. Johnson, Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum building materials* (except in bulk) and *materials and accessories* used in the installation thereof, from Port Clinton, Ohio, to points in Kentucky and Tennessee (except Memphis and its commercial zone), restricted to service to be performed under a continuing contract with the Celotex Corp., 1500 North Dale Mabry, Tampa, Fla. 33607, for 180 days. Supporting shipper: The Celotex Corp., 1500 North Dale Mabry, Tampa, Fla. 33607. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich. 48933.

No. MC 133009 (Sub-No. 1 TA), filed August 1, 1968. Applicant: MOORE TRUCKING, INC., Rural Delivery 1, Bath, Pa. 18014. Applicant's representative: Kenneth R. Davis, 1106 Darthmouth Street, Scranton, Pa. 18504. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone* in bulk, from Martins Creek, Pa., to Mattawan, Edison, Red Bank, Freehold, Sayreville, and New Brunswick, N.J., for 180 days. Supporting shipper: Alpha Aggregates, a division of Alpha Portland Cement Co., Alpha Building, Easton, Pa. 18042. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Custom House, Second and Chestnut Streets, Philadelphia, Pa. 19106.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9566; Filed, Aug. 9, 1968; 8:47 a.m.]

[Notice 186]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 7, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70663. By order of July 31, 1968, the Transfer Board approved the transfer to Skyline Transport, Inc., 6120 Eastbourne Avenue, Baltimore, Md., 21224 of certificate in No. MC-19986, issued January 31, 1941, to Asco, Inc., 136 Washington Street, Paterson, N.J. 07505, authorizing the transportation of: Rayon, silk, textiles, chemicals, raw materials, and machinery used in the manufacture of piece goods, between Paterson, N.J., and Rocky Mount, N.C., between Paterson, N.J., and New York, N.Y., and between Nanuet, N.Y., and Paterson, N.J.

No. MC-FC-70692. By order of July 31, 1968, the Transfer Board approved the transfer to City Express, Inc., North Huntington Township, Pa., of the operating rights in certificate No. MC-13245 issued September 5, 1956, to Edward Zurcher Co., Inc., 707 Pitt Street, Wilkensburg, Pa., 15221 authorizing the transportation of: *Building and construction materials, supplies, machinery, and equipment*, between Pittsburgh, Pa., and points in Pennsylvania within 50 miles of Pittsburgh, on the one hand, and, on the other, points in that part of West Virginia on and north of U.S. Highway 50, and those in Ohio, on and east of U.S. Highway 23. Dante G. Bertani, 35 West Pittsburgh Street, Greensburg, Pa. 15601, attorney for transferee.

No. MC-FC-70670. By order of July 29, 1968, the Transfer Board approved the transfer to Lockwood Horse Vans, Inc., Prairie View, Ill., of the operating rights in certificates Nos. MC-125602 and MC-125602 (Sub-No. 1), issued November 25, 1964, and July 18, 1967, respectively, to Gerald J. Lockwood, doing business as Jerry Lockwood, Prairie View, Ill., authorizing the transportation of livestock, other than ordinary, and race and show horses, mascots used in the care and exhibition of such animals, the personal effects of attendants, and stable equipment, between St. Charles and Prairie View, Ill., and points in Illinois within 20 miles of Prairie View, on the one hand, and, on the other, points in Iowa, Indiana, Michigan, Minnesota, Wisconsin, Kentucky, Ohio, New York, Maryland, Texas, West Virginia, Virginia, Florida, Louisiana, Missouri, Arkansas, Arizona, and New Mexico. Marshall P. Patke, 1240 Meadow Road, Northbrook, Ill. 60062, attorney for applicants.

No. MC-FC-70680. By order of July 31, 1968, the Transfer Board approved the transfer to Leon D. Langer, doing business as Langer's Transfer, Ellsworth, Wis., of the operating rights in certificate No. MC-93848, issued September 30, 1943, to Clayton Langer, doing business as Langer's Transfer, Ellsworth, Wis., authorizing the transportation of: General commodities, with the usual exceptions, and various specified commodities, between points in Wisconsin and Minnesota. A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114, practitioner for applicants.

No. MC-FC-70684. By order of July 31, 1968, the Transfer Board approved the transfer to Eastern Tours, Ltd., Oneonta, N.Y., of License No. MC-12808, issued August 25, 1964, to Bookhout Agency, Inc., Oneonta, N.Y., authorizing the holder to engage in operations as a broker at Oneonta, N.Y., as follows: Passengers and their baggage, in special and charter operations, beginning and ending at Oneonta and Binghamton, N.Y., and extending to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia. James H. Glavin III, 69 Second Street, Post Office Box 40, Waterford, N.Y. 12188, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9567; Filed, Aug. 9, 1968; 8:47 a.m.]

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FEDERAL REGISTER

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Tuesday, August 13, 1968 • Washington, D.C.

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Civil Aeronautics Board
Consumer and Marketing Service
Customs Bureau
Emergency Planning Office
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Forest Service
General Services Administration
International Commerce Bureau
Interstate Commerce Commission
Labor Department
Land Management Bureau
Post Office Department
Renegotiation Board
Securities and Exchange Commission
Treasury Department

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Executive Order 11421

PLACING AN ADDITIONAL POSITION IN LEVEL V OF THE FEDERAL EXECUTIVE SALARY SCHEDULE

By virtue of the authority vested in me by section 5317 of title 5 of the United States Code, as amended, and as President of the United States, section 2 of Executive Order No. 11248 of October 10, 1965, as amended, is further amended by adding thereto the following:

(20) Deputy Assistant Secretary of Defense for Reserve Affairs.

Lyndon B. Johnson

THE WHITE HOUSE,
August 9, 1968.

[F.R. Doc. 68-9751; Filed, Aug. 12, 1968; 9:55 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 250, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committtee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 908.550 (Valencia Orange Reg. 250, 33 F.R. 10936) are hereby amended to read as follows:

§ 908.550 Valencia Orange Regulation 250.

* * * * *

(b) * * *

(1) * * *

(ii) District 2: 350,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 8, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9635; Filed, Aug. 12, 1968; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 68-SO-58]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Areas

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter the Augusta, Ga., control zone and transition area and the Raleigh, N.C., transition area.

The Augusta control zone is described in § 71.171 (33 F.R. 2058).

The Augusta transition area is described in § 71.181 (33 F.R. 2137) and the Raleigh transition area is described in § 71.181 (33 F.R. 2137 and 6532).

In the descriptions of the Augusta control zone and transition area, reference is made to the Augusta RBN. Since the name of this RBN is being changed to "Emory RBN," effective October 17, 1968, it is necessary to amend the descriptions accordingly.

In the description of the Raleigh transition area, reference is made to the Raleigh-Durham RBN. Since the name of this RBN is being changed to "Leesville RBN," effective October 17, 1968, it is necessary to amend the description accordingly.

Since these amendments are editorial in nature, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit processing and publication of these alterations, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 17, 1968, as hereinafter set forth.

In § 71.171 (33 F.R. 2058), the Augusta, Ga., control zone is amended as follows:

"* * * Augusta RBN * * *" is deleted and "* * * Emory RBN * * *" is substituted therefor, wherever it appears.

In § 71.181 (33 F.R. 2137), the Augusta, Ga., transition area is amended as follows:

"* * * Augusta RBN * * *" is deleted and "* * * Emory RBN * * *" is substituted therefor, wherever it appears.

In § 71.181 (33 F.R. 2137), the Raleigh, N.C., transition area (33 F.R. 6532) is amended as follows:

"* * * Raleigh-Durham RBN * * *" is deleted and "* * * Leesville RBN * * *" is substituted therefor, wherever it appears.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on August 1, 1968.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 68-9857; Filed, Aug. 12, 1968; 8:49 a.m.]

[Airspace Docket No. 68-WE-54]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On June 21, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 9178) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the description of the Battle Mountain, Nev., transition area. Interested persons were given 30 days in which to submit written comments, suggestions, or objections.

No objections have been received and the proposed amendment is hereby adopted subject to the following change:

In the 16th line of the text of the description of the Battle Mountain transition area delete "* * * the N edge of V-6 N * * *" and substitute "* * * a line 5 miles N of and parallel to the Battle Mountain VORTAC 264° radial * * *" therefor.

Since this change is minor in nature, notice and public procedure hereon are unnecessary.

Effective date. This amendment shall be effective 0901 G.m.t., October 17, 1968.

Issued in Los Angeles, California, on July 31, 1968.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (33 F.R. 2147) the description of the Battle Mountain, Nev., transition area is amended to read as follows:

BATTLE MOUNTAIN, NEV.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lander County Airport (latitude 40°35'-55" N., longitude 116°52'25" W.), and within 8 miles northwest and 5 miles southeast of the Battle Mountain VORTAC 218° radial extending from the VORTAC to 17.5 miles southwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded on the north by a line 5 miles north of and parallel to the Battle Mountain VORTAC 264° and 084° radials, on the west and southwest by an arc of a 23-mile radius circle centered on Battle Mountain VORTAC extending counterclockwise from a line 5 miles N of and parallel to the Battle Mountain VORTAC 264° radial to a line 6 miles southeast of and parallel to the Battle Mountain VORTAC 218° radial, on the southeast by a line 6 miles southeast of and parallel to the Battle Mountain VORTAC 218° radial, on the east by longitude 116°50'30" W., and that airspace within 9 miles north and 6 miles south of the Battle Mountain 077° and 257° radials extending from 18.5 miles east to 7 miles west of the VORTAC.

[F.R. Doc. 68-9659; Filed, Aug. 12, 1968; 8:49 a.m.]

[Airspace Docket No. 68-WE-55]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On June 28, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 9508) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations which would designate a transition area for the Rio Vista Airport, Calif. Interested persons were given 30 days in which to submit written comments, suggestions, or objections.

No objections have been received and the proposed amendment is hereby adopted subject to the following change:

Correct the geographical coordinates of the Rio Vista Airport to read "(lat. 38°10'20" N., long. 121°41'20" W.)".

Since this change is minor in nature, notice and public procedure hereon are unnecessary.

Effective date. This amendment shall be effective 0901 G.m.t., October 17, 1968.

Issued in Los Angeles, Calif., on July 31, 1968.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (33 F.R. 2137) the following transition area is added:

RIO VISTA, CALIF.

That airspace extending upward from 700 feet above the surface within a 3-mile radius of Rio Vista Airport (latitude 38°10'20" N., longitude 121°41'20" W.) and within 2 miles each side of the Sacramento VORTAC 202° radial extending from the 3-mile radius area to 8 miles north of the airport.

[F.R. Doc. 68-9660; Filed, Aug. 12, 1968; 8:50 a.m.]

[Airspace Docket No. 68-EA-39]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways and Revocation of Designated Reporting Points

On May 25, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 7727) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would change the name of the Thornhurst, Pa., VORTAC to Wilkes-Barre, Pa., wherever it appears in the descriptions of V-106, V-147, V-149, V-188, V-226 and as a designated low altitude reporting point. It also was proposed to revoke the Thornhurst VORTAC as a designated high altitude reporting point.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., October 17, 1968, as hereinafter set forth.

1. Section 71.123 (33 F.R. 2009) is amended as follows:

a. In V-106 "Thornhurst, Pa., 237° radials; 12 AGL Thornhurst;" is deleted and "Wilkes-Barre, Pa., 237° radials; 12 AGL Wilkes-Barre;" is substituted therefor.

b. In V-147 "12 AGL Thornhurst, Pa.;" is deleted and "12 AGL Wilkes-Barre, Pa.;" is substituted therefor.

c. In V-149 "12 AGL Thornhurst, Pa.;" is deleted and "12 AGL Wilkes-Barre, Pa.;" is substituted therefor.

d. In V-188 "12 AGL Thornhurst, Pa.;" is deleted and "12 AGL Wilkes-Barre, Pa.;" is substituted therefor.

e. In V-226 "12 AGL Thornhurst, Pa.;" is deleted and "12 AGL Wilkes-Barre, Pa.;" is substituted therefor.

2. Section 71.203 (33 F.R. 2280) is amended as follows:

"Thornhurst, Pa." is deleted and "Wilkes-Barre, Pa." is substituted therefor.

3. Section 71.207 (33 F.R. 2287) is amended as follows:

"Thornhurst, Pa." is deleted.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 5, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-9658; Filed, Aug. 12, 1968; 8:49 a.m.]

[Airspace Docket No. 68-WE-59]

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area/ Military Climb Corridor

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to revoke the Merced, Calif. (Castle AFB) Restricted Area/Military Climb Corridor R-2514.

The United States Air Force has stated that the requirement for this restricted area/military climb corridor no longer exists.

Since this restricted area/military climb corridor was designated solely for use of the military, revocation thereof will reduce the burden on the public. Therefore, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days. In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 73.25 (33 F.R. 2302) R-2514 Merced, Calif. (Castle AFB) Restricted Area/ Military Climb Corridor is revoked.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 5, 1968.

FERRIS J. HOWLAND,
Acting Director, Air Traffic Service.

[F.R. Doc. 68-9663; Filed, Aug. 12, 1968; 8:50 a.m.]

[Airspace Docket No. 68-CE-62]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to convert the time of designation for the Upper Lake Huron, Mich., Restricted Area R-4207, from Eastern Standard Time to Greenwich Mean Time.

The Department of the Air Force has requested the time of designation of R-4207 be changed from "0600 to 2200 e.s.t., April 1 through October 31; 0800 to 1600 e.s.t., Thursday through Sunday, November 1 through March 31" to "1100 to 0300 G.m.t., April 1 through October 31; 1300 to 2100 G.m.t., Thursday through Sunday, November 1 through March 31."

Since this action will not increase the time of use of R-4207 and no additional burden is placed on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days. In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 73.42 (33 F.R. 2322) R-4207 Upper Lake Huron, Mich., Restricted Area is amended by deleting "Time of designation. 0600 to 2200 e.s.t., April 1 through October 31; 0800 to 1600 e.s.t., Thursday through Sunday, November 1 through March 31." and substituting therefor "Time of designation. 1100 to 0300 G.m.t., April 1 through October 31; 1300 to 2100 G.m.t., Thursday through Sunday, November 1 through March 31."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 5, 1968.

FERRIS J. HOWLAND,
Acting Director, Air Traffic Service.

[F.R. Doc. 68-9662; Filed, Aug. 12, 1968; 8:50 a.m.]

[Airspace Docket No. 68-CE-29]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Routes

On June 8, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 8511); stating that the Federal Aviation Administration was considering an amendment to Part 75 of the Federal Aviation Regulations that would alter segments of Jet Route Nos. 34 and 90.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended effective, 0901 G.m.t., October 17, 1968, as hereinafter set forth.

Section 75.100 (33 F.R. 2349) is amended as follows:

a. Jet Route No. 34 is amended to read: Jet Route No. 34 (Mullan Pass, Idaho, to Herndon, Va.).

From Mullan Pass, Idaho, via Helena, Mont.; Billings, Mont.; Dupree, S. Dak.; Redwood Falls, Minn.; Nodine, Minn.; Milwaukee, Wis.; INT of Milwaukee 098° and Carleton, Mich., 297° radials; Carleton; Cleveland, Ohio; Allegheny, Pa.; Front Royal, Va.; to Herndon, Va.

b. In Jet Route No. 90 all between "Mullan Pass, Idaho;" and "Mason City, Iowa;" is deleted and "Lewistown, Mont.; Miles City, Mont.; Aberdeen, S. Dak.; Redwood Falls, Minn.;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 6, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-9661; Filed, Aug. 12, 1968; 8:50 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release IC-5452]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Ownership of Unregistered Small Business Investment Companies

On April 18, 1968, the Securities and Exchange Commission published notice (Investment Company Act Release No. 5346) [in the FEDERAL REGISTER on April 25, 1968 (33 F.R. 6302)] that it had under consideration the adoption of an amendment to Rule 3c-2 (17 CFR § 270.3c-2) under the Investment Company Act of 1940 ("Act") (15 U.S.C. 80a) and invited all interested persons to submit their views and comments upon the proposal. The Commission has considered the views and comments which it received and has determined to adopt the amendment to Rule 3c-2 as originally proposed and as set forth below.

Section 3(c)(1) of the Act, which is referred to in the Rule (17 CFR § 270.3c-2), excepts from the definition of an investment company any issuer which is not making and does not propose to make a public offering of its securities and whose outstanding securities are beneficially owned by not more than one hundred persons. That section further provides that beneficial ownership by a company shall be deemed beneficial ownership by one person, with the exception that if such company owns 10 percent or more of the outstanding voting securities of the issuer, the beneficial ownership of the issuer shall be deemed to be that of the holders of such company's outstanding securities.

Rule 3c-2 (17 CFR § 270.3c-2) presently provides that, for the purpose of section 3(c)(1) of the Act, beneficial ownership by a company, other than a registered investment company, owning 10 percent or more of the outstanding voting securities of a small business investment company licensed or proposed to be licensed under the Small Business Investment Act of 1958 shall be deemed to be beneficial ownership by one person notwithstanding that such company owning such securities has more than one stockholder, if the value of all securities of small business investment companies owned by such company does not exceed 5 percent of the value of its total assets. The rule (17 CFR § 270.3c-2) also deems beneficial ownership by a company to be beneficial ownership by one person if the owner is a State-wide development corporation created by or pursuant to an act of a State legislature to promote and assist growth and development of the economy of the State, provided that such State development corporation itself is not, or would not become as a result of its investment, an investment company.

The amendment to Rule 3c-2 (17 CFR § 270.3c-2) would delete the phrase "other than a registered investment company" from the Rule (17 CFR § 270.3c-2). The effect of this amendment is to provide an exclusion from the definition of an investment company under section 3(c)(1) of the Act for a small business investment company when a registered investment company owns more than 10 percent of the outstanding voting securities of the small business investment company, if a certain condition is met. This condition is the same as that in the existing Rule (17 CFR § 270.3c-2), i.e., if and so long as the value of all securities of small business investment companies owned by the registered investment company does not exceed 5 percent of the value of its total assets.

The amendment, for example, permits a registered investment company to organize a wholly owned small business investment company which would be excluded under section 3(c)(1) of the Act from the definition of an investment company provided the investment by the registered investment company in the securities of the small business investment company does not exceed 5 percent of the value of the assets of the registered investment company.

Section 6(c) of the Act authorizes the Commission to issue rules which exempt any person from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purpose fairly intended by the policy and provisions of the Act. Section 38(a) of the Act authorizes the Commission to issue such rules as are necessary or appropriate to the exercise of the powers conferred upon the Commission in the Act.

In the Commission's view, the amendment (17 CFR § 270.3c-2) will tend to effectuate the purposes and objectives of the Small Business Investment Act, and, in view of the prescribed conditions, is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Investment Company Act.

The text of the amendment to Rule 3c-2 (17 CFR § 270.3c-2), adopted by the Commission pursuant to the authority granted to it in sections 6(c) and 38(a) of the Act, is as follows:

Section 270.3c-2 is amended by deleting the phrase ", other than a registered investment company,". As so amended, § 270.3c-2 reads:

§ 270.3c-2. Definition of beneficial ownership in small business investment companies.

For the purpose of section 3(c)(1) of the Act, beneficial ownership by a company owning 10 per centum or more of the outstanding voting securities of any issuer which is a small business investment company licensed to operate under the Small Business Investment Act of 1958, or which has received from the Small Business Administration notice to proceed to qualify for a license, which notice or license has not been revoked, shall be deemed to be beneficial ownership by one person (a) if and so long as the value of all securities of small business investments companies owned by such company does not exceed 5 percentum of the value of its total assets; or (b) if and so long as such stock of the small business investment company shall be owned by a state development corporation which has been created by or pursuant to an act of the State legislature to promote and assist the growth and development of the economy within such State on a state-wide basis provided that such State development corporation is not, or as a result of its investment in the small business investment

company (considering such investment as an investment security) would not be, an investment company as defined in section 3 of the Act.

(Secs. 6(c), 38(a), 74 Stat. 412, 54 Stat. 841, 15 U.S.C. 80a-6(c), 80a-37(a).)

The Commission finds that the foregoing amendment to Rule 3c-2 (17 CFR § 270.3c-2) in effect, grants an exemption from section 8 and the other regulatory provisions of the Act by relaxing the ownership attribution rule set forth in section 3(c)(1) of the Act and that such amendment may be made effective immediately upon publication. Accordingly, the foregoing amendment to Rule 3c-2 is declared effective August 5, 1968.

By the Commission, August 5, 1968.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68-9632; Filed, Aug. 12, 1968; 8:48 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary

PART 11—VOCATIONAL REHABILITATION FOR MIGRANT AGRICULTURAL WORKERS

On page 7695 of the FEDERAL REGISTER of May 24, 1968, there was published a notice of proposed rule making to amend Title 29 of the Code of Federal Regulations by establishing a new Part 11. Interested persons were given 15 days in which to submit written statements of data, views, or argument concerning the proposal. None were received and the new 29 CFR Part 11 is hereby adopted without change and is set forth below.

Effective date. Part 11 shall be effective September 12, 1968.

Signed at Washington, D.C., this 6th day of August 1968.

WILLARD WIRTZ, *Secretary of Labor.*

Sec.
11.1 Purpose.
11.2 Migratory agricultural workers.
11.3 Review.

AUTHORITY: The provisions of this Part 11, issued under Public Law 90-99; 81 Stat. 261.

§ 11.1 Purpose.

The Secretary of Health, Education, and Welfare is authorized under the Vocational Rehabilitation Amendments of 1967 (Public Law 90-99; Approved Oct. 3, 1967) to make grants to any State agency designated pursuant to a State plan approved under section 5 of the Vocational Rehabilitation Act (29 U.S.C. 35) or to any local agency participating in the administration of such a plan, for not to exceed 90 percentum of the cost of pilot or demonstration projects for the provision of vocational rehabilitation services to handicapped individuals who are migratory agricultural workers as determined in accordance with rules prescribed by the Secretary of Labor and to members of their families (whether or not handicapped) who are with them, including maintenance and transportation of such individuals and members of their families where necessary to the rehabilitation of that individual. Accordingly, the definition set forth in § 11.2 has been issued.

§ 11.2 Migratory agricultural workers.

For purposes of the Act a "migratory agricultural worker" is a person who occasionally or habitually leaves his place of residence on a seasonal or other temporary basis to engage in ordinary agricultural operations or in services incident to the preparation of farm commodities for the market in another locality in which he resides during the period of such employment.

§ 11.3 Review.

Any person who is of the opinion that he is a migratory agricultural worker as defined in § 11.2 may request a review for such classification where eligibility has been previously denied by any State agency engaged in the administration of such matters by writing to the Manpower Administrator, U.S. Department of Labor, Washington, D.C. 20210.

[F.R. Doc. 68-9625; Filed, Aug. 12, 1968; 8:47 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 251—LAND USES

Rights of Grantors

Part 251 of Title 36, Code of Federal Regulations, is amended by revising § 251.17 as follows:

§ 251.17 Grantor's right to occupy and use lands conveyed to the United States.

Except as otherwise provided in paragraph (h) of this section, in conveyances of lands to the United States under authorized programs of the Forest Service, where owners reserve the right to occupy and use the land for the purposes of residence, agriculture, industry, or commerce, said reservations shall be subject to the following conditions, rules and regulations which shall be expressed in and made a part of the deed of conveyance to the United States and such reservations shall be exercised thereunder and in obedience thereto:

(a) The reservation so created shall not be assigned, used or occupied by anyone other than the grantor without the consent of the United States.

(b) All reasonable precautions shall be taken by the grantor and all persons acting for or claiming under him to prevent and suppress forest fires upon or threatening the premises or other adjacent lands of the United States, and any person failing to comply with this requirement shall be responsible for any damages sustained by the United States by reason thereof.

(c) The premises shall not be used or permitted to be used, without the written consent of the United States, for any purpose or purposes other than those specified in the instrument creating the reservation.

(d) The grantor and all persons acting for or claiming under him shall maintain the premises and all buildings and structures thereon in proper repair and sanitation and shall comply with the National Forest laws and regulations and the laws and lawful orders of the State in which the premises are located.

(e) The reservation shall terminate (1) upon the expiration of the period named in the deed; (2) upon failure for a period of more than one calendar year to use and occupy the premises for the purposes named in the deed; (3) by use and occupancy for unlawful purposes or for purposes other than those specified in the deed; and (4) by voluntary written relinquishment by the owner.

(f) Upon the termination of the reservation the owners of personal property remaining on the premises shall remove same within a period of three months, and all such property not so removed shall become the property of the United States except that when such removal is prevented by conditions beyond the control of the owners the period shall be extended in writing by the Forest Service to allow a reasonable time for said removal, but in no event longer than one year.

(g) The said reservation shall be subject to rights-of-way for the use of the United States or its permittees, upon, across, or through the said land, as may hereafter be required for the erection, construction, maintenance and operation of public utility systems over all or parts thereof, or for the construction and maintenance of any improvements necessary for the good administration and protection of the National Forests, and shall be subject to the right of officials or employees of the Forest Service to inspect the premises, or any part thereof, at all reasonable times and as often as deemed necessary in the performance of official duties in respect to the premises.

(h) The conditions, rules, and regulations set forth in paragraphs (a) through (g) of this section shall not apply to reservations contained in conveyances of lands to the United States under the Act of March 3, 1925, as amended (43 Stat. 1133, 64 Stat. 82; 16 U.S.C. 555).

All regulations heretofore issued by the Secretary of Agriculture to govern the exercise of occupancy and use rights reserved in conveyances of lands to the United States under authorized programs of the Forest Service shall continue to be effective in the cases to which they are applicable, but are hereby superseded as to occupancy and use rights hereafter reserved in conveyances under such programs.

(36 Stat. 961, as amended, 16 U.S.C. 513-518, 42 Stat. 465, as amended, 16 U.S.C. 485, 486, and 50 Stat. 525, as amended, 7 U.S.C. 1011, and 70 Stat. 1034, 7 U.S.C. 428a)

Effective date: This revision of § 251.17 shall become effective on the date of its publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of August 1968.

ALFRED L. EDWARDS, *Acting Assistant Secretary.*

[F.R. Doc. 68-9636; Filed, Aug. 12, 1968; 8:48 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 163—COD

Delivery

In § 163.5, paragraph (a)(2) is revised to show the elimination of the provision for charging the local rate of postage when the sender requests redelivery of COD mail.

§ 163.5 Delivery.

(a) *At letter carrier offices.* • • •

(2) When the addressee requests delivery of a COD parcel that was refused when it was first offered for delivery by carrier, the local rate of postage must be collected as postage due if delivery is made. A COD parcel that was not refused when first offered by a carrier for delivery will again be taken out at the addressee's request and no extra postage will be charged. When the sender, on Form 3818, requests another carrier delivery attempt, no additional postage is to be charged.

• • • • • •

NOTE: The corresponding Postal Manual section is 163.512.

As the foregoing amendment to Title 39, Code of Federal Regulations relates to a proprietary function of the Government and does not affect substantive rights, advance notice, public rule making procedures, or a delayed effective date are unnecessary.

(5 U.S.C. 301, 39 U.S.C. 501)

AUGUST 8, 1968.

TIMOTHY J. MAY, *General Counsel.*

[F.R. Doc. 68-9638; Filed, Aug. 12, 1968; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1002]

PART 1033—CAR SERVICE

Car Distribution Directions—Appointment of Agents

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 5th day of August 1968.

It appearing, that the matter of car service (Section I, Paragraphs 10-17, inclusive of the Interstate Commerce Act) being under consideration, it is the opinion of the Commission that, because the existing car service rules, regulations, and practices of the railroads are inadequate, there is an inequitable distribution of freight cars throughout the country, resulting in the inability of certain carriers to furnish a fair supply of freight cars to shippers located on their lines, an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1002 Service Order No. 1002.

(a) *Car distribution directions—appointment of agents.* In order to meet the needs of shippers in areas having acute car shortages and to insure an equitable distribution of freight cars in all areas of the country, R. D. Pfahler, Director, and N. Thomas Harris, Assistant Director, Bureau of Operations, Interstate Commerce Commission, Washington, D.C., are hereby appointed agents of the Interstate Commerce Commission and vested with authority to issue car distribution directions with respect to the location and relocation of empty cars, and to make such just and reasonable directions with respect to car service without regard to the ownership as between carriers by railroads as in their opinion will best promote the service in the interest of the public and the commerce of the people.

(b) *Rules, regulations and practices suspended.* The operation of all rules, regulations and practices insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Effective date.* This order shall become effective at 12:01 a.m., August 9, 1968.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1968, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and, 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9640; Filed, Aug. 12, 1968; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession; Correction

FEDERAL REGISTER Document 68-8951, published at page 10727 in the issue dated Saturday, July 27, 1968, is corrected by changing footnote 2 of § 10.41(d), to read:

[2] In Arizona, the daily bag and possession limit is 25 white-winged doves. In California and Nevada, the daily bag limit is 10 and the possession limit is 20 white-winged and mourning doves, singly or in the aggregate of both kinds. In New Mexico, the daily bag limit is 12 and the possession limit is 24 white-winged and mourning doves, singly or in the aggregate of both kinds. In Texas, the daily bag limit is 10 and the possession limit is 20 white-winged doves.

This correction is to become effective upon publication in the FEDERAL REGISTER.

JOHN S. GOTTSCHALK, *Director, Bureau of Sport Fisheries and Wildlife.*

AUGUST 8, 1968.

[F.R. Doc. 68-9637; Filed, Aug. 12, 1968; 8:48 a.m.]

PART 32—HUNTING

Kofa Game Range, Arizona

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ARIZONA

KOFA GAME RANGE

The public hunting of quail, rabbits, coyotes, gray fox, bobcat, and skunks on the Kofa Game Range, Ariz., is permitted only on the area designated by signs as open to hunting. This open area, comprising 660,041 acres or 100 percent of the total area of the game range, is delineated on a map available at the refuge headquarters, Yuma, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of quail, rabbits, coyotes,

gray fox, bobcat, and skunks subject to the following special condition:

(1) The open season for hunting quail, rabbits, coyotes, gray fox, bobcat and skunks on the refuge extends from October 1 through November 30, 1968, inclusive.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 30, 1968.

CLAUDE F. LARD,
Refuge Manager, Kofa Game Range, Yuma, Ariz.

AUGUST 1, 1968.

[F.R. Doc. 68-9618; Filed, Aug. 12, 1968; 8:46 a.m.]

PART 32—HUNTING

Imperial National Wildlife Refuge, Arizona and California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

IMPERIAL NATIONAL WILDLIFE REFUGE

Public hunting of quail, cottontail, and jackrabbits on the Imperial National Wildlife Refuge, Ariz. and Calif., is permitted only on the area designated by signs as open to hunting. This open area, comprising 16,500 acres, is delineated on maps available at refuge headquarters, Yuma, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting seasons are as follows: Arizona: Quail, October 1, 1968 through January 31, 1969, inclusive; cottontail and jackrabbits, September 1, 1968, through January 31, 1969, inclusive. California: Quail, November 2, 1968, through January 12, 1969, inclusive; cottontail and jackrabbits, September 1, 1968, through January 12, 1969, inclusive.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of quail and rabbits subject to the following special condition:

(1) Use of shotguns only.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1969.

CLAUDE F. LARD,
Refuge Manager, Imperial National Wildlife Refuge, Yuma, Arizona.

AUGUST 1, 1968.

[F.R. Doc. 68-9620; Filed, Aug. 12, 1968; 8:47 a.m.]

PART 32—HUNTING

Kofa Game Range, Arizona

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ARIZONA

KOFA GAME RANGE

Public hunting of bighorn sheep and deer on the Kofa Game Range, Ariz., is permitted only on the area designed by signs as open to hunting. The bighorn sheep season is from December 7 through December 22, 1968, inclusive, and the deer season is from September 6 through September 22, 1968, inclusive, and from October 25 through November 11, 1968, inclusive. The open bighorn sheep and deer hunting area, comprising 660,041 acres, is delineated on maps available at refuge headquarters, Yuma, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103.

Hunting shall be in accordance with all applicable State regulations covering the hunting of bighorn sheep and deer subject to the following special condition:

(1) Bighorn sheep limited to 10 permits issued by the Arizona Game and Fish Department.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 22, 1968.

CLAUDE F. LARD,
Refuge Manager, Kofa Game Range, Yuma, Ariz.

AUGUST 1, 1968.

[F.R. Doc. 68-9617; Filed, Aug. 12, 1968; 8:48 a.m.]

PART 32—HUNTING

Imperial National Wildlife Refuge, Arizona and California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

IMPERIAL NATIONAL WILDLIFE REFUGE

Public hunting of deer and bighorn sheep on the Imperial National Wildlife Refuge, Ariz. and Calif., is permitted only on the area designated by signs as open to hunting. This area, comprising 16,500 acres, is delineated on maps available at refuge headquarters, Yuma, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting seasons are as follows: Arizona: Deer, September 6 through September 22, 1968, inclusive, and October 25 through November 11, 1968, inclusive; bighorn sheep, December 7 through December 22, 1968, inclusive. California: Deer, September 21 through November 3, 1968, inclusive; bighorn sheep, no open season in California. Hunting shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 22, 1968.

CLAUDE F. LARD,
Refuge Manager, Imperial National Wildlife Refuge, Yuma, Arizona.

AUGUST 1, 1968.

[F.R. Doc. 68-9619; Filed, Aug. 12, 1968; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 31]

CUSTOMHOUSE BROKERS

Notice of Proposed Rule Making

Notice is hereby given pursuant to 5 U.S.C. 553 that it is proposed to revise Part 31 of Title 19 of the Code of Federal Regulations under the authority of sections 624 and 641 of the Tariff Act of 1930, as amended (19 U.S.C. 1624, 1641), R.S. 251 (19 U.S.C. 66).

The proposed revision reflects the reorganization of the Bureau of Customs pursuant to Reorganization Plan No. 1 of 1965 (30 F.R. 7035; 79 Stat. 1317), clarifies the duties and responsibilities of a customhouse broker, and includes practices and intepretations adopted in connection with the present regulations. Changes are proposed in the revision which would:

1. Extend the definition of books and papers to include data processing materials (§ 31.1(e));

2. Require the filing of a power of attorney at each port where an employee is to be empowered to sign documents for a broker (§ 31,3(b));

3. Permit a broker to represent a client before any agency of the Treasury Department in matters concerning the importation or exportation of merchandise and make clear that regulations of other agencies must be complied with (§ 31.4);

4. State affirmatively the basic requirements for obtaining a broker's license (§31.11);

5. Require evidence of authorization of partnership, association, or corporation to engage in business under a trade or fictitious name (§ 31.12);

6. Provide for a uniform written examination for applicant for individual broker's license. The examination will be given 3 times each year (§ 31.13);

7. Make the list of brokers maintained by the district director available to the public (§ 31.15);

8. Require that the reason for denial of a license be given to an applicant in the notice of denial (§31.16);

9. Require brokers to keep copies of supporting papers with the entries (§ 31.21);

10. Require brokers to keep books and papers available for inspection, copying, reproduction, or other official use by customs officers (§ 31.25);

11. Specify time limit for prompt payment of sums due the Government or clients (§ 31.29);

12. Require notification of change in organization (§ 31.30(b));

13. State conflict of interest rule for broker or broker's employee who is an importer (§ 31.31(c));

14. State broker's duty to report client's noncompliance or error or omission (§ 31.39(b)); and

15. Require display of license in each office (§ 31.43).

Numerous changes are also proposed in the regulations governing cancellation, suspension, and revocation of a broker's license, which appear as subpart D of the proposed revision of Part 31. These changes would:

1. State the Commissioner's authority to determine whether charges will be preferred (§§ 31.56 and 31.57);

2. Require that the notice of preliminary proceedings state the right to counsel (§ 31.59(b)(6));

3. Permit the broker to request additional information for his use in the preliminary proceedings (§ 31.60);

4. State the procedure to be followed to complete the preliminary proceedings (§ 31.61);

5. Set out contents of notice of charges (§ 31.62);

6. Provide for additional methods of service of the notice and statement of charges (§ 31.63);

7. Specify the time for the service of notice of hearing (§ 31.64) and permit request for delay (§ 31.65);

8. Require publication of a notice of suspension or revocation of a license (§ 31.74) and of notice vacating or suspending prior notice (§ 31.77); and

9. Authorize reprimands (§ 31.78).

As part of the notice of proposed rule making, there is included a parallel reference table showing the section number in the proposed revision and the corresponding section number in the present regulations.

The proposed revision of Part 31 is as follows:

Sec.
31.0 Scope.

Subpart A—General Provisions

31.1 Definitions.
31.2 License required.
31.3 Transactions for which license not required.
31.4 Representation before Government agencies.
31.5 Prior licenses.

Subpart B—Procedure to Obtain License

31.11 Basic requirements.
31.12 Application for license.
31.13 Examination of applicant for individual license.
31.14 Investigation of the applicant.
31.15 Issuance of license.
31.16 Denial of license.
31.17 Review of the denial of a license.
31.18 Reapplication for license.
31.19 Licenses for additional districts.

Subpart C—Duties and Responsibilities of Customhouse Brokers

Sec.
31.21 Record of transactions.
31.22 Additional record of transactions.
31.23 Retention of books and papers.
31.24 Books and papers confidential.
31.25 Books and papers shall be available.
31.26 Interference with examination of books and papers.
31.27 Audit or inspection of books and papers.
31.28 Responsible supervision.
31.29 Diligence in correspondence and paying monies.
31.30 Change of business address, organization, or name.
31.31 Conflict of interest.
31.32 False information.
31.33 Government records.
31.34 Undue influence upon Government employees.
31.35 Acceptance of fees from attorneys.
31.36 Relations with unlicensed persons.
31.37 Misuse of license.
31.38 False representation to procure employment.
31.39 Advice to client.
31.40 Appeals to reappraisement and protests.
31.41 Endorsement of checks.
31.42 Relations with person who is notoriously disreputable or whose license has been suspended, canceled "with prejudice," or revoked.
31.43 Display of license.

Subpart D—Cancellation, Suspension or Revocation of License

31.51 Cancellation of license.
31.52 Revocation by operation of law.
31.53 Grounds for suspension or revocation.
31.54 Chief officer of the customs.
31.55 Investigation of complaints.
31.56 Review of report on investigation.
31.57 Determination by Commissioner.
31.58 Content of statement of charges.
31.59 Preliminary proceedings.
31.60 Request for additional information.
31.61 Decision on preliminary proceedings.
31.62 Contents of notice of charges.
31.63 Service of notice and statement of charges.
31.64 Service of notice of hearing and other papers.
31.65 Extension of time for hearing.
31.66 Failure to appear.
31.67 Hearing.
31.68 Proposed findings and conclusions.
31.69 Recommended decision by district director.
31.70 Additional submittals.
31.71 Immaterial mistakes.
31.72 Dismissal subject to new proceedings.
31.73 Partial proof of charges.
31.74 Decision and notice of suspension or revocation.
31.75 Appeal from the Secretary's decision.
31.76 Reopening the case.
31.77 Notice of reinstatement.
31.78 Reprimands.
31.79 Employment of broker who has lost license.
31.80 Saving provision.

AUTHORITY: The provisions of this Part 31 issued under R.S. 251, secs. 624, 641, 46 Stat. 759, as amended, sec. 101, 76 Stat. 72; 5 U.S.C. 301, 19 U.S.C. 66, 1624, 1641.

§ 31.0 Scope.

This part sets forth regulations providing for the licensing of persons desiring to transact business as customhouse brokers, the qualifications required of applicants, and the procedure for applying for licenses. This part also prescribes the duties and responsibilities of customhouse brokers, the grounds for revocation or suspension of licenses, and the procedures for such revocation or suspension.

Subpart A—General Provisions

§ 31.1 Definitions.

When used in this part, the following terms shall have the meanings indicated:

(a) *Person.* "Person" includes individuals, partnerships, associations, and corporations.

(b) *Customhouse broker.* "Customhouse broker" means a person who is licensed under this part to transact customs business on behalf of others.

(c) *Broker.* "Broker" means "customhouse broker."

(d) *Treasury Department or any representative thereof.* "Treasury Department or any representative thereof" includes any office, officer, or employee of the Treasury Department, wherever located.

(e) *Books and papers.* "Books and papers" includes all books, accounts, records, papers, documents, data processing materials, and correspondence of a broker relating to his customs business.

(f) *Freight forwarder.* "Freight forwarder" means a person engaged in the business of dispatching shipments on behalf of other persons for a consideration in foreign commerce between the United States, its territories or possessions, and foreign countries, and of handling the formalities incident to such shipments.

(g) *Officer of an association or corporation.* "Officer of an association or corporation" means a person who has been elected, appointed, or designated as an officer of an association or corporation in accordance with statute, the articles of incorporation, articles of agreement, charter, or bylaws of the association or corporation.

§ 31.2 License required.

A person shall obtain the license provided for in this part in order to transact the business of a broker. A separate license is required for each customs district.

§ 31.3 Transactions for which license not required.

A license is not required to engage in the following transactions with the Treasury Department or any representative thereof:

(a) *For one's own account.* An importer or exporter transacting customs business solely on his own account and in no sense on behalf of another is not required to be licensed, nor are his authorized regular employees or officers who act only for him in the transaction of such business.

(b) *Employees of brokers.* An employee of a broker, acting solely for his employer, is not required to be licensed, provided the broker has filed with the district director a statement identifying the employee and the scope of his authorization. Such statement must also be filed at each port within the district where the broker wishes the employee to act for him. A broker must promptly give notice of any change in the authority of any such employee. If a broker wishes to authorize an employee to sign customs documents on his behalf, he shall also file a power of attorney for that purpose with the district director and at each port within the district in which the broker wishes the employee to sign customs documents. Only employees who are residents of the United States may be authorized to sign customs documents.

(c) *Marine transactions.* A person transacting business in connection with entry or clearance of vessels or other regulation of vessels under the navigation laws is not required to be licensed as a broker.

(d) *Transportation in bond by common carrier.* A common carrier transporting merchandise for another may make entry for such merchandise for transportation in bond without being licensed as a broker.

§ 31.4 Representation before Government agencies.

(a) *Agencies within the Treasury Department.* A broker who represents a client in the importation or exportation of merchandise may represent the client before the Treasury Department or any representative thereof on any matter concerning such merchandise except that he shall not represent the client before customs officers in a customs district in which he is not licensed.

(b) *Agencies not within the Treasury Department.* In order to represent a client before any agency not within the Treasury Department, a broker shall comply with any regulations of such agency governing the appearance of representatives before it.

§ 31.5 Prior licenses.

Licenses issued prior to the effective date of the regulations in this part shall continue in force and effect, subject to cancellation, suspension or revocation as provided in subpart D of this part.

Subpart B—Procedure To Obtain License

§ 31.11 Basic requirements.

(a) *Individual.* An individual must:

(1) Be a citizen of the United States, but not an officer or employee of the United States;

(2) Be at least 21 years of age;

(3) Be of good moral character; and

(4) Establish through an examination that he has sufficient knowledge of customs and related laws, regulations, and procedures to render valuable service to importers and exporters. Satisfactory knowledge is established in part by attaining a grade of at least 75 percent on the examination.

(b) *Partnership.* A partnership must:

(1) Have two members of the partnership who are licensed brokers, and

(2) Establish that it will have an office in which its customs transactions will be performed by a licensed member of the partnership, or a qualified employee under the responsible supervision and control of the licensed members.

(c) *Association or corporation.* An association or corporation must:

(1) Be empowered under its articles of association or articles of incorporation to transact customhouse brokerage business;

(2) Have at least two officers who are licensed brokers; and

(3) Establish that it will have an office in which its customs transactions will be performed by a licensed officer or a qualified employee under the responsible supervision and control of the licensed officers.

§ 31.12 Application for license.

(a) *Submission of application.* An application for a broker's license shall be submitted in duplicate to the district director of the district in which the applicant intends to do business. The application shall be under oath and executed on customs Form 3123 (individual), customs Form 3125 (partnership), customs Form 3127 (corporation), or customs Form 3129 (association). The application shall be accompanied by the fee of $150 prescribed in section 24.12 of this chapter and one copy of the attachment required by the application form (Articles of Agreement or an affidavit signed by all partners, Articles of Agreement of the association, or the Articles of Incorporation). If the applicant proposes to operate under a trade or fictitious name in one or more States within the district, evidence of the applicant's authority to use the name in each such State must accompany the application. An application for an individual license must be submitted not later than 30 days before the scheduled examination which the applicant wishes to take.

(b) *Posting notice of application.* Upon receipt of the application the district director shall post a notice that the application has been filed. The notice shall be posted conspicuously for at least two weeks in the customhouse at the headquarters port and at the subports where the applicant proposes to maintain an office. The notice shall give the name and address of the applicant and, if the applicant is a partnership, association or corporation, the names of the members or officers thereof who are licensed as brokers. The notice shall invite written comments or information regarding the issuance of the license.

(c) *Withdrawal of application.* If the applicant advises before the date of an examination that he wishes to withdraw his application, the application shall be treated as withdrawn and the district director shall refund the application fee to the applicant.

§ 31.13 Examination of applicant for individual license.

(a) *Examination.* The written examination shall be designed to determine the applicant's knowledge of customs and related laws, regulations, and procedures and his fitness to render valuable service to importers and exporters. The examination will be prepared and graded in the Bureau headquarters.

(b) *Date and place of examination.* Examinations will be given at each district office on the first Monday in February, June, and October. The district director shall give the applicant notice of the exact time and place where the examination will be given.

(c) *Special examination.* The Commissioner may authorize a special examination for an applicant when a partnership, association, or corporation has less than two licensed members or officers. He may also authorize a special examination for one who will be authorized to continue the business of an individual broker. Application and a statement of the reasons for the necessity of a special examination shall be filed with the district director in accordance with § 31.12(a).

(d) *Failure to appear for examination.* If the applicant fails to appear for a scheduled examination without notification in advance or explanation of the circumstances which made it impossible or impracticable to give such notification, the district director shall notify him that the application is denied because of failure to appear for examination to establish his qualifications for a license. The district director shall refund to the applicant one-half of the application fee.

(e) *Failure to pass examination.* If the applicant does not obtain a grade of at least 75 percent, the Commissioner will notify him and the district director that the application for a license is denied because of failure to pass the examination. The district director shall refund to the applicant one-half of the application fee.

(f) *Passing grade on examination.* If the applicant obtains a passing grade, the Commissioner will return the application to the district director for further processing of the application.

§ 31.14 Investigation of the applicant.

(a) *Individual license*—(1) *Applicant passing examination.* If the applicant passes the examination, the district director shall refer the application to the customs agent in charge for an investigation and report.

(2) *Applicant licensed in one district.* If the applicant has a license in one district, the district director shall immediately refer the application to the customs agent in charge for an investigation and report.

(b) *Partnership, association or corporation license.* The district director shall immediately refer an application for a partnership, association or corporation license to the customs agent in charge for investigation and report.

(c) *Scope of investigation.* The investigation shall ascertain facts relevant to the question whether the applicant is qualified and shall cover, but need not be limited to:

(1) The accuracy of the statements made in the application;

(2) The business integrity of the applicant; and

(3) When the applicant is an individual (including a member of a partnership or an officer of an association or corporation), the character and reputation of the applicant.

(d) *Report and return of the application.* The customs agent in charge shall return the application with his report and recommendation to the district director who requested the investigation. The district director shall forward the originals of the application and the agent's report to the Commissioner. The district director shall also submit his recommendation for action on the application.

(e) *Additional investigation or examination.* The Commissioner may require further investigation to be conducted if additional facts are deemed necessary to pass upon the application. The Commissioner may also require the applicant (or, in the case of a partnership, association or corporation, one or more of its members or officers) to appear in person before him or before one or more representatives of the Commissioner for the purpose of undergoing additional written or oral examination into the applicant's qualifications for a license.

§ 31.15 Issuance of license.

If the Commissioner finds that the applicant is qualified, he will issue a license. A license for an individual who is a member of a partnership or an officer of an association or corporation will be issued in the name of the individual licensee and not in his capacity as a member or officer of the organization with which he is connected. The license shall be forwarded to the district director, who shall deliver it to the licensee. The district director shall maintain an alphabetical list of brokers licensed in his district which list shall be available to the public.

§ 31.16 Denial of license.

(a) *Notice of denial.* If the Commissioner determines that the application for a license should be denied for any reason, notice of denial shall be given by him to the applicant and to the director of the district in which the application was filed. The notice of denial shall state the reasons why the license was not issued.

(b) *Grounds for denial.* The causes sufficient to justify denial of an application for a license shall include, but need not be limited to:

(1) Any cause which would justify suspension or revocation of the license of a broker under the provisions of §31.53;

(2) The failure to meet any requirement set forth in section 31.11;

(3) A failure to establish the business integrity and good character of the applicant;

(4) Any willful misstatement of pertinent facts in the application;

(5) Any conduct which would be deemed unfair in commercial transactions by accepted standards;

(6) A reputation imputing to the applicant criminal, dishonest, or unethical conduct, or a record of such conduct.

§ 31.17 Review of the denial of a license.

(a) *By the Commissioner.* At the written request of the applicant, the Commissioner may allow a further opportunity to the applicant to present information or arguments in support of his application by personal appearance or in writing, or both.

(b) *By the Secretary.* A decision of the Commissioner denying a license, upon the written request of the applicant, will be submitted to the Secretary of the Treasury for such review as the Secretary shall deem appropriate.

§ 31.18 Reapplication for license.

An applicant who has been denied a license may reapply at any time by complying with the provisions of § 31.12.

§ 31.19 Licenses for additional districts.

A license authorizes the transaction of customs business only in the district for which issued. Licenses for additional districts may be obtained by:

(a) Filing with the district director of the district for which a license is desired the application prescribed in § 31.12 (a). Upon receipt of the application, the district director shall follow the procedure set forth in §§ 31.12(b) and 31.14;

(b) Submitting the fee of $150 with the application; and

(c) Establishing upon investigation that the applicant is prepared and qualified to render efficient service in the additional district. This includes a showing that the licensed members of a partnership or the licensed officers of an association or corporation will exercise responsible supervision and control of the proposed office. The licensed members of a partnership and the licensed officers of an association or corporation are not required to be licensed as individuals in the district for which the partnership, association or corporation is applying for an additional license. An individual licensed as a broker in one district may or may not, at the discretion of the Commissioner, be required to take another examination when applying for an additional license.

Subpart C—Duties and Responsibilities of Customhouse Brokers

§ 31.21 Record of transactions.

Each broker shall keep current in a correct, orderly, and itemized manner records of account reflecting all his financial transactions as a broker. He shall keep and maintain on file a copy of each entry made by him with all supporting papers and copies of all his correspondence and other papers relating to his customs business.

§ 31.22 Additional record of transactions.

(a) *Additional requirement.* In addition to the regular records of account required by § 31.21, each broker shall keep current a record of all of his customs transactions on customs Form 3079 (Record of Transactions of Licensed Customhouse Broker) in accordance with the instructions printed on the form unless an exemption has been granted under the authority of paragraph (b) of this section. If a transaction has been handled only in part by the broker, he shall fill in only the appropriate parts of the form.

(b) *Exemption.* If the information required on customs Form 3079 is disclosed in other books and records regularly kept and maintained by a broker and if such information is in a systematic, convenient, and readily available form so that customs field auditors can make an effective and complete inspection thereof, the district director with the concurrence of the director, field audit, may in writing exempt the broker from the requirements of paragraph (a) of this section. A written request for the exemption shall be addressed to the district director and shall include:

(1) A statement of facts as to the records kept; and

(2) An agreement that, if the exemption is granted, no change in the system of books and records or the manner of keeping and maintaining them will be made without prior written approval of the district director and concurrence in the change by the director, field audit.

(c) *Withdrawal of exemption.* Whenever an audit by a customs field auditor indicates that a broker to whom an exemption has been granted as provided for in paragraph (b) of this section is not keeping and maintaining records in conformity with the requirements of the said paragraph (b), the exemption of such broker shall be withdrawn by notice in writing from the district director, and such broker shall thereafter keep and maintain records on customs Form 3079 as required by paragraph (a) of this section.

§ 31.23 Retention of books and papers.

The books and papers, as defined in § 31.1(e) and required by §§ 31.21 and 31.22, to be kept by a broker shall be retained within the customs district to which they relate for at least 5 years.

§ 31.24 Books and papers confidential.

The books and papers referred to in this part and pertaining to the business of the clients serviced by the broker shall be considered confidential, and the broker shall not disclose their contents or any information connected therewith to any persons other than such clients and the director, field audit, the customs agent in charge, or other duly accredited agent of the United States except on subpoena by a court of competent jurisdiction.

§ 31.25 Books and papers shall be available.

During the period of retention, the broker shall maintain his books and papers in such manner that they may readily be examined, and they shall be made available for inspection, copying, reproduction or other official use by customs field auditors or customs agents on demand within the period of retention or within any longer period of time during which they remain in the possession of the broker.

§ 31.26 Interference with examination of books and papers.

A broker shall not refuse access to, conceal, remove, or destroy the whole or any part of any book or paper relating to his transactions as a broker which is being sought, or which the broker has reasonable grounds to believe may be sought, by the Treasury Department or any representative thereof, nor shall he otherwise interfere, or attempt to interfere, with any proper and lawful efforts to procure or reproduce information contained in such book or paper.

§ 31.27 Audit or inspection of books and papers.

The director, field audit, shall make such audit or inspection of the books and papers required by this subpart to be kept and maintained by a broker as may be necessary to enable the district director and other proper officials of the Treasury Department to determine whether or not the broker is complying with the requirements of this part. Furthermore, the director, field audit, and/or the customs agent in charge, may inspect such books and papers to obtain information regarding specific customs transactions for the purpose of protecting importers or the revenue of the United States. The director, field audit, and the customs agent in charge conducting an audit or inspection under this section shall submit a report of the findings to the Commissioner and the district director.

§ 31.28 Responsible supervision.

Every licensed member of a partnership and every licensed officer of an association or corporation, which is licensed as a broker, shall exercise responsible supervision and control over the transaction of the customhouse business of such partnership, association or corporation.

§ 31.29 Diligence in correspondence and paying monies.

Each broker shall exercise due diligence in making financial settlements, in answering correspondence, and in preparing or assisting in the preparation and filing of documents relating to any matter handled by him as a broker. He shall pay over to the Government within 30 days of the due date all sums for the payment of duty, tax, or other debt or obligation owing to the Government, and shall within 60 days account to clients for funds received for them from the Government, or received from a client in excess of the governmental or other charges properly payable in respect to the client's business. He shall account to all other persons within 30 days of receipt for all funds advanced by a client for payment of any charges, debts or obligations due such other persons.

§ 31.30 Change of business address, organization, or name.

(a) *Business address.* When a broker changes his business address, he shall immediately give written notice of his new address to the Commissioner and the district director for the district in which the change of address occurs.

(b) *Organization.* A partnership, association, or corporation shall immediately notify the Commissioner and the district director of the districts where licensed of:

(1) The date on which a licensed member or officer who was one of the qualifying members or officers ceases to be a member or officer and the name of the broker who will succeed him as a qualifying member or officer; or

(2) Any change in the Articles of Agreement, Charter, or Articles of Incorporation.

(c) *Name.* A broker who changes his name, or who proposes to operate under a trade or fictitious name in one or more States within the district in which he is licensed and is authorized by State law to do so, shall submit evidence of his authority to use such name. The name shall not be used until the approval of the Commissioner has been received and a new license has been issued. In the case of a trade or fictitious name, the broker shall affix his own name in conjunction with each signature of the trade or fictitious name when signing customs documents.

§ 31.31 Conflict of interest.

(a) *Former officer or employee of U.S. Government.* A broker who was formerly an officer or employee in the Government service shall not represent a client before the Treasury Department or any representative thereof in any matter to which the broker gave personal consideration or gained knowledge of the facts while in the Government service, except as provided in 18 U.S.C. 207.

(b) *Assisting former officer or employee of U.S. Government.* A broker shall not knowingly assist, accept assistance from, or share fees with a person who has been employed by a client in a matter pending before the Treasury Department or any representative thereof to which matter such person gave personal consideration or gained personal knowledge of the facts or issues thereof while in the Government service.

(c) *Importations by broker or employee.* A broker who is an importer himself shall not act as broker for an importer who imports merchandise of the same general character as that imported by the broker unless the client has full knowledge of the facts. The same restriction shall apply if a broker's employee is an importer.

§ 31.32 False information.

A broker shall not file or procure or assist in the filing of any claim, or of any document, affidavit, or other paper, known by such broker to be false; nor shall he knowingly give, or solicit or procure the giving of, any false or misleading information or testimony in any matter pending before the Treasury Department or any representative thereof.

§ 31.33 Government records.

A broker shall not procure or attempt to procure, directly or indirectly, information from Government records or other Government sources of any kind to which access is not granted by proper authority.

§ 31.34 Undue influence upon Government employees.

A broker shall not influence or attempt to influence the conduct of any representative of the Treasury Department in any matter pending before the Treasury Department or any representative thereof by the use of a threat, false accusation, duress, or the offer of any special inducement or promise of advantage, or by bestowing any gift or favor or other thing of value.

§ 31.35 Acceptance of fees from attorneys.

With respect to merchandise imported after March 15, 1962, a broker shall not demand or accept from any attorney (whether directly or indirectly, including, for example, from a client as a part of any arrangement with an attorney) on account of any case litigated in any court of law or on account of any other legal service rendered by an attorney any fee or remuneration in excess of an amount measured by or commensurate with the time, effort and skill expended by the broker in performing his services.

§ 31.36 Relations with unlicensed persons.

(a) *Service to others not to benefit unlicensed person.* A broker shall not enter into any agreement with an unlicensed person to transact customs business for others in such manner that the fees or other benefits resulting from the services rendered for others inure to the benefit of the unlicensed person except as provided in paragraph (b) of this section. When a broker is employed for the transaction of customs business by an unlicensed person who is not the actual importer, the broker must transmit to the actual importer a copy of his bill for services rendered, unless the merchandise was purchased for delivery on an all free basis (duty and brokerage changes paid by the unlicensed person).

(b) *Employment by a freight forwarder.* A broker may compensate a freight forwarder for services rendered in obtaining brokerage business, providing:

(1) The importer is notified in advance by the forwarder or broker of the name of the broker selected by the forwarder for the handling of his customs transactions;

(2) The broker transmits directly to the importer:

(i) A true copy of his brokerage charges if the fees and charges are to be collected by or through the forwarder, or

(ii) A statement of his brokerage charges and an itemized list of any charges to be collected for the account of the freight forwarder if the fees and charges are to be collected by or through the broker;

(3) No part of the agreement of compensation between the broker and the forwarder, nor any action taken pursuant thereto, shall forbid or prevent direct communication between the importer and the broker; and

(4) In making the agreement and in all actions taken pursuant thereto, the broker shall be subject to all other provisions of these regulations.

§ 31.37 Misuse of license.

A broker shall not permit his license or his name to be used by or for any unlicensed person, other than his own employees authorized to act for him, or by or for any broker whose license is under suspension in the solicitation, promotion or performance of any customs business or transaction.

§ 31.38 False representation to procure employment.

A broker shall not knowingly use false or misleading representations to procure employment in any customs matter, nor shall he represent to a client or prospective client that he can obtain any favors from the Treasury Department or any representative thereof.

§ 31.39 Advice to client.

(a) *Withholding or false information.* A broker shall not withhold information relative to any customs business from a client who is entitled to the information. He shall exercise due diligence to ascertain the correctness of any information which he imparts to a client, and he shall not knowingly impart to a client false information relative to any customs business.

(b) *Error or omission by client.* A broker who knows that a client has not complied with the law or has made an error in, or omission from, any document, affidavit, or other paper which the law requires such client to execute, shall advise his client promptly of the fact of such noncompliance, error, or omission. If the client refuses or fails to take corrective action within a reasonable time, the broker shall notify the district director of his client's noncompliance, error, or omission.

(c) *Illegal plans.* A broker shall not suggest to a client or a prospective client a plan known to be illegal for evading payment of any duty, tax, or other debt or obligation owing to the Government.

§ 31.40 Appeals to reappraisement and protests.

A broker shall not act in behalf of any person, or attempt to represent any person, in respect of any appeal for reappraisement or protest, unless he shall previously have been specifically or generally authorized to do so by such person.

§ 31.41 Endorsement of checks.

A broker shall not endorse or accept without authority of his client any Government draft, check, or warrant drawn to the order of such client.

§ 31.42 Relations with person who is notoriously disreputable or whose license has been suspended, canceled "with prejudice," or revoked.

A broker shall not knowingly and directly or indirectly:

(a) Accept employment to effect a customs transaction as associate, correspondent, officer, employee, agent, or subagent from any person who is notoriously disreputable or whose license as broker shall have been revoked for any cause, or whose license is under suspension, or who has had his license canceled "with prejudice;"

(b) Assist the furtherance of any customs business or transactions of such person;

(c) Employ, or accept such assistance from, any such person, without the approval of the Commissioner (see § 31.79);

(d) Share fees with any such person, or

(e) Permit any such person directly or indirectly to participate, whether through ownership or otherwise, in the promotion, control, or direction of the business of the broker. Nothing herein shall be deemed to prohibit any broker from acting as a broker for any bona fide importer or exporter, notwithstanding such importer or exporter may have had his license as a customhouse broker revoked or suspended, or may be notoriously disreputable.

§ 31.43 Display of license.

Each broker shall display his license in the principal office within the district so that it may be seen by anyone transacting business in the office. Photocopies of the license shall likewise be posted in each branch office within the district.

Subpart D—Cancellation, Suspension or Revocation of License

§ 31.51 Cancellation of license.

(a) *Without prejudice.* The Commissioner may cancel a broker's license "without prejudice" upon written application by the broker if the Commissioner determines that the application for cancellation was not made in order to avoid proceedings for the suspension or revocation of the license. If he determines that the application for cancellation was made in order to avoid such proceedings, the Commissioner may cancel the license "without prejudice" if authorized by the Secretary of the Treasury.

(b) *With prejudice.* The Commissioner may cancel a broker's license "with prejudice" when specifically requested to do

so by a broker. The effect of a cancellation "with prejudice" is in all respects the same as if the license had been revoked for cause by the Secretary.

§ 31.52 Revocation by operation of law.

A license granted to a partnership, association, or corporation shall be deemed revoked by operation of law, in accordance with the provisions of section 641(a), Tariff Act of 1930, as amended (19 U.S.C. 1641(a)), if for any continuous period of more than 60 days there are not at least two members of such partnership or two officers of such association or corporation who are licensed to transact business as a customhouse broker. When a license is revoked by operation of law, the Commissioner will notify the partnership, association, or corporation of the revocation. A copy of such notice will be sent to the district director.

§ 31.53 Grounds for suspension or revocation.

Failure or refusal to comply with the duties, responsibilities, or requirements specified in Subpart C or elsewhere in this part relating to brokers may be deemed grounds for suspension or revocation of the license of a broker. Such duties, responsibilities, or requirements are not to be considered as exclusive. Conduct not within the purview of any specification of this part may be deemed to be conduct warranting the suspension or revocation of a license under the authority of section 641(b), Tariff Act of 1930, as amended (19 U.S.C. 1641(b)).

§ 31.54 Chief officer of the customs.

The district director shall be the chief officer of the customs within the scope of section 641(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1641(b)). In the case of sickness or absence of the district director, the assistant district director designated by the district director shall be the chief officer of the customs. If the office of district director is vacant or the district director is unable to designate an assistant district director as chief officer of the customs, the Commissioner shall designate one of the assistant district directors to be the chief officer of the customs.

§ 31.55 Investigation of complaints.

Every complaint or charge against a broker which may be the basis for disciplinary action shall be forwarded for investigation to the customs agent in charge of the area in which the broker is located. The customs agent in charge shall submit a report on the investigation to the director of the appropriate district and send a copy of it to the Commissioner.

§ 31.56 Review of report on investigation.

The district director shall review the report of investigation to determine if there is sufficient basis to recommend that charges be preferred against the broker. He shall then submit his recommendation with supporting reasons to the Commissioner for final determination together with a proposed statement of charges when recommending that charges be preferred.

§ 31.57 Determination by Commissioner.

(a) *Determination not to prefer charges.* If the Commissioner determines that charges will not be preferred, he shall notify the district director of his decision.

(b) *Determination to prefer charges.* If the Commissioner determines that charges will be preferred, he may also determine that the complaint or charge, supported by the agent's report of investigation, is of so serious a nature that formal proceedings for suspension or revocation of the license shall be instituted immediately without following the preliminary proceedings prescribed in § 31.59. The Commissioner shall notify the district director of his determinations and instruct him to prepare a proposed statement of charges for review by the Commissioner if not previously submitted.

§ 31.58 Content of statement of charges.

The statement of charges shall give a plain and concise, but not necessarily detailed, description of the facts claimed to constitute grounds for suspension or revocation of the license. A statement of charges which fairly informs the accused of the charges against him so that he is able to prepare his defense shall be deemed sufficient. Different means by which a purpose might have been accomplished or different intents with which acts might have been done so as to constitute grounds for suspension or revocation of license may be alleged in the statement of charges in a single count in the alternative. If the Commissioner has determined that the preliminary proceedings prescribed in § 31.59 shall not be followed, the statement of charges shall recite the Commissioner's determination.

§ 31.59 Preliminary proceedings.

(a) *Opportunity to participate.* Unless the Commissioner, under §31.57, has determined that the preliminary proceedings shall not be followed, the district director shall advise the broker of his opportunity to participate in preliminary proceedings with an opportunity to avoid formal proceedings against his license.

(b) *Notice of preliminary proceedings.* The district director shall serve upon the broker, as set forth in § 31.63, a notice in writing that:

(1) Transmits a copy of the proposed statement of charges;

(2) Informs him that 5 U.S.C. 554 and 558 will be applicable if formal proceedings are necessary;

(3) Invites him to show cause, if he so desires, why the formal proceedings should not be instituted;

(4) Informs him that he may make submissions and demonstrations of the character contemplated by the cited statutory provisions;

(5) Invites any negotiation for settlement of the complaint or charge that the broker deems it desirable to enter into;

(6) Advises him of his right to be represented by counsel; and

(7) Specifies the place where and a reasonable time within which the broker may respond in writing and/or orally.

§ 31.60 Request for additional information.

If, in order to prepare his defense, the broker desires additional information as to the time and place of the alleged misconduct or the means by which it was committed, or any other more specific information concerning the alleged misconduct, he may request such information in writing. He shall set forth his request in what respect the proposed statement of charges leaves him in doubt and describe the particular language of the proposed statement of charges as to which additional information is needed. If in the opinion of the district director such information is reasonably necessary to enable the broker to prepare his defense, he shall furnish the broker with such information.

§ 31.61 Decision on preliminary proceedings.

The district director shall prepare a summary of any oral presentations made by the broker or his attorney and forward it to the Commissioner together with a copy of each paper filed by the broker. The district director shall also give to the Commissioner his recommendation on action to be taken as a result of the preliminary proceedings. If the Commissioner determines that the broker has satisfactorily responded to the proposed charges, and that further proceedings are not warranted he shall so inform the district director who shall notify the broker. If the Commissioner determines that the broker has not satisfactorily responded to the proposed charges, he shall so advise the district director and instruct him to prepare, sign, and serve a notice of charges and the statement of charges. If one or more of the charges in the proposed statement of charges was satisfactorily answered by the broker, the Commissioner shall instruct the district director to omit those charges from the statement of charges.

§ 31.62 Contents of notice of charges.

The notice of charges shall inform the broker that:

(a) Sections 554 and 558, Title 5, United States Code, are applicable to the formal proceedings;

(b) He may be represented by counsel;

(c) He will have the right to cross-examine witnesses;

(d) He will be notified within 10 days after service of this notice of the time and place of a hearing on the charges; and

(e) Prior to the hearing on the charges, he may file, in duplicate with the district director, a verified answer to the charges.

§ 31.63 Service of notice and statement of charges.

(a) *Individual licensee.* The district director shall serve the notice of charges and the statement of charges against an individual licensee as follows:

(1) By delivery to the broker personally;

(2) By certified mail, with demand for a return card signed solely by the addressee;

(3) By any other means which the broker may have authorized in a written communication to the district director; or

(4) If attempts to serve the broker by the above methods are unsuccessful, the district director may serve the notice and statement by leaving them with the person in charge of the broker's office.

(b) *Partnership, association or corporation.* The district director shall serve the notice of charges and the statement of charges against a partnership, association, or corporation as follows:

(1) By delivery to any member of the partnership personally or to any officer of the association or corporation personally;

(2) By certified mail addressed to any such member or officer with demand for a return card signed by the addressee;

(3) By any other means which the broker may have authorized in a written communication to the district director; or

(4) If attempts to serve the broker by the above methods are unsuccessful, the district director may serve the notice and statement by leaving them with the person in charge of the broker's office.

(c) *Certified mail; evidence of service.* When the service is by certified mail, the receipt of the return card duly signed shall be satisfactory evidence of service.

§ 31.64 Service of notice of hearing and other papers.

(a) *Notice of hearing.* Within 10 days after service of the notice and statement of charges, the district director shall serve upon the broker or his attorney, by one of the methods enumerated in § 31.63 or by ordinary mail, a written notice of the time and place of the hearing. The hearing shall be scheduled to take place within 5 days after service of the notice of hearing.

(b) *Other papers.* Other papers relating to the hearing may be served by ordinary mail or by one of the methods set forth in § 31.63 or upon the broker's attorney.

§ 31.65 Extension of time for hearing.

If the broker or his attorney requests in writing a delay in the hearing on the ground that additional time is necessary to prepare a defense, the district director may reschedule the hearing, notifying the broker or his attorney in writing of the extension and the new time for which the hearing has been scheduled.

§ 31.66 Failure to appear.

When an accused broker or his attorney fails to appear for a scheduled hearing, the district director shall proceed with the hearing as scheduled, and shall hear evidence submitted on behalf of the Government. The regulations of this part shall apply as though the broker were present, and the Secretary of the Treasury may issue an order of suspension or revocation if he finds it to be in order.

§ 31.67 Hearing.

(a) *Government representatives.* The hearing shall be before the district director who shall provide a competent reporter to make the record of the hearing. The Commissioner shall designate one or more persons to represent the Government at the hearing. The district director may designate one or more persons to assist in the proceedings.

(b) *Rights of the accused.* The broker or his attorney shall have the right to examine all exhibits offered at the hearing and shall have the right to cross-examine witnesses and to present witnesses who shall be subject to cross-examination by the Government representatives.

(c) *Interrogatories.* Upon the written request of either party, the district director may permit deposition upon oral or written interrogatories to be taken before any officer duly authorized to administer oaths for general purposes or in customs matters. The other party to the hearing shall be given a reasonable time in which to prepare cross-interrogatories and, if the deposition is oral, shall be permitted to cross-examine the witness. The deposition shall become part of the hearing record.

(d) *Transcript of record.* When the record of the hearing has been transcribed by the reporter, the district director shall deliver a copy to the broker and the Government's representative without charge.

§ 31.68 Proposed findings and conclusions.

The district director shall allow the parties a reasonable period of time after delivery of the transcript of record in which to submit proposed findings and conclusions and supporting reasons therefor as contemplated by 5 U.S.C. 557 (c).

§ 31.69 Recommended decision by district director.

After review of the proposed findings and conclusions submitted by the parties pursuant to § 31.68, the district director shall make his recommended decision in the case and certify the entire record to the Secretary of the Treasury. The district director's recommended decision shall conform with the requirements of 5 U.S.C. 557.

§ 31.70 Additional submittals.

Upon receipt of the record, the Secretary of the Treasury will afford the parties a reasonable opportunity to make such additional submittals as required by 5 U.S.C. 557(c) and by the circumstances of the case.

§ 31.71 Immaterial mistakes.

The Secretary of the Treasury will disregard an immaterial misnomer of a third person, an immaterial mistake in the description of any person, thing, or place, or the ownership of any property, any other immaterial mistake in the statement of charges or a failure to prove immaterial allegations in the description of the accused's conduct.

§ 31.72 Dismissal subject to new proceedings.

If the Secretary of the Treasury finds that the evidence produced at the hearing indicates that a proper disposition of the case cannot be made on the basis of the charges preferred, he may instruct the district director to serve appropriate charges as a basis for new proceedings to be conducted in accordance with the procedure set forth in this subpart.

§ 31.73 Partial proof of charges.

If the Secretary of the Treasury finds that one or more of the charges in the statement of charges is not sufficiently proved, he may base his decision on any remaining charges if the facts alleged in the charges are established by the evidence.

§ 31.74 Decision and notice of suspension or revocation.

If the Secretary of the Treasury in the exercise of his discretion issues an order of suspension or revocation of the license of a broker, the Commissioner of Customs will notify the broker and publish a notice of suspension or revocation in the FEDERAL REGISTER and in the Customs Bulletin.

§ 31.75 Appeal from the Secretary's decision.

An appeal from the order of the Secretary of the Treasury suspending or revoking a license may be taken in accordance with the provisions of section 641(b) of the Tariff Act of 1930, as amended 19 U.S.C. 1641(b). The commencement of such proceedings shall, unless specifically ordered by the Court, operate as a stay of the Secretary's order of suspension or revocation.

§ 31.76 Reopening the case.

(a) *Grounds for reopening.* Any person whose license has been suspended or revoked may make written application in duplicate to the district director to have the order of suspension or revocation set aside or modified upon the ground of newly discovered evidence or that important evidence is now available which could not be produced at the original hearing by the exercise of due diligence. The application must set forth specifically the precise character of the evidence to be relied upon and shall state the reasons why the applicant was unable to produce it when the original charges were heard.

(b) *Procedure.* The district director shall forward the application with his recommendation to the Secretary of the Treasury. The Secretary may grant or deny the application for reopening of the case and may order the taking of additional testimony before the district director. The district director shall notify the applicant of the Secretary's decision. If the Secretary grants the application and orders a hearing, the district director shall set a time and place for such hearing and give due notice thereof to the applicant. The procedure governing the

additional hearing and recommended decision of the district director shall be the same as that governing the original proceeding.

§ 31.77 Notice of reinstatement.

If the Secretary of the Treasury issues an order vacating or modifying the prior order of suspension or revocation, the Commissioner will notify the broker and publish a notice of the new order in the FEDERAL REGISTER and the Customs Bulletin.

§ 31.78 Reprimands.

If a broker fails to observe and fulfill the duties and responsibilities of a broker as set forth in this part but such failure is not sufficiently serious to warrant initiation of suspension or revocation proceedings the Commissioner or the district director, with the approval of the Commissioner, may serve the broker with a written reprimand. Such reprimand and the facts on which it is based, may be considered in connection with any future disciplinary proceeding that may be instituted.

§ 31.79 Employment of broker who has lost license.

Five years after the revocation or cancellation "with prejudice" of a license, the ex-broker may petition the Commissioner for authorization to accept employment with or to assist a licensed broker. Such petition shall not be approved unless the Commissioner is satisfied that the petitioner has refrained from all activities in any way violative of the provisions of § 31.42 and that petitioner's conduct has been exemplary during the period of disability. The Commissioner shall also give consideration to the gravity of the misconduct which gave rise to the petitioner's disability. In any case in which such misconduct leads to pecuniary loss to the Government or to any person, the Commissioner shall also take into account whether the petitioner has made reimbursement for the losses incurred.

§ 31.80 Saving provision.

Any proceeding for revocation or suspension of a license instituted prior to the effective date of this section shall be governed by the provisions of this Part 31 in force at the time the proceeding was instituted.

Prior to adoption of the revision, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received not later than 60 days after the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: August 2, 1968.

JOSEPH M. BOWMAN,
Assistant Secretary of the Treasury.

ANNEX TO NOTICE OF PROPOSED RULE MAKING—REVISION OF PART 31

PARALLEL REFERENCE TABLE

(This table shows the relation of sections in proposed Part 31 to 19 CFR Part 31.)

Proposed Part 31 Section	*19 CFR Section*
31.0	31.1.
31.1(a)	31.3(d).
31.1(b)	31.3(a).
31.1(c)	None.
31.1(d)	31.3(b).
31.1(e)	31.3(e).
31.1(f)	31.3(f).
31.1(g)	None.
31.2	31.2(a).
31.3(a)	31.8(a).
31.3(b)	31.8(d).
31.3(c)	31.8(c).
31.3(d)	31.8(b).
31.4	31.6.
31.5	31.13.
31.11	None.
31.12(a)	31.4(a).
31.12(b)	31.4(b).
31.12(c)	None.
31.13(a)	None.
31.13(b)	None.
31.13(c)	None.
31.13(d)	None.
31.13(e)	31.5(b) and 31.4(a).
31.13(f)	None.
31.14(a)	31.4(e)(1).
31.14(b)	31.4(e)(2).
31.14(c)	31.4(e)(3).
31.14(d)	31.4(e)(4).
31.14(e)	31.4(f).
31.15	31.5(a).
31.16(a)	31.5(b)(3).
31.16(b)(1)	31.5(c)(1).
31.16(b)(2)	31.5(c)(6) and (7).
31.16(b)(3)	31.5(c)(2).
31.16(b)(4)	31.5(c)(3).
31.16(b)(5)	31.5(c)(4).
31.16(b)(6)	31.5(c)(5).
31.17(a)	31.5(b)(2).
31.17(b)	31.5(d).
31.18	None.
31.19	31.7.
31.21	31.9(a).
31.22(a)	31.9(b).
31.22(b)	31.9(c).
31.22(c)	31.9(d).
31.23	31.9(e).
31.24	31.9(h).
31.25	31.9(e).
31.26	31.10(s).
31.27	31.9(f) and (g).
31.28	31.10(t).
31.29	31.10(p) and (1).
31.30(a)	31.9(e).
31.30(b)	None.
30.30(c)	31.10(u).
31.31(a)	31.10(f).
31.31(b)	31.10(g).
31.31(c)	None.
31.32	31.10(o).
31.33	31.10(q)
31.34	31.10(r).
31.35	31.10(n).
31.36(a)	31.10(b)(1) and (2).
31.36(b)	31.10(b)(1)(i–iv).
31.37	31.10(a).
31.38	31.10(e).
31.39(a)	31.10(k) and (j).
31.39(b)	31.10(l).
31.39(c)	31.10(h)
31.40	31.10(d).
31.41	31.10(m).
31.42	31.10(c).
31.43	None.
31.51(a)	31.12(b).
31.51(b)	31.12(c).
31.52	31.12(a).
31.53	31.11(a).
31.54	31.11(b)(1).
31.55	31.11(b)(2).
31.56	31.11(b)(2) and (3).
31.57(a)	None.
31.57(b)	31.11(b)(5).
31.58	31.11(b)(8).
31.59	31.11(b)(6).
31.60	None.
31.61	None.
31.62	31.11(b)(8).
31.63	31.11(b)(7).
31.64	31.11(b)(8).
31.65	None.
31.66	31.11(b)(18).
31.67	31.11(b)(11).
31.68	31.11(b)(12).
31.69	31.11(b)(13).
31.70	31.11(b)(14).
31.71	31.11(b)(16).
31.72	31.11(b)(15).
31.73	31.11(b)(17).
31.74	31.11(b)(19).
31.75	31.14.
31.76	31.11(b)(20).
31.77	31.11(b)(21).
31.78	None.
31.79	31.10(c).
31.80	31.11(b)(22).

[F.R. Doc. 68–9639; Filed, Aug. 12, 1968; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 68–SW–55]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation and Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Houston, Tex., terminal area. Additional controlled airspace, i.e., designation of a separate control zone at Houston Intercontinental Airport and expansion of the existing Houston, Tex., 700-foot transition area, will be required to accommodate instrument approach/departure procedures associated with the new Houston Intercontinental Airport. It is anticipated this airport will become operational on January 26, 1969.

The designation and/or alteration of additional controlled airspace is also likely to accommodate other procedures which may be subsequently developed to serve the Houston, Tex., terminal complex.

An editorial change is being made in the present description of the William P. Hobby control zone so that all references contained therein relative to the ILS localizer courses are clearly shown to be only those associated with the William P. Hobby ILS localizer courses.

The proposed northerly extension of the Houston Intercontinental control zone is based on utilization of the Humble VORTAC 339° radial (331° magnetic).

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal Docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.171 (33 F.R. 2058), the following control zone is added:

HOUSTON, TEXAS (INTERCONTINENTAL AIRPORT)

That airspace within a 5-mile radius of Houston Intercontinental Airport (Lat. 29°58'51" N, Long. 95°20'30" W); within 2 miles each side of the Humble VORTAC 339° radial extending from the 5-mile radius zone to 8 miles N of the VORTAC; within 2 miles each side of the Houston Intercontinental Airport ILS localizer W course extending from the 5-mile radius zone to the OM.

In § 71.171 (33 F.R. 2090), the Houston, Tex. (William P. Hobby), control zone is amended in part by deleting "* * * the Houston ILS localizer * * *" and substituting therefor "* * * the Houston William P. Hobby ILS localizer * * *" wherever it appears.

In § 71.181 (33 F.R. 2196), the 700-foot portion of the Houston, Tex., transition area is amended by deleting "* * * Lat. 29°32'00" N, Long. 95°00'00" W, to point of beginning; within a 4-mile radius of Spaceland Airpark * * *" and substituting therefor "* * * Lat. 29°32'00" N, Long. 95°00'00"W, to point of beginning; within an 8-mile radius of Houston Intercontinental Airport (Lat. 29°58'51" N, Long. 95°20'30" W); within a 4-mile radius of Spaceland Airpark * * *."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on August 2, 1968.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 68–9667; Filed, Aug. 12, 1968; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket 68–EA–71]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Roanoke, Va., control zone and 700-foot floor transition area.

The VOR–1, VOR–2, and NDB (ADF) 1 instrument approach procedures for Roanoke Municipal Airport, Roanoke, Va., have been canceled and new VOR, ILS, and NDB (ADF) instrument approach procedures have been authorized for Runway 33. An alteration of the Roanoke, Va., control zone and 700-foot floor transition area to provide controlled airspace protection for aircraft executing the arrival and departure procedures and for radar vectoring services will therefore be required.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Roanoke, Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Roanoke, Va., control zone and insert in lieu thereof:

Within a 5-mile radius of the center, 37°-19'25" N., 79°58'35" W., of Roanoke Municipal Airport, Roanoke, Va., and within 2 miles each side of the ILS localizer SE course extending from the 5-mile radius zone to 2.5 miles southeast of the OM.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Roanoke, Va., 700-foot transition area and insert in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center 37°19'25" N., 79°58'35" W., of Roanoke Municipal Airport, Roanoke, Va., and within 2 miles each side of the Roanoke VOR 177° radial extending from the 12-mile radius area to 17 miles south of the Roanoke VOR.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on July 30, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68–9664; Filed, Aug. 12, 1968; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68–SW–53]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Tyler, Tex., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration Officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

In § 71.181 (33 F.R. 2265), the Tyler, Tex., transition area 700-foot portion is amended to read:

That airspace extending upward from 700 feet above the surface bounded by a line extending from Lat. 32°05'30" N., Long. 95°17'00" W., to Lat. 32°27'00" N., Long. 95°42'30" W., to Lat. 32°35'30" N., Long. 95°32'30" W., to Lat. 32°13'30" N., Long. 95°07'00" W., to point of beginning;

Alteration of the transition area, as proposed, will accommodate a change in the procedure turn area from the north side to the south side of the final approach course serving runway 31 [AL–622–ILS–RWY 31 (BC)]. This change will permit retention of the 2,000-foot

minimum holding altitude at the Lake Tyler Intersection. Due to an obstruction in the vicinity, it would have otherwise been necessary to increase the minimum holding altitude to 2,100 feet.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on August 2, 1968.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 68-9665; Filed, Aug. 12, 1968; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-SW-52]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Houma, La., transition area. A northerly transition area extension, based on a 360° true (354° magnetic) bearing from the proposed Houma RBN, is proposed to provide airspace protection for aircraft executing a new instrument approach procedure proposed for the Houma Municipal Airport, Houma, La., as well as for a terminal route from Raceland Intersection to the RBN. A minor relocation of the existing southeasterly transition area extension from the Tibby VORTAC 123° true (117° magnetic) radial to the 124° true (118° magnetic) radial is needed to provide airspace protection for aircraft executing an existing instrument approach procedure. The existing northwesterly transition area extension is based on the Tibby VORTAC 123° true (117° magnetic) radial and no change is proposed.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal Docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (33 F.R. 2196), the Houma, La., transition area is amended to read:

HOUMA, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Houma Municipal Airport (Lat. 29°34'10" N., Long. 90°39'40" W.), within 2 miles each side of the Tibby VORTAC 123° radial extending from the 5-mile radius area to the VORTAC, within 2 miles each side of the Tibby VORTAC, 124° radial extending from the 5-mile radius area to 27 miles SE of the VORTAC, and within 2 miles each side of a 360° bearing from the Houma RBN (latitude 29°37'01" N., longitude 90°39'39" W.) extending from the 5-mile radius area to 10 miles north of the RBN.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on August 2, 1968.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 68-9666; Filed, Aug. 12, 1968; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 211, 302, 399]

[Docket No. 20029]

FILING AND PROCESSING OF CERTAIN APPLICATIONS FOR FOREIGN PERMITS

Supplemental Notice of Proposed Rule Making

The Board, by publication in 33 F.R. 10108 and by circulation of PSDR-21, EDR-140, and PDR-27, dated July 10, 1968, gave notice that it had under consideration amendments to Parts 302, 211, and 399 concerning the filing and processing of certain applications for foreign air carrier permits. Interested persons were invited to participate in the proceeding by submission of twelve (12) copies of written data, views, or arguments pertaining thereto to the Docket Section of the Board on or before August 12, 1968.

Representatives of a number of foreign air carriers have requested extensions of time for comment ranging from October 1, 1968, up to 60 days. The representatives state that additional time is needed because of delays inherent in communicating with their foreign air carrier clients, particularly during the summer vacation period; the possibility that many of the foreign air carriers may wish to consult with their Governments before commenting; and the complexity and novelty of the proposal.

The undersigned finds that good cause has been shown for extension of time to October 1, 1968. Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations, effective June 21, 1967, the undersigned hereby extends the time for submitting comments to October 1, 1968.

All relevant communications received on or before October 1, 1968, will be considered by the Board before taking action on the proposed rules. Copies of these communications will be available for examination in the Docket Section, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel, Rules and Rates Division.

[F.R. Doc. 68-9652; Filed, Aug. 12, 1968; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order 128 (Rev. 3)]

OFFICE OF FOREIGN ASSETS CONTROL

Authority and Functions

Treasury Department Order No. 128 (Revision 2) published in the FEDERAL REGISTER March 2, 1967, 32 F.R. 3472, is hereby amended by the deletion in the introductory paragraph of the words "including section 161 of the Revised Statutes (5 U.S.C. 22)" and the insertion in paragraph (2)(ii) of the words "and Executive Order 11419 of July 29, 1968." As amended, the order reads as follows:

By virtue of the authority vested in me as Secretary of the Treasury I hereby order that:

(1) There is established in the Treasury Department the Office of Foreign Assets Control, successor to Foreign Funds Control. The Office shall function under the immediate supervision of a Director of Foreign Assets Control, who shall be designated, with my approval, by the Assistant Secretary for International Affairs. The Director shall report to the Assistant Secretary for International Affairs through the Assistant to the Secretary (National Security Affairs).

(2) The Director of Foreign Assets Control shall exercise and perform all authority, duties and functions which I am authorized or required to exercise or perform under

(i) Sections 3 and 5(b) of the Trading With the Enemy Act, as amended, and any proclamations, orders, regulations or rulings that have been or may be issued thereunder, and

(ii) Executive Order 11322 of January 5, 1967, and Executive Order 11419 of July 29, 1968, issued pursuant to Section 5 of the United Nations Participation Act of 1945 and all other authority residing in the President.

(3) The Director of Foreign Assets Control shall be assisted in the exercise and performance of such authority, duties and functions by such assistants and other staff as may be appointed or detailed for the purpose.

(4) This order shall take effect immediately.

[SEAL] JOSEPH W. BARR,
Acting Secretary.

AUGUST 9, 1968.

[F.R. Doc. 68-9726; Filed, Aug. 12, 1968; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File Nos. 23(65)-13, 23(66)-12]

P. T. DAENG TOMPO TRADING CO., AND H. A. E. MANSUR

Order Denying Export Privileges for an Indefinite Period

In the matter of P. T. Daeng Tompo Trading Co., Djakarta and Makassar, Indonesia and H. A. E. Mansur, 8, Djalan Bank, Djakarta-Kota, Indonesia, respondents.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondents all export privileges for an indefinite period because the said respondents failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested, without good cause being shown. This application was made pursuant to §382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application was reviewed by the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that the respondent P. T. Daeng Tompo Trading Co. is a firm doing business in Indonesia and has offices in Makassar, Djakarta, and Palembang; that the company is engaged in the import-export business and also in manufacturing; that the respondent H. A. E. Mansur is Managing Director of the offices of the firm in Djakarta. The evidence further shows that in October 1964 and July 1965, the respondent Mansur on behalf of the said firm signed export control documents certifying that the company had placed orders with U.S. suppliers and that it intended to import into Indonesia, for use in that country, certain strategic commodities. The said commodities were exported from the United States for delivery to respondent firm in Indonesia.

The said Investigations Division is conducting an investigation relating to the participation of respondents in the said transactions, particularly as to their ordering of the commodities in question, whether the statements in their certifications were true, whether they received the commodities in question, and if so, their disposition of same.

It is impracticable to subpoena the respondents, and relevant and material written interrogatories and requests to furnish certain specific documents relating to the matters under investigation were served on them pursuant to § 382.15 of the Export Regulations. The respondents have failed to furnish answers to the interrogatories and have failed to furnish the documents requested, all as required by said section. They have not shown good cause for such failure. I find that an order denying export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended. Accordingly: *It is hereby ordered:*

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) as a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to any successor of the respondent firm and to respondents' employees and to any person, firm, corporation, or business organization with which respondents now or hereafter may be related by affiliation, ownership, control,

position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information, and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondents may move at any time to vacate or modify this Indefinite Denial Order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

This order shall become effective on August 12, 1968.

Dated: August 6, 1968.

RAUER H. MEYER,
Director,
Office of Export Control.

[F.R. Doc. 68-9623; Filed, Aug. 12, 1968; 8:47 a.m.]

Business and Defense Services Administration

DEPARTMENT OF AGRICULTURE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Docket No. 68-00523-61-46500. Applicant: U.S. Department of Agriculture, Human Nutrition Research Division, Agricultural Research Center, Beltsville, Md. 20705. Article: Ultramicrotome LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare ultrathin serial sections for study of fruit and vegetable tissues at the cellular and subcellular level. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is designed to cut sections of biological specimens for examination by light and electron microscopy. The most closely comparable domestic instrument is the Model MT-2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The following is a comparison of the pertinent characteristics and pertinent specifications of the foreign article as described in the catalogue for the "Ultrotome III" Ultramicrotome (LKB Produkter AB, Stockholm, Sweden, 1965), with similar pertinent characteristics and pertinent specifications of the Sorvall Model MT-2 as described in the catalogue on the "Porter-Blum" MT-2 Ultramicrotome (Ivan Sorvall, Inc., Norwalk, Conn., 1966). (1) The foreign article has a thin-sectioning capability down to 50 Angstroms, whereas the thin-sectioning capability of the Sorvall Model MT-2 is 100 Angstroms. The thinner the section, the more possible it is to take advantage of the ultimate resolving power of the electron microscope for which the section is being prepared. In addition, the applicant requires 50 Angstrom sections for efficient penetration of various chemical reactants to compare the effect on the fine structure of the cell wall the applicant intends to compare. Therefore, the capability of the foreign article to produce sections up to one-half as thick as the thinnest section producible with the Sorvall Model MT-2, is pertinent to the purposes for which the foreign article is intended to be used. (2) For the intended uses, the applicant requires an ultramicrotome that is capable of reproducing a series of ultrathin sections with consistent uniformity and accuracy. We are advised by the Department of Health, Education, and Welfare (HEW), in the memorandum dated June 20, 1968, that this requirement of the applicant can be met only with an ultramicrotome employing a thermal advance. In a prior case relating to the identical model of the foreign article with which this application is concerned (Docket No. 67-00024-33-46500), HEW advised that some backlash and slippage are inherent in the mechanical advance such as is employed in the Sorvall MT-2 and, therefore, the variations in thickness from the preset value is bound to be greater in such mechanical systems than in thermal systems even when each is functioning at its best level of efficiency. Since the thermal advance leads to more efficient serial sectioning, we find that this characteristic is pertinent to the purposes for which the foreign article is intended to be used. (3) The foreign article incorporates an accessory which permits the knife-angle setting to be measured to an accuracy of 1 degree, whereas no similar accessory is specified in the Sorvall catalogue. This is a pertinent characteristic because the thickness of the section is varied by varying the angle and, therefore, the more accurate the setting of the knife-angle, the more accurate will be the thickness of the section.

For the foregoing reasons, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-9595; Filed, Aug. 12, 1968; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Docket No.: 68-00574-33-46040. Applicant: U.S. Department of Agriculture, Agricultural Research Center, Beltsville, Md. 20705. Article: Electron microscope, Model EM6B. Manufacturer: Associated Electronic Industries, Inc., United Kingdom. Intended use of article: The article will be used for biological research in the following areas: (1) Cytopathogenesis of intracellular parasitism employing high resolution electron microscopy and both current and experimental methods of cytochemistry. (2) Studies of parasite cell membrane structure, host-parasite interface, and the aggregations of macromolecules under certain experimental conditions utilizing negative staining technics. (3) Membrane physiology involving development of technics to investigate the structural aspects of transport across the cell membrane of intracellular parasites incorporating tagged simple sugars and animo acids. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed resolution of 5 Angstroms. The only known comparable domestic electron microscope is the Model EMU-4 manufactured by the Radio Corporation of America (RCA), which has a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capabilities.) The applicant requires the highest attainable resolution to accomplish the purposes for which the foreign article is intended to be used and, therefore, the additional resolving capabilities of the foreign article are pertinent. (2) The foreign article provides accelerating voltages of 30, 40, 50, 60, and 80 kilovolts, whereas the RCA Model EMU-4 provides only 50 and 100 kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltages afford optimum contrast for unstained biological specimens and that the accelerating voltages intermediate between 50 and 100 kilovolts afford optimum contrast for negatively stained biological specimens. Since the experimental techniques to be used in the research program include both unstained and negatively stained specimens in order to obtain optimum contrast under varying conditions, the additional accelerating voltages of the foreign article are pertinent.

For the foregoing reasons, we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-9596; Filed, Aug. 12, 1968; 8:45 a.m.]

BATTELLE NORTHWEST-PACIFIC NORTHWEST LABORATORY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00546-33-46500. Applicant: Battelle Northwest-Pacific Northwest Laboratory, Post Office Box 999, Richland, Wash. 99352. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in studies of ocular development to section embryonic tissues for observation under the electron microscope. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The purposes for which the foreign article is intended to be used require an ultramicrotome capable of cutting the thinnest possible sections. The foreign article has the capability of cutting sections down to 50 Angstroms (page 6, 1965 catalogue for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The only known comparable domestic ultramicrotome, the Model MT-2 manufactured by Ivan Sorvall, Inc. (Sorvall), has a specified thin-sectioning capability down to 100 Angstroms (page 11, 1966 catalogue for "Porter-Blum" MT-1 and MT-2 ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The lower thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more it is possible to take advantage of the ultimate resolving power of the microscope. (2) For is purposes, the applicant requires an instrument capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) (memorandum dated June 22, 1968), that only an ultramicrotome equipped with a thermal advance (feed) can meet this requirement. The foreign article incorporates both a thermal advance for ultrathin sections and a mechanical advance for thicker sections. The Sorvall Model MT-2 is equipped only with a mechanical feed. In connection with Docket No. 67-00024-33-46500, which relates to an identical foreign article, HEW advised that ultramicrotomes employing a mechanical system utilize a gear mechanism and inherent in such mechanisms are backlash and slippage. Hence, in mechanical systems, the variation in thickness and uniformity will be greater than in thermal systems when both are functioning at their best. We, therefore, find the thermal advance of the foreign article to be pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of 1 degree (page 3 of catalogue on "Ultrotome III"), whereas no equivalent device is specified for the Sorvall Model MT-2. The capability of accurately measuring the knife-angle setting is pertinent because the angle at which the knife enters the specimen determines the thickness of the section.

For the foregoing reasons, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-9597; Filed, Aug. 12, 1968; 8:45 a.m.]

UNIVERSITY OF CHICAGO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commere, Washington, D.C. 20230.

Docket No. 68-00589-33-54500. Applicant: University of California, School of Optometry, Berkeley, Calif. 94720. Article: Photo slit lamp and accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used to take photographs of segments and sections of the external eye for clinical records and teaching purposes. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is intended to be used for photographing slit images of the anterior portion of the eye, on color film, using a variable aperture which renders visible any very weak opacities of the eye. For this purpose, the applicant requires an apparatus in which the variation in aperture is linearly related to the control

devices. In addition, the apparatus must be adaptable to available microscope viewing equipment so that up to three individuals may simultaneously observe the image through the microscope, as well as to stereoscopic photographic equipment.

The Department of Commerce knows of no instrument or apparatus being manufactured in the United States, which fulfills these pertinent specifications.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-9598; Filed, Aug. 12, 1968, 8:45 a.m.]

SOUTHERN ILLINOIS UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00590-00-46500. Applicant: Southern Illinois University, Botany Department, Carbondale, Ill. 62901. Article: Diamond knife for an LKB ultramicrotome. Manufacturer: Friedrich Dehmer, West Germany. Intended use of article: The article will be used in conjunction with an LKB ultramicrotome for education, training, and research. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, was being manufactured in the United States and available to the applicant without unreasonable delay at the time the applicant placed the order for the foreign article. Reasons: The foreign article is to be used by the applicant as an accessory for use with an ultramicrotome which was manufactured by the same company from which the accessory was ordered. Such accessories must fit the ultramicrotome with which they are intended to be used. The diamond knives manufactured as standard items by producers of ultramicrotomes can be used only with ultramicrotomes of their own manufacture. Consequently, knives manufactured in the United States would have to be custom-fitted for use with a foreign-made ultramicrotome. The earliest quoted delivery time for a domestically produced diamond knife to fit the foreign-made ultramicrotome was 12 months, whereas the foreign manufacturer quoted a delivery time of 3 months. The difference of 9 months in delivery time is considered as constituting unreasonable delay in view of normal commercial practice and of the research program in which the applicant intends to use the foreign article.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-9599; Filed, Aug. 12, 1968; 8:45 a.m.]

LOYOLA UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Docket No. 68-00457-33-46040 Applicant: Loyola University, 6363 St. Charles Street, New Orleans, La. 70118. Article: Electron microscope, Model HU-11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for teaching and examining the ultrastructure of the cell surfaces. The cells to be studied include embryonic chick cells and a variety of cancer cells, animal and human. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article specifies a guaranteed resolution of 5 Angstroms. The only known comparable domestic electron microscope is the Model EMU-4 manufactured by the Radio Corporation of America (RCA), which has a specified guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstroms, the better is the resolving power.) The additional resolving capabilities of the foreign article are pertinent to the purposes for which such article is intended to be used. (2) The foreign article incorporates accelerating voltages of 25, 50, 75, and 100 kilovolts, whereas the RCA Model EMU-4 incorporates only 50 and 100 kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltage provides optimum contrast for unstained specimens and that the voltage intermediate between 50 and 100 kilovolts provides optimum contrast for negatively stained specimens. Since staining will be used in addition to other fixation methods for preparing specimens, the additional accelerating voltages of the foreign article are pertinent. For the foregoing reasons, we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-9600; Filed, Aug. 12, 1968; 8:45 a.m.]

MASSACHUSETTS EYE AND EAR INFIRMARY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Docket No. 68-00497-33-46500. Applicant: Massachusetts Eye and Ear Infirmary, 243 Charles Street, Boston, Mass. 02114. Article: Ultramicrotome, Model LKB 8800A Ultrotome III. Manufacturer: LKB Produkter, AB, Sweden. Intended use of article: The article will be used to produce uniformly thin serialized sections for studying the inner ears of humans and animals to determine the normal ultrastructure and the pathological alterations found in various types of deafness and vestibular disturbances. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is designed to cut sections of tissue, such as bone, muscle, etc., for examination under an electron microscope. The most closely comparable domestic instrument is the Model MT-2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The following is a comparison of the pertinent characteristics and pertinent specifications of the foreign article as described in the catalogue for the "Ultrotome III" Ultramicrotome (LKB Produkter, AB, Stockholm, Sweden, 1965), with the similar pertinent characteristics and pertinent specifications of the Sorvall Model MT-2 as described in the catalogue on the "Porter-Blum" MT-2 Ultramicrotome (Ivan Sorvall, Inc., Norwalk, Connecticut, 1966). (1) The foreign article has a thin-sectioning capability down to 50 Angstroms, whereas the thin-sectioning capability of the Sorvall Model MT-2 is 100 Angstroms. The thinner the section, the more it is possible to take advantage of the ultimate resolving power of the electron microscope for which the section is being prepared. Therefore, the capability of the foreign article to produce sections up to one-half as thick as the thinnest section producible with the Sorvall MT-2, is pertinent to the purposes for which the foreign article is intended to be used. (2) For the intended uses, the applicant requires an ultramicrotome that is capable of reproducing a series of ultrathin sections with consistent uniformity and accuracy. We are advised by the Department of Health, Education, and Welfare (HEW), in the memorandum dated May 21, 1968, that this requirement of the applicant can be met only with an ultramicrotome employing a thermal advance. In a prior case relating to the identical model of the foreign article with which this application is concerned (Docket Number 67-00024-33-46500), HEW advised that some backlash and slippage are inherent in the mechanical advance such as is employed in the Sorvall MT-2 and, therefore, the variations in thickness from the preset value is bound to be greater in such mechanical systems than in thermal systems even when each is functioning at its best level of efficiency. Since the thermal advance leads to more efficient serial sectioning, we find that this characteristic is pertinent to the purposes for which the foreign article is intended to be used. (3) The foreign article incorporates an accessory which permits the knife-angle setting to be measured to an accuracy of 1 degree, whereas no similar accessory is specified in the Sorvall catalogue. This is a pertinent characteristic because the thickness of the section is varied by varying the angle and, therefore, the more accurate the setting of the knife-angle, the more accurate will be the thickness of the section.

For the foregoing reasons, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-9601; Filed, Aug. 12, 1968; 8:45 a.m.]

MICHIGAN STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897), and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00582-00-77040. Applicant: Michigan State University, East Lansing, Mich. 48823. Article: Inlet system 4735 33 MTE/VIS 150. Manufacturer: Varian Analytical Instrument Division, West Germany. Intended use of article: The article will be used for scientific and educational purposes. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory to be used with a mass spectrometer now in the possession of the applicant, which was manufactured by the foreign supplier of the accessory to which the application relates.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with the foreign article or can be adapted for use with the mass spectrometer with which the foreign article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-9602; Filed, Aug. 12, 1968; 8:45 a.m.]

UNIVERSITY OF NEBRASKA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00562-33-46500. Applicant: University of Nebraska, College of Dentistry, 40th and Holdrege Streets, Lincoln, Nebr. 68503. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare ultrathin sections needed for studying embryonic tooth development. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The purposes for which the foreign article is intended to be used require an ultramicrotome capable of cutting the thinnest possible sections. The foreign article has the capability of cutting sections down to 50 Angstroms (p. 6, 1965 catalogue for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The only known comparable domestic ultramicrotome, the Model MT-2 manufactured by Ivan Sorvall, Inc. (Sorvall), has a specified thin-sectioning capability down to 100 Angstroms (p. 11, 1966 catalogue for "Porter-Blum" MT-1 and MT-2 ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Connecticut). The lower thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more it is possible to take advantage of the ultimate resolving power of the microscope. (2) For its purposes, the applicant requires an instrument capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) (memorandum dated July 3, 1968) that only an ultramicrotome equipped with a thermal advance (feed) can meet this requirement. The foreign article incorporates both a thermal advance for ultrathin sections and a mechanical advance for thicker sections. The Sorvall Model MT-2 is equipped only with a mechanical feed. In connection with Docket No. 67-00024-33-46500, which relates to an identical foreign article, HEW advised that ultramicrotomes employing a mechanical system utilize a gear mechanism and inherent in such mechanisms are backlash and slippage. Hence, in mechanical systems, the variation in thickness and uniformity will be greater than in thermal systems when both are functioning at their best. We, therefore, find the thermal advance of the foreign article to be pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of 1 degree (p. 3 of catalogue on "Ultrotome III"), whereas no equivalent device is specified for the Sorvall Model MT-2. The capability of accurately measuring the knife-angle setting is pertinent because the angle at which the knife enters the specimen determines the thickness of the section.

For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–9603; Filed, Aug. 12, 1968; 8:45 a.m.]

OHIO STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68–00492–33–46500. Applicant: The Ohio State University, Division of Endocrinology, 190 North Oval Drive, Columbus, Ohio 43210. Article: Ultramicrotome, Model LKB 8800A Ultrotome III, Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for the production of ultrathin sections of mammalian tissue following the in vitro incubation of the tissue in isotopically labeled hormone media. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is designed to cut sections of tissue, such as bone, muscle, etc., for examination under an electron microscope. The most closely comparable domestic instrument is the Model MT–2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The following is a comparison of the pertinent characteristics and pertinent specifications of the foreign article as described in the catalogue for the "Ultrotome III" Ultramicrotome (LKB Produkter AB, Stockholm, Sweden, 1965), with the similar pertinent characteristics and pertinent specifications of the Sorvall Model MT–2 as described in the catalogue on the "Porter-Blum" MT–2 Ultramicrotome (Ivan Sorvall, Inc., Norwalk, Conn., 1966). (1) The foreign article has a thin-sectioning capability down to 50 Angstroms, whereas the thin-sectioning capability of the Sorvall Model MT–2 is 100 Angstroms. The thinner the section, the more it is possible to take advantage of the ultimate resolving power of the electron microscope for which the section is being prepared. Therefore, the capability of the foreign article to produce sections up to one-half as thick as the thinnest section producible with the Sorvall MT–2, is pertinent to the purposes for which the foreign article is intended to be used. (2) For the intended uses, the applicant requires an ultramicrotome that is capable of reproducing a series of ultrathin sections with consistent uniformity and accuracy. We are advised by the Department of Health, Education, and Welfare (HEW), in the memorandum dated May 21, 1968, that this requirement of the applicant can be met only with an ultramicrotome employing a thermal advance. In a prior case relating to the identical model of the foreign article with which this application is concerned (Docket No. 67–00024–33–46500), HEW advised that some backlash and slippage are inherent in the mechanical advance such as employed in the Sorvall MT–2 and, therefore, the variations in thickness from the present value is bound to be greater in such mechanical systems than in thermal systems even when each is functioning at its best level of efficiency. Since the thermal advance leads to more efficient serial sectioning, we find that this characteristic is pertinent to the purposes for which the foreign article is intended to be used. (3) The foreign article incorporates an accessory which permits the knife-angle setting to be measured to an accuracy of 1 degree, whereas no similar accessory is specified in the Sorvall catalogue. This is a pertinent characteristic because the thickness of the section is varied by varying the angle and, therefore, the more accurate the setting of the knife angle, the more accurate will be the thickness of the section.

For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–9604; Filed, Aug. 12, 1968; 8:45 a.m.]

PENNSYLVANIA STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Docket No. 68–00447–33–46040. Applicant: The Pennsylvania State University, University Park, Pa. 16802. Article: Electron microscope, Model HU–11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for projected research involving the secretion of milk. This will require ultrastructural definition of both milk and the lactating mammary cell from which it is derived. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article specifies a guaranteed resolution of five Angstroms. The only known comparable domestic electron microscope is the Model EMU–4 manufactured by the Radio Corporation of America (RCA), which has a specified guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstroms, the better is the resolving power.) The additional resolving capabilities of the foreign article are pertinent to the purposes for which such article is intended to be used. (2) The foreign article incorporates accelerating voltages of 25, 50, 75, and 100 kilovolts, where as the RCA Model EMU–4 incorporates only 50- and 100-kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltage provides optimum contrast for unstained specimens and that the voltage intermediate between 50 and 100 kilovolts provide optimum contrast for negatively stained specimens. Since staining will be used in addition to other fixation methods for preparing specimens, the additional accelerating voltages of the foreign article are pertinent. For the foregoing reasons, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–9605; Filed, Aug. 12, 1968; 8:45 a.m.]

STANFORD UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Docket No. 68–00486–33–46500. Applicant: Stanford University, Department of Biological Sciences, Stanford, Calif. 94305. Article: Ultramicrotome, Model LKB 8800 Ultrotome III and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare ultrathin sections for a variety of studies related to the development of tissues and cells in mammalian embryos. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is designed to cut sections of tissue, such as bone, muscle, etc. for examination under an electron microscope. The most closely comparable domestic instrument is the Model MT–2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The following is a comparison of the pertinent characteristics and pertinent specifications of the foreign article as described in the catalogue for the "Ultrotome III" Ultramicrotome (LKB Produkter AB, Stockholm, Sweden, 1965), with the similar pertinent characteristics and pertinent specifications of the Sorvall Model MT–2 as described in the catalogue on the "Porter-Blum" MT–2 Ultramicrotome (Ivan Sorvall, Inc., Norwalk, Conn. 1966).

(1) The foreign article has a thin-sectioning capability down to 50 Angstroms, whereas the thin-sectioning capability of the Sorvall Model MT–2 is 100 Angstroms. The thinner the section, the more it is possible to take advantage of the ultimate resolving power of the electron microscope for which the section is being prepared. Therefore, the capability of the foreign article to produce sections up to one-half as thick as the thinnest section producible with the Sorvall MT–2, is pertinent to the purposes for which the foreign article is intended to be used. (2) For the intended uses, the applicant requires an ultramicrotome that is capable of reproducing a series of ultrathin sections with consistent uniformity and accuracy. We are advised by the Department of Health, Education, and Welfare (HEW), in the memorandum dated May 21, 1968, that this requirement of the applicant can be met only with an ultramicrotome employing a thermal advance. In a prior case relating to the identical model of the foreign article with which this application is concerned (Docket No. 67–00024–33–46500), HEW advised that some backlash and slippage are inherent in the mechanical advance such as is employed in the Sorvall MT–2 and, therefore, the variations in thickness from the preset value is bound to be greater in such mechanical systems than in thermal systems even when each is functioning at its best level of efficiency. Since the thermal advance leads to more efficient serial sectioning, we find that this characteristic is pertinent to the purposes for which the foreign article is intended to be used. (3) The foreign article incorporates an accessory which permits the knife-angle setting to be measured to an accuracy of one degree, whereas no similar accessory is specified in the Sorvall catalogue. This is a pertinent characteristic because the thickness of the section is varied by varying the angle and, therefore, the more accurate the setting of the knife-angle, the more accurate will be the thickness of the section.

For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–9606; Filed, Aug. 12, 1968; 8:45 a.m.]

UNIVERSITY OF TEXAS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Docket No. 68–00467–33–46040. Applicant: The University of Texas, Medical School at San Antonio, 715 Stadium Drive, San Antonio, Tex. 78229. Article: Electron microscope, Model EM6B and accessories. Manufacturer: GEC–AEI Electronics, Ltd., United Kingdom. Intended use of article: The article will be used for biological research in the following areas: a. Ultrastructural studies of steroid-secreting cells with emphasis on enzymatic control of steroidogenesis. b. Studies of catecholamines and indole amines and their localization within cells of the central nervous system. c. Medical student, pre- and post-doctoral training in electron miscroscopy. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed resolution of 5 Angstroms. The only known comparable domestic electron microscope is the Model EMU–4 manufactured by the Radio Corporation of America (RCA), which has a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capabilities.) The applicant requires the highest attainable resolution to accomplish the purposes for which the foreign article is intended to be used and, therefore, the additional resolving capabilities of the foreign article are pertinent. (2) The foreign article provides accelerating voltages of 30, 40, 50, 60, and 80 kilovolts, whereas the RCA Model EMU–4 provides only 50- and 100-kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltages afford optimum contrast for unstained biological specimens and that the accelerating voltages intermediate between 50 and 100 kilovolts afford optimum contrast for negatively stained biological specimens. Since the experimental techniques to be used in the research program include both unstained and negatively stained specimens in order to obtain optimum contrast under varying conditions, the additional accelerating voltages of the foreign article are pertinent.

For the foregoing reasons, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–9607; Filed, Aug. 12, 1968; 8:46 a.m.]

VANDERBILT UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of

the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Docket No. 68–00570–33–46040. Applicant: Vanderbilt University, Nashville, Tenn. 37203. Article: Electron microscope, Model HU–11E–1. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used in molecular biology for defining membrane morphology and to interpret this ultrastructure in terms of the functional components of membranes. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article specifies a guaranteed resolution of 5 Angstroms. The only known comparable domestic electron microscope is the Model EMU–4 manufactured by the Radio Corporation of America (RCA), which has a specified guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstroms, the better is the resolving power.) The additional resolving capabilities of the foreign article are pertinent to the purposes for which such article is intended to be used. (2) The foreign article incorporates accelerating voltages of 25, 50, 75, and 100 kilovolts, whereas the RCA Model EMU–4 incorporates only 50- and 100-kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltage provides optimum contrast for unstained specimens and that the voltage intermediate between 50 and 100 kilovolts provides optimum contrast for negatively stained specimens. Since staining will be used in addition to other fixation methods for preparing specimens, the additional accelerating voltages of the foreign article are pertinent. For the foregoing reasons, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–9606; Filed, Aug. 12, 1968; 8:46 a.m.]

VETERANS ADMINISTRATION HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68–00563–33–46500. Applicant: Veterans Administration Hospital, 4801 Linwood Boulevard, Kansas City, Mo. 64128. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare ultrathin sections for observation in studying pathogenesis of viral infections within cells of animal and tissue culture origin. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The purposes for which the foreign article is intended to be used require an ultramicrotome capable of cutting the thinnest possible sections. The foreign article has the capability of cutting sections down to 50 Angstroms (p. 6, 1965 catalogue for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The only known comparable domestic ultramicrotome, the Model MT–2 manufactured by Ivan Sorvall, Inc. (Sorvall), has a specified thin-sectioning capability down to 100 Angstroms (p. 11, 1966 catalogue for "Porter-Blum" MT–1 and MT–2 ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The lower thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more it is possible to take advantage of the ultimate resolving power of the microscope. (2) For its purposes, the applicant requires an instrument capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (memorandum dated July 3, 1968), that only an ultramicrotome equipped with a thermal advance (feed) can meet this requirement. The foreign article incorporates both a thermal advance for ultrathin sections and a mechanical advance for thicker sections. The Sorvall Model MT–2 is equipped only with a mechanical feed. In connection with Docket No. 67–00024–33–46500, which relates to an identical foreign article, HEW advised that ultramicrotomes employing a mechanical system utilize a gear mechanism and inherent in such mechanisms are backlash and slippage. Hence, in mechanical systems, the variation in thickness and uniformity will be greater than in thermal systems when both are functioning at their best. We, therefore, find the thermal advance of the foreign article to be pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of 1 degree (p. 3 of catalogue on "Ultrotome III"), whereas no equivalent device is specified for the Sorvall Model MT–2. The capability of accurately measuring the knife-angle setting is pertinent because the angle at which the knife enters the specimen determines the thickness of the section.

For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–9609; Filed, Aug. 12, 1968; 8:46 a.m.]

MEDICAL COLLEGE OF VIRGINIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is also available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Docket No. 68–00496–33–46500. Applicant: Medical College of Virginia, 1200 East Broad Street, Richmond, Va. 23225. Article: Ultramicrotome, Model LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to section villi for studying the transport of cerebrospinal fluid across the arachnoid villi. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is designed to cut sections of tissue, such as bone, muscle, etc., for examination under an electron microscope. The most closely comparable domestic instrument is the Model MT–2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The following is a comparison of the pertinent characteristics and pertinent specifications of the foreign article as described in the catalogue for the "Ultrotome III" Ultramicrotome (LKB Produkter AB, Stockholm, Sweden, 1965), with the similar pertinent characteristics and pertinent specifications of the Sorvall Model MT–2 as described in the catalogue on the "Porter-Blum" MT–2 Ultramicrotome (Ivan Sorvall, Inc., Norwalk, Conn., 1966). (1) The foreign article has a thin-sectioning capability down to 50 Angstroms, whereas the thin-sectioning capability of the Sorvall Model MT–2 is 100 Angstroms. The thinner the section, the more it is possible to take advantage of the ultimate resolving power of the electron microscope for which the section is being prepared. Therefore, the capability of the foreign article to produce sections up to one-half as thick as the thinnest section producible with the Sorvall MT–2, is pertinent to the purposes for which the foreign article is intended to be used. (2) For the intended uses, the applicant requires an ultramicrotome that is capable or reproducing a series of ultrathin sections with consistent uniformity and accuracy. We are advised by the Department of Health, Education, and Welfare (HEW), in the memorandum dated May 21, 1968, that this requirement of the applicant can be met only with an ultramicrotome employing a thermal advance. In a prior case relating to the identical model of the foreign article with which this application is concerned (Docket No. 67–00024–33–46500), HEW advised that some backlash and slippage are inherent in the mechanical advance such as is employed in the Sorvall MT–2 and, therefore, the variations in thickness from the preset value is bound to be greater in such mechanical systems than in thermal systems even when each is functioning at its best level of efficiency. Since the thermal advance leads to more efficient serial sectioning, we find that this characteristic is pertinent to the purposes for which the foreign article is intended to be used. (3) The foreign article incorporates an accessory which permits the knife-angle setting to be measured to an accuracy of 1 degree, whereas no similar accessory is specified in the Sorvall catalogue. This is a pertinent characteristic because the thickness of the section is varied by varying the angle and, therefore, the more accurate the setting of the knife-angle, the more accurate will be the thickness of the section.

For the foregoing reasons, we find that the Sorvall Model MT–ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–9610; Filed, Aug. 12, 1968; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN POTATO CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9A2318) has been filed by American Potato Co., Post Office Box 592, Blackfoot, Idaho 83221 proposing that § 121.1047 *Calcium stearoyl-2-lactylate* (21 CFR 121.1047) be amended to provide for the safe use of calcium stearoyl-2-lactylate as a conditioning agent in dehydrated potatoes in an amount not to exceed 0.5 percent by weight of the dehydrated potatoes.

Dated: August 1, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–9650; Filed, Aug. 12, 1968; 8:49 a.m.]

DIMETHYL PHOSPHATE OF 3-HYDROXY *N,N* - DIMETHYL - *CIS*-CROTONAMIDE

Notice of Extension of Temporary Tolerances

The Shell Chemical Co., a division of Shell Oil Co., New York, N.Y. 10020, was granted temporary tolerances for residues of the insecticide dimethyl phosphate of 3-hydroxy-*N,N*-dimethyl-*cis*-crotonamide in or on the raw agricultural commodities citrus and safflower seed at 0.25 part per million on June 23, 1967 (notice was published in the FEDERAL REGISTER of June 30, 1967; 32 F.R. 9329), which expired on June 23, 1968.

The firm has requested a 1-year extension of the temporary tolerances to provide for further experimentation to obtain data from a full season's use of the insecticide. The Commissioner of Food and Drugs has determined that such an extension of the temporary tolerances will protect the public health.

A condition under which these temporary tolerances are extended is that the insecticide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the Shell Chemical Co. name.

These temporary tolerances expire on June 23, 1969.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and delegated to the Commissioner (21 CFR 2.120).

Dated: August 1, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–9651; Filed, Aug. 12, 1968; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–170]

ARMED FORCES RADIOBIOLOGY RESEARCH INSTITUTE

Notice of Proposed Issuance of Facility License Amendment

The Atomic Energy Commission (the "Commission") is considering the issuance of Amendment No. 13, in the form set forth below, to Facility License No. R–84. The license authorizes Armed Forces Radiobiology Research Institute (AFRRI) to operate its TRIGA Mark F tank-type nuclear reactor on the National Naval Medical Center site in Bethesda, Md., at power levels up to 100 kwt. The amendment would authorize AFRRI to operate the reactor at steady-state power levels up to 1000 kwt in accordance with the Technical Specifications and would revise the license in its entirety to (1) consolidate the provisions of various prior amendments, (2) incorporate the Technical Specifications, and (3) amend the reporting and recordkeeping requirements. Within 15 days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for hearings and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated May 27, 1966, and supplements thereto dated October 7, 1966, December 19, 1966, and November 22, 1967, (2) a related Safety Evaluation prepared by the Division of Reactor Licensing, and (3) the proposed Technical Specifications, all of which

are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 2d day of August 1968.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

PROPOSED AMENDED FACILITY LICENSE

[License No. R-84 Amendment No. 13]

The Atomic Energy Commission (hereinafter "the Commission") has found that:

A. The application for license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter "the Act"), and the Commission's regulations set forth in Title 10, CFR, Chapter 1;

B. The reactor has been constructed in conformity with Construction Permit No. CPRR-61 and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

C. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

D. The Armed Forces Radiobiology Research Institute (hereinafter "AFRRI") is technically and financially qualified to operate the reactor, to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed activities in accordance with the Commission's regulations;

E. The possession and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

F. AFRRI is a Federal agency and is therefore exempt from the financial protection requirement of subsection 170a of the Act. AFRRI has executed an indemnity agreement pursuant to 10 CFR Part 140.

Facility License No. R-84, as amended, is hereby amended in its entirety to read as follows:

A. This license applies to the TRIGA Mark F tank-type nuclear reactor (herein "the reactor") which is owned by AFRRI and located on the National Naval Medical Center site in Bethesda, Md., and described in the National Naval Medical Center application for license dated June 24, 1960, and subsequent amendments thereto, including the most recent amendment by AFRRI dated May 27, 1966, and supplements thereto dated October 7, 1966, December 19, 1966, and November 22, 1967 (herein referred to as "the application"), and authorized for construction by Construction Permit No. CPRR-61 originally issued to National Naval Medical Center and later transferred to AFRRI.

B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses AFRRI:

1. Pursuant to section 104c of the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities," to possess and operate the reactor as a utilization facility at the designated location in Bethesda, Md., in accordance with the procedures and limitations described in the application and in this license;

2. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material," to receive, possess and use 5 kilograms of contained uranium-235 for use in connection with operation of the reactor; and

3. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Rules of General Applicability to Licensing of Byproduct Material," to receive, possess and use a 3-curie sealed americium-beryllium neutron source for reactor startup; and to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

C. This license shall be deemed to contain and be subject to the conditions specified in Part 20, section 30.34 of Part 30, sections 50.54 and 50.59 of Part 50 and section 70.32 of Part 70 of the Commission's regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect, and is subject to the additional conditions specified or incorporated below:

1. *Maximum power level.* AFRRI may operate the reactor at steady-state power levels up to a maximum of 1,000 kilowatts (thermal).

2. *Technical specifications.* The Technical Specifications contained in Appendix A hereto for operation at power levels up to 1,000 kilowatts (thermal) are hereby incorporated in this license. AFRRI shall operate the reactor in accordance with these Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in section 50.59 of 10 CFR Part 50.

3. *Records.* In addition to those otherwise required under this license and applicable regulations, AFRRI shall keep the following records:

(a) Reactor operating records, including power levels and periods of operation at each power level.

(b) Records showing radioactivity released or discharged into the air or water beyond the effective control of AFRRI as measured at or prior to the point of such release or discharge.

(c) Records of emergency shutdowns and inadvertent scrams, including reasons therefor.

(d) Records of maintenance operations involving substitution or replacement of reactor equipment or components.

(e) Records of experiments installed including description, reactivity worths, locations, exposure time, total irradiation and any unusual events involved in their handling.

(f) Records of tests and measurements required by the Technical Specifications.

4. *Reports.* In addition to reports otherwise required by applicable regulations:

(a) AFRRI shall inform the Commission of any incident or condition relating to the operation of the reactor which prevented or could have prevented a nuclear system from performing its safety function as described in the Technical Specifications or in the safety analysis report. For each such occurrence, AFRRI shall promptly notify by telephone or telegraph the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of 10 CFR Part 20 and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing (hereinafter, "Director, DRL"), with a copy to the Regional Compliance Office.

(b) AFRRI shall report to the Director, DRL, in writing within thirty (30) days of its occurrence any substantial variance disclosed by operation of the reactor from performance specifications contained in the safety analysis report or in the Technical Specifications.

(c) AFRRI shall report to the Director, DRL, in writing within thirty (30) days of its occurrence any significant change in the transient or accident analysis as described in the safety analysis report.

D. This license is effective as of the date of issuance and shall expire at midnight, November 8, 1970.

Date of issuance:

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

Appendix A—Technical Specifications.[1]

[F.R. Doc. 68-9624; Filed, Aug. 12, 1968; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

ALLEGHENY AIRLINES, INC.

Notice of Application for Amendment of Certificate of Public Convenience and Necessity

AUGUST 8, 1968.

Notice is hereby given that the Civil Aeronautics Board on August 7, 1968, received an application, Docket 20085, from Allegheny Airlines, Inc., for amendment of its certificate of public convenience and necessity for route 97 to authorize it to engage in nonstop service between Cincinnati, Ohio, and Philadelphia, Pa.-Camden, N.J.; between Columbus, Ohio, and Philadelphia, Pa.-Camden, N.J.; between Dayton, Ohio, and Philadelphia, Pa.-Camden, N.J.; and between Indianapolis, Ind., and Philadelphia, Pa.-Camden, N.J. The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-9653; Filed, Aug. 12, 1968; 8:49 a.m.]

[Docket No. 19617]

NORTH CAROLINA POINTS SERVICE INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 17, 1968, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner James S. Keith.

In order to facilitate the conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before September 9, 1968, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., August 7, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 68-9654; Filed, Aug. 12, 1968; 8:49 a.m.]

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

[Docket No. 20051; Order 68-8-30]

TRANS WORLD AIRLINES, INC.

Order Amending Order Regarding Multi-Carrier Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of August 1968.

By Order 68-7-138, July 26, 1968, the Board granted permission for Trans World Airlines, Inc. (TWA), and all other United States and foreign air carriers providing scheduled services to and from New York City, Chicago, Los Angeles, and Washington to meet and discuss possible means of alleviating the air traffic congestion problems at those cities.

On August 5, 1968, TWA filed a telegraphic communication with the Board requesting that the Board interpret or amend Order 68-7-138 to include permission to discuss charter operations of the supplemental and scheduled air carriers and to reach agreements affecting such charter operations, alleging that such operations affect congestion and therefore should be included in the discussions.

The Board interprets its prior order as not encompassing such discussions. However, in light of TWA's request and the matters set forth in Order 68-7-138, the Board has concluded that the public interest would be served by broadening the scope of permissible discussions to include the charter operations conducted to and from New York City, Chicago, Los Angeles, and Washington by U.S. and foreign air carriers under authority of certificates of public convenience and necessity and/or foreign air carrier permits issued by the Board.

Accordingly, it is ordered:

1. That ordering paragraph 1 of Order 68-7-138 be and it hereby is amended to read as follows:

"Trans World Airlines, Inc., is hereby authorized to hold discussions with other U.S. and foreign air carriers holding certificates of public convenience and necessity and foreign air carrier permits issued by the Board and providing scheduled and/or charter services to and from New York City, Chicago, Los Angeles, and Washington concerning possible means of alleviating the air traffic congestion problem at such cities or any of them subject to the following conditions:"

2. A copy of this order shall be served upon all United States certificated air carriers, all foreign air carriers holding permits from the Board, the Departments of Transportation and Justice, the Port of New York Authority, the Department of Aviation of the City of Chicago, the Los Angeles Department of Airports, and the Federal Aviation Administration.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-9655; Filed, Aug. 12, 1968; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

MOORE-McCORMACK LINES, INC. AND GRACE LINE, INC.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washintgon, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. D. E. Grimm, vice president and treasurer, Grace Line Inc., 3 Hanover Square, New York, N.Y. 10004.

Agreement No. 9736 is a general passenger agency agreement between Moore-McCormack Lines, Inc., and Grace Line, Inc., whereby Moore-McCormack Lines appoints Grace Line as its worldwide general passenger agent for its ships the SS *Argentina* and SS *Brazil* for cruises between New York, N.Y., and other U.S. ports, and Caribbean, South American, African, and northern European ports under the terms and conditions as set forth in the agreement.

Dated: August 8, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-9643; Filed, Aug. 12, 1968; 8:48 a.m.]

PORTUGAL/U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application to modify an approved exclusive patronage (Dual Rate) contract filed by:

Mr. Guy L. Retournat, secretary, Portugal/U.S. North Atlantic Westbound Freight Conference, 10, Place de la Joliette, Marseilles 2, France.

There has been filed on behalf of the Portugal/U.S. North Atlantic Westbound Freight Conference an application to modify its form of merchant's contract pursuant to section 14b of the Shipping Act, 1916. The proposed modification adds currency devaluation to those conditions beyond the control of the Conference enumerated in Article 14(a) of the merchant's contract upon which it may suspend the effectiveness of the contract or in lieu thereof increase any rate or rates affected thereby upon 15 days' written notice to the merchant who in turn may notify the Conference in writing of his intent to suspend the contract insofar as such increase or increases are concerned.

Dated: August 8, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-9644; Filed, Aug. 12, 1968; 8:48 a.m.]

SPAIN/U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Petitioned Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application to modify an approved exclusive patronage (Dual Rate) contract filed by:

Mr. Guy L. Retournat, secretary, Spain/U.S. North Atlantic Westbound Freight Conference, 10 Place de la Joliette, Marseille 2, France.

There has been filed on behalf of the Spain/U.S. North Atlantic Westbound Freight Conference an application to modify its form of merchant's contract pursuant to section 14b of the Shipping Act, 1916. The proposed modification adds currency devaluation to those conditions beyond the control of the Conference enumerated in Article 14(a) of the merchant's contract upon which it may suspend the effectiveness of the contract or in lieu thereof increase any rate or rates affected thereby upon 15 days' written notice to the merchant who in turn may notify the Conference in writing of his intent to suspend the contract insofar as such increase or increases are concerned.

Dated: August 8, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-9645; Filed, Aug. 12, 1968; 8:48 a.m.]

THAILAND/U.S. ATLANTIC & GULF CONFERENCE RUBBER POOL

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. R. E. Flynn, chairman, New York Committee of Inward Far East Lines, 11 Broadway, New York, N.Y. 10004.

Agreement No. 8061-13, between member lines of the Thailand/U.S. Atlantic and Gulf Conference, Agreement 8100, would modify Agreement No. 8061 (Siam Rubber Pool) to reapportion the percentage share of rubber which each carrier is entitled to carry yearly because of the entry of Thai Mercantile Marine, Ltd., into Agreement No. 8100; and to decrease from 36.25 to 34.84 percent the aggregate percentage share of the American flag carriers as a class.

Dated: August 8, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-9646; Filed, Aug. 12, 1968; 8:49 a.m.]

UNITED STATES GREAT LAKES AND ST. LAWRENCE RIVER PORTS/WEST AFRICA AGREEMENT

Notice of Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762; 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application to modify approved dual rate contract filed by:

Mr. John K. Cunningham, secretary, United States Great Lakes and St. Lawrence River Ports/West Africa Agreement, 80 Broad Street, New York, N.Y. 10004.

There has been filed on behalf of the U.S. Great Lakes and St. Lawrence River Ports/West Africa Agreement No. 9420, as amended, an application to modify its approved merchant's contract.

The proposed contract modification adds the phrase "currency devaluation by governmental action," to those conditions beyond the control of the carriers as outlined in Article 7(a) of the contract pursuant to which the carriers in the trade covered by the agreement may suspend the effectiveness of the contract with respect to the operations affected with notice to Merchant signatories. Under existing Article 7(b), currency devaluation will be one of the conditions beyond the control of the carriers under which they may increase rates on not less than 15 days' written notice to the Merchant who retains the right to notify the carriers in writing of his intent to suspend the contract insofar as such increase is concerned.

Dated: August 8, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-9647; Filed, Aug. 12, 1968; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP69-16]

ALGONQUIN GAS TRANSMISSION CO., AND TENNESSEE GAS PIPELINE CO.

Notice of Application

AUGUST 6, 1968.

Take notice that on July 31, 1968, Algonquin Gas Transmission Co. (Algonquin), 1284 Soldiers Field Road, Boston, Mass. 02135, and Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Tenneco), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP69-16 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the exchange delivery of natural gas by Algonquin to Tennessee for sale and delivery to the Connecticut Gas Co. for distribution and resale in its Wallingford service area, and the return by Tennessee to Algonquin of volumes of gas containing an equivalent number of B.t.u.'s at the interconnections between the systems of Algonquin and Tennessee, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicants request authority to abandon the exchange delivery of natural gas, which was authorized in Docket No. G-17392 by the Commission's order dated April 1, 1959 (12 FPC 444). Applicants state that as a result of the Commission's order of May 26, 1967, in Docket No. CP67-211, authorizing Tennessee to replace an existing lateral with a larger size pipe, Tennessee was able to take over direct service on January 16, 1968. As a consequence, the exchange is no longer necessary.

The application states that no abandonment of facilities is contemplated since Applicants propose to maintain the exchange facilities for emergency use.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before September 4, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-9611; Filed, Aug. 12, 1968; 8:46 a.m.]

[Docket No. CP69-15]

BACA GAS GATHERING SYSTEM, INC.

Notice of Application

AUGUST 6, 1968.

Take notice that on July 29, 1968, Baca Gas Gathering System, Inc. (Applicant), 1818 Republic Bank Building, Dallas, Tex. 75201, filed in Docket No. CP69-15 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to construct and operate a one-half mile extension to its present natural gas pipeline system in Baca County, Colo., and to sell and deliver additional natural gas to Panhandle Eastern Pipe Line Co. (Panhandle) from reserves located in shut-in fields in Baca County, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into a contract dated April 22, 1968, with Panhandle, under which Applicant proposes to gather and transport gas to increase the supplies of gas made available to Panhandle. The total volume of the additional gas which Applicant proposes to supply Panhandle is estimated to be 1 million Mcf, and the daily volume is estimated to be 500 Mcf.

The application states that the price to be paid by Applicant under its contract with the independent producer is 14.60 cents per Mcf at 14.65 p.s.i.a. for 1,000 B.t.u. gas. The gas is to be transported through Applicant's pipeline and sold to Panhandle in Morton County, Kans., at a rate of 18.60 cents per Mcf at 14.65 p.s.i.a. for 1,000 B.t.u. gas.

The total estimated cost of the proposed facilites is $5,000, which cost will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before September 3, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-9612; Filed, Aug. 12, 1968; 8:46 a.m.]

[Docket No. CP69-17]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

AUGUST 6, 1968.

Take notice that on July 31, 1968, Consolidated Gas Supply Corp. (Applicant), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP69-17 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Co. of America from Block 225 and 229 Fields, West Cameron Area, Offshore Louisiana, at a total initial rate of 20 cents per Mcf at 15.025 p.s.i.a., subject to downward B.t.u. adjustment, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before September 4, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-9613; Filed, Aug. 12, 1968; 8:46 a.m.]

[Docket No. CP62-181]

NORTHERN NATURAL GAS CO.

Further Notice of Application

AUGUST 6, 1968.

Take notice that on July 26, 1968, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP62-181 an amendment to its application pending in said docket by seeking a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act for the sale for resale and delivery of natural gas in interstate commerce to Pioneer Natural Gas Co. (Pioneer), all as more fully set forth in the application, as amended, which is on file with the Commission and open to public inspection.

In its application filed in the subject docket on February 6, 1962, Applicant seeks a certificate for the construction and operation of pipeline tap facilities on the "Texas System" of its Permian Basin area transmission facilities for the establishment of new and additional delivery points for the sale of natural gas to Pioneer for resale to Applicant's right-of-way grantors on the "Texas System" for domestic or irrigation use or both. In addition, Applicant also seeks permission and approval pursuant to section 7(b) of the Natural Gas Act for the abandonment by sale to Pioneer of three previously certificated measuring stations located on the "Texas System" in Martin and Gaines Counties, Tex.

Applicant proposes to sell to Pioneer an off peak volume up to 100,000 Mcf of gas per day to be available between April 1 and October 1 and a firm volume up to 3,000 Mcf of gas per day to be available on any day for resale to the right-of-way grantors. Applicant's delivery obligation is limited to 2,500,000 Mcf of gas in any billing year.

Protests or petitions to intervene in the proceeding on the application as amended may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before September 4, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application, as amended, if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-9616; Filed, Aug. 12, 1968; 8:46 a.m.]

[Docket No. CP68-271]

TENNESSEE GAS PIPELINE CO.

Notice of Petition To Amend

AUGUST 6, 1968.

Take notice that on July 26, 1968, Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Petitioner), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP68-271 a petition to amend the order of the Commission issued in said docket on May 23, 1968, which order authorized Petitioner to render interim natural gas service to 18 of its existing general service customers in New England to whom Liquified Natural Gas (LNG) service is proposed and who are solely dependent on Petitioner for natural gas service and to render gas storage service to one existing contracted demand customer to whom LNG service is also proposed for the interim period October 1, 1968, to October 1, 1969, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the instant filing, Petitioner seeks amendment of said order by requesting authorization to change the interim natural gas service for six New England general service customers, and to render interim natural gas service to city of Westfield Gas and Electric Light Department (Westfield), all for the interim period October 1, 1968, to October 1, 1969.

Petitioner states that upon issuance of the authorization sought herein, the total of the interim maximum daily quantities that Petitioner will be authorized to deliver will be reduced by 2,446 Mcf per day below that authorized in the order of May 23, 1968. Further, Petitioner states that interim service to Westfield for the winter of 1968-69 will require daily and annual quantities of 982 Mcf and 6,150 Mcf, respectively.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before September 3, 1968.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 98-9616; Filed, Aug 12, 1968; 8:46 a.m.]

WASHINGTON

Order Partially Vacating Withdrawal of Lands

Correction

In F.R. Doc. 68-7552 appearing at page 9362 of the issue for Wednesday, June 26, 1968, in the land description for Willamette Meridian, Washington, under T. 4 N., R. 9 E., the first entry for sec. 16 should be deleted in its entirety and in lieu thereof insert "Sec. 15, NW¼NE¼, E½NE¼NW¼, W½NW¼, NW¼SW¼, SE¼SW¼, NE¼SE¼, S½SE¼;".

GENERAL SERVICES ADMINISTRATION

[Federal Procurement Regs., Temporary Reg. 17]

HEADS OF FEDERAL AGENCIES

Use of Copper and Copper Substitutes

1. *Purpose.* This regulation cancels FPR Temporary Regulation No. 5, March 23, 1966 (31 F.R. 4976), and FPR Temporary Regulation No. 13, August 3, 1967 (32 F.R. 11587).

2. *Effective date.* This regulation is effective upon publication in the FEDERAL REGISTER.

3. *Expiration date.* This regulation expires 60 days after publication in the FEDERAL REGISTER.

4. *Background.* In early 1966, the demands for copper became increasingly heavy. Acting under (a) of Section 5 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d), the President released 200,000 short tons of copper on March 21, 1966. On March 23, 1966, FPR Temporary Regulation No. 5 was issued which provided for the avoidance by agencies of procurements of copper and products using copper and for the use of other materials in lieu of copper. The requirements of the regulation were extended by FPR Temporary Regulation No. 13. In a July 8, 1968, letter to the General Services Administration, the Office of Emergency Planning stated that the conditions which led to the release of copper from the stockpile and the use of copper substitutes have been alleviated and that there is no longer any justification for continuing to impose restrictions on the use of copper and copper base alloy mill products.

5. *Effect on other issuances.* FPR Temporary Regulations Nos. 5 and 13 are hereby canceled.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

AUGUST 8, 1968.

[F.R. Doc. 68-9735; Filed, Aug. 12, 1968; 8:51 a.m.]

OFFICE OF EMERGENCY PLANNING

IOWA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter dated August 4, 1968, reading in part as follows: I have determined that the damage in those areas of the State of Iowa adversely affected by heavy rains and flooding beginning on or about July 16, 1968, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875.

I do hereby determine the following areas in the State of Iowa to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 4, 1968:

The counties of Blackhaw, Bremer, Buchanan, Butler, Clayton, Clinton, Delaware, Fayette, Franklin Jones, Linn, Wright.

Dated: August 6, 1968.

PRICE DANIEL,
Director,
Office of Emergency Planning.

[F.R. Doc. 68-9621; Filed, Aug. 12, 1968; 8:47 a.m.]

RENEGOTIATION BOARD

PERSONS HOLDING PRIME CONTRACT OR SUBCONTRACT FOR TRANSPORTATION BY WATER AS COMMON CARRIER

Extension of Time for Filing Financial Statements Under the Renegotiation Act of 1951

Every person who held a prime contract or subcontract for transportation by water as a common carrier at any time during the calendar year 1967 is hereby granted an extension of time until October 1, 1968 for filing a financial statement for such year pursuant to section 105(e)(1) of the Renegotiation Act of 1951, as amended.

Dated: August 7, 1968.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 68-9622; Filed, Aug. 12, 1968; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

ALSCOPE CONSOLIDATED, LTD.

Order Suspending Trading

AUGUST 6, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Alscope Consolidated, Ltd., Passaic, N.J., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 7, 1968, through August 16, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-9626; Filed, Aug. 12, 1968; 8:47 a.m.]

[File No. 1-3909]

BSF CO.

Order Suspending Trading

AUGUST 7, 1968.

The capital stock (66⅔ cents par value) and the 5¾ percent convertible subordinated debentures due 1969 of BSF Company being listed and registered on the American Stock Exchange, and such capital stock being listed and registered on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the said capital stock on such exchanges and in the debenture on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 8, 1968, through August 17, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-9628; Filed, Aug. 12, 1968; 8:47 a.m.]

LEEDS SHOES, INC.

Order Suspending Trading

AUGUST 7, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Leeds Shoes, Inc., Tampa, Fla., and all other securities of Leeds Shoes, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 8, 1968, through August 17, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-9629; Filed, Aug. 12, 1968; 8:47 a.m.]

[File No. 2-24477 (22-4051)]

WARNER-LAMBERT PHARMACEUTICAL CO.

Notice of Application and Opportunity for Hearing

AUGUST 7, 1968.

Notice is hereby given that Warner-Lambert Pharmaceutical Co. (the "Company") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Commission that the trusteeship of Irving Trust Co. ("Irving Trust") under an indenture dated March 1, 1966 (the "1966 Indenture"), heretofore qualified under the Act, and under a new indenture dated August 1, 1968 (the "New Indenture"), not qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Irving Trust from acting as trustee under such indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in such Section), it shall within 90 days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same obligor are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the same obligor are outstanding, if the obligor shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Company alleges that:

(1) As of July 25, 1968, there were outstanding $15 million principal amount of 4¼ percent guaranteed debentures due 1981, which were issued by its wholly owned subsidiary Warner-Lambert International Capital Corp. ("International") under the 1966 Indenture and guaranteed by the Company;

(2) Its wholly owned subsidiary, Warner-Lambert Overseas, Inc. ("Overseas"), a Delaware corporation, has issued and sold under the New Indenture among the Company, Overseas, and Irving Trust $20 million principal amount of its 4½ percent convertible guaranteed debentures due 1988 (the "New Debentures"), guaranteed by the Company. The New Debentures were not registered under the Securities Act of 1933 and the New Indenture was not qualified under the Act. The underwriters who purchased the New Debentures have agreed not to offer any of the New Debentures in the United States or to nationals or residents thereof;

(3) The 1966 Indenture and the New Indenture are wholly unsecured. The rights of the holders of the debentures issued under the 1966 Indenture and the rights of the holders of the debentures issued under the New Indenture with respect to the guaranty of the Company rank equally with each other. Except for variations as to amounts and interest rate, maturity dates, payment dates of principal and interest, redemption procedures, redemption dates and redemption prices, conversion features, certain covenants relating to United States taxation and other dates (if any) incidental to covenants, there are, with certain exceptions set forth in the application, no material variations between the indentures. No default exists under the 1966 Indenture.

(4) Such differences as exist between the 1966 Indenture and the New Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Irving Trust from acting as trustee under either of said indentures.

The Company has waived notice of hearing, a hearing, and any and all rights to specify procedures under the rules of practice of the Securities and Exchange Commission in connection with the matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than September 4, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68-9630; Filed, Aug. 12, 1968; 8:47 a.m.]

[File No. 24D-2789]

WEST-CENTRAL AIRLINES, INC.

Order Canceling Hearing and Permanently Suspending Exemption

AUGUST 6, 1968.

West-Central Airlines, Inc. (issuer), 3801 Harney Street, Omaha, Nebr., a Nebraska corporation with offices stated to be located at 3801 Harney Street, Omaha, Nebr., filed with this Commission on May 13, 1968, a notification and offering circular relating to a proposed offering of 65,650 shares of its $2 par value common stock at $4.50 per share, for an aggregate of $295,425.00, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder.

The Commission, on June 21, 1968, temporarily suspended the Regulation A exemption of West-Central Airlines, Inc., stating it had reason to believe from information reported to it by its staff that:

A. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to disclose that unless a substantial portion of the offering is subscribed, additional funds will not be available to improve the condition and operations of the issuer but will only be sufficient to liquidate indebtedness of the issuer which will result in an ultimate benefit to officers and directors of the issuer who had guaranteed the indebtedness and conversely in an ultimate detriment to the investors;

2. The failure to disclose that the issuer is insolvent in the bankruptcy and equity sense inasmuch as the aggregate of its property is not at fair valuation sufficient in amount to pay its debts and the issuer is unable to pay its obligations as they mature;

3. In view of the representations concerning the issuer's fleet of aircraft, the failure to disclose that a significant portion of the said aircraft were not in a functionally operable condition to permit the issuer to utilize them in the conduct of its business;

4. In connection with the representation that the issuer is authorized by the CAB to carry U.S. mail, the failure to disclose that the U.S. Post Office Department has in effect regulations which preclude the issuer under its present circumstances from carrying U.S. mail;

5. In connection with the representations concerning the manner in which certain of the issuer's aircraft are equipped, the failure to disclose that various component parts of said aircraft are presently, and have been for sometime in the past, removed from the aircraft rendering the same inoperative;

6. In connection with the representations that certain aircraft "cruise approximately 185 miles per hour," and have certain passenger capacities, the failure to disclose that said aircraft, due to functional inabilities, have not flown nor carried passengers for several months;

7. The failure to disclose that the issuer presently has matters pending before governmental agencies, and that decisions of such agencies in these matters may materially adversely affect its authorization to carry on its business;

8. The failure to disclose adequately and accurately:

a. The net tangible asset value per share of the shares outstanding and the projected net tangible asset value per share of all shares upon the successful completion of the proposed offering;

b. The approximate book value of the issuer's shares upon successful completion of the proposed offering;

c. The dilution that will occur in the equity represented by shares which might be purchased by the public under this notification and the correlative appreciation in the equity represented by the shares held by officers, directors and other present shareholders;

d. The manner in which the offering price was determined;

e. The risk of loss incurred by investors if the offering is not successful or is only partially successful;

f. The risk of loss incurred by investors, even if the offering should be sold;

g. The financial condition of the issuer and the results of its operations. Specifically, assets and net worth are overstated, losses and deficits are understated.

B. The terms and conditions of Regulation A have not been complied with in that:

1. The name and address of each underwriter and the amount of participation by each such underwriter is not disclosed as required by Item 5 of Schedule I.

2. The financial statements included in the offering circular fail to conform to the requirements of Item 11 of Schedule I.

C. The offering would be made in violation of section 17(a) of the Securities Act of 1933, as amended, for the reasons described above.

Issuer on July 12, 1968, filed, pursuant to Rule 7 of the Commission's rules of practice, an answer to the charges set forth in the temporary suspension order and requested a hearing with respect to those charges. On July 29, 1968, the issuer filed a motion withdrawing its request for a hearing.

The Commission has determined to accept West Central's request for withdrawal of the request for hearing and therefore,

It is ordered, On the basis of the temporary suspension order, that the Regulation A exemption with respect to the securities of West-Central Airlines, Inc., be, and it hereby is, permanently suspended.

It is further ordered, That the hearing scheduled for August 12, 1968, be, and it hereby is, canceled.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68-9631; Filed, Aug. 12, 1968; 8:47 a.m.]

ZIMOCO PETROLEUM CORP.

Order Suspending Trading

AUGUST 6, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zimoco Petroleum Corp., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 7, 1968, through August 16, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68-9627; Filed, Aug. 12, 1968; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 666]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 8, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2510 (Sub-No. 34 TA), filed August 5, 1968. Applicant: BRUCE MOTOR FREIGHT, INC., 1120 South Division Street, Post Office Box 21164, Indianapolis, Ind. 46221. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk and those requiring special equipment), serving the Ford Motor Co. plantsite at the intersection of Westwood Road and Murphy Lane, Jefferson County, Ky. (near Louisville, Ky.), as an off-route point in connection with applicant's present authority to serve Louisville, Ky., for 180 days. Supporting shipper: Ford Motor Co., the American Road, Dearborn, Mich. Send protests to: District Supervisor James W. Habermehl, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 2986 (Sub-No. 31 TA), filed August 2, 1968. Applicant: I & S-McDANIEL, INC., Post Office Box 491, Vincennes, Ind. 47591. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (with the usual exceptions), between the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's presently authorized regular routes into and out of Louisville, Ky., for 180 days. NOTE: Applicant intends to tack the authority sought herein with its existing authority under MC 2986 and subs at, Cincinnati, Ohio; Indianapolis, Ind.; Evansville, Ind.; Terre Haute, Ind.; Danville, Ill.; and Chicago, Ill. Supporting shipper: Ford Motor Co., the American Road, Dearborn, Mich. Send protests to: District Supervisor James W. Habermehl, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 3468 (Sub-No. 156 TA), filed August 5, 1968. Applicant: F. J. BOUTELL DRIVEAWAY COMPANY, INC., 705 South Dort Highway, Flint, Mich. 48503. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks*, in truckaway and driveaway service, from Jessup, Md., to points in Virginia, restricted to vehicles which have had an immediate prior movement by rail from Pontiac, Mich., for 180 days. Supporting shipper: GMC Truck & Coach Division, General Motors Corp., 660 South Boulevard East, Pontiac, Mich. 48053. Send protests to: District Supervisor Gerald J. Davis, Bureau of Operations, Interstate Commerce Commission, 1110 Broderick Tower, Detroit, Mich. 48226.

No. MC 46280 (Sub-No. 67 TA), filed August 1, 1968. Applicant: DARLING FREIGHT, INC., 15 Andre Street SE., Grand Rapids, Mich. 49507. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with carrier's authorized operations to serve Louisville, Ky., for 180 days. NOTE: Applicant intends to tack MC-46280 and interline at Grand Rapids, Muskegon, Lansing, Saginaw, Detroit, Kalamazoo, Jackson, Cadillac, Traverse City, and Benton Harbor, Mich. Supporting shipper: Ford Motor Co., the American Road, Dearborn, Mich. 49504. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich. 48933.

No. MC 108859 (Sub-No. 48 TA), filed August 2, 1968. Applicant: CLAIRMONT TRANSFER CO., 1803 Seventh Avenue North, Escanaba, Mich. 49829. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with carrier's regular route operations, for 180 days. NOTE: Applicant intends to tack at Louisville, Ky., with applicant's certificated authority in MC-108859, and interlinking with other common motor carriers is intended at all terminal points. Supporting shipper: Ford Motor Co., the American Road, Dearborn, Mich. 49504. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 221 Federal Building, Lansing, Mich. 48933.

No. MC 116763 (Sub-No. 135 TA), filed August 5, 1968. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: W. J. Bohman (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from Portland, Maine, to points in Arkansas, Oklahoma, and Texas, and *sardines*, from Bath, Belfast, Eastport, Jonesport, Lubec, Milbridge, North Lubec, Port Clyde, Prospect Harbor, Rockland, Southwest Harbor, Stonington, and Yarmouth, Maine, to points in Arkansas, Oklahoma, and Texas, for 180 days. Supporting shippers: There are approximately (9) statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 120383 (Sub-No. 4 TA), filed August 5, 1968. Applicant: DRUCAS MOVING & STORAGE SERVICE, INC., 1029 Twigg Street, Tampa, Fla. 33602. Applicant's representative: Paul F. Sullivan, Suite 913, Colorado Building, 1314 G Street, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, restricted to shipments moving in containers, and having an immediately prior or subsequent movement by rail, motor, water or air and moving on through bills of lading of forwarders operating under the section 402(b)(2) exemption, between the ports of Baltimore, Md., Newark, N.J., Norfolk, Va., and Charleston, S.C., on the one hand, and, on the other, points in Florida, for 180 days. NOTE: Applicant intends to interline at Baltimore, Newark, Charleston, or Norfolk with rail, water, air, or motor carriers, as per application. Supporting shippers: Northwest Consolidators, Inc., 427 Third Avenue West, Seattle, Wash. 98119; Door To Door International, Inc., 308 Northwest 72d Street, Seattle, Wash. 98115; Robert M. McCoy, customhouse broker, 1501 Haines Street, Jacksonville, Fla. 32201; Southern Shipping Co., Inc., 3226 Talleyrand Avenue, Jacksonville, Fla. 32201; Thomas L. Watkins, customhouse broker, Post Office Box 1194, Jacksonville, Fla. 32201; Empire Household Shipping Co. of New York, Inc., 160 Broadway, New York, N.Y. 10038; Karevan, Inc., 419 Third Avenue West, Seattle, Wash. 98119; Sunpak Movers, Inc., 534 Westlake Avenue North, Seattle, Wash. 98109. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Oper-

ations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 121256 (Sub-No. 4 TA), filed August 5, 1968. Applicant: BOWEN TRUCKING, INC., Ridge Road, Holley, N.Y. 14470. Applicant's representative: Robert V. Gianniny, 900 Midtown Tower, Rochester, N.Y. 14604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty metal containers*, iron or steel, set up liquid capacity not exceeding 5 gallons, from Cleveland, Ohio, to points in Wayne County, N.Y. (namely, Red Creek, Sodus, Williamson, Marion, Newark, Wolcott, Rose, North Rose, and Clyde), for 180 days. Supporting shipper: Crown Cork & Seal Co., Inc., 9300 Ashton Road, Post Office Box 6208, Philadelphia, Pa. 19136. Send protests to: George M. Parker, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 151 Ellicot Street (Room 518), Buffalo, N.Y. 14203.

No. MC 127705 (Sub-No. 16 TA), filed August 5, 1968. Applicant: KREVDA BROS. EXPRESS, INC., Post Office Box 68, Gas City, Ind. 46933. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures therefor*, from Indianapolis, Ind., to points in the Lower Peninsula of Michigan, Kentucky (except Louisville), New York, Ohio, Pennsylvania, and West Virginia, for 180 days. Supporting shipper: Glass Containers Corp. (formerly Knox Glass, Inc.), Knox, Pa. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 129326 (Sub-No. 7 TA), filed August 5, 1968. Applicant: WHITNEY TANK LINES, INC., 5201 Causeway Boulevard, Tampa, Fla. 33619. Applicant's representative: Dan R. Schwartz, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, from Winter Garden, Fla., to points in South Carolina, for 180 days. Supporting shipper: Na-Churs Plant Food Co., Post Office Box 1105, Winter Garden, Fla. 32787. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 133059 TA, filed August 2, 1968. Applicant: AGRICULTURAL TRANSPORTATION ASSOCIATION OF TEXAS, doing business as ATA OF TEXAS, 109 Northwest 29th Street, Fort Worth, Tex. Applicant's representative: George Rees (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities (including classes A and B explosives)*, restricted to traffic moving on Government bills of lading for the U.S. Government and agencies thereof, between points in Virginia, Pennsylvania, New York, Ohio, Indiana, Kentucky, Tennessee, Georgia, Florida, Illinois, Minnesota, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Kansas, and Nebraska on the one hand, and, on the other, points in California, Oregon, Washington, Nevada, Utah, and Arizona, for 180 days. Supporting shipper: U.S. Department of Defense, Washington, D.C. Send protests to: Billy R. Reid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 133060 TA, filed August 5, 1968. Applicant: WILLARD F. BALZHISER AND HAROLD L. BALZHISER, a partnership, doing business as BALZHISER BROS., 3301 Colerain Avenue, Cincinnati, Ohio 45225. Applicant's representative: Charles Bruce Lester, 8 East Fifth Street, Newport, Ky. 41071. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Women's dresses* and *sportswear*, on hangers and racks, from Cynthiana, Ky., to Cincinnati, Ohio, over U.S. Highway 27, and *hangers and racks* on the return, over the same route, for 180 days. Supporting shippers: Fashion Frocks, Inc., 3301 Colerain Avenue, Cincinnati, Ohio 45225; Wolfson Manufacturing Co., 205 West Fourth Street, Cincinnati, Ohio 45202. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9641; Filed, Aug. 12, 1968; 8:48 a.m.]

[Notice 187]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 8, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132) appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70585. By order of July 31, 1968, the Transfer Board approved the transfer to Marvel Truck & Dozer Service, Inc., Casper, Wyo., of certificate in No. MC-103019; issued April 8, 1968, to Roy H. Marvel, Wilber D. Marvel, and William F. Marvel, a partnership, doing business as Marvel Truck & Dozer Service, Casper, Wyo., authorizing the transportation of "Mercer Type" commodities, between railheads in Wyoming, on the one hand, and, on the other, points in Wyoming not on railheads, and, from points in Niobrara County, Wyo., to points in Colorado, Montana, South Dakota, and Utah. Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. 82001, attorney for applicants.

No. MC-FC-70679. By order of July 31, 1968, the Transfer Board approved the transfer to Merle E. Bevis, doing business as Joe and Ed's Towing Service, Cincinnati, Ohio, of certificate No. MC-123137, issue June 21, 1961, to Joseph Morgenthal, Jr., and Edwin Morgenthal, a partnership doing business as Joe and Ed's Towing Service, 9958 Hamilton Avenue, Cincinnati, Ohio 45231, authorizing the transportation of: Wrecked, damaged, or disabled motor vehicles, as excepted, by use of wrecker equipment only, from points in Indiana, Kentucky, and Tennessee, to Cincinnati, Ohio; and replacement vehicles for wrecked, damaged or disabled motor vehicles, in secondary movements, by truckaway method, with wrecker equipment, from Cincinnati, Ohio, to points in Indiana, Kentucky, and Tennessee. Ewing O. Cossaboom, 211 East Fourth Street, Cincinnati, Ohio 45202, attorney for transferee.

No. MC-FC-70685. By order of July 31, 1968, the Transfer Board approved the transfer to Falls City Transfer Co., a corporation, Falls City, Nebr., a portion of the operating rights in certificate No. MC-230 issued May 22, 1950, to Melvin Ernst, doing business as Ernst Transfer Co., Falls City, Nebr., authorizing the transportation of: General commodities, with the usual exceptions, between Falls City, Nebr., and points in Kansas within 50 miles thereof. Earl H. Scudder, Jr., 300 N.S.E.A. Building, 605 South 14th Street, Lincoln, Nebr. 68501, attorney for applicants.

No. MC-FC-70690. By order of July 31, 1968, the Transfer Board approved the transfer to Freight Express Co., a corporation, St. Louis, Mo., of certificate No. MC-44711, issued June 23, 1941, to Arthur Kunz, doing business as A. Kunz Hauling Co., St. Louis, Mo., authorizing the transportation of: General commodities, excluding household goods, commodities, and other specified commodities, between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone. Austin C. Knetzger, 722 Chestnut Street, St. Louis, Mo. 63101, attorney for applicants.

No. MC-FC-70691. By order of July 31, 1968, the Transfer Board approved the transfer to Eileen J. Carew, doing business as Standard Transfer & Storage, 349 Second Street North, Stevens Point, Wis. 54481, of certificate No. MC-11569, issued September 1, 1965, to Charles D. Carew, doing business as Standard Transfer & Storage, 349 Second Street North, Stevens Point, Wis. 54481, authorizing the transportation of: Household goods, between Stevens Point, Wis., and points within 15 miles thereof, on the one hand, and, on the other, points in Illinois and Minnesota.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9642; Filed, Aug. 12, 1968; 8:48 a.m.]

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FEDERAL REGISTER

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Tuesday, August 13, 1968 • Washington, D.C.

PART II

Department of Agriculture

Consumer and Marketing Service

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Milk in South Texas and North Texas Marketing Areas



DECISION

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR PARTS 1121, 1126]

[Docket Nos. AO-364-R01-R02, AO-231-A32-R01-R02]

MILK IN SOUTH TEXAS AND NORTH TEXAS MARKETING AREAS

Decision on Proposed Marketing Agreement and Order and Proposed Amendments to Tentative Marketing Agreement and Order (Partial)

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Houston, Tex., January 30–February 5, 1968, pursuant to notice thereof issued January 10, 1968 (33 F.R. 497), upon a proposed marketing agreement and order and proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the South Texas and North Texas marketing areas, respectively.

This hearing was subsequently reopened February 19, 1968, at Memphis, Tenn., pursuant to a notice thereof issued February 6, 1968 (33 F.R. 2785) and reopened again February 23, 1968, at Memphis, Tenn., pursuant to a notice thereof issued February 6, 1968 (33 F.R. 2784).

The issue upon which the hearing was reopened February 19, 1968 (briefly known as the "filled milk" issue), is reserved for separate decision together with all other milk orders involved.

Action on the issue considered at the February 23, 1968, hearing (temporary pricing provisions) was made effective for the present North Texas order May 1, 1968, pursuant to an amending order issued April 25, 1968 (33 F.R. 6519). The record of this hearing is further considered in this decision with respect to the Class I price of the proposed South Texas order and Class I pricing provisions appropriate for an enlarged North Texas marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on June 13, 1968 (33 F.R. 8820; F.R. Doc. 68-7184) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision, containing notice of opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (33 F.R. 8820; F.R. Doc. 68-7184) are hereby approved, adopted and set forth in full herein subject to the following modifications:

1. Under issue 3(a) "Scope of regulation", subissue "Extent of the marketing area", paragraph eight is changed.

2. Under issue 3(a) "Scope of regulation", subissue "Governmental agencies", paragraph four is changed.

3. Under issue 3(b) "Classification of milk", subissue "Class I milk", paragraph two is changed.

4. Under issue 4(d) "Associated changes—Location differentials to handlers and producers", paragraph two is changed.

The material issues of record relate to:

1. Whether the handling of milk produced for sale in the proposed South Texas marketing area is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for the issuance of a South Texas milk marketing agreement or order which will tend to effectuate the policy of the Act; and

3. If a South Texas order is issued what the provisions of such order should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

4. Proposed expansion of the North Texas marketing area;

(a) Interstate commerce;

(b) Need for regulation;

(c) Territory to be added to the marketing area; and

(d) Associated changes in location differentials and pooling provisions.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Character of commerce.* All milk to be regulated by the proposed marketing agreement and order for the South Texas area is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk and its products.

The marketing area specified in the proposed order, hereinafter referred to as the South Texas marketing area, includes all the territory in 30 Texas counties.

Milk handled in the marketing area moves in many forms across State lines. In 1967, a total of 52.5 million pounds of bulk fluid milk was received at South Texas plants located in Houston from dairy farms or plants located in the States of Kansas, Oklahoma, and Minnesota. A part of the milk regulated under the North Texas order, which has previously been determined to be in interstate commerce, is distributed on routes to consumers in the territory proposed to be regulated under the South Texas order in competition with handlers who would become regulated under the proposed South Texas order. Over 1 million pounds of Class I milk is distributed in the proposed South Texas area by North Texas regulated handlers each month. One such handler obtains his entire milk supply from dairy farms or plants located in the States of Kansas, Oklahoma, and Minnesota. A handler regulated by the San Antonio order whose milk supply is received mostly from the State of Kansas also distributes milk in this area. Fluid milk products are delivered to ships from foreign nations at the Port of Houston and are placed on airplanes engaged in interstate and international trade at Houston International Airport.

In 1967, more than 1.5 million pounds of locally produced bulk fluid milk was delivered to manufacturing plants and fluid milk plants in Louisiana and Oklahoma by Milk Producers, Inc., Southern Division. Manufactured dairy products such as nonfat dry milk and butter are received in the proposed South Texas marketing area from sources located in other States. These products compete with similar products made from locally produced milk.

2. *Need for an order.* Marketing conditions in the South Texas marketing area justify the issuance of a marketing agreement and order.

There is no overall plan whereby farmers supplying milk to the South Texas area are assured of payment for their milk in accordance with its use. There is, likewise, no plan whereby South Texas milk dealers may procure their milk supply on a classified use basis.

The Southern Division of Milk Producers, Inc., the cooperative association proposing and supporting regulation of the South Texas area, represents more than 1,000 producers supplying the market. This is a very large percentage of all such producers. Its predecessor, the South Texas Milk Producers Association, for many years has represented producers supplying milk to South Texas handlers. At times practically all such producers have been members of this cooperative association. The prices at which the association supplied member milk to these handlers have been "flat" prices which applied to all milk received by each handler, regardless of the use made of the milk. Under this pricing system handlers could afford to receive only a quantity of milk approximating their needs for fluid sales. The association developed means of supplying handlers with their daily needs and facilities for disposal of member milk that handlers did not need on a daily or seasonal basis. The association operates a dairy product manufacturing plant at Rusk, Tex., at which such milk is converted into manufactured products. The association has returned the proceeds of sales of milk to its member producers by means of a base-excess plan. The base milk of each producer is determined from past production, in a base forming period, adjusted for anticipated sales to handlers in relation to the total production of all member producers in the base forming period.

A certain amount of reserve milk in excess of the fluid needs of the market is necessary to assure an adequate supply of milk at all times. Fluctuations brought on by the seasonal nature of milk production together with a relatively uniform level of consumption, requires that

some of the Grade A milk produced for the market be disposed of in manufacturing channels. This excess milk must be manufactured into cheese, butter, nonfat dry milk, frozen dessert mix, and similar products that are sold in competition with products manufactured from ungraded milk.

Milk disposed of to manufacturing outlets returns considerably less than that disposed of for fluid use. Consequently, a well-defined and uniformly applied plan of use classification with the proper pricing of milk in such uses is necessary to prevent such excess milk from depressing the market price of all Grade A milk. To be successful the classification and payment for milk in accordance with its use requires the full participation of all those engaged in marketing milk in this manner. Orderly marketing of the milk produced for fluid consumption requires uniformity in prices paid by handlers and a means whereby the lower returns resulting from the sale of surplus milk may be shared equitably among producers.

The South Texas Milk Producers Association succeeded in selling a high proportion of its milk as "base" milk to handlers for many years. So long as the Association represented practically all producers supplying the market its plan worked well. Population in this area has been increasing faster than has milk production so that most local production was needed for fluid use. In 1966 almost 90 percent of the association's total milk production was sold as base milk.

More recently, however, some local producers have found it to their advantage to market their milk at a higher utilization than the market average, but at a lower price than the association "base price." In addition, milk from more distant producers has entered the market. Milk can now move longer distances. Since the association handles the milk of its members that handlers do not take on a daily basis, handlers can use other supplies for fluid use and depend upon association milk to balance their daily needs. In 1967, while total deliveries of member milk were 2.5 percent less than in 1966, base sales of member milk were almost 15 percent less, so that 21.5 percent was utilized for surplus uses.

In addition to the independent producers whose milk is delivered to Houston plants, certain producers now deliver their milk to the Tyler plant of a Houston handler for shipment to Houston. Such milk is merely cooled at Tyler in the process of transfer from farm pickup tankers to over-the-road transport equipment. The price paid these farmers ranged from $5.94 to $6.08 per hundredweight for the months of September through December 1967. This was from $1.09 to $1.23 less than the $7.17 association base price for these months. The handler incurred costs of handling at Tyler and transportation costs to Houston, a distance of 199 miles.

This same handler also received milk from a cooperative association delivered to Houston at a price 20 cents less than the association base price (10 cents over the negotiated Class I price effective at Dallas). A plant at Jacksonville which sells most of its milk in the Houston area also received a major portion of its 1967 supply from this cooperative association. The cost of this handler's milk is not shown in the record. The milk delivered to these handlers was not subject to regulation of an order, although the cooperative association represents other producers supplying the North Texas market.

Out-of-State milk delivered to Houston plants increased almost eight million pounds, or 17 percent in 1967 over 1966. Such milk is purchased for fluid use. In addition, direct deliveries from nonmember producers increased substantially to a total estimated by the association at from 5 to 10 million pounds monthly.

While no comparative cost data were provided with respect to the out-of-State shipments, handlers paid nonmember producers for their milk about 30 cents per hundredweight less than the announced base price. The lesser price was attractive to certain producers because it applied to all their milk. Some former association members with low production in the base forming period could increase their returns at a lower price for all their milk. Some producers supplying the North Texas market could also increase their returns, even though they incurred increased hauling costs.

These dairy farmers do not share in the burden of carrying the reserve milk supply. Thus, they are receiving higher net prices than other dairy farmers supplying the market. This situation has created instability in marketing of milk in the area and uncertainty among dairy farmers supplying the South Texas market concerning prices they will receive for their milk.

Handlers purchasing the low-price milk generally depend upon the cooperative association for supplemental supplies when their regular supplies are inadequate for fluid milk needs. This results in dairy farmers who sell their milk through the cooperative receiving lower returns because they maintain the reserve supply for the market while the other dairy farmers whose milk is not sold by the cooperative carry none of the market's reserve supply.

In an effort to regain their former share of the fluid market, the association changed its method of pricing milk to handlers as of January 1, 1968. Since September 1, 1967, its base price had been $7.17 per hundredweight, applicable to all milk received at the handler's plant. Up to that date its price for some years had been the North Texas price, plus 30 cents. The $7.17 price corresponded to 30 cents over a premium price effective September 1 in the North Texas market. As of January 1968, while retaining the $7.17 price, the association applied it to only 80 percent of each handler's receipts, with a $4 price applicable to the remaining 20 percent. The net effect was a reduction of 63.4 cents per hundredweight in the base prices. The effective South Texas base price thus became 33.4 cents less than the North Texas price.

The problems of unstable marketing encountered by producers in the recommended marketing area are not uncommon in fluid milk markets. The problems which have resulted in marketing instability in this area are similar to those characteristic of the fluid milk industry in the absence of regulation or a market-wide classified pricing plan. A marketing order as herein proposed will promote orderly marketing by assuring that producers will receive prices equivalent to those contemplated under the Act.

The weights and butterfat tests of milk delivered by the cooperative association are determined by the purchasing handlers. The cooperative pays its members on the basis of farm weights and butterfat tests determined by the cooperative. Handlers purchase the milk without verification by the cooperative of weights and tests. Such milk is purchased by handlers on various bases, including scale weights and meter measurements. An order is needed to provide assurance of the accuracy of weights and tests of producer milk and to obtain use of a uniform system of payment for milk by handlers to producers.

There is a lack of detailed market information on the procurement and disposition of milk throughout the marketing area. This information is essential to the attainment of orderly marketing. Some of the data on receipts and utilization of milk for fluid and manufacturing uses were made available for the hearing by several handlers and the cooperative association. These data were incomplete regarding the overall receipts and utilization of milk and milk products in the region. The institution of regulation would provide the basis for complete information on receipts and utilization of producer milk.

Instituting a marketing agreement and order for the proposed marketing area will contribute to the improvement of present marketing conditions and will tend to effectuate the declared policy of the Act. Price stability and orderly marketing in the area depend upon the adoption of a classified pricing plan based on audited utilization of milk purchased by handlers from producers and an equitable division among producers of the proceeds from the sale of their milk. In addition, the procedures required by the Agricultural Marketing Agreement Act would afford all interested persons opportunity to take part in determining, thorough public hearing, what the various provisions of the order should be to insure continuous orderly marketing of milk.

3. (a) *Scope of regulation.* It is necessary to designate clearly what milk and which persons would be subject to the provisions of the order. This can be accomplished best by providing specific definitions to describe the area involved and to prescribe the categories of persons, plants, and milk products to which the applicable provisions of the order relate.

Extent of the marketing area. The South Texas marketing area should

include all the territory within the Texas counties of Angelina, Austin, Brazoria, Brazos, Chambers, Colorado, Fort Bend, Galveston, Grimes, Hardin, Harris, Houston, Jackson, Jasper, Jefferson, Liberty, Madison, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, San Jacinto, Trinity, Tyler, Walker, Waller, Washington, and Wharton.

The 1966 estimated population of the contiguous 30-county area was approximately 2.7 million. Approximately 2 million people live in the metropolitan areas of Houston, Beaumont, and Galveston, the largest cities in the proposed marketing area. Because a significant portion of sales of fluid milk products by handlers who would be regulated is in rural areas, and because of the relative density of population immediately surrounding the several cities, the marketing area should be defined on the basis of county rather than city boundaries.

Grade A milk products sold for fluid consumption throughout the proposed marketing area must be approved by health authorities who are governed by health ordinances, practices, and procedures patterned after the U.S. Public Health Milk Ordinance and Code. Grade A milk both in bulk and packaged form moves between various locations in the marketing area with the reciprocal approval of the responsible health authorities. Ratings by the U.S. Public Health Service are recognized as a basis for approval of outside sources of milk.

Houston is the principal point at which milk is processed and packaged for distribution throughout this 30-county area. Four major handlers with plants in Houston each distribute in from 10 to 22 of the counties named. One of these handlers also has a plant at Beaumont from which distribution is made in 12 of these 30 counties. A plant at Lufkin in Angelina County distributes milk in 11 of these counties. These handlers compete with other plants from which distribution is more localized. Such plants are located at Houston, Galveston, Port Arthur, Nederland, Bryan, and Cat Spring within the area. While no one plant serves the entire area there is a substantial community of competition throughout the area.

In addition there is milk being sold in two of these counties by plants regulated by the North Texas order and in three others by a plant now regulated by the Corpus Christi order. A plant located outside the area at Jacksonville in Cherokee County will probably be regulated by the order because it sells about 75 percent of its Class I milk in Houston. This plant has some additional distribution in three other counties in the proposed marketing area. A handler who serves 22 counties from his Houston plant also serves three others from his Tyler plant, which would be regulated under the proposed expansion of the North Texas order.

Forty-three Texas counties were proposed for inclusion in the South Texas area. Of these, Anderson, Angelina, Cherokee, Henderson, Houston, Nacogdoches, Sabine, San Augustine, Shelby, and Trinity were alternatively proposed for inclusion in the North Texas marketing area. Angelina, Houston, Nacogdoches, and Trinity are included in the South Texas marketing area.

The additional seven counties of Burleson, Fayette, Lavaca, Lee, Leon, Milam, and Robertson were proposed for inclusion in the South Texas marketing area only, but are omitted from the area provided herein.

The seven counties omitted from the area lie to the west of the 30-county area, in the territory intervening between the proposed area and the Austin-Waco marketing area. For only one of these counties, Fayette, was there evidence that sales are made from plants that will be regulated by the South Texas order. While one Houston handler listed half of the sales in this county as being made by a Houston competitor, the competitor's testimony did not claim any sale in Fayette County. While certain exceptions identified another Houston handler as making these sales, Fayette County cannot be added to the marketing area at this stage of the proceedings without further opportunity for exceptions. The record shows that competition that Houston handlers meet in this county is primarily from milk regulated under other orders.

In the 10-county area proposed for inclusion in either the South Texas order or the North Texas order, milk is sold by handlers from Houston, Beaumont, Tyler, Marshall, Dallas (regulated by the North Texas order), a handler regulated by the San Antonio order, and by two handlers with plants located in the 10-county area.

One of the local plants, located at Jacksonville in Cherokee County, disposes of 75 percent of its packaged fluid milk through a distribution point in Houston. This plant thus may be expected to be regulated by the South Texas order. Its distribution in Cherokee County represents less than one-third of the total sales in that county. While milk from this plant is sold in six of the 10 counties such sales represent only 18 percent of the plant's total sales. An additional 7 percent is sold in four other counties proposed only for the North Texas area.

The other plant located in this area is at Lufkin in Angelina County and has 65 percent of its Class I sales in eight of these 10 counties. It sells another 7.5 percent of its milk in three other counties proposed for inclusion in the North Texas area and 27.5 percent in eight other counties proposed for the South Texas area. It is evident that the regulation of this plant could be affected by the decision concerning these 10 counties.

One handler with plants in both Houston and Tyler serves this 10-county area from his Tyler plant, with sales shown for each county except Trinity. Another, with plants at Houston, Beaumont, Tyler, and Marshall, has sales in these 10 counties from each of these plants. The Houston plant serves one county, the Beaumont, Tyler, and Marshall plants each serve three counties.

One Dallas handler distributes in six of these 10 counties, another in five; four other Dallas handlers serve at least one county each.

In Henderson and Anderson Counties two-thirds to three-fourths of the sales are made from the two presently unregulated plants at Tyler which will become regulated by expansion of the North Texas area to counties north of the 10-county area. In addition, Dallas handlers have from 10 to 20 percent of all sales in these counties. In Cherokee County sales from the two Tyler plants and Dallas plants are approximately 70 percent of total sales. In Shelby County, sales from Tyler, Marshall, and Dallas plants represent about 65 percent of all sales. These four counties should be included in the North Texas area rather than the South Texas area.

In Angelina, Nacogdoches, and Houston Counties, from 30 to 33 percent of the total sales in each county are made by the Lufkin plant located in Angelina County. In Houston County, 55 percent of the sales are made by a Houston plant and the Jacksonville plant which will become regulated by the South Texas order. In both Angelina and Nacogdoches Counties a Beaumont plant and the Jacksonville plant have more sales than do North Texas plants and one of the Tyler plants, but less than half (approximately 37–38 percent). Since the Lufkin plant has more competition in these counties from South Texas handlers, and also has more competition from such handlers in areas outside the 10-county area, it is concluded that these three counties should be included in the South Texas area, which should insure that the Lufkin plant will be regulated by the South Texas order.

There is no evidence that any milk is sold in Trinity County by handlers other than those to be regulated by the South Texas order. It should, therefore, be included in the South Texas area.

Due to their geographic location, Sabine and San Augustine Counties should be included in the same area. All sales in these small counties are from the Lufkin plant and two East Texas plants at Marshall and Tyler. While the sales in Sabine County are equally divided, the Marshall and Tyler plants have the majority in San Augustine County. These counties should, therefore, be included in the North Texas area rather than the South Texas area. Further conclusions with respect to them are included in the discussion of the North Texas area.

A question may arise in the operation of the order as to whether piers, docks, wharves, and any territory occupied by government (municipal, State or Federal) reservations, installations, institutions, or similar establishments located within the marketing area shall be considered as a part of the marketing area. Such facilities constitute regular outlets for milk of handlers who would be regulated. Proposal was made at the hearing to include such areas as a part of the marketing area. So there will be no doubt as to the application of the order definition of marketing area, the marketing area should include such establishments.

There is no basis for making a distinction between fluid milk in such territory and fluid milk sales in other territory within the marketing area.

All producer milk received at regulated plants must be classified and priced under the order regardless of whether it is disposed of inside or outside the marketing area. Otherwise the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in-area" sales were subject to classification, pricing, and pooling, a regulated handler with Class I sales both inside and outside the marketing area could assign any value he chose to his outside sales. He thereby could reduce the average cost of all his Class I milk below that of other regulated handlers having all or substantially all, of their Class I sales within the marketing area.

Unless all milk of such a handler were fully regulated under the order, he in effect would not be subject to effective price regulation. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and could lead to a complete breakdown of the order. If a pool handler were free to value a portion of his milk at any price he chooses, it would be impossible to enforce uniform prices to all fully regulated handlers or a uniform basis of payment to the producers who supply the market. It is essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition.

Limited quantities (as provided) of Class I milk may be sold within the regulated marketing area from plants not under any Federal order. There is, of course, no way to treat such unregulated milk uniformly with regulated milk other than to regulate it fully. Nevertheless, it has been concluded that the application of "partial" regulation to plants having less association than required for market pooling would not jeopardize marketing conditions within the regulated marketing area. Official notice was taken at the hearing of the June 19, 1964, decision (29 F.R. 9213) supporting amendments to several orders, including orders effective in Texas and Oklahoma. The conclusions of this decision are adopted herein as applicable to marketing conditions in the South Texas marketing area.

The operator of the partially regulated plant is afforded the options of (1) paying an amount equal to the difference between the Class I price and the uniform price with respect to all Class I sales made in the marketing area; (2) purchasing at the Class I price under any Federal order sufficient Class I milk to cover his limited disposition within the marketing area; or (3) paying his dairy farmers an amount not less than the value of all their milk computed on the basis of the classification and pricing provisions of the order (the latter representing an amount equal to the order obligation for milk which is imposed on fully regulated handlers).

While all fluid milk sales of the partially regulated plant are not necessarily priced on the same basis as fully regulated milk, the provisions described are, however, adequate under most circumstances to prevent sales of milk not fully regulated (pooled) from adversely affecting operation of the order and the fully regulated milk.

Milk to be priced and pooled. It is necessary to designate clearly what milk and which persons would be subject to the order. This is accomplished by providing definitions to describe the various categories of persons, plants, and milk products to which the applicable provisions of the proposed South Texas order relate.

The minimum class prices of the order should apply to that milk eligible for fluid disposition as Grade A milk which is received from dairy farmers at plants engaged primarily in supplying fluid milk products for sale in the maketing area on retail and wholesale routes. In view of the similarity of health regulations and the free movement of milk in the area, any dairy farmer whose milk is produced in compliance with the Grade A requirements of any duly constituted health authority should share in the marketwide pool if his milk is received at a plant sufficiently associated with the market to qualify as a pool plant.

Any plant, regardless of its location, should have equal opportunity to comply with the standards of regulation and have its producers share in the available Class I sales. Whether the plants and producers choose to supply the South Texas market will depend upon the economic circumstances with which they are confronted such as prices, transportation costs, and alternative outlets.

The specific standards of performance to be used to determine which plants and what milk constitute the regular sources of supply and, therefore, should be fully subject to regulation, may be identified by definitions of plant, route disposition, distributing plant, supply plant, pool plant, nonpool plant, handler, producer-handler, producer, producer milk, fluid milk products, and other source milk.

Certain other miscellaneous definitions such as Act, Secretary, Department, person, cooperative association, and butter price should be included in the order for clarity and brevity in construction of other order provisions. They are self-explanatory and similar to comparable provisions in other Federal orders.

Plant. A plant definition is needed to assist in defining the particular operations which are to be subject to regulation and to simplify the drafting of the other provisions of the order. Under the definition herein provided a plant would mean the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products are received, processed, or packaged. A separate facility used only for transferring bulk milk from one tank truck to another would not be a plant under this definition, if the milk can be identified separately as receipts from specific dairy farmers until it is received at a plant. Also, a facility serving only as a distribution point for storing fluid milk products in transit for route disposition should not be considered a plant.

A distributing plant should be one approved by any duly constituted health authority from which any Grade A fluid milk product that is received, processed, or packaged at such plant is distributed during the month on routes in the marketing area.

A supply plant should be any plant approved by an appropriate health authority to supply fluid milk for distribution as Grade A milk in the marketing area and from which milk is moved to a distributing plant.

Route disposition. To assist in identifying those plants which would be regulated, a definition of route disposition is provided.

The term "route disposition" would mean the delivery (including any delivery by a vendor or disposition at a plant store) of fluid milk products, other than a delivery to a milk plant.

Fluid milk products may be delivered through another milk plant. Such delivery should be considered a route disposition at the location of the wholesale or retail outlet where disposition is made to the ultimate consumer. This will avoid opportunity for a distributing plant to pool solely on the basis of deliveries of fluid milk products classified as Class I to other plants. Each distributing plant should qualify on its minimum percentage in-area route disposition which does not include fluid milk product sales to other plants. The route disposition of a handler should be attributed to the processing and packaging plant from which the fluid milk product is moved to retail or wholesale outlets without intermediate movement to another processing and packaging plant.

Pool plant. It is essential to the operation of the order to distinguish between plants which serve the fluid milk needs of the market and those which do not. It is particularly important to establish minimum performance standards for plants which serve the market to such a degree that they should be included in the marketwide utilization pool which is the means of paying uniform returns for milk to all producers for the market. This distinction is necessary. Otherwise, the proceeds of Class I sales would be dissipated to dairy farmers supplying handlers engaged primarily in business elsewhere. Such distribution of returns would not accomplish the purpose of regulation which is to assure an adequate and dependable supply for the fluid needs of the market.

These performance standards also minimize the effect of regulation on handlers who distribute a minor proportion of their fluid milk products in the marketing area. Such handlers would only be partially regulated as described elsewhere in this decision.

Performance standards are one means of assuring that the regulated market has adequate and dependable supplies of milk. They require that a pool plant either distribute milk in the market or

ship milk to the market. Because of the difference in marketing practices and functions between distributing plants and supply plants, separate performance standards are provided.

Pool distributing plant. A distributing plant would be qualified as a pool plant under this order in any month in which 10 percent or more of the Grade A milk receipts at such plant are disposed of on routes in the marketing area.

The plant's total route disposition both inside and outside the marketing area should be 50 percent or more of its receipts of Grade A milk. Unless a distributing plant disposes of half or more of its Grade A milk on routes, it is not primarily engaged in fluid business. Such a plant should not be pooled as a distributing plant. To qualify for pooling such a plant should meet the supply plant requirements.

It was proposed that if two or more distributing plants operated by the same handler each met the marketing area route disposition requirement and the combined total disposition on routes of such plants was 50 percent or more of Grade A milk receipts, each such plant should be deemed to have met the pool distributing plant requirement. No substantial need was shown for the proposed system qualification of distributing plants. In the absence of such a showing the pooling of each distributing plant should be determined from its individual performance.

A distributing plant from which Class I milk is distributed regularly in the marketing area may under normal conditions be expected to exceed by a reasonable margin the minimum performance standards necessary to qualify as a pool plant.

A distributing plant disposing of more than 90 percent of its receipts outside the marketing area of this order or in nonfluid outlets should not be considered to be essentially associated with this fluid market. It is not advisable to bring such a plant under full regulation because it has a minor share of its business in supplying the fluid needs of the marketing area. Full regulation is not necessary to accomplish the purposes of the order and might well place such plant at a competitive disadvantage in supplying an unregulated market in which its primary sales are made. A minimum performance standard is necessary to assure that a plant is associated with the market in a significant and regular manner. Otherwise, a plant not so associated with the market might qualify for equalization payments and permit dairy farmers delivering to the plant to share in the returns from Class I sales when it was to their advantage to do so.

A handler proposed that in the event a South Texas order became effective and the North Texas marketing area was not expanded that the distributing plant requirements for pooling be increased from 10 percent to 20 percent route disposition of receipts. The establishment of a South Texas order and expansion of the North Texas marketing area in the manner proposed herein makes this proposal moot.

Pool supply plant. To qualify for pool plant status during any month a supply plant should ship to pool distributing plants 50 percent or more of its receipts of Grade A milk from dairy farmers and handlers pursuant to § 1121.12(d) in the form of bulk fluid milk products. A major function of the supply plant pooling standards is to insure that handlers processing and distributing milk for sale in the market may regularly obtain milk from supply plants to meet their fluid milk needs. Supply plant standards should be set at a level which requires that producer milk be available to supply the Class I outlets. A supply plant with a proportionately lesser quantity of its milk disposed of in this manner should not, under present conditions, be considered as associated primarily with the South Texas market.

Currently, milk received directly from dairy farms at distributing plants or cooperative-owned plants is adequate on an annual basis for the fluid milk needs of the market and no supply plants are expected to qualify for pooling under this provision. However, performance standards for supply plants should be provided if milk from such plants is needed at any time.

If there is any demand for milk from supply plants it will be greater in months of seasonally low production. During months of higher production, it would be more economical to leave more distant milk at country points for manufacture while nearby milk is used for fluid needs at distributing plants. The performance standards for supply plants should not require milk to be transported to pool distributing plants in high production months solely to maintain the eligibility of supply plants to remain pooled.

A supply plant which met the pooling requirements by shipping 50 percent or more of its receipts to pool distributing plants in each month of the immediately preceding September through December period shall be a pool plant without further shipments in the following months through August in which it does not otherwise qualify as a pool plant. This automatic pool plant status would not apply if the plant operator elects nonpool plant status for the plant or does not continue to meet the requirements of a duly constituted health authority. If a plant becomes a nonpool plant, such status shall be effective the first month following notice to the market administrator or upon loss of health authority approval and thereafter until the plant again qualifies as a pool plant on the basis of required shipments.

Proponents proposed at the hearing that in order to be pooled during the months of January through August a supply plant qualified in the preceding months of September–December should ship 25 percent of its receipts during the month. The further requirement of 25 percent shipments in each month of January through August is not necessary in this market. Any supply plant that has met the shipping standards for pool plant status in the preceding September–December period by shipping 50 percent of its receipts to pool distributing plants in each month has demonstrated adequately that it is associated with the market at a time when production is low in relation to Class I sales. Placing a further requirement on such supply plants to pool during the high production months could well result in uneconomical movement of milk supplies to the market.

Cooperative association supply plant. Any plant, approved by a duly constituted health authority and receiving Grade A milk from dairy farmers, that is operated by a cooperative association should be designated as a pool plant if 50 percent or more of the milk of member producers of such cooperative is delivered during the month to pool distributing plants of other handlers either by delivery directly from the farm or by transfer from the cooperative association plant.

A cooperative association, Milk Producers, Inc., operates "balancing" or "supply equalization" plants at Houston and Rusk, Tex. This cooperative supplies a substantial portion of the milk which would be pooled under the order. Its Rusk plant has facilities for processing milk in excess of handlers' requirements into manufactured dairy products. The cooperative assumes the responsibility for marketing such excess milk.

The supply equalization plants assist the cooperative in providing other handlers with whom it has arrangements for marketing member milk the precise amounts of milk which such handlers require and disposing of any excess. Handlers' needs vary widely during a week. Supply requirements increase on heavy bottling days and diminish on other days, such as during weekends, when little or no milk is bottled. The cooperative association generally delivers direct to handlers' plants the milk needed each day, and receives at their equalization plants the remainder of the association's supply.

Permitting a cooperative, under certain conditions, to pool the returns of milk which is received at its plant will contribute to orderly marketing. The equalization plants of the major cooperative are an integral part of the entire supply arrangement for the South Texas market. Their operation assists all producers in realizing the best utilization of available milk supplies. However, their receipts and shipments fluctuate so that they probably could not meet minimum pooling requirements for a supply-type plant.

Because of their important function in serving the market such plants should be qualified for pooling. Milk received directly at these plants from farms represents a small portion of the total supply of the cooperative. Most of the milk supply is moved by bulk tank delivery to handlers' processing plants. The cooperative should have opportunity to pool the milk at its plants on the basis of the cooperative's total function in supplying the market. Milk moved by the cooperative directly from farms of members to pool distributing plants of other handlers should count toward qualification of the cooperative supply equalization plants along with milk moved from such plants as a transfer to such pool distributing plants. This treatment will recognize the total performance of the cooperative association as the basis for pooling its plant.

Plant subject to regulation under other orders. Some milk may be distributed in the marketing area from plants which are fully subject to the classification and pricing provisions of other Federal milk orders. It is not necessary to extend full regulation under an order to such plants which dispose of a major portion of their receipts in another regulated marketing area. To do so would subject such plants to duplicate regulation. However, so that the market administrator may be fully apprised of the continuing status of such a plant the operator thereof would be required to file reports of receipts and utilization with respect to the plant and allow verification of such reports as the market administrator may require even though the plant would be exempt otherwise from this order.

Distributing plants sometimes meet the pooling requirements of more than one Federal order. The general rule should be that such a plant shall be regulated under the order for the marketing area in which it has the greater route disposition. Provision should be made, however, that a plant regulated by one order shall not become regulated under another until the third consecutive month in which its distribution in the other order area is the larger. Supply plants shall be regulated under the order to which greater shipments are made, except during the January–August period of automatic pooling for qualified plants.

Provisions to this effect are in the North Texas, San Antonio, and Austin-Waco orders. Official notice is hereby taken of the decisions issued on February 23, 1962, by the Assistant Secretary of Agriculture with respect to the North Texas order (27 F.R. 1908) and on January 9, 1962, with respect to the San Antonio and Austin-Waco orders (27 F.R. 417). The conclusions contained therein with respect to the regulation of plants under those orders are equally applicable to the means for determining regulation under the South Texas order.

Nonpool plant. The definition of "nonpool plant" is provided to facilitate construction of the various provisions of the order as they apply to such a plant. A nonpool plant means a plant (except a pool plant) which receives milk from dairy farmers or is a milk manufacturing or processing plant. This definition is the same as comparable definitions in presently effective orders. Specific categories of nonpool plants would be defined as follows:

"Other order plant" is a plant that is fully subject to the pricing and pooling provisions of another Federal order issued pursuant to the Act. Such plants would not be regulated under this order except for the reports described elsewhere with respect to any route disposition in the South Texas marketing area.

"Producer-handler plant" means a plant operated by a producer-handler as defined in any order including this part issued pursuant to the Act.

"Partially regulated distributing plant" means a nonpool plant that is a distributing plant but is not an other order plant, a producer-handler plant, or an exempt plant of a governmental agency.

"Unregulated supply plant" is a nonpool plant that is a supply plant but is not an other order plant, a producer-handler plant, or an exempt plant of a governmental agency.

Handler. A handler definition is necessary to identify those individuals from whom the market administrator must receive reports or who have financial responsibility for payment for milk in accordance with its classified use value. The primary impact of regulation under the order is on handlers. As herein provided, the definition includes (a) any person in his capacity as the operator of a pool plant, (b) any person in his capacity as the operator of a partially regulated distributing plant, (c) any cooperative association with respect to producer milk which it causes to be diverted from a pool plant to a nonpool plant for its account, (d) any cooperative association which delivers milk of its producers from the farm directly to pool plants of other handlers in a tank truck owned and operated by or under contract to such association, (e) any person in his capacity as an operator of an other order plant with route disposition in the marketing area, or (f) a producer-handler.

The above provisions are common to most Federal orders. The specified responsibility of each type of handler is described in the applicable order provisions.

The handler who receives milk from producers at a pool plant is responsible for reporting receipts and utilization of such milk and for proper payment to producers and to the pool. A producer-handler is defined as a handler to require that he submit reports so that the market administrator may determine whether continued exemption from pooling is met.

The operator of a partially regulated distributing plant is defined as a handler so that the market administrator may receive data upon which to ascertain the status of the plant under the order and the money obligation to the equalization fund, if any, of the operator of the plant.

Cooperative associations should be handlers under the order with respect to milk of producers which they divert for their account to nonpool plants. In this capacity, the cooperative is responsible for reporting the identity of each producer whose milk is diverted, the quantity of milk and butterfat for each producer, and the disposition of such milk. In performing the function of diverting under the order rules, the cooperative association will be balancing supplies according to individual handlers' needs and disposing of market reserves. In this capacity, the cooperative association should be considered to be the handler paying into, or receiving money from, the producer-settlement fund so that producers whose milk is diverted may receive the uniform price. The association should be responsible for the payment of administrative expense on such diverted milk.

Cooperative associations in this market often taken responsibility for delivery of milk from producers' farms to regulated plants. Such delivery is provided in tank trucks. Each truckload of milk usually contains the production of several farmers.

When milk is picked up by tank trucks under the control of the cooperative association and milk of several producers is commingled in one load, the cooperative association is in control of the information as to the quantities of milk from each individual producer. The cooperative association should be required, therefore, to report to the market administrator the quantity of milk received from each producer. The association should also be responsible for obtaining samples at the farm for the purpose of butterfat testing, the testing of such samples, and reporting to the market administrator the quantities of butterfat received from producers.

If the association is assuming responsibility for collection of dairy farmers' milk in tank trucks and delivering such milk from the farm to pool plants, it should be defined as the handler on such milk for the purpose of reporting the farm weights and tests of milk received from dairy farmers and the quantities delivered to pool plants. In addition, the association should be accountable to the producer-settlement fund for any differences in the quantities of milk received from producers, based on farm measurements, and the quantities of milk which purchasing handlers claim as received at their plants from the association. This is necessary to assure that cooperative handlers, like other handlers, account for all milk received from producers. For pricing purposes, the milk would be considered as received by the cooperative association at the location of the plant to which delivered. The association would account to and pay the administrative expense assessment on the quantity of milk involved in any difference between milk received from farms and that delivered to pool plants.

The pool plant handler would be responsible to the producer-settlement fund and for administrative assessment on milk it received from the cooperative. Also, the pool plant handler would pay the cooperative association handler the minimum uniform price for such milk received from the cooperative who was the handler of the bulk tank milk. Since only the cooperative association is in control of the information as to the quantities of milk received from individual dairy farmers and since it may deliver partial loads of milk to different handlers, only the cooperative is in a position to make payments to the individual producers involved. Consequently, it is necessary under such circumstances for the cooperative to settle with the individual producers according to the quantity received from each of them as determined by the weights and tests made by the cooperative.

As provided under the classification of shrinkage, the pool plant handler who accounts for milk received from the cooperative association on the basis of farm weights and tests may account for 2 percent of such receipts in Class II as shrinkage, but if the quantity of such receipts is determined otherwise the allowable Class II shrinkage is 1.5 percent. Alternative methods of determining the weights and tests of such receipts must, of course, be such that they enable the market administrator to check the accuracy of the quantities for which the handler is responsible.

Producers proposed that cooperative associations should be handlers on bulk tank deliveries only at their option and that payment for such milk should be at class prices with classification determined on the same basis as transfers between pool plants. For the reasons set forth above, cooperative associations should be defined as handlers whenever they are performing the functions described above, rather than on an optional basis. The proposed payment to the cooperative association at the order uniform price, with the pool operator responsible for equalization with the pool, relieves the cooperative association of this responsibility and simplifies adjustments based upon audit of the handlers' records.

Governmental agencies. A governmental agency which operates a plant that processes or packages milk distributed in the marketing area should be exempt from the South Texas order. Texas A&M University operates a plant at College Station, Tex., which may qualify for such exemption.

The university plant is operated for the purposes of carrying out a recognized function of the State of Texas. The Texas A&M University plant and the plant of any other governmental agency similarly situated should be exempt from regulation. From time to time excess milk is available at such plant and at times supplemental supplies are required. Providing that excess milk moved from such exempt plant to pool plants be classified as Class II and that purchases from pool plants of supplemental milk for use at the exempt plant be classified as Class I will adequately protect producer returns in this market.

It is not necessary that a governmental agency operating an exempt plant be defined as a handler. To do so would provide only a duplication of reports and records that are properly the responsibility of the pool handler buying or selling milk to such exempt plant.

A proposal was made to define a milk broker as a handler for the purpose of requiring reports to the market administrator and to allow verification of records maintained by the broker. This is not necessary because the responsibility lies with the handler pooling the milk to make full reports on all sources of the milk he receives. The pool handler has the burden of maintaining and making available records that substantiate the receipts and utilization of milk handled and payments to producers. Should records of a third party be required for this purpose, it becomes the responsibility of the pool handler to make them accessible to the market administrator. Definition of a broker as a handler would only provide a source of information that should be available to the market administrator through the pool handler.

Producer. "Producer" should mean any person except a governmental agency which operates a plant exempt pursuant to § 1121.62, or a producer-handler as defined in this or any other order issued pursuant to the Act who produces milk in compliance with the inspection requirements of any duly constituted health authority, which milk is received at a pool plant or diverted to another plant under certain conditions. The producer definition will provide the necessary distinction between the production of those farmers whose milk will be priced and pooled each month under the order and the receipts at handlers' plants from all other sources.

"Producer" should not include any person with respect to milk produced by him that is physically received at a pool plant as diverted milk from an other order plant, if the other order designates such person as a producer under that order, and the handler under the other order diverting such milk and the operator of the pool plant each have requested Class II classification of such milk in their respective reports filed with their respective market administrators. This provision will contribute to orderly marketing by facilitating the movement of milk for manufacturing purposes from an other order plant to a pool plant. Similarly, persons whose milk is diverted under this order to other order plants may retain South Texas producer status on such milk unless the other order requires that they be defined as producers under the other order with respect to such milk.

Producer milk. Producer milk should be defined so as to specify the milk for which each handler is responsible for accounting to the pool with respect to utilization and equalization. At each pool plant producer milk includes receipts of milk directly from producers and from cooperative association bulk tank handlers, and milk diverted to nonpool plants for the account of the handler operating the pool plant. In addition, producer milk of a cooperative association would include milk diverted for its account from pool plants of other handlers, and milk received as a bulk tank handler from producers in excess of that delivered to pool plants of other handlers. The producer milk of all handlers includes all milk that is fully priced and pooled under the order.

The proposed order would, as does the North Texas order, permit diversions of producer milk for manufacturing (Class II) use, if the handlers involved requested and so reported such use classification of diversions. When milk is not needed in the order for Class I purposes, the movement of such milk to nonpool plants including other order plants for Class II use should be facilitated. Diversions to pool plants under this order of producer milk under another order for manufacturing use by handler agreement should be accommodated in similar manner. Many plants providing outlets for reserve milk are pool plants under regulation by some other order.

Because of the exempt status provided by the order for a governmental agency and a producer-handler, receipts of milk at a pool plant from such handlers would not be considered a receipt of producer milk. To do otherwise would permit surplus milk to share in the pool at blend prices and dissipate returns to producers associated regularly with the market.

The proposed South Texas order should provide that proprietary plant operators and cooperatives in their capacity as handlers may divert producer milk from a pool plant to a nonpool plant. Unlimited diversion is neither necessary nor desirable in this market when much of the producer milk is necessary to fill Class I milk needs.

The order provisions should accommodate the efficient handling of milk excess to Class I needs since the day-to-day market requirements vary widely, particularly on such occasions as weekends or holidays. The diversion provision adopted should promote economical handling at a lesser hauling cost of the milk not needed at times at pool plants by permitting it to be diverted to nonpool plants; many of which are located nearer the milk production area than are the pool plants where the milk is customarily received.

A cooperative would be permitted to divert for its account a quantity of milk not in excess of one-third of its total member milk received at all pool plants in the month. A handler operating a pool plant similarly may divert for his account milk of producers who are not cooperative association members a quantity of milk not in excess of one-third of the milk at such pool plant from producers who are not members of a cooperative which is diverting milk for its own account.

Diversions in excess of the aforesaid quantities would not be producer milk. Each diverting handler shall designate the dairy farmers whose milk is ineligible as producer milk. Producer milk status shall be forfeited with respect to all milk diverted by a handler if he fails to specify the dairy farmers whose milk is overdiverted.

Diverted producer milk should be priced at the location of the nonpool plant to which diverted. The applicable prices would be that resulting from the pricing provisions of the proposed order adjusted to the nonpool plant location as if such plant were a pool plant. This will assist in removing any incentive a handler might have for associating a quantity of milk with the pool which would be intended for manufacturing uses. Otherwise, there would be potential for distant producers to receive the blend price at nearby plants when their milk actually would be diverted on a regular basis to distant plants for manufacturing uses. Pricing diverted milk at the location to which diverted will insure that producers

generally do not bear transportation expenses that are not incurred when such milk is diverted to manufacturing plants located near the farms on which it is produced.

Producer-handler. A producer-handler should be defined as any person who produces milk, operates a distributing plant, but who during the month receives no milk from other dairy farmers and disposes of no other source milk as Class I milk on routes.

A producer-handler would be permitted to receive from pool plants not more than 5,000 pounds of milk during the month or 5 percent of his own Class I disposition, whichever is less. Also, the producer-handler would be required to provide proof satisfactory to the market administrator that the maintenance, care, and management of the dairy animals and other resources necessary to produce milk handled (excluding transfers from pool plants and nonfat solids used to fortify Class I products) and the operation of the processing, packaging, and distribution business are his personal enterprise and risk.

The order is not intended to establish minimum prices for such operators but they should be required to make reports to the market administrator. Such reports are necessary to determine whether the operator continues to meet the provisions for exempt status.

Proponents of the order proposed in the notice of hearing no limits upon the quantity of milk that producer-handlers might receive from pool plants without pooling their own production. At the hearing, however, they supported a handler's proposal that the producer-handler exemption from pricing and pooling his production and sales should apply only if no milk were received from pool plants and Class I disposition would not exceed 35,000 pounds monthly.

There are no extensive producer-handler operations in the South Texas market. Only one person was identified as operating in such a manner that he would likely qualify as a producer-handler. Two handlers have own-farm production, but buy from other producers a substantial volume of milk for their Class I sales.

The exemption from pricing and pooling should be limited to bona fide producer-handlers. A producer-handler, as distinguished from a handler who operates a pool plant, distributes to retail or wholesale outlets milk which is mostly from his own-farm production. A handler operating a pool plant markets milk received from producers or from other pool plants. The producer-handler maintains control of his milk from its source at the farm until its ultimate disposition. Therefore, he is in a position to adjust his farm production closely to his fluid milk business needs and assumes the burden of maintaining the reserve supply of milk for his fluid milk operations.

The situation in this market makes it appropriate that the producer-handler's exemption from pooling and pricing be contingent upon his meeting certain conditions. Such requirements are necessary to assure that the sale of his milk will not have a disruptive effect on the orderly marketing of producer milk in the South Texas market.

Exemption from regulation as a producer-handler should be limited to a person whose own-farm production is the primary source of milk for his Class I disposition, except for nonfat solids used to fortify Class I products. This may be accomplished by limiting his supplemental receipts of fluid milk products from pool plants under the South Texas order to an amount not exceeding 5,000 pounds per month or 5 percent of his Class I disposition, whichever is less. Such a limit will not permit a producer-handler to depend upon pool sources for regular supplies to meet substantial changes in the relationship of his supplies to his demand for milk. Any supplemental supplies of milk which may be obtained from pool plants may, by virtue of the type of operation involved, be presumed to be for fluid use and should be classified at the pool plant as Class I milk. Any milk which a handler receives from a producer-handler may be considered to be surplus to the producer-handler's operation and should be allocated as other source milk to the lowest class utilization at the pool plant of a handler and priced as Class II.

The proposal that a producer-handler with Class I disposition of 35,000 pounds or more in a month should lose his exemption from regulation should not be adopted. This record provides no basis for determining that Class I disposition of 35,000 pounds monthly is the level at which a producer-handler's operations would substantially disrupt the operation of the South Texas order to the detriment of producers supplying the market.

If producer-handlers were permitted to purchase fluid milk products from other sources without becoming fully regulated, it would give them an undue competitive advantage over other handlers in the market. This is so because they would be able to obtain full value of their Class I sales without assuming the burden of their own surplus. However, as long as they produce their own Class I needs with limited supplemental supplies from pool plants, maintain their necessary reserves, and handle their own excess milk, producer-handlers will not have a significant advantage over regulated handlers under present marketing conditions.

Fluid milk products. "Fluid milk products" should mean milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sour cream, and sour cream products labeled Grade A; cream, or any mixture in fluid form of cream and milk or skim milk, concentrated milk or skim milk. The definition would not include eggnog, frozen dessert mixes, yogurt, aerated cream products, evaporated milk, condensed milk, or skim milk and sterilized products in hermetically sealed metal or glass containers. The items designated as fluid milk products pursuant to this definition are those products, which when disposed of by handlers are considered as Class I milk.

The proposed fluid milk products definition differs from that proposed at the hearing. These differences are discussed later herein under the findings with respect to classification.

Other source milk. Other source milk should be defined as all skim milk or butterfat contained in, or represented by fluid milk products received at a pool plant during the month, except fluid milk products from other pool plants, and producer milk from a cooperative in its capacity as a handler on bulk tank milk. Other source milk would include all fluid milk products from plants other than pool plants. It would also include manufactured dairy products from any source which are reprocessed or converted into another product or which are not otherwise accounted for at the plant.

A regulated plant may have several types of receipts which may be intermingled. It, therefore, becomes necessary to reconcile all receipts with disposition records of the plant to arrive at the classification of producer milk. Thus, an other source milk definition is needed.

(b) *Classification of milk.* Producer milk received by handlers should be classified in two classes, according to use. Class I milk should include those forms of disposition intended for the fluid market. The quality requirements for Grade A milk to be used for fluid consumption, as compared to milk for manufacturing use, are specified in sanitary regulations of State and local governmental authorities. The extra cost of producing such higher quality milk and delivering it to market requires that the price for milk used in Class I be considerably above the manufacturing milk price. The definition of Class I use of milk in the manner described, therefore, provides the means of returning to producers the higher price according to the quantity of milk so used.

Class II milk, on the other hand, is that milk which is in excess of Class I needs. It must be disposed of outside the fluid market, primarily in the form of manufactured dairy products. In such uses milk from producers competes with ungraded milk from other sources and has only a manufacturing milk value. Therefore, to assure its orderly disposition outside the fluid market, such milk must be classified and priced competitively with ungraded milk used in manufacturing.

In conformance with these objectives, milk and milk products received by handlers should be classified on the basis of the form in which, or the purpose for which used or disposed of by the handlers. The skim milk and butterfat received in milk and milk products should be classified separately since the proportion of skim milk and butterfat in products disposed of varies.

Furthermore, milk is received by handlers from various sources, including dairy farmers, other regulated handlers, and unregulated sources. In many instances milk from all these sources is commingled in handlers' plants. It is necessary, therefore, to have a plan for allocating the uses of milk to each of the various sources of supply in order to establish the classification of producer

milk and to apply the classified pricing plan.

Class I milk. The milk product dispositions included in Class I milk are those in the form of fluid milk products as previously defined, with limited exceptions which are discussed under the heading "Class II milk". These are the uses for which Grade A milk is required under the ordinances applicable in the marketing area.

It was proposed that fluid milk products should include egg nog, all sour cream, whether labeled Grade A or not, and ice cream and mellorine mixes in 5-gallon or smaller containers. The recommended decision concluded that these products should not be included in the fluid milk products to be classified as Class I when disposed of to trade outlets because the record showed that such products were not required to be from Grade A sources. Certain exceptions claim that health regulations of the State of Texas have since been amended, effective September 1, 1968, to require certain of these products be made from Grade A milk and carry a Grade A label. To take official notice of any such change in regulations at this stage of this proceeding would require issuance of a revised recommended decision with opportunity for exceptions. It is concluded that the importance of the classification of these products does not justify the delay in issuance of a South Texas order that would be involved. Accordingly, such products are omitted from the fluid milk product definition.

The actual weight of the product leaving a handler's plant is normally the quantity accounted for as Class I disposition. Fortified milk products prepared by the addition of nonfat solids require a modification of this procedure. Such products should be classified as Class I only to the extent of the weight of a like volume of unmodified product of the same butterfat content. To maintain uniform accounting, the added solids should be converted to their skim milk equivalent, but that in excess of the quantity classified as Class I should be classified as Class II milk. The addition of the solids used in fortification does not displace producer milk in Class I except to the minor extent that the volume of product is increased.

Concentrated milk, from which water has been removed, when disposed of for fluid consumption in consumer packages should be accounted for as Class I in a quantity equal to the skim milk and butterfat used to produce it. The consumer may restore this product to its original volume by restoring the water removed. The restored volume thus competes with a like volume of products delivered in their original form.

Class I milk should also include inventories of fluid milk products in packaged form at the end of the month. Such packaged products have been prepared for disposition early in the following month. Administrative feasibility has generally required that fluid milk products accounted for as inventory under milk orders be limited to those physically located in the plant where processed. Packaged milk moved to distribution points has thus been classified as Class I disposition even though it may be on hand at the distribution point at the end of the month. If packaged inventories are classified as Class I milk the monetary importance of their exact location in the distribution system will be minimized.

The packaged inventories classified as Class I will be allocated to the plant's Class I disposition in the following month. Likewise, the packaged fluid milk products on hand at the effective date of the order will be allocated to the first month's Class I sales. The proposal to provide a different allocation for the first month of regulation is not necessary in the institution of a new order, as is the case in which classification is changed under an existing order.

Provision should be made to adjust the value of the packaged inventories allocated to the following month's Class I disposition to compensate for any change in Class I prices between the 2 months. This will insure uniform costs to handlers for all Class I disposition in each month, regardless of the extent to which they have accumulated inventories.

Class II milk. Class II milk would include all skim milk and butterfat used to produce any product other than a fluid milk product. It thus would include milk used in manufactured products such as ice cream, ice cream mix, frozen desserts, cottage cheese, evaporated and condensed milk, nonfat dry milk, butter, and cheese.

Butterfat and skim milk used to produce Class II products should be considered disposed of when so used. Handlers will need to maintain production records of such products to establish use in Class II.

Besides use in manufactured dairy products, which compose the bulk of Class II use, Class II milk would also include shrinkage within certain limits, disposal in fluid form for livestock feed and in bulk fluid form to commercial food processing establishments at which it is used in food products composed principally of nondairy ingredients prepared for consumption off the premises, fluid milk products dumped with opportunity for verification, and bulk fluid milk products in inventory at the end of the month.

Producers proposed that milk in excess of Class I be divided into two classes. Basically, this proposal would have classified as Class II milk, skim milk and butterfat used to produce ice cream, other frozen desserts, cottage cheese, and deliveries to commercial food processing plants. Remaining uses in excess of Class I would have been classified as Class III milk. The price for Class II milk would have been 25 cents per hundredweight higher than for Class III milk.

While this proposal purported to apply the higher classification and pricing to all skim milk and butterfat used to produce ice cream and frozen dessert mixes, the proponents testified that they did not intend it to apply to condensed milk or nonfat dry milk processed from producer milk and subsequently used to produce ice cream. These are forms in which the nonfat milk solids content of ice cream mix is brought to the desired level. Since the proposed increased price would have applied only to the skim milk component, a major portion of the milk solids used in ice cream and frozen desserts would not have been affected.

South Texas handlers do not now produce cottage cheese in their fluid milk plants from fresh fluid skim milk. One such handler produces his cottage cheese at a manufacturing plant from milk diverted for manufacturing use. Another handler produces cottage cheese for sale from his Houston plant at a plant in the North Texas area. Still another buys dry curd from a plant at Springfield, Mo. No evidence was presented concerning the source of the cottage cheese sold by other major handlers.

No evidence was presented concerning the extent to which milk to be regulated by the order is used in commercial food processing plants, nor the forms in which it is used.

Neither the North Texas nor San Antonio order provides a separate class for the uses to which the proposed Class II would apply. Several South Texas handlers have plants under one or both of these orders.

In view of these circumstances it is concluded that the proposed Class II classification should not be adopted on the basis of this record. Such classification would not have a uniform application to the varied operations of the handlers to be regulated.

Fluid milk products in bulk form on hand at the end of the month should be classified as Class II milk. It is probable that they will be used in the production of nonfluid Class II products. If such products in inventory are needed for Class I use in the following month, provision is made in the allocation system for assignment to Class I, with a reclassification charge to bring the handlers' cost to the Class I value in that month.

Other Class II disposition. In addition to the previously described Class II milk dispositions, certain other dispositions in the form of fluid milk products would also be included in Class II milk, specifically (1) fluid milk products dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping; (2) fluid milk products disposed of for livestock feed; and (3) fluid milk products disposed of in bulk to commercial food processors and used in a food product prepared for consumption off the premises.

Class II classification of dumpage and animal feed recognizes that such disposition of fluid milk products represents a value considerably less than normal fluid milk disposition on routes to retail and wholesale outlets.

It would not be practicable to permit in an unlimited manner the dumping of skim milk and butterfat by pool plant handlers. Neither would it be appropriate to classify such skim milk and butterfat, for which no better outlet is available, in other than Class II. Accordingly, the order should clearly specify a Class II classification for skim milk and butterfat dumped, provided that the market administrator is notified in advance and afforded the opportunity to verify the dumping.

It would be expected that in most instances fluid milk products disposed of for animal feed would be primarily nonsalvageable route returns. In some instances, however, there may be small quantities of skim milk and butterfat in fluid milk products which during processing become nonsalable for human consumption. It is reasonable that these quantities also be classified as Class II if disposed of for livestock feed. A plant operator should maintain sufficient records to establish in every instance the quantities of skim milk and butterfat involved, and show a written receipt for every disposition as livestock feed.

Fluid milk products disposed of to commercial food processing establishments for use in preparation of food products also should be Class II milk. A Class II classification of such fluid milk products will price them competitively with alternative supplies, such as nonfat dry milk and condensed milk, which are also used for the manufacture of such food products.

Proof of class use. Except for the quantities of Class II shrinkage provided for in the order, all skim milk and butterfat for which a handler cannot establish utilization must be classified as Class I milk. This provision is necessary to remove any advantage that might accrue to handlers who fail to keep complete and accurate records. The burden of proof should be on the handler to establish the utilization of any milk as being other than Class I milk.

Shrinkage. Shrinkage is the loss of skim milk and butterfat experienced in plant operations. Since shrinkage represents disappearance of milk for which the handler must account but for which no return is realized, it should be considered Class II milk to the extent that the amount is reasonable, and is not the result of incomplete or faulty records.

The maximum shrinkage allowance in Class II at each pool plant should be 2 percent of receipts directly from producers, plus 1.5 percent of receipts from a cooperative association as a bulk tank handler (2 percent if the plant accepts the milk at farm weights). The allowance would also include 1.5 percent of receipts (except cream) from other pool plants. One and a half percent of receipts from other order plants and unregulated supply plants would be included except when such receipts were designated for Class II use. The allowance would be reduced by 1.5 percent of bulk fluid milk products (except cream) disposed of to other milk plants, except that the reduction would be 2 percent on diversions to plants on the basis of farm weights.

Provision is also made that cooperative associations may account as Class II for up to one-half percent of the milk received from producers, if farm weights are not used as the basis of receipt at the plant to which delivered, and any such milk not delivered to pool plants and nonpool plants.

The 2 percent maximum shrinkage allowance and the division of shrinkage are included in the North Texas order and many other Federal orders. They are considered reasonable under normal circumstances. The division of shrinkage recognizes that part of the handling in which shrinkage occurs has taken place prior to receipt at the plant of ultimate disposition. Milk collected at the farm in bulk tank trucks is measured at the farm. Some loss would normally occur during the transfer operation between the farm and the plant. If a cooperative association is the handler when such loss occurs and the plant operator is not accounting for the milk at farm weights the cooperative association would be the handler responsible for the classification of such lost milk. A shrinkage allowance of one-half percent to be classified as Class II milk should be provided.

To provide equitable application of shrinkage provisions to all handlers who may have various kinds of milk receipts, the rate of 1.5 percent shrinkage allowance should apply to all receipts of bulk fluid milk products, whether from other pool plants, unregulated plants, or other order plants. Exceptions to this rule should be made with respect to other source receipts for which Class II utilization is requested, and receipts of cream from other pool plants. No limit need be placed upon shrinkage of other source milk so designated for Class II use. When cream is separated in the plant of first receipt, losses are larger than those incurred in other operations. *It is, therefore, provided,* That when bulk cream is moved between South Texas pool plants or from a South Texas pool plant to any other plant the first plant will retain the entire 2 percent allowance.

In computing a handler's total shrinkage allowance, 1.5 percent of bulk fluid milk products (except cream) disposed of to other milk plants should be deducted. If the transferee plant is a pool plant it will be allowed Class II shrinkage in this amount.

To assure an equitable assignment of total shrinkage between those categories of receipts on which the prescribed limits apply and other receipts in bulk form for which shrinkage limits do not apply, a proration procedure which recognizes the relative limits provided for receipts of various kinds and the reduction for dispositions to other plants should be used. This is provided by using in such proration a quantity of milk equal to that for which the total shrinkage allowance of the plant would represent two percent.

Transfers and diversions. Milk transferred from a pool plant to another plant should be classified in accordance with specific rules. These generally relate to the assignment to utilization in the plant to which transferred. The rules of classification herein provided would likewise apply to milk diverted from the farm to nonpool plants as well as to transfers from pool plants to such plants.

Fluid milk products transferred from a pool plant to another pool plant should be classified as Class I milk unless utilization as Class II milk is claimed by both handlers on their monthly reports of utilization. Sufficient Class II use must also be available at the transferee plant after allocation of nonpool receipts. Certain limitations are also provided if the transferee plant has received unregulated milk or other order milk to be assigned Class I use at that plant. These are designed to avoid high-utilization plants serving as a conduit for assignment of such milk to a higher utilization than it would have received by direct delivery to the second plant. Transfers to a producer-handler are classified as Class I milk. Since a producer-handler does not share his Class I sales with producers, any such transfers should be at the Class I price.

Transfers or diversions to a nonpool plant that is not regulated by another order should be classified as Class I milk unless claimed in another class by the transferor handler and the operator of such nonpool plant maintains adequate records of receipts and utilization and makes them available to the market administrator. In such case the skim milk and butterfat transferred is first assigned to Class I disposition of the nonpool plant in regulated areas, and thereafter to other Class I usage in excess of receipts from dairy farmers regularly furnishing milk to the nonpool plant, and any remainder to Class II use of the plant. Provision is made for sharing the Class I utilization in the case of transfers to the same nonpool plant from other regulated plants. No limit is placed upon the distance to which fluid milk products may be transferred to a nonpool plant under these conditions.

This method of classifying transfers and diversions of milk to nonpool plants promotes equitable treatment for milk priced under this and other orders that may be transferred to the same nonpool plant. It gives priority to dairy farmers directly supplying a nonpool plant with respect to sales outside regulated areas. At the same time, it allows orderly disposition of milk supplies which cannot be handled economically at pool plants.

The rules for classification of transfers of fluid milk products to plants regulated by other orders provide that such milk shall be classified in the utilization to which assigned in the transferee plant. The findings with respect to allocations cover the rules for such assignment.

Allocation. The value of producer milk is established on the basis of its classification and the class prices. Since handlers may receive milk from several sources besides producers, the order must provide a method of assignment of receipts from all sources during the month to Class I and Class II.

The system of allocating handlers' receipts to the two classes should be similar to that adpoted in the Assistant Secretary's June 19, 1964, decision for 76 milk orders (which included the nearby Texas orders) for integrating

into the regulatory plan of each of the orders milk which is not subject to classified pricing under any order and receipts at a pool plant from other order plants. Official notice was taken of that decision (29 F.R. 9213). That decision provides a procedure for allocating over a handler's total utilization his receipts from all nonpool sources and for making payment into the producer-settlement fund on unregulated milk allocated to Class I. Proponents testified that the method adpoted as a result of the June 19, 1964, decision is appropriate in this area and will coordinate these regulations with respect to the treatment of unregulated milk and other order milk with comparable regulations under other Federal orders. Consequently, they adopted the findings and conclusions contained in that decision as their own justification for incorporating these provisions. There was no opposition and no proposal to alter the provisions in any way.

The aforesaid decision sets forth the standards for dealing with unregulated milk under Federal orders generally and the system of allocation to be included in all orders. It describes the appropriate treatment of other order milk received at pool plants so as to coordinate the applicable regulations on all movements of milk between Federal order markets. This record indicates that the findings and conclusions of the aforesaid decision are equally applicable under current conditions in the proposed marketing area and, accordingly, are adopted in their entirety as if set forth in full herein.

Under these allocation provisions the aggregate utilization of milk in all pool plants of a handler operating two or more such plants is used to determine the quantity of certain receipts of other source milk to be assigned to each class. Proponents had proposed that allocation be made on a plant by plant basis with certain adjustments of utilization between plants whenever proration on the basis of such aggregate utilization would assign to the other source milk utilization in any class in excess of that available in the plant at which it was received. Such adjustments distort the resulting charges computed with respect to receipts at individual plants. An identical total charge for the handler is computed if receipts and utilization of all his pool plants are combined (eliminating utilization based on movements of milk between such plants) for allocation whenever there are receipts of the type of other source milk involved. The market administrator can assist the handler in dividing the total charge between plants, if requested. The allocation provisions in the attached order use system allocation under the conditions described.

(c) *Class prices.* Minimum class prices should be established in the proposed order which will assure the maintenance of an adequate, but not excessive, supply of Grade A milk for the fluid market, and the orderly disposition of the necessary reserve supply for such fluid market sales.

Class I price. The South Texas Class I price for the initial 18-month period of operation of the order should be established by adding $2.48 to a basic formula price equal to the average price paid in the preceding month for manufacturing grade milk in the States of Minnesota and Wisconsin, adjusted to a 3.5 percent butterfat basis. For the period through April 1969, an additional 20 cents should be included in the computation and the basic formula price should be not less than $4.33.

These pricing provisions would result in a South Texas Class I price 36 cents in excess of the North Texas order price under the present provisions of that order. Class I prices of several other Texas orders are based upon the Class I price of the North Texas order, with addition of amounts based upon mileage from Dallas, the principal city of the North Texas area, to the pricing point based in the respective orders. The rate used in these computations is 1.5 cents per 10 miles. For instance, the San Antonio order price is the North Texas price plus 42 cents; San Antonio is 272 miles from Dallas; the Austin-Waco price is 15.5 cents over the Dallas price at Waco, 93 miles from Dallas; 30.5 cents over the Dallas price at Austin, 194 miles from Dallas, and 36 cents over the Dallas price at New Braunfels, the pricing point of the Austin-Waco order, 242 miles from Dallas. The Corpus Christi order price at Corpus Christi, 379 miles from Dallas, is 66 cents above the Dallas price.

The distance from Dallas to Houston, the principal city of the South Texas market, is 241 miles, so that a 36-cent differential above the North Texas price at Dallas corresponds closely to the pricing relationships of these other orders.

Various South Texas handlers offered testimony in favor of lower prices. One such handler wanted the Houston price to be the same as the Dallas price, another claimed it should be 7.5 cents over the Dallas price, and another suggested 23 cents over the Dallas price. The operator of a Beaumont plant suggested Dallas plus 14 cents as an appropriate price for plants at Beaumont.

The proponent of the Dallas price believed regulation of the South Texas area should be accomplished by extension of the North Texas marketing area. He furnished little data to support a price equal to Dallas in the Houston area, regardless of the regulation under which it applied.

Other handlers attempted to use mileages from Chicago to various points to support their proposals. The principal alternative sources of supply for the South Texas area are, however, the other Texas orders in this area. As shown earlier, North Texas milk is sold in the South Texas area. It is also sold in the Austin-Waco, San Antonio, and Corpus Christi areas.

Furthermore, several South Texas handlers operate plants regulated by one or more of the other Texas orders. The Borden Company, with South Texas plants at Houston and Beaumont, operates a North Texas pool plant in Dallas, a San Antonio pool plant in San Antonio, and a plant regulated under the Corpus Christi order; it also operates presently unregulated plants at Tyler and Marshall for which regulation under the North Texas order is under consideration of this hearing; it also operates plants regulated under other Texas orders (Central West Texas, Texas Panhandle, Lubbock-Plainview). The Carnation Co. operates a plant regulated by the San Antonio order, the Southland Corp. operates a Dallas plant and a Fort Worth plant each regulated under the North Texas order, and a presently unregulated plant at Tyler which makes sales in the South Texas marketing area. Schepps Dairy, Inc., with a plant at Jacksonville, Tex., to be regulated by the South Texas order also operates a Dallas plant regulated by the North Texas order.

To provide a Class I price under the South Texas order based upon a substantially lower basis of relationship to the North Texas prices than the prices now provided for the Austin-Waco, San Antonio, and Corpus Christi orders would encourage shifting of sales from plants regulated under these other orders to plants subject to the South Texas order operated by the same handlers. Likewise, a higher price in relationship to the North Texas price than in the other orders would encourage movement of South Texas sales to plants under other orders.

While the South Texas "base" price was only 30 cents over the North Texas Class I price, it applied to plant requirements rather than being restricted only to Class I usage. The proposal of producers for a 36-cent differential should be adopted for the initial period of operation of the South Texas order. It is provided that this price should expire at the end of 18 months from the effective date of the order.

It makes little difference, under present conditions, whether the pricing mechanism is stated as North Texas plus 36 cents or by use of a basic formula (Minnesota-Wisconsin series) plus $2.48 Class I differential. Official notice is hereby taken that as of April 1, 1968 (33 F.R. 5200) the North Texas order was amended to remove supply-demand provisions, inoperative since January 1967, but which could have modified that price upon the basis of supplies and sales. For the initial 18-month period it is concluded that a basic formula and Class I differential should be used.

Consideration of temporary additional pricing provisions was given at a public hearing held February 23, 1968, at Memphis, Tenn. As a result of that hearing, a temporary 20-cent increase in Class I differentials under the North Texas and other Federal milk orders using basic formulas was made effective through April 1969, and provision was made through the same date that the basic formula price used in computing Class I prices should not be less than $4.33. Official notice is hereby taken of the decision of the Assistant Secretary of Agriculture issued April 15, 1968 (33 F.R. 6016) with respect to such orders. The findings and

conclusions of this decision are equally applicable to the proposed South Texas marketing area. It is hereby concluded that for the period from the effective date of the order through April 1969 an additional 20 cents should be added to the basic formula price, which should be not less than $4.33.

Class II price. The price for Class II milk should be the basic formula price for the month, but not to exceed a butter-powder formula price plus 10 cents.

The proponent association proposed that what is to be included in Class II milk be divided into two classes. For the lower-priced class they proposed use of the higher of a butter-powder formula price or a cheese formula price for the months of July through March and the butter-powder formula price less 14 cents for the months of April, May, and June. For milk used in certain ice cream mixes and for production of cottage cheese, they proposed a price 25 cents per hundredweight higher.

Milk disposed of in manufactured (Class II) uses must be priced under the order at a level which will result in the orderly marketing of such milk. Within this concept, the price level should be that which will return the highest possible return to all producers in the market.

A Class II price based on the Minnesota-Wisconsin manufacturing milk price series, not to exceed a limit related to butter and nonfat dry milk values, should adequately meet these pricing objectives. The desirability of using a competitive pay price is based on the premise that in the highly competitive dairy industry average prices which are paid in areas where there is substantial competition for manufacturing milk provide as good a measure of its value as can be obtained. The Minnesota-Wisconsin price series is representative of prices paid to farmers for about one-half of the manufacturing grade milk sold in the United States. In Minnesota about 84 percent of the milk sold off farms is of manufacturing grade and in Wisconsin, about 58 percent. (Official notice is taken of "Prices Received by Farmers for Manufacturing Grade Milk in Minnesota and Wisconsin, 1961–66" SRS–11 issued November 1967 by the Crop Reporting Board, Statistical Reporting Service, USDA). There are many plants in these States which are competing for such milk supplies. This price series reflects a price level determined by competitive conditions which are affected by demand in all of the major uses of manufactured dairy products. Further, it reflects the supply and demand of manufactured dairy products within a highly coordinated marketing system which is national in scale. Milk products which are manufactured by South Texas handlers compete within this system.

As of January 1, 1968, the Minnesota-Wisconsin price series was used to price milk in manufacturing classes in 50 Federal milk orders. In 16 of these orders, provision is made that the price shall not exceed a price computed from the market prices of butter and nonfat dry milk solids by more than 10 cents. This has proved to be a satisfactory basis of providing an appropriate price during periods when, for any reason, the Minnesota-Wisconsin price deviates significantly from its normal relationship to the values of these products.

The butter-powder formula price used for this purpose contains substantially the same yield factors and "make allowances" as that proposed by the proponents for pricing Class III milk in the months of July through March. They proposed, however, a formula under which a price for milk of 40 percent butterfat would be computed to be reduced to a 3.5 percent basis by the Class II butterfat differential. In the formula price proposed herein as a limiting factor on the Minnesota-Wisconsin price, the yield factors are adopted to produce a price for 3.5 percent milk.

In the year 1967 the provisions proposed herein would have resulted in an average Class II price of $3.92 per hundredweight, 7 cents less than the Minnesota-Wisconsin average of $3.99. The provisions proposed by producers for their Class III price would have averaged $3.784 for the year, or a total of 20.6 cents per hundredweight below the Minnesota-Wisconsin price. Since the record contains no data from which it may be determined how the milk included in Class II as proposed would have been divided in the separate classes proposed by producers, no comparison can be made with the average returns for Class II and Class III milk under their proposals.

The price for Class II milk in the South Texas market should be more closely aligned with the prices paid for manufacturing milk in other areas than would result from use of the producer Class III price proposal as a means of pricing Class II milk. While the proponent's proposed Class III price is identical with the Class II price of the North Texas order, other orders under which the same cooperative association markets member milk price Class II milk at the Minnesota-Wisconsin price. Some such orders use the butter-powder limit proposed herein, while others do not. It is hereby concluded that the pricing provisions described above should be used to price Class II milk under the South Texas order.

Butterfat differentials. The class prices established for milk of 3.5 percent butterfat content should be adjusted by appropriate butterfat differentials to reflect the actual butterfat content used in each class. Combinations of skim milk and butterfat utilized in each class may contain percentages of butterfat other than 3.5 percent.

Such butterfat differentials should be determined from the Chicago butter price. The Class I differential should be 0.125 times the butter price for the preceding month; the Class II differential should be 0.115 times the butter price for the current month.

The North Texas and San Antonio orders use a 0.125 factor in computing the Class I butterfat differential. A factor of 0.12 is used in the Austin-Waco and Corpus Christi orders. In view of the more substantial competition with milk priced under the North Texas and San Antonio orders, it is concluded that producer's proposal for use of the 0.125 factor should be adopted. There was no testimony in opposition to this proposal.

The factor of 0.115 is one generally used in most other orders for computing the Class II differential. It has proved satisfactory for this purpose in these other orders. It, therefore, should be used in the South Texas order.

Location differentials. Location adjustments should apply to Class I milk received at plants located in places more than 60 miles from the nearer of the city halls in Houston or Beaumont, Tex. (outside of Zone I). The same adjustment rates should apply to the uniform blend price for milk received at such plants.

Fluid milk products, because of their bulky, perishable nature, incur a relatively high transportation cost. In the case of producer milk received at a plant distant from the sales area, the handler must incur the transportation cost in moving the milk from such plant to the area where it is sold. The producer who delivers his milk to such plant saves the additional cost of having his milk hauled to the distant city market. Hence, to achieve uniform prices for handlers and producers it is necessary to apply location differentials to both the Class I price and the blend price.

Milk expected to be priced under the South Texas order is presently being received at plants outside Zone I at Bryan, 96 miles from Houston, Lufkin, 119 miles from Houston, Rusk, 160 miles from Houston and Jacksonville, 174 miles from Houston. These points lie generally to the north. In addition, distribution in the marketing area is made by plants located at Tyler and Marshall, 197 and 220 miles, respectively, from Houston. In the absence of expansion of the North Texas area, it is probable that plants at this location would be subject to regulation of the South Texas order.

Producers proposed that minus location adjustments should apply to Class I and blend prices at points north of U.S. Highway 90 and outside of Zone 1. They proposed that at 60, but less than 100 miles from the city hall in Houston, the rate of adjustment be 12 cents; at distances 100 to 150 miles 18 cents was proposed, and at 150 to 225 miles, 26 cents would apply. They proposed that plus adjustments apply at plants south of Highway 90 and at the same rates for 60–100- and 100–150-mile zones. Beyond the specified zones for which these rates would apply, adjustments at 1.5 cents per 10 miles from the Houston city hall were proposed for both plus and minus locations.

The proposal for minus locations for plants north of Zone I and plus locations south of Zone I follows the general direction of pricing under Texas orders. The only potential application of the plus differentials shown on the record affects a plant at Victoria, Tex., presently regulated under the Corpus Christi order. Victoria was not proposed for inclusion in the marketing area. Should this plant extend its sales into the marketing area

and have greater sales than in the Corpus Christi marketing area, the location adjustments proposed would result in a South Texas price approximating that applicable under the Corpus Christi order.

Location adjustment zones of 60–100 miles at 12 cents, 100–140 miles at 18 cents, 140–180 miles at 22 cents and 180–225 miles at 26 cents will more appropriately adjust the competitive situation of the Lufkin, Rusk, Jacksonville, Tyler, and Marshall plants than the zones proposed. In addition, the use of Highway 90 as the dividing line between plus and minus differentials should be modified to apply only minus adjustments in Fayette County. This will avoid substantial price differentials that otherwise would result at Schulenberg and La-Grange. While South Texas pool plants were not operated at these points at the time of the hearing, a nonpool plant to which producer milk is diverted is located at Schulenberg, and the major cooperative association owns a plant at La Grange which has in the past been used to serve the market.

To insure that milk will not be moved between plants at producer's expenses for Class II use, the order should provide a limit on the quantity of milk transferred between some plants that may receive Class I location differential credit. Such credit should be allowed only to the extent to which 95 percent of producer milk receipts at the transferee plant are less than the Class I disposition (after allowance for any Class I disposition allocated to receipts from other order plants or unregulated supply plants). If milk is received from more than one pool plant the assignment should be made in sequence to shipping plants having the same price, to those having a higher price, and then successively to those having a lower price in the order in which the highest price applies. This will provide an equitable basis for pricing the milk which moves between pool plants.

Use of equivalent prices. If for any reason a price quotation required by the order for computing class prices or for other purposes is not available in the manner described, the market administrator should use a price quotation or price factor determined by the secretary to be equivalent to that required. Including such provision in the order will leave no uncertainty with respect to the procedure which shall be followed in the absence of any pricing factors which are customarily used and thereby will prevent any unnecessary interruption in the operation of the order.

(d) *Distribution of proceeds to producers.* The proposed order should provide for a marketwide equalization pool to implement a system of distributing to producers the payments made by handlers for milk at class prices. The provisions should specify the terms under which such payments will be made and administrative means of accomplishing the payments which must be made for milk regulated by the order.

Under a marketwide pool, the total money obligation of all handlers in the market is combined to compute a uniform price for producer milk to be paid producers for the market. This means of pooling proceeds from the sale of milk assures each producer supplying the order market that he will receive a return based on his pro rata share of the Class I and reserve milk uses in the market. To accomplish this, a producer-settlement fund will be established by the market administrator to exchange monies among handlers so that a uniform price adjusted for location of the milk and its butterfat content is returned to each producer equitably.

Under marketwide pooling, each producer will receive a uniform price for his milk reflecting the average utilization of all pool plants under the order. Each handler pays for milk in accordance with his own use at class prices. A handler will pay into the producer-settlement fund any plus difference in the value of his producer milk at class prices over its value at the market uniform price. Conversely, a handler will receive payment from the fund for any lesser value his producer milk has at class prices than the market uniform price. Thus, each handler is enabled to pay his producers the uniform price. Marketwide pooling is necessary in the South Texas market to obtain an equal sharing of the burden of market reserve milk by all producers.

The facilities in the several plants in this area for handling producer milk in excess of Class I needs vary considerably. A number of the plants are almost exclusively Class I operations and others have extensive manufacturing facilities. A large part of the milk supply for handlers in this market is furnished by cooperative associations. Without marketwide pooling the burden of the reserve supplies would be carried by the cooperatives for which only a Class II sale is available generally. However, handling of a sufficient reserve supply is necessary to insure an adequate supply for the market at all times.

Marketwide pooling will result in equitable distribution among all producers of the low returns from Class II milk. It will contribute thereby toward market stability and attainment of an adequate and dependable producer milk supply for the proposed marketing area.

Payments to producers. Each handler under the order should pay each producer for milk received from him for which payment is not made to a cooperative association at not less than the uniform price computed for the month adjusted by butterfat and location differentials. Provision is also made for partial payments for milk received during the first 15 days of each month.

A proposal included in the notice of hearing would have required handlers to pay the market administrator at the applicable class prices for producer milk. He, in turn, would have been charged with distribution of such monies to producers through payments at the uniform price. This proposal was abandoned by the proponent and was not supported by anyone. Accordingly, no further discussion of it is required. The proposed payment provisions in the attached order should be similar to those which are commonly included in Federal milk orders.

A partial payment at not less than the Class II price for the preceding month, without hauling deduction, would be required on or before the 25th day of the month for milk delivered by a producer during the first 15 days of such month. A final payment by handlers would be required on or before the 15th day after the end of the month in which the producer milk is received at the applicable uniform price for the month, less partial payments, and authorized deductions.

The Act provides for the payment by handlers to cooperatives for milk delivered by them and permits the blending of all proceeds from the sale of members' milk. Provision should be made for a cooperative to receive payment for member producers' milk. Taking title to milk of its members and blending the proceeds from the sale of such milk will tend to promote the orderly marketing of milk and will assist a cooperative in discharging its responsibility to its members and the market. Handlers would pay a cooperative collecting for its members 2 days prior to the dates of payment to individual producers. This will enable cooperatives to pay producers for whom they market milk on the same date other producers are paid by handlers.

Each handler would pay a cooperative association in its capacity as a handler on bulk tank milk delivered to a pool plant on the basis of uniform prices. Handlers would pay a cooperative in its capacity as the operator of a pool plant at the applicable class prices.

A cooperative as a diverting handler would be responsible for pooling milk of its members that is diverted to nonpool plants. In this capacity it would have the same responsibility for paying its members as a pool plant operator has in paying for producer milk received at his plant.

In making payments to producers, the handler would be required to furnish each producer (or his cooperative association) a supporting statement. This statement should show the pounds and the butterfat tests of milk received from such producer, the rate of payment for such milk, and the nature of any deductions claimed by the handler.

Producer-settlement fund. The necessary exchange of monies between handlers whose obligations at class prices exceed the amount to be paid producers and those whose obligations to producers exceed their costs of milk is facilitated by use of a producer-settlement fund. Provision for the establishment and maintenance of the producer-settlement fund as set forth in the attached order is similar to that contained in all other Federal orders with marketwide pools.

For efficient functioning of the producer-settlement fund, a reasonable reserve should be set aside at the end of each month. This is necessary to provide for such contingencies as the failure of a handler to make payment of his monthly billing to the fund or the payment to a handler from the fund by reason of an audit adjustment. The reserve, which would be operated as a revolving fund and adjusted each month, is maintained in the attached order by deductions of not less than four nor more than 5 cents per hundredweight of producer milk in the pool for each month, with at least one-fourth of the pool reserve included in the computations of each month's uniform price.

Any payments on partially regulated milk received by the market administrator from any handler would be deposited in the producer-settlement fund. Money thus deposited would be included in the uniform price computation and thereby be distributed to all producers on the market.

Marketing services. Provision should be made in the order for marketing services to producers, such as verifying the tests and weights of producer milk and furnishing market information. These services should be provided by the market administrator and the cost should be borne by producers for whom the services are rendered. If a cooperative association is performing such services for its member-producers and is approved for such activity by the Secretary, the market administrator shall accept this in lieu of his own service.

Milk produced on a handler's own farm should be exempt from marketing service deductions, even though it is subject to the other provisions of the order. There are no payments to producers to verify on such milk and, therefore, no need to provide the same marketing services as are provided other producers.

There is need for a marketing service program in connection with the administration of the order in this area. Orderly marketing will be promoted by assuring individual producers that they have obtained accurate weights and tests of their milk. Complete verification requires that butterfat tests and weights of individual producer deliveries reported by the handler are accurate.

An additional phase of the marketing service program is to furnish producers with correct market information. Efficiency in the production, utilization, and marketing of milk will be promoted by providing for the dissemination of current market information on a marketwide basis to all producers.

To enable the market administrator to furnish these marketing services, provision should be made for a maximum deduction of 5 cents per hundredweight with respect to receipts of milk from producers for whom he renders such marketing services. Producers' proposal for marketing services would provide a maximum deduction of 7 cents per hundredweight. North Texas, however, contains a maximum deduction of 5 cents. Comparison of the number of producers involved and the expected volume of milk with that of other markets indicates that a 5-cent rate is reasonable and should provide the funds necessary to conduct the program. If later experience indicates that marketing services can be performed at a lesser rate, provision is made whereby the Secretary may adjust the rate downward without the necessity of a hearing.

Administration expense. Each handler should be required to pay the market administrator as his proportionate share of the cost of administration not more than 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe on producer milk (including such handler's own production) and on other source milk allocated to Class I (except milk so assessed under another Federal order). This assessment would not apply on milk handled at an exempt plant of a governmental agency. This deduction would apply to producer milk from a cooperative association handler pursuant to § 1121.12(d).

The maximum rate of administrative assessment of 4 cents per hundredweight proposed herein is the same maximum rate currently effective under the North Texas order. Proponents proposed a maximum administration assessment of 5 cents. Handlers opposed such higher rate.

The 4-cent rate should be adequate to assure that the market administrator will have sufficient funds to enable him to administer the order. Any lesser maximum rate would not give this assurance. In view of the anticipated volume of milk involved and the cost of administering orders in comparable markets, an initial rate of 4 cents per hundredweight is necessary to meet administration expenses under the proposed South Texas order. However, provision is made so that the Secretary may reduce the amount of the actual assessment at any time without the necessity of amending the order. Such action should be taken at any time experience indicates that a lower rate will provide sufficient revenue to administer the order properly.

The Act provides that the cost of administering an order shall be financed through an assessment on handlers. A principal duty of a market administrator is to verify the receipts and disposition of milk from all sources. Equity in sharing the cost of administration of the order among handlers will be achieved by applying the administrative assessment on the basis of Grade A milk received from dairy farmers at a plant and on other source milk allocated to Class I.

The order provides that a cooperative may act as the handler for milk produced by its members which is delivered directly from the farm to pool plants of other handlers. The cooperative is considered the handler for such milk only for the purpose of accounting to its individual producers. The milk is producer milk at the plant of the receiving handler and is treated the same as any other direct receipts from producers. Therefore, the pool plant operator who receives the milk should pay the administrative assessment on it. The cooperative would be liable for administrative assessment only on milk representing any difference in farm weights and weights at the plant for which the pool plant operator may disclaim responsibility.

The order specifies minimum performance standards which must be met to obtain regulated status. With certain specified exceptions, operators of plants not meeting such standards would, under the provisions proposed in this decision, be required to either make specified payments into the producer-settlement fund on route distribution in the marketing area in excess of offsetting purchases of Federal order Class I milk or otherwise pay into such fund or to his dairy farmers, an amount not less than the full classified use value of receipts (computed as though such plant were a fully regulated plant).

The market administrator, in administering an order as it applies to the nonpool route distributor, must incur expenses in essentially the same manner as in applying the order to pool handlers. Partial regulation (as described) of such distributor does not, however, provide the same benefits to such handler as accrue to the fully regulated handler; i.e., the privilege of participation in the market pool and assurance of uniform price payments to his dairy farmers. If the nonpool route distributor elects to make a payment on his in-area sales at the difference between the Class I price and the uniform price for the market, the expenses incurred by the market administrator in administering the terms of the order on such handler are nominal and payment of the administrative assessment on his in-area sales reasonably would constitute his pro rata share of administrative expense.

In the situation where such a distributor for any reason actually pays his dairy farmers the full use value for their milk (computed at order prices), it has in the past on the basis of substantial record evidence in promulgation hearings, been found necessary in many areas to require payment by such distributor of an administrative assessment on his total receipts of milk in order to defray the costs of complete plant auditing to verify the utilization and payments as claimed. In large measure, such a distributor's operations are more comparable to those of a fully regulated handler and such assessment is substantially the same as for a fully regulated handler. There is reason to believe, however, that in some instances such an assessment might make possible a financial obligation under the order in excess of his total obligation through the alternative of electing to make payment into the producer-settlement fund. From the financial standpoint such a situation provides little practical alternative to such handler but to pay the required pool payment. In order to give more meaningful effect to the choice of an alternative, the pro rata share of the administrative expense of the order should be the regular assessment rate applied to such milk as is actually disposed of as Class I in the regulated area that exceeds Class I milk received from other regulated plants or other order plants, irrespective of whether the option to pay into the producer-settlement fund is elected by the unregulated distributor.

In the case of unregulated milk which enters the market through a fully regulated plant for Class I use, it is the

regulated handler who utilizes the unregulated milk as well as all other milk received and utilized. Also, the receipts and utilization of all milk at his plant are subject to verification by the market administrator. It is concluded, therefore, that the regulated handler should be responsible for payment of the administrative assessment with respect to such unregulated milk.

Interest payments on overdue accounts. Provision is made for the payment of interest on amounts due from handlers to the market administrator and from the market administrator to handlers for each month or portion thereof that such obligation is overdue.

Prompt payment of amounts due is essential to the operation of the order. Interest charges will encourage payment of amounts due on or before the specified date. The half percent per month rate provided herein is reasonable to compensate for the cost of borrowing money in accord with normal business practices.

(e) *Administrative provisions.* Provisions should be included in the order with respect to the administrative steps necessary to carry out the proposed regulation.

In addition to the definitions discussed earlier in this decision, which define the scope of the regulation, certain other terms and definitions are desirable in the interest of brevity and to assure that each usage of the term denotes the same meaning. Such terms as are defined in the attached order are common to many other Federal milk orders.

Market Administrator. Provision should be made for the appointment by the Secretary of a market administrator to administer the order. The powers and duties essential to the proper functioning of the market administrator's office are also defined.

Records and reports. Provisions should be included in the order requiring handlers to maintain adequate records of their operations and to make reports necessary to establish classification of producer milk and payments due therefore. Such reports are necessary for the computation of the uniform price and determination of each plant's continuing status under the order. The maintenance of adequate records is necessary to enable the market administrator to verify receipts and utilization as reported by the handlers and to verify that the several financial obligations arising under the order are fully discharged.

Handlers should maintain and make available to the market administrator all records and accounts of their operations, together with facilities which are necessary to determine the accuracy of information reported to the market administrator or any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled, and to verify all payments required under the order.

Detailed reports to the market administrator and complete records available for his inspection by all handlers would be used to determine whether the plants of such handlers qualify as pool plants. Reports of handlers operating nonpool plants from which fluid milk products are distributed in the marketing area would also be used by the market administrator to compute the amounts payable to the producer-settlement fund on such unpriced milk.

A cooperative association having authority to market milk for member producers should have available to it information on the use of such milk by individual handlers in order that member milk may be directed to those handlers needing Class I milk. This will promote orderly marketing by enabling the efficient allocation among handlers of available milk supplies, permit the market to be serviced with smaller reserve supplies and assist producers in maximizing their returns. A provision therefore should be included to authorize the market administrator to provide this information when it is requested by such an association. For the purpose of this report, the utilization of member milk in each handler's plant would be prorated to each class in the same ratio as all producer milk is allocated to each class during the month.

It is necessary that handlers retain records to prove the utilization of milk and that proper payments were made therefor. Since books and records of all handlers cannot be completely audited immediately after receipt of the milk, it becomes necessary to keep such records for a reasonable period of time.

The order should provide limitations on the period of time handlers shall be required to retain books and records and on the period of time in which obligations under the order shall terminate. Provision made in this regard is identical in principle with the general amendment (made to all milk orders which were in operation on July 30, 1947), following the Secretary's decision of January 26, 1949 (14 F.R. 444). That decision, covering the retention of records and limitation of claims, was officially noticed at the hearing. It is equally applicable in this situation and is adopted as a part of this decision.

(4) *Expansion of the North Texas marketing area.* The 16-county marketing area comprising the North Texas marketing area should be expanded to include an additional 29 counties.

(a) *Interstate commerce.* The handling of milk in the territory proposed for inclusion in the North Texas marketing area is in the current of, burdens, obstructs, or affects interstate commerce in milk and its products. Milk produced in the State of Texas is commingled with milk received from dairy farmers or plants located outside Texas. Unregulated handlers in the area compete for fluid milk sales with handlers regulated under the North Texas order and the San Antonio order who procure milk from out-of-State sources. In the past, milk has been received at plants in the Marshall-Tyler area from plants in Missouri and Kansas. In addition, there is competition for sales in the proposed area from plants in Texarkana which receive milk from dairy farmers located outside the State of Texas.

Manufactured dairy products move across state lines and are received at plants in the proposed additional territory for the North Texas marketing area. Such products compete with similar products made in local plants from locally produced milk. These locally manufactured dairy products are sold in other States.

(b) *Need for regulation.* There is need for regulation of the handling of milk in an "East Texas" area adjoining the present North Texas marketing area. This should be accomplished by extension of the North Texas area.

North Texas handlers, particularly those who have plants in the Dallas area, distribute substantial volumes of milk in the "East Texas" area lying generally between the present North Texas marketing area and the Louisiana State line. For July 1967, route sales of North Texas handlers in such East Texas area totaled 3.5 million pounds. This was 5.7 percent of total Class I utilization for the market. One major North Texas handler disposes of more than 25 percent of the Class I sales from his Dallas plant in this general area.

The principal handlers with whom North Texas dealers must compete for sales in this general area operate unregulated plants at Tyler, Tex., and Marshall, Tex. There are two such plants at Tyler, each operated by a handler who also has a plant or plants regulated by the North Texas order. The Marshall plant is operated by the same handler as one of the Tyler plants. There are also two unregulated plants at Texarkana, Tex., operated by the same two handlers, which confine their major distribution to areas in which North Texas milk is not sold. Another Dallas handler now operates an unregulated plant at Jacksonville, Tex., from which he also competes for sales in the East Texas area, although his major sales are in the vicinity of Houston. A Lufkin handler who gets his milk supply from the Southern Division of Milk Producers, Inc., also extends his routes into this area.

The handlers operating the Tyler and Marshall plants are not required to pay for their milk supply at class prices in accordance with its use as are North Texas handlers. These plants have exceedingly high Class I utilization. The operator of one such plant claimed to operate on three percent "surplus". Cream products and cottage cheese are received from affiliated plants. Seasonal surpluses are transferred to affiliated South Texas plants for fluid use.

The operator of one Tyler plant contracts with individual producers to pay them in relation to the North Texas uniform or blend price. Under this contract he buys milk for 10 cents over the North Texas blend price in March through June, and 15 cents over such price in other months. For 1967, the prices he paid averaged 64.3 cents per hundredweight less than the North Texas Class I order price. The prices paid at the Marshall plant were also shown to be higher than the North Texas blend price but averaged 46.3 cents per hundredweight less than the Class I price of the order. Pay prices of the second Tyler plant were not given for the record. This plant uses a base-excess plan similar to that of the Marshall plant, and was using an identical base price as of December 1967. Premiums which North Texas handlers paid in addition to the Class I price during certain months increased their 1967 average cost of Class I milk by an additional 20 cents per hundredweight.

Unregulated milk thus has a substantial price advantage over regulated milk in an area in which considerable volumes of regulated milk are sold. Independent estimates of the proportion of sales made by each handler in each county were presented by a handler selling North Texas milk and the operator of one of the Tyler plants. For a 14-county area these show that regulated milk represents from 35 to 40 percent of total sales. A small part of this is by a handler regulated by the San Antonio order.

It is claimed that additional sales formerly made by North Texas handlers but now supplied by unregulated handlers total as much as 2.5 million pounds monthly. In part this is attributed to the shifting of route sales from North Texas pool plants to unregulated East Texas facilities operated by the same North Texas handlers.

Some years ago a North Texas handler purchased a distributing plant located at Tyler and shifted Class I sales from his pool plant in Dallas to the unregulated Tyler plant. Later, another North Texas handler with route sales from his Dallas plant acquired the business of this handler, including the plant at Tyler. Class I sales previously distributed in East Texas from two pool plants in Dallas were thus transferred to the unregulated Tyler plant.

Late in 1965 another handler regulated under the North Texas order began to operate an unregulated plant in East Texas and shifted Class I sales distributed in East Texas from his pool plant at Dallas to the unregulated plant. Other multiple plant operators are in a position to take similar action because they operate both pool and nonpool plants.

Additional Class I sales in East Texas have been lost by North Texas regulated handlers. Pool plants at Fort Worth and at Greenville have ceased to distribute Class I milk in East Texas within the past year.

The principal advantage gained at an unregulated plant is the ability to buy milk from farmers at a blend price and sell virtually all of such milk for fluid purposes. A handler operating both regulated and unregulated plants probably can exploit these advantages more completely at his unregulated plant than an independent unregulated handler since the independent handler does not own a source of supplemental milk.

These unregulated milk dealers have maintained an advantage in paying the dairy farmers delivering milk to their unregulated plants because they have shifted surplus milk to pool plants under the North Texas order. This has resulted in reduced returns to producers delivering to the regulated plants and has lowered the prices which the handlers are obligated to pay. Hence, effectiveness of regulation is critically impaired by the shifting of Class I sales to unregulated plants and the shifting of surplus milk to the North Texas pool.

Multiple plant operators maintain a sufficient supply of producer milk at their regulated plants to supply not only their Class I sales from such plants but also to supply cottage cheese and supplemental milk to the unregulated plants. As reserve supplies of the regulated market increase for any reason, the competitive advantage at which unregulated plants procure their milk supplies likewise increase. This is because the increase in reserve supplies increases the difference between the Class I price regulated handlers pay and the uniform price upon which unregulated handlers base their paying price.

The Tyler and Marshall plants are supplied by approximately 150 independent producers. Many of these producers are located in the same areas as producers supplying the North Texas market. Many of the Tyler producers are located in Hopkins County, the county of heaviest production for the North Texas market. The disparity in prices paid to the independent producers and to North Texas producers has caused unstabilized marketing conditions. North Texas producers have been given incentive to seek higher prices by obtaining a market for their milk at the unregulated plants. Such conditions have caused disorderly and inefficient marketing of milk in the area.

As indicated elsewhere in this decision, it is expected that the Jacksonville and Lufkin plants will become regulated under the South Texas order. The Tyler and Marshall plants distribute some milk in areas proposed for regulation under the South Texas order. The areas proposed for the South Texas order, however, do not include the major distribution area of these plants. Since these plants are operated by handlers who also have other South Texas plants, it is probable that these plants would not become regulated under that order. They should be regulated under the North Texas order which prices the milk with which these plants compete in their major distribution areas.

It is necessary to expand the North Texas marketing area to cover the East Texas area to achieve stable and orderly marketing conditions in the distribution of fluid milk products. The extension of regulation will eliminate inequity between dairy farmers supplying such area and producers presently in the North Texas market who are carrying the burden of reserve milk supplies for the unregulated plants in the East Texas part of the proposed expanded area.

(c) *Territory to be added to marketing area.* The present 16-county North Texas marketing area, containing principally the cities of Dallas and Fort Worth, should be expanded to include the additional 29 Texas counties of Anderson, Bosque, Camp, Cherokee, Erath, Franklin, Freestone, Gregg, Harrison, Henderson, Hill, Hood, Limestone, Marion, Morris, Navarro, Panola, Rains, Red River, Rusk, Sabine, San Augustine, Shelby, Smith, Somervell, Titus, Upshur, Van Zandt, and Wood.

All these counties, plus Jack and Wise Counties, were proposed for inclusion in the expanded North Texas marketing area by the cooperative representing a majority of producers in the North Texas market, except for Morris County. Four additional counties, Angelina, Houston, Nacogdoches, and Trinity, were proposed for inclusion in either the North Texas or the South Texas area. A handler with a plant regulated under the North Texas order proposed the addition of Morris County wherein sales are made from his plant. The cooperative supported his proposal.

The 29-county area adjoins the present North Texas marketing area on the south and east and abuts the northern boundary of the proposed South Texas marketing area. Distribution throughout the 29 counties is primarily from presently regulated plants under the North Texas order and from plants which would become regulated there by virtue of their distribution in the proposed expanded area.

The 1960 census population of the 29 counties proposed herein for addition to the North Texas marketing area was 625,000. For the total expanded area of 45 counties recommended, the 1960 population was in excess of 2.5 million. The population of Dallas and Fort Worth, the largest cities in the present marketing area, was 680,000 and 356,000, respectively. Longview, Tyler, and Marshall are the principal population centers in the proposed additional area with populations ranging from 24,000 to 51,000. There are substantial sales in rural areas in the counties proposed for inclusion in the area. Therefore, the marketing area should be defined on the basis of county boundaries.

The expanded North Texas marketing area will conform more closely to the sales territory of handlers regulated by this order. Handlers under this order and nearby orders have route distribution throughout the territory recommended for addition to the North Texas marketing area. It is more practicable to include this additional territory in the North Texas marketing area than in that of any other order. This will provide a contiguous geographical marketing area in which handlers who would be regulated by the order are the principal distributors.

Fluid milk products sold by all handlers who would be regulated by the proposed amended order are distributed under a Grade A label and must be approved by local and state health authorities who are governed by health ordinances, practices and procedures patterned after the U.S. Public Health Ordinance and Code. Movements of Grade A milk, both in bulk and packaged form, between various localities in the marketing area take place through reciprocal approval of the responsible health authorities.

There is extensive competition for milk sales in the East Texas counties proposed for addition to the North Texas marketing area. North Texas regulated handlers distribute about 3 million pounds of milk per month in the Tyler-Marshall area in competition with more than 5 million pounds of milk distributed by presently unregulated handlers with route disposition in the area. In addition, a handler now regulated by the San Antonio order sells in 12 of the 29 counties and a handler regulated under the Austin-Waco order distributes milk in Limestone, Freestone, and Hill Counties.

A handler with a distributing plant in Tyler distributes milk in 22 counties around Tyler proposed for addition to the North Texas marketing area. He also distributes in six counties that would be in the proposed South Texas marketing area. Another handler distributes fluid milk from his Tyler plant in 10 counties surrounding Tyler and from his Marshall plant in an additional 13 counties proposed for the North Texas marketing area.

From a distributing plant at Lufkin, expected to be regulated under the South Texas order, milk is distributed in seven counties proposed for the North Texas area. A Jacksonville plant has less than 25 percent of its sales in the East Texas counties proposed for the North Texas marketing area. The remainder is sold through a Houston distribution point.

The counties of Erath, Hood, Bosque, Somervell, Hill, Navarro, Limestone, and Freestone are served primarily by presently regulated North Texas handlers. They lie between the present North Texas area and the Austin-Waco marketing area. With the exception of a dairy farmer who processes and distributes his own-farm production in Erath County all milk in the counties would be regulated under the North Texas or another nearby order. Some sales are made from plants in East Texas in four of these eight counties. The eight counties should be added to the proposed North Texas expanded marketing area.

In each of the 29 counties proposed for inclusion in the North Texas marketing area, the majority of sales are made by handlers who would be or are now regulated by the North Texas order. The remaining sales are made by handlers who would be regulated under the proposed South Texas or other nearby orders except for the counties of Harrison, Marion, and Morris where Texarkana plants have some distribution amounting to 3 percent of the total sales in Harrison and about 30 percent in Marion and Morris.

For the reasons set forth in connection with the determination of the South Texas marketing area, the counties of Anderson, Cherokee, Henderson, Shelby, Sabine, and San Augustine should be included in the North Texas marketing area. The remaining counties jointly proposed for the two areas, Angelina, Houston, Nacogdoches, and Trinity, should not be included in the North Texas area.

The counties of Jack and Wise lying between the present North Texas marketing area and the Red River Valley marketing area should not be added to the proposed North Texas marketing area. The record indicates that Red River Valley handlers have 55 percent and North Texas handlers have 45 percent of the total fluid milk sales in Jack County. There were no data given for the proportion of milk distributed in Wise County by various handlers. However, all milk sold in the two counties is subject to regulation and no showing was made that marketing conditions are disorderly in the two counties. Therefore, they should not be included in the expanded North Texas marketing area on the basis of this record.

Sales to any territory occupied by government installations or similar establishments located in the counties proposed for addition to the North Texas marketing area should be subject to regulation. The present North Texas marketing area definition in this respect (as slightly modified for modernization) is equally applicable to the proposed extended marketing area.

(d) *Associated changes—Location differentials to handlers and producers.* The Class I price applicable at plants to be newly regulated or partially regulated under the expanded North Texas marketing area should be 10 cents per hundredweight higher than the price presently applicable at pool plants within the present marketing area. Blend prices to producers supplying newly regulated plants should be increased a like amount above those applicable to milk delivered to plants within the present marketing area.

A 10-cent higher Class I price at the Tyler and Marshall plants will tend to more nearly equate the cost of milk delivered to East Texas points by handlers whose plants are located in the Dallas-Fort Worth area and those in the Tyler-Marshall area. In addition to paying the Class I prices f.o.b. their plants, the Dallas-Fort Worth handlers must pay greater transportation costs to the points at which they compete for sales with the Tyler and Marshall handlers.

Handlers operating plants at Tyler and Marshall excepted to such pricing. However, as pointed out in the discussions of need for regulation and the territory to be added, the flow of milk has been eastward from the Dallas-Fort Worth area in the direction of Tyler and Marshall.

The 10-cent differential will also provide Class I prices at Tyler and Marshall equal to those that would apply under the South Texas order at these points. As pointed out elsewhere in this decision, the Tyler and Marshall plants compete with South Texas handlers within both the proposed South Texas area and the proposed North Texas area.

Location adjustment to producers should likewise reflect the 10-cent Class I price differential. Producers supplying these plants have been accustomed to receiving returns for their milk slightly above the North Texas blend price.

In addition to the plants at Tyler and Marshall, which will become fully regulated, two plants at Texarkana may become partially regulated by virtue of sales in the expanded area. Provision should also be made to apply the same Class I price in computing obligations of such plants as for the Tyler and Marshall plants.

The North Texas order presently provides that minus location adjustment apply at plants 110 miles or more from the Dallas city hall. Under this provision, there are no pool plants in the current 16-county marketing area at which location adjustments apply. The application of the 10-cent addition can best be accomplished by requiring that plants at which minus adjustments apply be outside the marketing area or Bowie and Cass Counties or the city of Texarkana, Ark., and 110 miles from Dallas. Two pricing zones should then be established to divide the area in which minus adjustments do not apply. Zone I would consist of the present 16-county marketing area and the counties of Bosque, Erath, Freestone, Hill, Hood, Limestone, Navarro, and Somervell to be added. No milk plants are located in these counties adjoining the present area to the south. The remaining 21 counties to be added to the marketing area and Bowie and Cass Counties, and Texarkana, Ark., would constitute Zone II within which the Class I price would be 10 cents higher than in Zone I.

Pooling provisions. A handler with plants in Dallas, Fort Worth, Tyler, and Texarkana testified that his Texarkana plant might possibly be subject to full regulation of the order if Morris and Marion Counties were included in the marketing area. He proposed that in the event these counties were included in the marketing area that the percentage of a distributing plant's receipts of Grade A milk to be distributed in the area be increased from 10 to 20 percent. The record fails to show either the percentage of its receipts that the Texarkana plant disposes of in the proposed area or the potential effect of the proposal upon other plants now being pooled under the order. It should not be adopted on the basis of this record.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reason previously stated in this decision.

General Findings—South Texas

(a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the South Texas Marketing Area", and "Order Regulating the Handling of Milk in the South Texas Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

Referendum Order; Determination of Representative Period; and Designation of Referendum Agent

It is hereby directed that a referendum be conducted among producers to determine whether the issuance of the attached order regulating the handling of milk in the South Texas marketing area, is approved or favored by the producers, as defined under the terms of the proposed order, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of May 1968 is hereby determined to be the representative period for the conduct of such referendum.

A. T. Radigan and Edward T. Coughlin are hereby designated agents of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (7 CFR 900.300 et seq.), such referendum to be completed on or before the 30th day from the date this decision is issued.

General Findings—North Texas

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the North Texas Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the North Texas Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum Order; Determination of Representative Period; and Designation of Referendum Agent

It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the North Texas marketing area, is approved or favored by the producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of May 1968 is hereby determined to be the representative period for the conduct of such referendum. C. E. Dunham is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (7 CFR 900.300 et. seq.), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on August 8, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

Order[1] Regulating the Handling of Milk in the South Texas Marketing Area

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders have been met.

Sec.
1121.61 Obligation of handler operating a partially regulated distributing plant.
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DETERMINATION OF UNIFORM PRICE

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1121.90 Effective time.
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MISCELLANEOUS PROVISIONS

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AUTHORITY: The provisions of this Part 1121 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1121.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the South Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to:

(i) Producer milk (including that pursuant to § 1121.14(a)(2) and such handler's own production);

(ii) Other source milk allocated to Class I pursuant to § 1121.46(a)(4) and (8) and the corresponding steps of § 1121.46(b); and

(iii) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the South Texas marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

The provisions of §§ 1121.0 to 1121.101, both inclusive, of the proposed order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on June 13, 1968 (33 F.R. 8820; F.R. Doc. 68–7184) shall be and are the terms and conditions of this order and are set forth in full herein subject to the following revisions:

Changes are made in §§ 1121.41 and 1121.86.

DEFINITIONS

§ 1121.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1121.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1121.3 Department.

"Department" means the U.S. Department of Agriculture.

§ 1121.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1121.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 1121.6 South Texas marketing area.

"South Texas marketing area", hereinafter called the "marketing area", means all territory, including all piers, docks, and wharves connected therewith, and all craft moored thereat, and territory occupied by Goverment (municipal, State or Federal) reservations, installations, institutions, or other similar establishments, within the boundaries of the following counties, all in the State of Texas:

Angelina.	Liberty.
Austin.	Madison.
Brazoria.	Matagorda.
Brazos.	Montgomery.
Chambers.	Nacogdoches.
Colorado.	Newton.
Fort Bend.	Orange.
Galveston.	Polk.
Grimes.	San Jacinto.
Hardin.	Trinity.
Harris.	Tyler.
Houston.	Walker.
Jackson.	Waller.
Jasper.	Washington.
Jefferson.	Wharton.

§ 1121.7 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products are received, processed and/or packaged. Separate facilities used only as a reload point for transferring bulk milk from one tank truck to another shall not be a plant under this definition if the milk transferred at such facilities can be identified as receipts from specific farmers until the milk is received at a plant. Facilities used only as a distribution point for storing fluid milk products in transit on routes shall not be a plant under this definition.

§ 1121.8 Distributing plant.

"Distributing plant" means a plant approved by any duly constituted State or municipal health authority, or acceptable to any agency of the State or Federal Government for the disposition of Grade A fluid milk products in the marketing area, at which milk products are received, processed and/or packaged, and from which fluid milk products are disposed of on routes in the marketing area.

§ 1121.9 Supply plant.

"Supply plant" means any plant approved by an appropriate health authority to supply fluid milk for distribution as Grade A milk in the marketing area and from which milk is moved to a distributing plant.

§ 1121.10 Pool plant.

"Pool plant" means:

(a) Any distributing plant, except a producer-handler plant or an other order plant, from which during the month:

(1) The disposition of fluid milk products on routes within the marketing area is 10 percent or more of the receipts of Grade A milk at such plant; and

(2) The total disposition of fluid milk products on routes is 50 percent or more of the receipts of Grade A milk at such plant;

(b) A supply plant:

(1) During any month in which 50 percent or more of the receipts of Grade A milk from dairy farmers and handlers pursuant to § 1121.12(d) at such plant is moved as fluid milk products in bulk to pool distributing plants; or

(2) During each of the months of January through August, if such plant was a pool plant pursuant to subparagraph (1) of this paragraph during each of the immediately preceding months of September through December, unless the operator of such plant has filed with the market administrator before the first day of any month written request that such plant not be a pool plant for each month through August during which it does not otherwise qualify as a pool plant; or

(c) Any plant operated by a cooperative association which has been approved by any duly constituted State or municipal health authority and at which milk is received from dairy farmers holding permits or authorization from such health authority, and at least 50 percent or more of the producer milk of members of such cooperative association is physically received during the month at pool plants of other handlers described in paragraph (a) of this section or is transferred to such pool plants from a plant of the cooperative association.

§ 1121.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another Federal order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Unregulated supply plant" means a nonpool plant from which fluid milk products eligible for distribution as Grade A milk in the marketing area are moved to a pool plant during the month but which is neither an other order plant nor a producer-handler plant.

(d) "Partially regulated distributing plant" means a nonpool plant that is neither another order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes (other than to pool plants) in the marketing area during the month.

§ 1121.12 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

(c) Any cooperative association with respect to producer milk which it causes to be diverted from a pool plant of another handler to a nonpool plant for the account of such cooperative association;

(d) Any cooperative association with respect to milk of its producer members which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association;

(e) Any person in his capacity as the operator of an other order plant from which route disposition of fluid milk products is made in the marketing area; or

(f) A producer-handler.

§ 1121.13 Producer.

(a) "Producer" means any person, except a governmental agency which operates a plant exempt pursuant to § 1121.62, or a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk approved for consumption as Grade A milk by any duly constituted State or municipal health authority, which is:

(1) Received at a pool plant; or

(2) Diverted by a handler for his account from a pool plant to a nonpool plant, subject to the provisions of § 1121.14.

(b) "Producer" shall not include:

(1) Any person with respect to milk produced by him which is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and the handler under the other order diverting such milk and the operator of the pool plant each have requested Class II classification of such milk in the reports of receipts and utilization filed with their respective market administrators; and

(2) Any person with respect to milk produced by him which is diverted to an other order plant if such person is designated as a producer under the other order with respect to such milk.

§ 1121.14 Producer milk.

"Producer milk" means skim milk and butterfat for each handler's account in milk from producers as follows:

(a) With respect to operations of a pool plant:

(1) Received directly from such producers;

(2) Received from a cooperative association handler pursuant to § 1121.12(d); and

(3) Diverted by the operator of such pool plant to a nonpoool plant for his account, subject to the conditions of paragraph (c) of this section.

(b) With respect to additional receipts by a cooperative association handler:

(1) Diverted by such cooperative association from the pool plant of another handler to a nonpool plant for the account of such cooperative association, subject to the conditions of paragraph (c) of this section; and

(2) Received by such cooperative association from producers' farms as a handler pursuant to § 1121.12(d) in excess of the quantity delivered to pool plants pursuant to paragraph (a)(2) of this section.

(c) With respect to diversions to nonpool plants:

(1) A cooperative association may divert for its account a total quantity of milk not in excess of one-third of the total producer milk of its members received at all pool plants during the month. Diversions in excess of such quantity shall not be producer milk and the diverting cooperative shall specify the dairy farmers whose diverted milk is ineligible as producer milk. If the cooperative association fails to designate such producers, producer milk status shall be forfeited with respect to all milk diverted by such cooperative association;

(2) A handler operating a pool plant may divert for his account milk of producers other than members of a cooperative association diverting milk pursuant to subparagraph (1) of this paragraph, in a total quantity not in excess of one-third of the milk at such pool plant during the month from producers who are not members of such a cooperative association. Milk diverted in excess of such quantity shall not be producer milk and the diverting handler shall specify the dairy farmers whose diverted milk is ineligible as producer milk. If a handler fails to designate such producers, producer milk status shall be forfeited with respect to all milk diverted by such handler and;

(3) For the purposes of location adjustments pursuant to §§ 1121.53 and 1121.82, diverted milk shall be priced at the location of the nonpool plant to which diverted.

§ 1121.15 Producer-handler.

"Producer-handler" means any person who:

(a) Produces milk and operates a distributing plant;

(b) Receives no milk from other dairy farmers;

(c) Disposes of no other source milk (except that represented by nonfat solids used in the fortification of fluid milk products) as Class I milk;

(d) Receives from pool plants not more than a total of 5,000 pounds of milk during the month or 5 percent of his Class I disposition, whichever is less; and,

(e) Furnishes satisfactory proof to the market administrator that the maintenance, care and management of all dairy animals and other resources necessary to produce the entire amount of fluid milk handled (excluding transfers from pool plants) and the operation of the plant are each the personal enterprise of and at the personal risk of such person.

§ 1121.16 Fluid milk products.

"Fluid milk products" mean milk, skim milk, buttermilk, flavored milk, flavored milk drinks; sweet cream, cultured sour cream and sour cream products labeled

Grade A; any mixture in fluid form of milk or skim milk and cream; concentrated milk or skim milk. Eggnog, frozen dessert mixes, yogurt, aerated cream products, evaporated milk, condensed milk or skim milk and sterilized products in hermetically sealed metal or glass containers shall not be fluid milk products pursuant to this section.

§ 1121.17 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts at a pool plant during the month of fluid milk products except (1) fluid milk products received from other pool plants, (2) producer milk; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month, and any disappearance of products other than fluid milk products which are in a form in which they may be converted into fluid milk products or used to make Class II products and which are not otherwise accounted for pursuant to § 1121.33.

§ 1121.18 Route disposition.

"Route disposition", or "disposed of on routes", means any delivery (including any delivery by a vendor or disposition at a plant store) of fluid milk products, other than a delivery to a milk plant.

§ 1121.19 Butter price.

"Butter price" means the simple average of the daily wholesale selling prices (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month.

MARKET ADMINISTRATOR

§ 1121.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 1121.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend to the Secretary amendments to this part.

§ 1121.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties or such lesser period as may be described by the Secretary execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with satisfactory surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1121.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1121.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler by audit of such handler's records and the records of any other handler or person upon whose disposition of milk such handler claims classification of skim milk and butterfat and by such investigation as the market administrator deems necessary;

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1121.30 to 1121.32, has not maintained adequate records and facilities pursuant to § 1121.33, or made payments pursuant to §§ 1121.80, 1121.84, 1121.86, and 1121.88;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate and notify each handler in writing:

(1) On or before the fifth day of each month, the minimum price for Class I milk computed pursuant to § 1121.51(a), and the Class I milk butterfat differential computed pursuant to § 1121.52(a) both for the current month, and the minimum price for Class II milk computed pursuant to § 1121.51(b) and the butterfat differential for Class II milk computed pursuant to § 1121.52(b), both for the previous month; and

(2) On or before the 12th day after the end of each month the uniform price computed pursuant to § 1121.72; and the butterfat differential computed pursuant to § 1121.81;

(j) On or before the 12th day after the end of each month, mail to each handler at his last known address, a statement showing for such handler the amount and value of producer milk in each class and the totals thereof; and

(k) Prepare and make available for the benefit of producers, consumers and handlers such general statistics and such information concerning the operations hereof as are necessary and essential to the proper functioning of this part.

(l) On or before the 12th day after the end of each month report to each cooperative association, upon request by such association, the percentage of producer milk caused to be delivered by such association which was used in each class by each handler receiving such milk; for the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class.

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classifications to which such receipts are allocated pursuant to § 1121.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler who operates a pool plant (including a cooperative association in its capacity as a handler pursuant to § 1121.12(c)) and who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and as necessary, any changes in such classification arising in the verification of such report.

(o) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1121.46(a)(9) and the corresponding step of § 1121.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

REPORTS, RECORDS AND FACILITIES

§ 1121.30 Reports of receipts and utilization.

On or before the seventh day after the end of each month, reports of receipts and utilization for such month shall be made to the market administrator as follows in the detail and on forms prescribed by the market administrator:

(a) Each handler operating a pool plant shall report for each of his pool plants:

(1) Receipts of skim milk and butterfat in or represented by:

(i) Producer milk, showing separately receipts from producers and from each cooperative association bulk tank handler;

(ii) Receipts of fluid milk products from other pool plants; and

(iii) Other source milk, with the identity of each source.

(2) Inventories of fluid milk products at the beginning and end of the month:

(i) In packaged form; and

(ii) In bulk form.

(3) The utilization or disposition of all quantities required to be reported, showing separately:

(i) Total route disposition;

(ii) Route disposition in the marketing area;

(iii) Transfers to other pool plants;

(iv) Transfers to other order plants;

(v) Transfers to nonpool plants; and

(vi) Diversion to nonpool plants.

(4) Such other information with respect to receipts and utilization as the market administrator may request;

(b) Each cooperative association shall report with respect to milk for which it is the handler pursuant to § 1121.12 (c) or (d):

(1) Receipts of skim milk and butterfat from producers;

(2) The quantities delivered to each pool plant and to each nonpool plant;

(3) The utilization of all such milk not delivered to a pool plant; and

(4) Such other information as the market administrator may require.

(c) Each handler operating a partially regulated distributing plant shall report as required in paragraph (a) of this section except that receipts of Grade A milk from dairy farmers shall be reported in lieu of receipts of producer milk. Such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area.

§ 1121.31 Payroll reports.

On or before the 20th day of each month, each handler operating a pool plant(s), each cooperative association which is a handler pursuant to § 1121.12 (c) or (d), and each handler operating a partially regulated distributing plant and making payments pursuant to § 1121.61(a), shall submit to the market administrator his producer payroll (or in the latter case, his payroll for dairy farmers delivering Grade A milk) for deliveries made in the preceding month which shall show:

(a) The total pounds and the average butterfat test of milk received from each producer and cooperative association, the number of days, if less than the entire month for which milk was received from such producer;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 1121.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler operating an other order plant with route disposition in the marketing area shall report such disposition to the market administrator on or before the seventh day after the end of the month.

(c) Each handler who causes milk to be diverted for his account directly from producers' farms to a nonpool plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 1121.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in fluid milk products on hand at the beginning and end of each month.

§ 1121.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records, pertain: *Provided*, That, if within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records or of specified books and records is necessary in connection with a proceeding under section 8c–(15)(A) of the Act or a court action specified in such notice the handler shall retain such books and records, or specified books, and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1121.40 Basis of classification.

The skim milk and butterfat which are required to be reported pursuant to § 1121.30 shall be classified by the market administrator, subject to the provisions of §§ 1121.41 through 1121.46, inclusive. If any of the water contained in the milk from which a product is made has been removed, before it is utilized or disposed of by the handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids, contained in such product, plus all the water originally associated with such solids.

§ 1121.41 Classes of utilization.

Subject to the conditions set forth in §§ 1121.43 and 1121.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in the form of a fluid milk product except as provided in subparagraphs (2), (3), (4), (5), or (6) of paragraph (b) of this section, subject to the following:

(i) Any such product in fluid form fortified with added milk solids shall be Class I milk in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content; and

(ii) Any such product in concentrated form shall be Class I only when disposed of for fluid consumption in consumer packages and in an amount equal to the skim milk and butterfat used to produce the quantity so disposed of.

(2) In inventory of fluid milk products in packaged form on hand at the end of the month; and

(3) Not specifically accounted for as Class II utilization.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Contained in any fluid milk product which has been fortified with additional milk solids not fat which is in excess of the pounds classified as Class I milk pursuant to paragraph (a)(1) of this section;

(3) In frozen cream stored in a public warehouse and not moved within 30 days after date of storage;

(4) In fluid milk products disposed of for livestock feed;

(5) In fluid milk products dumped by a handler after notification to and opportunity for verification by the market administrator;

(6) In bulk milk, skim milk or cream disposed of to commercial food processing establishments (other than milk plants) and used at such establishments in food products composed principally of nondairy ingredients prepared for consumption off the premises;

(7) In inventory of bulk fluid milk products on hand at the end of the month;

(8) In actual shrinkage at each plant but not in excess of the following limitations:

(i) Two percent of receipts directly from producers; plus

(ii) 1.5 percent of receipts from a cooperative association handler pursuant to § 1121.12(d), except that if the handler operating the pool plant files notice with the market administrator that he is accounting for such milk on the basis of farm weights determined by the cooperative association, the applicable percentage shall be two percent; plus

(iii) 1.5 percent of bulk fluid milk products (except cream) received from other pool plants; plus

(iv) 1.5 percent of bulk fluid milk products received from other order plants, exclusive of the quantity for

which Class II utilization was requested by the operator of such plant and the handler; plus

(v) 1.5 percent of bulk fluid milk products received from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) 1.5 percent of bulk fluid milk products (except cream) disposed of to other milk plants, except, in the case of milk diverted to a nonpool plant, if the operator of the plant to which the milk is diverted accounts for such milk on the basis of farm weights, the applicable percentage shall be 2 percent.

(9) In shrinkage of skim milk and butterfat, respectively, in other source milk assigned pursuant to § 1121.42(b); and

(10) In shrinkage of skim milk and butterfat, respectively, resulting from milk for which a cooperative association is the handler pursuant to § 1121.12 (c) or (d) not being delivered to pool plants and nonpool plants, but not in excess of one-half percent of the quantity received from producers, exclusive of receipts for which farm weights are used as the basis of receipt at the plant to which delivered.

§ 1121.42 Assignment of shrinkage.

The market administrator shall prorate the total shrinkage of skim milk and butterfat, respectively, computed at each pool plant between the following:

(a) Skim milk and butterfat in amounts, respectively, equal to 50 times the maximum quantities that may be computed pursuant to § 1121.41(b)(8); and

(b) The skim milk and butterfat, respectively, in other source milk received as bulk fluid milk products, exclusive of the other source milk specified in § 1121.41(b)(8).

§ 1121.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified otherwise. With respect to milk received for delivery to a pool plant by a cooperative association handler pursuant to § 1121.12(d), the operator of the pool plant shall have the burden of proving the classification of the skim milk and butterfat defined in § 1121.14(a)(2);

(b) Milk received by a handler operating a pool plant from a cooperative association handler pursuant to § 1121.12 (d) shall be classified according to use or disposition at the receiving plant and the value thereof at class prices shall be included in the receiving handler's net obligation pursuant to § 1121.70; and

(c) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses the original classification was incorrect.

§ 1121.44 Transfers.

Skim milk or butterfat shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred in the form of fluid milk products from a pool plant to another pool plant subject to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1121.46(a)(9) and the corresponding step of § 1121.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1121.46(a)(4) and the corresponding step of § 1121.46 (b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1121.46(a)(8) or (9) and the corresponding steps of § 1121.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of other source milk received at the transferee plant;

(b) As Class I milk, if transferred in the form of bulk fluid milk products from a pool plant to a producer-handler or a plant exempt pursuant to § 1121.62;

(c) As Class I milk, if transferred or diverted in the form of bulk milk, skim milk, or cream to a nonpool plant that is not an other order plant, producer-handler plant, or a plant exempt pursuant to § 1121.62, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph;

(1) The transferring handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1121.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plants;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk.

(d) On the basis of the conditions and the allocation procedure described in paragraph (c) of this section at a second nonpool plant, that is neither an other order plant, nor a producer-handler plant, when transferred or diverted from the pool plant as milk or skim milk in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, and from which all receipts of milk or skim milk are moved in bulk to such second nonpool plant for further processing;

(e) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the transferor handler and the operator of the other order plant so request in their report of receipts and utilization filed with their respective market administrators, transfers and diversions in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under the other order) available for such assignment pursuant to the allocation provisions of the other order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1121.41.

§ 1121.45 Computation of the skim milk and butterfat in each class.

(a) For each month the market administrator shall correct for mathematical and other obvious errors the reports of receipts and utilization submitted pursuant to § 1121.30 for each pool plant of each handler, and compute the pounds of skim milk and butterfat in each class for such plant;

(b) If no fluid milk products to be assigned pursuant to § 1121.46(a) (8) or (9) were received at any of his pool plants, allocations pursuant to § 1121.46 and computation of obligations pursuant to § 1121.70 shall be made separately for each pool plant of a handler with two or more pool plants;

(c) Unless the conditions specified in paragraph (b) of this section apply, the market administrator shall combine the receipts and utilization (exclusive of utilization based upon movements between such plants) at all pool plants of such handler for purposes of allocation pursuant to § 1121.46 and computation of obligation pursuant to § 1121.70; and

(d) The market administrator shall determine the classification, allocation and pool obligation with respect to producer milk for which a cooperative association is accountable pursuant to § 1121.12 (c) and (d) separately from the operations of any pool plant operated by such cooperative association. The pounds of skim milk and butterfat so determined in each class shall be used for computation pursuant to § 1162.46 (c).

§ 1121.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1121.45, the market administrator shall determine the classification of producer milk for each handler (or pool plant, if applicable) as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk classified as Class II milk pursuant to § 1121.41(b)(8);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class in series beginning with Class II milk, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order or from a plant exempt pursuant to § 1121.62;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II milk but not in excess of such quantity:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant;

(a) For which the handler requests Class II milk utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class II milk utilization was requested by the operator of such plant and the handler;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (5)(i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (5)(ii) of this paragraph:

(i) In series beginning with Class II milk, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II milk utilization of skim milk announced for the month by the market administrator pursuant to § 1121.22(m) or the percentage that Class II milk utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I milk, the remaining pounds of such receipts;

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other handlers (or other pool plants, if applicable) according to the classification assigned pursuant to § 1121.44(a); and

(11) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II milk. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section and § 1121.45(d) for each class and determine the weighted average butterfat content of producer milk in each class.

MINIMUM PRICES

§ 1121.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential, rounded to the nearest one-tenth cent, computed at 0.12 times the butter price for the month. The basic formula price shall be rounded to the nearest full cent. For the purpose of computing Class I prices from the effective date hereof through April 1969, the basic formula price shall not be less than $4.33.

§ 1121.51 Class prices.

Subject to the provisions of §§ 1121.52 and 1121.53, the minimum prices per hundredweight to be paid by each handler for milk received at his pool plant from producers during the month shall be as follows:

(a) *Class I price.* For the 18-month period from the effective date of this order the Class I milk price applicable to Zone I plants shall be the basic formula price for the preceding month plus $2.48, and plus 20 cents through April 1969.

(b) *Class II price.* The Class II milk price shall be the basic formula price for the month, but not to exceed by more than 10 cents the sum of the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the butter price for the month, subtract 3 cents and multiply by 4.2;

(2) From the weighted average of the carlot prices per pound of spray process, nonfat dry milk solids, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

§ 1121.52 Butterfat differentials to handlers.

If the average butterfat content of the milk of any handler allocated to any class pursuant to § 1121.46 is more or less than 3.5 percent, there shall be added to the respective class price, computed pursuant to § 1121.51, for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content

is below 3.5 percent an amount equal to the butterfat differential computed by multiplying the butter price for the appropriate month by the applicable factor listed below and rounding to the nearest one-tenth cent:

(a) *Class I milk.* Multiply such price for the preceding month by 0.125; and

(b) *Class II milk.* Multiply such price for the current month by 0.115.

§ 1121.53 Location differential to handlers.

(a) For that milk which is received from producers at a pool plant located north of U.S. Highway 90 or in Fayette County, Tex., and outside Zone I and which is transferred to another pool plant in the form of fluid milk products and assigned Class I disposition at the transferee plant pursuant to paragraph (c) of this section, or which is otherwise classified as Class I milk, and for other source milk for which Class I location adjustment credit is applicable, the price specified in § 1121.51(a) shall be reduced at the rate specified below for the applicable distance that such plant is located from the Houston city hall by shortest hard-surfaced highway distance, as determined by the market administrator:

Miles from city hall in Houston, Tex.	*Rate per hundredweight (cents)*
60 miles but less than 100 miles	12
100 miles but less than 140 miles	18
140 miles but less than 180 miles	22
180 miles but less than 225 miles	26

For plants located beyond the 225 miles distance from the city hall in Houston, Tex., the rate of adjustment will be increased 1.5 cents for each 10 miles or fraction thereof that such plant is located more than 225 miles from the city hall in Houston, Tex., by shortest hard-surfaced highway distance, as determined by the market administrator:

(b) For that milk which is received from producers at a pool plant located south of U.S. Highway 90 and outside of Zone I or Fayette County, Tex., and which is transferred to another pool plant in the form of fluid milk products and assigned Class I disposition at the transferee plant pursuant to paragraph (c) of this section, or which is otherwise classified as Class I milk and for other source milk for which a Class I location adjustment credit is applicable, the price specified in § 1121.51(a) shall be increased at the rate specified below for the applicable distance that such plant is located from the Houston city hall by the shortest highway distance, as determined by the market administrator.

Miles from city hall in Houston, Tex.	*Rate per hundredweight (cents)*
60 miles but less than 100 miles	12
100 miles but less than 140 miles	18

For plants located beyond the 140 miles distance from the city hall in Houston, Tex., the rate of adjustment will be increased at the rate of 1.5 cents for each 10 miles or fraction thereof that such plant is located more than 140 miles from the city hall in Houston, Tex., by the shortest hard-surfaced highway distance, as determined by the market administrator;

(c) For purposes of calculating such location adjustments transfers between pool plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of 95 percent of receipts at such plant from producers and cooperative associations pursuant to § 1121.12(d), plus the pounds assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor plants having the same Class I price, next to transferor plants having a higher Class I price and then in sequence to plants having a lower Class I price, beginning with the plant at which the highest Class I price would apply.

§ 1121.54 Pricing zone.

Zone I will consist of all the territory located within 60 miles of the nearer of the city halls in Beaumont and Houston, Tex.

§ 1121.55 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1121.60 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except that the operator shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) A plant meeting the requirements of § 1121.10(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order.

(b) A plant meeting the requirements of § 1121.10(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which the Secretary determines a greater quantity of Class I milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order.

(c) A plant meeting the requirements of § 1121.10(b) which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months of January through August, if such plant retains automatic pooling status under this part.

§ 1121.61 Obligation of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1121.30 and 1121.31 the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1121.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfer from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1121.70(e) and a credit computed at the uniform price with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1121.30 and 1121.31 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1121.9, with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price).

§ 1121.62 Governmental agencies.

A plant owned and operated by a governmental agency or establishment which processes or packages milk distributed in the marketing area, shall be exempt from all provisions of this part. Fluid milk products received at a pool plant from such agencies shall be treated on the same basis as though received from a producer-handler. Fluid milk products disposed of by a handler to such agencies shall be classified on the same basis as though disposed of to a producer-handler.

§ 1121.63 Producer-handler.

Sections 1121.40 through 1121.46, 1121.50 through 1121.55, 1121.70 through 1121.72, and 1121.80 through 1121.89 shall not apply to a producer-handler.

DETERMINATION OF UNIFORM PRICE

§ 1121.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler (at each pool plant, if applicable) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1121.46(c), by the applicable class prices (adjusted pursuant to §§ 1121.52 and 1121.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1121.46(a)(11) and the corresponding step of § 1121.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1121.46(a)(6) and the corresponding step of § 1121.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1121.46(a)(4) and the corresponding step of § 1121.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received with respect to skim milk and butterfat subtracted from Class I pursuant to § 1121.46(a)(8) and the corresponding step of § 1121.46(b); and

(f) Add an amount determined by multiplying the difference between the Class I price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1121.46(a)(3) and the corresponding step of § 1121.46(b). If the Class I price for the current month is less than the Class I price for the preceding month, the result shall be a minus amount.

§ 1121.71 Computation of aggregate value used to determine uniform price.

For each month the market administrator shall compute an aggregate value from which to determine the uniform price per hundredweight for milk of 3.5 percent butterfat content as follows:

(a) Combine into one total the values computed pursuant to § 1121.70 for all handlers who made the reports prescribed in § 1121.30 and who made the payments pursuant to § 1121.80 for the preceding months;

(b) Add not less than one-fourth of the unobligated cash balance on hand in the producer-settlement fund;

(c) Subtract, if the average butterfat content of the milk specified in § 1121.72(a) is greater than 3.5 percent or add, if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1121.81 and multiplying the resulting figure by the total hundredweight of such milk; and

(d) Add the aggregate of the values of the minus location differentials pursuant to § 1121.82, and subtract the aggregate of the value of the plus location differentials pursuant to § 1121.82.

§ 1121.72 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight applicable for milk of 3.5 percent butterfat content at pool plants at which no location differential applies as follows:

(a) Divide the aggregate value computed pursuant to § 1121.71 by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1121.70(e); and

(b) Subtract not less than 4 cents nor more than 5 cents.

PAYMENTS

§ 1121.80 Time and method of payment.

Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the uniform price for such month computed pursuant to § 1126.72, adjusted by the butterfat differential computed pursuant to § 1121.81 and the location differential computed pursuant to § 1121.82 and less the amount of payment made pursuant to paragraph (b) of this section. If by such date such handler has not received full payment for such month pursuant to § 1121.85, he may reduce his total payments to all producers uniformly by not more than the amount of reduction in payments from the market administrator. He shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the 25th day of each month, to each producer (1) for whom payment is not made pursuant to paragraph (c) of this section, and (2) who has not discontinued delivery of milk to such handler, a partial payment for milk received from such producer during the first 15 days of such month computed at not less than the Class II price for 3.5 percent milk of the preceding month, without deduction for hauling.

(c) On or before the 13th and 23d days of each month, in lieu of payments pursuant to paragraphs (a) and (b) of this section respectively, to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payments, an amount equal to the sum of the individual payments otherwise payable to such producers. Such payment shall be accompanied by a statement showing for each producer the items required to be reported pursuant to § 1121.31.

(d) As follows, to each cooperative association for milk for which it is the handler pursuant to § 1121.12(d):

(1) On or before the 23d day of the month, a partial payment for milk received during the first 15 days of such month, at not less than the amount specified in paragraph (b) of this section; and

(2) On or before the 13th day of the following month, in final settlement, the value of such milk received during the month, at the applicable uniform price, less the amount of payment made pursuant to subparagraph (1) of this paragraph.

(e) On or before the 13th day after the end of the month, for milk received from the pool plant of a cooperative association, to such cooperative association not less than the value of such milk at the applicable price(s) for the class(es) at which transferred pursuant to § 1121.44(a).

§ 1121.81 Butterfat differentials to producers.

In making payments to producers pursuant to § 1121.80, the uniform price shall be increased or decreased for each one-tenth of 1 percent which the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the total pounds of butterfat in the producer milk allocated to Class I and Class II milk during the month pursuant to § 1121.46 by the respective butterfat differentials in each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 1121.82 Location adjustments to producers.

In making payments pursuant to § 1121.80, the uniform price computed pursuant to § 1121.72 to be paid for such milk received at a pool plant at which a location differential pursuant to § 1121.53 (a) or (b) applies will be subject to a location differential (plus or minus) equal to that specified in such section.

§ 1121.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", into which he shall deposit all payments made by handlers pursuant to §§ 1121.61, 1121.84, and 1121.86, and out of which he shall make all payments to handlers pursuant to §§ 1121.85 and 1121.86.

§ 1121.84 Payments to the producer-settlement fund.

On or before the 13th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1121.70 for such handler;

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform price computed pursuant to § 1121.72, and

(2) The value at the uniform price applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1121.70 (e).

§ 1121.85 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1121.84(b) exceeds the amount computed pursuant to § 1121.84(a). If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. Any amount due a handler pursuant to this section may be reduced by the amount of any unpaid balances due the market administrator from such handler, pursuant to § 1121.84, § 1121.86, § 1121.87, or § 1121.88.

§ 1121.86 Adjustment of accounts.

(a) *Payments.* Whenever verification by the market administrator of any handler's reports, books, records, accounts, or payments discloses errors resulting in money due:

(1) The market administrator from such handler;

(2) Such handler from the market administrator; or

(3) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

(b) *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1121.84, 1121.85, 1121.87, 1121.88, or paragraph (a) (1) and (2) of this section shall be increased one-half of one percent on the first day of the calendar month next following the due date of such obligation and, on the first day of each calendar month thereafter until such obligation is paid.

§ 1121.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 1121.80, shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such monies shall be used by the market administrator to sample, test, and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of such month pay such deductions to the cooperative association rendering such services, accompanied by a statement showing the quantity of milk for which deduction was computed for each such producer.

§ 1121.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 13th day after the end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including that pursuant to § 1121.14(a)(2) and such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1121.46(a) (4) and (8) and the corresponding steps of § 1121.46(b); and

(c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

§ 1121.89 Termination of obligation.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1121.90 Effective time.

The provisions of this part or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1121.91.

§ 1121.91 Suspension or termination.

The Secretary may suspend or terminate this subpart or any provision of this part whenever he finds this part or any provision hereof obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 1121.92 Actions after suspension or termination.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1121.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market adminstrator shall be transferred promptly to such liquidating agent. If, upon such litigation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1121.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1121.101 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and the remaining provisions of this part to other persons or circumstances, shall not be affected thereby.

Order[1] Amending the Order Regulating the Handling of Milk in the North Texas Marketing Area

§ 1126.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to:

(i) Receipts from producers (including such handler's own production);

(ii) Receipts from cooperative associations in their capacity as a handler pursuant to § 1126.12 (c) and (d);

(iii) Other source milk allocated to Class I pursuant to § 1126.46(a) (3) and (7) and the corresponding steps of § 1126.46(b); and

(iv) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on June 13, 1968, and published in the FEDERAL REGISTER on June 18, 1968 (33 F.R. 8820; F.R. Doc. 68-7184), shall be and are the terms and provisions of this order, and are set forth in full herein:

1. Section 1126.6 is revised to read as follows:

§ 1126.6 North Texas marketing area.

"North Texas marketing area", hereinafter called the marketing area, means all territory, including all municipal corporations, Federal military reservations, facilities, and State institutions, within the following counties, all in the State of Texas:

Anderson.	Henderson.
Bosque.	Hill.
Camp.	Hood.
Cherokee.	Hopkins.
Cooke.	Hunt.
Collin.	Johnson.
Dallas.	Kaufman.
Delta.	Lamar.
Denton.	Limestone.
Ellis.	Marion.
Erath.	Morris.
Fannin.	Navarro.
Franklin.	Panola.
Freestone.	Parker.
Grayson.	Rains.
Gregg.	Red River.
Harrison.	Rockwall.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Rusk.	Tarrant.
Sabine.	Titus.
San Augustine.	Upshur.
Shelby.	Van Zandt.
Smith.	Wood.
Somervell.	

2. The introductory text of § 1126.51 is revised to read as follows:

§ 1126.51 Class prices.

Subject to the provisions of §§ 1126.52, 1126.53, and 1126.55, the minimum prices per hundredweight to be paid by each handler for milk received from producers during the month shall be as follows:

* * * * *

3. Section 1126.53(a) is revised to read as follows:

§ 1126.53 Location differentials to handlers.

(a) For that milk which is received from producers at a pool plant outside the marketing area or Bowie or Cass Counties, Tex., or the city of Texarkana, Ark., and 110 miles or more from the city hall in Dallas, Tex., and which is transferred to another pool plant in the form of fluid milk products and classified as Class I milk, or which is otherwise classified as Class I milk and for other source milk for which a Class I location adjustment credit is applicable, the price specified in § 1126.51(a) shall be reduced at the rate of 1.5 cents for each 10 miles or fraction thereof that such plant is located from the Dallas city hall by shortest hard-surfaced highway distance, as determined by the market administrator; and

* * * * *

4. A new § 1126.55 is added as follows:

§ 1126.55 Pricing zones.

(a) *Zone I.* Zone I shall include all territory within the following Texas counties in the marketing area:

Bosque.	Hood.
Cooke.	Hopkins.
Collin.	Hunt.
Dallas.	Johnson.
Delta.	Kaufman.
Denton.	Lamar.
Ellis.	Limestone.
Erath.	Navarro.
Fannin.	Parker.
Freestone.	Rockwall.
Grayson.	Somervell.
Hill.	Tarrant.

The price applicable to milk received at plants located in Zone I and classified as Class I milk shall be the price specified in § 1126.51(a).

(b) *Zone II.* Zone II shall include all territory in the marketing area outside of Zone I and all territory in Bowie and Cass Counties, Tex., and the city of Texarkana, Ark. The price applicable to milk received at plants located in Zone II and classified as Class I milk shall be the price specified in § 1126.51(a) plus 10 cents per hundredweight.

5. Section 1126.71(d) is revised to read as follows:

§ 1126.71 Computation of aggregate value used to determine uniform price.

* * * * *

(d) Add the aggregate of the values of minus location adjustments and subtract the aggregate of all plus location adjustments pursuant to § 1126.91(b).

6. Section 1126.91(b) is revised to read as follows:

§ 1126.91 Butterfat and location differentials to producers.

* * * * *

(b) *Location adjustments.* (1) In making payments to producers pursuant to § 1126.90 (a) or (c) the applicable uniform price computed pursuant to § 1126.72 to be paid for producer milk received at a pool plant should be adjusted according to the location of the pool plant at the rate set forth in § 1126.53 or § 1126.55.

(2) For purposes of computation pursuant to §§ 1126.93 and 1126.94 the uniform prices should be adjusted at the rates set forth in §§ 1126.53 and 1126.55 applicable at the location of the nonpool plant from which the milk was received.

[F.R. Doc. 68-9648; Filed, Aug. 12, 1968; 8:45 a.m.]

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PART III

Department of the Interior

Bureau of Land Management

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Grazing Administration

43 CFR PART 4120



Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER D—RANGE MANAGEMENT (4000)

[Circular 2245]

PART 4120—GRAZING ADMINISTRATION (OUTSIDE GRAZING DISTRICTS AND EXCLUSIVE OF ALASKA); GENERAL

On August 1, 1967, there was published in the FEDERAL REGISTER, as proposed rule-making, the text of amendments and revisions in the regulations governing grazing on public lands not included within officially designated grazing districts. The notice provided opportunity for public comment until November 28, 1967, which period was later extended to March 1, 1968, in view of the extensive interest shown and the desire of interested parties to analyze the proposed regulations in detail.

The comments received were numerous and varied. After extensive consideration, which included public meetings in areas particularly affected and further review by an advisory committee made up of range users and other qualified persons, several modifications have been made in the proposed regulations, as follows:

1. Section 4120.2(d) *Authorized officer.* This section has been clarified to specify District Manager or Area Manager.

2. Section 4121.1–2 *Effect of transfer arising through operation of law.* This section has been added to protect the private preference lands and grazing leases for a period of 2 years when the preference lands have been acquired by an unqualified person through operation of law or testamentary disposition.

3. Section 4121.2–1(a) *Land resource consideration.* This section has been modified to state that availability of livestock forage will be considered in conjunction with other uses. Although not intended, the original language could have been read to mean that availability of forage for livestock would be considered after other uses.

4. Section 4121.2–1(d)(2)(vi) *Conflicting applications.* A footnote has been added to this section to insure understanding that, where a right-of-way easement is offered as a factor for obtaining a lease, the United States shall be fully responsible to the extent authorized by law.

5. Section 4122.1–1 *Multiple use.* This section has been expanded to explain that access is a function of multiple use management.

6. Sections 4122.1–2 and 4122.1–3 *Management plans.* The existing section on management plans has been replaced by two sections. They make clear that management plans will be used only for areas of high multiple use values and set forth procedures.

7. Section 4125.1–1(a)(2) *Service fee.* This section has also been rewritten to make clear that no service fee will be charged for regular renewal of an existing lease.

8. Section 4125.1–1(m)(2) *Crossing permits.* A statement has been added specifying that no crossing fee will be charged where the trail to be used is so limited that no substantial amount of forage will be consumed in transit. The regulations, modified as set forth below, are hereby adopted to become effective upon publication of this notice in the FEDERAL REGISTER.

Subpart 4120—Grazing Administration (Outside Grazing Districts and Exclusive of Alaska); General

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4120.1 Authority.
4120.2 Definitions.

Subpart 4121—Awards of Grazing Leases

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4121.1–1 Minimum qualification requirements.
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4121.2 Adjudication of applications for grazing leases.
4121.2–1 Minimum requirements; rating and classification of lease land.
4121.2–2 Leases of withdrawn or reserved lands; Preference-right Leases for land restored from withdrawal.
4121.3 Adjustments of grazing use.
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Subpart 4122—Management Practices

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Subpart 4124—Local Associations

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4125.1–1 Leasing procedures, requirements and conditions.
4125.1–2 Assignments and relinquishment of grazing lease.
4125.1–3 Appeals.
4125.1–4 Range improvements and contributions.
4125.1–5 Pledge of leases as security for loans.

AUTHORITY: The provisions of this Part 4120 issued under sec. 2, 48 Stat. 1270, 43 U.S.C. 315a; R.S. 2478; 43 U.S.C. 1201.

Subpart 4120—Grazing Administration (Outside Grazing Districts and Exclusive of Alaska); General

§ 4120.1 Authority.

(a) Section 15 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1275, as amended, 43 U.S.C. 315m) vests discretionary authority in the Secretary of the Interior to lease for grazing purposes vacant, unappropriated, and unreserved public lands in the continental United States, exclusive of Alaska, which are not within established grazing districts.

(b) Section 4 of the O&C Act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181d) vests in the Secretary of the Interior discretionary authority to lease for grazing purposes any revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in the State of Oregon, hereafter referred to as O&C lands, which may be so used without interfering with the production of timber or other purposes specified in section 1 of the Act, and to formulate rules and regulations for the use, protection, improvement, and rehabilitation of such grazing lands.

(c) The Classification and Multiple Use Act of September 19, 1964 (78 Stat. 986 as amended; 43 U.S.C. 1411–1418) expressly authorizes the Secretary of the Interior to determine which of the lands exclusively administered by him through the Bureau of Land Management are suitable for retention and management under the principles of multiple use and sustained yield. Section 5 of the Act (78 Stat. 987; 43 U.S.C. 1415) defines multiple use and sustained yield.

§ 4120.2 Definitions.

(a) "Secretary" means the Secretary of the Interior or his authorized agent.

(b) "Director" means the Director of the Bureau of Land Management or his authorized agent.

(c) "State Director" means the supervisory Bureau of Land Management official for the state in which the particular range lies, or his authorized agent.

(d) "Authorized Officer" means the Bureau of Land Management District Manager or Area Manager, to whom has been delegated the authority to take action.

(e) "District Office" means the Office of the Bureau of Land Management having direct management responsibility and administrative jurisdiction over the specific public lands involved.

(f) "Animal unit month" means the amount of forage necessary for the sustenance of one cow, or its equivalent for a period of 1 month.

(g) "Grazing capacity" means the total animal unit months of forage available from a tract or tracts of forage land during a given period.

(h) "Management area" means a designated tract or geographic area of land capable of being properly managed as a unit for multiple-use to ensure a sustained yield of forage without jeopardy to other resources or uses of the land. Such a management area may require joint use by two or more lessees.

(i) "Allotment management plan" means a program of action designed to reach specific management goals.

(j) "Grazing system" means a specified sequence of livestock grazing by designated area to accomplish management objectives.

(k) "Preference land" means the privately owned or controlled land upon which the issuance of a grazing lease is based.

(l) "Contiguous land" means land that borders upon or touches upon public land.

Subpart 4121—Awards of Grazing Leases

§ 4121.1 Qualifications of applicants.

§ 4121.1–1 Minimum qualification requirements.

An applicant for a grazing lease is qualified if:

(a) He is a person engaged in the livestock business, has a need for the grazing use of the land, and is a citizen of the United States[1] or;

(b) It is a group or association authorized to conduct business under the laws of the State in which the grazing privileges sought are to be exercised, all members of which are qualified under paragraph (a) of this section, provided that the agreement or articles of association under which the association has been formed are approved by the State Director, or;

(c) It is a corporation, the controlling interest in which is vested in persons qualified under paragraph (a) of this section and which is authorized to do business under the laws of the State in which grazing privileges sought are to be exercised: *Provided*, That the articles of incorporation have been approved by the Authorized Officer.

§ 4121.1–2 Effect of transfer arising through operation of law.

The acquisition of rights in preference land by an unqualified person through operation of law or testamentary disposition will not adversely affect any outstanding lease, or preclude the renewal of a lease based upon such land, for a period of 2 years after such acquisition. Upon the failure of such person to qualify within the 2-year period, the lease will be subject to cancellation in accordance with § 4125.1–1(h).

§ 4121.2 Adjudication of applications for grazing leases.

§ 4121.2–1 Minimum requirements, rating and classification of lease land.

(a) *Land resource consideration.* The Authorized Officer will determine the availability of public land for grazing leases and the amount of forage available for use by livestock in conjunction with considerations of forage reservations for watershed protection, wildlife, and other multiple uses.

(b) *Grazing capacity, seasons of use, and maximum annual period of use.* The Authorized Officer will establish the grazing capacity, determine the kind and class of livestock use to be proper for each management area and classify each area for the proper seasons of use and for the maximum period of time for which the lessee will be allowed to use the leased land therein during any one year, except that where the leased land consists chiefly of isolated or fragmented tracts of land which are not proposed for long-term retention and management, the Authorized Officer may establish the grazing capacity only.

(c) *Applicants.* Grazing leases may be issued to qualified applicants to the extent that public land is available in the following order and amounts:

(1) To applicants who are the owners, lessees, or other lawful occupants of contiguous private lands to the extent necessary to permit proper use of such contiguous lands. When the public land consists of an isolated or disconnected tract embracing 760 acres or less, owners, lessees, or other lawful occupants of lands contiguous thereto or cornering thereon shall have a preference right to lease the whole of such tract, upon terms and conditions prescribed by the Secretary: *Provided*, That the preference right must be asserted during a period of 90 days after such tract is offered for lease.

(2) To applicants owning, leasing, or lawfully occupying noncontiguous lands to the extent necessary to permit the proper use of such noncontiguous lands.

(3) To other applicants.

(d) *Conflicting applications.* (1) When more than one qualified applicant applies for the same public land and it appears that a division of the area may be made and will not result in improper land use, the Authorized Officer will allow the applicants an opportunity, within a specified time limit which he shall set, to agree to a division of the lands. A division of the lands may be made either by agreement between the conflicting applicants which is acceptable to the Authorized Officer, or by determination of the Authorized Officer where no acceptable agreement is reached. However, where it appears that a division of the land would result in improper land use, or where proper land use management will be advanced thereby, the Authorized Officer may require that joint use be made of the management area.

(2) The Authorized Officer will allocate the use of the public land on the basis of any or all of the following factors: (i) Historical use, (ii) proper range management and use of water for livestock, (iii) proper use of the preference lands, (iv) general needs of the applicants, (v) topography, (vi) public ingress and egress across preference lands to public lands under application[2] (where access is not presently available), and (vii) other land use requirements.

§ 4121.2–2 Leases of withdrawn or reserved lands, preference right leases for lands restored from withdrawal.

(a) The Authorized Officer may issue grazing leases for public lands withdrawn for resurvey, or withdrawn and reserved in aid of legislation, or for power sites, classification or other public purposes,[2] if the use of the land for grazing is consistent with the purposes of the withdrawal. Lands included in stock driveway and public water reserve withdrawals may be leased in accordance with subpart 2321 of this chapter. Any lease issued covering withdrawn lands must contain the stipulations which have been prescribed for the protection and use of the land for the purpose for which it was withdrawn or reserved.

(b) Where public lands are restored from a withdrawal and the Authorized Officer determines that a grazing lease for the lands may be issued, the party using such lands or part thereof for grazing purposes under authority of the agency which had jurisdiction over the land immediately prior to their restoration, shall have a superior preference right to lease the restored public lands previously used by him. The preference right must be asserted by an application for a grazing lease (see § 4125.1–1(a)(1)), and must be filed within 90 days after the end of the current lease year under which the land is being used, whichever is the later. The application must be accompanied by a copy of the prior grazing lease, license, permit or other authority upon which the superior preference claim is based.

§ 4121.3 Adjustments of grazing use.

§ 4121.3–2 Increases.

Increases in grazing capacity, when determined by the Authorized Officer, will be apportioned in a manner that will assist in the stabilization of the livestock operations after consideration of other land uses.

§ 4121.3–3 Decreases.

(a) Downward adjustments in authorized grazing use may be imposed during the term of a grazing lease where, for example, the lease erroneously includes lands not subject to lease, or authorizes use in excess of the grazing capacity of the leased land, or where a downward adjustment is required to facilitate other proper multiple uses on the area, or similar situations.

(b) Adjustments to balance authorized use with the proper stocking rate of the management area will be apportioned

[1] See 43 CFR 1811.1 regarding evidence of citizenship status.

[2] Where the United States obtains such a right-of-way, it will assume responsibility therefor to the full extent authorized by law.

[2] Certain lands withdrawn for reclamation purposes are, pursuant to the cooperative agreement of Feb. 28, 1945, between the Bureau of Reclamation and the Bureau of Land Management, leased in accordance with principles of section 15 leases, under authority of subsection (I) of section 4, Act of Dec. 5, 1924 (43 Stat. 703, 43 U.S.C. sec. 501). Those lands withdrawn for reclamation purposes which are not subject to the cooperative agreement of Feb. 28, 1945, will upon restoration from the reclamation withdrawal, become subject to the provisions of paragraph (b) of this section.

equitably or as agreed to among the lessees and the Authorized Officer. Such adjustments may be made by authorizing fewer livestock, or a shorter grazing season, or by both methods as determined by the Authorized Officer.

(c) The Authorized Officer will notify each affected lessee by certified mail of his decision to make an adjustment in authorized use to reach the proper stocking rate of any leased area. The notice will state the manner in which the adjustment is to be made and will allow 30 days from receipt thereof in which the lessee may file an appeal in accordance with § 4125.1–3. If no appeal is filed within the 30-day period, the adjustment will be made in accordance with the decision and no further appeal will be allowed. If a timely appeal is filed, the adjustment under consideration will be deferred pending a final decision on such appeal. Any adjustment provided by the final decision will be applied to its full extent for the grazing season immediately following the effective date of the decision.

(d) Public lands under a grazing lease issued pursuant to this part are subject to classification, withdrawal, or other disposal under the Taylor Grazing Act, the O&C Act, or other applicable public land laws. Reasonable notice of a pending or proposed classification, withdrawal, or disposal which might result in a diminution of the area of the leased land will be given to the lessee, consistent with Subpart 2411 of this chapter and subject to the right of protest or appeal to the Director and to the Secretary of the Interior as may be provided in such notice and the rules of practice, Part 1840 of this chapter.

Subpart 4122—Management Practices

§ 4122.1 Management considerations.

§ 4122.1–1 Multiple use.

All use and management practices, include grazing and the issuance of grazing leases, shall be in conformance with the concepts of multiple use and sustained yield (see 43 CFR 2410.0–5 (o) and (p)). Any public lands leased under the regulations of this part which are suitable for multiple use shall be managed for multiple use to the fullest extent possible, including provision of adequate access for the various multiple users. The Authorized Officer will negotiate for such access with the appropriate applicant(s) or lessee(s), utilizing Department of the Interior easement or acquisition procedures. Should negotiations prove ineffective, the United States will acquire the necessary access by appropriate legal procedures.

§ 4122.1–2 Areas of limited multiple use values.

On areas of public land with limited multiple use values the Authorized Officer may issue leases based on grazing capacity of the area only, or may include livestock numbers and season and time of use. Grazing leases based on the criteria of this section are usually for isolated and fragmented tracts of public land. However, the multiple use values involved, not size of the public land area, will be the determining factor.

§ 4122.1–3 Areas of important multiple use values.

(a) On areas of public land with important multiple use values in addition to livestock grazing or where the primary use is for sustained livestock grazing, the Authorized Officer may, before the grazing lease is issued, or where an existing lease provides for the issuance of an allotment management plan, develop in cooperation with the lease applicant or lessee an allotment management plan. Such plan shall be incorporated into the lease as a part of the terms and conditions of the lease. The plan shall provide for the proper use and conservation of the public lands, at the same time providing for the lessee the maximum possible operations flexibility. The management plan will identify objectives for the allotment, a grazing system and procedures for evaluation of management.

(b) In the absence of mutual agreement between the lessee and the Authorized Officer on an allotment management plan, the Authorized Officer may, in lieu of such plan, stipulate as a condition of the lease grazing system requirements necessary to assure proper management of the public land and its resources. In such cases the Authorized Officer may issue short-term leases until such time as he determines that the grazing system requirements are adequate to assure proper multiple use management of the public land.

§ 4122.2 Designations of grazing areas for exclusive use by specified classes of animals.

When necessary for the proper use or orderly administration of a lease area, the Authorized Officer may designate certain areas for use exclusively by a certain kind or class of livestock or wildlife.

§ 4122.3 General rules of the range.

The acts prohibited and rules of fair range practice as detailed in § 4112.3–1 and § 4112.3–2 of this chapter shall apply to all leases issued under the regulations in Part 4120.

Subpart 4123—Supervision and Inspection

§ 4123.1 Procedures for enforcement of rules and regulations.

A grazing lease may be suspended, reduced, or revoked, or renewal thereof denied for a clearly established violation of the terms or conditions of the grazing lease, or for a violation of the Taylor Grazing Act or of the O&C Act or of any of the provisions of this Part. (See § 9239.3–1 of this chapter for detailed regulations). The lease of public lands for livestock grazing under these regulations in no way limits the Bureau's authority to protect the lands against unauthorized use or occupancy.

Subpart 4124—Local Associations

§ 4124.1 Local associations of stockmen.

Grazing associations formed by lessees will be recognized in accordance with regulations detailed in § 4114.4.

Subpart 4125—Records and Administrative Procedures

§ 4125.1 Procedures.

§ 4125.1–1 Leasing procedures; requirements and conditions.

(a) *Filing and action on lease applications.* (1) An application for a grazing lease shall be executed on a form approved by the Director and filed in the District Office of the Bureau of Land Management having management responsibility over the public lands applied for in the application. Proof of ownership or control of contiguous lands may be required by the Authorized Officer where the applicant seeks to assert a preference right.

(2) A service fee of $10 will be charged for all applications to lease public lands including initial applications and those made pursuant to assignments and consolidations. However, no fee will be charged for consolidations requested by the Authorized Officer or for a regular renewal of an existing lease.

(3) Applications to lease lands included in existing grazing leases, including lease renewals, must be filed not less than 30 days nor more than 90 days prior to the expiration of the current lease. An application not filed within this period may be rejected by the Authorized Officer as not timely filed. Applications for lands not under lease may be filed at any time.

(4) A timely filed application for renewal of an existing grazing lease does not confer on the lessee any right to a renewal but will authorize the continued grazing use of the lands by the lessee in accordance with the provisions of the existing lease pending final action on the application for renewal. The fee for such extended use shall be consistent with the then current fee schedule.

(5) An application for a grazing lease must describe the lands applied for by one of the following methods: (i) By legal subdivisions, or (ii) by metes and bounds description, or (iii) by designated management area.

(6) An application for a grazing lease may include O&C lands or public lands or combinations thereof.

(b) *No right is conferred by application prior to lease.* Since the issuance of a grazing lease is discretionary, the filing of an application for lands not then under lease does not create any right in the applicant to use the lands applied for pending the issuance of a grazing lease.

(c) *Action on defective and nonallowable applications.* (1) The Authorized Officer may require any defects in an application be corrected or additional information to be furnished. The Authorized Officer may reject any application if the applicant fails to correct defects in the application or fails to provide the additional information within the time allowed, which period shall not be less than fifteen (15) days from the date of receipt by the applicant of notice of such defects or required information.

(2) The Authorized Officer shall reject the application if the land applied for (i) is in an allowed entry, (ii) is otherwise appropriated or reserved and not subject to lease under the Taylor Grazing Act or the O&C Act, (iii) is not public land, (iv) is under existing grazing lease, or (v) is of such character that livestock grazing would be detrimental to the resources or other uses of the land.

(d) *Consolidations.* A consolidation of leases held by a lessee may be requested by the lessee on a renewal application or may be required by the Authorized Officer on his own motion. The term of the consolidated lease shall be determined through negotiation between the lessee and the Authorized Officer.

(e) *Protests and appeals*—(1) *Protests.* A protest against the approval of an application for a lease should be filed in the same office where the application for a grazing lease was filed; it should describe the lands involved, contain a complete disclosure of all facts upon which the protest is based, and be accompanied by evidence of service on the applicant of a copy of the protest. The Authorized Officer will consider the protest, and will serve a copy of his decision on the affected parties in person or by certified mail, and in accordance with § 4125.1–3 will advise the protestant and other parties of their right to appeal to the Director.

(2) *Appeal by applicant.* The lease will be executed by the Authorized Officer and transmitted to the lessee only after final action action is taken on any protest or appeals which may have been filed. The applicant's signature to the lease shall constitute his acceptance of the lease as executed by the Authorized Officer. Nonacceptance of the lease does not prejudice the applicant's right to appeal.

(f) *Additional requirements and stipulations.* In addition to the provisions set forth in the standard Grazing Lease Form, the lease will provide for the multiple use requirements of the area, the number of livestock to be grazed, proper grazing seasons, allotment management plan, grazing system, reservation for authorized trailing, and any other conditions or requirements which the Authorized Officer may deem necessary and proper, except as provided under §§ 4121.2–1(b), 4122.1–2, and 4122.1–3.

(g) *Subleases.* No part of the lease land may be subleased by the lessee. The grazing on the lease area of livestock not owned or controlled by the lessee with or without the lessee's consent is prohibited.

(h) *Cancellation or reduction of leases; show cause, appeal to Director.* Leases are subject to cancellation or reduction for the lessee's failure to comply with the terms of the lease or the provisions of this part of the regulations, or in any case that a lease confers use in excess of that properly allowable. In any such case the Authorized Officer will notify the lessee that the lease is being held for cancellation or reduction in whole or in part, and will allow the lessee fifteen (15) days from receipt of the notice within which to show cause why such action should not be taken. The notice will fully set forth the reasons for the proposed action, specifically referring to the pertinent provisions of the regulations, and will be served on the lessee personally or by certified mail. The Authorized Officer will consider any cause shown and, if not satisfied as to its sufficiency, or if no cause is shown, he will notify the lessee personally or by certified mail that the lease has been cancelled or reduced as the case may be. Such decision is subject to appeal to the Director in accordance with § 4125.1–3.

(i) *Terms and conditions.* The issuance and continued effectiveness of all grazing leases will be subject to the following terms and conditions.

(1) A grazing lease will authorize grazing use not in excess of the grazing capacity available for use by livestock as determined by the Authorized Officer in accordance with § 4121.2–1(b).

(2) Grazing leases will provide for the grazing of livestock on the leased land only during that part or parts of the year for which the area has been classified as proper for use, except as provided in § 4121.2–1(b).

(3) Upon the diminution of the public land used under any grazing lease due to withdrawal, appropriation, selection, or otherwise, the lease will be adjusted proportionately to the reduced grazing capacity and the grazing fee will be adjusted accordingly commencing with the ensuing lease year.

(4) The grazing lease will be terminated in whole or in part because of loss of control by the lessee of non-Federal lands that have been recognized as the basis for a grazing lease.

(5) The area of the leased land may be reduced if it is determined that the land is required for the protection of forest plantations or sources of community water supply; or for recreation facilities, wildlife habitat, stock driveways, roads, trails, townsites; or for other public purposes. When it is determined by the Authorized Officer that the leased land is excessive to the lessee's need or that the lessee is not making substantial use of the leased land, the Authorized Officer may cancel the lease, reduce the acreage of the grazing lease, or reduce the grazing use allowed in accordance with the provisions of § 4125.1–1(h). In the case of any such acreage reduction a proportionate fee adjustment will be made. If the entire grazing lease is cancelled, the Director may refund any portion of the grazing fees paid for the cancelled lease term.

(6) The Authorized Officer may establish the size and boundaries of a grazing lease area to facilitate the proper and effective management of the resources. In so doing, he will give consideration to seasons of use, topography, and establishment of systems of grazing and any other pertinent factors. He may determine that two or more applicants shall be authorized to use the public land within a management area.

(7) The Authorized Officer may make adjustments in grazing leases at any time when necessary to comply with these regulations for the public lands.

(8) If necessary to rehabilitate the vegetative resources on the public land, the Authorized Officer may temporarily close the leased land to grazing or reduce livestock use whenever vegetal cover is depleted due to drought, epidemic, fire or any other cause, or for rehabilitation of the area. Such action will not exclude the closed area from the grazing lease.

(9) Authorized grazing use of the leased land may be adjusted by the Authorized Officer to conform to needed refinements in the allotment management plan as a result of more accurate determinations of grazing capacity, season and area of use, class of livestock, etc. Proportionate adjustment will be made in the annual grazing fee for the subsequent grazing season.

(10) The issuance of a grazing lease does not alter or restrict the authorized public use of the leased land including, but not limited to, hunting, fishing, camping, or hiking on such lands in accordance with the laws of the United States or of the State in which the lands are located, nor may the lessee interfere in any manner with the proper exercise of such rights. Neither shall the lessee maintain locked gates, signs, or other devices which prevent or interfere with public use of the leased land. Nor shall the lessee restrict or limit prospecting, locating, developing, mining, or patenting the mineral resources in the public land; miners, prospectors, and mineral lessees of the United States and all other authorized persons shall be entitled to enter the leased land for all lawful purposes.

(11) The Authorized Officer may require the lessee, as a condition to the granting and continued effectiveness of grazing leases, to fence or to contribute an equitable share to the cost of fencing the allotted areas and the maintenance of such fences.

(j) *Change in grazing seasons.* Any lessee who desires to use the leased land for a period or periods other than those authorized by his lease may, upon written approval of the Authorized Officer and prior to his annual billing notice, be allowed to use the amount of his authorized grazing use during any other period of time for which the lease area is classified as proper for use: *Provided:*

(1) Adjustment in season, time, or numbers does not result in an increase in the number of animal unit months utilized;

(2) Such use will not be detrimental to the resources of the leased area; and

(3) Such use will not adversely affect other lessees.

(k) *Interest of Members of Congress prohibited.* No Member of or delegate to Congress shall be admitted to any share or part of any grazing lease issued or to derive any benefit to arise therefrom (41 U.S.C. sec. 22; 18 U.S.C. sec. 431–433).

l) *Exchange-of-use agreements.* The Authorized Officer may enter into an

exchange-of-use agreement with any applicant having ownership or control of non-Federal land interspersed with and normally grazed in conjunction with the surrounding public land. The grazing use authorized, will be without payment of fees, and will not exceed the grazing capacity of such non-Federal land.

(m) *Fees for grazing leases and crossing permits*—(1) *Lease rates.* Each holder of a grazing lease will be charged annual grazing fees for the animal unit months (AUM's) authorized by the grazing lease, at a rate per animal unit month (AUM). All grazing fee billings shall be issued in accordance with the rates prescribed in subdivision (ii) of this subparagraph. All livestock six (6) months of age or over allowed on the leased area will be considered as a part of the total number for which a lease has been issued. No fees will be charged for livestock under 6 months of age.

(i) A minimum annual charge of $10 will be made on all leases.

(ii) The rate or rates per AUM for the fee year, beginning March 1 and ending the last day of February, will be established by the Director, and notice thereof shall be published in the FEDERAL REGISTER. The rate or rates will become effective as of the date of such publication and will be applied to all billing notices issued thereafter.

(2) *Crossing permits.* Upon application filed with the Authorized Officer by any person showing the necessity for crossing the public lands with livestock for proper and lawful purposes, a crossing permit may be issued to him at a charge, payable in advance, of 1 cent per head per day for cattle, 2 cents per head per day for horses, and one-fifth cent per head per day for sheep and goats. A minimum charge of $10 will be made for each crossing permit, except that no fee will be charged where the trail to be used is so limited that no substantial amount of forage will be consumed in transit.

(3) *Payment of rental fees and effect of failure to pay.* No grazing lease or renewal thereof shall be executed by the Authorized Officer until payment of all fees due the United States under the regulations in this part has been made. The first grazing fee payment must be made within 15 days of receipt of billing; if not paid within that time, the lease shall not be issued by the Authorized Officer. Upon timely payment of the first grazing fee payment, the lease will be executed and forwarded to the lessee. Subsequent annual grazing fee payments are due the United States upon receipt of the billing notice and are payable in advance of the first grazing period for the full amount as indicated on the fee notice. No lease shall be effective to authorize grazing use thereunder until such advance payment has been made. A lease may be canceled pursuant to § 4125.1–1 (h) for failure to make timely payment.

(4) *Refunds.* No refunds of grazing fees properly paid in accordance with the regulations in this part and the terms of the grazing lease will be made because of the lessee's failure to make full grazing use as authorized by the lease. However, during periods of range depletion due to severe drought or other natural causes or in case of a general epidemic of livestock disease during the life of the grazing lease, the Director on proper application may remit, refund, reduce in whole or in part, or postpone the payment of grazing fees for such period of depletion or general epidemic as he may determine. No part of the grazing fee paid will be refunded because of cancellation, relinquishment, or assignment, except as provided in § 4125.1–1(i) (3), (5), (8), and (9).

(n) *Period of lease.* A grazing lease or lease renewal may be issued for any period not in excess of 10 years and may be limited by the Authorized Officer to the term of a lease or control of lands that have been recognized as the basis for the grazing lease.

§ 4125.1–2 Assignment and relinquishment of grazing lease.

(a) *Assignment of grazing lease.* The lessee may assign a grazing lease only with the consent of the Authorized Officer; provided that the assignee has control of preference lands. The Authorized Officer will require the assignee to furnish proof of ownership or control of preference lands. The proposed assignment must be made on a form approved by the Director and must be filed with the Authorized Officer within 90 days from date of its execution. It must contain all the terms and conditions agreed upon between the parties and will be made effective only for the unexpired period of the assignor's lease. The assignment, properly executed and signed by the assignor, and the new application signed by the assignee will constitute the assignee's acceptance of the terms of the grazing lease. No assignment will be recognized or confer on the assignee any right to use the leased area until approved by the Authorized Officer. Advance grazing fees paid by the assignor may be credited to the assignee. All cooperative agreements and permits to construct or maintain range improvements on the leased land must be assigned at the time of the grazing lease assignment.

(b) *Relinquishment of grazing lease.* Upon written request, the Authorized Officer may accept a grazing lease relinquishment, in whole or in part, provided that all fees and charges then due have been paid.

§ 4125.1–3 Appeals.

Any applicant or lessee whose interest is adversely affected by a final decision of the Authorized Officer may appeal to the Director, and from the Director to the Secretary, in accordance with the procedure for appeals and contests set forth in Part 1840 of this chapter.

§ 4125.1–4 Range improvements and contributions.

(a) *Construction and maintenance of improvements on the leased lands*—(1) *Qualifications of applicant for range improvement permit.* An applicant for a permit to construct or maintain range improvements, or to use and maintain range improvements constructed and owned by a prior occupant of the leased land, must be qualified under § 4121.1–1 and hold a valid lease.

(2) *Applications.* Applications for permits must be approved prior to construction. Applications for permits must be filed with the Authorized Officer on a form approved by the Director. Construction of range improvements without an approved permit may result in cancellation of the grazing lease as provided in § 4125.1–1(h).

(3) *Appeals.* The Authorized Officer will act on the application and such action shall be final unless the applicant appeals in accordance with § 4125.1–3.

(4) *Assignments.* Assignments of range improvement permits must be be filed with the Authorized Officer on a form approved by the Director and are not effective until approved by the Authorized Officer.

(5) *Permit standards.* The Authorized Officer will specify the minimum Bureau of Land Management standards and design for all range improvements. Failure to comply with the standards and design may result in cancellation of the range improvement permit and/or the grazing lease as provided in § 4125.1–1(h).

(6) *Cooperative agreements.* A lessee may enter into a cooperative agreement with the Authorized Officer to construct and maintain range improvements upon the leased land. Failure to comply with the terms of such an agreement within a reasonable time, as allowed by the Authorized Officer, may result in the cancellation of the agreement and/or the grazing lease as provided in § 4125.1–1(h). A cooperative agreement for range improvements shall be made on a form approved by the Director.

(7) *Removal of improvements; compensation for loss of improvements.* (i) When a grazing lease expires or is terminated, the Authorized Officer may require an applicant for a subsequent lease to agree to compensate the prior lessee for the current value of his share of the cost of authorized permanent improvements placed on the leased land. The prior lessee must file a written application for compensation within 30 days after the date of termination or expiration of his lease or the date of the final decision terminating it. The amount of compensation shall be determined in accordance with § 4125.1–4(a)(8)(i). The failure of the new lessee to pay the prior lessee in accordance with such agreement shall be cause for cancellation of the new grazing lease.

(ii) The leasee will be allowed ninety (90) days from the date of expiration or termination of the grazing lease within which to remove improvements not disposed of in the manner set forth in subdivision (i) of this subparagraph; if not removed or otherwise disposed of within the said period or any extension thereof granted by the Authorized Officer, such improvements shall become the property of the United States. No improvements may be removed if the lessee is in default with respect to the grazing lease.

(8) *Leased land subject to disposition; compensation for loss of improvements.* (i) Ordinarily, before an application for disposal of leased lands under the public land laws is allowed, the applicant must agree to compensate the lessee or other party for any authorized range improvements in which the lessee or other party has a financial investment. If the parties are unable to agree to the amount, manner, and time for compensation for such improvements, such matters shall be determined by the Authorized Officer. The failure of the applicant to comply with the agreement or the conditions fixed by the Authorized Officer shall be cause for cancellation of any right or interest in the land acquired by the applicant by reason of the allowance of the application. If improvements have been constructed in whole or in part with Federal funds, are administered by the Bureau of Land Management, and the application for disposal is in satisfaction of any lieu or indemnity selection right of any State under R.S. 2275, as amended (43 U.S.C. 851), the application may be allowed in the discretion of the Authorized Officer without compensation to the United States for its share of the value of the improvements. In such cases, the Authorized Officer shall determine whether the grazing improvements are needed by the United States and whether the probable salvage value is sufficient to warrant removal of the salvageable materials.

(b) *Contributions for administration, protection, and improvement of public lands.* The Authorized Officer may accept contributions, made under section 9 of the Taylor Grazing Act, of labor, materials, equipment, or money, toward any of the Bureau's functions in administering, protecting, and improving public lands under its jurisdiction.

(1) Any individual, association, corporation, State or local body or private group, may enter into an agreement with the Authorized Officer with respect to such contribution.

§ 4125.1–5 Pledge of leases as security for loans.

(a) A grazing lease may be pledged as security for a loan from a lending agency if the loan is for the purpose of furthering the lessee's livestock operations. Before a loan is made, the lending agency may obtain from the Authorized Officer a written statement concerning the status of the grazing lease and related information. A service charge of $10 will be made for searching the records, except that Federal and State lending agencies shall be exempt from such charge.

(b) A borrower-lessee desiring an extension of the grazing lease term may file a request therefor with the Authorized Officer, setting forth the name of the lending agency, purpose and amount of the loan, and the need for an extension of the grazing lease. If the Authorized Officer determines that an extension will not conflict with the applicable laws and is not contrary to the public interest, he may issue a new grazing lease for a period up to 10 years from the date of the loan but not to exceed the period of the loan.

(c) If the preference land of a lessee is acquired by a lending agency through foreclosure or otherwise, the agency, its grantees and lessees, or parties authorized by it to occupy the preference lands, may, if qualified, file an application for the issuance of a new grazing lease. If, in selling the property, the lending agency takes back the mortgage on the property, the agency will receive the same administrative consideration as in the case of an original loan.

(d) Where a lending agency files notice with the Authorized Officer that it has made a loan and has accepted a grazing lease as security, such agency will be advised of any adverse action taken affecting the lease. The failure of the Bureau of Land Management to give timely notice of any such adverse action shall impose no liability or obligation on the Bureau of Land Management or any of its employees.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 9, 1968.

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PART IV

Department of the Treasury

Office of Foreign Assets Control

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RHODESIAN SANCTIONS REGULATIONS



31 CFR PART 530

THE NATIONAL ARCHIVES OF THE UNITED STATES * 1934 *

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 525—RHODESIAN TRANSACTION REGULATIONS

PART 530—RHODESIAN SANCTIONS REGULATIONS

Part 525 of Title 31 of the Code of Federal Regulations is hereby superseded by the following new Part 530.

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530.808 Customs procedures; merchandise specified in § 530.201.
530.809 Rules governing availability of information.

AUTHORITY: The provisions of this Part 530 issued under E.O. 11322, January 5, 1967; E.O. 11419, July 29, 1968; sec. 5, 59 Stat. 620, sec. 3, 63 Stat. 735, 22 U.S.C. 287c.

Subpart A—Relation of This Part to Other Laws and Regulations

§ 530.101 Relation of this part to other laws and regulations.

(a) The Rhodesian Transaction Regulations (Part 525 of this title) issued as of January 5, 1967, as amended, are revoked and the regulations in this Part 530 are adopted in place thereof controlling certain financial and commercial transactions involving Southern Rhodesia or business nationals thereof: *Provided*, That the revocation of the Rhodesian Transaction Regulations shall not be deemed to authorize any unlicensed importation, transaction or transfer prohibited by the Rhodesian Transaction Regulations and all penalties, forfeitures, and liabilities under such regulations or any other applicable laws or regulations shall continue and may be enforced as if such revocation had not been made.

(b) A license or authorization contained in or issued pursuant to this part does not authorize any transaction that is prohibited by the provisions of any law, statute or regulation other than section 5 of the United Nations Participation Act of 1945, Executive Order 11322 issued January 5, 1967, thereunder, Executive Order 11419, issued July 29, 1968, thereunder, and the regulations contained in this part.

Subpart B—Prohibitions

§ 530.201 Prohibitions.

(a) All of the following direct or indirect transactions by any person subject to the jurisdiction of the United States are prohibited, except as authorized by the Secretary of the Treasury (or any person, agency, or instrumentality designated by him), by means of regulations, rulings, instructions, general or specific licenses or otherwise:

(1) The importation into the United States of merchandise of Southern Rhodesian origin;

(2) Transfers of property which involve merchandise outside the United States of Southern Rhodesian origin;

(3) Transfers of property which involve merchandise destined to Southern Rhodesia or to or for the account of business nationals thereof;

(4) Other transfers of property to Southern Rhodesia, the authorities thereof, or to any other person therein; and

(5) The importation into the United States of ferrochrome produced in any country from chromium ore or concentrates of Southern Rhodesian origin.

(b) Any transaction for the purpose or which has the effect of evading or avoiding any of the prohibitions set forth in paragraph (a) of this section is prohibited.

(c) The effective date of this section is 11:59 p.m., e.s.t., July 29, 1968.

Subpart C—General Definitions

§ 530.301 Person.

The term "person" means an individual, partnership, association, corporation, or other organization.

§ 530.302 Transfer.

The term "transfer" includes, but not by way of limitation, any actual or purported act or transaction, whether or not evidenced by writing, and whether or not done or performed within the United States, the purpose, intent, or effect of which is to create, surrender, release, transfer, or alter, directly or indirectly, any right, remedy, power, privilege, or interest, with respect to any property and without limitation upon the foregoing shall include the making, execution, or delivery of any assignment, power, conveyance, check, declaration, deed, deed of trust, power of attorney, power of appointment, bill of sale, mortgage, receipt, agreement, contract, certificate, gift, sale, affidavit, or statement; and the appointment of any agent, trustee, or other fiduciary.

§ 530.303 License.

Except as otherwise specified, the term "license" shall mean any license or authorization contained in or issued pursuant to this part.

§ 530.304 General license.

A general license is any license or authorization the terms of which are set forth in this part.

§ 530.305 Specific license.

A specific license is any license or authorization issued pursuant to this part but not set forth in this part.

§ 530.306 United States; continental United States.

The term "United States" means the United States and all areas under the jurisdiction or authority thereof including the Panama Canal Zone and the Trust Territory of the Pacific Islands. The term "continental United States" means the States of the United States and the District of Columbia.

§ 530.307 Person subject to the jurisdiction of the United States.

(a) The term "person subject to the jurisdiction of the United States" includes:

(1) Any person, wheresoever located, who is a citizen or resident of the United States;

(2) Any person actually within the United States;

(3) Any corporation organized under the laws of the United States or of any State, territory, possession, or district of the United States; and

(4) Any partnership, association, corporation, or other organization organized under the laws of, or having its principal place of business in, Southern Rhodesia which is owned or controlled by persons specified in subparagraph (1), (2), or (3) of this paragraph.

§ 530.308 Property.

The term "property" includes, but not by way of limitation, money, checks, drafts, bullion, bank deposits, savings accounts, any debts, indebtedness obligations, notes, debentures, stocks, bonds, coupons, any other financial securities, bankers' acceptances, mortgages, pledges, liens or other rights in the nature of security, warehouse receipts, bills of lading, trust receipts, bills of sale, any other evidences of title, ownership or indebtedness, powers of attorney, goods, wares, merchandise, chattels, stocks on hand, ships, goods on ships, real estate mortgages, deeds of trust, vendors' sales agreements, land contracts, real estate and any interest therein, leaseholds, ground rents, options, negotiable instruments, trade acceptances, royalties, book accounts, accounts payable, judgments, patents, trademarks, copyrights, contracts or licenses affecting or involving patents, trademarks or copyrights, insurance policies, safe deposit boxes and their contents, annuities, pooling agreements, contracts of any nature whatsoever, and any other property, real, personal, or mixed, tangible or intangible, or interest or interests therein, present, future, or contingent.

§ 530.309 Merchandise.

The term "merchandise" means all goods, wares, and chattels of every description without limitation of any kind.

§ 530.310 Business national.

(a) The term "business national" of Southern Rhodesia means:

(1) Any business enterprise in Southern Rhodesia;

(2) Any person outside Southern Rhodesia to the extent such person is acting for or on behalf of or for the benefit of a business enterprise in Southern Rhodesia;

(3) Any person outside Southern Rhodesia owned or controlled by a business enterprise in Southern Rhodesia.

(b) The term "business enterprise" includes an individual to the extent he engages in business activities.

Subpart D—Interpretations

§ 530.401 Reference to amended sections.

Reference to any section of this part or to any regulation, ruling, order, instruction, direction, or license issued pursuant to this part shall be deemed to refer to the same as currently amended unless otherwise so specified.

§ 530.402 Effect of amendment of sections of this part or of other orders, etc.

Any amendment, modification, or revocation of any section of this part or of any order, regulation, ruling, instruction, or license issued by or under the direction of the Secretary of the Treasury pursuant to Executive Order 11322 or Executive Order 11419 shall not unless otherwise specifically provided be deemed to affect any act done or omitted to be done, or any suit or proceeding had or commenced in any civil or criminal case, prior to such amendment, modification, or revocation, and all penalties, forfeitures, and liabilities under any such section, order, regulation, ruling, instruction, or license shall continue and may be enforced as if such amendment, modification, or revocation had not been made.

§ 530.403 Transactions between principal and agent.

A transaction between any person within the United States and any principal, agent, home office, branch, or correspondent outside the United States of such person is a prohibited transaction to the same extent as if the parties to the transaction were in no way affiliated or associated with each other.

§ 530.404 Officers and directors of foreign firms.

Section 530.201 prohibits persons subject to the jurisdiction of the United States who are officers, directors, or principal managerial personnel of business enterprises in foreign countries from being involved in any transaction subject to § 530.201. Such persons are involved in transactions when they authorize or permit the foreign business enterprise to engage in a transaction subject to § 530.201, even if they do not themselves actively engage in the transaction.

Subpart E—Licenses, Authorizations and Statements of Licensing Policy

§ 503.501 Effect of subsequent license or authorization.

No license or other authorization contained in this part or otherwise issued by or under the direction of the Secretary of the Treasury pursuant to Executive Order 11322, or Executive Order 11419 shall be deemed to authorize or validate any transaction effected prior to the issuance thereof, unless such license or other authorization specifically so provides.

§ 530.502 Exclusion from licenses and authorizations.

The Secretary of the Treasury reserves the right to exclude from the operation of any license or from the privileges therein conferred, or to restrict the applicability thereof with respect to, particular persons, transactions or property or classes thereof. Such action shall be binding upon all persons receiving actual notice or constructive notice thereof.

§ 530.503 Certain transactions with respect to merchandise affected by § 530.201.

(a) With respect to merchandise the importation of which is prohibited by § 530.201 all U.S. Customs transactions are authorized except the following:

(1) Entry for consumption (including any appraisement entry, and entry of goods imported in the mails, regardless of value, and any other informal entries);

(2) Entry for immediate exportation;

(3) Entry for transportation and exportation;

(4) Withdrawal from warehouse;

(5) Transfer or withdrawal from a foreign-trade zone; or

(6) Manipulation or manufacture in a warehouse or in a foreign-trade zone.

(b) Paragraph (a) of this section is intended solely to allow certain restricted disposition of merchandise which is imported without proper authorization. Paragraph (a) of this section does not authorize the purchase or importation of any merchandise.

§ 530.504 [Reserved]

§ 530.505 Merchandise exported prior to May 29, 1968.

(a) Specific licenses will be issued authorizing transactions involving merchandise subject to § 530.201(a) (1) and (2) when the Office of Foreign Assets Control is satisfied that the merchandise was exported from Southern Rhodesia prior to May 29, 1968.

(b) Such licenses will not be issued if the merchandise is listed below, unless the Office of Foreign Assets Control is satisfied that such merchandise was exported from Southern Rhodesia prior to December 16, 1966. Merchandise affected by this subparagraph is:

Commodity	
Asbestos, crudes, fibers, stucco, sand and refuse	Schedule 5, Part 1, Subpart F, item 518.11.
Chromium:	
Ore and concentrates thereof	Schedule 6, Part 1, item 601.15.
Ferrochromium and ferro-silico-chromium	Schedule 6, Part 2, subpart B, items 607.30, 607.31 and 607.55.
Copper:	
Ore and concentrates thereof	Schedule 6, Part 1, items 602.25 and 602.30.
Copper prdoucts	Schedule 6, Part 2, subpart C, and Part 3.
Iron:	
Ore and concentrates thereof	Schedule 6, Part 1, items 601.24.
Pig iron, cast iron and spiegeleisen	Schedule 6, Part 2, subpart B, item 607.15, 607.18, 607.20 and 607.21.
Hides, skins and leather	Schedule 1, Part 5, subpart A.
Meat and meat products	Schedule 1, Part 2.
Sugar, syrups, and molasses, confectionery	Schedule 1, Part 10, subparts A and C.
Tobacco and tobacco products	Schedule 1, Part 13.

§ 530.506 Supply of certain commodities to Southern Rhodesia.

Specific licenses may be issued authorizing transactions involving the supply from any foreign country to Southern Rhodesia of:

(a) Merchandise intended for medical purposes;

(b) Educational equipment and material for use in schools and other educational institutions;

(c) Publications and news material; and

(d) Foodstuffs in special humanitarian circumstances.

§ 530.507 Pensions.

Specific licenses will be issued authorizing remittances of pensions payable to persons in Southern Rhodesia.

§ 530.508 Remittances for medical, educational and humanitarian purposes.

Specific licenses will be issued authorizing remittances to persons in Southern Rhodesia when the Office of Foreign Assets Control is satisfied that the proceeds will be used for medical, humanitarian, or educational purposes.

§ 530.509 Remittances for news material.

(a) Remittances by news gathering agencies to persons in Southern Rhodesia in payment for news material and importations of such material are hereby authorized.

(b) Specific licenses will be issued to other persons authorizing remittances to persons in Southern Rhodesia when the Office of Foreign Assets Control is satisfied the remittances are bona fide payments for news material.

§ 530.510 Publications and films of Southern Rhodesian origin.

All transactions incidental to the importation into the United States of publications and documentary or news films of Southern Rhodesian origin are hereby authorized. This paragraph does not authorize any transfer of property prohibited by § 530.201(a) (3) or (4).

§ 530.511 Exportations to Southern Rhodesia.

All transactions ordinarily incident to the exportation of goods, wares and merchandise from the United States to any person within Southern Rhodesia are hereby authorized provided the exportation is licensed or otherwise authorized by the Department of Commerce under the provisions of the Export Control Act of 1949, as amended (50 U.S.C. App. Sec. 2023).

Subpart F—Reports

§ 530.601 Records.

Every person engaging in any transaction subject to the provisions of this part shall keep a full and accurate record of each such transaction engaged in by him, regardless of whether such transaction is effected pursuant to license or otherwise, and such record shall be available for examination for at least 2 years after the date of such transaction.

§ 530.602 Reports to be furnished on demand.

Every person is required to furnish under oath, in the form of reports or otherwise, from time to time and at any time as may be required by the Secretary of the Treasury or any person acting under his direction or authorization complete information relative to any transaction subject to the provisions of this part. The Secretary of the Treasury or any person acting under his direction may require that such reports include the production of any books of account, contracts, letters, or other papers, connected with any such transaction in the custody or control of the persons required to make such reports. Reports with respect to transactions may be required either before or after such transactions are completed. The Secretary of the Treasury may, through any person or agency, investigate any such transaction or any violation of the provisions of this part regardless of whether any report has been required or filed in connection therewith.

Subpart G—Penalties

§ 530.701 Penalties.

(a) Attention is directed to section 5(b) of the United Nations Participation Act of 1945 (22 U.S.C. sec. 287(c)), which provides in part:

> Any person who willfully violates or evades or attempts to violate or evade any order, rule, or regulation issued by the President pursuant to subsection (a) of this section shall, upon conviction be fined not more than $10,000, or, if a natural person, be imprisoned for not more than 10 years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation or evasion shall be punished by a like fine, imprisonment, or both, and any property, funds, securities, papers, or other articles or documents, or any vessel, together with her tackle, apparel, furniture, and equipment, or vehicle, or aircraft, concerned in such violation shall be forfeited to the United States. (Dec. 20, 1945, ch. 583, sec. 5, 59 Stat. 620; Oct. 10, 1949, ch. 660, sec. 3, 63 Stat. 735.)

This section of the United Nations Participation Act of 1945 is applicable to violations of any provisions of this part and to violations of the provisions of any license, ruling, regulation, order, direction or instruction issued pursuant to this part or otherwise under section 5 of the United Nations Participation Act, Executive Order 11322, and Executive Order 11419.

(b) Attention is also directed to 18 U.S.C. 1001 which provides:

> Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.

Subpart H—Procedures

§ 530.801 Licenses.

(a) *General licenses.* General licenses may be issued authorizing, under appropriate terms and conditions, types of transactions subject to the prohibitions contained in subpart B of this part. All such licenses are set forth in subpart E of this part. It is the policy of the Office of Foreign Assets Control not to grant applications for specific licenses authorizing transactions to which the provisions of an outstanding general license are applicable. Persons availing themselves of certain general licenses are required to file reports and statements in the form and in accordance with the instructions specified in the licenses.

(b) *Specific licenses*—(1) *General course of procedure.* Transactions subject to the prohibitions contained in Subpart B of this part which are not authorized by general license may be effected only under specific license. Form TFAC–26, Revised, is the specific license form. The specific licensing activities of the Office of Foreign Assets Control are performed by the central organization and the Federal Reserve Bank of New York. When an unusual problem is presented, the proposed action is cleared with the Director of Foreign Assets Control or such person as the Director may designate.

(2) *Applications for specific licenses.* Applications for specific licenses to engage in any transaction prohibited by or pursuant to this part are to be filed in duplicate on Form TFAC–25, revised, with the Federal Reserve Bank of New York. Any person having an interest in a transaction or proposed transaction may file an application for a license authorizing the effecting of such transaction, and there is no requirement that any other person having an interest in such transaction shall or should join in making or filing such application.

(3) *Information to be supplied.* Applicants must supply all information specified by the respective forms and instructions. Such documents as may be relevant shall be attached to each application as a part of such application except that documents previously filed with the Office of Foreign Assets Control may, where appropriate, be incorporated by reference. Applicants may be required to furnish such further information as is deemed necessary to a proper determination by the Control. If an applicant or other party in interest desires to present additional information or discuss or argue the application, he may do so at any time before or after decision. Arrangements for oral presentation should be made with the Control.

(4) *Effect of denial.* The denial of a license does not preclude the reopening of an application or the filing of a further application. The applicant or any other party in interest may at any time request explanation of the reasons for a denial by correspondence or personal interview.

(5) *Reports under specific licenses.* As a condition upon the issuance of any license, the licensee may be required to file reports with respect to the transaction covered by the license, in such form and at such times and places as may be prescribed in the license or otherwise.

(6) *Issuance of license.* Licenses will be issued by the Office of Foreign Assets Control acting on behalf of the Secretary of the Treasury or by the Federal Reserve Bank of New York, acting in accordance with such regulations, rulings, and instructions as the Secretary of the Treasury or the Office of Foreign Assets Control may from time to time prescribe, in such cases or classes of cases as the Secretary of the Treasury or the Office of Foreign Assets Control may determine, or licenses may be issued by the Secretary of the Treasury acting directly or through any person, agency, or instrumentality designated by him.

§ 530.802 [Reserved]

§ 530.803 Decision.

The Office of Foreign Assets Control or the Federal Reserve Bank of New York will advise each applicant of the decision respecting applications filed by him. The decision of the Office of Foreign Assets Control acting on behalf of the Secretary of the Treasury with respect to an application shall constitute final agency action.

§ 530.804 Records and reporting.

(a) Records are required to be kept by every person engaging in any transaction subject to the provisions of this part, as provided in § 530.601.

(b) Reports may be required from any person with respect to any transaction subject to the provisions of this part as provided in § 530.602.

§ 530.805 Amendment, modification, or revocation.

The provisions of this part and any rulings, licenses, authorizations, instructions, orders, or forms issued thereunder may be amended, modified, or revoked at any time. In general, the public interest requires that such amendments, modifications, or revocations be made without prior notice.

§ 530.806 Rule making.

(a) All rules and other public documents are issued by the Secretary of the Treasury upon recommendation of the Director of the Office of Foreign Assets Control or by the Director of the Office of Foreign Assets Control. Except to the extent that there is involved any military, naval, or foreign affairs function of the United States or any matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts, and except when interpretative rules, general statements of policy, or rules of agency organization, practice, or procedure are involved or when notice and public procedure are impracticable, unnecessary or contrary to the public interest, interested persons will be afforded an opportunity to participate in rule making through submission of written data, views, or argument, with oral presentation in the discretion of the Director. In general, rule making by the Office of Foreign Assets Control involves foreign affairs functions of the United States. Whenever possible, however, it is the practice to hold informal consultations with interested groups or persons before the issuance of any rule or other public document.

(b) Any interested person may petition the Director of Foreign Assets Control in writing for the issuance, amendment or repeal of any rule.

§ 530.807 Delegation by the Secretary of the Treasury.

Any action which the Secretary of the Treasury is authorized to take pursuant to Executive Order 11322 and Executive Order 11419 may be taken by the Director of the Office of Foreign Assets Control, or by any other person to whom the Secretary of the Treasury has delegated authority so to act.

§ 530.808 Customs procedures; merchandise specified in § 530.201.

(a) With respect to merchandise specified in § 530.201, whether or not such merchandise has been imported into the United States, district directors of customs shall not accept or allow any:

(1) Entry for consumption (including any appraisement, entry, any entry of goods imported in the mails, regardless of value, and any other informal entries);

(2) Entry for immediate exportation;

(3) Entry for transportation and exportation;

(4) Withdrawal from warehouse;

(5) Transfer or withdrawal from a foreign-trade zone; or

(6) Manipulation or manufacture in a warehouse or in a foreign-trade zone, unless either:

(i) The merchandise was imported prior to July 29, 1968, and in the case of merchandise listed in § 530.505(b) was imported prior to January 5, 1967,

(ii) An applicable general license appears in subpart E hereof,

(iii) A specific license issued pursuant to this part is presented, or

(iv) Instructions from the Office of Foreign Assets Control, either directly or through the Federal Reserve Bank of New York, authorizing the transaction are received.

(b) Whenever a specific license is presented to a district director of customs in accordance with this section, one additional legible copy of the entry, withdrawal or other appropriate document with respect to the merchandise involved shall be filed with the district director of customs at the port where the transaction is to take place. Each copy of any such entry, withdrawal, or other appropriate document, including the additional copy, shall bear plainly on its face the number of the license pursuant to which it is filed. The original copy of the specific license shall be presented to the district director in respect of each such transaction and shall bear a notation in ink by the licensee or person presenting the license showing the description, quantity, and value of the merchandise to be entered, withdrawn, or otherwise dealt with. This notation should be so placed and so written that there will exist no possibility of confusing it with anything placed on the license at the time of its issuance. If the license in fact authorizes the entry, withdrawal or other transaction with regard to the merchandise the district director, or other authorized customs employee, shall verify the notation by signing or initialing it after first assuring himself that it accurately describes the merchandise it purports to represent. The license shall thereafter be returned to the person presenting it and the additional copy of the entry, withdrawal, or other appropriate document shall be forwarded by the district director to the Office of Foreign Assets Control.

(c) Whenever a person shall present an entry, withdrawal, or other appropriate document affected by this section and shall assert that no specific Foreign Assets Control license is required in connection therewith, the district director of customs shall withhold action thereon and shall advise such person to communicate directly with the Federal Reserve Bank of New York to request that instructions be issued to the district director to authorize him to take action with regard thereto.

§ 530.809 Rules governing availability of information.

(a) The records of the Office of Foreign Assets Control required by 5 U.S.C. 552 to be made available to the public shall be made available in accordance with the definitions, procedures, payment of fees, and other provisions of the regulations on the Disclosure of Records of the Office of the Secretary and of other bureaus and offices of the Department issued under 5 U.S.C. 552 and published as Part 1 of this Title 31 of the Code of Federal Regulations, 32 F.R. 9562, July 1, 1967.

(b) Form TFAC–25, revised, and any other form used in connection with the Rhodesian Sanctions Regulations may be obtained in person from or by writing to the Office of Foreign Assets Control, Treasury Department, Washington, D.C. 20220, or the Foreign Assets Control Division, Federal Reserve Bank of New York, 33 Liberty Street, New York, N.Y. 10045.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 68–9726; Filed, Aug. 12, 1968; 8:51 a.m.]

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Civil Aeronautics Board
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Consumer and Marketing Service
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PART 2100—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Outside Employment and Other Activity

Pursuant to and in accordance with sections 201 through 209 of Title 18 of the United States Code, Executive Order 11222 of May 8, 1965 (30 F.R. 6469), and Title 5, Chapter I, Part 735 of the Code of Federal Regulations, Chapter XI to Title 5 of the Code of Federal Regulations, consisting of Part 2100, is amended as follows:

Paragraphs (c) and (d) of § 735.203 of Part 735 of Title 5, Code of Federal Regulations, previously adopted by § 2100.735–101, were amended in the Civil Service Regulations, and these amendments are now adopted in the agency regulations and read:

(c) Employees are encouraged to engage in teaching, lecturing and writing that is not prohibited by law, the Executive order, this part, or the agency regulations. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Commission or Board of Examiners for the Foreign Service, that depends on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the agency head gives written authorization for use of nonpublic information on the basis that the use is in the public interest. In addition, an employee who is a Presidential appointee covered by section 401(a) of the order shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to the responsibilities, programs, or operations of his agency, or which draws substantially on official data or ideas which have not become part of the body of public information.

(d) [Deleted]

These amendments were approved by the Civil Service Commission on May 21, 1968, and are effective upon publication in the FEDERAL REGISTER.

ALBERT WATSON II,
Lieutenant General, U.S. Army, Retired, Governor.

[F.R. Doc. 68-9715; Filed, Aug. 13, 1968; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 68-WE-9-AD; Amdt. 39-629]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707 Series Airplanes

There have been numerous cracks of the upper wing skin and rear spar chord inboard and outboard of the beaver tail on Boeing 707-300 Series, 400 Series, 300B Series, and 300C Series airplanes that have resulted in unsafe structural conditions. Since this condition is likely to exist or develop in other airplanes of same type design, an airworthiness directive is being issued to require repetitive inspections of the upper wing skin and rear spar chord of the Boeing aircraft listed herein, and repair if necessary.

Since a situation exists that requires immediate adoption of this regulation, it is found that public procedures hereon are impracticable and good cause exists for making this amendment effective 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

BOEING. Applies to all Model 707-300 Series, 400 Series, 300B Series, and 300C Series airplanes listed in Boeing Service Bulletin 2427 (Revision 6 or later FAA approved revisions).

Compliance required as indicated.

To detect cracking and prevent failure of the upper wing skin and rear spar chord from B.B.L. 70.5 to wing station 197, accomplish the following:

(a) Inspect each wing, which has not been modified in accordance with the following:

Part II of Boeing Service Bulletin 2427.*
Part III of Boeing Service Bulletin 2427.
Part V of Boeing Service Bulletin 2427.*
Boeing Drawing 65-66244.
Boeing Drawing 65-64377.
Boeing Drawing 65-64843.
Boeing Drawing 65-63274.

for cracks emanating from common fastener holes in the upper wing skin and upper rear spar chord from B.B.L. 70.5 to wing station 197 (exclude the area under the beaver tail) in accordance with (f)(1) at the times specified in (k)(1) or (l)(1) as appropriate, and in accordance with (f)(2) at the times specified in (k)(2) or (l)(2) as appropriate. If cracks are found, repair prior to further flight in accordance with (g), (h), (i), or (j) as appropriate.

(b) Inspect each wing between B.B.L. 70.5 and wing station 197 which has been repaired in accordance with Part II or Part V of Boeing Service Bulletin 2427, in which wing repair doublers were not used, as follows:

(1) Inspect for cracks in the wing skin around oversized or plug repair fastener holes in accordance with (f)(2) within 4,000 hours time in service after repair and each 4,000 hours thereafter.

(2) Inspect for cracks in the wing skin around fastener holes which have not been oversized or plugged in accordance with (f)(1) at the times specified in (k)(1) and (l)(1) and (f)(2) at the times specified in (k)(2) and (l)(2) as appropriate.

(c) Inspect each wing which has been repaired in accordance with Part V of Boeing Service Bulletin 2427, using external repair doublers for cracks emanating from common fastener holes in the upper wing skin and rear spar chord from B.B.L. 70.5 to wing station 197 (excluding the area under the repair doublers and beavertail) in accordance with (f)(1) at the times specified in (k)(1) and (l)(1) and (f)(2) at the times specified in (k)(2) and (l)(2) as appropriate. If cracks are found, repair prior to further flight in accordance with (g), (i), or (j), as appropriate.

(d) Inspect each wing, which has been modified in accordance with the following, for cracks in the upper wing skin and upper rear spar chord in accordance with (e) at the times specified therein.

Part II of Boeing Service Bulletin 2427.*
Part III of Boeing Service Bulletin 2427.
Part V of Boeing Service Bulletin 2427.*
Boeing Drawing 65-66244.
Boeing Drawing 65-64377.
Boeing Drawing 65-64843.
Boeing Drawing 65-63274.

(e) Inspect within 8,000 hours time in service after rework and at intervals thereafter not to exceed 8,000 hours time in service for cracks in the upper wing skin and rear spar chord in the area under the repair doublers by visual methods. This inspection may be conducted from inside the fuel tank. If cracks are found, or crack growth is noted, repair prior to further flight in accordance with (j).

(f) Inspect the upper wing skin and upper rear spar chord in accordance with the following inspection techniques.

(1) Visually or by means of the ultra sonic inspection technique as outlined in Part VIII of Boeing Service Bulletin 2427. (Revision 6 or later FAA approved revisions).

(2) By means of the X-ray inspection technique outlined in Part IX of Boeing Service Bulletin 2427 (Revision 6 or later FAA approved revisions) or equivalent inspection techniques approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(g) If cracks are found between B.B.L. 70.5 and wing station 174 or between wing stations 185 and 197, which fall within the crack length limits for which doublers are not required by either Part V or Part II, respectively, of Boeing Service Bulletin 2427 (Revision 6 or later FAA approved revisions),

*In which repair doublers were used.

*In which repair doublers were used.

repair prior to further flight in accordance with these parts of the service bulletin. Reinspect in accordance with (b).

(h) If cracks are found between B.B.L. 70.5 and wing station 174, which fall within the crack length limits of Part V of Boeing Service Bulletin 2427 (Revision 6 or later FAA approved revisions) and require repair doublers, repair prior to further flight in accordance with that part of the service bulletin and repeat inspections in accordance with (c).

(i) If cracks are found between wing station 185 and wing station 197, which fall within the crack length limits of Part II of Boeing Service Bulletin 2427 (Revision 6 or later FAA approved revisions) and require repair doublers, repair prior to further flight in accordance with that part of the service bulletin and repeat inspections in accordance with (e).

(j) If cracks are found which exceed the maximum crack length limits as specified in Part V or Part II or Boeing Service Bulletin 2427 (Revision 6 or later FAA approved revisions), repair prior to further flight in accordance with Boeing Service Bulletin 2607 or a method approved by Chief, Aircraft Engineering Division, Western Region, Federal Aviation Administration.

(k) For those aircraft having less than 10,000 (in the case of the 707–300C Series) or less than 17,000 (in the case of the 707–300/400/300B Series) hours time in service on the effective date of this AD, prior to the accumulation of:

(1) 10,800 or 17,800 hours time in service respectively and thereafter at intervals not to exceed 800 hours time in service from the last inspection.

(2) 11,600 or 18,600 hours time in service respectively and thereafter at intervals not to exceed 1,600 hours time in service from the last inspection.

(l) For those aircraft having 10,000 or more (in the case of 707–300C Series) or 17,000 or more (in the case of 707–300/400/300B Series) hours time in service on the effective date of this AD:

(1) Within the next 800 hours time in service and thereafter at intervals not to exceed 800 hours time in service from the last inspection.

(2) Within the next 1,600 hours time in service and thereafter at intervals not to exceed 1,600 hours time in service from the last inspection.

(m) Upon completion of rework in accordance with Part X of Boeing Service Bulletin No. 2427, Boeing Service Bulletin No. 2606, Boeing Service Bulletin No. 2607, Boeing Drawing 65–68302, Boeing Drawing 65–68331, or a method approved by the Chief, Aircraft Engineering Division, FAA Western Region, the inspections required in this AD may be discontinued.

(n) Airplanes having cracks which require rework under this AD may be flown in accordance with FAR 21.197 with the concurrence of the Chief, Aircraft Engineering Division, FAA Western Region, to a base where the rework can be accomplished.

(o) Upon request of an operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This amendment becomes effective September 16, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Los Angeles, Calif., on August 5, 1968.

LEE E. WARREN,
Acting Director,
FAA Western Region.

[F.R. Doc. 68-9685; Filed, Aug. 13, 1968; 8:46 a.m.]

[Docket No. 68-WE-24-AD; Amdt. 39-630]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Douglas Model DC–8 Series Aircraft

Amendment 554, 28 F.R. 3780, AD 63–8–2, as amended by Amendment 643, 28 F.R. 12057, requires removal and inspection of the elevator control tab push rod on Douglas Model DC–8 Series aircraft, except that repetitive inspections outlined in the AD may be discontinued after installation of a newly designed elevator control tab push rod assembly. After issuing Amendment 643, the Administrator was requested to clarify the applicability of the AD. McDonnell Douglas is presently installing P/N 3703218–501 steel push rods during production. These steel push rods have a smaller diameter than the original P/N 3703218 (no dash number) aluminum push rods. The steel push rods are not subject to wear from rubbing against the guide support assembly. Therefore, the AD is being further amended to indicate that McDonnell Douglas is the current holder of the Type Certificate and to limit the applicability of the AD to Model DC–8 Series aircraft incorporating P/N 3703218 (no dash number) elevator control tab push rod assembly.

Since this amendment provides a clarification only and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 554, 28 F.R. 3780, AD 63–8–2, as amended by Amendment 643, 28 F.R. 12057, is further amended as follows:

(1) Amend the applicability statement to read:

McDONNELL DOUGLAS. Applies McDonnell Douglas Model DC–8 Series Aircraft equipped with P/N 3703218 (no dash number) elevator control tab push rod assembly.

(2) Add a note after paragraph (d) (2) to read:

NOTE: The P/N 3703218–501 steel push rods presently being installed during production have a smaller diameter than the original P/N 3703218 (no dash number) aluminum push rods.

This amendment becomes effective September 16, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Los Angeles, Calif., on August 5, 1968.

LEE E. WARREN,
Acting Director,
FAA Western Region.

[F.R. Doc. 68-9686; Filed, Aug. 13, 1968; 8:46 a.m.]

[Docket No. 9074; Amdt. 39-634]

PART 39—AIRWORTHINESS DIRECTIVES

Pilatus Model PC–6 Series Airplanes

There have been numerous reports of rudder end rib cracking on Pilatus Model PC–6 series airplanes. Failure of the rib could result in the loss of directional control. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require the inspection of the rudder end rib for cracks and the replacement of cracked ribs on all Pilatus Model PC–6 series airplanes.

Since a situation exists that requires the immediate adoption of this directive, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PILATUS. Applies to all Model PC–6 Series Airplanes.

Compliance required as indicated.

To detect cracks in the rudder end rib, accomplish the following:

(a) Within the next 50 hours time in service after the effective date of this Airworthiness Directive and thereafter at intervals not to exceed 50 hours time in service from the last inspection, inspect the rudder end rib, P/N 6302.27 for cracks with the aid of a mirror.

(b) If cracks are detected during any inspection prescribed in paragraph (a), replace the rudder end rib before further flight with a modified rudder end rib, P/N 6302.26 Pos. 2; channel reinforcement, P/N 113.40.06.002, and torque tube, P/N 113/40.06.003, in accordance with Pilatus Service Bulletin No. 80, dated April, 1968, or later Swiss Federal Air Office approved Revision or FAA approved equivalent.

(c) The repetitive inspections required by paragraph (a) may be discontinued after the modified rudder end rib has been installed.

This amendment becomes effective August 19, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on Aug. 7, 1968.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 68-9687; Filed, Aug. 13, 1968; 8:46 a.m.]

[Airspace Docket No. 68-CE-39]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

On May 24, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 7697), stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would realign V–172 from Chicago-O'Hare, Ill., 12 AGL INT Chicago-O'Hare 091° and South Bend, Ind., 290° radials, 12 AGL South Bend; and would designate a 12 AGL N alternate to V–228 from Northbrook, Ill., to South Bend via INT Northbrook 093° and South Bend 310° radials.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., October 17, 1968, as hereinafter set forth.

Section 71.123 (33 F.R. 2009) is amended as follows:

a. In V–172 all after "12 AGL Chicago-O'Hare, Ill.;" is deleted and "12 AGL INT Chicago-O'Hare 091° and South Bend Ind., 290° radials; 12 AGL South Bend." is substituted therefor.

b. V–228 is amended to read as follows:

V–228 From Northbrook, Ill., 12 AGL South Bend, Ind., including a 12 AGL N alternate via INT Northbrook 093° and South Bend 310° radials.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 7, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-9688; Filed, Aug. 13, 1968; 8:46 a.m.]

[Airspace Docket No. 68-SO-51]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Cedartown, Ga., transition area.

The Cedartown transition area is described in § 71.181 (33 F.R. 2137).

In the description, reference is made to Polk County Airport. Since the name of this airport has been changed to "Cornellus-Moore Field," it is necessary to amend the description accordingly.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (33 F.R. 2137), the Cedartown, Ga., transition area is amended to read:

CEDARTOWN, GA.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Cornelius-Moore Field (lat. 34°01'20" N., long. 85°08'50" W.).

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on August 2, 1968.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 68-9689; Filed, Aug. 13, 1968; 8:47 a.m.]

[Airspace Docket No. 68-CE-6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Additional Control Area

On May 17, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 7329) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an additional control area 1,200 feet AGL from Menominee, Mich., direct to Marquette, Mich.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 17, 1968, as hereinafter set forth.

In § 71.163 (33 F.R. 2051) the following additional control area is added.

MENOMINEE, MICH.

From the Menominee, Mich., VORTAC, 12 AGL Marquette, Mich., VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 7, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-9690; Filed, Aug. 13, 1968; 8:47 a.m.]

[Airspace Docket No. 68-CE-49]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 8393 of the FEDERAL REGISTER dated June 6, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Fairfield, Iowa.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change:

The coordinates recited in the Fairfield, Iowa, Municipal Airport transition area designation as "latitude 41°03'00" N., longitude 91°58'30" W." are changed to read "latitude 41°03'15" N., longitude 91°58'40" W.".

This amendment shall be effective 0901 G.m.t., October 17, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on July 29, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (33 F.R. 2137), the following transition area is added:

FAIRFIELD, IOWA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fairfield Municipal Airport (latitude 41°03'15" N., longitude 91°58'40" W.); and within 2 miles each side of the 196° bearing from Fairfield Municipal Airport, extending from the 5-mile radius area to 11 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles west and 8 miles east of the 196° bearing from Fairfield Municipal Airport, extending from the airport to 15 miles south of the airport, excluding the portion which overlies the Ottumwa, Iowa, transition area.

[F.R. Doc. 68-9691; Filed, Aug. 13, 1968; 8:47 a.m.]

[Airspace Docket No. 68-SO-30]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Routes

On June 11, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 8551) stating that the Federal Aviation Administration was considering amendments to Part 75 of the Federal Aviation Regulations that would realign J–20 between Tallahassee, Fla., and Orlando, Fla., and that would realign J–119 between St. Petersburg, Fla., and Alma, Ga.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended effective 0901 G.m.t., October 17, 1968, as hereinafter set forth.

Section 75.100 (33 F.R. 2349) is amended as follows:

1. In the text of Jet Route No. 20 "Orlando, Fla.," is deleted and "INT Tallahassee 129° and Orlando, Fla., 306°

radials; Orlando;" is substituted therefor.

2. Jet Route No. 119 is amended as follows:

a. In the caption "Gainesville, Fla." is deleted and "Alma, Ga." is substituted therefor.

b. In the text all after "St. Petersburg, Fla., 151° radials;" is deleted and "St. Petersburg; to Alma, Ga." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 7, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-9692; Filed, Aug. 13, 1968; 8:47 a.m.]

[Airspace Docket No. 67-WA-36]

PART 75—ESTABLISHMENT OF JET ROUTES

Designation of Jet Routes

On June 28, 1968, F.R. Doc. 68-7689 was published in the FEDERAL REGISTER (33 F.R. 9468) and established the U.S. portion of Jet Route No. 523 from Seattle, Wash., via the Neah Bay, Wash., RBN to the Tofino, British Columbia, Canada, RBN. This action was initiated at the request of the Canadian Department of Transport and is effective August 22, 1968.

Subsequent to publication of the document, it has been determined that Canada has no operational requirement for J-523 between Neah Bay and Tofino as this requirement will be satisfied by J/HL-502 which is designated in part northward from Neah Bay to Tofino. Accordingly, action is taken herein to amend F.R. Doc. 68-7689 to reflect the establishment of J-523 only from Seattle to the Neah Bay RBN.

Since this action is minor in nature and will impose no undue burden on the public, the Administrator has determined that notice and public procedure hereon is unnecessary and that the effective date originally established may be retained.

In consideration of the foregoing, F.R. Doc. 68-7689 (33 F.R. 9468) is amended, effective immediately, to read as follows:

In § 75.100 (33 F.R. 2349, 9468) the following is added:

Jet Route No. 523 (Seattle, Wash., to Neah Bay, Wash.).
From Seattle, Wash., to the Neah Bay, Wash., RBN.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 7, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-9693; Filed, Aug. 13, 1968; 8:47 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[11th Gen. Rev. of Export Regs., Amdt. 6]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

Refined Copper

Part 373 of the Code of Federal Regulations is amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959-63 Comp.)

Effective date: August 9, 1968.

RAUER H. MEYER,
Director, Office of Export Control.

Purpose and effect: The Export Regulations are revised to provide that Customs Import Entries for copper raw materials, dated May 15, 1967, through May 15, 1968, will be acceptable to the Office of Export Control through October 31, 1968, for purposes of filing applications to export refined copper. Previously, these Customs Import Entries were acceptable only if the application was filed before May 16, 1968.

Applications filed under this procedure are not subject to export quota restrictions.

Applications supported by Customs Import Entries dated after May 15, 1968, will continue to be subject to the rule that the application must be submitted within three months from the date of the Customs Import Entry.

Accordingly, § 373.43(b)(2)(i) of the Export Regulations is amended to read as follows:

§ 373.43 Blister and refined copper, copper-base alloy ingots, master alloys, and semi-fabricated copper products.

* * * * *

(b) *Refined copper other than copper-base alloy ingots.* * * *

(2) *Copper produced from or shipped as an offset against foreign materials.* * * *

(i) The application is submitted to the Office of Export Control within three months following the date of the related Customs Import Entry. However, such an application may be submitted to the Office of Export Control subsequent to three months following the date of the Customs Import Entry provided that the Customs Import Entry is dated May 15, 1967, through May 15, 1968, and the application is submitted not later than October 31, 1968.

* * * * *

[F.R. Doc. 68-9750; Filed, Aug. 13, 1968; 8:51 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 0—STANDARDS OF CONDUCT

Subpart B—Ethical and Other Conduct and Responsibilities of Employees

OUTSIDE EMPLOYMENT AND OTHER ACTIVITY

Section 0.735-12, as published in the FEDERAL REGISTER on September 20, 1967 (32 F.R. 13272), is amended by deleting paragraph (d) and revising paragraph (c) as follows:

§ 0.735-12 Outside employment and other activity.

* * * * *

(c) Employees are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law, the Executive order, or this part. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service, that is dependent on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Chairman gives written authorization for the use of nonpublic information on the basis that the use is in the public interest. In addition, an officer or employee who is a Presidential appointee covered by section 401 (a) of the Executive order shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the Commission, or which draws substantially on official data or ideas which have not become part of the body of public information.

(d) [Deleted]

* * * * *

This revision was approved by the Civil Service Commission in FPM Letter No. 735-4 dated May 21, 1968, and is effective upon publication in the FEDERAL REGISTER.

(E.O. 11222, 30 F.R. 6469; 3 CFR, 1965 Supp.; 5 CFR 735.104)

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-9716; Filed, Aug. 13, 1968; 8:49 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER H—ECONOMIC ENTERPRISES

PART 88—INDIAN FISHING IN ALASKA

Commercial Fishing, Annette Islands Reserve

There was published in the FEDERAL REGISTER on April 9, 1968 (33 F.R. 5544), a notice of intention to amend paragraphs (c) and (e) of § 88.3 of the Code of Federal Regulations, Title 25—Indians, as set forth below. The purpose of the amendments is to maintain the regulatory pattern established by the regulations issued in 1960.

Interested persons were given 30 days within which to submit written comments, suggestions or objections, with respect to the proposed amendments. After careful consideration of the comments received, it has been determined that the amendments as proposed are desirable and necessary in order to assure equitable treatment for the Metlakatla Indian Community. Accordingly, paragraphs (c) and (e), of § 88.3, Code of Federal Regulations, Title 25—Indians, are amended as set forth below, effective upon publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 2, 1968.

§ 88.3 Commercial fishing, Annette Islands Reserve.

* * * * *

(c) *Trap fishing season.* Fishing for salmon with traps operated by the Metlakatla Indian Community is permitted only at such times as commercial salmon fishing with purse seines is permitted by order or regulation of the Alaska Board of Fish and Game for Commercial Fishing in any part of the following area: from the point at which meridian 132°17'30" intersects the United States-Canadian boundary due north along said meridian to latitude 55°33'00", thence due east along said parallel to longitude 130°49'15", thence due south along said meridian to the point at which it intersects with the United States-Canadian boundary, thence due west along said boundary to the point of beginning.

* * * * *

(e) *Other forms of commercial fishing.* All commercial fishing, other than salmon fishing with traps, shall be in accordance with the season and gear restrictions established by rule or regulation for Fishing District No. 1F by the Alaska Board of Fish and Game for Commercial Fishing except that the season for purse seine fishing for salmon shall be same as provided in paragraph (c) of this section.

[F.R. Doc. 68-9683; Filed, Aug. 13, 1968; 8:46 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 402-68]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart K—Criminal Division

PAYMENT OF BENEFITS FOR DISABILITY OR DEATH OF LAW ENFORCEMENT OFFICERS NOT EMPLOYED BY THE UNITED STATES

By virtue of the authority vested in me by sections 509 and 510 of Title 28 and sections 301 and 8193(b)(1) of Title 5 of the United States Code, Subpart K of Part 0 of Chapter I of Title 28 of the Code of Federal Regulations is amended by inserting immediately after § 0.57 a new § 0.58 as follows:

§ 0.58 Delegation respecting payment of benefits for disability or death of law enforcement officers not employed by the United States.

The Assistant Attorney General in charge of the Criminal Division is authorized to exercise or perform any of the functions or duties conferred upon the Attorney General by the Act to Compensate Law Enforcement Officers not Employed by the United States Killed or Injured While Apprehending Persons Suspected of Committing Federal Crimes (5 U.S.C. 8191, 8192, 8193).

The amendment made by this order shall be effective upon publication in the FEDERAL REGISTER.

Dated: August 8, 1968.

RAMSEY CLARK,
Attorney General.

[F.R. Doc. 68-9747; Filed, Aug. 13, 1968; 8:51 a.m.]

Title 29—LABOR

Chapter XIV—Equal Employment Opportunity Commission

PART 1604—GUIDELINES ON DISCRIMINATION BECAUSE OF SEX

Job Opportunities Advertising

On April 14, 1967, the Equal Employment Opportunity Commission published a notice (32 F.R. 5999) of proposed interpretative rules which stated that amendments to the Commission's Guidelines on Discrimination Because of Sex were being considered. The subject matter of the amendments included a revision of the Commission's position with regard to job opportunities advertising set forth at 29 CFR 1604.4 (31 F.R. 6414, Apr. 28, 1966) in accord with a petition filed pursuant to 29 CFR 1601.32. The notice stated that a public hearing on this and other questions involving the Commission's Guidelines on Discrimination Because of Sex would be held on May 2 and 3, 1967; interested persons were invited to participate. After consideration of the petition, the testimony presented at the hearings, and statements submitted in connection with the hearing, the Commission herewith revises 29 CFR 1604.4 in its entirety, effective December 1, 1968; to read as follows:

§ 1604.4 Job opportunities advertising.

It is a violation of Title VII for a help-wanted advertisement to indicate a preference, limitation, specification, or discrimination based on sex unless sex is a bona fide occupational qualification for the particular job involved. The placement of an advertisement in columns classified by publishers on the basis of sex, such as columns headed "Male" or "Female," will be considered an expression of a preference, limitation, specification, or discrimination based on sex.

Signed at Washington, D.C., this 9th day of August 1968.

CLIFFORD L. ALEXANDER, JR.,
Chairman.

[F.R. Doc. 68-9749; Filed, Aug. 13, 1968; 8:51 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 342—OFFERING OF UNITED STATES SAVINGS NOTES

Description of Notes

Correction

In F.R. Doc. 68-8234 appearing at page 11208 in the issue of Thursday, August 8, 1968, in the table of § 342.2(c), the third figure in the "Denomination" column should read "75.00".

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 177—FEDERAL, STATE AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

Maximum Interest Rate

Section 177.35(a) dealing with the maximum rate of interest that may be charged on the unpaid principal balance of loans insured under the Federal loan insurance program is hereby amended to provide for an increased in such maximum rate from 6 percent per year to 7 percent per year. As so amended, § 177.35 (a) reads as follows:

§ 177.35 Rate of interest; late charges.

(a) *Rate of interest.* The maximum rate of interest on the unpaid principal

balance of a loan may not exceed 7 percent per year calculated from the date of disbursement of funds by the lender to the borrower, exclusive of any premium for insurance.

* * * * *

Effective date. This amendment shall become effective with respect to loans made on or after the date of signature by the Secretary of Health, Education, and Welfare.

(Sec. 427(b), 77 Stat. 1240; 20 U.S.C. 1077)

Dated: August 3, 1968.

[SEAL] WILBUR J. COHEN,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 68-9736; Filed, Aug. 13, 1968; 8:50 a.m.]

PART 178—FEDERAL, STATE AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS AND DIRECT FEDERAL LOANS TO VOCATIONAL STUDENTS

Maximum Interest Rate

Section 178.35(a) dealing with the maximum rate of interest that may be charged on the unpaid principal balance of loans insured under the Federal loan insurance program is hereby amended to provide for an increase in such maximum rate from 6 percent per year to 7 percent per year. As so amended, § 178.35 (a) reads as follows:

§ 178.35 Rate of interest; late charges.

(a) *Rate of interest.* The maximum rate of interest on the unpaid principal balance of a loan may not exceed 7 percent per year calculated from the date of disbursement of funds by the lender to the borrower, exclusive of any premium for insurance.

* * * * *

Effective date. This amendment shall become effective with respect to loans made on or after the date of signature by the Secretary of Health, Education, and Welfare.

(Sec. 8(b), 79 Stat. 1040; 20 U.S.C. 987)

Dated: August 3, 1968.

[SEAL] WILBUR J. COHEN,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 68-9737; Filed, Aug. 13, 1968; 8:50 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 16474]

PART 17—CONSTRUCTION, MARKING, AND LIGHTING OF ANTENNA STRUCTURES

Lighting Equipment and Paint; Correction

The Federal Specifications for the Aviation Surface Orange and Aviation Surface Orange (Enamel) paints in the table under § 17.53 of Part 17 of the above described report and order, FCC 67-871, released August 3, 1967, 32 F.R. 11266, erroneously specified Federal Specifications TT-P-50 and TT-E-189. Notice of proposed rule making, FCC 66-174, released February 25, 1966, correctly specified Federal Specifications TT-P-59 and TT-E-489. Accordingly, the table of specifications under § 17.53 of Part 17 of the rules is corrected to read as follows:

§ 17.53 Lighting equipment and paint.

The lighting equipment, color of filters, and shade of paint referred to in the specifications are further defined in the following government and/or Army-Navy aeronautical specifications, bulletins, and drawings (lamps are referred to by standard numbers):

Outside white	Federal Specifications	TT-P-102 [1].
Aviation surface orange	do	TT-P-59 [1] (Color No. 12197 of Federal Standard 595).
Aviation surface orange, enamel	do	TT-E-489 [1] (Color No. 12197 of Federal Standard 595).
Code beacon	FAA specifications	446 (Sec. II-d-Style 4). [2]
Obstruction light globe, prismatic	Army-Navy drawing	AN-L-10A [3] or FAA Specification L-810. [3]
Obstruction light globe, Fresnel	do	
Single multiple obstruction light fitting assembly	do	
Obstruction light fitting assembly	do	
100-watt lamp		#100 A21/TS. [4]
107-watt lamp		#107 A21/TS (3,000 hours).
116-watt lamp		#116 A21/TS (6,000 hours).
500-watt lamp		#500 PS-40 (1,000 hours). [4]
620-watt lamp		#620 PS-40 (3,000 hours).
700-watt lamp		#700 PS-40 (6,000 hours).

[1] Copies of this specification can be obtained from the Specification Activity, Room 1643, Federal Supply Service Center, General Services Administration, 7th and D Streets SW., Washington, D.C. 20407 (Outside white, 5 cents; aviation surface orange paint, 5 cents, enamel, 10 cents.

[2] Copies of Army-Navy specifications or drawings can be obtained by contacting the Commanding General, Air Materiel Command, Wright Field, Dayton, Ohio 45433, or the Naval Air Systems Command, Navy Department, Washington, D.C. 20360. Information concerning Army-Navy specifications or drawings can also be obtained from the Federal Aviation Administration, Washington, D.C. 20553.

[3] Copies of the specification can be obtained from the Federal Aviation Administration, Washington, D.C. 20553.

[4] The 116-watt, 6,000-hour lamp and the 700-watt, 6,000-hour lamp may be used instead of the 100-watt and the 500-watt lamps whenever possible in view of the extended life, lower maintenance cost, and greater safety which they provide.

Released: August 9, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-9738; Filed, Aug. 13, 1968; 8:50 a.m.]

[FCC 68-818]

PART 73—RADIO BROADCAST SERVICES

Times at Which Equipment Performance Measurements Shall Be Made

Order. 1. Section 73.47 of the Commission's rules and regulations for standard broadcast stations requires, among other things, that equipment performance measurements be made "at yearly intervals." A similar requirement is made in § 73.254, the corresponding section of the FM broadcast rules.

2. In enforcing these rules, the Commission has consistently interpreted the phrase "at yearly intervals" to require that no greater period than 1 year elapse between successive sets of such measurements. Despite this fact, the phrase has been otherwise interpreted by Commission licensees in a number of cases. While some licensees have been clearly delinquent by any reasonable interpretation of the rules, others apparently have failed in good faith attempts to meet their requirements only because they believed the phrase "at yearly intervals" offered some latitude in the scheduling of measurements.

3. It is the purpose of this proceeding to amend the above mentioned sections of the rules to eliminate any possible misunderstanding of their meaning. Further, since licensees attempting to meet a rigid 1-year schedule are sometimes defeated by unforeseen circumstances, the amended rules provide what is, in effect, a cushion of up to 2 months for such contingencies. It should be observed, however, that since measurements are required once each calendar year, any attempt to use this provision repeatedly to extend the interval between successive sets of measurements to fourteen months will result in dissipation of the cushion.

4. We are also taking this opportunity to delete the last sentence from subparagraph (5) of paragraph (a), and add it to the text in paragraph (a) of § 73.47, and to delete the last sentence from subparagraph (4) of paragraph (b) and to add it to the text of paragraph (b) of § 73.254. The material so transferred sets forth the transmitter and circuit conditions which shall obtain during all equipment performance measurements. Its present location in each of the abovementioned sections in a subparagraph which describes one particular set of measurements, has resulted in questions as to its pertinence to other measurements. The relocation of the material should make clear its general applicability.

5. Authority for the promulgation of these amendments is set forth in sections 4(i), 4(j), and 303(r) of the Communications Act of 1934, as amended. Because the amendments are interpretative in nature, remove uncertainties and afford a measure of relief for Commission licensees in a currently troublesome enforcement area, we find that institution of rule making proceedings pursuant to section 4 of the Administrative Procedure Act is unnecessary, and the attendant delay in the adoption of these rule amendments would be contrary to the public interest.

6. *Accordingly, it is ordered,* Effective August 16, 1968, that Part 73 of the Commission's rules and regulations is amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended 1006, 1082; 47 U.S.C. 154, 303)

Adopted: August 7, 1968.

Released: August 9, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. In § 73.47(a), the introductory text and subparagraph (5) are amended to read as follows:

§ 73.47 Equipment performance measurements.

(a) The licensee of each standard broadcast station shall make equipment performance measurements of authorized main and alternate main transmitters at least once each calendar year: *Provided, however,* That the dates of completion of successive sets of measurements shall be no more than fourteen months apart. One set of equipment performance measurements shall be made during the four-month period preceding the filing date of the application for renewal of station license. If the same transmitter is authorized for more than one mode of operation, equipment performance measurements of this transmitter need be made only at the highest authorized power level. Equipment performance measurements for auxiliary transmitters are not required. Equipment performance measurements shall be made with equipment adjusted for normal program operation, and shall include all circuits between the main studio amplifier input and antenna output, including equalizer or correction circuits normally employed, but without compression if such amplifier is employed. The measurement program shall yield the following information:

* * * * *

(5) Measurements or evidence showing that spurious radiations including radio frequency harmonics are suppressed or are not present to a degree capable of causing objectionable interference to other radio services. Field intensity measurements are preferred but observations made with a communications type receiver may be accepted. However, in particular cases involving interference or controversy, the Commission may require actual measurements.

* * * * *

2. In § 73.254(b), the introductory text and subparagraph (4) are amended to read as follows:

§ 73.254 Required transmitter performance.

* * * * *

(b) The licensee of each FM broadcast station shall make equipment performance measurements at least once each calendar year: *Provided, however,* That the dates of completion of successive sets of measurements shall be no more than fourteen months apart. One set of measurements shall be made during the four month period preceding the filing date of the application for renewal of station license. Equipment performance measurements shall be made with equipment adjusted for normal program operation and shall include all circuits between the main studio microphone terminals and the antenna circuit, including telephone lines, preemphasis circuits and any equalizers employed, except for microphones, and without compression if a compression amplifier is installed. The measurement program shall yield the following information:

* * * * *

(4) Output noise level (amplitude modulation) in the band of 50 to 15,000 cycles in decibels below the level representing 100 percent amplitude modulation. The noise measurements shall be made employing 75 microsecond deemphasis in the measuring equipment or system.

* * * * *

[F.R. Doc. 68-9739; Filed, Aug. 13, 1968; 8:50 a.m.]

[Docket No. 17295]

PART 81—STATIONS ON LAND IN MARITIME SERVICES

PART 83—STATIONS ON SHIPBOARD IN MARITIME SERVICES

Miscellaneous Amendments; Correction

In the matter of amendment of Parts 2, 81, and 83; reduction of channel spacing to 25 kc/s, allotment of channels, establishment of revised technical criteria and categories of communication in the maritime mobile service band 156-162 Mc/s for VHF radiotelephony; Docket No. 17295.

1. In the amendments following the Report and Order in the above entitled matter released July 25, 1968, FCC 68-740 (33 F.R. 10849), certain corrections are necessary to conform to the report and order. For instance, in §§ 81.104(c)(2) and 83.131, an effective date of March 1, 1969, for implementing these provisions was omitted. In addition, use of certain frequencies carry conditions which should be deleted, and there are minor matters which need correction.

2. In view of the foregoing, Parts 81 and 83 are amended as set forth below.

Released: August 9, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

A. Part 81, Stations on Land in the Maritime Services:

1. In § 81.104, a note is added following subparagraph (2) of paragraph (c), to read as follows:

NOTE: The provisions of subparagraph (2) are effective March 1, 1969.

2. In § 81.142(i), footnote 2 is corrected to read as follows:

[2] Transmitters type accepted after Mar. 1, 1969; transmitters type accepted prior to Mar. 1, 1969, shall be equipped by Jan. 1, 1971.

3. In § 81.356, in the table following paragraph (a), under the column headed "Conditions of Use", delete the figure "5".

B. Part 83, Stations on Shipboard in the Maritime Services:

1. In § 83.106, a note is added following paragraph (b), to read as follows:

NOTE: The licensee of a ship station authorized prior to September 3, 1968, for single channel or dual channel equipment may continue to use such equipment in the same station until January 1, 1974.

2. In § 83.131, the footnote 1 following paragraph (c) is corrected to read as follows:

[1] The tolerance shown in the table is applicable to types of transmitters type accepted after Mar. 1, 1969, and to all transmitters after Jan. 1, 1974. Until Jan. 1, 1974, a tolerance of 20 parts in 10^6 is applicable to types of transmitters which were type accepted before Mar. 1, 1969.

3. Instruction number 6 appearing on page 10861 which reads: "6. In § 81.137, * * *", is corrected to read as follows:

6. In § 83.137, paragraph (b) is amended and a new paragraph (g) is added to read as follows:

4. Following § 83.224, a note is added to read as follows:

NOTE: Ship stations operating under the provisions in the note to § 83.106 are exempt from the watch requirement on 156.800 Mc/s.

5. In § 83.351, in the table of subparagraph (5) of paragraph (a) under the column headed "Conditions of Use":

a. Delete the figure "39", where it appears opposite the following frequencies: 156.550, 156.900, 156.950, 157.000, 157.275, 157.325 and 157.375 Mc/s.

b. Add the figure "47", opposite the frequency 156.750 Mc/s.

c. Delete one of the two figures "51", where it appears opposite the frequencies 157.325 and 157.375 Mc/s.

[F.R. Doc. 68-9740; Filed, Aug. 13, 1968; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 728—WHEAT

Subpart—Regulations Pertaining to Farm Acreage Allotments, Yields, and Wheat Certificate Program for Crop Years 1968-69

1969 COUNTY ACREAGE ALLOTMENTS; CORRECTION

In F.R. Doc. 68-8699 appearing at page 10627 in the issue of Friday, July 26, 1968, the following changes should be made in the tabular material of § 728.357:

1. Under New Jersey, page 10634:

(a) For Passaic County, change the entry in the first figure column from "3,116" to "0".

(b) For Salem County, change the entry in the first figure column from "3,653" to "3,116".

(c) For Somerset County, change the entry in the first figure column from "136" to "3,653".

(d) For Sussex County, change the entry in the first figure column from "24" to "136".

(e) For Union County, change the entry in the first figure column from "2,391" to "24".

(f) For Warren County, change the entry in the first figure column from "0" to "2,391".

2. Under Oklahoma, page 10636, for Love County, change the entry in the first figure column from "1,379" to "1,377".

(Secs. 334, 375, 52 Stat. 53, as amended by 79 Stat. 1199, 66, as amended; 7 U.S.C. 1334, 1375)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 8, 1968.

ROLAND F. BALLOU,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-9745; Filed, Aug. 13, 1968; 8:51 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Container and Pack Regulations

On July 17, 1968, notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 10210), that consideration was being given to the termination of the provisions of § 906.311 (7 CFR 906.311; 32 F.R. 13113; 33 F.R. 848) of Subpart—Container and Pack Requirements, and to substitute therefor the following new § 906.340; effective under the Marketing Agreement No. 141, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the recommendation and information submitted by the Texas Valley Citrus Committee (established pursuant to the amended marketing agreement and order), and other available information, it is hereby found and determined that § 906.340 *Container and pack regulations*, as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rule making concerning this regulation, with an effective date of August 15, 1968, was published in the FEDERAL REGISTER on July 17, 1968 (33 F.R. 10210), and no objection to this regulation or such effective date was received; (2) no special preparation on the part of handlers is required to comply with this regulation which cannot be completed by the effective time hereof; (3) special provisions of § 906.340 will allow handlers to use up their current supply of currently authorized containers, which would otherwise be prohibited by this new container and pack regulation; (4) the effective date of August 15, 1968, will allow handlers to prepare for the 1968–69 season, which usually begins in September, by informing them sooner which containers will be authorized for the shipment of oranges and grapefruit, and it will give them ample time for the ordering of and the delivery of such containers; and (5) the effective date of August 15, 1968, will discourage the further purchase of currently authorized containers, which will be restricted under § 906.340.

§ 906.340 Container and pack regulations.

(a) *Order.* Except as otherwise provided herein or by, or pursuant to, the provisions of Marketing Agreement No. 141, as amended, and this part, regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, no handler shall, on and after August 15, 1968, handle any fruit unless such fruit is in one or more of the following containers, and the pack of such fruit conforms to all applicable requirements of this section:

(1) *Containers.* (i) Closed wirebound wooden box with inside dimensions of 16¼ x 10¼ x 10¼ inches, described in Freight Container Tariff 2G as container No. 3672;

(ii) Closed fully telescopic fibreboard carton with inside dimensions of 16½ x 10¾ x 9½ inches, described in Freight Container Tariff 2G as container No. 6506;

(iii) Closed fully telescopic fibreboard carton with inside dimensions of 19¾ x 13½ x 13 inches: *Provided*, That the cover section and bottom section each has a Mullen or Cady test of at least 250 pounds;

(iv) Bags having a capacity of 5, 8, or 20 pounds of fruit;

(v) Closed fibreboard carton with inside dimensions of 19¾ x 13 inches and of a depth from 12½ to 13½ inches: *Provided*, That the container has a Mullen or Cady test of at least 250 pounds and the container is used only for the shipment of six 8-pound bags of fruit;

(vi) Closed fibreboard carton with inside dimensions of 20 x 13¼ inches and of a depth from 9¾ to 10¾ inches: *Provided*, That the container has a Mullen or Cady test of at least 250 pounds and the container is used only for the shipment of eight 5-pound bags of fruit;

(vii) Closed fibreboard carton with inside dimensions of 13¼ x 10½ x 7¼ inches: *Provided*, That the container has a Mullen or Cady test of at least 200 pounds;

(viii) Such other types and sizes of containers as may be approved by the Texas Valley Citrus Committee for testing in connection with a research project conducted by or in cooperation with the said committee: *Provided*, That the handling of each lot of fruit in such test containers shall be subject to prior approval, and under the supervision, of the Texas Valley Citrus Committee; and

(ix) Those containers which on August 14, 1968, were authorized under § 906.311 *Container and Pack Regulations*, as then in effect (§ 906.311; 32 F.R. 13113; 33 F.R. 848) but which do not meet the requirements specified in this section may be used: *Provided*, That such handler had such containers on hand on August 14, 1968, and obtains written approval from the Texas Valley Citrus Committee prior to his use of such containers.

(2) *Pack regulations*—(i) *Oranges.* Oranges, when in any box, bag, or carton, shall be of a size within the diameter limits specified for one of the following pack sizes and when packed in boxes or cartons shall be packed in accordance with the requirements of standard pack, except that not to exceed 10 percent, by count, of such oranges may be outside such diameter limits:

Pack sizes	Diameter limits in inches	
	Minimum	Maximum
100	3 7/16	3 13/16
125	3 3/16	3 5/16
163	2 13/16	3 5/16
200	2 13/16	3 1/16
252	2 7/16	2 13/16
288	2 5/16	2 9/16
324	2 3/16	2 5/16

(ii) *Grapefruit.* Grapefruit, when in any box, bag, or carton shall be of a size within the diameter limits specified for the various pack sizes for standard pack set forth in Table I of the U.S. Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (§§ 51.620–51.658 of this title), or be of a size within the diameter limits of the pack size specified in this paragraph, and when in boxes or cartons shall be packed in accordance with the requirements of standard pack, except that not to exceed 10 percent, by count, of such grapefruit may be outside such diameter limits:

Pack sizes	Diameter limits in inches	
	Minimum	Maximum
46	4 5/16	5

(b) *Nonapplicability.* The provisions of this section shall not apply to gift packages of fruit.

(c) *Meaning of terms.* Terms used in the amended marketing agreement and order and this part shall, when used herein, have the same meaning as given to such terms in said amended marketing agreement and this part; and terms relating to grade, pack, standard pack, and diameter, when used herein, shall have the same meaning as given to such terms in the U.S. Standards for Oranges (Texas and States other than Florida, California, and Arizona) (§§ 51.680–51.712 of this title), and the U.S. Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (§§ 51.620–51.658 of this title), as applicable; and "closed" means closed in accordance with good commercial practices.

Termination order. The provisions of § 906.311 *Container and pack regulations* (7 CFR 906.311; 32 F.R. 13113; 33 F.R. 848) of Subpart—Container and Pack Requirements are hereby terminated on August 15, 1938.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 9, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9705; Filed, Aug. 13, 1968; 8:48 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 68-192]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Merchandise From France

In a Notice of Countervailing Duty Proceedings published in the FEDERAL REGISTER of July 9, 1968 (33 F.R. 9834), the Commissioner of Customs announced that information had been received which appeared to indicate that certain measures adopted by the Government of France in Decree 68-581 dated June 29, 1968, with respect to the exportation of merchandise from France constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303), upon the manufacture, production, or exportation of the merchandise to which the measures apply. This decree has since been amended by Decree 68-599 dated July 6, 1968. English translations of Decrees 68-581 and 68-599 are attached to this order.[1] The notice provided interested parties 30 days from the date of publication to submit data, views, or arguments with regard to the existence or nonexistence and the net amount of a bounty or grant.

An investigation was conducted pursuant to § 16.24(d) of the Customs Regulations (19 CFR 16.24(d)).

After consideration of all information received, the Bureau is satisfied that exports of merchandise from France which are benefited by the allowances provided for by Decree 68-581 of June 29, 1968, as amended, receive bounties or grants within the meaning of section 303.

Accordingly, notice is hereby given that all dutiable merchandise, imported directly or indirectly from France, if entered for consumption or withdrawn from warehouse for consumption after the expiration of 30 days after publication of this notice in the Customs Bulletin, will be subject to the payment of countervailing duties unless it can be proved that the importation was not benefited by an allowance provided for by Decree 68-581, as amended.

[1] English translations filed as part of the original document.

In accordance with section 303, the net amount of the bounty or grant under the information presently available has been ascertained and determined or estimated, and such net amount is hereby declared to be 2.5 percent of the f.o.b. price of such exported merchandise. Effective on the 31st day after the date of publication of the notice in the Customs Bulletin and until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of such dutiable merchandise imported directly or indirectly from France which benefits from such bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declaration.

Any merchandise subject to the terms of this order shall be deemed to have benefited from a bounty or grant if such bounty or grant has been or will be paid or credited, directly or indirectly, upon the manufacture, production, or exportation of such merchandise.

The table in § 16.24(f) of the Customs Regulations is amended by inserting the following item in the proper alphabetical order:

Country	Commodity	Treasury decision	Action
France	All merchandise except that not benefited by decree 68-581 dated June 29, 1968, as amended by decree 68-599 dated July 6, 1968.		Bounty declared—Rate.

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: August 10, 1968.

JOSEPH M. BOWMAN,
Assistant Secretary of the Treasury.

[F.R. Doc. 68-9821; Filed, Aug. 13, 1968; 11:59 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 68-85]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Mispillion River, Del.

1. The Delaware State Highway Department by letter dated July 18, 1967, requested the Philadelphia District, Corps of Engineers to revise the operating regulations for the drawbridge across the Mispillion River on State Route 14 at Milford, Kent and Sussex Counties, Del. A public notice dated January 10, 1968, setting forth the proposed revision of the regulations governing this drawbridge was issued by the Philadelphia District, Corps of Engineers and was made available to all persons known to have an interest in this subject. After consideration of all comments submitted in response to this proposal the revision is accepted. The purpose of this document is to amend the requirements in 33 CFR 117.237a and to revise the special regulations for the operation of Delaware State Route 14 bridge across the Mispillion River at Milford, Del.

2. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 14 U.S.C. 632 and 49 CFR 1.4(a)(3), the text of 33 CFR 117.237a shall read as follows and shall be effective on and after 30 days after date of publication of this document in the FEDERAL REGISTER:

§ 117.237a Mispillion River, Delaware; Delaware State Route 14 bridge at Washington Street, Milford.

(a) The owner of or agency controlling this bridge will not be required to keep a drawtender in constant attendance.

(b) Opening requirements:

(1) This bridge shall open on signal from 8 a.m. to 8 p.m. daily, except from May 31 to September 15 the draw need not be opened from 5 p.m. to 8 p.m. on Fridays, 8 a.m. to 2 p.m. on Saturdays and 11 a.m. to 8 p.m. on Sundays.

(2) From 8 p.m. to 8 a.m., at least 24 hours' advance notice must be given to the authorized representative of the owner of or agency controlling the bridge who shall arrange for the prompt opening of the draw on signal.

(c) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the representatives specified in paragraph (b) of this section may be reached.

(d) The operating machinery of the draw shall be maintained in a serviceable condition and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g), 80 Stat 941; 33 U.S.C. 499, 49 U.S.C. 1655(g); 49 CFR 1.4(a)(3)(v); 32 F.R. 5606)

Dated: August 7, 1968.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 68-9699; Filed, Aug. 13, 1968; 8:47 a.m.]

[CGFR 68-91]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Smyrna River, Del.

1. The Delaware State Highway Department by letter dated May 20, 1968, requested the Philadelphia District, Corps of Engineers to revise the operating regulations for the Fleming Landing swing bridge across the Smyrna River 4 miles northeast of Smyrna, Del. A public notice dated May 29, 1968, setting forth the proposed revision of the regulations governing this drawbridge was issued by the Philadelphia District, Corps

of Engineers and was made available to all persons known to have an interest in this subject. After consideration of all comments submitted in response to this proposal the revision is accepted. The purpose of this document is to set forth the requirements in 33 CFR 117.238 and to prescribe special regulations for the operation of the Fleming Landing highway swing bridge.

2. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 14 U.S.C. 632 and 49 CFR 1.4(a)(3), the text of 33 CFR 117.238 shall read as follows and shall be effective on and after 30 days after date of publication of this document in the FEDERAL REGISTER:

§ 117.238 Smyrna River, Del.

(a) *Fleming Landing highway bridge.* At least 24 hours' advance notice shall be given to New Castle County Division Engineer, Delaware State Highway Department, Bear, Del. In all other respects, the regulations contained in § 117.245 (a) through (e) shall govern the operation of this bridge.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g), 80 Stat. 941; 33 U.S.C. 499; 49 U.S.C. 1655(g); 49 CFR 1.4(a)(3)(v); 32 F.R. 5606)

Dated: August 6, 1968.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 68-9700; Filed, Aug. 13, 1968; 8:47 a.m.]

[CGFR 68-58]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Canaveral Harbor Barge Canal, Fla.

1. The Brevard County Board of Commissioners by letter dated February 23, 1968, requested the Jacksonville District, Corps of Engineers to revise the closed periods for the Canaveral Harbor Barge Canal drawbridge on State Road 401, Brevard County, Fla. A public notice dated March 7, 1968, setting forth the proposed revision of the regulations governing this drawbridge was issued by the Commander, 7th Coast Guard District and was made available to all persons known to have an interest in this subject. After consideration of all comments submitted in response to this proposal the revision is accepted. The purpose of this document is to amend the requirements in 33 CFR 117.437 and add 33 CFR 117.438. This will prescribe the special regulations for the operation of drawbridges across the Canaveral Harbor Barge Canal at State Road A1A on Merritt Island and at State Road 401.

2. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 14 U.S.C. 632 and 49 CFR 1.4(a)(3), the text of 33 CFR 117.437 and 33 CFR 117.438 shall read as follows and shall be effective on and after 30 days after date of publication of this document in the FEDERAL REGISTER.

§ 117.437 Canaveral Harbor Barge Canal, Fla.; Florida State Road A1A bridge on Merritt Island.

(a) From 6:45 a.m. to 7:45 a.m. and from 4:15 p.m. to 5:45 p.m. Monday through Friday, excluding National holidays, the draw need not be opened except for the passage of towboats with tows, public vessels, and vessels in distress.

(b) From 10 p.m. to 6 a.m. constant attendance of the draw is not required, and at least 3 hours' advance notice to the authorized representative is required for the opening of the draw.

(c) At all other times, the draw shall be opened promptly on signal.

(d) The owner of or agency controlling this bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such a manner that they can easily be read at any time, copies of the regulations in this section together with directions stating how the authorized representative may be contacted.

§ 117.438 Canaveral Harbor Barge Canal, Fla.; Florida State Road 401 at Canaveral Harbor.

(a) From 6:30 a.m. to 8 a.m. and from 3:30 p.m. to 5:15 p.m. Monday through Friday, excluding National holidays, the draw need not be opened except for the passage of towboats with tows, public vessels, and vessels in distress.

(b) From 10 p.m. to 6 a.m. constant attendance of the draw is not required, and at least 3 hours' advance notice to the authorized representative is required for the opening of the draw.

(c) At all other times, the draw shall be opened promptly on signal.

(d) The owner of or agency controlling this bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such a manner that they can easily be read at any time, copies of the regulations in this section together with directions stating how the authorized representative may be contacted.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g), 80 Stat. 941; 33 U.S.C. 499, 49 U.S.C. 1655(g); 49 CFR 1.4(a)(3)(v); 32 F.R. 5606)

Dated: August 7, 1968.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 68-9698; Filed, Aug. 13, 1968; 8:47 a.m.]

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Fox River, Wis.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.460 governing the use, administration and navigation of the locks and canals on the Fox River, Wis., is hereby amended to effect changes in lockage service and other minor changes by revising paragraph (a) in its entirety, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.460 Fox River, Wis.

(a) *Use, administration and navigation of the locks and canals.*—(1) *Navigation.* The Fox River and Wolf River navigation seasons will commence and close as determined by the District Engineer, Corps of Engineers, in charge of the locality, depending on conditions and the need for lockage service. Public notices will be issued announcing the opening and closing dates at least 10 days in advance of such dates.

(2) *Authority of lockmaster.* The movement of all boats, vessels, tows, rafts and floating things, both powered and nonpowered, in the canals and locks, approaches to the canals, and at or near the dams, shall be subject to the direction of the Project Engineer, Corps of Engineers, Appleton Project Office, Appleton, Wis., or his duly authorized representatives in charge at the various locks.

(3) *Signals.* All boats approaching the locks shall signal for lockage by four distinct whistles of short duration. Locks will not be opened on such audible signal during the period when advance notice is required if the services of the lock tender are required elsewhere to meet prior requests for lockages.

(4) *Mooring in locks.* All craft being locked shall be secured to the mooring posts on the lock walls. Large craft shall use one head line and at least one spring line. Lines shall remain fastened until the signal is given by the lock tender for the craft to leave the lock.

(5) *Delays in canals.* No boat, barge, raft or other floating craft shall tie up or in any way obstruct the canals or approaches, or delay entering or leaving the locks, except by permission from proper authority. Boats wishing to tie up for some hours or days in the canals must notify the Project Engineer directly or through a lock tender, and proper orders on the case will be given. Boats so using the canals must be securely moored in the places assigned, and if not removed promptly on due notice, will be removed, as directed by the Project Engineer at the owner's expense. Boats desiring to tie up in the canals for the purpose of unloading cargoes over the canal banks must, in each case, obtain permission in advance from the District Engineer. Request for such permission shall be submitted through the Project Engineer.

(6) *Provisions for lockage service.* (i) Commercial vessels, barges, rafts and tows engaged in commerce will be provided lockages during the same period as provided for pleasure boats (see subdivision (iv) of this subparagraph).

(ii) Pleasure boats, powered and nonpowered, houseboats and similar craft will be provided with not more than one lockage each way through the same lock in a 24-hour period.

(iii) All small vessels or craft, such as skiffs, sculls, sailing boats, etc., shall be passed through locks in groups of not less than six at one lockage, or may be granted separate lockage if the traffic load at the time permits.

(iv) All craft will be given lockage at De Pere and Menasha Locks between 8 a.m. and 12 midnight daily during the recreational boating season as established by the District Engineer. At all intermediate locks above De Pere and below Menasha, lockages without prior notice will be provided between the hours of 10 a.m. and 6 p.m. daily. In addition, lockages will be provided during certain other hours at the intermediate locks provided prior requests are made to the Corps of Engineers, Appleton Project Office.

NORMAL AND ADDITIONAL LOCKAGE TIMES

Lock location	Normal lockage times without prior request	Additional lockage times with prior request (Note 1)	Notes
Menasha	8 a.m. to 12 midnight	None	None.
Appleton	10 a.m. to 6 p.m.	8 a.m. to 10 a.m.	2.
		6 p.m. to 12 midnight	3 and 4.
Cedars	do	do	Do.
Little Chute	do	do	Do.
Combined	do	do	Do.
Kaukauna	do	do	Do.
Rapide Croche	do	do	2.
		8 a.m. to 12 midnight	3 and 4.
Little Kaukauna	do	6 p.m. to 12 midnight	2 and 3.
		8 a.m. to 10 a.m.	4 and 5.
De Pere	8 a.m. to 12 midnight	None	None.

NOTE 1. a. Requests may be made either in writing, by telephone or in person to the U.S. Army, Corps of Engineers, Appleton Project Office, 905 South Oneida Street, Appleton, Wis., Telephone Regent 4-4917.

b. Regular business hours of the Appleton Project Office are from 8:15 a.m. to 4:45 p.m., Monday through Friday.

c. During the period from the Saturday before Memorial Day to the Sunday after Labor Day, the Menasha and De Pere Locks will be operational between 11 a.m. and 1 p.m. on Saturdays, Sundays and holidays to receive requests for additional lockages at the intermediate locks.

d. Requests will include name, address, business and home telephone numbers as well as name and registration number of the boat and the approximate time of lockage requirements at each of the locks involved.

e. Only one request need be given for groups of boats.

f. If, for any reason, a requested lockage will not be made or must be delayed unreasonably, prompt advice must be given to the Appleton Project Office, or, if after office hours (see "b" and "c" above), to the Lockmaster at either Menasha or De Pere Locks.

NOTE 2. For lockages between 8 a.m. and 10 a.m. at the Appleton, Rapide Croche and Little Kaukauna Locks:

a. Requests for lockages during these hours must be received in the Appleton Project Office no later than 1 p.m. on the day before lockage is required.

b. Requests for lockages on Sundays and Mondays must be received no later than 1 p.m. on preceding Fridays except as noted in c below.

c. During period covered by Note 1c, above, requests will be received no later than 1 p.m. on the day before lockage is required.

NOTE 3. For lockages between 6 p.m. and 12 midnight—at all intermediate locks:

a. Requests for lockages during this period must be received in the Appleton Project Office no later than 1 p.m. on the day lockage is required.

b. Requests for lockages on Saturdays and Sundays must be received no later than 1 p.m. on preceding Fridays except as noted in c below.

c. During the period covered by Note 1c above, requests will be received no later than 1 p.m. on the day lockage is required.

NOTE 4. In order for a boat to complete a trip between the Intermediate Locks after 6 p.m. locking service will be made available without prior request provided the boat is in the intermediate lock system before 6 p.m.

NOTE 5. In order for a boat to complete a trip, northbound lockage service at the Little Kaukauna Locks will be made available between 6 p.m. to 12 midnight, without the prior request described in Note 3 above, provided notice of requirement is given to the lockmaster at this lock prior to 6 p.m.

(7) *Injury to locks or fixtures.* Vessel operators shall use great care not to strike any part of the locks or sluice walls, or any gate or appurtenance thereto, or machinery for operating the gates, or the walls protecting the banks of the canals. All boats using the canals shall be free from projecting irons or rough surfaces that would be liable to damage the locks or any part of the canals, and they must be provided with fenders to be used in guarding the lock walls, etc., from injury. Boats will not be permitted to enter or leave the locks until the lock gates are fully in the gate recesses, and the lock tender has directed the boat to proceed. No vessel shall be raced or crowded alongside another vessel, or be moved at such speed as will cause excessive swells or wash. Speed shall be kept at a minimum consistent with safe navigation.

(8) *Handling gates.* No one, unless authorized by the lock tender, shall open or close any gate, or valve, or in any way interfere with the employees in the discharge of their duties. The lock tender may call for assistance from the master of any boat using the lock should such aid be needed.

(9) *Draft of boats.* No boat shall enter a canal or lock whose actual draft exceeds the least depth of water in the channel of the canal as given by the Project Engineer.

(10) *Right-of-way.* Boats going downstream shall have the right-of-way over boats going upstream. Ordinarily, the boats or tows arriving first at any of the locks shall have precedence in passage except that those vessels which have given advance notice, when such notice is required, shall have precedence over other vesels when such notifying vessel is ready for passage. In all cases boats and barges belonging to the United States, or employed upon public works, shall have precedence over all others, and commercial passenger boats shall have precedence over tows. All boats not taking advantage of the first lawful opportunity to pass shall lose their turn. When lockage has started on tows requiring multiple lockages, all units of the tow will be locked ahead of other vessels traveling in the same direction. In the case of tows requiring two lockages, any craft awaiting lockage in the opposite direction will have priority over the second lockage of the tow.

(11) *Boats and rafts without power.* No boat or raft without power except small boats controlled by sails or oars shall be brought through the canal unless accompanied by a power operated boat.

(12) *Dumping of refuse in waterway.* No refuse or other material shall be thrown or dumped from vessels into the natural river, improved channels, canals and locks or placed on any bank of the river or berm of the canals so that it is liable to be thrown or washed into the waterway. (Sec. 13 of the River and Harbor Act of Mar. 3, 1899 (30 Stat. 1152; 33 U.S.C. 407), prohibits the depositing of any refuse matter in any navigable water or along the banks thereof where the same shall be liable to be washed into such navigable water.)

(13) *Drawing off water.* No water shall be drawn by any party or parties from any portion of the Fox River canals, or of the Fox River, including its lakes, improved channels and unimproved channels, to such extent as to lower the water surface below the crest of that dam next below the place where such draft of water is affected.

(14) *Obstructing navigation.* Anyone who shall willfully or through carelessness in any way obstruct the free navigation of the waterway, or by violation of any of the laws or regulations governing the waterway and those using it, delay or inconvenience any boat having the right to use the waterway, shall be responsible for all damages and delays, and for all expenses for removing the obstructions. (Sec. 20 of the River and Harbor Act of Mar. 3, 1899 (30 Stat. 1154; 33 U.S.C. 415), authorizes the immediate removal or destruction of any sunken vessel, craft or similar obstruction, which impedes or endangers navigation.)

(15) *Commercial statistics.* (i) As required by section 11 of the River and Harbor Act of September 22, 1922 (42 Stat. 1043; 33 U.S.C. 555), owners, agents, masters or clerks of vessels plying the waterway shall submit a report on such activities for statistical purposes which shall contain the following information:

Name of vessel.
Name and address of owner or operator.
Type of vessel—steam, motor, sail, barge or other type.
Number of passengers.
Net registered tonnage—if not registered, approximate net tonnage.
Maximum draft at time of passage.
Cargo—by commodities, expressed in tons, or other units by which such commodities are customarily measured, giving origin and destination.

(ii) The report shall be mailed promptly to the District Engineer, Chicago District, Corps of Engineers, Attn: Operations Division—Statistics, 219 South Dearborn Street, Chicago, Ill. 60604, on forms furnished free of charge by that office. On written request, persons or corporations making frequent use of the waterway may be granted permission to submit monthly statements in lieu of reports by trips.

(16) *Trespass on U.S. property.* Trespass on waterway property or injury to the banks, locks, dams, canals, piers, fences, trees, buildings or any other property of the United States pertaining to the waterway is strictly prohibited. No business, trading or landing of freight or baggage will be allowed on or over Government property, unless a permit or lease approved by the Secretary of the Army has been secured.

* * * * * *

[Regs., July 17, 1968, 1507-32 (Fox River, Wis.) ENGCW-ON]

(Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For The Adjutant General.

R. F. ASKEY,
Colonel, AGC,
Comptroller, TAGO.

[F.R. Doc. 68-9682; Filed, Aug. 13, 1968; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 32]

HOLLA BEND NATIONAL WILDLIFE REFUGE, ARK.

Hunting

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Endangered Species Preservation Act of October 15, 1966, (80 Stat. 926, 16 U.S.C. 668aa), it is proposed to amend 50 CFR 32.11 by the addition of Holla Bend National Wildlife Refuge, Ark., to the list of areas open to the hunting of migratory game birds as legislatively permitted.

It has been determined that regulated hunting of migratory game birds may be permitted as designated on the Holla Bend National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 10 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 32.11 is amended by the following addition:

§ 32.11 List of open areas; migratory game birds.

* * * * *

ARKANSAS

Holla Bend National Wildlife Refuge.

* * * * *

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 8, 1968.

[F.R. Doc. 68-9668; Filed, Aug. 13, 1968; 8:45 a.m.]

National Park Service

[36 CFR Part 7]

YELLOWSTONE NATIONAL PARK

Fishing Restrictions

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended, 16 U.S.C. 3), and the Act of May 7, 1894 (28 Stat. 73, as amended, 16 U.S.C. 26), 245 DM-I (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4155) as amended, Regional Director, Midwest Region Order No 4 (31 F.R. 5769), as amended, it is proposed to amend § 7.13 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this amendment is to protect the fishery resource and at the same time provide a high quality angling experience for Park visitors. Hooking mortality from the use of bait is too great to protect remnant native fish populations or provide high quality angling for wild trout. The number of Park visitors and subsequent angling pressure continues to increase each year. This increase can be accommodated in a wild trout fishery only by decreasing the number of fish killed by man. It is proposed this amendment would become effective at the start of the 1969 fishing season.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to the proposed amendments to the Superintendent, Yellowstone National Park, Wyo. 83020, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 7.13 of Title 36 of the Code of Federal Regulations is amended as follows:

§ 7.13 Yellowstone National Park.

* * * * *

(e) *Fishing.* * * *

(6) *Restriction on use of lines, bait, and lures.* (i) Each person fishing in Park waters shall use only one rod or line.

(ii) Only artificial lures to which is attached no more than one single, double, or treble hook shall be used in Park waters except as specified in the following paragraph.

(iii) Only artificial flies with no more than a single hook may be used for fishing in the Firehole River, Madison River, Squaw Lake, and that section of the Gibbon River extending from the mouth of the stream to the crest of Gibbon Falls.

(iv) When in the possession of any fishing equipment and while immediately adjacent to or on waters of the Park, no person shall possess any fish bait (e.g., worms, insects, minnows, fish eggs, or other organic matter, or parts thereof), or fish lures, except as provided for in subdivisions (ii) and (iii) of this subparagraph.

JACK K. ANDERSON,
Superintendent, Yellowstone National Park, Wyo.

[F.R. Doc. 68-9712; Filed, Aug. 13, 1968; 8:49 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Integration of Qualified Plans With Social Security; Notice of Hearing

The proposed amendment to the regulations under section 401 of the Internal Revenue Code of 1954 (relating to qualified pension, profit-sharing and stock bonus plans) was published in the FEDERAL REGISTER for July 6, 1968.

Written comments on the proposed amendment received on or before September 27, 1968, will be considered before the final regulations are promulgated.

A public hearing on the provisions of this proposed amendment to the regulations will be held starting on Monday, September 16, 1968, at 10 a.m., e.d.s.t., and continuing if necessary on September 17 and 18 to hear oral comments from those who may desire to make an oral presentation in addition to commenting in writing. The hearing will be held in Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224. Notification of intention to attend the hearing may be given by telephone, 202-964-3935.

In order to provide an orderly schedule of appearances at a convenient time, it will be appreciated if all persons who desire an opportunity to present oral comments will so notify the Commissioner at the earliest practicable date, even if they expect to defer submission of their written comments until after the conclusion of the public hearing. It will also be appreciated if such persons will notify the Commissioner of the number of persons who will represent them at the hearing and, where possible, indicate the specific sections of the amendment on which they plan to comment.

[SEAL] JAMES F. DRING,
Director, Legislation and Regulations Division.

[F.R. Doc. 68-9805; Filed, Aug. 13, 1968; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 981]

ALMONDS GROWN IN CALIFORNIA

Salable and Surplus Percentages for 1968-69 Crop Year

Notice is hereby given of a proposal to establish for the 1968-69 crop year, which began July 1, 1968, salable and surplus percentages of 80 and 20 percent, respectively, applicable to California almonds. The proposed percentages would be established in accordance with the provisions of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), regulating the handling of almonds grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was unanimously recommended by the Almond Control Board.

All persons who desire to submit written data, views, or arguments, in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 8 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The proposed percentages are based upon the following estimates (kernel weight basis) for the crop year beginning July 1, 1968:

(1) Production of 83 million pounds;

(2) Trade demand for domestic almonds of 64.4 million pounds (which is based on a total demand of 65.0 million pounds less 600,000 pounds of imported almonds);

(3) Handler carryover of 23.2 million pounds on July 1, 1968;

(4) Desirable handler carryover of 25.2 million pounds on June 30, 1969;

(5) Trade demand and desirable handler carryover requirements for 1968 crop almonds of 66.4 million pounds (items 2 plus 4 minus 3); and

(6) 16.6 million pounds of surplus almonds (item 1 minus item 5).

On the basis of the foregoing estimates, salable and surplus percentages of 80 percent and 20 percent, respectively, appear to be appropriate for the 1968-69 season.

The proposal is as follows:

§ 981.218 Salable and surplus percentages for almonds during the crop year beginning July 1, 1968.

The salable and surplus percentages during the crop year beginning July 1, 1968, shall be 80 percent and 20 percent, respectively.

Dated: August 8, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 68-9706; Filed, Aug. 13, 1968; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Ch. II]

SUBSIDIZED OPERATORS

Guidelines for Payment

In F.R. Doc. 67-14066 (32 F.R. 16436, Nov. 30, 1967) comments by interested parties were invited to be submitted by December 18, 1967, relative to the guidelines set forth therein for payment of operating-differential subsidy to subsidized operators.

In F.R. Docs. 67-14669 (32 F.R. 17980), 68-1375 (33 F.R. 2531), 68-3671 (33 F.R. 4996), and 68-7031 (33 F.R. 8744), the date of December 18, 1967, was extended to February 5, 1968, April 1, 1968, July 1, 1968, and September 3, 1968, respectively.

Notice is hereby given that the time within which comments may be submitted is extended from September 3, 1968, to close of business on December 2, 1968.

Dated: August 8, 1968.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 68-9746; Filed, Aug. 13, 1968; 8:51 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 68-CE-68]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Sioux Falls, S. Dak.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Due to an increase in IFR air traffic into and out of Joe Foss Field, Sioux Falls, S. Dak., additional controlled airspace is needed so that air traffic control can provide more effective and efficient radar vectoring services to IFR aircraft operating into and out of this airport. In order to provide these services, it is necessary to alter the Sioux Falls transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

SIOUX FALLS, S. DAK.

That airspace extending upward from 700 feet above the surface within a 17-mile radius of the Sioux Falls VORTAC; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Sioux Falls VORTAC; and that airspace extending upward from 4,000 feet MSL north of Sioux Falls bounded on the north by V-26S, on the southeast by V-148 and on the southwest by V-15; within a 50-mile radius of Sioux Falls VORTAC, extending from the south edge of V-148S east of Sioux Falls clockwise to the northwest edge of V-148 west of Sioux Falls; and within a 55-mile radius of the Sioux Falls VORTAC, extending from the northwest edge of V-148 west of Sioux Falls, clockwise to the south edge of V-120 west of Sioux Falls.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on July 26, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 68-9696; Filed, Aug. 13, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-CE-70]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Sullivan, Ind.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is

contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for Sullivan County Airport, Sullivan, Ind., utilizing a county-owned radio beacon as a navigational aid. Consequently, it is necessary to provide controlled airspace for the protection of aircraft executing this new approach procedure by designating a transition area at Sullivan, Ind. The new procedure will become effective concurrently with the designation of the transition area. The Terre Haute, Ind., control tower will control instrument approaches at Sullivan County Airport.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (33 F.R. 2137), the following transition area is added:

SULLIVAN, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Sullivan County Airport (latitude 39°06' 55" N., longitude 87°26'55" W.); and within 2 miles each side of the 187° bearing from Sullivan County Airport, extending from the 5-mile radius area to 8 miles south of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on July 29, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 68-9697; Filed, Aug. 13, 1968; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 208, 212, 214, 221, 295]

[Docket No. 20088; EDR-142]

CHARTER TRIPS

Responsibility for Payment

AUGUST 8, 1968.

Notice is hereby given that the Civil Aeronautics Board has under consideration certain amendments to Parts 207, 208, 212, 214, 221, and 295 which would make air carriers responsible for amounts collected by travel agents in payment for charter flights.

The principal features of the proposed amendments are further described in the explanatory statement. The proposed amendments are set forth in the proposed rule. They are proposed under the authority of sections 204(a), 401, 402, 403, 404, and 411 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 754, 757, 758, 760, and 769; 49 U.S.C. 1324, 1371, 1372, 1373, 1374, and 1381).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before September 16, 1968, will be considered by the Board before taking final action on the proposed rules. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. In arranging charter flights, it is the common practice of charter groups to deal with the carriers through travel agents. The travel agent is paid a commission by the carrier for his services in connection with the transportation. However, carriers frequently do not give the travel agent authority to collect payments for the flight. The potential danger in this situation is that the public will obtain the impression that the travel agent is the carrier's agent for all purposes, and will pay the charter price to the agent. And, as occurred in a recent Board case,[1] the travel agent's failure to remit the payments to the carrier can result in a claim by the carrier against the charterer for the payments.

In order to protect the public against this possibility, the Board is proposing a rule which will have the effect of making the carrier responsible for any charter payments to the travel agent.[2] The carrier will not be precluded from limiting the authority of the travel agent insofar as the carrier and the agent are concerned. Nor is the proposal intended to encourage the collection of charter payments by travel agents. However, to the extent that the travel agent collects such payments, the carrier would be precluded from collecting additional amounts.

We believe that such a rule is necessary and reasonable in view of the potential danger to the public. A carrier has complete freedom to choose the travel agents with whom it will do business, and is in a far better position to select a travel agent who is reputable and upon whom it can rely to make collections only as authorized. Furthermore, in many dealings with the public regarding charter flights, the travel agents are the agents of the carriers. The public reasonably may assume that the travel agent is the carrier's agent for all purposes in connection with the charter flight.

The regulation has been drawn to apply to "any person" paid a commission by a carrier because, as far as we are aware, commissions are paid only to persons performing the functions of travel agents. This language will avoid any dispute as to the meaning of the term "travel agent."

Proposed rules. Accordingly, it is proposed to amend Parts 207, 208, 212, 214, 221, and 295 of the Economic Regulations (14 CFR Parts 207, 208, 212, 214, 221, and 295) as follows:

1. By amending § 207.4 by redesignating the present contents as paragraph (a) and by adding the following paragraph (b):

§ 207.4 Tariffs to be filed for charter trips and special services.

* * * * *

(b) Every charter tariff shall contain the following provision:

Payments for a charter flight made to any person to whom the carrier, directly or indirectly, has paid a commission or has agreed to pay a commission, shall be considered payment to the carrier.

2. By adding the following paragraph (c) to § 208.32:

§ 208.32 Tariffs and terms of service.

* * * * *

(c) Every charter tariff shall contain the following provision:

Payments for a charter flight made to any person to whom the carrier, directly or indirectly, has paid a commission or has agreed to pay a commission, shall be considered payment to the carrier.

* * * * *

3. By amending § 208.103 to read as follows:

§ 208.103 Tariffs and terms of service.

The provisions of § 208.32 shall apply to charters under this subpart except that paragraphs (c), (e), and (f) and the second sentence of paragraph (b) of such section shall not be applicable.

4. By amending § 212.3 to read as follows:

§ 212.3 Tariffs to be filed for charter trips.

(a) No foreign air carrier shall perform any charter trips unless such foreign air carrier shall have on file with the Board a currently effective tariff showing all rates, fares, and charges for such charter trips, and showing the rules, regulations, practices, and services in connection with such transportation.

(b) Every charter tariff shall contain the following provision:

Payments for a charter flight made to any person to whom the carrier, directly or indirectly, has paid a commission or has agreed to pay a commission, shall be considered payment to the carrier.

5. By amending § 214.13 by redesignating its present contents as paragraph (a) and by adding the following paragraph (b):

§ 214.13 Tariffs to be on file.

* * * * *

(b) Every charter tariff shall contain the following provision:

Payments for a charter flight made to any person to whom the carrier, directly or indirectly, has paid a commission or has agreed to pay a commission, shall be considered payment to the carrier.

6. By amending § 221.38 by adding the following paragraph (a)(10):

§ 221.38 Rules and regulations.

(a) *Contents.* Except as otherwise provided in this part, the rules and regulations of each tariff shall contain:

* * * * *

(10) The charter tariff provisions required by Parts 207, 208, 212, 214, and 295 of this chapter, as applicable.

* * * * *

7. By amending § 295.13 by redesignating its present contents as paragraph (a) and by adding the following paragraph (b):

§ 295.13 Tariffs to be on file.

* * * * *

(b) Every charter tariff shall contain the following provision:

Payments for a charter flight made to any person to whom the carrier, directly or indirectly, has paid a commission or has agreed to pay a commission, shall be considered payment to the carrier.

[F.R. Doc. 68-9729; Filed, Aug. 13, 1968; 8:50 a.m.]

[1] Capitol Airways, Inc., Orders E-24998 and E-24999, Apr. 18, 1967; affirmed in Capitol International Airways, Inc. v. C.A.B., 392 F. 2d 511 (D.C. Cir. No. 21,062, Mar. 8, 1968.)

[2] No such rule appears to be needed in the case of individually ticketed transportation since collection of the payments for tickets is within the scope of the actual authority of travel agents.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18222; RM-1293]

FM BROADCAST STATIONS

Table of Assignments, Ukiah, Calif.; Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Blairstown Township, N.J., Lexington, Mo., Knox, Ind., North Syracuse, N.Y., Williamsport, Md., Ukiah, Calif., and New Castle, Ind.), Docket No. 18222, RM-1283, RM-1284, RM-1285, RM-1292, RM-1293, RM-1294, RM-1295.

1. In a notice of proposed rule making, released June 21, 1968, in this proceeding (FCC 68-651), the Commission invited comments on a number of proposals to amend the FM Table of Assignments, including the substitution of Channel 277 for Channel 228A at Ukiah, Calif. The time for filing comments was specified as July 30, 1968, and that for replies as August 9, 1968.

2. On July 30, 1968, an opposition to this proposal was filed by J & W Broadcasters. On August 6, 1968, Daniel S. Cubberly and Elma J. Cubberly (Cubberly), filed a request for an additional 2 weeks (August 23, 1968), in which to file reply comments on this matter. Cubberly states that its counsel is located on the west coast and has been out of town on business and vacation for a considerable period of time during the last several weeks. Because of the distance from Washington and his workload, he has been unable to prepare a reply to the above-mentioned opposition before August 9. Counsel for J & W Broadcasters advises that he has no objection to a grant of this request for extension. We believe that the requested additional time is warranted and would serve the public interest.

3. In view of the foregoing: *It is ordered,* That the time for filing reply comments in this proceeding in the matter of RM-1293 only is extended to August 23, 1968.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission rules.

Adopted: August 7, 1968.

Released: August 8, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 68-9741; Filed, Aug. 13, 1968; 8:51 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 240]

GUIDES FOR ADVERTISING ALLOWANCES AND OTHER MERCHANDISING PAYMENTS AND SERVICES

Extension of Time for Filing Written Comments

Guides for advertising allowances and other merchandising payments and services; Compliance with sections 2(d) and (2)e of the Clayton Act, as amended by the Robinson-Patman Act.

Pursuant to numerous requests received indicating a need for additional time in which to submit comments and views on the Commission's Proposed Amended Guides for Advertising Allowances and Other Merchandising Payments and Services, the Commission has extended the time for filing written comment to and including September 30, 1968.

Issued: August 13, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-9748; Filed, Aug. 13, 1968; 8:51 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 2694]

ARIZONA

Notice of Proposed Classification of Public Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands described below. Publication of this notice has the effect of segregating the described land from sale under the Public Land Sale Act of September 19, 1964 (43 U.S.C. 1421–27); from private exchange (43 U.S.C. 315g(b)); from State exchange (43 U.S.C. 315g(c)); from State selection (43 U.S.C. 851, 852); from R.S. 2477 (43 U.S.C. 932); and from appropriation under the mining laws. The lands shall remain open to the mineral leasing laws. By Notice of Classification A 702 published in the June 28, 1967, FEDERAL REGISTER, these lands have previously been segregated from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9 and 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public lands involved contain a 25-mile-long segment of Paria Canyon between the Arizona-Utah State line and the Colorado River. This narrow red rock canyon gorge has scenic, recreation, archeological, and wilderness values which are receiving an increasing amount of public interest and use. These lands would be designated as the Paria Canyon Primitive Area and manage to protect the wilderness characteristics of the canyon.

3. The public lands involved are described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

COCONINO COUNTY

T. 41 N., R. 5 E.,
Sec. 1, N½ (unsurveyed);
Sec. 2, N½ (unsurveyed);
Sec. 3, N½, N½S½ and N½S½SW¼ (N½ unsurveyed);
Sec. 4, NE¼ and NE¼SE¼ (unsurveyed).
T. 42 N., R. 5 E.,
Sec. 33, S½NE¼, SE¼NW¼, E½E½SW¼ and SE¼;
Secs. 34, 35 and 36.
T. 41 N., R. 6 E. (unsurveyed),
Sec. 1, W½, W½E½ and SE¼SE¼;
Sec. 6, E½NE¼, W½NW¼ and SE¼;
Sec. 7, E½E½;
Sec. 8;
Sec. 9, SW¼NE¼, NW¼ and S½;
Sec. 10, SW¼ and SW¼SE¼;
Secs. 13, 14 and 15;
Sec. 16, N½, NE¼SW¼ and SE¼;
Sec. 17, NE¼NE¼;
Sec. 18, NE¼NE¼;
Sec. 22, N½N½;
Sec. 23, N½, NE¼SW¼ and SE¼;
Sec. 24, N½, W½SW¼ and SE¼.
T. 42 N., R. 6 E.,
Sec. 31.
T. 40 N., R. 7 E.,
Sec. 1, lots 3 and 4, S½NW¼, SW¼, SW¼NE¼ and W½SE¼;
Sec. 3;
Sec. 4, lots 1 to 4, inclusive, S½N½, SE¼ and E½SW¼;
Sec. 5, lots 1, 2 and 3, S½NE¼ and SE¼NW¼.
T. 41 N., R. 7 E.,
Sec. 1, SE¼;
Sec. 6, SW¼SW¼;
Sec. 17, NW¼SE¼, S½SE¼ and W½;
Sec. 18, lots 2, 3 and 4, E½W½ and E½;
Secs. 19 and 20;
Sec. 21, W½SE¼, SW¼ and SW¼NW¼;
Sec. 28, SW¼SW¼;
Sec. 27, S½, S½NW¼, NW¼NW¼ and SW¼NE¼;
Secs. 28 and 29;
Sec. 30, E½, E½NW¼ and NE¼SW¼;
Sec. 31, NE¼NE¼;
Sec. 32, N½, SE¼ and NE¼SW¼;
Secs. 33 and 34;
Sec. 35, SE¼SE¼, W½SE¼ and W½.

The areas described include approximately 18,909.62 acres of public lands.

4. The public lands proposed for classification in this notice are shown on maps on file and available for inspection in the Land Office, Bureau of Land Management, Federal Building, 230 North First Avenue, Phoenix, Ariz., and at the Arizona Strip District Office, Bureau of Land Management, 196 East Tabernacle, St. George, Utah.

5. For a period of 60 days from date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification, may present their views in writing to the State Director, Bureau of Land Management, Room 3022 Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025.

6. Public hearings on the proposed classification will be held on Tuesday, September 24, 1968, at 2 p.m., in the Maricopa County Board of Supervisors Auditorium, 205 West Jefferson, Phoenix, Ariz.; and on Thursday, September 26, 1968, at 2 p.m., in the City-County Building, Fredonia, Ariz.

FRED J. WEILER,
State Director.

AUGUST 7, 1968.

[F.R. Doc. 68-9709; Filed, Aug. 13, 1968; 8:48 a.m.]

[A 2695]

ARIZONA

Notice of Proposed Classification of Public Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands described below. Publication of this notice has the effect of segregating the described land from sale under the Public Land Sale Act of September 19, 1964 (43 U.S.C. 1421–27); from private exchange (43 U.S.C. 315g(b)); from State exchange (43 U.S.C. 315g(c)); from State selection (43 U.S.C. 851, 852); from R.S. 2477 (43 U.S.C. 932); and from appropriation under the mining laws. The lands shall remain open to the mineral leasing laws. By notice of classification A 702 published in the June 28, 1967 FEDERAL REGISTER, these lands have previously been segregated from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9 and 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public lands involved lie in a scenic strip 30 miles long and from 2 to 4 miles in width that covers the face of the Vermillion Cliffs. This scenic strip extends from House Rock on the west to Navajo Bridge on the east and is bounded on the north by the rim of the Vermillion Cliffs and on the south by U.S. Highway 89A. These colorful cliffs, rising up to 1,800 feet above the highway are an outstanding scenic resource along a principal route of travel to the North Rim of the Grand Canyon. The lands would be designated as the Vermillion Cliffs Natural Area and managed to protect the scenic characteristics of the escarpment.

3. The public lands involved are described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

COCONINO COUNTY

T. 38 N., R. 3 E.,
Sec. 1, N½ north of U.S. Highway 89A.
T. 39 N., R. 3 E.,
Sec. 13, SW¼;
Sec. 14, SE¼;
Sec. 23, E½;
Sec. 24, S½NE¼, W½, and SE¼;
Sec. 25;
Sec. 26, E½;
Sec. 35, NE¼;
Sec. 36, NW¼ and S½.

T. 38 N., R. 4 E.,
Secs. 1, 3, and 4;
Secs. 5 and 6, north of U.S. Highway 89A;
Sec. 8, N½NE¼ north of U.S. Highway 89A;
Sec. 9, N½ north of U.S. Highway 89A;
Sec. 10, N½ and N½S½ north of U.S. Highway 89A;
Sec. 11, north of U.S. Highway 89A;
Sec. 12;
Sec. 13, N½N½ north of U.S. Highway 89A.
T. 39 N., R. 4 E.,
Sec. 19, lots 3 and 4, E½SW¼, W½SE¼, and SE¼SE¼;
Sec. 20, S½S½;
Sec. 21, S½;
Sec. 22, S½;
Sec. 23, S½SW¼, and S½SW¼SE¼;
Sec. 25, SW¼NE¼, S½NW¼NW¼, S½NW¼, and S½;
Secs. 26 to 36, inclusive.
T. 38 N., R. 5 E.,
Sec. 1, lots 1, 2, and 3, S½N½ and S½;
Sec. 4, S½SW¼NW¼, SW¼, W½SE¼, and SE¼SE¼;
Sec. 5, lots 1 to 8, inclusive, S½NE¼, SE¼NW¼, W½SW¼, N½SE¼, and SE¼SE¼;
Sec. 6, lots 3 to 8, inclusive, SE¼NW¼, SE¼SW¼, and SE¼;
Sec. 7;
Sec. 8, lot 1, W½NE¼, NW¼, and S½;
Sec. 9, lots 1 and 2, NE¼, E½NW¼, and S½;
Secs. 10, 11, and 12;
Sec. 13, N½ and N½SW¼ north of U.S. Highway 89A;
Sec. 14, north of U.S. Highway 89A;
Sec. 15;
Sec. 17, N½ and N½S½ north of U.S. Highway 89A;
Sec. 18, N½ and N½SE¼ north of U.S. Highway 89A;
Sec. 21, N½NE¼ north of U.S. Highway 89A;
Sec. 22, N½N½ north of U.S. Highway 89A;
Sec. 23, N½NW¼NW¼ north of U.S. Highway 89A.
T. 39 N., R. 5 E.,
Sec. 25, SE¼SE¼;
Sec. 30, lots 3 and 4 and E½SW¼;
Sec. 31, lots 1 to 4, inclusive, W½NE¼, SE¼NE¼, E½W½, and SE¼;
Sec. 32, SW¼ and SW¼SE¼;
Sec. 36, S½NE¼NE¼NE¼, and W½SE¼.
T. 38 N., R. 6 E.,
Sec. 4, NW¼ north of U.S. Highway 89A;
Sec. 5, north of U.S. Highway 89A;
Sec. 6;
Sec. 7, north of U.S. Highway 89A;
Sec. 8, NW¼ and NW¼SW¼ north of U.S. Highway 89A;
Sec. 18, NW¼NW¼ north of U.S. Highway 89A.
T. 39 N., R. 6 E.,
Sec. 1;
Sec. 2, lot 2, S½NE¼ and NE¼SE¼;
Sec. 3, SE¼SE¼;
Sec. 9, E½E½;
Secs. 10, 11, and 12;
Sec. 13, north of U.S. Highway 89A;
Secs. 14 and 15;
Sec. 16, SW¼, W½SE¼, and SE¼SE¼;
Sec. 17, NW¼NE¼, S½NE¼, E½SW¼, SW¼SW¼, and SE¼;
Sec. 19, E½;
Secs. 20, 21, 22, and 23;
Sec. 24, N½ and W½SW¼ north of U.S. Highway 89A;
Sec. 26, N½ and N½SW¼ north of U.S. Highway 89A;
Sec. 27, N½ and N½S½ north of U.S. Highway 89A;
Sec. 28, N½, SW¼, and W½SE¼;
Sec. 29;
Sec. 30, lots 3 and 4, E½, SE¼NW¼, and E½SW¼;
Sec. 31;
Sec. 33, W½NE¼, W½, and NW¼SE¼ north of U.S. Highway 89A.
T. 40 N., R. 6 E.,
Sec. 25, SW¼NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 35, S½.
T. 39 N., R. 7 E.,
Sec. 4, N½ north of U.S. Highway 89A;
Sec. 5, north of U.S. Highway 89A;
Sec. 6;
Sec. 7, north of U.S. Highway 89A;
Sec. 18, S½NW¼ and NW¼SW¼ north of U.S. Highway 89A.
T. 40 N., R. 7 E.,
Sec. 9, NE¼, SE¼NW¼, and S½;
Sec. 10;
Sec. 11, W½;
Sec. 14, W½;
Sec. 15;
Sec. 17, E½SE¼ and SW¼SE¼;
Sec. 19, E½E½SW¼, W½SE¼, and SE¼SE¼;
Sec. 20, NE¼, E½NW¼, SW¼NW¼, and S½;
Sec. 21;
Sec. 22, N½ and SW¼;
Secs. 28, 29, 30, 31, and 32;
Sec. 33, N½, SW¼, N½SE¼, and SW¼SE¼.

The areas described include approximately 50,495.87 acres of public lands.

4. The public lands proposed for classification in this notice are shown on maps on file and available for inspection in the Land Office, Bureau of Land Management, Federal Building, 230 North First Avenue, Phoenix, Ariz., and at the Arizona Strip District Office, Bureau of Land Management, 196 East Tabernacle, St. George, Utah.

5. For a period of 60 days from date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions or objections in connection with the proposed classification, may present their views in writing to the State Director, Bureau of Land Management, Room 3022, Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025.

6. Public hearings on the proposed classification will be held on Tuesday, September 24, 1968 at 2 p.m., in the Maricopa County Board of Supervisors Auditorium, 205 West Jefferson, Phoenix, Ariz., and on Thursday, September 26, 1968 at 2 p.m., in the City-County Building, Fredonia, Ariz.

FRED J. WEILER,
State Director.

AUGUST 7, 1968.

[F.R. Doc. 68-9710; Filed, Aug. 13, 1968; 8:48 a.m.]

[A 2696]

ARIZONA

Notice of Proposed Classification of Public Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands described below. Publication of this notice has the effect of segregating the public lands described in paragraph 3 from sale under the Public Land Sale Act of September 19, 1964 (43 U.S.C. 1421–27); from private exchange (43 U.S.C. 315g(b)); from State exchange (43 U.S.C. 315g(c)); from State selection (43 U.S.C. 851, 852); from R.S. 2477 (43 U.S.C. 932); and from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9, 25 U.S.C. 334); from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171); and from appropriation under the mining laws; and segregating the lands described in paragraph 4 from appropriation under the mining laws only. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The lands involved cover a 10-mile-long segment of Aravaipa Canyon. The permanent stream, colorful rock formations, luxuriant vegetation, and varied and abundant wildlife create an environment in this deep canyon which is in sharp contrast to the surrounding desert terrain. Aravaipa Canyon has long been recognized as a unique and outstanding scenic area, and it is receiving increased public use. These lands would be designated as the Aravaipa Canyon Primitive Area and managed to protect the wilderness characteristics of the canyon.

3. As provided in paragraph 1 above, the public lands in the areas described below are segregated from sale, exchange, selection, and from appropriation under the agricultural and mining laws; these lands shall remain open to entry under the mineral leasing laws.

GILA AND SALT RIVER MERIDIAN, ARIZONA

PINAL COUNTY

T. 6 S., R. 17 E.,
Sec. 13, lots 1 to 8, inclusive.
T. 6 S., R. 18 E.,
Sec. 7, SE¼SE¼;
Sec. 13, SW¼ and S½SE¼;
Sec. 14, SW¼NE¼, NW¼NW¼, S½NW¼, SW¼ and S½SE¼;
Sec. 15, N½ and N½S½;
Sec. 16, N½, NW¼SW¼ and NE¼SE¼;
Sec. 17, N½, NW¼SW¼ and NE¼SE¼;
Sec. 18;
Sec. 23, N½NE¼, SE¼NE¼ and NE¼NW¼;
Sec. 24, N½, SW¼ and N½SE¼.

GRAHAM COUNTY

T. 6 S., R. 19 E.,
Sec. 19, lots 1, 2 and 3, and SE¼;
Sec. 20, N½SE¼, NE¼SW¼;
Sec. 30, lot 1, SE¼NE¼ and E½SE¼.
T. 7 S., R. 19 E.,
Sec. 5, SW¼NE¼.

4. As provided in paragraph 1 above, the lands described below are segregated from appropriation under the mining laws only:

GILA AND SALT RIVER MERIDIAN, ARIZONA

PINAL COUNTY

T. 6 S., R. 17 E.,
Sec. 13, SE¼NW¼, N½SW¼ and SW¼SW¼;
Sec. 23, E½NE¼, SW¼NE¼ and W½SE¼;
Sec. 24, SW¼SW¼.
T. 6 S., R. 18 E.,
Sec. 7, SW¼SE¼ and SE¼SW¼;
Sec. 8, S½;
Sec. 9, S½S½SE¼ and S½SW¼;
Sec. 10, S½SW¼SE¼ and S½S½SW¼;
Sec. 23, SW¼NE¼.

GRAHAM COUNTY

T. 6 S., R. 19 E.,
Sec. 19, NE¼;
Sec. 21, SW¼NE¼ and SE¼.

5. The lands described in paragraphs 3 and 4 above aggregate approximately 5,657.29 acres.

6. The lands proposed for classification in this notice are shown on maps on file and available for inspection in the Land Office, Bureau of Land Management, Federal Building, 230 North First Avenue, Phoenix, Ariz., and in the Safford District Office, Bureau of Land Management, Safford, Ariz.

7. For a period of 60 days from date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification, may present their views in writing to the State Director, Bureau of Land Management, Room 3022 Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025.

8. A public hearing on the proposed classification will be held on Tuesday, September 24, 1968, at 2 p.m., in the Maricopa County Board of Supervisors Auditorium, 205 West Jefferson, Phoenix, Ariz.

FRED J. WEILER,
State Director.

AUGUST 7, 1968.

[F.R. Doc. 68-9711; Filed, Aug. 13, 1968; 8:48 a.m.]

[C 2903]

COLORADO

Notice of Classification

AUGUST 2, 1968.

1. Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), the public lands within the areas described below are hereby classified for disposal through the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869).

2. The lands affected by this classification are described as follows:

SIXTH PRINCIPAL MERIDIAN, COLORADO

WELD COUNTY

T. 11 N., R. 62 W.,
Sec. 12, E½SE¼, SW¼SE¼.

The areas described aggregate 120 acres.

3. For a period of 30 days interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240.

E. I. ROWLAND,
State Director.

[F.R. Doc. 68-9707; Filed, Aug. 13, 1968; 8:48 a.m.]

[Montana 9915, 10135]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 6, 1968.

The Forest Service, United States Department of Agriculture, has filed application Montana 9915 and Montana 10135, for the withdrawal of lands described below from all forms of appropriation under the public land laws, except the mining and mineral leasing laws.

The applicant desires to add the lands to the Gallatin National Forest for multiple use management consisting of timber, wildlife, grazing, watershed and recreation.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, Mont. 59101.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for the purpose other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

PRINCIPAL MERIDIAN, MONTANA

T. 2 N., R. 5 E.,
Sec. 11, E½NE¼;
Sec. 24, lots 1, 2, 3, and 4, W½E½, NW¼, and N½SW¼;
Sec. 25, lots 1 and 2.
T. 3 N., R. 5 E.,
Sec. 4, lots 6 and 7, E½SW¼, and SE¼;
Sec. 9, all;
Sec. 15, all.
T. 1 S., R. 6 E.,
Sec. 4, all;
Sec. 5, lots 1, 2, 3, 4, 5, and 6;
Sec. 9, NE¼NW¼, SE¼SW¼, and SE¼;
Sec. 21, Lots 1, 2, 3, 4, 7, and 8;
Sec. 34, Lot 3.
T. 1 N., R. 6 E.,
Sec. 5, all;
Sec. 6, lots 1 and 2;
Sec. 31, lots 6 and 7, N½SE¼.
T. 2 N., R. 6 E.,
Sec. 29, SW¼SW¼;
Sec. 30, lot 4 and S½SE¼;
Sec. 31, E½SE¼;
Sec. 32, W½NW¼, NW¼SW¼, S½S½;
Sec. 33, SW¼SW¼.
T. 1 N., R. 7 E.,
Sec. 20, E½E½.
T. 4 S., R. 3 E.,
Sec. 24, SE¼SW¼, E½SE¼, and SW¼SE¼.
T. 4 S., R. 4 E.,
Sec. 2, S½NE¼;
Sec. 8, SW¼NE¼, E½SW¼, and SE¼.

The area described aggregates 5,779.61 acres.

PARKER N. DAVIES,
Acting Land Office Manager.

[F.R. Doc. 68-9701; Filed, Aug. 13, 1968; 8:48 a.m.]

[New Mexico 1565]

NEW MEXICO

Notice of Classification

AUGUST 7, 1968.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), the lands described below are hereby classified for disposal through exchange under section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended, for lands within Lincoln County, N. Mex., and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 18 S., R. 11 E.,
Sec. 30, SE¼.
T. 23 S., R. 13 E.,
Sec. 25.
T. 24 S., R. 13 E.,
Sec. 1.
T. 24 S., R. 14 E.,
Sec. 5, SW¼SW¼;
Secs. 7, 9, 14, and 15.

The areas described aggregate 4,030.28 acres.

For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240.

W. J. ANDERSON,
State Director.

[F.R. Doc. 68-9708; Filed, Aug. 13, 1968; 8:48 a.m.]

National Park Service

INSIGNIA

I hereby prescribe the "Triangle Symbol" which is depicted below as the official insignia of the National Park Service of the Department of the Interior.

In making this prescription, I further give notice that whoever manufactures, sells, or possesses this symbol, in a manner not authorized under regulations promulgated by the Secretary of the Interior pursuant to law, shall be subject to the penalties prescribed in section 701 of Title 18 of the United States Code.

The symbol herein prescribed replaces the "Arrowhead Symbol" similarly prescribed by me in the FEDERAL REGISTER of March 15, 1962 (27 F.R. 2486).

Dated: August 7, 1968.

DAVID S. BLACK,
Acting Secretary of the Interior.

[F.R. Doc. 68-9684; Filed, Aug. 13, 1968; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

CHILDREN'S HOSPITAL OF LOS ANGELES

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00448-33-46500. Applicant: Children's Hospital of Los Angeles, 4650 Sunset Boulevard, Los Angeles, Calif. 90027. Article: LKB 8800A Ultrotome III Ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare renal tissue and tissue fractions for electron microscopic study of protein degradation in the kidney. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is designed to cut sections of tissue, such as bone, muscle etc. for examination under an electron miscroscope.

The most closely comparable domestic instrument is the Model MT-2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The following is a comparison of the pertinent characteristics and pertinent specifications of the foreign article as described in the catalogue for the "Ultrotome III" Ultramicrotome (LKB Produkter AB, Stockholm, Sweden, 1965), with the similar pertinent characteristics and pertinent specifications of the Sorvall Model MT-2 as described in the catalogue on the "Porter-Blum" MT-2 Ultramicrotome (Ivan Sorvall, Inc., Norwalk, Conn., 1966), (1) The foreign article has a thin-sectioning capability down to 50 Angstroms, whereas the thin-sectioning capability of the Sorvall Model MT-2 is 100 Angstroms. The thinner the section, the more it is possible to take advantage of the ultimate resolving power of the electron microscope for which the section is being prepared. Therefore, the capability of the foreign article to produce sections up to one-half as thick as the thinnest section producible with the Sorvall MT-2, is pertinent to the purposes for which the foreign article is intended to be used. (2) For the intended uses, the applicant requires an ultramicrotome that is capable of reproducing a series of ultrathin sections with consistent uniformity and accuracy. We are advised by the Department of Health, Education, and Welfare (HEW), in the memorandum dated May 16, 1968, that this requirement of the applicant can be met only with an ultramicrotome employing a thermal advance. In a prior case relating to the identical model of the foreign article with which this application is concerned (Docket No. 67-00024-33-46500), HEW advised that some backlash and slippage are inherent in the mechanical advance such as is employed in the Sorvall MT-2 and, therefore, the variations in thickness from the preset value is bound to be greater in such mechanical systems than in thermal systems even when each is functioning at its best level of efficiency. Since the thermal advance leads to more efficient serial sectioning, we find this characteristic is pertinent to the purposes for which the foreign article is intended to be used. (3) The foreign article incorporates an accessory which permits the knife-angle setting to be measured to an accuracy of one degree, whereas no similar accessory is specified in the Sorvall catalogue. This is a pertinent characteristic because the thickness of the section is varied by varying the angle and, therefore, the more accurate the setting of the knife-angle, the more accurate will be the thickness of the section.

For the foregoing reasons, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufacturer in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-9669; Filed, Aug. 13, 1968; 8:45 a.m.]

CITY OF HOPE MEDICAL CENTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Docket No. 68-00458-33-46040. Applicant: City of Hope Medical Center, Duarte, Calif. 91010. Article: Electron Microscope, Model RS-S. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for diagnostic evaluations which require viewing the ultrastructure of cells and tissues, and to study the altered structure of tissues in various forms of cancer and leukemia. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides accelerating voltages of 25 and 50 kilovolts. The 25-kilovolt accelerating voltage affords optimum contrast for unstained ultrathin specimens. For the purposes for which the foreign article is intended to be used, the high contrast available with the lower accelerating voltage is pertinent. The only known comparable domestic instrument is the Model EMU-4 electron microscope manufactured by the Radio Corporation of America (RCA). The RCA Model EMU-4 provides accelerating voltages of 50 and 100 kilovolts. Consequently, the domestic instrument cannot furnish the necessary contrast to accomplish the purposes for which the foreign article is intended to be used. We therefore find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-9670; Filed, Aug. 13, 1968; 8:45 a.m.]

GEORGIA INSTITUTE OF TECHNOLOGY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Docket No. 68–00472–33–46500. Applicant: Georgia Institute of Technology, 225 North Avenue NW., Atlanta, Ga. 30332. Article: Reichert thermal advance ultramicrotome "Om U2." Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used for sectioning sections of bone-containing tissue about 600 Angstrom units in thickness for electron microscopy. Comments: No comments were received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The purposes for which the foreign article is intended to be used require a series of ultrathin sections to be produced with consistent accuracy and uniformity. The foreign article incorporates a thermal advance (feed) which allows sections to be produced, which range in thickness down to one Angstrom.

The only known comparable domestic instrument, Model MT–2 ultramicrotome manufactured by Ivan Sorvall, Inc., employs a mechanical advance which has a minimum thickness capability down to 100 Angstroms. (See Sorvall catalog on MT–1 and MT–2 ultramicrotomes, 1966, page 11.) In the case of a prior application relating to an identical foreign article, we were advised by the Department of Health, Education, and Welfare (HEW), that in the experience of experts working with biological materials, ultramicrotomes equipped with a thermal feed have been proven superior to those equipped only with with a mechanical feed. (See Docket No. 67–00052–33–46500 and memorandum for HEW dated July 26, 1967, contained therein.) In cited memorandum, HEW also advised that consistent reproducibility of section thickness is substantially greater when the thermal advance is used than when the advance is achieved through purely mechanical means.

We therefore find that the Sorvall Model MT–2 is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–9671; Filed, Aug. 13, 1968; 8:45 a.m.]

HARVARD MEDICAL SCHOOL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68–00449–33–46500. Applicant: Harvard Medical School, 25 Shattuck Street, Boston, Mass. 02115. Article: LKB Ultrotome III Ultramicrotome, Model 8800A and knife maker, Model 7800B. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare ultrathin serial sections for study of the anatomy of DNA (Deoxyribonucleic acid) molecules in viruses, bacteria, and higher chromosomes. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is designed to cut sections of tissue, such as bone, muscle, etc., for examination under an electron microscope.

The most closely comparable domestic instrument is the Model MT–2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The following is a comparison of the pertinent characteristics and pertinent specifications of the foreign article as described in the catalogue for the "Ultrotome III" Ultramicrotome (LKB Produkter AB, Stockholm, Sweden, 1965), with the similar pertinent characteristics and pertinent specifications of the Sorvall Model MT–2 as described in the catalogue on the "Porter-Blum" MT–2 Ultramicrotome (Ivan Sorvall, Inc., Norwalk, Conn., 1966). (1) The foreign article has a thin-sectioning capability down to 50 Angstroms, whereas the thin-sectioning capability of the Sorvall Model MT–2 is 100 Angstroms. The thinner the section, the more it is possible to take advantage of the ultimate resolving power of the electron microscope for which the section is being prepared. Therefore, the capability of the foreign article to produce sections up to one-half as thick as the thinnest section producible with the Sorvall MT–2, is pertinent to the purposes for which the foreign article is intended to be used. (2) For the intended uses, the applicant requires an ultramicrotome that is capable of reproducing a series of ultrathin sections with consistent uniformity and accuracy. We are advised by the Department of Health, Education, and Welfare (HEW), in the memorandum dated May 16, 1968, that this requirement of the applicant can be met only with an ultramicrotome employing a thermal advance. In a prior case relating to the identical model of the foreign article with which this application is concerned (Docket No. 67–00024–33–46500), HEW advised that some backlash and slippage are inherent in the mechanical advance such as is employed in the Sorvall MT–2, and, therefore, the variations in thickness from the preset value is bound to be greater in such mechanical systems than in thermal systems even when each is functioning at its best level of efficiency. Since the thermal advance leads to more efficient serial sectioning, we find that this characteristic is pertinent to the purposes for which the foreign article is intended to be used. (3) The foreign article incorporates an accessory which permits the knife-angle setting to be measured to an accuracy of one degree, whereas no similar accessory is specified in the Sorvall catalogue. This is a pertinent characteristic because the thickness of the section is varied by varying the angle and, therefore, the more accurate the setting of the knife angle, the more accurate will be the thickness of the section.

For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–9672; Filed, Aug. 13, 1968; 8:45 a.m.]

JUNIATA COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Docket No. 68–00583–33–46040. Applicant: Juniata College, Huntingdon, Pa. 16652. Article: Electron Microscope, Model HS–8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article. The article will be used for teaching undergraduate and faculty the basic techniques of electron microscopy as well as for research in the areas of membrane biogenesis and virus localization in cells. Comments: No comments have been received with respect to this application. Decision. Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides accelerating voltages of 25 and 50 kilovolts. The 25 kilovolt accelerating voltage affords optimum contrast for unstained ultrathin specimens. For the purposes for which the foreign article is intended to be used, the high contrast available with the lower accelerating voltage is pertinent. The only known comparable domestic instrument is the Model EMU–4 electron microscope manufactured by the Radio Corporation of America (RCA). The RCA Model EMU–4 provides accelerating voltages of 50 and 100 kilovolts. Consequently, the domestic instrument cannot furnish the necessary contrast to accomplish the purposes for which the foreign article is intended to be used We therefore find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–9673; Filed, Aug. 13, 1968; 8:45 a.m.]

MEDICAL COLLEGE OF SOUTH CAROLINA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Docket No. 68–00579–33–46040. Applicant: Medical College of South Carolina, Department of Pathology, 80 Barre Street, Charleston, S.C. 29401. Article: Electron microscope, Model HS–8. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article will be used in the following activities: 1. Training fellows and graduate students, principally in the Department of Pathology; this includes all phases of teaching of normal and pathological ultrastructure. 2. Examination of biopsy material from patients with dagnostic problems or unusual and inadequately studied diseases. 3. Examination of tumors from surgical operating rooms and autopsy rooms. 4. Evaluation of specific details of the effects of operative and other dental procedures upon the dental pulp and oral tissues generally. 5. Research programs which are clinically oriented. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides accelerating voltages of 25 and 50 kilovolts. The 25 kilovolt accelerating voltage affords optimum contrast for unstained ultrathin specimens. For the purposes for which the foreign article is intended to be used, the high contrast available with the lower accelerating voltage is pertinent. The only known comparable domestic instrument is the Model EMU–4 electron microscope manufactured by the Radio Corporation of America (RCA). The RCA Model EMU–4 provides accelerating voltages of 50 and 100 kilovolts. Consequently, the domestic instrument cannot furnish the necessary contrast to accomplish the purposes for which the foreign article is intended to be used. We therefore find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–9674; Filed, Aug. 13, 1968; 8:45 a.m.]

MIAMI UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Docket No. 68–00481–01–77030. Applicant: Miami University, Oxford, Ohio 45056. Article: Nuclear magnetic resonance spectrometer, Model JNM–C–60H and accessories. Manufacturer: Japan Electron Optics Labratory Co., Ltd., Japan. Intended use of article: The article will be used for:

a. Studies of ^{19}F chemical shifts to aid in the determination of the nature of enzyme substrate interactions.

b. Studies of enzyme conformations by the use of ^{19}F labeling techniques.

c. Studies of organometallic compounds in dilute solution.

d. Association studies of biochemically important molecules.

e. Conformational studies of small ring compounds by measuring temperature dependence of coupling constants and chemical shifts.

f. Investigations of the structure of reactive intermediates of chromate oxidizations in the region of −170° to −40° C.

g. Studies of ^{19}F and ^{1}H chemical shifts in inorganic compounds.

h. Determination of structure of inorganic and organic compounds.

i. An instructional tool in undergraduate courses. Comments: Comments have been received from one domestic manufacturer, Varian Associates (Varian), which alleges inter alia "The Varian HA–60IL satisfies all of the requirements for which the JNM–C–60H is sought under duty-free import. (Par. 3 of attachment of letter from Varian dated May 10, 1968) Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a combined internal-external lock capability, whereas the Varian HA–60IL provides only an internal lock. We are advised by the National Bureau of Standards (NBS) in its memorandum dated June 19, 1968, that the external lock is necessary to perform studies of the structure of reactive intermediates of chromate oxidations in the region of −170° to −40° centigrade, which is one of the purposes for which the foreign article is intended to be used. (Item (f) of reply to Question 7 of the application) NBS further advises that the other purposes require the superior stability provided by the internal lock. Therefore, the availability of both the internal and external lock in the foreign article is a pertinent characteristic. The Department of Health, Education, and Welfare

(HEW), in its memorandum dated May 17, 1968, concurs with this conclusion. For the foregoing reasons, we find that the Varian HA–60IL is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–9675; Filed, Aug. 13, 1968; 8:45 a.m.]

NEW ENGLAND MEDICAL CENTER HOSPITALS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Docket No. 68–00527–00–46040. Applicant: New England Medical Center Hospitals, 171 Harrison Avenue, Boston, Mass. 02111. Article: Vacuum evaporator, Model JEE–4B and rotating, tilting stage, Model JEE–RTS. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used to prepare biological samples for electron microscopy. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, was being manufactured in the United States at the time the applicant placed the order for the foreign article. Reasons: At the time the applicant placed the order for the foreign article, one domestic manufacturer, Denton Vacuum, Inc. (Denton), was engaged in manufacturing a vacuum evaporator with a rotating stage. However, as stated in the letter from Denton dated March 18, 1968, the domestic apparatus then available did not permit adjustability of the angle during shadowing.

The domestic manufacturer was at that time in the process of designing an apparatus with the capability of adjustment (adjusting the tilting angle), but was not in a position to quote a definite delivery date since the design of this apparatus had not then been completed. We are advised by the Department of Health, Education, and Welfare (HEW) (memorandum dated June 18, 1968) that the Denton prototype rotating tilting stage is now functional with a quoted delivery date of 4 to 6 weeks.

According to the definition of "domestic manufacture" as contained in § 602.1(f) of the above-cited regulations, "An instrument, apparatus or accessory shall be considered as being manufactured in the United States (1) if it is actually produced within the United States and is on sale and available from a stock in the United States, or (2) with respect to instruments, apparatus, or accessories which are generally custom-made (made to purchasers' specifications) by domestic manufacturers of such articles or articles of the same general type, if a U.S. manufacturer is able and willing to produce the instrument, apparatus or accessory within the United States and have it available promptly so that it may be obtained by the applicant without reasonable delay." Within the purview of this definition, the apparatus which Denton is presently offering as being of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, was not being manufactured in the United States at the time the applicant placed the order for the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which was being manufactured at the time the applicant placed the order for the foreign article.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–9676; Filed, Aug. 13, 1968; 8:45 a.m.]

NEW YORK MEDICAL COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Docket No. 68–00437–33–46040. Applicant: New York Medical College, Department of Pathology, Fifth Avenue at 106th Street, New York, N.Y. 10029. Article: Electron Microscope; Elmiskop IA. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used to study the mechanism of collagen and ground substance alterations in association with immune injury and to investigate the mechanism of the basement membrane changes in diabetes and in glomerulonephritis. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article provides a resolution of 5 Angstroms. The only known domestic electron microscope is the Model EMU–4 manufactured by the Radio Corporation of America (RCA), which provides a resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the additional resolving capabilities of the foreign article are pertinent. (2) The foreign article provides accelerating voltages of 40, 60, 80 and 100 kilovolts, whereas the RCA Model EMU–4 provides only 50 and 100 kilovolt accelerating voltages. It has been experimentally demonstrated that the lower accelerating voltage of the foreign article furnishes better contrast for unstained specimens and that the voltages intermediate between 50 and 100 kilovolts afford optimum contrast for negatively stained specimens. For the purposes for which the foreign article is intended to be used, the lower and intermediate accelerating voltages of the foreign article are pertinent.

For the foregoing reasons, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–9677; Filed, Aug. 13, 1968; 8:45 a.m.]

STANFORD UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68–00461–33–46500. Applicant: Stanford University, Department of Biological Sciences, Stanford, Calif. 94305. Article: LKB 8800A Ultrotome III Ultramicrotome with thermal advance. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for the preparation of ultrathin sections of biological specimens for examination in an electron microscope. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is designed to cut sections of tissue, such as bone, muscle, etc., for examination under an electron microscope. The most closely comparable domestic instrument is the Model MT–2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The following is a comparison of the pertinent characteristics and pertinent specifications of the foreign article as described in the catalogue for the "Ultrotome III" Ultramicrotome (LKB Produkter AB, Stockholm, Sweden, 1965), with the similar pertinent characteristics and pertinent specifications of the Sorvall Model MT–2 as described in the catalogue on the "Porter-Blum" MT–2 Ultramicrotome (Ivan Sorvall, Inc., Norwalk, Conn., 1966). (1) The foreign article has a thin-sectioning capability down to 50 Angstroms, whereas the thin-sectioning capability of the Sorvall Model MT–2 is 100 Angstroms. The thinner the section, the more it is possible to take advantage of the ultimate resolving power of the electron microscope for which the section is being prepared. Therefore, the capability of the foreign article to produce sections up to one-half as thick as the thinnest section producible with the Sorvall MT–2, is pertinent to the purposes for which the foreign article is intended to be used. (2) For the intended uses, the applicant requires an ultramicrotome that is capable of reproducing a series of ultrathin sections with consistent uniformity and accuracy. We are advised by the Department of Health, Education, and Welfare (HEW), in the memorandum dated May 16, 1968, that this requirement of the applicant can be met only with an ultramicrotome employing a thermal advance.

In a prior case relating to the identical model of the foreign article with which this application is concerned (Docket No. 67–00024–33–46500), HEW advised that some backlash and slippage are inherent in the mechanical advance such as is employed in the Sorvall MT–2 and, therefore, the variations in thickness from the preset value is bound to be greater in such mechanical systems than in thermal systems even when each is functioning at its best level of efficiency. Since the thermal advance leads to more efficient serial sectioning, we find that this characteristic is pertinent to the purposes for which the foreign article is intended to be used. (3) The foreign article incorporates an accessory which permits the knife-angle setting to be measured to an accuracy of 1 degree, whereas no similar accessory is specified in the Sorvall catalogue. This is a pertinent characteristic because the thickness of the section is varied by varying the angle and, therefore, the more accurate the setting of the knife-angle, the more accurate will be the thickness of the section.

For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator, for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–9678; Filed, Aug. 13, 1968; 8:46 a.m.]

WASHINGTON STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897), and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Docket No. 68–00491–33–46040. Applicant: Washington State University, Pullman, Wash. 99163. Article: Electron Microscope, Model EM–9A and spare parts. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used for teaching and training in the areas of biological ultrastructure and for research to be conducted on plant and animal ultrastructure. Comments: No comments have been received with respect to this application. Decision: Application approved. No Instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The applicant requires a small, compact, and relatively simple electron microscope, for teaching students in an introductory course in the use of electron microscopes. The only known domestic electron microscope, the Model EMU–4 manufactured by the Radio Corporation of America (RCA), is a relatively complex instrument which is designed for research. The foreign article provides a magnification range which is low enough to overlap considerably with the magnification range of optical microscopes. In addition, the foreign article provides three viewing windows, whereas the RCA Model EMU–4 provides only one. The additional viewing windows permit the instructor and students to simultaneously view and discuss the image of the specimen under the microscope. The characteristics of the foreign article, which are not possessed by the RCA Model EMU–4, are pertinent to the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–9679; Filed, Aug. 13, 1968; 8:46 a.m.]

WESTERN KENTUCKY UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Docket No. 68–00581–33–46040. Applicant: Western Kentucky University, Bowling Green, Ky. 42101. Article: Electron Microscope, Model EM 9A. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used for teaching biology courses as well as more advanced courses such as microbiology, pathology, and histology. In addition, faculty and graduate students will utilize the instrument for investigation of ultrastructural changes associated with gonadal transplantation in crayfish. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The applicant requires a small, compact, and relatively simple electron microscope, for teaching students in an introductory course in the use of electron microscopes.

The only known domestic electron microscope, the Model EMU–4 manufactured by the Radio Corporation of America (RCA), is a relatively complex instrument which is designed for research. The foreign article provides a magnification range which is low enough to overlap considerably with the magnification range of optical microscopes. In addition, the foreign article provides three viewing windows, whereas the RCA Model EMU–4 provides only one. The additional viewing windows permit the instructor and students to simultaneously view and discuss the image of the specimen under the microscope. The characteristics of the foreign article, which are not possessed by the RCA Model EMU–4, are pertinent to the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–9680; Filed, Aug. 13, 1968; 8:46 a.m.]

VANDERBILT UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897), and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68–00471–33–46500. Applicant: Vanderbilt University, 21st Avenue South, Station 17, Nashville, Tenn. 37203. Article: LKB 8801A Ultrotome III Ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to identify pathological and biochemical lesions peculiar to copper deficiency in the primate. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is designed to cut sections of tissue, such as bone, muscle, etc., for examination under an electron microscope. The most closely comparable domestic instrument is the Model MT–2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The following is a comparison of the pertinent characteristics and pertinent specifications of the foreign article as described in the catalogue for the "Ultrotome III" Ultramicrotome (LKB Produkter AB, Stockholm, Sweden, 1965), with the similar pertinent characteristics and pertinent specifications of the Sorvall Model MT–2 as described in the catalogue on the "Porter-Blum" MT–2 Ultramicrotome (Ivan Sorvall, Inc., Norwalk, Conn., 1966). (1) The foreign article has a thin-sectioning capability down to 50 Angstroms, whereas the thin-sectioning capability of the Sorvall Model MT–2 is 100 Angstroms. The thinner the section, the more it is possible to take advantage of the ultimate resolving power of the electron microscope for which the section is being prepared. Therefore, the capability of the foreign article to produce sections up to one-half as thick as the thinnest section producible with the Sorvall MT–2, is pertinent to the purposes for which the foreign article is intended to be used. (2) For the intended uses, the applicant requires an ultramicrotome that is capable of reproducing a series of ultrathin sections with consistent uniformity and accuracy. We are advised by the Department of Health, Education, and Welfare (HEW), in the memorandum dated May 16, 1968, that this requirement of the applicant can be met only with an ultramicrotome employing a thermal advance. In a prior case relating to the identical model of the foreign article with which this application is concerned (Docket No. 67–00028–33–46500), HEW advised that some backlash and slippage are inherent in the mechanical advance such as is employed in the Sorvall MT–2 and, therefore, the variations in thickness from the preset value is bound to be greater in such mechanical systems than in thermal systems even when each is functioning at its best level of efficiency. Since the thermal advance leads to more efficient serial sectioning, we find that this characteristic is pertinent to the purposes for which the foreign article is intended to be used. (3) The foreign article incorporates an accessory which permits the knife-angle setting to be measured to an accuracy of 1 degree, whereas no similar accessory is specified in the Sorvall catalogue. This is a pertinent characteristic because the thickness of the section is varied by varying the angle and, therefore, the more accurate the setting of the knife-angle, the more accurate will be the thickness of the section.

For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–9681; Filed, Aug. 13, 1968; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

CARBON 14, TRITIUM AND POLONIUM 210

Proposed Price Changes

The Commission proposes to reduce prices for carbon 14 and tritium and to establish large quantity prices for polonium 210. These prices are designed in each case to recover AEC full costs for production and distribution. The present and proposed prices are as follows:

		Present	Proposed
	Mci	*Per mci* [1]	*Per mci* [1]
Carbon 14	0 to 1,000	$6.50	$5.20
	1,001 to 5,000	5.50	4.40
	5,000 to 10,000	4.50	3.60
	Over 10,000	3.75	3.20
	Ci	*Per Ci* [1]	*Per Ci* [1]
Tritium [2]	0 to 1,000	2.00	2.00
	1,001 to 10,000	1.50	1.50
	10,001 to 25,000	1.00	1.00
	Over 25,000	1.00	.75
			Per Ci
Polonium 210.	1 gram (4,500 Ci)		8.50
	1½ gram (6,750 Ci)		8.25
	2 grams (9,000 Ci)		8.10

[1] Minimum order $25.
[2] Plus $30 packaging charge.

All interested persons who desire to submit written comments for consideration in connection with the Commission's proposed price changes on carbon 14, tritium and polonium 210 should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545 within thirty days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

The Commission will make a final decision on the proposed carbon 14, tritium and polonium 210 price changes following receipt and evaluation of public comments.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 6th day of August 1968.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 68–9781; Filed, Aug. 13, 1968; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20050; Order 68–8–32]

WASHINGTON-BALTIMORE HELICOPTER AIRWAYS, INC.

Order To Show Cause Regarding Service Mail Rate

Issued under delegated authority August 8, 1968.

The Postmaster General filed a notice of intent July 24, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 57.93 cents per great circle aircraft mile for the transportation of mail by aircraft between Philadelphia, Pa., and Pittsburgh, Pa.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft, Model 18 aircraft equipped for all-weather operations.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Washington-Baltimore Helicopter Airways, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Philadelphia, Pa., and Pittsburgh, Pa., shall be 57.93 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f):

It is ordered, That:

1. Washington-Baltimore Helicopter Airways, Inc., the Postmaster General, Trans World Airlines, Inc., Allegheny Airlines, Inc., and United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Washington-Baltimore Helicopter Airways, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Washington-Baltimore Helicopter Airways, Inc., the Postmaster General, Trans World Airlines, Inc., Allegheny Airlines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68–9730; Filed, Aug. 13, 1968; 8:50 a.m.]

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

FEDERAL COMMUNICATIONS COMMISSION

HEARING EXAMINER AND LOCATION DESIGNATIONS

Discontinuance From Publication in the Federal Register

AUGUST 2, 1968.

The FCC has announced that it is discontinuing FEDERAL REGISTER publication of orders issued by the Chief Hearing Examiner designating examiners and setting times and places for hearings. Also being eliminated are time and place designations by hearing examiners.

Orders specifically designating hearings and amending issues in hearing cases will continue to be published in the FEDERAL REGISTER. These serve to notify interested persons of hearing subject matter so that they may inform the Commission of their interest in a proceeding. Copies of subsequent orders are mailed directly to persons who have petitioned to intervene or who have notified the Commission of their interest.

The purpose of the Commission action is to save publication costs without adversely affecting interested parties. Announcements by the Chief Hearing Examiner and hearing presiding officers will continue to be made available for general release by the Office of Information.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68–9742; Filed, Aug. 13, 1968; 8:51 a.m.]

[FCC 68–816]

CATV SYSTEMS

Interim Procedures for Filing Applications To Furnish Channel Facilities to CATV Operators

AUGUST 9, 1968.

On June 26, 1968, the Commission issued its Decision in Docket No. 17333, FCC 68–658, holding that section 214 of the Communications Act and Part 63 of the Commission's rules are applicable to the construction of facilities by telephone companies for channel service to CATV systems. Among other things, this order directed the telephone companies to cease and desist from further construction of such facilities until section 214 certification applications had been filed and approved by the Commission, and to file, within 20 days after the release date, section 214 certification applications for all such construction undertaken prior to June 26, 1968.

On July 3, 1968, the Commission granted a temporary stay of the effectiveness of this decision to afford the respondent telephone companies an opportunity to seek judicial review and to petition the Commission for a stay pendente lite. On July 30, 1968, the Commission issued a Memorandum Opinion and Order, FCC 68–775, staying pendente lite the effectiveness of the decision only insofar as CATV channel facilities constructed and in operation on or before June 26, 1968, are concerned and denying a stay of the effectiveness of the decision in all other respects.

In the meantime, inquiries have been received by the Commission as to the procedures to be followed by telephone companies desiring to apply for section 214 certification in compliance with the requirements of the June 26th decision and the procedures to be followed by interested persons desiring to file responsive pleadings. The Commission recognizes that Part 63 of its rules governing the filing of such applications will require appropriate revision in light of the nature of the facilities and particularly to afford interested persons adequate notice of the filing of the application and to specify the procedures for filing responsive pleadings. Part 63 is now under review by the Commission to determine what revisions would be appropriate.

Pending such review and revisions, the Commission will endeavor to ensure that interested persons have adequate notice of the receipt and pendency of applications for section 214 certification for construction of CATV channel facilities, and will follow the interim procedures set forth below:

Interim procedures. 1. All applications for section 214 certification for construction of CATV channel facilities shall be served on all existing and proposed CATV operators or applicants for a CATV franchise in the community of the proposed construction and any community franchising authority, and each such application shall contain a certificate of service specifying the time and manner of service and the names and addresses of those served.

2. Public notices will be issued regularly by the Commission listing all applications received for section 214 certifications. The public notices will indicate which applications are for facilities to provide channel service to CATV systems and what communities are involved. In an effort to achieve wide-spread dissemination of the information contained in such public notices, the Commission will also endeavor to furnish promptly a copy of each public notice to the interested trade journals for publication.

3. Interested persons not served by the applicant may request the applicant promptly to furnish, or permit inspection of, a copy of the application, which will also be available for public inspection at the Common Carrier Bureau in the offices of the Commission at Washington, D.C.

4. Interested persons may file responsive pleadings to any application listed on a public notice within 30 days from issuance of the public notice. An original and nine copies of the responsive pleading shall be furnished to the Commission. The responsive pleading shall contain a certificate of service upon the applicant and upon all parties served by the applicant.

5. Where a responsive pleading is filed with respect to any application, the applicant may, within 14 days from service of the responsive pleading, file a reply which shall contain a certificate of service on all persons who have filed responsive pleadings.

6. The Commission will not act on any application for a section 214 certification for construction of facilities to provide channel service to CATV systems until at least 30 days from the issuance of the public notice listing the application, except for good cause shown and upon a finding that the public interest would be served by emergency action within a shorter period. When an application is filed containing a request for emergency action, the Commission will promptly issue a public notice indicating that that application contains a request for emergency action and may be acted on before the expiration of the 30-day period, but not less than seven days from the issuance of such notice.

7. Applicants who are uncertain as to which of the provisions of Part 63 of the Commission's rules are applicable to an application for a section 214 certification for construction of facilities to provide channel service to CATV systems may request the assistance of the staff of the Commission's Common Carrier Bureau.

Pursuant to section 3(a) of the Administrative Procedure Act, this Public Notice (FCC 68-816) will be published in the FEDERAL REGISTER.

Action by the Commission, August 7, 1968.[1]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-9743; Filed, Aug. 13, 1968; 8:51 a.m.]

[1] Commissioners Hyde (Chairman), Bartley, Lee, Cox, Wadsworth, and Johnson.

[Mexican Change List 248]

MEXICAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections in Assignments

JULY 16, 1968.

Notifications under the provisions of Part III, section 2 of the North American Regional Broadcast Agreement.

List of changes, proposed changes, and corrections in Assignments of Mexican Broadcast Stations modifying the appendix containing assignments of Mexican Broadcast Stations (Mimeograph No. 4721-6) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call Letters	Location	Power Watts	Antenna	Schedule	Class	Expected date of commencement of operation
		550 kilocycles				
XEPX (assignment deleted).	La Paz, T. de B.C.	250	ND	U	IV	
		560 kilocycles				
XEZO (assignment deleted).	St. Rosalia, B. C.	100	ND	U	IV	
XEAV (PO: 5,000 D/1,000N, ND. This modifies the expected date to begin operation with changed characteristics, as was shown in List No. 244).	Guadalajara, Jal.	*580 kilocycles* 10000D/1000N	ND	U	III	9-12-68 (Probable).
XECZ (in operation since 11-11-66. Assignment of call letters).	San Luis Potosi, S.L.P.	*960 kilocycles* 500D/250N	ND	U	IIID/IVN	*11-11-66.*
XEGR (PO: 1340 kc/s).	Coatepec, Ver.	*1040 kilocycles* 1000	ND	D	II	8-15-68 (Probable).
XESP (correction of an omission: In operation temporarily on 1070 kc/s with 5,000 watts, ND, D, since 12-10-64).	San Pedro Tlaquepaque, Jal.	*1070 kilocycles* 5000D/1000N	DA-N	U	II	*12-10-64.*
XETE (PO: 1310 kc/s).	Tehuacan, Pue.	*1140 kilocycles* 1000	ND	D	II	7-30-68 (Probable).
XEGR (this corrects the notification included in List No. 235. Assignment deleted).	Coatepec, Ver.	*1160 kilocycles* 1000	DA-N	U	II	
XEDB (in operation since 6-4-68).	Tonala, Chis.	*1290 kilocycles* 250	ND	U	IV	*6-4-68.*
XEHIT (this modifies the expected date of commencement of operation, and corrects the class).	Puebla, Pue.	*1310 kilocycles* 250D/100N	ND	U	IV	11-6-68 (Probable).
XETE (change to 1140 kc/s).	Tehuacan, Pue.	*1310 kilocycles* 250D/100N	ND	U	IV	
XEGR (change to 1040 kc/s).	Coatepec, Ver.	*1340 kilocycles* 250	ND	U	IV	
XERPU (previously notified with XEPG. This modifies the expected date of commencement of operation).	Durango, Dgo.	*1370 kilocycles* 1000D/100N	ND	U	IIID/IVN	1-10-69 (Probable).
XESP (assignment deleted. See 1070 (kc/s).	San Pedro Tlaquepaque, Jal.	*1590 kilocycles* 1000D/250N	ND	U	IV	

Call Letters	Location	Power Watts	Antenna	Schedule		Expected date of commencement of operation
		1410 kilocycles				
XEKB (correction of an omission: In operation on 1410 kc/s with 1000D/150N, since 10-10-65).	Atemajac, Jal.	5000D/150N	ND	U	IIID/IVN	*10-10-65.*
XESP (assignment deleted. See 1070 kc/s).	San Pedro Tlaquepaque, Jal.	*1410 kilocycles* 5000D/150N	ND	U	IIID/IVN	
XEJV (PO: 500 W, ND, D. This modifies the expected date to change operating characteristics, as shown in List No. 243).	Jaltipan, Ver.	*1420 kilocycles* 1000D/250N	ND	U	IIID/IVN	10-16-68 (Probable).
XETUN (change in call letters, previously XECZ).	San Luis Potosi, S.L.P.	*1430 kilocycles* 1000	ND	U	III	
XEPY (PO: 250 W, ND, U. This modifies the expected date to change operating characteristics, as shown in List No. 243).	Merida, Yuc.	*1450 kilocycles* 500D/250N	ND	U	IV	10-8-68 (Probable).
XEXU (new)	Villa Frontera, Coah.	*1480 kilocycles* 1000	ND	D	III	7-14-69 (Probable).
XEXU (assignment deleted).	Saltillo, Coah.	*1490 kilocycles* 100	ND	U	IV	
XEATP (change in call letters, previously XEUR. This modifies the expected date of commencement of operation).	Tehuacan, Pue.	*1520 kilocycles* 250	ND	U	II	7-10-69 (Probable).
XEUR (correction of an omission: this notifies the basic information. Supplementary information was sent to the O.I.R. on 6-23-64. In operation since 5-25-65).	*Texcoco, Mex.*	*1530 kilocycles* 5000	DA-1	U	II	*5-25-65.*
XEKB (assignment deleted. See 1410 kc/s).	Atemajac, Jal.	*1590 kilocycles* 1000D/125N	ND	U	IV	

FCC NOTE: Mexican Change List No. 248 has not been received through official channels.

[SEAL] WALLACE E. JOHNSON,
Assistant Chief, Broadcast Bureau, Federal Communications Commission.

[F.R. Doc. 68-9744; Filed, Aug. 13, 1968; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN EXPORT ISBRANDTSEN LINES, INC., AND FIRST ATOMIC SHIP TRANSPORT, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 7 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. James N. Jacobi, Kurrus and Jacobi, 2000 K Street NW., Washington, D.C. 20006.

Agreement No. 9451-3, between American Export Isbrandtsen Lines, Inc. (AEIL), and its wholly owned subsidiary, First Atomic Ship Transport, Inc. (FAST), amends the basic agreement, in consideration of Addendum No. 2 to the Charter of the NS *Savannah* by FAST from the United States of America, acting by and through the Department of Commerce, Maritime Administration, which will provide for the shuffle of fuel elements in the nuclear reactor on board the NS *Savannah* and extension of the Charter until the operational life of the fuel is exhausted or June 30, 1971, whichever is earlier, to provide (1) for the extension of its duration to June 30, 1971, unless sooner terminated; (2) for suspension of commercial operations during the period of time required for the fuel shuffle, and (3) that during such period of time, FAST will pay to AEIL $490 per day for the services rendered by AEIL in lieu of the payment presently stipulated in Article VIII of the Agreement.

Dated: August 9, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-9731; Filed, Aug. 13, 1968; 8:50 a.m.]

ITALY, SOUTH FRANCE, SOUTH SPAIN, PORTUGAL/U.S. GULF CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. G. Ravera, secretary, Italy, South France, South Spain, Portugal/U.S. Gulf Conference, Vico San Luca 4, 16123 Genoa, Italy.

Agreement No. 9522-11, between the members of the Italy, South France, South Spain, Portugal/U.S. Gulf Conference, modifies the basic agreement (1) to extend its geographic scope to include the Island of Puerto Rico; (2) to include the transportation of olives from Spain to the Island of Puerto Rico which are presently excluded from Conference cargoes in the trade; (3) to divide the geographic scope of the Conference into five parts described as the Italian, French, Spanish, Portuguese, and Puerto Rican sections; (4) to provide that a member meeting the admission requirements of the Conference may participate in one or more of the sections of the trade upon payment of the admission fee or

fees and deposit of the bank guarantees stipulated for each section; (5) to provide for the establishment of a fifth rate committee to deal with Puerto Rican rates and the quorum necessary for such a committee, and (6) to clarify the apportionment of Conference expenses.

Dated: August 9, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-9732; Filed, Aug. 13, 1968; 8:50 a.m.]

STATES STEAMSHIP CO. AND ALASKA STEAMSHIP CO., LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street, NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. R. H. Randolph, States Steamship Co., 320 California Street, San Francisco, Calif. 94104.

Agreement 9738, between States Steamship Co. and Alaska Steamship Co., Ltd., establishes a through billing arrangement for the movement of general cargo from ports of call of Alaska Steamship in Alaska to ports of call of States Steamship in Japan, with transshipment at Seattle, Wash., in accordance with terms and conditions set forth in the agreement.

Dated: August 9, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-9733; Filed, Aug. 13, 1968; 8:50 a.m.]

STATES STEAMSHIP CO. AND AMERICAN MAIL LINE, LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafer) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. R. H. Randolph, States Steamship Co., 320 California Street, San Francisco, Calif. 94104.

Agreement 9737 is a tariff concurrence agreement between States Steamship Co. and American Mail Line, Ltd., whereby (1) States Steamship Co. assents to and concurs in the publication and filing of American Mail Line's Alaska/Far East Freight Tariff No. 3, FMC-10, which names rates from ports in Alaska to ports in Japan, (2) American Mail Line, Ltd., agrees to name States Steamship Co. as a concurring carrier in its tariff described above, and (3) final decision on all tariff matters is reserved to American Mail Line, Ltd.

Dated: August 9, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-9734; Filed, Aug. 13, 1968; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2316]

PITTWAY CORP. AND KING AVIATION, INC.

Notice of Filing of Application

AUGUST 8, 1968.

Notice is hereby given that Pittway Corp. ("Pittway"), 121 7th Street, Pittsburgh 30, Pa., a subsidiary of Standard Shares, Inc. ("Standard"), a closed-end nondiversified management investment company registered under the Investment Company Act of 1940 ("Act"), and King Aviation, Inc. ("King") (hereinafter collectively called "Applicants"), have filed a joint application pursuant to sections 6(c) and 17(b) and Rule 17d-1 promulgated under section 17(d) of the Act. Applicants request an order of the Commission exempting from the provisions of sections 17(a), and authorizing, pursuant to Rule 17d-1, a proposed transaction whereby Pittway will lease an airplane from King. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

The parties. Standard owns 1,021,800 shares, or over 40 percent, of the outstanding common stock of Pittway. Pittway is a diversified operating company engaged in the businesses of aerosol and other contract packaging, the manufacture of aerosol valves and of burglar and fire alarm devices and the publication of industrial magazines.

King is a corporation organized under the laws of the State of Illinois whose sole business is the ownership and operation of an executive North American Aviation Sabreliner jet aircraft ("Aircraft"). The capital stock of King is owned by Nelson Harris, who is president and a director of Pittway and is also chairman of the Executive Committee, a director and a substantial stockholder of Standard, and by Irving B. Harris and Sidney Barrows, who are also officers and/or directors of Pittway and Standard and substantial stockholders of Standard.

Background. On November 1, 1967, Pittway leased the Aircraft from King on a trial and test basis with the objective of determining whether and the extent to which the use by Pittway of a private airplane might be desirable under existing and reasonably foreseeable levels of operation. The term of the lease was originally 3 months at a rental at the rate of $25,000 annually, and was extended on the same terms to May 9, 1968, in order to further evaluate the relative costs and other factors involved in a lease or purchase of the Aircraft or of a different airplane.

The application states that on May 9, 1968, the Board of Directors of Pittway determined that it was desirable for Pittway to have a private airplane freely available for its present and reasonably anticipated expanded operations, principally for use in connection with sales, sales promotion, and acquisitions. The application further states that the Board concluded that it would be inadvisable to incur the costs of purchasing an airplane at this time and that the leasing of an airplane would be the least expensive and most desirable way to serve Pittway's present needs.

Proposed transaction. Applicants represent that on May 10, 1968, a 12-month renewable lease was entered into under which it is contemplated that the Aircraft will be used primarily by Pittway, but will also be used by King and its officers who will pay a portion of the expenses for such use. Applicants request that the transaction be exempted from May 13, 1968, the date of filing of the application.

Under the lease, Pittway will pay all out-of-pocket overhead charges of the Aircraft and all operating expenses incurred in connection with the use of the Aircraft and will pay to King, as reserve for motor overhaul, $20 for each hour the Aircraft is used by Pittway, plus rent of $40,000 annually, payable in equal monthly installments. The estimated total cost to Pittway amounts to less than $650 per hour of use. The lease is terminable by Pittway at any month-end on 30 days' notice.

King will pay Pittway $200 for each hour the Aircraft is used by King or its officers, plus (a) an amount equal to the excess, if any, of King's adjusted share of all operating expenses and overhead charges over the aggregate of King's hourly payments. This will be determined by (i) multiplying all of such expenses actually incurred by King's flight rate (its hours flown divided by total hours flown) during the period and (ii) subtracting from "(i)" $4,000 for each month of the lease; and (b) if Pittway's flight rate (its hours flown divided by total hours flown) is less than 50 percent, an amount equal to the difference between (i) the sum of $7,333 for each month of the lease and (ii) two times that sum multiplied by Pittway's flight rate.

Commission jurisdiction. Since the owners of King are affiliated persons of Standard, King may be deemed to be an affiliated person of an affiliated person of Standard. Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of an affiliated person of a registered investment company (King), from selling (including leasing) any property to any company controlled by such registered company (Pittway), unless the Commission upon application under section 17(b) of the Act grants an exemption from such prohibition. Section 17(b) states that the Commission shall grant such application and issue an order of exemption if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received are reasonable and fair and do not involve overreaching on the part of any person concerned; if the proposed transaction is consistent with the policies of the investment company as recited in its registration statements and reports filed under the Act; and if the proposed transaction is consistent with the general purposes of the Act.

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide as here pertinent, that it shall be unlawful for an affiliated person of a registered investment company or an affiliated person of such a person (King), acting as principal, to participate in, or to effect any transaction in connection with, any joint enterprise or other joint arrangement in which any company controlled by such registered company (Pittway) is a participant unless an application regarding such arrangement has been granted by the Commission. In passing upon such application, the Commission must consider whether the participation of such registered company or controlled company in such arrangement is consistent with the provisions, policy, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Section 6(c) of the Act provides that the Commission, by order upon application, may exempt any person, security or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Supporting statements. Applicants represent that the transaction is reasonable and fair, does not involve overreaching on the part of any person, is in the public interest, and is consistent with the protection of investors and with the general purposes of the Act, and with the policy of Standard, for the following reasons: (1) Pittway made inquiries about leasing a comparable airplane from another company and was advised that the actual cost of leasing, including expenses to be borne by the lessee as well as the fixed rental, would substantially exceed $650 per hour. (2) The lease is premised on the expectation that Pittway will have two-thirds of the Aircraft's flying time and King and its officers one-third. However, the $40,000 fixed rent payment was determined on the basis of an equal sharing by Pittway and King, of all estimated overhead charges attributable to the Aircraft (approximately $176,000), and includes no profit for King. (3) The aggregate amount by which the amounts actually expended exceed the estimates on which the lease is premised, will be divided between Pittway and King in proportion to their respective Flight Rates. Moreover, if Pittway's Flight Rate is less than 50 percent, its lease and out-of-pocket overhead payments will be further adjusted to reflect its lesser proportion of the total hours flown.

Notice is further given that any interested person may, not later than August 29, 1968, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing), upon Applicants at the address set forth above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate), shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application, shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-9702; Filed, Aug. 13, 1968; 8:48 a.m.]

ROVER SHOE CO.

Order Suspending Trading

AUGUST 8, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Rover Shoe Co., Bushnell, Fla., and stock purchase warrants of Rover Shoe Co. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 9, 1968, through August 18, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-9703; Filed, Aug. 13, 1968; 8:48 a.m.]

[File No. 1-2879]

ROYSTON COALITION MINES, LTD.

Order Suspending Trading

AUGUST 8, 1968.

The capital stock 1¢ par value of Royston Coalition Mines, Ltd., being listed and registered on the Salt Lake Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Royston Coalition Mines, Ltd., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Salt Lake Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 9, 1968, through August 18, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-9704; Filed, Aug. 13, 1968; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 595 (31 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize ten percent of the total number of factory production workers except as otherwise indicated.

Aalfs Manufacturing Co., Sioux City, Iowa; 7–8–68 to 7–7–69 (boys' jeans).

Ainsbrooke Co., Olney, Ill.; 6–27–68 to 6–26–69 (men's and boys' woven pajamas).

Angelica Uniform Co., Eminence, Mo.; 6–20–68 to 6–19–69 (men's and women's work clothes).

Angelica Uniform Co., Marquand, Mo.; 6–24–68 to 6–23–69 (men's pants).

Barbizon of Utah, Inc., Provo, Utah; 7–11–68 to 7–10–69 (ladies' slips, gowns and pajamas).

Brooks Contracting Co. of Clarksville, Inc., Clarksville, Tex.; 7–12–68 to 7–11–69; five learners (ladies' uniforms).

Burlington Manufacturing Co., Concordia, Mo.; 7–19–68 to 7–18–69 (men's work pants).

Bur-Mac Corp., Athens, Ga.; 7–5–68 to 7–4–69 (men's and boys' dress slacks).

Caraway Apparel Co., Caraway, Ark.; 7–11–68 to 7–10–69; 10 learners (ladies' dresses).

Carwood Manufacturing Co., Winder, Ga.; 7–13–68 to 7–12–69 (men's and boys' pants).

Central Apparel Corp., Danville, Va.; 7–2–68 to 7–1–69 (children's pants).

Elizabethtown Manufacturing Co., Elizabethtown, N.C.; 7–23–68 to 7–22–69; 10 learners.

The Fordyce Apparel Co., Fordyce, Ark.; 7–10–68 to 7–9–69 (men's and boys' pants).

Giles Manufacturing Corp., Narrows, Va.; 6–26–68 to 6–25–69 (boys' outerwear jackets, children's shirts).

Glen Lyon Bra & Corset Co., Inc., Wilkes-Barre, Pa.; 7–1–68 to 6–30–69; 10 learners (corsets and allied garments).

Greenway Manufacturing Co., Waynesburg, Pa.; 7–8–68 to 7–7–69 (boys' and infants' polo shirts).

Hackleburg Manufacturing Co., Hackleburg, Ala.; 7–11–68 to 7–10–69 (boys' sport shirts).

H&H Manufacturing Corp., Statham, Ga.; 7–1–68 to 6–30–69 (men's dress pants).

Hunter-Bros. Co., Inc., Statesville, N.C.; 7–3–68 to 7–2–69 (men's sport shirts, ladies' blouses).

Imperial Reading Corp., LaFayette, Tenn.; 6–25–68 to 6–24–69 (men's sport shirts).

Jo-Jac Shirt Co., Inc., Pulaski, Tenn.; 7–3–68 to 7–2–69 (boys' sport shirts).

Juniata Garment Co., Inc., Mifflin, Pa.; 6–27–68 to 6–26–69 (women's dresses).

La Crosse Sportswear Corp., La Crosse, Va.; 7–5–68 to 7–4–69 (men's and boys' sport shirts).

H. D. Lee Co., Inc., Guntersville, Ala.; 6–26–68 to 6–25–69 (boys' jeans).

Manchester Pants Co., Manchester, Md.; 6–30–68 to 6–29–69 (men's trousers).

Marietta Sportswear Manufacturing Co., Marietta, Okla.; 7–7–68 to 7–6–69 (men's dress slacks).

McCreary Manufacturing Co., Inc., Stearns, Ky.; 6–26–68 to 6–25–69 (men's shirts, ladies' blouses).

Meadow Sportswear, Inc., Bay Minette, Ala.; 7–1–68 to 6–30–69 (men's dress slacks).

Middleburg Sportswear, Inc., Middleburg, Pa.; 7–8–68 to 7–7–69; 10 learners (women's dresses).

Morgan Sportswear Co., Madison, Ga.; 7–11–68 to 7–10–69 (men's and boys' shirts).

Morris Maier Manufacturing Co., Inc., Prescott, Ariz.; 7–22–68 to 7–21–69 (ladies' outerwear jackets, blouses and pants).

Oberman Manufacturing Co., Morrilton, Ark.; 7–16–68 to 7–15–69 (men's and boys' pants).

Oberman Manufacturing Co., Valdosta, Ga.; 6–24–68 to 6–23–69 (men's and boys' pants).

Pecos Garment Co., Pecos, Tex.; 7–10–68 to 7–9–69 (work clothes).

Pioneer Manufacturing Co., Inc., Wilkes-Barre, Pa.; 7–20–68 to 7–19–69 (children's dresses).

Royal Manufacturing Co., Inc., Washington, Ga.; 7–22–68 to 7–21–69 (men's and boys' sport shirts).

Spencer California, Tehachapi, Calif.; 6–20–68 to 6–19–69; five learners (children's pajamas and gowns).

The Van Heusen Co., Clio, Ala.; 7–7–68 to 7–6–69 (sport and dress shirts).

Warsaw Manufacturing Co., Warsaw, N.C.; 7–7–68 to 7–6–69 (ladies' house dresses).

The following plant expansion certificates were issued authorizing the number of learners indicated.

The Arrow Co., Albertville, Ala.; 6–20–68 to 12–19–68; 40 learners (men's dress shirts).

Center Hill Manufacturing Co., Inc., Bailey, Miss.; 7–12–68 to 1–11–69; 60 learners (men's outerwear jackets).

Eudora Garment Corp., Eudora, Ark.; 6–27–68 to 12–26–69; 25 learners (washable service apparel).

Kellwood Co., Idabel, Okla.; 7–15–68 to 1–14–69; 100 learners (men's jeans).

H. D. Lee Co., Inc., Guntersville, Ala.; 6–26–68 to 12–25–68; 40 learners (boys' jeans).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

Lambert Manufacturing Co., No. 1, Chillicothe, Mo.; 7–18–68 to 7–17–69; 10 learners for normal labor turnover purposes (work gloves).

Lambert Manufacturing Co., No. 3, Chillicothe, Mo.; 7–22–68 to 7–21–69; 10 learners for normal labor turnover purposes (work gloves).

Wells Lamont Corp., Brownsville, Tenn.; 7–8–68 to 7–7–69; 10 percent of the total number of machine stitchers for normal labor turnover purposes (leather gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

Paul-Bruce Manufacturing Co., Inc., Scotland Neck, N.C.; 6–30–68 to 6–29–69; five learners for normal labor turnover purposes (ladies' sleepwear).

Royal Manufacturing Co., Inc., Washington, Ga.; 7–22–68 to 7–21–69; 5 percent of the total number of factory production workers engaged in the production of men's and boys' woven shorts for normal labor turnover purposes (men's and boys' woven shorts).

Sweetree Mills, Inc., Cherryville, N.C.; 6–30–68 to 6–29–69; 5 percent of the total number of factory production workers for normal labor turnover purposes. Learners may not be employed at special minimum wages in the manufacturer of skirts (ladies' sweaters).

Tazewell Textiles, Inc., New Tazewell, Tenn.; 6–22–68 to 6–21–69; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knitted tee shirts and knitted briefs).

Each learner certificate has been issued upon the representations of the employer, which, among other things, were that employment of learners at special minimum wages is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 9th day of August 1968.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 68–9713; Filed, Aug. 13, 1968; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–4141, etc.]

GULF OIL CORP. ET AL.

Findings and Order

AUGUST 6, 1968.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, cancelling docket number, amending certificates, permitting and approving abandonment of service, terminating certificates, substituting respondent, making successors corespondents, redesignating proceedings, requiring filing of agreements and undertakings, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC gas rate schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's Statement of General Policy No. 61–1, as amended, or involve sales for which permanent certificates have been previously issued; except that the sales from the Permian Basin area of New Mexico and Texas are authorized to be made at or below the applicable area base rates and under the conditions prescribed in Opinion Nos. 468 and 468–A.

L. R. Philips, doing business as Philips Well Service, Applicant in Docket No. G–11043, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Clay Johnson, Jr., FPC Gas Rate Schedule No. 1. Said rate schedule will be redesignated as that of Applicant. Clay Johnson, Jr., filed an increase in rate under said rate schedule which increase is suspended in Docket No. RI62–528. Therefore, Applicant will be substituted as respondent in said proceeding; and the proceeding will be redesignated accordingly.

Vernon E. Faulconer and John Roger McCoy, doing business as Faulconer and McCoy, Applicants in Docket No. CI62–77, propose to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Mobil Oil Corp. FPC Gas Rate Schedule No. 272. Said rate schedule will be redesignated as that of Applicants. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI67–276. Applicants have filed a motion to be made co-respondents in said proceeding. Therefore, they will be made co-respondents; the proceeding will be redesignated accordingly; and Applicants will be required to file an agreement and undertaking to assure the refund of any amounts collected by them in excess of the amount determined to be just and reasonable in said proceeding.

E. A. Polumbus, Applicant in Docket No. CI68–1270, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI62–1037 to be made pursuant to Shell Oil Co. (Operator) et al., FPC Gas Rate Schedule No. 269. Said rate schedule has been redesignated as Consolidated Oil & Gas, Inc. (Operator) et al., FPC Gas Rate Schedule No. 33, and the contract comprising said rate schedule will be accepted for filing as a rate schedule of Border Exploration Co. and of Applicant. Applicant acquired his interest from Border Exploration Co., Applicant in Docket No. CI68–1285. The presently effective rate under the rate schedule is in effect subject to refund in Docket No. RI67–169. Therefore, Applicant will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and Applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by him in excess of the amount determined to be just and reasonable in said proceeding.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice, a petition to intervene by the Brooklyn Union Gas Co. was filed in Docket No. CI68–1166, in the matter of the application filed on April 2, 1968, in said docket. A notice of intervention by the people of the State of California and the Public Utilities Commission of the State of California was filed in Docket Nos. CI68–1276 and CI68–1280, in the matter of the applications filed on May 8, 1968, and May 9, 1968, respectively, in said dockets. The petition to intervene and the notice of intervention have been withdrawn, and no other petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on August 1, 1968, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. CI68–1143 should be canceled and that the application filed therein should be processed as a petition to amend the certificate heretofore issued in Docket No. CI67–143.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G–4141, G–6550, G–6619, G–7004, G–7160, G–11043, G–14548, G–20594, CI62–77, CI63–20, CI64–62, CI67–90, CI67–143, CI67–374, CI67–676, CI67–1104, CI68–44, CI68–62, CI68–516, CI68–714, and CI68–997 should be amended as hereinafter ordered and conditioned.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued in the following dockets should be amended to reflect the deletion of acreage where new certificates are issued herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificate*
G–18921	CI68–1340
CI63–234	CI68–1347
CI64–648	CI68–1347
CI67–952	CI68–1166
CI68–1285	CI68–1270

(8) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that L. R. Philips, doing business as Philips Well Service, should be substituted in lieu of Clay Johnson, Jr., as respondent in the proceeding pending in Docket No. RI62–528, and that said proceeding should be redesignated accordingly.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Vernon E. Faulconer and John Roger McCoy, doing business as Faulconer and McCoy, should be made co-respondents in the proceeding pending in Docket No. RI67–276, that said proceeding should be redesignated accordingly, and that they should be required to file an agreement and undertaking in said proceeding.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act, that E. A. Polumbus should be made a co-respondent in the proceeding pending in Docket No. RI67–169, that said proceeding should be redesignated accordingly, and that E. A. Polumbus should be required to file an agreement and undertaking in said proceeding.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61-1, as amended, shall be filed prior to the applicable date as indicated by footnote 10 in the attached tabulation.

(E) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The initial rates for sales authorized in Docket Nos. G-6619, G-7160, CI68-997, CI68-1261, CI68-1276, and CI68-1280 shall be the applicable base area rates prescribed in Opinion No. 468, as modified by Opinion No. 468-A, as adjusted for quality, or the contract rates, whichever are lower.

(b) If the quality of the gas delivered by Applicants in Docket Nos. G-6619, G-7160, CI68-997, CI68-1261, CI68-1276, and CI68-1280 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468-A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to the provisions of section 4 of the Natural Gas Act; provided, however, that adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of changes in rate.

(c) Within 45 days from the date of this order Applicant in Docket No. CI68-997 shall file a rate schedule quality statement in the form prescribed in Opinion No. 468-A. Applicants in Docket Nos. G-7160, CI68-1276, and CI68-1280 shall file rate schedule quality statements within 90 days from the date of initial delivery.

(d) The initial rate for sales authorized in Docket Nos. CI67-1104, CI68-62, CI68-1259, and CI68-1271 shall be 15 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement, subject to B.t.u. adjustment as provided for in the contracts; however,

(e) In the event that the Commission amends its Policy Statement No. 61-1, by adjusting the boundary between the Panhandle area and the Oklahoma "Other" area so as to increase the initial wellhead price for new gas in the areas involved herein, Applicants in Docket Nos. CI68-62, CI68-1259, and CI68-1271, thereupon may substitute the new rates reflecting the amounts of such increases, and thereafter collect such new rates prospectively in lieu of the initial rate herein required.

(f) The certificates issued herein in Docket No. CI68-1271 with respect to sales from both the Oklahoma Panhandle and Oklahoma Other areas in Docket No. CI67-374 are conditioned upon any determination which may be made in the proceeding pending in Docket No. R-338 with respect to the transportation of liquefiable hydrocarbons.

(F) The acceptance for filing of the related rate filing in Docket No. CI68-1341 is contingent upon Applicant's filing three copies of a billing statement as required by the regulations under the Natural Gas Act.

(G) The certificate issued herein, in Docket No. CI68-1350, authorizes the sale of natural gas only from the acreage specifically identified in Exhibit "A" of the contract dated July 25, 1966, between Applicant and Arkansas Louisiana Gas Co. Applicant must file an appropriate certificate application and related rate schedule supplement for the sale of gas from any additional acreage.

(H) Docket No. CI68-1143 is canceled.

(I) The certificates heretofore issued in Docket Nos. G-4141, G-7004, G-7160, G-11043, G-20594, CI64-62, CI67-90, CI67-143, CI67-374, CI67-676, CI67-1104, CI68-62, CI68-516, and CI68-714 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations pursuant to the rate schedule supplements as indicated in the tabulation herein.

(J) The certificate heretofore issued in Docket No. G-6619 is amended to include the additional volumes of residue gas as indicated in the tabulation herein.

(K) The certificate heretofore issued in Docket No. CI63-20 is amended by deleting therefrom authorization to sell natural gas pursuant to the rate schedule supplement as indicated in the tabulation herein, and such authorization shall not be construed to relieve Applicant of any refund obligation which may be ordered in the related rate suspension proceeding pending in Docket No. RI68-155, insofar as it pertains to the acreage being released.

(L) The certificate heretofore issued in Docket No. CI68-997 is amended by authorizing Applicant to continue the sale of natural gas from interest acquired from the predecessor in Docket No. CS67-46.

(M) The certificates heretofore issued in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificate*
G-18921	CI68-1340
CI63-234	CI68-1347
CI64-648	CI68-1347
CI67-952	CI68-1166
CI68-1285	CI68-1270

(N) The certificates heretofore issued in Docket Nos. G-6550, G-11043, CI62-77, CI67-143, and CI68-44 are amended by substituting the respective successors in interest as certificate holders as indicated in the tabulation herein.

(O) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein are granted.

(P) The certificates heretofore issued in Docket Nos. G-16826, G-18385, G-18386, G-18927, CI62-772, and CI64-598 are terminated.

(Q) L. R. Philips, doing business as Philips Well Service is substituted in lieu of Clay Johnson, Jr., as respondent in the proceeding pending in Docket No. RI62-528, and said proceeding is redesignated accordingly.[1]

(R) Vernon E. Faulconer and John Roger McCoy, doing business as Faulconer and McCoy, are made co-respondents in the proceeding pending in Docket No. RI67-276, and said proceeding is redesignated accordingly.[2]

[1] L. R. Philips, doing business as Philips Well Service.

[2] Mobil Oil Corp. and Vernon E. Faulconer and Roger E. McCoy, doing business as Faulconer and McCoy.

(S) Within 30 days from the issuance of this order, Vernon E. Faulconer and John Roger McCoy, doing business as Faulconer and McCoy, shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI67-276 to assure the refund of any amounts collected by them, together with interest at the rate of seven percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(T) Vernon E. Faulconer and Roger E. McCoy, doing business as Faulconer and McCoy, shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by them in Docket No. RI67-276 shall remain in full force and effect until discharged by the Commission.

(U) E. A. Polumbus is made a corespondent in the proceeding pending in Docket No. RI67-169, and said proceeding is redesignated accordingly.[3]

(V) Within 30 days from the issuance of this order, E. A. Polumbus shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI67-169 to assure the refund of any amounts collected by him, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(W) E. A. Polumbus shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by him in Docket No. RI67-169 shall remain in full force and effect until discharged by the Commission.

(X) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further the rate schedules relating to the successions herein are redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[3] Shell Oil Co. (Operator) et al., Consolidated Oil & Gas, Inc. (Operator) et al., and E. A. Polumbus.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G-4141 D 1-15-68	Gulf Oil Corp.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., South Crowley Field, Acadia Parish, La.	Amendment 12-20-67 [1 2]	116	5
G-6550 E 5-6-68	Ernest J. Dye, agent (successor to Willie Dye, agent).	Penova Interests, J. W. Richards Lease, Sheridan District, Calhoun County, W. Va.	Willie Dye, agent, FPC GRS No. 1. Notice of assignment 5-2-68.[2 3]	1	
G-6619 4-12-67 [4]	Sun Oil Co. (Southwest Division).	El Paso Natural Gas Co., Levelland Field, Hockley County, Tex.	Supplemental agreement 12-7-66.[5]	1	13
			Supplemental agreement 7-20-67.[5 6]	1	14
G-7004 D 5-17-68	Pennzoil United, Inc.	Consolidated Gas Supply Corp., Various Districts, Kanawha County, W. Va.	Amendatory agreement 2-14-67.[5]	10	5
			Amendatory agreement 2-29-68.[5]	10	6
			Amendatory agreement 3-21-68.[5]	10	7
			Amendatory agreement 3-27-68.[5]	10	8
			Amendatory agreement 3-27-68.[5 6]	10	9
G-7160 C 5-16-68	Gulf Oil Corp (Operator) et al. [64]	Northern Natural Gas Co., Blinebry and Tubb Pools, Lea County, N. Mex.	Amendatory agreement 4-2-68.[7]	15	33
G-11043 E 5-21-68	L. R. Philips d.b.a. Philips Well Service (successor to Clay Johnson, Jr.).	Florida Gas Transmission Co., Lockridge Field, Brazoria County, Tex.	Clay Johnson, Jr., FPC GRS No. 1.	1	
			Supplement Nos. 1-4. Notice of succession 11-16-67.	1	1-4
			Assignment 11-2-66 [8] Effective date: 11-1-66.	1	5
G-14548 C 5-29-68 [10]	American Petrofina Co. of Texas.	El Paso Natural Gas Co., Blanco Pictured Cliffs Field, Rio Arriba and San Juan Counties, N. Mex.	Agreement 5-10-68 [7]	19	13
G-20594 C 5-20-68 [10]	Jake L. Hamon	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Amendatory agreement 4-29-68.[7 11]	23	2
CI62-77 E 5-31-68	Vernon E. Faulconer and John Roger McCoy d.b.a. Faulconer & McCoy (successor to Mobil Oil Corp.).	Cities Service Gas Co., Aetna Mississippi Pool, Barber County, Kans.	Mobil Oil Corp., FPC GRS No. 272.	1	
			Supplement Nos. 1-4. Notice of succession 5-28-68.	1	1-4
			Assignment 1-16-68 [12] Effective date: 1-1-68.	1	5
CI63-20 D 4-3-67	Humble Oil & Refining Co. (Operator) et al.	Arkansas Louisiana Gas Co., Arkoma Area, Pittsburg County, Okla.	Assignment 3-8-67 [2 13]	[14] 337	53
CI64-62 C 5-23-68 [10]	Aikman Brothers	Northern Natural Gas Co., Clementine Upper Morrow Field, Hansford County, Tex.	Supplemental agreement 4-15-68.	3	1
CI67-90 C 5-24-68 [10]	Amax Petroleum Corp.	Arkansas Louisiana Gas Co., Southeast Spiro Field, Le Flore County, Okla.	Amendment 3-1-68 [7 15]	24	26
CI67-374 C 3-7-68 [10]	Gulf Oil Corp.	Panhandle Eastern Pipe Line Co., Northwest Tangier and South Peek Fields, Woodward and Ellis Counties, Okla.	Amendment 1-26-68 [7]	[16] 371	2
CI67-676 C 3-11-68 [10]	Apache Corp. (Operator) et al.	Northern Natural Gas Co., North Chaney Field, Ellis County, Okla.	Amendatory agreement 1-2-68.[17]	38	6
CI67-1104 C 4-12-68 [10]	Humble Oil & Refining Co.	Arkansas Louisiana Gas Co., Kinta Field, Le Flore County, Okla.	Supplemental agreement 3-18-68.	420	4
			Compliance 6-3-68 [18]	420	5
CI68-44 E 5-27-68	Universal Major Industries Corp. (Operator) (successor to Transamerican Petroleum Corp.).	Consolidated Gas Supply Corp., Banks Township, Indiana County, Pa.	Transamerican Petroleum Corp., FPC GRS No. 8.	7	
			Supplement Nos. 1-5. Notice of succession, 4-4-68.	7	1-5
			Assigned 3-22-67 [19] Effective date: 3-22-67.	7	6
CI68-62 C 5-13-68 [10]	Humble Oil & Refining Co.	Panhandle Eastern Pipe Line Co., North Greensburg Field, Woods County, Okla.	Amendment 4-15-68.	431	3
			Compliance 6-10-68 [20]	431	4
CI68-516 C 4-29-68	Monsanto Co., agent (Operator) et al.	Arkansas Louisiana Gas Co., Bonanza Field, Sebastian County, Ark.	Contract 11-15-67 [21]	91	4
			Contract 1-23-68 [22]	91	5
CI68-714 C 5-29-68 [10]	Lendol Rogers et al. d.b.a. Scull-Rogers.	Consolidated Gas Supply Corp., Washington District, Calhoun County, W. Va.	Contract 11-6-67 [7 23]	91	6
			Letter agreement 12-12-67.[7]	5	1

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI68-997 ..... C 5-20-68	MWJ Producing Co. (Operator), agent.	El Paso Natural Gas Co., Spraberry Field, Reagan and Irion Counties, Tex.	Assignment 4-17-68 [2] ... Effective date: 4-26-68 ... Assignment 4-26-68 [3] ... Assignment 4-26-68 [4] ... Effective date: 4-26-68	16	4
CI68-1143 ..... E 5-14-68 [5]	Marsco Oil Corp. (successor to Joseph S. Grusa).	Consolidated Gas Supply Corp., Various Districts, Roane and Calhoun Counties, W. Va.	Joseph S. Grusa, FPC GRS No. 11. Supplement No. 1 ... Notice of succession 2-14-68 ... Letter agreement 7-17-67 [6] ... Assignment 10-26-67 [7] ... Effective date: 10-26-67 ... Letter agreement 4-19-68 [8]	5	1
CI68-1201 ..... A 4-11-68 [10]	Tenneco Oil Co	Arkansas Louisiana Gas Co., Southeast Ames Field, Major County, Okla.	Contract 3-25-68 ... Letter 6-17-68 [11] ... Effective date: 3-7-68 ... Contract 3-25-68 ... Letter 6-17-68 [11]	226	1
CI68-1259 ..... A 4-29-68 [10]	Flag Oil Corp. of Delaware (Operator) et al.	Panhandle Eastern Pipe Line Co., West Edmond Field, Woods County, Okla.	Contract 3-21-68 ... Compliance 6-4-68 [12]	7	1
CI68-1261 ..... F 4-29-68 [13]	Humble Oil & Refining Co. (successor to J. C. Barnes et al.).	West Texas Gathering Co., Emperor Field, Winkler County, Tex.	Contract 12-2-57 [14] ... Assignment 2-10-68 [15] ... Quality statement 6-7-68. Effective date: 1-1-68.	447	1
CI68-1270 ..... (CI68-1288) F 5-2-68 [16]	E. A. Polumbus	El Paso Natural Gas Co., East Boundary Butte Field, Apache County, Ariz.	Contract 1-16-62 [14] ... Assignment 10-10-67 [17] ... Assignment 12-29-67 [18] ... Assignment 12-29-67 [18] ... Assignment 12-29-67 [18] ... Effective date: 12-29-67	1	1
CI68-1271 ..... A 5-2-68 [10]	Shell Oil Co	Panhandle Eastern Pipe Line Co., South Bishop Field, Ellis, and Roger Mills Counties, Okla.	Contract 3-12-68 [19] ... Letter 5-29-68 [20]	360	1
CI68-1276 ..... A 5-6-68 [21]	Cities Service Oil Co....	Transwestern Pipeline Co., North Bluitt Field, Roosevelt County, N. Mex.	Contract 4-26-68 [1]	223	.....
CI68-1280 ..... A 5-6-68 [22]	Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co.	..... do	Contract 4-16-68 [1]	93	.....
CI68-1300 ..... A 5-15-68 [10]	J. T. Langham and R. J. Baum, d.b.a. Labeco (Operator) et al.	Baca Gas Gathering System, Inc., Plaza Field, Baca County, Colo.	Contract 4-22-68	2	.....
CI68-1327 ..... A 5-22-68 [10]	Wiley W. Lowrey et al.	Arkansas Louisiana Gas Co., Stephens-Mobee Unit, Arkoma Area, Le Flore County, Okla.	Contract 2-11-68 [23] ... Contract 5-24-62 ... Letter Agreement 3-5-68. Effective date: 1-1-68.	1	1
CI68-1328 ..... (CI-18927) B 5-22-68	Atlantic Richfield Co. (Operator) et al.	Texas Eastern Transmission Corp., Dunn Field, Live Oak County, Tex.	Assignment 4-1-68 [24] ... Notice of Cancellation 5-22-68 [14].	259	11
CI68-1329 ..... (CI64-698) B 5-23-68	LaRue-Smith Production Co.	Southern Natural Gas Co., Dozier Field, Walthall County, Miss.	Notice of Cancellation 5-21-68, [14]	2	1
CI68-1331 ..... A 5-23-68 [10]	Graham-Michaelis Drilling Co.	Panhandle Eastern Pipe Line Co., Morita Field, Beaver County, Okla.	Contract 4-16-68 [1]	84	.....

[1] Deletes formations between 9,000 feet and 11,000 feet.
[2] Effective date: Date of this order.
[3] Ernest J. Dye has succeeded Willis Dye as agent.

[4] Application to amend the certificate to cover additional volumes of residue gas. Applicant agrees to accept permanent authorization for additional volumes consistent with Opinion No. 468.
[5] Increases contract quantity.
[6] Eliminates indefinite pricing provisions, only as they pertain to the additional volumes of residue gas.
[7] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[8] Deletes gas to be produced from the "Newberg" formation (purchaser has no facilities in the area capable of taking the gas).
[8a] By letter filed May 28, 1968, Applicant agreed to accept permanent authorization conditioned as Opinion No. 468.
[9] Assigns acreage from Clay Johnson, Jr. to L. R. Philips.
[10] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[11] Adds acreage and provides for a 5-year makeup period for gas paid for but not taken and provides for downward B.t.u. adjustment.
[12] From Mobile Oil Corp. to Applicant.
[13] Assigns acreage from Applicant to Apache Corp.
[14] Rate of 15.01556 effective subject to refund in Docket No. RI68-155.
[15] Amends contract dated June 1, 1967, which adopts terms of basic contract dated Mar. 30, 1964, contained in FPC GRS No. 24, to cover Applicant's share of production from the Monsanto-Glenn No. 1 Well.
[16] Contract contains provisions for processing; by letter filed Apr. 8, 1968, Applicant agreed to accept permanent authorization conditioned to the rulemaking proceedings in Docket No. R-338.
[17] Applicant's instant filing is to cover only its 25 percent interest as a nonoperating coowner in subject acreage.
[18] Complies with temporary certificate issued May 29, 1968; Applicant states willingness to accept a permanent authorization conditioned to 15 cents.
[19] From Transamerican Petroleum Corp. to Universal Major Industries Corp.
[20] Complies with temporary certificate issued; Applicant states willingness to accept permanent authorization at 15 cents plus B.t.u. adjustment.
[21] Between Sunray DX Oil Co. and buyer. Letter authorizing Monsanto to market gas, dated Oct. 11, 1967, is attached.
[22] Between Charles E. McRay and buyer. Letter authorizing Monsanto to market gas, dated Oct. 10, 1967, is attached.
[23] Between R. S. Littlefield and buyer. Letter authorizing Monsanto to market gas, dated Oct. 12, 1967, is attached.
[24] Transfers interest previously covered by a small producer certificate to coowners. MWJ does not own an interest in the sale, merely acts as agent. The acreage is presently dedicated to the Jan. 1, 1967, contract comprising the subject rate schedule.
[25] Application erroneously assigned Docket No. CI68-1143 being treated as a petition to amend the certificate issued in Docket No. CI67-143 and Docket No. CI68-1143 will be canceled.
[26] Adds acreage (Jan. 1, 1970, moratorium applicable to added acreage only).
[27] From Gruss to Mareve Oil Corp.
[28] Deletes surrendered leases from contract, leaving a total of 3,157 acres (Effective date: Date of this order applicable to Supp. No. 4 only).
[29] Basic contract on file as Humble Oil & Refining Co. FPC GRS No. 417.
[30] Amends farmout between Humble and Harvey Broyles dated Jan. 26, 1968, consenting to assignment of rights thereunder to Applicant.
[31] Unilateral filing made June 19, 1968, to incinde downward B.t.u. adjustment.
[32] Amendment to the application filed June 14, 1968, agreeing to accept a permanent certificate in accordance with Opinion Nos. 468 and 468-A.
[33] Between J. C. Barnes et al. and West Texas Gathering Co.; on file as J. C. Barnes Oil Co. (Operator), FPC GRS No. 4.
[34] From J. C. Barnes et al. to Humble Oil & Refining Co.
[35] E. A. Polumbus is succeeding to a (10 percent) interest in Border's FPC GRS No. 1, Docket No. CI68-1285.
[36] Between Shell Oil Co. and El Paso Natural Gas Co.; on file as Border Exploration Co. FPC GRS No. 1.
[37] From Shell Oil Co. to Border Exploration Co. and Consolidated Oil & Gas, Inc.
[38] From Border Exploration Co. to E. A. Polumbus.
[39] Provides for transportation of casinghead gas by buyer to Applicant's processing plant; however, Applicant has indicated a willingness to accept a permanent certificate conditioned to the ultimate disposition of the proceedings in Docket No. R-338.
[40] Clarifies Exhibit "A" to the basic contract as to which acreage is in Ellis County and agrees to accept certificate subject to Docket No. R-338 conditions.
[41] Although the contract provides for base price of 17 cents per Mcf, Applicant has indicated a willingness to accept a permanent certificate providing for an initial rate of 15 cents per Mcf for Roger Mills County gas and 17 cents per Mcf for Ellis County gas.
[42] By letters filed May 24, 1968, Applicants agreed to accept permanent certificates in Docket Nos. CI68-1276 and CI68-1280, respectively, containing Opinion No. 468 conditions.
[43] Adopts terms of contract dated May 24, 1962, as amended, between Humble Oil & Refining Co. and buyer.
[44] Source of gas depleted.
[45] Executed Apr. 18, 1968 and amends certain terms of contract dated Apr. 1, 1968, prior to execution, to make terms acceptable to applicant.
[46] Instrument whereby D. S. Marsalis, agent, ratified contract dated Dec. 12, 1958, between Petroleum Exploration, Inc. of Texas (now Mesa Petroleum Co.) and buyer; on file as D. S. Marsalis, agent, FPC GRS No. 7.
[47] Instrument whereby Applicant converted its overriding royalty interest to working interest.
[48] Production of gas no longer economically feasible.
[49] Also on file as Mobil Oil Corp. (Operator) et al., FPC GRS No. 333.
[50] From Mobil to Applicant and limited to a depth of 9,575 feet.
[51] Also on file as Sun Oil Co., FPC GRS No. 165.
[52] From Sun Oil Co. to Applicant and limited to a depth of 9,525 feet.
[53] Between Applicant and buyer dedicating additional acreage to the Oct. 16, 1963 contract; limited to the base of the Red Oak Sand.

Suggested agreement and undertaking:

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent _____)

Docket No. ------

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. ------ and has caused this agreement and undertaking to be executed and sealed in its name by a duly authorized officer this ------ day of _____, 196__.

(Name of Respondent)
By _____

Attest:

_____

[F.R. Doc. 68-9614; Filed, Aug. 13, 1968; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 4 (Rev. I) Amdt. 3]

ASSOCIATE ADMINISTRATOR FOR FINANCIAL ASSISTANCE

Delegation on Lease Guarantee

Delegation of Authority No. 4 (Revision 1) (32 F.R. 178), as amended (33 F.R. 7603), and (33 F.R. 8793), is hereby further amended by adding Items I.H., I.I., I.J., and I.K. thereto, to read as follows:

I. * * *

H. To approve or decline any application to the Small Business Administration for a guarantee of the payment of rent under a lease.

I. To enter into reinsurance agreements with participating insurance companies and to modify and revise the same whenever necessary.

J. To reinsure or decline to reinsure any application for the guarantee of the payment of rent under a lease.

K. To take all necessary actions in connection with the servicing, administration, collection and payment of claims arising under insurance policies upon default of the lessee.

* * * * * *

Effective date: August 8, 1968.

HOWARD J. SAMUELS,
Administrator.

[F.R. Doc. 68-9714; Filed, Aug. 13, 1968; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Section 5a Application No. 22, Amdt. 4]

PACIFIC INLAND TARIFF BUREAU, INC.

Petition for Approval of Amendments to Agreement

AUGUST 9, 1968.

The Commission is in receipt of a petition, as amended, in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed July 25, 1968, by Arlus C. Morris, attorney, 1732 Northwest Quimby Street, Portland, Oreg. 97209.

The amendments involve: Changes in the agreement so as to place responsibility on the member carriers desiring to participate in an independent action proposal in tariffs and in section 22

quotations to notify the Bureau thereof, in lieu of requiring notification from members who do not wish to participate in such publication.

The petition is docketed and may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the petition. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-9717; Filed, Aug. 13, 1968; 8:49 a.m.]

[Section 5a Application No. 6, Amdt. 7]

SOUTHERN FREIGHT ASSOCIATION ET AL.

Petition for Approval of Amendments to Agreement

AUGUST 9, 1968.

The Commission is in receipt of a petition, as amended, in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed June 25, 1968, by Bates B. Bowers, chairman, Southern Freight Association, 101 Marietta Street, Atlanta, Ga. 30303.

The amendments involve: Proposed changes in the articles of association and procedures relating to (A) Southern Classification Committee—cancel all provisions thereto as committee abolished and, in lieu thereof, provide for the handling of such matters by the Uniform Classification Committee; (B) Southern Freight Association—(1) restrict membership in the Executive and the General Freight Committees to designated officers of Class I line-haul carriers and change the quorum requirements thereto; (2) limit committee representation of nonclass I carriers to a single representative of the American Short Line Railroad Association without the right to vote; (3) cancel present section 22 ratemaking procedures and authorize such handling as directed by the Executive Committee; (4) eliminate the filing of proposals involving rate reductions under fourth section orders or tariff hold-out rules; (5) revise the list of member carriers, also the representation and jurisdiction of committees and the extent of individual member participation; and (6) show the person authorized as attorney-in-fact for the member carriers; (C) Southern Passenger Association—revise the list of carrier members and show the individual authorized as attorney-in-fact on behalf of the members; and (D) make other incidental and technical changes.

The petition is docketed and may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the petition. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-9718; Filed, Aug. 13, 1968; 8:49 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 9, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41414—*Newsprint Paper to Points in Southern Territory.* Filed by O. W. South, Jr., agent (No. A6041), for interested rail carriers. Rates on newsprint paper, in carloads, from Catawba, S.C., to specified points in Florida.

Grounds for relief—Market competition.

Tariff—Supplement 7 to Southern Freight Association, agent, tariff ICC S-780.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-9719; Filed, Aug. 13, 1968; 8:49 a.m.]

[Notice 511]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 9, 1968.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2401 (Deviation No. 23), MOTOR FREIGHT CORPORATION, 2345 South 13th Street, Post Office Box 2057, Idaho Station, Terre Haute, Ind. 47802, filed July 29, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 40 and Interstate Highway 57 (at or near Effingham, Ill.), over Interstate Highway 57 to junction Illinois Highway 16 (at or near Mattoon, Ill.), thence over Illinois Highway 16 to junction U.S. Highway 150 (at or near Paris, Ill.), thence over U.S. Highway 150 to junction U.S. Highway 40 (at or near Terre Haute, Ind.), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction U.S. Highway 40 and Interstate Highway 57, over U.S. Highway 40 to Terre Haute, Ind., and return over the same route.

No. MC 29910 (Deviation No. 11), ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901, filed July 31, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 40 and Interstate Highway 57 (at or near Effingham, Ill.), over Interstate Highway 57 to junction Illinois Highway 16 (at or near Mattoon, Ill.), thence over Illinois Highway 16 to junction U.S. Highway 150 (at or near Paris, Ill.), thence over U.S. Highway 150 to junction U.S. Highway 40 (at or near Terre Haute, Ind.), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction U.S. Highway 40 and Interstate Highway 57 over U.S. Highway 40 to Terre Haute, Ind., and return over the same route.

No. MC 43421 (Deviation No. 25), DOHRN TRANSFER COMPANY, Post Office Box 1237, Rock Island, Ill. 61202, filed August 2, 1968. Carrier's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Ohio Highway 254 and Interstate Highway 71 in Cleveland, Ohio, over Interstate Highway 71 to junction Ohio Highway 82, thence over Ohio Highway 82 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Interstate Highway 94, thence over Interstate Highway 94 to junction U.S. Highway 20 in Chicago, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Cleveland, Ohio, over Ohio Highway 254 to junction Ohio Highway 57, thence over Ohio Highway 57 to Lorain, Ohio, thence over Ohio Highway 2 via Sandusky, Ohio, to Toledo, Ohio, thence over Ohio Highway 51 (formerly U.S. Highway Business Route 20) to junction U.S. Highway 20, thence over U.S. Highway 20 to Chicago, Ill., and return over the same route.

No. MC 59728 (Deviation No. 4), MORRISON MOTOR FREIGHT, INC., 1100 Jenkins Boulevard, Akron, Ohio 44306, filed July 31, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 40 and Interstate Highway 57 (at or near Effingham, Ill.), over Interstate Highway 57 to junction Illinois Highway 16 (at or near Mattoon, Ill.), thence over Illinois Highway 16 to junction U.S. Highway 150 (at or near Paris, Ill.), thence over U.S. Highway 150 to junction U.S. Highway 40 (at or near West Terre Haute, Ind.), and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Indianapolis, Ind., over U.S. Highway 40 via Effingham, Ill., to St. Louis, Mo., and return over the same route.

No. MC 103435 (Deviation No. 18), UNITED-BUCKINGHAM FREIGHT LINES, Post Office Box 1631, Rapid City, S. Dak. 57701, filed August 2, 1968. Applicant's representative: J. Maurice Andren, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Cedar Rapids, Iowa, over Iowa Highway 150 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction Minnesota Highway 55, thence over Minnesota Highway 55 to Minneapolis, Minn., and (2) from Cedar Rapids, Iowa, over Iowa Highway 150 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction Minnesota Highway 44, thence over Minnesota Highway 44 to junction U.S. Highway 61, thence over U.S. Highway 61 to St. Paul, Minn., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: From Chicago, Ill., over U.S. Highway 34 to junction Illinois Highway 65, thence over Illinois Highway 65 to Aurora, Ill., thence over Illinois Highway 31 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction Illinois Highway 92, thence over Illinois Highway 92 via Yorktown, Ill., to Moline, Ill., thence over U.S. Highway 6 to Iowa City, Iowa, thence over U.S. Highway 218 to Cedar Rapids, Iowa, thence over U.S. Highway 30 to Ames, Iowa, thence over U.S. Highway 69 to Des Moines, Iowa (also from Chicago to Yorktown as specified above, thence over Illinois Highway 92 to junction Illinois Highway 78, thence over Illinois Highway 78 to junction U.S. Highway 30, thence over U.S. Highway 30 to Ames, Iowa, thence over U.S. Highway 69 to Des Moines; also from Chicago to Iowa City as specified above, thence over U.S. Highway 6 to Des Moines), (2) from Des Moines, Iowa, over U.S. Highway 69 to junction Iowa Highway 3, thence over Iowa Highway 3 to Clarion, Iowa, (3) from Des Moines, Iowa, over U.S. Highway 69 to Garner, Iowa, thence over U.S. Highway 18 to Mason City, Iowa, thence over U.S. Highway 65 to Owatonna, Minn., thence over Minnesota Highway 218 via Rosemount, Minn., to St. Paul, Minn., and (4) from Des Moines, Iowa, to Rosemount, Minn., as specified in (3) above, thence over Minnesota Highway 218 to junction Minnesota Highway 55, thence over Minnesota Highway 55 to Minneapolis, Minn., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-9720; Filed, Aug. 13, 1968; 8:49 a.m.]

[Notice 1208]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 9, 1968.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 13893 (Sub-No. 11) (Republication), filed February 19, 1968, published FEDERAL REGISTER issue of March 21, 1968, and republished this issue. Applicant: J. W. WARD TRANSFER, INC., Highway 13 East, Murphysboro, Ill. 62966. Applicant's representative: R. W. Burgess, 8514 Middland Boulevard St. Louis, Mo. 63114. By application filed February 19, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of paper and paper products, and materials, equipment, and supplies used or useful in the manufacture and distribution of these commodities, from the manufacturing and distribution facilities of the West Virginia Pulp & Paper Co. located at or near Wickliffe, Ky., to Cairo, Ill., from the facilities of the West Virginia Pulp & Paper Co. located at or near Wickliffe, Ky., to U.S. Highway 51, thence over U.S. Highway 51 to Cairo, Ill., and return over the same route, serving no intermediate points. A supplemental order of the Commission, Operating Rights Board, dated July 23, 1968, and served August 6, 1968, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *paper and paper products, and materials, equipment, and supplies* used or useful in the manufacture and distribution of these commodities, between the facilities of the West Virginia Pulp & Paper Co. at or near Wickliffe, Ky., on the one hand, and, on the other, St. Louis, Mo., and those points in that part of Illinois on and south of U.S. Highway 460; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 96498 (Sub-No. 29) (Republication), filed February 19, 1968, published FEDERAL REGISTER issue of March 7, 1968, and republished this issue. Applicant: BONIFIELD BROS. TRUCK LINES, INC., Post Office Box 40, West Frankfort, Ill. Applicant's representative: R. W. Burgess, 8514 Midland Boulevard, St. Louis, Mo. 63114. By application filed February 19, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes of paper and paper products, and materials, equipment, and supplies used or useful in the manufacture and distribution of paper and paper products, between the manufacturing and distribution facilities of the West Virginia Pulp & Paper Co. located at or near Wickliffe, Ky., and Cairo, Ill., over U.S. Highway 51, serving no intermediate points. A supplemental order of the Commission, Operating Rights Board, dated July 22, 1968, and served August 5, 1968, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of paper and paper products, and materials and supplies

used in the manufacture and distribution of paper and paper products, between the facilities of the West Virginia Pulp & Paper Co. at or near Wickliffe, Ky., on the one hand, and, on the other, Cairo, Ill.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that the other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 123048 (Sub-No. 113) (Republication), filed December 21, 1967, published in FEDERAL REGISTER issue of January 11, 1968, and republished this issue. Applicant: DIAMOND TRANSPORTATION, SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53403. Applicant's representatives: C. Ernest Carter (same address as applicant) and Paul Gartzke, 121 West Doty Street, Madison, Wis. 53703. By application filed December 21, 1967, as amended at the hearing, applicant seeks a certificate of public convenience and necessity authorizing operations, in interstate or foreign commerce as a common carrier, by motor vehicle over irregular routes, of feed lot equipment, from, and to points indicated below. The application was referred to Examiner William J. Kane for hearing and the recommendation of an appropriate order thereon. Hearing was held at Memphis, Tenn., on May 13, 1968. A report and order of the Commission, Division 1, served June 25, 1968, which became effective July 25, 1968, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, of *feed lot equipment*, from the plantsite and warehouse facilities of the Marting Manufacturing Corp., at Yazoo City, Miss., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin, restricted to shipments originating at the above-named plantsite and warehouse facilities and destined to points in the above-specified destination territory, and further restricted against the transportation of commodities which, because of size of weight, require the use of special equipment; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 127684 (Sub-No. 3) (Republication), filed March 5, 1968, published in the FEDERAL REGISTER issue of March 21, 1968, and republished this issue. Applicant: SAMARDICK OF OMAHA, INC., 410 South 18th Street, Omaha, Nebr. 68102. By application filed March 5, 1968, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of the commodities and from and to the points indicated below. A report and order of the Commission, Operating Rights Board, served August 5, 1968, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of currency and coin, between Omaha, Nebr., and Glenwood, Red Oak, Villisca, Corning, Creston, Lenox, Bedford, Clarinda, Shenandoah, and Farragot, Iowa, under continuing contracts with the Federal Reserve Bank of Chicago, The Federal Reserve Bank of Omaha, and their member banks, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129705 (Republication), filed February 12, 1968, published FEDERAL REGISTER issue of February 29, 1968, and republished this issue. Applicant: CARTER'S TRUCKING AND DELIVERY SERVICE, INC., 282 Franklin Avenue, Staten Island, N.Y. 10301. Applicant's representative: Anthony I. Giacobbe, 1010 Forest Avenue, Staten Island, N.Y. 10310. By application filed February 12, 1968, applicant seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of redwood lawn furniture, unassembled in cartons, between Staten Island, N.Y., and Trenton, N.J., restricted to seasonal operations from February 1, to August 1, of each year, under contract with J. C. Penney Co., Inc. An order of the Commission, Operating Rights Board, dated July 22, 1968, and served August 5, 1968, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *redwood out door furniture*, in cartons, between Staten Island, N.Y., on the one hand, and, on the other, Trenton, N.J., under a continuing contract with J. C. Penney Co., Inc., of New York, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 113627 (Sub-No. 1), notice of filing of petition for authority to add additional contracting shipper, filed July 29, 1968. Petitioner: BARNETT MOTOR TRANSPORTATION, INC., 195 Sackett Point Road, North Haven, Conn. 06473. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. The operating authority of petitioner in MC 113627 Sub 1, here involved, reads as follows: "Irregular routes: Precast concrete facings, slabs, joists, and materials and supplies used in the installation thereof, except steel, from New Haven and Newington, Conn., to points in Maine, New Hampshire Massachusetts, Rhode Island, Vermont, New York and New Jersey. Restriction: Limited to a transportation service performed under a continuing contract with Plasticrete Corp. of Hamden, Conn." By the instant petition petitioner seeks permission to add Consolidated Precast, Inc., Farmington, Conn., as a contracting shipper. Any interested person desiring to participate, may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 69275 (Sub-No. 40), filed July 12, 1968. Applicant: M&M TRANSPORTATION COMPANY, a corporation, 186 Alewife Brook Parkway, Cambridge, Mass. 02138. Applicant's representative: Herbert Burstein, 160 Broadway, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (A) over regular routes, (1) between Albany and Yonkers, N.Y., over U.S. Highway 9, serving all intermediate points and the off-route points of Beacon (Newburgh County, N.Y.), Kingston Troy County, N.Y., Millbrook, Millerton, Pawling, Pleasant Valley, Red Hook, Amenia, Annandale, Billings, Dover Plains, Fishkill Plains, Hopewell Junction, Mabbetsville, Pine Plains, Poughquag, Shekomeko, Stanfordville, Verbank, Wassaic, and Wingdale (all in Dutchess County, N.Y.); Walden (Orange County); Brewster, Cold Spring, Carmel, Mahopac, and Patterson (all in Putnam County), Highland and New Platz (Ulster County), Blue Stores, Germantown, and Stottville (all in Columbia County), and Hawthorne and Verplanck (Westchester County), N.Y.; (2) (a) Between Albany and Syracuse, N.Y., over New York Highway 5 (also over New York Highway 5S, and (b) between Albany and Schenectady, N.Y., over New York Highway 32 and New York Highway 7, and return over the same routes, serving the intermediate and off-route points of Altamont, Cohoes, Delmar, Elsmere, Glenment, Green Island, Guilderland, and Voorheesville (all located in Albany County), Averill Park, Berlin, Brookview, Lansingburg, Nassau, Poestenkill, Rensselaer, Troy, and Wynantskill (all located in Rensselaer County), Alplaus, Duanesburg, Niskayuna, and Rexford (all located in Schenectady County), Ames, Hagaman, and Minaville (all located in Montgomery County), Broadalbin, Gloversville, Johnstown, Lassellsville, and Northville (all located in Fulton County), Dolgeville, Newport, Old Forge, Poland, Van Hornesville and West Winfield (all located in Herkimer County), Canastota, Cazenovia, Georgetown, Hamilton, Leonardsville and Morrisville (all located in Madison County), Baldwin, Liverpool, Manlius, Minoa, and Solvay (all located in Onandaga County), Burnt Hills and Waterford (both in Saratoga County), and Oswego, Watertown and Rochester, N.Y.; and (B) over irregular routes, *general commodities, as above*, (1) between points in Oneida County, N.Y., on the one hand, and, on the other, all points including the off-route points specified in the regular-route authority described above; (2) between Syracuse, N.Y., on the one hand, and, on the other, points in Albany, Fulton, Herkimer, Madison, Montgomery, Rensselaer, and Schenectady Counties, N.Y. (C) (1) Between points in Oneida County, N.Y., on the one hand, and, on the other, points in Franklin, Jefferson, Lewis, Oneida, and St. Lawrence Counties, N.Y., (2) between points in St. Lawrence County, N.Y., (3) from points in St. Lawrence County, N.Y., to points in Jefferson County, N.Y., (4) from points in Franklin, Jefferson and Lewis Counties, N.Y., to points in St. Lawrence County, N.Y., (5) between points in Onandaga County, N.Y., on the one hand, and, on the other, points in Broome, Cattaragus, Cayuga, Chemung, Chenango, Cortland, Erie, Genesee, Monroe, Niagara, Oneida, Onondaga, Ontario, Oswego, Otsego, Schuyler, Seneca, Tioga, Tompkins, Wayne, and Wyoming Counties, N.Y., and New York City, N.Y., (6) from points in Onondaga County to points in Allegany, Chautauqua, Columbia, Essex, Jefferson, Lewis, Orange, St. Lawrence and Suffolk Counties, N.Y., (7) from points in Dutchess County, N.Y., to points in Onondaga County, N.Y., (8) between points in Dutchess County, N.Y., (9) from points in Westchester County, N.Y., to points in Orange County, N.Y., and (D) between points in Albany, Erie, Monroe and Oneida Counties, N.Y., on the one hand, and, on the other, points in Broome, Chemung, and Tioga Counties, N.Y., except as otherwise specified above, and for operating convenience only. NOTE: This application is a matter directly related to an application under section 5 of the Act in MC–F 10189 published in the FEDERAL REGISTER issue of July 24, 1968. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 110147 (Sub-No. 6), filed July 15, 1968. Applicant: DESERT EXPRESS, a corporation, 2301 Nadeau Street, Huntington Park, Calif. 90255. Applicant's representatives: Arthur H. Glanz, 639 South Spring Street, Los Angeles, Calif. 90014, and Theodore W. Russell, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except petroleum and petroleum products in bulk and in tank vehicles, and livestock, (1) (a) between points in the greater Los Angeles, Calif., territory, as described in Appendix II set forth below, on the one hand, and, on the other, (1) Bakersfield, Calif., (2) all points in the Bakersfield territory as described in Appendix III set forth below, and (3) all points in the Tehachapi-Mojave Desert territory as described in Appendix IV set forth below; (b) between points in the Tehachapi-Mojave Desert territory as described in Appendix IV set forth below; (c) between Bakersfield, Calif., and points in the Bakersfield territory as described in Appendix III set forth below; (d) between Bakersfield, Calif., and points in the Tehachapi-Mojave Desert territory, as described in Appendix IV set forth below; and (e) between points in the Bakersfield territory as described in Appendix III set forth below, and points in the Tehachapi-Mojave Desert territory, as described in Appendix IV set forth below; (2) *General commodities*, except petroleum and petroleum products in bulk and in tank vehicles, livestock, and used household goods and personal effects not packed, (a) between points in the Los Angeles territory, as described in Appendix II below, on the one hand, and, on the other, points in the San Francisco territory, as described in Appendix V below, and all intermediate points and off-route points within 5 miles of either side of the highways set out in paragraph (2) (e) below, north of Bakersfield, Calif., (b) between points in the Tehachapi-Mojave Desert territory, on the one hand, and, on the other points in the San Francisco territory, as described in Appendix V below, and all intermediate points and off-route points within 5 miles on either side of the highways set out in paragraph 2(e) below, north of Bakersfield; (c) between all intermediate points and off-route points within 5 miles on either side of the highways set out in paragraph 2(e) below, north of and including Bakersfield; (d) between all intermediate points and off-route points within 5 miles on either side of the highways set out in paragraph 2(e) below, north of, and including Bakersfield, on the one hand, and, on the other, the San Francisco territory as defined in Appendix V below; (e) the highways upon which the intermediate and off-route points referred to in paragraphs 2(a) and 2(b) above are based, are the following: (1) U.S. Highway 99 between Los Angeles and Manteca; (2) California Highway 120 and U.S. Highway 50 between Manteca and the San Francisco territory; (3) California Highway 198 between its junction with U.S. Highway 99 and its junction with California Highway 41 near Lemoore; (4) California Highway 41 between its junction with California Highway 198 and Fresno. NOTE: This application is a matter directly related to an application filed under section 5 of the Act in MC–F 10193 published in the FEDERAL REGISTER issue of July 24, 1968. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

APPENDIX II

The Greater Los Angeles Territory includes that area embraced by the following boundary: Beginning at the intersection of westerly boundary of the city of Los Angeles and the Pacific Ocean thence northerly and easterly along the boundary of the city of Los Angeles to its point of first intersection with the boundary of the Los Angeles National Forest; thence along the southerly boundary of the Los Angeles National Forest, and southerly boundary of the San Bernardino National Forest to the point of first intersection of the southerly boundary of the San Bernardino National Forest and the San Bernardino-Riverside County Line, thence westerly along the San Bernardino-Riverside County Line to a point on said line distant 5 miles east from the junction of said county line and U.S. Highway 91, thence southwesterly along a line parallel to and distant 5 miles from U.S. Highway 91, State Highway 55, and the prolongation of State Highway 55 to its junction with the Pacific Ocean. Thence westerly and northerly along the coast line of the Pacific Ocean to the point of beginning.

APPENDIX III

Bakersfield Territory includes that area embraced by the following and within a

radius of 5 miles of the outer boundaries thereof: Beginning on U.S. Highway 99 at its junction with the northerly boundary of Kern county, thence southerly via U.S. Highway 99 to its junction with California State Highway 166; thence westerly along State Highway 166 to its junction with California State Highway 33; thence northerly along State Highway 33 to junction with unnumbered county highway extending in a generally northerly direction to junction with U.S. Highway 466 at Lost Hills; thence along said county highway to Lost Hills; thence easterly along U.S. Highway 466 to junction with an unnumbered county highway approximately 7 miles east of Lost Hills which said highway extends in a generally northerly direction; thence along said unnumbered county highway to its junction with the northerly boundary of Kern County; thence east along the northerly boundary of Kern County to point of beginning.

APPENDIX IV

Tehachapi-Mojave Desert Territory includes all points and places in the areas as follows: (a) All points on and along each of the following described highways and within three miles on either side of each of said highways between points named, including said points: (1) Between the easterly limite of the City of Bakersfield and Yermo, via U.S. Highway 466; (2) between junction U.S. Highway 6 and junction U.S. Highway 6 with unnumbered highway approximately 4 miles west of Inyokern, via U.S. Highway 6; (3) between junction U.S. Highway 6 and unnumbered highway near Newhall and Solamint, via unnumbered county highway via Newhall and Saugus; (4) between Beechers Corners and Inyokern, via U.S. Highway 395; (5) between Daggett and Victorville, via U.S. Highway 66; (6) between junction U.S. Highways 66 and 466 and U.S. Highway 91, via U.S. Highway 91; (7) between Palmdale and Victorville, via State Highway 138 and unnumbered county highway via Wilsona and Adelanto; (8) between Valyermo and junction of unnumbered county highway with route described in (7) above, via unnumbered county highway via Pearblossom and State Highway 138; (9) between Lancaster and Lake Hughes via State Highway 138 and unnumbered county highway via Quartz Hill and Elizabeth Lake; (10) between Lancaster and junction of unnumbered Highway and U.S. Highway 466 via unnumbered county highway via Roosevelt, Redman, Cast Desirota, Antelope, and Muroc; (11) between Daggett and Yermo, via unnumbered county highway; (12) between junction U.S. Highway 6 and unnumbered county highway near Cantil, and Johannesburg, via unnumbered county highway via Gypsite, Saltdale, Garlock, and Randsburg; (13) between Johannesburg and Argus-Trona via unnumbered county highway via Westend; (14) between junction U.S. Highway 6 and unnumbered county highway approximately 4 miles west of Inyokern and junction unnumbered county highway and route described in (13) above, via unnumbered county highway via Inyokern and Ridgecrest; (15) between junction U.S. Highway 395 and unnumbered county highway near Rademacher and Ridgecrest, via unnumbered county highway; (16) between Cummings Valley and Tehachapi, via unnumbered county highway; (17) between Magunden and junction unnumbered county highway and U.S. Highway 466, via unnumbered county highway via Lamont, Weed, Patch and Arvin; (18) between Lamont and junction with unnumbered county highway described in (17) above, via unnumbered county highway via Di Giorgio; (b) all points within 10 miles west of U.S. Highway 6 between the southerly boundary of Rosamond and the northerly boundary of Mojave.

APPENDIX V

San Francisco Territory includes that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway No. 101 to its intersection with the corporate boundary of the city of San Jose; southerly, easterly and northerly along said corporate boundary to its intersection with State Highway No. 17; northerly along State Highway No. 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard, northerly along Mountain Boulevard and Morago Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway No. 40 (San Pablo Avenue); northerly along U.S. Highway No. 40 to and including the city of Richmond; southwesterly along the highway extending from the city of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–10208. Authority sought for control by K. LINES, INC., Post Office Box 567, Lebanon, Oreg., of EVERTS' COMMERCIAL TRANSPORT, INC., 6395 Southeast Alberta, Portland, Oreg., and for acquisition by JAMES E. BERREY, W. F. MORSE, F. W. MORSE, JOSEPH MORSE, STEPHEN BERREY, and MARY JEAN BERREY, all also of Lebanon, Oreg., of control of EVERTS' COMMERCIAL TRANSPORT, INC., through the acquisition by K LINES, INC. Applicants' attorney: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Operating rights sought to be controlled: *Heavy machinery, lumber and heavy timbers, and contractor's supplies and equipment, as a common carrier*, over irregular routes, from points in Grays Harbor and Pacific Counties, Wash., to points in Oregon west of the summit of the Cascade Mountains; *manufactured forest products*, from points in Grays Harbor and Thurston Counties, Wash., to Olympia and Tacoma, Wash., from Raymond, Wash., to Aberdeen and Hoquiam, Wash.; *liquid glue*, in bulk, in tank vehicles, from points in King and Pierce Counties, Wash., to points in Oregon west of the Cascade Mountains, from Portland and Springfield, Oreg., to Anderson, Calif., from Seattle, Wash., to points in Oregon east of the Cascade Mountains, from Springfield, Oreg., to points in Del Norte and Humboldt Counties, Calif.; *dry glue*, in bulk, in tank vehicles, from Seattle and Tacoma, Wash., to points in Oregon, west of the Cascade Mountains, and to Anderson, Eureka, and Crescent City, Calif., from Portland and Springfield, Oreg., to points in Washington west of the Cascade Mountains, and to Anderson, Eureka, and Crescent City, Calif.; *seed oysters*, between points in Jefferson, Grays Harbor, and Pacific Counties, Wash., on the one hand, and, on the other, Astoria, Oreg., and points on Coos Bay, Oreg.; *veneer*, from Tillamook, Oreg., to Aberdeen, Wash.; *liquid glue*, in tank vehicles, from Springfield, Oreg., to points in that part of Washington in and west of Whatcom, Skagit, Snohomish, King, Pierce, Lewis, and Skamania Counties, from Seattle, Wash., to the boundary of the United States and Canada at or near the port of entry of Blaine, Wash.; *formaldehyde*, in tank vehicles, from Springfield, Oreg., to points in that part of Washington in and west of Whatcom, Skagit, Snohomish, King, Pierce, Lewis, and Skamania Counties, except those in Pierce, Grays Harbor, and King Counties, from Seattle, Wash., to points in Oregon, and to the port of entry at the boundary of the United States and Canada at or near Blaine, Wash., from Springfield, Oreg., to Redding and Santa Clara, Calif.; *lumber* and *plywood*, from Aberdeen, Hoquiam, Raymond, and South Bend, Wash., to points within 10 miles of each origin point, to Tacoma and Seattle, Wash.; *phenol*, in tank vehicles, from Avon, Calif., to Springfield and Portland, Oreg., and Seattle, Wash.; *formaldehyde*, in bulk, in tank vehicles, from Springfield, Oreg., to points in Pierce, Grays Harbor, and King Counties, Wash., from Springfield, Oreg., to points in Solano, Napa, San Mateo, Santa Clara, Yolo, and Monterey Counties, Calif., points in Ada and Canyon Counties, Idaho, and points in Grant and Yakima Counties, Wash.; *liquid chemicals*, and *acids*, in bulk, in tank vehicles, between points in California, Oregon, and Washington, except shipments of liquid fertilizers in foreign commerce to points on the United States-Mexico boundary line between California and Mexico; and *acids* and *chemicals*, in bulk, in tank vehicles, except fertilizer and fertilizer solutions, and liquid hydrogen, oxygen, and nitrogen, between points in Union County, Oreg., on the one hand, and, on the other, points in Idaho and Montana. K. LINES, INC., is authorized to operate as a *common carrier* in Oregon, California, and Washington. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10209. Authority sought for purchase by R. C. MOTOR LINES, INC., 2500 Laura Street, Jacksonville, Fla. 32203, of a portion of the operating rights of ALABAMA HIGHWAY EXPRESS, INC., 3300 Fifth Avenue South, Birmingham, Ala., and for acquisition by B. S. REID and G. D. JOYNER, both also of Jacksonville, Fla., of control of such rights through the purchase. Applicants' attorneys: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005, and J. Edward Allen, Post Office Box 1086, Jacksonville, Fla. 32201. Operating rights sought to be transferred: *General commodities*, except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier*, over irregular routes between points in Alabama within 65 miles of Birmingham, Ala., including Birmingham, on the one hand, and, on the other, points in that part of Georgia on and west of U.S. Highway 129, and bounded on the north by the northern county line boundaries of Heard, Coweta, Fayette, Clayton, Henry, Butts, Jasper, and Putnam Counties. Vendee is authorized to operate as a *common carrier* in Georgia, South Carolina, North Carolina, Virginia, Maryland, New Jersey, Pennsylvania, Alabama, Tennessee, Florida, New York, Massachusetts, Connecticut, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

NOTE: See also MC–F–9921 (BOWMAN TRANSPORTATION, INC. — Purchase (Portion)—ALABAMA HIGHWAY EXPRESS, INC.), MC–F–10196 (OVERNITE TRANSPORTATION CO.—Purchase (Portion)—ALABAMA HIGHWAY EXPRESS, INC.), and MC–F–10204 (BAGGETT TRANSPORTATION CO.—Purchase (Portion)—ALABAMA HIGHWAY EXPRESS, INC.), published in the November 1, 1967 (republications June 19, 1968, and July 12, 1968), July 24, 1968, and July 31, 1968, issues of the FEDERAL REGISTER, on pages, 15141, 9051, 10037, 10549, and 10911, respectively.

No. MC–F–10210. Authority sought for continuance in control by N&K CARTAGE COMPANY, 2501 Henry Street, Muskegon, Mich., of N&K LEASING COMPANY, 2501 Henry Street, Muskegon, Mich., upon issuance to it of a certificate applied for in pending docket No. MC–129309, and for acquisition by GRACE KUIPER, Ferrysburg, Mich., JACOB KUIPER, 16193 Dawn View, Spring Lake, Mich., J. P. VANDER SYS, 812 Ross Road, Muskegon, Mich., DOROTHY EBEL, 525 Buena Vista, Spring Lake, Mich., HENRY NEITRING, 1125 North Third Street, Grand Haven, Mich., and DELORES ROSEMA, 16187 Harborpoint Drive, Spring Lake, Mich., of control of N&K LEASING COMPANY, through the acquisition by N&K CARTAGE COMPANY. Applicants' attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Operating rights sought to be controlled: In pending docket No. MC–129309, covering the transportation of cement, in bulk, as a common carrier, over irregular routes, from Alpena, Mich., to points in Indiana, Illinois, and Ohio. N&K CARTAGE COMPANY, is authorized to operate as a *common carrier* in Michigan, Illinois, Indiana, Ohio, New York, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

NOTE: This application was filed pursuant to the report and order, by the Commission, Review Board No. 1, decided February 28, 1968, in No. MC–129309.

No. MC–F–10211. Authority sought for purchase by GAULT TRANSPORTATION, INC., 379 Main Street, Wareham, Mass. 02571, of the operating rights and property of GASOLINE PRODUCTS DISTRIBUTORS, INC., 98 Dexter Road, East Providence, R.I. 02914, and for acquisition by DOUGLAS H. CHURCH, Mary's Pond Road, Rochester, Mass., and ROBERT I. WING, 651 Point Road, Marion, Mass., of control of such rights and property through the purchase. Applicants' attorney: Gavin W. O'Brien, 2000 L Street NW., Washington, D.C. 20036. Operating rights sought to be transferred: *Petroleum products*, as a *common carrier*, over irregular routes, between Greenfield and Springfield, Mass., and points in Massachusetts within 10 miles of Springfield, on the one hand, and, on the other, Providence, R.I., New London and Bridgeport, Conn., and points in Hartford, New Haven, and Middlesex Counties, Conn.; and *petroleum products*, in bulk, in tank vehicles, from New Haven and East Hartford, Conn., to Northampton and Amherst, Mass. Vendee is authorized to operate as a *common carrier* in Massachusetts, Rhode Island, Connecticut, New York, and New Hampshire. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10212. Authority sought for control by HIGHWAY EXPRESS LINES, INC., 3300 South 20th Street, Philadelphia, Pa. 19145, of NORTHERN HAULERS CORPORATION, 440 Eastern Boulevard, Watertown, N.Y. 13601, and for acquisition by E. WILLIAM UTTAL, Apartment 316, The Regency, Creek Drive, St. Davids, Pa. 19087, of control of NORTHERN HAULERS CORPORATION, through the acquisition by HIGHWAY EXPRESS LINES, INC. Applicants' attorneys: Norman M. Pinsky, Philip C. Pinsky, and Herbert M. Canter, all of 345 South Warren Street, Syracuse, N.Y. 13202. Operating rights sought to be controlled: *General commodities*, excepting, among others household goods and commodities in bulk, as a *common carrier*, over regular routes, between Fulton, N.Y., and New York, N.Y., serving all intermediate points between Syracuse and Albany, N.Y., including Syracuse and Albany; and certain off-route points, between Utica, N.Y., and Herkimer, N.Y., serving all intermediate points, between Schenectady, N.Y., and Albany, N.Y., serving all intermediate points; and the off-route points of Cohoes and Waterford, N.Y., between Utica, N.Y., and junction New York Highways 365 and 5, serving all intermediate points, between Rochester, N.Y., and Fulton, N.Y., serving all intermediate points, and off-route points between Rochester and Fulton, N.Y., bounded on the north by Lake Ontario, on the east by New York Highway 57, and on the south and west by New York Highway 31, including points on the indicated portions of the highways specified; over one alternate route for operating convenience only; *general commodities*, excepting, among others households goods and commodities in bulk, over irregular routes, from New York, N.Y., and Newark, N.J., and points in New Jersey within 30 miles of Newark, to certain specified points in New York, from Syracuse, N.Y., and points in Jefferson and Lewis Counties, N.Y., to New York, N.Y., and Newark, N.J., and points in New Jersey within 30 miles of Newark, between New York, N.Y., on the one hand, and, on the other, certain specified points in New Jersey; from points in St. Lawrence County, N.Y., to certain specified points in New York, with restriction; *paper*, from points in Jefferson and Lewis Counties, N.Y., to Pittsburgh, Pa., Providence, R.I., Baltimore, Md., and points in Connecticut and Massachusetts, from points in St. Lawrence County, N.Y., to Woonsocket, R.I., and Pittsburgh, Pa.; *cheese*, from points in Jefferson and Lewis Counties, N.Y., to Philadelphia, Pa., and points in Massachusetts, from certain specified points in New York, to certain specified points in Pennsylvania, Rhode Island, Portland, Maine, and points in Connecticut, from points in St. Lawrence County, N.Y., to Philadelphia, Pa., New York, N.Y., Newark, N.J., and points in New Jersey within 30 miles of Newark, and those in Massachusetts; from Troy, Vt., to Canton and Lowville, N.Y.; *empty oil drums*, from points in New York on and east of a line beginning at Oswego and extending along New York Highway 57 to Syracuse, thence along U.S. Highway 11 to the New York-Pennsylvania State line, except Syracuse, and points in Jefferson and Lewis Counties, N.Y., to Sewaren and Rutherford, N.J.; *butter*, from Norwood, N.Y., to New York, N.Y., and Boston, and Somerville, Mass.; *cheese*, and *supplies and equipment* used in the manufacture of cheese, from certain specified points in New York, to points in Vermont, New Hampshire, and Maine, from South Edmeston, N.Y., to certain specified points in Massachusetts, Providence, R.I., Hartford and Berlin, Conn., and Bangor, Maine, from Rome and Alfred Station, N.Y., to Philadelphia, Pa., New York, N.Y., Newark, N.J., and points in New Jersey within 30 miles of Newark, and certain specified points in Massachusetts; *talc* from Balmat, N.Y., to New York, N.Y., and points in New Jersey, Massachusetts, and Pennsylvania; and *used empty containers, pallets, skids, and cores*, from certain specified points in New York, to New York, N.Y., Newark, N.J., and points in New Jersey within 30 miles of Newark, from Baltimore, Md., to points in Jefferson and Lewis Counties, N.Y., from certain specified points in Pennsylvania, Rhode Island, and points in Connecticut to certain specified points in New York, from points in Vermont, New Hampshire, Massachusetts, and Maine to certain specified points in New York, from certain

specified points in Massachusetts, Providence, R.I., Hartford and Berlin, Conn., and Bangor, Maine, to South Edmeston, N.Y., from New York, N.Y., Newark, N.J., and points in New Jersey within 30 miles of Newark, to Alfred Station, N.Y., from Portland, Maine, and certain specified points in Massachusetts, to Rome and Alfred Station, N.Y., from points in New Jersey and Pennsylvania to Balmat, N.Y. HIGHWAY EXPRESS LINES, INC., is authorized to operate as a *common carrier* in Virginia, Pennsylvania, Delaware, New Jersey, Maryland, New York, Connecticut, Rhode Island, Massachusetts, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commision.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9721; Filed, Aug. 13, 1968; 8:49 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

AUGUST 9, 1968.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 3697-M, filed August 2, 1968. Applicant: SPECIALIZED FURNITURE CARRIERS, INC., 219 Armour Drive NE., Atlanta, Georgia. Applicant's representative: James L. Flemister, 1026 Fulton Federal Building, Atlanta, Georgia. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *new furniture and furniture parts* between all points and places within the State of Georgia. Both intrastate and interstate authority sought.

HEARING: Tuesday, September 24, 1968, Georgia Public Service Commission, Commission's Hearing Room, 177 State Office Building, 244 Washington Street SW., Atlanta, Georgia 30334. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Georgia 30334, and should not be directed to the Interstate Commerce Commission.

State Docket No. MC-4479 (Sub-No. 7), filed date not given. Applicant: KNOXVILLE-MARYVILLE MOTOR EXPRESS, INC., 1910 University Avenue, Knoxville, Tenn. Applicant's representative: Clarence Evans, Third National Bank Building, Nashville, Tenn. 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General property*, except used household goods, liquid commodities in bulk, fly ash, dry cement, and dry fertilizer in bulk, and dry acids and dry chemicals in bulk over the following routes, to be used in conjunction with all of the applicant's existing authority, and with each other, in both interstate and intrastate commerce, serving all intermediate points: (1) From Vonore via Tennessee Highway 11 to Knoxville, and return over the same route, (2) from junction of U.S. Highway 411 and Tennessee Temporary Highway 95 near Greenback, via Tennessee Temporary Highway 95 to Lenoir City, and return over the same route, (3) from Maryville via county roads to Friendsville, thence via county roads to Tennessee Temporary Highway 95 southwest of Friendsville, and return over the same route, (4) as an alternate route only, between Lenoir City and Knoxville via U.S. Highway 11 and Interstate Highway 75, and such connecting roads as from time to time may be necessary between these two said highways, and (5) between Loudon and Kingston via Tennessee Highway 72 and Tennessee Highway 58 with closed doors at all intermediate points. Both intrastate and interstate authority sought.

HEARING: Monday, September 9, 1968, at 9:30 a.m., Tennessee Public Service Commission, C-1-110 Cordell Hull Building, Nashville, Tenn. 37219. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. 68-160-MF/O, filed June 7, 1968. Applicant: JACQUIE A. VEILLON, doing business as J.M.J. TRANSFER, c/o John M. Stern, Jr., Box 1672, Anchorage, Alaska 99501. Applicant's representative: John M. Stern, Jr. (same address as applicant). Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities* (except classes A & B explosives); between points within 50 miles of Yakutat, Alaska, including Yakutat, over irregular routes. Both intrastate and interstate authority sought.

HEARING: Unknown. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Alaska Transportation Commission, 750 MacKay Building, 338 Denali Street, Anchorage, Alaska 99501, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9722; Filed, Aug. 13, 1968; 8:49 a.m.]

[Notice 188]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 9, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70682. By order of July 31, 1968, the Transfer Board approved the transfer to Far West Transportation, Inc., Lewiston, Idaho, of the operating rights in Certificate Nos. MC-123384 and MC-123384 (Sub-No. 1), issued September 11, 1961, and September 14, 1962, respectively, to Don M. Chapin, doing business as Chapin's Transportation Service, Lewiston, Idaho, authorizing the transportation of: Passengers and their baggage, in charter operations, between specified points in Idaho, Washington, Oregon, and Montana. George R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101, attorney for applicants.

No. MC-FC-70693. By order of July 31, 1968, the Transfer Board approved the transfer to Ace City Delivery, a corporation, Los Angeles, Calif., of Certificate of Registration No. MC-99956 (Sub-No. 1), issued February 11, 1964, to Lyle V. Abbott, doing business as Ace City Delivery, Maywood, Calif., evidencing a right to engage in interstate of foreign commerce in the transportation of general commodities, within the State of California. Claude W. Bridges, 3600 Wilshire Boulevard, Los Angeles, Calif. 90005, attorney for applicants.

No. MC-FC-70695. By order of July 31, 1968, the Transfer Board approved the transfer to Supreme Motor Freight, Inc., Morrisville, Pa., of the operating rights in Certificate Nos. MC-109161 and MC-109161 (Sub-No. 1), issued March 29, 1950, and November 23, 1951, respectively, to John A. Welker, doing business as Supreme Motor Freight, Philadelphia, Pa., authorizing the transportation of: General commodities, with the usual exceptions, between specified points in New York, New Jersey, and Pennsylvania. Robert B. Einhorn, 12 South 12th Street, Philadelphia, Pa. 19107, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9723; Filed, Aug. 13, 1968; 8:49 a.m.]

[Notice 188A]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 9, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70387. By order of August 5, 1968, Division 3, acting as an Appellate Division approved the transfer to Chaparral Transportation Co., a corporation, El Paso, Tex.; of certificate in No. MC-124932 (Sub-No. 2), issued February 20, 1964, to Clifford Jones, doing business as C & D Trucking Co., El Paso, Tex.; authorizing the transportation of: Fluorspar ore and concentrate, from La Linda and Boquillas, Tex.; to Marathon and Alpine, Tex. William J. Mounce, Post Office Drawer 1977, El Paso, Tex., attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9724; Filed, Aug. 13, 1968; 8:50 a.m.]

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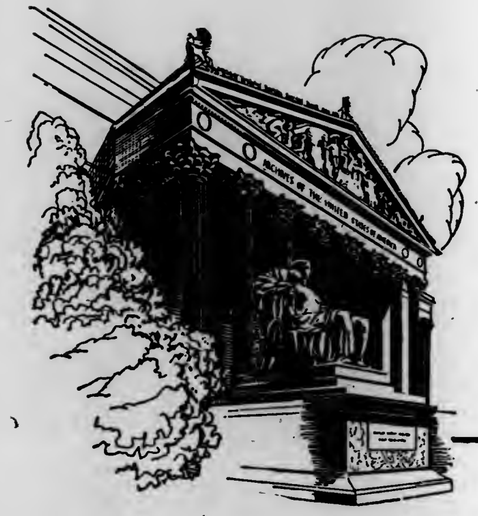
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Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Pink Bollworm

EXEMPTIONS

Under the authority of § 301.52–2 of the Pink Bollworm Quarantine regulations and other authority (30 F.R. 5799), a supplemental regulation exempting certain articles from specified requirements of the regulations and interpreting certain provisions of the regulations is hereby issued to appear in 7 CFR 301.52–2b as set forth below. The Director of the Plant Pest Control Division has found that facts exist as to the pest risk involved in the movement of such articles which make it safe to relieve the requirements as provided therein.

§ 301.52–2b Exemptions and interpretation.

(a) The following articles are exempted [1] from the certification and permit requirements of this subpart if they meet the applicable conditions prescribed in subparagraphs (1) through (3) of this paragraph and have not been exposed to infestation after ginning, compression, or other handling as prescribed in said subparagraphs:

(1) Baled cotton lint, linters and lint cleaner waste, if compressed to a minimum of 22 pounds per cubic foot.

(2) Baled cotton lint moving from the generally infested area into the suppressive area, if the lint is from seed cotton produced in the suppressive area and moved to the generally infested area for ginning, provided the identity of the baled cotton lint is maintained.

(3) Samples of cotton lint and cotton linters of the usual trade size. The samples may be assembled in a single package for shipment.

(b) Edible okra is exempted from the certification and permit requirements of this subpart from December 1 to May 15 of any year except for okra consigned to California which is exempted only during the period January 1 to March 15.

(c) In the administration of § 301.52–4(b), edible okra shall be deemed to be eligible for a limited permit, without any limitation as to handling, utilization, or processing or requirement of treatment, if it is moving during the period May 16 through November 30 of any year, to any destination in Colorado, Connecticut, Delaware, Idaho, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hamphire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, West Virginia, Wisconsin, or Wyoming, or the District of Columbia, or that part of Virginia, Missouri, Illinois, or Kentucky north of the 38th parallel.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 30 F.R. 5799, as amended; 7 CFR 301.52–2, as amended; 32 F.R. 16385)

This document shall become effective upon publication in the FEDERAL REGISTER when it shall supersede the list of exempted articles in 7 CFR 301.52a, which became effective November 30, 1967.

The purpose of this document is to relieve restrictions on the interstate movement of edible okra from May 16 through November 30 of each year if it is moving to the specified States or areas.

These restrictions are not deemed necessary to prevent the interstate spread of the pink bollworm, and the document should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions being relieved. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this document are impracticable and unnecessary and it may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 9th day of August 1968.

[SEAL] D. R. SHEPHERD,
Director,
Plant Pest Control Division.

[F.R. Doc. 68–9801; Filed, Aug. 14, 1968; 8:49 a.m.]

[1] The articles hereby exempted remain subject to applicable restrictions under other quarantines.

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 6]

PART 725—FLUE-CURED TOBACCO

Subpart—Flue-Cured Tobacco, 1966–67 and Subsequent Marketing Years

MISCELLANEOUS AMENDMENTS

Correction

In F.R. Doc. 68–9085 appearing at page 10732 of the issue for Saturday, July 27, 1968, the first sentence in § 725.91(a) should read "Each auction and nonauction marketing of tobacco from a farm in the current year shall be identified by a marketing card, Form MQ–76, issued for the farm."

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 252]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.552 Valencia Orange Regulation 252.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the

and Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 13, 1968.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period August 16, 1968, through August 22, 1968, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 350,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 14, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9876; Filed, Aug. 14, 1968; 11:22 a.m.]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Increase in Rate of Assessment for 1968–69 Fiscal Year

On July 24, 1968, notice of proposed rulemaking was published in the FEDERAL REGISTER (33 F.R. 10528) regarding a proposed increase in the rate of assessment for the 1968–69 fiscal year (April 1, 1968, through March 31, 1969) pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposal set forth in such notice which was submitted by the Avocado Administrative Committee, established pursuant to said amended marketing agreement and order, it is hereby found and determined that the rate of assessment previously fixed will not provide sufficient income because of a curtailment of the crop due to excessive rainfall and an increase in the rate of assessment is necessary to meet expenses.

Paragraph (b) of § 915.208 *Expenses and rate of assessment and carryover of unexpended funds* (33 F.R. 8725) is hereby amended to read as follows:

§ 915.208 Expenses and rate of assessment and carryover of unexpended funds.

* * * * *

(b) *Rate of assessment.* The rate of assessment for said period payable by each handler in accordance with § 915.41, is fixed at $0.04 per bushel of avocados.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the increase in the rate of assessment does not involve an increase in the total expenses heretofore established by the Secretary (33 F.R. 8725), (2) the said committee in the performance of its duties and functions is likely to incur obligations which may be in excess of the income likely to be received from handlers at the current rate of assessment based on the new crop estimate, (3) it is essential that this mandatory action be issued immediately so that said committee can meet its obligations, (4) the relevant provisions of said amended marketing agreement and this part require that the amended rate of assessment herein fixed shall be applicable to all assessable avocados handled during such period, and (5) such period began on April 1, 1968, and said rate of assessment will automatically apply to all such avocados beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 12, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9802; Filed, Aug. 14, 1968; 8:49 a.m.]

[Pear Reg. 2, Amdt. 2]

PART 931—FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement and Order No. 931 (7 CFR Part 931) regulating the handling of fresh Bartlett pears grown in Oregon amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Northwest Fresh Bartlett Pear Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of such pears.

(a) *Order, as amended.* The provisions of paragraph (a)(1) of § 931.302 (Pear Regulation 2; 33 F.R. 10936) are hereby amended to read as follows:

§ 931.302 Bartlett Pear Regulation 2.

(a) *Order.* * * *

(1) *Minimum grade requirement.* Such pears grade at least U.S. No. 2: *Provided,* That (i) pears which are seriously damaged by frost injury, limbrubs, or healed hail marks may be handled if such pears are packed in containers containing at least 14 pounds, net weight, but not more than 15 pounds, net weight, of pears, or (ii) pears which fail to meet the requirements with respect to shape specified in the U.S. No. 2 grade only because of frost injury or healed hail marks may be handled if (*a*) they are not so seriously misshapen as to preclude the cutting of at least one good half and (*b*) they are packed in containers containing at least 14 pounds, net weight, but not more than 15 pounds, net weight, of pears; *And provided further,* That, in determining whether pears packed in open containers or handled loose meet the aforesaid grade requirements, the tolerances set forth in §§ 51.1265 and 51.1271 and the application of tolerances in § 51.1266 of the U.S. Standards for Summer and Fall Pears (7 CFR 51.1260–51.1280) shall apply.

* * * * *

(b) *Effective time.* The provisions of this amendment shall become effective August 9, 1968.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 9, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9778; Filed, Aug. 14, 1968; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 85—CYSTICERCOSIS

Revocation of Regulations

Pursuant to the provisions of sections 1 and 3 of the Act of March 3, 1905, as amended, and section 7 of the Act of May 29, 1884, as amended (21 U.S.C. 117, 123, 125), Part 85 of Chapter I, Subchapter C, Title 9, Code of Federal Regulations, containing quarantine regulations imposed because of cysticercosis, is hereby revoked.

(Secs. 1 and 3, 33 Stat. 1264 and 1265, as amended, Sec. 7, 23 Stat. 32, as amended; 21 U.S.C. 117, 123, 125; 29 F.R. 16210, as amended, 30 F.R. 5799, as amended.)

Effective date. This revocation shall become effective upon issuance. However, such provisions shall be deemed to continue in full force and effect for the purpose of sustaining any action or other proceeding with respect to any right that accrued, liability that was incurred, or violation that occurred prior to said date.

The foregoing action revokes a notice of quarantine and certain restrictions pertaining to the interstate movement of cattle from quarantined areas, because such notice of quarantine and restrictions are no longer deemed necessary to prevent the dissemination of cysticercosis. The premises known as the Hereford Cattle Feeders, Inc., Hereford, Tex., heretofore quarantined because of cysticercosis, is released from such quarantine by this action.

The foregoing action relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this action are impracticable and unnecessary, and such action may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 9th day of August 1968.

R. J. ANDERSON,
Acting Administrator, Agricultural Research Service.

[FR. Doc. 68-9803; Filed, Aug. 14, 1968; 8:49 a.m.]

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Administrative Instructions Prescribing Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Animal Health Division by § 97.1 of the regulations concerning overtime services relating to imports and exports, effective July 31, 1966 (9 CFR 97.1), administrative instructions (9 CFR 97.2) effective July 30, 1963, as amended May 18, 1964 (29 F.R. 6318), December 7, 1964 (29 F.R. 16316), April 12, 1965 (30 F.R. 4609), June 18, 1965 (30 F.R. 7893), June 7, 1966 (31 F.R. 8020), October 11, 1966 (31 F.R. 13114), November 1, 1966 (31 F.R. 13939), November 23, 1966 (31 F.R. 14826), February 14, 1967 (32 F.R. 2843), April 15, 1967 (32 F.R. 6021), August 26, 1967 (32 F.R. 12441), September 29, 1967 (32 F.R. 13650), February 9, 1968 (33 F.R. 2758), March 7, 1968 (33 F.R. 4248), and July 13, 1968 (33 F.R. 10085), prescribing the commuted travel time that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein, as follows:

WITHIN METROPOLITAN AREA

ONE HOUR

Add: El Paso, Tex. (served from Sunland Park, N Mex.).

OUTSIDE METROPOLITAN AREAS

THREE HOURS

Add: El Paso, Tex. (served from Las Cruces, N. Mex.).

FOUR HOURS

Add: Wedderburn, Oreg. (served from Coos Bay, Oreg.).
Add: Mapleton, Oreg. (served from Coos Bay, Oreg.).
Add: Columbus, N. Mex. (served from Las Cruces, N. Mex.).

FIVE HOURS

Add: Columbus, N. Mex. (served from Sunland Park, N. Mex.).
Add: Antelope Wells, N. Mex. (served from Columbus, N. Mex.).
Add: El Paso, Tex. (served from Columbus, N. Mex.).

SIX HOURS

Add: Antelope Wells, N. Mex. (served from Las Cruces, N. Mex.).

SEVEN HOURS

Add: Antelope Wells, N. Mex. (served from Sunland Park, N. Mex.).

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal Health Division.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 7 U.S.C. 2260)

These revised administrative instructions shall become effective upon publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 9th day of August 1968.

G. H. WISE,
Acting Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 68-9804; Filed, Aug. 14, 1968; 8:49 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 170—FEES FOR FACILITIES AND MATERIALS LICENSES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Correction

In F.R. Doc. 68-9160 appearing at page 10923 of the issue for Thursday, August 1, 1968, make the following changes:

1. In § 170.3(m), the section reference in the fifth line should read "§ 50.21(c)".

2. In the second line of § 170.12(c), insert a comma after the word "payable".

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 11—PROXY STATEMENTS AND OTHER SOLICITATIONS UNDER SECTION 14 OF THE SECURITIES EXCHANGE ACT

PART 12—OWNERSHIP REPORTS BY CERTAIN PERSONS

Miscellaneous Amendments

1. Part 11 is amended to change its title and to revise § 11.1 and to add §§ 11.3a, 11.4a, 11.4b, 11.4c, 11.4d, and to add Schedules D and E, as set forth below:

§ 11.1 Scope and application.

This part shall apply to every solicitation of a proxy and to any tender offers with respect to stock of a national bank having a class of equity securities held of record by 500 or more persons.

§ 11.3a Tender offers for stock of national banks.

(a) All requests or invitations for tenders or advertisements making a tender offer or requesting or inviting tenders shall contain the names of the persons making such requests, invitations, or advertisements and the information required by Items 2 (a), (c) and (e) (1), 3, 4, 5, and 6 of Schedule D, or a fair and adequate summary thereof and shall be filed with the Comptroller as a part of the statement required by § 12.3a: *Provided, however,* That the information required by Item 2(e)(1) shall include only convictions involving dishonesty or breach of trust.

(b) Any additional material soliciting or requesting such tender offers subsequent to the initial solicitation or request shall contain the names of the persons making such solicitation or request and the information required by Items 2 (a), (c) and (e)(1), 3, 4, 5, and 6 of Schedule D, or a fair and adequate summary thereof: *Provided, however,* That such material may omit any of such information previously furnished to the persons solicited or requested for tender offers. Copies of such additional material soliciting or requesting such tender offers shall be filed with the Comptroller not later than the time copies of such material are first published or sent or given to security holders.

(c) Any written solicitation or recommendation to the holders of a security to accept or reject a tender offer or request or invitation for tenders subject to section 14(d) of the Act shall include the name of the person making such solicitation or recommendation and the information required by Items 1(b), 2(b) of Schedule E or a fair and adequate summary thereof: *Provided, however,* That such written solicitation or recommendation may omit any of such information previously furnished to the persons to whom the solicitation or recommendation is made.

§ 11.4a Filing of Schedule D by persons making a tender offer.

(a) No person, directly or indirectly, by use of the mails or by any means or instrumentality of Interstate Commerce or of any facility of a national security exchange or otherwise, shall make a tender offer for, or a request or invitation for tenders of, any class of any equity security of a national bank which is registered or required to be registered pursuant to section 12 of the Act, if, after consummation thereof, such person would, directly or indirectly, be the beneficial owner of more than 10 per centum of such class, unless, at the time copies of the offer or request or invitation are first published or sent or given to security holders, such person has filed with the Comptroller a statement containing the information and exhibits required by Schedule D: *Provided, however,* That any person making a tender offer for or a request or invitation for tenders which commenced prior to August 8, 1968, shall, if such offer, request or invitation continues after such date, file the statement required by this part on or before August 20, 1968. Copies of all statements, in the form in which such material is furnished to security holders and the Comptroller, shall be sent to the issuer not later than the date such material is first published or sent or given to any security holders.

(b) If any material change occurs in the facts set forth in the statement required by paragraph (a) of this section, the person who filed such statement shall promptly file with the Comptroller an amendment disclosing such change.

§ 11.4b Recommendations as to tender offers.

(a) No solicitation or recommendation to the holders of a security to accept or reject a tender offer or request or invitation for tenders subject to section 14(d) of the Act shall be made unless, at the time copies of the solicitation or recommendation are first published or sent or given to holders of the security, the person making such solicitation or recommendation has filed with the Comptroller a statement containing the information specified by Schedule E: *Provided, however,* That this part shall not apply to (1) a person required by § 11.4(a) to file a statement, or (2) a person, other than the bank or the management of the bank, who makes no written solicitations or recommendations other than solicitations or recommendations, copies of which have been filed with the Comptroller pursuant to this part; *And provided further,* That any person making solicitation or recommendation to the holders of a security to accept or reject a tender offer or request or invitation for tenders which solicitation or recommendation commenced prior to August 8, 1968, shall, if such solicitation or recommendation continues after such date, file the statement required by this Part on or before August 20, 1968.

(b) If any material change occurs in the facts set forth in the statement required by paragraph (a) of this section, the person who filed such statement shall promptly file with the Comptroller an amendment disclosing such change.

§ 11.4c Purchase of securities by nominee of bank or by controlling persons.

When a person makes a tender offer for, or request or invitation for tenders of, any class of equity securities of a national bank subject to section 13(e) of the Act, and such person has filed a statement with the Comptroller pursuant to § 11.3a hereof and the bank has received notice thereof, no person shall thereafter, for or on behalf of the bank, nor shall any person controlling, controlled by, or under common control with the bank, during the period such tender offer, request or invitation continues, purchase (including any purchase subject to control of the bank or any such person), any equity securities of the bank unless:

(a) Such person has filed with the Comptroller a statement containing the information specified below with respect to proposed purchases:

(1) The title and amount of securities to be purchased, the names of the persons or classes of persons from whom, and the market in which, the securities are to be purchased, including the name of any exchange on which the purchase is to be made;

(2) The purpose for which the purchase is to be made and any plan or proposal for the disposition of such securities; and

(3) The source and amount of funds or other consideration used or to be used in making the purchases, and if any part of the purchase price or proposed purchase price is represented by funds or other consideration borrowed or otherwise obtained for the purpose of acquiring, holding, or trading the securities, a description of the transaction and the names of the parties thereto; and

(b) The bank has at any time within the past six months sent or given to its equity security holders the substance of the information contained in the statement required by paragraph (a) of this section:

Provided, however, That any such person making such purchases which commenced prior to August 8, 1968, shall, if such purchases continue after such date, comply with the provisions of this rule on or before August 20, 1968.

§ 11.4d Change in majority of directors.

If, pursuant to any arrangement or understanding with the person or persons acquiring securities in a transaction subject to Section 13(d) or 14(d) of the Act, any persons are to be elected or designated as directors of the issuer, otherwise than at a meeting of security holders, and the persons so elected or designated will constitute a majority of the directors of the bank, then, not less than 10 days prior to the date any such person takes office as a director, or such shorter period prior to that date as the Comptroller may authorize upon a showing of good cause therefor, the bank shall file with the Comptroller and transmit to all holders of record of securities of the bank who would be entitled to vote at a meeting for election of directors, information substantially equivalent to the information which would be required by Schedule A hereof to be transmitted if such person or persons were nominees for election as directors at a meeting of such security holders.

SCHEDULE D—INFORMATION TO BE INCLUDED IN STATEMENTS

FILED PURSUANT TO §§ 11.3a, 11.4b OR 12.3a AND 12.3b

General Instructions

The item numbers and captions of the items shall be included but the text of the items are to be omitted. The answers to the items shall be so prepared as to indicate clearly the coverage of the items without referring to the text of the items. Answer every item. If an item is inapplicable or the answer is in the negative, so state.

If the statement is filed by a partnership, limited partnership, syndicate, or other group, the information called for by Items 2 to 6, inclusive, shall be given with respect to (1) each partner or any partnership or limited partnership, (2) each member of such syndicate or group and (3) each person controlling such partner or member. If a person referred to in (1), (2), or (3) is a corporation or the statement is filed by a corporation, the information called for by the above-mentioned items shall be given with respect to each principal officer and director of such corporation and each person controlling such corporation.

Item 1. Security and Bank.

State and title of the class of equity securities to which this statement relates and the name and address of the bank which issued such securities.

Item 2. Identity and Background.

State the following with respect to the person filing this statement:

(a) Name and business address;

(b) Residence address;

(c) Present principal occupation or employment and the name, principal business and address of any corporation or other organization in which such employment is carried on;

(d) Material occupations, positions, offices or employments during the last 10 years, giving the starting and ending dates of each and the name, principal business and address of any business corporation or other organization in which each such occupation, position, office or employment was carried on; and

(e) (1) Whether or not such person has been convicted in a criminal proceeding (excluding traffic violations or similar misdemeanors) and, if so, give the dates, nature of conviction, name and location of court, and penalty imposed, or other disposition of the case. A negative answer to this subitem need not be furnished to security holders.

(2) Whether or not such person has ever been adjudicated a bankrupt and, if so, give the dates, names and locations of the courts.

Item 3. Source and Amount of Funds or Other Consideration.

State the source and amount of funds or other consideration used or to be used in making the purchases, and if any part of the purchase price or proposed purchase price is represented or is to be represented by funds or other consideration borrowed or otherwise obtained for the purpose of acquiring, holding, or trading the securities, a description of the transaction and the names of the parties thereto.

Instruction. If the source of funds is a loan made in the ordinary course of business by a bank, the person filing the statement may, at his option, omit the name of the bank, provided it is furnished to the Comptroller in a letter requesting confidential treatment as to such information. Pursuant to section 13(d)(1)(B) of the Act, such information shall not be made available to the public.

Item 4. Purpose of Transaction.

If the purpose of the purchases or prospective purchases is to acquire control of the bank, describe any plans or proposals which such persons may have to liquidate such bank, to sell its assets to or merge it with any other persons, or to make any other major change in its business or corporate structure.

Item 5. Interest in Securities of the Bank.

State the number of shares of the security which are beneficially owned, and the number of shares concerning which there is a right to acquire, directly or indirectly, by (i) such person, and (ii) each associate of such person, giving the name and address of each such associate.

Item 6. Contracts, Arrangements, or Understandings With Respect to Securities of the Bank.

Furnish information as to any contracts, arrangements, or understandings with any person with respect to any securities of the bank, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guaranties of loans, guaranties against loss or guaranties of profits, division of losses or profits, or the giving or withholding of proxies, naming the persons with whom such contracts, arrangements, or understandings have been entered into, and giving the details thereof.

Item 7. Persons Retained, Employed or To Be Compensated.

Where the Schedule D relates to a tender offer, or request or invitation for tenders, identify all persons and classes of persons employed, retained or to be compensated by the person filing this Schedule D, or by any person on his behalf, to make solicitations or recommendations to security holders and describe briefly the terms of such employment, retainer or arrangement for compensation.

Item 8. Material To Be Filed as Exhibits.

Copies of all requests or invitations for tenders or advertisements making a tender offer or requesting or inviting tenders, additional material soliciting or requesting such tender offers, solicitations or recommendations to the holders of the security to accept or reject a tender offer or request or invitation for tenders shall be filed as an exhibit.

Signature

I certify that to the best of my knowledge and belief the information set forth in this statement is true, complete and correct.

---------- ----------
(Date) (Signature)

If the statement is signed on behalf of a person by an authorized representative, evidence of the representative's authority to sign on behalf of such person shall be filed with the statement.

SCHEDULE E—STATEMENT TO BE FILED PURSUANT TO § 11.4b

Item 1. Security and Bank.

(a) State the title of the class of equity securities to which this statement relates and the name and address of the issuer of such securities.

(b) Identify the tender offer or request or invitation for tenders to which this statement relates and state the reasons for the solicitation or recommendation to security holders to accept or reject such tender offer, request, or invitation for tenders.

Item 2. Identity and Background.

(a) State the name and business address of the person filing this statement.

(b) Describe any arrangement or understanding in regard to the solicitation with (i) the bank or the management of the bank or (ii) the maker of the tender offer or request or invitation for tender of securities of the class to which this statement relates.

Item 3. Persons Retained, Employed or To Be Compensated.

Identify any person or class or persons employed, retained or to be compensated, by the person filing this Schedule E, or by any person on his behalf, to make solicitations or recommendations to security holders and describe briefly the terms of such employment, retainer or arrangement for compensation.

Item 4. Material To Be Filed as Exhibits.

Copies of all solicitations or recommendations to accept or to reject a tender offer or request or invitation for tenders of the securities specified in Item 1 shall be filed as an exhibit.

Signature

I certify that to the best of my knowledge and belief the information set forth in this statement is true, complete and correct.

---------- ----------
(Date) (Signature)

If the statement is signed on behalf of a person by an authorized representative, evidence of the representative's authority to sign on behalf of such person shall be filed with the statement.

2. Part 12 is amended to add §§ 12.3a and 12.3b as set forth below:

§ 12.3a Filing by persons becoming principal stockholders after July 29, 1968.

Any person who, after acquiring subsequent to July 29, 1968, directly or indirectly the beneficial ownership of any equity security of a bank of a class which is registered, or required to be registered pursuant to section 12 of the Securities Exchange Act of 1934, as amended, (the Act) is directly or indirectly the beneficial owner of more than 10 per centum of such class shall, within 10 days after such acquisition, send to the bank at its principle executive office, by registered or certified mail, send to each exchange where the security is traded, and file with the Comptroller a statement containing the information required by Schedule D of Part 11 of the regulations of the Comptroller of the Currency.

§ 12.3b Filing of amendments.

If any material change occurs in the facts set forth in the statement required by § 12.3a, the person who filed such statement shall promptly file with the Comptroller and send to the bank and the exchange an amendment disclosing such change.

Dated: August 9, 1968.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 68-9800; Filed, Aug. 14, 1968; 8:49 a.m.]

Chapter III—Federal Deposit Insurance Corporation

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 335—SECURITIES OF INSURED NONMEMBER STATE BANKS

Miscellaneous Amendments

The Federal Deposit Insurance Corporation has adopted amendments to Part 335 of its rules and regulations (12 CFR Part 335) to implement the provisions of Public Law 90-439 of the 90th Congress, second session, approved July 29, 1968. Such amendments are issued pursuant to the provisions of Public Law 88-467 of the 88th Congress, second session, approved August 20, 1964.

The purpose of the new amendments is to implement the provisions of Public Law 90-439 providing for disclosure of certain information relating to (a) the acquisition by any person of more than 10 percent of securities registered pursuant to section 12 of the Securities Exchange Act of 1934; (b) the purchase of such securities by the issuer thereof; (c) the making of tender offers or solicitations in favor of, or in opposition to, such tender offers; and (d) the replacement of a majority of the directors of an issuer in connection with an acquisition subject to section 13(d) or a tender offer subject to section 14(d) of the Securities Exchange Act of 1934.

The prior publication before the effective date described in section 4 of the Administrative Procedure Act (5 U.S.C. 553) and the notice and public participations described in said section 4 of the same Act are not followed in connection with the amendments to Part 335 for good cause found, as stated in § 302.6 of the Federal Deposit Insurance Corporation's procedure and rules of practice. This procedure is followed because the Corporation finds that it is necessary in the public interest and for the protection of investors that rules and regulations be adopted immediately

to implement the recent amendments to sections 13 and 14 of the Securities Exchange Act of 1934 and that notice and procedure pursuant to the Administrative Procedure Act is impracticable. Accordingly, the amendments to Part 335 of the Corporation's rules and regulations shall become effective immediately.

The amendments to Part 335 are as follows:

1. Section 335.4 is amended to change its title and to revise paragraph (g), as set forth below:

§ 335.4 Registration statements and reports.

* * * * *

(g) *Current reports and/or statements.* (1) Every registrant bank shall file a current report in conformity with the requirements of Form F–3 within 10 days after the close of any month during which any of the events specified in that form occurs, unless substantially the same information as required by that form has been previously reported by the bank.

(2) Any person who, after acquiring, subsequent to July 29, 1968, directly or indirectly the beneficial ownership of any equity security of a bank, of a class which is registered pursuant to section 12 of the Act, is directly or indirectly the beneficial owner of more than 10 percent of such class shall, within 10 days after such acquisition, send to the bank at its principal executive office, by registered or certified mail, send to each exchange where the security is traded, and file with the Corporation a statement containing the information required by Form F–11.

(3) If any material change occurs in the facts set forth in the statement required by subparagraph (2) of this paragraph, the person who filed such statement shall promptly file with the Corporation and send to the bank and the exchange an amendment disclosing such change.

(4) When a person other than the issuing bank or any person described in section 13(e)(2) of the Act makes a tender offer for, or request or invitation for tenders of, any class of equity securities of a bank subject to section 13(e) of the Act, and such person has filed a statement with the Corporation pursuant to § 335.5(l) and the issuing bank has received notice thereof, such issuing bank or any person described in section 13(e)(2) of the Act shall not thereafter, during the period such tender offer, request or invitation continues, purchase any equity securities of the issuing bank unless:

(i) The issuing bank or any person described in section 13(e)(2) of the Act has filed with the Corporation a statement containing the information specified below with respect to proposed purchases:

(a) The title and amount of securities to be purchased, the names of the persons or classes of persons from whom, and the market in which, the securities are to be purchased, including the name of any exchange on which the purchase is to be made;

(b) The purpose for which the purchase is to be made and any plan or proposal for the disposition of such securities; and

(c) The source and amount of funds or other consideration used or to be used in making the purchases, and if any part of the purchase price or proposed purchase price is represented by funds or other consideration borrowed or otherwise obtained for the purpose of acquiring, holding, or trading the securities, a description of the transaction and the names of the parties thereto.

(ii) The issuing bank or any person described in section 13(e)(2) of the Act has at any time within the past 6 months sent or given to the equity security holders of the issuing bank the substance of the information contained in the statement required by subparagraph (i): *Provided, however,* That any issuing bank or any person described in section 13(e)(2) of the Act making such purchases which commenced prior to August 8, 1968, shall, if such purchases continue after such date, comply with the provisions of this subparagraph on or before August 20, 1968.

* * * * *

2. Section 335.5 is amended to change its title and to add paragraphs (l), (m), and (n), as set forth below:

§ 335.5 Proxy statements and other solicitations under section 14 of the Act.

* * * * *

(l) *Invitations for tenders.* (1) No person, directly or indirectly, by use of the mails or by any means or instrumentality of interstate commerce or of any facility of a national securities exchange or otherwise, shall make a tender offer for, or a request or invitation for tenders of, any class of any equity security, which is registered pursuant to section 12 of the Act, of a bank if, after consummation thereof, such person would, directly or indirectly, be the beneficial owner of more than 10 percent of such class, unless, at the time copies of the offer or request or invitation are first published or sent or given to security holders, such person has filed with the Corporation a statement containing the information and exhibits required by Form F–11: *Provided, however,* That any person making a tender offer for or a request or invitation for tenders which commenced prior to August 8, 1968, shall, if such offer, request or invitation continues after such date, file the statement required by this paragraph on or before August 20, 1968.

(2) If any material change occurs in the facts set forth in the statement required by subparagraph (1) of this paragraph, the person who filed such statement shall promptly file with the Corporation an amendment disclosing such change.

(3) All requests or invitations for tenders or advertisements making a tender offer or requesting or inviting tenders shall contain the names of the persons making such requests, invitations, or advertisements and the information required by Items 2 (a), (c) and (e) (1), 3, 4, 5, and 6 of Form F–11, or a fair and adequate summary thereof, and shall be filed with the Corporation as part of the statement required by subparagraph (1) of this paragraph: *Provided, however,* That the information required by Item 2(e)(1) shall include only convictions involving dishonesty or breach of trust.

(4) Any additional material soliciting or requesting such tender offers subsequent to the initial solicitation or request shall contain the names of the persons making such solicitation or request and the information required by Form F–11 as specified in subparagraph (3) of this paragraph, or a fair and adequate summary thereof: *Provided, however,* That such material may omit any of such information previously furnished to the persons solicited or requested for tender offers. Copies of such additional material soliciting or requesting such tender offers shall be filed with the Corporation not later than the time copies of such material are first published or sent or given to security holders.

(m) *Recommendations as to tender offers.* (1) No solicitation or recommendation to the holders of a security to accept or reject a tender offer or request or invitation for tenders subject to section 14(d) of the Act shall be made unless, at the time copies of the solicitation or recommendation are first published or sent or given to holders of the security, the person making such solicitation or recommendation has filed with the Corporation a statement containing the information specified by Form F–12: *Provided, however,* That this paragraph shall not apply to a person required by § 335.5(l) to file a statement, or a person, other than the bank or the management of the bank, who makes no written solicitations or recommendations other than solicitations or recommendations copies of which have otherwise been filed with the Corporation: *And provided further,* That any person making a solicitation or recommendation to the holders of a security to accept or reject a tender offer or request or invitation for tenders which solicitation or recommendation commenced prior to August 8, 1968, shall, if such solicitation or recommendation continues after such date, file the statement required by this paragraph on or before August 20, 1968.

(2) If any material change occurs in the facts set forth in the statement required by subparagraph (1) of this paragraph, the person who filed such statement shall promptly file with the Corporation an amendment disclosing such change.

(3) Any written solicitation or recommendation to the holders of a security to accept or reject a tender offer or request or invitation for tenders subject to section 14(d) of the Act shall include the name of the person making such solicitation or recommendation and the information required by Items 1(b), 2(b) of Form F–12, or a fair and adequate summary thereof: *Provided, however,* That such written solicitation or recommendation may omit any of such information previously furnished to the persons to whom the solicitation or recommendation is made.

(n) *Change in majority of directors.* If, pursuant to any arrangement or understanding with the person or persons acquiring securities in a transaction subject to section 13(d) or section 14(d) of the Act, any persons are to be elected or designated as directors of the bank, otherwise than at a meeting of security holders, and the persons so elected or designated will constitute a majority of the directors of the bank, then, not less than 10 days prior to the date any such person takes office as a director, or such shorter period prior to that date as the Corporation may authorize upon a showing of good cause therefor, the bank shall file with the Corporation and transmit to all holders of record of securities of the bank who would be entitled to vote at a meeting for election of directors, information substantially equivalent to the information which would be required by Items 5 (a), (d), (e), and (f), 6 and 7 of Form F–5 to be transmitted if such person or persons were nominees for election as directors at a meeting of such security holders.

3. The following sections are added:

§ 335.47 Form for statement to be filed pursuant to § 335.4(g)(2) or § 335.5(l) of Part 335 (Form F–11).

FORM F–11

STATEMENT TO BE FILED PURSUANT TO § 335.4 (g)(2) OR § 335.5(l) OF PART 335

General Instructions

The item numbers and captions of the items shall be included but the text of the items may be omitted. The answers to the items shall be so prepared as to indicate clearly the coverage of the items without referring to the text of the items. Answer every item. If an item is inapplicable or the answer is in the negative, so state.

If the statement is filed by a partnership, limited partnership, syndicate, or other group, the information called for by Items 2 to 6, inclusive, shall be given with respect to (1) each partner or any partnership or limited partnership; (2) each member of such syndicate or group; and (3) each person controlling such partner or member. If a person referred to in (1), (2), or (3) is a corporation or the statement is filed by a corporation, the information called for by the abovementioned items shall be given with respect to each principal officer and director of such corporation and each person controlling such corporation.

Item 1. Security and Bank.

State the title of the class of equity securities to which this statement relates and the name and address of the bank which issued such securities.

Item 2. Identity and Background.

State the following with respect to the person filing this statement:

(a) Name and business address.

(b) Residence address.

(c) Present principal occupation or employment and the name, principal business and address of any corporation or other organization in which such employment is carried on.

(d) Material occupations, positions, offices or employments during the last 10 years, giving the starting and ending dates of each and the name, principal business and address of any business corporation or other organization in which each such occupation, position, office or employment was carried on.

(e) (1) Whether or not such person has been convicted in a criminal proceeding (excluding traffic violations or similar misdemeanors) and, if so, give the dates, nature of conviction, name and location of the court, and penalty imposed, or other disposition of the case.

(2) Whether or not such person has ever been adjudicated a bankrupt and, if so, give the dates and names and locations of the courts.

Item 3. Source and Amount of Funds or Other Consideration.

State the source and amount of funds or other consideration used or to be used in making the purchases, and if any part of the purchase price or proposed purchase price is represented or is to be represented by funds or other consideration borrowed or otherwise obtained for the purpose of acquiring, holding, or trading the securities, a description of the transaction and the names of the parties thereto.

Instruction. If the source of funds is a loan made in the ordinary course of business by a bank, the person filing the statement may, at his option, omit the name of the bank, provided it is furnished to the Corporation in a letter requesting confidential treatment as to such information. Pursuant to section 13(d)(1)(B) of the Act, such information shall not be made available to the public.

Item 4. Purpose of Transaction.

If the purpose of the purchases or prospective purchases is to acquire control of the bank, describe any plans or proposals which such persons may have to liquidate such bank, to sell its assets to or merge it with any other persons, or to make any other major change in its business or corporate structure.

Item 5. Interest in Securities of the Bank.

State the number of shares of the security which are beneficially owned, and the number of shares concerning which there is a right to acquire, directly or indirectly, by (i) such person, and (ii) each associate of such person, giving the name and address of each such associate.

Item 6. Contracts, Arrangements, or Understandings With Respect to Securities of the Bank.

Furnish information as to any contracts, arrangements, or understandings with any person with respect to any securities of the bank, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guaranties of loans, guaranties against loss or guaranties of profits, division of losses or profits, or the giving or withholding of proxies, naming the persons with whom such contracts, arrangements, or understandings have been entered into, and giving the details thereof.

Item 7. Persons Retained, Employed or To Be Compensated.

Where this statement relates to a tender offer, or request or invitation for tenders, identify all persons and classes of persons employed, retained or to be compensated by the person filing this statement, or by any person on his behalf, to make solicitations or recommendations to security holders and describe briefly the terms of such employment, retainer or arrangement for compensation.

Item 8. Material To Be Filed as Exhibits.

Copies of all requests or invitations for tenders or advertisements making a tender offer or requesting or inviting tenders, additional material soliciting or requesting such tender offers, solicitations or recommendations to the holders of the security to accept or reject a tender offer or request or invitation for tenders shall be filed as an exhibit.

Signature

I certify that to the best of my knowledge and belief the information set forth in this statement is true, complete and correct.

_____ _____
(Date) (Signature)

If the statement is signed on behalf of a person by an authorized representative, evidence of the representative's authority to sign on behalf of such person shall be filed with the statement.

§ 335.53 Form for statement to be filed pursuant to § 335.5(m) of Part 335 (Form F–12).

FORM F–12

STATEMENT TO BE FILED PURSUANT TO § 335.5(m) OF PART 335

General Instructions

The item numbers and captions of the items shall be included but the text of the items may be omitted. The answers to the items shall be so prepared as to indicate clearly the coverage of the items without referring to the text of the items. Answer every item. If an item is inapplicable or the answer is in the negative, so state.

Item 1. Security and Bank.

(a) State the title of the class of equity securities to which this statement relates and the name and address of the bank which issued such securities.

(b) Identify the tender offer or request of invitation for tenders to which this statement relates and state the reasons for the solicitation or recommendation to security holders to accept or reject such tender offer, request, or invitation for tenders.

Item 2. Identity and Background.

(a) State the name and business address of the person filing this statement.

(b) Describe any arrangement or understanding in regard to the solicitation with (i) the bank or the management of the bank or (ii) the maker of the tender offer or request or invitation for tender of securities of the class to which this statement relates.

Item 3. Persons Retained, Employed or To Be Compensated.

Identify any person or class or persons employed, retained or to be compensated, by the person filing this Form F–12, or by any person on his behalf, to make solicitations or recommendations to security holders and describe briefly the terms of such employment, retainer or arrangement for compensation.

Item 4. Material To Be Filed as Exhibits.

Copies of all solicitations or recommendations to accept or to reject a tender offer or request or invitation for tenders of the securities specified in Item 1 shall be filed as an exhibit.

Signature

I certify that to the best of my knowledge and belief the information set forth in this statement is true, complete and correct.

_____ _____
(Date) (Signature)

If the statement is signed on behalf of a person by an authorized representative, evidence of the representative's authority to sign on behalf of such person shall be filed with the statement.

§ 335.51 [Amended]

4. Section 335.51 (Form F–5) is amended by adding the following paragraphs (e) and (f) to "Item 5, Voting Securities and Principal Holders Thereof" of such form:

Item 5. Voting Securities and Principal Holders Thereof.

(e) If to the knowledge of the persons on whose behalf the solicitation is made, a change in control of the bank has occurred since the beginning of its last fiscal year, state the name of the person or persons who acquired such control, the basis of such control, the date and a description of the transaction or transactions in which control was

acquired and the percentage of voting securities of the bank now owned by such person or persons.

(f) Describe any contractual arrangements, including any pledge of securities of the bank or any of its parents, known to the persons on whose behalf the solicitation is made, the operation of the terms of which may at a subsequent date result in a change in control of the bank.

Instruction. Paragraph (f) does not require a description of ordinary default provisions contained in the charter, trust indentures or other governing instruments relating to securities of the bank:

(15 U.S.C. 78l; interpret or apply 15 U.S.C. 78l, 78m, 78n(a), 78n(c), 78n(d), and 78n(f))

Dated this 8th day of August 1968.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] LOUISE R. DENO,
Acting Secretary.

[F.R. Doc. 68-9783; Filed, Aug. 14, 1968; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Airworthiness Docket No. 68-WE-27-AD, Amdt. 39-632]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707-100 Series Airplanes

Amendment 80 (25 F.R. 336), AD 60-2-1, as amended by Amendment 39-58 (30 F.R. 5827) requires repetitive inspections of wing splice plates on certain Boeing Model 707 Series aircraft until improved plates are installed.

The Administration has been advised by the manufacturer that cracks which are the subject of the AD are more likely to appear during the early service life of the plates.

In view of the foregoing, and based on the good service experience of high-time aircraft, the Administration has determined an increase from 6,000 hours' time in service to 8,000 hours' time in service may be granted operators with respect to their high time aircraft.

Therefore, AD 60-2-1, as amended, is further amended to provide a 2,000-hour increase in the repetitive inspection interval for aircraft with 12,000 or more hours' time in service.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 80 (25 F.R. 336), AD 60-2-1, as amended by Amendment 39-58 (30 F.R. 5827), is further amended, as follows:

Amendment 80 (25 F.R. 336), AD 60-2-1, as amended, Boeing Model 707-100 Series aircraft is amended by:

1. Amending paragraph (c) to read:

(c) For aircraft with 12,000 or more hours' time in service, repeat the inspections of original plates as described in paragraph (a) at intervals not to exceed 8,000 hours' time in service from the last inspection.

2. Adding a new paragraph (d) to read:

(d) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This amendment shall become effective August 16, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued at Los Angeles, Calif., on August 6, 1968.

LEE E. WARREN,
Acting Director,
FAA Western Region.

[F.R. Doc. 68-9784; Filed, Aug. 14, 1968; 8:47 a.m.]

[Airworthiness Docket No. 68-WE-26-AD, Amdt. 39-631]

PART 39—AIRWORTHINESS DIRECTIVES

General Dynamics—Model 240, 340, and 440 Airplanes (Equipped With Rolls Royce MK 542-4 Engines and Dowty Rotol Propellers)

There have been reports of engine exhaust system failures and AC generator control unit failures on General Dynamics Model 240 and 340 airplanes equipped with Rolls Royce MK 542-4 engines and Dowty Rotol (c)R245/4-40-4.5/13 propellers in accordance with General Dynamics Supplemental Type Certificates SA1054WE (hereinafter referred to as the CV-600) and SA1096WE (hereinafter referred to as the CV-640).

The exhaust system failures include ruptured engine exhaust duct flange gaskets, Part Nos. 2D6220115-1 and 2D6220127-1, and loss of sealing between the associated exhaust duct flange joint thermal insulation collars, Part Nos. 2D620119-31, -41 and -43, and adjacent exhaust duct thermal insulation blankets. The existence of both failures will allow exhaust gas discharge into the main landing gear wheel well.

The failure of the alternating current (AC) generator control unit consists in the breakdown of electrical insulation material between the master board printed circuits, resulting in phase to phase arcing. A CV-640 experienced an in-flight fire when the three conditions existed, and a failure thereafter occurred in an adjacent hydraulic fluid system line. Either the exhaust gas discharge in the wheel well or the heat generated by the phase to phase arcing is suspected as the ignition source of the hydraulic fluid. The fire was not controlled.

A serious fire hazard exists should failure of a flammable fluid system component occur in the vicinity of an exhaust leak or failed AC generator control unit. A contributing factor to the AC generator control unit failures is the environment at the control unit location in each main landing gear wheel well. Exposure of both control units to the same environment creates a situation conducive to hazardous simultaneous or time sequenced failures of both alternating current electrical systems. Since these conditions are likely to exist or develop in other airplanes of the same types, similarly equipped, the Airworthiness Directive is being issued to require periodic inspection of existing engine exhaust systems, subsequent installation of improved engine exhaust duct gaskets, modification of the engine exhaust duct flange joint thermal insulation collars, modification of the AC generator control unit to improve the electrical insulation and relocation of the AC generator control unit.

Since a situation exists that requires immediate adoption of this regulation it is found that notice and public procedures hereon are impracticable and good cause exists for making this amendment effective in less than 30 days. In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

GENERAL DYNAMICS: Applies to General Dynamics Model 240 airplanes equipped with Rolls Royce MK 542-4 engines and Dowty Rotol (c)R245/4-40-4.5/13 propellers in accordance with General Dynamics Supplemental Type Certificate SA1054WE (hereinafter referred to as the CV-600) and General Dynamics Model 340 and 440 airplanes equipped with Rolls Royce MK 542-4 engines and Dowty Rotol (c)R245/4-40-4.5/13 or Dowty Rotol (c)R259/4-40-4.5/17 propellers in accordance with General Dynamics Supplemental Type Certificate SA1096WE (hereinafter referred to as the CV-640). Compliance required as indicated unless already accomplished.

To eliminate potential flammable fluid ignition sources in the main landing gear wheel well accomplish the following unless already accomplished:

(A) Inspection requirements, CV-600 and CV-640.

(1) Compliance required within the next 50 hours' time in service after the effective date of this Airworthiness Directive unless already accomplished within the last 135 hours' time in service and thereafter not to exceed 185 hours' time in service.

(a) Inspect the mating surfaces of the engine exhaust duct flange joint thermal insulation collar, P/N's 2D6220119-31, -41, and -43, with the engine exhaust duct thermal insulation blanket assemblies for possible gaps. For purposes of this inspection, the engine exhaust system component temperatures shall be no greater than the outside ambient air temperature.

(b) If gaps are found, the thermal insulation collar and/or adjacent thermal insulation blanket must be replaced with new or overhauled insulation collars and/or blankets.

(2) Compliance required within the next 125 hours' time in service after the effective date of this Airworthiness Directive unless already accomplished within the last 125 hours' time in service and thereafter not to exceed 250 hours' time in service.

(a) Remove the engine exhaust duct flange joint thermal insulation collars, P/N's 2D6220119-31, -41, and -43, and inspect the engine exhaust duct flange joint gaskets and internal surface of the collars for evidence of exhaust leaks caused by the gaskets.

(b) If exhaust leakage is found, replace exhaust duct flange joint gaskets with two gaskets, General Dynamics/Convair P/N 2D6220115-15, at the forward flange and two gaskets, General Dynamics/Convair P/N 2D6220127-9, at the aft flange or equivalent replacements approved by the Chief, Aircraft Engineering Division, FAA, Western Region.

(3) Upon request of the operator, FAA Maintenance Inspectors, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

(4) Upon completion of the work described in (B)(1)(a), below, the inspection requirement of (a) is no longer applicable.

(B) Modification and Relocation Requirements, CV-600 and CV-640.

(1) Within the next 4,000 hours' time in service after the effective date of this Airworthiness Directive unless already accomplished.

(a) Modify the engine exhaust duct flange joint thermal insulation collars, P/N's 2D6220119-31, -41, and -43, in accordance with General Dynamics Service Bulletin 600(240D) 640(340D) S.B. No. 78-3 or later FAA approved revision or an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(b) Modify the electrical insulation in the alternating current generator control unit (P/N 914F597) in accordance with Westinghouse Aerospace Service Bulletins 67-802 and 67-803 or later FAA approved revisions or an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(c) Relocate the alternating current generator control unit (P/N 914F597) as follows:

(1) For CV-600 aircraft, per General Dynamics Service Bulletin 600(240D) S.B. No. 24-1 or an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region; and

(11) For CV-640 aircraft, per General Dynamics Service Bulletin 640(340D) S.B. No. 24-2 or later FAA approved revision or an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective on August 29, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Los Angeles, Calif., on Aug. 5, 1968.

LEE E. WARREN,
Acting Director,
FAA Western Region.

[F.R. Doc. 68-9785; Filed, Aug. 14, 1968; 8:47 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 68-CE-61]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to make an editorial change in the descriptions of VOR Federal airways Nos. 341 and 177. V-341 segment between Dubuque, Iowa, and the Randolph, Wis., intersection is designated via the Truax, Wis., VOR. V-177 west alternate was designated via the Truax VOR, effective August 22, 1968. The Truax Air Force Base, for which the Truax VOR is named, is being closed and the name of the VOR is being changed to Madison, Wis. Accordingly, action is taken herein to reflect this name change in the descriptions of V-341 and V-177.

Since this amendment is editorial in nature and imposes no additional burden on the public, notice and public procedure hereon are unnecessary. However, in order for this change to appear on appropriate aeronautical charts, more than 30 days will elapse prior to it becoming effective.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 17, 1968, as hereinafter set forth.

In § 71.123 (33 F.R. 2009, 5950) V-341 and V-177 are amended by deleting the word "Truax" and substituting the word "Madison" wherever it appears.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 8, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-9786; Filed, Aug. 14, 1968; 8:47 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9073; Amdt. 95-170]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective September 19, 1968, as follows:

1. By amending Subpart C as follows:

Section 95.101 *Amber Federal airway 1* is amended to read in part:

From, to, and MEA

Anchorage, Alaska, LFR; *Skwentna, Alaska, LFR; 4,200. *7,000—MCA Skwentna LFR, westbound.

Section 95.282 *Red Federal airway 82* is amended to read in part:

Skwentna, Alaska, LFR; Willow INT, Alaska; 4,200.

Section 95.648 *Blue Federal airway 48* is amended to read:

Gulfstream INT, Fla.; Portland, Fla., LF/RBN; *2,000. *1,300—MOCA.

Section 95.1001 *Direct routes—United States* is amended to delete:

Albany, Ga., VOR; Turner AFB, Ga., VOR; *1,800. *1,500—MOCA.
Arcus INT, Ala., Goshen INT, Ala.; *2,500. *1,400—MOCA.
Avenal, Calif., VOR; *Taft INT, Calif.; northwestbound, 4,500. Southeastbound, 8,500. *AVE VOR, R 117°/BFL VOR, R 194°/GMN VOR, R 297°.
DeSoto INT, Ga.; Turner AFB, Ga., VOR; *1,800. *1,600—MOCA.
Hargill INT, Tex.; Armstrong INT, Tex.; *3,000. *1,400—MOCA.
McAllen, Tex., VOR; Hargill INT, Tex.; *1,700. *1,500—MOCA.
Miami, Fla., MF LOM; Dania INT, Fla.; 2,000.
Miami, Fla., MF LOM; Chester INT, Fla.; *1,500. *1,300—MOCA.
Miami, Fla., MF LOM; Golden Beach INT, Fla.; 2,000.
Miami, Fla., LF/RBN; Fort Lauderdale, Fla., LF/RBN; 2,000.
Miami, Fla., LF/RBN; Palm Beach, Fla., LF/RBN; 2,000.
Miami, Fla., LF/RBN; Fort Lauderdale, Fla., VOR; 2,000.
Navy Glynco, Ga., TACAN; Cox INT, Ga.; *1,500. *1,200—MOCA.
St. Johns INT, Fla.; Gateway INT, Fla.; *2,000. *1,000—MOCA.
Sale INT, Ga.; Turner AFB, Ga., VOR; *1,800. *1,500—MOCA.
Taft INT, Calif.; Gorman, Calif., VOR; 10,000.
Tallahassee, Fla., VOR; Marianna, Fla., VOR; *2,000. *1,800—MOCA.

Section 95.1001 *Direct routes—United States* is amended by adding:

Baltimore, Md., VOR; Salisbury, Md., VOR; 2,000.
Chanute, Kans., VOR via 008° M rad, CNU; Eudora INT, Kans.; 6,000. MAA—30,000.
Portland, Fla., RBN; Diana INT, Fla.; 2,000.
Portland, Fla., RBN; Chester INT, Fla.; *1,500. *1,300—MOCA.
Portland, Fla., RBN; Golden Beach INT, Fla.; 2,000.
Portland, Fla., RBN; Fort Lauderdale, Fla., LF/RBN; 2,000.
Portland, Fla., RBN; Fort Lauderdale, Fla., VOR; 2,000.
Portland, Fla., RBN; Palm Beach, Fla., LF/RBN; 2,000.
Sanford, Fla., VOR; Rome INT, Ala.; *2,000. *1,500—MOCA.
Tulsa, Okla., VORTAC via 358° M rad, TUL; Chanute, Kans., VOR; 18,000. MAA—33,000.

Section 95.1001 *Direct routes—United States* is amended to read in part:

From, To, and MEA

Dozier INT, Ala. (CEW 028/OZR 268); Int, 268° M rad, OZR and 009° M rad, CEW; *2,000. *1,700—MOCA.
Greenhead INT, Fla.; Marianna, Fla., VOR; *2,000. *1,600—MOCA.
Panama City, Fla., VOR; Parker INT, Fla.; *1,800. *1,300—MOCA.
Parker INT, Fla., Creek INT, Fla.; *2,000. *1,200—MOCA.
Salinas, Calif., VORTAC; Woodside, Calif., VORTAC; 5,000.

Bahama Routes

10 Lima:
Portland, Fla., RBN; Grand Bahama AAFB, Bh/RBN; *2,000. *1,400—MOCA.

Section 95.6005 *VOR Federal airway 5* is amended to read in part:

Cartersville INT, Ga., via W alter.; Dalton INT, Ga., via W. alter.; *4,500. *4,000—MOCA.
Dalton INT, Ga., via W. alter; Chattanooga, Tenn., VOR via W. alter.; 3,000.

Section 95.6007 *VOR Federal airway 7* is amended to read in part:

Homo INT, Fla.; Cross City, Fla., VOR; *3,000. *1,500—MOCA.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

Hanksville, Utah, VORTAC; Grand Junction, Colo., VORTAC; 10,000.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

Houston, Tex., VOR via W. alter.; Andrau INT, Tex., via W. alter.; *2,000; *1,800—MOCA.
Andrau INT, Tex., via W. alter.; Sealy INT, Tex., via W. alter.; *2,000. *1,500—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Atlantic City, N.J., VOR; Int, 058° M rad, Atlantic City VOR and 227° M rad, Riverhead VOR; *3,000. *2,000—MOCA.
Int, 058° M rad, Atlantic City VOR and 227° M rad, Riverhead VOR; Riverhead, N.Y., VOR; 3,000.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

McCook INT, Tex.; *Jennings INT, Tex.; **3,000. *4,500—MRA. MAA—9,000. **1,800—MOCA.
Jennings INT, Tex., *Lee INT, Tex.; **2,500. *5,500—MRA. MAA—9,000. **1,900—MOCA.
Lee INT, Tex.; Laredo, Tex., VOR; *2,500. *1,900—MOCA.
Cotulla, Tex., VOR; *Millett INT, Tex.; **2,500. *5,500—MRA. **1,600—MOCA.

Section 95.6019 *VOR Federal airway 19* is amended to read in part:

Sheridan, Wyo., VOR; *Trail DME Fix, Mont.; **8,000. *6,100—MCA Trail DME Fix, southeastbound. **7,000—MOCA.
Trail DME Fix, Mont.; Billings, Mont., VOR; 6,000.

Section 95.6021 *VOR Federal airway 21* is amended to read in part:

Wheaton INT, Calif.; Boulder City, Nev., VORTAC; 10,000.
Boulder City, Nev., VORTAC; Mormon Mesa, Nev., VOR; 7,500.

Section 95.6033 *VOR Federal airway 33* is amended to read in part:

From, To, and MEA

Phillipsburg, Pa., VOR; Keating, Pa., VOR; 4,000.

Section 95.6034 *VOR Federal airway 34* is amended to read in part:

Bellona INT, N.Y.; Ithaca, N.Y., VOR; 3,000.

Section 95.6044 *VOR Federal airway 44* is amended to read in part:

Atlantic City, N.J., VOR; Int, 058° M rad, Atlantic City VOR and 227° M rad, Riverhead VOR; *3,000. *2,000—MOCA.
Int, 058° M rad, Atlantic City VOR and 227° M rad, Riverhead VOR; Riverhead, N.Y., VOR; 3,000.

Section 95.6046 *VOR Federal airway 46* is amended to read in part:

Beach INT, N.Y.; Hampton, N.Y., VOR; 2,000.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

Chattanooga, Tenn., VOR via W. alter.; Sale Creek INT, Tenn., via W. alter.; 3,500.
Sale Creek INT, Tenn.; via W alter.; Crossville, Tenn., VOR via W. alter.; 5,000.

Section 95.6056 *VOR Federal airway 56* is amended to read in part:

Augusta, Ga., VOR; Sam INT, S.C.; *2,200. *1,000—MOCA.
Sam INT, S.C.; Columbia, S.C., VOR; *2,000. *1,700—MOCA.

Section 95.6076 *VOR Federal airway 76* is amended to read in part:

Sealy INT, Tex.; Andrau INT, Tex.; *2,000. *1,500—MOCA.
Andrau INT, Tex.; Houston, Tex., VOR; **3,000. *1,800—MOCA.

Section 95.6086 *VOR Federal airway 86* is amended to read in part:

Billings, Mont., VOR; *Trail DME Fix, Mont.; 6,000. *6,100—MCA Trail DME Fix, southeast-bound.
Trail DME Fix, Mont.; Sheridan, Wyo., VOR; **8,000. *7,000—MOCA.

Section 95.6101 *VOR Federal airway 101* is amended to read in part:

Vernal, Utah, VOR; *Neola INT, Utah; 10,000. *12,000—MCA Neola INT, westbound.
Neola INT, Utah; Salt Lake City, Utah, VOR; *15,000. *14,600—MOCA.
*Salt Lake City, Utah, VOR; Ogden, Utah, VORTAC; 7,200. *11,000—MCA Salt Lake City, eastbound.

Section 95.6105 *VOR Federal airway 105* is amended to read in part:

Willow Beach INT, Ariz.; Boulder City, Nev., VORTAC; *7,000. *6,000—MOCA.
Boulder City, Nev., VORTAC; Las Vegas, Nev., VOR; 6,000.

Section 95.6121 *VOR Federal airway 121* is amended to read in part:

Roseburg, Oreg., VOR; North Bend, Oreg., VOR; 5,000.

Section 95.6139 *VOR Federal airway 139* is amended to read in part:

Int 124° M rad, Kennedy VOR and 236° M rad, Hampton, VOR; Beach INT, N.Y.; *5,000. *1,500—MOCA.
Beach INT, N.Y.; Hampton, N.Y., VOR; 2,000.
Willards INT, Md.; Sea Isle, N.J., VOR; *2,500. *1,700—MOCA.

Section 95.6167 *VOR Federal airway 167* is amended to read in part:

From, To, and MEA

Coyle, N.J., VOR; Tomlin INT, N.Y.; *2,500. *1,400—MOCA.
Tomlin INT, N.Y.; Channel INT, N.Y.; 2,300.
Channel INT, N.Y.; Kennedy, N.Y., VOR; 1,500.

Section 95.6170 *VOR Federal airway 170* is amended by adding:

Aberdeen, S. Dak., VOR; Sioux Falls, S. Dak., VOR; *5,000. *3,200—MOCA.

Section 95.6187 *VOR Federal airway 187* is amended to read in part:

Farmington, N. Mex., VOR; Redmesa INT, Colo.; 9,000.
Redmesa INT, Colo.; *Mancos INT, Colo.; 10,800. *12,000—MCA Mancos INT, northbound.

Section 95.6188 *VOR Federal airway 188* is amended to read in part:

Williamsport, Pa., VOR; Sweetvalley INT, Pa.; 4,500.
Sweetvalley INT, Pa.; Thornhurst, Pa., VOR; 4,000.

Section 95.6222 *VOR Federal airway 222* is amended to read in part:

Sealy INT, Tex.; Andrau INT, Tex.; *2,000. *1,500—MOCA.
Andrau INT, Tex.; Houston, Tex., VOR; *2,000. *1,800—MOCA.

Section 95.6226 *VOR Federal airway 226* is amended to read in part:

Williamsport, Pa., VOR; Sweetvalley INT, Pa.; 4,500.
Sweetvalley INT, Pa.; Thornhurst, Pa., VOR; 4,000.

Section 95.6227 *VOR Federal airway 227* is amended by adding:

Lafayette, Ind., VOR; Roberts, Ill., VOR; *2,600. *2,300—MOCA.
Roberts, Ill., VOR; Pontiac, Ill., VOR; *2,500. *2,300—MOCA.
Pontiac, Ill., VOR; Triumph INT, Ill.; *2,600. *2,100—MOCA.
Triumph INT, Ill.; Rockford, Ill., VOR; *2,700. *2,500—MOCA.

Section 95.6237 *VOR Federal airway 237* is amended to read in part:

Nelson INT, Nev.; Boulder City, Nev., VOR TAC; 6,400.
Boulder City, Nev., VORTAC; Las Vegas, Nev., VOR; 6,000.

Section 95.6243 *VOR Federal airway 243* is amended to read in part:

Cartersville INT, Ga.; Dalton INT, Ga.; *4,500. *4,000—MOCA.
Dalton INT, Ga.; Chattanooga, Tenn., VOR; 3,000.

Section 95.6265 *VOR Federal airway 265* is amended to read in part:

Phillipsburg, Pa., VOR; Keating, Pa., VOR; 4,000.

Section 95.6267 *VOR Federal airway 267* is amended to read in part:

Pahokee, Fla., VOR; Bailey INT, Fla.; *2,000. *1,300—MOCA.
Bailey INT, Fla.; Orlando, Fla., VOR; *2,000. *1,500—MOCA.

Section 95.6284 *VOR Federal airway 284* is deleted.

Section 95.6285 *VOR Federal airway 285* is amended to read in part:

From, To, and MEA

South Bend, Ind., VOR; Kalamazoo, Mich., VOR; *3,000. *2,300—MOCA.

Section 95.6287 *VOR Federal airway 287* is amended by adding:

*Medford, Oreg., VORTAC; Camas Valley INT, Oreg.; **8,000. *4,500—MCA Medford, northwestbound. **7,300—MOCA.
Camas Valley INT, Oreg.; Dellwood DME, Oreg.: Northwestbound; *5,500. Southeastbound; *8,000. *4,700—MOCA.
Dellwood DME, Oreg.; North Bend, Oreg., VORTAC: Northwestbound; 4,000. Southeastbound; 8,000.

Section 95.6289 *VOR Federal airway 289* is amended to read in part:

Texarkana, Ark., VOR; *Umpire INT, Ark.; 2,500. *3,500—MCA Umpire INT, northbound.
Umpire INT, Ark.; *Abbott INT, Ark.; **4,500. *3,500—MCA Abbott INT, southbound. **3,800—MOCA.

Section 95.6295 *VOR Federal airway 295* is amended to read in part:

Homo INT, Fla.; Cross City, Fla., VOR; *3,000. *1,500—MOCA.

Section 95.6308 *VOR Federal airway 308* is amended to delete:

Nottingham, Md., VOR; North Beach INT, Md.; 1,700.
North Beach INT, Md.; Kenton, Del., VOR; 1,800.
Kenton, Del., VOR; Leesburg INT, N.J.; 1,800.
Leesburg INT, N.J.; Avalon INT, N.J.; 2,000.

Section 95.6308 *VOR Federal airway 308* is amended by adding:

Nottingham, Md., VOR; Hobbs INT, Md.; *2,000. *1,300—MOCA.
Hobbs INT, Md.; Sea Isle, N.J., VORTAC; *2,400. *1,400—MOCA.
Sea Isle, N.J., VORTAC; Avalon INT, N.J.; 2,000.

Section 95.6308 *VOR Federal airway 308* is amended to read in part:

Int. 124° M rad, Kennedy VOR and 236° M rad, Hampton VOR; Beach INT, N.Y.; *5,000. *1,500—MOCA.
Beach INT, N.Y.; Hampton, N.Y., VOR; 2,000.

Section 95.6321 *VOR Federal airway 321* is amended to read in part:

*Gunter INT, Ala.; Owens INT, Ala.; 3,000. *6,000—MRA.
Owens INT, Ala.; Huntsville, Ala., VOR; 3,100.

Section 95.6325 *VOR Federal airway 325* is amended to read in part:

Decatur, Ala., VOR via N alter.; Muscle Shoals, Ala., VOR via N alter.; *2,400. *2,200—MOCA.

Section 95.6328 *VOR Federal airway 328* is amended to read in part:

Big Piney, Wyo., VOR; *Jackson, Wyo., VOR; 13,500. *11,200—MCA Jackson VOR, southeast-bound.

Section 95.6431 *VOR Federal airway 431* is amended by adding:

Gardner, Mass., VOR; Keene, N.H., VOR; 3,600.

Section 95.6456 *VOR Federal airway 456* is amended to read in part:

Gulkana, Alaska, VOR; Northway, Alaska, VOR; *11,000. *10,400—MOCA.

Section 95.6500 *VOR Federal airway 500* is amended to read in part:

From, To, and MEA

Newburg, Oreg., VOR; Gladstone INT, Oreg.; *4,000. *3,600—MOCA.

Section 95.6536 *VOR Federal airway 536* is amended to read in part:

*Lebanon INT, Oreg.; Holley INT, Oreg.: Eastbound; 10,000. Westbound; 4,100. *6,700—MCA Lebanon INT, eastbound.
Holley INT, Oreg.; Redmond, Oreg., VOR; *10,000. *9,800—MOCA.

Section 95.7009 *Jet Route No. 9* is amended to read in part:

From, To, MEA, and MAA

Hector, Calif., VORTAC; Boulder City, Nev., VORTAC; 18,000; 45,000.
Boulder City, Nev., VORTAC; Milford, Utah, VORTAC; 18,000; 45,000.

Section 95.7060 *Jet Route No. 60* is amended to read in part:

Hayes Center, Nebr., VORTAC; Lincoln, Nebr., VORTAC; 18,000; 45,000.
Lincoln, Nebr., VORTAC; Iowa City, Iowa, VORTAC; 18,000; 45,000.
Iowa City, Iowa, VORTAC; Joliet, Ill., VORTAC; 18,000; 45,000.
Hector, Calif., VORTAC; Boulder City, Nev., VORTAC; 18,000; 45,000.
Boulder City, Nev., VORTAC; Bryce Canyon, Utah, VORTAC; 18,000; 45,000.

Section 95.7072 *Jet Route No. 72* is amended to read in part:

Boulder City, Nev., VORTAC; Peach Springs, Ariz., VORTAC; 18,000; 45,000.

Section 95.7076 *Jet Route No. 76* is amended to read in part:

Boulder City, Nev., VORTAC; Tuba City, Ariz., VORTAC; 18,000; 45,000.

Section 95.7084 *Jet Route No. 84* is amended to read in part:

Meeker, Colo., VORTAC; Sidney, Nebr., VOR TAC; #22,000; 45,000. #MEA is established with a gap in navigation signal coverage.

Section 95.7086 *Jet Route No. 86* is amended to read in part:

Boulder City, Nev., VORTAC; Peach Springs, Ariz., VORTAC; 18,000; 45,000.

Section 95.7092 *Jet Route No. 92* is amended to read in part:

Beatty, Nev., VORTAC; Boulder City, Nev., VORTAC; 18,000; 45,000.
Boulder City, Nev., VORTAC; Prescott, Ariz., VORTAC; 18,000; 45,000.

Section 95.7100 *Jet Route No. 100* is amended to read in part:

Hector, Calif., VORTAC; Boulder City, Nev., VORTAC; 18,000; 45,000.
Boulder City, Nev., VORTAC; Bryce Canyon, Utah, VORTAC; 18,000; 45,000.
Meeker, Colo., VORTAC; Sidney, Nebr., VOR TAC; #22,000; 45,000. #MEA is established with a gap in navigation signal coverage.

Section 95.7107 *Jet Route No. 107* is amended to read in part:

Hector, Calif., VORTAC; Boulder City, Nev., VORTAC; 18,000; 45,000.
Boulder City, Nev., VORTAC; Milford, Utah, VORTAC; 18,000; 45,000.

Section 95.7110 *Jet Route No. 110* is amended to read in part:

From, To, MEA, and MAA

Fresno, Calif., VORTAC; Boulder City, Nev., VORTAC; #24,000; 45,000. #MEA is established with a gap in navigation signal coverage.
Boulder City, Nev., VORTAC; Tuba City, Ariz., VORTAC; 18,000; 45,000.

Section 95.7125 *Jet Route No. 125* is amended to read in part:

Kodiak, Alaska, VOR; Anchorage, Alaska, VORTAC; 18,000; 45,000.

Section 95.7146 *Jet Route No. 146* is added to read:

Los Angeles, Calif., VORTAC; Ontario, Calif., VORTAC; 18,000; 45,000.
Ontario, Calif., VORTAC; Hector, Calif., VORTAC; 18,000; 45,000.
Hector, Calif., VORTAC; Boulder City, Nev., VORTAC; 18,000; 45,000.
Boulder City, Nev., VORTAC; Dove Creek, Colo., VORTAC; #18,000; 45,000. #MEA is established with a gap in navigation signal coverage.
Dove Creek, Colo., VORTAC; Gunnison, Colo., VORTAC; 18,000; 45,000.
Gunnison, Colo., VORTAC; Goodland, Kans., VORTAC; #23,000; 45,000. #MEA is established with a gap in navigation signal coverage.
Goodland, Kans., VORTAC; Lincoln, Nebr., VORTAC; 18,000; 45,000.
Lincoln, Nebr., VORTAC; Iowa City, Iowa, VORTAC; 18,000; 45,000.
Iowa City, Iowa, VORTAC; Joliet, Ill., VORTAC; 18,000; 45,000.

Section 95.7523 *Jet Route No. 523* is added to read:

Seattle, Wash., VORTAC; Neah Bay, Wash., NDB; 18,000; 45,000.
Neah Bay, Wash., NDB; United States-Canadian Border; 18,000; 45,000.

Section 95.7590 *Jet Route No. 590* is amended to read in part:

United States-Canadian Border; Sault Ste. Marie, Mich., VORTAC; 18,000; 45,000.

2. By amending Subpart D as follows:

Airway segment: from; to—Changeover points: Distance; from

Section 95.8003 *VOR Federal airway changeover points:*

V–137 is amended to delete:
Spokane, Wash., VOR; Kalispell, Mont., VOR; 103; Spokane.
V–222 is amended to read in part:
Houston, Tex., VOR via N alter; Daisetta, Tex., VOR via N alter.; 26; Houston.
V–448 is amended by adding:
Spokane, Wash., VOR; Kalispell, Mont., VOR; 103; Spokane.
J–523 is amended by adding:
Seattle, Wash., VORTAC; Neah Bay, Wash., NDB; 40; Seattle.

This amendment is made under the authority of sections 307 and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510).

Issued in Washington, D.C., on August 7, 1968.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 68–9694; Filed, Aug. 14, 1968; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1354]

PART 13—PROHIBITED TRADE PRACTICES

Samuel Benjamin and Benjamin Trimming Co.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Samuel Benjamin trading as Benjamin Trimming Co., New York, N.Y., Docket C-1354, July 9, 1968]

In the Matter of Samuel Benjamin, an Individual Trading as Benjamin Trimming Co.

Consent order requiring a New York City wholesaler of trimmings and interlinings to cease misbranding his wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Samuel Benjamin, an individual trading as Benjamin Trimming Co., or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from introducing into commerce, or offering for sale, selling, transporting, distributing, delivering for shipment or shipping, in commerce, woolen interlinings or any other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939:

1. Which are falsely or deceptively stamped, tagged, labeled, or otherwise identified as to the character or amount of the constituent fibers contained therein;

2. Unless each such product has securely affixed thereto or placed thereon a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: July 9, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-9756; Filed, Aug. 14, 1968; 8:45 a.m.]

[Docket No. C-1353]

PART 13—PROHIBITED TRADE PRACTICES

Carletex Corp. and Paul E. Conway

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively to make material disclosure: § 13.1845 *Composition:* 13.1845–80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Carletex Corp. et al., New York, N.Y., Docket C-1353, July 8, 1968]

In the Matter of Carletex Corp., a Corporation, and Paul E. Conway, Individually and as an Officer of Said Corporation

Consent order requiring a New York City wholesaler of fabrics to cease misbranding the fiber contents of its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Carletex Corp., a corporation, and its officers, and Paul E. Conway, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Failing to set forth the common generic name of fibers in naming such fibers in the required information on stamps, tags, labels, or other means of identification attached to wool products.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 8, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-9757; Filed, Aug. 14, 1968; 8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Order M-11A, Dir. 2, Amdt. 2 of August 15, 1968]

M-11A—COPPER AND COPPER-BASE ALLOYS

Domestic Refined Copper Set-Aside

This amendment is found necessary and appropriate to promote the notional defense and is issued pursuant to the and appropriate to promote the national Defensc Production Act of 1950, as amended. In the formulation of this amended direction, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations.

This amendment affects Direction 2 to BDSA Order M-11A, as amended February 15, 1967, by changing the reserved portion of production, as set forth in section 8 of that direction, as amended May 15, 1967, from 28 percent to 22 percent.

Section 8 of Direction 2 to BDSA Order M-11A of February 15, 1967, is hereby amended to read as follows:

Sec. 8 Reserved portion of production (set-aside).

From the date of opening his books in any month for the acceptance of rated orders for domestic refined copper, each producer of domestic refined copper shall reserve at least 22 percent of his average monthly production of domestic refined copper (as defined in section 2(i) of this direction) for the acceptance of such rated orders calling for delivery in the immediately following month until the quantity of domestic refined copper for which he has accepted such rated orders is equal to at least the quantity thereof he is required to reserve, as indicated above; however, he need not accept such orders after the 10th day of that month even though he may not have accepted rated orders equivalent to the reserved quantity by that date: *Provided, however,* That DX rated orders must be accepted in accordance with the provisos contained in sec. 6 (2) and (5) above.

(Sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; sec. 1, Public Law 90-370, 82 Stat. 279)

This amendment shall become effective August 15, 1968.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
RODNEY L. BORUM,
Administrator.

[F.R. Doc. 68-9362; Filed, Aug. 14, 1968; 8:45 a.m.]

[BDSA Order M-11A, Revised Schedule A of August 15, 1968]

M-11A—COPPER AND COPPER-BASE ALLOYS

Set-Aside Percentages

This amendment of Schedule A to BDSA Order M-11A is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations.

This amendment further changes Revised Schedule A of November 15, 1967, to BDSA Order M-11A, as amended October 28, 1966, by decreasing the set-aside percentage for unalloyed plate, sheet, strip, and rolls from 8 to 5 percent, for unalloyed rod, bar, shapes, and wire from 7 to 5 percent, for alloyed plate, sheet, strip, and rolls from 13 to 11 percent, for alloyed rod, bar, shapes, and wire from 16 to 14 percent, and for copper wire mill products (except shipboard cable) from 10 to 7 percent. This amendment applies to authorized controlled material orders calling for delivery after September 30, 1968.

(Sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; sec. 1, Public Law 90-370, 82 Stat. 279)

Schedule A to BDSA Order M-11A is hereby further amended to read as follows:

SCHEDULE A TO BDSA ORDER M-11A

Set-Aside Percentages

(See sec. 6(f) of BDSA Order M-11A)

Base period—Calendar Year 1965

(See sec. 2(o) of BDSA Order M-11A)

Product	Percentage for orders calling for delivery after September 30, 1968 [1]
Brass mill products:	
Unalloyed:	
Plate, sheet, strip, and rolls	5
Rod, bar, shapes, and wire	5
Seamless tube and pipe	3
Alloyed:	
Plate, sheet, strip, and rolls	11
Rod, bar, shapes, and wire	14
Seamless tube and pipe [2]	
Military ammunition cups and discs [2]	
Copper wire mill products:	
Copper wire and cable:	
Bare and tinned	7
Weatherproof	7
Magnet wire	7
Insulated building wire	7
Paper and lead power cable	7
Paper and lead telephone cable	7
Asbestos cable	7
Portable and flexible cord	7
Communications wire and cable	7
Shipboard cable [2]	
Automotive and aircraft wire and cable	7
Insulated power cable	7
Signal and control cable	7
Coaxial cable	7
Copper-clad steel wire containing over 20 percent copper by weight regardless of end use	7
Copper foundry products	6
Unalloyed copper powder mill products [2]	
Copper-base alloy powder mill products [2]	

[1] Schedule A revised as of Nov. 15, 1967, to BDSA Order M-11A, as amended Oct. 28, 1966, applies to orders calling for delivery prior to Oct. 1, 1968.

[2] No reserve space provided. Producers of these products are nevertheless required to accept authorized controlled material orders for such products in accordance with the provisions of DMS Regulation No. 1 and this order. However, section 6(f) of Order M-11A does not aply to such authorized controlled material orders.

This revised schedule shall take effect August 15, 1968.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
RODNEY L. BORUM,
Administrator.

[F.R. Doc. 68-9363; Filed, Aug. 14, 1968; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

Department of Veterans Benefits

In Part 2, subparagraph (3) of § 2.6(b) is revoked and subparagraph (4) is redesignated as subparagraph (3) to read as follows:

§ 2.6 Administrator's delegations of authority to certain officials (38 U.S.C. 212(a)).

* * * * * *

(b) *Department of Veterans Benefits.* * * *

(3) *Veterans Administration Office for Europe.* The Manager, Veterans Administration for Europe, Rome, Italy, is delegated authority:

(i) To furnish information and assistance to the U.S. Department of State personnel responsible for furnishing service to U.S. veterans, their dependents and survivors in Europe.

(ii) To represent the Administrator in discussions with officials of European governments concerning veterans' benefits provided by the U.S. Government.

(iii) To maintain liaison with and furnish representation for the Veterans Administration with the Department of State, other U.S. Government agencies and their officials abroad, national or international groups and with veterans service organizations on matters of interest to the Veterans Administration.

(iv) To authorize, within allotment limitations, expenditures in Europe for eligible beneficiaries' medical treatment, hospitalization, fee-basis examinations, beneficiary travel, Veterans Administration employee travel, and to certify vouchers for payment.

* * * * * *

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective September 1, 1968.

Approved: August 9, 1968.

By direction of the Administrator.

[SEAL] A. W. STRATTON, *Deputy Administrator.*

[F.R. Doc. 68-9789; Filed, Aug. 14, 1968; 8:48 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS TO CHAPTER

The regulations of the Post Office Department are amended as follows:

PART 121—PACKAGES

I. Section 121.6 is revised to specify that endorsements on envelopes and wrappers should be placed preferably below the postage and above the name of the addressee.

§ 121.6 Marking.

(a) *Endorsements on envelopes and wrappers.* Words used for marking and labeling on envelopes and wrappers should be placed preferably below the postage and above the name of the addressee.

(b) *Fragile.* Packages containing articles of a delicate nature such as glass, chinaware, electrical appliances, jewelry, musical instruments and radios, must be marked "Fragile" by the mailer.

(c) *Perishable.* Products which decay quickly, such as fresh meats, fresh fruits, and vegetables, must be marked "Perishable."

(d) *Conditional labeling.* (1) Words like "Do Not Bend or Do Not Fold or Crush" may be used only when content is fully protected with stiffening material.

(2) Words like "Rush or Do Not Delay" may be used only on packages intended for shipment as special delivery or special handling mail.

(e) *Unauthorized labeling.* (1) Labels and markings printed on cartons or on wrappers of parcels or on gummed tape on parcels are not permitted in place of any required label.

(2) Obsolete markings or labels shall be covered or obliterated.

(3) Parcels improperly labeled as to nature of contents are not acceptable.

NOTE: The corresponding Postal Manual section is 121.6.

PART 135—FOURTH CLASS

II. Section 135.3(a) is revised to show that the weight limit is now 30 pounds for parcels mailed at a first-class post office in the 48 adjacent states addressed for delivery at another first-class post office in the 48 adjacent states in the third through eighth parcel zones.

§ 135.3 Weight and size limits.

(a) Conditions for determining limits.

	16 ounces or more but not exceeding—	Length and girth must not exceed—
	Pounds	*Inches*
(1) *Between first class post offices:*		
(i) Parcels mailed at a first-class post office in the 48 contiguous States of the United States addressed for delivery at the same office or to another first-class post office within the first or second parcel post zone. (See exception in §135.3(a)(2))	40	72
NOTE: The size limit will be changed as follows:		
1. Effective July 1, 1970		78
2. Effective July 1, 1971		84
(ii) Parcels mailed at a first-class post office in the 48 contiguous States of the United States addressed for delivery at another first-class post office in the 48 contiguous States in the third through eighth parcel post zone. (See exceptions in § 135.3(a)(2) of this chapter)	30	72
NOTE: The size and weight limits will be changed as follows:		
1. Effective July 1, 1969	40	
2. Effective July 1, 1970		78
3. Effective July 1, 1971		84
(2) *All other parcels.* Parcels mailed at or to:		
(i) Any post office of the second, third, or fourth class	70	100
(ii) Any rural or star route at any class of post office	70	100
(iii) Any Army, Air Force or Fleet post office. (See Part 127 of this chapter for certain exceptions.)	70	100
(iv) Any post office in Alaska or Hawaii	70	100
(v) Any post office in the Commonwealth of Puerto Rico	70	100
(vi) Any post office in a territory or possession of the United States, including the Canal Zone and Trust Territory of the Pacific Islands. (See Part 112 of this chapter.)	70	100
(vii) Any post office when contents of parcel consists of baby poultry, nursery stock, agricultural commodities, books, Braille writers and other appliances for the blind, and other items listed in § 135.1(c) and § 135.1(d). (The term agricultural commodities includes any product grown or produced incident to an agricultural activity on a farm or in a garden, orchard, nursery, or forest, but does not include articles manufactured or processed from these commodities.)	70	100

NOTE: The corresponding Postal Manual section is 135.31.

PART 145—PHILATELY

III. In Part 145 make the following changes:

A new paragraph (a)(3)(vi) is added to § 145.5 to state that aerogrammes and postal cards will not be accepted for international inaugural flights and paragraph (a)(5)(i) of § 145.5 is revised for clarification.

§ 145.5 Inaugural covers.

(a) *First flights.* • • •

(3) *Preparation of covers.* • • •

(vi) Aerogrammes and postal cards will not be accepted for inaugural international flights.

• • • • • •

NOTE: The corresponding Postal Manual section is 145.513f.

(5) *Compliance with collectors' requests*—(i) *Directional covers.* Requests of collectors for dispatch in a particular direction will be complied with to the greatest extent practicable. No directional service will be accorded for events of national aviation interest.

• • • • • •

NOTE: The corresponding Postal Manual section is 145.515a.

C. Section 145.7 is revised to update the Department's stamp publication.

§ 145.7 Stamp publication.

The Department issues a publication (POD-9 Rev.) entitled "United States Postage Stamps, 1847–1967," containing reproductions and information of interest to collectors on all U.S. stamps issued from 1847 through the Franklin D. Roosevelt stamp in coil and booklet form, issued December 28, 1967.

NOTE: The corresponding Postal Manual section is 145.7.

As the foregoing amendments relate to a proprietary function of the Government and do not affect substantive rights, public rule making procedures, advance notice, or a delayed effective date are unnecessary.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

AUGUST 9, 1968.

[F.R. Doc. 68-9764; Filed, Aug. 14, 1968; 8:46 a.m.]

PART 221—CONDITIONS APPLICABLE TO ALL CLASSES

PART 222—RATES AND CONDITIONS FOR SPECIFIC CLASSES

Postage and Small Packets

The regulations of the Post Office Department are amended as follows:

I. In § 221.2 *Postage* make the following changes:

A. Paragraph (c) is revised to state that AV–2 forms relating to weights of airmail articles posted on the high seas are no longer sent to the Department but to the nearest international airmail exchange office.

B. Paragraph (d)(2)(i) is revised to show that official Government mail is subject to weight and size limits when addressed to another country.

§ 221.2 Postage.

• • • • • •

(c) *Articles Mailed Aboard Ships (Paquebot).* (1) Mail posted aboard commercial vessels on the high seas usually bears postage stamps of the country whose flag the vessel flies. On arrival at a port, an officer of the ship hands the mail into the post office of the port city, where the stamps are canceled and the mail is dispatched. If the stamps are foreign, the post office uses a special Paquebot postmark or applies the word Paquebot to the envelop in ink or with a rubber stamp.

(2) Any mail to be forwarded by air must be accompanied by an AV–2 form, prepared by the ship's officer, showing weight of the articles for each destination, including those for the United States. When airmail is presented at a post office that is not an international airmail exchange office, the postmaster must transmit the AV–2 form to the nearest installation listed below:

FAMRU
Airport Mail Facility, P.O. Dept.
Kennedy International Airport
Jamaica, New York 11430

FAMRU
Airport Mail Facility, P.O. Dept.
International Airport
Miami, Florida 33159

FAMRU
Airport Mail Facility, P.O. Dept.
International Airport
San Francisco, California 94128

(3) Mail posted aboard a U.S. ship on the high seas, or aboard any ship while in a U.S. port, must bear U.S. stamps and is not entitled to Paquebot cancellation at a U.S. post office.

NOTE: The corresponding Postal Manual section is 221.23.

(d) *Mailings without postage.* • • •

(2) *Federal Government official mail.* Official mail of the Federal Government is accepted for other countries without postage affixed under the following conditions:

(i) *Postage and fees paid mail.* All official mail of authorized departments and agencies prepared in accordance with the provisions of § 137.2(c)(1), (i), (ii), and (iii) of this chapter will be given the postal service indicated on its cover. There is no limitation as to the countries to which this mail may be addressed provided the service desired is available. The mail is subject to the weight and size limits prescribed in parts 222 and 231 of this chapter and, when required, must be accompanied by the postal forms mentioned in those parts.

• • • • • •

NOTE: The corresponding Postal Manual section is 221.242a.

§ 222.7 [Amended]

II. In § 222.7 *Small packets* delete "South Africa (Swayiland)" from the list under paragraph (h) to show they are not accepting small packets.

NOTE: The corresponding Postal Manual section is 222.78.

As the foregoing amendments relate to a proprietary function of the Government and do not affect substantive rights to public rule making procedures, advance notice or a delayed effective date are unnecessary.

(5 U.S.C. 301, 39 U.S.C. 501, 505)

TIMOTHY J. MAY,
General Counsel.

AUGUST 9, 1968.

[F.R. Doc. 68-9765; Filed, Aug. 14, 1968; 8:46 a.m.]

PART 531—AIR CARRIERS

PART 535—TRANSPORTATION BY MAIL BY AIR TAXI OPERATORS

Submission of Claims and Air Mail Taxi Service

The regulations of the Post Office Department are amended as follows:

I. In § 531.7, paragraph (b)(3) is revised to update the procedure for submitting air transportation bills and necessary supporting documents for service and now reads as follows:

§ 531.7 Submission of claims.

• • • • • •

(b) *Designated postal data center.* • • •

(3) Air carriers operating in Alaska, Hawaii, Puerto Rico, and Virgin Islands will submit air transportation bills and necessary supporting documents for this service to the following designated postal data center or division:

Division or center	Code	Carrier
Dallas Postal Data Center.	CB	Caribbean Atlantic Airlines, Inc.
	AJ	Hawaiian Airlines, Inc.
	TS	Aloha Airlines, Inc.
	AS	Alaska Airlines, Inc. (States-Alaska).
	NW	Northwest Airlines (States-Alaska).
	PA	Pan American World Airways (States-Alaska).
	WA	Western Airlines, Inc. (States-Alaska).
Seattle Transportation Division (for administrative examination and forwarding to the Dallas Postal Data Center for issuing settlement check).	AS	Alaska Airlines, Inc. (Intra-Alaska).
	KD	Kodiak Airways, Inc. (Intra-Alaska).
	NC	Northern Consolidated Airlines, Inc. (Intra-Alaska).
	RV	Reeve Aleutian Airways, Inc. (Intra-Alaska).
	WK	Western Alaska Airlines, Inc. (Intra-Alaska).
	WA	Western Airlines, Inc. (Intra-Alaska).

NOTE: The corresponding Postal Manual section is 531.723.

II. In § 535.1 a new paragraph (c)(9) is added to establish a procedure for routing and dispatching mail by air taxi.

§ 535.1 Air mail taxi service.

• • • • • •

(c) *General.* • • •

(9) *Routing and dispatch of mail via air taxi.* (i) Mail will be dispatched to air taxi mail routes in accordance with the following priority:

(*a*) Airmail.
(*b*) First-Class Mail.
(*c*) Other Classes.

(ii) When an overload condition occurs, priority in loading FCM must be given to that mail which will normally receive overnight delivery.

(iii) Mail cannot be routed for interline transfer to or from an air taxi route unless both air carriers are authorized to transport mail at the multielement or pound rate of pay. Mail due connection to or from an air taxi mail route not authorized to transport mail under multielement or pound rate of pay, must be routed to the postal facility at the transfer point for processing.

NOTE: The corresponding Postal Manual section is 535.139.

As the foregoing amendments are procedural and relate to a proprietary function of the Government and do not affect substantive rights, public rule making procedures, advance notice, or a delayed effective date are unnecessary.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

AUGUST 9, 1968.

[F.R. Doc. 68-9766; Filed, Aug. 14, 1968; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Havasu Lake National Wildlife Refuge, Arizona and California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU LAKE NATIONAL WILDLIFE REFUGE

Public hunting of quail, cottontail and jack rabbits on the Havasu Lake National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 13,200 acres, is delineated on maps available at refuge headquarters, Needles, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting seasons are as follows: Arizona—quail, October 1, 1968, through January 31, 1969, inclusive, cottontail and jack rabbits, September 1, 1968, through January 31, 1969, inclusive. California—quail, November 2, 1968, through January 12, 1969, inclusive; cottontail and jack rabbits, September 1, 1968, through January 12, 1969, inclusive. Hunting shall be in accordance with all applicable State regulations governing the hunting of quail, cottontail and jack rabbits subject to the following special conditions:

(1) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

(2) Weapons—Shotguns only, not larger than 10 gage and incapable of holding more than 3 shells.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1969.

BLAYNE D. GRAVES,
Refuge Manager, Havasu Lake National Wildlife Refuge, Needles, Calif.

AUGUST 9, 1968.

[F.R. Doc. 68-9777; Filed, Aug. 14, 1968; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1067]

MILK IN OZARKS MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Ozarks marketing area is being considered for the month of August 1968.

The provisions proposed to be suspended are: (1) In § 1067.7(b) the words, "during any of the months of February through July, or to the extent of not more than 10 days' production during any of the months of August through January", relating to diversion of producer milk to nonpool plants; and (2) in the table of § 1067.11(b), opposite the month of August, the figure "25" relating to the shipping requirements of pool plants.

Suspension of the diversion limitation and pool supply plant 25 percent shipping requirement for August 1968 are requested by the Mid-America Dairymen, Inc., because of changes in market structure and to accommodate the handling of reserve milk of the market. The association states that as a result of the merging of three cooperative associations, July 1, it is in the process of setting up a central control of producer milk deliveries. While this new system of handling deliveries is not yet completed, and with a large volume of reserve milk to be handled, the association is experiencing temporary but extreme difficulty in arranging individual producer deliveries in a manner to meet the 10-day diversion requirements. The association states it is essential that the diversion limitation be suspended for August 1968 to prevent over-diversion of producers. Over diversion would result in loss of producer status for dairy farmers.

Petitioner states that the reduced demand for shipments from supply plants to distributing plants during August makes it impossible to qualify its supply plants unless uneconomical movements of milk are made to meet the shipping requirements. Suspension of the 25 percent shipping requirement, it is stated, will permit pooling of producers regularly associated with the market while their milk is delivered to these plants.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in duplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on August 12, 1968.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 68-9779; Filed, Aug. 14, 1968; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 68-EA-74]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would change the name of the Carrolltown, Pa., VORTAC to Revloc, Pa., wherever it appears in the descriptions of VOR Federal airways Nos. 58 and 210. This proposal would enhance safety and preclude a possible misunderstanding between the names of Carrolltown and Carleton, Mich., when radio voice transmissions are made between aircraft pilots and air traffic control personnel.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on August 8, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-9787; Filed, Aug. 14, 1968; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-SO-63]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Wallace, N.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Wallace transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Wallace Municipal Airport.

The proposed transition area is required for the protection of IFR operations at Wallace Municipal Airport. A prescribed instrument approach procedure to this airport, utilizing the Wilmington VORTAC, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on August 6, 1968.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 68-9788; Filed, Aug. 14, 1968; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18110]

STANDARD, FM, AND TELEVISION BROADCAST STATIONS

Multiple Ownership; Order Extending Time for Filing Reply Comments

In the matter of amendment of §§ 73.35, 73.240, and 73.636 of the Commission rules relating to multiple ownership of standard, FM and television broadcast stations, Docket No. 18110.

1. Comments in the above-captioned proceeding were due and were filed on or before August 1, 1968.

2. The National Association of Broadcasters, in a petition filed August 8, 1968, has requested that the time for filing reply comments be extended from August 15, 1968, to September 16, 1968.

3. As reason for the request, it is stated that the comments filed in this proceeding by the Department of Justice are of such unprecedented scope and potential impact that additional time is necessary to consider a response to them.

4. It appearing that adequate cause for extending the time for filing reply comments has been shown, but that a period of 2 weeks rather than 1 month would be ample: *It is ordered*, This 8th day of August, 1968, That the "Petition For Extension Of Time In Which To File Reply Comments" filed by the National Association of Broadcasters on August 8, 1968, is granted in part, and that the time for filing reply comments in this proceeding is extended from August 15, 1968, to and including August 31, 1968.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: August 8, 1968.

Released: August 9, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 68-9797; Filed, Aug. 14, 1968; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CHIEF, BRANCH OF ADMINISTRATIVE SERVICES ET AL.

Delegation of Authority Regarding Contracts and Leases

AUGUST 8, 1968.

Director, Denver Service Center, Supplement to Bureau of Land Management Manual 1510.

A. Pursuant to delegation of authority contained in Bureau Manual 1510–03B2c and 1510–03C, the following are hereby redelegated the authorities contained in Bureau Manual 1510–03B2c in the amounts shown:

1. Chief, Branch of Administrative Services:

(a) May enter into contracts after formal advertising regardless of amount.

(b) May enter into leases of space in real estate: *Provided*, That the conditions set forth in FPMR 101–18.106 are met.

(c) May enter into negotiated contracts without advertising pursuant to sections 1 through 15 of the FPAS Act, as amended, with the following limitations:

(1) Negotiation under section 302 (c)(1) is restricted to contracts not exceeding $25,000.

(2) Negotiation under section 302 (c)(1) must be preceded by a determination and findings by the Director if the proposed contract does not exceed $25,000. If the contract exceeds $25,000, a determination and findings of the Secretary is required.

(3) Negotiation under section 302(c)(12) and (13) requires a determination and findings by a Secretarial officer.

(d) May procure necessary supplies and services up to $2,500, and from established sources (GSA, FSS, etc.) in any amount.

2. Chief, Procurement Section:

(a) May enter into contracts after formal advertising regardless of amount.

(b) May enter into negotiated contracts without advertising pursuant to sections 1 through 15 of the FPAS Act, as amended, with the following limitations:

(1) Negotiation under section 302 (c)(1) is restricted to contracts not exceeding $25,000.

(2) Negotiation under section 302 (c)(1) must be preceded by a determination and findings by the Director if the proposed contract does not exceed $25,000. If the contract exceeds $25,000, a determination and findings of the Secretary is required.

(3) Negotiation under section 302(c)(12) and (13) requires a determination and findings by a Secretarial officer.

(c) May procure necessary supplies and services up to $2,500, and from established sources (GSA, FSS, etc.) in any amount.

3. Chief, Property Management Section:

(a) May enter into leases of space in real estate, provided that the conditions set forth in FPMR 101–18.106 are met.

(b) May sign Government bills of lading which obligate funds for transportation charges.

(c) May sign Government Printing Office orders which obligate funds for printing and duplicating charges.

4. Procurement Agents, Contracting Unit:

(a) May enter into contracts after formal advertising not exceeding $10,000.

(b) May enter into negotiated contracts without advertising pursuant to section 302(c)(5) of the FPAS Act, as amended.

5. Procurement Agent, Supply Procurement Unit:

(a) May procure necessary supplies and services up to $2,500, and from established sources (GSA, FSS, etc.) in any amount.

6. Supervisor Property Management Specialist (BLM Forms Center):

(a) May sign Government bills of lading which obligate funds for transportation charges.

(b) May sign Government Printing Office orders which obligate funds for printing and duplicating charges.

7. Chief, Office Services Section:

(a) May enter into leases of space in real estate, provided that the conditions set forth in FPMR 101–18.106 are met.

(b) May sign Government bills of lading which obligate funds for transportation charges.

(c) May sign Government Printing Office orders which obligate funds for printing and duplicating charges.

8. Office Services Specialist:

(a) May enter into leases of space in real estate, provided that the conditions set forth in FPMR 101–18.106 are met.

(b) May sign Government bills of lading which obligate funds for transportation charges.

(c) May sign Government Printing Office orders which obligate funds for printing and duplicating charges.

B. The authorities contained herein may not be redelegated.

C. This delegation of authority is effective July 29, 1968.

This supplement to Bureau of Land Management Manual 1510 supersedes notice appearing in FEDERAL REGISTER, Page 5547, Vol. 33, No. 69, Tuesday, April 9, 1968.

GARTH H. RUDD,
Director, Denver Service Center.

[F.R. Doc. 68–9758; Filed, Aug. 14, 1968; 8:45 a.m.]

[Serial No. 7171]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 9, 1968.

The Forest Service, U.S. Department of Agriculture, has filed application, Serial No. New Mexico 7171, for the withdrawal of the land described below. The land was conveyed to the United States pursuant to section 8 of the Taylor Grazing Act. It lies within the exterior boundary of the Lincoln National Forest. It has not been open to entry under the public land laws. The applicant desires the land for the addition to, and the consolidation with national forest lands to permit more efficient administration thereof in the conservation of natural resources.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Chief, Division of Lands and Mineral Program Management and Land Office, Post Office Box 1449, Santa Fe, N. Mex. 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands neded for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The land involved in the application is:

NEW MEXICO PRINCIPAL MERIDIAN

T. 17 S., R. 11 E.,
Sec. 21, S½NE¼ and N½SE¼.

The area described contains 160 acres.

W. J. EGAN,
Acting Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 68–9759; Filed, Aug. 14, 1968; 8:45 a.m.]

[R 1217]

CALIFORNIA

Notice of Classification of Public Lands for Multiple Use Management; Correction

In F.R. Document 68–9110; appearing at page 10887 of the issue for Wednesday, July 31, 1968, the following change should be made:

Under paragraph 5, San Bernardino County, T. 1 N., R. 24 E., should be T. 2 N., R. 24 E.

ROBERT W. NELSON,
Acting State Director.

[F.R. Doc. 68–9760; Filed, Aug. 14, 1968; 8:45 a.m.]

[OR 1610 (Wash.)]

WASHINGTON

Opening National Forest Lands

AUGUST 8, 1968.

1. In orders issued April 5, 1967, the Federal Power Commission vacated the withdrawals created pursuant to the filing of applications for licenses for Projects Nos. 1128 and 1132 for the following described lands:

WILLAMETTE MERIDIAN

WENATCHEE NATIONAL FOREST

(a) T. 22 N., R. 11 E., sec. 26, lot 3 and W½NE¼, all portions lying within the project boundaries of the intake and powerhouse sites, and within 15 feet of the centerline of the pipeline location, and within 15 feet of the centerline of the transmission line location, all as shown on a map designated "Exhibit F" and entitled "Hydro-Electric Power Project of E. N. Tunin, Nyak, Washington," and filed in the office of the Federal Power Commission on November 20, 1930.

(b) T. 27 N., R. 16 E., sec. 33, SE¼SW¼, that portion lying within 33 feet of the centerline survey of the intake, ditch, pipeline, powerhouse and transmission line locations shown on a map designated "Exhibit F" and entitled "Hydro-Electric Project of H. B. Smith, Merritt, Washington," and filed in the office of the Federal Power Commission on November 5, 1930.

The areas described aggregate approximately 3.9 acres of national forest lands in Chelan and Kittitas Counties.

2. By virtue of the authority vested in the Secretary of the Interior by section 24 of the act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and otherwise, the lands are hereby opened to such forms of disposal as may by law be made of national forest lands, effective at 10 a.m. on September 13, 1968. They have been open to applications and offers under the mineral leasing laws and to location under the United States mining laws.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 68–9761; Filed, Aug. 14, 1968; 8:45 a.m.]

COLORADO

Amendment of Notice of Filing of Colorado Protraction Diagram

AUGUST 9, 1968.

Notice of filing of Colorado Protraction Diagram 8 published in FEDERAL REGISTER of August 3, 1968, which reads: "effective August 19, 1968," is amended to read "effective September 9, 1968."

J. ELLIOTT HALL,
Land Office Manager.

[F.R. Doc. 68–9776; Filed, Aug. 14, 1968; 8:47 a.m.]

[Serial No. N–2573]

NEVADA

Notice of Proposed Classification of Public Lands for Transfer Out of Federal Ownership

AUGUST 8, 1968.

1. The notice of proposed classification of public lands for transfer out of Federal ownership appearing in F.R. Doc. No. 68–8905, on pages 10583 and 10584, of the issue of Thursday, July 25, 1968, is hereby amended to exclude the following lands:

MOUNT DIABLO MERIDIAN, NEVADA

T. 21 N., R. 21 E.,
Sec. 24, all.

The lands excluded aggregate 640 acres.

DONALD G. POMI,
Acting State Director.

[F.R. Doc. 68–9782; Filed, Aug. 14, 1968; 8:47 a.m.]

National Park Service

GLEN CANYON RECREATION AREA, ARIZ.

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Canyon Tours, Inc., authorizing it to continue to provide accommodations, facilities, and services for the public at Glen Canyon Recreation Area, Ariz., for a period of thirty (30) years from January 1, 1968, through December 31, 1997.

The foregoing concessioner has performed its obligations under prior contracts to the satisfaction of the National Park Service, and, therefore, pursuant to the act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: August 7, 1968.

EDWARD A. HUMMEL,
Assistant Director, National Park Service.

[F.R. Doc. 68–9762; Filed, Aug. 14, 1968; 8:45 a.m.]

CERTAIN NATIONAL PARKS IN UTAH AND ARIZONA

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Utah Parks Co., authorizing it to continue to provide accommodations, facilities, and services for the public at Bryce Canyon, Grand Canyon (North Rim), and Zion National Parks and Cedar Breaks National Monument, Utah and Ariz., for a period of fifteen (15) years from January 1, 1969, through December 31, 1983.

The foregoing concessioner has performed its obligations under the present contracts to the satisfaction of the National Park Service and, therefore, pursuant to the act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: August 8, 1968.

EDWARD A. HUMMEL,
Assistant Director, National Park Service.

[F.R. Doc. 68–9763; Filed, Aug. 14, 1968; 8:46 a.m.]

Oil Import Administration

OIL IMPORT CONTROL PROGRAM

Notice for Request for Comment

On June 6, 1968, in announcing the issuance of Amendment 7 to Oil Import Regulation 1 (Revision 5), the Secretary of the Interior stated that the amendments made went a considerable distance towards the separation of the refinery and petrochemical sectors of the oil import control program, an objective which he had announced late last year. The Secretary also indicated that this aspect of the program would receive further study and review. Written comments, suggestions, and specific proposals in furtherance of this objective are hereby solicited from all interested persons.

Interested persons are particularly invited to address themselves to the following points:

1. Revision of the definitions of "refinery capacity," "refinery inputs," "petrochemical plant," "petrochemical plant inputs" and of the definitions of various "finished products" in the interest of clarity, precision, and consistent industrywide interpretation.

2. The desirability and feasibility of excluding from the inputs, on which petrochemical allocations are computed, those inputs which are converted into finished products or unfinished oils in the manufacture of petrochemicals.

3. The desirability and feasibility of providing for petrochemical allocations on the basis of the hydrocarbon content of petrochemicals produced by a petrochemical plant.

4. The feasibility of a downward adjustment of "refinery inputs" (or refiner allocations including those allocations issued on a "historical" basis) where unfinished oils are manufactured from such inputs in refineries for petrochemical plant feed stocks.

Interested persons may submit written comments or suggestions (six copies), in respect to these specific points to the Administrator, Oil Import Administration, Department of the Interior, Washington, D.C. 20240, on or before August 26, 1968.

J. J. SIMMONS III,
Acting Administrator,
Oil Import Administration.

AUGUST 9, 1968.

[F.R. Doc. 68-9817; Filed, Aug. 13, 1968; 10:19 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

STIEFEL BROS. LIVESTOCK MARKET ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302.

Name, location of stockyard, and date of posting
CALIFORNIA
Stiefel Bros. Livestock Market, Chino, July 26, 1968.
FLORIDA
98 Livestock Market, Lakeland, July 31, 1968.
KANSAS
Leavenworth Livestock Auction Co., Leavenworth, July 22, 1968.
MISSOURI
Central Ozarks Livestock Auction Market, West Plains, July 1, 1968.
UTAH
Producers Livestock Marketing Association, North Salt Lake, July 8, 1968.

Done at Washington, D.C., this 8th day of August 1968.

G. H. HOPPER,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 68-9780; Filed, Aug. 14, 1968; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

MOBILE HOMES

Federal Motor Vehicle Safety Standards; Notice of Request for Comments

The Administrator of the Federal Highway Administration is considering rulemaking which would either exclude mobile homes, offices, classrooms, etc., from applicability of the Federal Motor Vehicle Safety Standards (23 CFR 255), or classify them as a separate category of vehicle subject to regulation by the Administration. This rulemaking would not affect the applicability of the Motor Carrier Safety Regulations (49 CFR 290 et seq.) to mobile homes transported in interstate commerce.

A "trailer" is defined by 23 CFR § 255.3(b) as "a motor vehicle with or without motive power, designed for carrying persons or property and for being drawn by another motor vehicle." Mobile homes are considered to be within this definition.

Currently, only Federal Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices, and Associated Equipment, is applicable to trailers. However, the Federal Highway Administration has announced that it is considering rulemaking which would result in revising certain existing Federal standards to make them applicable to trailers, as well as issuing new standards applicable to trailers (32 F.R. 14279).

These proposals include amendments to Standard No. 105, Service Brake, Emergency Brake, Parking Brake Systems (Docket No. 1-2); Standard No. 106, Brake Hoses (Docket No. 1-5); Standard No. 205, Glazing Materials (Docket No. 2-9); and new standards for brake linings (Docket No. 1-4); tires (Docket No. 1-6); tire traction (Docket No. 1-7); retreaded tires (Docket No. 1-8); bumper height (Docket No. 1-9); bumper effectiveness (Docket No. 1-10); rear underride guard (Docket No. 1-11); trailer hitches (Docket No. 1-20); exterior protrusions (Docket No. 2-5); and fire retardant materials for interiors (Docket No. 3-3).

Interested persons have questioned the appropriateness of applying the lighting standard, the glazing standard, and a standard for fire retardant materials for interiors to mobile homes. These persons have also requested a ruling that Federal standards do not apply to mobile homes, or, in the alternative that mobile homes should be classified separately from trailers. Accordingly, Docket No. 26 has been established to receive comments pertinent to requests for rule-making concerning mobile homes.

Interested persons should comment on this issue and other issues related to the applicability of Federal Motor Vehicle Safety Standards to mobile homes. It is requested that comments include but not be limited to the following matters:

(a) A definition which would clearly distinguish mobile homes from trailers which are licensed to operate on the highways without a special permit (e.g., including parameters such as width of greater than 102 inches, length, height, weight, etc.);

(b) The reasons and data which delineate the basis for Federal standards not applying to mobile homes or the need for a separate classification;

(c) The safety hazard created by movement of mobile homes;

(d) The extensiveness of the use of highways by mobile homes including the delivery of mobile homes, the frequency of moves during the lifetime of a mobile home and distance traveled per move;

(e) The known accident rate based on time on the road for mobile homes in transit;

(f) The safety related equipment and the precautions utilized during transit; and

(g) State safety requirements, on an individual basis, for mobile homes in transit including a listing of those States that have no safety requirements. Comments should contain supporting statements and data to justify conclusions and recommendations.

Comments should be submitted pursuant to 23 CFR § 216 (32 F.R. 15818, Nov. 17, 1967), in 10 copies, identifying Docket No. 26, and addressed to Federal Highway Administration, Room 512, 400 6th Street SW., Washington, D.C. 20591. These comments should be received before the close of business September 10, 1968.

This notice is issued pursuant to section 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1407), and the delegation of authority contained in section 1.4(c) of Part I of the Regulations of the Office of the Secretary.

Issued in Washington, D.C., on August 12, 1968.

JOHN R. JAMIESON,
Deputy Federal Highway Administrator.

[F.R. Doc. 68-9828; Filed, Aug. 14, 1968; 8:49 a.m.]

National Transportation Safety Board

[Docket No. SA-404]

ACCIDENT AT PARAMOUNT, CALIF.

Notice of Hearing

In the matter of investigation of accident involving aircraft of U.S. Registry N303Y, Paramount, Calif., May 22, 1968.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 9 a.m. (local time), on August 21, 1968, in the Blossom Room, Hollywood Roosevelt Hotel, Hollywood, Calif.

Dated this 9th day of August 1968.

[SEAL] THOMAS K. MCDILL,
Hearing Officer.

[F.R. Doc. 68-9775; Filed, Aug. 14, 1968; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20047]

ALOHA AIRLINES, INC.

Notice of Prehearing Conference

Military reservation fares proposed by Aloha Airlines, Inc. See order of investigation and suspension, 68-7-119.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 21, 1968, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Richard A. Walsh.

Dated at Washington, D.C., August 9, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 68-9795; Filed, Aug. 14, 1968; 8:48 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF THE INTERIOR

Notice of Title Change in Noncareer Executive Assignment

The notice of November 17, 1967, by the Civil Service Commission authorizing the Department of the Interior to fill the position of Associate Solicitor for Water and Power by noncareer executive assignment in the excepted service is hereby amended to show that the position is retitled Associate Solicitor for Reclamation and Power.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-9786; Filed, Aug. 14, 1968; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 18264, 18265]

DEARBORN COUNTY BROADCASTERS AND GREPCO, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of John W. Schuler trading as Dearborn County Broadcasters, Aurora, Ind., Docket No. 18264, File No. BPH-6125; Requests: 99.3 mc, No. 257; 3 kw; 273 feet; Grepco, Inc., Aurora, Ind., Docket No. 18265, File No. BPH-6235; Requests: 99.3 mc, No. 257; 1.15 kw; 451 feet; for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, under delegated authority considered the above captioned and described applications for construction permits.

2. These applications are mutually exclusive in that operation by the applicants as proposed would cause mutually destructive interference.

3. Since no determination has yet been reached on whether the antenna proposed by Grepco, Inc., would constitute a menace to air navigation, an issue regarding this matter is required.

4. Each of the applicants is qualified to construct and operate as proposed. However, because of their mutual exclusivity the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

5. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether there is a reasonably possibility that the tower height and location proposed by Grepco, Inc., would constitute a menace to air navigation.

2. To determine which of the proposals would better serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications for construction permit should be granted.

6. *It is further ordered*, That the Federal Aviation Administration is made a party to the proceeding.

7. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

8. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 6, 1968.

Released: August 9, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 68-9798; Filed, Aug. 14, 1968; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7433]

BALTIMORE GAS & ELECTRIC CO. AND POTOMAC ELECTRIC POWER CO.

Notice of Application

AUGUST 9, 1968.

Take notice that on July 30, 1968, Baltimore Gas & Electric Co. (BG&E) and Potomac Electric Power Co. (PEPCO), filed a joint application seeking an order pursuant to section 203 of the Federal Power Act authorizing the sale of certain electric facilities from the former to the latter.

BG&E is incorporated under the laws of the State of Maryland with its principal business office at Baltimore, Md., and is engaged in the electric utility business in eight counties in Maryland and in the city of Baltimore.

PEPCO is incorporated under the laws of the District of Columbia with its principal business office in Washington, D.C., and is engaged in the electric utility business in the District of Columbia, a portion of Arlington County, Virginia, and in three counties in Maryland.

The facilities to be disposed of by BG&E, and acquired by PEPCO, comprise approximately 2.8 miles of a 230 kv. single circuit steel tower transmission line, including 15 steel towers and all associated conductors, ground and static

wires, insulators and other hardware, together with fencing, structures and certain items of equipment now constituting part of the BG&E switching station at Burtonsville (not including, however, the station's 230 kv. oil circuit breaker, or its metering, control and relay equipment, its gasoline generator, its batteries and chargers, or its radio and antenna which will be removed and retained by BG&E). Also to be sold by BG&E, and acquired by PEPCO, is the fee-owned right-of-way, 250 feet wide, extending from the PEPCO service area boundary northward through the Burtonsville substation, on the northwesterly longitudinal half of which is located such 230 kv. transmission line. PEPCO will pay $492,000 in exchange for the land and the facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 30, 1968, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-9752; Filed, Aug. 14, 1968; 8:45 a.m.]

[Docket No. RP69-2]

FLORIDA GAS TRANSMISSION CO.

Notice of Proposed Changes in Rates and Charges

AUGUST 7, 1968.

Take notice that Florida Gas Transmission Co., on August 1, 1968, tendered for filing proposed changes in its FPC Gas Tariff, original volumes No. 1 and 2, to become effective on September 16, 1968. The proposed rate changes would increase charges for jurisdictional services by $3,350,000 per year based on sales and transportation deliveries for the 12-month period ending April 30, 1968, as adjusted. The proposed increase would be applicable to Florida Gas' Rate Schedules G, I, T-1, T-2, and T-3.

Florida Gas states that the principal reasons for the proposed increases are: (1) The need for a 7.5 percent rate of return and (2) increased Federal income taxes.

Copies of the proposed tariff changes were served on all of Florida Gas' customers and the Florida Public Service Commission.

Protests, petitions to intervene, or notices of intervention may be filed with the Federal Power Commission, Washington, D.C. 20426, pursuant to the Commission's rules of practice and procedure on or before August 30, 1968.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-9753; Filed, Aug. 14, 1968; 8:45 a.m.]

[Docket No. RI69-40]

GLASSCOCK-CHAPMAN, INC., ET AL.

Order Accepting Contract Agreement, Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

AUGUST 7, 1968.

On July 12, 1968, Glasscock-Chapman, Inc., et al. (Glasscock)[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is designated as follows:

[1] Address is: Post Office Box 1716 OCS, Lafayette, La. 70501.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI69-40	Glasscock-Chapman, Inc., et al., Post Office Box 1716 OCS, Lafayette, La. 70501.	[1] 1	[12] 2	Texas Eastern Transmission Corp. (Bunchy Creek Field, Allen Parish, La.) (South Louisiana Area).	$ (f)	7-12-68	[2] 8-12-68 [3] 10-1-68	(Accepted) [3] 10-2-68	[8] 13.75	[7] [9] [10] 18.0	

[1] Contract dated after Sept. 28, 1960, the date of issuance of General Policy Statement No. 61-1 and the proposed rate does not exceed the area initial rate ceiling of $21.25 per Mcf.
[2] Letter agreement dated Mar. 14, 1968, which provides for a price of 18 cents per Mcf for all gas produced and delivered to buyer from horizons lying below the presently producing horizon between 7,220 feet to 7,224 feet.
[3] The stated effective date is the first day after expiration of the statutory notice.
[4] No production currently being made.
[5] The stated effective date is the estimated date of production.
[6] The suspension period is limited to 1 day.
[7] Renegotiated rate increase.
[8] Pressure base is 15.025 p.s.i.a.
[9] Subject to a downward B.t.u. adjustment.
[10] Applicable only to gas produced below presently producing depths.

Glasscock's proposed renegotiated rate increase from 13.75 cents to 18 cents per Mcf is for a sale of gas to Texas Eastern Transmission Corp., from the Bunchy Creek Field, Allen Parish, La. (South Louisiana Area) and applies only to gas produced below presently producing depths.

The contract related to Glasscock's rate filing was executed subsequent to September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1, as amended, and the proposed increased rate of 18 cents per Mcf exceeds the area increased rate ceiling of 14 cents per Mcf for the South Louisiana Area, but does not exceed the initial service ceiling of 21.25 cents per Mcf for the area involved. We believe, in this situation, Glasscock's proposed rate filing should be suspended for 1 day from October 1, 1968, the proposed effective date.

Concurrently with the filing of its rate increase, Glasscock submitted a letter agreement dated March 14, 1968, designated as Supplement No. 1 to Glasscock's FPC Gas Rate Schedule No. 1, which provides the basis for its proposed rate increase. We believe that it would be in the public interest to accept for filing Glasscock's proposed letter agreement to become effective on August 12, 1968, the date of expiration of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing Glasscock's contract agreement dated March 14, 1968, designated as Supplement No. 1 to Glasscock's FPC Gas Rate Schedule No. 1, and for permitting such supplement to become effective as of August 12, 1968, the date of expiration of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 2 to Glasscock's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Supplement No. 1 to Glasscock's FPC Gas Rate Schedule No. 1 is accepted for filing and permitted to become effective as of August 12, 1968, the date of expiration of the statutory notice.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Glasscock's FPC Gas Rate Schedule No. 1.

(C) Pending a hearing and decision thereon, Supplement No. 2 to Glasscock's FPC Gas Rate Schedule No. 1 is hereby suspended and the use thereof deferred until October 2, 1968, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Glasscock, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order, Glasscock shall execute and file under Docket No. RI69-40, with the Secretary of the Commission, its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the Texas Eastern Transmission Corp., the purchaser. Unless Glasscock is advised to the contrary within 15 days from the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 25, 1968.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-9754; Filed, Aug. 14, 1968; 8:45 a.m.]

[Docket No. G-7004, etc.]

PENNZOIL UNITED, INC.

Order Amending Orders Issuing Certificates, Redesignating Proceeding, and Redesignating FPC Gas Rate Schedules

AUGUST 8, 1968.

On June 17, 1968, Pennzoil United, Inc., filed a petition to amend the certificates as listed in the appendix, redesignate the proceeding pending in Docket No. CI66-94, and redesignate the rate schedules of Pennzoil Co. to reflect Pennzoil United, Inc., as the successor in interest to the Pennzoil Co., all as more fully set forth in the petition to amend in this proceeding.

The petition states that effective April 1, 1968, Pennzoil Co. and United Gas Corp. were consolidated to form Pennzoil United, Inc., and that Pennzoil United, Inc., proposes to continue without change the sales of natural gas authorized to be made by Pennzoil Co., pursuant to contracts on file with the Commission as FPC gas rate schedules.

Due notice of the petition to amend was published in the FEDERAL REGISTER on July 4, 1968 (33 F.R. 9724). No petition to intervene, notice of intervention, or protest to the granting of the succession and change in the certificate holder has been received.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that Pennzoil United, Inc., be substituted as the certificate holder and as the party in interest to the related rate schedules and pending proceeding in Docket No. CI66-94 in lieu of Pennzoil Co., as hereinafter ordered and conditioned.

The Commission orders:

(A) The orders, listed in the appendix, issuing certificates of public convenience and necessity to Pennzoil Co. are amended to reflect Pennzoil United, Inc., as the successor in interest and the certificate holder thereof, and in all other respects said orders shall remain in full force and effect.

(B) The proceeding pending in Docket No. CI66-94 is redesignated to reflect the change in the party in interest to Pennzoil United, Inc.

(C) The FPC gas rate schedules of Pennzoil Co. are redesignated in the same numerical order as those of Pennzoil United, Inc., and the proposed supplements are accepted for filing as of April 1, 1968.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

APPENDIX

LIST OF CERTIFICATES TO BE AMENDED AND RATE SCHEDULES TO BE REDESIGNATED TO REFLECT CHANGE IN NAME FROM PENNZOIL COMPANY TO PENNZOIL UNITED, INC. DUE TO CONSOLIDATION

Docket No.	Purchaser	FPC gas rate schedule No.	Supplement No.	New supplement No.[1]
G-7413	Pennsylvania Gas Co.	1		1
G-7417	do	2		1
G-7418	do	3		1
G-7414	do	4		1
G-7415	do	5		1
G-7416	do	6		1
G-7412	United Natural Gas Co.	7	1	2
CI61-945	Carnegie Natural Gas Co.	8		1
CI61-945	do	9		1
G-7004	Consolidated Gas Supply Corp.	10	1-3	4
G-7004	Equitable Gas Co.	11	1	2
G-7004	do	12	1-4	5
CI66-94 [2]	Northern Natural Gas Co.	[3] 13	1-5	6
CI67-372	Pennsylvania Gas Co.	14		1
CI67-662	Transwestern Pipeline Co.	15		1
CI67-1471	Consolidated Gas Supply Corp.	[4] 16		1
CI68-466	Cabot Corp.	17		1

[1] Reflects the consolidation of Pennzoil Co. and United Gas Corp. into a single corporation to be called Pennzoil United, Inc., effective Apr. 1, 1968.
[2] Temporary Certificate granted Nov. 4, 1965.
[3] (Operator) et al.
[4] Et al.

[F.R. Doc. 68-9755; Filed, Aug. 14, 1968; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4148]

ALSCO, INC.

Order Suspending Trading

AUGUST 9, 1968.

The Class A common stock and the 5½ percent convertible subordinated debentures of Alsco, Inc., being listed and registered on the American Stock Exchange and all other securities of Alsco, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 10, 1968, through August 14, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-9769; Filed, Aug. 14, 1968; 8:46 a.m.]

[70-4650]

AMERICAN ELECTRIC POWER CO., INC. ET AL.

Notice of Proposed Capital Contributions by Holding Company to Its Public-Utility Subsidiary Companies

AUGUST 9, 1968.

Notice is hereby given that American Electric Power Co., Inc., ("AEP") 2 Broadway, New York, New York 10004,

a registered holding company and its electric utility subsidiary companies, Appalachian Power Co. ("Appalachian"), Indiana & Michigan Electric Co. ("Indiana & Michigan"), and Ohio Power Co. ("Ohio"), have filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9, 10, and 12 of the Act and Rule 45 promulgated thereunder as applicable to the action proposed. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

AEP proposes, as indicated below, to transfer, as a capital contribution, to the foregoing subsidiary companies subordinated notes of Ohio Valley Electric Corp. ("OVEC") presently owned by AEP. OVEC was organized by a group of public-utility and holding companies to construct and operate, directly and through a subsidiary company, certain generating facilities along the Ohio River. All of OVEC's outstanding common stock was issued to this group of sponsor companies in specified percentages, among them, AEP, which owns 37.8 percent of such outstanding stock (34 SEC 323). Pursuant to orders of this Commission (Holding Company Act Release Nos. 12077, 12752) OVEC issued to its sponsor companies subordinated notes of which $7,938,000 were outstanding as of March 31, 1968. AEP owns $3,000,564 principal amount thereof, or 37.8 percent of the total outstanding. These notes bear a varying rate of interest but not exceeding 4 percent. The interest rate currently in effect is 3⅞ percent.

The proposed transfer of the OVEC subordinated notes held by AEP is as follows:

Name of company	Amount	Percent of total outstanding
Appalachian	$1,206,576	15.2
Indiana and Michigan	603,288	7.6
Ohio	1,190,700	15.0
Total	3,000,564	37.8

The percentage allocations to the subsidiary companies are equal to the power participation ratios of these subsidiary companies pursuant to the Inter-Company Power Agreement of OVEC with these subsidiary companies and the other participating companies. It is stated that but for the requirements of section 11(b)(2) of the Act, the stock and subordinated notes of OVEC held by AEP would have been issued to its three subsidiary companies in the percentages indicated (see also 34 SEC 323, 331). It is represented that the proposed transfer of notes will not affect or impair in any respect, the jurisdiction of the Commission as to issues and matters under section 10 of the Act as reserved by the Commission's Orders of November 7, 1952 (Holding Company Act Release No. 11578), and July 27, 1953 (Holding Company Act Release No. 12077). It is also stated that the subsidiary companies will not incur any liabilities or obligations as a result of ownership of the notes.

The OVEC subordinated notes held by AEP are payable as to principal as follows: $151,200 on July 1, 1969, with semiannual payments of $151,200 thereafter on each January 1, and July 1 until January 1, 1979, when a terminal payment of $127,764 will be due.

AEP proposes to make such capital contributions in order to increase the common stock equities of the recipients and to facilitate the financing by such companies of their respective construction programs. In addition, it is stated that upon the receipt by such companies of periodic payments from OVEC, on account of principal and interest, cash will be made available to such companies for construction and general corporate purposes.

The subsidiary companies will debit "Investments in Associate Companies" in respect of the capital contributions and credit "Other Paid in Capital." In addition, accrued interest on the OVEC notes to the date on which the contributions are made will be payable to AEP at such time as the semiannual interest payments on the notes are paid, namely, January 1, 1969. Such accrued interest payable to AEP will be recorded on the books of the subsidiary companies as an account payable and will be recorded by AEP on its books as an account receivable from such subsidiary companies. AEP will debit "Investments in majority owned subsidiary companies—common stocks", in respect of the principal amount of the notes contributed and will credit "Investments in other statutory subsidiary companies — subordinated notes."

No fees, commissions, or other expenses are to be paid or incurred by AEP or any associate company in connection with the proposed capital contributions except miscellaneous expenses not to exceed $500.

The proposed capital contribution by AEP to Appalachian has been authorized, to the extent required, by the State Corporation Commission of Virginia, in which State Appalachian is organized and doing business, and by the Public Service Commission of West Virginia, in which State Appalachian is doing business. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed capital contributions and acquisition of subordinated notes of OVEC.

Notice is further given that any interested person may, not later than August 27, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68-9770; Filed, Aug. 14, 1968; 8:46 a.m.]

[812-2366]

AMERICAN RESEARCH AND DEVELOPMENT CORP.

Notice of Filing of Application for Order

AUGUST 9, 1968.

Notice is hereby given that American Research and Development Corp. ("American Research"), 200 Berkeley Street, Boston, Mass. 02116, a Massachusetts corporation, registered as a closed-end, nondiversified, management investment company under the Investment Company Act of 1940 ("Act") has filed an application pursuant to section 17(d) of the Act and Rule 17d-1 thereunder, for an order permitting American Research to sell 215,000 presently outstanding shares of common stock of Digital Equipment Corp. ("Digital") at the same time Digital itself sells 100,000 of its authorized but unissued shares of its common stock. All interested persons are referred to the application which is on file with the Commission, for a statement of the representations made therein, which are summarized below.

Digital, a Massachusetts corporation which manufactures digital computers and related equipment, has outstanding 2,926,600 common shares. Digital's shares are listed on the American Stock Exchange. American Research owns 1,750,000 shares of common stock of Digital or approximately 60 percent of Digital's outstanding voting securities. American Research and Digital are therefore affiliated persons of each other within the meaning of section 2(a)(3) of the Act.

Certain affiliated persons of American Reserach also own common stock of Digital. Mr. Kenneth H. Olsen, a director of American Research, owns 319,000 shares; Miss Dorothy E. Rowe, Vice President and Treasurer, owns 16,750 shares; Mr. William H. Congleton, Senior Vice President, owns 16,500 shares; and Mr. Henry W. Hoagland, Senior Vice President, owns 8,150 shares. Each of these individuals is also a director of Digital.

American Research and its officers and its director mentioned above acquired their holdings of Digital stock under the following circumstances. All the following information concerning number of shares and price has been adjusted to reflect stock splits. American Research acquired 1,750,000 shares from Digital in 1957 shortly after the latter's organization for total price of $70,000 or 4 cents a share. Prior to the acquisition by American Research of such interest in Digital, Kenneth H. Olsen, who first became a director of American Research in April 1968, acquired 300,000 shares of Digital common stock for a total price of $120, or less than 1 cent per share. Subsequently, Kenneth H. Olsen, while an affiliated person of an affiliated person (Digital) of American Research, a registered investment company, acquired options and additional shares of common stock of Digital. He acquired an additional 50,000 shares of Digital common stock in 1966 for a total price of $30,500 or 61 cents per share upon the exercise of an option granted in 1961. In January 1967, Digital granted to Kenneth H. Olsen an option to purchase 10,000 shares of Digital common stock at $38 a share.

Henry W. Hoagland, William H. Congelton, and Dorothy E. Rowe each acquired options and stocks of Digital while an affiliated person of American Research. In Decemebr 1961, Henry W. Hoagland acquired 12,500 shares of Digital common stock from Digital for the total price of $750 or 6 cents a share upon the exercise of an option granted by Digital in December 1958. Henry W. Hoagland acquired an additional 2,500 shares of Digital common stock from Digital in 1961 for a total price of $1,500 or 60 cents a share; and he also acquired 1,500 shares of Digital common stock in 1966 from a former officer and director of Digital for a price of $18,000 or $12 per share.

Mr. William H. Congelton acquired 12,500 shares of Digital common stock from Digital for a total price of $750 or 6 cents per share upon the exercise of an option granted in November 1958. Mr. Congleton acquired an additional 2,500 shares of Digital common stock from Digital in 1961 for a total price of $1,500 or 60 cents per share; and he also acquired 1,500 shares in 1966 from a former officer and director of Digital for a total price of $18,000 or $12 per share.

Miss Dorothy E. Rowe acquired 12,500 shares of common stock of Digital in December 1961, for a total price of $750 or 6 cents per share upon the exercise of an option granted by Digital in November 1958. Miss Rowe acquired an additional 2,500 shares of Digital common stock for a price of $1,500 or 60 cents per share; and she also acquired 1,750 shares of Digital common stock from a former officer and director of Digital for a total price of $21,000 or $12 per share.

During the past 2 years Messrs. Olsen and Hoagland have disposed of 31,000 and 8,350 shares of Digital common stock, respectively.

The proposed sale by American Research and Digital is to be made to underwriters for public offering. The shares to be offered will be registered under the Securities Act of 1933. The initial public offering price and the underwriters discount are to be determined by agreement between the underwriters and the proposed sellers prior to the release of the Digital stock for the initial public offering. American Research and Digital will sell the shares to underwriters, represented by Lehman Brothers, on the same basis and for the same price per share. The expenses of the offering will be paid by American Research and Digital in proportion to the number of shares to be sold by each. Thus approximately 69 percent of the expenses will be borne by American Research, while approximately 31 percent will be borne by Digital.

The underwriting agreement contains cross-indemnification provisions. American Research and Digital agree with the underwriters to indemnify them from losses, claims, damages, or liabilities arising out of or based upon any information contained in any preliminary prospectus, registration statement or prospectus. Digital agrees to indemnify American Research with respect to information supplied by Digital and American Research agrees to indemnify Digital with respect to information supplied by American Research.

American Research and Mr. Kenneth H. Olsen have agreed with Lehman Brothers that neither will dispose of any shares of common stock of Digital for a period of 90 days after the date of the prospectus without the prior written consent of Lehman Brothers.

The application states that the Board of Directors of American Research has decided to sell 215,000 shares of Digital common stock in order to provide additional funds for American Research's own purposes; and that the management of Digital has decided to issue and sell 100,000 additional shares of its common stock in order to obtain funds to pay bank borrowings and to provide additional working capital.

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide, among other things, that it shall be unlawful, with certain exceptions not applicable here, for an affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to participate in, or effect any transaction in connection with any joint enterprise or arrangement in which any such registered company, or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered company or controlled company in such arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. A joint enterprise or arrangement, as used in Rule 17d-1 is defined as a written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company or a controlled company thereof and any affiliated person of such person or principal underwriter, have a joint or a joint and several participation in, or share in the profits of, such enterprise or undertaking.

The application states that the proposed transactions are consistent with the provisions, policies and purposes of the Act, that the price to be received by American Research and Digital are the same and that the manner of sharing expenses is fair.

Notice is further given that any interested person may, not later than August 27, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing), upon American Research at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68-9771; Filed, Aug. 14, 1968; 8:46 a.m.]

CAMEO-PARKWAY RECORDS, INC.

Order Suspending Trading

AUGUST 9, 1968.

The common stock, 10 cents par value of Cameo-Parkway Records, Inc., Philadelphia, Pa., File No. 1-4672, being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Cameo-Parkway Records, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 11, 1968, through August 20, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-9772; Filed, Aug. 14, 1968; 8:46 a.m.]

[812-2362]

MASSACHUSETTS INVESTORS TRUST

Notice of Filing of Application for an Order Exempting Sale by an Open-End Company of Its Securities at Other Than the Public Offering Price

AUGUST 9, 1968.

Notice is hereby given that Massachusetts Investors Trust ("Applicant"), 200 Berkeley Street, Boston, Mass. 02116, a common law trust existing under the laws of Massachusetts and registered under the Investment Company Act of 1940, 14 U.S.C. sec. 80a-1 et seq. ("Act"), as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price in exchange for substantially all the assets of Deming Investment Corp. ("Deming"), an Ohio corporation registered under the Act as an open-end diversified management investment company. All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Shares of Applicant are offered to the public on a continuous basis at net asset value plus a varying sales charge dependent on the amount purchased. As of June 30, 1968, the assets of Applicant amounted to $2,375,148,823.

Pursuant to an agreement between Applicant and Deming, assets owned by Deming with a value of $2,113,416 on June 30, 1968, will be transferred to Applicant in exchange for shares of Applicant's stock. The number of shares to be issued to Deming is to be determined by dividing the aggregate market value of the assets of Deming to be transferred to Applicant by Applicant's net asset value per share, both to be determined as of the last business day preceding the closing of the transfer of assets and to be adjusted, if necessary, to lessen the potential tax effect on the shareholders of Applicant of the sale by Applicant of appreciated securities acquired from Deming. If the transaction described in the agreement had taken place on June 30, 1968, when the net asset value per share of Applicant's stock was $17.15, Deming would have received 123,231 shares of Applicant's stock. The shares of Applicant received by Deming are to be distributed to the Deming shareholders on the liquidation of Deming. The sale of assets by Deming to Applicant will require the approval of the holders of at least two-thirds of the outstanding shares of Deming and dissenting shareholders of Deming will have dissenters' rights under Ohio law.

Applicant represents that there is no connection betweeen Applicant and Deming and that no officer or shareholder of Deming is affiliated with Applicant. Applicant represents that its management considers the proposed acquisition of substantially all of the assets of Deming in exchange solely for Applicant's shares to be at a fair price, arrived at by arms-length bargaining.

Section 22(d) of the Act provides that registered open-end investment companies may sell their shares only at the current public offering price as described in the prospectus. Since the basis at which Applicant will issue its shares in exchange for the assets of Deming will be without a sales charge and will therefore be different from the public offering price described in the prospectus, an exemption from section 22(d) of the Act is necessary in order that the exchange may be consummated. Section 6(c) permits the Commission, upon application, to exempt a transaction from the provisions of section 22(d) if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant submits that the granting of the application is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act and that the proposed acquisition will be beneficial to the shareholders of Applicant for the reasons that:

(1) Those expenses of Applicant which do not rise proportionately with an increase in portfolio size will be spread over a larger number of shares and therefore will amount to a smaller amount per share to the benefit of existing shareholders;

(2) The proposed acquisition will enable Applicant to acquire for its own portfolio at one time substantial additions to its existing portfolio securities without affecting the market in said securities; and

(3) The transfer of securities pursuant to the proposed acquisition will cause Applicant less expense than the purchase of such securities in the open market for the reason that said transfer will not be subject to brokers' commissions.

Notice is further given that any interested person may, not later than August 29, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing), upon Applicant at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-9774; Filed, Aug. 14, 1968; 8:47 a.m.]

[File No. 1-2250]

COMSTOCK-KEYSTONE MINING CO.

Order Suspending Trading

AUGUST 9, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Comstock-Keystone Mining Co., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 11, 1968 through August 20, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-9773; Filed, Aug. 14, 1968; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

DIRECTORS CAPITAL CORP.

Notice of Order Revoking License

Notice is hereby given, and it is hereby ordered, under the authority vested by the Small Business Investment Act of 1958, as amended (Act), that License No. 02/02-0133 issued to Directors Capital Corp., New York, N.Y., be, and is, revoked and all the rights, privileges, and franchises derived therefrom be forfeited, and that notice of this revocation be published in the FEDERAL REGISTER.

Directors Capital Corp. was incorporated under the laws of the State of New York and was licensed March 9, 1962, by the Small Business Administration to operate solely under the Small Business Investment Act of 1958.

Section 308(d) of the Act provides that the license of a small business investment company may be forfeited if that company is determined and adjudged by a court of the United States to have violated or failed to comply with the Act.

SBA filed a civil suit against Directors Capital Corp. for issuance of an injunction, determination, and adjudication of violations of the Act and SBA rules and regulations, judgment on indebtedness to SBA and the appointment of a receiver.

On July 19, 1968, the U.S. District Court for the Southern District of New York entered a $305,979.16 judgment against Directors Capital Corp. in United States v. Directors Capital Corp., 67 Civ 4334, adjudicated violations of the Act and SBA rules and regulations, issued an injunction against the corporation and its officers, and appointed SBA as receiver.

For SBA (pursuant to delegated authority).

GLENN R. BROWN,
Associate Administrator for Investment.

AUGUST 5, 1968.

[F.R. Doc. 68-9767; Filed, Aug. 14, 1968; 8:46 a.m.]

[Delegation of Authority No. 30-6 (Southwestern Area), Disaster No. 676]

MANAGER, DISASTER BRANCH OFFICE, EL PASO, TEX.

Delegation of Authority Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Area Administrator, by Delegation of Authority No. 30 (Revision 12), 32 F.R. 179, dated January 7, 1967, Amendment 1, 32 F.R. 8113, dated June 6, 1967, and Amendment 2, 33 F.R. 8793, dated June 15, 1968, there is hereby redelegated to the Manager, Disaster Branch Office, El Paso, Tex., the following authority:

A. *Financial assistance.* 1. To approve or decline disaster direct and immediate participation loans up to the total SBA shares of $20,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $25,000 for a single disaster on home loans, and $100,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan. To approve or decline disaster guaranteed loans in amounts of total loan not exceeding $350,000.

2. To execute loan authorizations for Washington, area and regional office approved loans and disaster loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator,*
By ----------
(*Name*)
Manager,
Disaster Branch Office.

3. To cancel, reinstate, modify, and amend authorizations for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by an SBA employee designated as Acting Manager of the Disaster Branch Office.

Effective date: July 11, 1968.

ROBERT E. WEST,
Area Administrator, Dallas, Tex.

[F.R. Doc. 68-9768; Filed, Aug. 14, 1968; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1209]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

AUGUST 9, 1968.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR Part 1, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 126 (Sub-No. 22), filed July 29, 1968. Applicant: HUEY MOTOR EXPRESS, a corporation, 1426 Dalton Street, Cincinnati, Ohio 45214. Applicant's representative: Robert H. Kinker, Box 464, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's presently held authority to and from Louisville,

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 239 (Sub-No. 25), filed July 31, 1968. Applicant. ECKLAR-MOORE EXPRESS, INC., Forbes Road Extension, Lexington, Ky. 40505. Applicant's representative: Robert H. Kinker, Box 464, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's authority to and from Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 730 (Sub-No. 299), filed July 29, 1968. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. 94604. Applicant's representative: Earl J. Brooks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Ford Motor Co. plantsite located at the junction of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's presently authorized regular-route service at Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Detroit, Mich.

No. MC 9148 (Sub-No. 11), filed August 1, 1968. Applicant: DEAN THORNTON, doing business as KEYSTONE TRUCKING COMPANY, Main Street, Rushford, N.Y. 14777. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* and *empty malt beverage containers*, from Columbus, Ohio, to Bradford, Meadville, Oil City, Ridgeway, and Warren, Pa., and *empty malt beverage containers*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Buffalo, N.Y.

No. MC 25798 (Sub-No. 181), filed July 29, 1968. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: ***Meats, meat products and meat byproducts and articles distributed by meat packinghouses***, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from York, Nebr., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 30657 (Sub-No. 23), filed July 26, 1968. Applicant: DIXIE HAULING COMPANY, a corporation, 959 Bankhead Avenue, Atlanta, Ga. 30318. Applicant's representative: James L. Flemister, 1026 Fulton Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Culvert pipe and tanks*, from points in Rockdale County, Ga., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee, under contract with ARMCO Steel Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 30844 (Sub-No. 257), filed July 29, 1968. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cake mixes, flour mixes, frosting mixes, and flour*, from Martel, Ohio, to points in Illinois, Wisconsin, Nebraska, Minnesota, Missouri, Kansas, Colorado, Oklahoma, Texas, Arkansas, Indiana, North Dakota, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Waterloo, Iowa, or Washington, D.C.

No. MC 30844 (Sub-No. 258), filed July 29, 1968. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products*, from Portsmouth, N.H., to points in Illinois, Indiana, Ohio, Michigan, Wisconsin, Kentucky, West Virginia, New York (except New York City and commercial zone), Pennsylvania (except Philadelphia and commercial zone). NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portsmouth, N.H., or Washington, D.C.

No. MC 32367 (Sub-No. 18) (Amendment), filed July 2, 1968, published in the FEDERAL REGISTER issue of July 18, 1968, amended and republished as amended this issue. Applicant: TED OCHSNER AND H. V. SPIELMAN, a partnership, doing business as RED AND WHITE TRANSFER, 607 South Burlington, Hastings, Nebr. 68901. Applicant's representative: Richard A. Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural and industrial machinery and equipment, and parts thereof*, between Hastings, Nebr., on the one hand, and, on the other, points in Montana, Wyoming, Colorado, North Dakota, South Dakota, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Illinois, Indiana, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Kentucky, Michigan, Tennessee, North Carolina, South Carolina, Alabama, Georgia, Florida, Mississippi, Louisiana, Arkansas, Wisconsin, Arizona, New Mexico, Nevada, California, Idaho, Utah, Washington, and Oregon; (2) *tubing*, from Delta, Ohio, to Hastings, Nebr., under contract with Western Land Roller Co., Hastings, Nebr.; and, (3) *truck bodies* from Hastings, Nebr., to Kalamazoo, Mich., under contract with E. R. Schwartz Manufacturing Co. NOTE: The purpose of this republication is to add the States of Montana, Wyoming, Colorado, North Dakota, South Dakota, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Illinois, and Indiana to the territorial description in (1), above. If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 35540 (Sub-No. 17), filed July 31, 1968. Applicant: SCHRODER'S EXPRESS, INC., 1550 Perin, Cincinnati, Ohio, 45204. Applicant's representative: Robert H. Kinker, Box 464, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's authority to and from Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 41098 (Sub-No. 29), filed July 26, 1968. Applicant: GLOBAL VAN LINES, INC., No. 1 Global Way, Anaheim, Calif. 92803. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Maine, Vermont, and New Hampshire, restricted to shipments having a prior or subsequent movement beyond said points, and (2) between points in Maine, Vermont, and New Hampshire, on the one hand, and, on the other, the port of Boston, Mass., restricted to shipments having a prior or subsequent movement beyond said port. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 41098 (Sub-No. 30), filed July 26, 1968. Applicant: GLOBAL VAN LINES, INC., No. 1 Global Way, Anaheim, Calif. 92803. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Massachusetts, Connecticut, and Rhode Island, restricted to shipments having a prior or subsequent movement beyond said points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 41098 (Sub-No. 31), filed July 26, 1968. Applicant: GLOBAL VAN LINES, INC., No. 1 Global Way, Anaheim, Calif. 92803. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Arizona and Nevada, restricted to shipments having a prior or subsequent movement beyond said points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 41098 (Sub-No. 32), filed July 26, 1968. Applicant: GLOBAL VAN LINES, INC., No. 1 Global Way, Anaheim, Calif. 92803. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Iowa and Minnesota, restricted to shipments having a prior or subsequent movement beyond said points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 41098 (Sub-No. 33), filed July 26, 1968. Applicant: GLOBAL VAN LINES, INC., No. 1 Global Way, Anaheim, Calif. 92803. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in North Dakota, South Dakota, and Wyoming, restricted to shipments having a prior or subsequent movement beyond said points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 50069 (Sub-No. 406), filed July 31, 1968. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood, Oregon, Ohio 43616. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resins*, in bulk, in tank vehicles, from Chicago, Ill., to points in Mississippi. NOTE: Common control and dual authority may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 50307 (Sub-No. 44), filed July 25, 1968. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N.Y. 10001. Applicant's representative: Herbert Burstein, 160 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture thereof, between the New York, N.Y., commercial zone, on the one hand, and, on the other, Keyser, W. Va., restricted to shipments originating at or destined to the plantsite of Keyser Garment Co., located at Keyser W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 52869 (Sub-No. 88), filed July 29, 1968. Applicant: NORTHERN TANK LINE, a corporation, Post Office Box 970, Miles City, Mont. 59301. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Richland County, Mont., to points in North Dakota and South Dakota. NOTE: Applicant states that it presently holds authority to transport crude petroleum from Richland County, Mont., to western North Dakota and jet fuel from a pipeline terminal near Sidney, Mont., to points in North Dakota. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 57239 (Sub-No. 12), filed July 29, 1968. Applicant: RENNER'S EXPRESS, INC., 1350 South West Street, Indianapolis, Ind. 46206. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with carrier's authorized regular route operations, to and from Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 59194 (Sub-No. 12) (Correction), filed July 16, 1968, published FEDERAL REGISTER issue of August 1, 1968, corrected as republished as corrected this issue. Applicant: EASTERN FREIGHT WAYS, INC., Eastern and Moonachie Avenues, Carlstadt, N.J. 07072. Applicant's representative: Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Business forms, and materials, and supplies* used or useful in their manufacture, serving the plantsite of Moore Business Forms, Inc., at or near Thurmont, Md., as an off-route point in connection with applicant's presently authorized regular-route operations between Washington, D.C. and Philadelphia, Pa. NOTE: the purpose of this republication is to show the correct docket number as MC 59194 (Sub-No. 12) in lieu of MC 59154 (Sub-No. 12) as previously published. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 59317 (Sub-No. 7), filed July 31, 1968. Applicant: BISOM TRUCK LINE, INC., 725 First Street, Newton, Iowa 50208. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Garbage disposal units, and parts therefor*, from Newton, Iowa, to points in Illinois, Minnesota, Nebraska, South Dakota and Wisconsin. NOTE: Applicant intends to tack at Moorhead, Minn., to provide service to Fargo, N. Dak. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 60087 (Sub-No. 10), filed July 9, 1968. Applicant: CURRY MOTOR FREIGHT LINES, INC., 700 Northeast Third Street, Amarillo, Tex. 79105. Applicant's representative: Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. 79101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) between Hale Center, Tex., and junction U.S. Highway 87 and Texas Highway 54, from Hale Center over Texas Highway 1914 to junction Texas Highway 179 (formerly Texas Highway 594), thence south over Texas Highway 179 via Cotton Center to junction Texas Highway 54, thence east over Texas Highway 54 to junction U.S. Highway 87, and return over the same route, serving all intermediate points; (2) (a) between Mason and Menard, Tex., over Texas Highway 29, (b) between Mason and Junction, Tex., over U.S. Highway 377, and (c) betwen Fredericksburg and Kerrville, Tex., over Texas Highway 16, as an alternate route for operating convenience only in 2 (a), (b), and (c) above, serving no intermediate points; (3) between Abernathy and Floydada, Tex., from Abernathy over U.S. Highway 87 to junction Texas Highway 54, thence east over Texas Highway 54 via Petersburg to Floydada, and return over the same route, serving all intermediate points; (4) between Lubbock and Floydada, Tex., over U.S. Highway 62 via Idalou, Lorenzo, Ralls, and Cone, Tex., serving all intermediate points and the off-route point of Crosbyton; (5) between San Angelo and Sonora, Tex., over U.S. Highway 277 via El Dorado, Tex., serving all intermediate points; (6) betwen Ingram, Tex., and junction U.S. Highway 83 and Texas Highway 39, over Texas Highway 39, serving all intermediate points and the off-route points of summer and winter camps and business establishments lying adjacent to said Texas Highway 39 between Hunt, Tex., and the junction of Texas Highway 39 and U.S. Highway

83 (7) between Odessa, Tex., and Odessa, Tex., in a circuitous manner, from Odessa over U.S. Highway 385 to junction U.S. Highway 67, thence over U.S. Highway 67 to Rankin, Tex.

Thence over Texas Highway 349 to Iraan, Tex., thence west over Texas Highway 29 to junction U.S. Highway 290, thence over U.S. Highway 290 to Fort Stockton, Tex., thence over Texas Highway 18 to Royalty, Tex., thence return over Texas Highway 18 to junction Texas Highway 329, thence over Texas Highway 329 to Crane (also from Grandfalls over Texas Farm Road 11 to Imperial, thence over Texas Highway 1053 to junction Texas Highway 329, thence over Texas Highway 329 to Crane as indicated above), and thence from Crane over U.S. Highway 385 to Odessa, and return over the same routes, serving all intermediate points including all plants and installations whose main access is from any of the above described portions of the highways indicated above; (8) between junction U.S. Highways 83 and 87 at or near Eden, Tex., and Robert Lee, Tex., from Eden over U.S. Highway 87 to San Angelo, thence over Texas Highway 208 to Robert Lee, and return over the same route, as an alternate route, serving no intermediate or off-route points which are not presently authorized to be served by applicant. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Amarillo or Dallas, Tex.

No. MC 61396 (Sub-No. 206), filed July 26, 1968. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Omaha, Nebr. 68103. Applicant's representatives: D. G. Herman, Post Office Box 189, Omaha, Nebr. 68101, and Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement and dry mixed cement*, from the plantsite of United Cement Co. in Memphis, Tenn., to points in Mississippi, Arkansas, Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 61592 (Sub-No. 120), filed July 25, 1968. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: R. Connor Wiggins, Jr., 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, agricultural implements, farm machinery and parts, and attachments* thereof, from Thibodaux, La., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it may tack the proposed authority with its present authority in MC 61592 Sub 48. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 62826 (Sub-No. 21), filed July 24, 1968. Applicant: CAROLINA-NORFOLK TRUCK LINE, INC., 1405 Gordon Avenue, Richmond, Va. 23224. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving points in North Carolina located on or north of a line beginning at the Atlantic Ocean, at or near Wrightsville Beach, thence over U.S. Highway 74 to Wilmington, thence on or east of a line beginning at Wilmington over U.S. Highway 117, to Goldsboro, thence over U.S. Highway 13 to Williamston, thence on or south of a line beginning at Williamston over U.S. Highway 17 to Washington, thence along the north shore of the Pamlico River to Pamlico Sound, thence through the Ocracoke Inlet to the Atlantic Ocean, as off-route territory in connection with applicant's regular routes extending between Williamston, N.C., to Wilmington, N.C., over U.S. Highway 17; (also over U.S. Highway 13 to Goldsboro, N.C., thence over U.S. Highway 117 to Wilmington). Restriction: (1) No freight to be picked up or delivered under this authority, between Kinston and Beaufort, N.C., over U.S. Highway 70, including Cherry Point Marine Air Station, except as may be otherwise authorized. (2) All traffic handled on the foregoing must move through Wilson, N.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Washington, D.C.

No. MC 64994 (Sub-No. 101), filed July 26, 1968. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Applicant's representative: B. M. Shirley, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except dangerous explosives and except petroleum products in tank trucks, livestock, sand, gravel and coal in bulk, serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with carriers regular route operations to and from Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 69036 (Sub-No. 7), filed July 25, 1968. Applicant: REVELL TRANSIT LINES, INC., Shenandoah, Iowa. Applicant's representative: Donald E. Leonard, Box 2028, 605 South 14th Street, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment, serving points in Mills, Fremont, Montgomery, Page, and Taylor Counties, Iowa, as off-route points to applicant's presently held regular route authority in certificate No. MC 69036. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 76436 (Sub-No. 35), filed July 25, 1968. Applicant: SKAGGS TRANSFER, INC., 2400 Ralph Avenue, Louisville, Ky. 40216. Applicant's representative: Rudy Yessin, Post Office Box 457, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with present operations at Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 76467 (Sub-No. 1), filed July 26, 1968. Applicant: SHARKIE'S TRUCKING SERVICE, INC., 829 Newark Avenue, Elizabeth, N.J. 07208. Applicant's representative: Paul J. Keeler, Post Office Box 253, South Plainfield, N.J. 07080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum foil*, paper backed, over 30 pounds, between New York, N.Y., on the one hand, and, on the other, Englishtown, Monmouth County, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 83322 (Sub-No. 4), filed July 31, 1968. Applicant: MORRIS OBLIGEN, doing business as LINKS TRUCKING, 1239 De Kalb Avenue, Brooklyn, N.Y. 11221. Applicant's representative: Charles H. Trayford, 137 East 36th Street, New York, N.Y. 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Knitting machinery and parts*, uncrated, from New York, N.Y., to points in Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 93944 (Sub-No. 6), filed July 25, 1968. Applicant: DANELLA BROS., INC., 250 Diamond Avenue, Norristown, Pa. 19401. Applicant's representative: Theodore Polydoroff, 917 Munsey Building, 1329 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinyl plastic coated stone; and sand and gravel*, from points in Northampton County, Pa., to points in New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 95540 (Sub-No. 733), filed July 5, 1968. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, and those of unusual value), (1) between Savannah, Ga., and San Diego, Calif., over U.S. Highway 80, (2) between Jacksonville, Fla., and Los Angeles, Calif., (a) from Jacksonville over U.S. Highway 90 to Van Horn, Tex., thence over U.S. Highway 80 to Las Cruces, N. Mex., thence over U.S. Highway 70 to Globe, Ariz., thence over U.S. Highway 60 to Los Angeles, and return over the same route, (b) over Interstate Highway 10, (3) between Savannah, Ga., and Key West, Fla., from Savannah over U.S. Highway 17 to Jacksonville, Fla., thence over U.S. Highway 1 to Key West and return over the same route, (4) between Columbus, Ga., and Miami, Fla., over U.S. Highway 27, (5) between Savannah, Ga., and Miami, Fla., over Interstate Highway 95, (6) between Macon, Ga., and Miami, Fla., (a) over U.S. Highway 41, (b) from Macon over Interstate Highway 75 to Wildwood, Fla., thence over the Sunshine Parkway to Miami, and return over the same route, (7) between Wildwood and Tampa, Fla., over Interstate Highway 75, (8) between Daytona Beach and St. Petersburg, Fla., over Interstate Highway 4, (9) between Statesboro, Ga. and Ocala, Fla., over U.S. Highway 301, (10) between Bainbridge and Brunswick, Ga., over U.S. Highway 84, (11) between Cusseta and Blichton, Ga., over U.S. Highway 280, (12) between Cuthbert and Midway, Ga., over U.S. Highway 82, (13) between Macon and Folkston, Ga., over U.S. Highway 23, (14) between junction U.S. Highways 80 and 19 (near Butler, Ga.), and St. Petersburg, Fla., over U.S. Highway 19, (15) between Lebanon Station and Dunnellon, Fla., over Florida Highway 336, (16) between Perry and Pensacola, Fla., over U.S. Highway 98, (17) between Panama City and Cottondale, Fla., over U.S. Highway 231, (18) between Lakeland and Punta Gorda, Fla., from Lakeland over U.S. Highway 98 to Bartow.

Thence over U.S. Highway 17 to Punta Gorda, and return over the same route, (19) between Fort Myers and West Palm Beach, Fla., from Fort Myers over Florida Highway 80 to junction U.S. Highway 27, thence over U.S. Highway 27 by South Bay and Belle Glade to junction U.S. Highway 441, thence over U.S. Highway 441 to West Palm Beach, and return over the same route, (20) between Tampa and Vero Beach, Fla., over Florida Highway 60, (21) between Bradenton and West Palm Beach, Fla., from Bradenton over Florida Highway 64 to junction Florida Highway 675, thence over Florida Highway 675 to junction Florida Highway 70, thence over Florida Highway 70 to junction Florida Highway 710, thence over Florida Highway 710 to West Palm Beach, and return over the same route, (22) between Ocala and Ormond Beach, Fla., over Florida Highway 40, (23) between San Diego and Crescent City, Calif., over U.S. Highway 101, (24) between Los Angeles and Weed, Calif., over U.S. Highway 99 and Interstate Highway 5, (25) between San Diego and Alturas, Calif., over U.S. Highway 395, (26) between San Francisco, Calif., and Reno, Nev., over Interstate Highway 80, (27) between Blythe and San Bernardino, Calif., from Blythe over U.S. Highway 95 to Needles, Calif., thence over U.S. Highway 66 to San Bernardino, and return over the same route, (28) between Santa Maria, and Greenfield, Calif., from Santa Maria over California Highway 166 to junction California Highway 33, thence over California Highway 33 to junction California Highway 119, thence over California Highway 119 to Greenfield, and return over the same route, (29) between Bakersfield and Barstow, Calif., over California Highway 58, (30) between Gilroy and Fairmead, Calif., over California Highway 152, (31) between Ventura, Calif., and junction California Highways 33 and 152, over California Highway 33, (32) between San Jose and Stockton, Calif., from San Jose over Interstate Highway 680 to junction U.S. Highway 50.

Thence over U.S. Highway 50 to Stockton, and return over the same route, and (33) between Mobile, Ala., and Jackson, Miss., from Mobile over U.S. Highway 98 to Hattiesburg, Miss., thence over U.S. Highway 49 to Jackson, and return over the same route, serving Mobile, Ala., and Jackson, Miss., for purpose of joinder only. Service will be performed at all intermediate points on the above described routes in Georgia, Florida, and California. All points in Georgia on and south of Highway 80, those in Florida and those in California not on the above described route will be served as off-route points in connection with the otherwise authorized routes. No local operations will be performed between points in Georgia, between points in Florida, between points in California or between points in Georgia and those in Florida. NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests that it commence at Los Angeles, Calif., and conclude at Tampa, Fla.

No. MC 102616 (Sub-No. 828), filed July 29, 1968. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. 17405. Applicant's representative: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bisphenol A*, in bulk, between Mount Vernon, Ind., and Natrium, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 103051 (Sub-No. 220), filed July 24, 1968. Applicant: FLEET TRANSPORT COMPANY, INC., 1000 44th Avenue North, Post Office Box 7645, Nashville, Tenn. 37209. Applicant's representative: R. J. Reynolds, Jr., 604–09 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, nitric acid, anhydrous ammonia, and nitrogen solutions*, from points in Hertford County, N.C., to points in South Carolina, West Virginia, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, and Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Washington, D.C.

No. MC 103721 (Sub-No. 15). Applicant: RAYMOND B. LONG, INC., Ridge Road, Tylersport, Pa. 18971. Applicant's representative: Theodore Polydoroff, 917 Munsey Building, 1329 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinyl plastic coated stone, and sand, and gravel*, from points in Northampton County, Pa., to points in New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 104832 (Sub-No. 9), filed August 1, 1968. Applicant: HOLMAN TRANSFER COMPANY, a corporation, 49 Southeast Clay Street, Portland, Oreg. 97214. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value and classes A and B explosives), in steamship cargo containers, between Portland, Oreg., and Vancouver, Wash., on the one hand, and, on the other, points in Oregon and Washington, restricted to shipments having a prior or subsequent movement by water. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 105678 (Sub-No. 24), filed July 26, 1968. Applicant: SECO TRUCKING CO., a corporation, 219 North Jackson, Mason City, Iowa 50401. Applicant's representative: Thomas F. Kilroy, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate* (other than for use as a fertilizer), from Neosho, Mo., to points in Arizona, Louisiana, New Mexico, Oklahoma, and Texas, restricted against transportation in bulk, in tank or hopper type vehicles, under contract with Atlas Chemical Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 106644 (Sub-No. 90) (Amendment), filed July 5, 1968, published in the FEDERAL REGISTER, issue of July 25, 1968, under MC 106644 Sub 89, and republished as amended and corrected, this issue. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30321. Applicant's representative: Guy H. Postell, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, cast iron pipe, cast iron pipe fittings and accessories, and steel pipe fittings, boilers, tanks, vessels, sheet steel, and metal stampings*, from points in Alabama to points in Texas. NOTE: The purpose of this republication is to reflect (1) the

correct sub-number assigned as Sub 90 erroneously shown as Sub 89 in the previous publication, and (2) a broadening in the scope of the application pursuant to an amendment dated August 2, 1968. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 107064 (Sub-No. 67), filed July 30, 1968. Applicant: STEERE TANK LINES, INC., 2808 Fairmount Street, Post Office Box 2998, Dallas, Tex. 75201. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer materials*, from points in Hale County, Tex., to points in Nevada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 107295 (Sub-No. 124), filed August 2, 1968. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mark Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete roof slabs, floor slabs, joists, purlins, columns, beams, and wall panels*, from points in Winnebago County, Wis., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 107715 (Sub-No. 4), filed July 24, 1968. Applicant: VERNON LIVESTOCK TRUCKING COMPANY, INC., 3308 Bandini Boulevard, Los Angeles, Calif. 90023. Applicant's representative: Richard Minne and Bob Barker, 609 Luhrs Building, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm products* (other than those suitable for human consumption) *grain, feed, salt, potatoes and fertilizer*, in lots of 10,000 pounds or over, and *cement*, in lots of 40,000 pounds or over, from points in Los Angeles, Orange, Kern, San Bernardino, Riverside, and Imperial Counties, Calif., to points in Arizona. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pheonix, Ariz.

No. MC 108207 (Sub-No. 246), filed July 29, 1968. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salads*, from Dallas, Tex., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, Ohio, Memphis, Tennessee, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 109612 (Sub-No. 20), filed July 22, 1968. Applicant: LEE MOTOR LINES, INC., Post Office Box 728, Muncie, Ind. 47305. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures therefor, paper boxes and partitions*, from Streator, Ill., to points in Indiana, Kentucky and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 110525 (Sub-No. 872), filed July 24, 1968. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant) and Leonard A. Jackiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum grease*, in bulk, in tank vehicles, and *petroleum oils*, in bulk, in tank vehicles, in mixed loads with petroleum grease, from the plantsite of the Sun Oil Co., at Marcus Hook, Pa., to points in Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110683 (Sub-No. 45), filed July 24, 1968. Applicant: SMITH'S TRANSFER CORPORATION OF STAUNTON, VA., Post Office Box No. 1000, Staunton, Va. 24401. Applicant's representative: James W. Lawson, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, from the plantsites and warehouses of the Pillsbury Corp. in New Albany, Ind., and the commercial zone thereof, as defined by the Commission, to points in Pennsylvania, Virginia, North Carolina, South Carolina, and Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110683 (Sub-No. 46), filed July 24, 1968. Applicant: SMITH'S TRANSFER CORPORATION OF STAUNTON, VA., Post Office Box No. 1000, Staunton, Va. 24401. Applicant's representative: James W. Lawson, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the plantsite of the Ford Motor Co. at the intersection of Westport Road and Murphy Lane, Jefferson County near Louisville, Ky., as an off-route point in connection with applicant's presently authorized operations to and from Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Detroit, Mich.

No. MC 112617 (Sub-No. 250), filed July 29, 1968. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville, Ky. 40205. Applicant's representative: Leonard A. Jaskiewicz, 600 Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Robertson County, Tenn., to points in Alabama, Arkansas, Georgia, Kentucky, Indiana, Illinois, Michigan, Missouri, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, and Virginia. NOTE: Applicant states that it intends to tack with its present authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Birmingham, Ala.

No. MC 113828 (Sub-No. 150), filed July 24, 1968. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representative: Fred H. Daly, Federal Bar Building West, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, nitric acid, anhydrous ammonia, and nitrogen solutions*, from points in Hertford County, N.C., to points in South Carolina, West Virginia, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, and Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114949 (Sub-No. 1) (Amendment), filed June 21, 1968. Published FEDERAL REGISTER issue of July 18, 1968, under docket No. MC 133005, amended July 23, 1968, and republished as amended this issue. Applicant: APPOMATTOX TRUCKING COMPANY, INCORPORATED, Post Office Box 714, Appomattox, Va. 24522. Applicant's representative: Bolling Lambeth, Harrison Building, East Main Street, Post Office Box 236, Bedford, Va. 24523. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Drakes Branch and Appomattox, Va., to points in Michigan, Illinois, Kentucky, Indiana, and Tennessee, under contract with Stanley Land & Lumber Corp. NOTE: The purpose of this republication is to change common carrier operation to contract carrier operation. If a hearing is deemed necessary, applicant requests it be held at Lynchburg, Richmond, or Roanoke, Va.

No. MC 115331 (Sub-No. 257), filed July 31, 1968. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, Mo. 63111. Applicant's representative: Thomas F. Kilroy, 913 Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Prepared animal and poultry feed and feed ingredients*, from East St. Louis, Ill., to points in Iowa, Missouri, Indiana, Kentucky, Arkansas, Illinois, Kansas, Oklahoma, Mississippi, and Tennessee. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 115491 (Sub-No. 111), filed August 2, 1968. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Post Office Box 67, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid plastics* from points in Polk County, Fla., to points in Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Tampa or Miami, Fla.

No. MC 115831 (Sub-No. 10), filed July 24, 1968. Applicant: TIDEWATER TRANSIT COMPANY, INC., Post Office Box 585, Kinston, N.C. 28501. Applicant's representative: John C. Bradley, 618 Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials, nitric acid, anhydrous ammonia, and nitrogen solutions*, from points in Hertford County, N.C., to points in Delaware, Georgia, Maryland, New Jersey, Pennsylvania, South Carolina, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Washington, D.C.

No. MC 117589 (Sub-No. 7), filed July 24, 1968. Applicant: CLARKS'S FROZEN EXPRESS, INC., 2535 Airport Way South, Seattle, Wash. 98134. Applicant's representative: George R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles* distributed by meat packinghouses as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, and (2) *pizza crust and products*, from Greeley, Colorado Springs, and Denver, Colo., to points in Oregon, Washington, and Idaho. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 117980 (Sub-No. 4), filed July 29, 1968. Applicant: WILLIAM BADGIO & SONS, INC., 291 Green Street, Brockton, Mass. Applicant's representative: Mary Kelley, 10 Tremont Street, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Fall River, Mass., and Baltimore, Md., to Brockton, Worcester, Cambridge, and New Bedford, Mass.; Providence, R.I., and Manchester, N.H. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 118776 (Sub-No. 10), filed July 25, 1968. Applicant: C. L. CONNORS, INC., Post Office Box 712, Quincy, Ill. 62301. Applicant's representative: Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Moulding sand bonded*, from Aurora, Ill., to points in the United States (except Hawaii, Alaska, Washington, Oregon, California, Arizona, Utah, Idaho, and Nevada). NOTE: Applicant holds contract carrier authority under Docket No. MC 124459 and Sub-No. 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 119268 (Sub-No. 74), filed July 25, 1968. Applicant: OSBORN, INC., 125 Milton Avenue SE., Atlanta, Ga. 30315. Applicant's representative: John P. Carlton, 325–29 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Wisconsin to points in Kentucky, Virginia, Tennessee, North Carolina, South Carolinia, Mississippi, Alabama, Georgia, and Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 119531 (Sub-No. 89), filed July 31, 1968. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chlorine*, in steel containers, from Painesville, Ohio, and points within 5 miles thereof, to points in that part of Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 11 to junction U.S. Highway 15, thence along U.S. Highway 15 to Pennsylvania-Maryland State line; also Parkersburg, W. Va., and empty steel chlorine containers, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Chicago, Ill.

No. MC 119654 (Sub-No. 7), filed July 24, 1968. Applicant: HI-WAY DISPATCH, INC., 26th Street and Bypass, Marion, Ind. 46952. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps, covers and tops* therefor and *fibreboard boxes*, from Dunkirk, Ind., to points in Illinois, Michigan, Wisconsin, Ohio, Kentucky, and St. Louis, Mo., and *damaged or rejected shipments* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 120582 (Sub-No. 3), filed July 29, 1968. Applicant: McMINNVILLE FREIGHT LINE, INC., Morrison Road, McMinnville, Tenn. 37110. Applicant's representative: Walter Harwood, 515 Nashville Bank & Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, and articles requiring special equipment), (1) between Manchester and Nashville, Tenn., over U.S. Highway 41 and Interstate Highway 24, serving all intermediate points between Murfreesboro and Manchester, but not including Murfreesboro; and (2) between Nashville, Fairfield, Wartrace, and Bell Buckle, Tenn., from Nashville over U.S. Highway 41 and/or Interstate Highway 24 to their junction with Tennessee Highway 82, thence over Tennessee Highway 82 to Bell Buckle; and over Tennessee Highway 64 to Fairfield and Wartrace; and thence over unnumbered road between Bell Buckle and Wartrace, serving all intermediate points on Tennessee Highways 82 and 64. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 123067 (Sub-No. 70), filed July 25, 1968. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Applicant's representative: B. M. Shirley, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Salt*, dry, in bulk, from Goldsboro, N.C., to points in North Carolina and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124078 (Sub-No. 338), filed July 25, 1968. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Superior, Ohio, to points in Spencer, Nelson, Marion, Taylor, Adair, Russell, and McCreary Counties, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124324 (Sub-No. 13), filed July 26, 1968. Applicant: MURPHY TRUCKING CO., INC., Denver, Ind. Applicant's representative: Alki E. Scopelitis, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from points in Illinois to points in Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 124411 (Sub-No. 9), filed July 31, 1968. Applicant: SULLY TRANSPORT, INC., Sully, Iowa 50251. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite and storage facilities of Central Farmers Fertilizer Co., located at or near Albany, Ill., to points in Iowa, Illinois, Minnesota, Wisconsin, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 124813 (Sub-No. 56), filed July 31, 1968. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, from points in Wisconsin to points in Minnesota. NOTE: Applicant holds contract carrier authority under docket No. MC 118468 (Sub-No. 16) and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Des Moines, Iowa.

No. MC 125114 (Sub-No. 2), filed July 25, 1968. Applicant: COMMERCIAL TRANSPORT, INC., 2349 Lakeside Drive, Lynchburg, Va. 24501. Applicant's representative: Frank B. Hand, Jr., 12000 Leesburg Pike, Herndon, Va. 22070. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Structural steel, reinforcing steel, aluminum, and other structural material equipment, which because of size, weight or shape, requires the use of special equipment to load, unload or transport, and of accessories used in the installation thereof;* and, (2) *trash or garbage compaction equipment and conveying or dumping containers used in connection with said equipment*, from Lynchburg, Va., and points in Amherst and Campbell Counties, Va., to points in Delaware, Maryland, New Jersey, North Carolina, Ohio, Kentucky, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states it holds authority as a contract carrier in MC 115708, Sub-No. 1, which partially duplicates part (1) of this application which applicant states it is willing to surrender if authority is granted to perform such service as a common carrier. If a hearing is deemed necessary, applicant requests it be held at Lynchburg or Roanoke, Va.

No. MC 126838 (Sub-No. 3), filed July 26, 1968. Applicant: EARNEST J. RUGH, JR., doing business as CLARENCE F. GUTHRIE HAULING SERVICE, Rural Delivery No. 2, Box 341, Canonsburg, Pa. 15317. Applicant's representative: Ronald Leslie, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed limestone*, in bags, from Ashcom, Pa., to Triadelphia, Moundsville, and Short Creek, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 127616 (Sub-No. 14), filed July 29, 1968. Applicant: HANSON M. SAVAGE, doing business as SAVAGE TRUCKING COMPANY, Chester Depot, Vt. 05144. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from points in Orange County, Vt., to Berlin, N.H., and Mechanicville, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt.

No. MC 128383 (Sub-No. 3), filed July 26, 1968. Applicant: PINTO TRUCKING SERVICE, INC., 1219 Morris Street, Philadelphia, Pa. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk, (1) from John F. Kennedy International Airport, New York, N.Y., to Philadelphia International Airport, Philadelphia, Pa., and (2) from Philadelphia International Airport, Philadelphia, Pa., to Newark Airport, Newark, N.J. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 128866 (Sub-No. 4), filed July 25, 1968. Applicant: B&B TRUCKING, INC., Post Office Box 128, Cherry Hill, N.J. 08034. Applicant's representative: Daniel L. O'Connor, 1815 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum foil or sheet*, from South Lebanon, Pa., to Searcy, Ark., (2) *scrap aluminum, rejected or damaged, foil or sheet and aluminum cores*, from Searcy, Ark., to South Lebanon, Pa., and Cherry Hill, N.J., and (3) *aluminum food containers*, from Searcy, Ark., to Cherry Hill, N.J., and Crozet, Va., under contract with Penny Plate, Inc., of Cherry Hill, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129448 (Sub-No. 2), filed July 25, 1968. Applicant: UNIVERSAL AIRCRAFT SERVICE, INC., Willow Run Airport, Hangar No. 2, Ypsilanti, Mich. 48197. Applicant's representative: Miss Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the Greater Rockford, Ill., Airport, on the one hand, and, on the other, Janesville, Wis., restricted to traffic having an immediately prior or subsequent movement by air, under contract with Universal Airlines, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 129764 (Sub-No. 1), filed July 29, 1968. Applicant: HENRY ALLEN HASTINGS, doing business as H. A. HASTINGS, 110 Howard Avenue, Hebron, Md. 21830. Applicant's representative: Theodore J. Martineau, 1035 Land Title Building, Philadelphia, Pa. 19110. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, between points in Wicomico County, Md., on the one hand, and, on the other, Spring Grove, York County, Pa., under contract with the Glatfelter Pulp Wood Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md., or Philadelphia, Pa., or Washington, D.C.

No. MC 129834 (Sub-No. 2), filed July 29, 1968. Applicant: LOUIS L. OWENS, doing business as O. C. O. TRUCKING, Route 2, Box 5408 B, Anderson, Calif. 96007. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel corrugated culvert pipe*, from Reading, Calif., to points in Oregon, under contract with Pacific Corrugated Culvert Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 129956 (Sub-No. 1), filed July 29, 1968. Applicant: HANKAL & OLSON, INC., Route No. 2, Verona, Wis. 53593. Applicant's representative: Robert J. Kay, Suite 500, 433 West Washington Avenue, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Manufactured dairy products, chocolate drinks, and fruit drinks* from Madison, Wis., to Lansing, Mich. and Harvey, Ill.; (2) *concentrated fruit drink bases and chocolate drink bases* from Bensonville, Ill., to Madison, Wis.; (3) *soda pop in cans and bottles* from Maywood, Ill., to Madison, Wis.; and (4) *manufactured milk cartons* from Aurora, Ill., to Madison, Wis., under contract with Bowman Farm Dairy, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 129990 (Sub-No. 1), filed July 23, 1968. Applicant: AL GAZZOLLE & SONS, INC., Pier 26 North River, New York, N.Y. 10009. Applicant's representative: Charles H. Trayford, 137 East 36th Street, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automotive parts* such as electrical, ignition and fuel injection; *car radios, industrial power tools, test benches and equipment* for above products and parts thereof, packed in overseas containers, between steamship piers in New York Harbor, N.Y., including but not limited to Port Newark, Jersey City, and Weehawken; and Woodbury, N.Y., under contract with Robert Bosch Corp. and Peter H. Berg, Inc.; and (2) *cellulose film*, not nitrated nor printed, in overseas steamship containers, between steamship piers in New York Harbor, N.Y., including but not limited to Port Newark, Jersey City, Weehawken, and Glen Cove, N.Y., under contract with Robert Bosch Corp., and Peter H. Berg, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133033, filed July 16, 1968. Applicant: WESLEY C. HOWARD, doing business as FAST FLEET EXPRESS, 15 Bancroft Street, Worcester, Mass. Applicant's representative: Leonard Sternbane, 306 Main Street, Worcester, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products, fish and fish products and articles included in the preparation and delivery of the meat and fish products and meat and fish and alcoholic beverages*, between points in Massachusetts, Maine, Vermont, New Hampshire, Rhode Island, Connecticut, Nebraska, Iowa, Illinois, Kansas, Missouri, New York, Wisconsin, North Dakota, South Dakota, Indiana, Minnesota, Oklahoma, Michigan, Ohio, and Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at Worcester, Boston, or Springfield, Mass.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 404), filed July 29, 1968. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage in the same vehicle with passengers*, in special operations, in round-trip, sightseeing, and pleasure tours, beginning and ending at points in Union County, N.J. (except Elizabeth, N.J.), and extending to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, New York (except New York City), Tennessee, and District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 29890 (Sub-No. 34) (Correction), filed June 7, 1968, published in FEDERAL REGISTER issue of July 4, 1968, and republished as corrected this issue. Applicant: ROCKLAND COACHES, INC., 126 North Washington Avenue, Bergenfield, N.J. 07621. Applicant's representative: S. S. Eisen, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, (1) between points in Montvale, N.J., from junction Grand Avenue with Railroad Avenue over Grand Avenue to junction Garden State Parkway (Interchange No. 172); and return over the same route, serving all intermediate points. NOTE: On an intermediate segment of this route, the south half of Grand Avenue lies in Park Ridge, N.J., (2) between points in River Vale, N.J., from junction Rivervale Road (formerly River Vale Avenue) with Old Tappan Road West, over Rivervale Road to junction Piermont Avenue, and return over the same route, serving all intermediate points, (3) between points in Harrington Park, N.J., from junction Harriot Avenue with Carman Road, over Harriot Avenue to junction Schraalenburgh Road, and return over the same route serving all intermediate points, (4) between Northvale and Rockleigh, N.J., from junction Paris Avenue with Livingston Street in Northvale, over Paris Avenue to junction Piermont Road in Rockleigh, and return over the same route, serving all intermediate points, (5) between points in Rockleigh, N.J., from junction Piermont Road with King Road, over King Road, Pomd Road, and Link Drive to junction Piermont Road, and return over the same route, serving all intermediate points, (6) between points in Englewood, N.J., from junction Engle Street with Hudson Avenue, over Hudson Avenue to North Dean Street, thence over North Dean Street and South Dean Street to Van Nostrand Avenue thence over Van Nostrand Avenue to junction Grand Avenue, and return over the same route, serving all intermediate points, and (7) between Secaucus and North Bergen, N.J., from junction southbound New Jersey Turnpike (Interstate Highway 95) with access road to Interstate Highway 495 in Secaucus, over access road and Interstate Highway 495 to present route on New Jersey Highway 3 (Interstate Highway 495) in North Bergen, N.J., and return over Interstate Highway 495 and access road to northbound New Jersey Turnpike, thence over northbound New Jersey Turnpike to present route on New Jersey Turnpike (at New Jersey Highway 3), as an alternate route, for operating convenience only, serving no intermediate points. NOTE: Applicant proposes to tack the various segments of authority here sought with its existing authority in docket No. MC 29890 and sub numbers thereunder. The purpose of this republication is to more clearly set forth the route descriptions in Nos. (6) and (7) above. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 74761 (Sub-No. 14), filed July 29, 1968. Applicant: TAMIAMI TRAIL TOURS, INC., 455 East 10th Avenue, Hialeah, Dade County, Fla. Applicant's representative: James E. Wharton, 506 First National Bank Building, Post Office Box 231, Orlando, Orange County, Fla. 32802. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, newspapers and express*, in the same vehicle with passengers, (1) between Bunnell and Gainesville, Fla., from Bunnell over Florida Highway 100 to Palatka, Fla., thence over Florida Highway 20 to Gainesville, and return over the same route, serving all intermediate points; (2) between Gainesville and Fannin Springs, Fla., from Gainesville, over Florida Highway 26 to junction U.S. Highways 19 and 98 near Fannin Springs, Fla., and return over the same route, serving all intermediate points; (3) between junction Florida Highway 15 and U.S. Highway 441 near Ashton, Fla., and Kissimmee, Fla., from junction Florida Highway 15 and U.S. Highway 441 near Ashton, Fla., over U.S. Highway 441 to Kissimmee, Fla., serving all intermediate points, (4) between Dunnellon and Ocala, Fla., from Dunnellon over U.S. Highway 41 to junction Florida Highway 40, thence over Florida Highway 40 to Ocala, and return over the same route, serving all intermediate points, and (5) between Ocala and Williston, Fla., over U.S. Highway 27, serving all intermediate points. NOTE: Applicant presently has pending in MC 74761 (Sub-No. 12), an application for certain regular route authority that would be relevant to the instant application in that applicant seeks authority between Kissimmee, Fla., and Orlando, Fla., over U.S. Highway 441. Said authority if granted would connect at Kissimmee, Fla., the authority sought herein between Kissimmee and Ashton, Fla. If a hearing is deemed necessary, applicant requests it be held at Ocala and Gainesville, Fla.

No. MC 95622 (Sub-No. 2), filed July 31, 1968. Applicant: E. WILLIS AVERY, ROSE AVERY, MILLARD AVERY, RAYMOND AVERY, AND FRANK AVERY, a partnership, doing business as AVERY TRANSPORTATION, Beach Lake, Pa. 18405. Applicant's representative: William C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip, charter operations, beginning and ending at points in Pike and Wayne Counties, Pa., and extending to points in Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, North Carolina, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Scranton or Wilkes-Barre, Pa., or New York, N.Y.

No. MC 129976 (Sub-No. 2), filed July 30, 1968. Applicant: WARWICK-GREENWOOD LAKE AND NEW YORK TRANSIT, INC., 730 Madison Avenue, Paterson, N.J. 07501. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Wayne, N.J., and New York, N.Y., for the account of Union Camp Corp. NOTE: Applicant has authorized common passenger carrier authority under MC 123577 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 88082 (Sub-No. 7), filed July 31, 1968. Applicant: ST. MARYS TRUCKING CO., INC., 1417 Hart Street, Post Office Box 765, Vincennes, Ind. 47591. Applicant's representative: Earl J. Thomas, 5850 North High Street, Worthington, Ohio 43085. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paperboard and paperboard products*, (1) from St. Marys, Ohio, to points in Illinois, Indiana, and West Virginia; (2) from Terre Haute, Ind., to points in Ohio and West Virginia.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9725; Filed, Aug. 14, 1968; 8:45 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 12, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40), and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41415—*Fumaric Acid to Savannah and West Savannah, Georgia.* Filed by Traffic Executive Association–Eastern Railroads, agent (E.R. No. 2920), for interested rail carriers. Rates on acid, fumaric, in bulk in covered hopper cars, in carloads, from specified points in Pennsylvania, to Savannah and West Savannah, Ga.

Grounds for relief—Market competition.

Tariff—Supplement 213 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C–334.

By the Commission

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-9790; Filed, Aug. 14, 1968; 8:48 a.m.]

[No. 35018]

ARKANSAS INTRASTATE FREIGHT RATES AND CHARGES

AUGUST 5, 1968.

Notice is hereby given that the common carriers by railroad shown below have, through their attorneys, filed a petition with the Interstate Commerce Commission, pursuant to section 13 of the Interstate Commerce Act, to institute an investigation under modified procedure to determine whether intrastate rates, fares, and charges (including switching charges), within the State of Arkansas are unreasonably low to the extent that they do not reflect the general increase authorized in Ex Parte No. 256, Increased Freight Rates, 1967, 332 ICC 280 (1968), 329 ICC 854 (1967), and the increase on interstate switching charges authorized in Special Permission Docket No. 39013. The petitioners are Ashley, Drew & Northern Railway Co.; Chicago, Rock Island, and Pacific Railroad Co.; The Kansas City Southern Railway Co.; Louisiana & Arkansas Railway Company; the Louisiana and North West Railroad Co.; Missouri Pacific Railroad Co.; The Prescott and Northwestern Railroad Co.; Reader Railroad; St. Louis-San Francisco Railway Co.; St. Louis Southwestern Railway Co.; Warren & Saline River Railroad Co.

Any persons interested in any of the matters in the petition may, on or before 30 days from the publication of this notice in the FEDERAL REGISTER, file replies to the petition supporting or opposing the determination sought. An original and 15 copies of such replies must be filed with the Commission and must show service of two copies upon Mr. Harry B. LaTourette, General Attorney, St. Louis Southwestern Railway Co., 1517 West Front Street, Tyler, Tex. 74701.

Notice of the filing of this petition will be given by publication in the FEDERAL REGISTER.

H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-9791; Filed, Aug. 14, 1968; 8:48 a.m.]

[S.D. 994; ICC Order No. 14; Amdt. 1]

BELT RAILWAY COMPANY OF CHICAGO

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 14 (Belt Railway Company of Chicago) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 14 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., August 23, 1968, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., August 9, 1968, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 9, 1968.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 68-9792; Filed, Aug. 14, 1968; 8:48 a.m.]

[Notice 667]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 9, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR, Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 20802 (Sub-No. 4 TA) (Correction), filed July 29, 1968, published FEDERAL REGISTER issue of August 3, 1968, and republished as corrected. Applicant: WHEELER MOTOR EXPRESS, INCORPORATED, 279 Lake Shore Drive West, Dunkirk, N.Y. 14048. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities limited to shipments weighing not more than 5,000 pounds each*, between Barcelona, N.Y., and Jamestown, N.Y.: (a) From Barcelona over New York Highway 17 to Jamestown and (b) from Barcelona over New York Highway 17 in Mayville, N.Y., thence over New York Highway 17 to Jamestown, and return over the same route, serving all intermediate points and the off-route points in New York of: Ashville, Blockville, Clymer, Findley Lake, North Clymer, Panama, Sherman, and Stedman, for 150 days. NOTE: Applicant would continue its interline arrangements with approximately 50 carriers, including motor carriers, airlines, and freight forwarders. Interline takes place at Buffalo, N.Y., and Jamestown, N.Y. The purpose of this republication is to add route (a) above. Supporting shippers: There are approximately (16) statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, N.Y. 14203.

No. MC 29555 (Sub-No. 52 TA), filed August 7, 1968. Applicant: BRIGGS TRANSPORTATION CO., 2360 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Winston W. Hurd (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, with the usual exceptions, serving Jackson County Iron Mine, 6 miles east of Black River Falls, Wis., as an off-route point in connection with applicant's authorized regular route operations, for 180 days. Supporting shipper: Dravo Corp., Pittsburgh, Pa. 15225. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and United States Court House, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 50307 (Sub-No. 45 TA), filed August 6, 1968. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N.Y. 10001. Applicant's representative: Zelby & Burstein, 160 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies*, used in the manufacture thereof, between points in the New York commercial zone, N.Y., on the one hand, and on the other, Keyser, W. Va., restricted to shipments originating at or destined to the plantsite of Keyser Garment Co., Keyser, W. Va., for 150 days. Supporting shipper: Keyser Garment Co., Keyser, W. Va. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 109612 (Sub-No. 21 TA), filed August 7, 1968. Applicant: LEE MOTOR LINES, INC., State Road 67 South, Post Office Box 728, Muncie, Ind. 47305. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps, covers, or discs*, from Mundelein, Ill., to Terre Haute, Ind., for 180 days. NOTE: Applicant intends to tack with its existing authority. Supporting shipper: Ball Brothers Co., Inc., Muncie, Ind. 47302. Send Protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 111231 (Sub-No. 159 TA), filed August 7, 1968. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Poplar Bluff, Mo., to points in Illinois, Indiana, Michigan, Wisconsin, Kansas, Oklahoma, and Tennessee, for 180 days. Supporting shipper: Joseph G. Baldwin Co., Post Office Box 457, Poplar Bluff, Mo. 63901, McLeansboro, Ill. Send protests to: District Supervisor William H. Land, Jr., 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 113325 (Sub-No. 125 TA), filed August 7, 1968. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo. 63104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silicon chloride*, from the plantsite of Monsanto Co., St. Peters, Mo., to Sistersville, W. Va., for 150 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 114533 (Sub-No. 165 TA), filed August 5, 1968. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals, isotopes, and related products*, between St. Louis, Mo., on the one hand, and, those points in Indiana located within the Chicago, Ill., commercial zone and points in Cook, Will, Du Page, Lake, Kankakee, McHenry, Kane, De Kalb, Winnebago, and Boone Counties, Ill., on the other, for 150 days. Supporting shipper: Mallinckrodt Nuclear, Box 10172 Lambert Field, St. Louis, Mo. 63145. Send protests to: District Supervisor R. L. Buchanan, Interstate Commerce Commission, Bureau of Operations, U.S. Court House and Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 115946 (Sub-No. 47 TA), filed August 7, 1968. Applicant: GAY TRUCKING COMPANY, 4800 Augusta Road, Post Office Box 7055, Savannah, Ga. 31408. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from Savannah, Ga., to Minneapolis, Minn., for 150 days. Supporting shipper: Stein Hall & Co., Inc., 605 Third Avenue, New York, N.Y. 10016. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 116950 (Sub-No. 7 TA), filed August 6, 1968. Applicant: JOSEPH L. DRAKE, 499 North Delaware, Chandler, Ariz. 85225. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, Phoenix, Ariz. 85012. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fire retardant* (Fire-Trol), from points in Arizona to points in California, Oregon, Washington, Idaho, Nevada, New Mexico, Colorado, Utah, Wyoming, Montana, South Dakota, and North Dakota, with *empty pallets* on return. *Agricultural chemicals*, from Chandler and Kyrene, Ariz., to points on the Navajo Indian Reservation located in San Juan County, N. Mex. *Agricultural chemicals* from Chandler and Kyrene, Ariz., to points in Santa Barbara, San Luis Obispo Counties, Calif. *Anhydrous ammonia* from Chandler, Ariz., to the facilities of Arizona Agrochemical Corp., located at Blythe and Imperial, Calif. *Anhydrous ammonia* from Chandler, Ariz., to points in Mesa, Montezuma, Delta, Montrose, Ouray, San Miguel, Dolores, and San Juan Counties, Colo., for 180 days. Supporting shipper: Arizona Agrochemical Corp., Post Office Box 2191, Phoenix, Ariz. 85001. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 127616 (Sub-No. 15 TA), filed August 6, 1968. Applicant: HANSON M. SAVAGE, doing business as SAVAGE TRUCKING COMPANY, Chester Depot, Vt. 05144. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from Post Mills, Vt., to Berlin, N.H., and Mechanicville, N.Y., for 150 days. Supporting shipper: Otter Creek Corp., Post Mills, Vt., and Eaton Trading Co., Rochester, Vt. 05767. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 129270 (Sub-No. 2 TA), filed August 7, 1968. Applicant: JAMES P. ANAGNOS, South Willow Street, Londonderry, N.H. 03053. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Powdered pumice*, in bulk, in dump vehicles, from Portsmouth, N.H., to North Dartmouth, Auburn, Worcester, Norwood, Medway, Medford, Acton, Woburn, Avon, and Leominster, Mass., Portland and Bangor, Maine, and Providence, R.I., for 180 days. Supporting shipper: Pumice Aggregate Corp., 500 State Street, Bridgeport, Conn. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 424 Federal Building, Concord, N.H. 03301.

No. MC 129659 (Sub-No. 1 TA), filed August 5, 1968. Applicant: T–P STORAGE AND LEASING, INC., 94 Sylvan Avenue, Clifton, N.J. 07011. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel pipe, piling, rails, railway track accessories and bridge and highway railing*, between Windsor and Delawanna, N.J., on the one hand, and, on the other, points in New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, under contract with L. B. Foster Co., for 150 days. Supporting shipper: L. B. Foster Co., 2 Pennsylvania Plaza, New York, N.Y. 10001. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 129800 (Sub-No. 1 TA), filed August 5, 1968. Applicant: KENVIL MOTOR EXPRESS, INC., Post Office Box 473, Ledgewood, N.J. 07852. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities in piggy back containers*, between Croxton Yards and Port Morris, N.J., on the one hand, and, on the other, points in Passaic, Morris, Sussex, and Warren Counties, N.J., restricted to shipments having subsequent or prior movement via railroad, for 180 days. Supporting shippers: (1) Clearspan Structures Division of Thompson Builders, Inc., Flanders-Netcong Road, Flanders, N.J. 07836; (2) Westinghouse Electric Corp., Box 190, Dover, N.J. Plant Location: Sussex Turnpike at State Highway 10, Randolph, N.J.; (3) Arrow Metal Products Corp., Haskell, N.J. 07420 (Wanaque Avenue); (4) H. H. Robertson Co., 28 Millburn Avenue, Springfield, N.J. 07081;

(5) The Mennen Co., Hanover Avenue, Morris Plains, N.J. 07950. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 133064 TA, filed August 5, 1968. Applicant: BATEY MOVING & STORAGE COMPANY, INC., 421 Allied Drive, Nashville, Tenn. 37211. Applicant's representative: Harold Seligman, 1808 West End Building, Nashville, Tenn. 37203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Restaurant equipment and supplies*, from Nashville, Tenn., to points in the continental United States, and from Philadelphia, Pa., and Montgomery, Ala., to Nashville, Tenn., for 150 days. Supporting shipper: Nashco Equipment & Supply Co., Inc., 2708 Franklin Road, Nashville, Tenn. 37204. Send protests to: J. E. Gamble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803 1808 West End Building, Nashville, Tenn. 37203.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9793; Filed, Aug. 14, 1968; 8:48 a.m.]

[Notice 189]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 12, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70597. By order of July 31, 1968, the Transfer Board approved the transfer to Republic Truck Lines, Inc., Dallas, Tex., of the operating rights in Certificate No. MC-48963 and those evidenced by the certificate of registration in No. MC-48963 (Sub-No. 5), issued January 14, 1949, and March 30, 1964, respectively, to C. S. Ludwick, doing business as Republic Truck Line, Dallas, Tex., the certificate authorizing the transportation of general commodities, with specified exceptions, specified regular routes between Dallas and Fort Worth, Tex., and between Wichita Falls and Stephenville, Tex., and over irregular routes, from Houston, Tex., to points in a defined Texas area generally north and northeast of Dallas; and the certificate of registration evidencing a right to engage in interstate or foreign commerce corresponding in scope to the grant of authority in certificates of convenience and necessity No. 2054-A, and No. 3561, issued March 21, 1962, and September 22, 1952, by the Railroad Commission of Texas. Joseph M. Stuhl, 310 Dallas Federal Savings Building, Dallas, Tex. 75201. Attorney for applicants.

No. MC-FC-70622. By order of July 31, 1968, the Transfer Board approved the transfer to Stanley Levinson, doing business as Stan's Vans, Long Beach, Calif., of a portion of the certificate in No. MC-32066, issued September 25, 1958, to Charles Warehouse Co., Inc., 216 South Alameda Street, Los Angeles, Calif., authorizing the transportation of household goods between points within 25 miles of Los Angeles, Calif., including Los Angeles. Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Practitioner for transferee.

No. MC-FC-70616. Corrected notice.[1] By order of July 15, 1968, the Transfer Board, approved the transfer to Dilts Trucking, Inc., Crescent, Iowa, of the operating rights in Certificate Nos. MC-115669 (Sub-No. 18), and MC-115669 (Sub-No. 63), and portions of the operating rights in Nos. MC-115669 (Sub-No. 30), and MC-115669 (Sub-No. 35), issued September 4, 1962, and March 17, 1967, November 21, 1962, and July 11, 1963, respectively, to Howard N. Dahlsten, doing business as Dahlsten Truck Line, Clay Center, Nebr., authorizing transportation service in interstate commerce respectively of salt and salt compounds, from Omaha, Nebr., to points in Iowa, Minnesota, North Dakota, and South Dakota; salt and salt products from Sioux City, Iowa, to points in Nebraska, Minnesota, and South Dakota; salt from Council Bluffs, Iowa, to points in Kansas; salt from Council Bluffs, Iowa, to points in Nebraska and Missouri. Donald L. Stern, 630 Central National Bank Building, Omaha, Nebr. 68102. Attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9794; Filed, Aug. 14, 1968; 8:48 a.m.]

[1] Corrected to delete some of the portions previously shown as transferred.

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Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—U.S. Standards for Grades of Processed Raisins [1]

MISCELLANEOUS AMENDMENTS

A proposal to amend the U.S. Standards for Grades of Processed Raisins was published in the FEDERAL REGISTER of July 4, 1968 (33 F.R. 9711). Interested persons were given 30 days to submit written data, views, or arguments.

Statement of consideration leading to the amendments. No comments were received in response to the notice of proposed rule making. After considering all relevant matters including the proposal in the aforesaid notice and pursuant to the authority contained in the Agricultural Marketing Act of 1946 (sec. 203, 60 Stat. 1087, as amended; 7 U.S.C. 1622) the proposed amendments to the U.S. Standards for Grades of Processed Raisins which were contained in the aforesaid notice are hereby adopted in the same form and manner as they appeared in the aforesaid notice and are hereby incorporated by this reference, and are set forth below.

It is hereby found that good cause exists for not postponing the effective date of the amendments beyond September 1, 1968 (5 U.S.C. 553(d)), in that:

(1) The raisin processing season is imminent and it is necessary for the purposes of inspection and marketing that the Department's grade standards conform with the modified minimum grade standards for packed raisins, issued pursuant to Federal Marketing Agreement and Order No. 989, which becomes effective September 1, 1968.

(2) The raisin industry is well aware of the provisions of the amendments through published notice of proposed rule making, industry meetings, trade publications, and other news media.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

(3) No changes in production or marketing are required by the amendments, and no extensive preparation by users of the standards is required.

(4) Persons interested in the amendments have been supplied with copies of the proposed amendments, the text of which is identical with the amendments now promulgated.

These amendments to the U.S. Standards for Grades of Processed Raisins shall become effective on September 1, 1968, and will thereupon supersede the applicable sections of the U.S. Standards for Grades of Processed Raisins which have been in effect since October 11, 1965.

(Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627)

Dated: August 13, 1968.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

A. Section 52.1845 is amended in the following respects: The text of paragraph (a) preceding subparagraph (1), subparagraph (3) of paragraph (a), the text of paragraph (b) preceding subparagraph (1), subparagraph (3) of paragraph (b), the text of paragraph (c) preceding subparagraph (1), and subparagraph (3) of paragraph (c) are revised to read as follows:

§ 52.1845 Grades of Thompson Seedless Raisins.

(a) "U.S. Grade A" or "U.S. Fancy" is the quality of Thompson Seedless Raisins that possess similar varietal characteristics; that in Unbleached and Soda Dipped raisins possess a good typical color; that possess a good characteristic flavor; that show development characteristics of raisins prepared from well-matured grapes with not less than 80 percent, by weight, of raisins that are well-matured or reasonably well-matured raisins and not more than 1 percent, by weight, of raisins may have substandard development (including undeveloped raisins); that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table I of this subpart:

* * * * * *

(3) Not more than 1 percent, by weight, of raisins of all sizes may be undeveloped;

* * * * * *

(b) "U.S. Grade B" or "U.S. Choice" is the quality of Thompson Seedless Raisins that possess similar varietal characteristics; that in Unbleached and Soda Dipped raisins possess a reasonably good typical color; that possess a good characteristic flavor; that show development characteristics of raisins prepared from reasonably well-matured grapes with not less than 70 percent, by weight, of raisins that are well-matured or reasonably well-matured raisins and not more than 2 percent, by weight, of raisins may have substandard development (including undeveloped raisins); that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table I of this subpart:

* * * * * *

(3) Not more than 2 percent, by weight, of "small (or midget) size" raisins may be undeveloped; and not more than 1 percent, by weight, of raisins other than "small (or midget) size" may be undeveloped;

* * * * * *

(c) "U.S. Grade C" or "U.S. Standard" is the quality of Thompson Seedless Raisins that possess similar varietal characteristics; that in Unbleached and Soda Dipped raisins possess a fairly good typical color; that possess a fairly good flavor; that show development characteristics of raisins prepared from fairly well-matured grapes with not less than 55 percent, by weight, of raisins that are well-matured or reasonably well-matured raisins and not more than 3 percent, by weight, of raisins may have substandard development (including undeveloped raisins); that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table I of this subpart:

* * * * * *

(3) Not more than 2 percent, by weight, of "small (or midget) size" raisins may be undeveloped; and not more than 1 percent, by weight, of raisins other than "small (or midget) size" may be undeveloped;

* * * * * *

B. A new § 52.1845a is added reading as follows:

§ 52.1845a Definitions of maturity in Thompson Seedless Raisins.

(a) "Well-matured raisins or reasonably well-matured raisins" means raisins that are full-fleshed and rounded in appearance.

(b) "Fairly well-matured" raisins means raisins that are thin fleshed and angular in appearance.

(c) "Substandard development" means raisins that are practically lacking in flesh.

C. Table I is revised to read as follows:

TABLE I—ALLOWANCES FOR DEFECTS IN TYPE I, THOMPSON SEEDLESS RAISINS

Defects	U.S. Grade A or U.S. Fancy	U.S. Grade B or U.S. Choice	U.S. Grade C or U.S. Standard
	Maximum count (per 96 ounces)		
Pieces of stem	1	2	4
	Maximum count (per 16 ounces)		
Carstems	15	25	35
	Maximum (by weight) (percent)		
Undeveloped	All sizes—1.	Small size—2. Other sizes—1.	Small size—2. Other sizes—1.
Damaged	2	3	5
Sugared	5	10	15
	Maximum (by count) (percent)		
Moldy raisins	2	3	4
Damaged by fermentation	Appearance or edibility of product May not be affected.	May not be more than slightly affected.	May not be materially affected.
Grit, sand, or silt	None of any consequence may be present that affects the appearance or edibility of the product.		Not more than a trace may be present that affects the appearance or edibility of the product.

(Sec. 203, 60 Stat. 1087, as amended; 7 U.S.C. 1622)

[F.R. Doc. 68-9856; Filed, Aug. 15, 1968; 8:48 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Pink Bollworm

REGULATED AREAS

Under the authority of § 301.52–2 of the Pink Bollworm regulations, 7 CFR 301.52–2, as amended, 32 F.R. 16385, a supplemental regulation designating regulated areas is hereby issued to appear in 7 CFR 301.52–2a, as follows:

§ 301.52–2a Regulated areas; suppressive and generally infested areas.

(a) *Regulated areas.* The States and parts of States described below are designated as pink bollworm regulated areas within the meaning of the provisions in this subpart:

ARIZONA

All counties in the State.

ARKANSAS

Arkansas County. The entire county.
Ashley County. The entire county.
Bradley County. The entire county.
Calhoun County. The entire county.
Chicot County. The entire county.
Clark County. The entire county.
Cleburne County. The entire county.
Cleveland County. The entire county.
Columbia County. The entire county.
Conway County. The entire county.
Crawford County. The entire county.
Crittenden County. The entire county.
Dallas County. The entire county.
Desha County. The entire county.
Drew County. The entire county.
Faulkner County. The entire county.
Franklin County. The entire county.
Garland County. The entire county.
Grant County. The entire county.
Hempstead County. The entire county.
Hot Spring County. The entire county.
Howard County. The entire county.
Jefferson County. The entire county.
Johnson County. The entire county.
Lafayette County. The entire county.
Lincoln County. The entire county.

ARKANSAS—Continued

Little River County. The entire county.
Logan County. The entire county.
Lonoke County. The entire county.
Miller County. The entire county.
Monroe County. The entire county.
Montgomery County. The entire county.
Nevada County. The entire county.
Ouachita County. The entire county.
Perry County. The entire county.
Phillips County. The entire county.
Pike County. The entire county.
Polk County. The entire county.
Pope County. The entire county.
Prairie County. The entire county.
Pulaski County. The entire county.
Saline County. The entire county.
Scott County. The entire county.
Sebastian County. The entire county.
Sevier County. The entire county.
Union County. The entire county.
Van Buren County. The entire county.
White County. The entire county.
Yell County. The entire county.

CALIFORNIA

Imperial County. The entire county.
Inyo County. That portion of the county lying east of the east boundary of R. 4 E., SBBM.
Kern County. The entire county.
Los Angeles County. That portion of the county lying east of the east boundary of R. 15 W., and north of the north boundary of T. 4 N., SBBM.
Riverside County. That portion of the county lying east of the east boundary of R. 4 E., SBBM.
San Bernardino County. That portion of the county lying east of the east boundary of R. 4 E., SBBM.
San Diego County. That portion of the county lying east of the east boundary of R. 4 E., SBBM.

LOUISIANA

Allen Parish. The entire parish.
Avoyelles Parish. All of Ward 10, and all of Ward 9 lying south of Bayou Des Glaises and west of the east line of sec. 2 T. 1 S., R. 4 E.
Beauregard Parish. The entire parish.
Bienville Parish. The entire parish.
Bossier Parish. The entire parish.
Caddo Parish. The entire parish.
Claiborne Parish. The entire parish.
De Soto Parish. The entire parish.

LOUISIANA—Continued

Evangeline Parish. That portion of Ward 2 lying north of the south lines of secs., 7, 8, 9, 10, 11, and 12, T. 6 S., R. 1 W. and 9, 10, 11, 12, and 39, T. 6 S., R. 2 W.; and all of Wards 3, 4, and 5.
Grant Parish. The entire parish.
Jackson Parish. The entire parish.
Jefferson Davis Parish. The entire parish.
Lincoln Parish. The entire parish.
Natchitoches Parish. The entire parish.
Ouachita Parish. That portion of the parish lying west of the Ouachita River.
Rapides Parish. The entire parish.
Red River Parish. The entire parish.
Sabine Parish. The entire parish.
Union Parish. The entire parish.
Vernon Parish. The entire parish.
Webster Parish. The entire parish.
Winn Parish. The entire parish.

NEVADA

Clark County. That portion of the county lying south of State Highway FAS 538 and west of the east line of R. 57 E.; and Tps. 15 and 16 S., Rs. 67 and 68 E.
Nye County. That portion of the county lying south of the south boundary of T. 17 S., MDBM, and east of the east boundary of R. 51 E., MDBM.

NEW MEXICO

All counties in the State.

OKLAHOMA

All counties in the State.

TEXAS

All counties in the State.

(b) *Suppressive areas.* All regulated areas within the States of Arkansas, California, Louisiana, and Nevada are hereby designated as suppressive areas.

(c) *Generally infested areas.* All regulated areas within the States of Arizona, New Mexico, Oklahoma, and Texas are hereby designated as generally infested areas.

(Secs. 8 and 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.52–2)

This supplemental regulation shall become effective upon publication in the FEDERAL REGISTER when it shall supersede 7 CFR 301.52–2a, effective November 30, 1967.

The Director of the Plant Pest Control Division has determined that infestations of the pink bollworm exist or are likely to exist in the States and parts of States listed as regulated areas in § 301.52–2a(a), or that it is necessary to regulate such areas because of their proximity to pink bollworm infestations or their inseparability for quarantine enforcement purposes from pink bollworm infested localities.

The Director has further determined that each of the quarantined States, wherein less than the entire State is designated as a regulated area, is enforcing a quarantine or regulation with restrictions on intrastate movement of the regulated articles substantially the same as the restrictions on interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the pink bollworm.

Accordingly, the States, and parts of States, as listed above, are designated as pink bollworm regulated areas.

The purpose of this revision is to add to the regulated areas all or parts of the following counties: Arkansas, Ashley, Bradley, Chicot, Cleveland, Crittenden, Desha, Drew, Grant, Jefferson, Lincoln, Lonoke, Monroe, Phillips, Prairie, Pulaski, and Saline in Arkansas; and Ouachita and Union in Louisiana. The revision also extends the areas in three previous regulated counties; one each in Arkansas, California, and Louisiana.

This document imposes restrictions that are necessary in order to prevent the spread of the pink bollworm and should be made effective promptly to accomplish its purposes in the public interest. Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing regulation are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 12th day of August, 1968.

[SEAL] D. R. SHEPHERD,
Director,
Plant Pest Control Division.

[F.R. Doc. 68-9829; Filed, Aug. 15, 1968; 8:46 a.m.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Witchweed

REGULATED AREAS

Under the authority of § 301.80–2 of the Witchweed Quarantine regulations, 7 CFR 301.80–2, as amended, 32 F.R. 9496, a supplemental regulation designating regulated areas is hereby issued to appear in 7 CFR 301.80–2a, as follows:

§ 301.80–2a Regulated areas.

The civil divisions, parts of civil divisions, and premises described below, and all highways and roadways abutting thereon, in the quarantined States, are designated as witchweed regulated areas within the meaning of the provisions in this subpart:

NORTH CAROLINA

Anson County. The Morris, Matthew farm located on the east side of State Highway 742 at the junction of said highway with State Secondary Road 1105.
Belden County. The entire county.
Brunswick County. The Babson, N. L. farm located on the west side of State Secondary Road 1321 and 0.4 mile south of its junction with State Highway 130.
The Frink D. M. farm located on the north side of State Secondary Road 1145 at its junction with State Secondary Road 1147.
The Griffin, John farm located on the west side of State Secondary Road 1304, and 1.3 miles northeast of junction of said road with U.S. Highway 17.
The Hughes, Luther H. farm located at the end of a farm road on the west side of State Highway 130, which farm road junctions with State Highway 130 at a point 1.1 miles south of the junction of State Highway 130 and State Secondary Road 1321.
The Inman, Frank D. farm located on the west side of State Secondary Road 1333 and 0.1 mile north of its junction with State Secondary Road 1328.
The Meares, Hobson farm located on both sides of State Secondary Road 1165, and 2 miles south of the intersection of said road with U.S. Highway 17 at Thomasboro.
The Register, A. M. farm located at the end of a dirt road, 0.4 mile west of the junction of said dirt road with State Highway 130, said junction being 1.1 miles northwest of Ash.
The Register, W. C. farm located on the south side of State Secondary Road 1147 and 0.3 mile east of the junction of said road and State Secondary Road 1143.
The Russ, John R. farm located on both sides of State Secondary Road 1308 and 1 mile west of the junction of said road with State Highway 904 at Longwood.
The Simmons, W. V. farm located on the west side of State Secondary Road 1333 and on the north side of its junction with State Secondary Road 1328.
The Smith, B. Coda farm located on the west side of a dirt road and 0.6 mile north of its junction with State Secondary Road 1322, said junction being 0.1 mile west of the junction of State Secondary Road 1322 and State Secondary Road 1321.
The Smith, Jessie O. farm located on the north side of State Highway 904 and its junction with State Secondary Road 1321.
The Smith, Newman farm located on the south side of State Secondary Road 1322 at its junction with State Secondary Road 1321.
The Ward, N. G. farm located on the southwest side of State Secondary Road 1300, 0.5 mile west of the junction of said road with U.S. Highway 17.
Columbus County. That part of the county lying north and west of a line beginning at a point where Livingston Creek junctions with the Cape Fear River and extending south along said creek to its intersection with the Seaboard Air Line Railroad, thence west along said railroad to its intersection with State Secondary Road 1740, thence west and south along said road to its junction with U.S. Highways 74 and 76, thence west along said highways to their intersection with Bogue Swamp, thence south along said swamp to its junction with the Waccamaw River and continuing south along said river to its junction with White Marsh Swamp, thence north and northwest along said swamp to its junction with Cypress Creek, thence southwest along said creek to its intersection with State Highway 130, thence northwest along said highway to its junction with State Secondary Road 1166, thence southwest along said road to its junction with State Secondary Road 1157, thence southwest along said road to its junction with U.S. Highway 701, thence south and west along said highway to its intersection with State Secondary Road 1314, thence west along said road to its junction with State Secondary Road 1346, thence southwest along said road to its junction with the North Carolina-South Carolina State line.
The Hickman Bros. farm located on the south side of State Highway 904 at the junction of said road with State Secondary Road 1129.
The Long, Ernest H. farm located on the northeast side of State Secondary Road 1934, and 0.1 mile north of its junction with State Secondary Road 1935.
The Norris, A. J. farm located on both sides of State Secondary Road 1134 and 1 mile south of its junction with State Secondary Road 1005.
The Prince, J. Carl farm located on both sides of State Secondary Road 1119 and 2.2 miles west of its junction with State Secondary Road 1103.
The Prince, Jennings L. farm located at the junction of State Secondary Road 1106 and State Secondary Road 1109.
The Suggs, Lacy farm located at the end of a dirt road, 0.5 mile southeast of the junction of said road with State Secondary Road 1108, said junction being 0.7 mile northeast of the junction of State Secondary Road 1106 and State Secondary Road 1118.
The Watts, Gaddie farm located on the southwest side of State Highway 904 at a point 136 yards southeast of the junction of said road with State Secondary Road 1127.
Craven County. The Smith, Tommy farm located on the north side of State Secondary Road 1400 and 1.3 miles west of the junction of said road with State Secondary Road 1440.
The Norman, Jerome farm located on the north side of State Secondary Road 1003, and 0.8 mile east of its junction with State Secondary Road 1623.
Cumberland County. All of Cumberland County excluding the Fort Bragg Military Reservation, the area within the corporate limits of the city of Fayetteville and the unincorporated communities of East Fayetteville and Bonnie Doone.
Duplin County. That area bounded by a line beginning at a point where State Secondary Road 1104 intersects the Duplin-Sampson County line, thence extending north along said county line to its intersection with State Secondary Road 1337, thence northeast along said road to its junction with State Highway 50, thence northwest along said highway to its junction with State Secondary Road 1355, thence northeast along said road to its junction with State Secondary Road 1332, thence northeast along said road to its junction with State Secondary Road 1304, thence north along said road to its junction with State Highway 403, thence northeast along said highway to its junction with State Secondary Road 1368, thence south along said road to its junction with State Secondary Road 1367, thence southeast along said road to its junction with State Secondary Road 1365, thence northeast along said road to its junction with State Secondary Road 1004, thence southeast along said road to its junction with State Secondary Road 1503, thence northeast along said road to its intersection with State Secondary Road 1500, thence southeast along said road to its intersection with State Secondary Road 1507, thence north along said road to its junction with State Secondary Road 1526, thence northeast along said road to its junction with State Secondary Road 1519, thence southeast along said road to its intersection with State Secondary Road 1502, thence south along said road to its intersection with State Secondary Road 1500, thence southeast along said road to its junction with State Secondary Road 1306, thence west along said road to its intersection with State Secondary Road 1004, thence south along said road to its junction with State Highway 11, thence northeast along said highway to its junction with State Secondary Road 1700, thence southeast along said road to its interesection with the Northeast Cape Fear River, thence south along said river to its junction with Groye Creek, thence west along said creek to its junction with the Kenansville city limits, thence southwest along said city limits to its intersection with State Highway 11, thence south along said highway to its junction with State Secondary Road 1922, thence southwest along said road to its junction with State Secondary Road 1909, thence south along said road to its junction with State Secondary Road 1912, thence west along

said road to its intersetcion with the Magnolia city limits, thence south, west and north along said city limits to its intersection with State Secondary Road 1003, thence southwest along said road to its junction with State Secondary Road 1104, thence northwest along said road to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Road 1702 intersects State Highway 24, thence extending east along said highway to its junction with State Secondary Road 1962, said junction being 0.7 miles west of Beulaville, thence south along State Secondary Road 1962 to its junction with State Secondary Road 1724, thence southwest along said road to its junction with State Secondary Road 1800, thence northwest along said road to its junction with State Secondary Road 1961, thence west along said road to its junction with State Secondary Road 1702 at Hallsville, thence north along said road to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Road 1002 intersects the Duplin-Lenoir County line, thence extending southeast along said county line to its intersection with State Highway 11, thence west along said highway to its junction with State Highway 111, thence west and north along said highway to its junction with State Secondary Road 1002 at Albertson, thence north along said road to the point of beginning, excluding the town of Albertson.

The Bonham, Paisley farm located on the north side of State Secondary Road 1977 and 1 mile west of Pin Hook.

The Bostic, F. J. farm located on the west side of State Highway 50, at the junction of said highway and State Secondary Road 1730.

The Byrd, David O. farm located on the north side of State Secondary Road 1003 and the east side of State Secondary Road 1100 at the junction of said road.

The Crow, T. C. farm located on the south side of State Secondary Road 1321 and 0.8 mile west of the junction of said road with State Secondary Road 1302.

The Faison, I. R. farm located on the east side of State Secondary Road 1301 and 1.4 miles north of its junction with State Secondary Road 1335.

The Hall, Janie Mae farm located on the south side of State Secondary Road 1100 and 0.1 mile west of the junction of said road and State Secondary Road 1120.

The Hall, John farm located at the junction of State Secondary Roads 1100 and 1120 on both sides of State Secondary Road 1100.

The Herring, Mary J. farm located on the west side of State Secondary Road 1100, and 0.7 mile south of the intersection of said road with State Secondary Road 1003.

The Jackson, Emmitt farm located on the east side of State Secondary Road 1301 and 1.3 miles north of its junction with State Secondary Road 1335.

The Johnson, C. M. farm located on the southwest side of State Secondary Road 1139 and 0.6 mile northwest of the junction of said road with State Secondary Road 1133.

The Jones, J. A. farm located on the south side of State Secondary Road 1703 and 0.4 mile west of the junction of said road with State Secondary Road 1732.

The Kalmar, J. N. farm located on the south side of State Highway 403 and 0.5 mile west of its junction with State Secondary Road 1304.

The Kennedy, Owen farm located on the east side of State Secondary Road 1726 and the southeast side of State Secondary Road 1702 at the junction of said roads.

The Kisaner, Henry farm located on the southwest side of State Secondary Road 1139 and 0.7 mile northwest of its junction with State Secondary Road 1133.

The Kornegay, Ethel farm located 0.2 mile east of State Secondary Road 1501 at a point 0.6 mile south of the intersection of said road with State Secondary Road 1519.

The Lee, Julian Hall farm located on the north side of State Secondary Road 1003, and 0.2 mile east of the intersection of said road with State Secondary Road 1100.

The Marshburn, Freeman J. farm located on the northeast side of State Secondary Road 1129 and 0.5 mile southeast of the intersection of said road and State Secondary Road 1129.

The Maxwell, Myra farm located on the southeast side of State Secondary Road 1306 and 0.1 mile northeast of the intersection of said road and State Highway 111.

The Melvin, E. W. farm located at the end of a farm road 0.3 mile north of the junction of said farm road with State Secondary Road 1130, said junction being 0.3 mile east of the intersection of State Secondary Road 1130 and the Duplin-Sampson County line.

The Mercer, Cathleene farm located on the south side of State Secondary Road 1703 and 0.8 mile west of the junction of said road with State Secondary Road 1732.

The Mercer, Herbert C. farm located on the south side of State Secondary Road 1703 and 0.7 mile west of the junction of said road with State Secondary Road 1732.

The Norris, Maggie T. farm located on the south side of State Secondary Road 1700 and 1.4 miles east of Sarecta.

The Page, H. J. farm located on the west side of State Secondary Road 1128 and on the north side of State Secondary Road 1129 at the intersection of said roads.

The Parrott, Mrs. Frank, Jr., farm located on the south side of State Secondary Road 1703 and 0.4 mile east of the intersection of said road and State Secondary Road 1704.

The Peterson, W. C. farm located on the north side of State Secondary Road 1130 and 0.2 mile east of the intersection of said road with the Duplin-Sampson County line.

The Rhodes, Lucion farm located on the south side of State Secondary Road 1003 and 0.5 mile east of the intersection of said road and State Secondary Road 1100.

The Riverbank, George W. farm located on the northwest side of State Secondary Road 1131 and 0.4 mile southwest of the junction of said road with State Secondary Road 1128.

The Summerlin, Oliver farm located on the south side of State Highway 403 and 0.1 mile east of the corporate limits of the town of Faison.

The Thomas, J. R. farm located on the north side of State Secondary Road 1700 and 1.5 miles east of Sarecta.

The Turner, Lumas farm located on the south side of State Secondary Road 1703 and 0.5 mile west of the junction of said road with State Secondary Road 1732.

The Westbrook, Joseph farm located 0.7 mile west of State Highway 11 at a point 0.2 mile southwest of the junction of said highway with State Secondary Road 1501.

The Williams, Fate, Heirs farm located on the south side of State Secondary Road 1003 and 0.5 mile east of its intersection with State Secondary Road 1100.

The Williams, Lewis farm located on the northeast side of State Secondary Road 1100 and 0.7 mile southeast of its intersection with State Secondary Road 1003.

Harnett County. That area bounded by a line beginning at a point where the Harnett-Lee County line and State Secondary Road 1209 intersect and extending southeast along said road to its junction with State Highway 27, thence east along said highway to its junction with State Secondary Road 1117, thence south along said road to its junction with State Secondary Road 1128, thence east along said road to its junction with State Highway 210, thence northeast along said highway to its junction with State Secondary Road 2030, thence southeast along said road to its junction with State Secondary Road 2031, thence south along said road to its intersection with the Harnett-Cumberland County line, thence west along said county line to its junction with the Harnett-Moore County line, thence northwest along said county line to its junction with the Harnett-Lee County line, thence northeast along said county line to the point of beginning.

The Barnes, Everett farm located on both sides of State Secondary Road 1532 and 0.4 mile west of the junction of said road with State Secondary Road 1547.

The Bialock, Clarence J. farm located at the end of a dirt road and 0.4 mile northwest of the junction of said road with State Secondary Road 1540, said junction being 0.4 mile northeast of the junction of said secondary road with State Secondary Road 1542.

The Bialock, F. P. farm located on the northeast side of State Highway 55 and 0.3 mile northwest of the intersection of said highway with State Secondary Road 1006.

The Edwards, Charles farm located on the north side of State Secondary Road 1128 and 0.9 mile southwest of the junction of said road with State Secondary Road 1130.

The Harrington, Luke farm located on both sides of State Highway 27 and 0.4 mile west of the junction of said highway with State Secondary Road 1242.

The Harrington, Redin farm located at the end of a dirt road and 0.8 mile north of the junction of said road with State Highway 27, said junction being 1 mile west of the junction of said highway with State Secondary Road 1242.

The Jenkins, Cecil farm located on both sides of State Secondary Road 1251 and 1 mile south of the junction of said road with State Secondary Road 1291.

The McLeod, Carl farm located on both sides of State Highway 27 and 0.8 mile west of the junction of said highway and State Secondary Road 1242.

The Morgan, Robert farm located on the south side of State Secondary Road 1291 and 0.4 mile east of the junction of said road with State Secondary Road 1251.

The Parker, E. O. farm located on the north side of State Secondary Road 2034 and 0.7 mile west of the junction of said road with U.S. Highway 401.

The Parrish, Eddie L. farm located on both sides of State Secondary Road 1532 and 0.1 mile west of the junction of said road with State Secondary Road 1547.

The Wagner, W. L. farm located on both sides of State Highway 55 and 0.2 mile northwest of the intersection of said highway and State Secondary Road 1006.

Hoke County. All of Hoke County lying south and west of the Fort Bragg Military Reservation.

Games Preserve Plot No. 16 located on the east side of King Road and 0.7 mile northwest of its junction with Plank Road, lying within the Fort Bragg Military Reservation.

Johnston County. That area bounded by a line beginning at a point where State Secondary Road 1116 and State Highway 50 intersect and extending southeast along said highway to its intersection with the Johnson-Sampson County line, thence west along said county line to its intersection with State Highway 242, thence north along said highway to its intersection with State Secondary Road 1116, thence east along said road to the point of beginning.

The Barefoot, Wade H, farm located on a farm road and 0.4 mile south of its junction with State Secondary Road 1144 and 0.4 mile west of the intersection of said road with State Secondary Road 1145.

The Beasley, Rufus P. farm located on the east side of State Secondary Road 1009, at its junction with State Secondary Road 1197.

The Beasley, Rufus P. farm loacted on the west side of State Secondary Road 1138, and 0.4 mile south of its junction with Secondary Road 1144.

The Blackman, Dewey farm located on the south side of State Secondary Road 1146 and 0.4 mile east of the junction of said road with State Secondary Road 1145.

The Davis, I. H. farm located on the southwest side of State Secondary Road 1197 and 0.1 mile southeast of the junction of said road with State Secondary Road 1198.

The Everett, Betty farm located on the west side of State Secondary Road 2541 and 0.5 mile south of the junction of said road with State Secondary Road 1007.

The Everett, Betty farm located on a farm road and 0.6 mile west of its junction with State Secondary Road 2541, said junction being 1.9 miles south of the junction of State Secondary Roads 2541 and 1007.

The Hudson, Price, Estate farm located on a farm road and 0.4 mile north of its junction with State Secondary Road 1008, said junction being 0.8 mile northeast of the intersection of State Secondary Road 1008 with U.S. Highway 701.

The Johnson, Wade farm located on both sides of State Secondary Road 1144 and 0.2 mile west of the junction of said road with State Secondary Road 1138.

The Lee, Blanche, Maye and Mildred farm located on the south side of State Secondary Road 1144 and 0.8 mile west of the junction of said road with U.S. Highway 701.

The McArthur, Margaret farm located on a farm road and 1.4 miles north of its junction with State Secondary Road 1199 and 0.9 mile west of the junction of said road with State Secondary Road 1008.

The right-of-way of State Secondary Road 1144 beginning 1.4 miles west of its junction with U.S. 701 and extending west for one-fourth mile from this point.

The Worley, Adam farm located on the southeast side of the junction of State Secondary Road 2540 with State Secondary Road 2372.

Jones County. That area bounded by a line beginning at a point where State Secondary Road 1117 intersects the Jones-Onslow County line, and extending northwest along said road to its junction with State Secondary Road 1116, thence east and southeast along said road to its junction with State Secondary Road 1118, thence southwest along said road to its intersection with the Jones-Onslow County line, thence northwest and west along said county line to the point of beginning.

The Eubanks, Eugene farm located at the end of State Secondary Road 1126 and 0.8 mile south of the junction of said road with State Secondary Road 1124.

The Johnson, R. T. farm located on the northwest side of State Secondary Road 1132 and 0.3 mile southwest of the junction of said road with State Secondary Road 1131.

The McDaniel, W. F. farm located on the south side of State Secondary Road 1122 at a point 0.8 mile southwest of the junction of said road and State Highway 58, said junction being 1.2 miles northwest of Olive Cross Roads.

The Smith, Leah property located in the town of Trenton on the South side of Jones Street at a point 0.5 mile west of the junction of said street and Webber Street.

The Taylor, Mary L. farm located on the east side of State Secondary Road 1142 and 0.8 mile south of the junction of said road with State Secondary Road 1130.

The Whiley, Garland farm located on the east side of State Secondary Road 1142 and 0.6 mile south of the junction of said road with State Secondary Road 1130.

The Whiley, Garland farm located on the east side of State Secondary Road 1146 and 0.5 mile south of the Jones-Lenoir County line.

The Williams, Roscoe farm located on the north side of State Secondary Road 1116 and 3.2 miles west of the junction of said road with State Secondary Road 1115.

Lee County. The Battle, Wilbert farm located on the north side of State Secondary Road 1188 and 0.3 mile east of the junction of said road with State Secondary Road 1001.

The Castleberry, C. N. farm located on the north side of State Secondary Road 1162 and 0.7 mile northwest of the junction of said road and State Secondary Road 1001.

The Dickens, Mrs. Lena farm located on both sides of State Secondary Road 1174 and 0.7 mile northeast of the junction of said road with State Secondary Road 1173.

The Douglass, Grady C. farm located in the northeast guadrant of the junction of State Secondary Roads 1188 and 1001.

The Douglass, Grade C. farm located on both sides of State Secondary Road 1188 and 0.5 mile east of the junction of said road with State Secondary Road 1001.

The McGilvary, Aquilla farm located north of State Secondary Road 1188 and 0.6 mile east of the junction of said road with State Secondary Road 1001.

The McIntyre, James farm located on both sides of State Secondary Road 1188 and 0.4 mile east of the junction of said road with State Secondary Road 1001.

Lenoir County. That area bounded by a line beginning at a point where State Secondary Road 1311 and State Secondary Road 1002 junction, and extending northeast along State Secondary Road 1311 to its junction with State Secondary Road 1309, thence north along said road to its junction with State Secondary Road 1324, thence southeast along said road to its junction with State Secondary Road 1331, thence north along said road to its junction with State Secondary Road 1332, thence east along said road to its junction with State Secondary Road 1333, thence north along said road to its junction with State Secondary Road 1330, thence east along said road to its junction with State Secondary Road 1336, thence southwest along said road to its junction with State Secondary Road 1324, thence southwest along said road to Whitelace Creek, thence east and south along said creek to State Secondary Road 1161, thence west along said road to its junction with State Highway 55, thence southwest along said road to Squirrel Creek, thence north and northwest along said creek to the Neuse River, thence west along said river to Dallys Creek, thence south and west along said creek to its intersection with State Highway 55, thence west along said highway to State Secondary Road 1002, thence north along said road to the point of beginning.

The Blizzard, Robert E. farm located on the south side of State Secondary Road 1105 and 0.3 mile southwest of the intersection of State Secondary Road 1105 and U.S. Highway 258.

The Braxton, Clyde Estate located on both sides of State Secondary Road 1802 and 0.9 mile northeast of the junction of State Secondary Road 1802 and State Highway 11.

The Carter, Roland farm located on the east side of State Highway 11 and the south side of State Secondary Road 1113 at the junction of said roads.

The Chambers, Eugene farm located on the northeast side of the junction of State Secondary Road 1167 and State Secondary Road 1143.

The Davis, Earl R. farm located on the south side of State Secondary Road 1143 and 0.8 mile west of the town of Deep Run.

The Edwards, Kate farm located on the southeast side of the junction of State Secondary Roads 1143 and 1145.

The Grady, J. D. farm located on the south side of State Secondary Road 1143 and the east side of State Secondary Road 1154 at Wootens Crossroads.

The Grady, W. Clifton farm located on the west side of State Secondary Road 1154 and the south side of State Secondary Road 1143 at Wootens Crossreads.

The Herring, Ben D. farm located on the north side of State Secondary Road 1330 and 0.2 mile west of the junction of State Secondary Roads 1330 and 1331.

The Howard, Clarence farm located on the south side of State Secondary Road 1105 and 0.1 mile east of its intersection with State Secondary Road 1118.

The Measley, W. L. farm located on the east side of State Secondary Road 1327 and 0.2 mile northeast of its intersection with State Secondary Road 1519.

The Nobles, Hugh farm located on both sides of State Secondary Road 1120 and 0.7 mile west of its junction with U. S. Highway 258.

The Rouse, George R. farm located in the southwest intersection of State Secondary Roads 1143 and 1167.

The Smith, Nick farm located on the south side of State Secondary Road 1163 and 0.1 mile west of its junction with State Secondary Road 1111.

The Whitfield, James A. farm located on the south side of State Secondary Road 1300 and 0.1 mile east of the junction of State Secondary Roads 1300 and 1305.

The Whitfield, Marietta farm located on the northwest side of State Secondary Road 1154, at its junction with State Secondary Road 1155.

The Whitfield, William R. farm located on the north side of State Highway 55 and 0.2 mile west of the junction of State Secondary Road 1300 and State Highway 55.

Montgomery County. The Glover, Therese Edward farm located at the end of a dirt road and 0.1 mile southwest of the junction of said road with State Secondary Road 1524, said junction being 0.7 mile northwest of the intersection of said road with the Montgomery-Moore County line.

The Hoover, Colon farm located at the end of a dirt road and 0.1 mile southwest of the junction of said road with State Secondary Road 1524, said junction being 0.7 mile northwest of the intersection of said road with the Montgomery-Moore County line.

The Lane, Walter farm located at the end of a dirt road and 0.3 mile southwest of the junction of said road with State Secondary Road 1524, said junction being 1 mile northwest of the intersection of said secondary road with the Montgomery-Moore County line.

The Poole, Frank Estate located on the northeast side of State Secondary Road 1524 and 0.8 mile northwest of the intersection of said road with the Montgomery-Moore County line.

The Thomas, Haywood N. farm located on the southwest side of State Secondary Road 1524 and 0.8 mile northwest of the intersection of said road with the Montgomery-Moore County line.

Moore County. That area bounded by a line beginning at a point where State Secondary Road 2075 and State Highway 211 junction and extending west along State Highway 211 to its intersection with State Secondary Road 2063, thence north and northwest along said road to its junction with State Highway 5, thence northeast along said highway to its junction with State Secondary Road 2042, thence northeast along said road to its junction with State Secondary Road 2074, thence east along said road to its

intersection with State Secondary Road 2075, thence south and southwest along said road to the point of beginning.

The Barker, T. M. farm located on both sides of State Secondary Road 2026 and 0.7 mile east of the junction of said road with U.S. Highway 1.

The Bass, M. C. farm located at the end of a dirt road and 0.1 mile south of the junction of said road and State Secondary Road 2005, said junction being 0.7 mile east of the junction of said road and State Secondary Road 1001.

The Beasley, R. P. farm located on the east side of U.S. Highway 1 and 0.7 mile northeast of the junction of said highway with U.S. Highway 1A.

The Black, Walter farm located at the end of State Secondary Road 1289 and 0.4 mile north of the junction of said road with State Secondary Road 1216.

The Bryant, R. E. farm located on both sides of State Secondary Road 1815 and 0.5 mile southwest of the junction of said road with U.S. Highway 15–501.

The Burnette, Florence farm located on the northeast side of State Secondary Road 1825 and 0.2 mile northwest of the intersection of said road with State Secondary Road 2005.

The Burwell, Sam farm located on the south side of State Secondary Road 2023 and 0.4 mile southwest of the junction of said road with State Secondary Road 1853.

The Currie, Wilbur farm located on the east side of State Secondary Road 1806 and 0.3 mile south of the junction of said road with State Secondary Road 1805.

The Faulk, Elijah farm located at the end of State Secondary Road 2016 and 0.4 mile east of the junction of said road with State Secondary Road 2014.

The Hardy, N. W. farm located on both sides of State Secondary Road 2007 and 0.2 mile southeast of the junction of said road with State Secondary Road 2005.

The Henning's, J. G. Estate farm located on both sides of State Secondary Road 2017 and 0.4 mile north of the intersection of said road with State Secondary Road 1001.

The Jones, Martin farm located on the north side of State Secondary Road 2016 and 0.2 mile east of its junction with State Secondary Road 2014.

The Kelley, Herman farm located on the west side of State Secondary Road 1229 and 0.4 mile south of the intersection of said road and State Secondary Road 1239.

The Laton, William A. farm located on the east side of State Secondary Road 1004 and 0.3 mile north of the intersection of said road with State Secondary Road 1113.

The Marks, E. M. farm located on the south side of State Secondary Road 2019 and 2.5 miles east of the junction of said road and State Secondary Road 2018.

The Martin, Conner farm located on both sides of State Secondary Road 1802 and 0.9 mile southeast of the intersection of said road with State Secondary Road 1853.

The McCrimmon, Grover farm located at the end of State Secondary Road 2028 and 1 mile southeast of the junction of said road with State Secondary Road 2026.

The McNeill, Lena Bell farm located on the northwest side of State Secondary Road 2077 and 0.5 mile southwest of the junction of said road with State Highway 211.

The Page, Jack farm located on the south side of State Secondary Road 2026 and 0.9 mile east of the junction of said road with U.S. Highway 1.

The Robinson, W. R. farm located on the south side of State Secondary Road 1113 and 0.9 mile east of the intersection of said road with State Secondary Road 1004.

The Smith, F. L. farm located on both sides of State Secondary Road 1814 and 1 mile northwest of the junction of said road with State Secondary Road 1661.

The Smith, M. L. farm located on the east side of State Secondary Road 1004 and 0.8 mile north of the intersection of said road with State Secondary Road 1113.

The Vaughn, A. C. farm located on the west side of State Secondary Road 1210 and 0.4 mile south of the intersection of said road with State Secondary Road 1229.

Onslow County. The Bryant, Ira farm located on the north side of State Secondary Road 1425, 0.8 mile west of its junction with State Secondary Road 1434.

The Freeman, John E. farm located on the southwest side of State Secondary Road 1434 and 1.1 miles northwest of its junction with State Secondary Road 1425.

The Henderson, Bill farm located on the east side of State Secondary Road 1528 and on the north side of State Secondary Road 1518 at the junction of said roads.

The Henderson, Charles farm located on the east side of State Secondary Road 1528 and 0.2 mile north of the junction of said road with State Secondary Road 1518.

The Morton, Leo E. farm located on the south side of State Secondary Road 1435 and 0.6 mile west of its junction with State Secondary Road 1434.

Pender County. That area bounded by a line beginning at a point where State Secondary Road 1104 intersects the Pender-Bladen County line, and extending northeast along said county line to its junction with Black River, thence east along said river to its junction with Colvines Creek, thence north and northwest along said creek to its intersection with State Secondary Road 1201, thence west along said road to its intersection with the Atlantic Coast Line Railroad, thence southeast along said railroad to its intersection with State Secondary Road 1125, thence northeast along said road to its intersection with Moores Creek, thence northeast and northwest along said creek to its intersection with State Secondary Road 1128, thence southwest along said road to its junction with State Secondary Road 1207, thence northwest along said road to its junction with State Secondary Road 1208, thence west along said road to its junction with State Secondary Road 1206, thence northeast along said road to its intersection with State Secondary Road 1207, thence northwest along said road to its junction with State Secondary Road 1209, thence east along said road to its intersection with U.S. Highway 421, thence southeast along said highway to its intersection with State Secondary Road 1113, thence southwest along said road to its intersection with the Atlantic Coast Line Railroad, thence northwest along said railroad to its intersection with State Highway 210, thence southwest along said highway to its junction with State Secondary Road 1103, thence southeast along said road to its junction with State Secondary Road 1104, thence southwest and northwest along said road to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Road 1517 junctions with U.S. Highway 117, and extending northwest along said highway to its intersection with State Secondary Road 1412, thence east along said road to its junction with State Secondary road 1411, thence southwest along said road to its intersection with State Secondary Road 1411, thence creek to its junction with the Northeast Cape Fear River, thence south along said river to its intersection with State Highway 210, thence southwest along said highway to its junction with State Secondary Road 1518, thence southeast along said road to its junction with State Secondary Road 1517, thence west along said road to the point of beginning.

The Armstrong, Willie farm located 0.5 mile west of State Secondary Road 1408 and 0.3 mile south of the junction of said road with State Highway 210.

The Eakins, Cecil farm located on the northwest side of State Secondary Road 1217 and 0.2 mile north of the junction of said road with State Secondary Road 1209.

The Pridgen, W. D. farm located on the southwest side of State Secondary Road 1103 and 0.7 mile southeast of the junction of said road with State Secondary Road 1104.

The Shaw, Katy farm located on the east side of State Secondary Road 1520 and 3.6 miles north of the junction of said road and State Highway 210.

The Taylor, G. S. farm located on the northwest side of State Secondary Road 1408 and 0.2 mile southwest of the junction of said road and State Highway 210.

The Williams, John H. and Heirs farm located on the east side of State Secondary Road 1520 and 2.7 miles north of the junction of said road and State Highway 210.

Pitt County. The Garris, Allen farm located on the northeast side of State Secondary Road 1401 and 0.6 mile northwest of its junction with State Secondary Road 1402.

The Hice, J. D. farm located on the northeast side of State Secondary Road 1401 and 0.5 mile northwest of its junction with State Secondary Road 1402.

The Roger, R. E. farm located on the northeast side of State Secondary Road 1401 and 0.6 mile northwest of its junction with State Secondary Road 1402.

Richmond County. The Autry, J. H. farm located on the north side of State Secondary Road 1803 and 0.7 mile east of Osborne.

The Campbell, Daniel E. farm located on the southeast side of State Secondary Road 1971 and 0.7 mile northeast of the junction of said road with State Secondary Road 2001.

The David, Ethel farm located on both sides of State Secondary Road 1803, on the west side of the intersection of said road with State Secondary Road 1825.

The Dial, Dormic farm located on the north side of State Secondary Road 1607 and 0.8 mile west of the intersection of said road and State Secondary Road 1608.

The Elizhbugar, Charity farm located on the northeast side of State Secondary Road 1003 and 2 miles northwest of its junction with State Secondary Road 1475.

The Hailey, Annie farm located on the north side of State Secondary Road 1475 and 1.7 miles west of its junction with U.S. Highway 1.

The Hailey, Maria farm located on the southwest side of State Secondary Road 1440 and 0.3 mile southeast of its junction with State Secondary Road 1433.

The Hamlet Gin & Supply Co. farm located on both sides of State Secondary Road 1803 and on the east side of the intersection of said road and State Secondary Road 1825.

The Harrington, Will farm located on the south side of State Secondary Road 1603 and 0.8 mile east of Osborne.

The Haywood, Ed farm located on the southwest side of State Secondary Road 1148 and 0.5 mile northwest of the junction of said road with State Secondary Road 1157.

The Ingram, Rome farm located on the southwest side of State Secondary Road 1003 and 1.8 miles northwest of its junction with State Secondary Road 1475.

The Jenkins, Dewey farm located on a dirt road 0.2 mile southwest of its junction with State Secondary Road 1803, said junction being 0.8 mile east of Osborne.

The Jenkins, George W. farm located on the southwest side of State Secondary Road 1486 and 1.3 miles northwest of its junction with U.S. Highway 1.

The Jones, W. R. farm located on the south side of State Secondary Road 1607 and 0.8 mile west of the intersection of said road and State Secondary Road 1608.

The Layton, E. D. farm located in the southwest corner of the junction of State Secondary Road 1003 with State Secondary Road 1468.

The Little, John farm located on the southeast side of State Secondary Road 1442 and at the junction of said road with State Secondary road 1476.

The Long, H. A. farm located on the northwest side of State Highway 177 and 0.5 mile northeast of the junction of said road and State Secondary Road 1607.

The McDonald, Leonard farm located on the north side of State Secondary Road 1607 and 0.9 mile west of the intersection of said road and State Secondary Road 1608.

The McLaurin, Etta farm located on the southwest side of State Secondary Road 1803 and 0.3 mile southeast of the intersection of said road and State Secondary Road 1825.

The McNeill, Dalton farm located on the southwest side of State Secondary Road 1003 and 1.9 miles northwest of its junction with State Secondary Road 1475.

The Mabe, Charlie farm located on both sides of State Secondary Road 1607 and 0.4 mile southeast of the intersection of said road and State Secondary Road 1608.

The Mathews, Lizzie farm located in the southwest quadrant of the intersection of State Secondary Roads 1108 and 1971.

The Porter, Mrs. A. W. farm located on the northeast side of State Secondary Road 1999 and 1 mile east of the intersection of said road with U.S. Highway 1.

The Quick, Douglas farm located in the northwest quadrant of the intersection of State Secondary Roads 1802 and 1800.

The Quick, Julius farm located on the northeast side of State Secondary Road 1992 and 0.6 mile northwest of its junction with State Secondary Road 1994.

The Rush, James farm located on the southeast side of State Secondary Road 1442 and 0.7 mile northeast of its junction with State Secondary Road 1489.

The Strong, Marvin farm located on the north side of State Secondary Road 1803 and 1.3 miles southwest of the intersection of said road and State Secondary Road 1825.

The Teal, Robert farm located on the northwest side of State Secondary Road 1602 and 0.3 mile southwest of the intersection of said road and State Secondary Road 1800.

The Terry, Wade farm on the west side of State Secondary Road 1424 and 0.4 mile south of its junction with State Secondary Road 1432.

The Thomas, Walter farm located on both sides of U.S. Highway 220 and 0.4 mile northeast of its junction with State Secondary Road 1433.

The Waddell, A. M. farm located on both sides of U.S. Highway 1 and on both sides of State Secondary Road 1103 and on both sides of State Secondary Road 1971 at the intersection of said highway and said roads at Diggs.

The Wallace, Talley farm located on both sides of State Secondary Road 1800 and 1.2 miles northwest of the intersection of said road and State Secondary Road 1802.

The Watkins, Mosby farm located on both sides of State Secondary Road 1476 and 0.2 mile northeast of its junction with State Secondary Road 1442.

Robeson County. The entire county.

Sampson County. The entire county.

Scotland County. That area bounded by a line beginning at a point where U.S. Highway 15–401 intersects the North Carolina-South Carolina State line and extending northeast along said highway to its junction with U.S. Highway 15A–401A, thence north along said highway to its junction with U.S. Highway 501, thence north along said highway to its intersection with U.S. Highway 15–401, thence southwest along said highway to its intersection with State Secondary Road 1300, thence northwest along said road to its junction with State Secondary Road 1116, thence northwest along said road to its junction with State Secondary Road 1324, thence north along said road to its junction with State Secondary Road 1345, thence northwest along said road to its intersection with State Secondary Road 1341, thence northeast along said road to its junction with State Secondary Road 1328, thence north along said road to its intersection with the southern boundary of the Sandhills Game Management Area, thence east along said boundary to its intersection with U.S. Highway 15–501, thence north along said highway to its intersection with the Scotland-Hoke County line, thence southeast along said county line to the Scotland-Robeson County line, thence south and southwest along said county line to the North Carolina-South Carolina State line, thence northwest along said State line to the point of beginning, excluding the area within the corporate limits of the city of Laurinburg and the town of East Laurinburg.

The Bunch, Archie W. farm located at the intersection of State Secondary Roads 1323 and 1001.

The Butler, Luther farm located on the south side of State Secondary Road 1154 and 0.2 mile east of the junction of said road with State Secondary Road 1155.

The Calhoun, L. E. farm located on the south side of State Highway 79 and 0.3 mile west of its junction with State Secondary Road 1118.

That area on the Camp Mackall Military Reservation (Fort Bragg Military Reservation) known as the Game Reserve Plot located on the west side of the Rhine-Luzon jump zone.

The King, J. Lloyd farm located on the northwest side of State Secondary Road 1128 and 0.3 mile southwest of its junction with State Secondary Road 1101.

The Morgan, J. D. farm located on the east side of State Secondary Road 1346 and 0.5 mile north of the junction of said road with State Secondary Road 1343.

The Newton, Peter P. farm located at the intersection of State Secondary Roads 1334, 1336 and 1345.

The Odoms, Hobson farm located on both sides of State Secondary Road 1108 and 0.4 mile west of its junction with State Secondary Road 1100.

The Steele, J. D. farm located on both sides of State Secondary Road 1351 and 0.9 mile northwest of the junction of said road with State Secondary Road 1346.

Wake County. The Dean, Leonard farm located on the south side of State Secondary Road 2501 and 0.2 mile west of the intersection of said road and State Secondary Road 1003.

Wayne County. That area bounded by a line beginning at a point where U.S. Highway 70 and the Wayne-Lenoir County line intersect and extending south along said county line to its junction with the Wayne-Duplin County line, thence southwest and west along said county line to its intersection with State Secondary Road 1937, thence north on said road to its intersection with Buck Swamp Creek, thence westward along said creek to its intersection with U.S. Highway 117, thence northward along said highway to its junction with State Secondary Road 1929, thence east along State Secondary Road 1929 to its intersection with State Secondary Road 1926, thence north along said road to its junction with 1918, thence northeastward along said road to its junction with State Secondary Road 1915, thence southeast and south along said road to its junction with State Secondary Road 1120, thence east along a line projected from a point at the junction of State Secondary Roads 1120 and 1915 to the junction of said line with a point located at the junction of Sleepy Creek and Neuse River, thence east along the Neuse River to its intersection with State Highway 111, thence north along said highway to its junction with U.S. Highway 70, thence southeast along said highway to the point of beginning.

That area bounded by a line beginning at a point where U.S. Highway 13 and State Secondary Road 1006 intersect, and extending south along said road to its junction with State Secondary Road 1108, thence west along said road to its junction with State Secondary Road 1109, thence west along said road to its junction with State Secondary Road 1105, thence south along said road to its intersection with the Wayne-Sampson County line, thence northwest along said county line to its intersection with State Secondary Road 1009, thence north along said road to its junction with State Secondary Road 1103, thence north along said road to its junction with State Secondary Road 1101, thence east along said road to its intersection with State Secondary Road 1105, thence north along said road to its intersection with U.S. Highway 13, thence east along said highway to the point of beginning.

The Carraway, Ethel farm located on the east side of State Secondary Road 1915 and 0.1 mile north of the junction of said road and State Secondary Road 1120.

The Casey, Emma E. farm located 7 miles east of Goldsboro on the north side of U.S. Highway 70 and 0.4 mile east of the junction of State Secondary Road 1721 and said highway.

The Daly, J. B. farm located on the west side of State Highway 111 and 0.6 mile south of the junction of said highway with State Secondary Road 1730.

The Dawson, L. A. farm located on the west side of State Highway 111 and 0.5 mile south of the junction of said highway and State Secondary Road 1730.

The Griffin, Oliver H. farm located 0.6 mile north of Dudley and 0.2 mile west of U.S. Highway 117.

The Ham, George E. farm located southeast of Seymour Johnson Air Base on the south side of State Secondary Road 1909, and 0.7 mile west of the junction of said road with State Secondary Road 1910.

The Herring, Thel farm located on the west side of State Secondary Road 1711, and 0.4 mile north of its junction with U.S. Highway 70A.

The Hines, J. D. farm located on both sides of State Secondary Road 1236, and 0.8 mile east of the intersection of said road with State Highway 581.

The Hollaman, R. J. farm located on the northwest corner of State Secondary Road 1125 and 0.7 mile north of the junction of said road and State Secondary Road 1122.

The Hollowell, D. Virgil farm located on the southeast side of State Secondary Road 1008 and 0.2 mile northeast of the junction of said road with State Secondary Road 1214.

The Hollowell, H. M. and J. C. farm located at the northwest end of State Secondary Road 1240.

The Hollowell, Mrs. Mattie farm located on the east side of State Secondary Road 1214 and 0.4 mile south of its junction with State Secondary Road 1008.

The Lane, M. Duffey farm located on the north side of State Secondary Road 1007 and 0.1 mile west of its intersection with the Southern Railway.

The Lofton, C. L. Estate located on the southwest side of State Secondary Road 1003 and 0.4 mile southeast of the junction of said road and State Secondary Road 1720.

The McClenny, George A. farm located on the south side of State Secondary Road 1007 and 0.1 mile west of the junction of said road with State Highway 581.

The Murray, D. J. farm located north of and at the junction of State Secondary Roads 1120 and 1122.

The Neal, N. E. farm located on both sides of State Secondary Road 1008 and 0.5 mile east of the junction of State Secondary Road 1211 with said road.

The Oliver, H. H. farm located on the south side of State Secondary Road 1219 and 0.4 mile east of its junction with State Secondary Road 1218.

The Parker, Worth W. farm located on the west side of State Secondary Road 1130 and 1 mile south of the intersection of said road with U.S. Highway 13.

The Perkins, Joe D. farm located on the northwest side of State Secondary Road 1711 and 0.2 mile southwest of the intersection of said road with U.S. Highway 70 Bypass.

The Rogers, Charlie farm located on both sides of State Secondary Road 1710 and 0.9 mile southwest of the junction of said road with U.S. Highway 70A.

The Smith, Olivia farm located on the southeast side of State Secondary Road 1122 and both sides of State Secondary Road 1124.

The Tart, John farm located on the north side of U.S. Highway 13 and 0.1 miles east of the junction of said highway and State Secondary Road 1207.

The Uzzell, Brantley farm located on the north side of U.S. Highway 70 and 0.8 mile east of the intersection of said highway and State Secondary Road 1719.

The Whitfield, James Weston farm located on the north side of U.S. Highway 70 and 0.7 mile east of the intersection of said highway and State Secondary Road 1719.

The Whitley, Maude and Sarah farm located on State Hospital farm road 1.2 miles west and north of its junction with State Secondary Road 1008, said junction being 1.3 miles southwest of the junction of State Highway 581 and State Secondary Road 1008.

The Williams, Eddie farm located on the north side of State Highway 581 and the east side of State Secondary Road 1236 at the junction of said roads.

SOUTH CAROLINA

Chesterfield County. The Campbell, Coyt J. farm located on the south side of a dirt road and 0.6 mile east of its intersection with State Secondary Highway 144, said intersection being 0.4 mile south of the intersection of State Secondary Highway 22 and State Secondary Highway 144.

The Chapman, C. S. farm located on the west side of U.S. Highway 52 and 0.4 mile north of its junction with State Secondary Highway 335.

The Evans, Jule farm located on the south side of a dirt road and 0.4 mile east of its intersection with State Secondary Highway 144, said intersection being 0.4 mile south of the intersection of State Secondary Highway 22 and State Secondary Highway 144.

The Funderburk, Abraham farm located on the east side of a dirt road and 0.2 mile south of its junction with State Secondary Highway 115, said junction being 0.8 mile northeast of the junction of said highway and State Secondary Highway 114.

The Griggs, Fuller farm located on the west side of a dirt road and 0.4 mile north of its intersection with a second dirt road, said intersection being 0.6 mile north of the intersection of said dirt road and State Secondary Highway 149, said intersection being 1.6 miles northwest of the intersection of said highway and State Primary Highway 102.

The Holdbrook, Alton farm located on the north side of State Secondary Highway 22, and 1.5 miles east of its intersection with State Secondary Highway 20.

The Howle, James Earle farm located on the north side of a dirt road and 1 mile east of the intersection of said dirt road and State Secondary Highway 81, said intersection being 1 mile south of the intersection of State Secondary Highway 149 and State Secondary Highway 81.

The Johnson, Clyde farm located on the north side of a dirt road and 1 mile west of its junction with State Primary Highway 102, said junction being 1.5 miles north of the intersection of State Primary Highway 102 and State Secondary Highway 22.

The Keith, Julius farm located on the east side of a dirt road and 0.5 mile north of its junction with a second dirt road, said junction being 0.1 mile north of the junction of the latter dirt road and State Secondary Highway 114, said second junction being 0.1 mile north of the junction of State Secondary Highways 114 and 115.

The Parker, Elise J. farm located on the south side of State Secondary Highway 61 and 0.1 mile east of its intersection with State Secondary Highway 348.

The Rainwater, R. D. farm located on the east side of State Secondary Highway 113 and 0.5 mile northeast of its intersection with State Secondary Highway 20.

Clarendon County. The Hodge, J. W. farm located on the south side of State Secondary Highway 211 and 1.5 miles west of its junction with State Secondary Highway 50.

Darlington County. That area bounded by a line beginning at a point where the Atlantic Coast Line Railroad and State Secondary Highway 29 intersect and extending east along said highway to its intersection with Hurricane Branch, thence northeast along said branch to its junction with Byrds Island, thence south along a line projected due south from said junction to the intersection of the projected line and State Primary Highway 34, thence west along said highway to its intersection with a dirt road, said intersection being 0.9 mile east of Mechanicsville, thence south along said dirt road to its intersection with the Darlington-Florence County line, thence west and south along said county line to its intersection with State Secondary Highway 173, thence northwest along said highway to its junction with State Secondary Highway 226, thence northwest along said highway to its intersection with the Atlantic Coast Line Railroad, thence north along said railroad to the point of beginning.

The Barr, Minnie C. farm located on the north side of State Secondary Highway 179 and 1.7 miles east of its intersection with State Secondary Highway 35.

The Cooper, Robert farm located 0.1 mile west of a dirt road and 1.1 miles north of its junction with State Secondary Highway 179, said junction being 1.9 miles southeast of the junction of said highway and State Secondary Highway 35.

The Cooper, William farm located 0.25 mile west of a dirt road and 1.1 miles north of its junction with State Secondary Highway 179, said junction being 1.9 miles southeast of the junction of said highway and State Secondary Highway 35.

The County Prison Farm located on the south side of State Primary Highway 34 and 1 mile west of the junction of said highway and State Secondary Highway 42.

The Daly, Sarah farm located on the south side of a dirt road and 0.8 mile northwest of its junction with State Secondary Highway 133, said junction being 0.8 mile northeast of the junction of said highway and State Secondary Highway 29.

The Flowers, William M. farm located on the north side of State Secondary Highway 14 and 1.4 miles east of its intersection with State Secondary Highway 13.

The Gandy, B. L. farm located on the south side of a dirt road and 0.9 mile northwest of its junction with State Secondary Highway 133, said junction being 0.8 mile northeast of the junction of said highway and State Secondary Highway 29.

The Green, M. L. farm located on the east side of State Secondary Highway 133 and 0.1 mile north of the junction of said highway and State Secondary Highway 29.

The Griggs, Bobby farm located on the northwest side of State Secondary Highway 23 and 1 mile northeast of its intersection with State Primary Highway 102.

The Ham, Mrs. Minnie W. farm located on both sides of State Secondary Highway 355 and 0.9 mile west of the junction of said highway with State Secondary Highway 44.

The Jackson, McLendon farm located on the west side of U.S. Highway 52 and 0.2 mile south of its junction with State Secondary Highway 397.

The Johnson, William farm located on the north side of a dirt road and 0.6 mile northwest of its junction with State Secondary Highway 133, said junction being 2 miles south of the intersection of said highway and State Secondary Highway 41.

The Jordan, Jessie K. farm located on the west side of a dirt road and 0.2 mile northeast of its junction with a second dirt road, said junction being 0.1 mile northeast of the junction of said second dirt road and State Secondary Highway 44, said second junction being 0.3 mile northeast of the junction of said highway and State Primary Highway 403.

The Pickett, James and J. W. farm located on the north side of State Secondary Highway 179 and 1.5 miles east of its intersection with State Secondary Highway 35.

The Pickett, Liston J. farm located on the west side of a dirt road and 0.2 mile north of its junction with State Secondary Highway 179, said junction being 1 mile southeast of the junction of said highway and State Secondary Highway 34.

The Robinson, Charlie farm located on the east side of a dirt road and 0.6 mile southeast of its intersection with State Primary Highway 34, said intersection being 0.9 mile northeast of State Secondary Highway 35 and State Primary Highway 34.

The Sanderson, Rebecca F. farm located on the north side of State Secondary Highway 14 and 1.2 miles east of its intersection with State Secondary Highway 13.

Dillon County. The entire county.

Florence County. That area bounded by a line beginning at a point where State Secondary Highway 925 and State Secondary Highway 24 junction and extending east and southeast along State Secondary Highway 24 to its junction with State Secondary Highway 13, thence along a line projected due east from said junction to its intersection with the Great Pee Dee River, thence south along said river to its junction with Barfield's Old Mill Creek, thence northwest and west along said creek to its intersection with State Secondary Highway 57, thence north along said highway to its junction with State Secondary Highway 893, thence west and southwest along State Secondary Highway 893 to its junction with State Secondary Highway 70, thence northwest along said highway to its junction with State Secondary Highway 897, thence southwest and south along said highway to its junction with State Primary Highway 51, thence west and northwest along said highway to its intersection with State Primary Highway 327, thence northwest and west along said highway to its junction with State Secondary Highway 552, thence north along said highway to its junction with State Secondary Highway 551, thence northwest along a dirt road to its junction with a second dirt road, said junction being 0.1 mile east of Goodland School, thence northeast along said second dirt road to its junction with State Secondary Highway 57, thence southeast along said highway to its intersection with the Seaboard Air Line Railroad, thence northwest along said railroad to its intersection with State Secondary Highway

13, thence east along said highway to its junction with State Secondary Highway 918, thence north and northeast along said highway to its junction with State Primary Highway 327, thence north along said highway to its intersection with U.S. Highway 76, thence west along said highway to its junction with State Secondary Highway 925, thence north along said highway to the point of beginning, excluding the area within the unincorporated limits of the town of Hyman.

That area bounded by a line beginning at a point where State Secondary Highway 794 and State Secondary Highway 72 junction and extending south along State Secondary Highway 72 to its intersection with State Secondary Highway 46, thence northeast along said highway to its intersection with State Secondary Highway 34, thence southeast along said highway to its junction with State Secondary Highway 360, thence northeast along said highway to its junction with a dirt road, said junction being 1.6 miles northeast of the junction of State Secondary Highways 34 and 360, thence southeast along said dirt road for a distance of 1.2 miles to its junction with a second dirt road, thence southwest along said dirt road to its junction with State Secondary Highway 34, thence south along said highway to its junction with U.S. Highway 378, thence west along said highway to its junction with State Secondary Highway 47, thence northwest and west along said highway to the corporate limits of the town of Scranton, thence north and west along the east and north perimeter of said corporate limits to its intersection with the Atlantic Coast Line Railroad, thence north along said railroad to the corporate limits of the town of Coward, thence north along the east perimeter of the town of Coward to its intersection with State Secondary Highway 794, thence northeast along said highway to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Highway 66 and the Seaboard Air Line Railroad intersect and extending southeast along said railroad to its intersection with State Secondary Highway 57, thence south along said highway to its junction with U.S. Highway 378, thence west along said highway to its intersection with Deep Creek, thence southwest along said creek to its junction with Lynches River, thence west along said river to its junction with Little Swamp, thence north along said swamp to its intersection with State Secondary Highway 66, thence east along said highway to the point of beginning.

The Alford, A. A. farm located on both sides of State Secondary Highway 164 and 0.1 mile south of its intersection with Cypress Branch.

The Bacot, Mary Hart farm located on the east side of State Secondary Highway 25 and 2.1 miles northeast of its intersection with Black Creek.

The Benjamin, Willie farm located on the south side of a dirt road and 0.6 mile west of its junction with State Secondary Highway 136, said junction being 1.4 miles north of the intersection of State Secondary Highways 136 and 35.

The Braddy, Elnoreah farm located on the west side of State Secondary Highway 633 and 0.15 mile south of its intersection with State Secondary Highway 58.

The Burch, Corine Cherry farm located on the north side of a dirt road and 0.9 mile west of its junction with State Secondary Highway 136, said junction being 0.9 mile north of the intersection of State Secondary Highways 136 and 35.

The Carroway, Hattie farm located on the south side of State Secondary Highway 72 and 1 mile southwest of its intersection with U.S. Highway 52.

The Carroway, Luther farm located on both sides of State Primary Highway 51 and 0.1 mile northwest of the intersection of said highway and State Secondary Highway 46.

The Edwards, R. L. farm located on the east side of State Primary Highway 51 and 1.1 miles northwest of its junction with State Secondary Highway 86.

The Gause, L. J. farm located on the south side of State Secondary Highway 72 and 1.1 miles southwest of its intersection with U.S. Highway 52.

The Gause, Luther farm located on the north side of State Secondary Highway 72 and 1.1 miles southwest of its intersection with U.S. Highway 52.

The Hall, James farm located on both sides of a dirt road and 0.6 mile south of its junction with State Secondary Highway 501, said junction being 1.5 miles southeast of the junction of said highway and U.S. Highway 301.

The Ham, Ralph farm located on the east side of a dirt road and 1.7 miles northwest of its junction with U.S. Highway 301, said junction being 0.7 mile northeast of the junction of said highway and State Secondary Highway 45.

The Hannah, Bert farm located on the south side of a dirt road and 1 mile west of its junction with State Secondary Highway 633, said junction being 0.1 mile south of the junction of said highway and State Secondary Highway 58.

The Hill, W. Max farm located on the east side of State Secondary Highway 136 and 1 mile north of its intersection with State Secondary Highway 35.

The Holliday, Henry farm located on the west side of State Primary Highway 51 and 1.6 miles north of its intersection with State Secondary Highway 66.

The Hyman, Melvin farm located on the west side of State Secondary Highway 64 and 0.2 mile north of its intersection with Black Creek.

The Langston, Jimmy farm located on the west side of a dirt road and 0.7 mile west of its junction with State Secondary Highway 136, said junction being 1.4 miles north of the intersection of State Secondary Highways 136 and 35.

The Lyde, Mamie farm located on the east side of State Secondary Highway 72 and 0.5 mile south of its junction with State Secondary Highway 794.

The McPherson, R. F. farm located on the south side of State Secondary Highway 57 and 1.5 miles southeast of the intersection of said highway and State Primary Highway 51.

The Nowlin, Ed farm located on the north side of a dirt road and 0.8 mile west of its junction with State Secondary Highway 136, said junction being 0.9 mile north of the intersection of State Secondary Highways 136 and 35.

The Poston, Mrs. J. J. farm located on the west side of State Secondary Highway 164 and 0.8 mile northwest of its junction with State Secondary Highway 86.

The Turner, V. A. farm located on the west side of State Secondary Highway 633 and 0.1 mile south of its junction with State Secondary Highway 58.

The Yarborough, S. L. farm located on both sides of State Secondary Highway 95 and 1.7 miles southeast of Sardis.

Georgetown County. The Powers, Lela farm located on both sides of State Primary Highway 261 and 0.1 mile southeast of its junction with State Secondary Highway 126.

Horry County. That area bounded by a line beginning at a point where State Secondary Highway 33 intersects the South Carolina-North Carolina State line and extending south along said highway to its intersection with State Secondary Highway 306, thence west along said highway to its intersection with State Secondary Highway 142, thence south along said highway to its junction with State Primary Highway 9, thence northwest along said highway to its intersection with State Secondary Highway 59, thence southwest and south along said highway to its junction with State Primary Highway 917, thence southwest along said highway to its intersection with State Secondary Highway 19, thence south and southeast along said Highway 19 to its intersection with U.S. Highway 701 at Allsbrook, thence northeast along said highway to its intersection with State Primary Highway 9, thence east along said highway for 7 miles to its intersection with the west prong of Buck Creek and its junction with a dirt road, thence south along said dirt road to its junction with a second dirt road, thence southwest along said second dirt road to its junction with State Secondary Highway 347, thence southeast along said highway 0.2 mile to its intersection with Cowpen Swamp, thence south along said swamp to its intersection with a dirt road, thence southeast along said dirt road to its junction with State Primary Highway 905, thence southwest along said highway to its intersection with Simpson Creek, thence south along said creek to its junction with the Waccamaw River, thence east along said river to Star Bluff Ferry landing, thence south along a dirt road to its intersection with another dirt road, thence southwest and west along said second dirt road, known as Telephone Road, to its end, thence northwest along a projected line for 1.9 miles, to its junction with Jones Big Swamp, thence northwest along said swamp to its junction with the Waccamaw River, thence west along said river to its intersection with Stanley Creek, thence north along said creek 1.6 miles, thence northwest along said creek 2.8 miles, thence north along a line projected from a point beginning at the end of the main run of said creek, and extending north to the junction of said line with State Primary Highway 905, thence southwest along said highway to its junction with State Secondary Highway 19, thence north along said highway 2.4 miles to its junction with a dirt road, thence southwest along said road to its intersection with Maple Swamp, thence north along said swamp to its intersection with State Secondary Highway 65, thence southwest along said highway to its junction with U.S. Highway 701, thence south along said highway to its intersection with U.S. Highway 501, thence northwest along said highway to its intersection with State Secondary Highway 548, thence west along said highway to its junction with a dirt road, thence west along said dirt road to its junction with State Secondary Highway 78, thence north along said highway to its junction with State Secondary Highway 391, thence northeast along said highway to its junction with U.S. Highway 501, thence southeast along said highway to its junction with State Secondary Highway 591, thence north along said highway to its intersection with State Secondary Highway 97, thence east 0.2 mile to its intersection with a dirt road, thence north along said dirt road to its junction with State Primary Highway 319, thence northwest along said highway to its junction with State Secondary Highway 131, thence east and north along said highway to its intersection with Loosing Swamp, thence west and northwest along said swamp to its intersection with State Secondary Highway 45, thence southwest along said highway to its junction with State Secondary Highway 129, thence northwest along said highway to its junction with U.S. Highway 501, thence northwest along the latter highway to its intersection with the Little Pee Dee River, thence northwest along said river to its junction with the Lumber River, thence northeast along said river to its intersection with the South Carolina-North Carolina State line, thence southeast along

said State line to the point of beginning, excluding the area within the corporate limits of the towns of Conway and Loris.

The Alford, Alex farm located on the south side of a dirt road and being 2 miles southwest and west of the junction of said dirt road and State Secondary Highway 99, said junction being 1.75 miles north of the junction of said highway and State Secondary Highway 97.

The Arnett, Henry and D. C. farm located on both sides of a dirt road and 2.5 miles east of its junction with State Secondary Highway 33, said junction being 2.5 miles north of the junction of said highway and State Primary Highway 410.

The Atkinson, John A. farm located on the east side of a dirt road and being 1 mile north of the junction of said dirt road with U.S. Highway 378 and State Secondary Highway 63.

The Barnhill, Edgar farm located on both sides of a dirt road and 0.4 mile east of its junction with State Primary Highway 90, said junction being 0.1 mile northeast of the junction of said highway and State Secondary Highway 377.

The Bellemy, Orilla farm located at the end of a dirt road and 0.9 mile south of its junction with State Secondary Highway 468, said junction being 0.7 mile northeast of Chestnut Crossroads.

The Bellamy, Stephen farm located on both sides of a dirt road and 0.8 mile northwest of its junction with State Secondary Highway 57, said junction being at Brooksville.

The Bowens, Willie farm located at the end of a field road and 0.6 mile south of its junction with State Secondary Highway 319, said junction being 0.4 mile east of Aynor Post Office.

The Brown, Emma farm located on both sides of a dirt road and 0.5 mile northwest of the junction of said dirt road with State Secondary Highway 57, said junction being at Brooksville.

The Cooper, James E. farm located on the south side of a dirt road and 0.5 mile east of its junction with State Secondary Highway 78, said junction being 1.25 miles northwest of the junction of said highway and U.S. Highway 378.

The Edge, Nina L. farm located on the west side of a dirt road and 0.8 mile southeast of its junction with a second dirt road, said junction being 0.5 mile south of the junction of the second dirt road and State Primary Highway 90, said second junction being 0.8 mile southwest of the junction of said highway and State Secondary Highway 31.

The Fowler, Jennie Bell farm located at the end of a farm road which junctions with a county road, said junction being 0.5 mile east of the Oakdale Baptist Church.

The Fowler, O. R. farm located on both sides of a dirt road and 0.1 mile north of the intersection of said dirt road and State Primary Highway 9, said intersection being at Goretown.

The Frank, F. T. farm located at the end of a dirt road and 0.9 mile south of its junction with State Secondary Highway 468, said junction being 0.7 mile northeast of Chestnut Crossroads.

The Frye, L. C. farm located on the south side of a dirt road and 1 mile west of the junction of State Secondary Highways 24 and 62, said junction being in the Dog Bluff Community.

The Gore, Lawson farm located on the north side of U.S. Highway 17 and 2.5 miles east of the intersection of said highway and State Primary Highway 9, said intersection being called Nixon's Crossroads.

The Gore, Sumpter farm located on both sides of a dirt road and 0.75 mile north of the intersection of said dirt road and State Primary Highway 9, said intersection being at Goretown.

The Graham, Bud Neals farm located at the end of a dirt road and 0.6 mile east of its junction with a second dirt road, said junction being 0.75 mile south of the junction of the second dirt road and State Secondary Highway 78, said second junction being 0.75 mile southeast of Juniper Bay Church.

The Holliday Brothers farm located on the south side of a dirt road and 0.8 mile west of its intersection with U.S. Highway 501, said intersection being 1.8 miles south of the junction of said highway and State Secondary Highway 129.

The Hucks, Ed farm located on the north side of a dirt road and 0.4 mile east of the junction of said dirt road with State Secondary Highway 29, said junction being 2 miles southwest of the junction of said highway and State Secondary Highway 135.

The Inman, Rosetta farm located on the northwest side of a junction of two dirt roads, said junction being 1.4 miles northwest of the intersection of the dirt road running northwest from State Secondary Highway 57 and Brooksville.

The Johnson, Sam farm located on the north side of a dirt road and 1 mile east of its junction with State Secondary Highway 78, said junction being 1.9 miles northwest of the junction of said highway and U.S. Highway 378.

The Lewis, Boyd farm located on the north side of a dirt road and 0.75 mile west of the intersection of said dirt road and State Secondary Highway 24, said intersection being in the Dog Bluff Community.

The Lewis, J. T. farm located on the south side of State Secondary Highway 100, and 1.9 miles west of the junction of said highway and U.S. Highway 501, said junction being at Aynor.

The Lewis, Tommy farm located on both sides of State Secondary Highway 50, and 1.6 miles north of the intersection of State Secondary Highway 50 and U.S. Highway 17, said intersection being at Little River.

The Livingston, Maceo farm located on the east side of a dirt road and 0.75 mile north of its intersection with State Primary Highway 90, said intersection being 1.7 miles west of the junction of said highway and State Secondary Highway 57.

The Long, Floyd farm located on the south side of a dirt road and being 0.2 mile west of the junction of said dirt road and State Secondary Highway 111, said junction being 1 mile southeast of the junction of said highway and State Secondary Highway 57.

The Martin, Daniele E. farm located on the east side of State Primary Highway 90 and 0.9 mile northeast of the junction of said highway and State Secondary Highway 377.

The Milligan, O. L. farm located on both sides of a dirt road and 0.1 mile southwest of its junction with the South Carolina-North Carolina State line, said junction being 1.6 miles northeast of a second junction with said dirt road and State Secondary Highway 420.

The Page, Cordie farm located on the north side of State Secondary Highway 128 and 0.4 mile west of the junction of said highway and U.S. Highway 501, said junction being at Aynor.

The Page, Mattie C. farm located on the north side of a dirt road and 0.2 mile east of the junction of said dirt road and State Secondary Highway 129, said junction being 0.3 mile southeast of the intersection of said highway and State Secondary Highway 130.

The Reynolds, Dick farm located on the south side of a dirt road and 0.4 mile west of its intersection with U.S. Highway 501, said intersection being 1.8 miles south of the junction of said highway and State Secondary Highway 129.

The Richardson, Talmage farm located on the north side of a dirt road and 1 mile southwest of the junction of said dirt road and State Secondary Highway 99, said junction being 1.75 miles north of the junction of said highway and State Secondary Highway 97.

The Sarvis, Ida B. farm located on the northwest side of State Secondary Highway 109 and 1.5 miles northeast of its junction with State Secondary Highway 79.

The Sarvis, Ida B. farm located on the southwest side of a dirt road and 0.1 mile northwest of its junction with State Secondary Highway 109, said junction being 1.5 miles northeast of the junction of said highway and State Secondary Highway 79.

The Shelley, O. R. farm located on the east side of a dirt road and 0.8 mile northeast of the junction of said dirt road and State Secondary Highway 306, said junction being 1.1 miles west of the intersection of State Secondary Highway 306 and the South Carolina-North Carolina State line.

The Vereen, Mary E. farm located on the north side of a dirt road and 1 mile west of its junction with State Secondary Highway 57, said junction being 1 mile southwest of Stephens Crossroads.

The Williamson, Vide farm located on both sides of a dirt road and 0.4 mile from the junction of said dirt road and State Primary Highway 410, said junction being 0.7 mile northeast of the intersection of State Primary Highway 410 and State Secondary Highway 19.

Lee County. The Evans, Hattie farm located on the south side of State Secondary Highway 168 and 0.3 mile east of its junction with State Primary Highway 58.

The Thomas, Clark W. farm located on the north side of State Secondary Highway 168 and 1.1 miles east of its junction with State Primary Highway 58.

The Thomas, E. W. farm located on the north side of State Secondary Highway 168 and 1.4 miles east of its junction with State Primary Highway 58, said farm being immediately north of the Clark W. Thomas farm.

Marion County. The entire county.

Marlboro County. That portion of the county lying south and east of U.S. Highway 15, excluding the area within the corporate limits of the towns of Bennettsville, McColl, and Tatum.

The Bell, Nettie farm located on the south side of the South Carolina-North Carolina State line and 0.4 mile east of its intersection with State Primary Highway 177.

The Bowen, Gus farm located on the south side of the junction of State Secondary Highways 22 and 48, said junction being 2.9 miles northwest of Tatum.

The Caulk, C. C. farm located on the north side of State Secondary Highway 283 and 0.3 mile east of the junction of said highway and State Primary Highway 38.

The Chavis, Dewey farm located on the northwest side of State Secondary Highway 209 and 0.1 mile northeast of its intersection with State Primary Highway 9.

The Chavis, Graham Lee farm located on the northwest side or State Secondary Highway 209 and 0.2 mile northeast of its intersection with State Primary Highway 9.

The Chavis, Homer farm located in the north corner of the intersection of State Secondary Highway 209 with State Primary Highway 9.

The Conwell, Hossie farm located on both sides of a dirt road and 1.3 miles northeast from the junction of said dirt road and State Secondary Highway 30, said junction being 0.5 mile northwest from the intersection of said State Secondary Highway 30 and State Secondary Highway 165.

The Fletcher, Oscar J. farm located on the southwest side of State Secondary Highway 28 and 0.6 mile northwest of the junction of said highway and U.S. Highway 15.

The Hamer, Lois P. farm located on both sides of a dirt road and 0.1 mile north of the junction of said dirt road and U.S. Highway 15, said junction being 0.1 mile northwest of the intersection of U.S. Highway 15 and State Secondary Highway 22 at Tatum.

The Holmes, T. H. farm located on the south side of the South Carolina-North Carolina State line and 0.5 mile east of its intersection with State Primary Highway 177.

The Joseph, James farm located on the southeast side of State Secondary Highway 165 and 1.2 miles southwest of its intersection with State Secondary Highway 257.

The McColl, D. D. Estate farm located on the northeast side of State Primary Highway 9 and 0.6 mile southeast of its junction with State Secondary Highway 383.

The McEachern, Lula farm located on the north side of U.S. Highway 15 at the intersection of said highway and the South Carolina-North Carolina State line.

The McKay, Cleveland farm located on the north side of State Secondary Highway 54 and the west side of State Secondary Highway 30 at the intersection of said highways.

The McQueen, Mable N. farm located on the northwest side of State Secondary Highway 48 and 0.2 mile southwest of the junction of said highway and State Secondary Highway 22.

The Odom, Ina farm located on the northwest side of a dirt road and 0.4 mile northeast of its junction with State Secondary Highway 30, said junction being 0.3 mile northeast of the intersection of said highway and State Secondary Highway 54.

The Parker, D. M. farm located on the northeast side of State Secondary Highway 28 and 0.2 mile northwest of its junction with U.S. Highway 15.

The Pearson, Archie farm located on the east side of a dirt road and 0.5 mile southwest of the junction of said dirt road and State Primary Highway 79, said junction being 0.3 mile south of the intersection of said highway and State Secondary Highway 71.

The Pearson, Queen farm located on the east side of a dirt road and 0.7 mile southwest of its junction with State Primary Highway 79, said junction being 0.3 mile south of the intersection of said highway and State Secondary Highway 71.

The Rainwater, D. C. farm located on the west side of State Primary Highway 79 at the junction of said highway and State Secondary Highway 345.

The Rogers, John B. farm located on both sides of State Secondary Highway 48 and 1.4 miles northeast of its intersection with State Secondary Highway 47.

The Rosser, Tony farm located on the east side of a dirt road and 0.6 mile northeast of the junction of said dirt road and State Secondary Highway 30, said junction being 0.3 mile north of the junction of said highway and State Secondary Highway 54.

The Smith, James Tyson farm located on the northwest side of State Secondary Highway 165 and 1.2 miles southwest of its intersection with State Secondary Highway 257.

The Steele, Pauline farm located on the north side of State Secondary Highway 63 and the east side of Crooked Creek at the intersection of said highway and creek.

The Strong, Marvin farm located on the south side of the South Carolina-North Carolina State line and 1.3 miles east of its intersection with State Primary Highway 177.

The Talbert, B. F. farm located on the north side of the intersection of State Primary Highway 9 and State Secondary Highway 165.

The Walker, R. W. farm located on the southeast side of State Secondary Highway 17 and 0.7 mile northeast of its intersection with State Primary Highway 79.

Williamsburg County. The Carter, Ernerst V. farm located on the north side of a dirt road and 1.6 miles west of its junction with State Secondary Highway 51, said junction being 0.8 mile south of the junction of said highway and State Primary Highway 261.

The Gamble, S. Wayne farm located on both sides of State Primary Highway 375 and 2 miles southeast of its intersection with U.S. Highway 52.

The McCrea, Laurie farm located on both sides of a dirt road and 0.1 mile southeast of its junction with State Secondary Highway 455, said junction being 2 miles northeast of the junction of said highway and State Primary Highway 261.

(Secs. 8 and 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.80–2)

The Director of the Plant Pest Control Division has determined that witchweed infestations have been found or that there is reason to believe they exist, in the civil divisions, parts of civil divisions, or premises in the quarantined States listed above, or that it is necessary to regulate such areas because of their proximity to witchweed infestations or their inseparability for quarantine enforcement purposes from witchweed infested localities. The Director has further determined that each of the quarantined States is enforcing a quarantine or regulation with restrictions on intrastate movement of the regulated articles substantially the same as the restrictions on interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of witchweed. Accordingly, such civil divisions, parts of civil divisions, and premises, listed above, are designated as witchweed regulated areas.

The purpose of this regulation is to include additional farms within the regulated areas infested with witchweed in the following 10 counties: Brunswick, Duplin, Johnston, Lenoir, Richmond, and Wayne in North Carolina; and Darlington, Florence, Horry, and Marlboro in South Carolina.

This regulation includes additional regulated areas, and thereby imposes restrictions that are necessary in order to prevent the interstate spread of witchweed. It should be made effective promptly in order to accomplish its purpose in the public interest.

Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice of rule making and other public procedure with and unnecessary, and contrary to the public interest, and good cause is found for making the revision effective less than 30 days after publication in the FEDERAL REGISTER.

This revision shall become effective upon publication in the FEDERAL REGISTER, when it shall supersede § 301.80–2a, effective July 1, 1967.

Done at Hyattsville, Md., this 13th day of August 1968.

[SEAL] D. R. SHEPHERD,
Director,
Plant Pest Control Division.

[F.R. Doc. 68–9855; Filed, Aug. 15, 1968; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 929—CRANBERRIES GROWN IN STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

Order Amending Amended Order Regulating Handling

§ 929.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Wareham, Mass., February 5, in Moorestown, N.J., February 7, in Wisconsin Rapids, Wis., February 9, and in Grayland, Wash., February 13, upon proposed amendment of the amended marketing agreement and Order No. 929 (7 CFR Part 929) regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York. Upon the basis of the evidence adduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of cranberries grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production areas would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of cranberries grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of cranberries grown in the production area, as defined in the order, as amended and as hereby further amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found, on the basis hereinafter indicated, that good cause exists for making the provisions of this amendment effective not later than the date of publication in the FEDERAL REGISTER; and that it would be contrary to the public interest to postpone the effective time of such provisions until 30 days after publication (5 U.S.C. 553). This amendment sets forth the final date by which cranberry acreage must be planted to be considered as established cranberry acreage. Sales of cranberries from acreage planted prior to such date may only be used in computing the base quantity for each grower. It is necessary that such date be fixed as early as possible as any later date would compound the marketing problem for cranberries. It is also necessary that the effective date be fixed to coincide with the date of publication in order to permit producers maximum time to file necessary reports with the committee prior to harvest. Such reports will include the number of acres planted prior to the aforesaid date and the exact location of such acreage. The committee must ascertain the acreage attributed to each producer which was planted prior to the effective date of this amendment and must be done promptly as the cranberry harvest starts early in September. Thus, the amendment provisions should be made effective upon publication to provide the maximum time for the Secretary and the Cranberry Marketing Committee, the agency charged with the administration of the program, to promptly initiate, and complete, various organizational and administrative actions, including the formulation and promulgation of administrative rules and regulations to govern operations under the program.

The provisions of the order are well known to handlers of cranberries since the public hearing thereon was completed on February 13, 1968, and the recommended decision and the final decision were published on July 8, 1968 (33 F.R. 945), and July 27, 1968 (33 F.R. 10738), respectively. Copies of this order were made available to all known interested parties, and the provisions being made effective upon publication hereof do not place any obligations on handlers until such time as may subsequently be prescribed in accordance therewith.

(c) *Determinations.* It is hereby determined that:

(1) The agreement amending the marketing agreement, as amended, regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the cranberries covered by this order) who, during the period August 1, 1967, through April 30, 1968, handled more than 50 percent of the volume of cranberries covered by the order, as hereby amended;

(2) The issuance of this order, amending the aforesaid order, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (August 1, 1967, through April 30, 1968), were engaged in the production area specified in the order, in the production of cranberries for market; such producers having also produced for market at least two-thirds of the volume of cranberries represented in such referendum.

(3) The issuance of this order, amending the aforesaid order, is favored or approved by processors who canned or froze within the production area more than 50 percent of the volume of cranberries that was canned or frozen.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of cranberries grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended and as hereby further amended, as follows:

1. Section 929.6 is revised to read as follows:

§ 929.6 Fiscal period.

"Fiscal period" is synonymous with "fiscal year" and "crop year" and means the 12-month period beginning September 1 of 1 year and ending August 31 of the following year.

2. A new § 929.13 is added reading as follows:

§ 929.13 Base quantity.

"Base quantity" means the number of pounds of cranberries established for a grower by the committee pursuant to § 929.48.

3. A new § 929.14 is added reading as follows:

§ 929.14 Marketable quantity.

"Marketable quantity" means for a crop year the number of pounds of cranberries necessary to meet the total market demand and to provide for an adequate carryover.

4. A new § 929.15 is added reading as follows:

§ 929.15 Annual allotment.

"Annual allotment" means for a grower in a particular crop year a quantity equivalent to the number of pounds of cranberries determined by multiplying the base quantity of such grower by the allotment percentage established pursuant to § 929.49 for such crop year.

5. A new § 929.16 is added reading as follows:

§ 929.16 Established cranberry acreage.

"Established cranberry acreage" means acreage which is presently producing cranberries on a commercial basis or acreage which has been recently planted or will be planted prior to the effective date of this amendment to produce cranberries on a commercial basis.

6. Section 929.21 is amended as follows:

§ 929.21 Term of office.

The term of office of each member and alternate member of the committee shall be for 2 years beginning September 1 and ending on the second succeeding August 31. • • •

7. Section 929.22 is amended as follows:

§ 929.22 Nomination.

• • • • • •

(b) *Successor members.* (1) • • • The names ad addresses of such nominees shall be submitted to the Secretary not later than July 1 of each even-numbered year.

(2) • • • The names and addresses of such nominees shall be submitted to the Secretary not later than July 1 of each even-numbered year. The committee shall prescribe such procedure for the conduct of the nomination meetings as shall be fair to all persons concerned.

• • • • • •

8. Section 929.50 is redesignated as § 929.46 and revised to read as follows:

§ 929.46 Marketing policy.

(a) Each year prior to May 1 the committee shall estimate the marketable quantity for the following crop year.

(b) Each crop year prior to making any recommendations pursuant to subparagraphs (7) and (8) of this paragraph or § 929.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the crop year. Such marketing policy shall contain the basis therefor and information relating to:

(1) The estimated total production of cranberries;

(2) The expected general quality of such cranberry production;

(3) The estimated carryover, as of September 1, of frozen cranberries and other cranberry products;

(4) The expected demand conditions for cranberries in different market outlets;

(5) Supplies of competing commodities;

(6) Trend and level of consumer income;

(7) The recommended desirable total marketable quantity of cranberries, including a recommended adequate carryover into the following crop year of frozen cranberries and other cranberry products;

(8) Regulation pursuant to § 929.52 expected to be recommended by the committee during the crop year together with its recommendations of the free and restricted percentages and beginning with 1974–75 crop year, the recommended allotment percentage, if any, for the crop year; and

(9) Other factors having a bearing on the marketing of cranberries.

9. A new § 929.47 is added reading as follows:

§ 929.47 Preliminary regulation.

(a) Beginning with the 1968–69 crop year, and continuing for each crop year thereafter through August 31, 1974, no handler shall handle, as the first handler thereof, cranberries purchased by him from a grower or acquired by him for handling for the account of a grower until he has determined the identity of the grower and the quantity of cranberries attributed to such grower. The handler shall furnish such information to the committee at such times and in such forms as the committee, with the approval of the Secretary, may request.

(b) So that each producer may qualify for a base quantity, pursuant to § 929.48, the committee shall furnish each producer early in each calendar year beginning in 1969, and as soon as practicable after the effect date of the amendment for the 1968 calendar year, a form to be filed with the committee whereon the producer reports the location of his bog(s), the acreage of cranberries he intends to harvest, and such other information as the committee needs to establish a base quantity for such producer.

10. A new § 929.48 is added reading as follows:

§ 929.48 Base quantities.

(a) *Determination of base quantities.* (1) If the Secretary finds that the grower allotment program will tend to effectuate the declared policy of the act and that the six crop years 1968–69 through 1973–74 constitute a representative period, he shall announce his findings by March 1, 1974. The basis for the findings with respect to the representative period shall be in terms of producer sales of cranberries from acreage established prior to the effective date of this amendment. Should the Secretary make the aforesaid finding, the committee shall compute a base quantity for each qualified grower. Such computation shall be made and the results thereof made known to each respective grower not later than May 1, 1974. The base quantity shall be, except as otherwise provided in this paragraph, a quantity of cranberries equal to that obtained by multiplying the grower's established cranberry acreage as of February 1, 1974, established prior to the effective date of this amendment by his average per acre sales made from that acreage during the 2 years, within the 6-year period, during which his greatest sales were made: *Provided,* That if such acreage was not under the control of such grower during the entire period 1968–69 through 1973–74, the grower having control on February 1, 1974, shall be issued a base quantity on the basis of sales made from such acreage. Persons who, prior to June 21, 1968, had made firm and substantial commitments for the production of cranberries but who would have no base quantities as determined on representative period sales or whose base quantities would not be representative of such commitments, may file an application with the committee for adjustment of or a new base quantity. Accompanying the request, the person shall submit information to establish proof of commitment, and such other information as may be required to provide full details to the committee so it may reach a fair and equitable decision in this matter. Commitments made by each such person shall be finalized so that any base quantity relating to such commitments will reflect only the sales made from such acreage during the representative period. The committee shall, by rules and regulations approved by the Secretary, consider each such request, and, if appropriate, provide for the assignment or adjustment of base quantities to such producers consistent with such commitments and as will be equitable to all growers. Such determination and considerations appertaining thereto, shall be subject to review by the Secretary.

(2) In accordance with this paragraph and based on reports of handlers, certifications by growers, and other information, the committee shall establish each grower's base quantity and, except as hereinafter provided, assign such base quantity to such grower.

(3) Beginning with January 1, 1966, and through the 1973–74 crop year, if a grower loses cranberry acreage during the period due to unusual circumstances beyond his control, such as any power of eminent domain, he shall be permitted to relocate cranberry acreage within 4 years from time of loss.

The Committee shall compute a base quantity for such grower. Such computed base quantity shall not be greater than the base quantity for such producer had his base quantity been computed from sales made from acreage lost. In computing such base quantity the committee shall consider, among other things, the following factors: (i) Previous crop records on the original acreage; (ii) potential for improvement of the original acreage up to 1974; (iii) production from like acreage in the area of relocation; and (iv) such other factors as are relevant to the computation.

(b) *Additional base quantities.* Each crop year beginning in 1974–75, if it appears that the market demand for cranberries exceeds the aggregate base quantities, the committee shall consider the need for granting, and if appropriate, grant, after approval by the Secretary, additional base quantities on a uniform basis and in an equitable manner, to new growers and to existing growers for the purpose of satisfying the increased market demand for cranberries.

(c) *Review of committee determinations.* The committee shall recommend to the Secretary rules and regulations for review of its determination pursuant to this section, and the Secretary shall, on the basis of such recommendation or other available information, issue rules and regulations governing such review.

11. A new § 929.49 is added reading as follows:

§ 929.49 Marketable quantity, allotment percentage, and annual allotment.

(a) Marketable quantity and allotment percentage: Beginning with 1974–75 crop year, if the Secretary finds from the recommendation of the committee or from other available information that limiting the quantity of cranberries that may be purchased from or handled on behalf of growers would tend to effectuate the declared policy of the act, he shall determine and establish the marketable quantity for such crop year. The marketable quantity shall be apportioned among growers by applying the allotment percentage to each grower's base quantity, established pursuant to § 929.48. The allotment percentage shall be established by the Secretary and shall equal the marketable quantity divided by the total of all growers' base quantities. Except as provided in paragraph (c) of this section, no handler shall purchase or handle on behalf of any grower cranberries not within such grower's annual allotment. In any crop year beginning with the crop year commencing September 1, 1974, in which the production of cranberries is estimated by the committee to be equal to or less than its recommended marketable quantity, the committee may recommend and the Secretary may increase or suspend the allotment percentage applicable to any year. In the event it is found that the market demand is greater than the marketable quantity previously set, the committee may recommend and the Secretary may increase such quantity.

(b) Issuance of annual allotments: The committee shall require each grower to qualify for his allotment by filing with the committee, on or before February 1, 1974, and by the same date each year thereafter, a CMC form wherein the grower states such information as where he intends to produce his annual allotment, the acreage he intends to harvest, changes in location, if any, and such other information, including a copy of any lease agreement, as is necessary for the committee to administer this part. On or before May 1, 1974, and by the same date each year thereafter, the committee shall issue to each grower an annual allotment determined by applying the allotment percentage established pursuant to paragraph (a) of this section to the grower's base quantity.

(c) Filling deficiencies in annual allotments: When a grower, beginning in 1974, does not produce cranberries equal to his computed annual allotment, he may (1) fill any deficit in his annual allotment by obtaining cranberries from another grower who has produced a quantity of cranberries in excess of his computed annual allotment; (2) transfer any unused portion of his allotment to another grower; or (3) transfer his unused allotment to a handler who shall allocate the unused allotment to another grower or growers with insufficient allotment. As a condition to any such transfer each grower or handler shall furnish a full report to each such transaction to the committee, including

the names of the parties, the quantity involved in the transaction, and such other information as will enable the committee to administer this provision. The committee, with the approval of the Secretary, may modify the provisions with respect to filling deficiencies.

(d) A grower or handler with any deficiency of allotment should notify the committee of such deficiency. As a service to growers and handlers to expedite any loan transactions, the committee shall act as a clearing house of information with respect to growers wanting to loan and growers wanting to borrow all or part of an allotment. Such information shall be maintained in the committee office and made available to any producer or handler who requests it.

12. A new § 929.50 is added reading as follows:

§ 929.50 Transfers.

(a) *Of location.* A grower may transfer from the acreage to which the cranberries are attributed on which his base quantity was established to other land which he owns. If the grower is leasing the acreage to which the cranberries are attributed on which his base quantity was established, he may transfer in accordance with the lease contract or with the consent of the owner. The committee shall, by such means as are provided in § 929.42(b) obtain information as to the location(s) where such producer intends to produce his annual allotment.

(b) *To another grower.* A grower who owns the land to which the cranberries are attributed on which the base quantity was established may transfer all or part of his base quantity to another grower. If the transferor is not the owner of the bog land, transfer of the base quantity shall be in accordance with the terms of the agreement between the lessee and the lessor. In the absence of a contract, a transfer shall not be valid nor shall an annual allotment be granted to the potential transferee unless the bog owner consents to the transfer. No transfer shall be recognized by the committee except the transferee and the transferor notifying the committee in writing.

13. Paragraph (d) of § 929.68 is revised to read as follows:

§ 929.68 Termination.

* * * * *

(d) The Secretary shall conduct a referendum during the month of May 1975 to ascertain whether continuance of this part is favored by the growers as set forth in paragraph (c) of this section. The Secretary shall conduct such a referendum during the month of May of every fourth year thereafter.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, August 13, 1968, to become effective upon publication in the FEDERAL REGISTER.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 68-9859; Filed, Aug. 15, 1968; 8:48 a.m.]

[Avocado Reg. 16, Amdt. 3]

PART 944—FRUIT; IMPORT REGULATIONS

Avocados

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) of § 944.8 (Avocado Regulation 16; 33 F.R. 8548, 9087, 10562) are hereby amended to read as follows:

§ 944.8 Avocado Regulation 16.

(a) On and after the effective time of this section, the importation into the United States of any avocados is prohibited unless such avocados are inspected and meet the following requirements:

(1) All avocados imported during the period June 17, 1968, through April 30, 1969, shall grade not less than U.S. No. 3.

(2) Avocados of the Pollock variety shall not be imported (i) prior to July 8, 1968; (ii) from July 8 through July 14, 1968, unless the individual fruit in each lot of such avocados weighs at least 18 ounces or measures at least $3^{11}/_{16}$ inches in diameter; and (iii) from July 15 through July 28, 1968, unless the individual fruit in each lot of such avocados weighs at least 16 ounces or measures at least $3^{7}/_{16}$ inches in diameter.

(3) Avocados of the Catalina variety shall not be imported (i) prior to October 21, 1968; and (ii) from October 21, 1968, through November 10, 1968, unless the individual fruit in each lot of such avocados weighs at least 18 ounces.

(4) Avocados of the Trapp variety shall not be imported (i) prior to August 12, 1968; (ii) from August 12, 1968, through August 25, 1968, unless the individual fruit in each lot of such avocados weighs at least 14 ounces or measures at least $3^{19}/_{16}$ inches in diameter; and (iii) from August 26, 1968, through September 8, 1968, unless the individual fruit in each lot of such avocados weighs at least 12 ounces or measures at least $3^{7}/_{16}$ inches in diameter.

(5) Avocados, other than Pollock, Catalina, and Trapp varieties, of the West Indian type including unidentified West Indian varieties and West Indian varieties not listed elsewhere in this regulation, shall not be imported (i) prior to July 8, 1968; (ii) from July 8 through July 14, 1968, unless the individual fruit in each lot of such avocados weighs at least 16 ounces; (iii) from July 15 through August 4, 1968, unless the individual fruit in each lot of such avocados weighs at least 14 ounces; and (iv) from August 5 through September 22, 1968, unless the individual fruit in each lot of such avocados weighs at least 10 ounces: *Provided*, That any lot of such avocados may be imported without regard to the minimum weight requirements of this paragraph if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(6) Avocados of any variety of the Guatemalan type, including hybrid type seedlings, unidentified Guatemalan and hybrid varieties, and Guatemalan and hybrid varieties not listed elsewhere in the regulation shall not be imported (i) prior to September 23, 1968; (ii) from September 23 through October 20, 1968, unless the individual fruit in each lot of such avocados weighs at least 15 ounces; and (iii) from October 21 through December 22, 1968, unless the individual fruit in each lot of such avocados weighs at least 13 ounces.

(7) Notwithstanding the provisions of subparagraphs (2) through (6) of this paragraph regarding the minimum weight or diameter for individual fruit, not to exceed 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided*, That such avocados shall not fail, by more than two ounces, to weigh the applicable weight for the particular variety as specified in such subparagraphs. Such tolerances shall be permitted for an individual container in a lot.

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to postpone the effective time of this regulation beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same grade and comparable maturity requirements on imports of avocados as are applicable to the shipment of avocados grown in Florida under Avocado Regulation 10, as amended, which became effective July 24, 1968; (c) notice that this action was being considered was published in the FEDERAL REGISTER issue of July 31, 1968 (33 F.R. 10880); (d) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time hereof; (e) notice hereof in excess of three days, the minimum prescribed by said section 8e, is given with respect to this import regulation; and (f) such notice is hereby determined, under the circumstances, to be reasonable.

Dated, August 13, 1968, to become effective August 21, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9857; Filed, Aug. 15, 1968; 8:48 a.m.]

PART 980—VEGETABLES; IMPORT REGULATIONS

Onions

Findings. (a) Notice of rule making regarding proposed restrictions on the importation of onions into the United States to be made effective under section 8e–1 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e–1), was published in the August 1, 1968, FEDERAL REGISTER (33 F.R. 10942). The notice afforded interested persons an opportunity to file data, views, or arguments in regard thereto not later than the 10th day after publication. None was filed.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice, it is hereby found that the proposal as published in the notice should be issued and that such restrictions on the importation of onions, as hereinafter provided, comply with the grade, size, quality and maturity requirements applicable to onions produced in the United States, and effective under Marketing Order No. 958, as amended (7 CFR Part 958), regulating the handling of onions grown in designated counties in Idaho and Malheur County, Oreg. This regulation is subject to amendment with adequate notice as domestic regulations are changed.

(b) It is hereby further found that good cause exists for not postponing the effective date of this regulation beyond the time specified (5 U.S.C. 553) in that (1) the requirements established by this regulation are mandatory under section 8e–1 of the act; (2) all known onion importers were notified of the proposed regulation; and (3) notice hereof was published in the August 1, 1968, FEDERAL REGISTER (33 F.R. 10942), and such notice is determined to be reasonable.

§ 980.107 Onion import regulation.

Except as otherwise provided, during the period August 19, 1968, through June 15, 1969, no person may import dry onions of the yellow or white varieties unless such onions are inspected and meet the requirements of this section.

(a) *Minimum grade and size requirements*—(1) *Yellow varieties*—(i) *Grade.* U.S. No. 2 or better grade.

(ii) *Size.* Two inches minimum diameter.

(2) *White varieties*—(i) *Grade.* U.S. No. 2 or better grade.

(ii) *Size.* One inch minimum diameter.

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of ten or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they also meet the other requirements of this section.

(c) *Minimum quantity.* Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to the provisions of this section.

(d) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) *Designation of governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated at governmental inspection services for certifying the grade, size, quality, and maturity of onions that are imported into the United States under the provisions of section 8e–1 of the act.

(f) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the onions meet the U.S. import requirements for onions under section 8e–1 (7 U.S.C. 608e), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance notice
All Texas points..	W. T. McNabb, Post Office Box 111, 222 McClendon Bldg., 305 East Jackson St., Harlingen, Tex. 78550 (Phone—512-Garfield 3-5644-1240).	1 day.
All Arizona points.	B. O. Morgan, Post Office Box 1614, Nogales, Ariz. 85621 (Phone—602-Atwater 7-2002).	Do.
All California points.	D. P. Thompson, 294 Wholesale Terminal Bldg., 784 South Central Ave., Los Angeles, Calif. 90021 (Phone—213-622-8756).	3 days.
All Hawaii points.	Stevenson Ching, 1428 South King St., Honolulu, Hawaii 96814 (Phone—941-3071 Ext. 146).	1 day.
New York City..	Edward J. Beller, Room 28A Hunts Point Market, Bronx, N.Y. 10474 (Phone—212-991-7669-7668).	Do.
New Orleans.....	Pascal J. Lamarca, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113 (Phone—504-527-6741-6742).	Do.
All other points.	D. S. Matheson, Fruit and Vegetable Division, Consumer and Marketing Service, Washington, D.C. 20250 (Phone—202-Dudley 8-5870).	3 days.

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) In the event the required inspection is performed prior to the arrival of the onions at the port of entry, the inspection certificate that is issued must show that the inspection was performed at the time of loading such onions for direct transportation to the United States; and if transportation is by water, the certificate must show that the inspection was performed at the time of loading onto the vessel.

(6) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant:

Meets U.S. Import requirements under section 8e–1 of the Agricultural Marketing Agreement Act.

(g) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) *Definitions.* For the purpose of this section, "Onions" means all varieties of Allium cepa marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickling onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The term "U.S. No. 2" shall have the same meaning as set forth in the U.S. Standards for Grades of Onions (Other than Bermuda-Granex and Creole Types), §§ 51.2830–51.2854 of this title. Tolerances for size shall be those in the U.S. Standards. Onions meeting the requirements of Canada No. 2 grade shall be deemed to comply with the requirements of U.S. No. 2 grade. "Importation" means release from custody of the United States Bureau of Customs.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated August 12, 1968, to become effective August 19, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9830; Filed, Aug. 15, 1968; 8:46 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 100—STATEMENT OF ORGANIZATION

Sector No. 11—Chula Vista, Calif., of paragraph (d) *Border Patrol Sectors* of § 100.4 *Field Service* is amended by adding the following station in alphabetical sequence: "San Luis Obispo, Calif."

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS, AVAILABILITY OF SERVICE RECORDS

The fifth sentence of paragraph (a) *General* of § 103.2 *Applications, petitions, and other documents* is amended to read as follows: "Applications or petitions received in any Service office shall be stamped to show the time and date of their actual receipt and, unless otherwise specified in Part 204 or Part 245 of this chapter or returned because they are improperly executed, shall be regarded as filed when so stamped."

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

1. The second and fourth sentences of paragraph (g) *Availability of immigrant visas under section 245* of § 245.1 *Eligibility* are amended to read as follows: "An immigrant visa is considered available for accepting and processing the application Form I–485 if the applicant has a priority date on the waiting list which is not more than 90 days later than the date shown in the Bulletin or the Bulletin shows that numbers for visa applicants in his category are current. • • • The priority date of a nonpreference applicant shall be fixed by the following factors, whichever is the earliest: (1) The priority date accorded the applicant by the consular officer as a nonpreference immigrant; (2) the date on which application Form I–485 is filed, if the applicant establishes that the provisions of section 212(a)(14) of the Act do not apply to him or that his profession or occupation is within one of the professional or occupational groups listed in Schedule A or is within one of the occupations listed in Schedule C of Department of Labor regulation 29 CFR Part 60 which has been precertified by the Secretary of Labor; or (3) the date of issuance of an individual certification by the Secretary of Labor pursuant to section 212(a)(14) of the Act, if such individual certification is required."

2. The following sentence is inserted between the existing second and third sentences of paragraph (a) *General* of § 245.2 *Application:* "An alien shall not be eligible to apply for adjustment of status under section 245 of the Act unless a visa is immediately available to him, and, if a prerequisite to immediate availability of a visa is the approval of a visa petition, he shall be ineligible to apply unless such petition has been approved."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of Title 5 of the United States Code (P.L. 89–554, 80 Stat. 383), as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendment to § 100.4(d) adds a station and the amendments to §§ 103.2(a), 245.1(g) and 245.2(a) are clarifying in nature.

Dated: August 12, 1968.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 68–9843; Filed, Aug. 15, 1968; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. G]

PART 207—CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS FOR THE PURPOSE OF PURCHASING OR CARRYING REGISTERED EQUITY SECURITIES

Relaxation of Certain Restrictions Regarding Credit Unions and Others

1. a. Section 207.1 (a), (b), (e), (h), and (i) is amended to read as follows:

§ 207.1 General rule.

(a) *Registration.* Every person who, in the ordinary course of his business, during any calendar quarter ended after October 20, 1967, extends or arranges for the extension of a total of fifty thousand dollars ($50,000) or more or has outstanding at any time during the calendar quarter, a total of one hundred thousand dollars ($100,000) or more, in credit, secured directly or indirectly, in whole or in part, by collateral that includes any registered equity securities, unless such person is subject to Part 220 (Regulation T) or Part 221 (Regulation U) of this chapter, is subject to the registration requirements of this paragraph and shall, within 30 days following the end of the calendar quarter during which the person becomes subject to such registration requirements, register with the Board of Governors of the Federal Reserve System by filing a statement in conformity with the requirements of Federal Reserve Form G–1 with the Federal Reserve Bank of the district in which the principal office of such person is located: *Provided,* That no such statement need be filed with respect to credit extended in the calendar quarter that ended December 31, 1967, until April 10, 1968.

(b) *Termination of registration.* Any person so registered who has not, during the preceding 6 calendar months, extended or maintained or arranged for the extension or maintenance of any credit secured directly or indirectly, in whole or in part, by collateral that includes any registered equity securities may apply for termination of such registration by filing Federal Reserve Form G–2 with the Federal Reserve Bank of the district in which the principal office of such person is located.

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(e) *Statements as to purpose of credit.* In connection with any extension of credit secured directly or indirectly, in whole or in part, by collateral that includes any registered equity security, every person who is subject to the registration requirement of paragraph (a) of this section shall, prior to such extension, obtain a statement in conformity with the requirements of Federal Reserve Form G–3 executed by the customer and executed and accepted in good faith by such person. Such person shall retain such statement in his records for at least 6 years after such credit is extinguished. In determining whether credit is "purpose credit," such person may rely on the statement executed by the customer if accepted in good faith. To accept the customer's statement in good faith, such person must (1) be alert to the circumstances surrounding the credit and (2) if he has any further information which would cause a prudent man not to accept the statement without inquiry, have investigated and be satisfied that the customer's statement is truthful. Circumstances which could indicate that such person has not exercised reasonable diligence in so acquainting himself and so investigating would include, but are not limited to, facts such as that (1) the proceeds of the credit were paid to a broker or to a bank in connection with contemporaneous delivery of registered equity securities, whether or not payment was made against delivery, (2) there were frequent substitutions of registered equity securities serving as collateral for the credit, or (3) the amount of the credit was disproportionate, or the terms inappropriate, to the stated purpose.

• • • • • •

(h) *Purpose and nonpurpose credit extended to the same person.* No lender shall after February 1, 1968, extend or arrange for the extension of any purpose credit, or maintain or arrange for the maintenance of any purpose credit extended after February 1, 1968, if the credit is secured directly or indirectly, in whole or in part, by collateral that includes any registered equity security which also secures, directly or indirectly, in whole or in part, any other credit in excess of $5,000 extended to the same customer after February 1, 1968; and no lender shall have outstanding at the same time to the same customer both such purpose credit and any such other credit: *Provided,* That the prohibitions of this paragraph shall not apply to (1) credit extended for the purpose of purchasing, constructing, maintaining, or improving a dwelling which is occupied or to be occupied by the customer as his principal residence, and is secured by a first lien on such dwelling; or (2) to credit secured by a share account or other claim acquired by the customer from the lender independently of the credit and payable (or entitling the holder to a loan thereon) in a dollar amount determined without regard to the market value of the assets supporting the claim.

(i) *Purpose credit secured by both registered equity securities and by other collateral.* In the case of any purpose credit extended or arranged after February 1, 1968, secured, directly or indirectly, in whole or in part, by any registered equity security, no other collateral shall have any loan value in respect to such credit for the purpose of this part: *Provided, however,* That a share account or other claim acquired by the customer from the lender independently of the credit and payable (or entitling the holder to a loan thereon) in a dollar amount determined without regard to the market value of the assets supporting the claim shall have a maximum loan value as determined by the lender in good faith.

• • • • • •

b. The change in paragraphs (a) and (b) corrects an unintentional ambiguity. The change in paragraph (e) clarifies that a person must begin to obtain purpose statements in conformity with the requirements of Federal Reserve Form G-3 as soon as he becomes subject to the registration requirements of paragraph (a) of this section, even though he has not actually registered. The change in paragraph (h) permits a certain amount of nonpurpose credit to be combined with "purpose credit," as defined by § 207.2 (c)(1), extended to the same person. The change also exempts first mortgage credit and loans against credit union shares or against the cost value of an employee's interest in certain pension or profit sharing plans from the prohibition against extending purpose and nonpurpose credit to the same person. The change in paragraph (i) permits credit unions and employee thrift plans to give good faith loan value to cash deposits of the borrower, which do not reflect direct investment in registered equity securities when such collateral is combined with registered equity securities securing a purpose credit.

2. a. Section 207.2 (b), (c), and (d) is amended to read as follows:

§ 207.2 Definitions.

• • • • • •

(b) The term "in the ordinary course of his business" means occurring or reasonably expected to occur from time to time in the course of any activity of a person for profit or the management and preservation of property or in addition, in the case of a person other than an individual, carrying out or in furtherance of any business purpose.

(c) The "purpose" of a credit is determined by substance rather than form.

(1) Credit which is for the purpose, whether immediate, incidental, or ultimate, of purchasing or carrying a registered equity security is "purpose credit," despite any temporary application of funds otherwise.

(2) Credit to enable the customer to reduce or retire indebtedness which was originally incurred to purchase a registered equity security is for the purpose of "carrying" such a security.

(d) Registered equity security:

(1) The term "registered equity security" means any equity security [1] which (i) is registered on a national securities exchange; or (ii) has unlisted trading privileges on a national securities exchange, or (iii) is exempted by the Securities and Exchange Commission from the operation of section 7(c)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78g(c)(2)) only to the extent necessary to render lawful any direct or indirect extension or maintenance of credit on such security.

(2) Credit for the purpose of purchasing or carrying (i) any security convertible with or without consideration into a registered equity security or carrying any warrant or right to subscribe to or purchase a registered equity security or any such warrant or right, or (ii) any security issued by an investment company registered pursuant to section 8 of the Investment Company Act of 1940 (15 U.S.C. 80a–8), whose assets customarily include registered equity securities, is for the purpose of purchasing or carrying registered equity securities, and such security, or such warrant or right, shall for purposes of this part be treated as if it were a registered equity security.

• • • • • •

[1] As defined in 15 U.S.C. 78c(a)(11).

b. The change in paragraph (b) clarifies that the paragraph was not intended to cover only persons registered as "lenders" under this part. The change in paragraphs (c) and (d) clarifies that this part applies to a purpose loan secured by shares in a mutual fund only if the assets of such fund customarily include registered equity securities and that a loan to purchase such securities is a purpose loan.

3. a. Section 207.4 (a) and (b) is amended to read as follows:

§ 207.4 Miscellaneous provisions.

(a) *Stock option and employee stock purchase plans.* In respect to any credit extended and maintained by a corporation, by a lender wholly controlled by such corporation, or by a lender which is a membership thrift organization whose membership is limited to employees and former employees of such corporation, its subsidiaries, or affiliates (such corporations and such lenders are both sometimes referred to as "plan-lenders"), to an officer or employee of the corporation, subsidiary or affiliate thereof to finance the exercise of rights granted such officer or employee under a stock option plan or employee stock purchase plan adopted by the corporation and approved by a majority of its stockholders to purchase registered equity securities of such corporation, subsidiary or affiliate, • • •

(b) *List of securities.* In determining whether a security is a registered equity security or a security convertible into such security, or a security of the kind described in § 207.2(d)(2), a lender may rely upon the latest list of equity securities registered on a national securities exchange and securities of the kind described in § 207.2(d)(2) issued by the Board of Governors of the Federal Reserve System.

• • • • • •

b. The change in paragraph (a) permits company-related credit unions and thrift plans to make loans to finance employee stock purchase plans of the sponsor company on the same terms and conditions as the paragraph now permits for lenders wholly controlled by the company itself. The change in paragraph (b) substitutes "§ 207.2(d)(2)" for "§ 207.2(c)(3)" to correspond with the amendment to § 207.2 (c) and (d), above.

4. a. The foregoing amendments are effective August 8, 1968.

b. The provisions of section 553 of title 5, United States Code, relating to notice and public participation and to deferred effective dates, were not followed in connection with these amendments. The effect of the amendments is to relax certain restrictions, and, in the circumstances, the Board found that fol-

lowing such procedures would result in delays that would be contrary to the public interest and serve no useful purpose.

Dated at Washington, D.C., this 9th day of August 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 68-9823; Filed, Aug. 15, 1968; 8:46 a.m.]

Chapter IV—Export-Import Bank of the United States

PART 400—STANDARDS OF CONDUCT

Outside Employment and Other Activities

Pursuant to Executive Order 11222 of May 8, 1965 (30 F.R. 6469), Executive Order 11408 of April 25, 1968, and Title 5, Chapter I, Part 735 of the Code of Federal Regulations, Title 12, Chapter IV, Part 400—Standards of Conduct, is amended as follows:

In § 400.735-6 subparagraph (2) of paragraph (b) is amended and subparagraph (3) is revoked as follows:

§ 400.735-6 Outside employment and other activities.

• • • • • •

(b) *Rules and comment.* • • •

(2) Bank employees are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law or regulations. However, a bank employee shall not, either for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Commission or Board of Examiners for the Foreign Service, that depends on information obtained as a result of his Bank employment, except when that information has been made available to the general public or will be made available on request, or when the President of the Bank gives written authorization for the use of nonpublic information on the basis that the use is in the public interest.

(3) [Revoked]

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Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

WALTER C. SAUER, *First Vice President.*

[F.R. Doc. 68-9842; Filed, Aug. 15, 1968; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 7842; Amdt. 39-636]

PART 39—AIRWORTHINESS DIRECTIVES

Rolls Royce Spey Models 506-14, 510-14, 511-8, and 511-14 Airplane Engines

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the incorporation of a stainless steel wire braid wrap around the high pressure air system center section duct, P/Ns EU.-29670A and EU.63415A, on Rolls Royce Spey Models 506-14, 510-14, 511-8, and 511-14 airplane engines, the periodic inspection of the ducts and wrapping for signs of cracking, and the replacement of defective ducts or wraps, was published in 33 F.R. 5630.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One of the comments received expressed concern that an initial duct crack might not result in the discoloration or distortion of the wire wrapping. However, no evidence was submitted in support of this conclusion. The FAA believes that in the event of duct failure some evident discoloration can be expected due to high temperature air or sooting and that evident distortion can also be expected. The same commentator expressed concern that the stainless steel wrapping will hamper inspection of the duct. While it is true that the presence of the wire braid obscures the duct surface, some evidence of damage can be anticipated in the event of failure. The principal reason for requiring the stainless steel wire braid wrap is to strengthen the pipe against an explosive burst. The added protection afforded by the use of the steel wire braid far outweighs any possible difficulties that its use might create in the inspection of the ducts. Finally, the commentator objected to the 300-hour compliance time on the grounds that the incorporation of the wire braid will not prevent duct failure. To the contrary, however, the FAA is aware that the use of the wire braid is necessary to strengthen the pipe against a violent failure and that the importance of this protection dictates that the braid be incorporated within 300 hours after the effective date of this AD.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

ROLLS ROYCE. Applies to Spey Engines Models 506-14, 510-14, 511-8, and 511-14.

Compliance required as indicated, unless already accomplished.

To prevent or contain a possible failure of the H.P. center section air duct and thereby prevent possible secondary powerplant damage, accomplish the following:

(a) Within the next 300 hours' time in service after the effective date of this AD, visually inspect (with the aid of a mirror as necessary) the high pressure air system center section duct, P/Ns EU.29670A and EU.63415A, particularly adjacent to welds, for cracks (discoloration of the cowling and engine adjacent to the duct may be indicative of a duct crack), and incorporate a stainless steel wire braid wrap around the high pressure air system center section duct, P/Ns EU.29670A and EU.63415A, in accordance with Rolls-Royce Service Bulletin No. SP. 75-86, dated November 20, 1967, or later ARB-approved revision, or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region.

(b) At the next scheduled aircraft inspection when the engine is uncowled after compliance with paragraph (a), and thereafter at each scheduled aircraft inspection when the engine is uncowled, or at intervals not to exceed 600 hours' time in service from the last inspection, whichever occurs first, inspect (with the aid of a mirror as necessary) the exposed high pressure air system center section duct for signs of cracking and the stainless steel wire braid wrap for security, distortion, and discoloration. (Distortion or discoloration of the wire wrap may be indicative of a duct crack.)

(c) If defects are found during the inspections required by paragraphs (a) and (b), before further flight, replace, as required, the center section duct with a serviceable P/N EU.29670A or P/N EU.63415A duct and a new stainless steel wire braid wrap.

(d) Upon the request of an operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, may adjust the repetitive inspection interval specified in this AD to permit compliance at an established inspection period of the operator, if the request contains substantiating data to justify the increase for such operator.

This amendment becomes effective September 14, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 9, 1968.

R. S. SLIFF, *Acting Director, Flight Standards Service.*

[F.R. Doc. 68-9820; Filed, Aug. 15, 1968; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9050; Amdt. 610]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Detroit, Mich.—Detroit City, ADF L, Amdt. 9, 24 Dec. 1966 (established under Subpart C).
Arlington, Tex.—Arlington, VOR 1, Amdt. 1, 14 Mar. 1964 (established under Subpart C).
Childress, Tex.—Childress Municipal, VOR 1, Amdt. 5, 9 July 1966 (established under Subpart C).
Detroit, Mich.—Detroit City, VOR 1, Amdt. 6, 6 May 1967 (established under Subpart C).
Worthington, Minn.—Worthington Municipal, VOR Runway 17, Amdt. 3, 24 Feb. 1968 (established under Subpart C).

2. By amending § 97.11 of Subpart B to cancel low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Detroit, Mich.—Detroit City, VOR 2, Amdt. 4, 24 Dec. 1966, canceled, effective 5 Sept. 1968.

3. By amending § 97.15 of Subpart B to cancel very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

Bridgeport, Tex.—Municipal Air Strip, VOR/DME No. 1, Orig., 5 Sept. 1964, canceled, effective 5 Sept. 1968.

4. By amending § 97.17 of Subpart B to delete instrument landing system (ILS) procedures as follows:

Detroit, Mich.—Detroit City, ILS-15, Amdt. 1, 24 Dec. 1966 (established under Subpart C).

5. By amending § 97.19 of Subpart B to delete radar procedures as follows:

Detroit, Mich.—Detroit City, Radar 2, Orig., 24 June 1967 (established under Subpart C).

6. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 10.3 miles after passing BRT VORTAC.
Lucas Int	BRT VORTAC	Direct	3300	Climbing left turn to 2500' direct to BRT VORTAC.

Procedure turn W side of crs, 193° Outbnd, 013° Inbnd, 2500' within 10 miles of BRT VORTAC.
FAF, BRT VORTAC. Final approach crs, 344°. Distance FAF to MAP, 10.3 miles.
Minimum altitude over BRT VORTAC, 2500'.
MSA: 000°-090°—3400'; 090°-180°—2300'; 180°-270°—2200'; 270°-360°—2800'.
NOTE: Radar available.
*Use Fort Worth FSS altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-34*	1380	1	750	1380	1	750	1380	1¼	750	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1380	1	750	1380	1	750	1380	1¼	750	NA
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.			

City, Arlington; State, Tex.; Airport name, Arlington; Elev., 630'; Facility, BRT; Procedure No. VOR Runway 3, Amdt. 2; Eff. date, 5 Sept. 68; Sup. Amdt. No. VOR 1, Amdt. 1; Dated, 14 Mar. 64

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.6 miles after passing Stafford Int.
BUF VORTAC	Stafford Int/18-mile DME	Direct	3000	Climb to 3000', right turn to R 311° GEE VORTAC to Stafford Int and hold.
ROC VORTAC	Stafford Int/18-mile DME	Direct	3000	Supplementary charting information: Hold SE of Stafford Int, 1 minute, right turns, 311° inbnd. Tree in 7.1 on N side of runway. Chart 22.6-mile DME, R 311° in profile view. UNICOM 122.8.
GEE VORTAC	Caledonia Int/10-mile DME	Direct	3000	
Caledonia Int/10-mile DME	Stafford Int/18-mile DME (NOPT)	GEE VOR, R 311°-8 miles	2300	

Procedure turn N side of crs, 131° Outbnd, 311° Inbnd, 3000' within 10 miles of Stafford Int/18-mile DME.
FAF, Stafford Int/18-mile DME. Final approach crs, 311°. Distance FAF to MAP, 4.5 miles.
Minimum altitude over Stafford Int/18-mile DME, 2300'.
MSA: 000°-090°—2900'; 090°-180°—3330'; 180°-270°—3300'; 270°-360°—2900'.
NOTE: Use ROC altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	1420	1	510	1420	1¼	510	NA	NA
A	Not authorized		T 2-eng. or less—200-1 all runways.				T over 2-eng.—200-1 all runways.	

City, Batavia; State, N.Y.; Airport name, Genesee County; Elev., 910'; Facility, GEE; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 5 Sept. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.1 miles after passing VORTAC.
FT NDB	BPR VORTAC	Direct	2500	Climb to 3000' on R 306° within 20 miles.
Stoneburg Int	BPR VORTAC	Direct	3000	
Slidell Int	BPR VORTAC	Direct	2500	
R 192°, BPR VORTAC counterclockwise	R 126°, BPR VORTAC	8-mile arc BPR, R 140° lead radial.	2500	
R 018°, BPR VORTAC clockwise	R 126°, BPR VORTAC	8-mile arc BPR, R 112° lead radial.	2500	
8-mile arc	BPR VOR (NOPT)	BPR R 126°	2000	

Procedure turn S side of crs, 126° Outbnd, 306° Inbnd, 2500' within 10 miles of BPR VORTAC.
FAF, BPR VORTAC. Final approach crs, 306°. Distance FAF to MAP, 2.1 miles.
Minimum altitude over BPR VORTAC, 2000'.
MSA: 000°-090°—2600'; 090°-180°—2500'; 180°-270°—2600'; 270°-360°—2500'.
*Night operations not authorized.
*Use Fort Worth altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B	C	D
	MDA	VIS	HAA	VIS	VIS	VIS
C*	1660	1	709	NA	*NA	NA
A	Not authorized.		T 2-eng. or less—Standard.		T over 2-eng.—Not authorized.	

City, Bridgeport; State, Tex.; Airport name, Bridgeport Municipal Air Strip; Elev., 971'; Facility, BPR: Procedure No. VOR-1, Amdt. Orig.; Eff. date, 5 Sept. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.2 miles after passing CDS VOR.
				Climb to 3600' on R 352°, right turn direct to CDS VOR and hold. Supplementary charting information: Hold S, 172°-352° inbnd, 1-minute right turns.

Procedure turn E side of crs, 172° Outbnd, 352° Inbnd, 3600' within 10 miles of CDS VOR.
FAF, CDS VOR. Final approach crs, 352°. Distance FAF to MAP, 3.2 miles.
Minimum altitude over CDS VOR, 2600'.
MSA: 000°-360°—3600'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-35	2300	1	348	2300	1	348	2300	1	348	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	2400	1	448	2420	1	468	2420	1¼	468	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Childress; State, Tex.; Airport name, Childress Municipal; Elev., 1952'; Facility, CDS; Procedure No. VOR Runway 35, Amdt. 5; Eff. date, 5 Sept. 68; Sup. Amdt. No. VOR 1, Amdt. 5; Dated, 9 July 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.7 miles after passing Stack Fan Marker.
Windsor VOR	Stack Fan Marker	Direct	1700	Climb to 2800' direct to Belle Int or, when directed by ATC, make right-climbing turn, proceed to Windsor VOR at 2000'. Supplementary charting information: Approach radial lies about 500' left of Runway 33L. TDZ elevation, 623'.

Procedure turn not authorized. Approach crs (profile) starts at Windsor VOR.
FAF, Stack Fan Marker. Final approach crs, 323°. Distance FAF to MAP, 2.7 miles.
Minimum altitude over Windsor VOR, 2000'; over Stack Fan Marker, 1700'.
MSA: 000°-180°—2000'; 180°-270°—2300'; 270°-360°—2800'.
NOTES: (1) ASR. (2) VOR and marker beacon receivers or radar required.
*Sliding scale not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
8*										
33L	1080	1	457	1080	1	457	1080	1	457	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1180	1	555	1180	1	555	1180	1¼	555	NA
A	Standard.		T 2-eng. or less—300' ceiling and 1 mile required all runways.				T over 2-eng.—300' ceiling and 1 mile required all runways.			

City, Detroit; State, Mich.; Airport name, Detroit City; Elev., 625'; Facility, OG; Procedure No. VOR Runway 33L, Amdt. 7; Eff. date, 5 Sept. 68; Sup. Amdt. No. VOR-1, Amdt. 6; Dated, 6 May 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: OTG VOR.
Bigelow Int	OTG VOR	Direct	3300	Climb to 3300' on R 170° within 10 miles of VOR, return to VOR. Supplementary charting information: Final approach crs intercepts runway centerline, 4600' from threshold. LRCO, 122.1, 123.6. 230?' tower, 4 miles SW. TDZ elevation, 1567'.

Procedure turn W side of crs, 350° Outbnd, 170° Inbnd, 3300' within 10 miles of OTG VOR.
Final approach crs, 170°.
Minimum altitude over OTG VOR, 1960' *(2180' when control zone not effective).
MSA: 000°-180°—2900'; 180°-360°—3460'.
*Use Sioux Falls altimeter setting when control zone not effective. Circling and straight-in MDA increased 220' and alternate minimums not authorized when control zone not effective, except operators with approved weather reporting service.
% IFR departure restrictions: When weather is below 800-1, aircraft departing southwestbound, flight below 2800' beyond 1 mile from airport is prohibited between R 210° and R 290°, inclusive of OTG VOR. Restriction due to 2307' MSL tower, 4 miles SW of airport.
CAUTION: Runways 8/26, 14/32, 5/23 unlighted.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
8-17*	1960	1	393	1960	1	393	1960	1	393	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*	2080	1	506	2080	1	506	2100	1½	526	
A	Standard.*		T 2-eng. or less—300-1, Runway 17; Standard Runway 35%.				T over 2-eng.—300-1, Runway 17; Standard Runway 35%.			

City, Worthington; State, Minn.; Airport name, Worthington Municipal; Elev., 1574'; Facility, OTG; Procedure No. VOR Runway 17, Amdt. 4; Eff. date, 5 Sept. 68; Sup. Amdt. No. 3; Dated, 24 Feb. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach MAP: OTG VOR.
Bigelow Int	OTG VOR	Direct	3300	Climb to 3300′ on R 350° within 10 miles return to VOR. Supplementary charting information: Final approach crs intercepts runway centerline, 3000′ from threshold. LRCO, 122.1, 123.6. 2307′ tower, 4 miles SW. TDZ elevation, 1574′.

Procedure turn E side of crs, 181° Outbnd, 001° Inbnd, 3300′ within 10 miles of OTG VOR.
Final approach crs, 001°.
Minimum altitude over OTG VOR, 2120′ °(2340′ when control zone not effective).
MSA: 000°–180°—2900′; 180°–360°—3400′.
°Use Sioux Falls altimeter setting when control zone not effective. Circling and straight-in MDA increased 220′ and alternate minimums not authorized when control zone not effective, except operators with approved weather reporting service.
%IFR departure restrictions: When weather is below 800–1 aircraft departing southwest bound, flight below 2800′ beyond 1 mile from airport is prohibited between R 210° and R 290°, inclusive of OTG VOR. Restriction due to 2307′ MSL tower, 4 miles SW of airport.
CAUTION: Runways 8/26, 14/32, 5/23 unlighted.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D VIS
S–35°	2120	1	546	2120	1	546	2120	1	546	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C°	2120	1	546	2120	1	546	2120	1½	546	NA
A	Standard.°		T 2-eng. or less—300–1, Runway 17; Standard Runway 35.%				T over 2-eng.—300–1, Runway 17, Standard Runway 35.%			

City, Worthington; State, Minn.; Airport name, Worthington Municipal; Elev., 1574′; Facility, OTG; Procedure No. VOR Runway 35, Amdt. Orig.; Eff. date, 5 Sept. 68

7. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach MAP: BPT VOR.
Winnie Int	Robert Int	Direct	1500	Climb to 1500′, left turn to R 049°, BPT VOR to Peveto Int. Supplementary charting information: Winnie Int: BPT, R 248°; DAS R 128°. Robert Int: BPT, R 248°; SBI, R 335°. Refinery 160′ at 29–57–57/90–02–57.

Procedure turn not authorized. Approach crs (profile) starts at Robert Int.
Final approach crs, 065°.
Minimum altitude over Robert Int, 1500′.
MSA: 000°–360°—2000′.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAA	B MDA	B VIS	B HAA	C MDA	C VIS	C HAA	D MDA	D VIS	D HAA
C	460	1	444	480	1	464	480	1½	464	580	2	564
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Beaumont; State, Tex.; Airport name, Jefferson County; Elev., 16′; Facility, BPT; Procedure No. VOR-1, Amdt. 1; Eff. date, 5 Sept. 68; Sup. Amdt. No. Orig.; Dated 27 June 68

8. By amending § 97.25 of Subpart C to establish localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach MAP: 5.7 miles after passing DE LOM.
QG NDB	DE LOM	Direct	2300	Climb to 2000′ direct to QG NDB or, when directed by ATC, climb to 2000′ direct to QG VOR.
QG VOR	DE LOM	Direct	2300	
SVM VOR	DE LOM	Direct	2800	
Troy Int	DE LOM (NOPT)	DR 100° and LOC crs, 9.7	2000	Supplementary charting information: DE LOM is named "Madison." TDZ elevation, 623′.

Procedure turn E side of crs, 326° Outbnd, 146° Inbnd, 2300′ within 10 miles of DE LOM.
FAF, DE LOM. Final approach crs, 146°. Distance FAF to MAP, 5.7 miles.
Minimum altitude over DE LOM, 2000′.
MSA: 000°–090°—2500′; 090°–180°—2300′; 180°–360°—2800′.
NOTE: (1) Back crs unusable. (2) ASR. (3) Inoperative component table does not apply to REILS Runway 15R.
°Sliding scale not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D VIS
S–15R°	1160	1	537	1160	1	537	1160	1	537	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1180	1	555	1180	1	555	1180	1½	555	NA
A	Standard.		T 2-eng. or less—300–1 required all runways.				T over 2-eng.—300–1 required all runways.			

City, Detroit; State, Mich.; Airport name, Detroit City; Elev., 625′; Facility, I–DET; Procedure No. LOC Runway 15R, Amdt. 2; Eff. date, 5 Sept. 68; Sup. Amdt. No. ILS–15, Amdt. 1; Dated, 24 Dec. 66

9. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach MAP: 5.7 miles after passing DE LOM.
QG NDB	DE LOM	Direct	2300	Climb to 2000′ direct to QG NDB or, when directed by ATC, climb to 2000′ direct to QG VOR.
QG VOR	DE LOM	Direct	2300	
SVM VORTAC	DE LOM	Direct	2800	
Troy Int	DE LOM (NOPT)	Direct 100° and 326° bearing, 9.7 miles.	2000	Supplementary charting information: DE LOM is named "Madison." TDZ elevation, 623′.

Procedure turn E side of crs, 326° Outbnd, 146° Inbnd, 2300′ within 10 miles of DE LOM.
FAF, DE LOM. Final approach crs, 146°. Distance FAF to MAP, 5.7 miles.
Minimum altitude over DE LOM, 2000′.
MSA: 000°–090°—2500′; 090°–180°—2300′; 180°–360°—2800′.
NOTE: ASR.
°Sliding scale not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D VIS
S–15R°	1200	1	577	1200	1	577	1200	1	577	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1200	1	575	1200	1	575	1200	1½	575	NA
A	Standard.		T 2-eng. or less—300′ ceiling and 1 mile required all runways.				T over 2-eng.—300′ ceiling and 1 mile required all runways.			

City, Detroit; State, Mich.; Airport name, Detroit City; Elev., 625′; Facility, DE; Procedure No. NDB (ADF) Runway 15R, Amdt. 10; Eff. date, 5 Sept. 68; Sup. Amdt. No. ADF 1, Amdt. 9; Dated, 24 Dec. 66

10. By amending § 97.31 of Subpart C to establish precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
												1. Descend aircraft after passing FAF. 2. Runway 33L, FAF 6 miles from threshold TDZ elevation, 623'. 3. Runway 25, FAF 6 miles from threshold, TDZ elevation, 625'. 4. Runway 15R, FAF 6 miles from threshold TDZ elevation, 623'.

As established by Detroit ASR minimum vectoring charts.

Missed approach: Runway 33L—climb to 2800' and proceed direct to DE LOM. Runway 25—climbing right turn to 2800' direct to DE LOM. Runway 15R—climb to 2000' direct to QG VOR.

NOTE: Inoperative components table does not apply to REILS Runway 15R.

*Sliding scale not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-33L*	1200	1	577	1200	1	577	1200	1	577	NA
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-25*	1140	1	515	1140	1	515	1140	1	515	NA
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-15R*	1160	1	537	1160	1	537	1160	1	537	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1200	1	575	1200	1	575	1200	1½	575	NA
A	Standard.		T 2-eng. or less—300-1 required all runways.				T over 2-eng.—300-1 required all runways.			

City, Detroit; State, Mich.; Airport name, Detroit City; Elev., 625'; Facility, Detroit Metro Radar; Procedure No. Radar 1, Amdt. 1; Eff. date, 5 Sept. 68; Sup. Amdt. No. Radar 2, Orig.; Dated, 24 June 67

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on July 31, 1968.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 68-9392; Filed, Aug. 15, 1968; 8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 3, Amdt. 5]

PART 120—LOAN POLICY

Business Loans and Guarantees

Section 120.2 of Part 120 of Title 13 of the Code of Federal Regulations is hereby amended by revising paragraph (b)(2) thereof to read as follows:

§ 120.2 Business loans and guarantees.

* * * * *

(b) * * *

(2) SBA's share of immediate participation loans shall not exceed 75 percent of the loan. Exceptions may be made in cases where the participant's legal lending limit precludes a 25-percent participation. In such cases the participant will be required to share in the loan to the extent of its legal lending limit but in no event less than 10 percent. In guaranteed loans the exposure of SBA under the guaranty may not exceed 90 percent of the unpaid principal balance and accrued interest.

* * * * *

Effective date: August 1, 1968.

HOWARD J. SAMUELS,
Administrator.

[F.R. Doc. 68-9818; Filed, Aug. 15, 1968; 8:46 a.m.]

[Rev. 3, Amdt. 2]

PART 122—BUSINESS LOANS

Immediate Participation Loans

Part 122 of Title 13 of the Code of Federal Regulations is hereby amended by revising §122.7 thereof to read as follows:

§ 122.7 Immediate participation loans.

Immediate participation loans are those where either SBA or a financial institution agrees to purchase from the other, immediately upon disbursement, and agreed percentage of each disbursement, SBA's participation shall not exceed 75 percent of the amount of the loan. Exceptions may be made in cases where the participant's legal lending limit precludes a 25-percent participation. In such cases the participant will be required to share in the loan to the extent of its legal lending limit but in no event less than 10 percent. An immediate participation loan may not be made if a guaranteed loan is available.

Effective date: August 1, 1968.

HOWARD J. SAMUELS,
Administrator.

[F.R. Doc. 68-9819; Filed, Aug. 15, 1968; 8:46 a.m.]

Title 23—HIGHWAYS AND VEHICLES

Chapter II—Vehicle and Highway Safety

[Docket No. 2-8; Standard 212]

PART 255—INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Windshield Mounting; Passenger Cars

A proposal to amend Part 255 of the Federal Motor Vehicle Safety Standards by adding a Standard No. 212, Windshield Mounting—Passenger Cars, was published as an advance notice of proposed rule making on October 14, 1967 (32 F.R. 14281), and a notice of proposed rule making on December 28, 1967 (32 F.R. 20866).

Interested persons have been given the opportunity to participate in the making of this amendment, and careful consideration has been given to all relevant matter presented.

This new standard requires that, when tested as prescribed, each passenger car windshield mounting must retain either: (1) Not less than 75 percent of the windshield periphery; or (2) not less than 50 percent of that portion of the windshield periphery on each side of the vehicle longitudinal centerline, if an unrestrained 95th percentile adult male manikin is seated in each outboard front seating position.

Several comments objected to the proposed standard and in some cases urged that more research should be done before any type of windshield mounting is required. The standard is, however, part of an integrated program aimed at accomplishing the widely accepted safety goal of keeping occupants within the confines of the passenger compartment during a crash. One major step in this program is the utilization of the laminated glazing material prescribed in Federal Motor Vehicle Safety Standard No. 205, which has resulted in a marked reduction in serious head injury to occupants known to have struck the windshield. The windshield mounting retention requirement prescribed in this standard takes advantage of this improved glazing material and will further minimize the likelihood of occupants being thrown from the vehicle during a crash.

Several comments requested reduction of the 75 percent retention requirement to 50 percent. The Administrator concludes that, as an alternative, 50 percent retention is acceptable if: (1) An unrestrained 95 percent percentile adult male manikin is seated in each outboard front seating position when the test procedure is performed, and (2) at least 50 percent of that portion of the windshield periphery on each side of the vehicle longitudinal centerline is retained.

Several comments requested that the phrase "or approved equivalent" be added to the "Demonstration procedures" provision. Section 255.11 of the Federal motor vehicle safety standards provides that "an approved equivalent may be substituted for any required destructive demonstration procedure." Consequently, inclusion of the phrase requested is not necessary.

In consideration of the foregoing, § 255.21 of Part 255 of the Federal motor vehicle safety standards is amended by adding Standard No. 212, "Windshield Mounting—Passenger Cars," as set forth below, effective January 1, 1970.

This rule making action is taken under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (P.L. 89-563, 15 U.S.C. 1392 and 1407) and the delegation of authority contained in Part 1 of the Regulations of the Office of the Secretary of Transportation (49 CFR Part 1).

Issued in Washington, D.C., on August 13, 1968.

JOHN R. JAMIESON,
Deputy
Federal Highway Administrator.

MOTOR VEHICLE SAFETY STANDARD NO. 212

WINDSHIELD MOUNTING—PASSSENGER CARS

S1. *Purpose and scope.* This standard establishes windshield retention requirements for windshield mountings.

S2. *Application.* This standard applies to passenger cars.

S3. *Requirements.* When tested in accordance with S4, each windshield mounting must retain either—

(a) Not less than 75 percent of the windshield periphery; or

(b) Not less than 50 percent of that portion of the windshield periphery on each side of the vehicle longitudinal centerline, if an unrestrained 95th percentile adult male manikin is seated in each outboard front seating position.

S4. *Demonstration procedures.* Compliance with S3 shall be demonstrated by a front end longitudinal barrier collision test conducted in accordance with Society of Automotive Engineers Recommended Practice J850, "Barrier Collision Tests," February 1963, at not less than 30 mph.

[F.R. Doc. 68-9854; Filed, Aug. 15, 1968; 8:48 a.m.]

PART 255—INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Appendix A; Interpretation; Bulbs and Bulb Sockets

A number of vehicle manufacturers and other interested parties have questioned the permissibility of using tubular-type bulbs to meet certain requirements of Federal Motor Vehicle Safety Standard No. 108 (Lamps, Reflective Devices, and Associated Equipment).

Paragraph S3.1 and Tables I and III of Federal Standard No. 108 as amended (32 F.R. 18033, Dec. 16, 1967), specify that certain lamp assemblies shall conform to applicable SAE Standards. Each of these basically referenced standards subreferences both SAE Standard J575 (tests for motor vehicle lighting devices and components) which in turn references SAE Standard J573 on bulbs, and SAE Standard J567 on bulb sockets.

Paragraph C of SAE Standard J575 states in part: "Where special bulbs are specified, they should be submitted with the devices and the same or similar bulbs used in the tests and operated at their rated mean spherical candlepower." The Administrator has determined that this provision of SAE Standard J575 permits the use of special bulbs, including tubular-type bulbs, which do not conform to the detailed requirements of Table I of SAE Standard J573. It follows that the sockets for special bulbs need not conform to the detailed requirements of SAE Standard J567. These provisions for special bulbs in no way except the lamp assemblies from meeting all performance requirements specified in Federal Standard No. 108, including those specified in the basically referenced SAE Standards, and in the subreferenced SAE Standard J575.

Issued in Washington, D.C., on August 12, 1968.

JOHN R. JAMIESON,
Deputy
Federal Highway Administrator.

[F.R. Doc. 68-9827, Filed, Aug. 15, 1968; 8:46 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 251—LAND USES

Administration and Use of National Forest Wilderness and National Forest Primitive Areas

Part 251 of Chapter II, Code of Federal Regulations, is amended as follows: In § 251.85, paragraph (b) is amended by adding subparagraph (8) to read as follows:

§ 251.85 Special provisions governing the Boundary Waters Canoe Area, Superior National Forest.

* * * * *

(b) * * *

(8) In order to permit customary use of the Boundary Waters Canoe Area to continue pending a permanent solution to the change of water levels resulting from the failure of Prairie Portage Dam and notwithstanding the provisions of subparagraphs (3) and (5) of this paragraph until December 31, 1969, use of portage wheels to transport boats across the temporary portage between Moose Lake and Newfound Lake may be permitted, and permits may be issued for the storage of boats and related equipment in the vicinity of this temporary portage to the extent consistent with the operating practices of the permittees prior to the failure of Prairie Portage Dam as determined by the Forest Supervisor; and notwithstanding the provisions of subparagraph (1) of this paragraph, a structure to maintain normal water levels in Moose Lake is authorized.

* * * * *

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

(78 Stat. 890, 16 U.S.C. 1131-1136; 74 Stat. 215, 16 U.S.C. 528-531; 46 Stat. 1020, 16 U.S.C. 577-577c)

Done at Washington, D.C., this 13th day of August 1968.

JOHN A. BAKER,
Assistant Secretary.

[F.R. Doc. 68-9835; Filed, Aug. 15, 1968; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4509]

[Oregon 2980]

OREGON

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental order of March 26, 1924, withdrawing lands for the Klamath Project, is hereby revoked so far as it affects the following described lands:

WILLAMETTE MERIDIAN

T. 39 S., R. 12 E.,
Sec. 9, N½N½ and SE¼NE¼;
Sec. 15, NW¼NW¼.

The areas described aggregate 240 acres in Klamath County.

The lands are located about 30 miles east of Klamath Falls, Oreg. Vegetative cover is sagebrush, cheatgrass and other native shrubs, grasses, and forbs, with a scattered growth of western juniper and ponderosa pine.

2. At 10 a.m. on September 17, 1968, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on September 17, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location under the U.S. mining laws at 10 a.m. on September 17, 1968. They have been open to applications and offers under the mineral leasing laws.

The State of Oregon has waived the preference right of application granted to certain States by R.S. 2276, as amended (43 U.S.C. 852).

Inquiries concerning the lands should be addressed to the Land Office, Bureau of Land Management, Portland, Oreg.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

AUGUST 12, 1968.

[F.R. Doc. 68-9809; Filed, Aug. 15, 1968; 8:45 a.m.]

[Public Land Order 4510]

[Oregon 3174]

OREGON

Partial Revocation of National Forest Administrative Site Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 2298 of March 14, 1961, withdrawing national forest lands as administrative sites and recreation areas, is hereby revoked so far as it affects the following described lands:

WILLAMETTE MERIDIAN

WINEMA NATIONAL FOREST

Davis Flat Administrative Site

T. 27 S., R. 10 E.,
Sec. 32, NE¼SE¼ and N½SE¼SE¼.

The areas described aggregate 60 acres in Klamath County.

2. At 10 a.m. on September 17, 1968, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

AUGUST 12, 1968.

[F.R. Doc. 68-9815; Filed, Aug. 15, 1968; 8:45 a.m.]

[Public Land Order 4511]

[Oregon 3088]

OREGON

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. The departmental orders of March 28, 1925, and February 18, 1937, withdrawing lands for the Owyhee Project, are hereby revoked so far as they affect the following described lands:

WILLAMETTE MERIDIAN

T. 18 S., R. 45 E.,
Sec. 10, NE¼ and N½NW¼.
T. 21 S., R. 46 E.,
Sec. 27, NW¼NW¼;
Sec. 33, W½NW¼ and SW¼.
T. 22 S., R. 46 E.,
Sec. 4, lots 3 and 4, SW¼NW¼, and N½SE¼NW¼;
Sec. 9, W½NW¼.

The areas described aggregate 743.15 acres in Malheur County.

The lands are near Vale, Oreg. Vegetative cover is sagebrush, cheat grass, and other native shrubs, grasses and forbs.

2. At 10 a.m. on September 17, 1968, the lands shall be open to operation of the public land laws, generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on September 17, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location under the U.S. mining laws at 10 a.m. on September 17, 1968. They have been open to applications and offers under the mineral leasing laws.

The State of Oregon has waived the preference right of application granted to certain states by R.S. 2276, as amended (43 U.S.C. 852).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Ore.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

AUGUST 12, 1968.

[F.R. Doc. 68-9810; Filed, Aug. 15, 1968; 8:45 a.m.]

[Public Land Order 4512]

[Fairbanks 013103]

ALASKA

Revocation of Public Land Order No. 1426

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 1426 of May 29, 1957, which withdrew a tract of 91.83 acres for use of the Department of the Air Force as the Bethel TACAN Site, located approximately one-half mile north of the townsite of Bethel, described by metes and bounds, is hereby revoked.

2. Until 10 a.m. on November 12, 1968, the State of Alaska shall have a preferred right to select the public lands released from withdrawal, as provided by section 6(g) of the Alaska Statehood Act of June 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 2222.9. After that time the lands shall be open to operation of the public land laws generally, including the mining and mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 12, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

AUGUST 12, 1968.

[F.R. Doc. 68-9811; Filed, Aug. 15, 1968; 8:45 a.m.]

[Public Land Order 4513]

[Wyoming 10641]

WYOMING

Withdrawal for Reclamation Project

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for the Buffalo Bill Reservoir of the Shoshone Project:

SIXTH PRINCIPAL MERIDIAN

T. 29 N., R. 84 W.,
Sec. 11, S½SE¼;
Sec. 14, lots 1, 4, and 5.

The area described contains 143.59 acres.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

AUGUST 12, 1968.

[F.R. Doc. 68-9812; Filed, Aug. 15, 1968; 8:45 a.m.]

[Public Land Order 4514]

[Sacramento 1626]

CALIFORNIA

Partial Revocation of National Forest Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 1617 of March 12, 1959, withdrawing lands for the Squaw Valley Olympic Site and Recreation Area is hereby revoked so far as it affects the following described lands:

MOUNT DIABLO MERIDIAN

TAHOE NATIONAL FOREST

T. 16 N., R. 16 E.,
Sec. 33, SE¼NE¼NW¼, SE¼SW¼NW¼, and NW¼SE¼NW¼.

The area described contains approximately 30 acres in Placer County.

2. At 10 a.m. on September 17, 1968, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

AUGUST 12, 1968.

[F.R. Doc. 68-9813; Filed, Aug. 15, 1968; 8:45 a.m.]

[Public Land Order 4515]

[Sacramento 1503]

CALIFORNIA

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. Public Land Order No. 2729 dated July 17, 1962, withdrawing lands for the Central Valley Project is hereby revoked so far as it affects the following described patented land:

MOUNT DIABLO MERIDIAN

T. 7 N., R. 10 E.,
Sec. 2, that portion of unsegregated Mineral Lot 62 within Lot 7.

The unsegregated area on the official plat of survey contains approximately 13.92 acres in Amador County.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

AUGUST 12, 1968.

[F.R. Doc. 68-9814; Filed, Aug. 15, 1968; 8:45 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 24; Docket No. 67-55]

PART 522—FILING OF AGREEMENTS BETWEEN COMMON CARRIERS OF FREIGHT BY WATER IN THE FOREIGN COMMERCE OF THE UNITED STATES

This proceeding was instituted by notice of proposed rulemaking published in the FEDERAL REGISTER on November 4, 1967 (32 F.R. 15438), inviting comments on the proposed rules. The proposed rules would specify the number of copies, the type of endorsement, and the typographical form of agreements and modifications. In addition, in the interest of uniformity and in order to assure expeditious processing and consideration of agreements filed with the Commission pursuant to section 15 of the Shipping Act, 1916, the proposed rules suggest standardized wording of agreements. Except for the provisions pertaining to the methods of filing agreements and modifications of approved agreements, the proposed rules are permissive in nature rather than mandatory. When effective, the rules will cancel and supersede 46 CFR Part 522.[1] A total of 17 comments were filed by or on behalf of 27 conferences, two independent common carriers by water, one shipowners committee, one manufacturers association, and one chamber of commerce. Replies were filed by Hearing Counsel. Answers to Hearing Counsel's reply were filed by the shipowners committee and the American Great Lakes Mediterranean Conference.

After consideration of the comments of these parties, and in the light thereof, the Commission herewith adopts its final rules.

Objections were made to the use of the word "anticompetitive" or any phrase including it throughout the rules, and its deletion or alteration was recommended. The deletion is being effected, but for reasons other than those offered by the various commentators. Rather than being too broad in scope, it is unduly restrictive. From the beginning plenary jurisdiction was intended for the Commission. The Alexander Report, House Committee on Merchant Marine and Fisheries Report on Steamship Agreements and Affiliations (H.R. Doc. No. 805, 63d Cong., second sess., at p. 418 (1914)), sets forth the following:

> On the other hand • • • witnesses • • • were in the great majority of instances favorable to a comprehensive system of government supervision • • • [and] the approval of contracts, agreements, and arrangements, and the general supervision of all conditions of water transportation which vitally affect the interests of shippers.

Supporting this is the interpretation by the court of section 15 of the Act in Volkswagenwerk v. FMC, 390 U.S. 261, 275 (1968).

> To limit § 15 to agreements that "affect competition," as the Commission used that phrase in the present case, simply does not square with the structure of the statute. Section 15 requires filing of "every agreement" in any of seven categories, and one of the seven comprises all agreements which "regulat[e] • • • competition." The other six categories would be rendered virtually meaningless by the Commission's construction.

Therefore, with these exemplifications of the broad reach of the Shipping Act, the word "anticompetitive" wherever used will be deleted.

Objections which were also made to the proposed rule which made mandatory the transmittal of a letter memorandum demonstrating that the agreement is required by serious transportation considerations have been met by transferring the proposed rule to § 522.5 *Accompanying memoranda*, which is permissive, but the provision must remain in the rules as proposed. In FMC v. Svenska Amerika Linien, 390 U.S. 238 (1968), the court in its comments on the new authority permitting disapproval under section 15 of any agreement found to be "contrary to the public interest," said:

> The Commission has formulated a principle that conference restraints which interfere with the policies of the antitrust laws will be approved only if the conferences can "bring forth such facts as would demonstrate that the • • • rule was required by a serious transportation need, necessary to secure important public benefits or in furtherance of a valid regulatory purpose of the Shipping Act" • • • By its very nature an illegal restraint of trade is • • • "contrary to the public interest," and the Commission's antitrust standard, involving an assessment of the necessity for this restraint in terms of legitimate commercial objectives, simply gives understandable content to the broad statutory concept of "the public interest".

The court concluded that the antitrust test formulated by the Commission was an appropriate refinement of the statutory "public interest" standard. Hence, this memorandum justification will be of assistance to the staff in evaluating the agreement vis-a-vis the public interest standard.

With respect to the objection that certain transshipment agreements should not have to be filed because they do not constitute arrangements limiting competition which require section 15 authorization, see the quotation from Volkswagen, supra. All transshipment agreements must be filed. However, in Docket

[1] Regulations for filing copies of agreements under sec. 15, Shipping Act, 1916.

No. 68-4—Exemption of Nonexclusive Transshipment Agreements From the Approval Requirements of Section 15, Shipping Act, 1916, served May 9, 1968, it was held that if certain requirements were met as to form and content, nonexclusive transshipment agreements may be implemented without Commission approval, so long as they have been filed first. That proceeding provided for expedition in the execution and implementation of nonexclusive transshipment agreements. That new procedure does not assure the parties that they will enjoy antitrust immunity. To obtain such protection, the parties would continue to file such agreements with th Commission for section 15 determination and approval in accordance with currently applicable procedures. Accordingly, the instant proceeding applies to all transshipment agreements other than nonexclusive transshipment agreements except those nonexclusive transshipment agreements the parties elect to file with the Commission for section 15 determination and approval in accordance with currently applicable procedures. See § 524.6, *Compliance With the Filing and Approval Requirements of Section 15.*

As to the argument that an agreement covering initial or on-carriage of cargo by vessels which never call at the United States concerns activities outside the jurisdiction of the United States and properly cannot and should not be the subject of any attempted regulation by the United States, see Transshipment Agreement Indonesia/United States, 10 F.M.C. 183 (1966) and Transshipment Agreement Between S. Thailand and U.S., 10 F.M.C. 199 (1966), which held that carriers party to transshipment arrangements and activities which have either as their origin or destination ports in the United States are subject to the Shipping Act because they are "engaged in transportation by water * * * property between the United States * * * and a foreign country in the import or export trade" within the meaning of the Shipping Act.

Other revisions and changes in the proposed rules have been suggested by the commentators and have been incorporated in the final rules as effectuated. These include clarifying the method by which an agreement shall be modified; the deletion of the last line of the suggested preamble to the Freight conference agreement which related to service by "single line haul or joint member line haul"; the deletion of the last line of the preamble to the Freight conference agreement with the addition of new material to indicate that to the extent rates established under the agreement include service by transshipment as well as direct service, approval of the agreement does not constitute approval of any transshipment agreement which would otherwise require section 15 approval; under authority under the agreement, the provision relating to the establishment of rates was expanded to encompass rules and regulations governing the application of rates and the services to be rendered therefor; again under authority, the provision relating to brokerage has been modified to specifically include forwarders; and the adjective "substantial" was deleted from the expulsion provision. In the Rate agreement, the same caveat relating to transshipment agreements was inserted in Freight conference agreement was noted; again under authority under rate agreement, a provision was inserted granting coextensive rate-making authority with Freight conference agreement; the provision relating to brokerage has been modified to specifically include forwarders; and another provision was inserted to allow use of a dual rate system. Finally under the Transshipment agreement, the bill of lading of either the initial or delivering carrier may now be used.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 15 and 43 of the Shipping Act, 1916 (46 U.S.C. 814 and 841a), Part 522 of Title 46 CFR is revised to read as follows:

Sec.
522.1 Statement of policy.
522.2 Definitions.
522.3 Filing of agreements and modifications.
522.4 Modifications.
522.5 Accompanying memoranda.
522.6 Suggested language for parts of section 15 agreements.
522.7 Conditional approvals.

AUTHORITY: The provisions of this Part 522 issued under sec. 4, Administrative Procedure Act (5 U.S.C. 553); secs. 15, 43, Shipping Act, 1916 (46 U.S.C. 814 and 841a).

§ 522.1 Statement of policy.

The provisions in this part establish guidelines for the filing, format, and content of agreements submitted to the Commission pursuant to section 15. Such guidelines should encourage the uniformity of agreements, reduce the cost of handling and processing agreements, and expedite the approval of agreements. Except for the provisions pertaining to the mechanics of filing and to the method of handling modifications of approved agreements (§§ 522.3 and 522.4), the provisions in this part are permissive rather than mandatory. The agreements set forth in § 522.6 contain language which will insure expeditious processing and which may, in most instances, result in approval without the necessity for formal hearings. Commission processing of section 15 agreements can be further expedited if accompanied by a memorandum of information as set forth in § 522.5.

§ 522.2 Definitions.

For the purposes of the provisions in this part, the following definitions of terms used therein shall apply.

(a) *Agreement.* A formal document or written memorandum which reflects an understanding, arrangement, or undertaking, between two or more common carriers, in the foreign commerce of the United States, subject to the Shipping Act, 1916, which, because of the nature of the understanding, arrangement, or undertaking, is required by the provisions of section 15 of said Act to be filed with the Commission for approval. Such agreements include but are not limited to the following general types:

(1) *Freight conference agreement.* An agreement which is denominated as a "conference" by the parties; or an agreement which will or could reasonably be expected to cause the parties to become a dominant force in the trade covered by the arrangement. Such agreements usually contain provisions for:

(i) The fixing and adherence to uniform rates, charges, and practices relating to the receipt, carriage, and delivery of cargo for all members;

(ii) The filing in the name of the group of a common tariff or tariffs in which all members participate;

(iii) The appointment of a chairman or secretary to conduct the administrative affairs of the parties;

(iv) Such other matters as the parties may agree upon or as may from time to time be required by statute or by general orders of the Commission.

(2) *Rate agreement.* An agreement which is not, will not be, or cannot reasonably be expected to cause the parties to become a dominant factor in the commerce of the United States in the trade covered by the arrangement. Such agreements usually contain provisions for:

(i) The fixing and adherence to uniform rates, charges, and practices relating to the receipt, carriage, and delivery of cargo, for all members;

(ii) The filing in the name of the group of a common tariff or tariffs in which all members participate;

(iii) Such other matters the parties may agree upon or as may from time to time be required by statute or by general orders of the Commission.

(3) *Pooling agreement.* An agreement which provides for the division of the cargo carryings or earnings and/or losses among the parties in accordance with a fixed formula.

(4) *Joint service agreement.* An agreement which establishes a new and separate line or service to be operated by the parties as a joint venture. The new and separate service fixes its own rates, publishes its own tariffs, issues its own bills of lading, and acts generally as a single carrier.

(5) *Sailing agreement.* An agreement which establishes a schedule of ports which each carrier will serve and the frequency of each carrier's calls at those ports.

(6) *Transshipment agreement.* An agreement between a common carrier of freight by water serving a port of origin and a common carrier of freight by water serving a port of destination to establish a joint through rate in which both participate between such ports.

(7) *Cooperative working agreement.* An agreement which establishes exclusive, preferential, or cooperative working relationships which are subject to section 15 of the Shipping Act, 1916, but which do not fall precisely within any of the arrangements in subparagraphs (1) through (6) of this paragraph.

(b) *Modification.* An understanding, arrangement or undertaking between parties to an approved agreement which changes the terms of the agreement.

§ 522.3 Filing of agreements and modifications.

A true copy and 15 additional copies of all agreements and modifications of approved agreements, filed for approval pursuant to section 15 of the Act, should be submitted to the Federal Maritime Commission, Washington, D.C. 20573, accompanied by a letter of transmittal which states that such agreements are filed pursuant to section 15 of the Shipping Act and specifically requests Commission approval of the agreement or agreements submitted. The true copy of the agreement so submitted should be personally signed by each of the parties or by a representative authorized to act for each such party, and show immediately below each signature the position and/or authority of the signer. The 15 copies may be made by any permanent process of duplication.

§ 522.4 Modifications.

(a) Every modification of an approved agreement, when submitted for filing and approval, should indicate the page and restate the portion of the agreement for which modifications are contemplated. The portions of the agreement to be modified or excised should be struck through, but not obliterated, and the substituted language, if any, should be inserted directly following that which is to be modified or excised. The modifications should be underscored. If the modification consists of new material that is not a complete substitute for approved provisions, the page or pages on which the proposed modifications will appear should be restated with the proposed modifications underscored and placed in proper sequence on the page.

(b) Whenever an approved agreement shall have been modified by three approved consecutive modifications in the manner stated in paragraph (a) of this section, the next succeeding modification shall be accomplished by restating the entire agreement, incorporating all previous modifications, and showing the latest change in the same manner as provided in paragraph (a) of this section.

(c) With respect to approved agreements which, at the effective date of this part, shall have been modified by three or more approved consecutive modification agreements, the next succeeding modification submitted for approval shall be accomplished by restating the entire agreement, incorporating all previous modifications, and showing the latest change in the same manner as provided in paragraph (a) of this section. After such modification, further modifications shall conform to the requirements of paragraphs (a) and (b) of this section.

§ 522.5 Accompanying memoranda.

Determinations regarding the compatibility of agreements with the standards of approvability enunciated in section 15 will be facilitated and the agreement can be more expeditiously processed if the letter of transmittal is accompanied by a memorandum demonstrating that the agreement is required by serious transportation considerations.

§ 522.6 Suggested language for parts of section 15 agreements.

(a) *Freight conference agreement.*

AGREEMENT No. ------

(Name of Conference)

This agreement was entered into by and between the parties on ---------- The undersigned, common carriers of freight by water in the foreign commerce of the United States (hereinafter referred to as "Members"), in consideration of the benefits, advantages and privileges to be severally and collectively derived from this agreement, hereby associate themselves in a conference to be known as ---------- (hereinafter referred to as "the Conference") to govern their transportation of freight from ---------- to ----------(or between ---------- and ----------).[1]

AUTHORITY UNDER THIS AGREEMENT

Subject to applicable provisions of law, the Conference is authorized to:

1. Agree upon and establish rates and charges for the carriage of cargo and rules and regulations governing the application thereof and defining the service to be rendered therefor;

2. Declare rates for specified commodities to be "open," with or without agreed minimum, and thereafter declare the rates for such commodities to be "closed";

3. Agree upon and establish tariffs, tariff amendments, and supplements;

4. Make rules and regulations for the handling and carriage of cargo;

5. Provide for use of a contract/noncontract rate system for filing with the Commission for approval pursuant to section 14b of the Shipping Act, 1916;

6. Agree on amounts of brokerage and/or compensation to forwarders and the conditions for the payment thereof as permitted by applicable law;

7. Keep such records and statistics as may be required by the parties or deemed helpful to their interests.

ADMISSION

Any common carrier by water, as defined in section 1 of the Shipping Act, 1916, which has been regularly engaged as a common carrier in the trade covered by this Agreement, or which furnishes evidence of ability and intention in good faith to institute and maintain such a common carrier service between ports within the scope of this Agreement, and which agrees in good faith to abide by all the terms and conditions of this Agreement, may hereafter become a party to this agreement by affixing its signature thereto. Every application for membership shall be acted upon promptly. No carrier which has complied with the conditions set forth in this paragraph shall be denied admission or readmission to membership.

Prompt notice of admission to membership shall be furnished to the Federal Maritime Commission and no admission shall be effective prior to the postmark date of such notice. Advice of any denial of admission to membership, together with a complete statement of the reasons therefor, shall be furnished promptly to the Federal Maritime Commission. (Other conditions of membership which are not inconsistent with the foregoing, including payment of a reasonable admission fee, payment of any outstanding financial obligations arising out of prior membership, or the posting of a security bond or deposit may be included.)

WITHDRAWAL

Any Member may withdraw from the Conference without penalty by giving the Conference at least ------ days written notice of intention to withdraw: *Provided, however,* That action taken by the Conference to compel the payment of outstanding financial obligations by the resigning Member shall not be construed as a penalty for withdrawal. Notice of the withdrawal shall be furnished promptly to the Federal Maritime Commission.

EXPULSION

No Member may be expelled against its will from this Conference except for failure to maintain a common carrier service between the ports within the scope of this Agreement (said failure to be determined according to the minimum sailing requirements set forth in this Agreement) or for failure to abide by the terms and conditions of this agreement. No expulsion shall become effective until a detailed statement setting forth the reason or reasons therefor has been furnished the expelled Member and a copy of the statement submitted to the Federal Maritime Commission.

ABANDONMENT OF SERVICE

Membership in the Conference shall cease when service is abandoned. A Member's failure to have a sailing in the trade for a period of ------ consecutive months shall be regarded as an abandonment. If war, strikes, force majeure, or other circumstances beyond its control compel a Member to suspend service, it may apply for inactive status: *Provided,* That application is made prior to termination of membership. Notice of termination of membership shall be furnished promptly to the Federal Maritime Commission.

OFFICERS, ORGANIZATION, AND ADMINISTRATION

The Members shall select a Chairman and/or Secretary to serve for ------. The Chairman (or Secretary), when available, shall preside at Conference meetings. He (or she) shall have full authority to carry out the decisions of the Conference and perform such duties and appoint such committees as may be directed by the Conference. In the absence of the Chairman (or Secretary) at any meeting, an Acting Chairman may be selected by the Members present to conduct the meeting. The Chairman (or Secretary) shall keep a record of the proceedings of all Conference meetings, whether formal or othrewise, and of the actions taken by the Conference. Information and statistics required by the Chairman (or Secretary) in making or carrying out decisions of the Conference shall be made available by the Conference members.

The members may select a Vice Chairman (or Assistant Secretary) and such other assistants as may be required to assist the Chairman (or Secretary) in the performance of his (or her) duties.

The Conference office shall be located at ------. This office may compile cargo statistics required or necessary to the carrying out of Conference decisions; compiled data relating to rate applications; issue dockets for meetings; maintain contract lists and files of all conference tariffs (copies of such

[1] If the intention is that the conference rates should apply whether the service is direct or with transshipment, the following provision should be included; to the extent that rates established under this agreement include service by way of transshipment as well as direct service by the members, approval of this agreement does not encompass approval of any transshipment arrangement which would otherwise require section 15 approval.

tariffs shall be filed with the Federal Maritime Commission in conformity with the provisions of section 18(b)(1) of the Shipping Act, 1916); and perform such other duties as are prescribed by this Agreement, directed by the Members and specifically recorded in the minutes of Conference meetings.

The expense of annual Conference maintenance, as determined by the Conference members or by a committee established or appointed for the purpose, shall be divided among the members of the Conference in a manner to be agreed upon. Bills for such expenses shall be paid promptly upon receipt thereof.

MEETINGS [2]

Regular Conference meetings shall be held _____ upon not less than _____ notice from the Chairman (Secretary) unless such notice is unanimously waived. Advance notice of all matters requiring Conference action shall be given each member.

Special Conference meetings may be requested by any member upon application to the Conference office together with an explanation of the reason or reasons therefor. The special meeting shall be called by the Chairman (Secretary), and adequate notice thereof shall be given all members. The notice shall indicate the subject matter and reason for the meeting.

If it is required or necessary that the Conference take emergency action with respect to rates or other matters, and there is not time to convene a special meeting, the members may be polled by the Chairman (Secretary) by telephone, and such action authorized by the consent of _____ of the members. All such telephone calls, the subject matter thereof, and the action taken by the Conference shall be reported in the Minutes of the next regular Conference meeting.

Meetings of such committees as are appointed by the Conference in the conduct of its affairs shall be held at times and places as may be decided by such committees and a record shall be made of proceedings of all such committee meetings, whether formal or otherwise, including the results of all actions taken.

VOTING RIGHTS

Each member shall be entitled to vote with the following exceptions:

1. Any member who has given notice of withdrawal shall not, while such notice is outstanding, be entitled to vote on any Conference matter, rate, rule, or regulation which is to continue in effect or become effective after the effective date of such withdrawal;

2. Any inactive member whose service has been suspended shall not be entitled to vote on any matter except (a) amendment of the Conference agreement, and (b) dissolution of the Conference;

3. No member shall be entitled to vote on the expulsion of another member if it is a parent, subsidiary or associated company of the member complained against.

A quorum at any meeting shall consist of _____, and no meeting shall be held unless a quorum is present. Voting on any matter regularly before the Conference shall be by those present (or by proxy) and entitled to vote.

All Conference action shall be authorized by the affirmative vote of not less than _____ of the members.

1. Unanimous consent shall be required to: _____
_____
_____

2. An affirmative vote of not less than ___ of the Members shall be required to authorize the taking of the following actions: _____
_____
_____

SELF-POLICING OF AGREEMENT [3]

OTHER PROVISIONS [4]

(b) *Rate agreement.*

AGREEMENT NO. _____

(Name of Agreement—if any)

This agreement was entered into by and between the parties on _____. The undersigned, common carriers of freight by water in the foreign commerce of the United States (hereinafter referred to as "parties"), hereby associated themselves in a Rate Agreement to be known as the (_____ Rate Agreement) to govern their transportation of freight from _____ to _____ (or between _____ and _____).[5]

AUTHORITY UNDER THIS AGREEMENT

Subject to applicable provisions of law, the parties to this Agreement are authorized to:

1. Agree upon and establish rates and charges for the carriage of cargo and rules and regulations governing the application thereof and defining the service to be rendered therefor;

2. Agree upon and establish tariffs, tariff amendments, and supplements;

3. Make rules and regulations for the handling and carriage of cargo;

4. Agree on amounts of brokerage and/or compensation to forwarders and the conditions for the payment thereof as permitted by applicable law;

5. Provide for the use of a contract/non-contract rate system for filing with the Commission for approval pursuant to section 14b of the Shipping Act, 1916;

6. Keep such records and statistics as may be required by the parties or deemed helpful to their interests.

SELF-POLICING OF AGREEMENT [6]

OTHER PROVISIONS [7]

(c) *Pooling agreement.*

AGREEMENT NO. _____

(Name of Agreement—if any)

This agreement was entered into by and between the parties on _____. The undersigned, common carriers of freight by water in the foreign commerce of the United States (hereinafter referred to as "parties") agree that in the trade from _____ to _____ (or between _____ and _____), they will pool (or apportion) the revenues earned by, or losses of, each party for the carriage of (all cargoes, specific commodities, etc.) (if the pool is for traffic only to so specify).

1. The pool to be established pursuant to this agreement will operate as follows:

(List in lettered subparagraphs the exact method or procedure under which the pool will operate. Show percentage formula for division of revenue; deductions prior to division; expenses to be shared; with share to each party; division of carryings, if any; allocation by each party of space and/or vessels; etc.)

OTHER PROVISIONS [8]

(d) *Joint service agreement.*

AGREEMENT NO. ____

(Name of Agreement—if any)

This agreement was entered into by and between the parties on _____. The undersigned, common carriers of freight by water in the foreign commerce of the United States (hereinafter referred to as "parties") agree that in the trade from _____ to _____ (or between _____ and _____), they will establish and maintain a joint cargo service to be known as _____. (Insert name of new service.)

1. The joint service may become a member of, and may resign, or withdraw from any lawful conference, pooling arrangement or other agreement subject to the Shipping Act, 1916, as amended, that may operate in the whole or any portion of the trades covered hereby. The joint service shall act as a single

[2] Every agreement should contain a provision stating the manner in which the joint business of the parties may be carried out; i.e., full membership meeting, agents' meeting, principals' meeting, owners' meeting, through committees or subcommittees, telephone or oral polls, or through any other procedure by which the joint business of the parties may be conducted.

[3] The agreement must contain provisions describing the method or system used by the parties in policing the obligations under the agreement, including the procedure for handling complaints and the authority of every person having responsibility for administering the system. (G.O. 7, 46 CFR Part 528.)

[4] All these agreements may contain such other provisions, permitted by law and not inconsistent with those indicated above, as may be deemed necessary by the parties.

[5] If the intention is that the rates should apply whether the service is direct or with transshipment, the following provision should be included: To the extent that rates established under this agreement include service by way of transshipment as well as direct service by the members, approval of this agreement does not encompass approval of any transshipment arrangement which would otherwise require section 15 approval.

[6] The agreement must contain provisions describing the method or system used by the parties in policing the obligations under the agreement, including the procedure for handling complaints and the authority of every person having responsibility for administering the system (G.O. 7, 46 CFR Part 528).

[7] Every agreement should contain a provision stating the manner in which the joint business of the parties may be carried out; i.e., full membership meeting, agents' meeting, principals' meeting, owners' meeting, through committees or subcommittees, telephone or oral polls, or through any other procedure by which the joint business of the parties may be conducted. This provision should also include quorum requirements, and the types of vote necessary to take various actions; i.e., majority, two-thirds, three-fourths, majority plus one, unanimous, etc. All these agreements may contain such other provisions, permitted by law and not inconsistent with those indicated above, as may be deemed necessary by the parties.

[8] 1. If a pool secretary is to be appointed, his duties must be specified; 2. Provision should be made for the method of settling any disputes that may arise among the parties in the operation of the pool; 3. A limitation on the duration of the agreement should be shown; 4. Provision should be made for periodic (not less than yearly) reports to the Commission, showing at least the carryings, total earnings and divisions for each party to the pool.

member or party to such agreements and shall be represented for such conference, pooling or other purposes by _____ which (or who) shall have full authority with respect to all matters coming before the conference. The signature to such conference, pooling or other arrangements shall be in the following form:

_____
(Name of new service)
By _____
_____
(Title or authority)

2. In the case of any trades or traffic within the scope of this agreement where the rates, charges, and practices are not prescribed by any conference of which the joint service is a member, the new service shall establish and maintain its own rates, charges and practices covering such trades or traffic. The joint service shall file a tariff containing such rates, rules and regulations with the Federal Maritime Commission in accordance with the provisions of section 18(b) of the Shipping Act, 1916, as amended;

3. The parties shall cooperate to supply tonnage for this joint service as their owned or chartered vessels are available (or _____). It is intended to have a sailing approximately at least _____;

4. The parties shall contribute to and share in any and all deposits, costs, expenses, profits, and losses incurred by and derived from this joint service in the following proportions _____;

5. Copies of bills of lading of the joint service, showing the name of the new service and the names of the companies which are parties to this agreement, shall be furnished promptly to the Federal Maritime Commission;

6. The parties shall establish and maintain at (_____) an office from which the operations of the joint service will be directed;

7. This agreement may be canceled by any party giving _____ months written notice to the other party, and to the Federal Maritime Commission. Notice of resignation or withdrawal from every conference, pooling or other agreement of which the joint service is a member or party shall also be given, so that such resignations or withdrawals shall become effective simultaneously or as near thereto as possible, with the termination of this agreement; *Provided, however,* That this agreement shall remain in full force and effect until all such resignations and withdrawals become effective.

(e) *Sailing agreement.*

AGREEMENT NO. _____

(Name of Agreement—if any)

This agreement was entered into by and between the parties on _____. The undersigned, common carriers of freight by water in the foreign commerce of the United States (hereinafter referred to as the "parties") agree that in the trade from _____ to _____ (or between _____ and _____), they will space their sailings in accordance with the following provisions of this agreement.

1. This agreement shall apply to the berth services operated or to be operated by the parties in the above-named trade(s);

2. Each of the parties hereto will furnish equivalent tonnage as regards type and capacity, and will maintain alternate (or specify other arrangement) sailings in the trade mentioned above, with a minimum of _____ sailings each annually, so far as practicable and subject to such changes as may be instituted by cargo requirements or other factors. The parties will cooperate to arrange advertising and sailing schedules so as to avoid conflicting sailing dates;

3. There shall be no pooling or sharing of profits or losses. Revenues earned by the vessels employed under this agreement shall accrue to the operator thereof;

4. Each party shall manage and operate its own vessels at its own risk and expense, each party being responsible for the manning, navigation, etc., of its own vessels, the solicitation and booking of cargoes, collection of freight, appointment and removal of agents, settlement of cargo claims and all other activities required in the maintenance of service and sailings covered by this agreement;

5. The parties may advertise their respective services separately but in the event that such services are advertised in a single newspaper advertisement, or other medium, the full corporate or trade name of each party shall be shown in a manner to reflect their separate interests (For example: XYZ Line, Inc.) (For example: ABC Lines);

ALTERNATE SERVICES

6. Each of the parties hereto shall, as a member of any conference, exercise its rights, independent of the other, in voting on freight rates or on any other matter or thing within the scope of the agreement of such conference;

7. This agreement shall continue in effect until—

a. Canceled by mutual consent to be evidenced in writing; or

b. By the giving of _____ ( ) months written notice by either party to the other;

8. If in the opinion of a party to this agreement one of the parties hereto has committed a breach of this agreement, the matter of whether such breach has occurred shall be left to the determination of three (3) arbitrators, one to be nominated by the complaining party within thirty (30) days after his giving written notice to the party charged of demand for arbitration, a second to be nominated by the party charged within thirty (30) days after receipt by him of notice of demand for arbitration, and the third to be appointed by agreement of the two so nominated or, failing agreement thereon, by (a recognized arbitration body). The arbitrators so chosen shall, after hearing both parties, make their award in writing. The decision of the arbitrators shall be final and binding on the parties hereto and there shall be no appeal against the award of the arbitrators. All expenses in connection with any complaint made under this agreement shall be borne equally by all parties hereto. Nothing contained in this agreement shall interfere with the rights of any party hereto under the provisions of the Shipping Act of 1916, as amended.

(f) *Transshipment agreement.*

AGREEMENT NO. _____

(Name of Agreement—if any)

This agreement was entered into by and between the parties on _____. The undersigned are common carriers of freight by water in the foreign commerce of the United States.

1. This agreement, between _____ (hereinafter referred to as the initial carrier) and _____ (hereinafter referred to as the delivering carrier) covers and is restricted to transportation of cargo under through bills of lading from ports of call of the initial carrier in _____ to ports of call of the delivering carrier in _____ with transshipment at _____;

2. The parties to this agreement shall establish through rates, rules and regulations and shall file a tariff containing such rates, rules, and regulations with the Federal Maritime Commission in accordance with the provisions of section 18(b) of the Shipping Act, 1916, as amended;

3. Accessorial and port charges (not including loading and discharging) shall be in addition to the through rates and will accrue to the initial carrier or to the delivering carrier, as appropriate, over and above its proportion of the through rate;

4. The through rates shall be apportioned on the basis of ____ percent to the initial carrier and ____ percent to the delivering carrier;

5. The expenses of transshipment on such cargo shall be absorbed on the basis of ____ percent by the initial carrier and ____ percent by the delivering carrier;

6. Each carrier will indemnify and hold the other harmless from all liabilities and expenses incurred by the latter which in any way arise from or are connected with any loss, damage, delay or misdelivery of the goods while in the possession or custody of the indemnifying carrier under this agreement, except where the indemnifying carrier can establish that such loss, damage, delay or misdelivery was directly attributable to the neglect or willful misconduct of the other carrier, its agents, servants or employees;

7. Nothing in this agreement shall bind the delivering carrier to transhipment exclusively from vessels employed in the initial carrier's service;

8. Cargo shall be carried on the terms of either the initial or delivering carrier's bill of lading, as the parties may deem necessary;

9. Neither party hereto shall enter into an agreement with any other party with respect to transportation of cargo within the scope of this agreement on terms at variance with those stated herein;

10. Either party to this agreement may terminate its participation herein by giving ____ ( ) days' written notice to the other. A copy of such notice shall be promptly furnished to the Federal Maritime Commission.

(g) *Cooperative working agreement.*

Agreement No. ___

(Name of Agreement—if any)

This agreement was entered into by and between the parties on ____ and ____ (hereinafter referred to as the "parties") common carriers of freight by water in the foreign commerce of the United States, who agree:

1. (Set forth in numbered paragraphs the exact extent of the agreement between the parties which establishes the exclusive, preferential, or cooperative relationship between the parties, including the method by which the matters agreed upon will be carried out.)[9]

§ 522.7 Conditional approvals.

(a) In expediting the procedures involved in processing section 15 agreements, the Commission may grant approval of the agreement conditioned upon the acceptance by the parties of certain changes in the filed agreement. If the parties accept the Commission's changes within the time specified in the order of conditional approval by submitting a complete revised agreement signed by the parties, the agreement as revised will stand approved from the date of receipt by the Commission of the signed revised agreement. Notice of such date shall be given the parties or their representative by the Commission. In instances in which the time specified in the order of conditional approval expires

[9] All these agreements may contain such other provisions, permitted by law and not inconsistent with those indicated above, as may be deemed necessary by the parties ((a) through (g)).

without the above-stated acceptance, the approval shall be null and void and the agreement, as filed, will be reconsidered without further notice to the parties.

(b) It is unlawful to carry out the provisions of a conditionally approved agreement prior to acceptance by the parties of the conditions stated in the order of conditional approval in the manner specified in paragraph (a) of this section.

Effective date. Since all substantial objections which have been raised were either answered or the alternatives suggested were adopted, the rules shall be effective within 30 days after publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-9806; Filed, Aug. 15, 1968; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Missisquoi National Wildlife Refuge, Vt.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife areas.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

The public hunting of migratory game birds on the Missisquoi National Wildlife Refuge, Vt., is permitted only on the areas designated by signs as open to hunting. These areas are delineated on maps available at refuge headquarters, Swanton, Vt., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable Federal and State regulations covering the hunting of migratory game birds.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1968.

DONALD H. REESE,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 2, 1968

[F.R. Doc. 68-9852; Filed, Aug. 15, 1968; 8:48 a.m.]

PART 32—HUNTING

Alamosa National Wildlife Refuge, Colo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

COLORADO

ALAMOSA NATIONAL WILDLIFE REFUGE

The public hunting of rabbits on the Alamosa National Wildlife Refuge, Colo., is permitted from October 1 through October 18, 1968, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 2,805 acres, is delineated on maps available at refuge headquarters, Alamosa, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103.

Hunting shall be in accordance with all applicable State regulations governing the hunting of rabbits subject to the following special conditions:

(1) Dogs—Not to exceed two dogs per hunter may be used in the hunting of rabbits.

(2) Admittance—Entrance to the open area and parking of vehicles will be restricted to designated parking areas.

(3) Hunting with rifles and hand guns is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 18, 1968.

CHARLES R. BRYANT,
Refuge Manager, Alamosa National Wildlife Refuge, Alamosa, Colo.

AUGUST 8, 1968.

[F.R. Doc. 68-9848; Filed, Aug. 15, 1968; 8:48 a.m.]

PART 32—HUNTING

Monte Vista National Wildlife Refuge, Colo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

COLORADO

MONTE VISTA NATIONAL WILDLIFE REFUGE

The public hunting of rabbits on the Monte Vista National Wildlife Refuge, Colo., is permitted from October 1 through October 18, 1968, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 5,314 acres, is delineated on maps available at refuge headquarters, Monte Vista, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103.

Hunting shall be in accordance with all applicable State regulations governing the hunting of rabbits subject to the following special conditions:

(1) Dogs—Not to exceed two dogs per hunter may be used in the hunting of rabbits.

(2) Admittance—Entrance to the open area and parking of vehicles will be restricted to designated parking areas.

(3) Hunting with rifles and hand guns is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 18, 1968.

CHARLES R. BRYANT,
Refuge Manager, Monte Vista National Wildlife Refuge, Monte Vista, Colo.

AUGUST 8, 1968.

[F.R. Doc. 68-9850; Filed, Aug. 15, 1968; 8:48 a.m.]

PART 32—HUNTING

Missisquoi National Wildlife Refuge, Vt.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

The public hunting of upland game on the Missisquoi National Wildlife Refuge, Vt., is permitted only on the areas designated by signs as open to hunting. These areas are delineated on maps available at refuge headquarters, Swanton, Vt., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1969.

DONALD H. REESE,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 2, 1968.

[F.R. Doc. 68-9853; Filed, Aug. 15, 1968; 8:48 a.m.]

PART 32—HUNTING

Browns Park National Wildlife Refuge, Colo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

COLORADO

BROWNS PARK NATIONAL WILDLIFE REFUGE

Public hunting of deer and antelope is permitted on the Browns Park National Wildlife Refuge, Colo., for the 1968 archery and rifle seasons except in those areas designated by signs as closed to hunting. Archery deer season is August 17 through September 15, 1968, inclusive. Rifle deer season is October 19 through November 7, 1968, inclusive.

Hunting will be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplements the regulations which govern hunting of wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 7, 1968.

H. J. JOHNSON,
Refuge Manager, Ouray National Wildlife Refuge, Vernal, Utah.

AUGUST 6, 1968.

[F.R. Doc. 68-9849; Filed, Aug. 15, 1968; 8:48 a.m.]

PART 32—HUNTING

Missisquoi National Wildlife Refuge, Vt.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

The public hunting of deer on the Missisquoi National Wildlife Refuge, Vt., is permitted only on the areas designated by signs as open to hunting. These areas are delineated on maps available at refuge headquarters, Swanton, Vt., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer, subject to the following special condition:

1. During the regular season, rifles may not be used on the Island portions of the open area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 24, 1968.

DONALD H. REESE,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 8, 1968.

[F.R. Doc. 68-9851; Filed, Aug. 15, 1968; 8:48 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 68-192]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Merchandise From France

[Republished from 33 F.R. 11543, August 14, 1968, in order to include attachments]

In a Notice of Countervailing Duty Proceedings published in the FEDERAL REGISTER of July 9, 1968 (33 F.R. 9834), the Commissioner of Customs announced that information had been received which appeared to indicate that certain measures adopted by the Government of France in Decree 68-581 dated June 29, 1968, with respect to the exportation of merchandise from France constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303), upon the manufacture, production, or exportation of the merchandise to which the measures apply. This decree has since been amended by Decree 68-599 dated July 6, 1968. English translations of Decrees 68-581 and 68-599 are attached to this order. The notice provided interested parties 30 days from the date of publication to submit data, views, or arguments with regard to the existence or nonexistence and the net amount of a bounty or grant.

An investigation was conducted pursuant to § 16.24(d) of the Customs Regulations (19 CFR 16.24(d)).

After consideration of all information received, the Bureau is satisfied that exports of merchandise from France which are benefited by the allowances provided for by Decree 68-581 of June 29, 1968, as amended, receive bounties or grants within the meaning of section 303.

Accordingly, notice is hereby given that all dutiable merchandise, imported directly or indirectly from France, if entered for consumption or withdrawn from warehouse for consumption after the expiration of 30 days after publication of this notice in the Customs Bulletin, will be subject to the payment of countervailing duties unless it can be proved that the importation was not benefited by an allowance provided for by Decree 68-581, as amended.

In accordance with section 303, the net amount of the bounty or grant under the information presently available has been ascertained and determined or estimated, and such net amount is hereby declared to be 2.5 percent of the f.o.b. price of such exported merchandise. Effective on the 31st day after the date of publication of the notice in the Customs Bulletin and until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of such dutiable merchandise imported directly or indirectly from France which benefits from such bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declaration.

Any merchandise subject to the terms of this order shall be deemed to have benefited from a bounty or grant if such bounty or grant has been or will be paid or credited, directly or indirectly, upon the manufacture, production, or exportation of such merchandise.

The table in § 16.24(f) of the Customs Regulations is amended by inserting the following item in the proper alphabetical order:

Country	Commodity	Treasury decision	Action
France.....	All merchandise except that not benefited by decree 68-581 dated June 29, 1968, as amended by decree 68-599 dated July 6, 1968.	68-192	Bounty declared—Rate.

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: August 10, 1968.

JOSEPH M. BOWMAN,
Assistant Secretary of the Treasury.

ENGLISH TRANSLATION—DECREE NO. 68-581

Upon the recommendation of the Minister of the Economy and Finance:

In view of Decree No. 62-1587 of December 29, 1962, providing general regulations for government accounting, particularly Article 104; in view of the Customs Code; in view of the general tax code,

The Prime Minister Decrees:

ARTICLE 1. A special, temporary allowance is hereby granted to exporters for exports made on a definitive basis.

ART. 2. The following shall be excluded from the benefit of this allowance: Exports composed of the products appearing on the attached list in Annex I to this decree; exports composed of all products intended for the overseas departments and territories.

ART. 3. The amount of the allowance pertaining to exports covered by an "Economic Risks" policy issued by the Compagnie Francaise D'Assurances Pour Le Commerce Exterieur shall be deducted from the sum to be paid by that company at the time of payment of the claim due.

ART. 4. (A) The period for which the allowance may be granted shall run from July 1, 1968, to January 31, 1969.

(B) For transactions carried out between July 1, 1968, and October 31, the allowance shall be granted at the full rate; from November 1 on, it shall be reduced by half.

(C) The date to be considered in granting the allowance shall be the date of the registration of the export customs declaration.

ART. 5. The allowance shall be computed in accordance with the following formula:

$$X: \frac{6}{100} X \frac{E}{CA}\left(S \text{ Plus } \frac{M}{3}\right)$$

In which, for the month under consideration: X represents the amount of the allowance to be computed; 6 over 100 the base index at the full rate; E the value of the month's exports that may be considered in computing the allowance under the conditions laid down by this decree; CA the total sales of the concern for the month under consideration.

It is equal to the total appearing on Line 38 of the return on Form CA3 filed by taxpayers in connection with the taxes on gross sales.

For concerns placed under the lump-sum system, CA represents one-twelfth of the lump-sum sales established for 1968, increased should the case arise, by the total of the transactions not included in the lump-sum that were effected during the month under consideration. If the lump-sum is not yet established, CA represents one-twelfth of the sales for the year 1967 as shown on the return on Form 951 submitted in January 1968.

The total sales referred to in the two preceding subparagraphs shall be reduced by the total of the taxes on gross sales levied on the transactions effected on the domestic market.

In no case may the ratio be greater than 1.

$$\frac{E}{CA}$$

S: 27 times the amount of the tax on wages pertaining to the wages of the month under consideration.

M: The total, including taxes, of the purchases of all types of goods and services of French origin made on the domestic market and of the imports from overseas departments and territories.

ART. 6. When the exports that can be considered in computing the allowance are composed of products on the list that constitutes Annex II of this decree, the allowance shall be computed by the following formula:

$$X: \frac{6}{100} X \frac{E}{CA} (S)$$

The elements of which are determined as stated in Article 5 above.

ART. 7. (A) The allowance shall be granted to the natural or juridical person shown on the export customs declaration as being responsible for the repatriation of the foreign exchange covering the exportation.

(B) The value of the exports to be considered in applying the computation formulas defined in Articles 5 and 6 is composed of the total amount to be repatriated, after deducting, in case of a sale c.i.f. or f.o.b. destination or f.o.b. through customs, the expenses incurred outside France.

(C) When the natural or juridical person responsible for the repatriation is not the manufacturer of the product exported but a commission agent or an exporting trader, or any other person acting in any capacity whatever in the marketing of the product exported, such person must transfer back to his supplier the amount of the allowance.

ART. 8 (A) Any natural or juridical person who is to obtain the allowance must, to that end, deposit a monthly declaration, the form of which is fixed by an *Arrete* of the Director General for Customs and Indirect Taxes.

(B) The transactions to be included on each monthly declaration are those for which an export declaration was filed with the customs authorities during the same month.

(C) The conditions under which exports listed on the monthly declaration must be substantiated are fixed by *Arrete* of the Director General for Customs and Indirect Taxes.

ART. 9. Exports transactions whose monthly total, computed by the formula set forth in Article 5 or in Article 6, as the case may be, does not amount to 250 francs, shall not entail payment of the allowance.

ART. 10. The Bureau of Customs and Indirect Taxes shall be responsible for the payment of the allowance.

ART. 11. False declarations or acts the purpose or effect of which is to obtain, in whole or in part, an allowance that is not due or is greater than the total resulting from the application of this decree shall fall within the purview of the Customs Code, particularly Paragraph 4 of Article 426 thereof.

ART. 12. The Minister of the Economy and Finance shall be responsible for enforcing this decree, which shall be published in the *Journal Officiel De La Republique Française*.

Done in Paris, June 29, 1968.

GEORGES POMPIDOU.

By the Prime Minister:

MAURICE COUVE DE MURVILLE,
Minister of the Economy and Finance.

ANNEX I—LIST OF PRODUCTS WHICH ARE EXCLUDED FROM THE BENEFITS OF THE EXPORT AID MEASURES

Customs tariff position and description of the products
Chapter 1 to 24—All products listed in these chapters except those forming the subject of Annex II, which enjoy special aid measures.
Chapter 27—Mineral fuels, mineral oils and products of their distillation, bituminous substances, mineral waxes.
41-01—Raw hides and skins (fresh, salted, dried, limed, or pickled), including sheepskins in the wool.
54-01—Raw flax; flax tow and waste.
Chapter 72—Coin.
89-04—Ships, boats and other vessels for breaking up.
Chapter 99—Works of art, collectors' pieces, and antiques.
Miscellaneous—Waste and debris of all sorts.
Ex Chapter 73—Products to which the treaty of Apr. 18, 1951, establishing a European coal and steel community applies, marked (with its French abbreviation) C.E.C.A. in column 2 of the customs tariff on imports.

ANNEX II—LIST OF PRODUCTS THAT ARE ENTITLED TO THE ALLOWANCE UNDER THE CONDITIONS SPECIFIED IN ARTICLE 6 OF THE DECREE

Customs tariff position and description of the products
07-02—Vegetables (whether or not cooked), preserved by freezing.
07-03—Vegetables preserved in brine, in sulphur water or in other substances.
07-04—Dried, dehydrated or evaporated vegetables.
08-10—Fruit (whether or not cooked), preserved by freezing, not containing added sugar.
08-11—Fruit provisionally preserved but unsuitable for consumption as it is.
08-12—Fruit, dried, other than that falling within heading No. 08-01 to 08-05, inclusive.
13-03—Vegetable saps and extracts; pectic substances, pectinates and pectates, agar-agar and other mucilages and thickeners derived from vegetable materials.
15-07—Fixed vegetable oils, fluid or solid, crude, refined or purified.
Chapter 16—Preparations of meat, of fish, or crustaceans, or molluscs.
17-04—Sugar confectionery, not containing cocoa.
18-06—Chocolate and other food preparations containing cocoa.
Chapter 19—Preparations of cereals, flour or starch, pastry-cooks' products.
Chapter 20—Preparations of vegetables, fruit, or other parts of plants.
Chapter 21—Miscellaneous edible preparations.
22-01—Waters, including spa waters and aerated waters.
22-02—Lemonade, flavored aerated waters and other nonalcoholic beverages, not including fruit and vegetable juices falling within heading No. 20-07.
22-03—Beer made from malt.
22-06—Vermouths and wines of fresh grapes flavored with aromatic extracts.
22-10—Vinegar and substitutes for vinegar.
23-07—Sweetened forage; other preparations of a kind used in animal feeding.
Chapter 71—All products in this chapter with the exception of those listed under the following positions: 71-3. Synthetic or reconstructed precious or semiprecious stones. 71-15 B II. Articles consisting of, or incorporating precious or semiprecious stones (natural, synthetic, or reconstructed). Others: 71-16. Imitation jewelry, which benefits from the aid under the conditions laid down in Article 8 of the decree.

ENGLISH TRANSLATION—DECREE No. 68-599

Decree No. 68-599 of July 6, 1968, amending Decree No. 68-581 of June 29, 1968, granting a special temporary allowance to exporters.

Upon the recommendation of the Minister of Economy and Finance;

In view of Decree No. 62-1587 of December 23, 1962, providing for general regulations for government accounting, particularly Article 104;

In view of the Customs Code;

In view of the general tax code;

The Prime Minister decrees:

ARTICLE 1. Annex 1 to Decree No. 68-581 of June 29, 1968, mentioned above shall be amended as follows:

Delete: "Ex Chap. 73. Products to which the treaty of April 18, 1951, establishing a European coal and steel community applies, marked with its French abbreviation C.E.C.A. in column 2 of the Customs Tariff on Imports."

ART. 2: The Minister of Economy and Finance shall be responsible for enforcing this decree, which shall be published in the Journal Officiel of the French Republic.

Done at Paris on July 6, 1968.

GEORGES POMPIDOU.

By the Prime Minister:

MAURICE COUVE DE MURVILLE,
Minister of Economy and Finance.

[F.R. Doc. 68-9821; Filed, Aug. 13, 1968; 11:59 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 729]

PEANUTS

Notice of Proposed Proclamation Regarding 1969 National Marketing Quota, National Acreage Allotment, Apportionment of National Acreage Allotment to States, and Intention To Establish Date of Referendum

The Secretary of Agriculture is required by section 358(a) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1358(a)), to proclaim, between July 1 and December 1 of each calendar year, the amount of the national marketing quota for peanuts for the crop produced in the next succeeding calendar year. The amount of such quota is the total quantity of peanuts which will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the 5 years immediately preceding the year in which such quota is proclaimed, adjusted for current trends and prospective demand conditions.

Section 358(a) of the act further provides that the national marketing quota for peanuts shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre of peanuts for the United States determined by the Secretary on the basis of the average yield per acre of peanuts in the 5 years preceding the year in which the quota is proclaimed, with such adjustment as may be found necessary to correct for trends in yields and for abnormal conditions of production affecting yields.

Section 358(a) of the act also requires that the national marketing quota be a quantity of peanuts sufficient to provide a national acreage allotment of not less than 1,610,000 acres.

Section 358(c)(1) of the act (7 U.S.C. 1358(c)(1)) provides that the national acreage allotment for any year, less the acreage to be allotted to new farms under section 358(f) of the act (7 U.S.C. 1358(f)), shall be apportioned among the States on the basis of their shares of the national acreage allotment for the most recent year in which such apportionment was made. Pursuant to this provision of the act, the national acreage allotment for the 1969 crop of peanuts will be apportioned to States on the basis of their shares of the 1968 national acreage allotment.

As required by section 358(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358(b)), a referendum of farmers who were engaged in the production of the 1968 crop of peanuts will be held not later than December 15, 1968, to determine whether such farmers are in favor of or opposed to peanut marketing quotas for the crops of peanuts produced in the calendar years 1969, 1970, and 1971.

The subjects and issues involved in the proposed determinations are:

1. The amount of the national marketing quota.

2. The amount of the national acreage allotment.

3. The amount of acreage to be reserved from the national acreage allotment for new farms.

4. The date or period of the referendum and whether such referendum should be conducted at polling places rather than by mail ballot (§ 717.17; 31 F.R. 12011).

Consideration will be given to data, views, and recommendations pertaining to the proposed determinations covered by this notice which are submitted in writing to the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)). All submissions must, in order to be considered, be postmarked not later than 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 9, 1968.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-9834; Filed, Aug. 15, 1968; 8:47 a.m.]

Consumer and Marketing Service

[7 CFR Part 33]

EXPORT APPLES AND PEARS

Size Marking Requirements

Notice is hereby given that the Department is considering the proposed amendment of the regulations (7 CFR Part 33), as hereinafter set forth, effective pursuant to the provisions of the Export Apple and Pear Act, as amended (48 Stat. 123; 7 U.S.C. 581-589), and the authority set forth in section 7, 48 Stat. 124; 7 U.S.C. 587.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendment would provide the option of marking packages of pears with the count size in satisfaction of the size marking requirement specified in § 33.10(d)(4). Currently this requirement specifies that such packages shall be marked with the numerical count or the minimum size.

New developments in packaging in which pears are placed in containers in random order by machinery rather than being place packed by hand has made it difficult for export packagers to comply with the current size marking requirements. Such packagers report that providing the alternative of marking count size related to the standard western pear box as hereinafter set forth would provide a remedy for the problem.

As proposed to be amended, § 33.10 (d)(4) reads as follows (for purposes of clarity the preamble text is included):

§ 33.10 Minimum requirements.

No person shall ship, or offer for shipment, and no carrier shall transport, or receive for transportation, any shipment of apples or pears to any foreign destination unless:

* * * * * *

(d) Each package of apples or pears is marked plainly and conspicuously with * * * and (4) the numerical count or the minimum size, or, for pears, the count size in terms of the number required to fill a standard western pear box in accordance with the standard pack requirements set forth in the applicable U.S. Standard specified in this section. If count size is used the number denoting count shall be followed by the word "size," e.g., 120 size.

Dated: August 12, 1968.

JOHN C. BLUM,
Acting Deputy Administrator, Marketing Services.

[F.R. Doc. 68-9831; Filed, Aug. 15, 1968; 8:47 a.m.]

[7 CFR Part 53]

LAMB, YEARLING MUTTON, AND MUTTON CARCASSES; SLAUGHTER LAMBS, YEARLINGS, AND SHEEP

Standards for Grades

Notice is hereby given, in accordance with the administrative procedure provisions of 5 U.S.C. 553, that pursuant to

authority conferred by the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), it is proposed to amend (1) the standards for grades of lamb, yearling mutton, and mutton carcasses (7 CFR 53.114—53.118), and (2) the standards for grades of slaughter lambs, yearlings, and sheep (7 CFR 53.130—53.134). The proposal would supplement the existing standards with five yield grades which would identify slaughter ovines and their carcasses for varying carcass yields of major boneless retail cuts, and would make related changes in the present grade standards.

Statement of considerations. These grade standards are proposed under authority of the Agricultural Marketing Act of 1946 which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading service is also provided under this Act upon request of the applicant and upon payment of a fee to cover the cost of the service.

The value of carcasses from any of the meat animals—sheep, cattle, and hogs—is dependent almost entirely on two general considerations. These are (1) quality, or the palatability of the lean and (2) cutability, or the proportion of the carcass weight that will make retail cuts. Observation and research have shown that these value determining factors differ widely among carcasses within each species. In the case of sheep (ovines) the present carcass grade standards primarily reflect differences in quality—they do little to identify carcasses for differences in cutability.

Observations of variations in fatness among lamb carcasses of the same quality grade indicated the need for studies on lamb carcass cutability. Thus, in carrying out the Department's responsibility for developing meaningful grade standards, two extensive studies were conducted to determine the variation in cutability that exists in ovine carcasses of the same weight and grade and to identify and evaluate the factors responsible for these differences. Data from these studies confirmed that carcasses of the same weight and grade differed widely in their yields of trimmed retail cuts and value and, therefore, that yield grades would make a definite contribution to more efficient marketing. For example, in each of the Department studies reported in 1961 and 1967, there were differences of about 12 percent in the combined yields of bone-in retail cuts from the leg, loin, hotel rack, and shoulder among Choice grade carcasses of the same weight group. As a result of such differences in cutability, differences in retail sales value of nearly $10 per hundredweight among carcasses of the same quality and weight group are not unusual.

These studies also showed that differences in cutability resulted primarily from differences in fatness on the outside of the carcass and in fat deposited on the inside of the carcass, mainly around the kidneys and in the pelvic area. Lamb carcasses having the greatest amounts of these fats were lowest in cutability. It was also found that variations in leg conformation affected the yields of the cuts and that among lambs of the same degree of fatness those that had higher conformation grades had higher yields of retail cuts. On the basis of those findings, an equation with a high degree of accuracy for predicting the yields of closely trimmed boneless, major retail cuts was developed. Factors considered in that equation were (1) the amount of external fat evaluated in terms of its thickness measured over the center of the ribeye muscle between the 12th and 13th ribs, (2) the amount of kidney and pelvic fat, and (3) the conformation grade of the legs. That equation was subsequently adapted to a system of experimental yield grades which were very similar to those being proposed herein.

The Department tested these experimental yield grades in January 1968. The test included cutability evaluations of a group of slaughter lambs and their carcasses and the subsequent cutting of the carcasses into bone-in retail cuts according to commercial retail operations. A major packer, a major chain store, a university, and two producer organizations cooperated in the test. This cutting test also confirmed previous findings that there are wide differences in yields of retail cuts and trimmable fat and in retail sales value among lamb carcasses. For instance, a difference of about $13 per hundredweight in total retail carcass value was found between the highest and lowest yielding carcasses within the Choice grade. Further, these tests indicated that differences in cutability both on slaughter lambs and lamb carcasses could be identified very satisfactorily for yield differences. The test data also showed that the yield grades of the slaughter lambs were closely related to the yield grades of their carcasses and also that the yield grades of the carcasses were closely related to their retail sales value.

The Department's yield grade studies have been discussed at animal science research meetings and at various grower meetings and have the support of a number of groups. For instance, at the 1968 meeting of the National Wool Growers Association a resolution was adopted reaffirming the Association's position of 1964 requesting the Department of Agriculture to develop grade standards that would more accurately measure value differences in lamb carcasses and which would also provide a market identification to reflect these differences.

Much reference has been made to the "consumer-preferred lamb" and the advantages that could accrue to the industry through the increased production of this kind of lamb. However, this is not likely to be accomplished without the use of a grading system which identifies these lambs and their carcasses through the marketing process. This is needed in order that producers can be given the guidance and financial incentives needed to encourage the production of such lambs. The proposed yield grades and the present quality grades will provide that tool since the consumer-preferred lamb is essentially one that combines thick muscling, a minimum of excess fat, and a high quality of lean.

The standards for grades of slaughter ovines should be closely correlated with the standards for grades of ovine carcasses if they are to be of maximum benefit to the sheep industry. Thus, the proposed changes in the slaughter ovine grade standards would establish yield grades that are coordinated with the yield grades proposed for carcasses.

The changes being proposed provide that carcasses may be graded for quality grade, yield grade, or a combination of both the quality and yield grades.

The proposed yield grade standards consist of five grades. Each yield grade reflects a specific range in yields of retail cuts irrespective of the quality grade. The basic equation used in developing the yield grades is as follows:

Estimated percentage yield of boneless, closely trimmed, retail cuts from leg, loin, hotel rack, and shoulder $=47.80-(11.80 \times$ adjusted fat thickness over ribeye, inches$)+(0.09 \times$ leg conformation grade code$)=(0.44 \times$ percent kidney and pelvic fat). The evaluations of the factors used in this equation are discussed in § 53.115(c) (2), (3), and (4).

The estimated yields of boneless, closely trimmed, major retail cuts from each of the five yield grades are shown below:

Yield grade	*Yield of cuts*
No. 1	47.3 percent and over.
No. 2	45.5 to 47.2 percent.
No. 3	43.7 to 45.4 percent.
No. 4	41.9 to 43.6 percent.
No. 5	Less than 41.9 percent.

The above yields are based on cutting and trimming methods used by the U.S. Department of Agriculture in developing the proposed standards. (A publication describing these cutting and trimming methods may be obtained from the Livestock Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.) Other cutting and trimming methods may result in different yields. For example, if more fat is left on the four major cuts than is prescribed in the USDA cutting and trimming methods, the yield for each grade will be higher than indicated. However, such a method of trimming, if applied uniformly, should result in similar differences in yields between grades.

The results of a research study designed to identify and evaluate the factors responsible for palatability differences in lamb and mutton are now being reviewed. It is anticipated that this may be useful in determining the need for revising the present quality grade standards. However, no changes are being proposed in the quality grade standards at this time.

It is proposed to revise the Official U.S. Standards for Grades of Lamb, Yearling Mutton, and Mutton Carcasses and for Slaughter Lambs, Yearlings, and Sheep appearing in 7 CFR, Part 53 as follows:

1. Section 53.115 would be revised to read as follows:

§ 53.115 Application of standards.

(a) *Grade factors.* (1) The grade of an ovine carcass is based on separate evaluations of two general considerations: Palatability-indicating characteristics of the lean and conformation, herein referred to as "quality;" and the estimated percent of closely trimmed, boneless, major retail cuts to be derived from the carcass, herein referred to as "yield." (However, the grade of an ovine carcass when applied by Federal meat graders may consist of an identification for the quality grade, the yield grade, or a combination of both the quality and yield grades.) In previous grade standards for ovine carcasses, the Department used the term "quality" to refer only to the palatability-indicating characteristics of the lean without reference to conformation. Its use herein to include consideration of conformation is not intended to imply that variations in conformation are either directly or indirectly related to differences in palatability.

(2) The grade standards are written so that the quality and yield grade standards are contained in separate sections. The quality section is divided further into three separate sections applicable to carcasses from lambs, yearling mutton, and mutton. There are five quality grades—Prime, Choice, Good, Utility, and Cull—applicable to lamb, yearling mutton, and mutton carcasses, except that mutton carcasses are not eligible for Prime. There are five yield grades applicable to all classes of ovine carcasses, denoted by numbers 1 through 5, with Yield Grade 1 representing the highest degree of cutability.

(3) Carcasses qualifying for any particular grade may vary with respect to the relative development of their individual grade factors, and there will be carcasses which qualify for a particular grade in which the development of some of these individual grade factors will be typical of other grades. Because it is impractical to describe the nearly limitless numbers of such recognizable combinations of characteristics, the standards for each quality and yield grade describe only carcasses which have a relatively similar development of individual factors and which are also representative of the lower limits of each grade. In the quality grade standards, examples of the extent to which superiority in quality may compensate for deficiencies in conformation, and vice versa, are indicated for each grade. In the Prime and Choice grades certain minimum requirements for external fat covering are also indicated.

(b) *Quality grades.* (1) The quality grade of an ovine carcass is based on separate evaluations of two general considerations: The quality or the palatability-indicating characteristics of the lean and the conformation of the carcass.

(2) Conformation is the manner of formation of the carcass with particular reference to the relative development of the muscular and skeletal systems, although it is also influenced to some extent, by the quantity and distribution of external finish. The conformation of a carcass is evaluated by averaging the conformation of its various component parts, giving consideration not only to the proportion that each cut constitutes the carcass weight but also to the general desirability of each cut as compared with other cuts. Superior conformation implies a high proportion of edible meat to bone and a high proportion of the weight of the carcass in the more demanded cuts and is reflected in carcasses which are very wide and thick in relation to their length and which have a very plump and full and well-rounded appearance. Inferior conformation implies a low proportion of edible meat to bone and a low proportion of the weight of the carcass in the more demanded cuts and is reflected in carcasses which are very narrow in relation to their length and which have a very angular, thin and sunken appearance. External fat in excess of that normally left on retail cuts is not considered in evaluating conformation.

(3) The quality of the lean flesh is best evaluated by consideration of its texture, firmness, and marbling, as observed in a cut surface, in relation to the apparent maturity of the animal from which the carcass was produced. However, in grading carcasses direct observation of these characteristics is not possible. Therefore, the quality of the lean is evaluated indirectly by giving equal consideration to: The quantity of fat intermingled within the lean between the ribs called "feathering," the streaking of fat within and upon the inside flank muscles, and the firmness of the fat and lean—all in relation to the apparent evidence of maturity.

(4) The ovine quality standards are intended to cover the full range of maturity within which ovines are marketed. The standards for Prime, Choice, and Good grades of lamb specify two general levels of development of the quality-indicating characteristics described in this section, dependent upon the apparent evidences of maturity attained by the lamb at the time of slaughter. The quality standards for Utility and Cull grades of lamb and for each grade of yearling mutton and mutton specify only one general level of development of the quality-indicating characteristics described, and these characteristics apply only to carcasses which are typical in maturity for their class. In order to qualify for a specific grade, yearling mutton or mutton carcasses with evidence of more advanced maturity than typical for their class are required to have a slightly greater development of these characteristics than described in the standards. Conversely, such carcasses with evidence of less maturity than typical for their class may qualify for a given grade with a slightly lesser development of these characteristics.

(5) The quality standards are intended to apply to all ovine carcasses without regard to the apparent sex condition of the animal at time of slaughter. However, carcasses from males which have thick, heavy necks and shoulders typical of uncastrated males are discounted in quality grade in accord with the extent to which these characteristics are developed. Such discounts may vary from less than one-half grade in carcasses from young lambs in which such characteristics are barely noticeable to as much as two full grades in carcasses from mature rams in which such characteristics are very pronounced.

(6) The quality standards for lamb, yearling mutton, and mutton carcasses contained in this subpart together provide for grading carcasses within the full range of maturity of the ovine species. Although the grade standards for this full range of maturity are contained in three separate standards, it is the intent that the three standards be considered as a continuous series. Therefore, in determining the grade of a carcass which has a degree of maturity that is not typical of that specified in one of the three standards, it is necessary to interpolate between the standard for the kind of carcass (lamb, yearling mutton, or mutton) being graded and the standard for the kind of carcass which is most closely adjacent to it in maturity.

(c) *Yield grades.* (1) The yield grade of an ovine carcass is determined by considering three characteristics: The amount of external fat, the amount of kidney and pelvic fat, and the conformation grade of the legs.

(2) The amount of external fat for carcasses with a normal distribution of this fat is evaluated in terms of its actual thickness over the center of the ribeye muscle and is measured perpendicular to the outside surface between the 12th and 13th ribs. On intact carcasses fat thickness is measured by probing. This measurement may be adjusted, as necessary, to reflect unusual amounts of fat on other parts of the carcass. In determining the amount of this adjustment, if any, particular attention is given to the amount of external fat on those parts where fat is deposited at a faster-than-average rate, particularly the rump, outside of the shoulders, breast, flank, and cod or udder. Thus, in a carcass which is fatter over these other parts than is normally associated with the actual fat thickness over the ribeye, the measurement is adjusted upward. Conversely, in a carcass which has less fat over these other parts than is normally associated with the actual fat thickness over the ribeye, the measurement is adjusted downward. In many carcasses no such adjustment is necessary; however, an adjustment in the thickness of fat measurement of 0.05 or 0.10 inch is not uncommon. In some carcasses a greater adjustment may be necessary. As guides in making these adjustments, the standards for each yield grade include three additional related measurements. These include the thickness of the fat over the rump and at the 5th rib and the thickness of the body wall. The 5th rib measurement is made 4 inches laterally from the middle of the backbone between the 5th and 6th ribs. The fat thickness over the rump is measured 1 inch laterally

from the middle of the backbone at the point where the short-cut legs are separated from the loin between the 4th and 5th sacral vetebrae—approximately 2 inches anterior to the base of the tail. The body wall thickness is measured 5 inches laterally from the middle of the backbone between the 12th and 13th ribs. As the amount of fat increases, the percent of retail cuts decreases—each 0.05 inch change in adjusted fat thickness over the ribeye changes the yield grade by one-third of a grade.

(3) The amount of kidney and pelvic fat considered in determining the yield grade includes the kidney knob (kidney and surrounding fat) and the lumbar and pelvic fat in the loin and leg which are removed in making closely trimmed retail cuts. The amount of these fats is evaluated subjectively and expressed as a percent of the carcass weight. As the amount of kidney and pelvic fat increases, the percent of retail cuts decreases—a change of 1 percent of the carcass weight in kidney and pelvic fat changes the yield grade by one-fourth of a grade.

(4) The conformation grade of the legs is evaluated as described in the quality standards. The evaluation is made in terms of thirds of grades and coded using 15 for high Prime and 1 for low Cull. An increase in the conformation grade of the legs increases the percent of retail cuts—a change of one-third of a grade changes the yield grade by approximately 5 percent of a grade.

(5) The yield grade descriptions are defined primarily in terms of carcasses. However, the yield grade standards also are applicable to the grading of sides, foresaddles, hindsaddles, forequarters, and hindquarters, and hotel racks, loins, and combinations of regular or trimmed wholesale cuts which include either a hotel rack or a loin.

(6) The standards include an equation for determining yield grade. The application of this equation usually results in a fractional grade. However, in normal grading operations any fractional part of a yield grade is dropped. For example, if the computation results in a yield grade of 3.9, the final yield grade is 3—it is not rounded to 4.

(7) The yield grade standards for each of the first four yield grades list characteristics of a carcass with descriptions of the amount of external fat normally present on various parts of the carcass. These descriptions are not specific requirements—they are included only as illustrations of carcasses which are near the borderline between grades. For example, the characteristics listed for Yield Grade 1 represent a carcass which is near the borderline of Yield Grade 1 and Yield Grade 2. These descriptions facilitate the subjective determination of the yield grade without making detailed measurements and computations. The yield grade for most ovine carcasses can be determined accurately on the basis of a visual appraisal.

2. The headings for §§ 53.116, 53.117, and 53.118 would be revised to read:

§ 53.116 Specifications for official U.S. standards for grades of lamb carcasses (quality).

* * * * *

§ 53.117 Specifications for official U.S. standards for grades of yearling mutton carcasses (quality).

* * * * *

§ 53.118 Specifications for official U.S. standards for grades of mutton carcasses (quality).

* * * * *

3. A new section, § 53.119, would be added as follows:

§ 53.119 Specifications for official U.S. standards for grades of carcass lamb, yearling mutton, and mutton (yield).

(a) The yield grade of an ovine carcass or side is determined on the basis of the following equation: Yield Grade =1.66−(0.05×leg conformation grade code)+(0.25×percent kidney and pelvic fat)+(6.66×adjusted fat thickness over the ribeye inches).

(b) (1) The yield grade of a hindsaddle, hindquarter, foresaddle, forequarter, or a cut eligible for grading also is determined on the basis of the above equation except that if the portion being graded does not include the leg, the conformation grade of the portion being graded shall be substituted for leg conformation grade. In adition, if the portion being graded does not include kidney and pelvic fat or if the portion is a trimmed cut (cut from which most of the kidney and pelvic fat has been removed), the following standard percentages of kidney and pelvic fat, as applicable to the quality grade of the portion also shall be used in the equation:

Grade	Kidney and pelvic fat, percent
Prime	4.5
Choice	3.5
Good	3.0
Utility	2.0
Cull	1.5

(2) For untrimmed hindsaddles and for untrimmed hindsaddle cuts, the quantity of kidney and pelvic fat is estimated as a percent of the carcass weight.

(3) For untrimmed hindquarters and for untrimmed hindquarter cuts, the quantity of kidney and pelvic fat is estimated as a percent of the side weight.

(c) The following descriptions provide a guide to the characteristics of carcasses in each yield grade to aid in determining yield grades subjectively.

(1) *Yield Grade 1.* (i) A carcass in Yield Grade 1 usually has only a thin layer of external fat over the back and loin and slight deposits of fat in the flanks and cod or udder. There is usually a very thin layer of fat over the top of the shoulders and the outside of the legs. Muscles are usually plainly visible on most areas of the carcass.

(ii) A carcass of this yield grade which is near the borderline of Yield Grade 1 and Yield Grade 2 might have 0.1 inch of fat over the ribeye, 1.5 percent of its weight in kidney and pelvic fat, and an average Prime leg conformation grade. Such a carcass with normal fat distribution would also have 0.3 inch of fat at the 5th rib and over the rump, and a body wall thickness of 0.5 inch.

(2) *Yield Grade 2.* (i) A carcass in Yield Grade 2 usually has a slightly thin layer of fat over the back and loin and the muscles of the back are not visible. The top of the shoulders and the outside of the legs have a thin covering of fat and the muscles are slightly visible. There are usually small deposits of fat in the flanks and cod or udder.

(ii) A carcass of this yield grade which is near the borderline of Yield Grade 2 and Yield Grade 3 might have 0.2 inch of fat over the ribeye, 2.5 percent of its weight in kidney and pelvic fat, and a low Prime leg conformation grade. Such a carcass with normal fat distribution would also have 0.5 inch of fat at the 5th rib and over the rump and a body wall thickness of 0.7 inch.

(3) *Yield Grade 3.* (i) A carcass in Yield Grade 3 usually has a slightly thick covering of fat over the back. The top of the shoulders are completely covered with fat, although the muscles are still barely visible. The legs are nearly completely covered, although the muscles on the outside of the lower legs are visible. There usually are slightly large deposits of fat in the flanks and cod or udder.

(ii) A carcass of this yield grade which is near the borderline of Yield Grade 3 and Yield Grade 4 might have 0.3 inch of fat over the ribeye, 3.5 percent of its weight in kidney and pelvic fat, and a high Choice leg conformation grade. Such a carcass with normal fat distribution would also have 0.6 inch of fat at the 5th rib and over the rump and a body wall thickness of 0.9 inch.

(4) *Yield Grade 4.* (i) A carcass in Yield Grade 4 usually is completely covered with fat. There usually is a moderately thick covering of fat over the back and a slightly thick covering over the shoulder and legs. There usually are large deposits of fat in the flanks and cod or udder.

(ii) A carcass in this yield grade which is near the borderline of Yield Grade 4 and Yield Grade 5 might have 0.4 inch of fat over the ribeye, 4.5 percent of its weight in kidney and pelvic fat, and an average Choice leg conformation grade. Such a carcass with normal fat distribution would also have 0.7 inch fat at the 5th rib and over the rump, and a body wall thickness of 1.1 inches.

(5) *Yield Grade 5.* A carcass in Yield Grade 5 usually has more external and kidney and pelvic fat and a lower conformation grade of leg than a carcass in Yield Grade 4.

4. Section 53.132 would be revised to read as follows:

§ 53.132 Application of standards.

(a) *Grade factors.* Grades of slaughter ovines are intended to be directly related to the grades of the carcasses being produced. To accomplish this, these slaughter ovine grade standards are based on factors which are directly related to the quality grades and the yield grades of ovine carcasses. The standards are written so that the quality and yield grade standards are contained in separate sections. The quality grade standards are divided into two sections applicable to slaughter lambs and slaughter yearlings and sheep. There are five quality grades—Prime, Choice, Good, Utility, Cull—applicable to slaughter lambs, yearlings, and sheep, except that sheep are not eligible for Prime. Also, there are five yield grades applicable to all classes of slaughter ovines, denoted by numbers 1 through 5, with Yield Grade 1 representing the highest degree of cutability.

(b) *General principles.* (1) The determination of the carcass grade that the slaughter animal will produce requires the exercise of well-regulated judgment. Each animal presents a different combination of the grade-determining factors. Animals frequently have characteristics associated with two or more grades. Therefore, a composite evaluation of all inherent physical characteristics is essential for accuracy in determining grade.

(2) The accurate determination of the grade of a slaughter lamb or sheep requires handling in addition to visual observation. The length and density of the fleece varies greatly with individuals and the thickness and firmness of the flesh covering of wooled lambs and sheep can only be roughly estimated without handling. The technique used in handling usually varies with the degree of precision in mind as well as the experience of the grader. Experienced graders may find one quick handling satisfactory. This usually consists of placing one open hand over the back and ribs in simultaneous motion. The thumb extends just over the backbone, while the fingers, which are held close together, cover the rib section and pressure is applied very lightly with a slight lateral and forward and backward motion. The generally accepted technique of handling sheep where time permits, and especially when noting slight differences between individuals, is to handle forward from the dock to neck with the open hand, fingers together, laid flat and with a slight lateral motion. Both hands may then be used, one on each side, in a similar manner to determine the fleshing over the shoulders, ribs, and hips. Regardless of the method, considerable experience is necessary in handling lambs or sheep to accurately determine the grade.

(c) *Quality grades.* (1) The quality grade of a slaughter lamb or sheep is determined by a composite evaluation of two general considerations which influence carcass excellence: Conformation and quality—fatness, maturity, and other indicators of differences in palatability of the lean flesh.

(2) Conformation refers to the general body proportions of the animal and to the ratio of meat to bone. Although primarily determined by the inherent muscular and skeletal systems, it is also influenced by the degree of fatness. Excellent conformation in slaughter lambs and sheep is denoted by a compact, wide-topped, thick-fleshed individual that has a large plump leg. Fullness and thickness should be especially evident in the portions of the body producing the more desirable cuts of meat—loin, hotel rack, and leg.

(3) In grading slaughter lamb and sheep, quality of the lean flesh must necessarily be evaluated indirectly from consideration primarily of the quantity, distribution, and type of fat or finish in relation to the maturity of the animal being graded. Limited consideration is also given to such factors as character of bone and smoothness and symmetry of body. Finish is evaluated by noting variations in the fullness and apparent thickness of the fat covering over the back, loin, ribs, and legs. A high degree of desirable finish is evidenced by a firm, smooth layer of fat which is uniformly distributed over the body.

(4) Although the market designation of slaughter lambs and sheep is usually made by classes, the quality standards are intended to apply to all classes without regard to sex condition. However, male animals which have thick heavy necks and shoulders typical of uncastrated males are discounted in grade in proportion to the extent to which these characteristics are developed. Such discounts may vary from less than half a grade in young lambs in which such characteristics are barely noticeable to as much as two full grades in mature rams in which such characteristics are very pronounced.

(d) *Yield grades.* (1) The yield grades for slaughter lambs, yearlings, and sheep are based on the same factors used in the official yield grade standards for ovine carcasses. These factors are as follows:

(i) *Thickness of fat over ribeye.* As the amount of external fat increases, the percent of retail cuts decreases and the numerical yield grade increases. Assuming no change in the other factors, each 0.15 inch change in adjusted fat thickness over the ribeye changes the yield grade by a full grade.

(ii) *Percent of kidney and pelvic fat.* As the amount of these fats increases, the percent of retail cuts decreases. A change of 4 percent of the carcass weight in kidney and pelvic fat changes the yield grade by a full grade.

(iii) *Leg conformation grade.* An increase in the conformation grade of the legs increases the percent of retail cuts. A change of two full grades in conformation of the legs changes the yield grade by approximately one-third of a yield grade.

(2) When evaluating slaughter ovines for yield grade, each of these factors can be estimated and the yield grade determined therefrom by using the equation contained in the official standards for yield grades of lamb, yearling mutton, and mutton carcasses. However, a more practical method of appraising slaughter ovines for yield grade is to use only two factors normally considered in evaluating live ovines—leg conformation and degree of fatness. In this approach, the degree of fatness largely accounts for the effects of thickness of fat over the ribeye and the percent of kidney and pelvic fat.

(3) The overall fatness of an animal can be determined best by giving particular attention to those parts on which fat is deposited at a faster-than-average rate. These include the back, loin, rump, flank, cod, udder, and brisket. As ovines increase in fatness, these parts become progressively fuller, thicker, and more distended in relation to the thickness and fullness of the other parts, particularly the legs. However, since an animal's thickness of muscling also affects the development of its various parts, this also needs to be considered when evaluating the degree of fatness. In thinly muscled ovines with a low degree of finish, the width of the back usually will be greater than the width through the center of the legs. Conversely, in thickly muscled ovines with a low degree of finish, the thickness through the legs will be greater than through the back and the back will be full and rounded. At an intermediate degree of fatness, ovines which are thinly muscled will be considerably wider through the back than through the leg and will be nearly flat across the back. Thickly muscled ovines that have an intermediate degree of fatness will be about the same width through the legs as through the back and the back will appear only slightly rounded. Very fat ovines will be wider through the back than through the legs, but this difference will be greater in thinly muscled ovines than in those that are thickly muscled. As ovines increase in fatness, they also become deeper bodied because of large deposits of fat in the flanks and brisket and along the underline. In determining yield grade, variations in fatness are very much more important than variations in conformation of the leg.

(e) *Other considerations.* (1) Other factors such as sex, heredity, and management also may affect the development of grade-determining characteristics in slaughter ovines. Although these factors do not lend themselves to descriptions in the standards, the use of factual information of this nature is justified in determining the grade of slaughter ovines. The ability to make proper allowances for the effects of genetic and management factors on the appearance of grade-determining characteristics must be developed through experience.

(2) Slaughter ovines qualifying for any particular grade may vary with respect to the relative development of their individual grade factors. In fact, some will qualify for a particular grade although they have some characteristics more typical of ovines of another grade. Because it is impractical to describe the nearly infinite number of such recognizable combinations of characteristics, the standards describe only ovines which have a relatively similar development of the various quality and yield grade-determining factors and which are near the lower limits of quality or yield for the grade. However, examples of the extent to which superiority in quality-indicating characteristics may compensate for defi-

ciencies in conformation, and vice versa, are indicated for each quality grade. In the quality grade standards, the requirements are given for two maturity groups. In the yield grade standards ovines with two levels of muscling are described and specific examples in terms of carcass characteristics also are included.

5. The headings for §§ 53.133 and 53.134 would be revised to read as follows:

§ 53.133 Specifications for official U.S. standards for grades of slaughter lambs (quality).

* * * * *

§ 53.134 Specifications for official U.S. standards for grades of slaughter yearlings and sheep (quality).

* * * * *

6. A new section, § 53.135, would be added as follows:

§ 53.135 Specifications for official U.S. standards for grades of slaughter lambs, yearlings, and sheep (yield).

(a) *Yield Grade 1.* (1) Yield Grade 1 slaughter lambs, yearlings, and sheep produce carcasses which have very high yields of boneless retail cuts. Ovines with characteristics qualifying them for the lower limits of Yield Grade 1 (near the borderline between Yield Grade 1 and Yield Grade 2) will differ considerably because of inherent differences in the development of their muscling and skeletal systems and related differences in fatness.

(2) Very thickly muscled ovines typical of the minimum of this grade have a high proportion of lean to bone. They are moderately wide and usually the width through the shoulders and legs is greater than through the back. The top is well-rounded with no evidence of flatness and the back and loin are moderately full and plump. The legs are moderately large and plump and the width through the middle part of the legs is greater than through the back. The shoulders and hips are slightly prominent. These ovines have only a thin covering of external fat over the back and loin and a slightly thick covering of fat over the rump and down over the ribs. They are shallow through the flanks and the brisket and cod or udder have little evidence of fullness. In handling, the backbone, ribs, and ends of bones at the loin edge are moderately prominent. A carcass produced from slaughter ovines of this description might have 0.1 inch of fat over the ribeye and a low Prime leg conformation grade.

(b) *Yield Grade 2.* (1) Yield Grade 2 slaughter lambs, yearlings, and sheep produce carcasses with high yields of boneless retail cuts. Ovines with characteristics qualifying them for the lower limits of Yield Grade 2 (near the borderline between Yield Grade 2 and Yield Grade 3) will differ considerably because of inherent differences in the development of their muscling and skeletal systems and related differences in fatness.

(2) Very thickly muscled ovines typical of the minimum of this grade have a high proportion of lean to bone. They are wide through the back and loin and have slightly greater width through the shoulders and legs than through the back. The top is well-rounded with little evidence of flatness and the back and loin are full and plump. The legs are large and plump and the width through the middle part of the legs is slightly greater than through the back. The shoulders and hips are slightly smooth. These ovines have a slightly thin layer of external fat over the back and loin and a thick covering of fat over the rump and down over the ribs. They are slightly shallow through the flanks and the brisket and cod or udder are slightly full. In handling, the backbone, ribs and ends of bones at the loin edge are readily discernible. A carcass produced from slaughter ovines of this description might have 0.2 inch of fat over the ribeye and an average Prime Leg conformation grade.

(3) Thinly muscled ovines typical of the minimum of this grade have a relatively low proportion of lean to bone. They tend to be slightly narrow over the back, loin, and rump. The legs tend to be slightly small and thin and the width over the back is slightly greater than through the legs. The shoulders and hips tend to be moderately prominent. These ovines have a thin covering of external fat over the back and loin and a moderately thick covering of fat over the rump and down over the ribs. They tend to be slightly shallow through the flanks. The brisket and cod or udder have little evidence of fullness. In handling, the backbone, ribs, and ends of the bones at the loin edge are moderately prominent. A carcass produced from slaughter ovines of this description might have 0.15 inch of fat over the ribeye and high Good leg conformation grade.

(c) *Yield Grade 3.* (1) Yield Grade 3 slaughter lambs, yearlings, and sheep produce carcasses with intermediate yields of boneless retail cuts. Ovines with characteristics qualifying them for the lower limits of Yield Grade 3 (near the borderline between Yield Grade 3 and Yield Grade 4) will differ considerably because of inherent differences in the development of their muscling and skeletal systems and related differences in fatness.

(2) Very thickly muscled ovines typical of the minimum of this grade have a high proportion of lean to bone. They are very wide through the back and loin and are uniform in width from front to rear. The top is nearly flat with only a slight tendency toward roundness. The back and loin are very full and plump. The legs are very large and plump. The shoulders and hips are moderately smooth. These ovines have a slightly thick covering of fat over the back and loin and a very thick covering of fat over the rump and down over the ribs. The flanks are slightly deep and full and the brisket and cod or udder are moderately full. In handling, the backbone, ribs, and ends of bones at the loin edge are moderately discernible. A carcass produced from slaughter ovines of this description might have 0.3 inch of fat over the ribeye and a high Prime leg conformation grade.

(3) Thinly muscled ovines typical of the minimum of this grade have a relatively low proportion of lean to bone. They tend to be slightly wide over the back, loin and rump. The legs tend to be slightly thick and plump. The width over the back is moderately greater than through the legs. The shoulders and hips are slightly prominent. These ovines have a slightly thin covering of external fat over the back and loin and a thick covering of fat over the rump and down over the ribs. The flanks tend to be slightly deep and full. The brisket and cod or udder are slightly full. In handling, the backbone, ribs, and ends of bones at the loin edge tend to be moderately discernible. A carcass produced from slaughter ovines of this description might have 0.25 inch of fat over the ribeye and a low Choice leg conformation grade.

(d) *Yield Grade 4.* (1) Yield Grade 4 slaughter lambs, yearlings, and sheep produce carcasses with moderately low yields of boneless retail cuts. Ovines with characteristics qualifying them for the lower limits of Yield Grade 4 (near the borderline between Yield Grade 4 and Yield Grade 5) will differ considerably because of inherent differences in the development of their muscling and skeletal systems and related differences in fatness.

(2) Very thickly muscled ovines typical of the minimum of this grade have a high proportion of lean to bone. They are extremely wide through the back and loin and are slightly wider over the top than through the shoulders and legs. The back and loin are extremely full and plump. The legs are extremely large and plump. The shoulders and hips are smooth. These ovines have a moderately thick covering of fat over the back and loin, and an extremely thick covering of fat over the rump and down over the ribs. The flanks are moderately deep and full and the brisket and cod or udder are full. In handling, the backbone, ribs, and ends of bones at the loin edge are slightly discernible. A carcass produced from slaughter ovines of this description might have 0.4 inch of fat over the ribeye and a high Prime leg conformation grade.

(3) Thinly muscled ovines typical of the minimum of this grade have a relatively low proportion of lean to bone. They tend to be moderately wide over the back, loin, and rump. The legs tend to be moderately thick and plump. They are wider over the back than through the legs. The shoulders and hips are slightly smooth. These ovines have a slightly thick covering of external fat over the back and loin and a very thick covering of fat over the rump and down over the ribs. The flanks are slightly deep and full. The brisket and cod or udder are moderately full. In handling, the backbone, ribs, and ends of bones at the loin edge tend to be slightly discernible. A carcass produced from slaughter ovines of this description might have 0.35 inch of fat over the ribeye and an average Choice leg conformation grade.

(e) *Yield Grade 5.* Yield Grade 5 slaughter lambs, yearlings, and sheep produce carcasses with low yields of boneless retail cuts. Ovines of this grade consist of those not meeting the minimum requirements of Yield Grade 4 because of either more fat or a lower leg conformation grade or a combination of these characteristics.

Any person who desires to submit written data, views, or arguments concerning the proposal set forth above may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after the date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 13th day of August 1968.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 68-9858; Filed, Aug. 15, 1968; 8:48 a.m.]

[7 CFR Part 101]

COTTON

Weights To Be Shown on Multiple Bale Warehouse Receipts Issued by Licensed Warehousemen

Notice is hereby given, in accordance with the administrative procedure provisions in 5 U.S.C. 533, that Consumer and Marketing Service, pursuant to the authority conferred by section 28 of the U.S. Warehouse Act (7 U.S.C. 268), is considering amending warehouse regulations appearing in Part 101 of Subchapter E of Chapter I in Title 7 of the Code of Federal Regulations in the following respects:

1. Subparagraph (9), paragraph (a) of § 101.16 would be amended to read:

§ 101.16 Form.

(a) * * *

(9) A statement to the effect that the weight was determined by a weigher licensed under the U.S. Warehouse Act, except that if the weight is not so determined, as permitted in § 101.38 the receipt shall contain a statement to that effect.

* * * * *

2. Section 101.38 would be amended to read as follows:

§ 101.38 Weighing of cotton; weighing apparatus.

(a) All cotton before being stored in a licensed warehouse, shall be weighed at the warehouse by a licensed weigher, and the weight so determined shall be stated on the warehouse receipt; except that by agreement with the depositor, point of origin weights may be stated on the receipt for cotton tendered for storage in a lot the identity of which is to be preserved during storage and shipment from the warehouse, and for which a multiple bale receipt is to be issued: *Provided,* That if such lot is broken at the warehouse, each bale shall be weighed at the warehouse by a licensed weigher before single bale warehouse receipts are issued.

(b) Each licensed warehouse shall be equipped with scales acceptable to the Department for weighing cotton into and out of the warehouse. The weighing apparatus used for ascertaining the weight stated in a receipt or certificate, issued for cotton stored in a licensed warehouse, shall be subject to examination by an officer or agent of the Department designated by the Administrator for the purpose. If the Department shall disapprove such weighing apparatus, it shall not thereafter, unless such disapproval be withdrawn, be used in ascertaining the weight of any cotton for the purposes of the act and the regulations in this part.

Cotton merchants are purchasing cotton and assembling mill lots at country points. The lots are being tendered for storage in transit at compress points. Each lot is received at such points as a unit, stored as a unit under a multiple bale receipt, and shipped as a unit at time of delivery. The cotton is purchased by the merchants on the basis of point of origin weights. It is sold to the mills on the basis of destination weights. The intermediate weights are expensive to obtain and serve no economic purpose.

The Act requires that "the weight of such bales or packages" be shown on the warehouse receipt. Regulations were promulgated in 1953 to require the bales to be weighed at the warehouse. The regulations were amended in 1958 to require the bales to be weighed by a weigher licensed under the United States Warehouse Act. The primary purpose was to establish better control over the weighing of cotton stored in licensed warehouses. The proposed amendments would continue these same controls over cotton received from depositors for which single bale receipts, used for trading purposes, are issued.

The requirement for weighing shippers' lots at the warehouse would be eased, for the weights of such lots by agreement with the depositor could be point of origin weights, if the identity of the lots is retained in storage. This would allow licensed warehousemen to meet competition of nonlicensed warehousemen.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Director, Transportation and Warehouse Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 12th day of August 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68-9832; Filed, Aug. 15, 1968; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 81, 83, 85]

[Docket No. 18271; FCC 68-781]

TRANSITION OF SHIP AND COAST STATIONS FROM DOUBLE SIDEBAND TO SINGLE SIDEBAND RADIOTELEPHONY

Establishment of Schedule of Dates, Technical Standards, Frequencies, and Other Requirements

In the matter of amendments of Parts 2, 81, 83, and 85, to effect orderly shifts from present double sideband (DSB) and/or single sideband (SSB) to new (replacement) frequencies; to establish a revised schedule of dates, technical standards, frequencies, and other requirements for the transition of ship and coast stations from DSB to SSB radiotelephony on frequencies within the revised frequency allotments adopted by the World Administrative Radio Conference, Geneva–1967, for the exclusive HF maritime mobile service bands between 4 and 23 Mc/s, Docket No. 18271.

1. In the instant proceedings the Commission proposes to amend Parts 2, 81, 83, and 85 to bring those parts, to the extent necessary, into accord with the Final Acts of the World Administrative Radio Conference (WARC), convened by the International Telecommunication Union (ITU) and concluded at Geneva on November 3, 1967. The proposal herein does not satisfy in full all requirements which have been brought to the attention of the Commission. After further study, it is possible that additional proposals may be issued with regard to the above captioned matter. The proposed amendments include:

Provisions for the orderly withdrawal from Parts 81, 83, and 85 of currently designated double sideband (DSB) and single sideband (SSB) channels, and the inclusion of replacement DSB and SSB channels;

Provisions for shifting coast and ship stations from the present DSB channels to new DSB channels in accordance with WARC agreements;

Provisions for shifting coast and ship stations from the present SSB channels to new SSB channels in accordance with a WARC agreement;

Provisions for adjustment of the schedule of dates for conversion from DSB to SSB, and class of emission associated therewith, to more closely align the schedule for conversion adopted by the Commission in Docket No. 15068 and that adopted by the WARC; and

Provisions for adjustment of the technical characteristics applicable to SSB equipment, as necessary, to align the criteria adopted in Docket No. 15068 and those adopted by the WARC.

2. Agenda Item 1 of the WARC provided for consideration of the use of SSB technique in the Maritime Mobile Service in the bands available to that service in the exclusive HF Maritime Mobile Radiotelephone Bands, among others. In

that regard, the Commission released a series of six Notices of Inquiry (Docket No. 16440) in the matter of preparation for the WARC and the amendment of the International Radio Regulations (IRR) presently applicable to the Maritime Services.

3. The WARC was convened at Geneva, Switzerland, between the dates of September 18 and November 3, 1967. It adopted wide-spread revisions to the IRR bearing on the Maritime Mobile Service in the exclusive HF bands between 4 and 23 Mc/s, including, among others:

Changes in frequency allotments to expand by 170 kc/s the spectrum available for radiotelephony; and reduction by 170 kc/s of the spectrum available for radiotelegraphy;

A schedule of dates for the changes in channel spacing and types of emission to be used in the various bands;

A schedule of dates for the orderly shifts, on a world-wide basis, of ship and coast stations from present DSB channels to the new DSB channels;

A schedule for shifts from current SSB channels to new SSB channels.

A schedule of dates for the orderly conversion, on a world-wide basis, from DSB to SSB radiotelephony; and

Technical characteristics applicable to single sideband radiotelephony transmitters used in the Maritime Mobile Service in the bands between 4 and 23 Mc/s.

4. The WARC, to accomplish the objectives which evolved, i.e., (i) to increase the number of duplex radiotelephony channels, (ii) to provide channels for oceanographic data, and (iii) to increase the number of channels for narrow-band direct-printing and data systems, while retaining the allocation limits adopted by the Administrative Radio Conference, Geneva–1959 (ARC), made extensive shifts within those allocation limits in the allotments to the several maritime mobile services. In particular, the spectrum allotted by the ARC was:

Decreased in the case of bands for: Ship wide-band telegraphy, facsimile and special transmission systems; high traffic ships; low traffic ships; radiotelegraph calling bands; and coast and ship simplex radiotelephony;

Increased in the case of bands for: Ship and coast duplex radiotelephony; ship narrow-band direct-printing telegraph and data transmission systems; coast wide-band and manual telegraphy, facsimile, special and data systems and direct-printing telegraph systems; and ship and coast radiotelegraph oceanographic data.

5. In consequence, the new allotments adopted will necessitate changes in many of the frequencies used by coast and ship stations. In order that these changes could be made in an orderly manner, the WARC developed and adopted separate schedules to provide for the vacating of spectrum by a displaced service and occupancy of that space by a new service. These schedules were merged into a master schedule, thus avoiding simultaneous occupancy of the same spectrum by different maritime mobile services.

6. The matter of shifting coast and ship radiotelegraphy stations from present spectrum to the new allotments adopted by the WARC will be considered in a separate proceeding. In the instant proceeding, consideration is being limited to coast and ship radiotelephony and matters which bear thereon.

7. As adopted by the WARC, the schedule agreed upon for radiotelephony provides two principal steps:

Step 1—shift of coast and ship stations from the present DSB channels to new DSB channels adopted by the WARC, on or before specified dates; and

Step 2—conversion of ship and coast stations from DSB to SSB, on or before specified dates. (The schedule for conversion to SSB provides for the discontinuance of emission A3H, following which only emissions A3A and A3J will be available.)

8. In its report and order in Docket No. 15068, released July 27, 1964, the Commission amended Parts 2, 81, 83, and 85 to establish, among other things, technical standards, frequencies and other requirements for the use of single sideband radiotelephony in the Maritime Services. As amended in Docket No. 15068, Parts 81, 83, and 85 currently specify the various DSB channels which are available for use. In addition, the two single sideband channels which are derived from each of the DSB channels are also specified and available for use following conversion to SSB. As adopted by the WARC, substantial shifts were made in the frequency bands allotted to the various Maritime Mobile Services. These shifts made it necessary that both DSB and SSB channels, as now specified in Parts 81, 83, and 85, be shifted to conform to the new (replacement) DSB and SSB channels set forth in the Final Acts of the WARC.

9. Turning now to the general substance of the rule amendments set forth below which have applicability to use of radiotelephony by ship and coast stations in the exclusive HF maritime mobile service bands between 4 and 23 Mc/s, the Commission proposes:

(a) That coast radiotelephone stations operating on public correspondence channels shift from current DSB frequencies to the replacement (new) DSB frequencies at 0001 G.m.t., March 1, 1970;

(b) That ship stations operating on public correspondence channels shift from current DSB frequencies to the replacement (new) DSB frequencies during the period March 1 to May 1, 1970;

(c) That limited coast stations and ship stations operating radiotelephony on the frequencies of §§ 81.361 and 83.351(a)(4) shift from current SSB frequencies to the replacement (new) SSB frequencies during the period January 1 to February 28, 1970;

(d) To prohibit new installation of DSB equipment in ship stations after January 1, 1969;

(e) That on January 1, 1972, DSB be discontinued at those coast radiotelephone stations which have not already converted to SSB;

(f) To permit U.S. coast stations, where necessary for communication with (foreign) ship stations not equipped for SSB, to employ A3H emission during the period January 1, 1974, to January 1, 1978;

(g) To continue the date of January 1, 1974, adopted in Docket No. 15068, for completion of mandatory conversion from DSB to SSB by coast and ship stations; after which only A3A and A3J will be authorized (see f, above);

(h) To require that those SSB transmitters which were type accepted after adoption of a final order in this docket shall be capable of operation with all three SSB emissions A3A, A3H, and A3J; *Provided*, That SSB equipment which was type-accepted prior thereto, and which is not capable of operation with A3A emission, may continue to be operated.

(i) In regard to spurious emission limitations, to amend the rules to bring them into accord with the values adopted by the WARC;

(j) To reduce the authorized bandwidth for SSB from 3.5 kc/s to 3.0 kc/s, to more closely align the authorized bandwidth with the emission designator and to permit operation within the channel spacing adopted by the WARC (3.1, 3.2, and 3.5 kc/s), for the various bands above 4 Mc/s; and

(k) To effect other changes to the rules which are in support of, or which are consequential to the foregoing amendments.

10. The two DSB frequencies 6240 and 6455 kc/s are now used on the Mississippi River system under the current rules. Further, the rules now provide for conversion from DSB to SSB and, effective January 1, 1974, for use of the two lower-half channels, the carrier frequencies of which are located at 6236.9 and 6451.9 kc/s. For the reasons set forth below, it is proposed that availability of 6240 kc/s (and 6246.9 kc/s) be discontinued effective October 31, 1969. On the other hand, it is proposed that 6455 kc/s (and 6451.9 kc/s, effective January 1, 1974) be continued as at present; together with the limitations regarding creation of harmful interference.

11. Under the IRR, Geneva–1959, the frequency 6240 kc/s was located on the band edge between the ship station bands:

6211–6240 kc/s—Wideband Telegraphy, Facsimile and Special Transmission Systems; and

6240–6265.5 kc/s—Telegraphy, High Traffic Ships.

Under the IRR, Geneva–1967, the allotments and their location in the spectrum was shifted in a manner such that two new services, "Oceanographic Data Transmission" and "Narrow-band Direct-printing Telegraph and Data Transmission Systems", were positioned between the Wideband Telegraphy and the High Traffic Ships bands, as follows:

6216.5–6244.5—Wideband Telegraphy, Facsimile and Special Transmission Systems (7 frequencies, spaced 4 kc/s);

6244.5–6248.0—Oceanographic Data Transmission (10 frequencies, spaced 0.3 kc/s);

6248.0–6258.25—Narrow-band Direct-printing Telegraph and Data Transmission Systems (20 frequencies spaced 0.5 kc/s);

6258.25–6267.0—High Traffic Ships (11 frequencies, spaced 0.75 kc/s).

12. As seen by the Commission, the situation in regard to a replacement for 6240 kc/s is as follows:

A. Under Geneva–1967, 6240 kc/s is wholly within the band 6216.5–6244.5 kc/s. In consequence of the decisions reached at the WARC in regard to the band 6216.5–6244.5 kc/s, international utilization by ship stations can be expected to substantially increase in the future. This is in contrast to the low international utilization under the IRR, Geneva–1959. Under Geneva–1959, where sharing was satisfactory between the inland waters radiotelephony (on 6240 kc/s), and international radiotelegraphy, similar sharing capability is not foreseen under the IRR Geneva–1967.

B. Shifting of the operations now on 6240 kc/s upwards to the band edge (at 6244.5 kc/s), would create overlap of nearly all of the band 6244.5–6248.0 kc/s. Since Oceanographic Data Transmission in this band is expected to occur within communications range of the Gulf, East, and West coasts, sharing between inland waters radiotelephony and oceanographic Data is deemed not feasible.

C. In regard to shared use of the IRR, Geneva–1967, band 6258.25–6267 kc/s between inland waters radiotelephony and international high traffic ships, it should be noted that the spectrum available for high traffic ships was reduced, at 6 Mc/s, from 25.5 kc/s to 8.75 kc/s. Assignment of one radio telephone channel for inland waters use would leave only three channels (of 0.75 kc/s each) for High Traffic Ships. Thus, sharing appears infeasible.

D. Under Geneva–1967, the transfer of assignments from the band 6211–6240 kc/s to the band 6216.5–6244.5 kc/s is scheduled to take place during the period November 1, 1969, to December 31, 1969. To avoid harmful interference to Wideband Telegraphy in the band 6216.5–6244.5 kc/s, the radiotelephony operations on 6240 kc/s must be shifted to a replacement frequency by October 31, 1969.

E. In regard to selection of a frequency to replace 6240 kc/s, this is expected to be completed in advance of, and can be included as a part of the report and order in this proceeding. At that time it will be necessary to effect further amendments to the rules to include: (a) Part 2, § 2.106, Footnotes to the Table, in regard to footnote NG27, to delete 6240 kc/s; and, as now seems probable, to include an additional footnote covering limitations applicable to use and availability of the replacement frequency; (b) Parts 81 and 83, §§ 81.304, 81.306, 83.351, 83.354, and 83.355, to include the replacement frequency, schedule of implementation, and conditions of use applicable to the replacement frequency.

13. The amendments to Columns 7 through 11 of § 2.106 will bring the FCC rules into accord with the new allotment limits adopted by the WARC. Under the schedule of dates adopted by the WARC, transition from the present frequencies to the new (replacement) frequencies involves multiple separate steps over an extended period of time. It becomes administratively infeasible to have § 2.106 reflect simultaneously the current frequency bands available and the replacement (WARC) frequency bands. The Commission proposes, therefore, to adopt the amendments to § 2.106 set forth below, on the effective date of the final order in this docket, but to permit continuation of current operations as necessary to conform to the schedule of dates adopted by the WARC.

14. The amendments to §§ 81.132(d), 81.140, 81.142, 83.136, 83.137, and 85.152(d) are proposed to align the technical provisions in the FCC rules with those adopted by the WARC.

15. The amendments of §§ 81.132(a), 81.133(a), 83.132(a), 83.133(a), and 85.152(a) are proposed to bring into accord the provisions in the FCC rules in regard to authorized classes of emission and bandwidth with the decisions taken by the WARC.

16. The amendment to § 83.139 is proposed to include in the FCC rules a program for discontinuing installation of DSB transmitters aboard new ship stations after January 1, 1969; for the withdrawal of type acceptance of DSB transmitters on January 1, 1969; and, subject to specified conditions, for continued use (up to January 1, 1974) of DSB transmitters installed aboard ship stations prior to January 1, 1969.

17. The amendments to §§ 81.304, 81.361, and 83.351 include editorial changes to bring those sections into accord with a more readily usable format adopted in other parts of the Commission's rules and regulations. As revised, these sections list the frequency currently available and the new (replacement) frequency. Provisions bearing on use of the respective frequencies are included under "Conditions of Use", which includes the schedule for conversion from the "old" DSB or SSB frequency to the "new" DSB or SSB frequency; and the schedule for conversion from DSB to SSB, where SSB is not already in use.

18. The amendments to §§ 81.306 (a), (b), (c), and (e), 83.354(a), and 83.355 (a) list for ship stations, coast stations, or both, the DSB or SSB frequency currently available and the new (replacement) frequency. Conversion to the new (replacement) frequency is required in accordance with the schedule included in §§ 81.304 and 83.351.

19. The amendment to § 85.259 provides editorial rearrangement of the current provisions; inclusion of the new (replacement) frequencies; and the schedule for conversion from the currently available frequencies to the new (replacement) frequencies. The schedule for conversion from DSB to SSB is set forth in § 85.152(a)(2).

20. The amendment to § 85.264(k) is proposed to include in the rules the new (replacement) frequencies and the schedule for conversion from currently available frequencies to the new (replacement) frequencies. The schedule for conversion from DSB to SSB is set forth in § 85.152(a)(2).

21. An application for modification submitted solely for a frequency change that is necessary to comply with the rule amendments adopted herein may be submitted without a fee.

22. The proposed amendments, as set forth below, are issued pursuant to the authority contained in sections 303(c), (f), (g), and (r), and 318 of the Communications Act of 1934, as amended.

23. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before September 16, 1968, and reply comments on or before September 27, 1968. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into consideration other relevant information before it, in addition to the specific comments invited by this notice.

24. In accordance with the provisions set forth in § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: July 31, 1968.

Released: August 8, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

A. Part 2, Frequency Allocations and Radio Treaty Matters; general rules and regulations, is amended as follows:

§ 2.106 [Amended]

1. In § 2.106, the entries in Column 7–11 for the 4063–4438, 6200–6525, 8195–8815, 12330–13200, 16460–17360, 22000–22720 kc/s bands are amended to read as follows:

[1] Commissioner Johnson concurring in the result.

Federal Communications Commission

Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature of SERVICES of stations
7	8	9	10	11
•	•	•	•	•
4063–4139.5	MARITIME MOBILE.	Ship.		Ship (telephony).
4139.5–4142.5 (US82)	MARITIME MOBILE.	Ship. Coast.		Ship; Coast. (Telephony, simplex.)
4142.5–4162.5	MARITIME MOBILE.	Ship.		Ship (wideband telegraphy, facsimile, and special transmission systems).
4162.5–4166	MARITIME MOBILE.	Ship. Buoy. Interrogating coast.		Ship; Buoy; Interrogating coast. (Oceanographic data transmission.)

Federal Communications Commission—Continued

Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature of services (of stations)
7	8	9	10	11
8460.5-8728.5	MARITIME MOBILE.	Coast.		Coast (wide-band and manual telegraphy, facsimile, special and data transmission systems and direct-printing telegraph systems).
• • •	•	•	•	• • •
8728.5-8815	MARITIME MOBILE.	Coast.		Coast (telephony).
• • •	•	•	•	• • •
12330-12421	MARITIME MOBILE.	Ship.		Ship (telephony).
12421-12431.5 (US82)	MARITIME MOBILE.	Ship. Coast.		Ship; Coast. (Telephony, simplex.)
12431.5-12479.5	MARITIME MOBILE.	Ship.		Ship (wideband telegraphy, facsimile, and special transmission systems).
• • •	•	•	•	• • •
12479.5-12483	MARITIME MOBILE.	Ship. Buoy. Interrogating coast.		Ship; Buoy; Interrogating coast. (Oceanographic data transmission.)
• • •	•	•	•	• • •
12483-12503.25	MARITIME MOBILE.	Ship.		Ship (narrow-band direct-printing telegraph and data transmission system).
12503.25-12689	MARITIME MOBILE.	Ship.		Ship (telegraphy).
12689-13107.5	MARITIME MOBILE.	Coast.		Coast (wide-band and manual telegraphy, facsimile, special and data transmission systems and direct-printing telegraph systems).
13107.5-13200	MARITIME MOBILE.	Coast.		Coast (telephony).
• • •	•	•	•	• • •
16400-16565	MARITIME MOBILE.	Ship.		Ship (telephony).
• • •	•	•	•	• • •
16565-16576 (US82)	MARITIME MOBILE.	Ship. Coast.		Ship; Coast. (Telephony, simplex.)
16576-16636.5	MARITIME MOBILE.	Ship.		Ship (wideband telegraphy, facsimile, and special transmission systems).
16636.5-16640	MARITIME MOBILE.	Ship. Buoy. Interrogating coast.		Ship; Buoy; Interrogating coast. (Oceanographic data transmission.)
16640-16660.5	MARITIME MOBILE.	Ship.		Ship (narrow-band direct-printing telegraph and data transmission system).
16660.5-16917.5	MARITIME MOBILE.	Ship.		Ship (telegraphy).
16917.5-17255	MARITIME MOBILE.	Coast.		Coast (wide-band and manual telegraphy, facsimile, special and data transmission systems and direct-printing telegraph systems).
• • •	•	•	•	• • •
17255-17360	MARITIME MOBILE.	Coast.		Coast (telephony).
• • •	•	•	•	• • •
22000-22094.5	MARITIME MOBILE.	Ship.		Ship (telephony).
22094.5-22112 (US82)	MARITIME MOBILE.	Ship. Coast.		Ship; Coast. (Telephony, simplex).
22112-22160.5	MARITIME MOBILE.	Ship.		Ship (wideband telegraphy, facsimile, and special transmission systems).
22160.5-22164	MARITIME MOBILE.	Ship. Buoy. Interrogating coast.		Ship; Buoy; Interrogating coast. (Oceanographic data transmission.)
22164-22184.5	MARITIME MOBILE.	Ship.		Ship (narrow-band direct-printing telegraph and data transmission systems).
22184.5-22374	MARITIME MOBILE.	Ship.		Ship (telegraphy).
22374-22624.5	MARITIME MOBILE.	Coast.		Coast (wide-band and manual telegraphy, facsimile, special and data transmission systems and direct-printing telegraph systems).
22624.5-22720	MARITIME MOBILE.	Coast.		Coast (telephony).
• • •	•	•	•	• • •

Federal Communications Commission—Continued

Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature of services (of stations)
7	8	9	10	11
4108-4172.25	MARITIME MOBILE.	Ship.		Ship (narrow-band direct-printing telegraph and data transmission systems).
4172.25-4231	MARITIME MOBILE.	Ship.		Ship (telegraphy).
4231-4361	MARITIME MOBILE.	Coast.		Coast (wide-band and manual telegraphy, facsimile, special and data transmission systems and direct-printing telegraph systems).
4361-4438	MARITIME MOBILE.	Coast.		Coast (telephony).
• • •	•	•	•	• • •
6200-6210.4	MARITIME MOBILE.	Ship.		Ship (telephony).
6210.4-6210.5 (US82)	MARITIME MOBILE.	Ship. Coast.		Ship; Coast. (Telephony, simplex.)
6210.5-6244.5	MARITIME MOBILE.	Ship.		Ship (wide-band telegraphy, facsimile, and special transmission systems).
6244.5-6248	MARITIME MOBILE.	Ship. Buoy. Interrogating coast.		Ship; Buoy; Interrogating coast. (Oceanographic data transmission.)
6248-6268.25	MARITIME MOBILE.	Ship.		Ship (narrow-band direct-printing telegraph and data transmission system).
6268.25-6345.5	MARITIME MOBILE.	Ship.		Ship (telegraphy).
6345.5-6514	MARITIME MOBILE.	Coast.		Coast (wide-band and manual telegraphy, facsimile, special and data transmission systems and direct-printing telegraph systems). (NG27)
6514-6525	MARITIME MOBILE.	Coast.		Coast (telephony).
• • •	•	•	•	• • •
8105-8291.2	MARITIME MOBILE.	Ship.		Ship (telephony).
8291.2-8288 (US82)	MARITIME MOBILE.	Ship. Coast.		Ship; Coast. (Telephony, simplex.)
8288-8328	MARITIME MOBILE.	Ship.		Ship (wideband telegraphy, facsimile, and special transmission systems).
8328-8331.5	MARITIME MOBILE.	Ship. Buoy. Interrogating coast.		Ship; Buoy; Interrogating coast. (Oceanographic data transmission.)
8331.5-8341.75	MARITIME MOBILE.	Ship.		Ship (narrow-band direct-printing telegraph and data transmission systems).
8341.75-8459.5	MARITIME MOBILE.	Ship.		Ship (telegraphy).

2. In § 2.106, Footnotes to the Table, U.S. Footnotes, US82 is amended to read as follows:

US82 The assignable frequencies in this band may be authorized on a shared non-priority basis to Government and non-Government ship and coast stations (SSB telephony, with peak envelope power not to exceed 1 kw).

3. In § 2.106, Footnotes to the Table, NG Footnotes, NG29 is deleted, and NG27 is amended to read as follows:

NG27 The carrier frequencies 6451.9 and 6455 kc/s may be authorized to ship telephone stations and coast telephone stations operating in the Mississippi River maritime mobile service system on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations and that any interference from such services must be accepted.

NOTE: The instructions relate to the rules as they appear prior to the amendments in Docket No. 17295 which become effective September 3, 1968.

B. Part 81, Stations on Land in the Maritime Services, is amended as follows:

1. Section 81.111 is redesignated § 81.142 and amended to read as follows:

§ 81.142 Modulation requirements.

(a) Transmitters using A3 emission shall be capable of proper technical operation with modulation of 75 percent on peaks but not more than 100 percent on negative peaks. Each such transmitter shall be so adjusted that the transmission of speech and the international radiotelephone alarm signal, if provision is made for transmission of the signal, normally produce peak modulation percentages within those limits.

(b) Transmitters using F3 emission shall be capable of proper technical operation with a frequency deviation of 15 kc/s, which is defined as 100 percent modulation, and, in general, shall be adjusted so that the transmission of speech normally produces, on this basis, peak modulation percentages between 75 and 100 percent.

(c) Except as provided in paragraph (d) of this section, single sideband and independent sideband transmitters shall be capable of operation in the suppressed carrier (A3J) mode, with the carrier emitted at a power level at least 40 decibels below peak envelope power; and, in addition, in the following modes:

(1) Full carrier (A3H) mode, with the carrier emitted at a power level between 3 and 6 decibels below peak envelope power; and

(2) Reduced carrier (A3A) mode, with the carrier emitted at a power level 16 decibels, ±2 decibels, below peak envelope power.

(d) Transmitters type accepted prior to [the effective date of the final order in this docket] that are not type accepted for operation in all three modes (A3A, A3H and A3J) may continue to be operated until January 1, 1974: *Provided, however*, That where such transmitters have A3J capability, operation in that mode on the frequencies to which § 83.351(b)(13) is applicable, may continue until further notice.

(e) In single sideband operation, the sideband on the higher frequency side of the carrier frequency shall be transmitted.

(f) Except as provided in paragraph (g) of this section, each radiotelephone transmitter licensed by the Commission for use of F3 or A3 emission in a coast, marine fixed, operational fixed, or marine utility station on shore shall be provided with a device which automatically prevents modulation in excess of 100 percent.

(g) A modulation limiter as prescribed in paragraph (f) of this section is not required in the following stations or transmitters:

(1) Stations authorized for developmental operation;

(2) Transmitters of plate input power of 3 watts or less when used in marine utility stations or other stations of a portable nature;

(3) Transmitters using frequencies in the band 73.0–74.6 Mc/s in operational fixed stations authorized on December 1, 1961, which were first authorized or installed prior to July 1, 1950.

(h) Single sideband and independent sideband transmitters shall automatically limit the peak envelope power to the authorized transmitter power.

(i) Each transmitter operated in the bands 72.0–73.0 and 75.4–76.0 Mc/s shall be equipped with an audio low pass filter. The audio low pass filter shall be installed between the modulation limiter and the modulated stage, and, at audio frequencies between 3 kc/s and 15 kc/s, shall have an attenuation greater than the attenuation at 1 kc/s by at least 40 $\log_{10}$ (f/3) decibels where "f" is the audio frequency in kilocycles. At audio frequencies above 15 kc/s, the attenuation shall be at least 28 decibels greater than the attenuation at 1 kc/s.

(j) In single sideband and independent sideboard transmitters, the audio frequency band shall be 350 to 2700 cycles per second, with a permitted amplitude variation of 6 decibels. Audio frequencies outside this band shall be attenuated to protect the adjacent channels.

2. Subparagraph (2) of paragraph (a) and paragraph (d) of § 81.132 are amended to read as follows:

§ 81.132 Authorized classes of emission.

(a) • • •

(2) Coast stations using radiotelephony:

(i) For frequencies designated in § 81.304 (a).

2182 and 2638 kc/s—A3 and A3H.
All other frequencies—A3, A3H, A3A, A3B, or A3J as specified in § 81.304 (a) and (b).

(ii) For frequencies designated in § 81.361 (a)—A3J.

(iii) For frequencies in the band 156 to 174 Mc/s—F3.

• • • • • •

(d) Authorization to use A3H, A3A, or A3J emission is limited to emitting a carrier, for A3H, at a power level between 3 and 6 decibels below peak envelope power; for A3A, at a power level of 16 decibels, ±2 decibels, below peak envelope power; and, for A3J, at a power level at least 40 decibels below peak velope power; and, for A3J, at a power

• • • • • •

3. Paragraph (a) of § 81.133 is amended to read as follows:

§ 81.133 Authorized bandwidth and frequency deviation.

(a) Unless otherwise specified in the station license, stations shall use bandwidths not exceeding those set forth in this paragraph for the respective classes of emission authorized in § 81.132.

Class of emission	Emission designator	Authorized bandwidth (kc/s)
A1	0.16A1	0.3.
A2	2.66A2	2.8.
A3	6A3	8.0.
A3A	2.8A3A	3.0[3]
A3B	5.6A3B	7.0.
A3H	2.8A3H	3.0[3]
A3J	2.8A3J	3.0[3]
F3	16F3 [1]	20.0.[1]
F3	36F3 [2]	40.0.[1]
P0	Variable	Variable.

[1] Applicable when maximum authorized frequency deviation is 5 kc/s. See paragraph (c) of this section.
[2] Applicable when maximum authorized frequency deviation is 15 kc/s. See paragraph (c) of this section.
[3] Transmitters type accepted prior to (the effective date of the final order in this docket) for emissions A3A, A3H, and A3J and an authorized bandwidth of 3.5 kc/s may continue to be operated.

* * * * *

4. In § 81.140, the headnote is amended to read as follows:

§ 81.140 Emission limitations.

* * * * *

5. In § 81.304, paragraph (a) is amended with respect to the frequencies in the band 4–23 Mc/s; paragraph (b) is renumbered as (c); paragraph (d) is amended and renumbered (b); and paragraphs (e) and (f) are renumbered (d) and (e), respectively; as follows:

§ 81.304 Frequencies available.

(a) The following tabulation indicates the frequencies which may be the authorized carrier frequencies for use by public coast stations. For single sideband radiotelephone emission, the assigned frequency will be 1.4 kc/s above the authorized carrier frequency. The specific conditions for authorization and use are enumerated in paragraph (b) of this section.

Carrier frequencies (kc/s)		Conditions of use
Old frequency	New frequency	
(1)	(2)	(3)
* * *	* * *	* * *
4069.3	4069.2	3, 5, 12, 14, 15.
4072.4	4072.4	3, 5, 11.
4374.3	4367.8	3, 5, 12, 14, 15.
4377.4	4371.0	3, 5, 11, 14, 15.
4393.5	4387.0	12, 14, 15.
4396.6	4390.2	11, 14, 15.
4406.3	4399.8	12, 14, 15.
4409.4	4403.0	11, 14, 15.
4419.1	4412.6	12, 14, 15.
4422.2	4415.8	11, 14, 15.
4425.5	4419.0	12, 14, 15.
4428.6	4422.2	11, 14, 15.
4431.8	4425.4	12, 14, 15.
4434.9	4428.6	11, 14, 15.
6236.9		See pars 10–12 of notice.
6240		Do.
6451.9	6451.9	3, 4, 5, 12.
6455.0	6455.0	3, 4, 5, 11.
8207.7	8207.6	3, 4, 12, 14, 15.
8210.8	8210.8	3, 4, 11.
8751.3	8735.2	12, 14, 15.
8754.4	8738.4	11, 14, 15.
8764.1	8748.0	12, 14, 15.
8767.2	8751.2	11, 14, 15.
8770.5	8754.4	12, 14, 15.
8773.6	8757.6	11, 14, 15.
8789.7	8773.6	12, 14, 15.
8792.8	8776.8	11, 14, 15.
8796.1	8780.0	12, 14, 15.
8799.2	8783.2	11, 14, 15.
8808.8	8792.8	12, 14, 15.
8811.9	8796.0	11, 14, 15.
13151.2	13130.0	12, 14, 15.
13154.5	13133.5	11, 14, 15.
13158.2	13137.0	12, 14, 15.
13161.5	13140.5	11, 14, 15.
13172.2	13151.0	12, 14, 15.
13175.5	13154.5	11, 14, 15.
13179.2	13158.0	12, 14, 15.
13182.5	13161.5	11, 14, 15.
13193.2	13172.0	12, 14, 15.
13196.5	13175.5	11, 14, 15.
17304.2	17269.0	12, 14, 15.
17307.5	17272.5	11, 14, 15.
17318.2	17283.0	12, 14, 15.
17321.5	17286.5	11, 14, 15.
17339.2	17304.0	12, 14, 15.
17342.5	17307.5	11, 14, 15.
17353.2	17318.0	12, 14, 15.
17356.5	17321.5	11, 14, 15.
22678.2	22653.5	12, 14, 15.
22681.5	22657.0	11, 14, 15.
22692.2	22667.5	12, 14, 15.
22695.5	22671.0	11, 14, 15.
22713.2	22688.5	12, 14, 15.
22716.5	22692.0	11, 14, 15.
* * *	* * *	* * *

(b) Authorization and use of the carrier frequencies set forth in paragraph (a) of this section shall be in accordance with the following limitations and conditions.

(1) [Reserved]
(2) [Reserved]
(3) Available for assignment to coast stations serving vessels on the Mississippi River and connecting inland waters, except, that this frequency shall not be used by coast stations to serve vessels on the Great Lakes.
(4) Transmission is prohibited during the period from 8 p.m. to 5 a.m., c.s.t.
(5) Authorization to use this carrier frequency is subject to the express condition that harmful interference shall not be caused to the service of any station which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.
(6) [Reserved]
(7) [Reserved]
(8) [Reserved]
(9) [Reserved]
(10) [Reserved]
(11) Until January 1, 1972, emission A3, A3B, A3A, A3H, and A3J; during the period January 1, 1972, to January 1, 1974, emission A3A, A3H, and A3J; after January 1, 1974, emission A3A and A3J: *Provided, however,* That during the period January 1, 1974, to January 1, 1978, emission A3H may be used with ship stations not equipped for single sideband operation: *And further provided,* That availability of emission A3B after January 1, 1972, is dependent upon the decision taken by the ITU World Administrative Radio Conference, to be convened in 1973, in regard to continued use of that emission.
(12) Until January 1, 1974, emission A3A, A3H, and A3J; after January 1, 1974, emission A3A and A3J: *Provided, however,* That during the period January 1, 1974, to January 1, 1978, emission A3H may be used for communication with ship stations which are not equipped for single sideband operation.
(13) [Reserved]
(14) The change-over from the currently available frequencies listed in Column (1) to the replacement frequency listed in Column (2) shall be made at 0001 G.m.t., March 1, 1970. Except for equipment testing, transmission on the replacement frequency shall not commence prior to 0001 G.m.t., March 1, 1970.
(15) Authorization for use of the frequency listed in Column (1) is withdrawn effective March 1, 1970.
(16) Until January 1, 1972, emission A3, A3A, A3H, and A3J; during the period January 1, 1972, to January 1, 1974, emission A3A, A3H, and A3J.
(17) Until January 1, 1974, emission A3A, A3H, and A3J.
(18) Authorization for use of the frequency listed in Column (1) is withdrawn effective January 1, 1974.

* * * * *

6. Paragraphs (a), (b), (c), and (e) of § 81.306 are amended to read as follows:

§ 81.306 Frequencies available below 27.5 Mc/s.

(a) The carrier frequencies designated herewith are assignable to class I public coast stations using telephony when the coast station and the mobile station transmit alternately on different radiochannels: *Provided,* That the designated carrier frequencies below 5000 kc/s and above 22,650 kc/s are assignable only to coast stations located in the vicinity of the harbors, ports, or places designated hereinafter opposite the respective coast station transmitting frequency: *Provided further,* That each coast station shall receive transmissions from mobile stations on the associated receiving frequency also designated in this paragraph.

(1) Working frequencies below 5000 kc/s.

Coast station transmitting carrier frequency (kc/s)		Coast station located in the vicinity of—	Coast station receiving carrier frequency (kc/s)	
Old frequency	New frequency		Old frequency	New frequency
2506	(1)	San Francisco, Calif.	2406	(1)
2530	(1)	Hawaii	2134	(1)
2590	(1)	New York, N.Y.	2198	(1)
4374.3 [3]	[2] 4367.8	San Francisco, Calif.	4069.3	4069.2
4377.4	4371.0	do	4072.4	4072.4
4393.5 [3]	[2] 4387.0	New York, N.Y.	4088.5	4088.4
4396.6	4390.2	do	4091.6	4091.6
4406.3 [3]	[2] 4399.8	do	4101.3	4101.2
4409.4	4403.0	do	4104.4	4104.4
4419.1 [3]	[2] 4412.6	Hawaii	4114.1	4114.0
4422.2	4415.8	do	4117.2	4117.2
4425.5 [3]	[2] 4419.0	Miami, Fla.	4120.5	4120.4
4428.6	4422.2	do	4123.6	4123.6
4431.8 [3] [4]	[2] 4425.4	New York, N.Y.	4126.8	4126.8
4434.9 [3]	[2] 4428.6	do	4129.9	4130.0

[1] Subject to separate rule making proceeding.
[2] Available for single sideband emission only.
[3] Available for use annually during period Dec. 15 to Mar. 15.

(2) Working frequencies between 5000 kc/s and 27.5 Mc/s.

Coast station transmitting carrier frequency (kc/s)		Coast station located in the vicinity of—	Coast station receiving carrier frequency (kc/s)	
Old frequency	New frequency		Old frequency	New frequency
8751.3 [1]	8735.2	San Francisco, Calif.	8201.3	8201.2
8754.4	8738.4	do	8204.4	8204.4
8764.1 [1]	8748.0	Hawaii	8214.1	8214.0
8767.2	8751.2	do	8217.2	8217.2
8770.5 [1]	8754.4	New York, N.Y.	8220.5	8220.4
8773.6	8757.6	do	8223.6	8223.6
8789.7 [1] [2]	8773.6	Miami, Fla.	8239.7	8239.6
8792.8 [2]	8776.8	do	8242.8	8242.8
8808.8 [1]	8792.8	New York, N.Y.	8258.8	8258.8
8811.9	8796.0	do	8261.9	8262.0
13151.2 [1] [3]	13130.0	Miami, Fla.	12351.2	12351.0
13154.5 [3]	13133.5	do	12354.5	12354.5
13158.2 [1]	13137.0	New York, N.Y.	12358.2	12358.0
13161.5	13140.5	do	12361.5	12361.5
13172.2 [1]	13151.0	Hawaii	12372.2	12372.0
13175.5	13154.5	do	12375.5	12375.5
13179.2 [1]	13158.0	San Francisco, Calif.	12379.2	12379.0
13182.5	13161.5	do	12382.5	12382.5
13193.2 [1]	13172.0	New York, N.Y.	12393.2	12393.0
13196.5	13175.5	do	12396.5	12396.5
17304.2 [1]	17269.0	Hawaii	16474.2	16474.0
17307.5	17272.5	do	16477.5	16477.5
17318.2 [1]	17283.0	New York, N.Y.	16488.2	16488.0
17321.5	17286.5	do	16491.5	16491.5
17339.2 [1]	17304.0	San Francisco, Calif.	16509.2	16509.0
17342.5	17307.5	do	16512.5	16512.5
17353.2 [1]	17318.0	New York, N.Y.	16523.2	16523.0
17356.5	17321.5	do	16526.5	16526.5
22678.2 [1]	22653.5	do	22028.2	22028.0
22681.5	22657.0	do	22031.5	22031.5
22692.2 [1]	22667.5	San Francisco, Calif.	22042.2	22042.0
22695.5	22671.0	do	22045.5	22045.5
22713.2 [1]	22688.5	New York, N.Y.	22063.2	22063.0
22716.5	22692.0	do	22066.5	22066.5

[1] Available for single sideband emissions only.
[2] Available for communication with ship stations in the Gulf of Mexico and the Caribbean area only. Use of the frequency is upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused.

(b) Subject to the specific limitations imposed in this paragraph and in § 81.304 with respect to particular frequencies, the carrier frequencies designated are assigned for working purposes to Class II public coast stations using telephony when the coast station and the mobile station transmit alternately on different radio channels: *Provided,* That these frequencies are assignable only to coast stations located in the vicinity of the harbors, ports, or places designated hereinafter opposite the respective coast station transmitting frequency; *Provided further,* That each coast station shall receive transmissions from mobile stations on the associated receiving frequency also designated in this paragraph.

Coast stations located in the vicinity of—	Coast station transmitting carrier frequency			Associated coast station receiving carrier frequency		
	Old (kc/s)	New (kc/s)	Specific limitations imposed upon availability for use [2]	Old (kc/s)	New (kc/s)	Specific conditions relating to use of these frequencies by ship stations for transmission as shown in § 83.354(a)(1) of this chapter [3]
Boston, Mass.	2506	----------	None.	2406	----------	None.
	2450	----------	do.	2366	----------	Do.
New York, N.Y.	2482	----------	Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of New Orleans, La., to which this carrier frequency is assigned for transmission.	2382	----------	Available on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port.
	2522	----------	None.	2126	----------	None.
	2558	----------	do.	2166	----------	Do.
	2590	----------	do.	2198	----------	Do.
	[1] 4393.5	4387.0	do.	4088.5	4088.4	Do.
	4396.6	4390.2	do.	4091.6	4091.6	Do.
	[1] 4406.3	4399.8	do.	4101.3	4101.2	Do.
	4409.4	4403.0	do.	4104.4	4104.4	Do.
	[1] 4431.8	----------	Available for use annually during period Dec. 15 to Mar. 15.	4126.8	----------	Available for use annually during period Dec. 15 to Mar. 15.
	4434.9	4428.6	do.	4129.9	4130.0	Do.
Wilmington, Del.	2558	----------	None.	2166	----------	None.
Baltimore, Md.	2558	----------	None.	2166	----------	None.
Norfolk-Quantico, Va.	2538	----------	None.	2142	----------	None.
	2450	----------	Day only, available on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.	2366	----------	Day only, available on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.
Charleston, S.C.-Jacksonville, Fla.	2566	----------	None.	2390	----------	None.
Lake Allatoona-Lake Sidney, Lanier, Ga.	2450	----------	Available on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.	2366	----------	Available on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.
Miami, Fla.	2442	----------	Day only.	2406	----------	Day only.
	2490	----------	Available on a 24-hour basis, on condition that harmful interence shall not be caused to the police radio service in southern California.	2031.5	----------	None.
	2514	----------	Unlimited hours of use from Dec. 15 to Apr. 1 annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference shall not be caused to the service of any coast station in the vicinity of Miami, Fla., to which the carrier frequency 2490 kc/s is assigned for transmission; and also on condition that harmful interference shall not be caused to the service of any coast station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.	2118	----------	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference shall not be caused to the service of any ship station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.
	2550	----------	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission.	2158	----------	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of Tampa, Fla., and is transmitting on this frequency to a coast station located in the vicinity of that port.
	[1] 4425.5	4419.0	None.	4120.5	4120.4	None.
	4428.6	4422.2	do.	4123.6	4123.6	Do.
Tampa, Fla.	2466	----------	None.	2009	----------	None.
	2550	----------	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference shall not be caused to the service of any coast station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.	2158	----------	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference shall not be caused to the service of any ship station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.
Mobile, Ala.	2572	----------	None.	2430	----------	None.
New Orleans, La.	2598	----------	None.	2206	----------	None.
	2558	----------	Day only; also on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Mobile, Ala., to which the carrier frequency 2572 kc/s is assigned for transmission.	2166	----------	Day only.
	2482	----------	None.	2382	----------	None.
Delcambre, La.	2506	----------	Day only; on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.	2458	----------	Day only; on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.
Galveston, Tex.	2530	----------	None.	2134	----------	None.
	2450	----------	Day only; on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Boston, Mass., San Francisco or Eureka, Calif., to which this carrier frequency is assigned for transmission. [3]	2366	----------	Day only; on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of Boston, Mass., and is transmitting on this frequency to a coast station located in the vicinity of that port. [3]

See footnotes at end of table.

Coast stations located in the vicinity of—	Coast station transmitting carrier frequency			Associated coast station receiving carrier frequency		
	Old (kc/s)	New (kc/s)	Specific limitations imposed upon availability for use [2]	Old (kc/s)	New (kc/s)	Specific conditions relating to use of these frequencies by ship stations for transmission as shown in § 83.354(a)(1) of this chapter [3]
Corpus Christi, Tex.	2538	----------	Available on condition that no harmful interference will be caused to the service of any coast station located in the vicinity of Norfolk-Quantico, Va., to which this carrier frequency is assigned for transmission.	2142	----------	Available on condition that no harmful interference will be caused to the service of any ship station which is within 300 nautical miles of Norfolk-Quantico, Va., and is transmitting on this frequency to a coast station located in the vicinity of that port.
San Juan, P.R.	2530	----------	None.	2134	----------	None.
Great Lakes	2514	----------	Subject to applicable provisions of § 81.304(d).	2118	----------	None.
	2550	----------	do.	2158	----------	Do.
	2582	----------	do.	2206	----------	Not available to U.S. ship stations for transmission.
	[1] 4419.1	4412.6	None.	4114.1	4114.0	None.
	4422.2	4415.8	do.	4117.2	4117.2	Do.
	[1] 4431.8	4425.4	do.	4126.8	4126.8	Do.
	4434.9	4428.6	do.	4129.9	4130.0	Do.
	[1] 8796.1	8780.0	do.	8246.1	8246.0	Do.
	8799.2	8783.2	do.	8249.2	8249.2	Do.
Los Angeles-San Diego, Calif.	2566	----------	None.	2009	----------	None.
	2466	----------	Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission.	2382	----------	Available on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port.
	2598	----------	7 a.m. to 7 p.m., P.s.t., only.	2206	----------	7 a.m. to 7 p.m., P.s.t., only.
	2522	----------	do.	2126	----------	Do.
San Francisco-Eureka, Calif.	2450	----------	Available on condition that harmful interference is not caused to police radio service in Kansas or Wisconsin.	2003	----------	Available on condition that harmful interference shall not be caused to the service of any ship station which is within 300 nautical miles of Los Angeles or San Diego, Calif., and is transmitting on 2009 kc/s to a coast station located in the vicinity of either of these ports.
	2506	----------	None.	2406	----------	None.
	2538	----------	7 a.m. to 7 p.m., P.s.t., only.	2142	----------	7 a.m. to 7 p.m., P.s.t., only.
	[1] 4374.3	4367.8	None.	4069.3	4069.2	None.
	4377.4	4371.0	do.	4072.4	4072.4	Do.
Astoria, Oreg.	2442	----------	Day only, on condition that no harmful interference will be caused to any service or station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.	2009	----------	Day only, on condition that no harmful interference will be caused to any service or station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.
Astoria-Portland, Oreg.	2598	----------	None.	2206	----------	None.
Coos Bay, Oreg.	2566	----------	7 a.m. to 7 p.m., P.s.t., only.	2031.5	----------	7 a.m. to 7 p.m., P.s.t., only; on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.
Seattle, Wash.	2522	----------	None.	2126	----------	None.
	2482	----------	Authorized for use during the following daily periods on condition that harmful interference is not caused to the service of any coast station located in the vicinity of New Orleans, La., nor to the service of any station in the Alaska area authorized in accordance with Part 85 of this chapter to which this carrier frequency is assigned for transmission: annually from Apr. 1 to Sept. 30, inclusive, from 5 a.m. to 9 p.m., P.s.t., only; and annually from Oct. 1 to Mar. 31, inclusive, from 6 a.m. to 11 p.m., P.s.t., only.	2430	----------	Authorized for use south of 51 degrees north latitude and east of 142 degrees west longitude exclusively during the following daily periods on condition that harmful interference is not caused to the service of any station in the Alaska area authorized in accordance with Part 85 of this chapter to which this carrier frequency is assigned for transmission: annually from Apr. 1 to Sept. 30, inclusive, from 5 a.m. to 9 p.m., P.s.t., only; and annually from Oct. 1 to Mar. 31, inclusive, from 6 a.m. to 11 p.m., P.s.t., only.
Kahuku, Hawaii	2530	----------	None.	2134	----------	None.
	[1] 4419.1	4412.6	do.	4114.1	4114.0	Do.
	4422.2	4415.8	do.	4117.2	4117.2	Do.
Hilo, Hawaii	2582	----------	None.	2198	----------	None.
Palmyra Island, Hawaii	2530	----------	Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Kahuku, Hawaii, to which the carrier frequency 2530 kc/s is assigned for transmission.	2134	----------	Available on condition that harmful interference shall not be caused to the service of any ship station which is within 300 nautical miles of Kahuku, Hawaii, and is transmitting on this frequency to a coast station located in the vicinity of that port.
St. Thomas Island, V.I.	2506	----------	8 a.m. to 9 p.m., A.s.t., only; on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.	2009	----------	8 a.m. to 9 p.m., A.s.t., only; on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.

[1] Available for single sideband emissions only.

[2] With respect to each specific date set forth, the associated limitations or conditions imposed shall terminate or begin as applicable, at 3 a.m., e.s.t.

[3] This carrier frequency is to be made available by the Commission, for use (on a 24-hour basis except where specific hours of use are designated) by the maritime mobile service for ship-shore communication in respect to the particular coast station areas designated, on a specific beginning date to be designated in future rule-making as soon as practicable after its use (or the use of its associated transmitting or receiving frequency) by other radio services is terminated or is reduced to the extent necessary to avoid harmful interference to or from the maritime mobile service.

(c) Subject to the specific limitations imposed in this paragraph and in § 81.304 with respect to particular frequencies, the carrier frequencies designated herein are assignable for working purposes to Class II public coast stations using telephony when the coast station and the mobile station transmit alternately on the same radio channel: *Provided*, That these frequencies are assignable only to coast stations located in the vicinity of the harbors, ports, or places designated hereinafter opposite the respective frequency:

Coast station located in the vicinity of—	Carrier frequency (kc/s) Old frequency	New frequency	Specific limitations imposed upon availability for use
(1)	(2)	(3)	(4)
Baltimore, Md.	2400	(1)	Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Boston, Mass.
Chicago, Ill.; Pittsburgh, Pa.; Louisville, Ky.; St. Louis, Mo.; Memphis, Tenn.; and other locations as required to serve vessels on the Mississippi River and connecting inland waters (other than the Great Lakes).	2782	(1)	None.
	[2] 4069.3	4069.2	Subject to applicable provisions of 81.304.
	4072.4	4072.4	
	[2] 4374.3	4367.8	
	4377.4	4371.0	
	[2] 6236.9	(1)	
	6240.0	(3)	
	[2] 6451.9	6451.9	
	6455.0	6455.0	
	[2] 8207.7	8207.6	
	8210.8	8210.8	
Lake Dallas, Tex.; Lake Texhoma, Tex.	2738	(1)	None.
Lake Mead, Nev.; and other locations as required to serve vessels on inland waters of the Southwestern Continental United States.	2782	(1)	The use of this frequency at locations other than Lake Mead, Nev., is subject to the condition that harmful interference is not caused to the service of any other station.
The Dalles, Oreg.; Umatilla, Oreg.; and other locations as required to serve vessels on inland waters of the Northwestern Continental United States, excluding Alaska.	2784	(1)	The use of this frequency at locations other than The Dalles, Oreg., and Umatilla, Oreg., is subject to the condition that harmful interference is not caused to the service of any other station.

[1] Subject to separate rule making proceeding.
[2] Available for single sideband emissions only.
[3] See pars. 10–12 of the notice.

* * * * *

(e) Class II coast stations shall use frequencies within the band 4000 kc/s to 27.5 Mc/s only when the use of frequency assignments outside this band will not provide effective communication.

7. Section 81.361 is amended to read as follows:

§ 81.361 Frequencies available between 4 and 27.5 Mc/s.

(a) The following carrier frequencies may be authorized to limited coast stations for communication with ship stations operating on the same carrier frequency.

Carrier frequencies (kc/s) Available until Feb. 28, 1970	Available after Jan. 1, 1970	Conditions of use
(1)	(2)	(3)
4133.0	4139.5	1, 2, 3, 4.
41365.5	4136.3	1, 2, 3, 4.
	4434.9	1, 4.
6200.5	6210.4	1, 2, 3, 4.
6204.0	6213.5	1, 2, 3, 4.
6207.5	6518.6	1, 2, 3, 4, 5.
8273.0	8281.2	1, 2, 3, 4.
8276.5	8284.4	1, 2, 3, 4.
12407.0		1, 3.
12410.5	12421.0	1, 2, 3, 4.
12414.0	12424.5	1, 2, 3, 4.
12417.5	12428.0	1, 2, 3, 4.
16537.0		1, 3.
16540.5		1, 3.
16544.0		1, 3.
16547.5		1, 3.
16551.0	16565.0	1, 2, 3, 4.
16554.5	16568.5	1, 2, 3, 4.
16558.0	16572.0	1, 2, 3, 4.
22078.0		1, 3.
22081.5	22094.5	1, 2, 3, 4.
22085.0	22098.0	1, 2, 3, 4.
22088.5	22101.5	1, 2, 3, 4.
22092.0	22105.0	1, 2, 3, 4.
22095.5	22108.5	1, 2, 3, 4.

(b) Assignment of the specific carrier frequencies designated in paragraph (a) of this section and use of frequency assignments of which those frequencies are the authorized carrier frequencies shall be subject to the express limitations and conditions set forth in this paragraph:

(1) (i) The applicant must show that the desired communications are primarily over distances for which frequencies above 27.5 Mc/s would not be suitable;

(ii) These frequencies are available on a shared basis only and shall not be construed as available for the exclusive use of any one station licensee;

(iii) Normally no more than one frequency from each of the frequency bands will be authorized;

(iv) Until April 1, 1969, harmful interference shall not be caused to services carried on by ship stations of other administrations operating in accordance with Appendix 15 to the International Radio Regulations, Geneva, 1959;

(v) These frequencies are not authorized for use in communicating with stations aboard aircraft;

(vi) Transmitter peak envelope power shall not exceed 1kW; and

(vii) The class of emission shall be A3J.

(2) During the period January 1, 1970, to February 28, 1970, transition may be effected from the currently available frequency listed in Column (1) to the replacement frequency listed in Column (2).

(3) Authorization for use of the frequency listed in Column (1) is withdrawn effective February 28, 1970.

(4) The frequency listed in Column (2) will be available for assignment on and after January 1, 1970.

(5) Use should be limited to daytime.

NOTE: The instructions relate to the rules as they appear prior to the amendments in Docket No. 17295 which become effective September 3, 1968.

C. Part 83, Stations on Shipboard in the Maritime Services, is amended as follows:

1. Subparagraph (2) of paragraph (a) of § 83.132 is amended to read as follows:

§ 83.132 Authorized classes of emission.

(a) * * *

(2) Stations using radiotelephony:

(i) For frequencies designated in § 83.351(a):
2182 kc/s and 2638 kc/s—A3 and A3H.
2003 kc/s on the Great Lakes—A3 and A3H.

(ii) All other frequencies—A3, A3H, A3A, A3B, or A3J as specified in § 83.351 (a) and (b).

(iii) For the frequency 121.5 Mc/s—A2.

(iv) For the frequency band 156 to 174 Mc/s—F3.

* * * * *

2. Paragraph (a) of § 83.133 is amended to read as follows:

§ 83.133 Authorized bandwidth.

(a) Unless otherwise specified in the station license, ship stations shall use bandwidths not exceeding those set forth in this paragraph for the respective classes of emission authorized in § 83.132.

Class of emission	Emission designator	Authorized bandwidth (kc/s)
A1	0.16A1	0.3.
A2	2.66A2	2.8.
A3	6A3	8.0.
A3A	2.8A3A	3.0. [2]
A3B	5.6A3B	7.0.
A3H	2.8A3H	3.0. [2]
A3J	2.8A3J	3.0. [2]
F3	16F3 [1]	20.0. [1]
F3	36F3 [2]	40.0. [2]
PO	Variable	Variable.

[1] Applicable when maximum authorized frequency deviation is 5 kc/s. See paragraph (c) of this section.
[2] Applicable when maximum authorized frequency deviation is 15 kc/s. See paragraph (c) of the section.
[3] Transmitters type accepted prior to (the effective date of the final order in this docket) for emissions A3A, A3H and A3J and an authorized bandwidth of 3.5 kc/s may continue to be operated.

* * * * *

3. In § 83.136, the headnote is amended to read as follows:

§ 83.136 Emission limitations.

* * * * *

4. In § 83.137, paragraph (c) is amended; paragraphs (d) through (f) are relettered (e) through (g); and new paragraphs (d) and (h) are added to read as follows:

§ 83.137 Modulation requirements.

* * * * *

(c) Except as provided in paragraph (d) of this section, single sideband and independent sideband transmitters shall be capable of operation in the suppressed carrier (A3J) mode, with the carrier emitted at a power level at least 40 decibels below peak envelope power; and, in addition, in the following modes:

(1) Full carrier (A3H) mode, with the carrier emitted at a power level between 3 and 6 decibels below peak envelope power; and

(2) Reduced carrier (A3A) mode, with the carrier emitted at a power level 16 decibels, ±2 decibels, below peak envelope power.

(d) Transmitters type accepted prior to (the effective date of the final order in this docket) that are not type accepted for operation in all three modes (A3A, A3H, and A3J) may continue to be operated until January 1, 1974: *Provided, however*, That where such transmitters have A3J capability, operation in that mode on the frequencies to which § 83.351(b)(13) is applicable, may continue until further notice.

* * * * *

(h) In single sideband and independent sideband transmitters, the audio frequency band shall be 350 to 2700 cycles per second, with a permitted amplitude variation of 6 decibels.

5. In § 83.139 paragraph (a) is amended and a new paragraph (c) is added to read as follows:

§ 83.139 Transmitters required to be type accepted for licensing.

(a) Except as provided by paragraph (c) of this section, each radiotelephone transmitter authorized in a ship station or marine-utility station (other than transmitters authorized solely for developmental stations) must be type accepted by the Commission.

* * * * *

(c) Type acceptance will be withdrawn, effective January 1, 1969, for DSB transmitters operating in the band 4000–27500 kc/s. DSB transmitters for which type acceptance was withdrawn on January 1, 1969, will not be authorized in new ship radio stations after that date: *Provided, however*, That in a ship radio station authorized to operate on frequencies in the band 4000–27500 kc/s, DSB equipment may continue to be authorized for a period not to extend beyond January 1, 1974, where a license:

(1) Was granted prior to January 1, 1969, and

(2) Has not expired due to failure to renew; or

(3) Has not been canceled at the request of the licensee; or

(4) Has not been revoked by order of the Commission.

6. In § 83.351, paragraph (a) is amended with respect to the frequencies in the band 4–23 Mc/s and paragraph (b) is amended with respect to conditions of use applicable thereto to read as follows:

§ 83.351 Frequencies available.

(a) The following tabulation indicates the carrier frequencies which, when authorized by station license, may be used by ship stations. The specific conditions for use are enumerated in paragraph (b) of this section:

Carrier frequencies (kc/s) Old frequency	New frequency	Conditions of use
(1)	(2)	(3)
* * *	* * *	* * *
4069.3	4069.2	3, 5, 15, 25, 26, 27.
4072.4	4072.4	3, 5, 14.
4088.5	4088.4	20, 15, 25, 26, 27.
4091.6	4091.6	20, 14.
4101.3	4101.2	20, 15, 25, 26, 27.
4104.4	4104.4	20, 14.
4114.1	4114.0	20, 15, 25, 26, 27.
4117.2	4117.2	20, 14.
4120.5	4120.4	20, 15, 25, 26, 27.
4123.6	4123.6	20, 14.
4126.8	4126.8	20, 15.
4129.9	4130.0	20, 14, 25, 26, 27.
4133.0	4139.5	16, 13, 21, 22, 23.
4136.5	4136.3	16, 13, 21, 22, 23.
4374.3	4367.8	3, 5, 15, 28, 29.
4377.4	4371.0	3, 5, 14, 28, 29.
None	4434.9	16, 13, 22.
6200.5	6210.4	16, 13, 21, 22, 23.
6204.0	6213.5	16, 13, 21, 22, 23.
6207.5	6518.6	16, 13, 21, 22, 23, 24.
6236.9		See pars. 10–12 of the notice.
6240.0		Do.
6451.9	6451.9	3, 4, 5, 15.
6455.0	6455.0	3, 4, 5, 14.
8201.3	8201.2	18, 15, 25, 26, 27.
8204.4	8204.4	18, 14.
8207.7	8207.6	3, 4, 15, 25, 26, 27.
8210.8	8210.8	3, 4, 14.
8214.1	8214.0	18, 15, 25, 26, 27.
8217.2	8217.2	18, 14.
8220.5	8220.4	18, 15, 25, 26, 27.
8223.6	8223.6	18, 14.
8239.7	8239.6	18, 15, 25, 26, 27.
8242.8	8242.8	18, 14.
8246.1	8246.0	20, 15, 25, 26, 27.
8249.2	8249.2	20, 14.
8258.8	8258.8	18, 15.
8261.9	8262.0	18, 14, 25, 26, 27.
8273.0	8281.2	16, 13, 21, 22, 23.
8276.5	8284.4	16, 13, 21, 22, 23.
12351.2	12351.0	18, 15, 25, 26, 27.
12354.5	12354.5	18, 14.
12358.2	12358.0	18, 15, 25, 26, 27.
12361.5	12361.5	18, 14.
12372.2	12372.0	18, 15, 25, 26, 27.
12375.5	12375.5	18, 14.
12379.2	12379.0	18, 15, 25, 26, 27.
12382.5	12382.5	18, 14.
12393.2	12393.0	18, 15, 25, 26, 27.
12396.5	12396.5	18, 14.
12407.0	None	16, 13, 22.
12410.5	12421.0	16, 13, 21, 22, 23.
12414.0	12424.5	16, 13, 21, 22, 23.
12417.5	12428.0	16, 13, 21, 22, 23.
16474.2	16474.0	18, 15, 25, 26, 27.
16477.5	16477.5	18, 14.
16488.2	16488.0	18, 15, 25, 26, 27.
16491.5	16491.5	18, 14.
16509.2	16509.0	18, 15, 25, 26, 27.
16512.5	16512.5	18, 14.
16523.2	16523.0	18, 15, 25, 26, 27.
16526.5	16526.5	18, 14.
16537.0	None	16, 13, 22.
16540.5	None	16, 13, 22.
16544.0	None	16, 13, 22.
16547.5	None	16, 13, 22.
16551.0	16565.0	16, 13, 21, 22, 23.
16554.5	16568.5	16, 13, 21, 22, 23.
16558.0	16572.0	16, 13, 21, 22, 23.
22028.2	22028.0	18, 15, 25, 26, 27.
22031.5	22031.5	18, 14.
22042.2	22042.0	18, 15, 25, 26, 27.
22045.5	22045.5	18, 14.
22063.2	22063.0	18, 15, 25, 26, 27.
22066.5	22066.5	18, 14.
22078.0	None	16, 13, 22.
22081.5	22094.5	16, 13, 21, 22, 23.
22085.0	22098.0	16, 13, 21, 22, 23.
22088.5	22101.5	16, 13, 21, 22, 23.
22092.0	22105.0	16, 13, 21, 22, 23.
22095.5	22108.5	16, 13, 21, 22, 23.
* * *	* * *	* * *

(b) Assignment of the specific carrier frequencies designated in paragraph (a) of this section and use of frequency assignments of which those frequencies are the authorized carrier frequencies shall be subject to the express limitations and conditions set forth in this paragraph.

* * * * *

(3) Available for use by ship stations aboard vessels operating on the Mississippi River and connecting inland waters, except that this frequency shall not be used by vessels when operating on the Great Lakes.

(4) Transmission by ship stations is prohibited during the period from 8 p.m. to 5 a.m., c.s.t.

(5) Use of this frequency is subject to the express condition that harmful interference shall not be caused to the service of any station which in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

* * * * *

(13) Use of this frequency is limited to emission A3J only.

(14) Until January 1, 1974, emissions A3, A3A, A3B, A3H, and A3J; after January 1, 1974, use is limited to emission A3A and A3J: *Provided, however*, That availability of emission A3B after January 1, 1974, is dependent upon the decision taken by the ITU World Administrative Radio Conference, to be convened in 1973, in regard to continued use of that emission.

(15) Until January 1, 1974, emissions A3A, A3H, and A3J; after January 1, 1974, emission A3A and A3J.

(16) Available for use in accordance with the provisions of § 83.360.

(18) Available for use in accordance with the provisions of § 83.355.

(20) Available for use in accordance with the provisions of § 83.354(a).

(21) During the period January 1, 1970, to February 28, 1970, transition may be effected from the currently available frequency listed in Column (1) to the replacement frequency listed in Column (2).

(22) Authorization for use of the frequency listed in Column (1) is withdrawn effective February 28, 1970.

(23) The frequency listed in Column (2) will be available for assignment and use on and after January 1, 1970.

(24) Use should be limited to daytime.

(25) During the period March 1, 1970, to May 1, 1970, transition may be effected from the currently available frequency listed in Column (1) to the replacement frequency listed in Column (2).

(26) Authorization for use of the frequency listed in Column (1) is withdrawn effective May 1, 1970.

(27) The frequency listed in Column (2) will be available for assignment and use on and after March 1, 1970.

(28) The change-over from the currently available frequencies listed in Column (1) to the replacement frequency listed in Column (2) shall be made at 0001 G.m.t., March 1, 1970. Except for

equipment testing, transmission on the replacement frequency shall not commence prior to $$$1 G.m.t., March 1, 1970.

(29) Authorization for use of the frequency listed in Column (1) is withdrawn effective March 1, 1970.

(30) Until January 1, 1974, emissions A3A, A3H, and A3J.

(31) Until January 1, 1974, emissions A3, A3A, A3H, and A3J.

(32) Authorization for use of the frequency listed in Column (1) is withdrawn effective January 1, 1974.

7. The tables below subparagraphs (1) and (2) of paragraph (a) of § 83.354 are amended to read as follows:

§ 83.354 Frequencies below 5000 kc/s for public correspondence.

(a) • • •

(1) Frequencies available for use when the mobile station and the coast station transmit alternately on different radio channels:

For communication with coast stations located in the vicinity of—	Mobile station transmitting carrier frequency			Associated coast station carrier frequency		
	Old (kc/s)	New (kc/s)	Specific limitations imposed upon availability for use [2]	Old (kc/s)	New (kc/s)	Specific conditions relating to use of these frequencies by coast stations for transmission as shown in § 81.306(b) of this chapter [2]
Boston, Mass.	2406	----------	None	2506	----------	None.
	2366	----------	do	2450	----------	Do.
New York, N.Y.	2126	----------	None	2522	----------	None.
	2166	----------	do	2558	----------	Do.
	2198	----------	do	2590	----------	Do.
	2382	----------	Available on condition that harmful interference is not caused to the service of any ship station which is within 360 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port.	2482	----------	Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of New Orleans, La., to which this carrier frequency is assigned for transmission.
	4088.5	4088.4	do	[1] 4393.5	4387.0	Do.
	4091.6	4091.6	do	4396.6	4390.2	Do.
	4101.3	4101.2	do	[1] 4406.3	4399.8	Do.
	4104.4	4104.4	do	4409.4	4403.0	Do.
	4126.8	----------	Available for use annually during period Dec. 1 to Mar. 15.	[1] 4431.8	----------	Available for use annually during period Dec. 15 to Mar. 15.
	4129.9	4130.0	do	4434.9	4428.6	Do.
Wilmington, Del.	2166	----------	None	2558	----------	None.
Baltimore, Md.	2166	----------	None	2558	----------	None.
Norfolk-Quantico, Va.	2142	----------	None	2538	----------	None.
	2366	----------	Day only, available on condition than no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the freqnency or frequencies used for the service to which interference is caused.	2450	----------	Day only, available on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.
Charleston, S.C.-Jacksonville, Fla.	2390	----------	None	2566	----------	None.
Lake Allatoona-Lake Sidney Lanier, Ga.	2366	----------	Available on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.	2450	----------	Available on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.
Miami, Fla.	2406	----------	Day only	2442	----------	Day only.
	2031.5	----------	None	2490	----------	Available on a 24-hour basis, on condition that harmful interference shall not be caused to the police radio service in southern California.
	2118	----------	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference shall not be caused to the service of any ship station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.	2514	----------	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. to Dec. 15, annually, on condition that harmful interference shall not be caused to the service of any coast station located in the vicinity of Miami, Fla., to which the carrier frequency 2490 kc/s is assigned for transmission; and also on condition that harmful interference shall not be caused to the service of any coast station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.
	2158	----------	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of Tampa, Fla., and is transmitting on this frequency to a coast station located in the vicinity of that port.	2550	----------	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference shall not be caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission.
	4120.5	4120.4	None	[1] 4425.5	4419.0	None.
	4123.6	4123.6	do	4428.6	4422.2	Do.
Tampa, Fla.	2009	----------	None	2466	----------	None.
	2158	----------	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference shall not be caused to the service of any ship station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.	2550	----------	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference shall not be caused to the service of any coast station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.
Mobile, Ala.	2430	----------	None	2572	----------	None.
New Orleans, La.	2206	----------	None	2598	----------	None.
	2166	----------	Day only	2558	----------	Day only; also on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Mobile, Ala., to which the carrier frequency 2572 kc/s is assigned for transmission.
	2382	----------	None	2482	----------	None.

See footnotes at end of table.

For communication with coast stations located in the vicinity of—	Mobile station transmitting carrier frequency			Associated coast station carrier frequency		
	Old (kc/s)	New (kc/s)	Specific limitations imposed upon availability for use [2]	Old (kc/s)	New (kc/s)	Specific conditions relating to use of these frequencies by coast stations for transmission as shown in § 81.306(b) of this chapter [2]
Delcambre, La.	2458	----------	Day only; on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.	2506	----------	Day only; on condition that no harmful interference will be caused to any service of any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.
Galveston, Tex.	213	----------	None	2530	----------	None.
	2366	----------	Day only; on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of Boston, Mass., and is transmitting on this frequency to a coast station located in the vicinity of that port. [3]	2450	----------	Day only; on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Boston, Mass., San Francisco or Eureka, Calif., to which this carrier frequency is assigned for transmission. [3]
Corpus Christi, Tex.	2142	----------	Available on condition that no harmful interference will be caused to the service of any ship station which is within 300 nautical miles of Norfolk-Quantico, Va., and is transmitting on this frequency to a coast station located in the vicinity of that port.	2538	----------	Available on condition that no harmful interference will be caused to the service of any coast station located in the vicinity of Norfolk-Quantico, Va., to which this carrier frequency is assigned for transmission.
San Juan, P.R.	2134	----------	None	2530	----------	None.
Great Lakes	2118	----------	None	2514	----------	Subject to applicable provisions of § 81.304(d).
	2158	----------	do	2550	----------	Do.
	2206	----------	Not available to U.S. ship stations for transmission.	2582	----------	Do.
	4114.1	4114.0	None	[1] 4419.1	4412.6	None.
	4117.2	4117.2	do	4422.2	4415.8	Do.
	4126.8	4126.8	do	[1] 4431.8	4425.4	Do.
	4129.9	4130.0	do	4434.9	4428.6	Do.
	8246.1	8246.0	do	[1] 8796.1	8780.0	Do.
	8249.2	8249.2	do	8799.2	8783.2	Do.
Los Angeles-San Diego, Calif.	2009	----------	None	2566	----------	None.
	2382	----------	Available on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port.	2466	----------	Available on condition that harmful interference is not caused to the service on any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission.
	2206	----------	7 a.m. to 7 p.m., P.s.t., only	2598	----------	7 a.m. to 7 p.m., P.s.t., only.
	2126	----------	do	2522	----------	Do.
San Francisco-Eureka, Calif.	2003	----------	Available on condition that harmful interference shall not be caused to the service of any ship station which is within 300 nautical miles of Los Angeles or San Diego, Calif., and is transmitting on 2000 kc/s to a coast station located in the vicinity of either of these ports.	2450	----------	Available on condition that harmful interference is not caused to police radio service in Kansas or Wisconsin.
	2408	----------	None	2506	----------	None.
	2142	----------	7 a.m. to 7 p.m., P.s.t., only	2538	----------	7 a.m. to 7 p.m., P.s.t., only.
	4069.3	4069.2	None	[1] 4374.3	4367.8	None.
	4072.4	4072.4	do	4377.4	4371.0	Do.
Astoria, Oreg.	2009	----------	Day only, on condition that no harmful interference will be caused to any service or station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.	2442	----------	Day only, on condition that no harmful interference will be caused to any service or station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.
Astoria-Portland, Oreg.	2206	----------	None	2598	----------	None.
Coos Bay, Oreg.	2031.5	----------	7 a.m. to 7 p.m., P.s.t., only; on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.	2566	----------	7 a.m. to 7 p.m., P.s.t., only.
Seattle, Wash.	2126	----------	None	2522	----------	None.
	2430	----------	Authorized for use south of 51 degrees north latitude and east of 142 degrees west longitude exclusively during the following daily periods on condition that harmful interference is not caused to the service of any station in the Alaska area authorized in accordance with Part 85 of this chapter to which this carrier frequency is assigned for transmission: annually from Apr. 1 to Sept. 30, inclusive, from 5 a.m. to 9 p.m., P.s.t., only; and annually from Oct. 1 to Mar. 31, inclusive, from 6 a.m. to 11 p.m., P.s.t., only.	2482	----------	Authorized for use during the following daily periods on condition that harmful interference is not caused to the service of any coast station located in the vicinity of New Orleans, La., nor to the service of any station in the Alaska area authorized in accordance with Part 85 of this chapter to which this carrier frequency is assigned for transmission: annually from Apr. 1 to Sept. 30, inclusive, from 5 a.m. to 9 p.m., P.s.t., only and annually from Oct. 1 to Mar. 31, inclusive, from 6 a.m. to 11 p.m., P.s.t., only.
Kahuku, Hawaii	2134	----------	None	2530	----------	None.
	4114.1	4114.0	do	[1] 4419.1	4412.6	Do.
	4117.2	4117.2	do	4422.2	4415.8	Do.
Hilo, Hawaii	2198	----------	None	2682	----------	None.
Palmyra Island, Hawaii	2134	----------	Available on condition that harmful interference shall not be caused to the service of any ship station which is within 300 nautical miles of Kahuku, Hawaii, and is transmitting on this frequency to a coast station located in the vicinity of that port.	2530	----------	Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Kahuku, Hawaii, to which the carrier frequency 2530 kc/s is assigned for transmission.

See footnotes at end of table.

For communication with coast stations located in the vicinity of—	Mobile station transmitting carrier frequency: Old (kc/s)	New (kc/s)	Specific limitations imposed upon availability for use [1]	Associated coast station carrier frequency: Old (kc/s)	New (kc/s)	Specific conditions relating to use of these frequencies by coast stations for transmission as shown in §81.306(b) of this chapter [2]
St. Thomas Island, V.I.	2009	----------	8 a.m. to 9 p.m., A.s.t., only; on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.	2506	----------	8 a.m. to 9 p.m., A.s.t., only; on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.

[1] Available for single sideband emissions only.
[2] With respect to each specific date set forth, the associated limitation or condition imposed shall terminate or begin as applicable, at 3 a.m. e.s.t.
[3] This carrier frequency is to be made available by the Commission, for use (on a 24-hour basis except where specific hours of use are designated) by the maritime mobile service for ship to shore communication in respect to the particular coast station areas designated, on a specific beginning date to be designated in future rule-making as soon as practicable after its use (or the use of its associated transmitting or receiving frequency) by other radio services is terminated or is reduced to the extent necessary to avoid harmful interference to or from the maritime mobile service.

(2) Frequencies available for use when the mobile stations and the coast station transmit alternately on the same radio channel:

For communication with coast station located in the vicinity of—	Carrier frequency (kc/s): Old frequency	New frequency	Specific limitations imposed upon availability for use
(1)	(2)	(3)	(4)
Baltimore, Md.	2400	(1)	Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Boston, Mass.
Chicago, Ill.; Pittsburgh, Pa.; Louisville, Ky.; St. Louis, Mo.; Memphis, Tenn.; and other locations as required to serve vessels on the Mississippi River and connecting inland waters (other than the Great Lakes).	2782	(1)	None.
	[2] 4069.3	4069.2	Subject to applicable provisions of § 81.304
	4072.4	4072.4	Do.
	[2] 4374.3	4367.8	Do.
	4377.4	4371.0	Do.
	[2] 6236.9	(2)	Do.
	6240.0	(2)	Do.
	[2] 6451.9	6451.9	Do.
	6455.0	6455.0	Do.
	[2] 8207.7	8207.6	Do.
	8210.8	8210.8	Do.
Lake Dallas, Tex.; Lake Texhoma, Tex.	2738	(1)	None.
Lake Mead, Nev.; and other locations as required to serve vessels on inland waters of the Southwestern Continental United States.	2782	(1)	The use of this frequency at locations other than Lake Mead, Nev., is subject to the condition that harmful interference is not caused to the service of any other station.
The Dalles, Oreg.; Umatilla, Oreg.; and other locations as required to serve vessels on inland waters of the Northwestern Continental United States, excluding Alaska.	2784	(1)	The use of this frequency at locations other than The Dalles, Oreg., and Umatilla, Oreg.; is subject to the condition that harmful interference is not caused to the service of any other station.

[1] Subject to separate rule making proceeding.
[2] Available for single sideband emission only.
[3] See pars. 10–12 of the notice.

8. In § 83.355, paragraph (a) (1), (2), (3), and paragraph (b) are amended to read as follows:

§ 83.355 Frequencies from 5000 kc/s to 27.5 Mc/s for public correspondence.

(a) • • •
(1) • • •

Ship station transmitting carrier frequency (kc/s): Old frequency	New frequency	For communication with coast stations located in the vicinity of—	Ship station receiving carrier frequency (kc/s): Old frequency	New frequency
8201.3 [1]	8201.2	San Francisco, Calif.	8751.3	8735.2
8204.4	8204.4	do	8754.4	8738.4
8214.1 [1]	8214.0	Hawaii	8764.1	8748.0
8217.2	8217.2	do	8767.2	8751.2
8220.5 [1]	8220.4	New York, N.Y.	8770.5	8754.4
8223.6	8223.6	do	8773.6	8757.6
8239.7 [1] [3]	8239.6	Miami, Fla.	8789.7	8773.6
8242.8 [3]	8242.8	do	8792.8	8776.8
8258.8 [1]	8258.8	New York, N.Y.	8808.8	8792.8
8261.9	8262.0	do	8811.9	8796.0
12351.2 [1] [3]	12351.0	Miami, Fla.	13151.2	13130.0
12354.5 [3]	12354.5	do	13154.5	13133.5
12358.2 [1]	12358.0	New York, N.Y.	13158.2	13137.0
12361.5	12361.5	do	13161.5	13140.5
12372.2 [1]	12372.0	Hawaii	13172.2	13151.0
12375.5	12375.5	do	13175.5	13154.5
12379.2 [1]	12379.0	San Francisco, Calif.	13179.2	13158.0
12382.5	12382.5	do	13182.5	13161.5
12393.2 [1]	12393.0	New York, N.Y.	13193.2	13172.0
12396.5	12396.5	do	13196.5	13175.5
16474.2 [1]	16474.0	Hawaii	17304.2	17269.0
16477.5	16477.5	do	17307.5	17272.5
16488.2 [1]	16488.0	New York, N.Y.	17318.2	17283.0
16491.5	16491.5	do	17321.5	17286.5

Ship station transmitting carrier frequency (kc/s): Old frequency	New frequency	For communication with coast stations located in the vicinity of—	Ship station receiving carrier frequency (kc/s): Old frequency	New frequency
16509.2 [1]	16509.0	San Francisco, Calif.	17339.2	17304.0
16512.5	16512.5	do	17342.5	17307.5
16523.2 [1]	16523.0	New York, N.Y.	17353.2	17318.0
16526.5	16526.5	do	17356.5	17321.5
22028.2 [1]	22028.0	do	22678.2	22653.5
22031.5	22031.5	do	22681.5	22657.0
22042.2 [1]	22042.0	San Francisco, Calif.	22692.2	22667.5
22045.5	22045.5	do	22695.5	22671.0
22063.2 [1]	22063.0	New York, N.Y.	22713.2	22688.5
22066.5	22066.5	do	22716.5	22692.0

[1] Available for single sideband emissions only.
[2] Available for communication with ship stations in the Gulf of Mexico and the Caribbean area only. Use of the frequency is upon the express condition that interference shall not be caused to the service if any station which may have priority on the frequency or frequencies used for the service to which interference is caused.

(2) Carrier frequencies authorized for use by ship stations on board vessels while navigated on the Great Lakes; exclusively for communication with coast stations in the Great Lakes area, when the ship station and the coast station transmit alternately on different frequencies. Ship stations shall receive transmission from the particular coast stations on the designated associated receiving frequency:

Ship station transmitting carrier frequency (kc/s): Old frequency	New frequency	Ship station receiving carrier frequency (kc/s): Old frequency	New frequency
8246.1 [1]	8246.0	8796.1	8780.0
8249.2	8249.2	8799.2	8783.2

[1] Available for use in accordance with § 83.351.

(3) Carrier frequencies authorized for use by ship stations on board vessels while navigated on the Mississippi River and connecting inland waters (other than the Great Lakes); exclusively for communication with coast stations located in the vicinity of any harbor, port, or place on the Mississippi River and connecting inland waters (other than the Great Lakes), when the ship station and the coast station transmit alternately on the same frequency:

Ship station transmitting carrier frequency (kc/s): Old frequency	New frequency	Ship station receiving carrier frequency (kc/s): Old frequency	New frequency
6236.9 [1]	(2)	6455	6455
6240	(2)	[1] 8207.7	8207.6
6451.9 [1]	6451.9	8210.8	8210.8

[1] Available for use in accordance with § 83.351.
[2] See pars. 10–12 of the notice.

(b) The use of the working frequencies authorized in paragraph (a) of this section is subject to the applicable conditions and limitations set forth in § 83.351. Ship stations shall use frequency assignments within the band 5000 kc/s to 27.5 Mc/s only when frequency assignments below 5000 kc/s or above 27.5 Mc/s will not provide effective communication.

D. Part 85, Public Fixed Stations and Stations of the Maritime Services in Alaska, is amended as follows:

1. The table following paragraph (a) and paragraph (d) of § 85.152 are amended to read as follows:

§ 85.152 Authorized classes of emission.

(a) • • •

Frequency or frequency band	Class of station	Emission
(1) For telegraphy:		
50 to 9000 kc/s	Fixed	A1.
415 to 490 kc/s	Coast	A1; A2 for brief testing and distress, urgency and safety signals, or any communication preceded by one of these signals.
490 to 515 kc/s	do	A1 and A2.
405 to 515 kc/s	Ship	A1 and A2.
1605 to 3400 kc/s	Coast and ship	A1.
(2) For telephony:		
1605 to 4000 kc/s except for 2182 and 2638 kc/s.	Fixed, coast and ship	A3, A3A, A3H, and A3J.
4000 to 9000 kc/s	Fixed	A3, A3A, A3H, and A3J.
4000 to 9000 kc/s	Coast	Until Jan. 1, 1972, emission A3, A3A, A3H and A3J; during the period Jan. 1, 1972, to Jan. 1, 1974, emission A3A, A3H and A3J; after Jan. 1, 1974, emission A3A and A3J: *Provided, however*, During the period Jan. 1, 1974, to Jan. 1, 1978, emission A3H may be used with ship stations not equipped for single sideband operation.
4000 to 9000 kc/s	Ship	Until Jan. 1, 1974, emissions A3, A3A, A3H and A3J; after Jan. 1, 1974, use is limited to emission A3A and A3J.
2182 kc/s	Coast and ship	A3 and A3H.
2638 kc/s	Ship	A3 and A3H.
156 to 174 Mc/s	Coast and ship	F3.

• • • • • • • • •

(d) Authorization to use A3H, A3A, or A3J emission is limited to emitting a carrier, for A3H, at a power level between 3 and 6 decibels below peak envelope power; for A3A, at a power level of 16 decibels, ±2 decibels, below peak envelope power; and, for A3J, at a power level at least 40 decibels below peak envelope power.

• • • • • •

2. Section 85.259 is amended to read as follows:

§ 85.259 Frequencies for ship-shore and ship to ship communication by telegraphy or telephony in all zones.

Each of the following frequencies is an authorized carrier frequency for use in accordance with Subpart E of this part, by coast and ship stations in all zones of the Alaska area, as designated herewith:

(a) 1622 kc/s and 2382 kc/s: For communication by telegraphy and/or telephony between public coast stations and public ship stations on board any type of vessel.

(b) 1622 kc/s: For intership communication (for business, operational, and safety purposes) by telegraphy and/or telephony between ships on board vessels of less than 500 gross tons.

(c) 2382 kc/s: For intership communication (for business, operational, and safety purposes) by telegraphy and/or telephony between ships on board vessels of 500 gross tons or more.

(d) 4390.2 kc/s: To conform to the revised international radio regulations adopted at Geneva, 1967, the frequency 4409.4 kc/s will be replaced by 4403.0 kc/s and the frequency 4434.9 kc/s will be replaced by 4428.6 kc/s. Changeover by coast stations from 4409.4 to 4403.0 kc/s and from 4434.9 to 4428.6 kc/s will be made at 0001 G.m.t., March 1, 1970. Ship stations shall effect the changeover during the period March 1 to May 1, 1970. The frequencies 4409.4 and 4434.9 kc/s will not be available to coast stations after March 1, 1970, or to ship stations after May 1, 1970. Except for equipment testing, transmission by coast stations on the replacement frequencies 4403.0 and 4428.6 kc/s shall not commence prior to 0001 G.m.t., March 1, 1970. The conditions of use and limitations applicable to this and to the replacement frequency are as follows:

(1) Primarily for communication by telephony between public coast stations and public ship stations on board any type of vessel, during the hours from 6 a.m. to 9 p.m. local standard time;

(2) During these hours, the frequency may also be used, on a secondary basis, in accordance with the following limitations:

(i) When used between public coast stations:

(a) The separation between public coast stations shall not be less than 50 statute miles;

(b) Communication shall be limited to the exchange of public correspondence under conditions which make it necessary to use this frequency for this purpose in lieu of a carrier frequency specifically designated in Subpart F of this part for fixed service;

(c) Priority shall be given at all times to ship-shore communication.

(ii) When used between ship stations on board any type of vessel for business, operational, and safety purposes, the following limitations shall apply:

(a) Harmful interference shall not be caused to the service of any coast station using telephony:

(b) Insofar as practicable, use shall be limited to the relatively longer distances over which the use of frequencies below 3400 kc/s or above 156 Mc/s would not be effective.

3. A new subparagraph (3) is added to paragraph (k) of § 85.264 to read as follows:

§ 85.264 Frequencies available in particular zones.

* * * * *

(k) * * *

(3) To conform to the revised International Radio Regulations adopted at Geneva, 1967, the frequency 4409.4 kc/s will be replaced by 4403.0 kc/s and the frequency 4434.9 kc/s will be replaced by 4428.6 kc/s. Changeover by coast stations from 4409.4 to 4403.0 kc/s and from 4434.9 to 4428.6 kc/s will be made at 0001 GMT, March 1, 1970. Ship stations shall effect the changeover during the period March 1 to May 1, 1970. The frequencies 4409.4 and 4434.9 kc/s will not be available to coast stations after March 1, 1970, or to ship stations after May 1, 1970. Except for equipment testing, transmission by coast stations on the replacement frequencies 4403.0 and 4428.6 kc/s shall not commence prior to 0001 G.m.t., March 1, 1970.

* * * * *

[F.R. Doc. 68-9656; Filed, Aug. 15, 1968; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

PATRICK N. GRIFFIN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 22, 1968.

Dated: August 5, 1968.

PAT GRIFFIN.

[F.R. Doc. 68-9816; Filed, Aug. 15, 1968; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT SECRETARY AND DEPUTY ASSISTANT SECRETARY FOR MODEL CITIES AND GOVERNMENTAL RELATIONS

Delegations of Authority

The Secretary's delegations of authority to the Assistant Secretary and Deputy Assistant Secretary for Demonstrations and Intergovernmental Relations with respect to the model cities program, effective November 27, 1967 (32 F.R. 17496, Dec. 6, 1967), are hereby amended in the following respects:

(1) The caption is revised by changing the titles "Assistant Secretary and Deputy Assistant Secretary for Demonstrations and Intergovernmental Relations" to "Assistant Secretary and Deputy Assistant Secretary for Model Cities and Governmental Relations".

(2) Sections A and B, 1, are revised by changing the titles "Assistant Secretary for Demonstrations and Intergovernmental Relations and the Deputy Assistant Secretary for Demonstrations and Intergovernmental Relations" to "Assistant Secretary for Model Cities and Governmental Relations and the Deputy Assistant Secretary for Model Cities and Governmental Relations".

(3) Section B, 2, is revised by changing the title "Assistant Secretary for Demonstrations and Intergovernmental Relations" to "Assistant Secretary for Model Cities and Governmental Relations".

Effective date. These revisions of delegations of authority are effective as of April 29, 1968.

ROBERT C. WEAVER,
Secretary of Housing and Urban Development.

[F.R. Doc. 68-9824; Filed, Aug. 15, 1968; 8:46 a.m.]

DIRECTOR, MODEL CITIES STAFF, REGION I (NEW YORK)

Redelegation of Authority With Respect to Model Cities Program

The Director, Model Cities Staff, Region I (New York), is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority by the Assistant Secretary for Model Cities and Governmental Relations effective November 27, 1967 (32 F.R. 17496, Dec. 6, 1967), as amended effective April 29, 1968 (33 F.R. 11685, Aug. 16, 1968), with respect to the model cities program under Title I of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3301–3313) except the authority to authorize waivers of contract provisions.

(Redelegations of Authority by Assistant Secretary for Demonstrations and Intergovernmental Relations effective Nov. 27, 1967 (32 F.R. 17496, Dec. 6, 1967))

Effective date. This redelegation of authority shall be effective as of August 16, 1968.

JUDAH GRIBETZ,
Regional Administrator, Region I.

[F.R. Doc. 68-9825; Filed, Aug. 15, 1968; 8:46 a.m.]

DIRECTOR, MODEL CITIES STAFF, REGION II (PHILADELPHIA)

Redelegation of Authority With Respect to Model Cities Program

The Director, Model Cities Staff, Region II (Philadelphia), is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority by the Assistant Secretary for Model Cities and Governmental Relations effective November 27, 1967 (32 F.R. 17496, Dec. 6, 1967), as amended effective April 29, 1968 (33 F.R. 11685, Aug. 16, 1968), with respect to the Model Cities Program under Title I of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3301–3313) except the authority to authorize waivers of contract provisions.

(Redelegations of Authority by Assistant Secretary for Demonstrations and Intergovernmental Relations effective November 27, 1967 (32 F.R. 17496, December 6, 1967))

Effective date. This redelegation of authority shall be effective as of July 5, 1968.

WARREN P. PHELAN,
Regional Administrator, Region II.

[F.R. Doc. 68-9826; Filed, Aug. 15, 1968; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NORWICH PHARMACAL CO.

Notice of Filing of Petition of Food Additive Buquinolate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by The Norwich Pharmacal Co., Post Office Box 191, Norwich, N.Y. 13815, proposing that § 121.291 *Buquinolate* (21 CFR 121.291) be amended to provide for the safe use of buquinolate in chicken feed for the prevention of coccidiosis in chickens caused by the organism *E. brunetti*.

Dated: August 7, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-9847; Filed, Aug. 15, 1968; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

PLUTONIUM AND URANIUM ENRICHED IN URANIUM 233

Charges

This notice amends a similarly entitled notice published May 29, 1963, 28 F.R. 5314. In accordance with section 53 of the Atomic Energy Act of 1954, as amended, the Commission has determined that the base charge for contained plutonium isotopes Pu-239 plus Pu-241 may be reduced for purposes of computing the dollar amount due the AEC for use charges for purposes related to power reactor research and development programs such as plutonium

recycle in thermal reactors and development of fast reactor technology where the AEC determines it has a programmatic interest.

1. Delete the first sentence of paragraph 5 of the notice and substitute therefor the following:

Reduced base charges. Notwithstanding paragraph 3 above, the following reduced base charges, solely for computing the dollar amount due the AEC for loss or consumption of plutonium and uranium enriched in Uranium 233 under domestic lease agreements, except that for plutonium to be utilized in power reactor research and development programs (e.g., plutonium recycle in thermal reactors and development of fast reactor technology), in which AEC determines it has a programmatic interest, such reduced base charges shall also apply for purposes of computing the dollar amount due the AEC for use of such plutonium, shall apply to such material distributed under subsections 53a (1) and (2) of the Act, provided that for such material distributed for use in a nuclear reactor licensed under section 104 of the Act these reduced base charges shall apply only in cases in which the AEC has determined that the use of such material will produce technical and economic data of sufficient interest in the AEC program and the lessee has agreed to extend to the AEC access to such data and appropriate patent rights.

2. Delete the word "consumption" in the fourth sentence of paragraph 5 of the notice and substitute therefor the word "base".

3. *Effective date.* This notice shall become effective upon publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 13th day of August 1968.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary.

[F.R. Doc. 68-9822; Filed, Aug. 15, 1968; 8:46 a.m.]

[Docket No. 50-305]

WISCONSIN PUBLIC SERVICE CORP. ET AL.

Notice of Issuance of Provisional Construction Permit

Notice is hereby given that, pursuant to the Initial Decision of the Atomic Safety and Licensing Board, dated August 6, 1968, the Director of the Division of Reactor Licensing has issued Provisional Construction Permit No. CPPR-50 to Wisconsin Public Service Corp., Wisconsin Power and Light Co., and Madison Gas and Electric Co. for the construction of a pressurized water nuclear reactor, designated as the Kewaunee Nuclear Power Plant to be located on the licensees' site in the town of Carlton, Kewaunee County, Wis.

A copy of the Initial Decision is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 6th day of August 1968.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 68-9836; Filed, Aug. 15, 1968; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18936]

STANDBY YOUTH AND "YOUNG ADULT" FARES

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on September 10, 1968, at 10 a.m., e.d.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 12, 1968.

[SEAL] ARTHUR S. PRESENT,
Hearing Examiner.

[F.R. Doc. 68-9841; Filed, Aug. 15, 1968; 8:47 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF LABOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Wage and Labor Standards.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-9844; Filed, Aug. 15, 1968; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Director, Office of Public Affairs, Federal Highway Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-9845; Filed, Aug. 15, 1968; 8:47 a.m.]

GENERAL EDUCATION AND TRAINING SERIES

Notice of Establishment of Prescribed Minimum Educational Requirements

In accordance with section 3308 of title 5, United States Code, the Civil Service Commission has decided that minimum educational requirements should be established for positions in the General Education and Training Series, GS-1701. Change in the coverage of this series now limits it to positions involving work of a professional nature. (Positions of nonprofessional nature which were formerly classified in GS-1701 are now classifiable in the Education and Training Technician Series, GS-1702.) The requirements, the duties of the positions, and the reasons for the Commission's decision that the requirements are necessary are set forth below.

GENERAL EDUCATION AND TRAINING SERIES, GS-1701 (ALL GRADES)

Minimum educational requirements. Candidates must have successfully completed a full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree which included or was supplemented by major study in education or in a subject field appropriate to the work of the position.

Duties. The duties of these positions involve research or other professional work in the field of education and training when the work is of such generalized, or miscellaneous specialized nature that it is not more appropriately classifiable to any of the existing professional series. Such work may require professional knowledge of a specialized field for which no series has been established; or it may require knowledge of two or more academic disciplines with none predominant; or it may involve a combination of characteristics identifiable with more than one professional education series.

Reasons for requirements. The duties of these positions cannot be performed successfully on a professional level without, at the minimum, formalized training in an appropriate academic discipline which provided fundamental knowledges pertinent to the professional work of the positions covered by this series. The duties require the application of the basic knowledges, principles, methods and techniques of education or an appropriate subject field. This academic foundation can only be obtained through directed study in an accredited college or university which provided library and laboratory facilities and thoroughly trained instructors who can give professionally competent training, guidance, and evaluation.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-9846; Filed, Aug. 15, 1968; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 400]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

AUGUST 12, 1968.

Pursuant to §§ 1.277(b)(3) and 21.26(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's Rules for provisions governing the time or filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

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[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

577-C2-ML-69—Golden West Telephone Co.; (KMM635); Modification of license to change the base frequency 152.78 MHz. to 152.75 MHz. All other terms of the existing license to remain unchanged.

622-C2-P-69—General Telephone Co. of Missouri; (KDT204); C.P. to change the antenna system operating on 152.75 MHz. located at 2.5 miles southeast of Columbia, Mo.

753-C2-P-69—Radio Dispatch Co.; (New); C.P. for a new two-way radio station to be located on State Highway No. 123, 1.33 miles north of Backems Crossroads, Ala., to operate on base frequency 152.15 MHz.

754-C2XP-69—Intermountain Mobilfone, Inc.; (New); C.P. for a new two-way radio station to be located at location No. 1: 14 miles southeast of Idaho Falls, Idaho, to operate on base frequency 152.03 MHz. and repeater frequency 75.62 MHz. and at location No. 2: 2065 Turnbull Dr., Idaho Falls, Idaho, to operate on control frequency 72.38 MHz.

755-C2-P-69—Margaret Walsh; (KSJ762); C.P. to change the antenna system operating on 152.03 MHz. located at 103 West College Ave., Appleton, Wis.

757-C2-AL-(2)-69—Trinity Dispatch Co.; Consent to assignment of license from Trinity Dispatch Co., assignor, to: Page A Fone Corp., assignee. Stations: KKG262, Fort Worth, Tex.; KKX712, Dallas, Tex.

758-C2-P-69—The Chesapeake & Potomac Telephone Co. of Virginia; (KIB529); C.P. to add a fourth channel on base frequency 152.75 MHz. and test frequency 158.01 MHz. and replace the existing test transmitter, station located at 703 East Grace St., Richmond, Va.

759-C2-P-69—Telephone & Radio Answering Service, Inc.; (KKE964); C.P. to relocate the two-way facilities operating on frequency 152.21 MHz. to 1010 Milam St., Houston, Tex.

760-C2-MP-69—Telephone Answering Service, Inc.; (KGA805); Modification of C.P. to change the antenna system located at 1715 Grandview Ave., Pittsburgh, Pa., operating on frequency 43.58 MHz.

761-C2-P-69—Page Boy, Inc.; (KAH661); C.P. to change the antenna system located at Second Ave. South, between Fifth and Sixth Sts., Minneapolis, Minn., operating on frequency 35.22 MHz. (one-way).

762-C2-P-69—Telephone Answering Service; (KGA805); C.P. to add a second channel on base frequency 43.22 MHz. at station located at 1715 Grandview Ave., Pittsburgh, Pa. (one-way).

763-C2-P-69—Instant Communications, Inc.; (KQD303); C.P. to change frequency to 158.70 MHz.; replace the transmitter to operate on same and change the antenna system located at 424 Book Building, 1249 Washington Blvd., Detroit, Mich.

764-C2-P/ML-69—Fresno Mobile Radio, Inc.; (KMA830); C.P. to add a fourth base channel on frequency 454.025 MHz. and a voice channel on frequency 2128.4 MHz. at location No. 1: 30 miles northeast of Fresno, Calif., and add a voice channel on 2178.4 MHz. at location No. 3: 160 North Broadway, Fresno, Calif.

765-C2-MP-69—Answer Iowa, Inc.; (KCI307); Modification of C.P. to change the base transmitter operating on frequency 152.12 MHz. located at 3 miles north-northwest of Burlington, Iowa.

766-C2-P-69—Mobile Radio Communications, Inc.; (New); C.P. for a new (one-way) station to be located at 901-923 Main St., Kansas City, Mo., to operate on frequency 152.24 MHz.

767-C2-P-69—Mobile Radio Communications, Inc.; (New); C.P. for a new (one-way) station to be located at 922 Linwood St., Kansas City, Mo., to operate on frequency 158.70 MHz.

802-C2-P-69—General Communications Service, Inc.; (KOE254); C.P. to relocate control station facilities at location No. 5 to: 605 North Ninth Ave., Showlow, Ariz., operating on 454.20 MHz.

Applications for renewal of Developmental radio (air-to-ground) ground stations licenses expiring September 10, 1968. Term: September 10, 1968, to September 10, 1969.

Indiana Bell Telephone Co.; KSJ612.
New England Telephone & Telegraph Co.; KCC793.

RURAL RADIO SERVICE

265-C1-P/L-69—The Mountain States Telephone and Telegraph Co.; (New); C.P. and license for a new rural subscriber station to be located at 6.8 miles east-northeast of Fort Hall, Idaho, to operate on frequency 158.01 MHz.

465-C1-P/L-69—Hawaiian Telephone Co.; (New); C.P. and license for new temporary-fixed facilities. (Five units.) In any temporary fixed location within the territory of the grantee to operate on frequency 157.83 MHz.

466-C1-P/L-69—Hawaiian Telephone Co.; (New); C.P. and license for new temporary-fixed facilities. (Five units.) In any temporary fixed location within the territory of the grantee to operate on frequency 157.92 MHz.

464-C1-P/L-69—Malheur Home Telephone Co.; (New); C.P. and license for a new rural subscriber station to be located 6 miles west of Westfall, Oreg., to operate on frequency 157.89 MHz.

624-C1-P/L-69—Southern Bell Telephone & Telegraph Co.; (New); C.P. and license for a new rural subscriber fixed station to be located at 20.8 miles south-southwest of Belle Glade, Fla., to operate on frequencies 157.77 and 157.89 MHz.

POINT TO POINT MICROWAVE RADIO SERVICE: (TELEPHONE CARRIER)

569-C1-P-69—South Central Bell Telephone Co.; (KLU69); C.P. to add frequencies 6286.2 and 6404.8 MHz. toward Paradis, La., at station located at 3951 Erato St., New Orleans, La.

570-C1-P-69—South Central Bell Telephone Co.; (New); C.P. for a new fixed station to be located at 5 miles south of Paradis, La., to operate on frequencies 6034.2 and 6152.8 MHz. toward New Orleans and Thibodaux, La.

571-C1-P-69—South Central Bell Telephone Co.; (New); C.P. for a new fixed station to be located at 204 Back St., Thibodaux, La., to operate on frequencies 6286.2 and 6404.8 MHz. toward Paradis and Houma, La.

739–C1–P–69—Alabama Microwave, Inc.: (KRR71); C.P. to relocate station from Decatur, Ala., to 1000 Monte Lano Dr., Huntsville, Ala. Lat. 34°44'18'' N., long. 86°32'02'' W. operating on frequency 6197.2 MHz. toward Rogersville, Ala., on azimuth 279°39'. (Informative: Applicant proposes to move pickup point for NBC Network programing from Decatur to Huntsville, Ala.)

741–C1–MP–69—Upper Peninsula Microwave, Inc.: (KYO48); Modification of C.P. to correct coordinates of station to lat. 43°09'37'' N., long. 84°39'11'' W. All other terms of existing C.P. to remain the same.

742–C1–P–69—Mountain Microwave Corp.: (New); C.P. for a new CATV station to be located at 1044 Lincoln St., Denver, Colo. Lat. 39°43'58'' N., long. 104°59'07'' W., to operate on frequency 5974.8 MHz. toward Colorow, Colo. on azimuth 269°39'.

743–C1–P–69—Mountain Microwave Corp.: (New); C.P. for a new CATV station to be located at 2 miles southwest of Golden, Colo., lat. 39°43'54'' N. long. 105°14'58'' W., to operate on frequency 6226.9 MHz. toward Almagre, Colo., on azimuth 188°11'.

744–C1–P–69—Mountain Microwave Corp.: (KBI22); C.P. to add frequency 5974.8 MHz. toward Monarch Pass, Colo., on azimuth 255°24' and change frequency 5995.0 MHz. to 6004.5 MHz. azimuth 255°24', 248°02' and 109°33'. Station location: Almagre Mountain, 8 miles west of Broadmoor, Colo.

745–C1–P–69—Mountain Microwave Corp.: (KPT67); C.P. to add frequency 6226.9 MHz. toward Waterdog Peak, Colo., on azimuth 264°35' and change frequency 6245.0 to 6256.5 MHz. on azimuth 264°35'.

746–C1–P–69—Mountain Microwave Corp.: (KHT98); C.P. to add frequency 5974.8 MHz. toward Grand Junction, Colo., on azimuth 313°08' and change frequency 5995.0 MHz. to 6004.5 MHz. on azimuths 313°08', 320°19', 300°52', 112°23' and 178°17'. Location: Waterdog Peak, 13 miles southeast of Montrose, Colo.

747–C1–P–69—Mountain Microwave Corp.: (KVD95); C.P. to add frequency 6184.2 MHz. toward Grand Junction, Colo. and Bean Cliff, Utah, on azimuths 43°43' and 310°29'. Station location: Grand Junction, 2.5 miles southwest of Grand Junction, Colo.

748–C1–P–69—Mountain Microwave Corp.: (New); C.P. for a new CATV station to be located at 29 miles northwest of Fruita, Colo. Lat. 39°26'10'' N., long. 109°10'12'' W. to operate on frequency 5960.8 MHz. toward Bruin Point, Utah, on azimuth 282°53'.

749–C1–P–69—Mountain Microwave Corp.: (New); C.P. for a new CATV station to be located at Bruin Point, 7 miles north-northeast of Dragerton, Utah. Lat. 39°36'40'' N., long. 110°20'50'' W., to operate on frequency 6182.4 MHz. toward Colton, Utah, on azimuth 235°57'.

750–C1–P–69—Mountain Microwave Corp.: (New); C.P. for a new CATV station to be located at Colton, 15 miles northwest of Helper, Utah, to operate on frequency 5960.0 MHz. toward Nelson Peak, Utah, on azimuth 314°28'.

751–C1–P–69—Mountain Microwave Corp.: (New); C.P. for a new CATV station to be located at Nelson Peak, 18 miles southwest of Salt Lake City, Utah. Lat. 40°36'30.5'' N., long. 112°09'34'' W. to operate on frequency 6182.4 MHz. toward Salt Lake City, Utah, on azimuth 52°35'.

574–C1–MP–69—Mountain Microwave Corp.: (KCM81); Modification of C.P. to change frequency from 6171.5 MHz. to 6268.0 MHz. toward Manchester, Nebr., on azimuth 354°28'.

675–C1–MP–69—Mountain Microwave Corp.: (KZA62); Modification of C.P. to change azimuth from 77°01' to 79°23'.

676–C1–MP–69—Mountain Microwave Corp.: (KZA63); Modification of C.P. to change station location from lat. 42°47'08'' N., long. 102°12'41'' W. to lat. 42°46'34'' N., long. 102°11'31'' W., 1.7 miles south of Gordon, Nebr., azimuth 52°46'.

807–C1–P–69—Eastern Microwave, Inc.: (New); C.P. for a new CATV station to be located at 2 miles southeast of Walton, N.Y. Lat. 42°08'10'' N., long. 75°05'47'' W. to operate on frequency 11265 MHz. toward Delhi, N.Y., on azimuth 45°56'. (Informative: Applicant proposes to provide the TV signal of station WPIX-TV, New York, N.Y., to Delhi Video, Inc., in Delhi, N.Y.)

808–C1–P–69—TelePrompter Transmission of Kansas, Inc.: (KAK39); C.P. to add a new point of communication toward Hugoton, Kans., on frequencies 6212.5, 6312.5, and 6412.5 MHz. via power split on azimuth 294°50'. (Informative: Applicant proposes to provide the TV signals of stations KVII(TV), KFDA–TV and KGNC–TV of Amarillo, Tex., to Inter-City TV Corp. in Hugoton, Kans.)

[F.R. Doc. 68–9799; Filed, Aug. 15, 1968; 8:45 a.m.]

572–C1–P–69—South Central Bell Telephone Co.: (New); C.P. for a new fixed station to be located at 426 Rousel St., Houma, La., to operate on frequencies 6034.2 and 6152.8 MHz. toward Thibodaux, La.

625–C1–P–69—American Telephone & Telegraph Co.: (KGP61); C.P. to add 3670 MHz. toward Essex, Md., at station located at 320 St. Paul Pl., Baltimore, Md.

626–C1–P–69—American Telephone & Telegraph Co.; (KGO68); C.P. to add 3910 MHz. toward Fairlee and Baltimore, Md., at station located at 2.3 miles east-southeast of Essex, Md.

627–C1–P–69—American Telephone & Telegraph Co.; (KGH24); C.P. to add 3870 MHz. toward Essex, Md., and 3950 MHz. toward Marriott Hill, Md., at station located at 0.8 mile south of Fairlee, Md.

628–C1–P–69—American Telephone & Telegraph Co.; (KGH25); C.P. to add 3990 MHz. toward Waldorf, Md., at station located at Marriott Hill, 4 miles northwest of Galesville, Md.

637–C1–AL–69—The Mountain States Telephone & Telegraph Co.: (KYS60); Consent to assignment of license from The Mountain States Telephone & Telegraph Co., assignor, to: Pacific Power & Light Co., assignee.

768–C1–MP–69—General Telephone Co. of Kentucky; (KYC68); Modification of C.P. to change the antenna system and point of communication to azimuth 95°02'. All other terms of the existing C.P. to remain unchanged.

769–C1–P–69—California Interstate Telephone Co.; (New); C.P. for a new fixed station to be located at intersection of Kernville Road and Suhre St., Isabella, Calif., to operate on frequencies 11045 and 11605 MHz. toward Kernville, Calif., via passive reflector.

770–C1–P–69—California Interstate Telephone Co.: (New); C.P. for a new fixed station to be located at approximately 2 miles east-southeast of Isabella at Cook Peak, Calif., to operate on frequencies 11045 and 11605 MHz. toward Kernville, Calif., via passive reflector.

771–C1–P–69—California Interstate Telephone Co.: (New); C.P. for a new fixed station to be located at 345 Scodie Ave., Kernville, Calif., to operate on frequencies 6271.3 and 6390.0 MHz. toward Cook Peak, Calif., via passive reflector.

772–C1–P–69—California Interstate Telephone Co.: (KVI37); C.P. to add frequencies 10755 and 11075 MHz. toward Cook Peak, Calif., at station located at Horse Peak, 10 miles east-southeast of Onyx, Calif.

778–C1–P–69—General Telephone Co. of Kentucky; (New); C.P. for a new fixed station to be located at 301 West Washington St., Glasgow, Ky., to operate on frequencies 11245 and 11485 MHz. toward Horse Cave, Ky.

805–C1–P–69—California Interstate Telephone Co.; (KSW39); C.P. to add frequencies 11245 and 11565 MHz. toward Topaz, Nev., via passive reflector at station located at intersection of County Rd. and Church St., Gardnerville, Nev.

806–C1–P–69—California Interstate Telephone Co.; (KYJ67); C.P. to add frequencies 10715 and 11035 MHz. toward Gardnerville, Nev., via passive reflector at station located at Topaz, 18.1 miles south-southeast of Gardnerville, Nev.

803–C1–P/L–69—The Mountain States Telephone & Telegraph Co.; (New); C.P. and license for a new fixed station to be located at 1630 Maple Grove Rd., Boise, Idaho, to operate on frequency 2118.2 MHz.

804–C1–P/L–69—The Mountain States Telephone & Telegraph Co.: (New); C.P. and license for a new fixed station to be located at 5 miles west of Sweet, Idaho, to operate on frequency 2168.2 MHz. toward Boise, Idaho.

5075–C1–R–69—Indiana Bell Telephone Co.: (KYS50); Renewal of license for a Developmental fixed station expiring Sept. 12, 1968. Term: Sept. 12, 1968 to Sept. 12, 1969.

MAJOR AMENDMENT

228–C1–P–69—Illinois Bell Telephone Co.: (KSO95); Change frequency 8078.6 MHz. to 6019.3 MHz. toward Weldon, Ill., station location: 2.1 miles east-southeast of Lake Fork, Ill. All other particulars same as reported in public notice dated July 22, 1968.

POINT TO POINT MICROWAVE RADIO SERVICE: (NONTELEPHONE)

365–C1–ML–69—Mesa Microwave, Inc.: (KLS33); Modification of license to add audio service to Paris, Tex. All other terms of the existing license to remain the same. (Informative: Applicant proposes to provide the FM signal of station KFJZ–FM, Fort Worth, Tex., to KPLT(AM) and KPLT–FM in Paris, Tex.)

FEDERAL POWER COMMISSION

[Docket No. G–4684, etc.]

SUN OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates [1]

AUGUST 13, 1968.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10), on or before August 30, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G–4684 E 7–10–68	Sun Oil Co. (Southwest Division) (successor to The Hefner Production Co.), 1608 Walnut St., Philadelphia, Pa. 19103.	Colorado Interstate Gas Co., Keyes Field, Cimarron County, Okla.	[2] 11.88	14.65
G–5902 E 6–21–68	W. H. Doran, Jr. (successor to Continental Oil Co., Post Office Box 648, Alice, Tex. 78332.	Transcontinental Gas Pipe Line Corp., Kittie et al., Fields, Live Oak County, Tex.	[3] 11.0 [3] 12.0 [3] 13.0	14.65
G–8743 E 6–28–68	Glasscock Oil Co. (successor to C. G. Glasscock, Jr.), Suite 1213, 2016 Main St., Houston, Tex. 77002.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Captain Lucy (Bentonville) and North Alice Fields, Nueces and Jim Wells Counties, Tex.	14.38069	14.65
G–14907 D 7–10–68 [4]	Mobil Oil Corp. (Operator) et al., Post Office Box 2444, Houston, Tex. 77001 (partial abandonment).	Hassie Hunt Trust, Lisbon Field, Claiborne Parish, La.	Assigned	
G–15392 E 7–3–68	Lewis B. Howard (successor to Gordon Street, Inc.), Post Office Box 13204, Houston, Tex. 77019.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Lick Branch Field, San Jacinto and Liberty Counties, Tex.	[5] 14.6	14.65
G–16546 C 7–8–68 [6a]	Skelly Oil Co. (Operator) et al., Post Office Box 1650, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Bisti Field, San Juan County, N. Mex.	14.0578	15.025
G–16354 E 6–21–68	H. F. Boester (successor to Hawn Brothers, Operator), 409 Santa Monica, Corpus Christi, Tex. 78411.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Plymouth and East Taft Fields, San Patricio County, Tex.	[7] 10.0	14.65
G–17548 C 7–8–68	Skelly Oil Co.	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	12.0495	15.025
G–18933 C 7–12–68	Apache Corp., Attn: George J. McLernone, Jr., 823 South Detroit, Tulsa, Okla. 74120.	Michigan Wisconsin Pipe Line Co., Laverne Field, Beaver County, Okla.	17.0	14.65
G–20565 C 7–8–68	Hamilton Brothers, Ltd., 1517 Denver Club Bldg., Denver, Colo. 80202.	Northern Natural Gas Co., acreage in Texas County, Okla.	[8] 15.0 [9] 17.0	14.65
CI60–691 D 7–9–68	Continental Oil Co. (Operator) et al., Post Office Box 2197, Houston, Tex. 77001 (partial abandonment).	Panhandle Eastern Pipe Line Co., acreage in Dewey County, Okla.	[10]	
CI61–396 C 7–15–68	Midwest Oil Corp., 1700 Broadway, Denver, Colo. 80202.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	19.5	14.65
CI62–1337 E 7–15–68	Amarillo Natural Gas Co. (Operator) et al. (successor to W. J. Fellers (Operator) et al.), 305 Bank of the Southwest Bldg., Amarillo, Tex. 79109.	Panhandle Eastern Pipe Line Co., Atwell Gas Unit, Seward County, Kans.	16.0	14.65
CI63–234 C 7–10–68	Mobil Oil Corp. (Operator) et al.	Arkansas Louisiana Gas Co., Red Oak Area, Le Flore and Sequoyah Counties, Okla.	15.0	14.65
CI63–1299 D 7–10–68 [11]	Mobil Oil Corp.	Natural Gas Pipeline Co. of America, South Lundell Field, Duval County, Tex.	Assigned	
CI64–175 C 7–15–68	Pan American Petroleum Corp. (Operator) et al., Post Office Box 591, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.	13.0	15.025
CI65–2 C 7–12–68	Arkla Exploration Co. et al., Post Office Box 1734, Shreveport, La. 71102.	Arkansas Louisiana Gas Co., acreage in Pittsburg County, Okla.	15.0	14.65
CI65–989 E 7–10–68	Sun Oil Co. (Southwest Division) (successor to the Hefner Production Co. (Operator) et al.).	Northern Natural Gas Co., Beaver Area, Beaver County, Okla.	17.0	14.65
CI65–1016 [12] E 6–20–68 as amended 7–15–68	George Mitchell & Associates, Inc., agent for Mitchell & Mitchell Properties, Inc. (successor to Longhorn Production Co. et al.), 12th Floor, Houston Club Bldg., Houston, Tex. 77002.	Natural Gas Pipeline Co. of America, acreage in Wise County, Tex.	[13] 14.25	14.65
CI65–1159 C 7–17–68	Tenneco Oil Co. et al., Post Office Box 2511, Houston, Tex. 77001.	El Paso Natural Gas Co., San Juan Basin, San Juan and Rio Arriba Counties, N. Mex.	13.0	15.025
CI66–116 E 7–12–68	Amarillo Natural Gas Co. (Operator) et al. (successor to W. J. Fellers (Operator) et al.).	Northern Natural Gas Co., North Lemon and Victory Fields, Haskell County, Kans.	14.0	14.65
CI66–942 C 7–11–68	Pan American Petroleum Corp. (Operator), et al.	Northern Natural Gas Co., West Sharon Field, Woodward County, Okla.	[14] 19.65	14.65
CI66–1129 E 7–12–68	Amarillo Natural Gas Co. (Operator) et al. (successor to W. J. Fellers (Operator) et al.).	Northern Natural Gas Co., North Lemon and Victory Fields, Haskell County, Kans.	14.0	14.65
CI66–1156 E 7–12–68	do	Cities Service Gas Co., North Nye Field, Beaver County, Okla.	[15] 17.0	14.65
CI66–1234 C 7–12–68	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla. 74102.	Panhandle Eastern Pipe Line Co., South Peek Field, Ellis and Roger Mills [17] Counties, Okla.	[15] 18.156 [17] 15.0	14.65
CI67–224 C 7–10–68	Midwest Oil Corp.	Panhandle Eastern Pipe Line Co., South Peek Field, Ellis County, Okla.	[15] 18.0	14.65
CI67–617 D 4–19–68	Burk Royalty Co. (Operator) et al., 800 Oil & Gas Bldg., Wichita Falls, Tex. 76301 (partial abandonment).	Panhandle Eastern Pipe Line Co., acreage in Hemphill County, Tex.	[16]	

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end to table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI67-1617..... C 7-22-68	W. B. Osborn, Jr. (Operator) et al., Post Office Box 6767, San Antonio, Tex. 78209.	Panhandle Eastern Pipe Line Co., acreage in Woods County, Okla.	[11] 17.0	14.65
CI68-819..... D 7-16-68 [2]	Mesa Petroleum Co. (Operator) et al., Post Office Box 2009, Amarillo, Tex. 79105.	Michigan Wisconsin Pipe Line Co., South LaVerne Field, Harper County, Okla.	[20]	.....
CI68-919..... D 7-15-68	Pan American Petroleum Corp. (Operator) et al.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	[21]	.....
CI68-1234..... D 7-16-68 [2]	Mesa Petroleum Co. (Operator) et al.	Colorado Interstate Gas Co., South LaVerne Field, Harper County, Okla.	[22]	.....
CI69-7..... A 7-1-68	Professional Oil Management, Inc., 214 East Huron St., Ann Arbor, Mich. 48107.	Pennzoil United, Inc., acreage in Lincoln County, W. Va.	15.0	15.325
CI69-15..... A 6-27-68	Sohio Petroleum Co., 970 First National Office Bldg., Oklahoma City, Okla. 73102.	Phillips Petroleum Co., West Panhandle Field, Hutchinson County, Tex.	[23] 13.0	14.65
CI69-19..... B 7-5-68	La Rue-Smith Production Co., c/o Harry D. Owen, Post Office Box 2899, Jackson, Miss. 39207.	United Gas Pipe Line Co., Pistol Ridge Field, Forrest County, Miss.	Depleted	.....
CI69-20..... B 7-5-68	Ozark-Mahoning Co., Suite 203, 415 West Eighth St., Amarillo, Tex. 79105.	Northern Natural Gas Co., Ivanhoe Field, Beaver County Okla.	Depleted	.....
CI69-21..... A 7-2-68	Forest Oil Corp. (Operator) et al.[3], 1300 National Bank of Commerce Bldg., San Antonio, Tex. 78205.	Northern Natural Gas Co., West Waha Field, Reeves County, Tex.	16.5	14.65
CI69-22..... A 7-5-68	John H. Hill, c/o Gordon L. Llewellyn, atty., 900 Southland Center, Dallas, Tex. 75201.	Northern Natural Gas Co., Mocane Field, Beaver County, Okla.	[24] 17.0	14.65
CI69-23..... A 7-5-68	Robert A. Lee, Post Office Box 367, Hattiesburg, Miss. 39401.	United Gas Pipe Line Co., Sandy Hook Field, Marion County, Miss.	20.0	15.025
CI69-24..... A 7-5-68	Americana Oil & Gas Properties of Texas, Inc., c/o Lovell E. Hayden, III, atty., Post Office Box 1651, Monroe, La. 71201.	Humble Gas Transmission Co., Richland Dehico Field, Richland Parish, La.	15.0	15.025
CI69-25..... A 7-8-68	Diamond Shamrock Corp., Post Office Box 631, Amarillo, Tex. 79105.	Transcontinental Gas Pipe Line Corp., Midland Field, Acadia Parish, La.	20.625	15.025
CI69-26..... A 7-8-68	Federal Petroleum, Inc., 1601 Liberty Bank Bldg., Oklahoma City, Okla. 73102.	Panhandle Eastern Pipe Line Co., Southeast Arnett Field, Ellis County, Okla.	[11] 18.0	14.65
CI69-27..... B 7-5-68	W. L. Pickens, North LaWard Field, Jackson County, Tex. 77970.	United Gas Pipe Line Co., North LaWard Field, Jackson County, Tex.	Depleted	.....
CI69-28..... B 7-8-68	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	Michigan Wisconsin Pipe Line Co., Laverne Field, Woodward County, Oklahoma.	Depleted	.....
CI69-29..... B 7-8-68	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Keystone Ellenburger Field, Winkler County, Tex.	Declined in pressure	
CI69-30..... A 7-10-68	....do.....	Cities Service Gas Co., Hemphill Field, Hemphill County, Tex.	17.0	14.65
CI69-31..... A 7-10-68	Mobil Oil Corp.....	Panhandle Eastern Pipe Line Co., Putnam Field, Dewey County, Okla.	[24] 17.51	14.65
CI69-32..... A 7-5-68	David A. Rowe, 1617 Compromise, Post Office Box 911, Kenner, La. 70062.	Continental Inter-State Gas Co., Lake Fortuna Field, St. Bernard Parish, La.	14.0	14.65
CI69-33..... A 7-5-68	Continental Inter-State Gas Co., Post Office Box 12247, San Antonio, Tex. 78213.	Southern Natural Gas Co., Lake Fortuna Field, St. Bernard Parish, La.	20.0	14.65
CI69-34..... (G-12072) F 7-8-68	Aikman Bros. Corp. (successor to Sun Oil Co.), 706 Bank of the Southwest Bldg., Amarillo, Tex. 79109.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	[25] 19.015	14.65
CI69-35..... A 7-10-68	Pan American Petroleum Corp.	Southern Natural Gas Co., South Marrero Field, Jefferson Parish, La.	21.25	15.025
CI69-36..... A 7-11-68	MacTay Investment Co., Box 203, Casper, Wyo. 82601.	Consolidated Gas Supply Corp., Skin Creek District, Lewis County, W. Va.	25.0	15.325
CI69-37..... A 7-11-68	Bernard I. Schleder et al., 1107 South Pearl St., Denver, Colo. 80210.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	25.0	15.325
CI69-38..... A 7-11-68	Kawanee Oil Co., Post Office Box 2239, Tulsa, Okla. 74101.	Consolidated Gas Supply Corp., Sherman District, Calhoun County, W. Va.	25.0	15.325
CI69-39..... A 7-11-68	Stanley N. Brown, Rockland, Route 2, Leesburg, Va. 22075.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	25.0	15.325
CI69-40..... A 7-3-68	Mrs. Naomi Taylor, Spencer, W. Va. 25276.	Harry C. Boggs Natural Gas Co., Spencer District, Roane County, W. Va.	20.0	15.325
CI69-41..... A 7-5-68	Floyd E. Sagely, 508 First Federal Bldg., Fort Smith, Ark. 72901.	Arkansas Louisiana Gas Co., Mansfield Field, Scott County, Ark.	15.0	14.65
CI69-42..... A 7-12-68	Rip C. Underwood (Operator) et al., Post Office Box 2588, Amarillo, Tex. 79105.	Phillips Petroleum Co., West Panhandle Field, Hutchinson County, Tex.	13.0	14.65
CI69-43..... A 7-12-68	L. W. Roche, Box 350, Spencer, W. Va. 25276.	United Fuel Gas Co., acreage in Kanawha County, W. Va.	28.0	15.325
CI69-44..... A 7-15-68	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., East Cameron Blocks 71, 72, and 83 and West Cameron Block 193, Offshore Cameron Parish, La.	21.25	15.025
CI69-45..... A 7-15-68	Bowers Drilling Co., Inc., 1434 Wichita Plaza, Wichita, Kans. 67202.	Cities Service Gas Co., Little Bear Creek, Barber County, Kans.	14.0	14.65
CI69-46..... A 7-15-68	H. & S. Oil & Gas Co. et al., c/o Martha K. Powell, partner, 408 46th St., Vienna, W. Va. 26101.	Consolidated Gas Supply Corp., Williams District, Wood County, W. Va.	25.0	15.325
CI69-47..... A 7-15-68	Resorts Development Corp., 401 27th St., Vienna, W. Va. 26704.	Consolidated Gas Supply Corp., Lubeck District, Wood County, W. Va.	25.0	15.325
CI69-48..... A 7-15-68	Forest Oil Corp. (Operator) et al.	United Fuel Gas Co., Northeast Bourg Area, Lafourche and Terrebonne Parishes, La.	21.25	15.025
CI69-49..... (CI67-90) F 7-10-68	John C. Oxley et al. (successor to Amax Petroleum Corp.), 800-A Enterprise Bldg., Tulsa, Okla. 74103.	Arkansas Louisiana Gas Co., Kinta Field, Pittsburg County, Okla.	15.0	14.65
CI69-50..... A 7-15-68	Parker Petroleum Co. et al., c/o Joseph L. Bromberek, vice president, 69 West Washington St., Chicago, Ill. 60602.	Consolidated Gas Supply Corp., Williams District, Wood County, W. Va.	25.0	15.325
CI69-51..... A 7-15-68	G. & C. Gas Co., c/o A. E. Cavender, Post Office Box 1223, Charleston, W. Va. 25324.	Consolidated Gas Supply Corp., Center District, Calhoun County, W. Va.	25.0	15.325
CI69-52..... A 7-15-68	W. C. Wilson Oil & Gas Co., Spencer, W. Va. 25276.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	25.0	15.325
CI69-53..... A 7-15-68	W. C. Wilson Oil & Gas Co. et al.	.....do.....	25.0	15.325
CI69-54..... A 7-15-68	Alpine Oil & Royalty Co., Inc., c/o Dwight J. Wilson, secretary-treasurer, 800 Bitting Bldg., Wichita, Kans. 67202.	Clinton Oil Co., Jones Lease, Sumner County, Kans.	6.2	14.65
CI69-55..... A 7-15-68	Westrans Petroleum, Inc., c/o Denzil L. Pratherengineer, 1814 7th St., Parkersburg, W. Va. 26101.	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	25.0	15.325
CI69-56..... A 7-15-68	Rockey Drilling Co. et al., 16 Steger Ave., Buckhannon, W. Va. 26201.	Consolidated Gas Supply Corp., Elk District, Harrison County, W. Va.	25.0	15.325
CI69-57..... A 7-15-68	Cities Service Oil Co., Cities Service Bldg., Bartlesville, Okla. 74003.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., East Cameron and West Cameron Areas, Offshore Louisiana.	21.25	15.025
CI69-58..... A 7-15-68	Phillips Petroleum Co., Bartlesville, Okla. 74003.	Natural Gas Pipeline Co. of America, Anadarko Basin Area, Gray County, Tex.	[11] 17.0	14.65
CI69-59..... A 7-15-68	....do.....	Panhandle Eastern Pipe Line Co., Anadarko Basin Area, Roger Mills County, Okla.	[11] 17.0	14.65

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI69-60..... A 7-15-68	Rip C. Underwood (Operator) et al.	Phillips Petroleum Co., West Panhandle Field, Hutchinson County, Tex.	13.0	14.65
CI69-61..... A 7-16-68	Diamond Shamrock Corp.....	Texas Gas Transmission Corp., North Maurice Field, Lafayette Parish, La.	21.25	15.025
CI69-62..... A 7-16-68	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., East Cameron Blocks 71, 72, and 83, and West Cameron Block 193, Offshore Louisiana.	21.25	15.025
CI69-63..... (CI67-303) F 7-12-68	Franks Petroleum Inc. (Operator) et al. (successor to Cresiena Oil Co. (Operator), et al.), Post Office Box 1200, Shreveport, La. 71102.	Arkansas Louisiana Gas Co., Danville Area, Bienville Parish, La.	18.333	15.025
CI69-64..... B 7-16-68	Daniel L. Louchery, agent, Goff Bldg., Clarksburg, W. Va. 26301.	Consolidated Gas Supply Corp., Tenmile District, Harrison County, W. Va.	[27]	.....
CI69-65..... B 7-16-68	J. S. Michael Co. et al.....	Trunkline Gas Co., Northeast Hitchcock Field, Galveston County, Tex.	Depleted	.....
CI69-66..... A 7-17-68	Art Machin & Associates, Inc., Post Office Box 1069, Longview, Tex. 75601.	United Gas Pipe Line Co., Willow Springs-Bodenheim Transition Field, Gregg County, Tex.	15.0	14.65
CI69-68..... A 7-17-68	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., East Cameron Block 71 Field and West Cameron Block 192 Field, Offshore Cameron Parish, La.	21.25	15.025
CI69-69..... A 7-18-68	Buehrer Oil & Gas, Inc., c/o M. J. See, Box 30, Louisa, Ky. 41230.	United Fuel Gas Co., acreage in Lawrence County, Ky.	26.0	15.325
CI69-70..... A 7-18-68	Eugene P. Mathias, 12027 Venice Blvd., Los Angeles, Calif. 90066.	El Paso Natural Gas Co., Dakota Formation, San Juan County, N. Mex.	13.0	15.025
CI69-71..... A 7-18-68	R. H. Champlin,[28] c/o Joe N. Champlin, 700 First National Bank Bldg., Enid, Okla. 73701.	Panhandle Eastern Pipe Line Co., North Hopeton Field, Woods County, Okla.	[11] 15.0	14.65
CI69-72..... A 7-18-68	H. N. Burnett (Operator) et al., First National Bank Bldg., Amarillo, Tex. 79101.	Phillips Petroleum Co., West Panhandle Field, Carson County, Tex.	13.0	14.65
CI69-73..... A 7-18-68	....do.....	....do.....	13.0	14.65
CI69-74..... A 7-18-68	King Resources Co.,[28] 100 Park Avenue Bldg., Oklahoma City, Okla. 73102.	Panhandle Eastern Pipe Line Co., West Selling Field, Dewey County, Okla.	[11] 15.0	14.65
CI69-75..... (G-5320) F 7-18-68	Amarillo Natural Gas Co. (successor to Skelly Oil Co.), 605 Bank of the Southwest Bldg., Amarillo, Tex. 79109.	Cities Service Gas Co., Hugoton Field, Texas County, Okla.	12.0	14.65
CI69-76..... A 7-19-68	Stelbar Oil Corp., Inc., 310 Petroleum Bldg., Wichita, Kans. 67202.	Clinton Oil Co., Jones Lease, Cowley County, Kans.	6.2	14.65
CI69-77..... A 7-19-68	Cumberland Gas Co., c/o G. H. Hall, vice president and general manager, Post Office Box 2386, Charleston, W. Va. 25328.	United Fuel Gas Co., acreage in Kanawha County, W. Va.	28.0	15.325
CI69-78..... A 7-19-68	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	Phillips Petroleum Co., Hugoton Field, Panhandle Area, Hutchinson County, Tex.	[23] 14.0	14.65
CI69-79..... A 7-19-68	Union Drilling, Inc., Post Office Box 281, Washington, Pa. 15301.	Equitable Gas Co., Salt Lick District and Holly District, Braxton County, W. Va.	[29] 25.0 [30] 27.5	15.325
CI69-81..... B 7-22-68	General American Oil Co. of Tex., Meadows Bldg., Dallas, Tex. 75206.	United Fuel Gas Co., Ellis Field, Acadia Parish, La.	Depleted	.....
CI69-82..... A 7-17-68	Wroe Owens, 1206 Perry Brooks Bldg., Austin, Tex. 78701.	El Paso Natural Gas Co., San Juan Basin, San Juan County, N. Mex.	10.0	15.025

[1] Base price of 18 cents per Mcf less 3.12 cents B.t.u. adjustment.
[2] For gas which does not require compression.
[3] For gas compressed by purchaser if seller elects to take over operation and maintenance of buyer's compressors for the balance of the term of the contract.
[4] For gas requiring compression if seller installs and operates the necessary compression facilities.
[5] Deletes acreage assigned to Ray H. Eubank.
[6] Includes 0.21931 cent dehydration charge.
[7] Application erroneously filed in Docket No. G-15463.
[8] Plus 1.28 percent production tax reimbursement, less 1.5 cents per Mcf compression charge.
[9] For gas produced from formations deeper than the base of the Wolfcamp Series of the Permian System and above the top of the Morrowan Series of the Pennsylvanian System.
[10] For gas produced from formations below the top of the Morrowan Series of the Pennsylvanian System.
[11] Well is incapable of meeting the delivery pressure requirements of the contract.
[12] Deletes acreage assigned to Humble Oil & Refining Co.
[13] No permanent certificate issued. Temporary certificate issued to Longhorn Production Co., June 3, 1965.
[14] Subject to upward B.t.u. adjustment.
[15] Includes 2.55 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[16] Includes 3 cents per Mcf service charge for gathering, dehydrating, compressing and delivering.
[17] Includes 1.155 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[18] Applicant states its willingness to accept certificate at 15 cents per Mcf, plus B.t.u. adjustment, for production from Roger Mills County.
[19] Subject to upward and downward B.t.u. adjustment.
[20] Deletes 160-acre tract. Certificate included two leases (160 and 480 acre tracts). Because of the terms of the lease, the 160-acre tract could not be pooled for production from an oil well, which the well on the 480-acre tract was determined to be.
[21] Amendment to delete acreage which the parties did not intend to be included in the contract and to describe accurately the intended acreage.
[22] Deletes certain acreage from which deliveries have never been made.
[23] Amendment to pending application to delete certain acreage which is not in fact subject to the related gas sales contract.
[24] When sour gas is delivered 0.4466 cent per Mcf will be deducted from price.
[25] By letter filed July 25, 1968, Applicant agreed to accept permanent certificate conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[26] Includes 0.51 cent upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[27] Rate in effect subject to refund in Docket No. RI68-100; includes .015 cent tax reimbursement.
[28] Condemned for highway improvements.
[29] Applicant states its willingness to accept permanent certificate on the same terms as specified by the Commission's order issued Mar. 30, 1964 in Docket Nos. G-19416 et al.
[30] Down to the Onondaga formation.
[31] Below the top of Onondaga.

[F.R. Doc. 68-9837; Filed, Aug. 15, 1968; 8:45 a.m.]

[Docket No. CP69-18]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

AUGUST 8, 1968.

Take notice that on August 1, 1968, Montana-Dakota Utilities Co. (Applicant), 831 Second Avenue South, Minneapolis, Minn. 55402, filed in Docket No. CP69-18 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities which are to be located in the area between Carter County, Mont., and Campbell County, Wyo., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes the construction and operation of the following facilities:

1. Construct approximately 42 miles of 8⅝ inch O.D. and 2 miles of 6⅝ inch O.D. natural gas transmission main from Carter County, Mont., to Recluse Field, Campbell County, Wyo.

2. Construct a gas purchase metering station to be located at the Gillette Plant of Sinclair Oil and Gas Co. et al., in Campbell County, Wyo.

3. Construct a gas purchase metering station to be located at the Recluse Plant of Apache Gas Products Corp. and Woods Petroleum Corp. in Campbell County, Wyo.

Applicant states that the proposed construction is necessary for the purpose of maintaining system gas supply and deliverability to existing customers and to serve the continued growth of system peak day and annual market requirements.

Total estimated cost of the proposed facilities is $915,300, which cost will be financed by internally generated funds and short term bank loans.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 5, 1968.

Take further notice that, pursuant to the authority contained in and subject to

the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-9839; Filed, Aug. 15, 1968; 8:47 a.m.]

[Docket Nos. G-1308, CP67-168]

SOUTHERN NATURAL GAS CO.

Notice of Petition To Amend

AUGUST 8, 1968.

Take notice that on July 31, 1968, Southern Natural Gas Co. (Petitioner), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket Nos. G-1308 and CP67-168 a petition to amend the orders of the Commission issued in said dockets on May 19, 1950 and August 31, 1967, respectively, which orders authorized Petitioner to construct and operate facilities for the transportation and delivery of natural gas to Graniteville Co. (Graniteville) Graniteville, S.C., on an interruptible basis and to sell and deliver to Phenix City, Ala. (Phenix City) a Contract Demand of 6,600 Mcf per day; all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the instant filing, Petitioner seeks amendment of said orders by requesting authorization to sell and deliver to Graniteville up to 2,100 Mcf of gas per day on a firm basis and to sell and deliver to Phenix City up to 7,000 Mcf per day.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 5, 1968.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-9840; Filed, Aug. 15, 1968; 8:47 a.m.]

[Docket No. RP69-3]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Proposed Changes in Rates and Charges

AUGUST 14, 1968.

Notice is hereby given that Panhandle Eastern Pipe Line Co. on August 7, 1968, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to become effective on September 7, 1968. The proposed changes would increase rates and charges (over those being collected subject to refund under Docket No. RP68-15) by approximately $5.1 million per year based upon sales for the year ended October 31, 1967, as adjusted. The proposed increases would be applicable to Panhandle's Rate Schedules G-1, G-2, G-3; SG-1, SG-2, SG-3; LS-1, LS-2; S-1; SS-1; CS-1; I-1, I-2, and I-3.

Panhandle states that the rate increase filing is made solely to reflect an increase in Panhandle's cost of purchased gas which would result from proposed increased rates tendered for filing by its affiliated supplier, Trunkline Gas Co. in Docket No. RP69-4, also proposed to become effective on September 7, 1968.

Protests, petitions to intervene, or notices of intervention may be filed with the Federal Power Commission, Washington, D.C. 20426, pursuant to the Commission's rules of practice and procedure on or before August 27, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-9883; Filed, Aug. 15, 1968; 8:48 a.m.]

[Docket No. RP69-4]

TRUNKLINE GAS CO.

Notice of Proposed Changes in Rates and Charges

AUGUST 14, 1968.

Notice is hereby given that Trunkline Gas Co. on August 7, 1968, filed proposed changes in its FPC Gas Tariff Original Volume No. 1, to become effective on September 7, 1968. The proposed changes would increase rates and charges by $13.5 million per year, based upon sales for the year ended May 31, 1968, as adjusted. The proposed increases would be applicable to Trunkline's Rate Schedules P-1, R-1, G-1, SG-1, P-2, R-2, SG-2, and G-2.

Trunkline states that the principal reasons for the rate increase filing are: (1) Increased cost of labor, supplies, and expenses; (2) increased cost of gas supply and facilities associated therewith; (3) the need for a 7.39 percent rate of return; and (4) increased State, local, and Federal income taxes, including the temporary 10 percent surcharge thereon.

Protests, petitions to intervene, or notices of intervention may be filed with the Federal Power Commission, Washington, D.C. 20426, pursuant to the Commission's rules of practice and procedure on or before August 27, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-9884; Filed, Aug. 15, 1968; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSES

Applicants

Notice is hereby given that the following applicant(s) have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicant(s) should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C. 20573.

Air Marine Forwarding Co., 2378 Northwest Seventh Street, Miami, Fla. 33125.
Corrigan Moving & Storage Co., 5755 Schaefer Road, Dearborn, Mich. 48126.
Gerald P. Donahue, Fifth and Chestnut Streets, Lafayette Building, Philadelphia, Pa.
M & H Brokerage, Inc., 5439 Northwest 36th Street, Miami Springs, Fla. 33166.
Enrique Vicente Del Riego Rodriquez, d.b.a. Fast Shipping Co., 3150 Northwest Seventh Street, Miami, Fla.
Gaylor International Corp., 80 Wall Street, New York, N.Y. 10005.
Global Van Lines, Inc., No. 1 Global Way, Anaheim, Calif. 92803.
Mercal Air Cargo, Inc., 13A East 40th Street, New York, N.Y. 10016.

Dated: August 12, 1968.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-9807; Filed, Aug. 15, 1968; 8:45 a.m.]

SAN FRANCISCO PORT AUTHORITY

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Miss Miriam E. Wolff, Deputy Attorney General, Office of the Attorney General, Department of Justice, State Building, San Francisco, Calif. 94102.

Agreement No. T-2198 between the San Francisco Port Authority (Authority) and States Steamship Co. (States) is a 10-year lease of certain property and improvements thereon, comprising a portion of the Army Street Terminal. Rental will be a fixed annual sum of $310,000, which shall be in lieu of tariff charges. States will retain tolls assessed in accordance with Authority's tariff applicable to the leased premises. The premises are to be used exclusively as a marine terminal and are limited to vessels owned or operated by States and for vessels for which States will act as agent or as terminal operator. Authority has secondary use privileges and will assess and retain tolls for such use.

Dated: August 12, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-9808; Filed, Aug. 15, 1968; 8:45 a.m.]

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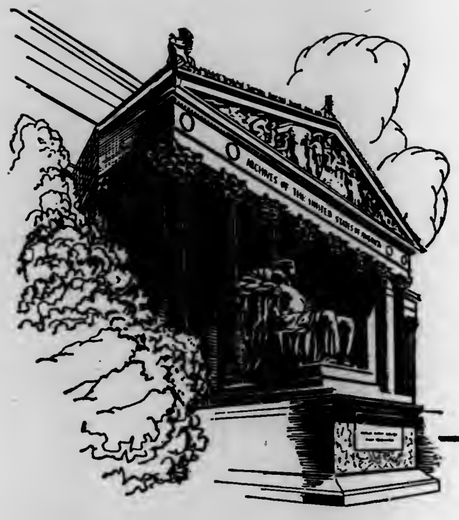
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Rules and Regulations

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Adoption of Penalty Clause Which Inhibits Competitors

§ 15.271 Adoption of penalty clause which inhibits competitors.

(a) The Commission advised a requesting party that his proposal, if adopted, would violate section 5 of the Federal Trade Commission Act.

(b) The plan and its background were described as follows:

(1) It is customary in the specified market for sellers of components furnished by a single supplier to offer free design services to architects and engineers engaged in planning new construction.

(2) When the contracts are let, however, that seller of components who has provided the free design services is not always the successful bidder.

(3) It was proposed, therefore, that the supplier contract and agree with all whom he supplies that a money penalty be imposed on any successful bidder who had not provided the free design services. The prescribed penalty would be paid over to that unsuccessful bidder who in fact provided free design services, failing which the supplier might at his option, cut the offending bidder off.

(c) The Commission noted that any direct, or indirect, agreement between competitors which interferes with the free establishment of a market price whether that price be expressed in money, service, or in any other manner, is unlawful.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: August 16, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-9894; Filed, Aug. 16, 1968; 8:48 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Sales Promotion Plan—Opportunity To Buy at a Savings

§ 15.272 Sales promotion plan—opportunity to buy at a savings.

(a) The Commission approved a proposed sales promotion plan described as follows:

(1) The requesting party proposes to offer major oil companies its services in the promotion of the retail sale of gasoline. Participating gasoline stations will be provided with 3 x 4 cards picturing some product, most probably a nationally advertised appliance. These cards will be distributed gratis to those who wish to have them. No purchase of any kind will be required.

(2) The appliance pictured on the card will be offered for sale at a price substantially less than the price at which it is ordinarily available through customary retail outlets. The holder of the card may obtain the appliance by sending the card with remittance to a designated post office box. His purchase will be mailed to him. A purchase may be made without a card if remittance is accompanied either by a facsimile of the appliance or a word description thereof.

(b) The plan was approved on the assumption that the offered savings would in fact be available as prescribed in the Commission's Guides Against Deceptive Pricing.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: August 16, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-9896; Filed, Aug. 16, 1968; 8:48 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Publication by Trade Association of Suggested Resale Price Schedule for Materials

§ 15.273 Publication by trade association of suggested resale price schedule for materials.

(a) The Commission rendered an advisory opinion advising a trade association of independent shops engaged in rendering repair service that its proposal to disseminate a suggested resale price schedule for materials used would be likely to result in a violation of law.

(b) The schedule in question consisted of two tables, one of which gave the shop-owner a quick reference to suggested resale prices for materials and the other of which gave him an explanation of the total by itemization of each resalable product. The schedule explained that after hours of study it was found that computing labor and materials charges by allowing a price for each hour of labor was very unfair to the shops and far below their cost of materials. Hence the schedule gave the shop a quick method of computing the price of materials to which would be added the cost of labor.

(c) The Commission advised that implementation of this proposal by the association would be likely to result in a violation of law. Even though couched in the form of a suggestion, the natural and probable result of such an action by the association would be to persuade substantial numbers of the members to charge the prices suggested, thus leaving an almost inescapable inference of an agreement among competitors to charge a uniform price for materials. Such an agreement, the Commission stated, would be a clear restraint of trade under existing law.

(d) It was the opinion of the Commission that the prices charged by the members for materials should be determined by the natural forces of competition, not by concerted activity on the part of the members acting through their trade association or otherwise.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: August 16, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-9897; Filed, Aug. 16, 1968; 8:48 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Proposal To Reduce Discounts Granted Small Volume Purchasers

§ 15.274 Proposal to reduce discounts granted small volume purchasers.

(a) The Commission rendered an advisory opinion in which a distributor of leather specialty goods was informed that a proposed merchandising plan under which those customers whose annual purchase volume is less than an arbitrary and fixed amount would be granted a smaller discount than would be granted those whose purchases exceed such amount cannot be approved because it appears on its face to violate section 2(a) of the amended Clayton Act if it were put into operation.

(b) The proposed merchandising program will continue the current discount of 50 percent off list to those whose annual purchase volume exceeds $250. All other accounts will be granted 40 percent discount on orders of less than $200 list and 50 percent discount on orders over this amount until their cumulative purchase volume reaches $500 list at which time each will receive a retroactive rebate adjustment on past purchases and the current discount on subsequent purchases. A service charge of $2 is to be charged on orders of less than $20 net.

(c) The Commission further pointed out that price discriminations to customers who in fact compete with each other in the resale of commodities of like grade and quality would violate section 2(a) of the amended Clayton Act unless cost justified or unless the lower

price is a good faith meeting of a competitor's equally low price.

(38 Stat. 717, as amended; 15 U.S.C. 41–58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: August 16, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68–9896; Filed, Aug. 16, 1968; 8:48 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Necessity for Disclosing Country of Origin of Imported Watch Bands

§ 15.275 Necessity for disclosing country of origin of imported watch bands.

(a) The Commission was requested to furnish an advisory opinion as to the necessity for disclosing the country of origin of watch bands which will be assembled in the Virgin Islands wholly from parts imported from Hong Kong.

(b) The opinion advised that in the Commission's view the country of origin of these watch bands must be disclosed in a clear and conspicuous manner either on the bands themselves or on the packages in which they are sold.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: August 16, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68–9895; Filed, Aug. 16, 1968; 8:48 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER J—MISCELLANEOUS

[General Order 81, Rev.]

PART 350—SEAMEN'S SERVICE AWARDS

Part 350 is hereby revised to read as follows:

Sec.
350.1 Purpose.
350.2 Korean Service Bar.
350.3 Vietnam Service Bar.
350.4 Procedure for purchase.
350.5 Replacements.
350.6 Unauthorized sale.

AUTHORITY: Sections 350.1 to 350.6 issued under sec. 2, 70 Stat. 605; 46 U.S.C. 249a; Department of Commerce Order 117–A (31 F.R. 8087, June 8, 1966).

§ 350.1 Purpose.

To set forth the regulations and procedure to be followed, pursuant to Public Law 759, 84th Congress, in connection with the issuance of service ribbon bars to masters, officers and crew members of U.S. ships in recognition of their service in the defense of Korea and Vietnam, and the replacement of awards previously issued for service in the U.S. Merchant Marine during World War II, under earlier Acts of Congress and Executive Orders, now repealed.

§ 350.2 Korean Service Bar.

A red, white, and blue umbra silk ribbon bar, 1⅜ inches wide by three-eighths inch long may be issued, in accordance with the procedure set forth in § 350.4, to each master, officer, or member of the crew of any United States ship who, between June 30, 1950, and September 30, 1953, served in the waters adjacent to Korea, within the following bounds:

From a point at latitude 39°30′ N., longitude 122°45′ E.; southward to latitude 33° N., longitude 122°45′ E.; thence eastward to latitude 33° N., longitude 127°55′ E., thence northeastward to latitude 37°05′ N., longitude 133° E.; thence northward to latitude 40°40′ N., longitude 133° E.; thence northwestward to a point on the east coast of Korea at the juncture of Korea with the U.S.S.R.

§ 350.3 Vietnam Service Bar.

A red, blue and yellow silk ribbon bar, 1⅜ inches wide by three-eighths inch long may be issued, in accordance with the procedure set forth in § 350.4, to each master, officer, or member of the crew of any U.S. ship who, between July 4, 1965, to a terminal date to be prescribed later, served in the waters adjacent to Vietnam within the following bounds:

From a point on the East Coast of Vietnam at the juncture of Vietnam with China southeastward to 21° N. lat., 108°15′ E. long.; thence southeast to 18° N. lat., 108°15′ E. long.; thence southeastward to 17°30′ N. lat., 111° E. long.; thence southward to 11° N. lat., 111° E. long.; thence southwestward to 7° N. lat., 105° E. long.; thence westward to 7° N. lat., 103° E. long.; thence northward to 9°30′ N. lat., 103° E. long.; thence northeastward to 10°15′ N. lat., 104°27′ E. long.; thence northward to a point on the West Coast of Vietnam at the juncture with Cambodia.

§ 350.4 Procedure for purchase.

Application for the Korean Service Bar and Vietnam Service Bar shall be made to the Office of Maritime Manpower, Maritime Administration, Department of Commerce, Washington, D.C. 20235. Such application should include seaman's complete name, Book or "Z" number, the name or names of ships on which he served, dates of service, and his mailing address. If found to be eligible, an Authorization Card will be supplied to the applicant whereby he may purchase the Korean Service Bar or Vietnam Service Bar from the only duly certified distributor, Harry Sadow, Inc., 20 Vesey Street, New York, N.Y. 10007, at a cost of 65 cents. Replacement may be obtained in the same manner if bar is lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the owner.

§ 350.5 Replacements.

(a) The following ribbon bars, previously issued for service in the U.S. Merchant Marine during World War II, pursuant to earlier Acts of Congress and Executive Orders, now repealed, may be replaced, if bar is lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the owner, at a cost of 65 cents per ribbon bar by presenting to Harry Sadow, Inc., either in person or by mail, the appropriate Authorization Card presently in the applicant's possession:

Atlantic War Zone Bar.
Pacific War Zone Bar.
Mediterranean-Middle East War Zone Bar.
Combat Bar.
Defense Bar.
Victory Medal Bar.

If Authorization Cards are lost or destroyed, replacements thereof may be obtained upon application to the Office of Maritime Manpower, Maritime Administration, Department of Commerce, Washington, D.C. 20235.

(b) The following decorations may be replaced at cost upon application to the Office of Maritime Manpower, Maritime Administration, Department of Commerce, Washington, D.C. 20235:

Distinguished Service Medal.
Meritorious Service Medal.
Mariner's Medal.
Victory Medal.
Merchant Marine Emblem.
Honorable Service Button.

§ 350.6 Unauthorized sale.

The sale of any Merchant Marine decoration, without the presentation of appropriate authorization card or written authorization of the Maritime Administration, or by anyone other than a certified distributor, is prohibited by law.

Dated: August 14, 1968.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr., *Secretary.*

[F.R. Doc. 68–9913; Filed, Aug. 16, 1968; 8:49 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3116 is amended to show that two positions of social insurance representative in district offices of the Social Security Administration in New Mexico are in Schedule A when filled by persons of one-fourth or more Indian blood. Effective on publication in the FEDERAL REGISTER, subparagraph (2) is added to paragraph (d) of § 213.3116 as set out below.

§ 213.3116 Department of Health, Education, and Welfare.

* * * * * *

(d) *Social Security Administration.* * * *

(2) Two positions of social insurance representative in the district offices of the Social Security Administration in the State of New Mexico when filled by the appointment of persons of one-fourth or more Indian blood.

* * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68–9885; Filed, Aug. 16, 1968; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 814.6 Amdt. 4]

PART 814—ALLOTMENT OF SUGAR QUOTAS, MAINLAND CANE SUGAR AREA

1968 Allotment

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 926 as amended), hereinafter called the "Act", for the purpose of amending Sugar Regulation 814.6 (33 F.R. 6851, 8768, 9946), which established allotments for the Mainland Cane Sugar Area for the calendar year 1968.

This amendment is necessary to give effect to the 17,333-ton increase in the Mainland Cane Sugar Area Quota which was increased from 1,169,333 to 1,186,666 by Sugar Regulation 811, Amendment 9.

In accordance with paragraphs (5) and (8) of the findings and conclusions set forth in S.R. 814.6, Amdt. 1 (33 F.R. 6851), and pursuant to paragraph (e) of such regulation, paragraph (7) of such findings and conclusions is amended to read as follows:

(7) The calculation of allotment referred to in paragraph (5) above, reflecting the quota for the area of 1,186,666 short tons, raw value, is set forth in the following table:

Processors	Processing of sugar from 1967 crop cane		Average quota marketings within allotments 1965–67		Ability to market					Processor's basic allotment [2]		
					Effective inventory Jan. 1, 1968 [1]	New-crop quota marketings		Measures used				
						Average 1965–67	Shares of difference [3]	Col. (5) plus col. (7)	Percent of total	Percent of total	Short tons, raw value	Processor's adjusted allotment [4] short tons, raw value
	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total	Short tons, raw value							
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Albania Sugar Co.	13,037	0.895	10,051	0.897	4,117	9,303	2,596	6,713	0.566	0.830	9,849	9,548
Alma Plantation, Ltd.	13,836	.950	9,922	.885	4,642	9,491	2,649	7,291	.615	.870	10,323	10,007
J. Aron & Co., Inc.	17,834	1.224	14,125	1.261	4,277	13,946	3,892	8,169	.688	1.124	13,337	12,930
Billeaud Sugar Factory	10,589	.727	10,159	.907	3,557	7,229	2,018	5,575	.470	.712	8,448	8,190
Breaux Bridge Sugar Co-op.	13,570	.932	8,817	.787	7,305	6,567	1,833	9,138	.770	.871	10,335	10,019
Wm. T. Burton Industries, Inc.	10,643	.731	8,507	.759	4,190	6,394	1,784	5,974	.504	.691	8,199	7,949
Cairo & Graugnard	9,044	.621	5,343	.477	4,156	4,768	1,331	5,487	.462	.560	6,645	6,442
Cajun Sugar Co-op, Inc.	28,141	1.932	19,733	1.761	28,100	52	14	28,114	2.369	1.985	23,553	28,100
Caldwell Sugar Co-op, Inc.	19,592	1.345	12,856	1.147	7,604	12,553	3,503	11,107	.936	1.223	14,512	14,069
Columbia Sugar Co.	10,967	.753	8,283	.739	4,610	6,851	1,912	6,422	.541	.708	8,401	8,145
Cora-Texas Manufacturing Co., Inc.	11,144	.765	7,565	.675	3,802	2,894	808	9,610	.810	.756	8,970	8,802
Dugas & LeBlanc, Ltd.	22,659	1.556	14,494	1.293	10,111	13,141	3,668	13,779	1.161	1.424	16,897	16,381
Duhe & Bourgeois Sugar Co.	13,635	.936	9,979	.891	4,425	9,620	2,685	7,110	.599	.860	10,205	9,893
Erath Sugar Co., Ltd.	7,304	.501	7,068	.631	1,570	5,785	1,615	3,185	.268	.480	5,696	5,522
Evan Hall Sugar Co-op, Inc.	32,805	2.252	22,266	1.987	12,680	21,103	5,890	18,570	1.565	2.061	24,455	23,708
Frisco Cane Co., Inc.	2,923	.201	2,834	.253	590	2,360	659	1,249	.105	.192	2,278	2,208
Glenwood Co-op, Inc.	23,017	1.580	15,650	1.397	8,781	14,867	4,149	12,930	1.090	1.445	17,146	16,623
Helvetia Sugar Co-op, Inc.	17,716	1.216	11,682	1.042	7,641	10,589	2,955	10,596	.893	1.116	13,242	12,838
Iberia Sugar Co-op, Inc.	24,557	1.686	15,882	1.685	12,403	12,660	3,533	15,936	1.343	1.617	19,187	18,601
Lafourche Sugar Co.	24,670	1.694	17,537	1.565	9,353	15,884	4,433	13,786	1.162	1.562	18,534	17,968
Harry L. Laws & Co., Inc.	20,956	1.439	16,411	1.465	8,076	11,927	3,329	11,405	.961	1.348	15,995	15,507
Levert-St. John, Inc.	16,555	1.137	13,856	1.237	3,652	12,879	3,594	7,246	.611	1.052	12,483	12,102
Little Texas, Inc.	7,324	.503	4,426	.395	4,209	3,288	918	5,127	.432	.467	5,541	5,372
Louisa Sugar Co-op, Inc.	14,839	1.019	11,425	1.020	6,119	9,134	2,549	8,668	.731	.962	11,415	11,066
Louisiana State Penitentiary	5,268	.362	3,481	.311	4,020	1,818	452	4,472	.377	.355	4,212	4,083
Meeker Sugar Co-op, Inc.	14,687	1.008	11,179	.998	12,848	2,298	641	13,489	1.137	1.032	12,245	12,245
Milliken & Farwell, Inc.	15,062	1.035	10,040	.896	6,738	8,965	2,502	9,240	.779	.956	11,344	10,998
M. A. Patout & Son, Ltd.	20,084	1.379	15,765	1.407	6,813	13,969	3,899	10,712	.903	1.289	15,295	14,828
Poplar Grove Planting & Refining Co.	12,366	.849	8,676	.774	5,922	6,622	1,848	7,770	.655	.795	9,433	9,145
Savoie Industries	22,402	1.538	14,450	1.290	9,921	13,130	3,664	13,585	1.145	1.410	16,731	16,220
St. James Sugar Co-op, Inc.	28,252	1.940	18,385	1.641	21,265	8,201	2,289	23,554	1.985	1.889	22,414	21,730
St. Mary Sugar Co-op, Inc.	19,977	1.371	14,469	1.291	7,381	13,233	3,693	11,074	.933	1.267	15,034	14,575
South Coast Corp.	83,568	5.737	65,543	5.849	67,257	15,370	4,290	71,547	6.030	5.818	69,034	67,257
Southdown, Inc.	48,916	3.358	38,308	3.419	23,084	26,059	7,273	30,357	2.558	3.210	38,089	36,926
Sterling Sugars, Inc.	33,977	2.332	26,177	2.336	12,067	23,055	6,434	18,501	1.559	2.178	25,843	25,054
J. Supple's Sons Planting Co., Ltd.	7,942	.545	5,508	.491	3,985	4,099	1,144	5,129	.432	.512	6,075	5,890
Valentine Sugars, Inc.	14,057	.965	11,129	.993	4,336	9,310	2,598	6,934	.584	.894	10,608	10,284
Vida Sugars, Inc.	7,021	.482	5,398	.482	2,095	4,998	1,395	3,490	.294	.444	5,268	5,107
A. Wilbert's Sons Lumber & Shingle Co.	14,117	.969	10,089	.900	5,735	8,807	2,458	8,193	.691	.900	10,679	10,353
Young's Industries, Inc.	7,569	.520	7,592	.677	2,715	4,827	1,347	4,062	.342	.519	6,158	5,970
Louisiana Subtotal	742,637	50.985	548,050	48.911	367,052	287,846	108,244	475,296	40.056	48.384	574,108	562,655
Atlantic Sugar Association, Inc.	40,383	2.773	32,159	2.870	41,343	58	16	41,359	3.486	2.935	34,826	36,405
Florida Sugar Corp.	25,436	1.746	14,906	1.330	24,149	2,992	835	24,984	2.105	1.735	20,587	21,265
Glades County Sugar Growers Co-op, Association	42,973	2.950	43,317	3.866	44,260	0	0	44,260	3.730	3.289	39,026	39,026
Osceola Farms Co.	61,028	4.190	46,220	4.134	62,487	0	0	62,487	5.266	4.394	52,138	55,024
South Puerto Rico Sugar Co., Inc.	94,216	6.468	74,848	6.680	92,547	5,571	1,555	94,102	7.931	6.803	80,722	81,493
Sugarcane Growers Co-op of Florida	126,898	8.712	103,638	9.246	130,095	0	0	130,095	10.964	9.270	109,995	114,556
Talisman Sugar Corp.	44,791	3.213	42,202	3.775	48,219	79	22	48,241	4.065	3.496	41,482	42,460
United States Sugar Corp.	276,213	18.963	214,964	19.185	267,258	30,097	8,484	265,742	22.397	19.694	233,662	233,662
Florida Subtotal	713,938	49.015	572,444	51.089	700,358	39,097	10,912	711,270	59.944	51.616	612,458	623,911
Total all mainland cane	1,456,575	100.000	1,120,494	100.000	1,067,410	426,943	119,156	1,186,566	100.000	100.000	1,186,566	1,186,566

See footnotes on next page.

[1] Effective inventory, Jan. 1, 1968, is the physical inventory, Jan. 1, 1968, plus processings from 1967-crop cane in 1968.

[2] The difference between 1,186,566 tons (quota for 1968 established by S.R. 811, less 100 tons reserve for Louisiana State University) and the total Jan. 1, 1968, effective inventories for all processors amounting to 1,067,410 tons. This difference of 119,156 tons prorated on the basis of each processor's average 1965–67 new-crop marketings.

[3] Column (10) was determined by weighting "processings" Column (2) by 60 percent, "marketings" Column (4) by 20 percent, and "ability" Column (9) by 20 percent. Column (11) was determined by multiplying the quota, less 100 tons reserved for Louisiana State University, by Column (10).

[4] Basic allotments (Column 11) which were less than the respective processors' Jan. 1, 1968, effective inventories were subject to upward adjustments by a total not to exceed 16,000 short tons, raw value, and the basic allotments of processors having Jan. 1, 1968, effective inventories less than their basic allotments were reduced proportionately as necessary to make total adjusted allotments equal to the area quota less 100 tons reserve for Louisiana State University, except, that no processor's basic allotment was reduced to a level less than the respective processor's Jan. 1, 1968, effective inventory. The basic allotments of those processors having Jan. 1, 1968, effective inventories larger than their basic allotments were subject to upward adjustments (not to exceed 16,000 tons) in the following manner: (1) The basic allotments of processors having physical inventories in excess of such allotments were increased to the level of the physical inventories, (2) the remainder of the 16,000 tons was added to the basic allotments of the other processors in such a manner that will not permit any processor to market a larger percentage of its Jan. 1, 1968, effective inventory by the use of this adjustment than other processors.

[5] Adjusted allotment established to equal Jan. 1, 1968, physical inventory.

Pursuant to provisions of section 205(a) of the Act and in accordance with paragraph (e) of § 814.6 of this chapter, paragraph (a) of such § 814.6 is amended to read as follows:

§ 814.6 Allotment of the 1968 sugar quota for the Mainland Cane Sugar Area.

(a) The 1968 sugar quota for the Mainland Cane Sugar Area of 1,186,666 short tons, raw value, is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors	Allotments (short tons, raw value)
Albania Sugar Co.	9,548
Alma-Plantation, Ltd.	10,007
J. Aron & Co., Inc.	12,930
Billeaud Sugar Factory	8,190
Breaux Bridge Sugar Co-op	10,019
Wm. T. Burton Industries, Inc.	7,949
Caire & Graugnard	6,442
Cajun Sugar Co-op, Inc.	28,100
Caldwell Sugars Co-op, Inc.	14,069
Columbia Sugar Co.	6,145
Cora-Texas Manufacturing, Inc.	8,802
Dugas & LeBlanc, Ltd.	16,381
Duhe & Bourgeois Sugar Co.	9,893
Erath Sugar Co., Ltd.	5,522
Evan Hall Sugar Co-op, Inc.	23,708
Frisco Cane Co., Inc.	2,208
Glenwood Co-op, Inc.	16,623
Helvetia Sugar Co-op, Inc.	12,838
Iberia Sugar Co-op, Inc.	18,601
Lafourche Sugar Co.	17,968
Harry L. Laws & Co., Inc.	15,507
Levert-St. John, Inc.	12,102
Little Texas, Inc.	5,372
Louisa Sugar Co-op, Inc.	11,066
Louisiana State Penitentiary	4,083
Louisiana State University	100
Meeker Sugar Co-op, Inc.	12,245
Milliken & Farwell, Inc.	10,998
M. A. Patout & Son, Ltd.	14,828
Poplar Grove Planting & Refining Co.	9,145
Savoie Industries	16,220
St. James Sugar Co-op, Inc.	21,730
St. Mary Sugar Co-op, Inc.	14,575
South Coast Corp.	67,257
Southdown, Inc.	36,926
Sterling Sugars, Inc.	25,054
J. Supple's Sons Planting Co., Ltd.	5,890
Valentine Sugars, Inc.	10,284
Vida Sugars, Inc.	5,107
A. Wilbert's Sons Lumber & Shingle Co.	10,353
Young's Industries, Inc.	5,970
Louisiana Subtotal	562,755
Atlantic Sugar Association, Inc.	36,405
Florida Sugar Corp.	21,265
Glades Country Sugar Growers Co-op, Association	39,026
Osceola Farms Co.	55,024
South Puerto Rico Sugar Co., Inc.	81,493
Sugarcane Growers Co-op of Florida	114,556
Talisman Sugar Corp.	42,460
United States Sugar Corp.	233,682
Florida subtotal	623,911
Total, all mainland cane	1,186,666

* * * * *

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, Secs. 205, 209; 61 Stat. 926, as amended, 928, as amended; 7 U.S.C. 1115, 1119)

Effective date. Allotments established in this order for almost all processors are larger than the allotments established in S.R. 814.6, Amdt. 3 (33 F.R. 9946). To afford adequate opportunity to plan and to market the additional quantities of sugar in an orderly manner, it is imperative that this amendment becomes effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of 5 U.S.C. 553 (80 Stat. 378) is impracticable and contrary to the public interest and consequently, this amendment shall be effective when filed for public inspection in the office of the Federal Register.

Signed at Washington, D.C., on August 9, 1968.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-9833; Filed, Aug. 13, 1968; 12:35 p.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 251, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(ii) of § 908.551 (Valencia Orange Regulation 251, 33 F.R. 11265) are hereby amended to read as follows:

§ 908.551 Valencia Orange Regulation 251.

* * * * *

(b) Order. * * *

* * * * *

(ii) District 2: 350,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 14, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9902; Filed, Aug. 16, 1968; 8:48 a.m.]

[Lemon Reg. 334]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.634 Lemon Regulation 334.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 13, 1968.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period August 18, 1968, through August 24, 1968, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 265,050 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 15, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9930; Filed, Aug. 16, 1968; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Honey Price Support Regs. for 1968 and Subsequent Crops, Amdt. 2]

PART 1434—HONEY

Subpart—Honey Price Support Regulations

The regulations issued by the Commodity Credit Corporation, published in 33 F.R. 5203, and setting forth the requirements with respect to price support for the 1968 and each subsequent crop of extracted honey for which a price support program is authorized, are hereby amended as follows:

Subparagraph (a)(1) of § 1434.9 is amended to provide that approved farm storage shall be under the control of the producer and reads as follows:

§ 1434.9 Approved storage.

(a) * * *

(1) *Farm storage.* Approved farm storage shall consist of a storage structure located on or off the farm (excluding public warehouses) which is determined by the county committee to be under the control of the producer and to afford safe storage for honey.

* * * * *

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, 1054; 15 U.S.C. 714c, 7 U.S.C. 1446, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 13, 1968.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 68-9901; Filed, Aug. 16, 1968; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 11—PROXY STATEMENTS AND OTHER SOLICITATIONS UNDER SECTION 14 OF THE SECURITIES EXCHANGE ACT

PART 12—OWNERSHIP REPORTS BY CERTAIN PERSONS

In the FEDERAL REGISTER of August 15, 1968, on page 11587, there was published miscellaneous amendments to Parts 11 and 12 of Title 12 of the Code of Federal Regulations. The following statement is issued to present considerations and factors involved in the promulgation of the amendments to Parts 11 and 12:

The amendments to Parts 11 and 12 of the regulations are adopted, effective immediately, to implement recent amendments to the Securities Exchange Act of 1934 contained in Public Law 90–439, which became effective July 29, 1968.

The new law requires disclosure of certain information with respect to acquisitions of more than 10 percent of a class of equity securities registered pursuant to section 12 of the Act, the making of tender offers or solicitations in favor of, or in opposition to, such tender offers, and the replacement of a majority of the directors of an issuer in connection with an acquisition, or tender offer, subject to the Act.

Section 12 of the Act applies to corporations whose securities are traded on exchanges and those with $1 million of assets and 500 or more stockholders whose securities are traded over the counter.

The amendments to Parts 11 and 12 adopted by the Comptroller of the Currency implement the statutory provisions insofar as they apply to national banks.

The new regulations provide that no tender offer with respect to securities of a national bank covered by the Act shall be made unless certain information is filed with the Comptroller of the Currency and included in the advertisement containing the tender offer. For example, disclosure is required with respect to the identity and background of the persons making the tender offer and the source of funds used in the tender offer. Similar information is required to be filed with the Comptroller by persons acquiring a more than 10 percent stock interest in a bank by means other than through a tender offer. The regulation also applies to all recommendations to accept or reject the tender offer.

Since Public Law 90–439 was effective on July 29, 1968, the enclosed regulations are also effective immediately. However, any comments or suggestions that interested persons may wish to make with respect to these regulations should be addressed to the Comptroller of the Currency, Washington, D.C. 20220. All comments and suggestions will be carefully considered and changes deemed necessary in light of comments received or further experience with the Act will be made later by amendment to the regulations.

Dated: August 9, 1968.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 68-10035; Filed, Aug. 16, 1968; 12:01 p.m.]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[22,010]

PART 545—OPERATIONS

Borrowing, Issuance of Obligations, and Giving of Security

AUGUST 8, 1968.

Resolved that the Federal Home Loan Bank Board considers it desirable to amend as a result of an amendment to subsection (b) of section 5 of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464) contained in the Housing and Urban Development Act of 1968 (Public Law 90-448, 90th Congress, approved August 1, 1968), Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545) for the purpose of authorizing by regulation certain borrowing by Federal savings and loan associations, issuance of notes, bonds, debentures, or other obligations, or other securities by such associations, and the giving of security in certain instances by such associations and, for such purpose, said Part 545 is hereby amended by adding after § 545.23 a new heading and a new § 545.24 to read as follows, effective August 8, 1968:

BORROWING, ISSUANCE OF OBLIGATIONS, AND GIVING OF SECURITY

§ 545.24 Borrowing, issuance of obligations, and giving of security.

An association may borrow to such extent as is authorized by the terms of its charter or by the Board by advice in writing. An association may issue such notes, bonds, debentures, or other obligations, or other securities, as are not inconsistent with the terms of paragraph (2) of subsection (b) of section 5 of the Home Owners' Loan Act of 1933, as amended, to the same extent that it would have authority to do so if said paragraph (2) had not been enacted or to such extent as is authorized by the Board by advice in writing. To such extent as is authorized by the terms of its charter or by the Board by advice in writing, an association may give security, but an association shall not give security for any of its shares or share accounts or for any of its savings accounts representing share interests in the association.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since it is essential that Federal savings and loan associations immediately have the authority contained in the amendment, the Board hereby finds that notice and public procedure on said amendment is contrary to the public interest under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or 5 U.S.C. 553(b), and publication of said amendment for the period specified in § 508.14 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 508.14) and 5 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board likewise be contrary to the public interest for the same reason, and the Board hereby so finds, and the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 68-9908; Filed, Aug. 16, 1968; 8:49 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter X—Office of Foreign Direct Investments, Department of Commerce

PART 1000—FOREIGN DIRECT INVESTMENT REGULATIONS

Miscellaneous Amendments and Corrections

On July 20, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 10403) relating to the addition of a new Subpart I (Direct and Indirect Interests; Affiliated, Associated and Family Groups; Ownership of Direct Investors; Rules for Reporting) to the Foreign Direct Investment Regulations (the "regulations") (15 CFR Part 1000), to the revocation of § 1000.303 (Nationals of more than one foreign country), and to amendments to §§ 1000.301 (Foreign national), 1000.304 (Direct investor), 1000.305 (Affiliated foreign national), 1000.307 (Person) and 1000.322 (Person within the United States). After consideration of all relevant matter submitted by interested persons, Subpart I and such miscellaneous amendments as so proposed are hereby adopted, subject to certain modifications, effective as of the effective date of the regulations.

The other miscellaneous amendments and corrections contained herein were not published in proposed form as such publication was not deemed necessary or desirable in the public interest. Such amendments and corrections, which affect §§ 1000.201 (prohibited direct investment in affiliated foreign nationals), 1000.203 (Liquid foreign balances), 1000.308 (Transfer), 1000.311 (Banking institution), 1000.312 (Transfers of capital), 1000.313 (Net transfer of capital), 1000.324 (Long-term foreign borrowing), 1000.403 (Transactions between principal and agent), 1000.503 (Positive direct investment not exceeding $100,000), 1000.504 (Authorized positive direct investment in scheduled areas), 1000.505 (Transfers between affiliated foreign nationals), 1000.805 (Rules governing availability of information), 1000.806 (Delegations), and 1000.1103 (Net transfer of capital to Schedule B countries), are hereby adopted, effective as of the effective date of the regulations. The only major substantive change effected by such miscellaneous amendments is to increase the worldwide positive direct investment authorization contained in § 1000.503 from $100,000 to $200,000 per annum.

The revision of §1000.505 does not effect any significant substantive changes in the treatment of transfers between affiliated foreign nationals of a direct investor but clarifies the position of the Office with respect to such transfers, especially where branches or other unincorporated affiliated foreign nationals are involved. Section 1000.505 now makes clear that a transfer by an affiliated foreign national of a direct investor to another affiliated foreign national of the direct investor is treated as a transfer of capital to the direct investor by the transferor (or the immediate parent of the transferor) only if the transferor (or such immediate parent) is an incorporated affiliated foreign national, and is treated as a transfer of capital by the direct investor to the transferee (or the immediate parent of the transferee) only if the transferee (or such immediate parent) is an incorporated affiliated foreign national, provided, in each case, that either the actual transferor or transferee affiliated foreign national or both is an "affiliates" of the direct investor as defined in § 1000.903(a). If funds or other property are transferred between affiliated foreign nationals and either the actual transferor or transferee affiliated foreign national or both are unincorporated affiliated foreign nationals, any net increase or decrease in the net assets of the transferor or transferee unincorporated affiliated foreign national resulting from the transaction is automatically taken into account under § 1000.313(b) in calculating the net transfer of capital to all unincorporated affiliated foreign nationals in the scheduled area in which the unincorporated transferor or transferee affiliated foreign national is located. The following examples illustrate the provisions of § 1000.505 as amended hereby (in each case assume no other direct investment transactions and that Canadian affiliates are not involved):

Example 1. Direct investor has a wholly owned subsidiary in Schedule C and a branch in Schedule B. During 1968, the subsidiary lends $200,000 to the branch on open account resulting in a $200,000 open account balance at the end of 1968. During 1968, the branch has no earnings or losses but its net assets increase by $300,000. The result is a $200,000 negative net tranfer of capital to Schedule C (i.e., the $200,000 deemed tranferred by the Schedule C subsidiary to the direct investor under § 1000.505(a)(2)) and a $300,000 positive net transfer of capital to Schedule B (i.e., the positive net transfer of capital equalling the net increase in branch assets as provided in § 1000.313(b)).

Example 2. Same facts as in Example (1) except that the branch is a branch of another wholly owned subsidiary of the direct investor in Schedule A rather than a branch of the direct investor itself. The result is a $300,000 positive net transfer of capital to Schedule B (i.e., the net increase in branch assets), a $200,000 negative net transfer of capital to Schedule C (i.e., the $200,000 deemed transferred by the Schedule C subsidiary to the direct investor under § 1000.505 (a)(1) and (a)(3)) and a $100,000 negative net transfer of capital to Schedule A (i.e., the $200,000 deemed transferred by the direct investor to the Schedule A subsidiary under § 1000.505 (a)(1) and (a)(3) less the $300,000 deemed transferred by the Schedule A subsidiary to the direct investor under § 1000.505(a)(6)).

Example 3. Same facts as in Example (2) except that the direct investor has only a 60 percent interest in the Schedule A subsidiary. The result is a $180,000 positive net transfer of capital to Schedule B (i.e., 60 percent of the net increase in branch assets), a $200,000 negative net transfer of capital to Schedule C (i.e., the $200,000 deemed transferred by the Schedule C subsidiary to the direct investor under § 1000.505 (a)(1) and (a)(3)) and a $20,000 positive net transfer of capital to Schedule A (i.e., the $200,000 deemed transferred by the direct investor to the Schedule A subsidiary under § 1000.505 (a)(1) and (a)(3) less the $180,000 deemed transferred by the Schedule A subsidiary, to the direct investor under § 1000.505(a)(6). If the direct investor owned an interest of 50 percent or less in the Schedule A subsidiary, the result would be $200,000 negative net transfer of capital to Schedule C and a $200,000 positive net transfer of capital to Schedule A. There would be no positive net transfer of capital to Schedule B (and hence no deduction from the positive net transfer of capital to Schedule A) since the direct investor is presumed to lack control over the flow of funds between a less than majority owned subsidiary and such subsidiary's branches (see § 1000.505(a)(4)).

Example 4. Same facts as in Example (2) except that the net assets of the branch decrease by $100,000 during 1968. The result is a $100,000 negative net transfer of capital to Schedule B (i.e., the net decrease in branch assets), a $200,000 negative net transfer of capital to Schedule C (i.e., the $200,000 deemed transferred by the Schedule C subsidiary to the direct investor under § 1000.505 (a)(1) and (a)(3)) and a $300,000 positive net transfer of capital to Schedule A (i.e., the $300,000 deemed transferred by the direct investor to the Schedule A subsidiary under § 1000.505(a)(5)).

Example 5. Direct investor has a wholly owned subsidiary in Schedule C which has a branch in Schedule A. During 1968, the branch incurs a loss of $100,000 but has no change in its net assets. The result is a $100,000 negative net transfer of capital to Schedule C (i.e., the amount deemed transferred by the Schedule C subsidiary to direct investor under § 1000.505(a)(6)). If the direct investor owned only 70 percent of the Schedule C subsidiary, the negative net transfer of capital to Schedule C would be $70,000.

Example 6. Same facts as in Example (5) except that the branch's net assets increase by $50,000 during 1968. The result is a $50,000 positive net transfer of capital to Schedule A (i.e., the net increase in branch assets) and a $150,000 negative net transfer of capital to Schedule C (i.e., the amount deemed transferred by the Schedule C subsidiary to direct investor under § 1000.505(a)(6)). If direct investor owned only 70 percent of the Schedule C subsidiary, the positive net transfer of capital to Schedule A would be $35,000 and the negative net transfer of capital to Schedule C would be $105,000.

Example 7. Same facts as in Example (5) except that the branch's net assets decrease by $50,000 during 1968. The result is a $50,000 negative net transfer of capital to Schedule A (i.e., the net decrease in branch assets) and a $50,000 negative net transfer of capital to Schedule C (i.e., the amount deemed transferred by the Schedule C subsidiary to direct investor under § 1000.505(a)(6)). If direct investor owned only 70 percent of the Schedule C subsidiary, the negative net transfer of capital to each of Schedules A and C would be $35,000.

The principal modifications made in the proposed amendments of July 20, 1968 are as follows:

1. The election provided for in proposed § 1000.906(b)(1) has been expanded so that it will be available where the "principal direct investor" is an affiliated group. The election will also be available if there are more than ten (10) persons owning direct interests in the principal direct investor if the Secretary determines, in his sole discretion, to permit the election. In exercising his discretion, the Secretary may consider, among other things, whether permitting the election would create substantial administrative difficulties in the application of the regulations or would prejudice other persons.

2. A provision has been added to proposed § 1000.906 concerning the effect of an election under § 1000.906(b)(1). If such an election is made, no positive direct investment made during any year by a "consenting owner" in an affiliated foreign national of the principal direct investor shall be authorized by § 1000.503 if the positive direct investments made by all consenting owners in all affiliated foreign nationals of the principal direct investor, when added together, exceed $200,000.

3. Proposed § 1000.304 (Affiliated foreign national) has been modified to make clear that a foreign corporation or partnership, as well as a "business venture", is not an affiliated foreign national if its operations consist solely of charitable, educational, religious, scientific, literary, or other similar activities not engaged in for profit; however, the exemptions relating to foreign enterprises with gross assets of not more than $50,000 or which are not conducted within one or more foreign countries for more than 12 consecutive months apply only to "business ventures" referred to in § 1000.304(a)(1)(ii) and (iii) but not to foreign corporations or partnerships described in § 1000.304(a)(1)(i). Proposed § 1000.304 has also been revised to make clear that, in determining whether a branch of a foreign corporation or partnership is a separate affiliated foreign national of a direct investor, Canada is deemed to be in a scheduled area other than Schedule B. Thus, for example, the United Kingdom branch of a Canadian corporation is a separate affiliated foreign national, and vice versa.

The elections provided by §§ 1000.906(b)(1) and 1000.907(c)(2) of Subpart I as adopted hereby are available to all persons within the United States (as defined in § 1000.322) which come within the provisions thereof, regardless of any elections or failures to elect under the original instructions to form FDI-101 or the provisions of Subpart I as published in proposed form on April 30, 1968 (33 F.R. 6546-6552). Consequently, material changes may be required in previously filed forms FDI-101 and FDI-102 because of the exercise or failure to exercise an election under Subpart I as adopted hereby or because of the effect of other provisions of Subpart I. Any person which is presently subject to the reporting requirements of § 1000.602 and which is eligible to make an election under § 1000.906(b)(1) or § 1000.907(c)(2) must make such election, if at all, by September 20, 1968. In addition, any person who has filed a form FDI-101 should, if material changes therein are required, file an amended form reflecting such changes by September 20, 1968; if material changes are required in a previously filed form FDI-102 for the first calendar quarter of 1968, such changes should be reflected in the FDI-102 for the second calendar quarter which is also due by September 20, 1968. Any person who has not filed a form FDI-101 but who is required to do so by virtue of any provision of Subpart I, should file the required form (together with a form FDI-102 for the second calendar quarter of 1968) by the same date. Any new or amended forms shall clearly refer to prior forms superseded or affected.

The reporting and record-keeping requirements provided herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942, as amended.

The amendments adopted and corrections made hereby are as follows:

1. Section 1000.201 is hereby amended by revising paragraph (d) to read as follows:

§ 1000.201 Prohibited direct investment in affiliated foreign nationals.

* * * * *

(d) In addition to all other powers reserved to the Secretary in this part, the Secretary may in his discretion, as to any direct investor, amend or revoke the authorizations set forth in §§ 1000.503 and 1000.504 by reducing the amount of positive direct investment, positive net transfers of capital and reinvestment of earnings authorized in any scheduled area during a year, by limiting the application of such authorizations and exemptions and of § 1000.201 from "during any year" to periods shorter than a year, and by otherwise imposing such conditions as the Secretary shall deem appropriate to carry out the purposes of this part. In exercising his discretion with respect to any direct investor, the Secretary may consider, among other factors, the following:

(1) Whether the positive direct investment, positive net transfers of capital or reinvestment of earnings by such direct investor in any scheduled area during any quarter is, or may reasonably be estimated to be, materially in excess of 25 percent of the amount thereof generally authorized to such direct investor during the year;

(2) Whether the transactions resulting in such excess during such quarter are in accordance with the customary business practices of the direct investor; and

(3) Whether the direct investor has complied with the provisions of Subpart F of this part.

2. Paragraph (a)(3) of § 1000.203 is hereby corrected by inserting after the words "long-term" the word "foreign." As corrected, paragraph (a)(3) reads as follows:

§ 1000.203 Liquid foreign balances.

• • • • • •

(a) • • •

(3) The term "direct investment liquid foreign balances" means liquid foreign balances (as defined in subparagraph (2) of this paragraph) which represent the proceeds of long-term foreign borrowings by a direct investor (as defined in § 1000.324) and which are held by the direct investor primarily in anticipation of making transfers of capital to affiliated foreign nationals of the direct investor.

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3. Paragraph (e)(1) of § 1000.203 is hereby corrected by changing the reference to paragraph "(b)(1)" to paragraph "(c)." As corrected, paragraph (e)(1) reads as follows:

§ 1000.203 Liquid foreign balances.

• • • • • •

(e)(1) A direct investor shall not be required to comply with the provisions of paragraph (c) of this section at any time when the total foreign balances of the direct investor do not exceed $25,000.

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4. Section 1000.302 is hereby revised to read as follows:

§ 1000.302 Foreign national.

(a) The term "foreign national" means a foreign country (as defined in § 1000.301 (a), (b), and (c)) and any person which is not a person within the United States (as defined in § 1000.322), including a corporation or partnership organized under the laws of a foreign country (as defined in § 1000.304(a)(1)(i)), a business venture conducted within a foreign country (as defined in § 1000.304(a)(1)(ii) and (iii)), and a foreign bank (as defined in § 1000.317(b)).

(b) Notwithstanding the provisions of paragraph (a) of this section, the Secretary retains full power to determine that any person is a foreign national.

5. Section 1000.303 (Nationals of more than one foreign country) is hereby revoked.

§ 1000.303 [Revoked]

6. Section 1000.304 is hereby revised to read as follows:

§ 1000.304 Affiliated foreign national.

(a)(1) Except as provided in paragraphs (b)(4) (c), and (d) of this section, the term "affiliated foreign national" of a person within the United States includes each of the following in which such person owns, directly or indirectly, a 10-percent interest:

(i) A corporation or partnership organized under the laws of a foreign country (including all business ventures conducted by employees or partners of such corporation or partnership on behalf of such corporation or partnership within any foreign countries assigned to the same scheduled area as the country of organization);

(ii) A business venture conducted within a foreign country on behalf of such person within the United States by such person or by employees or partners of such person; and

(iii) A business venture conducted on behalf of a corporation or partnership organized under the laws of a foreign country by employees or partners of such corporation or partnership if the business venture is conducted within a foreign country which is not assigned to the same scheduled area as the country of organization.

For purposes of determining whether a business venture conducted on behalf of a foreign corporation or partnership is a separate affiliated foreign national, Canada shall be deemed to be in a scheduled area other than Schedule B.

(b) (1) A corporation or partnership referred to in paragraph (a)(1)(i) of this section is an affiliated foreign national in the scheduled area in which the foreign country under whose laws it is organized is located. A business venture referred to in paragraph (a)(1)(ii) and (iii) of this section is an affiliated foreign national in the scheduled area in which the business is conducted: *Provided*, That, if such a business venture is conducted in more than one scheduled area during any year, the scheduled area in which the business venture is conducted for the greatest period of time during such year shall, for purposes of this section, be deemed the only scheduled area in which the business venture is conducted during such year.

(2) The term "10 percent interest," when used with respect to any corporation, partnership or business venture referred to in paragraph (a)(1) of this section, means (i) 10 percent or more of the total combined voting power of all outstanding securities of such corporation or (ii) 10 percent or more of the profits interest in such partnership or business venture. Whether a person within the United States directly or indirectly owns a 10 percent interest in a corporation, partnership or business venture referred to in paragraph (a)(1) of this section shall be determined in accordance with the provisions of §§ 1000.901 and 1000.902.

(3) For purposes of this part, the term "incorporated affiliated foreign national" includes a corporation described in paragraph (a)(1)(i) of this section and the term "unincorporated affiliated foreign national" includes a partnership described in paragraph (a)(1)(i) of this section and a business venture described in paragraph (a)(1)(ii) and (iii) of this section.

(4) Notwithstanding the provisions of paragraph (a) of this section and the foregoing provisions of this paragraph (b), the Secretary retains full power, with respect to any person within the United States, to determine that any person is an affiliated foreign national of such person within the United States and to determine the scheduled area in which such affiliated foreign national is located.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a corporation, partnership or business venture referred to in paragraph (a)(1) of this section shall not be considered an affiliated foreign national of a person within the United States if the operations of such corporation, partnership or business venture consist solely of charitable, educational, religious, scientific, literary or other similar activities not engaged in for profit.

(d) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a business venture referred to in paragraph (a)(1)(ii) or (iii) of this section shall not be considered an affiliated foreign national of a person within the United States during any year if (i) the business venture does not have or involve, at any time during such year, gross assets of more than $50,000 (valued at the greatest of cost, book value, replacement value or market value); or (ii) the business venture is commenced during such year and is not reasonably expected to be conducted within one or more foreign countries for more than 12 consecutive months; or (iii) the business venture is terminated during such year and was not in fact conducted within one or more foreign countries for more than 12 consecutive months.

7. Section 1000.305 is hereby revised to read as follows:

§ 1000.305 Direct investor.

The term "direct investor" means any person within the United States which directly or indirectly owns or acquires a 10-percent interest in a corporation or partnership organized under the laws of a foreign country or in a business venture conducted within a foreign country as described in § 1000.304.

8. Section 1000.307 is hereby revised to read as follows:

§ 1000.307 Person; corporation.

(a) The term "person" means an individual, corporation, partnership, business venture, trust, or estate.

(b) The term "corporation" means an organization or entity incorporated under the laws of the United States or a foreign country and any other organization or entity not so incorporated but which is organized under the laws of the United States or a foreign country and has all or a substantial part of the legal characteristics commonly attributed to corporations under the laws of the United States.

9. Section 1000.308 is hereby revised to read as follows:

§ 1000.308 Transfer.

The term "transfer" means any act or transaction, whether or not evidenced by writing and whether or not done or performed within the United States, the purpose, intent, or effect of which is to create, surrender, release, transfer, or alter, directly or indirectly, any right, remedy, power, privilege, or interest with respect to any property wherever located.

10. Section 1000.311 (Banking institution) is hereby revoked.

§ 1000.311 [Revoked]

11. Section 1000.312 is hereby amended by revising subparagraph (7) of paragraph (a) and subparagraphs (1), (2), and (10) of paragraph (c), as follows:

§ 1000.312 Transfers of capital.

(a) • • •

(7) The complete or partial satisfaction by a direct investor of (i) a long-term foreign borrowing made by the direct investor before or after the effective date of the regulations to the extent the proceeds of the borrowing were expended in making transfers of capital on or after January 1, 1965, or were allocated by the direct investor (on the books and records maintained by the direct investor under §§ 1000.203(b) and 1000.601) to any such transfers, or (ii) a borrowing (other than a long-term foreign borrowing) made by the direct investor from a foreign national (other than an affiliated foreign national) before the effective date of the regulations to the extent the proceeds of the borrowing were expended in making transfers of capital during 1967.

A transfer of capital resulting from the repayment of a borrowing by a direct investor shall be deemed to have been made to the scheduled area in which the proceeds of the borrowing are invested, or to which they have been allocated, at the time of such repayment; or, if the proceeds are then invested in or allocated to two or more scheduled areas, the transfer shall be apportioned among such scheduled areas in the same proportions as the proceeds are so invested or allocated. If any apportionment made by a direct investor hereunder is determined by the Secretary to be inconsistent with the purposes of this part, the Secretary shall have the right, in his discretion, to make an apportionment consistent with the purposes of this part.

• • • • • •

(c) • • •

(1) An acquisition by a direct investor described in paragraph (a)(1) of this section if the acquisition is from a person within the United States acting for its own account and such person is, immediately prior to the time of the acquisition, a direct investor in the affiliated foreign national. If the person from whom the acquisition is made ceases, as a result of the acquisition, to be a direct investor in the affiliated foreign national (i) the net transfer of capital made by such person to the affiliated foreign national during the year the acquisition is made shall be deemed to have been made by the direct investor making the acquisition and (ii) the direct investment made by such person in the affiliated foreign national during the years 1964, 1965, and 1966 shall be deemed to have been made by the direct investor making the acquisition. If the person from whom the acquisition is made does not, as a result of the acquisition, cease to be a direct investor in the affiliated foreign national, only that portion of such net transfer of capital and such direct investment reasonably allocable to the interest acquired shall be deemed to have been made by the direct investor making the acquisition.

(2) A transfer described in paragraph (a)(5) of this section unless (i) the transferee is the direct investor or (ii) the transferor or transferee is an affiliated foreign national which is an affiliate of the direct investor as defined in § 1000.903(a).

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(10) The payment by the licensee under a license agreement of royalties currently due (including prepayments of royalties if such prepayments are customarily made by licensees under agreements of the type involved).

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12. Paragraph (b) of § 1000.313 is hereby corrected by deleting the word "of" and inserting the word "or" following the word "losses" in the first sentence of such paragraph. As corrected, paragraph (b) reads as follows:

§ 1000.313 Net transfer of capital.

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(b) A net transfer of capital (which may be a positive or negative amount) by a direct investor to all unincorporated affiliated foreign nationals in any scheduled area during any period means the direct investor's share of the aggregate net increase or net decrease, during such period, in the aggregate net assets of such affiliated foreign nationals (whether such net increase or decrease results from any transfer of capital (as defined in § 1000.312), earnings, or losses or any combination thereof). In calculating the net assets of all unincorporated affiliated foreign nationals in any scheduled area, there shall be excluded (1) all equity interests in and debt obligations of such unincorporated affiliated foreign nationals held by the direct investor or affiliated foreign nationals of the direct investor in other scheduled areas and (2) all assets of such unincorporated affiliated foreign nationals consisting of equity interests in or debt obligations of the direct investor or affiliated foreign nationals of the direct investor in other scheduled areas.

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13. Section 1000.313 is hereby further amended by revising paragraph (d)(1) to read as follows:

(d) • • •

(1) There shall be deducted an amount equal to the proceeds of long-term foreign borrowings made by the direct investor during the year in which such period is included or during prior years to the extent such proceeds were in fact expended in making transfers of capital to such affiliated foreign nationals during such period or were allocated by the direct investor (on the books and records maintained by the direct investor under §§ 1000.203(b) and 1000.601) to any such transfers of capital; and

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14. Section 1000.322 is hereby revised to read as follows:

§ 1000.322 Person within the United States.

(a) The term "person within the United States" means:

(1) An individual who is a resident of the United States;

(2) An individual, wherever residing, who is a citizen of the United States and the center of whose economic interests is located within the United States;

(3) A corporation or partnership organized under the laws of the United States (excluding a branch of such a corporation or partnership if the branch is a separate foreign national under § 1000.302);

(4) A trust (other than a trust which is deemed a corporation under § 1000.307(b)) governed by the laws of the United States if the grantor of the trust is, or the person under whose will the trust was created was at the time of his death, a person within the United States;

(5) An estate, if the decedent was a person within the United States at the time of his death;

(6) A domestic bank (as defined in § 1000.317(a));

(7) An affiliated group (as defined in § 1000.903); and

(8) A family group (as defined in § 1000.904).

(b) Notwithstanding the provisions of paragraph (a) of this section, the Secretary retains full power to determine that any person is a person within the United States.

§ 1000.324 [Amended]

15. Paragraph "(b)(i)" of § 1000.324 (Long-term foreign borrowing) is hereby redesignated paragraph "(b)(1)."

16. Section 1000.324 is hereby further amended by revising paragraph (d) to read as follows:

§ 1000.324 Long-term foreign borrowing.

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(d) In calculating the amount of proceeds of a long-term foreign borrowing which are available to a direct investor to be expended in or allocated to the making of transfers of capital to affiliated foreign nationals at any time, there shall be deducted the amount of such proceeds of the borrowing as was theretofore expended in or allocated to the making of transfers of capital to affiliated foreign nationals.

17. Section 1000.403 (Transactions between principal and agent) is hereby revoked.

§ 1000.403 [Revoked]

18. Section 1000.503 is hereby amended by revising paragraphs (a) and (c) to read as follows:

§ 1000.503 Positive direct investment not exceeding $200,000.

(a) Positive direct investment by a direct investor during any year is authorized in each scheduled area: *Provided*, That, positive direct investment in any one scheduled area shall not exceed $200,000; *And provided further*, That the positive direct investments made by the direct investor in each scheduled area, when added together, shall not exceed $200,000.

* * * * *

(c) If positive direct investment by a direct investor during any year in any scheduled area exceeds $200,000, or if the positive direct investments made by the direct investor in each scheduled area during such year, when added together, exceed $200,000, no positive direct investment made by the direct investor during such year in any scheduled area shall be authorized by this section.

19. Section 1000.504 is hereby amended by revising paragraph (c) (3) to read as follows:

§ 1000.504 Authorized positive direct investment in scheduled areas.

* * * * *

(c) * * *

(3) (i) If, during any year commencing with the year 1968, the incorporated affiliated foreign nationals of a direct investor in Schedule C countries have total losses (calculated as provided in § 1000.306(c)), the direct investor is authorized to reinvest additional earnings of its incorporated affiliated foreign nationals in Schedule C countries, during the immediately following year, up to the amount of the direct investor's share of such losses.

(ii) If, during any year commencing with the year 1969, the incorporated affiliated foreign nationals of a direct investor in Schedule C countries have total earnings (calculated as provided in § 1000.306(c)) but the amount of earnings authorized to be reinvested by the direct investor under paragraph (a) (3) of this section exceeds the direct investor's share of such total earnings, the direct investor is authorized to reinvest additional earnings of its incorporated affiliated foreign nationals in Schedule C countries, during the immediately following year, up to the amount of such excess.

20. Section 1000.505 is hereby amended to read as follows:

§ 1000.505 Transfers between affiliated foreign nationals.

(a) (1) For purposes of the succeeding provisions of this § 1000.505, (i) if funds or other property are transferred by an unincorporated affiliated foreign national of a direct investor to the direct investor or to another affiliated foreign national of the direct investor, the funds or property shall, if the transferee is not the immediate parent of the transferor affiliated foreign national, be treated as having been transferred by such immediate parent and (ii) if funds or other property are transferred to an unincorporated affiliated foreign national of a direct investor by the direct investor or by another affiliated foreign national of the direct investor, the funds or property shall, if the transferor is not the immediate parent of the transferee affiliated foreign national, be treated as having been transferred to such immediate parent: *Provided, in each case*, That the immediate parent is the direct investor or an incorporated affiliated foreign national of the direct investor and that such immediate parent is not the immediate parent of both the transferor and transferee affiliated foreign national.

(2) For purposes of §§ 1000.312 and 1000.313(a), (i) if funds or other property are deemed under subparagraph (1) (ii) of this paragraph to have been transferred by an incorporated affiliated foreign national of a direct investor to the direct investor, the transfer shall be treated as a transfer of capital by the incorporated affiliated foreign national to the direct investor (in an amount equal to the full amount or value of the funds or property so transferred) and (ii) if funds or other property are deemed under subparagraph (1) (i) of this paragraph to have been transferred by the direct investor to an incorporated affiliated foreign national of the direct investor, the transfer shall be treated as a transfer of capital by the direct investor to the incorporated affiliated foreign national (in an amount equal to the full amount or value of the funds or property so transferred): *Provided, in each case*, That either the affiliated foreign national actually transferring the funds or other property or the affiliated foreign national actually receiving such funds or other property is an affiliate of the direct investor as defined in § 1000.903(a) and that the transfer, if actually made by or to the direct investor, as the case may be, would have constituted a transfer of capital under § 1000.312.

(3) For purposes of §§ 1000.312 (a) and (b) and 1000.313(a), if funds or other property are transferred (or deemed under paragraph (a)(1) to have been transferred) by an incorporated affiliated foreign national of a direct investor to another incorporated affiliated foreign national of such direct investor, the transfer shall be treated as a transfer of capital by the transferor affiliated foreign national to the direct investor (in an amount equal to the full amount or value of the funds or property so transferred) and as a further transfer of capital in an equivalent amount by the direct investor to the transferee affiliated foreign national: *Provided*, That the affiliated foreign national actually transferring the funds or other property or the affiliated foreign national actually receiving such funds or other property is an affiliate of the direct investor as defined in § 1000.903(a) and that the transfer, if actually made by the direct investor, would have constituted a transfer of capital under § 1000.312(a).

(4) In calculating the net transfer of capital made by a direct investor during any period to all unincorporated affiliated foreign nationals in a scheduled area under § 1000.313(b), the direct investor shall be deemed not to have any share in a net increase or decrease in the net assets of an unincorporated affiliated foreign national in the scheduled area if the immediate parent of such unincorporated affiliated foreign national is not the direct investor or an affiliate of the direct investor as defined in § 1000.903(a).

(5) For purposes of §§ 1000.312(a) and 1000.313(a), if an unincorporated affiliated foreign national of a direct investor has a net decrease in its net assets during any period, the direct investor shall be deemed to have made a transfer of capital to the immediate parent of such unincorporated affiliated foreign national to the extent that the direct investor's share of such net decrease is not attributable to losses incurred by the unincorporated affiliated foreign national during such period: *Provided*, That such immediate parent is an incorporated affiliated foreign national and is an affiliate of the direct investor as defined in § 1000.903(a).

(6) For purposes of §§ 1000.312(b) and 1000.313(a), (i) if an unincorporated affiliated foreign national of a direct investor has a net increase in its net assets during any period, the immediate parent of such unincorporated affiliated foreign national shall be deemed to have made a transfer of capital to the direct investor to the extent that the direct investor's share of such net increase is not attributable to earnings of the unincorporated affiliated foreign national during such period, and (ii) if an unincorporated affiliated foreign national of a direct investor incurs a loss during any period but such unincorporated affiliated foreign national has no change or has a net increase in its net assets during such period, or has a net decrease in its net assets during such period but the loss exceeds the net decrease in net assets, the immediate parent of such unincorporated affiliated foreign national shall be deemed to have made a transfer of capital to the direct investor in an amount equal to (*a*) the direct investor's share of the loss, (*b*) the direct investor's share of the net increase in net assets plus the direct investor's share of the loss or (*c*) the amount by which the direct investor's share of the loss exceeds the direct investor's share of the net decrease in net assets, as the case may be: *Provided, in each case*, That the immediate parent of the unincorporated affiliated foreign national is an incorporated affiliated foreign national and is an affiliate of the direct investor as defined in § 1000.903(a).

(b) Notwithstanding anything to the contrary contained in paragraph (a) of this section, a trade credit extended by one affiliated foreign national of a direct investor to another affiliated foreign national of such direct investor in the ordinary course of business pursuant to arm's-length terms shall not be deemed a transfer of capital by the direct investor to the affiliated foreign national receiving the credit nor a transfer of capital by the affiliated foreign national extending the credit to the direct investor if the obligation is in fact paid within 12 months after extension of the credit, in which event payment of the obligation shall not be deemed a transfer of capital by the direct investor to the affiliated foreign national receiving payment nor a transfer of capital by the affiliated foreign national making payment to the direct investor. If the affiliated foreign national extending or receiving the credit is an unincorporated affiliated foreign national of the direct investor and the obligation is in fact paid within 12 months, any change in the net assets of the unincorporated affiliated foreign national attributable to the transaction shall not be taken into account under § 1000.313(b) in calculating the net transfer of capital made by the direct investor to all unincorporated affiliated foreign nationals in the scheduled area in which such unincorporated affiliated foreign national is located.

(c) For purposes hereof, the immediate parent of a partnership referred to in § 1000.304(a)(1)(i) is the direct investor or affiliated foreign national which is the partner, the immediate parent of a business venture referred to in § 1000.304(a)(1)(ii) is the direct investor, and the immediate parent of a business venture referred to in § 1000.304(a)(1)(iii) is the corporation or partnership on whose behalf the business venture is conducted.

21. Section 1000.805 is hereby amended to read as follows:

§ 1000.805 Rules governing availability of information.

(a) Completed Forms FDI–101 and –102, applications and requests for specific authorizations, exemptions or interpretations, petitions for reconsideration, appeals, materials submitted thereunder, and decisions thereon are considered to be matters covered by 5 U.S.C. 552(b). Other information, records, and material of the Office of Foreign Direct Investments required by 5 U.S.C. 552 to be made available to the public shall be made available in accordance with the provisions of Department order 64 of the Secretary of Commerce (32 F.R. 9643, July 4, 1967).

(b) Forms FDI–101 and –102 and any other forms used in connection with the Foreign Direct Investment Regulations may be obtained in person from or by writing to the Office of Foreign Direct Investments, Department of Commerce, Washington, D.C. 20230, or any Field Office of the Department.

22. A new § 1000.806 is added to read as follows:

§ 1000.806 Delegations.

Any function, duty or authority under this part may be performed or exercised by the Secretary or any person, agency or instrumentality designated by him (directly or indirectly by one or more redelegations of authority); and the term "Secretary," as used in this part, shall include any such designated person, agency, or instrumentality, as applicable.

23. A new Subpart I is added to read as follows:

Subpart I—Direct and Indirect Interests; Affiliated, Associated and Family Groups; Ownership of Direct Investors; Rules for Reporting

Sec.
1000.901 Direct interests.
1000.902 Indirect interests.
1000.903 Affiliated groups.
1000.904 Family groups.
1000.905 Associated groups.
1000.906 Ownership of direct investors.
1000.907 Reporting.

AUTHORITY: The provisions of this Subpart I issued under sec. 5, Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47

Subpart I—Direct and Indirect Interests; Affiliated, Associated and Family Groups; Ownership of Direct Investors; Rules for Reporting

§ 1000.901 Direct interests.

A direct interest in a person is an interest which is not owned through an intervening person or chain of persons. The amount of a direct interest owned by one person in another person is calculated according to the following rules:

(a) The amount of a direct interest owned by a person in a corporation is the percentage of the total combined voting power of all outstanding securities of the corporation possessing voting power represented by such securities which are beneficially owned by such person or in respect of which such person beneficially owns voting trust certificates, depositary receipts or other similar instruments representing such securities. Voting power means the power presently to vote in the election of the directors of the corporation or, if the corporation does not have directors, in the election or appointment of persons performing management functions or functions supervisory of management.

(b) The amount of a direct interest owned by a person in a partnership, trust, or business venture which is not a corporation is such person's percentage share in the profits of such organization: *Provided*, That if an interest in any such organization shall entitle the owner to a fixed amount out of, rather than a percentage of profits, or another arrangement is in effect which may cause the interest in profits to vary in accordance with future conditions or contingencies, the interest shall be calculated by reference to the proportion of the profits of the organization actually distributed or distributable to such person at the close of the most recent annual accounting period of the organization.

(c) If the rules set forth in paragraphs (a) or (b) of this section are not applicable to a particular corporation, partnership, trust or business venture in which such person owns an interest, the amount of the interest shall be calculated by any reasonable method which fairly reflects the amount thereof.

§ 1000.902 Indirect interests.

An indirect interest in a person is an interest owned through ownership of an intervening person or chain of persons. The amount of an indirect interest owned by one person in another person is calculated by multiplying together the direct interests of each person in the chain in each person in the chain (treating stock of a higher tier corporation held by a lower tier corporation as not outstanding).

§ 1000.903 Affiliated groups.

(a) For purposes of paragraph (b) of this section, an "affiliate" of a person within the United States means any other person (other than an individual), wheresoever located, in which the aggregate of direct interests owned by such person within the United States and any affiliate or affiliates (as herein defined) of such person exceeds 50 percent.

(b) An "affiliated group" means a person within the United States and all of its affiliates which are persons within the United States; such person and such affiliates are members of the affiliated group. Any person which owns a direct or indirect interest in a member of an affiliated group but which is not itself a member thereof shall be deemed to own a direct or indirect interest, as the case may be, in the affiliated group.

(c) Except as provided in § 1000.906(b)(1), the members of an affiliated group shall, for all purposes of this part, be considered a single person within the United States.

(d) An affiliated group shall file reports under § 1000.602 in the manner provided in § 1000.907.

§ 1000.904 Family groups.

(a) For all purposes of this part, an individual who is a person within the United States, his spouse (unless legally separated), and all relatives of such individual or his spouse residing with such individual shall be considered a single person within the United States.

(b) A family group shall file reports under § 1000.602 in the manner provided in § 1000.907.

§ 1000.905 Associated groups.

(a) An "associated group" consists of two or more persons within the United States (one or all of which may be an affiliated or family group) which, pursuant to an express or implied agreement or understanding, act in concert to own or acquire interests in the same corporation or partnership organized under the laws of a foreign country or in the same business venture conducted within a foreign country: *Provided*, That, the interests are not owned or acquired through a corporation, partnership (other than a joint venture) or trust which is a person within the United States (without regard to whether the corporation, partnership, or trust is organized or created for the purpose of owning or acquiring such interests); *And provided further*, That the aggregate of such interests would, if owned or acquired by only one of such persons, cause such person to be a direct investor in the corporation, partnership, or business venture under § 1000.305.

(b) (1) Notwithstanding the provisions of § 1000.305, each member of an

associated group shall be deemed a direct investor in the corporation, partnership, or business venture in which the interests are owned or acquired (hereinafter referred to as the "group affiliated foreign national") for all purposes of this part: *Provided*, That, a person which is a direct investor by virtue of this paragraph (b)(1) but not by virtue of the provisions of § 1000.305 shall not be subject to the provisions of § 1000.203.

(2) Notwithstanding the provisions of § 1000.503, no positive direct investment made during any year by any member of an associated group in a group affiliated foreign national of the associated group shall be authorized by § 1000.503 if the positive direct investments made during the year by all members of the associated group in all such group affiliated foreign nationals, when added together, exceed $200,000.

(3) Unless the election referred to in § 1000.907(c)(2) has been made and approved by the Secretary, each member of an associated group shall file separate reports under § 1000.602 in the manner provided in § 1000.907.

§ 1000.906 Ownership of direct investors.

(a) (1) Unless the election provided for in paragraph (b)(1) of this section is made, no direct investment made or foreign balances held before or after the effective date by a direct investor shall be deemed to have been made or held by any other person within the United States because such other person owns or acquires a direct or indirect interest in such direct investor.

(2) A person within the United States which owns a direct or indirect interest in a direct investor may, depending on all the facts and circumstances of the particular case, be deemed to be acting for or on behalf of the direct investor if such person transfers funds or other property to affiliated foreign nationals of the direct investor.

(b) (1) Persons within the United States owning a direct interest in a direct investor may elect not to be governed by the rule set forth in paragraph (a)(1) of this section: *Provided*, That this election shall not, unless the Secretary in his sole discretion determines otherwise, be available if there are more than 10 persons (whether such persons are persons within the United States or foreign nationals) which own direct interests in such direct investor. For purposes of this paragraph (b), each member of an affiliated group shall be considered a separate person within the United States.

(2) An election pursuant to subparagraph (1) of this paragraph as to any direct investor shall be made with the consent of those persons within the United States owning, in the aggregate, a majority interest in such direct investor. The election shall be evidenced by a document executed by or on behalf of all persons consenting thereto (hereinafter referred to as the "consenting owners") and such document shall be filed promptly after its execution with the Program Reports Division, Office of Foreign Direct Investments, U.S. Department of Commerce, Washington, D.C. 20230. All persons within the United States owning a direct interest in the direct investor shall be afforded a reasonable opportunity to join in the election and, if any persons within the United States owning a direct interest in the direct investor do not join in the election, the document evidencing the election shall recite that a reasonable opportunity to join in the election was in fact afforded to such persons.

(3) (i) Notwithstanding the provisions of § 1000.305, if an election pursuant to subparagraph (1) of this paragraph is made as to any direct investor (hereinafter referred to in this subparagraph (3) as the "principal direct investor"), each consenting owner shall be deemed a direct investor in every affiliated foreign national of the principal direct investor for all purposes of this part. The entire amount of direct investment made and foreign balances held by the principal direct investor before and after the effective date shall be deemed to have been made or held by the consenting owners. The portion of such foreign balances and direct investment allocable to each such consenting owner shall be a fraction thereof, the numerator of such fraction to be the direct interest in the principal direct investor owned by such consenting owner and the denominator of such fraction to be the aggregate of the direct interests in the principal direct investor owned by all consenting owners.

(ii) Notwithstanding the provisions of § 1000.503, no positive direct investment made or deemed to have been made under subdivision (i) of this subparagraph) during any year by a consenting owner in an affiliated foreign national of the principal direct investor shall be authorized by § 1000.503 if the positive direct investments made or deemed to have been made during the year by all consenting owners in all affiliated foreign nationals of the principal direct investor, when added together, exceed $200,000.

(4) Once an election is made pursuant to subparagraph (1) of this paragraph, it may not be changed without the permission of the Secretary.

§ 1000.907 Reporting.

(a) Except as provided in paragraph (b)(3) of this section (or unless a specific exemption from reporting is otherwise available) each person within the United States which is a direct investor by virtue of the provisions of §§ 1000.305, 1000.905(b)(1), or 1000.906(b)(3)(i), other than a direct investor as to which an election has been made under § 1000.906(b)(1), shall file separate reports (including Forms FDI–101 and FDI–102) under § 1000.602.

(b) (1) If a direct investor owns direct interests in one or more other direct investors as to which an election has been made under § 1000.906(b)(1) and such direct investor has consented to the election, the reports filed by the direct investor shall include, in addition to all other required information, the direct investor's fractional share (computed in accordance with § 1000.906(b)(3)(i)) of the amount of foreign balances, direct investment and other items which such direct investors would have been required to include in their reports if the elections had not been made.

(2) If a direct investor owns indirect interests in one or more other direct investors, or owns direct interests in one or more other direct investors as to which an election has not been made under § 1000.906(b)(1) or as to which such an election has been made but the direct investor has not consented thereto, reports filed by the direct investor shall not include any foreign balances held or direct investment made by such other direct investors during the relevant period before or after the effective date or any other items required to be included in the reports of such other direct investors for such period.

(3) If, by virtue of the provisions of paragraph (b)(2) of this section, a direct investor has no foreign balances or direct investment transactions which are reportable by it for any period before or after the effective date, the direct investor shall not be required to file a Form FDI–101 or FDI–102 for such period.

(c) (1) If a direct investor is a member of one or more associated groups, the reports filed by the direct investor shall include, in addition to all other required information, the net transfers of capital made by the direct investor to all group affiliated foreign nationals during the relevant period, and, if any of the group affiliated foreign nationals are incorporated affiliated foreign nationals as defined in § 1000.304, shall also include the direct investor's proportionate share in the reinvested earnings of such incorporated affiliated foreign nationals during such period. A member of an associated group which is a direct investor under § 1000.905(b)(1) but not under § 1000.305 is not subject to the provisions of § 1000.203, and such member shall not report its foreign balances on Forms FDI–101 or FDI–102.

(2) Notwithstanding the foregoing, the members of an associated group may elect, by a document executed by or on behalf of a majority in interest of the members of the group and filed with the Program Reports Division, Office of Foreign Direct Investments, U.S. Department of Commerce, Washington, D.C. 20230, to have one member of the group file reports under § 1000.602 on behalf of all members, each such report to reflect the aggregate direct investment transactions of all members with all group affiliated foreign nationals during the relevant period before or after the effective date. Such election shall be subject to the approval of the Secretary who may grant such approval subject to any terms and conditions that he deems necessary. Once an election is made pursuant to this subparagraph (2), it may not be changed without the permission of the Secretary.

(d) If a direct investor is an affiliated or family group, the reports filed by the direct investor shall aggregate all foreign balances, direct investment transactions and other reportable items attributable to each member of the group. The group's Forms FDI–101 and FDI–102 shall be filed on behalf of the group by one member thereof. Such member shall also file all other reports, certificates and other documents required to be filed by the group under the provisions of this part.

24. Section 1000.1103 is hereby amended by revoking paragraph (d) thereof and revising paragraph (c) to read as follows:

§ 1000.1103 Net transfer of capital to Schedule B countries.

* * * * *

(c) The provisions of § 1000.505(b) relating to the extension of short-term trade credits from one affiliated foreign national of a direct investor to another affiliated foreign national of the direct investor shall not be applicable if either the affiliated foreign national extending the credit or the affiliated foreign national receiving the credit is a Canadian affiliate.

(d) [Revoked]

(Sec. 5 of the Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47)

CHARLES E. FIERO,
Director, Office of Foreign Direct Investments.

AUGUST 14, 1968.

[F.R. Doc. 68–9971; Filed, Aug. 16, 1968; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4507]

[Los Angeles 0155815]

CALIFORNIA

Withdrawal for National Forest Administrative Sites and Recreation Areas

In F.R. Doc. 68–9164 appearing at page 10932 in the issue of Thursday, August 1, 1968, the fourth line under the center heading "Santa Ana Recreation Area" should read: "Sec. 8, NE¼, E½NW¼, E½NW¼NW¼, S½;".

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1000, Amdt. 1]

PART 1033—CAR SERVICE

Distribution of Refrigerator Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 30th day of July 1968.

Upon further consideration of Service Order No. 1000 (33 F.R. 10401) and good cause appearing therefor:

It is ordered, that:

Section 1033.1000 *Service Order No. 1000* (Distribution of Refrigerator Cars), of Service Order No. 1000, be, and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., August 15, 1968, unless otherwise modified, changed, or suspended by the order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., July 31, 1968.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–9966; Filed, Aug. 16, 1968; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Necedah National Wildlife Refuge, Wis.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

WISCONSIN

NECEDAH NATIONAL WILDLIFE REFUGE

Public recreational activities are permitted on the Necedah National Wildlife Refuge subject to the following special conditions:

(1) Public recreational activities are limited to sightseeing, nature observation, and photography.

(2) General public recreational use is permitted as follows:

Area 1—September 20 through December 31, 1968.

Area 2—November 22 through December 31, 1968.

Area 3—December 7 through December 31, 1968.

These open areas, comprising approximately 39,500 acres, are delineated on a map available at the refuge headquarters, Necedah, Wis. 54646, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on Wildlife Refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1968.

DAVID J. BROWN,
Refuge Manager, Necedah National Wildlife Refuge, Necedah, Wis.

AUGUST 8, 1968.

[F.R. Doc. 68–9868; Filed, Aug. 16, 1968; 8:45 a.m.]

PART 32—HUNTING

Necedah National Wildlife Refuge, Wis.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

WISCONSIN

NECEDAH NATIONAL WILDLIFE REFUGE

Public hunting of deer, coyote, fox, skunk and raccoon on the Necedah National Wildlife Refuge, Wis., is permitted with bow and arrow from September 21 through November 17, 1968, and December 7 through December 31, 1968, and with firearms from November 23 through December 1, 1968, but only on those areas designated by signs as open to hunting. These open areas, comprising approximately 39,500 acres are delineated on a map available at the refuge headquarters, Necedah, Wisconsin and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1968.

DAVID J. BROWN,
Refuge Manager, Necedah National Wildlife Refuge, Necedah, Wis.

AUGUST 8, 1968.

[F.R. Doc. 68–9869; Filed, Aug. 16, 1968; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 68-WE-20-AD; Amdt. 39-635]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

There have been failures of the main landing gear actuator beam support link assembly on Boeing Model 727 Series airplanes that could result in wing damage and/or a "gear up" landing. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require an initial inspection and repetitive inspections until the existing main gear actuator beam support link assembly is replaced with a similar improved link assembly on Boeing Model 727 Series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), section 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to Model 727 Series airplanes listed in paragraph I, *Planning Information*, • • • 1. *Airplanes Affected*, of Boeing Service Bulletin No. 32-90 dated February 16, 1968, as revised by Revision 1, May 29, 1968.

Compliance required as indicated.

To detect cracks in the bearing boss areas of the main gear actuator beam support link assembly, 65-19657-4, or 65-19657-5, or 65-19657-8, accomplish the following:

(a) Within the next 150 hours time in service after the effective date of this AD, unless already accomplished within the last 850 hours time in service prior to the effective date of this AD; inspect the bearing boss areas of the main gear actuator beam support link assembly by the ultrasonic procedure outlined in paragraph II, *Accomplishment Instruction*, • • • *Part I Inspection Data*, B. *Ultrasonic Inspection Data* of Boeing Service Bulletin No. 32-90, Revision 1, or later FAA approved revision.

(b) If cracks are not found, accomplish either (1) or (2) below:

(1) Repeat the inspection required by paragraph (a) within 1,000 hours time in service following the initial inspection, and thereafter at intervals not to exceed 1,000 hours time in service from the last inspection.

(2) Replace the support link assembly with either a 65-19657-11 or 65-19657-13 assembly in accordance with paragraph II, *Accomplishment Instructions*, • • • *Part II—Replacement Data* of Boeing Service Bulletin No. 32-90, Revision 1, unless previously accomplished in accordance with unrevised Boeing Service Bulletin No. 32-90, dated February 16, 1968, or later FAA approved revision, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

NOTE: Support link assembly 65-19657-5 when reworked in accordance with paragraph II, Accomplishment Instructions, • • • Part III—Rework Data becomes 65-19657-13 and is so redentified.

(c) If cracks are found, replace the support link assembly before further flight (except that the airplane may be flown in accordance with FAR 21.197 with the gears down and locked, to a base where the replacement can be performed) with either of the following:

(1) A support link assembly 65-19657-4, or -5, or -8, which has been inspected in accordance with paragraph (a) and found free of cracks and which, after installation, is subsequently reinspected in accordance with paragraph (b)(1).

(2) A support link assembly 65-19657-11 or -13 or a part subsequently approved by the Chief, Aircraft Engineering Division, FAA Western Region. When this replacement is accomplished, the repetitive inspections required by this AD may be discontinued.

(d) After the effective date of this AD, any 65-19657-4, or -5, or -8 support link assembly to be used as a replacement part must be inspected within 7 days prior to installation in accordance with paragraph (a), and must have been found free of cracks. After installation the part must be reinspected in accordance with paragraph (b)(1).

(e) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Regional Director, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Boeing Co., Commercial Airplane Division, Post Office Box 707, Renton, Wash. 98055. These documents may also be examined at Room 406, Building A, FAA Western Region, 5651 West Manchester Avenue, Los Angeles, Calif. 90045, and FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. An historical file on this AD which includes the incorporated material in full is maintained by the FAA at its Headquarters in Washington, D.C., and at FAA Western Region.

This amendment becomes effective August 19, 1968.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Los Angeles, Calif., on August 9, 1968.

The incorporation by reference provisions in this document were approved by the Director of the Federal Register on August 16, 1967.

LEE E. WARREN,
Acting Director,
FAA Western Region.

[F.R. Doc. 68-10030; Filed, Aug. 16, 1968; 11:31 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 947]

IRISH POTATOES GROWN IN CERTAIN COUNTIES IN CALIFORNIA AND OREGON

Proposed Re-establishment of Districts

Consideration is being given to the approval of a proposal to re-establish District Nos. 2 and 3, which was recommended by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114 and Order No. 947 (7 CFR Part 947, as amended).

This marketing order program regulates the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and all counties in Oregon except Malheur County, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with this proposal shall file the same with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, no later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposal is as follows:

RE-ESTABLISHMENT OF DISTRICTS

§ 947.150 **Re-establishment of districts.**

Pursuant to § 947.32(b) and the recommendation of the Oregon-California Potato Committee, the Counties of Jackson and Josephine in the State of Oregon (currently a portion of District No. 3), are re-established as a part of District No. 2.

Terms used in this section shall have the same meaning as when used in said marketing agreement and this part.

Dated: August 14, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9903; Filed, Aug. 16, 1968; 8:48 a.m.]

[7 CFR Part 981]

HANDLING OF ALMONDS GROWN IN CALIFORNIA

Proposed Expenses of the Control Board and Rate of Assessment for 1968-69 Crop Year

Notice is hereby given of a proposal regarding expenses of the Almond Control Board for the 1968-69 crop year and rate of assessment for that crop year, pursuant to §§ 981.80 and 981.81 of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), regulating the handling of almonds grown in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The Control Board has unanimously recommended for the 1968-69 crop year beginning July 1, 1968, a budget of expenses in the total amount of $70,000 and an assessment rate of 0.10 cent per pound of almonds (kernel weight basis). Expenses in that amount and the assessment rate are specified in the proposal hereinafter set forth. The quantity of assessable almonds for the 1968-69 crop year is estimated at 83 million pounds (kernel weight). In order to protect against unanticipated crop losses, an assessment rate of 0.10 cent per pound should be established to assure the availability of sufficient funds to meet the expenses of the Control Board for the 1968-69 crop year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 8th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 981.318 **Expenses of the Control Board and rate of assessment for the 1968-69 crop year.**

(a) *Expenses.* Expenses in the amount of $70,000 are reasonable and likely to be incurred by the Control Board during the crop year beginning July 1, 1968, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said crop year, payable by each handler in accordance with § 981.81, is fixed at 0.10 cent per pound of almonds (kernel weight basis).

Dated: August 14, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9904; Filed, Aug. 16, 1968; 8:48 a.m.]

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

Proposed Amendment of Administrative Rules and Regulations

Notice is hereby given of a proposal, unanimously recommended by the Date Administrative Committee, to amend Subpart—Administrative rules and regulations (§§ 987.100 to 987.174), to permit substandard dates to be disposed of by handlers for use, or used, in the production of table syrup. The authorization for the proposed disposition of such dates would be pursuant to § 987.56 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR 987), regulating the handling of domestic dates produced or packed in a designated area of California. The amended marketing agreement and order (herein referred to collectively as the "order") are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Marketable dates are generally in plentiful supply. However, the restricted dates portion of marketable dates available for use in the production of table syrup is not adequate because such portion of these dates is being used for other approved products or export outlets. The supply of such marketable dates is now deemed about adequate to meet the demand for these more profitable outlets. A substantial quantity of substandard dates is available for use in the production of table syrup, but presently can only be disposed of in animal feed, nontable syrup, alcohol, brandy, or other nonhuman food outlets which yield relatively low returns to producers.

The proposal would permit substandard dates to be used in the production of table syrup, thereby enlarging the supply of dates available for such use, and provide an opportunity for higher returns to producers of these dates. Hence, it would tend to effectuate the declared policy of the act. However, to ensure that dates disposed of for use, or used, in the production of table syrup meet the applicable requirements of the "order" for substandard dates, the proposal requires the dates to be inspected and certified as being substandard dates.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 8 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspections at the office of the Hearing Clerk

during regular business hours (7 CFR 1.27(b)).

The proposal to amend Subpart—Administrative rules and regulations (7 CFR 987.100 to 987.174) by adding § 987.156 *Disposition of substandard dates for a specified product* is as follows:

§ 987.156 Disposition of substandard dates for a specified product.

Dates of any variety inspected and certified as substandard dates, as defined in § 987.15, may be disposed of by handlers for use, or used, in the production of table syrup.

Dated: August 14, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9905; Filed, Aug. 16, 1968; 8:49 a.m.]

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

Notice of Proposed Expenses of Date Administrative Committee and Rate of Assessment for 1968–69 Crop Year

Notice is hereby given of a proposal regarding expenses of the Date Administrative Committee for the 1968–69 crop year and rate of assessment for that crop year, pursuant to §§ 987.71 and 987.72 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987). The amended marketing agreement and order regulate the handling of domestic dates produced or packed in a designated area of California, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Date Administrative Committee has unanimously recommended for the 1968–69 crop year which began August 1, 1968, a budget of administrative expenses in the total amount of $23,000 and an assessment rate of 8 cents per hundred pounds of assessable dates. Expenses in that amount and the assessment rate are specified in the proposal hereinafter set forth. The assessable poundage is estimated by the Committee at 33.139 million pounds.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 8th day after publication in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 987.313 Expenses of the Date Administrative Committee and rate of assessment for the 1968–69 crop year.

(a) *Expenses.* Expenses in the amount of $23,000 are reasonable and likely to be incurred by the Date Administrative Committee during the crop year which began August 1, 1968, for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the applicable provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for that crop year which each handler is required, pursuant to § 987.72, to pay to the Date Administrative Committee as his pro rata share of the expenses is fixed at 8 cents per hundredweight on all assessable dates. Assessable dates are dates which the handler has certified during the crop year as meeting the requirements for marketable dates, including the eligible portion of any field-run dates certified and set aside or disposed of pursuant to § 987.45(f).

Dated: August 14, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9906; Filed, Aug. 16, 1968; 8:49 a.m.]

[7 CFR Part 1202]

[Docket No. AO-365]

HANDLING OF FLUE-CURED TOBACCO

Notice of Additional Time for Filing Written Exceptions to Recommended Decision on Proposed Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that a reasonable period of additional time is provided for filing written exceptions to the recommended decision dated July 16, 1968 (33 F.R. 10346), with respect to proposed marketing agreement and order regulating the handling of flue-cured tobacco. A request for such time was made on behalf of a group of growers of flue-cured tobacco so as to afford interested persons additional time for further consideration of the recommended decision.

Therefore, interested parties may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. To be considered, exceptions must be filed not later than August 30, 1968. They should be filed in quadruplicate. All such communications will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 14, 1968.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 68-9907; Filed, Aug. 16, 1968; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 74]

[Docket No. 17999]

COMMUNITY ANTENNA RELAY SERVICE

Permission To Transmit Program Material Originated by CATV Systems; Order Extending Time for Filing Comments

In the matter of amendment of Part 74 of the Commission's rules to permit stations licensed in the community antenna relay service to transmit program material originated by CATV systems, Docket No. 17999.

1. On March 20, 1968, the Commission extended the time for filing comments and reply comments in this proceeding to August 16, 1968, and October 15, 1968, respectively (No. 14687).

2. American Broadcasting Co.'s, Inc. (ABC), has requested a 35-day extension of time to and including September 20, 1968, in which to file comments in this proceeding. ABC states that since the issuance of the Supreme Court's decisions in Southwestern Cable and Fortnightly Corp., and the Commission's decision in Midwest Television (FCC 68-662), it has instituted studies and undertaken a reexamination of CATV problems, and that while these studies and reexamination have proceeded as quickly as circumstances have permitted, the filing of a document of maximum assistance to the Commission would not be possible by August 16. It is urged that by September 20, ABC (and, perhaps, other interested parties) will be in a better position to submit helpful and positive comments responsive to the fundamental public interest problems (in addition to technical aspects) which are inherent in the Docket 17999 inquiry. The National Association of Broadcasters has filed a statement in support of the ABC request for an extension of time. In these circumstances, it appears that a grant of the requested extension of time would serve the public interest.

Accordingly, it is ordered, Pursuant to § 0.289(c)(4) of the Commission's statement of delegations of authority, that the time within which to file comments in the above-captioned proceeding is extended to and including September 20, 1968, and the time within which to file reply comments is extended to an including November 19, 1968.

Adopted: August 12, 1968.

Released: August 13, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] SOL SCHILDHAUSE,
Chief, CATV Task Force.

[F.R. Doc. 68-9900; Filed, Aug. 16, 1968; 8:48 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 501]

[No. 22,002]

OPERATIONS

Collection of Claims

AUGUST 8, 1968.

Resolved that the Federal Home Loan Bank Board considers it desirable to amend the general regulations of the Federal Home Loan Bank Board for the purpose of prescribing procedure and delegating authority for the collection and compromise of claims, and for the suspension or termination of collection action on claims, of the Board and the Federal Savings and Loan Insurance Corporation, and, for such purpose, it is hereby proposed that Part 501 of said regulations (12 CFR Part 501) be amended by adding at the beginning of said part a new § 501.1 to read as follows:

§ 501.1 Claims of the Board and the Federal Savings and Loan Insurance Corporation.

(a) *General.* The Board and the Federal Savings and Loan Insurance Corporation shall attempt collection of all claims for money or property arising out of their respective activities in conformity with the Federal Claims Collection Act of 1966, (31 U.S.C. 951), and the Joint Regulations of the Attorney General and the Comptroller General thereunder (4 CFR Chapter II). This section does not apply to the Federal Savings and Loan Insurance Corporation in its capacity as conservator, receiver, or other legal custodian of a financial institution.

(b) *Compromise and termination of collection action.* The Board may compromise, or suspend or terminate collection action on, any claims arising out of its activities, other than claims arising under section 5 of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1464), not exceeding $20,000, exclusive of interest, in conformity with the Federal Claims Collection Act of 1966 and the Joint Regulations of the Attorney General and the Comptroller General thereunder. Claims of the Board arising under section 5 of the Home Owners' Loan Act of 1933, as amended, and claims of the Federal Savings and Loan Insurance Corporation, may be compromised and collection action may be suspended or terminated without regard to the amount of the claim.

(c) *Referral to General Accounting Office or for litigation.* The Board and the Federal Savings and Loan Insurance Corporation may refer claims to the General Accounting Office, or to the Department of Justice for litigation, pursuant to the Federal Claims Collection Act of 1966 and the Joint Regulations of the Attorney General and the Comptroller General thereunder.

(d) *Delegation of authority; referral to Board.* (1) The Comptroller of the Board is delegated the authority to collect all claims of the Board, and claims of the Federal Savings and Loan Insurance Corporation for insurance premiums and for the cost of examinations and audits, and as to the uncollected balance of any such claim not in excess of $5,000, exclusive of interest, said Comptroller is delegated the authority to compromise, suspend, or terminate collection action, or refer the claim to the General Accounting Office, except that:

(i) The advice of the General Counsel shall be obtained before any action, other than collection action, is taken by the Comptroller under this section, and

(ii) The concurrence of the Director or Deputy Director of the Office of Examinations and Supervision shall be obtained before any action, other than collection action, is taken by the Comptroller under this section concerning claims for the cost of examinations and audits.

(2) The Director, Office of the Federal Savings and Loan Insurance Corporation, is delegated the authority to collect all claims of the Federal Savings and Loan Insurance Corporation other than for insurance premiums and for the cost of examinations and audits. As to the uncollected balance of any claim arising out of, pursuant to or in connection with action taken by the Federal Savings and Loan Insurance Corporation under section 406(f) of the National Housing Act (12 U.S.C. 1729(f)), or any other claim (except claims for insurance premiums and claims for the cost of examinations and audits) not in excess of $5,000, exclusive of interest, said Director is delegated the authority to compromise, suspend or terminate collection action on, or refer the claim to the General Accounting Office, except that the advice of the General Counsel of the Board shall be obtained before any action, other than collection action, is taken by the Director, Office of the Federal Savings and Loan Insurance Corporation, under this section.

(3) The authority to refer claims of the Board and of the Federal Savings and Loan Insurance Corporation which do not exceed $5,000, exclusive of interest to the Department of Justice for litigation is delegated to the General Counsel.

(4) Claims of the Board and the Federal Savings and Loan Insurance Corporation, other than claims arising out of, pursuant to or in connection with action taken by said Corporation under section 406(f) of the National Housing Act, as amended (12 U.S.C. 1729(f)), which exceed $5,000, exclusive of interest, and which are determined by the Director, Office of the Federal Savings and Loan Insurance Corporation, the Comptroller, or the General Counsel to be uncollectable in full, shall be referred to the Board with a recommendation as to whether the claim should be compromised, collection action suspended or terminated, or other action taken thereon.

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437. Sec. 402, 48 Stat. 1256, as amended; 12 U.S.C. 1725. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, by September 2, 1968, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 68-9909; Filed, Aug. 16, 1968; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 2081]

ARIZONA

Notice of Classification of Public Lands For State Indemnity Lieu Selection

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18), and to the regulations in 43 CFR Parts 2410 and 2411, notice is hereby given of the classification of the public lands described below for transfer to the State of Arizona on Indemnity Lieu Selection. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. Publication of the notice of proposed classification had the effect of segregating the described lands from appropriation under the mining laws, and from all forms of appropriation under the public land laws, except State Indemnity Lieu Selection.

3. Information concerning these lands and the proposed disposition may be received by inquiry or inspection of data in the Phoenix District Office and Land Office, Bureau of Land Management, Federal Building, Phoenix, Ariz.

4. The notice of proposed classification was published in 33 F.R. 7887 of May 30, 1968. No protests have been received, and no changes have been made.

5. The lands included in this classification are located in Mohave County, and are described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 16 N., R. 16 W.,
Sec. 4, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼ and SE¼;
Secs. 8, 10 and 12;
Sec. 14, NE¼, E½NW¼ and S½;
Sec. 18, lots 1 to 4, inclusive, E½ and E½W½;
Secs. 20, 22, 24, 26 and 28;
Sec. 30, lots 1 to 4, inclusive, E½ and E½W½;
Sec. 34.

The lands described aggregate 8,860.93 acres.

6. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided in 43 CFR section 2411.2c.

FRED J. WEILER,
State Director.

AUGUST 13, 1968.

[F.R. Doc. 68-9870; Filed, Aug. 16, 1968; 8:45 a.m.]

National Park Service

[Order No. 39]

CHIEF, OFFICE OF ARCHEOLOGY AND HISTORIC PRESERVATION

Revocation of Delegation of Authority

Revocation. The authority delegated to the Chief, Office of Archeology and Historic Preservation, National Park Service under Order No. 39 (32 F.R. 10762; July 21, 1967), is hereby revoked.

(Sec. 205(a), Act of Oct. 15, 1966 (80 Stat. 915, 919))

Dated: August 12, 1968.

GEORGE B. HARTZOG, JR.,
Director, National Park Service.

[F.R. Doc. 68-9877; Filed, Aug. 16, 1968; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MICHIGAN, MISSOURI, AND SOUTH DAKOTA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Michigan, Missouri, and South Dakota, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MICHIGAN	
Allegan.	Saginaw.
Berrien.	St. Clair.
Lapeer.	Tuscola.
Macomb.	Van Buren.
MISSOURI	
Butler.	Pemiscot.
Dunklin.	Ripley.
Mississippi.	Scott.
New Madrid.	Stoddard.
SOUTH DAKOTA	
Charles Mix.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1969, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 13th day of August 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-9881; Filed, Aug. 16, 1968; 8:46 a.m.]

NEBRASKA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Nebraska, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NEBRASKA	
Clay.	Nuckolls.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1969, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 13th day of August 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-9882; Filed, Aug. 16, 1968; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

CANCER RESEARCH INSTITUTE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00540-33-46040. Applicant: Cancer Research Institute, New England Deaconess Hospital, 185 Pilgrim Road, Boston, Mass. 02215. Article: Electron microscope, Model HU-11C. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for virus cancer research which includes the ultrastructural studies of virus-induced sarcoma and pathogenesis of viral leukemia, also for teaching clinically trained pathologists the basic research techniques needed for cancer research. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The only known comparable domestic instrument is the Model EMU-4 electron microscope manufactured by the Radio Corporation of America (RCA). Effective September 1968, the RCA Model EMU-4 has been redesigned to increase performance capabilities with a quoted delivery time of 60 days. However, since the applicant placed the order for the foreign article prior to April 23, 1968, the determination of scientific equivalency has been made with reference to the characteristics and specifications of the RCA Model EMU-4 relevant at that time. (1) The foreign article provides a guaranteed resolution of 8 angstroms. (The lower the numerical rating in terms of angstroms, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the additional resolving capabilities of the foreign article are pertinent. (2) The foreign article provides accelerating voltages of 25, 50, 75, and 100 kilovolts, whereas the RCA Model EMU-4 provided only 50- and 100-kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltage provides optimum contrast for unstained specimens and that the voltages intermediate between 50 and 100 kilovolts provide optimum contrast for negatively stained specimens. For the purposes for which the foreign article is intended to be used, it is necessary to obtain optimum contrast, and, therefore, the additional accelerating voltages provided by the foreign article are pertinent.

For the foregoing reasons, we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-9861; Filed, Aug. 16, 1968; 8:45 a.m.]

HARVARD UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00603-33-46040. Applicant: Harvard University, 75 Mount Auburn Street, Cambridge, Mass. 02136. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics N.V.D. The Netherlands. Intended use of article: The article will be used for training advanced students at the post-doctoral level, as well as for research programs focused on the morphology of cell systems at the macromolecular level. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The only known comparable domestic instrument is the Model EMU-4 electron microscope manufactured by the Radio Corporation of America (RCA). Effective September 1968, the RCA Model EMU-4 has been redesigned to increase certain performance capabilities, with a quoted delivery time of 60 days. However, since the applicant placed the order for the foreign article prior to May 21, 1968, the determination of scientific equivalency has been made with reference to the characteristics and specifications of the RCA Model EMU-4 relevant at that time. (1) The foreign article has a guaranteed resolution of 5 angstroms. The RCA Model EMU-4 had a guaranteed resolution of 8 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the highest possible resolution is required. Therefore, the additional resolving capabilities of the foreign article are pertinent. (2) The foreign article provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU-4 provided accelerating voltages of 50 and 100 kilovolts only. It has been experimentally demonstrated that the lower accelerating voltage of the foreign article furnishes better contrast for unstained and ultrathin sections and the voltages intermediate between 50 and 100 kilovolts afford optimum contrast for negatively stained sections. For the purposes for which the foreign article is intended to be used, the lower and intermediate accelerating voltages are pertinent.

For the foregoing reasons, we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-9862; Filed, Aug. 16, 1968; 8:45 a.m.]

MICHIGAN TECHNOLOGICAL UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Docket No. 68-00539-33-46040. Applicant: Michigan Technological University, Department of Biological Sciences, Houghton, Mich. 49931. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for training and instruction of senior and graduate students in biological science and for faculty and graduate student research. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The only known comparable domestic

instrument is the Model EMU–4 electron microscope manufactured by the Radio Corporation of America (RCA). Effective September 1968, the RCA Model EMU–4 has been redesigned to increase certain performance capabilities, with a quoted delivery time of 60 days. However, since the applicant placed the order for the foreign article prior to April 23, 1968, the determination of scientific equivalency has been made with reference to the characteristics and specifications of the RCA Model EMU–4 relevant at that time. The foreign article provides accelerating voltages of 25 and 50 kilovolts. The only known comparable domestic electron microscope, the RCA Model EMU–4, provided accelerating voltages of 50 and 100 kilovolts. The foreign article is intended to be used in experiments on ultrathin biological specimens. It has been experimentally determined that the lower accelerating voltages of the foreign article afford optimum contrast for unstained ultrathin specimens. Therefore, the 25 kilovolt accelerating voltage of the foreign article is pertinent to the research purposes for which the foreign article is intended to be used.

For this reason, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article for the purposes for which article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–9863; Filed, Aug. 16, 1968; 8:45 a.m.]

NEW YORK MEDICAL COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68–00588–33–46040. Applicant: New York Medical College, 106 Street and Fifth Avenue, New York, N.Y. 10029. Article: Electron microscope, Model HV–1. Manufacturer: Hitachi, Limited, Japan. Intended use of article: The article will be used to investigate the applications of high vacuum electron microscopy to the high resolution electron microscopy of biological materials. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The only known comparable domestic instrument is the Model EMU–4 electron microscope manufactured by the Radio Corporation of America (RCA). Effective September 1968, the RCA Model EMU–4 has been redesigned to increase performance capabilities, with a quoted delivery time of 60 days. However, since the applicant placed the order for the foreign article prior to May 17, 1968, the determination of scientific equivalency has been made with reference to the characteristics and specifications of the RCA Model EMU–4 relevant at that time. The foreign article provides a specimen chamber vacuum of 5×10^{-4} Torr. The only known domestic electron microscope, the RCA Model EMU–4, provided a specimen chamber vacuum of 2×10^{-4} Torr. (The higher the negative power of ten, the better the vacuum.) For the purposes for which the foreign article is intended to be used, the additional vacuum capacity of the foreign article is pertinent.

For the foregoing reason, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article, for the purpose for which said article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–9864; Filed, Aug. 16, 1968; 8:45 a.m.]

PENNSYLVANIA STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Docket No. 68–00525–67–46040. Applicant: Pennsylvania State University, College of Earth and Mineral Sciences, University Park, Pa. 16802. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, Inc., The Netherlands. Intended use of article: The article will be used for graduate and undergraduate teaching programs which cover the theory and operation of a modern electron microscope, and as a major investigative tool in a number of graduate research programs. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The only known comparable domestic instrument is the Model EMU–4 electron microscope manufactured by the Radio Corporation of America (RCA). Effective September 1968, the RCA Model EMU–4 has been redesigned to increase certain performance capabilities, with a quoted delivery time of 60 days. However, since the applicant placed the order for the foreign article prior to April 15, 1968, the determination of scientific equivalency has been made with reference to the characteristics and specifications of the RCA Model EMU–4 relevant at that time. (1) The applicant's studies of crystal plane spacings in clay minerals where the absorption or desportion of water can be followed directly by concomitant changes in the separation of the crystal planes, the study of very small particles used for the dispersion strengthening of metals and studies of nucleation and growth of second phases and the process of spindal decomposition require the guaranteed resolution of 5 angstroms of the foreign article. The only known comparable domestic electron microscope is the RCA Model EMU–4, which had a guaranteed resolution of 8 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capabilities.) For the purposes for which the foreign article is intended, the additional resolving power is pertinent. (2) The applicant's studies of mixed crystalline and amorphus materials such as glasses would require a wide range of accelerating voltages, 20, 40, 60, 80, and 100 KV to provide contrasts with low voltages confined to bulk specimens. The RCA Model EMU–4 provided only accelerating voltages of 50 and 100 KV. For the purposes for which the foreign article is intended, the additional accelerating voltages are pertinent.

For the foregoing reasons, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–9865; Filed, Aug. 16, 1968; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20106; Order 68–8–54]

BRANIFF AIRWAYS, INC.

Order of Investigation and Suspension Regarding Fare Increases

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of August 1968.

By tariff revisions[1] marked to become effective August 19, 1968, Braniff Airways, Inc. (Braniff), proposes to cancel its normal one-way first-class and coach propeller fares, and provide that its jet fares will apply to propeller service. The effect of the proposal is to increase all of Braniff's normal propeller fares, 93 first-class and 82 coach, to the same level as its corresponding jet fares. The proposed fare increases range from $1 to $4 or 4.88 percent to 13.33 percent for first-class fares, and from $1 to $5 or 4.76 percent to 20 percent for coach fares.

In support of the proposed increases, Braniff asserts that the proposed action is undertaken as an effort to simplify its fare structure and fare construction, and to put the fares applicable to its Lockheed Electra aircraft in proper relationship to the fares applicable to other aircraft operated by Braniff. Braniff believes that one of the major problems facing the airline industry today is the customer congestion at airport ticket counters, and that anything done to make this process more efficient, orderly, and responsive to passenger desires is a step in the right direction. In addition, Braniff alleges that its Electra aircraft are not producing adequate revenue under the present fares, and that from a cost and quality of service viewpoint, fares should be the same for the Electra and BAC 1–11 jet aircraft that Braniff operates in most of its short-haul markets.

No complaints have been filed against the proposal.

Upon consideration of all relevant matters, the Board has determined that the proposal of Braniff to cancel its normal one-way propeller first-class and coach fares and provide that present jet fares will apply to propeller service may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated.

Braniff's proposal is in the nature of a general fare increase based on a fare structure adjustment, but without compensating reductions of other fares or any demonstration of the overall need for a revenue increase at the present time. While the carrier's domestic earnings decreased in 1968, there is no clear showing that such reduced earnings are of a permanent nature. It is noted that the carrier's earnings in previous years were satisfactory for an extended period of time. The Board has long held that short-range economic swings are no basis for fare changes and we conclude, therefore, that the proposed fare increases should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether:

(a) The provisions described in Appendix A hereto to the extent that they provide for the cancellation of propeller first-class fares and propeller day coach fares,

(b) The fares which would apply if such cancellation of fares is permitted to become effective, and

(c) The rules, regulations, and practices affecting the fares described above, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares, and rules, regulations, or practices affecting such fares;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto[2] are suspended and their use deferred to and including November 16, 1968, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order be filed with the aforesaid tariff and be served upon Braniff Airways, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68–9910; Filed, Aug. 16, 1968; 8:49 a.m.]

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 101, filed with a posting date of July 5, 1968.

[2] Filed as part of the original document.

[Docket No. 18650; Order 68–8–56]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Rate Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of August 1968.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated CAB Agreement number.

The agreement amends the procedures governing handling of cable notice filings to be considered at meetings of the Joint Conference Specific Commodity Rates Committee by removing from consideration by the Committee any such filings which have not been received more than 40 days before the meeting. The Committee currently reviews cable filings received 15 days prior to its meeting.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the following resolutions, incorporated in Agreement CAB 20446, to be adverse to the public interest or in violation of the Act:

IATA RESOLUTIONS

JT23(Mail 201)590.
JT31(Mail 148)590.
JT123(Mail 546)590.

Accordingly, it is ordered, That:

Agreement CAB 20446 be and hereby is approved.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68–9911; Filed, Aug. 16, 1968; 8:49 a.m.]

[Docket No. 19472]

NORTHWEST AIRLINES, INC., AND PAN AMERICAN WORLD AIRWAYS, INC.

Notice of Hearing Regarding Interchange Agreement

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on October 15, 1968, at 10 a.m. (local time) in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 14, 1968.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 68–9912; Filed, Aug. 16, 1968; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–2602, etc.]

MARATHON OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

AUGUST 9, 1968.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10), on or before August 30, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G–2602 C 7–29–68	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	Natural Gas Pipeline Co. of America, North Pasture Field, San Patricio County, Tex.	16.0	14.65
G–3060 E 7–30–68	Hugh Robert Goodrich et al. (successor to R. H. Goodrich), 609 Bank of the Southwest Bldg., Houston, Tex. 77002.	Texas Eastern Transmission Corp., Helen Gohlke Field, Victoria and De Witt Counties, Tex.	14.6	14.65
G–3326 E 7–29–68	do	do	14.6	14.65
G–5315 C 5–17–68	Skelly Oil Co.,[1] Post Office Box 1650, Tulsa, Okla. 74102.	Northern Natural Gas Co., Elliott B–9 Unit, Lea County, N. Mex.	11.2606	14.65
G–13642 D 7–23–68	Mobile Oil Corp., Post Office Box 2444, Houston, Tex. 77001 (partial abandonment).	Transcontinental Gas Pipe Line Corp., Pointe Au Fer Field, Terrebonne Parish, La.	Depleted	----------
G–17906 E 7–18–68	Sohio Petroleum Co. (successor to Blanco Oil Co.), 970 First National Office Bldg., Oklahoma City, Okla. 73102.	El Paso Natural Gas Co., Ingham (Devonian) Field, Crockett County, Tex.	[3] 16.72275	14.65
G–19542 E 7–24–68	An-Son Corp., 3814 North Santa Fe, Oklahoma City, Okla. 73118.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	17.0	14.65
CI61–304 D 7–25–68	A. T. Carr Drilling Co., c/o A. T. Carr, Operator, Box 7, Lost Creek, W. Va. 26385.	Consolidated Gas Supply Corp., Freemans Creek District, Lewis County, W. Va.	Depleted	----------
CI61–1265 C 7–25–68	Southern Union Production Co., Fidelity Union Tower, Dallas, Tex. 75201.	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	12.0529005	15.025
CI62–691 D 7–25–68	Samedan Oil Corp. (Operator) et al., Post Office Box 909, Ardmore, Okla. 73401 (partial abandonment).	El Paso Natural Gas Co., acreage in Crane County, Tex.	(4)	----------
CI63–75 C 7–15–68	Cities Service Oil Co., Cities Service Bldg., Bartlesville, Okla. 74003.	Colorado Interstate Gas Co.,[4] Eubank-Morrow Field, Haskell County, Kans.	17.0	14.65
CI64–761 E 7–19–68	Sunray DX Oil Co. (successor to J. F. Stephenson (Operator) et al.), Post Office Box 2039, Tulsa, Okla. 741302.	Lone Star Gas Co., East Hewitt Field, Carter County, Okla.	15.01	14.65
CI64–1135 E 7–19–68	do	do	16.01	14.65
CI64–1496 E 7–18–68	Amarillo Natural Gas Co. (Operator) et al. (successor to William N. Price and L. E. Geoffroy (Operator) et al.), 305 Bank of the Southwest Bldg., Amarillo, Tex. 79109.	Kansas-Nebraska Natural Gas Co., Inc., acreage in Beaver County, Okla.	[5] 15.001	14.65
CI65–571 C 7–22–68	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	13.0	15.025
CI66–7 E 7–19–68	Sunray DX Oil Co. (successor to J. F. Stephenson (Operator) et al.),	Lone Star Gas Co., East Hewitt Area, Carter County, Okla.	15.01	14.65
CI66–118	A. M. Van Flick, agent for	Equitable Gas Co., Glenville District	(6)	----------
CI66–118 D 6–26–68	A. M. Van Flick, agent for Pacific States Gas & Oil Co., c/o John S. Holy, attorney, Post Office Box 643, Weston W. Va. 26452.	Equitable Gas Co., Glenville District, Gilmer County, W. Va.	(6)	----------
CI66–550 D 6–26–68	Pacific States Gas & Oil, Inc., c/o John S. Holy, attorney, Post Office Box 643, Weston, W. Va. 26452.	Equitable Gas Co., De Kalb District, Gilmer County and Union District, Ritchie County, W. Va.	(6)	----------
CI67–550 A 10–20–67	Lester Davidson & Co., 411 Charles Street, Glenville, W. Va. 26351.	Carnegie Natural Gas Co., acreage in Gilmer County, W. Va.	20.0	15.325
CI67–1667 C 7–23–68	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Seiling Field, Dewey County, Okla.	[7] 17.0	14.65
CI67–1803 C 7–26–68	Petroleum, Inc., 300 West Douglas, Wichita, Kans. 67202.	Northern Natural Gas Co., Mocane-Laverne Pool, Beaver County, Okla.	[7] 17.0	14.65
CI68–962 7–24–68 [2]	Standard Oil Co. of Texas, a division of Chevron Oil Co. (Operator) et al., Post Office Box 1249, Houston, Tex. 77001.	Lone Star Gas Co., Rush Springs Area, Grady County, Okla.	15.0	14.65
CI68–1041 C 7–29–68	Federal Oil & Gas Co., et al., 1718 Grant Bldg., Pittsburgh, Pa. 15219.	Consolidated Gas Supply Corp., Courthouse District, Taylor County, W. Va.	25.0	15.325
CI68–1102 A 3–13–68	Caroline Hunt Sands and Loyd B. Sands,[8] 1401 Elm St., Dallas, Tex. 75202.	Natural Gas Pipeline Co. of America, acreage in Winkler County, Tex.	[7] 17.5	14.65
CI68–1103 A 3–13–68	A. G. Hill,[8] 1401 Elm St., Dallas, Tex. 75202.	do	[7] 17.5	14.65
CI68–1104 A 3–13–68	Caroline Hunt Trust Estate,[8] 1401 Elm St., Dallas, Tex. 75202.	do	[7] 17.5	14.65
CI68–1199 A 4–3–68	Roden Oil Co. (Operator) et al.,[9] Post Office Box 5614, Midland, Tex. 79701.	Natural Gas Pipeline Co. of America, Lochridge Area, Ward County, Tex.	[7] 17.0	14.65
CI68–1229 A 4–22–68	Pennzoil United, Inc.,[9] Post Office 1828, 1007 Midland Savings Bldg., Midland, Tex. 79701, attn: F. C. Edwards, vice president.	do	[10] 18.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI69–1231 A 4–22–68	Steico '65, Ltd.,[9] Post Office Box 1828, 1007 Midland Savings Bldg., Midland, Tex. 79701.	Natural Gas Pipeline Co. of America, Lochridge Area, Ward County, Tex.	[10] 18.0	14.65
CI69–1232 A 4–22–68	Steico '67, Ltd.,[9] Post Office Box 1828, 1007 Midland Savings Bldg., Midland, Tex. 79701.	do	[10] 18.0	14.65
CI68–1265 A 4–30–68	Southland Royalty Co.,[9] 1600 First National Bank Bldg., Fort Worth, Tex. 76101.	Natural Gas Pipeline Co. of America, acreage in Winkler County, Tex.	[7] 17.85	14.65
CI69–1350 C 7–5–68	Floyd E. Bagely, 608 First Federal Bldg., Fort Smith, Ark. 72901.	Arkansas Louisiana Gas Co., Mansfield Field, Logan County, Ark.	14.0	14.65
CI68–1399 A 6–3–68	Felmont Oil Corp. (Operator) et al.,[9] 1300 National Bank of Commerce Bldg., San Antonio, Tex. 78205.	Natural Gas Pipeline Co. of America, Lochridge Field, Ward and Reeves Counties, Tex.	[7] 16.5	14.65
CI68–1380 A 6–10–68	Marathon Oil Co.[1]	Natural Gas Pipeline Co. of America, Lochridge-South Pyote Area, Ward County, Tex.	[7] 17.5	14.65
CI69–90 A 7–19–68	The Superior Oil Co.,[9] Post Office Box 1521, Houston, Tex. 77001	Natural Gas Pipeline Co. of America, Orlandon Field, Winkler County, Tex.	[7] 17.5	14.65
CI69–83 (CI63–20) F 7–19–68	A. C. Black et al. (successor to Humble Oil & Refining Co.), 2123 Republic Bank Tower, Dallas, Tex. 75201.	Arkansas Louisiana Gas Co., Pine Hollow Field, Pittsburg County, Okla.	15.0	14.65
CI69–94 A 7–22–68	Crane Creek Gas Co. et al., c/o Jimmy Dickey & Rollins, Post Office Box 146, Charleston, W. Va. 25321.	Consolidated Gas Supply Corp., Sandy River District, McDowell County, W. Va.	25.0	15.325
CI69–55 A 7–22–68	Morris Oil & Gas Co., Inc., Post Office Box 267, Grantsville, W. Va. 26147.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	25.0	15.325
CI69–95 B 7–22–68	W. H. Hase, 201 Washington St., Marietta, Ohio 45750.	Consolidated Gas Supply Corp., Union District, Ritchie County, W. Va.	Uneconomical	----------
CI69–97 B 7–22–68	do	do	Uneconomical	----------
CI69–98 A 7–22–68	Neal A. Mager et al., c/o Jerry F. Lyons, Attorney, Post Office Box 588, Amarillo, Tex. 79105.	Phillips Petroleum Co., Panhandle Field, Hutchinson County, Tex.	9.0	14.65
CI69–99 A 7–22–68	do	Phillips Petroleum Co., Red Cave, Panhandle Field, Hutchinson County, Tex.	13.0	14.65
CI69–90 B 7–22–68	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	Arkansas Louisiana Gas Co., Jeans Bayou Field, Caddo Parish, La.	Uneconomical	----------
CI69–91 A 7–24–68	Belco Petroleum Corp., 630 Fifth Ave., New York, N.Y. 10020.	Texas Gas Transmission Corp., North Maurice Field, Lafayette Parish, La.	21.25	15.025
CI69–92 B 7–23–68	Mobil Oil Corp.	United Gas Pipe Line Co., Refugio Field, Refugio County, Tex.	Depleted	----------
CI69–93 A 7–24–68	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., West Teegarden Field, Woods County, Okla.	[7] 17.0	14.65
CI69–94 (CI–3784) F 7–23–68	Sohio Petroleum Co. (successor to Blanco Oil Co.).	Transcontinental Gas Pipe Line Corp., Ortega Field, Refugio County, Tex.	[11] 11.0	14.65
CI69–95 (CI–3784) F 7–19–68	do	United Gas Pipe Line Co., Burnell Pool, Bee and Karnes Counties, Tex.	[12] 15.485	14.65
CI69–96 (CI–3784) F 7–19–68	do	The Altex Corp., Ben Bolt Pool, Jim Wells County, Tex.	13.8452	14.65
CI69–97 (CI–3784) F 7–19–68	do	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Hoyser Field, Calhoun County, Tex.	[13] 18.0	14.65
CI69–98 B 7–25–68	Thomas N. Berry & Co., Post Office Box 111, Stillwater, Okla. 74076.	Kansas-Nebraska Natural Gas Co., Inc., Southeast Liberal Area, Texas County, Okla.	Depleted	----------

See footnotes at end of table.

[1] By letter filed June 17, 1968, Applicant expressed willingness to accept permanent authorization conditioned as to rate to that hereinafter modified by Opinion No. 468–A.
[2] Includes tax reimbursement.
[3] Buyer is unable to take additional gas.
[4] Now Colorado Interstate Pipeline Co., a division of Colorado Interstate Gas Co.
[5] Includes .001 cent per Mcf tax reimbursement.
[6] Deletes surrendered acreage, since acquired by Rabbit Gas & Oil Co.
[7] Subject to upward and downward B.t.u. adjustment.
[8] Amendment to certificate filed to add the interest of Jake L. Hamon and to redesignate rate schedule to read "Operator et al."
[9] Applicant advised willingness to accept permanent certificate containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468–A.
[10] Includes 0.5 cent upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[11] 12 cents per Mcf for gas compressed by buyer, if producer operates and maintains the compressors for remainder of term; 13 cents per Mcf if producer elects to install and operate the compressor. Rate is also subject to a dehydration charge of 0.21931 cent per Mcf paid to Transco, if applicable.
[12] Rate in effect subject to refund in Docket No. R168–116.
[13] Rate in effect subject to refund in Docket No. R164–300.
[14] Applicant states it is willingness to accept certificate conditioned to 17 cents per Mcf, subject to adjustment for B.t.u. content.
[15] 13 cents per Mcf—gas well gas; 16 cents per Mcf—casinghead gas.
[16] Rate in effect subject to refund in Docket No. R167–270.
[17] Includes 1.75 cents per Mcf tax reimbursement.
[18] Rate in effect subject to refund in Docket No. R167–272.
[19] Filing made by Hugh Robert Goodrich et al., successors to R. H. Goodrich.

[F.R. Doc. 68–9838; Filed, Aug. 16, 1968; 8:45 a.m.]

[Docket No. CP66-282]

ELCOR CHEMICAL CORP.

Notice of Petition To Amend

AUGUST 12, 1968.

Take notice that on August 5, 1968, Elcor Chemical Corp. (Petitioner), 201 Wall Building, Midland, Tex., filed in Docket No. CP66-282 a petition to amend the order of the Commission issued in said docket July 26, 1966, which order authorized National Sulphur Co. to construct and operate facilities and to transport and sell natural gas in interstate commerce, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the instant filing, Petitioner seeks amendment of said certificate of public convenience and necessity by substituting Elcor Chemical Corp. for National Sulphur Co. as the holder of such certificate.

The petition states that Elcor Chemical Corp. is the successor to National Sulphur Co. by corporate merger. Petitioner states that it will continue to operate the facilities and to perform the services pursuant to the terms and conditions stated in said order of July 26, 1966.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 6, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-9871; Filed, Aug. 16, 1968; 8:46 a.m.]

[Docket No. CP67-168]

SOUTHERN NATURAL GAS CO.

Notice of Petition To Amend

AUGUST 12, 1968.

Take notice that on August 1, 1968, Southern Natural Gas Co. (Petitioner), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP67-168 a petition to amend the order of the Commission issued in said docket on August 31, 1967, which order authorized Petitioner to sell and deliver to its customers natural gas, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the instant filing, Petitioner seeks amendment of said order by requesting authorization to sell and deliver, during the period November 1, 1968, to October 31, 1969, increased contract demands and maximum delivery obligations to certain of its customers as set forth below:

Customer—resale customers	Contract demand or maximum delivery obligation authorized by Aug. 31, 1967 order	Requested increase contract demand or maximum delivery obligation to be effective Nov. 1, 1968
Rate Schedule OCD-2:		
Water Works and Gas Board of the City of Greensboro	1,400	1,470
Marshall County Gas District	7,400	8,200
Pickens County Natural Gas District	1,326	1,425
The Gas Board of the City of Pleasant Grove	5,750	6,000
Southeast Alabama Gas District	30,000	34,250
Rate Schedule G-2:		
Water Works and Gas Board of the City of Marion	1,900	2,000
The Water Works, Gas and Sewer Board of the City of Oneonta	2,425	3,315
The Utilities Board of the City of Union Springs	1,375	1,450
Rate Schedule OCD-3:		
Atlanta Gas Light Co	595,013	601,008
South Carolina Electric & Gas Co	118,000	130,000
Chattanooga Gas Co	39,000	41,500
City of Cartersville	7,150	8,250
City of LaFayette	2,240	2,315
City of Wrens	750	1,400
Direct sale customers:		
Union Camp Corp	720	850
Savannah Sugar Refining Corp	720	1,700

Petitioner states that it presently has capacity to provide the increased contract demands as listed above during the period November 1, 1968, to October 31, 1969. However, it does not at present have capacity to provide such increased contract demands subsequent to October 31, 1969, due to previous authorization by the Commission to supply other customers with increases in contract demand, effective November 1, 1969, which increase will utilize substantially all of Petitioner's existing capacity. Petitioner states that Commission authority in the instant filing will enable Petitioner to provide the increased requirements to its entire system.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 6, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-9872; Filed, Aug. 16, 1968; 8:46 a.m.]

[Docket No. CP67-132]

TRANSWESTERN PIPELINE CO.

Notice of Petition To Amend

AUGUST 12, 1968.

Take notice that on August 2, 1968, Transwestern Pipeline Co. (Petitioner), Post Office Box 1502, Houston, Tex. 77001, filed in Docket No. CP67-132 a petition to amend the order of the Commission issued in said docket on January 13, 1967, which order authorized the operation by Petitioner of an existing tap valve on its transmission line in Curry County, N. Mex., and the sale of surplus natural gas on an interruptible basis to Southern Union Gas Co. (Southern) for resale, which authorization will expire on September 30, 1968, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the instant filing, Petitioner seeks amendment of said order by requesting an extension of the authorization, through September 30, 1970.

The petition states that no additional facilities are required to perform the service, and that the volumes of gas involved would have virtually no effect on the reserve life index of Petitioner's gas supply.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 6, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-9873; Filed, Aug. 16, 1968; 8:46 a.m.]

[Docket No. CS69-4]

WESTERN STATES PRODUCING CO.

Notice of Application for "Small Producer" Certificate

AUGUST 12, 1968.

Take notice that on July 29, 1968, Western States Producing Co., Suite 2018, National Bank of Commerce Building, San Antonio, Tex. 78205, filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 30, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission providing no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificate is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-9874; Filed, Aug. 16, 1968; 8:46 a.m.]

[Docket No. G-3892, etc.]

PANHANDLE PRODUCING CO. ET AL.

Findings and Order After Statutory Hearing; Correction

AUGUST 1, 1968.

Panhandle Producing Co. et al. (successor to Ashland Oil & Refining Co.), and other applicants listed herein, Docket No. G-3892 et al.; Mesa Petroleum Co. et al., Docket No. G-19386. In findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, terminating rate proceeding, making successors co-respondents, substituting respondent, redesignating proceedings, requiring filing of agreements and undertakings, and accepting related rate schedules and supplements for filing, issued December 7, 1967 and published in the FEDERAL REGISTER December 16, 1967 (F.R. Doc. 67-14548), 32 F.R. 18067, Docket No. G-3892 et al., paragraph (5): Change Docket No. "G-19387" to read "G-19386". Page 18069, paragraph (L): Change Docket No. "G-19387" to read "G-19386", and first column: change Docket No. "G-19387" to read "G-19386".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-9875; Filed, Aug. 16, 1968; 8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

Property Management and Disposal Service

[Wildlife Order 63]

PORTION, LARSON AFB

Transfer of Property

Pursuant to section 2 of Public Law 537, 80th Congress, approved May 19, 1948 (U.S.C. 667c), notice is hereby given that:

1. By deed from the United States of America dated March 8, 1968, the property known as a portion of the Larson Air Force Base, Moses Lake, Wash., consisting of 154.83 acres of unimproved land, and more particularly described in the deed, has been transferred from the United States to the State of Washington.

2. The above described property was transferred for wildlife purposes in accordance with the provisions of Section 1 of said Public Law 537 (16 U.S.C. 667b).

Dated: August 13, 1968.

CURTIS A. ROOS,
Acting Assistant Commissioner for Real Property Disposal.

[F.R. Doc. 68-9867; Filed, Aug. 16, 1968; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-2943, 7-2944]

CONSUMERS POWER CO., AND A. J. INDUSTRIES, INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 13, 1968.

In the matter of applications of the Philadelphia Baltimore Washington Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Consumers Power Co. (Michigan), File No. 7-2943; A. J. Industries, Inc. (Delaware), File No. 7-2944.

Upon receipt of a request, on or before August 28, 1968, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-9878; Filed, Aug. 16, 1968; 8:46 a.m.]

GOLDEN AGE MINES, LTD.

Order Suspending Trading

AUGUST 13, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Golden Age Mines, Ltd., 250 University Avenue, Toronto, Canada, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 14, 1968, through August 23, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-9879; Filed, Aug. 16, 1968; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 681]

MINNESOTA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of August 1968, because of the effects of certain disasters, damage resulted to residences and business property located in the county of Blue Earth, in the State of Minnesota;

Whereas, the Small Business Administration has investigated and has received

other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on August 6, 1968, and continuing thereafter.

OFFICE

Small Business Administration Regional Office, 816 Second Avenue South, Minneapolis, Minn. 55402.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to February 28, 1969.

Dated: August 12, 1968.

HOWARD J. SAMUELS,
Administrator.

[F.R. Doc. 68-9830; Filed, Aug. 16, 1968; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

BRAZIL/UNITED STATES GULF SAILING AND CARGO ALLOWANCE AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Donald Macleay, Esq., Macleay, Lynch, Bernhard & Gregg, Commonwealth Building, 1625 K Street NW., Washington, D.C. 20006.

Agreement No. 9739, between Companhia de Navegacao Lloyd Brasileiro, S.A. and Navegacao Mercantil, S.A. operating as a single line, and Delta Steamship Lines, Inc., provides for the establishment of a sailing and cargo allowance agreement by the parties in the trade between Brazilian ports in the Paranagua/Victoria range inclusive, and U.S. Gulf ports in the Brownsville/Key West range, inclusive.

The carriers are to provide between six and 12 sailings in each direction during any calendar quarter-year period and are permitted to transport a specified number of payable cargo tons during any calendar quarter-year period with a 10-percent over or under carriage allowance. Adjustments are made as mutually agreed if a line, in a calendar quarter, (1) fails to transport its cargo allowance, (2) exceeds such allowance, or (3) fails to fulfill its minimum sailings. While certain types of cargo are excluded from the arrangement, any and all government-controlled traffic to the extent permitted by the laws of Brazil and the United States will be included. Each carrier shall man, navigate and operate its vessels at its own risk and expense. Upon approval, the agreement is to remain in effect until the end of the third full calendar year thereafter and may be extended, subject to approval, for an additional period of 10 years.

Dated: August 14, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-9866; Filed, Aug. 16, 1968; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 669]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 13, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 35628 (Sub-No. 292 TA), filed August 7, 1968. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 1 Vandenberg Center, Grand Rapids, Mich. 49502. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Dore* (impure bullion), from Denver, Colo., over presently authorized routes, to Baltimore, Md., and Perth Amboy, N.J., from St. Paul, Minn., over presently authorized routes to Baltimore, Md., and Perth Amboy, N.J., for 180 days. NOTE: Applicant is presently authorized to transport general commodities, with exceptions, including articles of unusual value, from Denver, Colo., and St. Paul, Minn., to Perth Amboy, N.J., and Baltimore, Md. The purpose of this application is to obtain whatever additional authority is required if the commodity applied for herein is determined to be within the exception noted above. Supporting shipper: American Smelting & Refining Co., 120 Broadway, New York, N.Y. 10005. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich. 48933. NOTE: Applicant intends to interline with Garrett Freightlines, Inc., at Denver, Colo., and St. Paul, Minn.

No. MC 109136 (Sub-No. 38 TA), filed August 9, 1968. Applicant: ORIOLE CHEMICAL CARRIERS, INC., 9722 Pulaski Highway, Baltimore, Md. 21220. Applicant's representative: Maxwell A. Howell, 1120 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda*, other than liquid, in bulk, for the account of Diamond Shamrock Corp., from the plantsite of Diamond Shamrock Corp. at Delaware City, Del., to the District of Columbia and points in New Jersey, Maryland, New York, Connecticut, Rhode Island, Massachusetts, Pennsylvania, and Virgina, for 180 days. Supporting shipper: Thomas H. Jones, general manager, transportation and distribution, Diamond Shamrock Corp., 300 Union Commerce Building, Cleveland, Ohio 44115. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 111401 (Sub-No. 261 TA), filed August 8, 1968. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acid and phosphatic fertilizer solutions*, in bulk, from the plantsite of Freeport Chemical Co., division of Freeport Sulphur Co. at or near Uncle Sam, St. James Parish, La., to points in Alabama, Arkansas, Florida, Georgia, Illinois (on and south of U.S. Highway 50, including East St. Louis), Kentucky, Louisiana, Mississippi, Missouri on and south of the Missouri River, Oklahoma, Tennessee, and Texas, for 180 days. Supporting shipper: Freeport Sulphur Co., 161 East 42d Street, New York, N.Y. 10017. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 126367 (Sub-No. 6 TA), filed August 8, 1968. Applicant: EVERGREEN TRUCKING COMPANY, Box 39, Jewell, Oreg. 97126. Applicant's representative: Earl White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Peeler cores* from Libby, Mont., and Roslyn, Wash., to Priest River, Idaho; and (B) *peeler cores and short logs* from points in western Washington (west of the summit of the Cascade Range) to St. Helens, Oreg., for 180 days. Supporting shippers: Friesen Lumber Co., 315 Oregon National Building, 610 Southwest Alder Street, Portland, Oreg. 97205; Merritt Bros. Lumber Co., Priest River, Idaho 83856. Send protests to: R. V. Dubay, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 127062 (Sub-No. 2 TA), filed August 9, 1968. Applicant: KARL MARKUS, doing business as MARKUS TRUCKING, 2001 20th Avenue South, Lethbridge, Alberta, Canada. Applicant's representative: Jos. F. Meglen, 2822 Third Avenue North, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain and machinery storage steel buildings and associated fabricated parts*, from Columbus, Nebr., to port of entry on the international boundary line between the United States and Canada at or near Sweetgrass, Mont., for 180 days. Supporting shipper: United Machine Distributors, Ltd., Post Office Box 1202, Lethbridge, Alberta, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 133071 TA, filed August 8, 1968. Applicant: SKYLAND, INC., 116 LaGrave SE., Grand Rapids, Mich. 49503. Applicant's representative: Camille Sam Abood, 117 East Allegan Street, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Grand Rapids, Mich., on the one hand, and, on the other, Detroit Metropolitan Airport and Willow Run Airport, Wayne County, Mich., on a route from Grand Rapids along I-96 to U.S. 23, thence to U.S. I-94 to Metropolitan Airport and Willow Run Airport, Wayne County, Mich., and return over the same route. Subject to the restriction that all traffic transported shall have an immediately prior or immediately subsequent interstate movement by air. NOTE: Applicant will interline at Metropolitan and Willow Run Airport with all air carriers; for 180 days. Supporting shippers: There are approximately eight statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 221 Federal Building, Lansing, Mich. 48933.

No. MC 133073 TA, filed August 9, 1968. Applicant: HALE TRUCKING CO., INC., 160 Lafayette Street, Jersey City, N.J. 07304. Applicant's representative: Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beddings, beds, frames and sleeping equipment, uncrated*, from the plant site of Simmons Co., Elizabeth, N.J., to residences and homes in Connecticut and New York within 50 miles of Elizabeth, N.J., under a continuing contract with Simmons Co., for 180 days. Supporting shipper: Simmons Co., Brunswick Avenue and Allen Street, Elizabeth, N.J. 07207. Send protests to: District Supervisor Walter J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-9888; Filed, Aug. 16, 1968; 8:47 a.m.]

[Notice 668]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 12, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2900 (Sub-No. 159 TA), filed August 7, 1968. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Post Office Box 2408, Jacksonville, Fla. 32203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with Ryder's regular route to serve Louisville, Ky., for 180 days. NOTE: Applicant intends to tack this authority with its presently held certificates and to interline such traffic with carriers with whom it publishes joint routes and through rates. Supporting shipper: Ford Motor Co., the American Road, Dearborn, Mich. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 2900 (Sub-No. 160 TA), filed August 7, 1968. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Post Office Box 2408, Jacksonville, Fla. 32203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe or conduit*, from Sherman, Tex., to points in Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, Wisconsin, and District of Columbia, for 180 days. NOTE: Applicant proposes to interline this traffic where necessary with carriers with whom it publishes joint routes and through rates. Supporting shipper: McGraw-Edison, Fibre Products Division, 2100 Northwestern Avenue, West Bend, Wis. 53095. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 107295 (Sub-No. 125 TA), filed August 8, 1968. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crates* with wood cleats, packaged flat, in sections, from Henderson, Tex., to points in the United States, except Washington, Oregon, California, Idaho, Nevada, Utah, and Arizona, for 180 days.

Supporting shipper: Cush-Pak Manufacturing Corp., Post Office Box 221, Henderson, Tex. 75652. Send protests to: District Supervisor Harold Jolliff, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 119118 (Sub-No. 25 TA), filed August 8, 1968. Applicant: LEWIS W. McCURDY, doing business as McCURDY'S TRUCKING CO., 571 Unity Street, Latrobe, Pa. 15650. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Columbus, Ohio, to Bradford, Curwensville, Erie, Homer City, Oil City, Ridgway, and Warren, Pa., and *empty containers* on return, for 150 days. Supporting shippers: Bradford City Beers, Inc., 17–19 East Washington Street, Bradford, Pa. 16701; Errigo Distributing Co., 408 North St., Curwensville, Pa. 16833; Erie Beer Co., Inc., 1341 Liberty Street, Erie, Pa.; John Merlo, Inc., 309 North Main Street, Homer City, Pa.; Peter Stubler Distributor, 802 East Second Street, Oil City, Pa.; Borrini Tobacco Co., Inc., 25 Morgan Avenue, Ridgway, Pa.; Crescent Beer Distributor, 102 Cresecent Park, Warren, Pa. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 127450 (Sub-No. 3 TA), filed August 7, 1968. Applicant: T. G. GARLAND, doing business as B&W FREIGHT LINES, 200 North Buchanan 79107, Post Office Box 2884, Amarillo, Tex. 79105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, from Amarillo, Tex., and commercial zone, to Texola, Erick, Sayre, Elk City, and Clinton-Sherman AFB, Okla., from Amarillo, over U.S. Highway 66 and Interstate Highway 40 to intersection Oklahoma Highway 44, thence Oklahoma Highway 44 to Clinton-Sherman AFB, Okla., and return over the same route, for 180 days. NOTE: Applicant intends to tack authority here applied for to that presently held and/or interline with all authorized carriers at Amarillo, Tex., and Sayre, Okla. Supporting shippers: There are approximately 27 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 127557 (Sub-No. 9 TA), filed August 7, 1968. Applicant: COMMERCIAL TRANSPORTATION, INC., 833 Warner Street SW., Atlanta, Ga. 30310. Applicant's representative: Virgil H. Smith, Suite 431, Title Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Evansville, Ind., to Augusta, Ga., for 150 days. Supporting shipper: M&M Distributing Co., Inc., 1130 Fenwick Street, Augusta, Ga. 30901. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 129874 (Sub-No. 2 TA), filed August 7, 1968. Applicant: TYLER TRANSPORT, LIMITED, Acton, Ontario, Canada. Applicant's representative: Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glue stock*, between international boundary of United States and Canada at or near Buffalo, N.Y., and Gowanda, N.Y., under continuing contract with Beardmore & Co., Ltd., of Acton, Ontario, Canada, for 150 days. Supporting shipper: Beardmore & Co., Ltd., Acton, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, N.Y. 14203.

No. MC 133036 (Sub-No. 1 TA), filed August 7, 1968. Applicant: A. G. HAUCK, doing business as HAUCK TRUCKING, Tolstoy, S. Dak. 57475. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain storage tanks and buildings, grain dryers, and grain handling equipment*, from Columbus, Nebr., to points in Potter, Faulk, Sully, Hyde, Hughes, Hand, and Stanley Counties, S. Dak., for 180 days. Supporting shipper: Obert Penrod, Jr., Penrod Construction & Building Service, Gettysburg, S. Dak. 57442. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 133069 TA, filed August 7, 1968. Applicant: LEO FOURNIER, doing business as LEO FOURNIER'S TRANSPORT, 36 Canada Street, Swanton, Vt. 05488. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy feed ingredients*, in bulk, in dump vehicles, from the United States-Canadian boundary line at or near Highgate Springs, Vt., and Fort Covington, N.Y., to St. Albans, Vt., and Canton, N.Y., for 180 days. Supporting shipper: Agway, Inc., 560 Delaware Avenue, Post Office Box 128, Buffalo, N.Y. 14240. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 68-9887; Filed, Aug. 15, 1968; 8:47 a.m.]

[Notice 670]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 14, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 241 TA), filed August 9, 1968. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14287, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid and phosphatic fertilizer solution*, in bulk, in tank vehicles, from Uncle Sam, St. James Parish, La., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, Missouri, on and south of the Missouri River, Oklahoma, Tennessee, Texas, Louisiana, and Illinois on and south of U.S. Highway 50 including East St. Louis, for 180 days. NOTE: Applicant does not intend to tack authority with presently authorized routes, for 180 days. Supporting shipper: Freeport Sulphur Co., E. H. Ferree, A.T.M., 161 East 42d Street, New York, N.Y. 10017. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, 8610 Federal Building, 515 Rusk Avenue, Houston, Tex.

No. MC 37896 (Sub-No. 20 TA), filed August 9, 1968. Applicant: YOUNGBLOOD TRUCK LINES, INC., U.S. Highway 25, Post Office Drawer 38, Fletcher, N.C. 28732. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (usual exceptions), serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's present authorized regular routes, in MC–37896, for 180 days. NOTE: Applicant intends to tack the authority sought herein with its existing authority under MC 37896 and subs thereunder. Supporting shipper: Ford Motor Co., The American Road, Dearborn, Mich. 48127. Send protests to: District Supervisor Jack K. Huff, Bureau of Operations, Interstate Commerce Commission, Suite 417, 316 East Morehead Street, Charlotte, N.C. 28202.

No. MC 64932 (Sub–No. 453 TA), filed August 9, 1968. Applicant: ROGERS CARTAGE CO., 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: E. J. Smith (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid and phosphatic fertilizer solution*, in bulk from the plantsite of Freeport Chemical Co., division of Freeport Sulphur Co. at or near Uncle Sam, St. James Parish, La., to points in Alabama, Arkansas, Florida, Georgia, Illinois on and south of U.S. Highway 50 including East St. Louis, Kentucky, Louisiana, Mississippi, Missouri on and south of the Missouri River, Oklahoma, Tennessee, and Texas, for 180 days. Supporting shipper: Freeport Sulphur Co., 161 East 42d Street, New York, N.Y. 10017. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 98952 (Sub-No. 21 TA), filed August 12, 1968. Applicant: GENERAL TRANSFER COMPANY, 2880 North Woodford Street, Post Office Box 2203, Decatur, Ill. 62525. Applicant's representative: Ralph Lorenze (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy or confectionery*, from Decatur, Ill., to points in Indiana on and south of U.S. Highways 36 and 40, for 180 days. Supporting shipper: E. J. Brach & Sons, division of American Home Products Corp., Post Office Box 802, Chicago, Ill. 60690. Send protests to: District Supervisor Harold C. Jolliff, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 103654 (Sub-No. 139 TA), filed August 2, 1968. Applicant: SCHIRMER TRANSPORTATION COMPANY, INC., 1145 Homer Street, St. Paul, Minn. 55116. Applicant's representative: C. E. Swanson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid*, in bulk, from Barksdale, Wis., to Biwabik, Minn., for 180 days. Supporting shipper: E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 103654 (Sub-No. 140 TA), filed August 12, 1968. Applicant: SCHIRMER TRANSPORTATION COMPANY, INC., 1145 Homer Street, St. Paul, Minn. 55116. Applicant's representative: C. E. Swanson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur*, in bulk, from Pine Bend, Minn., to points in Illinois and Indiana within the Chicago, Ill., commercial zone, as defined by the Commission, for 150 days. Supporting shipper: Great Northern Oil Co., Post Office Box 3596, St. Paul, Minn. 55101. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 109689 (Sub-No. 198 TA), filed August 12, 1968. Applicant: W. S. HATCH CO., 643 South 800 West Street, Post Office Box 1825 84110, Woods Cross, Utah 84087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible animal grease or tallow*, in bulk, from Ogden, Utah, to Pocatello, Idaho, for 180 days. Supporting shipper: Utah By-Products Co., 463 South Third West Street, Salt Lake City, Utah 84101. Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 129326 (Sub-No. 8 TA), filed August 9, 1968. Applicant: WHITNEY TANK LINES, INC., 5201 East Causeway Boulevard, Tampa, Fla. 33619. Applicant's representative: Norman J. Bolinger, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid and phosphatic fertilizer solution*, in bulk, from site of Freeport Chemical Co., division of Freeport Sulphur Co., at or near Uncle Sam, St. James Parish, La., to points in Alabama, Arkansas, Florida, Georgia, Illinois on and south of U.S. Highway 50 including East St. Louis, Kentucky, Louisiana, Mississippi, Missouri on and south of the Missouri River, Oklahoma, Tennessee, and Texas, for 180 days. Supporting shipper: Freeport Chemical Co., division of Freeport Sulphur Co., 101 East 42d Street, New York, N.Y. 10017. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 129538 (Sub-No. 3 TA), filed August 12, 1968. Applicant: WALT EWING, doing business as WALT EWING CONSTRUCTION, Post Office Box 95, Belfry, Mont. 59008. Applicant's representative: Jos. F. Meglen, Post Office Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Hot Springs County, Wyo., to points in Carbon County, Mont., for 180 days. Supporting shipper: Montana Coal & Iron Co., Post Office Box 968, Red Lodge, Mont. 59068. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 133021 (Sub-No. 1 TA), filed August 9, 1968. Applicant: JOHN L. WILSON, doing business as J. W. TRUCKING, 407 West Maple Avenue, Sterling Park, Va. 22170. Applicant's representative: Charles E. Creager, 5507 Sarril Road, Baltimore, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned fruit juices*, from Round Hill, Va., to Baltimore, Md., and Washington, D.C.; (2) *sugar* (except in bulk), *frozen juices, concentrates and containers*, from Baltimore, Md., to Round Hill, Va.; (3) *sugar, frozen juices and concentrates*, from Washington, D.C., to Round Hill, Va., for 120 days. Supporting shipper: Hill High Food Products, Inc., Round Hill, Va. 22141. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Room 1220, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 133065 (Sub-No. 1 TA), filed August 7, 1968. Applicant: GERALD ECKLEY, doing business as ECKLEY TRUCKING AND LEASING, Mead, Nebr. 68041. Applicant's representative: Dwane Acklie, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal buildings, grain tanks, grain crop dryers and hydraulic presses, and component parts thereof, and equipment, materials and supplies* used in the manufacture of the above items, between the plantsite and storage facilities of the Behlen Manufacturing Co., at or near Columbus, Nebr., on the one hand, and on the other, points in Colorado, Illinois, Iowa, Indiana, Kansas, Minnesota, Missouri, Montana, North Dakota, South Dakota, Wisconsin, Wyoming, Michigan, Ohio, Pennsylvania, New York, and New Jersey, under continuing contract with Behlen Manufacturing Co., for 180 days. Supporting shipper: Behlen Manufacturing Co., Post Office Box 569, Columbus, Nebr. 68601. Send protests to: District Supervisor Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 86508.

No. MC 133071 TA (Correction), filed August 8, 1968, published in FEDERAL REGISTER issue Notice No. 669 and republished as corrected this issue. Applicant: SKYLAND, INC., 116 LaGrave SE., Grand Rapids, Mich. 49503. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, Kaiser Building, East Detroit, Mich. 48021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Grand Rapids, Mich., on the one hand and, on the other, Detroit Metropolitan Airport and Willow Run Airport, Wayne County, Mich., on a route from Grand Rapids along I–96 to U.S. 23, thence to U.S. I–94 to Metropolitan Airport and Willow Run Airport, Wayne County, Mich., and return over the same route. Subject to the restriction that all

traffic transported shall have an immediately prior or immediately subsequent interstate movement by air. NOTE: Applicant will interline at Metropolitan and Willow Run Airport with all air carriers. The purpose of this republication is to show applicant's representative as William B. Elmer in lieu of Camille Sam Abood as shown in previous publication. Supporting shippers: There are approximately eight statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 221 Federal Building, Lansing, Mich. 48933.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9889; Filed, Aug. 16, 1968; 8:47 a.m.]

[Notice No. 190]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 13, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70602. By order of July 31, 1968, the Transfer Board approved the transfer to G. H. Harnum, Inc., Cambridge, Mass., of the operating rights in certificates Nos. MC-91468 and MC-91468 (Sub-No. 1) issued April 19, 1951, and December 16, 1964, respectively, to Carlton Trucking Co., Inc., Worcester, Mass., authorizing the transportation of machinery, factory equipment and supplies, heavy commodities requiring rigging, and office furniture when incidental to the transportation of machinery and factory equipment and supplies, between Boston, Mass., and points within 15 miles thereof, on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island; and such commodities as heavy plant machinery and equipment and articles requiring special handling or rigging, between points in Massachusetts, Rhode Island, and New Hampshire. Arthur A. Wentzell, Registered Practitioner, Post Office Box 720, Worcester, Mass. 01601, representative for applicants.

No. MC-FC-70625. By order of July 31, 1968, the Transfer Board, approved the transfer to J. Grady Randolph, Inc., Post Office Box 712, Blacksburg, S.C. 29702, of the operating rights in permit No. MC-116621, issued December 24, 1957, to J. Grady Randolph, Post Office Box 712, Blacksburg, S.C. 29702, authorizing transportation service in interstate commerce of agricultural lime and crushed stone, in bulk, from the quarry of the Campbell Limestone Co.'s plant, near Blacksburg, S.C. (approximately 1 mile from the North Carolina State line), to points in Rutherford, Polk, Cleveland, Gaston, Mechelburg, Cataba, Iredell, Cabarrus, Lincoln, Alexander, and Rowan Counties, N.C., with no compensation on return except as otherwise authorized, with service limited to that furnished under a continuing contract with Campbell Limestone Co., Blacksburg, S.C.

No. MC-FC-70674. By order of July 31, 1968, the Transfer Board approved the transfer to Bibey Trucking Co., Inc., Perryville, Md., of certificate No. MC-115777 (Sub-No. 3), issued May 26, 1967, to Kenneth E. Bibey, Perryville, Md., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, from Perryville, Md., to the U.S. Naval Training Center at Bainbridge, Md., and coal, in bulk, in dump vehicles, from Conowingo and Perryville, Md., to the U.S. Naval Training Center at Bainbridge, Md., restricted to shipments having an immediately prior movement by rail. William B. Calvert, 131 East Main Street, Elkton, Md. 21921, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9890; Filed, Aug. 16, 1968; 8:47 a.m.]

[Notice 191]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 14, 1968.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-70748. By application filed August 8, 1968, GEORGE AIGNER & SONS, INC., 1931 West Roscoe Street, Chicago, Ill. 60657, seeks temporary authority to lease the operating rights of WILLIAM SADOWSKY, doing business as ADVANCE LUMBER CARTAGE CO., Chicago, Ill., under section 210a(b). The transfer to GEORGE AIGNER & SONS, INC., of the operating rights of WILLIAM SADOWSKY, doing business as ADVANCE LUMBER CARTAGE CO., is presently pending.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9891; Filed, Aug. 16, 1968; 8:47 a.m.]

[Notice 192]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 14, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70652. By order of July 31, 1968, the Transfer Board approved the transfer to Gringeri Bros., Transportation Co., Inc., Watertown, Mass., of a portion of the operating rights in certificate No. MC-117758 issued August 14, 1961, to J. F. Gurry Transportation Co., Inc., South Boston, Mass., and the operating rights in certificate No. MC-118227 issued December 16, 1960, to Clarence Tasca, Fitchburg, Mass., and acquired by J. F. Gurry Transportation Co., Inc., pursuant to No. MC-FC-70276, authorizing the transportation of bananas, from Baltimore, Md., and Philadelphia, Pa., to Boston, Mass.; from points in the New York, N.Y., commercial zone, as defined by the Commission, to Boston, Mass., and Waterville and Portland, Maine, and from Weehawken, N.J., and New York, N.Y., to Fitchburg and Southbridge, Mass., and frozen blueberries, from Gloucester, Mass., to points in the New York, N.Y., commercial zone, as defined by the Commission. Dual operations were authorized. John F. Curley, 33 Broad Street, Boston, Mass. 02109, attorney for transferee. George C. O'Brien, 33 Broad Street, Boston, Mass. 02109, attorney for transferor.

No. MC-FC-70658. By order of July 31, 1968, the Transfer Board, approved the transfer to Palmer Bros., Inc., Peninsula, Ohio, of the operating rights in permit No. MC-114901 (Sub-No. 1), issued June 22, 1964, to Varili & Son, Inc., authorizing transportation service in interstate or foreign commerce, over irregular routes, of concrete pipe, concrete cribbing, and concrete slabs, from Cleveland, Ohio, to Bridgeville, Pa., concrete pipe forms and prestressed concrete bridge side forms, between Bridgeville, Pa., and Cleveland, Ohio, concrete pipe, concrete cribbing, concrete slabs, concrete pipe forms, and prestressed concrete bridge side forms, between Columbus, Ohio, and Bridgeville, Pa., subject to the conditions that no transportation service shall be performed in connection with any of the above-specified commodities which, because of their size or weight, require the use of special equipment, and operations authorized above are limited to a transportation service

to be performed under contract with Reliance Universal, Inc., Concrete Products Division of Bridgeville, Pa., concrete pipe, concrete slabs, and concrete cribbing from the site of the Reliance Universal, Inc., Concrete Products Division, Bridgeville plant, in Collier Township, Allegheny County, Pa., to points in Hancock, Brooke, Ohio, Marshall, Wetzel, Monongalia, Preston, Marion, Harrison, Taylor, Wood, Tyler, and Pleasants Counties, W. Va., and Ashtabula, Lake, Geauge, Summit, Cuyahoga, Lorain, Medina, Wayne, Holmes, Trumbull, Portage, Mahoning, Stark, Columbiana, Noble, Monroe, Washington, Vinton, Jackson, Carroll, Jefferson, Harrison, Tuscarawas, Guernsey, Belmont, Morgan, Athens, and Meigs Counties, Ohio. Christian V. Graff, Esq., 407 North Front Street, Harrisburg, Pa. 17101, attorney for applicants.

No. MC-FC-70683. Dual operations authorized. By order of July 31, 1968, the Transfer Board approved the transfer to T. Achenberg Transportation Co., a corporation, Perth Amboy, N.J., of a portion of the operating rights in certificate No. MC-26650 issued January 12, 1956, to Louis W. Rash, 832 Garden Street, Elizabeth, N.J. 07202 authorizing the transportation of: Various commodities; i.e., carbolic acid, synthetic resin, ester gum, etc., between points in New York and New Jersey. Morton W. Kiel, 140 Cedar Street, New York, N.Y. 10006, practitioner for transferee.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9892; Filed, Aug. 16, 1968; 8:47 a.m.]

[S.O. 994; ICC Order No. 15]

ANN ARBOR RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, the Ann Arbor Railroad Co. is unable to transport traffic over its car ferries between Frankfort, Mich., and Kewaunee, Wis., Manitowoc, Wis., and Menominee, Mich., because of a work stoppage by certain of its employees.

It is ordered, That:

(a) Rerouting traffic: The Ann Arbor Railroad being unable to transport traffic over its car ferries between Frankfort, Mich., and Kewaunee, Wis., Manitowoc, Wis., and Menominee, Mich., because of a work stoppage by certain of its employees, the Ann Arbor Railroad is hereby authorized to reroute or divert such traffic over any available route to expedite the movement, regardless of the routing designated on the waybill. The billing covering all such cars rerouted or diverted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 9 a.m., August 12, 1968.

(g) Expiration date: This order shall expire at 11:59 p.m., August 23, 1968, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 12, 1968.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 68-9893; Filed, Aug. 16, 1968; 8:47 a.m.]

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Title 3—THE PRESIDENT

Executive Order 11422

COOPERATIVE AREA MANPOWER PLANNING SYSTEM

WHEREAS Federal legislation enacted in recent years has established numerous manpower programs to improve the employability of disadvantaged, unemployed, and underemployed persons; and

WHEREAS administration of these manpower and related service programs requires extensive participation of State and local governments and nongovernment agencies; and

WHEREAS experience has demonstrated that close coordination of the operating programs at the local, State, and Federal levels is essential to their successful, effective, and economical implementation:

NOW, THEREFORE, by virtue of the authority vested in me by section 637 of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2979), and as President of the United States, it is ordered as follows:

SECTION 1. *Policy.* (a) Cooperative planning and execution of manpower training and supportive manpower service programs is hereby established as the policy of the Federal Government.

(b) Each Federal executive department or agency administering manpower training or supportive manpower service programs shall, to the extent consistent with law, carry out its programs and exercise its functions so as to further the policy herein enunciated.

SEC. 2. *The Cooperative Area Manpower Planning System.* (a) The Cooperative Area Manpower Planning System (hereinafter referred to as CAMPS) is hereby recognized as a primary instrument for carrying out the policy stated in section 1 above.

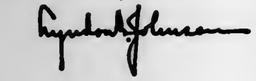
(b) The Departments of Labor; Health, Education, and Welfare; Commerce; Housing and Urban Development; Agriculture; and the Interior; the Office of Economic Opportunity; and the Civil Service Commission, together with their affiliated organizations and such additional Federal executive departments and agencies as may be mutually agreed upon by them, shall participate in CAMPS for the purposes of cooperatively planning and executing manpower programs and supportive manpower service programs in urban and rural areas.

(c) Each department and agency included in CAMPS shall participate in manpower coordinating committees at the national and regional levels. The Secretary of Labor shall designate the chairmen of such committees. To the extent practical and necessary, each such department and agency shall also participate, either directly or through affiliated State, local, or nongovernmental organizations with which it maintains grant-in-aid or contractual relationships, in cooperative manpower planning at State and area levels.

(d) To the extent consistent with law, each department or agency included in CAMPS shall carry out its responsibilities with respect to Federal assistance, State and local planning, and utilization of resources so as to further the purposes of this order.

SEC. 3. *Administrative services.* In compliance with provisions of applicable law, and as necessary to effectuate the purposes of this order, the Department of Labor shall provide or arrange for administrative services and staff support for all CAMPS coordinating committees, and each Federal department or agency participating in CAMPS shall furnish such information and other assistance as may be necessary and available.

SEC. 4. *Construction.* Nothing in this order shall be construed as subjecting any Federal department or agency or the head thereof, or any function vested by law in or assigned pursuant to law to any such department, agency, or head, to the authority of any other department, agency, or head.



THE WHITE HOUSE,
August 15, 1968.

[F.R. Doc. 68-10042; Filed, Aug. 16, 1968; 3:14 p.m.]

Executive Order 11423

PROVIDING FOR THE PERFORMANCE OF CERTAIN FUNCTIONS HERETOFORE PERFORMED BY THE PRESIDENT WITH RESPECT TO CERTAIN FACILITIES CONSTRUCTED AND MAINTAINED ON THE BORDERS OF THE UNITED STATES

WHEREAS the proper conduct of the foreign relations of the United States requires that executive permission be obtained for the construction and maintenance at the borders of the United States of facilities connecting the United States with a foreign country; and

WHEREAS such executive permission has from time to time been sought and granted in the form of Presidential permits for the construction, connection, operation, and maintenance at the borders of the United States of such border crossing facilities as water supply and oil pipelines, aerial tramways and cable cars, submarine cables, and lines for the transmission of electric energy; and

WHEREAS Executive Order No. 10485 of September 3, 1953, empowers the Federal Power Commission to issue permits for the construction, operation, maintenance, or connection, at the borders of the United States, of facilities for the transmission of electric energy between the United States and a foreign country and for the importation or exportation of natural gas to or from a foreign country; and

WHEREAS Executive Order No. 10530 of May 10, 1954, empowers the Federal Communications Commission to issue and revoke licenses to land submarine cables in the United States; and

WHEREAS it is desirable to provide a systematic method in connection with the issuance of permits for the construction and maintenance of other such facilities connecting the United States with a foreign country:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States and Commander in Chief of the Armed Forces of the United States and in conformity with the provisions of Section 301 of Title 3, United States Code, it is ordered as follows:

SECTION 1. (a) Except with respect to facilities covered by Executive Orders No. 10485 and No. 10530, the Secretary of State is hereby designated and empowered to receive all applications for permits for the construction, connection, operation, or maintenance, at the borders of the United States, of: (i) pipelines, conveyor belts, and similar facilities for the exportation or importation of petroleum, petroleum products, coal, minerals, or other products to or from a foreign country; (ii) facilities for the exportation or importation of water or sewage to or from a foreign country; (iii) monorails, aerial cable cars, aerial tramways and similar facilities for the transportation of persons or things, or both, to or from a foreign country; and (iv) bridges, to the extent that congressional authorization is not required.

(b) With respect to applications received pursuant to subsection (a)(i) above, the Secretary of State shall request the views of the Secretary of the Treasury, the Secretary of Defense, the Attorney General, the Secretary of the Interior, the Secretary of Commerce, the Secretary of Transportation, the Interstate Commerce Commission, and the Director of the Office of Emergency Planning. With respect to applications received pursuant to subsection (a)(ii) above, the Secretary of State shall request the views of the Secretary of Defense and the Secretary of the Interior. With respect to applications received pursuant to subsection (a) (iii) or (iv) above, the Secretary of State shall request the views of the Secretary of the Treasury, the Secretary of Defense, the Attorney General, and the Secretary of Transportation.

(c) The Secretary of State may also consult with such other department and agency heads and with such state and local government officials as he deems appropriate with respect to each application. All federal government officials consulted by the Secretary of State pursuant to this section shall provide such information and render such assistance as he may request, consistent with their competence and authority.

(d) If the Secretary of State finds, after consideration of the views obtained pursuant to subsections (b) and (c), that issuance of a permit to the applicant would serve the national interest, he shall prepare a permit, in such form and with such terms and conditions as the national interest may in his judgment require, and shall notify the officials required to be consulted under subsection (b) above of his proposed determination that the permit be issued.

(e) If the Secretary of State finds, after consideration of the views obtained pursuant to subsections (b) and (c), that issuance of a permit to the applicant would not serve the national interest, he shall notify the officials required to be consulted under subsection (b) above of his proposed determination that the application be denied.

(f) The Secretary of State shall issue or deny the permit in accordance with his proposed determination unless, within fifteen days after notification pursuant to subsection (d) or (e) above, an official required to be consulted under subsection (b) above shall notify the Secretary of State that he disagrees with the Secretary's proposed determination and requests the Secretary to refer the application to the President. In the event of such a request, the Secretary of State shall refer the application, together with statements of the views of the several officials involved, to the President for his consideration and final decision.

SEC. 2. (a) The Secretary of State may provide for the publication in the FEDERAL REGISTER of notice of receipt of applications, for the receipt of public comments on applications, and for publication in the FEDERAL REGISTER of notice of issuance or denial of applications.

(b) The Secretary of State is authorized to issue such further rules and regulations, and to prescribe such further procedures, as he may from time to time deem necessary or desirable for the exercise of the authority conferred upon him by this order.

SEC. 3. The authority of the Secretary of State hereunder is supplemental to, and does not supersede, existing authorities or delegations relating to importation, exportation, transmission, or transportation to or from a foreign country. All permits heretofore issued with respect to matters described in Section 1 of this order, and in force at the time of issuance of this order, and all permits issued hereunder, shall remain in effect in accordance with their terms unless and until modified, amended, suspended, or revoked by the President or, upon compliance with the procedures provided for in this order, by the Secretary of State.

Lyndon B. Johnson

THE WHITE HOUSE,
August 16, 1968.

[F.R. Doc. 68-10056; Filed, Aug. 16, 1968; 3:57 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Office of Emergency Planning

Section 213.3326 is amended to show that the position of Director, Resource Readiness Office is no longer excepted under Schedule C and that a new position of Director, Field Service is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (l) of § 213.3326 is revoked and a new paragraph (p) is added as set out below.

§ 213.3326 Office of Emergency Planning.

* * * * * * *

(l) [Revoked]

* * * * * * *

(p) *Field Services.* (1) The Director.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-9962; Filed, Aug. 19, 1968; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 333, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.633 (Lemon Regulation 333, 33 F.R. 11392) are hereby amended to read as follows:

§ 910.633 Lemon Regulation 333.

* * * * * * *

(b) *Order.* (1) * * *

(ii) District 2: 297,600 cartons;

* * * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 15, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9973; Filed, Aug. 19, 1968; 8:49 a.m.]

PART 916—NECTARINES GROWN IN CALIFORNIA

Expenses and Rate of Assessment and Carryover of Unexpended Funds

On August 2, 1968, notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 11028) regarding proposed expenses, the proposed rate of assessment, and the proposed carryover of unexpended funds, for the period March 1, 1968, through February 28, 1969, pursuant to the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916), regulating the handling of nectarines grown in California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Nectarine Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 916.207 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Nectarine Administrative Committee during the period March 1, 1968, through February 28, 1969, will amount to $254,445.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 916.41, is fixed at $0.045 per No. 22D standard lug box of nectarines, or equivalent quantity of nectarines in other containers or in bulk.

(c) *Reserve.* Unexpended assessment funds, in excess of expenses incurred during the fiscal period ending February 28, 1969, shall be carried over as a reserve in accordance with the applicable provisions of § 916.42 of said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of nectarines grown in California are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable nectarines handled during the aforesaid period; and (3) such period began on March 1, 1968, and said rate of assessment will automatically apply to all such nectarines beginning with such date.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order, and "No. 22D standard lug box" shall have the same meaning as set forth in section 43601 of the Agricultural Code of California.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 15, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9974; Filed, Aug. 19, 1968; 8:49 a.m.]

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREG.

Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment,

to be effective under Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945), regulating the handling of Irish potatoes grown in designated counties in Idaho and Malheur County, Oreg., was published in the FEDERAL REGISTER July 27, 1968 (33 F.R. 10742). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit written data, views, or arguments pertaining thereto not later than 15 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to said amended marketing agreement and order, it is hereby found and determined that:

§ 945.221 Expenses and rate of assessment.

(a) *Expenses.* The reasonable expenses that are likely to be incurred during the fiscal period beginning June 1, 1968, and ending May 31, 1969, by the Idaho-Eastern Oregon Potato Committee, for its maintenance and functioning, and for such other purposes as the Secretary determines to be appropriate, will amount to $33,000.

(b) *Rate of assessment.* The rate of assessment to be paid by each handler in accordance with the amended marketing agreement and this part, shall be two-tenths of 1 cent ($0.002) per hundredweight, or equivalent quantity, of potatoes handled by him as the first handler thereof during the fiscal period.

(c) *Reserve.* Unexpended income in excess of expenses for the fiscal period ending May 31, 1969, may be carried over as a reserve.

(d) *Definition of terms.* Terms used in this section have the same meaning as when used in the said amended marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of the said marketing agreement and this part require that the rate of assessment for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began on June 1, 1968, and the rate of assessment herein fixed will apply to all assessable potatoes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 15, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9975; Filed, Aug. 19, 1968; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 22,001]

PART 563—OPERATIONS

Accounting Requirements

AUGUST 8, 1968.

Resolved that, notice and public procedure having been duly afforded (33 F.R. 580) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines that it is advisable to amend § 563.23–1 of the Rules and Regulations for Insurance of Accounts (12 CFR 563.23–1) for the following purposes:

(1) To limit the amortization of premiums paid on the purchase of mortgage loans to a period of 7 years;

(2) To provide for the accounting treatment to be followed with respect to premiums or discounts in the event of the sale or payoff of mortgage loans;

(3) To amend the accounting treatment to be given loss or profit on the sale of real estate owned, and to provide a limit on the book value to be given to real estate sold which is reacquired by an insured institution;

(4) To include in the computation of "acquisition credits" the amount of any loan commitment fees received;

(5) To exclude from the computation of "acquisition credits" escrow fees received, under certain conditions, in connection with sales involving related mortgage loans;

(6) To clarify the rules for computation of acquisition credits subject to deferral;

(7) To add definitions of the terms "affiliate", "book value", "loss" and "profit"; and

(8) To clarify and simplify generally the language of the section.

Resolved further that, for such purposes, the Federal Home Loan Bank Board hereby amends § 563.23–1 of the Rules and Regulations for Insurance of Accounts (12 CFR 563.23–1) to read as follows, effective September 30, 1968:

§ 563.23–1 Premiums, charges, and credits with respect to mortgage loans; sale of real estate owned; and related items.

(a) *Purchase at a premium.* A premium paid by an insured institution in connection with the acquisition of a mortgage loan may be charged off when paid or may be capitalized. If the premium is capitalized, it shall be amortized by equal charges to expense, at least semiannually, over a period not in excess of the remaining term of the loan, or 7 years, whichever is less, in the case of a single loan, or over a period not in excess of the average remaining term of the loans, or 7 years, whichever is less, in the case of a group of loans.

(b) *Purchase at a discount.* If an insured institution purchases a loan at a discount, such discount shall be deferred by a credit to an account descriptive of deferred income and shall thereafter be credited in equal amounts to income, at least semiannually, over a period of not less than 7 years. For the purpose of this section, a loan shall be deemed to have been purchased by an insured institution at a discount if the price paid by such institution for such loan is less than the amount of the loan balance. Any charges made by the purchaser in connection with the purchase of a loan shall be deducted from the purchase price to determine the amount of the discount.

(c) *Charges.* All acquisition charges, as hereinafter defined, in connection with the making or acquisition of a mortgage loan by an insured institution shall be charged to such institution's expense for the accounting period in which such charges are incurred and shall not be deferred beyond the end of such accounting period.

(d) *Credits deferred.* Each acquisition credit subject to deferral, as hereinafter defined, shall be deferred by a credit to an account descriptive of deferred income and shall thereafter be credited in equal amounts to income, at least semiannually, over a period of not less than 7 years.

(e) *Sale or payoff of loans.* If a mortgage loan is paid off or sold, the balance of any capitalized premium or deferred credit applicable to such loan shall continue to be treated as prescribed in paragraph (a), (b), or (d) of this section. If a mortgage loan owned by an insured institution is sold at a premium, such premium shall be credited to such institution's income for the accounting period in which the loan is sold. If a mortgage loan owned by an insured institution is sold at a loss or at a discount, such loss or discount shall be charged to such institution's expense for the accounting period in which the loan is sold or to surplus, undivided profits, or reserves.

(f) *Sale of real estate owned.* When an insured institution sells real estate owned by it, such institution's records shall disclose the book value of such real estate at the time of such sale and the price at which it was sold. If such sale results in a loss, such loss shall be charged to expense, reserves, undivided profits, or surplus during the accounting period in which such loss was sustained. If such sale results in a profit, such part of the profit as is not received by the institution in cash at the time of sale shall be deferred and credited to an account descriptive of unearned profit on real estate sold; thereafter such unearned profit shall be deemed to have been realized to no greater extent than is equivalent to the reduction of the unpaid balance of the sale contract or purchase money mortgage. In the event that real estate sold is reacquired by the institution as a result of cancellation of the contract, foreclosure, or conveyance of title to the institution, the book value of the reacquired real estate at such time shall not exceed an amount equal to the unpaid balance of the contract or loan after deduction of unearned profit, if any, remaining deferred at time of reacquisition. The provisions of § 563.17–2 shall be applicable to the reacquisition by an insured institution of any real estate.

(g) *Definitions.* For the purpose of this section:

(1) The term "mortgage loan" means any loan or contract (or interest therein) on the security of real estate;

(2) The term "amount of the loan" means the face amount of the obligation executed by the primary obligor on a mortgage loan, except that with respect to a mortgage loan acquired by an insured institution such term means the principal balance of such loan at the time of its acquisition by such institution;

(3) The term "acquisition credits" means any consideration, other than the average interest provided by the loan contract, received by an insured institution for or in connection with the acquisition, making, refinancing, or modification of a mortgage loan plus any consideration received for making a loan commitment, whether or not an actual loan follows such commitment; the term does not include

(i) Any amounts received and paid out by an insured institution to a third party (not an affiliate), for itemized initial charges in connection with the mortgage loan transaction, or

(ii) Any escrow fee received by an insured institution in connection with a sale which involves a related mortgage loan made by it, if the following requirements are met:

(a) The fee is based on the escrow services actually performed and is comparable in amount to the fee (for performing similar escrow services) charged by other escrow agents located in the institution's normal lending territory;

(b) The borrower is informed of his freedom of choice in selecting a competent escrow agent to perform the escrow services; and

(c) The related mortgage loan is not a refinancing or modification of an existing loan held by the institution and made to the same borrower or to an affiliate of such borrower.

(4) The term "acquisition credit subject to deferral" means the amount of an acquisition credit in excess of

(i) The greater of:

(a) Fifty dollars, or

(b) Two percent of the amount of the loan, if the loan or commitment is for the purpose of construction, or

(c) One percent of the amount of the loan, if the loan or commitment is for any other purpose; plus

(ii) One hundred dollars, if, with respect to the loan, the insured institution uses its own employees to perform appraisal services or to perform attorney or closing functions for which no escrow fee is received.

(5) The term "acquisition charges" includes finder's fee, buying commission, attorney's fee, and brokerage fee paid by an insured institution in connection with the making or acquisition of a mortgage loan or commitment, but does not include a premium paid by such institution in connection with the purchase of a mortgage loan;

(6) The term "affiliate" means any person or company which controls, is controlled by, or is under common control with an insured institution within the meaning of paragraph (a)(3) of section 408 of the National Housing Act, as amended;

(7) The term "book value" means the total amount invested in real estate less any related depreciation allowances or valuation reeserves;

(8) The term "loss" (as used in paragraph (f) of this section) means the amount by which the book value of real estate at the time of sale exceeds the sale price of such real estate; and

(9) The term "profit" means the amount by which the sale price of real estate exceeds the book value of such real estate at the time of sale.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[F.R. Doc. 68-9987; Filed, Aug. 19, 1968; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 68–WE–19–AD; Amdt. 39–637]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707 and 720 Series Airplanes

Amendment 731 Part 507 (29 F.R. 6614), AD 64–11–1, requires among other things, repetitive inspections of the upper rear spar chord at wing station 208 for Boeing 707–300/400 series aircraft. It further provides for repairs and preventative modifications. After issuing Amendment 731, Part 507, the FAA has received reports of chord cracking on aircraft which were modified in accordance with the preventative modification procedure. Therefore, Amendment 731 Part 507, AD 64–11–1 is being amended to require inspections of all Boeing 707–300–400–300B–300C series aircraft even though they may have previously complied with the terminating provisions of AD 64–11–1.

Although this amendment imposes an additional burden by requiring an additional inspection, a situation exists that requires immediate adoption, and it is therefore found that public procedure and notice are impracticable.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), Amendment 731 Part 507 (29 F.R. 6614), AD 64–11–1, is amended by deleting Part (a) of the existing AD and adding a new Part (a) as follows:

(a) On all Boeing 707–300–400–300B–300C series aircraft listed in Boeing Service Bulletin 1964 (Revision 3 or later FAA approved revisions), as well as those listed in (10) below, accomplish the following:

(1) Inspect each wing which has not been repaired or modified in accordance with one of the methods noted in (8), in accordance with (3) at the times specified in (5) or (6), as appropriate.

(2) Visually inspect each wing modified in accordance with one of the methods noted in (8) within 8,000 hours' time in service after the modification and at intervals thereafter not to exceed 8,000 hours' time in service for cracks in the horizontal flange of the upper rear spar chord at wing station 208. This inspection is conducted inside the fuel tank. If cracks are found, repair prior to further flight in accordance with (4).

(3) Conduct an X-ray inspection for cracks in the rear spar upper chord at wing station 208 in accordance with the information given in Figure 1, Boeing Service Bulletin 1964 (Revision 2 or later FAA approved revisions) or an equivalent inspection technique approved by the Chief, Aircraft Engineering Division, FAA Western Region. If crack indications are found, remove fasteners and confirm by use of eddy current inspection techniques. Spar chords containing cracks are to be repaired prior to further flight in accordance with (4).

(4) The repair of spar chords containing cracks which only extend from a forward fastener hole forward to the forward edge of the spar chord may be deferred if repeat X-ray inspections conducted in accordance with (3) are accomplished at intervals not to exceed 50 hours' time in service. If any crack growth is found during repeat X-ray inspections, repair is required prior to further flight. Spar chords containing cracks are to be repaired or modified in accordance with Boeing Drawing 65–40140, or Boeing Service Bulletin 2607, or a method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(5) For those aircraft having less than 10,000 hours' time in service on the effective date of this AD, prior to the accumulation of 10,800 hours' time in service and at intervals thereafter not to exceed 1,600 hours' time in service from the last inspection.

(6) For those aircraft having more than 10,000 hours' time in service on the effective date of this AD, within the next 800 hours' time in service and at intervals thereafter not to exceed 1,600 hours' time in service from the last inspection.

(7) Upon accomplishment of the repair or modification in accordance with one of the following, the inspections required by Part (a) of this AD may be discontinued:

Entire repair of chord in accordance with Boeing Drawing 65–40140.
Boeing Drawing 65–68328.
Boeing Service Bulletin 2427 Part X.
Boeing Service Bulletin 2607.
Method approved by the Chief, Aircraft Engineering Division, FAA, Western Region.

(8) Boeing Service Bulletin 2427 Part II, when doublers are required.

Boeing Service Bulletin 2427 Part III.
Boeing Service Bulletin 2427 Part X.
Boeing Drawing 65–68331.
Boeing Drawing 65–66244.
Boeing Drawing 65–64377.
Boeing Drawing 65–64843.
Boeing Drawing 65–68302.

(9) Airplanes having cracks which require rework under this AD may be flown in accordance with FAR 21.197 with the concurrence of the Chief, Aircraft Engineering Division, FAA Western Region, to a base where the rework can be accomplished.

(10) 18832 through 18841, 18842, 18824, 19267, 19268, 19269 through 19274, 19367 through 19373, 19375, 19377, 19379, 20016 through 20018, 18880, 18764, 18913, 18914, 18819, 18873.

This amendment becomes effective August 20, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 as amended; 49 U.S.C. 1354a, 1421, 1423)

Issued in Los Angeles, Calif, on August 9, 1968.

LEE E. WARREN,
Acting Director,
FAA Western Region.

[F.R. Doc. 68-9934; Filed, Aug. 19, 1968; 8:46 a.m.]

[Airworthiness Docket No. 68-WE-10-AD; Amdt. 39-638]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Model 188A and 188C Series Airplanes

Amendment 39-606 (33 F.R. 8336), AD 68-11-2, was published as an adopted rule with an effective date of July 5, 1968. AD 68-11-2 required inspections for, and repair of, fatigue cracks in the upper and lower planks at the fillet attachment holes. Comments were received from the Air Transport Association and from the manufacturer after the effective date of the AD, recommending several changes. The comments recommend that the AD be canceled in view of action being taken by the operators and the manufactuer. Before the AD was promulgated, however, the Administration surveyed the operators to determine if corrective action was being accomplished voluntarily. The survey established a varied operator response to the fatigue cracking problem. The Administration considers the AD to be necessary to ensure that the level of safety is not reduced.

The Air Transport Association has recommended that inspection of the wing lower surface be deleted from the AD because of differences in geometry, stress level, and materials, and because no problems have been reported in the lower surface fillet attachment holes. The manufacturer has revised the applicable service bulletin to include only the upper surface. Further review of the service history indicates that mandatory action regarding the lower surface is not necessary, and the AD is being revised accordingly to include only the upper surface.

The Air Transport Association recommended that inspection of the upper outboard fillet locations be deleted for the same reasons applied to the lower surface. Since the inboard and outboard locations are similar in most respects, it is reasonable to expect similar service problems in the two locations; hence, no change in the AD is contemplated regarding the upper outboard fillet locations.

A recommendation was submitted urging the inclusion in the AD of X-ray inspection as an acceptable inspection method, citing the operators' long experience with X-ray as justification for its acceptance. X-ray has been used by some operators in the fillet attachment area with which this AD is concerned. One operator's X-ray inspections showed 16 cracks on 11 aircraft. Subsequent visual inspection revealed seven additional cracks on the same 11 aircraft. This indicates a serious shortcoming of the X-ray inspection process used in that case for the purposes of AD 68-11-2, and no other X-ray process has been shown capable of positively identifying the cracks under consideration. Therefore, no change is being made to the AD to permit X-ray inspections in lieu of visual inspections.

The Air Transport Association suggested that repetitive inspection should not be required after cracks are repaired in accordance with sections (2)(c)(1) through (2)(c)(18) of Lockheed Service Bulletin No. 88/SB-649. The manufacturer has revised that Service Bulletin to eliminate the repetitive inspection after permanent repairs are accomplished. The FAA agrees, and the AD is being revised accordingly.

The Air Transport Association has suggested that the repetitive inspection period should be thoroughly reviewed with the manufacturer. Such a review was conducted before publication of the AD, and it was determined that an interval no greater than 1,400 hours is necessary. Although the ATA has submitted no justification for revision of the inspection interval, the interval was again reviewed with the manufacturer and the 1,400-hour period was again determined to be necessary. The manufacturer has changed the service bulletin to decrease the inspection interval from 4,000 hours to 1,400 hours.

Since this amendment is relaxatory in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment is effective immediately upon publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-606 (33 F.R. 8336), AD 68-11-2, is amended as follows:

1. Revise paragraph (a) to read:

(a) Within the next 400 hours' time in service after the effective date of this AD, unless already accomplished within the last 1,000 hours' time in service, and thereafter at intervals not to exceed 1,400 hours' time in service from the last inspection, inspect visually the upper wing planks in the vicinity of the fillet attachment holes on both sides of the four nacelles in accordance with Paragraph (2)(B) of Lockheed Service Bulletin No. 88/SB-649A dated June 14, 1968 (or later FAA approved revision), or by a method approved by the Chief, Aircraft Engineering Division, FAA Western Region, and, if cracks are found, repair before further flight in accordance with Section (2)(C) or (2)(D) of Lockheed Service Bulletin No. 88/SB-649A dated June 14, 1968 (or later FAA approved revision), or a method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

NOTE: The airplane may be flown to a base where the repairs can be performed pursuant to a special flight permit issued in accordance with FAR 21.197.

2. Amend paragraph (b) to read:

(b) The repetitive inspection required by (a) may be discontinued in the respective affected areas upon completion of the repairs described in section 2.C. of Lockheed Service Bulletin No. 88/SB-649A dated June 14, 1968 (or later FAA approved revision).

This amendment becomes effective on August 20, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Los Angeles, Calif., on August 9, 1968.

LEE E. WARREN,
Acting Regional Director,
FAA Western Region.

[F.R. Doc. 68-9935; Filed, Aug. 19, 1968; 8:46 a.m.]

[Docket No. 68-EA-82; Amdt. 39-633]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky Helicopters

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations by issuing an amendment which will require repetitive checks of the automatic flight control system on Sikorsky Type S-61A, S-61L and S-61N Helicopters.

There have been findings of loose electrical connections in the AFCS connector, CANNON P/N DPJM-98-33S-B and improper installation of the pitch stick censor. These deficiencies can introduce rapid oscillations in the operation of the aircraft with potential loss of control of the helicopter.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89, 31 F.R. 13697, § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

SIKORSKY. Applies to S-61A, S-61L and S-61N Type Helicopters.

To assure proper adjustment of the Automatic Flight Control System (AFCS) accomplish the following:

A. Prior to next AFCS flight inspect all AFCS electrical connectors for electrical integrity, pin alignment and perform a functional test of the AFCS system including amplifier and amplifier rack connectors cannon Part No. DPJ-98-33S-B or DPJM-98-33S-B and box mating connectors Part No. DPJ-98-34P-A.

B. Prior to the first AFCS flight each day accomplish the following checks:

1. A pitch stick sensor check on the ground with electrical and hydraulic power "ON" as follows: (a) Engage the AFCS, (b) place C.G. trim knob to center of its travel, (c) select "P" on null indicator switch, (d) move pitch cyclic stick to center the null indicator, (e) verify that forward stick motion deflects the needle to the right.

2. A roll stick sensor check on the ground with electrical and hydraulic power "ON" as follows: (a) Engage AFCS, (b) select "R" on null indicator, (c) move roll cyclic stick to center the null indicator, (d) verify that left stick motion deflects the needle to the left.

3. A pitch and roll AFCS hard-over check on the ground in accordance with Sikorsky Service Bulletin No. 61B65-1 Paragraphs B-1 thru B-4 dated April 12, 1967, or later FAA approved revision or alternate check approved by the Chief, Engineering & Manufacturing Branch, Eastern Region.

4. Yaw Hard-over check on the ground as follows: (a) Position null indicator switch to position "Y" and position pedals to full right position, (b) position yaw channel disengage switch to "ON" and yaw hard-over switch to "LEFT," verify that pointer on null indicator also moves hard-over and pedals start motion to the left, (c) verify that it is possible to push right pedal to override hard-over condition, (d) position hard-over switch to "RIGHT" and pedals to the full left position. Verify that the pointer on null indicator moves hard-over and pedals start motion to the right, (e) verify that it is possible to push left pedal to override hard-over position.

5. With AFCS "OFF" measure the adjustment of the auxiliary servo linkage, by placing dial indicators at the output of the servo and at the bolt located in the sloppy link to ascertain that the adjustment of the linkage is 0.010" or less in the "AUX-ON" and "AUX-OFF" positions. Perform stick jump test to further verify these measurements. Perform these checks in the roll attitude, pitch and yaw functions.

C. Within the next 200 hours' time in service and thereafter at 200-hour intervals of time in service, accomplish the following:

1. Perform AFCS hard-over check according to Sikorsky Service Bulletin No. 61B65-1 dated April 12, 1967, paragraph B-1 through B-5 inclusive, or alternate check approved by the Chief, Engineering & Manufacturing Branch, Eastern Region.

D. Compliance with this A.D. is not required if the AFCS installation is disconnected.

This amendment is effective August 17, 1968, and was effective upon receipt for all recipients of the telegram dated June 28, 1968 and the amending telegram dated June 29, 1968, which contained this amendment.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Jamaica, N.Y., on August 8, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68-9936; Filed, Aug. 19, 1968; 8:46 a.m.]

[Airspace Docket No. 67-PC-6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On May 8, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 6938) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the South Kauai, Hawaii, and Swordfish, Hawaii, transition areas.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective, 0901 G.m.t., October 17, 1968, as hereinafter set forth.

1. In § 71.181 (33 F.R. 2137) the South Kauai, Hawaii, transition area is amended to read:

SOUTH KAUAI, HAWAII

That airspace extending upward from 700 feet above the surface within 2 miles north and 4 miles south of the South Kauai, Hawaii, VORTAC 271° radial extending from the VORTAC to 8 miles west of the VOR TAC; within 2 miles each side of the South Kauai, VORTAC 089° radial extending from the VORTAC to 6 miles east of the VORTAC and within 2 miles each side of the South Kauai, VORTAC 133° radial extending from the VORTAC to 6 miles southeast of the VORTAC.

2. In § 71.181 (33 F.R. 2137) the Swordfish, Hawaii, transition area is amended to read:

SWORDFISH, HAWAII

That airspace extending upward from 2,700 feet above the surface bounded on the north and northeast by V-14, on the east by the South Kauai, Hawaii, VORTAC 179° radial, on the south by a line 8 miles south of and parallel to the South Kauai VORTAC 269° radial, and on the west by a line 10.5 miles west of and parallel to the South Kauai VORTAC 179° radial; and that airspace extending upward from 5,000 feet above the surface bounded on the north and northeast by V-14, on the south by V-12 and the Honolulu Oceanic Control Area, and on the west by long. 160°00'00" W.; that airspace bounded on the north by V-12 and the Honolulu transition area, on the northeast by V-14, on the south by V-4, and on the west by the Honolulu Oceanic Control Area; and that airspace bounded on the north by V-4, on the east by the Honolulu transition area, on the south by W-319, and on the southwest by the Honolulu Oceanic Control Area.

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510); Executive Order 10854 (24 F.R. 9565))

Issued in Washington, D.C., on August 14, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-9937; Filed, Aug. 19, 1968; 8:46 a.m.]

[Airspace Docket No. 68-SO-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On July 30, 1968, F.R. Doc. 68-9038 was published in the FEDERAL REGISTER (33 F.R. 10799), amending Part 71 of the Federal Aviation Regulations by designating the Pine Mountain, Ga., transition area.

In the amendment the geographic coordinate for Gardens-Harris County Airport was shown as "lat. 32°50'35" N., long. 84°52'35" W."

Subsequent to the publication of the rule, the geographic coordinate was refined by Coast and Geodetic Survey as "lat. 32°50'30" N., long. 84°52'55" W."

Since this amendment is minor in nature and imposes no additional burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, F.R. Doc. 68-9038 is amended as follows:

In line 4 of the Pine Mountain, Ga., transition area description "* * * (lat. 32°50'35" N., long. 84°52'35" W.); * * *" is deleted and "* * * (lat. 32°50'30" N., long. 84°52'55" W.); * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on August 8, 1968.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 68-9938; Filed, Aug. 19, 1968; 8:46 a.m.]

[Airspace Docket No. 68-SO-22]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On May 10, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 7043), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Paris, Tenn., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to the publication of the Notice, the geographic coordinate for the Paris NDB was refined to latitude 36°-20'26" N., longitude 88°22'41" W. Additionally, it was determined that an additional one square mile of 1,200-foot controlled airspace was required to provide adequate protection for the procedure turn maneuvering area for aircraft executing NDB-RWY-1 instrument approach procedure, utilizing the 212° bearing from the Paris NDB. To provide this additional controlled airspace and to avoid altering the entire 1,200-foot transition area description, an extension "within 8 miles northwest and 5 miles southeast of the 212° bearing from the Paris RBN, extending from the RBN to 12 miles southwest" is required. Action is taken herein to alter the description accordingly.

Since this amendment is either editorial or minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 17, 1968, as hereinafter set forth.

In § 71.181 (33 F.R. 2137), the following transition area is added:

PARIS, TENN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Henry County Airport (lat. 36°20'15" N., long. 88°23'00" W.); within 2 miles each side of the 212° bearing from the Paris RBN (lat. 36°20'26" N., long. 88°22'41" W.), extending from the 5-mile radius area to 8 miles southwest of the RBN; within 2 miles each side of the 356° bearing from the Paris RBN, extending from the 5-mile radius area to 8 miles north of the RBN; and that airspace extending upward from 1200 feet above the surface within 8 miles northwest and 5 miles southeast of the 212° bearing from the Paris RBN, extending from the RBN to 12 miles southwest; within 5 miles each side of the 331° bearing from the Paris RBN, extending from the RBN to the Paducah, Ky., transition area; within 8 miles east and 5 miles west of the 356° bearing from the Paris RBN, extending from the RBN to 12 miles north; and that airspace bounded on the northwest by a line 5 miles north of and parallel to the 247° bearing from the Paris RBN, on the northeast by the Hopkinsville, Ky., transition area, on the south by the north boundary of V-140, and on the west by the Dyersburg, Tenn., transition area, excluding the portion that coincides with the Hopkinsville, Ky., and Union City, Tenn., transition areas.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on August 12, 1968.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 68-9941; Filed, Aug. 19, 1968; 8:47 a.m.]

[Airspace Docket No. 68-WA-19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area and Alteration of Continental Control Area

On June 8, 1968, F.R. Doc. 68-6765 was published in the FEDERAL REGISTER (33 F.R. 8480) effective August 22, 1968. This document amended Parts 71 and 73 of the Federal Aviation Regulations by designating three temporary joint-use restricted areas, R-2603 A, B, and C, in the vicinity of Camp Hale, Colo., and altering the description of the continental control area to reflect the establishment of these restricted areas.

Subsequent to publication of F.R. Doc. 68-6765, it was determined that the gun-launched meteorological soundings scheduled to be performed in R-2603 would be delayed indefinitely. Therefore, pending receipt of firm commitments pertaining to future operations, R-2603 is being revoked.

Since these amendments will reduce the burden on the public, notice and public procedure hereon are unnecessary and the amendments may be made effective on less than 30 days notice.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective immediately, as hereinafter set forth.

1. In § 73.26 (33 F.R. 2307, 8480) Restricted Area R-2603, Camp Hale, Colo., is revoked.

2. In § 71.151 (33 F.R. 2048, 8480) "R-2603, Camp Hale, Colo." is deleted.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 13, 1968.

FERRIS J. HOWLAND,
Acting Director, Air Traffic Service.

[F.R. Doc. 68-9942; Filed, Aug. 19, 1968; 8:47 a.m.]

[Airspace Docket No. 68-CE-18]

PART 75—ESTABLISHMENT OF JET ROUTES

Extension of Jet Route and Establishment of Nonradar Jet Advisory Area

On April 20, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 6130) stating that the Federal Aviation Administration was considering amendments to the Federal Aviation Regulations that would extend J-36 between Fargo, N. Dak., and Dickinson, N. Dak., and would establish a nonradar jet advisory area to encompass a portion of the jet route.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 17, 1968, as hereinafter set forth.

1. In § 75.100 (33 F.R. 2349) J-36 is amended as follows:

In the title, "Fargo, N. Dak.," is deleted and "Dickinson, N. Dak.," is substituted therefor.

In the text, delete all before "Nodine, Minn.," and "From Dickinson, N. Dak., via Fargo, N. Dak.; Minneapolis, Minn.;" is substituted therefor.

2. In § 75.200 (33 F.R. 2363) the text of J-36 Jet Advisory Area is amended to read as follows:

From the intersection of J-36 and long. 100°00'00" W., to the boundary of the positive control area southeast of Fargo.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 9, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-9943; Filed, Aug. 19, 1968; 8:47 a.m.]

[Docket No. 8669; Amdt. 93-12]

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

Lorain County Regional Airport, Ohio

The purpose of this amendment is to establish a special air traffic rule for the Lorain County Regional Airport, Lorain, Ohio.

The substance of this amendment was published as a notice of proposed rulemaking in the FEDERAL REGISTER on January 19, 1968 (33 F.R. 700), and circulated as Notice 68-1. The comments were fairly evenly divided on the proposal with national associations, business and aviation interests tending to oppose, and with municipal and educational interests, and individuals tending to favor the proposal.

The Air Line Pilots Association opposed the airport traffic pattern stating that, although their members would not be operating from the airport they consider that a reversal of the normal flow of traffic where there is no control tower solely for noise abatement would be repugnant to safety in that procedures should be standardized for uniformity to the extent possible. This is true, however, other interests may require aviation to make accommodations in sharing an area, particularly where these interests have been established for a long time and aviation is encroaching upon their activities.

It is anticipated that the majority of users of the airport generally would be local pilots familiar with the rule, and even where the flight is not of a local nature, a pilot is still responsible for familiarizing himself with the applicable regulations and procedures. Information regarding the special traffic rule and patterns will be published in the Airman's Information Manual as well as the Federal Aviation Regulations, and appropriate markings will be displayed on the field.

The National Aviation Trades Association questioned whether the amount of noise from an airport 4 miles away would actually be a problem to Oberlin College. The FAA has conducted tests of the noise level in the area created by flights following normal traffic patterns at the proposed airport site, and found a noise level high enough to disrupt activities at the College and its Conservatory of Music. The National Aviation Trades Association also objected to the establishment of a regulation where a hazard is not involved. The FAA has taken regulatory action on many occasions to relieve noise problems. The Federal Aviation Regulation 91.87 provides for establishment of preferential runway use systems which are basically noise abatement procedures. Traffic patterns established by the FAA under §§ 91.87 and 91.89 frequently include a flight procedure designed to relieve a noise nuisance.

The Aircraft Owners and Pilots Association objected on the ground that the special rules in Part 93 presently are established only at a few large hub airports or military flight areas where unusual factors require a special rule for reasons of safety. Therefore they feared that a proliferation of special rules at many locations may be requested and adopted for convenience only, which would reduce the effectiveness of these regulations and would place pilots in jeopardy for violating the Federal Aviation Regulations with its consequences, merely to alleviate momentary disturbances to persons and property on the ground. The Administrator is directed to prescribe regulations for the protection of persons and property on the ground as well as the safe and efficient utilization of the airspace. In this case a careful evaluation of the situation existing around the Lorain County Airport has caused us to conclude that because of the severity of this noise problem, a special air traffic rule in Part 93 is necessary.

The Aircraft Owners and Pilots Association and the Lorain County Regional Airport Authority requested a public hearing prior to the issuance of a final rule. It has been determined that these requests should be denied because the issues involved are narrow in scope, and because they already have been explored in great detail, it is improbable that any additional information relative to the problem could be adduced from a public hearing. Accordingly it is determined that it would serve no useful purpose to convene a public hearing on this matter.

Additional comments were received from other associations, business and commercial interests, educators and individuals. Comments opposing this regulation were on a basis similar to those discussed heretofore. Favorable comments were either general in nature or reiterated the reasons stated in the NPRM.

The Administrator has determined that in view of the particular sensitivity to audible disturbances at the Oberlin College Conservatory of Music, irreparable harm would occur to persons and property on the ground if the Lorain County Regional Airport commenced operation without a permanent provision to route low flying terminal traffic away from this institution.

In consideration of the foregoing, Part 93 is amended, effective September 19, 1968, by adding the following new subpart:

Subpart I—Lorain County Regional Airport Traffic Rule

Sec.
93.117 Applicability.
93.119 Aircraft operations.

AUTHORITY: The provisions of this Subpart I issued under sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348).

§ 93.117 Applicability.

This subpart prescribes a special air traffic rule for the Lorain County Regional Airport, Lorain County, Ohio.

§ 93.119 Aircraft operations.

Each person piloting an airplane landing at the Lorain County Regional Airport shall enter the traffic pattern north of the airport and shall execute a right traffic pattern for a landing to the southwest or a left traffic pattern for a landing to the northeast. Each person taking off from the airport shall execute a departure turn to the north as soon as practicable after takeoff.

Issued in Washington, D.C., on August 9, 1968.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 68-9944; Filed, Aug. 19, 1968; 8:47 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 4]

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950——)

Subpart P—Rights and Benefits Based on Disability

On May 16, 1968, there was published in the FEDERAL REGISTER (33 F.R. 7244) a notice of proposed rule making and proposed revision of Subpart P of Part 404 of Title 20 of the Code of Federal Regulations reflecting the relevant provisions enacted in the Social Security Amendments of 1967, 81 Stat. 821ff by:

(1) Incorporating the new or amended definitions of disability applicable to workers, children, widows, widowers, and the blind;

(2) Adding an appendix containing a Listing of Impairments establishing the level of severity of impairments, the existence of which is necessary to qualify for widow's and widower's benefits based on disability;

(3) Detailing the bases of evaluation to determine the existence of a disability;

(4) Providing for the cessation of disability of widows and widowers;

(5) Incorporating provisions for necessary technical changes and deletion of obsolete material.

Written comments were received and considered and various minor changes were made for purposes of clarification, explanation, completeness, and conformance.

Subpart P, Part 404, Title 20, of the Code of Federal Regulations (20 CFR 404.1 et seq.) is amended to read as set forth below.

Effective date. This amendment shall be effective on the date of publication in the FEDERAL REGISTER.

Dated: August 9, 1968.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: August 13, 1968.

WILBUR J. COHEN,
Secretary of Health, Education, and Welfare.

Subpart P—Rights and Benefits Based on Disability

Sec.
404.1501 Disability defined.
404.1502 Evaluation of disability except for purposes of statutory blindness or widow's or widower's benefits.
404.1503 Evaluation of disability—individual has attained age 55 and is statutorily blind.
404.1504 Evaluation of disability—widows and widowers.
404.1505 Determining medical equivalence.
404.1506 Listing of Impairments in appendix.
404.1507 Failure to follow prescribed treatment.
404.1520 Determinations of disability.
404.1521 Initial determinations as to entitlement or termination of entitlement.
404.1522 Reconsideration, hearing and review.
404.1523 Evidence of disability.
404.1524 Medical evidence.
404.1525 Determination of disability by nongovernmental organization or other governmental agency.
404.1526 Conclusion by physician regarding individual's disability.
404.1527 Consultative examinations.
404.1528 Evidence of continuation of disability.
404.1529 Place and manner of submitting evidence.
404.1530 Failure to submit evidence.
404.1531 Responsibility to give notice of event which may effect a change in disability status.
404.1532 Evaluation of work activities.
404.1533 Time spent in work.
404.1534 Evaluation of earnings from work.
404.1536 Period of trial work.
404.1537 Limitations on eligibility to period of trial work.
404.1538 Recovery from impairment while working.
404.1539 Cessation of disability.
Appendix—Listing of impairments

AUTHORITY: The provisions of this Subpart P issued under secs. 202, 205, 216(1), 221, 222, 223, 225, and 1102, Social Security Act 49 Stat. 623 as amended, 53 Stat. 1368, as amended, 68 Stat. 1080, as amended, 68 Stat. 1081, as amended, 68 Stat. 1082, as amended, 70 Stat. 815, as amended, 70 Stat. 817, as amended, 40 Stat. 647, as amended, 81 Stat. 821; sec. 5, Reorganization Plan No. 1 of 1953, 67 Stat. 18; 42 U.S.C. 402, 405, 416(1), 421, 422, 423, 425, and 1302.

§ 404.1501 Disability defined.

(a) *For disability benefits—(1) Benefits for months after August 1965.* Disability means:

(i) For purposes of determining entitlement to disability insurance benefits

under section 223 of the Act, or to child's insurance benefits (based on the child's disability) under section 202(d) of the Act, for months after August 1965, inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or impairments which can be expected to result in death or which have lasted or can be expected to last for a continuous period of not less than 12 months;

(ii) For purposes of determining entitlement to disability insurance benefits in a case of an individual who has attained the age of 55 and is blind (as defined in paragraph (b)(1)(ii)(*a*) of this section for benefits for months before February 1968 or for months after January 1968 based on applications filed before January 3, 1968, and in paragraph (b)(1)(ii)(*b*) of this section for benefits for months after January 1968 based on applications filed after January 2, 1968), inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time.

(iii) For purposes of determining entitlement to widow's or widower's insurance benefits (based on the widow's or widower's disability) under section 202 (e) or (f) of the Act, respectively, for months after January 1968, the existence of a medically determinable physical or mental impairment or impairments expected to result in death or which have lasted or can be expected to last for a continuous period of not less than 12 months and of a level of severity deemed (pursuant to § 404.1504) sufficient to preclude an individual from engaging in any gainful activity.

The meanings of "disability" described in this subparagraph (1) are applicable in the case of an application for (*a*) disability insurance benefits under section 223 of the Act or child's insurance benefits under section 202(d) of the Act filed after June 1965 (or before July 1965 if the individual did not die before July 1965, and notice of the Secretary's final decision on such application was not given before that month or, if so given, a civil action was commenced to review such decision and the decision of the court thereon did not become final before July 1965); and (*b*) widow's insurance benefits under section 202(e) of the Act or widower's insurance benefits under section 202(f) of the Act, based on the disability of the widow or widower, filed in or after the month of January 1968.

(2) *Benefits for months before September 1965.* For purposes of determining entitlement to disability insurance benefits or child's insurance benefits (based on the child's disability) for months before September 1965 (irrespective of date of application) "disability" means inability to engage in any substantial gainful activity because of any medically determinable physical or mental impairment which can be expected to continue for a long and indefinite period of time or to result in death.

(b) *For period of disability*—(1) *Application filed or final decision rendered after June 1965.* For establishment of a period of disability where an application is filed after June 1965, "disability" means:

(i) Inability to engage in any substantial gainful activity because of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months; or

(ii) Blindness, without regard to ability to engage in any substantial gainful activity, hereinafter also referred to as "statutory blindness," which means (*a*) in the case of applications filed before January 3, 1968, central visual acuity of 5/200 or less in the better eye with the use of a correcting lens; an eye in which the visual field is reduced to 5° or less concentric contraction shall be considered as having a central visual acuity of 5/200 or less; and (*b*) in the case of applications filed after January 2, 1968, central visual acuity of 20/200 or less in the better eye with the use of a correcting lens; an eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20° shall be considered as having a central visual acuity of 20/200 or less.

The meanings of "disability" described in this subparagraph (1) are also applicable to an application filed before July 1965 where the individual did not die before July 1965, and notice of the final decision of the Secretary on such application was not given to the individual before July 1965, or notice of the final decision of the Secretary was given, but a civil action was commenced to review such decision and the decision of the court thereon did not become final before July 1965.

(2) *Application filed before July 1965 and final disposition before July 1965.* For establishment of a period of disability where an application is filed before July 1965 and notice of the final decision of the Secretary was given before July 1965, or if a civil action to review such decision was commenced, the decision of the court thereon became final before July 1965; or if the individual died before July 1965, "disability" means:

(i) Inability to engage in any substantial gainful activity because of any medically determinable physical or mental impairment which can be expected to continue for a long and indefinite period of time or to result in death; or

(ii) Blindness, as defined in subparagraph (1)(ii)(*a*) of this paragraph.

(c) *Definition of impairment.* A physical or mental impairment is an impairment that results from anatomical, physiological, or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques. Statements of the applicant, including his own description of his impairment (symptoms) are, alone, insufficient to establish the presence of a physical or mental impairment.

§ 404.1502 Evaluation of disability except for purposes of statutory blindness or widow's or widower's benefits.

(a) Whether or not an impairment in a particular case involving disability insurance benefits under section 223 of the Act (except for purposes of statutory blindness) or child's insurance benefits based on disability under section 202 (d) of the Act or a period of disability under section 216(i)(1)(A) of the Act constitutes a disability, as defined in § 404.1501, is determined from all the facts of that case. Primary consideration is given to the severity of the individual's impairment. Consideration is also given to such other factors as the individual's age, education, and work experience. Medical considerations alone can justify a finding that the individual is not under a disability where the only impairment is a slight neurosis, slight impairment of sight or hearing, or other slight abnormality or a combination of slight abnormalities. On the other hand, medical considerations alone (including the physiological and psychological manifestations of aging) can, except where other evidence rebuts a finding of "disability," e.g., the individual is actually engaging in substantial gainful activity, justify a finding that the individual is under a disability where his impairment is one that meets the duration requirement in § 404.1501, and is listed in the appendix to this subpart or the Secretary determines his impairment (or combined impairments) to be medically the equivalent of a listed impairment (see § 404.1505).

(b) Conditions which constitute neither a listed impairment nor the medical equivalent thereof likewise may be found disabling if they do, in fact, prevent the individual from engaging in any substantial gainful activity. Such an individual, however, shall be determined to be under a disability only if his physical or mental impairment or impairments are the primary reason for his inability to engage in substantial gainful activity. In any such case it must be established that his physical or mental impairment or impairments are of such severity, i.e., result in such lack of ability to perform significant functions as moving about, handling objects, hearing, speaking, reasoning, and understanding, that he is not only unable to do his previous work or work commensurate with his previous work in amount of earnings and utilization of capacities but cannot, considering his age, education, and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which he lives, or whether a specific job vacancy exists for him, or whether he would be hired if he applied for work. For the purposes of the preceding sentence, work "exists in the national economy" with respect to any individual, when such work exists in significant numbers either in the region where such individual lives or in several regions of the country. Thus, isolated jobs of a type that exist only in very limited number or in relatively few geographic locations shall not be considered to be "work which exists in the national economy" for purposes of determining whether an individual is under a disability; an individual is not denied benefits on the basis of the existence of such jobs. Accordingly, where an individual remains unemployed for a reason or reasons not due to his physical or mental impairment but because he is unsuccessful in obtaining work he could do; or because work he could do does not exist in his local area; or because of the hiring practices of employers, technological changes in the industry in which he has worked, or cyclical economic conditions; or because there are no job openings for him or he would not actually be hired to do work he could otherwise perform, the individual may not be considered under a disability as defined in § 404.1501.

(c) Where an individual with a marginal education and long work experience (e.g., 35 to 40 years or more) limited to the performance of arduous unskilled physical labor is not working and is no longer able to perform such labor because of a significant impairment or impairments and, considering his age, education, and vocational background is unable to engage in lighter work, such individual may be found to be under a disability. On the other hand, a different conclusion may be reached where it is found that such individual is working or has worked despite his impairment or impairments (except where such work is sporadic or is medically contraindicated) depending upon all the facts in the case. In addition, an individual who was doing heavy physical work at the time he suffered such impairment might not be considered unable to engage in any substantial gainful activity if the evidence shows that he has the training or past work experience which qualifies him for substantial gainful work in another occupation consistent with his impairment, either on a full-time or a reasonably regular part-time basis.

Example: B, a 60-year old miner, with a fourth grade education, after a life-long history of arduous physical labor alleged that he was under a disability because of arthritis of the spine, hips, and knees and other impairments. Medical evidence shows a combination of impairments and establishes that these impairments prevent B from performing his usual work or any other type of arduous physical labor. His vocational background does not disclose either through performance or by similarly persuasive evidence that he has skills or capabilities needed to do lighter work which would be readily transferrable to another work environment. Under these circumstances, B may be found to be under a disability.

(d) When used in this section for evaluating "disability," the term "age" refers to chronological age and the extent to which it affects the individual's capacity to engage in work in competition with others. An individual unemployed primarily because of age, however, shall not be deemed unable to engage in substantial gainful activity by reason of a medical impairment.

(e) When used in this section for evaluating "disability," the term "education" is used in the following sense: Education and training are factors in determining the employment capacity of an individual. Lack of formal schooling, however, is not necessarily proof that the individual is an uneducated person. The kinds of responsibilities he carried when working may indicate ability to do more than unskilled work, even though his formal education has been limited.

§ 404.1503 Evaluation of disability—individual has attained age 55 and is statutorily blind.

An individual who has attained age 55 and is statutorily blind (see § 404.1501 (b)(1)(ii)) may establish entitlement to disability insurance benefits, under the provisions described in § 404.1501(a)(1)(ii) even though he is working or has worked in substantial gainful activity (see § 404.1534) since attainment of age 55 or the onset of statutory blindness, whichever is later, if the skills or abilities he utilized in such work are not comparable to those of any gainful activity in which he previously engaged with some regularity and over a substantial period of time. However, no payment may be made to such an individual for any month in which he engaged in any substantial gainful activity even though noncomparable (see § 404.1534).

§ 404.1504 Evaluation of disability—widows and widowers.

A widow or widower shall, for purposes of section 202 (e) or (f) of the Act, be determined to be under a disability only if, in the absence of evidence that he or she is engaged in substantial gainful activity—

(a) His or her impairment or impairments meet the duration requirement in § 404.1501 and are listed in the appendix to this subpart; or

(b) His or her impairment or impairments are not listed in the appendix to this subpart, but singly or in combination meet the duration requirement in § 404.1501 and are determined by the Secretary to be medically the equivalent of a listed impairment.

Such an individual shall not be found under a disability, however, where he or she is engaged in substantial gainful activity.

§ 404.1505 Determining medical equivalence.

(a) An individual's impairment or impairments shall be determined to be medically the equivalent of an impairment listed in the appendix to this Subpart P, only if the medical findings with respect thereto are at least equivalent in severity and duration to the listed findings of the listed impairment.

(b) Any decision made under § 404.1502, § 404.1504, or § 404.1539 as to whether an individual's impairment or impairments are medically the equivalent of an impairment listed in the appendix to this Subpart P, shall be based on medical evidence demonstrated by medically acceptable clinical and laboratory diagnostic techniques, including a medical judgment furnished by one or more physicians designated by the Secretary, relative to the question of medical equivalence. A "physician designated by the Secretary" shall include a physician in by the Administration, the Railroad Retirement Board, or a State agency authorized to make determinations of disability.

§ 404.1506 Listing of Impairments in appendix.

(a) The Listing of Impairments describes, for each of the major body systems, impairments which—

(1) Are of a level of severity deemed sufficient to preclude an individual from engaging in any gainful activity; and

(2) Are expected to result in death or to last for a continuous period of not less than 12 months.

(b) Each section is preceded by a general introduction containing definitions of key concepts used in that section. Certain specific medical findings, some of which are identified as essential in establishing a diagnosis or in confirming the existence of an impairment for the purpose of this Listing, are also cited in the narrative introduction. Where the medical findings essential to support a diagnosis are not specified in the introduction or elsewhere in the Listing, the diagnosis must nonetheless be established on the basis of medically acceptable clinical and laboratory diagnostic techniques. For certain of the listed categories only a pathophysiologic diagnosis is required. Following the introduction in each section, the requisite level of severity of impairment is specified under "Category of Impairments" by one or more sets of medical findings. The medical findings consist of symptoms, signs and laboratory findings. For the purposes of this Subpart P, the following definitions apply:

(1) *Symptoms* are the claimant's own description of his physical or mental impairment.

(2) *Signs* are anatomical, physiological, or psychological abnormalities which are demonstrable, apart from the claimant's symptoms, by medically acceptable clinical diagnostic techniques. Psychiatric signs are medically demonstrable phenomena, apart from the claimant's symptoms, indicating specific abnormalities of behavior, affect, thought, memory, orientation and contact with reality.

(3) *Laboratory* findings are manifestations of anatomical, physiological, or psychological phenomena which are demonstrable by the use of medically acceptable laboratory diagnostic techniques which extend or replace the perceptiveness of the senses, including chemical tests, electrophysiologic or roentgenologic studies and psychological tests.

(c) An impairment shall not be considered to be one listed in the appendix to this Subpart P solely because it has the name of a listed impairment. To be considered a listed impairment, it must also have such attendant findings as are recited in the Listing for the impairment.

§ 404.1507 Failure to follow prescribed treatment.

For purposes of entitlement to a period of disability or to disability insurance benefits or to child's, widow's or widower's insurance benefits based on disability, an individual's impairment must also be expected to result in death or to have lasted or be expected to last for a continuous period of not less than 12 months. An individual with a disabling impairment which is amenable to treatment that could be expected to restore his ability to work shall be deemed to be under a disability if he is undergoing therapy prescribed by his treatment sources but his impairment has nevertheless continued to be disabling or can be expected to be disabling for at least 12 months. However, an individual who willfully fails to follow such prescribed treatment cannot by virtue of such failure be found to be under a disability. Willful failure does not exist if there is justifiable cause for failure to follow such treatment.

§ 404.1520 Determinations of disability.

(a) *By State agencies.* In any State which has entered into an agreement with the Secretary providing therefor, determinations as to whether an individual is under a disability (as defined in § 404.1501), as to the date disability began, and as to the date disability ceases, shall be made by the State agency or agencies designated in such agreement on behalf of the Secretary with respect to all individuals in such State, or with respect to such class or classes of individuals in the State as may be designated in the agreement.

(b) *By the Administration.* Determinations as to whether an individual is under a disability, as to the date disability began, and as to the date disability ceases, shall be made by the Administration on behalf of the Secretary with respect to individuals in any State which has not entered into an agreement, any class or classes of individuals not designated in such an agreement or any individuals outside the United States.

(c) *Review by Administration of State agency determinations.* The Administration may review a determination made by a State agency that an individual is under a disability and, as a result of such review, may determine that such individual is not under a disability, or that the disability began on a date later than that determined by the State agency, or that the disability ceased on a date earlier than that determined by the State agency.

§ 404.1521 Initial determinations as to entitlement or termination of entitlement.

After any determination as to whether an individual is under a disability or has ceased to be under a disability, the Administration will make an initial determination (see § 404.905) with respect to entitlement to a period of disability or to disability insurance benefits or child's, widow's or widower's insurance benefits based on disability.

§ 404.1522 Reconsideration, hearing and review.

Reconsideration, hearing and review of any initial determination referred to in § 404.1521 may be requested by a party who is dissatisfied with such determination, in accordance with the provisions of Subpart J of this part (see particularly § 404.909 et seq.). A final decision of the Secretary is subject to judicial review upon the filing of a civil action in a U.S. district court in accordance with section 205(g) of the Act (see § 404.954).

§ 404.1523 Evidence of disability.

An individual who has filed an application for the establishment of a period of disability or for disability insurance benefits or child's, widow's or widower's insurance benefits based on disability, shall submit medical evidence showing the nature and extent of such individual's impairment or impairments during the time he alleges he was under a disability. Upon request, the applicant shall also submit evidence as to his education and training, work experience, and daily activities both prior to and after the alleged date of onset of disability, efforts to engage in gainful employment or self-employment and any other pertinent evidence showing the effect of his impairment or impairments on his ability to engage in any substantial gainful activity during the time he alleges he was under a disability. An applicant for benefits based on statutory blindness shall, upon request, submit evidence as to the skills and abilities required in any gainful activity in which he had previously engaged, the length of time and regularity of such previous work activity, and as to his inability to utilize such skills and abilities in substantial gainful activity (see § 404.1501(a)(1)(ii)).

§ 404.1524 Medical evidence.

Medical evidence of an individual's mental or physical impairment shall include:

(a) A report signed by a duly licensed physician;

(b) A copy of, or abstract from, the medical records, if any, of a hospital, clinic, institution, or sanatorium, or public or private agency, duly certified by the custodian of such record or by any employee of the Social Security Administration or the Veterans' Administration authorized to make certifications of any such evidence (see § 404.701), or any employee of a State agency authorized to make such certifications; or

(c) Other medical evidence of probative value. Medical reports, copies of medical records or other medical evidence submitted to substantiate an allegation that an individual is under a disability shall include reports of clinical findings (such as the individual's medical history, physical or mental status examinations or both), laboratory findings, diagnosis, and treatment prescribed and response; in cases involving visual impairments, the measurement of visual acuity and visual fields reported by a duly licensed optometrist may be used. Except where the claim is for the establishment of a period of disability based on statutory blindness (see § 404.1501(b)(1)(ii) and (2)(ii)), such evidence shall also describe the individual's capacity to perform significant functions such as the capacity to sit, stand, or move about, travel, handle objects, hear or speak, and, in cases of mental impairment, the ability to reason or to make occupational, personal, or social adjustments. The clinical and laboratory findings shall be sufficiently comprehensive and detailed to permit the making of independent determinations by the Administration or by a State agency as to the nature and limiting effects of the individual's physical or mental impairment or impairments for the period in question, his ability to engage in physical and mental activities, and the probable duration of such impairment.

§ 404.1525 Determination of disability by nongovernmental organization or other governmental agency.

The decision of any nongovernmental organization or any other governmental agency that an individual is, or is not, disabled for purposes of any contract, schedule, regulation, or law shall not be determinative of the question of whether or not an individual is under a disability for the purposes of Title II of the Social Security Act (see § 404.1501 for definition of "disability").

§ 404.1526 Conclusion by physician regarding individual's disability.

The function of deciding whether or not an individual is under a disability is the responsibility of the Secretary. A statement by a physician that an individual is, or is not, "disabled," "permanently disabled," "totally disabled," "totally and permanently disabled," "unable to work," or a statement of similar import, being a conclusion upon the ultimate issue to be decided by the Secretary, shall not be determinative of the question of whether or not an individual is under a disability. The weight to be given such physician's statement depends on the extent to which it is supported by specific and complete clinical findings and is consistent with other evidence as to the severity and probable duration of the individual's impairment or impairments.

§ 404.1527 Consultative examinations.

Upon reasonable notice of the time and place thereof, any individual alleged to be under a disability shall present himself for and submit to physical or mental examinations or tests, at the expense of the Administration, by a physician or other professional or technical source designated by the Administration or the State agency authorized to make determinations as to disability. If any such individual fails or refuses to present himself for any examination or test, such failure or refusal, unless the Secretary determines that there is good cause therefor, shall be a basis for determining that such individual is not under a disability. Religious or personal scruples against medical examination or test shall not excuse an individual from presenting himself for a medical examination or test.

§ 404.1528 Evidence of continuation of disability.

An individual for whom a period of disability has been established or who has been determined to be entitled to disability insurance benefits or to child's, widow's or widower's insurance benefits based on disability, upon reasonable notice, shall, if requested to do so, present himself for and submit to examinations or tests as provided in § 404.1527, and shall submit medical reports and other evidence necessary for the purposes of determining whether such individual continues to be under a disability.

§ 404.1529 Place and manner of submitting evidence.

Evidence in support of an application for the establishment of a period of disability, for disability insurance benefits or for child's, widow's or widower's insurance benefits based on disability, shall be filed in the manner and at the place or places prescribed in Subpart H of this part, or, where appropriate, at the office of a State agency authorized under agreement with the Secretary to make determinations as to disability, or with an employee of such State agency authorized to accept such evidence at a place other than such office.

§ 404.1530 Failure to submit evidence.

An individual shall not be determined to be under a disability unless he furnishes such medical and other evidence thereof as the Administration may require. Religious or personal scruples against medical examinations, tests, or treatment shall not excuse an individual from submitting evidence of disability.

§ 404.1531 Responsibility to give notice of event which may effect a change in disability status.

An individual for whom a period of disability has been established or who is entitled to disability insurance benefits or to child's, widow's or widower's insurance benefits based on disability, shall notify the Administration promptly if:

(a) His condition improves;

(b) He engages in any work activity or there is an increase in the amount of such activity or his earnings therefrom; or

(c) He has been in a hospital or similar institution and is discharged therefrom.

§ 404.1532 Evaluation of work activities.

(a) *In general.* If an individual performed work during any period in which he alleges that he was under a disability as defined in § 404.1501, the work performed may demonstrate that such individual has ability to engage in substantial gainful activity. If the work performed establishes that an individual who is not statutorily blind is able to engage in substantial gainful activity, he is not under a disability. (For the statutorily blind, see paragraph (g) of this section.) Work which does not in itself constitute substantial gainful activity, may nevertheless indicate the existence of a residual capacity of such individual to engage in substantial gainful activity. Thus, an individual who utilizes work skills or abilities on a limited basis may not be under a disability if he is capable of increased utilization of such work skills or abilities.

(b) *Substantial gainful activity defined.* Substantial gainful activity refers to work activity that is both substantial and gainful. Substantial work activity involves the performance of significant physical or mental duties, or a combination of both, productive in nature. Gainful work activity is activity for remuneration or profit (or intended for profit, whether or not a profit is realized) to the individual performing it or to the persons, if any, for whom it is performed, or of a nature generally performed for remuneration or profit. In order for work activity to be substantial, it is not necessary that it be performed on a full-time basis; work activity performed on a part-time basis may also be substantial. It is immaterial that the work activity of an individual may be less, or less responsible, or less gainful, than that in which he was engaged before the onset of his impairment.

(c) *Nature of the work.* The performance of duties involving skill, experience or responsibility, or contributing substantially to the operation of an enterprise is evidence tending to show that an individual has ability to engage in substantial gainful activity.

(d) *Adequacy of performance.* The adequacy of an individual's performance of assigned work is also evidence as to whether or not he has ability to engage in substantial gainful activity. The satisfactory performance of assignments may demonstrate ability to engage in substantial gainful activity, while an individual's failure, because of his impairment, to perform ordinary or simple tasks satisfactorily without supervision or assistance beyond that usually given other individuals performing similar work, may constitute evidence of an inability to engage in substantial gainful activity. "Made work," that is, work involving the performance of minimal or trifling duties which make little or no demand on the individual and are of little or no utility to his employer, or to the operation of a business, if self-employed, does not demonstrate ability to engage in substantial gainful activity.

(e) *Special employment conditions.* Work performed under special conditions of employment which take account of the employee's impairment (for example, work in a sheltered workshop or in a hospital by a patient) may, nonetheless, provide evidence of skills and abilities that demonstrate an ability to engage in a substantial gainful activity, whether or not such work in itself constitutes substantial gainful activtiy (see § 404.1534 (b) and (c)).

(f) *Activities in carrying on a trade or business.* Supervisory, managerial, advisory or other significant personal services rendered by a self-employed individual demonstrate an ability to engage in substantial gainful activity.

(g) *Work activity of blind applicants.* The work of an applicant for disability insurance benefits who has not attained age 55 and has applied for benefits based on statutory blindness is evaluated to determine whether he is able to engage in substantial gainful activity. If he has attained age 55, his work is evaluated also to determine whether he is utilizing skills or abilities comparable to those of any gainful activity in which he had previously engaged with some regularity over a substantial period of time. If his work establishes that he is able to engage in substantial gainful activity, and (if he has attained age 55) also that he is utilizing such skills or abilities or can utilize them therein, he is not under a disability for the purposes of disability insurance benefits (see § 404.1501(a)(1)(ii)).

§ 404.1533 Time spent in work.

If the time that an individual spends in work activities is comparable to the time customarily spent by individuals without impairment in similar work activities as a regular means of livelihood, his ability to work for such periods constitutes evidence tending to show an ability to engage in substantial gainful activity. Moreover, where an individual, because of his impairment, is unable to spend as much time in work activities as is customarily spent by individuals without impairment in similar work, but such individual is able to perform significant duties on a part-time basis, his ability to work on a part-time basis also tends to show an ability to engage in substantial gainful activity.

§ 404.1534 Evaluation of earnings from work.

(a) *General.* Where an individual who claims to be disabled engages in work activities, the amount of his earnings from such activities may be significant in determining whether such activities establish that the individual has the ability to engage in substantial gainful activity. Generally, activities which result in substantial earnings would establish ability to engage in substantial gainful activity; however, the fact that an individual's activities result in earnings which are not substantial does not establish the individual's inability to engage in substantial gainful activity. Where an individual is forced to discontinue his work activities after a short time because his impairment precludes continuing such activities, his earnings would not demonstrate ability to engage in substantial gainful activity. Also a mentally handicapped individual who performs simple tasks subject to close and continuous supervision would not have demonstrated ability to engage in substantial gainful activity solely on the basis of the rate of his remuneration for

such activity. Earnings received by an employee which are not attributable to his work activity are not considered in determining his ability to engage in substantial gainful activity. Thus where an individual engages in work activity as an employee under special conditions (see § 404.1532(e)), only earnings attributable to the individual's productivity, as distinguished from a subsidy related to other factors (e.g., his financial needs), are considered in determining his ability to perform substantial gainful activity. The fact, however, that a sheltered workshop or comparable facility may operate at a deficit and receive some charitable contributions or governmental aid would not necessarily establish that a particular employee of the workshop is not earning the amounts paid to him.

(b) *Earnings at a monthly rate in excess of $125.* An individual's earnings from work activities averaging in excess of $125 a month shall be deemed to demonstrate his ability to engage in substantial gainful activity in the absence of evidence to the contrary.

(c) *Earnings at a rate of $75 to $125 a month.* Where an individual's earnings from work activities average between $75 and $125 a month consideration of the amount of his earnings together with the other circumstances relating to his work activities (see §§ 404.1532 and 404.1533), the medical evidence relating to his impairment or impairments, and other factors (see § 404.1502) shall determine whether such individual is able to engage in substantial gainful activity. However, in the case of an individual working in a sheltered workshop (such as a workshop especially organized for the blind) or comparable facility, whose activities are limited by his impairment so that his earnings average $125 a month or less, such activities and such earnings ordinarily would not establish the ability to engage in substantial gainful activity.

(d) *Earnings at a monthly rate of less than $75.* Earnings from work activities as an employee which average less than $75 a month do not show that the individual is able to engage in substantial gainful activity. However, an evaluation of the work performed (see § 404.1532) may establish that the individual is able to engage in substantial gainful activity, regardless of the amount of his average monthly earnings.

(e) *Factors considered where individual is self-employed.* The earnings or losses of a self-employed individual often reflect factors other than the individual's work activities in carrying on his trade or business. For example, a business may have a small income or may even operate at a loss even though the individual performs sufficient work to constitute substantial gainful activity. Thus, less weight is given to such small income or losses in determining a self-employed individual's ability to engage in substantial gainful activity, and greater weight is given to such factors as the extent of his activities and the supervisory, managerial, or advisory services rendered by him (see § 404.1532(f)).

§ 404.1536 Period of trial work.

(a) *General.* Any services rendered by an individual entitled to disability insurance benefits, or child's insurance benefits based on disability, during a period of trial work shall nevertheless be deemed not to have been rendered, for the purpose of determining whether such individual's disability ceased during such period of trial work. Services rendered within a period of trial work may be considered, however, in determining whether an individual's disability ceased at any time after the expiration of such period of trial work.

(b) *Widow's and widower's insurance benefits based on disability.* The trial work period provision described in this section is not applicable in the case of widows and widowers entitled to benefits (based on their disability) under section 202 (e) and (f) of the Act.

(c) *Duration.* A period of trial work for any individual shall begin with the month in which the individual becomes entitled to disability insurance benefits or to child's insurance benefits based on disability: *Provided,* That such period shall not begin earlier than October 1960, or before the month in which application is filed for such benefits, and shall end with the close of whichever of the following calendar months is the earlier:

(1) The 9th month (whether or not consecutive), beginning on or after the first day of such period, in which the individual renders any services, or

(2) The month in which the individual's disability (as defined in § 404.1501 (a)) ceases, as determined without regard to work performed during the period of trial work.

(d) *Meaning of "services."* When used in this section "services" means any activity, even though not substantial gainful activity, which is performed by an individual in employment during a period of trial work for remuneration or gain, or which is determined to be of a type normally performed for remuneration or gain. Work performed without remuneration merely as a therapeutic measure or purely as a matter of training, or work usually performed in daily routine around the home or in self-care, is not considered "services."

(e) *Trial work for certain individuals who have attained age 55 and who are statutorily blind.* An individual who has been determined to be under a disability as defined in § 404.1501(a)(1)(ii) shall receive cash benefits during a trial work period only if:

(1) The work in which he engages requires skills or abilities comparable to those required in the work he regularly engaged in prior to blindness or age 55, whichever is later, or

(2) His last previous work ended because of an impairment and the work he engages in requires a significant vocational adjustment.

§ 404.1537 Limitations on eligibility to period of trial work.

(a) *Number of periods of trial work.* An individual is not eligible for more than one period of trial work in any one period of entitlement to disability insurance benefits or child's insurance benefits based on disability.

(b) *Beneficiary who did not serve waiting period.* An individual determined to be under a disability who becomes entitled to disability insurance benefits after previously having been entitled to such benefits which terminated, or to a period of disability which ceased, within the 60-month period preceding the first month in which he is under such disability, and who therefore is not required to serve a waiting period (see section 223(c)(2) of the Act), shall not be eligible for a period of trial work with respect to such entitlement period.

§ 404.1538 Recovery from impairment while working.

An individual's disability may be found to have ceased at any time within a period of trial work (see § 404.1536), if it is determined on the basis of evidence (other than evidence that the individual performed services during such time) that the individual is no longer statutorily blind or has recovered from his physical or mental impairment to the extent that he is no longer prevented by his impairment or impairments from engaging in substantial gainful activity.

§ 404.1539 Cessation of disability.

Where it has been determined that an individual is under a disability as defined in § 404.1501, the "disability" shall be found to have ceased:

(a) In the case of an individual entitled to disability insurance benefits or child's insurance benefits based on disability, in the earlier of the following:

(1) The month in which the impairment, as established by the medical or other evidence, is no longer of such severity as to prevent him from engaging in any substantial gainful activity or, in the case of disability under § 404.1501 (a)(1)(ii), no longer constitutes statutory blindness; or

(2) The month in which the individual has regained his ability to engage in substantial gainful activity, or, in the case of disability under § 404.1501(a)(1)(ii), to utilize in substantial gainful activity skills or abilities comparable to those of some gainful activity in which he had previously engaged with some regularity over a substantial period of time, as demonstrated by work activity after application of the provisions in § 404.1536; or

(b) In the case of an individual entitled to widow's or widower's benefits, in the earlier of the following:

(1) The month in which such individual's impairment improves to the point where it no longer constitutes an impairment listed in the appendix to this subpart, or is medically the equivalent thereof; or

(2) The month in which the individual engages in substantial gainful activity.

(c) In any case, where the individual is requested to furnish necessary medical or other evidence or to present himself for a necessary physical or mental examination by a date specified in the request and the individual fails to comply with such request, the month within which the date for compliance falls, unless the Secretary determines that there is good cause for such failure.

Where an individual's entitlement to disability insurance benefits is terminated based on a finding that he has regained his ability to engage in substantial gainful activity, a period of disability established for him will continue if he has a visual impairment sufficiently severe to meet the definition of blindness in § 404.1501(b)(1)(ii) and (2)(ii).

Appendix

Listing of Impairments

Sec.
1.00 Musculoskeletal System.
2.00 Special Sense Organs.
3.00 Respiratory System.
4.00 Cardiovascular System.
5.00 Digestive System.
6.00 Genito-Urinary System.
7.00 Hemic and Lymphatic System.
8.00 Skin.
9.00 Endocrine System.
10.00 Multiple Body Systems.
11.00 Neurological.
12.00 Mental Disorders.
13.00 Neoplastic Diseases—Malignant.

1.00 Musculoskeletal System

A. Functional loss may be due to an anatomical loss or to a loss of use of a part due to deformity, adhesions, defective innervation, or other pathology. Pain may be an important factor in causing functional loss, but it must be associated with relevant abnormal findings. Evaluations of musculoskeletal impairments should be supported where applicable by detailed descriptions of ranges of motion, status of the musculature and any sensory, reflex or circulatory deficits and pertinent X-ray findings.

B. Major joints as used herein refer to hip, knee, ankle, shoulder, elbow or wrist and hand. (Wrist and hand considered together as one major joint.)

C. The measurements of restricted motion and ankylosis are based on the technic of measurements described in "Guides to the Evaluation of Permanent Impairment Extremities and Back" by the Committee on Rating of Mental and Physical Impairment, Special Edition, JAMA, February 15, 1958.

1.01 Category of Impairments, Musculoskeletal

1.02 *Rheumatoid arthritis.* With:

A. History of joint pain and swelling in two or more major joints and morning stiffness persistent on activity; and

B. Signs of joint enlargement, or effusion, and motion limitation with periarticular muscle wasting in two or more major joints; and

C. X-ray evidence of abnormality of a major joint (i.e., osteoporosis or decalcification or narrowing of joint space) and one of the following:

1. Anatomical deformity in one major joint, such as joint subluxation, contracture, bony or fibrous ankylosis, joint instability, ulnar deviation, or hyperextension, with resultant limitation of motion; or

2. Positive serologic test for rheumatoid factor; or

3. Elevated sedimentation rate (Wintrobe) greater than 20 mm. per hour in females or 10 mm. per hour in males; or

4. Positive C-reactive protein; or

5. Polymorphonuclear leukocytosis in synovial fluid aspirate; or

6. Characteristic histologic changes in biopsy of synovial membrane or subcutaneous nodule.

1.03 *Neurogenic arthropathy (e.g., Charcot) affecting at least one major weight-bearing joint or one major joint in each of the upper extremities.* With:

A. Instability or subluxation; and

B. Associated loss of sensory modalities in appropriate distribution.

1.04 *Hypertrophic (osteo or degenerative), gouty, infectious or traumatic arthritis.* With:

A. History of pain and stiffness in the involved joints; and

B. X-ray evidence of joint space narrowing with osteophytosis (exostosis) or bony destruction with erosions and cysts, or subluxation, or ankylosis of involved joints and one of the following:

1. Abduction of both arms at shoulders restricted to less than 90 degrees; or

2. Ankylosis (fibrous or bony consolidation or fixation) of hip at less than 20 degrees or more than 30 degrees of flexion, measured from neutral position; or

3. Ankylosis or fixation of knee at more than 10 degrees from neutral position; or

4. Limitation of flexion of both hips to 50 degrees or less from neutral position (including ankylosis of both hips at any angle); or

5. Limitation of flexion of both knees to 30 degrees or less from the neutral position (including ankylosis of both knees at any angle); or

6. Combined involvement of single hip and knee in contralateral extremity, with impairment in each as in 4 or 5 above; or

7. Reconstructive surgery or surgical arthrodesis of a major weight-bearing joint (hip, knee, ankle, or tarsal region) and return to full weight-bearing status did not occur, or is not expected to occur within 12 months of onset of disability; or

8. X-ray evidence of lumbar spine abnormalities as in B above with motion of dorsolumbar spine limited to 5 degrees or less from neutral position and impairment of single hip or knee as in 4 or 5 above.

1.05 *Disorders of spine.* With:

A. Fracture of vertebra, residuals of. With cord involvement with appropriate sensory and motor loss; or

B. Generalized osteoporosis with pain, limitation of back motion, paravertebral muscle spasm, and compression fracture of a vertebra; or

C. Ankylosis or fixation of cervical or dorsolumbar spine at 30 degrees or more of flexion measured from the neutral position and one of the following:

1. Calcification of the anterior and lateral ligaments as shown by X-ray; or

2. Bilateral ankylosis of sacroiliac joints and abnormal apophyseal articulations as shown by X-ray.

1.06 *Tuberculosis of the spine or any major joint.* Active.

1.07 *Nerve root compression syndrome (due to any cause).* With:

A. Pain and motion limitation in back or neck; and

B. Cervical or lumbar nerve root compression as evidenced by appropriate radicular distribution of sensory, motor, and reflex abnormalities.

1.08 *Osteomyelitis (demonstrated by X-ray).* A. Pelvis, vertebra, femur, tibia or a major joint of an upper or lower extremity, with persistent activity or occurrence of at least 2 episodes in the 6 months since onset of disability manifested by local or systemic signs or laboratory findings (e.g., heat, redness, swelling, drainage, leucocytosis, or increased sedimentation rate); or

B. With multiple localizations and systemic manifestations such as anemia (hematocrit of 30 percent or less) or amyloid changes.

1.09 *Amputation of; or anatomical deformity of (i.e., loss of major function due to degenerative changes associated with vascular or neurological deficits, traumatic loss of muscle mass or tendons and X-ray evidence of bony or fibrous ankylosis at an unfavorable angle, joint subluxation or instability).* A. Both hands; or

B. Both feet; or

C. One hand and one foot.

1.10 *Amputation of lower extremity (at or above the tarsal region).* A. Hemipelvectomy or hip disarticulation; or

B. Evaluate an amputation associated with peripheral vascular disease or diabetes mellitus under the criteria in § 4.13 or § 9.08; or

C. Inability to use prosthesis effectively, without other assistive devices, due to:

1. Vascular disease; or

2. Neurological complications (e.g., loss of position sense); or

3. Stump complications persisting, or expected to persist, for at least 12 months from onset of disability; or

4. Disorder of contralateral lower extremity causing mobility restriction.

1.11 *Fracture of femur, tibia, tarsal bone or pelvis.* With solid union not evident on X-ray and return to full weight-bearing status did not occur, or is not expected to occur, within 12 months of onset.

1.12 *Fractures and/or soft tissue injuries of an upper extremity.* A. With non-union of a fracture of the shaft of the humerus, radius, or ulna under continuing surgical management directed toward restoration of functional use of the extremity and such function was not restored or expected to be restored within 12 months after onset; or

B. Requiring a series of staged surgical procedures within 12 months after onset for salvage and/or restoration of major function of the extremity, and such major function was not restored or expected to be restored within 12 months after onset; or

C. After maximum benefit from surgical therapy has been achieved (i.e., there have been no significant changes in physical findings and/or X-ray findings for any 6-month period after the last definitive surgical procedure), the residual of fractures and/or soft tissue injuries of an upper extremity should be evaluated under the criteria in § 1.09 when associated with residual impairment of another extremity.

2.00 Special Sense Organs

A. *Causes of disability.* Disease or injury of the special sense organs may produce disability by reduction of the ability to see or hear. Loss of central vision results in inability to distinguish detail and prevents reading and fine work. Loss of peripheral vision restricts the ability of an individual to move about freely. Loss of hearing impairs ability to communicate with others by misinterpretation of ideas and orders and results in lack of awareness to danger. The extent of impairment of sight or hearing should be determined by visual or auditory testing.

B. *Central visual acuity.* A loss of central visual acuity may be caused by impaired distant and/or near vision. However, for an individual to meet the level of severity described in § 2.02 and 2.04 only the remaining central visual acuity for distance of the better eye with best correction using the Snellen test chart may be used. Correction obtained by special visual aids (e.g., contact lenses) will be considered only if the individual has the ability to wear such aids.

C. *Field of vision.* Disability due to loss of peripheral vision may result if there is contraction of the visual fields. The contraction may be either symmetrical or irregular. For the phakic eye (the eye with a lens), the

extent of the remaining visual field will be determined by usual perimetric methods, utilizing a 3 mm. white disc target at a distance of 330 mm. under illumination of not less than 7 foot-candles. For the aphakic eye (the eye without a lens), the visual field must be determined by utilizing a 6 mm. white disc at a distance of 330 mm. without corrective lenses.

Field measurements must be accompanied by notated field charts, a description of the type and size of the target and the test distance. If corrective lenses have been used, this fact must be stated.

D. *Muscle function.* Paralysis of the third cranial nerve producing ptosis, paralysis of accommodation, and dilation and immobility of the pupil may cause significant visual impairment. When all the muscles of the eye are paralyzed, including the iris and ciliary body (total ophthalmoplegia), the condition is disabling provided it is bilateral. A finding of disability based primarily on impaired muscle function must be supported by a report of an actual measurement of ocular motility.

E. *Visual efficiency.* Loss of visual efficiency may be caused by disease or injury resulting in a reduction of central visual acuity and/or visual field. The visual efficiency of one eye is the product of the percentage of central visual efficiency and the percentage of visual field efficiency. (See Tables No. 1 and 2, § 2.09).

F. *Special situations.* Aphakia represents a visual handicap in addition to the loss of central visual acuity. The term monocular aphakia would apply to an individual who has had the lens removed from one eye, and who still retains the lens in his other eye or to an individual who has only one eye which is aphakic. The term binocular aphakia would apply to an individual who has had both lenses removed. In cases of binocular aphakia, the central visual efficiency of the better eye will be accepted as 75 percent of its value. In cases of monocular aphakia, where the better eye is aphakic, the central visual efficiency will be accepted as 50 percent of its value. (If an individual has binocular aphakia, and the central visual acuity in the poorer eye can be corrected only to 20/200, or less, the central visual efficiency of the better eye will be accepted as 50 percent of its value.)

Ocular symptoms of systemic disease may or may not produce a disabling visual impairment. These manifestations should be evaluated as part of the underlying disease entity by reference to the particular body system involved.

G. *Deafness.* Deafness should be evaluated in terms of the person's ability to hear and distinguish speech. The degree of functional hearing loss is that loss of hearing and discrimination for speech which is not restorable by a hearing aid. Loss of hearing may be determined with an audiometer or by other appropriate auditory testing. Discrimination for speech may be determined with a speech audiometer or a hearing aid and the use of phonetically balanced word lists (e.g., the PB–50's prepared at Harvard University or the W–22 recordings developed by the Central Institute for the Deaf). These special test lists consist of words selected so that the frequency of speech sounds in the group is the same as the frequency of the same sounds in an average vocabulary of conventional American English.

2.01 CATEGORY OF IMPAIRMENTS, SPECIAL SENSE ORGANS

2.02 *Impairment of central visual acuity.* Remaining vision in the better eye after best correction is 20/200 or less.

2.03 *Contraction of visual fields.* A. To 10 degrees or less from the point of fixation; or

B. So the widest diameter subtends an angle no greater than 20 degrees; or

C. To 20 percent or less visual field efficiency.

2.04 *Loss of visual efficiency.* Visual efficiency of better eye after best correction, 20 percent or less. (The percent of remaining visual efficiency = the product of the percent of remaining central visual efficiency and the percent of remaining visual field efficiency.)

2.05 *Complete homonymous hemianopsia.*

2.06 *Total bilateral ophthalmoplegia.*

2.07 *Meniere's Syndrome.* Severe, with frequent and typical attacks, vertigo, deafness, and cerebellar gait.

2.08 *Hearing impairments (not correctible by a hearing aid).* Manifested by:

A. Absence of air and bone conduction in both ears (auditory perception of not more than one pure tone at high volume will be considered as absence of air and bone conduction); or

B. No more than 40 percent discrimination for speech (ability to hear and understand no more than 40 out of 100 words of special test lists of words using a speech audiometer or hearing aid).

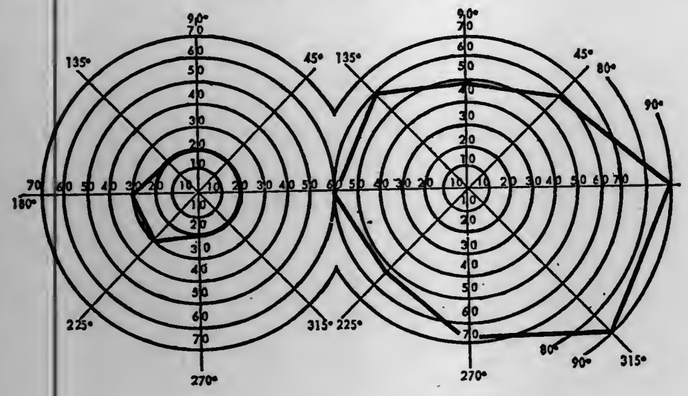
2.09 *Tables.*

TABLE NO. 1—PERCENTAGE OF CENTRAL VISUAL EFFICIENCY CORRESPONDING TO CENTRAL VISUAL ACUITY NOTATIONS FOR DISTANCE IN THE PHAKIC AND APHAKIC EYE (BETTER EYE)

Snellen		Percent central visual efficiency		
English	Metric	Phakic [1]	Aphakic Monocular [2]	Aphakic Binocular [3]
20/16	6/5	100	80	75
20/20	6/6	100	80	75
20/25	6/7.5	95	47	71
20/32	6/10	90	45	67
20/40	6/12	85	42	64
20/50	6/15	75	37	56
20/64	6/20	65	32	49
20/80	6/24	60	30	45
20/100	6/30	50	25	37
20/125	6/38	40	20	30
20/160	6/48	30	----------	22
20/200	6/60	20	----------	----------

Column	Use
[1] Phakic	1. A lens is present in both eyes.
	2. A lens is present in the better eye and absent in the poorer eye.
	3. A lens is present in one eye and the other eye is enucleated.
[2] Monocular	1. A lens is absent in the better eye and present in the poorer eye.
	2. The lenses are absent in both eyes; however, the central visual acuity in the poorer eye after best correction is 20/200 or less.
	3. A lens is absent from one eye and the other eye is enucleated.
[3] Binocular	1. The lenses are absent from both eyes and the central visual acuity in the poorer eye after best correction is greater than 20/200.

TABLE NO. 2—CHART OF VISUAL FIELD SHOWING EXTENT OF NORMAL FIELD AND METHOD OF COMPUTING % OF VISUAL FIELD EFFICIENCY



1. Diagram of right eye illustrates extent of normal visual field as tested on standard perimeter at 3/330 (3 mm. white disc at a distance of 330 mm.) under 7 foot-candles illumination. The sum of the eight principal meridians of this field total 500 degrees.

2. The percent of visual field efficiency is obtained by adding the number of degrees of the eight principal meridians of the contracted field and dividing by 500. Diagram of left eye illustrates visual field contracted to 30 degrees in the temporal and down and out meridians and to 20 degrees in the remaining six meridians. The percent of visual field efficiency of this field is: $6\times20+2\times30=180\div500=0.36$ or 36 percent remaining visual field efficiency, or 64 percent loss.

3.00 RESPIRATORY SYSTEM

A. Cause of disability: The disability produced by respiratory disease usually results from chronic recurrent infection, communicability or from pulmonary insufficiency or a combination of these factors.

B. Pulmonary tuberculosis is a communicable disease and disability is determined primarily on the basis of activity of the disease. Individuals with "inactive" or "quiescent" disease are not considered to be under a disability on the basis of tuberculosis, whereas individuals with "active" tuberculosis are considered to be under a disability.

Those individuals who meet the criteria described in § 3.08 for pulmonary tuberculosis will be found to have a disabling impairment which is expected to last for a period of at least 12 months. Proposed or accomplished surgery will not militate against such a finding. Impairment of pulmonary function due to extensive pulmonary tuberculosis should be evaluated under the appropriate listing.

Documentation. The clinical activity of pulmonary tuberculosis (i.e., active, inactive, or quiescent) and the criteria which describe the extent of the pulmonary lesion on roentgenogram (i.e., minimal, moderate, or far advanced) are defined in the National Tuberculosis Association's publication, "Diagnostic Standards and Classification of Tuberculosis." Tuberculosis will be considered to be present only when Mycobacterium tuberculosis has been demonstrated by a culture, or by guinea pig inoculation, of a specimen(s) from sputum, gastric aspirate, pleural fluid, or lung tissue. A "positive" culture is a culture in which colonies of M. tuberculosis are present. The date of a culture is the date of specimen collection. If the date of collection is unknown, it will be assumed that the specimen was collected 6 weeks prior to the date of the report of the culture. Where specimens have not been cultured or reported monthly, the intervening specimen(s) will be considered to have been negative, if a current specimen is negative. Suspected or questionable cavitary disease identified on the basis of a conventional PA 14 x 17 film will be considered to be non-cavitary.

C. *Pathogenic atypical mycobacteria.* Pulmonary infection caused by these organisms will be considered under the same criteria as for M. tuberculosis except that specimens obtained by gastric aspiration are not acceptable. The pathogenic atypical mycobacteria are contained in Runyon Groups I, III, and IV. The scotochromogens in Group II are not considered pathogens. A report of one to 10 colonies on culture will not be considered as a "positive" culture. The presence of sporadic positive cultures of atypical mycobacteria occurring after disease caused by M. tuberculosis has been established does not denote reactivation of pulmonary tuberculosis.

D. *When a respiratory impairment is episodic in nature,* as may occur in complications of bronchiectasis and mycotic infections of the lung, the frequency of severe episodes is the criterion for determining level of impairment.

E. *Cor pulmonale.* Chronic cor pulmonale as used in § 3.11 refers to a condition in which the right ventricle is enlarged as a consequence of a primary respiratory disease. Therefore, the clinical diagnosis of the respiratory disorder must be established by history, physical findings and chest X-ray. Right ventricular enlargement or outflow tract prominence may be difficult to detect on routine PA film, particularly in the presence of chronic obstructive airway disease. Consequently, lateral and oblique films or chest fluoroscopy should be obtained, unless cardiac enlargement is established by the PA film as per § 4.02.

F. *Documentation of pulmonary insufficiency.* Spirometric studies for evaluation under Tables I, II, and IV must be expressed in liters or liters per minute. The reported maximum voluntary ventilation (MVV) or maximum breathing capacity (MBC) and one second forced expiratory volume (FEV_1) should represent the largest of at least three attempts. The MVV or the MBC reported should represent the observed value and should not be calculated from FEV_1. The appropriately labeled spirometric tracing, showing distance per second on the abscissa and the distance per liter on the ordinate, must be incorporated in the file. The paper speed to record the FEV_1 should be sufficiently fast for measurement of volume to the nearest 0.1 liter. The height of the individual must be recorded. Studies should not be performed during or soon after an acute respiratory illness. If wheezing is present on auscultation of the chest, studies must be performed following administration of nebulized bronchodilator. A statement should be made as to the individual's ability to understand the directions, and cooperate in performing the test.

3.01 CATEGORY OF IMPAIRMENTS, RESPIRATORY

3.02 *Chronic obstructive airway disease (chronic bronchitis, chronic asthmatic bronchitis or pulmonary emphysema with or without abnormal X-ray findings).* With:

Spirometric evidence of airway obstruction demonstrated by MVV and FEV, both equal to, or less than, the values specified in Table I, corresponding to the applicant's height.

TABLE I

Height (inches)	MVV (MBC) equal to or less than	*and*	FEV_1 equal to or less than
	L./Min.		*L.*
57 or less	32		1.0
58	33		1.0
59	34		1.0
60	35		1.1
61	36		1.1
62	37		1.1
63	38		1.1
64	39		1.2
65	40		1.2
66	41		1.2
67	42		1.3
68	43		1.3
69	44		1.3
70	45		1.4
71	46		1.4
72	47		1.4
73 or more	48		1.4

3.03 *Bronchial asthma, allergic or atopic (not due primarily to heart disease or bronchial infection).* Evaluate under the criteria in § 3.02.

3.04 *Diffuse pulmonary fibrosis (sarcoidosis, Hamman-Rich Syndrome, idiopathic interstitial fibrosis, and similar diffuse fibroses substantiated by chest X-ray or tissue diagnosis. This category does not include cases of bronchitis or emphysema with incidental scarring or scattered parenchymal fibrosis on X-ray).* With:

A. Total vital capacity equal to, or less than, values specified in Table II below corresponding to the applicant's height.

TABLE II

Height (inches)	*V.C. equal to or less than (L.)*
57 or less	1.2
58	1.3
59	1.3
60	1.4
61	1.4
62	1.5
63	1.5
64	1.6
65	1.6
66	1.7
67	1.7
68	1.8
69	1.8
70	1.9
71	1.9
72	2.0
73 or more	2.0

or

B. Diffusing capacity of the lungs for carbon monoxide less than 8 ml./mm. Hg./min. (steady-state methods) or less than 9 ml./mm. Hg./min. (single-breath methods) or less than 30 percent of predicted normal. (All methods-actual values and predicted normal for the method used should be reported); or

C. Arterial oxygen saturation at rest and simultaneously determined arterial pCO_2 equal to, or less than, the values specified in Table III.

TABLE III

Arterial pCO_2 and	*Arterial O_2 saturation equal to or less than (percent)*
30 mm. Hg. or below	93
31 mm. Hg	93
32 mm. Hg	92
33 mm. Hg	92
34 mm. Hg	91
35 mm. Hg	91
36 mm. Hg	90
37 mm. Hg	89
38 mm. Hg	88
39 mm. Hg	88
40 mm. Hg. or above	87

3.05 *Other restrictive ventilatory disorders (e.g., kyphoscoliosis, thoracoplasty, pulmonary resection).* With:

Total vital capacity equal to, or less than, values specified in Table IV corresponding to the applicant's height.

TABLE IV

Height (inches)	*V.C. equal to or less than (L.)*
59 or less	1.0
60	1.1
61	1.1
62	1.1
63	1.1
64	1.2
65	1.2
66	1.2
67	1.3
68	1.3
69	1.3
70 or more	1.4

3.06 *Pneumoconiosis (demonstrated by X-ray evidence).* With:

A. Nodular or focal fibrosis (non-conglomerative). Evaluate under the criteria for chronic obstructive airway disease in § 3.02; or

B. Interstitial or disseminated fibrosis or conglomerative disease. Evaluate under the criteria for pulmonary fibrosis in § 3.04; or

C. Where A and B are mixed or cannot be differentiated—evaluate under the criteria in § 3.02 or §3.04.

3.07 *Bronchiectasis (demonstrated by radio-opaque material).* With:

A. Episodes of acute bronchitis or pneumonia or hemoptysis (more than blood-streaked sputum) occurring at least once every 2 months; or

B. Impairment of pulmonary function due to extensive disease should be evaluated under the criteria for chronic obstructive airway disease in § 3.02 or where extensive fibrosis is evident on chest film, under the criteria for pulmonary fibrosis in § 3.04.

3.08 *Pulmonary tuberculosis (caused by M. tuberculosis or pathogenic atypical mycobacteria).* With:

A. Positive culture (or positive guinea pig inoculation) of specimen obtained more than 3 months following onset of disability; or

B. Serial X-ray evidence of increasing extent of lesion more than 3 months following onset of disability; or

C. Far-advanced disease with cavitation and positive culture (or positive guinea pig inoculation) of specimen obtained at any time following onset of disability; or

D. Impairment of pulmonary function due to extensive disease should be evaluated under the criteria in § 3.02, § 3.04, or § 3.05.

3.09 *Mycotic infection of lung.* With:

A. Culture of specific organisms from sputa and serial X-ray evidence of increasing or decreasing extent of lesion, both occurring more than 3 months following onset of disability; or

B. Culture of specific organisms from sputa at any time following onset of disability and current X-ray evidence of a lesion and episodes of hemoptysis occurring at least once every 2 months; or

C. Impairment of pulmonary function due to extensive disease should be evaluated under the criteria in § 3.02, § 3.04, or § 3.05.

3.10 *Organic loss of speech.* With:

A. Laryngectomy or stenosis of the larynx or paralytic aphonia provided there is inability to produce, by the use of some other anatomical part, speech which can be heard, understood, and sustained; or

B. Central nervous system lesion resulting in severe sensory or motor aphasia paralleling the speech impairment under A above.

3.11 *Cor pulmonale.* With:

A. Congestive heart failure. Evaluate under the criteria in § 4.02; or

B. Right-sided congestive failure as evidenced by peripheral edema and liver enlargement and right ventricular enlargement or outflow tract prominence on X-ray or fluoroscopy.

3.12 *Bronchopleural fistula (persistent).* With empyema.

4.00 Cardiovascular System

A. *Regardless of the cause of heart disease,* disability results from one of two principal consequences of the disease. One is congestive heart failure and the other is ischemia or death of heart muscle. In diseases of the arteries and veins, disability may result from impairment of the vasculature in the central nervous system, eyes, kidneys and extremities. The criteria for evaluating both heart and vascular disorders are expressed in terms of symptoms, signs and laboratory findings.

B. *Congestive heart failure* is considered in the listings under one category regardless of the etiology producing the heart failure (e.g., arteriosclerotic, hypertensive, rheumatic, pulmonary, congenital, or syphilitic heart disease). Congestive heart failure is not considered to be established for the purpose of § 4.02 unless there is evidence at some point in time of signs of vascular congestion such as hepatomegaly, peripheral or pulmonary edema as well as other appropriate findings.

C. *Hypertensive vascular disease* produces disability when it causes complicatons in one or more of the four main end organs; i.e., the heart, the brain, the kidneys, and the eyes (retinas). This may occur singly or in combination and to varying degrees in the different end organs.

D. *Angina pectoris.* The complaint of chest pain, which is considered to be of cardiac origin, must be associated with abnormal laboratory findings. Thus chest pain, by itself, in the absence of corroborative evidence is insufficient to warrant a finding of disability. Angina pectoris, as used herein, is considered to be substernal pain precipitated by effort and relieved by rest or nitroglycerin, described as crushing, squeezing, burning, pressing, or an equivalent thereof. Excluded are sharp, sticking, or rhythmic pains.

E. *Electrocardiographic evidence* is best presented in the form of the actual tracings. Where an electrocardiogram (ECG) is obtained at the expense of the Administration, the tracing must be incorporated in the file. In those cases where an ECG has not been obtained at the expense of the Administration, an interpretation alone is not sufficient and a detailed description of the ECG abnormalities must be given.

When a resting ECG is normal and an ECG exercise test is indicated, it should be performed according to a technique such as the one described in Master, A.M., and Rosenfeld, I.: "Exercise Electrocardiography as an Estimate of Cardiac Function", *Diseases of the Chest,* 51: 347, 1967. The criteria in § 4.07 are based upon the Master and Rosenfeld technique and only negative results obtained by the Master and Rosenfeld technique will be used to determine that the criteria in § 4.07 are not met. Negative results from techniques other than the Master and Rosenfeld technique are not determinative. However when some other standardized ECG exercise test has been performed, adequately described abnormal test results will be considered equivalent to meeting the criteria described in § 4.07. Where the ECG exercise test is obtained at the expense of the Administration, the tracings must be made a part of the file and must be adequately marked as to the lead and duration of time elapsed from performance of the exercise. The report should contain the number of trips indicated, the number of trips actually completed, and the time spent doing the exercise. If the exercise test could not be completed in the required period of time, the circumstances should be described.

F. *Surgical procedures in heart disorders.* The amount of function restored and the time required to effect improvement in an individual treated by heart surgery varies considerably with the nature and extent of the disorder prior to surgery, the type of surgery involved and many other individual factors. If the criteria described for heart disease are met, proposed heart surgery will not militate against a finding of disability. If insufficient time has elapsed to assess whether impairment of requisite severity persists after surgery, severity of the impairment will be determined by preoperative findings.

4.01 Category of Impairments, Cardiovascular System

4.02 *Congestive heart failure* (see § 4.00B) with:

A. Cardio-thoracic ratio of 55 percent or greater, or equivalent enlargement of the transverse diameter of the heart, as shown on teleroentgenogram (6-foot film); or

B. Extension of the cardiac shadow (left ventricle) to the vertebral column on lateral chest roentgenogram and total of S in V_1 or V_2 and R in V_5 or V_6 of 35 mm. or more on ECG; or

C. ECG showing QRS duration less than 0.12 second and R of 5 mm. or more in V_1 and R/S of 1.0 or more in V_1 and transition zone (decreasing R/S) left of V_1 with one of the following:

1. Enlargement of the left atrium as evidenced by a double shadow on a PA chest roentgenogram; or

2. Distortion of the barium-filled esophagus.

4.03 *Hypertensive vascular disease (apply this section if diastolic pressures are consistently in excess of 100 mm. Hg.).* With:

A. Hypertensive retinopathy evidenced by hemorrhages, or cotton wool patches, with reduction in the caliber of the arterioles and arteriovenous crossing defects (or papilledema); or

B. Impaired renal function as described under the criteria in § 6.02; or

C. Cerebrovascular damage as described under the criteria in § 11.04; or

D. Congestive heart failure as described under the criteria in § 4.02; or

E. Angina pectoris as described under the criteria in § 4.06, § 4.07, or § 4.08.

4.04 *Myocardial infarction associated with consistent ECG abnormalities (or consisent abnormalities of serum enzymes).* And one of the following:

A. Chest discomfort on effort, relieved by rest or nitroglycerin; or

B. Another documented myocardial infarction within 6 months following the previous infarction.

4.05 *Persistent heart block or recurrent arrhythmia, as evidenced by ECG (in absence of digitalis) with cardiac syncope.*

4.06 *Angina pectoris (as defined in § 4.00D), associated with resting ECG abnormalities, in the absence of digitalis (in the presence of digitalis, the predigitalis ECG should be evaluated).* Showing one of the following:

A. Depression of the ST segment to more than 0.5 mm. in any of leads I, II, aVL, aVF, V_1 to V_6; or

B. Elevation of ST segment to 2 mm. or more in any of leads I, II, III, V_4, V_5, or V_6; or

C. Inversion of T-wave to 5.0 mm. or more in any 2 leads except leads III, aVR, V_1 and V_2; or

D. Inversion of T-wave to 1.0 mm. or more in any of leads I, II, aVL, V_1 to V_6 AND R-wave of 5.0 mm. or more in lead aVL and R-wave greater than S-wave in lead aVF; or

E. Second or third degree heart block; or

F. Left bundle branch block as evidenced by QRS duration of 0.12 second or more in leads I, II, or III and R peak duration 0.06 second or more (in absence of myocardial infarction) in leads I, AVL, V_5, or V_6.

4.07 *Angina pectoris (as defined in § 4.00D) associated with standardized ECG exercise test abnormalities (see § 4.00E) in the absence of digitalis (in the presence of digitalis, the predigitalis ECG should be evaluated),* showing one of the following:

A. Development of depression of ST segment to more than 0.5 mm. which lasts for at least 0.12 seconds and appears in at least 2 consecutive complexes in any lead; or

B. Development of bundle branch block.

4.08 *Chest discomfort on effort relieved by rest or nitroglycerin.* With:

A. Obstruction or narrowing of coronary vessels observed on angiography obtained independent of social security disability evaluation; or

B. Heart enlargement as described under the criteria in § 4.02.

4.09 *Rheumatic or syphilitic heart disease.* With:

A. Congestive heart failure as described under the criteria in § 4.02; or

B. Chest discomfort on effort relieved by rest or nitroglycerin as described under the criteria in § 4.06; or

C. Chest discomfort on effort, relieved by rest or nitroglycerin, and one of the ECG abnormalities described under the criteria in § 4.06 or § 4.07; or

D. Heart block or recurrent arrhythmias as described under the criteria in § 4.05; or

E. Cerebrovascular damage as described under the criteria in § 11.04.

4.10 *Cor pulmonale.* With:

A. Heart enlargement as described under the criteria in § 4.02; or

B. Right sided congestive failure as evidenced by peripheral edema and liver enlargement and right ventricular enlargement, or outflow tract prominence, on X-ray or fluoroscopy.

4.11 *Aneurysm of aorta or branches (demonstrated by X-ray evidence).* With:

A. Congestive heart failure as described under the criteria in § 4.02; or

B. Chest discomfort (with or without effort); or

C. Repeated bleeding due to aneurysmal erosion; or

D. Syncope.

4.12 *Chronic venous insufficiency, lower extremity.* With chronic obstruction of the deep venous return, superficial varicosities, recurrent ulceration, and extensive brawny edema.

4.13 *Arteriosclerosis obliterans or thrombo-angiitis obliterans.* With:

A. Intermittent claudication with absence of peripheral arterial pulsations below the femoral artery or failure of visualization of a major peripheral artery on arteriogram; or

B. Amputation at or above the tarsal region due to peripheral vascular disease.

5.00 Digestive System

A. *Diseases and disorders of the digestive system* resulting in disability usually do so because of interference with nutrition, multiple recurrent inflammatory lesions, or complications of disease; such as, fistulae, abscesses, or recurrent obstruction.

B. *Malnutrition or weight loss from gastrointestinal disorders.* When the primary disorder of the digestive tract has been established (e.g., entero-colitis, chronic pancreatitis, post gastrointestinal resection, etc.), the resultant interference with nutrition will be considered under the criteria in § 5.08. This will apply whether the weight loss is due to a primary or secondary malabsorption or malassimilation syndrome or due to decreased caloric intake. However, weight loss not due to disease of the digestive tract but associated with psychiatric disorders should be evaluated under the appropriate listing for the underlying psychiatric disorder.

C. A colostomy or ileostomy does not impose marked restriction of activity if the individual is able to maintain adequate nutrition and function of the stoma.

5.01 Category of Impairments, Digestive System

5.02 *Loss of tongue (whole or part).* With:

A. Weight loss or malnutrition as described under the criteria in § 5.08; or

B. Inability to communicate by speech.

5.03 *Stricture, stenosis, or obstruction of the esophagus (demonstrated by X-ray or endoscopy).* With weight loss or malnutrition as described under the criteria in § 5.08.

5.04 *Peptic ulcer including residuals or complications (demonstrated by X-ray).* With:

A. Postoperative recurrent ulceration; or

B. Fistula formation; or

C. Recurrent obstruction demonstrated by X-ray; or

D. Weight loss or malnutrition as described under the criteria in § 5.08.

5.05 *Cirrhosis of liver.* With:

A. Ascites, not attributable to other causes, which has been demonstrated by abdominal paracentesis or is associated with serum albumin of 3.0 Gm./100 ml. or less; or

B. Serum bilirubin of 2.5 mg./100 ml. or greater or bile in urine (either finding on repeated examinations); or

C. Esophageal varices, demonstrated by X-ray or endoscopy, with a documented history of bleeding attributed to these varices or performance of either a shunt operation or a plication of varices; or

D. Hepatic coma documented by findings from hospital records.

5.06 *Ulcerative colitis (demonstrated by endoscopy or barium enema study).* With:

A. Recurrent bloody stools on repeated examinations and complicated by systemic manifestations; e.g., arthritis, iritis, recurrent fever, or jaundice; or

B. Bowel perforation with abscess or fistula formation; or

C. Recurrent enteritis after total colectomy; or

D. Weight loss or malnutrition as described under the criteria in § 5.08.

5.07 *Regional enteritis (demonstrated by operative findings or small bowel study).* With:

A. Partial intestinal obstruction; or

B. Abscess or fistula formation; or

C. Weight loss or malnutrition as described under the criteria in § 5.08.

5.08 *Malnutrition (caused by a gastrointestinal impairment resulting from malabsorption, malassimilation, or decreased caloric intake).* With:

A. Weight equal to or less than the values specified in Tables I or II; or

B. Weight greater than the values specified in Tables I or II but equal to or less than the values specified in Tables III or IV and one of the following abnormal test findings:

1. Fat in stool of 7 Gm. or greater per 24-hour stool specimen or decreased absorption of radioactive iodine-labeled fat; or

2. Nitrogen in stool of 3 Gm. or greater per 24-hour stool specimen or decreased absorption of radioactive labeled protein; or

3. Abnormally low D-xylose tolerance test in absence of impaired renal function; or

4. Serum carotene of 45 mcg./100 ml. or less; or

5. Serum calcium of 8.5 mg./100 ml. or less; or

6. Serum albumin of 3.0 Gm./100 ml. or less; or

7. Hematocrit of 34 percent or below in males or 30 percent or below in females.

Tables of weight reflecting malnutrition scaled according to height and sex—To be used only in connection with § 5.08.

Table I—Men

Height (in.)[1]	Weight (lbs.)
61	90
62	92
63	94
64	97
65	99
66	102
67	106
68	109
69	112
70	115
71	118
72	122
73	125
74	128
75	131
76	134

Table II—Women

Height (in.)[1]	Weight (lbs.)
58	77
59	79
60	82
61	84
62	86
63	89
64	91
65	94
66	98
67	101
68	104
69	107
70	110
71	114
72	117
73	120

Table III—Men

Height (in.)[1]	Weight (lbs.)
61	95
62	98
63	100
64	103
65	106
66	109
67	112
68	116
69	119
70	122
71	126
72	129
73	133
74	136
75	139
76	143

Table IV—Women

Height (in.)[1]	Weight (lbs.)
58	82
59	84
60	87
61	89
62	92
63	94
64	97
65	100
66	104
67	107
68	111
69	114
70	117
71	121
72	124
73	128

[1] Height measured without shoes.

6.00 Genito-Urinary System

A. *Cardiac or other complications* associated with renal disorders may be evaluated according to the appropriate body system listing.

B. *Permanent urinary diversion.* It may be necessary to permanently alter the normal course of outflow of urine when disease or trauma destroys portions of the urinary tract. In these cases, evaluation should take into consideration the underlying medical condition as well as the method used in establishing urinary diversion. Significant complications that might result after permanent urinary diversion are in the area of renal impairment such as progressive hydronephrosis.

6.01 Category of Impairments, Genito-Urinary System

6.02 *Impairment of renal function, due to any cause (e.g., hypertensive vascular disease, nephritis, nephrolithiasis, polycystic*

disease, ureteral obstruction, etc.). With repeated abnormal renal function tests showing:

A. BUN of 30 mg./100 ml. or greater (or equivalent elevation of NPN, blood urea, or creatinine); or

B. Creatinine clearance equal to or less than 60 liters/24 hours (42 ml./min.).

6.03 *Removal or functional loss of one kidney.* Evaluate existing disease in the remaining kidney under the criteria in § 6.02.

6.04 *Permanent urinary diversion (e.g., suprapubic cystostomy (uretero-intestinal diversion, cutaneous ureterostomy, etc.).* With progressive bilateral hydronephrosis.

6.05 *Tuberculosis of the genito-urinary tract.* With:

A. Positive culture of M. tuberculosis more than 3 months following onset of disability; or

B. Increasing extent of lesion on cystoscopy or serial pyelography more than 3 months following onset of disability.

7.00 Hemic and Lymphatic System

A. *Cause of disability.* Disability based upon anemia results from inadequate oxygenation of tissues caused by a reduction of the oxygen-carrying capacity of the blood. Hematologic defects can also result in defective hemostatic mechanisms with hemorrhage into such functional components as the brain or major joints or thrombosis of the vascular supply of vital organs. Formation of tumors may cause compression of vital structures or erosion of bone. Deposits of breakdown products of the blood cells may cause impairment of hepatic or renal function, joint deformity, or formation of cholelithiasis with subsequent bile duct obstruction. Where involvement of other organ systems has occurred as a result of hematologic disease, these impairments should be evaluated under the criteria for the appropriate sections.

Red blood cells may be replaced by blood transfusion, but in some diseases this elevation of hematocrit is only transient. A contemplated splenectomy should not, in itself, militate against a finding of disability expected to last at least 12 months.

The level of laboratory findings cited in the categories; i.e., hematocrit, serum bilirubin, reticulocyte and blood platelet count, should reflect the values reported on more than one examination. A single laboratory finding will not suffice to meet the level described.

7.01 Category of Impairments, Hemic and Lymphatic System

7.02 *Chronic anemia (manifested by hematocrit of 30 percent or less).* Evaluate the resulting impairment or the primary disorder under the criteria for the affected body system.

7.03 *Hemolytic anemia (due to any cause).* Manifested by hematocrit of 30 percent or less with:

A. Serum bilirubin of 1.5 mg/100 ml. or greater; or

B. Reticulocyte count of 4 percent or greater.

7.04 *Paroxysmal nocturnal hemoglobinuria.* With hematocrit of 30 percent or less and persistent hemolysis or recurrent crisis.

7.05 *Hemoglobinopathies (e.g., sickle cell disease, thalassemia).* With hematocrit of 30 percent or less and at least one major hemolytic crisis within the 6 months following the onset of disability with a further recorded drop in hematocrit.

7.06 *Purpuras (e.g., idiopathic thrombocytopenic purpuras).* With:

A. Persistent purpura and at least one major spontaneous hemorrhage from a body orifice within the 6 months following the onset of disability; or

B. Blood platelet count of 40,000/cu. mm. or less.

7.07 *Hereditary telangiectasia.* With frequent major hemorrhages from body orifices.

7.08 *Coagulation defects (e.g., deficiency of antihemophilic factor (AHF), plasma thromboplastic component (PTC), plasma thromboplastin antecedent (PTA) or of fibrinogen).* With frequent episodes of spontaneous hemorrhage and hemarthrosis of one major joint with deformity.

7.09 *Polycythemia (secondary and primary manifested by hematocrit of 55 percent or more in males or 50 percent or more in females).* Evaluate the resulting impairment under the criteria for the affected body system.

7.10 *Chronic bone marrow failure (aplastic anemia, myelofibrosis, myeloid metaplasia, myelopthisic anemia, etc.).* With:

A. Persistant hematocrit 30 percent or less; or

B. Recurrent hemorrhagic manifestations; or

C. Blood platelet count of 40,000/cu. mm. or less; or

D. Spleen enlarged to iliac crest.

7.11 *Acute leukemias.* With appropriate findings on peripheral blood smear or bone marrow examination.

7.12 *Chronic leukemias.* With:

A. Persistent hematocrit of 30 percent or less; or

B. Recurrent hemorrhagic manifestations; or

C. Blood platelet count of 40,000/cu. mm. or less; or

D. Massive organ enlargement (e.g., nodes, spleen, or liver) unreduced by prescribed therapy; or

E. Recurrent fever (100° F. or above orally).

7.13 *Lymphomas and multiple myeloma.* Evaluate under the criteria for neoplastic diseases in § 13.00.

7.14 *Macroglobulinemia (diagnosis confirmed by ultracentrifugation or immunoelectrophoresis).* With frequent hemorrhages from body orifices.

8.00 Skin

Conditions of the skin, including disfiguring scars and repugnant skin disease, will not ordinarily be found in themselves to be disabling. Some skin conditions, such as the ulcerations and eczemas associated with severe varicose veins, or the disfiguring and repugnant skin lesions of certain types of dermatitis, are significant as manifestations of the underlying condition. Large areas of skin surface are sometimes destroyed by severe burns with consequent scarring and disfigurement. Eventually, factors of contractures and deformities play a significant role in determining functional capacities, and these, in turn, should be evaluated under the criteria in the Musculoskeletal System. (§ 1.00ff.)

8.01 Category of Impairments, the Skin

8.02 *Exfoliative dermatitis (generalized).* In grave and protractive types.

8.03 *Pemphigus.* Evaluate under the criteria in § 8.02.

9.00 Endocrine System

A. *Cause of disability.* Disability is caused by overproduction or underproduction of hormones resulting in structural and/or functional changes in the body. Where involvement of other organ systems has occurred as a result of a primary endocrine disorder, these impairments should be evaluated according to the criteria under the appropriate sections.

9.01 Category of Impairments, Endocrine

9.02 *Thyroid disorders.* With:

A. Progressive exophthalmos as measured by exophthalmometry; or

B. Evaluate the resulting impairment under the criteria for the affected body system.

9.03 *Hyperparathyroidism.* With:

A. Generalized decalcification of bone on X-ray study and elevation of plasma calcium to 11 mg./100 ml. or greater; or

B. Evaluate the resulting impairment according to the listing under the affected body system.

9.04 *Hypoparathyroidism.* With:

A. Severe recurrent tetany; or

B. Recurrent generalized convulsions; or

C. Evaluate lenticular cataracts under the criteria in § 2.00ff.

9.05 *Neurohypophyseal insufficiency (diabetes insipidus).* With persistent urine specific gravity of 1.005 or below and dehydration.

9.06 *Hyperfunction of the adrenal cortex.* Evaluate the resulting impairment under the criteria for the affected body system.

9.07 *Adrenal cortical insufficiency (Addison's disease).* With recurrent episodes of circulatory collapse manifested by hypotensive episodes.

9.08 *Diabetes mellitus.* A. When diabetes exists with other physical or mental impairments, evaluate under the criteria for the appropriate body systems; or

B. Diabetes with one of the following (not covered under existing body system listing):

1. Neuropathy with moderate motor deficit in two extremities; or

2. Acidosis occurring at least on the average of once every two months, documented by appropriate blood chemical tests (pH or pCO_2 or bicarbonate levels); or

3. Amputation at, or above, the tarsal region due to diabetic necrosis or peripheral vascular disease; or

4. Ophthalmologic findings of:

a. Retinitis proliferans; or

b. Rubeosis iridis; or

c. Venous distention and capillary pattern distortion with hemorrhages or exudates.

10.00 Multiple Body Systems

Introduction. The impairments included in this section usually involve more than a single body system. For the categories of miliary tuberculosis and tuberculous adenitis, the existence of tubercle bacilli must be established in accordance with the criteria in § 3.00B.

10.01 Category of Impairments, Multiple Body Systems

10.02 *Hansen's disease (leprosy).* As active disease or consider as "under a disability" while hospitalized.

10.03 *Polyarteritis or periarteritis nodosa (established by biopsy).* With signs of generalized arterial involvement.

10.04 *Disseminated lupus erythematosus (established by a positive LE preparation or biopsy).* With frequent exacerbations demonstrating involvement of renal or cardiac or pulmonary or gastrointestinal or central nervous systems.

10.05 *Scleroderma or progressive systemic sclerosis (the diffuse or generalized form).* With:

A. Advanced limitation of use of hands due to sclerodactylia or limitation in other joints; or

B. Visceral manifestations of digestive, cardiac, or pulmonary impairment.

10.06 *Miliary tuberculosis.* With:

A. Demonstration of tubercle bacilli—more than 3 months following the onset of disability; or

B. Evaluate the residual impairment under the criteria for the affected body system.

10.07 *Tuberculous adenitis.* With:

A. Demonstration of tubercle bacilli more than 3 months following the onset of disability; or

B. Other evidence of increasing extent of lesion more than 3 months following the onset of disability.

11.00 Neurological

A. *Epilepsy.* Epilepsy must be substantiated by at least one detailed description of a typical seizure, preferably one observed and reported by a physician. Testimony of reliable lay persons may be acceptable for description of seizures only if professional observation is not available. Documentation of epilepsy should include an electroencephalogram (EEG). The severity of the impairment will be determined according to the frequency, duration, and sequelae of seizures. Where adequate seizure control is obtained only with unusually large doses of medication, consideration will be given to any impairment resulting from the side effects of this medication.

B. *Brain tumors.* The diagnosis in malignant brain tumor should be established under the criteria described in § 13.00B, for Neoplastic Diseases.

11.01 Category of Impairments, Neurological

11.02 *Epilepsy—major motor seizures (grand mal or psychomotor) substantiated by EEG, occurring more frequently than once a month in spite of prescribed treatment.* With:

A. Diurnal episodes (loss of consciousness and convulsive seizure); or

B. Nocturnal episodes which show residuals interfering with activity during the day.

11.03 *Epilepsy—minor motor seizures (petit mal or psychomotor) substantiated by EEG, occurring more frequently than once weekly in spite of prescribed treatment.* With:

A. Alteration of awareness or loss of consciousness; and

B. Transient postictal manifestations of unconventional or antisocial behavior.

11.04 *Cerebrovascular accident.* With one of the following more than 4 months Post-CVA:

A. Sensory or motor aphasia resulting in ineffective speech or communication; or

B. Pseudobulbar palsy; or

C. Moderate motor deficit in two extremities; or

D. Ataxia affecting two extremities substantiated by appropriate cerebellar signs or proprioceptive loss.

11.06 *Brain tumors.* A. Malignant gliomas (astrocytoma—Grades III and IV, glioblastoma multiforme), medulloblastoma, ependymoblastoma, or primary sarcoma; or

B. Evaluate astrocytoma (Grades I and II), pituitary tumors, oligodendroglioma, ependymoma, clivus chordoma, and benign tumors under the criteria in § 11.02, § 11.03, or § 11.-04A, C or D.

11.06 *Paralysis agitans (Parkinson's disease).* With tremor, rigidity, and impairment of mobility (e.g., festination).

11.07 *Cerebral palsy.* With:

A. IQ of 69 or less; or

B. Abnormal behavior patterns, such as destructiveness or emotional instability; or

C. Significant interference in communication due to speech, hearing, or visual defect; or

D. Moderate motor deficit in two extremities.

11.08 *Spinal cord lesions, due to any cause.* With moderate motor loss in two extremities.

11.09 *Multiple sclerosis.* With:

A. Moderate motor deficits in two extremities; or

B. Ataxia substantiated by appropriate cerebellar signs or proprioceptive loss.

11.10 *Amyotrophic lateral sclerosis or syringomyelia.* With:

A. Bulbar signs; or

B. Moderate motor (or sensory, if applicable) deficit in two extremities.

11.11 *Anterior poliomyelitis.* With:

A. Flexion contractures as described under the criteria in § 1.09; or

B. Respiratory distress or dysphagia; or

C. Moderate motor weakness in two extremities.

11.12 *Myasthenia gravis.* With:

A. Difficulty in speaking or swallowing while on prescribed therapy; or

B. Motor weakness of muscles of extremities on repetitive activity against resistance while on prescribed therapy.

11.13 *Muscular dystrophy.* With:

A. Waddling or incoordinate gait; or

B. Flexion deformities of both lower extremities; or

C. Weakness or paralysis of muscles of shoulder girdle or of neck, with abduction of both arms at shoulder restricted to less than 90 degrees.

11.14 *Peripheral neuropathies.* With moderate motor deficit in two extremities.

11.15 *Tabes dorsalis.* With:

A. Tabetic crises occurring more frequently than once monthly; or

B. Unsteady, broad-based, or ataxic gait substantiated by appropriate posterior column signs; or

C. Charcot joint as described under the criteria in § 1.03.

11.16 *Subacute combined cord degeneration (pernicious anemia).* With:

A. Moderate motor deficit in two extremities; or

B. Unsteady, broad-based, or ataxic gait substantiated by appropriate posterior column signs.

11.17 *Degenerative diseases (Huntington's chorea, Friedreich's ataxia, spino-cerebellar degenerations).*

12.00 Mental Disorders

Introduction. For the purpose of the social security program, mental disorders will be considered in three group entities: organic brain syndromes, functional disorders, and mental deficiency.

Discussion of Mental Disorders

A. *Organic brain syndromes* are disorders caused by, or associated with, impairment of brain tissue.

Acute brain syndromes are mentioned for explanatory purposes only since their duration is too short to assume adjudicative significance. They are temporary and reversible conditions with favorable prognosis and no significant residuals. They are short-lived and self-limited. Occasionally, an acute brain syndrome may progress into a chronic brain syndrome.

Chronic brain syndromes result from persistent, more or less irreversible diffuse impairment of cerebral tissue function. They are usually permanent and may be progressive. They may be accompanied by psychotic or neurotic reactions superimposed on the organic brain pathology. The degree of impairment may range from mild to severe.

The individual's personal appearance and behavior at the time of the examination, his daily activities, interests, and habits generally reflect the severity of the impairment and are, therefore, very important in the

B. *Functional mental disorders* are characterized by demonstrable mental abnormalities without demonstrable structural changes in the brain tissue.

Psychotic disorders. Mood disorders (involutional psychotic, manic-depressive, psychotic depressive reactions) and thought disorders (schizophrenic and paranoid reactions) are characterized by varying degrees of personality disorganization and accompanied by a corresponding degree of inability to maintain contact with reality (e.g., hallucinations, delusions).

Nonpsychotic disorders (psychophysiologic, psychoneurotic and personality disorders).

Psychophysiologic autonomic and visceral disorders (e.g., cardiovascular, gastrointestinal, genitourinary, musculoskeletal, respiratory). In these disorders, the normal psychological expression of emotions is exaggerated by chronic emotional tensions, eventually leading to a disruption of the autonomic regulatory system, resulting in various visceral disorders. If the condition persists, it may lead to demonstrable structural changes (e.g., peptic ulcer, bronchial asthma, dermatitis).

Psychoneurotic disorders (anxiety reaction, neurotic-depressive reaction, conversion reaction, dissociative reaction, obsessive-compulsive reaction, phobias). There are no gross falsifications of reality such as observed in the psychoses in the form of hallucinations or delusions. Psychoneuroses are characterized by reactions to deep-seated conflicts and are classified by the defense mechanisms the individual employs to stave off the threat of emotional decompensation (e.g., anxiety, depression, conversion, obsessive-compulsive or phobic mechanisms). Anxiety or depression occurring in connection with overwhelming external situations (i.e., situational reactions) are self-limited, and the symptoms generally recede when the situational stress diminishes.

Personality disorders (inadequate, schizoid, cyclothymic, paranoid personalities, emotional instability, passive-agressive and passive-dependent behavior; compulsive personality; antisocial behavior, sexual deviations, addictions). These disorders or defects in personality structure are often characterized by lifelong patterns of inadequate or socially unacceptable behavior with minimal cially unacceptable behavior.

C. *Mental deficiency* denotes a lifelong disorder characterized by below-average intellectual endowment as measured by standard intelligence (IQ) tests and associated with impairment in one or more of the following areas: learning, maturation, and social adjustment.

The following paragraphs discuss evidence required in cases involving mental deficiency:

1. In mental deficiency, the degree of impairment should be determined primarily on the basis of the IQ and the medical report. Intelligence tests should be administered and interpreted by a qualified psychologist or psychiatrist using standardized intelligence tests such as the Wechsler Adult Intelligence Scale (WAIS). In special circumstances, nonverbal performance tests, such as the Raven Progressive Matrices or the Arthur Point Scale, may be substituted. However, identical IQ scores obtained from different tests do not always reflect a similar degree of intellectual function. Therefore, it may be necessary to convert the IQ to the percentile rank of the general population in order to determine the actual degree of impairment reflected by the IQ score. In communities where a qualified psychologist or psychiatrist is not readily available, an intelligence test administered by a vocational rehabilitation counselor or a specially trained person associated with a local school system may be accepted, particularly when other findings are also consistent with extremely low intellectual capacity.

2. In cases where, in the opinion of the psychological examiner, the nature of the individual's performance is such that testing, as described above, is precluded or cannot otherwise be obtained, medical reports

specifically describing the level of intellectual, social, and physical function should be obtained. Actual observations by district office or State agency personnel, reports from educational institutions, information furnished by public welfare agencies or other reliable, objective sources should be considered as additional evidence.

D. *Documentation.* The severity of a mental psychiatric disorder should be evaluated on the basis of psychiatrists' reports, hospital reports, psychologists' reports and descriptions of daily activities.

Confinement in an institution does not establish that an impairment is severe. Also, release from an institution does not establish improvement. The severity and duration of the impairment is determined by the medical evidence.

In some cases, the results of standard psychological tests, such as the Wechsler Adult Intelligence Scale (WAIS) and the Minnesota Multiphasic Personality Inventory (MMPI), may be of considerable value in making a differential diagnosis and in establishing the severity of the impairment. To provide full documentation, the psychological report should include key data on which the report was based, such as MMPI profiles, WAIS subtest scores, etc.

12.01 CATEGORY OF IMPAIRMENTS, MENTAL

120.2 *Chronic brain syndromes.* Documented by mental status examination (supported, if necessary, by the results of appropriate, standardized psychological tests) establishing deterioration in intellectual functioning and manifested by marked restriction of daily activities and constriction of interests and deterioration in personal habits and seriously impaired ability to relate to other people and persistence of one of the following:

A. Marked memory defect for recent events; or

B. Impoverished, slowed, perseverative thinking, with confusion or disorientation; or

C. Labile, shallow, or coarse affect.

12.03 *Functional psychotic disorders (mood disorders, schizophrenic reactions, paranoid reactions).* Manifested by marked restrictions of daily activities and constriction of interests and seriously impaired ability to relate to other people, and persistence of ONE of the following:

A. Depression (or elation); or

B. Agitation; or

C. Psychomotor disturbances; or

D. Hallucinations or delusions; or

E. Autistic or other regressive behavior; or

F. Inappropriateness of affect; or

G. Illogical association of ideas.

12.04 *Functional nonpsychotic disorders (psychophysiologic, psychoneurotic and personality disorders).* Manifested by marked restriction of daily activities and constriction of interests and deterioration in personal habits and seriously impaired ability to relate to other people and persistence of one of the following:

A. Demonstrable structural changes mediated through psychophysiological channels (e.g., duodenal ulcer); or

B. Recurrent and persistent periods of anxiety, with tension, apprehension, and interference with concentration and memory; or

C. Persistent depressive affect with insomnia, loss of weight, and suicidal ideation; or

D. Phobic or obsessive ruminations with inappropriate, bizarre or disruptive behavior; or

E. Compulsive, ritualistic behavior; or

F. Persistent functional disturbance of vision, speech, hearing or use of a limb with demonstrable structural or trophic changes; or

G. Life-long, habitual, and inappropriate patterns of behavior manifested by one of the following:

1. Seclusiveness and autistic thinking; or

2. Antisocial or amoral behavior (including pathologic sexuality) manifested by: (a) inability to learn from experience and inability to conform with accepted social standards, leading to repeated conflicts with society or authority and (b) by psychopathology documented by mental status examination and the results of appropriate, standardized psychological tests; or

3. Addictive dependence on alcohol or drugs, with evidence of irreversible organ damage; or

4. Pathologically inappropriate suspiciousness or hostility manifested by psychopathology documented by mental status examination and the results of appropriate, standardized psychological tests.

12.05 *Mental deficiency.* As manifested by:

A. Severe mental and social incapacity as evidenced by marked dependence upon others for personal needs (e.g., bathing, washing, dressing, etc.) and inability to understand the spoken word and inability to avoid physical danger (fire, cars, etc.) and inability to follow simple directions and inability to read, write, and perform simple calculations; or

B. IQ of 49 or less (see § 12.00C1); or

C. IQ of 50 to 69, inclusive (see § 12.00C1) and:

1. Inability to perform routine, repetitive tasks; or

2. A physical or other mental impairment resulting in restriction of function.

13.00 NEOPLASTIC DISEASES—MALIGNANT

A. *Introduction.* The determination of the level of severity resulting from cancer is made from a consideration of the site of the lesion, the histogenesis of the tumor, the extent of involvement, the apparent adequacy and response to therapy (surgery, irradiation, hormones, chemotherapy), and the magnitude of the posttherapeutic residuals.

Significant posttherapeutic residuals, not specifically included in the category of impairments for malignant neoplasms, should be evaluated according to the affected body system.

B. *Documentation.* The diagnosis of cancer should be established on the basis of symptoms, signs and laboratory findings. The site of the primary, recurrent and metastatic lesion must be specified in all cases of malignant neoplastic diseases. If an operative procedure has been performed, the evidence should include a copy of the operative note and the report of the gross and microscopic examination of the surgical specimen. The evidence should include also a recent report directed especially at revealing evidence of local or regional recurrence, soft part or skeletal metastasis and significant posttherapeutic residuals.

C. *Evaluation.* Usually, when the cancer consists only of a local lesion with metastasis to the regional lymph nodes which apparently has been completely excised, imminent recurrence or metastasis is not anticipated. Exceptions are noted in sections 13.03, 13.05B, 13.09D, 13.10A, 13.11A–F, 13.17C, 13.22A–B, and 13.24A.

Local or regional recurrence after radical surgery or pathological evidence of incomplete excision by radical surgery are to be equated with unresectable lesions and, for the purpose of our program may be evaluated as "inoperable." These situations are usually followed by severe impairment within 6 months to 1 year. A severe impairment may usually be determined to exist, because the curtailment of activities is imminent.

Local or regional recurrence after incomplete excision of a localized, completely resectable tumor is not to be equated with recurrence after radical surgery.

When a cancer has metastasized beyond the regional lymph nodes the impairment is severe and usually terminates fatally within a short time despite palliative therapy. Exceptions are partially hormone-dependent tumors; isotope-sensitive metastases; or remote metastases which have not been apparent for 5 or more years.

13.01 CATEGORY OF IMPAIRMENTS, NEOPLASTIC DISEASES—MALIGNANT

13.02 *Epidermoid carcinoma (including lympho-epithelioma of base of tongue, pharynx and tonsil).* A. Inoperable or recurrent after radical surgery; or

B. Remote metastasis.

13.03 *Sarcoma of skin—Angiosarcoma or mycosis fungoides with metastasis to regional lymph nodes or beyond.*

13.04 *Sarcoma of soft parts.* A. Not controlled by prescribed therapy; or

B. Cellular sarcoma with remote metastasis.

13.05 *Malignant melanoma.* A. Recurrent after excision; or

B. With metastasis to adjacent skin or regional lymph nodes or elsewhere.

13.06 *Lymph nodes.* A. Hodgkins disease, lymphosarcoma or giant follicular lymphoblastoma—not controlled by prescribed therapy or with evidence of mediastinal, pelvic, abdominal, retroperitoneal or skeletal extension from peripheral lymph nodes; or

B. Metastasis from distant carcinoma; or

C. Lymph nodes site of unresectable carcinoma.

13.07 *Salivary glands—carcinoma or sarcoma with metastasis beyond the regional lymph nodes.*

13.08 *Thyroid gland—carcinoma with metastasis beyond the regional lymph nodes not controlled by prescribed therapy.*

13.09 *Breast.* A. Inoperable carcinoma including acute (inflammatory) carcinoma; or

B. Recurrent carcinoma; or

C. Remote metastasis from breast carcinoma (Bilateral breast carcinoma, synchronous or metachronous, is usually primary in each breast.); or

D. Sarcoma with metastasis anywhere.

13.10 *Skeletal system (exclusive of the jaw).* A. Osteogenic sarcoma, Ewing's tumor, reticulum cell sarcoma with evidence of metastasis; or

B. Multiple or diffuse myeloma; or

C. Metastatic carcinoma to bone (except those originating in thyroid or prostate, evaluate under the criteria in § 13.06 or § 13.23).

13.11 *Mandible, maxilla, orbit, or temporal fossa.* A. Sarcoma of any type with metastasis; or

B. Carcinoma of the antrum with extension into the orbit, or ethmoid or sphenoid sinus, or with regional or remote metastasis; or

C. Orbital tumors with intracranial extension; or

D. Tumors of the temporal fossa with perforation of skull and meningeal involvement; or

E. Adamantinoma with orbital or intracranial infiltration; or

F. Tumors of Rathke's pouch with infiltration of the base of the skull or bilateral metastasis to the cervical lymph nodes or remote metastasis.

13.12 *Brain or spinal cord.* A. Metastatic carcinoma to brain or spinal cord.

B. Evaluate other tumors under the criteria described in § 11.05 and § 11.08.

13.13 *Lungs—bronchogenic carcinoma or adenocarcinoma.* A. Unresectable; or

B. Recurrent after resection; or

C. Incomplete excision; or

D. Infiltration of the chest wall or preoperative pleural effusion or remote metastasis; or

E. Metastatic carcinoma or sarcoma to the lungs (except metastasis from thyroid, evaluate under the criteria in § 13.08).

13.14 *Pleura or mediastinum.* A Pleural mesothelioma, with pleural effusion or remote metastasis; or

B. All primary or metastatic tumors of the anterior mediastinum (except thyroid or parathyroid tumors and benign thymoma and primary Hodgkins disease); or

C. Metastatic carcinoma or sarcoma to the pleura or mediastinum (except metastasis from thyroid, evaluate under the criteria in § 13.08).

13.15 *Abdomen.* A. Generalized carcinomatosis; or

B. Retroperitoneal cellular sarcoma; or

C. Unresectable benign fibromyxoma of nerve sheath.

13.16 *Esophagus or stomach.* A. Carcinoma or sarcoma of the upper two-thirds of the esophagus; or

B. Carcinoma or sarcoma, of the distal one-third of the esophagus with metastasis beyond the regional lymph nodes; or

C. Carcinoma of the stomach with either metastasis beyond the regional lymph nodes or extension into the colon, pancreas or liver; or

D. Inoperable carcinoma; or

E. Recurrence or metastasis after resection; or

F. Multiple sarcomas.

13.17 *Small intestine.* A. Carcinoma or carcinoid tumor with metastasis beyond the regional lymph nodes; or

B. Multiple sarcomas; or

C. Sarcoma with metastasis.

13.18 *Large intestine (from ileocecal valve to and including anal canal)—carcinoma or sarcoma.* A. Unresectable; or

B. Metastasis beyond the regional lymph nodes; or

C. Recurrence, or remote metastasis, after resection.

13.19 *Liver or Gallbladder.* A. Primary or metastatic carcinoma, carcinoid tumor or sarcoma of the liver; or

B. Carcinoma of the gallbladder or bile duct when unresectable or there is direct extension into the liver.

13.20 *Pancreas.* Carcinoma in any location.

13.21 *Kidneys, adrenal glands, or ureters—carcinoma.* A. Unresectable or with metastasis; or

B. Metastatic carcinoma to a kidney, adrenal gland, or ureter.

13.22 *Urinary bladder—carcinoma.* With: A. Infiltration beyond the bladder wall; or

B. Metastasis; or

C. Unresectable; or

D. Recurrence after total cystectomy; or

E. Evaluate urinary diversion after total cystectomy under the criteria in § 6.04.

13.23 *Prostate gland.* Carcinoma not controlled by prescribed therapy.

13.24 *Testicles.* A. Choriocarcinoma with metastasis even to regional lymph nodes; or

B. Other malignant tumors with metastasis beyond the para-aortic lymph nodes or when metastasis to the para-aortic lymph nodes are unresectable or not controlled by prescribed therapy.

13.25 *Uterus—carcinoma or sarcoma (fundus or cervix).* A. Inoperable and not controlled by prescribed therapy; or

B. Recurrent, after total hysterectomy; or

C. Total pelvic exenteration.

13.26 *Ovary or fallopian tubes—all malignant primary or recurrent tumors.* With:

A. Ascites; or

B. Unresectable infiltration; or

C. Unresectable metastasis to omentum or elsewhere in the peritoneal cavity; or

D. Remote metastasis; or

E. All metastatic tumors to ovary or Fallopian tubes.

13.27 *Leukemia.* Evaluate under the criteria in § 7.00ff, Hemic and Lymphatic System.

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Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 4—Department of Agriculture

PROCUREMENT

Miscellaneous Amendments

The following miscellaneous amendments are made in the Agriculture Procurement Regulations:

PART 4–1—GENERAL

1. The table of contents for Part 4–1—General, is amended as follows:

Subpart 4–1.3—General Policies

a. The following entries are deleted:

Sec.
4–1.350 Procurement authorities and responsibilities.
4–1.350–1 Purpose.
4–1.350–2 Responsibility of the Director of Plant and Operations.
4–1.350–3 Responsibilities of contracting officers.
4–1.350–4 Procurement contracting authority.
4–1.350–5 Purchasing authority.
4–1.350–6 Personal interest in contracts.

b. The following new entries are added:

Subpart 4–1.4—Procurement Responsibility and Authority

4–1.400 Scope of subpart.
4–1.401 Responsibility of the head of the procuring activity.
4–1.402 Responsibilities of contracting officers.
4–1.403 Requirements to be met before entering into contracts.
4–1.404 Selection, designation, and termination of designation of contracting officers.
4–1.404–1 Selection.
4–1.404–2 Designation.
4–1.450 Requests for special contracting authority.
4–1.451 Awards by the Office of Plant and Operations.
4–1.452 Personal interest in contracts.

2. Part 4–1—General, is amended as follows:

Subpart 4–1.3—General Policies

a. The following sections are deleted in their entirety:

4–1.350 Procurement authorities and responsibilities.
4–1.350–1 Purpose.
4–1.350–2 Responsibility of the Director of Plant and Operations.
4–1.350–3 Responsibilities of contracting officers.
4–1.350–4 Procurement contracting authority.
4–1.350–5 Purchasing authority.
4–1.350–6 Personal interest in contracts.

b. The following new Subpart 4–1.4 is added as follows:

Subpart 4–1.4—Procurement Responsibility and Authority

§ 4–1.400 Scope of subpart.

This subpart states the responsibilities and authorities governing the procurement of equipment, materials, supplies, construction and services for use or consumption by the Department in carrying on its programs.

§ 4–1.401 Responsibility of the head of the procuring activity.

Under the provisions of 1 AR 252, the Director of Plant and Operations is responsible for the general management and coordination of procurement activities of the several agencies of the Department. This broad grant of responsibility shall be construed to include the authority (a) to establish such procurement systems and policies, and (b) to delegate such contracting authorities as in the opinion of the Director of Plant and Operations will facilitate the orderly and economical procurement of equipment, materials, supplies, construction, and services for use or consumption by the Department in carrying on its programs.

§ 4–1.402 Responsibilities of contracting officers.

(a) Contracting officers are primarily responsible for the development, execution, and administration of contracts and the legal, technical, and administrative sufficiency thereof. Specifically, contracting officers shall be responsible for:

(1) Developing and applying knowledge of the products and services to be contracted for, including determinations of minimum specification requirements, market availability, purchase timing, and other elements of planning the contract action;

(2) Preparing and distributing the invitation for bids;

(3) Receiving and analyzing bids;

(4) Making awards within the limitation of their contracting authority and in accordance with applicable law and regulation;

(5) Making any required determinations in connection with award and administration of contracts except where authority therefor is specifically reserved to other officials;

(6) Performing or having performed any legal or administrative actions necessary to assure satisfactory performance of the contract such as inspection, followup on performance, execution of contract modifications, and making decisions on questions of fact. The responsibility for deciding questions of fact may not be delegated.

(b) The policies and procedures of this Chapter 4 are designed to assist contracting officers in carrying out these

responsibilities. In the application thereof, contracting officers must exercise reasonable care, skill, and judgment so as to safeguard the interests of the Government in all contractual relationships.

§ 4–1.403 Requirements to be met before entering into contracts.

Procurement contracting shall conform with all laws and regulations applicable to the Department, with the policies and procedures set forth in AGPR, and with any applicable policies and procedures otherwise announced or prescribed by the Director of Plant and Operations or other responsible official. A continuing review of operations hereunder will be made by the Office of Plant and Operations.

§ 4–1.404 Selection, designation, and termination of designation of contracting officers.

§ 4–1.404–1 Selection.

Procurement contracting authority in any amount shown to be needed shall be obtained by heads of agencies of the Department from the Director of Plant and Operations, and, with the concurrence of the Director of Plant and Operations, such authority may be delegated, without redelegation powers to (a) the incumbent of any responsible position at the agency headquarters, regional office or field station where the volume of procurement contracting requires the employment of personnel specifically qualified to do such work, or (b) any responsible employee of the agency who is qualified to perform such work.

§ 4–1.404–2 Designation.

(a) See specimen letter at § 4–16.852 of this chapter which may be followed in requesting concurrence of the Director of Plant and Operations in the delegation of procurement contracting authorities. The request should be signed by the agency head and submitted in duplicate. A copy of the approved request will be returned with any necessary instructions or modifications. Changes in existing delegations will be handled in the same manner. Procurement contracting authority will not include authority to contract for construction, alteration, or repair of public buildings or works unless specifically requested.

(b) When practicable, delegations of authority should be made to incumbents of positions rather than to individuals. This will eliminate the necessity of making a new delegation each time the incumbent of a position is changed.

§ 4–1.450 Requests for special contracting authority.

Except in an emergency, a request for special contracting authority for a specific contract shall be submitted to the Director of Plant and Operations prior to the issuance of the invitation for bids or request for proposals where there is reasonable expectation that the amount of the ensuing contract will exceed the authority of the issuing officer.

§ 4–1.451 Awards by the Office of Plant and Operations.

In order to accommodate agencies having need therefor, the Procurement and Contract Management Division will, on agency request, solicit bids and/or award contracts when (a) the agency has no delegated procurement contracting authority, (b) the contemplated contract is in excess of the amount of contracting authority delegated to the agency, or (c) the contract is otherwise beyond the authority of the agency. (See § 4–5.5073 of this chapter for such contract procedure.)

§ 4–1.452 Personal interest in contracts.

No officer or employee of the Department who is in a position either to influence the award of a contract with the Department or to cause purchase of supplies to be made for the Department, shall be interested in any firm, company, or corporation doing business with the Department unless such interest shall be disclosed in writing and approved by the agency head in advance of the award of any contracts by such officer or employee.

Subpart 4–1.8—Labor Surplus Area Concerns

c. Paragraph (b) of § 4–1.807 is revised to read as follows:

§ 4–1.807 Report on preference procurement in labor surplus areas.

* * * * *

(b) *Frequency and due date.* Reports shall be prepared semiannually and submitted, in duplicate to the Contract and Procurement Management Division within 30 calendar days after January 1 and June 30 of each year.

* * * * *

PART 4–3—PROCUREMENT BY NEGOTIATION

3. The table of contents for Part 4–3, Procurement by Negotiation, is amended as follows:

Subpart 4–3.6—Small Purchases

New entries are added as follows:

Sec.
4–3.602 Policy.
4–3.602–50 Purchasing authority.

4. Part 4–3, Procurement by Negotiation, is amended as follows:

Subpart 4–3.6—Small Purchases

New § 4–3.602–50 is added as follows:

§ 4–3.602 Policy.

§ 4–3.602–50 Purchasing authority.

(a) *Definition.* "Purchasing authority" is an authority in which the designated officer is authorized to issue purchase orders or requisitions which do not involve the solicitation and acceptance of bids or signing of agreements or contracts. (This should not be construed as precluding the signing of informal agreements which may be required in connection with negotiated purchases.)

(b) *Delegation policy.* The decentralization of the procurement function facilitates the prosecution of agency programs. Delegations of authority are granted to aid effective operations by providing for any necessary purchasing authorities as closely as practicable to the points at which the services are needed.

(c) *Delegation to agency heads.* Heads of agencies of the Department may delegate purchasing authority under such limitations and instructions as they may prescribe, to competent employees and incumbents of responsible positions in Washington and in the field.

(d) *Limitations.* These delegated authorities are subject to laws, regulations, and instructions applicable to, or issued by, the Department and to a continuing review by the Office of Plant and Operations.

PART 4–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

5. The table of contents for Part 4–4, Special Types and Methods of Procurement, is amended as follows:

Subpart 4–4.53—Procurement of Construction

a. Section 4–4.5301–12 *Price adjustment for suspension, delay, or interruption of work,* is deleted in its entirety.

b. New Subpart 4–4.54 is added as follows:

Subpart 4–4.54—Leasing of Real Property

Sec.
4–4.5400 Scope of subpart.
4–4.5401 Limitations.
4–4.5402 Forms, specifiactions and provisions.
4–4.5403 Availability of Government-controlled space.
4–4.5404 Formation of lease contracts.
4–4.5405 Period of lease.
4–4.5406 Rental limitation of Economy Act.
4–4.5407 Evidence of authority.
4–4.5408 Leases with Government employees.
4–4.5409 Contingent fees.
4–4.5410 Renewals.
4–4.5411 Recording leases.

6. Part 4–4, Special Types and Methods of Procurement, is amended as follows:

Subpart 4–4.50—General

a. Section 4–4.5000 is revised to read as follows:

§ 4–4.5000 Scope.

This subpart sets forth the various restrictions, authorities, and regulations applicable to the Department of Agriculture for all special types and methods of procurement, except for construction which subject is covered in Subpart 4–4.53 of this part.

Subpart 4–4.53—Procurement of Construction

§ 4–4.5301–12 [Deleted]

b. Section 4–4.5301–12 *Price adjustment for suspension, delay, or interruption of work,* is deleted in its entirety.

c. Paragraph (f) of § 4–4.5313 is revised to read as follows:

§ 4–4.5313 Changes in construction contracts.

* * * * *

(f) *Timeliness.* Contract performance may be suspended or delayed by the contracting officer for a reasonable time, where necessary to work out the details of a proposed change and issue a change order. What is a reasonable time depends upon the extent of the change and other material circumstances. In any event, the contracting officer should proceed with contract changes, and adjustments thereunder, in a manner calculated to minimize any adverse effect on the contractor.

* * * * *

d. New Subpart 4–4.54 is added as follows:

Subpart 4–4.54—Leasing of Real Property

§ 4–4.5400 Scope of subpart.

This subpart prescribes forms and procedures for leasing of real property by the Department, except that § 4–4.5402(a) is applicable only within the United States and its possessions.

§ 4–4.5401 Limitations.

Leases may be effected only in compliance with the space utilization and other requirements of FPMR § 101–18.107 and AGPMR Subpart 104–18.1. See 1 AR 674 for required approvals for establishment, consolidation, change in location or abolition of offices. See § 104–18.150 for required approvals for long-term leases under 7 U.S.C. 2250a. Leases shall be made only by persons to whom, or incumbents of positions to which, space acquisition and assignment authority has been delegated pursuant to AGPMR § 104–18.104.

§ 4–4.5402 Forms, specifications and provisions.

(a) *Forms.* Standard Forms 2, 2–A, and 2–B shall be used in accordance with FPR Subpart 1–16.6 for all advertised and negotiated leases of real property other than vacant land in the United States and its possessions. These forms may be used elsewhere at the discretion of the agency, with the additional provision that "Government" whenever it appears in the forms means the United States Government. They may also be used with appropriate modifications for leasing of vacant land. Also, modifications may be made as permitted by Subpart 1–16.6 except for the automatic renewal provisions referred to therein. Automatic renewal provisions are prohibited.

(b) *Specifications and general provisions.* Specifications and additional general provisions, not inconsistent with Standard Form 2–A may be used as required.

(c) *Termination provision.* There is no objection to a provision authorizing termination by the Government upon appropriate written notice if it is anticipated that the premises may not be required for the full term of the lease. This becomes particularly important when it is anticipated that Government-owned space may become available. However, termination provisions tend to increase costs and each case should be considered on its merits.

(d) *Renewal option provisions.* Provisions for renewal from year to year at the option of the Government may be included. Such renewals must be accomplished by issuance of affirmative notice prior to the beginning of each renewal term. No automatic renewal provisions shall be used. (See § 4–4.5410.)

§ 4–4.5403 Availability of Government-controlled space.

Prior to taking leasing action, agencies should investigate thoroughly to determine whether suitable space is available under Government ownership, under lease by other Government agencies, or can be obtained rent free. (See §§ 101–18.102 and 101–47.201–2(b).)

§ 4–4.5404 Formation of lease contracts.

Leases amounting to more than $2,500 per year shall be made by formal advertising where feasible. Normally, this will be true where (a) more than one prospective lessor has available real property meeting the Department's requirements satisfactorily, (b) there is available specifications adequate to permit competition between prospective lessors on a common basis, and (c) sufficient time is available for public advertising. Otherwise leases shall be made by negotiation in accordance with FPR Part 1–3. (See FPMR § 101–18.102(c).) Advertised leases shall be made in accordance with Part 1–2 to the extent applicable, except that Standard Form 2–A shall be used in lieu of Standard Form 32. Where a lease is made as the result of advertising, the accepted bid shall be incorporated in the lease.

§ 4–4.5405 Period of lease.

A lease shall cover only the period of time for which the funds to be charged are available, except in the case of long-term leases pursuant to § 104–18.150(a).

§ 4–4.5406 Rental limitation of Economy Act.

The Economy Act of 1932, as amended (40 U.S.C. 278a), limits the annual rental to be paid for any building or part of a building in the United States to 15 percent of the fair market value of the building or part thereof, as the case may be, occupied by the Government, except where the rental does not exceed $2,000 per year. The amount to which this limitation is applied is determined by decent of the fair market value of the buildducting from the rental stated in the lease the actual cost of any services furnished by the lessor. Bids shall not be accepted and contracts shall not be negotiated at rental rates exceeding this limitation.

§ 4–4.5407 Evidence of authority.

A bid or lease executed by an individual other than the owner of the property to be leased must be accompanied by evidence of the agent's authority to so act. (See clause 17, Standard Form 2–A.)

§ 4–4.5408 Leases with Government employees.

No lease shall be entered into for the rental of premises owned by an employee of the Federal Government except when all of the following conditions have been met:

(a) It has been determined that the activity must be located in the particular city or town;

(b) Formal advertising, including distribution of invitations to bid to all possible sources of supply, reveals no other suitable premises are available;

(c) The Government's contracting officer has no interest directly or indirectly in the premises; and

(d) The transaction is aproved by the Agency Head in writing.

§ 4–4.5409 Contingent fees.

The procedures in Subpart 1–1.5 shall be followed in connection with leases.

§ 4–4.5410 Renewals.

(a) *Renewal by notice.* Where a valid option to renew exists, it is not necessary to obtain competition prior to issuing the notice of renewals; however, agencies should be careful to determine that cheaper suitable premises are not available prior to taking renewal action.

(b) *Renewal by agreement.* Where there is no option to renew a lease, the lease may be extended from year to year (16 Comp. Gen. 931) if informal competition is obtained each year showing that the continued occupancy of the premises is to the advantage of the Government. Prepare a record of competition obtained and file with the lease. Any change in the terms of the lease may be made in the renewal agreement if justified by the competition except that an additional renewal option cannot be obtained in a renewal agreement unless there is formal competition, or except where the nature of the occupancy precludes other competition.

§ 4–4.5411 Recording leases.

While normally it is not necessary to record leases of the Government, the recording laws in certain states provide that unless recorded, a lease containing a renewal option is not valid against a subsequent purchaser of fee ownership of the property covered by the lease, even with knowledge. Where such recording laws exist, leases containing a renewal option should be recorded if failure to record would result in loss to the Government. Likewise, leases that contain an option by the Government to purchase the premises should also be recorded to protect the interest of the Government.

PART 4–6—FOREIGN PURCHASES

7. The table of contents of Part 4–6, Foreign Purchases, is amended as follows:

a. New Subpart 4–6.8 is added as follows:

Subpart 4–6.8—Balance of Payments Program

Sec.
4–6.805 Exceptions.

b. The following entries are deleted:

Subpart 4–6.50—Balance of Payments Policies and Procedures

Sec.
4–6.5000 Scope.
4–6.5001 Authority.
4–6.5002 Definitions.
4–6.5003 Minimizing purchase of articles not obtainable from U.S. sources.
4–6.5004 Purchase for Government use outside the United States of articles obtainable from both foreign and domestic sources.
4–6.5005 Service contracts to be performed outside the United States.
4–6.5006 Materials and equipment acquired by contractors for use outside the United States in performing a specific contract.
4–6.5007 Payments of obligations incurred in excess currency countries, and near excess currency countries.

8. a. Part 4–6, Foreign Purchases, is amended by addition of new Subpart 4–6.8 as follows:

Subpart 4–6.8—Balance of Payments Program

§ 4–6.805 Exceptions.

The determinations required by § 1–6.805 shall be made by the head of the agency procurement activity or his designee. However, the designee shall be someone other than the contracting officer.

§§ 4–6.5000—4–6.5007 [Deleted]

b. Subpart 4–6.50, Balance of Payments Policies and Procedures is deleted in its entirety.

PART 4–7—CONTRACT CLAUSES

9. The table of contents for Part 4–7, Contract Clauses, is amended as follows:

Subpart 4–7.1—Fixed-Price Supply Contracts

a. Section 4–7.101–7 *Payments*, is deleted in its entirety.

b. Subpart 4–7.6, Fixed-Price Construction Contracts, is deleted in its entirety.

10. Part 4–7, Contract Clauses, is amended as follows:

Subpart 4–7.1—Fixed-Price Supply Contracts

a. Section 4–7.101 is revised to read as follows:

§ 4–7.101 Clauses.

Form AD–375 incorporates those contract clauses set forth in Part 1–7 that are required to be used in all contracts under $10,000. Other provisions are to be added only where necessary to contract performance.

§ 4–7.101–7 [Deleted]

b. Section 4–7.101–7 *Payments*, is deleted in its entirety.

§§ 4–7.602, 4–7.602–1 [Deleted]

c. Subpart 4–7.6, Fixed-Price Construction Contracts, is deleted in its entirety.

PART 4–8—TERMINATION OF CONTRACTS

11. The table of contents for Part 4–8, Termination of Contracts, is amended by the deletion of Subpart 4–8.7, Clauses, in its entirety.

§§ 4–8.700, 4–8.700–2 [Deleted]

12. Part 4–8, Termination of Contracts, is amended by the deletion of Subpart 4–8.7, Clauses, in its entirety.

PART 4–14—INSPECTION AND ACCEPTANCE

13. The table of contents for Part 4–14, Inspection and Acceptance, is amended as follows:

Subpart 4–14.1—Inspection

New §§ 4–14.105 and 4–14.105–1 are added as follows:

Sec.
4–14.105 Places of inspection.
4–14.105–1 General.

14. Part 4–14, Inspection and Acceptance, is amended as follows:

Subpart 4–14.1—Inspection

New §§ 4–14.105 and 4–14.105–1 are added as follows:

§ 4–14.105 Places of inspection.

§ 4–14.105–1 General.

Where a contract provides for delivery and acceptance at destination (see § 1–14.203) and the Government inspects the supplies at a place other than destination, the supplies may be reinspected at destination for conformance with contract specifications.

PART 4–15—CONTRACT COST PRINCIPLES AND PROCEDURES

15. Part 4–15, Contract Cost Principles and Procedures, is amended as follows:

Subpart 4–15.3—Principles for Determining Applicable Costs Under Research Contracts With Educational Institutions

§ 4–15.306–4 [Amended]

a. Paragraph (a) of § 4–15.306–4 is amended by the deletion of "(see § 4–52.301.)" at the end thereof.

b. Paragraph (b) of § 4–15.306–4 is amended by the deletion of "(see § 4–52.301.)" at the end thereof.

PART 4–16—PROCUREMENT FORMS

16. The table of contents for Part 4–16, Procurement Forms, is amended as follows:

Subpart 4–16.1—Forms for Advertised Supply Contracts

a. Section 4–16.151 *Invitation, Bid, and Award (Supply-Service) (Agriculture Department Form 376)* is deleted in its entirety.

Subpart 4–16.8—Miscellaneous Forms

b. Section 4–16.851 *General Provisions (Service Contract) (Agriculture Department Form 377)* is deleted in its entirety.

Subpart 4–16.9—Illustrations of Forms

c. The entry for §4–16.950–376 *Form AD–376: Invitation, Bid, and Award (Service)* is revised to read as follows:

Sec.
4–16.950–376 Form AD–376: Invitation, Bid, and Award (Service).

Subpart 4–16.50—Forms for Advertised Services Contracts

d. New § 4–16.5001 is added as follows:

Sec.
4–16.5001 General Provisions (Service Contract) (Agriculture Department Form 377).

17. Part 4–16, Procurement Forms, is amended as follows:

Subpart 4–16.1—Forms for Advertised Supply Contracts

a. Paragraph (c) of § 4–16.150 is amended to read as follows:

§ 4–16.150 Invitation, Bid and Award (under $10,000) (Agriculture Department Form 375).

* * * * *

(c) *General.* AD–375 is a one-page supply contract form and contains the bid terms and conditions on the front and the necessary general provisions that are applicable to supply contracts under $10,000 on the reverse. (See also § 4–7.101 of this chapter.)

§ 4–16.151 [Deleted]

b. Section 4–16.151 *Invitation, Bid, and Award (Supply-Service) (Agriculture Department Form 376)* is deleted in its entirety.

Subpart 4–16.8—Miscellaneous Forms

§ 4–16.851 [Deleted]

c. Section 4–16.851 *General Provisions (Service Contract) (Agriculture Department Form 377)*, is deleted in its entirety.

Subpart 4–16.9—Illustrations of Forms

d. The heading of § 4–16.950–376 is revised to read as follows:

§ 4–16.950–376 Form AD–376: Invitation, Bid, and Award (Service).

* * * * *

Subpart 4–16.50—Forms for Advertised Services Contracts

e. Section 4–16.5000 is revised to read as follows:

§ 4–16.5000 Invitation, Bid, and Award (Service) (Agriculture Department Form 376).

(a) *Use.* Agriculture Department Form 376, Invitation, Bid, and Award (Service), is prescribed for Departmental use for advertised contracts for services, including aerial photography.

(b) *Orders for form.* Form AD–376 is available from Central Supply Section, Service Operations Division, Office of Plant and Operations.

(c) *General.* AD–376 contains the necessary bid terms and conditions on the reverse and is to be used in conjunction with the Agriculture Department Form 377, General Provisions (Service Contract).

f. New § 4–16.5001 is added as follows:

§ 4–16.5001 General Provisions (Service Contract) (Agriculture Department Form 377).

(a) *Use.* Agriculture Department Form 377, General Provisions (Service Contracts), is prescribed for use in conjunction with Form AD–376 for advertised contracts for services, including aerial photography.

(b) *Orders for form.* Form AD–377 is available from Central Supply Section, Service Operations Division, Office of Plant and Operations.

(c) *General.* Form AD–377 contains the provisions generally applicable to all contracts for services. Additional provisions not inconsistent therewith to cover special requirements of agency programs may be added.

Done at Washington, D.C., this 13th day of August 1968.

ELMER MOSTOW,
Director of Plant and Operations.

[F.R. Doc. 68–9933; Filed, Aug. 19, 1968; 8:46 a.m.]

Chapter 5A—Federal Supply Service, General Services Administration

APPLICATION FORM AND PROCEDURE FOR PRESENTING AUTOMATIC DATA PROCESSING SOFTWARE PACKAGES

Chapter 5A is amended as follows:

PART 5A–1—GENERAL

New Subpart 5A–1.54 is added to read as follows:

Subpart 5A–1.54—Products or Services Presented for Procurement Consideration

§ 5A–1.5401 Antomatic Data Processing (ADP) software packages presented for placement on Federal Supply Schedules.

(a) *Policy.* Reasonable assistance shall be rendered to concerns desiring to provide ADP software to GSA and user agencies which acquire software through GSA on either a prime or subcontract basis. Assistance will include:

(1) Consideration of the ADP software presented with respect to all current and potential operational program requirements of GSA operating services and staff offices;

(2) Provide advice with regard to potential users outside GSA; and

(3) Such other assistance as may be helpful to an applicant in contacting user agencies.

(b) *Initial referral of inquiries.* In view of the specialized nature, all inquiries relating to presentation of ADP software packages for consideration and possible placement in the Federal Supply Schedule shall be referred to General Service Administration, Federal Supply Service, ADP Procurement Division—FTP, Washington, D.C. 20407.

(c) *Processing of inquiries.* Upon receipt of inquiries, the ADP Procurement Division will provide appropriate counseling on the procedures to follow for presenting ADP software for GSA consideration. If appropriate, the ADP Procurement Division will furnish the inquirer sufficient copies of GSA Form 6511, Application for Presenting ADP Software Package, for completion and return in quadruplicate.

(d) *Processing of completed application forms.* Upon receipt of Form 6511, the ADP Procurement Division will:

(1) Assign a control number to each application;

(2) Record all data essential to the maintenance of a document control system;

(3) Evaluate the merits, need, and acceptability of the software package presented and fully document the findings;

(4) If determined acceptable, take appropriate action to add the software to the Federal Supply Schedule; and

(5) If rejected, notify the firm of the reasons for nonacceptance.

PART 5A–16—PROCUREMENT FORMS

Subpart 5A–16.9—Illustrations of Forms

New § 5A–16.950–6511 is added to read as follows:

§ 5A–16.950–6511 GSA Form 6511, Application for Presenting ADP Software Package.

NOTE: The form referenced in § 5A–1.5401 is filed as part of the original document. Copies of this form may be obtained from the General Services Administration, Federal Supply Service, Procurement Policy Division—FPP, Washington, D.C. 20407.

(Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c); CFR 5–1.101(c))

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: August 1, 1968.

H. A. ABERSFELLER,
Commissioner,
Federal Supply Service.

[F.R. Doc. 68–9954; Filed, Aug. 19, 1968; 8:48 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER H—TRAINING

[General Order 87, Rev., Amdt. 2]

PART 310—MERCHANT MARINE TRAINING

Subpart A—Regulations and Minimum Standards for State Maritime Academies and Colleges

DISCIPLINE AND DISMISSAL

Effective upon the date of publication in the FEDERAL REGISTER, paragraph (b) of § 310.10 *Discipline and dismissal* under Subpart A of this part is amended and a new paragraph (c) is added to said § 310.10 reading as follows:

§ 310.10 Discipline and dismissal.

* * * * *

(b) Each school shall establish and publish rules and regulations governing cadet discipline and providing for a demerit system for infractions of these rules and regulations. Serious or excessive violations of the rules and regulations by a cadet may be considered as evidence of inaptitude for the demanding career of a merchant marine officer and warrant his dismissal.

(c) Each cadet shall, upon admission to the school, be furnished a copy of the School's rules and regulations and any cadet placed on probation for failure to meet the conduct requirements of the school may, at the discretion of the Superintendent, be removed from the subsistence allowance rolls for any period not to exceed 6 months.

(Sec. 101, 49 Stat. 1985, 46 U.S.C. 1101; Public Law 85–672, 72 Stat. 622 46 U.S.C. 1381)

Dated: August 15, 1968.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 68–10057; Filed, Aug. 19, 1968; 8:51 a.m.]

Chapter IV—Federal Maritime Commission

SUBCHAPTER A—GENERAL PROVISIONS

[Commission Order 53 (Amended)]

PART 500—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Because of the number and complexity of published amendments to Part 500 of Chapter IV of Title 46 of the Code of Federal Regulations, the part is recodified and republished as set forth below. This republication contains no substantive changes.

Subpart A—General Provisions

Sec.
500.735–1 Purpose.
500.735–2 Definitions.

Sec.
500.735–3 Interpretation and advisory service.
500.735–4 Reviewing statements and reporting conflicts of interest.
500.735–5 Disciplinary and other remedial action.

Subpart B—General Standards of Conduct

500.735–10 Proscribed actions.
500.735–11 Gifts, entertainment, and favors.
500.735–12 Outside employment.
500.735–13 Financial interests.
500.735–14 Use of Government property.
500.735–15 Misuse of information.
500.735–16 Indebtedness.
500.735–17 Gambling, betting, and lotteries.
500.735–18 General conduct prejudicial to the Government.
500.735–19 Miscellaneous statutory provisions.

Subpart C—Special Government Employees Standards of Conduct

500.735.21 Special Government employees—Use of Government employment.
500.735.22 Special Government employees—Use of inside information.
500.735.23 Special Government employees—Coercion.

Subpart D—Statements of Employment and Financial Interests

500.735–31 Statements of employment and financial interests.
500.735–32 Employees required to submit statements.
500.735–33 Employees not required to submit statements.
500.735–34 Time and place for submission of employees' statements.
500.735–35 Supplementary statements.
500.735–36 Interests of employees' relatives.
500.735–37 Information not known by employees.
500.735–38 Information prohibited.
500.735–39 Confidentiality of employees' statements.
500.735–40 Effect of employees' statements on other requirements.
500.735–41 Special Government employees.
500.735–42 Employee's complaint on filing requirements.

AUTHORITY: The provisions of this Part 500 issued under E.O. 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.104.

Subpart A—General Provisions

§ 500.735–1 Purpose.

The maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by Government employees and special Government employees is essential to assure the proper performance of the Government business and the maintenance of confidence by citizens in their Government. The avoidance of misconduct and conflicts of interest on the part of Government employees through informed judgment is indispensable to the maintenance of these standards. Reorganization Plan No. 7 of 1961, which established the Federal Maritime Commission, provided that officials or employees of the Commission are prohibited from employment with, or to have any pecuniary interest in, or hold any official relationship with, carriers by water, shipbuilder contractors, or other persons, firms, associations or corporations with whom the Commission may have business relations. The following sections of this part are in accordance with the requirements of the Civil Service Commission's regulations (5 CFR Part 735) under Executive Order 11222, dated May 8, 1965.

§ 500.735–2 Definitions.

(a) "Commission" means the Federal Maritime Commission unless otherwise designated.

(b) "Employee" means officer or employee of the Commission including a special Government employee as defined in 18 U.S.C. 202.[1]

(c) "Executive order" means Executive Order 11222 of May 8, 1965.

(d) "Person" means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

§ 500.735–3 Interpretation and advisory service.

(a) The Chairman of the Commission shall designate an employee with the appropriate legal experience and in whom he has complete personal confidence to be the Counselor for the Commission on matters in connection with the regulations in this part. The Counselor shall also serve as the Commission's designee to the Civil Service Commission on matters covered by the regulations in this part. He shall exercise responsibility for effectuation and coordination of the Commission's regulations and provide counseling and interpretations on questions of conflicts of interest and other matters covered by the regulations in this part.

(b) Employees shall be notified of the availability of counseling services and of how and where these services are available. This notification shall be made within 90 days after approval of the regulations in this part by the Civil Service Commission and periodically thereafter. In the case of a new employee appointed after this notification, notification shall be made at the time of his entrance on duty.

§ 500.735–4 Reviewing statements and reporting conflicts of interest.

(a) There is hereby established a system for the review of statements of employment and financial interest submitted under § 500.735–31. This system of review is designed to disclose conflicts of interest or apparent conflicts of interest on the part of employees.

(b) The Counselor or Deputy Counselor shall review each such statement. Whenever it appears to the Counselor that a statement contains evidence of a conflict of interest he shall notify the person signing that statement and shall discuss with him the information which gives rise to the apparent or real conflict and offer him an opportunity to explain the conflict or appearance of conflict. If the conflict or appearance of conflict is not resolved after this discussion the information concerning the conflict or appearance of conflict shall be reported to the Chairman of the Commission by the Counselor.

§ 500.735–5 Disciplinary and other remedial action.

(a) A violation of the regulations in this part by an employee may be cause for an appropriate disciplinary action.

(b) After consideration of the explanation of the employee as provided in § 500.735–4 and the Chairman decides that remedial action is required, he shall take immediate action to end the conflicts or appearance of conflicts of interest. Remedial action may include, but is not limited to:

(1) Changes in assigned duties;

(2) Divestment by the employee or special Government employee of his conflicting interest;

(3) Disciplinary action; or

(4) Disqualification for a particular assignment.

Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, executive orders, and regulations.

Subpart B—General Standards of Conduct

§ 500.735–10 Proscribed actions.

An employee shall avoid any action, whether or not specifically prohibited by this subpart, which might result in, or create the appearance of:

(a) Using public office for private gain;

(b) Giving preferential treatment to any person;

(c) Impeding Government efficiency or economy;

(d) Losing complete independence or impartiality;

(e) Making a Government decision outside official channels; or

(f) Affecting adversely the confidence of the public in the integrity of the Government.

§ 500.735–11 Gifts, entertainment, and favors.

(a) Except as provided in paragraphs (b) and (e) of this section, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with the Commission;

(2) Conducts operations or activities that are regulated by the Commission; or

(3) Has interests that may be substantially affected by the performance or nonperformance of his official duty.

(b) Exceptions to paragraph (a) of this section are as follows:

(1) This section shall not be construed to proscribe conduct involving obvious family or personal relationships (such as those between the parents, children, or spouse of the employee and the employee) when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors;

(2) Under this section, Commission employees are permitted to accept food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour where an employee may properly be in attendance;

(3) Under this section employees are permitted to accept loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans;

(4) Under this section employees shall be permitted to accept unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars and other items of nominal intrinsic value; and

(5) Under this section, Commission employees may participate in keel layings, christenings, and ship launchings and accept meals, accommodations, and entertainment related thereto when the invitation to such an event is addressed to the Commission and the Chairman of the Commission approves the acceptance of the invitation.

(c) An employee shall not solicit contributions from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself (5 U.S.C. 7351). However, this paragraph does not prohibit the use of completely voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.

(d) An employee shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in Public Law 89–673, 80 Stat. 952.

(e) Neither this section nor § 500.735–12 precludes an employee from receipt of bona fide reimbursement, unless prohibited by law, for expenses of travel and such other necessary subsistence as is compatible with this part for which no Government payment or reimbursement is made. However, this paragraph does not allow an employee to be reimbursed, or payment to be made on his behalf, for excessive personal living expenses, gifts, entertainment or other personal benefits, nor does it allow an employee to be reimbursed by a person for travel on official business under agency orders when reimbursement is proscribed by Decision B–128527 of the Comptroller General dated March 7, 1967.

§ 500.735–12 Outside employment and other activity.

(a) An employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his Government employment. Incompatible activities include but are not limited to:

(1) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, conflicts of interest; or

(2) Outside employment which tends to impair his mental or physical capacity to perform his Government duties and responsibilities in an acceptable manner.

(b) An employee shall not receive any salary or anything of monetary value from a private source as compensation for his services to the Government (18 U.S.C. 209). This paragraph does not apply to special Government employees.

(c) Employees are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law, the Executive order, or the regulations in this part. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, and writing including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service, that is dependent on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Chairman gives written authorization for the use of nonpublic information on the basis that the use is in the public interest. In addition, an employee who is a Presidential appointee covered by section 401(a) of the Executive order shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the Commission, or which draws substantially on official data or ideas which have not become part of the body of public information.

(d) This section does not preclude an employee from:

(1) Participation in the activities of national or State political parties not proscribed by law.

(2) Participation in the affairs of or acceptance of an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service, or civic organization.

§ 500.735–13 Financial interests.

(a) An employee shall not:

(1) Have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his Government duties and responsibilities; or

(2) Engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through his Government employment.

(b) This section does not preclude an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Government so long as it is not prohibited by law, the Executive order, Civil Service regulations, or the regulations in this part.

§ 500.735–14 Use of Government property.

An employee shall not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to him.

§ 500.735–15 Misuse of information.

For the purpose of furthering a private interest, an employee shall not, except as provided in § 500.735–12(c) directly or indirectly use, or allow the use of, official information obtained through or in connection with his Government employment which has not been made available to the general public.

§ 500.735–16 Indebtedness.

An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which the Commission determines does not, under the circumstances, reflect adversely on the Government as his employer. In the event of dispute between an employee and an alleged creditor, this section does not require the Commission to determine the validity or amount of the disputed debt.

§ 500.735–17 Gambling, betting, and lotteries.

An employee shall not participate, while on Government-owned or leased property or while on duty for the Government, in any gambling activity including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket. However, this section does not preclude activities:

(a) Necessitated by an employee's law enforcement duties; or

(b) Under section 3 of Executive Order 10927 and similar Commission approved activities.

§ 500.735–18 General conduct prejudicial to the Government.

An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

§ 500.735–19 Miscellaneous statutory provisions.

Each employee shall acquaint himself with each statute that relates to his ethical and other conduct as an employee of this Commission and of the Govern-

[1] 18 U.S.C. 202 defines a "special Government employee" as including an officer or employee of any independent agency of the United States who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis.

ment. The attention of Commission employees, is directed to the outside employment restriction in 46 U.S.C. 1111(b) and the following statutory provisions relating to ethical and other conduct.

(a) House Concurrent Resolution 175, 85th Congress, 2d Session, 72 Stat. B12 the "Code of Ethics for Government Service."

(b) Chapter 11 of title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employees concerned.

(c) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(d) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(e) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(f) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (2) the disclosure of confidential information (18 U.S.C. 1905).

(g) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(h) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a (c)).

(i) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(j) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(k) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(l) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(m) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(n) The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(o) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(p) The prohibition against proscribed political activities in Subchapter III of Chapter 73 of Title 5 U.S.C., and 18 U.S.C. 602, 603, 607, and 608.

(q) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

Subpart C—Special Government Employees Standards of Conduct

§ 500.735–21 Special Government employees—Use of Government employment.

A special Government employee shall not use his Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business, or financial ties.

§ 500.735–22 Special Government employees—Use of inside information.

A special Government employee shall not use inside information obtained as a result of his Government employment for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business or financial ties. For the purpose of this paragraph, "inside information" means information obtained under Government authority which has not become part of the body of the public information.

§ 500.735–23 Special Government employees—Coercion.

A special Government employee shall not use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business, or financial ties.

Subpart D—Statements of Employment and Financial Interests

§ 500.735–31 Statements of employment and financial interests.

Statements of employment and financial interests are required to be submitted by employees in grades or positions as listed in § 500.735–32.

§ 500.735–32 Employees required to submit statements.

Except as provided in § 500.735–33, the Chairman of the Commission shall require statements of employment and financial interests from the following employees:

(a) Employees paid at a level of the Federal Executive Salary Schedule in Subchapter II of Chapter 53 of Title 5, United States Code.

(b) Employees classified at GS–15 or above under section 5332 of Title 5, United States Code, or at a comparable pay level under another authority, and such other employees classified at GS–13 or GS–14, under section 5332, as enumerated in paragraph (d) of this section, and who are in a position which the Chairman has determined has duties and responsibilities which make the incumbent responsible for making a Government decision or taking Government action for (1) contracting or procurement; (2) regulating or auditing private or other nonfederal enterprises; (3) other activities where the decision or action has an economic impact on the interests of any nonfederal enterprise; or (4) the functions of the Commission listed in Part I of Reorganization Plan No. 7 of 1961, thereby requiring them to be subject to this part.

(c) Employees in positions that meet the criteria set out in paragraph (b) of this section may be excluded from the reporting requirement and not listed in paragraph (d) of this section when the Chairman determines that the duties of a position are at such a level of responsibility that the submission of a statement by the incumbent is not necessary because of the degree of supervision and review over the incumbent and the remote and inconsequential effect on the integrity of the Government.

(d) Employees in the following positions shall submit the required statements:

Chief, Division of Personnel.
Chief, Division of Office Services.
Chief, Division of Domestic Offshore Carriers.
Chief, Division of Terminals and Freight Forwarders.
Supervisory Auditor, Bureau of Financial Analysis.
Chief Investigator, Atlantic Coast Office.
Chief Investigator, Gulf Coast Office.
Chief Investigator, Pacific Coast Office.
Auditor, Atlantic Coast Office.
Auditor, Pacific Coast Office.
Auditor, Seattle, Wash.

(e) Additions to, deletions from, and other amendments of the list of positions in paragraph (d) of this section may be made under the criteria in paragraph (b) of this section, and are effective upon approval by the Chairman of the Commission and actual notification to the incumbents. Amendments to the list in paragraph (d) of this section shall be submitted annually for publication in the FEDERAL REGISTER.

§ 500.735–33 Employees not required to submit statements.

In addition to the provision of § 500.735–32(c), a statement of employment and financial interests is not required by the regulations in this part from the Chairman or the Commissioners. These employees are subject to separate reporting requirements under section 401 of the Executive order. An assistant to a Commissioner classified at GS–13 or above is not required to submit a statement unless directed to do so by the Commissioner.

§ 500.735–34 Time and place for submission of employees' statements.

An employee required to submit a statement of employment and financial interests under the regulations in this part shall submit that statement to the Counselor designated under § 500.735–3 (a) not later than:

(a) Ninety days after the effective date of this part if employed on or before that effective date; or

(b) Thirty days after his entrance on duty, but not earlier than ninety days after the effective date, if appointed after that effective date.

§ 500.735–35 Supplementary statements.

Changes in, or additions to, the information contained in an employee's statement of employment and financial interest shall be reported in a supplementary statement as of June 30 each year. If no change or additions occur, a negative report is required. Notwithstanding, the filing of the annual report required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts-of-interest provisions of section 208 of Title 18, United States Code, or Subpart B of this part.

§ 500.735–36 Interests of employees' relatives.

The interest of a spouse, minor child, or other member of an employees' immediate household is considered to be an interest of the employee. For the purpose of this section, "member of an employee's immediate household" means those blood relations who are residents of the employee's household.

§ 500.735–37 Information not known by employees.

If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit information in his behalf.

§ 500.735–38 Information prohibited.

The regulations in this part do not require an employee to submit on a statement of employment and financial interests or supplementary statement any information relating to the employee's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

§ 500.735–39 Confidentiality of employees' statements.

The Commission shall hold each statement of employment and financial interest, and each supplementary statement, in confidence. The Commission may not disclose information from a statement except as the Civil Service Commission or the Chairman of this Commission may determine for good cause shown. To insure confidentiality, the employee authorized in § 500.735–3 and designated by Manual of Orders, Commission Order No. 53, as amended, to retain and review the statements shall be responsible and maintain the statements in confidence and shall not allow access to, or allow information to be disclosed from, a statement except to carry out the purpose of this part.

§ 500.735–40 Effect of employees' statement on other requirements.

The statements of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

§ 500.735–41 Special Government employees.

All special Government employees, regardless of grade, shall be subject to the reporting requirements of this part and in addition such statements shall be submitted not later than the time of employment, and shall be kept current throughout the special employee's employment with the Commission, by submission of supplementary statements not later than 15 days after any change. These requirements may be waived or modified to the extent consistent with § 735.412 of the Civil Service Commission's regulations (5 CFR 735.412).

§ 500.735–42 Employee's complaint on filing requirement.

Any employee required to file financial statements under this order may request a review through the Commission grievance procedure, Manual of Orders, Commission Order No. 65, as amended, of his complaint that his position has improperly been included under the regulations in this part.

Effective date. This Part 500 is effective upon publication in the FEDERAL REGISTER.

JOHN HARLLEE,
Rear Admiral,
U.S. Navy (Retired), Chairman.

[F.R. Doc. 68–9964; Filed, Aug. 19, 1968; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 93—LAND TRANSPORTATION RADIO SERVICES

Allocation and Assignment of Certain Frequencies

Order. In the matter of amendment of Part 93[1] of the Commission's rules governing the land transportation radio services to reflect substantive changes accomplished in previous omnibus rule making proceedings involving the allocation and assignment of frequencies in the 72–76 Mc/s and microwave frequency bands above 952 Mc/s; and to make certain other editorial changes.

1. The Commission has under consideration the amendment of Part 93, Land Transportation Radio Services, to effect certain editorial changes. These changes are primarily the result of the following orders in which the Commission stated that formal codification of the decisions therein into the rules would be accomplished by subsequent orders:

(a) The report and order (FCC 62–1254), Docket No. 14712, in the matter of amendment of Parts 2, 6, 7, 9, 10, 11, 16, and 21 of the Commission's rules to designate portions of the 2110–2200 Mc/s band exclusively for the use of domestic fixed public stations and for the use of operational fixed and international control stations and to reserve a portion thereof for omnidirectional operations, released December 10, 1962, and published in the FEDERAL REGISTER on December 13, 1962 (27 F.R. 12372), which amended the above-enumerated parts to provide, inter alia, that certain portions of the 2110–2200 Mc/s band be withdrawn from availability in the Land Transportation and certain other Radio Services, in order to accommodate certain specialized needs of Domestic Fixed Public Stations;

(b) The report and order (FCC 63–637), Docket No. 14729, in the matter of amendment of Parts 2, 4, 7, 8, 9, 10, 11, 16, and 21 of the Commission's rules concerning the allocation of the frequency bands 6425–6575, 10550–10680, and 11700–12200 Mc/s, released July 12, 1963, and published in the FEDERAL REGISTER on July 23, 1963 (28 F.R. 7476), which amended the above enumerated parts to provide, inter alia, certain microwave allocations for mobile service uses and a division of certain bands between the common carrier and private mobile services;

(c) The report and order (FCC 63–722), Docket No. 14744, in the matter of amendment of Parts 2 and 4 of the Commission rules and regulations to establish a new class of educational television service for the transmission of instructional and cultural material to multiple receiving locations on channels in the 1990–2110 Mc/s or 2500–2690 Mc/s frequency band, amendment of Parts 1, 7, 9, 10, 11, and 16, released July 30, 1963, and published in the FEDERAL REGISTER on August 8, 1963 (28 F.R. 8103), which amended the above-enumerated parts of the rules to provide, inter alia, that Land Transportation television transmitters operating in the 2500–2690 Mc/s band be governed by the technical standards established for the instructional television fixed services;

(d) The second memorandum opinion and order (FCC 61–1235), Docket No. 13928, in the matter of amendment of Part 2, frequency allocations and radio treaty matters; general rules and regulations to align that part with the Geneva (1959) radio regulations to the extent practicable, released October 25, 1961, and published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10655), which amended the above-noted part to provide, inter alia, that the frequency band 73.0–74.6 Mc/s be reallocated to the radio astronomy service; and

(e) The report and order (FCC 64–224), Docket No. 14785, in the matter of amendment of Parts 2, 21, 31, 87, 89, 91, and 93 (formerly Parts 2, 21, 7, 9, 10, 11, and 16, respectively) of the Commission's rules to provide for 20 kc/s channeling in the 72–76 Mc/s band for fixed stations in the domestic public radio services and operational fixed stations in the safety

[1] Prior to Dec. 21, 1963, Part 93 of the Commission's rules had been designated Part 16. All references to Part 16 in the body of this document predate the redesignation of Part 16 as Part 93.

and special radio services, released March 19, 1964, and published in the FEDERAL REGISTER on March 25, 1964 (29 F.R. 3702), which amended the above enumerated parts to provide, inter alia, for 20 kc/s channeling in the subject band.

2. In addition, certain other changes are required: By virtue of the reallocations that have been effected concerning the 72–76 Mc/s band, the charts mentioned in § 93.8(d), must be revised; certain provisions of Part 93 which contain conformity or compliance dates of April 1, 1963, October 31, 1963, November 1, 1963, January 1, 1968, and July 15, 1968, are now obsolete since these dates have passed and must be deleted; and Part 93 should be editorially amended to conform to Part 2, in certain respects.

3. The formal codification of the changes herein ordered conform without any substantive change to the terms in the above-described orders and, being editorial in nature, the prior public notice and effective date provisions of 5 U.S.C. section 553 are not applicable.

4. The amendments adopted herein are issued pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.261 of the Commission's statement of delegations of authority.

5. *Accordingly, it is ordered,* That effective August 23, 1968, Part 93 is amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: August 12, 1968.

Released: August 14, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Part 93 of the Commission's rules is amended as follows:

1. Section 93.7 is amended by the deletion of the definition in paragraph (c), as follows:

§ 93.7 Definition of terms.

* * * * *

(c) * * *

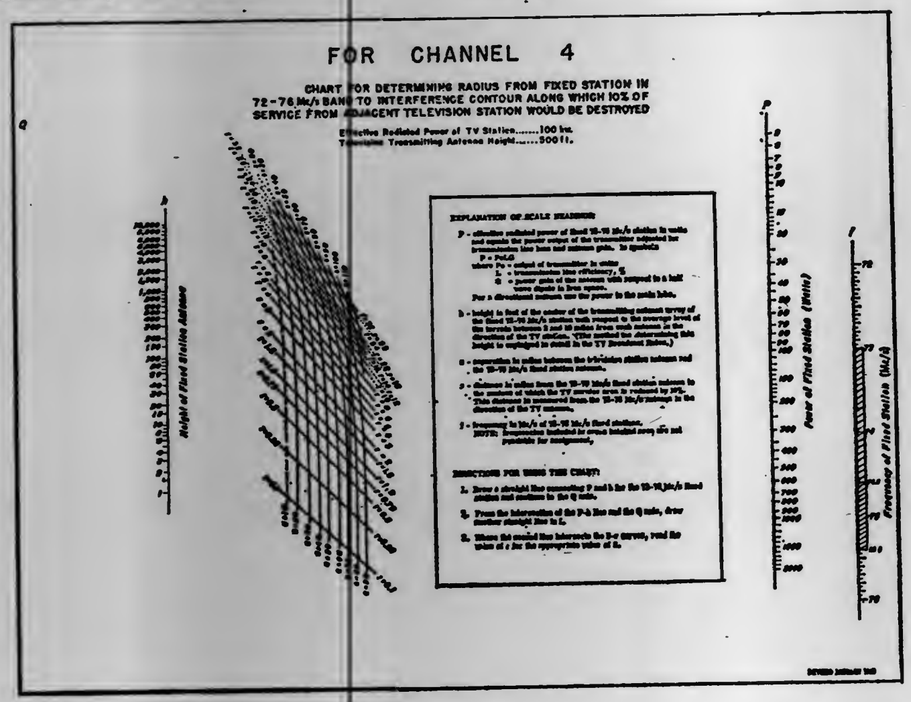
Bandwidth occupied by an emission. [Deleted]

* * * * *

2. In § 93.8 the charts for television channels 4 and 5 are added following paragraph (d), and paragraphs (f) and (g) are amended, as follows:

§ 93.8 Policy governing the assignment of frequencies.

* * * * *



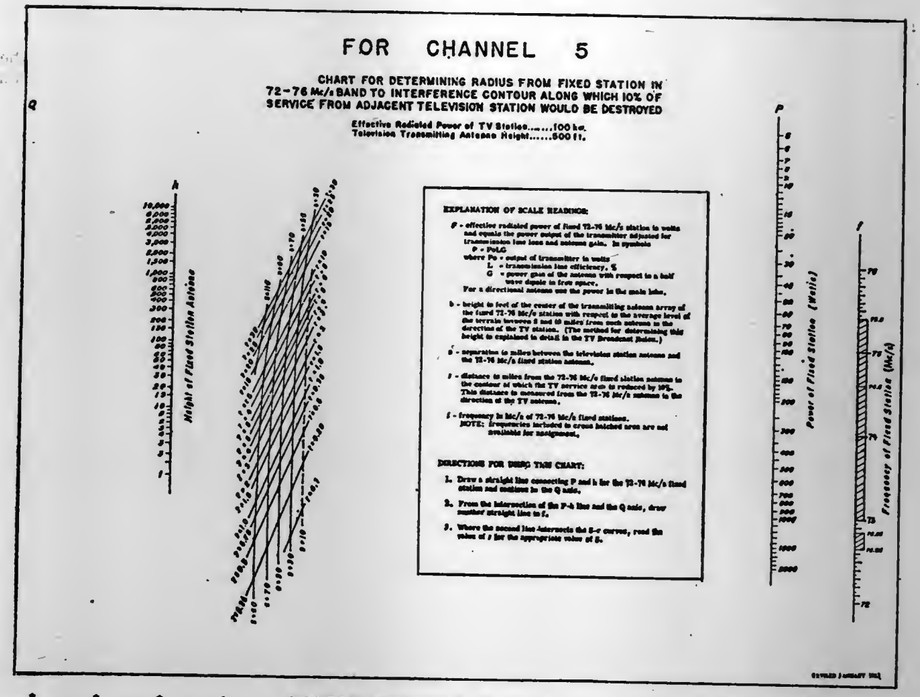
* * * * *

(f) Frequencies designated as tertiary in the various subparts of this part are available for assignment on a case-by-case basis at the discretion of the Commission: *Provided,* That either (1) a satisfactory showing is made that operation on the requested tertiary frequency will result in the least interference to existing stations of other licensees operating within local interference range on frequencies within the frequency band involved, or (2) such assignment is recommended to the Commission in accordance with the provisions of § 93.9(a)(3).

(g) Except in the Taxicab Radio Service, the Commission may authorize, on a developmental basis only, the use of a frequency in the 150–162 Mc/s band not specifically listed as available for assignment: *Provided,* That: (1) The frequency is within 7½ kc/s of a frequency listed as available for assignment to the station in the service involved; and (2) the applicant submits adequate showing that such irregular assignment will be less likely to result in mutual harmful interference than would the assignment of one of the listed frequencies in the same band available to such station.

* * * * *

3. In § 93.104, paragraph (b) is amended by adding to the table and footnotes following § 93.104(b)(2), as follows:



Frequency band (Mc/s)	Authorized bandwidth (kc/s)	Frequency deviation (kc/s)
* * *	* * *	* * *
Above 950	(4)	(4).

* * * * *

[4] As specified in § 93.111.

* * * * *

4. In § 93.105, paragraph (d) is revised to read as follows:

§ 93.105 Modulation requirements.

* * * * *

(d) Each transmitter which is operated on a frequency in the range 25 to 50 Mc/s, or 152 to 162 Mc/s, and which is provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section shall also be equipped with an audio low pass filter in accordance with the provisions of paragraph (g) of this section.

* * * * *

5. In § 93.109, paragraph (c) is revised to read as follows:

§ 93.109 Acceptability of transmitters for licensing.

* * * * *

(c) Transmitters to be operated in any of the frequency bands between 952 and 12,700 Mc/s, except the 8400–8500 Mc/s band, authorized under this part shall be type accepted if specified in an application filed after July 20, 1962, except that equipment authorized to be used prior thereto may continue to be used provided such operation does not result in harmful interference to other stations or systems which are conforming to the microwave technical standards specified in § 93.111.

6. Section 93.111 is revised to read as follows:

§ 93.111 Microwave technical standards.

The technical standards indicated in the table in this section shall govern, beginning July 20, 1961, the issuance of authorizations for private microwave systems using the frequency bands above 952 Mc/s listed in the table. However, these standards shall not be applicable to transmitting equipment (including antennas) which were authorized to be operated on these frequencies prior to July 20, 1961, or for which an authorization is issued based on an application filed with the Commission prior to July 20, 1961. Such licensees of equipment and systems not subject to these technical standards, including their successors or assigns in business, will be permitted to utilize such equipment provided such operation does not result in harmful interference to another station or system

which is conforming to these technical standards. In case of such harmful interference, such nonconforming licensee will be required to take whatever measures are necessary to alleviate the interference.

MICROWAVE TECHNICAL STANDARDS TABLE

Frequency band (Mc/s)	Power [1] (watts)	Tolerance (percent)	Bandwidth [2]	Beamwidth [3]
952–960	[4] 30	0.0005	100 kc/s	[4] 20°
1850–1990	18	.02	8 Mc/s	10°
2130–2150	15	.001	800 kc/s	10°
2150–2160	15	.001	10 Mc/s	360°
2180–2200	15	.001	800 kc/s	10°
2450–2500 [5]	12	(6)	(6)	(6)
2500–2690 [7]	12	.02	4 Mc/s	10°
6525–6575	7	.02	25 Mc/s	7°
6575–6875	7	.02	10 Mc/s	5°
10,550–10,680	5	(6)	25 Mc/s	4°
12,200–12,700	5	.05	20 Mc/s	4°
Above 16,000	5	(6)	50 Mc/s	(6)

[1] Maximum rated power output of transmitter. Power in excess of that shown herein will be authorized only if specifically provided on a particular frequency or under exceptional circumstances based upon a factual showing of need. For pulsed systems average power shall be limited to the values shown, peak power shall not exceed five times this limit.

[2] Maximum bandwidth (necessary or occupied, whichever is greater) which will be authorized. Except in the 2130–2150 and 2180–2200 Mc/s bands, consideration will be given, on a case-by-case basis, to requests for additional adjacent channels based upon a complete and specific factual showing of unique or unusual circumstances, apart from economic considerations, requiring such additional channels. In the band 952–960 Mc/s, bandwidths up to 500 kc/s may be authorized.

[3] Maximum beamwidth of major lobe between 0.5 power points in horizontal plane. Exceptions may be granted for stations in remote areas or until harmful interference is caused to other stations operating in accordance with these provisions.

[4] Subject to no protection from ISM equipment on 2450 Mc/s.

[5] To be specified in the station authorization.

[6] Operational fixed stations employing television transmissions in this band must utilize transmitting equipment which meets the technical requirements for Instructional Television Fixed stations as contained in Part 74, Subpart I, § 74.901, et seq. of this chapter. See also, Part 2 of this chapter, § 2.106, footnote NG 47.

[7] Except for the frequencies 952.1, 952.2, 952.3, and 952.4 Mc/s and the frequency pairs 952.8 and 956.4; 952.9 and 956.5; 956.2 and 959.8; and 956.3 and 959.9 Mc/s, where the beamwidth may be 360°.

[8] Except for the frequencies 952.1, 952.2, 952.3, and 952.4 Mc/s, where the maximum power may be 100 watts.

7. In § 93.112, the frequency table in paragraph (a) is amended by deletion of the entries 2110–2200, 6425–6575, and 11,700–12,200 Mc/s and by the addition of the following entries in proper numerical order; the entries 2500–2690, 10,550–10,680, and 17,700–19,300 Mc/s are also amended as to class of stations or limitations; and paragraph (b) is amended by adding subparagraphs (15) and (16); as follows:

§ 93.112 Availability of microwave frequencies.

(a) • • •

Frequency (Mc/s) band	Class of station(s)	Limitations
• • •	• • •	• • •
2130–2150	Operational fixed	6
2150–2160	do	15
2180–2200	do	6
• • •	• • •	• • •
2500–2690	Operational fixed	16
• • •	• • •	• • •
6525–6576	Base and mobile	6
• • •	• • •	• • •
10, 550–10, 680	Base and mobile	6
• • •	• • •	• • •
17, 700–19, 300	Base, mobile and operational fixed	1
• • •	• • •	• • •

(b) • • •

(15) Available on a developmental basis only for omnidirectional operation.

(16) Only operational fixed stations employing television transmissions will be authorized in this band. The transmitting equipment for such stations must meet the technical standards for Instructional Television Fixed Stations as contained in Part 74, Subpart I, § 74.901 et seq., of this chapter. Operational fixed systems authorized in this band prior to September 9, 1963, may continue to be authorized herein. Such systems may also be modified or expanded by the addition of new stations upon application therefor.

• • • • •

§ 93.252 [Amended]

8. In § 93.252, paragraphs (a), (b), (d), and (e) are amended by deleting footnote 1; and in paragraphs (d) and (e), footnote 2 is renumbered footnote 1.

9. In § 93.253, paragraphs (a) and (e) are added, and paragraph (b) is amended, as follows:

§ 93.253 Frequencies below 952 Mc/s available for operational fixed stations.

(a) For frequencies in the 450–470 Mc/s band, see § 93.101.

(b) The following frequencies are available for assignment to operational fixed stations in the Motor Carrier Radio Service on a shared basis with other services, in accordance with the provisions of § 93.8.

Mc/s	Mc/s	Mc/s	Mc/s
72.02	72.36	72.80	75.66
72.04	72.38	72.82	75.68
72.06	72.40	72.84	75.70
72.08	72.42	72.86	75.72
72.10	72.46	72.88	75.74
72.12	72.50	72.90	75.76
72.14	72.54	72.92	75.78
72.16	72.58	72.94	75.80
72.18	72.62	72.96	75.82
72.20	72.64	72.98	75.84
72.22	72.66	75.42	75.86
72.24	72.68	75.46	75.88
72.26	72.70	75.50	75.90
72.28	72.72	75.54	75.92
72.30	72.74	75.58	75.94
72.32	72.76	75.62	75.96
72.34	72.78	75.64	75.98

• • • • •

(e) Stations authorized for operation on or before December 1, 1961, in the frequency band 73.0–74.6 Mc/s may continue such operation; but no new stations will be authorized in this band, nor will expansion of existing systems be permitted.

§ 93.256 [Deleted]

10. Section 93.256 is deleted.

11. In § 93.352, paragraph (a) is amended to delete footnote 1; and footnotes 2, 3, and 4 are renumbered as 1, 2, and 3; paragraph (e) is amended as follows:

§ 93.352 Frequencies below 952 Mc/s available for base and mobile stations.

• • • • •

(e) Base and mobile stations authorized as of April 1, 1968, to operate on the frequency 161.61 Mc/s may continue to be authorized for such operation on the condition that harmful interference will not be caused to the operation of any station in the maritime mobile service. The licensees of such stations may renew, modify, reinstate, or assign their licenses in those cases where such assignment accompanies a change of ownership of the licensee's business to the assignee, and may expand existing systems when using that frequency; however, they will not be authorized to establish any new systems on that frequency.

12. In § 93.353, paragraph (a) and the list of frequencies in paragraph (c) are amended, and paragraphs (b), (e), and (f) are added as follows:

§ 93.353 Frequencies below 952 Mc/s available for operational fixed stations.

(a) For frequencies in the 450–470 Mc/s band, see § 93.101.

(b) The following frequencies are available for assignment to fixed stations in the Railroad Radio Service on a shared basis with other services, in accordance with the provisions of § 93.8.

Mc/s	Mc/s	Mc/s	Mc/s
72.02	72.36	72.80	75.66
72.04	72.38	72.82	75.68
72.06	72.40	72.84	75.70
72.08	72.42	72.86	75.72
72.10	72.46	72.88	75.74
72.12	72.50	72.90	75.76
72.14	72.54	72.92	75.78
72.16	72.58	72.94	75.80
72.18	72.62	72.96	75.82
72.20	72.64	72.98	75.84
72.22	72.66	75.42	75.86
72.24	72.68	75.46	75.88
72.26	72.70	75.50	75.90
72.28	72.72	75.54	75.92
72.30	72.74	75.58	75.94
72.32	72.76	75.62	75.96
72.34	72.78	75.64	75.98

(c) • • •

Mc/s	Mc/s	Mc/s	Mc/s
169.425	170.275	171.125	[1] 406.075
169.450	170.300	171.825	[1] 406.125
169.475	170.325	171.850	[1] 406.175
169.500	171.025	171.875	[1] 412.625
169.525	171.050	171.900	[1] 412.675
170.225	171.075	171.925	[1] 412.725
170.250	171.100	[1] 406.025	[1] 412.775

[1] Primarily for use by Fixed Relay Stations.

• • • • •

(e) Stations authorized for operation on or before December 1, 1961, in the frequency band 73.0–74.6 Mc/s may continue such operation; but no new stations will be authorized in the band, nor will expansion of existing stations be permitted.

(f) Stations authorized for operation on or before June 11, 1962, on the frequencies 169.575, 170.375, 171.175, 171.975, or 406.050 Mc/s may continue to be authorized for such operation on the condition that harmful interference will not be caused to Government stations.

§ 93.402 [Amended]

13. In § 93.402(b), footnote 1 is deleted, and footnote 2 is renumbered footnote 1.

§ 93.503 [Amended]

14. In § 93.503, paragraph (a) is amended to delete footnote 1 and renumber footnote 2 as footnote 1; paragraph (e) is deleted and paragraph (f) is relettered as paragraph (e).

[F.R. Doc. 68-9899; Filed, Aug. 19, 1968; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 113—INFORMATION ON POSTAL SERVICE AND RECORDS RELATING TO OPERATION OF THE DEPARTMENT

Part 113 is revised to update instructions on the availability of information on the Postal Service and the records relating to the operation of the Department. As this revision relates to a proprietary right of the Government and does not affect substantive rights public rule making procedures, advance notice, or a delayed effective date are unnecessary. Accordingly, Part 113 now reads as follows:

Sec.
113.1 Inquiries.
113.2 Opinions, orders, administrative manuals and instructions to staff.
113.3 Availability of other matters.
113.4 Denials and appeals procedure.
113.5 Schedule of fees.
113.6 Compliance with subpenas duces tecum and summones.
113.7 Mail covers.
113.8 Information concerning employees.

AUTHORITY: The provisions of this Part 113 issued under 5 U.S.C. 301, 552, 10002, 31 U.S.C. 938a, 39 U.S.C. 501.

§ 113.1 Inquiries.

(a) *Mail and other local services.* Make inquiries regarding mail and other post office services to local postmasters.

(b) *Departmental records, documents, and other data.* (1) This part contains information as to the availability of, and the procedures to be followed by persons outside the Federal Government to inspect and copy the various records and data concerning operation of the Department. Make further inquiries regarding availability or location of Department records, administrative manuals and other documents to the head of the office at which the record is maintained, if known. In other cases, inquiries may be made to the local postmasters, regional directors, directors, postal data centers, or the Special Assistant to the Postmaster General for Public Information, Post Office Department, Washington, D.C. 20260.

(2) Parties in litigation or adversary proceedings with the Department in any Federal or State court, Federal board or commission will be furnished Department records, documents and other data, excluding postal inspectors' reports and Postal Inspection Service records, only as provided by the rules or orders of such courts, boards or commissions. Postal inspectors' reports and Postal Inspection Service records will be disclosed only if prior approval for such disclosure is obtained from Headquarters, Post Office Department, Washington, D.C. 20260 or in response to an order issued by a judge of a Federal court.

(c) *Office, business hours.* Records may be inspected during regular business hours Monday through Friday (exclusive of legal holidays) and only at those postal installations where they are maintained, unless otherwise specifically authorized. However, the public will not be permitted to inspect records at the Postal Data Centers. Records which are maintained at the Postal Data Centers may, if made available, be inspected at the regional office designated by the Director of the Postal Data Center.

(d) *Definitions.* The following terms as used herein shall mean:

(1) *Department.* Post Office Department Headquarters, Washington, D.C. 20260, regional offices, postal data centers, all post offices and other postal installations.

(2) *Records.* Includes prior and contemporaneous books, papers, reports, maps, photographs, forms or other documentary materials, regardless of physical form or characteristics, made or received by the Department in pursuance of Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by the Department or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the Government or because of the informational value of data contained therein. Library or museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of the word "records" as used in this regulation.

(3) *Opinions and orders.* Final opinions (including concurring and dissenting opinions) and orders rendered by the Postmaster General, the Judicial Officer, Board of Contract Appeals, or other board or official acting on behalf of the Postmaster General in any particular matter.

(e) *Exemptions.* (1) The following classes of identifiable records may be withheld from inspection or copying. Records which are:

(i) Specifically required by Executive order to be kept secret in the interest of national defense or foreign policy. For example, the actual geographical location of Army Post Office addresses when classified in the interest of national defense.

(ii) Related solely to the internal personnel rules and practices of the Department. For example, operating rules, guidelines and manuals of procedure for postal inspectors.

(iii) Specifically exempted from disclosure by statute. For example, contents of first-class mail, section 4057, title 39 United States Code.

(iv) Trade secrets and commercial or financial information and other privileged or confidential information obtained from any person. For example, identity of post office box holders; or confidential financial or proprietary data furnished by a prospective contractor during negotiations for a contract or to comply with a specification of an invitation for bids or a request for proposal.

(v) Interagency or internal memoranda or letters which would not be available by law to a private party in litigation with the Department. For example, internal drafts and memoranda between officials of the Department and legal memoranda from the General Counsel or Regional Counsel to postal officials. Civil Service Commission inspection reports or excerpts therefrom are internal memoranda and may not be disclosed pursuant to Civil Service Commission regulations.

(vi) Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy or which is precluded by regulations of the Civil Service Commission or the Department of Labor. For example, official personnel folders, medical reports, Bureau of Employee Compensation case files, disciplinary files, and employee home addresses. See § 113.8.

(vii) Investigatory files compiled for law enforcement purposes except to the extent available by law to a private party. For example, inspection service reports of depredations or similar matters.

(viii) The names, addresses, and telephone numbers of post office box holders shall not be disclosed except to a recognized law enforcement agency or in compliance with a subpoena or court order issued after the litigant has made a showing of special need.

(ix) Records and related data pertaining to methods of handling valuable registered mail.

(x) Data concerning postage meters and prototypes submitted for Department approval prior to leasing to mailers.

(xi) Records of postal savings accounts, except as provided in § 173.3 of this chapter. However, names and city and State addresses of depositors may be disclosed to news media and other organizations planning to help accelerate the withdrawal of postal savings deposits. Street addresses and amounts on deposit shall not be disclosed.

(xii) Records of money orders, except as provided in § 171.4 of this chapter.

(2) For good cause shown, the General Counsel, after consultation with the head of the cognizant bureau or office which has custody and control of the record involved, may permit disclosure of any record, except as may be prohibited by law, executive order or regulation of another Federal agency which is charged with the responsibility for the maintenance and control of such record.

(3) The regulations in this part do not require the Department to make available records which would disrupt the work of the Department. Likewise, the regulations in this part do not require the compiling of a record from source data.

§ 113.2 Opinions, orders, administrative manuals and instructions to staff.

(a) *Opinions.* All final opinions (including concurring and dissenting opinions) and orders made in the adjudication of cases involving contract appeals under contract with this Department, fraud orders, mailability matters, revocation or denial of second-class mailing

privileges, disbarment proceedings, proceedings under Executive Order 11246 (Equal Employment Opportunity), and other matter except in cases or classes of cases which are not required to be made public, are on file and available for inspection and copying in the Library, Room 6012, Post Office Department Building, Washington, D.C. 20260, unless otherwise specified.

(b) *Administrative manuals and instructions to staff.* Section 114.2 of this chapter identifies those manuals, instructions, and other publications and issuances of the Department that are used by post offices and indicates how, where, and if they may be obtained. Those which are not listed for sale and are available to the public under the Freedom of Information Act may be inspected in the Library, Room 6012, Post Office Department Building, Washington, D.C. 20260. If desired, they may be obtained by paying a fee in accordance with § 113.5, unless it is specifically stated that they are available free of charge or the cognizant bureau, office or installation head waives the fee. See § 113.5(d).

(c) *Limitation.* If it is determined that disclosure of any of the matters in paragraphs (a) and (b) of this section would constitute an unwarranted invasion of personal privacy, the appropriate official may delete identifying details therefrom either when it is disclosed for inspection or published. However, justification for the deletion shall be placed as a preamble to the document request for inspection or copying.

(d) *Public index.* (1) The Department Library maintains a public index which identifies information as to all final opinions and orders made in the adjudication of cases; Department policy statements and interpretations not published in the FEDERAL REGISTER; and administrative staff manuals and instructions to staff that affect any member of the public.

(2) The index will contain matters issued only after July 4, 1967. However, the Department in its discretion may thereafter include matters which may have occurred prior to July 4, 1967.

(3) The public index may be inspected and copies may be purchased from the Department Library General Reference Section, Room 6012, Post Office Department Building, Washington, D.C. 20260 in accordance with the schedule of fees in § 113.5.

(4) The index shall not contain any matter which the General Counsel has determined should not be disclosed under the regulations in this part.

(e) *Public availability of matters in the public index.* Any matter which is listed in the public index is available to the public subject to the limitation in paragraph (c) of this section.

(1) Any person may make arrangements for the inspection of any matter which is listed in the public index in accordance with the procedures hereinafter specified.

(2) Copies of the public index, and to the extent practicable, copies of matters listed in the public index will be provided upon request and payment therefor in accordance with the schedule of fees in § 113.5.

§ 113.3 Availability of other matters.

(a) *Records covered by this section—*(1) *Records.* This section covers all records which are not covered by § 113.2 and which are not of the kind listed in § 113.1(e).

(2) *Organizational statements.* The best guide to the location of any matter covered by this section is chapter 8 of the Postal Manual which contains a description of departmental organization and of the function of the Bureaus and offices at Headquarters, regional offices, postal data centers and post offices. Because of the manifold variety of records and the large number of separate postal facilities, it is impractical to prepare an itemized directory of matters covered by this section. (See § 113.1(b) for further information.)

(3) *Change of address.* (i) Change of address of a postal patron may be furnished upon request in accordance with paragraph (b) of this section and upon payment of the fee set forth in the schedule of fees in § 113.5.

(ii) Change of address of civilian or military personnel stationed at any APO or FPO is not normally recorded at a civilian post office. Requests for such changes of address should be redirected to the cognizant military establishment.

(a) If Army: Office of the Adjutant General, The Pentagon, Washington, D.C. 20310.

(b) If Navy: Navy Directory Unit, c/o Chief of Naval Personnel, Washington, D.C. 20370.

(c) If Air Force: Director, Administrative Services, HQ Department of Air Force, The Pentagon, Washington, D.C. 20330.

(iii) If a patron files a change of address showing that his mail is to be directed to a post office box rather than to his old identifiable address, an inquiring party should be furnished the recorded post office box address. The furnishing of this information is not within the exemption under § 113.1(e)(1)(viii).

(b) *Procedure.* All records covered by this section may be made available pursuant to the following procedures:

(1) Submit a written request to the local postmaster, or if known, to the head of the installation at which the record is maintained, identifying the material sought by name, subject matter or number, regardless of whether the request is for inspection or copy only. If the request is for inspection, it shall also include a statement that the private party inspecting the record shall not make, alter or falsify a record, conceal, destroy, mutilate or remove any record or part thereof under penalty of law (18 United States Code 494 and 2071).

(2) Installations receiving requests which describe records located elsewhere in the Department or at another agency of the Federal government will forward the request to the appropriate office or agency, and send requestor copy of such referral.

(3) Installations receiving requests for inspection or copy which do not contain sufficient information to identify the record will answer the request as soon as possible. The answer will state that the installation is unable to identify the record from the information in the request, or if possible, what additional information would be necessary in order to identify the record requested or that there is no known record containing the information requested and that the Department will not compile data or otherwise create any record except when it is in the furtherance of Post Office Department business. See also § 113.1(e).

(4) Installations receiving requests for inspection or copies of records in their custody will answer the requests as soon as possible. The answer will state:

(i) Whether the record or copy can be made available and, if not, the reason therefor.

(ii) The fees, if any, for retrieval of the record and any copies requested, which must be paid in advance.

(iii) When the record will be available for inspection (unless purchase of copy only is requested).

(iv) The place the record will be made available for inspection.

(5) Inspection and copying shall be monitored by a postal employee.

§ 113.4 Denials and appeal procedure.

(a) *Denials.* If a request to inspect or copy a record is denied by the organizational segment of the Department to which the request is made, or in which the records are maintained, the private party may appeal such a denial to the General Counsel, Post Office Department, Washington, D.C. 20260. The notice of denial shall advise the requesting party of his right to appeal to the General Counsel. The General Counsel's decision shall be made promptly. The General Counsel's decision shall constitute the final decision of the Department on the legal right to inspect or copy a record.

(b) *Appeal procedure.* The appeal to the General Counsel shall be submitted in writing within 10 days from the date of denial. The letter of appeal shall include:

(1) Complete identification of the material to which access was denied.

(2) A copy of the request and any related correspondence.

(3) The date of denial and a copy thereof.

§ 113.5 Schedule of fees.

(a) *Record retrieval.* (1) For identifiable computer data the minimum charge is $120 for the first hour or any portion thereof and $30 for each 15 minutes or portion thereof in excess of the first hour.

(2) For other identifiable records the minimum charge is $8 for the first hour or any portion thereof and $2 for each 15 minutes or portion thereof in excess of the first hour.

(3) The fee in subparagraph (2) of this paragraph shall not be charged for the first 4 man-hours expended in compiling and furnishing information manually (not by computer) concerning employees to postal employee organizations. See § 113.8.

(b) *Reproduction.* (1) For each copy of an identifiable page of any record, publication, etc. available under these regulations, the charge shall be $0.25 per page. There shall be a minimum charge of $1 for any record reproduction regardless of number of pages requested.

(2) The Department reserves the right to make available coin operated copy machines at any given location. In such event, the party desiring copies will make the copies.

(3) The Department is not required nor shall it furnish more than one copy of any record, publication, etc.

(c) *Change of address record.* The fee for searching or furnishing the last recorded change of address is $1 per change of address, except as provided in §§ 123.5, 158.2(b), 158.2(c), 158.2(d), and 158.2(e) of this chapter. The $1 charge is not refundable if the change of address information is not found. In such case, the $1 charge is for the search for the address change information.

(d) *Waiver of fees.* (1) If it is determined to be in the interest of and for the convenience of the Department to furnish a copy of any particular record, publication, etc., except a copy of a change of address or information in connection therewith, only the Bureau, office or installation head having jurisdiction over such record may waive the fees set out in paragraphs (a) and (b) of this section. In addition the General Counsel may, for good cause shown, permit waiver of said fees.

(2) Specifically, the fee for change of address information requested under § 113.3(a)(3) is waived for:

(i) Telegraph companies when the sender of the telegram is the U.S. Government;

(ii) Federal, State, and local public health officials when such officials state that the persons whose forwarding addresses are being sought are infected with or were exposed to contagious diseases;

(iii) Federal, State, and local law enforcement officials, upon certification by the representatives of such law enforcement organization that the change of address is required for law enforcement purposes; and

(iv) Federal agencies, upon certification by the representative of such agency that the change of address is required for official business and all other known sources for obtaining the change of addresses have been exhausted. (Examples of other sources are city directories, telephone books, mailing lists, etc.)

For the purpose of § 113.1(e)(1)(viii) and this section, in addition to generally recognized law enforcement organizations, such as the FBI, State, and local police, Federal regulatory agencies, and Federal and State taxing authorities are also deemed to be law enforcement agencies.

(3) The fee for furnishing authorized information concerning postal savings accounts is waived for news media helping to accelerate the withdrawal of deposits. See § 113.1(e)(1)(xi).

(e) *Accounting for fees.* (1) Postmasters will deposit fees received as postal funds. The amounts collected will be recorded as write-in entries to A/C 49299, Reimbursements—Miscellaneous, in the cashbook and statement of account. The manner in which the fee is paid, the amount received, and the number of hours used to compile lists or prepare copies of other records released shall be recorded on the request for this information. Written replies to the customer's request stating the number of hours required to prepare information and the amount to be charged should be attached to the request in lieu of the above notation. Requests and any attachments should be filed chronologically for use in site examinations of postal inspectors or finance examiners.

(2) Fees received for information furnished by postal data centers, automatic data processing centers (ADPC), and regional offices will be forwarded to the disbursing officer at the appropriate postal data center for deposit, specifying the proper account number to be used for recording the amounts collected. Offices at Headquarters receiving fees will follow special procedures outlined in instructions furnished them. Postal data centers, ADPC's, and Headquarters offices providing record retrieval as described in § 113.5(a)(1) will enter five-sixths of the fee received in A/C 49579, Reimbursements to Facilities Appropriation—Miscellaneous. The remaining one-sixth of the fee, plus the fees covered in § 113.5(a)(2), (b), and (c), will be entered by postal data centers and Headquarters offices in A/C 49199, Reimbursements to Administration and Regional Operations Appropriation—Miscellaneous, and by ADPC complexes in A/C 49299, Reimbursements to Operations Appropriation—Other than U.S. Government Agencies. Installations other than post offices, postal data centers, ADPC's, and Headquarters will enter all fees deposited in A/C 49199.

§ 113.6 Compliance with subpenas duces tecum and summonses.

(a) *Compliance with subpena duces tecum.* (1) Time, leave, and payroll records of postal employees are subject to production when a subpena duces tecum has been served. Authority is hereby delegated to Regional Directors, Postal Data Center Directors, and in those regions which have regional counsels, to the regional counsels to authorize the production of time, leave, and payroll records in response to a properly served subpena duces tecum. The custodian of the records may designate a postmaster, postal inspector, or other postal official conveniently located to the court to present the records. The presentation by such a designee must meet with the approval of the attorneys for each side.

(2) If the subpena calls for employee records involving a job-connected injury, the records are under the exclusive jurisdiction of the Bureau of Employees' Compensation, Department of Labor. Such records may not be produced without the prior consent of that Department. Requests for authorization for the production of these records shall be addressed to: Bureau of Employees' Compensation, U.S. Department of Labor, Washington, D.C. 20210.

(3) If the subpena calls for employee medical records, they may not be released except as stated herein. These records are primarily under the exclusive jurisdiction of the United States Civil Service Commission. The Civil Service Commission has delegated authority to this Department and to the Commission's Regional Directors to release medical information, in response to proper requests and upon competent medical advice, in accordance with the following criteria which have been prescribed to adequately safeguard the interests of the Government and the employee:

(i) Except in response to a subpena, no medical information about an employee will be released to any non-Federal entity or individual without authorization from the employee.

(ii) With authorization from the employee, this Department's Regional Directors, Postal Data Center Directors, or regional counsels will respond as follows to a request from a non-Federal source for medical information:

(a) If in the opinion of a Federal Medical Officer the medical information indicates the existence of a malignancy, a mental condition, or other condition about which a prudent physician would hesitate to inform a person suffering from such a condition as to its exact nature and probable outcome, the Regional Director, Postal Data Center Director, or regional counsel will not release the medical information to the employee or to any individual designated by him, except to a physician, or Postal Data Center Director designated by the employee in writing. The Regional Director, or regional counsel will release such medical information, with a caution against divulgence, in response to a subpena.

(b) If in the opinion of a Federal Medical Officer the medical information does not indicate the presence of any condition which would cause a prudent physician to hesitate to inform a person suffering from such a condition as to its exact nature and probable outcome, the Regional Director, Postal Data Center Director, or regional counsel will release it in response to a subpena or to the employee or to any person, firm, or organization he authorizes in writing to have it.

(c) If a Federal Medical Officer is not available, the Regional Director, Postal Data Center Director, or regional counsel should refer the request to the Civil Service Commission regional office with the medical certificates or other medical reports concerned.

(4) In no event will any records containing information as to the employee's security and loyalty be released.

(5) Subpenas calling for the production of records may be honored only when disclosure is authorized by the regulations in this part.

(6) When employees are authorized to comply with a subpena duces tecum, they will not leave the records themselves

with the court, but will leave copies prepared for that purpose. Comply with section 721.643 of the Postal Manual in those cases in which the United States is not a party.

(b) *Compliance with summons.* (1) A postmaster or other postal employee will comply with a summons requiring his appearance in court. He will not testify as to any matters exempted under § 113.1(e).

(2) Postal inspectors and other employees having possession of inspectors' reports or Inspection Service records are prohibited from presenting such reports or records in either State or Federal courts in which the United States is not a party in interest, unless authorized by the Department. (See § 113.1(b)(2).) Should an attempt be made to compel production of exempted matter (see § 113.1(e)), the inspector or employee will decline to produce the information or matter, and state it is exempted and cannot be disclosed or produced without specific approval of the Department. The Department will offer every possible assistance to the courts, but the question of disclosing exempted information is a matter entirely at the discretion of the head of the Department.

§ 113.7 Mail covers.

Authority to order a mail cover is restricted to the Chief Postal Inspector or your postal inspector in charge. Upon request of either of these officials, furnish them with information regarding the address, return address or postmarks on mail. When specifically requested by the Chief Postal Inspector or your inspector in charge furnish such information to a designated postal inspector. Do not give such information to anyone else. Requests for mail covers shall be treated confidentially and there shall be strict compliance with the instructions outlined in the request.

§ 113.8 Information concerning employees.

(a) *Policy.* (1) Prospective employers of a postal employee or a former postal employee may be furnished, tenure of employment; Civil Service status; length of service in the postal service and the Federal Government; and when separated, the date and reason for separation shown on Standard Form 50. In addition, employee names, position titles, grades, salaries, and duty stations (but not their home addresses) will be released by installation heads in response to requests unless:

(i) The release is prohibited under law or executive order in the interest of national defense or foreign policy.

(ii) The information is sought for purposes of commercial or other solicitation. Use of this information by an employee organization to increase its membership does not constitute commercial or other solicitation. An employee organization may not furnish or sell this information to others.

(iii) There is reason to believe that the names would be used for purposes which may violate the political activity prohibitions in subchapter III of chapter 73 of title 5, United States Code, or which may violate other law.

(b) *Fees.* Notwithstanding the schedule of fees in § 113.5(a)(2), employee information may be furnished to employee organizations without charge if the labor involved in the manual preparation of the list at the concerned installation does not require more than 4 man-hours. If more than 4 man-hours are required, then the fee set forth in § 113.5(a)(2) is for application to all time expended beyond the first 4 man-hours in preparing the information manually. The fee in § 113.5(a)(1) is for application if the postal data center compiles the data by computer. In the discretion of the installation head, he may expend time in excess of 4 man-hours to prepare the information manually and apply the proper fee for such excess, or refer the request to the postal data center for preparation by computer. See § 113.3(b)(4).

(c) *Limitations.* In no event will names be furnished for solicitation purposes, except as authorized by paragraph (a)(1)(ii) of this section, and information required for credit purposes should only be verified rather than supplied.

(d) *Inquiries from state, county, or municipal taxing authorities.* Any inquiries from these sources concerning compensation or names of postal employees shall be referred to the postal data center for attention.

TIMOTHY J. MAY,
General Counsel.

AUGUST 14, 1968.

[F.R. Doc. 68-9924; Filed, Aug. 19, 1968; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Fiscal Service

[31 CFR Part 257]

PAYMENT ON ACCOUNT OF DEPOSITS IN POSTAL SAVINGS SYSTEM

Notice of Proposed Rule Making

Public Law 89-377 (39 U.S.C. Supp. II, 5225, et seq.), discontinued the Postal Savings System as of April 27, 1966, and provided for its liquidation by the Treasury Department. Pursuant thereto, the total amount of unpaid deposits, including the accrued interest due thereon, as shown by the books of the Board of Trustees of the Postal Savings System, has been transferred to the Secretary of the Treasury and is held in trust available for payments when proper claims are received. As of July 1, 1967, the Post Office Department transferred to the Treasury Department the records of 177,671 inactive postal savings accounts, of which approximately 19 percent were in the amount of $3 or more. On October 1, 1968, the Post Office Department will begin on a staggered basis to transfer the records of approximately 350,000 active postal savings accounts at post offices from postal data centers to the Treasury Department; the transfer will be completed by June 30, 1969. As of the date a particular postal data center transfers to the Treasury Department the records of active accounts at post offices within its area, the Treasury will assume complete responsibility for the reception and processing of claims for those accounts, while continuing the reception and processing of claims for inactive accounts and the making of all payments to applicants.

Accordingly, notice is hereby given pursuant to 5 U.S.C. 553 that the Secretary of the Treasury is considering the adoption of regulations to govern payments to applicants for all Postal Savings System accounts. The proposed regulations will become effective upon adoption for all inactive accounts. They will become effective on a staggered basis beginning October 1, 1968, for the active accounts transferred to the Treasury Department by postal data centers from post offices within their areas as of the date a particular center makes its transfer. As of their effective dates the proposed regulations will supersede the currently effective Post Office Department regulations at 39 CFR Part 173 and any amendments or supplements thereof. The proposed regulations, constituting a revision of the existing Treasury Department regulations at Part 257 of Subchapter A, Chapter II of Title 31 of the Code of Federal Regulations, read as follows:

Sec.
257.1 Scope of regulations.
257.2 Application for payments by individuals.
257.3 Application for escheat payment by States.
257.4 Interest

AUTHORITY: The provisions of this Part 257 issued under 5 U.S.C. 301; 31 U.S.C. 725p; 7 GAO Manual 25.11.

§ 257.1 Scope of regulations.

The regulations in this part govern payment by the Treasury Department to applicants for Postal Savings System (hereinafter referred to as the System) accounts from the total amount of unpaid deposits, including the accrued interest due thereon, as shown by the books of the Board of Trustees of the Postal Savings System, transferred to the Secretary of the Treasury and held in trust for liquidation by payment to proper claimants pursuant to section 1 of the Act of March 28, 1966 (39 U.S.C. Supp. II, 5228).

§ 257.2 Application for payments by individuals.

(a) *General requirements.* (1) Applicants for payment of System accounts shall make application on Form No. 315 to the Investments Branch, Bureau of Accounts, U.S. Treasury Department, Washington, D.C. 20226.[1] No application for less than the total amount of any account and of the interest accrued thereon will be honored. All the System certificates issued to the original depositor, signed by the applicant, and the supporting evidence as specified in paragraph (b), (c), (d), or (e) of this section, or as determined necessary by the Secretary, shall accompany an application for payment. If all the certificates are not available, Form No. 607 signed by the applicant shall be submitted. If duplicate certificates have been issued and paid by the Post Office Department, original certificates will not be accepted as a basis for payment.

(2) Where the forms mentioned in this part provide for certification by a postmaster, notarization of the applicant's signature shall be substituted; however, on Form No. 315 the applicant's signature alone shall suffice. Where forms provide for notarization of the applicant's signature, such notarization shall be required.

(b) *By the depositor.* Form No. 315 shall be signed by a depositor exactly as his name appears on his System certificates. If the name of the original depositor has changed, he shall sign his changed name and submit a signed explanatory statement. A signature by mark (X) must be witnessed by two persons, whose signature and address must appear.

(c) *By the legal representative of a living depositor*—(1) *Powers of attorney.* When a depositor has appointed an attorney in fact, payment will be made to the depositor in care of that attorney upon submission of (i) a copy of the power of attorney, dated within a year before the application and executed in accord with the law of the residence of the depositor, and (ii) an affidavit from the attorney that his power has not been revoked as of the date of application by the depositor's death or other means. Form No. 315 and the System certificates shall be signed so as to indicate the attorney's capacity.

(2) *Incompetency.* When the depositor is incompetent, payment will be made to his guardian, committee, or other equivalent legal representative. Principal amounts of $50 or less will be paid, with accrued interest, to the person handling the affairs of an incompetent upon submission of either a certificate of the clerk of the appointing court, dated within 6 months of the date of the application for payment, showing that such appointment is in full force and effect, or a notarized statement showing (i) his relationship to the incompetent depositor; (ii) the name and address of the person having care and custody of the incompetent depositor; (iii) that any money received will be applied to the use and benefit of the incompetent and (iv) that there was no appointment of a guardian or committee. For payment of principal amounts of more than $50, the law of the residence of the depositor will determine whether the legal representative must be court-appointed. If court-appointment is required, the legal representative must submit a certificate of the clerk of the appointing court, dated within 6 months of the date of the application for payment, showing that his appointment is in full force and effect. Form No. 315 and the System certificates shall be signed so as to indicate clearly the capacity of the legal representative of the living depositor.

(d) *By the legal representative of a deceased depositor.* (1) When the depositor is decreased, payment will be made to the legal representative of his estate. The term legal representative shall include court-appointed or statutory administrators or executors, and successors in interest of the depositor, e.g., his legatees or heirs as determined by an appropriate court or by the law of the residence of the depositor. Principal amounts of $50 or

[1] The forms mentioned in this part are available from the Investments Branch and from local post offices where System accounts were held until their supplies of forms are exhausted.

less will be paid, with accrued interest, to a legal representative upon completion and submission of Form No. 1681. For payment of principal amounts of more than $50: (i) If the legal representative is court-appointed, he shall submit a certificate of the clerk of the appointing court, dated within 6 months of the date of the application for payment, showing that such appointment is in full force and effect; (ii) if the legal representative is not court-appointed, he shall submit, along with a completed Form No. 1680, a copy of the order of distribution, or other pertinent order in administration proceedings; or a statement of the pertinent provision of the law of the residence of the depositor sufficient to prove the authority and interest of the person applying for payment; or a copy of the decedent's will. A copy of the decedent's will shall show on its face or by attachments thereto that it has been offered for probate, and that the appropriate court has affixed its seal and attached its certification of authenticity that the will is in fact the decedent's last will and testament. Form Nos. 315, 1680 or 1681 and the System certificates shall be signed so as to indicate clearly the capacity of the legal representative of the deceased depositor.

(2) A release by a legal representative on Form No. 134 in favor of any other person will be recognized. A release by a court-appointed legal representative shall be approved by the appointing court. A release shall constitute a waiver of any distributive share due the releasor and of any reimbursement claim he has for expenses incurred in connection with the depositor's last illness or death.

(e) *By the creditors of a deceased depositor.* Claims against the estate of a deceased depositor by preferred creditors will be accepted on Form No. 1672, but only in conjunction with the consideration of an application for payment by the legal representative(s) mentioned in paragraph (d)(1) of this section. Preferred creditors may include undertakers, cemeteries, doctors, and hospitals; their status and rights are determined by the law of the State of residence of the deceased depositor. Claims by preferred creditors must be supported by itemized bills, unreceipted if none of the claim has been paid, or receipted to the extent of the payment on the claim, and by Form No. 1690 completed by the legal representative(s) certifying that the claim(s) is due, owing, and just.

(f) *Criminal sanctions applicable.* Fines, penalties, and forfeitures are imposed for the making of any false or fraudulent claim for the payment of System deposits. 18 U.S.C. 1001, 1691, and 31 U.S.C. 231.

§ 257.3 Application for escheat payment by States

(a) *Definitions.* As used in the regulations in this part, the term:

(1) "Escheator" means the person(s) authorized by a State to escheat unclaimed accounts.

(2) "Unclaimed account:" means a System account which as of July 1, 1967, was classified by the Post Office Department (i) as an inactive account (an account in which there had been no transaction for 20 years), hereinafter referred to as a POD inactive account, and which remains unpaid on December 31, 1969, unless an application for payment is then pending, or (ii) as an active account, hereinafter referred to as a POD active account, and which remains unpaid on July 1, 1972, unless an application for payment is then pending.

(b) *Availability of information*—(1) *Lists of unclaimed accounts.* The Bureau of Accounts, Treasury Department, will supply escheators, from existing Post Office Department computer tapes, on payment of charges for records prescribed under 5 U.S.C. 552:

(i) On and after December 31, 1969, lists of POD inactive unclaimed accounts with principal balances of $3 or more;

(ii) On and after July 1, 1972, lists of POD active unclaimed accounts regardless of the principal balances.

Information on the lists will be limited to the account data available on the tapes, consisting of the depositor's name, the post office of deposit, the account number, and the principal balance.[2] Tape lists may be limited, upon request, to the post offices of the escheator's State and to accounts having balances above a certain amount.

(2) *Access to records of unclaimed accounts.* On and after December 31, 1969, for POD inactive unclaimed accounts, and on and after July 1, 1972, for POD active unclaimed accounts, the Bureau of Accounts will provide escheators access to the Post Office Department account cards and other records concerning accounts transferred to the Bureau by that Department, for the compilation of lists of POD inactive accounts with principal balances of less than $3 and of lists of last known addresses for all accounts. Account cards are arranged by 6 regional postal data centers, by State under a postal data center, alphabetically by post office within a State and by account number at a post office.

(c) *Requirements for escheat.* Before the Treasury Department will transfer unclaimed accounts to a State, the escheator of that State shall submit:

(1) An order of a court having jurisdiction over escheat proceedings showing that:

(i) The escheating State is the State of the last known address of the depositors whose unclaimed accounts are escheated;

(ii) The escheating State under its laws has the right to take by escheat funds held in trust by the United States for rightful owner, and to take as owner rather than as custodian for the rightful owner;

(iii) A judicial proceeding was held in that court against the unclaimed accounts and such accounts were escheated, and

(2) A commitment by the escheating State to indemnify the United States for any losses suffered as a result of the escheat of the unclaimed accounts.

(d) *Charges against escheated accounts.* Any payment to a State following escheat of unclaimed accounts shall be reduced in the Bureau of Accounts by the amount of the depositor's indebtedness to the United States, if any, and the costs incurred by the Bureau in processing the escheat application in accord with 31 U.S.C. 483a.

§ 257.4 Interest.

(a) *Termination dates.* Interest on System accounts ceased to accrue on the anniversary of the dates of issuance of System certificates, which occurred between April 27, 1966 and April 26, 1967.

(b) *Limitation to one account.* If a depositor opened more than one System account, contrary to 39 U.S.C. 5210, interest will be paid only on the one account containing the larger amount, but in no event for a principal amount exceeding $2,500. Action to reclaim interest paid on more than one account will be taken as necessary.

(c) *Escheat payment to States.* The interest accrued on the principal balances of unclaimed accounts to be escheated under § 257.3 will be calculated by a uniform formula designed to provide an equitable, percentage payment of interest, in view of the principal amounts involved and of the procedure of calculating accrued interest only where a valid application for payment of a System account has been received.

Prior to adoption of the proposed regulations, consideration will be given to any written data, views, or arguments submitted to the Commissioner of Accounts, U.S. Treasury Department, Washington, D.C. 20226, and received not later than 30 days from the date of the publication of this notice in the FEDERAL REGISTER.

Dated: August 15, 1968.

[SEAL] H. A. RABON,
Deputy Fiscal Assistant Secretary.

[F.R. Doc. 68-9970; Filed, Aug. 19, 1968; 8:49 a.m.]

[2] The total of principal balances of individual accounts shown on the lists will not necessarily be equal to the total amount shown by the books of the Board of Trustees of the Postal Savings System and transferred to the Secretary of the Treasury; that latter amount shall govern for escheat purposes.

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Accumulated Earnings Tax; Notice of Hearing

The proposed amendment to the regulations under the Internal Revenue Code, relating to Accumulated Earnings Tax appears in the FEDERAL REGISTER for July 9, 1968.

A public hearing on the provisions of this proposed amendment to the regulations will be held on Thursday, September 12, 1968, at 10 a.m., e.d.s.t., in Room 4034, Internal Revenue Service Building, Constitution Avenue between Tenth and Twelfth Streets NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: CC: LR: T, Washington, D.C. 20224, by September 5, 1968. Notification of intention to attend the hearing may be given by telephone, 202-964-3935.

[SEAL] JAMES F. DRING,
Director, Legislation and Regulations Division.

[F.R. Doc. 68-9955; Filed, Aug. 19, 1968; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 921]

FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Approval of Expenses and Fixing of Rate of Assessment for 1968-69 Fiscal Period and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Washington Fresh Peach Marketing Committee, established under the marketing agreement and Order No. 921 (7 CFR Part 921) regulating the handling of fresh peaches grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by said committee, during the period April 1, 1968, through March 31, 1969, will amount to $6,697.

(2) That there be fixed, at $1 per ton of fresh peaches, the rate of assessment payable by each first handler in accordance with § 921.41 of the aforesaid marketing agreement and order.

(3) That unexpended assessment funds, in excess of expenses incurred during the fiscal period ended March 31, 1968, shall be carried over as a reserve in accordance with the applicable provisions of § 921.42 of said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 15, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9932; Filed, Aug. 19, 1968; 8:46 a.m.]

[7 CFR Part 924]

FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREGON

Approval of Expenses and Fixing of Rate of Assessment for 1968-69 Fiscal Period

Consideration is being given to the following proposals submitted by the Washington-Oregon Fresh Prune Marketing Committee, established under the marketing agreement and Order No. 924 (7 CFR Part 924) regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oreg., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by said committee, during the period April 1, 1968, through March 31, 1969, will amount to $12,288.

(2) That there be fixed, at $0.60 per ton of fresh prunes, the rate of assessment payable by each handler in accordance with § 924.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 15, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-9931; Filed, Aug. 19, 1968; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 68-WE-43]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would change the name of the Long Beach, Calif., VORTAC to Los Alamitos, Calif., where ever it appears in the descriptions of VOR Federal airways Nos. 8, 8N, 21, 23, 25E, 64, 165, and 459 and as a designated low altitude reporting point.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

The Long Beach VORTAC is located in proximity to NAS Los Alamitos, Calif., and is 4.4 nautical miles from Long Beach Airport. Civil pilots en route to Long Beach Airport and in communication with the Long Beach Tower frequently identify NAS Los Alamitos Airport with the VORTAC and mistakenly enter the NAS Airport traffic pattern instead of the Long Beach Airport traffic pattern. Following the instructions for one airport traffic pattern while operating in the traffic pattern of another airport has resulted in, and continues to cause serious incidents. Changing the name of the VORTAC to Los Alamitos should clearly associate the VORTAC with NAS Los Alamitos and eliminate the confusion regarding the location of the facility in relation to Long Beach Airport.

These amendments are proposed under the authority of section 307(a) of the

Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C. on August 12, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-9945; Filed, Aug. 19, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-CE-65]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V-159 from Yankton, S. Dak., 1,200 feet AGL to Mitchell, S. Dak. This action would provide a bypass route around the Sioux Falls, S. Dak., terminal area for aircraft not destined for Joe Foss Airport. At present such traffic must transit the terminal area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on August 13, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-9946; Filed, Aug. 19, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-EA-79]

FEDERAL AIRWAY AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would revoke the segment of V-97 west alternate from London, Ky., to Lexington, Ky., and that would bound the Somerset, Ky., transition area on the east by V-97 and on the north by the Lexington transition area in lieu of V-310.

V-97 west alternate, as described above, is no longer required for air traffic control purposes and may be revoked. This would result in a triangle of uncontrolled airspace northeast of Somerset and northwest of London. This airspace is required as controlled airspace, as it is employed for radar vectors of aircraft into London from the northwest. Accordingly, it is proposed to relocate the northeast boundary of the Somerset transition area easterly to include this airspace. This action would involve no additional assignment of airspace.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These actions are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on August 12, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-9947; Filed, Aug. 19, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-SW-58]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Corpus Christi, Tex., terminal area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal Docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (33 F.R. 2167, 6532), the Corpus Christi, Tex., transition area 700-foot portion is amended by substituting "• • • 9-mile radius • • •" for "• • • 7-mile radius • • •" wherever it appears.

The alteration, as proposed, will provide airspace protection for aircraft executing proposed instrument approach procedures at NAS Corpus Christi.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on August 9, 1968.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 68-9949; Filed, Aug. 19, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-EA-77]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area over Samuels Field, Bardstown, Ky.

A new NDB (ADF) Runway 20 instrument approach procedure has been authorized for Samuels Field, Bardstown, Ky., and will require controlled airspace to protect IFR arrivals and departures at Samuels Field.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Bardstown, Ky., proposes the airspace action hereinafter set forth.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Bardstown, Ky., transition area as follows:

BARDSTOWN, KY.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 37°48'50" N., 85°30'00" W. of Samuels Field, Bardstown, Ky.; within 2 miles each side of the Runway 20 centerline extended from the 5-mile radius area to 5 miles south of the end of the runway and within 2 miles each side of a 022° bearing from the Bardstown, Ky. RBN 37°50'52" N., 85°29'00" W. extending from the 5-mile radius area to 8 miles North of the RBN.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on August 7, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68-9951; Filed, Aug. 19, 1968; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-SW-56]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Shawnee, Okla. The proposed transition area will provide airspace protection for aircraft executing approach/departure procedures proposed at the Shawnee Municipal Airport, Shawnee, Okla. The northerly extension to the proposed transition area is based on the 009° true (360° magnetic) bearing from the Shawnee RBN.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal Docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (33 F.R. 2137), the following transition area is added:

SHAWNEE, OKLA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Shawnee Municipal Airport (lat. 35°21'16" N., long. 96°56'33" W.), and within 2 miles each side of the .009° bearing from the Shawnee RBN (lat. 35°20'51" N., long. 96°56'48" W.), extending from the 5-mile radius area to 8 miles North of the RBN.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on August 7, 1968.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 68-9952; Filed, Aug. 19, 1968; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-EA-76]

TRANSITION AREAS

Proposed Designation, Alteration, and Revocation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the controlled airspace in the vicinity of Erie, Pa., and consolidate transition areas.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, JFK International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

There are two small triangular shaped areas of uncontrolled airspace southeast of the Erie, Pa., VORTAC which inhibits the flexibility of radar vectoring service. These areas are described as follows:

1. The area bounded on the northeast by VOR Federal airway No. 184, on the south by V-188, and on the northwest by the Erie transition area.

2. The area bounded on the north by V-188, on the southeast by V-72, and on the southwest by the Youngstown, Ohio, transition area.

Because of the increasing traffic volume and the increasing demand for additional radar vectoring service to aircraft, there is a need to include these areas in a transition area with a floor of 1,200 feet above the surface.

The uncontrolled airspace is surrounded by transition areas or airways having a floor of 1,200 feet above the surface. These transition areas are, for the most part, within the State of Pennsylvania. To simplify description and charting, this docket proposes the designation of a transition area to be named the Pennsylvania transition area. This transition area would encompass the Tidioute, Pa., transition area, the 1,200-foot floor portions of the presently designated Allentown, Pa., Bradford, Pa., Clarion, Pa., Elmira, N.Y., Erie, Pa., Harrisburg, Pa., Johnstown, Pa., Philadelphia, Pa., Pittsburgh, Pa., Wilkes-Barre, Pa., and Youngstown, Ohio, transition areas as well as the aforementioned uncontrolled airspace.

In view of the foregoing, the FAA proposes the following airspace actions:

Section 71.181 (33 F.R. 2137, 4795, 10202, 2630 and 32 F.R. 20705) is amended as follows:

1. The Pennsylvania transition area is added as follows:

PENNSYLVANIA

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: Lat. 42°40'00" N., long. 75°30'00" W., to lat. 42°10'00" N., long. 75°25'00" W., to lat. 42°00'00" N., long. 75°26'00" W., to lat. 42°00'00" N., long. 75°00'00" W., to lat. 41°31'00" N., long. 75°07'00" W., to lat. 40°56'16" N., long. 75°11'04" W., to lat. 41°00'00" N., long. 75°15'00" W., to lat. 40°48'00" N., long. 75°00'00" W., to lat. 40°49'00" N., long. 74°37'00" W., to lat. 40°38'00" N., long. 74°49'30" W., to lat. 40°31'15" N., long. 74°42'30" W., to lat. 40°24'20" N., long. 74°45'40" W., to lat. 40°16'10" N., long. 74°39'20" W., to lat. 40°00'35" N., long. 74°54'35" W., to

lat. 39°53'00" N., long. 74°48'00" W., to lat. 39°43'00" N., long. 74°48'00" W., to lat. 39°18'20" N., long. 75°36'40" W., to lat. 39°50'00" N., long. 76°19'40" W., to lat. 39°50'00" N., long. 77°47'00" W., to lat. 39°30'00" N., long. 78°30'00" W., to lat. 39°30'00" N., long. 78°58'00" W., to lat. 39°25'00" N., long. 78°58'00" W., to lat. 39°25'00" N., long. 79°20'00" W., to lat. 42°02'00" N., long. 79°51'30" W., thence clockwise along a 37-mile arc centered on the Imperial, Pa., VORTAC to the 202° radial of the Imperial VORTAC; thence within a 60-mile radius of the Imperial VORTAC extending clockwise from the 202° to the 249° radials; thence along a 37-mile arc centered on the Imperial VORTAC, extending clockwise from the 249° radial to: Lat. 40°58'00" N., long. 80°36'00" W., to lat. 40°56'00" N., long. 80°52'00" W., to lat. 41°05'00" N., long. 80°50'00" W., to lat. 41°28'00" N., long. 81°10'00" W., thence counterclockwise via the arc of a 19-mile radius circle centered on the Lost Nation Airport, Willoughby, Ohio (lat. 41°41'00" N., long. 81°23'35" W.) to: Lat. 41°50'55" N., long. 81°05'30" W., to lat. 41°55'00" N., long. 80°35'00" W., to lat. 42°14'00" N., long. 80°41'00" W., to lat. 42°37'00" N., long. 79°15'00" W., to lat. 42°32'00" N., long. 78°52'00" W., to lat. 42°32'00" N., long. 77°36'00" W., to lat. 42°40'00" N., long. 77°23'45" W., to lat. 42°41'30" N., long. 76°23'00" W., thence to the point of beginning.

2. In the Allentown, Pa., transition area, all after "Allentown VORTAC 043° radial to the 205° bearing from the airport." is deleted.

3. In the Bradford, Pa., transition area, all after "Bradford VOR 316° radial" is deleted and "extending from the 7-mile radius area to 15 miles northwest of the VOR." is substituted therefor.

4. In the Clarion, Pa., transition area, all after "effective from sunrise to sunset, daily." is deleted.

5. In the Elmira, N.Y., transition area, all after "12 miles northeast of the Alpine RBN." is deleted.

6. In the Erie, Pa., transition area, all after "and within 2 miles each side of the Erie RBN 054° bearing," is deleted and "extending from the 7-mile radius area to 8 miles northeast of the RBN." is substituted therefor.

7. In the Harrisburg, Pa., transition area, all after "9 miles southeast of the end of the runway." is deleted.

8. In the Johnstown, Pa., transition area, all after "from the VOR to 12 miles southwest of the VOR." is deleted.

9. In the Philadelphia, Pa., transition area, all after "within 2 miles each side of the Woodstown, N.J., VOR 350° radial," is deleted and "extending from the VOR to 10 miles north of the VOR." is substituted therefor.

10. In the Pittsburgh, Pa., transition area, all after "and within 2 miles each side of the Allegheny RBN 257° bearing," is deleted and "extending from the Allegheny County 8-mile radius area to 8 miles west of the RBN." is substituted therefor.

11. The Tidioute, Pa., transition area is revoked.

12. In the Wilkes-Barre, Pa., transition area, all after "extending from the 12-mile radius area for 7 miles." is deleted.

13. In the Youngstown, Ohio, transition area, all after "and within 2 miles each side of the Youngstown VOR 358° radial," is deleted and "extending from the 7-mile radius area to 8 miles north of the VOR." is substituted therefor.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on August 9, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-9953; Filed, Aug. 19, 1968; 8:48 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 68-SW-48]

TEMPORARY RESTRICTED AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations which would extend the time of designation of R-5116A, a temporary restricted area at White Sands Proving Grounds, N. Mex., and exclude the airspace below 7,000 feet MSL west of longitude 106°50'00" W.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this Notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

On April 20, 1968, Airspace Docket No. 67-SW-92 was published in the FEDERAL REGISTER (33 F.R. 6085), designating the temporary White Sands Proving Grounds, N. Mex., Restricted Area R-5116A, from sunrise to sunset, June 1, 1968, through December 31, 1968, as published in NOTAMs issued at least 12 hours in advance of use, and excluding the airspace below 6,000 feet MSL west of longitude 106°52'00" W. This area was designated in support of a classified project associated with the Hound Dog Missile Program.

The Department of the Air Force (AF) has requested an extension to the time of designation of R-5116A from December 31, 1968, to March 31, 1969, due to a delay in the operational status of the Hound Dog Missile.

Also, it is proposed to place a floor of 7,000 feet MSL on that portion of R-5116A west of longitude 106°50'00" W., which would provide additional airspace for VFR traffic utilizing the Rio Grande River as a flyway and would make R-5116A compatible with R-5116B (33 F.R. 7719).

R-5116A has been designated for varying periods during the past 3 years and it is anticipated that there will be a requirement for its use for several years to come. Therefore, it is proposed that all subsequent firing periods for this area be designated by a rule published in the FEDERAL REGISTER.

In consideration of the foregoing, the FAA proposes the airspace actions as hereinafter set forth:

In the description of R-5116A, White Sands Proving Grounds, N. Mex., delete the present "Designated altitudes." and "Time of designation." and substitute therefore, "Designated altitudes: Surface to FL-240, excluding the airspace below 7,000 feet MSL west of long. 106°50'00" W." and "Time of designation: Sunrise to sunset, June 1, 1968, through March 31, 1969, as published in NOTAMs at least 12 hours in advance of use. All subsequent annual firing periods will be designated by a rule published in the FEDERAL REGISTER."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on August 9, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-9948; Filed, Aug. 19, 1968; 8:47 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 67-SW-24]

TEMPORARY RESTRICTED AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 73 of the Federal Aviation Regulations which would designate a temporary Restricted Area R-5111C Elephant Butte, N. Mex. This area would lie almost completely within the present confines of Restricted Area R-5111A Elephant Butte, N. Mex.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Administration has been requested by the Department of the Air Force (AF) to designate a new joint use restricted area in the vicinity of the White Sands Proving Grounds, N. Mex., restricted area complex to provide for the flight of various pilotless target aircraft and towed targets that, due to geographical limitations, cannot be contained in existing restricted areas. The proposed area overlies a portion of R-5111A and would be used with Restricted Area R-5107B to obtain data by actual firings on the engagement capabilities of forward area weapons employed against various types of aircraft. Targets would be flown in a left hand racetrack pattern, oriented approximately northeast-southwest and would be fired upon while in R-5107B. Recovery and/or impact of the targets, as well as the trajectories of all ordnance, would be contained within R-5107B. The AF has stated that the feasibility of encompassing all of the pilotless aircraft requirements within R-5111A and R-5107B was studied at length before it was determined that an additional area would be required.

Action as necessary, including air radar surveillance and land use agreements, would be taken to assure protection of persons and property during the proposed operations. Initially the operation would be sunrise to sunset with night firing later in the program. The area would be in use for hour long periods separated by an hour of down time. An average day would have four active periods and during down time and periods when not in use would be released to the controlling agency under a joint use letter of agreement.

If this proposal is adopted, a restricted area would be designated as follows:

R-5111C ELEPHANT BUTTE, N. MEX.

Boundaries: Beginning at lat. 33°19'00" N., long. 106°51'00" W.; thence to lat. 33°19'00" N., long. 107°00'00" W.; thence to lat. 33°-30'00" N., long. 107°00'00" W.; thence to lat. 33°39'00" N., long. 106°47'00" W.; thence to point of beginning.

Designated altitudes: Surface to 15,000 feet MSL.

Time of designation: Continuous, January 1, 1969, through June 30, 1970.

Controlling agency: Federal Aviation Administration, Albuquerque ARTC Center.

Using agency: Commander, Air Force Missile Development Center, Holloman AFB, N. Mex.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on August 14, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-9950; Filed, Aug. 19, 1968; 8:47 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 241]

DOG AND CAT FOOD INDUSTRY

Extension of Time for Comments Regarding Proposed Guides

Pursuant to requests received from several industry members, the Federal Trade Commission has extended from August 19 to and including September 30, 1968, the closing date for submission of written views on its proposed guides for the dog and cat food industry.

Approved: August 15, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-10018; Filed, Aug. 19, 1968; 8:51 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 260]

[Docket No. R-317]

CLASS A NATURAL GAS COMPANIES

Annual Reporting of Five-Year Forecasts of Peak Day and Annual Natural Gas Requirements and Pipeline Construction Plans; Postponement of Oral Argument

AUGUST 13, 1968.

The oral argument in the above-designated proceeding heretofore scheduled for September 13, 1968, by order issued July 11, 1968, is hereby postponed to Friday, September 27, 1968, at 10 a.m., e.d.s.t. In all other respects, the order issued July 11, 1968, is in full force and effect.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-9921; Filed, Aug. 19, 1968; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

Notice of Filing of Plat of Survey and Order Providing for Opening of Lands

AUGUST 13, 1968.

1. The Plats of Survey of lands described below will be officially filed at the Nevada Land Office, Reno, Nev., effective 10 a.m. on September 19, 1968.

MOUNT DIABLO MERIDIAN, NEVADA

a. T. 29 N., R. 42 E. (Group 439).
b. T. 30 N., R. 42 E. (Group 439).
c. T. 5 S., R. 64 E. (Group 423).
d. T. 6 S., R. 64 E. (Group 423).

2. a. The surveyed area in T. 29 N., R. 42 E. aggregates 22,777.83 acres. The plat was accepted July 16, 1968. The land within the township is mountainous to nearly level. The elevation ranges from about 4,600 to 6,050 feet above sea level. The soil varies from sandy loam and alkali on the lower elevations to sandy loam, gravel and rocky on the mountains. There is a small amount of scattered juniper along the south boundary of the township. Vegetation consists of greasewood, sagebrush, shadscale and saltgrass. No mineral formations of consequence were noted. Access is provided by a graded gravel road and trail roads.

b. Surveyed area in T. 30 N., R. 42 E. aggregates 9,892.27 acres. The plat was accepted July 16, 1968. The land within the township is nearly level to mountainous. The southeastern portion is mountainous. The elevation ranges from about 4,600 to 5,500 feet above sea level. The soil varies from sandy clay and alkali on the lower elevations to sandy clay loam, gravelly and rocky on the mountains. There is no timber. The vegetation consists of greasewood, shadscale and saltgrass. No mineral formations of consequence were noted. Access is provided by a graded gravel road and trail roads.

c. Surveyed area in T. 5 S., R. 64 E. aggregates 21,679.88 acres. The plat was accepted July 11, 1968. The east portion of the township is located on the western slope of the Delamar Mountains; the remainder is valley land. The soil consists of sandy loam and gravel in the valley with heavy clay and rock outcroppings on the mountains. There is a scattering of juniper and pinon on the higher elevations. The vegetation is greasewood, shadscale and bunch grass with a heavy stand of Joshua trees. There are numerous abandoned mines in the southeast portion of the township which is known as the Ferguson Mining District.

d. Surveyed area in T. 6 S., R. 64 E. aggregates, 22,154.92 acres. The plat was accepted July 11, 1968. The east portion of the township is located on the western slope of the Delamar Mountains, the remainder lies in the Delamar Valley. The soil consists of a sandy loam in the valley and a heavy clay with rock outcroppings in the mountains. There are scattered juniper and pinon on the higher elevations. The vegetation consists of greasewood, shadscale and bunch grass with a heavy stand of Joshua trees in the valley. There are numerous abandoned mines in the east portion of the township which is known as the Ferguson Mining District. The ghost town of Delamar is located in section 1.

3. Subject to any existing valid rights and the requirements of applicable law, the above-described lands are hereby opened to filing applications, selections, and location, except for applications under the Small Tract, Desert Land and Homestead Laws, in accordance with the following: Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of the order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs: Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of such claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph. All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m., September 19, 1968, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications, which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations. Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 300 Booth Street, Reno, Nev. 89502.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 68-9916; Filed, Aug. 19, 1968; 8:45 a.m.]

[OR 3051]

OREGON

Notice of Classification of Public Lands for Multiple-Use Management

AUGUST 12, 1968.

The notice of classification appearing as F.R. Doc. 68-9167 on pages 10950 and 10951 of the issue for Thursday, August 1, 1968, is hereby amended as follows:

The description appearing at the bottom of Column 3 on page 10950 for T. 11 S., R. 37 E., reading:

SW¼NW¼ sec. 19, SE¼SE¼ sec. 20, N½NW¼, SW¼SE¼ sec. 21, SE¼NE¼, NE¼SE¼ sec. 22, N½NW¼ sec. 27, NW¼NW¼ sec. 29, and SE¼SE¼ sec. 35.

is amended to read:

SW¼NW¼ sec. 19, SE¼SE¼ sec. 20, N½NW¼, SW¼SE¼ sec. 21, SE¼NE¼, NE¼SE¼ sec. 22, N½NE¼ sec. 27, NW¼NW¼ sec. 29, and SE¼SE¼ sec. 35.

IRVING W. ANDERSON,
Acting State Director.

[F.R. Doc. 68-9917; Filed, Aug. 19, 1968; 8:45 a.m.]

[Serial No. U-4933]

UTAH

Notice of Classification of Public Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18), and to the regulations in Title 43 CFR Parts 2410 and 2411, the public lands within the area described below are classified for multiple-use management. Publication of this notice segregates the described lands from appropriation under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. sec. 334), and from sales under section 2455 of the Revised Statutes as amended (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws, except as described in paragraph 3 below. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The lands proposed to be classified are those administered by the Bureau of Land Management within the following described area in Grand County and the northern portion of San Juan County, Utah:

SALT LAKE MERIDIAN, UTAH

T. 15 S., Rs. 25 and 26 E.
T. 15½ S., Rs. 24 through 26 E.
T. 16 S., Rs. 23 through 26 E. (excepting that portion of T. 16 S., R. 23 E. within the Bureau of Land Management Vernal District).
T. 17 S., Rs. 22 through 26 E. (excepting that portion of T. 17 S., R. 22 E. within the Vernal District).
T 18 S., Rs. 17 through 19 E. and Rs. 21 through 26 E.
Tps. 19 through 25 S., Rs. 16 through 26 E., east of the Green River.
T. 26 S., Rs. 17 through 23 E.
T. 27 S., Rs. 16 through 20 E. north and west of the Colorado River.
T. 27 S., R. 21 E.,
Secs. 1, 3, 9, 10 through 15, 23 through 25.
T. 27 S., Rs. 22 and 23 E.
T. 28 S., R. 22 E.,
Secs. 1, 3 through 6, 8 through 13.
T. 28 S., R. 23 E.,
Secs. 3 through 10, 13 through 15, 22 through 26.

The described area aggregates approximately 1,645,062 acres of public domain land.

3. Publication of this notice also has the effect of segregating the lands described below from entry or location under the general mining laws, but not the mineral leasing laws:

SALT LAKE MERIDIAN

Area Between Colorado River and Arches National Monument

T. 24 S., R. 22 E.,
Sec. 31, S½.
T. 25 S., R. 21 E.,
Sec. 1, 11 through 14, 23;
Sec. 24, N½, NE¼SE¼.
T. 25 S., R. 22 E.,
Sec. 5, W½;
Sec. 6, 7;
Sec. 8, NW¼, S½;
Sec. 9, S½;
Sec. 17, N½, N½SW¼;
Sec. 18;
Sec. 19, NW¼NW¼, lots 7, 8, 9, 10.

8,797 acres.

Round Mountain Campsite

T. 25 S., R. 23 E.,
Sec. 23, N½SE¼NW¼.

20 acres.

Fisher Towers

T. 24 S., R. 24 E.,
Sec. 7, SE¼SE¼;
Sec. 8, S½SW¼;
Sec. 17;
Sec. 18, NE¼NE¼.

800 acres.

Castle Rock and Priest and Nuns

T. 25 S., R. 23 E.,
Sec. 3, S½NW¼, SW¼;
Sec. 4, SE¼NE¼, E½SE¼;
Sec. 9, NE¼NE¼;
Sec. 10, NW¼.

560 acres.

Aspen Hollow Hunter Camp

T. 16 S., R. 24 E.,
Sec. 3, E½SW¼NW¼, W½SE¼NW¼.

40 acres.

Willow Canyon Hunter Camp

T. 15½ S., R. 24 E.,
Sec. 33, S½SE¼SE¼.
T. 16 S., R. 24 E.,
Sec. 4, NE¼NE¼.

60 acres.

Book Cliffs Hunter Camp

T. 16 S., R. 25 E.,
Sec. 5, SW¼NW¼NW¼, NW¼SW¼NW¼;
Sec. 6, S½NE¼NE¼, N½SE¼NE¼.

60 acres.

Pritchett Arch

T. 26 S., R. 21 E.,
Sec. 25, SW¼SE¼.

40 acres.

Picture Frame Arch

T. 27 S., R. 22 E.,
Sec. 21, S½NW¼SE¼, N½SW¼SE¼, NE¼SE¼SW¼.

60 acres.

Containing a total of 10,437 acres.

4. For a period of 30 days from date of publication of this notice in the FEDERAL REGISTER, interested persons may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.1-2(d)).

R. D. NIELSON,
State Director.

[F.R. Doc. 68-9918; Filed, Aug. 19, 1968; 8:45 a.m.]

Bureau of Mines

GENERAL MANAGER, HELIUM OPERATIONS, ET AL.

Redelegation of Authority

The following redelegation is a portion of the Bureau of Mines Manual and the numbering system is that of the Manual.

[Bureau of Mines Manual—Helium Activity Instructions]

PART 215—BUREAU OF MINES DELEGATIONS

215.4:1 *Delegation of authority—Helium Act—A. Redelegation of authority to execute contracts for sale of helium.* The General Manager, Helium Operations, and the Chief and Assistant Chief, Division of Administration, Helium Operations, are authorized to approve contracts for the sale of helium and for rental of shipping containers in accordance with regulations promulgated by the Secretary.

This authority may not be redelegated.

HENRY P. WHEELER, JR.,
Assistant Director—Helium.

[F.R. Doc. 68-9922; Filed, Aug. 19, 1968; 8:45 a.m.]

Fish and Wildlife Service

[Docket No. Sub-S-10]

ALLIED FISH CO.

Notice of Hearing

AUGUST 14, 1968.

Allied Fish Co., Pier 89, Seattle, Wash. 98119, has applied for a fishing vessel construction differential subsidy to aid in the construction of a 120-foot length overall steel vessel to engage in the fishery for pollock (Pacific), cod (Pacific), sablefish, Pacific Coast flounders, Pacific Ocean perch, rockfishes, and other demersal species of bottomfish; Pacific hake, anchovies, sea herring (Pacific), and miscellaneous species for industrial uses; tuna (including albacore) and other pelagic species; shrimp (Pacific), scallops, tanner crab, Dungeness crab and king crab.

Notice is hereby given pursuant to the provisions of the United States Fishing Fleet Improvement Act (P.L. 88-498) and Notice and Hearing on Subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on September 23, 1968, at 10 a.m., e.d.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257, at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change, along with the new location.

J. L. MCHUGH,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 68-9958; Filed, Aug. 19, 1968; 8:48 a.m.]

[Docket No. Sub-S-11]

BUMBLE BEE SEAFOODS

Notice of Hearing

AUGUST 13, 1968.

Bumble Bee Seafoods, a division of Castle & Cooke, Inc., Post Office Box 60, Astoria, Oreg. 97103, has applied for a fishing vessel construction differential subsidy to aid in the construction of a 97-foot length overall steel vessel to engage in the fishery for tuna, bottomfish, halibut, scallops, shrimp, king crab and Dungeness crab.

Notice is hereby given pursuant to the provisions of the United States Fishing Fleet Improvement Act (P.L. 88-498) and Notice and Hearing on Subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on September 30, 1968, at 10 a.m., e.d.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257, at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change, along with the new location.

J. L. MCHUGH,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 68-9959; Filed, Aug. 19, 1968; 8:48 a.m.]

National Park Service

[Order No. 1]

ADMINISTRATIVE OFFICER AND ADMINISTRATIVE CLERK (TYPING), FLAGSTAFF GROUP

Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

1. Administrative Officer: The Administrative Officer may execute, approve and administer contracts not in excess of $25,000 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

2. Administrative Clerk (Typing): The Administrative Clerk (Typing) may execute, approve and administer contracts not in excess of $500 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

3. The authorities stated herein are applicable to the Flagstaff Group in its entire jurisdiction.

(National Park Service Order No. 34 (31 F.R. 4255); 39 Stat. 535; 16 U.S.C., sec. 2; Southwest Region Order No. 4 (31 F.R. 8134))

CARROLL A. BURROUGHS,
General Superintendent, Flagstaff Group.

[F.R. Doc. 68-9923; Filed, Aug. 19, 1968; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-218]

AMERICAN EXPORT ISBRANDTSEN LINES, INC.

Notice of Application

Notice is hereby given that American Export Isbrandtsen Lines, Inc., has applied for a maximum of 60 subsidized sailings annually with containerships to be operated on Trade Route No. 29 between U.S. Pacific Coast ports (Alaska, Washington, Oregon, California, U.S. Islands lying between continental Pacific Coast United States and the Far East), and ports in the Far East (continent of Asia from the Union of Soviet Socialist Republics to Thailand, inclusive, Japan, Taiwan, Philippines and other Pacific islands lying between continental Pacific Coast United States and the continent of Asia as heretofore described).

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c), 46 U.S.C. 1175, of the Merchant Marine Act, 1936, as amended (the "Act"), should by the close of business on September 10, 1968, notify the Secretary, Maritime Subsidy Board, in writing, in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board/Maritime Administration (46 CFR Part 201).

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry in such service route or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: August 16, 1968.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 68-10058; Filed, Aug. 19, 1968; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

FMC CORP.

Notice of Amended Filing of Petition Regarding Pesticides

Notice was given in the FEDERAL REGISTER of October 21, 1967 (32 F.R. 14670), that a petition (PP 8F0632) had been filed by the FMC Corp., 100 Niagara Street, Middleport, N.Y. 14105, proposing the establishment of tolerances for residues of the insecticide endosulfan in or on the raw agricultural commodities: Alfalfa (fresh) at 0.3 part per million; alfalfa (hay) at 1 part per million; corn grain at 0.2 part per million; and meat, fat, and meat byproducts of cattle at 1 part per million.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that said petition has been amended (1) by withdrawing the request for a tolerance regarding corn grain and (2) by proposing tolerances for residues of endosulfan, including its metabolite endosulfan sulfate, in or on the raw agricultural commodities: Alfalfa (fresh) at 0.3 part per million; alfalfa (hay) at 1 part per million; meat, fat, and meat byproducts of cattle at 0.2 part per million; and milk at 0.02 part per million.

Dated: August 12, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-9976; Filed, Aug. 19, 1968; 8:49 a.m.]

FMC CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 9F0738) has been filed by FMC Corp., Niagara Chemical Division, Middleport, N.Y. 14105, proposing the establishment of tolerances for residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl methylcarbamate) in or on the raw agricultural commodities alfalfa at 5 parts per million and alfalfa hay at 20 parts per million.

It is further proposed that a tolerance of 0.02 part per million be established for residues of its cholinesterase-inhibiting metabolite (2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl methylcarbamate) in milk.

The analytical method proposed in the petition for determining residues of the insecticide and its metabolite is a gas chromatographic technique using a nitrogen specific microcoulometric detection system.

Dated: August 12, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-9977; Filed, Aug. 19, 1968; 8:49 a.m.]

GLAND-O-LAC CO.

Notice of Filing of Petition for Food Additive Cyproxyquine

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by the Gland-O-Lac Co., Division of CIBA Pharmaceutical Co., 1818 Leavenworth Street, Omaha, Nebr. 68102, proposing that the food additive regulations (21 CFR Part 121, Subpart C) be amended to provide for the safe use of cyproxyquine (ethyl 6, 7-bis(cyclopropylmethoxy) -4-hydroxy-3-quinolinecarboxylate) in feed for broiler chickens as an aid in the prevention of coccidiosis.

Dated: August 12, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-9978; Filed, Aug. 19, 1968; 8:49 a.m.]

MONSANTO CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1), notice is given that a petition (PP 9F0740) has been filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, proposing the establishment of tolerances for residues of the herbicide 2-chloro-2',6'-diethyl-*N*-(methoxymethyl) acetanilide in or on raw agricultural commodities as follows:

0.75 part per million in or on soybean forage.

0.2 part per million (negligible residues) in or on soybeans, corn grain, and corn fodder and forage.

0.02 part per million (negligible residues) in milk; in eggs; and in meat, fat, and meat byproducts of cattle, goats, hogs, horses, sheep, and poultry.

The analytical method proposed in the petition for determining residues of the herbicide is a gas-liquid chromatographic technique using a hydrogen flame-ionization detector.

Dated: August 12, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-9979; Filed, Aug. 19, 1968; 8:50 a.m.]

WHITMOYER LABORATORIES, INC.

Notice of Filing of Petition for Food Additive Carbarsone (Not U.S.P.)

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Whitmoyer Laboratories, Inc., Myerstown, Pa. 17067, proposing that § 121.310 *Carbarsone (not U.S.P.)* (21 CFR 121.310) be amended to provide for the safe use of carbarsone (not U.S.P.) in turkey and chicken feeds, at a level of from 227 to 340.5 grams per ton of feed (0.025–0.0375 percent), as an aid in the prevention of blackhead.

Dated: August 12, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-9980; Filed, Aug. 19, 1968; 8:50 a.m.]

National Institutes of Health

STATEMENT OF ORGANIZATIONS, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

This amendment to the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, reflects the implementation of the Reorganization Orders signed by Acting Secretary Wilbur J. Cohen on March 13, 1968 (33 F.R. 4894), and April 1, 1968 (33 F.R. 5426), which established the National Institutes of Health as an operating agency and hereby establishes a new Part 9 of the Department's Statement for the National Institutes of Health.

Part 4 of the Department's Statement of Organization, Functions, and Delegations of Authority will be amended, as time permits, to reflect the implementation of the Reorganization Orders of March 13 and April 1, 1968, and until rewritten shall be deemed amended accordingly.

SEC. 9–A. *Mission.* The National Institutes of Health provides leadership and direction to programs designed to improve the health of the people of the United States through advancement of research, education, and the exchange of knowledge in the biomedical and related sciences.

To this end, the National Institutes of Health:

(1) Conducts and supports research in the causes, diagnosis, prevention, and cure of diseases of man, in the processes of human growth and development, in the biological effects of environmental contaminants, and in related sciences.

(2) Supports grants programs for health and medically related research projects, training, and fellowships; for general research support; for construction of health facilities; and for the development of medical libraries and the training of medical librarians and health information specialists.

(3) Assesses the nation's requirements for health manpower and health professions education; conducts and supports grant, loan, and operational programs to insure an adequate, qualified, and effectively utilized supply of health manpower for the nation and to develop health professions education.

(4) Collects, indexes, and disseminates research findings, publications, and informational material and aids in the biomedical field; conducts and supports research in techniques and methods of recording, storing, retrieving, and communicating health information.

(5) Administers Federal standards and licensing activities controlling the safety, purity, and potency of certain viruses, serums, toxins, and analogous products sold in interstate commerce.

SEC. 9–B. *Organization.* The National Institutes of Health is administered by the Director of the National Institutes of Health, under the direction of the Assistant Secretary (Health and Scientific Affairs).

Dated: August 9, 1968.

WILLIAM H. MITCHELL,
Acting Assistant Secretary for Administration.

[F.R. Doc. 68-9981; Filed, Aug. 19, 1968; 8:50 a.m.]

Public Health Service

LICENSED BIOLOGICAL PRODUCTS

Notice is hereby given that pursuant to section 351 of the Public Health Service Act, as amended (42 U.S.C. 262), and regulations issued thereunder (42 CFR Part 73), the following establishment license and product license actions have been taken from January 1, 1968, to June 30, 1968, inclusive.

These lists are supplementary to the lists of licensed establishments and products in effect on January 1, 1968, published on February 7, 1968, in 33 F.R. 2644–2660.

ESTABLISHMENT LICENSES ISSUED

Product	Establishment	License No.	Date
	Las Americas Laboratory & Blood Bank, Inc.; Hato Rey, P.R.	406	1-15-68
	Allergy Laboratories of Ohio, Inc., Columbus, Ohio.	407	1-17-68
	United Laboratories, Inc., Atlanta, Ga.	408	4-25-68
	Tri-Cities Blood Service of Augusta, Inc., Augusta, Ga.	410	5-28-68
	Andren, Inc., Fort Myers, Fla.	409	6- 3-68

PRODUCT LICENSES ISSUED

Whole Blood (Human)	Las Americas Laboratory & Blood Bank, Inc.	406	1-15-68
Allergenic Extracts	Allergy Laboratories of Ohio, Inc.	407	1-17-68
Whole Blood (Human)	The American National Red Cross	190	2- 1-68
Packed Red Blood Cells (Human)	Blood Services	183	2- 2-68
Whole Blood (Human)	W. E. & Lela I. Stewart Blood Services, Inc.	265	2-12-68
Do	Aurora Area Blood Bank	222	2-16-68
Do	Blood Bank of the Maryland General Hospital	275	2-16-68
Do	Garden State Blood Bank	320	2-16-68
Do	Midwest Blood Service, Inc.	296	2-16-68
Do	National Blood Bank, Inc.	321	2-16-68
Do	National Blood Service, Inc.	396	2-16-68
Do	National Blood Service of Philadelphia, Inc.	400	2-16-68
Do	Pioneer Blood Service, Inc.	278	2-16-68
Do	University of Cincinnati Blood Transfusion Service.	235	2-16-68
Do	Alexandria Hospital Blood Bank	355	2-23-68
Do	Arlington Hospital Blood Bank	310	2-23-68
Do	Atlantic Clinical Blood Bank	374	2-23-68
Do	Belle Bonfils Memorial Blood Bank	166	2-23-68
Do	Beverly Blood Center, Inc.	269	2-23-68
Do	Bergen Community Blood Bank	274	2-23-68
Do	Blood Bank, North Carolina Memorial Hospital	314	2-23-68
Do	Blood Bank of Alaska, Inc.	361	2-23-68
Do	Blood Bank of Hawaii	199	2-23-68
Do	Blood Bank of Deaconess Hospital, Inc.	399	2-23-68
Do	Travenol Laboratories, Inc.	140	2-29-68
Do	Banco de Sangre Metropolitani, Inc.	347	3- 4-68
Do	Blood Bank of the Bryn Mawr Hospital	268	3- 4-68
Do	Blood Bank of St. Luke's Hospital (Duluth)	267	3- 4-68
Do	Blood Bank of San Bernardino and Riverside Counties, Inc.	226	3- 4-68

Product	Establishment	License No.	Date
Do	California Transfusion Service	178	3- 6-68
Do	Central Blood Bank, Inc	248	3- 6-68
Do	Central Blood Service, Inc	333	3- 6-68
Do	Central Florida Blood Bank, Inc	227	3- 6-68
Do	Community Blood Bank of the Kansas City Area, Inc.	302	3- 6-68
Do	Blood Bank Foundation	165	3- 6-68
Do	Blood Grouping Laboratory	215	3- 6-68
Do	Broome County Blood Center	220	3- 6-68
Do	Central Blood Bank of Pittsburgh	234	3- 6-68
Do	Central California Blood Bank	315	3- 6-68
Do	Community Blood Bank of Norton, Inc	263	3- 6-68
Do	Chas. Pfizer & Co., Inc	164	3- 7-68
Do	Chicago Wesley Memorial Hospital Blood Bank	318	3- 7-68
Do	Cleveland Biologicals, Inc	301	3- 7-68
Do	Coffee Memorial Blood Center, Inc	246	3- 7-68
Do	Community Blood Bank of Marion County, Inc	398	3- 7-68
Do	Community Blood Center	394	3- 7-68
Do	Community Memorial General Hospital	277	3- 7-68
Do	Courtland Laboratories	171	3- 7-68
Do	Greenville General Hospital Blood Bank	357	3- 7-68
Do	Community Blood Bank of Central Iowa	389	3- 7-68
Do	Delta Blood Bank	288	3-12-68
Do	Des Moines County Medical Society Blood Bank, Inc.	348	3-12-68
Do	Dubuque Blood Bank Association	231	3-12-68
Do	Dunklin County Memorial Hospital	368	3-12-68
Do	Doctors Hospital Blood Bank	214	3-12-68
Do	Fairfax Hospital Blood Bank	365	3-12-68
Do	District of Columbia General Hospital	212	3-12-68
Do	The Elizabeth General Hospital & Dispensary	327	3-12-68
Do	Esser County Blood Bank	221	3-12-68
Do	Dayton Biologicals, Inc	356	3-12-68
Do	Jackson Blood Bank	170	3-13-68
Do	Jacksonville Blood Bank, Inc	181	3-13-68
Do	J. K. & Susie L. Wadley Research Institute & Blood Bank.	167	3-13-68
Do	Jacob Blumberg Memorial Blood Bank, Inc., of the Lake County Medical Society.	251	3-13-68
Do	John Elliott Blood Bank of Dade County, Inc	154	3-13-68
Do	King County Central Blood Bank, Inc	192	3-13-68
Do	Laboratorio y Banco de Sangre Arreche	397	3-13-68
Do	Marietta Memorial Hospital	270	3-13-68
Do	Marathon County Blood Bank, Inc	285	3-13-68
Do	Massachusetts General Hospital Blood Bank	300	3-13-68
Do	Community Blood Council of Greater New York, Inc.	388	3-20-68
Do	Edgewater Hospital Blood Bank	286	3-20-68
Do	Holston Valley Community Hospital Blood Bank.	259	3-20-68
Do	Hospital Blood Service, Inc	261	3-20-68
Do	Hospital University of Pennsylvania Blood Bank	289	3-20-68
Do	Houchin Community Blood Bank	239	3-20-68
Do	Inter-County Blood Banks, Inc	175	3-20-68
Do	Lewiston-Clarkston Blood Bank	298	3-20-68
Do	Maine Medical Center Blood Bank	316	3-20-68
Do	Blood Bank of the Washington Hospital Center	213	3-25-68
Do	High Titer Serum Laboratory	163	3-25-68
Do	Interstate Blood Bank, Inc	173	3-25-68
Do	Knoxville Blood Center, Inc	254	3-25-68
Do	Northern California Community Blood Bank	230	3-25-68
Do	Ochsner Foundation Hospital Blood Bank	233	3-25-68
Do	Northern Illinois Blood Bank, Inc	249	3-25-68
Do	Interstate Blood Bank, Inc., of Chicago, Ill	305	3-25-68
Do	Harrison County Blood Bank	339	3-25-68
Do	Ohio Valley Blood Service, Inc	346	3-25-68
Do	New Orleans Blood Bank	354	3-25-68
Do	Institute Plant Employees' Blood Bank	358	3-25-68
Do	Milwaukee Blood Center, Inc	187	3-26-68
Do	Oklahoma City Community Blood Bank, Inc	273	3-28-68
Do	Perth Amboy General Hospital	305	3-28-68
Do	Phoebe Putney Memorial Hospital Blood Bank	387	3-28-68
Do	Pineview General Hospital Blood Bank	290	3-28-68
Do	Providence Hospital Blood Bank	218	3-28-68
Do	Rhode Island Hospital Blood Bank	284	3-28-68
Do	Rock Island County Blood Bank, Inc	373	3-28-68
Do	Sacramento Medical Foundation Blood Bank	194	3-28-68
Do	San Diego Blood Bank	201	3-28-68
Do	Tri-Counties Blood Bank, Inc	198	3-29-68
Do	Virginia Blood Bank, Inc	204	3-29-68
Do	Travis County Medical Society Blood Bank	244	3-29-68
Do	St. Vincent Hospital Blood Bank	317	3-29-68
Do	Suburban Hospital Blood Bank	309	3-29-68
Do	Tacoma-Pierce County Blood Bank	202	3-29-68
Do	Southeastern General Hospital, Inc	313	3-29-68
Do	St. Luke's Hospital Blood Bank	250	3-29-68
Do	Sibley Memorial Hospital	380	3-29-68
Do	Terrell's Laboratories	84	4- 2-68
Do	Community Blood and Plasma Service, Inc., of Texas.	241	4- 3-68
Do	Maxwell Blood Bank, The Children's Memorial Hospital.	209	4- 3-68
Do	Medix, Inc	391	4- 3-68
Do	Bureau of Laboratories, Michigan Department of Public Health.	99	4- 3-68
Do	Irwin Memorial Blood Bank of the San Francisco Medical Society.	182	4- 4-68
Do	Lane Memorial Blood Bank	304	4- 4-68
Do	Merced County General Hospital Blood Bank	360	4- 4-68
Do	Shreveport Emergency Blood Bank, Inc	237	4- 4-68
Do	Spokane & Inland Empire Blood Bank	203	4- 4-68
Do	Western Pennsylvania Blood Center, Inc	276	4- 4-68
Do	Mount Sinai Medical Research Foundation	108	4- 4-68
Do	Tri-Cities Blood Service, Inc	332	4- 4-68
Do	Medical Center Blood Bank	388	4- 4-68
Do	Southwest Florida Blood Bank, Inc	228	4- 4-68
Do	Eastern Blood Bank	338	4- 4-68
Do	St. Barnabas Hospital for Chronic Diseases	299	4- 4-68
Do	Blood Bank of the Alameda-Contra Costa Medical Association.	191	4- 4-68
Do	Interstate Blood Bank, Inc	268	4- 4-68
Do	Scientific Blood Bank, Inc	345	4- 4-68
Do	Scott County Medical Society Blood Bank, Inc	366	4- 4-68
Do	Community Blood Bank and Serum Service	295	4-10-68
Do	Community Blood and Plasma Service, Inc	224	4-10-68
Do	Memphis Blood Center, Inc	240	4-10-68
Do	Michael Reese Research Foundation	113	4-10-68
Do	Michigan Community Blood Center	272	4-10-68
Do	Minneapolis War Memorial Blood Bank	155	4-10-68
Do	Peninsula Memorial Blood Bank	195	4-10-68
Do	The Philadelphia Blood Center	139	4-10-68
Do	St. Francis Hospital Blood Bank	260	4-10-68
Do	St. Luke's Memorial Hospital Blood Bank	271	4-10-68
Do	Sonoma County Community Blood Bank	197	4-10-68
Do	United Biologics Corporation	371	4-10-68
Do	World Blood Bank, Inc	312	4-10-68
Rh_o (D) Immune Globulin (Human)	Ortho Diagnostics	156	4-10-68
Packed Red Blood Cells (Human)	National Blood Service of Philadelphia, Inc	400	4-10-68
Do	District of Columbia General Hospital	212	4-10-68
Whole Blood (Human)	United Laboratories, Inc	408	4-25-68
Tetanus Immune Globulin (Human)	Massachusetts Public Health Biologic Laboratories.	64	5- 6-68
Do	Pitman-Moore, Division of The Dow Chemical Co.	110	5-20-68
Anti-S Serum	National Bio Serums, Inc	349	5-20-68
Anti-Jk^b Serum	do	349	5-20-68
Packed Red Blood Cells (Human)	Community Blood Center	394	5-27-68
Anti-s Serum	National Bio Serums, Inc	349	5-28-68
Anti-P Serum	do	349	5-28-68
Whole Blood (Human)	Tri-Cities Blood Service of Augusta, Inc	410	5-28-68
Do	Andren, Inc	409	6- 3-68
Single Donor Plasma (Human)	do	409	6- 3-68
Packed Red Blood Cells (Human)	do	409	6- 3-68
Anti-A Blood Grouping Serum	Abbott Laboratories	43	6- 5-68
Anti-B Blood Grouping Serum	do	43	6- 5-68
Anti-Rh Typing Serum, Anti-Rh_o (Anti-D)	do	43	6- 5-68
Plasma Protein Fraction (Human)	Courtland Laboratories	171	6-25-68

PRODUCT LICENSES REVOKED WITHOUT PREJUDICE

Single Donor Plasma (Human)	Travenol Laboratories, Inc	140	1-11-68
Citrated Whole Blood (Human)	The American National Red Cross	190	2- 1-68
Heparinized Whole Blood (Human)	do	190	2- 1-68
Citrated Whole Blood (Human)	W. E. & Lela I. Stewart Blood Services, Inc	205	2-12-68
Do	Aurora Area Blood Bank	222	2-16-68
Heparinized Whole Blood (Human)	do	222	2-16-68

Product	Establishment	License No.	Date
Citrated Whole Blood (Human)	Blood Bank of the Maryland General Hospital	375	2-16-68
Do	Garden State Blood Bank	320	2-16-68
Do	Midwest Blood Service, Inc	296	2-16-68
Do	National Blood Bank, Inc	321	2-16-68
Heparinized Whole Blood (Human)	do	321	2-16-68
Citrated Whole Blood (Human)	National Blood Service, Inc	396	2-16-68
Heparinized Whole Blood (Human)	do	396	2-16-68
Citrated Whole Blood (Human)	National Blood Service of Philadelphia, Inc	400	2-16-68
Heparinized Whole Blood (Human)	do	400	2-16-68
Citrated Whole Blood (Human)	Pioneer Blood Service, Inc	278	2-16-68
Do	University of Cincinnati Blood Transfusion Service.	235	2-16-68
Do	Belle Bonfils Memorial Blood Bank	166	2-23-68
Heparinized Whole Blood (Human)	do	166	2-23-68
Citrated Whole Blood (Human)	Blood Bank of Hawaii	199	2-23-68
Do	Beverly Blood Center, Inc	269	2-23-68
Heparinized Whole Blood (Human)	do	269	2-23-68
Citrated Whole Blood (Human)	Bergen Community Blood Bank	274	2-23-68
Heparinized Whole Blood (Human)	do	274	2-23-68
Citrated Whole Blood (Human)	Arlington Hospital Blood Bank	310	2-23-68
Do	Blood Bank, North Carolina Memorial Hospital	314	2-23-68
Do	Alexandria Hospital Blood Bank	353	2-23-68
Do	Blood Bank of Alaska, Inc	361	2-23-68
Do	Atlantic Clinical Laboratory Blood Bank	374	2-23-68
Do	Blood Bank of Deaconess Hospital, Inc	399	2-23-68
Bacterial Vaccines made from: Friedlander bacillus; Influenza bacillus; Micrococcus catarrhalis; Pneumococcus; Staphylococcus aureus; Streptococcus; and Tuberculin, Old.	Pitman-Moore, Division of The Dow Chemical Co.	110	2-26-68
Citrated Whole Blood (Human)	Travenol Laboratories, Inc	140	2- 9-68
Do	Banco de Sangre Metropolitani, Inc	347	3- 4-68
Do	Blood Bank of the Bryn Mawr Hospital	266	3- 4-68
Do	Blood Bank of St. Luke's Hospital (Duluth)	267	3- 4-68
Do	Blood Bank of San Bernardino and Riverside Counties, Inc.	226	3- 4-68
Do	California Transfusion Service	178	3- 4-68
Do	Central Blood Bank, Inc	248	3- 6-68
Do	Central Blood Service, Inc	333	3- 6-68
Do	Central Florida Blood Bank, Inc	227	3- 6-68
Do	Community Blood Bank of the Kansas City Area, Inc.	302	3- 6-68
Heparinized Whole Blood (Human)	do	302	3- 6-68
Citrated Whole Blood (Human)	Blood Bank Foundation	165	3- 6-68
Heparinized Whole Blood (Human)	do	165	3- 6-68
Citrated Whole Blood (Human)	Blood Grouping Laboratory	215	3- 6-68
Do	Broome County Blood Center	220	3- 6-68
Do	Central Blood Bank of Pittsburgh	234	3- 6-68
Do	Central California Blood Bank	315	3- 6-68
Do	Community Blood Bank of Norton, Inc	263	3- 6-68
Do	Chas. Pfizer & Co., Inc	164	3- 7-68
Heparinized Whole Blood (Human)	do	164	3- 7-68
Citrated Whole Blood (Human)	Chicago Wesley Memorial Hospital Blood Bank	318	3- 7-68
Do	Cleveland Biologicals, Inc	301	3- 7-68
Do	Coffee Memorial Blood Center, Inc	246	3- 7-68
Do	Community Blood Bank of Marion County, Inc	398	3- 7-68
Do	Community Blood Center	394	3- 7-68
Do	Courtland Laboratories	171	3- 7-68
Do	Greenville General Hospital Blood Bank	357	3- 7-68
Do	Community Blood Bank of Central Iowa	389	3- 7-68
Do	Community Memorial General Hospital	277	3- 7-68
Do	Dayton Biologicals, Inc	356	3-12-68
Do	Delta Blood Bank	288	3-12-68
Do	Des Moines County Medical Society Blood Bank, Inc.	348	3-12-68
Do	Dubuque Blood Bank Association	231	3-12-68
Do	Dunklin County Memorial Hospital	368	3-12-68
Do	Doctors Hospital Blood Bank	214	3-12-68
Do	Fairfax Hospital Blood Bank	365	3-12-68
Do	District of Columbia General Hospital	212	3-12-68
Do	The Elizabeth General Hospital & Dispensary	327	3-12-68
Do	Esser County Blood Bank	221	3-12-68
Heparinized Whole Blood (Human)	do	221	3-12-68

Product	Establishment	License No.	Date
Citrated Whole Blood (Human)	Jackson Blood Bank	170	3-13-68
Do	Jacksonville Blood Bank, Inc	181	3-12-68
Do	J. K. & Susie L. Wadley Research Institute & Blood Bank.	167	3-13-68
Do	Jacob Blumberg Memorial Blood Bank, Inc	251	3-13-68
Do	John Elliott Blood Bank of Dade County, Inc	154	3-13-68
Do	King County Central Blood Bank, Inc	192	3-13-68
Do	Laboratorio y Banco de Sangre Arreche	397	3-13-68
Do	Marietta Memorial Hospital	270	3-13-68
Do	Marathon County Blood Bank, Inc	285	3-13-68
Do	Massachusetts General Hospital Blood Bank	300	3-13-68
Do	Community Blood Council of Greater New York, Inc.	388	3-20-68
Do	Edgewater Hospital Blood Bank	286	3-20-68
Do	Holston Valley Community Hospital Blood Bank	259	3-20-68
Do	Hospital Blood Service, Inc	261	3-20-68
Do	Hospital University of Pennsylvania Blood Bank	289	3-20-68
Do	Houchin Community Blood Bank	239	3-20-68
Do	Inter-County Blood Banks, Inc	175	3-20-68
Do	Lewiston-Clarkston Blood Bank	298	3-20-68
Do	Maine Medical Center Blood Bank	316	3-21-68
Do	Blood Bank of the Washington Hospital Center	213	3-25-68
Do	High Titer Serum Laboratory	163	3-25-68
Do	Interstate Blood Bank, Inc	173	3-25-68
Heparinized Whole Blood (Human)	do	173	3-25-68
Citrated Whole Blood (Human)	Knoxville Blood Center, Inc	254	3-25-68
Heparinized Whole Blood (Human)	do	254	3-25-68
Citrated Whole Blood (Human)	Northern California Community Blood Bank	230	3-25-68
Do	Ochsner Foundation Hospital Blood Bank	233	3-25-68
Do	Northern Illinois Blood Bank, Inc	249	3-25-68
Do	Interstate Blood Bank, Inc., of Chicago, Ill	305	3-25-68
Heparinized Whole Blood (Human)	do	305	3-25-68
Citrated Whole Blood (Human)	Harrison County Blood Bank	339	3-25-68
Do	Ohio Valley Blood Service, Inc	346	3-25-68
Do	New Orleans Blood Bank	354	3-25-68
Heparinized Whole Blood (Human)	do	354	3-25-68
Citrated Whole Blood (Human)	Institute Plant Employees' Blood Bank	358	3-25-68
Bacterial Vaccine made from Acne Bacillus	Sherman Laboratories	30	3-28-68
Bacterial Vaccine made from Colon Bacillus	do	30	3-28-68
Citrated Whole Blood (Human)	Milwaukee Blood Center, Inc	187	3-26-68
Do	Oklahoma City Community Blood Bank, Inc	273	3-28-68
Do	Perth Amboy General Hospital	305	3-28-68
Do	Phoebe Putney Memorial Hospital Blood Bank	387	3-28-68
Do	Pineview General Hospital Blood Bank	290	3-28-68
Do	Providence Hospital Blood Bank	218	3-28-68
Do	Rhode Island Hospital Blood Bank	284	3-28-68
Do	Rock Island Hospital Blood Bank	373	3-28-68
Do	Sacramento Medical Foundation Blood Bank	194	3-28-68
Do	San Diego Blood Bank	201	3-28-68
Do	Tri-Counties Blood Bank, Inc	198	3-29-68
Do	Virginia Blood Bank, Inc	204	3-29-68
Do	Travis County Medical Society Blood Bank	244	3-29-68
Do	St. Vincent Hospital Blood Bank	317	3-29-68
Do	Suburban Hospital Blood Bank	309	3-29-68
Do	Tacoma-Pierce County Blood Bank	202	3-29-68
Do	Southeastern General Hospital, Inc	313	3-29-68
Do	St. Luke's Hospital Blood Bank	250	3-29-68
Do	Sibley Memorial Hospital	380	3-29-68
Heparinized Whole Blood (Human)	do	380	3-29-68
Citrated Whole Blood (Human)	Terrell's Laboratories	84	4- 2-68
Do	Community Blood & Plasma Service, Inc., of Texas.	241	4- 3-68
Heparinized Whole Blood (Human)	do	241	4- 3-68
Citrated Whole Blood (Human)	Maxwell Blood Bank, The Children's Memorial Hospital.	209	4- 3-68
Do	Medix, Inc	391	4- 3-68
Do	Bureau of Laboratories, Michigan Department of Public Health.	99	4- 3-68
Do	Irwin Memorial Blood Bank of the San Francisco Medical Society.	182	4- 4-68
Heparinized Whole Blood (Human)	do	182	4- 4-68

Product	Establishment	License No.	Date
	Medical Society.		
Citrated Whole Blood (Human)	Lane Memorial Blood Bank	304	4- 4-68
Do	Merced County General Hospital Blood Bank	360	4- 4-68
Do	Shreveport Emergency Blood Bank, Inc	237	4- 4-68
Do	Spokane & Inland Empire Blood Bank	203	4- 4-68
Do	Western Pennsylvania Blood Center, Inc	276	4- 4-68
Do	Mount Sinai Medical Research Foundation	168	4- 4-68
Do	Tri-Cities Blood Service, Inc	332	4- 4-68
Do	Medical Center Blood Bank	388	4- 4-68
Do	Southwest Florida Blood Bank, Inc	228	4- 4-68
Do	Eastern Blood Bank	336	4- 4-68
Heparinized Whole Blood (Human)	do	336	4- 4-68
Citrated Whole Blood (Human)	St. Barnabas Hospital for Chronic Diseases	390	4- 4-68
Do	Blood Bank of the Alameda-Contra Costa Medical Association.	191	4- 4-68
Heparinized Whole Blood (Human)	do	191	4- 4-68
Citrated Whole Blood (Human)	Interstate Blood Bank, Inc	268	4- 4-68
Heparinized Whole Blood (Human)	do	268	4- 4-68
Citrated Whole Blood (Human)	Scientific Blood Bank, Inc	345	4- 4-68
Heparinized Whole Blood (Human)	do	345	4- 4-68
Citrated Whole Blood (Human)	Scott County Medical Society Blood Bank, Inc	366	4- 4-68
Do	Community Blood Bank and Serum Service	295	4-10-68
Heparinized Whole Blood (Human)	do	295	4-10-68
Citrated Whole Blood (Human)	Community Blood and Plasma Service, Inc	224	4-10-68
Heparinized Whole Blood (Human)	do	224	4-10-68
Citrated Whole Blood (Human)	Memphis Blood Center, Inc	240	4-10-68
Heparinized Whole Blood (Human)	do	240	4-10-68
Citrated Whole Blood (Human)	Michael Reese Research Foundation	113	4-10-68
Heparinized Whole Blood (Human)	do	113	4-10-68
Citrated Whole Blood (Human)	Michigan Community Blood Center	272	4-10-68
Heparinized Whole Blood (Human)	do	272	4-10-68
Citrated Whole Blood (Human)	Minneapolis War Memorial Blood Bank	185	4-10-68
Heparinized Whole Blood (Human)	do	185	4-10-68
Citrated Whole Blood (Human)	Peninsula Memorial Blood Bank	195	4-10-68
Do	The Philadelphia Blood Center	139	4-10-68
Do	St. Francis Hospital Blood Bank	260	4-10-68
Do	St. Luke's Memorial Hospital Blood Bank	271	4-10-68
Do	Sonoma County Community Blood Bank	197	4-10-68
Do	United Biologics Corporation	371	4-10-68
Do	World Blood Bank, Inc	312	4-10-68
Heparinized Whole Blood (Human)	do	312	4-10-68
Diphtheria Toxoid and Pertussis Vaccine Combined Alum Precipitated.	Texas State Department of Health	121	4-10-68
Normal Human Plasma	The American National Red Cross	190	4-12-68
Do	Armour Pharmaceutical Company	149	4-25-68
Tuberculin, Patch Test	Lederle Laboratories Division, American Cyanamid Co.	17	5-16-68
Packed Red Blood Cells (Human)	Holy Cross Hospital of Silver Spring Blood Bank	369	6-11-68
Streptokinase-Streptodornase	The Wellcome Foundation Ltd., Wellcome Research Laboratories.	129	6-26-68

RODERICK MURRAY,
Director, Division of Biologics Standards, National Institutes of Health, Public Health Service.

C. F. JOHNSON,
Director of Information, for the Director, National Institutes of Health, Public Health Service.

[F.R. Doc. 68-9860; Filed, Aug. 19, 1968; 8:45 a.m.]

Social Security Administration

DENMARK

Notice of Finding Regarding Foreign Social Insurance or Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has approved a finding that, beginning April 1964, Denmark has a social insurance system of general application which pays periodic benefits on account of old age, retirement, or death, and under which citizens of the United States, not citizens of Denmark, who leave Denmark, are permitted to receive such benefits or their actuarial equivalent at the full rate without qualification or restriction while outside that country.

Accordingly, it is hereby determined and found that Denmark has in effect, beginning with April 1964, a social insurance system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

This revises the finding published in the FEDERAL REGISTER of July 25, 1958 (23 F.R. 5673).

Dated: July 18, 1968.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: August 13, 1968.

WILBUR J. COHEN,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 68-9982; Filed, Aug. 19, 1968; 8:50 a.m.]

FRANCE

Notice of Finding Regarding Foreign Social Insurance or Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has approved a finding that, beginning June 1968, France has a social insurance system of general application which pays periodic benefits on account of old age, retirement, or death, and under which citizens of the United States, not citizens of France, who leave France, are permitted to receive such benefits or their actuarial equivalent at the full rate without qualification or restriction while outside that country.

Accordingly, it is hereby determined and found that France has in effect, beginning with June 1968, a social insurance system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

This revises the finding published in the FEDERAL REGISTER of July 25, 1958 (23 F.R. 5673).

Dated: July 31, 1968.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: August 13, 1968.

WILBUR J. COHEN,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 68-9983; Filed, Aug. 19, 1968; 8:50 a.m.]

MALAWI

Notice of Finding Regarding Foreign Social Insurance or Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has approved a finding that Malawi does not have a social insurance or pension system which is of general application in such country.

Accordingly, it is hereby determined and found that Malawi does not have in effect a social insurance or pension system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

Dated: July 18, 1968.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: August 13, 1968.

WILBUR J. COHEN,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 68-9985; Filed, Aug. 19, 1968; 8:50 a.m.]

PORTUGAL

Notice of Finding Regarding Foreign Social Insurance or Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has approved a finding that Portugal, beginning May 1968, has a social insurance system of general application which pays periodic benefits on account of old age, retirement, or death, and under which citizens of the United States, not citizens of Portugal, who leave Portugal, are permitted to receive such benefits or their actuarial equivalent at the full rate without qualification or restriction while outside that country.

Accordingly, it is hereby determined and found that Portugal has in effect beginning with May 1968, a social insurance system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

This revises the finding published in the FEDERAL REGISTER of October 7, 1960 (25 F.R. 9652).

Dated: July 18, 1968.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: August 13, 1968.

WILBUR J. COHEN,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 68-9985; Filed, Aug. 19, 1968; 8:50 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT REGIONAL ADMINISTRATOR AND DEPUTY ASSISTANT REGIONAL ADMINISTRATOR FOR HOUSING ASSISTANCE, REGION VI (SAN FRANCISCO)

Redelegations of Authority With Respect to College Housing Loan Program and Program of Loans for Housing for Elderly or Handicapped; Revocations

SECTION A. *Authority redelegated to Assistant Regional Administrator for Housing Assistance and Deputy Assistant Regional Administrator for Housing Assistance.* The Assistant Regional Administrator for Housing Assistance and the Deputy Assistant Regional Administrator for Housing Assistance, Region VI (San Francisco), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development described below with respect to the following programs, except as specified under this section A and as additionally specified under section B:

1. College Housing Program under Title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749–1749c), except the authority to approve applications and authorize loans under the College Housing Program.

2. Program of Housing for the Elderly or Handicapped under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q), except the authority to:

a. Approve applications and authorize loans.

b. Authorize loan increases in excess of 10 percent of the original loan amount.

SEC. B. *Additional authority excepted.* There is further excepted from the authority redelegated under section A, the power to:

1. Establish the rate of interest on Federal loans.

2. Issue notes or other obligations for purchase by the Secretary of the Treasury.

3. Exercise the powers under section 402(a) and under 402(c) (1), (2), (3), (4), (5), (6), and (7) of the Housing Act of 1950, as amended (12 U.S.C. 1749a(a) and 1479a(c)(1)–1749a(c)(7)).

SEC. C. *Revocations.* The redelegations of authority to the Assistant Regional Administrator and Deputy Assistant Regional Administrator for Housing Assistance, Region VI (San Francisco) with respect to the College Housing Loan Program and Program for Elderly or Handicapped, effective November 9, 1966, and June 15, 1967 (32 F.R. 3368, Feb. 28, 1967, and 32 F.R. 11897, Aug. 17, 1967), are hereby revoked as of the date of publication of this document in the FEDERAL REGISTER.

(Assistant Secretary for Renewal and Housing Assistance redelegations of authority to Regional Administrators and Deputy Regional Administrators effective Feb. 28, 1968 (33 F.R. 3445))

Effective date. These redelegations of authority shall be effective as of March 1, 1968.

ROBERT B. PITTS,
Regional Administrator.

[F.R. Doc. 68-9965; Filed, Aug. 19, 1968; 8:49 a.m.]

DIRECTOR FOR NORTHWEST AREA OFFICE AND DEPUTY DIRECTOR FOR NORTHWEST AREA OFFICE AT SEATTLE, REGION VI

Redelegations of Authority With Respect to College Housing Loan Program; Program of Loans for Housing for Elderly or Handicapped; Revocations

SECTION A. *Redelegations of authority.* The Director for Northwest Area Office and the Deputy Director for Northwest Area Office at Seattle, Wash., Region VI, each is hereby authorized within the entire State of Washington, Oregon, Alaska, and Montana, together with the Northern portion of Idaho including the counties of Adams, Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lemhi, Lewis, Nez Perce, Shoshone, Valley and Washington, to exercise the power and authority of the Secretary of Housing and Urban Development described below with respect to the following programs, except as specified under this section A and as additionally specified under section B:

1. College Housing Program under Title IV of the Housing Act of 1940, as amended (12 U.S.C. 1749–1749c).

2. Program of Housing for the Elderly or Handicapped under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q), except the authority to:

a. Approve applications and authorize loans.

b. Authorize loan increases in excess of 10 percent of the original loan amount.

SEC. B. *Additional authority excepted.* There is further excepted from the authority redelegated under section A, the power to:

1. Establish the rate of interest on Federal loans.

2. Issue notes or other obligations for purchase by the Secretary of the Treasury.

3. Exercise the powers under section 402(a) and under 402(c) (1), (2), (3), (4), (5), (6), and (7) of the Housing Act of 1950, as amended (12 U.S.C. 1749a(a) and 1749a(c)(1)–1749a(c)(7)).

SEC. C. *Revocations.* The redelegations of authority to the Director for Northwest Area Office and Deputy Director for Northwest Area Office at Seattle, Region VI, with respect to the College Housing Loan Program and Program for Elderly or Handicapped, effective September 1, 1967 (33 F.R. 599–600, Jan. 17, 1968), are hereby revoked as of the date of publication of this document in the FEDERAL REGISTER.

(Assistant Secretary for Renewal and Housing Assistance redelegations of authority to Regional Administrators and Deputy Regional Administrators effective Feb. 28, 1968 (33 F.R. 3445))

Effective date. These redelegations of authority shall be effective as of March 1, 1968.

ROBERT B. PITTS,
Regional Administrator, Region VI.

[F.R. Doc. 68–9966; Filed, Aug. 19, 1968; 8:49 a.m.]

DIRECTOR FOR NORTHWEST AREA OFFICE AND DEPUTY DIRECTOR FOR NORTHWEST AREA OFFICE AT SEATTLE, WASHINGTON, REGION VI

Redelegations of Authority With Respect to Rent Supplements for Disadvantaged Persons in Program of Housing for Elderly or Handicapped; Revocations

SECTION A. *Redelegations of authority.* The Director for Northwest Area Office and the Deputy Director for Northwest Area Office at Seattle, Wash., Region VI, each is hereby authorized within the entire States of Washington, Oregon, Alaska, and Montana, together with the Northern portion of Idaho, including the counties of Adams, Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lemhi, Lewis, Nez Perce, Shoshone, Valley, and Washington, to exercise the power and authority of the Secretary of Housing and Urban Development described below with respect to the following program:

1. Rent Supplements for Disadvantaged Persons in Program of Housing for Elderly or Handicapped under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) in connection with housing assisted under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q):

a. To execute contracts with housing owners for rent supplement payments.

b. To execute amendments or modifications of such contracts.

c. To renegotiate or terminate such contracts.

SEC. B. *Revocations.* The redelegations of authority to the Director and Deputy Director for Northwest Area Office at Seattle, Wash., Region VI, with respect to the program for Rent Supplements for Disadvantaged Persons in Program of Housing for Elderly or Handicapped effective September 1, 1967 (33 F.R. 599–600, Jan. 17, 1968), are hereby revoked as of the date of publication of this document in the FEDERAL REGISTER.

(Redelegations of Authority by Assistant Secretary for Renewal and Housing Assistance: Effective Dec. 27, 1966 (32 F.R. 159, Jan. 7, 1967))

Effective date. These redelegations of authority shall be effective as of March 1, 1968.

ROBERT B. PITTS,
Regional Administrator, Region VI.

[F.R. Doc. 68–9967; Filed, Aug. 19, 1968; 8:49 a.m.]

FEDERAL INSURANCE ADMINISTRATOR

Delegations of Authority

SECTION A. *Authority delegated with respect to the national insurance development program.* The Federal Insurance Administrator is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development with respect to the national insurance development program under Title XII of the National Housing Act (which Title XII was added by Title XI—Urban Property Protection and Reinsurance—of the Housing and Urban Development Act of 1968, 82 Stat. 555–567, Public Law 90–448) except the authority to:

1. Establish an Advisory Board, appoint members, and take other action under section 1202 of the National Housing Act (82 Stat. 556).

2. Establish and administer the National Insurance Development Fund under section 1233 of the Act (82 Stat. 564).

3. Audit and examine the records of insurers or others under section 1234(d) of the Act (82 Stat. 565).

4. Submit the results of the study of reinsurance and other programs, together with recommendations, under section 1235(b) of the Act (82 Stat. 565).

5. Exercise the powers under section 402(a) of the Housing Act of 1950 (12 U.S.C. 1749a(a)), applicable under section 1237 of the National Housing Act (82 Stat. 566).

6. Issue rules and regulations under section 402(c)(1) of the Housing Act of 1950 (12 U.S.C. 1749a(c)(1)), applicable under section 1237 of the National Housing Act.

7. Sue and be sued under section 402 (c)(3) of the Housing Act of 1950 (12 U.S.C. 1749a(c)(3)), applicable under section 1237 of the National Housing Act.

8. Borrow funds from the Treasury under section 520(b)(2) of the National Housing Act (12 U.S.C. 1735d(b)(2)), as amended by section 1104 of the Housing and Urban Development Act of 1968 (82 Stat. 566).

SEC. B. *Additional authority delegated.* The Federal Insurance Administrator is further authorized to:

1. Redelegate to subordinate employees any of the power and authority delegated under section A.

2. Designate one or more subordinate employees to serve as Acting Federal Insurance Administrator during the absence of the Administrator, or to serve as acting head of an organizational unit under the Administrator during the absence of the appointee to the position or during a vacancy in the position.

(Sec. 7(d), Department of HUD Act of 1965, 42 U.S.C. 3535(d))

Effective date. These delegations of authority shall be effective as of August 1, 1968.

ROBERT C. WOOD,
Acting Secretary of Housing and Urban Development.

[F.R. Doc. 68–9968; Filed, Aug. 19, 1968; 8:49 a.m.]

ACTING FEDERAL INSURANCE ADMINISTRATOR

Designation

The Deputy Under Secretary for Policy Analysis and Program Evaluation, Department of Housing and Urban Development, is hereby designated to serve as Acting Federal Insurance Administrator during the present vacancy in the position of Federal Insurance Administrator, with all the powers, functions, and duties delegated or assigned to the Federal Insurance Administrator.

(Sec. 1105(a), Housing and Urban Development Act of 1968, Public Law 90–448; sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This designation shall be effective as of August 1, 1968.

ROBERT C. WOOD,
Acting Secretary of Housing and Urban Development.

[F.R. Doc. 68–9969; Filed, Aug. 19, 1968; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 115–2]

CITY OF PIQUA AND PIQUA NUCLEAR POWER FACILITY

Notice of Issuance of Order

The Atomic Energy Commission has issued an order, as set forth below, authorizing the city of Piqua to partially dismantle the Piqua Nuclear Power Facility, located in Piqua, Ohio, and covered by AEC Operating Authorization No. DPRA–2, as amended.

Copies of the application dated July 3, 1968, as amended, and the related staff safety evaluation are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the staff safety evaluation may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 7th day of August 1968.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

PIQUA NUCLEAR POWER FACILITY

ORDER AUTHORIZING PARTIAL DISMANTLING OF FACILITY

By application dated July 3, 1968, as amended July 16 and 24, 1968 (the application), the city of Piqua (COP) requested authorization to partially dismantle the shutdown Piqua Nuclear Power Facility (PNPF).

Operation of the PNPF has been discontinued and it has been deactivated by removing all the fuel and the organic coolant from the reactor.

We have reviewed the application in accordance with the provisions of the Commission's regulations and have found that the partial dismantling and disposal will be accomplished in accordance with the regulations in Title 10, Chapter I, CFR, and will not be inimical to the common defense and security or to the health and safety of the public.

Accordingly, it is hereby ordered that COP may proceed, in accordance with the terms and conditions of the application, with the partial dismantling of the PNPF covered by Operating Authorization No. DPRA–2, as amended, by removing and disposing of those low-activity components which are not considered necessary for the continued maintenance of the integrity of the reactor and its containment.

Date of issuance: August 7, 1968.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 68–9914; Filed, Aug. 19, 1968; 8:45 a.m.]

CIVIL SERVICE COMMISSION

INDUSTRIAL SPECIALIST (AUTOMOTIVE)

Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on July 31, 1968, for the single position of Industrial Specialist (Automotive) GS–1150–14, Division of Product Cost Analysis, National Highway Safety Bureau, Federal Highway Administration, Department of Transportation, Washington, D.C.

Assuming other legal requirements are met, an appointee to this position may be paid for the expenses of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68–9963; Filed, Aug. 19, 1968; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16813, 16814; FCC 68R–338]

1400 CORP. (KBMI) AND JOSEPH JULIAN MARANDOLA

Memorandum Opinion and Order Enlarging Issues

In re applications of 1400 Corp. (KBMI), Henderson, Nev., Docket No. 16813, File No. BR–2937, for renewal of license of station KBMI; Joseph Julian Marandola, Henderson, Nev., Docket No. 16814, File No. BP–16411, for construction permit.

1. The Board has before it a petition to enlarge issues filed by the Broadcast Bureau on May 23, 1968, and a supplement to its petition to enlarge the issues filed by the Bureau on June 5, 1968.[1]

2. The petition requests the inclusion of several issues which are related to the failure of Joseph Julian Marandola (Marandola) to disclose certain outstanding judgments against him and the possible effect of such judgments on his financial qualifications to construct and operate the proposed station; issues concerning 1400 Corp.'s failure to advise the Commission of the existence of the judgments against Marandola; and issues which stem from a newspaper clipping concerning Marandola's indictment on a perjury charge. The petition is opposed by Marandola to the extent that it requests issues as to him, and by 1400 Corp. insofar as it requests issues as to it.

3. The Bureau concedes that the petition was not filed within the time allotted by § 1.229 of the rules. However, it argues that it was not aware of the judgments, nor did it have reason to question the financial qualifications of Marandola, until February 7, 1968. It was then advised by a Mr. David B. Rogers that there were a number of unsatisfied judgments against Marandola and companies owned by him, recorded in the office of the County Clerk, Clark County, Nev. The Bureau investigated the matter, and after completing its investigation, which included informal conferences with counsel for Marandola and 1400 Corp., the instant petition was filed. The pleadings indicate that an informal conference with counsel for the Bureau and attorneys for both applicants was held April 19, 1968. The Bureau had no reason to question Marandola's financial proposal prior to February 7, 1968. Moreover, it appears to have proceeded with reasonable dispatch, considering the nature of its investigation and the above-mentioned conference with counsel. In any event the question of timeliness need not be resolved since in our view the petition meets the test outlined in Edgefield-Saluda Radio Co., 5 FCC 2d 148, 8 RR 2d 611 (1966) for consideration by the Board on its merits.

4. In support of its requested issues concerning Marandola's failure to report outstanding judgments, the Bureau calls the Board's attention to Marandola's application filed October 16, 1964. Exhibit 2, filed with the application, showed Marandola's net worth as $731,098.68; the same exhibit, supported by four itemized schedules, showed liabilities of $335,668.99. The schedules of liabilities did not list any unsatisfied judgments against Marandola. There appears to have been only one amendment which modified Marandola's showing as to his interest in a laundromat and set forth a $2,500 increase in the estimated cost of construction of his proposed station. As amended, Marandola's application indicates that cash and deferred credit in the amount of $104,000 would be required to construct and operate the proposed station for 1 year. The Bureau notes that as of March 1, 1968, its investigators found some 18 unsatisfied judgments against Marandola or companies which he owns. The earliest of these judgments in the amount of $4,850 was entered June 16, 1964, and the most recent was entered December 6, 1967. The Bureau argues that Marandola's failure to disclose the unsatisfied judgment against it, at the time it filed its application in October of 1964, warrants an issue to ascertain whether Marandola misrepresented his financial condition at that time. Moreover, the Bureau argues that Marandola's failure to report the several judgments entered after the application was filed requires an issue to determine whether he has complied with § 1.65 of the Commission's rules,[2] and an issue to determine whether he is financially qualified to construct and operate the proposed station for 1 year.

5. In his opposition, Marandola argues that the failure to report the judgment outstanding as of the time the application was filed is of no decisional significance since the existence of a $4,850

[1] The Board also has before it oppositions filed by 1400 Corp. and by Joseph Julian Marandola, on June 21, 1968, and the Broadcast Bureau's reply filed July 3, 1968.

[2] Section 1.65 reads in part:
"• • • Whenever there has been a substantial change as to any other matter which may be of decisional significance in a Commission proceeding involving the pending application the applicant shall as promptly as possible and in any event within 30 days, unless good cause is shown, submit a statement furnishing such additional or corrected information as may be appropriate, which shall be served upon parties of record in accordance with § 1.47 • • •".

judgment would have no material effect on the overall financial condition of an applicant with a net worth of over $700,000. Moreover, he contends that some of the outstanding judgments have been satisfied; that others are being retired in accordance with an agreed plan; and that in any event the total outstanding judgment debt[2] is no more than a "small drop in the bucket" and too insignificant to come within the terms of § 1.65 of the Commission's rules. By way of further explanation he argues that his liability as to some of the larger judgments is merely that of an endorser, implying that he may have a lesser obligation to pay those judgments.

6. The Board finds that the failure of Marandola to apprise the Commission of the judgments entered against him raises significant questions as to the accuracy of his application and as to his compliance with § 1.65 of the Commission's rules. Consequently, we shall add an issue to determine such accuracy and whether Marandola has violated the provisions of § 1.65 by failing to report the judgments entered against him and companies owned by him, as well as any other changes which may have had a bearing on his financial qualifications. Moreover, the existence of the unsatisfied judgments against Marandola, which have been cited to the Commission,[4] raises serious questions as to the reliability of his entire financial proposal. Marandola's argument that the total of the judgments (approximately $38,000) is no more than a "tiny drop in the bucket" of his financial picture is not persuasive. Since there has been no showing that they have been substantially reduced,[5] their very existence raises such serious questions concerning Marandola's financial proposal that the entire matter must be explored on the hearing record. A general financial issue as to Marandola will be included.

7. The Bureau has also requested an issue concerning the failure of Maxwell Richmond[6] to report the existence of the above-described unsatisfied judgments to the Commission. The Bureau relies on an affidavit of one David B. Rogers, wherein Rogers asserts that several months (eight or less) prior to March 1, 1968, on behalf of Mr. Richmond he made a search of the Clark County Court records for unsatisfied judgments against Marandola. His search disclosed numerous unsatisfied judgments against Marandola, which at the time of his affidavit he believed to exceed $100,000. He delivered copies of those judgments to Richmond's agent, and he believes that they were delivered to Richmond. The Bureau argues that since Richmond apparently had possession of the foregoing information which in its view reflected adversely upon the financial qualifications of Marandola, he should have so advised the Commission at the time he joined with Marandola to request Commission approval of an agreement which looked toward a grant of Marandola's application, sale of the assets of KBMI to Marandola, and dismissal of 1400 Corp.'s renewal application.

8. 1400 Corp. opposes the requested issue on the ground that there is no rule or precedent which obliges it to report upon allegations with respect to its adversary in a comparative proceeding. The Board agrees with the Bureau that given the facts before us, Marandola and 1400 Corp. cannot be regarded merely as adversaries in a comparative proceeeding. 1400 Corp. joined with Marandola to seek approval of an agreement whereby in exchange for a financial arrangement suitable to it, Marandola's application would be granted without hearing. In these circumstances, if Richmond did in fact have information which reflected on the financial qualifications of Marandola, that information should have been made available to the Commission. An issue to determine whether Richmond did in fact possess such information and, if so, the effect of his failure to report on 1400 Corp.'s qualifications as a licensee, will be included.

9. As a final matter, the Bureau attaches to its petition a clipping from the Las Vegas Review Journal of March 20, 1968, which reports that one Joe Julian, also known as Joseph Julian Marandola, has been indicted for perjury as a result of testimony given at an earlier trial of one Charles Julian Marandola. The Bureau contends that Marandola failed to report that indictment to the Commission and that this failure constitutes a violation of § 1.65 of the rules (see note 2, supra). Marandola opposes on the ground that he has been advised by his lawyer that the case will be dismissed for lack of proof and that existence of the indictment was not per se a change in circumstances of such significance that it must be reported pursuant to § 1.65. Moreover, counsel for Marandola by letter dated June 28, 1968, did advise the Commission that on March 19, 1968, Joseph Julian Marandola was indicted for perjury, and that the indictment is now pending in the U.S. District Court for Nevada, but reserved the right to argue that the information was not required by § 1.65.

10. We agree with the Bureau that the charges against Marandola are serious, and that if Marandola is found guilty of perjury, it could well have a significant effect on his qualifications to be a licensee of the Commission. This being so, the pendency of the indictment is a matter within the scope of § 1.65. However, in view of the fact that the indictment was reported to the Commission, albeit somewhat belatedly, the approximately 3 months' delay in reporting the indictment does not, in the circumstances of this case, appear to be of decisional significance. Accordingly, no issue stemming from the delay in reporting will be included. We will, however, adopt the Bureau's suggestion which appears to be consistent with the Commission's most recent precedents in such cases,[7] that the Examiner be instructed, should be decide in favor of Marandola, to hold the initial decision in abeyance pending final disposition of the perjury case against Marandola.

11. *It is ordered*, That the petition to enlarge issues filed on May 23, 1968, by the Broadcast Bureau is granted to the extent indicated herein and denied in all other respects;

12. *It is further ordered*, That the issues are enlarged as follows:

(a) To determine whether Joseph Julian Marandola submitted complete and accurate information in response to the Commission's application form, FCC 301, and has continued to keep the Commission advised of "substantial and significant changes" as required by § 1.65 of the Commission's rules.

(b) To determine whether Joseph Julian Marandola is financially qualified to construct and operate the proposed station for 1 year.

(c) To determine whether, in the light of the evidence adduced with respect to the foregoing issues, Joseph Julian Marandola possess the requisite qualifications to be a licensee of this Commission.

(d) To determine whether Maxwell Richmond as of November 7, 1967, when 1400 Corp. joined with Joseph Julian Marandola to request approval of an agreement looking toward grant of Marandola's application without hearing, possessed information which reflected adversely upon the financial qualifications of Marandola, which he did not report to the Commission and, if so, the effect of such failure to report on the qualifications of 1400 Corp. to be a licensee of this Commission.

13. *It is further ordered*, That the burden of proof and the burden of going forward with the evidence as to issues (a), (b), and (c) above is on Joseph Julian Marandola and, as to issue (d) above, on 1400 Corp.;

14. *It is further ordered*, That in the event the Hearing Examiner determines that Joseph Julian Marandola is the preferred applicant, the Hearing Examiner shall withhold issuance of the initial decision, pending notification by Marandola in accordance with § 1.65 of the Commission's rules of the final decision in the pending criminal proceeding, and upon such notification, if Marandola has not been acquitted, add such further issues and hold such further proceeding as may be necessary to determine the qualifications of Marandola.

Adopted: August 13, 1968.

Released: August 15, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[8]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-9961; Filed, Aug. 19, 1968; 8:48 a.m.]

[2] According to Marandola, approximately $38,000.

[4] In support of his opposition to the petition to enlarge filed June 21, 1968, Marandola submitted what purported to be a "full, true and correct statement of his financial condition" as of June 1, 1968. No reference to the outstanding judgments can be found in that statement.

[5] Marandola has indicated that some of the judgments are satisfied but that the satisfactions have not yet been noted in the court records and others are being retired on an agreed schedule. Even if we assume this to be true, there is a very substantial unsatisfied debt.

[6] Richmond is the sole stockholder of 1400 Corp., the licensee of Station KBMI, Henderson, Nev.

[7] Grayson Television, Inc., FCC 67-1094, released Oct. 4, 1967, 32 F.R. 14120; Little Dixie Radio, Inc., FCC 68-276, released July 3, 1968, 13 FCC 2d ——.

[8] Board Member Nelson concurring in part and dissenting in part and issuing a statement which is filed as part of the original document.

[9] Filed as part of the original document.

[Docket No. 18294; FCC 68-840]

WORLD ADMINISTRATIVE RADIO CONFERENCE OF THE INTERNATIONAL TELECOMMUNICATION UNION

Notice of Inquiry

1. On May 17, 1968, the Commission adopted a memorandum opinion and order relative to RM-1104, wherein a petition by Teleprompter Corp. was denied. The denial was based, in part, on the ground that the frequency band in question, 18.349–18.797 GHz, was part of a larger band (17.7–19.3 GHz) that might be considered for the accommodation of the communication-satellite service by a forthcoming World Administrative Radio Conference (WARC) of the International Telecommunication Union (ITU). As reported in the Commission action, the Administrative Council of the ITU was then in session and was expected to make some decision with respect to the convening of such a Space WARC.

2. The Administrative Council adopted Resolution No. 632, a copy of which is attached,[1] calling for a Space WARC in late 1970 or early 1971 lasting for approximately 5 weeks. The Resolution sets forth a tentative agenda and provides for its expansion. On the basis of comments filed with the ITU by member administrations, the Administrative Council at its session in May 1969, can be expected to decide on the detailed agenda, date, duration, and place for the conference.

3. The Commission and the Director of Telecommunications Management (DTM), anticipating an early Space WARC and being of the view that accommodation above 10 GHz must be found for the communication-satellite service for use in the decade ahead, examined the current usage of the radio spectrum between 10 and 40 GHz, as well as its projected usage for the foreseeable future. This examination resulted in the conclusion that the existing and projected loading between 10 and 17.7 GHz is such as to generally preclude accommodation of the wide-band requirements of the communication-satellite service on an exclusive basis. However, it appeared that that service could be accommodated between 17.7 and 23 GHz for the satellite-to-earth path and in either of the bands 27.525–31.3 GHz or 38.6–40 GHz (and up) for the earth-to-satellite path. This conclusion assumed some adjustment in band limits for Government and non-Government allocations and assumed also that suitable alternative accommodation could be found for the radio astronomy service now allocated 19.3–19.4 GHz; the amateur service now allocated 21–22 GHz and the Industrial, Scientific and Medical (ISM) designation at 22.125±.125 GHz, all of which now enjoy worldwide allocation status. Our records indicate that throughout the world there is but one radio astronomy observatory making use of the band 19.3–19.4 GHz and that one is an installation operated by the U.S. Government. Since the band is used for continuum rather than spectral line observations, its ultimate reallocation should pose no problem. In the case of the amateur service, this is the only band allocated to that service above 220 MHz on an exclusive basis. In all other bands the radiolocation service has primary status and the amateur service has secondary status. Accordingly, there appears to be no valid reason why the amateur service allocation at 21–22 GHz could not be accommodated on a secondary basis in the existing radiolocation band at 23–24.25 GHz. As for ISM at 22.125 GHz, the Commission's records indicate that no equipment has been type approved for use at that frequency. It too, therefore, can be shifted to the band 23–24.25 GHz with little or no impact upon users of this portion of the spectrum.

4. In the memorandum opinion and order referred to above, the Commission stated that it wished to take advantage of the lack of operational systems in the frequency bands above 17.7 GHz to preserve its flexibility at the Space WARC. As a consequence, pending the outcome of the Space WARC and a determination as to domestic satellite operations on a permanent basis, the Commission stated it would continue to honor requests for experimental authorizations on their merits but that it would grant no regular or developmental licenses for frequencies in the bands 17.7–23.0, 27.525–31.3, or 38.6–40 GHz. Subsequently, the Director of Telecommunications Management took similar action with respect to Government assignments in the same portion of the spectrum.

5. On the basis of comments filed in Docket No. 16495 dealing with domestic satellite systems, and other studies coming to our attention, it appears that something on the order of 3.5 GHz of spectrum space, in each direction, may be required for the communication satellite service. Under such an approach, the national table of frequency allocations might be amended as indicated below.

Present allocations	*Amended allocations*
17.7–19.3 GHz (NG), fixed and mobile.	17.7–20.2 (NG), communication satellite (space-to-earth).
19.3–19.4 (G/NG), radio astronomy.	20.2–21.2 (G), communication satellite (space-to-earth).
19.4–19.7 (NG), fixed and mobile.	21.2–22.0 (NG), fixed and mobile.
19.7–21.0 (G).	22.0–22.1 (G/NG), radio astronomy.
21.0–22.0 amateur.	22.1–23.0 (G).
22.0–23.0 (G), ISM 22.125.	23.0–24.25 (G/NG), amateur—ISM 23.125.
• • •	• • •
25.25–27.525 (G).	25.25–26.8 (G).
27.525–31.3 (NG), fixed and mobile.	26.8–27.8 (NG), fixed and mobile. 27.8–30.3 (NG), communication satellite (earth-to-space). 30.3–31.3 (G), communication satellite (earth-to-space).

In furtherance of that view, if found acceptable nationally, the Commission and the DTM would be prepared to support a U.S. proposal calling for the Space WARC to change the international table as follows:

Present allocations	*Amended allocations*
17.7–19.3, fixed and mobile.	17.7–21.2, communication satellite (space-to-earth).
19.3–19.4, radio astronomy.	21.2–22.0, fixed and mobile.
19.4–21.0, fixed and mobile.	22.0–22.1, radio astronomy.
21.0–22.0, amateur.	22.1–23.0, fixed and mobile.
22.0–23.0, fixed and mobile, ISM.	23.0–24.25, radiolocation+ISM 23.125, amateur.
23.0–24.25, radiolocation.	• • •
• • •	25.25–27.8, fixed and mobile.
25.25–31.0, fixed and mobile.	
31.0–31.3, fixed and mobile, space research.	27.8–31.3, communication satellite (earth-to-space).

6. With some clarifying changes, the Commission could endorse the four specific items in the tentative agenda of Resolution No. 632. However, it would be desirable also to expand that agenda to insure that additional allocations could be considered for the radio astronomy service and that consequential amendments could be made to the allocation table. Accordingly, the Commission is initially recommending to the Department of State that the United States press for an agenda reading along the following lines:

1. To revise existing administrative and technical regulations and adopt such new provisions as necessary for the space services and the radio astronomy service which will ensure the efficient use of the spectrum;

2. To revise, and supplement as necessary, the Radio Regulations to provide for the use of space techniques by the aeronautical mobile and the maritime

[1] Filed as part of the original document.

mobile services, for navigation as well as for communication purposes;

3. To revise, and supplement as necessary, the frequency allocations for the radio astronomy and space services;

4. To make consequential adjustments to frequency allocations as necessary in the light of actions taken under agenda items 2 and 3; and

5. To revise, and supplement as necessary, the existing regulations pertaining to the technical criteria for frequency sharing between space and terrestrial systems and establish criteria for sharing between satellite systems.

7. It should be noted that this is not a rule-making proceeding but rather one intended to serve as a vehicle for eliciting public comment in the development of United States proposals to the forthcoming space WARC. It is expected that this Notice will be the first of several to be issued as the conference preparatory work progresses.

8. This action is taken pursuant to section 403 of the Communications Act of 1934, as amended. Interested parties responding to this Inquiry shall furnish comments on or before September 20, 1968. An original and 14 copies of each response must be filed as required by § 1.419 of the Commission's rules and regulations.

Adopted: August 14, 1968.

Released: August 15, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68-9960; Filed, Aug. 19, 1968; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI68-511]

HELMERICH & PAYNE, INC., ET AL.

Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates To Permit Substitute Rate Filing and Denying Offer of Settlement

AUGUST 13, 1968.

On February 23, 1968, Helmerich & Payne, Inc. (Operator) et al. (Helmerich), filed with the Commission a proposed change in rate from 11 cents to 12.0025 cents per Mcf[1] for a sale of gas to Kansas-Nebraska Natural Gas Co., Inc., in the Kansas Hugoton Field. The 12.0025 cents increased rate included 0.0025 cent partial reimbursement for the assessment levied on January 1, 1967, by the Kansas State Board of Health. Such increase was suspended for 5 months until August 25, 1968, in Docket No. RI68-511 as it exceeded the 11-cent area increased rate ceiling and because the buyer protested the 0.0025 cent tax reimbursement portion of the increase on the basis that the levy was not a tax but an assessment.

On May 8, 1968,[2] Helmerich submitted an amended notice of change,[3] wherein Helmerich now proposes to reduce the suspended rate by the amount of the tax reimbursement (0.0025 cent), which amounts to $4 annually, and the buyer has stated it will withdraw its protest under such circumstances. Concurrently Helmerich proposes that the rate suspension proceeding in Docket No. RI68-511 be settled under the Seventh Amendment to General Policy Statement No. 61-1. The buyer states that it has no objection to such proposal.

Helmerich's contract, dated February 25, 1958,[4] provides for a price of 11 cents until January 1, 1968, and 12 cents thereafter, for the remaining term of the contract. There are no other pricing provisions except for tax reimbursement and downward B.t.u. adjustment. The term of the contract is for the life of the field, and there is at least a 5-year supply of gas remaining. Helmerich has also waived in connection with its offer of settlement its right to the contested tax reimbursement reflected in its earlier filing but reserves the right to file for future increases in taxes.

Since there are no future price escalation provisions to be eliminated from Helmerich's contract, the Seventh Amendment is inapplicable. Accordingly, the proposed increase to 12 cents, which exceeds the applicable 11 cents increased rate ceiling for producer sales in Kansas set forth in the Commission's statement of general policy No. 61-1, as amended, should be substituted for the proposed increase to 12.0025 cents now under suspension and remain suspended until August 25, 1968, the expiration date of the suspension period in Docket No. RI68-511.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: Good cause exists for denying Helmerich's offer of settlement and for amending the Commission's order issued March 20, 1968, in Docket No. RI68-511, to the extent hereinafter provided.

The Commission orders:

(A) The offer of settlement proposed by Helmerich in Docket No. RI68-511 is denied.

(B) The suspension order issued March 20, 1968, in Docket No. RI68-511, is amended only so far as to permit the 12 cents per Mcf rate provided in Supplement No. 1 to Supplement No. 3 to Helmerich's FPC Gas Rate Schedule No. 25 to be filed to supersede the 12.0025 cents per Mcf rate contained in Supplement No. 3 to Helmerich's FPC Gas Rate Schedule No. 25, subject to the suspension proceeding in Docket No. RI68-511. The suspension period for such substitute filing shall terminate concurrently with the suspension period (Aug. 25, 1968) presently in effect in said docket.

(C) In all other respects, the order issued by the Commission on March 20, 1968, in Docket No. RI68-511, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 68-9919; Filed, Aug. 19, 1968; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

OTTO BREMER CO. AND OTTO BREMER FOUNDATION

Order Changing Date for Hearing

In the matter of the applications of Otto Bremer Co. and Otto Bremer Foundation, St. Paul, Minn., for a determination pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)(8)) and § 222.4(a) of Federal Reserve Regulation Y (12 CFR 222.4(a)), that the planned activities of their proposed nonbanking subsidiaries, the State Agency of Redwood Falls, Inc., the American State Insurance Agency, Inc., the Cassabanka Insurance Agency, Inc., the Elk Valley Agency, Inc., and the Citizens Insurance Agency, Inc. (Dockets Nos. BHC-83, BHC-84, BHC-85, BHC-86, BHC-87), are of the kind described in the aforementioned sections of the Act and Regulation Y, so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to the acquisition or retention of shares in nonbanking organizations to apply in order to carry out the purposes of the Act, the Board of Governors of the Federal Reserve System, by order dated July 25, 1968 (33 F.R. 11038, Aug. 2, 1968), set the hearing for August 21, 1968, at 10 a.m. at the Federal Reserve Bank of Minneapolis, the right, however, being reserved to the Board or a duly selected hearing examiner to designate any other date or place for such hearing or any part thereof which may be determined to be necessary or appropriate for the convenience of the parties.

The Board having determined that it is appropriate for the convenience of the parties, that the time of the hearing be changed,

It is hereby ordered, That the hearing in this matter, originally scheduled for August 21, 1968, at 10 a.m. at the Federal Reserve Bank of Minneapolis, Minneapolis, Minn., be held on August 28, 1968, at 10 a.m. at the Federal Reserve Bank of Minneapolis. The right is reserved to the Board or to the hearing examiner to designate such other date or place for the hearing or any part thereof which may be determined to be necessary or appropriate for the convenience of the parties.

It is further ordered, That any person desiring to give testimony in this proceeding should file with the Secretary of the Board, directly or through the Federal Reserve Bank of Minneapolis, on or before August 23, 1968, a written request containing a statement of the nature of the petitioner's interest in the proceeding and a summary of the matters concerning which said petitioner wishes to give testimony. Any such request will be presented to the designated hearing examiner for his determination. Persons submitting timely requests will be notified of the hearing examiner's decision.

Dated at Washington, D.C., this 13th day of August 1968.

By order of the Board of Governors, acting by its General Counsel pursuant to delegated authority.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 68-9915; Filed, Aug. 19, 1968; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

ALCAR INSTRUMENTS, INC.

Order Suspending Trading

AUGUST 14, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Alcar Instruments, Inc., 225 East 57th Street, New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 15, 1968, through August 24, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-9925; Filed, Aug. 19, 1968; 8:45 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

AUGUST 14, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 15, 1968, through August 24, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-9926; Filed, Aug. 19, 1968; 8:45 a.m.]

[812-379, 812-943]

INVESTORS DIVERSIFIED SERVICES, INC.

Notice of Filing of Application To Modify Prior Orders Permitting Loans and Advances to Certain Persons

AUGUST 14, 1968.

Notice is hereby given that Investors Diversified Services, Inc. ("IDS"), Investors Building, Minneapolis, Minn. 55402, a face-amount certificate company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to sections 6(c) and 17(b) of the Act for an order amending the terms and conditions of certain prior Commission orders which exempted from the provisions of section 17(a)(3) of the Act certain transactions between IDS and persons engaged in the offering and sale of the securities for which IDS is the principal underwriter. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The Commission by order, on March 20, 1951 (Investment Company Act Release No. 1599), and by modifications of that order (Investment Company Act Release Nos. 2211, 2617, 2736, 3203, and 5007 issued on August 8, 1955, October 21, 1957, June 26, 1958, February 28, 1961, and June 27, 1967, respectively), granted an application for exemption from the provisions of section 17(a)(3) of the Act with respect to the lending of money from time to time in the form of advances, secured lump sum loans, or sales office improvement loans by IDS to its divisional managers, district managers and sales representatives (except office improvement loans) whose income is derived from the sale of securities for which IDS is the underwriter, subject to the following terms and conditions:

(1) The only persons eligible to borrow money or receive periodic advances on commissions from Investors Diversified Services, Inc., and its subsidiaries under this order shall be salesmen, district managers, and divisional managers engaged in the sale of securities underwritten by Investors Diversified Services, Inc., whose compensation from Investors Diversified Services, Inc., and its subsidiaries is based on the sale of such securities and/or the sale of insurance for a subsidiary of Investors Diversified Services, Inc., and who are not directors or officers of the applicant or of any of its subsidiary or affiliated companies.

(2) Weekly, semimonthly, or monthly advances (hereinafter termed periodic advances) to salesmen shall not exceed $1,000 per month, to district managers $1,500 per month, and to divisional managers $2,000 per month, except that advances to those persons who at the time of such advance have future accruing commissions on business previously sold may equal the amount of such future accruing commissions but may not exceed the limitation set forth in paragraph 4 below. In no event shall any periodic advances be made to part-time salesmen.

(3) Lump-sum loans (which term shall not include sales office improvement loans) shall not at any one time aggregate for a salesman more than $5,000, for a district manager more than $7,500, or for a divisional manager more than $10,000. The same individual may have both periodic advances and lump-sum loans available to him at the same time but in no event shall the aggregate of such loans and advances to any one individual exceed the limits set forth in paragraph 4 below. The aggregate lump-sum loans to a part-time salesman shall not exceed the amount of renewal commissions from business currently produced by such part-time salesman. Sales office improvement loans made exclusively against the cost of furniture and fixtures and/or leasehold improvements may also be made to district managers and divisional managers in amounts not to exceed in the aggregate at any one time more than $7,500 for any one district manager and $20,000 for any one divisional manager, repayable within a period of not more than 60 months in the case of a district manager and 120 months in the case of a divisional manager.

(4) The maximum debt balance of periodic advances and lump-sum loans (which terms exclude sales office improvement loans) shall at no time exceed an aggregate of $7,500 for any one salesman, $10,000 for any one district manager or $20,000 for any one divisional manager. The aggregate amount of all loans and advances outstanding at any one time, including sales office improvement loans, shall not exceed $4 million.

(5) Each lump-sum loan shall be evidenced by a promissory note of the borrower and a commission deduction authorization substantially in the form set forth as Exhibit B to the application. The agreement covering such a loan to a salesman shall provide for payment within a period of 36 months from the date of the loan, to a district manager 48 months, and to a divisional manager 60 months. Repayment shall be specified at a rate at least equal to repayment in substantially equal installments not more than 2 months apart, the first of which shall be due and payable not more than 60 days from the date of the loan.

[2] Commissioner Cox absent. Commissioner Johnson concurring in the result.

[1] Designated as Supplement No. 3 to Helmerich's FPC Gas Rate Schedule No. 25.

[2] Filing completed on June 25, 1968 by letter dated June 21, 1968.

[3] Designated as Supplement No. 1 to Supplement No. 3 to Helmerich's FPC Gas Rate Schedule No. 25.

[4] This contract supersedes three pre-June 7, 1954, contracts between Helmerich's predecessor and the buyer.

Each such loan to a salesman shall be guaranteed by such salesman's divisional manager to the extent of at least one-third of any loss to Investors Diversified Services, Inc., resulting from such loan or advance.

IDS requests that the Commission's order, as heretofore amended, be further amended as follows:

(a) By amending condition (2) thereof to increase the maximum amount of periodic advances (i) to salesmen from $1,000 per month to $2,000 per month, (ii) to district managers from $1,500 per month to $3,000 per month and (iii) to divisional managers from $2,000 per month to $4,000 per month;

(b) By amending condition (3) thereof to increase the aggregate amount of lump-sum loans (which term shall not include sales office improvement loans) for a divisional manager from $10,000 to $20,000; and

(c) By amending condition (4) to increase the maximum debit balance of periodic advances and personal lump-sum loans (i) from $7,500 to $10,000 for any one salesman, (ii) from $10,000 to $15,000 for any one district manager and (iii) from $20,000 to $40,000 for any one divisional manager.

Section 17(a)(3) of the Act, as here pertinent, would prohibit the sales representatives and division and district managers from borrowing from IDS. The Commission however, may, pursuant to section 17(b) of the Act, by order upon application, exempt any such borrowing if it is established that the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of the registered investment company, as recited in its registration statement and reports filed under the Act and that the proposed transaction is consistent with the general purposes of the Act.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person, security or transaction, or any classes thereof, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of its application, IDS represents that these increases have been made necessary by the general inflationary trend of salaries, wages and commodities, and in order to meet competition for sales representatives, district managers and divisional managers. The application also states that the requested increases in maximum amounts is further made necessary by the continued success of Investors Accumulation Plan and of the Series 15A and Series 22A face-amount certificates issued by Investors Syndicate of America, Inc. These new investments reduced the amount of the sales commission during the first years by approximately one-third, thereby creating a need for financial assistance especially during the first years of employment of new representatives. IDS is not requesting any increase in the $4 million aggregate amount of all loans and advances, including sales office improvement loans, permitted to be outstanding under the terms of the existing order. IDS further represents that the making of commission advances to sales representatives is necessary in order to maintain an effective and responsible sales organization, including the recruiting of replacements and additions to the sales force. IDS's experience has been that the total amount of losses resulting from loans and advances to members of the sales force has been almost negligible in relation to the amounts of commissions paid and the underwriting results achieved.

Notice is further given that any interested person may, not later than September 4, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-9927; Filed, Aug. 19, 1968; 8:46 a.m.]

MASTER-CRAFT ELECTRONICS CORP.

Order Suspending Trading

AUGUST 13, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Master-Craft Electronics Corp., 115 Broadway, New York, N.Y. 10010, and all other securities of Master-Craft Electronics Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 15, 1968, through August 24, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-9928; Filed, Aug. 19, 1968; 8:46 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

AUGUST 14, 1968.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 15, 1968, through August 24, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-9929; Filed, Aug. 19, 1968; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[No. 34996]

KENTUCKY INTRASTATE RAIL FREIGHT

Rates and Charges on Coal

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 8th day of August 1968.

By petition filed on May 17, 1968, common carriers by railroad operating within the Commonwealth of Kentucky aver that the Railroad Commission of Kentucky has refused to authorize or permit increases in rates and charges on coal moving in intrastate commerce corresponding to those authorized by this Commission in Ex Parte No. 256, Increased Freight Rates, 1967, 332 ICC 280, 329 ICC 854. Replies thereto were filed on July 5, 1968, by the Kentucky Utilities Co. and the Louisville Gas & Electric Co. By a joint pleading filed on July 8, 1968, the Commonwealth of Kentucky and the Railroad Commission of Kentucky move that the petition be dismissed, in the alternative, that the petitioners make their petition more definite and certain. For good cause appearing:

It is ordered, That the petition be, and it is hereby, granted; that an investigation be, and it is hereby, instituted pursuant to section 13 of the Interstate Commerce Act; and that all common carriers by railroad operating within the Commonwealth of Kentucky subject to the jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding.

It is further ordered, That a copy of this order be served upon each of the said respondents, and the Kentucky Utilities Co. and the Louisville Gas & Electric Co.; that the Commonwealth of Kentucky be notified of the proceeding by sending a copy of this order by certified mail to the Governor of the Commonwealth, Frankfort, Ky., and a copy to the Railroad Commission of Kentucky, 505-11 McClure Building, Frankfort, Ky.; and that further notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER.

It is further ordered, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter designate.

And it is further ordered, That the motions be, and they are hereby, denied for the reason that sufficient grounds have not been presented to warrant granting the actions sought.

By the Commission, Division 2,

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9956; Filed, Aug. 19, 1968; 8:48 a.m.]

[Notice 193]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 15, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70633. By order of August 7, 1968, the Transfer Board approved the transfer to Herbert R. Silva, doing business as Universal Travel Agency, St. Louis, Mo., of license No. MC-12522 issued May 18, 1954, to Fred W. Burkett, doing business as Burkett Tour & Travel Service, St. Louis, Mo., authorizing operations as a broker in connection with the transportation of passengers and their baggage, in round trip tours, beginning and ending at St. Louis, Mo., and points in Illinois and Missouri within 50 miles of St. Louis, and extending to all points in the United States. Herbert R. Silva, 3608 South Grand Boulevard, Suite 216, St. Louis, Mo. 63118; representative for applicants.

No. MC-FC-70635. By order of August 9, 1968, the Transfer Board approved the transfer to Moyer Grain Co., Inc., Star City, Ind., of certificate No. MC-124631, issued November 20, 1962, to Phillip E. Legge, John Mitrzyk, and Walter S. Drzewiecki, a partnership, doing business as Moyer Grain Co., Star City, Ind., authorizing the transportation of cucumbers, pickles, and empty containers from and to specified points in Indiana, Illinois, and Michigan. Phillip E. Legge, 881 Lincolnway, Plymouth, Ind. 46563; representative for applicants.

No. MC-FC-70672. By order of August 9, 1968, the Transfer Board approved the transfer to Brady's Transport Limited, a corporation, Maniwaki, Quebec, Canada, of the operating rights in permit No. MC-125938 issued August 17, 1964, to John Brady and Willis Brady, a partnership, doing business as Brady Brothers, Ironside, Quebec, Canada, authorizing the transportation, in interstate or foreign commerce, over irregular routes, of rough and dressed lumber, from the port of entry on the United States-Canada boundary line, located at Ogdensburg, N.Y., to points in New York, restricted to service performed under continuous contracts with two named shippers. John Brady, Post Office Box 940, Hull, Quebec, Canada; representative for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9957; Filed, Aug. 19, 1968; 8:48 a.m.]

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Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Grades of Radishes [1]

On June 5, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 8343) regarding a proposed revision of U.S. Standards for Radishes (7 CFR, §§ 51.2395–51.2412).

Statement of considerations leading to the revision of the grade standards. Following publication of the proposal in the FEDERAL REGISTER, copies were distributed to industry organizations and individuals for comment. The period for submission of comments ended July 15, 1968.

Two letters of comment were received in response to publication of the proposal. One from Ohio stated that the changes as proposed were acceptable. The other, from a growers' association in Florida, stated that most of the proposed changes were acceptable, but two specific provisions were considered to be somewhat too lenient. It recommended that, in the best interests of the radish producers, those two provisions should be changed. Specifically: (1) Retain the present requirement of three-eighths inch maximum length of tops on "topped" radishes rather than increasing the maximum length to one-half inch as proposed in § 51.2395; and, (2) Provide for a limit of five-eighths inch in length for an air crack or growth crack on a radish 1⅛ inch in diameter or larger instead of the three-fourths inch maximum length of crack proposed (§ 51.2409, Table I).

The two specific changes recommended have been made. The allowance for size of air and growth cracks would be slightly more liberal than present requirements. The limitation for length of tops for topped radishes would remain the same as present requirements.

After consideration of all relevant matters presented by interested persons, the U.S. Standards for Grades of Radishes are hereby promulgated as so proposed pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), subject to the following changes:

1. In § 51.2395, the words "one-half" are changed to read "three-eighths".

2. Table I of § 51.2409 is changed to read:

TABLE I

Diameter of root	Maximum length of growth crack or air crack permitted	Maximum area of cut permitted equivalent to:
⅝ inch	⅜ inch	⅜ inch circle.
¾ inch	½ inch	½ inch circle.
⅞ inch	½ inch	½ inch circle.
1 inch	⅝ inch	⅝ inch circle.
1⅛ inches	⅝ inch	¾ inch circle.

These revised standards are also retitled "United States Standards for Grades of Radishes". Such revised standards shall become effective October 1, 1968, and will thereupon supersede the U.S. Standards for Radishes which have been in effect since July 16, 1954, as amended December 15, 1963 (7 CFR, §§ 51.2395–51.2412).

Dated: August 15, 1968.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

STYLES

Sec.
51.2395 Topped radishes.
51.2396 Bunched radishes.

GRADES

51.2397 U.S. No. 1.
51.2398 U.S. Commercial.

SAMPLE FOR GRADE DETERMINATION

51.2399 Sample for grade determination.

APPLICATION OF TOLERANCES

51.2400 Application of tolerances.

STANDARD BUNCHING

51.2401 Standard bunching.

SIZE TERMS

51.2402 Size terms.

DEFINITIONS

51.2403 Similar varietal characteristics.
51.2404 Clean.
51.2405 Well formed.
51.2406 Smooth.
51.2407 Firm.
51.2408 Tender.
51.2409 Damage.
51.2410 Fresh.
51.2411 Diameter.
51.2412 Serious damage.

METRIC CONVERSION TABLE

51.2413 Metric conversion table.

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

STYLES

§ 51.2395 Topped radishes.

"Topped radishes" means radishes with the tops clipped back to not more than three-eighths inch in length.

§ 51.2396 Bunched radishes.

"Bunched radishes" means radishes with full length tops which are tied in bunches.

GRADES

§ 51.2397 U.S. No. 1.

"U.S. No. 1" consists of radishes of similar varietal characteristics the roots of which are clean, well formed, smooth, firm, tender, and free from decay and free from damage caused by freezing, growth cracks or air cracks, cuts, pithiness, disease, insects, or other means. Bunched radishes have tops which are fresh and free from decay and free from damage caused by freezing, seedstems, yellowing or other discoloration, disease, insects, or other means.

(a) Unless otherwise specified, the diameter of each root shall be not less than five-eighths inch.

(b) In order to allow for variations incident to proper grading and handling, the following tolerances are provided:

(1) *For defects of roots.* 10 percent, by count, for roots in any lot which fail to meet the requirements for the grade, including therein not more than 1 percent for decay;

(2) *For defects of tops of bunched radishes.* 10 percent, by count, for bunches in any lot which fail to meet the requirements for the grade, including therein not more than 5 percent for decay;

(3) *For off-size roots.* 10 percent, by count, for roots in any lot which fail to meet the specified minimum diameter: *Provided,* That when both minimum and maximum diameters are specified, an additional tolerance of 10 percent shall be allowed for roots which are larger than the maximum diameter specified; and,

(4) *For excess length of tops of topped radishes.* 5 percent, by count, for roots in any lot with tops which are more than one-half inch long.

§ 51.2398 U.S. Commercial.

"U.S. Commercial" consists of radishes which meet the requirements for the U.S. No. 1 grade except for the increased tolerances specified in this section.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances are provided:

(1) *For defects of roots.* 20 percent, by count, for roots in any lot which fail to meet the requirements for the grade, but not more than one-half of this amount, or 10 percent, shall be allowed for serious

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

damage, including therein not more than 1 percent for decay;

(2) *For defects of tops of bunched radishes.* 10 percent, by count, for bunches in any lot which fail to meet the requirements for the grade, including therein not more than 5 percent for decay;

(3) *For off-size roots.* 10 percent, by count, for roots in any lot which fail to meet the specified minimum diameter: *Provided*, That when both minimum and maximum diameters are specified, an additional tolerance of 10 percent shall be allowed for roots which are larger than the maximum diameter specified; and,

(4) *For excess length of tops of topped radishes.* 10 percent, by count, for roots in any lot with tops which are more than one-half inch long.

SAMPLE FOR GRADE DETERMINATION

§ 51.2399 Sample for grade determination.

(a) Topped radishes: Each sample shall consist of 50 roots.

(b) Bunched radishes:

(1) When applying the requirements for tops, each sample shall consist of 25 bunches.

(2) When applying the requirements for roots, each sample shall consist of 50 roots taken from whole or part bunches selected at random from the original 25-bunch sample.

(c) When individual packages contain less than 50 topped radishes or less than 25 bunches, a sufficient number of adjoining packages are opened to obtain the prescribed size sample.

(d) When practical, at point of packing, the sample may be obtained in the packing house from the belt or bin after sorting has been completed.

APPLICATION OF TOLERANCES

§ 51.2400 Application of tolerances.

Individual samples shall have not more than one and one-half times a specified tolerance of 10 percent, and not more than double a specified tolerance of less than 10 percent: *Provided*, That two roots affected by decay may be permitted in any sample: *And provided further*, That the averages for the entire lot are within the tolerances specified for the grade.

STANDARD BUNCHING

§ 51.2401 Standard bunching.

(a) Standard bunches of radishes shall be fairly uniform in size, and radishes in the individual bunches shall not vary more than one-half inch in diameter.

(b) Not more than 10 percent of the bunches in any lot may fail to meet the requirements for "Standard Bunching."

SIZE TERMS

§ 51.2402 Size terms.

(a) The following terms are provided for describing the diameters of radish roots:

(1) "Small" means less than three-fourths inch in diameter;

(2) "Medium" means three-fourths to 1 inch in diameter;

(3) "Large" means over 1 to 1¼ inches in diameter; and,

(4) "Very large" means over 1¼ inches in diameter.

DEFINITIONS

§ 51.2403 Similar varietal characteristics.

"Similar varietal characteristics" means that the radishes in any sample are similar in color and shape; for example, red varieties shall not be mixed with white varieties and globe-shaped varieties shall not be mixed with long-shaped varieties.

§ 51.2404 Clean.

"Clean" means that the radishes are practically free from dirt or other foreign material.

§ 51.2405 Well formed.

"Well formed" means that the root has the shape characteristic of the variety.

§ 51.2406 Smooth.

"Smooth" means that the root is not rough, or ridged to the extent that the appearance is materially affected.

§ 51.2407 Firm.

"Firm" means that the root is crisp and not soft, flabby, or wilted.

§ 51.2408 Tender.

"Tender" means that the root is not stringy or woody.

§ 51.2409 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the individual radish, the individual bunch of radishes, or the appearance of the sample as a whole.

The following specific defects shall be considered as damage:

(a) Growth cracks or air cracks:

(1) When more than one are present;

(2) When the flesh is discolored;

(3) When more than one-fourth inch deep; or,

(4) When the length of any crack exceeds the limitations set forth in Table I.

(b) Cuts, including harvester cuts and abrasions:

(1) When the flesh is discolored;

(2) When rough or deep;

(3) When the area of exposed flesh of any cut exceeds the limitations set forth in Table I; or,

(4) When the aggregate of all cuts or abrasions detracts from the appearance more than the maximum size single cut permitted.

TABLE I

Diameter of root	Maximum length of growth crack or air crack permitted	Maximum area of cut permitted—equivalent to:
½ inch	½ inch	½ inch circle.
¾ inch	½ inch	½ inch circle.
⅞ inch	½ inch	½ inch circle.
1 inch	¾ inch	¾ inch circle.
1⅛ inch	⅞ inch	⅞ inch circle.

(c) Pithiness when there is any distinctly open space, or when more than one-fourth of the surface at a center cut is dry and cottony;

(d) Insects or insect injury when the appearance of the root is materially affected, or when the injury penetrates into the flesh of the root or when the tops are affected to the extent that the appearance of the bunch is materially affected; and,

(e) Yellowing or other discoloration of the tops when the appearance of the bunch is materially affected. The appearance of bunches with tops having slight discoloration such as yellowing, browning, or other abnormal color affecting a few leaves shall not be considered materially affected if the tops as a whole show a predominantly normal green color.

§ 51.2410 Fresh.

"Fresh" means that the tops have normal green color and are not more than slightly wilted.

§ 51.2411 Diameter.

"Diameter" means the greatest dimension of the root measured at right angles to a line running from the crown to the base of the root.

§ 51.2412 Serious damage.

"Serious damage" means any defect or any combination of defects which seriously detracts from the appearance, or the edible or marketing quality of the individual root or the appearance of the bunch.

METRIC CONVERSION TABLE

§ 51.2413 Metric conversion table.

Inches	*Millimeters (mm)*
⅛	3.2
¼	6.4
⅜	9.5
½	12.7
⅝	15.9
¾	19.1
⅞	22.2
1	25.4
1¼	31.8
1½	38.1

[F.R. Doc. 68-10066; Filed, Aug. 20, 1968; 8:51 a.m.]

Chapter II—Consumer and Marketing Service (Consumer Food Programs), Department of Agriculture

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Appendix—Third Apportionment of Special Milk Program Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1968

AMENDMENT OF REAPPORTIONMENT FOR THE STATES OF NEW YORK, TENNESSEE, AND VIRGINIA

A third apportionment pursuant to section 3 of the Child Nutrition Act of 1966, Public Law 89-642, 80 Stat. 886, milk assistance funds available for the fiscal year ending June 30, 1968 was published in the FEDERAL REGISTER on July 13, 1968 (33 F.R. 10083). The third apportionment is amended for the States of New York, Tennessee, and Virginia as follows:

State	Total apportionment	State agency	Withheld for private schools
New York	$9,329,988	$9,329,988	
Tennessee	1,831,671	1,751,270	$80,401
Virginia	1,828,339	1,641,489	186,850
Total	103,332,000	95,895,823	7,436,177

(Secs. 2, 3, 6, and 8-16, 80 Stat. 885-890; 42 U.S.C. 1771, 1772, 1775, 1777-1785)

Dated: August 16, 1968.

WINN F. FINNER,
Acting Administrator.

[F.R. Doc. 68-10067; Filed, Aug. 20, 1968; 8:51 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Indian Corn or Maize, Broomcorn and Related Plants

QUARANTINE REGULATIONS

Pursuant to sections 1, 5, and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 154, 159, 162), § 319.41-3, relating to the issuance of permits under Indian Corn or Maize, Broomcorn and Related Plants Quarantine No. 41, 7 CFR 319.41-3, is amended by adding the port of Norfolk to the North Atlantic ports listed in paragraph (b) of the said section. As amended, § 319.41-3(b) reads as follows:

§ 319.41-3 Issuance of permits.

* * * * *

(b) For broomcorn and brooms and similar articles made of broomcorn, permits will be issued by the Director of the Plant Quarantine Division for such ports as may be designated therein, except that permits will be issued for the entry of broomcorn originating in countries other than those in the North or South American Continents or the West Indies only through the ports of Baltimore, Boston, New York, and Norfolk, or through other northeastern ports which may from time to time be designated in the permit, and at which facilities for treatment of infested material may be available, such entry to be limited to those shipments accompanied by on-board bills of lading dated within the period September 15 through February 15 of the succeeding year, both dates inclusive. Permits will not be issued for the entry of broomcorn from any source through ports on the Pacific Coast.

* * * * *

(Secs. 1, 5, 9, 37 Stat. 315, 316, 316; 7 U.S.C. 154, 159, 162; 29 F.R. 16210, as amended; 30 F.R. 5799, as amended)

At the request of importers and to facilitate the movement of increased importations of European broomcorn into the United States, the port of Norfolk, Va., is added to the list of ports that may be designated in the permits where approved fumigation facilities are available. It has been determined that allowing entry of broomcorn at Norfolk under the conditions prescribed in the quarantine regulations will not result in the introduction of plant pests.

In order to be of maximum benefit to importers of broomcorn, this amendment should be made effective promptly. Therefore, pursuant to the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect to the amendment are impracticable and unnecessary, and this amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of August 1968.

[SEAL] R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 68-10064; Filed, Aug. 20, 1968; 8:51 a.m.]

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Fruits and Vegetables

ADMINISTRATIVE INSTRUCTIONS PRESCRIBING METHOD OF TREATMENT OF GARLIC FROM SPECIFIED COUNTRIES

On January 27, 1968, there was published in the FEDERAL REGISTER (33 F.R. 1075), a notice of proposed rule making concerning an amendment of administrative instructions designated as 7 CFR 319.56-2h, relating to the Fruit and Vegetable Quarantine regulations, to amend the heading and the first sentence of paragraph (a) (1) of § 319.56-2h. After due consideration of all relevant matters presented, and pursuant to § 319.56-2 of the regulations (7 CFR 319.56-2) supplemental to the Fruit and Vegetable Quarantine (Notice of Quarantine No. 56, 7 CFR 319.56), under sections 5 and 9 of the Plant Quarantine Act of 1912 (7 U.S.C. 159, 162), and other authority (30 F.R. 5799, as amended), said § 319.56-2h is hereby amended to read as follows:

§ 319.56-2h Administrative instructions prescribing method of treatment of garlic from specified countries.

(a) (1) Except as otherwise provided in these administrative instructions, fumigation with methyl bromide in vacuum fumigation chambers approved by the Director of the Plant Quarantine Division is a condition of entry under permit for all shipments of garlic (Allium sativum) from Algeria, Austria, Czechoslovakia, Egypt, France, Greece, Hungary, Iran, Israel, Italy, Morocco, Portugal, South Africa (Republic of), Spain, Switzerland, Syria, Turkey, Union of Soviet Socialist Republics, West Germany, and Yugoslavia. Fumigation is to be carried out under the supervision of a plant quarantine inspector and at the expense of the importer. While it is believed that the garlic will be unaffected by the fumigation, the treatment will be at the importer's risk. Such entry will be limited to the ports of Baltimore, Md., Boston, Mass., Los Angeles, Calif., New Orleans, La., New York, N.Y., Norfolk, Va., San Juan, P.R., San Francisco, Calif., and Seattle, Wash., where approved facilities for vacuum fumigation with methyl bromide are available, and to such other ports as may be named in the permits if approved vacuum fumigation facilities are later made available at those other ports.

* * * * *

(Secs. 5, 9, 37 Stat. 316, 318, 7 U.S.C. 159, 162; 29 F.R. 18210, as amended, and 30 F.R. 5799, as amended; 7 CFR 319.56-2)

This amendment includes Austria, Czechoslovakia, Egypt, France, Greece, Iran, Israel, Portugal, South Africa (Republic of), Switzerland, Syria, Turkey, Union of Soviet Socialist Republics, and West Germany among the countries whose exports of garlic to the United States must be fumigated with methyl bromide as a condition of entry. Such fumigation is now required of garlic imported from Algeria, Hungary, Italy, Morocco, Spain, and Yugoslavia inasmuch as these countries are infested with *Brachycerus* spp. and Dyspessa ulula (Bkh.), destructive insect pests of garlic. These same pests exist in the 14 countries herein included. Therefore, to prevent the introduction of the pests into the United States, these countries are added to the list.

This amendment should be made effective promptly to protect the United States against the entry of injurious insects with shipments of garlic. Therefore, it is in the public interest that the amendment be made effective as soon as possible. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

These administrative instructions shall become effective upon publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 16th day of August 1968.

[SEAL] F. A. JOHNSTON,
Director,
Plant Quarantine Division.

[F.R. Doc. 68-10063; Filed, Aug. 20, 1968; 8:51 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service, (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 16]

PART 719—RECONSTITUTION OF FARMS, ALLOTMENTS, AND BASES

Pooling and Transfer of Allotments

This amendment is issued pursuant to section 375(b) of the Agricultural Adjustment Act of 1938, as amended (7

U.S.C. 1375(b)), section 124 of the Soil Bank Act (7 U.S.C. 1812), and the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g–p). This amendment provides that the owner of land sold to an agency having the right of eminent domain is not displaced so long as he farms the land continuously under lease.

Since lands are being acquired by agencies having the right of eminent domain and leasing arrangements are being made which would have an effect on the pooling of allotments and bases, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and this amendment shall be effective upon publication in the FEDERAL REGISTER.

§ 719.11 [Amended]

The regulations in § 719.11 are amended as follows:

Amend paragraph (a) (3) (ii), (4) and the first sentence of paragraph (h) to read as follows:

(ii) In the case of transfer of title, the date the owner loses possession of the acquired land as owner, or as lessee under lease beginning immediately after the owner conveyed title. Such owner may become displaced from the acquired land even though a lease is in effect if he wishes to give up his right to produce the allotment crops and feed grain bases on the acquired land:

(4) *Displaced owner.* The owner who gives up possession of the land acquired by an agency. A person who gets a farm subject to an outstanding contract of sale to any agency, or option to purchase by an agency, subject to pending condemnation proceedings, cannot be considered a displaced owner.

(h) *Reconstitution where all or part of an acquired farm is leased to the displaced owner.* Where possession of all or part of an acquired farm is retained by the displaced owner by virtue of a lease, any portion of the acquired farm which is not leased by the displaced owner shall be constituted separately from the leased portion at the date of displacement.

(Secs. 375, 378, 52 Stat. 66, as amended, 72 Stat. 995, as amended, 7 U.S.C. 1375, 1378; sec. 124, 70 Stat. 198, 7 U.S.C. 1812; sec. 4, 49 Stat. 164, 16 U.S.C. 590d)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 14, 1968.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68–10028; Filed, Aug. 20, 1968; 8:49 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Subpart—Administrative Rules and Regulations

Notice was published in the July 26, 1968, issue of the FEDERAL REGISTER (33 F.R. 10656) regarding a proposed amendment of § 993.149 of the administrative rules and regulations (Subpart—Administrative Rules and Regulations; 7 CFR 993.101–993.174). The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California.

The proposed amendment was recommended by the Prune Administrative Committee, established under the order, and relates to the disposition of certain defective prunes in nonhuman consumption outlets, and to the receiving of prunes by handlers at dehydrators' premises.

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. Comments were received from the Committee and one handler.

After consideration of all relevant matter presented, including that in the notice, the views submitted pursuant to the notice, the recommendations of the Prune Administrative Committee, and other available information, it is found that the amendment of the Subpart—Administrative Rules and Regulations, as hereinafter set forth, is in accordance with this part, will tend to effectuate the declared policy of the act, and for the reasons hereinafter set forth, should become effective at the time provided herein.

Therefore, it is hereby ordered, That § 993.149(d) (3) is revised, and a new paragraph (e) is added to § 993.149 to read as follows:

§ 993.149 Receiving of prunes by handlers.

* * * * * *

(d) * * *

(3) *Disposition.* Prunes accumulated by a handler pursuant to subparagraph (2) of this paragraph shall be disposed of in nonhuman consumption outlets during the crop year in which the prunes establishing such obligation were received from producers and dehydrators unless the handler files an application with the Committee for additional time to complete such disposition and receives written approval from the Committee for such disposition within a specified period of time.

(e) *Receiving at dehydrator.* Notwithstanding paragraph (b) (1) of this section, any handler may arrange with the inspection service for the receiving of prunes at a dehydrator's premises designated as such handler's inspection station and for the incoming inspection and certification to be based on samples of prunes drawn as prune plums and dehydrated in the same manner as the prunes to which they are referable. Where such arrangement is acceptable to the Committee as permitting the inspection and certification of the prunes to be comparable to an inspection and certification when based on samples drawn as prunes, such certification shall be acceptable for the purposes of this section if the inspector further certifies that the dehydration process of the prunes being certified resulted in prunes eligible to be received under the terms and conditions of this part.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) It is imperative that the procedures with respect to receiving of prunes at dehydrator premises should be available to handlers as soon as possible; (2) the 1968–69 crop year began August 1, 1968, 1968 crop prune plums are now being delivered to dehydrators for dehydrating, and handlers should soon begin receiving 1968 crop prunes; (3) this action relieves restrictions on handlers; and (4) postponing the effective time of this action beyond the date of publication in the FEDERAL REGISTER would serve no useful purpose.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated August 16, 1968, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 68–10029; Filed, Aug. 20, 1968; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. H]

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

Branches

Section 208.122 is revised to read as follows:

§ 208.122 Loan "Production Offices" as branches.

For text of interpretation relating to this subject, see § 250.141 of this subparagraph.

(12 U.S.C. 248(1). Interprets 12 U.S.C. 36 and 321)

Dated at Washington, D.C., the 14th day of August 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68–9993; Filed, Aug. 20, 1968; 8:45 a.m.]

PART 250—MISCELLANEOUS INTERPRETATIONS

Operations Subsidiaries

Section 250.141 is revised to read as follows:

§ 250.141 Member bank purchase of stock of operations subsidiaries.

(a) The Board of Governors has reexamined its position that the so-called "stock-purchase prohibition" of section 5136 of the Revised Statutes (12 U.S.C. 24), which is made applicable to member State banks by the 20th paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 335), forbids the purchase by a member bank "for its own account of any shares of stock of any corporation" (the statutory language), except as specifically permitted by provisions of Federal law or as comprised within the concept of "such incidental powers as shall be necessary to carry on the business of banking", referred to in the first sentence of paragraph "Seventh" of R.S. 5136.

(b) In 1966 the Board expressed the view that said incidental powers do not permit member banks to purchase stock of "operations subsidiaries"—that is, organizations designed to serve, in effect, as separately-incorporated departments of the bank, performing, at locations at which the bank is authorized to engage in business, functions that the bank is empowered to perform directly. (See 1966 Federal Reserve Bulletin 1151.)

(c) The Board now considers that the incidental powers clause permits a bank to organize its operations in the manner that it believes best facilitates the performance thereof. One method of organization is through departments; another is through separate incorporation of particular operations. In other words, a wholly owned subsidiary corporation engaged in activities that the bank itself may perform is simply a convenient alternative organizational arrangement.

(d) Reexamination of the apparent purposes and legislative history of the stock-purchase prohibition referred to above has led the Board to conclude that such prohibition should not be interpreted to preclude a member bank from adopting such an organizational arrangement unless its use would be inconsistent with other Federal law, either statutory or judicial.

(e) In view of the relationship between the operation of certain subsidiaries and the branch banking laws, the Board has also reexamined its rulings on what constitutes "money lent" for the purposes of section 5155 of the Revised Statutes (12 U.S.C. 36), which provides that "The term 'branch' * * * shall be held to include any branch bank, branch office, branch agency, additional office, or any branch place of business * * * at which deposits are received, or checks paid, or money lent."[1]

(f) The Board noted its 1967 interpretation that offices that are open to the public and staffed by employees of the bank who regularly engage in soliciting borrowers, negotiating terms, and processing applications for loans (so-called "loan production offices") constitute branches. (1967 Federal Reserve Bulletin 1334.) The Board also noted that later in that year it considered the question whether a bank holding company may acquire the stock of a so-called "mortgage company" on the basis that the company would be engaged in "furnishing services to or performing services for such bank holding company or its banking subsidiaries" (the so-called "servicing exemption" of section 4(c)(1)(C) of the Bank Holding Company Act; 12 U.S.C. 1843). In concluding affirmatively, the Board stated that "the appropriate test for determining whether the company may be considered as within the servicing exemption is whether the company will perform as principal any banking activities—such as receiving deposits, paying checks, extending credit, conducting a trust department, and the like. In other words, if the mortgage company is to act merely as an adjunct to a bank for the purpose of facilitating the bank's operations, the company may appropriately be considered as within the scope of the servicing exemption." (1967 Federal Reserve Bulletin 1911; 12 CFR 222.122.)

(g) The Board believes that the purposes of the branch banking laws and the servicing exemption are related. Generally, what constitutes a branch does not constitute a servicing organization and, vice versa, an office that only performs servicing functions should not be considered a branch. (See 1958 Federal Reserve Bulletin 431; last paragraph; 12 CFR 222.104(e).) When viewed together, the above-cited interpretations on loan production offices and mortgage companies represent a departure from this principle. In reconsidering the laws involved, the Board has concluded that a test similar to that adopted with respect to the servicing exemption under the Bank Holding Company Act is appropriate for use in determining whether or not what constitutes "money [is] lent" at a particular office, for the purpose of the Federal branch banking laws.

(h) Accordingly, the Board considers that the following activities, individually or collectively, do not constitute the lending of money within the meaning of section 5155 of the revised statutes: soliciting loans on behalf of a bank (or a branch thereof), assembling credit information, making property inspections and appraisals, securing title information, preparing applications for loans (including making recommendations with respect to action thereon), soliciting investors to purchase loans from the bank, seeking to have such investors contract with the bank for the servicing of such loans, and other similar agent-type activities. When loans are approved and funds disbursed solely at the main office or a branch of the bank, an office at which only preliminary and servicing steps are taken is not a place where "money [is] lent". Because preliminary and servicing steps of the kinds described do not constitute the performance of significant banking functions of the type that Congress contemplated should be performed only at governmentally approved offices, such office is accordingly not a branch.

(i) To summarize the foregoing, the Board has concluded that, insofar as Federal law is concerned, a member bank may purchase for its own account shares of a corporation to perform, at locations at which the bank is authorized to engage in business, functions that the bank is empowered to perform directly. Also, a member bank may establish and operate, at any location in the United States, a "loan production office" of the type described herein. Such offices may be established and operated by the bank either directly, or indirectly through a wholly-owned subsidiary corporation.

(j) This interpretation supersedes both the Board's 1966 ruling on "operations subsidiaries" and its 1967 ruling on "loan production offices", referred to above.

(12 U.S.C. 248(1). Interprets 12 U.S.C. 24, 36, 321, and 335)

Dated at Washington, D.C., the 14th day of August 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68–9994; Filed, Aug. 20, 1968; 8:45 a.m.]

[1] In the Board's judgment, the statutory enumeration of three specific functions that establish branch status is not meant to be exclusive but to assure that offices at which any of these functions is performed are regarded as branches by the bank regulatory authorities. In applying the statute the emphasis should be to assure that significant banking functions are made available to the public only at governmentally authorized offices.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Common Name for Food Fish of the Species *Reinhardtius Hippoglossoides*

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 403(b), 701(a), 52 Stat. 1047, 1055; 21 U.S.C. 343(b), 371(a)) and delegated to the Commissioner of Food and

Drugs (21 CFR 2.120), the following new section is added to Part 3:

§ 3.70 "Flounder" or "northern flounder" is the common name for food fish of the species *Reinhardtius hippoglossoides*.

(a) The food fish commonly known as "halibut" is a member of the species *Hippoglossus hippoglossus* (caught in the Atlantic Ocean) or the species *Hippoglossus stenolepis* (caught in the Pacific Ocean). The name "Greenland halibut" has been accepted in the scientific community as the name for food fish of the species *Reinhardtius hippoglossoides*, which is a variety of the fish commonly known as flounder. For this reason the Food and Drug Administration in the past has not objected to the use of the name "Greenland halibut" in the labeling of this species of fish. There is now, however, sufficient information available to the Administration to show that the ordinary individual who prefers the true, and more expensive, halibut may purchase fish labeled as "Greenland halibut" under the impression that it is a kind of halibut, which is not the case.

(b) The Food and Drug Administration therefore concludes that the food fish of the species *Reinhardtius hippoglossoides* labeled as "Greenland halibut" or with any other name which includes the word "halibut" is misbranded within the meaning of section 403(b) of the Federal Food, Drug, and Cosmetic Act. The labeling of such fish shall bear either the name "flounder" or, since the species is caught only in circumpolar waters, the name "northern flounder."

(c) The Food and Drug Administration will consider appropriate regulatory action regarding such misbranded fish shipped in interstate commerce if the act of misbranding the fish occurs after 90 days following the date of publication of this section in the FEDERAL REGISTER.

(Secs. 403(b), 701(a), 52 Stat. 1047, 1055; 21 U.S.C. 343(b), 371(a))

Dated: August 13, 1968.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 68-10070; Filed, Aug. 20, 1968; 8:51 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

S-Ethyl Dipropylthiocarbamate

A petition (PP 8F0643) was filed with the Food and Drug Administration by the Stauffer Chemical Co., Richmond, Calif. 94800, proposing the establishment of tolerances for negligible residues of the herbicide *S*-ethyl dipropylthiocarbamate in or on the raw agricultural commodities almond hulls, asparagus, castor beans, citrus, cotton forage, cottonseed, curcubits, flaxseed, forage grasses, forage legumes, fruiting vegetables, grain crops, leafy vegetables, nuts, pineapples, root crop vegetables, safflower seed, seed and pod vegetables, small fruits, strawberries, and sunflower seed at 0.1 part per million.

Subsequently the petitioner amended the petition by withdrawing the request for a tolerance regarding curcubits.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner (21 CFR 2.120), Part 120 is amended by adding to Subpart C the following new section:

§ 120.117 *S*-Ethyl dipropylthiocarbamate; tolerances for residues.

Tolerances are established for negligible residues of the herbicide *S*-ethyl dipropylthiocarbamate in or on the raw agricultural commodities almond hulls, asparagus, castor beans, citrus, cotton forage, cottonseed, flaxseed, forage grasses, forage legumes, fruiting vegetables, grain crops, leafy vegetables, nuts, pineapples, root crop vegetables, safflower seed, seed and pod vegetables, small fruits, strawberries, and sunflower seed at 0.1 part per million.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: August 12, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10071; Filed, Aug. 20, 1968; 8:51 a.m.]

SUBCHAPTER C—DRUGS

PART 166—DEPRESSANT AND STIMULANT DRUGS; DEFINITIONS, PROCEDURAL AND INTERPRETIVE REGULATIONS

Listing of Additional Drugs as Drugs Subject to Control

In the matter of listing of synthesized tetrahydrocannabinols as "depressant or stimulant" drugs within the meaning of section 201(v) of the Federal Food, Drug, and Cosmetic Act because such drugs have a potential for abuse because of their hallucinogenic effects:

No comments were received on the proposal in the above-identified matter published in the FEDERAL REGISTER of July 9, 1968 (33 F.R. 9833), and it is concluded that the amendment should be adopted as proposed.

Therefore, pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371) and under the authority vested in the Attorney General by Reorganization Plan No. 1 of 1968 (33 F.R. 5611), and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs (28 C.F.R. 0.200), Section 166.3(c)(3) is amended by alphabetically inserting in the list of drugs, new items, as follows:

§ 166.3 Listing of drugs defined in section 201(v) of the Act.

* * * * * * *

(c) * * *

(3) * * *

Synthetic equivalents of the substances contained in the plant, or in the resinous extractives of *Cannabis* sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following:

Δ^1 cis or trans tetrahydrocannabinol, and their optical isomers,

Δ^6 cis or trans tetrahydrocannabinol, and their optical isomers,

$\Delta^{3,4}$ tetrahydrocannabinol, and its optical isomers.

(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions are covered.)

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Room 613, 633 Indiana Avenue, Washington, D.C. 20226, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 31 days from the date of its publication in the FEDERAL REGISTER, except as to any provision that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

Dated: August 13, 1968.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[F.R. Doc. 68-10040; Filed, Aug. 20, 1968; 8:49 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

PART 3—RENEWAL ASSISTANCE

Subpart A—Urban Renewal Projects, Demolition Programs, and Code Enforcement Programs

The heading of Part 3 is revised as set forth above and Subpart A of Part 3 is added as follows:

Subpart A—Urban Renewal Projects, Demolition Programs, and Code Enforcement Programs

Sec.
3.1 Definitions.
3.2 General policies and procedures.
3.3 Urban renewal projects.
3.4 Code enforcement programs.
3.5 Demolition programs.
3.6 Rehabilitation grants.
3.7 Community renewal programs.
3.8 Applications; information.

AUTHORITY: The provisions of this Subpart A issued under sec. 7(d), Public Law 89-174, 79 Stat. 670, 42 U.S.C. 3535(d); sec. C, 2, of Secretary's delegation to Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8964, June 29, 1966), as amended effective August 5, 1967 (32 F.R. 11390, Aug. 5, 1967). The heading of Part 3 is revised to read as set forth above.

Subpart A—Urban Renewal Projects, Demolition Programs, and Code Enforcement Programs

§ 3.1 Definitions.

(a) Title I of the Housing Act of 1949, 63 Stat. 414 (1949), as amended, 42 U.S.C. section 1450 et seq., authorizes the Department of Housing and Urban Development to finance the undertaking of local programs designed for the elimination and prevention of slums and blight, including slum clearance and urban renewal, rehabilitation, code enforcement, and demolition.

(b) The terms used herein shall have the meanings attributed to them in section 110 of the Housing Act of 1949, as amended, 42 U.S.C. section 1460.

§ 3.2 General policies and procedures.

Title I of the Housing Act of 1949, as amended, authorizes the Department of Housing and Urban Development to provide localities with Federal technical and financial assistance through a number of programs designed for the elimination and prevention of slums and blight and the removal of factors that create slums and blighting conditions. Applications for grants, loans, and advances should be filed with the Regional Office which serves the locality seeking assistance. The Regional Offices of the Department of Housing and Urban Development provide forms for making application for Federal aid, furnish information and assistance, receive completed applications, and notify recipients of the approval of such applications.

§ 3.3 Urban renewal projects.

Urban renewal projects are planned and executed by local public agencies which, depending on State law, may be separate urban renewal agencies, local housing authorities, or departments of city governments. To qualify for Federal assistance to an urban renewal project, a community must adopt, and have certified by the Secretary of Housing and Urban Development, a Workable Program for Community Improvement designed to eliminate blight and prevent its recurrence. In addition, a local public agency must make a showing that there is a feasible method for the temporary relocation of the individuals and families displaced from the urban renewal area and must assure the Secretary that there are, or are being provided, sufficient units of decent, safe, and sanitary relocation housing in comparable areas at reasonable rents. The policies and procedures applicable to urban renewal projects are set forth in the Urban Renewal Handbook, RHA 7200 through RHA 7228.

(a) An urban renewal project assisted under Title I may include, in accordance with the urban renewal plan for the area, acquisition of land, site clearance, installation of streets, utilities, parks, playgrounds, and other improvements, restoration and relocation of structures of historic or architectural value, carrying out plans for programs of code enforcement, voluntary repair and rehabilitation of buildings or other improvements, and disposition of acquired land.

(b) The Secretary is authorized to make relocation grants to local public agencies to reimburse them for payments to individuals, families, and businesses for their reasonable and necessary moving expenses, for any direct loss of property resulting from their displacement from an urban renewal area and for related payments. The regulations governing such payments may be found at 24 CFR 3.100 et seq.

(c) The Secretary is authorized to make an advance of funds to a local public agency (1) for survey and planning work for the project, (2) to determine the feasibility of the undertaking of a project, and (3) for a General Neighborhood Renewal Plan outlining the urban renewal activities proposed in an area which is of such size that the activities may have to be initiated and carried out in stages.

(d) The Secretary is authorized to make a temporary loan to be used by the local public agency as working capital in acquiring real estate, clearing the site, and preparing the area for redevelopment or conservation and rehabilitation.

(e) The Secretary is authorized to make a definitive loan to the local public agency, for a period not exceeding 40 years, when project land is leased rather than sold to a redeveloper. A definitive loan must be amortized from the rental income derived from the land.

(f) The Secretary is authorized to make a project capital grant to a local public agency not exceeding two-thirds of the Net Project Cost except that a project capital grant may be made not exceeding three-fourths of the Net Project Cost (1) where the project is located in a municipality with a population of fifty thousand or less, (2) where the project is situated in an officially designated redevelopment area, or (3) where the Net Project Cost excludes the costs of survey, planning, administrative, legal and certain other expenses.

(g) The local contribution toward the cost of the project may be made in the form of cash or noncash grants-in-aid, such as donations of land, demolition and removal work, project improvements, historic preservation activities, certain expenditures by colleges, universities, and hospitals, or public facilities that benefit the project.

(h) Application for financial assistance for an urban renewal project may be made by local public agencies on Form HUD-6100, Survey and Planning Application, and Form HUD-612, Application for Loan and Grant.

§ 3.4 Code enforcement programs.

The Secretary is authorized to make a grant of not exceeding two-thirds (or three-fourths in the case of a municipality having a population of 50,000 or less) of the cost of carrying out programs of concentrated code enforcement in deteriorated or deteriorating areas in which such enforcement, together with those public improvements to be provided by the locality, may be expected to arrest the decline of the area. Eligible code enforcement activities may include the provision and repair of necessary streets, curbs, sidewalks, street lighting, tree planting, and similar improvements within such areas. Prior to execution of a contract for a code enforcement grant, the municipality must have a workable program for community improvement currently in effect, must assure that any individuals or families displaced by the code enforcement activities are offered decent, safe, and sanitary housing within their means, and must provide relocation assistance and relocation payments on the same basis as in urban renewal project activities. The policies and procedures applicable to code enforcement programs are set forth in the Code Enforcement Grant Handbook, RHA 7250. Application for financial assistance for a code enforcement grant may be made by cities, other municipalities, and counties on Form HUD-6170, Application for

Code Enforcement Grant, and Form HUD–6170A, Application for Code Enforcement Grant—Area Data.

§ 3.5 Demolition programs.

The Secretary is authorized to make a grant of not exceeding two-thirds of the cost of demolishing structures which under State or local law have been determined to be structurally unsound or unfit for human habitation. If the structures to be demolished are not in an urban renewal area, (a) the locality involved must have a currently certified workable program for community improvement and the structures to be demolished must constitute a serious hazard to the public health or welfare, (b) the demolition must be on a planned neighborhood basis and further the overall renewal objectives of the locality, (c) a program of enforcement of existing local housing and related codes must be currently underway in the locality, and (d) the governing body of the municipality must determine that other available legal procedures to secure remedial action by the owners of the structures involved have been exhausted and that demolition by governmental action is required. The locality will be obligated to assure that any individuals or families displaced as a result of the federally assisted demolition are offered decent, safe, and sanitary housing. Relocation payments must be made available on the same ministerial basis as in urban renewal project activities. The policies and procedures applicable to the demolition program are set forth in the Demolition Grant Handbook, RHA 7300. Cities, other municipalities, and counties seeking financial assistance under this program may obtain information and forms from the Regional Office which serves the locality seeking assistance.

§ 3.6 Rehabilitation grants.

The Secretary may authorize a local public agency to make grants (and an urban renewal or code enforcement project may include the making of such grants) to individuals and families owning and occupying structures in urban renewal areas or in areas of concentrated code enforcement to cover the cost of repairs and improvements necessary to make such structures conform to public standards for decent, safe, and sanitary housing as required by applicable codes or other requirements of the urban renewal plan for the area. For an individual or family whose annual income does not exceed $3,000, a grant is limited to the lesser of $1,500 or the actual cost of the repairs and improvements involved. Where the annual income of the individual or family exceeds $3,000, the amount of the grant is further limited to an amount not exceeding that portion of the cost of repairs and improvements which cannot be paid for with any available loan that can be amortized as part of the applicant's monthly housing expense without requiring that expense to exceed 25 percent of the applicant's monthly income. Local public bodies may include requests for rehabilitation grant assistance in their applications for assistance for an urban renewal or code enforcement project. Individuals eligible for financial assistance under this program may request and file Form HUD–6260 with the local public body authorized to carry out an urban renewal or code enforcement project. The policies and procedures applicable to rehabilitation grants are set forth in the Urban Renewal Handbook, RHA 7210.

§ 3.7 Community renewal programs.

(a) The Secretary is authorized to make grants not exceeding two-thirds of the total cost of preparing a community renewal program including (1) identification of blighted or deteriorating areas in the community, (2) measurement of the nature and degree of blight and blighting factors in the areas, (3) determination of the financial, relocation and other resources needed to renew the areas, (4) identification of potential project areas and types of urban renewal action contemplated, and (5) scheduling of urban renewal activities.

(b) Application for financial assistance under this program may be made by a local public body authorized to perform the necessary planning work on Form HUD–6400, Application for Community Renewal Program Grant. The policies and procedures applicable to community renewal programs are set forth in the Community Renewal Program Handbook, RHA 7230.

§ 3.8 Applications; information.

(a) A local public agency applying for financial assistance should submit its application and all related documents to the Regional Administrator in the appropriate HUD Regional Office. Application forms and other forms, procedures, policy statements, and materials issued by HUD for the use or guidance of local public agencies may be obtained through such offices as follows:

Region I: 346 Broadway, New York, N.Y. 10013 (Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont).

Region II: Widener Building, 1339 Chestnut Street, Philadelphia, Pa. 19107 (Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania, Virginia, West Virginia).

Region III: Peachtree-Seventh Building, Atlanta, Ga. 30323 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee).

Region IV: 360 North Michigan Avenue, Chicago, Ill. 60601 (Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin).

Region V: Federal Office Building, 819 Taylor Street, Fort Worth, Tex. 76102 (Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Texas).

Region VI: 450 Golden Gate Avenue, Post Office Box 36003, San Francisco, Calif. 94102 (Alaska, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming).

Region VII: Post Office Box 3869 GPO San Juan, P.R. 00936 (Puerto Rico and Virgin Islands).

(b) The Urban Renewal Handbook, which sets out policies and requirements for Local Public Agencies, may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401 and is available for use in the HUD Information Center, 451 Seventh Street SW., Washington, D.C. 20410, and in the information centers of the various HUD Regional Offices.

(c) Also available in each of the information centers are (1) Community Renewal Program Handbook, (2) Code Enforcement Grant Handbook, and (3) Demolition Grant Handbook.

Effective date. Date of publication in the FEDERAL REGISTER.

ROBERT E. MCCABE,
Acting Assistant Secretary for Renewal and Housing Assistance.

[F.R. Doc. 68–10034; Filed, Aug. 20, 1968; 8:49 a.m.]

Title 29—LABOR

Chapter X—National Mediation Board

PART 1200—MINIMUM STANDARDS OF CONDUCT FOR EMPLOYEES OF THE NATIONAL MEDIATION BOARD

Subpart B—Ethical Conduct and Responsibilities of Employees

OUTSIDE EMPLOYMENT AND OTHER ACTIVITY

Pursuant to and in conformity with sections 201 through 209 of title 18 of the United States Code, Executive Order 11222 of May 8, 1965 (30 F.R. 6469), and Title 5, Chapter I, Part 735 of the Code of Federal Regulations, Part 1200 is amended as follows:

Section 1200.735–22 of the National Mediation Board's Rules, in accordance with Executive Order 11408, dated April 25, 1968, is amended by revising paragraph (c) and revoking paragraph (d) as follows:

§ 1200.735–22 Outside employment and other activity.

* * * * *

(c) Employees are encouraged to engage in teaching, lecturing and writing that is not prohibited by law, the Executive order, or the Board regulations. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Commission or Board of Examiners for the Foreign Service, that depends on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Board gives written authorization for use of nonpublic information on the basis that the use is in the public interest. In addition, an employee who is a Presidential appointee covered by section 401(a) of Executive Order 11222 shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or

appearance, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the Board, or which draws substantially on official data or ideas which have not become part of the body of public information.

(d) [Revoked.]

These amendments were approved by the Civil Service Commission on May 21, 1968, and are effective upon publication in the FEDERAL REGISTER.

[SEAL] THOMAS A. TRACY,
Executive Secretary.

[F.R. Doc. 68–10041; Filed, Aug. 20, 1968; 8:50 a.m.]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

[Bureau of Mines Schedule 19B]

PART 12—SUPPLIED-AIR RESPIRATORS

Procedures for Investigation, Tests, Certification, Approval, and Fees

On pages 20730–20732 of the FEDERAL REGISTER of December 22, 1967, there was published a notice and text of a proposed amendment of Part 12 of Chapter I, Title 30, Code of Federal Regulations prescribing requirements for investigating, testing, and certifying and approving Supplied-Air Respirators. A few minor errors were subsequently found in the document which were corrected on page 2448 of the FEDERAL REGISTER of February 1, 1968.

Interested persons were given 30 days after February 1, 1968, the date of publication of the corrections of the notice and text, within which to submit written comments, suggestions, or objections concerning the proposed regulations. Comments and suggestions were received from several sources and given careful consideration.

Part 12 of Chapter I, Title 30, Code of Federal Regulations, is amended as follows and shall be effective upon publication in the FEDERAL REGISTER.

EARL T. HAYES,
Acting Director, Bureau of Mines.

Part 12 of Chapter I, Title 30, Code of Federal Regulations, is amended as follows:

1. A new paragraph (e) is added to § 12.2 as follows:

§ 12.2 Types of supplied-air respirators.

* * * * *

(e) *Types A, AE, B, BE, C, or CE respirator in combination with another type of respiratory protective device.* (1) A respirator of this type may consist of a supplied-air respirator in combination with a self-contained breathing apparatus or with an air-purifying respirator such as a gas mask, dispersoid respirator, or chemical-cartridge respirator. A combination supplied-air respirator and self-contained breathing apparatus which meets the applicable requirements of this part and of Part 11 of this chapter may be worn in atmospheres immediately harmful to life. A combination supplied-air respirator and air-purifying respirator which meets the requirements of this part and of other applicable parts will not be approved to be worn in atmospheres which exceed the limitations prescribed by the Bureau for use of the air-purifying respirator.

(2) Respiratory protective devices combining the characteristics of a supplied-air respirator and another type of respiratory protective device shall meet the requirements of this part as well as the requirements of any other part which is applicable to the total purpose of the device for which approval is sought. The approval, if granted, will be issued under the other applicable part(s). The Bureau will specify, in the certificate of approval and on the approval label, the limitations which shall apply to the use of the combination respiratory protective device.

2. Paragraphs (a), (b), (d), (e), (f), (g), and (h), of § 12.4 are amended to read as follows and paragraph (i) is revoked:

§ 12.4 Conditions under which supplied-air respirators will be tested.

(a) *Consultation.* By appointment, applicants or their representatives may visit the Bureau's Health and Safety Research and Testing Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213 to discuss with qualified Bureau personnel proposed supplied-air respirators to be submitted in accordance with the regulations of this part. No charge is made for such consultation and no written report thereof will be made to the applicant.

(b) *Application.* No investigating or testing (including retesting of a respirator that has been previously tested and disapproved) will be undertaken hereunder by the Bureau except pursuant to a written application, in duplicate, accompanied by all drawings, specifications, descriptions, and related matters and also a check, bank draft, or money order, payable to the Bureau of Mines to cover the fees. The application and all related matters and correspondence concerning it shall be addressed to the Bureau of Mines, Health and Safety Research and Testing Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, Attention: Approval and Testing.

* * * * *

(d) *Drawings and specifications required.* (1) Drawings, specifications, and descriptions shall be adequate in detail to identify fully all components and subassemblies and the assembled respirator. All drawings shall include title, number, and date; any revision dates shall be shown on the drawings and the purpose of each revision shall be shown on the drawings or described in an attachment to the drawing to which it applies.

(2) Duplicate sets of detailed drawings and specifications shall be a part of the application. These shall fully describe the construction, dimensions, composition, materials, finishes, and assembly of all parts of the respirator.

(3) The application shall state that, when tested by the applicant or his testing agency, the respirator has met the pertinent requirements of this part. Two copies of the results of the applicant's inspections and tests shall accompany the application.

(4) The application shall state that the respirator is completely developed and is a finished marketable product.

(5) The application shall describe the function of the respirator and the operation of its parts.

(e) *Control-test requirements.* The application shall state how production items will be tested to maintain quality control of the respirator and its component parts. The Bureau may have its qualified representative(s) inspect the applicant's control-test methods, equipment, and records, and may interview the personnel who conduct the control tests, at all reasonable times.

(f) *Material required for approval testing.* When the Bureau notifies the applicant that the application has been accepted, it will also inform him of the number of complete respirators and extra parts that will be required for testing. All test materials shall be delivered (charges prepaid) to the Bureau of Mines, Health and Safety Research and Testing Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, Attention: Approval and Testing.

(g) *Date for conducting tests.* The date of acceptance of an application will determine its order of precedence for investigation and testing. The applicant, if he so specifies, will be notified of the date when tests on his respirator will begin. If a respirator fails to meet any of the requirements, it shall lose its order of precedence. If the application is resubmitted, after the cause of failure has been corrected, it will be treated as a new application.

(h) *Conduct of investigations, tests, and demonstrations.* (1) Prior to the issuance of a certificate of approval, only Bureau personnel, representatives of the applicant, and such other persons as may be mutually agreed upon, may observe the investigations or tests. The Bureau shall hold as confidential, and shall not disclose, principles or patentable features prior to certification. It shall not disclose any analyses, nor any details of the applicant's drawings, specifications, and related material. The conduct of all such investigations, tests, and demonstrations shall be under the sole direction and control of the Bureau. Any other persons shall be present only as observers or as required under subparagraph (3) of this paragraph.

(2) After the issuance of a certificate of approval, the Bureau may conduct such public demonstrations and tests of the approved device as it deems appropriate.

(3) When requested by the Bureau, the applicant shall provide assistance in assembling or disassembling the respirator and its components, subassemblies or assemblies for testing, and in operating the respirator during the tests.

(4) Applicants shall be responsible for their representatives present during tests and for observers admitted at their request and shall save the Government harmless in the event of damage to applicant's property or injury to applicant's representatives or to observers admitted at their request.

(i) [Revoked]

§ 12.5 [Amended]

3. In Table 1, Air-Supply-Line Requirements and Tests, under paragraph (f) of § 12.5, the Air Flow requirements for Type C supplied-air respirators are amended to read as follows:

The air-supply hose with air regulating valve or orifice shall permit a flow of not less than 115 liters (4 cubic feet) per minute to tight-fitting and 170 liters (6 cubic feet) per minute to loose-fitting respiratory-inlet coverings through the maximum length of hose for which approval is granted and at the minimum specified air-supply pressure. The maximum flow shall not exceed 425 liters (15 cubic feet) per minute at the maximum specified air-supply pressure with the minimum length of hose for which approval is granted.
The air-supply hose, detachable coupling, and demand valve of the demand class or pressure-demand valve of the pressure-demand class for Type C supplied-air respirators, demand and pressure-demand classes, shall be capable of delivering respirable air at a rate of not less than 115 liters (4 cubic feet) per minute to the respiratory-inlet covering at an inhalation resistance not exceeding 50 millimeters (2 inches) of water-column height measured at the respiratory-inlet covering with any combination of air-supply pressure and length of hose within the applicant's specified range of pressure and hose length. The airflow rate and resistance to inhalation shall be measured while the demand or pressure-demand valve is actuated 20 times per minute by a source of intermittent suction. The maximum rate of flow to the respiratory-inlet covering shall not exceed 425 liters (15 cubic feet) per minute under the specified operating conditions.

4. In Table 1, Air Supply-Line Requirements and Tests, under paragraph (f) of § 12.5, the Air-regulating valve requirements for Type C supplied-air respirators are amended to read as follows:

If an air-regulating valve is provided, it shall be so designed that it will remain at a specific adjustment, which will not be affected by the ordinary movement of the wearer. The friction developed between the packing and a valve stem will not be considered as meeting this requirement.
The valve must be so constructed that the air supply with the maximum length of hose and at the minimum specified air-supply pressure will not be less than 115 liters (4 cubic feet) of air per minute to tight-fitting and 170 liters (6 cubic feet) of air per minute to loose-fitting respiratory inlet coverings for any adjustment of the valve.
If a demand or pressure-demand valve replaces the air-regulating valve, it shall be connected to the air supply at the maximum air pressure for which approval is sought by means of the minimum length of air-supply hose for which approval is sought. The outlet of the demand or pressure-demand valve shall be connected to a source of intermittent suction so that the demand or pressure-demand valve is actuated approximately 20 times per minute for a total of 100,000 inhalations. To expedite this test, the rate of actuation may be increased if mutually agreeable to the applicant and the Bureau. During this test the valve shall function without failure and without excessive wear of the moving parts.
The demand or pressure-demand valve shall not be damaged in any way when subjected at the outlet to a pressure or suction of 10 inches of water gage for 2 minutes.

5. Subparagraph (2) of paragraph (j), Requirements and tests for complete respirator, of § 12.5, Requirements for Bureau of Mines approval, is amended to read as follows:

(2) *Protection against gases or vapors (direct leakage and man tests).* Direct leakage and man tests will be made in duplicate. A man will enter a chamber containing a gas or vapor and put on (wear) the respirator to be tested. Gastight goggles will be used where necessary to protect the eyes against irritation. The gas or vapor used for this test, the arrangement of the hose, and the air supply will be in accordance with specific directions given in the following subdivisions. After the respirator is properly fitted the man will spend 10 minutes in work to provide observations on freedom of the device from leakage. The freedom and comfort allowed the wearer will also be considered. The time will be divided as follows:

Five minutes—Walking, turning head, dipping chin.

Five minutes—Pumping air with a tire pump into a 1-cubic-foot cylinder to a pressure of 25 pounds per square inch or equivalent work.

To meet the requirements of this test no odor of the test gas or vapor shall be detected in the air breathed, and undue discomfort and encumbrance shall not be experienced because of the fit, air delivery, or other features of the respirators.

(i) *Types A and AE supplied-air respirators.* (*a*) The complete respirator will be worn in a chamber containing 1±0.25 percent ammonia in air. The blower, intake of the hose, and not more than 25 percent of the hose length shall be located in ammonia-free air.

(*b*) The man in the ammonia atmosphere will draw his inspired air through the hose, connections, and all parts of the air device by means of his lungs alone (blower not operated).

(*c*) The 10-minute work test will be repeated with the blower in operation at any practical speed up to 50 revolutions of the crank per minute.

(ii) *Types B and BE supplied-air respirators.* (*a*) The complete respirator will be worn in a chamber containing 0.1±0.025 percent iso-amyl acetate vapor. The intake of the hose, and not more than 25 percent of the hose length shall be located in iso-amyl acetate free air.

(*b*) The man in the chamber will draw his inspired air through the hose and connections by means of his lungs alone.

(iii) *Types C, continuous-flow class, and CE supplied-air respirators.* The complete respirator will be worn in a chamber containing 0.1±0.025 percent iso-amyl acetate vapor. The intake of the hose shall be connected to suitable source of respirable air. Not more than 25 percent of the hose length shall be located outside the chamber. The minimum flow of air required to maintain a positive pressure in the respiratory-inlet covering throughout the entire breathing cycle will be supplied to the wearer, provided that this flow is not less than 115 liters per minute for tight-fitting and 170 liters per minute for loose-fitting respiratory inlet-coverings. The test will then be repeated with the maximum rate of flow attainable within the specified operating pressures.

(iv) *Type C supplied-air respirator, demand and pressure-demand classes.* The complete respirator will be worn in a chamber containing 0.1±0.025 percent iso-amyl acetate vapor. The intake of the hose shall be connected to a suitable source of respirable air. Not more than 25 percent of the hose length shall be located outside the chamber. The test will be made at the minimum pressure with the maximum hose length and will be repeated at the maximum pressure with the minimum hose length.

6. New paragraphs (k) and (l) are added to § 12.5 as follows:

(k) *Breathing gas requirements.* A supplied-air respirator will be approved for use only when it supplies respirable air to the wearer. Compressed breathing air shall meet the most recent requirements of Compressed Gas Association Specification G7.1 for Type I, Class D gaseous air. Breathing air shall contain less than 5 milligrams per cubic meter of oil vapor or oil particulates.

(l) *Requirements for combination supplied-air respirator and another type of respiratory protective device.* Respiratory protective devices combining the characteristics of a supplied-air respirator and another type of respiratory protective device shall meet the requirements of this part as well as the requirements of any other part which is applicable to the total purpose of the device for which approval is sought. The Bureau will specify, in the certificate of approval and on the approval label, the limitations which shall apply to the use of the combination device.

7. Section 12.7 is amended as follows:

§ 12.7 Notification of approval or disapproval.

(a) Certificates of approval will be issued hereunder only for completely assembled respirators, and not for component parts or subassemblies.

(b) Upon completion of the investigation and testing of a respirator, the Bureau will issue to the applicant either a certificate of approval or a written notice of disapproval. Informal notifications of approval will not be issued. If a certificate of approval is issued, no test data or detailed results will accompany it. If a notice of disapproval is issued, it will be accompanied by any available information about the defects, with a view to possible correction. The Bureau will not disclose, except to the applicant, any information on a respirator upon which a notice of disapproval has been issued.

(c) A certificate of approval will be accompanied by a list of the drawings and specifications covering the details of design and construction of the respirator. The applicant shall keep exact duplicates of the drawings and specifications submitted to the Bureau. The approved drawings and specifications shall be adhered to exactly in commercial production of the certified respirator.

8. Section 12.8 is amended as follows:

§ 12.8 Approval markings.

(a) A certificate of approval will be accompanied by photograph(s) of design(s) of approval label(s). Legible reproductions of the entire label(s) shall be attached permanently to each respirator. When, in the Bureau's opinion, there is insufficient space, or some other valid reason, the label(s) may be reproduced on the respirator instructions. The label(s) will bear the seal of the Bureau of Mines; the approval number; the manufacturer's name and address; any limitation on duration of use for which the respirator is approved, and the limitations or conditions for safe and efficient use of the respirator.

(b) The Bureau will notify the applicant if any additional label(s) or marking(s) will be required on subassemblies and parts.

(c) Full-scale reproductions of approval labels and markings and a sketch or description of their method of application and position on the respirator shall be submitted to the Bureau for approval before final adoption.

(d) Use of the Bureau's approval label obligates the applicant to maintain the quality of the respirator and to guarantee that it is manufactured according to the drawings and specifications upon which the certificate of approval is based. The approval label shall be used only by the applicant.

9. Section 12.9 is amended to read as follows:

§ 12.9 Material required for Bureau of Mines record.

(a) The Bureau will retain, as part of the permanent record of each investigation, a complete respirator and any component thereof that has been tested and certified. Material not required for record will be returned to the applicant at his request and expense.

(b) As soon as a certified respirator is commercially available, the applicant shall deliver one complete unit free of charge to the Bureau of Mines, Health and Safety Research and Testing Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, Attention: Approval and Testing.

10. Section 12.10 is amended to read as follows:

§ 12.10 Changes subsequent to approval.

If an applicant desires to change any feature of a certified respirator, he shall first obtain the Bureau's approval of the change, pursuant to the following procedure:

(a) Application shall be made as for an original certificate of approval, requesting that the existing certification be extended to cover the proposed change(s). The application shall be accompanied by drawings, specifications, and related material in full detail.

(b) The application and accompanying material will be examined by the Bureau to determine whether testing will be required. The Bureau will inform the applicant of the fee required for any testing involved.

(c) If the proposed modification meets the requirements of this part, a formal extension of certification will be issued, accompanied by a list of new and revised drawings and specifications covering the change(s).

[F.R. Doc. 68-10023; Filed, Aug. 20, 1968; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER C—MILITARY EDUCATION

PART 543—PROMOTION OF RIFLE PRACTICE

National Board for the Promotion of Rifle Practice and Office of Director of Civilian Marksmanship

Section 543.4 is revised to read as follows:

§ 543.4 National Board for the Promotion of Rifle Practice and Office of the Director of Civilian Marksmanship.

(a) *General.* Sections 4307 through 4313, title 10, United States Code, provide that the Secretary of the Army will promote marksmanship training with rifled arms among able-bodied citizens of the United States and, within the limits of available funds, will provide citizens outside the active services of the Armed Forces of the United States with means whereby they may become proficient in the use of such arms. The Secretary of the Army fulfills these requirements through the Civilian Marksmanship Program, based on the recommendations of the National Board for the Promotion of Rifle Practice and implemented by the Office of the Director of Civilian Marksmanship. The president of the National Board for the Promotion of Rifle Practice is designated by, and acts for, the Secretary of the Army on Board matters, including approval of expenditures.

(b) *Mission.* Under the authority set forth in paragraph (a) of this section, the principal mission of the National Board for the Promotion of Rifle Practice is to act as an advisory body to the Secretary of the Army in connection with the Army's program to promote practice in the use of rifled arms. In fulfilling this mission, the National Board for the Promotion of Rifle Practice is charged with encouraging and supporting small arms target practice throughout the United States and the Commonwealth of Puerto Rico, particularly to the end that those individuals who may be called upon to serve in the Armed Forces of the United States will be qualified as marksmen.

(c) *Composition.* (1) The National Board for the Promotion of Rifle Practice will consist of not less than 21 members nor more than 25 members, to be appointed by the Secretary of the Army. A member of the Director of Civilian Marksmanship staff will be designated to function as Executive Officer, National Board for the Promotion of Rifle Practice. The military representation on the Board shall be comprised of no more than seven members from the Army, and one each from the U.S. Marine Corps, U.S. Navy, U.S. Air Force, U.S. Coast Guard, National Guard Bureau, and a Reserve component of the Armed Forces other than the National Guard. Civilian representation will include one representative from the Department of the Interior, the Department of the Treasury, the Department of Justice, and not more than nine individuals representing the country-at-large.

(2) The tenure of Board members is 3 years, with the tenure of one-third of the members terminating annually. Members may be appointed for only two successive terms, in addition to serving the unexpired term of an outgoing member; however, membership on the Board for two successive terms is not a bar to renomination at a subsequent date.

(3) Representation of each agency will be by nomination from the agency itself. Selection for country-at-large membership will be made from nomination by such sources as the president of the Board may direct.

(d) *Members to serve without compensation.* Members will serve without compensation, other than reimbursement of travel expenses.

(e) *Executive Committee.* An Executive Committee, consisting of not less than three members of the Board, will be appointed by the president of the Board, who shall designate the chairman. The Executive Committee, during such times as the Board is not in session, will act for the Board on all matters referred to it and its action, if approved by the president, has the effect of action by the full Board.

(f) *Budget Committee.* (1) A Budget Committee, consisting of not less than three members, will be appointed by the President of the Board, who shall designate the chairman.

(2) The Budget Committee will advise the Director of Civilian Marksmanship in the preparation and defense of budget requests and as otherwise required concerning budgetary matters pertaining to activities of the Director of Civilian Marksmanship.

(g) *Expenditure projects.* Expenditures of funds will be made only in accordance with expenditure projects prepared by the Director of Civilian Marksmanship with the advice of the Budget Committee and approved by the President of the Board.

(h) *Logistical support.* The Army will provide, within the limits of available funds and subject to applicable regulations, logistical support for the program.

(i) *Meetings.* The National Board for the Promotion of Rifle Practice will meet at the call of the president, not less often than once annually, for the transaction of such business as may properly come before it.

(j) *Office of the Director of Civilian Marksmanship*—(1) *Legislative authority.* Section 4307, title 10, United States Code, authorizes the President to detail an officer of the Army or Marine Corps as Director of Civilian Marksmanship. A civilian employee of the Department of the Army may also serve as Director of Civilian Marksmanship.

(2) *Implementing agency.* The Office of the Director of Civilian Marksmanship is the implementing agency for the Civilian Marksmanship Program.

(3) *Responsibilities of the Director of Civilian Marksmanship.* The Director of Civilian Marksmanship is responsible for the implementation of the Civilian Marksmanship Program as approved by the President, National Board for the Promotion of Rifle Practice, for the Secretary of the Army, including the following functions:

(i) Initiating, developing, coordinating, and recommending appropriate actions on matters pertaining to—

(*a*) Organization of civilian rifle clubs.

(*b*) Procedures and policies governing enrollment of civilian rifle clubs in the Civilian Marksmanship Program.

(*c*) Policies and procedures governing the issue of arms and ammunition to civilian rifle clubs.

(*d*) Bonding of clubs prior to issue of Government property.

(*e*) Control and accountability of property issued to civilian rifle clubs.

(*f*) Policies and procedures governing prescribed courses of fire for members of civilian rifle clubs, and award of certificates and badges, as available, to qualifying shooters in such clubs.

(*g*) Processing requests of authorized civilian organizations for use of Government-owned rifle ranges at military installations.

(ii) Making all contracts and agreements covering the expenditure of public funds in accordance with law and regulations.

(iii) With the advice of the Budget Committee, National Board for the Promotion of Rifle Practice, preparing the annual requests for appropriations.

(iv) Acting as Chairman of the National Match Fund Council.

[AR 920–15, July 12, 1968] (Sec. 4308, 70A Stat. 236; 10 U.S.C. 4308)

For the Adjutant General.

R. F. ASKEY,
Colonel, AGC, Comptroller, TAGO.

[F.R. Doc. 68–10016; Filed, Aug. 20, 1968; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4516]

[Oregon 3531]

OREGON

Partial Revocation of Reclamation Withdrawals

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. The departmental order of July 23, 1913, and the order of the Bureau of Reclamation of November 27, 1953, concurred in on October 20, 1955, by the Bureau of Land Management, are hereby revoked so far as they affect the following described lands:

WILLAMETTE MERIDIAN

T. 20 S., R. 10 E.,
Sec. 1, SE¼SE¼;
Sec. 25, E½, E½W½, SW¼SW¼;
Sec. 26, W½NE¼, W½, E½W½SE¼SE¼, E½SE¼SE¼;
Sec. 27, NW¼NE¼, NE¼SE¼, S½SE¼;
Sec. 33, E½NE¼;
Sec. 34, N½NW¼, SW¼NW¼, SW¼, NW¼SE¼, N½SW¼SE¼, SW¼SW¼SE¼, W½SE¼SW¼SE¼, NE¼SE¼SW¼SE¼, N½NW¼SE¼SE¼, SW¼NW¼SE¼SE¼;
Sec. 35, E½NE¼NE¼, S½NW¼NE¼, S½NE¼, NW¼NE¼NW¼, S½NE¼NW¼, E½SW¼, SE¼.
T. 21 S., R. 10 E.,
Sec. 1, W½SE¼;
Sec. 2, lots 1, 2, 3, S½NE¼, E½NE¼SW¼NW¼, SE¼SW¼NW¼, SE¼NW¼, E½SW¼, E½NW¼SW¼, NE¼NW¼SW¼, S½NW¼NW¼SW¼, SW¼NW¼SW¼, E½SW¼SW¼, E½W½SW¼SW¼, NW¼NW¼SW¼SW¼, SW¼SW¼SW¼SW¼, SE¼;
Sec. 3, lot 4, W½W½ lot 3, SW¼NW¼, W½W½SE¼NW¼, NW¼NW¼NE¼SW¼, S½NW¼NE¼SW¼, SW¼NE¼SW¼, S½SW¼;
Sec. 4, SE¼;
Sec. 8, E½;
Sec. 9;
Sec. 10, NE¼NE¼NE¼NE¼, S½NE¼NE¼NE¼, NE¼SW¼NE¼NE¼, S½SW¼NE¼NE¼, SE¼NE¼NE¼, S½NE¼, W½, SE¼;
Sec. 11, N½NE¼, SW¼NE¼, NE¼NE¼SE¼NE¼, W½NE¼SE¼NE¼, NW¼SE¼NE¼, N½SW¼SE¼NE¼, SW¼SW¼SE¼NE¼, NW¼;
Sec. 12, SE¼NE¼, E½SE¼;
Sec. 13, NE¼NE¼;
Sec. 14, NW¼NW¼.
T. 19 S., R. 11 E.,
Sec. 9, SE¼;
Sec. 31, lot 4.
T. 20 S., R. 11 E.,
Sec. 18, NE¼SW¼;
Sec. 19, W½NE¼;
Sec. 31, W½SE¼.
T. 21 S., R. 11 E.,
Sec. 6, lots 1 and 2, SW¼NE¼, SE¼NW¼, N½SE¼;
Sec. 7, lots 1 and 2.

The areas described aggregate 5,757.18 acres in Deschutes County, of which 2,540.08 acres are within the Deschutes National Forest, 1,799.60 acres are public domain, and 1,417.50 acres have been patented. The following described lands are public lands:

T. 21 S., R. 10 E.,
Sec. 1, W½SE¼;
Sec. 2, lots 1, 2, and 3, S½NE¼, E½NE¼SW¼NW¼, SE¼SW¼NW¼, SE¼NW¼, E½SW¼, E½NW¼SW¼, NE¼NW¼NW¼SW¼, S½NW¼NW¼SW¼, SW¼NW¼SW¼, E½SW¼SW¼, E½W½SW¼SW¼, NW¼NW¼SW¼SW¼, SW¼SW¼SW¼, and SE¼;
Sec. 3, lot 4, W½W½ lot 3, SW¼NW¼, and W½W½SE¼NW¼;
Sec. 10, NE¼NE¼NE¼NE¼, S½NE¼NE¼NE¼, NE¼SW¼NE¼NE¼, S½SW¼NE¼NE¼, SE¼NE¼NE¼, SE¼NE¼, and SE¼;
Sec. 11, N½NE¼, SW¼NE¼, NE¼NE¼SE¼NE¼, W½NE¼SE¼NE¼, NW¼SE¼NE¼, N½SW¼SE¼NE¼, SW¼SW¼SE¼NE¼, and NW¼;
Sec. 12, SE¼NE¼ and E½SE¼;
Sec. 13, NE¼NE¼;
Sec. 14, NW¼NW¼.

2. At 10 a.m. on September 20, 1968, the national forest lands shall be open to such forms of disposition as may by law be made of such lands.

3. Until 10 a.m. on February 14, 1969, the State of Oregon shall have a preferred right of application to select the public lands as provided by R.S. 2276, as amended (43 U.S.C. 852). After that time the lands shall be open to operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on February 14, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The lands have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oreg.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

AUGUST 15, 1968.

[F.R. Doc. 68–10039; Filed, Aug. 20, 1968; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 68–825]

PART 1—PRACTICE AND PROCEDURE

Citation of Commission Documents

Order. In the matter of amendment of Part 1, rules of practice and procedure, with respect to citation of Commission documents.

1. All commission documents issued since July 1965, which are considered to have historical or precedential significance have been published in the Federal Communications Commission Reports, Second Series. Documents are published in weekly pamphlets within approximately 6 weeks after they are released. Each pamphlet contains a table of cases. The pamphlets are periodically compiled and published in bound volumes. Each volume contains a table of cases, subject digest and other finding aids. A cumulative Index Digest for the first seven volumes of the FCC Reports, Second Series, has been issued and additional cumulative digests will be issued periodically in the future. The pamphlets, bound volumes, and index digests may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

2. When papers are filed with the Commission which refer to a document published in the FCC Reports, Second Series, it is therefore appropriate to require that references to those Reports be included as part of the citation of that document. This requirement will serve the convenience of the Commission and practitioners and will augment the usefulness of the Reports.

3. *Accordingly, it is ordered,* That, effective August 23, 1968, Part 1 of Chapter I of Title 47 of the Code of Federal Regulations is amended by adding a new § 1.14, to read as follows:

§ 1.14 Citation of Commission documents.

The appropriate reference to the FCC Reports, Second Series, shall be included as part of the citation to any document which has been printed in the Reports (e.g., 1 FCC 2d 1 (1965)). See §§ 0.413 and 0.416 of this chapter.

4. Authority for this amendment is set forth in sections 4 (i) and (j) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j) and 303(r). Because the amendment relates to matters of procedure, the procedural and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, are inapplicable.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: August 14, 1968.

Released: August 16, 1968.

FEDERAL COMMUNICATIONS COMMISSION[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68–10059; Filed, Aug. 20, 1968; 8:51 a.m.]

[FCC 68–814]

PART 19—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Outside Employment and Other Activity

In order to conform to instructions issued by the Civil Service Commission pursuant to its authority under section 601 of Executive Order 11222 of May 8, 1965, and 5 U.S.C. 7301 (formerly 5 U.S.C. 631), § 19.735–203 of Chapter I of the Code of Federal Regulations is amended by revising paragraph (c) and by deleting paragraph (d), as follows. The clearance requirements contained in paragraph (c) are also amended, as follows.

§ 19.735–203 Outside employment and other activity.

* * * * *

(c) Employees of the Commission are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law, the Executive Order, the Civil Service Regulations, or this chapter. However, an employee of the Commission shall not, either with or without compensation engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service, that is dependent on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Chairman gives written authorization for the use of nonpublic information on the basis that the use is in the public interest. Articles written by the staff shall not identify the author with the Commission or the Federal government unless prior approval has been obtained: In the case of employees generally, from the Executive Director upon the recommendation of the appropriate Bureau Chief; in the case of Heads of Offices and Bureaus, from the Chairman; and in the case of an employee in the immediate office of a Commissioner, from the individual Commissioner. Nor shall documents prepared in the course of official duties be used for private gain by an Commission employee. In addition, the Commissioners shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the Commission, or which draws substantially on official data or ideas which have not become part of the body of public information. (See also 47 U.S.C. 154(b) and § 735.202(b)(2).)

(d) [Deleted]

* * * * *

This amendment was approved by the Civil Service Commission on August 13, 1968, and is effective on August 21, 1968.

(E.O. 11222 of May 8, 1965, and 5 U.S.C. 7301)

Adopted: August 7, 1968.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68–10060; Filed, Aug. 20, 1968; 8:51 a.m.]

[1] Commissioner Cox absent.

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 1; Amdt. No. 1–18]

PART 1—FUNCTIONS, POWERS, AND DUTIES IN THE DEPARTMENT OF TRANSPORTATION

Delegation of Authority With Respect to the Approval of Surrender of Certain Vessel Documents

Reorganization Plan No. 1 of 1967 (32 F.R. 7049) transferred certain functions relating to the approval of surrender of documents of a vessel pursuant to sections B(4) and O(a) of the Ship Mortgage Act of 1920 (46 U.S.C. 911(4) and 961(a)) to the Secretary of Transportation.

The purpose of this amendment is to delegate the Secretary's functions relating to the approval of surrender of vessel documents to the Commandant of the Coast Guard. The amendment also makes editorial changes to Part 1 to reflect the Reorganization Plan.

Since this amendment relates to departmental management, procedures, and practices, notice and public procedure thereon is unnecessary and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, effective August 15, 1968, Part 1 of the Regulations of the Office of the Secretary of Transportation (49 CFR Part 1) is amended as follows:

(1) Section 1.2 is amended by adding the following new paragraph at the end thereof:

§ 1.2 Preamble.

* * * * *

(e) Reorganization Plan No. 1 of 1967 (32 F.R. 7049), transferred to the Secretary certain functions of the Secretary of Commerce relating to ship mortgages.

(2) Section 1.4(a) is amended by amending the introductory language and by adding a new subparagraph (4) to read as follows:

§ 1.4 Delegation of functions, powers, and duties.

* * * * *

(a) The Commandant of the Coast Guard is hereby authorized to exercise the functions, powers, and duties vested in the Secretary by the following sections of the Act and other authority cited:

* * * * *

(4) Reorganization Plan No. 1 of 1967.

* * * * *

(Sec. 9, Department of Transportation Act; 49 U.S.C. 1657)

Issued in Washington, D.C., on August 14, 1968.

ALAN S. BOYD,
Secretary of Transportation.

[F.R. Doc. 68–10026; Filed, Aug. 20, 1968; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Wapanocca National Wildlife Refuge, Ark. and Yazoo National Wildlife Refuge, Miss.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ARKANSAS

WAPANOCCA NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Wapanocca National Wildlife Refuge, Ark., is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,500 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of mourning doves subject to the following special conditions:

(1) Hunting dates: September 3, 6, 9, 13, 16, 20, 1968.

(2) No hunters will be permitted within the hunting areas before 11:45 a.m. daily.

(3) All firearms must be encased and/or unloaded when outside designated hunting areas.

(4) When a successful limit has been taken the hunter must leave the hunting area immediately.

(5) Retrievers used by hunters will be kept under control at all times.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 20, 1968.

MISSISSIPPI

YAZOO NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Yazoo National Wildlife Refuge, Miss., is permitted only on the areas designated by signs as open to hunting. This open area, comprising approximately 1,300 acres, is delineated on a map available at the Refuge headquarters, Route 1, Hollandale, Miss. 38748; and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of mourning doves, subject to the following special conditions:

(1) Hunting dates: September 14, 18, 21, 25, 28, 1968.

(2) Retrievers used by hunters will be kept under control at all times.

(3) All firearms must be encased and/or unloaded when outside designated hunting areas.

The provisions of this special regulation supplement the regulations which govern hunting on Wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 28, 1968.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 2, 1968.

[F.R. Doc. 68-10005; Filed, Aug. 20, 1968; 8:46 a.m.]

PART 32—HUNTING

National Wildlife Refuges in Certain States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU LAKE NATIONAL WILDLIFE REFUGE

Public hunting of doves on the Havasu Lake National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 13,201 acres, is delineated on maps available at refuge headquarters, Needles, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting seasons are as follows: Arizona—white-winged and mourning doves, from September 1 through September 24, 1968, inclusive; mourning doves only, from December 11, 1968, through January 5, 1969, inclusive. California—white-winged and mourning doves, from September 1 through September 30, 1968, inclusive; and November 30 through December 8, 1968, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves subject to the following special condition:

(1) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 5, 1969.

IMPERIAL NATIONAL WILDLIFE REFUGE

Public hunting of doves on the Imperial National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 10,500 acres, is delineated on maps available at refuge headquarters, Yuma, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting seasons are as follows: Arizona—white-winged and mourning doves, from September 1 through September 24, 1968, inclusive; mourning doves only, from December 11, 1968, through January 5, 1969, inclusive. California—white-winged and mourning doves, from September 1 through September 30, 1968, inclusive; and from November 30 through December 8, 1968, inclusive. Hunting shall be in accordance with applicable State and Federal regulations covering the hunting of doves.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 5, 1969.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves, rails, woodcock, and Wilson's snipe on the Flint Hills National Wildlife Refuge, Kans., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,906 acres, is delineated on maps available at refuge headquarters, Burlington, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting seasons are as follows: Mourning doves, from September 1 through October 30, 1968, inclusive; rails, from September 1 through November 9, 1968, inclusive; woodcock, from October 19 through December 22, 1968, inclusive; and Wilson's snipe, from October 1 through November 19, 1968, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves, rails, woodcock, and Wilson's snipe subject to the following special conditions:

(1) Vehicle access shall be restricted to designated parking areas and to existing roads.

(2) Dogs—Not to exceed two per hunter may be used for the purpose of hunting and retrieving.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 22, 1968.

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of doves on the Kirwin National Wildlife Refuge, Kansas, is permitted from September 1 through October 30, 1968, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,300 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with applicable State and Federal regulations covering the hunting of doves.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 30, 1968.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Tishomingo National Wildlife Refuge, Okla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of mourning doves subject to the following special conditions:

(1) The open season for hunting mourning doves on the refuge extends from September 1 through September 30, 1968, inclusive.

(2) Dogs may be used for the purpose of hunting and retrieving.

(3) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulations of the hunting activity and shall furnish information pertaining to their hunting, as requested.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1968.

W. O. NELSON, JR.,
Acting Regional Director, Albuquerque, N. Mex.

AUGUST 12, 1968.

[F.R. Doc. 68-10004; Filed, Aug. 20, 1968; 8:46 a.m.]

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

The public hunting of rails and gallinules, mourning doves, woodcock, and common snipe on Bombay Hook National Wildlife Refuge is permitted within the regularly established 1968–69 seasons of the State of Delaware; but only on the area designated by signs as open to hunting. This open area, comprising 141 acres, is delineated on a map available at the refuge headquarters, Rural Delivery No. 1, Smyrna, Del., 19977, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable Federal and State regulations covering the hunting of rails and gallinules, mourning doves, woodcock, and common snipe.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1968.

FRED L. JACOBSON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 8, 1968.

[F.R. Doc. 68-10007; Filed, Aug. 20, 1968; 8:47 a.m.]

PART 32—HUNTING

Brigantine National Wildlife Refuge, N.J.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds, for individual wildlife refuge areas.

NEW JERSEY

BRIGANTINE NATIONAL WILDLIFE REFUGE

Public hunting of rails and gallinules on the Brigantine National Wildlife Refuge, N.J., is permitted during established State and Federal seasons on the areas designated by signs as open to hunting.

These open areas are delineated on maps available at Refuge Headquarters, Oceanville, N.J., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

Hunting shall be in accordance with applicable State and Federal regulations covering the hunting of rails and gallinules.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, as set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 30, 1969.

FRED L. JACOBSON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 9, 1968.

[F.R. Doc. 68-10010; Filed, Aug. 20, 1968; 8:47 a.m.]

PART 32—HUNTING

Iroquois National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

The public hunting of woodcock and common (Wilson's) snipe on the Iroquois National Wildlife Refuge, N.Y., is permitted on the area designated by signs as open to hunting. This open area is delineated on maps available at the refuge headquarters, Basom, N.Y., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of woodcock and snipe.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1968.

FRED L. JACOBSON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 9, 1968.

[F.R. Doc. 68-10011; Filed, Aug. 20, 1968; 8:47 a.m.]

PART 32—HUNTING

Prime Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

The public hunting of rails, gallinules, mourning doves, woodcock, and common snipe on the Prime Hook National Wildlife Refuge is permitted within the regularly established 1968–69 hunting seasons

of the State of Delaware. The hunting of these species is subject to the following special conditions:

(1) Hunting permitted only on the upland portion of Area A, comprising approximately 1,900 acres, until sunset the day before the opening date of waterfowl hunting season. At this time, the hunting of the above species on the upland portion of the refuge shall cease.

(2) Upon the opening date of the Migratory Waterfowl Hunting Season, hunting shall be restricted to designated blinds within Area B, by permit only.

The respective hunting areas are delineated on a map available at the refuge headquarters, Rural Delivery No. 1, Box 195, Milton, Del. 19968 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable Federal and State regulations covering the hunting of rail and gallinule, mourning doves, woodcock, and common snipe.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, as set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1969.

FRED L. JACOBSON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 9, 1968.

[F.R. Doc. 68-10038; Filed, Aug. 20, 1968; 8:49 a.m.]

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on Bombay Hook National Wildlife Refuge, Del., is permitted during the regular State seasons on the Upland Game Hunting Area designated by signs as open to hunting. This open Upland Game Hunting Area, comprising 141 acres, is delineated on maps available at refuge headquarters, Smyrna, Del. 19977, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, as set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through April 30, 1969.

FRED L. JACOBSON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 8, 1968.

[F.R. Doc. 68-10008; Filed, Aug. 20, 1968; 8:47 a.m.]

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public archery hunting of deer on Bombay Hook National Wildlife Refuge, Del., is permitted only on the Deer Hunting Area and Upland Hunting Area designated by signs as open to hunting. These open Deer Hunting Areas are delineated on maps available at refuge headquarters, Smyrna, Del. 19977 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering archery hunting of deer subject to the following special condition:

(1) Hunting by bow and arrow on the Deer Hunting Area is permitted only on Saturdays.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1968.

FRED L. JACOBSON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 9, 1968.

[F.R. Doc. 68-10006; Filed, Aug. 20, 1968; 8:47 a.m.]

PART 32—HUNTING

Prime Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

Public hunting of deer on Prime Hook National Wildlife Refuge, Del., is permitted within the regularly established 1968-69 hunting season of the State of Delaware. This open deer hunting area, comprising approximately 6,100 acres, is delineated on a map available at the refuge headquarters, Rural Delivery No. 1, Box 195, Milton, Del. 19968, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1968.

FRED L. JACOBSON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 8, 1968.

[F.R. Doc. 68-10009; Filed, Aug. 20, 1968; 8:47 a.m.]

PART 32—HUNTING

National Elk Refuge, Wyo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

WYOMING

NATIONAL ELK REFUGE

Public hunting of elk on the National Elk Refuge, Wyo., is permitted from October 12, 1968, through November 1, 1968, only on the area designated by signs as open to hunting. This open area, comprising 18,247 acres, is delineated on maps available at refuge headquarters, Jackson, Wyo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of elk subject to the following special conditions:

(1) A special permit is required in addition to a valid 1968 State Elk hunting license. Sixty special permits shall be issued to applicants by drawing at refuge headquarters at 12:30 p.m. on Friday, October 11, 1968, and every Friday thereafter through October 25, 1968. Permits are good for 1 week only.

(2) Access to the refuge shall be only through the main gate east of refuge headquarters in Jackson.

(3) Motorized vehicle travel in the hunting area is restricted to the roads designated by appropriate signs and delineated on maps available at refuge headquarters. This is interpreted to mean that motor vehicles may not leave designated roadways for the purpose of loading or picking up a kill.

(4) Persons without permits may accompany special permit holders in the same vehicle but only permit holders are allowed to possess a firearm.

The provisions of this special regulation supplement to the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 1, 1968.

DON E. REDFEARN,
Refuge Manager, National Elk Refuge, Jackson, Wyo.

AUGUST 8, 1968.

[F.R. Doc. 68-10012; Filed Aug. 20, 1968; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Packers and Stockyards Administration, Department of Agriculture

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

Instructions on Weighing Livestock and Testing Scales, and Code of Specifications and Tolerances for Livestock, Poultry, and Monorail Scales

On March 19, 1968, there was published in the FEDERAL REGISTER (33 F.R. 4682) a notice of proposed rule making with respect to instructions for testing livestock scales, weighing livestock, testing monorail scales used for weighing livestock carcasses purchased by meatpackers on a carcass weight, or carcass grade and weight basis, and a code of specifications and tolerances applicable to scales used for weighing livestock, livestock carcasses, and live poultry, pursuant to section 407 of the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. 228) and §§ 201.72, 201.73, 201.74, and 201.78 of the regulations issued thereunder (9 CFR 201.72, 201.73, 201.74, and 201.78). On August 9, 1968, there was published in the FEDERAL REGISTER (33 F.R. 11354) a document adopting, with certain specified changes, said instructions and code and making them effective 30 days after publication.

There is set forth below the full text of the instructions and code as promulgated by the document published in the FEDERAL REGISTER on August 9, 1968, which become effective on September 8, 1968.

(Sec. 407, 42 Stat. 169, 7 U.S.C. 228; 29 F.R. 16210, as amended; 32 F.R. 7186)

The reporting and record-keeping requirements contained therein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., the 15th day of August 1968.

DONALD A. CAMPBELL,
Administrator, Packers and Stockyards Administration.

§ 201.72-1 Instructions for testing livestock and animal scales.

(a) *Adoption of National Bureau of Standards codes in Handbook 44.* Insofar as they are applicable to livestock and animal scales the specifications, tolerances, and regulations for commercial weighing devices, as published in National Bureau of Standards Handbook 44, 3d edition, with amendments through July 1967, shall be applied to all livestock and animal scales under supervision of the Packers and Stockyards Administration, except insofar as differing provisions are set forth in 201.72-2. The applicable portions of this handbook are set forth in § 201.72-2 and copies are available upon request from the local area supervisor or the Washington, D.C., office of the Packers and Stockyards Administration.

(b) *Definition.* (1) A proper test is one which fully discloses the accuracy and other performance characteristics of the scale under all conditions which may prevail during actual use. It includes the application of loads of standard test weights in successive stages to the maximum capacity at which the scale is used; it includes separate tests of individual components, such as fractional bars, poises, notches, and main levers of sections which independently may affect weighing accuracy; it demands a reasonably exact determination of the errors which develop; finally, it requires the recording in permanent form of all pertinent data developed during the test.

(2) A competent testing agency is one which employs experienced personnel and utilizes a sufficient amount of standard test weights to conduct tests in accordance with the procedure described in the instructions which follow. Agencies which the Administration considers competent, on that basis, include certain weights and measures departments, railroad scale departments, commercial scale repair and service companies, and some stockyards or packers having adequate test equipment and employing qualified scale mechanics or servicemen.

(3) A suitable interval between tests is a period of approximately 6 months. In instances where tests and inspections disclose that a scale does not maintain its accuracy between tests or is otherwise undependable, or is mechanically deficient as regards construction, installation, or maintenance, more frequent tests may be required.

(4) Livestock scale: A scale equipped with stock racks and gates and adapted to weigh livestock standing on the scale platform.

(5) Animal scale: A livestock scale adapted to weighing single heads of livestock.

(6) Sensitivity response or SR: The change in load required to change the position of rest of the indicating element or elements of a nonautomatic indicating scale a definite amount at any load.

(c) *Sensitivity response*—(1) *Test for sensitiveness for nonautomatic indicating scales.* The test for sensitiveness shall be conducted on all nonautomatic indicating scales. SR tests shall be made at zero load and at the maximum test load applied to the scale by either increasing or decreasing the test-weight load on the load-receiving element of the scale. The response of the scale shall be as follows:

(i) *On a scale with a trig loop but without a balance indicator.* The position of rest of the weighbeam shall change from the center of the trig loop to the top or bottom of the trig loop, as the case may be.

(ii) *On a scale with a balance indicator.* The position of rest of a single indicator on a scale having a nominal capacity of 500 pounds or greater shall change 0.25 (¼) inch or the width of the central target area, whichever is greater.

(d) *SR requirements.* (1) The maximum SR on a scale not equipped with a balance indicator shall be the value of two of the minimum graduated intervals on the weighbeam.

(2) The SR on a scale equipped with a balance indicator shall be the value of the minimum graduated interval on the weighbeam.

(e) *Tolerances.* (Applicable with respect to the performance or accuracy of scales.)

(1) *Acceptance tolerances.* Acceptance tolerances shall apply as follows:

(i) To any equipment about to be put into commercial use for the first time.

(ii) To equipment that has been placed in commercial service within the preceding 30 days and is being officially tested for the first time.

(iii) To equipment that has been returned to commercial service following official rejection for failure to conform to preformance requirements and is being officially tested for the first time within 30 days after corrective service.

(iv) To equipment that is being officially tested for the first time within 30 days after major reconditioning or overhaul.

(2) *Maintenance tolerances.* Maintenance tolerances shall apply to equipment in actual use, except as provided in subparagraph (1) of this paragraph.

(3) *To tests involving digital indications or representations.* To the tolerances that would otherwise be applied, there shall be added an amount equal to one-half the minimum value that can be indicated or recorded.

(4) *Minimum tolerance values.* (The smallest tolerance that may be applied to a particular scale.)

(i) *For livestock scales.* The minimum maintenance and acceptance tolerance shall be 2 pounds, or one-half the value of the minimum graduated interval, whichever is greater.

(ii) *For animal scales.* The minimum maintenance tolerance and acceptance tolerance shall be 1 pound.

(5) *Basic tolerance values*—(i) *Application.* Basic tolerance values shall be applied to weighbeam, reading face, and unit-weight indications, and to recorded representations.

(ii) *For livestock and animal scales.* The basic maintenance tolerance on livestock and animal scales shall be 2 pounds

per 1,000 pounds of test load (0.2 percent). The acceptance tolerance shall be one-half the basic maintenance tolerance.

(f) *Official inspection and test procedures for livestock and animal scales*—(1) *Inspection procedure.* Before the actual test of any livestock or animal scale is begun, a thorough visual inspection should be made of the scale installation. The weighbeam shelf pillars and/or the dial cabinet should be firmly anchored to a solid foundation. The scale platform should be cleaned of debris and foreign matter which might adhere to the test weights or otherwise be removed during the test and cause a change in zero-load balance. No other changes or cleaning should be performed since it is important for the scale to be tested "as found" if the results are to truly indicate characteristic weighing performance.

(2) *Test procedure—weighbeam scales*—(i) *Zero-load balance.* With the stock-rack gates closed or otherwise secured in "clear positions" and with all poises at zero, the scale should be accurately balanced at zero with 20 or 25 pounds of small demonination weights on the platform. These balance weights will be used to accurately measure errors and balance changes during the test.

(ii) *The SR (sensitivity response).* On scales equipped with balance indicators a change in load equal to the minimum weighbeam graduation shall change the position of rest of the indicator 0.25 (¼) inch or the width of the central target area, whichever is greater. On scales not equipped with balance indicators the SR value at zero load should be determined by increasing or decreasing the amount of balance weights necessary to move the weighbeam from a position of rest in the center of the trig loop to a position of rest either at the top or bottom of the trig loop.

(iii) *Shift test.* A corner test conducted with tests weights equal to approximately one-fourth the nominal capacity of the scale should be applied and centered, as nearly as possible, successively over each main load bearing. In the case of scales of more than two sections, in lieu of a corner test, a shift test should be conducted with a half-capacity test load successively concentrated on each section of the scale. The amount of error is determined by increasing or decreasing the amount of balance weights on the scale platform to produce a correct balance of the weighbeam or indicator. After the shift test is completed, all test weights should be removed from the scale platform and the zero-load balance carefully checked. Any change from the original amount of balance weights will represent a zero-load balance change, and the new amount will be the basis on which errors at succeeding stages of the test will be computed. An alternate method is to obtain a new zero-load balance after recording the amount of balance change.

(iv) *Increasing-load test*—(*a*) *Center test.* The fractional bar of the weighbeam should be tested successively at one-half capacity and at full capacity. The fractional poise is then restored to its zero position and the intermediate bar, usually graduated to 900-pound capacity by 100-pound intervals, should next be tested at each notch to its capacity. If the scale is not equipped with an intermediate bar, each 100-pound notch should be tested on the weighbeam up to 1,000 pounds.

(*b*) *Distributed-load test.* The test should then continue with the main poise set at either successive or alternate 1,000-pound notches and with test loads of corresponding value applied to the platform in a reasonably uniform distribution pattern. At each load the amount of balance weights should be decreased or increased as required to produce a correct balance of the weighbeam or indicator. Any difference between the value of balance weights at zero-load and the load at a given notch will represent the error value. The increasing-load test should proceed up to scale capacity (or "maximum used" capacity). "Maximum used capacity" is determined by multiplying square feet of platform area by 110 pounds for cattle, by 70 pounds for calves and hogs or by 50 pounds for sheep. During this test printed weight values should be checked for accuracy and legibility by operating the weight recording device at representative loads.

(v) *The SR (sensitivity response).* Value at maximum load should be determined as previously described in subdivision (ii) of this subparagraph. The test load should then be removed from the scale platform and the zero-load balance again checked by means of the balance weights.

(3) *Alternate test procedure—weighbeam scales.* (i) Another commonly accepted testing procedure, which is also approved by the Packers and Stockyards Administration, consists of conducting the increasing-load test first and the shift test last. However, there is a practical advantage in conducting the shift test first, since, in many instances, less weight handling is required if adjustments are made following such tests.

(4) *Test procedure—automatic-indicating scales.* (The testing procedure for automatic-indicating or dial scales corresponds basically to the procedure for testing weighbeam scales.)

(i) *Method of determining errors.* The use of balance weights is also recommended when testing automatic-indicating scales since certain scales equipped with automatic-weight recorders will not print at dial chart capacity or if overregistration is indicated at chart capacity without the application of a unit weight. This is also applicable on scales which are underregistering at zero when a unit weight is applied. On all other weight determinations made during the test no balance weights are removed since the actual printed weight determines the error.

(ii) *Zero-load balance.* Carefully balance the scale at zero with 20 or 25 pounds of balance weights on the platform. The weight recorder should be activated so that a comparison can be made of the recorded and visual zero-load balance. (SR requirements are not applicable to automatic-indicating scales.)

(iii) *Shift test.* A corner test conducted with test weights equal to approximately one-fourth the nominal capacity of the scale should be applied and centered, as nearly as possible, successively over each main load bearing. In the case of scales of more than two sections, in lieu of a corner test, a shift test should be conducted with a half-capacity test load successively concentrated on each section of the scale. It is recommended that the shift test be conducted by employing unit weights when the nominal capacity of the scale is sufficient to permit this. By this means it can be determined if the source of any errors developed during the test can be attributed to the lever system of the scale. After the shift test is completed, all test weights should be removed from the scale platform and the zero-load balance checked.

(iv) *Increasing-load test*—(*a*) *Center test.* Test weights should be applied in 100-pound increments up to 1,000 pounds.

(*b*) *Distributed-load test.* Test weights in 500- or 1,000-pound increments should be applied until scale capacity (or "maximum used" capacity) is reached. Many agencies consider it desirable in testing the dial chart to apply test loads at the four points representing each quarter of the reading-face capacity. This procedure has merit particularly if the testing agency is also to repair or adjust the scale. However, in all instances such scales should be tested to the full capacity of the dial chart and all unit weights normally used should also be tested.

(v) *Decreasing-load test.* This is a special supplementary test for automatic-indicating scales only, during which the performance of the scale is tested, when the test weight load is being reduced. In this test, an observation is made and any error recorded with a test weight load equal to one-half of the maximum applied test load.

(vi) *Zero-load balance.* The test weight load should be removed from the scale platform and the zero-load balance again checked. Any balance shift at zero should be recorded. The balance weights used to ascertain errors in the scale during the test should be removed and the scale restored to a zero-load balance.

(5) *Test procedure—dual weighing installations.* Such installations usually consisting of a weighbeam and dial connected to a single lever system and installed to function independently of each other should be tested by observing and recording separately the performance of each unit. Such tests may be conducted and recorded simultaneously.

(g) *Record of test results.* The results of each test should be recorded in full detail on official forms No. PS–212, provided by the Administration. (An exception may be made in the case of a State, county, or municipal agency which utilizes forms supplying substantially the same information as is provided for on the official Administration forms). Essential information to be recorded includes:

(1) Identification of the scale by ownership, location, scale number, nominal capacity of the weighbeam or other indicating elements, and the species of livestock weighed.

(2) Identification and address of the scale testing agency and the signature of the local Administration representative present during the test.

(3) Identification of the scale manufacturer, type of scale and serial number of weighbeam and/or dial, and the value of the minimum graduations on weighbeam or dial face.

(4) A statement of the maximum and minimum loads of livestock weighed.

(5) Identification of the balance indicator manufacturer, and designation whether the scale tickets are serially numbered.

(6) The date of the present test and of the last preceding test.

(7) The year the scale was installed, size of the scale platform, condition of the approaches, and the depth of the pit.

(8) Data showing the SR value at zero and capacity loads, the amount and position of applied test loads, the errors indicated or printed, and the amount of any zero-balance changes.

At the conclusion of the test the scale should be inspected thoroughly and any faulty conditions of installation, construction, or maintenance which may affect the weighing performance should be reported. There should also be included a report of any adjustment or repairs made at the time of test, and of any recommendations made for future repairs, maintenance, or replacement. The test results and other observations are to be recorded on the report under the proper headings as the test proceeds and immediately after observations are made. An original and two carbon copies of the report must be prepared. The original must be forwarded to the area supervisor of the Packers and Stockyards Administration. One copy is for the scale owner and one is for the scale testing agency. Sample reports of weighbeam and dial livestock scale tests conducted in compliance with official instructions are available upon request to the area supervisor or may be obtained from the Washington office of the Administration.

§ 201.72–2 Applicable provisions of National Bureau of Standards Handbook 44.

The following definitions, specifications, sensitivity requirements, tolerances, and user requirements correspond essentially with respect to livestock, single animal, monorail, and live poultry scales, with those contained in National Bureau of Standards Handbook 44—3d Edition, as amended through July 1967. The following paragraphs are identified by consecutive numbering under each of the following headings: "Definitions," "Specifications," "Notes," "Sensitivity Requirements," "Tolerances," and "User Requirements." Citations to corresponding paragraphs of Handbook 44 material appears in parentheses ( ); where the letter G is the first symbol in the citation the reference is to the General Code; otherwise, the reference is to the Scale Code. Thus, (G–D) would refer to a definition in the General Code, or (S–D) a definition in the Scale Code. (S.1.1) would refer to a specification 1.1 in the Scale Code. Provisions in this section which are applicable to all equipment are printed in ordinary roman type. Provisions in this section which are applicable only to equipment placed in service after July 1, 1957, are printed in italic type.

(a) *Definitions*—(1) *Accurate.* A scale is accurate when its indications and recorded representations as determined by tests made with suitable standards conform to the applicable tolerances and other performance requirements.

(2) *Animal scale.* A livestock scale adapted to weighing single heads of livestock. (S–D)

(3) *Automatic-indicating scale.* One on which the weights of applied loads of various magnitudes are automatically indicated throughout all or a portion of the weighing range of the scale.

(4) *Balance indicator.* A combination of elements, one or both which will oscillate with respect to the other, for indicating the balance condition of a nonautomatic-indicating scale. The combination may consist of two indicating edges, lines, or points, or a single edge, line, or point and a graduated scale. (S–D)

(5) *Basic tolerances.* Basic tolerances are those tolerances on underregistration and on overregistration, or in excess and in deficiency that are established by a particular code for a particular device under all normal tests, whether maintenance or acceptance. Basic tolerances include minimum tolerance values when these are specified. Special tolerances, identified as such and pertaining to special tests, are not basic tolerances. (G–D)

(6) *Beam scale.* One on which the weights of loads of various magnitudes are indicated solely by means of one or more weighbeam bars either alone or in combination with counterpoise weights. (S–D)

(7) *Clear interval between graduations.* The interval between adjacent edges of successive graduations of a series of graduations. If the graduations are "staggered," the interval shall be measured, if necessary, between a graduation and an extension of the adjacent graduation. (G–D)

(8) *Corner (shift) test.* A test intended to disclose the weighing performance of a scale under offcenter loading. (S–D)

(9) *Correct.* A piece of equipment is "correct" when, in addition to being accurate, it meets all applicable specification requirements. Equipment that fails to meet any of the requirements for correct equipment is "incorrect." (G–D)

(10) *Counterbalance weight.* One intended for application near the butt of a weighbeam for zero-load balancing purposes. (S–D)

(11) *Counterpoise weight.* A slotted or "hanger" weight intended for application near the tip of the weighbeam of a scale having a multiple greater than 1. (S–D)

(12) *Decreasing-load test.* A special supplementary test for automatic-indicating scales only, during which the performance of the scale is tested when the load is being reduced. In this test, an observation is made with a test weight load equal to one-half of the maximum applied test load. (S–D)

(13) *Digital type.* Refers to a system of indication or recording of the selector type or one that advances intermittently in which all values are presented digitally, or in numbers. In a digital indicating or recording element, or in digital representation, there are no graduations. (G–D)

(14) *Fractional bar.* A weighbeam bar of relatively small capacity, for obtaining indications intermediate between notches or graduations on a main or intermediate bar.

(15) *Graduated interval.* The distance from the center of one graduation to the center of the next graduation of a series of graduations. (G–D)

(16) *Graduation.* A defining line, or one of the lines defining subdivisions of a graduated series.

(17) *Increasing-load test.* The normal basic performance test for a scale, in which observations are made as increments of test-weight load are successively added to the load-receiving element of the scale. (S–D)

(18) *Index of an indicator.* The particular portion of an indicator that is directly utilized in making a reading. (G–D)

(19) *Indicating element.* An element incorporated in a weighing device by means of which its performance relative to quantity is "read" from the device itself, as, for example, an index-and-graduated-scale combination or a weighbeam-and-poise combination, a digital indicator and the like.

(20) *Intermediate bar.* An auxiliary weighbeam bar of a capacity less than that of the main bar.

(21) *Live poultry scale.* One used by licensees to weigh live poultry at markets designated under the Packers and Stockyards Act.

(22) *Livestock scale.* One equipped with stock racks and gates and adapted to weighing livestock standing on the scale platform. (S–D)

(23) *Load cell.* The basic weighing element of a load-cell scale. The load cell, whether electric, hydraulic, or pneumatic, produces a signal proportional to the load applied. (S–D)

(24) *Main bar.* A principal weighbeam bar, usually of relatively large capacity as compared with other bars of the same weighbeam. (On an automatic-indicating scale equipped with a weighbeam, the main weighbeam bar is frequently called the "capacity" bar.) (S–D)

(25) *Main graduation.* One of those defining the primary or principal subdivisions of a graduated series. (G–D)

(26) *Main-weighbeam elements.* The combination of a main bar and its fractional bar, or a main bar alone if this has no fractional bar associated with it. (S–D)

(27) *Minimum tolerance.* The smallest tolerance that may be applied to a particular scale.

(28) *Monorail scale.* A scale the load receiving element of which is part of monorail conveyor system and which is used primarily for the weighing of livestock carcasses. Such a scale is also called an abattoir scale, a track scale, or a rail scale.

(29) *Multiple of a scale.* In general, the multiplying power of the entire system of levers or other basic weighing elements. (On a beam scale, the number of pounds on the load-receiving element that will be counterpoised by 1 pound applied to the tip pivot of the weighbeam.)

(30) *Multirevolution scale.* An automatic-indicating scale having nominal capacity that is a multiple of the reading-face capacity and that is achieved by more than one complete revolution of the indicator. (S–D)

(31) *Nominal capacity.* The nominal capacity of a scale is (i) the largest weight indication that can be obtained by the use of all of the reading or recording elements in combination, including the amount represented by any removable weights furnished or ordinarily furnished with the scale, but excluding the amount represented by any extra removable weights not ordinarily furnished with the scale, and excluding also the capacity of any auxiliary weighing attachment not contemplated by the original design of the scale and excluding any fractional bar with a capacity less than 2½ percent of the sum of the capacities of the remaining reading elements or (ii) the capacity marked on the scale by the manufacturer, whichever is less. (S–D)

(32) *Nose-iron.* A slidably mounted, manually adjustable pivot assembly for changing the multiple of a lever. (S–D)

(33) *Notes.* A section included in each of a number of codes, containing instructions, pertinent directives, and other specific information pertaining to the testing of devices. Notes are primarily directed to weights and measures officials. (G–D)

(34) *Over-and-under indicator.* An automatic-indicating element incorporated in or attached to a scale and comprising an indicator and a graduated scale with a central or intermediate "zero" graduation and a limited range of weight graduations on either side of the zero graduation, for indicating weights greater than and less than the predetermined values for which other elements of the scale may be set. (A scale having an over-and-under indicator is classed as an automatic-indicating scale.) (S–D)

(35) *Overregistration and underregistration.* The error of a weighing scale is said to be "overregistering" or "underregistering" depending on whether its indications are, respectively, greater or less than they should be. For example, a scale that indicates or records more than the true value of the applied load has an error of "overregistration."

(36) *Parallax.* The apparent displacement, or apparent difference in height or width, of a graduation or other object with respect to a fixed reference, as viewed from different points. (G–D)

(37) *Poise.* A movable weight mounted upon or suspended from a weighbeam bar and used in combination with graduations, and frequently with notches, on the bar to indicate weight values. (A suspended poise is commonly called a "hanging" poise.) (S–D)

(38) *Ratio test.* A test to determine the accuracy with which the actual multiple of a scale agrees with its designed multiple. This test is utilized in the case of scales employing counterpoise weights and is made with standard test weights substituted in all cases for the weights commercially used on the scale. (It is appropriate to utilize this test in the case of some scales not employing counterpoise weights.) (S–D)

(39) *Reading-face.* That portion of an automatic-indicating weighing device that gives a visible indication of the quantity weighed. A reading-face may include an indicator and a series of graduations or may present values digitally.

(40) *Reading-face capacity.* The largest weight that may be indicated on the reading-face, exclusive of the application of any unit weights, weight ranges, or other elements.

(41) *Recorded representation.* Refers to the printed, embossed, or other representation that is recorded as a quantity by a weighing device. (G–D)

(42) *Recording element.* An element incorporated in a weighing device by means of which its performance relative to quantity is permanently recorded on a tape, ticket, card, or the like, in the form of a printed, stamped, punched, or perforated representation.

(43) *Recording scale.* One on which the weights of applied loads may be permanently recorded on a tape, ticket, card, or the like, in the form of a printed, stamped, punched, or perforated representation. (S–D)

(44) *Selector-type.* Refers to a system of indication or recording in which the mechanism selects, by means of a ratchet-and-pawl combination or by other means, one or the other of any two successive values that can be indicated or recorded. (G–D)

(45) *Sensitivity response or SR.* The change in load required to change the position of rest of the indicating element or elements of a nonautomatic indicating scale a definite amount at any load.

(46) *Specification.* A requirement usually dealing with the design, construction, or marking of a weighing device. Specifications are primarily directed to the manufacturers of devices.

(47) *Subordinate graduation.* Any graduation other than a main graduation. (G–D)

(48) *Tare bar.* An auxiliary weighbeam bar, primarily for the purpose of determining, or balancing out, the weights of empty containers or vehicles. (S–D)

(49) *Tolerance.* A value fixing the limit of allowable error or departure from true performance or value. (G–D)

(50) *Unit weight.* One contained within the housing of an automatic-indicating scale and mechanically applied to and removed from the mechanism. The application of a unit weight will increase the range of automatic-indication, normally in increments equal to the reading-face capacity. (S–D)

(51) *User requirements.* Requirements usually dealing with the selection, installation, use or maintenance of a weighing device. User requirements are directed primarily to the users of devices. (G–D)

(52) *Value of minimum graduated interval.* The smallest value represented by the interval from the center of one graduation to the center of the succeeding graduation. Also, the smallest increment of recorded value. (G–D)

(53) *Weighbeam or beam.* An element comprising one or more bars, equipped with movable poises or means for applying counterpoise weights or both. (S–D)

(54) *Weight ranges.* Electrical or electro-mechanical elements incorporated in an automatic-indicating scale through the application of which the range of automatic indication of the scale is increased, normally in increments equal to the reading-face capacity. (S–D)

(55) *Zero-load balance.* A correct weight indication or representation of zero when there is no load on the load-receiving element. (S–D)

(56) *Zero-load balance for an automatic-indicating scale.* A condition in which the indicator is at rest at or oscillates through approximately equal arcs on either side of the zero graduation. (S–D)

(57) *Zero-load balance for a non-automatic-indicating scale.* A condition in which (i) the weighbeam is at rest at or oscillates through approximately equal arcs above and below the center of a trig loop, (ii) the weighbeam or lever system is at rest at or oscillates through approximately equal arcs above and below a horizontal position or a position midway between limiting stops, or (iii) the indicator of a balance indicator is at rest at or oscillates through approximately equal arcs on either side of the zero graduation. (S–D)

(58) *Zero-load balancing for a recording scale.* A condition in which the scale will record a representation of zero load. (S–D)

(b) *Specifications.* (Applicable with respect to the design of weighing equipment).

(1) *Identification.* All commercial equipment except weights shall be clearly and permanently marked on an exterior surface for purposes of identification with the name, initials, or trademark of the manufacturer and with the manufacturer's designation that positively identifies the pattern or the design of the device. (G.S.1)

(2) *Facilitation of fraud.* All commercial equipment and all mechanisms and devices attached thereto or used in connection therewith shall be so constructed, assembled, and installed for use that they do not facilitate the perpetration of fraud. (G.S.2)

(3) *Permanence.* All commercial equipment shall be of such materials, design, and construction as to make it probable that, under normal service conditions, (i) accuracy will be maintained, (ii) operating parts will continue to function as intended, and (iii) adjustments will remain reasonably permanent. Undue stresses, deflections, or distortions of parts shall not occur to the extent that accuracy or permanence is detrimentally affected. (G.S.3)

(4) *Interchange or reversal of parts.* Parts of a device that may readily be interchanged or reversed in the course of field assembly or of normal usage shall be so constructed that their interchange or reversal will not materially affect the performance of the device. Parts that may be interchanged or reversed in normal field assembly shall be, (i) so constructed that their interchange or reversal will not affect the performance of the device, or (ii) so marked as to show their proper positions. (G.S.4)

(5) *Indicating elements and recorded representations (G.S.5.1) General.* All weighing devices shall be provided with indicating or recording elements appropriate in design and adequate in amount. Primary indications and recorded representations shall be clear, definite, accurate, and easily read under any conditions of normal operation of the device.

(6) *Graduations. (G.S.5.2)*—(i) *Analog indication and representation.* Graduations and a suitable indicator shall be provided in connection with indications and recorded representations designed to advance continuously. (G.S.5.2.1.)

(ii) *Digital indication and representation.* Graduations shall not be required in connection with digital indications or recorded digital representations. (G.S.5.2.2)

(iii) *Size and character.* In any series of graduations, corresponding graduations shall be uniform in size and character. (G.S.5.2.3)

(iv) *Values.* If graduations are intended to have specific values, these shall be adequately defined by a sufficient number of figures, words, symbols, or combinations thereof, uniformly placed with reference to the graduations and as close thereto as practicable, but not so positioned as to interfere with the accuracy of reading. (G.S.5.2.4)

(v) *Permanence.* Graduations and their defining figures, words, and symbols shall be of such character that they will not tend easily to become obliterated or illegible. (G.S.5.2.5)

(7) *Values of graduated intervals.* In any series of graduations, the values of the graduated intervals shall be uniform throughout the series. (G.S.5.3)

(8) *Repeatability of indications.* A device shall be capable of repeating, within prescribed tolerances, its indications and recorded representations. This requirement shall be met irrespective of repeated manipulation of any element of the device in a manner approximating normal useage (including displacement of the indicating element to the full extent allowed by the construction of the device and repeated operation of a locking or relieving mechanism) and of the repeated performance of steps or operations that are embraced in the testing procedure. (G.S.5.4)

(9) *Recorded representations.* Insofar as they are appropriate, the requirements for indicating and recording elements shall be applicable also to recorded representations. (G.S.5.6)

(10) *Magnified graduations and indications.* When, in normal usage, a series of graduations and an indicator are necessarily viewed as magnified by an optical system or as magnified and projected on a screen, all particulars of the magnified image shall conform to all appropriate requirements for graduations and indications. (G.S.5.7)

(11) *Lettering.* All required markings and instructions shall be distinct and easily readable and shall be of such character that they will not tend easily to become obliterated or illegible. (G.S.6)

(12) *Design of indicating and recording elements and of recorded representations (S.1)*—(i) *Zero indication.* On an automatic-indicating scale equipped with a printer, provision shall be made:

(*a*) To indicate and record zero, and

(*b*) To indicate and record an out-of-balance condition.

(ii) *Graduations (S.1.2)*—(*a*) *Length.* Graduations shall be so varied in length that they may be conveniently read. (S.1.2.1)

(*b*) *Width.* In any series of graduations, the width of a graduation shall in no case be greater than the width of the minimum clear interval between graduations, and the width of main graduations shall be not more than 50 percent greater than the width of subordinate graduations. Graduations shall in no case be less than 0.008 inch in width. (S.1.2.2)

(iii) *Clear interval between graduations.* The clear interval shall be not less than 0.03 inch for graduations. If the graduations are not parallel, the measurement shall be made,

(*a*) Along the line of relative movement between the graduations and the end of the indicator, or

(*b*) If the indicator is continuous at the point of widest separation of the graduations.

(iv) *Indicators (S.1.3)*—(*a*) *Symmetry.* The index of an indicator shall be symmetrical with respect to the graduations with which it is associated and at least throughout that portion of its length that is associated with the graduations. (S.1.3.1)

(*b*) *Length.* The index of an indicator shall reach to the finest graduations with which it is used, unless the indicator and the graduations are in the same plane, in which case the distance between the end of the indicator and the ends of the graduations, measured along the line of the graduations, shall be not more than 0.04 inch. (S.1.3.2)

(*c*) *Width.* The width of the index of an indicator in relation to the series of graduations with which it is used shall be not greater than,

(*1*) The width of the widest graduation,

(*2*) The width of the minimum clear interval between weight graduations, and

(*3*) Three-fourths of the width of the minimum clear interval between money-value graduations.

When the index of an indicator extends along the entire length of a graduation, that portion of the index of the indicator that may be brought into coincidence with the graduation shall be of the same width throughout the length of the index that coincides with the graduation. (S.1.3.3)

(*d*) *Clearance.* The clearance between the index of an indicator and the graduations shall in no case be more than 0.06 inch. (S.1.3.4)

(*e*) *Parallax.* Parallax effects shall be reduced to the practicable minimum. (S.1.3.5)

(v) *Weight ranges and unit weights.* The total value of weight ranges and of unit weights in effect or in place at any time shall automatically be accounted for on the reading face and on any recorded representation. (S.1.4)

(13) *Design of balance, damping, and arresting mechanisms (S.2)*—(i) *Zero-load adjustment (S.2.1)*—(*a*) *General.* A scale shall be equipped with means by which the zero-load balance may be adjusted, and any loose material used for this purpose shall be so enclosed that it cannot shift in position in such a way that the balance condition of the scale is altered. (S.2.1.1)

(*b*) *Balance ball.* A balance ball or similar device shall not itself be rotatable unless the balancing device is automatic in operation or it is enclosed in a cabinet. (This specification will become effective on all scales as of July 1, 1975.)

(ii) *Damping means.* An automatic-indicating scale, and a balance indicator, shall be equipped with effective means (such as a dashpot) for damping the oscillations whenever such means are necessary to bring the indicating elements quickly to rest. (S.2.4)

(14) *Design of weighing elements (S.4)*—(i) *Antifriction elements.* At all points at which a live part of the mechanism may come into contact with another part in the course of normal usage, frictional effects shall be reduced to a minimum by means of suitable antifriction elements, opposing surfaces, and points being properly shaped, finished, and hardened. A platform scale having a frame around the platform shall be equipped with means to prevent interference between platform and frame. (S.4.1)

(ii) *Adjustable weighing elements.* An adjustable weighing element such as a nose-iron, a pendulum, or a spring (but not an element for adjusting level or zero-load balance) shall be held securely in adjustment and shall not be adjustable from the outside of the scale. The position of a nose-iron on a scale of more than 500 pounds capacity, as determined by the factory adjustment, shall be accurately, clearly, and permanently defined. (S.4.2)

(15) *Design of weighbeams and poises (S.5)*—(i) *Weighbeams (S.5.1)*—(*a*) *Normal balance position.* The normal balance position of the weighbeam of a beam scale shall be horizontal. (S.5.1.1)

(b) *Travel.* The weighbeam of a beam scale shall have equal travel above and below the horizontal. The total travel of the weighbeam of a beam scale in a trig loop or between other limiting stops near the weighbeam tip shall be not less than the minimum travel shown in Table 1. When such limiting stops are not provided, the total travel at the weighbeam tip shall be not less than 8 percent of the distance from the weighbeam fulcrum to the weighbeam tip. (S.5.1.2)

TABLE 1.—MINIMUM TRAVEL OF WEIGHBEAM OF BEAM SCALE BETWEEN LIMITING STOPS

Distance from weighbeam fulcrum to limiting stops	Minimum travel between limiting stops
Inches	*Inch*
12 or less	0.4
13 to 20, inclusive	.5
21 to 40, inclusive	.7
Over 40	.9

(c) *Subdivision.* A subdivided weighbeam bar shall be subdivided by means of graduations, notches, or a combination of both. Graduations on a particular bar shall be of uniform width and perpendicular to the top edge of the bar. Notches on a particular bar shall be uniform in shape and dimensions and perpendicular to the face of the bar. When a combination of graduations and notches is employed, the graduations shall be so positioned in relation to the notches as to indicate notch values clearly and accurately. (S.5.1.3)

(d) *Readability.* A subdivided weighbeam bar shall be so subdivided and marked, and a weighbeam poise shall be so constructed, that the weight corresponding to any normal poise position can easily and accurately be read directly from the beam, whether or not provision is made for the optional recording of representations of weight. (S.5.1.4)

(e) *Poise stop.* Except on a steelyard with no zero graduation, a shoulder or stop shall be provided on each weighbeam bar to prevent a poise from traveling and remaining back of the zero graduation. (S.5.1.6)

(ii) *Poises (S.5.2)*—(a) *General.* No part of a poise shall be readily detachable. A locking screw shall be perpendicular to the longitudinal axis of the weighbeam and shall not be removable. Except on a steelyard with no zero graduation, a poise shall not be readily removable from a weighbeam. The knife edge of a hanging poise shall be hard and sharp and so constructed as to allow the poise to swing freely on the bearing surfaces in the weighbeam notches. (S.5.2.1)

(b) *Adjusting material.* The adjusting material in a poise shall be securely enclosed and firmly fixed in position, and if softer than brass it shall not be in contact with the weighbeam. (S.5.2.2)

(c) *Pawl.* A poise, other than a hanging poise, on a notched weighbeam bar shall have a pawl that will seat the poise in a definite and correct position in any notch, wherever in the notch the pawl is placed, and hold it there firmly and without appreciable movement. That dimension on the tip of the pawl that is transverse to the longitudinal axis of the weighbeam shall be at least equal to the corresponding dimension of the notches. (S.5.2.3)

(d) *Reading edge or indicator.* The reading edge or indicator of a poise shall be sharply defined, and a reading edge shall be parallel to the graduations on the weighbeam. (S.5.2.4)

(iii) *Marking requirements (S.6).* The nominal capacity shall be conspicuously marked as follows:

(a) On any scale equipped with unit weights or weight ranges,

(b) On any scale with which counterpoise or equal-arm weights are intended to be used,

(c) On any automatic indicating or recording scale so constructed that the capacities of the several individual indicating and recording elements are not immediately apparent, and

(d) On any scale with a nominal capacity less than the sum of the reading elements. (S.6.1)

(c) *Notes.* (Applicable with respect to the testing of scales.) (N)

(1) *Testing procedures (N.1)*—(i) *Increasing-load test.* The increasing-load test shall be conducted on all scales with the test loads approximately centered on the load-receiving element of the scale, except on a scale having a nominal capacity greater than the total available known test load, in which case the available test load is used to greatest advantage by concentrating it, within prescribed load limits, over the main load supports of the scale. (N.1.1)

(ii) *Decreasing-load test.* The decreasing-load test shall be conducted on automatic-indicating scales only and with a test load equal to one-half of the maximum applied test load, approximately centered on the load-receiving element of the scale. (N.1.2)

(iii) *Shift test (N.1.3)*—(a) *On livestock and live poultry scales.* The shift or corner test shall be conducted with a quarter-capacity test load centered, as nearly as possible, successively over each main load bearing. In the case of scales of more than two sections, in lieu of a corner test, a shift test shall be conducted with a half-capacity test load successively concentrated on each section of the scale.

(b) *On monorail scales.* The shift test shall be conducted with a half-capacity test load centered successively at each end of the weigh rail.

(iv) *Test for sensitiveness for non-automatic-indicating scales.* The test for sensitiveness shall be conducted on all non-automatic-indicating scales. SR tests shall be made at zero load and at the maximum test load applied to the scale by either increasing or decreasing the test-weight load on the load-receiving element of the scale. The response of the scale shall be as follows:

(a) *On a scale with a trig loop but without a balance indicator.* The position of rest of the weighbeam shall change from the center of the trig loop to the top or bottom, as the case may be.

(b) *On a scale with a single balance indicator and having a nominal capacity of 500 pounds or greater.* The position of rest of a single indicator on a scale having a nominal capacity of 500 pounds or greater shall change 0.25 (¼) inch or the width of the central target area, whichever is greater.

(c) *Ratio test.* A ratio test shall be conducted on all scales employing counterpoise weights and on non-automatic-indicating equal-arm scales. (N.1.5)

(d) *SR requirements*—(1) *Application.* The SR is applicable to a scale to which acceptance tolerances apply and to a scale to which maintenance tolerances apply.

(2) *For livestock, animal, and monorail scales not equipped with balance indicators.* The maximum SR on a scale not equipped with a balance indicator shall be the value of two of the minimum graduated intervals on the weighbeam.

(3) *For livestock, animal, and monorail scales equipped with balance indicators.* The SR on a scale equipped with a balance indicator shall be the value of the minimum graduated interval on the weighbeam.

(e) *Tolerances.* (Applicable with respect to the performance or accuracy of scales.) (G.T.)

(1) *Acceptance tolerances.* Acceptance tolerances shall apply as follows:

(i) To any equipment about to be put into commercial use for the first time.

(ii) To equipment that has been placed in commercial service within the preceding 30 days and is being officially tested for the first time.

(iii) To equipment that has been returned to commercial service following official rejection for failure to conform to performance requirements and is being officially tested for the first time within 30 days after corrective service.

(iv) To equipment that is being officially tested for the first time within 30 days after major reconditioning or overhaul. (1966, G.T.1)

(2) *Maintenance tolerances.* Maintenance tolerances shall apply to equipment in actual use, except as provided in subparagraph (1) of this paragraph. (G.T.1)

(3) *Application.* Tolerances "in excess" and tolerances "in deficiency" shall apply to errors in excess and to errors in deficiency, respectively. Tolerances "on overregistration" and tolerances "on underregistration" shall apply to errors in the direction of overregistration and of underregistration, respectively. (See definitions of terms.) (G.T.3)

(4) *To tests involving digital indications or representations.* To the tolerances that would otherwise be applied, there shall be added an amount equal to one-half the minimum value that can be indicated or recorded. (T.1.2)

(5) *To increasing-load tests.* Basic tolerances shall be applied. (T.1.3)

(6) *To shift tests.* Basic tolerances shall be applied. (T.1.4)

(7) *To ratio tests.* Three-fourths (0.75) of basic tolerances shall be applied. (T.1.5)

(8) *To decreasing-load tests on automatic-indicating scales.* One and one-half (1.5) times basic tolerances shall be applied. (T.1.6)

(9) *Minimum tolerance values (T.2)*—(i) *For monorail and poultry scales.* The maintenance and acceptance tolerance applied to a scale shall be not smaller than the appropriate value shown in table 2, or one-half the value of the minimum graduated interval, whichever is less. (T.2.1)

TABLE 2—MINIMUM TOLERANCE VALUES FOR MONORAIL AND POULTRY SCALES

(This table applies where the appropriate value in the table is smaller than one-half the value of the minimum graduated interval on the device under test.)

Nominal capacity	Minimum tolerance value	
Pounds	*Ounces*	*Pounds*
0 to 250, inclusive	2	
251 to 500, inclusive	4	
501 to 1000, inclusive	8	
1001 to 2500, inclusive		1

(ii) *For livestock scales.* The minimum maintenance and acceptance tolerance shall be 2 pounds, or one-half the value of the minimum graduated interval, whichever is greater. (T.2.2)

(iii) *For animal scales.* The minimum maintenance tolerance and acceptance tolerance shall be 1 pound. (T.2.3)

(10) *Basic tolerance values (T.3)*—(i) *Application.* Basic tolerance values shall be applied to weighbeam, reading-face, and unit-weight indications, and to recorded representations. (T.3.1)

(ii) *For monorail and poultry scales.* The basic maintenance and acceptance tolerances shall be as shown in Table 3.

TABLE 3—BASIC TOLERANCES FOR MONORAIL AND POULTRY SCALES. (SEE ALSO (4) (T.1.2))

Test load	Maintenance	Acceptance
Pounds	*Ounces*	*Ounces*
0 to 149, inclusive	2	1
150 to 199, inclusive	3	1½
200 to 299, inclusive	4	2
300 to 399, inclusive	6	3
400 to 599, inclusive	8	4
600 to 799, inclusive	12	6
800 to 999, inclusive	14	7
1000 and over	0.1 percent of test load.	0.05 percent of test load.

(iii) *For livestock and animal scales.* The basic maintenance tolerance on livestock and animal scales shall be 2 pounds per 1,000 pounds of test load (0.2 percent). The acceptance tolerance shall be one-half the maintenance tolerance (T.3.3)

(f) *User requirements.* (Applicable with respect to the selection, installation, use, and maintenance of weighing devices. (G–UR)

(1) *Selection requirements.* (G–UR.1) Suitability of equipment: Commercial equipment shall be suitable for the service in which it is used with respect to elements of its design, including but not limited to its weighing capacity, the character, number, size, and location of its indicating or recording elements, and the value of its minimum graduated interval. (G–UR.1.1)

(2) *For livestock and animal scales.* Such scales shall be equipped with a type-registering weighbeam, a dial with a mechanical ticket printer, or a similar device which shall be used for printing or stamping weight values on scale tickets.

(3) *Value of minimum graduated intervals on primary indicating and recording elements (UR.1.1)*—(i) *For animal scales only.* The value of the minimum graduated interval shall be not greater than 1 pound. (UR.1.1.1)

(ii) *For livestock scales only.* The value of the minimum graduated interval shall be not greater than 5 pounds. (UR.1.1.4)

(iii) *For monorail and poultry scales.* The value of the minimum graduated interval shall be not greater than 0.1 percent of the nominal capacity of the scale or one-quarter pound, whichever is greater. (UR.1.1.7)

(4) *Installation requirements (G–UR.2)*—(i) *Installation.* A device shall be installed in accordance with the manufacturer's instructions, including any instructions marked on the device. A device installed in a fixed location shall be so installed that neither its operation nor its performance will be adversely affected by any characteristic of the foundation, supports, or any other detail of the installation. (G–UR.2.1)

(ii) *Protection against wind and weather effects.* The indicating elements, the level system or load cells, and the under side of the load-receiving element of a permanently installed scale shall be adequately protected against wind and weather effects. (UR.2.3)

(iii) *Foundation, supports, and clearance.* The foundation and supports of any scale installed in a fixed location shall be such as to provide strength, rigidity, and permanence of all components, and clearance shall be provided around all live parts to the extent that no contacts may result when the load-receiving element is empty and throughout the weighing range of the scale. (UR.2.4)

(iv) *Access to pit.* Adequate provision shall be made for ready access to the pit of a vehicle, livestock, or animal scale for purposes of inspection and maintenance. (UR.2.5)

(v) *Stock racks.* A livestock or animal scale shall be equipped with a suitable stock rack, with gates as required, which shall be securely mounted on the scale platform. Adequate clearances shall be maintained around the outside of the rack. (UR.2.7)

(vi) *Accessibility for testing purposes.* A scale shall be so located, or such facilities for normal access thereto shall be provided, that the test weights of the testing agency, in the denominations customarily provided, and in the amount deemed necessary by the testing agency for the proper testing of the scale, may readily be brought to the scale by customary means.

(5) *Maintenance requirements (G–UR.4)*—(i) *Maintenance of equipment.* All equipment in commercial service and all mechanisms and devices attached thereto or used in connection therewith shall continuously be maintained in proper operating condition throughout the period of such service. (G–UR.4.1)

(ii) *Use of adjustments.* Weighing elements that are adjustable shall be adjusted only to correct those conditions that such elements are designed to control, and shall not be adjusted to compensate for defective or abnormal installation or accessories or for badly worn or otherwise defective parts of the assembly. Any faulty installation conditions shall be corrected, and any defective parts shall be renewed or suitably repaired, before adjustments are undertaken. Whenever equipment is adjusted, the adjustments shall be so made as to bring performance errors as close as practicable to zero value. (G–UR.4.2)

(iii) *Balance condition.* A scale shall be maintained in balance. (UR.4.1)

(iv) *Lengthening and widening of platforms.* Neither the length nor the width of the load-receiving element of a scale shall be increased beyond the manufacturer's designed dimension, except when the modification has been approved by competent scale-engineering authority, preferably that of the engineering department of the manufacturer of the scale. (UR.4.3)

(v) *Method of operation.* Equipment shall be operated only in the manner that is obviously indicated by its construction or that is indicated by instructions on the equipment. (G–UR.3.1)

(g) *Weights*—(1) *Application.* (Pertaining to the application of code requirements.) General: This code applies to commercial weights; that is, weights used in connection with commercial weighing devices. It does not apply to test weights or to other "standards" of mass.

(2) *Specifications.* (Applicable with respect to the materials for, and design of, weights.) Material: The material used for weights shall be metal, or a metal alloy, not softer than brass.

(3) *Design (S.2)*—(i) *Surface.* The surface of a weight shall be smooth and shall not be coated with thick, soft, or brittle material. A weight shall not have sharp edges, points, or corners.

(ii) *Adjusting material.* Adjusting material shall be securely positioned and shall not project beyond the surface of the weight.

(iii) *Marking requirements.* (S.4) Counterpoise weight: A counterpoise weight shall be marked to show clearly both its nominal value and the value it represents when used on the multiplying-lever scale for which it is intended. (S.4.6)

(4) *Tolerances.* (Applicable with respect to the accuracy of weights.) (T)

(i) *In excess and in deficiency.* The tolerances hereinafter prescribed shall be applied equally to errors in excess and errors in deficiency. (T.1)

(ii) *On avoirdupois weights.* The maintenance tolerances shall be as shown in Table 4. Acceptance tolerances shall be one-half the maintenance tolerances.

(iii) *For intermediate value.* For a capacity, indication, load, value, etc.,

intermediate between two capacities, indications, loads, values, etc., listed in a table of tolerances, the tolerances prescribed for the lower capacity, indication, load, value, etc., shall be applied. (G.T.4)

TABLE 4—TOLERANCES FOR AVOIRDUPOIS WEIGHT

Nominal value	Maintenance tolerance: Counterpoise weights: For scales with multiples of less than 1,000	Maintenance tolerance: Counterpoise weights: For scales with multiples of 1,000 and over
Ounces	*Grains*	*Grains*
4	1.5	1.0
5	1.5	1.0
8	1.5	
10	2.0	1.
12	2.5	2.5
	2.5	2.0
		0
Pounds		
1	3.0	2.5
2	6.0	4.0
3	9.0	5.0
4	11.0	6.0
5	12.0	6.5

(h) *Test weights—standards of mass; calibration of test weights.* Test weights to be used in testing scales subject to the provisions of the Packers and Stockyards Act, shall be calibrated at least once in 3 years by an authorized agency and shall conform to the tolerances of the National Bureau of Standards for Class C weights of large denominations as indicated in the following table.

AVOIRDUPOIS TEST WEIGHTS

Denomination	Class C tolerances
Pounds	
50	10 grains.
100	15 grains.
500	0.5 ounce.
1,000	1.0 ounce.
2,000	2.0 ounces.
2,500	2.5 ounces.

§ 201.73–1 Instructions for weighing livestock.

Stockyard operators, market agencies, dealers, and packers who operate scales on which livestock is weighed in purchase or sales transactions shall supply copies of the instructions in this section to all persons who perform weighing operations for them and direct such persons to familiarize themselves with the instructions and to comply with them at all times. This section shall also apply to any additional weighers who are employed at any time. Weighers must acknowledge their receipt of the instructions in this section and agree to comply with them, by signing in duplicate, forms provided by the Packers and Stockyards Administration (attached hereto). One copy of the form is to be filed with the area office of the Packers and Stockyards Administration and the other retained by the agency employing the weighers.

(a) *Balancing the empty scale.* (1) The empty scale shall be balanced each day before weighing begins and thereafter, while weighing operations continue and its zero balance shall be verified at intervals of not more than 15 drafts or 15 minutes, whichever is completed first. In addition, the zero balance of the scale shall be verified whenever a weigher resumes weighing duties after an absence from the scale and also whenever a load exceeding half the scale capacity has been weighed and is to be followed by a load of less than 1,000 pounds.

(2) Before balancing the empty scale the weigher shall notify parties outside the scale house of his intention by a bell signal or otherwise and shall assure himself that the scale gates are closed and that no persons or animals are on the scale platform or in contact with the stock rack, gates, or platform. When the empty scale is balanced and ready for weighing, he shall so indicate by appropriate signal.

(3) Weighbeam scales shall be balanced by first seating each poise securely in its zero notch and then moving the balance ball to such position that a correct zero balance is obtained. A scale equipped with a balance indicator is correctly balanced when the indicator comes to rest in the center of the target area. A scale not equipped with a balance indicator is correctly balanced if the weighbeam, when released at the top or bottom of the trig loop, swings freely in the trig loop in such manner that it will come to rest at the cetner of the trig loop.

(4) Dial scales shall be balanced by releasing all drop weights and operating the balance ball or other balancing device to obtain a correct zero balance. The indicator must visibly indicate zero on the dial reading face and the ticket printer must record a correct zero balance. "Balance tickets" should be filed with other scale tickets issued on that date.

(5) A balance ball or other balancing device shall be operated only when balancing the empty scale and shall not be operated at any other time or for any other purpose.

(6) The time at which the empty scale is balanced or its zero balance verified shall be marked on scale tickets or other permanent records.

(b) *Weighing the load.* (1) Before weighing a draft of livestock the weigher shall assure himself that the entire draft is on the scale platform with the gates closed and that no persons or animals off the scale are in contact with the platform, gates, or stock rack.

(2) (i) On a weighbeam scale with a balance indicator the weight of a draft shall be determined by moving the poises to such positions that the indicator will come to rest within the central target areas.

(ii) On a weighbeam scale without a balance indicator the weight shall be determined by moving the poises to such positions that the weighbeam, when released from the top or bottom of the trig loop, will swing freely in the trig loop and come to rest at the approximate center of the trig loop.

(iii) On a dial scale the weight of a draft is indicated automatically when the indicator revolves around the dial face and comes to rest.

(3) The correct weight of a livestock draft is the value in pounds indicated by a weighbeam or dial when correct load balance is obtained. In any case the weigher should concentrate his attention upon the beam tip, balance indicator or dial indicator while weighing and not concern himself with reading the visible weight indications until correct load balance is obtained.

(c) *Recording the weight.* (1) The weight of each draft shall be recorded immediately after the load balance is obtained and before any poises are moved or load removed from the scale platform. The weigher shall make certain that the printed weight record agrees with the weight value visibly indicated on the weighbeam or dial when correct load balance is obtained. He shall also assure himself that the printed weight value is sufficiently distinct and legible.

(2) The weight printing device on a scale shall be operated only to produce a printed or impressed record of weight while the livestock load is on the scale and correctly balanced. If the weight is not printed clearly and correctly, the ticket shall be marked void and a new one printed before the draft is removed from the scale.

(d) *Scale tickets.* (1) Scale tickets used to record the weight of livestock in sale or purchase transactions shall be used, at any given scale, in the order of their consecutive serial numbers unless otherwise marked to show the order of their use. All tickets shall bear the date of the weighing and the name or initials of the weigher performing the weighing service.

(2) No scale tickets shall be destroyed or otherwise disposed of because they are soiled, damaged, incorrectly executed, or voided. They shall be preserved and filed to comprise a complete serial number sequence.

(3) No scale tickets shall be used to record the weight of a livestock draft for "catch weight," inventory, transportation charge, or other nonsale purposes unless the ticket is clearly marked to show that the weight was determined for such a purpose and not for sale or purchase purposes.

(e) *Weigher's responsibilities.* (1) The primary responsibility of a weigher is to determine and record the true weight of livestock drafts without prejudice or favor to any person or agency and without regard for livestock ownership, price, condition, fill, shrink, or other considerations. A weigher shall not permit the representations or attitudes of any persons or agencies to influence his judgment or action in performing his duties.

(2) Unused scale tickets or those which are partially executed but without a printed weight value shall not be left exposed or accessible to parties entering the scale house. All such tickets shall be kept under lock when the weigher is not at his duty station.

(3) Accurate weighing and correct weight recording require that a weigher shall not permit his operations to be hurried to the extent that inaccurate weights or incorrect weight records may result. Each draft of livestock must be weighed accurately to the nearest minimum graduation. Manual operations connected with balancing, weighing, and recording shall be performed with the care necessary to prevent damage to the accurately machined and adjusted parts of weighbeams, poises, and printing devices. Rough handling of these parts shall be avoided.

(4) Livestock owners, buyers, or others having legitimate interest in a livestock draft are entitled to observe the balancing, weighing, and recording procedures and a weigher shall not deny them that right or withhold from them any information pertaining to the weight of that draft. He shall check the zero balance of the scale or reweigh a draft of livestock when requested by such parties.

(f) *Sensitivity control.* (1) A scale must be sensitive in response to platform loading if it is to yield accurate weights. It, therefore, is the duty of a weigher to assure himself that interferences, weighbeam friction, or other factors do not impair sensitivity. He should satisfy himself, at least twice each day, that the scale is sufficiently sensitive, and, if the following requirements are not met, he should report the facts to his superior or employer immediately.

(2) A weighbeam scale with a balance indicator is sufficiently sensitive if, when the scale is balanced with the indicator at the center of the target, movement of the fractional poise one graduation will change the indicator rest point ¼-inch (0.25) or the width of the central target area, whichever is greater.

(3) A weighbeam scale without a balance indicator is sufficiently sensitive if, when the scale is balanced with the weighbeam at the center of the trig loop, movement of the fractional poise two graduations will cause the weighbeam to come to rest at the top or bottom of the trig loop.

(4) Adjustable damping devices are incorporated in balance indicators and in dial scales to absorb the effects of load impact and to bring the indicator to rest. The weigher should be familiar with the location and adjustment of these damping devices and should keep them so adjusted that when the indicator is displaced from a position of rest it will oscillate freely through at least one complete cycle of movement before coming to rest at its original position.

(5) Friction at weighbeam bearings may reduce the sensitiveness of the scale, cause sluggish weighbeam action and affect weighing accuracy. A weigher should inspect the weighbeam assembly daily to make certain that there is clearance between the weighbeam and the pivot bearings.

(6) Interferences or binding of the scale platform, stock rack, gates, or other "live" parts of the scale are common causes of weighing inaccuracy. A weigher should satisfy himself, at the beginning of each weighing period, that all such "live" parts have sufficient clearance to prevent interference.

(g) *General precautions.* (1) The poises of weighbeam scales are carefully adjusted and sealed to a definite weight at the factory and any change in that weight seriously affects weighing accuracy. A weigher, therefore, should be certain that poise parts do not become broken, loose, or lost and that no material is added to a poise. Balancing or weighing shall not be performed while a scale ticket is in the slot of a weighbeam poise.

(2) Stops are provided on scale weighbeams to prevent movement of poises back of the zero graduation when balancing or weighing. When the stops become worn or broken and allow a poise to be set behind the zero position this condition should be reported and corrected without delay.

(3) Foreign objects or loose material in the form of nuts, bolts, washers, or other material on any part of the weighbeam assembly, including the counterbalance hanger or counterbalance weights, are potential sources of weighing error. Loose balancing material must be enclosed in the shot cup of the counterbalance hanger and counterbalance weights must not be of the slotted type which can readily be removed.

(4) Whenever for any reason a weigher has reason to believe that a scale is not functioning properly or not yielding correct weight values, he shall discontinue weighing, report the facts to the parties responsible for scale maintenance, and request inspection, test, or repair of the scale.

(5) When a scale has been adjusted, modified, or repaired in any manner which may affect the accuracy of weighing or weight recording, the weigher shall not use the scale until it has been tested and inspected and found to be accurate.

(6) Count-off men, gate men, or others assigned to open or close scale gates or to drive livestock on or off the scale shall perform those functions as directed by the weigher's signals or spoken instructions. They shall prevent persons or animals off the scale from being in contact with any part of the scale platform, stock rack, or gates while the scale is being balanced or used for weighing. They shall not open gates or remove livestock from the scale until directed by the weigher.

NOTE: Attention is called to § 201.54(b) of the regulations providing that:

"No stockyard owner shall receive or knowingly permit any officer, agent, or employee of the stockyard to receive, from any market agency, dealer, packer, or other user of such stockyard, and no market agency, dealer, or packer shall offer, make, or give to any stockyard owner, or to any officer, agent, or employee of a stockyard, any gift, payment, loan, or other consideration, except the established charges for, or in connection with, the furnishing of stockyard services."

It should be noted that §§ 201.73 and 201.78 of the regulations also define obligations of weighers.

Attention is called to section 10 of the Federal Trade Commission Act, which is made applicable to persons subject to the Packers and Stockyards Act and provides in part:

"• • • Any person who shall willfully make, or cause to be made, any false entry or statement of fact in any report required to be made under this Act, or who shall willfully make, or cause to be made, any false entry in any account, record, or memorandum kept by any corporation subject to this Act or who shall willfully neglect or fail to make, or cause to be made, full, true, and correct entries in such accounts, records, or memoranda, of all facts and transactions appertaining to the business of such corporation, or who shall willfully remove out of the jurisdiction of the United States, or willfully mutilate, alter, or by any other means falsify any documentary evidence of such corporation, or who shall willfully refuse to submit to the Commission or to any of its authorized agents, for the purpose of inspection and taking copies, any documentary evidence of such corporation in his possession or within his control, shall be deemed guilty of an offense against the United States, and shall be subject upon conviction in any court of the United States of competent jurisdiction, to a fine of not less than $1,000 nor more than $5,000 or to imprisonment for a term of not more than three years, or to both such fine and imprisonment."

A weigher who willfully prints or enters a false weight value on a scale ticket or other record of a stockyard company, market agency, dealer, or packer is subject to the section quoted above.

U.S. DEPARTMENT OF AGRICULTURE

PACKERS AND STOCKYARDS ADMINISTRATION

WEIGHER'S ACKNOWLEDGMENT AND AGREEMENT

I, _____,
employed by _____,
(Firm Name)
at _____, _____, as a weigher of
(City) (State)
livestock, have read the Instructions for Weighing Livestock issued under authority of the Packers and Stockyards Act and agree to comply fully with said Instructions. I am aware that it will be an offense against the United States for me to willfully make any false entry of weight or other information on a scale ticket or other record kept by my employer.

_____
(Signature of Weigher)

_____
(Date)

_____
(Signature of Witness)

§ 201.78–1 Instructions for testing monorail scales.

(a) *Adoption of National Bureau of Standards Codes in Handbook 44.* Insofar as they are applicable to monorail scales, the specifications, tolerances, and regulations for commercial weighing devices, as published in National Bureau of Standards Handbook 44, 3d Edition, with amendments through July 1967, shall be applied to all monorail scales under supervision of the Packers and Stockyards Administration. The applicable portions of this Handbook are set forth in § 201.72–2 and copies are available upon request from the local area supervisor or the Washington, D.C., office of the Packers and Stockyards Administration. In the following instructions, citations to corresponding paragraphs of Handbook 44 material appear in parentheses.

(b) *Definitions.* (1) Monorail scale means any scale the load receiving element of which is part of a monorail conveyor system and which is used primarily for the weighing of livestock carcasses. Such a scale is also called an abattoir scale, a track scale, or a rail scale.

(2) A proper test is one which fully discloses the accuracy and other performance characteristics of the scale under all conditions which may prevail during actual use. It includes the application of loads of standard test weights in successive stages to the maximum capacity at which the scale is used; it includes separate tests of individual components, such as fractional bars, poises, notches, counterpoise weights, and sections which independently may affect weighing accuracy; it demands an accurate determination of the errors which develop; finally, it requires the recording in permanent form of all pertinent data developed during the test.

(3) A competent scale testing agency is one which employs experienced personnel and utilizes a sufficient amount of standard test weights to conduct tests in accordance with the procedure described in these instructions. Such agencies may include weights and measures departments, railroad scale departments, commercial scale repair and service companies, and packers.

(4) A suitable interval between tests is a period of time not to exceed 6 months. In instances where tests and inspections disclose that a scale does not maintain its accuracy between tests, or is otherwise undependable, or is mechanically deficient as regards construction, installation, or maintenance, more frequent tests may be required.

(5) Multiple of a scale: In general, the multiplying power of the entire system of levers or other basic weighing elements. (On a beam scale, the number of pounds on the load-receiving element that will be counterpoised by 1 pound applied to the tip pivot of the weighbeam.)

(6) Counterpoise weight: A slotted or "hanger" weight intended for application near the tip of the weighbeam of a scale having a multiple greater than 1. (S–D)

(7) Zero-load balance: A correct weight indication or representation of zero when there is no load on the load-receiving element. (S–D)

(8) Ratio test: A test to determine the accuracy with which the actual multiple of a scale agrees with its designed multiple. This test is utilized in the case of scales employing counterpoise weights and is made with standard test weights substituted in all cases for the weights commercially used on the scale. (It is appropriate to utilize this test in the case of some scales not employing counterpoise weights.) (S–D)

(9) Increasing-load test: The normal basic performance test for a scale in which observations are made as increments of test-weight load are successively added to the load-receiving element of the scale. (S–D)

(10) Decreasing-load test: A special supplementary test for automatic-indicating scales only, during which the performance of the scale is tested when the load is being reduced. In this test, an observation is made with a test weight load equal to one-half of the maximum applied test load. (S–D)

(11) Shift test: A test intended to disclose the weighing performance of a scale under offcenter loading. (S–D)

(12) Sensitivity response or SR: The change in load required to change the position of rest of the indicating element or elements of a non-automatic-indicating scale a definite amount at any load.

(13) SR for a scale with a trig loop but without a balance indicator: The change in load required to change the position of rest of the weighbeam from the center of the trig loop to the top or bottom of the trig loop.

(14) Nominal capacity: The nominal capacity of a scale is (i) the largest weight indication that can be obtained by the use of all of the reading or recording elements in combination, including the amount represented by any removable weights furnished or ordinarily furnished with the scale, but excluding the amount represented by any extra removable weights not ordinarily furnished with the scale, and excluding also the capacity of any auxiliary weighing attachment not contemplated by the original design of the scale and excluding any fractional bar with a capacity less than 2½ percent of the sum of the capacities of the remaining reading elements or (ii) the capacity marked on the scale by the manufacturer, whichever is less. (S–D)

(c) *SR requirements.* The maximum SR shall be the value of two of the minimum graduated intervals on the weighbeam.

(d) *User requirements*—(1) *Suitability of equipment.* Commercial equipment shall be suitable for the service in which it is used with respect to all elements of its design, including but not limited to its weighing capacity, the character, number size, and location of its indicating or recording elements, and the value of its minimum graduated interval. (G.UR.1.1)

(2) *Value of minimum graduated intervals on primary indicating and recording elements.* The value of the minimum graduated interval on a monorail scale shall be not greater than 0.1 percent of the nominal capacity of the scale or one-fourth pound, whichever is greater.

(e) *Tolerances*—(1) *Acceptance tolerances.* Acceptance tolerances shall apply, as follows:

(i) To any equipment about to be put into commercial use for the first time.

(ii) To equipment that has been placed in commercial service within the preceding 30 days and is being officially tested for the first time.

(iii) To equipment that is being officially tested for the first time within 30 days after major reconditioning or overhaul.

(iv) To equipment that has been returned to commercial service following official rejection for failure to conform to performance requirements and is being officially tested for the first time within 30 days after corrective service. (G–T.1)

(2) *Maintenance tolerances.* Maintenance tolerances shall apply to equipment in actual use, except as provided in subparagraph (1) of this paragraph. (G–T.2)

(3) *For intermediate values.* For a capacity, indication, load, value, etc., intermediate between two capacities, indications, loads, values, etc., listed in a table of tolerances, the tolerances prescribed for the lower capacity, indication, load, value, etc., shall be applied. (G–T.4)

(4) *Tolerance applications.* (Applicable with respect to the performance or accuracy of devices).

(i) *To underregistration and to overregistration.* The tolerances hereinafter prescribed shall be applied equally to errors of underregistration and errors of overregistration.

(ii) *To tests involving digital indications or representations.* To the tolerances that would otherwise be applied, there shall be added an amount equal to one-half the minimum value that can be indicated or recorded. (T.1.2)

(iii) *To increasing-load tests.* Basic tolerances shall be applied. (T.1.3)

(iv) *To shift tests.* Basic tolerances shall be applied. (T.1.4)

(v) *To ratio tests.* Three-fourths (0.75) of basic tolerance shall be applied. (T.1.5)

(vi) *To decreasing-load tests on automatic-indicating scales.* One and one-half (1.5) times basic tolerances shall be applied. (T.1.6)

(5) *Minimum tolerance values.* The maintenance tolerance and the acceptance tolerance applied to a monorail scale shall be not smaller than the appropriate value shown in Table I, or one-half the value of the minimum graduated interval, whichever is less. (T.2.1)

(6) *Basic tolerance values.* Basic tolerance values shall be applied to weighbeam, reading-face, and unit-weight indications, and to recorded representations. The basic maintenance and acceptance tolerances for monorail scales shall be as shown in Table II.

TABLE I.—MINIMUM TOLERANCE VALUES FOR MONO RAIL SCALES

(This table applies where the appropriate value in the table is smaller than one-half the value of the minimum graduated interval on the device under test.)

Nominal capacity	Minimum tolerance value	
Pounds	*Ounces*	*Pounds*
0 to 250, inclusive	2	
251 to 500, inclusive	4	
501 to 1000, inclusive	8	
1001 to 2500, inclusive		1

TABLE II.—BASIC TOLERANCES FOR MONORAIL SCALES

Test load	Maintenance tolerances	Acceptance tolerances
Pounds	*Ounces*	*Ounces*
0 to 149, inclusive	2	1.
150 to 199, inclusive	3	1½.
200 to 299, inclusive	4	2.
300 to 399, inclusive	6	3.
400 to 599, inclusive	8	4.
600 to 799, inclusive	12	6.
800 to 999, inclusive	14	7.
1000 and over	0.1 percent of test load.	0.05 percent of test load.

(7) *Tolerances.* (Applicable with respect to the accuracy of weights). The maintenance tolerances in excess and in deficiency for commerical counterpoise weights shall be as shown in Table III. Acceptance tolerances shall be one-half the maintenance tolerances.

TABLE III—MAINTENANCE TOLERANCES FOR AVOIRDUPOIS WEIGHTS

Nominal value	For scales with multiples of less than 1,000	For scales with multiples of 1,000 and over
Ounces	*Grains*	*Grains*
4	1.5	1.0
5	1.5	1.0
6	1.5	
8	2.0	1.5
10	2.5	2.0
Pounds		
1	3.0	2.5
2	6.0	4.0
3	9.0	6.0
4	11.0	6.0
5	12.0	6.5

(f) *Official inspection and test procedures for monorail scales*—(1) *Inspection procedure.* Before the actual test of any monorail scale is begun, a thorough visual inspection should be made of the scale installation. The suspension of the lever system should be noted, with particular attention being directed to the plumb and level condition of levers and connections, proper alignment and clearance between the weigh rail and dead rail, and efficient functioning of the checks. The weighbeam shelf brackets or pillars, or the dial cabinet should be firmly anchored to a solid foundation. Counterpoise weights should be free of grease and foreign matter. The pivots, bearings, and other working parts should be inspected for rust and corrosion.

(2) *Test procedure—weighbeam scales.* (i) Methods of determining errors: One method commonly used to determine errors during the test of a scale equipped with a weighbeam is known as the error weight procedure. This method is recommended as the more precise procedure and is explained in the following paragraphs. Another method commonly used to determine errors is by careful use of the weighbeam poise.

(ii) Zero-load balance: Carefully balance the scale at zero with 2 to 5 pounds of small denomination weights and the hooks, chains, or the like suspended from the weigh rail. These error weights will be used to accurately measure errors and balance changes during the test. The balance ball is not to be moved during the remainder of the test.

(iii) The SR (sensitivity response) value at zero load should be determined by increasing or decreasing the amount or error weights necessary to move the weighbeam from a position of rest in the center of the trig loop to a position of rest either at the top or bottom of the trig loop.

(iv) Shift test: Test weights equal to one-half scale capacity should be suspended successively from each end of the weigh rail. Standard test weights should be substituted for the counterpoise weights used commercially with the scale. The amount of any error is determined by increasing or decreasing the amount of error weights necessary to bring the weighbeam to correct balance. After the shift test is completed, all test weights should be removed from the load-receiving element, and the zero-load balance should be checked.

(v) Increasing-load test: The test load should be increased by appropriate increments with the load distributed or centered on the weigh rail and observations made at each successive test load. The increasing-load test should be continued until scale capacity (or "maximum used" capacity) is reached. Standard test weights should be substituted for the counterpoise weights used commercially with the scale. (It is appropriate to note here that the tolerance for a ratio test would be applicable to the shift test and increasing load test as outlined in subdivision (iv) of this subparagraph and this subdivision (v).

(vi) The SR (sensitivity response) value at maximum load should be determined as described in subdivision (iii) of this subparagraph.

(vii) Counterpoise weight test: The preferred procedure for testing the counterpoise weights used commercially with the scale is by using an equal-arm balance. However, in the absence of a precision balance, it is acceptable to use the scale under test to check the accuracy of the counterpoise weights. An important factor which merits consideration is the repeatability of the scale. With the maximum load still suspended from the load-receiving element, and standard test weights on the counterpoise hanger, make a precise determination of any error in the scale. Then each counterpoise weight should be individually substituted for a standard test weight of equal nominal value and a precise determination made of any error. If there is a difference in the weight indication when using all standard test weights and when substituting each commerical counterpoise weight for a standard test weight, this difference should be noted. Those counterpoise weights which are found to cause an error different from those indicated when using standard test weights should be either adjusted or replaced. When all counterpoise weights have been tested, remove the test load from the load-receiving element and recheck the zero-load balance.

(viii) Weighbeam test: On a scale equipped with a weighbeam, each bar of the weighbeam should be tested at one-half and full capacity.

(ix) At the completion of the test all hooks, chains, and error weights should be removed from the load-receiving element, and the correct zero-load balance established.

(3) *Test procedure—automatic-indicating scales.* (i) Zero-load balance: Carefully balance the scale so that the indicator coincides with the zero graduation on the reading-face. If the scale is equipped with a weight recorder, the recorder should be activated so that a comparison can be made of the recorded and visual zero-load balance. (SR requirements are not applicable to automatic-indicating scales.)

(ii) Shift test: Test weights equal to one-half scale capacity should be suspended successively from each end of the weigh rail.

(iii) Increasing-load test: Automatic-indicating scales should be tested at least at the four points representing each quarter of the reading-face capacity, and also at intermediate points in the range of greatest use. If the scale is equipped with unit weights, the accuracy of each weight should be determined.

(iv) Decreasing-load test: The decreasing-load test shall be conducted on automatic-indicating scales only and with a test load equal to one-half of the maximum applied test load, approximately centered on the load-receiving element of the scale.

(v) The capacity and tare bars of an automatic-indicating scale should be tested at one-half and full capacity.

(vi) When an automatic-indicating scale equipped with a weight recorder is tested, the actual printed weight determines the error. However, both the recorded weight values and the visual weight indications should be within the prescribed tolerance. (Each time the test load is removed from the load-receiving element, the zero-load balance should be checked.)

(4) *Test procedure—motion-weighing scales.* (i) The scale should be tested with a static test weight load as outlined under test procedures for automatic-indicating scales.

(ii) When a second scale is installed in the weighing system, for use if the motion-weighing scale should malfunction or to check the weight values determined by the motion-weighing scale, this second scale should be tested following the procedure outlined for weighbeam or automatic-indicating scales, whichever is applicable.

(iii) A dynamic test of the motion-weighing scale should be made with the conveyor system in operation. By means of the special hooks used with this type of scale, suspend various loads of test weights from the conveyor system, i.e., 50 pounds, 100 pounds, 150 pounds, etc., up to and including the maximum load weighed. Weight values will be recorded for the various increments of test load as they move across the weigh rail.

(iv) The weight values recorded by the automatic data processing system while the various test loads are in motion should be compared with the nominal value of the various test loads. If a punched tape system is used to record weight values, this tape should be run through the IBM recorder or similar device to determine the recorded weight values. If weight values are digitally recorded, a visual comparison can be made.

(v) The zero-load balance should be rechecked at the conclusion of the test.

(g) *Record of test results.* The results of each test should be recorded in full detail on an official form, PS–218, provided by the Administration. (An exception may be made for a State, county, or municipal agency which utilizes forms supplying substantially the same information as is provided on the official Administration form.) Essential information includes:

(1) Identification of the scale by ownership, location, manufacturer, nominal capacity, and serial number;

(2) Name and address of the scale testing agency;

(3) The value of the minimum graduated interval, maximum load weighed, and description of the scale indicating elements, i.e., weighbeam, dial, printer, weight-o-graph;

(4) A notation if the weighing is static or in motion;

(5) Dates of the present test, the last test, and the year the scale was installed; and

(6) The SR value at zero and maximum load, the position and amount of applied test weights, any errors developed during the test, and the amount of any zero-load balance change.

There should be included a report of any adjustment or repairs made at the time of test, and of any recommendations made for future repairs, maintenance or replacement in the space provided for this purpose. The test results and other observations are to be recorded on the report under the proper headings as the test proceeds and immediately after observations are made. An original and two carbon copies of the report must be prepared. The original must be forwarded to the area supervisor of the Packers and Stockyards Administration. One copy is for the scale owner, and one for the scale testing agency. Sample reports of weighbeam and dial monorail scale tests conducted in compliance with official instructions are available upon request to the area supervisor or may be obtained from the Washington office of the Administration.

[F.R. Doc. 68-10069; Filed, Aug. 20, 1968; 8:51 a.m.]

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 327—IMPORTED PRODUCTS

Eligibility of Foreign Countries for Importation of Product Into the United States

On June 20, 1968, there was published in the FEDERAL REGISTER (33 F.R. 9091), a notice of a proposal to amend § 327.2 of the Federal Meat Inspection Regulations (9 CFR 327), to change paragraph (b) to include the words "Colombia" and "Hungary" in alphabetical order in the list of countries specified therein from which certain products (meat, meat food product, and meat byproduct) may be imported into the United States as provided in said regulations.

After due consideration of all relevant matters in connection with the notice of proposed rule making and under the authority of the Federal Meat Inspection Act (34 Stat. 1260, 21 U.S.C. 71-91, as amended by 81 Stat. 584), paragraph (b) of § 327.2 is hereby amended to read as follows:

§ 327.2 Eligibility of foreign countries for importation of product into the United States.

* * * * *

(b) It has been determined that product from the following countries, covered by foreign meat inspection certificates of the country of origin as required by § 327.6, except fresh, chilled, or frozen, or other product ineligible for importation into the United States from countries in which the contagious and communicable disease of rinderpest, or of foot-and-mouth disease, or of African swine fever exists as provided in Part 94 of Chapter I of this Title, is eligible for importation into the United States after inspection and marking as required by the applicable provisions of Parts 301 through 328 of this subchapter.

Argentina.	Ireland (Eire).
Australia.	Italy.
Austria.	Japan.
Belgium.	Luxembourg.
Brazil.	Mexico.
Canada.	Netherlands.
Colombia.	New Zealand.
Costa Rica.	Nicaragua.
Czechoslovakia.	Northern Ireland.
Denmark.	Norway.
Dominican Republic.	Panama.
England and Wales.	Paraguay.
Finland.	Poland.
France.	Scotland.
Germany (Federal Republic).	Spain.
Guatemala.	Sweden.
Haiti.	Switzerland.
Honduras.	Uruguay.
Hungary.	Venezuela.
Iceland.	Yugoslavia.

Effective date. This amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

(Secs. 20 and 21, 34 Stat. 1260, as amended by 81 Stat. 584; 29 F.R. 16210, as amended; 32 F.R. 11741)

Done at Washington, D.C. this 16th day of August 1968.

R. K. SOMERS,
Deputy Administrator, Consumer Protection.

[F.R. Doc. 68-10068; Filed, Aug. 20, 1968; 8:51 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 141]

GENERAL FOREST REGULATIONS

Timber Cutting Permits

AUGUST 9, 1968.

This notice is published in the exercise of authority (hereinafter referred to), delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2. Pursuant to the authority vested in the Secretary of the Interior by the Revised Statutes, sections 161, 463, and 465 (5 U.S.C. 301; 25 U.S.C. 2 and 9), it is proposed to amend Chapter I of Title 25, Code of Federal Regulations, Subchapter M, by the revision of § 141.19, to read as set forth below. The purpose of this amendment is to permit exceptions in special circumstances to the requirement of sole beneficial interest in an allotment, before the Special Allotment Timber Cutting Permit may be used for cutting and selling of designated timber from such allotment; and to make editorial changes.

Interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment, to the Bureau of Indian Affairs, Washington, D.C. 20242, within 30 days of the date of publication of this notice in the FEDERAL REGISTER. As so amended, § 141.19, in its entirety, will read as follows:

§ 141.19 Timber cutting permits.

(a) Except as provided in § 141.20, all timber cutting that is not done under formal contract, pursuant to § 141.12, shall be done under timber cutting permit forms approved by the Secretary. Permits will be issued only with the consent of the authorized representatives of the tribe for unallotted lands, and with the consent of the Indian owner or the Secretary, for allotted lands, as authorized in § 141.13(b). Such consents to the issuance of cutting permits shall stipulate the minimum stumpage rates at which timber may be sold under permit.

(b) Free-use cutting permits may be issued for specified species and types of forest products by persons authorized under § 141.13 to execute timber contracts. Timber cut under this authority may be limited as to sale or exchange for other goods or services.

(c) An Indian having sole beneficial interest in an allotment may be issued an approved form of special permit to cut and sell designated timber from such allotment. The special permit shall include provision for payment by the Indian of administrative expenses pursuant to § 141.18. The permit shall also require the Indian to make a deposit with the Secretary to be returned to the Indian upon satisfactory completion of the permit or to be used by the Secretary in his discretion for planting or other work to offset damage to the land or the timber caused by the Indian's failure to comply with the provisions of the permit. As a condition to granting a special permit under authority of this paragraph, the Indian may be required to provide evidence acceptable to the Secretary that he has arranged a bona fide sale of the timber to be cut, on terms that will protect the Indian's interests. In special cases, the Secretary may authorize exceptions to the requirement of sole beneficial interest in an allotment.

Permits to be valid must be approved by the Secretary. The stumpage value which may be cut in 1 calendar year by any individual under authority of paragraphs (a) and (b) of this section shall not exceed $500, but this limitation shall not apply to cutting under authority in paragraph (c) of this section. Essential departures from the fundamental requirements for issuance of special allotment timber cutting permits under authority of paragraph (c) of this section shall be made only with the approval of the Secretary.

ROBERT L. BENNETT,
Commissioner.

[F.R. Doc. 68-10024; Filed, Aug. 20, 1968; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 112]

Viruses, Serums, Toxins, and Analogous Products

LABELS

Notice is hereby given in accordance with the provisions contained in section 553(b) of Title 5, United States Code (1966), that it is proposed to amend certain of the regulations relating to viruses, serums, toxins, and analogous products in Part 112 of Title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158).

The proposed amendments to Part 112 deletes the words "and sample" from the heading and up-dates the index; defines "label" and "labeling" by adding a paragraph § 112.1(d); changes the reference to § 102.4(d) in § 112.2(a)(2) to 102.4(e); in § 112.2(a)(4) provides for use of hyphenated serial number in labels for combination packages; changes the requirements for quantity of contents in § 112.2(a)(7); rewords the reference to temperature in § 112.2(a)(8); exempts diagnostic or desensitizing agents from § 112.2(a)(9); provides special label requirements for vaccine virus in § 112.2(a)(11); provides withholding statement requirements in § 112.2(a)(15); provides for potency statement in § 112.2(a)(16); provides special requirements for autogenous bacterin labels in § 112.2(a)(17); provides label requirements when restricting sales to veterinarians in § 112.2(e); provides for accurate labeling of diluent in § 112.3(c); requires instructions for temperature control of diluent when used § 112(3)(h); corrects reference to permit number in § 112.4(b); notice of available forms given in § 112.5(a); deletes reference to "inspector in charge" in § 112.5(b); § 112.5(c) is reworded to prohibit faded or smeared labels; requires submission of labels when requested by the Director in § 112.5(d) instead of on February 1 of each year; changes packaging requirements for multiple dose poultry product in § 112.6(b) and § 112.6(d); § 112.7 is established for special additional requirements; moves requirements for tuberculin label in § 112.2(a)(11) to § 112.7(a); moves freezing requirements for Brucella abortus vaccine and rabies vaccine labels from § 112.2(a)(8) to § 112.7(b); provides special caution statement for labels on products containing Newcastle Disease virus in § 112.7(c); provides in § 112.7(d) that the type of infectious bronchitis virus used be shown on vaccine labels; and provides in § 112.7(e) warning statement for rabies vaccine cartons and circulars as to the animals which can be safely vaccinated.

1. Part 112 title and index is amended to read as follows:

PART 112—LABELS

Sec.
112.1 Containers.
112.2 Required and permitted information.
112.3 Diluent labels.
112.4 Reference to distributors and permittees.
112.5 Review and approval of labels and other material.
112.6 Packaging desiccated products.
112.7 Special additional requirements.
112.26 Collection, marking and handling of samples.
112.27 Selection for laboratory testing.

AUTHORITY: The provision of this Part 112 issued under 37 Stat. 832-833; 21 U.S.C. 151-158.

2. Section 112.1 is amended by adding a new paragraph (d) to read as follows:

§ 112.1 Containers.

* * * * *

(d) When used in regulations Parts 101 through 121 of this subchapter—

(1) The term "label" means all written, graphic, or printed matter upon or attached to a final container, a carton used to package a final container, or an enclosure, sometimes herein referred to as a circular or leaflet, packaged in a carton with a final container; and any statement or other information required to

be on the label, unless otherwise specified, shall also appear on the final container and such carton, if any, of the finished product.

(2) The term "labeling" means all labels and other written, graphic, or printed matter (i) upon the final container or packaging, or (ii) accompanying the final container.

3. Section 112.2 is amended by revising paragraph 112.2(a) and adding a new paragraph 112.2(e) to read:

§ 112.2 Required and permitted information.

(a) Except as provided by the Director, each label of a biological product prepared at a licensed establishment or imported shall include the following:

(1) The true name of the product which name shall be identical with that shown in the license or permit under which the product is prepared or imported and shall be prominently lettered and placed giving equal emphasis to each word composing it;

(2) In case the product is manufactured in the United States, the name and address of the licensee, or of the subsidiary which manufactured the product, when named in the establishment license as provided in § 102.4(e) of this subchapter, and in the case of a foreign-manufactured biological product offered for importation, the name and address of the permittee and of the foreign manufacturer: *Provided*, That when the licensee has more than one premise, one street address only shall be given, although the general location of each premise in such case may be stated;

(3) The license or permit number assigned by the Department which shall be shown only in one of the following forms, respectively: "U.S. Veterinary License No. ----," or "U.S. Vet. License No. ----," or "U.S. Veterinary Permit No. ----," or "U.S. Vet. Permit No. ----";

(4) A serial number by which the product can be identified with the manufacturer's records of preparation: *Provided*, That when a liquid fraction is to be used as the diluent for one or more desiccated fractions in a combination package, a hyphenated serial number composed of the serial number of the desiccated vaccine and that of the liquid vaccine shall be on the label of the carton used to package the final container.

(5) A permitted expiration date affixed before the product is removed from the manufacturer's establishment;

(6) A dosage table and full instructions for the proper use of the product or a statement in the case of very small labels as to where such information is to be found;

(7) The recoverable quantity of the contents of each final container.

(8) Instructions to keep the biological product at a temperature of not over 45° F.

(9) In the case of a multiple-dose container, a warning that all of the product should be used at the time the container is first opened, except as provided in subparagraphs (13) and (14) of this paragraph;

(10) In the case of a product composed of viable or dangerous organisms or viruses, the notice "Burn this container and all unused contents" prominently placed and lettered and affixed to the final container of such product;

(11) In the case of Vaccine Virus, the true name of the biological product shall be supplemented with: (i) The attenuation level as Live Virus, Modified Live Virus, Killed Virus, or Inactivated Virus; (ii) "Formalin Killed Virus" or "Chemically Inactivated" will be permitted. "Phenolized" will be permitted for Rabies Vaccine, Nerve Tissue Origin; (iii) The methods used to propagate the virus shall be designated on each label; and (iv) a designation of the animal of origin for all tissues used in production, shall be on each label. Commonly accepted designations such as Chick or Chicken, Duck, Turkey, Avian, Canine, Feline, Ovine, Equine, and Bovine shall be permitted. Abbreviations shall be permitted if defined on all labels and enclosures.

(12) In the case of a product which contains an antibiotic added during the production process, the statement "Contains ---------- as a preservative," or an equivalent statement indicating the antibiotic added, except that the label affixed to the final container is exempt from this requirement provided this statement appears on a carton label containing such final container:

(13) In the case of a desiccated biological product which is to be added to a diluent and never returned to the original container, all labels for such desiccated biological product are exempt from the provisions of subparagraph (9) of this paragraph;

(14) In the case of diagnostic or desensitizing antigens which are packaged as multiple-dose containers, all labels are exempt from the provisions of subparagraph (9) of this paragraph;

(15) Biological products recommended for use in domestic animals, the edible portions of which may be used for food purposes, shall have a withholding statement "Do not vaccinate within ------ ------ days before slaughter" on all labels showing the required number of days for the type of products specified in subdivisions (i), and (ii) of this subparagraph; *Provided*, That longer periods shall be stated when deemed necessary by the Director:

(i) The withholding statement shall be not less than 21 days for the products containing adjuvants or precipitating agents;

(ii) The withholding statement shall be not less than 14 days for the products containing live microorganisms; *Provided*, That when a longer withholding period for a biological product such as Anthrax Spore Vaccine is specified in regulations pertaining to livestock slaughter, the longer period shall be used.

(16) The label on each final container, the carton used to package such final container, and required enclosures shall contain the statement "No U.S. Standard of Potency" if standard requirements have not been established by the Division for evaluating the potency of the biological product and the same required statement shall be used with respect to each fraction of the combination product for which no standard requirement for potency has been established by the Division.

(17) In the case of Autogenus Bacterins, all labels shall designate the animal of origin from which the organisms used for seed were isolated and include the statement: "No U.S. Standard of Potency. The product is to be used only in the herd or flock from which the organisms were isloated;" and

(18) All other similar information required by the Director.

* * * * *

(e) Restricted sales to veterinarians shall be permitted and so stated on the labels; *Provided*, That the entire production of the product by the licensee involved shall be so restricted. The phrase "For Veterinary Use Only" or an equivalent statement may used to indicate a product is recommended specifically for animals and not for humans.

4. Section 112.3 is amended by revising paragraph 112.3(c) and adding a new paragraph 112.3(h) to read:

§ 112.3 Diluent labels.

* * * * *

(c) The recoverable quantity of contents in cubic centimeters.

* * * * *

(h) Instructions that the temperature of the diluent shall not exceed 45° F. when used.

5. Section 112.4 is amended by revising paragraph 112.4(b) to read:

§ 112.4 Reference to distributors and permittees.

* * * * *

(b) *Permittees.* The name and address of a permittee shall not be placed on the labels or containers of an imported biological product in such manner as to indicate that he is the manufacturer of such product. Reference to such permittee shall be made by name, address, and U.S. Veterinary Biological Product Permit number only.

6. Section 112.5 is revised to read:

§ 112.5 Review and approval of labels and other material.

(a) Except as otherwise provided in this section quadruplicate copies of all labels, circulars, and enclosures distributed with biological products prepared by licensed establishment or imported shall be submitted to the Director for review and approval before they are placed in use. For the convenience and guidance of licensees and permittees, sketches or proofs of new labels and the like may be submitted in triplicate to the Director for review and approval, and in this case the preparation of finished labels and the like shall be deferred until copies of such sketches or proofs are returned to the licensee or permittee. Blank transmittal forms will be furnished upon request to the Veterinary Biologics Division.

(b) Tags, stickers, and the like used to identify products or materials during process of production or testing, if not false or deceptive, may be used by licensees.

(c) Labels stamped or printed directly to the final container or glued thereto shall be permanently legible throughout the dating period. Biological products shall be withheld from the market if such labels have been altered, mutilated, destroyed, obliterated, or removed.

(d) When requested by the Director, licensees and permittees shall submit lists of labels, cartons, and required enclosures which they will continue in actual use. Each shall be properly identified by name of product, date of approval, the number assigned by the Division when approved.

7. Section 112.6 is amended by revising paragraph 112.6(b) and adding a new paragraph 112.6(d) to read:

§ 112.6 Packaging desiccated products.

* * * * *

(b) Except as provided in paragraph (d) of this section, only one multiple dose final container of a desiccated biological product and its accompanying container of diluent shall be packaged in an appropriately labeled box or carton.

* * * * *

(d) When a biological product is designed to be administered to poultry in a manner other than individual bird vaccination, multiple dose containers, not to exceed 1,000 doses per vial and not to exceed 10 vials per package, may be marketed in a single appropriately labeled carton with accompanying containers of diluent; *Provided*, That (1) The package must have a complete, overlapping, wrap-around label or seal which must be broken in order to open the package, and (2) Have a required statement prominently placed on the carton label to the effect that, "Federal regulations prohibit the repackaging or sale of the contents of this package in fractional units. Do not accept if seal is broken;" and (3) Only one enclosure (direction sheet) shall be supplied in each carton.

8. Part 112 is amended by adding a new section 112.7 to read;

§ 112.7 Special additional requirements.

(a) In the case of subcutaneous tuberculin, a statement indicating the quantity of Koch's old turberculin (K.O.T.) in each cubic centimeter, disk, or the like of the biological product, and recommendation regarding the minimum dose to be administered: *Provided*, That this dose for subcutaneous use shall be not less than the equivalent of 0.5 gram K.O.T.;

(b) In the case of liquid Brucella abortus vaccine and rabies vaccine, all carton labels and enclosures shall include a warning against freezing.

(c) In the case of vaccines containing live Newcastle Disease virus, a caution statement indicating that Newcastle Disease virus can cause inflammation of the eyelids of humans, and a warning to the user to avoid infecting his eyes shall be included on the label.

(d) In the case of vaccine containing infectious bronchitis virus, labels and enclosures shall show the infectious bronchitis virus type or types used in the product. Abbreviation is permitted.

(e) In the case of vaccines containing live rabies virus, a warning statement on carton labels and enclosures in large bold-faced print, preferably in red, must be shown as follows: FOR USE IN---- ONLY! NOT FOR USE IN ANY OTHER ANIMAL! More than one animal may be listed provided safety has been adequately proven.

Interested persons are invited to submit written data, views, or arguments regarding the proposed regulations to the Veterinary Biologics Division, Federal Center Building, Hyattsville, Md. 20782, within 60 days after date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 15th day of August 1968.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 68-10027; Filed, Aug. 20, 1968; 8:49 a.m.]

Consumer and Marketing Service

[7 CFR Part 26]

GRAIN STANDARDS

Grain Inspection Points in Louisiana

On December 12, 1967, there was published in the FEDERAL REGISTER (32 F.R. 17677) a notice authorizing the Louisiana Department of Agriculture to station licensed grain inspectors to inspect and grade grain under the U.S. Grain Standards Act (7 U.S.C. 71 et seq.) at the following places in Louisiana: Ama, St. Charles Parish and Reserve, St. John the Baptist Parish.

No licensed grain inspectors have been stationed at Ama and Reserve because the export elevators at Ama and Reserve are still under construction.

The U.S. Department of Agriculture has been requested to transfer the authorization to station licensed grain inspectors at Ama and Reserve from the State agency to private inspection agencies. Accordingly, it is proposed that the authorization to the Louisiana Department of Agriculture to station licensed grain inspectors at Ama, St. Charles Parish and Reserve, St. John the Baptist Parish, be rescinded without prejudice; that the South Louisiana Port Inspection and Weighing Board, Inc., be authorized to station licensed grain inspectors at Ama, St. Charles Parish; and that the Destrehan Board of Trade be authorized to station licensed grain inspectors at Reserve, St. John the Baptist Parish. It has been proposed that, if the action described above is taken, the effective date thereof be on or about October 1, 1968.

Opportunity is hereby afforded interested parties to submit written data, views, or arguments with respect to this matter to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions should be in duplicate and should be submitted to the Hearing Clerk not later than September 10, 1968. All submissions made pursuant to this notice will be made available for public examination at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to all written data, views, and arguments received by the Hearing Clerk and to other information available to the U.S. Department of Agriculture before final determination is made with respect to the proposal.

(Sec. 8, 39 Stat. 485; 7 U.S.C. 84)

Done at Washington, D.C. this 16th day of August 1968.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 68-10032; Filed, Aug. 20, 1968; 8:49 a.m.]

[7 CFR Part 923]

HANDLING OF SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Approval of Expenses and Fixing of Rate of Assessment for 1968–69 Fiscal Period and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Washington Cherry Marketing Committee, established under the marketing agreement and Order No. 923 (7 CFR Part 923) regulating the handling of sweet cherries grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by said committee, during the period April 1, 1968, through March 31, 1969, will amount to $12,884.

(2) That there be fixed, at $0.80 per ton of sweet cherries, the rate of assessment payable by each handler in accordance with § 923.41 of the aforesaid marketing agreement and order.

(3) That unexpended assessment funds, in excess of expenses incurred during the fiscal period ended March 31, 1968, shall be carried over as a reserve in accordance with the applicable provisions of § 923.42 of said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the

Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 16, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-10031; Filed, Aug. 20, 1968; 8:49 a.m.]

[7 CFR Part 1016]

[Docket No. AO-312-A14]

MILK IN UPPER CHESAPEAKE BAY (MARYLAND) MARKETING AREA

Decision on Proposed Amendents to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Frederick, Md., on January 25, 1968, pursuant to notice thereof issued on January 5, 1968 (33 F.R. 378).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Administrator on June 24, 1968 (33 F.R. 9505; F.R. Doc. 68-7718), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (33 F.R. 9505; F.R. Doc. 68-7718) are hereby approved and adopted and are set forth in full herein subject to the following modification:

Under the heading "1. *Expansion of the marketing area.*", two new paragraphs are added immediately after the seventh paragraph.

The material issues on the record of the hearing relate to:

1. Expansion of the marketing area; and

2. Regulation of plants subject to other Federal orders.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Expansion of the marketing area.* The Upper Chesapeake Bay marketing area should be enlarged to include Fort Ritchie in Washington County, Md.

This marketing area expansion was proposed by a cooperative association which operates a distributing plant regulated under the Upper Chesapeake Bay order, and a distributing plant and two supply plants regulated under the Washington, D.C., order.

Fort Ritchie, a Federal military installation, is near the Frederick County, Md., boundary of the Upper Chesapeake Bay marketing area. The contract to supply Fort Ritchie is let, usually for 6-month periods, on a bid basis. The quantities of milk covered by the contract range from 130,000 to 150,000 pounds monthly. About 7 percent of the milk covered by the contract is delivered to Fort Detrick and about 1 percent to the East Coast Relay Station, both of which military installations are in the Upper Chesapeake Bay marketing area. Any federally unregulated handler supplying the Fort Ritchie contract must account for deliveries to these "in-area" installations as a partially regulated distributing plant under the Upper Chesapeake Bay order.

Fort Ritchie is an integral part of the sales area that has historically been served by handlers who are now fully regulated by the Upper Chesapeake Bay or Washington, D.C., orders. Prior to the inception of the Upper Chesapeake Bay and Washington, D.C., orders in 1960 and 1949, respectively, the Fort Ritchie contract was supplied by these handlers. In the 10 to 12 years before the inception of these orders a Frederick, Md., handler (as an unregulated distributor) supplied Fort Ritchie most of the time. Since the orders became effective, this handler has been fully regulated each month under either the Upper Chesapeake Bay or Washington order.

Between the inception of the Upper Chesapeake Bay order in 1960 and late 1964 the Frederick handler was a successful bidder on the Fort Ritchie contract about half the time. Since then, although bidding on all contracts but one, he has not been a successful bidder on any. He stated that although he had bid "at cost" on the last contract, an unregulated distributor underbid him and was awarded the contract.

Currently, several Upper Chesapeake Bay and Washington, D.C., order handlers and an unregulated distributor in Washington County bid regularly for the Fort Ritchie contract. Since late 1964, when he began bidding on it, an unregulated distributor was awarded the contract six out of eight times on the basis of having submitted the lowest bid. The other two times the contract was awarded to an Upper Chesapeake Bay order plant. On one of these two occasions the unregulated distributor had submitted the lowest bid but was not awarded the contract for technical reasons.

In view of the above, it is concluded that Fort Ritchie is an integral part of the sales area of Upper Chesapeake Bay handlers and should be included in the Upper Chesapeake Bay marketing area.

This marketing area expansion should not be made effective until January 1, 1969. All fluid milk sales at Fort Ritchie are handled through supply contracts. Recent contracts have been for 6-month periods that cover January through June and July through December. As pointed out by the unregulated distributor in his exceptions, the earliest possible effective date of this amendment would be after the letting of the contract for the July–December 1968 period. He urged that if Fort Ritchie is added to the Upper Chesapeake Bay marketing area, that action should not be made effective before the current contract is completed.

Until handlers are again invited to submit bids on the Fort Ritchie contract, they have no opportunity to compete for the sales at this installation. Thus, immediate effectuation of the marketing area expansion is not necessary to assure orderly marketing in the proposed enlarged marketing area.

The unregulated distributor supplying Fort Ritchie opposed its addition to the marketing area. His Class I sales in the marketing area, which presently are limited to his deliveries to Fort Detrick and the East Coast Relay Station, are about 4 percent of his receipts from dairy farmers. His deliveries to Fort Ritchie are about 15 percent of such receipts. On the basis of his present sales pattern, this distributor's plant will qualify as a pool plant under the Upper Chesapeake Bay order if Fort Ritchie is added to the marketing area.

Testimony presented by the proponent cooperative, the regulated Frederick handler, and the representative of the major cooperative in the market indicates that the unregulated distributor pays his dairy farmers approximately the Upper Chesapeake Bay uniform price for milk utilized for Class I purposes. The unregulated distributor, about 95 percent of whose receipts is used in fluid milk products, did not refute this testimony.

The unregulated distributor apparently is not purchasing bottling milk on a classified pricing plan. The Upper Chesapeake Bay uniform price in 1967 averaged $5.68. The Class I price under the order that year averaged $6.43, or 75 cents higher than the average uniform price. A distributor purchasing his bottling milk supply at the uniform price has a substantial price advantage over those who must pay not less than the Class I price under the order.

The unregulated distributor supplying Fort Ritchie proposed that if this installation is included in the marketing area the pooling standards should be changed. The Upper Chesapeake Bay order now requires that a pool distributing plant dispose of on routes in the marketing area at least 10 percent of its receipts from dairy farmers. The distributor proposed that this in-area sales requirement be 20 percent. The higher pooling standard, he stated, would allow him to continue supplying his present sales outlets without having his plant fully regulated.

The pooling standards should not be changed. The principal purpose of a minimum in-area sales requirement for pooling is to assure that the plant is associated with the market in a significant and regular manner. The present 10 percent requirement has been determined to be a reasonable and appropriate standard in this market for this purpose. There is no indication that this standard

will not continue to be reasonable and appropriate for the Upper Chesapeake Bay market. Plants selling at least 10 percent of their farm receipts in the proposed enlarged marketing area would be no less associated in a significant manner with the market than are plants having similar disposition in the present marketing area. Changing the pooling standard to accommodate the unregulated distributor is not necessary to maintain orderly marketing conditions in this market.

All producer milk received at regulated plants must be subject to classified pricing under the order regardless of whether it is disposed of within or outside the marketing area. Otherwise, the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in-area" sales were subject to classification, pricing, and pooling, a regulated handler with Class I sales both inside and outside the marketing area could assign any value he chose to his outside sales. He thereby could reduce the average cost of all his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area. Unless all milk of such a handler were fully regulated under the order, he in effect would not be subject to effective price regulation. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and could lead to a complete breakdown of the order. If a pool handler were free to value a portion of his milk at any price he chooses, it would be impossible to enforce uniform prices to all fully regulated handlers or a uniform basis of payment to the producers who supply the market. It is essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition.

2. *Regulation of plants subject to other Federal orders.* The present order provisions relating to distributing plants which meet the pooling requirements under the Upper Chesapeake Bay order and another Federal order in the same month should not be changed.

The order now provides that a plant having greater Class I sales on routes in the Upper Chesapeake Bay marketing area than on routes in another federally regulated marketing area during the month shall be pooled under the Upper Chesapeake Bay order. If a greater proportion of the route disposition is in the other marketing area and such plant is pooled under the other order, the plant is designated a nonpool plant for the month under the Upper Chesapeake Bay order.

The principal cooperative in the market proposed a so-called "lock-in" pooling provision to minimize or eliminate the shifting of a distributing plant between two orders because of a minor change in the plant's sales pattern. Under the proposal, the lock-in provision would apply to a distributing plant that qualifies for pooling under both the Upper Chesapeake Bay order and another order but which has greater route sales in the other marketing area. If the plant was pooled under the Upper Chesapeake Bay order the previous month, it would continue to be so pooled until the third consecutive month in which a greater proportion of the plant's route sales is in the other marketing area. If the other order did not have a complementary pooling provision but required that the plant be pooled under such other order, the plant would be exempt from all but the reporting provisions of the Upper Chesapeake Bay order.

The cooperative proposed also that if the operator of or a cooperative supplying a distributing plant subject to another order that also qualifies as an Upper Chesapeake Bay pool plant submits such a request, the Secretary may exclude for specified periods Class I sales made under limited-term contracts to governmental institutions and bases in the marketing area of either order in determining the order under which the plant would be pooled.

Proponent contended that the proposed provisions would be particularly helpful in marketing reserve milk supplies and in assuring member-producers of maximum bases under base-excess payment plans.

The circumstances prompting the proposals involve a distributing plant at Frederick, Md., that obtains its entire milk supply from the proponent cooperative. Since the inception of the Upper Chesapeake Bay order in February 1960, regulation of this plant has shifted between this order and the Washington order eight times. Six of these shifts have occurred since September 1965. In most cases, such shifts occurred because military contracts secured by the plant resulted in the plant temporarily having more route sales in the Washington market than in the Upper Chesapeake Bay market. The contracts usually have been for 3- or 6-month periods.

Proponent claimed that the shifting of this plant between markets presents particular marketing problems. Under which order the plant will be regulated for a certain month is often not known by the cooperative until the following month. This is when the handler is required to submit his report to the market administrator regarding his previous month's Class I sales. The cooperative may make certain operating decisions during the month based on the assumption that the plant is an Upper Chesapeake Bay pool plant. The following month the cooperative may find that the plant, because of its changed sales pattern, was in fact a Washington order pool plant. This situation, proponent argued, results in considerable uncertainty in the marketing of milk of member-producers.

The provisions proposed by the cooperative for the Upper Chesapeake Bay order could not be operative under the order without complementary provisions in the Washington order or any other order that might be involved. The Washington order and other nearby orders do not contain such provisions and no proposal was made to incorporate similar provisions in them. Where such provisions have been adopted in other orders, the provisions were incorporated at the same time in both of the orders involved with the regulation of a particular plant. Such action was taken only after it was shown that there was a common interest among producers in both markets for the provisions. Such common interest apparently does not prevail in the Washington and Upper Chesapeake Bay markets.

It is recognized that the frequent shifting of the Frederick plant between orders may be causing certain operating problems for the proponent cooperative. Adoption of the proposed provisions for the Upper Chesapeake Bay order alone, however, would serve no useful purpose since they would not be operative. Requests for similar provisions in other orders can be expected only when producers under the other orders believe that such provisions will be mutually beneficial.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings, and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed

to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RULINGS ON EXCEPTIONS

In arriving at the findings and conclusions, and the regulatory provisions of this decision, the exceptions received were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Upper Chesapeake Bay (Maryland) Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Upper Cheasapeake Bay (Maryland) Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

REFERENDUM ORDER; DETERMINATION OF REPRESENTATIVE PERIOD; AND DESIGNATION OF REFERENDUM AGENT

It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Upper Chesapeake Bay (Maryland) marketing area, is approved or favored by the producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of May 1968 is hereby determined to be the representative period for the conduct of such referendum. E. Hickman Greene is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (7 CFR 900.300 et seq.), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on August 15, 1968.

ORVILLE L. FREEMAN,
Secretary.

ORDER[1] AMENDING THE ORDER REGULATING THE HANDLING OF MILK IN THE UPPER CHESAPEAKE BAY (MARYLAND) MARKETING AREA

§ 1016.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upper Chesapeake Bay (Maryland) marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that.

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production) and milk received from a cooperative association in its capacity as a handler pursuant to § 1016.2(g)(4), (b) other source milk allocated to Class I pursuant to § 1016.46(a) (3) and (7), and the corresponding steps of § 1016.46(b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Upper Chesapeake Bay (Maryland) marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Administrator, on June 24, 1968, and published in the FEDERAL REGISTER on June 28, 1968 (33 F.R. 9505; F.R. Doc. 68–7718), shall be and are the terms and provisions of this order and are set forth in full herein:

Section 1016.1(c) is revised to read as follows:

§ 1016.1 General definitions.

* * * * *

(c) "Upper Chesapeake Bay marketing area," hereinafter referred to as the "marketing area," means all territory situated within the corporate limits of the city of Baltimore, the town of Laurel in Prince Georges County, Fort Ritchie, the counties of Anne Arundel, Baltimore, Caroline, Carroll, Cecil, Dorchester, Harford, Howard, Kent, Queen Annes, Somerset, Talbot, Wicomico, Worcester, and that portion of Calvert County lying north of a line beginning at the western terminus of Leitchs Wharf Road, continuing easterly along said road to its intersection with Stoakley Road, continuing easterly along said Stoakley Road to its intersection with Maryland State Highway 2, continuing northerly along said Highway 2, to its intersection with Maryland State Highway 263 and then easterly along said Highway 263 to its terminus at the Chesapeake Bay, and that portion of Frederick County lying north of a line beginning at the intersection of the Washington-Frederick County line with Alternate U.S. Route 40, following Alternate U.S. Route 40 easterly to the western boundary of the corporate limits of the city of Frederick, thence along the western, northern, and eastern boundary of the city to its eastern junction with Alternate U.S. Route 40, and then southeasterly along Alternate U.S. Route 40 to the Frederick-Carroll County line, all in the State of Maryland, together with all waterfront facilities connected therewith and including all territory within such boundaries occupied by Government (Federal, State, or Municipal) installations, institutions, or other similar establishments.

* * * * * *

[1] This order shall not become effective unless and until the requirement of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[F.R. Doc. 68–10033; Filed, Aug. 20, 1968; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Polyethylene Glycol (Mean Molecular Weight 200–9,500); Proposal Regarding Specifications and Additional Uses in Food and in Food-Contact Articles

The Commissioner of Food and Drugs has received a petition (FAP 5B1496) from British Cellophane, Ltd., Bath Road, Bridgewater, Somerset, England, proposing an amendment to the food additive regulations to provide for use of polyethylene glycol (average molecular weight 200–300) as an optional substance in the manufacture of food-packaging cellophane.

The Commissioner has also received a petition (FAP 4L1477) from Olin Mathieson Chemical Corp., 1730 K Street NW., Washington, D.C. 20006, on behalf of itself, Allied Chemical Corp., The Dow Chemical Co., General Aniline & Film Corp., Jefferson Chemical Co., Inc., Union Carbide Corp., and Wyandotte Chemicals Corp., proposing the issuance of regulations to provide for use of polyethylene glycol (mean molecular weight 200–9,500) as a component of nonfood articles designed for food-contact use; as a component used in the processing of tableted foods, vitamin and mineral preparations, and nonnutritive sweeteners; and as a defoamer in food processing.

On the basis of the information submitted in the petitions, and other relevant material, the Commissioner proposes that:

A. Section 121.1185 be amended, as set forth below, to prescribe specifications and additional uses for polyethylene glycols employed as components of food.

B. Sections 121.1057 and 121.1121 be revoked since the proposed amendment herein to § 121.1185 would provide for the use of the additives as contemplated.

C. The below-identified items in §§ 121.1088, 121.1099, and 121.1179 be revised as indicated to effect consistency with the provisions of the proposed amendment to § 121.1185.

D. A new § 121.2513 be issued to prescribe specifications and additional uses for polyethylene glycols employed as components of food-contact articles.

E. The below-identified items be deleted from §§ 121.2001, 121.2507, 121.2514, 121.2526, 121.2551, 121.2562, and 121.2571 since the proposed new § 121.2513 would provide for the use of the additives as contemplated.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1785 et seq.; 21 U.S.C. 348), and under the authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 121 be amended:

§ 121.1057 [Revoked]

1. By revoking § 121.1057 *Polyethylene glycol 6000.*

2. By revising in § 121.1088(c) the item "Polyoxyethylene glycol" to read as follows:

§ 121.1088 Boiler water additives.

* * * * *

(c) * * *

	Limitations
* * *	* * *
Polyethylene glycol.	As defined in § 121.1185.
* * *	* * *

3. In § 121.1099(a) by deleting the item "Polyethylene glycol" from the list in subparagraph (3) and alphabetically inserting the item in the list in subparagraph (2) reading as follows:

§ 121.1099 Defoaming agents.

* * * * *

(a) * * *

(2) * * *

Substances	*Limitations*
* * *	* * *
Polyethylene glycol.	As defined in § 121.1185.
* * *	* * *

§ 121.1121 [Revoked]

4. By revoking § 121.1121 *Polyethylene glycol minimum molecular weight 1,300.*

5. In § 121.1179(b) by revising the items "Polyethylene glycol 400" and "Polyethylene glycol 6000" in subparagraphs (2) and (3), respectively, to read as follows:

§ 121.1179 Coatings on fresh citrus fruit.

* * * * *

(b) * * *

(2) * * *

Component	*Limitations*
* * *	* * *
Polyethylene glycol.	Complying with § 121.1185. As a defoamer and dispersing adjuvant.
* * *	* * *

(3) * * *

Component	*Limitations*
* * *	* * *
Polyethylene glycol.	Complying with § 121.1185. As a defoamer and dispersing adjuvant.
* * *	* * *

6. By revising § 121.1185 to read as follows:

§ 121.1185 Polyethylene glycol (mean molecular weight 200–9,500).

Polyethylene glycol identified in this section may be safely used in food in accordance with the following prescribed conditions:

(a) *Identity.* (1) The additive is an addition polymer of ethylene oxide and water with a mean molecular weight of 200 to 9,500.

(2) It contains no more than 0.2 percent total by weight of ethylene and diethylene glycols when tested by the analytical methods prescribed in paragraph (b) of this section.

(b) *Analytical method.* (1) The analytical method prescribed in the U.S.P. XVII for polyethylene glycol 400 shall be used to determine the total ethylene and diethylene glycol content of polyethylene glycols having mean molecular weights of 450 or higher .

(2) The following analytical method shall be used to determine the total ethylene and diethylene glycol content of polyethylene glycols having mean molecular weights below 450.

ANALYTICAL METHOD

ETHYLENE GLYCOL AND DIETHYLENE GLYCOL CONTENT OF POLYETHYLENE GLYCOLS

The analytical method for determining ethylene glycol and diethylene glycol is as follows:

APPARATUS

Gas chromatograph with hydrogen flame ionization detector (Varian Aerograph 600 D or equivalent). The following conditions shall be employed with the Varian Aerograph 600 D gas chromatograph:

Column temperature: 165° C.

Inlet temperature: 260° C.

Carrier gas (nitrogen) flow rate: 70 milliliters per minute.

Hydrogen and air flow to burner: Optimize to give maximum sensitivity.

Sample size: 2 microliters.

Elution time: Ethylene glycol: 2.0 minutes. Diethylene glycol. 6.5 minutes.

Recorder: −0.5 to +1.05 millivolt, full span, 1 second full response time.

Syringe: 10-microliter (Hamilton 710 N or equivalent).

Chromatograph column: 5 feet x 1/8 inch. I.D. stainless steel tube packed with sorbitol (Mathieson-Coleman-Bell 2768 Sorbitol SX850, or equivalent) 12 percent in H_2O by weight on 60–80 mesh nonacid washed diatomaceous earth (Chromosorb W, Johns-Manville, or equivalent).

REAGENTS AND MATERIALS

Carrier gas, nitrogen: Commercial grade in cylinder equipped with reducing regulator to provide 50 p.s.i.g. to the gas chromatograph.

Ethylene glycol: Commercial grade. Purify if necessary, by distillation.

Diethylene glycol: Commercial grade. Purify, if necessary, by distillation.

Glycol standards: Prepare chromatographic standards by dissolving known amounts of ethylene glycol and diethylene glycol in water. Suitable concentrations for standardization range from 1 to 6 milligrams of each component per milliliter (for example 10 milligrams diluted to volume in a 10-milliliter volumetric flask is equivalent to 1 milligram per milliliter).

STANDARDIZATION

Inject a 2-microliter aliquot of the glycol standard into the gas chromatograph employing the conditions described above. Measure the net peak heights for the ethylene glycol and for the diethylene glycol. Record the values as follows:

A = Peak height in millimetere of the ethylene glycol peak.

B = Milligrams of ethylene glycol per millimiliter of standard solution.

C = Peak height in millimeters of the diethylene glycol peak.
D = Milligrams of diethylene glycol per milliliter of standard solution.

Procedure

Weigh approximately 4 grams of polyethylene glycol sample accurately into a 10-milliliter volumetric flask. Dilute to volume with water. Mix the solution thoroughly and inject a 3-microliter aliquot into the gas chromatograph. Measure the heights, in millimeters, of the ethylene glycol peak and of the diethylene glycol peak and record as E and F, respectively.

$$\text{Percent ethylene glycol} = \frac{E \times B}{A \times \text{sample weight in grams}}$$

$$\text{Percent diethylene glycol} = \frac{F \times D}{C \times \text{sample weight in grams}}$$

(c) *Uses.* It may be used, except in milk or preparations intended for addition to milk, as follows:

(1) As a coating, binder, plasticizing agent, and/or lubricant in tablets used for food.

(2) As an adjuvant to improve flavor and as a bodying agent in nonnutritive sweeteners identified in § 121.101(d)(4).

(3) As an adjuvant in dispersing vitamin and/or mineral preparations.

(4) As a coating on sodium nitrite to inhibit hygroscopic properties.

(d) *Limitations.* (1) It is used in an amount not greater than that required to produce the intended physical or technical effect.

(2) A tolerance of zero is established for residues of polyethylene glycol in milk.

§ 121.2001 [Amended]

7. By deleting from paragraph (f) of § 121.2001 *Substances employed in the manufacture of food-packaging materials* the items "Polyethylene glycol 400," "Polyethylene glycol 1500," and "Polyethylene glycol 4000."

§ 121.2507 [Amended]

8. By deleting from paragraph (c) of § 121.2507 *Cellophane* the item "Polyethylene glycol (molecular weight greater than 300)."

9. By adding to Subpart F the following new section:

§ 121.2513 Polyethylene glycol (mean molecular weight 200–9, 500).

Polyethylene glycol identified in this section may be safely used as a component of articles intended for use in contact with food, in accordance with the following prescribed conditions:

(a) The additive is an addition polymer of ethylene oxide and water with a mean molecular weight of 200 to 9,500.

(b) It contains no more than 0.2 percent total by weight of ethylene and diethylene glycols if its mean molecular weight is 350 or higher and no more than 0.5 percent total by weight of ethylene and diethylene glycols if its mean molecular weight is below 350, when tested by the analytical methods prescribed in § 121.1185(b).

(c) The provisions of paragraph (b) of this section are not applicable to polyethylene glycols used in food-packaging adhesives complying with § 121.2520.

§ 121.2514 [Amended]

10. By deleting from paragraph (b)(3)(xxv) of § 121.2514 *Resinous and polymeric coatings* the item "Polyethylene glycol (molecular weight greater than 300)."

§ 121.2526 [Amended]

11. By deleting from paragraph (a)(5) of § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* the item "Polyethylene glycol (molecular weight greater than 300)."

§ 121.2551 [Amended]

12. By deleting from paragraph (b)(2) of § 121.2551 *Corrosion inhibitors used for steel or tinplate* the item "Polyethylene glycol."

§ 121.2562 [Amended]

13. By deleting from paragraph (c)(4)(ix) of § 121.2562 *Rubber articles intended for repeated use* the item "Polyethylene glycol (molecular weight 6,000)."

§ 121.2571 [Amended]

14. By deleting from the list in paragraph (b)(2) of § 121.2571 *Components of paper and paperboard in contact with dry food* the item "Polyethylene glycol 200."

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: August 12, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10072; Filed, Aug. 20, 1968; 8:52 a.m.]

FEDERAL HOME LOAN BANK BOARD

[No. 22,032]

[12 CFR Part 569a]

FEDERAL SAVINGS AND LOAN INSURANCE CORP.

Receivers for Insured Institutions Other Than Federal Savings and Loan Associations

AUGUST 15, 1968.

Resolved, That the Federal Home Loan Bank Board considers it desirable to amend the Rules and Regulations for Insurance of Accounts to implement the amendment of Section 406 of the National Housing Act (12 U.S.C. 1729) contained in the Bank Protection Act of 1968 (Public Law 90–389, 90th Congress, approved July 7, 1968), for the purpose of providing regulations governing the appointment in certain cases of the Federal Savings and Loan Insurance Corporation as Receiver for insured institutions other than Federal savings and loan associations, and regulations governing the operation and termination of receiverships conducted pursuant to such appointment and, for such purpose, it is hereby proposed to add a new Part 569a to said Rules and Regulations for Insurance of Accounts to read as follows:

PART 569a—RECEIVERS FOR INSURED INSTITUTIONS OTHER THAN FEDERAL SAVINGS AND LOAN ASSOCIATIONS

§ 569a.1 Grounds for appointment of receiver.

In the event the Board determines:

(a) That (1) a conservator, receiver or other legal custodian (whether or not the Corporation) has been or is hereafter appointed for an insured institution which is not a Federal savings and loan association other than by the Board (whether or not such institution is in default) and that the appointment of such conservator, receiver, or custodian, or any combination thereof, has been outstanding for a period of at least 15 consecutive days, or (2) an insured institution (other than a Federal savings and loan association) has been closed by or under the laws of any State, the Commonwealth of Puerto Rico, the territories and possessions of the United States, or any place subject to the jurisdiction of the United States;

(b) That one or more of the grounds specified in paragraph (6)(A) of section 5(d) of the Home Owners' Loan Act of 1933, existed with respect to such institution at the time a conservator, receiver, or other legal custodian was appointed, or at the time such institution was closed, or exists thereafter during the appointment of the conservator, receiver, or other legal custodian or while the institution is closed; and

(c) That one or more of the holders of savings accounts in such institution is unable to obtain a withdrawal of his account, in whole or in part;

the Board shall have exclusive power and jurisdiction to appoint the Corporation as sole Receiver for such institution. As used in this Part, the term "default" means an adjudication or other official determination of a court of competent jurisdiction or other public authority pursuant to which a conservator, receiver, or other legal custodian is appointed for an insured institution for the purpose of liquidation.

§ 569a.2 Appointment of Receiver.

If the Board makes the determinations specified in § 569a.1, the Board shall appoint the Federal Savings and Loan Insurance Corporation as sole Receiver for such insured institution for the purpose of liquidation, and such appointment may be ex parte and without notice.

§ 569a.3 Notice of appointment.

In the event that the Board appoints a Receiver for an insured institution pursuant to § 569a.2, the Secretary to the Board shall mail a certified copy of such action of the Board to the address of the institution as it shall appear on the records of the Board, to any supervisory or regulatory authority to which such institution was theretofore subject, to any previous conservator, receiver, or other legal custodian of any such insured institution, and to any court or other authority to which such previous conservator, receiver, or custodian is subject. Notice of such appointment shall be filed forthwith for publication in the FEDERAL REGISTER.

§ 569a.4 Possession by Receiver.

The Corporation shall take possession promptly of the insured institution for which it has been appointed Receiver by service of a certified copy of the Board's appointment upon the insured institution or upon the conservator, receiver, or custodian of such institution. "Service" as used in the preceding sentence is accomplished by leaving a certified copy of the Board's appointment in the home office of the insured institution or by handing a certified copy of such appointment to the conservator, receiver, or custodian of such insured institution or to the officer or employee of the insured institution or of the conservator, receiver, or custodian who shall be in the home office of the institution and appears to be in charge of such office. The Receiver shall thereafter promptly notify in writing by certified mail the court or other public authority having jurisdiction over such conservator, receiver, or custodian of its possession of the insured institution and shall promptly notify in writing by certified mail any supervisory or regulatory authority to which the insured institution was theretofore subject of such possession. Immediately upon taking possession of any insured institution, the Corporation as Receiver shall forthwith take possession of the books, records, and assets of every description of such institution and of all offices of such institution. The Corpration as Receiver, by operation of law and without any conveyance or other instrument, act or deed, shall succeed to all the rights, titles, powers, and privileges of the insured institution and shall succeed to the rights, powers, and privileges of its members, holders of savings accounts and nonwithdrawable accounts, its officers and directors, or any of them. Such members, holders of savings accounts and nonwithdrawable accounts, officers, or directors, or any of them, shall not thereafter have or exercise any such rights, powers, or privileges or act in connection with any asset or property of any nature of the institution in receivership.

§ 569a.5 Procedure on taking possession.

Upon taking possession as provided in the first sentence of § 569a.4, the Receiver shall forthwith

(a) Post a notice in substantially the following form on the door of the home and other offices of such insured institution:

The _____ is in the hands of the
(Institution)
Federal Savings and Loan Insurance Corporation as Receiver under appointment by the Federal Home Loan Bank Board pursuant to law.

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION AS RECEIVER.

_____
(Date)

(b) File with the Secretary to the Board a statement that it has taken possession of such institution and of the time of such taking of possession; and such statement shall be conclusive evidence of such taking of possession and of the time of such taking of possession; and

(c) Notify all banks, trust companies, and all other individuals, partnerships, corporations and associations, known to the Receiver to be holding or in possession of any assets of such insured institution by certified mail or telegraph that the Federal Savings and Loan Insurance Corporation as Receiver has succeeded to all the rights, titles, powers, and privileges of such institution.

§ 569a.6 Powers and duties as Receiver.

The Receiver shall promptly have an inventory and an audit made, either by an independent Certified Public Accountant or as otherwise directed by the Board, of the assets of such institution as of the date of such taking possession, showing the value as carried on the books of the institution, and the security therefor, if any, in whatever form the same shall exist, with a brief description of each such asset and such security. Such assets may be listed in such groups or classes as shall afford full information as to their character and book value, and a record shall be included of the creditor and other liabilities of the institution. One copy of such inventory shall be filed promptly with the Secretary to the Board, and one copy shall be retained in the principal office for liquidation of the institution, so long as such office is maintained. Subject to such limitations, as are contained in this part—

(a) *General.* The Receiver shall collect all obligations and money due such insured institution, and may:

(1) To an extent consistent with its appointment, do all things desirable or expedient at its discretion to carry on the business of such institution and to preserve and conserve the assets and property of every nature of such institution.

(2) Exercise all rights and powers of such institution, including without any limitation on the generality of the foregoing, any rights and powers under any mortgage, deed of trust, chose in action, option, collateral note, contract, judgment or decree, share or certificate of share of stock, or instrument of any nature;

(3) Institute, prosecute, maintain, defend, intervene and otherwise participate in any and all actions, suits, or other legal proceedings by and against the Receiver of such institution or in which the Receiver, such institution, or its creditors or members, or any of them, shall have an interest, and in every way to represent such institution, its members and creditors;

(4) Employ on a salary or fee basis such personnel as in the judgment of the Receiver is necessary or desirable to carry out its responsibilities and functions, including appraisers and Certified Public Accountants, and pay the costs out of the assets of the receivership;

(5) Employ or retain any attorney or attorneys designated by, or acceptable to, the General Counsel of the Federal Home Loan Bank Board in connection with litigation or otherwise to give legal advice and assistance, for the receivership generally or in particular instances, and pay compensation and retainers of such attorney or attorneys, together with all expenses, including, but not limited to, the costs and expenses of any litigation, as approved by said General Counsel, out of the assets of such receivership;

(6) Execute, acknowledge, and deliver any and all deeds, contracts, leases, assignments, bills of sale, releases, extensions, satisfactions, and other instruments necessary or proper for any purposes, including, without any limitation on the generality of the foregoing, the effectuation, termination, or modification of any sale, lease or transfer of real, personal or mixed property, or that shall be necessary or proper to liquidate or carry on the business of such institution as authorized in subparagraph (1) of this paragraph. Any deed or other instrument executed pursuant to the authority hereby given shall be as valid and effectual for all purposes as if the same had been executed as the act and deed of the institution;

(7) Do such things, and have such rights, powers, privileges, immunities, and duties, whether or not otherwise granted in the rules and regulations of this chapter, as shall be authorized, directed, conferred, or imposed from time to time by the Board.

(b) *Expenditure of funds of the receivership.* The Receiver shall have power to:

(1) Pay all costs and expenses of the receivership as determined by it;

(2) Pay off and discharge taxes and liens;

(3) Pay out and expend such sums as it shall deem necessary or advisable for or in connection with the preservation, maintenance, conservation, protection, remodeling, repair, rehabilitation, or improvement of any asset or property of any nature of such institution or the Receiver;

(4) Pay out and expend such sums as it shall deem necessary or advisable for

or in connection with the preservation, maintenance, conservation, or protection of, or pay off and discharge any taxes, assessments, liens, claims, or charges of any nature against, any asset or property of any nature on which the institution or the Receiver has a lien by way of mortgage, deed of trust, pledge, or otherwise, or in which the institution or Receiver has an interest of value of any nature;

(5) Settle, compromise, or obtain the release of, for cash or other consideration, claims and demands against such institution or the Receiver.

(c) *Assets, claims and contracts.* The Receiver shall have power to:

(1) Sell for cash or on terms, exchange, or otherwise dispose of, in whole or in part, any or all of the assets and property of the institution, real, personal, and mixed, tangible and intangible, of any nature, including any mortgage, deed of trust, chose in action, bond, note, contract, judgment, or decree, share or certificate of share of stock or debt, owing to such institution or the Receiver;

(2) Surrender, abandon, and release any choses in action, or other assets or property of any nature, whether the subject of pending litigation or not, and settle, compromise, modify, or release, for cash or other consideration, claims and demands in favor of the institution or the Receiver.

(3) Reject or repudiate any lease or contract which it considers burdensome. Prior to the final acceptance of any offer relating to the disposition of assets or property of any kind having an appraised value in excess of $25,000, but a book value of less than $100,000 or where the transaction involves consideration of more than $25,000, the Receiver shall publish a notice of such proposed transaction in a newspaper printed in the English language and of general circulation in the city or county in which the home office of the institution is located, inviting interested persons to submit in writing any comments or additional offer no later than 15 days from the date of publication, or such longer period as the Receiver may deem desirable. If no substantive objection from an interested person or additional offer is received, the proposed transaction may be consummated by the Receiver. If a substantive objection or additional offer is received, such objection or offer shall be considered by the Receiver and a determination shall be made by the Receiver as to the course of action most favorable to the receivership. A written record of each such determination shall be transmitted to the Board. At the discretion of the Receiver any such objection or additional offer may be referred to the Board for decision. With respect to property of any kind having a book value in excess of $100,000, the Receiver shall submit a recommendation to the Board for approval of the terms of the proposed listing for sale. When an offer is received with respect to such property on terms at least as favorable as those approved by the Board, the Receiver shall publish a notice of such proposed transaction as provided above. If no substantive objection from an interested person or additional offer is received, the proposed transaction may be consummated by the Receiver. If a substantive objection or additional offer is received, such objection or offer shall be referred to the Board for decision.

(d) *Investment of funds.* The Receiver shall have the power to deposit the monies and funds of the receivership in any bank or banks insured by the Federal Deposit Insurance Corporation or in any Federal Home Loan Bank, and may invest such monies or funds in certificates of deposit in any bank or banks insured by the Federal Deposit Insurance Corporation or in accounts, other than nonwithdrawable accounts, in an insured institution or institutions. The Receiver shall have power to invest any funds not currently needed for transacting the business of the receivership or for payment of liquidating dividends in Government obligations with a maturity of not more than 2 years. The Receiver shall have no power to make loans except loans to facilitate the sale of any real estate owned and except loans which it deems necessary to protect security properties.

(e) *Borrowing.* With the approval of the Board and on terms and conditions approved by the Board, the Receiver may borrow money in any amount and from any source and in any manner, and execute, acknowledge and deliver notes, certificates, and other evidence of indebtedness therefor and secure the repayment thereof by the mortgage, pledge, assignment in trust or hypothecation of any or all of the property, whether real, personal, or mixed, tangible or intangible, of any nature of such institution or the Receiver, and such borrowing may be for any purpose, including, without any limitation on the generality of the foregoing, facilitating liquidation, carrying on the business of such institution, protecting or preserving the assets in its possession, declaring and paying dividends to members and creditors, and providing for the expense of administration and liquidation.

§ 569a.7 Priority of claims.

Claims against the receivership shall have the following order of priority:

(a) All costs, expenses, and debts of the receivership incurred on or after the date of the appointment of the Receiver;

(b) All claims of creditors, including contractual claims for interest to the date of payment, to the extent that under the laws of the State in which the home office of the institution in receivership is located such creditor claims are secured by, or constitute a lien on, assets or property of any kind of the institution in receivership;

(c) All other claims of creditors, including the unsecured portion of any creditor obligation, valid as such under the laws of the State in which the home office of the institution in receivership is located, including contractual claims for interest to the date of default;

(d) Claims of holders of savings accounts, unless under the laws of the State in which the principal office of the institution in receivership is located such claims are treated as creditor obligations and covered by paragraph (c) of this section;

(e) Interest on claims which qualify under paragraphs (c) and (d) of this section on amounts outstanding from the date of default to the date at which a final distribution is made under paragraphs (c) and (d) of this section, such interest to be at the legal rate of interest in the State in which the home office of the institution was located or, if there is no legal rate of interest in such State, at the rate of 5 percent per annum;

(f) Claims of holders of creditor claims which have been subordinated to general creditor claims and to claims of savings account holders;

(g) Claims of holders of nonwithdrawable accounts.

All claims of any class above described which have priority over another class shall be paid in full, or provision made for such payment, before any claims of lessor priority are paid. If there are insufficient funds to pay any class of claims in full, distribution on such class shall be pro rata. No distribution shall be made under paragraphs (c), (d), (e), (f), and (g) of this section except upon prior approval of the Board.

§ 569a.8 Creditor claims.

(a) The Receiver shall promptly publish, in a newspaper printed in the English language and of general circulation in the city or county in which the home office of such institution is located, a notice to all creditors of such institution to present their claims with proof thereof to such Receiver on forms prescribed by the Receiver on or before a date specified in such notice. The date specified in such notice shall be at least 90 days after the date of the first publication of such notice (Sundays and holidays included). Such notice shall be similarly published on dates approximately 1 month and 2 months after the date of such first publication. The Receiver shall mail a similar notice to any creditor, shown to be such on the books of the institution, at the last address of such creditor as the same shall appear on such books.

(b) Any claim filed on or before the date fixed pursuant to paragraph (a) of this section and proved to the satisfaction of the Receiver shall be allowed by the Receiver. The Receiver may disallow in whole or in part or reject in whole or in part any creditor claim or claims of security, or priority not proved to its satisfaction, and notice of such disallowance together with the reason therefor shall be served by the Receiver upon the claimant by certified mail. The mailing of notice of such disallowance or rejection to the last known address of any claimant appearing on the books or the proof of claim shall be deemed sufficient for the purposes hereof.

(c) Upon the expiration of the time fixed for the presentation of creditor claims by the notice provided for in paragraph (a) of this section, the Receiver shall file with the Board a list of allowed claims indicating the character of each claim.

(d) The Receiver shall file with the Board from time to time a list of creditor claims filed after the date fixed pursuant to paragraph (a) of this section and a list of creditor claims disallowed by the Receiver pursuant to paragraph (b) of this section. Any such claim may be allowed by the Board in its discretion upon good cause shown.

§ 569a.9 Claims of savings accountholders.

The Receiver shall prepare a list of accounts of savings accountholders for use by the Corporation in settlement of claims for insurance under Part 564 of this subchapter. Upon such settlement, the Receiver shall furnish to each holder of a savings account a certificate, as to the amount of any such account which is not covered by insurance under said Part 564, that the accountholder holds a claim against the receivership which is to be discharged to the extent permitted under this Part. No such certificate shall be furnished by the Receiver unless the accountholder has first surrendered to the Receiver such evidence of the ownership of the account as he may have or, in case of loss of such evidence, the accountholder has agreed that the Receiver shall be entitled to the surrender of such evidence if it is thereafter recovered, but this requirement shall not be applicable in cases in which such evidence has been surrendered therefore to the Corporation in connection with payment of insurance of the account. In a case where a Receiver has reason to believe that the records of the institution in receivership may not disclose a complete record of all accounts of savings accountholders, or in a case where all holders of savings accounts have not presented claims within 1 year from the date of appointment of the Receiver, the Receiver shall publish, in a newspaper printed in the English language and of general circulation in the city or county in which the home office of such institution was located, a notice to all savings accountholders to present their claims of ownership thereof on forms prescribed by the Receiver to such Receiver on or before a date specified in such notice, which date shall be 3 years after the date of default. Such notice shall be similarly published on dates approximately 1 month and 2 months after the date of such first publication. Such notice shall be similarly published on a date approximately 1 month prior to the date specified in such notice for presentation of claims of ownership. Claims of ownership not filed within the period stated in the notices shall be disallowed.

§ 569a.10 Audits.

Each institution for which a Receiver has been appointed shall be audited at least annually by an independent Certified Public Accountant or as otherwise directed by the Board, and one copy of such audit filed with the Secretary to the Board and one copy retained in the principal office for liquidation of the institution so long as such office is maintained.

§ 569a.11 Accounting practices; reports.

The Receiver may, from time to time, prescribe the accounting practices to be followed. The Receiver shall make an annual report of its affairs as of December 31 of each year to the Board, on forms prescribed by the Board or the Receiver, and such other reports as may be from time to time required by the Board and shall accompany each recommendation for the declaration and payment of a liquidating dividend with a report showing the available assets. One copy of the reports required in this section shall be filed with the Secretary to the Board, one copy shall be retained by the Corporation, and one copy shall be retained in the principal office for the liquidation of the institution, so long as such is maintained.

§ 569a.12 Final discharge and release of Receiver.

(a) *Final report.* At such time as the Receiver shall recommend a final distribution of the assets or at such time as the Receiver shall be otherwise relieved of its duties, the Receiver shall file with the Board a detailed report in form satisfactory to the Board.

(b) *Final discharge.* Upon the final liquidation of the receivership, or the completion of the duties of the Receiver or at such time as the Receiver shall be otherwise relieved of its duties, the Receiver shall have an audit made of the institution in receivership, either by an independent Certified Public Accountant or as otherwise directed by the Board, and such audit shall be filed with the Secretary to the Board. The accounts of the Receiver shall thereupon be approved or disapproved by the Board and, if approved, the Receiver shall thereupon be given a complete and final discharge and release.

(Secs. 402, 406, 48 Stat. 1256, 1259, as amended; 12 U.S.C. 1725, 1729. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, by September 5, 1968, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 68–10079; Filed, Aug. 20, 1968; 8:52 a.m.]

Notices

FEDERAL POWER COMMISSION

[Docket Nos. G-3491, etc.]

PHILLIPS PETROLEUM CO. ET AL.

Findings and Order After Statutory Hearing

AUGUST 13, 1968.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, severing proceeding, canceling docket number, amending certificates, permitting and approving abandonment of service, terminating certificates, making successor co-respondent, redesignating proceeding, requiring filing of agreement and undertaking, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC gas rate schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's Statement of General Policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that the sale from the Permian Basin area of New Mexico is authorized to be made at the applicable area base rate and under the conditions prescribed in Opinion Nos. 468 and 468-A.

Payne Producing Co., Applicant in Docket No. G-12969, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to W. M. Bevly et al., FPC gas rate schedule No. 2. Said rate schedule will be redesignated as that of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI68-94. Therefore, Applicant will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and Applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on August 7, 1968, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments, and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in the following dockets should be amended as hereinafter ordered and conditioned:

G-3491	CI61-1315	CI65-1263
G-3821	CI62-673	CI66-866
G-6170	CI62-1087	CI67-1542
G-8817 [1]	CI62-1251	CI68-232
G-10990	CI62-1372	CI68-589
G-12969	CI63-489	CI68-1077
G-16499	CI64-342	CI68-1148
CI60-252	CI65-15	CI68-1164

[1] Temporary certificate.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued in the following dockets should be amended to reflect the deletion of acreage where new certificates are issued herein or existing certificates are amended herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificate and/or amendment to add acreage*
G-5716	CI68-1049
G-10686	CI68-589
G-14152	CI63-473
CI61-1251	CI68-1164
CI62-1184	CI68-1366

(7) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. CI68-1385 should be canceled and that the application filed therein should be processed as an amendment to the application in Docket No. G-16840.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. G-16840 should be severed from the proceedings in Docket Nos. G-13221 et al.; that the abandonment should be permitted and approved in Docket No. G-16840; and that the temporary certificate in Docket No. G-16840 should be terminated.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Payne Producing Co. should be made a co-respondent in the proceeding pending in Docket No. RI68-94, that said proceeding should be redesignated accordingly, and that Payne Producing Co. should be required to file an agreement and undertaking in said proceeding.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements, and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) (3) of the Commission's Statement of General Policy No. 61-1, as amended, shall be filed prior to the applicable date as indicated by footnote 12 in the attached tabulation.

(E) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The initial rate for the sale authorized in Docket No. G-3491 shall be the applicable base area rate prescribed in Opinion No. 468, as modified by Opinion No. 468-A, as adjusted for quality, or the contract rate, whichever is lower.

(b) If the quality of the gas delivered by Applicant in Docket No. G-3491 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468-A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to the provisions of section 4 of the Natural Gas Act; *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of a notice of change in rate.

(c) Within 90 days from the date of initial delivery Applicant in Docket No. G-3491 shall file a rate schedule quality statement in the form prescribed in Opinion No. 468-A.

(d) The initial rate for sales authorized in Docket Nos. CI62-1251 and CI68-1381 shall be 15 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement, subject to B.t.u. adjustment; however,

(e) In the event that the Commission amends its Policy Statement No. 61-1, by adjusting the boundary between the Panhandle area and the Oklahoma "Other" area so as to increase the initial wellhead price for new gas in the area involved herein, Applicant in Docket No. CI68-1381, thereupon may substitute the new rate reflecting the amount of such increase, and thereafter collect such new rate prospectively in lieu of the initial rate herein required.

(f) The initial rate for the sale authorized in Docket No. CI63-489 shall be 17 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment.

(g) The initial rate for the sale authorized in Docket No. CI68-1049 shall be 11 cents per Mcf at 14.65 p.s.i.a.

(F) Certificates are issued herein in Docket Nos. CI68-1312, CI68-1365, and CI68-1413 authorizing the respective Applicants to continue the sales of natural gas which were being rendered on June 7, 1954.

(G) The certificates heretofore issued in Docket Nos. G-3491, CI60-252, CI62-673, CI62-1251, CI63-489, CI64-342, CI65-1263, CI67-1542, CI68-589, CI68-1077, CI68-1148, and CI68-1164 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations pursuant to the rate schedule supplements as indicated in the tabulation herein.

(H) The certificate heretofore issued in Docket No. G-6170 is amended by deleting therefrom authorization to sell natural gas pursuant to the rate schedule supplement as indicated in the tabulation herein, and such authorization shall not be construed to relieve Applicant of any refund obligation which may be ordered in the related rate suspension proceeding pending in Docket No. G-14106, insofar as it pertains to the acreage being released.

(I) The temporary certificate heretofore issued in Docket No. G-8817 is amended by deleting therefrom authorization to sell natural gas pursuant to the rate schedule supplement as indicated in the tabulation herein, and the temporary certificate issued May 4, 1965, in said docket is terminated with respect to Supplement Nos. 22, 23, and 24 to FPC gas rate schedule No. 4. Applicant shall not be relieved of any refund obligation which may be ordered in the proceeding pending in Docket No. G-8817.

(J) The certificate heretofore issued in Docket No. G-16499 is amended to include the interest of the coowner (Wee Oil Co.) and said certificate and rate schedule are redesignated to include the designation "et al." as indicated in the tabulation herein; further, the temporary certificate issued November 29, 1961, in Docket No. G-16499, is amended to reflect the transfer of interest to Wee Oil Co.

(K) Sales from all of the assigned acreage, except that covered by Supplement No. 4 to Petroleum Associates, Inc. et al., FPC gas rate schedule No. 1, shall be made at the rate of 15.70925 cents per Mcf at 14.65 p.s.i.a., subject to refund in Docket No. G-20526.

(L) The certificates heretofore issued in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein or existing certificates are amended herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificate and/or amendment to add acreage*
G-5716	CI68-1049
G-10686	CI68-589
G-14152	CI63-473
CI61-1251	CI68-1164
CI62-1184	CI68-1368

(M) The certificates heretofore issued in Docket Nos. G-3821, G-12969, CI62-1087, CI62-1372, CI65-15, CI66-866, and CI68-232 are amended by substituting the respective successors in interest as certificate holders as indicated in the tabulation herein.

(N) The certificates heretofore issued in Docket Nos. G-10990 and CI61-1315 are amended to reflect the changes in operators as indicated in the tabulation herein.

(O) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein are granted.

(P) Permission for and approval of the abandonment in Docket No. CI68–1379 shall not be construed to relieve Applicant of any refund obligation which may be ordered in the related rate suspension proceeding pending in Docket No. RI64–721.

(Q) Docket No. CI68–1385 is canceled.

(R) Docket No. G–16840 is severed from the proceedings in Docket Nos. G–13221 et al.; the abandonment is granted in Docket No. G–16840; and the temporary certificate in Docket No. G–16840 is terminated. Such authorization shall not be construed to relieve Applicant of any refund obligation which may be ordered in the proceedings pending in Docket Nos. G–13221 et al.

(S) The certificate heretofore issued in Docket No. G–3913 is terminated only insofar as it pertains to Ashland Oil & Refining Company's FPC Gas Rate Schedule Nos. 97 and 102.

(T) The certificates heretofore issued in Docket Nos. G–3743, G–6730, and CI62–722 are terminated.

(U) Payne Producing Co. is made a co-respondent in the proceeding pending in Docket No. RI68–94, and the proceeding is redesignated accordingly.[2]

(V) Within 30 days from the issuance of this order Payne Producing Co. shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI68–94 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(W) Payne Producing Co. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by it in Docket No. RI68–94 shall remain in full force and effect until discharged by the Commission.

(X) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[2] W. M. Bevly et al., and Payne Producing Co.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–3491 C 5–13–68 [1]	Phillips Petroleum Co.	El Paso Natural Gas Co., Jal Field, Lea County, N. Mex.	Amendatory agreement, 4–1–68.[3]	258	9
G–3821 E 6–13–68	R. Morgan Properties (successor to Estate of R. Morgan).	South-Tex Corp., Farenthold Field, Nueces and Jim Wells Counties, Tex.	Estate of R. Morgan, FPC GRS No. 1. Supplement Nos. 1–7. Notice of Succession (undated).[4]	1 1	---------- 1–7
G–6170 D 6–5–68	The Superior Oil Co. (Operator) et al. (partial abandonment).	Southern Natural Gas Co., Gwinville Field, Jefferson Davis and Simpson Counties, Miss.	Notice of partial cancellation (undated).[4 5]	[6] 11	12
G–8817 D 5–29–68	The California Co., a division of Chevron Oil Co. (Operator) et al. (partial abandonment).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Little Temple Field, Lafourche Parish, La.	Notice of cancellation 5–23–68.[4 5]	[7] 4	31
G–10990 E 5–6–68	Franklin Jones, Jr., agent (Operator) et al. (successor to C. A. Brian (Operator) et al.).	United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	C. A. Brian (Operator) et al., FPC GRS No. 2. Notice of succession, 6–3–68.[8] Effective date: 1–1–64	1	----------
G–12986 E 5–29–68	Payne Producing Co. (successor to W. M. Bevly et al.).	United Gas Pipe Line Co., North La Rosa Field, Refugio County, Tex.	W. M. Bevly et al., FPC GRS No. 2. Supplement Nos. 1–2. Notice of succession, 5–17–68. Assignment 4–30–68.[9]	8 8	---------- 1–2 3
G–16476 E 5–6–68 [10]	Petroleum Associates, Inc., et al.	El Paso Natural Gas Co., North Jameson (Strawn) Field, Nolan County, Tex.	Effective date; 5–1–68 Assignment 1–11–68 [11] Effective date; 1–1–68	1	11
CI60–222 C 5–6–68 [12]	Mobil Oil Corp.	Panhandle Eastern Pipe Line Co., Guymon-Hugoton (Deep) Field, Texas County, Okla.	Amendatory agreement, 12–19–60.[3 12]	201	4
CI61–1215 E 5–23–68	Witt Oil Production, Inc. (Operator) et al. (successor to Waymon L. Davis (Operator) et al.).	United Gas Pipe Line Co., Waskom Field, Panola County, Tex.	Waymon L. Davis (Operator) et al., FPC GRS No. 1. Supplement Nos. 1–2. Notice of succession (undated).[14] Effective date: 5–1–68	1	---------- 1–2
CI62–673 C 4–29–68 [13] D 4–29–68	Skylark Gas Co.	Equitable Gas Co., Hackers Creek and Warren Districts, Lewis and Upshur Counties, W. Va.	Letter agreement 11–29–67.[3 13]	1	9
CI62–1267 E 6–10–68	Petroleum Promotions, Inc. (successor to Bear Run Oil & Gas Co.).	Equitable Gas Co., Salt Lick District, Braxton County, W. Va.	Bear Run Oil & Gas Co., FPC GRS No. 2. Supplement Nos. 1–3. Notice of succession, 6–6–68. Assignment 3–11–68 [15] Effective date; 3–11–68 Amendment 5–14–68 [9]	17 17 17 [17] 10	---------- 1–3 4 10
CI62–1351 C 6–10–68 [13]	Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co.	Arkansas Louisiana Gas Co., Wilburton Field, Pittsburg County, Okla.	Manor Oil Co., FPC GRS No. 1. Notice of succession, 5–11–68. Assignment 9–1–64 [16] Effective date: 9–1–64	2	----------
CI62–1372 E 5–31–68	Carl R. Morris (successor to Manor Oil Co.).	Equitable Gas Co., Center District, Gilmer County, W. Va.	Ratified 5–8–62 [17] Contract 11–14–57 [18] Assignment 1–26–62 [19]	[17] 17 17 17	---------- 1 2
CI63–473 (G–19152) F 10–12–62	May Petroleum, Inc. (successor to Union Oil Co. of California).	Natural Gas Pipeline Co. of America, T. O. Wilson Gas Unit, Beaver County, Okla.	Amendatory agreement 5–28–68.[3 13]	[13] 81	10
CI63–499 C 5–13–68 [13]	Ashland Oil & Refining Co.	Michigan Wisconsin Pipe Line Co., Northwest Cedardale Field, Woodward County, Okla.	Amendatory agreement 1–13–68.[3]	89	2
CI64–342 C 6–7–68 [13]	Sohio Petroleum Co. (Operator) et al.	Mountain Fuel Supply Co., Nitchie Gulch Area and Pine Canyon Area, Sweetwater County, Wyo.			
CI65–19 E 5–16–68	Damson Petroleum Corp. (Operator) agent for Arthur G. Edelman et al. (successor to Coloma Oil & Gas Corp. (Operator), agent for F. G. Kingsley et al.).	Texas Eastern Transmission Corp., Karon Field, Live Oak County, Tex.	Coloma Oil & Gas Corp. (Operator) agent for F. G. Kingsley, et al., FPC GRS No. 2. Supplement No. 1. Notice of succession, 5–13–68. Assignment 12–6–65 [20] Effective date: 12–1–65	1 1 1	---------- 1 2

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI68–1373 (G–3913) [1] B 6–6–68	Ashland Oil & Refining Co.	United Fuel Gas Co., Oriskany Field, Kanawha and Jackson Counties, W. Va.	Notice of cancellation 6–4–68.[4]	97	4
CI68–1378 A 6–6–68 [13]	Michael T. Cowen	Kansas-Nebraska Natural Gas Co., Inc., Warrior Field, Logan County, Colo.	Contract 3–15–67	1	----------
CI68–1379 (G–3743) B 6–10–68	Getty Oil Co.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Pilot Knob Field, Victoria County, Tex.	Notice of cancellation 6–7–68.[4]	[6] 21	16
CI68–1381 A 6–10–68 [13]	King Resources Co.	Panhandle Eastern Pipe Line Co., South Taloga Field, Dewey County, Okla.	Contract 4–23–68 [4]	[6] 14	----------
CI68–1384 A 6–13–68 [13]	James F. Scott et al. d.b.a. Hershberger-Scott.	Consolidated Gas Supply Corp., Grant and McClellan Districts, Doddridge County, W. Va.	Contract 6–7–68 [4]	11	----------
CI68–1385 (G–19840) E 6–13–68 [14]	Continental Oil Co. (Operator) et al.	Transcontinental Gas Pipe Line Corp., Chegby Field, Lafourche Parish, La.	Notice of cancellation 6–10–68.[4]	[6] 226	6
CI68–1386 A 6–11–68 [13]	CRA, Inc.	United Gas Pipe Line Co., Pistol Ridge Field, Pearl River County, Miss.	Contract 3–20–68 [4]	47	----------
CI68–1387 A 6–11–68	George Mitchell & Associates, Inc., agent et al.	Arkansas Louisiana Gas Co., Bonanza Field, Sebastian County, Ark.	Contract 2–29–68 [4] Letter Agreement 11–20–67. [4]	33	---------- Exhibit "A"
CI68–1396 (CI63–722) B 6–14–68	N. Bruce Calder and Curtis E. Calder, Jr., d.b.a. Horton Oil & Gas Co.	Panhandle Eastern Pipe Line Co., Hansford Field, Hansford County, Tex.	Contract 10–21–63 [4] Notice of cancellation 6–11–68.[4]	33 19	1 1
CI68–1403 A 6–17–68 [13]	Petroleum, Inc.	Northern Natural Gas Co., Northwest Tyrone Field, Texas County, Okla.	Contract 5–1–68 [4]	80	----------
CI68–1404 A 6–17–68 [13]	Wessely Petroleum, Ltd. (Operator) et al.	Michigan Wisconsin Pipe Line Co., Laverne Field, Beaver County, Okla.	Contract 5–7–68 [4]	8	----------
CI68–1407 A 6–17–68 [13]	J. C. Baker and Son, Inc.	Equitable Gas Co., Hackers Creek, Braxton County, W. Va.	Contract 5–14–68 [4]	5	----------
CI68–1412 (G–3913) B 6–13–68 [14]	Ashland Oil & Refining Co.	J. E. Farrell Co. of Louisiana, Monroe Field, Union and Morehouse Parishes, La.	Notice of cancellation 6–11–68.[4]	102	1
CI68–1413 A 6–3–68 [13] [16]	Carl E. Walters	Peninsul Utilities, Inc., Middlebourne Dist., Tyler County, W. Va.	Contract 7–9–37 Amendatory agreement Assignment 7–7–67 [21] Assignment 7–7–67 [21]	1 1 1	---------- 1 2

[1] Omitted.
[2] By letter filed May 31, 1968, Applicant agreed to accept permanent authorization conditioned as Opinion No. 468.
[3] Effective date; Date of initial delivery (Applicant shall advise the Commission as to such date).
[4] Effective date; Date of this order.
[5] Source of gas depleted.
[6] Rate of 20 cents effective subject to refund in Docket No. G–14100.
[7] Temporary certificate conditioned to a floor rate of 20 cents.
[8] Amendment to the certificate filed to include interest of co-owner.
[9] Assigns acreage from W. M. Bevly et al. to Payne Producing Co.
[10] Amendment to the certificate filed to include interest of co-owner.
[11] Petroleum Associates, Inc., assigned interest in acreage to Wee Oil Co., but requests that it be permitted to render service for Wee Oil Co. under Petroleum's FPC GRS No. 1.
[12] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61–1, as amended.
[13] Covers gas produced from the interval between a depth of 3,000 feet from the surface and the base of the Mississippian System.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI65–1263 D 6–17–68	The Superior Oil Co.	El Paso Natural Gas Co., Custer Mountain Unit, Lea County, N. Mex.	Amendment 6–10–68 [1] [3]	116	3
CI66–950 E 6–11–68	Sterrett B. Proctor (Operator) et al. successor to Kenwanee Oil Co. (Operator) et al.).	Southern Natural Gas Co., East Catahoula Field, St. Martin Parish, La.	Kenwanee Oil Co. (Operator), et al., FPC GRS No. 57. Notice of succession, 6–11–68.	1	----------
CI67–1542 D 6–17–68	McWilliams-Moffett Corp. (Operator) et al. (partial abandonment).	Florida Gas Transmission Co., West Addis Field, Iberville Parish, La.	Assignment 12–29–67 [4] Notice of partial cancellation, 6–14–68.[4 5]	1 1	1 1
CI68–232 E 6–10–68	Hicks Durham, agent (Operator) et al. (successor to Thomas C. Buchanan).	Trunkline Gas Co., West Olla Field, La Salle Parish, La.	Thomas C. Buchanan, FPC GRS No. 1. Notice of succession, 6–6–68. Assignment 3–28–68 [4] Assignment 4–19–68 [4]	1	---------- 1 1
F CI68–589 (G–10686) C 6–6–68	Jerome P. McHugh et al.	El Paso Natural Gas Co., Hart Draw Field, Rio Arriba County, N. Mex.	Effective date: 4–18–66 Farmout agreement 5–20–68.[3 22]	3	2
CI68–1049 (G–5716) F 2–27–68	Aikman Bros. Corp. (Operator) et al. (successor to Northern Natural Gas Production Co.).	Northern Natural Gas Co., Larrabee Field, Stevens County, Kans.	Contract 11–1–52 [23] Amendment 11–27–67. Assignment 1–22–68 [4]	2 2	---------- 1 2
CI68–1077 C 6–12–68 [13]	William Herbert Hunt Trust Estate (Operator) et al.	Arkansas Louisiana Gas Co., Colquitt Field, Claiborne Parish, La.	Amendment 5–3–68	13	8
CI68–1148 C 5–20–68 [13]	Appalachian Exploration & Development, Inc.	United Fuel Gas Co., Union District, Kanawha County, W. Va.	Agreement 5–1–68 [13]	2	1
F CI68–1154 (CI61–1251) C 5–13–68	James A. Wood, Trustee (Operator) et al.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., La Reforma Field, Starr County, Tex.	Ratified 4–8–66 [3] Assignment 1–23–68 [4] Effective date; 1–1–66	4 4	4 5
(CI61–1251) [24]	Wiecelock Oil Co. et al.	do.	Assignment 1–23–68 [4]	2	4
CI68–1312 A 5–15–68 [13] [25]	R. L. McCully, agent for J. M. Carper, lease.	Harry C. Boggs Natural Gas Co., Geary District, W. Va., Roane County, W. Va.	Effective date; 5–30–68. Contract 3–3–36. Letter agreement 3–3–36.	3 3	---------- 1
CI68–1360 A 6–3–68 [13] [25]	W. H. Mossor et al. d.b.a. Garrett Oil & Gas Co.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	Contract 3–10–58 [3]	71	----------
CI68–1362 A 5–29–68 [13]	B. J. Brown	Arkansas Louisiana Gas Co., Mansfield Field, Sebastian County, Ark.	Contract 4–29–68 [4] Contract 5–12–67 [3]	1	---------- 1
CI68–1365 A 6–3–68 [13]	E. C. Ware et al.	United Fuel Gas Co., acreage in Martin County, Ky.	Contract 6–29–42 Letter 12–15–52	47 47	---------- 1
CI68–1367 A 6–5–68 [13]	Arapahoe Production Co. (Operator) et al.	Michigan Wisconsin Pipe Line Co., Laverne Field, Beaver County, Okla.	Contract 4–29–68	2	----------
CI68–1368 (CI62–1184) F 6–5–68	Humble Oil & Refining Co.	Arkansas Louisiana Gas Co., Arkoma Area, Le Flore County, Okla.	Contract 9–15–62 [3] Amendment 4–5–68. Assignment 4–5–68 [4] Effective date; 1–1–66	449 449 449	---------- 1 2
CI68–1369 (G–6730) B 6–5–68	Moss Gas Co.	United Fuel Gas Co., Oriskany Field, Kanawha County, W. Va.	Notice of cancellation, 5–29–68.[4]	1	4
CI68–1372 A 6–7–68 [13]	Rabbit Gas & Oil Co.	Equitable Gas Co., Upshur District, Gilmer Counties, W. Va.	Contract 3–20–68 [4]	1	----------

See footnotes at end of table.

[14] Applicant succeeds Waymon L. Davis as operator; no change of interest involved.
[15] Adds acreage and also deletes two expired leases.
[16] From Bear Run to Petroleum Promotions, Inc.
[17] Applicant proposed a rate of 15.015 cents (including 0.015 cent tax reimbursement); by letter dated June 19, 1968, Applicant indicated its willingness to accept permanent authorization at 15 cents including tax reimbursement, subject to B.t.u. adjustment.
[18] From Manor Oil Co. to Carl R. Morris.
[19] Adopts Union's Nov. 14, 1957, contract to cover previously nondedicated acreage; also deletes redetermination clause.
[20] On file as Union Oil Co. of California FPC GRS No. 23 and certificated in Docket No. G-14152.
[21] From Union Oil Co. of California to Applicant covering E½ and S½ SW¼ of sec. 26, T. 2 N., R. 20 ECM.
[22] Adds interest in the Butler No. 2 Gas Unit, section 27, 22 N., 18 W. Also amends contract to provide for full proportional downward B.t.u. adjustment from 1,000 B.t.u. per cubic foot.
[23] Contract price is 19.5 cents per Mcf plus tax reimbursement and B.t.u. adjustment; however, Applicant has expressed willingness to accept permanent authorization conditioned to a price of 17 cents per Mcf subject to upward and downward B.t.u. adjustment.
[24] Assigns interest to Damson Petroleum Corp. who in turn conveyed interest to Arthur G. Edelman et al.
[25] Deletes three expired leases. No gas was ever delivered from the acreage in question.
[26] Transfers acreage from Kewanee Oil Co. to Sterrett B. Procter.
[27] Deletes nonproductive acreage released to landowner.
[28] Assigns acreage from Thomas C. Buchanan Bankruptcy Trustee to "et al." parties.
[29] Transfers acreage from Northwest Production Corp. to McHugh. The acreage is covered under a contract dated June 15, 1956, also on file as Northwest's FPC GRS No. 1.
[30] Also on file as Northern Natural Gas Producing Co. (Operator) et al., FPC GRS No. 2.
[31] Transfers acreage from Northern Natural Gas Producing Co. to Applicant, as to formation below base of Permian Chase Group, i.e., intermediate and deep formations.
[32] Limited to production from the Newburg Formation under the dedicated acreage.
[33] Ratifies contract dated Apr. 24, 1953, between Mobil Oil Corp. and buyer; currently on file as Mobil Oil Corp. (Operator) et al., FPC GRS No. 83. Wood had previously filed this contract as his FPC GRS No. 4. (Dedicates acreage acquired from Wheelock Oil Co. to the performance of the Apr. 24, 1953 contract.)
[34] Assigns acreage from Wheelock Oil Co. to James A. Wood, trustee, to a depth of 7,502 feet. Acreage previously dedicated to a contract dated June 1, 1957; currently on file as Wheelock Oil Co. et al., FPC GRS No. 2.
[35] No certificate filing necessary, only the rate filing is being accepted for filing by this order.
[36] Sale being rendered on June 7, 1954.
[37] Sale being rendered without prior Commission authorization.
[38] Ratifies contract dated May 12, 1967, between Midwest Oil Corp. et al. and Arkansas Louisiana Gas Co.; on file as Midwest Oil Corp., FPC ORS No. 45.
[39] Also on file as Sinclair Oil & Gas Co. (Operator) et al., FPC GRS No. 251.
[40] Conveys acreage from Sinclair Oil & Gas Co. to Applicant.
[41] Other sales covered under Docket No. G-3913; therefore, the certificate in said docket will be terminated only insofar as it pertains to Applicant's FPC GRS No. 97.
[42] Rate of 15.6 cents effective subject to refund in Docket No. RI64-721.
[43] Contract rate is 18.0 cents; however, Applicant has expressed willingness to accept a permanent certificate at 15 cents subject to B.t.u. adjustment.
[44] No permanent authorization granted in Docket No. G-16840; therefore, the abandonment will be permitted in Docket No. G-16840, the temporary certificate in said docket will be terminated and Docket No. C168-1385 will be cancelled.
[45] By order issued July 23, 1964, in Docket No. G-13221 et al. (Opinion No. 436) a 20-cent rate was found to be proper. Opinion No. 436 has been stayed pending judicial review.
[46] Adopts terms of contract dated Oct 21, 1963 between Shell Oil Co. and purchaser.
[47] Provides for compression of gas from subject acreage by Diamond Shamrock Corp., the operator of the units involved. The agreement is between Shamrock and the purchaser.
[48] Other sales covered under Docket No. G-3913; therefore, the certificate in said docket will be terminated only insofar as it pertains to Applicant's FPC GRS No. 102.
[49] Changes the terms of royalty payments.
[50] From H. R. Wright to Carl E. Walters.

Suggested agreement and undertaking:

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent ----------)

Docket No. ------

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. ------, and has caused this agreement and undertaking to be executed and sealed in its name by a duly authorized officer this ------ day of ----------, 196---.

(Name of Respondent)

By ----------

Attest:

[F.R. Doc. 68-9920; Filed, Aug. 20, 1968; 8:45 a.m.]

[Docket No. CP69-19]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Application

AUGUST 14, 1968.

Take notice that on August 5, 1968, Mississippi River Transmission Corp. (Applicant), 9900 Clayton Road, St. Louis, Mo. 63124, filed in Docket No. CP69-19 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for the development and operation of the Vaughn Sand, Cotton Valley Formation, West Unionville Field, Lincoln Parish, La., as an underground natural gas storage reservoir, and in connection therewith, to the extent authorization therefor is required under the Natural Gas Act, authorizing the acquisition of interests in producing wells, leases and reserves within the storage project area presently used in the making of jurisdictional sales of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the storage project area is to include approximately 7,680 acres in which Applicant plans to acquire the necessary storage and other rights from land, leasehold, mineral, and royalty owners.

Specifically, Applicant proposes to construct and place in operation the following facilities:

1. Approximately 500 feet of 16-inch pipeline connecting the storage field compressor station and Applicant's West Line,
2. An 11,000 horsepower compressor station at the storage field,
3. A total of approximately 24 miles of 4-inch field gathering pipelines,
4. Fifteen (15) new wells to be drilled and completed as injection-withdrawal wells,
5. One (1) new well to be drilled and eight plugged wells to be reworked as observation wells,
6. Four (4) existing wells to be reworked as observation or injection-withdrawal wells, and
7. Measurement and dehydration facilities and other miscellaneous and appurtenant facilities.

Applicant states that cushion gas in addition to the native gas remaining in the reservoir is proposed to be injected in the approximate total amount of 37 million Mcf (at 15.025 p.s.i.a.).

The application states that development and operation of the proposed storage field will enable Applicant to continue to meet present and augmented winter gas supply requirements through better year round utilization of presently contracted gas supply, primarily from Applicant's pipeline suppliers. Applicant further states that it will be able to inject gas into storage in the warmer months when supply exceeds demand, for withdrawal in the winter season when demand exceeds supply.

Total estimated cost of the proposed acquisition, development, and construction, including cushion gas, is $20,626,000, which cost is to be financed initially through interim borrowings pending the making of arrangements for permanent financing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or .10) and the regulations under the Natural Gas Act (157.10) on or before September 9, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-10019; Filed, Aug. 20, 1968; 8:48 a.m.]

[Docket No. CP69-21]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Application

AUGUST 14, 1968.

Take notice that on August 6, 1968, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP69-21 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to construct and operate an additional compressor and appurtenant facilities at Applicant's existing Compressor Station 111 in Hutchinson County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to install a 1,040 SHP compressor and appurtenant facilities which will provide the needed flexibility in the operation of Applicant's Amarillo line, particularly in that portion of said line which traverses Oklahoma and north Texas. Applicant states that the instant facilities will enable it to receive into the 26-inch Oklahoma extension of said Amarillo line and transport for delivery into Station 111 additional volumes of gas, on the order of 40,000 to 50,000 Mcf per day over and above that which Applicant can presently receive into and transport through said pipeline.

Total estimated cost of the proposed facilities is $323,000, which cost will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before September 9, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-10020; Filed, Aug. 20, 1968; 8:48 a.m.]

[Docket No. CP69-20]

NORTHERN NATURAL GAS CO.

Notice of Application

AUGUST 14, 1968.

Take notice that on August 5, 1968, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP69-20 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain measuring facilities in Ochiltree County, Tex., and the sale for resale of natural gas to High Plains Natural Gas Co. (High Plains) for distribution to the communities of Booker, Canadian, Higgins, Mobeetie, Perryton, and Spearman, Tex.

Specifically, Applicant seeks authorization to install and operate a 3-inch side tap and measuring station to enable it to deliver up to 1,000 Mcf per day of natural gas on a firm basis to High Plains.

The application states that the supply of gas is required by High Plains as a supplemental supply of gas to insure adequate service to its customers for the coming and future heating seasons.

Total estimated cost of the proposed facilities is $4,950, which cost will be paid by High Plains.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before September 9, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-10021; Filed, Aug. 20, 1968; 8:48 a.m.]

[Docket No. RI69-49, etc.]

UNION OIL COMPANY OF CALIFORNIA ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

AUGUST 14, 1968.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 2, 1968.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI69-49.....	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	20	12	Kansas-Nebraska Natural Gas Co., Inc. (Camrick Area, Beaver and Texas County, Okla.) (Panhandle Area).	$900	7-24-68	[3] 9-1-68	2-1-69	[5] 18.0	[3] [4] 18.2	RI68-48.
RI69-50.....	Progress Petroleum, Inc. (Operator), 426 Oil and Gas Bldg., Wichita Falls, Tex. 76301.	1	2	Lone Star Gas Co. (McGregor Gasoline Plant, Archer County, Tex.) (R.R. District No. 9).	1,150	7-15-68	[3] 8-15-68	1-15-69	16.0	[3] [4] 17.0	RI68-400.

[1] The stated effective date is the effective date requested by Respondent.
[2] Periodic rate increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] Subject to a downward B.t.u. adjustment.
[5] The stated effective date is the first day after expiration of the statutory notice.

Progress Petroleum, Inc. (Operator) (Progress), requests that its proposed rate increase be permitted to become effective on July 1, 1968. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Progress' rate filing and such request is denied.

Union Oil Company of California and Progress' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

[F.R. Doc. 68-10022; Filed, Aug. 20, 1968; 8:48 a.m.]

[Docket No. CP69-26]

ARKANSAS-MISSOURI POWER CO., AND MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Application

AUGUST 15, 1968.

Take notice that on August 9, 1968, Arkansas-Missouri Power Co. (Applicant), 405 West Park Street, Blytheville, Ark. 72315, filed in Docket No. CP69-26, an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Mississippi River Transmission Corp. (Respondent), to establish physical connection of its transmission facilities with the proposed facilities of Applicant and to sell natural gas to Applicant for resale in the cities of Greenville and Piedmont, in Wayne County, Mo. Further, Applicant seeks an order under section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity to construct a 4-inch and 3-inch transmission line from the point of connection with Respondent to the cities of Greenville and Piedmont, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate distribution systems to Greenville and Piedmont, and to construct 16.6 miles of 4-inch and 3-inch transmission line extending from the proposed connection with the Respondent's facilities to the two communities. Applicant states that the service proposed herein is initial gas service.

The estimated third year peak day and annual requirements of Applicant are 925 Mcf and 90,963 Mcf, respectiyely.

The estimated cost of the initial construction to commence the proposed operations is $439,575, which cost will be financed from treasury funds and proceeds from unsecured temporary bank loans.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before September 12, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-9989; Filed, Aug. 20, 1968; 8:45 a.m.]

[Docket No. CP69-24]

CITY OF BERRY, ALABAMA, AND SOUTHERN NATURAL GAS CO.

Notice of Application

AUGUST 15, 1968.

Take notice that on August 8, 1968, the city of Berry, Ala. (Applicant), filed in Docket No. CP69-24 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Southern Natural Gas Co. (Respondent) to establish physical connection of its transportation facilities with the facilities of Applicant's proposed natural gas distribution system through which local distribution of natural gas will be made to the public in the city of Berry, Ala., and the area adjacent thereto and to sell natural gas to Applicant for such purpose, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the city of Berry is not now rendering gas service of any kind. The application further states that the allocation of natural gas is requested in the name of the municipality although the actual operation and maintenance of the city's natural gas system will be done by a natural gas Board.

The estimated third year peak day and annual requirements of Applicant are 374.6 Mcf and 37,199 Mcf, respectively.

The total estimated cost of the new construction is $255,000, which cost will be financed by the issuance of natural gas revenue bonds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before September 12, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-9990; Filed, Aug. 20, 1968; 8:45 a.m.]

[Docket No. CP68-315]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Petition To Amend

AUGUST 15, 1968.

Take notice that on August 5, 1968, Consolidated Gas Supply Corp. (Petitioner), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP68-315 a petition to amend the order of the Commission issued in said docket on July 5, 1968, which order authorized Petitioner to increase the storage service which it renders for Transcontinental Gas Pipe Line Corp. (Transco) to provide for a storage capacity volume of 13,575,000 Mcf and a storage demand of 263,500 Mcf, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the instant filing, Petitioner seeks amendment of said order by requesting authorization to increase its maximum annual volume of storage service for Transco from 13,575,000 Mcf to 15,575,000 Mcf for the current storage year beginning April 1, 1968.

The petition states that Petitioner's ability to render the increased storage service results from a higher than expected injection level during the current injection period.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (157.10) on or before September 11, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-9991; Filed, Aug. 20, 1968; 8:45 a.m.]

[Docket No. CP68-164]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Petition to Amend

AUGUST 15, 1968.

Take notice that on August 7, 1968, Natural Gas Pipeline Co. of America (Petitioner), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP68-164 a petition to amend the order of the Commission issued in said docket May 3, 1968, which order authorized Petitioner to expand its pipeline and storage facilities, including authorization to operate the Loudon Storage Field, Fayette, and Effingham Counties, Ill., for customer service, and in such order limited the amount of gas which Petitioner may inject into the Loudon Field to 11.6 billion cubic feet at 14.73 p.s.i.a. and 60° F., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the instant filing, Petitioner seeks amendment of said order by requesting that the inventory limitation applicable to the Loudon Field be increased to 20 billion cubic feet at 14.73 p.s.i.a. and 60° F.

Petitioner states that it has been able to develop the Loudon Field at a rate faster than had been earlier anticipated, with the result that it expects to reach the existing limitation of 11.6 billion cubic feet within the next few months. The petition states that it is necessary that such limitation be increased so that Petitioner may continue the development of this field.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before September 9, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-9992; Filed, Aug. 20, 1968; 8:45 a.m.]

DEPARTMENT OF DEFENSE

Department of the Army

STATEMENT OF ORGANIZATION AND FUNCTIONS

Description of Central and Field Agencies

Section 3 of the Statement of Organization and functions, appearing at 32 F.R. 13016-13028, September 13, 1967, is amended by revising paragraph (c), United States Army Combat Developments Command, to read as follows:

SEC. 3. *Major Army Field Commands.*

* * *

(c) *U.S. Army Combat Developments Command*—

(1) *Purpose.* This paragraph sets forth the mission and principal functions of the Commanding General, U.S. Army Combat Developments Command and prescribes command and staff relationships with higher and collateral echelons.

(2) *Mission.* The mission of the Commanding General, U.S. Army Combat Developments Command, a major field commander of the Department of the Army, is to—

(i) Formulate and document concepts, doctrine, materiel requirements, and organizations for:

(*a*) The Army in the field in all combat environments.

(*b*) Army participation in the unified defense of the United States against air and missile attack.

(c) Army support of U.S. civil authorities and civil defense.

(ii) Determine, in anticipation of the nature of land warfare in the future, the kinds of forces and materiel needed and how these forces and materiel should be employed.

(iii) Design the Land Combat System for the Army in the field for approximately 20 years in the future.

(iv) Make recommendations to Headquarters, Department of the Army, in regard to the above matters.

(3) *Principal functions.* The principal functions of the Commanding General, U.S. Army Combat Developments Command, are to—

(i) Formulate, develop, test, recommend and document new or improved concepts, doctrine, materiel requirements, and organizations for—

(*a*) The Army in the field in all combat environments.

(*b*) Army participation in the unified defense of the United States against air and missile attack, in coordination with Commanding General, U.S. Army Air Defense Command.

(c) Army support of U.S. civil authorities and civil defense.

(ii) Formulate every 5 years and update if necessary annually a long range strategic study for use by Headquarters, Department of the Army, in long range planning.

(iii) Recommend annual revisions to the Army Force Development Plan, Combat Development Objectives Guide, and the Army Master Study Program.

(iv) Prepare recommendations with regard to revision of the Basic Army Strategic Estimate and the Army Strategic Plan.

(v) Recommend the integration of new or improved doctrine, materiel and organizations into the Army in the field.

(vi) Formulate, in coordination with the developing agencies, and submit to Headquarters, Department of the Army for approval operational capabilities objectives, qualitative materiel development objectives, advanced development objectives, qualitative materiel requirements, and small development requirements for materiel to be used by the Army in the field. Review, comment upon, and submit to Headquarters, Department of the Army for final action all objectives and requirements documents relating to materiel for use by units not of the Army in the field.

(vii) Review and recommend to the Headquarters, Department of the Army concerning continued validity of, or the need for revision or elimination of operational capabilities objectives, qualitative materiel development objectives, advanced development objectives, qualitative materiel requirements, and small development requirements.

(viii) Provide user guidance to materiel developing agencies during all phases of the development process.

(ix) Evaluate the overall military worth of Army materiel and systems throughout their life cycle from inception disposition.

(x) Review and provide approval of service test plans, review other developmental test plans and reports from the viewpoint of troop operational employment and overall military worth, and provide comments to the developing agency.

(xi) Participate in the In-Process Review, System Status Evaluations, Materiel Status Committee, and Materiel Requirements Review Committee activities.

(xii) Analyze, develop, and submit to Headquarters, Department of the Army for approval theater ammunition combat rates as prescribed by AR 710-8.

(xiii) Develop and recommend to Headquarters, Department of the Army:

(*a*) Basis of Issue Plans for new items of equipment proposed for engineering development or type classification, except for Basis of Issue Plans for Medical equipment and U.S. Army Security Agency sole user equipment which will be developed by The Surgeon General and the Commanding General, U.S. Army Security Agency respectively in coordination with Commanding General, U.S. Army Combat Developments Command.

(*b*) Qualitative and quantitative personnel requirements for additions, changes, or deletions to the military occupational specialty (MOS) codes generated by doctrinal or organizational changes. Provide advice and assistance as requested to the developing agencies with respect to qualitative or quantitative personnel requirements generated by new or improved equipment or systems development.

(*c*) Logistics systems for the Army in the field to include—

(*1*) Systems and procedures for the conduct and management of logistics operations.

(*2*) Automation of logistics systems and procedures encompassing computer programing, design of input/output forms consistent with applicable logistics procedures and Department of the Army regulatory requirements.

(*d*) Tables of Organization and Equipment (TOE) including tentative TOE: and publish and distribute tentative TOE when authorized by Headquarters, Department of the Army.

(*e*) Manpower authorization standards and criteria for nonsupervisory enlisted service-type personnel positions and activities in proponent TOE.

(xiv) Develop the Army contribution to joint doctrine as it applies to the Army in the field in all combat environments; to Army participation in the unified defense of the United States against air

and missile attack, in coordination with U.S. Army Air Defense Command; and to Army support of U.S. civil authorities and civil defense.

(xv) Promulgate approved doctrine by means of field manuals and other doctrinal publications.

(xvi) Provide expedited combat developments in response to rapidly developing requirements for new or improved doctrine, materiel, or organization.

(xvii) Review doctrine, materiel requirements, and organization of other U.S. Military Services and of potential enemy military forces to determine implications with respect to the U.S. Army. Maintain liaison with counterpart organizations of other U.S. Military Services to insure the conduct of combat developments in the joint area and the elimination of unnecessary duplication.

(xviii) Command subordinate headquarters and activities as may be assigned by Headquarters, Department of the Army; plan, program, coordinate requirements, and provide and supervise utilization of resources for accomplishment of basic U.S. Army Combat Developments Command missions, functions, and responsibilities; coordinate the provision of base operation and other support to U.S. Army Combat Developments Command activities which are tenants on facilities of other commands; and budget and fund for financial resources as specified in AR 37–1.

(xix) Review and comment on proposed product improvements to insure compatibility with the Army combat development program.

(xx) Analyze and recommend corrective action concerning information obtained from Operational Reports-Lessons Learned that relate to organization and doctrine.

(xxi) Formulate, in coordination with major interested agencies, and submit to Headquarters, Department of the Army for approval functional system design requirements for computer software to be used by the Army in the field.

(4) *Command and staff relationships.* The Commanding General, U.S. Army Combat Developments Command is under the supervision of the Chief of Staff, U.S. Army. Directives, authorities, policy, planning and program guidance, approved programs, and resource allocations are issued to the Commanding General, U.S. Army Combat Developments Command, by the Chief of Staff, U.S. Army.

(5) *Collateral relationships.* (i) The U.S. Army Combat Developments Command and the other major Army commands are coordinate elements of the Department of the Army. The Commanding General, U.S. Army Combat Developments Command is authorized to communicate directly with other major Army commanders or with heads of Headquarters, Department of the Army agencies in their command capacities with respect to matters of mutual interest.

(ii) The Commanding General, U.S. Army Combat Developments Command will—

(a) Assure liberal exchange of information with the commanders of materiel developing agencies and training agencies relative to approved projects for the development of materiel, including qualitative and quantitative personnel requirements resulting therefrom, and will maintain an awareness of other developments which will have an impact on future materiel requirements, development and test programs for new equipment, and training publications.

(b) Inform other major commanders and Department of the Army Staff agencies of combat development activities which will have an impact on their operational and training missions, programs, and requirements, and will assure liberal exchange of information relative to their support of and interest in U.S. Army Combat Developments Command development activities.

(c) Establish contact with commanders of Army components of unified commands to insure that Army combat development activities are quickly responsive to Army objectives and requirements.

(d) Coordinate proposed qualitative materiel development objectives, qualitative materiel requirements, and small development requirements with the other Military Services and other Government agencies as appropriate to insure interservice compatibility and eliminate duplication, and with quadripartite allies in accordance with international agreements, current disclosure and other policies governing these activities.

(e) Coordinate closely with the U.S. Army Materiel Command in the development of logistics systems that involve an interface between wholesale logistics procedures and logistics procedures at Army in the field level.

(f) Maintain liaison with combat development or similar activities of industry, civilian institutions of higher learning, and other governmental agencies to maintain an awareness of their developments and to exchange information pertaining to matters of mutual interest.

(g) Maintain liaison with counterpart agencies of friendly nations in order to take cognizance of friendly foreign combat developments, improve standardization and harmonization with allied forces, and eliminate unnecessary duplication.

For the Adjutant General.

R. F. ASKEY,
Colonel, AGC,
Comptroller, TAGO.

[F.R. Doc. 68–10017; Filed, Aug. 20, 1968; 8:48 a.m.]

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[Directive No. 4]

ASSOCIATE DIRECTORS

Redelegation of Functions

Under the authority delegated to the Director of the Bureau of Narcotics and Dangerous Drugs by the Attorney General in Order No. 393–68, 33 F.R. 5580, I hereby make the following redelegations:

1. The Associate Directors are authorized to exercise all necessary functions with respect to the issuance of narcotic drug importation and exportation permits pursuant to sections 173 and 182 of Title 21, United States Code, and Part 302 of Title 21, Code of Federal Regulations.

2. The Chief Counsel or, in his absence the Deputy Chief Counsel, are authorized to exercise all necessary functions with respect to the following described matters:

(a) Decisions on petitions for remission or mitigation of forfeitures incurred under the Act of August 9, 1939 (49 U.S.C. 781 et seq.) pursuant to section 1619 of Title 19, United States Code, and

(b) Execution of seal for certification required to authenticate any documents pursuant to section 0.146 of Title 28, Code of Federal Regulations.

Dated: August 5, 1968.

JOHN E. INGERSOLL,
Director.

[F.R. Doc. 68–9988; Filed, Aug. 20, 1968; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AR 035656]

ARIZONA

Notice of Classification of Public Lands for Exchange; Correction

In F.R. Doc. 68–9339 appearing on page 1122 of the issue of August 6, 1968, the following change should be made:

2. Publication of the notice of proposed classification had the effect of segregating the described lands from all forms of appropriation under the public land laws, including the mining laws, except private exchanges. The lands will remain open to the mineral leasing laws.

FRED J. WEILER,
State Director.

AUGUST 13, 1968.

[F.R. Doc. 68–9998; Filed, Aug. 20, 1968; 8:46 a.m.]

[Sacramento 1679]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 14, 1968.

The Bureau of Land Management, U.S. Department of the Interior, has filed an application Serial No. Sacramento 1679 for the withdrawal of the land described below, from all forms of appropriations under the public land laws, including the mining but not the mineral leasing laws. The applicant desires the land for the South Yuba-Round Mountain Recreation Area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814.

The Department's regulations (43 CFR 2311.1–3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with a view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

CALIFORNIA

MOUNT DIABLO MERIDIAN

South Yuba-Round Mountain Recreation Area

T. 17 N., R. 9 E.,
Sec. 10, S½S½SE¼;
Sec. 13, SW¼NE¼, S½SE¼NE¼, SE¼SW¼NW¼, NE¼SE¼NW¼, S½SW¼NW¼, N½N½SW¼, and N½NE¼SE¼;
Sec. 14, lot 4, SE¼NE¼, S½NW¼, N½SW¼, N½NE¼SE¼, and NW¼SE¼;
Sec. 15, lots 2 and 3, NE¼, E½SE¼NW¼, S½NW¼SW¼, SE¼SW¼, and W½SW¼SE¼;
Sec. 16, N½ lot 1, lots 4 and 5, E½NE¼, S½NE¼SW¼, S½SW¼, N½SE¼, and N½SW¼SE¼, exclusive of any portion unpatented lot 77;
Sec. 17, S½SE¼SE¼;
Sec. 20, N½NE¼NE¼;
Sec. 22, lot 12.

The areas described aggregate approximately 1,233 acres in Nevada County.

JESSE H. JOHNSON,
Acting Chief, Lands, Adjudication Section.

[F.R. Doc. 68–9999; Filed, Aug. 20, 1968; 8:46 a.m.]

[New Mexico 4842]

NEW MEXICO

Notice of Proposed Classification

AUGUST 14, 1968.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), notice is hereby given of a proposal to classify the land described below for disposal through exchange, under section 8 of the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315g), as amended, for lands within Chaves County, N. Mex.

The District Advisory Board, local governmental officials, and other interested parties have been notified of this application. Information derived from discussions and other sources indicate that these lands meet the criterion of 43 CFR 2410.1–3(c)(4), which authorizes classification of lands "for exchanges under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which we need for the support of a Federal program." Information concerning the lands, including the record of public discussions, is available for inspection and study in the Land Office, Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex. 87501; Socorro District Office, 200 Neel Avenue, Socorro, N. Mex. 87801, and Roswell District Office, Post Office Box 1397, Roswell, N. Mex. 88201.

For a period of 60 days from the date of this publication, interested parties may submit comments to the District Manager of the Socorro or Roswell District Office.

The lands affected by this proposal are located in McKinley, Sandoval, and San Juan Counties, N. Mex., and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN, N. MEX.

T. 23 N., R. 6 W.,
Sec. 21, NE¼NE¼.
T. 19 N., R. 8 W.,
Sec. 14, lots 3, 4, and E½SW¼.
T. 23 N., R. 9 W.,
Sec. 1, lots 3, 4, and S½NW¼.
T. 25 N., R. 9 W.,
Sec. 5, S½;
Sec. 6, lots 6, 7, E½SW¼, and SE¼;
Sec. 7, lot 1, NE¼ and E½NW¼;
Sec. 19, NW¼NE¼ and NE¼NW¼.
T. 25 N., R. 10 W.,
Sec. 1, NE¼SW¼, N½SE¼SW¼, N½SE¼, and N½S½SE¼.
T. 13 N., R. 17 W.,
Sec. 28, W½NW¼ and S½SE¼.
T. 14 N., R. 17 W.,
Sec. 4, lots 1, 2, 3, 4, S½N½, and SE¼;
Sec. 6, lots 1, 3, SE¼NE¼, SE¼NW¼, E½SW¼, and E½SE¼;
Sec. 8, W½ and SE¼;
Sec. 22, lots 1, 2, 3, 4, and W½W½.
T. 13 N., R. 19 W.,
Sec. 32, W½SW¼ and SE¼SW¼.
T. 13 N., R. 20 W.,
Sec. 28, NE¼.

The areas described aggregate 3500.58 acres.

MICHAEL T. SOLAN,
Acting State Director.

[F.R. Doc. 68–10001; Filed, Aug. 20, 1968; 8:46 a.m.]

[New Mexico 6286]

NEW MEXICO

Notice of Classification of Public Lands for Transfer Out of Federal Ownership

AUGUST 14, 1968.

1. Pursuant to the act of September 19, 1964 (43 U.S.C. 1411–18), and the regulations in 43 CFR Parts 2410 and 2411, the following public lands are hereby classified for disposal as specified below. As a result of comments received following publication of the proposed classification (33 F.R. 8283–8286), and the public hearing held in Datil, N. Mex., no changes are being made from the original proposal.

2. Priority for disposals will be given to applications for (a) State grants and indemnity selections (43 U.S.C. 851, 852); (b) exchanges for transfer out of Federal ownership under section 8 of the Taylor Grazing Act (43 U.S.C. 315g); and (c) public sales under section 2455 of Revised Statutes (43 U.S.C. 1171).

NEW MEXICO PRINCIPAL MERIDIAN, N. MEX.

UNIT 30–02–71

T. 1 N., R. 11 W.,
Sec. 6, lot 7, SE¼SW¼, and SW¼SE¼.
T. 3 N., R. 11 W.,
Sec. 12.
T. 1 N., R. 12 W.,
Sec. 11, E½;
Sec. 15, NE¼ and NW¼SE¼;
Sec. 19, lots 20, 21, 26 to 34, inclusive, 36, 37, 39 to 44, inclusive;
Sec. 20, NE¼, N½NW¼, SE¼NW¼, N½SW¼NW¼, SE¼SW¼NW¼, and N½S½.
T. 2 N., R. 12 W.,
Sec. 18, lots 2, 3, 4, SE¼NW¼, and NE¼SW¼.
T. 1 N., R. 13 W.,
Sec. 5, SE¼NW¼;
Sec. 7, lots 1, 2, NE¼, and E½NW¼;
Sec. 9;
Sec. 10, NE¼NW¼;
Sec. 11, SE¼SE¼;
Sec. 12, NE¼, NE¼NW¼, S½NW¼, and S½;
Sec. 13, SE¼SW¼ and S½SE¼;
Sec. 14, S½N½ and N½S½;
Sec. 15, S½N½, SW¼, and N½SE¼;
Sec. 17, S½;
Sec. 18, E½;
Sec. 20, NE¼NE¼;
Sec. 21, N½N½;
Sec. 22, N½NW¼.
T. 2 N., R. 13 W.,
Sec. 24, N½NE¼, SW¼NE¼, SE¼NW¼, E½SW¼, and W½SE¼.
T. 1 N., R. 14 W.,
Sec. 7, lot 4, SE¼SW¼, and SW¼SE¼;
Sec. 13, N½S½.
T. 2 N., R. 14 W.,
Sec. 3, SE¼;
Sec. 4, lot 4, SW¼NW¼, and W½SW¼;
Sec. 9, NW¼ and S½;
Sec. 10, NE¼ and S½;
Sec. 14;
Sec. 15, N½ and SE¼.
T. 3 N., R. 14 W.,
Sec. 33, W½W½.
T. 4 N., R. 14 W.,
Sec. 12, SW¼.
T. 6 N., R. 14 W.,
Sec. 30.
T. 1 N., R. 15 W.,
Sec. 7, lot 3;
Sec. 9, SE¼;
Sec. 10, NE¼SW¼, SW¼SW¼, and N½SE¼;
Sec. 11, N½SW¼, NE¼NE¼SE¼, S½NE¼SE¼, E½NW¼NE¼SE¼, and NW¼NW¼NE¼SE¼;
Sec. 12, N½SW¼ and S½SE¼.
T. 2 N., R. 15 W.,
Sec. 1, lots 1, 2, 3, 4, S½N½, SW¼, and W½SE¼;
Sec. 3, S½;
Sec. 9, S½;
Sec. 18, W½E½ and E½W½;
Sec. 20, S½;
Sec. 29, N½.
T. 3 N., R. 15 W.,
Sec. 15, W½SW¼.

T. 6 N., R. 15 W.,
Sec. 24.
T. 1 N., R. 16 W.,
Sec. 1, NE¼SE¼;
Sec. 10, S½NW¼, SW¼, and SW¼SE¼;
Sec. 12, NE¼SE¼ and S½S½;
Sec. 13, NW¼;
Sec. 14, NE¼NE¼ and S½SW¼;
Sec. 15, W½E½, W½, and SE¼SE¼;
Sec. 22, N½NW¼ and SW¼NW¼;
Sec. 23, W½SE¼ and SE¼SE¼;
Sec. 26, W½E½ and W½;
Sec. 29, SE¼NW¼;
Sec. 34, E½SE¼.
T. 2 N., R. 16 W.,
Sec. 29, NE¼NW¼ and NW¼SW¼;
Sec. 30, E½SE¼.
T. 5 N., R. 16 W.,
Sec. 35.
T. 3 N., R. 19 W.,
Sec. 21, N½;
Sec. 22, NE¼;
Sec. 23, NW¼NW¼, S½SW¼, and SW¼SE¼;
Sec. 26;
Sec. 33, E½ and E½W½;
Sec. 34, SE¼SW¼;
Sec. 35, SE¼NE¼, N½NW¼, SW¼NW¼, and N½SE¼.
T. 1 N., R. 20 W.,
Sec. 7, lots 1, 2, 3, 4, and E½W½;
Sec. 18, lots 1, 2, 3, 4, and E½W½;
Sec. 19, lots 2, 3, S½NE¼, SE¼NW¼, NE¼SW¼, and N½SE¼;
Sec. 20, SW¼NE¼, S½NW¼, NE¼SW¼, and W½SE¼;
Sec. 29, SW¼NE¼, E½W½, and W½SE¼;
Sec. 30, lots 1, 2, 3, 4, and E½;
Sec. 31, lots 1, 2, 3, NE¼, E½NW¼, NE¼SW¼, and N½SE¼.
T. 3 N., R. 20 W.,
Sec. 4, lot 4;
Sec. 5, lot 1;
Sec. 13, N½SW¼;
Sec. 14, S½SE¼;
Sec. 19, lot 3, E½SW¼, NE¼SE¼, and W½SE¼;
Sec. 20, SW¼NE¼ and S½NW¼;
Sec. 21, SE¼SE¼;
Sec. 22, S½NE¼, N½SW¼, SW¼SW¼, and NW¼SE¼;
Sec. 23, N½NW¼ and SW¼NW¼.
T. 6 N., R. 20 W.,
Sec. 4, lot 1.
T. 1 N., R. 21 W.,
Sec. 1, lots 3, 4, S½NW¼, and SW¼;
Sec. 3, lot 4 and SW¼NW¼;
Sec. 9, lots 1, 2, 3, 4, and W½E½;
Sec. 10, SE¼;
Sec. 11;
Sec. 12, lots 1, 2, 3, 4, W½E½, and E½W½;
Sec. 13, lots 1, 2, 3, 4, W½E½, and E½W½;
Sec. 14;
Sec. 15, E½;
Sec. 23, S½N½, SW¼, and S½SE¼;
Sec. 24, SW¼NE¼, S½NW¼, N½SW¼, and W½SE¼;
Sec. 25, W½E½, NW¼, and S½SW¼;
Sec. 26, S½NE¼ and SE¼;
Sec. 28, lots 1, 4, and N½NE¼;
Sec. 33, lots 1, 2, 3, 4, SW¼NE¼, and W½SE¼;
Sec. 34, E½ and E½W½;
Sec. 35.
T. 2 N., R. 21 W.,
Sec. 34, SW¼;
Sec. 35, E½W½.
T. 3 N., R. 21 W.,
Sec. 24, NE¼SE¼ and S½S½.
T. 3 S., R. 13 W.,
Sec. 21, SE¼SE¼;
Sec. 29, N½NE¼ and NE¼NW¼.
T. 1 S., R. 21 W.,
Sec. 1, lots 1 to 8, inclusive;
Sec. 3, lots 1, 2, 3, 6, 7, 8, 9, 10, 11, 14, 15, 16, and E½SW¼;
Sec. 4, lots 3, 4, 5, 6, 11, 12, 13, 14, 17, 18, and E½SW¼;
Sec. 9, lots 1, 2, SE¼NE¼, NE¼NW¼, and E½SE¼;
Sec. 10, W½;
Secs. 13, 14, and 15;
Sec. 21, lots 1, 2, 3, 4, E½, and E½W½;
Sec. 22, W½;
Sec. 23, E½;
Sec. 24.

The areas described above aggregate 33,372.22 acres.

UNIT 30–02–72

T. 6 N., R. 1 W.,
Sec. 6, lots 4 and 5;
Sec. 18, NE¼.
T. 5 N., R. 3 W.,
Secs. 4, 6, 8, 10, 12, 14, and 22;
Sec. 28, NE¼ and SW¼.
T. 2 N., R. 4 W.,
Sec. 5, lots 3 to 12, inclusive, S½NW¼ and SW¼;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, and E½SE¼;
Sec. 7, lots 5 to 12, inclusive and E½.
T. 2 N., R. 5 W.,
Sec. 1;
Sec. 12, N½N½.
T. 3 N., R. 5 W.,
Sec. 4, lots 1, 2, 3, 4, S½NW¼ and S½SE¼;
Secs. 7 and 9;
Sec. 10, S½;
Sec. 11;
Sec. 14, E½;
Secs. 15, 17, and 19;
Sec. 20, NE¼NE¼, S½NE¼, and S½;
Secs. 21, 22, 23, and 25;
Sec. 27, N½NE¼;
Secs. 29, 31, and 33;
Sec. 34, S½N½ and S½.
T. 4 N., R. 5 W.,
Sec. 14, W½;
Sec. 20, E½ and S½SW¼;
Sec. 24, S½;
Sec. 26;
Sec. 28, W½;
Sec. 30, lots 3 to 8, inclusive, E½ and E½SW¼;
Sec. 34, lots 1, 2, 3, 4, and S½.
T. 2 N., R. 7 W.,
Sec. 4, S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼.
T. 3 N., R. 7 W.,
Sec. 28, SE¼;
Sec. 30, W½SE¼;
Sec. 34, NE¼.
T. 3 N., R. 8 W.,
Sec. 12;
Sec. 20, N½ and SW¼;
Sec. 22, N½NW¼ and SE¼SW¼;
Sec. 30, lots 1, 2, 3, 4, NE¼, E½W½, and N½SE¼.
T. 2 S., R. 10 W.,
Sec. 14, NW¼SW¼ and S½SW¼;
Sec. 18, E½, NE¼NW¼, NE¼SE¼NW¼, S½SE¼NW¼, and NE¼SW¼;
Sec. 22, NE¼NE¼;
Sec. 24, E½NW¼ and NW¼NW¼.
T. 3 S., R. 11 W.,
Sec. 21;
Sec. 22, W½.
T. 3 S., R. 12 W.,
Sec. 34, SW¼NW¼;
Sec. 36, E½SE¼.

The areas described aggregate 25,879.51 acres.

UNIT 30–02–73

T. 4 S., R. 5 W.,
Sec. 5, lot 1, S½NW¼, N½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 8, N½NE¼ and SE¼NE¼.
T. 4 S., R. 6 W.,
Sec. 5, lot 3, E½NW¼, SW¼NW¼, and SW¼;
Sec. 6, lots 1, 2, S½NE¼ and SE¼.
T. 3 S., R. 7 W.,
Sec. 27, E½E½, SW¼NE¼, NE¼SW¼, S½SW¼, and W½SE¼;
Sec. 33, NE¼NE¼;
Sec. 34, E½ and N½NW¼.
T. 4 S., R. 7 W.,
Sec. 3, lots 1, 2, S½NE¼ and SE¼.
T. 4 S., R. 8 W.,
Secs. 13, 15, 17, 18, 19, and 20;
Sec. 28, E½NW¼, NW¼NW¼, W½SW¼, and SE¼SE¼;
Sec. 29;
Sec. 30, lots 1, 3, 4, E½ and E½W½;
Secs. 31 and 33.
T. 5 S., R. 8 W.,
Secs. 4, 5, 6, 7, and 8;
Sec. 9, lots 1, 2, 3, N½, N½SW¼, SW¼SW¼, and NE¼SE¼;
Sec. 16, lots 1 to 7, inclusive;
Sec. 17, lots 1, 2, NW¼NE¼ and N½NW¼;
Sec. 18, lot 5, N½NE¼ and NE¼NW¼;
Sec. 31, lots 10 and 11.
T. 6 S., R. 8 W.,
Sec. 4, lots 11, 12, 13, 14, 19, 20, 21, and 22;
Secs. 6 and 7;
Sec. 9, lots 3, 4, 5, 6, 11, 12, 13, and 14;
Sec. 21, W½;
Sec. 28, lots 3, 4, 5, 6, 11, 12, 13, and 14;
Sec. 33, lots 1 to 8, inclusive.
T. 7 S., R. 8 W.,
Sec. 4, lots 3, 4, S½NW¼, N½SW¼, and SW¼SW¼;
Sec. 5;
Sec. 6, lots 2 to 7, inclusive, SW¼NE¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 7, lots 1, 2, 3, 4, W½E½ and E½W½;
Sec. 8;
Sec. 9, E½ and N½NW¼;
Secs. 17, 20, and 27;
Sec. 30, lot 4, SE¼SW¼ and S½SE¼;
Sec. 33, W½W½;
Sec. 34, E½W½;
Sec. 35, S½NW¼ and S½.
T. 8 S., R. 8 W.,
Sec. 1, lots 2, 3, 4, S½NW¼, NW¼SW¼, and E½SE¼;
Sec. 5, SW¼ and E½SE¼;
Sec. 7, N½SE¼;
Sec. 8, SW¼, NW¼SE¼, and S½SE¼;
Sec. 17, E½E½, NW¼NE¼, NE¼NW¼, and SW¼SE¼;
Sec. 20;
Sec. 27, SW¼NE¼, NW¼, and S½;
Secs. 28, 29, 30, 33, and 34;
Sec. 35, lots 1 to 8, inclusive.
T. 9 S., R. 8 W.,
Secs. 3, 4, 5, 8, and 9;
Sec. 10, lots 1 to 13, inclusive;
Sec. 11, lots 4, 5, 12, and 13;
Sec. 14, NW¼NW¼;
Sec. 15, lots 1, 2, 3, 6, 7, 8, and 9;
Sec. 17, lots 1 and 10 to 16, inclusive;
Sec. 18, lots 3, 4, E½SW¼ and SE¼;
Sec. 20, N½N½;
Sec. 21, lots 1 to 6, inclusive;
Sec. 22, lots 2 to 6, inclusive;
Sec. 26, E½SW¼ and SE¼;
Sec. 35.
T. 10 S., R. 8 W.,
Sec. 2, lots 3 and 5.
T. 4 S., R. 9 W.,
Sec. 24, E½;
Sec. 25, NW¼NE¼, S½NE¼, and SE¼.
T. 5 S., R. 9 W.,
Sec. 11, N½;
Sec. 12, N½;
Sec. 14, NE¼;
Sec. 15, N½NE¼ and S½SW¼;
Sec. 22;
Sec. 26, N½ and N½S½;
Sec. 27, N½ and SW¼.
T. 6 S., R. 9 W.,
Sec. 1, lots 5 to 16, inclusive;
Secs. 10, 11, 12, and 15;
Sec. 22, W½E½ and W½;
Sec. 26, SW¼.

T. 7 S., R. 9 W.,
Sec. 1;
Sec. 3, lots 1, 2, 3, 4, S½N½, and NW¼SW¼;
Sec. 4, lot 1, S½NE¼, SE¼NW¼, and S½;
Sec. 5, S½SE¼;
Sec. 8, N½ and N½SW¼;
Sec. 9, N½NW¼;
Sec. 10, NW¼NW¼;
Sec. 12, N½, N½SE¼, and SW¼SE¼;
Sec. 15, N½N½;
Sec. 17, S½;
Sec. 24, W½SW¼ and SE¼SW¼;
Sec. 25, N½N½, N½S½, SE¼SW¼, and S½SE¼.
T. 8 S., R. 9 W.,
Sec. 1, lot 4, SW¼NW¼, and SW¼;
Sec. 24, NE¼ and N½SE¼;
Sec. 25, NE¼, S½NW¼, and S½.
T. 9 S., R. 9 W.,
Sec. 12, lots 1, 2, 3, and 4;
Sec. 13, lots 4, 5, and Tract 40;
Sec. 24, lot 1.
T. 8 S., R. 10 W.,
Sec. 1, lots 1, 2, 3, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 12, S½.
T. 9 S., R. 10 W.,
Sec. 4, N½, W½SW¼, and SE¼SW¼.
T. 4 S., R. 11 W.,
Sec. 31, lots 1, 2, 8, 9, 10, 15, and 16.
T. 5 S., R. 11 W.,
Sec. 6, lots 6, 7, 14, and 15.
T. 6 S., R. 11 W.,
Sec. 5, lots 5 to 10, inclusive;
Sec. 8, lots 1 to 8, inclusive;
Sec. 22, NE¼;
Sec. 35, lots 1 to 16, inclusive.
T. 6 S., R. 12 W.,
Sec. 18, lots 5, 6, 7, and 8.
T. 5 S., R. 13 W.,
Sec. 31, lots 2, 3, 4, S½NE¼, SE¼NW¼, E½SW¼, and SE¼.
T. 6 S., R. 13 W.,
Sec. 6.
T. 8 S., R. 13 W.,
Sec. 31, SE¼.
T. 5 S., R. 14 W.,
Sec. 1, lots 3, 4, S½NW¼, and SW¼;
Sec. 8, N½SE¼;
Sec. 9, SE¼NE¼;
Sec. 17, E½NE¼, and NE¼SE¼;
Sec. 23;
Sec. 24, E½, S½NW¼, and SW¼;
Sec. 25;
Sec. 26, E½, NW¼, E½SW¼, and NW¼SW¼;
Sec. 27, SW¼NE¼, E½W½, SW¼SW¼, and W½SE¼;
Sec. 34, W½E½, W½, and E½SE¼;
Sec. 35, E½, E½NW¼, and SW¼.
T. 6 S., R. 14 W.,
Sec. 1.
T. 7 S., R. 14 W.,
Sec. 5, lots 3, 4, S½NW¼, and SW¼;
Sec. 6;
Sec. 7, lots 1, 2, 3, 4, NE¼, E½W½, W½SE¼, and SE¼SE¼;
Sec. 8, N½NW¼, E½SW¼, and SW¼SW¼;
Sec. 17, NW¼.
T. 5 S., R. 15 W.,
Secs. 3 and 4;
Sec. 5, lot 1, SE¼NE¼, and E½SE¼;
Sec. 6, lots 2, 3, 4, 5, 6, 7, SW¼NE¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 7, lots 1, 2, NE¼, and E½NW¼;
Sec. 8, N½;
Sec. 10, N½;
Sec. 11, N½.
T. 6 S., R. 15 W.,
Sec. 26.

The areas described aggregate 60,428.08 acres.

UNIT 30–02–74

T. 1 N., R. 2 W.,
Sec. 29, lots 1, 2, 3, 4, W½NW¼ and SW¼;
Sec. 31.
T. 1 S., R. 2 W.,
Sec. 8, S½SW¼;
Sec. 16, lot 1;
Sec. 17, lots 1 to 5, inclusive and S½SW¼;
Sec. 19, lots 1 to 5, inclusive, NE¼NE¼, W½NE¼, NW¼, N½SW¼, and SW¼SW¼;
Secs. 25, 27, 29, 31, 33, and 35.
T. 2 S., R. 2 W.,
Sec. 1;
Sec. 12, E½E½;
Secs. 13, 14, 22, and 24;
Sec. 27, N½.
T. 3 S., R. 2 W.,
Sec. 7, lots 1, 2, NE¼ and E½NW¼;
Sec. 8, N½;
Sec. 18, E½E½;
Sec. 20, SW¼;
Sec. 29, W½.
T. 7 S., R. 2 W.,
Sec. 6, lot 1;
Sec. 7, lots 1, 2, and 3.
T. 1 S., R. 3 W.,
Sec. 13, lots 1, 2, 3, 4 and S½S½;
Sec. 15, lots 1, 2, 3, 4 and S½S½;
Sec. 17, lots 1, 2, 3, 4 and S½S½;
Sec. 35, lots 7, 8, 9, NE¼SE¼ and S½SE¼.
T. 2 S., R. 3 W.,
Sec. 3, lots 10 to 14, inclusive, SE¼SW¼ and SE¼;
Sec. 4, lot 6;
Sec. 5, lots 3, 4 and S½NW¼;
Sec. 9, S½NE¼, SE¼NW¼, and S½;
Sec. 35.
T. 5 S., R. 3 W.,
Secs. 8, 9, 10, and 11;
Sec. 12, lot 4;
Sec. 13, lots 2 and 3;
Sec. 14, lots 6, 7, 8, N½, N½SW¼, and NW¼SE¼;
Sec. 15, lots 5, 6, 7, 8, N½ and N½S½;
Sec. 17, lots 9 to 15, inclusive, NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 18, E½;
Sec. 19, E½ and E½SW¼;
Sec. 20;
Sec. 30, lots 3, 4, E½ and E½W½;
Sec. 31.
T. 6 S., R. 3 W.,
Sec. 5, lots 5 to 16, inclusive;
Secs. 6, 7, 8, 17, 18, 19, 20, and 21;
Sec. 22, SW¼NW¼ and W½SW¼;
Secs. 31 and 33;
Sec. 34, NE¼NE¼, W½NE¼, NW¼, N½SW¼, SW¼SW¼, and SE¼SE¼;
Sec. 35, E½, SE¼NW¼, and SW¼.
T. 7 S., R. 3 W.,
Sec. 3, lots 3, 4 and SW¼NW¼;
Sec. 4, SE¼NE¼, S½SW¼, NE¼SE¼, and W½SE¼;
Sec. 5, SE¼SE¼;
Sec. 6, lot 5;
Sec. 7, lots 3 and 4;
Sec. 8, lots 1 and 2;
Sec. 9, E½, NW¼, and NE¼SW¼;
Secs. 10, 11 and 12;
Sec. 15, N½N½ and SW¼NW¼;
Sec. 17, NE¼, N½S½, SW¼SW¼, and SE¼SE¼;
Secs. 19 and 20;
Sec. 21, NE¼NW¼ and W½W½;
Sec. 28, N½S½ and SW¼SW¼;
Sec. 30;
Sec. 31, lot 3, NE¼SW¼ and N½SE¼.
T. 8 S., R. 3 W.,
Sec. 30.
T. 2 S., R. 4 W.,
Sec. 21, lots 3, 4 and W½NW¼.
T. 5 S., R. 4 W.,
Sec. 4, lots 1, 2, 3, 4, S½N½, SW¼, and N½SE¼;
Sec. 5, lot 1, SE¼NE¼, NE¼SE¼, and S½S½;
Sec. 8, W½NE¼ and W½;
Sec. 13, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 14;
Sec. 17, N½NW¼;
Sec. 22, E½, NE¼NW¼, S½NW¼, and SW¼;
Sec. 30, lots 2, 3, 4, and S½SE¼;
Sec. 31, lots 1, 2, NE¼, and SE¼NW¼.
T. 6 S., R. 4 W.,
Sec. 1, lots 5, 6, 7, 8, and S½;
Sec. 2, lots 5, 6, and 7;
Sec. 4, lots 5, 6, and 7;
Sec. 9, lot 6;
Sec. 10, lots 1 to 8, inclusive;
Sec. 12;
Sec. 14, lots 1 to 7, inclusive;
Sec. 15, lots 1, 5, and 6;
Sec. 16, lots 1, 2, 3, and 4;
Sec. 17, lot 1;
Sec. 22, lots 1 to 5, inclusive, SW¼NE¼, and W½SE¼;
Sec. 23, lots 1 and 2;
Sec. 25, lots 1 and 2;
Sec. 26, lot 1;
Sec. 36, lots 1 and 2.
T. 7 S., R. 4 W.,
Sec. 9, lot 1;
Sec. 13;
Sec. 23, NE¼;
Sec. 24, lots 1, 2, W½NE¼, and NW¼;
Sec. 34, lots 1, 2, 3, NW¼NE¼, S½NE¼, and E½NW¼;
Sec. 35, lot 1, N½NE¼, and NE¼NW¼;
Sec. 36, lots 1, 2, 3, and 4.
T. 8 S., R. 4 W.,
Sec. 9, NE¼SE¼;
Sec. 24, S½SW¼;
Sec. 25, NE¼, W½, and N½SE¼;
Sec. 26, SE¼;
Sec. 35, E½.
T. 5 S., R. 5 W.,
Sec. 25, SE¼NE¼, and E½SE¼.

The areas described aggregate 43,098.14 acres.

3. Publication of this notice segregates the affected lands from all forms of disposal under the public land laws, including the mining laws, except the form or forms of disposal for which the lands are classified. However, publication does not alter the applicability of the public land laws governing the use of the lands under lease, license or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws.

4. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.12(d)).

MICHAEL T. SOLAN,
Acting State Director.

[F.R. Doc. 68–10002; Filed, Aug. 20, 1968; 8:46 a.m.]

[NM Misc. 17]

NEW MEXICO

Order Opening Lands to Entry and Patenting

AUGUST 14, 1968.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following described

lands have been reconveyed to the United States:

NEW MEXICO PRINCIPAL MERIDIAN

T. 21 S., R. 27 E.,
Sec. 9, N½NW¼SE¼.

The area described aggregates 20 acres in Eddy County.

Terrain is rolling. Soil is very rocky sand. Vegetation consists of mesquite with some creosote and three awn and fluff grass.

2. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby opened to indemnity selection by the State of New Mexico pursuant to the regulations contained in 43 U.S.C. 851, 852 since the land is suitable for indemnity selection by the State of New Mexico.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, N. Mex. 87501.

MICHAEL T. SOLAN,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 68-10003; Filed, Aug. 20, 1968; 8:46 a.m.]

[OR 2230]

OREGON

Opening of Lands

AUGUST 14, 1968.

1. In an order issued July 31, 1967 (32 F.R. 11401), the Federal Power Commission vacated the power withdrawals created pursuant to the filing on December 18, 1928, of an application for license for Project No. 945, and on January 19, 1937, of an application for license for Project No. 1419, for the following described lands:

WILLAMETTE MERIDIAN

MOUNT HOOD NATIONAL FOREST

Project No. 945

T. 3 S., R. 8½ E.,
Sec. 13, W½SW¼;
Sec. 14, SE¼SE¼.

Project No. 1419

T. 3 S., R. 8½ E.,
Sec. 14, E½SE¼.

The areas described aggregate 200 acres in Clackamas County within the Mount Hood National Forest.

2. By virtue of the authority vested in the Secretary of the Interior by section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and otherwise, the lands are hereby opened to such forms of disposal as may by law be made of national forest lands, effective at 10 a.m. on September 19, 1968. They have been open to applications and offers under the mineral leasing laws and to location under the U.S. mining laws.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 68-10000; Filed, Aug. 20, 1968; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File 23(68)-4]

PIERRE VERMOREL AND GENERAL BROKERS S.A.

Order Denying Export Privileges for an Indefinite Period

In the matter of Pierre Vermorel, Orense 37, Madrid 20, Spain, and 43 Rue de la Concorde, Brussels, Belgium, and General Brokers S.A., Orense 37, Madrid 20, Spain, Respondents.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondents all export privileges for an indefinite period because the said respondents failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested, without good cause being shown. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application was reviewed by the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that the respondent General Brokers S.A. has a place of business in Madrid, Spain, and that it is in the business of bringing importers and exporters into contact with Spanish firms; that the respondent Pierre Vermorel was a director of said firm; that said Vermorel on November 26, 1967, in connection with an application for an export license filed with the Office of Export Control, signed a certification on behalf of General Brokers, S.A., that certain strategic electronic equipment for which said license was sought would not be sold outside of Spain.

The said Investigations Division is conducting an investigation relating to the participation of respondents in said transaction, particularly as to their ordering of the commodities in question; whether the statements in said certification were true; and the participation of other parties in connection with said transaction.

It is impracticable to subpoena the respondents, and relevant and material written interrogatories and requests to furnish certain specific documents relating to the matters under investigation were served on them pursuant to § 382.15 of the Export Regulations. The respondents have failed to furnish answers to the interrogatories and have failed to furnish the documents requested, all as required by said section. They have not shown good cause for such failure. I find that an order denying export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended. *Accordingly, it is hereby ordered:*

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to any successor of the respondent firm and to respondents' agents and employees and to any person, firm, corporation, or business organization with which respondents now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information, and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondents may move at any time to vacate or modify this Indefinite Denial Order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

Dated: August 14, 1968.

This order shall become effective on August 20, 1968.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 68-9997; Filed, Aug. 20, 1968; 8:46 a.m.]

Office of Foreign Direct Investments

FOREIGN DIRECT INVESTMENT REGULATIONS

Notice of Quarterly Report

The Office of Foreign Direct Investments announced the issuance, on August 19, 1968, of revised Form FDI-102 (including supplements 1 through 6), the Quarterly Report. The principal revisions are contained in the General Instructions and the Instructions to Supplements 3A and 3B (which relate to foreign borrowings). Paragraph D of the revised General Instructions provides a new exemption from the quarterly reporting requirements of the Foreign Direct Investment Regulations (15 CFR Part 1000). Notwithstanding the exemption, a reporter which is exempt from the current reporting requirement must claim the exemption by filing one signed and dated copy of Form FDI-102 with the "Exempt" box checked within 45 days of the close of the calendar quarter (or by September 20, 1968, for the second quarter of 1968), and must indicate his best estimate of direct investment (whether positive or negative) in all Scheduled Areas (excluding Canada) during the current year. Failure to claim this exemption from quarterly reporting requirements by filing in a timely manner may forfeit the exemption. All direct investors which are required to file reports on revised Form FDI-102 for the second quarter of 1968 must do so on or before September 20, 1968. Reports for the third quarter of 1968 are due on November 14, 1968.

Completed reports are to be filed with the Program Reports Division, Office of Foreign Direct Investments, U.S. Department of Commerce, Washington, D.C. 20230.

Three sets of revised Form FDI-102, supplements and related instructions are being mailed to those direct investors which filed Form FDI-101, the Base Period Report. In addition, revised Form FDI-102 may be obtained in Room 1706, U.S. Department of Commerce Building, Washington, D.C., or from any of the 42 U.S. Department of Commerce Field Offices.

CHARLES E. FIERO,
Director, Office of Foreign Direct Investments.

AUGUST 19, 1968.

[F.R. Doc. 68-10166; Filed, Aug. 20, 1968; 11:32 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

A. E. STALEY MANUFACTURING CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9A2319) has been filed by A. E. Staley Manufacturing Co., 2200 East Eldorado Street, Decatur, Ill. 62525, proposing that § 121.1031 *Food starch-modified* (21 CFR 121.1031) be amended to provide for the safe use of a food starch modified by etherification treatment with epichlorohydrin and propylene oxide such that the finished modified starch contains not more than 0.1 percent by weight of epichlorohydrin and not more than 10 percent by weight of propylene oxide.

Dated: August 12, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10074; Filed, Aug. 20, 1968; 8:52 a.m.]

BAKER CASTOR OIL CO.

Notice of Withdrawal of Petition for Food Additive Detoxified Castor Seed Meal

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348((b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), The Baker Castor Oil Co., 40 Avenue A, Bayonne, N.J. 07002, has withdrawn its petition, notice of which was published in the FEDERAL REGISTER of March 6, 1968 (33 F.R. 4223), proposing the issuance of a food additive regulation to provide for the safe use of detoxified castor seed meal as a protein supplement in ruminant feed in an amount not to exceed 15 percent of the total ration.

Dated: August 12, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10075; Filed, Aug. 20, 1968; 8:52 a.m.]

DIAMOND SHAMROCK CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0743) has been filed by Diamond Shamrock Corp., 300 Union Commerce Building, Cleveland, Ohio 44115, proposing the establishment of a tolerance of 0.1 part per million for the combined negligible residues of the fungicide 2,4,5,6-tetrachloroisophthalonitrile and its metabolite 4-hydroxy-2,5,6-trichloroisophthalonitrile in or on the raw agricultural commodity potatoes.

The analytical method proposed for determining residues of the fungicide and its metabolite consists of simultaneous extraction of both compounds with acidified acetone solution, separation of the fungicide from the metabolite by column chromatography, and conversion of the metabolite to the methyl ether by reacting with diazomethane. Analysis of the parent compound and the ether derivative of the metabolite is by a gas chromatographic technique with a microcoulometric or electron-capture detection system.

Dated: August 12, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10076; Filed, Aug. 20, 1968; 8:52 a.m.]

USM CHEMICAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8R2260) has been filed by USM Chemical Co., division of United Shoe Machinery Corp., Middleton, Mass. 01949, proposing the issuance of a food

additive regulation (21 CFR Part 121, Subpart F) to provide for the safe use of phthalocyanine blue and benzidine orange pigments as colorants for food-packaging adhesives.

Dated: August 12, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10077; Filed, Aug. 20, 1968; 8:52 a.m.]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

[Docket No. HM-7; Notice No. 68-5]

TRANSPORTATION OF HAZARDOUS MATERIALS

Notice of Plan To Revise Regulations

The Hazardous Materials Regulations Board plans to revise the regulations governing the transportation of hazardous materials, casting the regulations in general terms and eliminating much of the detail. This notice states the reasons for the revision and requests public comment on the general principles which the Board proposes to follow.

Background. The regulations reflect a commodity-by-commodity and package-by-package approach. As a result, the regulations focus on commodities instead of hazards. For example, (i) the present classification of hazards does not identify spontaneous combustion and (ii) excepting class A poisons and radioactive materials, only one classification (the greatest hazard) may be identified, even though the material may present more than one serious hazard. As another result, the packaging regulations are repetitious how-to-do-it instructions, rather than general performance standards. For example, Part 178—Shipping Container Specifications consists almost entirely of specifications and tests for individual packages already developed; it does not set standards for the development of new packages. Recent regulatory actions have sought to synthesize the specifics, but the bulk of the regulations still deal in detail.

Different authorities developed the safety regulations for the air, land, and water modes of transportation. As a result, the hazardous materials regulations differ in many particulars between the modes; some differences are of form, others of substance. The differences impose burdens on shippers and carriers in intermodal shipments. One of the functions of the Board is to make the regulations uniform, to the extent that uniformity is consistent with the differences inherent in the modes.

Scope. The Board plans to issue notices of proposed rule making in at least these areas:

Classification and labels.
Handling and Stowing.
Placards and Emergency Procedures.
Packages.

The Board's initial emphasis will be on intermodal shipments of packaged materials, but the classification, placards, and emergency procedures notices will also cover shipments by portable tank, tank car, and tank truck. The Board does not have jurisdiction over bulk shipments of hazardous materials by water under Title 46—Shipping.

Uniformity. The regulations should be uniform for all modes of transportation, differing only where the inherent characteristics of an individual mode require a difference. The regulations should be consistent with international standards, differing only where our national needs require a difference.

Simplicity. The regulations should serve a practical safety purpose. They should be written so that those who handle the materials can understand and apply them. Throughout the regulations there will be a compromise between the complexity required to cover all contingencies and the simplicity required by human limitations.

Classifications and labels. Classifications should be based on the hazards involved in transporting the materials. Each classification should group together materials which require similar packaging and handling during transportation, or handling after an accident. Materials which pose a similar threat to safety should be classed together, without regard to historic classifications.

Labels should reflect the classifications. Labels should (i) give notice of the hazard potential of the material in the package and (ii) call attention to the need for special handling and stowing.

Handling and stowing. Instructions for in-transit handling should be on the label and should be written so that all persons involved can understand and apply them. One way of doing this might be to have a simple color-coded scheme for separating incompatible materials. Since many thousands of people, of varying levels of competence and training, are involved in in-transit handling, there will be some difficulty in finding the proper balance between flexibility (which increases complexity) and simplicity.

Placards and emergency procedures. Placards required to be posted on portable tanks, tank cars, tank motor vehicles, transport vehicles, and containers should parallel the label requirement. Placards should (i) give notice of the hazard potential of the material being transported, (ii) call attention to the need for special treatment by the carrier, and (iii) give notice of the need for special care after an accident. Since many thousands of people (cargo handlers, longshoremen, policemen, firemen, ambulance attendants) are concerned with handling emergencies involving hazardous materials, some means should be devised for giving these persons instructions on handling these emergencies. This could be done by putting code numbers on the placards and distributing booklets with emergency instructions keyed to the placard code numbers.

Packaging. Packaging requirements should relate to the classifications, the quantity of material involved, and the transport environment. Packaging requirements should be stated in terms of performance standards, rather than manufacturing specifications. The regulations should prescribe tests to determine whether the packages meet the requirements.

Cost/benefit. Each safety requirement should be subject to a cost/benefit analysis in which (i) cost is the direct cost of buying and maintaining special equipment and the indirect cost of special handling and stowing and (ii) benefit is the decrease in the hazard to the public. The public is endangered by the transportation of many materials, such as fertilizers and pesticides for agriculture, chemicals for industry, and explosives for the military. Despite the danger, the national interest requires the transportation of these materials. The regulations should minimize the hazard to the public, within the limits of economic feasibility.

Interested persons are invited to participate in developing these basic regulatory principles to guide the Board in revising the regulations. Comments (identifying the docket or notice number) should be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590.

Comments received before October 15, 1968, will be considered by the Board as it proceeds with the phased implementation of the proposed revision. The principles proposed in this notice may be changed in the light of comments received. All comments will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

Issued in Washington, D.C., on August 16, 1968.

WILLIAM C. JENNINGS,
Chairman, Hazardous Materials Regulations Board.

[F.R. Doc. 68-10078; Filed, Aug. 20, 1968; 8:52 a.m.]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-324, 50-325]

CAROLINA POWER & LIGHT CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses

Carolina Power & Light Co., 336 Fayetteville Street, Raleigh, N.C. 27602, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application dated July 26, 1968, for authorization to construct and operate two single cycle, forced circulation, boiling water nuclear reactors on the applicant's site of approximately 1,200 acres located on the west shore of the Cape Fear River about 2½ miles north of Southport, Brunswick County, N.C.

The proposed nuclear reactors, designated by the applicant as the Brunswick Steam Electric Plant Units 1 and 2, are each designed for initial operation at approximately 2,436 megawatts (thermal) with a net electrical output of approximately 821 megawatts per unit.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 14th day of August 1968.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[F.R. Doc. 68-10015; Filed, Aug. 20, 1968; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19797; Order 68-8-69]

JET AIR FREIGHT

Order Instituting Investigation Regarding Substitution of Other Service for Air Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of August 1968.

By tariff revisions filed July 5 and marked to become effective August 25, 1968, Jet Transportation, Inc., doing business as Jet Air Freight (Jet), an air freight forwarder, proposes a rule providing for the substitution of other means of transportation for air transportation under any circumstances deemed necessary by the forwarder.[1]

Jet does not provide any justification for its proposal. By Order E-26605, dated April 2, 1968, the Board instituted an investigation of similar rules in effect for certain air freight forwarders (Docket 19797) on the ground that it may be unjust and inequitable to require a shipper to pay the air freight rate when he is receiving lower-rated surface transportation. By Order E-26929, dated June 17, 1968, the Board denied reconsideration of Order E-26605 and extended the foregoing investigation to the rule filed by another air freight forwarder and to the rules in effect for all the direct certificated air carriers.

Upon consideration of all relevant matters, the Board finds that Jet's proposal may be unjust or unreasonable, unjustly discriminatory, unduly preferential or prejudicial, or otherwise unlawful, and should be investigated. We shall consolidate the investigation of Jet's rule with the proceeding in Docket 19797.

[1] Revisions to Jet Air Freight's Tariff C.A.B. No. 1, Rule 81.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the provisions of Rule No. 81 on 4th revised page 15 of Jet Air Freight's tariff C.A.B. No. 1, including subsequent revisions and reissues thereof, and rules, regulations, and practices affecting such provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. This investigation be consolidated with the proceeding in Docket 19797; and

3. A copy of this order be served upon Jet Transportation, Inc., doing business as Jet Air Freight, which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-9939; Filed, Aug. 20, 1968; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Supp. 10]

VHF TELEVISION BROADCAST STATIONS UNDER THE CANADIAN-UNITED STATES OF AMERICA TELEVISION AGREEMENT OF 1952

Amendment of Table A of the 1961 Working Arrangement

AUGUST 16, 1968.

Pursuant to an exchange of correspondence between the Department of Transport of Canada and the Federal Communications Commission, Table A, Annex 1 of the Television Working Arrangement under the Canadian-United States America Television Agreement has been amended as follows:

City	*Channel Number—Add*
Watson Lake, Yukon Territory	8+
Inuvik, Northwest Territory	6
Whitehorse, Yukon Territory	6
Marieville, Quebec	*4 (L)

*Limitation to protect CBOT, Ottawa, Ontario, and CFCM, Quebec, Quebec.

Further amendments to Table A will be issued in the form of numbered supplements.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-10061; Filed, Aug. 20, 1968; 8:57 a.m.]

[FCC 68-831]

PROGRAM LOG ANALYSIS

Composite Week

AUGUST 16, 1968.

The following dates will constitute the composite week for use in the preparation of program log analyses submitted with applications for AM, FM, and TV station licenses which have termination dates in 1969.

Sunday, January 26, 1968.
Monday, July 22, 1968.
Tuesday, September 12, 1967.
Wednesday, May 8, 1968.
Thursday, November 16, 1967.
Friday, April 19, 1968.
Saturday, February 17, 1968.

Action by the Commission August 14, 1968. Commissioners Hyde (Chairman), Bartley, Lee, Wadsworth, and Johnson.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-10062; Filed, Aug. 20, 1968; 8:57 a.m.]

FEDERAL MARITIME COMMISSION

[Commission Order 1 (Rev.), Amdt. 2]

MANAGING DIRECTOR

Delegation of Authority

In Commission Order 1 (Revised), section 7, Specific Authorities Delegated to the Managing Director, is hereby amended in subsection 7.07 to read as follows:

Authority to approve, pursuant to section 15, Shipping Act, 1916, unprotested modifications to terminal conference agreements and unprotested terminal leases, licenses, assignments, or other agreements of a similar character for the use of terminal property or facilities between persons subject to the Shipping Act, 1916.

JOHN HARLLEE,
Rear Admiral, U.S. Navy (Retired) Chairman.

[F.R. Doc. 68-9940; Filed, Aug. 20, 1968; 8:45 a.m.]

PIONEER ALASKA LINE AND ALASKA STEAMSHIP CO.

Notice of Agreement Filed for Approval; Correction

In F.R. Doc. 68-8881 appearing at page 10594 of the issue for Thursday, July 25, 1968, the paragraph reading as follows should be deleted in its entirety.

"Under the proposed amendment KLTI will pay the first $100,000 or 75 percent thereof from its annual net profit to ASSCO in order to amortize a loan at 6 percent per annum in an amount equivalent to the direct cost incurred by ASSCO in outfitting the Polar Pioneer."

In lieu thereof, insert:

"The proposed amendment provides that from the annual 'net profit' of KLTI, the first $100,000 or 75 percent thereof, whichever is greater, shall be paid to ASSCO in order to amortize a loan at 6 percent per annum in an amount equivalent to the direct cost incurred by ASSCO in outfitting the Polar Pioneer."

Comments with reference to the agreement as amended, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 7 days after publication of this notice in the FEDERAL REGISTER.

Dated: August 15, 1968

THOMAS LISI,
Secretary.

[F.R. Doc. 68-10043; Filed, Aug. 20, 1968; 8:50 a.m.]

REDERIAKTIEBOLAGET DISA ET AL.

Notice of Proposed Cancellation of Agreement

Notice is hereby given that a request for cancellation of the following Agreement, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814) has been filed with the Commission.

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Rederiaktiebolaget Disa, Rederiaktiebolaget Poseidon and Jade Company, Inc.:

Notice of Intent To Cancel Agreement No. 7592-4 filed by:

Mr. Thomas K. Roché, Haight, Gardner, Poor & Havens, 80 Broad Street, New York, N.Y. 10004.

Agreement No. 7592-5, between Rederiaktiebolaget Disa, Rederiaktiebolaget Poseidon and Jade Company, Inc., provides for the cancellation of their joint service which operates under the trade name of "Brodin Line" between Canadian and United States Atlantic and Great Lakes ports and United States Gulf ports (but not including transportation within the purview of the Coastwise Laws of the United States) on the one hand, and the ports of Argentina, Paraguay, Uruguay, and Brazil on the other hand.

Dated: August 16, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-10044; Filed, Aug. 20, 1968; 8:50 a.m.]

FEDERAL RESERVE SYSTEM

FIDELITY BANK

Order Approving Merger of Banks

In the matter of the application of the Fidelity Bank for approval of merger with Doylestown Trust Co.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by the Fidelity Bank, Philadelphia, Pa., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and Doylestown Trust Co., Doylestown, Pa., under the charter and title of the Fidelity Bank. As an incident to the merger, the sole office of Doylestown Trust Co. would become a branch of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger, and the information received at and in connection with the public proceeding which was ordered in this matter (33 F.R. 8367) pursuant to the Board's Rules of Procedure (12 CFR 262.3(f)(3)).

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order.

Dated at Washington, D.C., this 12th day of August 1968.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-9995; Filed, Aug. 20, 1968; 8:45 a.m.]

[1] Filed as part of F.R. Doc. 68-9996, infra. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Philadelphia. Concurring statement of Governor Brimmer and dissenting statement of Governor Robertson also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin and Governors Mitchell, Daane, Maisel, Brimmer, and Sherrill. Voting against this action: Governor Robertson.

GIRARD TRUST BANK

Order Approving Merger of Banks

In the matter of the application of Girard Trust Bank for approval of merger with the Doylestown National Bank & Trust Co.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Girard Trust Bank, Philadelphia, Pa., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and the Doylestown National Bank & Trust Co., Doylestown, Pa., under the charter and title of Girard Trust Bank. As an incident to the merger, the five offices of the Doylestown National Bank & Trust Co. would become branches of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger, and the information received at and in connection with the public proceeding which was ordered in this matter (33 F.R. 8367) pursuant to the Board's Rules of Procedure (12 CFR 262.3(f)(3)).

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order.

Dated at Washington, D.C., this 12th day of August 1968.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-9996; Filed, Aug. 20, 1968; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Philadelphia. Concurring statement of Governor Brimmer and dissenting statement of Governor Robertson also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin and Governors Mitchell, Daane, Maisel, Brimmer, and Sherrill. Voting against this action: Governor Robertson.

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES PRODUCED OR MANUFACTURED IN MEXICO

Entry and Withdrawal From Warehouse for Consumption

AUGUST 16, 1968.

On June 2, 1967, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of Mexico concerning exports of cotton textiles and cotton textile products from Mexico to the United States over a 4-year period beginning May 1, 1967. Among the provisions of the agreement are those which permit the Government of Mexico within the aggregate limit for any agreement year, to exceed the limit for Group II by not more than 10 percent, and to exceed any specific category limit by not more than 5 percent. The Government of Mexico has informed the U.S. Government of its decision to exercise this provision, for the agreement year which began on May 1, 1967 and extended through April 30, 1968, with respect to cotton textiles in Group II and in categories 9 and 27 within that group. In addition, the Government of Mexico has informed the U.S. Government of its decision to exercise this provision, for the agreement year which began on May 1, 1968 and extends through April 30, 1969, with respect to cotton textiles in Group II.

Accordingly, there is published below a letter of August 15, 1968 from the Chairman of the President's Cabinet Textile Advisory Committee, to the Commissioner of Customs, implementing the above decisions by further amending the directives of June 13, 1967 and April 30, 1968.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE
WASHINGTON, D.C. 20230,

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

August 15, 1968.

DEAR MR. COMMISSIONER: This directive further amends but does not cancel the directives issued to you on June 13, 1967, and April 30, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee, establishing levels for the entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products produced or manufactured in Mexico.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of June 2, 1967, between the Governments of the United States and Mexico, and in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, the overall level of restraint provided in the directive of June 13, 1967, as amended, for entry into the United States for consumption or withdrawal from warehouse for consumption, of cotton textiles in Categories 5 through 27, produced or manufactured in Mexico, for the period beginning May 1, 1967, and extending through April 30, 1968, is hereby increased from 21 million square yards, to 23,100,000 square yards, to be effective as soon as possible. Within this overall level of restraint for Categories 5 through 27, for the period May 1, 1967 through April 30, 1968, the following increased specific levels of restraint shall apply:

Category	12-month level of restraint (square yards)
9	5,250,000
27	2,100,000

The levels set forth in the directive of June 13, 1967, as amended hereby, have not been adjusted to reflect entries or withdrawals from warehouse made on or after May 1, 1967.

In addition, and by virtue of the above authority, the overall level of restraint provided in the directive of April 30, 1968, as amended, for entry into the United States for consumption or withdrawal from warehouse for consumption, of cotton textiles in Categories 5 through 27, produced or manufactured in Mexico, for the period beginning May 1, 1968 and extending through April 30, 1969, is hereby increased from 22,050,000 square yards to 24,255,000 square yards, to be effective as soon as possible.

The level set forth in the directive of April 30, 1968, as amended hereby, have not been adjusted to reflect entries or withdrawals from warehouse made on or after May 1, 1968.

The actions taken with respect to the Government of Mexico and with respect to imports of cotton textiles and cotton textile products from Mexico have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965-66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

C. R. SMITH,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 68-10036; Filed, Aug. 20, 1968; 8:49 a.m.]

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE SOCIALIST REPUBLIC OF ROMANIA

Entry and Withdrawal From Warehouse for Consumption

AUGUST 16, 1968.

On August 13, 1968, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, informed the Socialist Republic of Romania that it was renewing for an additional 12-month period beginning August 14, 1968, and extending through August 13, 1969, the restraint on imports into the United States of cotton textile products in Category 34, produced or manufactured in Romania. Pursuant to Annex B, paragraph 2, of the Long-Term Arrangement the level of restraint for this 12-month period is 5 percent greater than the level of restraint applicable to Category 34 for the preceding 12-month period.

There is published below a letter of August 15, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textile products in Category 34, produced or manufactured in Romania, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning August 14, 1968, be limited to the designated level.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE
WASHINGTON, D.C. 20230,

August 15, 1968.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning August 14, 1968, and extending through August 13, 1969, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 34, produced or manufactured in Romania, in excess of a level of restraint for the period of 147,000 pieces.

In carrying out this directive, entries of cotton textile products in Category 34, produced or manufactured in Romania, which have been exported to the United States from Romania prior to August 14, 1968, shall, to the extent of any unfilled balance be charged against the level of restraint established for such goods during the period August 14, 1967, through August 13, 1968. In the event that the level of restraint established for such goods for that period has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of Category 34 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania

and with respect to imports of cotton textiles and cotton textile products from Romania have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965–66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

C. R. SMITH,
Secretary of Commerce, Chairman, President's Cabinet, Textile Advisory Committee.

[F.R. Doc. 68–10037; Filed, Aug. 20, 1968; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

PARAMOUNT GENERAL CORP.

Order Suspending Trading

AUGUST 15, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Paramount General Corp., Los Angeles, Calif., and all other securities of Paramount General Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 16, 1968, through August 25, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68–10025; Filed, Aug. 20, 1968; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30—Des Moines, Iowa Disaster 1]

MANAGER OF DISASTER BRANCH OFFICE, WATERLOO, IOWA

Delegations Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 2), 33 F.R. 9851 there is hereby redelegated to the Manager of Waterloo Disaster Branch Office the following authority:

A. *Financial assistance.* 1. To approve and decline disaster loans in an amount not exceeding $350,000.

2. To execute loan authorizations for Washington, area and regional office approved loans and disaster loans approved under delegated authority, said execution to read as follows:

ROBERT C. MOOT, *Administrator,*
By ----------
Manager, Disaster Branch Office.

3. To cancel, reinstate, modify and amend authorizations for disaster loans approved under delegated authority.

4. To disburse disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by an SBA employee designated as acting manager of the disaster branch office.

Effective date: July 23, 1968.

CONRAD E. LAWLOR,
Regional Director, Des Moines, Iowa.

[F.R. Doc. 68–10013; Filed, Aug. 20, 1968; 8:47 a.m.]

[Declaration of Disaster Loan Area 682]

NEW MEXICO

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1968, because of the effects of certain disasters, damage resulted to residences and business property located in the county of Bernalillo, in the State of New Mexico;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid county, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on July 3, 1968.

OFFICE

Small Business Administration Regional Office, 500 Gold Avenue SW., Albuquerque, N. Mex. 87101.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1969.

Dated: August 14, 1968.

HOWARD GREENBERG,
Acting Administrator.

[F.R. Doc. 68–10014; Filed, Aug. 20, 1968; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 994; ICC Order 11, Amdt. 1]

NEW YORK, NEW HAVEN AND HARTFORD RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 11 (New York, New Haven and Hartford Railroad Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 11 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1968, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., August 31, 1968, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 16, 1968.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 68–10045; Filed, Aug. 20, 1968; 8:50 a.m.]

[Section 5a Application No. 83, Amdt. 2]

ALASKA CARRIERS ASSOCIATION, INC.

Petition for Approval of Agreement

AUGUST 13, 1968.

The Commission is in receipt of a petition in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed July 22, 1968, by Edward R. Sanders, attorney in fact, 327 Barrow Street, Anchorage, Alaska 99501.

The amendments involve: Substantial changes in the agreement necessitated by changes in the bylaws, revision of the articles of incorporation and expanded activities.

The petition is docketed and may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of this notice. As provided by the General Rules of Practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the petition. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–10046; Filed, Aug. 20, 1968; 8:50 a.m.]

[Section 5a Application No. 46, Amdt. 7]

SOUTHERN MOTOR CARRIERS RATE CONFERENCE, INC.

Petition for Approval of Agreement

AUGUST 16, 1968.

The Commission is in receipt of a petition in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed August 5, 1968, by Guy H. Postell, attorney, 1273 West Peachtree Street NE., Atlanta, Ga. 30309.

The amendments involved: Changes in the agreement so as to (1) substitute new individuals as agent and attorney in fact for carrier parties; (2) provide for the Conference as the publishing agent of south-southwest interterritorial tariffs and eliminate joint agency publication; (3) provide that all east-south tariffs participants, including Conference members, execute a rate and tariff agreement thereto; (4) eliminate the Province of Quebec, Canada, from the jurisdiction of the East-South interterritorial committee; (5) establish a new South-Quebec interterritorial committee and ratemaking provisions thereto, jointly with member carriers of Niagara Frontier Tariff Bureau, Inc., with jurisdiction between southern territory and the Province of Quebec, Canada; and (6) make other incidental changes as are necessary to accomplish the foregoing.

The petition is docketed and may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of this notice. As provided by the General Rules of Practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the petition. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–10047; Filed, Aug. 20, 1968; 8:50 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 16, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41417—*Asphalt from Sinclair, Wyo., and Salt Lake City, Utah.* Filed by Union Pacific Railroad Co. (No. 134), for itself and on behalf of interested rail carriers. Rates on asphalt, in tank carloads, from Sinclair, Wyo., and Salt Lake City, Utah, to specified points in Idaho.

Grounds for relief—Market competition.

Tariff—Supplement 40 to Union Pacific Railroad Co., tariff ICC 5613.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–10048, Filed, Aug. 20, 1968; 8:50 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

AUGUST 16, 1968.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. M–4750, filed July 31, 1968. Applicant: A. L. Wells, doing business as WELLS BUS LINE, 159 Main Street, Batesville, Ark. 72501. Applicant's representative: John Purtle, Barnett Building, Batesville, Ark. 72501. Certificate of public convenience and necessity sought to operate a passenger service as follows: Transportation of *passengers, express mail, newspapers, baggage of passengers* all in the same vehicle, from Mount Home, Ark., to Calico Rock, Ark., via State Highway 5, Calico Rock, Ark., to Brockwell, Ark., via State Highway 56; Brockwell, Ark., to Batesville, Ark., via State Highway 9 and 69; Hardy, Ark., to Junction 167 1 mile north of Ash Flat, Ark., via U.S. Highway 62; Junction 167 1 mile north of Ash Flat, Ark., to Bald Knob, via U.S. Highways 167 and 67; Bald Knob, Ark., to Little Rock, Ark., via U.S. Highways 67 and 167 serving all intermediate points except no passengers, express, mail, newspapers, baggage will be handled that originates in Bald Knob, Ark., to Little Rock or points beyond or intermediate points between Bald Knob, Ark., and Little Rock or between Little Rock and Bald Knob; Newark, Ark., to Batesville, Ark., via State Highway 14; Batesville, Ark., to Junction U.S. Highway 65 2 miles north of Greenbrier, Ark., via State Highways 14 and 25; Junction U.S. 65 2 miles north of Greenbrier, Ark., to Conway, Ark., via U.S. Highway 65; Conway, Ark., to Little Rock, Ark., via U.S. Highway 64 and/or Interstate Highway 40, serving all intermediate points except no passengers or express that originates in Conway, Ark., for Little Rock or Little Rock to Conway or intermediate points will be handled. Charter rights are asked for from any point applicant has operating rights. Both intrastate and interstate authority sought.

HEARING: Thursday, October 10, 1968, at 1 p.m., Justice Building, Arkansas Commerce Commission, Little Rock, Ark. 72201. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Arkansas Commerce Commission, Justice Building, Little Rock, Ark. 72201, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–10049; Filed, Aug. 20, 1968; 8:50 a.m.]

[Notice 512]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 16, 1968.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 35320 (Deviation No. 16), T.I.M.E. FREIGHT, INC., Post Office Box 2550, Lubbock, Tex. 79408, filed August 5, 1968. Carrier's representative: John T. Coon, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a

deviation route as follows: From junction Interstate Highway 55 and U.S. Highway 70 near West Memphis, Ark., over Interstate Highway 55 (as completed) to St. Louis, Mo., and approaches and departures thereto, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From St. Louis, Mo., across the Mississippi River to East St. Louis, Ill., thence over Illinois Highway 13 to Belleville, Ill., thence over Illinois Highway 159 to Red Bud, Ill., thence over Illinois Highway 3 to Ware, Ill., thence over Illinois Highway 146 to Vienna, Ill., thence over U.S. Highway 45 to Mayfield, Ky., thence over Kentucky Highway 97 to the Kentucky-Tennessee State line, thence over Tennessee Highway 69 to Paris, Tenn., thence over U.S. Highway 79 to McKenzie, Tenn., thence over Tennessee Highway 22 to Lexington, Tenn., thence over Tennessee Highway 20 to Parsons, Tenn., thence over Tennessee Highway 69 to Decaturville, Tenn., (2) from St. Louis to Ware, Ill., as specified above, thence over Illinois Highway 3 to Cairo, Ill., thence over U.S. Highway 51 to junction Kentucky Highway 94, (3) from junction U.S. Highway 51 and Kentucky Highway 94 over U.S. Highway 51 to Fulton, Ky., thence over U.S. Highway 45E to junction U.S. Highway 45, thence over U.S. Highway 45 to Jackson, Tenn., (4) from Fulton, Ky., over U.S. Highway 51 to Union City, Tenn., (5) from junction U.S. Highways 45 and 45W over U.S. Highway 45W to Union City, Tenn., thence over Tennessee Highway 5 to the Tennessee-Kentucky State line, thence over Kentucky Highway 125 to Hickman, Ky., thence over Kentucky Highway 94 to junction U.S. Highway 51, (6) from Brownsville, Tenn., over U.S. Highway 79 to Paris, Tenn., thence over Tennessee Highway 54 to Dresden, Tenn., thence over Tennessee Highway 22 to Union City, Tenn., (7) from Memphis, Tenn., over U.S. Highway 70 to Jackson, Tenn., and (8) from Memphis, Tenn., over U.S. Highway 70 to Little Rock, Ark., and return over the same routes.

No. MC 106943 (Deviation No. 25), EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. 47808, filed August 7, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Boston, Mass., over Interstate Highway 90 to junction Interstate Highway 84, at or near Sturbridge, Mass., thence over Interstate Highway 84 to junction Interstate Highway 81 at or near Scranton, Pa., thence over Interstate Highway 81 to junction U.S. Highway 50 at or near Winchester, Va., thence over U.S. Highway 50 to junction Interstate Highway 79 at or near Bridgeport, W. Va., thence over Interstate Highway 79 to junction Interstate Highway 64 at or near Charleston, W. Va., thence over Interstate Highway 64 to St. Louis, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 50 to Cincinnati, Ohio, thence over U.S. Highway 42 to Lafayette, Ohio, thence over U.S. Highway 40 via Cambridge, Ohio, to Washington, Pa., thence over U.S. Highway 19 to Pittsburgh, Pa., thence over U.S. Highway 22 to Newark, N.J., thence over U.S. Highway 1 to Boston, Mass., and return over the same route.

No. MC 106943 (Deviation No. 26), EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. 47808, filed August 9, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Boston, Mass., over Interstate Highway 95 to junction Interstate Highway 278 at or near the Borough of Bronx, in New York, N.Y., thence over Interstate Highway 278 to junction Interstate Highway 95 at or near Linden, N.J., thence over Interstate Highway 95 to junction Interstate Highway 295 at or near Trenton, N.J., thence over Interstate Highway 295 to junction Interstate Highway 95 at or near Wilmington, Del., thence over Interstate Highway 95 to junction Interstate Highway 695 (Baltimore bypass), thence over Interstate Highway 695 to junction Interstate Highway 70N at or near Baltimore, Md., thence over Interstate Highway 70N to junction Interstate Highway 70 at or near Frederick, Md., thence over Interstate Highway 70 to junction Interstate Highway 81 at or near Hagerstown, Md., thence over Interstate Highway 81 to junction U.S. Highway 50 at or near Winchester, Va., thence over U.S. Highway 50 to junction Interstate Highway 79 at or near Bridgeport, W. Va., thence over Interstate Highway 79 to junction Interstate Highway 64 at or near Charleston, W. Va., thence over Interstate Highway 64 to St. Louis, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 50 to Cincinnati, Ohio, thence over U.S. Highway 42 to Lafayette, Ohio, thence over U.S. Highway 40 via Cambridge, Ohio, to Washington, Pa., thence over U.S. Highway 19 to Pittsburgh, Pa., thence over U.S. Highway 22 to Newark, N.J., thence over U.S. Highway 1 to Boston, Mass., and return over the same route.

No. MC 106943 (Deviation No. 27), EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. 47808, filed August 8, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Denver, Colo., over Interstate Highway 80S to junction Interstate Highway 80, thence over Interstate Highway 80, to junction Interstate Highway 74 at or near Davenport, Iowa, thence over Interstate Highway 74 to junction Interstate Highway 70 at or near Indianapolis, Ind., thence over Interstate Highway 70 to junction Interstate Highway 76 at or near Arnbrust, Pa., thence over Interstate Highway 76 to junction Interstate Highway 276, at or near Norristown, Pa., thence over Interstate Highway 276 to junction U.S. Highway 611, thence over U.S. Highway 611 to Horsham, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Horsham, Pa., over U.S. Highway 611 to junction Interstate Highway 276, thence over Interstate Highway 276 to junction Interstate Highway 76 (Pennsylvania Turnpike), thence over Interstate Highway 76 to Irwin, Pa., thence over U.S. Highway 30 via Pittsburgh, Pa., to Mansfield, Ohio, thence over U.S. Highway 30N to junction U.S. Highway 30 east of Delphos, Ohio, thence over U.S. Highway 30 to junction Illinois Highway 1A, thence over Illinois Highway 1A to junction U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 66A, thence over U.S. Highway 66A to junction U.S. Highway 66, thence over U.S. Highway 66 to junction U.S. Highway 36 at or near Springfield, Ill., thence over U.S. Highway 36 to junction U.S. Highway 54, thence over U.S. Highway 54 to Kingdom City, Mo., thence over U.S. Highway 40 to Kansas City, Mo., thence over U.S. Highway 24 to Manhattan, Kans., thence over Kansas Highway 18 to Junction City, Kans., thence over U.S. Highway 40 via Salina, Kans., to Oakley, Kans., thence over U.S. Highway 83 to junction U.S. Highway 24, thence over U.S. Highway 24 to Limon, Colo., thence over U.S. Highway 40 to Denver, Colo., and return over the same route.

MOTOR CARRIER OF PASSENGER

No. MC 1515 (Deviation No. 464) (Cancels Deviation No. 136), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed August 5, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From the Indiana Turnpike at the La Porte Interchange (Interchange No. 7) over Indiana Highway 39 to the Indiana-Michigan State line, thence over Michigan Highway 239 to interchange Interstate Highway 94, thence over Interstate Highway 94 via Kalamazoo, Mich., to interchange unnumbered highway (formerly U.S. Highway 12) just southeast of Galesburg, Mich., (2) from the interchange of Interstate Highway 94 and Interstate Highway B.L. (Business Loop) 94 southwest of Battle Creek, Mich., over Interstate Highway 94 to the interchange of Interstate Highway 94 and Interstate Highway B.L. (Business Loop) 94 just east of Jackson, Mich., (3) from the Fletcher Road Interchange with Interstate Highway 94, approximately 1 mile west of Lima, Mich., over Interstate Highway 94 to interchange of U.S. Highway 23 and Interstate Highway 94 south of Ann Arbor, Mich., (4) from New Buffalo, Mich., over U.S. Highway 12 to interchange with Interstate Highway 94, (5) from Benton Harbor, Mich., over Interstate Highway B.R. (Business Route) 94 to interchange Interstate Highway 94 approximately 3 miles east of Benton Harbor, (6) from Coloma, Mich., over Berrien County Highway 706 to interchange Interstate Highway 94, (7) from Watervliet, Mich., over Michigan Highway 140 to interchange Interstate Highway 94, (8) from Paw Paw, Mich., over Michigan Highway 40 to interchange Interstate Highway 94, (9) from Oshtemo, Mich., over Ninth Street to interchange Interstate Highway 94, (10) from Kalamazoo, Mich., over Interstate Highway B.L. (Business Loop) 94 to interchange U.S. Highway 131.

Thence over U.S. Highway 131 to interchange Interstate Highway 94, west of Kalamazoo, (11) from Kalamazoo, Mich., over Westnedge Avenue to interchange Interstate Highway 94, (12) from Kalamazoo, Mich., over Interstate Highway B.L. (Business Loop) 94 to interchange Interstate Highway 94 east of Kalamazoo, (13) from Battle Creek, Mich., over Michigan Highway 66 to interchange Interstate Highway 94, (14) from Marshall, Mich., over U.S. Highway 27 to interchange Interstate Highway 94, (15) from Marshall, Mich., over Interstate Highway B.L. (Business Loop) 94 to interchange Interstate Highway 94 east of Marshall, (16) from Albion, Mich., over Interstate Highway B.L. (Business Loop) 94 to interchange Interstate Highway 94 north of Albion, (17) from junction Spring Arbor Road and Michigan Highway 60 southwest of Jackson, Mich., over Michigan Highway 60 to interchange Interstate Highway 94, (18) from Jackson, Mich., over U.S. Highway 127 to junction Interstate Highway 94, (19) from Chelsea, Mich., over Michigan Highway 52 to interchange Interstate Highway 94, and (20) also, access and egress to Interstate Highway 94 where it junctions with regular route operations of applicant as follows: (a) The interchange of Interstate Highway B.L. 94 and Interstate Highway 94 one mile north of Stevensville, Mich., (b) the interchange of Interstate Highway B.L. 94 and Interstate Highway 94, east of Battle Creek, Mich., and (c) the interchange of Michigan Highway 99 and Interstate Highway 94 east of Albion, Mich., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows:

From Chicago, Ill., over U.S. Highway 12 via Michigan City, Ind., to New Buffalo, Mich., thence over Red Arrow Highway (formerly U.S. Highway 12) to junction Interstate Highway B.R. (Business Route) 94, just north of Stevensville, Mich., thence over Interstate Highway B.R. (Business Route) 94 through St. Joseph and Benton Harbor to junction Red Arrow Highway, thence over Red Arrow Highway (formerly U.S. Highway 12) to Coloma, Mich., thence over unnumbered highway (formerly U.S. Highway 12) via Hartford, Lawrence, and Paw Paw to junction Interstate Highway B.L. (Business Loop) 94 at the junction of U.S. Highway 131, thence over Interstate Highway B.L. (Business Loop) 94 through Kalamazoo, Mich., to junction Michigan Highway 96, thence over Michigan Highway 96 to Galesburg, Mich., thence over unnumbered highway to interchange with Interstate Highway 94, thence over Interstate Highway 94 to interchange with Interstate Highway B.L. (Business Loop) 94, just west of Battle Creek, thence over Interstate Highway B.L. (Business Loop) 94 through Battle Creek to junction Interstate Highway 94, thence over unnumbered highway to Marshall, thence over Interstate Highway B.L. (Business Loop) 94 to junction unnumbered highway east of Marshall, thence over unnumbered highway to Albion, thence over Michigan Highway 99, crossing Interstate Highway 94 to junction access road to Michigan Avenue, thence over access road to Michigan Avenue, thence over Michigan Avenue via Parma to Jackson, thence over Interstate Highway B.L. (Business Loop) 94 to Interstate Highway 94, thence over Interstate Highway 94 to Fletcher Road Interchange, west of Lima, thence over unnumbered highway via Lima to Ann Arbor, thence over U.S. Highway 23 to junction Interstate Highway 94.

Thence over Interstate Highway 94 to Ypsilanti, thence over Michigan Highway 17 via Allen Park to junction Southfield Road, thence over Southfield Road to Lincoln Park, Mich., thence over South Fort Road to Detroit, Mich. (also from junction U.S. Highway 12 and Indiana Highway 520, formerly unnumbered highway, approximately 1½ miles west of Michigan City, Ind., over Indiana Highway 520 to junction U.S. Highway 20; also from Michigan City, Ind., east over U.S. Highway 35 to junction U.S. Highway 20; also from Galesburg, Mich., over Michigan Highway 96 via Augusta to Battle Creek; also from Augusta over unnumbered highway to Battle Creek; also from junction Interstate Highway B.L. (Business Loop) 94 and Michigan Avenue just east of Jackson, over Michigan Avenue via Leoni and Grass Lake, Mich., to junction Interstate Highway 94 just north of Sylvan, Mich.; also from Interchange unnumbered highway and Interstate Highway 94 just north of Sylvan over unnumbered highway via Chelsea, Mich., to Fletcher Road Interchange with Interstate Highway 94; also from Ann Arbor over U.S. Highway 23 to junction Interstate Highway 94, thence over Interstate Highway 94 to Ypsilanti, thence over U.S. Highway 12 to Detroit; also from Ann Arbor over Michigan Highway 17 to Ypsilanti; also from interchange of Interstate Highway 94 and Michigan Highway 17 east of Ypsilanti over Interstate Highway 94 to junction U.S. Highway 12; and also from Allen Park over Allen Road to Melvindale, thence over Oakwood Boulevard to Fort Street, thence over Fort Street to Detroit, Mich.), and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-10050; Filed, Aug. 20, 1968; 8:50 a.m.]

[Notice 1210]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 16, 1968.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 95224 (Sub-No. 4) (Republication), filed July 15, 1968, published in FEDERAL REGISTER issue of August 1, 1968, and republished this issue. Applicant: R. COMEAU, INC., Lime Street, Adams, Mass. 01220. Applicant's representative: William L. Mobley, 1694 Main Street, Springfield, Mass. 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Adams, Mass., to points in Connecticut, Maine, New Hampshire, New York, Rhode Island, and Vermont. NOTE: This republication is to reflect the hearing information.

HEARING: September 19, 1968, before James A. McKiel, at the offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 129261 (Republication), filed July 20, 1967, published in the FEDERAL REGISTER issue of August 3, 1967, and republished this issue. Applicant: AMERICAN, INC., MOVING & STORAGE, 1719 North Tancahua, Post Office Box 1602, Corpus Christi, Tex. 78403. Applicant's representative: Paul F. Sullivan, Colorado Building, Suite 913, 1341 G Street NW., Washington, D.C. 20005. By application filed July 20, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of *household goods*, as defined by the Commission, between points in Aransas, Bee, Brooks, Calhoun,

Cameron, Duval, Goliad, Jim Wells, Hildalgo, Kenedy, Live Oak, Nueces, Refugio, Starr, San Patricio, Victoria, Kleberg, and Willacy Counties, Tex., restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, motor, water, or air and moving on through bills of lading of forwarders, operating under the section 402(b)(2) exemption. By order of the Commission, dated September 13, 1967, served September 18, 1967, it was ordered that this proceeding be handled under modified procedure. A report and order of the Commission, decided July 25, 1968, served August 12, 1968, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *used household goods*, between points in Aransas, Bee, Nueces, Refugio, San Patricio, and Kleberg Counties, Tex., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization of unpacking, uncrating, and decontainerization of such traffic; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC–129632 (Sub-No. 1) (Republication), filed March 18, 1968, published in the FEDERAL REGISTER issue of April 4, 1968, and republished this issue. Applicant: JESS HATFIELD AND GARY HATFIELD, a partnership, doing business as HATFIELD BROS., Post Office Box 6, Darwin, Minn. 55324. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. By application filed March 18, 1968, as amended, applicant seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of the commodity and from and to the points indicated below. A report and order of the Commission, Operating Rights Board, served August 6, 1968, finds that operation by applicants, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of animal and poultry feeds, from Litchfield, and Willmar, Minn., to points in Wisconsin, under a continuing contract with Pro-Vid-All Mills, Inc., of Litchfield, Minn., will be consistent with the public interest and the national transportation policy; that applicants are fit, willing, and able properly to perform such service and to conform to the requirements of the interstate Commerce Act and the Commission's rules and regulations thereunder.

No. MC 129775 (Sub-No. 1) (Republication), filed March 21, 1968, published FEDERAL REGISTER issue April 4, 1968, and republished this issue. Applicant: R. L. WARD, B. T. WARD, W. D. WARD, AND M. J. WARD, a partnership, doing business as WOODFORD DISTRIBUTING COMPANY, 915 Poplar Street, Cayce, S.C. 29033. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. By application filed March 21, 1968, applicant seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of cosmetics, toilet preparations, household chemical specialties, good grooming aids, premium items, brushes, mops, waxes, polishes and cosmetics for home and industrial use, advertising matter, and premium merchandise, in packages, from Cayce, S.C., to points in South Carolina, under contracts with Avon Products, Inc., Stanley Home Products, Inc., and the Fuller Brush Co. An order of the Commission, Operating Rights Board, dated July 22, 1968, and served August 5, 1968, finds that operation by applicants, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *such commodities as are dealt in by distributors of household and cosmetic products*, from Cayce, S.C., to points in South Carolina, under continuing contracts with Avon Products, Inc., Stanley Home Products, Inc., and the Fuller Brush Co. of Atlanta, Ga., will be consistent with the public interest and the national transportation policy; that applicants are fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings of this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–10213. Authority sought for control and merger by LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. 73108, of the operating rights and property of PACIFIC EXPRESS TRANSPORTATION, 8548 Unsworth Avenue, Route 2, Sacramento, Calif. 95828, and for acquisition by R. E. LEE and M. S. LEE, both also of Oklahoma City, Okla., of control of such rights and property through the transaction. Applicants' attorneys: Bertram S. Silver, 140 Montgomery Street, San Francisco, Calif. 94104, Richard H. Champlin, Post Office Box 82488, Oklahoma City, Okla. 73108, and Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. 90212. Operating rights sought to be controlled and merged: Under a certificate of registration, in Docket No. MC–99833, Sub-2, covering the transportation of general commodities, common carrier, in intrastate commerce, with the State of California. LEE WAY MOTOR FREIGHT, INC., is authorized to operate as a *common carrier* in Texas, Oklahoma, Missouri, Illinois, Kansas, Indiana, Ohio, Pennsylvania, West Virginia, New York, Arizona, New Mexico, California, Colorado, and Arkansas. Application has been filed for temporary authority under section 210a(b). NOTE: See also MC–F–9950 (WATSON-WILSON TRANSPORTATION SYSTEM, INC.—Purchase (Portion)—PACIFIC EXPRESS TRANSPORTATION), published in the November 29, 1967, issue of the FEDERAL REGISTER, on page 16300. MC–F–9950 is presently assigned for Hearing September 9, 1968, at San Francisco, Calif., before Examiner Samuel Shoup. MC–61440, Sub-113 is a matter directly related.

No. MC–F–10214. Application under section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of service. Applicants: TRI-STATE MOTOR TRANSIT, Post Office Box 113, East on Interstate Business Route 44, Joplin, Mo. 64801, which is authorized to operate as a *common carrier* in all States in the United States (except Hawaii), and the District of Columbia; U.S.A.C. TRANSPORT, INC., 25200 West Six Mile Road, Detroit, Mich. 48240, which is authorized to operate as a *common carrier* in all States in the United States (except Hawaii) and the District of Columbia; PARKHILL TRUCK COMPANY, 4219 South Memorial Drive, Tulsa, Okla. 74145, which is authorized to operate as a *common carrier* in all States in the United States (except Hawaii), and the District of Columbia; and HUGHES TRANSPORTATION, INC., 2038 Meeting Street Road, Post Office Box 851, Charleston, S.C., which is authorized to operate as a *common carrier* in South Carolina, North Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, Virginia, Maryland, Pennsylvania, New Jersey, Delaware, Indiana, West Virginia, Arkansas, and the District of Columbia; seek to enter into an agreement for the temporary pooling of that traffic which is presently authorized to the respective carriers. Applicants' attorney: Max G. Morgan, 450 American National Building, Oklahoma City, Okla. 73102.

No. MC–F–10215. Authority sought for purchase by C–B TRUCK LINES, INC., 1034 Humble Place, El Paso, Tex. 79915, of the operating rights and property of SILVER FREIGHT LINES, INCORPORATED, 300 North Arizona, Silver City, N. Mex. 88061, and for acquisition by RANDALL R. SAIN, also of El Paso, Tex., of control of such rights and property through the purchase. Applicants' attorney: Jerry R. Murphy, 708 La Veta NE., Albuquerque, N. Mex. 87108. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Silver City, N. Mex., and El Paso, Tex., serving (1) the intermediate point of Deming, N. Mex., restricted to traffic destined to or originating at points north thereof and (2) all intermediate points between Deming and Silver City and the off-route points of Fort Bayard, Fierro, Hanover, Santa Rita, and Vanadium, N. Mex., and those within 1 mile of the intermediate and off-route points named, without restriction; *general commodities*, except those of unusual value, commodities requiring special equipment, and those injurious or contaminating to other lading, between Silver City, N. Mex., and El Paso, Tex., serving all intermediate points between Silver City, N. Mex., and Deming, N. Mex., including Deming, without restrictions, all intermediate points between Deming, N. Mex., and El Paso, Tex., inclusive, and the off-route point of Wemple, N. Mex., restricted against the transportation of household goods as defined by the Commission, and the off-route point of Fort Bayard, N. Mex., restricted against the transportation of classes A and B explosives and commodities in bulk, between Silver City, N. Mex., and Santa Rita, N. Mex., serving all intermediate points, without restriction, except Vanadium which is restricted against the transportation of classes A and B explosives and commodities in bulk, and the off-route points of Wimpsettville, Hanover, and Fierro, N. Mex.; *general commodities*, between Silver City, N. Mex., and Lordsburg, N. Mex., serving all intermediate points, between Silver City, N. Mex., and Reserve, N. Mex., serving all intermediate points, and the off-route point of Mogollon, N. Mex.; *general commodities*, over irregular routes, between points in Grant, Hidalgo, and Catron Counties, N. Mex.; *livestock*, between points in Luna, Grant, Hidalgo, Dona Ana, and Sierra Counties, N. Mex., on the one hand, and, on the other, points in Greenlee, Graham, Cochise, Apache, Santa Cruz, Pima, Pinal, Gila, and Maricopa Counties, Ariz., from points in Luna, Grant, Hidalgo, Dona Ana, and Sierra Counties, N. Mex., to El Paso, Tex., and to points in said counties on the lines of the Southern Pacific Co. and the Atchison, Topeka & Santa Fe Railway Co., for movement beyond; *livestock feedstuffs*, from El Paso and Tornillo, Tex., to points in Luna, Grant, Hidalgo, Dona Ana, and Sierra Counties, N. Mex., other than those on the lines of the above-named railroad; *mohair*, from points in Grant and Sierra Counties, N. Mex., to El Paso, Tex., and to points in said counties on the lines of the above-named railroads, for movement beyond; *ore*, from points of production in Grant, Sierra, and Luna Counties, N. Mex., to points in said counties on the lines of the above-named railroads for movement beyond; windmills (knocked down), *steel tanks*, and *pipe*, from El Paso, Tex., to farms and ranches in Luna County, N. Mex.; with restriction. Vandee is authorized to operate as a *common carrier* in Texas, New Mexico, and Colorado. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10216. Authority sought for purchase by DAYTON TRANSPORT CORPORATION, Post Office Box 35, Dayton, Va. 22821, of (1) a portion of the operating rights of ALLEN EYE AND STANLEY LEWIS CRAIG, doing business as EYE AND CRAIG TRANSFER, Franklin, W. Va., and (2) the operating rights of FRED LEO WILLIAMS, doing business as FRED WILLIAMS, Fort Seybert, W. Va., and for acquisition by CARR P. COFFMAN and G. LEWIS CLEMMER, both also of Dayton, Va., of control of such rights through the purchase. Applicants' representative: C. F. Germelman, Post Office Box 81, Winchester, Va. 22601. Operating rights sought to be transferred: (1) *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes between Harrisonburg, Va., and Franklin, W. Va., serving all intermediate points; between Franklin, W. Va., and Harman, W. Va., serving all intermediate points, and off route points within 5 miles of the route; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Harrisonburg, Va., on the one hand, and, on the other, points in Pendleton County, W. Va., with restrictions; *animal and poultry feeds, equipment and supplies*, necessary for the raising and marketing of poultry, and *fertilizer*, from Harrisonburg, Va., to points in Pendleton County, W. Va., and *livestock*, from points in Pendleton County, W. Va., to Harrisonburg, Va.; with restrictions; and (2) *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between Harrisonburg, Va., on the one hand, and, on the other, Petersburg, W. Va., points in Pendleton County, W. Va., and those in that part of Hardy County, W. Va., within 25 miles of Fort Seybert, W. Va.; *livestock*, between points in Rockingham County, Va., on the one hand, and, on the other, points in Pendleton County, W. Va., and that part of Hardy County, W. Va. within 25 miles of Fort Seybert, W. Va.; and *brick* and *sand*, from Dayton, Va., to points in Pendleton County, W. Va., and those in that part of Hardy County, W. Va., within 25 miles of Fort Seybert, W. Va., with restrictions. Vendee is authorized to operate as a *common carrier* in Virginia, West Virginia, North Carolina, and Tennessee. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10217. Authority sought for purchase by AUTREY F. JAMES, doing business as A. F. JAMES TRUCK LINE, 107 Lelia Street, Texarkana, Tex. 75501, of the operating rights of REDLAND OIL COMPANY, INC., Post Office Box 601, San Augustine, Tex. Applicants' attorney: Donald R. Partney, 35 Glenmere Drive, Little Rock, Ark. 72204. Operating rights sought to be transferred: *Sugar*, in bags, as a *contract carrier*, over irregular routes, from Supreme (Assumption Parish), Reserve (St. John the Baptist Parish), and Shreveport, La., to Clovis, N. Mex., and points in Texas and Oklahoma, from San Augustine, Tex., to Clovis, N. Mex., and points in Oklahoma. Restriction: The service authorized herein is subject to the following conditions: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts with the following shippers: J. Aron & Co., of New Orleans, La., Godchaux Sugar Refining Co., or Reserve, La., J. Monroe Harris, of San Augustine, Tex. The operations authorized herein shall be conducted separately from any other business activities of carrier or of any of its stockholders. That carrier shall maintain separate accounting systems therefor. That carrier shall not transport property as both for-hire and a private carrier at the same time and in the same vehicle. Vendee is authorized to operate as a *contract carrier* in Texas, Arkansas, Oklahoma, Louisiana, Alabama, Tennessee, Mississippi, Florida, Georgia, Kansas, Kentucky, Missouri, North Carolina, Oklahoma, South Carolina, Virginia, Nebraska, and New Mexico. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10218. Authority sought for control by MAGNA GARFIELD TRUCK LINE, 1030 South Redwood Road, Salt Lake City, Utah 84104, of UINTAH FREIGHTWAYS, 970 West Main Street, Vernal, Utah 84080. Applicants' attorney: William S. Richards, 1610 Walker Bank Building, Salt Lake City, Utah 84111. Operating rights sought to be controlled: *General commodities*, except commodities in bulk other than sand, as a *common carrier*, over regular routes, between Salt Lake City, Utah, and junction Utah Highways 44 and 260, serving points on such highwyas in Duchesne and Uintah Counties, Utah, as intermediate points, and serving Dutch John, Manila, and Linwood, Utah, junction Wyoming Highway 530 and unnumbered U.S. Bureau of Reclamation Road, and all points on the Bureau of Reclamation Road as off-route points; between Salt Lake City, Utah, and Heber City, Utah, serving all

intermediate points, with restriction; between junction U.S. Highway 91 and Utah Highway 52, and junction U.S. Highway 189 and Utah Highway 52, serving all intermediate points, between Duchesne, Utah, and Price, Utah, serving all intermediate points, and serving points in Duchesne and Uintah Counties, Utah, as off-route points; *general commodities*, except commodities in bulk other than sand, over irregular routes, between Salt Lake City, Utah, and points in Duchesne and Uintah Counties, Utah; *general commodities*, except household goods as defined by the Commission, classes A and B explosives, and commodities which because of size or weight require special equipment, between Salt Lake City, Utah, and points in Duchesne and Uintah Counties, Utah, on the one hand, and, on the other, points in Daggett County, Utah, with restriction; *well-servicing equipment and supplies*, and *drilling parts and supplies*, except drilling rigs and tubular goods, and except carbon dioxide in bulk, in tank vehicles, between Vernal, Utah, on the one hand, and, on the other, points in Colorado, New Mexico, Arizona, Idaho, Wyoming, and Nevada, with restriction; *sand*, in bulk, in pneumatic tank vehicles, from Houck, Ariz., to Vernal, Utah; *gilsonite*, in bulk, in tank vehicles, from points in Duchesne and Uintah Counties, Utah, to the test site of the Atomic Energy Commission, at or near Mercury, Nev.; *coal* and *fly ash*, in bulk, in tank vehicles, from points in Carbon County, Utah, to the test site of the Atomic Energy Commission near Mercury, Nev.; and *fly ash*, in bulk, in tank vehicles, from points in Carbon County, Utah, to points in San Juan County, N. Mex. MAGNA GARFIELD TRUCK LINE, is authorized to operate as a *common carrier* in Utah, and partly under a certificate of registration, within the State of Utah. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-10051; Filed, Aug. 20, 1968; 8:50 a.m.]

[Notice 671]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 15, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 111812 (Sub-No. 369 TA), filed August 12, 1968. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Joseph W. Harvey (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, other than frozen, from Comstock-Greenwood Foods, division of the Borden Co., plantsites and storage facilities at Waterloo, Red Creek, Rushville, Egypt, Penn Yan, Lyons, Newark, and Fairport, N.Y., to points in Illinois, Iowa, Minnesota, Missouri, Nebraska, and Wisconsin, for 180 days. Supporting shipper: Comstock-Greenwood Foods, division of the Borden Co., Newark, N.Y. 14513, Leland C. Henry, distribution manager. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 115523 (Sub-No. 148 TA), filed August 12, 1968. Applicant: CLARK TANK LINES COMPANY, 1450 North Beck Street, Post Office Box 1895 (84110). Applicant's representative: Gordon Roberts, 520 Kearns Building, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, and in tank vehicles, between points in Boise, Idaho, and points within 10 miles thereof, on the one hand, and, on the other, points in Oregon, for 180 days. Supporting shipper: Blackline Asphalt Sales of Idaho, Inc., Box 4324, Boise, Idaho. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 116077 (Sub-No. 244 TA), filed August 12, 1968. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 9527 (77011), Houston, Tex. 77023. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Houston, Tex., to Oklahoma City, Okla., for 180 days. NOTE: Applicant does not intend to tack authority with presently authorized routes. Supporting shipper: Ideal Cement Co., A. S. Bonney, Traffic Manager, 821 Seventh Street, Denver, Colo. 80202. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, 8610 Federal Building, 515 Rusk Avenue, Houston, Tex. 77002.

No. MC 119778 (Sub-No. 116 TA), filed August 12, 1968. Applicant: REDWING CARRIERS, INC., Alabama corporation, Post Office Box 34, Powderly Station, Wilson Road, Birmingham, Ala. 35221. Applicant's representative: J. V. McCoy, Post Office Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid and phosphatic fertilizer solution*, in bulk, in tank vehicles, from the plantsite of Freeport Sulphur Co. at or near Uncle Sam, St. James Parish, La., to points in Alabama, Arkansas, Florida, Georgia, Illinois, on and south of U.S. Highway 50 including East St. Louis, Kentucky, Louisiana, Mississippi, Missouri, on and south of the Missouri River, Oklahoma, Tennessee, and Texas, for 180 days. Supporting shipper: Freeport Sulphur Co., 161 East 42d Street, New York, N.Y. 10017. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 823, 2121 Building, Birmingham, Ala. 35203.

No. MC 119839 (Sub-No. 5 TA), filed August 12, 1968. Applicant: DARREL M. BAKER AND LEE SHELL, doing business as SHELL FEED & SUPPLY CO., Lutesville, Mo. 63762. Applicant's representative: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets and pallet parts*, from points in Bollinger County, Mo., and those in Wayne County, Mo., east of U.S. Highway 67, to points in Illinois, for 150 days. Supporting shippers: Mitchell Pallett & Lumber Co., Post Office Box 21, Marble Hill, Mo. 63764; Lutesville Pallet Co., Inc., Post Office Box 127, Lutesville, Mo. 63762; Atlas Pallet & Box, Inc., 5050 North River Road, Schiller Park, Ill. 60176. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3248B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 124245 (Sub-No. 12 TA) (Amendment), filed July 3, 1968, published FEDERAL REGISTER July 23, 1968, and republished as amended this issue. Applicant: ALBERT V. MEILSTRUP, doing business as ACE REFRIGERATED TRUCKING SERVICE, 219 East Tutt Street, South Bend, Ind. 46618. Applicant's representative: Wm. L. Carney, 105 East Jennings Avenue, South Bend, Ind. 46614. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* having prior or subsequent movement by railroad or motor carrier, from South Bend and Mishawaka, Ind., to points in Elkhart County, Ind., and Saint Joseph County, Ind., for 180 days. NOTE: The purpose of this republication is to show authority as amended. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 127722 (Sub-No. 1 TA), filed August 12, 1968. Applicant: DAVID L. RHODA, Route No. 1, Schoolcraft, Mich. 49087. Applicant's representative: W. Fred Allen, Jr., 1015 American National Bank Building, Kalamazoo, Mich. 49006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk feed*, from Hammond, Ind., to points in that part of Michigan on, west and south of a line beginning on U.S. Highway 127 at the Indiana-Michigan State line and extending north along U.S. Highway 127 to junction Interstate Highway 96 to Muskegon, Mich., thence west to Lake Michigan, with no transportation for compensation on return except as otherwise authorized, for 180 days. Supporting shipper: Farm Bureau Services, Inc., 4000 North Grand River, Lansing, Mich. 48904. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich. 48933.

No. MC 128246 (Sub-No. 4 TA), filed August 12, 1968. Applicant: GARIBALDI NATIONAL TRANSPORTERS CO., INC., 3500 Fruitland Avenue, Post Office Box 488, Maywood, Calif. 90270. Applicant's representative: William N. Towle, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk), from Tolleson, Ariz., to points in California, return of *damaged, rejected, or spoiled shipments*, for 180 days. Supporting shipper: Swift & Co., Post Office Box 126, Tolleson, Ariz. 85353. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 128701 (Sub-No. 4 TA), filed August 12, 1968. Applicant: R. MARTEL EXPRESS, LIMITED, 47 West Visitation Street, Farnham, Quebec, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Limestone*, in bags, from Middlebury, East Middlebury, and New Haven Junction, Vt., to the ports of entry at or near Champlain, N.Y., and/or Highgate, Vt., and return with *wood pallets* used in the above described operation, for 150 days. Supporting shipper: St. Lawrence Chemical Co. (Sales), Ltd., 5405 Pare Street, Montreal 9, Quebec. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 129997 (Sub-No. 1 TA), filed August 12, 1968. Applicant: BILLY GOINS AND ROBERT A. GOINS, doing business as GOINS TRUCKING, Post Office Drawer T, Childersburg, Ala. 35044. Applicant's representative: Robert E. Tate, Suite 2023-2027, City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Talc* (soapstone), in bulk, in dump vehicles, from points in Avery, Cherokee and Jackson Counties, N.C., to the plantsite of Resource Processors, Inc., at or near Alpine, Ala., for 180 days. Supporting shipper: Resource Processors, Inc., Post Office Box 529, 77 River Street, Hoboken, N.J. 07030. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 823, 2121 Building, Birmingham, Ala. 35203.

No. MC 133075 TA, filed August 12, 1968. Applicant: BREMERTON TRANSFER AND STORAGE CO., INC., 221 Bruenn Avenue, Bremerton, Wash. 98310. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Kitsap, Mason, Pierce, Jefferson, and Grays Harbor Counties, Wash., for 180 days. Supporting shippers: There are approximately seven statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-10052; Filed, Aug. 20, 1968; 8:50 a.m.]

[Notice 194]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 16, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70470. By order of August 9, 1968, the Transfer Board approved the transfer to Lynn Tarrell, doing business as Tarrell's Transfer, 755 Siemers Street, Platteville, Wis. 53818; of a portion of the operating rights in certificates Nos. MC-6264 and MC-6264 (Sub-No. 4), and the entire operating rights in certificate No. MC-6264 (Sub-No. 6), issued March 18, 1958, November 15, 1960, and July 25, 1962, respectively, to Lewis W. Groom, doing business as L. & N. Transfer, Cassville, Wis., authorizing the transportation of household goods, from, to, or between, specified points in Illinois, Iowa, and Wisconsin.

No. MC-FC-70592. By order of August 12, 1968, the Transfer Board on reconsideration, approved the transfer to Sardo's Delivery Service, Inc., Seaford, N.J., of that portion of the operating rights in certificate No. MC-44513 issued March 27, 1962, to Matco Transportation, Inc., Jersey City, N.J., authorizing the transportation of general commodities, with exceptions, between points in Bergen, Hudson, Passaic, Union, and Essex Counties, N.J., on the one hand, and, on the other, New York, N.Y., except points in Nassau County, N.Y., within the New York, N.Y., commercial zone. Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432, attorney for applicants.

No. MC-FC70594. By order of August 9, 1968, the Transfer Board, on reconsideration, approved the transfer to Harding L. Creasy, Donny R. Creasy, and Glen E. Creasy, a partnership, doing business as H. L. Creasy & Sons, Route 1, Bluefield, Va. 24605, of the operating rights in certificate No. MC-102659 issued August 29, 1942, to Ernest G. Wagner, Pocahontas, Va., authorizing the transportation of household goods between points in Virginia and West Virginia within 100 miles of Pocahontas, Va., including Pocahontas, and coal, between points in Virginia and West Virginia within 20 miles of Pocahontas.

No. MC-FC-70614. By order of August 12, 1968, the Transfer Board approved the transfer to James Casel Valentine, Highway 80 West, Forest, Miss. 39074, of the operating rights in permits Nos. MC-125458 (Sub-No. 2) and MC-125458 (Sub-No. 4), issued April 23, 1964, and June 20, 1967, respectively, to Dwight Lewis, doing business as Lewis Grain & Produce, Morton, Miss., authorizing the transportation of wooden pallets, from Morton, Miss., to Osceloa, Ark., Peoria, Ill., and points in Alabama, Louisiana, and Tennessee under a continuing contract with a named shipper.

No. MC-FC-70641. By order of August 12, 1968, the Transfer Board approved the transfer to Marketing Services, Inc., South Orange, N.J., of that portion of the operating rights in certificate No. MC-77081 issued September 26, 1962, to Paterson Trucking Co., Inc., Paterson, N.J., authorizing the transportaton of general commodities, with the usual exceptions, between points in Nassau and Westchester Counties, N.Y., on the one hand, and, on the other, points in Hudson, Bergen, Passaic, Essex, and Union Counties, N.J. James J. Farrell, 201 Montague Place, South Orange, N.J.,

07079, John M. Zachara, Post Office Box Z, Paterson, N.J. 07509, representatives for applicants.

No. MC–FC–70687. By order of August 7, 1968, the Transfer Board, approved the transfer to Burkett Trucking Co., Inc., Little Rock, Ark., of the operating rights in certificate No. MC–118016, issued January 6, 1961, in the name of Doyle Burkett, Little Rock, Ark., authorizing the transportation in interstate or foreign commerce, over irregular routes, of bananas, from New Orleans, La., to Little Rock, Ark., with no transportation for compensation on return except as otherwise authorized, and frozen yams, from Hammond, La., to Los Angeles, San Francisco, Oakland, San Diego, and Sacramento, Calif., Tucson and Phoenix, Ariz., with no transportation for compensation on return except as otherwise authorized. Glen W. Jones, Jr., Barber, Henry, Thurman, McCaskill & Amsler, 1426 Donaghey Building, Little Rock, Ark. 72201, attorney for applicants.

No. MC–FC–70689. By order of August 7, 1968, the Transfer Board approved the transfer to S & S Van Lines, Inc., La Porte, Ind., of that portion of the operating rights in certificate No. MC–13367 (Sub-No. 7), issued October 7, 1963, to Robert Merley, New Carlisle, Ind., authorizing transportation service in interstate or foreign commerce over irregular routes of household goods, as defined by the Commission, between points in Berrien County, Mich., on the one hand, and, on the other, points in La Porte, Porter, and Lake Counties, Ind., and Cook County, Ill. William L. Carney, 105 East Jennings Avenue, South Bend, Ind. 46614, attorney for applicants.

No. MC–FC–70707. By order of August 9, 1968, the Transfer Board, approved the transfer to Diane M. McInteer, Kansas City, Mo., of the operating rights in certificate No. MC–3790 (Sub–No. 5), issued October 18, 1956, to Williams Transfer, Inc., North Kansas City, Mo., authorizing transportation service in interstate commerce, over regular routes, of livestock, from Arley, Mo., to Kansas City, Kans., serving the intermediate point of Kansas City, Mo., restricted to delivery only and intermediate and off-route points within 10 miles of Arley restricted to pickup only, over specified routes; general commodities, except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from Kansas City, Kans., to Arley, Mo., serving the intermediate point of Kansas City, Mo., restricted to pickup only; and to intermediate and off-route points within 10 miles of Arley restricted to delivery only, over specified routes. Charles A. Darby, 1215 Commerce Building, Kansas City, Mo. 64106, attorney for applicants.

No. MC–FC–70709. By order of August 9, 1968, the Transfer Board, approved the transfer to Norman W. Roux, Moundridge, Kans., of the operating rights in certificate No. MC–110248, issued January 31, 1950, to Emil D. Claasen (Millicent Claasen, executrix), doing business as Emil D. Claasen Trucking Service, Newton, Kans., authorizing transportation service in interstate commerce, over irregular routes, of feeds, processed and unprocessed, from St. Joseph and Kansas City, Mo., to points and places within 25 miles of Newton, Kans., except incorporated cities, towns, and villages, agricultural machinery and parts thereof, from Kansas City, Mo., to points and places within 25 miles of Newton, Kans., except incorporated cities, towns and villages and return with no compensation except as otherwise authorized; livestock, between points and places within 25 miles of Newton, Kans., on the one hand, and, on the other, St. Joseph and Kansas City Mo.; emigrant moveables, between points and places in Kansas within 25 miles of Newton, except incorporated cities, towns and villages, on the one hand, and, on the other, points and places in Missouri and Oklahoma except incorporated cities, towns, and villages. C. Fred Ice, 110 East Sixth Street, Newton, Kans. 67114, attorney for applicants.

No. MC–FC–70673. By order of August 9, 1968, the Transfer Board, approved the transfer to James A. Marinari and Joseph A. Marinari, a partnership, doing business as Marinari Brothers, Conshohocken, Pa., of the operating rights in certificate No. MC–118936 issued June 13, 1961, to Albert Marinari, Conshohocken, Pa., authorizing the transportation of crushed stone, in bulk, in dump vehicles, from Norristown, Pa., to Riverton, N.J., and sands, in bulk, in dump vehicles, from Mount Holly and Riverside, N.J., to Plymouth Township, Montgomery County, Pa. J. Pierce Anderson, 522 Swede Street, Norristown, Pa. 19401, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–10053; Filed, Aug. 20, 1968; 8:50 a.m.]

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Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Standards for Grades of Various Processed Citrus Juices*

Notice of a proposal to amend several listed U.S. Standards for Grades of citrus juice products was published in the FEDERAL REGISTER of May 3, 1968 (33 F.R. 6784). The listed standards were:

Frozen Concentrated Grapefruit Juice (7 CFR 52.1221–52.1232).
Canned Blended Grapefruit Juice and Orange Juice (7 CFR 52.1281–52.1293).
Frozen Concentrated Blended Grapefruit Juice and Orange Juice (7 CFR 52.1311–52.1323).
Frozen Concentrate for Lemonade (7 CFR 52.1421–52.1432).
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Frozen Concentrated Orange Juice (7 CFR 52.1581–52.1592).
Canned Tangerine Juice (7 CFR 52.2071–52.2082).
Canned Concentrated Orange Juice (7 CFR 52.2251–52.2262).
Frozen Concentrate for Limeade (7 CFR 52.2521–52.2532).
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Pasteurized Orange Juice (7 CFR 52.5641–52.5652).
Orange Juice From Concentrate (7 CFR 52.5681–52.5692).

The amendments as proposed would adopt the Bromate Titration (Scott) Oil Method as the official method for determining recoverable oils in all of the listed grade standards. Interested persons were given until July 1, 1968, in which to submit written data, views, or arguments concerning the proposed actions. The actions would be taken pursuant to the authority contained in the Agricultural Marketing Act of 1946 (sec. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

Statement of consideration leading to the change in method. The method of measuring recoverable oil proposed on May 3, 1968, was developed by the Agricultural Research Service of the U.S. Department of Agriculture. It is now in general use in the U.S. citrus products industry. It is also referenced in large buyer contracts. The Department finds it to be superior to the current method both in accuracy and precision. It also requires much less time—a very important consideration in plant quality control and in-plant inspection.

While the proposal recognized that the Scott Oil Method would change slightly the effect of the oil limits prescribed in the affected U.S. grades there was not, at that time, agreement among informed persons as to the magnitude of difference between the oil recovery of the two methods. No compensating adjustment in the oil requirements, therefore, was included in the proposal.

Comments filed with the Hearing Clerk were from three sources only: The Citrus Committee of the Institute of Food Technologists, composed of technical members of the citrus processing industry internationally; the Florida Canners Association; and Sunkist Growers, a large California based producer of processed citrus products. All respondents strongly supported the proposed change in method. All requested that the percent by volume specified as the upper oil limits of each affected grade standard be increased by a figure of 0.005 percent. The stated purpose of these requests was to make the oil limits—with the Scott Method—comparable to the current oil requirements, using the current method.

Data was submitted to support the 0.005 percent increase.

On examination of this data together with other data and opinions now available, the Department concludes that the suggested 0.005 percent addition to the oil limits for each affected standard would adequately and properly compensate for the increased efficiency of the new method. An adjustment, therefore, is made in each affected grade standard to increase the minimum and maximum oil levels by 0.005 percent by volume (or its equivalent) on a single strength or reconstituted basis so that the change in method of analysis would create no substantive change in the quality requirements in the affected standards.

Figure 1 of the method has been filed with the original document and is available for inspection in the Office of the Federal Register or in the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Room 0707, South Building, Washington, D.C. A copy will also be contained in each reprint of the affected USDA grade standard.

In Part 52 of Chapter I of Title 7 of the Code of Federal Regulations, the listed subparts are amended as follows:

Subpart—U.S. Standards for Grades of Frozen Concentrated Grapefruit Juice is amended as follows:

1. In § 52.1229, paragraphs (a) (1) and (2), and (b) (1) and (2) are revised to read as follows:

§ 52.1229 Flavor.

* * * * * *

(a) * * *

(1) *Style I; unsweetened.* The ratio of Brix value to acid is not less than 9 to 1 nor more than 14 to 1 and the recoverable oil content is not less than 0.027 ml. nor more than 0.067 ml. per 100 grams.

(2) *Style II; sweetened.* The ratio of Brix value to acid is not less than 10 to 1 nor more than 13 to 1 and the recoverable oil content is not less than 0.027 ml. nor more than 0.067 ml. per 100 grams.

(b) * * *

(1) *Style I; unsweetened.* The ratio of Brix value to acid is not less than 7 to 1 nor more than 16 to 1 and the recoverable oil content is not more than 0.067 ml. per 100 grams.

(2) *Style II; sweetened.* The ratio of Brix value to acid is not less than 8 to 1 nor more than 13 to 1 and the recoverable oil content is not more than 0.067 ml. per 100 grams.

* * * * * *

2. In § 52.1230, paragraph (e) is revised to read as follows:

§ 52.1230 Definitions of terms as used in these standards, and methods of analyses.

* * * * * *

(e) *Recoverable oil.* "Recoverable oil" is determined by the following method:

METHOD

(1) *Reagents.*

Standard bromide-bromate solution—prepared and standardized to 0.099N in accordance with Chapter 42, Standard Solutions in the current edition of the AOAC.[1] For use, add 1 volume of standard solution to 3 volumes of water to make 0.0247N solution. 1 ml. of 0.0247N solution supplies bromine to react with 0.00085g., or 0.0010 ml., of d-limonene. The solutions are stable for 6 months.

2-Propanol—Reagent grade ACS (American Chemical Society).

Dilute hydrochloric acid—prepared by adding 1 volume of concentrated acid to 2 volumes of water.

Methyl orange indicator—0.1 percent in water.

(2) *Apparatus.*

Electric heater—with recessed refractory top, 500–750 watts.

Still, all glass—500 ml. distillation flask with 24/40 standard taper neck; 200 mm. Graham condenser with 28/15 receiving socket and drip tip; connecting bulb and adaptor as shown in Figure 1.

---

*Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

[1] "AOAC" refers to the Official Methods of Analysis published by the Association of Official Analytical (formerly Agricultural) Chemists. Copies may be obtained from this Association at Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

Burette—10 ml. or 25 ml. graduated to 0.1 ml., with easily controllable flow to permit both rapid and dropwise titration.

(3) *Determination.*

(i) Pipette 25 ml. of well-mixed sample (juice or reconstituted juice) into the distillation flask containing carborundum chips or glass beads, and add 25 ml. of 2-Propanol.

(ii) Distill into a 150 ml. beaker. Continue distilling until solvent ceases to reflux then remove the flask from the heater.

(iii) Add 10 ml. of dilute hydrochloric acid and 1 drop of indicator. (An alternative method would be to prepare a solution containing 5 ml. of indicator and 1,000 ml. of dilute hydrochloric acid—then add 10 ml. of this acid-indicator mix to the 150 ml. beaker.)

(iv) Titrate with the dilute bromate solution while stirring. The major portion of the titrant may be added rapidly, but the endpoint must be approached at about 1 drop per second. Disappearance of color indicates the endpoint.

(v) Determine the reagent blank by titrating three separate mixtures of 25 ml. 2-Propanol and 10 ml. of dilute hydrochloric acid with indicator—without refilling the burette. Divide the total ml. of titrant used by three to obtain the average blank. Subtract the average blank thus obtained from the ml. of titrant used to titrate the distillate.

(vi) Multiply the remainder by 0.004 to obtain the percent recoverable oil by volume in the juice sample.

(vii) The ml. recoverable oil per 100 grams of the concentrate is determined as follows:

$$\text{ml. recoverable oil per 100 grams concentrate} = \frac{[\text{percent oil by volume recovered}]\ 4}{\text{specific gravity of the concentrate}}$$

* * * * *

Subpart—U.S. Standards for Grades of Canned Blended Grapefruit Juice and Orange Juice is amended as follows:

1. In § 52.1288, paragraphs (b) and (c) are revised to read as follows:

§ 52.1288 Absence of defects.

* * * * *

(b) (*A*) *classification.* Canned blended grapefruit juice and orange juice that is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that the juice may contain not more than 12 percent free and suspended pulp; that there may be present not more than 0.035 percent by volume of recoverable oil; and that the juice does not contain seeds or seed particles or other defects that affect more than slightly the appearance of the product.

(c) (*C*) *classification.* If the canned blended grapefruit juice and orange juice is fairly free from defects, a score of 28 to 33 points may be given. Canned blended juice that falls into this classification shall not be graded above U.S. Grade C or U.S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the juice may contain not more than 18 percent free and suspended pulp; that there may be present not more than 0.055 percent by volume of recoverable oil; and that the juice does not contain seeds or seed particles or other defects that affect materially the appearance of the product.

* * * * *

2. In § 52.1291, paragraph (b) is revised to read as follows:

§ 52.1291 Explanation of analyses.

* * * * *

(b) "Recoverable oil" is determined by the following method:

METHOD

(1) *Reagents.*

Standard bromide-bromate solution—prepared and standardized to 0.099N in accordance with Chapter 24, Standard Solutions in the current edition of the AOAC.[1] For use, add 1 volume of standard solution to 3 volumes of water to make 0.0247N solution. 1 ml. of 0.0247N solution supplies bromine to react with 0.00085g., or 0.0010 ml., of *d*-limonene. The solutions are stable for 6 months.

2-Propanol—Reagent grade ACS (American Chemical Society).

Dilute hydrochloric acid—prepared by adding 1 volume of concentrated acid to 2 volumes of water.

Methyl orange indicator—0.1 percent in water.

(2) *Apparatus.*

Electric heater—with recessed refractory top, 500–750 watts.

Still, all glass—500 ml. distillation flask with 24/40 standard taper neck; 200 mm. Graham condenser with 28/15 receiving socket and drip tip; connecting bulb and adapter as shown in Figure 1.

Burette—10 ml. or 25 ml. graduated to 0.1 ml., with easily controllable flow to permit both rapid and dropwise titration.

(3) *Determination.*

(i) Pipette 25 ml. of well-mixed sample (juice or reconstituted juice) into the distillation flask containing carborundum chips or glass beads, and add 25 ml. of 2-Propanol.

(ii) Distill into a 150 ml. beaker. Continue distilling until solvent ceases to reflux then remove the flask from the heater.

(iii) Add 10 ml. of dilute hydrochloric acid and 1 drop of indicator. (An alternative method would be to prepare a solution containing 5 ml. of indicator and 1,000 ml. of dilute hydrochloric acid—then add 10 ml. of this acid-indicator mix to the 150 ml. beaker.)

(iv) Titrate with the dilute bromate solution while stirring. The major portion of the titrant may be added rapidly, but the endpoint must be approached at about 1 drop per second. Disappearance of color indicates the endpoint.

(v) Determine the reagent blank by titrating three separate mixtures of 25 ml. 2-Propanol and 10 ml. of dilute hydrochloric acid with indicator—without refilling the burette. Divide the total milliliters of titrant used by three to obtain the average blank. Subtract the average blank thus obtained from the milliliters of titrant used to titrate the distillate.

(vi) Multiply the remainder by 0.004 to obtain the percent recoverable oil by volume in the juice sample.

Subpart—U.S. Standards for Grades of Frozen Concentrated Blended Grapefruit Juice and Orange Juice is amended as follows:

1. In § 52.1318, paragraphs (b) and (c) are revised to read as follows:

§ 52.1318 Absence of defects.

* * * * *

(b) (*A*) *classification.* Frozen concentrated blended grapefruit juice and orange juice of which the reconstituted juice is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that there may be present: (1) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding one-eighth inch in diameter, provided such seeds or portions thereof do not materially affect the appearance or drinking quality of the juice; (2) juice cells that do not materially affect the appearance or drinking quality of the juice; (3) other defects that are not more than slightly objectionable, and (4) not more than 12 percent free and suspended pulp. To score in this classification the frozen concentrated blended grapefruit juice and orange juice may contain not more than 0.097 ml. of recoverable oil per 100 grams of the concentrated product.

(c) (*B*) *classification.* If the reconstituted juice is reasonably free from defects, a score of 28 to 33 points may be given. Frozen concentrated blended grapefruit juice and orange juice that falls into this classification shall not be graded above U.S. Grade B or U.S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that there may be present: (1) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding one-eighth inch in diameter, provided such seeds or portions thereof do not seriously affect the appearance or drinking quality of the juice; (2) juice cells that do not seriously affect the appearance or drinking quality of the juice; (3) other defects that are not materially objectionable, and (4) not more than 18 percent free and suspended pulp. To score in this classification the frozen concentrated blended grapefruit juice and orange juice may contain not more than 0.113 ml. of recoverable oil per 100 grams of the concentrated product.

* * * * *

2. In § 52.1321, paragraph (c) is revised to read as follows:

§ 52.1321 Explanation of analyses.

* * * * *

(c) "Recoverable oil" is determined by the following method:

METHOD

(1) *Reagents.*

Standard bromide-bromate solution—prepared and standardized to 0.099N in accordance with Chapter 42, Standard Solutions in the current edition of the AOAC.[1] For use, add 1 volume of standard solution to 3 volumes of water to make 0.0247N solution. 1 ml. of 0.0247N solution supplies bromine to react with 0.00085g., or 0.0010 ml., of *d*-limonene. The solutions are stable for 6 months.

2-Propanol—Reagent grade ACS (American Chemical Society).

Dilute hydrochloric acid—prepared by adding 1 volume of concentrated acid to 2 volumes of water.

Methyl orange indicator—0.1 percent in water.

(2) *Apparatus.*

Electric heater—with recessed refractory top, 500–750 watts.

Still, all glass—500 ml. distillation flask with 24/40 standard taper neck; 200 mm. Graham condenser with 28/15 receiving socket and drip tip; connecting bulb and adapter as shown in Figure 1.

[1] See footnote on p. 11881.

[1] See footnote on p. 11881.

Burette—10 ml. or 25 ml. graduated to 0.1 ml., with easily controllable flow to permit both rapid and dropwise titration.

(3) *Determination.*

(i) Pipette 25 ml. of well-mixed sample (juice or reconstituted juice) into the distillation flask containing carborundum chips or glass beads, and add 25 ml. of 2-Propanol.

(ii) Distill into a 150 ml. beaker. Continue distilling until solvent ceases to reflux then remove the flask from the heater.

(iii) Add 10 ml. of dilute hydrochloric acid and 1 drop of indicator. (An alternative method would be to prepare a solution containing 5 ml. of indicator and 1,000 ml. of dilute hydrochloric acid—then add 10 ml. of this acid-indicator mix to the 150 ml. beaker.)

(iv) Titrate with the dilute bromate solution while stirring. The major portion of the titrant may be added rapidly, but the endpoint must be approached at about 1 drop per second. Disappearance of color indicates the endpoint.

(v) Determine the reagent blank by titrating three separate mixtures of 25 ml. 2-Propanol and 10 ml. of dilute hydrochloric acid with indicator—without refilling the burette. Divide the total ml. of titrant used by three to obtain the average blank. Subtract the average blank thus obtained from the ml. of titrant used to titrate the distillate.

(vi) Multiply the remainder by 0.004 to obtain the percent recoverable oil by volume in the juice sample.

(vii) The ml. of recoverable oil per 100 grams of the concentrate is determined as follows:

$$\text{ml. recoverable oil per 100 grams concentrate} = \frac{[\text{percent oil by volume recovered}]\ 4}{\text{specific gravity of the concentrate}}$$

* * * * *

Subpart—U.S. Standards for Grades of Frozen Concentrate for Lemonade is amended as follows:

1. In § 52.1428, paragraphs (a) and (b) are revised to read as follows:

§ 52.1428 Flavor.

(a) (*A*) *classification.* Frozen concentrate for lemonade which, when prepared as lemonade, possesses a good flavor, may be given a score of 51 to 60 points. "Good flavor" means a fine, distinct, and substantially typical flavor of lemonade prepared from freshly expressed lemon juice and which flavor is free from terpenic, oxidized, rancid, or other off-flavors. To score in this classification, the lemonade shall test not less than 10.5 degrees Brix; shall contain not less than 0.7 gram of acid per 100 ml. of the lemonade; may not contain more than 0.025 ml. of recoverable oil per 100 ml. of the lemonade; and the Brix-acid ratio shall not exceed 20:1.

(b) (*B*) *classification.* If the prepared lemonade possesses a reasonably good flavor, a score of 42 to 50 points may be given. Frozen concentrate for lemonade that falls into this classification shall not be graded above "U.S. Grade B" or "U.S. Choice" regardless of the total score for the product (this is a limiting rule). "Reasonably good flavor" means a fairly typical flavor of lemonade prepared from freshly expressed lemon juice and which flavor is practically free from terpenic, oxidized, rancid, or other off-flavors and is free from abnormal flavors of any kind. To score in this classification the lemonade shall test not less than 10.5 degrees Brix; shall contain not less than 0.7 gram of acid per 100 ml. of the lemonade, may contain not more than 0.035 ml. of recoverable oil per 100 ml. of the lemonade; and the Brix-acid ratio shall not exceeed 20:1.

* * * * *

2. Section 52.1430 is revised to read as follows:

§ 52.1430 Explanation of analyses.

Recoverable oil is determined by the following method:

METHOD

(1) *Reagents.*

Standard bromide-bromate solution—prepared and standardized to 0.099N in accordance with Chapter 42, Standard Solutions in the current edition of the AOAC.[1] For use, add 1 volume of standard solution to 3 volumes of water to make 0.0247N solution. 1 ml. of 0.0247N solution supplies bromine to react with 0.00085g., or 0.0010 ml., of *d*-limonene. The solutions are stable for 6 months.

2-Propanol—Reagent grade ACS (American Chemical Society).

Dilute hydrochloric acid—prepared by adding 1 volume of concentrated acid to 2 volumes of water.

Methyl orange indicator—0.1 percent in water.

(2) *Apparatus.*

Electric heater—with recessed refractory top, 500–750 watts.

Still, all glass—500 ml. distillation flask with 24/40 standard taper neck; 200 mm. Graham condenser with 28/15 receiving socket and drip tip; connecting bulb and adapter as shown in Figure 1.

Burette—10 ml. or 25 ml. graduated to 0.1 ml., with easily controllable flow to permit both rapid and dropwise titration.

(3) *Determination.*

(i) Pipette 25 ml. of well-mixed sample (juice or reconstituted juice) into the distillation flask containing carborundum chips or glass beads, and add 25 ml. of 2-Propanol.

(ii) Distill into a 150 ml. beaker. Continue distilling until solvent ceases to reflux, then remove the flask from the heater.

(iii) Add 10 ml. of dilute hydrochloric acid and 1 drop of indicator. (An alternative method would be to prepare a solution containing 5 ml. of indicator and 1,000 ml. of dilute hydrochloric acid—then add 10 ml. of this acid-indicator mix to the 150 ml. beaker.)

(iv) Titrate with the dilute bromate solution while stirring. The major portion of the titrant may be added rapidly, but the endpoint must be approached at about 1 drop per second. Disappearance of color indicates the endpoint.

(v) Determines the reagent blank by titrating three separate mixtures of 25 ml. 2-Propanol and 10 ml. of dilute hydrochloric acid with indicator—without refilling the burette. Divide the total milliliters of titrant used by three to obtain the average blank. Subtract the average blank thus obtained from the milliliters of titrant used to titrate the distillate.

(vi) Multiply the remainder by 0.004 to obtain the percent recoverable oil by volume in the lemonade.

Subpart—U.S. Standards for Grades of Canned Orange Juice is amended as follows:

1. In § 52.1558, paragraphs (b) and (c) are revised to read as follows:

§ 52.1558 Defects.

* * * * *

(b) (*A*) *classification.* Canned orange juice that is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that there may be present not more than 0.035 percent by volume of recoverable oil and that the juice does not contain particles of membrane, core, or skin, seeds, or seed particles, or other defects that affect more than slightly the appearance of the product.

(c) (*C*) *classification.* If the canned orange juice is fairly free from defects, a score of 16 or 17 points may be given. Canned orange juice that falls into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that there may be present not more than 0.055 percent by volume of recoverable oil and that the juice does not contain particles of membrane, core, or skin, seeds, or seed particles, or other defects that affect materially the appearance of the product.

2. In § 52.1560, paragraph (d) is revised to read as follows:

§ 52.1560 Definitions of terms and methods of analyses.

* * * * *

(d) *Recoverable oil.* "Recoverable oil" is determined by the following method:

METHOD

(1) *Reagents.*

Standard bromide-bromate solution—prepared and standardized to 0.099N in accordance with Chapter 42, Standard Solutions in the current edition of the AOAC.[1] For use, add 1 volume of standard solution to 3 volumes of water to make 0.0247N solution. 1 ml. of 0.0247N solution supplies bromine to react with 0.00085g., or 0.0010 ml., of *d*-limonene. The solutions are stable for 6 months.

2-Propanol—Reagent grade ACS (American Chemical Society).

Dilute hydrochloric acid—prepared by adding 1 volume of concentrated acid to 2 volumes of water.

Methyl orange indicator—0.1 percent in water.

(2) *Apparatus.*

Electric heater—with recessed refractory top, 500–750 watts.

Still, all glass—500 ml. distillation flask with 24/40 standard taper neck; 200 mm. Graham condenser with 28/15 receiving socket and drip tip; connecting bulb and adapter as shown in Figure 1.

Burette—10 ml. or 25 ml. graduated to 0.1 ml., with easily controllable flow to permit both rapid and dropwise titration.

(3) *Determination.*

(i) Pipette 25 ml. of well-mixed sample (juice or reconstituted juice) into the distillation flask containing carborundum chips or glass beads, and add 25 ml. of 2-Propanol.

(ii) Distill into a 150 ml. beaker. Continue distilling until solvent ceases to reflux then remove the flask from the heater.

(iii) Add 10 ml. of dilute hydrochloric acid and 1 drop of indicator. (An alternative method would be to prepare a solution containing 5 ml. of indicator and 1,000 ml. of dilute hydrochloric acid—then add 10 ml. of this acid-indicator mix to the 150 ml. beaker.)

(iv) Titrate with the dilute bromate solution while stirring. The major portion of the titrant may be added rapidly, but the endpoint must be approached at about 1 drop per second. Disappearance of color indicates the endpoint.

[1] See footnote on p. 11881.

(v) Determine the reagent blank by titrating three separate mixtures of 25 ml. 2-Propanol and 10 ml. of dilute hydrochloric acid with indicator—without refilling the burette. Divide the total milliliters of titrant used by three to obtain the average blank. Subtract the average blank thus obtained from the milliliters of titrant used to titrate the distillate.

(vi) Multiply the remainder by 0.004 to obtain the percent recoverable oil by volume in the juice sample.

* * * * *

Subpart—U.S. Standards for Grades of Frozen Concentrated Orange Juice is amended as follows:

1. In § 52.1588, paragraphs (c) and (d) are revised to read as follows:

§ 52.1588 Defects.

* * * * *

(c) (*A*) *classification.* Frozen concentrated orange juice of which the reconstituted juice is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that any combination of defects present may no more than slightly detract from the appearance or drinking quality of the juice, and that there may be no more than 0.035 milliliter of recoverable oil per 100 milliliters of the reconstituted juice.

(d) (*B*) *classification.* If the reconstituted juice is reasonably free from defects, a score of 16 or 17 points may be given. Frozen concentrated orange juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that any combination of defects present may not seriously detract from the appearance or drinking quality of the juice, and that there may be no more than 0.035 milliliter of recoverable oil per 100 milliliters of the reconstituted juice.

* * * * *

2. In § 52.1590, paragraph (f) is revised to read as follows:

§ 52.1590 Definitions of terms and methods of analyses.

* * * * *

(f) *Recoverable oil.* "Recoverable oil" is determined by the following method:

METHOD

(1) *Reagents.*

Standard bromide-bromate solution—prepared and standardized to 0.099N in accordance with Chapter 42, Standard Solutions in the current edition of the AOAC.[1] For use, add 1 volume of standard solution to 3 volumes of water to make 0.0247N solution. 1 ml. of 0.0247N solution supplies bromine to react with 0.00085g., or 0.0010 ml., of d-limonene. The solutions are stable for 6 months.

2-Propanol—Reagent grade ACS (American Chemical Society).

Dilute hydrochloric acid—prepared by adding 1 volume of concentrated acid to 2 volumes of water.

Methyl orange indicator—0.1 percent in water.

(2) *Apparatus.*

Electric heater—with recessed refractory top, 500–750 watts.

Still, all glass—500 ml. distillation flask with 24/40 standard taper neck; 200 mm. Graham condenser with 28/15 receiving socket and drip tip; connecting bulb and adapter as shown in Figure 1.

Burette—10 ml. or 25 ml. graduated to 0.1 ml., with easily controllable flow to permit both rapid and dropwise titration.

(3) *Determination.*

(i) Pipette 25 ml. of well-mixed sample (juice or reconstituted juice) into the distillation flask containing carborundum chips or glass beads, and add 25 ml. of 2-Propanol.

(ii) Distill into a 150 ml. beaker. Continue distilling until solvent ceases to reflux then remove the flask from the heater.

(iii) Add 10 ml. of dilute hydrochloric acid and 1 drop of indicator. (An alternative method would be to prepare a solution containing 5 ml. of indicator and 1,000 ml. of dilute hydrochloric acid—then add 10 ml. of this acid-indicator mix to the 150 ml. beaker.)

(iv) Titrate with the dilute bromate solution while stirring. The major portion of the titrant may be added rapidly, but the endpoint must be approached at about 1 drop per second. Disappearance of color indicates the endpoint.

(v) Determine the reagent blank by titrating three separate mixtures of 25 ml. 2-Propanol and 10 ml. of dilute hydrochloric acid with indicator—without refilling the burette. Divide the total ml. of titrant used by three to obtain the average blank. Subtract the average blank thus obtained from the ml. of titrant used to titrate the distillate.

(vi) Multiply the remainder by 0.004 to obtain the percent recoverable oil by volume in the juice sample.

* * * * *

Subpart—U.S. Standards for Grades of Canned Tangerine Juice is amended as follows:

1. In § 52.2077, paragraphs (b) and (c) are revised to read as follows:

§ 52.2077 Absence of defects.

* * * * *

(b) (*A*) *classification.* Canned tangerine juice that is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that the juice may contain not more than 7 percent free and suspended pulp and that there may be present not more than 0.025 percent by volume of recoverable oil; and does not contain seeds or seed particles or other defects that more than slightly affect the appearance of the product.

(c) (*C*) *classification.* If the canned tangerine juice is fairly free from defects, a score of 28 to 33 points may be given. Canned tangerine juice that falls into this classification shall not be graded above U.S. Grade C or U.S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the juice may contain not more than 10 percent free and suspended pulp and that there may be present not more than 0.035 percent by volume of recoverable oil; and does not contain seeds or seed particles or other defects that materially affect the appearance of the product.

* * * * *

2. In § 52.2080, paragraph (b) is revised to read as follows:

§ 52.2080 Explanation of analyses.

* * * * *

(b) Recoverable oil is determined by the following method:

METHOD

(1) *Reagents.*

Standard bromide-bromate solution—prepared and standardized to 0.099N in accordance with Chapter 42, Standard Solutions in the current edition of the AOAC.[1] For use, add 1 volume of standard solution to 3 volumes of water to make 0.0247N solution. 1 ml. of 0.0247N solution supplies bromine to react with 0.00085g., or 0.0010 ml., of d-limonene. The solutions are stable for 6 months.

2-Propanol—Reagent grade ACS (American Chemical Society).

Dilute hydrochloric acid—prepared by adding 1 volume of concentrated acid to 2 volumes of water.

Methyl orange indicator—0.1 percent in water.

(2) *Apparatus.*

Electric heater—with recessed refractory top, 500–750 watts.

Still, all glass—500 ml. distillation flask with 24/40 standard taper neck; 200 mm. Graham condenser with 28/15 receiving socket and drip tip; connecting bulb and adapter as shown in Figure 1.

Burette—10 ml. or 25 ml. graduated to 0.1 ml., with easily controllable flow to permit both rapid and dropwise titration.

(3) *Determination.*

(i) Pipette 25 ml. of well-mixed sample (juice or reconstituted juice) into the distillation flask containing carborundum chips or glass beads, and add 25 ml. of 2-Propanol.

(ii) Distill into a 150 ml. beaker. Continue distilling until solvent ceases to reflux then remove the flask from the heater.

(iii) Add 10 ml. of dilute hydrochloric acid and 1 drop of indicator. (An alternative method would be to prepare a solution containing 5 ml. of indicator and 1,000 ml. of dilute hydrochloric acid—then add 10 ml. of this acid-indicator mix to the 150 ml. beaker.)

(iv) Titrate with the dilute bromate solution while stirring. The major portion of the titrant may be added rapidly, but the endpoint must be approached at about 1 drop per second. Disappearance of color indicates the endpoint.

(v) Determine the reagent blank by titrating three separate mixtures of 25 ml. 2-Propanol and 10 ml. of dilute hydrochloric acid with indicator—without refilling the burette. Divide the total ml. of titrant used by three to obtain the average blank. Subtract the average blank thus obtained from the ml. of titrant used to titrate the distillate.

(vi) Multiply the remainder by 0.004 to obtain the percent recoverable oil by volume in the juice sample.

Subpart—U.S. Standards for Grades of Canned Concentrated Orange Juice is amended as follows:

1. In § 52.2258, paragraphs (c) and (d) are revised to read as follows:

§ 52.2258 Defects.

* * * * *

(c) (*A*) *classification.* Canned concentrated orange juice of which the reconstituted juice is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that any combination of defects present may no more than slightly detract from the appearance or drinking quality of the juice. To score in this classification the canned concentrated orange juice shall contain a trace but not more than 0.0028 milliliter of recoverable oil per degree Brix value per 100 grams of the concentrate.

[1] See footnote on p. 11881.

[1] See footnote on p. 11881.

(d) (*C*) *classification.* If the reconstituted juice is reasonably free from defects, a score of 16 or 17 points may be given. Canned concentrated orange juice that falls into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that any combination of defects present may not seriously detract from the appearance or drinking quality of the juice. To score in this classification the canned concentrated orange juice may contain not more than 0.0034 milliliter of recoverable oil per degree Brix value per 100 grams of the concentrate.

* * * * *

2. In § 52.2260, paragraph (f) is revised to read as follows:

§ 52.2260 Definitions of terms and methods of analyses.

* * * * *

(f) *Recoverable oil.* "Recoverable oil" is determined by the following method:

METHOD

(1) *Reagents.*

Standard bromide-bromate solution—prepared and standardized to 0.099N in accordance with Chapter 42, Standard Solutions in the current edition of the AOAC.[1] For use, add 1 volume of standard solution to 3 volumes of water to make 0.0247N solution. 1 ml. of 0.0247N solution supplies bromine to react with 0.00085g., or 0.0010 ml., of d-limonene. The solutions are stable for 6 months.

2-Propanol—Reagent grade ACS (American Chemical Society).

Dilute hydrochloric acid—prepared by adding 1 volume of concentrated acid to 2 volumes of water.

Methyl orange indicator—0.1 percent in water.

(2) *Apparatus.*

Electric heater—with recessed refractory top, 500–750 watts.

Still, all glass—500 ml. distillation flask with 24/40 standard taper neck; 200 mm. Graham condenser with 28/15 receiving socket and drip tip; connecting bulb and adapter as shown in Figure 1.

Burette—10 ml. or 25 ml. graduated to 0.1 ml., with easily controllable flow to permit both rapid and dropwise titration.

(3) *Determination.*

(i) Pipette 25 ml. of well-mixed sample (juice or reconstituted juice) into the distillation flask containing carborundum chips or glass beads, and add 25 ml. of 2-Propanol.

(ii) Distill into a 150 ml. beaker. Continue distilling until solvent ceases to reflux then remove the flask from the heater.

(iii) Add 10 ml. of dilute hydrochloric acid and 1 drop of indicator. (An alternative method would be to prepare a solution containing 5 ml. of indicator and 1,000 ml. of dilute hydrochloric acid—then add 10 ml. of this acid-indicator mix to the 150 ml. beaker.)

(iv) Titrate with the dilute bromate solution while stirring. The major portion of the titrant may be added rapidly, but the endpoint must be approached at about 1 drop per second. Disappearance of color indicates the endpoint.

(v) Determine the reagent blank by titrating three separate mixtures of 25 ml. 2-Propanol and 10 ml. of dilute hydrochloric acid with indicator—without refilling the burette. Divide the total ml. of titrant used by three to obtain the average blank. Subtract the average blank thus obtained from the ml. of titrant used to titrate the distillate.

(vi) Multiply the remainder by 0.004 to obtain the percent recoverable oil by volume in the juice sample.

(vii) The ml. of recoverable oil per degree Brix value per 100 grams of the concentrate is determined as follows:

ml. recoverable oil per degree Brix value per 100 grams concentrate = [% recoverable oil by volume in the reconstituted juice] 0.089.

Subpart—U.S. Standards for Grades of Frozen Concentrate for Limeade is amended as follows:

1. In § 52.2528, paragraphs (a) and (b) are revised to read as follows:

§ 52.2528 Flavor.

(a) (*A*) *classification.* Frozen concentrate for limeade which, when prepared as limeade, possesses a good flavor may be given a score of 51 to 60 points. "Good flavor" means a fine, distinct, and substantially typical flavor of limeade prepared from freshly expressed lime juice and which flavor is free from terpenic, oxidized, rancid, or other off flavors. To score in this classification, the limeade shall test not less than 10.5 degrees Brix; shall contain not less than 0.7 gram of acid per 100 ml. of the limeade; may not contain more than 0.025 ml. or less than 0.008 ml. of recoverable oil per 100 ml. of the limeade; and the Brix-acid ratio shall not exceed 18:1.

(b) (*B*) *classification.* If the prepared limeade possesses a reasonably good flavor a score of 42 to 50 points may be given. Frozen concentrate for limeade that falls into this classification shall not be graded above "U.S. Grade B" or "U.S. Choice" regardless of the total score for the product (this is a limiting rule). "Reasonably good flavor" means a fairly typical flavor of limeade prepared from freshly expressed lime juice and which flavor is practically free from terpenic, oxidized, rancid, or other off flavors and is free from abnormal flavors of any kind. To score in this classification the limeade shall test not less than 10.5 degrees Brix; shall contain not less than 0.7 gram of acid per 100 ml. of the limeade; may not contain more than 0.035 ml. or less than 0.008 ml. of recoverable oil per 100 ml. of the limeade; and the Brix-acid ratio shall not exceed 18:1.

* * * * *

2. Section 52.2530 is revised to read as follows:

§ 52.2530 Explanation of analyses.

Recoverable oil is determined by the following method:

METHOD

(1) *Reagents.*

Standard bromide-bromate solution—prepared and standardized to 0.099N in accordance with Chapter 42, Standard Solutions in the current edition of the AOAC.[1] For use, add 1 volume of standard solution to 3 volumes of water to make 0.0247N solution. 1 ml. of 0.0247N solution supplies bromine to react with 0.00085g., or 0.0010 ml., of d-limonene. The solutions are stable for 6 months.

2-Propanol—Reagent grade ACS (American Chemical Society).

Dilute hydrochloric acid—prepared by adding 1 volume of concentrated acid to 2 volumes of water.

Methyl orange indicator—0.1 percent in water.

(2) *Apparatus.*

Electric heater—with recessed refractory top, 500–750 watts.

Still, all glass—500 ml. distillation flask with 24/40 standard taper neck; 200 mm. Graham condenser with 28/15 receiving socket and drip tip; connecting bulb and adapter as shown in Figure 1.

Burette—10 ml. or 25 ml. graduated to 0.1 ml., with easily controllable flow to permit both rapid and dropwise titration.

(3) *Determination.*

(i) Pipette 25 ml. of well-mixed sample (juice or reconstituted juice) into the distillation flask containing carborundum chips or glass beads, and add 25 ml. of 2-Propanol.

(ii) Distill into a 150 ml. beaker. Continue distilling until solvent ceases to reflux then remove the flask from the heater.

(iii) Add 10 ml. of dilute hydrochloric acid and 1 drop of indicator. (An alternative method would be to prepare a solution containing 5 ml. of indicator and 1,000 ml. of dilute hydrochloric acid—then add 10 ml. of this acid-indicator mix to the 150 ml. beaker.)

(iv) Titrate with the dilute bromate solution while stirring. The major portion of the titrant may be added rapidly, but the endpoint must be approached at about 1 drop per second. Disappearance of color indicates the endpoint.

(v) Determine the reagent blank by titrating three separate mixtures of 25 ml. 2-Propanol and 10 ml. of dilute hydrochloric acid with indicator—without refilling the burette. Divide the total ml. of titrant used by three to obtain the average blank. Subtract the average blank thus obtained from the ml. of titrant used to titrate the distillate.

(vi) Multiply the remainder by 0.004 to obtain the percent recoverable oil by volume in the limeade.

Subpart—U.S. Standards for Grades of Dehydrated Orange Juice is amended as follows:

1. In § 52.2987, paragraphs (a) and (b) are revised to read as follows:

§ 52.2987 Flavor.

(a) (*A*) *classification.* Dehydrated orange juice of which the reconstituted juice possesses a good flavor may be given a score of 34 to 40 points. "Good flavor" means that the flavor is a fine, distinct orange juice flavor typical of properly processed canned orange juice which is definitely free from terpenic, caramelized, oxidized, rancid or off-flavors. To score in this classification the ratio of the Brix to acid shall be not less than 12 to 1 nor more than 18 to 1 and the recoverable oil content not less than 0.011 nor more than 0.017 milliliters per 100 milliliters of the reconstituted juice.

(b) (*B*) *classification.* If the reconstituted juice possesses a reasonably good flavor a score of 28 to 33 points may be given. Dehydrated orange juice that falls into this classification shall not be graded above U.S. Grade B or U.S. Choice regardless of the total score for the product (this is a limiting rule). "Reasonably good flavor" means that the flavor is reasonably typical of properly processed canned orange juice

[1] See footnote on p. 11881.

which is free from abnormal and off-flavors of any kind. To score in this classification the ratio of the Brix to acid shall be not less than 10.5 to 1 nor more than 19 to 1 and the recoverable oil content not less than 0.009 nor more than 0.025 milliliters per 100 ml. of the reconstituted juice.

* * * * *

2. In § 52.2989, paragraph (a) is revised to read as follows:

§ 52.2989 Methods of analyses.

(a) "Recoverable oil" is determined by the following method:

METHOD

(1) *Reagents.*

Standard bromide-bromate solution—prepared and standardized to 0.099N in accordance with Chapter 42, Standard Solutions in the current edition of the AOAC.[1] For use, add 1 volume of standard solution to 3 volumes of water to make 0.0247N solution. 1 ml. of 0.0247N solution supplies bromine to react with 0.00085g., or 0.0010 ml., of d-limonene. The solutions are stable for 6 months.

2-Propanol—Reagent grade ACS (American Chemical Society).

Dilute hydrochloric acid—prepared by adding 1 volume of concentrated acid to 2 volumes of water.

Methyl orange indicator—0.1 percent in water.

(2) *Apparatus.*

Electric heater—with recessed refractory top, 500–750 watts.

Still, all glass—500 ml. distillation flask with 24/40 standard taper neck; 200 mm. Graham condenser with 28/15 receiving socket and drip tip; connecting bulb and adapter as shown in Figure 1.

Burette—10 ml. or 25 ml. graduated to 0.1 ml., with easily controllable flow to permit both rapid and dropwise titration.

(3) *Determination.*

(i) Pipette 25 ml. of well-mixed sample (juice or reconstituted juice) into the distillation flask containing carborundum chips or glass beads, and add 25 ml. of 2-Propanol.

(ii) Distill into a 150 ml. beaker. Continue distilling until solvent ceases to reflux then remove the flask from the heater.

(iii) Add 10 ml. of dilute hydrochloric acid and 1 drop of indicator. (An alternative method would be to prepare a solution containing 5 ml. of indicator and 1,000 ml. of dilute hydrochloric acid—then add 10 ml. of this acid-indicator mix to the 150 ml. beaker.)

(iv) Titrate with the dilute bromate solution while stirring. The major portion of the titrant may be added rapidly, but the endpoint must be approached at about 1 drop per second. Disappearance of color indicates the endpoint.

(v) Determine the reagent blank by titrating three separate mixtures of 25 ml. 2-Propanol and 10 ml. of dilute hydrochloric acid with indicator—without refilling the burette. Divide the total ml. of titrant used by three to obtain the average blank. Subtract the average blank thus obtained from the ml. of titrant used to titrate the distillate.

(vi) Multiply the remainder by 0.004 to obtain the percent recoverable oil by volume in the juice sample.

* * * * *

Subpart—U.S. Standards for Grades of Dehydrated Grapefruit Juice is amended as follows:

1. In § 52.3028, paragraphs (a) and (b) are revised to read as follows:

[1] See footnote on p. 11881.

§ 52.3028 Flavor.

(a) (*A*) *classification.* Dehydrated grapefruit juice of which the reconstituted juice possesses a good flavor may be given a score of 34 to 40 points. "Good flavor" means that the flavor is a fine, distinct grapefruit juice flavor typical of properly processed canned grapefruit juice; is definitely free from terpenic, caramelized, oxidized, and rancid flavors; is free from off flavors; and the reconstituted juice meets the following requirements for the respective style:

(1) Recoverable oil—not less than 0.011 nor more than 0.017 ml. per 100 ml.

(2) Acid—not less than 0.85 gram per 100 ml.

(3) Brix—acid ratio for the respective styles:

(i) Style I (unsweetened)—not less than 8 to 1 nor more than 14 to 1;

(ii) Style II (sweetened)—not less than 11 to 1 nor more than 14 to 1.

(b) (*B*) *classification.* If the reconstituted juice possesses a reasonably good flavor a score of 28 to 33 points may be given. Dehydrated grapefruit juice that falls into this classification shall not be graded above U.S. Grade B or U.S. Choice regardless of the total score for the product (this is a limiting rule). "Reasonably good flavor" means that the flavor is reasonably typical of properly processed canned grapefruit juice which is free from abnormal and off-flavors of any kind; and the reconstituted juice meets the following requirements for the respective style:

(1) Recoverable oil—not less than 0.009 nor more than 0.025 ml. per 100 ml.

(2) Acid—not less than 0.70 gram per 100 ml.

(3) Brix-acid ratio for the respective styles:

(i) Style I (unsweetened)—not less than 7 to 1 nor more than 14 to 1;

(ii) Style II (sweetened)—not less than 11 to 1 nor more than 14 to 1.

* * * * *

2. In § 52.3030, paragraph (a) is revised to read as follows:

§ 52.3030 Methods of analyses.

(a) "Recoverable oil" is determined by the following method:

METHOD

(1) *Reagents.*

Standard bromide-bromate solution—prepared and standardized to 0.099N in accordance with Chapter 42, Standard Solutions in the current edition of the AOAC.[1] For use, add 1 volume of standard solution to 3 volumes of water to make 0.0247N solution. 1 ml. of 0.0247N solution supplies bromine to react with 0.00085g., or 0.0010 ml., of d-limonene. The solutions are stable for 6 months.

2-Propanol—Reagent grade ACS (American Chemical Society).

Dilute hydrochloric acid—prepared by adding 1 volume of concentrated acid to 2 volumes of water.

Methyl orange indicator—0.1 percent in water.

(2) *Apparatus.*

Electric heater—with recessed refractory top, 500–750 watts.

Still, all glass—500 ml. distillation flask with 24/40 standard taper neck; 200 mm. Graham condenser with 28/15 receiving socket and drip tip; connecting bulb and adapter as shown in Figure 1.

Burette—10 ml. or 25 ml. graduated to 0.1 ml., with easily controllable flow to permit both rapid and dropwise titration.

(3) *Determination.*

(i) Pipette 25 ml. of well-mixed sample (juice or reconstituted juice) into the distillation flask containing carborundum chips or glass beads, and add 25 ml. of 2-Propanol.

(ii) Distill into a 150 ml. beaker. Continue distilling until solvent ceases to reflux then remove the flask from the heater.

(iii) Add 10 ml. of dilute hydrochloric acid and 1 drop of indicator. (An alternative method would be to prepare a solution containing 5 ml. of indicator and 1,000 ml. of dilute hydrochloric acid—then add 10 ml. of this acid-indicator mix to the 150 ml. beaker.)

(iv) Titrate with the dilute bromate solution while stirring. The major portion of the titrant may be added rapidly, but the endpoint must be approached at about 1 drop per second. Disappearance of color indicates the endpoint.

(v) Determine the reagent blank by titrating three separate mixtures of 25 ml. 2-Propanol and 10 ml. of dilute hydrochloric acid with indicator—without refilling the burette. Divide the total milliliters of titrant used by three to obtain the average blank. Subtract the average blank thus obtained from the milliliters of titrant used to titrate the distillate.

(vi) Multiply the remainder by 0.004 to obtain the percent recoverable oil by volume in the juice sample.

* * * * *

Subpart—U.S. Standards for Grades of Pasteurized Orange Juice is amended as follows:

1. In § 52.5648, paragraphs (c) and (d) are revised to read as follows:

§ 52.5648 Defects.

* * * * *

(c) (*A*) *classification.* Pasteurized orange juice that is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that any combination of defects present may no more than slightly detract from the appearance or drinking quality of the juice, and that there may be present not more than 0.035 percent by volume of recoverable oil.

(d) (*B*) *classification.* If the pasteurized juice is reasonably free from defects, a score of 16 or 17 points may be given. Pasteurized orange juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that any combination of defects present may not seriously detract from the appearance or drinking quality of the juice, and that there may be present not more than 0.045 percent by volume of recoverable oil.

* * * * *

2. In § 52.5650, paragraph (d) is revised to read as follows:

§ 52.5650 Definitions of terms and methods of analyses.

* * * * *

(d) *Recoverable oil.* "Recoverable oil" is determined by the following method:

METHOD

(1) *Reagents.*

Standard bromide-bromate solution—prepared and standardized to 0.099N in accordance with Chapter 42, Standard Solutions in the current edition of the AOAC.[1] For use, add 1 volume of standard solution to 3 volumes of water to make 0.0247N solution. 1 ml. of 0.0247N solution supplies bromine to react with 0.00085g., or 0.0010 ml., of d-limonene. The solutions are stable for six months.

2-Propanol—Reagent grade ACS (American Chemical Society).

Dilute hydrochloric acid—prepared by adding 1 volume of concentrated acid to 2 volumes of water.

Methyl orange indicator—0.1 percent in water.

(2) *Apparatus.*

Electric heater—with recessed refractory top, 500–750 watts.

Still, all glass—500 ml. distillation flask with 24/40 standard taper neck; 200 mm. Graham condenser with 28/15 receiving socket and drip tip; connecting bulb and adapter as shown in Figure 1.

Burette—10 ml. or 25 ml. graduated to 0.1 ml., with easily controllable flow to permit both rapid and dropwise titration.

(3) *Determination.*

(i) Pipette 25 ml. of well-mixed sample (juice or reconstituted juice) into the distillation flask containing carborundum chips or glass beads, and add 25 ml. of 2-Propanol.

(ii) Distill into a 150 ml. beaker. Continue distilling until slovent ceases to reflux then remove the flask from the heater.

(iii) Add 10 ml. of dilute hydrochloric acid and 1 drop of indicator. (An alternative method would be to prepare a solution containing 5 ml. of indicator and 1,000 ml. of dilute hydrochloric acid—then add 10 ml. of this acid-indicator mix to the 150 ml. beaker.)

(iv) Titrate with the dilute bromate solution while stirring. The major portion of the titrate may be added rapidly, but the endpoint must be approached at about 1 drop per second. Disappearance of color indicates the endpoint.

(v) Determine the reagent blank by titrating three separate mixtures of 25 ml. 2-Propanol and 10 ml. of dilute hydrochloric acid with indicator—without refilling the burette. Divide the total ml. of titrant used by three to obtain the average blank. Subtract the average blank thus obtained from the ml. of titrant used to titrate the distillate.

(vi) Multiply the remainder by 0.004 to obtain the percent recoverable oil by volume in the juice sample.

Subpart—U.S. Standards for Grades of Orange Juice from Concentrate is amended as follows:

1. In § 52.5688, paragraphs (c) and (d) are revised to read as follows:

§ 52.5688 Defects.

* * * * *

(c) (*A*) *classification.* Orange juice from concentrate that is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that any combination of defects present may no more than slightly detract from the appearance or drinking quality of the juice, and that there may be present not more than 0.035 percent by volume of recoverable oil.

(d) (*B*) *classification.* If the juice is reasonably free from defects, a score of 16 or 17 points may be given. Orange juice from concentrate that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that any combination of defects present may not seriously detract from the appearance or drinking quality of the juice, and that there may be present not more than 0.045 percent by volume of recoverable oil.

* * * * *

2. In § 52.5690, paragraph (d) is revised to read as follows:

§ 52.5690 Definitions of terms and methods of analyses.

* * * * *

(d) *Recoverable oil.* "Recoverable oil" is determined by the following method:

METHOD

(1) *Reagents.*

Standard bromide-bromate solution—prepared and standardized to 0.099N in accordance with Chapter 42, Standard Solutions in the current edition of the AOAC.[1] For use, add 1 volume of standard solution to 3 volumes of water to make 0.0247N solution. 1 ml. of 0.0247N solution supplies bromine to react with 0.00085g., or 0.0010 ml., of d-limonene. The solutions are stable for 6 months.

2-Propanol—Reagent grade ACS (American Chemical Society).

Dilute hydrochloric acid—prepared by adding 1 volume of concentrated acid to 2 volumes of water.

Methyl orange indicator—0.1 percent in water.

(2) *Apparatus.*

Electric heater—with recessed refractory top, 500–750 watts.

Still, all glass—500 ml. distillation flask with 24/40 standard taper neck; 200 mm. Graham condenser with 28/15 receiving socket and drip tip; connecting bulb and adapter as shown in Figure 1.

Burette—10 ml. or 25 ml. graduated to 0.1 ml., with easily controllable flow to permit both rapid and dropwise titration.

(3) *Determination.*

(i) Pipette 25 ml. of well-mixed sample (juice or reconstituted juice) into the distillation flask containing carborundum chips or glass beads, and add 25 ml. of 2-Propanol.

(ii) Distill into a 150 ml. beaker. Continue distilling until solvent ceases to reflux then remove the flask from the heater.

(iii) Add 10 ml. of dilute hydrochloric acid and 1 drop of indicator. (An alternative method would be to prepare a solution containing 5 ml. of indicator and 1,000 ml. of dilute hydrochloric acid—then add 10 ml. of this acid-indicator mix to the 150 ml. beaker.)

(iv) Titrate with the dilute bromate solution while stirring. The major portion of the titrant may be added rapidly, but the endpoint must be approached at about 1 drop per second. Disappearance of color indicates the endpoint.

(v) Determine the reagent blank by titrating three separate mixtures of 25 ml. 2-Propanol and 10 ml. of dilute hydrochloric acid with indicator—without refilling the burette. Divide the total milliliter of titrant used by three to obtain the average blank. Subtract the average blank thus obtained from the milliliter of titrant used to titrate the distillate.

(vi) Multiply the remainder by 0.004 to obtain the percent recoverable oil by volume in the juice sample.

Effective date. The amendments to each affected standard shall become effective 30 days after publication hereof in the FEDERAL REGISTER.

Dated: August 16, 1968.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 68-10126; Filed, Aug. 21, 1968; 8:49 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Japanese Beetle

Pursuant to sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), Notice of Quarantine No. 48 relating to the Japanese beetle and regulations supplemental to said quarantine (7 CFR 301.48, 301.48–1, 301.48–2, 301.48–3 through 301.48–10), are hereby revised to read as follows:

QUARANTINE AND REGULATIONS

Sec.

301.48 Quarantine; restriction on interstate movement of specified regulated articles.
301.48–1 Definitions.
301.48–2 Authorization for Director to designate regulated areas and suppressive or generally infested areas, and articles which are exempt from certification and permit requirements.
301.48–3 Conditions governing the interstate movement of regulated articles from quarantined States and Districts.
301.48–4 Issuance and cancellation of certificates and permits.
301.48–5 Compliance agreement; and cancellation thereof.
301.48–6 Assembly and inspection of regulated articles.
301.48–7 Attachment and disposition of certificates and permits.
301.48–8 Inspection and disposal of regulated articles and pests.
301.48–9 Movement of live Japanese beetles.
301.48–10 Nonliability of the Department.

AUTHORITY: The provisions of this subpart issued under secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended, 30 F.R. 5799, as amended.

§ 301.48 Quarantine; restriction on interstate movement of specified regulated articles.

(a) *Notice of quarantine.* Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the Secretary of Agriculture has determined, after public hearing, that it is necessary to quarantine the States of Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia, and the District of Columbia, in order to prevent the

[1] See footnote on p. 11881.

spread of the Japanese beetle (Popillia japonica Newm.), a dangerous insect injurious to cultivated crops, not heretofore widely prevalent or distributed within and throughout the United States. Under the authority of said provisions, the Secretary hereby quarantines the States of Illinois, Michigan, and Tennessee, and continues to quarantine the other specified States and District with respect to the interstate movement from the quarantined States of the articles described in paragraph (b) of this section, issues the regulations in this subpart governing such movement, and gives notice of said quarantine and regulations.

(b) *Quarantine restrictions on interstate movement of specified regulated articles.* No common carrier or other person shall move interstate from any quarantined State or District any of the following articles (defined in § 301.48–1(n) as regulated articles), except in accordance with the conditions prescribed in this subpart:

(1) Soil, compost, decomposed manure, humus, muck and peat separately or with other things.

(2) Plants with roots, except soil-free aquatic plants, moss and Lycopodium (clubmoss or ground-pine or running pine).

(3) Grass sod.

(4) Plant crowns and roots for propagation.

(5) True bulbs, corms, rhizomes and tubers, of ornamental plants when freshly harvested or uncured.

(6) Used mechanized soil-moving equipment.

(7) Any other products, articles, or means of conveyance, of any character whatsoever, not covered by subparagraphs (1) through (6) of this paragraph, when it is determined by an inspector that they present a hazard of spread of Japanese beetle and the person in possession thereof has been so notified.

§ 301.48–1 Definitions.

Terms used in the singular form in this subpart shall be deemed to import the plural, and vice versa, as the case may demand. The following terms, when used in this subpart, shall be construed, respectively to mean:

(a) *Certificate.* A document issued or authorized to be issued under this subpart by an inspector to allow the interstate movement of regulated articles to any destination.

(b) *Compliance agreement.* A written agreement between a person engaged in growing, handling, or moving regulated articles, and the Plant Pest Control Division, wherein the former agrees to comply with the requirements of this subpart identified in the agreement of the inspector who executes the agreement on behalf of the Division as applicable to the operations of such person.

(c) *Director.* The Director of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, or any other officer or employee of said Service to whom authority to act in his stead has been or may hereafter be delegated.

(d) *Generally infested area.* Any part of a regulated area not designated as a suppressive area in acccordance with § 301.48–2.

(e) *Infestation.* The presence of the Japanese beetle or the existence of circumstances that make it reasonable to believe that Japanese beetle is present.

(f) *Inspector.* Any employee of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, or other person, authorized by the Director to enforce the provisions of the quarantine and regulations in this subpart.

(g) *Interstate.* From any State, Territory or District into or through any other State, Territory or District of the United States (including Puerto Rico).

(h) *Japanese beetle.* The live insect known as the Japanese beetle (*Popillia japonica* Newm.) in any stage of development.

(i) *Limited permit.* A document issued or authorized to be issued by an inspector to allow the interstate movement of noncertifiable regulated articles to a specified destination for limited handling, utilization, or processing or for treatment.

(j) *Mechanized soil-moving equipment.* Mechanized equipment used to move or transport soil—e.g., draglines, bulldozers, road scrapers, and dumptrucks.

(k) *Moved (movement, move).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved or allowed to be moved by any means. "Movement" and "move" shall be construed accordingly.

(l) *Person.* Any individual, corporation, company, society, or association, or other organized group of any of the foregoing.

(m) *Regulated area.* Any quarantined State or District or any portion thereof, listed as a regulated area in § 301.48–2a or otherwise designated by the Director in accordance with § 301.48–2(a).

(n) *Regulated articles.* Any articles listed in § 301.48(b).

(o) *Restricted destination permit.* A document issued or authorized to be issued by an inspector to allow the interstate movement of regulated articles not certifiable under all applicable Federal domestic plant quarantines to a specified destination for other than scientific purposes.

(p) *Scientific permit.* A document issued by the Director to allow the interstate movement to a specified destination of regulated articles for scientific purposes.

(q) *Soil.* That part of the upper layer of earth in which plants can grow.

(r) *Suppressive area.* That part of a regulated area where eradication of infestation is undertaken as an objective, as designated by the Director under § 301.48–2(a).

(s) *Treatment manual.* The provisions currently contained in the "Manual of Administratively Authorized Procedures to be Used Under the Japanese Beetle Quarantine," the manual of "Procedures for Applying Soil Surface and Foliage Treatments for Regulatory Purposes," and the "Fumigation Procedures Manual", and any amendments thereto.[1]

§ 301.48–2 Authorization for Director to designate regulated areas and suppressive or generally infested areas, and articles which are exempt from certification and permit requirements.

The Director shall publish and amend from time to time as the facts warrant, the following lists:

(a) *List of regulated areas and suppressive or generally infested areas.* The Director shall list as regulated areas in a supplemental regulation designated as § 301.48–2a, the quarantined States or Districts, or portions thereof, in which the Japanese beetle is present, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. The Director, in the supplemental regulation, may divide any regulated area into a suppressive area and a generally infested area in accordance with the definitions thereof in § 301.48–1. Less than an entire quarantined State or District will be designated as a regulated area only if the Director is of the opinion that:

(1) The State or District has adopted and is enforcing a quarantine or regulation which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as those which are imposed with respect to the interstate movement of such articles under this subpart; and

(2) The designation of less than the entire State or District as a regulated area will otherwise be adequate to prevent the interstate spread of the Japanese beetle.

The Director may temporarily designate any other premises in a quarantined State or District as a regulated area, and a suppressive or generally infested area in accordance with criteria specified above for listing such areas, by serving written notice thereof on the owner or person in possession of such premises, and thereafter the interstate movement of regulated articles from such premises by any person having notice of this designation shall be subject to the applicable provisions of this subpart. As soon as practicable, such premises shall be added on the list in § 301.48–2a if a basis then exists for their designation.

(b) *List of articles which are exempt from certification and permit requirements.* The Director may, in a supplemental regulation designated as § 301.48–2b, list regulated articles which shall be exempt from the certification and permit requirements of this subpart under such conditions as he may prescribe, if he finds that facts exist as to the pest risk

[1] Pamphlets containing such provisions are available upon request to the Director, Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, Hyattsville, Md. 20782, or from an inspector.

involved in the movement of such regulated articles which make it safe to so relieve such requirements.

§ 301.48–3 Conditions governing the interstate movement of regulated articles from quarantined States and Districts.[2]

Any regulated articles may be moved interstate from any quarantined State or District under the following conditions:

(a) From any regulated area, with certificate or permit issued and attached in accordance with §§ 301.48–4 and 301.48–7 if moved:

(1) From any regulated area into or through any point outside of the regulated areas; or

(2) From any generally infested area into or through any suppressive area; or

(3) Between any noncontiguous suppressive areas, or

(4) Between contiguous suppressive areas when it is determined by the inspector that the regulated articles present a hazard of the spread of the Japanese beetle and the person in possession thereof has been so notified; or

(b) From any regulated area, without certificate or permit if moved:

(1) Under the provisions of § 301.48–2b which exempts certain articles from certification and permit requirements; or

(2) From a generally infested area to a contiguous generally infested area; or

(3) From a suppressive area to a contiguous generally infested area; or

(4) Between contiguous suppressive areas unless the person in possession of the articles has been notified by an inspector that a hazard of spread of the Japanese bettle exists; or

(5) Through or reshipped from any regulated area if the articles originated outside of any regulated area and if the point of origin of the articles is clearly indicated, their identity has been maintained and they have been safeguarded against infestation, while in the regulated area, in a manner satisfactory to the inspector; or

(c) From any area outside the regulated areas, without a certificate or permit if the regulated articles are exempt under the provisions of § 301.48–2b, or if the point of origin of such movement is clearly indicated on the articles or shipping document which accompanies the articles and if the movement is not made through any regulated area.

§ 301.48–4 Issuance and cancellation of certificates and permits.

(a) Certificates may be issued for any regulated articles by an inspector if he determines that they are eligible for certification for movement to any destination under all Federal domestic plant quarantines applicable to such articles and:

(1) Have originated in noninfested premises in a regulated area and have not been exposed to infestation while within the regulated areas; or

(2) Upon examination, have been found to be free of infestation; or

(3) Have been treated to destroy infestation in accordance with the treatment manual; or

(4) Have been grown, produced, manufactured, stored, or handled in such manner that no infestation would be transmitted thereby.

(b) Limited permits may be issued by an inspector to allow interstate movement of regulated articles, not eligible for certification under this subpart, to specified destinations for limited handling, utilization, or processing, or for treatment in accordance with the treatment manual, when upon evaluation of the circumstances involved in each specific case he determines that such movement will not result in the spread of the Japanese beetle and requirements of other applicable Federal domestic plant quarantines have been met.

(c) Restricted destination permits may be issued by an inspector to allow the interstate movement (for other than scientific purposes) of regulated articles to any destination permitted under all applicable Federal domestic plant quarantines if such articles are not eligible for certification under all such quarantines but would otherwise qualify for certification under this subpart.

(d) Scientific permits may be issued by the Director to allow the interstate movement of regulated articles for scientific purposes under such conditions as may be prescribed in each specific case by the Director.

(e) Certificate, limited permit and restricted destination permit forms may be issued by an inspector to any person for use by the latter for subsequent shipments provided such person is operating under a compliance agreement; and any such person may be authorized by an inspector to reproduce such forms on shipping containers or otherwise. Any such person may use the certificate forms, or reproductions of such forms, for the interstate movement of regulated articles from the premises of such person identified in the compliance agreement if such person has made appropriate determinations specified in paragraph (a) of this section with respect to such articles. Any such person may use the limited permit forms, or reproductions of such forms, for interstate movement of regulated articles to specific destinations authorized by the inspector in accordance with paragraph (b) of this section. Any such person may use the restricted destination permit forms, or reproductions of such forms, for the interstate movement of regulated articles not eligible for certification under all Federal domestic plant quarantines applicable to such articles, under the conditions specified in paragraph (c) of this section.

(f) Any certificate or permit which has been issued or authorized may be withdrawn by the inspector if he determines that the holder thereof has not complied with any condition for the use of such document imposed by this subpart.

[2] Requirements under all other applicable Federal domestic plant quarantines must also be met.

§ 301.48–5 Compliance agreement; and cancellation thereof.

(a) Any person engaged in the business of growing, handling, or moving regulated articles may enter into a compliance agreement to facilitate the movement of such articles under this subpart. Compliance agreement forms may be obtained from the Director or an inspector.

(b) Any compliance agreement may be canceled by the inspector who is supervising its enforcement whenever he finds, after notice and reasonable opportunity to present views has been accorded to the other party thereto, that such other party has failed to comply with the conditions of the agreement.

§ 301.48–6 Assembly and inspection of regulated articles.

Persons (other than those authorized to use certificates, limited permits, or restricted destination permits, or reproductions thereof, under § 301.48–4(e)) who desire to move interstate regulated articles which must be accompanied by a certificate or permit shall, as far in advance as possible, request an inspector to examine the articles prior to movement. Such articles shall be assembled at such points and in such manner as the inspector designates to facilitate inspection.

§ 301.48–7 Attachment and disposition of certificates and permits.

(a) If a certificate or permit is required for the interstate movement of regulated articles, the certificate or permit shall be securely attached to the outside of the container in which such articles are moved, except that, where the certificate or permit is attached to the waybill or other shipping document, and the regulated articles are adequately described on the certificate, permit, or shipping document, the attachment of the certificate or permit to each container of the articles is not required.

(b) In all cases, certificates or permits shall be furnished by the carrier to the consignee at the destination of the shipment.

§ 301.48–8 Inspection and disposal of regulated articles and pests.

Any properly identified inspector is authorized to stop and inspect, and to seize, destroy, or otherwise dispose of, or require disposal of regulated articles and Japanese beetles as provided in section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and section 105 of the Plant Pest Act (7 U.S.C. 150dd), in accordance with instructions issued by the Director.

§ 301.48–9 Movement of live Japanese beetles.

Regulations requiring a permit for, and otherwise governing the movement of live Japanese beetles in interstate or foreign commerce are contained in the Federal Plant Pest regulations in Part 330 of this chapter. Applications for permits for the movement of the pest may be made to the Director.

§ 301.48–10 Nonliability of the Department.

The United States Department of Agriculture disclaims liability for any costs incident to inspections or compliance with the provisions of the quarantine and regulations in this subpart, other than for the services of the inspector.

This revision shall become effective upon publication in the FEDERAL REGISTER when it shall supersede the notice of quarantine and regulations effective September 21, 1962.

Pursuant to a notice of hearing and rule-making published in the FEDERAL REGISTER on March 23, 1968, a public hearing was held in Chicago, Ill., regarding quarantining the States of Alabama, Illinois, Michigan, Missouri, and Tennessee, on account of the Japanese beetle. After due consideration of all relevant material presented at the hearing and responses to the notice, it has been decided to add three States—Illinois, Michigan, and Tennessee—to the list of States quarantined because of the Japanese beetle. It has been decided to hold in abeyance until after the 1968 survey season the determination as to whether Alabama and Missouri should be added to the list of quarantined States because of the eradicative treatment programs being conducted.

In addition, this revision simplifies and clarifies the Japanese beetle quarantine and regulations. The only other substantive changes made are as follows:

Provision is made for the Director temporarily to designate any premises in a quarantined State or District as a regulated area (and a suppressive or generally infested area) by serving written notice thereof on the owner or person in possession of such premises.

The list of regulated articles has been revised to include certain articles which are considered to be hazardous due to the manner in which they are handled. Provision is made for certification of regulated articles moving between suppressive areas. The revision contains provisions with respect to compliance agreements with persons handling regulated articles. A requirement is added for persons moving regulated articles from portions of quarantined States or Districts not included within the "regulated areas" to provide proof of origin in connection with such shipments. Provisions are also added under which certificates will not be issued or authorized to be issued for regulated articles unless the articles are certifiable under all applicable Federal domestic plant quarantine requirements; restricted destination permits are authorized; and all certificates or permits are required to be surrendered to the consignee at the destination of the shipments.

This revision imposes restrictions that are necessary in order to prevent the dissemination of the Japanese beetle and should be made effective promptly to accomplish its purpose in the public interest. Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to this revision are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of August 1968.

[SEAL] R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 68–10123; Filed, Aug. 21, 1968; 8:49 a.m.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Japanese Beetle

REGULATED AREAS

Under the authority of § 301.48–2 of the Japanese Beetle Quarantine regulations, 7 CFR 301.48–2, as amended, 33 F.R. 11888, a supplemental regulation designating regulated areas is hereby issued to appear in 7 CFR 301.48a, as follows:

§ 301.48–2a Regulated areas; suppressive and generally infested areas.

The civil divisions, and parts of civil divisions, described below, are designated as Japanese beetle regulated areas within the meaning of the provisions of this subpart; and such regulated areas are hereby divided into generally infested areas or suppressive areas as indicated below:

CONNECTICUT

(1) *Generally infested area.* The entire State.
(2) *Suppressive area.* None.

DELAWARE

(1) *Generally infested area.* The entire State.
(2) *Suppressive area.* None.

DISTRICT OF COLUMBIA

(1) *Generally infested area.* The entire District.
(2) *Suppressive area.* None.

GEORGIA

(1) *Generally infested area.*

Banks County. That portion of the county lying within Georgia Militia Districts 448, 912, 1580, 371, and 284.

Cherokee County. That portion of the county lying within Georgia Militia Districts 1031 and 1000.

Clayton County. Georgia Militia Districts 548, 1169, 1406, 1446, and 1644.

Cobb County. That portion of the county lying south of State Highway 120, including all the area within the corporate limits of the city of Marietta.

Dawson County. The entire county.

De Kalb County. That portion of the county bounded by a line beginning at a point where the Fulton-Gwinnett-De Kalb County lines intersect and extending southeast along the De Kalb-Gwinnett County line to the junction of said line and Interstate Highway 85, thence southwest along Interstate Highway 85 to its intersection with Interstate Highway 285, thence south and west along Interstate Highway 285 to its intersection with the De Kalb-Fulton County line, thence north and east along said line to the point of beginning.

Fannin County. Georgia Militia Districts 1027, 1242, and 1488.

Forsyth County. The entire county, except Georgia Militia Districts 1276 and that portion of Georgia Militia District 795 lying south and west of Georgia Highway 20.

Franklin County. That portion of the county lying within Flintsville Georgia Militia District 211.

Fulton County. That portion of the county lying within the corporate limits of Atlanta, Hapeville, East Point, and College Park, and that area lying within Georgia Militia Districts 1204, 499, 733, 731, 1289, and 1762.

Gilmer County. That portion of the county lying within Georgia Militia Districts 864, 932, 1355, and 1498.

Gwinnett County. That portion of the county lying within Pickneyville Georgia Militia District 406, Pucketts Georgia Militia District 1397, Sugar Hill Georgia Militia District 550, and that portion of Suwannee Georgia Militia District 1604 lying north of Level Creek.

Habersham County. That portion of the county lying within Georgia Militia Districts 666, 1021, 1391, 1486, 1693, 414, 1612, 1449, 752, 1648, and that portion of Georgia Militia District 409 east of Georgia Highway 17 and U.S. Highway 23, including all the corporate limits of the city of Clarkesville.

Hall County. The entire county.

Lumpkin County. The entire county.

Pickens County. That portion of the county lying within Georgia Militia Districts 1182 and 899.

Rabun County. That portion of the county lying within Clayton Georgia Militia District 587 and including all area within the corporate limits of Mountain City, and that portion of Tallulah Georgia Militia District 509 south of State Highway 2 and east of Lake Burton Wildlife Management area.

Richmond County. That portion of the county lying north of Butler Creek and that area lying north of Spirit Creek between the Savannah River and State Highway 56.

Stephens County. That portion of the county lying within the following Georgia Militia Districts: Currahee 402, Toccoa 440, and Broad River 1473, and that portion of Wolf Pit Georgia Militia District 267 south of Georgia Highway 17.

Towns County. That portion of the county lying within Hiawassee River Georgia Militia District 1243.

Union County. Georgia Militia Districts 994, 995, 1241, and 834.

White County. The entire county.

(2) *Suppressive area.*

Spalding County. That portion of the county lying within the corporate limits of the city of Griffin.

ILLINOIS

(1) *Generally infested area.*

Coles County. Secs. 1, 2, 3, and the portions of secs. 11 and 12 located outside the city limits of Mattoon, T. 12 N., R. 7 E.; secs. 25, 34, 35 and 36, T. 13 N., R. 7 E.; sec. 6, T. 12 N., R. 8 E.; secs. 30 and 31 T. 13 N., R. 8 E.; secs. 2, 3, and that portion of sec. 11 outside the city limits of Charleston, T. 12 N., R. 9 E.; secs. 34 and 35, T. 13 N., R. 9 E.

Cook County. That portion of the city of Chicago and vicinity bounded by a line beginning at a point where Harlem Avenue intersects Interstate Highway 55; thence extending northeast along I–55 to its intersection with Cicero Avenue; thence north along Cicero Avenue to its intersection with the Chicago City limits; thence east along the Chicago City limits to the Beltline Railroad; thence north along the Chicago City limits to the point where it intersects with Cermak Road; thence east along Cermak Road to its intersection with Halsted Street; thence south on Halsted Street to its intersection with 31st Street; thence east on 31st Street to the point where an extension of 31st Street would intersect the Lake Michigan shoreline; thence southeastward along the Lake Michigan shoreline to its intersection with 79th Street; thence west on 79th Street to its intersection with Commercial Avenue; thence south along Commercial Avenue and its extensions to its intersection with 95th Street; thence west on 95th Street to its intersection with Stoney Island Avenue; thence south on Stoney Island Avenue to its intersection with I–94; thence generally south on I–94 to its intersection with the Chicago City limits; thence west and north on the Chicago City limits to Cicero Avenue; thence north on Cicero Avenue to its intersection with 111th Street; thence east on 111th Street to its intersection with Crawford Avenue; thence north on Crawford Avenue to its intersection with 99th Street; thence east on 99th Street to its intersection with Millard Avenue; thence south on Millard Avenue to its intersection with 100th Street; thence east on 100th Street to its intersection with Central Park Avenue; thence south on Central Park Avenue to its intersection with 103d Street; thence east on 103d Street to its intersection with Kedzie Avenue; thence north on Kedzie Avenue to its intersection with 102d Place; thence east on 102d Place to its intersection with California Avenue; thence north on California Avenue to its intersection with 99th Street; thence east on 99th Street to its intersection with Western Avenue; thence north on Western Avenue to its intersection with 95th Street; thence east on 95th Street to its intersection with Cottage Grove Avenue; thence north on Cottage Grove Avenue to its intersection with 79th Street; thence west on 79th Street to its intersection with Halsted Street; thence north on Halsted Street to its intersection with Garfield Boulevard; thence west on Garfield Boulevard to Western Avenue; continuing west on 55th Street to its intersection with Cicero Avenue; thence south on Cicero Avenue to its intersection with 71st Street; thence west on 71st Street and its extension to a point where 71st Street intersects with Harlem Avenue; thence north on Harlem Avenue to its intersection with I–55, the point of beginning.

Iroquois County. That portion of the county lying east of State Highway 49.

La Salle County. Secs. 13, 14, 23, 24, 25, 26, 35, and 36, T. 31 N., R. 3 E.; secs. 18, 19, 30 and 31 T. 31 N., R. 4 E.

(2) *Suppressive area.*

Madison County. Secs. 28, 29, 31, 32, and 33 and that portion of sec. 30, T. 3 N., R. 9 W. lying southeast of the Illinois Central Railroad and that portion of sec. 25 and 36, T. 3 N., R. 10 W. lying southeast of the Illinois Central Railroad.

St. Clair County. That portion of the county lying north of U.S. Highway 40.

INDIANA

(1) *Generally infested area.*

Allen County. The entire county.
Benton County. The entire county.
Boone County. The entire county.
Carroll County. The entire county.
Cass County. The entire county.
Clinton County. The entire county.
De Kalb County. The entire county.
Elkhart County. The entire county.
Fulton County. The entire county.
Huntington County. The entire county.
Jasper County. The entire county.
Kosciusko County. The entire county.
Lagrange County. The entire county.
Lake County. The entire county.
La Porte County. The entire county.
Marion County. The entire county.
Marshall County. The entire county.
Martin County. The entire county.
Miami County. The entire county.
Montgomery County. The entire county.
Newton County. The entire county.
Noble County. The entire county.
Porter County. The entire county.
Pulaski County. The entire county.
St. Joseph County. The entire county.
Starke County. The entire county.
Steuben County. The entire county.
Tippecanoe County. The entire county.
Vanderburgh County. The entire county.
Vigo County. The entire county.
Wabash County. The entire county.
Wayne County. The entire county.
Wells County. The entire county.
White County. The entire county.
Whitley County. The entire county.
(2) *Suppressive area.* None.

KENTUCKY

(1) *Generally infested area.*

Bath County. The entire county.
Bell County. The entire county.
Boone County. The entire county.
Boyd County. The entire county.
Campbell County. The entire county.
Carter County. The entire county.
Elliott County. The entire county.
Floyd County. The entire county.
Greenup County. The entire county.
Harlan County. The entire county.
Johnson County. The entire county.
Kenton County. The entire county.
Knott County. The entire county.
Knox County. The entire county.
Laurel County. The entire county.
Lawrence County. The entire county.
Letcher County. The entire county.
Lewis County. The entire county.
Martin County. The entire county.
Menifee County. The entire county.
Perry County. The entire county.
Pike County. The entire county.
Rowan County. The entire county.
Whitley County. The entire county.
(2) *Suppressive area.* None.

MAINE

(1) *Generally infested area.*

Androscoggin County. The entire county.
Cumberland County. The entire county.
Kennebec County. The entire county.
Lincoln County. The entire county.
Oxford County. The entire county.
Sagadahoc County. The entire county.
York County. The entire county.
(2) *Suppressive area.* None.

MARYLAND

(1) *Generally infested area.* The entire State.
(2) *Suppressive area.* None.

MASSACHUSETTS

(1) *Generally infested area.* The entire State.
(2) *Suppressive area.* None.

MICHIGAN

(1) *General infested area.*

Barry County. Johnstown Township, secs. 25, 26, 35, and 36.

Calhoun County. The City of Battle Creek and the townships of Pennfield, Bedford, Battle Creek and Emmett; in Leroy Township, secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 28, 29, 32, 33; in Newton Township secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 30; in Fredonia Township, secs. 6, 7; in Marshall Township, secs. 2, 3, 4, 5, 6, 7, 8, 9, 10, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33; in Convis Township, secs. 19, 30, 31, 32, 33, 34, 35.

Kalamazoo County. Ross Township, secs. 1, 12, 13, 14, 23, 24, 25, 26, 27, 34, 35, 36; in Charleston Township, secs. 1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35, 36; in Climax Township, secs. 1, 2, 3, 11, 12.

Lenawee County. Sec. 1, T. 9 S., R. 4 E.; secs. 25 and 36, T. 8 S., R. 4 E.; secs. 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, T. 8 S., R. 5 E.; secs. 1, 2, 3, 4, 5, and 6, T. 9 S., R. 5 E.

Monroe County. Secs. 8, 9, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, T. 8 S., R. 7 E.; secs. 1, 2, 3, 4, 5, and 6, T. 9 S., R. 7 E.; secs. 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, T. 8 S., R. 6 E.; secs. 1, 2, 3, 4, 5, and 6, T. 9 S., R. 6 E.

(2) *Suppressive area.* None.

NEW HAMPSHIRE

(1) *Generally infested area.* The entire State.
(2) *Suppressive area.* None.

NEW JERSEY

(1) *Generally infested area.* The entire State.
(2) *Suppressive area.* None.

NEW YORK

(1) *Generally infested area.* The entire State.
(2) *Suppressive area.* None.

NORTH CAROLINA

(1) *Generally infested area.* The entire State.
(2) *Suppressive area.* None.

OHIO

(1) *Generally infested area.*

Ashland County. The entire county.
Ashtabula County. The entire county.
Athens County. The entire county.
Belmont County. The entire county.
Butler County. The townships of Fairfield, Hanover, Liberty, Morgan, Reily, Ross, St. Clair, and Union; and cities of Fairfield and Hamilton.
Carroll County. The entire county.
Clermont County. The townships of Goshen, Miami, and Union.
Columbiana County. The entire county.
Coshocton County. The entire county.
Crawford County. The townships of Auburn, Chatfield, Cranberry, Jackson, Jefferson, Liberty, Polk, Sandusky, Vernon, and Whetstone; and the cities of Bucyrus, Crestline, and Galion.
Cuyahoga County. The entire county.
Erie County. The entire county.
Fairfield County. The townships of Berne, Greenfield, Hocking, Liberty, Madison, Pleasant, Richland, Rush Creek, and Walnut; and the city of Lancaster.
Franklin County. The townships of Blendon, Clinton, Jefferson, Mifflin, Plain, Sharon, and Truo; and the cities of Bexley, Columbus, Grandview Heights, Marble Cliff, Reynoldsburg, Upper Arlington, Westerville, Whitehall, and Worthington.
Fulton County. The townships of Amboy and Fulton.
Gallia County. The entire county.
Geauga County. The entire county.
Guernsey County. The entire county.
Hamilton County. The entire county.
Harrison County. The entire county.
Hocking County. The entire county.
Holmes County. The entire county.
Huron County. The entire county.
Jackson County. The entire county.
Jefferson County. The entire county.
Knox County. The entire county.
Lake County. The entire county.
Lawrence County. The entire county.
Licking County. The entire county.
Lorain County. The entire county.
Lucas County. The townships of Adams, Harding, Monclova, Oregon, Ottawa Hills, Richfield, Spencer, Springfield, Swanton, Sylvania, Washington, and Waterville; and the

cities of Maumee, Oregon, Sylvania, and Toledo.

Mahoning County. The entire county.

Marion County. The townships of Big Island, Claridon, Marion, and Tully; and the city of Marion.

Medina County. The entire county.

Meigs County. The entire county.

Monroe County. The entire county.

Morgan County. The entire county.

Muskingum County. The entire county.

Noble County. The entire county.

Perry County. The entire county.

Pike County. The townships of Jackson, Pee Pee, and Seal.

Portage County. The entire county.

Preble County. The township of Jefferson.

Richland County. The entire county.

Ross County. The townships of Franklin, Harrison, Huntington, Jefferson, Liberty, Paxton, Scioto, Springfield, and Twin; and the city of Chillicothe.

Sandusky County. The city of Bellevue.

Scioto County. The townships of Bloom, Clay, Green, Harrison, Nile, Porter, Vernon, and Washington; and the cities of New Boston and Portsmouth.

Stark County. The entire county.

Summit County. The entire county.

Trumbull County. The entire county.

Tuscarawas County. The entire county.

Vinton County. The entire county.

Warren County. The townships of Deerfield and Hamilton; and the city of Loveland.

Washington County. The entire county.

Wayne County. The entire county.

Wood County. The townships of Lake, Perrysburg, Ross, and Rossford; and the city of Perrysburg.

(2) *Suppressive area.* None.

PENNSYLVANIA

(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

RHODE ISLAND

(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

SOUTH CAROLINA

(1) *Generally infested area.*

Aiken County. The entire county.

Cherokee County. The entire county.

Dillon County. The entire county.

Florence County. The entire county.

Greenville County. The entire county.

Horry County. That portion of the county bounded by a line beginning at a point where State Secondary Highway 215 junctions with Bryant Road, thence extending northeast along said road to its intersection with 29th Avenue extension, thence southeast along said extension to its junction with the corporate limits of the city of Myrtle Beach, thence in a westerly direction along said corporate limits to its intersection with State Secondary Highway 215, thence north along said highway to the point of beginning.

Lexington County. The entire county.

Marion County. The entire county.

Marlboro County. The entire county.

McCormick County. The entire county.

Oconee County. The entire county.

Pickens County. The entire county.

Richland County. The entire county.

Spartanburg County. The entire county.

(2) *Suppressive area.* None.

TENNESSEE

(1) *Generally infested area.*

Johnson County. Civil Districts 1, 3, and 9. That part of Civil District 8 northeast of U.S. Highway 421.

(2) *Suppressive area.*

Carter County. That portion of the county bounded by a line beginning at the intersection of Walnut Mountain Road and the south shoreline of Watauga Lake, thence extending in an easterly direction along the shoreline of Watauga Lake to its intersection with the Carter-Johnson county line and extending southeast along said line to the Tennessee-North Carolina State line, thence southwest along said State line to its intersection with Walnut Mountain Road, thence northwest along Walnut Mountain Road to the point of beginning.

Johnson County. Civil Districts 2, 4, 5, 6, 7, and 10. That part of Civil District 8, south and west of U.S. Highway 421.

VERMONT

(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

VIRGINIA

(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

WEST VIRGINIA

(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

(Secs. 8 and 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.48–2)

This supplemental regulation shall become effective upon publication in the FEDERAL REGISTER when it shall supersede P.P.C. 637, 7th Revision, 7 CFR 301.48–2a, effective December 31, 1966.

The Director of the Plant Pest Control Division has determined that infestations of the Japanese beetle exist or are likely to exist in the civil divisions, and parts of civil divisions listed above, or that it is necessary to regulate such localities because of their proximity to infestations or their inseparability for quarantine enforcement purposes from infested localities.

The Director has further determined that each of the quarantined States, wherein only portions of the State have been designated as regulated areas, is enforcing a quarantine or regulation with restrictions on intrastate movement of the regulated articles substantially the same as the restrictions on interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the Japanese beetle. Therefore, such civil divisions, and parts of civil divisions listed above, are designated as Japanese beetle regulated areas.

The purpose of this revision is to add parts of the following counties in the previously nonquarantined States: Coles, Cook, Iroquois, La Salle, Madison, and St. Clair Counties in Illinois; Barry, Calhoun, Kalamazoo, Lenawee, and Monroe Counties in Michigan; Carter and Johnson Counties in Tennessee.

This revision also adds to the regulated areas in the quarantined States parts of the following previously nonregulated counties: Franklin, Pickens, and Towns in Georgia; Horry in South Carolina; and Sandusky in Ohio; and the entire previously nonregulated counties of Erie and Huron in Ohio. It also extends the regulated areas in nine counties in Georgia, and five counties in Ohio.

This document imposes restrictions that are necessary in order to prevent the dissemination of Japanese beetles and should be made effective promptly to accomplish its purposes in the public interest. Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing regulation are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 16th day of August 1968.

[SEAL] D. R. SHEPHERD,
Director,
Plant Pest Control Division.

[F.R. Doc. 68-10122; Filed, Aug. 21, 1968; 8:49 a.m.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Japanese Beetle

EXEMPTION

Under the authority of § 301.48–2 of the Japanese Beetle Quarantine regulations (7 CFR 301.48–2, as amended, 33 F.R. 11888), a supplemental regulation exempting certain articles from specified requirements of the regulations is hereby issued to appear in 7 CFR 301.48–2b as set forth below. The Director of the Plant Pest Control Division has found that facts exist as to the pest risk involved in the movement of such articles which make it safe to relieve the requirements as provided therein.

§ 301.48–2b Exempted articles.

(a) The following articles are exempt[1] from the certification and permit requirements of this subpart if they meet the applicable conditions prescribed in subparagraphs (1) through (3) of this paragraph and have not been exposed to infestation after cleaning or other handling as prescribed in said subparagraphs:

(1) Compost, decomposed manure, humus, and peat, if dehydrated, ground, pulverized or compressed.

(2) True bulbs, corms, rhizomes, and tubers (other than clumps of dahlia tubers) of ornamental plants, if free of soil.

(3) Used mechanized soil-moving equipment, if cleaned and repainted.

(b) The following articles are exempt from the certification and permit requirements of this subpart under the applicable conditions prescribed in subparagraphs (1) and (2) of this paragraph.

(1) Soil samples of any size if collected, and shipped to any U.S. Army Corps of Engineers soil laboratory, located within the conterminous United States, in accordance with a compliance agreement with the shipper pertaining to such consignments.

(2) Soil samples of one pound or less which are packaged so that no soil will be spilled in transit, and are consigned to a laboratory approved by the Director for such purpose; provided, that soil samples originating in areas under Federal or State regulations because of infestation with soybean cyst nematode, golden nematode, or witchweed are not exempted; and provided further, that soil samples originating in areas under such regulation because of the burrowing nematode may not be shipped into the States of Arizona, California, Louisiana, or Texas. One pound samples meeting the requirements set forth above may be assembled in a single package for shipping purposes.[2]

[1] The articles hereby exempted remain subject to applicable restrictions under other quarantines.

(Secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.48–2)

This list of exempted articles shall become effective upon publication in the FEDERAL REGISTER when it shall supersede the list of exempted articles in 7 CFR 301.48a (PPC 533, 5th Revision) which became effective March 15, 1966.

The principal purpose of this document is to add used mechanized soil-moving equipment if cleaned and repainted to the list of exempted articles, and to delete from said list plants if growing exclusively in Osmunda fiber or chipped or shredded bark; soil-free moss, and Lycopodium (clubmoss, ground-pine or running pine); soil-free aquatic plants; soil-free rooted cuttings, which, at the time of shipment, had not developed a root system sufficient to conceal larvae of the Japanese beetle. Soil-free aquatic plants, moss, and Lycopodium are no longer regulated articles. Plants, if growing exclusively in Osmunda fiber or chipped or shredded bark, and the soil-free rooted cuttings are no longer exempt since the destination inspector cannot determine the status of the articles by inspection. The document also makes nonsubstantive changes in the listing of previously exempted articles.

This document relieves certain restrictions which are not deemed necessary to prevent the interstate spread of the Japanese beetle and imposes other restrictions which are deemed necessary for this purpose. It should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions being relieved and to protect the noninfested States from Japanese beetle. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this document are impracticable and unnecessary and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 16th day of August 1968.

[SEAL] D. R. SHEPHERD,
Director,
Plant Pest Control Division.

[F.R. Doc. 68-10121; Filed, Aug. 21, 1968; 8:49 a.m.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Imported Fire Ant

REGULATED AREAS

Under the authority of § 301.81–2 of the Imported Fire Ant Quarantine regulations, 7 CFR 301.81–2, as amended, 33 F.R. 9750, the supplemental regulation appearing as 7 CFR 301.81–2a designating regulated areas is hereby revised to read as follows:

§ 301.81–2a Regulated areas; suppressive and generally infested areas.

The civil divisions, and parts of civil divisions, described below, are designated as imported fire ant regulated areas within the meaning of the provisions of this subpart; and such regulated areas are hereby divided into generally infested areas or suppressive areas as indicated below:

ALABAMA

(1) *Generally infested areas.*

Autauga County. The entire county.

Baldwin County. The entire county.

Barbour County. The entire county.

Bibb County. The entire county.

Blount County. That portion of the county lying south of the north line of T. 12 S.; and those portions of Tps. 10 and 11 S., Rs. 1 and 2 W. lying in the county.

Bullock County. The entire county.

Butler County. The entire county.

Calhoun County. The entire county.

Chambers County. The entire county.

Chilton County. The entire county.

Choctaw County. The entire county.

Clarke County. The entire county.

Clay County. The entire county.

Coffee County. The entire county.

Conecuh County. The entire county.

Coosa County. The entire county.

Covington County. The entire county.

Crenshaw County. The entire county.

Dale County. The entire county.

Dallas County. The entire county.

Elmore County. The entire county.

Escambia County. The entire county.

Fayette County. The entire county.

Geneva County. The entire county.

Greene County. The entire county.

Hale County. The entire county.

Henry County. The entire county.

Houston County. The entire county.

Jefferson County. The entire county.

Lamar County. The entire county.

Lee County. The entire county.

Lowndes County. The entire county.

Macon County. The entire county.

Marengo County. The entire county.

Marion County. The entire county.

Mobile County. The entire county.

Monroe County. The entire county.

Montgomery County. The entire county.

Perry County. The entire county.

Pickens County. The entire county.

Pike County. The entire county.

Russell County. The entire county.

St. Clair County. The entire county.

Shelby County. The entire county.

Sumter County. The entire county.

Talladega County. The entire county.

Tallapoosa County. The entire county.

Tuscaloosa County. The entire county.

Walker County. The entire county.

Washington County. The entire county.

Wilcox County. The entire county.

(2) *Suppressive areas.*

Cleburne County. That portion of the county lying south of the north line of T. 16 S. and west of the east line of R. 10 E.

Cullman County. The entire county.

Etowah County. S½, T. 11 S., R. 5 E.; T. 12 S., R. 5 E.; that portion of T. 13 S., R. 5 E. lying in the county; and that portion of the county lying east of the west line of R. 6 E.

Limestone County. S½, T. 3 S., R. 4 W.; T. 4 S., R. 4 W.; all of T. 5 S., R. 4 W., lying north of the Tennessee River; SE¼, T. 3 S., R. 5 W.; and that part of the E½, T. 4 S., R. 5 W., lying north of the Tennessee River.

Morgan County. N½, T. 6 S., Rs. 4 and 5 W.; and those portions of T. 5 S., Rs. 4 and 5 W., and T. 4 S., R. 5 W., lying south of the Tennessee River.

Randolph County. T. 16 S., R. 10 E.; T. 20 S., R. 12 E.; that portion of the county lying in T. 20 S., R. 13 E.; and that portion of the county lying south of the north line of T. 21 S.

ARKANSAS

(1) *Generally infested areas.* None.

(2) *Suppressive areas.*

Ashley County. Those portions of Tps. 18 and 19 S., Rs. 6, 7, 8, 9, and 10 W., lying in Ashley County.

Union County. The entire county.

FLORIDA

(1) *Generally infested areas.*

Baker County. That portion of the county lying south of the north line of T. 2 S.

Bay County. The entire county.

Bradford County. That part of the county north of State Road 16 and east of the west boundary line of R. 22 E., except the city of Starke.

Calhoun County. The entire county.

Clay County. That portion of the county lying north of the south line of T. 6 S.

Columbia County. That portion of the county bounded by a line beginning at the intersection of U.S. Highway 441 and the north line of T. 3 S., and extending east along the north boundary line of T. 3 S. to the Columbia-Baker County line, thence south along said county line to its intersection with U.S. Highway 90, thence west along U.S. Highway 90 to its intersection with U.S. Highway 441, thence north along U.S. Highway 441 to the point of beginning, except that area within the corporate limits of the town of Lake City.

Duval County. The entire county.

Escambia County. The entire county.

Franklin County. The entire county.

Gadsden County. The entire county.

Gulf County. The entire county.

Hamilton County. That portion of the county lying west of State Highway 100, except the cities of White Springs and Jasper.

Hernando County. The entire county.

Hillsborough County. The entire county.

Holmes County. The entire county.

Jackson County. The entire county.

Jefferson County. The entire county.

Lake County. That portion of the county lying south of State Highway 50, except the cities of Mascotte, Groveland, and Clermont.

Leon County. The entire county.

Liberty County. The entire county.

Madison County. That portion of the county lying west of the east boundary line of R. 8 E.

[2] Any laboratory is eligible for approval by the Director for purposes of this paragraph if it is operated under a compliance agreement as defined in § 301.48–1(b). A notice listing approved laboratories will be published periodically in the FEDERAL REGISTER. Copies of the current list may also be obtained from the Director, Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, Hyattsville, Md. 20782, or from an inspector.

Nassau County. That portion of the county beginning at the junction of the St. Marys River and the north boundary line of T. 2 N., thence extending east along said line to its junction with the west boundary line of R. 25 E., thence north along said line to its junction with the St. Marys River, thence southeast along said river to its junction with State Road 5, thence south along said road to its junction with the Nassau-Duval County line, thence southwest along said line to its junction with the Nassau-Baker County line, thence north along said line to its junction with the St. Marys River, thence north along said river to the point of beginning.

Okaloosa County. The entire county.

Pasco County. The entire county.

Pinellas County. The entire county.

Polk County. That portion of the county lying west of the east line of R. 25 E.

St. Johns County. That portion of the county lying north of the south boundary line of T. 6 S.

Santa Rosa County. The entire county.

Sumter County. That portion of the county lying south of the north boundary line of T. 20 S.

Suwannee County. That portion of the county lying within an area bounded by a line beginning at the intersection of State Road 249 and the Suwannee River; and extending eastward along the Suwannee River to the intersection of the Suwannee River with the Suwannee-Columbia County line; and extending south along the Suwannee-Columbia County line to its intersection with State Road 136; thence westward along State Road 136 to its intersection with northeast section line of sec. 19, T. 2 S., R. 14 E.; thence southward along the east section line of secs. 19, 30, and 31, T. 2 S., R. 14 E.; thence westward along the south section line of sec. 31, T. 2 S., R. 14 E. and secs. 36, 35, 34, and 33, T. 2 S., R. 13 E.; thence north along the western section lines of secs. 33, 28, 21, 16, 9, and 4, T. 2 S., R. 13 E. and sec. 33, T. 1 S., R. 13 E. to its intersection with State Road 249; thence northwestward along State Road 249 to the point of beginning.

Taylor County. That portion of the county bounded by a line beginning at the point where the west boundary line of R. 5 E. intersects the Aucilla River and extending northeastward along said river to the Madison-Taylor County line, thence east along the Madison-Taylor County line to State Road 55, thence south along said road to the northern boundary of the city limits of Perry, thence west and south along said limits to State Road 30, thence southwestward and northwestward along State Road 30 to the west boundary line of R. 5 E., thence north along the west boundary line of R. 5 E. to the point of beginning.

Union County. That portion of T. 4 S., Rs. 21 and 22 E. lying in Union County.

Wakulla County. The entire county.

Walton County. The entire county.

Washington County. The entire county.

(2) *Suppressive areas.*

Alachua County. Secs. 2, 3, 10, and 11, T. 10 S., R. 20 E.

Brevard County. That portion of the county lying within an area 4 miles wide with Interstate Highway 95 as centerline beginning at the intersection of Interstate Highway 95 and State Road 46 and extending southward to the south section lines of secs. 13, 14, 15, and 16, T. 27 S., R. 36 E.

Charlotte County. That portion of the county lying north of the Myakka and Peace Rivers.

Citrus County. T. 17 S., Rs. 15 and 16 E. lying in Citrus County and T. 19 S., R. 17 E.

De Soto County. The entire county.

Dixie County. That portion of the county beginning at the junction of sec. 7, T. 9 S., R. 11 E., and State Road 358, thence extending east and southeast along said road to its junction with State Road 55, thence southeast along said road to its junction with the south boundary line of T. 9 S., thence west along said line to its junction with the west boundary line of R. 11 E., thence north along said line to the point of beginning.

Hardee County. The entire county.

Highlands County. That portion of the county beginning at the point where U.S. Highway 27 intersects the Highlands-Polk County line, thence extending southeast along U.S. Highway 27 to its junction with State Highway 634, thence westward along State Highway 634 to the Highlands Hammock State Park, thence due west along the southern boundary lines of secs. 33, 32, 31, T. 34 S., R. 26 E., to the Highlands-Hardee County line, thence north along the Highlands-Hardee County line to the Highlands-Polk County line, thence east along the Highlands-Polk County line to the point of beginning.

Lake County. That portion of the county beginning at a point where State Highway 44A intersects State Highway 437; thence extending east along Highway 44A to the junction of State Highway 44; thence northeast along Highway 44 to the St. Johns River; thence south along the east boundary line of Lake County to the Orange County line; thence west along the Lake-Orange County line to the west boundary line of section 35, T. 19 S., R. 27 E.; thence north along the west boundary line of section 35, T. 19 S., R. 27 E. to the junction of State Highway 46; thence east along Highway 46 to the junction of State Highway 437; thence north along Highway 437 to the point of beginning. An area 1 mile wide on each side of the Sunshine State Parkway beginning at its intersection with State Highway 19 and extending southeastward to the Orange County line; secs. 13, 14, 23, 24, 25, 26, 35, and 36, T. 20 S., R. 26 E.; and secs. 1, 2, 11, and 12, T. 21 S., R. 26 E.

Manatee County. The entire county.

Marion County. That portion of the county bounded by a line beginning at the junction of State Road 316 and State Road 225 and extending eastward along State Road 316 to its intersection with State Road 25A; thence south along State Road 25A to its intersection with State Road 329; thence eastward along State Road 329 to its intersection with State Road 200A; thence south along State Road 200A to the south boundary line of sec. 16, T. 14 S., R. 22 E.; thence westward along the south section line of secs. 16, 17 and 18, T. 14 S., R. 22 E. and secs. 13, 14 and 15, T. 14 S., R. 21 E. to its intersection with Interstate Highway 75; thence northwestward along Interstate Highway 75 to its junction with State Road 225A; thence west and north along State Road 225A to its junction with State Road 329; thence northwestward along State Road 329 to its intersection with State Road 225; thence north along State Road 225 to the point of beginning.

Orange County. The entire county.

Osceola County. T. 25 S., Rs. 27 E. and 28 E.; and W2/3 T. 25 S., R. 29 E.

Polk County. That portion of the county lying east of the west line of R. 26 E.

Sarasota County. The entire county.

Seminole County. The entire county.

Sumter County. That portion of the county lying north of the south line of T. 19 S.

Volusia County. That portion of the county beginning at the junction of the north boundary line of sec. 19, T. 18 S., R. 30 E. and the St. Johns River; thence extending east along the north boundary line of secs. 19, 20, 21, 22, 23, and 24 of T. 18 S., R. 30 E., to the junction of the eastern right-of-way of Interstate Highway 4; thence north along said right-of-way to the junction of the north boundary line of T. 18 S.; thence east along said boundary line to the junction of the east boundary line of R. 32 E.; thence south along said range line to the junction of the St. Johns River; thence west and north along said river to the point of beginning. Secs. 23, 24, 25, 26, 35, and 36, T. 16 S., R 30 E.; E1/3 T. 17 S., R. 30 E.; S½ T. 16 S., R. 31 E.; and T. 17 S., R. 31 E.

GEORGIA

(1) *Generally infested area.*

Baker County. The entire county.

Ben Hill County. The entire county.

Calhoun County. The entire county.

Chattahoochee County. The entire county.

Clay County. The entire county.

Colquitt County. The entire county.

Crawford County. The entire county.

Crisp County. The entire county.

Decatur County. The entire county.

Dooly County. The entire county.

Dougherty County. The entire county.

Early County. The entire county.

Grady County. The entire county.

Harris County. The entire county.

Heard County. That portion of the county lying within Georgia Militia Districts 761, 939, 702, 788, 938, 693, and 792.

Houston County. The entire county.

Irwin County. That portion of the county lying within Georgia Militia Districts 1643, 1388, 1661, 901, 1662, 1670, 1529, and 1421.

Lee County. The entire county.

Macon County. The entire county.

Marion County. The entire county.

Meriwether County. The entire county.

Miller County. The entire county.

Mitchell County. The entire county.

Muscogee County. The entire county.

Peach County. The entire county.

Pulaski County. The entire county.

Quitman County. The entire county.

Randolph County. The entire county.

Schley County. The entire county.

Stewart County. The entire county.

Sumter County. The entire county, except Georgia Militia Districts 884 and 759.

Talbot County. The entire county.

Taylor County. The entire county.

Terrell County. The entire county.

Thomas County. The entire county.

Troup County. The entire county.

Turner County. The entire county.

Upson County. The entire county.

Webster County. That portion of the county lying within Preston Georgia Militia District 978 and Slaughter Creek Georgia Militia District 1105.

Wilcox County. The entire county.

Worth County. The entire county.

(2) *Suppressive areas.*

Baldwin County. That portion of the county lying west of Oconee River.

Bibb County. The entire county.

Bleckley County. The entire county.

Brantley County. That portion of the county lying west of U.S. Highway 301 and that portion of Hickcox GMD 1768 lying east of U.S. Highway 301.

Brooks County. That portion of the county lying within Georgia Militia Districts 790, 660, 1198, 1230, 1402, 1571, 1199, and 1712.

Bryan County. The entire county.

Bullock County. That portion of the county lying within Georgia Militia Districts 1803, 1340, 47, and 1523.

Butts County. That portion of the county lying within Buttrill Georgia Militia District 615, Jackson Georgia Militia District 612, Towaliga Georgia Militia District 610, and Goodys Georgia Militia District 613.

Chatham County. The entire county.

Clayton County. The entire county.

Coffee County. The entire county.

Cook County. The entire county.

De Kalb County. The entire county.

Dodge County. The entire county.

Effingham County. The entire county.

Evans County. That portion of the county lying within Daisy Georgia Militia District 401.

Fayette County. The entire county, except Georgia Militia District 624.

Fulton County. That portion of the county lying in the corporate limits of Hapeville, College Park, East Point, and Atlanta; that portion of the county lying north of the corporate limits of Atlanta to the Chattahoochee River; and that portion of the county lying within Georgia Militia Districts 1204, 1725, 499, 479, and 1762.

Gwinnett County. That portion of the county lying south and west of Georgia Highway 120 and Georgia Highway 124, including all of the area in the corporate limits of Snellville, Lawrenceville, and Duluth.

Henry County. The entire county.

Jeff Davis County. The entire county.

Jones County. The entire county.

Lamar County. The entire county.

Laurens County. The entire county.

Liberty County. The entire county.

Lowndes County. That portion of the county lying within Georgia Militia Districts 1267, 1246, and 663.

Monroe County. That portion of the county lying in Georgia Militia Districts 473, 618, 523, 632, 554, and 474.

Pierce County. The entire county.

Pike County. The entire county.

Richmond County. That portion of the county lying north of Butler Creek.

Rockdale County. That portion of the county lying south of Interstate Highway 20, including the corporate limits of Conyers.

Seminole County. The entire county.

Spalding County. The entire county except Georgia Militia District 490.

Telfair County. The entire county.

Tift County. The entire county.

Twiggs County. The entire county.

Ware County. That portion of the county lying within Haywood Georgia Militia District 1030, James-Town Georgia Militia District 1372, Waresboro Georgia Militia District 451, Waycross Georgia Militia District 1231, Braganzia Georgia Militia District 1404, and Beach Georgia Militia District 1669.

Wheeler County. The entire county.

Wilkinson County. That portion of the county lying west of State Highway 29, including the city of McIntyre and Irwinton.

LOUISIANA

(1) *Generally infested areas.*

Acadia Parish. The entire parish.

Allen Parish. The entire parish.

Ascension Parish. The entire parish.

Assumption Parish. The entire parish.

Avoyelles Parish. The entire parish.

Beauregard Parish. The entire parish.

Calcasieu Parish. The entire parish.

Caldwell Parish. The entire parish.

Cameron Parish. The entire parish.

Catahoula Parish. The entire parish.

Concordia Parish. The entire parish.

East Baton Rouge Parish. The entire parish.

East Feliciana Parish. The entire parish.

Evangeline Parish. The entire parish.

Franklin Parish. The entire parish.

Iberia Parish. The entire parish.

Iberville Parish. The entire parish.

Jefferson Parish. The entire parish.

Jefferson Davis Parish. The entire parish.

Lafayette Parish. The entire parish.

Lafourche Parish. The entire parish.

La Salle Parish. The entire parish.

Livingston Parish. The entire parish.

Orleans Parish. The entire parish.

Plaquemines Parish. The entire parish.

Pointe Coupee Parish. The entire parish.

Rapides Parish. The entire parish.

St. Bernard Parish. The entire parish.

St. Charles Parish. The entire parish.

St. Helena Parish. The entire parish.

St. James Parish. The entire parish

St. John the Baptist Parish. The entire parish.

St. Landry Parish. The entire parish.

St. Martin Parish. The entire parish.

St. Mary Parish. The entire parish.

St. Tammany Parish. The entire parish.

Tangipahoa Parish. The entire parish.

Tensas Parish. The entire parish.

Terrebonne Parish. The entire parish.

Vermilion Parish. The entire parish.

Washington Parish. The entire parish.

West Baton Rouge Parish. The entire parish.

West Feliciana Parish. The entire parish.

(2) *Suppressive areas.*

Bienville Parish. That portion of the parish lying west of the east line of R. 9 W., and that portion of the parish lying in T. 18 N. west of the east line of R. 7 W.

Bossier Parish. The entire parish.

Caddo Parish. The entire parish.

De Soto Parish. That portion of the parish lying north of the south line of T. 14 N., and east of the west line of R. 15 W.

East Carroll Parish. The entire parish.

Grant Parish. The entire parish.

Jackson Parish. The entire parish.

Lincoln Parish. The entire parish.

Madison Parish. The entire parish.

Morehouse Parish. The entire parish.

Natchitoches Parish. That portion of the parish lying south of the south line of T. 10 N. and east of the east line of R. 7 W. All of that portion of the parish within R. 6 W., R. 7 W., and R. 8 W. in T. 10 N. and T. 11 N.

Ouachita Parish. The entire parish.

Red River Parish. That portion of the parish lying west of the east line of R. 10 W.

Richland Parish. The entire parish.

Sabine Parish. That portion of the parish lying south of the north line of T. 4 N., and west of the east line of R. 12 W., and that portion of the parish lying south of the south line of T. 7 N. and west of the west line of R. 12 W.

Union Parish. The entire parish.

Vernon Parish. That portion of the parish lying south of the north line of T. 2 N. and all of T. 3 N. lying west of the east line of R. 11 W.

Webster Parish. That portion of the parish lying south of the north line of T. 19 N.

West Carroll Parish. The entire parish.

Winn Parish. That portion of the parish lying east of the west line of R. 2 W.

MISSISSIPPI

(1) *Generally infested areas.*

Adams County. The entire county.

Amite County. The entire county.

Choctaw County. The entire county.

Claiborne County. The entire county.

Clarke County. The entire county.

Clay County. The entire county.

Copiah County. The entire county.

Covington County. The entire county.

Forrest County. The entire county.

Franklin County. The entire county.

George County. The entire county.

Greene County. The entire county.

Hancock County. The entire county.

Harrison County. The entire county.

Hinds County. The entire county.

Jackson County. The entire county.

Jasper County. The entire county.

Jefferson County. The entire county.

Jefferson Davis County. The entire county.

Jones County. The entire county.

Kemper County. The entire county.

Lamar County. The entire county.

Lauderdale County. The entire county.

Lawrence County. The entire county.

Leake County. The entire county.

Lincoln County. The entire county.

Lowndes County. The entire county.

Madison County. The entire county.

Marion County. The entire county.

Neshoba County. The entire county.

Newton County. The entire county.

Noxubee County. The entire county.

Oktibbeha County. The entire county.

Pearl River County. The entire county.

Perry County. The entire county.

Pike County. The entire county.

Rankin County. The entire county.

Scott County. The entire county.

Simpson County. The entire county.

Smith County. The entire county.

Stone County. The entire county.

Walthall County. The entire county.

Wayne County. The entire county.

Webster County. The entire county.

Wilkinson County. The entire county.

Winston County. The entire county.

(2) *Suppressive areas.*

Attala County. The entire county.

Calhoun County. The entire county.

Chickasaw County. The entire county.

Grenada County. NE¼ T. 22 N., R. 7 E.; SE¼ T. 23 N., R. 7 E.

Issaquena County. The entire county.

Itawamba County. The entire county.

Lee County. The entire county.

Monroe County. The ertire county.

Pontotoc County. The entire county.

Sharkey County. The entire county.

Union County. T. 7 S., and N¾ T. 8 S., R. 4 E.; those portions of Tps. 7 and 8 S., R. 5 E. lying in the county.

Warren County. The entire county.

Washington County. The entire county.

Yazoo County. The entire county.

SOUTH CAROLINA

(1) *Generally infested area.*

Berkeley County. That portion of the county bounded by a line beginning at the intersection of U.S. Interstate Highway 26 and State Primary Highway 27, thence extending north along said highway to its junction with State Secondary Highway 135, thence northeast along said highway to its junction with State Primary Highway 6, thence southeast along said highway to its junction with Alternate U.S. Highway 17 in Moncks Corner, thence northeast along said highway to its intersection with the Santee River, thence southeast along said river to the Berkeley-Charleston County line, thence in a southwesterly and northwesterly direction along said county line to the Berkeley-Dorchester County line, thence northwest along said county line to the point of beginning.

Charleston County. That portion of the county bounded by a line beginning at a point where U.S. Highway 78 intersects the Charleston-Dorchester County line and extending northeast along said county line to its junction with the Charleston and Berkeley County line, thence south and east along said county line to its junction with Cooper River, thence in a southerly direction along said river to its junction with the Wando River and the Berkeley-Charleston County line, thence northeast along the Berkeley-Charleston County line to its junction with the South Santee River, thence southeast along said river to its intersection with U.S. Highway 17, thence in a westerly direction along said highway to its intersection with State Primary Highway 171, thence south along said highway to its junction with State Primary Highway 700, thence west along said highway to its intersection with State Secondary Highway 20, thence northwest and north along said highway to its intersection with U.S. Highway 17, thence west along said highway to its intersection with the Edisto River, thence north along said river to the Charleston-Dorchester County line, thence along said county line to the point of beginning.

Dorchester County. That portion of the county bounded by a line beginning at a point where the Edisto River junctions with the Dorchester-Charleston County line,

thence extending north along said river to its intersection with State Primary Highway 61, thence southeast along said highway to its intersection with U.S. Alternate Highway 17, thence east along said highway to its junction with State Primary Highway 642, thence east along said highway to its intersection with State Primary Highway 165, thence northeast along said highway to its intersection with the southern boundary of the corporate limits of Summerville, thence northeast along said corporate limits to its intersection with the Charleston-Dorchester County line, thence in a southeasterly, southerly and westerly direction along said county line to the point of beginning.

Horry County. That portion of the county bounded by a line beginning at a point where U.S. Highway 17 intersects the Intracoastal Waterway, thence extending southwest along said waterway to its junction with the Horry-Georgetown County line at Bull Creek, thence north along the county line to its intersection with U.S. Highway 701, thence northeast along said highway to its junction with State Secondary Highway 237, thence northwest along said highway to its junction with State Secondary Highway 24, thence north along said highway to its junction with State Secondary Highway 97, thence east along said highway to its junction with State Secondary Highway 139, thence southeast along said highway to its junction with State Secondary Highway 66, thence north along said highway to its intersection with State Primary Highway 9, thence east and southeast along said highway to its junction with U.S. Highway 17, thence southeast along said highway to the point of beginning.

Orangeburg County. That portion of the county bounded by a line beginning at a point where U.S. Highway 21 intersects the Orangeburg-Calhoun County line, and extending in a southeasterly direction along said county line to its intersection with Four Hole Swamp, thence southeast along said swamp to its intersection with U.S. Highway 301, thence east along U.S. Highway 301 to its intersection with U.S. Highway 176, thence in a southeasterly direction along U.S. Highway 176 to its intersection with State Primary Highway 121, thence in a southwesterly direction along said highway to its intersection with Interstate Highway 26, thence southeast along said highway to its intersection with the Orangeburg-Dorchester County line, thence southwest along said county line to its intersection with the Edisto River, thence northwest along said river and South Fork Edisto River to its intersection with U.S. Highway 601, thence northeast along said highway to its intersection with State Secondary Highway 376, thence northwest along said highway to its junction with State Secondary Highway 74, thence in a northeasterly direction along said highway to its junction with U.S. Highway 178, thence in a southeasterly direction along said highway to its junction with State Secondary Highway 61, thence in a northerly direction along said highway to its junction with the Calhoun-Orangeburg County line, thence along said county line to the point of beginning.

(2) *Suppressive areas.*

Jasper County. That portion of the county bounded by a line beginning at a point where the Savannah River junctions with the Jasper-Hampton County line, thence extending northeast along said county line to its intersection with the Southern Railway, thence south along said railway to its junction with State Primary Highway 336, thence east along said highway to its junction with State Secondary Highway 110, thence southeast along said highway to its junction with U.S. Highway 17, thence southwest along said highway to its junction with State Secondary Highway 141, thence northeast along said highway to its intersection with New River, thence south along said river to the Atlantic Ocean, thence southwest to a point where the Savannah River enters the Atlantic Ocean, thence northwest along said river to the point of beginning.

TEXAS

(1) *Generally infested areas.*

Angelina County. The entire county.
Austin County. The entire county.
Bexar County. The entire county.
Brazoria County. The entire county.
Chambers County. The entire county.
Colorado County. The entire county.
Dallas County. The entire county.
Denton County. The entire county.
Fort Bend County. The entire county.
Galveston County. The entire county.
Grege County. The entire county.
Grimes County. The entire county.
Hardin County. The entire county.
Harris County. The entire county.
Jasper County. The entire county.
Jefferson County. The entire county.
Liberty County. The entire county.
Montgomery County. The entire county.
Nacogdoches County. The entire county.
Newton County. The entire county.
Orange County. The entire county.
Polk County. The entire county.
Sabine County. The entire county.
San Augustine County. The entire county.
San Jacinto County. The entire county.
Tarrant County. That portion of the county bounded by a line beginning at a point where Texas State Highway 114 intersects the Denton-Tarrant County line, and extending east along said county line to the Tarrant-Dallas County line, thence south along said county line to its intersection with Harwood-Dallas County line road, thence westerly along said road to its junction with Arlington-Webb-Britton Road, then south along said road to its junction with Poly-Webb Road, thence westerly along said road to its junction with Texas Farm Road 157, thence northerly and easterly along said road to its intersection with Texas State Highway 114, thence northwesterly along said highway to the point of beginning including the entire cities of Grand Prairie, Arlington, and Grapevine but excluding the cities of Euless, Bedford, Colleyville, Southlake, and Westlake.
Tyler County. The entire county.
Waller County. The entire county.
Wharton County. The entire county.

(2) *Suppressive areas.* None.

(Sec. 6, 37 Stat. 318, sec. 106, 71 Stat. 33, 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161. 29 F.R. 16210, as amended; 7 CFR 301.81-2)

This supplemental regulation shall become effective upon publication in the FEDERAL REGISTER when it shall supersede 7 CFR 301.81-2a, effective July 6, 1968.

The Director of the Plant Pest Control Division has determined that infestations of the imported fire ant exist or are likely to exist in the civil divisions, and parts of civil divisions listed above, or that it is necessary to regulate such areas because of their proximity to imported fire ant infestations or their inseparability for quarantine enforcement purposes from imported fire ant infested localities. The Director has further determined that each of the quarantined States is enforcing a quarantine or regulation with restrictions on intrastate movement of the regulated articles substantially the same as the restrictions on interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the imported fire ant. Accordingly, such civil divisions and parts of civil divisions listed above, are designated as imported fire ant regulated areas.

This revision adds to the regulated areas all or parts of the following previously nonregulated counties: Taylor County in Florida; Cook, Heard, and Lowndes Counties in Georgia. It also extends the regulated areas in 30 previously regulated counties. Eight counties are being changed from generally infested to suppressive status, and seven counties are being changed from suppressive to generally infested.

This document imposes restrictions that are necessary in order to prevent the dissemination of the imported fire ant, and should be made effective promptly to accomplish its purpose in the public interest. Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing regulations are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 19th day of August 1968.

[SEAL] D. R. SHEPHERD,
Director,
Plant Pest Control Division.

[F.R. Doc. 68-10141; Filed, Aug. 21, 1968; 8:51 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 253]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.553 Valencia Orange Regulation 253.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 20, 1968.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period August 23, 1968 through August 29, 1968, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 375,000 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amehded; 7 U.S.C. 601-674)

Dated: August 21, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-10226; Filed, Aug. 21, 1968; 11:23 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1968-Crop Flaxseed Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1968-Crop Flaxseed Loan and Purchase Program

SUPPORT RATES, PREMIUMS, AND DISCOUNTS

The regulations issued by Commodity Credit Corporation which contain the basic price support rates for the 1968 crop of flaxseed, 33 F.R. 7296, are amended to increase the basic county support rate for Marshall County, Minn., from $2.91 per bushel to $2.92 per bushel, and to establish a basic county support rate of $2.37 per bushel for Madison County, Mont.

Section 1421.3078(b) is amended by (a) changing the basic support rate for Marshall County under the heading "Minnesota" to read:

Marshall ---------- $2.92

and (b) inserting, between the counties of McCone and Pondera under the heading "Montana," the following:

Madison ---------- $2.37

(Sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1054; 15 U.S.C. 714b and c, 7 U.S.C. 1447, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 16, 1968.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 68-10124; Filed, Aug. 21, 1968; 8:49 a.m.]

PART 1446—PEANUTS

Subpart—1968-Crop Peanut Warehouse Storage Loans and Sheller Purchases

This annual crop supplement, together with the General Regulations Governing 1967 and Subsequent Crop Peanut Warehouse Storage Loans and Sheller Purchases (32 F.R. 9950) and any amendments thereto (hereinafter called the General Regulations), contain the terms and conditions under which CCC will make warehouse storage loans on and sheller purchases of 1968-crop peanuts.

WAREHOUSE STORAGE LOANS

Sec.
1446.40 Associations through which producers may obtain price support.
1446.41 Applicability.
1446.42 National average price.
1446.43 Average support prices by type.
1446.44 Calculation of support prices.

SHELLER PURCHASES

1446.50 Eligible sheller—filing time.
1446.51 Period of offering.
1446.52 CCC purchases of eligible peanuts and prices.

AUTHORITY: The provisions of this subpart issued under secs. 4 and 5, 62 Stat. 1070, as amended; 15 U.S.C. 714 b and c. Interpret or apply secs. 101, 401, 63 Stat. 1051, as amended, 7 U.S.C. 1441, 1421.

WAREHOUSE STORAGE LOANS

§ 1446.40 Associations through which producers may obtain price support.

Eligible producers may obtain price support by means of warehouse storage loans on eligible 1968-crop farmers stock peanuts through, in the Southeastern area, GFA Peanut Association, Camilla, Ga.; Southwestern area, Southwestern Peanut Growers Association, Gorman, Tex.; and Virginia-Carolina area, Peanut Growers Cooperative Marketing Association, Franklin, Va.

§ 1446.41 Applicability.

The support prices specified in this section apply to 1968-crop farmers stock peanuts in bulk or in bags, net weight basis, eligible for price support advances under the General Regulations.

§ 1446.42 National average price.

The national average support price for 1968-crop peanuts is $240.25 per ton.

§ 1446.43 Average support prices by type.

The support prices by type per average grade ton of 1968-crop peanuts are:

Type	Dollars per ton
Virginia	$253.73
Runner	227.37
Southeast Spanish	245.63
Southwest Spanish	236.07
Valencia, suitable for cleaning and roasting	253.73

The price for Valencia type peanuts not suitable for cleaning and roasting will be the same as for Spanish type peanuts in the same area.

§ 1446.44 Calculation of support prices.

The support price per ton for peanuts of a particular type and quality shall be calculated on the basis of the following rates, premiums, and discounts (with no value being assigned to damaged kernels), except that the minimum support value for any lot of eligible peanuts of any type shall be 4 cents per pound of kernels in the lot:

(a) *Kernel value per net ton excluding loose shelled kernels.* (1) Price for each percent of sound mature and sound split kernels shall be:

Type	Dollars per ton
Virginia	$3.530
Runner	3.309
Southeast Spanish	3.448
Southwest Spanish	3.372
Valencia:	
Southwestern area—suitable for cleaning and roasting	3.372
Southwestern area—not suitable for cleaning and roasting	3.372
Areas other than Southwestern	3.448

(2) Price for each percent of other kernels:

All types	$1.40

(3) Premium for each 1 percent extra large kernels in Virginia type peanuts shall be 45 cents, except that no premium shall be applicable to any lot of such peanuts containing more than 7 percent damaged kernels.

(b) *Value of loose shelled kernels per pound.*

All types	$0.07

(c) *Damaged kernel discount.* For all types of peanuts, the discount per ton for damaged kernels shall be as follows:

Peanuts containing damaged kernels of—	*Discount*
1 percent	None
2 percent	$3.40
3 percent	7.00
4 percent	11.00
5 percent	25.00
6 percent	40.00
7 percent	60.00
8–9 percent	80.00
10 percent and over	100.00

(d) *Sound split kernel discount.* For all types of peanuts, the discount for sound split kernels shall be as follows:

Peanuts containing sound split kernels of—	*Discount per ton*
1 through 4 percent	None
5 percent	$1.00
6 percent	1.60
7 percent and over	2.40

Plus 80 cents for each percent of sound split kernels in excess of 7 percent.

(e) *Foreign material discount.* The discount for each full 1 percent foreign material in excess of 4 percent and not over 10 percent shall be $1 per ton.

(f) *Price adjustment for peanuts in Virginia-Carolina area sampled with other than a pneumatic sampler.* The support price for Virginia type peanuts in the Virginia-Carolina area sampled with other than a pneumatic sampler shall be reduced by $0.0025 per pound net weight including loose shelled kernels.

(g) *Mixed types discount.* Individual lots of farmers stock peanuts containing mixtures of two or more types in which there is less than 90 percent of any one type will be supported at a rate which is $10 per ton less than the support price applicable to the type in the mixture having the lowest support price.

(h) *Location adjustments to support prices.* Farmers stock peanuts delivered to the association for price support advances in the States specified, where peanuts are not customarily shelled or crushed, shall be discounted as follows:

(1) Arizona, $25 per ton.
(2) Arkansas, $10 per ton.
(3) California, $33 per ton.
(4) Louisiana, $7 per ton.
(5) Mississippi, $20 per ton.
(6) Missouri, $10 per ton.
(7) Tennessee, $25 per ton.

(i) *Virginia type peanuts.* Virginia type peanuts, to receive peanut price support as Virginia type, must contain 40 percent or more "fancy" size peanuts, as determined by a presizer with the rollers set at $^{34}/_{64}$ inch space. Virginia type peanuts so determined to contain less than 40 percent "fancy" size peanuts will be supported (but not classed) as though they were Runner type.

(j) *Bradford peanuts.* Bradford Big Boy (or Victor Bradford) peanuts will be supported at 50 percent of the support price for Virginia type peanuts of the same quality, with no premium for extra large kernels.

Sheller Purchases

§ 1446.50 Eligible sheller-filing time.

To be eligible to sell 1968-crop peanuts to CCC under this subpart, the sheller shall file with the association not later than February 28, 1969, or such later date as may be approved by CCC, the notice of participation required under § 1446.11(a).

§ 1446.51 Period of offering.

Unless a later date is approved in writing by CCC, written offers to sell 1968 crop peanuts to CCC, on the form prescribed by CCC, may be filed with the association from time of harvest through:

(a) July 31, 1969, for shelled peanuts not U.S. grade described in § 1446.52(c), and for farmers stock peanuts described in § 1446.52(d).

(b) October 31, 1969, for U.S. grade shelled peanuts described in § 1446.52(b).

§ 1446.52 CCC purchases of eligible peanuts and prices.

(a) *Basis of purchase.* Except as otherwise provided in § 1446.13 of the General Regulations, CCC will purchase from eligible shellers 1968-crop peanuts which meet the specifications contained in this section. The peanuts will be purchased on the basis of the net weight determined at the time of delivery and the prices specified in paragraphs (b), (c), and (d) of this section. CCC will also pay a carrying charge for farmers stock and U.S. grade shelled peanuts which are delivered to CCC after November 1968 in the Southeastern area, and December 1968 in the Southwestern and Virginia-Carolina areas. The carrying charge will commence on December 1, 1968, in the Southeastern area, and January 1, 1969, in the Southwestern and Virginia-Carolina areas, and will accrue at the rate of (1) $1.40 per ton net weight per calendar month or fraction thereof for U.S. grade shelled peanuts, but shall not exceed a total of $7 per ton net weight, and (2) $1 per ton net weight per calendar month or fraction thereof for farmers stock peanuts but shall not exceed a total of $5 per ton net weight.

(b) *U.S. grade shelled peanuts.*

(1) U.S. No. 1 (all types)—16.25 cents per pound.

(2) U.S. Extra Large Virginia—21.75 cents per pound.

(3) U.S. Medium Virginia—19.50 cents per pound.

(4) U.S. Splits (all types)—17.75 cents per pound.

U.S. grade shelled peanuts shall meet the U.S. Standards for such peanuts, except that they shall not contain more than 1.25 percent damaged or unshelled kernels other than minor defects and not more than 2 percent total damaged or unshelled and minor defects.

(c) *Shelled peanuts—not U.S. grade.* (1) No. 1 size; i.e., ride U.S. No. 1 screens—17.90 cents per pound.

(2) Large whole kernels which will not pass through screens with the following size openings—17.10 cents per pound:

Virginia	$^{15}/_{64}$ x 1" slot.
Runner	$^{15}/_{64}$ x $^{3}/_{4}$" slot.
Spanish	$^{13}/_{64}$ x $^{3}/_{4}$" slot.

(3) Large split kernels (i.e., separated halves) which will not pass through screens with the following size openings—17.60 cents per pound:

Virginia	$^{17}/_{64}$" round.
Runner	$^{17}/_{64}$" round.
Spanish	$^{15}/_{64}$" round.

(4) Small whole kernels which will not pass through screens with the following size openings—12.60 cents per pound:

Virginia	$^{13}/_{64}$ x 1" slot.
Runner	$^{13}/_{64}$ x $^{3}/_{4}$" slot.
Spanish	$^{11}/_{64}$ x $^{3}/_{4}$" slot.

(5) In addition to the other prices specified in this paragraph (c), CCC shall pay the sheller for "fall through" not exceeding 3 percent at the rate of 6.25 cents per pound. "Fall through" means all kernels or portions thereof which will pass through screens with the following size openings:

	Whole kernels	Splits ans portions
Virginia	$^{13}/_{64}$ x 1" slot	$^{17}/_{64}$" round.
Runner	$^{13}/_{64}$ x $^{3}/_{4}$" slot	$^{17}/_{64}$" round.
Spanish and Valencia	$^{11}/_{64}$ x $^{3}/_{4}$" slot	$^{15}/_{64}$" round.

(6) Quality conditions: Any lot of shelled peanuts of the sizes described in subparagraphs (1) through (4) of this paragraph (c) shall not contain more than (i) 4 percent damaged or unshelled kernels other than minor defects, (ii) 8 percent total damaged or unshelled and minor defects, (iii) 9 percent moisture in the Southeastern and Southwestern areas, or 10 percent moisture in the Virginia-Carolina area, (iv) 6 percent "fall through," as defined in subparagraph (5) of this paragraph (c) (but CCC will not pay for any "fall through" in excess of 3 percent), and (v) 2 percent foreign material. The peanuts in any bag(s) in any lot of such peanuts shall also meet the quality conditions set forth above in this subparagraph (6). If a sheller offers to CCC any lot of such peanuts which contains peanuts of different sizes (i.e., No. 1 size, large whole, small whole, or large split kernels) bagged separately, the sheller (i) shall mark or tag each bag in the lot to show the size of the peanuts therein, and (ii) shall stack the bags of each size of peanuts separately to make them readily available for sampling.

(7) The prices specified for shelled peanuts described in this paragraph (c) shall be discounted (i) for damaged and unshelled kernels and minor defects at the rates prescribed in the table appearing at the end of this subpart, and (ii) for foreign material at the rate of one-tenth of 1 cent per pound for each full one-tenth of 1 percent by which the foreign material is in excess of 1 percent.

(d) *Farmers stock peanuts.* Farmers stock-support price, outweight-outgrade basis, plus $6 per net ton.

Discount Schedule for 1968-Crop Shelled Peanuts

[Cents per pound deduction]

Percent damage of unshelled	Percent minor defects											
	0–1.4	1.5–1.9	2.0–2.4	2.5–2.9	3.0–3.4	3.5–3.9	4.0–4.4	4.5–4.9	5.0–5.4	5.5–5.9	6.0–6.4	6.5–8.0
0–1.0		0.05	0.11	0.17	0.23	0.29	0.36	0.43	0.51	0.60	0.69	1.00
1.1	0.04	.09	.15	.21	.27	.33	.40	.47	.55	.64	.73	1.04
1.2	.08	.13	.19	.25	.31	.37	.44	.51	.59	.68	.77	1.08
1.3	.12	.17	.23	.29	.35	.41	.48	.55	.63	.72	.81	1.12
1.4	.16	.21	.27	.33	.39	.45	.52	.59	.67	.76	.85	1.16
1.5	.20	.25	.31	.37	.43	.49	.56	.63	.71	.80	.89	1.20
1.6	.24	.29	.35	.41	.47	.53	.60	.67	.75	.84	.93	
1.7	.28	.33	.39	.45	.51	.57	.64	.71	.79	.88	.97	
1.8	.32	.37	.43	.49	.55	.61	.68	.75	.83	.92	1.01	
1.9	.36	.41	.47	.53	.59	.65	.72	.79	.87	.96	1.05	
2.0	.40	.45	.51	.57	.63	.69	.76	.83	.91	1.00	1.09	
2.1	.46	.51	.57	.63	.69	.75	.82	.89	.97	1.06		
2.2	.53	.58	.64	.70	.76	.82	.89	.96	1.04	1.13		
2.3	.61	.66	.72	.78	.84	.90	.97	1.04	1.12	1.21		
2.4	.70	.75	.81	.87	.93	.99	1.06	1.13	1.21	1.30		
2.5	.80	.85	.91	.97	1.03	1.09	1.16	1.23	1.31	1.40		
2.6	.90	.95	1.01	1.07	1.13	1.19	1.26	1.33	1.41			
2.7	1.00	1.05	1.11	1.17	1.23	1.29	1.36	1.43	1.51			
2.8	1.10	1.15	1.21	1.27	1.33	1.39	1.46	1.53	1.61			
2.9	1.20	1.25	1.31	1.37	1.43	1.49	1.56	1.63	1.71			
3.0	1.30	1.35	1.41	1.47	1.53	1.59	1.66	1.73	1.81			
3.1	1.40	1.45	1.51	1.57	1.63	1.69	1.76	1.83				
3.2	1.50	1.55	1.61	1.67	1.73	1.79	1.86	1.93				
3.3	1.60	1.65	1.71	1.77	1.83	1.89	1.96	2.03				
3.4	1.70	1.75	1.81	1.87	1.93	1.99	2.06	2.13				
3.5	1.80	1.85	1.91	1.97	2.03	2.09	2.16	2.23				
3.6	1.90	1.95	2.01	2.07	2.13	2.19	2.26					
3.7	2.00	2.05	2.11	2.17	2.23	2.29	2.36					
3.8	2.10	2.15	2.21	2.27	2.33	2.39	2.46					
3.9	2.20	2.25	2.31	2.37	2.43	2.49	2.56					
4.0	2.30	2.35	2.41	2.47	2.53	2.59	2.66					

Effective date: Upon publication in the Federal Register.

Signed at Washington, D.C., on August 15, 1968.

H. D. Godfrey,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 68-10065; Filed, Aug. 21, 1968; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 83—DUCK VIRUS ENTERITIS (DUCK PLAGUE)

Interstate Movement

Pursuant to the provisions of sections 1 and 3 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and section 3 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 125, and 134b), § 83.5 of Part 83, designated "Duck Virus Enteritis (Duck Plague)" in Title 9, Code of Federal Regulations, is hereby amended to read as follows:

§ 83.5 Interstate movement of domestic waterfowl, products thereof, and related articles from quarantined area restricted.

Domestic waterfowl, domestic waterfowl products, and feed bags shall not be moved interstate from any quarantined area except in accordance with the provisions of this section. Authorization for such movement under such provisions does not excuse compliance with other applicable Federal or State laws or § 83.4.

(a) *Newly hatched domestic waterfowl.* Ducklings or newly hatched domestic waterfowl of other species may be moved interstate from a quarantined area if they originate in approved source flocks, were hatched in approved hatcheries, and are certified by a State or Federal inspector as meeting these requirements.

(b) *Other domestic waterfowl.* Domestic waterfowl, other than newly hatched domestic waterfowl, may be moved interstate from a quarantined area if they (1) originate from an approved source flock; (2) were hatched in an approved hatchery or under natural conditions on the farm of origin; (3) have been maintained in confinement isolated from other waterfowl on the premises of origin for 30 days prior to movement; and (4) have been subjected to test(s) for duck virus enteritis approved by the Director of Division and determined to be negative. Materials for such test(s), shall be collected by a State or Federal inspector or an accredited veterinarian. The test shall be conducted in a State or Federal laboratory or other laboratory specifically designated by the Director.

(c) *Carcasses and parts of domestic waterfowl.* Eviscerated carcasses of domestic waterfowl processed, inspected and passed at federally inspected slaughtering establishments located within a quarantined area may be moved interstate without further restriction under this part.

(d) *Offal; feathers; manure; carcasses and parts of carcasses condemned because of duck virus enteritis.* Offal, feathers, and manure, and carcasses and parts of carcasses condemned because of duck virus enteritis, which are derived from nonapproved flocks of domestic waterfowl in a quarantined area may be moved interstate under this part if they have been heated throughout to a temperature of not less than 140° F. for not less than 10 minutes, or have been heated according to a method specifically approved by the Director of Division. Offal, feathers, and manure derived from approved source flocks may be moved interstate without restriction under this part.

(e) *Feed bags.* Feed bags used on premises where nonapproved flocks of domestic waterfowl are maintained may be moved interstate from a quarantined area if they have been heated throughout to a temperature of not less than 140° F. for not less than 10 minutes, or heated according to a method specifically approved by the Director of Division. Other feed bags may be moved interstate without restrictions under this part.

(Secs. 1 and 2, 32 Stat. 791 and 792, as amended, secs. 4, 5, 6, and 7, 23 Stat. 32, as amended, secs. 1 and 3, 33 Stat. 1264 and 1265, as amended, sec. 3, 76 Stat. 130; 21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 125, 134b. 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon publication in the Federal Register.

The purpose of the foregoing amendment is to add a new paragraph (b) to § 83.5 to provide for the interstate movement of domestic waterfowl other than newly hatched ducklings from areas quarantined because of duck virus enteritis (duck plague).

This paragraph relieves certain restrictions presently imposed and will be of considerable benefit to the Federal-State program now in operation in the State of New York for the control and eradication of duck virus enteritis (duck plague). Other nonsubstantive clarifying changes are also made. Therefore, under the administrative procedure provisions in 5 U.S.C., section 553, it is found upon good cause that notice and other public procedure with respect to the amendment are unnecessary and contrary to the public interest and it may be made effective less than 30 days after publication in the Federal Register.

Done at Washington, D.C., this 19th day of August 1968.

R. J. Anderson,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 68-10140; Filed, Aug. 21, 1968; 8:51 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 40—LICENSING OF SOURCE MATERIAL

General License To Export Uranium

The AEC has amended its regulation "Licensing of Source Material," 10 CFR Part 40, by the addition of a new § 40.23 (e), to provide (1) a general license for the export of uranium that is frabricated as shielding and contained in radiographic exposure or teletherapy devices from the United States to countries or destinations other than Southern Rhodesia, Cuba, or those listed in § 40.90 (Sino-Soviet bloc countries), and (2) a general license for the export of uranium that is fabricated as shielding and contained in radiographic exposure or teletherapy devices from the United States to Southern Rhodesia to the extent that such devices are for use in medical diagnosis or therapy. The amount of uranium that may be exported under general license in each case is limited to 500 pounds uranium per device. The Commission has determined that such exports will not be inimical to the interests of the United States.

Because the amendment involves the foreign affairs functions of the United States, the Commission has found that notice of proposed rule making and public procedure thereon are contrary to the public interest and that good cause exists why the amendment should be made effective upon publication in the FEDERAL REGISTER without the customary 30-day notice.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendment of Title 10, Chapter I, Code of Federal Regulations, Part 40, is published as a document subject to codification to be effective upon publication in the FEDERAL REGISTER.

Section 40.23 of 10 CFR Part 40 is amended by redesignating paragraph (e) as paragraph (f) and adding a new paragraph (e) to read as follows:

§ 40.23 General licenses to export.

* * * * *

(e) (1) A general license, designated AEC–GRO–SME, is hereby issued authorizing the export of uranium, when fabricated as shielding and contained in radiographic exposure or teletherapy devices, in quantities not to exceed 500 pounds per device, from the United States to any foreign country or destination, except Southern Rhodesia, Cuba, or countries or destinations listed in § 40.90.

(2) A general license, designated AEC–GRO–MED, is hereby issued, authorizing the export of uranium, when fabricated as shielding and contained in radiographic exposure or teletherapy devices, in quantities not to exceed 500 pounds per device, from the United States to Southern Rhodesia, to the extent that such devices are for use in medical diagnosis or therapy.

(3) Each person exporting uranium pursuant to the general licenses established by subparagraphs (1) and (2) of this paragraph (e) shall file with the Customs Officer or the Postmaster one copy, in addition to those otherwise required, of the Shipper's Export Declaration covering each export, and mark such copy for transmittal to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545.

* * * * *

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201. Interpret or apply sec. 64, 68 Stat. 933; 42 U.S.C. 2094)

Dated at Washington, D.C., this 14th day of August 1968.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary.

[F.R. Doc. 68–10118; Filed, Aug. 21, 1968; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8477; Amdts. 21–22; 91–56]

PART 21—CERTIFICATIONS PROCEDURES FOR PRODUCTS AND PARTS

PART 91—GENERAL OPERATING AND FLIGHT RULES

Issuance of Special Flight Permits With Continuous Authorization To Conduct Ferry Flights

The purpose of these amendments to Parts 21 and 91 of the Federal Aviation Regulations is to provide for issuance by the Administrator of special flight permits with continuing authorization to conduct ferry flights, for specified purposes, to an air carrier or commercial operator of large aircraft certificated under Part 121 or an air carrier engaged in scheduled operations with helicopters certificated under Part 127.

These amendments are based on a notice of proposed rule making published in the FEDERAL REGISTER on October 25, 1967 (32 F.R. 14775). Interested persons were afforded an opportunity to participate in the rule making through submission of written comments. Due consideration has been given to all relevant matter presented.

Comment received in general supported the proposed amendments, since they afford a savings in time and paper work and contribute to the efficient utilization of equipment.

The Air Line Pilots Association (ALPA) was opposed to the proposed amendments on the grounds that the operation of unairworthy airplanes compromised safety and therefore was not in the public interest. The objection of the ALPA extended to the issuance of individual special flight permits as well as issuance of special flight permits with continuing authorization to conduct ferry flights.

Permitting the flight of aircraft which may not currently meet with all applicable airworthiness requirements for the purpose of accomplishing necessary maintenance or alterations is a practice of long-standing, and FAA experience with this practice does not indicate that safety has been compromised. It is the judgment of the FAA that such flights are frequently advantageous and may be safely conducted under carefully selected operating conditions and appropriate restrictions.

The Air Transport Association of America (ATA) expressed general agreement with the proposal and recommended certain changes. It suggested that including the flight permit and continuing authorization, together with conditions and limitations, in the certificate holder's operations specifications would greatly expand their volume, and that requiring those portions of the operation specifications to be carried in the aircraft under § 91.27 would be unnecessarily burdensome. ATA further recommended that scheduled helicopter operators certificated under Part 127 be included as eligible under § 21.197 since they have similar problems and situations requiring the ferry of aircraft for maintenance or alterations. The latter recommendation is viewed as appropriate and § 21.197 has been broadened to apply to Part 127 certificate holders as well as Part 121 certificate holders.

It is not felt that the proposed requirement for carrying applicable sections of the operations specifications aboard the aircraft would be unduly burdensome. The FAA statement of the permit with continuing authorization, together with a listing of general conditions and limitations imposed by the Administrator is expected to be brief, and should normally require no more than the addition of a single page in the operations specifications. More detailed conditions and limitations considered necessary by the permit holder to meet specific contingencies would normally be contained in operations manuals or maintenance manuals, or in the permit holder's communication which directs or authorizes the flight. However, in order to provide for greater flexibility, the requirement has been stated in the alternative in § 91.27, allowing the permit holder to carry either the operations specifications or portions of the air carrier manual required by § 121.133 or § 127.61 containing a restatement of the permit and those conditions and limitations imposed by the Administrator in the operations specifications.

The ATA recommendation that the special flight permit and continuing authorization be stated originally in the air carrier manual required under § 121.133 rather than the operations specifications has not been adopted. While a restatement of the conditions and limitations in operations and maintenance manuals will contribute to a workable arrangement, it is believed the operations specification is the appropriate place for the original statement of the special flight permit with continuing authorization, and for the original listing of general conditions and limitations for flight. The certificate holder, in restating conditions and limitations for flight in the air carrier manual, may find it convenient or necessary to supplement the listing with more detailed statements of procedures and restrictions.

It is anticipated that an advisory circular or internal FAA directive, or both, will be issued to facilitate and standardize issuance of the permits.

In consideration of the foregoing, Parts 21 and 91 of the Federal Aviation Regulations are amended effective September 21, 1968, as follows:

1. By amending § 21.197 by adding the following new paragraph (c) after paragraph (b) to read as follows:

§ 21.197 Special flight permits.

* * * * *

(c) Upon application, as prescribed in § 121.79 or § 127.27 of this chapter, a special flight permit with a continuing authorization may be issued to a Part 121 or 127 certificate holder for aircraft that may not meet applicable airworthiness requirements but are capable of safe flight, for the purpose of flying aircraft to a base where maintenance or alterations are to be performed. The permit issued under this paragraph is an authorization, including any conditions and limitations for flight, which is set forth in the certificate holder's operations specifications.

2. By amending paragraph (a) of § 21.199 to read as follows:

§ 21.199 Issue of special flight permits.

(a) Except as provided in § 21.197(c), an applicant for a special flight permit must submit a statement in a form and manner prescribed by the Administrator, indicating—

* * * * *

3. By amending paragraph (a)(1) of § 91.27 to read as follows:

§ 91.27 Civil aircraft certificate required.

(a) * * *

(1) An appropriate and current airworthiness certificate (including a special flight permit, a copy of the applicable operations specifications issued under § 21.197(c) of this chapter or appropriate sections of the air carrier manual required by Parts 121 and 127 of this chapter containing that portion of the operations specifications issued under § 21.197 (c) of this chapter, or an authorization under § 91.45); and

* * * * *

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 15, 1968.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 68–10100; Filed, Aug. 21, 1968; 8:47 a.m.]

[Docket No. 9078; Amdt. 105–4]

PART 105—PARACHUTE JUMPING

Elimination of Requirement for U.S. Armed Forces To Furnish Notice of Parachute Jumping Within Restricted Airspace

The purpose of this amendment to the Federal Aviation Regulations is to eliminate the requirement for elements of the U.S. Armed Forces to furnish FAA with notice of parachute jumping to be conducted within restricted areas under the control of an Armed Force.

Section 105.23 of Part 105 of the Federal Aviation Regulations prohibits parachute jumping in or into certain parts of the airspace unless appropriate prior notice has been furnished to the nearest FAA air traffic control facility or FAA flight service station.

Certain restricted areas within the United States designated under Part 73 of the Federal Aviation Regulations are used on a continuing basis by the U.S. Armed Forces as the controlling agency, for parachute jumping and other parachuting activities. These areas have defined dimensions and are prominently depicted on aeronautical charts with annotations identifying the controlling agency. Section 91.95 of the Federal Aviation Regulations prohibits operation of an aircraft within a restricted area contrary to the restrictions imposed unless prior permission of the controlling agency has been obtained.

The FAA has become aware that the requirement for prior notification of parachuting activities by an Armed Force within a restricted area that is controlled by an Armed Force serves no useful aeronautical purpose, and the preparation, receipt, transfer and recording of the information creates an unnecessary administrative burden for both the Armed Force and the FAA.

The information contained in the notification required by the present rule is rarely of use to the FAA since prior permission from the controlling agency, in this case an Armed Force conducting the operations, is required for entry into the restricted area. Flights admitted to the area are advised by the controlling agency of hazardous activities in progress or scheduled to be in progress. Flight safety requirements are thus satisfied by this control and the prohibition against entry without prior permission contained in Part 91 of the Federal Aviation Regulations.

Since this amendment is minor in nature and one in which the public has little interest, notice and public procedure hereon are considered unnecessary.

In consideration of the foregoing, Part 105 of the Federal Aviation Regulations is amended effective September 21, 1968, as follows:

By amending § 105.11 by adding a new paragraph (d) reading as follows:

§ 105.11 Applicability.

* * * * *

(d) Section 105.23 does not apply to a parachute jump made by a member of an Armed Force within a restricted area that extends upward from the surface when that area is under the control of an Armed Force.

(Secs. 307, 313(a), 601, Federal Aviation Act; 49 U.S.C. 1348, 1354(a), 1421)

Issued in Washington, D.C., on August 15, 1968.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 68–10101; Filed, Aug. 21, 1968; 8:47 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Accounting Series Release No. 112; Release Nos. 33–4918, 34–8379, 35–16137, IC–5462]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS (ACCOUNTING SERIES RELEASES)

Independence of Accountants Examining Nonmaterial Segment of an International Business

The Securities and Exchange Commission today announced the publication of a release in its Accounting Series dealing with independence of accountants. The release is concerned with a matter which tends to arise more frequently as U.S. corporations doing business on an international scale increase in number and their respective operations are conducted in an ever-growing number of geographical areas.

In matters of independence, the Commission has continued to give recognition to the increasing complexities in the business field and the impracticability of attempting to identify in advance all the circumstances under which an accountant might be considered not independent or which would result in a determination not to question his independence.[1]

This approach has had the effect of providing needed flexibility where the decision in any particular situation can be made only after taking into consideration all known relevant circumstances. In Accounting Series Release No. 81 we indicated that in any case where

[1] Accounting Series Releases No. 47, Jan. 25, 1944; No. 79, Apr. 8, 1958; and No. 81, Dec. 11, 1958.

doubt exists the accountant should discuss the facts with the staff. In general this has proved a satisfactory method to administer a segment of the Commission's statutory responsibility which is of significant importance in the public interest and the protection of the investors.

Where a company is engaged in international operations, it requires auditing services in those countries where its divisions or subsidiaries own properties or otherwise conduct business. A division or subsidiary of a U.S. company (hereafter the "parent company") may conduct business abroad in a geographical area where the parent company's independent public accountants do not practice. Frequently, the importance to the parent company's total enterprise of the division or subsidiary is small, and another accounting firm[2] (hereafter the "other accounting firm") acceptable to the independent accountants of the parent company may be engaged to examine the financial statements of the division or subsidiary.

Inquiry has been made whether in the situation where the financial statements of a division or subsidiary which represents a nonmaterial segment of an international business are examined by another accounting firm or its affiliated firm, Rule 2–01 of Regulation S–X[3] is construed so as to preclude all the partners of such other accounting firm or its affiliated firm from owing any securities of the parent company or the subsidiary in order for the other accounting firm to be considered independent as to the parent company or the subsidiary.

We believe that the purposes of Rule 2–01 would be adequately served by a less restrictive construction. Insofar as ownership of securities by partners is concerned, the other accounting firm would be held to be not independent only if securities of the parent company or the subsidiary are owned by any of the partners of the other accounting firm or its affiliated firm who are located in the office which makes the examination of the division or subsidiary or who are otherwise engaged in such examination.

This interpretation relates exclusively to the ownership of securities and does not extend to any other relationship proscribed by Rule 2–01.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

AUGUST 12, 1968.

[F.R. Doc. 68–10107; Filed, Aug. 21, 1968; 8:47 a.m.]

[2] In many cases the other accounting firm which has been retained to do the examination will do so through one of its affiliated firms operating abroad.

[3] Rule 2–01 of Regulation S–X provides that "an accountant will be considered not independent with respect to any person or any of its parents or subsidiaries in whom he has, or had during the period of report, any direct financial interest or any material indirect financial interest." Where the "accountant" is a firm, the Commission has construed the restriction to apply to each partner of the firm whether or not he has any connection with the examination.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Exemption of Eggs From Certain Labeling Requirements

In the matter of exempting fresh shell eggs from certain labeling requirements of the regulations (21 CFR Part 1) for the enforcement of the Fair Packaging and Labeling Act:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of April 17, 1968 (33 F.R. 5883), based on petitions filed by the Diamond National Corp., 733 Third Avenue, New York, N.Y. 10017, and the Institute of American Poultry Industries, 67 East Madison Street, Chicago, Ill. 60602.

In response to the proposal, the Southeastern Poultry and Egg Association and the Northeastern Poultry Producers Council joined in support of the proposal and proposed additional exemptions with respect to labeling requirements regarding product identity. The National Egg Council filed a comment in support of such additional exemptions but did not comment on the subject proposal.

The States of Washington, Texas, Pennsylvania, and Indiana filed comments in support of the proposal. The Florida Department of Agriculture does not oppose the exemption relating to divisible cartons but sees no good reason to exempt standard 1-dozen size egg cartons from the placement requirement for the quantity of contents declaration.

The New York City Department of Markets opposes the proposal on the grounds that the requirements from which exemption is requested are not so onerous as to merit favored treatment for specific industries that would tend to weaken the maximum effect of the regulations.

The Commissioner of Food and Drugs concludes that:

1. The grounds given in support of the additional requested exemptions regarding product identity requirements are not sufficient to warrant publishing these proposals.

2. Since there was no opportunity for shell egg packers to make label changes during the pendency of the exemption proposal, any shell egg label changes made necessary by the regulations under the Fair Packaging and Labeling Act (21 CFR Part 1) should be made before July 1, 1969, rather than before July 1, 1968.

3. Based on consideration given the information submitted by the petitioners, the comments received, and other relevant material, the proposed amendment should be adopted without change.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under the authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That § 1.1c(a) be amended by adding thereto a new subparagraph, as follows:

§ 1.1c Exemptions from required label statements.

* * * * *

(a) *Foods.* * * *

(9) (i) Twelve shell eggs packaged in a carton designed to hold 1 dozen eggs and designed to permit the division of such carton by the retail customer at the place of purchase into two portions of one-half dozen eggs each are exempt from the labeling requirements of this part with respect to each portion of such divided carton if the carton, when undivided, is in conformance with the labeling requirements of this part.

(ii) Twelve shell eggs packaged in a carton designed to hold 1 dozen eggs are exempt from the placement requirements for the declaration of contents prescribed by § 1.8b(f) if the required content declaration is otherwise placed on the principal display panel of such carton and if, in the case of such cartons designed to permit division by retail customers into two portions of one-half dozen eggs each, the required content declaration is placed on the principal display panel in such a manner that the context of the content declaration is destroyed upon division of the carton.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371)

Dated: August 16, 1968.

J. K. KIRK, *Associate Commissioner for Compliance.*

[F.R. Doc. 68–10131; Filed, Aug. 21, 1968; 8:50 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

SODIUM STEAROYL-2-LACTYLATE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8A2309) filed by C. J. Patterson Co., 3947 Broadway, Kansas City, Mo. 64111, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of sodium stearoyl-2-lactylate as an emulsifier in puddings and prepared pudding mixes. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner (21 CFR 2.120), § 121.1211(c) is revised to read as follows:

§ 121.1211 Sodium stearoyl-2-lactylate.

* * * * *

(c) It is used or intended for use as an emulsifier, dough conditioner, or whipping agent in the following foods when standards of identity established under section 401 of the act do not preclude such use: Icings, fillings, puddings, and toppings; baked products; pancakes and waffles; and prepared mixes for any of these foods.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 15, 1968.

J. K. KIRK, *Associate Commissioner for Compliance.*

[F.R. Doc. 68–10132; Filed, Aug. 21, 1968; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4517]

[Wyoming 8905]

WYOMING

Partial Revocation of Stock Driveway Withdrawal

By virtue of the authority contained in section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The departmental order of September 13, 1918, creating Stock Driveway Withdrawal No. 36 (Wyoming No. 7), is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 21 N., R. 117 W.,
Sec. 1:
Sec. 2, lots 5 to 8, incl., SW¼NE¼, S½NW¼, SW¼ and NW¼SE¼;
Sec. 3:
Sec. 4, lots 5 to 8, incl., S½N½, N½S½, SE¼SW¼, and S½SE¼;
Secs. 5 and 6;
Sec. 8, NE¼NW¼;
Sec. 9, NE¼;
Secs. 10, 11, and 12, N½.
T. 22 N., R. 117 W.,
Secs. 3 and 10;
Sec. 14, S½N½ and S½;
Secs. 15 and 23;
Sec. 25, N½NE¼, SE¼NE¼, W½, and NE¼SE¼;
Secs. 26 and 35.
T. 23 N., R. 117 W.,
Sec. 5, lots 5 to 8, incl., S½N½, NE¼SW¼, SW¼SW¼, and SE¼;
Sec. 8, NW¼NE¼, SE¼NE¼, W½, and E½SE¼;
Sec. 17, E½, W½NW¼, SE¼NW¼, and S½SW¼;
Sec. 20, E½;
Sec. 21, lots 3 and 4, S½NW¼, SW¼;
Sec. 27, N½SW¼, SW¼SW¼, SE¼;
Sec. 28, E½NW¼, SW¼NW¼, S½;
Sec. 34, N½, NE¼SW¼, NE¼SE¼, S½S½.
T. 24 N., R. 117 W.,
Sec. 19, lots 5, 8, 10, 11, 13, 14, 15, NE¼, N½SE¼, SE¼SE¼;
Sec. 30, lots 5 and 12, E½NE¼, SE¼;
Sec. 31, E½;
Sec. 32, W½.

The areas described, including both public and nonpublic lands, aggregate 14,893.58 acres, of which 14,012.62 acres are public lands.

The following described lands are nonpublic:

SIXTH PRINCIPAL MERIDIAN

T. 21 N., R. 117 W.,
Sec. 1, lots 7 and 8, S½NW¼, SW¼;
Sec. 2, lots 5 and 6, SW¼NE¼, NW¼SE¼;
Sec. 8, NE¼NW¼;
Sec. 11, N½NE¼;
Sec. 12, N½NW¼.
T. 24 N., R. 117 W.,
Sec. 19, lots 13, 14, and 15;
Sec. 30, lot 5 and NE¼NE¼.

Containing 880.96 acres.

The public lands are situated west of Kemmerer, Wyo. in Lincoln County. Vegetation consists of sagebrush, various grasses and associated forbs. The lands are dry, undulating grazing lands.

2. Until 10 a.m. on February 15, 1969, the State of Wyoming shall have a preferred right of application to select the public land as provided by R.S. 2276, as amended (43 U.S.C. 852). After that time the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on February 15, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The land has been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws subject to the regulations in 43 CFR 3400.3.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyo.

HARRY R. ANDERSON, *Assistant Secretary of the Interior.*

AUGUST 16, 1968.

[F.R. Doc. 68–10088; Filed, Aug. 21, 1968; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 84—FISCAL PROCEDURES FOR ADVANCE AND EVACUATION PAYMENTS TO CIVILIAN EMPLOYEES AND THEIR DEPENDENTS

The Assistant Secretary of Defense (Comptroller) approved the following on February 13, 1968:

Sec.
84.1 Purpose and applicability.
84.2 Policy.

AUTHORITY: The provisions of this Part 84 issued under the authority of 5 U.S.C., secs. 55, 22, 23, and 24.

§ 84.1 Purpose and applicability.

This part prescribes fiscal procedures to be followed by all DoD Components in making emergency evacuation payments

authorized in 75 Stat. 662 (5 U.S.C. 5521–5527), as implemented within DoD by DoD Instruction 1400.11, "Payments to Civilian Employees and Their Dependents During an Evacuation," April 1, 1968.[1]

§ 84.2 Policy.

As provided in DoD Instruction 1400.11, "Payments to Civilian Employees and Their Dependents During an Evacuation," April 1, 1968,[1] the regulations prescribed by the Civil Service Commission and the Department of State, in their respective areas of responsibility, will be utilized to carry out the overall emergency evacuation program within the Department of Defense. Fiscal procedures for processing and recording advance, evacuation and other emergency payments authorized in DoD Instruction 1400.11, "Payments to Employees and Their Dependents During an Evacuation," April 1, 1968,[1] and 75 Stat. 662 (5 U.S.C. 5521–5527), will be prescribed by the Secretary of each Military Department and such procedures shall conform to the guidelines prescribed in GAO Policy and Procedures Manual for Guidance of Federal Agencies, Title 6, Chapter 3, section 26, and Appendix B.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 68–10093; Filed, Aug. 21, 1968; 8:46 a.m.]

Title 45—PUBLIC WELFARE

Chapter VI—National Science Foundation

[NSF Circular 54]

PART 600—STANDARDS OF CONDUCT OF EMPLOYEES AND CONSULTANTS

Miscellaneous Amendments

This part is amended as follows:

1. Section 600.735–9(e) is amended as follows:

a. In subparagraphs (1) and (3) add "or contract" after "grant" wherever it appears;

b. In subparagraph (2) insert a comma after "organization" and add "by grant, contract, or otherwise," following the comma.

2. In the appendix, add the following:

18. The prohibition against the holding of a position in the Government of the United States or of the District of Columbia by anyone convicted of a felony related to the inciting, promoting, encouraging or participating in a riot or civil disorder (5 U.S.C. 7313).

These amendments were approved by the Civil Service Commission on July 25, 1968, and are effective on publication in the FEDERAL REGISTER.

Dated: August 15, 1968.

LELAND J. HAWORTH,
Director.

[F.R. Doc. 68–10080; Filed, Aug. 21, 1968; 8:45 a.m.]

[1] Filed as part of the original document. Copies available at the Naval Supply Depot, 5801 Tabor Avenue, Philadelphia, Pa. 19120, Attn.: Code 300.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Certain National Wildlife Refuges in Nevada

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER. These regulations apply to public hunting on portions of certain National Wildlife Refuges in Nevada.

General conditions. Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. No vehicle travel is permitted except on maintained roads and trails. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Migratory game birds may be hunted on the following refuges:

Fallon National Wildlife Refuge, Post Office Box 592, Fallon, Nev. 89406.

Pahranagat National Wildlife Refuge, Post Office Box 440, Las Vegas, Nev. 89101.

Special condition. The use of motors on boats is not permitted.

Ruby Lake National Wildlife Refuge, Ruby Valley, Nev. 89833.

Special condition. Waterfowl, only may be hunted.

Stillwater Wildlife Management Area, Post Office Box 592, Fallon, Nev. 89406.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Upland game may be hunted on the following refuge areas:

Fallon National Wildlife Refuge, Post Office Box 592, Fallon, Nev. 89406.

Pahranagat National Wildlife Refuge, Post Office Box 440, Las Vegas, Nev. 89101.

Charles Sheldon Antelope Range, Nev. (Headquarters: Post Office Box 111, Lakeview, Oreg. 97630).

Stillwater Wildlife Management Area, Post Office Box 592, Fallon, Nev. 89406.

§ 32.32 Special regulations; big game; for individual wildlife areas.

Big game animals may be hunted on the following refuge areas:

Desert Natl Wildlife Range, 1500 North Decatur Boulevard, Las Vegas, Nev. 89108.

Special condition. Desert bighorn sheep only.

Charles Sheldon Antelope Range, Nev. (Headquarters: Post Office Box 111, Lakeview, Oreg. 97630).

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1969.

CLAY E. CRAWFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 15, 1968.

[F.R. Doc. 68–10120; Filed, Aug. 21, 1968; 8:49 a.m.]

PART 32—HUNTING

Prime Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on Prime Hook National Wildlife Refuge, Del., is permitted on Hunting Areas A and B within the regularly established 1968–69 hunting seasons of the State of Delaware. This open upland game hunting area, comprising approximately 6,100 acres, is delineated on maps available at refuge headquarters, Rural Delivery No. 1, Box 195, Milton, Del. 19968, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through April 30, 1969.

FRED L. JACOBSON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 15, 1968.

[F.R. Doc. 68–10099; Filed, Aug. 21, 1968; 8:46 a.m.]

PART 32—HUNTING

Flint Hills National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

The public hunting of squirrels, cottontail rabbits, bobwhite quail, and greater prairie chickens on the Flint Hills National Wildlife Refuge, Kans., is permitted from September 1, 1968, through August 30, 1969, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 5,165 acres, is delineated on maps available at refuge headquarters, Burlington, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of squirrels, cottontail rabbits, bobwhite quail, and greater prairie chickens subject to the following special conditions:

(1) The use of rifles is prohibited on the refuge.

(2) Vehicle access shall be restricted to designated parking areas and existing roads.

(3) Dogs—Not to exceed two per hunter may be used only to retrieve wounded or dead squirrels, cottontail rabbits, bobwhite quail, and greater prairie chickens.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 1, 1969.

LYLE A. STEMMERMAN,
Refuge Manager, Flint Hills National Wildlife Refuge, Burlington, Kans.

AUGUST 8, 1968.

[F.R. Doc. 68–10097; Filed, Aug. 21, 1968; 8:46 a.m.]

PART 32—HUNTING

Crescent Lake National Wildlife Refuge, Nebr.

The following special regulations is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEBRASKA

CRESCENT LAKE NATIONAL WILDLIFE REFUGE

Public hunting of sharp-tailed grouse and ring-necked pheasants on the Crescent Lake National Wildlife Refuge, Nebr., is permitted only on the area designated by signs as open to hunting. This open area, comprising 40,900 acres, is delineated on maps available at refuge headquarters, Ellsworth, Nebr. 69340, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting of sharp-tailed grouse is permitted during the established State season. Hunting shall be in accordance with all applicable State regulations covering the hunting of sharp-tailed grouse and ring-necked pheasants subject to the following special conditions:

(1) Ring-necked pheasants may be hunted on the refuge beginning the day following the close of the Nebraska duck season until the end of the State season.

(2) Hunters will park vehicles in designated parking areas or along refuge boundary and will hunt on foot.

(3) Overnight camping is not permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1969.

DON R. PERKUCHIN,
Refuge Manager, Crescent Lake National Wildlife Refuge, Ellsworth, Nebr.

AUGUST 13, 1968.

[F.R. Doc. 68–10082; Filed, Aug. 21, 1968; 8:45 a.m.]

PART 32—HUNTING

Hatchie National Wildlife Refuge, Tenn.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

TENNESSEE

HATCHIE NATIONAL WILDLIFE REFUGE

The public hunting of squirrels and raccoons on the Hatchie National Wildlife Refuge is permitted on the area designated by signs as open to hunting. This open area comprising 7511 acres is delineated on a map available at Refuge headquarters, Brownville, Tenn. 38012; and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323.

Hunting shall be in accordance with all State and Federal regulations subject to the following conditions:

Squirrels. (1) The open season for squirrels is August 31 through September 30.

(2) Only 22 caliber rifles or shotguns incapable of holding more than three shells are permitted.

(3) Dogs are prohibited.

(4) The hunting of crows, gray foxes, bobcats, and feral hogs is permitted during this hunt.

Raccoons. (1) The open season for raccoons will be October 15 through October 31.

(2) Hunting hours shall be from 7 p.m. to midnight.

(3) Axes, saws, or other cutting implements are prohibited.

The provisions of ths special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 24, 1968.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 15, 1968.

[F.R. Doc. 68–10084; Filed, Aug. 21, 1968; 8:45 a.m.]

PART 32—HUNTING

Kodiak National Wildlife Refuge, Alaska

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ALASKA

KODIAK NATIONAL WILDLIFE REFUGE

Public hunting of big game on lands within the Kodiak National Wildlife Refuge, except the following, is permitted in accordance with all applicable State regulations governing big game hunting during the period October 1 through December 31, 1968. The areas described as follows will be closed:

All portions of the Kodiak National Wildlife Refuge in Game Management Unit 8 draining into Shelikof Strait from the head of Weasel Cove in Spiridon Bay to the north boundary of the Karluk Indian Reservation between Wolcott Reef and Rocky Point including the drainages into Spiridon Bay, Zachar Bay, Uyak Bay, Larsen Bay, and Karluk River drainage outside of the Karluk Indian Reservation, the Connecticut Creek drainage into Red Lake; and that area which drains into Fraser Lake and the Dog Salmon River above the confluence of the northeast fork of the Dog Salmon River.

Special conditions. (1) Species permitted to be taken: Brown bear.

(2) Except in the event of an emergency, the landing of aircraft on the Kodiak National Wildlife Refuge is restricted to lakes, streams, and other bodies of water.

(3) A Federal permit is required. Permits will be issued by hunting area units on a priority application basis. Permits may be obtained from the Refuge Manager, Kodiak National Wildlife Refuge, Post Office Box 825, Kodiak, Alaska 99615.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1968.

CLAY E. CRAWFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 13, 1968.

[F.R. Doc. 68–10086; Filed, Aug. 21, 1968; 8:45 a.m.]

PART 32—HUNTING

Flint Hills National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of deer with bow and arrows on the Flint Hills National Wildlife Refuge, Kans., is permitted from October 1 through December 1, 1968, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 5,165 acres, is delineated on maps available at refuge headquarters, Burlington, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special condition:

(1) Vehicle access shall be restricted to designated parking areas and existing roads.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 9, 1968.

LYLE A. STEMMERMAN,
Refuge Manager, Flint Hills National Wildlife Refuge, Burlington, Kans.

AUGUST 8, 1968.

[F.R. Doc. 68-10098; Filed, Aug. 21, 1968; 8:46 a.m.]

PART 32—HUNTING

Crescent Lake National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEBRASKA

CRESCENT LAKE NATIONAL WILDLIFE REFUGE

Public hunting of deer from November 9 through November 17 and antelope on September 28, 29, and October 5 and 6 on the Crescent Lake National Wildlife Refuge, Nebr., is permitted only on the area designated by signs as open to hunting. This area, comprising 40,900 acres, is delinated on maps available at refuge headquarters, Ellsworth, Nebr., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable state regulations covering the hunting of deer and antelope subject to the following special conditions:

(1) Archery seasons:
a. Antelope—none.
b. Deer—November 18, 1968, through December 31, 1968.
c. Hunters will hunt on foot only.

(2) Hunters will park their vehicles in designated parking areas or along refuge boundary and will hunt on foot during the period from September 28, 1968, through October 6, 1968. Only four-wheel drive vehicles will be allowed in the hunting area from November 9, 1968, through November 17, 1968.

(3) All big game hunters are requested to obtain a "registration card" which will be issued by asking for them, either in person or by mail, from the Refuge Headquarters, Ellsworth, Nebr. 69340.

(4) Overnight camping is not permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1968.

DON R. PERKUCHIN,
Refuge Manager, Crescent Lake National Wildlife Refuge, Ellsworth, Nebr.

AUGUST 13, 1968.

[F.R. Doc. 68-10083; Filed, Aug. 21, 1968; 8:45 a.m.]

PART 32—HUNTING

J. Clark Salyer National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Public hunting of deer with bow and arrow on the J. Clark Salyer National Wildlife Refuge, N. Dak., is permitted from August 30 through November 3 and November 18 through December 15, 1968, only on the area designated by signs as open to hunting. This open area, comprising 31,542 acres, is delineated on a map available at the refuge headquarters, Upham, N. Dak., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer with bow and arrow, subject to the following conditions:

A Federal Entry Permit is required, obtainable at refuge headquarters, for entry into the area.

All hunters must exhibit their hunting licenses, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 15, 1968.

ROBERT C. FIELDS,
Refuge Manager, J. Clark Salyer National Wildlife Refuge, Upham, N. Dak.

AUGUST 14, 1968.

[F.R. Doc. 68-10085; Filed, Aug. 21, 1968; 8:45 a.m.]

PART 32—HUNTING

Aransas National Wildlife Refuge, Tex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

TEXAS

ARANSAS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Aransas National Wildlife Refuge, Tex., with bow and arrow is permitted from September 1 through September 8, 1968, inclusive, and with rifle or shotgun, from September 11 through September 30 (except September 19 and 26), 1968, but only on the area designated by signs as open to hunting. This open area, comprising 38,000 acres, is delineated on maps available at refuge headquarters, Austwell, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) All hunters must check in and out at refuge headquarters. Ingress and egress for hunting purposes is permitted only through the refuge entrance gate at the end of Texas Farm Road 2040.

(2) All participants in the gun hunt must possess a special permit in addition to the valid 1968 State deer hunting license. This permit shall be obtained through an impartial drawing conducted by the Bureau of Sport Fisheries and Wildlife in Austin, Tex., on September 3, 1968. Applications must be received by August 27, 1968, to be eligible for the drawing.

(3) Hunting is prohibited within 100 yards of cattle watering troughs, windmills, above-ground oil or gas production apparatus, and occupied dwellings.

(4) No target practice or shooting of any other wildlife inside the refuge is permitted.

(5) Gun hunters must hunt only in the specific unit to which they are assigned.

(6) All gun hunters must wear a bright yellow or blaze orange coat, vest or shirt while inside the refuge.

(7) All vehicles must be operated on shell-surfaced roads only.

(8) The entire refuge will be closed to hunting upon the arrival of any whooping cranes.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1968.

W. O. NELSON, Jr.,
Acting Regional Director, Albuquerque, N. Mex.

AUGUST 19, 1968.

[F.R. Doc. 68-10081; Filed, Aug. 21, 1968; 8:45 a.m.]

PART 33—SPORT FISHING

Flint Hills National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Sport fishing, including the taking of frogs, on the Flint Hills National Wildlife Refuge, Kans., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,500 acres of reservoir waters and approximately 28 miles of river and stream channel, are delineated on maps available at refuge headquarters, Burlington, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) The open season for sport fishing, including the taking of frogs, extends from March 15 through September 9, 1969, inclusive, although during the period September 10, 1968 through March 14, 1969, inclusive, Eagle Creek and the Neosho River only are open to fishing, except that the Neosho River oxbow northeast of Strawn is closed as marked by buoys, and fishing in the refuge portion of John Redmond Reservoir below the mouth of the Neosho River is permitted in the river channel as marked by buoys.

(2) Vehicle access shall be confined to existing roads and trails not otherwise marked as closed to vehicle use.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, and are effective through September 9, 1969.

LYLE A. STEMMERMAN,
Refuge Manager, Flint Hills National Wildlife Refuge, Burlington, Kans.

AUGUST 8, 1968.

[F.R. Doc. 68-10096; Filed, Aug. 21, 1968; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 26]

WHEAT

Official Grain Standards; Extension of Time for Comments and Change in Proposed Effective Date

On July 9, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 9825) whereby, it was proposed that § 26.127 of Title 7, Code of Federal Regulations (7 CFR 26.127), be amended to reduce the minimum test weight per bushel requirements for White Club Wheat and to change the definition for Sample grade. All persons desiring to submit written data, views, or recommendations were requested to file their comments within 45 days after the date of publication in the FEDERAL REGISTER. The proposals, if adopted, were to become effective on or about April 1, 1969.

A trade group requested an extension of the time to submit written data, views, or arguments, and several producer groups requested an earlier proposed effective date. In view of the requests and under authority of the U.S. Grain Standards Act, 39 Stat. 482, as amended (7 U.S.C. 71 et seq.), the time for comments is hereby extended to include September 23, 1968, and the effective date of the proposed amended Official Grain Standards of the United States for Wheat, if adopted, is hereby changed to on or about January 31, 1969.

All persons desiring to submit written data, views, or recommendations in connection with the proposals may file the same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than September 23, 1968. All comments filed will be available for public inspection during official hours of business (7 CFR 1.27 (b)).

Done at Washington, D.C., this 19th day of August 1968.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 68-10142; Filed, Aug. 21, 1968; 8:51 a.m.]

[7 CFR Part 1009]

MILK IN CLARKSBURG, W. VA., MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Clarksburg, W. Va., marketing area is being considered.

The provisions proposed to be suspended, which relate to the base-excess plan for paying producers, are the following:

1. Sections 1009.19, 1009.20, 1009.31(b)(1), 1009.72, 1009.75(b), 1009.80(d)(2)(ii), 1009.90, 1009.91, and 1009.92 in their entirety.
2. In §§ 1009.27(k)(2), 1009.75(c), and 1009.82(b)(1), "and 1009.72".
3. In § 1009.31(b)(2)(ii), "including for the months of April through July, the pounds of base milk".
4. In the introductory text of § 1009.71, "for each of the months of August through March".
5. In § 1009.71(f), "during each of the months of August through March".
6. In § 1009.74(a), "and the uniform price to be paid for base milk".
7. In § 1009.80(a)(2), "or base milk and excess milk".
8. The center head "Determination of Base" immediately preceding § 1009.90.

The proposed suspension would be effective September 1, 1968, and would continue until such time as a review of the base-excess plan may be completed through the hearing procedure.

Under the base-excess plan, producers establish daily bases during September through December. In the following April through July, producers are paid a base price for their deliveries that are not in excess of their base and a lower price for any additional milk delivered.

The suspension was requested by the Dairymen's Cooperative Sales Association, which represents more than 80 percent of the producers in the Clarksburg market. The cooperative claims that the base-excess plan is no longer necessary in this market to encourage even production throughout the year. It indicates that suspension of the plan would not jeopardize the supply of milk for the market and would not affect handlers' costs.

Also, the cooperative claims that because of an expected plant closing a significant number of producers in the Clarksburg market will probably be shifted to another market. Thus, such producers, although earning bases during the September–December 1968 period, probably would not be participating in the base-excess plan during the 1969 base-paying months. The cooperative contends that because of this the suspension of the base-excess plan provisions is necessary to assure equity among producers in the market.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on August 19, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68-10143; Filed, Aug. 21, 1968; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 121, 146a, 146b]

ANTIBIOTICS

Use in Animals

In accordance with the statement of policy regarding antibiotics used in food-producing animals (21 CFR 3.25) published in the FEDERAL REGISTER of April 11, 1968 (33 F.R. 5616), additional food additive regulations and amendments to existing antibiotic drug regulations are proposed as follows to provide for the safe use of certain antibiotic drugs in the treatment of food-producing animals.

A. Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that Part 121 be amended:

1. By adding to § 121.256(d) a new table, as follows:

§ 121.256 Procaine penicillin.

• • • • • •

(d) • • •

TABLE 1.—STREPTOMYCIN IN DRINKING WATER

Principal ingredient	Amount per gallon	Combined with—	Limitations	Indications for use
1. Streptomycin	0.5–1.5 grams.		For chickens; as streptomycin sulfate; administer continuously; not for use in laying chickens; prepare fresh solution daily; withdraw 4 days before slaughter; as sole source of streptomycin.	Treatment of chronic respiratory disease (airsac infection); maintenance of; weight gains during periods of stress; treatment of blue comb (nonspecific infectious enteritis).
2. Streptomycin	0.5–1.5 grams.		For swine; as streptomycin sulfate; administer not more than 5 days; prepare fresh solution daily; withdraw 2 days before slaughter; as sole source of streptomycin.	Treatment of bacterial enteritis (scours) of calves.
3. Streptomycin	0.5–1.5 grams.		For swine; as streptomycin sulfate; administer not more than 5 days; prepare fresh solution daily; as sole source of streptomycin.	Treatment of bacterial enteritis (scours) in swine.
4. Streptomycin	250–304 mg.	Penicillin	100,000–110,000 units. For chickens; as procaine penicillin plus streptomycin sulfate; not for use in laying chickens; prepare fresh solution daily; withdraw 1 day before slaughter; as sole source of penicillin and streptomycin.	For treatment of chronic respiratory disease (airsac infection) and blue comb (nonspecific infectious enteritis); For prevention of chronic respiratory disease (airsac infection) and blue comb (nonspecific infectious enteritis).
5. Streptomycin	125–250 mg.	Penicillin	50,000–100,000 units. For chickens; as procaine penicillin plus streptomycin sulfate; not for use in laying chickens; prepare fresh solution daily; withdraw 1 day before slaughter; as sole source of penicillin and streptomycin.	For prevention of chronic respiratory disease (airsac infection) and blue comb (nonspecific infectious enteritis).
6. Streptomycin	250–304 mg.	Penicillin	100,000–110,000 units. For turkeys; as procaine penicillin plus streptomycin sulfate; not for use in laying birds; prepare fresh solution daily; withdraw 3 days before slaughter; as sole source of penicillin and streptomycin.	For treatment of infectious sinusitis; blue comb (nonspecific infectious enteritis).

(e) To assure safe use the label and labeling of the additive, or combination of additives, and any feed additive premix, feed additive concentrate, feed additive supplement, complete feed, or final dosage form prepared therefrom shall bear in addition to the other information required by the act, the following:

(1) The name of the additive.

(2) A statement of the quantity contained therein.

(3) Adequate directions and warnings for use.

B. Under the authority vested in the Secretary of Health, Education, and Welfare by said act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357), delegated as cited above, it is proposed that

TABLE 2.—PROCAINE PENICILLIN IN DRINKING WATER

Principal ingredient	Amount per gallon	Combined with—	Limitations	Indications for use
	Units			
1. Penicillin	100,000		For chickens; as procaine penicillin; not for use in laying chickens; prepare fresh solution daily; withdraw 1 day before slaughter; as sole source of penicillin.	For treatment of chronic respiratory disease (airsac infection); blue comb (nonspecific infectious enteritis).
2. Penicillin	60,000–100,000		do	For prevention of chronic respiratory disease (airsac infection); blue comb (nonspecific infectious enteritis.
3. Penicillin	100,000–119,000	Streptomycin	260–304 mg. For chickens; as procaine penicillin plus streptomycin sulfate; not for use in laying chickens; prepare fresh solution daily; withdraw 1 day before slaughter; as sole source of penicillin and streptomycin.	For treatment of chronic respiratory disease (airsac infection) and blue comb (nonspecific infectious enteritis).
4. Penicillin	60,000–100,000	Streptomycin	125–250 mg. do	For prevention of chronic respiratory disease (airsac infection) and blue comb (nonspecific infectious enteritis).
5. Penicillin	100,000–119,000	Streptomycin	260–304 mg. For turkeys; as procaine penicillin plus streptomycin sulfate; not for use in laying birds; prepare fresh solution daily; withdraw 3 days before slaughter; as sole source of penicillin and streptomycin.	For treatment of infectious sinusitis; blue comb (nonspecific infectious enteritis).

2. By adding the following new section to Subpart C:

§ 121.321 Streptomycin.

The food additive streptomycin may be safely used in accordance with the following prescribed conditions:

(a) Streptomycin is the antibiotic substance produced by the growth of *Streptomyces griseus* or the same antibiotic substance produced by any other means.

(b) The antibiotic activities authorized are expressed in this section in terms of the weight of the appropriate antibiotic standard.

(c) Permitted uses of streptomycin alone in other specified additives are described in tabular form in this section and the tables are to be read as follows:

(1) The numbered items establish the required limitations and indications for use for the principal ingredient.

(2) The term "principal ingredient" as used in this section refers to the additive named in the title of this section and is not intended to imply that the ingredient is of greater value than any other additives named in this section.

(d) The additive is used or intended for use as follows:

Parts 146a and 146b of the antibiotic drug regulations be amended in the following respects:

1. In § 146a.27, by deleting paragraph (f) and by revising paragraphs (a) and (c)(2) to read as follows:

§ 146a.27 Penicillin tablets.

(a) *Standards of identity, strength, quality, and purity.* Penicillin tablets are tablets composed of sodium penicillin, calcium penicillin, potassium penicillin, crystalline penicillin O, crystalline phenoxymethyl penicillin, crystalline potassium phenoxymethyl penicillin, benzathine penicillin G or procaine penicillin, with or without one or more suitable sympathomimetic agents, analgesic substances, antihistaminics, and caffeine and with or without one or more suitable and harmless vitamin substances, buffer substances, diluents, binders, lubricants, colorings, and flavorings. If intended for veterinary use, they may contain added vitamin substances. They may contain probenecid or one or more suitable sulfonamides. The potency of each tablet is not less than 50,000 units and if it is less than 100,000 units it is unscored. Its moisture content is not more than 1 percent if it contains sodium penicillin, calcium penicillin, potassium penicillin, or crystalline penicillin O; not more than 2 percent if it contains procaine penicillin; not more than 3 percent if it contains crystalline phenoxymethyl penicillin; and not more than 8 percent if it contains benzathine penicillin G. If it contains crystalline potassium phenoxymethyl penicillin, its moisture content is not more than 1.5 percent unless the person who requests certification has submitted to the Commissioner information adequate to prove that his drug is stable when it has a moisture content not exceeding 3 percent. Tablets not exceeding 15 millimeters, or not intended only for preparing solutions shall disintegrate within 1 hour, unless the manufacturer has submitted blood-concentration data adequate to prove that his drug is absorbed satisfactorily from the gastrointestinal tract and such data have been accepted by the Commissioner. In such cases, the time required for the tablets to disintegrate shall not exceed that of the tablets used in such studies. The penicillin used conforms to the standards prescribed for such drug by the regulations in this chapter, except the standards for sterility and pyrogens. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

• • • • • •

(c) • • •

(2) *It is packaged for dispensing and intended solely for veterinary use.* (i) Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription" each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity.

(ii) If it contains added vitamins, the labels shall bear the name and quantity of each substance and a statement that such substances are present only for furnishing additional vitamins while animals are eating less feed.

(iii) If it is intended for use in animals raised for food production, it shall also be labeled in accordance with the requirements of regulations established in Part 121 of this chapter and the antibiotic substance shall be that specified in Part 121.

• • • • • •

2. By revising § 146a.28(c)(2) to read as follows:

§ 146a.28 Crystalline penicillin G oral suspension, crystalline penicillin G sodium oral suspension, potassium penicillin G oral suspension.

• • • • • •

(c) • • •

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription" each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

• • • • • •

3. By revising § 146a.29(c)(2) to read as follows:

§ 146a.29 Penicillin with aluminum hydroxide gel.

• • • • • •

(c) • • •

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription" each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

• • • • • •

4. By revising § 146a.32(c)(2) to read as follows:

§ 146a.32 Penicillin with vasoconstrictor; penicillin with _____ (the blank being filled in with the established name of the vasoconstrictor).

• • • • • •

(c) • • •

(2) *It is packaged for dispensing and it is intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription" each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

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5. By revising § 146a.34(c)(2) to read as follows:

§ 146a.34 Tablets aluminum penicillin.

• • • • • •

(c) • • •

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription" each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

• • • • • •

6. By revising § 146a.35(c)(2) to read as follows:

§ 146a.35 Penicillin-sulfonamide powder (calcium penicillin sulfonamide powder, crystalline penicillin sulfonamide powder).

• • • • • •

(c) • • •

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription" each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

• • • • • •

§ 146a.37 [Amended]

8. By deleting paragraph (f)(3) from § 146a.37 *Buffered crystalline penicillin.*

9. By revising § 146a.38(c)(2) to read as follows:

§ 146a.38 Capsules buffered penicillin with pectin hydrolysate (capsules buffered potassium penicillin with pectin hydrolysate).

• • • • • •

(c) • • •

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription" each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

• • • • • •

10. By revising § 146a.39(c)(2) to read as follows:

§ 146a.39 Capsules procaine penicillin in oil.

• • • • • •

(c) • • •

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription" each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

• • • • • •

11. By revising § 146a.49(c)(2) to read as follows:

§ 146a.49 Ephedrine penicillin tablets.

• • • • • •

(c) • • •

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription" each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

• • • • • •

12. In § 146a.51, by deleting paragraph (f) and by revising paragraphs (a) and (c)(2) to read as follows:

§ 146a.51 Buffered penicillin powder, penicillin powder with buffered aqueous diluent.

(a) *Standards of identity, strength, quality, and purity.* Buffered penicillin powder is a mixture of crystalline penicillin or procaine penicillin and suitable buffer substances, with or without probenecid, sodium salicylate, and a suitable antihistaminic agent, with or without one or more suitable sulfonamides, and with or without the addition of one or more suitable and harmless diluents, colorings, and flavorings. If intended for veterinary use, it may contain one or more essential vitamin and mineral substances for nutritive purposes. Penicillin powder with buffered aqueous diluent is a packaged combination of one immediate container of crystalline penicillin or procaine penicillin, with or without suitable and harmless diluents, and one immediate container of an aqueous diluent containing suitable buffer substances and suitable and harmless preservatives, colorings, and flavorings. Its moisture content is not more than 1 percent, except if it contains procaine penicillin its moisture content is not more than 2 percent. The crystalline penicillin used conforms to the requirements of § 146a.24(a) for crystalline penicillin, except subparagraphs (2) and (4) of that paragraph. The procaine penicillin used conforms to the requirements of § 146a.44(a), except subparagraphs (2) and (3) of that paragraph. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

• • • • • •

(c) • • •

(2) *It is packaged for dispensing and intended solely for veterinary use.* (i) Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription" each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity.

(ii) If it contains added vitamins or minerals, the labels shall bear the name and quantity of each such substance and a statement that such substances are present only for furnishing additional vitamins and minerals while animals are eating less feed.

(iii) If it is intended for use in animals raised for food production, it shall also be labeled in accordance with the requirements of regulations established in Part 121 of this chapter and the antibiotic substance shall be that specified in Part 121.

• • • • • •

13. By revising § 146a.69(c)(2) to read as follows:

§ 146a.69 Benzathine penicillin G oral suspension, benzathine penicillin G for oral suspension (benzathine penicillin G powder).

• • • • • •

(c) • • •

(2) *It is packaged for dispensing and it is intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription" each package shall include information containing directions and warnings for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

• • • • • •

14. By revising § 146a.76(c)(1) to read as follows:

§ 146a.76 Penicillin-streptomycin implantation pellets; penicillin-dihydrostreptomycin implantation pellets.

• • • • • •

(c) • • •

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of units of penicillin in each pellet of the batch.

(iii) The number of milligrams of streptomycin or dihydrostreptomycin in each pellet of the batch.

(iv) The statement "For veterinary use only."

(v) The statement "Warning—Not for use in animals which are raised for food production."

(vi) The statement "Expiration date _____," the blank being filled in with the date which is 18 months after the month during which the batch was certified.

• • • • • •

§ 146a.88 [Amended]

15. By deleting paragraph (c) from § 146a.88 *Penicillin-streptomycin tablets; penicillin dihydrostreptomycin tablets.*

§ 146a.93 [Amended]

16. By deleting paragraph (e) from § 146a.93 *Penicillin-streptomycin powder; penicillin - dihydrostreptomycin powder.*

17. By revising § 146a.95(c)(2) to read as follows:

§ 146a.95 Dibenzylamine penicillin and potassium penicillin powder, buffered.

• • • • • •

(c) • • •

(2) *It is packaged for dispensing and intended for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

• • • • • •

18. By revising § 146a.98(c)(2) to read as follows:

§ 146a.98 Hydrabamine penicillin G oral suspension.

• • • • • •

(c) • • •

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include

information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

• • • • • •

19. By revising § 146a.104(c)(2) to read as follows:

§ 146a.104 Phenoxymethyl penicillin for oral suspension; potassium phenoxymethyl penicillin for oral solution.

• • • • • •

(c) • • •

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

• • • • • •

20. By revising § 146b.104(c)(2) to read as follows:

§ 146b.104 Streptomycin tablets; dihydrostreptomycin tablets.

• • • • • •

(c) • • •

(2) *It is packaged for dispensing and intended solely for veterinary use.* (i) Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity. If it contains bismuth subcarbonate, its label and labeling shall include reference to its use only in cats and dogs.

(ii) If it is intended for use in animals which are raised for food production, it shall also be labeled in accordance with the requirements of regulations established in Part 121 of this chapter and the antibiotic substance shall be that specified in Part 121.

• • • • • •

21. By revising § 146b.107(c)(2) to read as follows:

§ 146b.107 Streptomycin-polymyxin-bacitracin tablets.

• • • • • •

(c) • • •

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

• • • • • •

22. By revising § 146b.108(c)(2) to read as follows:

§ 146b.108 Streptomycin syrup; streptomycin in gel (streptomycin oral suspension); dihydrostreptomycin syrup; dihydrostreptomycin in gel (dihydrostreptomycin oral suspension).

• • • • • •

(c) • • •

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

• • • • • •

23. By adding to § 146b.111(c)(1) a new subdivision, as follows:

§ 146b.111 Streptomycin-kaolin-pectin-aluminum hydroxide gel powder veterinary; dihydrostreptomycin-kaolin-pectin-aluminum hydroxide gel powder veterinary.

• • • • • •

(c) • • •

(1) • • •

(vi) The statement "Warning—Not for use in animals which are raised for food production."

• • • • • •

24. In § 146b.112, by deleting paragraph (f) and by revising paragraph (c)(2) to read as follows:

§ 146b.112 Streptomycin for inhalation therapy; dihydrostreptomycin for inhalation therapy.

• • • • • •

(c) • • •

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

• • • • • •

25. In § 146b.115, by deleting paragraph (f) and by revising paragraphs (a) and (c)(1) to read as follows:

§ 146b.115 Streptomycin sulfate powder oral veterinary; streptomycin sulfate granules oral veterinary; dihydrostreptomycin sulfate powder oral veterinary; dihydrostreptomycin sulfate granules oral veterinary; dihydrostreptomycin hydrochloride powder oral veterinary; dihydrostreptomycin hydrochloride granules oral veterinary.

(a) *Standards of identity, strength, quality, and purity.* Streptomycin sulfate powder oral veterinary, streptomycin sulfate granules oral veterinary, dihydrostereptomycin sulfate powder oral veterinary, dihydrostreptomycin sulfate granules oral veterinary, dihydrostreptomycin hydrochloride powder oral veterinary, and dihydrostreptomycin hydrochloride granules oral veterinary are streptomycin sulfate veterinary, dihydrostreptomycin sulfate veterinary, or dihydrostreptomycin hydrochloride veterinary, with or without one or more suitable and harmless diluents and stabilizing agents, with or without one or more suitable sulfonamides, and with or without one or more essential vitamin and mineral substances for nutritive purposes. Its potency is not less than 3.75 grams per pound. Its moisture content is not more than 7 percent. The streptomycin or dihydrostreptomycin used conforms to the standards prescribed by § 146b.114(a). Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

• • • • • •

(c) • • •

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of milligrams of streptomycin or dihydrostreptomycin per gram and the number of grams in the immediate container.

(iii) If it contains one or more sulfonamides, the name and quantity of each such ingredient.

(iv) The statement "Expiration date ----------," the blank being filled in with the date that is 12 months (if its potency is less than 150 grams per pound) or 36 months (if its potency is 150 grams or more per pound) after the month during which the batch was certified, except that if the person who requests certification has submitted to the Commissioner results of tests and assays that show that such drug as prepared by him is stable for 24 months, 36 months, 48 months, or 60 months, such date may be used for such drug.

(v) The statement "For oral veterinary use only."

(vi) If it contains added vitamins or minerals, the name and quantity of each such substance and a statement that such substances are present only for furnishing additional vitamins and minerals while animals are eating less feed.

(vii) If it is intended for use in animals raised for food production, it shall also

be labeled in accordance with the requirements of regulations established in Part 121 of this chapter and the antibiotic substance shall be only that specified in Part 121.

(viii) The statement "For manufacturing use," "For repacking," or "For manufacturing use or repacking," when packaged for repacking or for use as an ingredient in the manufacture of another drug, as the case may be.

• • • • • •

26. By revising § 146b.118(c)(2) to read as follows:

§ 146b.118 Streptomycin-penicillin-sulfonamide with kaolin and pectin; dihydrostreptomycin-penicillin-sulfonamide with kaolin and pectin.

• • • • • •

(c) • • •

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

• • • • • •

27. In § 146b.119, by deleting paragraph (f) and by revising paragraph (a) and adding to paragraph (c) two new subparagraphs, as follows:

§ 146b.119 Streptomycin hydrochloride solution oral veterinary; streptomycin sulfate solution oral veterinary.

(a) *Standards of identity, strength, quality, and purity.* Streptomycin hydrochloride solution oral veterinary and streptomycin sulfate solution oral veterinary are aqueous solutions of streptomycin hydrochloride or streptomycin sulfate, with one or more suitable and harmless preservatives and with or without one or more essential vitamin and mineral substances for nutritive purposes. The drug may also contain one or more suitable and harmless buffer substances and stabilizing agents. Its potency is not less than 250 milligrams per milliliter. Its pH is not less than 4 and not more than 7. It is nontoxic. Each preservative, buffer substance, and stabilizing agent used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

• • • • • •

(c) • • •

(6) If it contains added vitamins or minerals, the name and quantity of each such substance and a statement that such substances are present only for furnishing additional vitamins and minerals while animals are eating less feed.

(7) If it is intended for animals which are raised for food production, it shall also be labeled in accordance with the requirements of regulations established in Part 121 of this chapter and the antibiotic substance shall be that specified in Part 121.

• • • • • •

28. By adding a new subparagraph to § 146b.123(b), as follows:

§ 146b.123 Streptomycin-sodium sulfathiazole solution veterinary; dihydrostreptomycin-sodium sulfathiazole solution veterinary.

• • • • • •

(b) • • •

(4) The statement "Warning—Not for use in animals which are raised for food production."

• • • • • •

29. In § 146b.125, by revising the section heading and paragraph (a) to read as follows:

§ 146b.125 Streptomycin-dihydrostreptomycin for inhalation therapy veterinary.

(a) Streptomycin-dihydrostreptomycin for inhalation therapy veterinary conforms to all requirements and is subject to all procedures prescribed by § 146b.112 for streptomycin for inhalation therapy veterinary and dihydrostreptomycin for inhalation therapy veterinary, except that it is a mixture of equal parts of streptomycin and dihydrostreptomycin.

• • • • • •

30. By revising § 146b.126(c)(2) to read as follows:

§ 146b.126 Streptomycin-neomycin powder; dihydrostreptomycin-neomycin powder.

• • • • • •

(c) • • •

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning—Not for use in animals which are raised for food production."

• • • • • •

31. By adding a new subdivision to § 146b.127(c)(1), as follows:

§ 146b.127 Streptomycin solution for inhalation therapy veterinary; dihydrostreptomycin solution for inhalation therapy veterinary.

• • • • • •

(c) • • •

(1) • • •

(vi) The statement "Warning—Not for use in animals which are raised for food production."

• • • • • •

§ 146b.129 [Revoked]

32. By revoking § 146b.129 *Streptomycin sulfate-dihydrostreptomycin sulfate powder oral veterinary.*

Any interested person may, within 60 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: August 12, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10073; Filed, Aug. 21, 1968; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 1, 25, 37]

[Docket No. 9079; Notice 68-18]

TRANSPORT CATEGORY AIRPLANES

Type Certification Standards

The Federal Aviation Administration is considering amending Parts 1, 25, and 37 of the Federal Aviation Regulations to improve the airworthiness standards applicable to the type certification of transport category airplanes.

On April 25–29, 1966, the then Federal Aviation Agency held an Agency-Industry conference to review the regulations dealing with the manufacture of transport category airplanes. The conference agenda included numerous type certification items of possible regulatory significance developed by the FAA and proposals solicited from Industry. Those items that the Administrator considers appropriate for immediate rule-making action are proposed in this notice, together with proposals developed by the FAA and not covered at the conference.

Interested persons are invited to participate in the making of these proposed rules by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before November 20, 1968, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend Parts 1, 25, and 37, of the Federal Aviation Regulations as follows:

FLIGHT PROPOSALS

Proposal 1. Definition of Standard Atmosphere (§ 1.1). Section 1.1 would be

amended to change the definition of "Standard Atmosphere" to read as follows:

§ 1.1 General definitions.

• • • • •

"Standard Atmosphere" means the atmosphere defined in "U.S. Standard Atmosphere, 1962" (Geopotential altitude tables).

• • • • •

Explanation. A change in the definition of Standard Atmosphere is necessary for planning future altimetry standards above 20,000 standard geopotential meters (65,620 feet), including those for the supersonic transport airplane which will operate above that altitude. The U.S. Committee on Extension to the Standard Atmosphere (COESA) adopted and published a revised "U.S. Standard Atmosphere, 1962." The revised standard was prepared under the sponsorship of the National Aeronautics and Space Administration, the U.S. Air Force, and the U.S. Weather Bureau and is for all intent and purposes in agreement with ICAO standards over their common altitude range. The definition has been incorporated in § 37.197 (TSO–C88) and the proposal would standardize the definition of Standard Atmosphere.

Proposal 2. Longitudinal control during wing flap retraction (§ 25.145(c)). Section 25.145(c) would be amended to read as follows:

§ 25.145 Longitudinal control.

• • • • •

(c) It must be possible, without exceptional piloting skill, to prevent loss of altitude when complete retraction of the high lift devices from any position, or partial retraction of the high lift devices from any position when gates or detents are provided which require a separate and distinct motion by the pilot to pass the gate or detent, is begun during steady, straight, level flight at $1.1V_{SR}$ (for propeller powered airplanes), or at $1.2V_{SR}$ (for turbojet powered airplanes), with—

(1) Simultaneous application of not more than maximum continuous power;

(2) The landing gear extended; and

(3) The critical combinations of landing weights and altitudes.

Explanation. Section 25.145(c) prescribes the conditions under which it must be possible to prevent loss of altitude during flap retraction in order to ensure that, in the event of a go-around procedure during an approach for landing, the wing flaps can be retracted quickly and automatically at such a rate that there will be no loss of altitude if power is applied simultaneously with the initiation of flap retraction. The proposed requirement applies to all variable wing high lift devices and it is proposed to substitute the words "high lift devices" for the word "flaps" since a number of the current high lift devices which are being used are not covered by the present wording. It may be desirable from an operational standpoint to have a reasonably fast retraction rate at intermediate flap settings in order to avoid accelerating to undesirable high speeds during flap retraction. The proposal would permit partial retraction and the use of flap gates to compensate for partial flap retraction if gates or detents are provided which the pilot cannot inadvertently bypass, thereby preventing the airplane from being at an unsafe speed for the flap position. An increase in speed from $1.VS_1$ *to* $1.2VS_1$ is proposed for turbojet powered airplanes but not for propeller powered airplanes because of the lack of slipstream effect on turbojet powered airplanes. The proposed speed is considered to be the lowest speed that would be used by these airplanes in a landing approach go-around considering the present stall requirements. The use of the critical combination of landing weights and altitude is proposed since this would cover all allowable operating conditions, whereas under the present rule an airplane that can meet the requirements at sea level might not meet them at higher altitude airports, particularly in cases where the takeoff and maximum continuous power engine ratings are the same.

The Aerospace Industries Association (AIA) petitioned the FAA by letter dated July 16, 1964, to amend the requirements of § 25.145(c) dealing with speed, flap retraction, power and altitude. Although the petition was withdrawn since the subject matter was already being considered by the FAA, it has been fully considered in connection with this proposal. The suggestion that "Takeoff Power" be used instead of "Maximum Continuous Power" has not been included in this proposal as the FAA believes that the difference between these power settings provides a margin which should be available to take care of any contingency which might arise during a go-around procedure.

Proposal 3. Longitudinal trim (§ 25.161(c)). Section 25.161(c)(2)(ii) would be amended by striking out the words "most forward" and inserting the words "most critical" in lieu thereof wherever they appear.

Explanation. Service experience has shown that the longitudinal trim requirement in § 25.161(c)(2)(ii) cannot be met at the aft center of gravity although transport airplanes can be loaded to this condition during operations. The proposal would require compliance with the trim requirements at the "most critical" center of gravity.

Proposal 4. High-speed characteristics (§ 25.253). Section 25.253(a)(3) would be redesignated § 25.253(a)(4) and a new § 25.253(a)(3) would be added to read as follows:

§ 25.253 High-speed characteristics.

(a) *Speed increase and recovery characteristics.* • • •

(3) With the airplane mistrimmed by an amount equal to three seconds of trimming (nose up and nose down), and at a speed V_{MO}/M_{MO}, it must be shown that recovery can be accomplished without exceeding the limits specified in § 25.253(a)(2), and that—

(i) The airplane can be maneuvered and recovered with no more than 75 pounds of force applied to the stick; and

(ii) Recovery can be effected by retrimming under the most adverse elevator hinge moment a pilot can apply

• • • • •

Explanation. The requirements of § 25.253 pertaining to operating conditions and characteristics likely to cause inadvertent speed increases (including upsets in pitch and roll) do not cover upsets caused by activation of the longitudinal trim surfaces due to a malfunction in the trim control system or to improper use of the trim control by the pilot in turbulence. The high aerodynamic loads imposed on an adjustable stabilizer in the out-of-trim position can cause the stabilizer drive motor to stall, and recovery from any resulting upset may be difficult because of insufficient torque in the horizontal stabilizer drive motor. The proposal would require that it be shown that in the event of an upset at speeds up to the maximum operating limit speed V_{MO}/M_{MO} the pilot can maneuver the airplane without exerting exceptional strength and effect recovery by retrimming the airplane using the usual trim procedures under the most adverse hinge moments a pilot may apply. The upset condition may be simulated by longitudinally mistrimming the airplane by an amount equal to 3 seconds of trimming operations which represents the time it would take a pilot under operational conditions to recognize the malfunction and initiate corrective action. With respect to the pilot strength criteria, a stick force of 75 pounds is proposed corresponding to the maximum force permitted by § 25.143 for temporary application in pitch.

Proposal 5. Turbulence criteria for turbine engine powered airplanes (new §§ 1.2 and 25.255). 1. A new symbol would be added to § 1.2 to read as follows:

§ 1.2 Abbreviations and symbols.

• • • • • •

"V_{TP}/M_{TP}" means turbulence penetration speed.

• • • • • •

2. A new § 25.255 would be added to read as follows:

§ 25.255 Turbulence criteria for turbine engine powered airplanes.

(a) V_{TP}/M_{TP} must be selected by the applicant and may not be greater than the speed at which the airplane complies with the structural gust load requirements applicable at the design speed for the maximum gust intensity specified in § 25.335(d).

(b) The airplane must be safely controllable at V_{TP}/M_{TP} during flight in turbulence corresponding to the incremental vertical accelerations measured at the center of gravity of the airplane having a root mean square value within the range of 0.1g to 0.3g with peak values within the range ±0.5g to ±1.0g, without—

(i) Requiring exceptional skill or alertness on the part of the pilot; or

(ii) Impairing the ability of the pilot to read the primary instruments.

3. Section 25.1585(a) would be amended by adding a new subparagraph (7) to read as follows:

§ 25.1585 Operating procedures.

(a) • • •

(7) Operation in turbulence for turbine powered airplanes (including turbulence penetration airspeeds, flight peculiarities, and special control instructions based on the requirements of § 25.255).

• • • • • •

Explanation. Section 25.253 prescribes the operating conditions and characteristics likely to cause inadvertent speed increases (including upsets in pitch and roll) which must be simulated and investigated, and prescribes characteristics for recovery from upsets. One of the conditions which must be investigated is an upset caused by a gust; however a simulated gust upset in smooth air is not considered to be a realistic test procedure for evaluating the operating characteristics of turbine engine powered aircraft in a turbulent weather environment. The proposal would require the evaluation for turbine engine powered aircraft to be made during flight tests in natural turbulence and the tests would be expanded to include an evaluation of the effect of moderate turbulence on pilot-airplane compatibility to ensure that the airplane is controllable and that the primary instruments are readable when turbulence is encountered in flight. The degree of turbulence at which the airplane must meet the requirements corresponds to the definition of moderate turbulence set forth by the Subcommittee on Aviation Meteorological Services, Panel on Atmospheric Turbulence. Information on procedures for flight in turbulence would also be incorporated in the normal operating procedures section of the airplane flight manual, and a symbol for turbulence penetration speed would be added to FAR Part 1 to provide a convenient standard for identifying that speed in the airplane flight manual and other documents.

Proposal 6. Pilot compartment view (§ 25.773). A new § 25.773(c) would be added to read as follows:

§ 25.773 Pilot compartment view.

• • • • • •

(c) *Internal windshield fogging.* The airplanes must have a means to prevent fogging of the internal portion of the windshields over an area which would provide the visibility specified in paragraph (a).

Explanation. The pilot compartment view requirements of § 25.773 cover nonprecipitation and precipitation conditions including rain and ice, but there are no provisions dealing with fogging of the internal portion of the windshield which can occur under certain temperature and humidity conditions. This condition would restrict visibility and create a hazardous situation, particularly under critical conditions and in the vicinity of obstructions or other aircraft. The proposal would require a means to prevent internal windshield fogging.

Proposal 7. Design dive and maximum operating limit speeds (§§ 25.335 and 25.1505). 1. Section 25.335(b) would be amended to read as follows:

§ 25.335 Design airspeeds.

• • • • • •

(b) *Design dive speed, V_D.* V_D must be selected so that V_C/M_C is not greater than $0.8\ V_D/M_D$, or so that the minimum speed margin between V_C/M_C and V_D/M_D is the greater of the following values:

(1) From an initial condition of stabilized flight at V_C/M_C, the airplane is upset, flown for 20 seconds along a flight path 7.5 degrees below the initial path, and then pulled up at a load factor of 1.5g (0.5g acceleration increment). The speed increase occurring in this maneuver may be calculated if reliable and conservative aerodynamic data is used. Power as specified in § 25.175(b)(1)(iv) is assumed until the pullup is initiated, at which time power reduction and the use of pilot controlled drag devices may be assumed;

(2) The minimum speed margin must be enough to provide for atmospheric variations (such as horizontal gusts, and penetration of jet streams and cold fronts) and for instrument errors and airframe production variations. These factors may be considered on a probability basis. However, the margin at altitude where M_C is limited by compressibility effects may not be less than 0.05M.

• • • • • •

2. Section 25.1505 would be amended to read as follows:

§ 25.1505 Maximum operating limit speed.

The maximum operating limit speed ($V_{MO}M_{MO}$—airspeed or Mach Number, whichever is critical at a particular altitude) is a speed that may not be deliberately exceeded in any regime of flight (climb, cruise, or descent), unless a higher speed is authorized for flight test or pilot training operations. V_{MO}/M_{MO} must be established so that it is not greater than the design cruising speed V_C and so that it is sufficiently below V_D/M_D or V_{DF}/M_{DF}, to make it highly improbable that the latter speeds will be inadvertently exceeded in operations. The speed margin between V_{MO}/M_{MO} and V_D/M_D or V_{DF}/M_{DF} may not be less than that determined under § 25.335(b) or found necessary during the flight tests conducted under § 25.253.

Explanation. The detailed requirements for the speed margin between V_{MD}/M_{MO} and V_D/M_D or V_{DF}/M_{DF} and the method for substantiating the minimum speed margin are set forth in § 25.1505. This section prescribes the maximum operating limit speed and is part of the operating limitations subpart of the FARs whereas these requirements are structural design airspeed requirements. Since this format could cause a misunderstanding as to the intent and purpose of the requirements, the proposal would transfer to § 25.335(b) the design dive speed requirements now contained in § 25.1505 (b) and (c) in order that the requirements would be set forth in the appropriate subpart of the regulations. The reference in present § 25.1505(b)(1) (proposed § 25.335(b)(1)) to "§ 25.173(a)" would also be corrected to read "§ 25.175(b)(1)(iv)".

Proposal 8. Vibration and buffeting (§§ 25.251 and 25.1585). 1. Section 25.251(c) would be amended and a new § 25.251(d) would be added to read as follows:

§ 25.251 Vibration and buffeting.

• • • • •

(c) There may be no perceptible buffeting condition in straight flight at any speed up to V_{MO}/M_{MO}, except that stall warning buffeting is allowable.

(d) With the airplane in the criuse configuration, the positive maneuvering load factors at which the onset of perceptible buffeting occurs must be determined for the ranges of airspeed or Mach Number, weight, and altitude for which the airplane is to be certificated, except that load factors greater than the structural limitations need not be investigated. The envelopes of load factor, speed, altitude, and weight must provide a sufficient range of speeds and load factors for normal operations. Probable inadvertent excursions beyond the boundaries of the buffet onset envelopes must not result in unsafe conditions.

2. Section 25.1585 would be amended by amending the title and by adding a new paragraph (c) to read as follows:

§ 25.1585 Operating procedures and information.

• • • • • •

(c) The buffet onset envelopes determined under § 25.251 must be furnished.

Explanation. Section 25.251(c) requires that there be no buffeting in normal flight severe enough to interfere with the control of the airplane, to cause excessive fatigue to the crew, or to cause structural damage; however, the present regulations do not require the determination of the combinations of weights, altitudes, speeds, and load factors at which incipient low and high speed buffeting occurs. Service experience has shown that these data, commonly referred to as the Operation V–N envelope, are a valuable aid to the pilot since it provides the information he needs to avoid the buffet range at low speeds when the airplane is in a holding pattern and at high altitudes where the speed range between the occurrence of low and high speed buffeting is small. The proposal would require the determination of buffet boundary envelopes at which the onset of perceptible buffeting occurs for the cruise configuration and that the data be included in the Airplane Flight Manual. The proposal would also eliminate the uncertainty in § 25.251(c) caused by the use of the terms "normal flight" and "excessive fatigue", and the redundant requirements concerning structural damage which is covered by § 25.251(a) and controllability which is covered in other sections, including § 25.143. Buffeting is considered to be a warning to the pilot

that the airplane is approaching an undesirable and eventually dangerous flight regime, i.e., stall buffeting, high speed buffeting, or maneuvering (load factor) buffeting. Therefore, in straight flight, such buffet warning should not occur at any normal operating speed up to V_{MO}/M_{MO}. Stall warning buffeting would, of course, continue to be permitted to enable compliance with § 25.207.

Proposal 9. Warning, caution, and advisory lights (new § 25.1322). New § 25.1322 would be added to read as follows:

§ 25.1322 Warning, caution, and advisory lights.

If warning, caution, or advisory lights are used, they must be—

(a) Red, for warning lights (lights indicating a hazard requiring immediate corrective action);

(b) Amber, for caution lights (lights indicating the possible need for future corrective action);

(c) Green, for safe operation; and

(d) Other colors, including white, for advisory lights (lights used solely for information not indicating the need for corrective action).

Explanation. The use of lights on airplanes as sources of information is becoming common. It is believed that color standardization is necessary for safety. Color standardization requirements were recently included in Parts 27 and 29 and have been proposed in Notice 67–14 for Part 23.

Proposal 10. Miscellaneous clarifying amendments—(1) *Accelerate-stop distance (§ 25.109).* Section 25.109(a) would be deleted and § 25.109 (b) and (c) would be redesignated, respectively, as § 25.109 (a) and (b) and the definition of "accelerate-stop distance" in Part 1, § 1.1 would be changed to read as follows:

"Accelerate-stop distance" means the distance required to accelerate an airplane from a standing start to a specified speed and, assuming failure of the critical engine at the instant that speed (V_1) is attained, to bring the airplane to a stop.

Explanation. The definition of accelerate-stop distance in § 25.109(a) is repetitious of the definition in § 1.1. Moreover, the definition in § 1.1 does not fully reflect the meaning of this term as it is used in all of the Federal Aviation Regulations (airworthiness and operating rules). This proposal would correct this situation by deleting the definition from § 25.109(a) and by changing the definition in § 1.1 to state that accelerate-stop distance is measured from a standing start.

(2) *Take-off distance and takeoff run (§25.113).* Sections 25.113 (a)(2) and (b)(2) would be amended by striking out the words "with the engines" and inserting the words "with all engines" in place thereof.

Explanation. Section 25.113 defines the takeoff distance and the takeoff run, each of which must be the greater of the two distances prescribed in paragraphs (a)(1) and (b)(1), and in paragraphs (a)(2) and (b)(2), respectively. The first of the two distances is based upon the distance determined under § 25.111 which assumes a failure of the critical engine. The second distance is based upon a distance determined by a procedure consistent with § 25.111 but with all engines operating. The requirements for determining the distance in paragraphs (a)(2) and (b)(2) has been questioned since reference is made to § 25.111 which specifies failure of the critical engine. The proposal would make it clear that these distances are determined by procedures consistent with § 25.111 but with all the engines operating.

(3) *Longitudinal control (§ 25.145).* Section 25.145(b)(6) would be amended by striking out the words "airspeeds between $1.1V_{s_1}$ and $1.7V_{s_1}$, or V_{FE}, whichever is less" and inserting the words "airspeeds between $1.1V_{s_1}$ and either $1.7V_{s_1}$ or V_{FE}", whichever is lower.

Explanation. Section 25.145(b)(6) specifies that the airplane must obtain and maintain trim speeds between $1.1V_{s_1}$ and $1.7V_{s_1}$ or V_{FE}, whichever is less. The phrase "whichever is less" may not be clear in its application to the speed criteria, and the proposal would clarify the requirement.

(4) *Directional stability and cross component of wind velocities (§§ 25.233 and 25.237).* 1. Section 25.233(a) would be amended by striking out the words "cross wind component" and inserting the words "90° cross component of wind" in place thereof.

2. Section 25.237 would be amended by—

(a) Inserting the figure "90°" between the words "a" and "cross component" in § 25.237(a);

(b) Striking out the words "lateral wind component" and inserting the words "90° cross component of wind velocity" in place thereof in § 25.237(b)(1).

Explanation. Sections 25.233(a), 25.237 (a) and 25.237(b) use different terms in referring to a "90° cross component of wind velocity". The proposal would standardize the reference for the purpose of consistency and clarity.

(5) *High speed characteristics (§ 25.253).* Section 25.253(a)(2) would be amended by striking out the word "altitude" and inserting the word "attitude" in place thereof.

Explanation. The proposal would correct a typographical error.

AIRFRAME PROPOSALS

Proposal 1. Weight limits (§§ 25.25(a), 25.473(a)(1)(iii), 25.489, 25.493 (a) and (b), 25.509(a)(3), 25.523(a), 25.531(b), and 25.533 (b)(1) and (b)(2)). 1. Section 25.25(a) would be amended to read as follows:

§ 25.25 Weight limits.

(a) *Maximum weights.* Maximum weights corresponding to the airplane operating conditions (such as ramp, ground or water taxi, takeoff, en route, and landing), environmental conditions (such as altitude and temperature), and loading conditions (such as zero fuel weight, center of gravity position and weight distribution) must be established so that they are not more than—

(1) The highest weight selected by the applicant for the particular conditions; or

(2) The highest weight at which compliance with each applicable structural loading and flight requirement is shown, except that for airplanes equipped with standby power rocket engines the maximum weight must not be more than the highest weight established in accordance with Appendix E of this Part.

* * * * *

2. Section 25.473(a)(1)(iii) would be amended by striking out the words "taxiing conditions and".

3. Section 25.489 would be amended by striking out the words "design takeoff weight" in the first sentence and inserting the words "design ramp weight (the maximum weight for ground handling conditions)" in place thereof.

4. Section 25.493 (a) and (b) would be amended by striking out the words "design takeoff weight" in the first sentence of each paragraph and inserting the words "design ramp weight" in place thereof.

5. Section 25.509(a)(3) would be amended by striking out the words "design maximum takeoff weight" in the leadin sentence and inserting the words "design ramp weight" in place thereof.

6. Section 25.523(a) would be amended by striking out the words "the design takeoff weight" and inserting the words "the design water takeoff weight (the maximum weight for water taxi and takeoff run)" in place thereof.

7. Section 25.531(b) would be amended by amending the definition of "W" to read "design water takeoff weight in pounds".

8. Section 25.533 (b)(1) and (b)(2) would be amended by amending the definition of "V_{s_1}" by inserting the word "water" between the word "design" and the word "takeoff".

Explanation. Section 25.25 defines the two basic type certification weights: Maximum weight and minimum weight. A new weight has come into use known as "ramp weight" which is higher than the currently defined maximum weight. The proposal would incorporate "ramp weight" into the regulations and would require applicants to establish the maximum ramp weight, zero fuel weight, maximum takeoff weight, maximum landing weight and other maximum weights which are limited by structural or flight requirements. The definition of "design takeoff weight" in ground load conditions would also be revised since the ground handling conditions would be applied considering design ramp weight. Appropriate revisons would also be made to the water load requirements.

Proposal 2. Flight loads measurement (§ 25.301(b)). Section 25.301(b) would be amended by inserting at the end thereof a new sentence reading as follows: "Methods used to determine load intensities and distribution must be validated by flight load measurement unless the methods used for determining those loading conditions are shown to be reliable."

Explanation. New designs and operating systems present new problems in evaluating loads where comparative data does not exist. The proposal would require flight load measurements in those cases where other methods of predicting load intensities and distribution are not reliable. This requirement would represent a significant contribution to safety since new designs often entail regimes of flight or have a configuration for which there has not been sufficient knowledge to predict loads accurately.

Proposal 3. Factor of safety (§ 25.303). Section 25.303 would be amended to read as follows:

§ 25.303 Factor of safety.

Unless otherwise specified, a factor of safety of 1.5 must be applied to the prescribed limit loads which are considered external loads on the structure. When a loading condition is prescribed in terms of ultimate loads, a factor of safety need not be applied unless otherwise specified.

Explanation. Section 25.301(a) of Subpart C defines "ultimate loads" as limit loads multiplied by prescribed factors of safety, and § 25.303 requires that "Unless otherwise provided, a factor of safety of 1.5 must be used." Some loading conditions in Subpart C of the regulations are specified in terms of ultimate loads (e.g., crash load conditions), and in those cases, limit loads are not considered and the 1.5 factor does not apply. However, in other Subparts of the regulations a safety factor is applied to the prescribed ultimate loads (e.g., seat and belt attachments). In addition, questions have arisen as to whether or not the prescribed safety factor must be applied to the external loads (e.g., air loads and ground reactions) or may be applied to the internal stresses corresponding to the prescribed limit loads. In some types of structural elements the stress does not vary linearly with the external loads and the factor of safety should be applied to the external loads. The proposal would make it clear that a factor of safety of 1.5 must be applied to the prescribed limit loads which are considered as external loads on the structure unless it is otherwise specified, and that when a loading condition is prescribed in terms of "ultimate loads" a factor of safety need not be applied unless it is specifically required.

Proposal 4. Deflection effects on ultimate strength and dynamic response to turbulence (§ 25.305 (b) and new (d)). 1. Section 25.305(b) would be amended to read as follows:

§ 25.305 Strength and deformation.

* * * * *

(b) The structure must be able to support ultimate loads without failure for at least 3 seconds. However, when proof of strength is shown by dynamic tests simulating actual load conditions, the 3-second limit does not apply. Static tests conducted to ultimate load must include the ultimate deflections and ultimate deformation induced by the loading. When analytical methods are used to show compliance with the ultimate load strength requirements, it must be shown that—

(1) The effects of deformation are not significant;

(2) The deformations involved are fully accounted for in the analysis; or

(3) The methods and assumptions used are sufficient to cover the effects of these deformations.

* * * * *

2. A new § 25.305(d) would be added to read as follows:

§ 25.305 Strength and deformation.

* * * * *

(d) The dynamic response of the airplane to vertical and lateral continuous turbulence must be accounted for.

Explanation. In substantiating the strength of a structure to sustain ultimate load, it is necessary that deflection induced by such a loading be taken into consideration in order to obtain a realistic determination. The present requirements provide for deflection at the limit load but not at ultimate load. When ultimate loads are applied in a test, the deformation induced in the structure is inherent and the introduction of additional restraints to restrict or control these deflections is unrealistic because the restraints change the stress distribution on the component. Furthermore, to permit an applicant who elects to use analytical methods of substantiation to neglect ultimate deflections would make this method of compliance less conservative in some instances than the method involving demonstration by tests. The proposal would require consideration of deflections greater than limit deflections for ultimate loading conditions.

Service experience has shown that dynamic response to turbulence has a very significant effect on structural integrity and safety. The present requirements with regard to dynamic response to turbulence are not definitive in that they cover structural flexibility but not rigid body modes. From a load's point of view, the response of the airplane to turbulence in a combination of significant rigid body and elastic modes can be adequately handled only by consideration of continuous rather than the discrete gust model of turbulence. The proposal would require that transport category aircraft be designed for continuous turbulence.

Proposal 5. Use of material correction factors in proof of structure (new § 25.307(d)). Section 25.307 would be amended by adding the following new paragraph (d):

§ 25.307 Proof of structure.

* * * * *

(d) When static or dynamic tests are used to show compliance with the requirements of § 25.305(b) for flight structures, appropriate material correction factors must be applied to the test results, unless the structure, or part thereof, being tested has failsafe features such that a number of elements contribute to the total strength of the structure.

Explanation. In substantiating the structural strength of airplane components by test methods, failure to account for material variability may result in test data that is not representative with respect to the minimum strength of production units of the same model (type design). In order to avoid any misunderstandings regarding the use of material correction factors, the proposal would set forth the requirement in a separate paragraph under the strength and deformation section of the regulations.

Proposal 6. Flight loads, General (§ 25.321(b)(2)). Section 25.321(b)(2) would be amended by inserting the following phrase before the semicolon: "appropriate to each particular flight load condition".

Explanation. Section 25.321(b)(2) requires compliance with the flight load requirements to be shown at each weight from the design minimum weight to the design maximum weight. The intent of the regulation is to require proof of compliance at the design weights appropriate to each particular flight load condition, and the proposal would clearly state this intent.

Proposal 7. Equilibrium forces in flight maneuver and gust conditions (§ 25.331(a)). 1. Section 25.331(a)(2) and (3) would be amended to read as follows:

§ 25.331 General.

(a) *Procedure.* * * *

(2) The significant forces acting on the airplane must be placed in equilibrium in a rational or conservative manner. The linear inertia forces must be considered in equilibrium with thrust and all aerodynamic loads, while the angular (pitching) inertia forces must be considered in equilibrium with thrust and all aerodynamic moments, including moments due to loads on components such as tail surfaces and nacelles. Critical thrust values in the range from zero to maximum continuous thrust must be considered.

(3) Where the sudden displacement of a control is specified, the assumed rate of displacement need not exceed the rate that could be applied by the pilot, or the maximum output of the control system, whichever is less.

2. Paragraph (a)(4) of § 25.331 would be amended by inserting at the end thereof the following new sentence: "Maneuvers must consider the airplane in trimmed flight and for out-of-trim configurations which may occur during the mistrim conditions specified in § 25.253."

Explanation. Safety requires that all thrust and component aerodynamic moments be considered in flight maneuver and gust conditions. However, the current requirements of § 25.331(a)(2) do not include an analysis of engine or propeller thrust or aerodynamic moments due to nacelles and other auxiliary mounted aerodynamic bodies. The proposal would require consideration of all thrust and component aerodynamic moments.

The control displacement provision of § 25.331(a)(3) does not take into account the situation where the control system output is less than the rate that can be applied by the pilot, and the proposal, consistent with the intent of the requirements, would provide for that situation.

Service experience on a number of jet transport category airplanes indicates that maneuvers within the design envelope, while in out-of-trim configurations, occur sufficiently often to warrant investigation of the airplane's maneuver stability and control characteristics in out-of-trim configurations. During flight tests and normal service, airplanes are maneuvered while the airplane is out-of-trim and the proposed amendment to § 25.331(a)(4) would require the airplane to be designed structurally for the loads which result from maneuvers in this configuration.

Proposal 8. Limit maneuvering load factor (§ 25.337(b)). Section 25.337(b) would be amended to read as follows:

§ 25.337 Limit maneuvering load factors.

* * * * *

(b) The positive limit maneuvering load factor "n" for any speed up to V_D may not be less than $2.1+\left(\frac{24,000}{W+10,000}\right)$ except that "n" may not be less than 2.5 and need not be greater than 3.8—where "W" is the design maximum takeoff weight.

Explanation. In normal operations smaller airplanes are exposed to higher load factor maneuvers than larger airplanes. This has been consistently recognized by designers of small transport category airplanes in their choice of maneuver load factors higher than the minimum currently specified. At the time the current requirements were adopted, it was believed that consideration of the requirements of small transport category airplanes was academic. However, recent design trends indicate that this type airplane may have a significant role in aviation, and the proposal would reflect the necessity for the higher maneuver load factors for smaller airplanes. The proposed variation of load factor with weight is consistent with the requirements of Part 23 of the regulations.

Proposal 9. Rolling conditions (§ 25.349(b)). Section 25.349(b) would be amended by striking out the words "greater load factor" and inserting the words "critical load" in place thereof.

Explanation. Section 25.349(b) requires unsymmetrical gusts to be considered by modifying the symmetrical flights conditions *B'* or *C'*, whichever produces the "greater load factor." The intent of the requirement is to require investigation of unsymmetrical gusts with regard to the "critical load", and the proposal would conform the language of the requirement to this intent.

Proposal 10. Yawing conditions (§ 25.351(a)(1)). Section 25.351(a)(1) would be amended by striking out the words "whichever is critical".

Explanation. In order to establish compliance with the intent of the design requirements for yawing conditions specified in § 25.351(a)(1), it is sufficient to design for either surface deflection induced by a 300-pound rudder pedal force or deflection associated with the surface stops, whichever is less. The proposal would eliminate the words "whichever is critical" in order to clearly set forth the intent of the design requirement.

Proposal 11. Engine torque (§ 25.361(a)(3)). Section 25.361(a)(3) would be amended to read as follows:

§ 25.361 Engine torque.

(a) * * *

(3) For turbopropeller installations, in addition to the conditions specified in subparagraphs (1) and (2) of this paragraph, the limit engine torque corresponding to takeoff power and propeller speed, multiplied by a factor accounting for propeller control system malfunction, including quick feathering, acting simultaneously with 1g level flight loads. In the absence of a rational analysis, a factor of 1.6 must be used.

Explanation. In the pending Part 23 review (Notice 67–14) a proposal to amend § 23.361(a)(3) has been made which is similar to current § 25.361(a)(3) except that it takes into consideration propeller control system malfunction, including quick feathering, and also permits the use of a rational analysis in lieu of a factor of 1.6. The reasons for amending § 23.361(a)(3) also apply to § 25.361(a)(3) and under the proposals the requirements would be identical.

Proposal 12. Side load on engine mount (§ 25.363). Section 25.363(a)(2) would be amended by inserting the words and reference "as prescribed in § 25.333(b)" at the end of the subparagraph.

Explanation. The proposal would make an editorial correction to complete the reference.

Proposal 13. Spoiler design and installation (§§ 25.335, 25.395(a), 25.697, and 25.699). 1. Section 25.335 would be amended by adding a new § 25.335(f) reading as follows:

§ 25.335 Design airspeeds.

* * * * *

(f) *Design drag device speeds, V_{DD}.* The selected design speed for each drag device must be sufficiently greater than the speed recommended for the operation of the device to allow for probable variations in speed control. For drag devices intended for use in high speed descents, V_{DD} may not be less than V_D. When an automatic drag device positioning or load limiting means is used, the speeds and corresponding drag device positions programed or allowed by the automatic means must be used for design.

2. Section 25.395(a) would be amended by striking out the words "Elevator, aileron, and rudder" and inserting the words "Longitudinal, lateral, directional and drag" in place thereof.

3. Section 25.697 would be amended to read as follows:

§ 25.697 Lift and drag devices, controls.

(a) Each lift device control must be designed so that the pilots can place the device in any takeoff, en route, approach, or landing position established under § 25.47. Lift and drag devices must maintain the selected positions, except for movement produced by an automatic positioning or load limiting device, without further attention by the pilots.

(b) The lift and drag device controls must be designed and located to make inadvertent operation improbable.

(c) The rate of motion of the surfaces in response to the operation of the control and the characteristics of the automatic positioning or load limiting device must give satisfactory flight and performance characteristics under steady or changing conditions of airspeed, engine power, and airplane attitude.

(d) The lift device control must be designed to retract the surfaces from the fully extended position, during steady flight at maximum continuous engine power at any speed below $V_F+9.0$ (knots).

4. Section 25.699 would be amended to read as follows:

§ 25.699 Lift and drag device indicator.

(a) There must be means to indicate to the pilots the positions of the lift or drag devices on each side of the airplane, or to indicate any unsymmetrical system operation to the pilots.

(b) There must be means to indicate to the pilots the takeoff, en route, approach, and landing lift device positions.

(c) If any extension of the lift and drag devices beyond the landing position is possible, the controls must be clearly marked to identify this range of extension.

Explanation. The present control system requirements do not specifically cover high drag devices or high lift devices (such as slots, spoilers, and slats) other than trailing edge flaps. Since such devices are used extensively and involve safety of flight, the proposal would establish requirements to cover all high drag and high lift devices, including the requirement that the controls for these devices and the means to indicate their position be designed so that the control can be operated by the pilots and their position will be indicated to the pilots. The proposal would also require means to indicate asymmetric positions since service experience has shown this to be a factor of safety, and would increase the speed from $V_F+8.5$ to $V_F+9.0$ knots at which the lift device control must be designed to retract the surfaces.

Proposal 14. Primary control system loads (§ 25.395(b)). Section 25.395(b) would be amended by inserting in the first sentence after the word "automatic" and before the word "devices" the words "or power"; and by striking out of the second sentence the words "considering jamming, around gusts, taxiing tail to wind, control inertia, and friction".

Explanation. Section 25.395(b) specifies the maximum and minimum acceptable design loads for control systems. The intent of the second sentence is to provide a control system of sufficient ruggedness for service use. The references to ground gusts and taxiing tail to wind are unnecessary and superfluous since § 25.415 contains specific requirements for these loads, and control inertia and friction loads are axiomatic and need not be specified. The inclusion of "jamming" has raised the question of whether or not complete immobility of a control is required. In addition it is possible that, in some systems, it may be conducive to greater safety to permit failure of a jammed load path and, thereby, allow use of another load path. The proposal would delete these references from § 25.395(b) and "jamming" is included in Proposal 32 dealing with failsafe design of control systems.

Proposal 15. Ground loads, general (§ 25.471). 1. Paragraph (b) would be amended by adding at the end thereof the following new sentence:

"Fore and aft, vertical and lateral airplane centers of gravity must be considered. Lateral displacements of the c.g. from the airplane centerline which would result from passenger or cargo disposition within the fuselage or from unsymmetrical fuel loading or fuel usage, and which would not cause more than a 3-percent increase of the ground loads under symmetrical loading conditions need not be considered. Appropriate loading instructions must be included under the provisions of § 25.1583(c)(1) when it is necessary to maintain the lateral c.g. within design limits."

2. Paragraph (c) would be deleted.

3. Paragraph (d) would be redesignated as paragraph (c) and would be amended by editorially correcting the reference to "Figure 1 of Appendix A" by deleting the parentheses.

Explanation. Section 25.471(b) requires the applicant to select airplane centers of gravity, which produce the maximum design loads in each landing gear element. During recent years, and particularly with respect to cargo aircraft designs, administrative difficulties have arisen relative to accounting for sidewise or lateral positions of the airplane center of gravity. The narrower tread of jet aircraft increases the significance of small sidewise displaced c.g.'s relative to landing gear load distribution. The general practice has been to ignore small lateral c.g. loading conditions which might occur during actual operation due to the variable disposition of disposable loads resulting from the interior arrangements of passenger or cargo or from unequal fuel loading or usage. A random distribution of passenger and cargo weight and attendant lateral c.g. deviation is believed to result in insignificant structural load effects, however, when fixed major items of weight, such as spare engine parts or fuel storage, create large sideward displaced loadings, it is reasonable to design for the resultant asymmetrical loads. The proposal would provide for some small tolerance of sideward c.g. displacement in order to assist administration of this rule. Section 25.471(c) is surplusage and would be deleted.

Proposal 16. Ground conditions and assumptions (§ 25.473(a)(2)). Section 25.473(a)(2) would be amended by striking out the words "A wing" and inserting the word "Airplane" in place thereof.

Explanation. The present wording of § 25.473(a)(2) permits the assumption that wing lift, not in excess of airplane weight, acts during the prescribed design landing conditions. The intent of the requirement is to permit an assumption of equilibrium of forces between lift and weight, thus the rule should refer to airplane lift since the sum of the wing, tail, and other aerodynamic surface lift provides the total airplane lift. The proposal would make the intent and the language of the requirement clear.

Proposal 17. Level landing conditions for airplanes with tail wheels (§ 25.479(d)). Section 25.479(d) would be amended by striking out the reference "paragraph (a)" and inserting the reference "paragraphs (a) through (c)" in place thereof.

Explanation. During recodification, the requirements in former CAR 4b.231(a) were placed in § 25.479 (a) through (c), and the proposal would correct paragraph (d) to reference these paragraphs.

Proposal 18. Nose-wheel yaw (§ 25.499(b), (c), and (d)). 1. Section 25.499(b) would be amended by amending the lead-in sentence by inserting after the words "fuselage structure" the words "forward of the center of gravity".

2. Section 25.499(c) would be amended by striking out the reference "paragraph (a)" and inserting the reference "paragraph (b)" in place thereof.

3. Section 25.499(d) would be amended by striking out the phrase "for the landing gear and airplane structure" and inserting the phrase "For other than the nose gear, its attaching structure, and the forward fuselage structure" in place thereof.

Explanation. Section 25.499 (b), (c), and (d) prescribes the design loads for the structure resulting from the application of the main gear brakes on one side of the aircraft. Misunderstandings have arisen in interpreting the applicability of paragraph (d) of § 25.499 to paragraphs (b) and (c) of that section. The intent of Amendment 4b–12 (May 1962) was to revise the nose wheel condition in former CAR 4b.235(e) to retain the coefficient of friction of 0.8 as the base of design loads for the nose gear and its supporting structure. The loads for the main gear and other structure were made consistent with the basic braking condition. Change 1 would make it clear that § 25.499(b) applies to the structures directly affected by the nose gear loading condition, i.e., the nose gear, its attaching structure and the "fuselage structure forward of the center of gravity"; change 2 would correct an error in referencing; and change 3 would make it clear that the relieving allowances of § 25.499(d) apply to other than the nose gear, its attaching structure and the forward fuselage structure.

Proposal 19. Water loads (§§ 25.527, 25.531, 25.533, and 25.535). 1. Section 25.527(b)(3) would be amended by amending the value of "V_{so}" by adding the words "in knots" after the word "speed".

2. Section 25.531(b) would be amended by amending the definition of "V_{s_1}" by adding the unit of measure "(knots)" after the word "speed".

3. Section 25.533 would be amended by amending the definition of "V_{s_1}" in paragraphs (b)(1) and (b)(2) and the definition of "V_{so}" in paragraph (c)(1) by adding the unit of measure "(Knots)" after the word "speed" in each of the definitions; and by amending the definition of "P_k" in paragraph (b)(1), the definition of "P_{ck}" in paragraph (b)(2) and the definition of "P" in paragraph (c)(1) by adding the unit of measure "(psi)" after the word "pressure" in each definition.

4. Section 25.535 would be amended by amending the definition of "L" in paragraph (b) by adding the unit of measure "(lbs)" after the word "load"; by amending the definition of "V_{so}" in paragraphs (b) and (f) by adding the unit of measure "(knots)" after the word "speed"; by amending the definition of "Q" in paragraph (f) by adding the unit of measure "(slugs/ft^3)" after the word "water"; and by amending the definition of "V" in paragraph (f) by adding the unit of measure "(ft^3)" after the word "float".

Explanation. These sections of the regulations pertaining to water loads contain formulae defining the terms used in the equations set forth in those sections. Many of the definitions omit the units of measure and a burden is imposed upon applicants to secure, and upon the FAA to provide, this information. The proposal would include the units of measure in the definitions in order to make this information readily available to applicants.

Proposal 20. Hull and main float landing conditions (§§ 25.529(a)(1), 25.525(b) and Part 37, § 37.192 (TSO–C27)). 1. Section 25.529(a)(1) would be amended to read as follows:

§ 25.529 Hull and main float landing conditions.

(a) *Symmetrical step, bow, and stern landings.* * * *

(1) For symmetrical step loadings, the resultant water load must be applied at the keel, through the centroid of the water load which is distributed over the hull or float bottom from the step forward on the forebody using the distributed pressures of § 25.533(c), and must be directed perpendicularly to the keel line.

* * * * *

2. Section 25.525(b) would be amended by striking the reference "§ 25.533(b)" and inserting the reference "§ 25.533(c)" in place thereof.

3. Part 37, § 37.192 (TSO–C27) would be amended by adding a new § 37.192 (b)(2)(iii) to read as follows:

§ 37.192 Twin seaplane floats—TSO–C27.

* * * * *

(b) • • •

(2) *Exceptions.* • • •

(iii) Section 4.3.3.1 Step landing: For symmetrical step loadings the resultant water load must be applied at the keep through the centroid of the water load which is distributed over the float bottom from the step forward on the forebody using the distributed pressures of 4.3.4.2 (a) and must be directed perpendicularly to the keel line. The magnitude of load shall be that corresponding to the limit load factor given by 4.3.3(a) but shall not be less than that corresponding to a load factor of 2.33.

• • • • •

Explanation. Section 25.529(a)(1) describes the manner of applying the limit water reaction for the step landing condition and requires that the resultant water loads be applied through the center of gravity of the aircraft. The FAA believes that a single step limit water reaction should be sufficient for adequate design and that the current specification is overly burdensome with no real contribution to safety. Only single load applications for the bow and stern landings are required by the regulations and portions of the load application locations based on the position of the center of gravity are not applicable since their fore and aft position is behind the step or too near the forward end of the step to develop the necessary water reaction using distributed water pressure loadings. A combination of the currently specified single bow and single stern landing load application and a single step landing load application should provide an adequate design envelope for forebody bending loads, aft body bending loads, and maximum vertical shear loadins for the hull. The situation parallels that of the ground loading cases where 3-point, level, and tail-down landing cases provide a design envelope for all likely landing pitch attitudes. The proposal would require a single step loading application point near the step using the distributed pressures of § 25.533(c). Part 37, § 37.192(TSO-C27) would be changed accordingly, and the reference in § 25.525(b) to "§ 25.533 (b)" would be changed to "25.533(c)".

Proposal 21. Application of inertia forces—emergency landing conditions (§ 25.561(b)). Section 25.561(b)(3) would be amended by inserting the words "acting separately", after the word "forces" in the leadin sentence.

Explanation. The proposal would make it clear that the ultimate inertia forces are considered to act separately relative to the surrounding structure.

Proposal 22. Fatigue evaluation of flight structure (pressurized doors) (§§ 25.571 and 25.783). 1. Section 25.571 would be amended by striking out the closing subparagraph of paragraph (c) and by adding a new paragraph (e) to read as follows:

§ 25.571 Fatigue evaluation of flight structure.

• • • • •

(e) The loads prescribed in paragraph (c) of this section must be multiplied by a factor of 1.15 unless the dynamic effects of failure under static load are otherwise considered. In addition, the following apply—

(1) For a pressurized cabin, the normal operating pressures combined with the expected external aerodynamic pressures must be applied simultaneously with the flight loading conditions specified in paragraph (c) of this section; and

(2) The combined pressures set forth in subparagraph (1) of this paragraph multiplied by a factor of 1.33 must be applied to the pressurized cabin without any other load.

2. Section 25.783 (b) and (f) would be amended by inserting the words "or failure of a single structural element" after the words "mechanical failure" in each paragraph.

Explanation. A recent pressurized door failure highlighted the fact that current § 25.571 requires that failsafe pressurized structures in the damaged condition support only normal operating pressures (with no safety factor) in conjunction with flight loads. While this is satisfactory when flight loads are the dominant loading condition, it does not provide an adequate safety margin on damaged structure that is primarily loaded by pressure loads. Furthermore, the requirement of § 25.783 that means be provided to prevent personnel, service, and cargo external doors from opening in flight as result of a mechanical failure has been interpreted to apply only to failures of the latching mechanism. Thus, it is applicable only to outward opening doors which have latching mechanisms and not to pressurized plug doors which are supported by the structure. Proposed Change 1 would revise § 25.571 to require an adequate safety margin for the fatigue evaluation conditions, and proposed Change 2 would revise § 25.783 (b) and (f) to require doors that would not open in flight as a result of a failure of any single structural element.

Proposal 23. Lightning strike evaluation (new § 25.581). 1. A new center heading entitled "Lightning Evaluation" would be added following § 25.573.

2. A new § 25.581, following the above new center heading, would be added to read as follows:

§ 25.581 Lightning protection of structure.

(a) The airplane must be protected against catastrophic effects from lightning.

(b) For metallic components, compliance with paragraph (a) of this section may be shown by—

(1) Bonding the components properly to the airframe; or

(2) Designing the components so that a strike will not endanger the airplane.

(c) For nonmetallic components, compliance with paragraph (a) of this section may be shown by—

(1) Designing the components to minimize the effect of a strike; or

(2) Incorporating acceptable means of diverting the resulting electrical current so as not to endanger the airplane.

3. Section 25.1369 would be deleted.

Explanation. Economically practical means of protecting aircraft from the hazardous effects of lightning strikes have been under study for several years. In order to prevent undue dictation of design, and yet, on the other hand, avoid an unnecessarily vague standard, this proposal summarizes the design objectives derived from the studies and experience obtained in the field of lightning protection of aircraft structures. This same proposal was made in Notice 67–14 for small airplanes. Section 25.1369 would be deleted since it would be extraneous and superseded by proposed § 25.581.

Proposal 24. Fasteners (§ 25.607). Section 25.607 would be amended to read as follows:

§ 25.607 Fasteners.

(a) Each removable bolt, screw, nut, pin, or other fastener whose loss could preclude continued flight and landing within the design limitations of the aircraft without exceptional pilot skill or strength, or result in reduction of primary flight control capability or response, must incorporate two separate locking devices. The fastener and its locking devices may not be adversely affected by the environmental conditions associated with the particular installation.

(b) No self-locking nut may be used on any bolt subject to rotation in operation unless a non-friction locking device is used in addition to the self-locking device.

Explanation. At the present time it is common practice to secure fasteners (i.e., bolts, screws, nuts, and pins) with a single locking device. Due to a number of instances of loss of fastener integrity involving fasteners installed on rotorcraft, Notice 67–49 was published in which it was proposed to require two separate locking devices on all removable fasteners in any installation in which the loss of the fastener could jeopardize the safe operation of the rotorcraft, and that consideration must be given to the environmental conditions associated with a particular fastener in determining the appropriate locking device for that fastener. The National Transportation Safety Board has recommended that a similar requirement be made applicable to transport category aircraft with particular emphasis on primary control systems, and a recent review of the service experience with fixed wing aircraft indicates that due to maintenance, manufacturing, or design errors, a single locking device is not adequate in these aircraft for critical applications. While the purpose of Airframe Proposal 32, supra, is to ensure that the airplane is capable of continued safe flight and landing after a failure in the control system, the loss of a fastener in a critical location (e.g., a single fastener joint) in the primary control system can result in reduction of control capability. In addition, there are other critical applications such as nonfailsafe structural joints in which loss of a single fastener could preclude continued safe flight and landing. The proposal would require two separate locking features in such applications. The present prohibition against the use of self-locking nuts on bolts subject to rotation in operation would remain in effect for those applications where two self-locking devices are not required. However, if two self-locking devices are required, one of the locking devices could be a self-locking nut provided the other locking device is a non-friction type.

Proposal 25. Accessibility provisions (§ 25.611). Section 25.611 would be amended to read as follows:

§ 25.611 Accessibility provisions.

Accessibility must be provided to allow inspection (including inspection of principal structural elements and control systems), replacement of parts normally requiring replacement, adjustment, and lubrication as necessary for continued airworthiness.

Explanation. The present rule requires means to allow close inspection of each part requiring recurring inspection, adjustment for proper alignment and function or lubrication; however, the rule does not clearly express the intent that access be provided for inspection of principal structural elements. Service experience has shown the necessity of adequate access for inspection and numerous Airworthiness Directives have been issued in which modifications to provide access were required. Furthermore, under the present rule the repair and replacement aspects of necessary maintenance may be impaired by the small size or other inadequacy of the access means, since those means need only allow inspection. The proposal would require accessibility for inspections and maintenance necessary for continued airworthiness.

Proposal 26. Special factors (§ 25.619). Section 25.619 would be amended by amending the leading sentence to read as follows:

§ 25.619 Special factors.

The factor of safety prescribed in § 25.303 must be multiplied by the highest pertinent special factor of safety prescribed in §§ 25.621 through 25.625 for each part of the structure whose strength is—

• • • • •

Explanation. The proposal would make editorial changes to conform the section to the equivalent requirement of other Parts of the regulations.

Proposal 27. Design properties (§25.615(a) (1) and (2)). Section 25.615 (a) (1) and (2) would be amended by inserting the word "when" before the word "listed" in each subparagraph.

Explanation. Section 25.615 (a)(1) and (a)(2) imply that "*A*" and "*B*" values must be used whether or not they are listed in MIL–HDBK–5 for a particular material. The intent of the requirement is that these values be used when an appropriate value is listed in MIL–HDBK–5 for a particular material. The proposal would insert the word "when" immediately after the phrase "(*A* values)" and the phrase "(*B* values)" in § 25.615(a) (1) and (2), respectively, in order to clarify the requirement.

Proposal 28. Fitting factors (§ 25.625). Section 25.625 would be amended by adding a new paragraph (d) reading as follows:

§ 25.625 Fitting factors.

• • • • • •

(d) For each seat, berth, safety belt, and harness, the fitting factors specified in §§ 25.785(1)(3) and 25.1413(c) apply.

Explanation. The proposal would make it clear that the 1.15 fitting factor required by this section does not apply to seats, berths, safety belts, and harnesses.

Proposal 29. Flutter and divergence prevention (§ 25.629). 1. Section 25.629 (a) and (b)(1) would be amended to read as follows:

§ 25.629 Flutter, deformation, and failsafe criteria.

(a) *General.* Compliance with this section must be shown by calculations, resonance tests, or other tests found necessary by the Administrator. Full scale flight flutter tests at speeds up to V_D/M_D for the critical airplane flutter modes must be conducted when—

(1) M_D is equal or greater than 0.8M;

(2) The adequacy of flutter analysis and wind tunnel tests have not been established by previous experience with aircraft having similar design features; or

(3) When modifications to the type design have a significant effect on the critical flutter modes.

(b) *Flutter and divergence prevention.* The dynamic evaluation of the airplane must include an investigation of the significant elastic, inertia, and aerodynamic forces associated with the rotations and displacements of the place of the propeller. In addition, the following apply:

(1) The airplane must be designed to be free from flutter and divergence (unstable structural distortion due to aerodynamic loading) for all combinations of altitude and speed encompassed by the V_D/M_D versus altitude envelope enlarged at all points by an increase of 20 percent in equivalent airspeed at both constant Mach Number and constant altitude, except that Mach effects for Mach Numbers greater than 1 need not be included when M_D is less than 1.0 at all design altitudes and the following is established—

(i) A proper margin of damping exists at all speeds up to M_D; and

(ii) There is no large and rapid reduction in damping as M_D is approached.

• • • • •

2. Section 25.629(b)(2) would be deleted and § 25.629(b)(3) would be designated § 25.629(b)(2) in place thereof.

Explanation. Section 25.629(a) requires that compliance with the flutter, deformation, and failsafe criteria of this section must be shown by calculations, resonance tests, or other tests found necessary by the Administrator. The state-of-the-art of flutter compliance means indicates that full-scale flight flutter testing must be performed to obtain complete assurance that freedom from flutter exists in the transonic speed range—nominally, speeds between 0.8 and 1.4M. Modern jet designs have relied on this method of final proof of compliance. In some cases, however, difficulties have been encountered relative to the absolute need for these tests when a modification is made to the type design. The proposal would specify the required tests and would also limit their applicability with regard to modifications to those modifications having a significant effect on critical flutter modes.

Section 25.629(b) currently requires a safety speed margin for flutter of $1.2V_D$. The proposal would further clarify and extend the scope of this margin to adequately provide for safety margins at transonic speeds. In order to ensure that the proposed requirement does not create an undue burden, the proposal would not require the Mach speed margin to include Mach Numbers greater than 1.0 for subsonic designs.

Proposal 30: Loss of control due to bird strike damage (new § 25.631). A new § 25.631 would be added to read as follows:

§ 25.631 Bird strike damage.

The empennage structure must be designed to assure capability of continued safe flight and landing of the airplane after impact with an 8-pound bird when the velocity of the airplane (relative to the bird along the airplane's flight path) is equal to V_C at sea level, selected under § 25.335(a). Consideration may be given to redundancy, multiload path design, location of control system elements, provision for adequate protective devices such as splitter plates, and impact absorbing materials. Compliance with this section may be shown by reference to analysis and tests, or both, performed under these requirements on type certificated airplanes having similar structural design.

Explanation. Transport airplanes frequently strike migratory birds. In one case involving an airplane with a single spar in the horizontal stabilizer, structural failure occurred with catastrophic results. A large volume of statistical data has been collected on bird strikes on transport category aircraft. The statistics, collected from actual air carrier operations, indicate that the redundant structure presently designed into modern transport aircraft generally have high resistance to bird impact even when multibird strikes occur. For example, in a recent incident several large geese impacted with the redundant wing structure of a medium range jet transport without catastrophic damage or loss of control of the airplane. In addition, laboratory tests disclose that redundant empennage structures have a higher capability than single spar construction to withstanding the impact of large birds. In one case, a single spar design empennage structure could only withstand 6-pound bird strikes at all points of the spar. However, when this same structural design was modified by the addition of polyurethane foam material forward of the main spar, it successfully absorbed an impact equivalent to the impact of 8-pound birds. A capability to withstand the impact of an 8-pound bird would provide acceptable damage criteria since it

would cover the bird types most likely to be encountered, and the proposal would require the structure to be designed to withstand such impacts.

Some manufacturers have incorporated special devices such as splitter plates over vital control system components located in the leading edge of the empennage to provide protection from bird impact and the proposal would permit consideration of such devices. Service experience has also shown that wing structures have sufficient depth so that their strength is not adversely affected by bird impact and the proposal would limit the design requirement to the empennage.

Proposal 31. Hinges (§ 25.657). Section 25.657 would be amended by striking out paragraph (b) and designating paragraph (c) as paragraph (b); and by amending paragraph (a) to read as follows:

§ 25.657 Hinges.

(a) For control surface hinges, including ball, roller, and self-lubricated bearing hinges, the approved rating of the bearing may not be exceeded. For nonstandard bearing hinge configurations, the rating must be established on the basis of experience or tests and, in the absence of a rational investigation, a factor of safety of not less than 6.67 must be used with respect to the ultimate bearing strength of the softest material used as a bearing.

* * * * *

Explanation. The present provisions of § 25.657 require a factor of 6.67 to be used except for ball or roller type bearing hinges. This factor was prescribed to account for difficulties with rapid wear where no consideration was or could be given to actual service conditions of the bearings. Considering today's advanced bearing technology, approved rating of other types of bearings may be prescribed by manufacturers. The proposal would eliminate the obsolete provisions of this section in order to reflect the present state-of-the-art. The proposal would also provide for nonstandard bearing hinge configurations, and would permit the use of the factor of 6.67 in lieu of a rational investigation.

Proposal 32. Proof of compliance and control systems (§§ 25.21, 25.671, 25.677, 25.695, and 25.701). 1. Section 25.21(e) would be amended to read as follows:

§ 25.21 Proof of compliance.

* * * * *

(e) If compliance with the flight characteristics requirements is dependent upon a stability augmentation device, or upon any other automatic or power-operated device—

(1) A warning system must be installed that will indicate to the pilot a failure or malfunction of the stability augmentation device, or any other automatic or power-operated device. The warning system may not activate the flight controls, and the warning device must give clearly distinguishable indications under expected conditions of flight without requiring the attention of the pilot.

(2) The pilot must be able to deactivate the stability augmentation device or any other automatic or power-operated device unless the pilot can override such devices by means of normal movement of the flight controls without exerting excessive strength.

(3) It must be shown, after any single failure or malfunction of the stability augmentation device, or any other automatic or power-operated device, that—

(i) The airplane is safely controllable when the failure or malfunction occurs at any speed or altitude within the approved operating limitations that is critical for the type of failure being considered;

(ii) The controllability and maneuverability requirements of this subpart are met within a practical operational flight envelope (for example, speeds, altitudes, normal accelerations, and airplane configurations); and

(iii) The trim, stability, and stall characteristics are not impaired below a level needed to permit continued safe flight and landing.

2. Section 25.671 (c) and (d) would be amended to read as follows:

§ 25.671 General.

* * * * *

(c) The airplane must be shown by analysis, tests, or both, to be capable of continued safe flight and landing after any of the following failures or jamming in the flight control system and surfaces (including trim, lift, drag, and feel systems), within the normal flight envelope, without requiring exceptional piloting skill or strength. Probable malfunctions must have only minor effects on control system operation and must be capable of being readily counteracted by the pilot.

(1) Any single failure, excluding jamming (for example, disconnection or failure of mechanical element, or structural failure of hydraulic components, such as actuators, control spool housing, and valves).

(2) Any combination of failures not shown to be extremely improbable, excluding jamming (for example, dual electrical or hydraulic system failures, or any single failure in combination with any probable hydraulic or electrical failure).

(3) Any jam in a control position normally encountered during takeoff, climb, cruise, normal turns, descent and landing, unless the jam is shown to be extremely improbable, or can be alleviated. A runaway of a flight control to an adverse position and jam must be accounted for if such runaway and subsequent jamming is not extremely improbable.

(d) The airplane must be designed so that it is controllable if all engines fail.

3. Section 25.677(c) would be amended by striking out the first sentence of the paragraph.

4. Section 25.701 would be amended to read as follows:

§ 25.701 Lift and drag control surface interconnections.

(a) The motion of high lift or high drag control surfaces on opposite sides of the plane of symmetry must be synchronized by a mechanical interconnection unless the airplane has safe flight characteristics with the surfaces retracted on one side and extended on the other.

(b) Lift and drag control surface interconnections must be designed to account for the highest unsymmetrical loads resulting from the following conditions:

(1) Flight with the engines on one side of the plane of symmetry inoperative and the engines on the other side at takeoff power.

(2) Loads imposed when the surfaces on one side of the plane of symmetry are carrying the most severe load occurring in the prescribed symmetrical condition and those on the other side are carrying not more than 80 percent of that load.

(3) Control surfaces on one side of the plane of symmetry are jammed and immovable while the control surfaces on the other side are free to move and the full power of the surface actuating device is applied.

5. Section 25.695 would be deleted.

Explanation. A basic objective of the control system requirements of §§ 25.21(e) and 25.671 through 25.701 is to ensure that the airplane is capable of continued safe flight and landing after a failure or malfunction in the control system.

Proof of compliance. Section 25.21(e) prescribes in broad terms the acceptable level of degradation of the various flight characteristics of an airplane following the failure or malfunction of the stability augmentation device or any other power operated device which is used in showing compliance with the applicable flight characteristic requirements. In the event of such a failure or malfunction, in all probability, compliance with the flight requirements at certain speeds, altitudes and accelerations, within the approved flight envelope will not be met. At the same time, compliance might be met within a flight envelope which is somewhat restricted in comparison to that approved with the device in the operative condition. Such a restricted flight envelope is permitted provided it is practical for operations. In such a situation it might be hazardous to operate the airplane outside the restricted envelope. Since it is possible for a failure or malfunction to occur which would not be readily apparent to the pilot, the proposal would require a warning system to alert the pilot to a failure or malfunction in order that he can initiate corrective procedures. The warning system would be independent of the flight controls in order that the corrective action would be under the full control of the pilot. In addition, a visual warning device that requires the attention of the pilot within the cockpit would not be acceptable by itself since the attention of the pilot might be diverted by flight duties at the time of the failure or malfunction.

The Airline Pilots Association (ALPA) petitioned the FAA by letter dated April 16, 1965, to amend the stability and stall warning requirements of Part 25 to prohibit the use of any automatic device which takes over or acts directly on any flight control. The ALPA proposal would require a warning system in any airplane which does not meet the longitudinal, lateral or directional stability requirements of §§ 25.171 through 25.181; the warning system would be separate from the airplane's flight control system, could not activate the flight controls (including attitude trim devices), and would provide adequate advance warning that the airplane is approaching a hazardous flight altitude or speed. Although the proposals merely state that the warning system shall not activate the flight controls, it is clear from the discussion material that the intent of the petition was to prohibit any stability augmentation or stall prevention device which actuates the controls. While it is evident that "unwanted operation of the controls" by an automatic devise is the hazard which the proposals in the petition are intended to guard against, the proposal would prevent this hazard only with respect to two particular classes of devices; i.e., stability augmentation systems and stall prevention systems. Unwanted operation of the flight controls could also result from other devices which are almost universally used in modern high speed transport aircraft. These devices include automatic pilots, power-boosters and power-actuated control systems. Thus, the problem is not limited to stability and stall warning devices. All of the devices serve safety functions and the FAA believes that a thorough investigation of all possible modes of failure or malfunction of all elements of the flight control system should be required to ensure that any failure or malfunction can be readily counteracted by the flight crew. Such proposals are included in this notice. In addition, requirements for control system failure warning devices are proposed, based on the suggestions submitted by ALPA in connection with the Agency-Industry conference on Part 25.

Trim system. Section 25.677(c) requires that trim control operation be independent of any single failure in the primary control system but does not clearly define the degree of control capability that is required after such a failure. The basic objective of the requirement is to ensure that the airplane is capable of continued safe flight and landing after a failure in the control system. However, there may be other means of assuring such control which are equal to or better than providing independent trim, and the proposal would enlarge the rule to permit such means. In addition, the proposal would require the airplane to be capable of continued safe flight after a failure in a nonprimary control system (such as lift or drag devices) since a failure in these systems could also cause loss of control. Since the requirement for an independent trim system would be eliminated, jamming of control surfaces would have to be considered in order to assure a level of safety comparable to that provided by the separate trim surfaces under the present independent trim requirement. In addition, service experience shows that the jamming mode of failure should be considered for both control elements (leakages, actuators, etc.) and surfaces. Service experience also indicates that all weather operations are increasing and that failures can be expected in any normal flight condition, including low altitude, turbulence or low visibility. Considerable (but not necessarily normal) residual flight control may be necessary for continued safe flight and landing under such nonoptimum conditions. Furthermore, little deterioration in capability should result from failures or malfunctions that occur frequently. The degree of control capability set forth in the proposal takes into consideration the probability and type of failure or malfunction and the flight conditions under which it might occur.

Powered controls. Section 25.695 does not provide a clear basis for considering more than one failure in powered control systems. However, service experience indicates that two independent power control systems would not, with the present state-of-the-art, provide a satisfactory safety level for fixed-wing airplanes. In practice, at least two power systems (or one manual system) are provided as alternates for the primary power system. The proposed requirements would require the capability of safe flight and landing after any reasonably possible combination of failures such as a double power source loss, loss of fluid from two hydraulic systems, etc. Section 25.695 would be deleted since it would be extraneous and superseded by the proposed general requirements under § 25.671 (c) and (d).

Flap interconnection. The present interconnection requirements of § 25.701 covering flaps would be expanded to require a mechanical interconnection on any high lift or drag device for which unsymmetrical operation would be hazardous. The present rule requires a mechanical interconnection when unsymmetrical operation would be hazardous and permits no hazardous unsymmetrical condition after any reasonably possible single failure in the actuating system. A recent accident was caused by unsymmetrical flaps resulting from a jam on one side and subsequent failure of the mechanical interconnection during actuation. This and other service experience indicates that the mechanical interconnection should be specifically designed for a one side jammed condition and that such systems should be designated to permit continued safe flight after any single failure or any reasonably possible combination of failures.

Proposal 33. Operation tests (§ 25.683). Section 25.683 would be amended by amending the leadin sentence to read as follows:

§ 25.683 Operation tests.

It must be shown by operation tests that when portions of the control system subject to pilot effort loads are loaded to 80 percent of the limit load specified for the system and the powered portions of the control system are loaded to the maximum load expected in normal operation, the system is free from—

* * * * *

Explanation. The present requirement of § 25.683 is unduly restrictive in that it requires the entire system to be loaded to 80 percent of limit load during operation tests. In addition, such a load might cause unrealistic tests of the powered portion of the control system. The proposal would permit a more rational loading of powered portions of the control system for the tests.

Proposal 34. Landing gear, general (§ 25.721). Section 25.721 would be amended by deleting paragraphs (a), (b), and (c), and by deleting the paragraph reference "(d)" in paragraph (d).

Explanation. The proposal would delete paragraphs (a), (b), and (c) of § 25.721 since the paragraphs are redundant with the sections referenced therein and add nothing to the requirement.

Proposal 35. Shock absorption tests (§ 25.723(a)). Section 25.723(a) would be amended by striking out the reference "§ 25.471(c)" and inserting the reference "§ 25.473" in place thereof.

Explanation. Section 25.723(a) requires it to be shown by energy absorption tests that the limit load factors selected for design in accordance with § 25.471(c) for takeoff and landing weights will not be exceeded. The limit load factors referred to are set forth in § 25.473 and the proposal would correct the erroneous reference to § 25.471(c).

Proposal 36. Simulating lift in limit drop tests (§§ 25.723(b), 25.725(b), and 25.727(b)). 1. Section 25.725(b) would be amended by amending the definition of "L" by striking out the words "wing lift" and inserting the words "airplane lift" in place thereof; and by amending the lead-in sentence to read as follows:

§ 25.725 Limit drop tests.

* * * * *

(b) If airplane lift is simulated by air cylinders or by other mechanical means, the weight used for the drop must be equal to *W*. If the effect of airplane lift is represented in free drop tests by an equivalent reduced mass, the landing gear must be dropped with an effective mass equal to $W_e = w\left(\frac{h+(l-L)d}{h+d}\right)$ where—

* * * * *

2. Section 25.727(b) would be amended to read as follows:

§ 25.727 Reserve energy absorption drop tests.

* * * * *

(b) If airplane lift is simulated by air cylinders or by other mechanical means, the weight used for the drop must be equal to *W*. If the effect of airplane lift is represented in free drop tests by an equivalent reduced mass, the landing gear must be dropped with an effective mass to $W_e = w\left(\frac{h}{h+d}\right)$ where the symbols and other details are the same as in details are the same as in § 25.725(b).

3. Section 25.723(b) would be amended by striking out the words "wing lift" and inserting the words "airplane lift" in place thereof.

Explanation. Sections 25.725(b) and 25.727(b) specify the test requirements when airplane lift is simulated, but do

not indicate the means to be used. The proposal would include the simulation means and also change "wing lift" to "airplane lift" to conform to Airframe Proposal 16, *supra*.

Proposal 37. Limit drop tests: attitude and drag loads (§ *25.725*(c)). Section 25.725(c) would be amended to read as follows:

§ 25.725 Limit drop tests.

• • • • •

(c) The drop test attitude of the landing gear unit and the application of appropriate drag loads during the test must simulate the airplane landing conditions in a manner consistent with the development of a rational or conservative limit load factor value.

Explanation. Section 25.725(c) requires the limit drop tests to be performed with landing gear attitudes simulating critical landing conditions. The requirement is deficient because landing gear drag loads, in addition to landing attitudes, influence significantly the limit load factor developed. Questions have also arisen as to whether or not inclined platforms and prerotation of the wheel may be used to simulate the landing conditions. While the latter issue must be resolved in each case on the basis of the appropriateness of the test procedure to the particular case, the proposal would clarify the basic intent of the rule and would require consideration of landing gear drag loads.

Proposal 38. Retracting mechanism (§ *25.729*(a)(1)). 1. Section 25.729(a)(1)(ii) would be amended to read as follows:

§ 25.729 Retracting mechanism.

(a) *General.* • • •

(1) • • •

(ii) The combination of friction loads, inertia loads, brake torque loads, air loads, and gyroscopic loads resulting from the wheels rotating at a peripheral speed equal to 1.3V, (with the flaps in takeoff position at design takeoff weight), occurring during retraction and extension at any airspeed up to 1.6V_{S_1} (with the flaps in the approach position at design landing weight); and

• • • • •

2. Section 25.729(a)(iii) would be amended by striking out the reference "§ 25.345" and inserting the reference "§ 25.345(a)" in place thereof.

Explanation. Section 25.729(a)(1)(ii) specifies design conditions for structural strength in the retracting mechanism through a speed range up to 1.6 times the stalling speed at landing weight. The inertia loads condition include gyroscopic loads since they are a special form of inertia loads. The gyroscopic loads arise from the high rotational speed of the wheels following takeoff. The range of airplane flight speed specified for the other sources of retraction and extension loads is not appropriate for wheel rotation speeds because the wheel rotational velocity is maximum at airplane takeoff speed, and not at the airspeed to which the airplane accelerates at the time of gear retraction. The proposal would specify a wheel rotational speed based on a factored takeoff speed of 1.3 which is considered by the FAA to be a reasonable design value. In addition, the proposal would make an editorial change in § 25.729(a)(1)(iii) to correct the reference since the load factors referred to are specified in § 25.345(a).

Proposal 39. Tires (§ *25.733*(*a*)). Section 25.733(a) would be amended by striking out subparagraphs (1) and (2) and by designating subdivisions (i) and (ii) of subparagraph (2) as subparagraphs (1) and (2), respectively, and by amending the leadin sentence of paragraph (a) to read as follows:

§ 25.733 Tires.

(a) Each landing gear wheel must be fitted with a suitable tire whose speed rating (assigned by the Tire and Rim Association or the Administrator) is not exceeded under critical conditions, and whose load rating (assigned by the Tire and Rim Association or the Administrator) is not exceeded under—

• • • • •

Explanation. The landing gear tire requirements specified in § 25.733(a) do not require consideration of tire speed. Speed is a critical factor affecting the integrity of tires and the proposal would include tire speed ratings as a limitation governing the acceptance of tires for use on particular airplanes. In addition, the proposal would require the use of tires with speed ratings and load ratings assigned by the Tire and Rim Association or the Administrator, and paragraph (a)(1) would be deleted since it is no longer necessary in view of well established industry practices.

Proposal 40. Brakes (§ *25.735*). 1. Section 25.735(e) would be amended by striking out the last sentence of the paragraph.

2. Section 25.735(f)(2) would be amended by amending the definition of "V_{so}" by inserting the word "(knots)" after the words "stalling speed."

Explanation. Section 25.735(e) provides in part that compliance with the antiskid devices and associated systems design requirements may be shown by meeting the airworthiness portions of Military Specification MIL–B–8075 (ASG). Since this is not the only acceptable method of showing compliance, proposed Change No. 1 would delete the statement from the rule. Section 25.735(f)(2) does not specify the unit of speed of "V_{so}". Inasmuch as miles per hour was the unit of speed set forth in former CAR 4b, proposed Change No. 2 would add the word "knots" to the current rule in order to eliminate any misunderstanding as to the unit of measure.

Proposal 41. Windshield and window materials (§*25.775*(*a*)). Section 25.775(a) would be amended to read as follows:

§ 25.775 Windshields and windows.

(a) Internal panes must be made of nonsplintering material.

• • • • •

Explanation. The present rule requiring nonsplintering "safety glass" to be used in internal windshields and windows is unnecessarily restrictive. The proposal would permit the use of any nonsplintering material.

Proposal 42. Windshield and window pressurization safety factors (§ *25.775*(*d*)). Section 25.775(d) would be amended by amending the second sentence to read as follows: "The windshield and window panels must be capable of withstanding the maximum cabin pressure differential loads combined with critical aerodynamic pressure and temperature effects after any single failure in the installation or associated systems."

Explanation. Section 25.775(d) requires, in part, windshield and window panels strong enough to withstand maximum loading and temperature conditions after failure of any load carrying element of the windshield or window panels. However, the strength of the windshield or window panels may be reduced to less than that required as a result of failures of other than load-carrying elements. In a recent incident a windshield heating element overheated and caused failure of all the load-carrying elements of a multi-element panel. The proposal would enlarge the rule to cover any single failure in the installation or associated systems.

Proposal 43. Hand fire extinguisher (§ *25.853*(*e*)). Section 25.853(e) would be amended to read as follows:

§ 25.853 Compartment interiors.

• • • • •

(e) There must be at least one hand fire extinguisher conveniently located in the pilot compartment.

• • • • •

Explanation. Section 25.853(e) requires a fire extinguisher for use by the flight crewmembers, and § 25.853(f) requires fire extinguishers to be conveniently located in the passenger compartments. The proposal would make it clear that the fire extinguisher required by § 25.853(e) is in addition to those required by § 25.853(f), and that the fire extinguisher must be installed in the pilot compartment in a convenient location so that it will be readily available in the event an emergency arises requiring its use.

Proposal 44. Fire protection of flight controls, engine mounts, and other flight structure (new § *25.865).* 1. A new § 25.865 would be added reading as follows:

§ 25.865 Fire protection of flight controls, engine mounts, and other flight structure.

Flight controls, engine mounts, and other flight structure located in designated fire zones or in adjacent areas which would be subjected to the effects of fire must be constructed of fireproof materials or shielded so that they are capable of withstanding the effects of a fire.

2. Section 25.1205 would be designated as § 25.867.

Explanation. The current regulations do not require protection of engine mounts, or control systems from the effects of fire. The need for this protection was recently highlighted when control problems were experienced on a jet transport airplane after aluminum aileron rods located outside of the fire zone became distorted due to heat from an engine fire. Engine mounts and flight structures can also be affected by fire and a failure resulting from the heat of a fire could cause a serious safety hazard. The proposal would require fire protection requirements for other components now specified in § 25.1205 to a new § 25.867 in order that the requirements would be in a logical sequence.

Proposal 45. Leveling means (§ *25.871*). Section 25.871 would be amended to read as follows:

§ 25.871 Leveling means.

There must be means for determining when the airplane is in a level position on the ground.

Explanation. Section 25.871 limits the means for leveling the airplane on the ground to reference marks. This requirement is unnecessarily restrictive and the proposal would permit the use of any reliable means for determining when the airplane is in a level position on the ground.

Proposal 46. Ditching equipment; life rafts and life preservers (§ *25.1415*(b)). Section 25.1415(b) would be amended by—

1. Redesignating subparagraph "(b)(2)" as subparagraph "(b)(3)";

2. Amending subparagraph (b)(1) by inserting the leadin phrase "Except as provided in subparagraph (2) of this paragraph"; and

3. Adding a new subparagraph (b)(2) to read as follows:

§ 25.1415 Ditching equipment.

• • • • •

(b) • • •

(2) In lieu of the provision of subparagraph (1) of this paragraph, airplanes to be certificated only for the carriage of cargo, with no provision for occupants other than the minimum required flight crew, may be provided with enough rafts of sufficient buoyancy and seating capacity to accommodate the minimum required flight crew.

• • • • •

Explanation. Section 25.1415(b)(1) requires that provisions be made to ensure that, in the event of a ditching, all occupants can be accommodated in the remaining life rafts should one raft of the largest capacity be lost. Under the rule, two life rafts must be carried for the crew of a freighter type airplane. Service experience in the operation of civil turbine powered transport airplanes indicates that the probability of ditching such an airplane is remote. Furthermore, the probability of losing the only raft aboard an airplane manned entirely by trained crewmembers is negligible compared to the probability of losing one of many rafts following the ditching of a large passenger transport airplane when a substantial amount of confusion might be expected to exist. The proposal would recognize the different circumstances involved in the freighter type airplane, and would require that these type airplanes with provision only for the carriage of the minimum flight crew need be provided only with rafts of sufficient buoyancy and seating capacity to accommodate the minimum required flight crewmembers.

Proposal 47. Demonstration of ice protection (§ *25.1419*(c)). Section 25.1419(c) would be amended to read as follows:

§ 25.1419 Ice protection.

• • • • •

(c) In addition to the analysis and physical evaluation prescribed in paragraph (b) of this section, the effectiveness of the ice protection system and its components must be shown by flight tests of the airplane or its components in measured natural atmospheric icing conditions and by one or more of the following tests as found necessary to determine the adequacy of the ice protection system:

(1) Laboratory dry air or simulated icing tests, or a combination of both, of the components or models of the components.

(2) Flight dry air tests of the ice protection system as a whole, or of its individual components.

(3) Flight tests of the airplane or its components in measured simulated icing conditions.

• • • • •

Explanation. Section 25.1419(c) specifies four test methods for demonstrating the effectiveness of the ice protection system in addition to the analysis and physical evaluation requirements. The current state of the art and current practice indicate that the flight tests in measured natural atmospheric icing conditions specified in paragraph (c)(4) are necessary in all ice protection system certification programs, and that, in addition, it is necessary to conduct one or more of the tests specified in paragraph (c)(1), (2), and (3) in order to demonstrate the adequacy of the ice protection system. Which one or combination of these later tests is necessary in a particular case would depend upon the ice protection system proposed. The proposal would require the flight tests specified in present paragraph (c)(4), and in addition, one or more of the tests specified in present paragraph (c)(1), (2), and (3), as found necessary.

Proposal 48. Draining of fluids subject to freezing (§ *25.1455*). Section 25.1455 would be amended by inserting the words "hazardous quantities of" after the word "of" and before the word "ice".

Explanation. Section 25.1455 prohibits the draining of any fluids subject to freezing from the airplane if ice could form on the airplane as the result of the drainage. The intent of the requirement is to preclude a hazard. Insignificant quantities of ice do not constitute a hazard, and the proposal would alleviate an unnecessary burden by making the requirement applicable only to hazardous quantities of ice.

Proposal 49. Unsymmetrical loads for certain empennage arrangements (§ *25.247*(*b*)). Section 25.427(b)(2) would be amended to read as follows:

§ 25.427 Unsymmetrical loads.

• • • • •

(b) • • •

(2) For empennage arrangements where the horizontal tail surfaces have appreciable dihedral or are supported by the vertical tail surfaces, the surfaces and supporting structure must be designed for the combined vertical and horizontal loads resulting from the prescribed flight conditions.

Explanation. The current provisions of § 25.427(b)(2) specify that the surfaces and supporting structures of certain empennage arrangements such as for "T" tails, "may be" designed for the combined vertical and horizontal surface loads resulting from "prescribed maneuvers". During a recent investigation of an accident involving an airplane with a "T" tail, the adequacy of these provisions was questioned. Contrary to industry practice and to acceptable means for verifying the structural integrity of "T" tails under unsymmetrical loads, the current provisions imply that the horizontal and vertical loads resulting from gust encounter need not be considered in addition to the loads resulting from the prescribed maneuvers. The proposal would clarify the requirements by changing the word "may" to the word "must" and by changing the words "prescribed maneuvers" to the words "prescribed flight conditions." Since "T" tail arrangements are now quite common, the proposal would refer to the specific empennage arrangements involved rather than designating them as unconventional.

Proposal 50. Float bottom pressures (auxiliary floats) (§ *25.535*(*g*)). Section 25.535(g) would be amended by striking out the period at the end of the first sentence and inserting the phrase ", except that the value of K_3 in the formulae may be taken as 1.0".

Explanation. Section 25.535(g) specifies the manner of determining the design bottom pressures for auxiliary floats. This is accomplished by referring to § 25.533 which includes formulae for those design pressures which contain the factor K_3 (hull station weighing factor). The factor is defined in Figure 2, Appendix B, and is the factor for a hull or main float which has a step. The validity of the factor for auxiliary floats has been questioned since auxiliary floats do not have steps. Water loads data show that, for floats without steps, the pressure is more uniform than that reflected in the K_3 factors in Figure 2, mainly because of the nature of the function of auxiliary floats and the flexibility of their mounting. The proposal would establish a K_3 value of 1 for determining the bottom pressure on auxiliary floats.

Proposal 51. Flammable fluid and combustible material fire protection §.*25.863*). 1. Section 25.863 would be amended to read as follows:

§ 25.863 Flammable fluid and combustible material fire protection.

(a) Unless it is shown that there are no combustible materials within and

that there is no possibility of flammable fluids entering the areas, the following areas must be equipped with approved quick acting fire or overheat detectors to give warning at the pilot or flight engineer station of a fire, and with means to extinguish any fire likely to occur therein:

(1) Compartments below the passenger compartments and flight deck floor, except cargo compartments which comply with the requirements of § 25.857.

(2) The landing gear wheel wells.

(3) The horizontal and vertical tail plane connecting area and region to the rear of the aft pressure or cabin bulkhead.

(b) In any area where flammable fluids or vapors might be liberated by the leakage of fluid systems, there must be means to prevent the ignition of those fluids or vapors by any other equipment and provisions to minimize the hazards in the event ignition does occur.

Explanation. Inflight fire warning and extinguishing systems, are required in powerplant and certain other compartments of transport category aircraft. By letter dated September 13, 1967, the Airline Pilot Association (ALPA) petitioned for rule making to extend the inflight fire warnings system and extinguishing means to include other sections of the airplane, and to require that Class D cargo compartments be provided with the same fire detection and fire extinguishing systems as are required in Class C cargo compartments. The FAA believes that the present inflight fire warning requirements, the broad requirements pertaining to flammable fluids, and other "fire-safety" rules have to a large extent minimized the hazards associated with inflight fires. The amendments and additions to these requirements set forth in other proposals in this notice would further decrease the hazards of fire. Similarly, expanding the inflight fire warning and extinguishing systems as requested by ALPA would further minimize the hazards associated with a fire. However, as submitted, the ALPA proposal would have required means of fire detection and extinguishing in certain compartments even though they contained no combustible materials or source of flammable fluid leakage. Since this would be an unnecessary burden, the proposal herein is limited to areas having combustible materials or the possibility of flammable fluid leakage. It is also recognized that a relatively large number of fire detectors located throughout the airplane might increase the problem of false alarms, and comments on this item are especially solicited. The requirement for a means to extinguish any fire likely to occur in a particular compartment would not necessarily require a system employing an extinguishing agent. For example, it might be shown that in a certain region the quantity of combustible materials and fire resistance of the surrounding components are such that any fire occurring therein would extinguish itself without hazard.

The ALPA proposal would also eliminate the present Class D cargo or baggage compartment classification. These compartments do not have fire detectors, and ventilation control is relied upon to isolate and suffocate a fire. This portion of the ALPA proposal has not been included in this notice because the FAA has a research program underway on cargo compartment fire protection criteria, which is expected to be completed in July 1968. The results of this program will be included in the NPRM on Phase II Crashworthiness and Passenger Evacuation.

Section 25.863 provides that where flammable fluids might be liberated by the leakage of fluid systems, there must be means, either to prevent ignition by any other equipment, or to control any fire resulting from ignition. Service experience has shown that either of these methods, by itself, can be rendered ineffective. The proposal would remove this alternative and would require means to prevent ignition by other equipment in all cases, backed up with provisions to minimize hazards in the event ignition does occur. In the areas specified in proposed § 25.863(a), these back-up provisions might be provided by the detection and extinguishing means required by that paragraph. In other areas, where detection and extinguishing means might be impracticable, the back-up provisions might, for example, consist of means to limit the fluid leakage and fireproofing or isolation of critical parts.

PROPULSION PROPOSALS

Proposal 1. Combustion heater fire protection (*§ 25.859(e)(2)*). Section 25.859 (a)(2) would be amended to read as follows:

§ 25.859 Combustion heater fire protection.

* * * * *

(e) * * *

(2) The means of complying with subparagraph (1) of this paragraph for any individual heater must—

(i) Be independent of components serving any other heater whose heat output is essential for safe operation; and

(ii) Keep the heater off until restarted by the crew.

Explanation. The proposal would add to the heater safety control requirements of § 25.859 a requirement that the means must, in the event of malfunction, keep the heater off until restarted by the crew. This would prevent the possibility of automatic recycling of the heater after shutdown which might permit the continuation of, or increase a potentially hazardous condition. The proposed requirement is identical to the present requirement of § 29.859(e)(2)(ii) for transport category rotorcraft; and it is particularly applicable to transport category airplanes since the heaters in these airplanes are generally installed in compartments which are inaccessible in flight.

Proposal 2. Combustion heater fire protection (heater exhaust) (*§ 25.859(g)*). Section 25.859(g) would be amended by striking out the words "in the means exhaust system" in the second sentence of paragraph (g) and inserting the words "in the design of the heater exhaust system" in place thereof.

Explanation. The proposal would correct an inadvertent error by changing the requirement that there must be provisions "in the means exhaust system" to "in the design of the heater exhaust system".

Proposal 3. Installation, fault analysis (*new § 25.901(c)*). A new § 25.901(c) would be added to read as follows:

§ 25.901 Installation.

* * * * *

(c) It must be established by fault analysis, component tests, or simulated environmental tests, that no single failure or likely combination of failures of any powerplant system will jeopardize the safe operation of the airplane, except that failures of structural elements need not be considered when the probability of such failures is extremely remote.

Explanation. The present regulations do not specificially cover a fault analysis of the powerplant system. However, a rule similar to the requirements for equipment systems is needed. For example, on installation of air turbine engine starters, there have been instances where the automatic shutoff for engine bleed air to the starter either failed or inadvertently opened in flight. This caused over-temperature and over-speed conditions, and in one instance fragments of the starter penetrated the starter housing, the engine and the engine cowling. The possibility of secondary damage is also great due to the location of the starter with respect to the main engine compartment and flammable fluid-carrying lines and accessories. Since failures are likely to occur even when protective devices are installed to protect against catastrophic consequences, the proposal would require a fault analysis, component tests, or simulated environment tests, to ensure the safety of the airplane.

Proposal 4. Control of engine rotation (*§ 25.903(c)*). Section 25.903(c) would be amended to read as follows:

§ 25.903 Engines.

* * * * *

(c) *Control of engine rotation and restart capability.* There must be means for stopping the rotation of any engine individually in flight, except that, for turbine engine installations, the means for stopping the rotation of any engine need be provided only where continued rotation could jeopardize the safety of the airplane. Each component of the stopping and restarting system on the engine side of the firewall that might be exposed to fire must be at least fire resistant. Means to restart any engine in flight must be provided. If hydraulic propeller feathering systems are used for this purpose, the feathering lines must be at least fire resistant under the operating conditions that may be expected to exist during feathering.

Explanation. Section 25.903(c) requires engines to have means for stopping and restarting engine rotation, but

turbine engines need not comply with this rule if continued engine rotation would not jeopardize the safety of the airplane. The purpose of the original rule was to provide inflight restart capability for reciprocating engines, and the rule was subsequently amended to include turbine engines. The rule is not clear with respect to the restart of any engine, due in part to the fact that the restart and stopping means for both types of engines are covered in the same sentence. Notwithstanding the language in the rule, the FAA is not aware of any transport category airplane with engines that do not have a restart capability. Such a capability is necessary during operational training and could be paramount during precautionary or inadvertent engine shutdown. Although engine-out performance is required by other rules, non use of an engine, inadvertently shutdown, reduces generally the overall safety otherwise provided with the full engine performance designed for the airplane. The proposal would clarify the rule regarding the restarting of any engine, and would set forth the requirement for stopping engine rotation in a separate sentence.

Proposal 5. Turbine engine installations (*§ 25.903(d)*). Section 25.903(d) would be amended to read as follows:

§ 25.903 Engines.

* * * * *

(d) *Turbine engine installations.* For turbine engine installations—

(1) Design precautions must be taken to minimize the hazards to the airplane in the event of an engine rotor failure or of a fire originating within the engine which burns through the engine case.

(2) The powerplant systems associated with engine control devices, systems, and instrumentation, must be designed to give reasonable assurance that those engine operating limitations that adversely affect turbine rotor structural integrity will not be exceeded in service.

Explanation. The engine rotor blade containment requirement of § 25.903(d) is redundant since § 25.903(a) requires each engine to be type certificated under Part 33 and § 33.19 requires rotor blade containment as a condition for engine certification. The proposal would delete that portion of § 25.903(d) pertaining to rotor blade failure considerations. Also, all engines certificated to the requirements of § 33.27 must have (a) turbine rotors capable of withstanding damage inducing factors and (b) control devices, systems, and instrumentation which will preserve the engine rotor structural integrity. Since all certificated engines must incorporate turbine rotors capable of withstanding damage inducing factors, the proposal would delete this requirement from § 25.903(d)(1). However, the requirement of § 25.903(d)-(2) pertaining to control devices, systems, and instrumentation to protect the engine is still necessary in some installations to provide such protection as a result of installation features. In addition, even though § 33.27 contains specific requirements to minimize the probability of turbine rotor failure, turbine and compressor rotors have failed in service. Engine fires have burned through the engine case with torch-like effectiveness. These failures were due to maintenance factors, engine defects due to service uses, material defects, and to some extent, design deficiencies. The incidents have not caused catastrophic damage because of the basic engine location in under-wing pods. However, the present rules do not preclude engine locations in other areas of an airplane where severe damage is more likely to be caused by engine failures. The proposal would permit flexibility in the design of engine installations and at the same time it would minimize any hazard to flight safety.

Proposal 6. Turbojet engine reverser system tests (*new § 25.934*). A new § 25.934 would be added to read as follows:

§ 25.934 Turbojet engine thrust reverser system tests.

Thrust reversers installed on turbojet engines must meet the requirements of § 33.97.

Explanation. Part 25 does not require substantiation of turbojet engine thrust reverser systems which are not provided with and substantiated as part of the engine certification. The proposal would add a new section (§ 25.934) which would require all thrust reversers installed on turbojet engines to meet the requirements of § 33.97. This would assure that the same testing requirements would apply to airframe manufacturers, engine manufacturers, and all other applicants.

Proposal 7. Fuel system, general (*§ 25.951(b)*). Section 25.951(b) would be amended to read as follows:

§ 25.951 General.

* * * * *

(b) Each fuel system must be arranged so that hazardous amounts of air cannot be introduced into the system by any fuel pump.

Explanation. Section 25.951(b) provides that no fuel pump can draw fuel from more than one tank at a time unless there are means to prevent introducing air into the system. This is unnecessarily restrictive, and the proposal would limit the requirement to a hazardous amount of air in order to permit greater freedom in the design of the system.

Proposal 8. Unusuable fuel supply (*§ 25.959*). Section 25.959 would be amended to read as follows:

§ 25.959 Unusable fuel supply.

The unusable fuel quantity for each fuel tank and its fuel system components must be established at not less than the quantity at which the first evidence of engine malfunction occurs under the most adverse fuel feed condition for all intended operations and flight maneuvers involving fuel feeding from that tank.

Explanation. Section 25.959 requires the determination of the unusable fuel supply for each tank on the basis of the quantity of fuel in each tank at which the first indication of malfunctioning of the engines occurs. Since the quantity of fuel for the entire airplane fuel system is related to malfunctioning of the engines, engine malfunctioning is of greater significance in determining the actual unusable fuel supply. The proposal would require these factors to be used in establishing the unusable fuel supply.

Proposal 9. Fuel system hot weather operation climb test temperature (*§ 25.961(a)(5)*). Section 25.961(a)(5) would be amended to read as follows:

§ 25.961 Fuel system hot weather operation.

(a) * * *

(5) The fuel temperature must be as high as the maximum fuel temperature value selected by the applicant for the operation of the aircraft, but it may not be less than 110° F.

* * * * *

Explanation. Section 25.961(a)(5) requires a fuel temperature of not less than 110° F. for the climb test. The purpose of the rule is to determine whether or not a vapor lock or other engine malfunction will occur in hot weather operation during takeoff and climb. However, under the rule an applicant who desires approval for an airplane operating at a temperature higher than 110° F. need only substantiate 110° F. in the climb test. The proposal would require the test to be accomplished at the highest temperature selected by the applicant for the operation of the airplane, but it may not be less than 110° F.

Proposal 10. Fuel system hot weather requirement, critical pump inoperative condition (*§ 25.961*). Section 25.961(a) would be amended by inserting after the second sentence the following: "Compliance with this section must be shown with the main or emergency pump inoperative, whichever is more critical from the standpoint of vapor formation. Failure need not be considered of a fuel injection pump approved as part of the engine".

Explanation. Section 25.991(b) requires emergency pumps or another main pump to feed each engine immediately after failure of any pump which is not an engine driven fuel injection pump. However § 25.961 does not expressly state that compliance with the requirements of § 25.961 must be shown before and after failure of any main pump or of the emergency pump. The proposal would clearly state this requirement.

Proposal 11. Protection of fuel system components from wheels-up landings (*new § 25.994*). A new § 25.994 would be added to read as follows:

§ 25.994 Fuel system components.

Fuel system components in an engine nacelle or in the fuselage must be protected from damage which could cause the release of fuel as a result of a wheels-up landing.

Explanation. Release of fuel from damaged fuel system components causes a potential fire hazard. Under present requirements, fuel system components

other than fuel tanks are not specifically required to be protected from damage as a result of a wheels-up landing, and the proposal would correct this deficiency.

Proposal 12. Fuel strainer or filter (*§ 25.997(a)(1)*). Section 25.997(a)(1) would be amended to read as follows:

§ 25.997 Fuel strainer or filter.

(a) * * *

(1) Between the tank outlet and the engine-driven positive displacement pump inlet when an engine-driven positive displacement pump is used.

* * * * *

Explanation. Section 25.997(a)(1) requires a fuel strainer or filter between the tank and the fuel metering device of the engine. There have been instances where two filters were required when a two-element pump was used, one filter upstream of each pump element. However, service experience has shown that filter protection is necessary only for positive displacement pumps. In addition, tests show that the centrifugal type booster pump stage can ingest and pass on substantial quantities of metallic and nonmetallic foreign matter. This foreign matter is caught in the strainer installed between the booster pump and other components provided on the engine. Since the centrifugal booster pump stage does not need filter protection, and positive displacement pumps do need inlet protection, the proposal would require a fuel strainer or filter between the tank outlet and the engine-driven positive displacement pump inlet when the latter pump is used. While a filter between the tank outlet and the engine centrifugal pump could cause a severe pressure drop unless a large filter is used, the proposal would not prohibit a filter in this location if it can be shown to be practical.

Proposal 13. Oil tank fillers (*§ 25.1013(c)(2)*). Section 25.1013(c)(2) would be amended by striking out the reference to "§ 25.1557(c)" and inserting the reference to "§ 25.1557(b)(2)" in place thereof.

Explanation. Section 25.1557(b)(2) prescribes the oil filler marking requirements referred to in § 25.1013(c)(2), and the proposal would correct the erroneous reference to § 25.1557(c).

Proposal 14. Oil tank test pressure (*§ 25.1015(b)(1)*). Section 25.1015(b)(1) would be amended to read as follows:

§ 25.1015 Oil tank tests.

* * * * *

(b) * * *

(1) The test pressure must be at least 5 p.s.i. instead of the pressure specified in § 25.965(a), except that for pressurized tanks, the test pressure may not be less than 5 p.s.i. plus the maximum operating pressure of the tank; and

* * * * *

Explanation. Section 25.1015(b)(1) specifies a test pressure of 5 p.s.i. irrespective of whether or not the tank is pressurized. Pressurized oil tanks are being used on some aircraft, particularly on turbine engine powered aircraft, and under the rule it would be possible for oil systems on these aircraft to have a tank which is subject to a greater pressure than that for which it is substantiated. While the current rule is adequate for unpressurized tanks, the test pressure for pressurized oil tanks should be established at a value great enough to make it extremely remote that the pressure would be exceeded in service. The proposal would require the test pressure for pressurized tanks to be not less than 5 p.s.i. plus the maximum operating pressure of the tank.

Proposal 15. Air induction, turbine engine powered airplanes (*§ 25.1091(d)(2)*). Section 25.1091(d)(2) would be amended to read as follows:

§ 25.1091 Air induction.

* * * * *

(d) * * *

(2) The airplane must be designed to prevent water or slush on the runway, taxiway, or other airport operating surfaces from being directed into the engine air inlet ducts in hazardous quantities, and the air inlet ducts must be located or protected so as to minimize the ingestion of foreign matter during takeoff, landing, and taxiing.

Explanation. Section 25.1091(d)(2) requires the air inlet ducts to be located or protected so as to minimize ingestion of foreign matter during takeoff, landing, and taxiing. Service experience has shown that flameouts still occur due to ingestion of water and slush. Engines mounted on the fuselage are more prone to ingest water and slush picked up from the runway by the landing gear and the airflow of the engines but, regardless of engine location, the probability of ingestion should be evaluated. The proposal would require design precautions to assure safe operation of the airplane when water or slush is on the runway, taxiway or other airport operating surface.

Proposal 16. Induction system deicing and anti-icing provisions for turbine engines (*§ 25.1093(b)*). Section 25.1093(b) would be amended to read as follows:

§ 25.1093 Induction system deicing and anti-icing provisions.

* * * * *

(b) *Turbine engines.* Each turbine engine must be able to operate throughout its flight power range without adverse effect on engine operation or serious loss of power or thrust, under the icing conditions specified in Appendix C, except that, if the expected operations would involve exposure to icing conditions for longer durations than those resulting from traversing the horizontal distances specified in Appendix C (for example, in holding patterns), the longer durations must be taken into account. This must be shown by the analysis and tests specified in § 25.1419 (b) and (c). There must be means to indicate to appropriate flight crewmembers the functioning of the powerplant ice protection system.

Explanation. The induction ice protection system should be adequate for the conditions under which the airplane will be operated. Realistic conditions, including prolonged exposure to maximum icing conditions while in a holding pattern should be considered since it is probable that an airplane will have to hold in such icing conditions. The present rule can be interpreted to require a system adequate only for passage through the cloud and icing conditions described in the tables of Appendix C, to Part 25. The proposal would require the analysis and tests specified in § 25.1419 (b) and (c) to be performed to establish the adequacy of the ice protection system based on the airplane's intended operation.

Proposal 17. Turbine engine bleed air system (*new § 25.1103(d)*). A new § 25.1103(d) would be added to read as follows:

§ 25.1103 Induction system ducts.

* * * * *

(d) For turbine engine bleed air systems no hazard may result if a duct rupture or failure occurs at any point between the engine port and the airplane unit served by the bleed air.

Explanation. The induction system ducts requirements of § 25.1103 do not specifically cover turbine engine bleed air system failures. Engine bleed air is used for airplane services and failures of hot pipes have resulted in over-pressure and over-temperature conditions in the compartments where the failures occurred. Bleed air can be at pressures as high as 338 p.s.i. and at temperatures up to 1,000° F. Hot pipes failures have occurred in service, and the proposal would require an investigation to be made to determine that no hazard to the airplane will result if a duct rupture occurs at any point between the engine port and the airplane bleed service.

Proposal 18. Engine power and thrust, and antidetonant injection system controls (*§ 25.1143*). Section 25.1143 would be amended to read as follows:

§ 25.1143 Engine power and thrust, and antidetonant injection system controls.

(a) There must be a separate power or thrust control for each engine.

(b) Power and thrust controls must be arranged to allow—

(1) Separate control of each engine; and

(2) Simultaneous control of all engines.

(c) Each power and thrust control must provide a positive and immediate responsive means of controlling its engine.

(d) If there is an antidetonant injection system, the flow of A.D.I. fluid must be automatically controlled with relation to the amount of power produced by the engine. In addition to the automatic control, there must be a separate control for the A.D.I. pumps.

(e) Each power or thrust control must have means to prevent inadvertent movement of the power or thrust control into any position that will reduce the fuel flow to the engine (engines) below the fuel flow necessary for normal flight idle operation. The means must have a positive lock or stop at the flight idle position and must require a separate and distinct operation by the crew to displace the control from the flight idle position.

Explanation. Section 25.777 requires each cockpit control to be located in a manner to prevent confusion and inadvertent operation, and § 25.1141(a) requires each control to be located so that it cannot be inadvertently operated by personnel entering, leaving or making normal movements in the cockpit. The emphasis of these regulations is directed to the prevention of inadvertent operation. The power and thrust controls on many turbine powered aircraft also serve as fuel cutoffs at the fuel control unit. The normal arrangement of these controls is such that continued motion aft of the idle position places the control in the cutoff position. The movement of power controls into the cutoff range during critical portions of the flight path when engine relights could not be obtained could have catastrophic results. Continued aft motion beyond the idle position is most probable during descent, approach, and landing when the probability of inadequate altitude to permit relights would be high. Thus, positive means to preclude inadvertent movement of the control into the cutoff range is necessary and the proposal would require such means. In addition, the proposal would extend present § 25.1143 to include all power and thrust controls.

Proposal 19. Engine ignition systems (*§ 25.1165(f)*). Section 25.1165(f) would be amended to read as follows:

§ 25.1165 Engine ignition systems.

* * * * *

(f) Each ignition system must be independent of any electrical circuit not used for assisting, controlling, or analyzing the operation of that system.

* * * * *

Explanation. Section 25.1165(f) requires each ignition system to be independent of any electrical circuit not used for analyzing the operation of that system. The proposal would relax the present rule to permit greater freedom of design in order to encourage the incorporation of desirable features in the system. The addition of the words "assisting" and "controlling" to the rule would provide for the addition of automatic features to the system and would up date the rule in keeping with the present state-of-the-art.

Proposal 20. Lines, fittings, and components (*§ 25.1183*). Section 25.1183 would be amended by amending the title and paragraph (a) to read as follows:

§ 25.1183 Lines, fittings, and components.

(a) Except as provided in paragraph (b) of this section, each line, fitting, and other component carrying flammable fluids in any area subject to engine fire conditions, and each fuel line, fitting, and other flammable fluid system component in a designated fire zone, must meet the following requirements:

(1) Each line, fitting, and component must be at least fire resistant.

(2) Each flexible hose assembly (hose and end fitting) must be approved.

Explanation. The intent of the rules covering fire protection in engine compartments is to require the lines, fittings, and components of flammable fluid systems to be at least fire resistant. However, § 25.1183 mentions only lines and fittings, and no rule specifically refers to other components which may be part of flammable fluid systems. In the absence of a specific reference to other flammable fluid system parts, it could be assumed that only the lines and fittings have to be fire resistant. The proposal would eliminate this ambiguity and would make the section compatible with the proposed definition of "fire resistant" set forth in Proposal 28, infra, which refers to both fluid-carrying lines and fluid-system parts.

Proposal 21. Flammable fluid shutoff means, turbine engine installations (*§ 25.1189(a)*). Section 25.1189(a) would be amended to read as follows:

§ 25.1189 Shutoff means.

(a) Each engine and each fire zone specified in § 25.1181(a) (4) and (5) must have a means to shut off or otherwise prevent hazardous quantities of fuel, oil, deicer, and other flammable fluids, from flowing into, within, or through any designated fire zone, except that shutoff means are not required for—

(1) Lines forming an integral part of an engine; and

(2) Oil systems for turbine engine installations which have integral or engine mounted oil tanks with fireproof external oil system components.

* * * * *

Explanation. Section 25.1189(a) requires flammable fluid shutoff means. However, the majority of the large turbine-powered transport airplanes have been certificated without a shutoff means for their oil systems. The deviations from the oil shutoff means requirement were permitted on the basis that equivalent safety was otherwise achieved since the oil tanks were close to the engine, the quantities of oil were relatively small, and all component materials were fireproof. The service experience of these airplanes has shown that oil shutoff means are not essential, and the proposal would relax the requirement for oil shutoff means on turbine engine installations.

Proposal 22. Flammable fluid shutoff means (*new §§ 25.1189(g), (h), and (i)*). New § 25.1189 (g), (h), and (i) would be added to read as follows:

§ 25.1189 Shutoff means.

* * * * *

(g) Each flammable fluid shutoff valve and control must be fireproof or must be located so that exposure to fire will not affect its operations.

(h) Each tank-to-engine shutoff valve must be located so that the operation of the valve will not be affected by powerplant or engine mount structural failure.

(i) Each shutoff valve must have a means to relieve excessive pressure accumulation unless a means for pressure relief is otherwise provided in the system.

Explanation. Section 25.1189(d) requires each shutoff means to be located outside of the designated fire zones unless equivalent safety is otherwise provided. The shutoff means control should meet the same criteria, however, it is not covered by the rule. Suppression of a flammable fluid flow has been demonstrated to be the most effective and convenient means of controlling powerplant fires in airplanes. Because of the importance of the shutoff means, it should be designed to function not only under the wide range of temperatures encountered in normal service, but also under sustained high temperatures and fire unless means can be found to protect it effectively. It is imperative that actuation of the shutoff means be possible in an emergency resulting from any likely failure including an engine or engine mount structural failure. Excessive pressure accumulation could also affect the operation of the shutoff means, and should be considered in the design of the system. The proposal would add such requirements to § 25.1189.

Proposal 23. Engine accessory section diaphragm (*new § 25.1192*). A new § 25.1192 would be added to read as follows:

§ 25.1192 Engine accessory section diaphragm.

For reciprocating engines, the engine power section and all portions of the exhaust system must be isolated from the engine accessory compartment by a diaphragm that complies with the firewall requirements of § 25.1191.

Explanation. Diaphragms were formerly required under Part 4b.488 and served to isolate the most probable ignition sources (the power section and exhaust system on reciprocating engines) from the most probable sources of flammable material. The discussion in the preamble of Amendment 4b–12, which deleted the requirement, implied that so long as a fire extinguisher system is provided to extinguish a fire in the engine compartment, additional protection is not necessary, However, fire extinguishing systems are not equivalent to diaphragms. The purpose of a diaphragm is to confine a power section fire to that section where the shutoff would be most effective. A fire extinguishing system is useful only after a fire has started. Section 25.1187 recognizes the need for ventilation and drainage in the event of a failure or malfunction of flammable fluid components to prevent fires. If means for preventing a fire are reasonably effective, safety is better served by making use of such means rather than eliminating such means and permitting a fire to start on the assumption that it can be extinguished. Deletion of the diaphragm requirements eliminated one of the basic ways for separating flammable fluid sources from probable ignition sources, and the proposal would reinstate the requirements for reciprocating engines.

Proposal 24. Fire extinguisher systems (*§ 25.1195(b)*). Section 25.1195(b) would be amended to read as follows:

§ 25.1195 Fire extinguisher systems.

* * * * *

(b) The fire extinguishing system, the quantity of the extinguishing agent, the rate of discharge, and the discharge distribution must be adequate to extinguish fires. An individual "one shot" system may be used for auxiliary power units, fuel burning heaters, and other combustion equipment. For other designated fire zones, two discharges must be provided both of which produce adequate agent concentrations. It must be possible to direct both discharges to any main engine installation.

• • • • •

Explanation. The existing rules do not cover distribution of the extinguishing agent, although distribution has been found to be a necessary element for an adequate fire extinguishing system. The current rules require that the system, the quantity of the extinguishing agent, and the rate of discharge be sufficient to provide two adequate discharges. To comply literally with this requirement, it would only be necessary to assure that each discharge is adequate with respect to the quantity of agent and the rate at which it is discharged. That compliance with this rule is not adequate with respect to distribution has been demonstrated during fire extinguishing system evaluations using the FAA fire extinguishing agent concentration recorder (the Statham gas analyzer). Almost invariably, on the first trial, the system was found to be unsatisfactory with respect to distribution, and it was necessary to adjust the system in order to provide the necessary concentration in all areas of the protected zones for extinguishment. The proposal would assure that the distribution of the agent, as well as the quantity and rate are adequate.

Proposal 25. Extinguishing agent containers (new § 25.1199(e)). A new §25.1199(e) would be added to read as follows:

§ 25.1199 Extinguishing agent containers.

• • • • •

(e) If a pyrotechnic capsule is used to discharge the extinguishing agent, each container must be installed so that temperature conditions will not cause hazardous deterioration of the pyrotechnic capsule.

Explanation. The present rules do not cover the use of pyrotechnic capsules to discharge extinguishing agent from a container. If these capsules are used, special precautions may be needed to prevent undue deterioration of the capsule due to excessive temperature exposure. It is anticipated that the use of pyrotechnic capsules may increase because of the weight savings they provide, and the proposal would require that consideration be given to the temperature conditions in the area where the capsule is located since the capsules' useful life is an inverse function of the temperature.

Proposal 26. Fire-detector system (§ 25.1103). Section 25.1203 would be amended by striking out the words "fire detector" (or "fire-detector") wherever they appear in §§ 25.1203 (b) through (f) and inserting the words "fire or overheat detector" in place thereof.

Explanation. Section 25.1203(a) requires fire or overheat detectors to detect fires. The succeeding paragraphs of the rule further describe "fire" detectors but do not refer to "overheat" detectors. Since either type of detector is permissible, the proposal would make an editorial correction to clarify the rule.

Proposal 27. Powerplant instruments (§ 25.1305). Section 25.1305 would be amended to read as follows:

§ 25.1305 Powerplant instruments.

The following are required powerplant instruments:

(a) *For all airplanes.* (1) A fuel pressure warning means for each engine, or a master warning means for all engines with provision for isolating the individual warning means from the master warning means.

(2) A fuel quantity indicator for each fuel tank.

(3) An oil quantity indicator for each oil tank.

(4) An oil pressure indicator for each independent pressure oil system of each engine.

(5) An oil pressure warning means for each engine, or a master warning means for all engines with provision for isolating the individual warning means from the master warning means.

(6) An oil temperature indicator for each engine.

(7) Fire-warning indicators.

(8) An augmentation liquid quantity indicator (appropriate for the manner in which the liquid is to be used in operation) for each tank.

(b) *For reciprocating engine powered airplanes.* In addition to the powerplant instruments required by paragraph (a) of this section, the following powerplant instruments are required:

(1) A carburetor air temperature indicator for each engine.

(2) A cylinder head temperature indicator for each air-cooled engine.

(3) A manifold pressure indicator for each engine.

(4) A fuel pressure indicator (to indicate the pressure at which the fuel is supplied) for each engine.

(5) A fuel flowmeter, or fuel mixture indicator, for each engine without an automatic altitude mixture control.

(6) A tachometer for each engine.

(7) A device that indicates, to the flight crew (during flight), any change in the power output, for each engine with—

(i) An automatic propeller feathering system, whose operation is initiated by a power output measuring system; or

(ii) A total engine piston displacement of 2,000 cubic inches or more.

(8) A means to indicate to the pilot when the propeller is in reverse pitch, for each reversing propeller.

(c) *For turbine engine powered airplanes.* In addition to the powerplant instruments required by paragraph (a) of this section, the following powerplant instruments are required:

(1) A gas temperature indicator for each engine.

(2) A fuel flowmeter indicator for each engine.

(3) A tachometer (to indicate the speed of the rotors with established limiting speeds) for each engine.

(4) A means to indicate, to the flight crew, the operation of each engine starter that can be operated continuously but that is neither designed for continuous operation nor designed to prevent hazard if it failed. (d) *For turbojet engine powered airplanes.* In addition to the powerplant instruments required by paragraphs (a) and (c) of this section, the following powerplant instruments are required:

(1) An indicator to indicate a change in thrust resulting from any deficiency in the engine, or to indicate a gas stream pressure than can be related to thrust, for each engine.

(2) A position indicating means to indicate to the flight crew when the thrust reversing device is in the reverse thrust position, for each engine using a thrust reversing device.

(e) *For turbopropeller powered airplanes.* In addition to the powerplant instruments required by paragraphs (a) and (c) of this section, the following powerplant instruments are required:

(1) A torque indicator for each engine.

(2) Position indicating means to indicate to the flight crew when the propeller blade angle is below the flight low pitch position, for each propeller.

(3) A means to indicate to the pilot when the propeller is in reverse pitch, for each reversing propeller.

Explanation. The arrangement of § 25.1305 is difficult to follow as there is an intermix of reciprocating, turbopropeller and turbojet requirements. The proposal would rearrange and classify the requirements to provide clarity without changing the substance of the rule.

Proposal 28. Definition of "fireproof" and "fire resistant" (Part 1, § 1.1). Part 1, § 1.1 would be amended by amending the definitions of "fireproof" and "fire resistant" to read as follows:

PART 1—DEFINITIONS AND ABBREVIATIONS

§ 1.1 General definitions.

• • • • • •

"Fireproof"—

(1) With respect to materials and parts used to confine fire in a designated fire zone, means the capacity to withstand at least as well as steel in dimensions appropriate for the purpose for which they are used, the heat produced when there is a severe fire of extended duration in that zone; and

(2) With respect to other materials and parts, means the capacity to withstand the heat associated with fire at least as well as steel in dimensions appropriate for the purpose for which they are used.

"Fire resistant"—

(1) With respect to sheet or structural members, means the capacity to withstand the heat associated with fire at least as well as aluminum alloy in dimensions appropriate for the purpose for which they are used; and

(2) With respect to fluid-carrying lines, fluid system parts, wiring, air ducts, fittings, and powerplant controls, means the capacity to perform the intended functions under the heat and other conditions likely to occur when there is a fire at the place concerned.

• • • • •

Explanation. The present definitions of "fireproof" and "fire resistant" in § 1.1 do not (except for the title) clearly indicate that the heat referred to is the heat associated with a fire. Moreover, the words "likely to occur" in the definition do not properly convey the intent that fire is to be considered a distinct possibility. However, it should be made clear that the protection provided must be related to the heat which is likely to occur when there is a fire. If sheet or structural members are involved, the material used should be as resistant to fire as aluminum alloy in appropriate dimensions. If fluid carrying lines and other specified components are used, they should be capable of performing their intended functions under the heat likely to occur when there is a fire. The function of the sheet and structural members in the event of a fire is to preserve their shape and integrity to the maximum extent consistent with the fire conditions so that safety of flight will not be further jeopardized. The function of the fluid carrying lines, etc., in the event of a fire is to remain intact and operable until measures can be taken to reduce the hazard and to make a safe landing. Fire resistant materials, where specified, have been determined to be necessary for those particular applications under the critical conditions of fire, and it is also possible that they would be more than adequate to meet other conditions. The proposed definitions would also make it clear that the materials so designated are required to withstand the heat associated with fire and would remove the ambiguity introduced by the term "likely to occur."

SYSTEMS AND EQUIPMENT PROPOSALS

Proposal 1. Flight and navigation instruments (§§ 25.1303, 25.1321, 25.1585 (a), and 25.1587(a)). 1. Section 25.1303 would be amended to read as follows:

§ 25.1303 Flight and navigation instruments.

(a) The following flight and navigation instruments must be installed so that the instrument is visible from each pilot station:

(1) A free air temperature indicator or an air-temperature indicator which provides indications that are convertible to free-air temperature.

(2) A clock (sweep-second pointer).

(3) A direction indicator (nonstabilized magnetic compass).

(b) The following flight and navigation instruments must be installed at each pilot station:

(1) An airspeed indicating system. If airspeed limitations vary with altitude, the indicator must have a maximum allowable airspeed indicator showing the variation of V_{MO} with altitude.

(2) An altimeter (sensitive).

(3) A rate-of-climb indicator (vertical speed).

(4) A rate-of-turn indicator (gyroscopic, with integral bank or slip indicator).

(5) A bank and pitch indicator (gyroscopically stabilized).

(6) A direction indicator (gyroscopically stabilized, magnetic or nonmagnetic).

(c) The following flight and navigation instruments are required as prescribed in this paragraph:

(1) A speed warning device is required for turbine engine powered airplanes and for airplanes with V_{MO}/M_{MO} greater than $0.8V_{DF}/M_{DF}$ or $0.8V_D/M_D$. The speed warning device must give effective aural warning (differing distinctively from aural warnings used for other purposes) to the pilots, whenever the speed exceeds V_{MO} plus 6 knots or $M_{MO}+0.01$. The upper limit of the production tolerance for the warning device may not exceed the prescribed warning speed.

(2) A machmeter is required at each pilot station for airplanes with compressibility limitations not otherwise indicated to the pilot by the airspeed indicating system required under paragraph (b)(1) of this section.

2. Section 25.1321(a) would be deleted and § 25.1321 (b), (c), (d), and (e) would be redesignated as § 25.1321 (a), (b), (c), and (d), respectively.

3. Section 25.1585(a) would be amended by striking out the word "and" at the end of subparagraph (5); by striking out the period at the end of subparagraph (6) and inserting a semicolon and the word "and" in place thereof; and by adding a new subparagraph (8) to read as follows:

§ 25.1585 Operating procedures.

(a) • • •

(8) Use of fuel jettisoning equipment (including information to warn flight crewmembers against jettisoning fuel when any means (including flaps, slots, and slats) for changing the airflow across or around the wings are being used).

• • • • •

4. Section 25.1587(a) would be amended to read as follows:

§ 25.1587 Performance information.

(a) *Each airplane.* For each airplane the Airplane Flight Manual must contain information to permit conversion of the indicated temperature to free-air temperature if other than a free-air temperature indicator is used to comply with the requirements of § 25.1303(a)(1).

• • • • •

Explanation. Section 25.1303 prescribes the required types of flight and navigation instruments, and it was intended that the quantity of each instrument would be prescribed by other sections. However, the rules do not provide a clear basis for determining the number of each instrument that is required. Service experience has shown that certain of these instruments should be installed at each pilot station so that the airplane can be controllable with equal safety by either pilot. The installation of one of each of the other instruments is acceptable if they meet the visibility requirements of § 25.1321. The proposal would classify the instruments according to the number of each instrument that is required; would include in a separate paragraph those instruments which are required only in specified airplanes; and would delete § 25.1321(a) as being superfluous.

The proposal would also delete from present § 25.1303(a)(2) the provision permitting a "precision" altimeter to be used in lieu of a "sensitive" altimeter since it is not a required instrument under § 121.305. The term precision altimeter is not defined in the regulations and does not have any significant meaning. In addition, present § 25.1303 (a)(4) would be amended to permit the use of either total-air or ram-air temperature indicators with the provision that a chart be included in the Airplane Flight Manual to permit conversion of that temperature to free air temperature. Service experience has shown that these indicators (with the inclusion of a conversion chart in the Airplane Flight Manual) provide a level of safety equivalent to the free air temperature indicator. The proposal would also transfer the Airplane Flight Manual information requirement pertaining to fuel jettisoning which is now set forth in § 25.1587(a) under performance information to § 25.1585, which contains the operating procedures information requirements.

Proposal 2. Miscellaneous equipment (§ 25.1307). Section 25.1307 would be amended to read as follows:

§ 25.1307 Miscellaneous equipment.

The following is required miscellaneous equipment:

(a) A seat and safety belt, for each occupant.

(b) Two or more independent sources of electrical energy.

(c) Electrical protective devices, as prescribed in this part.

(d) Two independent systems for two-way radio communications, with controls for each accessible from each pilot station.

(e) Two independent systems for radio navigation, with controls for each accessible from each pilot station.

(f) A windshield wiper, or equivalent, for each pilot station.

(g) An ignition switch, for each engine.

(h) Portable fire extinguishers as prescribed in § 25.853 (e) and (f).

Explanation. Section 25.1307 prescribes the required miscellaneous equipment and also prescribes the required quantity in some cases. The proposal would amend § 25.1307 to specify the quantity in all cases.

Proposal 3. Equipment systems and installations (25.1309). Section 25.1309 would be amended by renumbering paragraphs (c), (d), and (e) as paragraphs

(e), (f), and (g), respectively, and by making the appropriate changes to the paragraph references in those paragraphs and by amending paragraph (b) and by adding new paragraphs (c) and (d) to read as follows:

§ 25.1309 Equipment systems and installations.

* * * * *

(b) The airplane systems and associated components, considered separately and in relation to other systems, must be designed so that—

(1) The occurrence of a failure condition which could result in injury to the occupants or prevent the continued safe flight and landing of the airplane without exceptional skill or strength on the part of the crew is extremely improbable, and

(2) The occurrence of any other failure conditions which could reduce the capability of the airplane or the ability of the crew to cope with adverse operating conditions or cause marginal physiological conditions for the occupants is minimized.

For the purposes of this paragraph, "failure condition" means a single failure or malfunction, or damage from external sources, and any combination of failures, malfunctions and damage from external sources.

(c) Means must be provided to alert the crew to unsafe system operating conditions, and to enable them to take appropriate corrective action. Systems, controls, and associated monitoring and warning means must be designed to minimize the possibility of crew errors that would create additional hazards.

(d) Compliance with the requirements of paragraphs (b) and (c) of this section must be shown by analysis, supported where necessary by appropriate ground, flight, or flight simulator tests. The analysis must consider the possible modes of failure, the resulting effects on the airplane and occupants considering the stage of flight and operating conditions, the crew warning cues and corrective action required, and the capability of detecting faults.

Explanation. Service experience has shown that in complex systems consisting of many components, more than one failure can occur during the same flight. New airplane designs are placing more dependence on the functioning of such systems, for example, fully powered control systems with no means of manual actuation. Where the consequences of complete loss of system function would be catastrophic, combinations of failures and multiple failures due to common causes must be considered, and sufficient reliability, redundancy, and isolation provided to make catastrophic systems failure as improbable as that of the basic airframe. Failures that result in serious degradation of flight characteristics, a large increase in crew workload, or difficult emergency procedures can become hazardous if they occur in conjunction with adverse operating conditions. The occurrence of such failures should therefore be minimized by providing sufficient reliability or redundancy in the critical systems. The more common types of failure, which can be expected to recur from time to time in service, should not cause a significant reduction in the ability of the airplane or crew to cope with adverse operating conditions. Service experience also shows that proper consideration of warning cues, and systems controls and operating procedures is necessary to minimize crew errors. A comprehensive systematic failure analysis, supported by appropriate tests, is necessary to ensure that the safety objectives are met. These concepts were originally developed for the SST Tentative Airworthiness Standards, and have been discussed at several conferences with industry. The proposal sets forth those concepts which are considered generally applicable to all new type transport category airplanes.

Proposal 4. Equipment systems and installation, essential loads (§ 25.1309(c)). Section 25.1309(c) (proposed § 25.1309 (e)), would be amended by adding a new subparagraph (4) reading as follows:

§ 25.1309 Equipment systems and installations.

* * * * *

(c) * * *

(4) Essential loads, for which two sources of power are required by this chapter, after any failure or malfunction in any one power supply system, distribution system, or other utilization system.

* * * * *

Explanation. Section 25.1355(c) provides that if two independent sources of electrical power are required, their electrical energy supply must be ensured. Since required equipment for which two sources of power are required may be powered by other forms of energy, the proposal would extend the principle of § 25.1355(c) to other energy systems.

Proposal 5. Instruments using a power supply (§ 25.1331(a)). Section 25.1331(a) would be amended by striking out the second sentence in subparagraph (2); by striking out subparagraph (3) and by amending the leadin sentence to read as follows:

§ 25.1331 Instruments using a power supply.

(a) For each instrument required by § 25.1303(b) that uses a power supply, the following apply:

* * * * *

Explanation. The installation requirements of § 25.1331 for instruments using a power supply are specifically limited in § 25.1331(a) to rate-of-turn, bank and pitch, and direction indicators. The requirements are equally applicable to all flight and navigation instruments required by § 25.1303(b) which use a power supply and the proposal would make the rule applicable to all such instruments. Similarly, the requirements of § 25.1331 (a)(2) that each instrument must have two independent power sources and a means for selecting either source is also valid for all required instruments. However, the second sentence of the subparagraph is inconsistent with the purpose of the requirement, and would be deleted. In addition, § 25.1331(a)(3) would be deleted since the requirements of that subparagraph are included in the proposed amendments to §§ 25.1309(c)(4) and 25.1333(b).

Proposal 6. Instrument systems (§25.1333). Section 25.1333 would be amended to read as follows:

§ 25.1333 Instrument systems.

For systems that operate the instruments required by § 25.1303(b) which are located at the first and second pilot's stations—

(a) Means must be provided to connect the required instruments at the first pilot's station to operating systems which are independent of the operating systems at other flight crew stations, or other equipment, unless other equally effective provisions are made for detecting and isolating faults in the instruments and systems;

(b) The systems must be designed so that information essential to the safety of flight which is provided by the instruments, including attitude, direction, airspeed, and altitude will be immediately available to the pilots after any single failure or combination of failures that is not shown to be extremely improbable; and

(c) Additional instruments, systems, or equipment may not be connected to the operating systems for the required instruments, unless provisions are made to ensure the continued normal functioning of the required instruments in the event of any malfunction of the additional instruments, systems, or equipment which is not shown to be extremely improbable.

Explanation. Modern developments in instrument systems, such as air data computers and inertial platforms, provide improved accuracy but involve instrument and system interconnections and other characteristics not appropriately covered in the present rules. The proposal would permit these interconnections, but require consideration of combinations of failures to maintain the necessary level of safety.

Proposal 7. Distribution system (§ 25.1355). Section 25.1355 would be amended by striking out paragraphs (b) and (c).

Explanation. Section 25.1355 (b) and (c) are too detailed to be applicable in a general way to all modern energy distribution system designs. The pertinent requirements have been incorporated into the proposed amendment to § 25.1309(c)(4) and these paragraphs would be deleted.

Proposal 8. Hydraulic systems, design (§ 25.1435). Section 25.1435(a)(4) would be amended to read as follows:

§ 25.1435 Hydraulic systems.

(a) * * *

(4) There must be means to ensure that system pressures, including transient pressures and pressures from fluid volumetric changes in components which are likely to remain closed long enough for such changes to occur—

(i) Will be within 90 to 110 percent of pump average discharge pressure at each pump outlet or at the outlet of the pump transient pressure dampening device, if provided; and

(ii) Will not exceed 125 percent of the design operation pressure, excluding pressures at the outlets specified in subdivision (i) of this subparagraph. Design operating pressure is the maximum steady operating pressure.

* * * * *

Explanation. Section 25.1435(a)(4) requires means to ensure that no pressure will exceed a "safe limit" above design operating pressure, and to prevent "excessive pressures" resulting from fluid volumetric changes. These general requirements do not provide a definition of the significant terms "safe limit" and "excessive pressures." Service experience has shown that the current general requirements are too broad to ensure the necessary reliability in modern complex hydraulic systems. In order to make the requirements meaningful and to preclude questions of intent, the proposal would prescribe specific standards which would provide a satisfactory system having a reasonable minimum level of demonstrated reliability. The proposed standard would limit transient pressures to relatively low specific values; different values of over-pressure would be established for the complete system and for the pump; and maximum permissible over-pressures would be established at 125 percent for the system in general and ±10 percent for pump ripple.

These amendments are proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

Issued in Washington, D.C., on August 16, 1968.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 68-10117; Filed, Aug. 21, 1968; 8:48 a.m.]

Federal Highway Administration

[49 CFR Part 294]

[Docket No. MC-6; Notice 68-6]

PUBLIC AVAILABILITY OF ACCIDENT REPORTS

Notice of Extension of Time To File Comments

On July 16, 1968, the Federal Highway Administration published in the FEDERAL REGISTER (33 F.R. 10153), an advance notice of proposed rule making, to consider amending Part 294 of the Motor Carrier Safety Regulations by revoking § 294.1 of that part.

Interested persons were invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may have desired. All comments were to be received on or before the close of business August 23, 1968.

The National Association of Motor Bus Owners (NAMBO) has petitioned that the time for filing comments on this docket "be extended from August 23 to September 23, 1968." The basis for the petition by NAMBO is to, "have an opportunity to consider all the problems involved in the pending proposal and to review various alternative courses of action."

Upon consideration of the foregoing and in accordance with the requirements of § 289.16 of the rule making procedures for Motor Carrier Safety Regulations (33 F.R. 8493), the time within which to file comments on this rule making action is extended for all interested persons to the close of business September 23, 1968.

Issued in Washington, D.C., on August 21, 1968.

JOHN R. JAMIESON,
Deputy Federal
Highway Administrator.

[F.R. Doc. 68-10206; Filed, Aug. 21, 1968; 9:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[R 1250]

CALIFORNIA

Notice of Classification of Public Lands for Multiple-Use Management

AUGUST 14, 1968.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–18) and the regulations in 43 CFR Parts 2410 and 2411, the public lands within the areas described below are hereby classified for multiple-use management. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Publication of this notice has the effect of segregating the described lands from appropriation only under (a) the agricultural land laws (43 U.S.C., Chs. 7 and 9, and 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171); and (b) the lands described in paragraph 5 from appropriation under the mining laws (30 U.S.C., Ch. 2). The lands shall remain open to all other applicable forms of appropriation.

3. No adverse comments were received following publication of a notice of proposed classification (33 F.R. 90) or at the public hearing in Independence, Calif., which was held on June 21, 1968. The record can be examined in the Bakersfield District Office.

4. The public lands affected by this classification are located within the following described areas and are shown on maps designated 2412–04–01, 04–05–06 (R–1250) in the District Office, Room 311, Federal Building, 800 Truxtun Avenue, Bakersfield, Calif., and at the Land Office of the Bureau of Land Management, 1414 University Avenue, Riverside, Calif.

The overall descriptions of the areas are as follows:

SALINE PLANNING UNIT

INYO COUNTY

Mount Diablo Meridian, California

All public land within the boundaries described below:

Beginning at the corner of sections 1, 6, 36, and 31, Tps. 10 and 11 S., Rs. 40 and 41 E., on the western boundary of Death Valley National Monument;

Thence southerly along the western boundary of Death Valley National Monument in Tps. 11 to 16 S., Rs. 40, 41, and 42 E. to the township line between Tps. 16 and 17 S.;

West along the south boundary of T. 16 S. to the northeast corner of section 1, T. 17 S., R. 41 E.;

South along the east line of R. 41 E., in Tps. 17 S., 18 S., and 19 S., to the north boundary of the Naval Weapons Center;

West along the north boundary of the Naval Weapons Center between Tps. 19 and 20 S. to the corner of secs. 3, 4, T. 20 S., R. 38 E.;

Southerly along the west boundary of the Naval Weapons Center in Tps. 20, 21, 22, 23, and 24 S. to the Inyo-Kern County line;

West along Inko-Kern County line to the Los Angeles Aqueduct in sec. 32, T. 24 S., R. 38 E.;

Northerly along the Los Angeles Aqueduct to the township line of Tps. 21 and 22 S.;

West along the south section line of secs. 34 and 33, T. 21 S., R. 37 E. to the boundary of the Inyo National Forest;

Northerly along the Inyo National Forest boundary in Tps. 21, 20, and 19 S. to the corner of secs. 1 and 2, 35 and 36, Tps. 18 and 19 S.;

East along the township line between Tps. 18 and 19 S. to the meander line of Owens Lake in sec. 33 of T. 18 S.;

Northerly along the meander line of Owens Lake in Tps. 18 and 17 S. to a point at which the Cerro Gordo Mine Road reaches the lake;

Northeasterly along the Cerro Gordo Mine Road to the Cerro Gordo Mine;

Northwesterly along the crest of the Inyo Mountains to the boundary of the Inyo National Forest in T. 13 S., R. 37 E.;

North along the east boundary of the Inyo National Forest to the corner of secs. 1, 6, 36, and 31, Tps. 10 and 11 S., Rs. 36 and 37 E.;

East on the township line between 10 and 11 S. to the place of beginning.

PANAMINT PLANNING UNIT

INYO COUNTY

Mount Diablo Meridian, California

All public land within the boundaries described below:

Beginning at the northwest corner of sec. 6, T. 17 S., R. 42 E.;

Thence south along the range line between Rs. 41 and 42 E. to the boundary of the Naval Weapons Center in T. 20 S.;

Southerly along the boundary of the Naval Weapons Center in Tps. 20, 21, 22, 23, and 24 S. to the Inyo-San Bernardino County line;

East along the Inyo-San Bernardino County line to the boundary of Death Valley National Monument in T. 24 S., R. 47 E.;

Northerly along the Death Valley National Monument in Tps. 24, 23, 22, 21, 20, 19, 18, and 17 S. to the township line between Tps. 16 and 17 S.;

West along the township line between Tps. 16 and 17 S. to the point of beginning.

BITTERWATER PLANNING UNIT

INYO COUNTY

San Bernardino Meridian, California

All public land within the boundaries described below:

Beginning at the intersection of the east boundary of Death Valley National Monument and the California-Nevada State line in T. 20 N., R. 4 E.;

Thence southerly along the Death Valley National Monument boundary in Tps. 27, 26, 25, 24, 23, 22, 21, and 20 N., Rs. 3, 4 and 5 E. to the Inyo-San Bernardino County line;

Easterly along the Inyo-San Bernardino County line to the California-Nevada State line;

Northwesterly along the California-Nevada State line to the point of beginning.

The public lands being classified aggregate approximately 1,868,950 acres.

5. The following described lands are further segregated from appropriation under the mining laws (30 U.S.C. Ch. 2), approximately 880 acres.

SALINE PLANNING UNIT

MOUNT DIABLO MERIDIAN

T. 18 S., R. 41 E.,
Sec. 34, SE¼SW¼, SW¼SE¼.

PANAMINT PLANNING UNIT

MOUNT DIABLO MERIDIAN

T. 17 S., R. 42 E.,
Sec. 7, SE¼;
Sec. 8, SW¼;
Sec. 17, NW¼, N½SW¼;
Sec. 18, NE¼, N½SE¼.

6. For a period of 30 days from date of publication of this notice in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior, as provided for in 43 CFR 2411.2c.

J. R. PENNY,
State Director.

[F.R. Doc. 68–10089; Filed, Aug. 21, 1968; 8:45 a.m.]

[Nevada 057944]

NEVADA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

AUGUST 14, 1968.

Notice of a Bureau of Sport Fisheries and Wildlife application, Nevada 057944, for withdrawal and reservation of lands for the establishment of the Railroad Valley Wildlife Management Area was published as F.R. Doc. 61–12069, on page 12224 of the issue for December 21, 1961, as amended by F.R. Doc. 63–7042, on page 6887 of the issue for July 4, 1963. The application has been canceled, with the concurrence of the applicant agency, insofar as it affects the following described lands:

MOUNT DIABLO MERIDIAN, NEV.

T. 7 N., R. 55 E.,
Secs. 1, 2, 3, 9, 10, 11, 12, 13, 14, all;
Sec. 22, E½;
Secs. 23, 24, all;
Sec. 27, E½.
T. 8 N., R. 55 E.,
Sec. 1, SE¼;
Sec. 11, SE¼SW¼, SE¼;
Sec. 12, E½, SW¼;
Sec. 13, N½, N½S½;
Sec. 14, NE¼, NE¼NW¼, N½SE¼;
Sec. 22, all;
Sec. 23, S½;
Secs. 25, 26, 27, 34, 35, 36, all.
T. 8 N., R. 56 E.,
Sec. 1, N½, SE¼;
Secs. 4, 5, 6, 7, 8, all;
Sec. 9, W½;
Sec. 12, NE¼, S½;
Sec. 13, all;
Sec. 16, W½;
Sec. 17, all;
Sec. 18, E½, NW¼, N½SW¼;
Sec. 19, E½;
Secs. 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, all.
T. 9 N., R. 56 E.,
Sec. 25, all;
Sec. 32, S½NE¼, S½SW¼, SE¼;
Sec. 33, all;
Sec. 34, N½;
Sec. 35, N½;
Sec. 36, all.
T. 8 N., R. 57 E.,
Secs. 5, 6, 7, 8, all;
Sec. 10, SE¼;
Sec. 15, W½NE¼, S½SE¼;
Secs. 17, 18, 19, 20, 21, 22, all;
Sec. 27, N½NE¼, NW¼, W½SW¼;
Secs. 28, 29, 30, all.
T. 9 N., R. 57 E.,
Secs. 31, 32, all;
Sec. 33, N½;
Sec. 34, N½;
Sec. 35, E½, N½NE¼NW¼, S½SE¼NE¼NW¼, SW¼NE¼NW¼, W½NW¼, SE¼NW¼, SW¼.

Therefore, pursuant to the regulations contained in 43 CFR 2311, such lands at 10 a.m., on September 18, 1968, will be relieved of the segregative effect of the above-mentioned application.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 68–10090; Filed, Aug. 21, 1968; 8:45 a.m.]

[New Mexico 4871]

NEW MEXICO

Notice of Proposed Classification

AUGUST 16, 1968.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), notice is hereby given of a proposal to classify the land described below for disposal through exchange under section 8 of the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315g), as amended, for lands within Valencia County, N. Mex.

The District Advisory Board, local governmental officials and other interested parties have been notified of this application. Information derived from discussions and other sources indicate that these lands meet the criterion of 43 CFR 2410.1–3(c)(4), which authorizes classification of lands "for exchanges under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which we need for the support of a Federal program." Information concerning the lands, including the record of public discussions, is available for inspection and study in the Land Office, Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex. 87501; Socorro District Office, 200 Neel Avenue, Socorro, N. Mex. 87801, Roswell District Office, Post Office Box 1397, Roswell, N. Mex. 88201.

For a period of 60 days from the date of this publication, interested parties may submit comments to the District Manager of the Socorro or Roswell District Office.

The lands affected by this proposal are located in Chaves and De Baca Counties, N. Mex., and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 3 S., R. 23 E.,
Sec. 25;
Sec. 26, N½.
T. 4 S., R. 23 E.,
Sec. 5, lots 1, 2, S½NE¼ and SE¼;
Secs. 10 and 11;
Sec. 12, SW¼ and SW¼SE¼;
Sec. 13, S½N½ and S½;
Sec. 17;
Sec. 18, E½;
Sec. 20;
Sec. 24, N½N½, SE¼SW¼, and S½SE¼.
T. 5 S., R. 23 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 12, N½.
T. 3 S., R. 24 E.,
Sec. 19, W½NE¼ and SE¼;
Sec. 20, S½;
Sec. 26, S½S½;
Sec. 27, S½S½;
Sec. 28, SW¼ and S½SE¼;
Sec. 29, E½;
Sec. 30, lots 3, 4, E½SW¼ and SE¼;
Secs. 33, 34 and 35.
T. 4 S., R. 24 E.,
Sec. 1, lots 2, 3, 4, S½NE¼, SW¼NW¼, and N½SE¼;
Sec. 3, lots 1, 2, 3 and S½;
Sec. 4, SE¼NE¼, SE¼NW¼, E½SW¼, SW¼SW¼, and SE¼;
Sec. 7, lot 4, SE¼SW¼ and S½SE¼;
Sec. 9;
Sec. 10, W½E½ and W½;
Sec. 11, E½ and E½W½;
Sec. 14, NE¼;
Sec. 15, W½E½ and W½;
Sec. 17;
Sec. 18, lot 1, N½NE¼, NE¼NW¼, and SE¼;
Sec. 19, NE¼;
Sec. 22, NE¼NE¼, W½E½, and W½;
Sec. 23, NW¼NW¼;
Sec. 26, SW¼SW¼;
Sec. 27, W½E½, W½, and SE¼SE¼;
Sec. 28;
Sec. 29, NW¼NW¼, S½NW¼, and SW¼;
Sec. 30, lots 3, 4, SE¼NE¼, E½SW¼, and SE¼;
Sec. 31, lot 3, SE¼SW¼ and S½SE¼;
Sec. 33, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 34;
Sec. 35, W½W½.
T. 5 S., R. 24 E.,
Sec. 3, lots 1, 2, 3, 4, S½NE¼, SE¼NW¼, NW¼SW¼, S½SW¼, N½SE¼, and SE¼SE¼;
Sec. 4, lot 1, S½NW¼ and N½S½;
Sec. 5, lots 1, 2, and S½NE¼;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1, 2, NE¼ and E½NW¼;
Sec. 10, NW¼.

The areas described aggregate 20,426.49 acres.

W. J. ANDERSON,
State Director.

[F.R. Doc. 68–10091; Filed, Aug. 21, 1968; 8:46 a.m.]

[OR 3660]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 15, 1968.

The Bureau of Land Management, U.S. Department of the Interior, has filed an application, Serial No. OR 3660, for the withdrawal of the O&C and public domain lands described below, from all forms of appropriation under the public land laws including the mining laws, but not the mineral leasing laws.

The applicant desires the lands to protect the Wildwood, Salmon Falls, Missouri Bend, and Umpqua Recreation Sites for public recreational use.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street, Post Office Box 2965, Portland, Oreg. 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the veiw of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN

O&C LAND

Wildwood Recreation Site

T. 2 S., R. 7 E.,
Sec. 31, S½NE¼, SW¼SW¼, E½SW¼, and SE¼.

Salmon Falls Recreation Site

T. 8 S., R. 4 E.,
Sec. 31, lots 3, 4, and 10.

Missouri Bend Recreation Site Addition

T. 14 S., R. 9 W.,
Sec. 13, NE¼SE¼SW¼.

Umpqua Recreation Site

T. 25 S., R. 7 W.,
Sec. 9, lots 1, 2, 3, and 4;
Sec. 15, lot 3.

PUBLIC DOMAIN LAND

Umpqua Recreation Site

T. 25 S., R. 7 W.,
Sec. 10, lot 2.

The areas described aggregate 621.07 acres.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 68-10092; Filed, Aug. 21, 1968; 8:46 a.m.]

Geological Survey

MISSISSIPPI AND WYOMING

Definitions of Known Geologic Structures of Producing Oil and Gas Fields

Pursuant to 43 CFR 3120.2-2(b) notice is hereby given that the known geologic structures of producing oil and gas fields have been defined as follows:

NAMES OF FIELD, EFFECTIVE DATE, ACREAGE

(24) MISSISSIPPI

Levees Creek (revision); August 26, 1967; 755.

(50) WYOMING

Cow Creek (revision); November 22, 1967; 2,362.
Espy; April 12, 1968; 2,307.
Grieve (revision); April 4, 1968; 2,440.
Reno; February 29, 1968; 8,170.
South Bagga-Pole Gulch (revision); September 22, 1967; 9,152.

Maps and diagrams showing the boundaries of the defined structures have been filed with the appropriate land office of the Bureau of Land Management and are also of record in the Geological Survey, Washington, D.C.

ARTHUR A. BAKER,
Acting Director.

AUGUST 15, 1968.

[F.R. Doc. 68-10095; Filed, Aug. 21, 1968; 8:46 a.m.]

Office of the Secretary

MONTANA

Restoration of Land in Heart Butte School Reserve to Blackfeet Tribe

Whereas, pursuant to authority contained in the Act of Congress approved March 1, 1907 (34 Stat. 1015, 1036), certain land was reserved within the Blackfeet Indian Reservation, Mont., for the Heart Butte farm station and day school, and

Whereas, there are certain remaining lands within the reserve referred to which are desired by the Indians and which are surplus to government needs, and

Whereas, the Tribal Business Council and the Commissioner of Indian Affairs have recommended restoration of the lands involved to tribal ownership,

Now, therefore, by virtue of the authority vested in the Secretary of the Interior by the Act of Congress approved March 1, 1907 (34 Stat. 1015, 1036), the following described parcel of land is hereby restored to tribal ownership of the Blackfeet Tribe of the Blackfeet Indian Reservation subject to any valid existing rights: E½SW¼SW¼, E½W½SW¼SW¼, Sec. 7, T. 29 N., R. 9 W., Montana principal meridian, Montana, comprising an area of 30 acres.

DAVID S. BLACK,
Acting Secretary of the Interior.

AUGUST 16, 1968.

[F.R. Doc. 68-10087; Filed, Aug. 21, 1968; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order 107]

ASSISTANT REGIONAL COMMISSIONERS ET AL.

Delegation of Authority Regarding Taxes

AUGUST 15, 1968.

Authority to determine that certain "Savings Institutions" do not intend to avoid taxes by paying dividends or interest for periods representing more than 12 months.

1. The authority granted to the Commissioner of Internal Revenue under 26 CFR 1.461-1(e)(3)(ii) to determine that an organization referred to therein does not intend to avoid taxes (and therefore be permitted to deduct one-tenth of the amount of dividends or interest not allowed as a deduction for a taxable year under 26 CFR 1.461-1(e)(1) in each of 10 succeeding taxable years) is hereby delegated to the following officials:

(a) Assistant Regional Commissioners (Appellate),

(b) District Directors,

(c) Director of International Operations,

(d) Chiefs, Appellate Branch Offices,

(e) Associate Chiefs, Appellate Branch Offices,

(f) Assistant Chiefs, Appellate Branch Offices,

(g) Assistant District Directors, and

(h) Chiefs of District Audit Divisions.

2. The authority delegated to Assistant Chiefs, Appellate Branch Offices, is limited to cases in which the net deficiency or the net overassessment determined by the District Director or by the Director of International Operations did not exceed $50,000 and the determination of the Appellate Division does not involve a net overassessment in excess of $50,000.

3. This authority may be redelegated only by District Directors and the Director of International Operations, who may redelegate to the Chief of Review Staff (or to the Chief of Technical Branch where that position has been established) and Chief of Conference Staff.

[SEAL] SHELDON S. COHEN,
Commissioner.

[F.R. Doc. 68-10147; Filed, Aug. 21, 1968; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

1967-CROP LOAN COTTON

Notice of Acquisition

All outstanding loans on cotton under Commodity Credit Corporation's 1967 Cotton Loan Program matured on July 31, 1968. Notice is hereby given that if the borrower or a purchaser of his equity did not redeem the cotton securing any such outstanding loan before the close of business on July 31, 1968, Commodity Credit Corporation, pursuant to the provisions of the loan agreement covering such loan, acquired title to such cotton at the close of business on July 31, 1968; and title, without a sale thereof, vested in Commodity Credit Corporation at such time. As provided in the loan agreement Commodity Credit Corporation will not pay for any market value which such cotton may have in excess of the loan value of the cotton plus applicable charges and interest.

In the event a producer has made a fraudulent representation in the loan documents or in obtaining the loan, CCC shall credit the market value of the cotton as of the date title vests in CCC, as determined by CCC, against the amount due on the loan and the producer shall be personally liable for any balance due on the loan.

Signed at Washington, D.C., on August 16, 1968.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 68-10125; Filed, Aug. 21, 1968; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

DEPARTMENT OF AGRICULTURE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897), and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00607-33-46040. Applicant: U.S. Department of Agriculture, Agricultural Research Service, Market Quality Research Division, 5578 Air Terminal Drive, Fresno, Calif. 93727. Article: Electron microscope, Model Elmiskop IA. Manufacturer: Siemens Corp., West Germany. Intended use of article: The article will be used for research concerning the investigations of insect pathology and host-parasite relationships of insects and microbial pathogens. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The only known comparable domestic instrument is the Model EMU-4 electron microscope manufactured by the Radio Corporation of America (RCA). Effective September 1968, the RCA Model EMU-4 has been redesigned to increase certain performance capabilities, with a quoted delivery time of 60 days. However, since the applicant placed the order for the foreign article prior to May 22, 1968, the determination of scientific equivalency has been made with reference to the characteristics and specifications of the RCA Model EMU-4 relevant at that time. (1) The foreign article is to be used in studies on insect pathology and host-parasite relationships and on insect viruses. The foreign article has a specified guaranteed resolution of 5 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the highest possible resolution is required. Therefore, the additional resolving capabilities of the foreign article are pertinent. (2) The foreign article provides accelerating voltages of 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU-4 provided accelerating voltages of only 50 and 100 kilovolts. It has been experimentally demonstrated that the lower and intermediate voltages afford a greater selection of voltages for optimum contrast in the specimen image. For the purposes for which the foreign article is intended to be used, the lower and intermediate accelerating voltages are pertinent.

For the foregoing reasons, we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-10102; Filed, Aug. 21, 1968; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 68-00594-33-46500. Applicant: U.S. Department of Agriculture, Human Nutrition Research Division, Agricultural Research Center, Beltsville, Md. 20705. Article: Ultramicrotome, LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare uniform ultrathin serial sections of cells for histological and histochemical studies concerning the cellular and subcellular level of animal tissues. A major emphasis is being placed on the fine structure of the cell wall in relation to the textural quality of meat. Application received by Commissioner of Customs: May 20, 1968.

Docket No. 68-00595-33-46500. Applicant: Michigan State University, Department of Microbiology and Public Health, East Lansing, Mich. 48823. Article: Ultramicrotome, LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare uniform ultrathin serial sections of cells required for studying bacterial morphogenesis and differentiation. Serial sections of high quality and uniformity are needed for optimal resolution of bacterial organelles. Application received by Commissioner of Customs: May 20, 1968.

Docket No. 68-00601-33-46500. Applicant: St. Margaret's Hospital, Department of Pathology and Medical Research, 90 Cushing Avenue, Dorchester, Mass. 02125. Article: Ultramicrotome, LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare sections of pathological tissues as well as cultured cell monolayers for electron microscopy. The ultrathin sections needed must be prepared in long series and cut in equal thickness throughout. Application received by Commissioner of Customs: May 21, 1968.

Docket No. 68-00650-33-46500. Applicant: New York University Medical Center, 550 First Avenue, New York, N.Y. 10016. Article: Ultramicrotome, LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to section long serial ultrathin sections to be used both in cancer research and student teaching at the graduate level. Cancer research involves the following projects:

1. Investigating the role of melanosomes in the respiration of malignant melanomas.

2. Determining the significance of organic free radicals formed from lipoperoxides of cytomembranes. Application received by Commissioner of Customs: June 14, 1968.

Docket No. 68-00663-33-46500. Applicant: Ecological Investigations Program, National Communicable Disease Center, 2002 West 39th Street, Kansas City, Kans. 66103. Article: Ultramicrotome, LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare ultrathin sections of biological materials for examination by electron microscopy. This biological material is obtained from persons and animals with leukemia and is examined for presence of virus particles. Application received by Commissioner of Customs: June 21, 1968.

Docket No. 68-00680-33-46500. Applicant: U.S. Department of Agriculture, Agriculture Research Service, Human Nutrition Research Division, Beltsville, Md. 20705. Article: Ultramicrotome, LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare ultrathin sections of microorganisms and diseased and healthy tissues for histochemical and cytochemical studies at the ultrastructural level. The resolution that is obtained in biological studies at the ultrastructural level is determined more by section thinness than the performance of the electron microscope. Application received by Commissioner of Customs: June 27, 1968.

Docket No. 68-00694-98-26000. Applicant: Rio Hondon Junior College District, 3600 Workman Mill Road, Whittier, Calif. 90608. Article: Device for the Theory of Electricity, Model EG ZA/ZT B. Manufacturer: Dr. Clemenz, West Germany. Intended use of article: The article will be used as a teaching aid for conducting a wide range of experiments in connection with the theory of electricity instructions. Application received by Commissioner of Customs: June 28, 1968.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-10103; Filed, Aug. 21, 1968; 8:47 a.m.]

NATIONAL INSTITUTES OF HEALTH, PUERTO RICO, ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69–00029–33–46500. Applicant: National Institutes of Health, Laboratory of Perinatal Physiology, Post Office Box 5095, San Juan, P.R. 00906. Article: Ultramicrotome, LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in studying the effects of hypoxia on mammalian myocardium with emphasis on the ultrastructure of sarcoplasmic reticulum and mitochondria. To determine as near as possible the three dimensional morphology of the sarcoplasmic reticulum, large numbers of serial sections of carefully controlled thickness must be studied. Application received by Commissioner of Customs: July 12, 1968.

Docket No. 69–00030–33–46500. Applicant: Mount Sinai School of Medicine, Department of Anatomy, Fifth Avenue and 100th Street, New York, N.Y. 10029. Article: Ultramicrotome, LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in investigation of the ultrastructural alterations of liver and salivary glands in various experimental conditions. These include the effect of drugs on liver and salivary glands which produce hyperplastic and hypertrophic enlargements of these organs. Serial sections, sections of different thickness and of large areas are needed for electron microscopic examinations. Application received by Commissioner of Customs: July 12, 1968.

Docket No. 69–00031–33–46020. Applicant: University of Louisville, 2301 South Third Street, Louisville, Ky. 40208. Article: Polarising Stereoscopic Microscope, Model MPS–1. Manufacturer: Technical and Optical Equipment (London) Ltd., United Kingdom. Intended use of article: The article will be used for studies of vascular disease, namely atherosclerosis and thrombosis. In atherosclerosis, it will be used to observe large fields of tissue in order to distinguish between cholestrol crystals which are birefringent and phospholipids which are not. Secondly, it will be used to examine large crystals prepared from fibrinogen and fibrin purifications. Application received by Commissioner of Customs: July 12, 1968.

Docket No. 69–00035–33–63200. Applicant: Veterans Administration Hospital, Lexington, Ky. 40507. Article: Pneumotaxic Guide. Manufacturer: Preci-Tool Ltd., Canada. Intended use of article: The article will be used for accurate placement of lesions deep within the brain of patients afflicted with Parkinson's, intractable pain, epilepsy, and certain types of movement disorders. Application received by Commissioner of Customs: July 15, 1968.

Docket No. 69–00036–33–79300. Applicant: Veterans Administration Hospital, 3495 Bailey Avenue, Buffalo, N.Y. 14215. Article: Multi-channel stethoscope, Type 16100. Manufacturer: Amplivox Exports Limited, United Kingdom. Intended use of article: The article will be used for group teaching in the detection of hard-to-hear cardiac sounds. Application received by Commissioner of Customs: July 15, 1968.

Docket No. 69–00038–33–14200. Applicant: Tufts University School of Medicine, 136 Harrison Avenue, Boston, Mass. 02111. Article: Image Analyzing Computer, Model QTMB/1 and accessories. Manufacturer: Metals Research Ltd., United Kingdom. Intended use of article: The article will be used for radioautographic analysis of the effects of various drugs on the growth of tumor cells. A radioautograph is a preparation of cells on a glass slide which is coated with photographic emulsion to detect any radioactivity which the cells may have. Application received by Commissioner of Customs: July 15, 1968.

Docket No. 69–00042–00–46040. Applicant: University of Pennsylvania, Administrative Offices, Philadelphia, Pa. 19104. Article: Exposure Meter with Timer, Number 171 466A. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used as an accessory to an existing electron microscope for measurement of exact exposure time. Application received by Commissioner of Customs: July 16, 1968.

Docket No. 69–00049–33–78095. Applicant: University of Miami, Coral Gables, Fla. 33124. Article: Fluorescence spectrophotometer, Model MPF–2A. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used to detect and identify carcinogenic metabolites in the urine and in the bladder mucosa. These substances are highly fluorescent and should be conducive to this project which is concerned with the study of the mechanism of production of cancer of the urinary bladder. Application received by Commissioner of Cutoms: July 19, 1968.

Docket No. 69–00050–00–77040. Applicant: National Communicable Disease Center, Toxicology Laboratory Pesticides Program, 1600 Clifton Road NE., Atlanta, Ga. 30333. Article: Mass Marker, Model LKB 9010, for use with Mass Spectrometer. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used as an accessory to an existing mass spectrometer. Application received by Commissioner of Customs: July 22, 1968.

Docket No. 69–00051–01–11000. Applicant: U.S. Department of Interior, Bureau of Sport Fisheries and Wildlife, Patuxent Wildlife Research Center, Laurel, Md. 20810. Article: Gas Chromatograph-mass spectrometer, Model LKB 9000. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for devleopment of methodology and performance of analytical determination for a wide range of contaminants that pollute the environment. Examples of research programs are as follows:

1. Separation of complex mixtures of extracts from wildlife to establish the structure of these unknown compounds.

2. Complete and accurate residue analysis for identification of unidentified metabolites.

3. Ability to identify steroids necessary for the nutrition of certain disease producing organisms.

4. Chemical identification of steroid reproductive hormones and their metabolic products. Application received by Commissioner of Customs: July 22, 1968.

Docket No. 69–00055–33–46500. Applicant: Spelman College, 350 Spelman Lane SW., Atlanta, Ga. 30314. Article: Ultramicrotome, LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for studies concerning the fine structure of the endogenous stages of the life cycle of a protozoan parasite of chickens. Various species of this parasite invade epithelial cells in different regions of the intestine of a chicken. Intestinal tissue infected with the several species of this protozoan will be prepared for observation with the electron microscope. This requires ultrathin sections in series and equal thickness throughout. Application received by Commissioner of Customs: July 24, 1968.

Docket No.: 69–00057–33–46500. Applicant: National Institutes of Health, Building 10, Bethesda, Md. 20014. Article: Ultramicrotome, LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in studies concerning bacterial morphogenesis and differentiation. A wide range of unknown biopsies from patients is also planned and it is essential that the ultramicrotome have as much versatility as possible. The widest possible range of cutting speeds is essential for sectioning these varied types of tissues for electron microscopy. Serial sections of high quality and uniformity are required for optimal resolution of the bacterial organelles. Application received by Commissioner of Customs: July 24, 1968.

Docket No. 69–00058–00–54800. Applicant: University of Michigan, Department of Ophthalmology, 5044 Kresge II, Ann Arbor, Mich. 48104. Article: Optical Bench Components. Manufacturer: Precision Tool and Instrument Co. Ltd., United Kingdom. Intended use of article: The article will be used to replace parts of existing scientific instruments used in research on the physiology of the eye and for teaching. Application received by Commissioner of Customs: July 24, 1968.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–10104; Filed, Aug. 21, 1968; 8:47 a.m.]

UNIVERSITY OF CHICAGO ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69–00006–98–34040. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Ill. 60439. Article: Microwave Oscillator Tube, Type C0E40B. Manufacturer: Compagnie Generale de Telegraphie Sans Fil, France. Intended use of article: The article will be used as a component of the proton polarized target system. The proton polarized target has been used in a number of high energy physics experiments and is scheduled for a number of future experiments. Application received by Commissioner of Customs: July 1, 1968.

Docket No. 69–00008–33–77040. Applicant: University of California, San Francisco Medical Center, Parnassus Avenue at Arguello, San Francisco, Calif. 94122. Article: Mass Spectrometer, Model MS–902. Manufacturer: Associated Electrical Industries, United Kingdom. Intended use of article: The article will be used for analytical chemical and biochemical problems in medical and other health-related research to determine the composition and structure of molecules available in minute quantities, and usually either isolated from biochemical transformation, or frequently in disease conditions as metabolic products or the result of congenital biochemical disorders in hormonal or related systems. Application received by Commissioner of Customs: July 3, 1968.

Docket No. 69–00011–33–46040. Applicant: Sonoma State College, 1801 East Cotati Avenue, Rohnert Park, Calif. 94928. Article: Electron Microscope, Model EM 9A. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used for teaching and research projects in biology, chemistry, physics, and geology. Projects underway for which this instrument will be used include such things as studies of the ultrastructure of plant cell walls and crystal particle analysis. Simplicity of operation and short training period will make this instrument ideal for teaching and research. Application received by Commissioner of Customs: July 3, 1968.

Docket No. 69–00012–01–07500. Applicant: Texas A. & M. University, Soil and Crop Science Department, College Station, Tex. 77843. Article: Precision Calorimetry System and Titration Assemblies. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to measure the heat exchange involved in ion exchange reactions for both systematic and naturally occurring ion exchanges. Application received by Commissioner of Customs: July 8, 1968.

Docket No. 69–00013–91–46500. Applicant: Colgate University, Hamilton, N.Y. 13346. Article: Ultramicrotome, LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to section plant tissue for observation under the electron microscope. The study includes differentiation of plant tissue in and near the apical meristem of Lychnis alba. The study is ultimately to be expanded to include a number of other dioecious dicotyledons. Application received by Commissioner of Customs: July 8, 1968.

Docket No. 69–00015–33–46040. Applicant: University of Kentucky, College of Agriculture, Agriculture Science Building, Lexington, Ky. 40506. Article: Electron Microscope, Model JEM–7A, and High Contrast Accessory. Manufacturer: Japan Electron Optics Laboratory, Ltd., Japan. Intended use of article: The article will be used for research in the following areas:

1. Study of fine structure of protein subunits in a mature virus particle, in particles being disrupted shortly after infection, and in particles being synthesized in infected cells.

2. Determination of the distribution of radioisotope labeled metal elements, as well as amino acid in and around mitochondrial membrane fragments.

3. Study of the effects of certain toxicants on the ultrastructure of biological membranes.

Application received by Commissioner of Customs: July 8, 1968.

Docket No. 69–00016–00–46040. Applicant: University of California, San Francisco Medical Center, 1438 South 10th Street, Richmond, Calif. 94804. Article: Short Focal Length. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used as an attachment to an existing electron microscope to improve the resolution power. Application received by Commissioner of Customs: July 8, 1968.

Docket No. 69–00017–33–46500. Applicant: University of Michigan, School of Dentistry, Department of Oral Biology, 1011 North University Street, Ann Arbor, Mich. 48104. Article: Ultra Microtome, Model SIDEA "Om U2". Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article will be used for sectioning sections of bone-containing tissue about 600 Angstrom units in thickness for electron microscopy. The research is a part of an investigation involving calcification of the developing teeth and associated bony structures, as well as including pain transmission through the hard structures of the tooth. Application received by Commissioner of Customs: July 8, 1968.

Docket No. 69–00025–33–46500. Applicant: National Institutes of Health, Building 10, Room 11N 313, Bethesda, Md. 20014. Article: Ultramicrotome, LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for sectioning thin sections of uniform thickness for comparative studies using enzyme digestions. This will be in connection with elucidating the chemical morphology of viruses. Application received by Commissioner of Customs: July 12, 1968.

Docket No. 69–00026–33–46500. Applicant: National Institutes of Health, Building 5, Room 127, Bethesda, Md. 20014. Article: Ultramicrotome, LKB 8800A Ultratome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in a proposed research program which requires that high resolution microscopy be carried out on virus-cell interrelationships. Uniformity and continuity of the sections to be studied are needed to evaluate the exact relationships of the virus and cirrus subunits with the cellular

components. Application received by Commissioner of Customs: July 12, 1968.

Docket No. 69-00027-33-46500. Applicant: University of Pittsburgh, Fifth and Bigelow Avenues, Pittsburgh, Pa. 15213. Article: Ultramicrotome, LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article. The article will be used for studies concerning the ultrastructure of various tissues. The work necessitates exact predetermined ultrathin sectioning of tissues in a serial form. The teaching goals in microscopy will be governed by the precision of the work that can be performed by the ultramicrotome. Application received by Commissioner of Customs: July 12, 1968.

Docket No. 69-00028-33-46500. Applicant: University of Rochester, 260 Crittenden Boulevard, Rochester, N.Y. 14620. Article: Ultramicrotome, LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in connection with the study of human brain tumors in tissue culture. Cells with giant nuclei and inclusions are of particular interest and are sectioned very thin with the ultramicrotome for observation under the electron microscope. It is hoped to learn the exact nature of material within the unusual nuclei and inclusions in these human brain tumors. Application received by Commissioner of Customs: July 12, 1968.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-10105; Filed, Aug. 21, 1968; 8:47 a.m.]

UNIVERSITY OF PENNSYLVANIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897), and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00617-33-46040. Applicant: University of Pennsylvania, New Bolton Center, School of Veterinary Medicine, Rural Delivery 1, Kenneth Square, Pa. 19348. Article: Electron microscope, Model Elmiskop IA. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used primarily for the bovine leukemia research program which encompasses the detection and ultrastructural examination of viruses at high magnifications. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The only known comparable domestic instrument is the Model EMU-4 electron microscope manufactured by the Radio Corporation of America (RCA). Effective September 1968, the RCA Model EMU-4 has been redesigned to increase certain performance capabilities, with a quoted delivery time of 60 days. However, since the applicant placed the order for the foreign article prior to June 3, 1968, the determination of scientific equivalency has been made with reference to the characteristics and specifications of the RCA Model EMU-4 relevant at that time. (1) The foreign article has a specified guaranteed resolution of 5 Angstroms. The RCA Model EMU-4 had a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the highest possible resolution is required. Therefore, the additional resolving capabilities of the foreign article are pertinent. (2) The foreign article provides accelerating voltages of 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU-4 provided only 50 and 100 kilovolt accelerating voltages. It has been experimentally demonstrated that the lower accelerating voltage of the foreign article furnishes better contrast for unstained specimens and the voltages intermediate between 50 and 100 kilovolts afford optimum contrast for negatively stained specimens. For the purposes for which the foreign article is intended to be used, the lower and intermediate accelerating voltages are pertinent.

For the foregoing reasons, we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-10106; Filed, Aug. 21, 1968; 8:47 a.m.]

Maritime Administration

[Report 91]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through August 9, 1968, exclusive of those vessels that called at Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP	*Gross tonnage*
Total, all flags (191 ships)	1,368,134
British (52 ships)	414,558
Antarctica	8,785
Arctic Ocean	8,791
Ardrowan	7,300
Athelcrown (tanker)	11,149
*Athellaird (tanker)	11,150
Athelmere (tanker)	7,524
Athelmonarch (tanker)	11,182
Avisfaith	7,868
Baxtergate	8,813
Changpaishan	8,929
Cheung Chau	8,566
Chiang Kiang	10,481
East Sea	9,679
Eastfortune	8,789
Eastglory	8,995
Fortune Enterprise	7,696
Glaisdale	6,854
Hemisphere	8,718
Ho Fung	7,121
Huntsfield	9,483
Huntsland	9,353
Huntsville	9,486
Inchstuart	7,043
**Jeb Lee (trip to Cuba under ex-name Garthdale—British)	7,542
Jollity	8,819
**Kali Elpis (trips to Cuba under ex-name Ardmore—British)	4,664
**Kelso (trips to Cuba under ex-name Ardgem—British)	6,981
Kinross	5,388
Magister	2,239
**Meadow Court (trips to Cuba under ex-name Ardrossmore—British)	5,820
Nancy Dee	6,597
Nebula	8,907
Newglade	7,368
Newheath	7,643
Newmoat	7,151
Oceantramp	6,185
Oceantravel	10,419
Peony	9,087
Red Sea (previous trip to Cuba under ex-name Grosvenor Mariner—British)	7,026
**Rosetta Maud (trips to Cuba under ex-name Ardtara—British)	5,795
Ruthy Ann	7,361
Sea Amber	10,421
Sea Coral	10,421
Sea Empress	9,841
Seasage	4,330
Shienfoon	7,127
**Shun Wah (trips to Cuba under ex-name Vercharmian—British)	7,265
Southgate (previous trips to Cuba under ex-name Arlington Court—British)	9,662
Venice	8,611
Vergmont	7,381
Yungutary	5,388
Yungfutary	5,388
Yunglutaton	5,414

See footnotes at end of document.

FLAG OF REGISTRY AND NAME OF SHIP	*Gross tonnage*
Cypriot (36 ships)	266,870
Acme	7,173
Aegis Hope (previous trips to Cuba under ex-name Huntsmore—British)	5,678
Agenor	7,139
Aiolos II (previous trips to Cuba—Lebanese)	7,256
*Akmeon (tanker)	11,105
Alice (previous trips to Cuba—Greek)	7,189
Amfithea (previous trip to Cuba under ex-name Antonia—Greek)	5,171
Amon	7,227
Angeliki	8,482
Anka	7,314
Antonia II (previous trip to Cuba under ex-name Stylianos N. Vlassopulos—Greek)	7,281
Apollonian	7,229
Areti (previous trips to Cuba—Lebanese)	7,176
Captain Papalios (tanker)	11,676
Claire (previous trips to Cuba—Lebanese)	5,411
Dorine Papilios (previous trips to Cuba under ex-name Formentor—British)	8,424
E. D. Papalios	9,431
El Toro	5,949
Free Navigator (previous trips to Cuba under ex-name Newdene—British)	7,165
Free Trader (previous trips to Cuba—Lebanese)	7,061
Gloria	7,277
Katerina (previous trips to Cuba—Lebanese)	9,357
**Laurel (trips to Cuba under ex-name Ioannis Aspiotlo—Lebanese)	7,297
Marika (trips to Cuba—Lebanese)	7,290
Mery (previous trips to Cuba—Greek)	7,258
Newforest (previous trips to Cuba—British)	7,189
Newgate (previous trips to Cuba—British)	6,743
**Newlane (trips to Cuba—British)	7,043
Newmoor (previous trips to Cuba—British)	7,168
Olga (previous trips to Cuba—Lebanese and Greek)	7,265
Protoklitos	6,154
**Skepsis (trips to Cuba under ex-name Akamas—Lebanese and Cypriot)	7,265
Sunrise (previous trips to Cuba under ex-name Anatoli—Greek)	7,216
Tina (previous trips to Cuba—Greek)	7,362
Vassiliki (previous trips to Cuba—Lebanese)	7,192
Zela M. (previous trips to Cuba—British)	7,237
Lebanese (19 ships)	128,001
Al Faris	1,143
Antonis	6,259
Astir	5,324
Atticos	7,257
Giannis	5,270
Giorgos Tsakiroglou	7,240
Ilena	5,925
Mantric	7,255
Marichristina	7,124
Mousse	9,307
Noelle	7,251
Panagos	7,134
Lebanese—Continued	
Rio	7,194
San Spyridon	7,260
Stevo	7,066
Tony	7,176
Toula	6,426
Vergolivada	6,339
Yanxilas	10,051
Polish (21 ships)	150,590
Baltyk	6,984
Bialystok	7,173
Bytom	5,967
Chopin	9,231
Chorzow	7,237
Energetyk	10,876
Grodziec	3,379
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,179
Huta Zgoda	6,840
Hutnik	10,847
Kopalnia Bobrek	7,221
Kopalnia Dziadz	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Narwik	7,065
Piast	3,184
Rejowiec	3,401
Transportowiec	10,854
Greek (13 ships)	87,906
Agios Therapon	7,205
**Aliartos (trip to Cuba under ex-name Loradore—British)	8,078
Andromachi (previous trips to Cuba under ex-name Penelope—Greek)	6,712
**Anna Maria (trips to Cuba under ex-name Heika—British)	2,111
Barbarino	7,084
Eftyhia	9,844
**Gold Land (trip to Cuba under ex-name Amfred—Swedish)	2,838
Irena	7,232
**Lambros M. Patais (trips to Cuba under ex-name La Hortensia—British)	9,486
Nicolaos F. (previous trip to Cuba under ex-name Nicolaos Frangistas—Greek)	7,199
Nikolis M.	7,176
Redestos	5,911
Sophia	7,030
Italian (5 ships)	34,870
Achille	8,950
Elia (tanker)	11,021
**Graziella Zeta (trips to Cuba under ex-name Montiron—Italian)	1,595
San Francesco	9,284
Santa Lucia	9,278
*Somalia	3,692
Panamanian (7 ships)	45,065
**Ampuria (trips to Cuba under ex-name Roula Maria—Greek)	10,608
**Avrancholse (trips to Cuba under ex-name Avranches—French)	7,199
**Cathay Trader (trips to Cuba under ex-name Suva Breeze—British)	4,996
**Chung Thai (trip to Cuba under ex-name Somalia—Italian)	3,352
**Tynlee (trip to Cuba under ex-name Ardenode—British)	7,036
**White Daisey (trips to Cuba under ex-name Anacreon—Greek)	6,935
**Yu Lee (trips to Cuba under ex-name Dairen—British)	4,939
Finnish (7 ships)	47,099
Atlas	3,916
Augusta Paulin	7,096
Isomeri	3,576
Jytte Paulin	7,010
Ragni Paulin	6,823
Sword (tanker)	11,631
Verna Paulin	7,047
French (6 ships)	19,316
**Atlanta (trip to Cuba under ex-name Enee—French)	1,232
Circe	2,874
Foulaya	3,739
Mungo	4,820
Nelee	2,874
Penja	3,777
Yugoslav (7 ships)	50,843
Bar	8,776
Kolasin	7,217
Mojkovac	7,142
Piva	7,519
Piod	3,657
Subicevac	9,033
Tara	7,499
Maltese (4 ships)	27,097
Amalia (previous trips to Cuba—British)	7,304
Ispahan	7,169
Socivye (previous trips to Cuba—British)	7,291
Timios Stavros (previous trips to Cuba—British and Greek)	5,333
Moroccan (4 ships)	32,746
Atlas	10,392
Marrakech	3,214
Mauritanie	10,392
Toubkal	8,748
Netherlands (2 ships)	1,615
Meike	500
Tempo	1,115
Pakistani (2 ships)	15,762
**Haringhata (trip to Cuba under ex-name Ardpatrick—British)	7,054
**Maulabaksh (trip to Cuba under ex-name Phoenician Dawn and East Breeze—British)	8,708
Somali (4 ships)	36,317
Aragon	7,201
Erato (previous trips to Cuba under ex-name Eretria—Greek)	7,199
**Senanque (trips to Cuba—French)	14,659
*Thios Costas	7,258
Guinean (1 ship)	852
**Drame Oumar (trip to Cuba under ex-name Neve—French)	852
Japanese (1 ship)	8,627
*Chokyu Maru	8,627

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

See footnote at end of document.

(a) That such vessels will not, thenceforth, be employed in the Cuban trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessel under their control will thenceforth be employed in the Cuban trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuban trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report:

	Gross tonnage
Greek (1 ship)	7,249
Calliopi Michalos	7,249

b. Previous reports:

	Number of ships
Flag of registry (total)	119
British	44
Cypriot	3
Danish	1
Finnish	2
French	1
German (West)	1
Greek	29
Israeli	1
Italian	12

FLAG OF REGISTRY AND NAME OF SHIP

Flag of registry—Continued	Number of ships
Japanese	1
Kuwaiti	1
Lebanese	9
Liberian	1
Norwegian	5
Spanish	6
Swedish	1
Yugoslav	1

SEC. 3. The following number of vessels have been removed from this list, since they have been broken up, sunk, etc.

Flag of registry:	Broken up, sunk or wrecked
British	13
Cypriot	12
Finnish	1
French	1
Greek	12
Italian	4
Lebanese	26
Maltese	1
Monaco	1
Moroccan	1
Norwegian	1
Panamanian	2
South African	2
Swedish	1
Yugoslav	5
Total	83

SEC. 4. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through August 9, 1968.

Flag of registry	Number of trips												
	1963	1964	1965	1966	1967	1968 Jan.	Feb.	Mar.	Apr.	May	June	July	Total
British	133	180	126	101	78	2	5	6	5	5	4	5	650
Lebanese	64	91	58	25	16	2		4	3		2		265
Greek	99	27	23	27	29		1	1	1			1	209
Cypriot		1	17	27	42	2	10	6	4	2	6	3	120
Italian	16	20	24	11	11		1		2			2	87
Yugoslav	12	11	15	10	14			1		2		1	66
French	8	9	9	10	10			1					47
Finnish	1	4	5	11	12	1	1	1					36
Spanish	8	17											25
Norwegian	14	10											24
Moroccan	9	13	1										23
Maltese		2	6	1	4	2		1		1		1	18
Somali					2		1	1		2			6
Netherlands		4	2										6
Swedish	3	3											6
Kuwaiti		2	1										3
Israeli			2										2
Japanese	1										1		2
Danish	1												1
German (West)	1												1
Haitian			1										1
Monaco				1									1
Subtotal	370	394	290	224	218	9	19	22	15	12	13	13	1,599
Polish	18	16	12	10	11	1		2	1	1			72
Grand total	388	410	302	234	229	10	19	24	16	13	13	13	1,671

NOTE: Trip totals in this section exceed ship totals in sec. 1 and 2 because some of the ships made more than 1 trip to Cuba. Monthly totals subject to revision as additional data becomes available.

*Added to Rept. 90, appearing in the FEDERAL REGISTER issue of July 12, 1968.

**Ships appearing on the list which have made no trips to Cuba under the present registry.

Dated: August 16, 1968.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 68-10167; Filed, Aug. 21, 1968; 8:51 a.m.]

Patent Office

PRESIDENT'S COMMISSION'S RECOMMENDATION CONCERNING DESIGN PATENTS

Request for Comments

The President's Commission on the Patent System, established on April 8, 1965, by Executive Order No. 11125, submitted its final report to the President on December 2, 1966. Included among the recommendations is the following concerning design patents:

The classes of patentable subject matter shall continue as at present, except * * * all provisions in the patent statute for design patents shall be deleted, and another form of protection provided.

The present patent statute, to which the recommendation is directed, provides:

Whoever invents any new, original, and ornamental design for an article of manufacture may obtain a patent therefor, subject to the conditions and requirements of this title.

The provisions of this title relating to patents for inventions shall apply to patents for designs, except as otherwise provided. (35 U.S.C. 171)

Patents for designs may be granted for the term of 3 years and 6 months, or for 7 years, or for 14 years, as the applicant, in his application, elects. (35 U.S.C. 173)

There have been proposals in the past directed to the protection of ornamental designs for useful articles, in ways other than by the protection afforded by the present patent law. To this end, a number of bills have been introduced in this and previous Congresses. Four bills relating to the protection of ornamental designs are presently pending before the House of Representatives; H.R. 2886, H.R. 6124, H.R. 7870, all identical, and H.R. 3542, differing slightly from the other three.

The views and comments of all interested parties are solicited on the recommendation of the Commission and other related matters which may be useful in evaluating the Commission's recommendation. These views should be submitted in writing to the Commissioner of Patents, Washington, D.C. 20231; by November 15, 1968.

EDWARD J. BRENNER,
Commissioner of Patents.

[F.R. Doc. 68-10119; Filed, Aug. 21, 1968; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMDAL CO.

Notice of Filing of Petition for Food Additive Spectinomycin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by AMDAL Co., Agricultural Division, Abbott Laboratories, North Chicago, Ill. 60064, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of spectinomycin (from spectinomycin dihydrochloride pentahydrate) injectable for use in turkey poults as an aid in the prevention of mortality associated with Arizona group infection.

Dated: August 15, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10133; Filed, Aug. 21, 1968; 8:50 a.m.]

CELANESE PLASTICS CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Celanese Plastics Co., Division of Celanese Corp., 160 Terminal Avenue, Clark, N.J. 07066, has withdrawn its petition (FAP 8B2233), notice of which was published in the FEDERAL REGISTER of November 15, 1967 (32 F.R. 15721), proposing an amendment to § 121.2511 *Plasticizers in polymeric substances* to provide for the safe use of 2,2,4-trimethylpentane-1,3-diisobutyrate as a plasticizer in cellulosic food-contact articles.

Dated: August 15, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10134; Filed, Aug. 21, 1968; 8:50 a.m.]

CHEMAGRO CORP.

Notice of Filing of Petition for Food Additive Coumaphos

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Chemagro Corp., Post Office Box 4913, Hawthorn Road, Kansas City, Mo. 64120, proposing that § 121.304 *Coumaphos* be amended to provide for the safe use of coumaphos in the feed of chickens: As an aid in the reduction of the common housefly (*Musca domestica*) through control of fly larvae in feces; for control of intestinal Capillariasis caused by *Capillaria obsignata;* and for partial removal of common round worm (*Ascaridia galli*) and cecal worm (*Heterakis gallinae*).

Dated: August 15, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10135; Filed, Aug. 21, 1968; 8:50 a.m.]

CHEMAGRO CORP.

Notice of Withdrawal of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide regulations (21 CFR 120.8), Chemagro Corp., Post Office Box 4913, Hawthorn Road, Kansas City, Mo. 64120, has withdrawn its petition (PP 8F0695), notice of which was published in the FEDERAL REGISTER of January 26, 1968 (33 F.R. 1027), proposing the establishment of tolerances for residues of the insecticide *0,0*-dimethyl *S*-[2-ethylsulfinyl)ethyl] phosphorothioate in or on certain raw agricultural commodities at specified levels.

Dated: August 15, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10136; Filed, Aug. 21, 1968; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17007]

CHICAGO-DES MOINES NONSTOP SERVICE CASE

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the public hearing in the above-entitled matter now assigned to be held on August 27, 1968, is hereby postponed to September 4, 1968, at 10 a.m., e.d.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

The date for the exchange of written testimony is changed from August 19, 1968, to August 27, 1968.

Dated at Washington, D.C., August 19, 1968.

[SEAL] ROBERT M. JOHNSON,
Hearing Examiner.

[F.R. Doc. 68-10127; Filed, Aug. 21, 1968; 8:49 a.m.]

[Docket No. 18388]

FLYING TIGER LINE ADDITIONAL POINTS CASE

Notice Postponing Prehearing Conference

Flying Tiger has requested the postponement of all procedural dates for 60 days because its economic staff are engaged in revising Flying Tiger's entire rate structure. Airlift joins in the request and American, Western, and Northwest do not object. Flying Tiger has communicated with several other persons who may be interested in this proceeding and none object to the postponement.

Accordingly, the date for submitting the material described in the notice of prehearing conference dated August 6, 1968, is postponed until October 10 and the prehearing conference is postponed until October 21, 1968, at 10 a.m. (local time), in Room 726, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Merritt Ruhlen.

Dated at Washington, D.C., August 16, 1968.

[SEAL] MERRITT RUHLEN,
Hearing Examiner.

[F.R. Doc. 68-10128; Filed, Aug. 21, 1968; 8:49 a.m.]

MOHAWK AIRLINES, INC.

Notice of Application for Amendment of Certificate of Public Convenience and Necessity

AUGUST 19, 1968.

Notice is hereby given that the Civil Aeronautics Board on August 16, 1968, received an application, Docket 20116, from Mohawk Airlines, Inc., for amendment of its certificate of public convenience and necessity for route 94 to authorize it to engage in nonstop service between Islip, N.Y., and Syracuse, N.Y., and one-stop service between Islip, N.Y., and Buffalo, N.Y. The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 68-10129; Filed, Aug. 21, 1968; 8:49 a.m.]

[Docket No. 19691; Order 68-8-73]

MOHAWK AIRLINES, INC.

Order Regarding Restrictions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of August 1968.

On August 2, 1968, Examiner James S. Keith issued his initial decision in the above-entitled proceeding, in which he found that the Boston-Rochester and Hartford/Springfield/Westfield - Detroit one-stop restrictions in the certificate of Mohawk Airlines for route 94 should be

deleted, and a one-stop restriction substituted for the present Boston-Detroit two-stop restriction, so as to enable the carrier to conduct nonstop operations between Boston and Rochester and between Hartford/Springfield/Westfield and Detroit and one-stop operations between Boston and Detroit, all on a subsidy-ineligible basis.

No petitions for discretionary review have been filed. However, in one limited respect the Board has determined to review the examiner's initial decision on its own initiative, and, without further proceedings, to limit the examiner's award to Mohawk of one-stop rights in the Boston-Detroit market to flights making an intermediate stop at either Hartford or Rochester, as required by the pretrial restriction on the issues herein imposed by Order E-26535, March 18, 1968. In all other respects, the Board declines to exercise its discretionary right of review. The amended certificate of public convenience and necessity attached to the initial decision [1] will be modified so as to incorporate the pretrial restriction referred to above, as well as the certificate amendments ordered by the Board in two other proceedings subsequent to the initial decision herein (Orders 68-8-9 and 68-8-36).

Accordingly, it is ordered, That:

1. The examiner's initial decision, as modified herein, shall be effective as the final order of the Board on August 16, 1968, and shall hereafter be identified as Order 68-8-72;

2. The certificate of public convenience and necessity issued to Mohawk Airlines, Inc., for route 94 be and it hereby is amended, effective August 23, 1968, by:

(a) Deleting "Boston, Mass., and Rochester, N.Y." and "Hartford, Conn.-Springfield-Westfield, Mass., and Detroit, Mich." from condition (4) (b) thereof;

(b) Adding the same two pairs of points to condition (11) (b) thereof;

(c) Adding at the end of condition (4) (a) thereof the following proviso:

Provided, That if Rochester, N.Y., or Hartford Conn.-Springfield-Westfield, Mass., is scheduled as an intermediate point on flights between Detroit, Mich., and Boston, Mass., the holder need not schedule service to any other intermediate point between Detroit and Boston.

(d) Amending condition (11) (h) thereof to read:

One-stop, two-stop, and three-stop service between Detroit, Mich., and Boston, Mass.

Provided, however, That the effective date of said amendments shall be automatically postponed until further Board order if the appropriate license fee is not paid pursuant to § 389.21(b) of the regulations; and

[1] For administrative reasons, issuance of an amended certificate to Mohawk will be deferred until an appropriate occasion.

3. The amended certificate ordered in paragraph 2 above shall be issued on an appropriate occasion.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-10130; Filed, Aug. 21, 1968; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Supplement 10]

CANADIAN TELEVISION BROADCAST SUPPLEMENTARY CHANNELS

Change List; Correction

AUGUST 19, 1968.

Amendment of table A of the 1961 working arrangement for allocation of VHF television broadcast stations under the Canadian-United States of America Television Agreement of 1952.

The Canadian television broadcast supplementary channel change list No. 10 (Mimeo No. 20953) dated August 16, 1968, is corrected by changing the number of the list to read "Supplement No. 11" in lieu of "Supplement No. 10."

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-10144; Filed, Aug. 21, 1968; 8:51 a.m.]

[Supplement 5]

FM BROADCAST STATIONS UNDER CANADA-UNITED STATES OF AMERICA FM AGREEMENT OF 1947

Working Arrangement for Allocations

AUGUST 16, 1968.

Amendment of Table A of the 1963 working arrangement for allocations of FM broadcast stations under the Canada-United States of America FM Agreement of 1947. Pursuant to exchange of correspondence between the Department of Transport of Canada and the Federal Communications Commission, Table A of the FM Working Arrangement has been amended as follows:

City	Channel No. Delete	Channel No. Add
Owen Sound, Ontario	264B	234B
Richibucto, New Brunswick		253A
Smiths Falls, Ontario		266C1
Brockville, Ontario	266B	
Ottawa-Hull, Ontario	269B, 225A	226B, 256A
Pembroke, Ontario	267B	264B

Further amendments to Table A will be issued as public notices in the form of numbered supplements.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-10145; Filed, Aug. 21, 1968; 8:51 a.m.]

[Report 401]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

AUGUST 19, 1968.

Pursuant to §§ 1.227(b) (3) and 21.26 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) Within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alterative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934 as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

CORRECTION

768-C2-P-69—Instant Communications, Inc.; (KQD303); Delete complete entry. Application inadvertently reported in Public Notice No. 400 dated Aug. 12, 1968.

766-C2-P-69—Mobile Radio Communications, Inc.; (New); Delete complete entry. Application inadvertently reported in Public Notice No. 400 dated Aug. 12, 1968.

767-C2-P-69—Mobile Radio Communications, Inc.; (New); Delete complete entry. Application inadvertently reported in Public Notice No. 400 dated Aug. 12, 1968.

MAJOR AMENDMENT

4170-C2-P-68—Buckeye Communications Co.; (New); Change base frequency pair from 454.10-459.10 MHz. to 454.35-459.25 MHz. All other particulars remain as reported in public notice dated Feb. 26, 1968, Rept. No. 376.

INFORMATIVE

It appears that the following set of applications may be mutually exclusive, and subject to the Commission's rules regarding ex parte presentations, by reason of economic competition or potential electrical interference.

WASHINGTON

Radio Dispatch Service, Seattle, Wash., File No. 3812-C2-P-66; (New).
K. Nady, Jr., Tacoma, Wash., File No. 4816-C2-P-66; (New).
Collins Communications Co., Seattle, Wash., File No. 6150-C2-P-66; (New).
Everett Ambulance & Doctors Service, Inc., Everett, Wash., File No. 6583-C2-P-66; (New).
Collins Communications Co., High Point, Wash., File No. 1230-C2-P-68; (KON918).
Collins Communications Co., Mt. Vernon, Wash., File No. 4513-C2-P-68; (New).
Tribune Publishing Co., Tacoma, Wash., File No. 311-C2-P-68; (KOF299).

PENNSYLVANIA AND NEW JERSEY

Day Nite Radio Message Service Corp., Philadelphia, Pa., File No. 48-C2-P-69; (KGA693).
Radio Broadcasting Co., Philadelphia, Pa., File No. 6757-C2-P-69; (New).
Philadelphia Mobile Telephone Co., Philadelphia, Pa., File No. 219-C2-P-69; (New).
Radio Dispatch Co., Camden, N.J., File No. 5042-C2-P-69; (New).

RURAL RADIO

809-C1-P-69—Pacific Northwest Bell Telephone Co.; (KPX56); C.P. to change antenna system operating on frequency 157.92 MHz. at its station located 32.5 miles southsouthwest of Bend, Oreg. Subscriber: Twin Lakes Resort.

POINT TO POINT MICROWAVE RADIO SERVICE: (TELEPHONE CARRIERS)

773-C1-P-69—United Telephone Co. of Florida; (KIF60); C.P. to delete frequencies 6034.2, 6152.8 MHz. directed toward La Belle, Fla.; change frequencies from 6026.7 and 6145.3 MHz. To: 5974.8, 6004.5, and 6123.1 MHz. toward LeHigh Acres, Fla.; replace transmitters for same and change antenna system at station located at 1617 Jackson St., Fort Myers, Fla.

774-C1-P-69—United Telephone Co. of Florida; (KIQ72); C.P. to delete existing facilities. Frequencies: 6212.0, 6256.5, 6286.2, 6376.2, and 6404.8 MHz. and Add: frequencies 5945.2 and 6063.8 MHz. toward LeHigh Acres and Hendry, Fla., at station located at Fort Thompson St., La Belle, Fla.

775-C1-P-69—United Telephone Co. of Florida; (KJC83); C. P. to delete 6278.6 and 6397.4 MHz. facilities and add 6226.9, 6256.5, and 6375.2 MHz. toward Fort Myers, Fla.; also add 6197.2 and 6316.9 MHz. toward La Belle, Fla., and change antenna system at its station located Lee Blvd., LeHigh Acres, Fla.

776-C1-P-69—United Telephone Co. of Florida; (New); C.P. for a new fixed station. Frequencies: 6197.2, 6226.9, 6315.9, and 6345.5 MHz. Location: State Road No. 80, 13.8 miles west of Clewiston, Hendry, Fla.

777-C1-P-69—United Telephone Co. of Florida; (KIQ75); C.P. to delete 5960.0, 6004.5, and 6123.1 MHz. facilities and add 5974.8, 6093.5 MHz. toward Hendry, Fla., at its station located East Ventura St., Clewiston, Fla.

832-C1-P-69—The Chesapeake & Potomac Telephone Co. of Virginia; (KIB28); C.P. to add frequencies 6056.6 and 10965 MHz. toward Wilson, Va., at its station located approximately 0.9 mile northeast of Dinwiddie, Va.

APPENDIX—APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

331-C2-P-69—Redwood Radiotelephone Corp.-Marin; (KMM659); C.P. to add a second base channel to operate on frequency 454.175 MHz. at station located northeast Slope of San Rafael Hill, 10' east of Robert Dollar Rd., San Rafael, Calif.

824-C2-P-69—General Telephone Co. of Pennsylvania; (KGC227); C.P. to replace transmitter operating on base frequency 152.63 MHz. at station located WICU-TV tower near Donation and Brown Rds., 5.8 miles southeast of Erie, Pa.

825-C2-P-69—Mobilfone Communications, Inc.; (KKX714); C.P. to add a second base channel to operate on frequency 152.15 MHz. at station located top of hill, 1 mile west of city limits of Austin, Tex.

826-C2-P-69—Monroe Radiotelephone Co.; (KKM574); C.P. to relocate the 152.12 MHz. facilities from location No. 2: On Route No. 84, approximately 1 mile east of Laurel, Miss. to location No. 3: 1.50 miles east of Junction Highways 15 and 84, Laurel, Miss.

827-C2-AL-(3)-69—Eastern Telephone Co.; Consent to assignment of licenses from Eastern Telephone Co., assignor. To Main Telephone Co., assignee. Stations: KCC489, Liberty, Maine. KCC795, Unity, Maine. KCC794, Belfast, Maine.

828-C2-MP-69—The Medical-Dental Bureau, Inc.; (KIF612); C.P. to change antenna system operating on base frequency 454.35 MHz. at station located Mabel St., Youngstown, Ohio.

830-C2-P-69—Ranch Radio, Inc.; (KLB394); C.P. to change antenna system for base frequencies 152.15 and 152.18 MHz. at station located 1 mile north of El Campo, Tex.

831-C2-P-69—Radio Telephone Communications, Inc.; (KIY736); C.P. to add a repeater station to operate on 459.35 MHz. at Location No. 1: Mainline and Camilla Dr., Quincy, Fla., and add a control station to operate on 454.35 MHz. at a site identified as Location No. 2: 1218 West Tharpe St., Tallahassee, Fla.

829-C2-P/ML-69—Public Telephone Corp.; (KSJ603); C.P. and License to operate station KSJ603, Batesville, Ind. (formerly licensed to Batesville Telephone Corp. Base frequency: 152.60 MHz. Location: 221 West George St., Batesville, Ind. (Note: See public notice dated July 22, 1968).

851-C2-AL-69—Houston Radiophone Service; (KKA344); Consent to assignment of license from Joseph H. Wofford and Roberta K. Tillinghast, d.b. as Houston Radiophone Service, assignor, to Roy M. Teel, d.b.a. Houston Radiophone Service, assignee (two-way station Houston, Tex.).

852-C2-P-69—The Mountain States Telephone & Telegraph Co.; (KOF252); C.P. to change antenna system and reduce the height of antenna operating on 152.75 MHz. at its station Pinal Peak, 8.2 miles south southwest of Globe, Ariz.

901-C2-P-69—Jamestown Telephone Corp.; (New); C.P. for a new two-way station. Base frequency: 152.54 MHz., location: Route No. 938 at Hunt Rd., 1 mile southwest of Jamestown, N.Y.

902-C2-P-69—Business Communications, Inc.; (KAA888); C.P. to change antenna and location from location No. 2: 1560 Fairview Ave., St. Louis, Mo., to 200 South Brentwood Blvd., St. Louis, Mo., operating on base frequency 152.06 MHz.

904-C2-P-69—Radio Paging, Inc.; (KKI445); C.P. to add base (one-way-signaling) transmitters to operate on 35.58 MHz. (one will be standby) at its station 1010 Travis St. on Tennessee Bldg., Houston, Tex. Applicant requests authority to use transmitters using method of dual AM and FM propagation.

905-C2-P-69—Floyd E. Dugas, d.b.a. Jennings Mobilfone; (New); C.P. for a new two-way radio station. Base frequency: 152.06 MHz. Location: Approximately 1.5 miles northeast of Jennings, La.

906-C2-P-69—ROC of Virginia, Inc.; (KIY304); C.P. to add base transmitter to operate on 152.09 MHz. at its station 801 East Main St., Richmond, Va. Applicant also requests authority to add six dispatch stations pursuant to sec. 21.519(a) of FCC rules.

Renewal of licenses expiring July 1, 1968, term: July 1, 1968, to July 1, 1973.

License	Call sign
Albion Telephone Co., Inc	KFL686
General Telephone Co. of the Southwest (timely filed) --	KKQ966

Applications for renewal of developmental radio (air-to-ground) ground stations licenses expiring Sept. 10, 1968, term: Sept. 10, 1968 to Sept. 10, 1969. The Ohio Bell Telephone Co., KQD612.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

896-C1-P-69—Western Microwave, Inc.; (KPV60); C.P. to add (via power split) the frequencies 6110 and 6410 MHz. toward Billings, Mont., on azimuth 13°31' at its station Greeno, 11.5 miles southeast of Laurel, Mont. (Informative: Applicant proposes to provide the TV signals of KUED(TV) and KCPX-TV of Salt Lake City, Utah, to Montana Video in Billings, Mont.)

897-C1-MP-69—Mountain Microwave Corp.; (KPP88); Mod. of C.P. to change location of station to 15 miles northwest of Helper, Utah, lat. 39°48'37" N. long. 111°05'55" W. Frequencies: 6226.9, 6286.2, 6345.5, and 6404.8 MHz. on azimuth 106°57'.

898-C1-MP-69—Mountain Microwave Corp.; (KPP89); Mod. of C.P. to change location of station to Bruin Point, 7 miles north-northeast of Dragerton, Utah, lat. 39°38'40" N. long. 110°20'50" W. Frequencies: 5974.8, 6034.2, 6093.5, and 6152.8 MHz. on azimuth 35°28' and frequencies 5974.8 and 6034.2 MHz. on azimuth 102°52'.

899-C1-MP-69—Mountain Microwave Corp.; (KPP90); Mod. of C.P. to change location of station to Roan Cliffs, 24.5 miles north of Westwater, Utah, lat. 39°26'10" N., long. 109°10'12" W. Frequencies: 6226.9 and 6286.2 MHz. on azimuth 130°29'. (Informative: Applicant proposes rerouting of system. Applicant has requested waiver of 21.701(l) if found to be applicable.)

CORRECTION

742-C1-P-69 through 751-C1-P-69—Mountain Microwave Corp.: (KBI22 KBT97) (KBT98 KVD96) (and New); Correct to include informative which was inadvertently omitted. (Informative: Applicant proposes to provide an NBC network feed from the studio of KOA-TV, Denver, Colo., to television stations KREX-TV, Grand Junction, Colo., and KUTV, Salt Lake City, Utah.)

INFORMATIVE

The Alaska Communication System; 550 Federal Office Building, Seattle, Wash.; has submitted a request for the following frequencies to provide a public toll telephone service at the locations noted.

Nikiahka, Alaska (60°43'13" N., 151°21'51" W.) to Soldontna, Alaska (60°31'53" N., 151°-04'55" W.): 3870 MHz., 4110 MHz.; 9000P9; 1 watt.

Soldontna, Alaska (60°31'53" N., 151°04'55" W.) to Nikiahka, Alaska (60°43'13" N., 151°-21'51" W.): 3910 MHz., 4150 MHz.; 9000P9; 1 watt.

The above proposal has been received in the Frequency Registration and Notification Branch of the Frequency Allocation and Treaty Division.

[F.R. Doc. 68-10146; Filed, Aug. 21, 1968; 8:51 a.m.]

FEDERAL RESERVE SYSTEM

OTTO BREMER FOUNDATION

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Otto Bremer Foundation, St. Paul, Minn., for approval of acquisition of 52,350 (11.63 percent) of the voting shares of American National Bank and Trust Co., St. Paul, Minn.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of the Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Otto Bremer Foundation, St. Paul, Minn., for the Board's prior approval of the acquisition of 52,350 (11.63 percent) of the voting shares of American National Bank and Trust Co., St. Paul, Minn.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of receipt of the application and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on May 4, 1968 (33 F.R. 6841), which provided an opportunity for interested persons to submit comments and views with respect to the proposed acquisition. A copy of the application was forwarded to the U.S. Department of Justice for its consideration.

Having considered all matters properly before the Board in this proceeding:

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Minneapolis pursuant to delegated authority.

Dated at Washington, D.C., this 14th day of August 1968.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-10094; Filed, Aug. 21, 1968; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

ALSCOPE CONSOLIDATED, LTD.

Order Suspending Trading

AUGUST 16, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Alscope Consolidated, Ltd., Passaic, N.J., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 17, 1968, through August 26, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-10108; Filed, Aug. 21, 1968; 8:47 a.m.]

[812-2365]

AMERICAN-HAWAIIAN STEAMSHIP CO.

Notice of Filing of Application

AUGUST 16, 1968.

Notice is hereby given that American-Hawaiian Steamship Co. ("American-Hawaiian"), 360 Lexington Avenue, New York, N.Y., a closed-end, nondiversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 17(d) of the Act and Rule 17d-1 thereunder for an order permitting three stockholders of McLean Industries, Inc. ("McLean Industries"), American-Hawaiian, Malcolm P. McLean and James K. McLean, to sell a total of 500,000 shares of McLean Industries A Common Stock to the public pursuant to a proposed underwritten secondary offering. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

As of June 15, 1968, the capitalization of McLean Industries, a Delaware Corporation which is principally engaged through subsidiaries in the transportation by water of freight in regular service, included 6,400,485 shares of A Common Stock and 4,231,515 shares of B Common Stock, or an aggregate of 10,632,000 shares of common stock. The A Common Stock and the B Common Stock are identical except that cash dividends may be paid on the A Common Stock without any such dividends being paid on the B Common Stock. Each share of B Common Stock is convertible into one share of A Common Stock at any time.

The relationship of American-Hawaiian to McLean Industries and of Malcolm P. McLean and James K. McLean to McLean Industries as well as to American-Hawaiian is as follows: American-Hawaiian owns 9.4 percent of the McLean Industries common stock outstanding; Malcolm P. McLean owns (exclusive of shares owned by his minor children and wife) approximately 34 percent of the aggregate McLean Industries common stock outstanding; James K. McLean owns (exclusive of shares owned by his minor children and wife) approximately 5.1 percent of the aggregate McLean Industries common stock outstanding. Malcolm P. McLean is president of McLean Industries and both he and James K. McLean are directors of McLean Industries.

As a result of such relationships, McLean Industries is an affiliated person of American-Hawaiian within the meaning of section 2(a)(3) of the Act and the individual sellers, Malcolm P. McLean and James K. McLean, are affiliated persons within the meaning of section 2(a)(3) of an affiliated person (McLean Industries) of American-Hawaiian, a registered investment company.

Certain other affiliated persons of American-Hawaiian also own common stock of McLean Industries. More than 90 percent of the outstanding common stock of American-Hawaiian is owned by Berkshire Industries, Inc., a New Jersey corporation all of whose outstanding common stock is owned by National Bulk Carriers, Inc. ("Bulk Carriers"), a corporation substantially all of whose outstanding common stock, in turn, is owned by Mr. Daniel K. Ludwig. It therefore appears that Ludwig and Bulk Carriers control American-Hawaiian within the meaning of section 2(a)(9) of the Act. As a result of their control of American-Hawaiian and direct and indirect ownership of stock of that company, Ludwig and Bulk Carriers are affiliated persons of American-Hawaiian.

Bulk Carriers, and Ludwig indirectly through Bulk Carriers, own 250,000 shares of McLean Industries A Common Stock.

The name of each of the proposed sellers, the number of shares of A Common Stock each proposes to sell and the number of McLean Industries shares (A Common Stock and B Common Stock) each proposes to retain are set forth in the following table:

Name	Number McLean Industries A Common shares to be sold	Number McLean Industries shares (A and B Common) to be retained
American-Hawaiian	250,000	[1] 750,000
Malcolm P. McLean	200,000	3,417,791
James K. McLean	50,000	490,592
Total	500,000	4,658,383

[1] American-Hawaiian owns only A Common Stock.

The application states that American-Hawaiian and Bulk Carriers acquired their holdings of McLean Industries under the following circumstances:

American-Hawaiian purchased its McLean Industries common stock from the latter company in January 1965 in a private transaction at a price of $8.50 a share. In April 1965, Ludwig, who as noted hereinabove controls American-Hawaiian, became a director of McLean Industries; and in September 1966, Mr. Hal A. Kroeger, a director and vice-president of American-Hawaiian, also became a director of McLean Industries.

Subsequent to the acquisition by American-Hawaiian of its interest in McLean Industries and after the aforementioned individuals became directors of McLean Industries, Ludwig indirectly through Bulk Carriers and Containership Chartering Services ("Chartering"), the latter having been organized for the purpose by Bulk Carriers and Litton Industries, entered into certain transactions involving McLean Industries. In May 1967, Chartering entered into an agreement with McLean Industries and one of its principal operating subsidiaries Sea-Land Services, Inc. ("Sea-Land") providing, among other things, for the acquisition by Chartering of a number of vessels and their conversion at a cost of about $36 million and for their chartering to Sea-Land. Under the agreement, McLean Industries and Sea-Land are required to supply any funds needed for the acquisition of the vessels and to loan the funds to Chartering, in effect, without interest. In connection with this agreement, on May 25, 1967 Bulk Carrier purchased from McLean Industries 250,000 shares of the A Common Stock at a price of $18 a share.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Minneapolis.

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Maisel, and Sherrill. Absent and not voting: Governors Daane and Brimmer.

833-C1-P-69—The Chesapeake & Potomac Telephone Co. of Virginia; (KJK41); C.P. to add 6071.2 and 10915 MHz. toward Wilson, Va., at station located 1 mile north of Blackstone, Va.

834-C1-P-69—The Chesapeake & Potomac Telephone of Va.; (New); C.P. for a new fixed station. Frequencies: 6308.4, 6323.3, 11365, and 11405 MHz. Location: Approximately 8 miles east of Blackstone, Va.

835-C1-MP-69—American Telephone & Telegraph Co.; (KKT67); Mod. license to delete frequency 3730 MHz. and Fanett, Tex., as point of communication at station located 2 miles west of Pelicia, Tex.

836-C1-P/ML-69—Public Telephone Corp.; (KSN94); C.P. and license to operate station KSN94, Batesville, Ind. (formerly licensed to Batesville Telephone Corp.) toward existing station at Greensburg, Ind. Location: 25 West George St., Batesville, Ind. (NOTE: See public notice dated July 22, 1968.)

837-C1-AL-(4)-69—Eastern Telephone Co.; Consent to assignment of license from Eastern Telephone Co., assignor. To Main Telephone Co., assignee. Stations: KCK68, Rockland, Maine. KCK69, Matinicus Inland, Maine. KTQ60, Swans Island, Maine. KTQ61, East Surry, Maine.

900-C1-MP-69—American Telephone & Telegraph Co.; (KZI43); Mod. C.P. to delete frequencies 3750 and 3830 MHz. and 816 Lee Street, Charleston, W. Va., as point of communication at station located 2 miles south of Charleston, W. Va.

MAJOR AMENDMENTS

1194-C1-P-68—Pacific Telephone & Telegraph Co.; (New); Change frequency 2114.6 MHz. directed toward Berryessa Peak, Calif. To 2129.0 MHz. Location: Mount Vaca, 6 miles northwest of Vacaville, Calif.

1195-C1-P-68—Pacific Telephone & Telegraph Co.; (New); Change frequency 2164.6 MHz. directed toward Mount Vaca, Calif. To 2179.0 MHz. Change frequency 2171.8 MHz. directed toward Cleariake Oaks, Calif. To 2161.0 MHz. Location: Berryessa Peak, 14 miles southwest of Brooks, Calif.

1196-C1-P-68—Pacific Telephone & Telegraph Co.; (New); Change frequency 2121.8 MHz. directed toward Berryessa Peak, Calif. To 2111.0 MHz. Location: 14.7 miles northeast of Cleariake Oaks, Calif.

1197-C1-P-68—Pacific Telephone & Telegraph Co.; (New); Change frequency 2164.6 MHz. directed toward Paskenta, Calif. To 2161.0 MHz. Location: 8.5 miles south-southwest of Elk Creek, Calif.

1198-C1-P-68—Pacific Telephone & Telegraph Co.; (New); Change frequency 2114.6 MHz. directed toward Elk Creek, Calif. To 2111.0 MHz. Change frequency 2121.8 MHz. directed toward Cottonwood, Calif. To 2129.0 MHz. Location: 11 miles north of Paskenta, Calif.

1199-C1-P-68—Pacific Telephone & Telegraph Co.; (New); Change frequency 2171.8 MHz. directed toward Paskenta, Calif. To 2179.0 MHz. Change frequency 2179.0 MHz. directed toward Bear Spring, Calif. To 2161.0 MHz. Location: 7.5 miles east of Cottonwood, Calif.

1200-C1-P-68—Pacific Telephone & Telegraph Co.; (New); Change frequency 2129.0 MHz. directed toward Cottonwood, Calif. To 2111.0 MHz. Change frequency 2114.6 MHz. directed toward Pondosa, Calif. To 2129.0 MHz. Location: Bear Spring, 6.6 miles northeast of Montgomery Creek, Calif.

1201-C1-P-68—Pacific Telephone & Telegraph Co.; (New); Change frequency 2164.6 MHz. directed toward Bear Spring, Calif. To 2179.0 MHz. Change frequency 2171.8 MHz. directed toward Timber Mountain, Calif. To 2161.0 MHz. Location: 4 miles south-southwest of Pondosa, Calif.

1202-C1-P-68—Pacific Telephone & Telegraph Co.; (New); Change frequency 2121.8 MHz. directed toward Pondosa, Calif. To 2111.0 MHz. Location: 4 miles southwest of Perez, Calif. All other particulars same as reported in public notice dated Sept. 11, 1967.

LOCAL TELEVISION TRANSMISSION SERVICE

837-C1-P/ML-69—The Ohio Bell Telephone Co.; (KAA351); C.P. and Mod. License to add frequency band 11700-12200 MHz. Mobile: to Operate (40 Units) within the territory of the grantee.

It is not proposed that Bulk Carriers sell any of its holdings of shares of McLean Industries.

The application states that the proposed sellers' decisions to dispose of the shares indicated were reached at different times; that Malcolm P. McLean and James K. McLean desire to sell for personal reasons; and that American-Hawaiian desires to sell in order to obtain funds to apply to the reduction of its outstanding debt and for use in connection with the operation of its California investment in real estate.

It is proposed that the sellers offer the shares of McLean Industries through an underwriting group. The application states that a simultaneous offering by each of the sellers is proposed in order to achieve economies and to maintain an orderly market in the stock of McLean Industries. The terms of the underwriting will be the same as respects each of the proposed sellers; the filing of a registration statement under the Securities Act of 1933 is anticipated; expenses of the registration will be shared by the proposed sellers in proportion to the number of shares to be offered by each; and the proposed offering price will be determined by negotiation with the underwriters immediately prior to the filing of a price amendment. The A Common Stock is traded in the over-the-counter market.

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together provide, among other things, that it shall be unlawful, with certain exceptions not applicable here, for an affiliated person of a registered investment company or an affiliated person of such person, acting as principal, to participate in or effect any transaction in which such registered company, or a company controlled by such registered company, is a joint or joint and several participant unless an application regarding such arrangement has been granted by the Commission, and that, in passing upon such an application the Commission will consider whether the participation of such registered company or controlled company in such arrangement is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. A joint enterprise or arrangement as used in Rule 17d-1 is defined as any written or oral plan, contract, authorization, or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company or a controlled company thereof and any affiliated person of or a principal underwriter for such registered company, or any affiliated person of such person or principal underwriter, have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking.

American-Hawaiian considers that its participation in the proposed offering is consistent with the provisions, policies and purposes of the Act and is not on a basis different from or less advantageous than that of the other participants.

Notice is further given that any interested person may, not later than September 3, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon American-Hawaiian at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon requests or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-10109; Filed, Aug. 21, 1968; 8:47 a.m.]

[File No. 1-3909]

BSF CO.

Order Suspending Trading

AUGUST 16, 1968.

The capital stock (66⅔ cents par value) and the 5¾ percent convertible subordinated debentures due 1969 of BSF Co. being listed and registered on the American Stock Exchange, and such capital stock being listed and registered on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the said capital stock on such exchanges and in the debenture on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 18, 1968, through August 27, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-10110; Filed, Aug. 21, 1968; 8:48 a.m.]

LEEDS SHOES, INC.

Order Suspending Trading

AUGUST 16, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Leeds Shoes, Inc., Tampa, Fla., and all other securities of Leeds Shoes, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 18, 1968, through August 27, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-10111; Filed, Aug. 21, 1968; 8:48 a.m.]

[812-2350]

NUVEEN TAX-EXEMPT BOND FUND, SERIES 19

Notice of Filing of Application for Exemption

AUGUST 16, 1968.

Notice is hereby given that Nuveen Tax-Exempt Bond Fund, Series 19 ("Applicant"), 209 South La Salle Street, Chicago, Ill. 60604, a unit investment trust registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicant from compliance with the provisions of section 14(a) of the Act. In substance, section 14(a) of the Act provides that no registered investment company shall make a public offering of securities of which it is the issuer unless it has a net worth of at least $100,000. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant is one of a series of 19 similar funds, named "Nuveen Tax-Exempt Bond Funds, Series 1-19," organized pursuant to a Trust Indenture and Agreement ("Trust Agreement") between John Nuveen & Co. (Inc.), as Sponsor, and United States Trust Company of New York, as Trustee. It is contemplated that the Sponsor will deposit with the Trustee under the Trust Agreement, a minimum of $11 million principal amount of municipal bonds and will receive in exchange therefor certificates of undivided interest in Applicant. It is proposed to offer such units for sale to the public and for this purpose a registration statement under the Securities Act of 1933 has been filed but has not yet become effective. The Trust Agreement provides in substance that no additional bonds will be deposited during the life of the Trust and no additional units will be issued. The proceeds of bonds which may be sold, redeemed, or matured will be distributed to unit holders. Units may be redeemed by the holders at their current net asset value. The Trust may be terminated by written consent of 100 percent of the unit holders of Applicant, or, in the event that the value of the Applicant shall fall below 20 percent of the aggregate principal amount of bonds initially deposited therein, upon direction of the Sponsor to the Trustee.

In connection with the requested exemption, the Sponsor has agreed to refund the original price including sales load, paid by purchasers for units, if within 90 days after the registration of Applicant under the 1933 Act becomes effective, the net worth of Applicant shall be reduced to less than $100,000. Applicant further represents that at the present time the Sponsor maintains a market for the units of the Nuveen Tax-Exempt Bond Funds Series 1 through 18, with which it is similarly connected, and continually offers to purchase such units at prices which exceed the redemption price for such units by amounts which depend upon general market conditions. In addition, it is the Sponsor's intention to maintain a market for the units of Applicant and to continually offer to purchase such units at prices in excess of the redemption price as set forth in the Trust Agreement, although the Sponsor is not obligated to do so.

Notice is further given that any interested person may, not later than August 27, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate), shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-10112; Filed, Aug. 21, 1968; 8:48 a.m.]

[70-4661]

OHIO EDISON CO.

Notice of Proposed Issue and Sale of Short-Term Notes to Banks

AUGUST 16, 1968.

Notice is hereby given that Ohio Edison Co. ("Ohio Edison"), 47 North Main Street, Akron, Ohio 44308, a registered holding company, has filed a declaration and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a) and 7 as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Ohio Edison proposes to issue and sell its unsecured notes to banks (as listed in the declaration), from time to time, prior to March 31, 1969, up to an aggregate principal amount of $40 million outstanding at any one time (including $28,609,218 which may be issued pursuant to the exemption provided by the first sentence of section 6(b) of the Act, and of which at July 1, 1968 there has been issued an aggregate of $23,500,000).

All such notes issued by Ohio Edison will mature not later than 270 days after the date of issue and not later than March 31, 1969, and will bear interest at the prime rate charged by First National Bank of Akron, Ohio, from time to time, during the period such notes are outstanding. The notes may be prepaid, in whole or in part, upon 24 hours' prior written notice to the bank, without penalty or premium. Ohio Edison will use the proceeds from the sale of the notes to finance, in part, its 1968 construction program, estimated to amount to approximately $75 million.

Pursuant to a joint power development arrangement Ohio Edison expects to receive from The Cleveland Electric Illuminating Co. ("CEI"), approximately $35 million in connection with the construction of a generating unit being installed at its W. H. Sammis plant. Ohio Edison proposes to apply such funds to the payment prior to December 31, 1968, of all notes issued for borrowings of up to $28 million, which mature not later than such date, and if such funds should be delayed beyond that date to extend such banking arrangements until not later than March 31, 1969. On the application of such funds to the payment of the bank notes, the borrowing authority to be obtained hereunder in excess of that amount provided by the first sentence of section 6(b) will terminate.

It is represented that fees and expenses to be incurred in connection with the proposed transactions will not exceed $2,000, including legal fees of $1,500, and that, no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 9, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing), upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-10113; Filed, Aug. 21, 1968; 8:48 a.m.]

ROVER SHOE CO.

Order Suspending Trading

AUGUST 16, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Rover Shoe, Co., Bushnell, Fla., and stock purchase warrants of Rover Shoe Co., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period Au-

gust 19, 1968, through August 28, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-10114; Filed, Aug. 21, 1968; 8:48 a.m.]

[File No. 1-2879]

ROYSTON COALITION MINES, LTD.

Order Suspending Trading

AUGUST 16, 1968.

The capital stock 1 cent par value of Royston Coalition Mines, Ltd., being listed and registered on the Salt Lake Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Royston Coalition Mines, Ltd., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Salt Lake Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 19, 1968, through August 28, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-10115; Filed, Aug. 21, 1968; 8:48 a.m.]

ZIMOCO PETROLEUM CORP.

Order Suspending Trading

AUGUST 16, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zimoco Petroleum Corp., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 17, 1968, through August 26, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-10116; Filed, Aug. 21, 1968; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1211]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

AUGUST 16, 1968.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 2202 (Sub-No. 353), filed July 31, 1968. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts NW., Washington, D.C. 20036, and Douglas Faris, Post Office Box 471, Akron, Ohio 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, (1) between Kernersville, N.C., and junction Interstate Highway 81 and U.S. Highway 220 near Roanoke, Va., from Kernersville, over North Carolina Highway 150 to junction North Carolina Highway 68, thence over North Carolina Highway 68 to junction U.S. Highway 220, thence over U.S. Highway 220 to junction Interstate Highway 81 near Roanoke, Va., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, and serving junction of Interstate Highway 81 and U.S. Highway 220 for joinder purposes only; and (2) between junction of Interstate Highway 81 and U.S. Highway 522 near Winchester, Va., and Buffalo, N.Y.; from junction Interstate Highway 81 and U.S. Highway 522 over U.S. Highway 522 to junction Interstate Highway 70, thence over Interstate Highway 70 to Breezewood, Pa., thence over U.S. Highway 30 to Bedford, Pa., thence over U.S. Highway 220 to Bald Eagle, Pa.; thence over Pennsylvania Highway 350 to junction Pennsylvania Highway 970, thence over Pennsylvania Highway 970 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Pennsylvania Highway 153, thence over Pennsylvania Highway 153 to Penfield, Pa., thence over Pennsylvania Highway 255 to junction U.S. Highway 219 near Johnsonburg, Pa., thence over U.S. Highway 219 to junction U.S. Highway 62 at Hamburg, N.Y., thence over U.S. Highway 62 to Buffalo, and return on the same route as an alternate route for operating convenience only, serving no intermediate points, and serving junction of Interstate Highway 81 and U.S. Highway 522 for joinder purposes only. NOTE: Applicant states that it presently holds substantially similar authority in its Sub 266 involving an alternate route between Winston-Salem, N.C., and Buffalo, N.Y., restricted to traffic moving between or through Winston-Salem and Buffalo, and the purpose of the instant application is to seek removal of this restriction and also shorten said route. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2245 (Sub-No. 6), filed August 5, 1968. Applicant: THE O. K. TRUCKING COMPANY, a corporation, 1810 South Street, Cincinnati, Ohio 45204. Applicant's representative: Robert H. Kinker, Box 464, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General comodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Ford Motor Co. plantsite at the junction of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's regular route authority to and from Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 2510 (Sub-No. 33), filed August 2, 1968. Applicant: BRUCE MOTOR FREIGHT, INC., 1120 South Division Street, Indianapolis, Ind. 46221. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk and those requiring special equipment, serving the Ford Motor Co. plantsite at the intersection of Westwood Road and Murphy Lane, Jefferson County, Ky. (near Louisville, Ky.), as an off-route point in connection with applicant's present authority to serve Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 14702 (Sub-No. 22) (Amendment), filed July 29, 1968, published FEDERAL REGISTER issue of August 8, 1968, amended and republished as amended this issue. Applicant: OHIO FAST FREIGHT, INC., Post Office Box 808, Warren, Ohio 44482. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, between points in Camden County, N.J. and Mountaintop, Pa., on the one hand, and, on the other, points in Illinois, Indiana, and Michigan. NOTE: The purpose of this republication is to change the origin point from Camden, N.J., to points in Camden County, N.J. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 16536 (Sub-No. 4), filed August 6, 1968. Applicant: STANDARD FORWARDING CO., INC., 5420 River Drive, Moline, Ill. 61265. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Sterling and Rock Falls, Ill., to points in Iowa, under contract with Northwestern Steel and Wire Co.; and Russell, Burdsale & Ward Bolt and Nut Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 16903 (Sub-No. 28), filed July 29, 1968. Applicant: MOON FREIGHT LINES, INC., 120 West Grimes Lane, Bloomington, Ind. 47402. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone, marble, granite and slate, cut, uncut, finished and in the rough; laminated panels faced with stone, marble, granite or slate*, from the Port of Norfolk, Va. (Portsmouth, Norfolk, Newport News, Hampton), Mobile, Ala., and New Orleans, La. to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia; (2) *granite, crushed, cut, uncut, finished and in the rough*, from Elberton, Ga., to Knoxville, Tenn; (3) *precast terrazzo and crushed stone* in bags, from points in Forsyth County, N.C., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Jersey, New York, Michigan, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia; (4) *lumber* (rough and finished including flooring and plywood), from points in Alabama, Tennessee, Arkansas, Mississippi, Oklahoma, and Louisiana, to points in Indiana and south of U.S. Highway 40; and, (5) *rough sawn lumber*, from points in Indiana to points in Tennessee, North Carolina, Virginia, and Kentucky. NOTE: Applicant states it intends to tack with its present authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 29886 (Sub-No. 244), filed August 5, 1968. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46621. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Construction and industrial machinery*, (2) *commodities*, which because of size or weight require the use of special equipment or handling, (3) *commodities*, other than those which because of size or weight require the use of special equipment or handling when moving in truckloads with the commodities named in items (1) and (2) above; (4) *parts*, when transported with the commodities named in (1), (2), and (3) above, between the plantsite and facilities of West Virginia Pulp and Paper Co., at or near Wickliffe, Ky., and points in Connecticut, Illinois, Indiana, Iowa, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 35628 (Sub-No. 290), filed July 17, 1968. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier* by motor vehicle, over regular routes, transporting: *Dore* (impure bullion), (1) from Denver, Colo., over presently authorized routes, to Baltimore, Md., and Perth Amboy, N.J.; and (2) from St. Paul, Minn., over presently authorized routes to Baltimore, Md., and Perth Amboy, N.J. NOTE: Applicant is presently authorized to transport general commodities, with exceptions, including articles of unusual value, from Denver, Colo., and St. Paul, Minn., to Perth Amboy, N.J., and Baltimore, Md. The purpose of this application is to obtain whatever additional authority is required if the commodity applied for herein is determined to be within the "exception" noted above. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 41098 (Sub-No. 34), filed July 26, 1968, Applicant: GLOBAL VAN LINES, INC., No. 1, Global Way, Anaheim, Calif. 92803. Applicant's representative: Alan F. Wohlstetter, One Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Delaware, restricted to shipments having a prior or subsequent movement beyond said points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 37578 (Sub-No. 20), filed August 1, 1968. Applicant: JOSEPH W. TREHAN, INCORPORATED, Box 332, North Lima, Ohio 44452. Applicant's representative: Joe F. Asher, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products, refractory products, and concrete products*, between points in Portage and Columbiana Counties, Ohio, on the one hand, and Ashland, Ky., and points in Wayne and Monroe Counties, Mich., those in Pennsylvania on and west of U.S. Highway 11, those in New York on and west of U.S. Highway 15, those in West Virginia on and north of U.S. Highway 50, and those in Kentucky in the Cincinnati, Ohio, commercial zone, as defined by the Commission, on the other

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

hand. NOTE: Applicant states that no duplicating authority is sought. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 49304 (Sub-No. 22), filed August 5, 1968. Applicant: BOWMAN TRUCKING COMPANY, INC., Post Office Box 6, Stephens City, Va. 22655. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Soft drinks*, from Winchester, Va., to Hagerstown, Md., (2) *empty soft drink containers*, from Hagerstown, Md., to Winchester, Va., and (3) *scrap materials*, from Winchester, Va., to points in New York, Pennsylvania, New Jersey, Delaware, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52652 (Sub-No. 6), filed July 29, 1968. Applicant: LAWRENCE MOTOR LINES, INC., 21 South Mill Street, Haverhill, Mass. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* in containers, from Orange, N.J., to Lawrence, Mass., under a continuing contract with Merrimack Valley Distributing Co., Andover Street, Lawrence, Mass. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 52657 (Sub-No. 660) (Amendment), filed July 22, 1968, published in the FEDERAL REGISTER issue of August 8, 1968, amended August 7, 1968, and republished as amended, this issue. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, trailer chassis* (except those designed to be drawn by passenger automobiles), and *trailer converter dollies*, in initial truckaway and driveaway service, from Avon Lake, Ohio, and Fort Wayne, Ind., to points in the United States, including Alaska, but excluding Hawaii; (2) *trailers, trailer chassis* (except those designed to be drawn by passenger automobiles), *and trailer converter dollies*, in secondary truckaway and driveaway service, from points in the United States, including Alaska, but excluding Hawaii, to Avon Lake, Ohio, and Fort Wayne, Ind.; (3) *tractors*, in secondary movements, in driveaway service, only when drawing trailers in initial movements, from Avon Lake, Ohio, and Fort Wayne, Ind.; to points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia, (4) *tractors*, in secondary movements, in driveaway service, only when drawing trailers in secondary movements, from points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia, to Avon Lake, Ohio and Fort Wayne, Ind.; (5) *bodies and containers*, between Avon Lake, Ohio and Fort Wayne, Ind., on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii; (6) *materials, supplies, and parts* used in the manufacture, assembly, or servicing of the commodities described in paragraphs (1) and (5) above, when moving in mixed loads with such commodities, between Avon Lake, Ohio, and Fort Wayne, Ind., on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Detroit, Mich.

No. MC 52673 (Sub-No. 28), filed August 5, 1968. Applicant: FRED OLSON MOTOR SERVICE COMPANY, a corporation, 6022 West State Street, Milwaukee, Wis. 53213. Applicant's representative: Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, from Milwaukee, Wis., to points in Boone, Cook, De Kalb, Du Page, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, Will, and Winnebago Counties, Ill., and Lake County, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52743 (Sub-No. 17), filed August 4, 1968. Applicant: MIAMI TRANSPORTATION COMPANY, INC., 1220 Harrison Avenue, Cincinnati, Ohio 45214. Applicant's representative: Robert H. Kinker, Box 464, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities requiring special equipment and those injurious or contaminating to other lading, serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's authority to and from Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 59120 (Sub-No. 32), filed July 15, 1968. Applicant: EAZOR EXPRESS, INC., Eazor Square, Pittsburgh, Pa. 15201. Applicant's representative: Carl L. Steiner, 39 South La Salle, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment), (1) between Parkersburg, W. Va., and Chicago, Ill., (a) from Parkersburg over U.S. Highway 50 to Athens, Ohio, thence over U.S. Highway 33 to Columbus, Ohio, thence over U.S. Highway 33 to Marysville, Ohio, thence over Ohio Highway 31 to Kenton, Ohio, thence over U.S. Highway 30S to junction U.S. Highway 30N near Delphos, Ohio, thence over U.S. Highway 30N to Van Wert, Ohio, thence over U.S. Highway 30 to junction Indiana Highway 49, thence over Indiana Highway 49 to junction Indiana Highway 130, thence over Highway 130 to junction Indiana Highway 51, thence over Indiana Highway 51 to junction Interstate Highway 94, thence over Interstate Highway 94 to Chicago, Ill., and return over the same routes, serving all intermediate points on U.S. Highway 50 between Parkersburg, W. Va., and Athens, Ohio, including Athens, Ohio, and (b) from Parkersburg over U.S. Highway 50 to Athens, Ohio, thence over U.S. Highway 33 to Columbus, Ohio, thence over Interstate Highway 70 to Indianapolis, Ind.

Thence over Interstate Highway 65 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction U.S. 41, thence over U.S. Highway 41 to junction Interstate Highway 94, thence over Interstate Highway 94 to Chicago, Ill., and return over the same routes, serving all intermediate points on U.S. Highway 50 between Parkersburg, W. Va., and Athens, Ohio, including Athens, Ohio, and (2) between Wheeling, W. Va., and Chicago, Ill., (a) from Wheeling over U.S. Highway 40 and Interstate Highway 70 to Indianapolis, Ind., thence over Interstate Highway 65 to junction U.S. Highway 41, thence over U.S. Highway 41 to junction Interstate Highway 94, thence over Interstate Highway 94 to Chicago, Ill., and return over the same routes, serving no intermediate points, and (b) from Wheeling over U.S. Highway 40 and Interstate Highway 70 to Columbus, Ohio, thence over U.S. Highway 33 to Marysville, Ohio, thence over Ohio Highway 31 to Kenton, Ohio, thence over U.S. Highway 30S via Lima, Ohio to junction U.S. Highway 30N near Delphos, Ohio, thence over U.S. Highway 30N to Van Wert, Ohio, thence over U.S. Highway 30 to junction Indiana Highway 49, thence over Indiana Highway 49 to junction Indiana Highway 130, thence over Indiana Highway 130 to junction Indiana Highway 51, thence over Indiana Highway 51 to junction Interstate Highway 94, thence over Interstate Highway 94 to Chicago, Ill., and return over the same routes, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61231 (Sub-No. 35) (Amendment), filed April 15, 1968, published in the FEDERAL REGISTER issue of May 9, 1968, and republished as amended, this issue. Applicant: ACE-ALKIRE FREIGHT LINES, INC., 4143 East 43d Street, Des Moines, Iowa 50305. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except those with vehicle beds, bed frames, or fifth wheels); (2) *agricultural implements and machinery*; and (3) *attachments for, and equipment designed for use with, the foregoing articles when moving in mixed loads with such articles*, (a) between points in the Davenport, Iowa, Rock Island and Moline, Ill., commercial zone as defined by the Commission, and (b) from points in said commercial zone to points in Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota; and points in Cheyenne, Decatur, Jewell, Norton, Phillips, Rawlins, Republic, and Smith Counties, Kans. Restriction: The authority herein granted shall be limited to traffic originating at the plantsites of, or storage or distribution facilities used by, International Harvester Co. and terminating in the aforesaid states of destination, provided that this restriction shall not prevent the handling of foreign traffic. NOTE: The purpose of this republication is to broaden the territorial description in (3b) above. If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 61592 (Sub-No. 121), filed August 1, 1968. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements*, from Cedar Falls, Iowa, and Morton, Ill., to points in the United States, except Hawaii, and (2) *materials, supplies, and equipment used in the manufacture of agricultural implements*, from points in the United States (except Hawaii), to Cedar Falls, Iowa, and Morton, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 64112 (Sub-No. 40), filed August 5, 1968. Applicant: NORTHEASTERN TRUCKING COMPANY, a corporation, 2508 Starita Road, Post Office Box 1493, Charlotte, N.C. 28201. Applicant's representative: John M. Dunn, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in containers, from the plantsites and warehouses of Humble Oil & Refining Co., at Baton Rouge, La. to points in North Carolina. NOTE: Applicant states it intends to tack at points in North Carolina (principally at Charlotte, N.C.), to serve points in Virginia, Pennsylvania, New Jersey, New York, Connecticut, and Baltimore, Md. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 72442 (Sub-No. 22), filed August 1, 1968. Applicant: AKERS MOTOR LINES, INCORPORATED, Post Office Box 579, Gastonia, N.C. 28052. Applicant's representatives: Donald E. Cross, 917 Munsey Building, 1329 E Street NW. 20004, and Lennox O. Boyles, Post Office Box 579, Gastonia, N.C. 28052. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, tobacco, liquor, commodities in bulk, commodities requiring special equipment, and household goods defined by the Commission, serving Nashville, Ga., as an off-route point in conjunction with applicant's present authority. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 73688 (Sub-No. 27), filed August 9, 1968. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Road, Post Office Box 7182, Memphis, Tenn. 38107. Applicant's representative: Charles H. Hudson, Jr., 833 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, from Birmingham and Gadsden, Ala., to points in Texas and those in Louisiana west of the Mississippi River. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 76177 (Sub-No. 319), filed August 2, 1968. Applicant: BAGGETT TRANSPORTATION COMPANY, a corporation, 2 South 32d Street, Birmingham, Ala. 35233. Applicant's representative: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives*, between Milan, Tenn., and Crane, Ind., on the one hand, and, on the other, Denver, Colo. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 78228 (Sub-No. 24), filed August 5, 1968. Applicant: THE J. MILLER COMPANY, a corporation, 147 Nichol Avenue, McKees Rocks, Pa. 15136. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, from Harriet (Tonawanda Township) Erie County, N.Y., to points in Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Buffalo, N.Y.

No. MC 79080 (Sub-No. 7), filed August 5, 1968. Applicant: AUSTGEN EXPRESS & STORAGE COMPANY, a corporation, Post Office Box 1528, Aurora, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, from Momence, Ill., to points in Indiana and Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 82841 (Sub-No. 49), filed August 7, 1968. Applicant: R-D TRANSFER, INC., 801 Livestock Exchange Building, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, angles, bars, beams, iron and steel, piling, pipe coating material, plates floor, plates structural reinforcement, rods coiled, rods guy anchor, steel sheet, steel structural, strip coiled, tees*, and (2) *pipe coating material when moving with shipments of pipe*, from Omaha, Nebr., and Council Bluffs and Sioux City, Iowa, to Sioux Falls, S. Dak., and Hull, Iowa, restricted (1) to traffic having an immediately prior movement by water and (2) to traffic destined to the above named destination points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak., Sioux City, Iowa, or Omaha, Nebr.

No. MC 85255 (Sub-No. 31), filed August 5, 1968. Applicant: PUGET SOUND TRUCK LINES, INC., Pier 62, Seattle, Wash. 98101. Applicant's representative: Clyde H. MacIver, 2112 Washington Building, Seattle, Wash. 98111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Palletized metal and combination metal and fibreboard cans and can parts*, (1) between Portland, Oreg., and points in Washington in and west of Okanogan, Chelan, Kittitas, Yakima, and Klickitat Counties, and (2) from Seattle, Wash., to Astoria, Oreg. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 93840 (Sub-No. 7), filed August 5, 1968. Applicant: W. W. GLESS, doing business as GLESS BROS., Blue Grass, Iowa 52726. Applicant's representative: William L. Fairbank, 810 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from the plantsites and storage facilities of Cargill, Inc., located in Scott County, Iowa, to points in Iowa, that part of Illinois on and north of U.S. Highway 36, and points in that part of Wisconsin on and south of U.S. Highway 16 and on and west of U.S. Highway 51. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Minneapolis, Minn.

No. MC 103552 (Sub-No. 7), filed August 6, 1968. Applicant: THE FARER TRANSPORTATION COMPANY, a corporation, 15 West Dover Street, Waterbury, Conn. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Advertising matter, books, magazines, periodicals, song sheets, sheet music, comics, comic sheets, and shopping news*, between Orangeburg, N.Y., on the one hand, and, on the other, New York, Mount Vernon, and Pelham, N.Y., points in Nassau, Suffolk, and Westchester Counties, N.Y., Bridgeport, Hartford,

Meriden, New Britain, New Haven, and Waterbury, Conn., and points in Connecticut on and west of the east bank of the Connecticut River and Springfield, Mass. NOTE: Applicant states that tacking will take place at such points and places as the authority permits. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 103721 (Sub-No. 15) (Correction), filed July 25, 1968, published in the FEDERAL REGISTER, issue of August 15, 1968, and republished as corrected, this issue. Applicant: RAYMOND B. LONG, INC., Ridge Road, Tylersport, Pa. 18971. Applicant's representative: Theodore Polydoroff, 917 Munsey Building, 1329 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinyl plastic coated stone*, and *sand and gravel*, from points in Northhampton County, Pa., to points in New York, New Jersey, Delaware, Maryland, Virgina, West Virginia, North Carolina, and the District of Columbia. NOTE: The purpose of this republication is to include the filing date, which was inadvertently omitted from the previous publication. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 103880 (Sub-No. 399), filed August 1, 1968. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio 44306. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in bulk, in tank vehicles, from Orville, Ohio, to Grand Rapids, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 103993 (Sub-No. 331), filed August 5, 1968. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Robert G. Tessar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections and *equipment and materials incidental to the erection and completion of such buildings*, from points in Richland County, Ohio, to points in Maine, New Hampshire, New York, Pennsylvania, and Vermont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Mansfield, Ohio.

No. MC 104589 (Sub-No. 23), filed August 8, 1968. Applicant: J. L. LAWHON, 2941 Main Street, East Point, Ga. 30044. Applicant's representative: Robert E. Tate, 2025 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Physical fitness, gymnastic, athletic, and sporting goods equipment*, from the plantsite of Diversified Products Corp., at or near Opelika, Ala., to points in Florida, and (2) *equipment, materials, and supplies*, used in the manufacture and distribution of the commodities described in (1) above, from points in Florida to the plantsite of Diversified Products Corp., at or near Opelika, Ala., under contract with Diversified Products Corp., of Opelika, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Montgomery or Birmingham, Ala.

No. MC 105813 (Sub-No. 167), filed August 7, 1968. Applicant: BELFORD TRUCKING CO., INC., 3500 Northwest 79th Avenue, Miami, Fla. 33148. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Duluth, Minn., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 105881 (Sub-No. 42), filed August 2, 1968. Applicant: M.R. & R. TRUCKING COMPANY, a corporation, 715 North Ferdon Boulevard, Crestview, Fla. 32536. Applicant's representative: Dan R. Schwartz, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Perry, Fla., and junction of U.S. Highways 98 and 319 at or near Medart, Fla., over U.S. Highway 98, serving all intermediate points, (2) between Lake City, Fla., and Dawson, Ga., from Lake City over U.S. Highway 41 to Tifton, Ga., thence over U.S. Highway 82 to Dawson and return over the same route, serving all intermediate points, (3) between Monticello, Fla., and Albany, Ga., over U.S. Highway 19, serving all intermediate points, (4) between Tallahassee, Fla., and Tifton, Ga., over U.S. Highway 319, serving all intermediate points, (5) between Malone, Fla., and Dawson, Ga., from Malone over Florida Highway 2 to the Florida-Georgia State line, thence over Georgia Highway 91 to Colquitt, Ga., thence over Georgia Highway 45 to Graves, Ga., thence over U.S. Highway 82 to Dawson and return over the same route, serving all intermediate points, (6) also serving, as off-route points, all points in the following named counties in connection with applicant's regular routes:

Jefferson, Wakulla, and Taylor Counties, Fla.; Baker, Brooks, Calhoun, Clay, Colquitt, Cook, Decatur, Dougherty, Early, Grady, Lee, Lowndes, Miller, Mitchell, Quitman, Randolph, Seminole, Terrell, Thomas, Tift, and Worth Counties, Ga. Restrictions: (1) The authority sought herein may not be combined or tacked with any presently authorized routes of the carrier for the purpose of performing a direct single line service between any two of the following points, including the commercial zones of each: Atlanta, Ga., Jacksonville, Fla., and Tampa, Fla. (2) The authority sought herein shall be restricted to traffic moving from, to, or through a point in the State of Florida. NOTE: Carrier does not here seek any authority which duplicates any authority presently held or sought in any pending application. If a hearing is deemed necessary, applicant requests it be held at Tallahassee or Jacksonville, Fla.

No. MC 106603 (Sub-No. 105), filed August 1, 1968. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing and building materials, and materials used in the installation and application of such commodities* (except iron and steel, and commodities in bulk), from the plantsite of Certain-teed Products Corp., at Avery, Ohio, to points in Indiana, Kentucky, Michigan, West Virginia, points in New York, in and west of Wayne, Seneca, Schuyler, and Chemung Counties, and points in Pennsylvania, in and west of Tioga, Potter, Cameron, Clearfield, Cambria, and Somerset Counties, and *returned shipments*, on return; and, (2) *materials, equipment, and supplies used in the manufacture, installation, or application of roofing and building materials*, from points in the above-described territory to the plantsite of Certain-teed Products Corp., at Avery, Ohio. NOTE: Applicant holds contracts carrier authority under MC 46240, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 107064 (Sub-No. 66), filed July 30, 1968. Applicant: STEEREE TANK LINES, INC., 2808 Fairmount Street, Post Office Box 2998, Dallas, Tex. 75201. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, fertilizers and fertilizer ingredients*, from points in Texas on and north of U.S. Highway 66, to points in Arizona, Arkansas, Colorado, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Utah, and Wyoming. NOTE: Applicant states that tacking could take place in conjunction with its present authority in MC 107064, whereas it is authorized to operate in Texas and New Mexico. If a hearing is deemed necessary, applicant requests it be held at Dallas, or Fort Worth, Tex.

No. MC 107403 (Sub-No. 751), filed August 1, 1968. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk (1) from Philadelphia, Phoenix, and Eddyston, Pa., to points in Delaware and New Jersey; (2) from Edge Moor, Del., to Plymouth Meeting, Pa., and points in New Jersey; and (3) from Duck Island (Trenton), N.J., to Plymouth Meeting, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 107818 (Sub-No. 45), filed August 7, 1968. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 Northwest 12th Avenue, Post Office Box 608, Pompano Beach, Fla. 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, 1301 Gulf Life Drive, Jacksonville, Fla. 32207. Authority sought to operate a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, dairy substitutes, vegetable oil compounds, and advertising and promotional materials* when shipped therewith, from Louisville, Ky., to points in Alabama, Florida, Georgia, and Tennessee. NOTE: No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Atlanta, Ga.

No. MC 108053 (Sub-No. 81), filed August 7, 1968. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., Post Office Box 129, Fremont, Nebr. 68025. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Duluth, Minn., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108207 (Sub-No. 247), filed August 5, 1968. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from Little Rock, Ark., to points in Ohio, Indiana, and Kentucky, restricted to traffic originating at the plantsite and/or storage facilities of Ole South Foods Co., Little Rock, Ark. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Dallas, Tex.

No. MC 108375 (Sub-No. 27), filed August 7, 1968. Applicant: LEROY L. WADE & SON, INC., 1615 Izard Street, Omaha, Nebr. 68102. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles, angles, bars, beams, iron and steel, piling, pipe coating material, plates floor, plates structural reinforcement, rods coiled, rods guy anchor, steel sheet, steel structural, strip coiled, tees*, and (2) *pipe coating material* when moving with shipments of pipe, from Omaha, Nebr., and Council Bluffs and Sioux City, Iowa, to Sioux Falls, S. Dak. and Hull, Iowa, restricted (1) to traffic having an immediately prior movement by water; and (2) to traffic destined to the named destination points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak., or Sioux City, Iowa, or Omaha, Nebr.

No. MC 108859 (Sub-No. 49), filed August 5, 1968. Applicant: CLAIRMONT TRANSFER CO., a corporation, 1803 Seventh Avenue North, Escanaba, Mich. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane (Jefferson County), near Louisville, Ky., as an off-route point in connection with applicant's authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Indianapolis, Ind.

No. MC 109094 (Sub-No. 13) (Amendment), filed May 24, 1968, published FEDERAL REGISTER issue of June 20, 1968, and republished as amended, this issue. Applicant: GAULT TRANSPORTATION, INC., 379 Main Street, Wareham, Mass. 02571. Applicant's representatives: Gavin W. O'Brien and William H. Tucker, 2000 L Street NW., Suite 815, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn and soybean products and blends thereof*, in bulk, from points in Massachusetts, to points in Maine, Vermont, New Hampshire, Connecticut, Rhode Island, and Massachusetts. NOTE: Applicant states it intends to tack the proposed authority with its present authority in MC 109094 and subs thereunder. The purpose of this republication is to redescribe the commodity and territorial description. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 109538 (Sub-No. 18), filed August 6, 1968. Applicant: CHIPPEWA MOTOR FREIGHT, INC., 2645 Harlem Street, Eau Claire, Wis. 54701. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Jackson County Iron Co. located in Jackson County, Wis., approximately 5 miles from Black River Falls, Wis., as an off-route point in connection with applicant's authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111320 (Sub-No. 50), filed August 9, 1968. Applicant: CURTIS KEAL TRANSPORT COMPANY, INC., 2001 Barlow Road, Hudson, Ohio 44236. Applicant's representative: J. C. Schriner, 14805 Detroit Avenue, Lakewood, Ohio 44107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck cranes and truck crane chassis, in initial movements in driveway service*, from Duluth, Minn., to points in the United States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111375 (Sub-No. 27), filed August 1, 1968. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, a corporation, 3567 East Barnard Avenue, Cudahy, Wis. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spoiled, returned or rejected dairy products*, and (2) *agricultural commodities*, in mixed shipments, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles at the same time with (1) above, from points in Washington, Oregon, Montana, Utah, Idaho, California, Colorado, Arizona, Nevada, New Mexico, and Wyoming, to points in Minnesota and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Madison or Milwaukee, Wis.

No. MC 111398 (Sub-No. 12), filed August 5, 1968. Applicant: FISCHBACH TRUCKING CO., a corporation, 921 Sherman Street, Akron, Ohio 44311. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and building materials, and materials used in the installation and application of such commodities* (except iron and steel, and commodities in bulk), from the plantsite of Certain-teed Products Corp. located at Avery, Ohio, to points in Indiana, Kentucky, Michigan, West Virginia; points in New York in and west of Wayne, Seneca, Schuyler, and Chemung Counties; and points in Pennsylvania in and west of Tioga, Potter, Cameron, Clearfield, Cambria, and Somerset Counties, and returned shipments of the above commodities, on return and (2) *materials, equipment, and supplies* used in the manufacture, installation or application of roofing and building materials, from points in the above described territory to the plantsite of Certain-teed Products Corp., at Avery, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 111401 (Sub-No. 260), filed August 2, 1968. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, and fertilizer solutions*, in bulk, from points in

Texas west of U.S. Highway 83, to points in Alabama, Arizona, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee (except Kingsport), Texas, Utah, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 111401 (Sub-No. 262), filed August 8, 1968. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton and Victor R. Comstock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid and phosphatic fertilizer solutions*, in bulk, from the plantsite of Freeport Chemical Co., division of Freeport Sulphur Co., at or near Uncle Sam, St. James Parish, La., to points in Alabama, Arkansas, Florida, Georgia, that part of Illinois on and south of U.S. Highway 50 including East St. Louis, Kentucky, Louisiana, Mississippi, that part of Missouri on and south of the Missouri River, Oklahoma, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New Orleans, La.

No. MC 111729 (Sub-No. 268), filed August 2, 1968. Applicant: AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. 13361. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records and audit and accounting media of all kinds, and advertising material moving therewith*, between points in Fairfield County, Conn., on the one hand, and, on the other, points in Delaware and Philadelphia Counties, Pa.; Hampshire and Middlesex Counties, Mass.; Middlesex County, N.J.; Bronx, Kings, Manhattan, Nassau, Queens, Richmond, Suffolk, Ulster, and Westchester Counties, N.Y.; (2) *proofs, cuts, copy, artwork, and materials related thereto, used in preparing advertising*, restricted against the transportation of packages or articles weighing in the aggregate more than 90 pounds from one consignor to one consignee on any one day, between points in Fairfield County, Conn., on the one hand, and, on the other, points in Bergen, Hudson, Passaic, and Union Counties, N.J.; and points in New York, N.Y. and Westchester County, N.Y.; (3) *electronic components*, restricted against the transportation of packages or articles weighing in the aggregate more than 75 pounds from one consignor to one consignee on any one day, between points in Fairfield County, Conn., on the one hand, and, on the other, points in Middlesex and Suffolk Counties, Mass.; Philadelphia County, Pa.; and JFK International Airport and La Guardia Airport, N.Y.; (4) *oil burner parts, truck repair parts, promotion items and miscellaneous office supplies such as business forms, statements, invoices, delivery tickets, and service tickets*, restricted against the transportation of packages or articles weighing in the aggregate more than 50 pounds from one consignor to one consignee on any one day, between points in Fairfield County, Conn., on the one hand, and, on the other, points in Bronx, Kings, Manhattan, Nassau, Queens, Richmond, Suffolk, and Westchester Counties, N.Y.; and (5) *cloth samples*, restricted against the transportation of packages or articles weighing in the aggregate more than 90 pounds from one consignor to one consignee on any one day, between points in Fairfield County, Conn., on the one hand, and, on the other, New York, N.Y. NOTE: Applicant has contract carrier authority in MC 113750 and subs thereunder, therefore dual operations may be involved. Applicant states that it could tack with its presently held common carrier authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 111823 (Sub-No. 16), filed August 2, 1968. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama, Colorado, Connecticut, Florida, Georgia, Indiana, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Wisconsin, and the District of Columbia, on the one hand, and, on the other, points in California. NOTE: The purpose of this application is to eliminate the gateway of Overland, Mo. (so called St. Louis gateway). If a hearing is deemed necessary, applicant requests it be held at San Antonio, Tex.

No. MC 113106 (Sub-No. 29), filed August 1, 1968. Applicant: THE BLUE DIAMOND COMPANY, a corporation, 4401 East Fairmount Avenue, Baltimore, Md. 21224. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bags, (1) from Baltimore, Md., to points in Pennsylvania, and (2) from North Claymont, Del., to points in Delaware, Maryland, Pennsylvania, New Jersey, New York, Virginia, the District of Columbia, and those in West Virginia and north of U.S. Highway 60. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113495 (Sub-No. 35), filed August 5, 1968. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street, Post Office Box 5266, Nashville, Tenn. 37213. Applicant's representative: Wilmer B. Hill, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except those with vehicle beds, bed frames, or fifth wheels); (2) *agricultural implements and machinery;* and (3) *attachments for, and equipment designed for use with the foregoing articles when moving in mixed loads with such articles*, (a) between points in the Davenport, Iowa, Rock Island and Moline, Ill., commercial zone, as defined by the Commission, and (b) from points in said commercial zone to points in Tennessee, North Carolina, Virginia, West Virginia, and Arkansas. Restriction: The authority herein sought shall be limited to traffic originating at the plantsites of, or storage or distribution facilities used by International Harvester Co., and terminating in the aforesaid States of destination; provided that this restriction shall not prevent the handling of traffic in foreign commerce. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113861 (Sub-No. 44), filed August 8, 1968. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Avenue, Memphis, Tenn. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wet bottom boiler slag aggregates*, in bulk, and in bags, from Memphis, Tenn., to points in Arkansas, Mississippi, Alabama, Louisiana, Kentucky, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 113974 (Sub-No. 27), filed August 7, 1968. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Avenue, Dravosburg, Pa. 15034. Applicant's representative: W. H. Schlottman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheet metal products;* and *equipment, materials and supplies* used in the installation of sheet metal products, from the plantsite and warehouses of Maurlee Co., Inc., Woodbury Heights, N.J., to points in Florida, Georgia, Ohio, and West Virginia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 113974 (Sub-No. 28), filed August 7, 1968. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Avenue, Dravosburg, Pa. 15034. Applicant's representative: W. H. Schlottman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheet metal products; and equipment, materials, and supplies, used in the installation of sheet metal products*, from the plantsite and warehouses

of Acme Manufacturing Co., Philadelphia, Pa., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Oklahoma, Texas, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 114011 (Sub-No. 1), filed August 5, 1968. Applicant: PETER SADOWSKI, doing business as PETE'S SERVICE AND TRUCK AND RENTALS, 640 South Century Avenue, St. Paul, Minn. 55119. Applicant's representative: Robert E. Swanson, 1211 South Sixth Street, Stillwater, Minn. 55082. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from St. Paul and Minneapolis, Minn., to points in that portion of Wisconsin on and north of Wisconsin Highway 29 beginning at Prescott, Wis., to Green Bay and ending at Kewaunee, Wis.; and that portion of Michigan known as the Upper Peninsula contiguous to the northeast boundary of Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 114019 (Sub-No. 192), filed August 7, 1968. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Duluth, Minn., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114045 (Sub-No. 323), filed August 7, 1968. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Duluth, Minn., to points in Arkansas, Kansas, Louisiana, Mississippi, Oklahoma, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114552 (Sub-No. 35), filed August 5, 1968. Applicant: SENN TRUCKING COMPANY, a corporation, Post Office Box 333, Newberry, S.C. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Adel, Ga., to points in Alabama, Delaware, Florida, Kentucky, Maryland, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., Chicago, Ill., or Washington, D.C.

No. MC 115331 (Sub-No. 258), filed August 5, 1968. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, Mo. 63111. Applicant's representative: Thomas F. Kilroy, 913 Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer ingredients*, from Yazoo City, Miss., to points in Arkansas and Missouri, and (2) *fertilizer and fertilizer ingredients including anhydrous ammonia*, from Marion County, Mo., to points in Illinois, Indiana, Iowa, Ohio, and Missouri. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 116763 (Sub-No. 136), filed August 2, 1968. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: W. J. Bohman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Window glass* from Shreveport, La., to points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Toledo or Columbus, Ohio.

No. MC 118402 (Sub-No. 2), filed August 7, 1968. Applicant: HILLSIDE MOTOR LINES, INC., 321 Indian River Road, Orange, Conn. Applicant's representative: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points in the New York, N.Y., commercial zone, as defined by the Commission, to Hartford, Conn., with no transportation for compensation on return, except as otherwise authorized. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Springfield, Mass.

No. MC 118959 (Sub-No. 36), filed July 31, 1968. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: A. S. Dunn, 3805 Mobile Highway, Pensacola, Fla. 32505. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board and asphalt and prepared roofing and related accessories and commodities, and equipment materials and supplies used in the installation of the above commodities*, from the plantsite of the Celotex Corp., Birmingham, Ala., to Camden, Ark., and points in Kentucky and Tennessee. NOTE: Applicant is also authorized to conduct operations as a contract carrier in permit No. MC 125664, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Tampa, Fla.

No. MC 118959 (Sub-No. 37), filed August 1, 1968. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: A. S. Dunn, 3805 Mobile Highway, Pensacola, Fla., 32505. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, (a) from Jacksonville and Pensacola, Fla., to points in Alabama, Arkansas, Arizona, Georgia, Kentucky, Illinois, Indiana, Iowa, Kansas, Louisiana, Mississippi, Michigan, Missouri, Minnesota, North Carolina, New Mexico, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, and (b) from Pensacola, Fla., to Jacksonville, Fla., (2) *paper and paper products*, from Monticello, Miss., to points in the destination States shown in (1) (a) above, and points in Florida, (3) *equipment, materials and supplies* used or useful in the processing and/or manufacturing of paper and paper products (except commodities in bulk), (a) from the destination territory described in (1) (a) and (2) above to Jacksonville and Pensacola, Fla., and Monticello, Miss., and (b) from Jacksonville, Fla., to Pensacola, Fla. NOTE: Applicant holds contract carrier authority under docket No. MC 125664, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Pensacola or Jacksonville, Fla., or St. Louis, Mo.

No. MC 119778 (Sub-No. 117), filed August 9, 1968. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. 35221. Applicant's representative: J. V. McCoy, Post Office Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid and phosphatic fertilizer solution*, in bulk, in tank vehicles, from plantsite of Freeport Sulphur Co. at or near Uncle Sam, St. James Parish, La., to points in Alabama, Arkansas, Florida, Georgia, Illinois on and south of U.S. Highway 50 including East St. Louis, Kentucky, Louisiana, Mississippi, Missouri on and south of the Missouri River, Oklahoma, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New Orleans, La.

No. MC 119839 (Sub-No. 4), filed August 7, 1968. Applicant: DARREL M. BAKER, and LEE SHELL, doing business as SHELL FEED & SUPPLY CO., Lutesville, Mo. 63762. Applicant's representative: Joseph R. Nacy, 117 West High Street, Post Office Box 352, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets, pallet parts, blocking, crating and wooden boxes*, from points in Bollinger County, Mo., and from points in that part of Wayne County, Mo., on and east of U.S. Highway 67, to points in Illinois, Indiana, Iowa, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis or Jefferson City, Mo.

No. MC 121060 (Sub-No. 5), filed August 8, 1968. Applicant: ARROW TRUCK LINES, INC., 1220 West Third Street, Birmingham, Ala. 35407. Applicant's representative: Robert E. Tate, 2025 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials and composition boards*, from Birmingham, Ala., to points in Kentucky, North Carolina, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Birmingham, Ala.

No. MC 121499 (Sub-No. 2) (Correction), filed July 15, 1968, published FEDERAL REGISTER issue of August 8, 1968, corrected and republished as corrected this issue. Applicant: WILLIAM HAYES LINES, INC., Hartman Drive, Lebanon, Tenn. 37087. Applicant's representative: Walter Harwood, 515 Nashville Bank & Trust Building, Nashville, Tenn. 37201. NOTE: The purpose of this republication is to show the correct docket number as MC 121499 (Sub-No. 2) in lieu of MC 121499 (Sub-No. 1), as shown in previous publication. The rest of the application remains the same.

No. MC 123379 (Sub-No. 3), filed July 31, 1968. Applicant: DENVER RICHARD BRUBAKER, doing business as BRUBAKER TRANSFER, 103 North Major, Eureka, Ill. 61530. Applicant's representative: Samuel G. Harrod, 106 East Center Street, Eureka, Ill. 61530. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New display cases and store fixtures*, from Metamora, Ill., to points in Connecticut, Florida, Georgia, Indiana, Iowa, Kansas, Colorado, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin, under contract with Metamora Woodworking Co. NOTE: Applicant presently carries wooden components from Texas to Metamora Woodworking Co., and the authority here sought would permit a return of the commodities herein to points in the States presently served. If a hearing is deemed necessary, applicant requests it be held at Peoria or Chicago, Ill.

No. MC 123383 (Sub-No. 36), filed July 31, 1968. Applicant: BOYLE BROTHERS, INC., 276 River Road, Edgewater, N.J. 07020. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, asphalt and composition roofing products, composition boards, urethane and urethane products, insulating materials, plastic resin and products thereof, and materials, accessories, and supplies* used in the installation of the abovenamed commodities (except commodities in bulk), from the plantsite of The Celotex Corp. at Edgewater, N.J., to points in New York, Massachusetts, Rhode Island, Delaware, Vermont, West Virginia, Maryland, New Hampshire, Ohio, Pennsylvania, Maine, and the District of Columbia, and *returned shipments*, on return. NOTE: Applicant states it intends to tack at Edgewater, N.J., with its present authority in MC 123383 Sub 34. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., Washington, D.C., or New York, N.Y.

No. MC 124211 (Sub-No. 118), filed August 5, 1968. Applicant: HILT TRUCK LINE, INC., 2648 Cornhusker Highway, Post Office Box 824, Lincoln, Nebr. 68501. Applicant's representative: Thomas L. Hilt (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (I) Irregular routes: (a) *Paint, paint materials, groceries and general store supplies*, between Arlington, Blair, Daykin, DeSota, Exeter, Fairbury, Fontanelle, Fort Calhoun, Fremont, Geneva, Herman, Kennard, Lincoln, Milford, Nashville, Orum, Seward, Spiker, Talbasta, Tobias, Washington, and Western, Nebr., on the one hand, and, on the other, Canton, Chicago, Coal City, Joliet, and Rochelle, Ill., and Brighton, Tipton, and Vinton, Iowa, (b) *baby supplies, clothing, games, novelties, tableware, and toys*, when moving in the same vehicle and at the same time with flour, grain products and food products (presently authorized), and, *food products*, between points in Arkansas, Kansas, Louisiana, Mississippi, Nebraska, Oklahoma, Tennessee (except Memphis and points in the commercial zone thereof), and Texas, on the one hand, and, on the other, points in Idaho, Minnesota, Montana, Nebraska, North Dakota, and South Dakota, and (c) *cullet* (broken glass), and *glassware*, from points in Nebraska, to points in Nebraska, Ohio, and Texas. (II) Regular routes: *Junk, scrap and waste materials, macaroni, noodles, grain products, food products, meats and packinghouse products, pancake and cake flour, spaghetti and vermicelli*, serving points in Saunders County, Nebr., as intermediate and off-route points in connection with carrier's authorized regular route operations. Restriction: The authority sought herein, to the extent it duplicates any authority heretofore granted to or now held by applicant, shall not be construed as conferring more than one operating right severable by sale or otherwise. NOTE: Applicant states it is presently authorized in docket No. MC-F-9818 to transport commodities involved in (I)(a) above over regular routes. Applicant requests the Commission to revoke all regular route authority granted in docket No. MC-F-9818 should the authority sought herein be granted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Washington, D.C.

No. MC 124579 (Sub-No. 5), filed August 5, 1968. Applicant: G. EDWARD WIKEL, doing business as Wikel Milk Cartage, Route No. 1, Huron, Ohio 44839. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in bulk, in tank vehicles, between Orrville, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, Pennsylvania, New York, Tennessee, West Virginia, Minnesota, and Wisconsin. NOTE: Applicant has contract carrier authority in MC 114377 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 125497 (Sub-No. 3), filed July 26, 1968. Applicant: L. WOODS & SON TRANSPORT, LIMITED, 5005 Irwin Avenue, LaSalle, Quebec, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which because of size or weight, require use of special equipment, and *commodities* which because of size or weight do not require the use of special equipment, when transported as part of the same shipment with commodities which because of size or weight require the use of special equipment, between ports of entry on the international boundary line between the United States-Canada, located at Massena, Ogdensburg, Alexandria Bay (1,000) Islands, Lewiston Bridge at Lewiston, Niagara Falls, and, Buffalo, N.Y., and Detroit, and Port Huron, Mich., on the one hand, and, on the other, Massena, Ogdensburg, Alexandria Bay, Lewiston, Niagara Falls, and Buffalo, N.Y., and Detroit and Port Huron, Mich. Restrictions: (1) The transportation authorized herein is restricted to foreign commerce only. (2) The transportation authorized herein is restricted to shipments having a prior or subsequent movement by motor vehicle at the points of Massena, Ogdensburg, Alexandria Bay, Lewiston, Niagara Falls and Buffalo, N.Y.; and Detroit and Port Huron, Mich. (3) *Commodities* which because of size or weight, require use of special equipment, and *commodities* which because of size or weight do not require the use of special equipment, when transported as part of the same shipment with commodities which because of size or weight require the use of special equipment, between ports of entry on the international boundary line between the United States and Canada, located at Fort Covington, Trout River, Champlain, and Rouses Point, N.Y.; Route 89, and Derby Line, Canaan, Vt.; and Coburn Gore, Maine, on the one hand, and, on the other, Fort Covington, Trout River, Champlain, and Rouses Point, N.Y.; Route 89, Derby Line, and Canaan, Vt., and Coburn Gore, Maine. Restrictions: (1) The transportation authorized herein is restricted to foreign commerce only. (2) The transportation authorized herein is restricted to shipments having a prior or subsequent movement by motor vehicle at the points of Fort Covington, Trout River, Champlain, and Rouses Point, N.Y., Route 89, Derby Line, and Canaan, Vt., and Coburn Gore, Maine. NOTE: If a hearing is deemed necessary, applicant requests it be held at Plattsburgh, N.Y.

No. MC 125872 (Sub-No. 2), filed August 1, 1968. Applicant: C. H. DREDGE & COMPANY, INC., 542 South 2165 West, Salt Lake City, Utah 84119. Applicant's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated sheet and plate glass, paints and related articles*, moving in mixed loads, from Salt Lake City, Utah, to Boise, Pocatello, Idaho Falls and Twin Falls, Idaho, under contract with Bennett's of Salt Lake City, Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 126079 (Sub-No. 4), filed August 8, 1968. Applicant: STOUT CORPORATION, 2240 North Canyon Road, Post Office Box 186, Provo, Utah. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fabricated sections of steel storage tanks, and field equipment used in the erection thereof*, from Houston, Tex., to points in Arkansas, Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, and Texas; and, (2) *tools, equipment, and surplus materials and supplies used in the erection of steel storage tanks*, between points in Arkansas, Colorado, Kansas, Louisiana; Missouri, Nebraska, New Mexico, Oklahoma, and Texas. Restriction: The authority requested herein is restricted to service for the account of General American Transportation Corp.; and is further restricted against shipments originating at or destined to oilfield and gas well locations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 126240 (Sub-No. 13), filed July 24, 1968. Applicant: ALASKA STEAMSHIP COMPANY, a corporation, Pier 42, Seattle, Wash. 98134. Applicant's representative: Edward G. Lowry III, 14th floor, Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), between Seattle, Wash., and points in Alaska, located south and east of the United States-Canada international boundary line north of Haines, Alaska, over Washington Highways between Seattle and Puget Sound Terminal of Alaska Marine Highway System and over that system between such terminal and the Alaska points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Juneau or Anchorage, Alaska.

No. MC 126473 (Sub-No. 3), filed August 8, 1968. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, Iowa 52580. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite and storage facilities of Central Farmers Fertilizer Co., at or near Albany, Ill., to points in Illinois, Iowa, Minnesota, Missouri, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 127705 (Sub-No. 17), filed August 5, 1968. Applicant: KREVDA BROS. EXPRESS, INC., Post Office Box 68, Gas City, Ind. 46933. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures therefor*, from Indianapolis, Ind., to points in Lower Peninsula of Michigan, Ohio, Illinois, Wisconsin, Missouri, Kentucky, Pennsylvania, New York, West Virginia, Connecticut, District of Columbia, Maryland, and New Jersey. NOTE: Applicant has contract carrier authority in MC 123934 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128107 (Sub-No. 1), filed August 9, 1968. Applicant: BELMONT MINE SUPPLY, INC., Box 175, Flushing, Ohio 43977. Applicant's representative: John J. Malik, Sr., 3381 Belmont Street, Bellaire, Ohio 43906. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *High explosives, caps, blasting supplies, ammonium nitrate prills*, from Flushing, Ohio, in Belmont County and Adena, Ohio, in Jefferson County to points in Brooke, Ohio, Marshall, Wetzel, Tyler, Harrison, Doddridge, Pleasants, Ritchie, Gilmer, and Lewis Counties, W. Va., under contract with American Cyanamid Co., Wayne, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wheeling, W. Va., or Columbus, Ohio.

No. MC 128252 (Sub-No. 2), filed August 2, 1968. Applicant: DAVID MARCUS, doing business as MARCUS TRUCKING, 1625 Emmons Avenue, Brooklyn, N.Y. Applicant's representative: Arthur J. Piken, 160 16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric lamps, electric lighting fixtures and parts*, used in the manufacture of electric lamps and electric lighting fixtures, (1) from points in that part of the New York, N.Y., commercial zone as defined in the fifth supplemental report in *commercial zones and terminal areas*, 53 M.C.C. 451, within which local operations may be conducted under the exemption provision of section 203(b)(8) of the Act (the exempt zone) to the premises of Mobilite, Inc., at Hauppauge, N.Y., restricted to shipments having an immediately prior movement by water, and (2) from the premises of Mobilite, Inc., at Hauppauge, N.Y., to points in the New York, N.Y., commercial zone as defined by the fifth supplemental report in *commercial zones and terminal areas*, 53 M.C.C. 451 within which local operations may be conducted under the exemption provision of section 203(b)(8) of the Act (the exempt zone), and to points in New Jersey and in Fairfield County, Conn. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 128498 (Sub-No. 3), filed August 5, 1968. Applicant: ROBERT EMANUEL, doing business as EMANUEL'S EXPRESS, 201 East Township Line Road, Kirklyn, Pa. Applicant's representative: Byron R. LaVan, 327 South 17th Street, Philadelphia, Pa. 19103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, moving in express service, between points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Delaware, Maryland, and the District of Columbia, restricted to the exclusive use of one motor vehicle in the transportation of a single shipment, not weighing more than 5,000 pounds from one consignor at one location to one consignee at one location in any one day. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 128732 (Sub-No. 2), filed August 1, 1968. Applicant: TRANSPORTATION UNLIMITED OF CALIFORNIA, INC., 2639 South Soto, Los Angeles, Calif. 90023. Applicant's representative: Duane W. Acklie and Richard A. Peterson, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Hale County, Tex., to points in California, under contract with American Beef Packers. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 128788 (Sub-No. 3), filed June 27, 1968. Applicant: TOM McKEE AND KILIAN MAUZ, a partnership, doing business as McKEE TRUCKING CO., 2770 Eldridge Street, Golden, Colo. 80401. Applicant's representative: Kenneth G. Bueche, 1310 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mill feeds, such as bran, middlings and shorts*, in bulk, from Denver and Commerce City, Colo., to Quinby, Kans., under contract with The Colorado Milling & Elevator Co. NOTE: Applicant states Commerce City is a suburb of Denver and Quinby is located about 3 miles northwest of Garden City. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 129326 (Sub-No. 9), filed August 8, 1968. Applicant: WHITNEY TANK LINES, INC., 5201 Causeway

Boulevard, Tampa, Fla. 35601. Applicant's representative: Norman J. Bolinger, 1729 Gulf Life Tower, Jacksonville, Fla. 32209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid and phosphatic fertilizer solution*, in bulk, from the plantsite of Freeport Chemical Co., a division of Freeport Sulphur Co. at or near Uncle Sam (St. James Parish), La., to points in Alabama, Arkansas, Florida, Georgia, those in Illinois on and south of U.S. Highway 50 including East St. Louis, Kentucky, Louisiana, Mississippi, those in Missouri on and south of the Missouri River, Oklahoma, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa or Jacksonville, Fla.

No. MC 129326 (Sub-No. 10), filed August 8, 1968. Applicant: WHITNEY TANK LINES, INC., 5201 Causeway Boulevard, Tampa, Fla. 33601. Applicant's representative: Norman J. Bolinger, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, from Winter Garden, Fla., to points in South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa or Jacksonville, Fla.

No. MC 129401 (Sub-No. 3), filed August 1, 1968. Applicant: JOE R. BRAWLEY, doing business as BRAWLEY TRANSPORTATION COMPANY, 944 Davie Avenue, Statesville, N.C. Applicant's representative: H. Charles Ephraim, 1411 K Street, NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Thermoplastic materials and compounds*, except in bulk, from Statesville, N.C., to points in the United States. (2) *Equipment, materials, and supplies used in the manufacture of thermoplastic materials, compounds, and products*, except in bulk, from Statesville, N.C., to Salinas, Calif., West Chicago, Ill., Wooster, Ohio, and Winchester, Va. (3) *Thermosplastic materials and compounds, thermoplastic products, and equipment, materials and supplies used in the manufacture of thermosplastic materials, compounds and products*, except in bulk from Salinas, Calif., West Chicago, Ill., Wooster, Ohio, and Winchester, Va., to Statesville, N.C. (4) *Equipment, materials, and supplies used in the fabrication of wooden bins*, except in bulk, from points in North Carolina to Bartow, Fla. (5) *Wooden crates and boxes*, set up and knocked down, from Statesville, N.C., to points in Georgia, South Carolina, Virginia, West Virginia, Alabama, Arkansas, Louisiana, Maryland, Mississippi, and Pennsylvania, for the account of Fusion Rubbermaid Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 129538 (Sub-No. 2), filed July 21, 1968. Applicant: WALT EWING, doing business as WALT EWING CONSTRUCTION, Box 95, Belfry, Mont. 59008. Applicant's representative: James F. Megles, 2822 Third Avenue North, Post Office Box 1581, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Hot Springs County, Wyo., to points in Carbon County, Mont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 129645 (Sub-No. 1), filed August 1, 1968. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition boards and materials and accessories* used in the installation thereof, from points in Henry County, Tenn., to points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Illinois, Ohio, Indiana, Iowa, Michigan, Minnesota, Wisconsin, Montana, Wyoming, Colorado, and Tennessee, and (2) *materials* used in the manufacture and distribution of composition boards, from points in the above described destination States to points in Henry County, Tenn. NOTE: Applicant holds contract carrier authority under MC 127033, Sub-2 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 129790 (Sub-No. 1), filed August 5, 1968. Applicant: JOSEPH A. BECKER, doing business as BECKER HI-WAY FRATE, 121 Adams Avenue, Albert Lea, Minn. 56007. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Molded pulp egg cartons*, from Middletown, Ohio, to points in Iowa, Minnesota, Nebraska, South Dakota, and Wisconsin, under contract with Diamond National Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 129830 (Sub-No. 1), filed August 5, 1968. Applicant: JAMES "JAKE" JACOMBSMA, doing business as JACOBSMA TRANSPORTATION COMPANY, 108 South Virginia Street, Sioux City, Iowa. Applicant's representative: Paul W. Deck, 222 Davidson Building, Sioux City, Iowa 51101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and aluminum castings, structural steel, and reinforcing steel for bridges, and buildings and steel bars, plates, shapes, and sheets*, between the plantsites of Missouri Valley Steel Co. and Sioux City Foundry Co., at/or near Sioux City, Iowa, on the one hand, and, on the other, points in Nebraska, South Dakota, and Minnesota, Kansas, Missouri, and North Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 129901 (Sub-No. 2), filed August 9, 1968. Applicant: SHERIDAN TRUCK SERVICE CO., a corporation, 311 Tiffany Building, Eugene, Oreg. 97401. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Coos County, Oreg., to Vancouver, Wash. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 129943 (Sub-No. 1), filed August 6, 1968. Applicant: GEORGE L. STONE, doing business as STONE'S HAY AND FEED, Hamlin, W. Va. 25523. Applicant's representative: George L. Stone (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural feed and fertilizer*, except commodities in bulk, between Russellville and Winchester, Ky.; Washington Court House, and Cincinnati, Ohio, on the one hand, and, on the other, Hamlin, Hurricane, Woodville, Yawkey, and Branchland, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va., or Cincinnati, Ohio.

No. MC 133008 (Amendment), filed June 27, 1968, published in FEDERAL REGISTER issue of July 25, 1968, amended June 29, 1968, and republished as amended, this issue. Applicant: MILLAR & BROWN, LTD., a corporation, Post Office Box 669, Cranbrook, B.C., 611 71st SE., Calgary, Alberta, Canada. Applicant's representative: George R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities of unusual value, commodities in bulk, and household goods as defined by the Commission), between ports of entry located on the United States-Canada boundary line at or near Blaine, Oroville, and Northport, Wash.; Porthill and Eastport, Idaho; Eureka and Sweet Grass, Mont.; Portal, Noyes and Pembina, N. Dak. NOTE: The purpose of this republication is to broaden the scope of authority sought. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 133061, filed July 24, 1968. Applicant: PUBLIC TRANSPORT CORPORATION, Post Office Box 327, Troutman, N.C. Applicant's representative: John C. Bradley, Suite 618, Perpetual Building, 1111 E Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, nitric acid, anhydrous ammonia, and nitrogen solutions*, from points in Hertford County, N.C., to points in South Carolina, North Carolina, West Virginia, Maryland, Delaware, Pennsylvania, and Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Washington, D.C.

No. MC 133062, filed July 29, 1968. Applicant: WAYLAND DISTRIBUTING COMPANY, INC., 3100 Sixth Avenue South, Birmingham, Ala. 35233. Applicant's representative: D. H. Markstein, Jr., 512 Massey Building, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furniture*, from Birmingham, Ala., to points in Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, South Carolina, and Tennessee, (2) *plywood*, from points in Louisiana and Mississippi to Birmingham, Ala., (3) *linoleum rugs, floor tile, carpeting, and carpet cushions*, from Mobile, Ala., New London, Conn., Hedges, Ga., Herring, Ill., Cincinnati, Ohio, Allentown, Pa., and Houston, Tex., to Birmingham, Ala., (4) *linoleum rugs*, from Salem, N.J., to Birmingham, Huntsville, and Scottsboro, Ala., and (5) *linoleum rugs*, from Mobile, Ala., New London, Conn., and East Walpole, Mass., to points in Alabama, Delaware, Florida, Georgia, Indiana, Kentucky, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, under contract with Furniture Distributors, Inc., Kelly Rug Co., Vulcan Furniture Manufacturing Co., and Rubin Bros. of Ala., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 133063, filed August 1, 1968. Applicant: AMERICAN PACKERS EXPRESS, INC., Livestock Exchange Building, Buckingham Boulevard, Omaha, Nebr. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Hale County, Tex., to points in the United States, except Hawaii, under contract with American Beef Packers. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 133068 filed August 2, 1968. Applicant: C. J. WHITLEY, Route 4, Box 264, Albermarle, N.C. 28001. Applicant's representative: J. Ruffin Bailey, Post Office Box 2246, Raleigh, N.C. 27602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncooked refrigerated dough products, containers and ingredients*, (1) between the plantsites of Superior Foods, Inc., located at Dallas, Tex., and Charlotte, N.C.; and (2) from the above-named plantsites of Superior Foods, Inc. to points in the continental United States, under contract with Superior Foods, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte or Raleigh, N.C., or Washington, D.C.

No. MC 133077, filed August 6, 1968. Applicant: HARRY MINOR, doing business as MOBILE HOME MOVERS, 1227 Alder, Lewiston, Idaho 83501. Applicant's representative: Jerry V. Smith, 302 Weisgerber Building, Lewiston, Idaho 83501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes, campers and parts and furnishings therefor*, between points in Idaho, Washington, Oregon, California, Arizona, and Nevada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lewiston, Idaho, or Walla Walla or Spokane, Wash.

MOTOR CARRIERS OF PASSENGERS

No. MC 106207 (Sub-No. 10), filed August 2, 1968. Applicant: NEW YORK, KEANSBURG, LONG BRANCH BUS LINE, INC., 72 Beachway, Keansburg, N.J. 07734. Applicant's representative: Wilmer A. Hill, 529 Transportation Building, 17th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing or pleasure tours, beginning and ending at Keansburg, Hazlet, and Middletown, N.J., and extending to points in the United States, including Alaska, but excluding Hawaii. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 124764 (Sub-No. 2), filed July 25, 1968. Applicant: SARLON COACH LINES, LIMITED, Post Office Box 4422, Postal Station C, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Passengers and their baggage*, in round-trip charter operations, from ports of entry on the international boundary line between the United States and Canada, and extending to points in the United States, including Alaska (except Hawaii), and return. Restriction: The operations authorized herein are restricted to movements beginning and ending at points in Canada, (B) *passengers and their baggage in the same vehicle with passengers*, in special operations, in round-trip, sightseeing, and pleasure tours, beginning and ending at ports of entry on the international boundary line between the United States and Canada and extending to points in the United States, including Alaska (excluding Hawaii). Restriction: The service authorized herein is subject to the following conditions: The authority granted herein is restricted to the transportation of passengers and their baggage originating at points in Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 133046 (Sub-No. 2), filed August 1, 1968. Applicant: AIRPORT LIMOUSINE SERVICE, INC., 24 North River Road, Wheeling, W. Va. 26003. Applicant's representative: D. L. Bennett, 206 First National Bank Building, 2207 National Road, Wheeling, W. Va. 26003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, having prior or subsequent transportation by air, between Wheeling, W. Va., and the Greater Pittsburgh Airport located on Parkway-West (U.S. Highway 22) near Pittsburgh, Pa., serving St. Clairsville, Bellaire, Bridgeport, and Martins Ferry, Ohio, in the Wheeling, W. Va., district. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wheeling, W. Va., or Pittsburgh, Pa.

No. MC 133067, filed August 5, 1968. Applicant: CANYON TOURS, INC., Post Office Box 1597, Page, Ariz. 86040. Applicant's representative: Arthur H. Greene, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip sightseeing tours, between Wahweap and Page, Ariz., on the one hand, and, on the other, points in Washington, Kane, San Juan, Iron, Garfield, Piute, Wayne, and Beaver Counties, Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130066, filed August 7, 1968. Applicant: CAREFREE TOURS, INC., doing business at CAREFREE TOURS, 2120 South Green Road, South Euclid, Ohio. Applicant's representative: Harvey Rieger, 900 One Public Square, Cleveland, Ohio 44113. For license (BMC-5), to engage in operations as a *broker*, in South Euclid, Ohio, in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, in the same vehicle with passengers, both as individuals and groups, in special operations, beginning and ending at points in Ohio, and extending to points in the United States (including Alaska and Hawaii).

FREIGHT FORWARDERS OF "PROPERTY"

No. FF-328 (Clarification), DAVIDSON FORWARDING COMPANY, Freight Forwarder Application, filed October 21, 1965, published in the FEDERAL REGISTER issue of November 4, 1965, clarified and republished as clarified this issue. Applicant: DAVIDSON FORWARDING COMPANY, 3180 V Street NE., Washington, D.C. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought under Part IV of the Interstate Commerce Act as a freight forwarder in interstate or foreign commerce, in the forwarding of *household goods* as defined by the Commission in 17 M.C.C. 467; *used automobiles and unaccompanied baggage*, between points in the United States, including Alaska and Hawaii. NOTE: The purpose of this republication is to clarify the definition of the household goods in the commodity description.

No. FF-349, DEPENDABLE AUTO SHIPPERS, INC., Freight Forwarder Application, filed July 29, 1968. Applicant: DEPENDABLE AUTO SHIPPERS, INC., Hotel National, Suite 201, 592 Seventh Avenue, New York, N.Y. 10036. Applicant's representative: Charles H.

Trayford, 137 East 36th Street, New York, N.Y. 10016. Authority sought under Part IV of the Interstate Commerce Act as a freight forwarder in interstate or foreign commerce, through the use of facilities of common carriers by railroad, water, and motor vehicle in the transportation of *used automobiles, with or without baggage and personal effects* between points in Connecticut, Massachusetts, Rhode Island, New York, New Jersey, and Pennsylvania, and points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. FF-350, GLOBAL INTERNATIONAL FORWARDING, INC., Freight Forwarder Application, filed August 12, 1968. Applicant: GLOBAL INTERNATIONAL FORWARDING, INC., No. 1/ Global Way, Anaheim, Calif. 92803. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought under Part IV of the Interstate Commerce Act as a freight forwarder in Interstate or foreign commerce, in the transportation of (a) *used household goods*, (b) *used automobiles*, (c) *unaccompanied baggage*, and, (d) *such articles, including objects of art, displays, and exhibits, which because of their unusual nature or value, require specialized handling and equipment within the meaning of the third proviso of Household Goods, as defined by the Commission*, in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in the United States, including Alaska and Hawaii.

WATER CARRIER OF PROPERTY

W-1241, NILO BARGE LINE, INC., Common Carrier Application, filed August 8, 1968. Applicant: NILO BARGE LINE, INC., 112 North Fourth Street, St. Louis, Mo. 63102. Applicant's representative: John Guandolo, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by water in interstate or foreign commerce, (1) by nonselfpropelled vessels with the use of separate towing vessels, in the transportation of *general commodities*, and (2) by towing vessels in the performance of general towage, between the Ports of Tampa, Fla., and Boca Grande, Fla., including ports and points located on Tampa Bay, Fla., on the one hand, and, on the other, ports and points on the Gulf intracoastal Waterway, east of and including Brownsville, Tex., the Mississippi River below and including Minneapolis, Minn., the Ohio River, the Allegheny River, below and including Freeport, Pa., the Monongahela River, below and including Allenport, Pa., and the Illinois Waterway, below and including Chicago, Ill., and the Calumet Harbor area (and including ports and points along Lake Michigan between Chicago, Ill., and Burns Harbor, Ind.).

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 3018 (Sub-No. 21), filed August 1, 1968. Applicant: McKEOWN TRANSPORTATION COMPANY, a corporation, 10448 South Western Avenue, Chicago, Ill. 60643. Applicant's representative: Gregory J. Scheurich, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Compressed and liquified gases* in specially built shipper-owned containers and *carbide* on specially built trailers, from the sites of Union Carbide Corp.—Linde Division plants and the plants of its suppliers and customers in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, West Virginia, and Wisconsin, to points in said States, under contract with Union Carbide Corp. NOTE: Applicant states the authority sought herein duplicates all presently held authority except for the original grandfather rights which are not limited to transportation for this supporting shipper. All duplicating authority is to be eliminated upon grant of the instant application. Common control may be involved.

No. MC 133014, filed July 5, 1968. Applicant: WOODCREST L & S CO., a corporation, 8558 South Kildare Avenue, Chicago, Ill. 60652. Applicant's representative: Clive D. Kamins, 33 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, classes A and B explosives, and commodities requiring special equipment), (1) from Aldens, Inc., truck depot and warehouses and their adjacent loading docks located at Chicago, Ill., commercial zone as defined by the Commission, to all retail outlets, catalogue order establishments and other places of business owned, operated, leased or managed by Aldens, Inc., located at points in Ohio, Michigan, Illinois, Indiana, Missouri, Iowa, Wisconsin, Minnesota, and points in the Louisville, Ky., commercial zone as defined by the Commission, and (2) between such locations to said truck depots and warehouses and their adjacent loading docks; and to the suppliers of the aforesaid Aldens, Inc., located in the aforesaid States in No. (1) above, under contract with Aldens, Inc.

No. MC 94481 (Sub-No. 2), filed July 19, 1968. Applicant: ESTACADA MOLALLA STAGES, INC., 10706 Southwest Capitol Highway, Portland, Oreg. Applicant's representative: Robert R. Hollis, 1121 Commonwealth Building, Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at points in Multnomah, Clackamas, Washington, and Yamhill Counties, Oreg., and Clark County, Wash., and extending to points in the United States (including Alaska and Hawaii). NOTE: Applicant conducts operations under MC 94481 (Sub-No. 1) as follows: Passengers and their baggage, and express, newspapers, and mail in the same vehicle with passengers, over regular routes, (1) between Portland and Colton, Oreg., from Portland over Oregon Highway 213 to Oregon City, Oreg., thence over Oregon Highway 215 to Liberal, Oreg., thence over unnumbered Clackamas County Road to Molalla, Oreg., and thence over Oregon Highway 211 to Colton, and return over the same route, serving all intermediate points, and (2) between Portland and Estacada, Oreg., from Portland over Oregon Highway 213 to Clackamas County Roads via Carver, Oreg., to Eagle Creek, Oreg., thence over Oregon Highway 211 to Estacada (also from Carver unnumbered Clackamas County Road via Logan, Oreg., to Estacada), and return over the same route, serving all intermediate points. If and when the proposed authority sought herein is granted, applicant intends to surrender all authority held under MC 94481 (Sub-No. 1).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-10055; Filed, Aug. 21, 1968; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 19, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41418—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 616), for interested rail carriers. Rates on proprietary deicing preparations, and other commodities named in the application, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariff—Supplement 80 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

AGGREGATE-OF-INTERMEDIATES

FSA No. 41419—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 615), for interested rail carriers. Rates on proprietary deicing preparations, and other commodities named in the application, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 80 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-10137; Filed, Aug. 21, 1968; 8:50 a.m.]

[Notice 672]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 16, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 126 (Sub-No. 23 TA), filed August 12, 1968. Applicant: HUEY MOTOR EXPRESS, a corporation, 1426 Dalton Avenue, Cincinnati, Ohio 45214. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the Ford Motor Co., at the intersection of Westport Road and Murphy Lane in Jefferson County, Ky., as an off-route point in connection with carrier's regular routes between Louisville, Ky., and Cincinnati, Ohio, and for authority for those routes to be tacked or joined with other regular routes in Docket No. MC 126. Supporting shipper: Ford Motor Co., The American Road, Dearborn, Mich. 48100. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 200 (Sub-No. 227 TA), filed August 12, 1968. Applicant: RISS & COMPANY, INC., 903 Grand Avenue, Post Office Box 2809 (64142), Kansas City, Mo. 64106. Applicant's representative: Ivan E. Moody, 12th Floor, Temple Building, 903 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, live poultry, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with carrier's authorized regular operations to and from Louisville, Ky., for 180 days. NOTE: Applicant intends to join at Louisville, Ky. Supporting shipper: Ford Motor Co., The American Road, Dearborn, Mich., by C. F. Wilkins, Supervisor, Parts and Material Analysis Section, Transportation and Traffic Analysis Department. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 30844 (Sub-No. 259 TA), filed August 13, 1968. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 5000, 2125 Commercial Street, Waterloo, Iowa 50704. Applicant's representative: Larry L. Strickler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuffs*, not cold packed or frozen, from the plantsites and/or facilities of the Comstock-Greenwood Foods Borden, Inc.; Foods Division at Wellsboro, Pa., Arcade, Syracuse, Waterloo, Red Creek, Rushville, Egypt, Pen Yan, Fairport, Newark, and Lyons, N.Y., to points in Wisconsin Minnesota, North and South Dakota, Nebraska, Iowa, Missouri, and Illinois, for 180 days. NOTE: Applicant intends to tack under MC 30844 with its base certificate. Supporting shipper: Comstock-Greenwood Foods, Division of the Borden Co., Newark, N.Y. 14513. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 35540 (Sub-No. 18 TA), filed August 12, 1968. Applicant: SCHRODER'S EXPRESS, INC., 1550 Perin Street, Cincinnati, Ohio 45204. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite of the Ford Motor Co., at the intersection of Westport Road and Murphy Lane in Jefferson County, Ky., as an off-route point in connection with the carrier's regular routes, between Louisville, Ky., on the one hand, and, on the other, North Vernon, Palmyra, Ramsey, and Evansville, Ind., and Cincinnati, Ohio, and for authority for those routes to be tacked or joined with other regular routes in Docket No. MC 35540 and 35540, Sub 7, for 180 days. NOTE: Applicant intends to tack the authority sought herein with its existing authority under MC 35540 and Sub 7. Supporting shipper: Ford Motor Co., The American Road, Dearborn, Mich. 48100. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 39568 (Sub-No. 9 TA), filed August 12, 1968. Applicant: ARROW TRANSFER & STORAGE CO., 1124 Market Street, Chattanooga, Tenn. 37402. Applicant's representative: Harold Seligman, 1808 West End Building, Nashville, Tenn. 37203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) from Chattanooga, Tenn., over Highway U.S. 41 to Atlanta, Ga., and return, serving all intermediate points; (2) from Dalton, Ga., to Chattsworth, Ga., over Highway U.S. 76 (Georgia 52), thence to Cartersville, Ga., over Highway U.S. 411 and return, serving all intermediate points; (3) Operating between the points described over Interstate 75 for operating convenience only; (4) all segments to tack at all common points, and with the existing authority of Arrow Transfer and Storage Co., MC 39568; and Interline at the points of Chattanooga, Tenn., and Atlanta, Ga., for 180 days. NOTE: Applicant intends to tack MC 39568 with Arrow existing authority and interline at Chattanooga, Tenn., and Atlanta, Ga. Supporting shippers: There are approximately (51) statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: J. E. Gamble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 118816 (Sub-No. 2 TA), filed August 14, 1968. Applicant: MATERIALS TRANSPORT SERVICE, INC., Box 98, Whitehall, Pa. 18052. Applicant's representative: E. E. Taylor (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from Elizabeth, N.J., to points in New York, New Jersey, and Connecticut, for 180 days. NOTE: Applicant intends to tack MC 118816. Supporting shipper: Martin Marietta, 277 Park Avenue, New York, N.Y. 10017. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 129416 (Sub-No. 3 TA), filed August 12, 1968. Applicant: B. D. C. LTD., 20 Sheffield Street, Toronto, Ontario, Canada. Applicant's representative: Warren W. Wallin, 4970 South Archer Avenue, Chicago, Ill. 60632. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Commercial papers, documents, and written instruments* (except coins, currency, and negotiable securities) as are used in the conduct and operation of banks and banking institutions, and *audit media and other business records*, between Seattle, Wash., on the one hand, and, on the other, the international boundary line between the United States and Canada at Blaine, Wash., for 150 days. Supporting shippers: 1) The Toronto-Dominion Bank, British Columbia Division, 410 Seymour Street, Vancouver 2, British Columbia; 2) Seattle-First National Bank (International Banking Department), Seattle, Wash. 98124. Send protests to: George M. Parker, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Office Building, Buffalo, N.Y. 14203.

No. MC 133007 (Sub-No. 1 TA), filed August 14, 1968. Applicant: CAPE FEAR MOTOR LINES, INC., Box 84, Whiteville, N.C. 28472. Applicant's representative: Thomas D. Bunn, 327 Hillsboro Street, Raleigh, N.C. 27602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baskets, basket materials, crates, crate material, and agricultural commodity containers, wooden boxes, box material, crate material, pallets and pallet boxes, pallets and pallet material*, from points in Clark County, Va., to points in North Carolina, South Carolina, Georgia, and Florida, for 180 days. Supporting shipper: Berryville Basket Co., Inc., Berryville, Va. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 10885, Cameron Village Station, Raleigh, N.C. 27605.

No. MC 133076 TA, filed August 12, 1968. Applicant: P. STANLEY COBANE, doing business as COBANE AIR FREIGHT, Deer Grove, Ill. 61243. Applicant's representative: Donald S. Mullins, 4704 West Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* having prior or subsequent movement via air (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Sterling, Rock Falls, Morrison, Prophetstown, and Dixon, Ill., and Clinton, Iowa, on the one hand, and, on the other, O'Hare International Airport, Midway Airport and Meigs Field, at or near Chicago, Ill., for 180 days. NOTE: Applicant intends to interline with air freight carriers operating out of the airports named. Supporting shippers: There are approximately eight statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, U.S. Courthouse and Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-10138; Filed, Aug. 21, 1968; 8:50 a.m.]

[Notice 673]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 19, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the Federal Register publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2245 (Sub-No. 7 TA), filed August 12, 1968. Applicant: THE O. K. TRUCKING COMPANY, a corporation, 1810 South Street, Cincinnati, Ohio 45204. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the plantsite of the Ford Motor Co. at the intersection of Westport Road and Murphy Lane in Jefferson County, Ky., as an off-route point in connection with carrier's regular routes between Louisville, Ky., on the one hand, and on the other, Cincinnati, Ohio, Columbus, Ind., and Ashland, Ky., and for authority for those routes to be tacked or joined with other regular routes in Docket No. MC 2245, for 180 days. Supporting shipper: Ford Motor Co., The American Road, Dearborn, Mich. 48100. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 52743 (Sub-No. 18TA), filed August 12, 1968. Applicant: MIAMI TRANSPORTATION COMPANY, INC., OF INDIANA, 1220 Harrison Avenue, Cincinnati, Ohio 45214. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the plantsite of the Ford Motor Co. at the intersection of Westport Road and Murphy Lane in Jefferson County, Ky., as an off-route point in connection with carrier's regular routes between Louisville, Ky., on the one hand, and Cincinnati, Ohio, and Kenova, W. Va., on the other, and for authority for those routes to be tacked or joined with other regular routes in Docket Nos. 52743 and MC 52743, Sub 12, for 180 days. NOTE: Applicant intends to tack the authority sought herein with its existing authority under MC 52743 and Sub 12. Supporting shipper: Ford Motor Co., the American Road, Dearborn, Mich. 48100. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 62104 (Sub-No. 11 TA), filed August 14, 1968. Applicant: FRED W. YEAGLE AND ROSCOE C. YEAGLE (ELLEN YEAGLE, ADMINISTRATRIX), doing business as YEAGLE BROTHERS, Rural Delivery 2, Muncy, Pa. 17756. Applicant's representative: Lester L. Greevy, 29 West Fourth Street, Williamsport, Pa. 17701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, in secondary movements, from Rochester, N.Y., and points within 25 miles thereof to Manheim, Pa., for 180 days. Supporting shipper: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Paul J. Kenworth, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 73262 (Sub-No. 22 TA), filed August 12, 1968. Applicant: MERCHANTS FREIGHT SYSTEM, INC., 2050 Kings Road, Post Office Box 2408, Jacksonville, Fla. 32203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except dangerous explosives, livestock, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., on the one hand, and, on the other, Anderson and Pendleton, Ind., and points in Indiana on U.S. Highway 20, U.S. Highway 40, U.S. Highway 50, those on U.S. Highway 52 between junction U.S. Highway 41 and the Indiana-Ohio State line, those on U.S. Highway 41 between Vincennes and the Indiana-Illinois State line, those on U.S. Highway 24 between junction Indiana Highway 25 and the Indiana-Ohio State line, those on U.S. Highway 31 between Indianapolis and junction U.S. Highway 31E, those on U.S. Highway 31E between junction U.S. Highway 31 and the Indiana-Kentucky State line, those on U.S. Highway 31W between junction U.S. Highway 31 and the Indiana-Kentucky State line, those on U.S. Highway 150 between junction U.S. Highway 50 and the Indiana-Kentucky State line, those on U.S. Highway 35 between junction U.S. Highway 40 and the Indiana-Ohio State line, those on Indiana Highway 28 between junction U.S. Highway 41 and junction Indiana Highway 25, those on Indiana Highway 25 between junction Indiana Highway 28 and U.S. Highway 24, those on Indiana Highway 67 between Indianapolis and junction Indiana Highway 32, and those on Indiana Highway 32 between junction Indiana Highway 67 and the Indiana-Ohio State line, including junction points, St. Louis, Mo., and points in Ohio and Illinois, for 180 days. NOTE: Applicant intends to tack this authority with its presently held certificates and to interline such traffic with carriers with whom it publishes joint routes and through rates. Supporting shipper: Ford Motor Co., the American Road, Dearborn, Mich. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 128138 (Sub-No. 3 TA), filed August 14, 1968. Applicant: ATLANTIC-PACIFIC PILOT AND DRIVE EXCHANGE, INC., 609 Sutter Street, Suite 8, San Francisco, Calif. 94102. Applicant's representative: Berol, Loughran & Geernaert, 100 Bush Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles* and *used trucks* of three-quarter ton in capacity or less, in secondary movements, in single driveaway service, by the use of causal drivers, between points in the United States (including Alaska and Hawaii), for 180 days. Supporting shipper: There are approximately eight statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Claud W. Reebes, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 128252 (Sub-No. 3 TA), filed August 12, 1968. Applicant: DAVID MARCUS, doing business as MARCUS TRUCKING, 1625 Emmons Avenue, Brooklyn, N.Y. 11235. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric lamps, electric lighting fixtures and parts used in the manufacture of electric lamps and electric lighting fixtures*, (1) from points in that part of the New York, N.Y., commercial zone and terminal areas, 52 M.C.C. 451, within which local operations may be conducted under the exemption provision of section 203(b)(8) of the Act (the exempt zone) to the premises of Mobilite, Inc., at Hauppauge, N.Y., with no transportation for compensation except as otherwise authorized. Restriction: The authority granted above is restricted to shipments which have had an immediately prior movement by water, (2) from the premises of Mobilite, Inc., at Hauppauge, N.Y., to points in that part of the New York, N.Y., commercial zone, as defined in the Fifth Supplemental Report in Commercial Zones and Terminal Areas, 53 M.C.C. 451 within which local operations may be conducted under the exemption provision of section 203(b)(8) of the Act (the exempt zone), and to points in with no transportation for compensation except as otherwise authorized for 180 days. Supporting shipper: Mobilite, Inc., 98 Cuttermill Road, Great Neck, N.Y. 11022. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 128642 (Sub-No. 2 TA), filed August 14, 1968. Applicant: SKYLINE TRANSPORT, INC., 6120 Eastbourne Avenue, Baltimore, Md. 21224. Applicant's representative: J. Meredith Russell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid corn syrup and dextrose*, in bulk, in tank vehicles from Baltimore, Md., to points in Maryland, for 150 days. Supporting shipper: A. E. Staley Manufacturing Co., Post Office Box 151, Decatur, Ill. 62525. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 133027 (Sub-No. 1 TA), filed August 13, 1968. Applicant: FRANK MOLLICA, doing business as B&M TRUCKING COMPANY, 503 South 16½ Street, Reading, Pa. 19606. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper products*, from Milltown, N.J., to points in Pennsylvania on and east of Interstate Highway 83 from the Maryland State line to Harrisburg, and on and east of Interstate Highway 81 from Harrisburg to the New York State line; Delaware County and New York, N.Y.; and Newark and Wilmington, Del., for 150 days. Supporting shipper: Middlesex Container Co., Inc., Milltown, N.J. 08850. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-10139; Filed, Aug. 21, 1968; 8:50 a.m.]

[Notice 194A]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 16, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70611. By order entered August 9, 1968, Division 3, approved the transfer to Irene DeGuire, doing business as Dee Motor Freight, Chicago, Ill., of the certificate of registration No. MC-98870 (Sub-No. 1), issued October 31, 1963, to James W. DeGuire, doing business as Dee Motor Freight, Chicago, Ill., corresponding to its Illinois Intrastate authority evidenced by C.P.N.C. No. 1864 MC, issued November 17, 1954, by the Illinois Commerce Commission, authorizing the transportation of: Livestock and commodities general within 50-mile radius of Tinley Park, Ill., and to transport such property to or from any point outside of such authorized area of operation for a shipper or shippers within such area. Harold A. Cowen, 1 North La Salle Street, Chicago, Ill. 60602, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-10054; Filed, Aug. 20, 1968; 8:51 a.m.]

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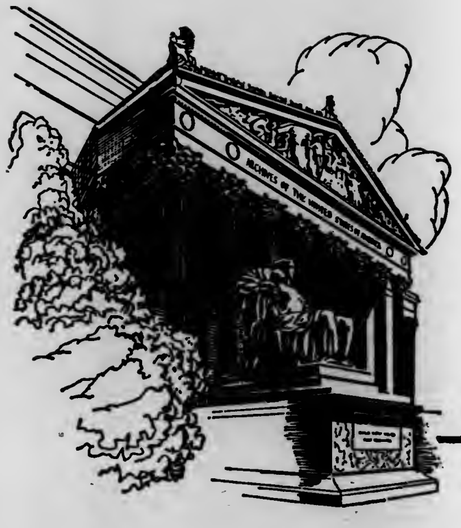
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GENERAL PULASKI'S MEMORIAL DAY, 1968

By the President of the United States of America

A Proclamation

On October 11, 1779, Brigadier General Casimir Pulaski died from wounds received during the siege of Savannah, Georgia. His death ended a career of brilliant leadership and courage in the service of freedom and independence.

He was not born in the land he learned to love so well. As a young man in exile from his own country, Count Pulaski joined the Continental Army, was appointed a brigadier general and commander of cavalry, and distinguished himself in the battles of Brandywine and Germantown. He raised and commanded a corps known as the Pulaski Legion.

On November 29, 1779, the Continental Congress, in recognition of his service and sacrifice, resolved that a monument should be erected to this brave son of Poland.

On the one hundred and eighty-ninth anniversary of his death, it is fitting that we commemorate General Pulaski for his devotion to our Nation, as a continuing example to all men who strive toward the goals of freedom and justice.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America do hereby designate Friday, October 11, 1968, as General Pulaski's Memorial Day; and I direct the appropriate Government officials to display the flag of the United States on all Government buildings on that day. I also invite the people of the United States to observe the day with appropriate ceremonies in schools, churches, and other suitable places.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of August, in the year of our Lord nineteen hundred and sixty-eight, and of the Independence of the United States of America the one hundred and ninety-third.

Lyndon B. Johnson

[F.R. Doc. 68–10272; Filed, Aug. 21, 1968; 4:33 p.m.]

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Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 68–CE–11–AD; Amdt. 39–639]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Cessna Model Airplanes

There have been a large number of failures of the pneumatic stall warning system, Cessna Part No. 0413029–200, installed on the subject models of Cessna aircraft. The failure of this system deprives the pilot of an approved device which performs the required function of alerting him to the fact that the aircraft is approaching or has entered a stalled position. The proper functioning of this system is a certification requirement and the high instance of failures is unacceptable.

Since this condition is likely to exist or develop in other airplanes of the same type design an airworthiness directive is being issued requiring a test of the pneumatic stall warning system prior to flight on all those Cessna model airplanes hereinafter listed in order to determine that the system is functioning properly. The recommended method of preflight testing is provided in paragraph 16–53A of Cessna 100 Series Service Manual, 1963 through 1967. The airworthiness directive will also require, within 10 hours time-in-service after its effective date, the installation of a placard on the instrument panel in full view of the pilot which reads as follows: "Preflight Test the Pneumatic Stall Warning System as directed in AD 68–17–4." If, as a result of the preflight test, it is determined that the pneumatic stall warning system is not functioning properly, it must be repaired prior to further flight. The required repair involves replacing the reed assembly Cessna Part No. 0413028–1 with Cessna reed assembly Part No. 0413483–2 and additionally by affixing 18 x 14 or 18 x 16 mesh screens over the exposed horn bell in the cabin and over the left wing opening and thereafter flight testing the aircraft to assure that the system will sound at the required speed as specified in the pertinent Cessna Service Manual. When the system has been so modified, the test may be discontinued and the placard removed. If the preflight test discloses an improperly functioning pneumatic stall warning system and parts needed for the required repair are not available, the system may be repaired by installing a properly functioning pneumatic stall warning system, Cessna Part No. 0413029–200. Under the circumstances the preflight test must be continued.

Since immediate adoption is required in the interest of safety, compliance with the notice and public procedures provisions of the Administrative Procedure Act is not practical and good cause exists for making this rule effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

CESSNA. Applies to Models 150 (Serial Nos. 15061533 through 15069308), 172 (Serial Nos. 17254893 through 17257161), 177 (Serial Nos. 17700001 through 17701164), 180 (Serial Nos. 18051824 through 180–51977), 185 (Serial Nos. 185–1198 through 185–1429), F150 (Serial Nos. F150–0001 and up), F172H (Serial Nos. F172–0320 and up), and Reims Rocket (Serial Nos. FR172–0001 and up) airplanes equipped with pneumatic stall warning system, Cessna Part No. 0413029–200, and those models 150, 172, 177, and 185 airplanes other than the Serial Numbers listed above in which the pneumatic stall warning system has been installed as a replacement for the orginally installed system.

Compliance: Required as indicated.

To assure proper operation of the stall warning system in flight, accomplish the following:

(a) Prior to flight, test the pneumatic stall warning system and determine if it is functioning properly, as provided in Paragraph 16–53A of Cessna 100 Series Service Manual, 1963 through 1967, which tells operators to test the horn operation by covering the opening in the left wing with a clean cloth, such as a handkerchief, and applying a slight suction by mouth to draw air through the horn. A properly functioning horn will provide a sound that is clearly audible. The check required by this part of the airworthiness directive may be performed by the pilot.

(b) Within 10 hours time-in-service after the effective date of this airworthiness directive, install a placard on the instrument panel in full view of the pilot with the following wording: "Preflight Test the Pneumatic Stall Warning System as Directed by AD 68–17–4."

(c) If, as a result of the preflight test required in Paragraph (a) of this airworthiness directive, it is determined that the pneumatic stall warning system is not functioning properly, repair it by removal of Cessna reed assembly Part No. 0413028–1 and the installation of Cessna reed assembly Part No. 0413483–2 and by the affixing of 18 x 14 or 18 x 16 mesh screens over the exposed horn bell inside the cabin and over the left wing opening or by any other modification approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region. Thereafter, flight test the aircraft to assure that the stall warning horn sounds at 5 to 10 miles per hour above the stall warning speed, and if not, recalibrate in accordance with the provisions of the aforecited paragraph of the Cessna 100 Series Service Manual or paragraph 15–41 of the Model 177 Service Manual.

(d) If, as a result of the preflight test required in Paragraph (a) of this airworthiness directive, it is determined that the pneumatic stall warning system is not functioning properly, and parts for the repair of the pneumatic stall warning system as called for in Paragraph (c) of this airworthiness directive are not available, repair the system by installing a properly functioning pneumatic stall warning system, Cessna Part No. 0413029–200 and continue the required preflight test until the repair called for in Paragraph (c) of this airworthiness directive has been accomplished.

(e) After completion of the repair referred to in Paragraph (c) above, the preflight test specified in Paragraph (a) of this airworthiness directive may be discontinued and the placard required in Paragraph (b) of this airworthiness directive removed from the aircraft.

This amendment becomes effective August 23, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Kansas City, Mo., on August 14, 1968.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 68–10168; Filed, Aug. 22, 1968; 8:48 a.m.]

[Docket No. 68–CE–12–AD; Amdt. 39–641]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Beech Model Airplanes

There have been reports that the parking brakes on the Beech Model 23 aircraft have been inadvertently engaged during flight by depression of the left brake pedal when left rudder is applied and has resulted in control difficulties on touchdown. This condition has apparently resulted from a failure of the spring provided in brake cylinders VHR–625NL to keep the lever in the parking brake released position.

Since this condition is likely to exist or develop in other airplanes in which the subject brake cylinder is installed an airworthiness directive is being issued requiring prior to further flight either disengagement of the parking brake by removal of the steel ball Part No. A134–9 from the parking brake check valve in the cylinders or, in the alternative, modification of the brake cylinder by the replacement of roll pin Part No. A132–154 with spring loaded roll pin Part No. MS–9048–074 and the cutting out of the floor boards beneath the brake pedal so as to allow full travel, in accordance with Beech Class 1, Service Instruction 0092–220. Another acceptable modification is also provided in Beech Service Letter No. 67–12, Revision 1. Either of the Beech documents can be obtained from Beech upon request.

Since immediate adoption is required in the interest of safety, compliance with the notice and public procedures provision of the Administrative Procedure

Act is not practical and good cause exists for making this rule effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BEECH. Applies to Models 23, A23, and A23A, Serial Nos. M-1 through M-1034; Model A23-19, Serial Nos. MB-1 through MB-264; Model A23-24, Serial Nos. MA-1 through MA-233

Compliance: Required as indicated.

To prevent inadvertent engagement of parking brake, in flight, accomplish the following:

(a) For Models 23, A23, and A23A, Serial Nos. M-555 through M-1034; Model A23-19, Serial Nos. MB-1 through MB-264; and Model A23-24, Serial Nos. MA-1 through MA-233 modify the master brake cylinders as set forth in (c) or (d).

(b) For Models 23, A23, and A23A, Serial Nos. M-1 through M-554, inspect the left master brake cylinder. If brake cylinder Part No. 169-380006 is installed no further action is required. If brake cylinders Part No. VHR-625NL are installed modify as set forth in (c) or (d).

(c) Remove the steel ball Part No. A134-9 from the parking brake check valve on both left and right master brake cylinders so as to disengage the parking brake and thereafter operationally check the brakes to assure proper operation; or,

(d) Modify the left master brake cylinder in accordance with either Beech Class 1, Service Instruction 0092-220 and drill out the floor board beneath the left brake pedal in accordance with procedures set forth in the aforesaid Beech Service Instruction, or install the improved braking system provided by Beech Service Letter No. 67-12, Revision 1.

(e) The foregoing modification must be accomplished prior to further flight except the airplane may be flown in accordance with Federal Aviation Regulation 21.197 to a base where the repair can be performed.

This amendment becomes effective August 27, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Kansas City, Mo., on August 16, 1968.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 68-10189; Filed, Aug. 22, 1968; 8:48 a.m.]

[Airworthiness Docket No. 68-WE-12-AD; Amdt. 39-640]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707 and 720 Series Airplanes

Amendment 794, Part 507 (29 F.R. 11745, Aug. 18, 1964), AD 64-18-1, requires repetitive inspections of the wing lower skin at the two outboard fasteners attaching a splice plate tab to the wing skin just aft of the front spar at wing station 392 and at the farthest inboard fastener common to the inboard drag fitting of the inboard nacelle, the wing skin and the lower front spar chord. Repairs of the lower wing skin were prescribed. After issuing Amendment 794, Part 507, due to service experience, the Administration has determined that the repairs and preventative modifications specified in AD 64-18-1 are inadequate and further, cracks in the skin emanating from fasteners for the front spar support fitting and the fairing attach angle, which are in the same area as the previous cracks, have occurred. Therefore, AD 64-18-1 is superseded by a new AD that requires inspections for cracks in the lower wing skin at the front spar inboard of the inboard strut, and specified repairs or modifications, if appropriate.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

BOEING: Applies to all Boeing 707/720 series aircraft listed in Boeing Service Bulletin 1995 (Revision 5) dated September 28, 1967 or later FAA approved revisions.

Compliance required as indicated.

To detect cracking and prevent failure of the lower wing skin at front spar station 392, accomplish the following:

(a) Inspect the lower wing skin of aircraft which have not been repaired by installation of the small repair doubler (identified on Page 25, Boeing Service Bulletin 1995, Revision 5), for cracks emanating from the two outboard fasteners of the splice plate tab as noted in Figure 1 of Boeing Service Bulletin 1995 (Revision 5) by use of dye penetrant inspection techniques, at the times specified in (h), (i), (j), or (k) as appropriate, and, if cracks are found, repair prior to further flight per (f) or (g).

(b) Inspect the lower wing skin of aircraft which have been repaired by installation of the small repair doubler in accordance with Boeing Service Bulletin 1995, within 1,600 hours after installation or within the next 400 hours' time in service after the effective date of this AD, unless inspected within the previous 1,200 hours' time in service and at intervals thereafter not to exceed 1,600 hours' time in service per (e).

(c) Inspect the lower wing skin for cracks emanating from the inboard attachments of the front spar support fitting as noted in Figure 1 of Boeing Service Bulletin 1995 (Revision 5) by use of dye penetrant inspection techniques at the times specified in (h), (i), (j), or (k) as appropriate, and, if cracks are found, repair prior to further flight per (g).

(d) Aircraft which have not had the drag fitting trimmed and the fairing attach angle modified in accordance with Boeing Service Bulletin 1995, within the next 400 hours' time in service after the effective date of this AD and thereafter at intervals not to exceed 800 hours' time in service, inspect for cracks in the lower wing skin emanating from the forward fastener for the drag fitting and the fasteners for the fairing attach angle as noted in Figure 1 of Boeing Service Bulletin 1995 (Revision 5), by use of eddy current inspection techniques (dye pentrant inspection techniques are acceptable for inspection of skin around fairing attach angle fasteners) at the threshold times specified in (h), (i), (j), or (k) as appropriate. If cracks are found around the fairing attach angle or emanating aft from the drag fitting fastener, rework the drag fitting, doubler and skin prior to further flight in accordance with (g). If cracks are found emanating forward from the drag fitting fastener rework the drag fitting, doubler and skin prior to further flight in accordance with Boeing Service Bulletin 1995 (Revision 5 or later FAA approved revision) or equivalent rework and modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(e) Inspect the lower wing skin covered by the small repair doubler for cracks by use of the X-ray inspection techniques noted in Boeing Service Bulletin 1995 (Revision 5 or later FAA approved revisions) or an equivalent inspection technique approved by the Chief, Aircraft Engineering Division, FAA Western Region. Repeat inspections at intervals not to exceed 1,600 hours' time in service. If crack growth is found, repair prior to further flight in accordance with (g).

(f) If the cracks fall within the crack length limits outlined in the paragraph titled "Installation of the small repair doubler," (Part II, Boeing Service Bulletin 1995, Revision 5 or later FAA approved revisions) repair in accordance with that section of the bulletin or later FAA approved revisions. Within 1,600 hours after installation of the doubler, inspect in accordance with (e).

(g) Upon completion of any of the following modifications, the inspections required by this AD may be discontinued:

1. Installation of 65-56257-1-2 or 65-57788-1-2 doublers as appropriate, per Boeing Service Bulletin 1995 (Revision 5 or later FAA approved revisions).
2. Boeing Service Bulletin 2484.
3. Boeing Service Bulletin 2487.
4. Installation of the 720 Wing Structural Improvement Program (per Boeing Document 65-12700) accomplished at Boeing's Wichita facility.
5. An equivalent installation approved by the Chief, Aircraft Engineering Division, Western Region, FAA.

(h) For those airplanes listed in Boeing Service Bulletin 1995 (Revision 5 or later FAA approved revisions) Part I, and having less than 6,000 (for 720 series) or less than 10,000 (for 707 series) hours' time in service on the effective date of this AD, prior to the accumulation of 6,800 or 10,800 hours' time in service, respectively, and thereafter not to exceed 800 hours time in service from the last inspection.

(i) For aircraft listed in Boeing Service Bulletin 1995 (Revision 5 or later FAA approved revisions) Part I, and having 6,000 or more (in the case of 720 series aircraft) or 10,000 or more (in the case of 707 series aircraft) hours' time in service on the effective date of this AD, within the next 400 hours' time in service, unless accomplished within the last 400 hours' time in service, and at intervals thereafter not to exceed 800 hours' time in service.

(j) For aircraft listed in Boeing Service Bulletin 1995 (Revision 5 or later FAA approved revisions), Part II, and having less than 10,000 (in the case of the 720 series) or less than 15,000 (in the case of the 707 series) hours' time in service on the effective date of this AD, prior to the accumulation of 10,800 or 15,800 hours' time in service, respectively, and thereafter at intervals not to exceed 800 hours' time in service from the last inspection.

(k) For aircraft listed in Boeing Service Bulletin 1995 (Revision 5 or later FAA approved revisions), Part II, and having 10,000 or more (in the case of the 720 series) or 15,000 or more (in the case of the 707 series) hours' time in service on the effective date of this AD, within the next 400 hours' time in service unless accomplished within the last 400 hours' time in service, and at intervals thereafter not to exceed 800 hours' time in service.

(l) Airplanes having cracks which require rework under this AD may be flown in accordance with FAR 21.197 with the concurrence of Chief, Aircraft Engineering Division, FAA Western Region, to a base where the rework can be accomplished.

(m) Upon request of an operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This AD supersedes Amendment 794, Part 507 (29 F.R. 11745), AD 64-18-1.

This Amendment becomes effective September 23, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended; 49 U.S.C. 1354(a) 1421, 1423)

Issued in Los Angeles, Calif., on August 15, 1968.

LEE E. WARREN,
Acting Director,
FAA Western Region.

[F.R. Doc. 68-10190; Filed, Aug. 22, 1968; 8:48 a.m.]

[Airspace Docket No. 68-SO-41]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On July 2, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 9621), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Vicksburg, Miss., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 17, 1968, as hereinafter set forth.

In § 71.181 (33 F.R. 2137), the Vicksburg, Miss., transition area is amended to read:

VICKSBURG, MISS.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Vicksburg Municipal Airport (lat. 32°14'20" N., long. 90°55'40" W.); within 2 miles each side of the Vicksburg VOR 311° radial, extending from the 10-mile radius area to 8 miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the 096° bearing from Vicksburg Municipal Airport, extending from the airport to 12 miles east; within 8 miles south and 5 miles north of the 276° bearing from Vicksburg Municipal Airport, extending from the airport to 12 miles west; within 8 miles southwest and 5 miles northeast of the Vicksburg VOR 311° radial, extending from the VOR to 12 miles northwest.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on August 14, 1968.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 68-10157; Filed, Aug. 22, 1968; 8:45 a.m.]

[Airspace Docket No. 68-SO-38]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Zone, Designation of Control Zone, and Alteration of Transition Area

On June 6, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 8393), stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would revoke the Jacksonville, Fla. (Thomas Cole Imeson Airport), control zone, designate the Jacksonville, Fla. (Jacksonville International Airport), control zone, and alter the 700-foot floor portion of the Jacksonville, Fla., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 6, 1968, as hereinafter set forth.

In § 71.171 (33 F.R. 2058), the Jacksonville, Fla. (Thomas Cole Imeson Airport), control zone (33 F.R. 6913) is revoked.

In § 71.171 (33 F.R. 2058), the following control zone is added:

JACKSONVILLE, FLA. (INTERNATIONAL AIRPORT)

Within a 5-mile radius of Jacksonville International Airport (lat. 30°29'16" N., long. 81°41'20" W.); within 2 miles each side of the Jacksonville VORTAC 284° radial, extending from the 5-mile radius zone to 2 miles west of the VORTAC.

In § 71.181 (33 F.R. 2137), the Jacksonville, Fla., 700-foot transition area (33 F.R. 6913) is amended to read:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Jacksonville International Airport (lat. 30°29'16" N., long. 81°41'20" W.); within an 8-mile radius of NS Mayport (lat. 30°23'30" N., long. 81°25'25" W.); within 2 miles each side of the Navy Mayport TACAN 041° radial, extending from the NS Mayport 8-mile radius area to 12 miles northeast of the TACAN; within a 5-mile radius of Craig Municipal Airport (lat. 30°20'10" N., long. 81°30'50" W.); within 2 miles each side of the Jacksonville VORTAC 160° radial, extending from the 5-mile radius area to the VORTAC; within an 8-mile radius of NAS Jacksonville (lat. 30°14'10" N., long. 81°40'40" W.); within an 8-mile radius of NAS Cecil Field (lat. 30°13'05" N., long. 81°52'45" W.);

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on August 14, 1968.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 68-10158; Filed, Aug. 22, 1968; 8:46 a.m.]

[Regulatory Docket No. 9092; Special Federal Aviation Regulation No. 20]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Flight Limitations in Proximity; Vice President, Presidential and Vice Presidential Candidates

The purpose of this Special Federal Aviation Regulation is to establish provision for restricting such flight operations in the vicinity of the Vice President, presidential and vice-presidential candidates as may be necessary for safety in air commerce and for the protection of persons or property on the ground.

Section 91.104 presently prohibits the operation of aircraft, over or in the vicinity of areas to be visited or traveled by the President, contrary to the restrictions specified in a Notice to Airmen (NOTAM). In many cases, public interest in the Vice President, presidential and vice-presidential candidates causes a similar assembly of a large number of persons and attracts numerous aircraft along the route and in the vicinity of the areas visited by these persons. Therefore, it is prudent to apply similar flight restrictions to aircraft being operated in proximity of these individuals.

This Special Federal Aviation Regulation will establish an expeditious method of prescribing such air traffic limitations as may be necessary to immediately safeguard the public. It will also aid air safety by avoiding potential air traffic congestion whch can be foreseen over the Vice President, presidential and vice-presidential candidates.

Since the circumstances associated with each particular situation are too varied, it is impossible to promulgate a regulation to satisfy each unique case. Accordingly, any restriction will be designated in a NOTAM issued by the Administrator.

Since this Special Federal Aviation Regulation is required immediately for the safety of air navigation and persons on the ground, it has been determined by the FAA that it is impracticable to comply with the notice and public procedure provisions of Title 5, Chapter 5 of the United States Code and that good cause exists for making this regulation effective in less than 30 days.

In consideration of the foregoing, the following Special Federal Aviation Regulation is hereby adopted to become effective August 20, 1968.

No person may operate an aircraft, over or in the vicinity of areas to be visited or traveled by the Vice President, presidential and vice-presidential candidates, contrary to the limitations specified in a Notice to Airmen (NOTAM).

This Special Federal Aviation Regulation shall terminate February 1, 1969.

(Secs. 307, 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354 and 1421)

Issued in Washington, D.C., on August 20, 1968.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 68-10191; Filed, Aug. 22, 1968; 8:48 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9072; Amdt. 611]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Santa Barbara, Calif.—Municipal, ADF 1, Amdt. 2, 27 May 1965 (established under Subpart C).
Wilmington, N.C.—New Hanover County, NDB (ADF) Runway 34, Amdt. 6, 6 Jan. 1968 (established under Subpart C).
Holland, Mich.—Park Township, VOR–1, Orig., 26 Aug. 1967 (established under Subpart C).
Wilmington, N.C.—New Hanover County, VOR 1, Amdt. 3, 6 Mar. 1965 (established under Subpart C).

2. By amending § 97.15 of Subpart B to amend very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less 65 knots or less	2-engine or less More than 65 knots	More than 2-engine, more than 65 knots
YK LFR	YAK VOR	Direct	1200	T–dn	300–1	300–1	200–½
50 DME Fix (R 090°)	20 DME Fix (090°)	Direct	8000	C–dn	500–1	500–1	500–1½
R 090°, YAK VORTAC clockwise	R 110° YAK VORTAC	20-mile Arc YAK, R 100° lead radial.	2000	S–dn–29°	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn S side of crs, 118° Outbnd, 298° Inbnd, 1200′ within 10 miles.
Descend to 700′ after 8-mile DME Fix. Descend to 400′ after 4-mile DME Fix.
Crs and distance, breakoff point to approach end of Runway 29, 298°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of YAK VOR, climb to 1700′ on YAK VOR, R 268° within 15 miles.

NOTE: When authorized by ATC, DME may be used to position aircraft for final approach at 1200′ between radials 110° clockwise to 268° within 10 miles with the elimination of procedure turn. Within 30 miles of YAK VOR when on airways, descent to 1200′ authorized.
*400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°–090°—6700′; 090°–180°—2000′; 180°–270°—2000′; 270°–360°—8000′.

City, Yakutat; State, Alaska; Airport name, Yakutat; Elev., 37′; Fac. Class., BVORTAC; Ident., YAK; Procedure No. VOR/DME No. 3, Amdt. 3; Eff date, 12 Sept. 68; Sup. Amdt. No. 2; Dated, 4 June 66

3. By amending § 97.17 of Subpart B to delete instrument landing system (ILS) procedures as follows:

Bangor, Maine—Bangor International Airport, ILS–33, Amdt. 2, 26 Nov. 1966 (established under Subpart C).
Santa Barbara, Calif.—Municipal, ILS–7, Amdt. 12, 27 May 1965 (established under Subpart C).
Wilmington, N.C.—New Hanover County, ILS–16, Orig. 18 June 1966 (back crs) (established under Subpart C).
Wilmington, N.C.—New Hanover County, ILS Runway 34, Amdt. 1 0, 6 Jan. 1968 (established under Subpart C).

4. By amending § 97.19 of Subpart B to cancel radar procedures as follows:

Bangor, Maine—Dow AFB, Radar 1, Amdt. 3, 24 Sept. 1966.

5. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 1.9 miles after passing BGR VOR. Make left-climbing turn to 2000′ direct BGR VOR and hold. Supplementary charting information: Hold NW of BGR VOR, 1-minute left turns, 157° Inbnd. Chart in plan view.@ TDZ elevation, 192′.

Procedure turn E side of crs, 337° Outbnd, 157° Inbnd, 2000′ within 10 miles of BGR VOR.
FAF, BGR VOR. Final approach crs, 157°. Distance FAF to MAP, 1.9 miles.
Minimum altitude over BGR VOR, 900′.
MSA: 000°–090°—2500′; 090°–180°—2400′; 180°–270°—2800′; 270°–360°—2200′.
@1. Approach from a holding pattern not authorized, procedure turn required.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S–15	520	¾	328	520	¾	328	520	¾	328	520	1	328
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	640	1	448	660	1	468	660	1¼	468	940	2	748
A	Standard.		T 2-eng. or less—Standard.					T over 2-eng.—Standard.				

City, Bangor; State, Maine; Airport name, Bangor International Airport; Elev., 192′; Facility BGR; Procedure No. VOR Runway 15, Amdt. Orig.; Eff. date, 12 Sept. 68

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 5 miles after passing highway int.
MKG VORTAC	Highway Int	MKG, R 209° and PMM, R 353°	2300	Climb to 2300′, turn left and return to Highway Int.
GRR VOR	Highway Int	Direct	2300	Supplementary charting information: Final approach crs crosses intersection of Runways 5/30.
PMM VORTAC	Highway Int (NOPT)	Direct	2300	

Procedure turn W side of crs, 173° Outbnd, 353° Inbnd, 2300′ within 10 miles of Highway Int.
FAF, Highway Int. Final approach crs, 353°. Distance FAF to MAP, 5 miles.
Minimum altitude over Highway Int, 2300′.
MSA 000°–090°—2900′; 090°–180°—2400′; 180°–270°—2200′; 270°–360°—2100′.
NOTES: (1) Use Muskegon, Mich. altimeter setting. (2) Dual VOR receivers or DME required.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAA	B MDA	B VIS	B HAA	C MDA	C VIS	C HAA	D VIS
C	1140	1	528	1180	1	568	1180	1½	568	NA
A	Not authorized.		T 2-eng. or less—Standard.					T over 2-eng.—Standard.		

City, Holland; State, Mich.; Airport name, Park Township; Elev., 612′; Facility, PMM; Procedure No. VOR–1, Amdt. 1; Eff. date, 12 Sept. 68; Sup. Amdt. No. Orig.; Dated, 26 Aug. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5 miles after passing ILM VORTAC.
R 356°, ILM VORTAC clockwise	R 021°, ILM VORTAC	8-mile DME Arc	1500	Climb to 1700′ on R 201° within 15 miles o
R 040°, ILM VORTAC counterclockwise	R 021°, ILM VORTAC	8-mile DME Arc	1500	ILM VORTAC or, when directed by
8-mile Arc	ILM VORTAC (NOPT)	ILM, R 021°	1000	ATC, left turn, climb to 1700′ direct to LOM and hold.
				Supplementary charting information; Hold SE, 343° Inbnd, right turn, 1 minute.

Procedure turn W side of crs, 021° Outbnd, 201° Inbnd, 1500′ within 10 miles of ILM VORTAC.
FAF, ILM VORTAC. Final approach crs, 201°. Distance FAF to MAP, 5 miles.
Minimum altitude over ILM VORTAC, 1000′.
MSA; 000°-090°—1500′; 090°-180°—1700′; 180°-270°—2300′; 270°-360°—2100′.

DAY AND NIGHT MINIMUMS

Cond	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	540	1	509	540	1	509	540	1½	509	580	2	549
A	Standard.		T 2-eng. or less—RVR 24, Runway 34; Standard all other runways.				T over 2-eng.—RVR 24, Runway 34; Standard all other runways.					

City, Wilmington; State, N.C.; Airport name, New Hanover County; Elev., 31′; Facility, ILM; Procedure No. VOR-1 Amdt. 4; Eff. date, 12 Sept. 68; Sup. Amdt. No. VOR 1, Amdt. 3; Dated, 6 Mar. 65

6. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.6 miles after passing TCL VOR TAC.
Oak Grove Int	Holt Int	Direct	2300	Climb to 2300′, R 228° TCL VORTAC.
OKW VOR	Holt Int	Direct	2300	Supplementary charting information: Fi-
Holt Int	TCL VORTAC (NOPT)	R 058°	1400	nal approach crs intercepts runway centerline 3000′ from threshold. TDZ elevation, 164′.

Procedure turn N side of crs, 058° Outbnd, 238° Inbnd, 2300′ within 10 miles of TCL VORTAC.
FAF, TCL VORTAC. Final approach crs, 238°. Distance FAF to MAP, 3.6 miles.
Minimum altitude over TCL VORTAC, 1400′; over 2.3-mile DME, 620′.
MSA: 000°-180°—2100′; 180°-270°—1900′; 270°-360°—1700′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-22	620	1	456	620	1	456	620	1	456	620	1	456
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	680	1	511	680	1	511	680	1½	511	740	2	571
VOR/DME Minimums:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-22	560	1	396	560	1	396	560	1	396	560	1	396
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Tuscaloosa; State, Ala.; Airport name, Van De Graaff; Elev., 169′; Facility, TCL; Procedure No. VOR Runway 22, Amdt. 1; Eff. date, 12 Sept. 68; Sup. Amdt. No. Orig.; Dated, 11 July 68

7. By amending § 97.25 of Subpart C to establish localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.7 miles after passing Wesley Int.
ILM VORTAC	Wesley Int	R 277°—3.4-mile DME	1600	Climb to 1700′ on ILM LOC crs, 163° to "IL" LOM and hold.
IL LOM	Wesley Int	Direct	1600	Supplementary charting information: Hold SE, 343° Inbnd, right turn, 1 minute. TDZ elevation, 30′.

Procedure turn W side of crs, 343° Outbnd, 163° Inbnd, 1600′ within 10 miles of Wesley Int.
FAF, Wesley Int. Final approach crs, 163°. Distance FAF to MAP, 4.7 miles.
Minimum altitude over Wesley Int, 1400′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-16	460	¾	430	460	¾	430	460	¾	430	460	1	430
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	540	1	509	540	1	509	540	1½	509	580	2	549
A	Standard.		T 2-eng. or less—RVR 24, Runway 34; Standard all other runways.				T over 2-eng.—RVR 24, Runway 34; Standard all other runways.					

City, Wilmington; State, N.C.; Airport name, New Hanover County; Elev., 31′; Facility, I-ILM; Procedure No. LOC(BC) Runway 16, Amdt. 1; Eff. date, 12 Sept. 68; Sup. Amdt. No. IL8-16, Orig.; Dated, 18 June 66 (back crs)

8. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.9 miles after passing BG LOM.
Bangor VORTAC	BG LOM	Direct	2300	Make left-climbing turn to 2300′ direct to BG LOM and hold.
				Supplementary charting information: Hold SE of BG LOM, 334° Inbnd, 1-minute left turns. 327′ standpipe, 0.5 mile NE approach end Runway 33; 632′ antenna, 2.5 miles NE; 882′ antenna located 0.8 mile NE of LOM. TDZ elevation, 163′.

Procedure turn W side of crs, 154° Outbnd, 334° Inbnd, 2300′ within 10 miles of BG LOM.
FAF, BG LOM. Final approach crs, 334°. Distance FAF to MAP, 5.9 miles.
Minimum altitude over BG LOM, 2000′.
MSA: 000°-090°—2500′; 090°-180°—2500′; 180°-270°—2400′; 270°-360°—2800′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-33	700	¾	537	700	¾	537	700	¾	537	700	1¼	537
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	700	1	508	700	1	508	700	1½	508	940	2	748
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Bangor; State, Maine; Airport name, Bangor International Airport; Elev., 192′; Facility, BG; Procedure No. NDB(ADF) Runway 33, Amdt. Orig.; Eff. date, 12 Sept. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP; HLM NDB.
MKG VORTAC	HLM NDB	Direct	2300	Climb to 2300', turn left and return to NDB.
GRR VOR	HLM NDB	Direct	2300	
PMM VORTAC	HLM NDB	Direct	2300	

Procedure turn W side of crs, 175° Outbnd, 355° Inbnd, 2300' within 10 miles of HLM NDB.
Final approach crs, 355°.
Minimum altitude over HLM NDB, 1260'.
MSA; 000°-090°—2200'; 090°-180°—2900'; 180°-270°—2000'; 270°-360°—2100'.

NOTE: Use Muskegon, Mich., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAA	B MDA	B VIS	B HAA	C MDA	C VIS	C HAA	D VIS
C	1260	1	648	1260	1	648	1260	1¼	648	NA
A	Not authorized.		T 2-Eng. or less—Standard.				T over 2-Eng.—Standard.			

City, Holland; State, Mich.; Airport name, Park Township; Elev., 612'; Facility, HLM; Procedure No. NDB(ADF)-1, Amdt. Orig.; Eff. date, 12 Sept. 68

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: BA LMM.
OVO VOR	Canyon Int	Direct	5000	Climbing right turn to 4000' via heading, 240° to intercept and proceed via the BA LMM, 184° bearing or SBA, R 195° to Goleta Int. If not at 4000' at Goleta Int, climb to 4000' in the holding pattern on BA LMM, 184° bearing or SBA, R 195°, 1-minute right turns.
Canyon Int	Halibut Int	Direct LMM, 264° lead bearing	3500	
Goleta Int	Lobster Int	Direct	5000	
Lobster Int	Halibut Int	Direct LMM, 242° lead bearing	3500	
SBA VOR	Goleta Int	Direct	5000	
Channel Int	Goleta Int	Direct	5000	
Halibut Int	Naples FM/Int (NOPT)	Direct	2100	

Supplementary charting information: Tree, 154' at 34°24'54" N., 119°50'20" W., Tree, 136' at 34°25'54" N., 119°49'36" W., Control tower, 98'.

Procedure turn not authorized. Approach crs (profile) starts at Halibut Int.
Final approach crs, 073°.
Minimum altitude over Halibut Int, 3500'; over Naples FM/Int, 2100'.
MSA: 000°-090°—8000'; 090°-180°—3700'; 180°-270°—5300'; 270°-360°—7600'.
NOTE: VOR and ADF receivers required for execution of this procedure.
%IFR departure procedures: Northbound (260° through 080°) must comply with published Santa Barbara SID's.
‡Air Carrier will not reduce takeoff visibility due to local conditions, Runways 15, 7.
CAUTION: High terrain N of crs.

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAA	B MDA	B VIS	B HAA	C MDA	C VIS	C HAA	D MDA	D VIS	D HAA
C	760	1	750	760	1	750	760	1½	750	900	2	890
A	1000-2.		T 2-eng. or less—Runway 33 not authorized; Runway 7, RVR 50; Runway 15, 200-1; Runway 25, standard. %‡				T over 2-eng.—Runway 33 not authorized; Runway 7, RVR 50; Runway 15, 200-1; Runway 25, standard. %‡					

City, Santa Barbara; State, Calif.; Airport name, Municipal; Elev., 10'; Facility, BA; Procedure No. NDB(ADF) Runway 7, Amdt. 3; Eff. date, 12 Sept. 68; Sup. Amdt. No. ADF 1, Amdt. 2; Dated, 27 May 65

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: 4.6 miles after passing LOM.
Wilmington VORTAC	LOM	Direct	1700	Climb to 1700' on crs, 343° from "IL" LOM within 15 miles or, when directed by ATC, make left turn to 270° climbing to 1700', intercept ILM VORTAC, R 237° and proceed to Swamp Int.
Swamp Int	LOM	Direct	1700	

Supplementary charting information: TDZ elevation, 30'.

Procedure turn W side of crs, 163° Outbnd, 343° Inbnd 1700' within 15 miles of LOM.
FAF, LOM. Final approach crs, 343°. Distance FAF to MAP, 4.6 miles.
Minimum altitude over LOM, 1500'.
MSA: 000°-090°—1500'; 090°-180°—1700'; 180°-270°—2300'; 270°-360°—2100'.

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

DAY AND NIGHT MINIMUMS

Cond.	A MDA	A VIS	A HAT	B MDA	B VIS	B HAT	C MDA	C VIS	C HAT	D MDA	D VIS	D HAT
S-34	500	RVR 40	470	RVR 40	500	470	500	RVR 40	470	500	RVR 50	470
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	540	1	509	540	1	509	540	1¼	509	580	2	549
A	Standard.		T 2-eng. or less—RVR 24 Runway 34; Standard all other runways.				T over 2-eng.—RVR 24, Runway 34; Standard all other runways.					

City, Wilmington; State, N.C.; Airport name, New Hanover County; Elev., 31'; Facility, IL; Procedure No. NDB(ADF) Runway 34, Amdt. 7; Eff. date, 12 Sept. 68; Sup. Amdt. No. 6; Dated, 6 Jan. 68

9. By amending § 97.29 of Subpart C to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes From—	To—	Via	Minimum Altitudes (feet)	Missed approach
				MAP: ILS DH 363' LOC 5.9 miles after passing BG LOM.
Bangor VORTAC	BG LOM	Direct	2300	Make left-climbing turn to 2300' direct BG LOM and hold.

Supplementary charting information: Hold SE of BG LOM, 1-minute left turns, 334° Inbnd., 327' standpipe, 0.5 mile NE approach end Runway 33; 632' antenna, 2.5 miles NE; 882' antenna located 0.6 mile NE of LOM. TDZ elevation, 163'.

Procedure turn W. side of crs, 154° Outbnd, 334° Inbnd, 2300' within 10 miles of BG LOM.
FAF, BG LOM. Final approach crs, 334°. Distance FAF to MAP, 5.9 miles.
Minimum glide slope interception altitude, 2000'. Glide slope altitude at OM, 1906'; at MM, 396'.
Distance to runway threshold at OM, 5.9 miles; at MM, 0.7 mile.
MSA: 000°-090°—2500'; 090°-180°—2600'; 180°-270°—2400'; 270°-360°—2800'.

DAY AND NIGHT MINIMUMS

Cond.	A DH	A VIS	A HAT	B DH	B VIS	B HAT	C DH	C VIS	C HAT	D DH	D VIS	D HAT
S-33	363	½	200	363	½	200	363	½	200	363	½	200
LOC	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-33	500	½	337	500	½	337	500	½	337	500	½	337
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	640	1	448	660	1	468	660	1½	468	940	2	748
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—standard.					

City, Bangor; State, Maine; Airport name, Bangor International Airport; Elev., 192'; Facility, I-BGR; Procedure No. ILS Runway 33, Amdt. 3; Eff. date, 12 Sept. 68; Sup. Amdt. No. ILS-33, Amdt. 2; Dated, 26 Nov. 66

Terminal routes From—	To—	Via	Minimum altitudes (feet)	Missed approach
				MAP: ILS DH, 260'. LOC 5.3 miles after passing Naples FM (OM).
OVO VOR	Canyon Int	Direct	5000	Climb to 650' on runway heading, climbing right turn to 4000' via heading, 240° to intercept and proceed via the SBA, R 195° to Goleta Int. If not at 4000' at Goleta Int, climb to 4000' in the holding pattern on SBA, R 195°, 1-minute right turns.
Canyon Int	Halibut Int	Direct	3500	
SBA VOR	Goleta Int	Direct	5000	
Goleta Int	Lobster Int	Direct	5000	
Lobster Int	Halibut Int	Direct	3500	
Halibut Int	Naples FM (NOPT) (OM)	Direct	1800	
Channel Int	Goleta Int	Direct	5000	

Supplementary charting information: TDZ elevation, 10'. Tree, 154' at 34°24'54" N., 119° 50'20" W., Tree, 136' at 34°25'54" N., 119°49'36" W., Control tower, 98'.

Procedure turn not authorized. Approach crs (profile) starts at Halibut Int.
Minimum altitude over Halibut Int, 3500'; over Naples FM (OM), 1780'.
FAF, Naples FM (OM). Final approach crs, 073°. Distance FAF to MAP, 5.3 miles.
Minimum glide slope interception altitude, 1900'. Glide slope altitude at OM, 1763'; at MM, 182'.
Distance to runway threshold at OM, 5.3 miles; at MM, 0.4 mile.
MSA: 000°-090°—8000'; 090°-180°—3700'; 180°-270°—6300'; 270°-360°—7600'.
% IFR departure procedures: Northbound (260° through 080°) must comply with published Santa Barbara SID's.
‡Air Carrier will not reduce takeoff visibility due to local conditions runways 15, 7.

CAUTION: High terrain N of localizer crs.

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-7	260	1	250	260	1	250	260	1	250	260	1	250
LOC Minimums:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-7	420	1	410	420	1	410	420	1	410	420	1	410
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	720	1	710	720	1	710	720	1½	710	900	2	890
A	900-2			T 2-eng. or less—Runway 33 not authorized; Runway 7, RVR 50; Runway 15, 200-1; Runway 25, standard.%¢			T over 2-eng.—Runway 33 not authorized; Runway 7, RVR 50; Runway 15, 200-1; Runway 25, standard.%¢					

City, Santa Barbara; State, Calif.; Airport name, Municipal; Elev. 10'; Facility, I-SBA; Procedure No. ILS Runway 7, Amdt. 13; Eff. date, 12 Sept. 68; Sup. Amdt. No. ILS-7, Amdt. 12; Dated, 27 May 65

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 230; LOC 4.6 miles after passing LOM.
Swamp Int	LOM	Direct	1700	Climb to 1700' on crs of 343° from LOM within 15 miles or, when directed by ATC, make left turn to 270° climbing to 1700', intercept ILM VORTAC, R 237° and proceed to Swamp Int. Supplementary charting information: TDZ elevation, 30'.
Wilmington VORTAC	LOM	Direct	1700	

Procedure turn W side of crs, 163° Outbnd, 343° Inbnd, 1700' within 10 miles of LOM.
FAF, LOM. Final approach crs, 343°. Distance FAF to MAP, 4.6 miles.
Minimum glide slope interception altitude, 1700'. Glide slope altitude at OM, 1410'; at MM, 242'.
Distance to runway threshold at OM, 4.6 miles; at MM, 0.6 mile.
MSA: 000°-090°—1500'; 090°-180°—1700'; 180°-270°—2300'; 270°-360°—2100'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-34	230	RVR 24	200	230	RVR 24	200	230	RVR 24	200	230	RVR 24	200
LOC	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-34	380	RVR 24	350	380	RVR 24	350	380	RVR 24	350	380	RVR 40	350
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	540	1	509	540	1	509	540	1½	509	580	2	549
A	Standard.			T 2-eng. or less—RVR 24, Runway 34; Standard all other runways.			T over 2-eng.—RVR 24, Runway 34; Standard all other runways.					

City, Wilmington; State, N.C.; Airport name, New Hanover County; Elev., 31'; Facility, I-ILM; Procedure No. ILS Runway 34, Amdt. 11; Eff. date, 12 Sept. 68; Sup. Amdt. No. 10; Dated, 6 Jan. 68

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), and 601 of the Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on August 7, 1968.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 68-9695; Filed, Aug. 22, 1968; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter I—Bureau of the Census, Department of Commerce

PART 50—SPECIAL SERVICES AND STUDIES BY THE BUREAU OF THE CENSUS

Fee Structure for Special Population Censuses

The following § 50.10 replaces § 50.10 which was published in the FEDERAL REGISTER on January 4, 1963 (28 F.R. 120), and in the Code of Federal Regulations, revised as of January 1, 1967 (15 CFR 50.10).

In accordance with the rule making provisions of Administrative Procedure 5 U.S.C. section 553, it has been found that notice and hearing on this schedule of fees and postponement of the effective date thereof is impracticable and unnecessary for the reason that such procedure, because of the nature of the rules, serves no useful purpose.

The fees are established under the provisions of Title 13, United States Code, section 8, authorizing the Department of Commerce to make special statistical surveys and studies, and to perform other specified services upon payment of the cost thereof. No transcript of any record will be furnished under authority of this act which would violate existing or future acts requiring that information furnished be held confidential.

This amended fee schedule is effective October 1, 1968: *Provided, however,* That work will be performed at the previous fee for cost estimates issued at the former rate before October 1, 1968, if accepted within 90 days after the date of the cost estimate letter.

§ 50.10 Fee structure for special population censuses.

(a) The Bureau of the Census is authorized to conduct special population censuses at the request of and at the expense of the community concerned. To obtain a special population census, an authorized official of the community should write a letter to the Director, Bureau of the Census, Washington, D.C. 20233, requesting detailed information and stating the approximate present population.

The Director will reply giving an estimate of the cost and other pertinent information.

(b) The fee for a special population census consists of two parts:

(1) Certain local expenses to be paid directly by the community for salary and travel (if necessary) of enumerators and crewleaders, who are hired locally and, unless otherwise furnished, for incidental expenses such as office space, telephone, and the like, and where applicable, for social security, State, and Federal taxes.

(2) Expenses of the Bureau of the Census for preparation of enumerator assignment maps, salary, and travel expense of the supervisor or supervisors assigned by the Bureau, the cost of tabulation of results, and general office and administrative expenses. The fee structure for this portion of the cost is:

This portion of the cost will be estimated individually for each requested census, but can be expected ordinarily to average less than 15 cents per person enumerated, depending on the size group.

Population size group	*Fee*
For places under 500 populations	$305.
For places from:	
500 through 599	$350.
600 through 699	$390.
700 through 799	$425.
800 through 899	$445.
900 through 999	$460.
1,000 through 2,999	$460, plus $13 per 100 or fraction over 999.
3,000 through 4,999	$720, plus $10 per 100 or fraction over 2,999.
5,000 through 9,999	$920, plus $37 per 500 or fraction over 4,999.
10,000 through 49,999	$1,290, plus $55 per 1,000 or fraction over 9,999.
50,000 and over	(1).

[1] For communities of 50,000 population and over, and counties and States, regardless of size, an individual estimate will be prepared.

Dated: August 15, 1968.

ROBERT F. DRURY,
Acting Director, Bureau of the Census.

[F.R. Doc. 68-10148; Filed, Aug. 22, 1968; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Witchweed

REGULATED AREAS

Correction

In F.R. Doc. 68-9855 appearing at page 11631 of the issue for Friday, August 16, 1968, make the following changes:

1. On page 11633, column 1, line 1, delete "Rufus P." and substitute "Hugh".
2. On page 11634, column 2, second paragraph from the bottom, delete line 9 and substitute "with Pike Creek, thence southeast along said".
3. On page 11639, column 2, third paragraph from the bottom, following line 4, insert "respect to the revision are impracticable".

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Expenses and Rate of Assessment

On August 8, 1968, notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 11298) regarding proposed expenses and the related rate of assessment for the period April 1, 1968, through March 31, 1969, pursuant to the marketing agreement, as amended, and Order No. 922, as amended (7 CFR Part 922), regulating the handling of apricots grown in designated counties in Washington. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington Apricot Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 922.208 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Washington Apricot Marketing Committee during the period April 1, 1968, through March 31, 1969, will amount to $3,706.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 922.41, is fixed at $1.00 per ton of apricots.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of apricots grown in designated counties in Washington are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable apricots handled during the aforesaid period; and (3) such period began on April 1, 1968, and said rate of assessment will automatically apply to all such apricots beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 20, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-10163; Filed, Aug. 22, 1968; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1356]

PART 13—PROHIBITED TRADE PRACTICES

Nationwide Industries, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.85 *Government approval, action, connection or standards:* 13.85-35 Government indorsement. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1632 *Government indorsement or recommendation;* § 13.1762 *Tests, purported.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Nationwide Industries, Inc., et al., Philadelphia, Pa., Docket C-1356, July 9, 1968]

In the Matter of Nationwide Industries, Inc., Nu Research & Development Co., Dealers Service Specialty Corp. and Konalrad Products, Inc., Corporations, and James Romanow, Wilbur Baker, Albert J. Sowolsky (Also Known as Albert J. Scott) and David Sokoloff, Individually and as Officers of Said Corporations

Consent order requiring four affiliated marketers of automotive products to cease misrepresenting that their products have been independently tested or approved by any Federal agency, and that their guarantees are unconditional.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Nationwide Industries, Inc., Nu Research & Development Co., Dealers Service Specialty Corp. and Konalrad Products, Inc., corporations, and their officers, and James Romanow, Wilbur Baker, Albert J. Sowolsky (also known as Albert J. Scott), and David Sokoloff, individually and as officers of said corporations and respondents' agents, representatives and employees, directly or through any corporate or other device, in conection with the offering for sale, sale or distribution of chemical sealers for automatic transmissions, automobile engines and power

steering mechanisms, chemical carburetor cleaners and engine tuneups, motor oil and gasoline additives, other chemical automotive products or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, through the use or display of any words, emblem, seal, symbol, certification, or otherwise, that merchandise has been tested, approved or endorsed by the American Institute of Science or by any other organization: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish (a) that such testing organization is a bona fide scientific testing laboratory fully competent to test respondents' products, and (b) that such testing organization, by valid scientific methods, has in fact performed tests substantiating the accuracy of the representations made by respondents.

2. Representing, directly or by implication, that their products have been certified, approved or in any way endorsed by any agency or other branch of the U.S. Government.

3. Representing, directly or by implication, that their products are guaranteed unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed; or from failing promptly to perform all of their obligations under the represented and expressed terms of the guarantee.

4. Misrepresenting, in any manner, the testing or endorsement of their products or their product guarantees.

5. Furnishing or otherwise placing in the hands of others any means or instrumentality by and through which they may mislead or deceive the public in the manner or as to the things prohibited by this order.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That the respondents herein shall, within 60 days after service upon them of this order, file with the Commsision a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 9, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-10153; Filed, Aug. 22, 1968; 8:45 a.m.]

[Docket No. C-1355]

PART 13—PROHIBITED TRADE PRACTICES

Roy Gilley Doing Business as Flowercraft Supply Co.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Roy Gilley doing business as Flowercraft Supply Co., Seattle, Wash., Docket C-1355, July 9, 1968]

In the Matter of Roy Gilley, an Individual Doing Business as Flowercraft Supply Co.

Consent order requiring a Seattle, Wash., distributor of handicraft materials to cease marketing any fabric not conforming to flammability standards of the Flammable Fabrics Act.

The order to cease and desist, including further order requiring report of compliance therewith is as follows:

It is ordered, That respondent Roy Gilley, an individual doing business as Flowercraft Supply Co., or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any fabric as "commerce" and "fabric" are defined in the Flammable Fabrics Act, as amended, which fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That the respondent herein shall, within 10 days after service upon him of this order, file with the Commission an interim special report in writing setting forth the respondent's intention as to compliance with this order. This interim special report shall also advise the Commission fully and specifically concerning the identity of the fabric which gave rise to the complaint, (1) the amount of such fabric in inventory, (2) any action taken to notify customers of the flammability of such fabric and the results thereof, and (3) any disposition of such fabric since February 23, 1968. Such report shall further inform the Commission whether respondent has in inventory any fabric, product or related material having a plain surface and made of silk, rayon or cotton or combinations thereof in a weight of two ounces or less per square yard or fabric with a raised fiber surface made of cotton or rayon or combinations thereof. Respondent will submit samples of any fabric, product or related material with this report. Samples of the fabric, product or related material shall be no less than one square yard of material.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form of his compliance with this order.

Issued: July 9, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-10154; Filed, Aug. 22, 1968; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Disclosure of Foreign Assembly Not Required for Product Made of Domestic Components

§ 15.276 Disclosure of foreign assembly not required for product made of domestic components.

(a) The Commission advised a requesting party that in the absence of facts indicating actual deception disclosure of the foreign assembly of a product made of domestic components would not be required.

(b) The domestic components accounted for approximately 90 percent of the manufacturing cost of the finished product; foreign assembly accounted for approximately 10 percent of the cost of the finished product.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: August 22, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-10161; Filed, Aug. 22, 1968; 8:46 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Formation of Consumers Savings Group

§ 15.277 Formation of consumers savings group.

(a) The Commission was requested to render an advisory opinion as to the legality of a proposed method of organizing and operating a consumers savings group.

(b) Under the facts as presented, certain select merchants in a town would agree to give designated cash savings to the members of the group upon the purchase of merchandise for cash, which would be a percentage of the purchase price. This savings would not be paid directly to the consumer at the time of purchase, but would be remitted to the group and held in reserve to be disbursed on a cyclical basis. The group would retain no portion of the member's savings, but would earn its profits solely from the fee charged for the consumer's membership in the group and from interest earned on the funds while they were being held for the consumers.

(c) The Commission advised that it could see no objection to the operation of the group in the manner stated provided the purchase prices to be charged the consumer on which his percentage savings were to be computed were in fact the retailers' own former prices for the articles sold within the meaning of Guide I of the Guides Against Deceptive Pricing. In the Commission's view, the entire proposal was based on an assurance to consumers that they would save a stated percentage of the purchase prices actually paid and that those prices would be the regular prices customarily charged by the retailers or the prices at which the articles were openly and actively offered for sale in good faith for a reasonably substantial period of time in the recent, regular course of business.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: August 22, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-10162; Filed, Aug. 22, 1968; 8:46 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Commission Approves Proposed Franchise Agreement for Chain of Pizza and Sandwich Restaurant-Carryout Shops

§ 15.278 Commission approves proposed franchise agreement for chain of pizza and sandwich restaurant-carryout shops.

The Commission issued an advisory opinion approving a proposed franchise agreement between a trademark-trade name owner and individual operators of pizza and sandwich restaurant-carryout shops. Some of the important provisions of the agreement are the following:

(a) Either the licensee or the licensor may submit to arbitration any questions concerning agreement termination rights and obligations, including return to the licensee of all or any portion of the initial fee.

(b) Licensor must make available for sale to licensee the foods, paper products and supplies necessary for conducting the business but licensee is not required to purchase them from licensor.

(c) Licensor will prepare and place advertising directed to ultimate consumers in the general area of licensee's shop; licensee will provide the funds for such advertising; licensor will give licensee a quarterly accounting of the use of such funds.

(d) Licensor may direct information other than price to go into signs and advertising.

(e) The food sold and service provided must meet standards of quality set by licensor.

(f) Licensee is not to operate a similar business for 2 years after termination of the agreement within 2 miles of his former shop.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: August 22, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-10163; Filed, Aug. 22, 1968; 8:46 a.m.]

PART 153—BEAUTY AND BARBER EQUIPMENT AND SUPPLIES INDUSTRY

PART 248—GUIDES FOR THE BEAUTY AND BARBER EQUIPMENT AND SUPPLIES INDUSTRY

Statement by the Commission: Proceedings to establish these guides were instituted pursuant to industry applications. The guides for the industry were published by the Commission in the form of proposed revised trade practice rules. The proposed rules were made available to all industry members and other interested parties upon public notice whereby they were afforded opportunity to present to the Commission their views, suggestions, or objections or other information concerning the rules. Pursuant to such notice public hearings were held in the spring of 1967 in San Francisco, Calif.; New York City, N.Y.; and Atlanta, Ga. After full consideration of all comments received concerning the proposed rules, the Commission adopted the guides in their present form.

The guides are intended to encourge voluntary compliance with the law by those whose practices are subject to the jurisdiction of the Commission and are published in the belief that the businessman who is fully informed of the legal pitfalls he may encounter can conduct his affairs so as to avoid such difficulties. It is the Commission's further belief that the more knowledge businessmen have respecting the laws it administers, the more likelihood there is that they will conduct their business in accordance therewith.

While the guides are interpretive of laws administered by the Commission and thus are advisory in nature, proceedings to enforce the requirements of law as explained in the guides may be brought under the Federal Trade Commission Act (15 U.S.C. sec. 41-58) and the Clayton Act as amended by the Robinson-Patman Act (15 U.S.C. sec. 13). Briefly stated, the Federal Trade Commission Act makes it illegal for one to engage in "unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce." The applicable provisions of the amended Clayton Act are referred to, where appropriate, in the guides.

The guides were published on August 23, 1968, and become effective October 25, 1968. They supersede the trade practice rules for the Beauty and Barber Equipment and Supplies Industry as promulgated August 9, 1941.

Inquiries and requests for the guides should be directed to the Bureau of Industry Guidance, Federal Trade Commission, Washington, D.C. 20580.

Sec.
- 248.0 Definitions.
- 248.1 Misrepresentation in general.
- 248.2 Misrepresentation as to character of business.
- 248.3 Deceptive plaques and certificates.
- 248.4 Deceptive pricing.
- 248.5 Deceptive use and imitation of trade or corporate names, trademarks, etc.
- 248.6 False invoicing.
- 248.7 Defamation of competitors or false disparagement of their products.
- 248.8 Push money.
- 248.9 Enticing away employees of competitors.
- 248.10 Inducing breach of contract.
- 248.11 Exclusive deals.
- 248.12 Commercial bribery.
- 248.13 Discriminatory prices, rebates, discounts, etc.
- 248.14 Advertising or promotional allowances, or services or facilities.
- 248.15 Inducing or receiving an illegal discrimination in price, advertising or promotional allowances, or services or facilities.

AUTHORITY: The provisions of this Part 248 issued under secs. 5, 6, 38 Stat. 719, as amended, 721; 15 U.S.C. 45, 46: 49 Stat. 1526; 15 U.S.C. 13, as amended.

§ 248.0 Definitions.

As used in this part the terms "industry products," "industry member," "beauty salon," "beauty school," "beauty clinic," "cosmetology," "hairdressing," "barber shop," and "barber school" shall have the following meanings, respectively:

(a) *Industry products.* Items used by or marketed through barber shops, barber schools, beauty parlors, beauty salons, beauty schools and beauty clinics. (Such products embrace a wide range of beauty and barber preparations; also the many articles or items of equipment, furnishings and supplies for such aforementioned establishments.)

(b) *Industry member.* Any person, firm, corporation, organization, barber shop, beauty salon, beauty school, beauty clinic or similar establishment engaged in the manufacture, distribution, or sale (including utilization in connection with services) of industry products.

(c) *Beauty salon.* An establishment providing cosmetology and hairdressing services to the public.

(d) *Beauty school.* An institution established to render instruction in cosmetology and hairdressing.

(e) *Beauty clinic.* The segment of a beauty school furnishing the students with practical experience in hairdressing and cosmetology.

(f) *Cosmetology.* Art or practice of treating, protecting, cleaning or beautifying the skin, hair or nails of human beings, and the art or practice of treating, protecting or beautifying synthetic hair, wigs, or hair pieces to be worn by human beings.

(g) *Hairdressing.* Art or practice of treating, grooming, protecting, cleaning, beautifying or styling of hair of human beings.

(h) *Barber shop.* An establishment which provides tonsorial services.

(i) *Barber school.* An institution established to render instruction in the art of tonsorial services.

§ 248.1 Misrepresentation in general.

An industry member should not use, or cause or promote the use of, any statement, representation, guarantee,[1] testimonial, or endorsement, by way of advertising (through newspapers, magazines, circulars, booklets, or by radio, television or any other medium), oral representation, or otherwise, which has the capacity and tendency or effect of misleading or deceiving purchasers,

[1] The Commission has adopted Guides Against Deceptive Advertising of Guarantees. See 16 CFR Part 239 for the Guides Against Deceptive Advertising of Guarantees for additional guidance with respect to guarantee and warranty representations.

prospective purchasers, or the consuming public including customers receiving cosmetology, hairdressing, or tonsorial services—

(a) With respect to efficacy, permanency of the effects, medicinal or curative properties, grade, quality, quantity, substance, character, origin, size, preparation, manufacture, or distribution of any product of the industry; or

(b) Concerning the purported approval or endorsement of such product by State, Federal, medical or other authority, or

(c) In any other material respect.

NOTE: Among the provisions of this section is "false advertisement," as defined in section 15 of the Federal Trade Commission Act, of any "cosmetic" as such term is defined in the same section. Furthermore, nothing in this Part 248 is to be construed as relieving anyone of the necessity of complying with the cosmetic labeling requirements of the "Federal Food, Drug and Cosmetic Act" and the general regulations thereunder.

[Guide 1]

§ 248.2 Misrepresentation as to character of business.

An industry member should not misrepresent, directly, or indirectly, through the use of any word or term in his corporate or trade name, in his advertising, or otherwise:

(a) That he is a producer, manufacturer, wholesaler, distributor, importer, or retailer of industry products; or

(b) The character, including the nature, purpose or function, of his business or the type of services he offers.

Example: An industry member advertises his place of business as a beauty salon when in fact it is a clinic operated by a beauty school, thereby deceiving the public as to the true character of his establishment. In order to avoid such deception the industry member should clearly and conspicuously disclose that his establishment is a beauty school.

[Guide 2]

§ 248.3 Deceptive plaques and certificates.

In the course of or in connection with the distribution, promotion, or sale (including utilization in connection with services) of any industry product, an industry member should not display or place in the hands of others any plaque, emblem, seal, insignia, testimonial, or certificate which is false, misleading, or deceptive as to an industry member's professional proficiency or competence or as to his membership in any guild or industry association.

Example 1. A distributor of industry products awards a certificate to a beauty salon owner indicating that the recipient has attained a high degree of professional skill through some unusual or extended training, when in fact the award was not granted on the basis of professional competency but was given merely as an inducement to buy the products of such distributor.

Example 2. An industry member displays in his salon a seal which indicates he is a member of a guild when in fact he is not such a member.

[Guide 3]

§ 248.4 Deceptive pricing.

Members of the industry should not represent directly or indirectly in advertising or otherwise that an industry product may be purchased for a specified price, or at a saving, or at a reduced price, when such is not the fact; or otherwise deceive purchasers or prospective purchasers with respect to the price of any product offered for sale; or furnish any means or instrumentality by which others engaged in the sale of industry products may make any such representation.

NOTE: The Commission's Guides Against Deceptive Pricing furnish additional guidance respecting price savings representations and are to be considered as supplementing this section. See 16 CFR Part 233 for the Guides Against Deceptive Pricing for additional guidance with respect to price savings representations.

[Guide 4]

§ 248.5 Deceptive use and imitation of trade or corporate names, trademarks, etc.

An industry member should not use any trade name, corporate name, trademark, or other trade designation, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the character, name, nature, or origin of any product of the industry, or of any material used therein, or which is false or misleading in any other material respect. (See also § 248.2.)

[Guide 5]

§ 248.6 False invoicing.

An industry member should not withhold from, or insert in, invoices or sales slips, any statements, or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices or sales slips, with the capacity and tendency or effect of thereby misleading or deceiving purchasers, prospective purchasers, or the consuming public in any material respect.

[Guide 6]

§ 248.7 Defamation of competitors or false disparagement of their products.

An industry member should not engage in (a) the defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or (b) the false disparagement of the quality, grade, origin, use, design, performance, properties, manufacture, or distribution of the products of competitors or of their business methods, selling prices, values, credit terms, policies or services.

[Guide 7]

§ 248.8 Push money.

An industry member should not pay or contract to pay anything of value to a salesperson employed by a customer of the industry member, as compensation for, or as an inducement to obtain, special or greater effort or service on the part of the salesperson in promoting the resale, including use in connection with services, of products supplied by the industry member to the customer—

(a) When the agreement or understanding under which the payment or payments are made or are to be made is without the knowledge and consent of the salesperson's employer; or

(b) When the terms and conditions of the agreement or understanding are such that any benefit to the salesperson or customer is dependent on lottery; or

(c) When any provision of the agreement or understanding requires or contemplates practices or a course of conduct unduly and intentionally hampering sales of products of competitors of an industry member; or

(d) When, because of the terms and conditions of the understanding or agreement, including its duration, or the attendant circumstances, the effect may be to substantially lessen competition or tend to create a monopoly; or

(e) When similar payments are not accorded to salespersons of competing customers on proportionally equal terms in compliance with sections 2 (d) and (e) of the Clayton Act. (See § 248.14.)

NOTE: Payments made by an industry member to a salesperson of a customer under any agreement or understanding that all or any part of such payments is to be transferred by the salesperson to the customer, or is to result in a corresponding decrease in the salesperson's salary, are not to be considered within the purview of this § 248.8; but are to be considered as subject to the requirements and provisions of section 2(a) of the Clayton Act. (See § 248.13.)

[Guide 8]

§ 248.9 Enticing away employees of competitors.

An industry member should not willfully entice away employees or sales-contract personnel of competitors with the intent and effect of thereby hampering or injuring competitors in their business or destroying or substantially lessening competition; *Provided,* That nothing in this section shall be construed as precluding such persons from seeking more favorable employment, or as precluding employers from hiring or offering employment to employees of a competitor in good faith and not for the purpose of inflicting competitive injury.

[Guide 9]

§ 248.10 Inducing breach of contract.

(a) An industry member should not knowingly induce or attempt to induce the breach of existing lawful contracts between competitors and their customers or between competitors and their suppliers, or interfere with or obstruct the performance of any such contractual duties or services, under any circumstance having the capacity and tendency or effect of substantially injuring or lessening competition.

(b) Nothing in this section is intended to imply that it is improper for an industry member to solicit the business of

a customer of a competing industry member; nor is the section to be construed as in anywise authorizing any agreement, understanding, or planned common course of action by two or more industry members not to solicit business from, or to sell to, the customers of either of them, or customers of any other industry member.

[Guide 10]

§ 248.11 Exclusive deals.

An industry member should not contract to sell or sell any industry product, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in the products of a competitor or competitors of such industry member, where the effect of such sale or contract for sale, or of such condition, agreement, or understanding, may be substantially to lessen competition or tend to create a monopoly in any line of commerce.

[Guide 11]

§ 248.12 Commercial bribery.

An industry member shall not directly or indirectly give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors.

[Guide 12]

§ 248.13 Discriminatory prices, rebates, discounts, etc.

(a) An industry member engaged in commerce, should not in the course of such commerce, grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however,*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

NOTE 1: This section does not apply to purchases by the U.S. Government for its own use.

(2) That nothing contained in this section shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which industry products are sold or delivered to different purchasers;

NOTE 2: Cost justification under the above proviso (2) depends upon net savings in cost based on all facts relevant to the transactions under the terms of such proviso. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this section shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor.

NOTE 3: Subsection 2(b) of the Clayton Act, as amended, reads as follows: "Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor."

NOTE 4: In complaint proceedings, justification of price differentials under subparagraphs (2), (4), and (5) of this paragraph (a) is a matter of affirmative defense to be established by the person or concern charged with price discrimination.

NOTE 5: Nothing in this section should be construed as precluding charging customers at a higher level of distribution lower prices than those charged to customers at a lower level of distribution provided that such price differential is not otherwise precluded by the aforegoing provisions of this section. For example, a seller may grant a lower price to wholesalers than to retailers to the extent that such wholesalers resell to retailers. If such wholesalers also sell at retail they may not properly be granted a price lower than the prices granted to competing retailers on that portion of the goods they sell at retail.

(b) The following are examples of price differential practices to be considered as subject to the provisions of this section when involving goods of like grade and quality which are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and which are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use, and when—

(1) The commerce requirements specified in this section are present; and

(2) The price differential has a reasonable probability of substantially lessening competition or tending to create a monopoly in any line of commerce, or of injuring, destroying, or preventing competition with the industry member or with the customer receiving the benefit of the price differential, or with customers of either of them; and

(3) The price differential is not justified by cost savings (see paragraph (a)(2) of this section); and

(4) The price differential is not made in response to changing conditions affecting the market for or the marketability of the goods concerned (see paragraph (a)(4) of this section); and

(5) The lower price was not made to meet in good faith an equally low price of a competitor (see paragraph (a)(5) of this section).

Example 1. An industry member sells supplies to one or more of his beauty school customers at a lower price than he sells to one or more of his wholesale customers who resell to a competitor or competitors of the favored beauty school or schools. The probable injury to competition resulting from such practice may occur in the resale of the supplies with or without services being furnished in connection therewith.

NOTE 6: Example 1 should not be construed as admonishing an industry member not to grant to his beauty school customers a favorable price on supplies and/or equipment for use in preclinical training. However, the industry member should assure himself that the materials are to be used for the purpose intended and not diverted for use in a salon or clinic.

Example 2. An industry member invoices goods to all his customers at the same price but supplies additional quantities of such goods at no extra charge to one or more, but not to all, such customers; or supplies other goods or premiums to one or more, but not to all, such customers for which he makes no extra charge and which effects an actual price difference in favor of certain of his customers.

NOTE 7: Section 248.13 is interpretive of sections 2(a) and 2(b) of the amended Clayton Act.

[Guide 13]

§ 248.14 Advertising or promotional allowances, or services or facilities.

(a) An industry member engaged in commerce should not pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such

commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale or offering for sale of any products or commodities manufactured, sold or offered for sale by such member, unless such payment or consideration is made known to and is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(b) An industry member engaged in commerce should not discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale or distribution, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

NOTE 1: Subsection 2(b) of the Clayton Act, as amended, which is set forth in Note 3 in § 248.13 is applicable to this § 248.14.

(c) The following is an example of discrimination in furnishing advertising or promotional allowances or services or facilities to be considered as subject to the provisions of this section when involving goods of like grade and quality and when the industry member is engaged in commerce and the promotional allowance, or service, or facility, is paid or furnished in the course of such commerce.

Example. The furnishing by an industry member to a beauty salon of any promotional allowance, or service, or facility without making available on proportionally equal terms such assistance to all beauty salons and others who compete with the favored salon in the resale of the member's products with or without services.

NOTE 2: Proportionally equal terms means that the assistance is proportionalized on some basis which is fair to all who compete in the resale of the industry member's products. No single way to proportionalize is prescribed by law and any method that treats all who compete in the resale of the member's products on proportionally equal terms may be used.

NOTE 3: When an industry member furnishes any promotional allowance, service, or facility to any direct-buying salon he must also make such assistance available on proportionally equal terms to all salons and others who buy the member's products directly or through intermediaries and who compete with the direct-buying salon in the resale, with or without services, of the industry member's products at the same functional level of distribution. The industry member may make such assistance available directly to the competing salons and others who buy through intermediaries. He may also utilize his intermediaries to administer the promotional program, so long as he takes responsibility for seeing that the assistance is offered and otherwise made available to all salons and others who compete in the resale of the member's products with or without services.

NOTE 4: § 248.14 is interpretive of sections 2(d) and 2(e) of the amended Clayton Act.

[Guide 14]

§ 248.15 Inducing or receiving an illegal discrimination in price, advertising or promotional allowances, or services or facilities.

(a) An industry member engaged in commerce, should not in the course of such commerce, knowingly induce or receive a discrimination in price, advertising or promotional allowances, or services or facilities, which is improper under the foregoing provisions of §§ 248.13 and 248.14.

(b) The following are examples of inducing or receiving discriminations in price, advertising or promotional allowances or services or facilities, to be considered as subject to this section when the requisites of an improper discrimination on the part of the seller as set forth in §§ 248.13 and 248.14 are present and the party receiving the discriminations knows or should know that the discriminations are illegal.

Example 1. An industry member purchases industry supplies purportedly for resale to beauty salons, and is charged a lower price than the seller charges other customers for industry supplies which they resell in beauty salons, with or without services; but the member who obtained the supplies at the lower price transfers them to a salon which he owns, and resells the supplies therein with or without services, thereby receiving a discrimination in price which is subject to the provisions of § 248.13.

Example 2. An industry member induces suppliers to contribute sums of money to defray some or all of the costs of advertising sponsored by such member and designed to promote the sale, with or without services, of the suppliers' products in the industry member's place of business, when the industry member knows or should know that the allowances for such purpose are not made available on proportionally equal terms by the same suppliers to other customers competing with the favored member, thereby receiving a discrimination in promotional allowances subject to the provisions of § 248.14.

NOTE: § 248.15 is interpretive of section 2(f) of the amended Clayton Act and of section 5 of the Federal Trade Commission Act, as amended.

[Guide 15]

Issued: August 22, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-10164; Filed, Aug. 22, 1968; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Rel. Nos. 33-4920, 34-8386, 35-16139, 39-251, IC-5472, IA-226]

PART 201—RULES OF PRACTICE

Filing of Briefs

The Commission has amended paragraph (d) of Rule 22 of its rules of practice (17 CFR 201.22(d)) in order to clarify the meaning thereof. The Rule heretofore contained a reference in the first sentence to briefs "filed pursuant to paragraph (c) of this rule * * *" whereas said paragraph (c) relates to the number of copies of all papers required to be filed. The amendment to the Rule makes it clear that the requirements thereunder apply to all briefs filed with the Commission or with a hearing officer.

Commission action. In the first sentence of paragraph (d) of § 201.22 of Chapter II of Title 17 of the Code of Federal Regulations, the comma following the word "brief" is deleted, and the language thereafter which reads: "including briefs filed pursuant to paragraph (c) of this section, * * *" is amended to read: "filed with the Commission or with a hearing officer * * *". As so amended paragraph (d) of § 201.22 reads as follows:

§ 201.22 Filing; formalities; computation of time.

* * * * *

(d) Length and form of briefs. All briefs filed with the Commission or with a hearing officer containing more than 10 pages shall include an index and table of cases. The date of each brief must appear on its front cover or title page. No brief shall exceed 60 pages in length, except with the permission of the Commission.

* * * * *

Statutory authority. The foregoing action is taken pursuant to section 19 (a) of the Securities Act of 1933, section 23(a) of the Securities Exchange Act of 1934, section 20(a) of the Public Utility Holding Company Act of 1935, section 319(a) of the Trust Indenture Act of 1939, section 38(a) of the Investment Company Act of 1940 and section 211(a) of the Investment Advisers Act of 1940.

Effective Date. Since the foregoing amendment involves rules of practice or procedure and not substantive rules, the Commission finds that compliance with the procedures specified in 5 U.S.C. 553 is unnecessary. Accordingly, the foregoing amendment shall become effective forthwith.

(Secs. 19, 23, 48 Stat. 85 as amended, 901 as amended, sec. 20, 49 Stat. 833, sec. 319, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 888; 15 U.S.C. 77s, 78w, 79t, 77sss, 80a-37, 80b-11)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

AUGUST 19, 1968.

[F.R. Doc. 68-10186; Filed, Aug. 22, 1968; 8:48 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 68-203]

PART 22—DRAWBACK

Processing of Drawback Entries

On February 28, 1968, there was published in the FEDERAL REGISTER (33 F.R. 3431) a notice of proposed rulemaking setting forth various proposed amendments to the Customs Regulations relating to the processing of drawback entries.

After consideration of all representations received in response to the notice, the proposed amendments have been adopted with certain modifications. Further, § 22.30(b), Customs Regulations, is being amended to apply the new procedures to drawback on articles exported from continuous customs custody and to drawback on rejected merchandise.

Accordingly, the Customs Regulations are amended as follows:

§ 22.6 [Amended]

Section 22.6(f)(22) is deleted.

§ 22.14 [Deleted]

Section 22.14 is deleted.

Section 22.20 is amended to read as follows:

§ 22.20 Liquidation of drawback entries.

(a) Proper drawback claims may be liquidated (1) after the deposit of estimated duties on the imported merchandise and before liquidation of the import entry or (2) after liquidation of the import entry becomes final.

(b) Payment of drawback may be based on estimated duties if the import entry has not yet been liquidated and the drawback claimant and the party responsible for the payment of liquidated import duties (if different from the claimant) each files a written request relating to each drawback entry requesting payment on this basis and waiving any right to payment or refund except in accordance with the provisions of this section. A drawback entry, once liquidated on the basis of estimated duties shall not thereafter be adjusted by reason of the subsequent liquidation of an import entry. However, if final liquidation of the import entry discloses that the total amount of import duty is different from the total estimated duties deposited, the party responsible for the payment of liquidated duties (1) shall be liable for 1 percent of all increased duties found to be due on that portion of the merchandise transferred to the drawback entry or (2) shall be entitled to a refund of 1 percent of all excess duties found to have been paid on that portion of the merchandise transferred to the drawback entry.

(c) After the import entry has been liquidated, the liquidated duties have been paid, and such liquidation has been made final by operation of law or by acceptance of the liquidation in writing by the importer, payment of drawback shall be based on the final liquidated duties paid.

(d) When the drawback claim has been completed by the filing of the entry, notices of exportation, and other documents required by the regulations in this part, the landing certificate has been produced where required, and clearance of the exporting conveyance has been established by the record of clearance in the case of direct exportation or by certificate in the case of exportation at another port, the regional commissioner shall ascertain the drawback due by reference to the records of importation and the drawback rate under which the drawback claimed is allowable.

(e) The values to be used in computing the distribution of drawback where two or more products result from the manipulation of the imported merchandise, pursuant to section 313(a), Tariff Act of 1930, shall be market values unless the special regulations under which drawback is claimed provide otherwise.

(f) The amount of drawback due having been ascertained, the regional commissioner shall certify such amount for payment to the person making the entry or to the person to whom the maker on the face of the entry directs that such payment be made.

Section 22.30(b) is amended to read as follows:

§ 22.30 Ascertainment of drawback.

* * * * *

(b) Liquidation of the drawback claim shall proceed as provided in § 22.20 (a), (b), and (c) of this chapter.

(Sec. 557, 46 Stat. 744, as amended; 19 U.S.C. 1557)

§ 22.32 [Amended]

Section 22.32(b) is amended by deleting the final two sentences thereof.

(Secs. 313, 624, 46 Stat. 693, as amended, 759; 19 U.S.C. 1313, 1624)

These amendments shall become effective 30 days after the date of publication in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON, *Commissioner of Customs.*

Approved: August 16, 1968.

JOSEPH M. BOWMAN, *Assistant Secretary of the Treasury.*

[F.R. Doc. 68-10178; Filed, Aug. 22, 1968; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Prescription-Drug Advertisements

Correction

In F.R. Doc. 68-7616 appearing at page 9393 in the issue of Thursday, June 27, 1968, the seventh line of § 1.105(e)(6)(xxi)(b) should read: "square inches, or more than four pages of a periodical of 50 square inches or smaller page size, the".

SUBCHAPTER C—DRUGS

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Microbiological Assays: Laboratory Equipment, Solutions, Culture Media, Etc.

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357), and delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the following new sections dealing with laboratory equipment, solutions, culture media, test organisms, microbiological agar diffusion assay, and microbiological turbidimetric assay are added to Part 141:

§ 141.101 Laboratory equipment.

Equipment should be selected which is adequate for its intended use and should be thoroughly cleansed after each use to remove any antibiotic residues. The equipment should be kept covered when not in use. Clean glassware intended for holding and transferring the test organisms should be sterilized in a hot air oven at 200–220° C for 2 hours. Volumetric flasks, pipettes, or accurately calibrated diluting devices should be used when diluting standard and sample solutions.

(a) *Microbiological agar diffusion assay*—(1) *Cylinders.* Use stainless steel cylinders with an outside diameter of 8 millimeters (±0.1 millimeter), an inside diameter of 6 millimeters (±0.1 millimeter), and a length of 10 millimeters (±0.1 millimeter).

(2) *Plates.* Plastic or glass Petri dishes may be used, having dimensions of 20 by 100 millimeters. Covers should be of porcelain, glazed on the outside. These covers should be washed frequently enough to keep them clean, heated in a muffle furnace, and cooled before use.

(b) *Microbiological turbidimetric assay*—(1) *Tubes.* Glass tubes, 16 by 125 millimeters, should be used. These may be of a disposable type. If reusable tubes are employed, care must be taken to remove not only all antibiotic reisdues from the previous test but also all traces of cleaning solution.

(2) *Colorimeter.* Use a suitable photoelectric colorimeter at a wavelength of 530 millimicrons. Set the instrument at zero absorbance with clear, uninoculated broth prepared as described in the applicable method for the antibiotic being assayed.

§ 141.102 Solutions.

(a) Antibiotic assay solutions are prepared as follows (solution numbers 1, 2, 3, 4, and 6 correspond to those used in "Assay Methods of Antibiotics," D. C.

Grove and W. A. Randall, Medical Encyclopedia, Inc., New York, N.Y. (1955) p. 222):

(1) *Solution 1 (1 percent potassium phosphate buffer, pH 6.0).*

Dibasic potassium phosphate: 2.0 gm.
Monobasic potassium phosphate: 8.0 gm.
Distilled water, q.s: 1,000.0 ml.

Standardize with 18*N* phosphoric acid or 10*N* potassium hydroxide to yield a pH 5.95 to 6.05 after sterilization.

(2) *Solution 2 (citrate buffer solution, pH 6.3).*

Citric acid: 13.2 gm.
Sodium hydroxide: 7.06 gm.
Sodium citrate: 97.0 gm.
Distilled water, q.s: 1,000.0 ml.

Standardize with 10 percent citric acid solution or 10*N* sodium hydroxide to yield pH 6.2 to 6.4 after sterilization.

(3) *Solution 3 (0.1M potassium phosphate buffer, pH 8.0).*

Dibasic potassium phosphate: 16.73 gm.
Monobasic potassium phosphate: 0.523 gm.
Distilled water, q.s: 1,000.0 ml.

Standardize with 18*N* phosphoric acid or 10*N* potassium hydroxide to yield a pH 7.9 to 8.1 after sterilization.

(4) *Solution 4 (0.1M potassium phosphate buffer, pH 4.5).*

Monobasic potassium phosphate: 13.6 gm.
Distilled water, q.s: 1,000.0 ml.

Standardize with 18*N* phosphoric acid or 10*N* potassium hydroxide to yield a pH 4.45 to 4.55 after sterilization.

(5) [Reserved]

(6) *Solution 6 (10 percent potassium phospate buffer, pH 6.0).*

Dibasic potassium phosphate: 20.0 gm.
Monobasic potassium phosphate: 80.0 gm.
Distilled water, q.s: 1,000.0 ml.

Standardize with 18*N* phosphoric acid or 10*N* potassium hydroxide to yield a pH 5.95 to 6.05 after sterilization.

(7) through (9) [Reserved]

(10) *Solution 10 (0.2M potassium phosphate buffer, pH 10.5).*

Dibasic potassium phosphate: 35.0 gm.
10*N* sodium hydroxide: 2.0 ml.
Distilled water, q.s: 1,000.0 ml.

Standardize with 18*N* phosphoric acid or 10*N* potassium hydroxide to yield a pH 10.4 to 10.6 after sterilization.

(11) *Solution 11 (10 percent potassium phosphate buffer, pH 2.5).*

Monobasic potassium phosphate: 100.0 gm.
Concentrated hydrochloric acid: 0.2 ml. (approximately).
Distilled water, q.s: 1,000.0 ml.

Standardize with 18*N* phosphoric acid or 10*N* potassium hydroxide to yield a pH 2.0 to 2.8 after sterilization.

(12) *Solution 12 (10 percent potassium phosphate buffer, pH 7.0).*

Monobasic potassium phosphate: 100.0 gm.
Distilled water, q.s: 1,000.0 ml.

Standardize with 18*N* phosphoric acid or 10*N* potassium hydroxide to yield a pH 6.95 to 7.05 after sterilization.

(13) *Solution 13 (0.01N methanolic hydrochloric acid).*

1.0*N* hydrochloric acid: 10.0 ml.
Methyl alcohol, q.s: 1,000.0 ml.

(14) *Solution 14 (2 percent sodium bicarbonate solution).*

Sodium bicarbonate: 20.0 gm.
Distilled water, q.s: 1,000.0 ml.

Prepare daily.

(15) *Solution 15 (80 percent isopropyl alcohol solution).*

Isopropyl alcohol: 800.0 ml.
Distilled water, q.s: 1,000.0 ml.

§ 141.103 Culture media.

(a) *Ingredients.* Use ingredients that conform to the standards, if any, prescribed by the U.S.P. or N.F. In lieu of preparing the media from the individual ingredients specified, they may be made from dehydrated mixtures that, when reconstituted with distilled water, have the same composition as such media. Minor modifications of the individual ingredients specified in this section are permissible if the resulting media possess growth-promoting properties at least equal to the media described.

(b) *Description of media.* Medium numbers 1, 2, 3, 4, 5, 8, 9, 10, 11, and 13 correspond to those used in "Assay Methods of Antibiotics," D. C. Grove and W. A. Randall, Medical Encyclopedia, Inc., New York, N.Y. (1955) p. 220. Medium numbers 18 through 21 correspond to those used in "Outline of Details for Official Microbiological Assays of Antibiotics," A. Kirshbaum and B. Arret, "Journal of Pharmaceutical Sciences," vol. 56, No. 4, April 1967, p. 512.

(1) *Medium 1.*

Peptone: 6.0 gm.
Pancreatic digest of casein: 4.0 gm.
Yeast extract: 3.0 gm.
Beef extract: 1.5 gm.
Dextrose: 1.0 gm.
Agar: 15.0 gm.
Distilled water, q.s: 1,000.0 ml.
pH 6.5 to 6.6 after sterilization.

(2) *Medium 2.*

Peptone: 6.0 gm.
Yeast extract: 3.0 gm.
Beef extract: 1.5 gm.
Agar: 15.0 gm.
Distilled water, q.s.: 1,000.0 ml.
pH 6.5 to 6.6 after sterilization.

(3) *Medium 3.*

Peptone: 5.0 gm.
Yeast extract: 1.5 gm.
Beef extract: 1.5 gm.
Sodium chloride: 3.5 gm.
Dextrose: 1.0 gm.
Dipotassium phosphate: 3.68 gm.
Potassium dihydrogen phosphate: 1.32 gm.
Distilled water, q.s.: 1,000.0 ml.
pH 6.95 to 7.05 after sterilization.

(4) *Medium 4.*

Peptone: 6.0 gm.
Yeast extract: 3.0 gm.
Beef extract: 1.5 gm.
Dextrose: 1.0 gm.
Agar: 15.0 gm.
Distilled water, q.s.: 1,000.0 ml.
pH 6.5 to 6.6 after sterilization.

(5) *Medium 5.* Medium 5 is the same as medium 2, except adjust the final pH to 7.8 to 8.0 after sterilization.

(6) and (7) [Reserved]

(8) *Medium 8.* Medium 8 is the same as medium 2, except adjust the final pH to 5.8 to 6.0 after sterilization.

(9) *Medium 9.*

Pancreatic digest of casein: 17.0 gm.
Papaic digest of soybean: 3.0 gm.
Sodium chloride: 5.0 gm.
Dipotassium phosphate: 2.5 gm.
Dextrose: 2.5 gm.
Agar: 20.0 gm.
Distilled water, q.s.: 1,000.0 ml.
pH 7.2 to 7.3 after sterilization.

(10) *Medium 10.* Medium 10 is the same as medium 9, except:

Agar: 12.0 gm.
Polysorbate 80 (add polysorbate 80 after boiling the medium to dissolve the agar): 10.0 ml.
pH 7.2 to 7.3 after sterilization.

(11) *Medium 11.* Medium 11 is the same as medium 1, except adjust the final pH to 7.8 to 8.0 after sterilization.

(12) [Reserved]

(13) *Medium 13.*

Peptone: 10.0 gm.
Dextrose: 20.0 gm.
Distilled water, q.s.: 1,000.0 ml.
pH 5.6 to 5.7 after sterilization.

(14) through (17) [Reserved]

(18) *Medium 18.* Medium 18 is the same as medium 11, except boil to dissolve the ingredients and then add 20 milliliters of polysorbate 80.

(19) *Medium 19.*

Peptone: 9.4 gm.
Yeast extract: 4.7 gm.
Beef extract: 2.4 gm.
Sodium chloride: 10.0 gm.
Dextrose: 10.0 gm.
Agar: 23.5 gm.
Distilled water, q.s.: 1,000.0 ml.
pH 6.0 to 6.2 after sterilization.

(20) *Medium 20.*

Dextrose: 40.0 gm.
Peptone: 10.0 gm.
Agar: 15.0 gm.
Chloramphenicol: 0.05 gm. (activity)
Distilled water, q.s.: 1,000.0 ml.
pH 5.6 to 5.7 after sterilization.

(21) *Medium 21.* Use medium 20, sterilized and cooled to 50° C. Aseptically add 2 milliliters of a sterile cyclohexamide solution to each 100 milliliters of the melted agar. Sterile cyclohexamide solution is prepared by filtering a solution containing 10 milligrams of cyclohexamide per milliliter of distilled water through a membrane filter of 0.22-micron porosity.

(22) *Medium 22.*

Dextrose: 40.0 gm.
Peptone: 10.0 gm.
Distilled water, q.s.: 1,000.0 ml.
pH 5.6 to 5.7 after sterilization.

(23) *Medium 23.* Use medium 1, sterilized and cooled to 50° C. Aseptically add sufficient sterile erythromycin solution to give a final concentration of 600 micrograms of erythromycin activity per milliliter of medium. Sterile erythromycin solution is prepared by filtering a solution containing 10 milligrams of erythromycin per milliliter of distilled water through a membrane filter of 0.22-micron porosity.

(24) *Medium 24.* Same as medium 1, except use 30 grams of agar per liter, in lieu of 15 grams per liter.

(25) *Medium 25.* Use medium 1, sterilized and cooled to 50° C. Aseptically add sufficient sterile dihydorstreptomycin sulfate solution to give a final concentration of 1,000 micrograms of dihydrostreptomycin activity per milliliter of medium. Sterile dihydrostreptomycin sulfate solution is prepared by filtering a solution containing 10 milligrams of dihydrostreptomycin per milliliter of distilled water through a membrane filter of 0.22-micron porosity.

(26) *Medium 26.* Use medium 1, sterilized and cooled to 50° C. Aseptically add sufficient sterile tetracycline hydrochloride solution to give a final concentration of 100 micrograms of tetracyline activity per milliliter of medium. Sterile tetracycline hydrochloride solution is prepared by filtering a solution containing 10 milligrams of tetracycline per milliliter of distilled water through a membrane filter of 0.22-micron porosity.

(27) *Medium 27.* Use medium 1, sterilized and cooled to 50° C. Aseptically add sufficient sterile neomycin sulfate solution to give a final concentration of 100 micrograms of neomycin activity per milliliter of medium. Sterile neomycin sulfate solution is prepared by filtering a solution containing 10 milligrams of neomycin per milliliter of distilled water through a membrane filter of 0.22-micron porosity.

(28) *Medium 28.* Use medium 1, sterilized and cooled to 50° C. Aseptically add sufficient sterile dihydrostreptomycin sulfate solution to give a final concentration of 500 micrograms of dihydrostreptomycin activity per milliliter of medium. Sterile dihydrostreptomycin sulfate solution is prepared by filtering a solution containing 10 milligrams of dihydrostreptomycin per milliliter of distilled water through a membrane filter of 0.22-micron porosity.

(29) *Medium 29.*

Beef extract: 6.0 gm.
Peptone: 10.0 gm.
Agar: 15.0 gm.
Distilled water, q.s.: 1,000.0 ml.
pH 7.8 to 8.0 after sterilization.

(30) and (31) [Reserved]

(32) *Medium 32.* Prepare as medium 1, except add 300 milligrams of hydrated manganese sulfate ($MnSO_4 \cdot H_2O$) to each liter of medium.

(33) *Medium 33.* Use medium 1, sterilized and cooled to 50° C. Aseptically add sufficient sterile sodium novobiocin solution to give a final concentration of 10 micrograms of novobiocin activity per milliliter of medium. Sterile sodium novobiocin solution is prepared by filtering a solution containing 2.5 milligrams of novobiocin per milliliter of distilled water through a membrane filter of 0.22-micron porosity.

§ 141.104 Test organisms.

(a) *Preparation of test organism suspensions.* For each test organism listed in the following table, select the media (as listed by medium number in § 141.103 (b)), incubation period of the Roux bottle, suggested dilution factor, and suggested storage period for the particular test organism and proceed by the appropriate method described in paragraph (b) of this section. Test organism letters A through L and M correspond to those used in "Outline of Details for Official Microbiological Assays of Antibiotics," A. Kirshbaum and B. Arret, "Journal of Pharmaceutical Sciences," vol. 56, No. 4, p. 512 (Apr. 1967).

Test organisms	Method used	Medium used for the— Slants	Roux bottles	Incubation period of Roux bottle	Suggested dilution factor	Suggested storage period of suspensions under refrigeration
Test organism A—*Staphylococcus aureus* (ATCC 6538P).	1	1	1	24 hours	1:20	1 week.
Test organism B—*Sarcina subflava* (ATCC 7468).	1	1	1	24 hours	1:30	2 weeks.
Test organism C—*Sarcina lutea* (ATCC 9341)	1	1	1	24 hours	1:40	2 weeks.
Test organism D—*Staphylococcus epidermidis* (ATCC 12228).	1	1	1	24 hours	1:14	1 week.
Test organism E—*Saccharomyces cerevisiae* (ATCC 9763).	6 or 7	19	19	3 to 5 days	1:30	4 weeks.
Test organism F—*Bordetella bronchiseptica* (ATCC 4617).	1	1	1	24 hours	1:20	2 weeks.
Test organism G—*Bacillus cereus* var. *mycoides* (ATCC 11778).	3	1	1	1 week	1:11	6 months.
Test organism H—*Bacillus subtilis* (ATCC 6633).	1 or 2	1	1	24 hours		6 months.
		1	32	5 days		6 months
Test organism I—*Klebsiella pneumoniae* (ATCC 10031).	1	1	1	24 hours	1:25	1 week.
Test organism J—*Escherichia coli* (ATCC 10536)	1	1	1	24hours	1:20	2 weeks.
Test organism K—*Streptococcus faecalis* (ATCC 10541).	5					24 hours.
Test organism L—*Micrococcus flavus* (ATCC 10240).	1	1	1	48 hours	1:35	4 weeks.
Test organism M—*Microsporum gypseum* (ATCC 14683).	4					2 months.
Test organism N—*Sarcina lutea*, resistant to dihydrostreptomycin (ATCC 9341a).	1	1	1	24 hours	1:40	2 weeks.
Test organism O—*Staphylococcus aureus*, resistant to novobiocin (ATCC 12692).	1	33	33	24 hours	1:10	4 weeks.
Test organism P—*Staphylococcus aureus*, resistant to dihydrostreptomycin (ATCC6538-DR).	1	25	25	24 hours	1:20	4 weeks.
Test organism Q—*Staphylococcus aureus*, resistant to tetracycline (ATCC 12715).	1	26	26	24 hours	1:20	1 week.
Test organism R—*Sarcina subflava*, resistant to dihydrostreptomycin (ATCC 7468/d).	1	28	28	24 hours	1:30	2 weeks.
Test organism S—*Sarcina lutea*, resistant to erythromycin (ATCC 15957).	1	23	23	24 hours	1:40	2 weeks.
Test organism T—*Saccharomyces cerevisiae* (ATCC 2601).	7	19	19	3 to 5 days	1:30	4 weeks.
Test organism U—*Micrococcus flavus*, resistant to neomycin (ATCC 14452).	1	27	27	48 hours	1:35	4 weeks.
Test organism V—*Micrococcus flavus*, resistant to dihydrostreptomycin (ATCC 10240A).	1	28	28	48 hours	1:35	4 weeks.

[1] If the antibiotic to be tested is oleandomycin, paromomycin, or triacetyloleandomycin, the dilution factor is 1 : 25

(b) *Methods for preparation of test organism suspensions*—(1) *Method 1*—(i) *Preparation of suspension.* Maintain organisms on agar slants containing 10 milliliters of the appropriate medium. Incubate the slants at 32°C.–35°C. for 24 hours. Using 3 milliliters of sterile U.S.P. saline T.S., wash the growth from the agar slant onto a large agar surface, such as a Roux bottle, containing 250 milliliters of the appropriate medium. Spread the suspension of organisms over the entire surface of the Roux bottle with the aid of sterile glass beads. Incubate the Roux bottle at 32°C.–35°C. Wash the resulting growth from the agar surface with 50 milliliters of sterile U.S.P. saline T.S.

(ii) *Standardization of suspension.* Determine the dilution factor that will give a 25-percent light transmission at a wavelength of 580 millimicrons using a suitable photoelectric colorimeter and a 13-millimeter diameter test tube as an absorption cell. It may be necessary to adjust the suspension. Determine the amount of suspension to be added to each 100 milliliters of agar or nutrient broth by the use of test plates or test broth. Store the test organism suspension under refrigeration.

(2) *Method 2.* Proceed as directed in subparagraph (1) of this paragraph, except in lieu of subdivision (ii) thereof, heat-shock and standardize the suspension as follows: Centrifuge and decant the supernatant liquid. Resuspend the sediment with 50 to 70 milliliters of sterile U.S.P. saline T.S. and heat the suspension for 30 minutes at 70° C. Use test plates to assure the viability of the spores and to determine the amount of spore suspension to be added to each 100 milliliters of agar. Maintain the spore suspension under refrigeration.

(3) *Method 3.* Proceed as directed in subparagraph (1) of this paragraph, except in lieu of subdivision (ii) thereof, heat-shock and standardize the suspension as follows: Heat the suspension for 30 minutes at 70° C. Wash the spore suspension three times with 25 to 50 milliliters of sterile distilled water. Resuspend the organisms in 50 to 70 milliliters of sterile distilled water and heat-shock again for 30 minutes at 70° C. Use test plates to assure the viability of the spores and to determine the amount of spore suspension to be added to each 100 milliliters of agar. Maintain the spore suspension under refrigeration.

(4) *Method 4.* Grow the organism for 3 weeks at 25° C. in four 3-liter Erlenmeyer flasks, each containing 200 milliliters of Medium 20 as described in § 141.103(b)(20). Remove the floating mat from the flask with a sterile wire loop and place in a sterile blending jar. Aseptically add 200 milliliters of sterile distilled water and blend for approximately 30 seconds, allow to settle, then decant about 150 milliliters of the supernatant into 100-milliliter sterile, capped centrifuge tubes. Add the amount of distilled water equal to the amount removed each time and repeat this process 4 to 5 times to assure maximum recovery of

spores from the mycelial mat. Centrifuge the tubes containing the spores at 4,000 r.p.m. for 15 minutes and discard the supernatant. Wash the residual spores from all tubes, using a minimum of sterile distilled water (2 to 3 milliliters per tube), and pool the washings into a sterile flask containing a few sterile glass beads. (This procedure usually yields about 25 to 35 milliliters of spore supension.)

(5) *Method 5.* Maintain the test organisms in 100-milliliter quantities of nutrient broth—Medium 3 as described in § 141.103(b)(3). For the test prepare a fresh subculture by transferring a loopful of the stock culture to 100 milliliters of the same nutrient broth and incubate for 16 to 18 hours at 37° C. Store this broth culture under refrigeration.

(6) *Method 6.* Maintain the test organisms on agar slants containing 10 milliliters of the medium specified in paragraph (a) of this section. Incubate the slants at 32° C.–35° C. for 24 hours. Inoculate 100 milliliters of nutrient broth—Medium 13 as described in § 141.103(b)(13). Incubate for 16 to 18 hours at 37° C. Proceed as directed in subparagraph (1)(ii) of this paragraph.

(7) *Method 7.* Proceed as directed in subparagraph (1) of this paragraph, except incubate the slants at 30° C. for 24 hours and incubate the Roux bottle at 30° C. for 48 hours.

§ 141.110 Microbiological agar diffusion assay.

Using the sample solution prepared as described in the section for the particular antibiotic to be tested, proceed as described in paragraphs (a), (b), (c), and (d) of this section.

(a) *Preparation of inoculated plates.* For each antibiotic listed in the table in this paragraph, select the media (as listed by medium number in § 141.103(b)), the amount of media to be used in the base and seed layers, the test organism (as listed in § 141.104(a)), and the suggested inoculum and prepare the inoculated plates as follows: Prepare the base layer by adding the appropriate amount of agar to each Petri dish (20 by 100 millimeters). Distribute the agar evenly in the plates and allow it to harden on a flat, level surface. To prepare the seed layer, add the suggested inoculum of the test organism suspension to a sufficient amount of agar, which has been melted and cooled to 48° C.–50° C. Swirl the flask to obtain a homogeneous suspension, and add the appropriate amount of the inoculated media to each of the plates containing the uninoculated base agar. Spread evenly over the agar surface, cover with porcelain covers glazed on the outside, and allow to harden on a flat, level surface. After the agar has hardened, place 6 cylinders described in § 141.101(a)(1) on the inoculated agar surface so that they are at approximately 60° intervals on a 2.8-centimeter radius.

Antibiotic	Media to be used (as listed by medium number in § 141.103(b))		Milliliters of media to be used in the base and seed layers		Test Organism	Suggested volume of standardized inoculum to be added to each 100 milliliters of seed agar	Incubation Temperature for the plates
	Base layer	Seed layer	Base layer	Seed layer			
						Milliliters	*Degrees C.*
Amphomycin	2	1	21	4	U	0.5	37
Amphotericin B	None	19	None	8	E	1.0	30
Ampicillin	11	11	21	4	C	0.5	32–35
Bacitracin	2	1	21	4	B	0.3	32–35
Bacitracin	2	1	21	4	L	0.3	32–35
Cephaloridine	2	1	21	4	A	0.1	32–35
Cephalothin	2	1	21	4	A	0.1	32–35
Chloramphenicol	2	1	21	4	C	2.0	32–35
Chlortetracycline	8	8	21	4	G	(1)	30
Cloxacillin	2	1	21	4	A	0.1	32–35
Colistimethate, sodium	9	10	21	4	F	0.1	37
Colistin	9	10	21	4	F	0.1	37
Cycloserine	2	1	10	4	A	0.04	30
Dactinomycin	5	5	21	4	H	(1)	37
Dicloxacillin	2	1	21	4	A	0.1	32–35
Dihydrostreptomycin	5	5	21	4	H	(1)	37
Erythromycin	11	11	21	4	C	1.5	32–35
Gentamicin	11	11	21	4	D	1.5	37
Kanamycin	11	11	21	4	A	[2] 0.4	32–35
Kanamycin B	5	5	21	4	H	(1)	37
Lincomycin	11	11	21	4	C	1.5	32–35
Methicillin	2	1	21	4	A	0.3	32–35
Nafcillin	2	1	21	4	A	0.3	32–35
Neomycin	11	11	21	4	A	0.4	32–35
Neomycin	11	11	21	4	D	1.0	37
Novobiocin	11	11	21	4	D	4.0	30
Nystatin	None	19	None	8	T	1.0	30
Oleandomycin	11	11	21	4	D	1.0	37
Oxacillin	2	1	21	4	A	0.3	32–35
Oxytetracycline	8	8	21	4	G	(1)	30
Paromomycin	11	11	21	4	D	2.0	37
Paromomycin	29	29	21	4	H	(1)	37
Penicillin G	2	1	21	4	A	1.0	32–35
Phenethicillin	11	11	21	4	C	0.5	32–35
Phenoxymethyl penicillin	2	1	21	4	A	1.0	32–35
Polymyxin B	9	10	21	4	F	0.1	37
Streptomycin	5	5	21	4	H	(1)	37
Tetracycline	8	8	21	4	G	(1)	30
Triacetyloleandomycin	18	18	21	4	D	1.0	37
Vancomycin	8	8	10	4	G	(1)	30
Viomycin	5	5	10	4	H	(1)	37

[1] Determine the amount of the inoculum by the use of test plates.
[2] Use dilution of the suspension that gives 25-percent light transmission in lieu of the stock suspension.

(b) *Preparation of working standard stock solutions and standard response line solutions.* For each antibiotic listed in the table in this paragraph, select the working standard drying conditions, solvent(s), concentrations, and storage time for the standard solutions and proceed as follows: If necessary, dry the working standard as described in § 141.501; dissolve and dilute an accurately weighed portion to the proper concentration to prepare the working standard stock solution. Store the working standard stock solution under refrigeration and do not use longer than the recommended storage time. Further dilute an aliquot of the working standard stock solution to the proper concentrations to prepare the standard response line solutions. The reference concentration of the assay is the mid concentration of the response line.

Antibiotic	Working standard stock solutions					Standard response line concentrations	
	Drying conditions (method number as listed in § 141.501)	Initial solvent	Diluent (solution number as listed in § 141.102(a)	Final concentration units or milligrams per milliliter	Storage time under refrigeration	Diluent	Final concentrations, units or micrograms of antibiotic activity per milliliter
Amphomycin. (The working standard stock solution should be allowed to stand overnight at room temperature to allow complete solution to take place.)	1		3	0.1 mg.	14 days	3	6.4, 8.0, 10.0, 12.5, 15.6 μg.
Amphotericin B	1		Dimethylsulfoxide	1 mg. [1]	1 day	5	0.64, 0.80, 1.00, 1.25, 1.56 μg.
Ampicillin	Not dried		Distilled water	0.1 mg.	1 week	3	0.064, 0.080, 0.100, 0.125, 0.156 μg. (Prepare the standard response line simultaneously with the sample solution.)
Bacitracin	1		1	100 units	7 days	1	0.64, 0.80, 1.00, 1.25, 1.56 units.
Cephaloridine	1		1	1 mg.	5 days	1	0.64, 0.80, 1.00, 1.25, 1.56 μg.
Cephalothin	1		1	1 mg.	5 days	1	0.64, 0.80, 1.00, 1.25, 1.56 μg.

See footnotes at end of table.

Antibiotic	Working standard stock solutions					Standard response line concentrations	
	Drying conditions (method number as listed in § 141.501)	Initial solvent	Diluent (solution number as listed in § 141.102(a)	Final concentration units or milligrams per milliliter	Storage time under refrigeration	Diluent	Final concentrations, units or micrograms of antibiotic activity per milliliter
Chloramphenicol	Not dried	10,000 μg. per ml. in ethyl alcohol.	1	1 mg.	1 month	1	32.0, 40.0, 50.0, 62.5, 78.1 μg.
Chlortetracycline	Not dried		0.01 *N* HCl	1 mg.	5 days	4	0.064, 0.080, 0.100, 0.125, 0.156 μg.
Cloxacillin	Not dried		1	1 mg.	7 days	1	3.20, 4.00, 5.00, 6.25, 7.81 μg.
Colistimethate, sodium	1	10,000 μg. per ml. in distilled water.	6	1 mg.	2 weeks	2	0.64, 0.80, 1.00, 1.25, 1.56 μg.
Colistin	1	10,000 μg. per ml. in distilled water.	6	1 mg.	2 weeks	2	0.64, 0.80, 1.00, 1.25, 1.56 μg.
Cycloserine	1		Distilled water	1 mg.	1 month	1	32.0, 40.0, 50.0, 62.5, 78.1 μg.
Dactinomycin	1	10,000 μg. per ml. in methyl acohol.	3	1 mg.	1 week	3	0.50, 0.71, 1.00, 1.41, 2.00 μg.
Dicloxacillin	Not dried		1	1 mg.	7 days	1	3.20, 4.00, 5.00, 6.25, 7.81 μg.
Dihydrostreptomycin	5		3	1 mg.	30 days	3	0.64, 0.80, 1.00, 1.25, 1.56 μg.
Erythromycin	1	10,000 μg. per ml. in methyl alcohol.	3	1 mg.	14 days	3	0.64, 0.80, 1.00, 1.25, 1.56 μg.
Gentamicin	3		3	1 mg.	1 month	3	0.064, 0.080, 0.100, 0.125, 0.156 μg.
Kanamycin	Not dried		3	1 mg.	1 month	3	3.20, 4.00, 5.00, 6.25, 7.81 μg.
Kanamycin B (use the kanamycin sulfate working standard).	Not dried		3	1 mg.	1 month	3	0.64, 0.80, 1.00, 1.25, 1.56 μg.
Lincomycin	Not dried	Idrs.	Distilled water	1 mg.	1 month	3	1.28, 1.60, 2.00, 2.50, 3.12 μg.
Methicillin	Not dried		1	1 mg.	4 days	1	6.4, 8.0, 10.0, 12.5, 15.6 μg.
Nafcillin	Not dried		1	1 mg.	2 days	1	1.28, 1.60, 2.00, 2.50, 3.12 μg.
Neomycin	1		3	1 mg.	2 weeks	3	0.64, 0.80, 1.00, 1.25, 1.56 μg. (if test organism D is used); 6.4, 8.0, 10.0, 12.5, 15.6 μg. (if test organism A is used).
Novobiocin	5	10,000 μg. per ml. in absolute ethyl alcohol.	3	1 mg.	30 days	1	0.320, 0.400, 0.500, 0.625, 0.781 μg.
Nystatin	4		Dimethylformamide.	1,000 units [1]	1 day	2	12.8, 16.0, 20.0, 25.0, 31.2 units. (Prepare the standard response line solutions simultaneously with the sample solution to be tested.)
Oleandomycin	Not dried	10,000 μg. per ml. in ethyl alcohol.	3	1 mg.	30 days	3	3.20, 4.00, 5.00, 6.25, 7.81 μg.
Oxacillin	Not dried		1	1 mg.	3 days	1	3.20, 4.00, 5.00, 6.25, 7.81 μg.
Oxytetracycline	Not dried		0.1 *N* HCl	1 mg.	7 days	4	0.64, 0.80, 1.00, 1.25, 1.56 μg.
Paromomycin	1		3	1 mg.	3 weeks	3	1.28, 1.60, 2.00, 2.50, 3.12 μg. (if test organism H is used); 0.64, 0.80, 1.00, 1.25, 1.56 μg. (if test organism D is used)
Penicillin G	Not dried		1	1,000 units	2 days	1	0.64, 0.80, 1.00, 1.25, 1.56 units.
Phenethicillin	Not dried		Distilled water	1,000 units	1 week	3	0.064, 0.080, 0.100, 0.125, 0.156 unit.
Phenoxymethyl penicillin	Not dried	2 ml. of methyl alcohol.	1	100 units	2 days	1	0.64, 0.80, 1.00, 1.25, 1.56 units.
Polymyxin B	1	10,000 units per ml. in distilled water.	6	1,000 units	2 weeks	2	6.4, 8.0, 10.0, 12.5, 15.6 units.
Streptomycin	1		3	1 mg.	30 days	3	0.64, 0.80, 1.00, 1.25, 1.56 μg.
Tetracycline	Not dried		0.1 *N* HCl	1 mg.	1 day	4	0.64, 0.80, 1.00, 1.25, 1.56 μg.
Triacetyloleandomycin	1		15	1 mg.	1 day	5	9.6, 12.0, 15.0, 18.8, 23.4 μg.
Vancomycin	1		Distilled water	0.4 mg.	1 week	4	6.4, 8.0, 10.0, 12.5, 15.6 μg.
Viomycin	1		Distilled water	1 mg.	1 week	3	32.0, 40.0, 50.0, 62.5, 78.1 μg.

[1] Further dilute aliquots of the working standard stock solution with dimethylsulfoxide to give concentrations of 10.0, 14.2, 20.0, 28.4, and 40.0 micrograms per milliliter.
[2] Further dilute aliquots of the working standard stock solution with dimethylformamide to give concentrations of 256, 320, 400, 500, and 624 units per milliliter.

(c) *Procedure for assay.* For the standard response line, use a total of 12 plates—three plates for each response line solution, except the reference concentration solution which is included on each plate. On each set of three plates, fill three alternate cylinders with the reference concentration solution and the other three cylinders with the concentration of the response line under test. Thus, there will be 36 reference concentration zones of inhibition and nine zones of inhibition for each of the four other concentrations of the response line. For each sample tested use three plates. Fill three alternate cylinders on each plate with the standard reference concentration solution and the other three cylinders with the sample reference concentration solution. After all the plates have incubated for 16 to 18 hours at the appropriate incubation temperature for each antibiotic listed in the table in paragraph (b) of this section, measure the diameters of the zones of inhibition using an appropriate measuring device such as a millimeter rule, calipers, or an optical projector.

(d) *Estimation of potency.* To prepare the standard response line, average the diameters of the standard reference concentration and average the diameters of the standard response line concentration tested for each set of three plates. Average also all 36 diameters of the reference concentration for all four sets of plates. The average of the 36 diameters of the reference concentration is the correction point of the response line. Correct the average diameter obtained for each concentration to the figure it would be if the average reference concentration

diameter for that set of three plates were the same as the correction point. Thus, if in correcting the highest concentration of the response line, the average of the 36 diameters of the reference concentration is 16.5 millimeters and the average of the reference concentration of the set of three plates (the set containing the highest concentration of the response line) is 16.3 millimeters, the correction is +0.2 millimeter. If the average reading of the highest concentration of the response line of these same three plates is 16.9 millimeters, the corrected diameter is then 17.1 millimeters. Plot these corrected diameters, including the average of the 36 diameters of the reference concentration on 2-cycle semilog paper, using the concentration of the antibiotic in micrograms or units per milliliter as the ordinate (the logarithmic scale), and the diameter of the zone of inhibition as the abscissa. The response line is drawn either through these points by inspection or through points plotted for highest and lowest zone diameters obtained by means of the following equation:

$$L=\frac{3a+2b+c-e}{5},$$

$$H=\frac{3e+2d+c-a}{5},$$

where:

L=Calculated zone diameter for the lowest concentration of the standard response line;

H=Calculated zone diameter for the highest concentration of the standard response line;

c=Average zone diameter of 36 readings of the reference point standard solution;

a, b, d, e=Corrected average values for the other standard solutions, lowest to highest concentration, respectively.

To estimate the potency of the sample, average the zone diameters of the standard and the zone diameters of the sample on the three plates used. If the average zone diameter of the sample is larger than that of the standard, add the difference between them to the reference concentration diameter of the standard response line. If the average zone diameter of the sample is lower than that of the standard, subtract the difference between them from the reference concentration diameter of the standard response line. From the response line, read the concentrations corresponding to these corrected values of zone diameters. Multiply the concentration by the appropriate dilution factor to obtain the antibiotic content of the sample.

§ 141.111 Microbiological turbidimetric assay.

Using the sample solution prepared as described in the section for the particular antibiotic to be tested, proceed as described in paragraphs (a), (b), and (c) of this section.

(a) *Preparation of working standard stock solutions and standard response line solutions.* For each antibiotic listed in the table in this paragraph, select the working standard drying conditions, solvent(s), concentrations, and storage time for the standard solutions and proceed as follows: If necessary, dry the working standard as described in § 141.501; dissolve and dilute an accurately weighed portion to the proper concentration for the working standard stock solution. Store the working standard stock solution under refrigeration and do not use longer than the recommended storage time. Prepare the proper concentrations for the standard response line solutions by further diluting an aliquot of the working standard stock solution. The reference concentration of the assay is the mid concentration of the standard response line.

Antibiotic	Working standard stock solutions					Standard response line concentrations	
	Drying conditions (method number as listed in § 141.501)	Initial solvent	Diluent (solution number as listed in § 141.102(a))	Final concentration	Storage time under refrigeration	Diluent (solution number as listed in § 141.102(a))	Final concentrations—units or micrograms of antibiotic activity per milliliter
Chloramphenicol	Not dried	Ethyl alcohol (10,000 μg. per ml.).	1	1 mg.	1 month	1	2.00, 2.24, 2.50, 2.80, 3.12 μg.
Chlortetracycline	Not dried		0.01*N* HCl	1 mg.	5 days	4	0.038, 0.048, 0.060, 0.075, 0.094 μg.
Cycloserine	1		Distilled water	1 mg.	1 month	Distilled water	30.0, 38.7, 50.0, 64.2, 82.5 μg.
Demethylchlortetracycline	1		0.1*N* HCl	1 mg.	4 days	4	0.064, 0.080, 0.100, 0.125, 0.156 μg.
Dihydrostreptomycin	5		Distilled water	1 mg.	30 days	Distilled water	24.0, 26.8, 30.0, 33.5, 37.5 μg.
Doxycycline	Not dried		0.1*N* HCl	1 mg.	7 days	4	0.064, 0.080, 0.100, 0.125, 0.156 μg.
Gramicidin	1		95% ethyl alcohol	1 mg.	30 days	95% ethyl alcohol	0.028, 0.034, 0.040, 0.048, 0.057 μg.
Methacycline	1		13	1 mg.	7 days	4	0.038, 0.048, 0.060, 0.075, 0.094 μg.
Oxytetracycline	Not dried		0.1*N* HCl	1 mg.	7 days	4	0.154, 0.192, 0.240, 0.300, 0.375 μg.
Rolitetracycline	1		Methanol	1 mg.	1 day	4	0.154, 0.192, 0.240, 0.300, 0.375 μg.
Streptomycin	1		Distilled water	1 mg.	30 days	Distilled water	24.0, 26.8, 30.0, 33.5, 37.5 μg.
Tetracycline	Not dried		0.1*N* HCl	1 mg.	1 day	4	0.154, 0.192, 0.240, 0.300, 0.375 μg.
Triacetyl-oleandomycin	1		13	1 mg.	1 day	1	16.0, 20.0, 25.0, 31.2, 39.0 μg.
Tyrothricin	1		95% ethyl alcohol	1 mg.	30 days	95% ethyl alcohol	0.140, 0.170, 0.200, 0.240, 0.285 μg.
Viomycin	1		Distilled water	1 mg.	7 days	Distilled water	64, 80, 100, 125, 156 μg.

(b) *Procedure for assay.* For each antibiotic listed in the table in this paragraph, select the test organism (as listed in § 141.104(a)), nutrient broth (as listed by medium number in § 141.103(b)), and suggested inoculum and proceed as follows: Place 1.0 milliliter of each concentration of the standard response line (prepared as described in paragraph (a) of this section) and of the sample solution in each set of three replicate tubes (as described in § 141.101(b)(1)). Fifteen tubes are used for the five-point standard response line and three for each sample. To each tube add 9 milliliters of the inoculated broth and place immediately in a water bath at the appropriate temperature for 2 to 4 hours. The exact length of the incubation period should be determined by observation of growth in the reference concentration tube of the standard. Remove the tubes from the water bath and add 0.5 milliliter of a 12-percent formaldehyde solution to each tube. Determine the absorbance value of each tube in a suitable photoelectric colorimeter, at a wavelength of 530 millimicrons. Set the instrument at zero absorbance with an uninoculated blank composed of the same amounts of nutrient broth and formaldehyde used in the assay.

Antibiotic	Test organism	Medium (nutrient broth)	Suggested volume of standardized inoculum to be added to each 100 milliliters of medium (nutrient broth)	Incubation temperature
			Milliliters	*Degrees C.*
Chloramphenicol	J	3	0.7	37
Chlortetracycline	A	3	0.1	37
Cycloserine	A	3	0.4	37
Demethylchlortetracycline	A	3	0.1	37
Dihydrostreptomycin	I	3	0.1	37
Doxycycline	A	3	0.1	37
Gramicidin	K	3	1.0	37
Methacycline	A	3	0.1	37
Oxytetracycline	A	3	0.1	37
Rolitetracycline	A	3	0.1	37
Streptomycin	I	3	0.1	37
Tetracycline	A	3	0.1	37
Triacetyloleandomycin	I	3	0.1	37
Tyrothricin	K	3	1.0	37
Viomycin	I	3	0.1	37

(c) *Estimation of potency.* To prepare the standard response line, plot the average absorbance values for each concentration of the standard response line on one-cycle semilogarithmic graph paper with the absorbance values on the arithmetic scale and concentrations on the logarithmic scale. The response line is drawn either through these points by inspection or through points plotted for highest and lowest absorbance values obtained by means of the following equations:

$$L=\frac{3a+2b+c-e}{5},$$

$$H=\frac{3e+2d+c-a}{5},$$

where:

L=Calculated absorbance value for the lowest concentration of the standard response line.

H=Calculated absorbance value for the highest concentration of the standard response line.

a, b, c, d, e=Average absorbance values for each concentration of the standard response line, lowest to the highest, respectively.

To estimate the potency of the sample, average the absorbance values for the sample and determine the antibiotic concentration from the standard response line. Multiply the concentration by the appropriate dilution factor to obtain the antibiotic content of the sample.

This order adding new sections dealing with microbiological assay methods is nonrestrictive and noncontroversial in nature; therefore, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: August 8, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-9972; Filed, Aug. 22, 1968; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6969]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Constructive Ownership of Stock

On November 16, 1967, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) to conform the regulations to section 4 of the Act of August 31, 1964 (Public Law 88-554, 78 Stat. 762), relating to constructive ownership of stock, was published in the FEDERAL REGISTER (32 F.R. 15758). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment as proposed is hereby adopted, subject to the following changes:

PARAGRAPH 1. The last sentence of § 1.306-2(a), as set forth in paragraph 4 of the notice of proposed rule making, is revised.

PAR. 2. Example (5) of § 1.318-2(c), as set forth in paragraph 7 of the notice of proposed rule making, is revised.

(Sec. 7805 of the Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: August 19, 1968.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 302, 304, 306, 318, 382, 856, and 6038 of the Internal Revenue Code of 1954 to section 4 of the Act of August 31, 1964 (Public Law 88-554, 78 Stat. 762), such regulations are amended as follows:

PARAGRAPH 1. Paragraph (f) of § 1.302-4 is amended to read as follows:

§ 1.302-4 Termination of shareholder's interest.

* * * * * *

(f) In determining whether an entire interest in the corporation has been terminated under section 302(b)(3), under all circumstances paragraphs (2), (3), (4), and (5) of section 318(a) (relating to constructive ownership of stock) shall be applicable.

* * * * * *

PAR. 2. Section 1.304 is amended by revising section 304 (b)(1) and (c)(2), and by adding a historical note. These revised and added provisions read as follows:

§ 1.304 Statutory provisions; redemption through use of related corporations.

SEC. 304. *Redemption through use of related corporations.* * * *

(b) *Special rules for application of subsection (a)*—(1) *Rule for determinations under section 302(b).* In the case of any acquisition of stock to which subsection (a) of this section applies, determinations as to whether the acquisition is, by reason of section 302(b), to be treated as a distribution in part or full payment in exchange for the stock shall be made by reference to the stock of the issuing corporation. In applying section 318(a) (relating to constructive ownership of stock) with respect to section 302(b) for purposes of this paragraph, sections 318(a)(2)(C) and 318(a)(3)(C) shall be applied without regard to the 50-percent limitation contained therein.

* * * * * *

(c) *Control.* * * *

(2) *Constructive ownership.* Section 318(a) (relating to the constructive ownership of stock) shall apply for purposes of determining control under paragraph (1). For purposes of the preceding sentence, sections 318(a)(2)(C) and 318(a)(3)(C) shall be applied without regard to the 50-percent limitation contained therein.

[Sec. 304 as amended by sec. 4, Act of Aug. 31, 1964 (Pub. Law 88-554, 78 Stat. 762)]

PAR. 3. Paragraphs (a) and (c) of § 1.304-2 are amended to read as follows:

§ 1.304-2 Acquisition by related corporation (other than subsidiary).

(a) If a corporation, in return for property, acquires stock of another corporation from one or more persons, and the person or persons from whom the stock was acquired were in control of both such corporations before the acquisition, then such property shall be treated as received in redemption of stock of the acquiring corporation. The stock received by the acquiring corporation shall be treated as a contribution to the capital of such corporation. See section 362(a) for determination of the basis of such stock. The transferor's basis for his stock in the acquiring corporation shall be increased by the basis of the stock surrendered by him. (But see below in this paragraph for subsequent reductions of basis in certain cases.) As to each person transferring stock, the amount received shall be treated as a distribution of property under section 302(d), unless as to such person such amount is to be treated as received in exchange for the stock under the terms of section 302(a) or section 303. In applying section 302(b), reference shall be had to the shareholder's ownership of

stock in the issuing corporation and not to his ownership of stock in the acquiring corporation (except for purposes of applying section 318(a)). In determining control and applying section 302(b), section 318(a) (relating to the constructive ownership of stock) shall be applied without regard to the 50-percent limitation contained in section 318(a)(2)(C) and (3)(C). A series of redemptions referred to in section 302(b)(2)(D) shall include acquisitions by either of the corporations of stock of the other and stock redemptions by both corporations. If section 302(d) applies to the surrender of stock by a shareholder, his basis for his stock in the acquiring corporation after the transaction (increased as stated above in this paragraph) shall not be decreased except as provided in section 301. If section 302(d) does not apply, the property received shall be treated as received in a distribution in payment in exchange for stock of the acquiring corporation under section 302(a), which stock has a basis equal to the amount by which the shareholder's basis for his stock in the acquiring corporation was increased on account of the contribution to capital as provided for above in this paragraph. Accordingly, such amount shall be applied in reduction of the shareholder's basis for his stock in the acquiring corporation. Thus, the basis of each share of the shareholder's stock in the acquiring corporation will be the same as the basis of such share before the entire transaction. The holding period of the stock which is considered to have been redeemed shall be the same as the holding period of the stock actually surrendered.

* * * * *

(c) The application of section 304(a)(1) may be illustrated by the following examples:

Example (1). Corporation X and corporation Y each have outstanding 200 shares of common stock. One-half of the stock of each corporation is owned by an individual, A, and one-half by another individual, B, who is unrelated to A. On or after August 31, 1964, A sells 30 shares of corporation X stock to corporation Y for $50,000, such stock having an adjusted basis of $10,000 to A. After the sale, A is considered as owning corporation X stock as follows: (i) 70 shares directly, and (ii) 15 shares constructively, since by virtue of his 50-percent ownership of Y he constructively owns 50 percent of the 30 shares owned directly by Y. Since A's percentage of ownership of X's voting stock after the sale (85 out of 200 shares, or 42.5%) is not less than 80 percent of his percentage of ownership of X's voting stock before the sale (100 out of 200 shares, or 50%), the transfer is not "substantially disproportionate" as to him as provided in section 302(b)(2). Under these facts, and assuming that section 302(b)(1) is not applicable, the entire $50,000 is treated as a dividend to A to the extent of the earnings and profits of corporation Y. The basis of the corporation X stock to corporation Y is $10,000, its adjusted basis to A. The amount of $10,000 is added to the basis of the stock of corporation Y in the hands of A.

Example (2). The facts are the same as in example (1) except that A sells 80 shares of corporation X stock to corporation Y, and the sale occurs before August 31, 1964. After the sale, A is considered as owning corporation X stock as follows: (i) 20 shares directly, and (ii) 90 shares indirectly, since by virtue of his 50-percent ownership of Y he constructively owns 50 percent of the 80 shares owned directly by Y and 50 percent of the 100 shares attributed to Y because they are owned by Y's stockholder, B. Since after the sale A owns a total of more than 50 percent of the voting power of all of the outstanding stock of X (110 out of 200 shares, or 55%), the transfer is not "substantially disproportionate" as to him as provided in section 302(b)(2).

Example (3). Corporation X and corporation Y each have outstanding 100 shares of common stock. A, an individual, owns one-half the stock of each corporation, B owns one-half the stock of corporation X, and C owns one-half the stock of corporation Y. A, B, and C are unrelated. A sells 30 shares of the stock of corporation X to corporation Y for $50,000, such stock having an adjusted basis of $10,000 to him. After the sale, A is considered as owning 35 shares of the stock of corporation X (20 shares directly and 15 constructively because one-half of the 30 shares owned by corporation Y are attributed to him). Since before the sale he owned 50 percent of the stock of corporation X and after the sale he owned directly and constructively only 35 percent of such stock, the redemption is substantially disproportionate as to him pursuant to the provisions of section 302(b)(2). He, therefore, realizes a gain of $40,000 ($50,000 minus $10,000). If the stock surrendered is a capital asset, such gain is long-term or short-term capital gain depending on the period of time that such stock was held. The basis to A for the stock of corporation Y is not changed as a result of the entire transaction. The basis to corporation Y for the stock of corporation X is $50,000, i.e., the basis of the transferor ($10,000), increased in the amount of gain recognized to the transferor ($40,000) on the transfer.

Example (4). Corporation X and corporation Y each have outstanding 100 shares of common stock. H, an individual, W, his wife, S, his son, and G, his grandson, each own 25 shares of stock of each corporation. H sells all of his 25 shares of stock of corporation X to corporation Y. Since both before and after the transaction H owned directly and constructively 100 percent of the stock of corporation X, and assuming that section 302(b)(1) is not applicable, the amount received by him for his stock of corporation X is treated as a dividend to him to the extent of the earnings and profits of corporation Y.

PAR. 4. Paragraph (a) of § 1.306-2 is amended to read as follows:

§ 1.306-2 Exception.

(a) If a shareholder terminates his entire stock interest in a corporation—

(1) By a sale or other disposition within the requirements of section 306(b)(1)(A), or

(2) By redemption under section 302(b)(3) (through the application of section 306(b)(1)(B)),

the amount received from such disposition shall be treated as an amount received in part or full payment for the stock sold or redeemed. In the case of a sale, only the stock interest need be terminated. In determining whether an entire stock interest has been terminated under section 306(b)(1)(A), all of the provisions of section 318(a) (relating to constructive ownership of stock) shall be applicable. In determining whether a shareholder has terminated his entire interest in a corporation by a redemption of his stock under section 302(b)(3), all of the provisions of section 318(a) shall be applicable unless the shareholder meets the requirements of section 302(c)(2) (relating to termination of all interest in the corporation). If the requirements of section 302(c)(2) are met, section 318(a)(1) (relating to members of a family) shall be inapplicable. Under all circumstances paragraphs (2), (3), (4), and (5) of section 318(a) shall be applicable.

* * * * *

PAR. 5. Section 1.318 is amended to read as follows:

§ 1.318 Statutory provisions; constructive ownership of stock.

SEC. 318. *Constructive ownership of stock*—(a) *General rule.* For purposes of those provisions of this subchapter to which the rules contained in this section are expressly made applicable—

(1) *Members of family*—(A) *In general.* An individual shall be considered as owning the stock owned, directly or indirectly, by or for—

(i) His spouse (other than a spouse who is legally separated from the individual under a decree of divorce or separate maintenance), and

(ii) His children, grandchildren, and parents.

(B) *Effect of adoption.* For purposes of subparagraph (A)(ii), a legally adopted child of an individual shall be treated as a child of such individual by blood.

(2) *Attribution from partnerships, estates, trusts, and corporations*—(A) *From partnerships and estates.* Stock owned, directly or indirectly, by or for a partnership or estate shall be considered as owned proportionately by its partners or beneficiaries.

(B) *From trusts.* (i) Stock owned, directly or indirectly, by or for a trust (other than an employees' trust described in section 401(a) which is exempt from tax under section 501(a)) shall be considered as owned by its beneficiaries in proportion to the actuarial interest of such beneficiaries in such trust.

(ii) Stock owned, directly or indirectly, by or for any portion of a trust of which a person is considered the owner under subpart E of part I of subchapter J (relating to grantors and others treated as substantial owners) shall be considered as owned by such person.

(C) *From corporations.* If 50 percent or more in value of the stock in a corporation is owned, directly or indirectly, by or for any person, such person shall be considered as owning the stock owned, directly or indirectly, by or for such person, in that proportion which the value of the stock which such person so owns bears to the value of all the stock in such corporation.

(3) *Attribution to partnerships, estates, trusts, and corporations*—(A) *To partnerships and estates.* Stock owned, directly or indirectly, by or for a partner or a beneficiary of an estate shall be considered as owned by the partnership or estate.

(B) *To trusts.* (i) Stock owned, directly or indirectly, by or for a beneficiary of a trust (other than an employees' trust described in section 401(a) which is exempt from tax under section 501(a)) shall be considered as owned by the trust, unless such beneficiary's interest in the trust is a remote contingent interest. For purposes of this clause, a contingent interest of a beneficiary in a trust shall be considered remote if, under the maximum exercise of discretion by the trustee in favor of such beneficiary, the value of such interest, computed actuarially, is 5 percent or less of the value of the trust property.

(ii) Stock owned, directly or indirectly, by or for a person who is considered the owner of any portion of a trust under subpart E of part I of subchapter J (relating to grantors and others treated as substantial owners) shall be considered as owned by the trust.

(C) *To corporations.* If 50 percent or more in value of the stock in a corporation is owned, directly or indirectly, by or for any person, such corporation shall be considered as owning the stock owned, directly or indirectly, by or for such person.

(4) *Options.* If any person has an option to acquire stock, such stock shall be considered as owned by such person. For purposes of this paragraph, an option to acquire such an option, and each one of a series of such options, shall be considered as an option to acquire such stock.

(5) *Operating rules*—(A) *In general.* Except as provided in subparagraphs (B) and (C), stock constructively owned by a person by reason of the application of paragraph (1), (2), (3), or (4), shall, for purposes of applying paragraphs (1), (2), (3), and (4), be considered as actually owned by such person.

(B) *Members of family.* Stock constructively owned by an individual by reason of the application of paragraph (1) shall not be considered as owned by him for purposes of again applying paragraph (1) in order to make another the constructive owner of such stock.

(C) *Partnerships, estates, trusts, and corporations.* Stock constructively owned by a partnership, estate, trust, or corporation by reason of the application of paragraph (3) shall not be considered as owned by it for purposes of applying paragraph (2) in order to make another the constructive owner of such stock.

(D) *Option rule in lieu of family rule.* For purposes of this paragraph, if stock may be considered as owned by an individual under paragraph (1) or (4), it shall be considered as owned by him under paragraph (4).

(b) *Cross references.* For provisions to which the rules contained in subsection (a) apply, see—

(1) Section 302 (relating to redemption of stock);

(2) Section 304 (relating to redemption by related corporations);

(3) Section 306(b)(1)(A) (relating to disposition of section 306 stock);

(4) Section 334(b)(3)(C) (relating to basis of property received in certain liquidations of subsidiaries);

(5) Section 382(a)(3) (relating to special limitations on net operating loss carryovers);

(6) Section 856(d) (relating to definition of rents from real property in the case of real estate investment trusts);

(7) Section 958(b) (relating to constructive ownership rules with respect to controlled foreign corporations); and

(8) Section 6038(d)(1) (relating to information with respect to certain foreign corporations).

[Sec. 318 as amended by sec. 10(h), Act of Sept. 14, 1960 (Pub. Law 86-779, 74 Stat. 1009); sec. 20(d), Rev. Act 1962 (76 Stat. 1063); sec. 4, Act of Aug. 31, 1964 (Pub. Law 88-554, 78 Stat. 762)]

PAR. 6. Section 1.318-1 is amended to read as follows:

§ 1.318-1 Constructive ownership of stock; introduction.

(a) For the purposes of certain provisions of chapter 1 of the Code, section 318(a) provides that stock owned by a taxpayer includes stock constructively owned by such taxpayer under the rules set forth in such section. An individual is considered to own the stock owned, directly or indirectly, by or for his spouse (other than a spouse who is legally separated from the individual under a decree of divorce or separate maintenance), and by or for his children, grandchildren, and parents. Under section 318(a)(2) and (3), constructive ownership rules are established for partnerships and partners, estates and beneficiaries, trusts and beneficiaries, and corporations and stockholders. If any person has an option to acquire stock, such stock is considered as owned by such person. The term "option" includes an option to acquire such an option and each of a series of such options.

(b) In applying section 318(a) to determine the stock ownership of any person for any one purpose—

(1) A corporation shall not be considered to own its own stock by reason of section 318(a)(3)(C);

(2) In any case in which an amount of stock owned by any person may be included in the computation more than one time, such stock shall be included only once, in the manner in which it will impute to the person concerned the largest total stock ownership; and

(3) In determining the 50-percent requirement of section 318(a)(2)(C) and (3)(C), all of the stock owned actually and constructively by the person concerned shall be aggregated.

PAR. 7. Section 1.318-2 is amended by revising paragraph (a), by revising that part of paragraph (c) which precedes example (1), and by revising example (5) of paragraph (c). These amended provisions read as follows:

§ 1.318-2 Application of general rules.

(a) The application of paragraph (b) of § 1.318-1 may be illustrated by the following examples:

Example (1). H, an individual, owns all of the stock of corporation A. Corporation A is not considered to own the stock owned by H in corporation A.

Example (2). H, an individual, his wife, W, and his son, S, each own one-third of the stock of the Green Corporation. For purposes of determining the amount of stock owned by H, W, or S for purposes of section 318(a)(2)(C) and (3)(C), the amount of stock held by the other members of the family shall be added pursuant to paragraph (b)(3) of § 1.318-1 in applying the 50-percent requirement of such section. H, W, or S, as the case may be, is for this purpose deemed to own 100 percent of the stock of the Green Corporation.

* * * * *

(c) The application of section 318(a)(2) and (3), relating to partnerships, trusts and corporations, may be illustrated by the following examples:

* * * * *

Example (5). A and B, unrelated individuals, own 70 percent and 30 percent, respectively, of the stock of corporation M. A, B, and corporation M all own stock of corporation O. Since B owns less than 50 percent in value of the stock of corporation M, neither B nor corporation M constructively owns the stock of corporation O owned by the other. However, for purposes of certain sections of the Code, such as sections 304 and 856(d), the 50-percent limitation of section 318(a)(2)(C) and (3)(C) is disregarded or is reduced to less than 30 percent. For such purposes, B constructively owns his proportionate share of the stock of corporation O owned directly by corporation M, and corporation M constructively owns the stock of corporation O owned by B.

PAR. 8. Section 1.318-3 is amended by revising example (1) in paragraph (a) to read as follows:

§ 1.318-3 Estates, trusts, and options.

(a) * * *

Example (1). (a) A decedent's estate owns 50 of the 100 outstanding shares of stock of corporation X. The remaining shares are owned by three unrelated individuals, A, B, and C, who together own the entire interest in the estate. A owns 12 shares of stock of corporation X directly and is entitled to 50 percent of the estate. B owns 18 shares directly and has a life estate in the remaining 50 percent of the estate. C owns 20 shares directly and also owns the remainder interest after B's life estate.

(b) If section 318(a)(5)(C) applies (see paragraph (c)(3) of § 1.318-4), the stock of corporation X is considered to be owned as follows: the estate is considered as owning 80 shares, 50 shares directly, 12 shares constructively through A, and 18 shares constructively through B; A is considered as owning 37 shares, 12 shares directly, and 25 shares constructively (50 percent of the 50 shares owned directly by the estate); B is considered as owning 43 shares, 18 shares directly and 25 shares constructively (50 percent of the 50 shares owned directly by the estate); C is considered as owning 20 shares directly and no shares constructively. C is not considered a beneficiary of the estate under section 318(a) since he has no direct present interest in the property held by the estate nor in the income produced by such property.

(c) If section 318(a)(5)(C) does not apply, A is considered as owning nine additional shares (50 percent of the 18 shares owned constructively by the estate through B), and B is considered as owning six additional shares (50 percent of the 12 shares owned constructively by the estate through A).

* * * * *

PAR. 9. Section 1.318-4 is amended to read as follows:

§ 1.318-4 Constructive ownership as actual ownership; exceptions.

(a) *In general.* Section 318(a)(5)(A) provides that, except as provided in section 318(a)(5)(B) and (C), stock constructively owned by a person by reason of the application of section 318(a)(1), (2), (3), or (4) shall be considered as actually owned by such person for purposes of applying section 318(a)(1), (2), (3), and (4). For example, if a trust owns 50 percent of the stock of corporation X, stock of corporation Y owned by corporation X which is attributed to the trust may be further attributed to the beneficiaries of the trust.

(b) *Constructive family ownership.* Section 318(a)(5)(B) provides that stock constructively owned by an individual by reason of ownership by a member of his family shall not be considered as owned by him for purposes of making another family member the constructive owner of such stock under section 318(a)(1). For

example, if F and his two sons, A and B, each own one-third of the stock of a corporation, under section 318(a)(1), A is treated as owning constructively the stock owned by his father but is not treated as owning the stock owned by B. Section 318(a)(5)(B) prevents the attribution of the stock of one brother through the father to the other brother, an attribution beyond the scope of section 318(a)(1) directly.

(c) *Reattribution.* (1) Section 318(a)(5)(C) provides that stock constructively owned by a partnership, estate, trust, or corporation by reason of the application of section 318(a)(3) shall not be considered as owned by it for purposes of applying section 318(a)(2) in order to make another the constructive owner of such stock. For example, if two unrelated individuals are beneficiaries of the same trust, stock held by one which is attributed to the trust under section 318(a)(3) is not reattributed from the trust to the other beneficiary. However, stock constructively owned by reason of section 318(a)(2) may be reattributed under section 318(a)(3). Thus, for example, if all the stock of corporations X and Y is owned by A, stock of corporation Z held by X is attributed to Y through A.

(2) Section 318(a)(5)(C) does not prevent reattribution under section 318(a)(2) of stock constructively owned by an entity under section 318(a)(3) if the stock is also constructively owned by the entity under section 318(a)(4). For example, if individuals A and B are beneficiaries of a trust and the trust has an option to buy stock from A, B is considered under section 318(a)(2)(B) as owning a proportionate part of such stock.

(3) Section 318(a)(5)(C) is effective on and after August 31, 1964, except that for purposes of sections 302 and 304 it does not apply with respect to distributions in payment for stock acquisitions or redemptions if such acquisitions or redemptions occurred before August 31, 1964.

PAR. 10. Section 1.382(a) is amended by revising section 382(a)(3) and by adding an historical note. These amended and added provisions read as follows:

§ 1.382(a) Statutory provisions; special limitations on net operating loss carryovers; purchase of a corporation and change in its trade or business.

SEC. 382. *Special limitations on net operating loss carryovers—(a) Purchase of a corporation and change in its trade or business.* • • •

(3) *Attribution of ownership.* Section 318 (relating to constructive ownership of stock) shall apply in determining the ownership of stock, except that sections 318(a)(2)(C) and 318(a)(3)(C) shall be applied without regard to the 50-percent limitation contained therein.

• • • • • •

[Sec. 382(a) as amended by sec. 4, Act of Aug. 31, 1964 (Pub. Law 88-554, 78 Stat. 762)]

PAR. 11. Section 1.382(a)-1(a)(2) is amended to read as follows:

§ 1.382(a)-1 Purchase of a corporation and change in its trade or business.

(a) *In general.* • • •

(2) For purposes of this section, (i) section 318(a) shall apply in determining ownership of stock, except that section 318(a)(2)(C) and (3)(C) shall be applied without regard to the 50-percent limitation contained therein, and (ii) stock acquired by the exercise of an option shall be considered as having been acquired on the date the option was acquired. Thus, if A acquires on December 15, 1959, an option to purchase 50 percent of the outstanding stock of X Corporation and if A acquires the stock by exercising the option on January 15, 1961, A will be considered as having purchased the stock on December 15, 1959.

• • • • • •

PAR. 12. Section 1.856 is amended by revising section 856(d) and by revising the historical note. These amended provisions read as follows:

§ 1.856 Statutory provisions; definition of real estate investment trust.

SEC. 856. *Definition of real estate investment trust.* • • •

(d) *Rents from real property defined.* For purposes of paragraphs (2) and (3) of subsection (c), the term "rents from real property" includes rents from interests in real property but does not include—

(1) Any amount received or accrued, directly or indirectly, with respect to any real property, if the determination of such amount depends in whole or in part on the income or profits derived by any person from such property (except that any amount so received or accrued shall not be excluded from the term "rents from real property" solely by reason of being based on a fixed percentage or percentages of receipts or sales);

(2) Any amount received or accrued directly or indirectly from any person if the real estate investment trust owns, directly or indirectly—

(A) In the case of any person which is a corporation, stock of such person possessing 10 percent or more of the total combined voting power of all classes of stock entitled to vote, or 10 percent or more of the total number of shares of all classes of stock of such person; or

(B) In the case of any person which is not a corporation, an interest of 10 percent or more in the assets or net profits of such person; and

(3) Any amount received or accrued, directly or indirectly, with respect to any real property, if the real estate investment trust furnishes or renders services to the tenants of such property, or manages or operates such property, other than through an independent contractor from whom the trust itself does not derive or receive any income. For purposes of this paragraph, the term "independent contractor" means—

(A) A person who does not own, directly or indirectly, more than 35 percent of the shares, or certificates of beneficial interest, in the real estate investment trust, or

(B) A person, if a corporation, not more than 35 percent of the total combined voting power of whose stock (or 35 percent of the total shares of all classes of whose stock), or, if not a corporation, not more than 35 percent of the interest in whose assets or net profits is owned, directly or indirectly, by one or more persons owning 35 percent or more of the shares or certificates of beneficial interest in the trust.

For purposes of paragraphs (2) and (3), the rules prescribed by section 318(a) for determining the ownership of stock shall apply in determining the ownership of stock, assets, or net profits of any person; except that "10 percent" shall be substituted for "50 percent" in subparagraph (C) of sections 318(a)(2) and 318(a)(3).

[Sec. 856 as added by sec. 10(a), Act of Sept. 14, 1960 (Pub. Law 86-779, 74 Stat. 1004); amended by sec. 4, Act of Aug. 31, 1964 (Pub. Law 88-554, 78 Stat. 762)]

PAR. 13. Paragraph (b)(4) of § 1.856-4 is amended to read as follows:

§ 1.856-4 Rents from real property.

• • • • • •

(b) *Amounts not includible as rent.* • • •

(4) *Attribution rules.* Paragraphs (2) and (3) of section 856(d) relate to direct or indirect ownership of stock, assets, or net profits by the persons described therein. For purposes of determining such direct or indirect ownership, the rules prescribed by section 318(a) (for determining the ownership of stock) shall apply except that "10 percent" shall be substituted for "50 percent" in section 318(a)(2)(C) and (3)(C).

PAR. 14. Section 1.6038 is amended by revising section 6038(d)(1), and by revising the historical note. These amended provisions read as follows:

§ 1.6038 Statutory provisions; information with respect to certain foreign corporations.

SEC. 6038. *Information with respect to certain foreign corporations.* • • •

(d) *Definitions.* For purposes of this section—

(1) *Control.* A person is in control of a corporation if such person owns stock possessing more than 50 percent of the total combined voting power of all classes of stock entitled to vote, or more than 50 percent of the total value of shares of all classes of stock, of a corporation. If a person is in control (within the meaning of the preceding sentence) of a corporation which in turn owns more than 50 percent of the total combined voting power of all classes of stock entitled to vote of another corporation, or owns more than 50 percent of the total value of the shares of all classes of stock of another corporation, then such person shall be treated as in control of such other corporation. For purposes of this paragraph, the rules prescribed by section 318(a) for determining ownership of stock shall apply; except that—

(A) Subparagraphs (A), (B), and (C) of section 318(a)(3) shall not be applied so as to consider a United States person as owning stock which is owned by a person who is not a United States person, and

(B) In applying subparagraph (C) of section 318(a)(2), the phrase "10 percent" shall be substituted for the phrase "50 percent" used in subparagraph (C).

• • • • • •

[Sec. 6038 as added by sec. 6, Act of Sept. 14, 1960 (Pub. Law 86-780, 74 Stat. 1014); amended by sec. 20(a), Rev. Act 1962 (76 Stat. 1059); sec. 4, Act of Aug. 31, 1964 (Pub. Law 88-554, 78 Stat. 762)]

PAR. 15. Paragraph (c)(3) of § 1.6038-2 is amended to read as follows:

§ 1.6038-2 Information returns required of U.S. persons with respect to annual accounting periods of certain foreign corporations beginning after December 31, 1962.

• • • • • •

(c) *Attribution rules.* • • •

(3) If 10 percent or more in value of the stock in a corporation is owned, directly or indirectly, by or for any person, section 318(a)(2)(C) shall apply.

• • • • • •

[F.R. Doc. 68-10180; Filed, Aug. 22, 1968; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER M—ANIMALS

PART 931—LABORATORY ANIMALS IN DOD RESEARCH

Part 931 is revised to read as follows:

Sec.
931.1 Purpose.
931.2 References.
931.3 Definitions.
931.4 Implementing policy.
931.5 Release of information.
931.6 Registration and inspection.

AUTHORITY: The provisions of this Part 931 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012; DOD Instruction 3216.1, Aug. 7, 1967.

SOURCE: AFR 169-2, Oct. 27, 1967.

§ 931.1 Purpose.

This part states the responsibilities, policies, and procedures for the care of experimental animals in Air Force research. This part applies to all Air Force activities, organizations, units, and research facilities, and to all groups or persons receiving funds for Air Force research involving animal experimentation.

§ 931.2 References.

(a) Public Law 89-544, "Laboratory Animal Welfare Act," August 24, 1966.

(b) "Laboratory Animal Welfare," Agricultural Research Service, Department of Agriculture. F.R. vol. 32, No. 37, February 24, 1967.

(c) "Guide for Laboratory Animal Facilities and Care," 1965, prepared by the Committee on Guide for Laboratory Animal Resources, National Academy of Sciences—National Research Council.

(d) AFM 163-5, "Care and Management of Laboratory Animals."

§ 931.3 Definitions.

(a) Animals: Any live dog, cat, nonhuman primate, guinea-pig, hamster, or rabbit.

(b) Laboratory Animal: Any animal defined in subparagraph (a) this section, used in support of Air Force research, research laboratory operations, development, tests, experiments, and evaluation programs.

(c) Research Facility: Any school, institution, organization, or person that uses or intends to use dogs or cats in research, tests, or experiments, and that:

(1) Purchases or transports dogs or cats in commerce, or

(2) Receives funds under a grant, award, loan, or contract from a department, agency, or instrumentality of the United States for the purpose of carrying out research, tests, or experiments with animals.

(d) Dealer: Any person who for compensation or profit delivers for transportation, or transports, except as a common carrier, buys or sells dogs or cats in commerce for research purposes.

§ 931.4 Implementing policy.

(a) The Department of Agriculture has published regulations and standards on Laboratory Animal Welfare in accordance with Public Law 89-544. These regulations and standards require:

(1) Licensing of dealers.
(2) Registration of research facilities.
(3) Maintenance of records.
(4) Identification of dogs and cats.
(5) Compliance by dealers and research facilities, including laboratory animal facilities of the United States, with the minimum standards for the humane handling care, treatment and transportation of various categories of animals.

(b) The fundamental Air Force policy provides that animals intended for use in research are provided humane care and treatment.

(1) In all research and development programs sponsored or performed by the Air Force involving the use of animals, the standards for humane handling, care, treatment, and transportation established by the Secretary of Agriculture in "Laboratory Animal Welfare" and in the "Guide for Laboratory Animal Facilities and Care" will be observed. In case of conflict between the standards, the higher standard will be used.

(2) Dogs and cats used in research and development programs performed or sponsored by the Air Force shall be purchased or otherwise acquired from a person holding a valid dealer's license issued by the Secretary of Agriculture pursuant to § 931.2b of this title except as exempted by Public Law 89-544.

(c) All Air Force sponsored grants and contracts involving laboratory animals will require compliance with directives cited by § 931.4b of this title and will contain a clause citing the referenced directives.

§ 931.5 Release of information.

(a) The timely release of information on experiments using laboratory animals tends to improve public understanding and acceptance. The results often help to solve military problems and contribute to improved human health and welfare of man and his domestic animals.

(b) The release of information on experiments involving animals prior to the actual accomplishment of the experiment should be the exception rather than the rule.

(c) Material proposed for release to both the scientific community and the public will contain full information relevant to humane procedures used, and other evidence of excellent animal care by reference to such items as the observance of the principles enunciated in the "Guide for Laboratory Animal Facilities and Care," the use of anesthesia, and other measures.

§ 931.6 Registration and inspection.

The Air Force is not required to register with the Secretary of Agriculture or to permit inspection of animals or records by the Department of Agriculture.

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 68-10149; Filed, Aug. 22, 1968; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

MISCELLANEOUS AMENDMENTS

1. In § 3.251(a)(1), subdivisions (i), (ii), and (iii) are amended to read as follows:

§ 3.251 Income of parents; dependency and indemnity compensation.

(a) *Annual income limitation.* (1) Dependency and indemnity compensation is not payable to a parent whose annual income exceeds the following limitations:

(i) $1,800 ($2,000 effective Jan. 1, 1969), one parent alone;

(ii) $1,800 ($2,000 effective Jan. 1, 1969), separately, two parents not living together;

(iii) $3,000 ($3,200 effective Jan. 1, 1969), combined income, two parents living together or remarried parent living with spouse.

• • • • • •

2. In § 3.252, paragraphs (a) and (b) are amended to read as follows:

§ 3.252 Annual income; pension; World War I—and later wars.

(a) *Annual income limitation; protected pension.* Where the right to pension under laws in effect prior to June 30, 1960, is protected under § 3.956, pension is not payable to an unmarried veteran, or to a widow without a child, or to or on account of a child, whose annual income exceeds $1,400 ($1,600 effective Jan. 1, 1969); or to a married veteran or a veteran with a child, or to a widow with a child, whose annual income exceeds $2,700 ($2,900 effective Jan. 1, 1969).

(b) *Annual income and net worth limitation; Public Law 86-211 (73 Stat.*

432). Pension is not payable to an unmarried veteran, or to a widow without a child, whose annual income exceeds $1,800 ($2,000 effective Jan. 1, 1969), or to or on account of a child whose annual income (excluding earned income of a child-claimant) exceeds $1,800; or to a married veteran or a veteran with a child, or to a widow with a child, whose annual income exceeds $3,000 ($3,200 effective Jan. 1, 1969); or to a veteran, widow or child if it is reasonable that some part of the claimant's estate be consumed for his maintenance. Where a veteran and spouse are living together, the separate income of the spouse will be considered as the veteran's income, as provided in § 3.262(b) (38 U.S.C. 521, 541, 542, and 543).

• • • • • •

3. In § 3.400(j), subparagraph (5) is added to read as follows:

§ 3.400 General.

• • • • • •

(j) *Election of Veterans Administration benefits* (*§ 3.700 series*) • • •.

(5) January 1, 1969, as to pension payable under Public Law 86–211 (73 Stat. 432), as amended by Public Law 90–275 (82 Stat. 64), if there was basic eligibility for pension on June 30, 1960, under the law in effect on that date and an election is filed prior to May 1, 1969.

• • • • • •

4. In § 3.460(c), subparagraph (3) is added to read as follows:

§ 3.460 Death pension.

• • • • • •

(c) *World War I or later wartime service.* • • •

(3) On and after January 1, 1969, where pension is payable under 38 U.S.C. 541 at the rates provided by Public Law 90–275 (82 Stat. 64), the shares for the widow and children will be not less than the rate which would be authorized under subparagraph (2) of this paragraph. If a greater total rate is available, the additional amount will be payable to the widow or children or will be divided.

5. In § 3.500, paragraphs (f) and (h) are amended to read as follows:

§ 3.500 General.

• • • • • •

(f) *Contested claims* (*§ 3.402(b) and § 19.117 of this chapter*). Date of last payment.

• • • • • •

(h) *Dependency of parent* (*38 U.S.C. 3012; Public Law 90–275; §§ 3.4 (a), (b) (2), 3.250, 3.551(b) and 3.660*). See § 3.660.

• • • • • •

6. In § 3.551, that portion of paragraph (c) preceding subparagraph (1) is amended to read as follows:

§ 3.551 Reduction because of hospitalization.

• • • • • •

(c) *Reduction after 2 months.* Where pension is being paid to a veteran under 38 U.S.C. 521(b), or to a Spanish-American War veteran or an Indian war veteran who was not receiving pension for June 30, 1960, or who is receiving pension under 38 U.S.C. 521, the pension for a veteran who has neither wife nor child, or who, though married, is receiving pension as prescribed by 38 U.S.C. 521(b) because not living with or reasonably contributing to the support of his spouse shall continue at the full monthly rate until the end of the second calendar month (except as provided in paragraph (d) of this section), following the month of admission for hospitalization. The rate payable effective the first of the third calendar month will be an amount not in excess of $30 monthly. Where the veteran has been discharged from a period of hospitalization of not less than 2 full calendar months and is readmitted within 6 months, the award will be reduced effective the date of readmission.

• • • • • •

7. In § 3.660(a), subparagraphs (2) and (3) are amended to read as follows:

§ 3.660 Dependency, income and estate.

(a) *Reduction or discontinuance.* • • •

(2) *Contingency.* Except as provided in subparagraph (3) of this paragraph, where reduction or discontinuance of a running award is required because of an increase in income, which increase could not reasonably have been anticipated based on the amount actually received from that source the year before, or because of an increase in corpus of estate or net worth, which occurred on or after April 1, 1968, or because dependency of a parent ceased on or after that date solely by reason of an increase in income, the award will be reduced or discontinued effective the last day of the calendar year in which the increase occurred or dependency ceased. Where there is no material increase in countable income, reduction or discontinuance because of a change in marital status or the status of dependents will be effective the last day of the month in which the change occurred (38 U.S.C. 3012; Public Law 90–275, 82 Stat. 64).

(3) *Social Security Amendments of 1967.* Where a payee was receiving or entitled to receive pension or dependency and indemnity compensation for March 31, 1968, and reduction or discontinuance of the award would be required solely as the result of an increase in monthly old age and survivor's insurance or disability insurance benefits provided by the Social Security Amendments of 1967 (Public Law 90–248, 81 Stat. 821), the effective date of reduction or discontinuance will be subject to the provisions of this subparagraph. The term "prior monthly rate" means the rate otherwise payable for March 1968, the rate payable for the month before the effective date of section 3, Public Law 90–275 (82 Stat. 64), as provided by section 6(b) of that law. The initial Social Security increases which were effective February 1968, were payable in March 1968.

(i) For the balance of calendar year 1968 and for calendar year 1969, the prior monthly rate will be paid;

(ii) For the calendar year 1970, payment will be made at the monthly rate for the next $100 annual income increment or limitation higher than the increment or maximum annual income limitation corresponding to the prior monthly rate;

(iii) For each successive calendar year, payment will be made at the monthly rate for the next $100 annual income limitation higher than the one applied for the preceding year, until the rate corresponding to the actual countable income is reached (Public Law 90–275).

• • • • • •

(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective date of approval.

Approved: August 15, 1968.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 68–10170; Filed, Aug. 22, 1968; 8:46 a.m.]

PART 8—NATIONAL SERVICE LIFE INSURANCE

Eligibility and Health Requirements

1. In § 8.0(b), subparagraph (2) is amended to read as follows:

§ 8.0 Eligibility.

• • • • • •

(b) *Applications for insurance under section 722(a) of Title 38, United States Code.* • • •

(2) An application for insurance under this paragraph should be made on the form prescribed therefor, but any written statement which in substance meets the requirements of this paragraph may be considered an application. If the applicant is mentally incompetent, the application may be made (i) by the guardian, and, if required under the State law, after the court shall have authorized the fiduciary to make such application; or (ii) by any one acting on behalf of the veteran if the evidence shows that the veteran will qualify for waiver of premiums under 38 U.S.C. 712, in which event the beneficiary of any insurance issued will be the estate of the insured.

• • • • • •

2. In § 8.23, paragraph (b) is amended to read as follows:

§ 8.23 Health requirements.

National Service life insurance on any plan may be reinstated if application and tender of premiums are made:

• • • • • •

(b) After expiration of the 6-month period mentioned in paragraph (a) of this section, provided applicant is in good health (§ 8.1) on the date of application and tender of premiums and furnishes satisfactory evidence. If the insurance to be reinstated was issued under § 8.0 (b), (d) (2) (i), or (d) (2) (ii) and application is made within 1 year of the date of lapse, any service-connected disability existing at the time the insurance was issued will be waived for the purpose of reinstatement (including natural progression of the condition since time of issuance). If the insurance to be reinstated was issued under § 8.0(d)(2)(iii) and application is made within 1 year of the date of lapse, any non-service-connected disability, or service-connected disability which combined with a non-service-connected disability rendered the insured uninsurable as of October 13, 1964, will be waived for the purpose of reinstatement (including natural progression).

(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective the date of approval.

Approved: August 14, 1968.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 68–10171; Filed, Aug. 22, 1968; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101–47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Interest Rates and Obtaining Supplies of GSA and Standard Forms

Section 101–47.304–4(a) is revised to delete the specific rates of interest to be charged in credit sales to permit greater flexibility in adjusting such rates to fluctuating commercial rates. Section 101–47.4900 is revised to inform agency field offices where they can obtain the GSA and Standard forms illustrated in Subpart 101–47.49.

Subpart 101–47.3—Surplus Real Property Disposal

Section 101–47.304–4(a) is revised to read as follows:

§ 101–47.304–4 Invitation for offers.

• • • • • •

(a) When the disposal agency has determined that the sale of specific property on credit terms is justified, the invitation shall provide for submission of offers on the following terms:

(1) Offers to purchase of less than $2,500 shall be for cash.

(2) When the purchase price is $2,500, or more but less than $10,000, a cash downpayment of not less than 25 percent shall be required with the balance due in 8 years or less.

(3) When the purchase price is $10,000 or more, a cash downpayment of not less than 20 percent shall be required with the balance due in 10 years or less.

(4) The purchaser shall furnish a promissory note secured by the purchase money mortgage or deed of trust on the property, whichever the Government determines to be appropriate.

(5) Payment will be in equal quarterannual installments of the principal together with interest on the unpaid balance.

(6) Interest on the unpaid balance will be at the General Services Administration's established interest rate.

(7) Credit sales negotiated with a State, the Commonwealth of Puerto Rico, the Virgin Islands, political subdivisions thereof, or tax-supported agencies therein, pursuant to section 203(e)(3)(H) of the Act, shall provide for interest on the unpaid balances at the lesser rate prescribed for loans to public bodies by the General Services Administration.

• • • • • •

Subpart 101–47.49—Illustrations

Section 101–47.4900 is revised to read as follows:

§ 101–47.4900 Scope of subpart.

This subpart sets forth certain forms and illustrations referred to previously in this part. GSA forms may be obtained from the appropriate General Services Administration regional office, Regional Property Management and Disposal Service. Standard Forms may be obtained from the nearest GSA supply depot.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: August 20, 1968.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 68–10184; Filed, Aug. 22, 1968; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1001–1004, 1015, 1016]

[Docket Nos. AO–14–A45 et al.]

MILK IN THE MASSACHUSETTS-RHODE ISLAND-NEW HAMPSHIRE AND CERTAIN OTHER MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR Part	Marketing area	Docket No.
1001	Massachusetts-Rhode Island-New Hampshire.	AO–14–A45.
1002	New York-New Jersey	AO–71–A57.
1003	Washington, D.C.	AO–293–A20.
1004	Delaware Valley	AO–160–A38.
1015	Connecticut	AO–305–A22.
1016	Upper Chesapeake Bay	AO–312–A17.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the aforesaid marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the fifth day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at New York, N.Y., on July 25–26, 1968, pursuant to notice thereof which was issued July 17, 1968 (33 F.R. 10403).

The material issues on the record of the hearing relate to:

1. Increasing the Class I price level under each of the six northeastern orders.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

The specified Class I price under each of the six northeastern Federal orders should be increased by 24 cents. Such action is necessary to effect price increases to producers under the northeastern orders comparable with price increases effected under orders in the North Central region generally on July 1, and thus restore the interregional price alignment which has been maintained through the several emergency Class I price actions which have been initiated on a national basis during the past several years in an effort to stem the decline in milk production nationally.

Federal milk orders outside the Northeast employ manufacturing milk values as a basic price to which a specified differential is added to arrive at the Class I price. The differential varies as between markets to the end that the variation in price as between markets generally reflects the difference in transportation costs in moving milk from the Minnesota-Wisconsin alternative supply area. The northeastern orders, on the other hand, have over an extended period of years employed economic type pricing formulas for the purpose of establishing Class I prices.

Milk production in the United States has been declining since 1965. This decline in production has reflected an accelerated decline in the number of dairy farmers and dairy cattle and is attributable to factors such as high prices for cull cattle, better returns from alternative farm enterprises, more attractive off-farm opportunities for labor, increased costs of farm labor and equipment, and increased taxes and interest rates.

In an effort to stem the downward trend in milk production the Department has taken a series of price actions during the period 1966, 1967, and 1968 under both the dairy price support program and the Federal milk order program. However, the changes in price support levels, flooring of the basic (manufacturing milk) price, and/or specified changes in the differentials over the basic price, which procedures have been employed to raise Class I prices generally under Federal orders outside the Northeast, have not been applicable under the northeastern orders. In an effort to extend identical price adjustments to the northeastern markets the Department initially "floored" certain of the factors in the respective formulas above their then current levels and in subsequent actions inactivated the formulas entirely in favor of specified prices. However, the results of these actions have varied somewhat as between markets to the end that interorder price relationships which existed at the beginning of the period of emergency price adjustments have not been uniformly retained. However, action taken July 1, which increased the New York-New Jersey price by 10 cents to $6.49 through April 1969, substantially restored interorder price relationship among the northeastern orders.

For many years Class I prices in a number of Federal order markets in Iowa, Wisconsin, Illinois, and Missouri were tied to the Chicago order Class I price. During this period the supply-demand adjustment factor in the Class I pricing formula was minus 24. This adjustment thus reduced the Class I price in these markets by 24 cents. When the Chicago order was terminated the effect of the supply-demand adjustor on prices in those markets in which the Class I price had been tied to Chicago was continued through the equivalent price determination provisions in the respective orders.

The new Chicago order made effective July 1, 1968, contains no supply-demand adjustment provision. To maintain interorder price alignment between the Chicago market and the surrounding Federal order markets it was necessary that prices in these markets be increased by 24 cents, which was related to the equivalent price determination factor, effective July 1, first by suspension action and subsequently by amendment. Hence, prices in the large midwestern area which produces the bulk of the reserve milk supplies for the country have generally been increased by 24 cents. This has substantially reduced the differential between midwestern and northeastern Class I prices. For example, the New York-New Jersey Class I price which in 1965 averaged $1.26 above the Chicago price is currently only 96 cents above such price. Without some adjustment in northeastern prices this relationship will continue.

Producer cooperatives in the Northeast contend that the amount of price adjustment made effective in midwestern markets generally on July 1 was 26 cents. However, this price adjustment as previously indicated reflected only the removal of the effect of the supply-demand adjustment applicable under the old Chicago order, which amounted to 24 cents.

Proponents asked that a similar adjustment be made in each of the northeastern Federal order markets, contending that such adjustment was essential to restore appropriate interregional price alignment and assure a continuing adequate milk supply. In support of their position they sought to demonstrate that, while the downward trend in milk production for the country as a whole appears to be stabilizing, production in the Northeast continues to decline. In addition in certain segments of the Northeast

adverse weather has severely affected forage and grain production with the result that adequate winter feed supplies, particularly in Vermont the primary supply area for the Massachusetts-Rhode Island-New Hampshire market, are in doubt. Handlers, except those in the Massachusetts-Rhode Island-New Hampshire market, generally opposed a further price increase at this time contending that milk supplies are fully adequate at this time.

The emergency price actions taken throughout the Federal order system in conjunction with dairy price support actions have unquestionably helped to slow the rate of decline in milk production generally. However, the situation in the Northeast where about one-fifth of the Nation's supply is produced continues unfavorable. In the 11 Northeastern States combined (from Maine to Maryland), production declined 3.1 percent from 1965 to 1966, essentially the same as the country as a whole. During 1967 production in the Northeast was 2.1 percent below that for 1966 while nationally production was off only 0.5 percent. Thus far in 1968 national milk production has averaged 1.7 percent below that for 1967. In June production in the Northeast was 2.3 percent below June 1967 while production in the remainder of the country was off only 1 percent.

The New York-New Jersey market is by far the largest of the markets in the Northeast. About 60 percent of the producers supplying the six northeast markets are associated with that market. Because of its size and location it is very much interrelated with the other Federal order markets. On the northern side the New York-New Jersey milkshed overlaps the milkshed for the New England markets. Over the years there has been a general shift of New York-New Jersey producers to the New England markets, essentially in response to the blend prices which prevail under the respective orders in the eastern region of New York State. In Pennsylvania there is an extensive overlapping of the New York-New Jersey, Delaware Valley, and Upper Chesapeake Bay milksheds. In turn the Upper Chesapeake Bay and Washington, D.C., supply areas are interrelated.

As a result of the marketwide pooling arrangements adopted under the Delaware Valley order effective June 1, 1967, there has been a substantial shifting of supplies and sales from the New York-New Jersey order to the Delaware Valley order. These changes have significantly changed the supply-demand balances in individual markets. Supplies in the Delaware Valley market have thus increased 30.7 percent from May 1967 to May 1968 while supplies on the New York-New Jersey market dropped 8 percent in the same period. Obviously the situation in individual markets, however, is not reflective of the situation in the region generally.

Producers continue to drop out of production in the Northeast Federal order market at a rapid rate. During May 1968 there were 2,872 fewer producers supplying these markets than in May 1967 when 52,992 producers were on these markets. Considering that about 400 producers were added in the interim through the expansion of the Massachusetts-Rhode Island order into New Hampshire on December 1, 1967; there was a loss of about 6 percent in producer numbers in the last year. This decline in producer numbers was nearly as great as during the previous 12-month period (May 1966 to May 1967) when 3,551 dropped off these markets. This continued trend poses a very serious threat to the adequacy of a milk supply for consumers in the Northeast.

Virtually all of the milk produced in the Northeast is associated with fluid milk markets, mostly Federal order markets. Of the 24.2 billion pounds of milk produced in the eleven northeastern States in 1967, 18.9 billion pounds was associated with the six Federal order markets. Since 1965 annual Federal order market receipts in the Northeast have declined 1.2 billion pounds. In the first half of this year receipts under the six orders were 236 million pounds less than during the first half of 1967.

The Class I utilization of producer milk under the orders has increased significantly since 1965. In the 1967 period of seasonally low production utilization in Class I reached 70.4 percent, 3.3 percent above the comparable percentage in 1965. Class I utilization each month this year has been higher than the corresponding month of 1967.

The continuing rise in production costs, the tight labor market and the alternative employment opportunities available to dairy farmers in the Northeast pose a serious threat to continuing adequacy of milk supplies in the region.

While, as handler representatives testified there are encouraging signs that the downward spiral in cow numbers in the Northeast is being stemmed in that dairy farmers as of January 1, 1967, kept greater numbers of heifers, this logically must be attributed to the fact that the emergency price actions which have been taken in some measure restored dairy farmers' confidence in the future of the industry. While dairy farmers in the Northeast have only limited alternative farming opportunities, in comparison with dairy farmers in other areas, their employment opportunities outside of agriculture are extremely favorable and this in conjunction with high land values and the great difficulty of employing competent help will strongly influence them in deciding whether to continue dairying. It is essential therefore at this time that the general interregional price alignment that has been maintained between the Northeast and midwestern alternative supply areas during the critical past few years be maintained. To accomplish this end the specified Class I price in each of the six northeastern markets which extends through April 1969 must be increased by 24 cents.

Handlers' basic concern in the matter of further Class I price increases at this time was possible loss of sales to imitation products and cost with respect to contract sales already negotiated without escalator clauses.

The matter of the treatment of imitation products was an issue considered at a national hearing on which a decision is still pending.

The Act requires the uniform application of the order provisions and there is no basis for pricing fluid milk disposed of under Government contracts at a different level than that otherwise disposed of for fluid consumption. Similarly, there is no basis for a variation in the price of milk to handlers dependent on the terms of the contract.

Handlers generally are obviously aware of the unfavorable production situation existing throughout the country and of the fact that the Department has taken repeated actions to ameliorate the situation both under the price support and Federal milk order program. The Department is charged with the responsibility of establishing prices under Federal milk marketing orders which will insure an adequate supply of milk for fluid use and accordingly, must take the necessary price actions to accomplish this end.

One handler representative, while conceding that some price increase was needed, proposed that the increase be limited to an amount which would permit handlers to raise resale prices one-half cent per quart and at the same time recover some of the loss which otherwise would necessarily occur on prior contracts without escalator clauses. Obviously, such a procedure would have varying impact on handlers, dependent on the volume involved in such contracts by individual handlers. In any event, in consideration of the overriding need for a Class I price increase to insure a continuing adequate milk supply it is not possible to compromise the amount of the adjustment for the purpose of accommodating handlers in their contract sales.

The amendatory language to implement a 24-cent price increase under each of the respective orders is hereinafter set forth. No amendments are required for the Washington, D.C., and Upper Chesapeake Bay orders for which Class I prices are maintained in fixed alignment with the Delaware Valley Class I price.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

RULINGS ON THE EXCEPTIONS TO THE RULING OF THE HEARING EXAMINER

Certain handlers in their brief filed in this proceeding excepted to the hearing officer's denial of the request made on the record in their behalf that a separate hearing be held in Philadelphia to receive evidence re the Class I price relative to the milk in the areas in which handlers in Order 4 receive their supplies.

After full consideration of the rulings of the examiner, his rulings in this matter are hereby affirmed and the request for a separate hearing in the Philadelphia market is hereby denied.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commerical activity specified in, marketing agreements upon which a hearing has been held.

RECOMMENDED MARKETING AGREEMENTS AND ORDERS AMENDING THE ORDERS

The following order amending the orders as amended regulating the handling of milk in the Massachusetts-Rhode Island-New Hampshire, Connecticut, New York-New Jersey and Delaware Valley marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended:

PART 1001—MILK IN MASSACHUSETTS-RHODE ISLAND-NEW HAMPSHIRE MARKETING AREA

In § 1001.60, paragraph (d) is revised to read as follows:

§ 1001.60 Class I price.

* * * * *

(d) The Class I price shall be the result, rounded to the nearest full cent, of the economic index price determined under paragraph (b) of this section, multiplied by the supply-demand adjustment factor determined under paragraph (c) of this section, except that from the effective date hereof the Class I price each month shall be $6.91 through April 1969.

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

In §1002.50, the text of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 1002.50 Class prices.

* * * * *

(a) For Class I–A milk the price during each month shall be a price computed pursuant to subparagraphs (1) through (10) of this paragraph, except that from the effective date hereof the Class I–A price each month shall be $6.73 through April 1969.

* * * * *

PART 1004—MILK IN DELAWARE VALLEY MARKETING AREA

In § 1004.50, the text of paragraph (a) preceding subparagraph (1), is revised as follows:

§ 1004.50 Class prices.

* * * * *

(a) *Class I milk.* Through April 1969, for each month in each calendar quarter, the price per hundredweight of Class I milk shall be the price computed for each quarter pursuant to subparagraphs (1) through (4) of this paragraph, except that from the effective date hereof through April 1969 the Class I price each month shall be $7.17.

* * * * *

PART 1015—MILK IN CONNECTICUT MARKETING AREA

In § 1015.60, paragraph (d) is revised to read as follows:

§ 1015.60 Class I price.

* * * * *

(d) The Class I price shall be the result, rounded to the nearest full cent, of the economic index price determined under paragraph (b) of this section, multiplied by the supply-demand adjustment factor determined under paragraph (c) of this section, plus 40 cents, except that from the effective date hereof the Class I price each month shall be $7.31 through April 1969.

* * * *

Signed at Washington, D.C., on August 20, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68–10165; Filed, Aug. 22, 1968; 8:46 a.m.]

[7 CFR Part 1064]

[Docket No. AO–23–A36]

MILK IN GREATER KANSAS CITY MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Greater Kansas City marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Kansas City, Mo., on August 1, 1968, pursuant to notice thereof which was issued July 24, 1968 (33 F.R. 10748).

The material issue on the record of the hearing related to a proposed increase in the Class I price of 24 cents per hundredweight.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The Class I price as provided in § 1064.51 should be increased by an additional 24 cents.

A new Chicago Regional order which became effective July 1, 1968, established a new Class I price level for the 3-State area covered by such regulation. For the five areas merged with Chicago, which were previously identified as the Milwaukee, Madison, Northeastern Wisconsin, Rock River Valley, and Northwestern Indiana areas, this new price represented an increase of about 24 cents per hundredweight.

Following the announcement of the higher price level in the Chicago Regional area, hearings were held to consider Class I prices in surrounding markets so as to reestablish the historical price relationships with Chicago. Class I prices in these markets were raised by suspension action for July 1968, and amendments increasing Class I prices in these markets by 24 cents were made effective August 1, 1968.

Among the markets where the 24-cent increase has been granted are four Iowa markets northeast of the Kansas City area and four Illinois and Missouri markets east and south of Kansas City. The Class I sales in these eight markets are three and one-half times the Class I sales of Kansas City handlers. Producer milk deliveries to these markets are more than three and one-half times producer deliveries to the Kansas City market. Hence, an upward adjustment in the Class I price level in these markets has an important bearing on the Class I price level needed to maintain adequate milk supplies for the Kansas City area.

In recent months the supply of milk relative to Class I sales in the Kansas City market has been about the same as in these eight markets. During the first 5 months this year, 69 percent of producer deliveries in the Kansas City market were used in Class I, whereas 67 percent of deliveries were used in Class I in these other eight markets. Thus, the historical price relationship has tended to promote a slightly smaller margin of reserve in Kansas City than in these other markets. A lower Class I price in Kansas City relative to these other markets would tend to further diminish the Kansas City milk supply.

Milk production in Kansas and Missouri, States from which the Kansas City market draws most of its supply, has declined recently as much, or more than, the drop in total U.S. milk production. In June this year milk production in Kansas was down 3 percent from a year earlier. In Missouri production was down 2 percent and U.S. production was down 1.3 percent.

Also compared to the average for the previous five Junes, production in June 1968 was down 6 percent in Kansas, 11 percent in Missouri and 6 percent in the United States.

In order to maintain a milk supply in the Kansas City market which is adequate in relation to Class I sales, the Class I price level should be maintained at its historic level in relation to these markets where prices have been increased.

Two handlers who operate distributing plants in the Kansas City area opposed action to increase the Class I price in Kansas City prior to increasing Class I prices in certain other markets where such handlers sell Class I milk.

Nearly 20 percent of Kansas City Class I sales are made outside the Kansas City marketing area. About 8 percent of total Class I sales are disposed of on routes in other marketing areas. Handlers contend that if the Kansas City Class I price is raised without a corresponding increase in the Class I prices in these other markets, they will suffer a competitive price disadvantage.

Markets where Kansas City handlers make route sales (other than those where the 24-cent increase has been granted), are Central Arkansas, Eastern Colorado, Nebraska-Western Iowa, Neosho Valley, Oklahoma Metropolitan, and Wichita. Even with the 24-cent increase in the Kansas City Class I price, the Class I prices in all but two of these markets would exceed the Kansas City Class I price. Hence, some incentive will remain to move milk to these areas, although the order price differences would not be as great as heretofore.

The Kansas City Class I price based on the proposed $1.74 differential over the manufacturing milk price would exceed the present Class I price differentials of $1.60 in Nebraska-Western Iowa, and $1.54 in Neosho Valley. One handler distributes some milk in each of these areas but he also has extensive distribution in the Missouri counties lying between Kansas City and St. Louis. The 24-cent increase would maintain price alignment with St. Louis.

Our principal concern is to maintain an order price structure for each market which will secure an adequate supply for that market. In determining the price needed for a given market it is not necessary to consider holding such price at a level which will promote exports to other markets.

The handlers also proposed that the location price differential provisions be modified so as to raise the Class I price at plants in Doniphan County, Kans., and Buchanan County, Mo. Although this proposal was not listed in the hearing notice, the handlers contended that the Class I price issue encompassed this change. Handlers whose plants are located in these counties opposed the proposal and maintained that they were not informed by the hearing notice that such a proposal would be considered.

A substantial question is raised as to whether adequate notice was given and as to whether the record is complete on this issue. The handlers who proposed the higher price in these two counties requested that if it were found that notice was insufficient on which to consider the matter, the whole question of Class I price levels be deferred until a new notice could be issued and this hearing reopened on their proposal. For the reasons hereinafter set forth this request is denied.

Amendment action is needed as soon as possible on the issue of the Class I price level which was clearly set forth for consideration at the hearing. Therefore, the proposed amendment set forth herein should not be deferred.

Furthermore, the evidence supplied by proponents does not make out even a prima facie case for the proposal. The record fails to demonstrate any new basis for establishing a location differential other than the present one which was found appropriate in 1966 (see final decision issued Aug. 10, 1966, 31 F.R. 10800). The St. Joseph area which has a 10-cent lower Class I price is located 50 miles nearer to the surplus milk supply area of Northern Iowa, Minnesota, and Wisconsin than is Kansas City. No new evidence was offered to show that the 10-cent lower price is not appropriate under existing conditions of supply in relation to sales.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RECOMMENDED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER

The following order amending the order as amended regulating the handling of milk in the Greater Kansas City marketing area is recommended as the detailed and appropriate means by which

the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

Section 1064.51(a) is revised to read as follows:

§ 1064.51 Class prices.

* * * * *

(a) *Class I milk.* The Class I price shall be the basic formula price for the preceding month plus $1.54 and plus 20 cents through April 1969;

* * * * *

Signed at Washington, D.C., on August 20, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68-10187; Filed, Aug. 22, 1968; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 32]

CATAHOULA NATIONAL WILDLIFE REFUGE, LA.

Hunting

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Endangered Species Preservation Act of October 15, 1966 (80 Stat. 926, 16 U.S.C. 668aa), it is proposed to amend 50 CFR 32.21 by the addition of Catahoula National Wildlife Refuge, La., to the list of areas open to the hunting of upland game, as legislatively permitted.

It has been determined that the regulated hunting of upland game may be permitted as designated on the Catahoula National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 32.21 is amended by the following addition:

§ 32.21 List of open areas; upland game.

* * * * *

LOUISIANA

CATAHOULA NATIONAL WILDLIFE REFUGE

* * * * *

JOHN S. GOTTSCHALK,
Director, Bureau of
Sport Fisheries and Wildlife.

AUGUST 20, 1968.

[F.R. Doc. 68-10169; Filed, Aug. 22, 1968; 8:46 a.m.]

DEPARTMENT OF LABOR

Bureau of Labor Standards

[29 CFR Parts 1501, 1502, 1503]

SAFETY AND HEALTH REGULATIONS FOR SHIP REPAIRING, SHIPBUILDING, AND SHIPBREAKING

Notice of Proposed Rule Making

Pursuant to Section 41 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941), I hereby propose to amend 29 CFR, Parts 1501, 1502, and 1503 as set forth below. The changes are proposed in view of the need to delineate the information to be obtained by the employer in order to meet the requirements of these parts.

Written data, views, or argument regarding the proposal may be filed by mail with the Director, Bureau of Labor Standards, U.S. Department of Labor, 400 First Street NW., Washington, D.C. 20210, within 60 days after this document is published in the FEDERAL REGISTER.

1. In 29 CFR 1501.57, paragraph (d) would be revised to read as follows:

§ 1501.57 Health and sanitation.

* * * * *

(d) The information which must be ascertained under paragraph (a) of this section includes information on all of the items listed below which are applicable to the specific product or material:

(1) Manufacturer's name, address, and telephone number.

(2) Chemical name and synonyms, trade name, chemical family, formula, and general description of single chemical, mixture of chemicals, or basic structural or process material.

(3) Chemical names of ingredients, such as but not limited to those of mixtures, such as paints and preservatives, of alloys, filler metals, and welding rods, of platings, and of abrasive blasting materials.

(4) Physical data, including Boiling Point, in degrees Fahrenheit; Vapor Pressure, in millimeters of mercury; Reid Vapor Pressure, in pounds per square inch absolute; Vapor Density of gas or vapor (air-1); Freezing Point, in degrees Fahrenheit; Solubility in water, in percent by weight; Specific Gravity of liquid (water-1); Percentage Volatile, by volume; and Evaporation Rate for liquids (ether-1).

(5) Fire and explosion hazard data, including Flash Point, in degrees Fahrenheit; Autoignition Temperature, in degrees Fahrenheit; Flammable Limits, in percent by volume in air; Suitable extinguishing media or agents; Special fire fighting procedures; and Unusual fire hazards.

(6) Health hazard data, including Threshold Limit Values, in millions of particles per cubic foot of air for dust, in milligrams of particulate per cubic meter of air for fumes, and in parts per million parts of air by volume for gases and vapors; Odor Threshold, in parts per million parts of air by volume; Toxic characteristics; Signs of poisoning; Short Exposure Tolerance, in parts per million parts of air by volume; and First aid exposure procedures.

(7) Reactivity data, including Stability; Compatability; Decomposition products; and Polymerization rate.

(8) Spill or leak procedures and precautions.

(9) Special precautions recommended, including respiratory protection; ventilation, such as local exhaust, mechanical, special, or other; personal protective equipment, including protective gloves, eye protection, and protective clothing.

(10) Handling and storage precautions.

The required information shall be entered on U.S. Department of Labor Form LSB OOS-4, "Hazardous Material Data Sheet," or on an essentially similar form accepted by the Bureau of Labor Standards. The completed form shall be kept on file, available for inspection, for a period of at least 3 months from the date of the completion of the job.

* * * * *

2. In 29 CFR 1502.57, paragraph (d) would be revised to read as follows:

§ 1502.57 Health and sanitation.

* * * * *

(d) The information which must be ascertained under paragraph (a) of this section includes information on all of the items listed below which are applicable to the specific product or material:

(1) Manufacturer's name, address, and telephone number.

(2) Chemical name and synonyms, trade name, chemical family, formula, and general description of single chemical, mixture of chemicals, or basic structural or process material.

(3) Chemical names of ingredients, such as but not limited to those of mixtures, such as paints and preservatives, of alloys, filler metals, and welding rods, of platings, and of abrasive blasting materials.

(4) Physical data, including Boiling Point, in degrees Fahrenheit; Vapor Pressure, in millimeters of mercury; Reid Vapor Pressure, in pounds per square inch absolute; Vapor Density of gas or vapor (air-1); Freezing Point, in degrees Fahrenheit; Solubility in water, in percent by weight; Specific Gravity of liquid (water-1); Percentage Volatile, by volume; and Evaporation Rate for liquids (ether-1).

(5) Fire and explosion hazard data, including Flash Point, in degrees Fahrenheit; Autoignition Temperature, by degrees Fahrenheit; Flammable Limits, in percent by volume in air; Suitable extinguishing media or agents; Special Fire fighting procedures; and Unusual fire hazards.

(6) Health hazard data, including Threshold Limit Values, in millions of particles per cubic foot of air for dust, in milligrams of particulate per cubic meter of air for fumes, and in parts per million parts of air by volume for gases and vapors; Odor Threshold, in parts per million parts of air by volume; Toxic characteristics; Signs of poisoning; Short Exposure Tolerance, in parts per million parts of air by volume; and First aid exposure procedures.

(7) Reactivity data, including Stability; Compatibility; Decomposition products; and Polymerization rate.

(8) Spill or leak procedures and precautions.

(9) Special precautions recommended, including respiratory protection; ventilation, such as local exhaust, mechanical, special, or other; personal protective equipment, including protective gloves, eye protection, and protective clothing.

(10) Handling and storage precautions.

The required information shall be entered on U.S. Department of Labor Form LSB 00S-4, "Hazardous Material Data Sheet," or on an essentially similar form accepted by the Bureau of Labor Standards. The completed form shall be kept on file, available for inspection, for a period of at least 3 months from the date of the completion of the job.

* * * * *

3. In 29 CFR 1503.57, paragraph (d) would be revised to read as follows:

§ 1503.57 Health and sanitation.

* * * * *

(d) The information which must be ascertained under paragraph (a) of this section includes information on all of the items listed below which are applicable to the specific product or material:

(1) Manufacturer's name, address, and telephone number.

(2) Chemical name and synonyms, trade name, chemical family, formula, and general description of single chemical, mixture of chemicals, or basic structural or process material.

(3) Chemical names of ingredients, such as but not limited to those of mixtures, such as paints and preservatives, of alloys, filler metals, and welding rods, of platings, and of abrasive blasting materials.

(4) Physical data, including Boiling Point, in degrees Fahrenheit; Vapor Pressure, in millimeters of mercury; Reid Vapor Pressure, in pounds per square inch absolute; Vapor Density of gas or vapor (air=1); Freezing Point, in degrees Fahrenheit; Solubility in water, in percent by weight; Specific Gravity of liquid (water=1); Percentage Volatile, by volume; and Evaporation Rate for liquids (ether=1).

(5) Fire and explosion hazard data, including Flash Point, in degrees Fahrenheit; Autoignition Temperature, in degrees Fahrenheit; Flammable Limits, in percent by volume in air; Suitable extinguishing media or agents; Special Fire fighting procedures; and Unusual fire hazards.

(6) Health hazard data, including Threshold Limit Values, in millions of particles per cubic foot of air for dust, in milligrams of particulate per cubic meter of air for fumes, and in parts per million parts of air by volume for gases and vapors; Odor Threshold, in parts per million parts of air by volume; Toxic characteristics; Signs of poisoning; Short Exposure Tolerance, in parts per million parts of air by volume; and First aid exposure procedures.

(7) Reactivity data, including Stability; Compatibility; Decomposition products; and Polymerization rate.

(8) Spill or leak procedures and precautions.

(9) Special precautions recommended, including respiratory protection; ventilation, such as local exhaust, mechanical, special, or other; personal protective equipment, including protective gloves, eye protection, and protective clothing.

(10) Handling and storage precautions.

The required information shall be entered on U.S. Department of Labor Form LSB 00S-4, "Hazardous Material Data Sheet," or on an essentially similar form accepted by the Bureau of Labor Standards. The completed form shall be kept on file, available for inspection, for a period of at least 3 months from the date of the completion of the job.

* * * * *

Signed at Washington, D.C., this 16th day of August 1968.

WILLARD WIRTZ,
Secretary, Department of Labor.

[F.R. Doc. 68-10156; Filed, Aug. 22, 1968; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 75]

[Airspace Docket No. 68-WE-61]

JET ROUTES

Proposed Alteration and Establishment

The Federal Aviation Administration is considering amendments to Part 75 of the Federal Aviation Regulations that would realign J-94 from Battle Mountain, Nev., via Lucin, Utah, to Rock Springs, Wyo., and to renumber the present alignment of J-94 from Battle Mountain via Salt Lake City, Utah, to Rock Springs, as J-154.

The realignment of J-94 would relieve congestion in the Salt Lake City area by providing a bypass route for en route east/west traffic overflying Salt Lake City. J-154 would retain an east/west transitional route for traffic destined for Salt Lake City.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on August 15, 1968.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 68-10160; Filed, Aug. 22, 1968; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18110]

STANDARD, FM, AND TELEVISION BROADCAST STATIONS

Multiple Ownership; Order Extending Time for Filing Reply Comments

In the matter of amendment of §§ 73.35, 73.240 and 73.636 of the Commission rules relating to multiple ownership of standard, FM and television broadcast stations, Docket No. 18110.

1. Comments in this proceeding were due and were filed on or before August 1, 1968.

2. After that date, the National Association of Broadcasters (NAB) filed a petition requesting that the time for filing reply comments be extended from August 15, 1968, to September 16, 1968. NAB stated that comments filed by the Department of Justice were of such unprecedented scope and potential impact that the additional time would be needed to consider what response, if any, should be made to them.

3. Because the petition did not indicate that NAB would necessarily file reply comments, it appeared that an extension of two rather than four weeks would be ample and consistent with the Commission's expressed intent to terminate this proceeding at an early date. Accordingly, the Broadcast Bureau, acting under delegated authority, released an order (No. 20773) on August 9, 1968, which extended the time for filing reply comments to August 31, 1968.

4. On August 12, 1968, the NAB filed a petition for further extension of time in which it asks for reconsideration of that order and once again requests the September 16 date.

5. Several days later, Truth Publishing Co., Inc., and Time-Life Broadcast, Inc., filed a joint motion to extend the time for filing reply comments from August 31, 1968, to September 30, 1968. In support of the request the parties state the following:

1. We intend to file reply comments in this proceeding.

2. We are currently considering, along with other parties, the desirability of undertaking research projects to support our reply comments. A substantial part of the need for such research has been occasioned by comments filed in this proceeding on August 1.

3. It is not possible to determine and develop a program of research within the period of time now remaining, and certainly no extensive research program could be completed within this period of time.

4. We intend to proceeding expeditiously to determine the nature and character of the research that will be undertaken and will inform the Commission as soon as those determinations are made.

6. The joint motion also indicates that the parties do not wish to delay unduly the termination of this proceeding and the interim policy herein, but that they are of the opinion that it would serve the public interest to allow them sufficient time to determine and develop information, data, and counter-proposals for the consideration of the Commission.

7. It appearing that adequate cause has been shown for extending the time as requested in the joint motion: *It is ordered*, That the "Joint Motion To Extend Time for Filing Reply Comments" filed by Truth Publishing Co., Inc., and Time-Life Broadcast, Inc., on August 15, 1968, is granted; that therefore the "Petition for Further Extension of the Time in Which To File Reply Comments" filed on August 12, 1968, by the National Association of Broadcasters is moot; and that the time for filing reply comments in this proceeding is extended from August 31, 1968, to and including September 30, 1968.

8. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: August 19, 1968.

Released: August 19, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 68-10181; Filed, Aug. 22, 1968; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1056]

[Ex Parte No. MC-19 (Sub-No. 5)]

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

Determination of Weights

AUGUST 12, 1968.

Notice is hereby given that the Household Goods Carriers' Bureau, by its attorney, Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006, has filed a petition with the Interstate Commerce Commission praying that the Commission institute a rule making proceeding for the purpose of adding to its rules and regulations in Title 49 of the Code of Federal Regulations a new § 1056.3(d), reading as follows:

§ 1056.3 Determination of weights.

* * * * * *

(d) The provisions of paragraphs (a), (b), and (c) of this section shall not apply to shipments consisting solely of machinery (including auxiliary and component parts thereof) which are being transported by household goods carriers pursuant to the definition of household goods in subpart (3) of § 1056.1(a).

Any persons interested in any of the matters in the petition may, on or before 30 days from the publication of this notice in the FEDERAL REGISTER, file replies to the petition supporting or opposing the determination sought. An original and 15 copies of such replies must be filed with the Commission and must show service of 2 copies upon the petitioner's attorney at the above address.

Notice of the filing of this petition will be given by publication in the FEDERAL REGISTER.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-10174; Filed, Aug. 22, 1968; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

Modification of Grazing Districts

Pursuant to the authority vested in the Secretary of the Interior by the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269) as amended.

The district boundary common to Colorado Grazing Districts No. 3 and No. 7 is adjusted to transfer administrative responsibility of all land described below from Colorado Grazing District No. 3 (Montrose), to Colorado Grazing District No. 7 (Grand Junction). All vacant, unappropriated public land lying west of a line following the east rim of Dominguez and Little Dominguez Canyons which traverses:

SIXTH PRINCIPAL MERIDIAN, COLO.

T. 14 S., R. 98 W.,
Sec. 17, SW¼SW¼;
Sec. 20, W½NW¼, E½SW¼;
Sec. 29, NE¼NW¼, W½NE¼, W½SE¼, SE¼SE¼;
Sec. 32, NE¼NE¼;
Sec. 33, NW¼NW¼, S½NW¼, E½SW¼.
T. 15 S., R. 98 W.,
Sec. 4, NW¼NW¼;
Sec. 5, N½NE¼, SW¼NE¼, N½SW¼, SW¼SW¼;
Sec. 7, SE¼SE¼;
Sec. 8, W½NW¼, NW¼SW¼;
Sec. 18, NE¼NE¼, W½NE¼, W½SW¼;
Sec. 19, W½NW¼, NE¼NW¼.
T. 15 S., R. 99 W.,
Sec. 24, E½SE¼, SW¼SE¼;
Sec. 25, NW¼NE¼, SE¼NW¼, NE¼SW¼, SW¼SW¼;
Sec. 32, south boundary line SE¼;
Sec. 33, S½S½;
Sec. 34, S½S½;
Sec. 35, N½SW¼, SW¼NE¼, N½NE¼.

Also in T. 14 S., R. 98 W., Section 17, all land situated in Delta County lying north of the Gunnison River which traverses the SW¼ of the section.

All vacant and unappropriated land lying east of the above described line in T. 14 S., R. 98 W., and T. 15 S., R. 98 and R. 99 W., remains under administrative jurisdiction of Colorado Grazing District No. 3 (Montrose).

Also in T. 14 S., R. 98 W., Section 17, all land situated in Mesa County lying south of the Gunnison River which traverses the NE¼ of that section is transferred from Colorado Grazing District No. 7 (Grand Junction), to Colorado Grazing District No. 3 (Montrose).

The transfer of jurisdiction of these lands will not affect the status or use of public lands in any way and shall be effective with publication of this notice in the FEDERAL REGISTER.

The boundary line described is shown upon Bureau of Land Management map entitled Little Dominguez, dated August 1, 1968, filed in the Colorado Land Office, Denver, Colo., as a supplement to this order.

JOHN O. CROW,
Associate Director.

AUGUST 16, 1968.

[F.R. Doc. 68-10155; Filed, Aug. 22, 1968; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Countervailing Duties—ATS 644]

SKI LIFTS AND PARTS FROM ITALY

Notice of Countervailing Duty Proceedings

Information has been received pursuant to the provisions of § 16.24(b) of the Customs Regulations (19 CFR 16.24(b)) which appears to indicate that certain rebates or refunds granted by Italy on the exportation of ski lifts and parts thereof constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303), upon the manufacture, production, or exportation of the merchandise to which the payments apply. The available information indicates that the amount of the rebate or refund is 18 lire per kilo.

After the expiration of the time limits set forth in this notice, a determination will be made whether a bounty or grant is being paid or bestowed in connection with any such manufacture, production, or export. If it is determined that a bounty or grant is being paid or bestowed, an appropriate countervailing duty order will be issued and published in accordance with § 16.24 of the Customs Regulations (19 CFR 16.24).

Before a determination is made consideration will be given to any relevant data, views, or arguments submitted in writing with respect to the existence or nonexistence, and the net amount of a bounty or grant. Such submissions should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

This notice is published pursuant to § 16.24(d) of the Customs Regulations (19 CFR 16.24(d)).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: August 16, 1968.

JOSEPH M. BOWMAN,
Assistant Secretary of the Treasury.

[F.R. Doc. 68-10179; Filed, Aug. 22, 1968; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20119; Order 68-8-77]

AMERICAN AIRLINES, INC. ET AL.

Order of Investigation and Suspension Regarding Charges for Air Freight

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of August 1968.

By tariff revisions[1] bearing various filing or posting dates, and marked to become effective September 1, 1968, American Airlines, Inc. (American), Trans World Airlines, Inc. (TWA), and United Air Lines, Inc. (United), propose to establish minimum charges per shipment moving at their general commodity rates equal to the charges for 100 pounds, but not less than $9. With respect to specific commodity rates, the carriers propose a minimum charge of $9 per shipment or the charge for the applicable minimum weight, whichever is higher; this minimum weight is typically 100 pounds, but in some cases it is different, generally higher. By tariff revision effective on the same date, bearing a posting date of July 18, 1968, Eastern Air Lines, Inc. (Eastern), proposes to establish minimum charges per shipment moving at its general commodity rates equal to the charges for 50 pounds but not less than $10. For specific commodity rates, Eastern proposes a minimum charge of $10 per shipment or the charge for the applicable minimum weight, whichever is higher.

These proposals involve some increases over the current minimum charges published by these carriers. For shipments at general commodity rates, the current minimum charge is $6 or the charge for 50 pounds, whichever is higher; for shipments at specific commodity rates, $6 or the charge for the applicable minimum weight, whichever is higher, is the present minimum.

In support of their proposals, the carriers assert, inter alia, that they and other airlines are not earning adequate profits on their all-cargo services; that one reason for this unsatisfactory return is that present minimum charges are not compensatory; that the proposed charges will not cover the full cost of handling small shipments, but will reduce the losses; and that shippers will not necessarily have to pay higher charges for the air transportation of small shipments because they can use air freight forwarders, air express or air parcel post, whose charges for small shipments are generally lower.

A complaint against American's proposal was filed by Saltwater Farm, Inc.,

[1] Revisions to Airline Tariff Publishers, Inc., agent, Tariffs C.A.B. No. 8 and No. 12 (agent J. Aniello series).

Damariscotta, Maine, a shipper of seafoods.[3] This complaint asserts that the proposed increases would be severely damaging to shippers of small packages, that the cost analyses presented by American are subject to serious question to the extent that they purport to apply to the shipments of complainant, that the complainant's prices for the remainder of the calendar year have already been distributed in advertising and catalogues, and that absorption of the proposed increases is not feasible.

Trans World Airlines, Inc. (TWA), submitted an answer asserting that there is considerable merit in American's proposal. TWA states that the proposal strengthens the role of air freight forwarders with respect to their handling of small shipments, which TWA strongly supports.

Upon consideration of the complaint and all other relevant matters, the Board finds that the minimum charges proposed by American, TWA, and United for shipments at their general commodity rates, insofar as the minimum charge would be based on the charge for 100 pounds, may be unjust, unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated and suspended.

The increases proposed by those carriers are significant and may well have a considerable impact upon shippers. The minimum charges for longer hauls moving at general commodity rates, currently equal to the charge for 50 pounds, would be increased by as much as 55 percent and would appear to significantly exceed costs of service including a fair return.

American asserts that its proposed minimum charge (for traffic moving at its general commodity rates), is approximately equal to the cost of carrying the average small shipment. The carrier's average shipment of less than 100 pounds is said to consist of two pieces weighing a total of 40 pounds and having a haul of 1,100 miles. The cost of transporting this shipment is indicated as $12.88, of which $10.70 is ground and indirect expense, $1.28 line-haul expense and $0.90 return element at 10.25 percent of investment plus an allowance for taxes. The carrier compares these costs with the present minimum charge for this shipment, $9.50, and with the proposed minimum charges, $13.55 for westbound movements, and $10.50 for eastbound movements, averaging $12.03. American emphasizes the high fixed costs of ground handling, presenting data purporting to indicate that the ground and indirect costs are $9.19 for a one-pound shipment.

United asserts that its fixed ground handling expenses are very high, resulting in substantial losses for small shipments. The carrier claims that its ground costs of handling a one-pound shipment are $8.70, which is below the current charges for shipments of less than 50 pounds and transported less than 651 miles.

For shipments to which the proposed minimum charge of $9 would apply (all sizes up to and including 100 pounds for hauls up to 700 miles), the costs of service, according to American's formula, would exceed the proposed charges.[4] For example, a 10-pound shipment for a 200-mile haul involves a fully allocated cost including return element and tax allowance of $9.44 and a proposed charge of $9 both westbound and eastbound. The cost for a 100-pound shipment for a haul of 200 miles would be $14.04, but the charge proposed would still be $9.

The costs of transportation for longer distances are, of course, higher than for shorter distances, but the proposed charges rise much faster than costs. For a 10-pound shipment, the fully allocated cost increases from $9.44 at 200 miles to $10.53 at 2,700 miles. But the charge proposed by the carrier for shipments under general commodity rates, i.e., the charge for 100 pounds when it exceeds $9, increases from $9 at 200 miles to $27.45 for westbound movements and $21.30 eastbound at 2,700 miles.

As a result, the spread between the proposed charges and costs widens significantly at longer distances. For a 2,700-mile haul, the westbound charge for a 10-pound shipment of $27.45 is 160 percent above the fully allocated cost of $10.53, while the eastbound charge of $21.30 is 102 percent above the cost.

The foregoing indicates that, based upon American's cost formula, the proposed charges would significantly exceed costs plus return and tax allowance for the longer hauls, especially for shipments of 70 pounds and less westbound. However, for all shipment sizes in shorter hauls, the minimums proposed would be less than the applicable costs.

American contends that its proposal will not necessarily force shippers to pay higher air transport charges because they have the alternative of using air freight forwarders, air express, and air parcel post, whose charges for small shipments are generally lower than the proposed charges. The existence of these other services, however, does not affect an air carrier's duty to charge reasonable rates.

Accordingly, the Board concludes that while the $9 minimum charge does not appear unreasonable and should be permitted to become effective, the element of the minimum charge formula when based on the charge for 100 pounds may be excessive and unreasonable and should not become effective without prior investigation. Similarly the Board will permit Eastern's proposed minimum charges to become effective without investigation. Eastern asserts that its average minimum shipment (29 pounds transported 785 miles), involves an operating cost of $13.35, of which ground costs amount to $10.30. Based upon these data and other information available to us, the proposed minimum charge of $10 in lieu of the current $6 charge does not appear excessive. The proposed alternative of 50 pounds is identical to the current minimum charge.

For technical reasons, it is necessary to suspend the entire proposals of American, TWA, and United, although the minimum dollar charge proposed of $9 does not appear unreasonably high. The Board would permit, however, these carriers to refile either the $9 or $10 minimum in conjunction with the present charge for 50 pounds.

The foregoing refers to minimum charges for shipments at general commodity rates. The carriers' proposals for shipments at specific commodity rates are identical to the current provision (the charge for the lowest minimum weight published) except that the minimum dollar charge would be $9 for American, TWA, and United and $10 for Eastern. The current charge is $6. Consistent with the conclusion with respect to shipments at general commodity rates, the Board has decided to permit these proposals to become effective without investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the minimum charges described in Appendix A attached hereto,[5] and rules, regulations, and practices affecting such minimum charges, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful minimum charges, and rules, regulations, or practices affecting such minimum charges;

2. Pending hearing and decision by the Board, the minimum charges described in Appendix A hereto are suspended and their use deferred to and including November 29, 1968, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The complaint by Saltwater Farm, Inc., in Docket No. 19931, is dismissed, except to the extent granted herein;

4. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed with the tariffs and served upon American Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Saltwater Farm, Inc., which are hereby made parties to this proceeding.

[3] Letters of protest were received from Aerospace Airfreight Association, Inc., and the Crawford Lobster Co., Kittery, Maine.

[4] All of the following cost calculations are based on American's cost formula which appears to provide the best testing basis available at this time.

[5] Filed as part of the original document.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[6]

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 68-10183, Filed, Aug. 22, 1968; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 18288, 18290; FCC 68-833]

FLORA BROADCASTING CORP. ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Flora Broadcasting Corp., Flora, Ill., requests: 97.7 mc, No. 249; 3 kw; 300 feet, Docket No. 18288, File No. BPH-6200; Doyle Ray Flurry, Flora, Ill., requests: 97.7 mc, No. 249; 3 kw; 159 feet, Docket No. 18289, File No. BPH-6278; Thomas S. Land and Bryan Davidson, doing business as Salem Broadcasting Co., Salem, Ill., requests: 97.7 mc, No. 249; 3 kw; 160 feet, Docket No. 18290, File No. BPH-6321; for construction permits.

1. The Commission has before it for consideration (a) the above captioned and described applications, (b) "Petition to Deny" the application of Flora Broadcasting Corp. filed by Doyle Ray Flurry, (c) "Petition To Dismiss or Deny" the Flora Broadcasting Corp. application filed by Salem Broadcasting Co., (d) "Petition To Dismiss or Deny" the Doyle Ray Flurry application filed by Salem Broadcasting Co., and (e) Doyle Ray Flurry's "Opposition To Petition To Dismiss or Deny."

2. Doyle Ray Flurry's petition was filed for the sole purpose of preserving his position to obtain a comparative hearing on his simultaneously-filed application. Flurry has been concerned that the Commission's amendment of the "25-mile" rule to substitute a "10/15-mile" rule might be considered as precluding acceptance of its application for filing. However, as the subsequently-released report and order indicated, the change was not to be effective until June 4, 1968. Since Flurry's application was filed before then, his arguments in favor of its acceptance need not be considered, and his petition will be dismissed as moot.

3. Salem Broadcasting Co.'s separate petitions against the two Flora, Ill., applications will be considered together because they involve the same questions. It is Salem Broadcasting Co.'s position that both applications should be dismissed as violative of the then "25-mile" rule (§ 73.203(b)) because Flora, Ill., is more than 25 miles from Salem, Ill., the community listed in the FM Table. Using the main post office locations of the communities, Salem Broadcasting Co. determined the distance between the communities to be 25.335 miles. Thus, it argues that even under the old rule, Flora cannot be considered as being within 25 miles of Salem. While recognizing that the Flora applications were filed under the old rule, it contends that the reasoning which led to the adoption of new rules containing a more stringent standard calls for a literal interpretation of the rule here. Doyle Ray Flurry opposed the petition, arguing that the use of technicalities should not obscure the purposes of the rule, namely to provide the flexibility to permit a choice between the communities based on their need for the proposed service.

4. Section 73.203(b) specified that an application could propose use of an FM channel elsewhere than the listed community, provided the proposed community was unlisted and was within 25 miles of the listed community. While under ordinary usage it might appear that this language would bar acceptance of an application for a community even 25.001 miles distant, such an interpretation is specifically rebutted by provisions of the Commission's rules. Thus, § 73.203(b), after mentioning the 25-mile distance limitation went on to specify that the distances were to be measured in accordance with § 73.208(c). Section 73.208(c)(5) indicates that such computations are based on rounding-off to the nearest mile. Invariably, the provisions of § 73.208 which apply to minimum separation requirements as well, have been employed on the basis of rounding-off to the nearest mile. Using this method even Salem Broadcasting Co.'s figures show that the Flora applications do not exceed the 25-mile standard. While we amended our rules because of our concern about situations encountered under administration of the old rule, this fact provides no basis for rejecting these applications which were filed well before the new rule went into effect. Accordingly, the petitions will be denied.

5. The respective proposals, which are mutually exclusive in that operation by the applicants as proposed would result in mutual destructive interference, are for different communities and would serve substantially different areas and populations. Consequently, it will be necessary to determine pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

6. In Minshall Broadcasting Co., Inc., 11 FCC 2d 796, 12 R.R. 2d 502 (1968), we indicated that applicants were expected to provide full information on (i) the steps that they have taken to inform themselves of the real needs and interests of the area; (ii) the suggestions they have received; (iii) their evaluation of those suggestions; and (iv) the programming proposed to meet the community needs as they have been evaluated. Although Flora Broadcasting Corp. failed to show the making of an adequate survey, the other applicants appear to have made adequate surveys. None of the applicants, however, have listed the suggestions received, their evaluation of those suggestions or the programing proposed to meet those needs as evaluated. Thus, we are unable at this time to determine whether the applicants are aware of and responsive to the needs of their areas. Accordingly, Suburban issues are required.

7. According to his application, Doyle Ray Flurry would require a total of $13,048 for construction and first-year operation. To meet this requirement he shows $2,400 in cash. Reliance on proceeds from the anticipated sale of real property is not possible since their liquidity has not been demonstrated. Moreover, Flurry's low cost figures are predicated on the FM station's being an adjunct to his proposed AM station in Flora. Since this station has not yet been authorized, such reliance is misplaced. Accordingly, an issue will be specified to determine the anticipated costs for this FM proposal and his ability to meet these costs.

8. Since no determination has yet been reached on whether the antenna proposed by Salem Broadcasting Co. would constitute a menace to air navigation, an issue regarding this matter is required.

9. Flora Broadcasting Corp. is organized in the State of Tennessee and has not provided any indication that it is or can be qualified to do business in the State of Illinois. Although the corporate articles specify the position of Secretary, the application does not show that this post has been filled, and as a result the corporate bylaws lack his certification. An appropriate issue on this matter will be specified, pursuant to which certification of the bylaws will be required.

10. There is a significant difference between the Flora applicants in the amount of AM duplication proposed. Doyle Ray Flurry proposes duplication of his proposed AM station during daytime hours while Flora Broadcasting Corp. proposes independent operation. Therefore, evidence regarding program duplication will be admissible under the contingent comparative issue applicable if Flora is the preferred community under the 307(b) issue. When duplicated programing is proposed, the showing permitted under the comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be permitted in the absence of a specific programing inquiry—Jones T. Sudbury 8 FCC 2d 360, FCC 67-614 (1967).

11. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing on the issues set forth below.

12. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place

[6] Dissenting statement of Member Adams filed as part of original document.

to be specified in a subsequent order, upon the following issues:

1. To determine the amount reasonably required by Doyle Ray Flurry to construct and operate his proposed station for 1 year without revenue and the availability of such funds beyond the $2,400 shown to be available and thus demonstrate his financial qualifications.

2. To determine whether there is a reasonable possibility that the tower height and location proposed by Salem Broadcasting Co. would constitute a menace to air navigation.

3. To determine whether Flora Broadcasting Corp. is or can be qualified to do business in the state of Illinois.

4. To determine the efforts made by Flora Broadcasting Co. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

5. To determine the efforts made by Doyle Ray Flurry to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

6. To determine the efforts made by Salem Broadcasting Corp. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

7. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

8. To determine, in the event it is concluded that the Flora applicants are to be preferred under the preceding issue but a choice between these applications should not be based solely on considerations relating to section 307(b), which of these proposals would better serve the public interest.

9. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

13. *It is further ordered*, That the Federal Aviation Administration is made a party to the proceeding.

14. *It is further ordered*, That the "Petition To Deny" filed by Doyle Ray Flurry is dismissed as moot.

15. *It is further ordered*, That the "Petitions To Dismiss or Deny" filed by Salem Broadcasting Co. are denied.

16. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within 20 days of the mailing of this order file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

17. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 14, 1968.

Released: August 20, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-10182; Filed, Aug. .22, 1968; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

MEDCHI FREIGHT POOL

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Eric G. Brown, Secretary, MedChi Freight Pool, 10, Place de la Joliette (2me), Marseilles, France.

Agreement No. 9020-5, modifies the basic pooling agreement by (1) substituting Cadiz for Seville as a loading port from September 15, 1968, to the end of the open water season and provides for the pooling of earnings, the computation of carrying money and pre-carriage expenses from this port as set forth in Article 3; (2) amends Article 9 to provide that a call at Cadiz will count as a call at Seville in fulfilling service obligations; and (3) excepts automobiles new, unlicensed, unboxed, not privately owned, ex factory for the pool period 1968 from cargo carried pursuant to Article 4.

Dated: August 20, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-10192; Filed, Aug. 22, 1968; 8:48 a.m.]

[1] Commissioner Cox absent.

A. P. MOLLER-MAERSK LINE AND KAWASAKI KISEN KAISHA, LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

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Notice of agreement filed for approval by:

Mr. A. A. de Giglio, "K" Line New York, Inc., 29 Broadway, New York, N.Y. 10006.

Agreement No. 9477-1 between A. P. Moller-Maersk Line and Kawasaki Kisen Kaisha, Ltd., modifies the basic transshipment agreement by (1) adding Hong Kong as a transshipment point, (2) placing a minimum of $30 per revenue ton of the through freight revenue to accrue to Kawasaki Kisen Kaisha, Ltd., and (3) placing a maximum transshipment expense of $2 per revenue ton to be absorbed by Kawasaki Kisen Kaisha, Ltd.

Dated: August 20, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-10193; Filed, Aug. 22, 1968; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP69-23]

EL PASO NATURAL GAS CO.

Notice of Application

AUGUST 16, 1968.

Take notice that on August 6, 1968, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP69-23 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing continuance of the following activities conducted on the date of filing hereof: (1) The continued operation of all natural gas sales, and appurtenant facilities, utilized for the sale, on either a direct or resale basis, of natural gas under contracts with 13 direct sales customers and 27 resale customers and (2) the continued sale of natural gas in interstate commerce for resale made under contracts with the said 27 resale purchasers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application requests the above authorizations respecting sales heretofore initiated by means of some 134 measuring and regulating stations and some 658 mainline taps located in production areas of the States of Texas, New Mexico, Oklahoma, and Colorado and by means of one measuring and regulating station located in Pinal County, Ariz. The application states that such sales made in production areas were initiated without certificate authority under circumstances where, prior to delivery, the gas has not been commingled with gas which has first crossed a State boundary and, following delivery, the gas is consumed in the State of production. Applicant states that it seeks the authorization requested herein, in consideration of judicial determination made in the Florida Parishes case, Louisiana Public Service Commission, et al., v. Federal Power Commission, et al., 359 F. 2d 525 (5th Circuit 1966); cert. den. 385 U.S. 883 (1966).

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 13, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-10150; Filed, Aug. 22, 1968; 8:45 a.m.]

[Docket No. CP69-27]

CITY OF SHELLMAN, GA. AND SOUTH GEORGIA NATURAL GAS CO.

Notice of Application

AUGUST 16, 1968.

Take notice that on August 12, 1968, the city of Shellman, Ga. (Applicant), filed in Docket No. CP69-27 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing South Georgia Natural Gas Co. (Respondent), to establish physical connection of its transportation facilities with the facilities of Applicant's proposed natural gas distribution system through which local distribution of natural gas will be made to the public in the city of Shellman, Ga., and the area adjacent thereto and to sell natural gas to Applicant for such purpose, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the city of Shellman is not now rendering gas service of any kind.

The estimated third year peak day and annual requirements of Applicant are 334.8 Mcf and 36,165 Mcf, respectively.

The total estimated project cost is $120,000, which cost will be financed by the issuance of Natural Gas Revenue Bonds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 13, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-10151; Filed, Aug. 22, 1968; 8:45 a.m.]

[Docket No. CP68-196, CP68-223]

SHENANDOAH GAS CO. AND ATLANTIC SEABOARD CORP.

Order Granting Petition To Intervene and Fixing Date of Hearing

AUGUST 12, 1968.

Atlantic Seaboard Corp. (Atlantic Seaboard) on February 8, 1968, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act to authorize it to construct and operate measuring and regulating facilities near Cedarville in Warren County, Va., incident to the establishment of a new delivery point to Shenandoah Gas Co. (Shenandoah). Notice of this application was issued by the Commission on February 16, 1968, and was published in the FEDERAL REGISTER on February 24, 1968 (33 F.R. 3357). The notice fixed March 15, 1968, as the final date for filing protests or petitions to intervene.

Shenandoah, on January 11, 1968, filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity to authorize it to construct and operate approximately 16 miles of 12.125 inch transportation line to connect with the new delivery point sought to be established by Atlantic Seaboard and to extend through portions of Warren, Clark, and Frederick Counties, Va., to a junction point with the mainline facilities of Shenandoah near Clearbrook, Va. Notice of this application was issued by the Commission on January 22, 1968, and was published in the FEDERAL REGISTER on January 27, 1968 (33 F.R. 1088). The notice fixed March 15, 1968, as the final date for filing protests or petitions to intervene.

Subsequent to the final date fixed for filing petitions to intervene with respect to Shenandoah's application, Floyd S. Dominy (Petitioner), filed a motion for permission to file a petition to intervene out of time accompanied by his petition to intervene. In the petition, Petitioner alleges that he is a landowner in Clark County, Va., of property which would be crossed by the pipeline for which Shenandoah seeks authorization. The petitioner further alleges that the construction of the pipeline, due to the safety aspects thereof, would interfere with the future development of his property. Petitioner requests that the application be set for formal hearing, and that no certificate be issued pending investigation and completion of the hearing.

Shenandoah, on July 12, 1968, filed an answer to the motion for petition for leave to intervene. Shenandoah, in the answer, requests the Commission to deny intervention to the Petitioner because:

(a) Of the late filing of the motion and petition to intervene;

(b) In view of the formal notice given by the Commission in accordance with its established procedures, Petitioner had failed to explain the reason for the lateness of his filing despite the statement in Petitioner's motion that "The first [actual] notice Petitioner had as to the Company's proposal was an oral offer and presentation by a right-of-way negotiator employed by the Company in an effort to secure Petitioner's signature to an easement construction."

(c) Petitioner allegedly had interposed no objection in his contacts with Shenandoah to the laying of the pipeline through his property but was interested only in the amount of money which he would receive for the grant of a right-of-way. An affidavit attached to Shenandoah's answer purports to show the course of the abortive negotiations between Shenandoah and Petitioner as to an appropriate price.

On July 22, 1968, the Petitioner filed what is in effect a motion for leave to file a response to the answer earlier filed by Shenandoah and incorporates therein the response to the answer. In the response, Petitioner alleges that the institution of eminent domain proceedings by Shenandoah prior to obtaining a certificate of public convenience and necessity is in violation of the Natural Gas Act. Petitioner also contends that compensation is not the sole basis for his opposition to the pipeline, but he is primarily concerned because its proposed construction in proximity to an electric transmission line may create a safety problem.

We are of the opinion that issues warranting hearing have been raised by the motion and petition for leave to intervene and answer filed thereto together with Petitioner's motion and response to the answer to accept the late filing for intervention and to permit Floyd S. Dominy to become an intervenor in the

proceeding upon Shenandoah's application.

Inasmuch as the applications of Atlantic Seaboard and Shenandoah Gas Co. are interdependent, we will consolidate such applications for hearing and provide that a hearing be held on such applications.

The Commission finds:

(1) Good cause exists to allow the Petitioner, Floyd S. Dominy, to intervene in these proceedings in order that he may establish that facts and law from which the nature and validity of his alleged rights may be determined and show what further action may be appropriate in the circumstances in the administration of the Natural Gas Act.

(2) The question of compensation to be paid for the right-of-way in the event a certificate of public convenience and necessity ultimately issues is not an appropriate subject for consideration by the Commission in determining whether or not a certificate of public convenience and necessity should issue. That question is a matter to be determined by an appropriate court subsequent to the issuance of a certificate of public convenience and necessity and the failure of the parties to reach an agreement with respect to the compensation to be paid in connection with acquisition of an easement.

The Commission orders:

(A) The proceedings upon the applications of Atlantic Seaboard, Docket No. CP68-223, and Shenandoah Gas Co., Docket No. CP68-196, are consolidated for purpose of hearing. A hearing in the consolidated proceedings shall be held before a hearing examiner of the Commission in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426 on September 3, 1968, beginning at 10 a.m. e.d.s.t.

(B) At the hearing held pursuant to Paragraph (A) of this order Atlantic Seaboard and Shenandoah shall present their direct testimony with respect to their applications.

(C) The presiding examiner shall then fix the time for presentation of testimony by other parties.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 68-10173; Filed, Aug. 22, 1968; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

National Transportation Safety Board

[Docket No. SA-404]

ACCIDENT AT PARAMOUNT, CALIF.

Notice of Cancellation

In the matter of investigation of accident involving aircraft of U.S. registry N303Y, Paramount, Calif., May 22, 1968.

Notice of cancellation is hereby given concerning Accident Investigation Hearing on the above matter which was scheduled to convene at 9 a.m. (local time), on August 21, 1968, in the Blossom Room, Hollywood Roosevelt Hotel, Hollywood, Calif.

Dated this 15th day of August 1968.

For the Board.

JOSEPH J. O'CONNELL, Jr., *Chairman.*

[F.R. Doc. 68-10185; Filed, Aug. 22, 1968; 8:48 a.m.]

[1] Concurring statement of Commissioner Bagge filed as part of the original document.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 20, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41420—*Ammonium nitrate limestone (Calnitro) from Hopewell, Va.* Filed by O. W. South, Jr., agent (No. A6043), for and on behalf of Seaboard Coast Line Railroad Co. Rates on ammonium nitrate limestone (calnitro), in bags or in bulk in box cars, in carloads, from Hopewell, Va., to Charleston, S.C., and Wilmington, N.C.

Grounds for relief—Barge competition.

Tariff—Supplement 21 to Southern Freight Association, agent, tariff ICC S-762.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-10175; Filed, Aug. 22, 1968; 8:47 a.m.]

[Notice 674]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 20, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 4575 (Sub-No. 1 TA), filed August 14, 1968. Applicant: JOHN E. BRUNER AND JOHN P. BRUNER, doing business as BRUNER TRANSFER, 1545 Henry Avenue, Box 907, Beloit, Wis. 53511. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Engine parts and accessories, including motors and compressors*, from Beloit, Wis., to points in Arizona, Illinois, Indiana, Kansas, Louisiana, Massachusetts, South Dakota, and Texas, and *rejected or returned shipments* of the above commodities on return. The above is restricted to shipments originating at the plantsite of Fairbanks Morse, Inc., at Beloit, Wis., for 180 days. NOTE: Applicant does not intend to tack with its existing authority. Supporting shipper: Fairbanks Morse, Inc., Power Systems Division, 2821 West Grant Avenue, Bellwood, Ill. 60104. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 11, 444 West Main Street, Madison, Wis. 53703.

No. MC 20802 (Sub-No. 4 TA) (Correction), filed July 29, 1968, published FEDERAL REGISTER issues of August 3 and August 15, 1968, and republished as corrected this issue. Applicant: WHEELER MOTOR EXPRESS, INCORPORATED, 279 Lake Shore Drive West, Dunkirk, N.Y. 14048. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities limited to shipments weighing no more than 5,000 pounds each*, between Barcelona, N.Y., and Jamestown, N.Y.: (a) From Barcelona over N.Y. Highway 17 to Jamestown and (b) from Barcelona over New York Highway 17 to Mayville, N.Y., thence over New York Highway 17J to Jamestown, and return over the same route, serving all intermediate points and the off-route points in New York of: Ashville, Blockville Clymer Findley Lake, North Clymer, Panama, Sherman and Stedman, for 150 days. NOTE: Applicant would continue its interline arrangements with approximately 50 carriers including motor carriers, airlines, and freight forwarders. Applicant failed to indicate it proposes to tack at Barcelona, N.Y. with existing authority held by it. Applicant proposes to interline at Buffalo and Jamestown, N.Y. Supporting shippers: There are approximately (16) statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, N.Y. 14203.

No. MC 27063 (Sub-No. 16 TA), filed August 14, 1968. Applicant: LIBERTY TRANSFER COMPANY, INC., 1601 Cuba Street, Baltimore, Md. 21230. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paperboard*, from the plantsite of Simkins Industries, Severn, Md., to Wilmington, Del.; District of Columbia; Bloomfield, Clifton, Clinton, Elizabeth, Flemington, Hackensack, Hoboken, Irvington, Jersey City, Paterson, Perth Amboy, Rahway, Ridgefield, Lodi, Milltown, Newark, and Woodbridge, N.J.; Bronx, Brooklyn, Emhurst, L.I., Flushing, Mount Vernon, New York, and Yonkers, N.Y.; Allentown, Chester, Dowington, Easton, Harrisburg, Levittown, Manyunk, Philadelphia, and Ringtown, Pa., for 120 days. Supporting shipper: Vernon Russell, Traffic Director, Simkins Industries, Inc., Post Office Box 3249, Catonsville, Md. 21228. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 35320 (Sub-No. 102 TA), filed August 14, 1968. Applicant: T.I.M.E. FREIGHT, INC., 2598 74th Street, Post Office Box 2550, Lubbock, Tex. 79408. Applicant's representative: Frank M. Garrison (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Grinnell Corp. located near Henderson, Tenn., as an off-route point in connection with its authority to serve Jackson, Tenn., for 150 days. Supporting shipper: Grinnell Corp., G. L. Hoch, general traffic manager, Providence, R.I. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 61403 (Sub-No. 181 TA), filed August 14, 1968. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Post Office Box 47 (37644), Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid and phosphatic fertilizer solution*, in bulk, from Uncle Sam, St. James Parish, La., to points in Alabama, Arkansas, Florida, Georgia, Illinois on and south of U.S. Highway 50 including East St. Louis, Kentucky, Louisiana, Mississippi, Missouri on and south of Missouri River, Oklahoma, Tennessee, and Texas, for 180 days. Supporting shipper: Freeport Sulphur Co., 161 East 42d Street, New York, N.Y. 10017. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 803, 1808 West End Building, Nashville, Tenn. 37203.

No. MC 71516 (Sub-No. 89 TA), filed August 15, 1968. Applicant: ALABAMA HIGHWAY EXPRESS, INC., 3300 Fifth Avenue South, Post Office Box 316 (35202), Birmingham, Ala. 35222. Applicant's representative: Robert E. Tate, Suite 2023, City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission and liquid commodities in bulk), between the plantsite of the Ford Motor Co. located at the intersection of Westport Road and Murphy Lane, Jefferson County, Louisville, Ky., on the one hand, and, on the other, points in Alabama, for 180 days. NOTE: Applicant intends to tack MC-71516 at Birmingham, Ala. Supporting shipper: Ford Motor Co., the American Road, Dearborn, Mich. 48121. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 823, 2121 Building, Birmingham, Ala. 35203.

No. MC 95540 (Sub-No. 734 TA), filed August 15, 1968. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, not frozen, from Waterloo, Red Creek, Rush Creek, Egypt, Penn-Yan, Lyons, Newark, and Fairport, N.Y., to points in Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Iowa, Missouri, and Illinois, for 180 days. Supporting shipper: Comstock-Greenwood Foods, division of the Borden Co., Newark, N.Y. 14513. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 102567 (Sub-No. 126 TA), filed August 14, 1968. Applicant: EARL GIBBON TRANSPORT, INC., 235 Benton Road, Post Office Drawer 5357, Bossier City, La. 71010. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid and phosphatic fertilizer solution*, in bulk, from the plantsite of Freeport Chemical Co., Division of Freeport Sulphur Co., at or near Uncle Sam, St. James Parish, La., to points in Alabama, Arkansas, Florida, Georgia, Illinois, on and south of U.S. Highway 50, including East St. Louis, Kentucky, Louisiana, Mississippi, Missouri, on and south of the Missouri River, Oklahoma, Tennessee and Texas, for 180 days. Supporting shipper: Freeport Sulphur Co., 161 East 42d Street, New York, N.Y. 10017. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 104589 (Sub-No. 24 TA), filed August 15, 1968. Applicant: J. L. LAWHON, 2941 Main Street, East Point, Ga. 30044. Applicant's representative: Robert E. Tate, Suite 2023-2027, City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *physical fitness, gymnastic, athletic and sporting goods equipment*, from the plantsite of Diversified Products Corp., at or near Opelika, Ala. to points in Florida; (2) *equipment, materials, and supplies*, used in the manufacture and distribution of the commodities described in (1) above from all points in Florida to the plantsite of Diversified Products Corp., at or near Opelika, Ala., for 180 days. Supporting shipper: Diversified Products Corp., Opelika, Ala. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 111045 (Sub-No. 63 TA), filed August 15, 1968. Applicant: REDWING CARRIERS, INC., Post Office Box 426, 7809 Palm River Road, Tampa, Fla. 33601. Applicant's representative: J. V. McCoy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Creosote, creosote oil, coal tar and blends thereof*, in tank vehicles, from Jacksonville, Fla., to points in Georgia, for 180 days. Supporting shipper: Bernuth, Lembcke Co., Inc., Graybar Building, 420 Lexington Avenue, New York, N.Y. 10017. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 111201 (Sub-No. 14 TA), filed August 15, 1968. Applicant: J. N. ZELLNER & SON TRANSFER COMPANY, Post Office Box 818, East Point, Ga. 30044. Applicant's representative: Archie B. Culbreth, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, 1 gallon or less in capacity; *caps, covers, and discs for bottles and jars*, from Skyland, N.C., to points in Georgia, for 180 days. Supporting shipper: Ball Brothers Co., Inc., Muncie, Ind. 47302. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 113784 (Sub-No. 30 TA), filed August 15, 1968. Applicant: CANAL CARTAGE (1968) LIMITED, 36 James Street South, Hamilton, Ontario, Canada. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry urea*, in bulk, in tank vehicles, from ports of entry on the international boundary

line between the United States and Canada at or near the St. Lawrence River to points in Delaware and New York, for 150 days. Supporting shipper: H. J. Baker & Bro., Inc., 733 Third Avenue, New York, N.Y. 10017. Send protests to: George M. Parker, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 121 Ellicott Street (Room 518), Buffalo, N.Y. 14203.

No. MC 114408 (Sub-No. 6 TA), filed August 14, 1968. Applicant: W. E. BEST, INC., State Route 20, Box 445, Pioneer, Ohio 43554. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, stone, gravel, dirt, and bituminous concrete*, in bulk, in dump vehicles, (1) from points in Paulding County, Ohio, to points in Hillsdale County, Mich.; (2) from points in Steuben County, Ind., to points in Williams County, Ohio; and (3) from points in Hillsdale County, Mich., to points in Williams County, Ohio, for 180 days. Supporting shipper: Northwest Materials, Inc., Bryan, Ohio 43506. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 116077 (Sub-No. 245 TA), filed August 14, 1968. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 9527 (77011), Houston, Tex. 77023. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid and phosphoric fertilizer solution*, in bulk, from the plantsite of Freeport Chemical Co., division of Freeport Sulphur Co. at or near Uncle Sam, St. James Parish, La., to points in Alabama, Arkansas, Florida, Georgia, Illinois, on and south of U.S. Highway 50 including East St. Louis, Kentucky, Louisiana, Mississippi, Missouri, on and south of the Missouri River, Oklahoma, Tennessee, and Texas, for 180 days. NOTE: Applicant does not intend to tack with presently authorized routes. Supporting shipper: Freeport Sulphur Co., E. H. Ferree, A.S.T.M., 161 East 42d Street, New York, N.Y. 10017. Send protests to: District Supervisor John C. Redus, Interstate Commerce Commission, Bureau of Operations, 8610 Federal Building, 515 Rusk, Houston, Tex. 77002.

No. MC 116544 (Sub-No. 97 TA), filed August 15, 1968. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Post Office Box 636, Carthage, Mo. 64836. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I as defined by the Commission (except commodities in bulk, in tank vehicles, and hides), from Dodge City, Kans., to points in Alabama, North Carolina, South Carolina, and Tennessee (except Memphis), for 150 days. Supporting shipper: Hyplains Dressed Beef, Inc., Box 539, Dodge City, Kans. 67801. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 127605 (Sub-No. 4 TA), filed August 14, 1968. Applicant: ELMER E. LAIRD, doing business as ELMER E. LAIRD & SON, 3135 West North Temple Street, Post Office Box 1343, Salt Lake City, Utah 84116. Applicant's representative: William S. Richards, Walker Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sporting goods, fire alarms, vacuum cleaners, sewing machines, sewing machine cases, electric blenders, photo albums, floor sanding, waxing and cleaning machines, cameras, projectors, lawnmowers, encyclopedias, cookware, dishware, melmac products, can openers, coffeemakers, luggage, watches, power tools, radios, toothbrushes, grass catchers, picnic jugs, cutlery and advertising materials*, for the account of National Housewares, Inc., (a) from Los Angeles, Calif., and points in the Los Angeles Harbor commercial zone and from Salt Lake City, Utah, to Cincinnati, Ohio; (b) *cookware*, from Jackson, Miss., *luggage*, from Memphis, Tenn., *books and power tools*, from Chicago, Ill., and *lawnmowers* from Omaha, Nebr., to Salt Lake City, Utah, and Los Angeles, Calif., and points in the Los Angeles Harbor commercial zone, for 180 days. Supporting shipper: National Housewares, Inc., 1260 East Vine Street, Salt Lake City, Utah 84121. Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 68-10176; Filed Aug. 22, 1968; 8:47 a.m.]

[Notice 195]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 20, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70360. By order of August 9, 1968, the Transfer Board approved the transfer to Clinton Trucking Co., Inc., East Milton, Mass., of the operating rights in certificate No. MC-59918 issued August 15, 1963, to Max J. Frisch, doing business as Clinton Trucking Co., Clinton, Mass., authorizing the transportation, over regular routes, of general commodities, except those of unusual value, high explosives, household goods, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Clinton, Mass., on the one hand, and, on the other, Newark, N.J., and Boston and Worcester, Mass., serving all intermediate points and the off-route point of Middletown, Conn. Francis E. Barrett and Francis P. Barrett, 25 Bryant Avenue, East Milton, Mass. 02186, attorneys for transferee. Morris N. Gould, 77 High Street, Clinton, Mass. 01510, attorney for transferor.

No. MC-FC-70575. By order of August 15, 1968, the Transfer Board approved the transfer to Walton Bulifant, Walton Bulifant, Jr., and Donald Bulifant, executors, doing business as M. Bulifant, Philadelphia, Pa., of a portion of the operating rights in certificate No. MC-39869 issued June 14, 1941, to Edward A. Thompson, Inc., New York, N.Y., authorizing the transportation of: Paper, paper products, and wood pulp, skids and cores, between points in New York, Rhode Island, Pennsylvania, Connecticut, and Massachusetts. Alan Kahn, 2 Penn Center Plaza, Philadelphia, Pa. 19102, attorney for transferee. William D. Traub, 10 East 40th Street, New York, N.Y. 10016, practitioner for transferor.

No. MC-FC-70647. By order of August 12, 1968, the Transfer Board approved the transfer to R. Choiniere Trucking Co., Inc., 207 River Road, Lincoln, R.I. 02865, of the operating rights in certificate No. MC-62849 issued June 21, 1941, to Roland Choiniere, doing business as R. Choiniere Trucking Co., 207 River Road, Lincoln, R.I. 02865, authorizing the transportation, over irregular routes, of canned apples, and raisins, from Boston, Mass., to Saylesville, R.I.; lime from Lime Rock, R.I., to Attleboro, Boston, Fall River, Lawrence, Mansfield, New Bedford, and Taunton, Mass., and points in Rhode Island; lime barrels from Winchester, Mass., to Lime Rock, R.I.; cotton waste, yarn, and thread between Central Falls, Lonsdale, and Pawtucket, R.I., on the one hand, and, on the other, Boston, Chelsea, Malden, and Somerville, Mass.; flour between Pawtucket, Providence, and Saylesville, R.I., on the one hand, and, on the other, Bellingham, Boston, Franklin, Mansfield, New Bedford, Somerville, Taunton, and Whitman, Mass.; and bakers' supplies between Providence, R.I., on the one hand, and, on the other, points in Rhode Island.

No. MC-FC-70708. By order of August 7, 1968, the Transfer Board approved the transfer to Merle D. Hubbard, doing business as Hubbard Truck Line, 131 Railroad Avenue, Waterville, Kans. 66548, of the operating rights in certificates No. MC-10361 and No. MC-10361 (Sub-No. 1) issued January 14, 1941, and June 4, 1946, respectively, in the name of Ralph Clowe, and trade name added by order of September 2, 1947 (Clowe Truck Lines), Box 351, Marysville, Kans. 66508, authorizing transportation in interstate or foreign commerce, over regular routes, of livestock, and agricultural commodities, between Marysville, Kans., and St. Joseph, Mo., from Marysville over U.S. Highway 36 to St. Joseph; livestock, feed and farm machinery and parts, from St. Joseph, Mo., over the above-specified routes to Marysville; livestock, agricultural commodities and empty containers for petroleum products, over specified routes, between Marysville, Kans., and Kansas City, Mo., household goods and emigrant moveables, between Marysville, Kans., and points and places in Kansas within 15 miles of Marysville on the one hand, and, on the other, points and places in that of Nebraska east of U.S. Highway 281 and south of U.S. Highway, including points and places on the indicated portions of the highways specified; livestock, over irregular routes, from Marysville, Kans., and points and places within 15 miles of Marysville to Omaha, Nebr.; livestock and feed, over irregular routes, from Omaha, Nebr., to Marysville, Kans., and points within 15 miles of Marysville.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 68-10177; Filed, Aug. 22, 1968; 8:47 a.m.]

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Civil Service Commission
Coast Guard
Comptroller of the Currency
Consumer and Marketing Service
Customs Bureau
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13 CFR
PROPOSED RULES:
121 ---- 12056

14 CFR
71 (3 documents) ---- 12034, 12035
PROPOSED RULES:
39 ---- 12055
71 (3 documents) ---- 12055, 12056

16 CFR
13 (8 documents) ---- 12035–12038

21 CFR
1 ---- 12039
3 ---- 12040
27 ---- 12040
51 ---- 12040
120 ---- 12041
121 (3 documents) ---- 12041, 12042
PROPOSED RULES:
1 ---- 12054
121 ---- 12055

22 CFR
51 ---- 12042

24 CFR
241 ---- 12044

26 CFR
1 ---- 12044

33 CFR
66 ---- 12045

36 CFR
PROPOSED RULES:
7 (2 documents) ---- 12054

38 CFR
1 ---- 12045

39 CFR
142 ---- 12049

43 CFR
20 ---- 12049

50 CFR
32 (3 documents) ---- 12049, 12051, 12052

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3105 is amended to show that positions of State Director, Deputy State Director, Regional Director, and Assistant Regional Director, U.S. Savings Bond Division, will no longer be excepted under Schedule A after September 28, 1968. Effective September 29, 1968, paragraph (d) of § 213.3105 is revoked.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-10329; Filed, Aug. 23, 1968; 8:52 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

PART 855—MAINLAND CANE SUGAR AREA

Proportionate Shares for Farms; 1969 Crop

Sec.
855.47 Definitions.
855.48 General provisions.
855.49 State acreage allocations.
855.50 Determination of farm bases for old-producer farms.
855.51 Establishment of shares for old-producer farms.
855.52 Shares for reconstituted farms.
855.53 Redetermination of bases and shares because of use of incorrect data.
855.54 Reallotment of unused acres.
855.55 Establishment of shares for new-producer farms.
855.56 Appeals or corrections.

AUTHORITY: §§ 855.47 to 855.56 issued pursuant to sec. 302, Sugar Act of 1948, as amended (sec. 403, 61 Stat. 932; 7 U.S.C. 1153; secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132).

§ 855.47 Definitions.

For the purpose of this part, the terms:

(a) "Act," "Secretary," "Deputy Administrator," "State committee," "county committee," "producer," "operator," and designation of a crop of sugarcane by year shall have the meanings set forth in § 892.1 of this chapter.

(b) "Farm" shall have the meaning set forth in Part 822 of this chapter.

(c) "Cane" means sugarcane.

(d) "Old-Producer farm" means a farm which includes land that comprised a farm or part of a farm for which a share was established for the 1968 crop pursuant to § 855.41, § 855.42, or § 855.45.

(e) "New-Producer farm" means any farm that is not an old-producer farm.

(f) "Proportionate share" or "share" means the proportionate share for a farm in terms of planted acreage as provided in sections 301 and 302 of the Act.

(g) "Accredited acreage" or "accredited acres" means the area on the farm (within the share for such farm if shares are in effect) for any crop as designated by year on which sugarcane was grown and marketed (or processed) for the extraction of sugar or liquid sugar, except for use as livestock feed or for the production of livestock feed, or which was harvested for seed or which was determined by the county committee to have been bona fide abandoned acreage and abandoned acreage (hereinafter referred to as "abandoned acreage") to the extent of fulfilling at least the requirements for abandonment payments set forth in paragraph (c) (1) (i) and (ii) of § 845.2 of this chapter, as shown by office records of the county committee.

§ 855.48 General provisions.

Regulations pertaining to general conditional payments provisions are set forth in Part 892 of this chapter. Such regulations include provisions in regard to conditions which must be met to be eligible for payment, instructions for filing applications for payment, requirements for harvesting within the farm share and for disposing of acreage in excess of the farm share. Also included are provisions covering sharecropper or share tenant protection, farm accredited acreage records, erroneous notice of the farm share or of excess acreage, acquisition of farm land by the right of eminent domain including the transfer of the share from the land so acquired to other land in the State, and provision for redetermination and review of determinations by county and State committees or the Deputy Administrator. Provisions pertaining to certification of acreage and land use in lieu of farm inspection and measurement are set forth in Part 718 of this title and in § 892.4 of this chapter. Provisions governing requests and appeals by producers for reconsideration or review of determinations by county or State committees or the Deputy Administrator are set forth in Part 780 of this title.

§ 855.49 State acreage allocations.

The acreage allocation shall be 150,840 acres for Florida and 241,700 acres for Louisiana, which includes the acreage made available under § 855.55 for new-producer farms and under § 855.56 for fulfilling appeals and correcting errors.

§ 855.50 Determination of farm bases for old-producer farms.

The county committee for the county in which the farm headquarters is located shall determine a farm base for each old-producer farm or a portion thereof for the 1969 crop of cane as follows:

(a) For each old-producer farm, as constituted for the 1968 crop at the time the 1969-crop share is established, such base shall be the 1968-crop accredited acreage record of the farm, except that if the county committee determines that the 1968-crop accredited acreage is at least 90 percent of the original 1968-crop share established pursuant to § 855.41, § 855.42, or § 855.45 for the farm or is less than 90 percent of such share because of reasons beyond the control of the operator, the farm base shall be such 1968 share. If it is known at the time farm bases are to be determined that 1969-crop acreage will not be harvested on a farm for which a base could be established, and the land was not acquired under right of eminent domain, a base will not be established.

(b) For each old-producer farm or for each part of an old-producer farm which was removed from cane production in its entirety by acquisition by a Federal, State or other agency or entity entitled to exercise the right of eminent domain after the 1965 crop was harvested from such land, and the owner of such land did not have the State committee add the 1968-crop share established for such farm or part pursuant to § 855.41 or § 855.42, to the 1968 crop share established for other land owned by such owner under the provisions of § 855.41 or § 855.42, the farm base shall be the 1968-crop share so established for the farm or part removed from production.

§ 855.51 Establishment of shares for old-producer farms.

The county committee shall establish a 1969-crop share for any farm for which a base is determined pursuant to § 855.50 as follows:

(a) *Farms with bases of 50 acres or less.* The share for any farm in this category shall be at the level of the farm base.

(b) *Farms with bases of 50.1 acres and less than 62.6 acres.* The share for any farm in this category shall be 50 acres.

(c) *Farms with bases of 62.6 acres or more.* The share for any farm in this category shall be determined by applying

to each farm base an adjustment factor computed by the State committee. The factor shall be determined by dividing the State acreage allocation in § 855.49, less the acreage made available to the State in §§ 855.55 and 855.56 and the total of the shares determined in paragraphs (a) and (b) of this section, by the total of the bases established for all farms with bases of 62.6 acres or more.

(d) *Farm shares covering land removed from production under right of eminent domain.* The share established pursuant to paragraph (a), (b), or (c) of this section for any farm or part of a farm for which a base was determined pursuant to § 855.50(b) shall, as provided in § 892.18 of this chapter, be added to the 1969-crop share, if any, established for other land in the State owned by the owner of the land who lost acreage under the right of eminent domain upon application to the State committee by such owner as provided in § 892.18 of this chapter. Provision is made in § 892.18 of this chapter for holding a share or part thereof in reserve for the future use of the owner of land acquired by the right of eminent domain.

§ 855.52 Shares for reconstituted farms.

If the county committee determines, after a 1969-crop share is established for the farm, that the 1969-crop farm will not be comprised of the same land as that included in the 1968-crop farm used as the basis for establishing the share or will not be comprised of the same land for which the application for a new-producer share was made, or that the farm was not properly constituted for the 1969 crop pursuant to the definitions of a farm and an operator, the farm or farms involved shall be reconstituted in accordance with such definitions. A share shall be determined as follows for the reconstituted farm.

(a) *Old-producer farms*—(1) *Subdivision.* The share for each subdivision of a farm which is subdivided shall be the portion of the 1969-crop share established for the farm pursuant to § 855.51, including any adjustments made in such share pursuant to § 855.54 or § 855.56, determined for each subdivision in accordance with the method used for dividing the accredited acreage record of the farm set forth in § 892.9 of this chapter. However, if the share as so determined for any subdivision is greater than the acreage of cane growing on the subdivision for 1969-crop harvest, the county committee shall reduce the share for such subdivision to the acreage growing thereon, except that such reduction shall not be made if the county committee determines that acreage of cane on the subdivision was plowed down without the approval of the person acquiring the subdivision in order to obtain larger shares on the other subdivision or subdivisions. If such reduction is made, the acreage made available shall be distributed to increase the share of each of the other subdivisions of the parent farm on which the acreage growing for 1969-crop harvest exceeds the share determined for such subdivision, and such distribution of acreage by the county committee shall be prorated on the basis of the acreage growing on each subdivision.

(2) *Combinations.* The share for a reconstituted farm consisting of a combination of old-producer farms, a combination of subdivisions of such farms or combination of such farms and such subdivisions shall be the sum of the 1969-crop shares for such farms and subdivisions of such farms.

(b) *New-producer farms*—(1) *Subdivision.* The share established for a new-producer farm which is subdivided shall be prorated to the subdivisions by the percentage ratio that the acreage of cane growing on each subdivision is to the total acreage of cane growing on the farm. If there is no acreage of cane growing on the farm prior to subdivision, the share shall be canceled.

(2) *Combinations*—(i) *Combined before planting.* The share for any new-producer farm or subdivision thereof which is combined with an old-producer farm or subdivision thereof prior to the planting of cane on the new-producer farm shall be cancelled and the share established for the old-producer farm or subdivision thereof shall be the share for the reconstituted farm. If a new-producer farm or subdivision thereof is combined with another new-producer farm or subdivision thereof prior to the planting of cane on either of the new-producer farms or subdivisions thereof, the shares for the new-producer farms shall be cancelled and a share shall be established pursuant to § 855.55(d) for the reconstituted farm.

(ii) *Combined after planting.* If a new-producer farm or subdivision thereof is combined with another farm or subdivision thereof after cane has been planted on the new-producer farm the share established for the new-producer farm or portion of such share determined for the subdivision shall be added to the share established for the other farm or subdivision thereof. However, if the county committee determines that the operator of the new-producer farm, at the time he applied for a new-producer share, had begun negotiations or had arranged to subsequently transfer the new-producer farm to the operator of the other farm, the share established for the new-producer farm or portion of such share determined for the subdivision shall be cancelled, and the share established for the other farm or subdivision thereof shall be the share for the reconstituted farm.

§ 855.53 Redetermination of bases and shares because of use of incorrect data.

Where incorrect data was used in determining a farm base or establishing a share, such share shall be canceled and a new base shall be computed in accordance with § 855.50 using the correct data. A new share shall be established for the farm in accordance with § 855.51. Any acreage by which the incorrect share exceeds the newly established share and any acreage available under § 855.56 shall be used to increase shares for farms whose shares were established at levels lower than those to which they were entitled. Any acreage remaining shall be reallotted under § 855.54. If there is insufficient acreage to increase shares for farms whose shares were established at levels lower than those to which they were entitled, acreage becoming available under § 855.54(b) shall be used to increase shares for such farms.

§ 855.54 Reallotment of unused acres.

(a) *Eligibility.* Any old-producer farm for which a share of more than 50 acres is established pursuant to § 855.51 is eligible for an increase in the share established for the farm as provided in this section. A request for such increase must be filed by the operator of the farm in accordance with paragraph (c) of this section.

(b) *Source of unused acreage for increasing shares.* The following is available for reallocation:

(1) Any unused acreage, not to exceed the total of the acreage of shares reduced pursuant to paragraph (g) of this section excluding any acreage reserved by the State committee pursuant to § 892.18 of this chapter.

(2) Any acreage made available pursuant to § 855.55(a) for establishing shares for new-producer farms which is not requested by qualified applicants, and the acreage representing new-producer shares which are canceled pursuant to § 855.52(b).

(3) Any acreage made available pursuant to § 855.56 for fulfilling appeals or corrections of erroneous shares which is not used for such purpose, or under § 855.53.

(c) *Filing requests for additional acreage.* Requests shall be filed in Florida at the Hendry County ASCS Office not later than June 30, 1969. In Louisiana, requests shall be filed not later than January 3, 1969, in the ASCS county office in which the farm headquarters is located. If a farm is located in more than one county, requests also shall be filed in the ASCS county office in which the part of the farm on which the additional acreage will be utilized is located. However, late requests filed before the distribution of unused acreage may be accepted as timely filed if the county committee determines that the operators delayed filing for reasons beyond their control. Other late requests may be accepted prior to harvest if there is acreage still available after filling all timely filed requests.

(d) *Increasing shares.* Acreage to be reallotted pursuant to paragraph (e) of this section shall be used to increase the shares of eligible old-producer farms whereon additional acreage may be used and requests have been filed pursuant to paragraph (c) of this section by considering the ability of the farm operator to use additional acreage in light of (1) availability and suitability of land, (2) availability of production and marketing facilities, (3) rotation practices, (4) maintenance of a proper relationship between total cane acreage and suitable cropland, and (5) the need for minimum acreage in a mill area.

(e) *Methods for reallocating unused acreage.* In consideration of the criteria set forth in paragraph (d) of this section, unused acreage determined pursuant to paragraph (b) of this section, shall be used to increase shares of farms, the operators of which have timely filed requests or have filed late requests which have been accepted pursuant to paragraph (c) of this section, as follows:

(1) In Florida, the State committee shall determine and inform the county committees of increases to be made in the share for each farm.

(2) In Louisiana, the county committee of each county will determine the unused proportionate share acreage on farms with headquarters in the county. The unused acreage so determined shall first be used by such committee to increase the shares for farms or parts of farms located in the county. The increase in the share for a farm with headquarters in the county may be utilized on any part of such farm. However, any increase which is granted to a part of a farm that does not include the farm headquarters must be planted on such part of the farm located in the county granting the increase. Any unused acreage remaining in any county in Louisiana after all requests have been satisfied shall be released to the State committee. The Louisiana State Committee shall distribute such acreage to other counties in which the total of the additional acreage requested exceeds the unused acreages. Such distribution shall be made on the basis of the percentage relationship between the total of the shares established pursuant to § 855.51 for all farms in each such county and the total of the shares so established for all farms in all such counties: *Provided*, That the acreage distributed to any county shall not exceed the total acreage needed to increase shares to the extent requested for farms in such county.

(f) *Limitations.* The Florida State Committee and the county committees in Louisiana shall not increase a share by an amount in excess of that requested or increase a share to cover acreage which was previously abandoned regardless of the cause of such abandonment.

(g) *Reduction in shares.* If the county committee determines for any farm that the total of the 1969-crop acreage of cane to be harvested for sugar and seed and the acreage of cane on the farm which has been abandoned to the extent of fulfilling at least the requirements set forth in paragraph (c) (1) (i) and (ii) of § 845.2 of this chapter is less than the farm's 1969-crop share, including any adjustment made pursuant to this section or § 855.56, the share shall be reduced to the level of such total 1969-crop acreage.

§ 855.55 Establishment of shares for new-producer farms.

(a) *Acreage available.* There are available 100 acres for use in Florida and 150 acres for use in Louisiana for establishing shares for new-producer farms.

(b) *Filing requests.* A person desiring a share for a new-producer farm shall file a request in Florida (at the Hendry County ASCS Office) not later than November 15, 1968, and in Louisiana at the local ASCS county office not later than August 30, 1968. Late requests may be accepted prior to the establishment of shares for new-producer farms, as timely filed if the State committee determines that the person delayed filing for reasons beyond his control. Other late requests may be accepted if there is acreage still available after filling all timely filed requests.

(c) *Rating of applicants.* Subject to review and redetermination by the State committee, the county committee shall rate the applicant as "qualified" or "not qualified" to utilize a new-producer farm share by considering (1) the availability and suitability of land, (2) availability of production and marketing facilities, and (3) whether the land on which cane will be grown is under his control through ownership or lease and such land was not included in an old-producer farm: *Provided*, That no applicant will be rated as "qualified" unless the county committee determines he will be the operator of the farm as defined in paragraph (l) of § 892.1 of this chapter.

(d) *Size of share.* Each share shall be 50 acres, or a lesser acreage if requested, or such lesser acreage as the State committee determines if either the county or State committee determines that the available cropland will not support a share of 50 acres.

(e) *Establishing shares.* The State committee shall establish a share for the new-producer farm of each "qualified" applicant if the acreage provided in paragraph (a) of this section is sufficient to establish such shares. If there is insufficient acreage, selection of "qualified" applicants to receive shares shall be by lot. Each drawing shall be supervised by a representative of the State committee. Persons included in a drawing shall be given advance notice and an opportunity to attend. Names (or farm numbers) shall be placed in a container and shall be indistinguishable to the person making the "draws." The person in charge shall announce the method of selection before the drawing.

(f) *Use of set-aside.* All acreage available for new-producers shall be allotted to qualified applicants, if there are sufficient requests for such acreage. Any acreage within that provided in paragraph (a) of this section which is not requested by qualified applicants shall be used to increase shares of old-producer farms pursuant to § 855.54. However, such acreage may not be used for this purpose before June 1, 1969.

§ 855.56 Appeals or corrections.

There are available 100 acres for use in Florida and 150 acres for use in Louisiana for fulfilling increases in shares resulting from appeals or for making corrections of erroneous shares. After the county committee has acted on its own initiative or on a request for reconsideration of the establishment of a share for an old-producer farm and has found that such share was in error because of the use of incorrect data or misapplication of these regulations, the State committee, upon its own initiative or upon application of the operator, may within the acreage made available under this section increase the share for such farm to a level so as to give effect to the use of correct data or proper application of these regulations. Any acreage within that made available which is not used for such purposes shall be used first to increase shares of old-producer farms pursuant to § 855.53 and secondly pursuant to § 855.54.

STATEMENT OF BASES AND CONSIDERATIONS

Sugar Act requirements. The provisions with respect to producer compliance with the conditions for receiving payment, the basis for such payment, considerations required for establishing individual shares, and the protection of interests of new and small producers, tenants and sharecroppers are set forth in sections 301 and 302 of the Act (7 U.S.C. 1131, 1132).

General. The Act requires that shares be established for farms in an area for a given crop when the Secretary determines that production will be greater than the quantity needed to enable the area to meet the quota and provide a normal carryover inventory as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed.

Proportionate shares have been required in the Mainland Cane Sugar Area for the prior four crops. The acreage allocated to the two States for the 1968-crop was about five percent less than that for the 1967-crop and represents a total reduction of almost fifteen percent from the record acreage of the 1964 crop, the most recent crop for which shares were not in effect. But during the period, yields per acre increased at a much greater rate than acreage has been reduced. Consequently, total sugar production increased.

Sugar production from the 1967 crop amounted to 1,457,000 tons and was the largest of record. It exceeded the area's 1967 marketing quota by 288,000 tons, thus increasing the effective inventory of sugar on January 1, 1968, to 1,067,000 tons. Based on the most recent estimate made by the Department's Crop Reporting Board, production from the 1968 crop will exceed the area's present marketing quota for calendar year 1968 by about 200,000 tons. The resultant effective inventory of sugar on January 1, 1969, of about 1,265,000 tons would be well in excess of the expected marketing quota for the area in calendar year 1969.

In the absence of restrictions, 1969-crop acreage would exceed that for the 1968 crop and the production of sugar from such crop would very greatly exceed the quantity needed to enable the area to meet its quota and provide a normal carryover inventory. Hence, a restriction of 1969-crop acreage to the extent provided by this regulation appears necessary.

Public hearing. On June 28, 1968, an informal public hearing was held in New Orleans, La., to obtain the views and recommendations of interested persons

on all matters relating to establishing 1969-crop shares. In the press release announcing the hearing, the Department proposed as a basis for discussion that separate State allocations be established at the total of final 1968-crop shares established in each State factored to the level of the acreage required to bring sugar supplies into line with quota and carryover requirements. Views as to what the level of 1969-crop acreage should be were requested in consideration of the expected effective inventory of sugar on January 1, 1969. The Department proposed to set aside acreage within each State allocation for establishing shares for new farms and handling appeals. Recommendations were requested as to the level of these set-asides. It was proposed that farm bases for old-producer farms be established in the same manner as for the two prior crops. Bases would be the larger of (a) the farm's 1968-crop acreage record, or (b) the 1968-crop farm's original share if the farm operator used at least 90 percent of such share or used less than 90 percent for reasons beyond his control. The Department suggested that an appropriate adjustment factor be applied to the farm base to compute each share, except for farms having bases of 50 acres or less. Shares for these farms would be established at the level of the farm bases. Provision would be made so as to not establish a share below 50 acres for any farm subject to adjustment. Provision would be made to permit each State to utilize its total allocation through distribution of unused acres to other farms which could use additional acreage.

The spokesman for the American Sugar Cane League, representing farmers who produce more than 95 percent of the sugarcane in the State, all the sugarcane processors in Louisiana and also the Louisiana Farm Bureau Federation requested the Department to acquire and dispose of the excess inventory of sugar without a quota charge so that acreage need not be reduced for the 1969 crop. He asked that, if existing law prevents such purchase and disposition of the excess sugar, the Department support in the Congress any amendment to existing law that might be necessary to accomplish the relief sought. He further said the industry is not able or willing to carry whatever inventories might result from their recommendation of no acreage reduction for 1969 in the absence of such relief. With respect to the other items mentioned in the press release, he recommended the following: (1) That separate State allocations be continued; (2) that 75 acres in Florida and 100 acres in Louisiana be set aside for new-producer shares of a maximum of 25 acres each; (3) that acreage set aside for handling appeals and all other such contingencies should not exceed 100 acres in Florida and 150 acres in Louisiana; (4) that farm bases be established as mentioned in the press release; (5) that an appropriate adjustment factor be applied to all farm bases; (6) that unused acreage be reallotted to other farms within the State in the same manner as provided in the 1968-crop regulation; and (7) that the provisions in the 1968-crop regulation covering the sugarcane acreage record and the share for a farm which is to be divided be amended to permit the interested parties to agree upon the method of division of the record and share.

The spokesman for the Florida Sugar Cane League opposed an effective inventory in excess of that on January 1, 1968, and urged the Department to make every effort to provide relief through administrative action available to it in order to prevent further buildup of sugar inventories. In addition, he concurred with each of the recommendations made by the spokesman of the American Sugar Cane League.

Additional witnesses offered statements concerning the economic effects that an acreage reduction would have on the industry.

Briefs submitted subsequent to the hearing by an independent processor and two cooperatives outlined the need for maintaining a minimum tonnage in their mill area for an economic operation. They requested that the 1969 acreage in their mill districts not be reduced below that of the 1968 crop.

Regulation. Despite acreage controls, sugar production from mainland sugarcane has been increasing. Last year's crop production of 1,457,000 tons of sugar was almost a quarter million tons larger than the previous year's which itself had been a record. The yield of sugar per acre has increased steadily from about two tons per acre from the 1964 crop to 2.84 tons from the 1967 crop, an increase of more than 40 percent.

The 1968 crop now growing is expected to have about the same yield per acre as the 1967 crop but from 5 percent less acreage. Favorable weather has contributed to the remarkable record with respect to yields, but it seems evident that improved varieties coupled with better cultural practice has been the dominant factor and one which will continue.

It is essential that inventories be returned as soon as possible at least to the level at the beginning of this year (1,067,000 tons). If yields from the 1969 crop were to reach the level for the 1967 crop and currently expected for the 1068 crop, an acreage reduction of almost 30 percent would be required. However, the weather prevailing for the balance of the 1968 crop and for the 1969 crop may not be as favorable as it has been in recent years. In recognition of this possibility 0.14 tons of sugar per acre is deducted from the presently indicated yield for the crop now growing and an average yield of 2.70 tons per acre is assumed for the 1968 and 1969 crops. This regulation provides acreage for the 1969 crop at 80 percent of the 1968-crop acreage and establishes separate State allocatiotns of 241,700 acres and 150,840 acres for Louisiana and Florida, respectively.

A base will be determined for each farm as constituted for the 1968 crop by using the same method as that adopted for the prior two crops. It will be at the level of the larger of the 1968-crop accredited acreage record of the farm or the 1968-crop original share established for the farm if the farm operator utilized at least 90 percent of such share or was prevented from utilizing such percentage of the share for reasons beyond his control. Thus, unless an operator willingly underplanted by more than 10 percent, the base for each farm will not be less than the original 1968-crop share for the farm. A base will also be determined for any farm for which production was lost or reduced after 1965-crop harvest through the transfer of acreage to an agency having the right of eminent domain.

This method of determining farm bases is equitable and has been widely accepted. Growers have found it unnecessary to utilize marginal lands merely to protect their acreage history. As for the prior crops, bases will not be determined for farms if it is known that cane will not be growing for 1969-crop harvest. This will make the acreage for any farm going out of production available to the larger farms, which are subject to reduction, at the time shares are initially established.

The proportionate share for any farm having a base of 50 acres or less will be established at the level of such base. This action is in accordance with the provision of the Sugar Act which directs the Secretary to protect the interests of small producers to the extent practicable. The large majority of these farms are in Louisiana. Based on 1967-crop statistics, they represent about 42 percent of the total farms in the State but have only about 6 percent of the total cane acreage. These smaller farms will have the opportunity to continue production at their suitable acreage level. This action is appropriate in view of the reduction in the number of farms in this category in recent years and the greater economic difficulties involved in producing a crop on a small acreage. Shares for farms having bases of 50.1 and not more than 62.5 acres will be established at 50 acres which is the share that would be established by applying a reduction factor of 80 percent to the 62.5 acre base. Since a farm base of 50 acres or less will not be reduced, this will result in equitable treatment for farms having bases of more than 50 acres but not more than 62.5 acres by assuring that a reduction would not be made in this category below 50 acres.

At present, it is estimated that in Louisiana for the 1968 crop a few thousand unused acres were reallotted. The 1969 farm bases for the farms to which reallocations were made in 1968 will reflect these increases, while compensating decreases generally will not be made in the bases of farms on which there was unused acres. In addition, it is estimated that the protection from cutback given the smaller farms will affect the shares of the larger farms by slightly more than one percentage point. Hence, it is likely that the factor to be applied to the larger farm bases in Louisiana will be on the order of 78 percent. In Florida, where there was little unused acreage in 1968 and where there are so few small farms requiring protection from cutback, the factor should not be much lower than 80 percent.

Requests for special treatment by the independent processor and the two cooperatives have been carefully considered. Farmers in two of the three mill districts have had both yield and production gains since the last unrestricted crop in 1964 in excess of the area's average. The record of the third is not far below the average. The additional burden which would be placed on other farmers by such special treatment cannot be justified. Accordingly, such requests have not been adopted.

Shares will also be established for farms whose owners lost land because of eminent domain since 1965-crop harvest was completed. In these cases, the shares will be computed according to the size of the farm base, but will be limited to that acreage for which the owner applies for use in the 1969 crop. If application is made for only a portion of the acreage which was removed from production, the balance of such share will be held by the State committees for future use of the owner.

As for the most recent crops, provision is made to assure that each State can use the total of its shares by distributing any unused acres to other farms within the State which can use additional acreage. The methods used in the reallocation of unused acres for the 1968 crop have been adopted for 1969 with one exception. Since the shares of farms having a base of 62.5 acres or less will be established at the smaller of such base or 50 acres, the operators of such farms will not be permitted to participate in the reallocation of any unused acres. Thus, all farms subject to a reduction by application of the adjustment factor will be eligible for increases under this provision.

In Louisiana, operators of farms located in more than one county shall file a request for additional acreage at the county office where the farm headquarters is located and also at offices where parts of their farm are located. The county committees in Louisiana are authorized to immediately assign unused acreage as soon as underplantings are known. Thus, it will again be possible where a farm comprises land in more than one county to increase the shares of such farms by utilizing available unused acreage in all counties where parts of the farm are located. Requests for increases in shares made by the operators of farms in a county other than the headquarters shall be given the same consideration as requests made by operators whose farms are headquartered in the county. However, the increase in the share made to a part of a farm must be utilized in the county granting the increase. If the total underplantings in a county exceed the demand for additional acreage, the excess will be made available to the State committee for distribution to other counties.

In Florida, where unused acreage is not substantial, provision again is made for the State committee to reallot unused acreage within the entire growing area. Guidelines are provided the committees for consideration in reallotting the unused acreages.

Within each allocation, small acreages are provided for establishing new-producer shares and to correct any errors made in establishing shares caused by the use of incorrect data or the improper application of the provisions of the regulations. Shares for new producers will be established at a level of 50 acres or a lesser acreage, if requested. For several years, the Department has provided for new-producer shares of this size in view of the economic difficulties involved in beginning a new sugarcane operation. There are no facts supporting a change in this policy, therefore, the 25-acre level recommended by the industry spokesman has not been adopted. Since the acreage set aside specifically for establishing new-producer shares or for correcting errors is within each State's allocation, any acreage which is not needed for these purposes may be distributed to other farms.

No action is being taken at this time to change the method for crediting sugarcane acreage history of farms and dividing the farm's share when it is involved in reconstitutions, as suggested by industry spokesmen. It is believed that the present rule which provides three alternative ways of assigning the parent farm's acreage record and share to its subdivisions affords sufficient latitude among the parties involved to agree upon an equitable distribution and at the same time provides adequate safeguards to prevent the sale or improper handling of proportionate shares.

The other provisions of this regulation are generally similar to those which were in effect for the 1968 program. Provisions covering requirements for harvesting within the farm share, disposition of acreage in excess of the farm share, protection of sharecroppers and share tenants and acquisition of farm land by the right of eminent domain are now included in the General Conditional Payments Provisions.

The 1969-crop sugarcane acreage resulting from this regulation should provide a quantity of sugarcane which will enable the area to meet its quota under the Act and provide a normal carryover inventory.

The provisions of this regulation provides an equitable basis for establishing shares for farms in the area for the 1969-crop of sugarcane.

Accordingly, I hereby find and conclude that the foregoing regulation will effectuate the applicable provisions of the Act.

Effective date: Date of publication.

Signed at Washington, D.C., on August 20, 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-10227; Filed, Aug. 23, 1968; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 335]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.635 Lemon Regulation 335.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons;

it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 20, 1968.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period August 25, 1968, through August 31, 1968, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 241,800 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 22, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-10318; Filed, Aug. 23, 1968; 8:52 a.m.]

PART 926—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIF.

Expenses and Rate of Assessment

On August 7, 1968, notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 11174) regarding proposed expenses and the related rate of assessment for the period April 1, 1968, through March 31, 1969, pursuant to the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926; 32 F.R. 13045), regulating the handling of Tokay grapes grown in San Joaquin County, Calif., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Industry Committee (established pursuant to said amended marketing agreement and order) it is hereby found and determined that:

§ 926.208 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Industry Committee during the period April 1, 1968, through March 31, 1969, will amount to $31,265.30.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 926.46, is fixed at $0.013 per standard package or equivalent quantity of grapes.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of Tokay grapes are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable Tokay grapes from the beginning of such period; and (3) such period began on April 1, 1968, and the rate of assessment herein fixed will automatically apply to all assessable grapes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 21, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-10270; Filed, Aug. 23, 1968; 8:51 a.m.]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Free and Restricted Percentages and Withholding Factors for 1968–69 Crop Year

Notice was published in the August 7, 1968, issue of the FEDERAL REGISTER (33 F.R. 11174) regarding a proposal to establish free and restricted percentages and withholding factors applicable to particular varieties of domestic dates for the 1968–69 crop year which began August 1, 1968. The establishment of such percentages and withholding factors is pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was recommended by the Date Administrative Committee.

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Committee, and other available information, it is found that to establish free percentages, restricted percentages, and withholding factors as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, the free percentages, restricted percentages, and withholding factors for the 1968–69 crop year for marketable dates, are, pursuant to §§ 987.44 and 987.45, established as follows:

§ 987.216 Free and restricted percentages, and withholding factors.[1]

The various free percentages, restricted percentages, and withholding factors applicable to marketable dates of each variety shall be, for the crop year which began August 1, 1968, and ends July 31, 1969, as follows: (a) Deglet Noor variety dates: Free percentage, 70 percent; restricted percentage, 30 percent; and withholding factor, 42.9 percent; (b) Zahidi variety dates: Free percentage, 83 percent; restricted percentage, 17 percent; and withholding factor, 20.5 percent; (c) Halawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; and (d) Khadrawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that (a) free and restricted percentages and withholding factors established for a particular crop year shall be applicable during the entire crop year to all marketable dates, and (b) the withholding obligations based on the continued regulation from the preceding crop year shall be adjusted to the newly established percentages upon their establishment; and (2) the percentages and withholding factors established herein for the crop year which began August 1, 1968, will apply, and adjustment thereto of handlers' withholding obligations are required, automatically, with respect to all such dates.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 20, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-10229; Filed, Aug. 23, 1968; 8:48 a.m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Suspension or Termination of Certain Provisions

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California (hereinafter referred to collectively as the "order"), effective under said act, notice was published in the July 25, 1968, issue of the FEDERAL REGISTER (33 F.R. 10576) regarding proposed suspension of the operation of certain provisions in § 993.49(c) of the order. Said notice also contained a proposal to terminate certain rules and regulations

[1] The Date Administrative Committee included no countries other than the United States and Canada in its determination of trade demand.

operative pursuant to the aforesaid provisions of § 993.49(c). These provisions require handlers receiving lots of prunes with certain defects (i.e., mold, imbedded dirt, insect infestation and decay) in excess of such maximum percentage as shall be prescribed to dispose of such lots in their entirety in nonhuman consumption outlets. Section 993.149(d)(1) of the administrative rules and regulations (Subpart—Administrative Rules and Regulations; 7 CFR 993.101–993.174) fixes such percentage at 50 percent. The proposals contained in said notice were recommended by the Prune Administrative Committee, established under the order.

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Prune Administrative Committee, and other available information, it is hereby found that for the 1968–69 crop year and subsequent crop years the mandatory prescription, pursuant to § 993.49(c), of a maximum percentage of defective prunes in lots received by handlers that would require disposition of such lots in their entirety in nonhuman consumption outlets is not now necessary in that it does not tend to effectuate the declared policy of the act. In view thereof, (1) the operation of the relevant provisions in § 993.49(c) relating to the mandatory prescription of a maximum percentage for defects should be suspended, and (2) § 993.149(d)(1) of the administrative rules and regulations thereunder should be terminated.

Therefore, it is ordered, As follows:

1. For the 1968–69 crop year and subsequent crop years, the operation of the following provision in the first sentence of § 993.49(c) is suspended: *"Provided,* That the Committee, by its rules and regulations, shall prescribe a maximum percentage of such defects in any lot received by a handler; and any lot so received which contains a greater percentage of such defects shall be disposed of in its entirety in nonhuman consumption outlets."

2. For the 1968–69 crop year and subsequent crop years, the operation of the following provision in the third sentence of § 993.49(c) is suspended: "(including the prescription of a maximum percentage)".

3. Effective at the beginning of the 1968–69 crop year, § 993.149(d)(1) of the administrative rules and regulations (Subpart—Administrative Rules and Regulations) is terminated.

It is further found that good cause exists for not postponing the effective time of these actions until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) Pursuant to the applicable provisions of the act and the order, it is mandatory for the Secretary to suspend the operation of any provisions of the order whenever he finds that such provisions obstruct or do not tend to effectuate the declared policy of the act; (2) the 1968–69 crop year began August 1, 1968, and handlers will be receiving prunes from producers and dehydrators soon; (3) these actions should be effective before handlers begin receiving prunes; (4) these actions relieve restrictions on handlers, and handlers do not require advance notice to comply therewith; and (5) postponing the effective time of these actions would serve no useful purpose.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated August 21, 1968, to become effective as of August 1, 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-10232; Filed, Aug. 23, 1968; 8:48 a.m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Salable and Reserve Percentages and Handler Reserve Obligation for 1968–69 Crop Year

Notice was published in the August 6, 1968, issue of the FEDERAL REGISTER (33 F.R. 11120) regarding a proposal to establish, for the 1968–69 crop year, salable and reserve percentages for California dried prunes of 71 percent and 29 percent, respectively, and in connection therewith, the required composition of each handler's reserve obligation. The proposal was based on a recommendation of the Prune Administrative Committee and other available information, in accordance with the provisions of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

The percentages proposed in the notice were based on the Committee's estimate that California's 1968 dried prune production would be 160,000 tons. The USDA Crop Reporting Board's estimate, as of August 1, 1968, and released after the notice was published, also is 160,000 tons.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Prune Administrative Committee, and other available information, it is found that to establish the salable and reserve percentages and the required composition of each handler's reserve obligation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, the salable and reserve percentages for prunes and handler reserve obligation for the 1968–69 crop year shall be as follows:

§ 993.204 Salable and reserve percentages for prunes and handler reserve obligation for the 1968–69 crop year.

The salable and reserve percentages for the 1968–69 crop year shall be 71 percent and 29 percent, respectively, or such increased salable percentage and decreased reserve percentage as may be established upon delivery of the 1968 crop to provide a supply of salable prunes adequate to meet the estimated trade demand and a desirable carryover. The reserve obligation of each handler shall be a weight of natural condition prunes, by variety and standard or substandard grade, equal to the sum of the results of applying the reserve percentage to the natural condition weight of each lot of prunes received by him from producers and dehydrators, excluding the weight obligation of § 993.49(c). Such reserve obligation as to standard prunes and as to substandard prunes, of each variety, shall be consistent with the receipt by field pricing size categories, and the obligation shall be the weighted average count per pound of all such lots within each such category, as computed from inspection analysis. The field pricing size categories, by variety and grade, expressed in minimum and maximum numbers of prunes per pound for each, are as follows:

Standard French prunes—33 or less, 34/50, 51/60, 61/70, 71/81, 82/101, 102/111, 112/121, and 122 or more.

Substandard French prunes—70 or less, 71/101, and 102 or more.

Standard Non-French prunes (except Robe de Sargent)—24 or less, 25/29, 30/33, 34/50, and 51 or more.

Substandard Non-French prunes (except Robe de Sargent)—51 or less and 52 or more.

Standard Robe de Sargent—33 or less, 34/50, 51/60, and 61 or more.

Substandard Robe de Sargent—61 or less and 62 or more.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said amended marketing agreement and this part require that salable and reserve percentages established for a particular crop year shall be applicable to all prunes received during the crop year by handlers from poducers and dehydrators, excluding the weight obligation of § 993.49(c); and (2) the current crop year by handlers from producers and dehydrators, excluding the weight obligation of § 993.49(c); and (2) the current crop year began on August 1, 1968, and the percentages established herein will apply automatically to such prunes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 20, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 68-10231; Filed, Aug. 23, 1968; 8:48 a.m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Expenses of Prune Administrative Committee and Rate of Assessment for 1968–69 Crop Year

Notice was published in the August 8, 1968, issue of the FEDERAL REGISTER (33 F.R. 11298) regarding proposed expenses of the Prune Administrative Committee for the 1968–69 crop year and rate of assessment for that crop year, pursuant to §§ 993.80 and 993.81 of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Prune Administrative Committee, and other available information, it is found that the expenses of the Prune Administrative Committee and the rate of assessment for the crop year beginning August 1, 1968, shall be as follows:

§ 993.319 Expenses of the Prune Administrative Committee and rate of assessment for the 1968–69 crop year.

(a) *Expenses.* Expenses in the amount of $117,000 are reasonable and likely to be incurred by the Prune Administrative Committee during the crop year beginning August 1, 1968, for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the applicable provisions of the marketing agreement, as amended, and this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for such crop year which each handler is required, pursuant to § 993.81, to pay to the Prune Administrative Committee as his pro rata share of the said expenses is fixed at 90 cents per ton of salable prunes handled by him as the first handler thereof.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular crop year shall be applicable to all salable prunes handled by handlers as the first handlers thereof; and (2) the current crop year began on August 1, 1968, and the rate of assessment herein fixed will automatically apply to all such prunes beginning with that date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 20, 1968.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 68–10230; Filed, Aug. 23, 1968; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 68–CE–42]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area; Correction

On July 25, 1968, a final rule was published in the FEDERAL REGISTER (33 F.R. 10565), F.R. Doc. 68–8851, which designated the Jackson, Minn., transition area. In this designation the transition area description was erroneously described as "That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jackson Municipal Airport (lat. 43°39'00" N., long. 94°59'10" W.); and within 2 miles each side of the 327° bearing from Jackson Municipal Airport, extending from the 5-mile radius area to 8 miles northeast of the 327° bearing from Jackson extending upward from 1,200 feet above the surface within 8 miles southwest and 5 miles northeast of the 327° bearing from Jackson Municipal Airport, extending from the airport to 12 miles northwest of the airport; and within 5 miles each side of the 147° bearing from Jackson Municipal Airport, extending from the airport to 12 miles southeast of the airport." The correct description should have been set forth to read as "That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jackson Municipal Airport (lat. 43°39'00" N., long. 94°59'10" W.); and within 2 miles each side of the 327° bearing from Jackson Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles southwest and 5 miles northeast of the 327° bearing from Jackson Municipal Airport, extending from the airport to 12 miles northwest of the airport; and within 5 miles each side of the 147° bearing from Jackson Municipal Airport, extending from the airport to 12 miles southeast of the airport." Action is taken herein to make this correction.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the designation of the Jackson, Minn., transition area, as set forth in F.R. Doc. 68–8851, is corrected effective immediately as follows: "That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jackson Municipal Airport (lat. 43°39'00" N., long. 94°59'10" W.); and within 2 miles each side of the 327° bearing from Jackson Municipal Airport, extending from the 5-mile radius area to 8 miles northeast of the 327° bearing from Jackson extending upward from 1,200 feet above the surface within 8 miles southwest and 5 miles northeast of the 327° bearing from Jackson Municipal Airport, extending from the airport to 12 miles northwest of the airport; and within 5 miles each side of the 147° bearing from Jackson Municipal Airport, extending from the airport to 12 miles southeast of the airport.", is deleted and "That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jackson Municipal Airport (lat. 43°39'00" N., long. 94°59'10" W.); and within 2 miles each side of the 327° bearing from Jackson Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles southwest and 5 miles northeast of the 327° bearing from Jackson Municipal Airport, extending from the airport to 12 miles northwest of the airport; and within 5 miles each side of the 147° bearing from Jackson Municipal Airport, extending from the airport to 12 miles southeast of the airport.", is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on August 1, 1968.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 68–10213; Filed, Aug. 23, 1968; 8:46 a.m.]

[Airspace Docket No. 68–WE–66]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to change the geographical coordinates of the Grand Canyon National Park Airport to conform to recently published surveyed data.

Since this change is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, in § 71.181 (33 F.R. 2186) the description of the Grand Canyon, Ariz. (Grand Canyon National Park Airport), transition area is amended by deleting the geographical coordinates of the Grand Canyon National Park Airport "(lat. 35°57'10" N., long. 112°08'35" W.)" and substituting "(lat. 35°57'16" N., long. 112°08'37" W.)" therefor.

Effective date. This amendment shall be effective 0901 G.m.t., October 17, 1968.

Issued in Los Angeles, Calif., on August 15, 1968.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 68–10222; Filed, Aug. 23, 1968; 8:47 a.m.]

[Airspace Docket No. 68–SO–21]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

Correction

In F.R. Doc. 68–9499 appearing at page 11332 in the issue of Friday, August 9, 1968, the third line of the third column should read "84°05'05" W.); within a 5-mile radius of".

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–1372]

PART 13—PROHIBITED TRADE PRACTICES

Chicago Girl Coat Co. et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053–90 Wool Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Chicago Girl Coat Co. et al., Cadillac, Mich., Docket C–1372, July 10, 1968]

In the Matter of Chicago Girl Coat Co., a Corporation, and Cadillac Girl Coat Co., a Corporation, and Roy M. Levine, Ernest A. Walter and Louis R. Siegel Individually and as Officers of the Aforesaid Corporations

Consent order requiring two affiliated coat manufacturers to cease misbranding and falsely guaranteeing its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Chicago Girl Coat Co., a corporation, and its officers, Cadillac Girl Coat Co., a corporation, and its officers, and Roy M. Levine, Ernest A. Walter, and Louis R. Siegel, individually and as officers of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment, or shipment, in commerce, of wool products as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Chicago Girl Coat Co., a corporation, and its officers, and Cadillac Girl Coat Co., a corporation, and its officers, and Roy M. Levine, Ernest A. Walter, and Louis R. Siegel, individually and as officers of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any wool product is not misbranded, when the respondent has reason to believe that such wool product may be introduced, sold, transported or distributed in commerce.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That the respondents herein shall, within 60 days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 10, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68–10262; Filed, Aug. 23, 1968; 8:50 a.m.]

[Docket No. C–1368]

PART 13—PROHIBITED TRADE PRACTICES

Henry Haber and Henry Haber Furs

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Henry Haber, trading as Henry Haber Furs, New York, N.Y., Docket C–1368, July 9, 1968]

In the Matter of Henry Haber, an Individual Trading as Henry Haber Furs

Consent order requiring a New York City manufacturing furrier to cease deceptively invoicing his fur products and furnishing false guaranties.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Henry Haber, an individual trading as Henry Haber Furs or any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on an invoice that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That respondent Henry Haber, an individual trading as Henry Haber Furs or any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondent has reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That the respondent herein shall, within 60 days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: July 9, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68–10263; Filed, Aug. 23, 1968; 8:50 a.m.]

[Docket No. C-1361]

PART 13—PROHIBITED TRADE PRACTICES

M. Alexander Corp. and Mitchell Alexander

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, M. Alexander Corp. et al., New York, N.Y., Docket C-1361, July 9, 1968]

In the Matter of M. Alexander Corp., a Corporation, and Mitchell Alexander, Individually and as an Officer of Said Corporation

Consent order requiring a New York City manufacturing furrier to cease and desist misbranding and deceptively invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents M. Alexander Corp., a corporation, and its officers, and Mitchell Alexander, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distributation of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing, directly or by implication, on labels that the fur contained in any fur product is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on invoices that the fur contained in the fur products is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within 60 days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 9, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-10264; Filed, Aug. 23, 1968; 8:50 a.m.]

[Docket No. C-1370]

PART 13—PROHIBITED TRADE PRACTICES

Regent Corset Co. et al.

Subpart—Furnishing false guaranties: § 13.1063 *Furnishing false guaranties:* 13.1053–80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Regent Corset Co. et al., North Bergen, N.J., Docket C-1370, July 10, 1968]

In the Matter of Regent Corset Co., a Corporation, and Irving Kurs and Jerome Bienfeld, Individually and as Officers of Said Corporation

Consent order requiring a North Bergen, N.J., manufacturer of girdles and other textile products to cease misbranding and falsely guaranteeing its textile fiber products and failing to maintain required records.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Regent Corset Co., a corporation, and its officers, and Irving Kurs and Jerome Bienenfeld, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or distribution in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of textile fiber products; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

2. Failing to affix labels to textile fiber products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

3. Failing to make a disclosure on the required label on or affixed to textile fiber products composed of two or more sections of different fiber composition, in such a manner as to show the fiber composition of each section in all instances where such disclosure is necessary to avoid deception.

B. Failing to maintain and preserve for at least 3 years proper records showing the fiber content of textile fiber products manufactured by them, as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the regulations promulgated thereunder.

It is further ordered, That respondents Regent Corset Co., a corporation, and its officers, and Irving Kurs and Jerome Bienenfeld, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any textile fiber product is not misbranded or falsely invoiced.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within 60 days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 10, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-10266; Filed, Aug. 23, 1968; 8:50 a.m.]

[Docket No. C-1357, etc.]

PART 13—PROHIBITED TRADE PRACTICES

Sam Reichbach & Son, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053–35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist orders in the 8 above-captioned proceedings, dated July 9, 1968]

In the Matters of: Sam Reichbach & Son, Inc., a Corporation, and Stanley Reichbach and Michael Denktsis, Individually and as Officers of Said Corporation, Docket No. C-1357; Sol Seifer Co. Inc., a Corporation, and Sol Seifer, Alvin I. Goldberg and Stanley Sunshine, Individually and as Officers of Said Corporation, Docket No. C-1358; M. Getto & Sons, Inc., a Corporation, and Bernard Getto, Sidney Raback, and Mortimer B. Getto, Individually and as Officers of Said Corporation, Docket No. 1359; Baws Bros. Furs, Inc., a Corporation, and Murray Baws and Paul Baws, Individually and as Officers of Said Corporation, Docket No. C-1360; Leemar Furs, Inc., a Corporation, and Harvey Kaufman and Stavos Ladis, Individually and as Officers of Said Corporation, Docket No. C-1362; Kupchik & Gelman Furs, Inc., a Corporation, and John Kupchik, Bernard R. Greenberg, and Sol Gelman, Individually and as Officers of Said Corporation, Docket No. C-1366; Sam & Leo Brown, Inc., a Corporation, and Samuel Brown and Leo Brown, Individually and as Officers of Said Corporation, Docket No. C-1367; and Princess Furs, Inc., a Corporation, and Fred Kosak and Sol Horowitz, Individually and as Officers of Said Corporation, Docket No. C-1369

Consent orders requiring eight New York City manufacturing furriers to cease misbranding, deceptively guaranteeing, and falsely invoicing their fur products.

Identical orders to cease and desist, including orders requiring reports of compliance therewith, are as follows:

It is ordered, That each respondent named in the above-captioned proceedings, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing, directly or by implication, on labels that the fur contained in any fur product is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on invoices that the fur contained in the fur products is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artifically colored.

It is further ordered, That each respondent named in the above-captioned proceedings, and its officers, representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That each respondent corporation shall forthwith distribute a copy of this Order to each of its operating divisions.

It is further ordered, That each respondent named in the above-captioned proceedings shall, within 60 days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

Issued: July 9, 1968.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-10269; Filed, Aug. 23, 1968; 8:51 a.m.]

[Docket No. 8646 o.]

PART 13—PROHIBITED TRADE PRACTICES

S.S.S. Co. and Tucker Wayne & Co.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170–52 Medicinal, therapeutic, healthful, etc.; 13.170–78 Renewing, restoring. Subpart—Misrepresenting oneself and goods—Goods: § 13.1710 *Qualities or properties.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1863 *Limitations of product.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Final order to cease and desist, S.S.S. Co. et al., Atlanta, Ga., Docket 8646, June 26, 1968]

In the Matter of S.S.S. Co., a Corporation, and Tucker Wayne & Co., a Corporation

Order requiring an Atlanta, Ga., manufacturer of drug preparations and its advertising agency to cease misrepresenting the effectiveness of its "S.S.S. Tonic" and "S.S.S. Tablets."

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents S.S.S. Co., a corporation, and Tucker Wayne & Co., a corporation, and their officers, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of the preparation designated "S.S.S. Tonic" or the preparation designated "S.S.S. Tablets," or any other preparation of substantially similar composition or possessing substantially similar properties, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing the dissemination of, by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that:

(a) The use of such preparations will be of benefit in the prevention, relief or treatment of tiredness, lack of pep, energy or strength, weakness, listlessness, run-down feeling or nervousness, or any other sympton, unless such representation is expressly limited to a sympton or symptoms caused by a deficiency of one or more of the vitamins or iron provided by such preparations; and, further, unless such advertisement also discloses clearly and conspicuously, in immediate or close proximity, and with equal prominence, to any such representations:

(1) That, in the great majority of persons suffering from any such symptom or symptoms, the preparations will be of no benefit in the prevention, treatment or relief of such symptom or symptoms; and

(2) That the presence of iron deficiency anemia or iron deficiency of any degree cannot be self-diagnosed and can be determined only by means of medical or laboratory tests conducted by or under the supervision of a physican; and

(3) That the presence of a deficiency of the B vitamins, or of any vitamin cannot be self-diagnosed and can be determined only by means of medical or laboratory tests conducted by or under the supervision of a physican.

(b) The use of such preparations will be of benefit in the prevention, relief or

treatment of iron or vitamin deficiency anemia in any specific or described group of people; provided, however, that it shall be a defense in any enforcement proceeding instituted under this prohibition for respondents affirmatively to show:

(1) That there is a reasonable probability that a majority of persons within such group suffers from iron or vitamin deficiency or iron deficiency anemia; or

(2) That their advertising did no more than truthfully and accurately represent the percentage of persons in a specific population group who suffer from iron or vitamin deficiency or iron deficiency anemia.

(c) The presence of iron deficiency anemia or iron deficiency of any degree can be self-diagnosed.

(d) The presence of iron deficiency anemia or iron deficiency of any degree can generally be determined without medical or laboratory tests conducted by or under the supervision of a physician.

(e) The presence of a deficiency of the B vitamins, or of any vitamin, can be self-diagnosed.

(f) The presence of a deficiency of the B vitamins, or of any vitamin, can generally be determined without medical tests conducted by or under the supervision of a physician.

(g) Any ingredient other than iron in S.S.S. Tonic or S.S.S. Tablets contributes to the effectiveness of these or similar preparations in the prevention, relief or treatment of iron deficiency or iron deficiency anemia or of symptoms represented directly or by implication to be caused by iron deficiency or iron deficiency anemia.

(h) There is any greater need for any one or more of the vitamins in S.S.S. Tonic or S.S.S. Tablets among persons suffering from iron deficiency or iron deficiency anemia than among persons not suffering from iron deficiency or iron deficiency anemia.

(i) The use of such preparations will increase the strength or energy of any part of the body in any period or amount of time less than that in which the consumer may actually experience improvement.

(j) The formula of S.S.S. Tonic or S.S.S. Tablets is "new" or the formulae or ingredients are new medical or scientific discoveries or achievements.

(k) The herbs in S.S.S. Tonic or S.S.S. Tablets are of any therapeutic benefit or value.

2. Disseminating, or causing to be disseminated, by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisements which contain statements which are inconsistent with, negate, contradict, or dilute any of the affirmative disclosures required by paragraph 1 of this order, or which in any way obscure the meaning or effect of such required disclosures.

3. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any such preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited by paragraphs 1 or 2 hereof, or which fails to comply with the affirmative requirements of paragraph 1 hereof.

It is further ordered, That the respondents herein shall, within 60 days after service upon them of this order, file with the Commission a written report setting forth in detail the manner and form of their compliance with this order.

Issued: June 26, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-10267; Filed, Aug. 23, 1968; 8:51 a.m.]

[Docket No. C-1365]

PART 13—PROHIBITED TRADE PRACTICES

Manny Schaffer and Manny Schaffer Furs

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-30 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Manny Schaffer trading as Manny Schaffer Furs, New York, N.Y., Docket C-1365, July 9, 1968]

In the Matter of Manny Schaffer, an Individual Trading as Manny Schaffer Furs

Consent order requiring a New York City manufacturing furrier to cease and desist misbranding and deceptively invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Manny Schaffer, an individual trading as Manny Schaffer Furs, or any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing, directly or by implication, on labels that the fur contained in any fur product is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on invoices that the fur contained in the fur products is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That the respondent herein shall, within 60 days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: July 9, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-10265; Filed, Aug. 23, 1968; 8:50 a.m.]

[Docket Nos. C-1363, C-1364]

PART 13—PROHIBITED TRADE PRACTICES

Turan Furs, Inc., et al.

Subpart—Furnishing false guaranties: §13.1053 *Furnishing false guaranties:* 13.1053-35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist orders in the above-captioned proceedings, New York, N.Y., dated July 9, 1968]

In the Matters of: Turan Furs, Inc., a Corporation, and Sam Turan, and Leonard Goldstein, Individually and as Officers of Said Corporation, Docket No. C-1363; and R. & R. Berger Furs Inc., a Corporation, and Marcus Berger, Individually and as an Officer of Said Corporation, Docket No. C-1364

Consent orders requiring two New York City manufacturing furriers to cease misbranding, furnishing deceptive guarantees, and falsely invoicing their fur products.

Identical orders to cease and desist, including orders requiring reports of compliance therewith, is as follows:

Order: *It is ordered*, That each respondent named in above-captioned proceedings, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing fur products by failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

It is further ordered, That each respondent named in above-captioned proceedings, and its officers, representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That each respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That each respondent named in above-captioned proceedings shall, within 60 days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: July 9, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-10266; Filed, Aug. 23, 1968; 8:51 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Exemption of Butter From Certain Labeling Requirements

In the matter of exempting packaged butter from certain labeling requirements of the regulations (21 CFR Part 1) for the enforcement of the Fair Packaging and Labeling Act:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of April 17, 1968 (33 F.R. 5883), based on petitions submitted by the American Butter Institute, 110 North Franklin Street, Chicago, Ill. 60606, and the Great Atlantic & Pacific Tea Co., Inc., 420 Lexington Avenue, New York, N.Y. 10017.

In response to the proposal, nine comments were received as follows:

1. Three State agencies support the proposal.

2. One State agency supports the proposal except for that portion relating to placement of the net quantity of contents within the lower 30 percent of the label panel.

3. Two dairies and a butter wrapper manufacturer support the proposal.

4. One State agency and the New York City Department of Markets oppose the proposal in its entirety.

Based on consideration given the petitions, the comments received, and other relevant material, the Commissioner of Food and Drugs concludes that the proposed amendment should be adopted as set forth below with a provision added to subdivision (iii) to preclude placement of the identity statement and net contents declaration in a manner that could be misleading or difficult to read.

The Commissioner also concludes that since there was no opportunity for butter manufacturers to make label changes during the pendency of the exemption proposal, any butter label changes made necessary by the regulations under the Fair Packaging and Labeling Act (21 CFR Part 1) should be made before July 1, 1969, rather than before July 1, 1968.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under the authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That § 1.1c(a) be amended by adding thereto a new subparagraph, as follows:

§ 1.1c Exemptions from required label statements.

* * * * * * *

(a) *Foods.* * * *

(10) Butter as defined in 42 Stat. 1500 (excluding whipped butter):

(i) In 8-ounce and in 1-pound packages is exempt from the requirements of § 1.8b(f) that the net contents declaration be placed within the bottom 30 percent of the area of the principal display panel;

(ii) In 1-pound packages is exempt from the requirements of § 1.8b(j)(1) that such declaration be in terms of ounces and pounds, to permit declaration of "1 pound" or "one pound"; and

(iii) In 4-ounce, 8-ounce, and 1-pound packages with continuous label copy wrapping is exempt from the requirements of §§ 1.8(d) and 1.8b(f) that the statement of identity and net contents declaration appear in lines generally parallel to the base on which the package rests as it is designed to be displayed, provided that such statement and declaration are not so positioned on the label as to be misleading or difficult to read as the package is customarily displayed at retail.

* * * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371)

Dated: August 19, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10273; Filed, Aug. 23, 1968; 8:51 a.m.]

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Stramonium Preparations Labeled for Self-Medication

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act) secs. 502 (a), (f), 503(b), 701(a); 52 Stat. 1050–51, 1052, as amended, 1055; 21 U.S.C. 352 (a), (f), 353(b), 371(a)) and delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 3 is amended by adding thereto the following new section:

§ 3.64 Stramonium preparations labeled with directions for use in self-medication regarded as misbranded.

(a) Stramonium products for inhalation have been offered for use in the therapy of the acute attacks of bronchial asthma for many years although their reliability and effectiveness are questionable. Recently, a significantly increased number of reports have come to the attention of the Food and Drug Administration showing that such products have been subject to abuse and misuse on a fairly large scale, mostly by young people, through oral ingestion for the purpose of producing hallucinations. Reports of such use have been received from physicians and police and other law enforcement authorities. Reports have also appeared in the public press and in medical journals.

(b) Labeling these products with a warning that they are not for oral ingestion has not been effective in protecting the public. Misuse of stramonium preparations can cause serious toxic effects including toxic delirium, visual disturbances, fever, and coma. A number of serious reactions have already occurred from the oral ingestion of such products.

(c) On the basis of this information, the Commissioner of Food and Drugs has concluded that such articles have a potentiality for harmful effect through misuse and are not safe for use except under the supervision of a physician. In the interest of public health protection, therefore, the Food and Drug Administration adopts the following policy:

(1) Preparations containing stramonium supplied from the leaves, seeds, or any other part of the plant in the form of a powder, pipe mixture, cigarette, or any other form, with or without admixture of other ingredients, will be regarded as misbranded if they are labeled with directions for use in self-medication.

(2) The Food and Drug Administration will, on request, furnish comment on proposed labeling limiting any such preparation to prescription sale.

(d) The labeling or dispensing of stramonium preparations contrary to this statement after 60 days following the date of its publication in the FEDERAL REGISTER may be made the subject of regulatory proceedings.

(Secs. 502 (a), (f), 503(b), 701(a); 52 Stat. 1050–51, 1052, as amended, 1055; 21 U.S.C. 352 (a), (f), 353(b), 371(a))

Dated: August 15, 1968.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 68-10274; Filed, Aug. 23, 1968; 8:51 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27—CANNED FRUITS AND FRUIT JUICES

Canned Pineapple and Pineapple Juice Identity Standards; Listing of Dimethylpolysiloxane as Optional Ingredient

In the matter of amending the definitions and standards of identity for canned pineapple (21 CFR 27.50) and canned pineapple juice (21 CFR 27.54) by listing dimethylpolysiloxane as an optional defoaming ingredient:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of May 14, 1968 (33 F.R. 7119), based on a petition submitted by the National Canners Association, 1133 20th Street NW., Washington, D.C. 20036.

Three comments were received in response to the proposal—two favorable and one adverse. The latter gave no reason for its opposition and therefore cannot be considered.

The information furnished by the petitioner, the comments received, and other relevant information having been considered, the Commissioner of Food and Drugs concludes it will promote honesty and fair dealing in the interest of consumers to amend the standards as set forth below.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner (21 CFR 2.120): *It is ordered,* That Part 27 be amended:

1. In § 27.50 *Canned pineapple; identity; label statement of optional ingredients,* by inserting before the last sentence of paragraph (a) a new sentence reading "In the canning of pineapple, dimethylpolysiloxane complying with the requirements of § 121.1099 of this chapter may be employed as a defoaming agent in an amount not greater than 10 parts per million by weight of the finished food."

2. In § 27.54 *Canned pineapple juice; identity; label statement of optional ingredients,* by inserting before the last sentence of paragraph (a) a new sentence reading "In the canning of pineapple juice, dimethylpolysiloxane complying with the requirements of § 121.1099 of this chapter may be employed as a defoaming agent in an amount not greater than 10 parts per million by weight of the finished food."

Due to a cross-reference, the amendment above to the standard for canned pineapple (21 CFR 27.50) upon becoming effective, will also make the subject defoaming agent an optional ingredient for artificially sweetened canned pineapple (21 CFR 27.57).

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: August 16, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10275; Filed, Aug. 23, 1968; 8:51 a.m.]

PART 51—CANNED VEGETABLES

Green Sweet Peppers, Red Sweet Peppers, and Pimientos or Pimentos; Additional Optional Forms

In the matter of amending the definitions and standards of identity for canned vegetables other than those specifically regulated (21 CFR 51.990) to list additional optional forms of green sweet peppers, red sweet peppers, and pimientos or pimentos:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of April 20, 1968 (33 F.R. 6129), based on a petition submitted by H. P. Cannon & Son, Inc., Bridgeville, Del. 19933, and a proposal by the Commissioner of Food and Drugs on his own initiative.

In response thereto two comments were received. One recommended use of the term "sliced" insteal of "strips" and the listing of the form "chopped." The other recommended restricting the term "strips" to green sweet peppers and red sweet peppers and the term "sliced" to pimientos or pimentos.

After considering the information submitted by the petitioner, the comments received, and other relevant information, the Commissioner of Food and Drug concludes it will promote honesty and fair dealing in the interest of consumers to amend the standard as set forth below.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner (21 CFR 2.120): *It is ordered,* That § 51.990 *Canned vegetables other than those specifically regulated; identity; label statement of optional ingredients* be amended in the table in paragraph (b) by changing the statements in column III (optional forms of vegetable ingredient):

1. For the items "Green sweet peppers" and "Red sweet peppers" to read "Whole; halves or halved; pieces; dice or diced; strips; chopped."

2. For the item "Pimientos or pimentos" to read "Whole; halves or halved; pieces; dice or diced; slices or sliced; chopped."

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: August 16, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10276; Filed, Aug. 23, 1968; 8:51 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

β-Naphthoxyacetic Acid

A notice was published in the FEDERAL REGISTER of July 2, 1968 (33 F.R. 9619), proposing the establishment of a tolerance of 0.05 part per million for negligible residues of the plant regulator β-naphthoxyacetic acid in or on the raw agricultural commodity pineapples from the application of the sodium salt of β-naphthoxyacetic acid to growing crop. The comment received in response thereto lacked supportive information. No requests were received for referral of the proposal to an advisory committee pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act.

The Commissioner of Food and Drugs concludes that the proposal should be adopted without change. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)) and delegated to the Commissioner (21 CFR 2.120), Part 120 is amended by adding to Subpart C a new section as follows:

§ 120.148 β-Naphthoxyacetic acid; tolerances for residues.

A tolerance of 0.05 part per million is established for negligible residues of the plant regulator β-naphthoxyacetic acid in or on the raw agricultural commodity pineapples from the application of the sodium salt of β-naphthoxyacetic acid to the growing crop.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: August 16, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10277; Filed, Aug. 23, 1968; 8:51 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

DIATOMACEOUS EARTH

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Johns-Manville Products Corp., Post Office Box 159, Manville, N.J. 08835, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of diatomaceous earth as an inert carrier or anticaking agent in animal feeds. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart C the following new section:

§ 121.322 Diatomaceous earth.

(a) *Identity.* The additive consists of siliceous skeletal material derived from various species of diatoms.

(b) *Specifications.* The additive shall conform to the following specifications:

Lead, not more than 15 parts per million.
Arsenic, not more than 1.5 parts per million as As.
Fluorine, not more than 600 parts per million.

(c) *Uses.* It is used or intended for use as an inert carrier or anticaking agent in animal feeds in an amount not to exceed 2 percent by weight of the total ration.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 15, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10280; Filed, Aug. 23, 1968; 8:52 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

Subpart D—Food Additives Permitted in Food for Human Consumption

AMPROLIUM, ETHOPABATE

1. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 5D1737) filed

by Merck, Sharp, & Dohme Research Laboratories, division of Merck & Co., Inc., Rahway, N.J. 07065, and other relevant material has concluded that the food additive regulations should be amended to provide for the safe use in chicken feed of a combination drug consisting of amprolium and ethopabate as specified below. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner (21 CFR 2.120), § 121.210(c) is amended by adding to the end of table 1 a new item 7.1, as follows:

§ 121.210 Amprolium.

* * * * * * *

(c) * * *

TABLE 1—AMPROLIUM IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
7.1 Amprolium	113.5 (0.0125%)	Ethopabate	36.3 (0.004%)	For broiler chickens; for replacement chickens where immunity to coccidiosis is not desired; not for chickens over 16 weeks of age.	As an aid in the prevention of coccidiosis where severe exposure to coccidiosis from *E. acervulina*, *E. maxima*, and *E. brunetti* is likely to occur.
* * *	* * *	* * *	* * *	* * *	* * *

* * * * * * *

2. Based upon an evaluation of the data before him and proceeding under the authority of said act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), delegated as cited above, the Commissioner concludes that tolerance limitations are required to assure that edible products from chickens treated with ethopabate in accordance with § 121.210, as amended by this order, are safe for human consumption. Accordingly, § 121.1106 is revised to read as follows:

§ 121.1106 Ethopabate.

Tolerances for residues of ethopabate converted to metaphenetidine are established in the edible tissues of chickens as follows:

(a) 1.5 parts per million in uncooked liver and kidney.

(b) 0.5 part per million in uncooked muscle.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

Dated: August 15, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10279; Filed, Aug. 23, 1968; 8:52 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8B2312) filed by Geigy Industrial Chemicals, division of Geigy Chemical Corp., Ardsley, N.Y. 10502, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of tetrakis[methylene(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)]methane as a component of food-packaging adhesives. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner (21 CFR 2.120), § 121.2520(c)(5) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2520 Adhesives.

* * * * * * *

(c) * * *

(5) * * *

COMPONENTS OF ADHESIVES	
Substances	*Limitations*
* * *	* * *
Tetrakis[methylene (3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)]methane.	
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 16, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10278; Filed, Aug. 23, 1968; 8:51 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER F—NATIONALITY AND PASSPORTS

[Departmental Reg. 108.594]

PART 51—PASSPORTS

Miscellaneous Amendments

Part 51 of Title 22 of the Code of Federal Regulations is amended as set forth below.

1. In § 51.4, paragraphs (b), (c), and (e) are amended to read as follows:

§ 51.4 Validity of passports.

* * * * * *

(b) *Period of validity of a regular passport.* A regular passport issued on or after August 26, 1968, is valid for a period of 5 years from date of issue unless limited by the Secretary to a shorter period. An outstanding, unrenewed passport issued within 5 years prior to August 26, 1968, is valid for 5 years from date of issue unless otherwise limited by the Secretary.

(c) *Period of validity of an official passport.* An official passport is normally valid for a period of 5 years from the date of issue as long as the bearer maintains the official status for which it is issued. It must be returned to the Department upon the termination of the bearer's official status.

* * * * *

(e) *Limitation and extension of validity.* The period of validity of any passport may be limited by the Secretary to less than the normal 5-year validity period. Applications for extensions of passports limited to less than the full validity period must be made in writing and must be submitted to a Passport Issuing Office. In no event may a passport be extended beyond the normal period of validity.

2. Sections 51.20, 51.21, 51.22, and 51.28 are revised to read as follows:

§ 51.20 General.

An application for a passport or for an amendment of a passport shall be completed upon such forms as may be prescribed by the Department. The passport applicant shall truthfully answer all questions, and shall state each and every material matter of fact, pertaining to his eligibility for a passport. All information and evidence submitted in connection with an application shall be considered a part thereof.

§ 51.21 Execution of passport application.

(a) *First-time applicants.* A person who has never been issued a passport in his own name shall appear in person, verify his application by oath or affirmation before a person authorized and empowered by the Secretary to administer oaths, and remit the established fees.

(b) *Persons authorized and empowered by the Secretary to administer oaths.* The following persons are hereby authorized and empowered by the Secretary to administer oaths for passport purposes:

(1) A Passport Agent.

(2) A clerk of a Federal or State court authorized to naturalize aliens.

(3) A diplomatic or consular officer of the United States abroad.

(4) Any other persons specifically designated by the Secretary.

(c) *Persons who have previously been issued a passport.* A person in the United States who has previously been issued a passport in his own name may obtain a new passport by filling out and mailing a specially prescribed application together with his previous passport, two signed photographs taken within 6 months of application and the established fee to the nearest U.S. Passport Agency or to the Passport Office in Washington, provided he meets the following requirements:

(1) The previous passport must have been issued when the applicant was 18 years of age or over.

(2) The previous passport must have been issued within 8 years prior to the date of the present application.

(3) The previous passport must be submitted with the present application.

If the applicant is unable to meet the above requirements he must execute an application in accordance with paragraph (a) of this section.

(d) *Inclusions.* If any person other than the applicant is to be included in a passport the application must be executed in accordance with paragraph (a) of this section.

(e) *Diplomatic and official passport applications.* The provisions of paragraph (c) of this section shall not apply to applications for diplomatic or official passports.

§ 51.22 Execution of application by husband or wife to be included in the other's passport.

A husband or wife to be included in the passport of the other shall swear to or affirm the facts pertaining to his or her identity and citizenship.

§ 51.28 Identity of applicant.

(a) If the applicant or any person to be included is not personally known to the official receiving the application he shall establish his identity by the submission of a previous passport, other identifying documents or by an identifying witness.

(b) If an applicant submits an application under the provisions of paragraph (c) of § 51.21 he must submit a prior passport with his application.

(c) Any official receiving an application for a passport or any Passport Issuing Office may require such additional evidence of identity as may be deemed necessary.

§ 51.42 [Revoked]

3. Section 51.42 *Previously issued passport* is hereby revoked.

4. The heading of § 51.43 is changed to read as follows:

§ 51.43 Person born in the United States applying for a passport for the first time.

* * * * *

5. The heading of § 51.44 is changed to read as follows:

§ 51.44 Persons born abroad applying for a passport for the first time.

* * * * *

6. Sections 51.61, 51.63, and 51.64 are revised to read as follows:

§ 51.61 Statutory fees.

Except as provided in § 51.63, (a) the fee for a U.S. passport is $10; (b) the execution fee for a U.S. passport is $2, which shall be remitted to the U.S. Treasury where an application is executed before a Federal official but which may be collected and retained by any State official before whom an application is executed; (c) the passport fee of $10 shall be paid by all applicants for a passport. The execution fee of $2 shall be paid only when an application is executed under oath or affirmation before an official designated by the Secretary for such purpose.

§ 51.63 Exemption from payment of passport or execution fee.

(a) The following persons are exempt from the payment of passport fees:

(1) An officer or employee of the U.S. proceeding abroad on official business, or the members of his immediate family authorized to accompany or reside with him abroad. The applicant shall submit evidence of the official purpose of his travel and if applicable his authorization to have dependents accompany or reside with him abroad.

(2) An American seaman who requires a passport in connection with his duties aboard an American flag-vessel.

(3) A widow, child, parent, brother, or a sister of a deceased American serviceman proceeding abroad to visit the grave of such servicemen.

(b) No person described in subparagraph (1), (2), or (3) of paragraph (a) of this section shall be required to pay an execution fee when his application is executed before a Federal official.

§ 51.64 Refunds.

A collected passport fee shall be refunded:

(a) To any person exempt from the payment of passport fees under § 51.63 from whom fees were erroneously collected.

(b) To any person refused a visa within the United States by the appropriate officer of a foreign government, provided that the unused passport is returned and a written request for a refund is made within 6 months of the date of issue of the passport.

(c) To any applicant whose passport is not issued.

(d) To the executor or administrator of the estate of the deceased bearer of an unused passport.

7. The heading of Subpart E is changed to read: "Limitation on Issuance or Extension of Passports".

8. Section 51.70 is amended as follows: Paragraph (a) introductory text, is revised and paragraph (b) introductory text, and subparagraphs (3) and (5) thereof are revised, reading as follows:

§ 51.70 Denial of passports.

(a) A passport, except for direct return to the United States, shall not be issued in any case in which:

* * * * *

(b) A passport may be refused in any case in which:

* * * * *

(3) The applicant is under the age of 18 years, unmarried and not in the military service of the United States unless a person having legal custody of such national authorizes issuance of the passport and agrees to reimburse the United States for any monies advanced by the United States for the minor to return to the United States.

* * * * *

(5) The applicant has been the subject of a prior adverse action under this section or § 51.71 and has not shown that a change in circumstances since the adverse action warrants issuance of a passport.

* * * * *

9. Section 51.75 is revised to read as follows:

§ 51.75 Notification of denial or withdrawal of passport.

Any person whose application for issuance of a passport has been denied, or

who has otherwise been the subject of an adverse action taken on an individual basis with respect to his right to receive or use a passport shall be entitled to notification in writing of the adverse action. The notification shall set forth the specific reasons for the adverse action and the procedures for review available under §§ 51.81–51.105.

Effective date. These amendments shall be effective August 26, 1968.

(Sec. 1, 44 Stat. 887, sec. 4, 63 Stat. 111, as amended, 82 Stat. 446; 22 U.S.C. 211a, 2658; E.O. 11295; 3 CFR, 1966 Comp.)

For the Secretary of State.

RALPH S. ROBERTS,
Acting Deputy Under Secretary for Administration.

AUGUST 21, 1968.

[F.R. Doc. 68–10322; Filed, Aug. 23, 1968; 8:52 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER C—SUPPLEMENTAL PROJECT LOAN INSURANCE

PART 241—SUPPLEMENTARY FINANCING FOR FHA PROJECT MORTGAGES

Application and Application Fee

Correction

In F.R. Doc. 68–9397 appearing at page 11151 in the issue of Wednesday, August 7, 1968, § 241.10 was inadvertently omitted. Following § 241.1, insert § 241.10 to read as follows:

§ 241.10 Application and application fee.

(a) An application for insurance of an improvement loan on a project shall be submitted by an eligible lender and by the borrower through the local FHA office on an approved FHA form.

(b) An application fee of $1.50 per thousand dollars of the amount of the loan applied for shall accompany the application.

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6970]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Segregated Asset Accounts of Foreign Life Insurance Companies

On August 2, 1968, notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 11027) with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) to change the rules applicable to segregated asset accounts of foreign corporations carrying on a life insurance business. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments as proposed (as corrected in the FEDERAL REGISTER (33 F.R. 11298) on Aug. 8, 1968) are hereby adopted, subject to the changes set forth below:

Paragraph (b)(4) of § 1.819–2, as set forth in paragraph 2 of the notice of proposed rule making is changed by revising subdivisions (iv) and (v) and adding a new subdivision (vi).

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] SHELDON S. COHEN,
Commissioner.

Approved: August 21, 1968.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to change the rules applicable to segregated asset accounts of foreign corporations carrying on a life insurance business, the Income Tax Regulations (26 CFR Part 1) are amended as follows:

PARAGRAPH 1. Section 1.801–8 is amended by adding after paragraph (g) the following new paragraph:

§ 1.801–8 Contracts with reserves based on segregated asset accounts.

* * * * *

(h) *Additional separate computation*—(1) *Assets and total insurance liabilities.* A life insurance company which issues contracts with reserves based on segregated asset accounts (as defined in section 801(g)(1)(B) and paragraph (a)(2) of this section) shall separately compute and report with its return the assets and total insurance liabilities which are properly attributable to all of such segregated asset accounts. Each foreign corporation carrying on a life insurance business which issues such contracts shall separately compute and report with its return assets held in the United States and total insurance liabilities on United States business which are properly attributable to all of such segregated asset accounts.

(2) *Foreign life insurance companies.* For adjustment under section 819 in the case of a foreign life insurance company which issues contracts based on segregated asset accounts under section 801(c), see § 1.819–2(b)(4).

PAR. 2. Paragraph (b) of § 1.819–2 is amended by adding at the end thereof the following new subparagraph:

§ 1.819–2 Foreign life insurance companies.

* * * * *

(b) *Adjustment where surplus held in the United States is less than specified minimum.* * * *

(4) *Segregated asset accounts.* For taxable years beginning after December 31, 1967, pursuant to the provisions of section 801(g)—

(i) A foreign corporation carrying on a life insurance business which issues contracts based on segregated asset accounts shall separately compute in a manner consistent with this subparagraph the adjustment (if any) under section 819 to the amount of policy and other contract liability requirements and the amount of required interest properly attributable to each of such segregated asset accounts. The "minimum figure" used in section 819 in making the adjustment with respect to each of the segregated asset accounts shall be computed as provided in subdivision (ii) of this subparagraph in lieu of the manner provided in subparagraphs (1), (2), and (3) of this paragraph.

(ii) The minimum figure applicable to a segregated asset account referred to in subdivision (i) of this subparagraph is the amount determined by multiplying the total insurance liabilities on U.S. business attributable to such a segregated asset account, by 1 percent.

(iii) The minimum figure as computed under subdivision (ii) of this subparagraph shall be compared only with the surplus held in the United States attributable to each segregated asset account referred to in subdivision (i) of this subparagraph. Such surplus is the excess of assets held in the United States properly attributable to such segregated asset account over the total insurance liabilities on U.S. business properly attributable to such account.

(iv) If the minimum figure applicable to accounts other than segregated asset accounts exceeds the surplus held in the United States attributable to such other accounts, for purposes of section 819 and this paragraph, the amount of such excess shall not exceed the company's overall excess, as defined in this subdivision. No adjustment under section 819 or this paragraph shall be made with respect to any account if there is no such overall excess. For purposes of this subdivision and of subdivision (v) of this subparagraph, the term "overall excess" means the amount, if any, by which the aggregate minimum figures applicable to segregated asset accounts plus the minimum figure applicable to accounts other than segregated asset accounts exceeds the surplus held in the United States with respect to the company's entire U.S. life insurance business, including segregated asset accounts as well as other accounts.

(v) In the case of a company which issues contracts based on one or more than one segregated asset account, if the minimum figure applicable to a segregated asset account exceeds the surplus held in the United States attributable to such account, then for purposes of section 819 and this paragraph, the amount of such excess shall not exceed the account limitation figure, as defined in this subdivision. Therefore, no adjustment under section 819 or under this subparagraph shall be made with respect to any segregated asset account if the aggregate of the account limitation figures is zero, but nothing in this subdivision shall preclude an adjustment under section 819 with respect to accounts other than segregated asset accounts. For purposes of this subdivision, the term "account limitation figure" is a segregated asset account's proportionate share of the aggregate of the account limitation figures. Such aggregate of the account limitation figures is equal to the lesser of either the company's overall excess as defined in subdivision (iv) of this subparagraph, or the amount, if any, by which the aggregate of the minimum figures applicable to segregated asset accounts exceeds the surplus held in the United States with respect to all such segregated asset accounts. For purposes of this subdivision, a segregated asset account's proportionate share of the aggregate of the account limitation figures is determined by multiplying the amount of such aggregate of account limitation figures by a percentage, the numerator of which is the amount by which the minimum figure applicable to such account exceeds the surplus held in the United States attributable to such account, and the denominator of which is the aggregate of the amounts by which the minimum figure applicable to each segregated asset account exceeds the surplus held in the United States attributable to such account.

(vi) Subdivisions (i), (ii), (iii), (iv), and (v) of this subparagraph may be illustrated by the following examples:

Example (1). (a) For the taxable year 1968, T, a foreign life insurance company carrying on a life insurance business within the United States and taxable under section 802, has the following assets and total insurance liabilities with respect to such U.S. business:

	Regular account	Separate account A	Separate account B
Assets	$9,300,000	$1,810,000	$515,000
Total insurance liabilities	8,000,000	1,800,000	500,000

It is further assumed that the percentage determined and proclaimed by the Secretary under section 819(a)(2)(A) for the taxable year 1968 is 15 percent.

(b) In order to determine whether any adjustment under section 819 must be made, T must compute the minimum figure applicable to its Regular Account as well as each of its Separate Accounts. The minimum figure for the Regular Account is $1,200,000 (15 percent of $8,000,000). The minimum figure applicable to Separate Account A is $18,000 (1 percent of $1,800,000). The minimum figure applicable to Separate Account B is $5,000 (1 percent of $500,000). The aggregate of the minimum figures is $1,223,000 ($1,200,000+$18,000+$5,000). The surplus held in the United States with respect to the Regular Account is $1,300,000 ($9,300,000 −$8,000,000), with respect to Separate Account A is $10,000 ($1,810,000−$1,800,000) and with respect to Separate Account B is $15,000 ($515,000−$500,000). The surplus held in the United States with respect to T's entire U.S. life insurance business is $1,325,000 ($1,300,000+$10,000+$15,000).

(c) Since the aggregate of the minimum figures ($1,223,000) does not exceed the surplus held in the United States attributable to T's entire U.S. life insurance business ($1,325,000), under subdivision (iv) of this subparagraph no adjustment under section 819 shall be made with respect to the Regular Account or either of the Separate Accounts.

Example (2). (a) The facts are the same as in example (1) except that the assets held in the United States with respect to the Regular Account is $8,300,000 instead of $9,300,000. Thus, the surplus held in the United States with respect to the Regular Account is $300,000 ($8,300,000−$8,000,000), and the surplus held in the United States with respect to T's entire U.S. life insurance business is $325,000 ($300,000+$10,000+$15,000).

(b) Since the aggregate of the minimum figures with respect to the Separate Accounts, $23,000 ($18,000+$5,000), does not exceed the surplus held in the United States with respect to both of such Separate Accounts, $25,000 ($10,000+$15,000), under subdivision (v) of this subparagraph, no adjustment under section 819 must be made with respect to either of the Separate Accounts.

(c) The excess of the minimum figure for the Regular Account ($1,200,000) over the surplus held in the United States with respect to the Regular Account ($300,000) is equal to $900,000 ($1,200,000−$300,000). However, the company's overall excess as defined in subdivision (iv) of this subparagraph, is $898,000 ($1,223,000−$325,000). Under subdivision (iv) of this subparagraph the excess with respect to the Regular Account ($900,000) is limited to the amount of overall excess ($898,000). Thus, the amount of policy and other contract liability requirements with respect to T's Regular Account and the amount of required interest with respect to T's Regular Account (both computed without regard to section 819) shall each be reduced by an amount equal to the product of $898,000 and the current earnings rate computed only with respect to T's Regular Account.

* * * * *

[F.R. Doc. 68–10325; Filed, Aug. 23, 1968; 8:52 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER C—AIDS TO NAVIGATION

[CGFR 68–94]

PART 66—PRIVATE AIDS TO NAVIGATION

Subpart 66.05—State Aids to Navigation

WISCONSIN

1. The purpose of this document is to publish determinations made by the Commandant, U.S. Coast Guard, with respect to permitting certain State governments to regulate as private aids to marine navigation, those marine aids, including regulatory markers, owned by State or local governments or private parties, in certain navigable waters of the United States not marked with aids to navigation by the Federal Government. The rules and regulations in 33 CFR Subpart 66.05 set forth the requirements, conditions, and procedures, and the Commandant may approve a State's request after determining it is in the public interest to do so.

2. The Department of Natural Resources, Division of Conservation, State of Wisconsin, Post Office Box 450, Madison, Wis. 53701, requested that the portion of the Rock River from the Wisconsin-Illinois border upstream through and including Lake Koshkonong to the city of Fort Atkinson, Wis., be designated as State waters for private aids to navigation. In accordance with 33 CFR 66.05–10, the Commandant, U.S. Coast Guard, approved this request and 33 CFR 66.05–173 in this document describes the waters in which the State of Wisconsin regulates such aids to navigation.

3. Because the rules in this document are interpretations and descriptions of determinations made by the Commandant, U.S. Coast Guard, in the administration of the laws governing marine aids to navigation, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon and effective date requirements) is unnecessary (5 U.S.C. 553).

4. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 14 U.S.C. 632 and other statutes cited with the regulation below and the delegation of authority in 49 CFR 1.4(a)(2), Subpart 66.05 is amended by inserting after § 66.05–169 a new section designated as § 66.05–173 and it shall be effective on date of publication in the FEDERAL REGISTER:

§ 66.05–173 Wisconsin—State waters for private aids to navigation.

(a) *General.* For the waters described in this section, the State of Wisconsin has been authorized to regulate the marine aids to navigation.

(b) *Rock River.* That portion of the Rock River from the Wisconsin-Illinois border upstream through and including Lake Koshkonong to the city of Fort Atkinson, Wis.

(Secs. 83, 633, 63 Stat. 500, 545, as amended, sec. 6(b)(1), 80 Stat. 938; 14 U.S.C. 83, 633, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2))

Dated: August 20, 1968.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 68–10260; Filed, Aug. 23, 1968; 8:50 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 1—GENERAL PROVISIONS

Appeals From Decisions of Contracting Officers

1. In § 1.770, paragraph (d) is revoked.

§ 1.770 Contract Appeals Board.

* * * * *

(d) [Revoked]

2. In § 1.771, a new paragraph (e) is added and the former paragraph (e) is redesignated (f) so that the added and redesignated material reads as follows:

§ 1.771 Delegation of authority.

• • • • • •

(e) There is no further administrative appeal within the Veterans Administration from decisions rendered by the Board.

(f) Sections 1.770 through 1.776 are subject to the provisions of Public Law 356, 83d Congress (41 U.S.C. 321 and 322).

3. In § 1.772, paragraphs (a) and (b) are amended to read as follows:

§ 1.772 Composition of the Board.

(a) *Membership.* The Board is composed of a chairman and members designated by the Administrator, all of whom shall be members of the bar of a State, commonwealth, or territory of the United States or of the District of Columbia.

(b) *Panels.* Each appeal shall be assigned by the chairman to a panel of three Board members, one of whom shall be designated to preside. Each panel so designated has authority to exercise the full jurisdiction of the Board on the appeal. A decision by a majority of the members of the panel shall constitute the final decision of the Board.

• • • • • •

4. A new § 1.773 is added and former § 1.773 is amended and redesignated § 1.774 so that the added and redesignated material reads as follows:

§ 1.773 Statement of policy.

(a) Emphasis is placed upon the sound administration of the rules in § 1.774 in specific cases, because it is impracticable to articulate a rule to fit every possible circumstance which may be encountered. The rules in § 1.774 will be interpreted so as to secure a just and inexpensive determination of appeals without unnecessary delay.

(b) Preliminary procedures are available to encourage full disclosure of relevant and material facts, and to discourage unwarranted surprise. Hearings, which will be quasi-judicial in nature and which will be held at the election of either party, will be scheduled without undue delay.

(c) All time limitations specified for various procedural actions are computed as maximums, and are not to be fully exhausted if the action described can be accomplished in a lesser period. These time limitations are similarly eligible for extension in appropriate circumstances, on good cause shown.

§ 1.774 Rules of the Board.

(a) *Rule 1; appeals, how taken.* Notice of an appeal must be in writing, and the original, together with two copies, may be filed with the contracting officer from whose decision the appeal is taken. The notice of appeal must be mailed or otherwise filed within the time specified therefor in the contract.

(b) *Rule 2; notice of appeal, contents of.* A notice of appeal should indicate that an appeal is thereby intended, and should identify the contract by number and the decision from which the appeal is taken. The notice of appeal should be signed personally by the appellant (the contractor making the appeal), or by an officer of the appellant corporation or member of the appellant firm, or by the contractor's duly authorized representative or attorney. The complaint referred to in paragraph (f) of this section (Rule 6) may be filed with the notice of appeal, or the appellant may designate the notice of appeal as a complaint, if it otherwise fulfills the requirements of a complaint.

(c) *Rule 3; forwarding of appeals.* When a notice of appeal in any form has been received by the contracting officer, he shall endorse thereon the date of mailing (or date of receipt, if otherwise conveyed) and within 10 days shall forward said notice of appeal to the Board. Following receipt by the Board of the original notice of an appeal (whether through the contracting officer or otherwise), the contractor and contracting officer will be promptly advised of its receipt, and the contractor will be furnished a copy of §§ 1.770 through 1.776.

(d) *Rule 4; duties of the contracting officer.* (1) Following receipt of a notice of appeal, or advice that an appeal has been filed, the contracting officer shall promptly, and in any event within 30 days, compile and transmit to the Board and to the Government trial attorney copies of all documents pertinent to the appeal, including the following:

(i) The findings of fact and the decision from which the appeal is taken, and the letter or letters or other documents of claim in response to which the decision was issued;

(ii) The contract, and pertinent plans, specifications, amendments, and change orders;

(iii) Correspondence between the parties and other data pertinent to the appeal;

(iv) Transcripts of any testimony taken during the course of proceedings, and affidavits or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board;

(v) Such additional information as may be considered material.

(2) Upon completion of the foregoing compilation, the contracting officer shall notify the appellant, provide him with a listing of its contents, and afford him an opportunity to examine the complete compilation at the office of the contracting officer, or at the office of the Board for the purpose of satisfying himself as to the contents, and furnishing or suggesting any additional documentation deemed pertinent to the appeal. Following receipt of the foregoing compilation, as it may be augmented at the time of receipt, the Board will promptly advise the parties.

(e) *Rule 5; dismissal for lack of jurisdiction.* Any motion addressed to the jurisdiction of the Board shall be promptly filed. Hearing on the motion shall be afforded on application of either party, unless the Board determines that its decision on the motion will be deferred pending hearing on both the merits and the motion. The Board shall have the right at any time and on its own motion to raise the issue of its jurisdiction to proceed with a particular case, and shall do so by an appropriate order, affording the parties an opportunity to be heard thereon.

(f) *Rule 6; pleadings*—(1) *Complaint.* Within 30 days after receipt of notice of docketing of the appeal, the appellant shall file with the Board an original and two copies of a complaint setting forth simple, concise and direct statements of each of his claims, alleging the basis with appropriate reference to contract provisions for each claim, and the dollar amount claimed. This pleading shall fulfill the generally recognized requirements of a complaint, although no particular form or formality is required. Upon receipt thereof, the Board shall serve a copy upon the respondent. Should the complaint not be received within 30 days, appellant's claim and appeal may, if in the opinion of the Board the issues before the Board are sufficiently defined, be deemed to set forth his complaint and the respondent shall be so notified.

(2) *Answer.* Within 30 days from receipt of said complaint, or the aforesaid notice from the Board, respondent shall prepare and file with the Board an original and two copies of an answer thereto, setting-forth simple, concise, and direct statements of respondent's defenses to each claim asserted by appellant. This pleading shall fulfill the generally recognized requirements of an answer, and shall set forth any affirmative defenses or counterclaims, as appropriate. Upon receipt thereof, the Board shall serve a copy upon appellant. Should the answer not be received within 30 days, the Board may, in its discretion, enter a general denial on behalf of the Government, and the appellant shall be so notified.

(g) *Rule 7; amendments of pleadings or record.* (1) The Board upon its own initiative or upon application by a party may, in its discretion, order a party to make a more definite statement of the complaint or answer, or to reply to an answer.

(2) The Board may, in its discretion, and within the proper scope of the appeal, permit either party to amend his pleading upon conditions just to both parties. When issues within the proper scope of the appeal, but not raised by the pleadings or the documentation described in paragraph (d) of this section (Rule 4), are tried by express or implied consent of the parties, or by permission of the Board, they shall be treated in all respects as if they had been raised therein. In such instances motions to amend the pleadings to conform to the proof may be entered, but are not required. If evidence is objected to at a hearing on the ground that it is not within the issues raised by the pleadings or the documentation in paragraph (d) of this section (Rule 4) (which shall be deemed part of the pleadings for this purpose), it may be admitted within the proper scope of the appeal: *Provided, however,* That the objecting party may be granted a continuance if necessary to enable him to meet such evidence.

(h) *Rule 8; hearing—election.* Upon receipt of respondent's answer or the notice referred to in the last sentence of paragraph (f)(2) of this section (Rule 6), appellant shall advise the Board whether he desires a hearing, as prescribed in paragraphs (q) through (y) of this section (Rules 17 through 25), or whether in the alternative he elects to submit his case on the record without a hearing, as prescribed in paragraph (k) of this section (Rule 11). In appropriate cases, the appellant shall also elect whether he desires the optional accelerated procedure prescribed in paragraph (l) of this section (Rule 12).

(i) *Rule 9; prehearing briefs.* Based on an examination of the documentation described in paragraph (d) of this section (Rule 4), the pleadings, and a determination of whether the arguments and authorities addressed to the issues are adequately set forth therein, the Board may in its discretion require the parties to submit prehearing briefs in any case in which a hearing has been elected pursuant to paragraph (h) of this section (Rule 8). In the absence of a Board requirement therefor, either party may in its discretion, and upon appropriate and sufficient notice to the other party, furnish a prehearing brief to the Board. In any case where a prehearing brief is submitted, it shall be furnished so as to be received by the Board at least 15 days prior to the date set for hearing, and a copy shall simultaneously be furnished to the other party as previously arranged.

(j) *Rule 10; perhearing or presubmission conference.* (1) Whether the case is to be submitted pursuant to paragraph (k) of this section (Rule 11), or heard pursuant to paragraphs (q) through (y) of this section (Rules 17 through 25), the Board may upon its own initiative or upon the application of either party, call upon the parties to appear before a member of the Board for a conference to consider:

(i) The simplification or clarification of the issues;

(ii) The possibility of obtaining stipulations, admissions, agreements on documents, understandings on matters already of record, or similar agreements which will avoid unnecessary proof;

(iii) The limitation of the number of expert witnesses, or avoidance of similar cumulative evidence, if the case is to be heard;

(iv) The possibility of agreement disposing of all or any of the issues in dispute;

(v) Such other matters as may aid in the disposition of the appeal.

(2) The results of the conference shall be reduced to writing by the Board member in the presence of the parties, and this writing shall thereafter constitute part of the record.

(k) *Rule 11; submission without a hearing.* Either party may elect to waive a hearing and to submit his case upon the Board record, as settled pursuant to paragraph (m) of this section (Rule 13). In the event of such election to submit, the submission may be supplemented by oral argument (transcribed if requested), and/or by briefs, arranged in accordance with paragraphs (r) and (w) of this section (Rules 18 and 23).

(l) *Rule 12; optional accelerated procedure.* Should an appeal involve $10,000 in amount or less, it may at the option of appellant be processed under this paragraph. In the event of such election, the Board will undertake to issue a decision on the appeal on an expedited basis, without regard to its normal position on the docket. Under this accelerated procedure, the case will be further expedited if the parties elect to waive pleadings and/or elect to waive the hearing and submit on the record. In all other respects, the rules in this section will apply.

(m) *Rule 13; settling of the record.* (1) A case submitted on the record pursuant to paragraph (k) of this section (Rule 11) shall be ready for decision when the parties are so notified by the Board. A case which is heard shall be ready for decision upon receipt of transcript, or upon receipt of briefs when briefs are to be submitted. At any time prior to the date that a case is ready for decision, either party, upon notice to the other, may supplement the record with documents and exhibits deemed relevant and material by the Board. The Board upon its own initiative may call upon either party, with appropriate notice to the other, for evidence deemed by it to be relevant and material. The weight to be attached to any evidence of record will rest within the sound discretion of the Board. Either party may at any stage of the proceeding, on notice to the other party, raise objection to material in the record or offered into the record, on the grounds of relevancy and materiality.

(2) The Board record shall consist of documentation described in paragraph (d) of this section (Rule 4), and any additional material, pleadings, prehearing briefs, record of prehearing or presubmission conferences, depositions, interrogatories, admissions, transcripts of hearing, hearing exhibits, and posthearing briefs, as may thereafter be developed pursuant to the rules in this section.

(3) This record will at all times be available for inspection by the parties at the office of the Board. In the interest of convenience, prior arrangements for inspection of the file should be made with the Board. Copies of material in the record may, if practicable, be furnished to appellant at the cost of reproduction.

(n) *Rule 14; depositions*—(1) *When permitted.* After an appeal has been docketed, the Board may, for good cause shown, order the taking of testimony of any person by deposition upon oral examination or written interrogatories before any officer authorized to administer oaths at the place of examination, for use as evidence or for purpose of discovery. The application for order shall specify whether the purpose of the deposition is discovery or for use as evidence.

(2) *Orders on depositions.* The time, place, and manner of taking depositions shall be governed by order of the Board.

(3) *Use as evidence.* No testimony taken by deposition shall be considered as part of the evidence in the hearing of an appeal unless and until such testimony is offered and received in evidence at such hearing. It will not ordinarily be received in evidence if the deponent is present and can testify personally at the hearing. In such instance, however, the deposition may be used to contradict or impeach the testimony of the witness given at the hearing. In cases otherwise heard on the record, the Board may, on motion of either party and in its discretion, receive depositions as evidence in supplementation of that record.

(4) *Expenses.* All expenses of taking the deposition of any person shall be borne by the party taking that deposition, except that the other party shall be entitled to copies of the transcript of the deposition only upon paying therefor.

(o) *Rule 15; interrogatories to parties; inspection of documents; admission of facts.* For good cause shown, the Board may permit a party to serve written interrogatories upon the opposing party, order a party to produce and permit inspection and copying or photographing of designated documents relevant to the appeal, or permit the serving on the opposing party of a request for admission of facts. Such permission will be granted and orders entered as are consistent with the objective of securing just and inexpensive determination of appeals without unnecessary delay.

(p) *Rule 16; service of papers.* Service of papers in all proceedings pending before the Board may be made personally, or by mailing the same in a sealed envelope, registered, or certified, postage prepaid, addressed to the party upon whom service shall be made and the date of delivery as shown by return receipt shall be the date of service. Waiver of the service of any papers may be noted thereon or on a copy thereof or on a separate paper, signed by the parties and filed with the Board.

(q) *Rule 17; hearings, where and when held.* Hearings will ordinarily be held in Washington, D.C., except that upon request seasonably made and upon good cause shown, the Board may in its discretion set the hearing at another location. Hearings will be scheduled at the discretion of the Board with due consideration to the regular order of appeals and other pertinent factors. On request or motion by either party and upon good cause shown, the Board may in its discretion advance a hearing.

(r) *Rule 18; notice of hearings.* The parties shall be given at least 15 days' notice of the time and place set for hearings. In scheduling hearings, the Board will give due regard to the desires of the parties, and to the requirement for just and inexpensive determination of appeals without unnecessary delay. Notices of hearing shall be promptly acknowledged by the parties. A party failing to acknowledge a notice of hearing shall be deemed to have submitted his case upon the Board record as provided in paragraph (k) of this section (Rule 11).

(s) *Rule 19; unexcused absence of a party.* The unexcused absence of a party

at the time and place set for hearing will not be occasion for delay. In the event of such absence, the hearing will proceed and the case will be regarded as submitted by the absent party as provided in paragraph (k) of this section (Rule 11).

(t) *Rule 20; nature of hearings.* Hearings shall be as informal as may be reasonable and appropriate under the circumstances. Appellant and respondent may offer at a hearing on the merits such relevant evidence as they deem appropriate and as would be admissible under the generally accepted rules of evidence applied in the courts of the United States in nonjury trials, subject, however, to the sound discretion of the presiding member in supervising the extent and manner of presentation of such evidence. In general, admissibility will hinge on relevancy and materiality. Letters or copies thereof, affidavits, or other evidence not ordinarily admissible under the generally accepted rules of evidence, may be admitted in the discretion of the presiding member. The weight to be attached to evidence presented in any particular form will be within the discretion of the Board, taking into consideration all the circumstances of the particular case. Stipulations of fact agreed upon by the parties may be regarded and used as evidence at the hearing. The parties may stipulate the testimony that would be given by a witness if the witness were present. The Board may in any case require evidence in addition to that offered by the parties.

(u) *Rule 21; examination of witnesses.* Witnesses before the Board will be examined orally under oath or affirmation, unless the facts are stipulated, or the Board member shall otherwise order. If the testimony of a witness is not given under oath the Board may, if it seems expedient, warn the witness that his statements may be subject to the provisions of Title 18, United States Code, sections 287 and 1001, and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

(v) *Rule 22; copies of papers.* When books, records, papers, or documents have been received in evidence, a true copy thereof or of such part thereof as may be material or relevant may be substituted therefor, during the hearing or at the conclusion thereof.

(w) *Rule 23; posthearing briefs.* Posthearing briefs may be submitted upon such terms as may be agreed upon by the parties and the presiding member at the conclusion of the hearing. Ordinarily they will be simultaneous briefs, exchanged within 20 days after receipt of transcript.

(x) *Rule 24; transcript of proceedings.* Testimony and argument at hearings shall be reported verbatim unless the Board otherwise orders. Transcripts of the proceedings shall be supplied to the parties at such rates as may be fixed by contract between the Board and the reporter. If the proceedings are reported by an employee of the Government, the appellant may receive transcripts upon payment to the Government at the same rates as those set by contract between the Board and the independent reporter.

(y) *Rule 25; withdrawal of exhibits.* After a decision has become final the Board may, upon request and after notice to the other party, in its discretion permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of true copies of exhibits or any part thereof may be required by the Board in its discretion as a condition of granting permission for such withdrawal.

(z) *Rule 26; the appellant.* An individual appellant may appear before the Board in person, a corporation by an officer thereof, a partnership or joint venture by a member thereof, or any of these by an attorney at law duly licensed in any State, Commonwealth, Territory, or in the District of Columbia.

(aa) *Rule 27; the respondent.* Government counsel may in accordance with their authority represent the interests of the Government before the Board. They shall file notices of appearance with the Board, and notice thereof will be given appellant or his attorney in the form specified by the Board from time to time. Whenever at any time it appears that appellant and Government counsel are in agreement as to disposition of the controversy, the Board may suspend further processing of the appeal in order to permit reconsideration by the contracting officer: *Provided, however,* That if the Board is advised thereafter by either party that the controversy has not been disposed of by agreement, the case shall be restored to the Board's calendar without loss of position.

(bb) *Rule 28; decisions.* Decisions of the Board will be made in writing and authenticated copies thereof will be forwarded simultaneously to both parties. The rules of the Board and all final orders and decisions (except those required for good cause to be held confidential and not cited as precedents) shall be open for public inspection at the offices of the Board in Washington, D.C. Decisions of the Board will be made upon the record, as described in paragraph (m) of this section (Rule 13).

(cc) *Rule 29; motions for reconsideration.* A motion for reconsideration, if filed by either party, shall set forth specifically the ground or grounds relied upon to sustain the motion, and shall be filed within 30 days from the date of the receipt of a copy of the decision of the Board by the party filing the motion.

(dd) *Rule 30; dismissal without prejudice.* In certain cases, appeals docketed before the Board are required to be placed in a suspense status and the Board is unable to proceed with disposition thereof for reasons not within the control of the Board. In any such case where the suspension has continued, or it appears that it will continue, for an inordinate length of time, the Board may in its discretion dismiss such appeals from its docket without prejudice to their restoration when the cause of suspension has been removed.

5. Former §§ 1.774 and 1.775 are revised and redesignated §§ 1.775 and 1.776 to read as follows:

§ 1.775 Miscellaneous provisions.

(a) *Limitations on award.* The decision of the Board shall not be in an amount, if any, greater than that claimed in the proceedings before the Board nor shall a decision otherwise grant relief greater than that so claimed by the appellant.

(b) *Litigation.* The Board will not proceed with consideration of an appeal if the matter is the subject of a lawsuit to which the United States is a party, unless:

(1) The appellant files with the Board a certified copy of a court order staying or suspending further court proceedings pending completion of administrative action by the Board; and

(2) Clearance is obtained from the Department of Justice for further administrative consideration and final disposition of the appeal.

(c) *Claims pending before the Comptroller General of the United States.* The Board will not proceed with consideration of an appeal while the same matter is involved in a claim pending before the Comptroller General unless clearance is secured.

(d) *Notification by parties.* The parties will promptly notify the Board of any litigation pending or any claim filed in the General Accounting Office, involving any matter in an appeal.

(e) *Ex parte communications.* Any communication between a Board member or employee and a party to a proceeding before the Board respecting the merits of such proceeding, which is not made in the presence of, or communicated to, any other party to the proceedings, with a full opportunity on their part to respond, is prohibited. Any communication respecting the merits of any pending appeal, other than those specifically mentioned hereinabove in these regulations, will be in writing with copy simultaneously supplied by the communicant to any other party thereto who shall be afforded a period of 15 calendar days from the date of receipt thereof to file a response, which, with the incoming communication, shall be made a part of the appeal file.

(f) *Duties of contracting officers in remanded cases.* When an appeal is remanded to the contracting officer for implementation, the contracting officer shall upon accomplishment thereof inform the Board and furnish a copy of the documents evidencing the same.

§ 1.776 Effective date and applicability.

The revised rules in § 1.774 shall take effect 60 days following publication in the FEDERAL REGISTER. Except as otherwise directed by the Board and agreed to by the parties, the rules in § 1.774 shall not apply to appeals which have been docketed prior to their effective date.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective 60 days following date of publication in the FEDERAL REGISTER.

Approved: August 20, 1968.

By direction of the Administrator.

[SEAL] A. W. STRATTON,
Deputy Administrator.

[F.R. Doc. 68-10233; Filed, Aug. 23, 1968; 8:48 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 142—PRECANCELED STAMPS

Precancel Permits

Section 142.4 is revised to show the deletion of the requirement of a statement from the patron that precanceled stamps sold under the permit will be used only on mailings for local delivery or on mailings prepared for local patrons who shall be named. In addition, this revision shows that the Director of the Classification and Special Services Division is now the recipient of answers from precanceled permit holders to notices of revocation.

Accordingly, § 142.4 now reads as follows and is effective upon publication in the FEDERAL REGISTER:

§ 142.4 Precancel permits.

(a) *Application for permit.* Applications for permits to use precanceled stamps, precanceled stamped envelopes, and mailer's precancel postmarks must be filed on Form 3620 at the post office where mailings will be made. Copies of this application form may be obtained from local postmasters. Applications to use the mailer's precancel postmarks must be accompanied with an imprint of the cancellation to be used.

(b) *Issuance of permit.* The postmaster will approve or disapprove the application. If it is approved, he will issue a "Precancel Permit" on Form 3620 to the applicant. If the permit covers the use of a mailer's precancel postmark, the permit will include a statement to that effect.

(c) *Revocation.* (1) Permits may be revoked if used in operating any schemes or enterprise of an unlawful character, or for the purpose of purchasing or acquiring stamps for other than mailing purposes, or for any noncompliance with the instructions on the "Permit," Form 3620.

(2) The permit holder will be notified by letter by the postmaster at the post office that issued the permit that it is to be canceled, with the reasons for cancellation. The permit holder will be allowed 10 days within which to file a written statement showing why the permit should not be revoked. When no answer is filed, the postmaster will cancel the permit. If an answer is filed it should be forwarded with a statement of the facts to the Director, Classification and Special Services Division, Bureau of Operations, who will determine whether the permit shall be continued in effect. Notice of decision will be given the permit holder through the postmaster.

NOTE: The corresponding Postal Manual section is 142.4.

As the foregoing revision of § 142.4 of Title 39, Code of Federal Regulations, relates to a proprietary function of the Government and does not affect substantive rights, public rule making procedures, advance notice, or a delayed effective date are unnecessary.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

AUGUST 21, 1968.

[F.R. Doc. 68-10248; Filed, Aug. 23, 1968; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 20—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Field Solicitors

Pursuant to the authority contained in E.O. 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.104, the appendix to Part 20, Title 43 of the Code of Federal Regulations is amended as set forth below:

Under "Office of the Secretary", "Office of the Solicitor", after the item: "Field Solicitors (17)" add: "Field Solicitors (1), GS-12".

This amendment was approved by the Civil Service Commission on July 30, 1968, and is effective on publication in the FEDERAL REGISTER.

DAVID S. BLACK,
Acting Secretary of the Interior.

AUGUST 20, 1968.

[F.R. Doc. 68-10208; Filed, Aug. 23, 1968; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

National Wildlife Refuges in Certain States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ALABAMA

EUFAULA NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Eufaula National Wildlife Refuge, Ala., is permitted only on those areas designated by signs as open to hunting. These open areas, comprising 200 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of mourning doves subject to the following special conditions:

(1) Hunting dates and hours are as follows:

(a) Houston Tract Unit (c.d.s.t.), September 28 (12 noon until 6:29 p.m.); October 5 (12 noon until 6:20 p.m.); October 12 (12 noon until 6:11 p.m.); October 19 (12 noon until 6:03 p.m.); and October 26 (12 noon until 5:55 p.m.).

(b) Molnar Bottoms Unit (c.s.t.), December 28 (12 noon until 4:42 p.m.); January 4 (12 noon until 4:47 p.m.); and January 8, 1969 (12 noon until 4:51 p.m.).

(2) Each hunter must have on his person a validated refuge hunting permit. Hunters participating in the Houston Tract Unit dove hunts during the first half of a split season will be selected by an impartial drawing to be held September 16, 1968, on the refuge. Applications for the hunt will be accepted only during the period September 6 through September 13, 1968. Applications may be submitted by mail or in person to the Refuge Manager, Eufaula National Wildlife Refuge, Post Office Box 258, Eufaula, Ala. 36027. No applications will be accepted for hunts held in the Molnar Bottoms Unit during the second half of the split season. Permits will be issued at the refuge on each day of the hunt on a first-come-first-serve basis.

(3) No hunters will be permitted within hunting areas before 11:45 a.m. each day. All hunters must be situated in hunting area before 1 p.m. each day.

(4) All firearms must be encased and/or unloaded when outside designated hunting area.

(5) Each hunter who successfully takes a limit of mourning doves must leave the hunting area immediately.

(6) Retrievers used by hunters shall be under the control of the owner at all times.

(7) All hunters must check in and out of the refuge at the designated checking station.

(8) All litter (paper, empty shell boxes, etc.) must be removed by individual hunters.

(9) Wounded or dead doves falling outside the hunting area may be recovered but firearms must be left inside hunting area.

(10) Vehicle parking will be limited to areas designated by refuge personnel.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 8, 1969.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MARYLAND

EASTERN NECK NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the Eastern Neck National Wildlife Refuge, Md., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,169 acres, is delineated on maps available at refuge headquarters, Rock Hall, Md., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of white-tailed deer, subject to the following special conditions:

(1) White-tailed deer may be taken from sunrise to sunset during the following open seasons:

Bow and arrow hunt only: October 19, 21, 22, and 23, 1968.

Shotgun hunt only: October 26, 28, 29, and 30, 1968.

(2) Bag limits: One deer per day, either sex.

(3) All participants in the deer hunt must report at the designated check station before entering or leaving the refuge. All deer killed must be presented for examination at the check station.

(4) Hunters may not enter the refuge before one-half hour before sunrise and check out no later than one hour after sunset.

(5) Possession of loaded weapons before or after legal hunting hours is prohibited.

(6) All hunters must enter and leave the refuge by way of State Road 445 only. Entry by boat is prohibited.

(7) Dogs are prohibited.

(8) Unauthorized entry into any building or designated "Closed Area" is prohibited.

(9) Hunters must not hunt or possess loaded guns or arrows notched in bow on the county roads or designated parking areas.

(10) Vehicles must be parked only in designated parking areas.

(11) During the shotgun hunt all hunters must furnish and wear so as to be readily noticeable, red, yellow, or orange caps, hats, vests, shirts, or coats while on the hunting area.

(12) Hunters under 18 years of age must be accompanied by an adult.

(13) Hunters shall not disturb, damage, or destroy any unharvested crops.

(14) Camping and fires are prohibited.

(15) A Federal permit will be required of all participants in the deer hunts. Permits will be limited to 350 per day for the bow and arrow hunt and 150 per day for the firearm hunt. They will be issued in advance of the season to hunters selected by an impartial drawing from applications received. Applications must be received no later than September 30, 1968, at the Eastern Neck National Wildlife Refuge, Route 2, Box 193, Rock Hall, Md. 21661. Permits will not be transferable nor will permits be issued at the checking station on any day of the hunt.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 30, 1968.

TENNESSEE

TENNESSEE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Tennessee National Wildlife Refuge, Tenn., is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 1,700 acres for bow hunting only, and 3,300 acres gun and bow hunting are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of deer subject to the following special conditions:

(1) The open season for archery hunting of deer on the refuge extends from October 5 through October 13, 1968.

(2) The open season for gun hunting of deer on the refuge extends from November 22 through November 26, 1968.

(3) The bag limit is one deer of either sex per hunter.

(4) The use of dogs is not permitted.

(5) Camping on the area is not permitted.

(6) Bobcats, gray foxes, woodchucks, and crows may be taken.

(7) Driving of deer is prohibited.

(8) Hunters may enter public hunting area at sunrise and must be out of area by one hour after sunset.

(9) Bow hunters desiring to hunt Britton Ford Peninsula opening day will be required to possess a Federal permit. Permits will be issued to the first 300 written requests marked "Archery Deer Hunt" and submitted to the refuge office, Bureau of Sport Fisheries and Wildlife, Box 849, Paris, Tenn. 38242, and received postmarked on or after September 1, 1968. Permits will be free and transferable. Only one permit will be furnished each of the first 300 requests. No permit is required to bow hunt the other archery areas and no permit is required on any area open for bow hunting after opening day, during the archery hunt.

(10) Hunters must check in and out of the designated checking station.

(11) Hunters desiring to hunt deer in the area open to gun hunting will require a Federal permit. Applications will be submitted in writing to the refuge office, Bureau of Sport Fisheries and Wildlife, Box 849, Paris, Tenn. 38242, during the month of September 1968. Acceptable applications shall be marked "Gun Deer Hunt." A public drawing will be held on October 3, 1968, in the refuge office. Applications will be drawn for a maximum of 60 permits for the opening day and 80 per day thereafter. Permits are free and nontransferable. There will be no permits issued after October 3, 1968. All applicants will be notified as to the results of their application. Successful applicants will be notified of the date or dates to hunt.

(12) Group applications of no more than two per group will be accepted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 26, 1968.

VIRGINIA

CHINCOTEAGUE NATIONAL WILDLIFE RUFUGE

Public hunting of deer on the Chincoteague National Wildlife Refuge, Va., is permitted only on the area designated by signs as open to hunting. This open area, comprising 8,496 acres, is delineated on maps available at refuge headquarters, Chincoteague, Va., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of deer subject to the following conditions:

(1) Species to be taken: (a) Sika deer and white-tailed deer, either sex; (b) free-ranging goats.

(2) Bag limits: (a) Sika deer or white-tailed deer, one per license year, either sex; (b) goats, no limit; however, a hunter may not hunt goats after he has taken a deer.

(3) Season: (a) Bow and arrow—4 days, October 16–19, 1968. (b) Shotgun or bow and arrow—2 days, October 25–26, 1968.

(4) Weapons: Archers must use broadhead arrows with blades at least ⅞-inch wide and bows having a minimum pull of 35 pounds at 28 inches draw. Archers may not have firearms in their possession during the 4-day bow and arrow hunt, October 16–19, 1968. Shotguns, 20 gauge or larger and not capable of holding more than three shells, will be permitted during the shotgun hunt, October 25–26. Slugs or buckshot no smaller than No. 1 buck will be permitted. Any weapon which is a combination rifle-shotgun is prohibited. Possession of any firearm or ammunition on the refuge which is not stipulated as permitted in these regulations is prohibited.

(5) Dogs are prohibited.

(6) Hunting hours: (a) Bow and arrow—7 a.m.–6:15 p.m. e.d.t. (b) Shotgun or bow and arrow—7:15 a.m.–6 p.m. e.d.t.

(7) All hunters must check out at the check station before leaving the refuge. Hunters must be checked out by 7:15 p.m. e.d.t.

(8) Carrying loaded firearms in or on or shooting from a vehicle is prohibited.

(9) Shooting within 100 yards of the public beach road or the deer check station is prohibited.

(10) Camping and fires are prohibited.

(11) Hunters must furnish and wear red, yellow, or orange caps, hats, coats, shirts or vests on hunting areas at all times—except archers during the bow and arrow season, October 16–19.

(12) All hunters under 18 years old must be accompanied by an adult.

(13) No refuge hunting permit is required. Hunters must have in their possession a valid hunting license and deer tag in compliance with the laws of the State of Virginia. Proper State license will serve as a permit to hunt on Chincoteague National Wildlife Refuge during the special deer hunt.

(14) All hunters must enter and leave the refuge by the Assateague Channel bridge. Entering and leaving the refuge by boat is prohibited.

(15) Scouting: Scouting will be permitted on the refuge from sunrise to sunset on the 3 days preceding each hunt, October 13–15 and 22–24.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 26, 1968.

PRESQUILE NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the Presquile National Wildlife Refuge is permitted on the entire refuge except within 200 yards of all buildings. Hunting shall be in accordance with all applicable State regulations governing the hunting of white-tailed deer, subject to the following special conditions:

(1) A Federal permit costing $2 for a 2-day hunt will be required. Permits will be issued for a 2-consecutive-day period. Permits will be limited to 75 for each 2-day period and will be issued in advance of the season to hunters selected by an impartial drawing from applications received. Applications must be received on a post card no later than September 25, 1968, at the Presquile National Wildlife Refuge, Post Office Box 658, Hopewell, Va. 23860. Permits are nontransferable.

(2) White-tailed deer may be taken with bow and arrow only from one-half hour before sunrise to 5 p.m. on October 17, 18, 21, 22, 25, 26, 31, and November 1, 1968.

(3) Bag limits: One deer per day, either sex.

(4) All hunters must enter the refuge on the refuge ferry at 5 a.m. e.s.t. Entry by boat is prohibited. There will be an official State checking station on the refuge.

(5) All travel on the refuge will be on foot or by refuge vehicles. Horses and dogs are prohibited.

(6) Possession of firearms on the refuge is prohibited.

(7) Hunters shall not disturb, damage or destroy any unharvested crops.

(8) Camping, fires, and littering are prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 1, 1968.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 15, 1968.

[F.R. Doc. 68-10202; Filed, Aug. 23, 1968; 8:45 a.m.]

PART 32—HUNTING

Piedmont and Blackbeard Island National Wildlife Refuges, Ga.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

GEORGIA

PIEDMONT NATIONAL WILDLIFE REFUGE

Public hunting of wild turkey on the Piedmont National Wildlife Refuge, Ga., is permitted only on the area designated by signs as open to hunting. This open area, comprising 31,500 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of wild turkey subject to the following special conditions.

(1) Turkeys of either sex may be taken during the open period October 21–26, 1968.

(2) Bag limits: Only one turkey per hunter may be taken during the 6-day hunt.

(3) Dogs are prohibited.

(4) Hunters will be allowed on the portions of the refuge open for turkey hunting and on refuge maintained roads from 6:30 a.m. to 8 p.m., on hunting days only.

(5) Camping and fires are restricted to the designated camping area in Compartment 19, during the period October 20–27, 1968.

(6) Turkeys killed must be checked out at refuge headquarters before hunters leave the area.

(7) Hunters not having reached their 18th birthday must be accompanied by an adult.

(8) Submission of an individual's name more than one time for this hunt shall be cause for rejecting all his applications.

(9) Hunt permits are nontransferable.

(10) It shall be unlawful to drive a nail, spike, or other metal object into any tree or to hunt from any tree into which a nail, spike, or other metal object has been driven.

(11) Apprehension of permittee for any infraction of refuge regulations shall be cause for immediate revocation of his hunt permit by any officer authorized to enforce refuge regulations.

(12) A Federal permit is required to enter the public hunting area. Permits will be limited to 1,200 for the hunt and shall be issued to hunters selected by an impartial drawing from applications received. Applications must be on the form obtainable from Piedmont Refuge Headquarters, Round Oak, Ga. 31080. Each application must bear the signature of the applicant. Applications must be in office of the Piedmont National Wildlife Refuge, Round Oak, Ga. 31080, by 4:30 p.m. on September 25, 1968.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 26, 1968.

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

Public hunting of wild turkeys and raccoon on the Blackbeard Island National Wildlife Refuge, Ga., is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,585 acres is delineated on a map available at the refuge headquarters, Route 1, Hardeeville, S.C. 29927, and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of turkey and raccoon subject to the following conditions:

(1) Turkey gobblers and raccoons may be taken during the following open periods: October 23–26, 1968; November 27–30, 1968; and December 30, 1968–January 2, 1969.

(2) Hunting hours will be from daylight to 9:30 a.m. and from 3:30 p.m. to sunset daily.

(3) The bag limit for turkey is two gobblers per season. Turkey hunting will be halted when a total of 20 gobblers are killed. No bag limit on raccoons.

(4) Only bows and arrows may be used. Bows must have not less than 40 pounds pull. Firearms, crossbows, and mechanical bows are prohibited.

(5) Dogs are prohibited.

(6) Camping and fires will be permitted only at the designated camping area.

(7) Participants must arrange their own transportation to the island, and may not enter the refuge more than 3 days in advance of each opening date.

(8) Hunters will be restricted to the camping area until the morning of the first day of each hunt period.

(9) A Federal permit is required. Permit applications must be received by the Refuge Manager, Savannah National Wildlife Refuge, Route 1, Hardeeville, S.C. 29927, by the following dates:

October 17 for the hunt beginning October 23.

November 20 for the hunt beginning November 27.

December 23 for the hunt beginning December 30.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through January 2, 1969.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

GEORGIA

PIEDMONT NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Piedmont National Wildlife Refuge, Ga., is permitted only on the area designated by signs as open to hunting. This open area, comprising 31,500 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Season—(a) Bow and arrow hunt—October 1 through October 13, 1968. (b) Gun hunt—November 4, 5, and 30, 1968.

(2) Species and season limit—(a) Bow and arrow hunt: Two deer. (b) Gun hunt: Two deer, bucks with visible antlers, except the season on November 30 is one deer of either sex.

(3) Additional species—Bobcats, foxes and raccoons may be taken on all deer hunts.

(4) Sidearms and buckshot may not be used or possessed.

(5) Dogs on leash may be used to track wounded game only during the hunt October 1 through October 13, provided written permission is obtained in advance from the Refuge Manager.

(6) Camping and fires are restricted to the designated area in Compartment 19 during the periods September 20–23, September 30–October 14, October 20–27, November 3–6, and November 29–December 1, 1968.

(7) Hunters are allowed on the portions of the refuge open for deer hunting and/or refuge maintained roads only on hunting days from 6 a.m. to 8:30 p.m., during the bow and arrow hunt, October 1–13, 1968, and from 5:30 a.m. to 7 p.m. during the gun hunt, November 4, 5, and 30, 1968.

(8) All deer killed must be checked out at refuge headquarters on the day killed.

(9) Firearms containing ammunition in the magazine and/or chamber are prohibited in vehicles on refuge roads.

(10) Hunters shall furnish and wear red, orange, or yellow caps, coats or hats while hunting on the refuge November 4, 5, and 30, 1968.

(11) Hunters not having reached their 18th birthday must be accompanied by an adult.

(12) Apprehension for infraction of any refuge regulations shall be cause for immediate revocation of refuge hunting privileges by any officer authorized to enforce these regulations.

(13) It shall be unlawful to drive a nail, spike or other metal object into any tree or to hunt from any tree into which a nail, spike, or other metal object has been driven.

(14) All areas open for hunting may be visited during daylight hours September 21 and 22, October 26 and 27, 1968.

(15) A Federal permit is required to enter the public hunting area on November 4, 5, and 30, 1968. Permits will be limited to 1,500 for the November 4–5 hunt and 2,500 for November 30, 1968. Hunters will be selected by an impartial public drawing from applications received. Applications must be on forms obtainable from Piedmont Refuge Headquarters, Round Oak, Ga. 31080. Each applicant must indicate a first choice of the Novemebr 4–5 hunt, or the November 30 hunt on his application. He may indicate a second choice on the same application. In the event there are not enough applicants to fill each hunt quota, a second drawing will be made to fill the quota. Each application must bear the signature of the applicant. Permits are nontransferable. Submission of an individual's name more than one time for this hunt shall be cause for rejecting all his applications. Applications must be in the office of the Piedmont National Wildlife Refuge, Round Oak, Ga. 31080, by 4:30 p.m. on October 3, 1968.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 1, 1968.

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

Public hunting for deer on Blackbeard Island National Wildlife Refuge, Ga., is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,585 acres, is delineated on a map available at the refuge headquarters, Route 1, Hardeeville, S.C. 29927 and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Deer of either sex may be taken during the following open periods: October 23–26, 1968; November 27–30, 1968; and December 30, 1968–January 2, 1969.

(2) Hunting hours will be from daylight to 9:30 a.m. and from 3:30 p.m. to sunset daily.

(3) The season bag limit is two deer of either sex.

(4) Only bows and arrows may be used. Bows must have not less than 40 pounds pull and arrows must be broadhead, seven-eighths inch or more in width. Firearms, crossbows, and mechanical bows are prohibited.

(5) Dogs are prohibited.

(6) Camping and fires will be permitted only at the designated camping area.

(7) Participants must arrange their own transportation to the island and may not enter the refuge more than three days in advance of each opening date.

(8) Hunters will be restricted to the camping area until the morning of the first day of each hunt period.

(9) A Federal permit is required. Permit applications must be received by the Refuge Manager Savannah National Wildlife Refuge, Route 1, Hardeeville, S.C. 29927, by the following dates:

October 17 for the hunt beginning October 23.

November 20 for the hunt beginning November 27.

December 23 for the hunt beginning December 30.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 2, 1969.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 15, 1968.

[F.R. Doc. 68-10203; Filed, Aug. 23, 1968; 8:45 a.m.]

PART 32—HUNTING

Reelfoot National Wildlife Refuge, Ky., and Lake Isom National Wildlife Refuge, Tenn.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

KENTUCKY

REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of raccoons on the Reelfoot National Wildlife Refuge, Ky., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,034 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of raccoons subject to the following special conditions:

(1) Raccoons may be taken without limit on the refuge from September 23 through September 28, 1968, and October 7 through October 12, 1968.

(2) Hunting hours shall be from 7 p.m. to midnight.

(3) No axes, saws, or other cutting implements will be permitted.

(4) All hunters will be required to check in and check out at the designated check stations, the location of which may be obtained by contacting the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tenn. 38254.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 12, 1968.

REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of squirrels on the Reelfoot National Wildlife Refuge, Ky., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,034 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of squirrels subject to the following special conditions:

(1) Squirrels may be hunted on the refuge from September 16 through September 21, 1968, and from September 30 through October 5, 1968.

(2) The hunting of crows, woodchucks, and gray foxes, without limit, is permitted during the refuge squirrel hunt.

(3) Only shotguns incapable of holding more than three shells and .22 caliber rifles are permitted.

(4) Dogs are not permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 5, 1968.

TENNESSEE

LAKE ISOM NATIONAL WILDLIFE REFUGE

Public hunting of squirrels on Lake Isom National Wildlife Refuge, Tenn., is permitted only on the areas designated by signs as open to hunting. This open area, comprising 1,350 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of squirrels subject to the following special conditions:

(1) Squirrels may be hunted on the refuge from September 16 through September 21, 1968, and September 30 through October 5, 1968.

(2) The hunting of crows, woodchucks, and gray foxes, without limit, is permitted during the refuge squirrel hunt.

(3) Only shotguns incapable of holding more than three shells and .22 caliber rifles are permitted.

(4) Dogs are not permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 5, 1968.

LAKE ISOM NATIONAL WILDLIFE REFUGE

Public hunting of raccoons on the Lake Isom National Wildlife Refuge, Tenn., is permitted only on the areas designated by signs as open to hunting. This open area, comprising 1,350 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of raccoons, subject to the following special conditions:

(1) Raccoons may be taken without limit on the refuge on September 24, 26, and 28, 1968, and on October 8, 10, and 12, 1968.

(2) Hunting hours shall be from 7 p.m. to midnight.

(3) No axes, saws, or other cutting implements will be permitted.

(4) All hunters will be required to check in and check out at the designated check station, the location of which may be obtained by contacting the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tenn. 38254.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 5, 1968.

REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of raccoons on the Reelfoot National Wildlife Refuge, Ky., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,034 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of raccoons subject to the following special conditions:

(1) Raccoons may be taken without limit on the refuge from September 23, 25, and 27, 1968, and October 7, 9, and 11, 1968. Raccoon may be taken without limit on the North Unit of the refuge from September 23 through September 28, 1968, and October 7 through October 12, 1968.

(2) Hunting hours shall be from 7 p.m. to midnight.

(3) No axes, saws, or other cutting implements will be permitted.

(4) All hunters will be required to check in and check out at the designated check station, the location of which may be obtained by contacting the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tenn.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 12, 1968.

REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of squirrels on the Reelfoot National Wildlife Refuge, Tenn., is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,585 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of squirrels subject to the following conditions:

(1) Squirrels may be hunted on the refuge from September 16 through September 21, 1968, and from September 30 through October 5, 1968.

(2) The hunting of crows, woodchucks, and gray foxes, without limit is permitted during the refuge squirrel hunt.

(3) Only shotguns incapable of holding more than three shells and .22 caliber rifles are permitted.

(4) Dogs are not permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 5, 1968.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 16, 1968.

[F.R. Doc. 68-10204; Filed, Aug. 23, 1968; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

RUSSELL CAVE NATIONAL MONUMENT, ALA.

Exploration

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), 245 DM–1 (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), Regional Director, Southeast Region Order No. 4 (31 F.R. 8135), as amended, it is proposed to revise § 7.68 of Title 36 of the Code of Federal Regulations as set forth below:

The purpose of this revision is to clarify the purpose and intent of the regulation with regard to cave exploration.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Superintendent, Russell Cave National Monument, Bridgeport, Ala. 35740, within 30 days of the publication of this notice in the FEDERAL REGISTER.

Section 7.68 of Title 36 of the Code of Federal Regulations is hereby revised to read as follows:

§ 7.68 Russell Cave National Monument.

(a) *Caves*—(1) *Closed areas.* Entering, exploring, or remaining within any cave area other than the public archeological exhibit without prior written permission of the Superintendent is prohibited.

(2) *Permits.* Permits for entry into other than public exhibit areas of the cave will be issued within limitations of safety provided the applicant satisfies the Superintendent that he has proper equipment for cave exploration, such as lighting equipment, protective headwear, and appropriate shoes or boots. Other reasonable administrative requirements may be imposed by the Superintendent provided reasonable notice of these requirements is given to the applicant.

(3) *Solo exploration.* Solo exploration is not permitted in the caves other than in the public archeological exhibit areas.

JOHN W. FISHER,
Superintendent,
Russell Cave National Monument.

[F.R. Doc. 68–10220; Filed, Aug. 23, 1968; 8:47 a.m.]

[36 CFR Part 7]

PADRE ISLAND NATIONAL SEASHORE, TEX.

Fishing, Hunting, Speed

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), and section 5 of the Act of September 28, 1962 (76 Stat. 652; 16 U.S.C. 459d–4), 245 DM–1 (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), Regional Director, Southwest Region Order No. 4 (31 F.R. 8134), as amended, § 7.75 of Title 36 of the Code of Federal Regulations is amended as set forth below.

The purpose of these amendments is to eliminate materials on speed and fishing which are no longer needed in view of the provisions of Parts 2 and 4 of this chapter, and to clarify the regulation concerning hunting of waterfowl.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the Superintendent, Padre Island National Seashore, Box 8560, Corpus Christi, Tex. 78412, within 30 days of the publication of this notice in the FEDERAL REGISTER.

Paragraphs (a), (b), and (g) of § 7.75 are amended as set forth below:

§ 7.75 Padre Island National Seashore.

(a) *Fishing.* [Revoked]

(b) *Hunting.* During the open season prescribed by State and Federal agencies, hunting of waterfowl is permitted upon the waters of Laguna Madre wherever a floating vessel of any type is capable of operating, at whatever tide level may exist; except that posted waters immediately adjacent to North and South Bird Islands shall be closed to all hunting. Such hunting, where authorized, shall be in accordance with all applicable Federal, State, and local laws for the protection of wildlife. All other hunting is prohibited.

* * * * *

(g) *Speed.* [Revoked]

* * * * *

ERNEST J. BORGMAN,
Superintendent,
Padre Island National Seashore.

[F.R. Doc. 68–10219; Filed, Aug. 23, 1968; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

COFFEE

Enforcement Regulations for Fair Packaging and Labeling Act; Termination of Proposed Rule Making Regarding Exemption From Certain Labeling Requirements

In the matter of exempting roasted whole coffee beans and roasted ground coffee, excluding instant coffee, in 1-, 2-, and 3-pound packages or containers from the requirements of § 1.8b (f) and (j) (1) of the regulations for the enforcement of the Fair Packaging and Labeling Act (21 CFR Part 1) that the net quantity of contents declaration be within the bottom 30 percent of the area of the principal display panel and in both avoirdupois ounces and pounds.

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of April 2, 1968 (33 F.R. 5268), based on petitions filed by the Great Atlantic & Pacific Tea Co., Inc., 420 Lexington Avenue, New York, N.Y. 10017, and S and W Fine Foods, Inc., 333 Schwerin Street, San Francisco, Calif. 94134.

In response to the notice, 20 State agencies filed comments in opposition to the proposed exemption on the grounds that it would defeat the purpose of providing uniformity in packaging—the primary purpose of the Fair Packaging and Labeling Act. The U.S. Department of Commerce filed a comment in opposition for the same reason. Two State agencies do not oppose exemption from dual declaration but do oppose exemption from placement of the quantity of contents declaration within the bottom 30 percent of the label panel.

The Foods Division of the Coca-Cola Co. and the American Coffee Co. filed comments in support of the proposal.

Further information available to the Commissioner of Food and Drugs indicates that coffee is packaged in containers of 8 ounces and 14 ounces—sizes that could lead to consumer confusion if the requested exemptions were adopted.

Having considered the petitions, the comments received in response to the proposal, and other relevant information, the Commissioner of Food and Drugs concludes that for the adequate protection of consumers the proposed exemption should not be adopted. Accordingly, the proposed rulemaking in this matter is hereby terminated.

The Commissioner also concludes that since there was no opportunity for coffee packers to make label changes during the pendency of the exemption proposal, any roasted whole or ground coffee bean label changes made necessary by the regulations under the Fair Packaging and Labeling Act (21 CFR Part 1) shall be made before July 1, 1969, rather than before July 1, 1968.

This action is taken pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455), and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: August 19, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–10281; Filed, Aug. 23, 1968; 8:52 a.m.]

[21 CFR Part 121]

RADIATION AND RADIATION SOURCES

Food Additives Intended for Use in Processing of Canned Bacon; Proposed Revocations

In the FEDERAL REGISTER of February 15, 1963 (28 F.R. 1465), an order was published establishing § 121.3002 that provided for the use of gamma radiation from cobalt 60 for the high-dose processing of canned bacon. The section was amended April 1, 1964 (29 F.R. 4673), to provide for the use of cesium 137 as an alternate source of gamma radiation.

Orders were published August 30, 1963 (28 F.R. 9526), and December 19, 1964 (29 F.R. 18056), respectively providing for the use of electron beam radiation (§ 121.3004) and X-radiation (§ 121.3005) in the processing of canned bacon.

Recently, additional data have been received from long-term feeding studies of bacon processed by ionizing radiation. Evaluation of all data now available has raised doubts that the safety of irradiated bacon has been demonstrated.

Specifically, significant adverse effects on reproduction were observed in animals fed irradiated bacon. Other adverse effects associated with irradiated bacon or pork diets involved increased mortality in rats, slight depression in rate of bodyweight gain in mice and dogs, and reduced red blood cell counts in dogs and rats. Indications were also present that animals on the irradiated diets may show a higher incidence in the development of cataracts and tumors than animals on control diets.

The Commissioner of Food and Drugs concludes that further research on the wholesomeness of this product is necessary to establish the conditions of safe use for irradiation of bacon.

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and delegated to the Commissioner (21 CFR 2.120), it is proposed that Part 121 be amended by revoking §§ 121.3002 *High-dose gamma radiation for the processing of food,* 121.3004 *High-dose electron beam radiation for the processing of food,* and 121.3005 *High-dose X-radiation for the processing of food,* each of which authorizes the processing of canned bacon by ionizing radiation.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate), regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: August 15, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–10282; Filed, Aug. 23, 1968; 8:52 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 68–SW–60]

AIRWORTHINESS DIRECTIVE

Navion Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to all Navion airplanes. There have been reports of intergranular corrosion and delamination of the rudder horn P/N 145–24401 that could result in substantially reduced strength. Since this condition is likely to exist or develop in airplanes of the same type design, the proposed AD would require periodic inspection or replacement of the rudder horn on all Navion airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101.

All communications received within 30 days after date of publication of this notice will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be made a part of the official Docket and will be available for examination by interested persons, both before and after the closing date for comments, at the office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Tex.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

NAVION: Applies to all Navion airplanes through Navion H airplanes.

Compliance required within the next 50 hours time in service after the effective date of this AD and at each annual inspection thereafter.

To prevent failure of the Rudder Horn, P/N 145–24401, accomplish the following:

Inspect for horizontal cracks in the edge of the rudder horn.

These cracks would appear as delaminations.

Replace horns with cracks with unused part of the same part number or Federal Aviation Administration approved equivalent part before further flight.

Issued in Forth Worth, Tex., on August 13, 1968.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 68–10223; Filed, Aug. 23, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68–CE–71]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Wabash, Ind.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the

Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Wabash Municipal Airport, Wabash, Ind., utilizing the Kokomo, Ind. VORTAC as a navigational aid. Consequently, it is necessary to provide controlled airspace protection of aircraft executing this new approach procedure by designating a transition area at Wabash, Ind. The new procedure will become effective concurrently with the designation of the transition area. The Grissom Air Force Base approach control facility will control instrument approaches at Wabash Municipal Airport.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (33 F.R. 2137), the following transition area is added:

WABASH, INDIANA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Wabash Municipal Airport (latitude 40°46'20" N., longitude 85°45'10" W.); and within 2 miles each side of the Kokomo, Ind. VORTAC 040° radial, extending from the 5-mile radius area to 14 miles northeast of the VORTAC, excluding the portion that overlies the Peru, Ind. transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on August 1, 1968.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 68-10214; Filed, Aug. 23, 1968; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-WE-65]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the 1,200 foot portion of the Jackson, Wyo., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The additional proposed 1,200-foot floor transition area is required to provide controlled airspace for climb to the base of Continental Control Area for Frontier Airlines non-Part 95 route between Jackson and Riverton, Wyo.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (33 F.R. 2199) the Jackson, Wyo. transition area is amended to read as follows:

JACKSON, WYO.

That airspace extending upward from 700 feet above the surface within a 5-mile radius circle centered on Jackson Hole Airport, Wyo. (latitude 43°36'24" N., longitude 110°44'13" W.); that airspace extending upward from 1,200 feet above the surface within 6 miles west and 9 miles east of the Jackson VOR 200° and 020° radials, extending from 23 miles south to 11 miles north of the VOR, and within 6 miles north and 9 miles south of the Dunoir, Wyo. VOR 282° and 102° radials, extending from 8 miles east to 21 miles west of the VOR, and that airspace within 5 miles each side of the Jackson VOR 107° radial extending from 9 to 15 miles east of the VOR.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on August 15, 1968.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 68-10224; Filed, Aug. 23, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-WE-63]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate a new transition area to be known as San Carlos, Ariz.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The new transition area is required to insure that sufficient controlled airspace is available to provide air traffic control services to aircraft operating within and adjacent to the Williams Two Intensive Student Jet Training Area.

In view of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (33 F.R. 2137), the following transition area is added:

SAN CARLOS, ARIZ.

That airspace extending upward from 12,000 feet MSL bounded on the northwest by the southeast edge of V-190, on the east by an arc of a 115 mile radius circle centered on Williams AFB, Ariz. (latitude 33°18'25" N., longitude 111°39'35" W.); on the south by the north edge of V-94 and on the west by longitude 110°52'00" W.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on August 15, 1968.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 68-10225; Filed, Aug. 23, 1968; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 8]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Business Concern for Purpose of Sales of Government-owned Timber

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend the definition of a small business concern for the purpose of sales of Government-owned timber.

The currently effective definition provides that, in order to qualify as a small business for the purpose of Government sales of timber reserved for or involving preferential treatment of small businesses, a concern purchasing such timber must agree that it will not resell more than thirty percent (30%) of such timber to a concern which does not qualify as a small business unless an exemption is granted on mixed stumpage of hardwood and softwood species.

It has come to the attention of the Small Business Administration that, in most timber tracts in the State of Alaska, approximately fifty percent (50%) of the timber is best suited for the manufacture of pulp, rather than for the manufacture of lumber and plywood, etc., and that, since there are few if any small business pulp mills competing in that area, it may be unreasonable to prohibit a small business concern from reselling more than thirty percent (30%) of the timber it purchases to a concern which does not qualify as small business.

Therefore, it is proposed to lower the restriction by increasing the percentage applicable to resales of Alaskan timber from thirty percent (30%) to fifty percent (50%), but to leave the percentage applicable to resales of other timber at thirty percent (30%). In the interest of clarity it also is proposed to define the term "forest products industry," as used in § 121.3-9(b) of Part 121, to mean logging, wood preserving and the manufacture of lumber and wood related products such as veneer, plywood, hardboard, particle board, and woodpulp, and of products of which lumber or wood related products are the principal raw material.

Further, SBA has found that during the many years the set-aside program for sale of Government-owned timber has been in operation it has not been necessary to grant exemptions on mixed stumpage of hardwood and softwood species. Therefore, SBA has determined that the exemption provision is not necessary and the proposed amendment has deleted such an exemption.

Interested persons may file with the Small Business Administration within thirty (30) days after publication of this proposal in the FEDERAL REGISTER, written statements of facts, opinions, or arguments concerning the proposal.

All correspondence shall be addressed to:

Associate Administrator for Procurement and Management Assistance, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416. Attention: Size Standards Staff.

It is proposed to amend the regulation as follows:

Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby further amended by:

1. Revising § 121.3-9(b)(2)(ii) to read as follows:

§ 121.3-9 Definition of small business for sales of Government property.

* * * * * *

(b) *Sales of Government-owned timber.* * * *

(2) * * *

(ii) It agrees that it will not sell to a concern which is not a small business within the meaning of this paragraph more than thirty percent (30%) of such timber or, in the case of timber from certain geographical areas set forth in Schedule E of this part, more than the percentage established therein for such area.

* * * * * *

2. Adding Schedule E to Part 121 to read as follows:

SCHEDULE E—GOVERNMENT-OWNED TIMBER RESALE STANDARDS FOR SPECIFIC GEOGRAPHICAL AREAS

Area from which timber is cut:	Percentage of timber purchased that may be sold to other than small business:
Alaska	50 percent.

3. Inserting new paragraph (1-1) immediately following § 121.3-2(1) to read as follows:

§ 121.3-2 Definition of terms used in this part.

* * * * * *

(1-1) "Forest products industry" as used in § 121.3-9(b) means logging, wood preserving, and the manufacture of lumber and wood related products such as veneer, plywood, hardboard, particle board, or wood pulp, and of products of which lumber or wood related products are the principal raw material.

* * * * * *

Dated: August 19, 1968.

HOWARD J. SAMUELS,
Administrator.

[F.R. Doc. 68-10249; Filed, Aug. 23, 1968; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 68-205]

AUTOMATED ACCOUNTING SYSTEM

Notice of Effective Date of Implementing Regulations; Region VII

In accordance with Treasury decision 67-155, dated June 28, 1967, published in the FEDERAL REGISTER dated July 11, 1967 (32 F.R. 10200), notice is hereby given that September 1, 1968, is the effective date of the regulations implementing the automated accounting system in Region VII with headquarters at Los Angeles, Calif.

Importers or their agents filing dutiable formal entries on and after September 1, 1968, in this region must have on file or file with the entry a customs Form 5106, Notification of or Application for Importer's Number, required by § 24.5, Customs Regulations (19 CFR 24.5), and must submit with each dutiable formal entry a customs Form 5101, Entry Record, which is required by § 8.8(c) of the Customs Regulations (19 CFR 8.8(c)).

Attention is called to the provision of § 8.8(c) of the Customs Regulations which requires the agent's importer number to also be reported on the customs Form 5101 if an importer of record desires to have refunds, bills, or notices of liquidation pertaining to his entry mailed in care of his agent. In such a case, the importer of record shall file or shall have filed previously a customs Form 4811, Special Address Notification (July 1966), authorizing the mailing of refunds, bills, or notices of liquidation to his agent. Further, attention is called to the fact that although courtesy notices of liquidation will be issued under the automated procedure, the posting of the bulletin notice of liquidation provided for in § 16.2 of the Customs Regulations (19 CFR 16.2) will continue to constitute full compliance with the requirements for giving notice of liquidation under section 505, Tariff Act of 1930 (19 U.S.C. 1505).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: August 16, 1968.

JOSEPH M. BOWMAN,
Assistant Secretary of the Treasury.

[F.R. Doc. 68-10253; Filed, Aug. 23, 1968; 8:50 a.m.]

Comptroller of the Currency

[Delegation Order No. 11]

FIRST DEPUTY COMPTROLLER OF THE CURRENCY ET AL.

Order of Succession To Act as Comptroller

By virtue of the authority vested in me by Treasury Department Order No. 129 (Rev. No. 2), dated April 22, 1955, it is hereby ordered as follows:

1. The following officers in the Bureau of Comptroller of the Currency, in the order of succession enumerated, shall act as Comptroller of the Currency during the absence or disability of the Comptroller of the Currency or when there is a vacancy in such office:

(1) Justin T. Watson, First Deputy Comptroller of the Currency.
(2) John Nicoll, Administrative Assistant to the Comptroller of the Currency.
(3) Thomas G. DeShazo, Deputy Comptroller of the Currency.
(4) David C. Motter, Deputy Comptroller of the Currency.
(5) John D. Gwin, Deputy Comptroller of the Currency.
(6) Frank H. Ellis, Chief National Bank Examiner.
(7) Dean E. Miller, Deputy Comptroller of the Currency.
(8) Richard J. Blanchard, Deputy Comptroller of the Currency.
(9) Albert J. Faulstich, Deputy Comptroller of the Currency.
(10) Regional Administrator of National Banks at Richmond, Va.
(11) Regional Administrator of National Banks at Philadelphia, Pa.
(12) Regional Administrator of National Banks at New York City, N.Y.
(13) Regional Administrator of National Banks at Cleveland, Ohio.
(14) Regional Administrator of National Banks at Atlanta, Ga.
(15) Regional Administrator of National Banks at Boston, Mass.
(16) Regional Administrator of National Banks at Chicago, Ill.
(17) Regional Administrator of National Banks at Memphis, Tenn.
(18) Regional Administrator of National Banks at Kansas City, Mo.
(19) Regional Administrator of National Banks at Minneapolis, Minn.
(20) Regional Administrator of National Banks at Dallas, Tex.
(21) Regional Administrator of National Banks at Denver, Colo.
(22) Regional Administrator of National Banks at San Francisco, Calif.
(23) Regional Administrator of National Banks at Portland, Oreg.

2. In the event of an enemy attack on the continental United States, all Regional Administrators of National Banks, including any Acting Regional Administrators, are authorized in their respective regions to perform any function of the Comptroller of the Currency, or the Secretary of the Treasury, whether or not otherwise delegated, which is essential to the carrying out of responsibilities otherwise assigned to them. The respective officers will be notified when they are to cease exercising the authority delegated in this paragraph.

Dated: August 20, 1968.

3. Delegation Order No. 10 is hereby repealed.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 68-10252; Filed, Aug. 23, 1968; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. N-1029]

NEVADA

Notice of Proposed Classification

AUGUST 16, 1968.

Notice is hereby given of a proposal to classify the lands described below for disposal through exchange under section 8 of the Taylor Grazing Act (43 U.S.C. 315g), for lands on the western slopes of the Sonoma Mountain Ranges and the East Range Mountains in the vicinity of Auld Lang Syne Peak, Humboldt and Pershing Counties, Nev. This publication is made pursuant to the Act of September 19, 1964 (43 U.S.C. 1412).

This proposal has been discussed with the District Advisory Board, local governmental officials, and other interested parties. Information derived from discussions and other sources indicate that these lands meet the criterion of 43 CFR 2410.13(c)(4), which authorizes classification of lands "for exchange under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which are needed for the support of a Federal Program." Information concerning the lands, including the record of public discussions, is available for inspection and study at the Bureau of Land Management District Office, Winnemucca, Nev. For a period of 60 days from the date of this publication, interested parties may submit comments to the District Manager, Winnemucca District Office, Post Office Box 71, Winnemucca, Nev. 89445.

The lands affected by this proposal are located in Humboldt and Pershing Counties and are described as follows:

MOUNT DIABLO MERIDIAN

T. 33 N., R. 37 E.,
Sec. 2, Lots 4, SW¼NW¼, W½SW¼;
Sec. 12, E½, NW¼, NW¼SW¼, E½SW¼.
T. 34 N., R. 37 E.,
Sec. 4, W½;
Sec. 10, N½, N½S½;
Sec. 12, W½, SE¼;
Sec. 14, W½, SE¼;
Sec. 24;
Sec. 26, NE¼NE¼, S½S½;
Sec. 36.
T. 35 N., R. 37 E.,
Sec. 20;
Sec. 28, NW¼;
Sec. 32, SW¼NE¼, NW¼NW¼, S½NW¼, S½;
Sec. 34.
T. 33 N., R. 38 E.,
Secs. 6, 8, 16.
T. 34 N., R. 38 E.,
Sec. 18;
Sec. 30, N½;
Sec. 32.

The areas described aggregate 9,403.57 acres.

For the State Director.

ROLLA E. CHANDLER,
Land Office Manager.

[F.R. Doc. 68-10205; Filed, Aug. 23, 1968; 8:46 a.m.]

Federal Water Pollution Control Administration

NOTICE OF ORGANIZATION CHANGE

The statement of the Organization of the Department of the Interior, Federal Water Pollution Control Administration, published at 32 F.R. 10674 and amended at 32 F.R. 21042 and 33 F.R. 4953 is further revised by the following change of address:

SEC. 4.30 *Federal Water Pollution Control Administration.*

REGIONAL OFFICE

Region: Missouri Basin.
Headquarters: 911 Walnut Street, Kansas City, Mo. 64106.

ROBERT C. MCCONNELL,
Assistant Secretary for Administration.

AUGUST 19, 1968.

[F.R. Doc. 68-10207; Filed, Aug. 23, 1968; 8:46 a.m.]

National Park Service

[Order 1]

ADMINISTRATIVE OFFICER, NAVAJO LANDS GROUP

Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

1. *Administrative Officer.* The Administrative Officer may execute, approve and administer contracts not in excess of $25,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

2. The authority stated herein is applicable to the Navajo Lands Group in its entire jurisdiction.

(National Park Service Order No. 34 (31 F.R. 4255); 39 Stat. 535; 16 U.S.C., sec. 2; Southwest Region Order No. 4 (31 F.R. 8134))

JOHN E. COOK,
General Superintendent, Navajo Lands Group.

[F.R. Doc. 68-10221; Filed, Aug. 23, 1968; 8:47 a.m.]

Office of the Secretary

JOHN S. ANDERSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 1, 1968.

Dated: August 1, 1968.

JOHN S. ANDERSON.

[F.R. Doc. 68-10234; Filed, Aug. 23, 1968; 8:48 a.m.]

CHARLES A. CAMPBELL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 6, 1968.

Dated: August 6, 1968.

C. A. CAMPBELL.

[F.R. Doc. 68-10235; Filed, Aug. 23, 1968; 8:48 a.m.]

HUBBELL CARPENTER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 2, 1968.

Dated: August 2, 1968.

HUBBELL CARPENTER.

[F.R. Doc. 68-10236; Filed, Aug. 23, 1968; 8:48 a.m.]

GLENN J. HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) FMC Corp., Howmet Corp., Morrison-Knudsen Co., General Electric Co., Amalgamated Sugar Co., Idaho Power Co., First Security Bank Corp., Union Carbide Corp., Air West Airlines, Pacific Power & Light Co., Utah Power & Light Co., Portland General Electric Co., Washington Water Power Co., Montana Power Co., Westinghouse Electric Co.
(3) None.
(4) None.

This statement is made as of August 1, 1968.

Dated: August 1, 1968.

GLENN J. HALL.

[F.R. Doc. 68-10237; Filed, Aug. 23, 1968; 8:48 a.m.]

VIVAN B. JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of August 6, 1968.

Dated: August 6, 1968.

VIVAN B. JONES.

[F.R. Doc. 68-10238; Filed, Aug. 23, 1968; 8:48 a.m.]

J. W. KEPNER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28,

1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change (other than company should have been listed as American Electric Power Co., instead of American Electric Pr. Svc. Corp.)
(3) No change.
(4) No change.

This statement is made as of August 2, 1968.

Dated: August 2, 1968.

J. W. KEPNER.

[F.R. Doc. 68-10239; Filed, Aug. 23, 1968; 8:48 a.m.]

RUSSELL V. KNAPP

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of August 2, 1968.

Dated: August 2, 1968.

RUSSELL V. KNAPP.

[F.R. Doc. 68-10240; Filed, Aug. 23, 1968; 8:49 a.m.]

LEWIS W. LENGNICK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Exchanged American Commercial Lines stock for Texas Gas Transmission on merger. Bought United Nuclear Corp. Transferred Far West Finance.
(3) No change.
(4) No change.

This statement is made as of August 1, 1968.

Dated: August 1, 1968.

LEWIS W. LENGNICK.

[F.R. Doc. 68-10241; Filed, Aug. 23, 1968; 8:49 a.m.]

CHARLES S. McNEER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 2, 1968.

Dated: August 2, 1968.

CHARLES S. McNEER.

[F.R. Doc. 68-10242; Filed, Aug. 23, 1968; 8:49 a.m.]

JULIO A. NEGRONI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 2, 1968.

Dated: August 2, 1968.

JULIO A. NEGRONI.

[F.R. Doc. 68-10243; Filed, Aug. 23, 1968; 8:49 a.m.]

JOHN PAUL NEUBAUER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of August 2, 1968.

Dated: August 2, 1968.

J. P. NEUBAUER.

[F.R. Doc. 68-10244; Filed, Aug. 23, 1968; 8:49 a.m.]

RAFAEL RAMIREZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

Dated: August 2, 1968.

RAFAEL RAMIREZ.

[F.R. Doc. 68-10245; Filed, Aug. 23, 1968; 8:49 a.m.]

CHARLES W. WATSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of August 2, 1968.

Dated: August 2, 1968.

C. W. WATSON.

[F.R. Doc. 68-10246; Filed, Aug. 23, 1968; 8:49 a.m.]

CARL H. WILLIAMS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 31, 1968.

Dated: August 1, 1968.

CARL H. WILLIAMS.

[F.R. Doc. 68-10247; Filed, Aug. 23, 1968; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

GRAZING AND HARVESTING OF HAY ON DIVERTED ACREAGE IN DESIGNATED COUNTIES

Notice of Authorization

Notice is hereby given that the Secretary of Agriculture has authorized the grazing or harvesting of hay, as indicated, on acreage designated as diverted from the production of crops under the Soil Bank Program (7 CFR Part 750), the Cropland Adjustment Program (7 CFR Part 751), the Cropland Conversion Program (7 CFR Part 751), the Feed Grain Program (7 CFR Part 775), and the Upland Cotton Program (7 CFR Part 722), in the counties specified in this notice. The grazing and harvesting of hay on the diverted acreage shall be subject to the terms and conditions in the regulations for each program and instructions issued with respect thereto, which are available in the county ASCS offices. The designated counties are as follows:

GRAZING AND HARVESTING HAY

ALABAMA

Butler.	Lawrence.
Chambers.	Lee.
Conecuh.	Marengo.
Covington.	Marion.
Crenshaw.	Morgan.
De Kalb.	Perry.
Elmore.	Pickens.
Franklin.	Pike.
Greene.	Russell.
Hale.	Sumter.
Houston.	Walker.
Lauderdale.	Winston.

GEORGIA

Dodge.	Laurens.

IDAHO

Cassia.	Lincoln.

IOWA

Appanoose.	Mills.
Audubon.	Montgomery.
Cass.	Page.
Davis.	Shelby.
Decatur.	Van Buren.
East Pottawattamie.	Wayne.
Fremont.	West Pottawattamie.

KANSAS

Barton.	Rush.
Jewell.	Wichita.
Rice.	

KENTUCKY

Meade.	

LOUISIANA

Bossier.	Natchitoches.

MISSOURI

Andrew.	Harrison.
Atchison.	Holt.
Buchanan.	Nodaway.
Clinton.	Putnam.
Daviess.	Schuyler.
De Kalb.	Scotland.
Gentry.	Worth.
Grundy.	

MONTANA

Daniels.	Sheridan.
Dawson.	Valley.
Fallon.	Wibaux.
Roosevelt.	

NEBRASKA

Antelope.	Gage.
Boone.	Garfield.
Boyd.	Greeley.
Cedar.	Holt.
Chase.	Howard.
Custer.	Johnson.
Dakota.	Knox.
Dixon.	Lancaster.
Dundy.	Loup.
Madison.	Sherman.
Nemaha.	Stanton.
Otoe.	Valley.
Pawnee.	Wayne.
Pierce.	Webster.
Richardson.	Wheeler.

NEW MEXICO

Colfax.	Union.
Harding.	

NORTH DAKOTA

Adams.	Mercer.
Benson.	Pierce.
Billings.	Renville.
Dunn.	Rolette.
Hettinger.	Sioux.
McHenry.	Stark.
McKenzie.	Ward.

OREGON

Grant.	Jefferson.
Harney.	

SOUTH DAKOTA

Bon Homme.	Hutchinson.
Charles Mix.	Perkins.

TENNESSEE

Benton.	Lauderdale.
Bledsoe.	Lawrence.
Blount.	Lewis.
Bradley.	McMinn.
Cannon.	McNairy.
Carroll.	Madison.
Chester.	Marion.
Clay.	Marshall.
Coffee.	Maury.
Crockett.	Meigs.
Cumberland.	Montgomery.
Decatur.	Overton.
De Kalb.	Perry.
Dyer.	Pickett.
Fayette.	Polk.
Fentress.	Putnam.
Franklin.	Rhea.
Gibson.	Sequatchie.
Giles.	Shelby.
Hardeman.	Smith.
Hardin.	Stewart.
Haywood.	Sumner.
Henderson.	Tipton.
Henry.	Trousdale.
Hickman.	Van Buren.
Houston.	Warren.
Humphreys.	Wayne.
Jackson.	Weakley.
Johnson.	White.
Lake.	

GRAZING ONLY

COLORADO

Arapahoe.	Elbert.
Crowley.	Morgan.

IOWA

Bremer.	Jones.
Buchanan.	Linn.

LOUISIANA

Bossier.	

Signed at Washington, D.C., on August 15, 1968.

CHARLES L. FRAZIER,
Acting Deputy Administrator for State and County Operations, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 10228; Filed, Aug. 23, 1968; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

[Commission Order No. 201.1 (Rev.), Amdt. 2]

BRANCH CHIEFS, OFFICE OF TARIFFS AND INFORMAL COMPLAINTS

Redelegation of Authority

The basic order is hereby amended by a restatement of section 5.04 in its entirety as follows:

5.04 Branch Chiefs, Office of Tariffs and Informal Complaints, in the absence or preoccupation of the Chief, Office of Tariffs and Informal Complaints are:

1. Delegated authority to reject tariff filings submitted by common carriers by water engaged in the foreign commerce of the United States which do not meet the timeliness requirements of section 18(b) of the Shipping Act, 1916.

2. Authorized to approve special permission applications covering cargo moving under contracts and/or rates negotiated by the Military Sea Transportation Service, Department of the Navy.

EDWARD SCHMELTZER,
Managing Director.

[F.R. Doc. 68-10271; Filed, Aug. 23, 1968; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

DEPARTMENT OF AGRICULTURE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897), and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00599-33-11700. Applicant: U.S. Department of Agriculture, Agricultural Research Service, 600 East Mermaid Lane, Philadelphia, Pa. 19118. Article: Cigarette smoking machine, Filtrona CSM 12. Manufacturer: Cigarette Components, Ltd., United Kingdom. Intended use of article: The article will be used for controlling the manufacture of experimental cigarettes and analyzing the smoke. The scientific objectives include the complete elucidation of the chemical composition of smoke, as well as study of the biological properties of whole smoke, crude fractions obtained therefrom, and the individually identified components. Comments: No comments have been received with respect to this

application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a four-channel smoking machine which may be operated in either manual or automatic mode. Provision is made for varying puff duration from 0.5 to 6 seconds and puff interval from 10 to 104 seconds. Volumetric flow is variable from 25 to 40 cubic centimeters per 2 seconds and accurate to one percent. The article is intended for control use and smoke analysis in the manufacture of experimental cigarettes. We have been advised by the Department of Health, Education, and Welfare (HEW), in a memorandum dated July 15, 1968, that there is no equivalent domestic instrument or apparatus known to be produced in the United States.

The Department of Commerce knows of no instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-10215; Filed, Aug. 23, 1968; 8:46 a.m.]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00550-33-46040. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: Electron microscope EM9A. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used for reconstruction of serial section of microscopic objects of biological and medical interest, with particular emphasis on the virus infected mammalian cell. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The only known comparable domestic instrument is the Model EMU-4 electron microscope manufactured by the Radio Corporation of America (RCA). Effective September 1968, the RCA Model EMU-4 has been redesigned to increase certain performance capabilities, with a quoted delivery time of 60 days. However, since the applicant placed the order for the foreign article prior to April 29, 1968, the determination of scientific equivalency has been made with reference to the characteristics and specifications of the RCA Model EMU-4 relevant at that time. (1) The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope which can be used by students with a minimum of detailed programing and early use by the student with self-confidence. The only domestic electron microscope is the RCA Model EMU-4 which is a high resolution and relatively complex instrument designed for high level research. (2) The foreign article provides as low as 60 magnifications. This characteristic permits the student to make an easy transition from light microscopy. (3) The foreign article also provides a digital readout for focusing adjustments, which allows the instructor to check the correctness of the student's focusing adjustment and to exactly repeat focusing adjustment for several students performing an identical experiment.

For the foregoing reasons, we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-10218; Filed, Aug. 23, 1968; 8:47 a.m.]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00672-00-46040. Applicant: University of California, 405 Hilgard Avenue, Los Angeles, Calif. 90024. Article: Exposure meter for Siemens electron microscope. Manufacturer: Siemens & Halske A.G., West Germany. Intended use of article: The article will be used as a photographic accessory to the applicant's microscope. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used is being manufactured in the United States. Reason: The foreign article, an exposure meter, is an accessory to an electron microscope now in the applicant's possession, which was manufactured by Siemens & Halske, A.G., of West Germany.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with the foreign article.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-10216; Filed, Aug. 23, 1968; 8:47 a.m.]

UNIVERSITY OF CHICAGO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00452-75-44500. Applicant: University of Chicago, Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Ill. 60439. Article: Research Metallograph, Model MM-5-RT. Manufacturer: Ernst Leitz GMBH, West Germany. Intended use of article: The article will be used to examine highly radioactive experimental fuel materials for nuclear reactors. Comments: Comments have been received from one domestic manufacturer, Bausch and Lomb, Inc. (B&L), which alleged in a telegram dated April 22, 1968, that the firm has "an acceptable substitute" for the foreign article and that technical documentation supporting its claim would be submitted by May 23, 1968. Although the Department of Commerce has since that time notified B&L on two occasions that the supporting documentation had not been received, the domestic manufacturer has not provided such technical information. (See memorandum to record dated July 16, 1968.) Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as the article is intended to be used, was being manufactured in the United States and available to the applicant at the time it submitted its application for duty-free entry. Reasons: The foreign article is a research metallograph intended to be used for examining highly radioactive experimental fuel materials for nuclear reactors, to ascertain the changes in the physical properties of these materials resulting from their being irradiated. This requires a specially designed research metallograph which must meet specifications for resistance to nuclear radiation, shielding and other safety factors in addition to performance specifications. We are advised by the National Bureau of Standards (NBS) (memorandum dated June 25, 1968) that B&L has manufactured similar instruments in the past, but that it has no evidence that B&L is "willing or able to provide the particular design desired by the applicant." As indicated in the reply to Question 10 of the application, B&L did not respond to an invitation to bid on the instrument which was extended to it by the applicant. Furthermore, although afforded an opportunity by the Department of Commerce to provide evidence that it was willing to supply an instrument in accordance with the applicant's specifications, B&L has not furnished such documentation.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-10217; Filed, Aug. 23, 1968; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

E. I. DU PONT DE NEMOURS & CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9B2321) has been filed by E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, Del. 19898, proposing that § 121.2514 *Resinous and polymeric coatings* (21 CFR 121.2514) be amended to provide for the safe use of adipic acid and hexamethylenediamine as optional components of side-seam cements.

Dated: August 16, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10283; Filed, Aug. 23, 1968; 8:52 a.m.]

NORWICH PHARMACAL CO.

Notice of Filing of Petition for Food Additive Buquinolate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by The Norwich Pharmacal Co., Post Office Box 191, Norwich, N.Y. 13815, proposing that § 121.291 *Buquinolate* (21 CFR 121.291) be amended to provide for the safe use of buquinolate in the feed of chickens intended for use as caged layers, as an aid in the prevention of coccidiosis.

Dated: August 15, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10284; Filed, Aug. 23, 1968; 8:52 a.m.]

S. B. PENICK & CO.

Notice of Filing of Petition for Food Additives Bacitracin Methylene Disalicylate and Diethylstilbestrol

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by S. B. Penick & Co., 100 Church Street, New York, N.Y. 10007, proposing that the food additive regulations (21 CFR Part 121, Subpart C) be amended to provide for the safe use in cattle feed of bacitracin methylene disalicylate for reduction in the number of liver condemnations due to abscesses in feedlot beef cattle, with or without added diethylstilbestrol for fattening beef cattle.

Dated: August 15, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10285; Filed, Aug. 23, 1968; 8:52 a.m.]

UNION CARBIDE CORP.

Notice of Withdrawal of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide regulations (21 CFR 120.8), the Union Carbide Corp., New York, N.Y. 10017, has withdrawn its petition (PP 8F0694), notice of which was published in the FEDERAL REGISTER of March 2, 1968 (33 F.R. 4116), proposing (1) an exemption from the requirement of a tolerance for residues of the insecticide butoxypolypropylene glycol in or on meat and milk of livestock resulting from application of the insecticide to livestock or (2) a tolerance of 0.2 part per million for residues of the insecticide in or on meat and milk if such exemption was not established.

Dated: August 15, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10286; Filed, Aug. 23, 1968; 8:52 a.m.]

UNIVERSITY OF CALIFORNIA

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8M2314) has been filed by the Department of Agricultural Engineering, College of Agriculture, University of California, Davis, Calif. 95616, proposing that § 121.3001 *Sources of radiation used for inspection of food, for inspection of packaged food, and for controlling food processing* (21 CFR 121.3001) be amended to provide for the safe use of a radioactive control device for inspecting lettuce.

Dated: August 16, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10287; Filed, Aug. 23, 1968; 8:52 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20075; Order 68-8-79]

POCONO AIRLINES, INC.

Order To Show Cause Regarding Service Mail Rates

Issued under delegated authority, August 20, 1968.

Pocono Airlines, Inc. (Pocono), is an air taxi operator providing services pursuant to Part 298 of the Board's Economic Regulations. By Order 68-7-5, July 1, 1968, the Board approved Agreement CAB 20271 between Allegheny Airlines, Inc., and Pocono. This agreement contemplates that Pocono will discharge Allegheny's certificate obligation to serve Hazleton, Pa., through the operation of small aircraft between Hazleton, Pa., and Newark, N.J. Initially, Pocono will utilize Beech 80 Queen Air type aircraft, and later will utilize Beech 99 turboprop type aircraft.

No service mail rate is currently in effect for this service by Pocono. By petition filed August 5, 1968, Pocono requested the establishment of final service mail rates for transportation of priority and nonpriority mail by air.[1] On August 15, 1968, the Postmaster General filed an answer in support of Pocono's petition. The Department stated it was the intention of the parties that the rates for Pocono's services would be the same as those paid to Allegheny under Board orders, either as now prevailing or as subsequently amended.

The rate for the transportation of priority mail applicable to service by Allegheny was established by the Board in the Domestic Service Mail Rate Investigation, Order E–25610, August 28, 1967. This rate is the same as that requested in Pocono's petition. Therefore, we propose to establish a service rate for the air transportation of priority mail by Pocono at the same level as that established in Order E–25610, and the terms and provisions of that order also shall be applicable to Pocono in the same manner as they were applicable to Allegheny in providing mail services between Hazleton, Pa., and Newark, N.J.

However, in the case of rates for the air transportation of nonpriority mail, an open-rate situation has existed since April 6, 1967, when the Post Office petitioned for the establishment of new nonpriority mail rates in Docket 18381. The rates currently being paid air carriers (including Allegheny) for the transportation of nonpriority mail are those established by Order E–17255, July 31, 1961, in the nonpriority Mail Rate Case, and these rates are subject to such retroactive adjustment to April 6, 1967, as the final decision in Docket 18381 may provide. Since it is the expressed intention of the Post Office Department and Pocono that Pocono will receive the same compensation as Allegheny would for the same services, we propose to establish a temporary service rate for nonpriority mail for Pocono at the level established in Order E–17255, as amende, and the terms and provisions of that order shall be applicable to Pocono in the same manner as they were applicable to Allegheny in providing mail service between Hazleton, Pa., and Newark, N.J. We will also make Pocono a party to the proceedings in Docket 18381 and the temporary nonpriority mail rate established herein shall be subject to such retroactive adjustment as may be ordered in that proceeding.

Under the circumstances, the Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Pocono Airlines, Inc., by the Postmaster General for the air transportation of mail, and the facilities used and useful therefor, and the services connected therewith, between Hazleton and Newark. Upon consideration of the petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order [2] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Pocono Airlines, Inc., pursuant to section 406 of the Act, for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Hazleton, Pa., and Newark, N.J., shall be the rate established by the Board in Order E–25610, August 28, 1967, and shall be subject to the other provisions of that order;

2. The fair and reasonable temporary service mail rate to be paid to Pocono Airlines, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Hazleton, Pa., and Newark, N.J., shall be the rates established by the Board in Order E–17255, July 31, 1961, as amended, subject to such retroactive adjustment as may be made in Docket 18381; and

3. The service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR 385.14(f):

It is ordered, That:

1. All interested persons and particularly Pocono Airlines, Inc., the Postmaster General, and Allegheny Airlines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the rates specified above, as the fair and reasonable rates of compensation to be paid to Pocono Airlines, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within ten days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and an answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rates specified herein;

4. If answer is filed presenting issues for hearing the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307);

5. Pocono Airlines, Inc., is hereby made a party in Docket 18381; and

6. This order shall be served upon Pocono Airlines, Inc., and the Postmaster General, and Allegheny Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 68–10250; Filed, Aug. 23, 1968; 8:49 a.m.]

[1] The petition proposed the following rates: Priority mail by air: 24 cents per ton-mile plus 9.36 cents per pound at Hazleton and 2.34 cents per pound at Newark. Nonpriority mail by air: 15.115 cents per ton-mile plus 4.98 cents per pound at Hagerstown and 1.660 cents per pound at Baltimore.

[2] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part (14 CFR Part 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in § 385.14 (g).

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 18286, 18287; FCC 68–827]

MIAMI PIPER CORP. AND GENERAL AVIATION CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Miami Piper Corp., Miami, Fla., Docket No. 18286, File No. 20–A–L–38; General Aviation Corp., Miami, Fla., Docket No. 18287, File No. 181–A–L–38; for aeronautical advisory station to serve the new Tamiami Airport, Miami, Fla.

1. The Commission's rules (§ 87.251 (a)) provide that only one aeronautical advisory station may be authorized to operate at a landing area. The above-captioned applications both seek Commission authority to operate an aeronautical advisory station at the new Tamiami Airport, Miami, Fla., and therefore are mutually exclusive. Accordingly, it is necessary to designate the applications for hearing. Except for the issues specified herein each applicant is otherwise qualified.

2. In view of the foregoing: *It is ordered,* That pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, that the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order on the following issues:

(a) To determine which applicant would provide the public with better aeronautical advisory service based on the following considerations:

(1) Location of the fixed-base operation and proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation and aviation communications;

(5) Ability to provide information pertaining to primary and secondary communications as specified in § 87.257 of the Commission's rules;

(6) Proposed radio system including control and dispatch points; and

(7) The availability of the radio facilities to other fixed-base operators.

(b) To determine in light of the evidence adduced on the foregoing issues which, if either, of the applications should be granted.

3. *It is further ordered,* That to avail themselves of an opportunity to be heard Miami Piper Corp. and General Aviation Corp., pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

Adopted: August 14, 1968.

Released: August 21, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68–10261; Filed, Aug. 23, 1968; 8:50 a.m.]

[1] Commissioner Cox absent.

FEDERAL POWER COMMISSION

[Docket No. RI69–51, etc.]

HUMBLE OIL & REFINING CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

AUGUST 15, 1968.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 2, 1968.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket nos
RI69–51	Humble Oil & Refining Co. (Operator), et al., Post Office Box 2180, Houston, Tex. 77001, Attn.: Mr. John J. Carter and Mr. Martin N. Erck.	5	61	El Paso Natural Gas Co. (Spraberry Field, Glasscock, et. al., Counties, Tex.) (R.R. District Nos. 7–C and 8).	$52,949	7–17–68	[3] 8–17–68	1–17–69	[4] 14.50	[5] 18.2430	
	do	31	17	El Paso Natural Gas Co. (Cooper Jal Field, Lea County, N. Mex.).	77,036	7–17–68	[3] 8–17–68	1–17–69	[4] 14.68	[5] [7] 16.8882	
	do	118	13	El Paso Natural Gas Co., [10] (Amacker Tippet and King Mountain Fields, Upton County, Tex.) (R.R. District No. 7–C).	1,342	7–17–68	[3] 8–17–68	1–17–69	[4] [11] 14.10	[5] 15.2025	
	do	132	8	West Texas Gathering Co. (Emperor Field, Winkler County, Tex.) (R.R. District No. 8).	164,933	7–17–68	[3] 8–17–68	1–17–69	[4] [12] 14.39	[5] 18.0	
	do	144	7	El Paso Natural Gas Co. (Amacker Tippet Field, Upton County, Tex.) (R.R. District No. 7–C).	608	7–17–68	[3] 8–17–68	1–17–69	[4] [13] 14.10	[5] 15.2025	
	do	260	11	El Paso Natural Gas Co. (Snyder Plant, Scurry County, Tex.) (R.R. District No. 8A).	36,226	7–17–68	[3] 8–17–68	1–17–69	[4] [14] 16.20	[5] 17.1114	
	do	262	8	El Paso Natural Gas Co., [10] (Wilshire Field, Upton County, Tex.) (R.R. District No. 7–C).	10,108	7–17–68	[3] 8–17–68	1–17–69	[4] [15] 14.10	[5] 15.2025	
	do	138	6	El Paso Natural Gas Co. (Buckhorn Field, Schleicher County, Tex.) (R.R. District No. 7–C).	4,161	7–17–68	[3] 8–17–68	1–17–69	[4] [16] 14.40	[5] 16.0	
	do	294	4	El Paso Natural Gas Co. (San Hill Field, Crane County, Tex.) (R.R. District No. 8).	76,769	7–17–68	[3] 8–17–68	1–17–69	[4] 16.50	[5] 18.2430	
	do	330	7	El Paso Natural Gas Co. (Clara Couch Field, Crockett County, Tex.) (R.R. District No. 7–C).	4,677	7–17–68	[3] 8–17–68	1–17–69	[4] [17] 16.10	[5] 16.7228	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket nos.
R169-52	Humble Oil & Refining Co.	9	13	El Paso Natural Gas Co. (Clara Couch Field, Crockett County, Tex.) (R.R. District No. 7-C).	$917	7-17-68	[2] 8-17-68	1-17-69	[3] [17] 14.11	[3] [18] 16.7228	
	do	16	15	El Paso Natural Gas Co. (Dollarhide Plant, Andrews County, Tex.) (R.R. District No. 8).	9,828	7-17-68	[2] 8-17-68	1-17-69	[3] [18] 14.50	[3] [4] 18.2430	
	do	28	14	El Paso Natural Gas Co. (Cooper Jal Field, Lea County, N. Mex.).	12,825	7-17-68	[2] 8-17-68	1-17-69	[3] [19] 13.74	[3] [4] [7] 16.8882	
	do	33	11	do	601	7-17-68	[2] 8-17-68	1-17-69	[3] [19] 12.57	[3] [4] 16.8882	
	do	45	12	do	66	7-17-68	[2] 8-17-68	1-17-69	[3] [19] 13.04	[3] [4] [5] 16.8882	
	do	116	15	El Paso Natural Gas Co. (South Andrews Field, Andrews County, Tex.) (R.R. District No. 8).	37,502	7-17-68	[2] 8-17-68	1-17-69	[3] [20] 12.81	[3] [4] 15.2025	
	do	159	5	El Paso Natural Gas Co. (South Pecos Valley Field, Pecos County, Tex.) (R.R. District No. 8).	468	7-17-68	[2] 8-17-68	1-17-69	[3] [21] 13.66	[3] [4] 16.7228	
	do	160	7	El Paso Natural Gas Co. (Roberts (Strawn) Field, Sutton County, Tex.) (R.R. District 7-C).	272	7-17-68	[2] 8-17-68	1-17-69	[3] [21] 13.94	[3] [4] 16.7228	
	do	259	7	El Paso Natural Gas Co. (Pecos Valley Field, Pecos County, Tex.) (R.R. District No. 8).	3,506	7-17-68	[2] 8-17-68	1-17-69	[3] [21] 14.52	[3] [4] 16.7228	
	do	288	10	El Paso Natural Gas Co. (Spraberry (J. F. Nunn) Field, Reagan County, Tex.) (R.R. District No. 7-C).	609	7-17-68	[2] 8-17-68	1-17-69	[3] [22] 14.50	[3] [4] 18.2430	
	do	289	10	El Paso Natural Gas Co. (Spraberry (E. Nunn) Field, Reagan County, Tex.) (R.R. District No. 7-C).	654	7-17-68	[2] 8-17-68	1-17-69	[3] [22] 14.50	[3] [4] 18.2430	
	do	290	9	El Paso Natural Gas Co. (Spraberry (Walker) Field, Reagan County, Tex.) (R.R. District No. 7-C).	342	7-17-68	[2] 8-17-68	1-17-69	[3] [22] 14.50	[3] [4] 18.2430	
	do	291	20	El Paso Natural Gas Co. (Spraberry (C. W. Merchant) Field, Reagan County, Tex.) (R.R. District No. 7-C).	1,417	7-17-68	[2] 8-17-68	1-17-69	[3] [22] 14.50	[3] [4] 18.2430	
	do	292	19	El Paso Natural Gas Co. (Spraberry (Merchant-13) Field, Reagan County, Tex.) (R.R. District No. 7-C).	[23]	7-17-68	[2] 8-17-68	1-17-69	[3] [24] 1.450	[3] [4] 18.2430	
	do	293	20	El Paso Natural Gas Co. (Spraberry (Nunn Est.) Field, Reagan County, Tex.) (R.R. District No. 7-C).	99	7-17-68	[2] 8-17-68	1-17-69	[3] [24] 14.50	[3] [4] 18.2430	
	do	320	15	El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.) (R.R. District No. 7-C).	312	7-17-68	[2] 8-17-68	1-17-69	[3] [24] [25] 14.50	[3] [4] 18.2430	
	do	361	6	El Paso Natural Gas Co. (XBC Field, Upton County, Tex.) (R.R. District No. 7-C).	67	7-17-68	[2] 8-17-68	1-17-69	[3] [26] 14.50	[3] [4] 18.2430	
	do	374	7	El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.) (R.R. District No. 7-C).	790	7-17-68	[2] 8-17-68	1-17-69	[3] [27] 14.50	[3] [4] 18.2430	
	do	393	2	El Paso Natural Gas Co. (Three Bar-field, Andrews County, Tex.) (R.R. District No. 8).	17,548	7-17-68	[2] 8-17-68	1-17-69	[3] 15.19	[4] [28] 18.00	
	do	411	2	El Paso Natural Gas Co. (Oomez Field, Pecos County, Tex.) (R.R. District No. 8).	687	7-17-68	[2] 8-17-68	1-17-69	[3] 15.91	[4] [29] 17.50	
	do	415	2	El Paso Natural Gas Co. (Wilshire (Devonian) Field, Upton County, Tex.) (R.R. District No. 7-C).	14,832	7-17-68	[2] 8-17-68	1-17-69	[3] 16.97	[4] [30] 18.00	
	do	421	7	El Paso Natural Gas Co. and Pecos Co. (King Mountain (Stralin) Field, Upton County, Tex.) (R.R. District No. 7-C).	2,560	7-17-68	[2] 8-17-68	1-17-69	[3] 14.61	[4] [29] 15.2025	
	do	276	8	Transwestern Pipeline Co. (Bell Lake Field, Lea County, N. Mex.).	[31] 12,919	7-17-68	[2] 8-17-68	1-17-69	[31] [32] 16.0774 [3] [33] [32] 16.04	[4] [7] [31] 18.5870 [4] [7] [29] [32] 18.5870	
R169-53	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103, Attn: C. E. Webber, Director, Natural Gas Administration.	124	6	Transwestern Pipeline Co. (Kermit Field, Winkler County, Tex.) (R.R. District No. 8).	10,152	[34] 7-17-68	[2] 8-17-68	1-17-69	[3] [35] 14.86	[3] [4] 20.50	
	do	132	8	Transwestern Pipeline Co. (Waha Field, Pecos County, Tex.) (R.R. District No. 8).	9,600	[33] 7-17-68	[2] 8-17-68	1-17-69	[3] [27] 16.40	[4] 18.0	

[2] The stated effective date is the 1st day after expiration of the statutory notice.
[3] Increase from applicable area ceiling rate to contractually provided rate.
[4] Pressure base is 14.65 p.s.i.a.
[5] Rate established by previously accepted quality statement.
[6] Effective rate is 18.2430 cents per Mcf effective subject to refund in Docket No. R165-11, except Supplement Nos. 45, 46, 49, 52, and 56 for which the present rate is 16 cents per Mcf.
[7] Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.
[8] Footnote 8 is not used.
[9] Effective rate is 16.8882 cents per Mcf effective subject to refund in Docket No. R165-25.
[10] Copurchaser is Pecos Co. as successor to Hunt Oil Co., 50 percent interest. Pecos Co. is a subsidiary of El Paso Natural Gas Co.
[11] Effective rate is 15.2025 cents per Mcf effective subject to refund in Docket No. R165-11.
[12] Effective rate is 18 cents per Mcf effective subject to refund in Docket No. R168-421.
[13] Effective rate is 15.2025 cents per Mcf effective subject to refund in Docket No. R165-11.
[14] Effective rate is 17.1114 cents per Mcf effective subject to refund in Docket No. R165-11.
[15] Effective rate is 15.2025 cents per Mcf effective subject to refund in Docket No. R165-11.
[16] Effective rate is 15 cents per Mcf effective subject to refund in Docket No. R163-238.
[17] Effective rate is 16.7228 cents per Mcf effective subject to refund in Docket No. R165-24.
[18] Effective rate is 18.2430 cents per Mcf effective subject to refund in Docket No. R165-24.
[19] Effective rate is 16.8882 cents per Mcf effective subject to refund in Docket No. R165-10.
[20] Effective rate is 15.2025 cents per Mcf effective subject to refund in Docket No. R165-10.
[21] Effective rate is 16.7228 cents per Mcf effective subject to refund in Docket No. R165-10.
[22] Effective rate is 18.2430 cents per Mcf effective subject to refund in Docket No. R165-10.
[23] Seller reports no current production.
[24] Effective rate is 18.2430 cents per Mcf effective subject to refund in Docket No. R165-10.
[25] Effective rate for acreage dedicated by Supplement Nos. 6, 8, and 11 is 16 cents per Mcf.
[26] Current rate is 16 cents per Mcf for all dedicated acreage except for acreage added by Supplement No. 5, which has an effective rate of 14.5 cents per Mcf.
[27] Effective rate is 18 cents per Mcf effective subject to refund in R165-56.
[28] Increase from rate provided by conditioned temporary certificate to contract rate (initial rate is 15.19 cents per Mcf).
[29] Increase from rate provided by conditioned temporary certificate to contract rate.
[30] Periodic rate increase.
[31] For gas produced from the Pennsylvania formation, (operator anticipates no deliveries from this formation).
[32] Effective rate is 16.0774 cents per Mcf effective subject to refund in Docket No. R164-42.
[33] For gas produced from the Devonian Formation.
[34] Effective rate is 16.7228 cents per Mcf effective subject to refund in Docket No. R165-10, except for acreage added under Supplement Nos. 1 and 3 which is 16.10 cents per Mcf.
[35] Corrections filed July 29, 1968.
[36] Present effective rate is 20.50 cents per Mcf effective subject to refund in Docket No. R166-196.
[37] Present effective rate is 18 cents per Mcf effective subject to refund in Docket No. R168-79.

APPENDIX "A"

Humble Oil & Refining Co. and Humble Oil & Refining Co. (Operator), et al. (both referred to herein as Humble) request that should the Commission suspend their proposed rate increases that the suspension periods be shortened to 1 day, or as short a period as possible. Good cause has not been shown for granting Humble's request for limiting to 1 day the suspension periods with respect to their rate filings and Humble's request is denied.

Four of Humble's proposed rate increases reflect partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax which was increased from 2 percent to 2.55 percent on April 1, 1963. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting all tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent is expected to file a protest to these rate increases. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearings herein shall concern themselves with the contractual basis for the rate filings, as well as the statutory lawfulness of Humble's proposed increased rates and charges.

Humble and Sun Oil Co.'s proposed increased rates and charges exceed the applicable ceiling rates established by the related quality statements previously accepted by the Commission pursuant to Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

[F.R. Doc. 68-10152; Filed, Aug. 23, 1968; 8:45 a.m.]

[Docket No. G-7004, etc.]

PENNZOIL UNITED, INC., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

AUGUST 14, 1968.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10), on or before September 9, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further hearing will be held with the Commission and open to public inspection.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-7004 D 7-26-68	Pennzoil United, Inc., Post Office Drawer 1588, Parkersburg, W. Va. 26101 (partial abandonment).	Consolidated Gas Supply Corp., acreage in Kanawha County, W. Va.	(1)	-------
G-10115 (G-10775) (G-10963) (G-10904) C 8-5-68 [2]	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	Texas Eastern Transmission Corp., Greenwood-Waskom Field, Caddo Parish, La.	16.7756	15.025
G-19534 E 7-24-68 [3]	CRA, Inc. (successor to Brooks Gas Corp.), c/o Carlyle W. Urban, General Attorney, 606 Houston First Savings Bldg., Houston, Tex. 77002.	Northern Natural Gas Co., Mertzon Plant, Irion County, Tex.	[4] 13.25	14.65
C163-708 E 7-24-68	do	do	[5] 17.0 [5] 16.5 [6] 1.5	14.65 ------- 14.65
C165-700 E 7-24-68 [3]	do	do	16.0	14.65
C166-1106 E 7-24-68 [3]	do	do	15.0	14.65
C160-50 C 7-25-68	D. R. Lauck Oil Co., Inc., 301 South Broadway, Wichita, Kans. 67202.	Panhandle Eastern Pipe Line Co., acreage in Edwards County, Kans.	(7)	-------
C160-50 D 7-25-68	Do	Panhandle Eastern Pipe Line Company acreage in Stafford and Pratt Counties, Kans.	Assigned	-------
C160-252 D 7-26-68 [8]	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Guymon-Hugoton (Deep) Field, Texas County, Okla.	21.5	15.025
C161-586 8-1-68 [9]	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	United Fuel Gas Co., Northeast Rayne Field, Acadia Parish, La.	[10] 15.0	14.65
C161-691 C 8-7-68	Sinclair Oil & Gas Co. (Operator) et al., Post Office Box 521, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., Northeast Cedardale Field, Major County, Okla.	Assigned	-------
C161-1327 D 7-26-68 [8]	Mobil Oil Corp.	Cities Service Gas Co., Guymon-Hugoton (Deep) Field, Texas County, Okla.		

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C169-121 A 8-5-68	Natol Petroleum Corp. et al., 1400 Petroleum Club Bldg., Oklahoma City, Okla. 73102.	Panhandle Eastern Pipe Line Co., Hopeton Area, Woods County, Okla.	[1] 17.0	14.65
C169-122 A 8-5-68	Har-Ken Oil Co. (Operator) et al., c/o D. Austin Stubblefield II, attorney, 613½ Frederica St., Owensboro, Ky. 42301.	Texas Gas Transmission Corp., Midland Field, Muhlenberg County, Ky.	17.0	15.025
C169-123 B 8-5-68	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	Kansas-Nebraska Natural Gas Co., Inc., White Tool, Logan County, Colo.	(2)	-------
C169-124 B 8-5-68	Hunt Oil Co., 1401 Elm St., Dallas, Tex. 75202.	Transcontinental Gas Pipe Line Corp., Eagle Bluff Area, Jackson Parish, La.	Depleted	-------
C169-125 A 8-5-68	Pan American Petroleum Corp., Post Office Box 1410, Fort Worth, Tex. 76101.	Northern Natural Gas Co., West Sharon Field, Woodward County, Okla.	15.0	14.65
C169-126 A 8-5-68	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	United Gas Pipe Line Co., Laura LaVelle Field, Houston County, Tex.	15.0	14.65
C169-127 A 8-7-68	Apache Gas Products Corp., 828 South Detroit, Tulsa, Okla. 74120.	Mississippi-Dakota Utilities Co., (Release Products Plant, Campbell County, Wyo.	15.384	15.025
C169-128 A 8-6-68	Delta Drilling Co. (Operator) et al., Post Office Box 2012, Tyler, Tex. 75702.	El Paso Natural Gas Co., Dakota Field, San Juan County, N. Mex.	13.0	15.025
C169-129 D 7-25-68	MacDonald Sindel et al., Box 66, Roma, Tex. 78584.	Consolidated Gas Supply Corp., Grant District, Lewis County, W. Va.	25.0	15.325
C169-130 A 8-5-68	Hunt Oil Co. et al., Post Office Box 449, Tyler, Tex. 75701.	Northern Natural Gas Co., Tangler Field, Woodward County, Okla.	[1] 19.55	14.65
C169-131 (11-17006) F 7-18-68 [4]	Sohio Petroleum Co. (successor to Blanco Oil Co.), 970 First National Office Bldg., Oklahoma City, Okla. 73102.	United Gas Pipe Line Co., Laura LaVelle Field, Houston County, Tex.	15.0	14.65
C169-132 (C168-1285) F 7-29-68	Sohio Petroleum Co. (successor to Blanco Oil Co.).	Panhandle Eastern Pipe Line Co., acreage in Meade County, Kans.	(14)	-------
C169-133 D 7-25-68	Pan American Petroleum Corp. (Operator) et al.	Plateau Natural Gas Co., Hugoton Gas Field, Kearny County, Kans.	13.5	14.65
C169-942 C 8-5-68	Pan American Petroleum Corp. (Operator) et al., Post Office Box 1410, Fort Worth, Tex. 76101.	Panhandle Eastern Pipe Line Co., North Hopeton Field, Woods County, Okla.	[1] 15.0	14.65
C169-453 D 7-26-68	Edwin G. Bradley and George R. Shaw d.b.a. Bradley-Shaw (Operator) et al. 826 Union Center Bldg., Wichita, Kans. 67202.	El Paso Natural Gas Co., San Juan Basin, San Juan and Rio Arriba Counties, N. Mex.	15.0	14.65
C167-1683 C 7-29-68	Edwin G. Bradley and George R. Shaw d.b.a. Bradley-Shaw (Operator) et al. 826 Union Center Bldg., Wichita, Kans. 67202.	Arkansas Louisiana Gas Co., Peno Field, LeFlore County, Okla.	15.0	14.65
C167-1851 C 8-7-68	William V. Montin et al. 1300 First National Bldg., Oklahoma City, Okla. 73102.	Panhandle Eastern Pipe Line Co., North Hopeton Field, Woods County, Okla.	[1] 15.0	14.65
C169-113 (C168-1285) F 7-30-68	King Resources Co. (successor to Border Exploration Co.), % Samuel L. McClarm, attorney, 500 Petroleum Club Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., East Boundary Butte Field, Apache County, Ariz.	[1] 18.7	15.025
C169-200 C 8-6-68	Sun Oil Co. (Mid-Continent Division), 1608 Walnut St., Philadelphia, Pa. 19103.	Panhandle Eastern Pipe Line Co., North Shongaloo-Red Rock Field, Webster Parish, La.	[20] 18.75	15.025
C169-114 A 7-31-68	Pan American Petroleum Corp. (Operator) et al.	Texas Gas Transmission Corp., Panhandle Eastern Pipe Line Co., South Peek Field, Ellis County, Okla.	[1] 17.0	14.65
C169-115 A 7-31-68	Jack H. Choate, Post Office Box 218, Hennessey, Okla. 73742.	Panhandle Eastern Pipe Line Co., acreage in Morton County, Kans.	Depleted	-------
C169-116 B 7-30-68	Pioneer Production Corp., Post Office Box 2542, Amarillo, Tex. 79101.	Texas Gas Transmission Corp., Carthage Field, Panola County, Tex.	15.0	14.65
C169-117 (C168-1052) F 7-29-68	Whitaker Oil Co. (successor to Barnwell Production Co.), Whitaker Bldg., Carthage, Tex.	Mountain Gas Co., Rocky Fork Field, Kanawha County, W. Va.	27.0	15.325
C169-118 A 8-1-68	Appalachian Exploration & Development, Inc., Post Office Box 1473, Charleston, W. Va. 25325.	Northern Natural Gas Co., Northwest Cumrick Pool, Texas County, Okla.	[21] 18.75	14.65
C169-119 A 8-2-68	Sohio Petroleum Co., 970 First National Bank Bldg., Oklahoma City, Okla. 73102.	Phillips Petroleum Co., Acreage in Hutchinson County, Tex.	[22] 11.0	14.65
C169-120 A 7-31-68	Guy E. Williams, East Moody St., Willits, Calif. 95490.			

See footnotes at end of table.

[1] Purchaser has no facilities in the area to take the gas expected to be produced.
[2] Adds acreage acquired from Sunray DX Oil Co., Docket No. G-10776, Sinclair Oil & Gas Co., Docket No. G-10663, and Marathon Oil Co., Docket No. G-10904.
[3] Pursuant to Order No. 232, Inc. certificate holders in Docket No. C165-581, sell gas produced in the Velma Initial Area, Pauley Expansion, Velma Field, and Velma Extension Area, Stephens County, Okla., to certificate holder in Docket No. C165-700, gathers the gas and Pauley gas for Northern and delivers the gas to Brooks Pipeline Co., certificate holder in Docket No. C164-121, which transports the gas to Brooks Gas Merton Plant in Irion and Tom Green Counties, Tex., where the gas is processed and delivered to Northern. Brooks Gas in Irion and Tom Green Counties, Tex., for purchases gas produced from the Merton Field and the Northern certificate holder in Docket No. C163-708, purchases processing in the Merton Plant and resale to Northern. Brooks Gas, as certificate holder in Docket No. C166-1106, produces and purchases gas produced in Irion and Tom Green Counties for processing in the Merton Plant and sale and resale to Northern. Brooks Gas has succeeded to Brooks Pipeline Co. (URA), Inc., proposes in Docket Nos. G-10534, C163-708, C165-700, and C166-1106 to continue the sales and service authorized in said dockets as successor in interest to Brooks Gas.
[4] Rate in effect subject to refund in Docket No. RI68-326.
[5] Rate in effect subject to refund in Docket No. RI68-396.
[6] Rate for initial acreage.
[7] Rate for additional acreage dedicated to contract.
[8] (Omitted.)
[9] Deletes nonproductive acreage.
[10] Deletes acreage assigned to Samedan Oil Corp.
[11] Amendment to certificate filed to include the interest of nonsignatory party.
[12] Subject to upward and downward B.t.u. adjustment.
[13] Deletes acreage assigned to Texaco Inc. Corp. and Edwin L. Cox.
[14] Rate in effect subject to refund in Docket No. RI68-396.
[15] Includes 2 cents per Mcf gathering and transportation charge.
[16] Includes 2.55 cents per Mcf upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[17] Deletes nonproductive acreage.
[18] Rate in effect subject to refund in Docket No. R157-169.
[19] Includes 1.75 cents per Mcf tax reimbursement.
[20] Includes 1.75 cents per Mcf upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[21] Less .4668 cent for sour gas.
[22] Well is no longer capable of producing gas in commercial quantities.
[23] Application erroneously noticed Aug. 9, 1968, in Docket Nos. G-2602 et al., as a complete succession in Docket No. G-17906.
[24] Includes tax reimbursement.

[F.R. Doc. 68-10172; Filed, Aug. 23, 1968; 8:45 a.m.]

[Docket No. CP69-28]

EASTERN SHORE NATURAL GAS CO.

Notice of Application

AUGUST 19, 1968.

Take notice that on August 12, 1968, Eastern Shore Natural Gas Co. (Applicant), 144 East Main Street, Salisbury, Md. 21801, filed in Docket No. CP69-28 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and sale of 1,500 Mcf of storage gas service to certain of its resale customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authority to furnish storage service in accordance with the following schedule:

Customer	Storage demand (Mcf per day)
Cambridge Gas Co	150
Citizens Gas Co	400
Dover Gas Light Co	750
Elkton Gas Service Co	200
Total	1,500

Applicant proposes to render storage service under a new Rate Schedule GSS-1. Applicant states that its storage service proposal is dependent upon the currently pending application at Docket No. CP68-316, filed by its supplier, Transcontinental Gas Pipe Line Corp. (Transco), wherein the latter pipeline seeks authority to sell 1,500 Mcf per day of storage gas service to Eastern Shore. Applicant further states that the terms and conditions of its proposed GSS-1 rate schedule are patterned after those of Transco's GSS rate schedule and that its service will provide substantial economic and operational benefits to the several distribution companies to which service is now proposed.

Applicant states that the proposed service can be made effective without the construction of any new transmission facilities and will not require any new delivery points to the proposed customers.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 16, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-10195; Filed, Aug. 23, 1968; 8:45 a.m.]

[Docket No. RI69-54]

HUMBLE OIL & REFINING CO.

Order Providing for Hearing on and Suspension of Proposed Amendatory Agreement

AUGUST 16, 1968.

On July 18, 1968, Humble Oil & Refining Co. (Humble),[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change is contained in the following designated filing:

Description: Supplemental Agreement,[2] dated July 9, 1968.

Purchaser and producing area: El Paso Natural Gas Co. (Walker Hollow Field, Uintah County, Utah).

Rate schedule designation: Supplement No. 4 to Humble's FPC Gas Rate Schedule No. 296.

Effective date: August 18, 1968.[3]
Effective rate: 17 cents per Mcf.
Pressure base: 15.025 p.s.i.a.

Humble's proposed amendatory agreement dated July 9, 1968, increases the maximum daily quantity of gas buyer is required to take-or-pay for. The basic contract covers a sale of gas to El Paso Natural Gas Co. (El Paso), from the Walker Hollow Field, Uintah County, Utah. It provides that the buyer must take-or-pay for an average daily quantity which is the lessor of:

(a) 75 percent of the volume of gas attributable to seller's interest;

(b) 75 percent of the gas deliverable from seller's interest;

(c) 75 percent of the aggregate allowable for seller's interest;

However, buyer is not required to purchase in excess of 4,000 per day. The proposed supplement amends the contract by increasing the maximum from 4,000 to 7,000 Mcf per day.

In view of the increase in the buyer's take-or-pay obligation resulting from the proposed change, we conclude that the effectiveness of the proposed supplement should be suspended for a period of 5 months. If the proposed change is made effective after such time any amounts collected by Humble for gas paid for but not taken as a result of the amendatory agreement should be collected subject to refund pending determination of the lawfulness of such change.

Humble's proposed rate filing may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 4 to Humble's FPC Gas Rate Schedule No. 296 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed change contained in Supplement No. 4 to Humble's FPC Gas Rate Schedule No. 296.

(B) Pending such hearing and decision thereon, Supplement No. 4 to Humble's FPC Gas Rate Schedule No. 296 is hereby suspended and the use thereof deferred until January 18, 1969, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 2, 1968.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-10194; Filed, Aug. 23, 1968; 8:45 a.m.]

[Docket No. RI69-41, etc.]

WILLIAM V. MONTIN ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

AUGUST 7, 1968.

The Responents named herein have filed proposed increased rates and

[1] Address is: Post Office Box 2180, Houston, Tex. 77001. Attention: John J. Carter, General Manager, Natural Gas Department.
[2] Amends the basic contract to provide for a maximum daily contract quantity of 7,000 Mcf in lieu of the original 4,000 Mcf.
[3] The stated effective date is the first day after expiration of the statutory notice.

[1] Does not consolidate for hearing or dispose of the several matters herein.

charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 2, 1968.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI69-41	William V. Montin et al., First National Bldg., Oklahoma City, Okla. 73102.	2	4	Panhandle Eastern Pipe Line Co. (North Hopeton Field, Woods County, Okla.) (Oklahoma "Other" Area).	$2,856	7-18-68	[3] 8-18-68	1-18-69	[6] 15.0	[3] [4] 17.0	
RI69-42	Douglas Resources Corp., 310 Kermac Bldg., Oklahoma City, Okla. 73102.	6	4	do.	1,260	7-18-68	[3] 8-18-68	1-18-69	[6] 15.0	[3] [4] 17.0	
RI69-43	Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co., Post Office Box 747, Dallas, Tex. 75221.	91	5	Arkansas Louisiana Gas Co. (Chimsville Field, Logan County, Ark.).	165	7-17-68	[3] 9-1-68	2-1-69	15.0	[4] [7] 16.0	
RI69-44	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	47	4	Lone Star Gas Co. (Knox Field, Grady and Stephens County, Okla.) (Carter-Knox Area).	163	7-18-68	[6] 8-18-68	1-18-69	[10] 17.915	[6] [10] 18.80	RI68-704.
RI69-45	Texaco, Inc., Post Office Box 3109, Midland, Tex. 79701.	309	3	Panhandle Eastern Pipe Line Co. (North Hansford Field, Hansford County, Tex.) (R.R. District No. 10).	12,000	7-19-68	[3] 8-19-68	1-19-69	17.0	[4] 18.0	
RI69-46	Arkla Exploration Co. et al., Slattery Bldg., Shreveport, Pa. 71101.	20	12	Arkansas Louisiana Gas Co. (Arkoma Area, Haskell and Le Flore Counties, Okla.) (Oklahoma "Other" Area).	23,193	7-18-68	[3] 9-1-68	2-1-69	15.0	[4] [10] 16.015	
RI69-47	Arkla Exploration Co.	22	2	Arkansas Louisiana Gas Co. (Backbone Area, Le Flore County, Okla.) (Oklahoma "Other" Area).	102	7-18-68	[3] 9-1-68	2-1-69	15.0	[4] [10] 16.015	
RI69-48	Arkla Exploration Co. (Operator) et al.	24	5	Arkansas Louisiana Gas Co. (Bonanza and Massard Fields, Sebastian and Crawford Counties, Ark.).	1,300	7-18-68	[3] 9-1-68	2-1-69	15.0	[4] [7] 16.0	

[1] The stated effective date is the effective date proposed by Respondent.
[2] Filing from initial certificated rate to initial contract rate.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to upward and downward B.t.u. adjustment.
[6] Applicable only to Supplement No. 2.
[7] Periodic rate increase.
[8] The stated effective date is the first day after expiration of the statutory notice.
[9] "Fractured" rate increase. Respondent contractly due 19 cents plus tax reimbursement.
[10] Includes 0.015-cent tax reimbursement.

Texaco, Inc. (Texaco), requests that its proposed rate increase be permitted to become effective as of June 1, 1968. Marathon Oil Co. (Marathon) requests waiver of the statutory notice and that effective date for which adequate notice has not been given; and, if its proposed rate is suspended, Marathon requests that either the 30-day notice requirement or suspension period be shortened so that such rate may be allowed to go into effect no later than December 21, 1968. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Texaco and Marathon's rate filings and such requests are denied. Marathon's request for a shortened suspension period for its rate filing is also denied.

The rate increases filed by Joseph E. Seagram & Sons, Inc., doing business as Texas Pacific Oil Co. (Seagram), and Arkla Exploration Co. (Operator), et al., (Arkla) are for sales of gas in the Arkoma area of Arkansas where no formal rate ceilings have been established. The proposed 16 cents per Mcf rates exceed the 11 cents per Mcf increased rate ceiling for the adjacent Oklahoma "Other" area which has previously been applied to this area. Consistent with such action, we conclude that Seagram and Arkla's proposed 16 cents per Mcf rate should be suspended for 5 months from September 1, 1968, the proposed effective date.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56), with the exception of the rate increases filed by Seagram and Arkla for sales in Arkansas for which there is no announced formal ceiling rate for the area involved, but exceed the informal increased rate ceiling price for Arkansas.

[F.R. Doc. 68-10201; Filed, Aug. 23, 1968; 8:45 a.m.]

[Docket No. CP69-29]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

AUGUST 19, 1968.

Take notice that on August 13, 1968, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP69-29 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to construct and operate additional facilities on the 30-inch Louisiana Extension of its main Gulf Coast pipeline, in Cameron Parish, La., approximately 5 miles from the town of Johnsons Bayou, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to install a new compressor station with 3,120 horsepower of compression and appurtenant facilities, such compressor station to be denominated Applicant's Compressor Station No. 342.

The application states that the facilities sought herein will enable Applicant to take into its system and transport for delivery into its Gulf Coast line additional volumes of South Louisiana area gas already under contract, additional volumes which may be forthcoming from Applicant's already connected sources of supply, as well as a limited amount of gas

which Applicant may subsequently acquire in this area.

Further, the application states that the proposed facilities will cost approximately $1,145,000, and that this cost will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 16, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 68-10196; Filed, Aug. 23, 1968; 8:45 a.m.]

[Docket No. CP68-193]

NORTHERN NATURAL GAS CO.

Notice of Amendment to Pending Application

AUGUST 19, 1968.

Take notice that on July 22, 1968, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP68-193 an amendment to the pending application in said docket, heretofore noticed in 33 F.R. 927 on January 25, 1968, in which Applicant now requests authorization of additional quantities of natural gas to be sold in interstate commerce to its existing resale customers, all as more fully set forth in the amendment to the application on file with the Commission and open to public inspection.

Applicant states that, since the filing of the original application, its existing customers have submitted revised estimates of their requirements for the 1968-69 heating season. Based on the original estimates, Applicant had requested authority to transport and sell additional firm volumes of 46,536 Mcf per day with an additional 10,000 Mcf per day of equivalent contract demand for the Argus System Communities and drilling and pumping customers.

By the instant amendment to the application, Applicant seeks authorization to transport and sell 24,881 Mcf per day to its customers in addition to the previously requested 46,536 Mcf, making for a total of 81,417 Mcf of natural gas being requested in the instant docket.

Applicant also requests authority to provide the firm gas service to large volume consumers and effectuate the decreases and termination of such service as set forth in the application.

Applicant proposes no new facilities to handle the proposed increase in transportation and sales of natural gas stating that its authorized facilities and facilities awaiting authorization provide sufficient capacity to handle the 81,417 Mcf per day increase.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 16, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 68-10197; Filed, Aug. 23, 1968; 8:45 a.m.]

[Docket No. CP65-224]

SOUTH GEORGIA NATURAL GAS CO.

Notice of Petition To Amend

AUGUST 19, 1968.

Take notice that on August 12, 1968, South Georgia Natural Gas Co. (Petitioner), Thomasville, Ga. 31792, filed in Docket No. CP65-224 a petition to amend the order of the Commission issued in said docket June 3, 1965, which order authorized Petitioner to construct and operate natural gas facilities and to transport and sell natural gas in order to initiate gas service to the city of Shellman, Randolph County, Ga. (Shellman), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the instant filing, Petitioner seeks amendment of said order by requesting that the third year peak day requirements be increased from 227 Mcf to 335 Mcf with corresponding increase in annual volumes from 17,901 Mcf to 36,165 Mcf. Further, Petitioner requests that the time within which the facilities are to be constructed and placed in actual operation as set forth in the order issued June 3, 1965, and as extended by order issued on November 16, 1966, be reinstated and extended to March 31, 1969.

The Petitioner states that whereas Shellman encountered financial problems which stopped progress of its proposed distribution system, new financial arrangements have now been made which will now enable it to move forward and complete its natural gas system.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 16, 1968.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 68-10198; Filed, Aug. 23, 1968; 8:45 a.m.]

[Docket No. CP69-25]

SOUTHERN NATURAL GAS CO.

Notice of Application

AUGUST 16, 1968.

Take notice that on August 8, 1968, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP69-25 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities in Tuscaloosa County, Ala., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval to abandon by sale to Alabama Gas Corp. (Alabama Gas) its Veterans Administration Hospital lateral line and Veterans Administration Hospital and Tuscaloosa No. 2 measuring stations. Applicant states that Alabama Gas desires to integrate its distribution facilities in the Tuscaloosa area and in this connection desires to purchase from Applicant the facilities set forth above.

The application states that the abandonment will have no effect on its design daily delivery capacity, and that the only effect the abandonment will have on Applicant's operations in the Tuscaloosa area is that after abandonment of the proposed facilities, Alabama Gas, rather than Applicant, will provide service to the Veterans Administration Hospital lateral line; and gas will be delivered by Applicant to Alabama Gas at a new delivery point located on Applicant's McConnells-Selma line.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 13, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-10199; Filed, Aug. 23, 1968; 8:45 a.m.]

[Docket No. CI65-205, etc.]

THORNTON OIL CO.

Order Amending Orders Issuing Certificates of Public Convenience and Necessity and Redesignating Proceedings

AUGUST 16, 1968.

On April 29, 1968, Thornton Oil Co. (Petitioner), Docket Nos. CI65-205, CS66-49, RI60-409, RI65-435, filed a notice of change in name to advise the Commission that its name had been changed from Rodman Oil Co., on July 12, 1967, all as more fully set forth in the notice of application published in the FEDERAL REGISTER on July 17, 1968 (33 F.R. 10250).

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity to Rodman Oil Co. are amended by changing the name of the certificate holder to Thornton Oil Co., and in all other respects said orders shall remain in full force and effect.

(B) The pending rate proceedings in which the Rodman Oil Co. is Respondent are redesignated to reflect the change in name to Thornton Oil Co.

(C) The FPC gas rate schedules of Rodman Oil Co. are redesignated as those of Thornton Oil Co. and are given the numerical designations set forth in the appendix.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

APPENDIX

Docket No.	Former rate schedule designation	New rate schedule designation	Contract date	Related rate proceeding
CI65-205	Rodman Oil Co., FPC gas rate schedule No. 1.	Thornton Oil Co., FPC gas rate schedule No. 1.	3-6-56	RI65-435, RI60-409,[1]
CS66-49	Rodman Oil Co., FPC gas rate schedule No. 3.	Thornton Oil Co., FPC gas rate schedule No. 2.	11-9-64	

[1] Only insofar as Docket No. RI60-409 pertains to the interest of Rodman Oil Co.

[F.R. Doc. 68-10200; Filed, Aug. 23, 1968; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN COLOMBIA

Entry and Withdrawal From Warehouse for Consumption

AUGUST 21, 1968.

On May 8, 1968, the U.S. Government prohibited further entry of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Colombia and exported to the United States from Colombia during the period beginning July 1, 1967, and extending through June 30, 1968, because shipments in these categories to the United States from Colombia for that period exceeded the aggregate level specified in the bilateral cotton textile agreement of June 9, 1965, as amended. Consultations with the Government of Colombia have been held on this matter and it has been determined that the embargo should be terminated.

Accordingly, there is published below a letter of August 20, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, terminating, as soon as possible, the directive of May 8, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

WASHINGTON, D.C. 20230,
AUGUST 20, 1968.

DEAR MR. COMMISSIONER: On May 8, 1968, the Chairman of the President's Cabinet Textile Advisory Committee directed you, effective as soon as possible, and until further notice, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Colombia and exported to the United States from Colombia during the period beginning July 1, 1967, and extending through June 30, 1968.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the cotton textile agreement of June 9, 1965, as amended, between the Governments of the United States and Colombia, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, the above mentioned directive of May 8, 1968, is hereby terminated, to be effective as soon as possible.

The actions taken with respect to the Government of Colombia and with respect to imports of cotton textiles and cotton textile products from Colombia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965-68). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

JOSEPH W. BARTLETT,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 68-10251; Filed, Aug. 23, 1968; 8:50 a.m.]

OFFICE OF EMERGENCY PLANNING

MINNESOTA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter dated August 15, 1968, reading in part as follows:

I have determined that the damage in those areas of the State of Minnesota adversely affected by heavy rains and flooding beginning on or about August 6, 1968, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875.

I do hereby determine the following areas in the State of Minnesota to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 15, 1968:

The counties of:

Blue Earth. Le Sueur.
Freeborn. Nicollet.

Dated: August 19, 1968.

PRICE DANIEL,
Director,
Office of Emergency Planning.

[F.R. Doc. 68-10209; Filed, Aug. 23, 1968; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2946]

AMERICAN CEMENT CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 20, 1968.

In the matter of application of the Philadelphia Baltimore Washington Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

American Cement Corp., File No. 7-2946.

Upon receipt of a request, on or before September 4, 1968, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-10210; Filed, Aug. 23, 1968; 8:46 a.m.]

[File No. 1-4672]

CAMEO-PARKWAY RECORDS, INC.

Order Suspending Trading

AUGUST 20, 1968.

The common stock, 10 cents par value of Cameo-Parkway Records, Inc., Philadelphia, Pa., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Cameo-Parkway Records, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 21, 1968, through August 30, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-10211; Filed, Aug. 23, 1968; 8:46 a.m.]

[File No. 1-2250]

COMSTOCK-KEYSTONE MINING CO.

Order Suspending Trading

AUGUST 20, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Comstock-Keystone Mining Co. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 21, 1968 through August 30, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-10212; Filed, Aug. 23, 1968; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 15, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41416—*Phosphate rock to Centrala, Ala.* Filed by O. W. South, Jr., agent (No. A6042), for interested rail carriers. Rates on phosphate rock, crude, other than ground phosphate rock, in bulk in covered hopper cars, in carloads, from Bartow, Fla., and points grouped therewith, to Centrala, Ala.

Grounds for relief—Rail-barge competition.

Tariff—Supplement 60 to Southern Freight Association, agent, tariff I.C.C. S-658.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-10254; Filed, Aug. 23, 1968; 8:50 a.m.]

[Notice 196]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 21, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70492. By order of August 14, 1968, the Transfer Board approved the transfer to State Trucking & Rigging Co., a corporation, Ridgewood, N.J.; of certificate in No. MC-43381, issued May 16, 1950, to William Tuma and Frank P. Tuma, a partnership, doing business as William Tuma & Son, East Rutherford, N.J.; authorizing the transportation of: Machinery, which because of size or weight requires special equipment, between points in Essex, Bergen, Passaic, and Hudson Counties, N.J., on the one hand, and, on the other, points in New York within 100 miles of Newark, N.J.; and, household goods, crated or in lift

vans, between New York, N.Y., on the one hand, and, on the other, points in New Jersey. Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306, practitioner for applicants.

No. MC–FC–70710. By order of August 15, 1968, the Transfer Board approved the transfer to Leonard L. Carpenter, doing business as Carpenter Van Lines, 6301 East 120th Street Terrace, Kansas City, Mo. 64145, of the operating rights in certificate No. MC–89981 issued July 18, 1968, to Ferrara Interstate Movers, Inc., 100 Merrick Road, Rockville Centre, N.Y. 11570, authorizing the transportation, over irregular routes, of household goods between points in Connecticut, Rhode Island, Massachusetts, and New Jersey, those in New York on and southeast of New York Highway 7, and those in Pennsylvania east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 220 to Muncy, Pa., thence along the Susquehanna River to the Pennsylvania-Maryland State line.

No. MC–FC–70512. By order of August 14, 1968, the Transfer Board on reconsideration, approved the transfer to M&S Transfer, Inc., Osceola, Nebr., of the operating rights in certificate No. MC–7201 issued April 28, 1949, to Walter Stier and Harry Kilgore, doing business as Stier Transfer, David City, Nebr., authorizing the transportation of: *General commodities*, except those of unusual value, and except dangerous explosives, household goods, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities requiring special equipment, and those injurious or contaminating to other lading, over a regular route, between David City, Nebr., and Omaha, Nebr.: From David City over Nebraska Highway 15 to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to Omaha, and return over the same route. Service is authorized to and from the intermediate and off-route points of Wahoo, Weston, and Brainard, Nebr. Delbert E. Dirrim, Post Office Box 94607, Lincoln, Nebr. 68509, attorney for applicants.

No. MC–FC–70619. By order of August 12, 1968, the Transfer Board, approved the transfer to The Glasgow & Davis Co., a corporation, Salisbury, Md., a portion of certificate No. MC–21006 (Sub-No. 17), issued February 18, 1966, to Joseph S. Triglia, Delmar, Md., authorizing the transportation of agricultural commodity containers from Woodland, N.C., and points within 15 miles thereof, to points in Georgia, Florida, and South Carolina (except from Murfreesboro, N.C., to points in Florida). M. C. Glasgow, Box 1717, Salisbury, Md. 21801, representative for applicants.

No. MC–FC–70654. By order of August 15, 1968, the Transfer Board approved the transfer to Phillip's Express, Inc., Methuen, Mass., of certificate No. MC–43724, issued May 6, 1941, to Leon A. Desrochers, doing business as Phillips Express, Methuen, Mass., authorizing the transportation of general commodities, except those of unusual value, and except dangerous explosives, household goods (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Lawrence, Mass., and Boston, Mass., from Lawrence over Massachusetts Highway 28 to Boston, and return over the same route, authorizing service to and from all intermediate points. Margaret A. Desrochers, 80 Ashland Avenue, Methuen, Mass. 01844, representative for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–10255; Filed, Aug. 23, 1968; 8:50 a.m.]

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that the title of a position under Schedule C is changed. Effective on publication in the FEDERAL REGISTER, subparagraph (2) of paragraph (a) of § 213.3306 is amended as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* • • •

(2) Two Private Secretaries to the Deputy Secretary of Defense and one Private Secretary to each of the following: the Director of Defense Research and Engineering; the Principal Deputy Director of Defense Research and Engineering; the Deputy Directors of Defense Research and Engineering (Tactical Warfare Programs), (Strategic and Space Systems), (Chemistry and Materials), (Electronics and Information Systems); the Director, Advanced Research Projects Agency; the Assistant Secretaries of Defense (Manpower and Reserve Affairs), (International Security Affairs), (Public Affairs), (Installations and Logistics), (Administration), (Comptroller), and (Systems Analysis); the General Counsel; the Deputy General Counsel; the Assistant to the Secretary of Defense (Atomic Energy); and the Military Assistants to the Secretary of Defense.

• • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 8521, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68–10331; Filed, Aug. 26, 1968; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that a second position of Assistant to the Special Assistant to the Secretary, Office of Legislative Liaison, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (14) of paragraph (a) of § 213.3315 is amended as set out below.

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* • • •

(14) Two Assistants to the Special Assistant to the Secretary, Office of Legislative Liaison.

• • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68–10332; Filed, Aug. 26, 1968; 8:48 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 0—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Subpart B—Conduct and Responsibilities of Employees

MISCELLANEOUS AMENDMENTS

Subpart B is amended in several respects by reason of the revocation of Part 734 and amendment of Part 735 of Civil Service Regulations. The introductory text to § 0.735–14 is amended to include reference to State or local governments. Paragraph (c) of § 0.735–14 is deleted in its entirety. The introductory text of § 0.735–17 is amended to include provision for the special preparation of persons for an examination of the Civil Service Commission or the Board of Examiners for the Foreign Service. Paragraph (e) of § 0.735–17 is deleted in its entirety. These amendments are set out below.

§ 0.735–14 Outside employment and activities—general.

No employee of the Department shall perform or be engaged in any work or activity on his own behalf, or for private individuals, firms, companies, organizations, institutions, or State or local governments:

• • • • •

(c) [Deleted]

• • • • •

§ 0.735–17 Teaching, lecturing, and writing.

It is the policy of the Department to grant permission to employees to teach, lecture, or write, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service, when such duties will not interfere with the effective discharge of the employee's official duties, provided:

• • • • •

(e) [Deleted]

These amendments were approved by the Civil Service Commission on July 30, 1968, and are effective on publication in the FEDERAL REGISTER.

ORVILLE L. FREEMAN,
Secretary.

AUGUST 21, 1968.

[F.R. Doc. 68–10320; Filed, Aug. 26, 1968; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 252, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674, and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 908.552 (Valencia Orange Regulation 252,

33 F.R. 11585) are hereby amended to read as follows:

§ 908.552 Valencia Orange Regulation 252.

• • • • •

(b) *Order.* (1) • • •

• • • • •

(ii) District 2: 375,000 cartons.

• • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 22, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68–10319; Filed, Aug. 26, 1968; 8:47 a.m.]

PART 946—IRISH POTATOES GROWN IN WASHINGTON

Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 113 and Order No. 946 (7 CFR Part 946), regulating the handling of Irish potatoes grown in the State of Washington, was published in the FEDERAL REGISTER July 31, 1968 (33 F.R. 10880). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto not later than 15 days after its publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the State of Washington Potato Committee, established pursuant to the said marketing agreement and order, it is hereby found and determined that:

§ 946.221 Expenses and rate of assessment.

(a) The expenses the Secretary finds may be necessary for the State of Washington Potato Committee to incur to perform its functions pursuant to Marketing Agreement No. 113 and this part during the fiscal year ending May 31, 1969, and for such other purposes as the Secretary may determine to be appropriate will amount to $32,103.04.

(b) The rate of assessment to be paid by each handler in accordance with the said marketing agreement and this part shall be two-tenths of 1 cent ($0.002) per hundredweight, or equivalent quantity, of potatoes handled by him, as the first handler thereof during said fiscal year.

(c) Terms used in this section shall have the same meaning as when used in the said marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable potatoes from the beginning of such fiscal year, and (2) the current fiscal year began June 1, 1968, and the rate of assessment herein fixed will automatically apply to all assessable potatoes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 22, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68–10345; Filed, Aug. 26, 1968; 8:49 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

PART 205—REVOCATION OF APPROVAL OF PETITIONS

Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. Section 204.4 is amended to read as follows:

§ 204.4 Validity of approved petitions.

The approval of a petition to classify an alien as a preference immigrant under section 203(a)(3) of the Act shall remain valid for a period of 1 year from the date of any individual certification issued by the Secretary of Labor pursuant to section 212(a)(14) of the Act; if a blanket certification pursuant to Schedule A, 29 CFR Part 60, has been issued covering the alien's profession or occupation, the approval shall remain valid for a period of 1 year from the date of approval, and thereafter continue to be valid for each additional year that the blanket certification is in effect on the anniversary date of the approval of the petition, provided the alien has retained his status as established in the petition. The approval of a petition to classify an alien as a preference immigrant under section 203(a)(6) of the Act shall remain valid for a period of 1 year from the date of any individual certification issued by the Secretary of Labor pursuant to section 212(a)(14) of the Act; if a blanket certification pursuant to Schedule A, 29 CFR Part 60, has been issued covering the alien's occupation, or it is within one of the occupational groups in Schedule C, 29 CFR Part 60, thereof which has been precertified by the Secretary of Labor, the approval shall remain valid for a period of 1 year from the date of approval. The approval of a petition to classify an alien as a preference immigrant under section 203(a)(1), (2), (4), or (5) of the Act, or as an immediate relative under section 201(b) of the Act, shall remain valid for the duration of the relationship to the petitioner, and status, as established in the petition. The validity of any petition under this section may be revoked pursuant to the provisions of Part 205 of this chapter prior to the time limitations set forth herein.

2. Subparagraphs (4) and (5) of paragraph (a) and subparagraph (1) of paragraph (b) of § 205.1 are amended and subparagraph (7) of paragraph (a) is deleted to read as follows:

§ 205.1 Automatic revocation.

• • • • •

(a) *Relative petitions.* • • •

(4) Upon a beneficiary accorded immediate relative status as the child of a U.S. citizen reaching the age of 21, except that such petition is valid to accord a status under section 203(a)(1) of the Act if the beneficiary remains unmarried, and a status under section 203(a)(4) of the Act in the event of marriage, for the duration of the relationship, and status, established therein.

(5) Upon the marriage of a beneficiary accorded a status as a son or daughter of a U.S. citizen under section 203(a)(1) of the Act, except that such petition is valid to accord a status under section 203(a)(4) of the Act, for the duration of the relationship, and status, established therein.

• • • • •

(7) [Deleted]

(b) *Other petitions.* (1) The beneficiary is an alien seeking classification under section 203(a)(3) or (6) of the Act and is not issued a visa on or prior to the expiration date or period of approval shown on the approved petition.

• • • • •

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of Title 5 of the United States Code (P.L. 89–554, 80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relieve restrictions and are beneficial to persons affected thereby in that they eliminate the need to revalidate certain petitions.

Dated: August 21, 1968.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 68–10317; Filed, Aug. 26, 1968; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 67–WE–6–AD; Amdt. 39–642]

PART 39—AIRWORTHINESS DIRECTIVES

Hughes Model 269A, 269A-1, 269A–2, and 269B Helicopters

Amendment 39–337 (32 F.R. 260), AD 67–2–2, as amended by Amendment 39–357 (32 F.R. 3386) requires inspection for cracks of main rotor blades under the root fittings and replacement of blades found cracked on Hughes Model 269A, 269A–1, and 269B helicopters. After issuing Amendment 39–357, the FAA was advised by Hughes Tool Co. that several main rotor blades P/N 269B1145, S/N 1314 and up, and subsequently introduced P/N 269A1131–1 and P/N 269B1145–1 blades, all incorporating the improved fabrication methods, after reaching retirement time were found to have cracks under the root fittings at the outboard bolt hole. Because of the usual scatter in time to crack initiation, other blades of these same part and serial numbers which were not covered by AD 67–2–2 may develop cracks which could grow to hazardous lengths before the blades reach their mandatory retirement times. Further, the Model 269A–2 was omitted from AD 67–2–2 because this model incorporated only blade P/N 269B1145, S/N 1314 and subsequent. Since these additional blades are also suspect, adequate inspection procedures for them must be provided, and the Model 269A–2 must be included.

Therefore, AD 67–2–2 is being superseded by a new AD that combines the requirements of AD 67–2–2 and requires addition of the Model 269A–2 and main rotor blade P/N 269B1145, S/N 1314 and subsequent, and P/N 269A1131–1 and 269B1145–1, all serial numbers.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

HUGHES. Applies to Models 269A, 269A–1, 269A–2, and 269B helicopters equipped with main rotor blade P/N 269A1125, all blade serial numbers; P/N 269A1131, all blade serial numbers; P/N 269B1145, all blade serial numbers; P/N 269A1131–1, all blade serial numbers; and P/N 269B1145–1, all blade serial numbers. Compliance required as indicated.

Small cracks have been discovered on several main rotor blades under the blade root fittings, radiating from the outboard bolt hole, upper and lower side of the blade. To prevent main rotor blade failure due to extension of these cracks under the fittings, unless already accomplished, accomplish the following:

(a) For main rotor blade P/N 269A1125, all serial numbers; P/N 269A1131, all serial numbers; and P/N 269B1145, Serial Nos. 0001 through 1313—

(1) Prior to the accumulation of 210 hours' time in service for main rotor blades having less than 200 hours' time in service on January 16, 1967, and within the next 10 hours' time in service for main rotor blades having between 200 and 1,000 hours' time in service on January 16, 1967, unless already accomplished within the last 390 hours' time in service, and thereafter at periods not to exceed 400 hours' time in service from the date of the last inspection, until a total of 1,000 hours' time in service is reached, inspect in accordance with Hughes Service Information Notice No. N–9.1, dated July 15, 1968, or later FAA approved revision.

(2) For main rotor blades accumulating a total of 1,000 hours' time in service, subsequent to January 16, 1967, and for main rotor blades having 1,000 or more hours' time in service on January 16, 1967, within the next 10 hours' time in service, unless already accomplished within the last 90 hours' time in service, and thereafter at periods not to exceed 100 hours' time in service from the date of the last inspection until the main rotor blade is retired from service, inspect in accordance with Hughes Service Information Notice No. N–9.1, dated July 15, 1968, or later FAA approved revision.

(b) For main rotor blade P/N 269A1131–1, all serial numbers; P/N 269B1145–1, all serial numbers; and P/N 269B1145, serial No. 1314 and subsequent—Prior to the accumulation of 1,025 hours' time in service for main rotor blades having less than 1,000 hours' time in service on the effective date of this AD, and within the next 25 hours' time in service for main rotor blades having 1,000 or more hours' time in service on the effective date of this AD, unless already accomplished within the last 75 hours' time in service and thereafter at periods not to exceed 100 hours' time in service from the date of the last inspection until the main rotor blade is retired from service, inspect in accordance with Hughes Service Information Notice No. N–9.1, dated July 15, 1968, or later FAA approved revision.

(c) Cracked blades must be removed before further flight, marked conspicuously to avoid inadvertent return to service, and replaced with new or serviceable used blades in accordance with (1), (2), or (3) below. Blades listed in (1), (2), and (3) are different types. Do not intermix types (1) or (2) or (3) blades. Main rotor blades, either those originally installed or replacement blades, must meet the requirements of this AD and must be retired from service before they exceed their maximum service life of 1,366 hours' time in service.

(1) Main rotor blade P/N 269B1145 and/or P/N 269B1145–1.

(2) Main rotor blade P/N 269A1131 and/or P/N 269A1131–1.

(3) Main rotor blade P/N 269A1125.

This supersedes Amendment 39–337 (32 F.R. 260), AD 67–2–2, as amended by Amendment 39–357 (32 F.R. 3386).

This amendment becomes effective September 9, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Hughes Tool Co., Aircraft Division, Centinela Avenue and Teale Street, Culver City, Calif. 90230. These documents may also be examined at FAA Western Region, 5651 West Manchester Avenue, Los Angeles, Calif. 90045, and FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. 20553. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at FAA Western Region.

The incorporation by reference provisions in this document were approved by the director of the FEDERAL REGISTER on August 26, 1967.

Issued in Los Angeles, Calif., on August 16, 1968.

A. E. HORNING,
Acting Director, FAA Western Region.

[F.R. Doc. 68–10309; Filed, Aug. 26, 1968; 8:46 a.m.]

[Airspace Docket No. 68–SO–59]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones and Transition Areas

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter the Atlanta, Ga.; Charlotte, N.C.; Columbus, Ga. (Muscogee County Airport); McComb, Miss., and Orlando, Fla. (Herndon Municipal Airport), control zones, and the Brunswick, Ga.; Columbus, Ga.; Cross City, Fla.; Dublin, Ga.; Gadsden, Ala.; Greenville, S.C.; La Grange, Ga.; Lexington, Tenn.; Nashville, Tenn.; Rock Hill, S.C., and Southern Pines, N.C., transition areas.

The above control zones are described in § 71.171 (33 F.R. 2058).

In the Atlanta control zone description, reference is made to the Rex, Ga., VOR.

In the Charlotte control zone description, reference is made to the Charlotte VOR.

In the Columbus (Muscogee County Airport) control zone description, reference is made to the Columbus VOR.

In the McComb control zone description, reference is made to the McComb VOR.

In the Orlando control zone description, reference is made to the Orlando VOR.

The above transition areas are described in § 71.181 (33 F.R. 2137).

In the Brunswick transition area description, reference is made to the Brunswick VOR.

In the Columbus transition area description, reference is made to the Columbus VOR.

In the Cross City transition area description, reference is made to the Cross City VOR.

In the Dublin transition area description, reference is made to the Dublin VOR.

In the Gadsden transition area description, reference is made to the Gadsden VOR.

In the Greenville transition area description, reference is made to the Greenwood, S.C., VOR.

In the La Grange transition area description, reference is made to the La Grange VOR.

In the Lexington transition area description, reference is made to the Jacks Creek VOR.

In the Nashville transition area description, reference is made to the Muscle Shoals, Ala., VOR.

In the Rock Hill transition area description, reference is made to the Fort Mill, S.C., VOR.

In the Southern Pines transition area description, reference is made to the Pinehurst VOR.

Since the VOR's referenced in the above descriptions have been converted to VORTAC's, it is necessary to alter the descriptions accordingly.

Since these amendments are editorial in nature, notice and public procedure hereon are unnecessary, and action is taken herein to alter the descriptions accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (33 F.R. 2058), the following control zones are amended as hereinafter set forth:

In Atlanta, Ga.; Charlotte, N.C.; Columbus, Ga. (Muscogee County Airport); McComb, Miss., and Orlando, Fla. (Herndon Municipal Airport), "VOR" is deleted and "VORTAC" is substituted therefor, wherever it appears.

In § 71.181 (33 F.R. 2137), the following transition areas are amended as hereinafter set forth:

In Brunswick, Ga.; Cross City, Fla.; Dublin, Ga.; Gadsden, Ala.; Greenville, S.C.; La Grange, Ga.; Lexington, Tenn.; Rock Hill, S.C., and Southern Pines, N.C., "VOR" is deleted and "VORTAC" is substituted therefor, wherever it appears.

In Columbus, Ga. (Muscogee County Airport) "within 8 miles west and 5 miles east of the Columbus VOR, 329° and 149° radials, extending from the 7-mile and 9-mile radius areas to 12 miles northwest of the VOR;" is deleted and "within 8 miles west and 5 miles east of the Columbus VORTAC, 329° and 149° radials, extending from the 7-mile and 9-mile radius areas to 12 miles northwest of the VORTAC;" is substituted therefor.

In Nashville, Tenn., "Muscle Shoals (Alabama), VOR" is deleted and "Muscle Shoals, Ala., VORTAC" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on August 15, 1968.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 68-10310; Filed, Aug. 26, 1968; 8:47 a.m.]

[Airspace Docket No. 68-EA-16]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Designation of Transition Areas

On July 2, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 9620) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Nantucket, Mass., transition area and designate a transition area in the vicinity of Gloucester, Mass.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., October 17, 1968, as hereinafter set forth.

In § 71.181 (33 F.R. 2137) the following amendments are made:

1. The Gloucester, Mass., transition area is designated as follows:

GLOUCESTER, MASS.

That airspace east of Gloucester extending upward from 11,000 feet MSL bounded by Control 1141, Control 1142, and Control 1143. This transition area is effective from 0000 to 0600 and 1801 through 2359 hours, local time, Monday through Friday and continuous on Saturday and Sunday.

2. In the Nantucket, Mass., transition area, delete "the arc of a 10.2-mile radius circle centered on the Nantucket CONSOLAN station." and substitute "the arc of a 10.2-mile radius circle centered on the Nantucket CONSOLAN station; that airspace northeast of Nantucket bounded on the northwest by Control 1143, on the southeast by Control 1146, and on the east by longitude 67°00'00" W. The portion east of longitude 68°00'00" W., is excluded below 5,500 feet MSL." therefor.

(Secs. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510; Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on August 20, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-10311; Filed, Aug. 26, 1968; 8:47 a.m.]

[Airspace Docket No. 67-CE-156]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Extension of Federal Airway

On January 5, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 151) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend VOR Federal airway No. 257 from Great Falls, Mont., direct to Havre, Mont.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 17, 1968, as hereinafter set forth.

In § 71.123 (33 F.R. 2009) V-257 is amended by deleting "12 AGL Great Falls." and substituting "12 AGL Great Falls; 73 miles, 56 MSL, 12 AGL Havre, Mont.", therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 20, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-10312; Filed, Aug. 26, 1968; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1373]

PART 13—PROHIBITED TRADE PRACTICES

Allied-Kantor Textile & Notions, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements;* 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Allied-Kantor Textile & Notions, Inc., et al., New York, N.Y., Docket C-1373, July 12, 1968]

In the Matter of Allied-Kantor Textile & Notions, Inc., a Corporation, and Harry Rosenshein and Morris Kantor, Individually and as Officers of Said Corporation

Consent order requiring a New York City converter of wool products to cease misrepresenting the fiber content of its merchandise.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Allied-Kantor Textile & Notions, Inc., a corporation, and its officers, and Harry Rosenshein and Morris Kantor, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of constituent fibers included therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Allied-Kantor Textile & Notions, Inc., a corporation, and its officers, and Harry Rosenshein and Morris Kantor, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of interlinings, or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepesenting the character or amounts of constituent fibers contained in such products on invoices or shipping memoranda applicable thereto, or in any other manner.

It is further ordered, That the respondent corporation forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within 60 days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 12, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-10297; Filed, Aug. 26, 1968; 8:45 a.m.]

[Docket No. C-1371]

PART 13—PROHIBITED TRADE PRACTICES

Standard Oil Co. (Indiana) and Amoco Chemicals Corp.

Subpart—Acquiring corporate stock or assets: §13.5 *Acquiring corporate stock or assets.* Subpart—Using patents, rights or privileges unlawfully: § 13.2485 *Using patents, rights, or privileges unlawfully.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Cease and desist order, Standard Oil Co. (Indiana) et al., Chicago, Ill., Docket C-1371, July 10, 1968]

In the Matter of Standard Oil Co. (Indiana), a Corporation; and Amoco Chemicals Corp., a Corporation

Consent order requiring a major oil company and its wholly owned subsidiary to license their polypropylene patent rights for a period of 10 years to all financially responsible applicants and furnish such licensees with certain technical information.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That:

(A) Respondents, for a period of 10 years from the effective date of this order, shall grant to all financially responsible applicants making written request therefor: (1) A license to the U.S. patent rights and technical information relating to the production of polypropylene covered by the form of license agreement attached to this order as License Agreement Form No. 1 on reasonable terms and conditions which are no less favorable to licensee than those contained in said form of license agreement; and (2) a license to the U.S. patent rights and technical information relating to the production of polypropylene film covered by the form of license agreement attached to this order as License Agreement Form No. 2 on reasonable terms and conditions which are no less favorable to licensee than those contained in said form of license agreement; and

(B) Respondent Standard Oil Co. (Indiana), should it obtain any U.S. patent or patents containing a claim or claims corresponding substantially to any count of Interference No. 89,634, which contains a claim to polypropylene as a composition of matter, shall grant to all financially responsible applicants making written application therefor a license under such patent or patents on reasonable terms and conditions which are no less favorable to licensee than those contained in the form of license agreement attached to this order as License Agreement Form No. 3.

II. *It is further ordered,* That:

(A) The taking of a license pursuant to paragraph I of this order shall not be construed as preventing any person from attacking, at any time, the validity or scope of any patent or patents covered by paragraph I of this order nor shall this order be construed as imputing any validity or value to any of the patents or technical information covered by paragraph I of this Order;

(B) Neither respondent shall dispose of any patent or patents, or right thereunder, so as to deprive either respondent of the power to grant licenses in accordance with paragraph I of this order without the prior approval of the Federal Trade Commission; and

(C) Neither respondent shall acquire, directly or indirectly, for a period of 10 years from the effective date of this order, title to, or any interest in, or any license under any U.S. Letters Patent or any technical information directed to or primarily useful in connection with the production of polypropylene or polypropylene film, except from employees, agents or independent contractors who shall have developed such patents or technical information pursuant to a contract with or while employed by such respondent, without the prior approval of the Federal Trade Commission unless: (1) Such respondent also obtains the right to issue licenses under such technical information or patents on terms and conditions no less favorable to licensee than those contained in the forms of license agreement attached to this order as License Agreement Form No. 1 or License Agreement Form No. 2; or (2) such respondent shall have acquired a nonexclusive right or license under such technical information or patents and shall have made a bona fide effort (not including additional monetary consideration) to persuade the licensor to make available to any third person requesting the same a right or license equivalent to that required of such respondent by paragraph I(A) of this order and on terms and conditions at least as favorable as those accorded to such respondents.

III. *It is further ordered,* That for a period of 10 years from the effective date of this order respondents shall, upon written request from the first four licensees granted a license relating to the manufacture of polypropylene covered by License Agreement Form No. 1 referred to in paragraph I(A) of this order which shall not be engaged in the manufacture of polypropylene, but shall desire to purchase polypropylene for resale in the United States, supply such licensee with a quantity of polypropylene not to exceed 10 million pounds per year at a price and on terms and conditions which are reasonable and in no event less favorable to such licensee than those granted by either respondent to any other domestic purchaser for resale: *Provided,* That such licensee shall give respondents at least 1 year's notice of its intention to purchase such polypropylene and shall enter into a contract for the purchase of not less than 2 million pounds annually of such polypropylene and for a term of at least 1 year's duration; *Provided further,* That the quantity of colored and filled polypropylene to be supplied pursuant to this paragraph shall not exceed 20 percent of the total polypropylene so supplied; *And provided further,* That respondents shall not be obligated to supply polypropylene under this paragraph to more than two (2) such licensees if, because of their own requirements and contractual commitments with other customers, respondents do not have available the quantity of polypropylene requested by such licensee.

IV. *It is further ordered,* That for a period of 10 years from the effective date of this order, neither respondent shall acquire without the prior approval of the Federal Trade Commission, directly or indirectly, through subsidiaries, joint ventures or otherwise, the whole or any part of the stock, share capital or assets (other than products, machinery or equipment purchased in the

ordinary course of business) of any domestic concern engaged in the production, processing, conversion or sale of polypropylene or of any polypropylene products, nor shall either respondent enter into any arrangement with such domestic concern, having the same economic effect as would result from any such acquisition, pursuant to which such respondent obtains the market share, in whole or in part, of such domestic concern: *Provided*, That this paragraph shall not apply to any acquisition of a domestic concern which shall have total sales of polypropylene of less than 5 million pounds or of products the polypropylene content of which shall not exceed 5 million pounds in the year prior to acquisition; *And provided further*, That nothing in this order shall prevent either respondent from acquiring the whole or any part of the stock, share capital or assets or Avisun Corp. or Patchogue-Plymouth Co.

V. *It is further ordered*, That:

(A) Within 60 days from the effective date of this order and every 6 months thereafter, each respondent shall report in writing to the Federal Trade Commission the steps it has taken to comply with paragraphs I, II, and III of this order and any steps taken to inform possible interested parties; and

(B) Within 60 days from the effective date of this order and annually thereafter, each respondent shall report in writing to the Federal Trade Commission the manner and form in which it intends to comply, is complying or has complied with paragraph IV of this order.

VI. *It is further ordered*, That each respondent shall forthwith distribute a copy of this order to each of their operating divisions and subsidiaries.

Issued: July 10, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-10298; Filed, Aug. 26, 1968; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Proposed Purchase by Agricultural Cooperatives of Country Elevators of Financially-Troubled Direct Competitor

§ 15.279 Commission advises agricultural cooperatives it has no objection to proposed purchase of country elevators of financially-troubled direct competitor.

(a) The Commission issued an advisory opinion to agricultural cooperative applicants who wish to acquire several country elevators of a financially-troubled direct competitor.

(b) The applicants are a Statewide federated agricultural association and affiliated local farmer cooperatives. Applicants, and the company with the operating plants sought to be acquired, purchase farm products from growers and resell the partially processed products to further processors, canners and other intermediate distributors. The State organization offers to help the financially-troubled company by furnishing technical assistance on a contract basis in the farm supply and commodity marketing area to help the company in continuing to be an important factor in a particular industry. Individual market shares of the cooperatives are reported to be small.

(c) The Commission advised the applicants it has no objection to the proposed acquisition of some of the assets of the financially-troubled competitor.

(38 Stat. 717, as amended; 15 U.S.C. 41-56: 49 Stat. 1526; 15 U.S.C. 13, as amended

Issued: August 26, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-10256; Filed, Aug. 26, 1968; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Proposed Partial Acquisition of Direct Competitor's Business That May Substantially Increase Applicant's Market Power

§ 15.280 Commission advised applicant it cannot approve a proposed partial acquisition of a direct competitor's business that may substantially increase applicant's market power.

(a) The Commission issued an advisory opinion to an applicant who sought premerger clearance to acquire a number of operating plants of a direct competitor.

(b) According to the information submitted by the applicant, both companies purchase an agricultural product from growers and resell the partially processed product to further processors and canners. Both companies appear to be among the top four firms in the market and to have substantial shares of the market.

(c) The Commission expressed the opinion that it cannot approve the proposed acquisition because such an acquisition may substantially increase applicant's market power and thereby tend to produce anticompetitive effects in violation of the Clayton Act, as amended.

(38 Stat. 717, as amended; 15 U.S.C. 41-58: 49 Stat. 1526; 15 U.S.C. 18, as amended)

Issued: August 26, 1968.

By direction of the Commission.

JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-10257; Filed, Aug. 26, 1968; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Trade Association Recommendations With Respect to Sales Periods and Services Furnished by Members and Cash Discounts by Suppliers

§ 15.281 Trade association recommendations with respect to sales periods and services furnished by members and cash discounts by suppliers.

(a) The Commission rendered an advisory opinion to a trade association of clothing retailers that its proposal to hold discussions, conduct studies and make recommendations to its members and their suppliers with respect to three problems which confront the industry would probably be illegal.

(b) The association advised that competitive conditions have forced the retailers into longer and longer sales periods which squeeze profit margins in the stores and contribute to improper merchandise assortments for one-third of the year. Second, it was stated that the cost of alterations was creeping upward as labor costs increase, thus adding to overhead expense and that only a limited number of stores charge for these alterations. Third, the association advised that manufacturers vary in the amounts of cash discounts they will give and in the time periods during which they will be allowed, thus confusing retailers and resulting in substantial clerical errors. The association felt that it would greatly simplify retailer record keeping if a uniform date of payment and uniform discount terms became an accepted practice in the industry.

(c) In an effort to find solutions to these problems, the association contemplated three steps concerning which an opinion was desired. First, it asked if it could include articles in its bulletins about the benefits of starting clearance sales at later dates and otherwise publishing information designed to show that stores better serve customers when they operate as a one price store for the maximum amount of time during the year. Second, it inquired as to whether it could include cost information on alterations showing the inequities of not applying reasonable charges for alterations and as to whether local merchants could discuss, without specifics as to price, the merit of charging for alterations and urge local cooperation. Third, the association inquired as to whether it could include in its publications information on the desirability of uniform cash discounts, pass resolutions and urge manufacturers to cooperate.

(d) The opinion advised that all three of these proposed courses of action would, in the Commission's view, be of questionable propriety under existing law. With respect to the passage of resolutions urging manufacturers to adopt uniform cash discount terms, it was the Commission's opinion that, even if unaccompanied by any intent to force the manufacturers to adopt the policies set forth therein, there was implicit in such resolutions by the retailers too grave a danger that they would serve as a device whereby the concerted power of the members of the association was brought to bear to coerce the manufacturers to conform their discount policies to the restrictive standards of the resolutions, or, at the very least, as an invitation to enter into agreements among themselves to do so.

(e) The other two proposals seemed to the Commission to involve activities by the association which would lead to suppression of competition among the members. In the Commission's view, the time and duration of sales and the furnishing of alterations without additional charge are methods of competition among the retailers. The natural and probable result of what the association proposed to do would be to limit competition in these areas and thus would constitute an unlawful restraint of trade. While the steps which the association contemplated may not be the equivalent of an agreement among the members to follow the recommended procedures, still if they had the effect of persuading substantial numbers of those members to do so, it would raise a serious inference of such an agreement and hence would be of questionable propriety under the antitrust laws. Therefore, any actions by the association which would have a tendency to bring about that result could not, the Commission stated, meet with its approval.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: August 26, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-10259; Filed, Aug. 26, 1968; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Marking Requirements for Shirts Assembled in United States From Foreign Components

§ 15.282 Marking requirements for shirts assembled in the United States from foreign components.

(a) The Commission advised an apparel manufacturer that the Textile Fiber Products Identification Act would require an affirmative disclosure of the particulars of foreign origin under the following facts:

(b) The manufacturer proposed to contract with or establish a plant in Hong Kong where foreign-made shirt cloth would be cut into parts and simple sewing would be done. The parts would then be shipped to a plant in the United States where, through a process of assembling, sewing, and finishing of the cut parts, individual shirts would be manufactured. From the cost data furnished it appeared that 60 percent of the cost of labor would be performed in this country and 40 percent in Hong Kong. The material and labor furnished in Hong Kong would account for 61.5 percent of the total cost of finished shirts and the labor performed in the United States would account for 38.5 percent of the total.

(c) The Commission advised that it was of the opinion that, under the laws it administers, textile products produced and processed in this manner must be labeled as "Assembled and sewn in the United States of materials imported from Hong Kong."

(38 Stat. 717, as amended; 15 U.S.C. 41-58: 72 Stat. 1717, as amended; 15 U.S.C. 70)

Issued: August 26, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-10258; Filed, Aug. 26, 1968; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of Treasury

[T.D. 68-209]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

PART 9—IMPORTATIONS BY MAIL

Importations by Libraries and Other Institutions

Sections 8.51(a), 9.3(c), and 9.9(b), Customs Regulations, concerning the entry of books or other articles, classifiable under item 850.10 or item 851.10, Tariff Schedules of the United States, amended:

Under the Educational, Scientific, and Cultural Materials Importation Act of 1966 (80 Stat. 897) which entered into force February 1, 1967, by Presidential Proclamation 3754 of November 3, 1966, 3 CFR (1966 Comp.) 90, certain articles were transferred from items 850.10 and 851.10, Tariff Schedules of the United States (19 U.S.C. 1202), to items 270.25, 273.10, 273.35, and 765.03 of the Tariff Schedules of the United States (19 U.S.C. 1202). To reflect this transfer, the Customs Regulations are amended as follows:

Section 8.51(a)(1) is amended to read:

§ 8.51 Informal entries.

(a) * * *

(1) books and other articles classifiable under items 270.25, 273.10, 273.35, 765.03, 850.10, or 851.10, Tariff Schedules of the United States, imported by a library or other institution described in items 850.10 and 851.10, Tariff Schedules of the United States;

* * * * * *

(Sec. 498(a), 46 Stat. 728, as amended; 19 U.S.C. 1498(a).)

Section 9.3(c) is amended to read:

§ 9.3 Mail entries.

* * * * * *

(c) Books and other articles classifiable under items 270.25, 273.10, 273.35, 765.03, 850.10, or 851.10, Tariff Schedules of the United States, imported in the mails by a library or other institution described in items 850.10 and 851.10, Tariff Schedules of the United States, may be cleared through customs under an informal mail entry, regardless of value.

§ 9.9 [Amended]

Section 9.9(b) is amended by substituting "drawings, engravings," for "books, music," in the first sentence.

(Sec. 498(a), 46 Stat. 728, as amended; 19 U.S.C. 1498(a))

LESTER D. JOHNSON, *Commissioner of Customs.*

Approved: August 19, 1968.

JOSEPH M. BOWMAN, *Assistant Secretary of the Treasury.*

[F.R. Doc. 68-10339; Filed, Aug. 26, 1968; 8:49 a.m.]

[T.D. 68-207]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Sugar Content of Certain Articles From Australia

Net amount of bounty declared for the month of June 1968 for products of Australia subject to the countervailing duty order published in T.D. 54582. Section 16.24(f), Customs Regulations, amended:

. The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the month of June 1968, of approved fruit products and other approved products containing sugar amounts to Australian $115.40 per 2,240 pounds of sugar content.

The net amount of bounties or grants on the above-described commodities which are manufactured or produced in Australia is hereby ascertained, determined, and declared to be Australian $115.40 per 2,240 pounds of sugar content. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 F.R. 9595), whether imported directly or indirectly from that country, equal to the net amount of the bounty shown above shall be assessed and collected.

The table in § 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury decision in the column headed "Treasury Decision" and the words "New rate" in the column headed

"Action." The table in § 16.24(f) is further amended by deleting therefrom under "Australia—Sugar content of certain articles" the number 68–108 in the column headed "Treasury Decision" and the words "New rate" appearing opposite such number in the column headed "Action."

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: August 16, 1968.

JOSEPH M. BOWMAN,
Assistant Secretary of the Treasury.

[F.R. Doc. 68–10338; Filed, Aug. 26, 1968; 8:49 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter I—Bureau of Employees' Compensation, Department of Labor

PART 25—COMPENSATION FOR DISABILITY AND DEATH OF NONCITIZENS OUTSIDE UNITED STATES

Criteria for Payment of Compensation

Section 12 of the Federal Employees' Compensation Act Amendments of 1966 (80 Stat. 252) amended section 32 of the Federal Employees' Compensation Act by adding the following provision: "In the adjudication of claims under section 42 of this Act, the Secretary shall have the authority to determine the nature and extent of the proofs and evidence required to establish the right to benefits under this Act without regard to the date of injury or death for which claim is made." The enactment of this provision as permanent legislation eliminates the necessity for the limitation in 20 CFR 25.5(b) that such section shall apply only in the adjudication of claims for benefits payable from the appropriation provided in the Department of Labor Appropriation Act, 1966 (79 Stat. 589, 592).

Accordingly, pursuant to the authority contained in 5 U.S.C. 8145 and 8149, Reorganization Plan No. 19 of 1950 (64 Stat. 1271, 15 F.R. 3178), and General Order No. 46 (Revised) of the Secretary of Labor (24 F.R. 8472), I hereby amend 20 CFR 25.5 by deleting paragraph (b) and the designation "(a)" before the remainder of the text of the section.

As this amendment relates only to public benefits, the provisions of 5 U.S.C. 553 concerning notice of proposed rule making, public participation therein, and delayed effective date, do not apply. I do not believe that such procedure or delay will serve a useful purpose here. Accordingly, the amendment shall be effective upon publication in the FEDERAL REGISTER.

(80 Stat. 255, 553, 555; 5 U.S.C. 8145, 8149; Reorganization Plan No. 19 of 1950, 64 Stat. 1271, 15 F.R. 3178; General Order No. 46 (Rev.), 24 F.R. 8472)

Signed at Washington, D.C., this 19th day of August 1968.

THOMAS A. TINSLEY,
Director, Bureau of Employees' Compensation.

[F.R. Doc. 68–10303; Filed, Aug. 26, 1968; 8:46 a.m.]

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 5]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965——)

Subpart L—Conditions of Participation; Home Health Agencies

On May 14, 1966, there was published in the FEDERAL REGISTER 31 F.R. 7143) a notice of proposed rule making relating to conditions of participation which home health agencies are required to meet for the purpose of qualifying as providers of services in the health insurance for the aged program.

The more significant changes made in the tentative regulations published on May 14, 1966, are as follows:

In § 405.1224 *Service to homebound patients on part-time or intermittent basis*, paragraph (b), definition of a homebound patient, has been modified to some extent in order to reflect the experience of the program and the resultant definition of "homebound," approved as a revision to the Home Health Agency Manual by the Public Health Service and the Health Insurance Benefits Advisory Council, that the medical condition of a patient who is certified as being confined to his home would be such as to render the patient generally unable to leave his home to obtain health services.

In § 405.1225 *Personnel policies*, paragraph (c), employment contracts, has been added to specify the type of agreement which must be made when an agency provides home health services through personnel working on a fee-for-service basis. Under the proposed regulations, written contracts were required only when an agency made arrangements for the provision of home health services with participating and nonparticipating providers. Since many agencies have entered into fee-for-service agreements with paramedical personnel, a need was felt to assure the responsibility and supervision of the agency over such services.

In § 405.1228 *Skilled nursing service*, paragraph (g) and (h) have been added in order to specify the qualifications required to be met by student nurses and the circumstances under which student nursing services may be considered skilled nursing services reimbursable under the health insurance program.

In § 405.1229 *Physical therapy*, the qualifications of physical therapists have been included in greater detail. In addition, the role of the physician in his professional relationship to physical therapists is more precisely reflected. These revisions are similar to those made in the regulations for extended care facilities.

In § 405.1230 *Speech therapy*, the qualifications of speech pathologists and audiologists have been included in greater detail. In addition, the role of the physician in his professional relationship to speech therapists is more precisely reflected. These revisions are similar to those made in the regulations for extended care facilities.

In § 405.1238 *Services arranged for with another approved provider*, when a home health agency arranges to provide home health services through another provider of service, a written contract is required. This section has been revised to indicate the specific provisions which must be contained in the written contract. These provisions are similar to those already required in a written contract when the home health agency makes arrangements with a nonparticipating provider to furnish home health services.

Additionally, editorial and clarifying changes were made throughout the subpart.

Chapter III, Title 20 is amended by adding thereto Subpart L of Part 405 to read as set forth below. The addition of Subpart L of Part 405, Title 20, shall be effective upon publication in the FEDERAL REGISTER.

Dated: August 8, 1968.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: August 20, 1968.

WILBUR J. COHEN,
Secretary of Health, Education, and Welfare

Subpart L—Conditions of Participation; Home Health Agencies

Sec.
405.1201 General.
405.1202 Conditions of participation; general.
405.1203 Standards; general.
405.1204 Certification by State agency.
405.1205 Principles for the evaluation of home health agencies to determine whether they meet the conditions of participation.
405.1206 Time limitations on certifications of substantial compliance.
405.1207 Certification of noncompliance.
405.1208 Documentation of findings.
405.1209 Authorization for special certification in areas where necessary to provide access to home health services.
405.1220 Conditions of participation—primary functions.
405.1221 Condition of participation—skilled nursing and one other therapeutic service.
405.1222 Condition of Participation-Agency supervision.
405.1223 Condition of participation—advisory group of professional personnel.
405.1224 Condition of participation—service to homebound patients on part-time or intermittent basis.
405.1225 Condition of participation—personnel policies.
405.1226 Condition of participation—evaluation.
405.1227 Condition of participation—compliance with State and local laws.
405.1228 Condition of participation—skilled nursing service.
405.1229 Condition of participation—physical therapy.
405.1230 Condition of participation—speech therapy.
405.1231 Condition of participation—occupational therapy.
405.1232 Condition of participation—supervision of therapy services.
405.1233 Condition of participation—medical social services.
405.1234 Condition of participation—home health aide services.
405.1235 Condition of participation—selection of home health aides.
405.1236 Condition of participation—training of home health aides.
405.1237 Condition of participation—supervision of home health aides.
405.1238 Condition of participation—services arranged for with another approved provider.
405.1239 Condition of participation—services arranged for with a nonparticipating provider.
405.1240 Condition of participation—acceptance of patients.
405.1241 Condition of participation—establishment and review of plan of treatment.
405.1242 Condition of participation—physician's original drug orders and changes in orders.
405.1243 Condition of participation—clinical records.

AUTHORITY: The provisions of this Subpart L issued under sections 1102, 1861(o), 1863, 1864, 1871; 49 Stat. 647, as amended, 79 Stat. 320, 79 Stat. 325–326, 79 Stat. 331; 42 U.S.C. 1302, 1395 et seq.

Subpart L—Conditions of Participation; Home Health Agencies

§ 405.1201 General.

(a) In order to participate as a home health agency in the health insurance program for the aged, an institution must be a "home health agency" within the meaning of section 1861(o) of the Social Security Act. This section of the law states a number of specific requirements which must be met by participating home health agencies and authorizes the Secretary of Health, Education, and Welfare to prescribe other requirements considered necessary in the interest of health and safety of beneficiaries.

SEC. 1861(o). For purposes of this title—

* * * * * *

(o) The term "home health agency" means a public agency or private organization, or a subdivision of such an agency or organization, which—

(1) Is primarily engaged in providing skilled nursing services and other therapeutic services;

(2) Has policies, established by a group of professional personnel (associated with the agency or organization), including one or more physicians and one or more registered professional nurses, to govern the services (referred to in paragraph (1)) which it provides, and provides for supervision of such services by a physician or registered professional nurse;

(3) Maintains clinical records on all patients;

(4) In the case of an agency or organization in any State in which State or applicable local law provides for the licensing of agencies or organizations of this nature, (A) is licensed pursuant to such law, or (B) is approved, by the agency of such State or locality responsible for licensing agencies or organizations of this nature, as meeting the standards established for such licensing; and

(5) Meets such other conditions of participation as the Secretary may find necessary in the interest of the health and safety of individuals who are furnished services by such agency or organization;

except that such term shall not include a private organization which is not a nonprofit organization exempt from Federal income taxation under section 501 of the Internal Revenue Code of 1954 (or a subdivision of such organization) unless it is licensed pursuant to State law and it meets such additional standards and requirements as may be prescribed in regulations; and except that for purposes of Part A such term shall not include any agency or organization which is primarily for the care and treatment of mental diseases.

(b) The requirements included in the statute and the additional health and safety requirements prescribed by the Secretary are set forth in the Conditions of Participation for Home Health Agencies. A home health agency which meets all of the specific statutory requirements and which is found to be in substantial compliance with the additional conditions prescribed by the Secretary may, if it so desires, agree to become a participating home health agency.

(c) The Secretary may, at the request of a State, approve higher health and safety requirements for that State. Also, where a State or political subdivision imposes higher requirements on home health agencies as a condition for the purchase of services under a State plan approved under title I, XVI, or XIX of the Social Security Act, the Secretary is required to impose like requirements as a condition to the payment for services by such home health agencies in that State or subdivision. (See Addenda to §§ 405.1222 and 405.1223.)

(d) Attention is invited to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; P.L. 88–352) which provides that no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance (sec. 601), and to the implementing regulation issued by the Secretary of Health, Education, and Welfare with the approval of the President (Part 80 of title 45 of the Code of Federal Regulations).

§ 405.1202 Conditions of participation; general.

For an agency to be eligible for participation in the program, it must meet the statutory requirements of section 1861(o) and there must be a finding of substantial compliance on the part of the agency with all the other conditions. These conditions which include both the statutory requirements and the additional health and safety requirements prescribed by the Secretary are set forth in § 405.1220 et seq. They are requirements relating to the quality of care and the adequacy of the services and facilities which the agency provides. Variations in the type and size of agencies and the nature and scope of services offered will be reflected in differences in the details of organization and staffing. However, the test is whether there is substantial compliance with each of the conditions.

§ 405.1203 Standards; general.

As a basis for a determination as to whether or not there is substantial compliance with the prescribed conditions in the case of any particular home health agency, explanations are given under each condition. These explanations provide an indication of the various ways in which such agencies may carry out the functions embodied in the conditions. Reference to these explanations will enable the State agency surveying a home health agency to document the activities of the agency, to establish the nature and extent of its deficiencies, if any, with respect to any particular function, and to assess the agency's need for improvement in relation to the prescribed conditions. In substance, the explanations will help the State agency determine the extent and degree to which a home health agency is complying with each condition.

§ 405.1204 Certification by State agency.

(a) The Health Insurance for the Aged Act provides that the services of State agencies, operating under agreements with the Secretary, will be used by the Secretary in determining whether institutions meet the conditions of participation. Pursuant to these agreements, State agencies will certify to the Secretary home health agencies which are found to be in substantial compliance with the conditions. Such certifications shall include findings as to whether each of the conditions is substantially met. The Secretary, on the basis of such certification from the State agency, will determine whether or not an entity is a home health agency eligible to participate in the health insurance program as a provider of services.

(b) The decisions of the State agency represent recommendations to the Secretary. Notice of determination of eligibility or noneligibility made by the Secretary on the basis of a State agency decision will be sent to the home health agency by the Social Security Administration after such review and professional consultation with the Public Health Service as may be required. If it is determined that the home health agency does not comply with the conditions of participation, the home health agency may appeal from such determination and request a hearing. (For procedures relating to determinations and appeals, see Subpart O of this Part 405.)

§ 405.1205 Principles for the evaluation of home health agencies to determine whether they meet the conditions of participation.

Home health agencies will be considered in substantial compliance with the conditions of participation upon acceptance by the Secretary of findings, ade-

quately documented and certified to by the State agency, showing that:

(a) The home health agency meets the specific statutory requirements of section 1861(o) and is found to be operating in accordance with all other conditions of participation with no significant deficiencies, or

(b) The home health agency meets the specific statutory requirements of section 1861(o) but is found to have deficiencies with respect to one or more other conditions of participation which:

(1) It is making reasonable plans and efforts to correct, and

(2) Notwithstanding the deficiencies, is rendering adequate care and without hazard to the health and safety of individuals being served, taking into account special procedures or precautionary measures which have been or are being instituted.

§ 405.1206 Time limitations on certifications of substantial compliance.

(a) All initial certifications by the State agency to the effect that a home health agency is in substantial compliance with the conditions of participation will be for a period of 2 years, beginning with July 1, 1966, or, if later, with the date on which the home health agency is first found to be in substantial compliance with the conditions. State agencies may visit or resurvey home health agencies where necessary to ascertain continued compliance or to accommodate to periodic or cyclical survey programs. A State finding and certification to the Secretary that an agency is no longer in compliance may occur within a 2-year or subsequent period of certification and will thereby terminate the State's certification as to compliance.

(b) If a home health agency is in substantial compliance under the provisions of § 405.1205(b), the following information will be incorporated in the Secretary's finding and into the notice of eligibility to the home health agency:

(1) A statement of the deficiencies which were found; and

(2) A description of progress which has been made and further action which is being taken to remove the deficiencies; and

(3) A scheduled time for a resurvey of the home health agency to be conducted not later than the 18th month (or earlier, depending on the nature of the deficiencies) of the period of certification.

§ 405.1207 Certification of noncompliance.

The State agency will certify that a home health agency is not in compliance with the conditions of participation, or, where a determination of eligibility has been made, that it is no longer in compliance where:

(a) The home health agency is not in compliance with one or more of the statutory requirements of section 1861(o); or

(b) The home health agency has deficiencies of such character as to seriously limit its capacity to render adequate care or to place health and safety of individuals in jeopardy, and consultation to the home health agency has demonstrated that there is no early prospect of such significant improvement as to establish substantial compliance as of a later beginning date; or

(c) After a previous period or part thereof for which the home health agency was certified under circumstances outlined in § 405.1205(b), there is a lack of progress toward a removal of deficiencies which the State agency finds are adverse to the health and safety of individuals being served.

(d) If, on the basis of a State agency certification, it is determined by the Secretary that the home health agency does not substantially meet, or no longer substantially meets, the conditions of participation, the agreement for participation may not be accepted for filing, or if filed, may be terminated. The agency may request that the determination be reviewed.

§ 405.1208 Documentation of findings.

The findings of the State agency with respect to each of the conditions of participation should be adequately documented. Where the State agency certification to the Secretary is that a home health agency is not in compliance with the conditions of participation, such documentation should include a report of all consultation which has been undertaken in an effort to assist the home health agency to comply with the conditions, a report of the home health agency's responses with respect to the consultation, and the State agency's assessment of the prospects for such improvements as to enable the home health agency to achieve substantial compliance with the conditions.

§ 405.1209 Authorization for special certification in areas where necessary to provide access to home health services.

(a) Where, by reason of isolated location, the denial of eligibility of a home health agency to participate would seriously limit the access of beneficiaries to the services of participating home health agencies, a home health agency may, upon recommendation by the State agency, be approved by the Secretary as a provider of services. Such approvals will be granted only where there are no deficiencies of such character and seriousness as to place health and safety of individuals in jeopardy. A home health agency receiving this special approval shall furnish information showing the extent to which it is making the best use of its resources to improve its quality of care. Resurveys of such agencies will be made at least annually.

(b) Each case will have to be decided on its individual merits; and while the degree and extent of compliance will vary, the home health agency must, as a minimum, meet all of the statutory conditions of section 1861(o) (1)–(4), in addition to meeting such other requirements as the Secretary finds necessary under section 1861(o)(5).

§ 405.1220 Condition of participation—primary functions.

(a) *Condition.* The primary functions of the home health agency include the provision of skilled nursing services and other therapeutic services on a visiting basis in a place of residence used as the individual's home. (See §§ 405.1228–405.1237 relating to skilled nursing services and other therapeutic services.) For purposes of posthospital home health benefits under Part A of Title XVIII of the Social Security Act, the term "home health agency" does not include any agency or organization which is primarily for the care and treatment of mental diseases.

(b) *Provision of services.* The agency's bylaws, or the equivalent thereof, state explicitly that the home health agency provides skilled nursing and other therapeutic services directly, or, in the case of a public or voluntary nonprofit health agency, if it provides directly only skilled nursing services or only other therapeutic services that it furnishes through arrangements with other public or voluntary nonprofit agencies the services which it does not provide directly. (See §§ 405.1238–405.1239 relating to arrangements for services.) A charter, an official statement of objectives, or the agency's governing policies are the equivalent of bylaws.

(c) *Subdivision operating as home health agency.* When a subdivision of an agency (e.g., the home care department of a hospital or the nursing division of a health department) applies for participation, the subdivision rather than the parent organization meets the conditions of participation as a home health agency and maintains records in such a way that subdivision activities and expenditures attributable to services provided under the health insurance program are identifiable. The parent organization may determine who signs the agreement and other official documents; and receive and disburse funds.

§ 405.1221 Condition of participation—skilled nursing and one other therapeutic service.

In addition to skilled nursing services, the agency provides at least one of the following other therapeutic services: i.e., physical, speech, or occupational therapy, medical social services, or home health aide services.

§ 405.1222 Condition of participation—agency supervision.

(a) *Condition.* The home health agency designates a physician or registered professional nurse to supervise the agency's performance in providing home health services in accordance with the orders of the physician responsible for the care of the patient and under a plan of treatment established by such physician. (See § 405.1241 for conditions of participation relating to "plan of treatment.")

(b) *Where a nurse is designated.* It is preferable that an agency which designates a registered professional nurse appoint a public health nurse.

Addendum to § 405.1222

Pursuant to the provisions of section 1863 of title XVIII of the Act (see § 405.1201(c)), there is approved the following higher condition of participation relating to Agency Supervision applicable in those States identified below:

CONNECTICUT

Agency Supervision—Condition. The home health agency designates a physician or registered professional nurse qualified as a public health nurse director or nursing supervisor to supervise the agency's performance in providing home health services in accordance with the orders of the physician responsible for the care of the patient and under a plan of treatment established by the physician. The following qualifications apply to the supervisor and director:

(a) *Supervisor.* The minimum qualifications of the nursing supervisor are a Baccalaureate Degree from a university program in nursing approved by the National League for Nursing for public health nursing preparation, and a minimum of 2 years' experience in a public health nursing program under qualified nursing supervision which included supervisory responsibilities.

(b) *Director.* When a unit through which home health services are provided reaches a total nursing staff of 9 to 12, depending upon the number of towns involved and area served, a qualified public health nursing director shall be employed in addition to the nursing supervisor.

(1) *Preferred.* A Master's Degree with a major in public health nursing administration or supervision from a university program approved by the National League for Nursing, or a Master's Degree in public health from a university program approved by the American Public Health Association, and at least 5 years' experience in public health nursing, including 2 years under qualified supervision and 3 years as a supervisor.

(2) *Acceptable.* A Baccalaureate Degree from a university program in nursing approved by the National League for Nursing for public health nursing preparation supplemented by approved courses in public health nursing supervision and administration, and at least 5 years' experience in public health nursing, including 2 years under qualified supervision and 3 years as a supervisor.

NEW JERSEY

Agency Supervision—Condition. The home health agency designates a physician or registered professional nurse *qualified as a public health nurse director* to supervise the agency's performance in providing home health services in accordance with the orders of the physician responsible for the care of the patient and under a plan of treatment established by such physician. *In the event that a physician is the administrator* of the home health agency, the nursing service shall be under the direction of a registered professional nurse qualified as a public health nurse director. Public health nurse supervisors, when employed, shall be qualified.

(a) *Director.* (1) A public health nurse director has completed a Master's Degree program accredited by the National League for Nursing with a nursing major in supervision, teaching, consultation or administration and advance study in a clinical speciality; or completion of a Master's program in public health in an institution accredited by the American Public Health Association, and

(2) Five years of experience in public health nursing, one year of which shall have been in a supervisory experience.

(b) *Supervisor.* A Public Health Nurse Supervisor has completed a baccalaureate degree program approved by the National League for Nursing for public health nursing preparation or post-baccalaureate study which includes content approved by the National League for Nursing for public health nursing preparation; and three years of experience in public health nursing under qualified nursing supervision.

§ 405.1223 Condition of participation—advisory group of professional personnel.

(a) *Condition.* Policies covering skilled nursing and other therapeutic services, and the professional health aspects of other policies are established with the approval of and subject to regular review by a group of professional personnel associated with the agency or organization, including one or more licensed physicians and one or more registered professional nurses.

(b) *Composition of group.* (1) This group might be, for example: (i) An advisory committee to the agency's executive council or board of directors; (ii) a subcommittee of such council or board; or (iii) other similar arrangement.

(2) One or more members of the professional group are persons not employed by the agency.

(3) It is preferable that the registered nurse member be a public health nurse.

(4) It is desirable for the group to include lay persons knowledgeable in health affairs and in the needs and resources of the community served by the agency; and also to have a wide range of professional representatives such as medical social worker; nutritionist; speech, physical, and occupational therapists.

Addendum to § 405.1223

Pursuant to the provisions of section 1863 of title XVIII of the Act (see § 405.1201(c)), there is approved the following higher condition of participation relating to the Advisory Group of Professional Personnel in those States identified below:

NEW JERSEY

Advisory Group of Professional Personnel—Condition. Policies covering skilled nursing and other therapeutic services, and the professional health aspects of other policies, are established with the approval of and subject to regular review by a group of professional personnel which includes at least three licensed physicians and a registered professional nurse qualified as a public health nurse director.

Composition of Group.

(a) This group might be, for example: (1) an advisory committee to the agency's executive council or board of directors; (2) a subcommittee of such council or board; or (3) other similar arrangement.

(b) Some member or members of the professional group are persons not employed by the agency.

(c) The physician members of the Advisory Group serve as liaison with the County Medical Society and interpret agency medical policies to individual physicians.

(d) It is desirable for the group to include lay persons knowledgeable in health affairs and also to have a wide range of professional representatives such as medical social worker, nutritionist; speech, physical, and occupational therapists.

§ 405.1224 Condition of participation—service to homebound patients on part-time or intermittent basis.

(a) *Condition.* The agency is organized, staffed and equipped to provide service to homebound patients on a part-time or intermittent basis.

(b) *Definition of homebound patient.* A homebound patient is one who is essentially confined to a place of residence due to an illness or injury and, if ambulatory or otherwise mobile, is unable to be absent from his residence except on an infrequent basis or for periods of relatively short duration, e.g., for a short walk prescribed as therapeutic exercise.

(c) *Definition of part-time or intermittent.* Most patients whose home health care is covered will require service a few hours a day, several times a week. Some may require longer service on one day than on other days and such adjustments are to be encouraged. Occasionally, because of special circumstances occurring during a brief period, service for a full day may need to be provided.

§ 405.1225 Condition of participation—personnel policies.

(a) *Condition.* The agency has written policies concerning qualifications, responsibilities, and conditions of employment for each type of personnel (including licensure where this is required by State law).

(b) *Content of personnel policies.* The policies are written and available to staff as well as to the group of professional personnel and cover:

(1) Wage scales, hours of work, vacation, and sick leave.

(2) A plan for preemployment and periodic medical examination, tuberculin test and/or chest X-ray, serology, and other appropriate tests.

(3) Plans for orientation of all health personnel to the policies and objectives of the agency and for on-the-job training, where necessary.

(4) Periodic evaluation of employee performance.

(5) Job descriptions for each category of health personnel which are specific and include the type of activity each may carry out.

(c) *Employment contracts.* When a home health agency provides home health services through employment agreements with personnel providing services on a fee-for-service basis, as opposed to a salaried basis, there is a written statement regarding the services to be provided and the financial arrangements.

(d) *Contract provisions.* The contract includes all of the following points:

(1) Designates the services which are to be provided by the employee and the geographical areas in which the services are to be provided. Services provided are to be within the scope and limitations set forth in the physician's plan of treatment which has been established with the agency and may not be altered in type, scope, or duration by the employee.

(2) Provides for the acceptance of patients for home health care by the agency. Patients are not to be admitted

to home health care by the individual employee without appropriate review of the case and acceptance of the patient by the agency according to § 405.1240.

(3) Describes the duties of the employee. The employee must regularly participate with other health personnel of the agency in staff meetings, policy formation, planning when and how a plan of treatment is to be carried out, scheduling of visits, discussions for the purpose of planning and evaluating patient care in individual cases, etc.

(4) Provides for the preparation of progress notes and observations and for their prompt incorporation into the medical records of the agency.

(5) Specifies the financial arrangements. The employee cannot bill the patient or the health insurance program.

§ 405.1226 Condition of participation—evaluation.

(a) *Condition.* The agency has procedures which provide for systematic evaluation of its program at least once every 2 years.

(b) *Method of program evaluation.* (1) There are measures to determine whether the policies established with the approval of the group of professional personnel are followed in providing services. These should include a review of patient records on a sample basis in order to determine that services are being used appropriately and the extent to which the needs of the patients the agency serves are being met both quantitatively and qualitatively.

(2) There is a mechanism for reviewing the overall management aspects of its service to assure economy and efficiency of operation.

(3) Agency staff and/or its professional group may conduct the evaluation itself. Alternatively, the agency may seek the advice of persons or organizations outside the agency.

§ 405.1227 Condition of participation—compliance with State and local laws.

(a) *Condition.* The home health agency is in conformity with all applicable Federal, State, and local laws, regulations and similar requirements.

(b) *Licensing of home health agency.* A home health agency which is a nonprofit organization exempt from Federal income taxation under section 501 of the Internal Revenue Code of 1954 (or a subdivision of such organization), in a community where State or applicable local law provides for the licensing of such agencies, is licensed pursuant to such law or approved by the State or local licensing agency as meeting the standards for licensure. A proprietary organization which is not a private organization exempt from Federal income taxation under section 501 of the Internal Revenue Code of 1954 (or a subdivision of such organization) in all instances is licensed as a home health agency pursuant to State law. If no State law exists for the licensure of such an agency, it cannot be certified for participation in the health insurance program.

(c) *Licensure of staff.* Staff of the home health agency is currently licensed or registered in accordance with applicable laws.

§ 405.1228 Condition of participation—skilled nursing service.

(a) *Condition.* Skilled nursing service is provided by or under the supervision of registered professional nurse(s).

(b) *Registered professional nurse—qualifications.* A registered professional nurse is currently licensed by the State as a registered professional nurse and preferably has at least 1 year of experience as a professional nurse.

(c) *Public health nurse—qualifications.* A public health nurse is licensed to practice professional nursing in the State and has completed a baccalaureate degree program approved by the National League for Nursing for public health nursing preparation or postbaccalaureate study which includes content approved by the National League for Nursing for public health nursing preparation.

(d) *Professional nursing services—duties.* Professional nursing services are services given in accordance with a physician's orders which require the competencies of a registered professional nurse, preferably a qualified public health nurse. Skilled nursing includes such duties as the following:

(1) Evaluates and regularly reevaluates the nursing needs of the patient;

(2) Develops and implements the nursing care plan for the patient;

(3) Provides nursing services, treatments, and diagnostic and preventive procedures requiring substantial specialized skill;

(4) Initiates preventive and rehabilitative nursing procedures as appropriate for the patient's care and safety;

(5) Observes signs and symptoms and reports to the physician reactions to treatments, including drugs, and changes in the patient's physical or emotional condition;

(6) Teaches, supervises, and counsels the patient and family members regarding the nursing care needs and other related problems of the patient at home;

(7) Supervises and trains other nursing service personnel.

(e) *Practical nurse—qualifications.* A practical nurse or vocational nurse is licensed by the State and preferably has at least 1 year of nursing experience under the supervision of a registered professional nurse.

(f) *Practical nursing—duties.* Practical nursing services are given by a licensed practical nurse or licensed vocational nurse working under the supervision of a registered professional nurse. Practical nursing includes such duties as the following:

(1) Observes, records, and reports to supervisor on the general physical and mental conditions of the patient;

(2) Administers prescribed medications and simple treatments as permitted by State or local regulations;

(3) Assists the physician and/or registered professional nurse in performing specialized procedures;

(4) Prepares equipment for treatments, including sterilization and observation of aseptic techniques;

(5) Assists the patient with activities of daily living while teaching appropriate self-care techniques.

(g) *Student nurse—qualifications.* A student nurse is enrolled in a diploma, associate degree, or baccalaureate degree program approved by the National League for Nursing.

(h) *Student nursing services.* Student nursing services are "skilled nursing services" which under State law may be legally performed by a student and which are furnished under a training program in which the home health agency is participating under the supervision of a registered professional nurse who is either an employee of the home health agency or the school of nursing in which the student is enrolled.

§ 405.1229 Condition of participation—physical therapy.

(a) *Condition.* When an agency provides or arranges for physical therapy, service is given in accordance with a physician's written orders by or under the supervision of a physical therapist meeting the qualifications set out in this section.

(b) *Physical therapist—qualifications.* A physical therapist:

(1) Has graduated from a physical therapy curriculum approved by—

(i) The American Physical Therapy Association; or

(ii) The Council on Medical Education and Hospitals of the American Medical Association; or

(iii) The Council on Medical Education of the American Medical Association in collaboration with the American Physical Therapy Association; or

(2) Prior to January 1, 1966—

(i) Has been admitted to membership by the American Physical Therapy Association; or

(ii) Has been admitted to registration by the American Registry of Physical Therapists; or

(iii) Has graduated from a physical therapy curriculum in a 4-year college or university approved by a State department of education, is licensed or registered as a physical therapist, and where appropriate, has passed a State examination for licensure as a physical therapist; or

(3) If trained outside the United States—

(i) Has graduated since 1928 from a physical therapy curriculum approved in the country in which the curriculum was located and in which there is a member organization of the World Confederation for Physical Therapy; and

(ii) Is a member of a member organization of the World Confederation for Physical Therapy; and

(iii) Has completed 1 year's experience under the supervision of an active member of the American Physical Therapy Association; and

(iv) Has successfully completed a qualifying examination as prescribed by the American Physical Therapy Association.

(c) *Physical therapy—duties.* Physical therapy includes such duties as the following:

(1) Assists the physician in his evaluation of patients by applying muscle, nerve, joint, and functional ability tests;

(2) Treats patients to relieve pain, develop or restore function, and maintain maximum performance, using physical means, such as exercise, massage, heat, water, light, and electricity, for example:

(i) Directs and aids patients in active and passive exercises, muscle reeducation, and gait and functional training, activities of daily living including transfer activities and prosthetic training;

(ii) Makes use of equipment such as ultraviolet and infrared lamps, low voltage generators, diathermy, and ultrasonic machines;

(iii) Gives whirlpool and contrast baths, and applies moist packs.

(3) Arranges for the provision on an outpatient basis of services described in subparagraph (2) (ii) and (iii) of this paragraph which involve the use of equipment which cannot be made readily available in the patient's home;

(4) Observes, records, and reports to the physician the patient's reaction to treatment and any changes in the patient's condition;

(5) Instructs patients in care and use of wheelchairs, braces, crutches, canes, and prosthetic and orthotic devices;

(6) Instructs other health team personnel including, when appropriate, home health aides, and family members in certain phases of physical therapy with which they may work with the patient;

(7) Instructs family on patient's total physical therapy program.

§ 405.1230 Condition of participation—speech therapy.

(a) *Condition.* When an agency provides or arranges for speech therapy, service in speech pathology or audiology is given in accordance with a physician's written orders and by or under the supervision of a speech therapist meeting the qualifications set out in this section.

(b) *Speech therapist—qualifications.* A speech therapist:

(1) Has been granted a Certificate of Clinical Competence in the appropriate area (Speech, Pathology, or Audiology) by the American Speech and Hearing Association; or

(2) Meets the equivalent educational requirements and work experience necessary for such certificate; or

(3) Has completed the academic and practicum requirements for certification and is in the process of accumulating the necessary supervised work experience required for certification; or

(4) Until January 1, 1970, has a Basic Certificate or provisional basic certification and is in the process of acquiring 4 years of sponsored professional experience; or

(5) Had a Basic Certificate or sponsor privilege as of December 31, 1964, cannot complete 4 years of sponsored professional experience before January 1, 1970, but passed a special examination given by the American Speech and Hearing Association during 1969.

(c) *Speech therapy—duties.* Speech therapy or audiology includes such duties as the following:

(1) Cooperation in the evaluation of patients with speech, hearing, or language disorders;

(2) On the basis of orders by the physician, who indicates anticipated goals and is responsible for general medical direction of such service as a part of the total care of the patient, determines and recommends appropriate speech and hearing services;

(3) Provides rehabilitative services for speech, hearing and language disorders;

(4) Records and reports to the physician the patient's reaction to treatment and any changes in the patient's condition;

(5) Instructs other health team personnel and family members in methods of assisting the patient to improve and correct speech, hearing, and language disabilities.

§ 405.1231 Condition of participation—occupational therapy.

(a) *Condition.* When an agency provides or arranges for occupational therapy, services are given in accordance with a physician's written orders and by or under the supervision of an occupational therapist meeting the qualifications set out in this section.

(b) *Occupational therapist—qualifications.* An occupational therapist is registered by the American Occupational Therapy Association or is a graduate of a program in occupational therapy approved by the Council on Medical Education of the American Medical Association in collaboration with the American Occupational Therapy Association and engaged in the required supervised clinical experience period prerequisite to registration by the American Occupational Therapy Association.

(c) *Occupational therapy assistant—qualifications.* An occupational therapy assistant has successfully completed a training course approved by the American Occupational Therapy Association and is certified by that body as a certified occupational therapy assistant.

(d) *Occupational therapy—duties.* Occupational therapy includes such duties as the following:

(1) Assists the physician in his evaluation of the patient's level of function by applying diagnostic and prognostic procedures;

(2) Guides the patient in his use of therapeutic creative and self-care activities for the purpose of improving function;

(3) Observes, records, and reports to the physician the patient's reaction to treatment and any changes in the patient's condition;

(4) Instructs other health team personnel including, when appropriate home health aides and family members in certain phases of occupational therapy in which they may work with the patient.

§ 405.1232 Condition of participation—supervision of therapy services.

When the services of aides or other personnel providing supplementary services are utilized in providing home health services, they are trained and supervised by appropriate professional personnel. When such supervision is less than full-time, e.g., for a limited number of hours or days each week, the supervision is provided on a planned basis and is frequent enough to assure adequate review of individual treatment plans and progress.

§ 405.1233 Condition of participation—medical social services.

(a) *Condition.* When an agency provides or arranges for medical social services, they are given under direction of a physician by or under the supervision of a medical social worker meeting the qualifications set out in this section.

(b) *Medical social worker—qualifications.* A medical social worker is a graduate of a school of social work accredited by the Council on Social Work Education and has had social work experience in a hospital, outpatient clinic medical rehabilitation, medical care or mental health program.

(c) *Social work assistant—qualifications.* A social work assistant has a baccalaureate degree and the agency provides on-the-job training in medical social service tasks and assignments.

(d) *Medical social services—duties.* Medical social services include such duties as the following:

(1) Assists the physician and other members of the health team in understanding the significant social and emotional factors related to patient's health problems;

(2) Assesses the social and emotional factors in order to estimate the patient's capacity and potential to cope with problems of daily living;

(3) Helps the patient and his family to understand, accept, and follow medical recommendations and provides services planned to restore the patient to optimum social and health adjustment within his capacity;

(4) Assists patients and their families with personal and environmental difficulties which predispose toward illness or interfere with obtaining maximum benefits from medical care;

(5) Utilizes resources, such as family and community agencies, to assist patient to resume life in the community or to learn to live within his disability.

§ 405.1234 Condition of participation—home health aide services.

(a) *Condition.* When an agency provides or arranges for home health aide services, the aides are assigned because the physician has specified in his plan of treatment that the patient needs personal care.

(b) *Personal care for patient.* The title used for this class of personnel varies among agencies but the duties for which the aides are selected, trained, and assigned are essentially, but not limited to, personal care for the patient:

(1) Helping patient with bath, care of mouth, skin, and hair;
(2) Helping patient to bathroom or in using bed pan;
(3) Helping patient in and out of bed, assisting with ambulation;
(4) Helping patient with prescribed exercises which the patient and home health aide have been taught by appropriate professional personnel;
(5) Assisting with medications, ordinarily self-administered, that have been specifically ordered by a physician;
(6) Performing such incidental household services as are essential to the patient's health care at home.
(7) Reporting to the professional nurse supervisor changes in the patient's condition or family situation.

§ 405.1235 Condition of participation—selection of home health aides.

(a) *Condition.* The selection of each potential home health aide takes into account ability to read and write, to understand and carry out directions or instructions, and to record messages and keep simple records.

(b) *Recruitment policies and procedures.* Because home health aides may often be recruited from persons who have had little formal education and no health training, agencies need to establish and maintain specific policies concerning their selection. In addition to the capacities expressed in the condition, recruitment policies and procedures should take into account:

(1) Emotional and mental maturity, and
(2) Interest in and sympathetic attitude toward caring for the sick at home.

§ 405.1236 Condition of participation—training of home health aides.

(a) *Condition.* The home health agency determines that home health aides receive or have received a basic training program for home health aides.

(b) *Faculty for basic training.* Training in personal care services is given by a registered professional nurse (preferably a public health nurse). Physicians, nutritionists, physical therapists, medical social workers, and other health personnel are involved in appropriate aspects of the training program.

(c) *Basic training—content.* The following topics suggest the appropriate content for the basic training:

(1) The role of the home health aide as a member of the health services team.
(2) Instruction and supervised practice in personal care services of the sick at home (including personal hygiene and activities of daily living), with major attention being given to this aspect of training.
(3) Instruction in how to assist patients to achieve maximum self-reliance through relearning and modifying activities of daily living.
(4) Principles of good nutrition and nutritional problems of the sick and elderly.
(5) Meal planning, food purchasing and preparation of meals including special diets.
(6) Information on the process of aging and behavior of the aged.
(7) Information on the emotional problems accompanying illness.
(8) Principles and practices in maintaining a clean, healthy, and safe environment as well as a pleasant one that encourages morale building and self-help.
(9) What to report to the nurse supervisor in the home health agency, including changes in the patient's condition or family situation.
(10) Recordkeeping (when applicable).

(d) *Training — orientation.* Orientation of all home health aides to the agency's program should include:

(1) Policies and objectives of the agency.
(2) Information concerning the duties of a home health aide.
(3) The functions of other health personnel employed by the agency and how they relate to each other in caring for the patient.
(4) Information about other community agencies.
(5) Ethics and confidentiality.

(e) *Training on-the-job.* In addition to basic training and orientation, the home health aide should receive on-the-job instruction in carrying out procedures, and continuing in-service training.

(f) The time allotted to both classroom and on-the-job training should be sufficient to assure safe and skillful service for the patient.

§ 405.1237 Condition of participation—supervision of home health aides.

(a) *Condition.* The decision to assign a home health aide to a particular patient is made in accordance with the plan of treatment. (See § 405.1241 for conditions of participation relating to plan of treatment.) For each patient a registered professional nurse in an approved home health agency decides which personal care services a particular home health aide should give. The home health aide is not permitted to decide by herself what personal care services she will give.

(b) *Assignment of home health aides.* When the plan of treatment established by the physician includes home health aide services, selection of the particular aide should take into account:

(1) Successful completion of basic training.
(2) Patient's needs.
(3) The abilities of specific aides.
(4) The amount of supervision available.
(5) What the family can do for the patient.

(c) *Supervision of home health aide.* The professional nurse supervisor should provide direct supervision as necessary and be readily available at other times by telephone. The supervisor should be constantly evaluating the home health aide in terms of the aide's ability to carry out assigned duties, to relate well to the homebound patient, and to work effectively as a member of a team of health workers.

(1) When the home health aide carries out simple procedures with the patient, as an extension of physical, speech, or occupational therapy, supervision is also provided by the appropriate professional therapist on a regular recurring basis and frequently enough to assure sufficient review of individual treatment plans.

(2) Minimal supervision includes a home visit at least every 2 weeks by a member of the professional staff of the home health agency.

§ 405.1238 Condition of participation—services arranged for with another approved provider.

(a) *Condition.* When a home health agency makes arrangements for the provision of home health services by another agency which is approved as a provider of services, there is a written agreement which includes the following:

(1) Designates the services which are being arranged for. Services provided are to be within the scope and limitations set forth in the plan of treatment. Such services may be altered only upon the specific orders of the initiating home health agency issued as a result of a change made by the physician in the patient's plan of treatment.

(2) Describes how the contracted personnel, where applicable, are to be supervised.

(3) Provides for the recording of the progress notes and observations of the contracted personnel in the initiating home health agency records for purposes of planning and evaluating patient care.

(4) Specifies the financial arrangements. Only the initiating home health agency may bill the patient or the health insurance program.

(b) *Illustrative examples of arrangements are:*

(1) The home care department of a hospital arranges for the provision of nursing services by a visiting nurse association, the nursing division of a health department, or a combination agency.

(2) Three hospitals join together to organize a single home health program to serve ex-patients of all the hospitals and other patients in the community who do not need hospital care but are ill and homebound. Each hospital is an approved provider of hospital care. One of the hospitals agrees to serve as the core agency and to seek certification as a home health agency. The core agency appoints a physician or registered professional nurse to supervise agency operations. The other two hospitals each appoint a coordinator; e.g., a physician, nurse, or social worker. Physical, speech, and occupational therapy are provided by a combination of the part-time services of such personnel in each hospital. Nursing services are arranged for with the visiting nurses' association.

(3) (i) In some communities, a public or nonprofit voluntary health agency administers a community-wide program which involves several or many hospitals, the Visiting Nurse Association and/or the health department. The primary functions of this type of home health agency are (*a*) the continuing evaluation of patient needs, (*b*) assigning patients with fairly uncomplicated needs directly to the Visiting Nurse Association or the health department nursing service, and (*c*) arranging for and coordinating the services of the several hospitals and nursing organizations in providing a comprehensive array of services to patients with complicated needs.

(ii) The agency usually employs a full-time nurse administrator, a part-time physician coordinator and medical social workers. The medical social workers provide direct services to patients. The physician coordinator maintains liaison with the physician responsible for the patient's care.

(iii) In these communities there could be certified as home health agencies (*a*) some or all of the hospitals involved; (*b*) the central coordinating agency; (*c*) the Visiting Nurse Association; and (*d*) the health department nursing service.

§ 405.1239 Condition of participation—services arranged for with a nonparticipating provider.

(a) *Condition.* When a home health agency arranges for services with an agency that is not an approved provider of services, a contract is written.

(b) *Contract provisions.* The contract includes all of the following points:

(1) Designates the services which are being arranged for.
(2) Specifies the period of time the contract is to be in effect (if for a specified time) and how frequently it is to be reviewed. Preferably, the contract should be reviewed and renewed yearly.
(3) Describes how the contracted personnel are to be supervised.
(4) States that home health services provided to the patient are in accordance with a plan established by the patient's physician in conjunction with home health agency staff and, when appropriate, others involved in the patient's care. Services provided are to be within the scope and limitations set forth in the plan and may not be altered in type, scope, or duration by the secondary agency.
(5) Assures that personnel and services contracted for meet the same requirements as those specified for home health agency personnel and services, including personnel qualifications, functions, supervision, orientation, and in-service training.
(6) Specifies the method of determining charges and reimbursement by the home health agency for specific services contracted for. Only the initiating home health agency may bill the patient or the Health Insurance Program.

(c) *Kinds of arrangements.* Kinds of arrangements with a nonparticipating agency:

(1) A participating home health agency arranges for home health aides from a family service association and/or an independent homemaker service which is not eligible as a home health agency.
(2) A participating home health agency arranges for other therapeutic services to be provided in the patient's place of residence from a health agency which is not eligible as a provider of service.

§ 405.1240 Condition of participation—acceptance of patients.

(a) *Condition.* The home health agency has written policies to be followed in making decisions on the desirability and practicality of accepting patients for care. Such decisions are based on medical, nursing and social information provided by the physician responsible for the patient's care, by institutional personnel and by staff of the home health agency.

(b) *Considerations relevant to the acceptance of patients include:*

(1) Adequacy and suitability of agency personnel and resources to provide the services required by the patient.
(2) Attitudes of patient and his family toward his care at home.
(3) Comparative benefit to the patient's health of care at home as distinguished from care in a hospital or extended care facility.
(4) Reasonable expectation that patient's medical, nursing, and social needs can be met adequately in his residence, including a plan to meet medical emergencies.
(5) Adequate physical facilities in the patient's residence for his proper care.
(6) Availability of family or substitute family member able and willing to participate in patent's care.

(c) *The following illustrates this condition.* Although the provision of skilled nursing services is a basic condition of participation to qualify a home health agency as a provider of service, not all persons accepted for home health services will require skilled nursing. Some may require skilled nursing only on an intermittent basis while requiring physical or speech therapy fairly regularly.

§ 405.1241 Condition of participation—establishment and review of plan of treatment.

(a) *Condition.* A home health agency has established policies and procedures for assuring that services and items to be provided are specified under a plan of treatment established and regularly reviewed by the physician who is responsible for the care of the patient.

(b) *Certification.* For the purpose of the home health agency receiving payment, the physician certifies, when establishing the plan of treatment, that the patient is essentially homebound and requires skilled nursing care on an intermittent basis or physical or speech therapy. The physician recertifies at least once every 2 months that these factors are still applicable. Under the hospital insurance benefits plan only, he also indicates that the services have been or will be provided to treat any of the conditions with respect to which the patient was receiving inpatient services while in a hospital or extended care facility.

(c) *Plan of treatment.* (1) The original plan of treatment is signed by the physician who is responsible for the care of the patient and incorporated in the record maintained by the agency for the patient.

(2) The total plan is reviewed by the attending physician, in consultation with agency professional personnel at such intervals as the severity of the patient's illness requires, but in any instance, at least once every 2 months. The professional registered nurse, physical, occupational, and speech therapists are expected to bring to the attention of the physician changes in the patient's condition which indicate the need for altering the treatment plan or for terminating services.

§ 405.1242 Condition of participation—physician's original drug orders and changes in orders.

The following are signed by the physician and incorporated in the patient record maintained by the agency:

(a) Original orders for drugs;
(b) Changes in orders for the administration of narcotics, those drugs subject to the Drug Abuse Control Amendments of 1965, and other legend drugs (i.e., requiring prescriptions). All other changes in drug orders are either signed by the physician or by a registered professional nurse in the agency if such changes are given to her orally.

§ 405.1243 Condition of participation—clinical records.

(a) *Condition.* The home health agency maintains for each patient a clinical record which covers the services the agency provides directly and those provided through arrangements with another agency; and which contains pertinent past and current medical, nursing, social, and other therapeutic information, including the plan of treatment.

(b) *The patient record.* The kinds of information which the patient record should contain are:

(1) *Admission data.* (i) Identifying data: Name, address, date of birth, sex, agency case number if it uses one, and social security number, and next of kin.
(ii) Whether the home health services benefit is (*a*) post hospital, (*b*) post extended care facility or (*c*) neither; and names of institutions and dates of discharge for (*a*) and (*b*) of this subdivision.
(iii) Date of admission for service.
(iv) Physician responsible for patient's care.

(2) *Clinical notes.* Clinical data includes:

(i) Diagnoses: All conditions which the patient has and which are relevant to the plan of treatment.
(ii) Nursing services: Level needed and frequency of visits (in agreement with the agency nursing staff); special care (dressing changes, catheter changes, etc.); observations, including specific observations to be brought to the immediate attention of the physician.
(iii) Drugs: Type, dose, and frequency of each drug; caution concerning special side effects, drug allergies; nonprescription remedies which are contraindicated, e.g., aspirin with dicoumarol therapy.

(iv) Diet: Regular or restricted.
(v) Activity: Degree allowed, e.g., bedrest with bathroom privileges.
(vi) Rehabilitation plan: Activities of daily living, etc.
(vii) Occupational, speech, and psysical therapy: Specific instructions for each service needed.
(viii) Medical social services.
(ix) Home health aide services.
(x) Medical supplies: Special dressings needed, oxygen, etc.
(xi) Medical appliances: Special devices needed, e.g., crutches, oxygen tent, etc.

(3) *Discharge notes.* When home health services are terminated, the record should show the date and reason for termination (patient not in need of services, patient expired, transferred to home for aged, etc.).

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Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 511—WAGE ORDER PROCEDURE FOR PUERTO RICO, THE VIRGIN ISLANDS, AND AMERICAN SAMOA

Compensation of Committee Members

Pursuant to authority in section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and in Secretary's Order No. 19–67 (32 F.R. 12980), I hereby revise 29 CFR 511.4 to read as set forth below.

As this revision concerns only a rule of agency practice, and is not substantive, notice of proposed rule making, opportunity for public participation, and delay in effective date are not required by 5 U.S.C. 553. It does not appear that such participation or delay would serve a useful purpose. Accordingly, this revision shall be effective immediately.

As revised, § 511.4 reads as follows:

§ 511.4 Compensation of committee members.

Each member of an industry committee will be allowed a per diem of $70 for each day actually spent in the work of the committee, and will, in addition, be reimbursed for necessary transportation and other expense incident to traveling in accordance with Standard Government Travel Regulations then in effect. All travel expenses will be paid on travel vouchers certified by the Administrator or his authorized representative. Any other necessary expenses which are incidental to the work of the committee may be incurred by the committee upon approval of, and shall be paid upon certification of, the Administrator or his authorized representative.

(Sec. 5, 52 Stat. 1062, as amended; 29 U.S.C. 205)

Signed at Washington, D.C., this 21st day of August 1968.

CLARENCE T. LUNDQUIST,
Administrator, Wage and Hour and Public Contracts Divisions.

[F.R. Doc. 68-10305; Filed, Aug. 26, 1968; 8:46 a.m.]

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1500—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

State Certificates of Age

The age, employment, or working certificates or permits of several States are designated in 29 CFR 1500.21 as having the same force and effect as Federal certificates of age issued under section 3(1) of the Fair Labor Standards Act of 1938 (52 Stat. 1061 as amended; 29 U.S.C. 203).

In a document promulgated on August 14, 1967, and published in the FEDERAL REGISTER on August 19, 1967 (32 F.R. 11988), it was provided that these designations would expire on June 30, 1968.

Pursuant to section 3(1) and section 11(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203 and 211), and Reorganization Plan No. 2 of 1946 (3 CFR, 1943–48 Comp., p. 1064), I hereby extend the designations contained in 29 CFR 1500.21 until June 30, 1969. I further ratify and confirm all such age, employment or working certificates issued under 29 CFR 1500.21 between the expiration of the previous delegation on June 30, 1968, and the effective date of this document.

Signed at Washington, D.C., this 20th day of August, 1968.

WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 68-10304; Filed, Aug. 26, 1968; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

Common Carriers by Water

Section 1453.3(d)(2) *Fiscal years ending on or after December 31, 1953,* is amended by deleting, in subdivision (i) thereof, the words "January 1, 1967", and inserting in lieu thereof the words "January 1, 1968".

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App., section 1219)

Dated: August 22, 1968.

HERSCHEL C. LOVELESS,
Acting Chairman.

[F.R. Doc. 68-10321; Filed, Aug. 26, 1968; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 16778; FCC 68-863]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Memorandum Opinion and Order Regarding Certain Band Edges

In the matter of amendment of Part 21 of the Commission's rules with respect to the 150.8–162 Mc/s band to allocate presently unassignable spectrum to the Domestic Public Land Mobile Radio Service by adjustment of certain of the band edges, Docket No. 16778.

1. The Commission has under consideration: (a) Its report and order in this proceeding released May 13, 1968 (FCC 68–515, 12 FCC 2d 841, 33 F.R. 7234);[1] (b) a petition for reconsideration filed June 12, 1968, by Radio Relay Corp., a miscellaneous common carrier, requesting that the order be vacated and a hearing held to take testimony with respect to any anticompetitive consequences of the frequency allocations made in the order; (c) a petition for reconsideration filed June 17, 1968 by United States Independent Telephone Association (USITA), an association of independent telephone operators, requesting deletion or modification of the condition on the wireline common carrier license; and appropriate responsive pleadings.[2]

Radio Relay's petition. 2. Radio Relay, in its petition for reconsideration, alleges essentially that implementation of the Commission's report and order would carry with it the threat of elimination from the competitive market of one-way paging services of Radio Relay and hundreds of small common carriers similarly situated throughout the United States, by granting A.T. & T. the opportunity to monopolize a market which up until now has been highly competitive. Radio Relay contends that the Commission failed to "discuss or consider many of the monopolistic advantages which A.T. & T. holds over its smaller competitors by virtue of its size and resources."; that more specifically A.T. & T. and Bell System can advertise and solicit customers at no cost, or a minimal cost at best; that their pricing and rate philosophy as well as the tactics of using higher monopoly profits from one product or service to support lower prices to injure competitors in other areas of endeavor, could be extended to this service; that since with A.T. & T. and Bell System's entry into the field comes hand in hand the entry of Western Electric, the "disastrous consequences which could flow to companies such as Bogen and Motorola, which currently supply equipment, must be considered."; that the Commission failed to give consideration to all of these monopolistic advantages and the impact on the smaller competing common carrier, because the Commission was not in possession of all of the pertinent information; and that an evidentiary hearing is now necessary in order to cull all of the crucial facts.

3. Contrary to Radio Relay's allegations, the Commission did consider and discuss very thoroughly this very question of competitive impact on the small carriers. We concluded however, that the separate allocations of the frequencies as proposed to be used specifically for one-way paging, should not result in the dire consequences alluded to by Radio Relay and some of the others, and that in the final analysis would best serve the public interest. (See paragraphs 10 through 19, report and order.) However, we believe that a brief review of the background of the proceeding would serve to dispel any further questions.

4. This rule-making proceeding was instituted pursuant to A.T. & T.'s request in 1964 that it be granted the guard band frequencies in order to provide one-way paging service. On July 22, 1966 a notice of inquiry was issued, and followed by a notice of proposed rule making on August 16, 1967. In our notice of proposed rule making we stated that we were interested in determining "What effect, if any, would such assignment (the allocations as proposed) have on the ability of nonwireline carriers to compete with wireline carriers in the provision of one-way service?" (para. 16b), and asked that the parties address themselves specifically to that issue. Approximately 60 parties participated and upwards of 70 pleadings were filed airing all viewpoints.

5. Radio Relay participated throughout the proceeding, filing pleadings at each of the stages.[3] In its Comments, Radio Relay urged inter alia that the Commission, if it afforded the wireline carriers the separate allocation, would be creating and establishing an unfair basis for competition since A.T. & T. and Bell Systems would have the opportunity to advertise and make public release at almost no cost; that they would have the opportunity to utilize their unfair rate and pricing philosophy; and generally they would be in a position to take advantage of their monopolistic positions. The Commission carefully considered all of these contentions, as we did the contentions raised by other nonwireline carriers, and concluded that although the situation postulated by Radio Relay could occur, we believed that Radio Relay overstated the danger. We based our conclusions on a composite of the situation nationwide, taking into consideration the overall need for an immediate avenue of relief for a growing and expanding service.

6. We did recognize in our report and order that a competitive imbalance could prevail under certain circumstances. In order to avoid any undue advantages we devised conditions on the wireline carriers license designed to obviate and to equalize the situation. We expect the wireline carriers to honor the spirit as well as the letter of the conditions and refrain from any unfair practices and specifically not to take or seek advantages from the fact that as common carriers they have ready access to the general public. The allocations as proposed do not carry with them the carte blanche right to operate, but merely make the frequencies available for application. Since we will retain at all times the power of the licensing function, we will have sufficient opportunity for appropriate scrutiny. We will in the exercise of our continuing regulatory authority inquire into any practices which may develop which appear to be unlawful, anticompetitive, or inimical to the public interest and will not hesitate at the time to take such action as may be required to protect the public interest to the fullest extent, viewing any activity contrary to the conditions to be a violation of the license subject to the penalties imposed by the Communications Act (47 U.S.C. § 502), as well as the basis for loss of license.

7. The competition between the nonwireline carriers and the wireline carriers is not new or novel. The development of competing systems, techniques and equipment has been fostered by the Commission since as far back as April 1949, when the report and order in the general mobile service (Docket Nos. 8658, et al.) was adopted for the very purpose of developing competing systems and establishing systems operated by the telephone companies and those operated by enterprises other than telephone companies.[4] In 1963, this original policy and purpose was again found to be salutary. ITT Mobile Telephone, Inc., FCC 63–1064, 1 RR 2d 957. The Bell System, independent telephone companies and MCCs have accordingly been operating in competition throughout this period. Eleven of the top 40 cities are now being served by telephone companies and thirty-six of the top 40 are being served by MCCs. The telephone companies and the MCCs compete in 13 of these cities—11 with Bell Systems and two with independent telephone companies. Of the 170 one-way signaling stations authorized nationwide, 25 are Bell operations; nine independents; and 136 MCCs. (See paragraphs 6, 7, 8, report and order.)

8. We note first that none of the allegations made by Radio Relay relate to newly discovered evidence or facts. The considerations urged by it were present when we initiated this proceeding more than 2 years ago. Radio Relay did not however, seek a hearing until after our report and order was issued last May. Radio Relay does not explain or justify its failure to raise this matter earlier and fails therefore, to show good cause for its delay until this point. These facts must be considered in the light of the fact that section 4 of the Administrative Procedure Act, 5 U.S.C. 553, requires that interested persons be given an opportunity to participate in rule making proceedings through submission of written data, views or arguments, but leaves the question of oral presentation discretionary. Similarly there is no requirement for oral presentation under these circumstances included in the Communications Act of 1934, as amended, or the Commission rules. Hence, if Radio Relay was of the view that a hearing for the taking of testimony would be useful, it was incumbent upon it to make such a request at an early stage of the proceeding, if not at the outset. This it failed to do although as indicated supra, it participated throughout this lengthy proceeding. To afford Radio Relay the opportunity to now delay the rule making proceeding would appear to be contrary to good administrative practices permitting proceedings to reach orderly fruition in a timely fashion, and contrary to the public interest. Valley Telecasting Co., Inc. v. F.C.C., 336 F. 2d 914 (C.A.D.C. 1964); see also Springfield Television Broadcasting Corp. v. F.C.C., 328 F. 2d 186 (C.A.D.C. 1964).

9. Radio Relay bases its request on virtually the same generalizations as it made originally in its comments. We found then that the information was not sufficient to constitute a threshold showing and we find no cause to alter this position. Its present contention is essentially that if the Commission would hold a hearing at this time evidence could probably be brought forth with respect to these certain individual practices. However, it makes no indication of the nature of this evidence or how it would be meaningful.

10. Radio Relay does raise one new matter, namely its reference to the "disastrous consequences" upon the equipment manufacturers which will result by Western Electric's entry via A.T. & T. However, it offers no specific data to support its speculation as to these disastrous consequences. Even more relevant is the fact that none of the manufacturers in whose interest Radio Relay made its allegations had themselves raised this point. Furthermore, none joined Radio Relay in its petition or filed comments in support thereof. Bogan Communications and Motorola, Inc., the two manufacturers specifically mentioned by Radio Relay, each filed comments in the rule-making

[1] Request for stay of the effective date of the report and order was granted on June 14, 1968 (FCC 68–633, 13 FCC 2d 331, 33 F.R. 9021), pending consideration of the merits of the petition for reconsideration filed by Radio Relay Corp.

[2] Also before the Commission are: Comments in support of Radio Relay's petition filed by Page Call, Inc. (MCC); opposition to the petition filed by American Telephone and Telegraph (AT&T); and Radio Relay's reply thereto. National Association of Radiotelephone Systems (NARS) opposed USITA's petition, and USITA replied. Radio Pages' letter in support of Radio Relay's request is untimely filed and therefore, not considered as an official pleading in this proceeding.

[3] See Comments on Radio Relay, filed Oct. 23, 1967 (26 pages of text plus 58 pages of exhibits attached), and Reply Comments filed Dec. 15, 1967.

[4] The first station was authorized to Pacific Telephone & Telegraph Company on a developmental basis at San Diego, California on April 14, 1948. The first MCC now in operation was authorized to New York Technical Institute of Cincinnati, Inc., Cincinnati, Ohio on May 13, 1952.

proceeding and neither ventured an opinion for or against the proposed allocation. Bogan stated that it was supplying equipment to both radio common carriers and landline common carriers, while Motorola pointed out the growing need for one-way paging. Under these circumstances we cannot find that Radio Relay's allegations in this respect render a basis for reconsideration and hearing.

11. Radio Relay's individual areas of concern are likewise similar to those previously alleged. However, since the rules proposed in this rule-making proceeding are intended for general applicability on a nationwide basis, see section 2 APA, 5 U.S.C. 551(4), we believe that these allegations can more appropriately be considered in an adjudicatory framework, that is in an opposition to an application by Bell to provide service in the New York market. See Logansport Broadcasting Corp. v. United States et al., 93 U.S. App. D.C. 342, 210 F. 2d 24 (1954). Of particular noteworthiness in this connection, is the fact that separate allocations to the wireline and nonwireline carriers eliminates only the question of electrical mutual exclusivity between competing operations, but leaves open for subsequent resolution economic mutual exclusivity. Hence the viability of a system will continue to be in issue and can be raised by Radio Relay or any other MCC. Radio Relay would create the erroneous impression that on this basis the MCCs could be called upon to indulge in an astronomical number of protest proceedings. On the contrary, the MCC in a given community will only be involved in a contest with the wireline carrier in the same community. However, unlike those instances in which applicants compete for the same frequencies and are subject to usually both the electrical and economic mutual exclusivity issues, by making the separate allocations as proposed the burden of the electrical exclusivity issue is eliminated, and only the economic issue left, together with any other issues which may be found necessary and pertinent.

12. Further, we pointed out in our report and order that we are not usurping any of the requirements or powers vested in the State or local authorities with respect to rates, franchises, etc. The telephone companies will, therefore, continue to be required to file their tariffs with the public utilities commissions, or any other designated regulatory authority, in the communities in which they seek to operate. Thus, the nonwireline carrier will in any particular instant have two separate forums within which to seek relief should it feel that any unfair competitive practices prevail.

13. Radio Relay alleges that the "courts have consistently held that regulatory agencies should consider the antitrust consequences of any proposed action in assessing the public interest, convenience and necessity." We take no issue with this general proposition. The goals of the antitrust policy set forth by Radio Relay are not in dispute. Nor are we disputing the desirability for an agency to refer to antitrust guidelines where closely related to the public interest requirements. And we have in this instance adhered to the goals and guidelines. We have made available to wireline and nonwireline carriers the same number of frequencies; we insulated the nonwireline carriers from unfair practices; we retained the power of the licensing function to assure the adherence to the condition; the economic mutual exclusivity continues in issue on an individual ad hoc basis; and each type of carrier is afforded an equal opportunity to compete. Under these circumstances, absent some specific showing there is no basis for us to assume that our rule making proceeding will result in the establishment of a coalition to suppress competition (U.S. v. Aluminum Co. of America 148 F. 2d 416 (1945)); or that there is in existence a combination or conspiracy to acquire and maintain power to exclude competition to a substantial extent (American Tobacco Co. v. United States, 328 U.S. 781 (1946)); or that a merger is contemplated (FTC v. Procter & Gamble Co., 386 U.S. 568 (1967)).

14. Finally, it is relevant to note that of the 136 MCC's now authorized, all of whom could reasonably be expected to face the same dangers Radio Relay postulates, one other filed a timely pleading in support of the Radio Relay request. This in itself can be taken to indicate that Radio Relay's fears are not substantial or that the conditions we imposed to prevent unfair competition are considered adequate by such MCCs.

15. We will therefore, on the basis of all of the foregoing, deny Radio Relay's petition for reconsideration.

USITA's petition. 16. USITA in its petitions seeks deletions, or in the alternative modification, of the conditions attached to the licenses of the wireline common carriers using these newly designated pair of frequencies for one-way signaling. Two basic contentions constitute the crux of USITA's position: (a) that the notice of proposed rule making did not specifically contemplate the imposition of the condition, so that telephone companies were taken by surprise by the report and order; and (b) that since one-way signaling is a telephone exchange service, regulation thereof is beyond Commission jurisdiction, and is within the purview of state and local authority.

17. In response to USITA's first contention, we believe that the conditions as imposed clearly come within the text and scope of the notice of proposed rule making, supra. In our notice we sought comments with respect to two specific issues;

16. b. What effect, if any, would such assignment have on the ability of nonwireline carriers to compete with wireline carriers in the provision of one-way service?

c. In light of answers to the * * * foregoing questions, should the Commission make an assignment of two frequencies * * * to wireline carriers to be used exclusively in providing a one-way signaling service or would the public interest better be served by not making any assignment of these frequencies to wireline carriers?

USITA and all the other parties were thus aware of the two alternatives; namely that the Commission could either allocate or refuse to allocate the frequencies to the wireline carriers depending upon which action would better serve the public interest. Included in such alternative is, of course, the making of a conditional grant. In this connection, we stated in our notice, that we would in reaching our decision, take into account any relevant information before us. (paragraph 19, Notice). In keeping with this reservation we weighed all of the factors before us and concluded that an unconditional allocation of these frequencies was not in keeping with the public interest, but by the same token an outright denial would likewise not serve the public interest. On balance we determined that the more effective option would be to grant the frequencies but with the conditions as imposed. This we felt would best serve the interests of all of the parties and inure to the benefit of the public. We believe in addition that not only does our action clearly come within the text and scope of the notice, but comports with the provisions of the APA and the Communications Act. Notice in rule making proceedings is required to include "a description of the subjects and issues involved." Section 4, Administrative Procedure Act, 5 U.S.C. 553(b)(3). The notice in this instance was sufficiently specific so as to fulfill the statutory requirement. Logansport Broadcasting Corp. v. United States, supra. See also Wilson & Co., Inc., et al. v. United States et al., 335 F. 2d 788 (1964), cert. denied 380 U.S. 951 (1965).

18. Concurrent with the APA requirement is the fundamental precept that we act in the public interest, convenience and necessity in making rules, regulations, and prescribing restrictions and conditions (47 U.S.C. 303(r)). In this posture we weighed all of the information before us and concluded that unless we did place upon the wireline carriers a condition which we believed would stabilize the competitive balance, the opportunity for the nonwireline carriers to compete effectively could conceivably be jeopardized and ultimately the public interest adversely affected (paragraphs 17 and 19, Report and Order). We believe that the placing of the condition on the wireline operation is not inconsistent with the statute or Communications Act but necessary in the execution of our regulatory authority and function.

19. USITA's second argument, to wit that by imposing the condition we are usurping state and local authority, indicates a misinterpretation of our report and order. A reading of our order shows clearly that we are not infringing on any of the normal functions of state regulatory commissions. They will continue as heretofore to franchise and to regulate rates and services within their jurisdictions. Our conditions were designed to assure that the frequencies we were making available for licensing were used in a manner consistent with the public interest, that is to maintain a balance between the carriers so that the wireline carriers would not be permitted to take advantage or benefit from certain advantages which they had to the detriment of the nonwireline carriers. The preservation of this competitive balance in the public interest with respect to the use of the radio facilities, we believe, is very much our proper concern. United States et al., v. Southwestern Cable Co., et al., ------ U.S. ------, 88 Sup. Ct. 1994 (June 1968). Hence, here again on the basis of all of the information before us we believe that the public interest would best be served by a denial of USITA's request for deletion and/or modifications of the condition.

Accordingly, it is ordered, That the petitions for reconsideration filed by Radio Relay Corp. on June 12, 1968, and The United States Independent Telephone Association on June 17, 1968, in the above-entitled proceeding are hereby denied.

It is further ordered, That the staying of the effective date of the one-way signaling rules pursuant to memorandum opinion and order released June 14, 1968 (FCC 68-633, 33 F.R. 9021) is hereby vacated.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: August 21, 1968.

Released: August 22, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68-10340; Filed, Aug. 26, 1968; 8:49 a.m.]

[5] Commissioners Cox and Johnson dissenting; Commissioner Wadsworth absent.

[Docket No. 18071; FCC 68-849]

PART 81—STATIONS ON LAND IN MARITIME SERVICES

PART 83—STATIONS ON SHIPBOARD IN MARITIME SERVICES

Extension of Certain Geographical Areas of Communications

Report and order. In the matter of amendment of Parts 81 and 83 of the Commission's rules to extend the geographical area of communications to the vessels navigating in the Pacific Ocean on the frequencies designated for use with Public Coast stations in the vicinity of Miami, Fla., Docket No. 18071, RM-780, RM-786.

1. The Commission on March 13, 1968, adopted a notice of proposed rule making in the above-entitled matter (FCC 68-273) which made provision for the filing of comments. The notice was published in the FEDERAL REGISTER on March 20, 1968 (33 F.R. 4747). The time for filing of comments and reply comments was specified as April 25 and May 10, 1968, respectively.

2. The notice of proposed rule making was based on petitions filed in May, 1965, by the American Tunaboat Association and National Marine Terminal, Inc., San Diego, Calif., on behalf of fishing vessels operating in the Pacific Ocean and particularly the eastern tropical and southern areas. The detailed reasons for Petitioners' requests were included in the notice of proposed rule making. In general, these parties requested rule changes to enable the subject vessels to exchange communications with the Public Coast station at Miami, Florida as well as the station at San Francisco, Calif., because under certain propagation conditions the vessels were unable to contact the San Francisco station.

3. Compliance with Petitioners' requests involves the modification of geographical restrictions in §§ 81.306(a)(2) and 83.355(a)(1) of the rules so that paired frequencies in the 8 and 13 Mc/s bands available for communicating with the Miami Public Coast station can be used when ships are in the Pacific as well as the Gulf of Mexico and the Caribbean areas.

4. The American Telephone & Telegraph Co., which operates both the San Francisco and Miami Public Coast stations, has filed comments in support of the proposed rule amendments. In addition, upon receipt of the petitions for rule changes in this matter, the company was granted a developmental authorization to allow the Miami station to communicate with vessels in the Pacific as proposed in this proceeding. The Company reports that appreciable traffic has been handled under this authorization with no interference caused to the communications of other countries who have priority in the use of these frequencies. No objections to the proposed rule changes were received.

5. In view of the foregoing, we conclude that Petitioners' requests for rule changes should be granted: *And it is ordered,* Pursuant to the authority contained in section 303 (c), (d), (f), and (r) of the Communications Act of 1934, as amended, that effective October 1, 1968, Parts 81 and 83 of the Commission's rules are amended as set forth below.

6. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: August 21, 1968.

Released: August 22, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

Part 81 and 83 of the Commission's rules are amended as follows:

1. In § 81.306(a)(2), footnote 2 is amended to read as follows:

[2] Available for communication with ship stations in the Gulf of Mexico, the Caribbean area and the Pacific Ocean only. Use of the frequency is upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused.

§ 81.306 Frequencies available below 27.5 Mc/s.

(a) * * *
(2) * * *

* * * * *

[1] Commissioner Wadsworth absent.

2. In § 83.355(a)(1), footnote 2 is amended to read as follows:

[2] Available to ship stations in the Gulf of Mexico, the Caribbean area, and the Pacific Ocean for communication with coast stations in the vicinity of Miami, Florida. Use of the frequency is upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused.

§ 83.355 Frequencies from 5000 kc/s to 27.5 Mc/s for public correspondence.

(a) * * *
(1) * * *

* * * * *

[F.R. Doc. 68-10341; Filed, Aug. 26, 1968; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds in Alaska

Section 10.51 appearing on page 10730 of the FEDERAL REGISTER of July 27, 1968, is amended by adding after the table of open seasons the following:

* * * * *

Shooting hours: One/half hour before sunrise until sunset.

* * * * *

(40 Stat. 755; 16 U.S.C. 703 et seq.)

This amendment is effective upon publishing in the FEDERAL REGISTER.

A. V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 20, 1968.

[F.R. Doc. 68-10324; Filed, Aug. 26, 1968; 8:48 a.m.]

PART 32—HUNTING

Certain Wildlife Refuges in Idaho

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER. These regulations apply to public hunting on portions of certain National Wildlife Refuges in Idaho.

General conditions. Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps—Special conditions applying to individual refuges are listed on the reverse side of the refuge hunting map. No vehicular travel is permitted except on maintained roads and trails. Maps are available at refuge headquarters and from the office of the Regional Director, Bureau of Sport

Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Migratory game birds may be hunted on the following refuges:

Camas National Wildlife Refuge, Hamer, Idaho 83425.
Deer Flat National Wildlife Refuge, Route 1, Box 335, Nampa, Idaho 83651.
Grays Lake National Wildlife Refuge, Soda Springs, Idaho 83276.
Kootenai National Wildlife Refuge, Star Route No. 1, Bonners Ferry, Idaho 83805.
Minidoka National Wildlife Refuge, Route 4, Rupert, Idaho 83350.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Upland game birds may be hunted on the following refuge areas:

Camas National Wildlife Refuge, Hamer, Idaho 83425.
Deer Flat National Wildlife Refuge, Route 1, Box 335, Nampa, Idaho 83651.
Kootenai National Wildlife Refuge, Star Route No. 1, Bonners Ferry, Idaho 83805.
Minidoka National Wildlife Refuge, Route 4, Rupert, Idaho 83350.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Big game animals may be hunted on the following refuge areas:

Camas National Wildlife Refuge, Hamer, Idaho 83425.
Special condition: Only antelope may be hunted on Camas Refuge.

Grays Lake National Wildlife Refuge, Soda Springs, Idaho 83276.
Kootenai National Wildlife Refuge, Star Route No. 1, Bonners Ferry, Idaho 83805.
Deer Flat National Wildlife Refuge, Route 1, Box 335, Nampa, Idaho 83651.
Special condition: Deer may be hunted on the Snake River Island sector only.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1969.

JOHN D. FINDLAY,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 16, 1968.

[F.R. Doc. 68-10299; Filed, Aug. 26, 1968; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 958]

ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Notice of Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958).

This marketing order program regulates the handling of onions grown in designated counties in Idaho and Malheur County, Oreg., and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same, in quadruplicate, with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 958.212 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1968, and ending June 30, 1969, by the Idaho-Eastern Oregon Onion Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to $74,625.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be $0.023 per hundredweight of onions handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1969, may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 22, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-10346; Filed, Aug. 26, 1968; 8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Ch. V]

[Administrative Order 603]

INDUSTRY COMMITTEES FOR NEW COVERAGE EMPLOYMENTS IN PUERTO RICO

Appointment; Convention; Notice of Hearings

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp. p. 1004) and 29 CFR Part 511, I hereby appoint the following committees:

1. Industry Committee No. 76-A for the construction industry in Puerto Rico, as defined in 29 CFR 726.1.

2. Industry Committee No. 76-B for the local transit industry in Puerto Rico, as defined in 29 CFR 722.1.

3. Industry Committee No. 76-C for the 1966 coverage classification of the shoe and related products industry in Puerto Rico, as defined in 29 CFR 601.2 (b); 1966 coverage classifications of the leather, leather goods, and related products industry in Puerto Rico, as defined in 29 CFR 602.2(c); 1966 coverage classification of the fabric and leather glove industry in Puerto Rico, as defined in 29 CFR 603.2(c); 1966 coverage classification of the metal, machinery, transportation equipment, and allied products industry in Puerto Rico, as defined in 29 CFR 604.2(c); 1966 coverage classification of the electrical, instrument, and related products industry in Puerto Rico, as defined in 29 CFR 606.2(c); 1966 coverage classifications of the handkerchief, scarf, and art linen industry in Puerto Rico, as defined in 29 CFR 608.2(c); 1966 coverage classifications of the women's and children's underwear and womens blouse industry in Puerto Rico, as defined in 29 CFR 609.2(c); 1966 coverage classification of the children's dress and related products industry in Puerto Rico, as defined in 29 CFR 610.2(c); 1966 coverage classification of the sweater and knit swimwear industry in Puerto Rico, as defined in 29 CFR 611.2(b); 1966 coverage classification of the needlework and fabricated textile products industry in Puerto Rico, as defined in 29 CFR 612.2 (h); 1966 coverage classifications of the straw, hair, and related products industry in Puerto Rico, as defined in 29 CFR 613.2(c); 1966 coverage classification of the corsets, brassieres, and allied garments industry in Puerto Rico, as defined in 29 CFR 614.2(c); 1966 coverage classifications of the men's and boys' clothing and related products industry in Puerto Rico, as defined in 29 CFR 615.2(c); 1966 coverage classifications of the button, jewelry, and lapidary work industry in Puerto Rico, as defined in 29 CFR 616.2 (c); 1966 coverage classification of the alcoholic beverage and industrial alcohol industry in Puerto Rico, as defined in 29 CFR 619.2(b); 1966 coverage classification of the tobacco industry in Puerto Rico, as defined in 29 CFR 657.2(c); 1966 coverage classification of the banking, insurance and finance industry in Puerto Rico, as defined in 29 CFR 661.2(b); 1966 coverage classifications of the chemical, petroleum, and related products industry in Puerto Rico, as defined in 29 CFR 670.2(d); 1966 coverage classification of the communications, utilities, and transportation industry in Puerto Rico, as defined in 29 CFR 671.2(c); 1966 coverage classification of the construction, business service, motion picture, and miscellaneous industry in Puerto Rico, as defined in 29 CFR 672.2(b); 1966 coverage classification of the food and related products industry in Puerto Rico, as defined in 29 CFR 673.2(q); 1966 coverage classification of the lumber and wood products industry in Puerto Rico, as defined in 29 CFR 675.2(e); 1966 coverage classification of the paper, paper products, printing, and publishing industry in Puerto Rico, as defined in 29 CFR 677.2(c); 1966 coverage classifications of the stone, clay, glass, cement, and related products industry in Puerto Rico, as defined in 29 CFR 678.2(d); 1966 coverage classification of the retailing, wholesaling, and warehousing industry in Puerto Rico, as defined in 29 CFR 683.2(d); 1966 coverage classifications of the hosiery industry in Puerto Rico, as defined in 29 CFR 687.2(c); 1966 coverage classification of the artificial flower, decoration, and party favor industry in Puerto Rico, as defined in 29 CFR 688.2 (c); 1966 coverage classification of the sugar manufacturing industry in Puerto Rico, as defined in 29 CFR 689.2(b); 1966 coverage classification of the fabricated plastic products industry in Puerto Rico, as defined in 29 CFR 690.2(c); 1966 coverage classifications of the textile and textile products industry in Puerto Rico, as defined in 29 CFR 699.2(c); and for the 1966 coverage classification of the

rubber products industry in Puerto Rico, as defined in 29 CFR 720.2(c).

4. Industry Committee No. 77–A for the retail trade industry in Puerto Rico, as defined in 29 CFR 721.1(a).

5. Industry Committee No. 77–B for the laundry and cleaning industry in Puerto Rico, as defined in 29 CFR 723.1.

6. Industry Committee No. 78–A for the hotel and motel industry in Puerto Rico, as defined in 29 CFR 728.1.

7. Industry Committee No. 78–B for the restaurant and food service industry in Puerto Rico, as defined in 29 CFR 729.1.

8. Industry Committee No. 79–A for the education industry in Puerto Rico, as defined in 29 CFR 725.1.

9. Industry Committee No. 79–B for the hospital and related institutions industry in Puerto Rico, as defined in 29 CFR 724.1.

10. Industry Committee No. 80 for the agriculture industry in Puerto Rico, as defined in 29 CFR 727.1.

Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004) and 29 CFR Part 511, I hereby convene each of the above appointed industry committees, refer to each of the committees the question of the minimum wage rate or rates to be recommended for the industry defined for it, and give notice of the hearing to be held by each of the committees.

Industry Committee No. 76–A shall meet in executive session at 9:30 a.m. on October 21, 1968, in the office of the Wage and Hour and Public Contracts Divisions of the U.S. Department of Labor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, P.R., and shall commence its hearing at 1:30 p.m. on the same date at the same place. Following this hearing, Industry Committees No. 76–B and 76–C shall convene separately and in sequence in the same place on days and at hours designated and announced by their respective chairmen to conduct their investigations and hold their hearings.

Industry Committee No. 77–A shall meet in executive session at 9:30 a.m. on October 28, 1968, in the office of the Wage and Hour and Public Contracts Divisions of the U.S. Department of Labor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, P.R., and shall commence its hearing at 1:30 p.m. on the same date at the same place. Following this hearing, Industry Committee No. 77–B shall convene in the same place on the day and at the hour designated and announced by its chairman to conduct its investigation and hold its hearing.

Industry Committee No. 78–A shall meet in executive session at 9:30 a.m. on November 12, 1968, in the office of the Wage and Hour and Public Contracts Divisions of the U.S. Department of Labor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, P.R., and shall commence its hearing at 1:30 p.m. on the same date at the same place. Following this hearing, Industry Committee No. 78–B shall convene in the same place on the day and at the hour designated and announced by its chairman to conduct its investigation and hold its hearing.

Industry Committee No. 79–A shall meet in executive session at 9:30 a.m. on November 18, 1968, in the office of the Wage and Hour and Public Contracts Divisions of the U.S. Department of Labor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, P.R., and shall commence its hearing at 1:30 p.m. on the same date at the same place. Following this hearing, Industry Committee No. 79–B shall convene in the same place on the day and at the hour designated and announced by its chairman to conduct its investigation and hold its hearing.

Industry Committee No. 80 shall meet in executive session at 9:30 a.m. on December 9, 1968, in the office of the Wage and Hour and Public Contracts Divisions of the U.S. Department of Labor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, P.R., and shall commence its hearing at 1:30 p.m. on the same date at the same place.

Each industry committee shall investigate conditions in its industry, and the committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the Act.

Each industry committee shall recommend to the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor the highest minimum wage rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, or American Samoa. However, Industry Committee No. 80 shall not recommend minimum wage rates in excess of $1.15 an hour for the period ending January 31, 1969, nor in excess of $1.30 an hour thereafter, and none of the other industry committees shall recommend minimum wage rates in excess of $1.15 an hour for the period ending January 31, 1969, nor in excess of $1.30 an hour for the period beginning February 1, 1969 and ending January 31, 1970, nor in excess of $1.45 an hour thereafter.

Whenever an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in its industry than may be determined for other employees in its industry, the committee shall recommend such reasonable classifications within its industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein, which will not substantially curtail employment in such classification and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex.

In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, each industry committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living and production costs; (2) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator of the Wage and Hour and Public Contracts Divisions shall prepare an economic report for each industry committee containing such data as he is able to assemble pertinent to the matters referred to the committee. Copies of each such report may be obtained prior to the hearings at the Washington and Puerto Rican offices of the U.S. Department of Labor as soon as they are completed. Each industry committee shall take official notice of the facts stated in the economic report for its industry. Parties shall, however, be afforded an opportunity to refute such facts by evidence received at the hearings.

The procedure of each industry committee shall be governed by the regulations published in 29 CFR Part 511. As a prerequisite to participation, interested persons must file pre-hearing statements containing the data specified in 29 CFR 511.8. Those desiring to participate in a hearing to be held by Industry Committees No. 76–A, No. 76–B, or No. 76–C shall file such statements not later than October 11, 1968; those desiring to participate in a hearing to be held by Industry Committees No. 77–A or No. 77–B shall file such statements not later than October 18, 1968; those desiring to participate in a hearing to be held by Industry Committees No. 78–A or No. 78–B shall file such statements not later than November 2, 1968; those desiring to participate in a hearing to be held by Industry Committees No. 79–A or No. 79–B shall file such statements not later than November 8, 1968; and those desiring to participate in the hearing to be held by Industry Committee No. 80 shall file such statements not later than November 29, 1968.

Signed at Washington, D.C., this 21st day of August 1968.

WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 68–10306; Filed, Aug. 26, 1968; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 68–SO–67]

DESIGNATION OF CONTROL ZONE AND TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would designate the Alma, Ga., part-time control zone and transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attn.: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Alma part-time control zone would be designated as:

Within a 3-mile radius of Bacon County Airport; within 2 miles each side of the Alma VORTAC 146° and 334° radials, extending from the 3-mile radius zone to 8 miles southeast and northwest of the VORTAC. This control zone is effective from 0600 to 2200 hours, local time, daily.

The Alma part-time transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bacon County Airport. This transition area is effective from 0600 to 2200 hours, local time, daily.

The proposed part-time control zone and transition area would provide controlled airspace protection for IFR aircraft during climb to 1,200 feet above the surface and during descent below 1,500 feet above the surface. Two prescribed instrument approach procedures to this airport, utilizing the Alma VORTAC, are proposed in conjunction with the designation of this part-time control zone and transition area.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on August 15, 1968.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 68–10313; Filed, Aug. 26, 1968; 8:47 a.m.]

Notices

DEPARTMENT OF DEFENSE

Department of the Army

STATEMENT OF ORGANIZATION AND FUNCTIONS

Description of Central and Field Agencies

Section 3 of the Statement of Organization and Functions, appearing at 32 F.R. 13016–13028, September 13, 1967, is amended by revising paragraph (b), U.S. Army Materiel Command, to read as follows:

SEC. 3. *Major Army Field Commands.*

* * *

(b) *U.S. Army Materiel Command.* (1) *Purpose.* This paragraph sets forth the mission and principal continental United States and worldwide functions of the Commanding General, U.S. Army Materiel Command, and prescribes command and staff relationships with higher and collateral headquarters.

(2) *Definitions.* (i) The U.S. Army Materiel Command comprises the Headquarters, major subordinate commands, including installations and activities assigned thereto, and separate installations and activities together with all assigned personnel.

(ii) Continental U.S. wholesale supply and maintenance system means that portion of the Department of the Army worldwide logistics responsibility beginning with requirements determination of an item and ending with its delivery to a continental U.S. customer (usually a post, camp, or station) or a continental U.S. terminal for shipment overseas.

(iii) Integrated commodity management comprises:

(*a*) Research, design, development, and modification.

(*b*) Test and evaluation.

(*c*) Maintenance support planning (AR 750–6), including initial repair parts, tools, test, and handling equipment provisioning (AR 700–19).

(*d*) Technical and engineering supervision and services including technical advisory service and product, production, maintenance, and human factors engineering.

(*e*) Technical data, cataloging, and standardization.

(*f*) Product assurance.

(*g*) Value engineering.

(*h*) Procurement and production.

(*i*) Integrated materiel inventory management (AR 700–5).

(*j*) Materiel and industrial mobilization planning, contingency planning, and maintenance of mobilization reserves and production base.

(*k*) Preparation or acquisition of technical publications.

(*l*) Technical direction and management of the depot maintenance program.

(*m*) Transportation, transportability and transportation engineering.

(3) *Mission.* The mission of the Commanding General, U.S. Army Materiel Command, a major commander of the Department of the Army is to—

(i) Perform assigned material and related functions of the Department of the Army comprising research and development; product improvement, production, maintenance, and human factors engineering; test and evaluation; procurement and production; product assurance; integrated materiel inventory management; new equipment training; scientific and technical intelligence production; international logistics programs; and storage and distribution, transportation, maintenance, demilitarization, and disposal as related to the continental U.S. wholesale supply and maintenance system, and systems overseas as directed by Headquarters, Department of the Army.

(ii) Develop and provide, in response to objectives and specific requirements established by Headquarters, Department of the Army, materiel and related logistics services to the Department of the Army, Department of the Army elements of unified and specified commands, and other United States and foreign customers.

(iii) Command subordinate commands, installations, and activities as may be assigned by Headquarters, Department of the Army; plan, program, coordinate requirements for, and supervise use of resources for accomplishing U.S. Army Materiel Command basic and support missions, functions, and responsibilities; budget and fund for financial resources as specified in AR 37–1; provide base operation and other support through subordinate commanders to Department of the Army, Department of Defense, or other Government activities which are tenants of or are satellite on U.S. Army Materiel Command installations; and satellite U.S. Army Materiel Command activities on other facilities for all or a portion of required base operation support when it is more economical.

(iv) Provide worldwide technical and professional guidance and assistance for planning and conducting logistics support of Army materiel.

(4) *Principal functions.* The principal functions of the Commanding General, U.S. Army Materiel Command, are to—

(i) Assist Headquarters, Department of the Army, in formulating the materiel portions of the Department of the Army program and to execute approved programs.

(ii) Within policy and guidance furnished by Headquarters, Department of the Army, for Department of the Army materiel and related logistics services, provide for—

(*a*) Integrated commodity management, as defined in subparagraph (2) (iii) of this paragraph.

(*b*) System status evaluation.

(*c*) Conduct or supervision of the conduct of Engineering Tests, Service Tests, and Initial Production Tests for all Army materiel designed for general use by the Army in the field or for which the U.S. Army Combat Developments Command is the user representative; conduct or supervision of the conduct of Engineering Design Tests, Contractor Demonstrations, R&D Acceptance Tests, Engineering Tests, Service Tests, Preproduction Tests, and Initial Production Tests for all U.S. Army Materiel Command-developed materiel; and assistance to other commands and agencies in the conduct of Confirmatory Tests, Troop Tests, and Field Experiments, Field Evaluations, and Combat Evaluations.

(*d*) Developing total Army procurement requirements, proposed procurement programs, and related data for PEMA (procurement of equipment and missiles, Army) principal items of materiel.

(*e*) Developing recommendations for type classification.

(*f*) Participation in developing and managing the Federal cataloging system, the Defense Standardization Program, and the Defense Technical Data Management Program.

(*g*) Developing and managing the Department of the Army initial repair parts provisioning program.

(*h*) Developing and managing the Department of the Army worldwide depot maintenance program.

(*i*) Worldwide technical advice and assistance through supply and maintenance liaison activities for assigned commodities; maintenance technical assistance; and arrange for the systematic interchange of supply information between the National Inventory Control Points, oversea commands, oversea inventory control points, and U.S. Continental Army Command.

(*j*) Developing and recommending to Headquarters, Department of the Army new and improved concepts, doctrine, systems, and procedures for wholesale logistics operations, and criteria for measuring its effectiveness.

(*k*) Detailed system design of wholesale standard logistics automatic data processing systems, and assistance to the Commanding General, U.S. Army Combat Developments Command in the development of the logistics automatic data processing systems involving an interface between wholesale supply and maintenance procedures and Army-in-the-field logistics, supply, and maintenance procedures.

(*l*) U.S. Army Materiel Command Division and U.S. Army Materiel Command Installations Division, Army Stock Fund operations.

(*m*) Receipt, storage, issue, stock control, maintenance, demilitarization, and disposal within the continental United States wholesale supply and maintenance system, and systems overseas as directed by Headquarters, Department of the Army.

(*n*) Transportation (to include traffic management) as it relates to continental U.S. wholesale supply and maintenance system.

(*o*) Operation and maintenance of assigned facilities, real property, and equipment.

(*p*) Specialized training of personnel in the materiel area to include new equipment training, in coordination with the Commanding General, U.S. Continental Army Command, and Commanding General, U.S. Army Combat Developments Command, to qualify test and evaluation personnel, key personnel, and instructors for schools, training centers, and units until the trained output of U.S. Army schools and training centers has become effective; special project training for which there is no adequate capability in the Department of the Army training base; management training in industrial or business-type activities of the continental U.S. wholesale supply and maintenance system; and training of foreign nationals.

(*q*) Developing, in coordination with U.S. Continental Army Command and U.S. Army Combat Developments Command, and submitting to Headquarters, Department of the Army, qualitative and quantitative personnel requirements information concerning U.S. Army Materiel Command functions which impact on the personnel management system.

(*r*) Support to Commanding General, U.S. Continental Army Command, and governmental agencies in civil defense and other domestic emergencies as directed.

(*s*) Logistic and planning support of Commanding General, U.S. Continental Army Command forces, Army elements of unified and specified commands, and other designated U.S. and foreign forces for contingency or wartime operation.

(*t*) Production of scientific and technical intelligence.

(*u*) Development of data for and technical review of tables of organization and equipment, tables of distribution and allowances, and other authorization documents.

(*v*) Promulgate approved Army wholesale logistics doctrine by means of field manuals and other doctrinal publications.

(*w*) Executing international logistics programs, to include furnishing advice, data, and other assistance in their development. These programs encompass coproduction and cooperative logistics, international research and development and standardization, grant aid, foreign military sales, and civilian aid.

(*x*) Management and operation of the DA equipment publications program.

(*y*) Conducting the Department of the Army portion of the Department of Defense Contractor Performance Evaluation Program.

(*z*) Petroleum logistics as assigned.

(iii) Within the policy, scope, and responsibilities of the Army Safety Program, provide for a comprehensive safety program in regard to Department of the Army materiel.

(iv) Technical direction, support and execution of Army Metrology and Calibration activities, and monitorship of the Army Metrology and Calibration System.

(v) Participate in developing and maintaining intra service support, and agreements thereto.

(vi) Support the Army Electromagnetic Compatibility Program in all of its program areas, and develop, maintain, and execute plans in its program areas of design, measurement techniques and instrumentation, standards and specifications, and test and evaluation.

(5) *Command and staff relationships.* The Commanding General, U.S. Army Materiel Command is under the supervision of the Chief of Staff, U.S. Army. Directives, authorities, policy, planning and programing guidance, approved programs, and resource allocations are issued to the Commanding General, U.S. Army Materiel Command by the Chief of Staff, U.S. Army; however, in matters involving procurement policy, contracting, technical data management and standardization which are within the responsibility of the Assistant Secretary of the Army (Installations and Logistics) the Commanding General, U.S. Army Materiel Command is under the direct supervision of and is authorized to communicate directly with the Assistant Secretary of the Army (Installations and Logistics).

(6) *Other relationships.* (i) The U.S. Army Materiel Command and the other major Army Commands are coordinate elements of the Department of the Army. The Commanding General, U.S. Army Materiel Command will maintain close liaison with and is authorized to communicate directly with other major commanders or heads of Headquarters, Department of the Army agencies in their command capacities with respect to matters of mutual interest.

(ii) The Commanding General, U.S. Army Materiel Command will—

(*a*) Coordinate appropriate research, development, test, and evaluation activities with heads of other materiel developing agencies.

(*b*) Apprise other major Army commanders and agency heads of materiel developments which will have an impact on their operational missions, programs, and requirements, and will assure liberal exchange of information relative to their support of and interest in U.S. Army Materiel Command research, development, test and evaluation activities.

(*c*) Maintain liaison with other military services, the Defense Supply Agency, the Atomic Energy Commission, and the General Services Administration, as well as with industry, universities, and other governmental agencies to maintain an awareness of their developments and exchange information pertaining to matters of mutual interest.

(*d*) Have direct access to the Assistant Secretary of Defense (International Security Affairs) on Military Assistance Program matters specifically delegated by Headquarters, Department of the Army except those of a financial management nature.

(*e*) Assist U.S. Army Combat Developments Command in the review of authorization documents for adequacy of supply and maintenance organization and personnel; assist U.S. Army Combat Developments Command and U.S. Continental Army Command on matters associated with supply and maintenance concepts, doctrine, human factors engineering, personnel, MOS, and training.

(*f*) Assist U.S. Combat Developments Command in the development of the logistics systems involving an interface between the wholesale procedures and procedures at Army-in-the-field level.

(*g*) Assist Army commands and agencies in planning and preparing for confirmatory and troop tests and other tests of Department of the Army materiel.

For the Adjutant General.

R. F. ASKEY,
Colonel, AGC, Comptroller, TAGO.

[F.R. Doc. 68–10296; Filed, Aug. 26, 1968; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 2680]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Department of Agriculture has filed an application Serial No. A 2680 for the withdrawal of the lands described below.

The Department of Agriculture desires these lands to protect the Government's planned investment in an administrative site and roadside zone in the Apache National Forest, Ariz. This withdrawal is needed to provide tenure for investing in the property and prevent any activities which may be adverse to public use of the property. The withdrawal would be made subject to valid existing rights.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Ariz. 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in this application are:

GILA AND SALT RIVER MERIDIAN

APACHE NATIONAL FOREST

Strayhorse Administrative Site

T. 2 N., R. 29 E.,
Sec. 2, SE¼SW¼, excepting that portion previously withdrawn for a roadside zone (U.S. Hwy. 666) by P.L.O. 1583 of February 5, 1958).
The area described above aggregates approximately 27 acres.

U.S. Highway 666—Roadside Zone

A strip of land 300 feet each side of the center line of U.S. Highway 666 where it traverses National Forest Land through the following legal subdivisions:

T. 2 S., R. 29 E., unsurveyed;
Sec. 16, W½NE¼;
Sec. 32, NE¼, E½SE¼, NW¼SE¼.
The areas described above aggregate approximately 101.73 acres.

The total areas consist of approximately 128.73 acres.

This proposed withdrawal is located on U.S. Highway 666 near the Grey's Peak and Mitchell Peak areas, and approximately 18 miles north of Clifton, Ariz.

Dated: August 16, 1968.

FRED J. WEILER,
State Director.

[F.R. Doc. 68-10300; Filed, Aug. 26, 1968; 8:46 a.m.]

[N-2564]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands and Partial Termination Thereof

AUGUST 19, 1968.

The Department of the Navy filed the above application for withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws:

MOUNT DIABLO MERIDIAN

T. 20 N., R. 19 E.,
Sec. 27, SE¼NE¼NE¼, W½NE¼SE¼NE¼.
Containing 15 acres.

Subsequently, the applicant agency cancelled the application as to the W½NE¼SE¼NE¼ sec. 27, T. 20 N., R. 19 E. Therefore, pursuant to the regulations contained in 43 CFR 2311, this land will be relieved of the segregative effect of the above-mentioned application at 10 a.m. on September 18, 1968.

The applicant desires the land remaining for the relocation, construction and operation of the Naval and Marine Corps Training Center.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 3008 Federal Building, 300 Booth Street, Reno, Nev. 89502.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 68-10301; Filed, Aug. 26, 1968; 8:46 a.m.]

Office of the Secretary

CERTAIN FEDERALLY OWNED LANDS IN NEW MEXICO

Held by the U.S. in Trust for Indians of Pueblos of Acoma, Sandia, Santa Ana and Zia

Section 1 of the Act of March 7, 1966 (Pub. Law 89-363, 89th Congress; 80 Stat. 30), provides that when certain identified lands (other than the mineral interests specifically excluded in the identification), which were set aside for school or administration purposes, are no longer needed by the United States for the administration of Indian affairs, the Secretary of the Interior is authorized to declare that the title of the United States to such lands and improvements shall thereafter be held in trust for the Indians of certain Pueblos.

Accordingly, pursuant to the authority contained in section 1 of the said Act of March 7, 1966, notice is hereby given that title of the United States of America to the following described lands and the improvements thereon is held in trust for the Indians of the respective Pueblos:

(1) For Acoma Pueblo:

A tract of land in sec. 33, T. 10 N., R. 7 W., New Mexico Principal Meridian, New Mexico, acquired for administrative purposes through condemnation proceedings in the U.S. District Court for the District of New Mexico in Case No. 675 Law and described in the Final Decree filed on May 27, 1920, as follows: "Commencing at a point 16,796 feet west and 4,598 feet north of the northeast corner of sec. 1, T. 9 N., R. 7 W., of the New Mexico Base and Meridian; thence south 3°32' W., 283 feet; thence south 86°20' E., 500 feet; thence north 3°40' E., 375.3 feet; thence south 77°38' W., 520.6 feet to place of beginning, containing 3.5 acres."

(2) For Sandia Pueblo:

The former day school site which was acquired through condemnation proceedings in the United States District Court for the District of New Mexico and described in the Final Decree in Case No. 1995 Law, filed March 3, 1930, as follows: "Beginning at the southeast corner of the tract to be conveyed, from which point the northwest corner of the church at the village of Sandia bears south 22°30' W. and distant 192 feet; thence north 2°0' E. a distance of 133 feet to corner No. 2; thence west 0°0', 209 feet to corner No. 3; thence south 0°0', 133 feet to corner No. 4; thence east 0°0', 210 feet to the place of beginning, containing 0.63 acre."

(3) For Santa Ana Pueblo:

The former day school site, situated in the El Ranchito Grant of Santa Ana Pueblo, which was acquired through condemnation in the U.S. District Court for the District of New Mexico and described in the Final Decree in Case No. 676 Law filed May 27, 1920, as follows: "Commencing at a point 1877 feet south and 1778 feet east of the northwest corner of sec. 21, T. 13 N., R. 4 E. on the New Mexico Base and Meridian; thence south 45°1' E., 495 feet; thence north 44°59' E., 247.5 feet; thence north 45°1' W., 495 feet; thence south 44°59' W., 247.5 feet to place of beginning, containing 2.81 acres." Minerals therein are excluded.

(4) For Zia Pueblo:

The administrative site within the Borrego Grant, containing approximately 428 acres within unsurveyed sec. 5, T. 15 N., R. 4 E., New Mexico Principal Meridian, which parcel was described as follows on page 1855 of FEDERAL REGISTER dated March 31, 1950: "Beginning at southeast corner of Borrego Grant in section 8, T. 15 N., R. 4 E.; thence north along east line of said grant approximately ¾ mile to a point where a fence line intersects the east boundary of said grant; thence westerly along fence line approximately ½ mile to a point where same fence corners; thence southwesterly along same fence line approximately 1¾ miles to south boundary of grant; thence northeasterly along said grant boundary approximately ¾ mile to point of beginning". Minerals therein are excluded.

The use of the above-described parcels and improvements thereon now held in trust for the Pueblos of Sandia and Santa Ana are subject to use by the U.S. Public Health Service, for health purposes, for so long as required by that service.

DAVID S. BLACK,
Acting Secretary of the Interior.

AUGUST 21, 1968.

[F.R. Doc. 68-10302; Filed, Aug. 26, 1968; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[Docket No. AO-365—RO-1]

HANDLING OF FLUE-CURED TOBACCO

Notice of Reopening and Reconvening of Hearing With Respect to Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the public hearing held at six locations in the flue-cured tobacco producing area during the period of February 26–March 8, 1968, is reopened for the limited purpose hereinafter set forth. The hearing will be reconvened on September 11 and 12, 1968, at Raleigh, N.C., Memorial Auditorium, beginning at 10 a.m., local time, on September 11. The proposed program was set forth in the FEDERAL REGISTER of February 10, 1968 (33 F.R. 2850).

In a partial recommended decision of April 17, 1968 (33 F.R. 6125), it was concluded that the hearing should be reopened sometime after the 1968 selling season was well underway to receive further evidence on whether economic and marketing conditions justified a need for regulation and the issuance of a marketing agreement and order. A recommended decision was issued on July 16, 1968 (33 F.R. 10346) on the specific terms and provisions of a proposed marketing agreement and order.

The record evidence supported a finding that a marketing agreement and order for flue-cured tobacco in 1967 would have provided a legal framework through which an administrative committee could have acted to achieve more orderly marketing conditions and thereby tend to effectuate the declared policy of the act. The record also showed that a number of significant changes were planned by the industry and by the Department for the 1968 selling season in an effort to prevent a recurrence of the chaotic marketing conditions of 1967. However, the record contained a wide difference of opinion as to whether the planned changes would, in fact, prevent such a recurrence.

The purpose of the reopened hearing is to receive up-to-date evidence with respect to the need for regulation and issuance of a marketing agreement and order for flue-cured tobacco, including evidence as to the effectiveness of the aforementioned changes in the 1968 selling season and whether current marketing conditions are orderly or whether they continue to be sufficiently disorderly to justify issuance of a marketing agreement and order.

Dated: August 22, 1968.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 68-10347; Filed, Aug. 26, 1968; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

CHILDREN'S HOSPITAL RESEARCH FOUNDATION

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00626-33-46040. Applicant: Children's Hospital Research Foundation, Elland and Bethesda Avenues, Cincinnati, Ohio 45229. Article: Electron microscope, Model EM 9A. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of article: The article will be used to teach medical students, pediatric fellows and pathology fellows to apply electron microscopy to research in the following areas: Genetic defects in granulocyte function; renal glomerular histiocytosis; fatty infiltration of the liver in childhood; ultrastructural effects of cardiopulmonary bypass; cardiopulmonary bypass and glycogen storage disease. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The only known comparable domestic instrument is the Model EMU-4 electron microscope manufactured by the Radio Corporation of America (RCA). Effective September 1968, the RCA Model EMU-4 has been redesigned to increase certain performance capabilities, with a quoted delivery time of 60 days. However, since the applicant placed the order for the foreign article prior to June 3, 1968, the determination of scientific equivalency has been made with reference to the characteristics and specifications of the RCA Model EMU-4 relevant at that time. The foreign article is intended to be used for teaching students the theory and use of the electron microscope. For this purpose the applicant requires an electron microscope that combines simplicity of operation with features that facilitate teaching of electron microscopy principles. The foreign article is a relatively simple electron microscope whose imaging train has two stable adjustments, the proper alignment of which can be checked by simple maneuvers and misalignments easily corrected. The illuminating system has two adjustments which have good stability and are easily learned. These designs permit students, after a short period of instruction, to obtain satisfactory electron micrographs. The RCA Model EMU-4 is relatively complicated to operate and requires a period of training in order to master the more complex techniques.

For these reasons, we find that the RCA Model EMU-4 electron microscope is not of equivalent scientific value to the foreign article, for the purposes for which the foreign article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-10288; Filed, Aug. 26, 1968; 8:45 a.m.]

COLLEGE OF OSTEOPATHIC MEDICINE AND SURGERY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00498-33-46500. Applicant: College of Osteopathic Medicine and Surgery, 722 Sixth Avenue, Des Moines, Iowa 50309. Article: Ultramicrotome, Model LKB 4800A Ultrotome I. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to cut ultrathin sections of tissue for the study of the effects of inhibitors of the fibrinolytic enzyme system on the turnover of fibrinogen, fibrin and associated substances, the ultrastructure of dermatophytes; and the ultrastructure of the umbilical cord in its naturally distended and collapsed states. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The purposes for which the foreign article is intended to be used require an ultramicrotome capable of cutting the thinnest possible sections. The foreign article has the capability of cutting sections down to 50 Angstroms (page 6, 1965 catalogue for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The only know comparable domestic ultramicrotome, the Model MT-2 manufactured by Ivan Sorvall, Inc. (Sorvall), has a specified thin-sectioning capability down to 100 Angstroms (page 11, 1966 catalogue for "Porter-Blum" MT-1 and MT-2 ultramicrotomes; Ivan Sorvall, Inc., Norwalk, Connecticut). The lower thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more it is possible to take advantage of the

ultimate resolving power of the microscope. (2) For its purposes, the applicant requires an instrument capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) (memorandum dated May 22, 1968) that only an ultramicrotome equipped with a thermal advance (feed) can meet this requirement. The foreign article incorporates both a thermal advance for ultrathin sections and a mechanical advance for thicker sections. The Sorvall Model MT–2 is equipped only with a mechanical feed. In connection with Docket Number 67–00024–33–46500, which relates to an identical foreign article, HEW advised that ultramicrotomes employing a mechanical system utilize a gear mechanism and inherent in such mechanisms are backlash and slippage. Hence, in mechanical systems, the variation in thickness and uniformity will be greater than in thermal systems when both are functioning at their best. We therefore find the thermal advance of the foreign article to be pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of one degree (page 3 of catalogue on "Ultrotome III"), whereas no equivalent device is specified for the Sorvall Model MT–2. The capability of accurately measuring the knife-angle setting is pertinent because the angle at which the knife enters the specimen determines the thickness of the section.

For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–10289; Filed, Aug. 26, 1968; 8:45 a.m.]

DUKE UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69–00010–33–46040. Applicant: Duke University, Department of Physiology and Pharmacology, Durham, N.C. 27706. Article: Electron microscope, Model EM6B. Manufacturer: GEC–AEI Electronics, Ltd., United Kingdom (England). Intended use of article: The article will be used for biological research as follows:

a. Physiology and ultrastructure of red blood cell membranes, including mapping of enzymatic (ATPase) and antigenic (antigen M) sites. Study of the structure of red blood cell membrane fragments, of the products of their reaggregation and of thin lipid membranes prepared with extracts from red cell membranes. The effects of the incorporation of valinomycin and other proteins, labeled with either heavy ions or ferritin, on ultrastructure of the artificial lipid membranes will also be studied.

b. Studies of the fine structure of the triadic junction in striated muscle fibers.

c. Studies on the variation in length of crab striated muscle filaments and of the factors controlling it.

Application received by Commissioner of Customs: July 3, 1968.

Docket No. 69–00018–33–46040. Applicant: Baylor University Medical Center, 3500 Gaston Avenue, Dallas, Tex. 75246. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments Corp., The Netherlands. Intended use of article: The article will be used for research on the ultrastructural characteristics of human cancer and characterization of certain dense intranuclear particles found in increased numbers in neoplastic specimens as compared to miscellaneous non-neoplastic tissues. Application received by Commissioner of Customs: July 8, 1968.

Docket No. 69–00037–33–46040. Applicant: Sloane Hospital for Women, Columbia-Presbyterian Medical Center, 630 West 168th Street, New York, N.Y. 10032. Article: Electron microscope, Model JEM–7A. Manufacturer: Japan Electron Optics Co., Ltd., Japan. Intended use of article: The article will be used to identify the site of metabolism of sex steroids in the female genital organs, and to clarify the transport mechanism of the sex steroids to the site of action within the female genital organs. The elucidation of the above problems will add important information as to how the sex steroids are formed in the ovary, fluctuate during the menstrual cycle and regulate the female reproductive functions. Application received by Commissioner of Customs: July 15, 1968.

Docket No. 69–00047–01–77030. Applicant: University of Maryland, 636 West Lombard Street, Baltimore, Md. 21201. Article: Nuclear magnetic resonance spectrometer, Model JNM–C–60HL. Manufacturer: Japan Electron Optics Laboratory Co., Inc., Japan. Intended use of article: The article will be used for research to be carried out by the instruction staff in collaboration with both graduate and undergraduate students involving the following projects:

(a) Instructional use for undergraduate and graduate students in courses in organic and analytical chemistry.

(b) Structure determination studies on a variety of molecules containing protons (H^1), fluorine (F^{19}), and occasionally carbon (C^{13}).

(c) The study of conformational characteristics of a variety of molecular types through N.M.R. spectra determinations at various temperatures.

(d) The determination of proton chemical shift data for correlation with molecular orbital electron density calculations.

(e) Qualitative and quantitative analysis of mixtures of materials obtained from chemical reactions and natural sources.

(f) Quantitative determination of exchangeable protons in organic molecules.

Application received by Commissioner of Customs: July 19, 1968.

Docket No. 69–00059–01–77030. Applicant: St. Olaf College, Northfield, Minn. 55057. Article: Nuclear magnetic resonance spectrometer, Model JMN–C–60HL. Manufacturer: Japan Electron Optics Laboratory Co., Inc., Japan. Intended use of article: The article will be used for instructional undergraduate courses in introductory and advance organic chemistry, inorganic chemistry, physical chemistry, and analytical chemistry as well as for undergraduate and faculty research projects which include the following studies:

(a) Alkyldiazonium cation intermediates at very low temperatures.

(b) Hydrogen-deuterium exchange processes in the solvolysis of aliphatic diazo compounds.

(c) Hydrogen bonding in nitrogen heterocyclic systems.

(d) Determination of structure of compounds with benzohydroxamic acid coordinated with cobalt (III) and chromium (III).

Application received by Commissioner of Customs: July 24, 1968.

Docket No. 69–00066–00–46040. Applicant: University of California, Purchasing Department, 405 Hilgard Avenue, Los Angeles, Calif. 90024. Article: Exposure meter for Siemens Elmiskop IA Electron microscope. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used as an accessory to an existing electron microscope to accurately present exposure of photoplates. Application received by Commissioner of Customs: July 26, 1968.

Docket No. 69–00074–01–77040. Applicant: Virginia Polytechnic Institute, Department of Chemistry, Blacksburg, Va. 24601. Article: Mass Spectrometer, Model RMU–6E. Manufacturer: Hitachi Perkin-Elmer, Japan. Intended use of article: The article will be used for research to be carried out by the instruction staff in collaboration with both graduate and undergraduate students involving the following projects:

(a) Quantitative analysis of mixtures including those containing enrichments in certain stable isotopes.

(b) Qualitative identification of organic, inorganic, and organometallic compounds.

(c) Study of ionization efficiency curves for singly and multiply charged positive ions.

(d) Studies of negative ion formation in unimolecular decomposition reactions.

(e) Study of ionization efficiency curves for negative ions.

(f) Studies of ion-molecule reactions for positive and negative ions.

(g) Lifetimes of metastable ions and "metastable ion mass spectra".

(h) Formation of negative ions via surface ionization.

Application received by Commissioner of Customs: July 30, 1968.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–10290; Filed, Aug. 26, 1968; 8:45 a.m.]

NEW YORK STATE DEPARTMENT OF HEALTH

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68–00535–33–46500. Applicant: New York State Department of Health, Division of Laboratories and Research, New Scotland Avenue, Albany, N.Y. 12201. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for ultrasectioning of tissue imbedded in hard plastic material for high resolution electron microscopy required for the study and observation of the subunit structure of viruses. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The only known comparable domestic instrument is the Model MT–2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). For the purposes for which the foreign article is intended to be used, the applicant requires an ultramicrotome capable of cutting sections of biological specimens down to 50 Angstroms. The foreign article has the capability of cutting sections down to 50 Angstroms (1965 catalogue for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The thin-sectioning capability of the Sorvall Model MT–2 is specified as 100 Angstroms (1966 catalogue for Sorvall "Porter-Blum" MT–1 and MT–2 Ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The better thin-sectioning capability of the foreign is pertinent because the thinner the section that can be examined under an electron microscope, the more it is possible to take advantage of the ultimate resolving power of the electron microscope. (2) The applicant requires an ultramicrotome capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 20, 1968, that this capability in the required dimensions can be furnished only with microtomes based on the thermal advance principle. The foreign article is equipped with a thermal advance system for ultrathin sectioning, in addition to a mechanical advance for thicker sections (see "Ultrotome III" catalogue cited above). The Sorvall Model MT–2 is equipped only with a mechanical advance system for all thicknesses. (See Sorvall Model MT–2 catalogue cited above.) In connection with Docket No. 67–00024–33–46500, which relates to an identical foreign article for which duty-free entry was requested, HEW advised that ultramicrotome employing the mechanical advance utilize a system of gears to advance the specimen and, inherent in such systems are backlash and slippage no matter how slight. HEW further advises that in mechanical systems, the variation in thickness is bound to be greater than in thermal systems even when both are functioning at their best. We therefore find that the thermal advance of the foreign article is pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of one degree (see catalogue on "Ultratome III"), whereas no similar devise is specified in the Sorvall catalogue. The capability of accurately measuring the setting of the knife-angle is pertinent because the thickness of the section is varied by varying the angle at which the knife enters the specimen.

For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which the foreign article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–10291; Filed, Aug. 26, 1968; 8:45 a.m.]

SYRACUSE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68–00524–01–77030. Applicant: Syracuse University, 150 Marshall Street, Syracuse, N.Y. 13210. Article: NMR spectrometer and accessories. Manufacturer: Japan Electron Optics Laboratory, Japan. Intended use of article: The article will be used in the training of graduate students to do chemical research in the general areas of organic and inorganic chemistry. Comments: Comments have been received from one domestic manufacturer, Varian Associates (Varian), which alleges inter alia that "The Varian HA–100 spectrometer equipped with appropriate standard accessories is the scientific equivalent to the JEOL JNM–4H–100". Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a combined internal-external lock capability, whereas the Varian HA–100 provides only the internal lock. We are advised by the National Bureau of Standards (NBS) in its memorandum dated June 24, 1968, that an external lock is required to perform experiments on electronic states of complex ions, which is one of the purposes for which applicant intends to use the foreign article.

(Item D of applicant's response to Question 7 of the application.) NBS further advises us that other experiments listed in the reply to Question 7 would require the superior stability of the internal lock. Therefore, the combined internal-external lock capability possessed only by the foreign article is pertinent to the purposes for which the foreign article is intended to be used. For the foregoing reasons, we find that the Varian HA–100 is not of equivalent scientific value to the foreign article for the purposes for which the foreign article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–10292; Filed, Aug. 26, 1968; 8:45 a.m.]

UNIVERSITY OF MICHIGAN

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68–00413–65–07730. Applicant: The University of Michigan, Purchasing Department, Hoover and Greene Streets, Ann Arbor, Mich. 48104. Article: Guinier type focusing X-ray diffraction camera and accessories. Manufacturer: Incentive Research and Development AB, Sweden. Intended use of article: The article will be used for exact X-ray measurement of crystal lattice spacings which fall in the diffraction angles from 20° to 90°. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: For the purposes for which the foreign article is intended to be used the applicant needs an instrument providing finer resolution of lines in the diffraction pattern of a variety of specimens. The foreign article operates in a vacuum and is equipped with a built-in crystal monochromator and an arrangement for focusing the beam. These three features, which are not available in domestically produced X-ray powder diffraction cameras, are essential for finer resolution of lines and indexing of lattice parameters and are, therefore, pertinent.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–10293; Filed, Aug. 26, 1968; 8:45 a.m.]

UNIVERSITY OF PUERTO RICO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68–00597–33–46040. Applicant: University of Puerto Rico, School of Medicine, San Juan, P.R. 00905. Article: Electron microscope, Model HU–11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for research of the ultrastructure of nervous and muscular tissue of a number of species, particularly marine invertebrates and the ultrastructure of natural and artificial membranes having particular excitability characteristics. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which the foreign article is intended to be used, is being manufactured in the United States. Reasons: The only known comparable domestic instrument is the Model EMU–4 electron microscope manufactured by the Radio Corporation of America (RCA). Effective September 1968, the RCA Model EMU–4 has been redesigned to increased certain performance capabilities, with a quoted delivery time of 60 days. However, since the applicant placed an order for the foreign article prior to May 20, 1968, the determination of scientific equivalency has been made with reference to the characteristics and specifications of the RCA Model EMU–4 relevant at that time. (1) The foreign article has a guaranteed resolution of 5 Angstroms. The RCA Model EMU–4 had a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstroms units, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the highest possible resolution is required. Therefore, the additional resolving capabilities of the foreign article are pertinent. (2) The foreign article provides accelerating voltages of 25, 50, 75, and 100 kilovolts, whereas the RCA Model EMU–4 provided accelerating voltages of 50 and 100 kilovolts only. It has been experimentally demonstrated that the lower accelerating voltage of the foreign article furnishes better contrast for unstained and ultrathin sections and the voltages intermediate between 50 and 100 kilovolts afford optimum contrast for negatively stained sections. For the purposes for which the foreign article is intended to be used, the lower and intermediate accelerating voltages are pertinent.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–10294; Filed, Aug. 26, 1968; 8:45 a.m.]

UNIVERSITY OF WASHINGTON

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68–00586–33–54500. Applicant: University of Washington, 3917 University Way, Northeast, Seattle, Wash. 98105. Article: Light Coagulator, Model 32–10–05. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used to investigate retrograde degeneration of axonal fibers in the central nervous system as well as to investigate the representations of the macular ganglion cells in the lateral geniculate nucleus of the monkey. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides direct visual control through the use of an Xenon arc source in the photo-coagulation process. Domestic instruments are powered by a laser source which does not provide any means of direct visual control which is pertinent to the purposes for which the foreign article is intended to be used.

For the foregoing reasons, we find that laser instruments for use in the photocoagulation process are not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–10295; Filed, Aug. 26, 1968; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20054]

SOUTH AFRICAN AIRWAYS

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 16, 1968, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Hyman Goldberg.

Dated at Washington, D.C., August 22, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 68–10330; Filed, Aug. 26, 1968; 8:48 a.m.]

COMMISSION ON EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES

ORGANIZATIONS AND INDIVIDUALS

Invitation To Submit Recommendations Concerning Executive, Legislative, and Judicial Salaries

Notice is hereby given that the Commission on Executive, Legislative, and Judicial Salaries, provided for by Public Law 90–206, December 16, 1967 (81 Stat. 642), has been established and has begun its review of pay rates for top executives, members of Congress, and judges throughout the Federal service. The President has asked that the Commission's report and recommendations be forwarded to him by December 1, 1968.

Organizations and individuals are invited to submit for consideration any views or recommendations which they believe are relevant to the mission of the Commission. Such submissions should be made in writing to Mr. Frederick J. Lawton, Executive Director, Commission on Executive, Legislative, and Judicial Salaries, 1016 16th Street NW., Washington, D.C. 20036, at the earliest date possible but not later than September 16, 1968.

COMMISSION ON EXECUTIVE, LEGISLATIVE AND JUDICIAL SALARIES,
FREDERICK J. LAWSON,
Executive Director.

[F.R. Doc. 68–10372; Filed, Aug. 26, 1968; 8:49 a.m.]

CIVIL SERVICE COMMISSION

DIRECTOR, BUREAU OF AVIATION

Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found on August 7, 1968, that there is a manpower shortage for the position of Director, Bureau of Aviation, GS–1815–18, National Transportation Safety Board, Department of Transportation, Washington, D.C.

The appointee may be paid for the expenses of travel and transportation to his first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68–10333; Filed, Aug. 26, 1968; 8:48 a.m.]

PHARMACIST GS–660–10 EL PASO, TEX.

Notice of Cancellation of Special Salary Rates

Under the provisions of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has cancelled the special salary rates authorized for positions of Pharmacist GS–660–10, El Paso, Tex., Standard Metropolitan Statistical Area.

This cancellation is effective August 11, 1968.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68–10334; Filed, Aug. 26, 1968; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Budget Bureau Approval 52–R0 14, 16, 27, 28; FCC 68–847]

BROADCAST APPLICANTS

Ascertainment of Community Needs

AUGUST 22, 1968.

Part 1, sections IV–A and IV–B, the programing sections of radio and TV application forms.

The Commission issues this public notice to provide broadcast applicants with a better understanding of the showing called for in response to Part 1, sections IV–A and IV–B, the programing sections of application forms. Deficient showings delay definitive action on applications and impose a costly workload burden on the Commission.

In a recent case, Minshall Broadcasting Co., Inc. (petition to enlarge issues), 11 FCC 2d 796 (1968), the Commission reiterated the four elements of the showing to be made in response to Part 1:

(a) Full information on the steps the applicant has taken to become informed of the real community needs and interests of the area to be served.

(b) Suggestions which the applicant has received as to how the station could help meet the area's needs.

(c) The applicant's evaluation of those suggestions.

(d) The programing service which the applicant proposes in order to meet those needs as they have been evaluated.

In another recent case, Andy Valley Broadcasting System, Inc. (petition to deny), FCC 68–290 (1968), the Commission held that a survey of community needs is mandatory and that "applicants, despite long residence in the area, may no longer be considered, ipso factor, familiar with the programming needs and interests of the community."

Before detailing the information needed in the four elements set forth above, it is appropriate to state our belief that if the processes of Part 1 are carried out in good faith, the programing service will be rooted in the people whom the station is obligated to serve and who will be in a much better position to see that the obligation to them is fulfilled, thus lessening the enforcement burden of the Commission.

Part 1, Question 1.A., requires consultation with leaders in community life—public officials, educators, religious, the entertainment media, agriculture, business, labor, professional and eleemosynary organizations, and others who bespeak the interests which make up the community. Report and Statement of Policy Re: Commission En Banc Program Inquiry, 20 R.R. 1902.

Consultations with community leaders: Such consultations are to help determine the needs of the community from the standpoint of the group represented by the leader being consulted; should include a representative range of groups and leaders to give the applicant a better basis for determining the total needs of the community; and should identify them by name, position and organization. The purpose of such consultations should be to elicit constructive information concerning community needs, and not mere approval of existing or preplanned programing.

Suggestions received: The second of the above four elements is largely self-explanatory, but, importantly, the listing should include the significant suggestions as to community needs received through the consultations with community leaders, whether or not the applicant

proposes to treat them through its programing service.

Applicant's evaluation: What is expected of the applicant is that he will evaluate the relative importance of those suggestions and consider them in formulating the station's overall program service.

Programing service proposed to meet the needs as evaluated: The fourth element set out in Minshall should be set out in response to Question 1.C., and calls for relating the program service to the needs of the community as evaluated; i.e., what programing service is proposed to meet what needs.

The foregoing information is also expected of all applicants for increased facilities serving a substantial amount of new area or population. KTBS, Inc., 1 R.R. 2d 1054 (1964).

Section 1.526 of the Commission rules requires licensees of broadcast stations to keep on file locally for public inspection a copy of its applications (which include sections IV–A and IV–B) as well as exhibits, letters, other documents, and correspondence with the Commission pertaining to the application.

Action by the Commission August 21, 1968.[1]

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68–10342; Filed, Aug. 26, 1968; 8:49 a.m.]

[FCC 68–860]

STATUTORY OBLIGATIONS

Contribution of Time to Political Campaigns

AUGUST 22, 1968.

The Commission encourages licensees to make their facilities available to candidates for political office.

The Commission recognizes, however, that licensees face practical problems in scheduling programs in which candidates are invited to participate. On the one hand, the Communications Act places upon the licensee the responsibility of making good faith, reasonable judgments as to what programming will best serve the needs and interests of his area. On the other hand, section 315 of the Act gives to legally qualified candidates the right to opportunities equal to those given their opponents in the use of broadcast facilities, without any right of censorship by the broadcast licensee in such use.

Thus, the Commission has held that an attempt by a licensee to dictate program format, participants, length of program and times of taping and broadcast, and then offering the package to the candidates on a "take it or leave it" basis does not deprive a candidate who refuses an invitation under such conditions of his right under section 315 to appear subsequent to the use of the station's facilities by his opponent or opponents.

The Commission recognizes the important contribution which licensees can make to an informed electorate by contributing broadcast time to election campaigns, and hopes that licensees will attempt to work out mutually agreeable arrangements with candidates so as to enhance the opportunities for use of broadcast facilities.

Action by the Commission August 21, 1968.[1]

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68–10343; Filed, Aug. 26, 1968; 8:49 a.m.]

[Docket Nos. 18291–18293; FCC 68–835]

SUNBURY BROADCASTING CORP. (WKOK) ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Sunbury Broadcasting Corp. (WKOK), Sunbury, Pa., has: 1070 kc, 1 kw, 10 kw-LS, DA–2, U; requests: 1070 kc, 1 kw, 10 kw-LS, DA–N, U, Docket No. 18291, File No. BP–16936; Herbert P. Michels, Stirling, N.J., requests: 1070 kc, 250 w, Day, Docket No. 18292, File No. BP–17004; Kel Broadcasting Co., Inc., Watchung, N.J., requests: 1070 kc, 500 w, DA, DAY, Docket No. 18293, File No. BP–17405; for construction permits.

1. The Commission has under consideration the above-captioned and described applications;[2] a petition to deny the application of the Sunbury Broadcasting Corp. (WKOK) filed August 15, 1966, by the Lycoming Broadcasting Co. (WLYC), licensee of Station WLYC, Williamsport, Pa., the applicant's opposition and petitioner's reply; a letter of Herbert P. Michels (Michels) dated October 27, 1966, requesting that the application of the Kel Broadcasting Co., Inc. (Kel), be returned to the applicant; Kel's petition to defer action on its application filed October 31, 1966; an opposition filed by Michels, Kel's reply to Michels' opposition and Michels' request for acceptance of an additional pleading; a petition to return the Kel application filed by WKOK on April 6, 1967, Kel's opposition and WKOK's reply.

2. With the exception of the petition to deny the WKOK application and related pleadings, all the foregoing documents deal with the procedural question of the acceptability of the Kel application. Michels and WKOK seek the rejection of the Kel application citing omissions and errors in the application, none of which, under prevailing authority, constitute grounds for rejecting the application.

3. The principal grounds urged for the rejection of the Kel application are allegations that the application when filed did not meet the minimum separation requirement of § 73.37 of the Commission's rules. Both Michels and WKOK point out that the application as originally filed, notwithstanding the absence of any reference to the existing 0.025 mv/m contour of WKOK, did, in fact, involve prohibited overlap of the proposed 0.5 mv/m contour with the existing 0.025 mv/m contour of WKOK. The Kel application was tendered on August 15, 1966, the last date established by Public Notice of July 7, 1966, on which an application could be tendered for concurrent consideration with the WKOK application. Michels and WKOK contend that subseqently filed measurement data submitted by Kel cannot cure the original defect and that the Kel application must be rejected. This contention is consistent with the Commission's former position expressed in Natick Broadcast Associates, Inc., 6 FCC 2d 607, 9 RR 2d 360 (1967), an instance similar to the present case. However, the Commission's order in the Natick matter was reversed by the U.S. Court of Appeals for the District of Columbia Circuit. Natick Broadcast Associates, Inc., v. Federal Communications Commission, ------ U.S. App. D.C.------ 385 F. 2d 985, 11 RR 2d 2065 (1967). In accordance with the Court's decision, Kel's measurement data must be considered and the application accepted.

4. A further contention of WKOK raises a different question. WKOK claims that, as a result of an error in the parameters of the directional pattern proposed in the Kel application, the proposal would have involved prohibited overlap of contours with Station KYW, Philadelphia, Pa. The type of error noted by WKOK is, in the Commission's experience, quite common in complicated directional antenna proposals. Specifically, Kel submitted a directional radiation pattern with the application which clearly indicated the proposed values of radiation in all directions. Commission study revealed, however, that the actual parameters proposed would not accurately depict the values of radiation specified on the proposed pattern. In accordance with the Commission's consistent practice, Kel was given an opportunity to correct the error in parameters. The correction did not result in any change in the proposed values of radiation but merely resulted in Kel specifying parameters which would accurately depict the proposed radiation pattern. Examination of Kel's directional antenna pattern indicates no prohibited overlap of contours between the proposed operation and Station KYW. Other contentions made by WKOK, except those of a substantive nature noted hereafter, are without significance.

5. Accordingly, Kel's application will be accepted and, at the same time, will be designated for hearing in a proceeding with the WKOK and Michels proposals with which it is mutually exclusive.[3] Although section 1.580(b) of the Commission's rules provides that no application will be acted upon less than 30 days following issuance of public notice of the acceptance of the application, the Commission will, on its own motion, waive § 1.580(b) in order that the applications herein may proceed to hearing without further delay.

6. WLYC's petition requests that the WKOK application be denied or designated for hearing to determine whether the proposed operation would comply with § 73.37(a) of the Commission's rules. Section 73.37(a) provides, in pertinent part, that no application will be accepted for a change in the facilities of an existing station which would result in overlap of 2 and 25 mv/m contours involving another station on a frequency 20 kilocycles removed. WLYC states that, based on field intensity measurement data received in evidence in the proceeding in which WKOK's present operation was authorized, Sunbury Broadcasting Corp. (WKOK), 31 FCC 734, 22 RR 383 (1961), the separation between the WKOK present 10 kilowatt directional 2.0 mv/m contour and the WLYC 25 mv/m contour is only 1.2 miles and that WKOK now proposes to increase the radiated field intensity toward WLYC by some 12.3 percent above the present maximum expected operating value of 503 mv/m by the proposed nondirectional operation. As a result, WLYC contends, the separation between the proposed WKOK 2 mv/m contour and the WLYC 25 mv/m contour will be decreased to 0.5 mile. WLYC also contends that the measurement data accepted in the hearing proceeding and the additional material submitted in the WKOK proof of performance are inadequate to determine whether nondirectional operation with 10 kilowatts of power by WKOK would result in the WKOK 2 mv/m contour overlapping the WLYC 25 mv/m contour.

7. WLYC further contends that the test measurements accepted in the hearing proceeding and relied on by WKOK to determine the extent of the proposed WKOK 2 mv/m contour may not be adequate since they were made at relatively low power; that measurements made at higher power would more accurately establish the extent of the proposed WKOK 2 mv/m contour; that since the indicated separation between the proposed nondirectional WKOK 2 mv/m contour and the WLYC 25 mv/m contour is only 0.5 mile based on the test site data, measurements made under the actual proposed operating conditions with higher power would provide the most reliable basis on which to make a determination regarding the extent of the pertinent contours; that WKOK should be required to make measurements toward WLYC utilizing the proposed 10 kilowatt nondirectional operation to establish the extent of the WKOK 2 mv/m contour, and additional measured radials should be made on WLYC to establish the extent of that station's 25 mv/m contour.

8. In opposition, WKOK states that the WLYC contentions regarding overlap are completely unsupported by any additional measurements made by WLYC; that it is merely a speculative conjecture and is not a valid basis to support its petition; that the measurements made from the test transmitter have passed the test of cross-examination in a hearing proceeding and are substantiated by the WKOK proof of performance made in connection with the preparation of the application for license; that WLYC admits there is a separation between the relevant contours and that whether the separation is 0.5 mile as claimed by WLYC or 0.8 mile as shown in the WKOK application is immaterial; that WLYC's request for additional measurement data would not serve any useful purpose but would impose an expensive, unnecessary and harassing burden upon WKOK when two sets of measurements are already on file with the Commission; and that, even if the applicant were to make additional measurements by the method prescribed by WLYC, the results would be the same.

9. In its reply, WLYC is again critical of the measurement data relied on and again refers, as it did in its petition, to Commission precedent holding that an applicant has the burden of demonstrating the absence of prohibited overlap, citing Courier-Times, Inc., 14 RR 817 (1957); Verne M. Miller, 3 FCC 2d 145, 7 RR 2d 455 (1966); Charles W. Jobbins, 6 RR 2d 4 (1965).

10. A review of the record made in the hearing proceeding, Sunbury Broadcasting Corp. (WKOK), supra, in which WLYC was a party respondent, reveals that the test transmitter field intensity measurement data were made at an operating power of 250 watts and on the frequency for which WKOK was then applying and now proposes to use. The antenna system consisted of a 150 foot radiating element with a ground system of 120 radials 200 feet long, and the measured inverse distance field at 1 mile was 90 mv/m. The adequacy of these measurements were vigorously contested by two respondents in the hearing proceeding. The measurements were made over a distance sufficiently great to permit the WKOK present ten kilowatt 2.0 mv/m contour to be read directly from the attenuated curve, and the Commission concluded that the test measurements were adequate to establish the effective conductivity in the direction of WLYC. On the basis of those measurements and two measured radials on WLYC, the separation between the WKOK present ten kilowatt directional 2.0 mv/m contour and the WLYC 25 mv/m contour was found to be 1.2 miles. The proposed 2.0 mv/m groundwave contour of WKOK can also be determined directly from the test measurement data. On the basis of all the data accepted in the hearing proceeding, it can be determined that the proposed WKOK 2.0 mv/m contour will not overlap the 25 mv/m contour of WLYC. WLYC has not submitted any additional measurement data which would refute the data previously submitted, and therefore the Commission must conclude that WLYC has failed to establish that it has standing to oppose the WKOK proposal. Accordingly, the WLYC petition will be dismissed.

11. WKOK, in addition to matters previously noted which were urged in support of its request to reject the Kel application, also argues that the application should be rejected because of the inadequacy of Kel's financial showing and statement of program service and related exhibits. While these inadequacies do not constitute grounds for returning the application, examination of the Kel application indicates the necessity of some clarification of the financial aspect of the application as well as the sufficiency of the program material.

12. Based on the applicant's estimates, it appears that Kel will require a total of $61,058 to meet construction costs and 1 year's operating expenses. This includes down payment on equipment, $6,035; first year's payments on equipment with interest, $6,523; building, $10,000; miscellaneous, $3,500; and 1 year's working capital, $35,000. On the basis of information filed in December of 1966, it appears that new capital in the amount of $30,000 was available. The Commission finds that it would be appropriate to specify an issue to permit a determination of the current financial position of Kel's principals and whether sufficient funds are available to meet the cost of construction and 1 year's operation.

13. In connection with Kel's proposed program service, the applicant appears to rely on the president of the corporation and his former residence in the general area as the basis of its awareness of the needs and interests of Watchung. Apparently, at the time of the filing of the application no program survey had been made although it is stated in the application that surveys will be undertaken both before and after the proposed station goes on the air. WKOK points out that Dr. Kelly has been a resident of Pennsylvania for a number of years and questions whether, because of this fact, he can be acquainted with the present program needs of the area. In any event, the Commission is not persuaded that familiarity with an area alone provides an adequate basis for an awareness of area needs and interests in the absence of consultations with representative groups, interests and organizations as contemplated by the application form (FCC Form 301, Section IV–A). See Vernon Broadcasting Company, FCC 68–528 adopted May 15, 1968, 12 FCC 2d 13 RR 2d 245; cf. Andy Valley Broadcasting System, Inc., 12 FCC 2d 3; 12 RR 2d 691 (1968). Therefore, Kel will be given an

[1] Commissioners Hyde (Chairman), Bartley, Cox, and Johnson, with Commissioner Lee dissenting.

[1] Commissioners Hyde (Chairman), Bartley, Lee, Cox, and Johnson.

[2] Concurrently with the present action, a fourth application, that of the Molly Pitcher Broadcasting Co., Inc., File No. BP–17469, which involves conflicts with the captioned applications, is being dismissed pursuant to § 1.568(b) of the Commission's rules for failure to respond to official correspondence.

[3] A grant of the WKOK proposal would not preclude a grant of Michels' proposal notwithstanding overlap of Michels' proposed 0.5 mv/m contour by the 0.025 mv/m contour of WKOK since no overlap of Michels' proposed one mv/m contour by the WKOK 0.05 mv/m contour would occur and Michels' station would be the first standard broadcast facility in Stirling. See § 73.37(b) of the rules.

opportunity to demonstrate what efforts have been made to determine the needs and interests of the area and how its program service will be responsive to those needs. See Minshall Broadcasting Company, Inc., 11 FCC 2d 796, 12 RR 2d 502 (1968).

14. Financial information contained in the Michels application is not current and is inadequate in other respects to establish that the station can be constructed and operated for 1 year without revenue. The application was filed in November 1965, at which time the cash relied on was entirely prospective and dependent in large part on the sale of real estate. Although the applicant provided some itemizations of equipment on hand and operating expenses, these do not provide adequate bases to justify the estimates of construction costs ($6,477) and annual operating expenses ($25,812) in view of the modest figures proposed. The applicant relied on revenues to meet operating expenses after an initial 3-month period, but no basis for estimated revenue was shown. Accordingly, issues will be specified to permit Michels to present a more adequate financial showing including the present availability of equipment.

15. As is the case with Kel, Michels relies on area familarity as a resident. A program survey is mentioned without sufficient specifics to demonstrate its adequacy. Therefore, an appropriate issue will be specified.

16. The site photographs filed by Kel are not satisfactory, and it has not been determined whether the antenna system would constitute a menace to air navigation. It will be necessary, therefore, to place these matters in issue.

17. From the information before the Commission it appears that, except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, for the reasons indicated above, they must be designated for hearing in a consolidated proceeding on the issues set forth below.

18. *Accordingly, it is ordered,* That the application of the Kel Broadcasting Co., Inc., is hereby accepted for filing; that, on the Commission's own motion, § 1.580 (b) of the Commission's rules is waived; and that, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of WKOK and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which would receive primary service from the proposed operations of Herbert P. Michels and the Kel Broadcasting Co., Inc., and the availability of other primary service to such areas and populations.

3. To determine whether there is a reasonable possibility that the tower height and location proposed by the Kel Broadcasting Co., Inc., would constitute a menace to air navigation.

4. To determine whether the transmitter site proposed by the Kel Broadcasting Co., Inc., is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

5. To determine the efforts made by Herbert P. Michels and the Kel Broadcasting Co., Inc., to ascertain the community needs and interests of the respective areas to be served and the means by which the applicants propose to meet those needs and interests.

6. To determine, with respect to the application of Herbert P. Michels:

(a) The basis of the applicant's estimated construction costs and operating expenses for the first year.

(b) The amount of funds available to meet the costs of construction and the costs of operating during the first year.

(c) In the event the applicant will rely on operating revenues during the first year to meet fixed charges and operating costs, the basis for the applicant's estimate of revenues and whether such estimate is reasonable.

(d) In light of the evidence adduced pursuant to (a), (b), and (c), above, whether the applicant is financially qualified.

7. To determine, with respect to the application of the Kel Broadcasting Co., Inc.:

(a) Whether sufficient funds necessary to meet construction costs and operating expenses for the first year of operation are available.

(b) In light of the evidence adduced pursuant to the foregoing (a), whether the applicant is financially qualified.

8. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

9. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the proposals would best serve the public interest.

10. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

19. *It is further ordered,* That the petition to deny the application of the Sunbury Broadcasting Corp., filed by the Lycoming Broadcasting Co. is hereby dismissed.

20. *It is further ordered,* That the requests and petitions of Herbert P. Michels and the Sunbury Broadcasting Corp. directed against the application of the Kel Broadcasting Co., Inc., are granted to the extent indicated above and are denied in all other respects.

21. *It is further ordered,* That the Federal Aviation Administration is made a party to the proceeding.

22. *It is further ordered,* That, in the event of a grant of the application of the Sunbury Broadcasting Corp., the construction permit shall include the following:

Permittee shall submit new common point impedence measurements and sufficient field intensity measurement data to clearly show that the nighttime radiation pattern remains adjusted within authorized limits.

Before program tests are authorized, permittee shall submit sufficient field intensity measurements to show that the horizontal inverse distance field intensity at 1 mile has been reduced to essentially 178.5 as proposed.

23. *It is further ordered,* That, in the event of a grant of the application of the Kel Broadcasting Co., Inc., the construction permit shall include the following:

Permittee shall install approved frequency and modulation monitors.

24. *It is further ordered,* That, in the event of a grant of any of the applications, the construction permit shall include the following:

Any presunrise operation must conform with §§ 73.87 and 73.99 of the Commission's rules, as amended June 28, 1967 (32 F.R. 10437), supplementary proceedings (if any) involving Docket No. 14419, and/or the final resolution of matters at issue in Docket No. 17562.

25. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

26. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 14, 1968.

Released: August 22, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68-10344; Filed, Aug. 26, 1968; 8:49 a.m.]

[1] Commissioner Cox absent.

FEDERAL HOME LOAN BANK BOARD

WABASH CONSOLIDATED CORP.

Notice of Receipt of Application for Permission to Acquire Security Savings and Loan Company

AUGUST 22, 1968.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Wabash Consolidated Corp., Cincinnati, Ohio, on behalf of itself and its parent companies, Century Underwriters, Inc., Cincinnati, Ohio, and The Marvin Warner Co., Cincinnati, Ohio, for permission to acquire the Security Savings and Loan Co., Cincinnati, Ohio, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)) and § 584.4 of the regulations for Savings and Loan Holding Companies (12 CFR 584.4). The proposed acquisition would be effected by the purchase of 85 percent of said Security Savings and Loan Co. from Mr. Marvin L. Warner. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

JACK CARTER, *Secretary, Federal Home Loan Bank Board.*

[F.R. Doc. 68-10323; Filed, Aug. 26, 1968; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 68-8]

CONTAINER MARINE LINES

Reopening of Proceeding

On April 23, 1968, the Federal Maritime Commission served its report in the captioned proceeding, holding that tariffs of Container Marine Lines (CML) providing for through intermodal service comprised of port-to-port transportation between the United States and the United Kingdom and inland transportation in the United Kingdom cover a service not within the scope of the conference agreements and dual rate contracts in the United States-United Kingdom trade which have been approved by the Commission and to which CML is a party. These conferences, the North Atlantic Westbound Freight Association (NAWFA) and the North Atlantic United Kingdom Freight Conference (NAUK) and their member lines other than CML have sought reconsideration of the Commission's report.

NAWFA and its member lines, other than CML, also sought court review of the Commission's determination in this proceeding, but the Court stayed its review upon the grant of a motion filed by the Commission for a remand for further proceedings. North Atlantic Westbound Freight Association et al., petitioners, v. Federal Maritime Commission and United States of America, respondents, American Export Isbrandtsen Lines, Inc., intervener, No. 21,912, U.S. Court of Appeals for the District of Columbia Circuit.

All of the parties to the proceeding, including not only the conferences but the Commission's Hearing Counsel and the CML itself, have indicated the propriety and desirability of taking evidence with respect to the whole range of legal and factual consequences associated with the interaction of CML's tariffs and the conference arrangements. Moreover, since the issuance of our report, the Commission has accepted petitions to intervene in this proceeding filed on behalf of numerous conferences in other trades expressing an interest in the impact of our report in this proceeding.

Therefore, it is ordered, That pursuant to sections 22, 14, 14b, 15, 16, 17, and 18(b) of the Shipping Act of 1916, the Commission reopen this proceeding to determine:

1. Whether Container Marine Lines has engaged or will engage in any activities which are unlawful under the aforementioned sections;

2. Whether the arrangements of North Atlantic Westbound Freight Association and/or North Atlantic United Kingdom Freight Conference and/or their operations thereunder have resulted in or will result in any activities which are unlawful under the above sections; and

3. Whether the dual rate contracts and/or section 15 agreements of NAWFA and/or NAUK should be disapproved, canceled, or modified or permission withdrawn pursuant to sections 14b and/or 15 of the Shipping Act, 1916.

It is further ordered, That the North Atlantic Westbound Freight Association and its member lines (including Container Marine Lines) and the North Atlantic United Kingdom Freight Conference (including Container Marine Lines) be made respondents in this proceeding;

It is further ordered, That the Latin America/Pacific Coast Steamship Conference, Pacific Coast River Plate Brazil Conference, United States/South & East Africa Conference, Atlantic & Gulf/Panama Canal Zone, Colon & Panama City Conference, Atlantic & Gulf/West Coast of Central America & Mexico Conference, Atlantic & Gulf/West Coast of South America Conference, East Coast Columbia Conference, Leeward & Windward Islands & Guianas Conference, United States Atlantic & Gulf-Australia, New Zealand Conference, United States Atlantic & Gulf-Jamaica Conference, United States Atlantic & Gulf Santo Domingo Conference, West Coast South America Northbound Conference, Atlantic & Gulf/Indonesia Conference, Atlantic & Gulf/Singapore, Malaya, and Thailand Conference, Far East Conference, Great Lakes-United Kingdom Eastbound Conference, North Atlantic Baltic Freight Conference, North Atlantic Continental Freight Conference, North Atlantic-French Atlantic Freight Conference, South Atlantic Steamship Conference, U.S. Great Lakes/Bordeaux-Hamburg Range Eastbound Conference, U.S. Great Lakes-Scandinavian & Baltic Eastbound Conference, Pacific-Straits Conference, Pacific/Indonesian Conference, and all of their respective member lines are made interveners in this proceeding;

It is further ordered, That this matter be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the presiding examiner;

It is further ordered, That this proceeding be expedited;

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents and interveners;

It is further ordered, That any person, other than respondents and interveners, who desires to become a party to this proceeding and participate therein, shall file a petition to intervene in accordance with Rule 5(1) (46 CFR 502.72) of the Commission's rules of practice and procedure;

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 68-10335; Filed, Aug. 26, 1968; 8:49 a.m.]

[Docket No. 68-29]

U.S. PACIFIC COAST—AUSTRALIA, NEW ZEALAND, AND SOUTH SEA ISLANDS TRADE

Amended Order of Investigation

By order served June 4, 1968, this investigation was instituted to determine whether, during the period June 15, 1965, through March 1968, the members of the Pacific Coast Autralasia Tariff Bureau (Agreement No. 50, as amended) entered into and carried out any understandings or arrangements fixing, controlling, or limiting compensation paid to freight forwarders prior to approval of the Federal Maritime Commission in violation of section 15 of the Shipping Act, 1916.

Hearing Counsel, alleging the possession of information indicating that there may be currently existing and effective unfiled agreements of the type described in our June 4 order, has petitioned to amend that order to extend the period under investigation "to the present".

To insure a thorough investigation of the matter and to avoid a separate investigation relating to the period between March 1968 and the present, we are amending the order of investigation to extend the period under investigation to August 15, 1968.

Now therefore, it is ordered, That the order of investigation in this proceeding served June 4, 1968, be amended by sub-

stituting in the first and second paragraphs the date "August 15, 1968" for the date "March 1968".

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof be served upon the parties of record in this proceeding.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 68-10336; Filed, Aug. 26, 1968; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP69-22]

EL PASO NATURAL GAS CO.

Notice of Application

AUGUST 20, 1968.

Take notice that on August 6, 1968, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP69-22 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing (1) the continued operation of facilities on a limited-term basis, of all natural gas sales, and appurtenant facilities, on its Southern Division system utilized for the direct sale and delivery of natural gas being made on the date of filing under 14 direct sales contracts with 12 purchasers for uses associated with the production of oil or gas; (2) the construction on a budget-type basis, for the period continuing through December 31, 1969, and limited-term operation of natural gas sales, and appurtenant facilities (or the limited-term operation of existing sales facilities, where available) to be utilized for Southern Division system sales, on either a direct or resale basis, of natural gas for uses associated with the production of oil or gas; and (3) the Southern Division system sale, on a limited-term basis, of natural gas for resale for uses associated with the drilling of oil or gas wells, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Applicant anticipates future requests for short-term direct gas service for such purposes as pumping, injection, pressure maintenance, equipment fuel, various lease and camp uses and emergency standby service. The Applicant states that such anticipated service is similar to the short-term service rendered in production areas under the said existing direct sale contracts submitted with the instant application. The application further states that Applicant anticipates future requests for both direct and resale gas service for use in drilling oil or gas wells.

The application further states that the Applicant will not install more than 25 separate sales facility installations, and their aggregate installed cost will not exceed $42,500.

Applicant proposes that all new sales initiated on either a direct or resale basis consistent with the limited-term, budget-type authorizations requested be made, for the respective terms thereof, at a rate identical to that in effect under Rate Schedule X-1 of Applicant's FPC Gas Tariff, Original Volume No. 1, at the time such sale is commenced. In addition, with respect to drilling gas sales, made on either a direct or resale basis, which would be for a very short duration, customarily not exceeding 120 days, and to any other new sale of similar short duration, a purchaser would be required to pay a connection charge of $500 and a $5 daily facility charge unless, as to direct drilling gas sales made in the San Juan Basin, the $500 charge is waived in those instances where the gas well completed is dedicated to Applicant.

Applicant states that it seeks the limited-term facility authorization requested in paragraph (1) in consideration of judicial determination made in the Florida Parishes case. Louisiana Public Service Commission, et al., v. Federal Power Commission, et al., 359 F. 2d 525 (5th Cir. 1966); cert. den. 385 U.S. 883 (1966).

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 16, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 68-10314; Filed Aug. 26, 1968; 8:47 a.m.]

[Docket No. CP69-31]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

AUGUST 20, 1968.

Take notice that on August 14, 1968, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP69-31 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to exchange natural gas with Phillips Petroleum Co. (Phillips) in Moore County, Tex., and Beaver County, Okla., and to construct and operate facilities to effectuate such exchange, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to deliver to Phillips up to 25,000 Mcf of gas per day at an existing measuring station and point of interconnection of the gathering pipelines of Applicant and Phillips in Moore County, Tex., in exchange for the delivery by Phillips to Applicant of equivalent volumes of gas at a proposed point of interconnection of the lines of said two companies in Beaver County, Okla. Further, Applicant proposes to construct and operate a tap connection on its main transmission pipeline in Beaver County, Okla., to effectuate the subject exchange. The application states that no monetary compensation is provided for in connection with the subject exchange, the transaction being a straight gas for gas exchange.

Total estimated cost of the proposed facilities is $6,600, which cost will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 18, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 68-10315; Filed, Aug. 26, 1968; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4569]

CENTRAL & SOUTH WEST CORP. ET AL.

Notice of Filing of Post-Effective Amendment Regarding Issue and Sale of Commercial Paper, and Notes to Holding Company and Acquisition Thereof by Holding Company

AUGUST 21, 1968.

In the matter of Central & South West Corp., 902 Market Street, Wilmington, Del. 19899; Central Power & Light Co., 120 North Chaparral Street, Corpus Christi, Tex. 78403; Public Service Co. of Oklahoma, 600 South Main Street, Tulsa, Okla. 74102; Southwestern Electric Power Co., 428 Travis Street, Shreveport, La., 71102; West Texas Utilities Co., 1062 North Third Street, Abilene, Tex. 79604.

Notice is hereby given that Central & South West Corp. ("Central"), a registered holding company, and four of its public-utility subsidiary companies, Central Power & Light Co. ("CP&L"), Public Service Co. of Oklahoma ("Public Service"), Southwestern Electric Power Co. ("Southwestern"), and West Texas Utilities Co. ("West Texas") (collectively referred to as "subsidiary companies") have filed with this Commission, pursuant to sections 6(a), 6(b), 7, 9(a), 10, 12(b), and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43, 45, and 50(a)(5)(B) promulgated thereunder, a post-effective amendment to their joint application-declaration in this matter. All interested persons are referred to the joint application-declaration as now amended, which is summarized below, for a complete statement of the proposed transactions.

By order dated January 26, 1968 (Holding Company Act Release No. 15954), this Commission authorized the issue and sale by Central to Lehman Commercial Paper, Inc. ("Lehman"), of commercial paper promissory notes in an aggregate principal amount not to exceed $12 million at any one time outstanding, the issue and sale of such notes being limited to a period of 270 days following the date of the initial issue thereof (February 28, 1968), and the issue and sale by the subsidiary companies and the acquisition by Central of promissory notes in an aggregate principal amount not to exceed $21 million at any one time outstanding.

Central now requests that the time within which it may issue and sell the commercial paper notes be extended to and including December 31, 1969, and that the aggregate principal amount of such notes which may be outstanding at any one time be increased to $25 million. Central further requests that the previously granted exemption from the competitive bidding requirements of Rule 50 under the Act be extended to the proposed sale of the additional commercial paper notes. The nonpublic list of 100 identified and designated customers of Lehman to whom the commercial paper notes are to be reoffered will be amended. In the post-effective amendment it is also proposed that the maximum amounts of advances by Central to the subsidiary companies (evidenced by promissory notes) be increased to $11 million in respect of both CP&L and West Texas and $20 million in respect of both Public Service and Southwestern, except that the aggregate of such note borrowings will not exceed $35 million at any one time outstanding. Each promissory note issued by the subsidiary companies to Central will mature as agreed upon by the parties thereto but no such note will mature later than the final maturity date of Central's commercial paper notes. The proceeds from the sale of the notes will be used by the subsidiary companies to temporarily finance, in part, their construction programs, which are estimated to total $126 million in 1969. In all other respects, the transactions as heretofore authorized and approved by order of the Commission remain unchanged.

Notice is further given that any interested person may, not later than September 9, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration, as amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the joint applicants-declarants at the above stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the joint application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-10308; Filed, Aug. 26, 1968; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 595 (31 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize ten percent of the total number of factory production workers except as otherwise indicated.

Altamont Shirt Corp., Altamont, Tenn.; 6-16-68 to 6-17-69 (men's and boys' sport shirts, women's and girls' blouses).

Angelica Uniform Co., No. 22, Mountain View, Mo.; 7-16-68 to 7-15-69 (men's and women's work clothes).

Angelica Uniform Co., Summersville, Mo.; 6-19-68 to 6-18-69 (men's and women's work clothes).

Angelica Uniform Co., Winfield, Mo.; 6-11-68 to 6-10-69; 10 learners (men's outerwear coats).

Ashland Crafts, Inc., Ashland, Ky.; 8-8-68 to 8-7-69 (children's dresses).

Atlantic Sportswear Co., Rockland, Maine; 8-2-68 to 8-1-69; 10 learners (men's trousers and outerwear coats).

Bastian Manufacturing Corp., Bastian, Va.; 8-2-68 to 8-1-69 (men's and boys' knit shirts).

Bestform Foundations of Pa., Inc., Johnstown, Pa.; 8-3-68 to 8-2-69 (women's brassieres and girdles).

Blackville Manufacturing Corp., Blackville, S.C.; 7-29-68 to 7-28-69 (ladies' dresses and blouses).

Burlington Manufacturing Co., Chanute, Kans.; 7-17-68 to 7-16-69 (men's overalls).

Burlington Manufacturing Co., Pleasant Hill, Mo.; 7-17-68 to 7-16-69; 10 learners (men's work shirts).

Carolina Girls Wear, Inc., St. George, S.C.; 6-18-68 to 6-17-69 (children's dresses).

Cindy Frocks, Carbondale, Pa.; 7-29-68 to 7-28-69; 5 learners (children's dresses).

Clayburne Manufacturing Co., Inc., Clayton Ga.; 8-5-68 to 8-4-69 (men's sport shirts).

Cookeville Shirt Co., Watertown, Tenn.; 6-16-68 to 6-15-69 (ladies' blouses).

Devil Dog Manufacturing Co., Inc., Zebulon, N.C.; 6-25-68 to 6-24-69 (children's dungarees and sportswear).

Dickson Manufacturing Co., No. 1, Dickson, Tenn.; 8–8–68 to 8–7–69 (men's work shirts).

Dillon Manufacturing Co., Dillon, S.C.; 7–15–68 to 7–14–69 (ladies' dresses).

Fashion Sportswear, Inc., Pittston, Pa.; 7–25–68 to 7–24–69; 10 learners (ladies' dresses).

Forest Hills Sportswear Co., Lawrenceburg, Tenn.; 6–25–68 to 6–24–69 (men's dress trousers).

The Foster Co., Greenville, Ala.; 8–4–68 to 8–3–69 (men's trousers and ladies' slacks).

Freeland Dress Co., Inc., Freeland, Pa.; 6–21–68 to 6–20–69; five learners (girls' dresses).

Freeland Manufacturing Co., Freeland, Pa.; 6–19–68 to 6–18–69 (men's and boys' outerwear jackets).

Garan, Inc., Clinton, Ky.; 8–9–68 to 8–8–69 (men's and boys' knit sport shirts).

Guin Garment Corp., Guin, Ala.; 7–15–68 to 7–14–69 (boys' shirts).

Hartselle Manufacturing Co., Hartselle, Ala.; 7–26–68 to 7–25–69 (men's work pants).

Hartsville Garment Corp., Hartsville, Tenn.; 7–26–68 to 7–25–69 (men's shirts and ladies' blouses).

The Hercules Trouser Co., Wellston, Ohio; 7–30–68 to 7–29–69 (men's and boys' pants).

Hy-Grade Pants Co., Inc., Taylor, Pa.; 6–12–68 to 6–11–69 (men's trousers).

Irene Sportswear Co., Inc., Nicholson, Pa.; 7–16–68 to 7–15–69; 10 learners (ladies' blouses).

Iva Manufacturing Co., Inc., Iva, S.C.; 7–26–68 to 7–25–69; 10 learners (ladies' blouses).

Jamestown Manufacturing Corp., Jamestown, Tenn.; 8–6–68 to 8–5–69 (men's and boys' sport shirts, women's and girls' blouses).

Jester Kids Klothes, Inc., Tarpon Springs, Fla.; 8–1–68 to 7–31–69 (children's shirts).

Junior Form Lingerie Corp., Cairnbrook, Pa.; 7–30–68 to 7–29–69 (ladies' dresses and blouses).

Kellwood Co., Calhoun City, Miss.; 8–8–68 to 8–7–69 (boys' trousers).

Kellwood Co., Coffeeville, Miss.; 7–12–68 to 7–11–69 (boys' pants).

Knitwear Association, Inc., Allentown, Pa.; 7–26–68 to 7–25–69; 10 learners (men's, boys', ladies', and girls' knitted shirts).

Lake Butler Apparel Co., Lake Butler, Fla.; 6–24–68 to 6–23–69 (men's and boys' slacks).

Lakeland Manufacturing Co., Sheboygan, Wis.; 6–29–68 to 6–28–69 (men's and boys' outerwear jackets).

Lance Garment Corp., Red Bay, Ala.; 6–24–68 to 6–23–69 (boys' sport and dress shirts, ladies' blouses).

LaSalle Cutting & Manufacturing Co., Inc., Pittston, Pa.; 7–31–68 to 7–30–69; three learners (ladies' dresses).

Lee-Mar Shirt Co., Pulaski, Tenn.; 7–15–68 to 7–14–69 (boys' sport shirts).

Lillington Garment Co., Lillington, N.C.; 6–20–68 to 6–19–69 (men's sport shirts).

Louisburg Sportswear Co., Louisburg, N.C.; 6–13–68 to 6–12–69 (men's and boys' shirts).

Louisiana Industrial Garment Manufacturing Corp., Gonzales, La.; 6–12–68 to 6–11–69 (men's dress and work pants).

Maxon Shirt Co., Greenville, S.C.; 7–27–68 to 7–26–69 (boys' dress and sport shirts, dress pants and outerwear jackets).

McMinnville Garment Co., McMinnville, Tenn.; 7–24–68 to 7–23–69 (men's and boys' trousers).

Metro Pants Manufacturing Co., Bridgewater, Va.; 7–13–68 to 7–12–69 (men's pants).

Monroe Industries, Inc., Tellico Plains, Tenn.; 6–15–68 to 6–14–69 (women's blouses).

Newport Manufacturing Co., Inc., Newport, N.C.; 7–12–68 to 7–11–69 (men's sport shirts).

Ozark Manufacturing Co., Inc., Ozark, Ala.; 7–29–68 to 7–28–69 (ladies' blouses).

Plantersville Sportswear, Inc., Plantersville, Miss.; 8–5–68 to 8–4–69 (men's dress slacks).

Princess Peggy, Inc., Peoria, Ill.; 7–9–68 to 7–8–69 (dresses).

Quality Manufacturing Co., Point Pleasant, W. Va.; 6–16–68 to 6–15–69; 10 learners (ladies' dresses).

RCM Enterprises, Inc., Baconton, Ga.; 7–31–68 to 7–30–69; 10 learners (ladies' and girls' blouses).

Rothley, Inc., Taylorville, Ill.; 7–26–68 to 7–25–69 (ladies' dresses).

Salant & Salant, Inc., Marked Tree, Ark.; 8–5–68 to 8–4–69 (children's woven pants).

Henry I. Siegel Co., Inc., Dickson, Tenn.; 8–1–68 to 7–31–69 (men's, boys', ladies' and girls' pants).

Henry I. Siegel Co., Inc., Hohenwald, Tenn.; 8–3–68 to 8–2–69 (men's and boys' pants).

Henry I. Siegel Co., Inc., Johnson City, Tenn.; 6–13–68 to 6–12–69 (men's and boys' pants).

Somerville Manufacturing Co., Inc., Vivian, La.; 7–24–68 to 7–23–69 (men's slacks).

Sportswear Unlimited, Iva, S.C.; 7–25–68 to 7–24–69 (ladies' blouses and dresses).

Tony Manufacturing Co., Inc., Essex, Baltimore, Md.; 8–4–68 to 8–3–69 (men's work pants).

Traco Manufacturing Co., Waynesboro, Tenn.; 7–15–68 to 7–14–69 (work pants and shirts).

The Van Heusen Co., Hazen, Ark.; 8–1–68 to 7–31–69 (men's dress shirts).

Van Heusen, Barnesboro, Pa.; 6–26–68 to 6–25–69 (sport shirts).

Warren Shirt Co., Inc., Rock Island, Tenn.; 7–24–68 to 7–23–69 (boys' sport shirts and dress shirts).

Wildwood Clothing Co., Inc., Wildwood, N.J.; 8–1–68 to 7–31–69; 10 learners (men's slacks and ladies' sportswear).

Williamson-Dickie Manufacturing Co., Tyler, Tex.; 6–20–68 to 6–19–69 (men's and boys' pants).

Wilson Shirt Co., Augusta, Ga.; 7–24–68 to 7–23–69 (men's and boys' shirts and pants).

Woodbury Manufacturing Co., Inc., Woodbury, Tenn.; 8–6–68 to 8–5–69 (men's and boys' shirts).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Blanchard Shirt Co., Inc., Mountain View, Ark.; 6–13–68 to 12–12–68; 50 learners (men's dress shirts).

Hagale Garment Manufacturing Co., Republic, Mo.; 7–22–68 to 1–21–69; 40 learners (men's and boys' trousers).

Kiralee, Inc., Sharpsburg, N.C.; 6–27–68 to 12–26–68; 10 learners (ladies' blouses and shifts).

Kellwood Co., Coffeeville, Miss.; 7–12–68 to 1–11–69; 40 learners (boys' pants).

Kellwood Co., Sunbright, Tenn.; 8–1–68 to 1–31–69; 20 learners (boys' sport shirts).

Oberman Manufacturing Co., division of Levi Strauss & Co., Memphis, Tenn.; 6–10–68 to 12–9–68 (men's and ladies' jeans).

Pecos Garment Co., Pecos, Tex.; 7–17–68 to 1–16–69; 25 learners (men's and boys' dungarees).

Ring Manufacturing Co., Gainesville, Fla.; 6–10–68 to 12–9–68; 10 learners (men's outerwear coats).

Rose Hill Textiles, Inc., Rose Hill, N.C.; 6–13–68 to 12–12–68; 40 learners (children's pants).

Rothley, Inc., Decatur, Ill.; 7–31–68 to 1–30–69; 35 learners (ladies' dresses).

Henry I. Siegel Co., Inc., Johnson City, Tenn.; 6–13–68 to 12–12–68; 60 learners (men's and boys' pants).

Van Realte Co., Inc., Blue Ridge, Ga.; 6–13–68 to 12–12–68; 10 learners (seamless).

Vernon Manufacturing Co., Inc., Vernon, Tex.; 7–30–68 to 1–29–69; 20 learners (men's and boys' trousers).

Warren Shirt Co., Inc., Rock Island, Tenn.; 7–24–68 to 1–23–69; 60 learners (men's shirts).

Wilson Shirt Co., Augusta, Ga.; 7–24–68 to 1–23–69; 50 learners (men's and boys' shirts and pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

Ideal Glove Co., Maben, Miss.; 6–15–68 to 6–14–69; 5 learners for normal labor turnover purposes (work gloves).

Indianapolis Glove Co., Inc., Richmond, Ind.; 7–30–68 to 7–29–69; 10 learners for normal labor turnover purposes (work gloves).

Indianapolis Glove, Inc., Houlka, Miss.; 7–30–68 to 7–29–69; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Mountain City Glove Co., Inc., Shouns, Tenn.; 7–27–68 to 1–26–69; 10 learners for plant expansion purposes (work gloves).

D. N. Pariso Industrial Glove Manufacturing Co., Knox, Ind.; 7–16–68 to 1–15–69; 10 learners for plant expansion purposes (work gloves).

Piedmont Glove Manufacturing Co., Inc., Gaffney, S.C.; 6–14–68 to 6–13–69; 10 learners for normal labor turnover purposes (work gloves).

Southern Glove Manufacturing Co., Inc., Conover, N.C.; 6–23–68 to 6–22–69; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Wells Lamont Corp., Oak Grove, La.; 8–3–68 to 8–2–69; 10 learners for normal labor turnover purposes (work gloves).

Wells Lamont Corp., Hugo, Okla.; 8–1–68 to 7–31–69; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.40 to 522.43, as amended).

Virginia Maid Hosiery Mills, Inc., & Acme Hosiery Dye Works, Inc., Pulaski, Va.; 8–8–68 to 2–7–69; 25 learners for plant expansion purposes (seamless).

Virginia Maid Hosiery Mills, Inc., & Acme Hosiery Dye Works, Inc., Pulaski, Va.; 8–8–68 to 8–7–69; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended; and 29 CFR 522.30 to 522.35, as amended).

Chatham Knitting Mills, Inc., Chatham, Va.; 7–22–68 to 7–21–69; 5 learners for normal labor turnover purposes (outerwear sweaters and outerwear jackets).

Hazlehurst Manufacturing Co., Vidalia, Ga.; 8–2–68 to 8–1–69; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' knitted underwear).

Hollandia Knitting Mills, Inc., Greensboro, N.C.; 7–17–68 to 7–16–69; 5 learners for normal labor turnover purposes (knitted fabric).

Junior Form Lingerie Corp., Boswell, Pa.; 8–2–68 to 8–1–69; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear).

J. E. Morgan Knitting Mills, Inc., Tamaqua, Pa.; 6–11–68 to 6–10–69; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' underwear).

Royal Manufacturing Co., Inc., Crawfordville, Ga.; 6–24–68 to 6–23–69; 5 learners for normal labor turnover purposes (men's woven shorts).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods and the number of learners authorized to be employed, are indicated.

Adele Manufacturing Corp., Rio Grande, P.R.; 4–2–68 to 12–17–68; 5 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1 an hour (men's cotton shorts) (replacement certificate).

Alfredo Manufacturing Corp., Rio Grande, P.R.; 4–2–68 to 12–17–68; 19 learners for normal labor turnover purposes in the occupations of sewing machine operating, final pressing, each for a learning period of 320 hours at the rate of $1 an hour (men's cotton pajamas) (replacement certificate).

Ana Manufacturing Corp., Barranquitas, P.R.; 6–10–68 to 6–9–69; 37 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1.13 an hour (women's underwear).

Bayuk International, Inc., Ciales, P.R.; 6–12–68 to 12–11–68; 22 learners for plant expansion purposes in the occupations of: (1) Sorting, sizing, tying, and grading, each for a learning period of 240 hours at the rate of $1.05 an hour, and (2) inspecting, for a learning period of 160 hours at the rate of $1.05 an hour (wrapper type tobacco).

Bayuk International, Inc., Ciales, P.R.; 6–12–68 to 4–30–69; 18 learners for normal labor turnover purposes in the occupations of: (1) Sorting, sizing, typing, and grading; each for a learning period of 240 hours at the rate of $1.05 an hour; and (2) inspecting, for a learning period of 160 hours at the rate of $1.05 an hour (wrapper type tobacco).

Bonita, Inc. (Swimwear Division), Cayey, P.R.; 4–2–68 to 8–31–68; 10 learners for normal labor turnover purposes in the occupations of machine stitching, final pressing, each for a learning period of 320 hours at the rates of $1.17 an hour for the first 160 hours and $1.34 an hour for the remaining 160 hours (swimwear and brassieres for swimsuits) (replacement certificate).

Bonita, Inc., Cayey, P.R.; 4–2–68 to 8–31–68; 10 learners for normal labor turnover purposes in the occupations of: (1) Sewing machine operating, for a learning period of 320 hours at the rate of $1.13 an hour; and (2) pressing, for a learning period of 160 hours at the rate of $1.13 an hour (skirts) (replacement certificate).

Caguas Tobacco & Processing Corp., Caguas, P.R.; 4–2–68 to 10–22–68; 15 learners for normal labor turnover purposes in the occupations of: (1) Machine stripping, for a learning period of 160 hours at the rate of $1.23 an hour; and (2) selecting of half leaves, for a learning period of 240 hours at the rate of $1.05 an hour (tobacco) (replacement certificate).

Casa Savoia, Inc., Lojas, P.R.; 4–2–68 to 10–19–68; 13 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1 an hour (ladies' underwear) (replacement certificate).

Consolidated Cigar Corp. of Cayey, No. 22, Cayey, P.R.; 4–2–68 to 10–29–68; 113 learners for normal labor turnover purposes in the occupations of: (1) Machine stripping, for a learning period of 160 hours at the rate of $1.23 an hour; and (2) selecting of half leaves, for a learning period of 240 hours at the rate of $1.05 an hour (tobacco) (replacement certificate).

Consolidated Cigar Corp. of Cayey, No. 21, Cayey, P.R.; 4–2–68 to 9–10–68; 105 learners for normal labor turnover purposes in the occupations of cigar making, packing, each for a learning period of 320 hours at the rates of $1.23 an hour for the first 160 hours and $1.34 an hour for the remaining 160 hours (cigars) (replacement certificate).

Consolidated Cigar Corp. of Cayey, No. 24, Cayey, P.R.; 6–1–68 to 4–30–69; 44 learners for normal labor turnover purposes in the occupations of sorting, sizing and tying, each for a learning period of 240 hours at the rate of $1.05 an hour (tobacco) (replacement certificate).

Corozal Knitting Mills, Inc., Corozal, P.R.; 6–10–68 to 6–9–69; 22 learners for normal labor turnover purposes in the occupations of finger knitting, finger closing, each for a learning period of 320 hours at the rate of $1.12 an hour (knitted gloves and mittens).

Diane Embroidery Corp., St. Just, P.R.; 6–1–68 to 5–31–69; five learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1.13 an hour (embroidery on ladies' underwear).

Diane Embroidery Corp., St. Just, P.R.; 6–1–68 to 11–30–68; 20 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1.13 an hour (embroidery on ladies' underwear).

Economy Industries, Inc., Rio Grande, P.R.; 7–8–68 to 7–7–69; 12 learners for normal labor turnover purposes in the occupations of sewing machine operating, final pressing, each for a learning period of 320 hours at the rate of $1.13 an hour (ladies' and girls' blouses).

Gordonshire Knitting Mills, Inc., Cayey, P.R.; 7–18–68 to 7–17–69; 41 learners for normal labor turnover purposes in the occupations of: (1) Knitting, for a learning period of 480 hours at the rates of $1.17 an hour for the first 240 hours and $1.34 an hour for the remaining 240 hours; and (2) machine stitching—seaming, for a learning period of 320 hours at the rates of $1.17 an hour for the first 160 hours (sweaters).

Finrico, Inc., Cayey, P.R.; 4–2–68 to 9–10–68; 10 learners for normal labor turnover purposes in the occupation of machine stitching, for a learning period of 320 hours at the rates of $1.17 an hour for the first 160 hours and $1.34 an hour for the remaining 160 hours (sweaters) (replacement certificate).

General Cigar of Utuado, S.A.; Utuado, P.R.; 4–2–68 to 2–16–69; 25 learners for normal labor turnover purposes in the occupations of cigar machine operating, cigar packing; each for a learning period of 320 hours at the rates of $1.26 an hour for the first 160 hours and $1.36 an hour for the remaining 160 hours (cigars) (replacement certificate).

Glamourette Fashion Mills, Inc., Quebradillas, P.R.; 4–2–68 to 12–28–68; 15 learners for normal labor turnover purposes in the occupations of: (1) Knitting, for a learning period of 480 hours at the rates of $1.17 an hour for the first 240 hours and $1.34 an hour for the remaining 240 hours; and (2) Machine stitching, pressing, hand sewing, each for a learning period of 320 hours at the rates of $1.17 an hour for the first 160 hours and $1.34 an hour for the remaining 160 hours (men's shirts, ladies' dresses, skirts sweaters) (replacement certificate).

Goodyale Corp., Rio Grande, P.R.; 4–2–68 to 12–31–68; 5 learners for normal labor turnover purposes in the occupations of sewing machine operating, for a learning period of 320 hours at the rate of $1 an hour (ladies' panties) (replacement certificate).

Guantes de Ponce, Inc., Ponce, P.R.; 4–2–68 to 10–8–68; 12 learners for normal labor turnover purposes in the occupation of machine stitching for a learning period of 480 hours at the rates of $1.07 an hour for the first 240 hours and $1.20 an hour for the remaining 240 hours (men's, ladies' and children's gloves) (replacement certificate).

Isabel Products, Inc., Santa Isabel, P.R.; 4–2–68 to 8–31–68; 10 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1.21 an hour (girdles and brassieres).

Isabela Segunda Corp., Vieques, P.R.; 4–2–68 to 11–20–68; 8 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1 an hour (men's and boys' shorts) (replacement certificate).

Joya Mills, Inc., Toa Baja, P.R.; 4–2–68 to 8–27–68; 10 learners for normal labor turnover purposes in the occupation of knitting, for a learning period of 480 hours at the rates of $1.17 an hour for the first 240 hours and $1 34 an hour for the remaining 240 hours (full-fashioned knitted outerwear).

La Torres Co., Inc., Aibonita, P.R.; 6–10–68 to 6–9–69; 40 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1.13 an hour (ladies' underwear).

Maria Mills, Inc., Las Marias, P.R.; 4–2–68 to 12–7–68; 19 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1.06 an hour (men's and boys' jeans) (replacement certificate).

Mayaguez Contracting Corp., Mayaguez, P.R.; 6–3–68 to 6–2–69; 5 learners for normal labor turnover purposes in the occupation of sewing machine operating for a learning period of 320 hours at the rate of $1.21 an hour (girdles).

Mesana Dyeing & Finishing Inc., Quebradillas, P.R.; 4–2–68 to 8–20–68; 20 learners for plant expansion purposes in the occupations of: (1) Machine stitching, hand sewing, final pressing, each for a learning period of 320 hours at the rates of $1.17 an hour for the first 160 hours and $1.34 an hour for the remaining 160 hours; and (2) Kettle handlers and dyers, each for a learning period of 240 hours at the rate of $1.17 an hour (sweaters, skirts, dresses, and men's shirts).

Mesana Dyeing & Finishing Inc., Quebradillas, P.R.; 2–21–68 to 8–20–68; 20 learners for plant expansion purposes in the occupations of: (1) Machine stitching, hand sewing, final pressing; each for a learning period of 320 hours at the rate of 98 cents an hour for the first 160 hours and $1.15 an hour for the remaining 160 hours; and (2) Kettle handlers and dyers, each for a learning period of 240 hours at the rate of 98 cents an hour (sweaters, skirts, dresses, and men's shirts).

Meyer & Son Manufacturing Co. of P.R., Inc., Cidra, P.R.; 4–29–68 to 4–28–69; 5 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1.06 an hour (Coveralls).

Midland Knitting Mills, Inc., San German, P.R.; 4–2–68 to 1–11–69; 10 learners for normal labor turnover purposes in the occupations of: (1) Knitting, for a learning period of 480 hours at the rates of $1.17 an hour for the first 240 hours and $1.34 an hour for the remaining 240 hours; and (2) Sewing machine operating, for a learning period of 320 hours at the rate of $1.17 an hour for the first 160 hours and $1.34 an hour for the remaining 160 hours (ladies' sweaters) (replacement certificate).

Moca Mills, Inc., Moca, P.R.; 4–2–68 to 12–17–68; 5 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320

hours at the rate of $1 an hour (men's and boys' briefs) (replacement certificate).

Northridge Knitting Mills, Inc., San German, P.R.; 4–2–68 to 1–11–69; 10 learners for normal labor turnover purposes in the occupations of: (1) Knitting, for a learning period of 480 hours at the rates of $1.17 an hour for the first 240 hours and $1.34 an hour for the remaining 240 hours; and (2) sewing machine operating, for a learning period of 320 hours at the rates of $1.17 an hour for the first 160 hours and $1.34 an hour for the remaining 160 hours (ladies' sweaters) (replacement certificate).

Perfect Bra Co. of P.R., Inc., No. 1, Caguas, P.R.; 4–2–68 to 10–8–68; 27 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1.21 an hour (brassieres) (replacement certificate).

PL Manufacturing Co., Inc., Río Grande, P.R.; 7–3–68 to 1–2–69; 57 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1 an hour (men's and boys' dress shirts and woven sport shirts).

Plata Gloves, Inc., Cayey, P.R.; 4–2–68 to 12–28–68; 11 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 480 hours at the rates of $1.07 an hour for the first 240 hours and $1.20 an hour for the remaining 240 hours (ladies' fabric and leather gloves).

Puerto Rico Knitting Mills, Inc., Corozal, P.R.; 6–28–68 to 6–27–69; five learners for normal labor turnover purposes in the occupation of machine stitching, for a learning period of 320 hours at the rate of $1.12 an hour (gloves).

Puritan Caribbean, Inc., Cidra, P.R.; 7–18–68 to 7–17–69; 19 learners for normal labor turnover purposes in the occupation of knitting, for a learning period of 480 hours at the rates of $1.17 an hour for the first 240 hours and $1.34 an hour for the remaining 240 hours (full-fashioned sweaters and shirts).

Puritana Manufacturing Co., Aguas Buenas, P.R.; 4–2–68 to 10–19–68; 26 learners for normal labor turnover purposes in the occupations of: (1) Knitting, for a learning period of 480 hours at the rates of $1.17 an hour for the first 240 hours and $1.34 an hour for the remaining 240 hours; and (2) machine stitching, pressing, each for a learning period of 320 hours at the rates of $1.17 an hour for the first 160 hours and $1.34 an hour for the remaining 160 hours (full-fashioned sweaters and shirts).

R.J. & D. Corp., Aguirre, P.R.; 6–26–68 to 12–25–68; 25 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 480 hours at the rates of $1.07 an hour for the first 240 hours and $1.20 an hour for the remaining 240 hours (ladies' and men's dress leather gloves).

Ricardo Corp., Hormigueros, P.R.; 3–9–68 to 3–8–69; 20 learners for normal labor turnover purposes in the occupation of machine stitching, for a learning period of 480 hours at the rates of 90 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours (ladies' leather and fabric dress gloves).

Ricardo Corp., Hormigueros, P.R.; 4–2–68 to 3–8–69; 20 learners for normal labor turnover purposes in the occupation of machine stitching, for a learning period of 480 hours at the rates of $1.07 an hour for the first 240 hours and $1.20 an hour for the remaining 240 hours (ladies' leather and fabric dress gloves) (replacement certificate).

Rico Glove, a division of Fownes Bros. & Co., Cayey, P.R.; 4–2–68 to 11–27–68; six learners for normal labor turnover purposes in the occupation of machine stitching, for a learning period of 480 hours at the rates of $1.07 an hour for the first 240 hours and $1.20 an hour for the remaining 240 hours (fabric gloves) (replacement certificate).

Río Monte Manufacturing Corp., Río Grande, P.R.; 4–2–68 to 12–17–68; five learners for normal turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1 an hour (men's cotton pajamas) (replacement certificate).

Río Grande Manufacturing Corp., Río Grande, P.R.; 4–2–68 to 11–16–68; 11 learners for normal labor turnover purposes in the occupations of sewing machine operating, final pressing, each for a learning period of 320 hours at the rate of $1 an hour (men's cotton shorts) (replacement certificate).

Rosita Mills, Inc., Toa Baja, P.R.; 4–2–68 to 8–27–68; 10 learners for normal labor turnover purposes in the occupation of knitting, for a learning period of 480 hours at the rates of $1.17 an hour for the first 240 hours and $1.34 an hour for the remaining 240 hours (full-fashioned knitted sweaters).

R. B. Tobacco Corp., Caguas, P.R.; 4–2–68 to 10–26–68; 22 learners for normal labor turnover purposes in the occupations of: (1) Machine stripping, for a learning period of 160 hours at the rate of $1.23 an hour; and (2) selecting of half leaves, for a learning period of 240 hours at the rate of $1.05 an hour (tobacco) (replacement certificate).

Salinas Manufacturing Corp., Salinas, P.R.; 4–2–68 to 9–3–68; 42 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1 an hour (ladies' nightwear).

Salinas Manufacturing Corp., Salinas, P.R.; 3–4–68 to 9–3–68; 42 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 84 cents an hour (ladies' nightwear).

Sita Corp., Mayaguez, P.R.; 4–2–68 to 8–20–68; 10 learners for normal labor turnover purposes in the occupation of machine stitching, for a learning period of 480 hours at the rate of $1.07 an hour for the first 240 hours and $1.20 an hour for the remaining 240 hours (gloves) (replacement certificate).

Tejidos Co., Inc., Aibonito, P.R.; 4–2–68 to 8–14–68; 240 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1 an hour (women's and children's underwear).

Van Heusen de Puerto Rico, Aguadilla, P.R.; 4–2–68 to 2–19–69; 19 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1 an hour (dress shirts) (replacement certificate).

Wendy Textile Mills, Inc., Quebradillas, P.R.; 4–2–68 to 12–28–68; five learners for normal labor turnover purposes in the occupations of: (1) Knitting, for a learning period of 480 hours at the rates of $1.17 an hour for the first 240 hours and $1.34 an hour for the remaining 240 hours; and (2) machine stitching, for a learning period of 320 hours at the rates of $1.17 an hour for the first 160 hours and $1.34 an hour for the remaining 160 hours (knitting of sweaters, men's shirts, and dresses).

Each learner certificate has been issued upon the representations of the employer, which, among other things, were that employment of learners at special minimum wages is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528.

Signed at Washington, D.C., this 16th day of August 1968.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 68–10307; Filed, Aug. 26, 1968; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 675]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 21, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 3009 (Sub-No. 81 TA), filed August 16, 1968. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Hattiesburg, Miss. 39401. Applicant's representative: W. N. Innis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Meridian, Miss., and Waynesboro, Miss., over U.S. Highway 45, serving all intermediate points, for 180 days. NOTE: Applicant proposes to tack the authority applied for to other authority held by it in MC–3009 and subs thereto. Supporting shippers: There are approximately (12) statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Floyd A. Johnson, Interstate Commerce Commission, Room 212, 145 East Amite Building, 145 East Amite Street, Jackson, Miss. 39201.

No. MC 26088 (Sub-No. 17 TA), filed August 19, 1968. Applicant: THE SANDERS TRUCK TRANSPORTATION CO., INC., Post Office Box 68, High, Allendale, S.C. 29810. Applicant's representative: William Addams, Room 527, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and clay tile*, from Augusta, Ga., to points in North Carolina, for 180 days. Supporting shipper: Merry Brothers Brick and Tile Co., Post Office Box 1474, Augusta, Ga. 30903. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 601 Sumter Street, Columbia, S.C. 29201.

No. MC 57315 (Sub-No. 12 TA), filed August 16, 1968. Applicant: TRI-STATE TRANSPORT, INC., 91 Heard Street, Chelsea, Mass. 02150. Applicant's representative: Frank J. Weiner, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from East Hartford, Conn., to Salem and Chelsea, Mass., Manchester, Nashua, and Salem, N.H., and Portland, Maine, for 180 days. Supporting shipper: Hartford Freezer Corp., 241 Park Avenue, East Hartford, Conn. Send protests to: Max Gorenstein, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2211–B, J. F. K. Federal Building, Boston, Mass. 02203.

No. MC 103721 (Sub-No. 18 TA), filed August 19, 1968. Applicant: RAYMOND B. LONG, INC., Ridge Road, Tylersport, Pa. 18971. Applicant's representative: Theordore Polydoroff, Munsey Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ores, in dump vehicles*, from Port Newark, N.J., to points in Bucks County, Pa., for 180 days. Supporting shipper: Hyzer & Lewellen, Box No. 155, Southampton, Pa. 18966. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 103993 (Sub–No. 332 TA), filed August 16, 1968. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings* in sections, mounted on wheeled undercarriages with hitchball connector, from points in Vilas County, Wis., to points in Indiana, Michigan, Iowa, Illinois, Kansas, and Montana, for 180 days. Supporting shipper: Four Seasons Structures, division of C. M. Christiansen Co., Post Office Box 7, Phelps, Vilas County, Wis. 54554. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 106298 (Sub-No. 8 TA), filed August 19, 1968. Applicant: BEN BLINDER, doing business as TRI-STATE TRANSPORTATION CO., 2690 Prior Avenue North, St. Paul, Minn. 55113. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (with the usual exceptions), serving Mitchell, S. Dak., as an intermediate point on its Sioux City-Pierre, S. Dak., authorized route for purposes of joinder only, this authority would permit operations between Sioux Falls and Huron, S. Dak., through the Mitchell gateway, for 180 days. NOTE: Applicant intends to tack MC–106298, general commodities, Sioux Falls-Mitchell, S. Dak. supporting shippers: There are approximately 29 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: A. E. Rathert, District supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 111729 (Sub-No. 269 TA), filed August 16, 1968. Applicant: AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, De Bevoise Building, Bayside, N.Y. 11361. Applicant's representative: Gerard L. Peace (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records and audit and accounting media of all kinds, and advertising material, moving therewith*, (a) between Dallas, Tex., on the one hand, and, on the other, points in Oklahoma, Arkansas, and Memphis, Tenn., (b) between points in Hillsboro County, N.H., on the one hand, and, on the other, Washington, D.C.; Springfield and Reston, Va., (2) *engineering drafts*, between points in Hillsboro County, N.H., on the one hand, and, on the other, Washington, D.C.; Springfield and Reston, Va., (3) *profits, cuts, copy, artwork and materials related thereto*, used in preparing advertising, restricted against the transportation of packages or articles weighing in the aggregate more than 90 pounds from one consignor to one consignee on any one day, (a) between Fort Wayne, Ind., on the one hand, and, on the other, Louisville, Ky.; Pittsburgh, Pa.; Buffalo and Rochester, N.Y.; Chicago, Ill.; Milwaukee, Wis.; and points in Ohio and Michigan, (b) having an immediately prior or subsequent movement by air, between points in (1) Alabama; (2) points in Arkansas; (3) points in Connecticut; (4) points in Delaware; (5) points in Florida; (6) points in Georgia; (7) points in Illinois; (8) points in Iowa; (9) points in Kansas; (10) points in Kentucky; (11) points in Louisiana; (12) points in Maine; (13) points in Maryland; (14) points in Massachusetts; (15) points in Minnesota; (16) points in Mississippi; (17) points in Missouri; (18) points in Nebraska; (19) points in New Hampshire; (20) points in New Jersey; (21) points in New York; (22) points in North Carolina; (23) points in North Dakota; (24) points in Oklahoma; (25) points in Pennsylvania; (26) points in Rhode Island; (27) points in South Dakota; (28) points in Tennessee; (29) points in Texas; (30) points in Virginia; (31) points in West Virginia; (32) points in Wisconsin; and (33) points in Washington, D.C., commercial zone, for 180 days. Supporting shippers: J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019; Sanders Associates, Inc., 95 Canal Street, Nashua, N.H. 03060; Bonsib Advertising, 927 South Harrison Street, Fort Wayne, Ind. 46802. Send protests to: E. N. Carignan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1807, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 128375 (Sub-No. 22 TA), filed August 16, 1968. Applicant: CRETE CARRIER CORPORATION, Post Office Box 249, 15th and Main, Crete, Nebr. 68333. Applicant's representative: Dwane Acklie, 521 South 14th, Lincoln, Nebr. 68508. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *sewing machines, sprayers and spray equipment, metal tanks, and automobile parts, materials and supplies, and equipment, materials and supplies utilized in their manufacture*, between Red Oak, Iowa, on the one hand, and, on the other, points in Illinois, Michigan, Indiana, Ohio, Pennsylvania, Florida, Arkansas, Wisconsin, Georgia, Alabama, Tennessee, Kentucky, Louisiana, Mississippi, New York, New Jersey, Iowa, Nebraska, Missouri, Kansas, Texas, and Wilmington, N.C., St. Paul, and Minneapolis, Minn., Baltimore, Md., Ravenswood, W. Va., and Norfolk, Va.; (2) *bomb parts* (nonexplosive) *and equipment, materials and supplies utilized in their manufacture*, between Columbus, Ga., on the one hand, and on the other, points in Illinois, Michigan, Indiana, Ohio, Pennsylvania, Florida, Arkansas, Wisconsin, Georgia, Alabama, Tennessee, Kentucky, Louisiana, Mississippi, New York, New Jersey, Iowa, Nebraska, Missouri, Kansas, Texas, and Wilmington, N.C., St. Paul and Minneapolis, Minn., Baltimore, Md., Ravenswood, W. Va., and Norfolk, Va.; (3) *automobile parts, materials and supplies and equipment, materials, and supplies utilized in their manufacture:* (a) between Columbus, Nebr.; Marianna, Ark.; Columbus, Tucker, Newnan, and Carroll-

ton, Ga.; Cleveland, Miss.; and Detroit, Mich., on the one hand, and, on the other, points in Florida (except Daytona Beach), Arkansas (except Fort Smith and West Helena), Wisconsin, Georgia, Alabama, Tennessee, Kentucky, Louisiana, Mississippi, New York, New Jersey (except Newark and points in its commercial zone), Iowa, Nebraska, Missouri, Kansas, Texas, and Wilmington, N.C., St. Paul and Minneapolis, Minn., and Norfolk, Va.; (b) between Memphis, Tenn., on the one hand, and, on the other, points in Illinois, Michigan (except Detroit and Pontiac), Indiana, Ohio, Pennsylvania (except Pittsburgh), Florida (except Daytona Beach), Arkansas (except Marianna), Wisconsin, Georgia, (except Columbus, Tucker, Newnan, and Carrollton), Alabama, Kentucky, Louisiana, Mississippi (except Cleveland), New York, New Jersey, Iowa (except Red Oak), Nebraska (except Columbus), Missouri, Kansas, Texas, and Wilmington, N.C., St. Paul and Minneapolis, Minn.; Baltimore, Md.; Ravenswood, W. Va.; and Norfolk, Va.; (c) between Atlanta and Adel, Ga., on the one hand, and, on the other, points in Illinois, Michigan, Indiana, Ohio, Pennsylvania, Florida, Arkansas, Wisconsin, Georgia, Alabama, Tennessee, Kentucky, Louisiana, Mississippi, New York, New Jersey, Iowa, Nebraska, Missouri, Kansas, Texas, and Wilmington, N.C.; St. Paul and Minneapolis, Minn.; Baltimore, Md.; Ravenswood, W. Va., and Norfolk, Va., for 180 days. NOTE: Authority does intend to tack with its existing authority. Supporting shipper: Douglas & Lomason Co., Detroit, Mich. Send protests to: District Supervisor Max H. Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 129415 (Sub-No. 4 TA), filed August 19, 1968. Applicant: OVERLAND TRANSPORTATION, INC., 325 South Virginia Street, Post Office Box 157, Liberal, Kans. 67901. Applicant's representative: C. Zimmerman, 503 Schweiter Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from Holcomb and Tice, Kans., to points in Colorado, New Mexico, Oklahoma, and Texas, for 180 days. Supporting shipper: Western Alfalfa Corp., 300 Kansas City, Board of Trade Building, 4800 Main Street, Kansas City, Mo. 64112. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 133092 TA, filed August 16, 1968. Applicant: DOY REIDHEAD, Post Office Box 364, Show Low, Ariz. 85901. Applicant's representative: Dennis I. Davis, Post Office Box 686, Show Low, Ariz. 85901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from Show Low and Nutrioso, Ariz., to points in New Mexico, Texas, Oklahoma, and California, for 180 days. Supporting shipper: Reidhead Lumber Co., Inc., Show Low, Ariz. 85901. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 133096 TA, filed August 19, 1968. Applicant: HOMER OGLE, JR., doing business as OGLE'S TRANSFER SERVICE, Post Office Box 97, Yakutat, Alaska 99689. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives and bulk commodities), between all points accessible by highway contiguous to Yakutat, Alaska, including Yakutat, for 180 days. NOTE: Applicant intends to interline with FMC water carriers at Yakutat, Alaska. Supporting shippers: Marine Foods Packing Co., Yakutat, Alaska 99689; Jim Page, Yakutat, Alaska 99689; Ray's Chevron Service & Garage, Yakutat, Alaska 99689; John F. Crediford, Yakutat, Alaska 99689. Send protests to: District Supervisor Hugh H. Chaffee, Interstate Commerce Commission, Bureau of Operations, Post Office Box 1532, Anchorage, Alaska 99501.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-10326; Filed, Aug. 26, 1968; 8:48 a.m.]

[Notice 676]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 22, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 92273 (Sub-No. 5 TA), filed August 19, 1968. Applicant: JOE SAIA, 2630 Fifth Street, Sacramento, Calif. 95818. Applicant's representative: Joe Saia (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, uncrated household goods and personal effects, livestock, liquids, compressed gases, and commodities needing special equipment), between Sacramento, Calif., and the junction of Nevada Highway 28 with U.S. Highway 50 near Glenbrook, Nev.; (1) from Sacramento over U.S. Highway 40 through Auburn, Calif., to Truckee, Calif., serving all intermediate points between the areas commonly known as Bowman, Calif., and Truckee, Calif., and all points within 5 air miles of either side of U.S. Highway 40 between Bowman and Truckee and from the junction of U.S. Highway 40 with California Highway 89 near Truckee, Calif., over California Highway 89 along the western side of Lake Tahoe to the junction of California Highway 89 with U.S. Highway 50 near Al Tahoe, Calif., serving all intermediate points, and points within 5 air miles of either side of California Highway 89, between the junction of U.S. Highway 40 with California Highway 89 near Truckee, Calif., and the junction of California Highway 89 with U.S. Highway 50 near Al Tahoe, Calif.; also from the junction of California Highway 89 with California Highway 28 near Tahoe City, Calif., over California Highway 28 and Nevada Highway 28 to the junction of Nevada Highway 28 with U.S. Highway 59 near Glenbrook, Nev., and thence along U.S. Highway 50 along the eastern shore of Lake Tahoe to the junction of U.S. Highway 50 with California Highway 89 near Al Tahoe, Calif., serving all intermediate points and points within 5 air miles of either side of California Highway 28, Nevada Highway 28, and U.S. Highway 50, between the junction of California Highway 89 with California Highway 28 near Tahoe City, Calif., and the junction of U.S. Highway 59 with California Highway 89 near Al Tahoe, Calif., and return over the same routes or over U.S. Highway 50 to Sacramento, Calif.; (2) from Sacramento over U.S. Highway 50 through Placerville and the area commonly known as Stateline to the junction of U.S. Highway 50 with Nevada Highway 28 near Glenbrook, Nev., serving all intermediate points, and points within 5 air miles of either side of U.S. Highway 50, between the area commonly known as Fresh Pond, Calif., and the junction of U.S. Highway 50 with Nevada Highway 28 near Glenbrook, Nev.; thence from the junction of U.S. Highway 50 with Nevada Highway 28 near Glenbrook, Nev., over Nevada Highway 28 and California Highway 28 to the junction of California Highway 28 with California Highway 89 near Tahoe City, Calif., and thence from the junction of California Highway 89 with California Highway 28 near Tahoe City, Calif., over California Highway 89 to the junction of California Highway 89 with U.S. Highway 40 near Truckee, Calif., serving all intermediate points, and points within 5 air miles of either side of Nevada Highway 28, California Highway 28 and California Highway 89, between the junction of U.S. Highway 50 with Nevada Highway 28 near Glenbrook, Nev., and the junction of California Highway 89 with U.S. Highway 40 near Truckee, Calif.; also from the junction of U.S. Highway 50 with California Highway 89 near Al Tahoe, Calif., over California Highway 89 along the western side of Lake Tahoe to the junction of California Highway 89 with U.S. Highway 40 near Truckee, Calif., serving all intermediate points, and all points within 5 air miles of either side of California Highway 89, between the junction of U.S. Highway 50 with California Highway 89 near Al Tahoe, Calif., and the junction of California Highway 89 with U.S. Highway 40, near Truckee, Calif.; and return over the same routes or over U.S. Highway 40 to Sacramento, Calif.; also over unnumbered highway between Truckee, Calif., and Kings Beach, Calif., and 5 air miles on either side and all intermediate points, for 180 days. Supporting shippers: There are approximately 12 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 124078 (Sub-No. 339 TA), filed August 8, 1968. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement mix*, from the plantsite of Quikrete-Handi Crete Co., a division of Packaged Cement Products, Co., at or near Lithonia, Ga., to points in Alabama, South Carolina, and Tennessee, for 150 days. NOTE: The purpose of this amendment is to specifically name the plantsite of the supporting shipper. Supporting shipper: Quikrete-Handi Crete Co., division of Packaged Cement Products Co., 2250 Stephenson Road, Post Office Box 348, Lithonia, Ga. 30058, James E. Lehner, manager, operations and sales. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 127833 (Sub-No. 6 TA), filed August 15, 1968. Applicant: T. L. MYDLAND TRUCK LINES, INC., 928 Bridge City Avenue, Bridge City, La. 70094. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flavoring syrup*, in containers, from New Orleans, La., to Belzonia, Biloxi, Brookhaven, Carthage, Clarksdale, Cleveland, Columbia, Greenville, Greenwood, Grenada, Gulfport, Hattiesburg, Houston, Jackson, Laurel, Lexington, Louisville, McComb, Meridian, Natchez, Newton, Ocean Springs, Philadelphia, Picayune, Quitman, Sardis, Vicksburg, Water Valley, and Yazoo City, Miss., and Mobile, Ala., with no transporting for compensation on return, except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with the Coca Cola Company of Atlanta, Ga. (3) *Liquid flavoring syrup*, in bulk, in shipper-owned tank vehicles, from New Orleans, La., to Belzoni, Biloxi, Brookhaven, Carthage, Clarksdale, Cleveland, Columbia, Greenville, Greenwood, Grenada, Gulfport, Hattiesburg, Houston, Jackson, Laurel, Lexington, Louisville, McComb, Meridian, Natchez, Newton, Ocean Springs, Philadelphia, Picayune, Quitman, Sardis, Vicksburg, Water Valley, and Yazoo City, Miss., and Mobile, Ala.; and *empty containers and rejected shipments of flavoring syrup*, from the immediately above-specified destination points to New Orleans, La. Restriction: The operations authorized above are limited to a transportation service to be performed under a continuing contract, or contracts, with the Coca Cola Co. (2) *Flavoring compounds, bottler's flavoring compounds, beverage preparations, and beverages, flavored and phosphated*, except those in bulk, in tank vehicles, and *glass tumblers and bung closures*, from New Orleans, La., to Belzoni, Biloxi, Ocean Springs, Brookhaven, Carthage, Clarksdale, Cleveland, Columbia, Greenville, Greenwood, Grenada, Gulfport, Hattiesburg, Houston, Jackson, Laurel, Lexington, Louisville, McComb, Meridian, Natchez, Newton, Philadelphia, Picayune, Quitman, Sardis, Vicksburg, Water Valley, and Yazoo City, Miss., and Mobile, Ala., with no transporting for compensation on return, except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with the Coca Cola Co. of Atlanta, Ga., for 180 days. Supporting shipper: Coca-Cola USA, division of the Cola Co., New Orleans, La. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-10327; Filed, Aug. 26, 1968; 8:48 a.m.]

[Notice 197]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 22, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70697. By order of August 15, 1968, the Transfer Board approved the transfer to Dearborn's Moving & Storage Co., Inc., Exeter, N.H., a portion of certificate No. MC-30508, issued October 28, 1960, to Dearborn's Motor Express, Inc., Exeter, N.H., authorizing the transportation of: Household goods, between points in Rockingham and Stafford Counties, N.H., on the one hand, and, on the other, points in Maine, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey. Robert J. Gallagher, 111 State Street, Boston, Mass. 02109, attorney for applicants.

No. MC-FC-70699. By order of August 15, 1968, the Transfer Board approved the transfer to John B. Rhea, doing business as Dick's Moving & Transfer, South Bend, Ind., of the operating rights in certificate No. MC-60719 issued June 4, 1943, to Richard B. Brimmer, doing business as Dick's Moving & Transfer, South Bend, Ind., authorizing the transportation of household goods, between South Bend, Ind., and points within 50 miles thereof, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, New York, Ohio, and Wisconsin. Wm. L. Carney, 105 East Jennings Avenue, South Bend, Ind. 46614, registered practitioner, Richard Bonowitz, 811 JMS Building, South Bend, Ind. 46601, representative and attorney for applicants.

No. MC-FC-70711. By order of August 15, 1968, the Transfer Board approved the transfer to Alexander B. Pollock, doing business as Jiffy Vans, Indianapolis, Ind., of the operating rights in certificate No. MC-32990 issued January 13, 1941, to Adolph Lewis, Cairo, Ill., authorizing the transportation, over irregular routes, or livestock, lumber, and grain from Cairo, Ill., to points in Kentucky on and west of U.S. Highway 45; diving equipment between Cairo, Ill., on the one hand, and, on the other, points in Kentucky on and west of U.S. Highway 45; and household goods between Cairo, Ill., and points in Illinois within 50 miles of Cairo, on the one hand, and, on the other, points in Missouri, Kentucky, and Tennessee. Alki E. Scopelitis, 900 Circle Tower, Indianapolis, Ind. 46204, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-10328; Filed, Aug. 26, 1968; 8:48 a.m.]

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Agricultural Research Service
Agricultural Stabilization and Conservation Service
Atomic Energy Commission
Civil Aeronautics Board
Commodity Credit Corporation
Consumer and Marketing Service
Customs Bureau
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Federal Maritime Commission
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Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAMS

[Agricultural Conservation Program—1968 and Subsequent Years, Amdt. 4]

PART 701—NATIONAL AGRICULTURAL CONSERVATION

Subpart—1968 and Subsequent Years

MISCELLANEOUS AMENDMENTS

The regulations governing the National Agricultural Conservation Program, for 1968 and subsequent years, 32 F.R. 11117, as amended, are further amended, effective with the 1969 program year, as follows:

1. The table of contents is amended by inserting the following new section numbers and titles following § 701.19 and 701.90, respectively:

Secs.
701.19a Special provisions for low-income farmers and ranchers.
701.90a Practice E–5: Home gardens.

2. Section 701.3 is amended to read as follows:

§ 701.3 County funds.

The State committee will allocate the funds available for conservation practices among the counties within the State consistent with the needs for enduring conservation in the counties within the State and will give particular consideration to the furtherance of special Agricultural Conservation Program projects, watershed conservation projects, resource conservation and development projects, rural renewal projects, and other conservation projects sponsored by local people and organizations.

§ 701.11 [Amended]

3. Section 701.11(a) is amended by adding the word "or" at the end of subparagraph (1), deleting the word "or" at the end of subparagraph (2), changing the semicolon at the end of subparagraph (2) to a period, and deleting subparagraph (3).

4. A new § 701.19a is added to read as follows:

§ 701.19a Special provisions for low-income farmers and ranchers.

(a) Notwithstanding any other provision of this subpart, the county committee may approve, in the case of low-income farmers and ranchers as defined in this section, (1) rates of cost-sharing in excess of 50 percent of the average cost of performing practices, (2) cost-sharing for practice E–5, Home gardens, § 701.90a, (3) cost-sharing for Christmas tree plantings under practice A–7, § 701.52, on any farmland owned and operated by them, and (4) cost-sharing for drainage practices C–9, C–10, and C–11, §§ 701.74, 701.75, and 701.76, on any farmland owned and operated by them (other than Types 3, 4, and 5 wetlands and any other land for which cost-sharing is precluded by the provisions of Public Law 87–732) without regard to whether the farmland has previously been in agricultural production.

(b) A low-income farmer or rancher is a farmer or rancher who, as determined by the county committee, is a small producer who is largely dependent upon his income from farming or ranching and whose prospective income and financial resources for the current year are such that he could not reasonably be expected to perform needed conservation practices at the rates of cost-sharing applicable to other farmers and ranchers in the county. In making such determinations the county committee shall take into consideration such factors as the size and type of farming operations, estimated net worth, estimated gross family farm income, estimated family off-farm income, number of dependents, unusual expenses such as those resulting from illness, misfortune, or disaster, and other factors affecting the individual's ability to contribute to the cost of conservation practices.

(c) In approving requests for cost-sharing, the county committee shall give special consideration to requests filed by low-income farmers and ranchers.

§ 701.27 [Amended]

5. Section 701.27(a) is amended by adding the following at the end thereof: "The allowance by an eligible person of a credit to another eligible person in the form of an adjustment in rental or an exchange of cash or other consideration will not be considered as a contribution to the carrying out of any practice unless it is established to the satisfaction of the county committee that such credit is directly related to the cost or cost-share for the practice. A person will not be considered as having contributed to the carrying out of a practice if the county committee determines that he has been or is to be fully reimbursed for contributions he made to the performance of the practice, through an adjustment in rental or an exchange of cash or other consideration between eligible persons directly related to the cost or cost-share for the practice."

§ 701.63 [Amended]

6. Section 701.63 is amended by revising paragraphs (f) and (g) of the first sentence to read as follows: "(f) erosion control measures on logging roads, trails, and fire suppression lanes, (g) fire breaks and fire suppression lanes for woodland protection, and"

7. A new § 701.90a is added to read as follows:

§ 701.90a Practice E–5: Home gardens.

This practice is applicable only to low-income farmers and ranchers as defined in § 701.19a. There must be at least one-fourth acre of garden for each family. Federal cost-sharing shall be limited to not more than 2 acres for each family. The garden must be devoted to vegetable crops throughout the normal growing season. A winter cover crop may be established on the land in the fall of the year. The soil must be properly prepared, and lime and fertilizer must be applied to the extent determined to be needed. The garden must be protected from livestock. Federal cost-sharing shall be limited to major tillage operations, such as spring and fall plowing, discing, and harrowing (but not including cultivation of growing vegetables), lime and fertilizer required to establish and maintain desirable levels of soil conditions and fertility, permanent fencing needed to protect the garden from livestock, and permanently installed pipe required for conveying water to the garden from the most practicable source. Federal cost-sharing shall not be allowed for vegetable seed but may be allowed for winter cover crop seed.

(Sec. 4, 49 Stat. 164, 16 U.S.C. 590d)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed in Washington, D.C., on August 22, 1968.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68–10400; Filed, Aug. 27, 1968; 8:49 a.m.]

[Amdt. 3]

PART 701—NATIONAL AGRICULTURAL CONSERVATION

Subpart—1968 and Subsequent Years

STATE FUNDS

The regulations governing the National Agricultural Conservation Program, for 1968 and subsequent years, 32 F.R. 11117, as amended, are further amended, effective with the 1969 program year, as follows:

Section 701.2 is amended by adding the following new paragraph (d):

§ 701.2 State funds.

* * * * * *

(d) The allocation of funds among the States for 1969 is as follows:

Alabama	$5,094,000
Alaska	61,000
Arizona	1,561,000
Arkansas	4,242,000
California	4,884,000
Colorado	3,700,000
Connecticut	399,000
Delaware	269,000
Florida	3,252,000
Georgia	6,120,000
Hawaii	158,000
Idaho	1,939,000
Illinois	7,338,000
Indiana	4,839,000
Iowa	8,036,000
Kansas	6,314,000
Kentucky	5,938,000
Louisiana	3,917,000
Maine	988,000
Maryland	1,153,000
Massachusetts	466,000
Michigan	4,280,000
Minnesota	5,752,000
Mississippi	5,479,000
Missouri	7,541,000
Montana	4,808,000
Nebraska	5,349,000
Nevada	639,000
New Hampshire	446,000
New Jersey	631,000
New Mexico	2,235,000
New York	4,389,000
North Carolina	5,465,000
North Dakota	5,004,000
Ohio	5,055,000
Oklahoma	6,085,000
Oregon	2,348,000
Pennsylvania	4,087,000
Puerto Rico	720,000
Rhode Island	66,000
South Carolina	3,084,000
South Dakota	3,901,000
Tennessee	4,660,000
Texas	17,680,000
Utah	1,221,000
Vermont	924,000
Virginia	3,794,000
Virgin Islands	12,000
Washington	2,503,000
West Virginia	1,435,000
Wisconsin	5,006,000
Wyoming	1,907,000
Total	$187,155,000

(Sec. 4, 49 Stat. 164; 16 U.S.C. 590d)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 29, 1968.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-10401; Filed, Aug. 27, 1968; 8:49 a.m.]

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 7]

PART 725—FLUE-CURED TOBACCO

Subpart—Flue-Cured Tobacco, 1966–67 and Subsequent Marketing Years

PROHIBITION OF WAREHOUSES TO RETAIN PRODUCER MARKETING CARDS

Basis and purpose. The purpose of this amendment is to (1) require warehousemen to return to a producer his marketing card (Form MQ–76) immediately upon payment to the producer for his tobacco or upon removal by the producer of his tobacco and (2) to provide that where a producer marketing card is found in the possession of a warehouseman and the producer has no tobacco at the warehouse for sale or to be settled for such card will be picked up by an ASCS representative for return to the producer.

Since farmers are now marketing their 1968 crop of flue-cured tobacco and farmers and warehousemen need to know the requirements of this amendment as soon as possible, it is essential that the amendment be made effective at the earliest possible date. Accordingly, it is found and determined that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and the amendment contained herein shall be effective upon the date of filing this document with the Director, Office of the Federal Register.

The first sentence of § 725.99(b) is hereby amended to read as follows:

§ 725.99 Warehouseman's records and reports.

* * * * *

(b) *Identification of producer sales of tobacco—Tobacco Sale Bill.* The State and county codes and the farm serial number on the marketing card identifying the tobacco to be marketed at auction shall be recorded by the warehouseman on the tobacco sale bill at the time the tobacco is weighed in and the warehouseman shall retain the marketing card where tobacco is to be sold at auction only until the producer has been paid for the sale of the tobacco or the tobacco is removed from the warehouse by the producer. In any case where a producer's marketing card is found in the possession of a warehouseman and no producer on the farm for which the card is issued has tobacco on the floor for sale or to be settled for such card will be picked up by an ASCS representative for return to the producer. * * *

* * * * *

(Secs. 313, 314, 317, 375, 52 Stat. 47, as amended, 48, as amended, 79 Stat. 66, as amended; 7 U.S.C. 1313, 1314, 1314c, 1375)

Effective date. Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on August 23, 1968.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-10402; Filed, Aug. 27, 1968; 8:49 a.m.]

[Amdt. 15]

PART 729—PEANUTS

Subpart—Allotment and Marketing Quota Regulations for Peanuts of the 1963 and Subsequent Crops

PENALTY RATE

Basis and purpose. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) to amend the allotment and marketing quota regulations for peanuts of the 1963 and subsequent crops (27 F.R. 11920, as amended).

This amendment (1) provides procedure for accepting a late-filed application for transfer of peanut allotments where the State committee determines that the late filing resulted from misunderstanding, and (2) establishes the basic penalty rate for the 1968 crop of peanuts.

Since this amendment affects applications for transfers for the 1968 crop and since the marketing of peanuts of the 1968 crop is now underway, it is essential that the basic penalty rate for the 1968 crop be established as soon as possible. Determination of the basic penalty rate for peanuts is the result of a mathematical calculation provided for by statute (7 U.S.C. 1359). Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and this amendment shall become effective upon the date of filing with the Director, Office of the Federal Register.

1. Section 729.1457 is amended by adding a new paragraph (g) to read as follows:

§ 729.1457 Penalty rate.

* * * * *

(g) The basic support price for peanuts for the marketing year beginning August 1, 1968, and ending July 31, 1969, is $240.25 per ton or 12 cents per pound and, therefore, the basic penalty rate for the 1968 crop of peanuts is 9 cents per pound.

2. Section 729.1483(b) is amended by adding a new sentence at the end thereof to read as follows:

§ 729.1483 Terms and conditions applicable to transfers under section 358a of the act.

* * * * *

(b) *When applications to be filed.* * * * The State committee, with the approval of the Deputy Administrator, may authorize the acceptance of a late-filed application in cases where the State committee determines that the late filing resulted from misunderstanding of the filing requirements after oral discussion between the applicant and a representative of the county committee.

(Secs. 358a, 359, 375, 81 Stat. 658, 55 Stat. 90, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1358a, 1359, 1375)

Effective date. Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on August 22, 1968.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-10403; Filed, Aug. 27, 1968; 6:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Amdt. 6]

PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

Subpart A—Financing of Export Sales of Agricultural Commodities From Private Stocks Under CCC Export Credit Sales Program (GSM–4)

MISCELLANEOUS AMENDMENTS

The regulations in this Subpart A, Part 1488, containing the terms and conditions governing the Commodity Credit Corporation Export Credit Sales Program, published in the FEDERAL REGISTER of April 27, 1967 (32 F.R. 6496–6500), as corrected on May 4, 1967 (32 F.R. 6836), and as amended on May 19, 1967 (32 F.R. 7437), August 8, 1967 (32 F.R. 11416–17), December 16, 1967 (32 F.R. 18011–19), July 2, 1968 (33 F.R. 9593–9594), and July 2, 1968 (33 F.R. 9594–9596 as corrected 33 F.R. 10641), are further amended as follows:

1. The following class is added to the "Age" specifications of Exhibit I of Supplement I to GSM–4, as amended:

5. Mature Cow (24–48 months old)[24]

2. The following class is added to the "Minimum Weight" specifications of Exhibit I of Supplement I to GSM–4, as amended:

5. Mature Cow (24–48 months old)[24]

3. The following footnote 3a is added to Exhibit I of Supplement I to GSM–4, as amended:

[24] Mature cows not qualifying as "bred cows" to be eligible for financing hereunder must be lactating and have her offspring not in excess of approximately 5 months of age at side at time of inspection by C&MS. Such calves, though not eligible for financing, may be supplied along with the parent cow if facilities for their care and safe transportation to destination point are adequate.

(Sec. 5(f), 62 Stat. 1072, 15 U.S.C. 714c; sec. 407, 63 Stat. 1055, as amended, 7 U.S.C. 1427; Sec. 4, Public Law 89–808, 80 Stat. 1538)

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 23, 1968.

ROY W. LENNARTSON,
Acting Vice President, Commodity Credit Corporation, and Administrator, Foreign Agricultural Service.

[F.R. Doc. 68-10404; Filed, Aug. 27, 1968; 8:50 a.m.]

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

Changes in Areas Quarantined

Pursuant to the provisions of sections 1 and 3 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and section 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 117, 120, 123, 125), Part 72, Title 9, Code of Federal Regulations, which contains restrictions on the interstate movement of cattle because of splenetic or tick fever, a contagious, infectious, and communicable disease, is hereby amended in the following respects:

1. Section 72.2 is amended to read as follows:

§ 72.2 Splenetic or tick fever in cattle in Texas, the Virgin Islands of the United States and vectors of said disease in the Island of Guam: restrictions on movement of cattle.

Notice is hereby given that the contagious, infectious, and communicable disease known as splenetic or tick fever exists in cattle in portions of the State of Texas and the Virgin Islands of the United States. Notice is also hereby given that ticks which are vectors of said disease exist on the Island of Guam. Therefore, portions of the State of Texas, the Virgin Islands of the United States, and the Island of Guam are hereby quarantined as provided in §§ 72.3 and 72.5, and the movement of cattle therefrom into any other State or Territory or the District of Columbia shall be made only in accordance with the provisions of this part and Part 71 of this chapter.

§ 72.4 [Deleted]

2. Section 72.4 is deleted.

(Sec. 2, 32 Stat. 792, Ch. 30, 45 Stat. 59; 21 U.S.C. 111. Interprets or applies secs. 4, 5, 7, 23 Stat. 32, as amended, sec. 1, 32 Stat. 791, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 120, 117, 112, 113, 123, 125, 29 F.R. 16210, as amended; 30 F.R. 5799, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes the Commonwealth of Puerto Rico from the areas quarantined because of splenetic or tick fever. Hereafter the restrictions pertaining to the interstate movement of certain animals and materials from such quarantined area, contained in 9 CFR Part 72, will not apply thereto. However, the other restrictions on the interstate movement of certain animals and materials because of that disease, contained in said Part 72, will apply thereto.

The amendment relieves certain restrictions presently imposed but no longer needed to prevent the spread of said disease, and it must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 22d day of August 1968.

GEORGE W. IRVING, JR.,
Administrator, Agricultural Research Service.

[F.R. Doc. 68-10364; Filed, Aug. 27, 1968; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9098; Amdt. 39–644]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky S–61 Series Helicopters

Pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), an airworthiness directive was adopted on August 16, 1968, and made effective immediately as to all known U.S. operators of Sikorsky S–61 Series helicopters because of a recent failure of a main rotor blade spindle. The directive required main rotor blade spindles, P/Ns S6110–23325–1, S6110–23325–2, and S6112–23025–1, that either had been "salvaged", or had accumulated 2,400 or more hours' time in service to be replaced with blade spindles that had not been "salvaged" and that had less than 2,400 hours' time in service. The directive also established a service life of 2,400 hours' time in service for these blade spindles.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Sikorsky S–61 Series helicopters by individual telegrams dated August 16, 1968. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In consideration of the foregoing, § 39.13 of Part 39 is amended by adding the following airworthiness directive:

SIKORSKY. Applies to S–61 Series helicopters. Compliance required as indicated.

To preclude the possibility of failure of the main rotor blade spindle, accomplish the following:

(a) Before further flight, remove main rotor blade spindles P/Ns S6110–23325–1, S6110–23325–2, and S6112–23025–1 that either have been "salvaged" in accordance with procedures set forth in paragraph entitled "Salvage of Spindle" contained in Sikorsky Aircraft Overhaul Manual for the pertinent helicopter model, or have accumulated 2,400 or more hours' time in service on the effective date of this AD, and replace with blade spindles of the same part number that have not been "salvaged" and that have less than 2,400 hours' time in service.

(b) Replace main rotor blade spindles P/Ns S6110–23325–1, S6110–23325–2, and S6112–23025–1, that have not been "salvaged" and have less than 2,400 hours' time in service on the effective date of this AD, before the accumulation of 2,400 hours' time in service with main rotor blades spindles of the same part number that have not been "salvaged" and have less than 2,400 hours' time in service.

This amendment becomes effective upon publication in the FEDERAL REGISTER and was effective upon receipt for all recipients of the telegram dated August 16, 1968, which contained this amendment.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 21, 1968.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 68–10356; Filed, Aug. 27, 1968; 8:45 a.m.]

[Airspace Docket No. 68–CE–46]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 8550, of the FEDERAL REGISTER dated June 11, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Madison, Wis.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the amendments as so proposed are hereby adopted, subject to the following changes: The VOR recited in the Madison, Wis., control zone and transition area alterations as "Truax VOR" is changed to read "Madison VOR".

This amendment shall be effective 0901 G.m.t., October 17, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on August 14, 1968.

JOHN A. HARGRAVE,
Acting Director, Central Region.

1. In § 71.171 (33 F.R. 2058), the following control zone is amended to read:

MADISON, WIS.

Within a 5-mile radius of Truax Field (latitude 43°08'15" N., longitude 89°20'10" W.); within 2 miles each side of the Madison ILS localizer south course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Madison VOR 134° radial, extending from the 5-mile radius zone to 7 miles southeast of the VOR; within 2 miles each side of the Madison VOR 320° radial, extending from the 5-mile radius zone to 7 miles northwest of the VOR; and within 2 miles each side of the Madison VOR 359° radial, extending from the 5-mile radius zone to 7 miles north of the VOR.

2. In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

MADISON, WIS.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Truax Field (latitude 43°08'15" N., longitude 89°20'10" W.); within 2 miles each side of the Madison ILS localizer north and south courses, extending from the 9-mile radius area to 8 miles north of the Windsor marker and 8 miles south of the OM; within 8 miles northeast and 5 miles southwest of the Madison VOR 134° radial, extending from the 9-mile radius area to 12 miles southeast of the VOR; and within 8 miles southwest and 5 miles northeast of the Madison VOR 320° radial, extending from the 9-mile radius area to 12 miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the north by a line extending from latitude 43°43'00" N., longitude 89°55'00" W., to latitude 43°30'00" N., longitude 88°30'00" W.; on the east by longitude 88°30'00" W.; on the south by latitude 42°45'00" N.; and on the west by longitude 89°55'00" W.

[F.R. Doc. 68–10357; Filed, Aug. 27, 1968; 8:45 a.m.]

[Airspace Docket No. 68–CE–50]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On pages 9092 and 9093 of the FEDERAL REGISTER dated June 20, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at St. Louis, Mo.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., October 17, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on August 14, 1968.

JOHN A. HARGRAVE,
Acting Director, Central Region.

In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

ST. LOUIS, MO.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Lambert-St. Louis Municipal Airport (latitude 38°44'50" N., longitude 90°21'-55" W.); within 5 miles southeast and 8 miles northwest of the Lambert-St. Louis Municipal Airport Runway 24 ILS localizer northeast course, extending from the 10-mile radius area to 12 miles northeast of the Runway 24 OM; within 5 miles southwest and 8 miles northeast of the Lambert-St. Louis Municipal Airport Runway 12R ILS localizer northwest course extending from the Runway 12R OM to 12 miles northwest of the OM; within a 5-mile radius of Civic Memorial Airport, Alton, Ill. (latitude 38°-53'30" N., longitude 90°03'00" W.); within 2 miles each side of the 009° bearing from Civic Memorial Airport, extending from the 5-mile radius area to 7 miles north of the airport; and within 5 miles south and 8 miles north of the 103° bearing from Civic Memorial Airport, extending from the airport to 12 miles east of the airport; that airspace extending from 1,200 feet above the surface within a 33-mile radius of Lambert-St. Louis Municipal Airport; within 6 miles southwest and 9 miles northeast of the St. Louis VORTAC 328° radial, extending from the 33-mile radius area to 36 miles northwest of the VORTAC; within 5 miles northwest and 8 miles southeast of the Maryland Heights VORTAC 243° radial, extending from the 33-mile radius area to 19 miles southwest of the VORTAC; within the area bounded on the west and northwest by the east and southeast edge of V–14S, on the northeast by the 33-mile radius area, on the southeast by the northwest edge of V–72 and on the south by the north boundary of V–88; within a 40-mile radius of Scott AFB (latitude 38°-32'30" N., longitude 89°51'05" W.); within 5 miles west and 8 miles east of the 009° bearing from Civic Memorial Airport, extending from the airport to 19 miles north of the airport; within the area bounded on the northwest by the 40-mile radius area, on the east by the west edge of V–313, on the southwest by the northeast edge of V–335; and the area north of St. Louis bounded on the west by the east edge of V–52N, on the north by the south edge of V–50 and on the east by the west edge of V–9W, excluding the portion which overlies the Springfield, Ill., transition area; that airspace extending upward from 2,500 feet MSL within the area bounded on the north by the arc of a 40-mile radius circle centered on Scott AFB, on the northeast by the southwest edge of V–335, on the east by the west edge of V–313, on the south by the north edge of V–190 and on the west by the east edge of V–9; and that airspace extending upward from 4,500 feet MSL within the area bounded on the north by the south edge of V–88, on the northeast by the southwest edge of V–9W, on the south by the north edge of V–190, on the west by a line 5 miles west of and parallel to the St. Louis VORTAC 200° radial and on the northwest by the southeast edge of V–72; within the area bounded on the north by the south edge of V–12, on the southeast by the northwest edge of V–14N, on the southwest by the northeast edge of V–175 and on the northwest by a line 5 miles southeast of and parallel to the Jefferson City, Mo., VOR 041° radial; and within the area bounded on the northeast by the southwest edge of V–52, on the south by the north edge of V–4N and on the northwest by the southeast boundary of V–63, excluding that airspace which coincides with the Springfield, Vandalia, and Centralia, Ill., transition areas.

[F.R. Doc. 68–10358; Filed, Aug. 27, 1968; 8:45 a.m.]

[Airspace Docket No. 68–CE–52]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 9093 of the FEDERAL REGISTER dated June 20, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Sedalia, Mo.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., October 17, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on August 14, 1968.

JOHN A. HARGRAVE,
Acting Director, Central Region.

In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

SEDALIA, MO.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Whiteman AFB (latitude 38°43'50" N., longitude 93°33'00" W.); within 2 miles each side of the Whiteman AFB ILS localizer south course, extending from the 8-mile radius area to 8 miles south of the OM; within a 5-mile radius of Sedalia Memorial Airport (latitude 38°42'15" N., longitude 93°10'50" W.); and within 2 miles each side of the 042° bearing from Sedalia Memorial Airport, extending from the 5-mile radius area to 8 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the intersection of longitude 93°30'00" W.; and the south edge of V–12, thence north via longitude 93°30'00" W.; to and east along the south boundary of V–4; to and south along longitude 92°31'00" W.; to and west along the south edge of V–12; to and southwest along a line 8 miles southeast of and parallel to the 042° bearing from Sedalia Memorial Airport; to and clockwise along the arc of a 29-mile radius circle centered on the Whiteman AFB VOR; to and northwest along the northeast edge of V–159; to and counterclockwise along the arc of a 42-mile radius circle centered on the Kansas City Municipal Airport (latitude 39°07'20" N., longitude 94°35'30" W.); to and east along the south edge of V–12; to the point of beginning.

[F.R. Doc. 68–10359; Filed, Aug. 27, 1968; 8:46 a.m.]

[Airspace Docket No. 68–CE–60]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 9713 of the FEDERAL REGISTER dated July 4, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Vincennes, Ind.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., October 17, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on August 14, 1968.

JOHN A. HARGRAVE,
Acting Director, Central Region.

In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

VINCENNES, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of O'Neal Airport (latitude 38°41'30" N., longitude 87°33'10" W.); within a 7-mile radius of Lawrenceville-Vincennes Municipal Airport (latitude 38°45'35" N., longitude 87°36'30" W.); within 2 miles each side of the 258° bearing from O'Neal Airport, extending from the 5- and 7-mile radii areas to 8 miles west of O'Neal Airport; and within 2 miles each side of the 356° bearing from Lawrenceville-Vincennes Municipal Airport, extending from the 7-mile radius area to 8 miles north of the Lawrenceville-Vincennes Municipal Airport.

[F.R. Doc. 68–10360; Filed, Aug. 27, 1968; 8:46 a.m.]

[Airspace Docket No. 67–CE–144]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Transition Area

On page 18061 of the FEDERAL REGISTER dated December 16, 1967, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a control zone and transition area at Havre, Mont.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the amendments as so proposed are hereby adopted, subject to the following change: The City-County Airport latitude coordinate recited in the Havre, Mont., control zone and transition area designation as "latitude 48°32'40" N." is changed to read "latitude 48°32'45" N.".

This amendment shall be effective 0901 G.m.t., October 17, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on August 15, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

1. In § 71.171 (33 F.R. 2053), the following control zone is added:

HAVRE, MONT.

Within a 5-mile radius of City-County Airport (latitude 48°32'45" N., longitude 109°-45'40" W.); within 2 miles each side of the 287° bearing from City-County Airport, extending from the 5-mile radius zone to 8 miles west of the airport; within 2 miles each side of the 080° bearing from City-County Airport, extending from the 5-mile radius zone to 8 miles east of the airport, and within 2 miles each side of the 261° bearing from City-County Airport, extending from the 5-mile radius zone to 8 miles west of the airport.

2. In § 71.181 (32 F.R. 2148), the following transition area is added:

HAVRE, MONT.

That airspace extending upward from 700 feet above the surface within a 13½ mile radius of City-County Airport (latitude 48°-32'45" N., longitude 109°45'40" W.).

[F.R. Doc. 68–10361; Filed, Aug. 27, 1968; 8:46 a.m.]

[Airspace Docket No. 68–CE–51]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 8550 of the FEDERAL REGISTER dated June 11, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Newton, Kans.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following changes: The coordinates recited in the Newton, Kans., Municipal Airport transition area designated as "latitude 38°03'-30" N., longitude 97°16'30" W." are changed to read "latitude 38°03'20" N., longitude 97°16'35" W.".

This amendment shall be effective 0901 G.m.t., October 17, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on August 14, 1968.

JOHN A. HARGRAVE,
Acting Director, Central Region.

In § 71.181 (33 F.R. 2137), the following transition area is added:

NEWTON, KANS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Newton Municipal Airport (latitude 38°03'20" N., longitude 97°16'35" W.); and within 2 miles each side of the 349° bearing from Newton Municipal Airport; extending from the 5-mile radius area to 8 miles north of the airport.

[F.R. Doc. 68-10362; Filed, Aug. 27, 1968; 8:46 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-32, Amdt. 3]

PART 389—FEES AND CHARGES FOR SPECIAL SERVICES

Filing Fees for Tariff Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 22d day of August 1968.

By notice of proposed rule making issued July 2, 1968, ODR-4, Dockets Nos. 19794 and 19857, and published at 33 F.R. 9828, the Board advised of its intention to amend Part 389 of the Board's Organization Regulations so as to eliminate fees for tariffs filed by foreign air carriers.

Interested persons were afforded an opportunity to participate in the making of the rule. Two foreign air carriers filed comments supporting the proposed rule. No other comments were received. Therefore, the Board will now make final the rule as proposed.

According, the Civil Aeronautics Board hereby amends Part 389 of the Oragnization Regulations (14 CFR Part 389), effective September 27, 1968, to delete § 389.25 (k) and (p) and to substitute instead new § 389.25 (k), (p), and (q), reading as follows:

§ 389.25 Schedule of filing and license fees.

* * * * *

(k) *Free or reduced-rate authority, waiver of tariff regulations, and special tariff permission.* The filing fee for applications (1) under § 223.8 of this chapter for authority to furnish free or reduced-rate overseas or foreign air transportation (except an application filed at the request of a U.S. Government agency or a foreign government), (2) under § 221.200 of this chapter for waiver or modification of the provisions of Part 221 with respect to the filing and posting of tariffs, or (3) for special permission under § 221.133 or § 221.191 of this chapter, is $7. With respect to applications for waiver or special tariff permission, such fee does not apply to an application which a foreign air carrier files or which a tariff publishing agent files on behalf of foreign air carriers exclusively.

* * * * *

(p) *Tariffs issued by carriers.* (1) The filing fee for tariffs (including supplements and revised or additional original pages thereto) issued by an air carrier pursuant to section 403 or 1003 of the Act is $1 per page. That fee is applicable notwithstanding that the tariff contains participating foreign air carriers, but it is not applicable to a blank looseleaf page unless it cancels matter on the preceding issue of the page.

(2) There shall be no filing fee for tariffs issued by a foreign air carrier notwithstanding that the tariff contains participating air carriers.

(q) *Tariffs issued by publishing agents.* The filing fee for tariffs (including supplements and revised or additional original pages thereto) issued by a publishing agent pursuant to section 403 or section 1003 of the Act is $1 per page, subject to the following conditions:

(1) If the tariff is issued on behalf of one or more air carriers exclusively, the filing fee is applicable to any page.

(2) If the tariff is issued on behalf of one or more foreign air carriers exclusively, no filing fee is applicable to any page.

(3) If the tariff is issued on behalf of one or more air carriers and one or more foreign air carriers, the filing fee is applicable to any page except to a page which the issuing agent states in his accompanying letter of tariff transmittal contains only:

(i) Matters pertaining exclusively to foreign air carriers, or

(ii) Changes only in matter pertaining exclusively to foreign air carriers when included on the same page together with matter (other than matter pertaining exclusively to foreign air carriers) which is reissued without change.

(4) The filing fee is not applicable to a blank looseleaf page unless it cancels matter on the preceding issue of the page other than matter pertaining only to foreign air carriers exclusively.

(5) Where two pages are published back-to-back on the same leaf and one page is not subject to a fee pursuant to § 389.25(q)(3) and the page on the reverse side is issued without change (except for pagination, correction number, and issued and effective dates), no fee is applicable to the latter page.

(6) The filing fee is applicable to a loose-leaf page containing a correction number check sheet unless all other pages of the tariff are exempt from filing fees.

(Sec. 204(a), Federal Aviation Act of 1958, 72 Stat. 743, 49 U.S.C. 1324(a); 5 U.S.C. 140)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 68-10383; Filed, Aug. 27, 1968; 8:48 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 68-212]

PART 53—APPRAISEMENT

Antidumping; Titanium Sponge From U.S.S.R.

AUGUST 21, 1968.

The Secretary of the Treasury makes public a finding of dumping with respect to titanium sponge from the U.S.S.R.; § 53.43, Customs Regulations amended.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to such authority the Secretary of the Treasury has determined that titanium sponge from the U.S.S.R. is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the U.S. Tariff Commission responsibility for determination of injury or likelihood of injury. The U.S. Tariff Commission has determined, and on July 23, 1968, it notified the Secretary of the Treasury that an industry in the United States is being injured by reason of the importation of titanium sponge from the U.S.S.R., sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to titanium sponge from the U.S.S.R.

Section 53.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Titanium sponge	U.S.S.R.	68-212

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] JOSEPH M. BOWMAN,
Assistant Secretary of the Treasury.

[F.R. Doc. 68-10390; Filed, Aug. 27, 1968; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Mailing of Important Drug Information

Since the issuance of §3.501, a statement of policy concerning the mailing of important drug information, printing problems have developed with reference to reverse printing of panels on envelopes. Accordingly, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 701(a), 705(b), 52 Stat. 1055, 1058; 21 U.S.C. 371(a), 375(b)) and delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 3.501 *Mailing of important information about drugs* is amended in the following respects:

1. The introductory text of paragraph (c) is revised to read as follows:

(c) The following statements are to appear in the far left third of the envelope front, in the type and size indicated, centered in a rectangular space approximately 3 inches wide and 2¼ inches high with an approximately ⅜-inch-wide border in the color indicated:

2. In subparagraphs (1), (2), and (3) of paragraph (c), the word "rectangle" is changed to read "the rectangle's border and the statement therein".

(Secs. 701(a), 705(b), 52 Stat. 1055, 1058; 21 U.S.C. 371(a), 375(b))

Dated: August 20, 1968.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 68-10376; Filed, Aug. 27, 1968; 8:47 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 53—TOMATO PRODUCTS

Tomato Catsup, Identity Standard; Deletion of Restrictions on Use of Dextrose, Corn Sirup, and Glucose Sirup as Sweetening Ingredients

In the matter of amending the definition and standard of identity for catsup (21 CFR 53.10) to delete the requirement that dextrose may be used only in a mixture with sugar and to remove the provision limiting the proportion of corn sirup and glucose sirup that may be used when the solids of such corn sirup and glucose sirup contain a minimum of 58 percent by weight of reducing sugars calculated as anhydrous dextrose:

A notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of May 1, 1968 (33 F.R. 6667), based on a petition submitted by P. J. Ritter Co., Bridgeton, N.J. 08302. In response thereto nine comments were received of which eight were favorable. The adverse comment was submitted jointly by two associations of sugar producers and alleged that adoption of the amendment would permit injurious changes in the composition of catsup. The Commissioner of Food and Drugs concludes that the supportive evidence submitted is inadequate to substantiate the allegation.

Based on the information submitted by the petitioner, the comments received, and other relevant information, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to adopt the amendment as proposed.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That § 53.10 be amended by revising the closing text of paragraph (a) that follows subparagraph (3) to read as follows:

§ 53.10 Catsup, ketchup, catchup; identity; label statement of optional ingredients.

(a) * * *

(3) * * *

Such liquid is obtained by so straining such tomatoes or residue, with or without heating, as to exclude skins, seeds, and other coarse or hard substances. It is concentrated and seasoned with salt, a vinegar or vinegars, spices or flavorings or both, and onions or garlic or both and is sweetened with sugar, or dextrose, or corn sirup (including dried corn sirup) or glucose sirup (including dried glucose sirup) or any mixture of these; provided that when the solids of corn sirup, or dried corn sirup, or glucose sirup, or dried glucose sirup (or any combination of these) used contains less than 58 percent by weight of reducing sugars calculated as anhydrous dextrose, then such corn sirup or glucose sirup shall be mixed with sugar or dextrose or both, in such quantity that the weight of the solids of such corn sirup or dried corn sirup or both, or glucose sirup, or dried glucose sirup or both, is not more than one-third of the weight of the solids of such mixture. When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: August 19, 1968.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 68-10377; Filed, Aug. 27, 1968; 8:47 a.m.]

Title 22—FOREIGN RELATIONS

Chapter II—Agency for International Development, Department of State

[A.I.D. Reg. 1]

PART 201—RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS FINANCED BY A.I.D.

Miscellaneous Amendments

Part 201 of Chapter II, Title 22 (A.I.D. Regulation 1) is revised as follows:

a. In § 201.01, the following new paragraph (y) is added:

§ 201.01 Definitions.

* * * * *

(y) *Schedule B.* "Schedule B" means "Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States" issued and amended from time to time by the U.S. Bureau of the Census, Department of Commerce, and published in 15 CFR 30.92.

b. In § 201.51, paragraph (b)(1)(vi) is revised to read as follows:

§ 201.51 Methods of financing.

* * * * *

(b) * * *

(1) * * *

(vi) Identification of the items to be financed under the letter of commitment (described in terms of Schedule B Numbers).

* * * * *

c. In § 201.52, paragraph (a)(7) is revised to read as follows:

§ 201.52 Required documents.

(a) * * *

(7) *Certificate and Agreement Regarding Concerted Pricing.* One signed original of the Certificate and Agreement Regarding Concerted Pricing executed by:

(i) The supplier of the commodity; and

(ii) The producer of the commodity, if the supplier indicates in paragraph (1)(a) of the Certificate that he is not also the producer.

This subparagraph shall apply only when the letter of commitment, a request for opening of a special letter of credit, or (in cases of A.I.D. financing by direct reimbursement of a borrower/grantee) other implementing document limits the source of procurement to the United States (A.I.D. Geographic Code 000) and the supplier supplies any of the following commodities: potassic fertilizers (Sched-

ule B Nos. 271.4000 and 561.0025 through 561.0030); mixed chemical fertilizers (Schedule B Nos. 561.0050 through 561.0055); phosphates and phosphatic fertilizer materials (Schedule B Nos. 271.3010 through 271.3030, and 561.0035 through 561.0045); carbon black (Schedule B Nos. 513.2710 through 513.2730); woodpulp (Schedule B Nos. 251.3000 and 251.6000 through 251.8220); corrugating material of paper and paperboard (Schedule B Nos. 641.8045 and 641.9310); kraft paper and kraft paperboard (Schedule B Nos. 641.3010 through 641.3055); sulphur (Schedule B Nos. 274.1010 through 274.1020); and tires, tubes, and repair materials (Schedule B Nos. 621.0220 through 621.0235 and 629.1010 through 629.1090).

§ 201.71 [Amended]

d. In § 201.71, paragraph (a) is amended by deleting in the fourteenth line the words "A.I.D. commodity code" and inserting in lieu thereof the words "Schedule B Number".

Effective date. The foregoing amendments shall enter into effect upon publication in the FEDERAL REGISTER but shall not apply to shipments under letters of credit opened and confirmed before that date.

Dated: August 21, 1968.

RUTHERFORD M. POATS,
Acting Administrator.

[F.R. Doc. 68-10355; Filed, Aug. 27, 1968; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

[Treasury Decision 6968]

PART 151—REGULATORY TAXES ON NARCOTIC DRUGS

PART 152—REGULATORY TAXES ON MARIHUANA

Changes in Nomenclature

Pursuant to the authority granted by section 7805 of the Internal Revenue Code of 1954 (26 U.S.C. 7805); sec. 8, 53 Stat. 1293 (49 U.S.C. 788); the transfer of functions of the Secretary of the Treasury to the Attorney General provided by Reorganization Plan No. 1 of 1968 (Presidential Documents, 33 F.R. 5611—Apr. 11, 1968); and the designation and delegation of authority provided by Justice Department Order No. 393-68 (33 F.R. 5580—Apr. 10, 1968), Title 26 of the Code of Federal Regulations, Chapter I, Parts 151 and 152 are amended as follows:

Parts 151 and 152 of Chapter I of Title 26 of the Code of Federal Regulations are amended by changing "Secretary of the Treasury" to "Attorney General"; "Commissioner of Narcotics" to "Director, Bureau of Narcotics and Dangerous Drugs"; "Commissioner" to "Director"; "narcotic district supervisor" and "district supervisor" to "regional director"; by adding "and the Department of Justice" to "Treasury Department"; and by adding "and Dangerous Drugs" to "Bureau of Narcotics"; each time these words appear in Parts 151 and 152.

(Sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805; Reorg. Plan No. 1, 1968, 33 F.R. 5611)

Because the amendments to Parts 151 and 152 are merely for the purpose of publishing the proper titles of the Departments, Bureaus, and positions involved in Reorganization Plan No. 1 of 1968 (Presidential Documents, 33 F.R. 5611—Apr. 11, 1968) it is found that it is unnecessary to publish the amendments with notice and public procedure thereon under 5 U.S.C. 553(b) or subject to the effective date limitation of 5 U.S.C. 553(d).

Effective date. These amendments shall become effective upon publication in the FEDERAL REGISTER.

Dated: July 5, 1968.

[SEAL] HENRY L. GIORDANO,
Associate Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice.

JOHN FINLATOR,
Associate Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice.

SHELDON S. COHEN,
Commissioner, Internal Revenue Service, Department of the Treasury.

Approved: August 19, 1968.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 68-10371; Filed, Aug. 27, 1968; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Cathlamet Bay, Oreg.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.900 governing the use and navigation of restricted areas in the vicinity of Maritime Administration Reserve Fleets is hereby amended by revoking paragraph (a)(7) effective upon publication in the FEDERAL REGISTER, since the area is no longer needed, as follows:

§ 207.900 Restricted areas in vicinity of Maritime Administration Reserve Fleets.

(a) • • •

(7) [Revoked]

• • • • • •

[Regs., Aug. 8, 1968, 1507-32 (Cathlamet Bay, Oreg.)-ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

R. F. ASKEY,
Colonel, AGC, Comptroller, TAGO.

[F.R. Doc. 68-10373; Filed, Aug. 27, 1968; 8:47 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 75, 2d Rev., Amdt. 18]

PART 308—WAR RISK INSURANCE

Miscellaneous Amendments

Part 308 is hereby amended to reflect the following changes:

Amend § 308.6 *Period of interim binders and renewal procedure*, § 308.106 *Standard form of war risk hull insurance interim binder and optional disbursements insurance endorsement*, § 308.206 *Standard form of war risk protection and indemnity insurance interim binder*, and § 308.305 *Standard form of Second Seamen's war risk insurance interim binder*, by changing the expiration dates contained therein to read "midnight, March 7, 1969, G.m.t."

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: August 21, 1968.

By order of the Acting Maritime Administrator.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 68-10348; Filed, Aug. 27, 1968; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

National Wildlife Refuges in Oregon

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER. These regulations apply to public hunting on National Wildlife Refuges in Oregon.

General conditions. Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps—special conditions applying to individual refuges are listed on the reverse side of the refuge hunting map. Maps are available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

§ 32.12 Special regulations; migratory birds, for individual wildlife refuge areas.

Mourning doves and bandtailed pigeons may be hunted on the following refuges: Ankeny National Wildlife Refuge, Jefferson, Oreg. 97330; William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, Oreg. 97330.

Mourning doves may be hunted on the Baskett Slough National Wildlife Refuge, Route 2, Box 208, Corvallis, Oreg. 97330.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 7, 1968.

JOHN D. FINDLAY,
Regional Director, Bureau of Sport Fisheries and Wildlife, Portland, Oreg.

AUGUST 16, 1968.

[F.R. Doc. 68-10353; Filed, Aug. 27, 1968; 8:45 a.m.]

PART 32—HUNTING

Alamosa National Wildlife Refuge and Monte Vista National Wildlife Refuge, Colo.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

COLORADO

ALAMOSA NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Alamosa National Wildlife Refuge, Colo., is permitted from October 1 through October 18, 1968, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 2,805 acres, is delineated on maps available at refuge headquarters, Alamosa, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks and coots subject to the following special conditions:

(1) Dogs, not to exceed two per hunter, may be used only to retrieve wounded or dead ducks.

(2) The use of boats is prohibited.

(3) Entrance to the open hunting area and parking of vehicles will be restricted to designated parking areas.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 18, 1968.

MONTE VISTA NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Monte Vista National Wildlife Refuge, Colo., is permitted from October 1 through October 18, 1968, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 5,314 acres, is delineated on maps available at refuge headquarters, Monte Vista, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks and coots, subject to the following special conditions:

(1) Dogs, not to exceed two per hunter, may be used only to retrieve wounded or dead ducks.

(2) The use of boats is prohibited.

(3) Entrance to the open hunting area and parking of vehicles will be restricted to designated parking areas.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 18, 1968.

W. O. NELSON, JR.,
Acting Regional Director, Albuquerque, N. Mex.

AUGUST 15, 1968.

[F.R. Doc. 68-10379; Filed, Aug. 27, 1968; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1126]

MILK IN NORTH TEXAS MARKETING AREA

Notice of Proposed Suspension

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provision of the order regulating the handling of milk in the North Texas marketing area is being considered for the period of September 1968 through February 1969.

The provision proposed to be suspended is in § 1126.41(b)(2)(i) which reads: "during the months of March through August", relating to the classification of milk disposed of to commercial bakeries or food product manufacturing plants.

A cooperative has requested suspension of this milk classification provision for the period of September 1968 through February 1969. Without suspension during this period all milk moved to bakeries, soup companies, or other food product manufacturing plants where it is used for manufacturing product uses would be classified as Class I. The present provision providing for Class I classification of such movements except for March through August of any year was incorporated in the order at a time when the North Texas market had a much closer relationship of producer receipts to Class I sales during the months of September through February. The provision discouraged the use of milk in commercial food establishments if alternative fluid milk outlets were available.

The cooperative states that Class I classification for milk disposed of to commercial food establishments is not needed to assure an adequate supply for fluid uses in the market. Proponent contends that a local soup manufacturing plant and a candy manufacturing plant are used as outlets for the efficient and economical disposal of milk excess to the fluid needs of the market. The association maintains that it will be unable to dispose of milk to these facilities during the period of September 1968 through February 1969 unless suspension to permit Class II classification is provided.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on August 22, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68-10365; Filed, Aug. 27, 1968; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Patent Office

[37 CFR Part 1]

RULES OF PRACTICE IN PATENT CASES

Proposed Changes Relating to Formal Requirements for Application Papers and Amendments

The Patent Office proposes to change some of its rules relating to formal requirements of application papers and amendments. The proposed changes are intended to accomplish a number of important purposes, namely, (1) to permit the utilization by applicants and the Patent Office of advanced technology relating to drawing processes and materials, (2) to permit the possibility of the Office printing patents in the future by improved printing techniques, and (3) to harmonize on an international basis the formalities relating to the physical requirements of patent specifications and drawings.

Therefore, under the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 792; 35 U.S.C. 6), notice is hereby given that the Patent Office proposes to amend Part 1 of Title 37 of the Code of Federal Regulations as follows:

1. By revising § 1.52 to read as follows:

§ 1.52 Language, paper, writing, margins.

(a) The petition, specification, claims, abstract, oath or declaration and drawing legends must be in the English language. The petition, specification, claims, and abstract should commence on separate pages. The oath or declaration may appear with the petition or on a separate page. All papers of an application, including the drawing, must be the same size and be 8¼–8½ inches wide by 11⅝–13 inches high. All papers, other than the drawings, which are to become a part of the permanent records of the Patent Office must be typewritten or printed and should be on flexible, strong, white, smooth and nonshiny paper of a permanent nature. Only graphic symbols and characters, chemical or mathematical formulae, where necessary, may be handwritten or drawn. The typing or printing must be in characters having capital letters at least 3/32 inch high, legible, and in dark indelible color. The specification must be single spaced and there should be no more than six lines per inch. The claims must be double spaced. Each page should normally be used with the short sides on top and bottom. The specification, claims and abstract must not contain drawings. Chemical and mathematical formulae are not considered to be drawings. The specification and abstract may contain charts and tables. All elements of the application, that is, the petition, the specification, the claims, the drawings (if any) and the abstract, must be presented in such a way as to admit direct and satisfactory reproduction by photography, xerography, photo offset, microfilming, and similar methods of reproduction, in any number of copies. The pages should be connected together in such a way that they can be easily turned, when consulted, and easily separated and joined together again if they have to be separated for reproduction purposes.

(b) The specification and claims, and also papers subsequently filed, must be plainly written on but one side of the paper. All elements of the application must be free from alterations, overwritings and interlineations. Noncompliance with the previous sentence may be authorized, in exceptional cases, if the authenticity of the content is not in question and the requirements for good reproduction are not in jeopardy. The pages of each element of the application (petition, abstract, specification, claims, and oath) may be numbered separately in consecutive Arabic numerals or all the pages may be numbered in consecutive Arabic numerals. Every fifth line of the specification and claims should be numbered along the left side. The first page of the specification, of the claims, and of the abstract should have a heading consisting of the full name of the applicant and the title of the invention written just under the top margin. On all nondrawing pages the top margin must be located 10–11 inches from the bottom of the page, except on the first page of the abstract, specification, and claims where the top margin may be located 8–8¾ inches from the bottom of the page. The margin on the left-hand side of each page must extend from the left-hand edge 1–1¾ inches. The margin on the right-hand side of each page must extend 7–7½ inches from the left-hand edge. The bottom margin must extend ¾–1¼ inches from the bottom edge. All typing or printing, including page and line numbers, should appear within the space defined by the margins and substantially fill the space so that no space is wasted. All rules concerning the physical requirements and terminology of the original application also apply to any papers submitted subsequent to the filing of the application. The expression "End of Description" may be inserted after the specification and the expression "End of Claims" may be inserted after the claims.

(c) Units of weights and measures may be expressed in or converted to the metric system. Temperatures may be expressed in or converted to degrees centigrade. For mathematical formulae and electrical units, international practice may be observed, and, for chemical compositions, the symbols, atomic weights, and molecular formulae in general use should be employed. A technical element should always be expressed by the same technical term throughout an application.

2. By revising § 1.59 to read as follows:

§ 1.59 Papers of complete application not to be returned.

The papers in a complete application will not be returned for any purpose whatever. If applicants have not preserved copies of the papers, the Office will furnish copies at the usual cost.

3. By revising § 1.72 to read as follows:

§ 1.72 Title and abstract.

(a) The title of the invention should be as short, meaningful, and specific as possible.

(b) A brief abstract of the technical disclosure in the specification must be set forth preceding the disclosure under the heading "Abstract of the Disclosure." The purpose of the abstract is to enable the Patent Office and the public generally to determine quickly from a cursory inspection the nature and gist of the technical disclosure, and the abstract shall not be used for interpreting the scope of the claims. The abstract should normally be a single paragraph containing 50–200 words.

4. By revising § 1.82 to read as follows:

§ 1.82 Signature to drawing.

Signatures are not required on the drawing. The drawing may be signed by the applicant in person or have the name of the applicant placed thereon followed by the signature of the attorney or agent as such if desired.

5. By revising paragraph (b) of § 1.83 to read as follows:

§ 1.83 Content of drawing.

* * * * *

(b) When the invention consists of an improvement on an old machine the drawing should, when possible, exhibit, in one or more views, the improved portion itself, disconnected from the old structure, and also in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.

6. By revising the first (unlettered) paragraph and paragraphs (a), (b), (c), (e), (f), (g), (h), (j), and (l) of § 1.84 to read as follows:

§ 1.84 Standards for drawings.

The complete drawing is reproduced and attached to the patent and a selected portion of the drawing is published in the Official Gazette when the patent issues. Therefore, the drawing should have a high standard of execution and excellence which readily allows satisfactory reproduction.

(a) *Material.* Drawings must be made on flexible, strong, white, smooth, and nonshiny paper or on a strong, smooth, nonshiny, flexible, transparent material of a permanent nature. Only one side of the sheet may be used. The material on which drawings are made must be susceptible to correction.

(b) *Size of drawing margins.* The drawing sheet must contain a "sight" in which all illustrations appear, not in excess of 7⅛ inches by 10⅜ inches. No border lines may appear on the drawing sheet to indicate the "sight" space. The minimum margin must be 5/16 inch at the left edge and ⅜ inch at the bottom edge. The margin at the top must be located not more than 10¾ inches from the bottom edge. The right-hand margin must be located not more than 7 11/16 inches from the left edge.

(c) *Character of lines.* All drawings must be made by a process which will give satisfactory reproduction characteristics. Every line and letter (signatures included) must be durable, absolutely black or blue and sufficiently dense and dark to allow satisfactory reproduction. This direction applies to all lines however fine, to shading, and to lines representing cut surfaces in sectional views. All lines must be clean, sharp, and solid, and fine or crowded lines should be avoided. Solid black or blue should not be used for sectional or surface shading. Drafting instruments should be used in preparing original drawings and freehand work should be avoided wherever possible.

* * * * *

(e) *Scale.* The scale to which a drawing is made ought to be large enough to show the mechanism without crowding when the drawing is reduced in reproduction, and views of portions of the mechanism on a larger scale should be used when necessary to show details clearly; two or more sheets should be used if one does not give sufficient room to accomplish this end, but the number of sheets should not be more than is necessary. The scale of the drawings and the distinctness of their graphical execution must be such that a photographic reproduction with a linear reduction in size to two-thirds would enable all details to be distinguished without difficulty. When, in exceptional cases, the scale is given on a drawing, it must be represented graphically and not indicated in writing.

(f) *Reference characters.* The different views should be consecutively numbered figures with Arabic numerals. Reference numerals (and letters, but numerals are preferred) must be plain, legible, and carefully formed, and not be encircled. They must measure at least one-eighth of an inch in height so that they may bear reduction to one twenty-fourth of an inch; and they may be slightly larger when there is sufficient room. They must not be so placed in the close and complex parts of the drawing as to interfere with a thorough comprehension of the same, and therefore should rarely cross or mingle with the lines. When necessarily grouped around a certain part, they should be placed at a little distance, at the closest point where there is available space, and connected by lines with the parts to which they refer. They should not be placed upon hatched or shaded surfaces but when necessary, a blank space may be left in the hatching or shading where the character occurs so that it shall appear perfectly distinct and separate from the work. The same part of an invention appearing in more than one view of the drawing must always be designated by the same character, and the same character must never be used to designate different parts. Brackets, circles, or inverted commas together with numbers and letters, must not be used. However, a single large bracket may be used to group all parts of an exploded view. Reference characters not mentioned in the specification must not appear in the drawings.

(g) *Symbols, legends.* Graphical drawing symbols and other labeled representations may be used for conventional elements when appropriate, subject to approval by the Office. The elements for which such symbols and labeled representations are used must be adequately identified in the specification. While descriptive matter on drawings is not permitted, suitable legends may be used, or may be required, in proper cases. Legends should be single words such as "water," "steam," "open," and "closed." In the case of electrical circuits and block schematics or flow sheet diagrams a few short catch words indispensable for understanding may be used if they appear in the description and are widely used in the art. Arrows may be required, in proper cases, to show direction of movement. The lettering should be as large as, or larger than, the reference characters.

(h) *Location of signature, names and numerals.* The signature of the applicant or the name of the applicant and signature of the attorney or agent, may be placed in a lower corner of each sheet within the sight space. Each sheet of drawing must bear within the sight space the total number of sheets of drawings in Roman numerals, with the number of the sheet in Arabic numerals.

* * * * *

(j) *Arrangement of views.* All views on the same sheet must stand in the same direction and should, if possible, stand so that they can be read with the sheet held in an upright position. If views longer than the width of the sheet are necessary for the clearest illustration of the invention, the sheet may be turned on its side. The space for the signatures should then be located at the left, occupying the same space and position on the sheet as in the upright views and be-

ing horizontal when the sheet is held in an upright position. One figure must not be placed upon another or within the outline of another.

* * * * *

(1) *Extraneous matter.* An agent's or attorney's stamp, or address, or other extraneous matter, will not be permitted upon the face of a drawing, except that the title of the invention and identifying indicia, to distinguish from other drawings filed at the same time, may be placed below the lower margin in erasable pencil.

* * * * *

7. By revising § 1.87 to read as follows:

§ 1.87 Nonreturn of drawings.

(a) The drawing of an accepted application will not be returned to the applicant.

(b) A print is made of the drawing of an accepted application.

8. By amending § 1.121 to add a new paragraph (f) to read as follows:

§ 1.121 Manner of making amendments.

* * * * *

(f) Insertions to the specification must be limited to one per line and to no more than five per page. If extensive revision is required, a portion of the specification may be rewritten and substituted as an insertion. The number of words in each insertion is not limited.

9. By revising § 1.122 to read as follows:

§ 1.122 Entry and consideration of amendments.

Ordinarily all amendments presented in a paper file while the application is open to amendments are entered and considered, subsequent cancellation or correction being required of improper amendments. Untimely amendatory papers may be refused entry and consideration in whole or in part.

10. By revising paragraph (a) of § 1.123 to read as follows:

§ 1.123 Amendments to the drawing.

(a) No change in the drawing may be made except by permission of the Office. Permissible changes in the construction shown in any drawing may be made only by the Office. A sketch in dark indelible color showing proposed changes, to become part of the record, must be filed. The paper requesting amendments to the drawing should be separate from other papers.

* * * * *

11. By revising § 1.124 to read as follows:

§ 1.124 Amendment of amendments.

When an amendatory insertion is to be amended, it should be wholly rewritten and the original insertion canceled, so that no interlineation or deletions shall appear in the insertion as finally presented. Matter canceled by amendment can be reinstated only by a subsequent amendment presenting the canceled matter as a new insertion.

All persons who desire to present their views, objections, recommendations, or suggestions in connection with the proposed changes are invited to do so on or before October 25, 1968, on which day a hearing will be held at 9 a.m., in Room 3 D 50 of Crystal Plaza Building 34, Arlington, Va. All persons wishing to be heard orally are requested to notify the Commissioner of Patents of their intended appearance.

EDWARD J. BRENNER,
Commissioner of Patents.

Approved: August 16, 1968.

EDWARD J. BRENNER,
Acting Assistant Secretary for Science and Technology.

[F.R. Doc. 68-10349; Filed, Aug. 27, 1968; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 4833]

NEW MEXICO

Notice of Proposed Classification

AUGUST 20, 1968.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), notice is hereby given of a proposal to classify the lands described below for disposal through exchange, under the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315g) as amended, for lands within Hidalgo County, N. Mex.

The District Advisory Board, local governmental officials and other interested parties have been notified of this application. Information derived from discussions and other sources indicate that these lands meet the criterion of 2410.1-3(c)(4), which authorizes classification of lands "for exchanges under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which we need for the support of a Federal program." Information concerning the lands, including the record of public discussions is available for inspection and study in the Land Office, Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex. 87501; Albuquerque District Office, 1304 Fourth Street NW., Albuquerque, N. Mex. 87107; and Las Cruces District Office, 1705 North Seventh Street, Las Cruces, N. Mex. 88001.

For a period of 60 days from the date of this publication, interested parties may submit comments to the District Manager of the Albuquerque or Las Cruces District Office.

The lands affected by this proposal are located in McKinley County, N. Mex., and are described as follows:

NEW MEXICO PRIPCIPAL MERIDIAN, NEW MEXICO

T. 14 N., R. 6 W.,
Sec. 6, lots 12, 13, 14, and 15.
T. 16 N., R. 6 W.,
Secs. 12 and 24.
T. 14 N., R. 7 W.,
Sec. 4, lots 5, 6, 7, and 8;
Sec. 6, lot 5.
T. 15 N., R. 7 W.,
Sec. 4, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, and S½SE¼;
Sec. 8;
Sec. 10, lots 1 to 5, inclusive, N½NE¼, SE¼NE¼, E½NW¼, NE¼SE¼, and S½SE¼;
Sec. 18, lots 1 to 4, inclusive, E½ and E½W½;
Sec. 20;
Sec. 22, lots 1, 5, NW¼NE¼ and NE¼NW¼;
Sec. 24, lots 1 and 2;
Secs. 26 and 28;
Sec. 30, lots 1 to 4, inclusive, E½ and E½W½;
Sec. 32, SW¼NE¼;
Sec. 34, lots 1 to 8, inclusive, E½ and E½W½.
T. 16 N., R. 7 W.,
Sec. 4, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Secs. 8, 10, 12 and 14;
Sec. 18, lots 1 to 4, inclusive, E½ and E½W½;
Secs. 20, 22 and 24;
Sec. 26, lots 1 to 8, inclusive, N½ and N½S½;
Sec. 28;
Sec. 30, lots 1 to 4, inclusive, E½ and E½W½;
Sec. 34, lots 1 to 8, inclusive, E½ and E½W½.
T. 13 N., R. 8 W.,
Sec. 18, E½.
T. 14 N., R. 8 W.,
Sec. 4, lots 1, 2, 4, S½NE¼, E½SW¼ and SE¼;
Sec. 22, NE¼.
T. 15 N., R. 8 W.,
Sec. 2, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½ and SW¼;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Secs. 8 and 10;
Sec. 12, N½.

The areas described aggregate 20,809.86 acres.

W. J. ANDERSON,
State Director.

[F.R. Doc. 68-10354; Filed, Aug. 27, 1968; 8:45 a.m.]

CALIFORNIA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

AUGUST 21, 1968.

Notice of a Corps of Engineers, U.S. Department of the Army application, Serial No. R 296, for withdrawal and reservation of lands for use by the Air Force Flight Test Center, Edwards Air Force Base, Calif., was published as F.R. Doc. 66-13719, on page 16370 of the issue for December 22, 1966. The applicant agency has canceled its application in its entirety. The lands involved in the application are described below:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 30 S., R. 42 E.,
Sec. 21, SE¼SE¼;
Sec. 22, SW¼;
Sec. 27, NW¼, N½SW¼, SW¼SW¼;
Sec. 28, NE¼NE¼, S½NE¼, SE¼;
Sec. 33, E½, E½W½, SW¼SW¼.
T. 31 S., R. 42 E.,
Sec. 4, W½ of lot 2 of NE¼, lots 1 and 2 of NW¼, SW¼;
Sec. 5, E½SE¼;
Sec. 6, lot 2 of NE¼;
Sec. 9, N½NW¼;
Sec. 15, E½SE¼.

The areas described, including both public and nonpublic lands, aggregate 1,962.36 acres in San Bernardino County, Calif.

Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands at 10 a.m. on October 7, 1968, will be relieved of the segregative effect of the above-mentioned application.

WALTER F. HOLMES,
Assistant Land Office Manager.

[F.R. Doc. 68-10380; Filed, Aug. 27, 1968; 8:47 a.m.]

[New Mexico 1565]

NEW MEXICO

Notice of Classification; Correction

AUGUST 21, 1968.

The notice of classification of lands published in the FEDERAL REGISTER of August 14, 1968 (33 F.R. 11552) as Document No. 68-9708, is corrected as follows: "T. 18 S., R. 11 E." is corrected to read "T. 8 S., R. 11 E."

MICHAEL T. SOLAN,
Acting State Director.

[F.R. Doc. 68-10381; Filed, Aug. 27, 1968; 8:48 a.m.]

[New Mexico 4834]

NEW MEXICO

Notice of Proposed Classification

AUGUST 20, 1968.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), notice is hereby given of a proposal to classify the lands described below for disposal through exchange, under the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315g), as amended, for lands within Hidalgo County, N. Mex.

The District Advisory Board, local governmental officials and other interested parties have been notified of this application. Information derived from discussions and other sources indicate that these lands meet the criterion of § 2410.1-3(c)(4), which authorizes classification of lands "for exchange under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which we need for the support of a Federal program." Information concerning the lands, including the record of public discussions, is available for inspection and study in the Land Office, Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex. 87501; Albuquerque District Office, 1304 Fourth Street NW., Albuquerque, N. Mex. 87107; Roswell District Office, 1902 South Main, Roswell, N. Mex.

88201; and Las Cruces District Office, 1705 North Seventh Street, Las Cruces, N. Mex. 88001.

For a period of 60 days from the date of this publication, interested parties may submit comments to the District Manager of the Albuquerque, Roswell, or Las Cruces District Office.

The lands affected by this proposal are located in McKinley, Hidalgo, and Lincoln Counties, N.M., and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 15 N., R. 8 W.,
Sec. 12, S½;
Sec. 14;
Sec. 18, lots 1 to 4, inclusive, E½ and E½W½;
Secs. 24 and 26;
Sec. 28, S½NE¼, SE¼NW¼, SE¼SW¼, and SE¼;
Sec. 30, lots 1 to 4, inclusive, E½ and E½W½;
Sec. 32.
T. 16 N., R. 8 W.,
Sec. 2, lots 1, 3, 4, S½NW¼, and S½;
Sec. 4 lots 1 to 4, inclusive, S½N½ and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Secs. 8, 10, 12, and 14;
Sec. 18, lots 1 to 4, inclusive, E½ and E½W½;
Sec. 20, NE¼ and S½;
Secs. 22, 24, 26, and 28;
Sec. 30, lots 1 to 4, inclusive, E½ and E½W½;
Sec. 34.
T. 16 N., R. 9 W.,
Sec. 2, lots 3, 4, S½NE¼, and SW¼;
Secs. 8, 12, 22, 24, 26, and 28;
Sec. 30, lots 1 to 4, inclusive, E½ and E½W½;
Sec. 34.
T. 23 S., R. 20 W.,
Sec. 27, SE¼NE¼.
T. 3 S., R. 13 E.,
Sec. 13, S½.
T. 3 S., R. 14 E.,
Sec. 18, lots 2, 3, 4, W½NE¼, SE¼NW¼, E½SW¼, and NW¼SE¼.

The areas described aggregate 19,961.99 acres.

W. J. ANDERSON,
State Director.

[F.R. Doc. 68-10382; Filed, Aug. 27, 1968; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 1]

SALES OF CERTAIN COMMODITIES

August Monthly Sales List

The first sentence of the 13th paragraph of the Notice to Buyer section of the CCC Monthly Sales List for August 1968 (33 F.R. 11181) is amended to read as follows: "The following commodities are currently available for new and existing barter contracts: Oats, upland cotton and tobacco."

The unrestricted use section for extra long staple cotton is amended to read as follows:

Unrestricted use.

Competitive offers under the terms and conditions of Announcements NO-C-6. (Revised July 22, 1960), as amended, and NO-C-10, as amended. Under these announcements extra long staple cotton (domestically-grown) will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC. Notwithstanding the foregoing, until otherwise announced by CCC, cotton will be available under NO-C-6 and NO-C-10 against the shortfall at the market price, as determined by CCC.

The export section for extra long staple cotton is deleted.

Signed at Washington, D.C., on August 22, 1968.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 68-10366; Filed, Aug. 27, 1968; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File 23(66)-23]

B&Y (GATES) ELECTRONIC DEVELOPMENTS LTD., ET AL.

Order Denying Export Privileges for an Indefinite Period

In the matter of B&Y (Gates) Electronic Developments Ltd. and Anthony S. Young, 26 Uxbridge Road, Ealing, London, W.5, England, respondents, Edward G. Baizert a/k/a, Edward G. Bajzert, and Uni-Export Trading Co., Ltd., 14A New Broadway, Ealing, London, W.5, England, related parties.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondents all export privileges for an indefinite period because the said respondents failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested, without good cause being shown. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application was reviewed by the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that the respondent firm B&Y (Gates) Electronic Developments Ltd., located in London, England, is engaged among other activities, in the distribution of electronic equipment and that the respondent Anthony S. Young is a director of said firm and a responsible official in the operations thereof. The evidence presented also shows that in the period from December 1965 through May 1967 the respondent Young on behalf of the respondent firm ordered a number of items of U.S. origin electronic equipment of a strategic nature; that said equipment, produced in the United States by three different manufacturers, was delivered to respondent firm for ultimate destination United Kingdom.

The said Investigations Division is conducting an investigation as to the disposition of said equipment by respondents.

It is impracticable to subpoena the respondents, and relevant and material written interrogatories and requests to furnish certain specific documents relating to the matters under investigation were served on them pursuant to § 382.15 of the Export Regulations. The respondents have failed to furnish answers to the interrogatories and have failed to furnish the documents requested, all as required by said section. They have not shown good cause for such failure. I find that an order denying export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

The evidence presented also shows that Edward G. Baizert, also known as Edward G. Bajzert, is a Director of respondent B&Y (Gates) Electronic Developments Ltd. and a responsible official in policy making and operations of said firm; that said Baizert and the respondent Young are directors of the firm Uni-Export Trading Co., Ltd., London, England. By reason of the affiliation and connection between said Baizert and Uni-Export Trading Co., and the respondents herein it is hereby found necessary in order to prevent evasion of this denial order to make it applicable to said Baizert and Uni-Export and a determination is hereby made that they are related parties to the respondents within the purview of § 382.1(b) of the Export Regulations. All of the terms, restrictions and prohibitions of this order affecting respondents shall also be applicable to said related parties.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information, and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondents may move at any time to vacate or modify this Indefinite Denial Order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

This order shall become effective on August 27, 1968.

Dated: August 20, 1968.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 68-10367; Filed, Aug. 27, 1968; 8:46 a.m.]

[File 23(66)-23]

BAY LABORATORIES LTD. AND BYRON WILLIAMS

Order Denying Export Privileges for an Indefinite Period

In the matter of Bay Laboratories Ltd. and Byron Williams, 64 Harcourt Street, Dublin, Ireland, respondents.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondents all export privileges for an indefinite period because the said respondents failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested, without good cause being shown. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application was reviewed by the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that the respondent firm Bay Laboratories Ltd. is located in Dublin, Ireland, and deals in communications and electronic equipment, and that respondent Byron Williams is the managing director of said firm. The evidence also shows that during 1966 the respondent firm ordered and received certain electronic equipment of U.S. origin, the exportation of which from Ireland, without authorization from the Office of Export Control would be in violation of the U.S. Export Regulations.

The said Investigations Division is conducting an investigation as to the disposition of said equipment by said respondents to ascertain whether the equipment was reexported in violation of the U.S. Export Regulations.

It is impracticable to subpoena the respondents, and relevant and material written interrogatories and requests to furnish certain specific documents relating to the matters under investigation were served on them pursuant to § 382.15 of the Export Regulations. The respondents have failed to furnish answers to the interrogatories and have failed to furnish the documents requested, all as required by said section. They have not shown good cause for such failure. I find that an order denying export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information, and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or any related party may obtain any benefit therefrom or have any interest or participation

therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondents may move at any time to vacate or modify this Indefinite Denial Order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

This order shall become effective on August 27, 1968.

Dated: August 20, 1968.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 68-10368; Filed, Aug. 27, 1968; 8:46 a.m.]

[File 23(67)-39 etc.]

HYMAN B. MANN AND MANIX DISTRIBUTORS

Order Denying Export Privileges for an Indefinite Period

In the matter of Hyman B. Mann and Manix Distributors, Rose Bay, New South Wales, Australia, respondents.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondents all export privileges for an indefinite period because the said respondents failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested, without good cause being shown. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application was reviewed by the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence shows that the respondent Hyman B. Mann is a resident of Rose Bay (near Sydney) New South Wales, Australia; that he is the proprietor of the firm called Manix Distributors, also located in said Rose Bay; that said firm is engaged in business as importers and distributors. The evidence also shows that in January 1967 Manix Distributors purchased and received from an affiliate of a U.S. manufacturer certain strategic U.S.-origin electronic equipment and that the nature of respondent's business is such that it would have no functional use for such equipment in its normal operations. The evidence further shows that in April and July 1967 Manix ordered from the above mentioned affiliate and also from another affiliate of a U.S. manufacturer certain items of U.S.-origin strategic electronic equipment.

The said Investigations Division is conducting an investigation as to the disposition of the items received by Manix and also into the circumstances relating to the ordering of the equipment in April and July 1967.

It is impracticable to subpoena the respondents, and relevant and material written interrogatories and requests to furnish certain specific documents relating to the matters under investigation were served on them pursuant to § 382.15 of the Export Regulations. The respondents have failed to furnish answers to the interrogatories and have failed to furnish the documents requested, all as required by said section. They have not shown good cause for such failure. I find that an order denying export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information, and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondents may move at any time to vacate or modify this Indefinite Denial Order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

This order shall become effective on August 27, 1968.

Dated: August 20, 1968.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 68-10369, Filed, Aug. 27, 1968; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-113; NDA No. 373 etc.]

DRUGS FOR HUMAN USE CONTAINING ANY FORM OF CALAMUS

Notice of Opportunity for Hearing

Notice is hereby given to the following applicants and to any interested person who may be adversely affected that the Commissioner of Food and Drugs proposes to issue an order withdrawing approval of the following new-drug applications and all amendments and supplements thereto for drugs containing some form of calamus:

NDA No.	Drug name	Applicant's name and address
373	Miley's Compound Treatment.	Miley Medicine Co., 714½ Barr St., Fort Wayne, Ind. 46802.
848	Neuroform-Lyss	Aciform Sales Corp., 55 East Washington St., Chicago, Ill. 60602.
1244	Bellak's Bitter and Mild Cathartic Composition.	George Bellak, 538 South 20th St., Newark, N.J. 07103.
2000	Dr. Leon's Power Sarkoblum.	Dr. Leon's Laboratories, 364 Eighth Ave., New York, N.Y. 10001.
3585	Miller's Tablets	Miller's Products Co., Fremont, Nebr. 68025.

It is proposed to withdraw approval of said applications under the provisions of section 505(e) (21 U.S.C. 355(e)) of the Federal Food, Drug, and Cosmetic Act, on grounds that:

1. Tests by methods not deemed reasonably applicable when such applications were approved show that such drugs are not shown to be safe for use under the conditions of use upon the basis of which the applications were approved, for the following reasons:

a. A recent 2-year rat-feeding study of an oil of calamus, identified as the Jammu variety of the oil, conducted by the Food and Drug Administration found the Jammu variety to be a carcinogen. The findings of the study were confirmed by the Interdepartmental Technical Panel on Carcinogens.

b. Chronic feeding studies are not available on other varieties of the oil of calamus. Until evidence is offered to demonstrate that the carcinogenic capability of Jammu oil of calamus is absent in the other varieties of calamus, a question of safety is raised on all drug preparations containing any form of calamus for any condition of use.

2. The applicants listed herein have repeatedly or deliberately failed to make required reports on the subject drugs under section 505(j) of the act (21 U.S.C. 355(j)) and § 130.35 (a), (b), (e), and (f) of the new-drug regulations (21 CFR 130.35 (a), (b), (e), and (f)). None of the holders of the new-drug applications listed herein as of September 25, 1964, met the conditions for postponement of the reporting requirements in the addendum to paragraph (b) of § 130.35. Further, none of the applicants listed herein have applied for an exemption from periodic reporting under § 130.35(l).

In accordance with the provisions of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicants and any interested person who would be adversely affected by an order withdrawing such approvals, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of the aforementioned new-drug applications should not be withdrawn.

Adoption of the proposed order will cause any drug for human use containing any form of calamus to be a new drug for which no approval is in effect.

Within 30 days from the date of publication of this notice in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food and Drug Division, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new-drug applications. Failure of such persons to file such a written appearance of election within 30 days following the date of publication of this notice in the FEDERAL REGISTER will be construed as an election of such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process that the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specified otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing by filing a timely written appearance of election, a hearing examiner will be named by the Commissioner and he shall issue a written notice of the time and place for the hearing.

This notice is issued under the authority contained in the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355) and delegated to the Commissioner (21 CFR 2.120).

Dated: August 19, 1968.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 68-10378; Filed, Aug. 27, 1968; 8:47 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT REGIONAL ADMINISTRATOR FOR MODEL CITIES, REGION V (FORT WORTH)

Redelegation of Authority With Respect to Model Cities Program

The Assistant Regional Administrator for Model Cities, Region V (Fort Worth), is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority by the Assistant Secretary for Model Cities and Governmental Relations effective November 27, 1967 (32 F.R. 17496, Dec. 6, 1967), as amended effective April 29, 1968 (33 F.R. 11685, Aug. 16, 1968), with respect to the Model Cities Program under Title I of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3301–3313) except the authority to authorize waivers of contract provisions.

This redelegation supersedes the redelegation effective December 14, 1967 (33 F.R. 923, January 25, 1968).

(Redelegations of Authority by Assistant Secretary for Demonstrations and Intergovernmental Relations effective November 27, 1967 (32 F.R. 17496, Dec. 6, 1967), and Secretary's Organization Order No. 47, June 26, 1968)

Effective date. This redelegation of authority shall be effective as of August 28, 1968.

W. W. COLLINS,
Regional Administrator, Region V.

[F.R. Doc. 68-10370; Filed, Aug. 27, 1968; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-238]

FIRST ATOMIC SHIP TRANSPORT, INC. AND SAFE, INC.

Notice of Issuance of Operating License Amendments

The Atomic Energy Commission ("the Commission") has issued Amendment Nos. 3 and 4, as set forth below, to Operating License No. NS-1. The license authorizes First Atomic Ship Transport, Inc. (FAST) to operate the pressurized water nuclear reactor facility aboard the Nuclear ship "Savannah" (the "Savannah") at steady state power levels up to a maximum of 80 thermal megawatts.

Amendment No. 3, effective as of the date of issuance, amends the license to authorize refueling of the "Savannah" in accordance with the new Technical Specifications which have been incorporated in the license.

The Commission has found that the transfer of the license to SAFE for re-

fueling and associated work and retransfer to FAST thereafter are in accordance with the provisions of the Atomic Energy Act of 1954, as amended, and has consented thereto pursuant to the provisions of § 50.80 of 10 CFR Part 50.

Accordingly, Amendment No. 4 reflects the transfer of the authority conferred in Operating License No. NS–1, as amended, from FAST to SAFE for the possession and operation of the "Savannah" and refueling in accordance therewith and the Technical Specifications incorporated therein. Amendment No. 4 is effective upon execution of the Protocol of Transfer of Possession by FAST and SAFE transferring the "Savannah" to SAFE and terminates upon execution of the Protocol of Transfer of Possession retransferring the "Savannah" to FAST. The amendment requires that SAFE or FAST notify the Commission of the date and time that each transfer is consummated. SAFE will accomplish the refueling of the "Savannah" at the Todd Shipyard in Galveston, Tex.

Indemnity agreements will be executed pursuant to Part 140 with FAST and SAFE to provide indemnity coverage for the "Savannah."

The Commission has found that prior public notice of proposed issuance of these license amendments is not necessary in the public interest since the operation of the reactor in accordance with the terms of the license, as amended, does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for hearing, and any person whose interest may be affected by these license amendments may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to these license amendments, see (1) the application by FAST and SAFE, dated June 19, 1968, and supplements thereto, (2) a related Safety Evaluation by the Division of Reactor Licensing, and (3) the new Technical Specifications, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the above Safety Evaluation may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 19th day of August 1968.

For the Atomic Energy Commission.

F. SCHROEDER,
Acting Director,
Division of Reactor Licensing.

FIRST ATOMIC SHIP TRANSPORT, INC.

[License NS–1, Amdt. 3]

The Atomic Energy Commission ("the Commission") has found that:

a. The application for amendment dated June 19, 1968, as supplemented, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR.

b. There is reasonable assurance that the activities authorized by this license, as amended, can be conducted at the designated location without endangering the health and safety of the public.

c. Operation of the reactor in accordance with the license, as amended, will not be inimical to the common defense and security or to the health and safety of the public.

Operating License No. NS–1, as amended, which authorizes First Atomic Ship Transport, Inc. (FAST) to possess and operate the pressurized water nuclear reactor facility aboard the Nuclear Ship "Savannah," is hereby further amended in the following respects:

1. A new paragraph is added to 2.A. to read:

Refueling of the nuclear reactor facility aboard the "N.S. Savannah" is authorized in accordance with the Technical Specifications incorporated herein.

2. Section 3.B. is amended to read:

B. The Technical Specifications and Port Operation Criteria attached to this amendment as Appendix A (herein collectively referred to as "the Technical Specifications") are hereby incorporated in this license. The licensee shall operate the reactor in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in 10 CFR 50.59.

This amendment is effective as of the date of issuance.

Appendix A—Technical Specifications.[1]

Date of issuance: August 19, 1968.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

SAFE, INCORPORATED

[License NS–1, Amdt. 4]

The Atomic Energy Commission ("the Commission") has found, in accordance with the provisions of the Commission's regulations, that:

a. The application dated June 19, 1968, as supplemented, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

b. SAFE, Incorporated ("SAFE"), is technically and financially qualified to engage in the activities authorized by the license, as amended, in accordance with the Commission's regulations;

c. SAFE's engaging in the activities authorized by the license, as amended, will not be inimical to the common defense and security or to the health and safety of the public;

d. SAFE is technically qualified to be holder of the license; and

e. The transfer of the license to SAFE and subsequent retransfer to FAST are otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Operating License No. NS–1, as amended by Amendment Nos. 1, 2 and 3, is hereby further amended by transferring the authority conferred therein for the nuclear reactor aboard the Nuclear Ship "Savannah" ("the Savannah") from First Atomic Ship Transport, Inc. (FAST) to SAFE, Incorporated.

This amendment is effective at such time as the Protocol of Transfer of Possession is executed by FAST and SAFE transferring the ship to SAFE and terminated upon reexecution of the Protocol of Transfer of Possession by SAFE and FAST retransferring the ship to FAST.

At the time of the transfer and subsequent retransfer, FAST or SAFE shall immediately notify by telegram the Commission's Director of the Division of Reactor Licensing giving the date and time that each transfer was consummated.

Date of issuance: August 19, 1968.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 68–10374; Filed, Aug. 27, 1968; 8:47 a.m.]

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

[Docket No. 50–151]

BOARD OF TRUSTEES OF UNIVERSITY OF ILLINOIS

Notice of Issuance of Construction Permit

No request for hearing or petition to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Construction Permit No. CPRR–105 to the University of Illinois. The construction permit authorizes the University to construct an Advanced TRIGA-type nuclear reactor as a replacement for the TRIGA Mark II-type reactor in the existing location on the University's campus in Urbana, Ill. The permit was issued as set forth in the notice of proposed issuance published in the FEDERAL REGISTER on July 23, 1968, 33 F.R. 10468.

Dated at Bethesda, Md., this 9th day of August 1968.

For the Atomic Energy Commission.

DUDLEY THOMPSON,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 68–10375; Filed, Aug. 27, 1968; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18745; Order 68–8–92]

CERTAIN FOREIGN AIR CARRIERS

Order Terminating Waiver

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of August 1968.

Petition of 12 foreign air carriers relating to Part 389 as amended and reissued by Regulation No. OR–27.

By Order E–26448, March 1, 1968, the Board granted a waiver of the provisions of Part 389 of the Organization Regulations insofar as that part would otherwise require foreign air carriers to pay fees for filing tariffs. By Order E–26727, April 30, 1968, the Board extended the waiver "until the Board takes final action in Docket 19794," a related rulemaking proceeding. The Board has now completed that rulemaking proceeding and has amended Part 389 so as to eliminate fees for tariffs filed by foreign air carriers (Regulation No. OR–32). The Board has therefore decided to terminate the waiver on the date when the amended regulation becomes effective.

Accordingly, it is ordered:

1. That the waiver granted by Order E–26448 and extended by Order E–26727, shall terminate on September 27, 1968.

2. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 68–10384; Filed, Aug. 27, 1968; 8:48 a.m.]

[Docket No. 19797; Order 68–8–91]

AIRBORNE FREIGHT CORP.

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of August 1968.

By tariff revision filed July 31, 1968, and marked to become effective September 1, 1968, Airborne Freight Corp. (Airborne), an air freight forwarder, proposes a rule providing for the substitution of other means of transportation for air transportation under any circumstances deemed necessary by the forwarder.[1]

Airborne justifies the proposed rule by stating that it will more clearly state and reflect industry practices. By Order E–26605, dated April 2, 1968, the Board instituted an investigation of similar rules in effect for certain airfreight forwarders (Docket 19797) on the ground that it may be unjust and inequitable to require a shipper to pay the air freight rate when he is receiving lower-rated surface transportation. By Order E–26929, dated June 17, 1968, the Board denied reconsideration of Order E–26605 and extended the foregoing investigation to the rule filed by another air freight forwarder and to the rules in effect for all the direct certificated air carriers.

Upon consideration of all relevant matters, the Board finds that Airborne's proposal may be unjust or unreasonable, unjustly discriminatory, unduly preferential, or prejudicial, or otherwise unlawful, and should be investigated. We shall consolidate the investigation of Airborne's rule with the proceeding in Docket 19797.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the provisions of Rule No. 20(F) on 8th Revised Page 10 of Airborne Freight Corp.'s Tariff CAB No. 21, including subsequent revisions and reissues thereof, and rules, regulations, and practices affecting such provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. This investigation be consolidated with the proceeding in Docket 19797; and

3. A copy of this order be served upon Airborne Freight Corp. which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 68–10385; Filed, Aug. 27, 1968; 8:48 a.m.]

[1] Revision to Airborne Freight Corporation's Tariff CAB No. 21, Rule 20(F).

[Docket No. 19856]

MIAMI-LONDON ROUTE INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on September 24, 1968, at 10 a.m., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner William F. Cusick.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the Prehearing Conference Report and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 22, 1968.

[SEAL] WILLIAM F. CUSICK,
Hearing Examiner.

[F.R. Doc. 68–10386; Filed, Aug. 27, 1968; 8:48 a.m.]

[Docket No. 20109]

NORDSEEFLUG SYLTER LUFTTRANSPORT GmbH

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 4, 1968, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., August 23, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 68–10387; Filed, Aug. 27, 1968; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

SALONIKA (YUGOSLAV)/U.S. ATLANTIC RATE AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street, NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. P. J. Warmstein, Secretary, Salonika (Yugoslav)/U.S. Atlantic Rate Agreement, c/o American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y. 10004.

Agreement No. 9461–3, between the member lines of the Salonika (Yugoslav)/U.S. Atlantic Rate Agreement, modifies the geographic scope of the agreement by excluding any U.S. ports not on the U.S. North Atlantic Coast which are within the Norfolk/Portland, Maine, range.

Dated: August 23, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68–10391; Filed, Aug. 27, 1968; 8:48 a.m.]

WEST COAST UNITED STATES & CANADA/INDIA, PAKISTAN, CEYLON, AND BURMA RATE AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreement at the offices of the District Managers, New

York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. D. J. Morris, Manager, Rates and Conferences, American President Lines, 601 California Street, San Francisco, Calif. 94108.

Agreement No. 8670–4, between the member lines of the West Coast United States & Canada/India, Pakistan, Ceylon, and Burma Rate Agreement, adds Article 9 to the basic agreement to provide that (1) the parties, by unanimous vote, may employ a Secretary to serve for such period of time at such rate of compensation as shall be fixed between the Secretary and the members, (2) the Secretary shall preside over all meetings of the rate agreement, conduct telephone polls, maintain all agreement records, file minutes of meetings and other reports with the Commission, and forward all shippers' requests and complaints received by member lines to all members for consideration and final action, and (3) all expenses for maintaining a Secretary shall be shared equally by the members.

Dated: August 23, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68–10392; Filed, Aug. 27, 1968; 8:49 a.m.]

[Independent Ocean Freight Forwarder License No. 891]

PEERLESS FORWARDERS, LTD.

Order of Revocation

Whereas, on July 12, 1968, the Northwestern National Insurance Co. notified the Commission that the Independent Ocean Freight Forwarder Surety Bond No. S–222144, underwritten in behalf of Peerless Forwarders, Ltd., 44 Whitehall Street, New York, N.Y., would be canceled effective August 10, 1968; and

Whereas, Peerless Forwarders, Ltd., was notified that unless a new surety bond was submitted to the Commission its Independent Ocean Freight Forwarder License No. 891 would be revoked effective August 10, 1968, pursuant to General Order 4, Amendment 12 (46 CFR 510.9) and;

Whereas, Peerless Forwarders, Ltd., has failed to submit a valid surety bond in compliance with the above Commission rule.

It is ordered, That the Independent Ocean Freight Forwarder License No. 981 is revoked effective August 10, 1968; and

It is further ordered, That the Independent Ocean Freight Forwarder License No. 891 be returned to the Commission for cancellation.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 68–10388; Filed, Aug. 27, 1968; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E–7436]

BLACK HILLS POWER AND LIGHT CO.

Notice of Application

AUGUST 22, 1968.

Take notice that on August 14, 1968, Black Hills Power and Light Co. (Applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of up to 10,000 shares of common stock.

Applicant is incorporated under the laws of the State of South Dakota with its principal business office at Rapid City, S. Dak., and is engaged in the electric utility business in western South Dakota, northeastern Wyoming and southeastern Montana.

According to the Applicant the shares of additional common stock will be offered only to employees of Applicant and of its wholly owned subsidiary, Wyodak Resources Development Corp. through the medium of voluntary payroll deductions pursuant to Applicant's Employee Savings and Welfare Plan.

Proceeds from the issuance and sale of the additional common stock will be used for additions and improvements to its properties. Applicant expects to spend $3.5 million on such additions and improvements during its fiscal year ending October 31, 1968. Of this amount $2.1 million is for generating facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 13, 1968, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68–10350; Filed, Aug. 27, 1968; 8:45 a.m.]

[Docket No. CP69–33]

COLORADO INTERSTATE GAS CO.

Notice of Application

AUGUST 22, 1968.

Take notice that on August 16, 1968, Colorado Interstate Gas Co. (Applicant), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP69–33 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for continued delivery of natural gas to the city of Colorado Springs, Colo. (City), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate approximately 3 miles of 20-inch pipeline, and a meter station consisting of three 10-inch meter runs, for the continued delivery of gas to the City's distribution system. The application states that no change in existing contractual obligations between Applicant and City are involved. Further, the application states that the proposed arrangement would serve the interests of the City in reallocating present and future volumes delivered to the metropolitan Colorado Springs area among five delivery points instead of four.

Total estimated cost of the proposed construction is $303,950, which cost will be financed from current working funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 19, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time, required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68–10351; Filed, Aug. 27, 1968; 8:45 a.m.]

[Docket No. CP64–121]

FARMLAND INDUSTRIES, INC.

Notice of Petition To Amend

AUGUST 22, 1968.

Take notice that on August 14, 1968, Farmland Industries, Inc. (Petitioner), 606 Houston First Savings Building, Houston, Tex. 77002, filed in Docket No. CP64–121 a petition to amend the order of the Commission issued in said docket August 10, 1964, by substituting Petitioner in lieu of Brooks Pipe Line Company as certificate holder, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner proposes to acquire the pipeline facilities of Brooks Pipe Line Co., now Brooks Gas Corp., and to continue without change as of August 1, 1968, in lieu of Brooks Pipe Line Co. the transportation of natural gas produced in the Velrex Field Area, Schleicher County, Tex., to the Mertzon Plant, Irion County, Tex., for processing and delivery to Northern Natural Gas Co., purchaser of the Velrex Field gas.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 18, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68–10352; Filed, Aug. 27, 1968; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[No. MC–C–6168]

STATE OF CALIFORNIA

Notice of Filing of Petition for the Institution of a Rule-Making Proceeding

AUGUST 23, 1968.

Petitioner: The State of California by and through the California Highway Patrol.

Petitioner's representatives: Thomas C. Lynch, Attorney General of the State of California and Walter J. Wiesner, Deputy Attorney General of the State of California, Department of Justice Room 500, Wells Fargo Bank Building, Fifth Street and Capitol Mall, Sacramento, Calif. 95814.

By petition filed August 12, 1968, petitioner requests the Commission to institute a proceeding for the purpose of adopting a rule or regulation of general applicability which would require, or at least permit, common carriers of material classified by the U.S. Department of Transportation as hazardous materials, to transport such hazardous materials from the point of origin to the point of destination by the nearest, direct route approved by State and local authorities for the transportation of such materials. The adoption of such a rule or regulation is requested to reduce the danger and risk of injury to the public which is inherent in the movement of hazardous materials. Petitioner's basic position is that public safety would be substantially enhanced by the adoption of such a rule or regulation.

Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication file representations, consisting of an original and six copies, supporting or opposing the relief sought by petitioners. A copy of such statement should be served upon petitioner's representatives.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–10393; Filed, Aug. 27, 1968; 8:49 a.m.]

[S.O. 994, ICC Order 14, Amdt. 2]

BELT RAILWAY COMPANY OF CHICAGO

Rerouting and Diversion of Traffic

Upon further consideration of ICC Order No. 14 (Belt Railway Company of Chicago) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 14 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., September 6, 1968, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., August 23, 1968, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 22, 1968.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 68–10394; Filed, Aug. 27, 1968; 8:49 a.m.]

[Notice 513]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 23, 1968.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 10875 (Deviation No. 17), BRANCH MOTOR EXPRESS CO., 114 Fifth Avenue, New York, N.Y. 10011, filed August 16, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Newark, N.J., over Interstate Highway 78 to junction Interstate Highway 81, thence over Interstate Highway 81 (U.S. Highway 22 and U.S. Highway 11 were incomplete) to Hagerstown, Md., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Newark, N.J., over New Jersey Highway 27 to New Brunswick, N.J., thence over New Jersey Highway 28 to junction U.S. Highway 1, thence over U.S. Highway 1 to junction U.S. Highway 130, thence over U.S. Highway 130 to Deepwater, N.J., thence across the Delaware Memorial Bridge to junction U.S. Highway 13, thence over U.S. Highway 13 to junction U.S. Highway 40, thence over U.S. Highway 40 to Hagerstown, Md., and return over the same route.

No. MC 60186 (Deviation No. 2), NELSON FREIGHTWAYS, INC., 47 East Street, Rockville, Conn. 06066, filed August 19, 1968. Carrier's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Boston, Mass., over Interstate Highway 90 to junction Interstate Highway 890, thence over Interstate Highway 890 to Schenectady, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Boston, Mass., over U.S. Highway 20 to Albany, N.Y., thence over New York Highway 5 to Schenectady, N.Y., and (2) from Boston, Mass., over Massachusetts Highway 9 to Pittsfield, Mass., thence over U.S. Highway 20 to Albany, N.Y., thence over New York Highway 5 to Schenectady, N.Y., and return over the same routes.

No. MC 69281 (Deviation No. 5), THE DAVIDSON TRANSFER & STORAGE CO., 6201 Pulaski Highway, Post Office Box 58, Baltimore, Md. 21203, filed August 12, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Lancaster, Pa., and Downingtown, Pa., over U.S. Highway 30,

for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Lancaster, Pa., over Pennsylvania Highway 23 to junction unnumbered highway near Churchtown, Pa., thence over unnumbered highway to Beartown, Pa., thence over U.S. Highway 322 via Honey Brook, Pa., to Downingtown, Pa., and return over the same route.

No. MC 76985 (Deviation No. 1), LAVERY TRANSPORTATION, INC. 7430 South Ashland Avenue, Chicago, Ill. 60636, filed August 12, 1968. (PACIFIC INTERMOUNTAIN EXPRESS CO., Operator in Part, 1417 Clay Street, Oakland, Calif. 94612.) Applicants' representative: Alfred G. Krebs, same address as Pacific Intermountain Express Co. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Chicago, Ill., and Milwaukee, Wis., over Interstate Highway 94 (U.S. Highway 41), for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 41 to junction Illinois Highway 176, thence over Illinois Highway 176 to junction Illinois Highway 42, thence over Illinois Highway 42 to the Illinois-Wisconsin State line, thence over Wisconsin Highway 42 to junction Wisconsin Highway 100, thence over Wisconsin Highway 100 to junction unnumbered highway, thence over unnumbered highway to Milwaukee, Wis., and return over the same route.

No. MC 1515 (Deviation No. 465), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed August 12, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Louisville, Ky., over Interstate Highway 71 to junction U.S. Highway 42 (just northeast of Louisville), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: Between Louisville, Ky., and Prospect, Ky., over U.S. Highway 42.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-10395; Filed, Aug. 27, 1968; 8:49 a.m.]

[Notice 1212]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 23, 1968.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 2392 (Sub-No. 61) (Republication), filed November 6, 1967, published in FEDERAL REGISTER issue of November 23, 1967, and republished this issue. Applicant: WHEELER TRANSPORT SERVICE, INC., Post Office Box 14248, West Omaha Station, Omaha, Nebr. 68114. Applicant's representatives: Keith D. Wheeler (same address as applicant) and Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. By application filed November 6, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of fertilizer and fertilizer materials, in bulk, and in bags, from points in Lancaster County, Nebr., to points in Colorado, Iowa, Kansas, Nebraska, Missouri, South Dakota, and Wyoming. The application was referred to Examiner Warren C. White for hearing and the recommendation of an appropriate order thereon. Hearing was held at Lincoln, Nebr., on May 23, 1968. A report and order of the Commission, Division 1, served July 10, 1968, which became effective August 9, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, of *chemicals and fertilizer and fertilizer materials* derived from petroleum and petroleum products, in bulk, from the warehouses or storage facilities of Terra Chemical International, Inc., Air Park West, Lincoln, Nebr., to points in Colorado, Iowa, Kansas, Missouri (except St. Louis), South Dakota, and Wyoming, restricted to traffic originating at the warehouses or storage facilities of Terra Chemical International, Inc., Air Park West, Lincoln, Nebr., and destined to the named destination States and subject to the condition that the authority granted herein duplicates any authority presently held, shall be construed as conferring a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 31520 (Sub-No. 3) (Republication), filed December 9, 1966, published FEDERAL REGISTER issue of January 6, 1967, and republished this issue. Applicant: SALVATORE SOLDANI, doing business as SOLDANI OF BOSTON, 363 Levin Road, Rockland, Mass. 02370. Applicant's representative: Gerard J. Donovan, 12 Stanson Drive, North Attleboro, Mass. 02670. By application filed December 9, 1966, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of new furniture, uncrated (except household goods, as defined by the Commission), between Hingham, Mass., and points in Connecticut, Rhode Island, and that part of New York bounded by a line beginning at the New York-Connecticut State line and extending along U.S. Highway 202 to junction U.S. Highway 9W, thence along U.S. Highway 9W to Junction U.S. Highway 44, thence along U.S. Highway 44 to the New York-Connecticut State line to point of beginning, including points on the indicated portions of the highways specified; Mount Kisko, N.Y.; and points in New York on U.S. Highway 9W between and including Newburgh and Albany, N.Y.; and points in New York on U.S. Highway 9, between and including Poughkeepsie and Albany, N.Y. By a report and order, entered September 29, 1967, in the above-entitled proceedings, the Commission, Review Board No. 2:

(a) Authorized the issuance to the applicant of a certificate of public convenience and necessity to perform operations, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of new upholstered furniture, uncrated (except household goods as defined by the Commission), between the plantsite of Lounge, Inc., at Hingham, Mass., on the one hand, and, on the other, points in Connecticut, Rhode Island, and that part of New York bounded by a line beginning at the New York-Connecticut State line and extending along U.S. Highway 202 to junction U.S. Highway 9W, thence along U.S. Highway 9W to junction U.S. Highway 44, thence along U.S. Highway 44 to the New York-Connecticut State line to point of beginning, including points on the indicated portions of the highways specified; Mount Kisco, N.Y.; and points in New York on U.S. Highway 9W between and including Newburgh and Albany, N.Y.; and points in New York on U.S. Highway 9, between and including Poughkeepsie and Albany, N.Y. That on May 31, 1968, applicant filed a petition for leave to amend the application by substituting the origin point of Brockton, Mass., for the origin point of Hingham, and for reconsideration of the Review Board's report and order in light of the above amendment. An order of the Commission, Division 1, acting as an Appellate Division, dated August 7, 1968, and served August 19, 1968, finds that the report and order of September 29, 1967, is hereby modified by striking "Hingham, Mass.", and substituting in lieu thereof "Brockton, Mass." Because it is possible that other parties, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority as amended by this order, a notice of authority as amended by this order, will be published in the FEDERAL REGISTER and issuance of a certificate in the proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been prejudiced.

No. MC 50002 (Sub-No. 57) (Republication), filed November 24, 1967, published in FEDERAL REGISTER issue of December 14, 1967, and republished this issue. Applicant: T. CLARENCE BRIDGE AND HENRY W. BRIDGE, a partnership, doing business as: BRIDGE BROTHERS, Bridge and Anderson Streets, Box 929, Lamar, Colo. 81202. Applicant's representative: C. Zimmerman, 503 Schweiter Building, Wichita, Kans. 67202. By application filed November 24, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of fertilizer solutions, from the airport storage facilities of Terra Chemicals International, Inc., at Air Park West, located at or near Lincoln, Nebr., to points in Colorado, Kansas, Nebraska, and South Dakota. The application was referred to Examiner Warren C. White for hearing and the recommendation of an appropriate order thereon. Hearing was held at Lincoln, Nebr., on May 23, 1968. A report and order of the Commission, Division 1, served July 10, 1968, which became effective August 9, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, of *chemicals and fertilizer and fertilizer materials* derived from petroleum and petroleum products, in bulk, from the warehouses and storage facilities of Terra Chemical International, Inc., Air Park West, Lincoln, Nebr., to points in Colorado, Iowa, Kansas, Missouri (except St. Louis), South Dakota, and Wyoming, restricted to traffic originating at the warehouses or storage facilities of Terra Chemical International, Inc., Air Park West, Lincoln, Nebr., and destined to the named destination States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 52657 (Sub-No. 656) (Republication), filed October 26, 1967, published in FEDERAL REGISTER issue of November 23, 1967, and republished this issue. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. By application filed October 26, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of: (1) trailers, trailer chassis, semitrailers, and semitrailer chassis (except those designed to be drawn by passenger automobiles), in initial truckaway and driveaway service, between Reading, Pa., and 5 miles thereof, and points in the United States, including Alaska, but excluding Hawaii; (2) tractors, in secondary movements, in driveaway service, only when drawing trailers in initial movements, from Reading, Pa., and 5 miles thereof, to points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia; (3)(a) containers, except containers having a capacity of 5 gallons or less or of 9 cubic feet or less, between Reading, Pa., and 5 miles thereof, and points in the United States, including Alaska, but excluding Hawaii, the District of Columbia, points in Connecticut, Delaware, Illinois, Massachusetts, New Jersey, North Carolina, Ohio, points in Maryland on and east of Interstate Highway 83, formerly known as U.S. Highway 111, and points in Virginia on and west of U.S. Highway 15.

(b) Containers, except containers having a capacity of 65 gallons or less or of 9 cubic feet or less, between Reading, Pa., and the District of Columbia, points in Connecticut, Delaware, Illinois, Massachusetts, New Jersey, North Carolina, Ohio, points in Maryland on and east of Interstate Highway 83, formerly known as U.S. Highway 111, and points in Virginia on and west of U.S. Highway 15; and (4) materials, supplies, and parts used in the manufacture, assembly, or servicing of the commodities described in paragraphs (1) and (3) above, when moving in mixed loads with such commodities, from Reading, Pa., and 5 miles thereof, to points in the United States, including Alaska, but excluding Hawaii. A corrected order of the Commission, Operating Rights Board, dated May 10, 1968, and served August 16, 1968, finds that operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of: (1) *trailers, trailer chassis, semitrailers, and semitrailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements, in truckaway and driveaway service, between the facilities of Clark Equipment Co., Brown Trailer Division, at or near Reading, Pa., and points in the United States, including Alaska, but excluding Hawaii; (2) *tractors*, in secondary movements, in driveaway service, only when drawing trailers in initial movements, from the facilities of Clark Equipment Co., Brown Trailer Division, at or near Reading, Pa., to points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia.

(3) *Containers*, between the facilities of Clark Equipment Co., Brown Trailer Division, at or near Reading, Pa., and points in the United States, including Alaska, but excluding Hawaii; and (4) *materials, supplies, and parts* used in the manufacture, assembly, or servicing of trailers, trailer chassis, semitrailers, semitrailer chassis, and containers from the facilities of Clark Equipment Co., Brown Trailer Division, at or near Reading, Pa., to points in the United States including Alaska, but excluding Hawaii; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition to reopen or for appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 61396 (Sub-No. 191) (Republication), filed October 17, 1967, published in FEDERAL REGISTER issue of November 16, 1967, and republished this issue. Applicant: HERMAN BROS. INC., 2501 North 11th Street, Omaha, Nebr. 68110. Applicant's representatives: Dale G. Herman, Post Office Box 189, Omaha,

Nebr. 68101, and Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. By application filed October 17, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, of fertilizer and fertilizer materials, in bulk and in bags, from points in Lancaster County, Nebr., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, South Dakota, and Wyoming. The application was referred to Examiner Warren C. White for hearing and the recommendation of an appropriate order thereon. Hearing was held at Lincoln, Nebr., on May 23, 1968. A report and order of the Commission, Division 1, served July 10, 1968, which became effective August 9, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, of *chemicals and fertilizer and fertilizer materials* derived from petroleum and petroleum products, in bulk, from the warehouses and storage facilities of Terra Chemical International, Inc., Air Park West, Lincoln, Nebr., to points in Colorado, Iowa, Kansas, Missouri (except St. Louis), South Dakota, and Wyoming, restricted to traffic originating at the warehouses or storage facilities of Terra Chemical International, Inc., Air Park West, Lincoln, Nebr., and destined to the named destination States and subject to the condition that the authority granted herein duplicates any authority presently held, it shall be construed as conferring a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 85526 (Sub-No. 5) (Republication), filed May 9, 1968, published FEDERAL REGISTER issue of May 30, 1968, and republished this issue. Applicant: ARROW COACH LINES, a corporation, 1021 Riverside Drive, Post Office Box 476, Brownwood, Tex. 76801. Applicant's representative: Jerry Prestridge, Post Office Box 1148, Austin, Tex. 78767. By application filed May 9, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicles, over regular and irregular routes, transporting: (1) Over regular routes, of express, newspapers, and mail, in the same vehicle with passengers, between Gatesville and Rising Star, Tex., over Texas Highway 36, serving all intermediate points, and (2) over irregular routes, of passengers and their baggage, in special and charter operations, beginning and ending at points on and within 10 miles of route described in (1) above, and extending to points in the United States. An order of the Commission, Operating Rights Board, dated July 31, 1968, and served August 13, 1968, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular and irregular routes, transporting: (1) Of *passengers and their baggage and express*, in the same vehicle with passengers, between Gatesville, Tex., and Rising Star, Tex., over Texas Highway 36, serving all intermediate points; (2) over irregular routes, of *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Coryell, Hamilton, Comanche, Brown, Eastland, Erath, and Bosque Counties, Tex., and extending to points in the United States (including Alaska, but excluding Hawaii); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that the other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 94901 (Sub-No. 1) (Republication), filed April 3, 1968, published FEDERAL REGISTER issue of April 18, 1968 and republished this issue. Applicant: EDDY MOVING & STORAGE CO., INC., 150 Pearl Street, Port Chester, N.Y. 10573. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. By application filed April 3, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of computer tapes, cards, documents, records, requiring messenger delivery service, in packages not exceeding 50 pounds each and in shipments not exceeding 1,000 pounds each between points in Bergen County, N.J., on the one hand, and, on the other, points in Westchester, Dutchess, and Ulster Counties, N.Y. An order of the Commission, Operating Rights Board, dated July 31, 1968 and served August 19, 1968, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *computer tapes, cards, documents, and records*, between points in Bergen County, N.J., on the one hand, and, on the other, points in Westchester, Dutchess, and Ulster Counties, N.Y., restricted to the transportation of packages of not more than 50 pounds each; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding, will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 107010 (Sub-No. 31) (Republication), filed November 27, 1967, published in FEDERAL REGISTER issue of December 14, 1967, and republished this issue. Applicant: D & R BULK CARRIERS, INC., Post Office Box 106, Auburn, Nebr. 68305. Applicant's representative: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005. By application filed November 27, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of chemicals and fertilizer materials, from Lincoln, Nebr., to points in Nebraska, Kansas, Colorado, and South Dakota. The application was referred to Examiner Warren C. White for hearing and the recommendation of an appropriate order thereon. Hearing was held at Lincoln, Nebr., on May 23, 1968. A report and order of the Commission, Division 1, served July 10, 1968, which become effective August 9, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, of *chemicals and fertilizer and fertilizer materials* derived from petroleum and petroleum products, in bulk, from the warehouses or storage facilities of Terra Chemical International, Inc., Air Park West, Lincoln, Nebr., to points in Colorado, Iowa, Kansas, Missouri (except St. Louis), South Dakota, and Wyoming, restricted to traffic originating at the warehouses or storage facilities of Terra Chemical International, Inc., Air Park West, Lincoln, Nebr., and destined to the named destination States and subject to the condition that the authority granted herein duplicates any authority presently

held, it shall be construed as conferring a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 107541 (Republication) (Notice of filing of Petition-Gateway Modification), filed April 30, 1968, published FEDERAL REGISTER issue June 5, 1968, and republished this issue. Applicant: MAGEE TRUCK SERVICE, INC., 18101 Southeast McLoughlin Boulevard, Milwaukee, Oreg. 97222. By petition, treated as an application, as amended, filed April 30, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, restricted to using Interstate Highway 5 to cross the Columbia River, between Portland, Oreg., and Vancouver, Wash., of lumber, between points in Oregon, on the one hand, and, on the other, points in Washington. An order of the Commission, Operating Rights Board, dated July 31, 1968, and served August 20, 1968, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *lumber*, between points in Oregon, on the one hand, and, on the other, points in Washington; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 110411 (Sub-No. 5) (Republication), filed January 8, 1968, published in the FEDERAL REGISTER issue of January 25, 1968, and republished this issue. Applicant: J. C. BAKER, doing business as NORTHEAST ARKANSAS TRANSPORTATION COMPANY, 408 South Main Street, Leachville, Ark. 72438. Applicant's representative: Lance Hanshaw, Justice Building, Little Rock, Ark. 72201. By application filed January 8, 1968, applicant seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from St. Louis, Mo., to points in Clay, Craighead, Crittenden, Cross, Greene, Independence, Jackson, Lawrence, Lee, Lonoke, Mississippi, Monroe, Poinsett, Prairie, Randolph, St. Francis, Sharp, White, and Woodruff Counties, Ark., under continuing contract with Krey Packing Co., St. Louis Independent Packing Co., and Swift and Co. The application was referred to the Board for disposition and the modified procedure has been followed.

A report and order of the Commission, Review Board Number 2, decided July 31, 1968, served August 19, 1968, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of *meats, and packinghouse products, and commodities used by packinghouses*, as described in appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from St. Louis, Mo., to points in Clay, Craighead, Crittenden, Cross, Greene, Independence, Jackson, Lawrence, Lee, Lonoke, Mississippi, Monroe, Poinsett, Prairie, Randolph, St. Francis, Sharp, White, and Woodruff Counties, Ark., under contract with Krey Packing Co., St. Louis Independent Packing Co., Swift and Co., and Hunter Packing Co., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that a permit authorizing such operation should be granted, (1) upon receipt from applicant of a written request for the coincidental cancellation of his outstanding Permit No. MC–110411, (2) after the elapse of 30 days from the date of republication in the FEDERAL REGISTER of a corrected statement of the authority sought herein, and provided that no petitions for leave to intervene are received during such period, and (3) provided that the permit authorized herein shall be subject to the right of the Commission to impose such terms, conditions, or limitation in the future as it may find necessary to insure that applicant's operations shall conform to the provisions of section 210 of the Interstate Commerce Act. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 119707 (Sub-No. 1) (Republication), filed November 30, 1967, published FEDERAL REGISTER issue of December 21, 1967, and republished this issue. Applicant: YELLOW TRANSFER COMPANY OF TAMPA, INC., Air Freight Building No. 1, Tampa International Airport, Tampa, Fla. Applicant's representative: James E. Wharton, 506 First National Bank Building, Orlando, Fla. 32802. By application filed November 30, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicles, over irregular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and commodities, the transportation of which require the use of vehicles equipped with mechanical refrigeration), restricted to traffic having an immediately prior or immediately subsequent movement by air, (1) between the Tampa International Airport, Tampa, Fla., and the St. Petersburg-Clearwater International Airport, Pinellas County, Fla., on the one hand, and, on the other, points in Highlands, De Soto, Charlotte, Lee, Osceola, Pinellas, and Hillsborough Counties, Fla., and

(2) Between the Herndon Municipal Airport, Orlando, Fla., and the McCoy Air Force Base Air Terminal, Orlando, Fla., on the one hand, and, on the other, points in Sarasota, Manatee, Hardee, Polk, Pasco, Osceola, Hernando, Highlands, De Soto, Charlotte, Lee, Pinellas, and Hillsborough Counties, Fla. An order of the Commission, Operating Rights Board, dated July 31, 1968 and served August 19, 1968, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, transporting of *general commodities* (except commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), restricted to shipments having an immediately prior or immediately subsequent movement by air, (1) between the Tampa International Airport, Tampa, Fla., and the St. Petersburg-Clearwater International Airport, Pinellas County, Fla., on the one hand, and, on the other, points in Highlands, De Soto, Charlotte, Lee, and Osceola Counties, Fla., and (2) between the Herndon Municipal Airport, Orlando,

Fla., and the McCoy Air Force Base Air Terminal, Orlando, Fla., on the one hand, and, on the other, points in Sarasota, Manatee, Hardee, Polk, Pasco, Osceola, Hernando, Highlands, De Soto, Charlotte, Lee, Pinellas, and Hillsborough Counties, Fla.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 89723 (Sub-No. 27) (Notice of filing petition to modify certificate), filed July 17, 1968. Petitioner: MISSOURI PACIFIC TRUCK LINES, INC., St. Louis, Mo. Petitioner's representatives: Mark M. Hennelly, R. H. Stahlheber, Richard S. M. Emrich, III, and R. S. Davis, 2008 Missouri Pacific Building, St. Louis, Mo. 63103. In No. MC 89723 (Sub-No. 27), petitioner is authorized (as here pertinent) to transport general commodities, between Hoisington, Kans., and Great Bend, Kans., limited to service which is auxiliary to, or supplemental of, rail service of the Missouri Pacific Railroad Co., and serving no point not a station on the rail lines of said railroad. Simultaneously with the filing of this petition, petitioner is filing its application to abandon its line of track between Hoisington and Great Bend, and applicant believes that the aforementioned restrictions contained in its certificate might terminate its authority to operate its trucks between Hoisington and Great Bend when said abandonment authority is granted. By the instant petition, petitioner requests the foregoing limitations be qualified in their application by the insertion of the following language immediately following said restrictions in the certificate: "The preceding restrictions shall not apply to service between Hoisington and Great Bend. Said service shall be limited to traffic received from or tendered to Missouri Pacific Railroad Co." Any interested person desiring to participate, may file an original and six copies of his representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 113267 (Sub-No. 47) (Notice of Filing of Petition To Modify Certificate), filed August 12, 1968. Petitioner: MAR MEAT CO., INC., on behalf of CENTRAL & SOUTHERN TRUCK LINES, INC., Caseyville, Ill. Petitioner's representative: William B. Layne, Mar Meat Co., Inc., 900 Branch Street, St. Louis, Mo. Petitioner is authorized in No. MC 113267 (Sub-No. 47) to transport fresh poultry, frozen poultry, and poultry products, with or without other ingredients, and frozen meat and meat products, with or without other ingredients, from Athens, Ala., to points in the United States (except points in Maine, Hawaii, and Alaska), with no transportation for compensation on return except as otherwise authorized, *restricted to traffic originating at Athens, Ga., and delivered to the points indicated.* By the instant petition, Mar Meat Co., Inc., seeks to have the above restriction removed from the above-entitled proceeding. Any interested person desiring to participate, may file an original and six copies of his representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 127526 (Notice of Filing of Petition To Add Shipper), filed June 14, 1968. Petitioner: CECIL N. BUCHOLZ, 201 Second Avenue SW., Watertown, S. Dak. 57201. Petitioner is authorized in MC 127526 to conduct operations as a motor contract carrier, transporting, over irregular routes, malt beverages, and in connection therewith, supplies and advertising matter, from Minneapolis, Minn., to Watertown, S. Dak., with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with George L. Kahnke, doing business as Kahnke Watertown Beverage Co., of Watertown, S. Dak. By the instant petition, petitioner seeks to add Tobin Distributing Co. as a contracting shipper. Any person or persons desiring to participate, may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 58016 (Sub-No. 4) (Correction), filed June 19, 1968, published in FEDERAL REGISTER issues of July 17, 1968, and August 7, 1968, and republished in part as corrected this issue. Applicant: WESTERN NEW YORK STATE LINES, INC., 3454 Pearl Street, Batavia, N.Y. 14020. Applicant's representatives: Herbert M. Canter and Norman M. Pinsky, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment: *Regular routes:* (a) Between Buffalo, Olean, and Salamanca, N.Y. as follows: From Buffalo, over New York Highway 16 to Olean; thence over New York Highway 17 to Salamanca; thence over the New York Highway 18 to Buffalo, and over an alternate route between Cadiz and Salamanca over New York Highway 98; serving Arcade, Angola, Cuba, Ellicottville, Limestone, Randolph, Perrysburg, Portville, South Dayton, and Springville Villages, N.Y., Collins, Elton, Otto, Rock City, Westons Mills Hamlets, N.Y., and Tonawanda, N.Y., as intermediate points and off-route points, including service to and between all intermediate points and to all points in the commercial zones of Buffalo, Olean, Salamanca, and Tonawanda as defined by the New York Public Service Commission * * *. NOTE: The purpose of this republication is to show "service to and between all intermediate points" in (a) above. The rest of the application remains the same as previously published. This application is a matter directly related to MC-F-10094, published in FEDERAL REGISTER issue of April 17, 1968.

No. MC 110147 (Sub-No. 6) (Correction), filed July 15, 1968, published in the FEDERAL REGISTER, issue of August 14, 1968, and republished in part, as corrected, this issue. Applicant: DESERT EXPRESS, a corporation, 2301 Huntington Park, Calif. 90255. Applicant's representatives: Arthur H. Glanz, 639 South Spring Street, Los Angeles, Calif. 90014, and Theordore W. Russell, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and/or irregular routes, as applicable, transporting: *General commodities* except petroleum and petroleum products in bulk and in tank vehicles, and livestock * * *. NOTE: (1) This application is a matter directly related to an application filed under section 5 of the Act in MC-F-10193 published in the FEDERAL REGISTER issue of July 24, 1968. (2) The purpose of this partial republication is solely to reflect that the authority sought is over regular and/or irregular routes, as applicable, in lieu of only irregular routes as previously published, and which conforms more nearly to the territorial description in the State authority described in its certificate of registration sought to be converted by the instant application. The rest of the application remains as previously published on August 14, 1968.

APPLICATIONS UNDER SECTIONS 5(a) AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10219. Authority sought for purchase by CAMPBELL SIXTY-SIX EXPRESS, INC., 2333 East Trafficway, Post Office Box 807, Springfield, Mo. 65801, of the operating rights and property of TEXHOMA FREIGHT LINES, INC., 815 Star Avenue, Wichita Falls, Tex., and for acquisition by F. G. CAMPBELL, also of Springfield, Mo., of control of such rights and property through the purchase. Applicants' attorney: Drew L. Carraway, Suite 618, Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Durant, Okla., and Ardmore, Okla., between Madill, Okla., and Nida, Okla., serving all intermediate points and the off-route point of Cumberland, Okla., between Ardmore, Okla., and Tulsa, Okla., serving no intermediate points, between Wichita Falls, Tex., and Ardmore, Okla., serving all intermediate points; and the off-route points of Healdton and Wilson, Okla., between Waurika, Okla., and Terral, Okla., between Wichita Falls, Tex., and Burkburnett, Tex., between junction Texas Farm Road 1177 and U.S. Highway 281, somewhat southeast of Burkburnett, and Byers, Tex., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Missouri, Kansas, Illinois, Oklahoma, Arkansas, Louisiana, Mississippi, Tennessee, Texas, Alabama, and Iowa. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10220. Authority sought for control by CENTRAL TRANSPORT, INC., 3399 East McNichols Road, Detroit, Mich. 48212, of BANCROFT TRUCKING COMPANY, 3347 Torrey Road, Flint, Mich. 48507, and for acquisition by T. J. MOROUN and M. J. MOROUN, both of 1007 Bishop Road, Grosse Pointe Park, Mich., of control of BANCROFT TRUCKING COMPANY, through the acquisition by CENTRAL TRANSPORT, INC. Applicants' attorney: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Operating rights sought to be controlled: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over regular routes, between Detroit, Mich., and Bay City, Mich., serving all intermediate points, and certain off-route points, between Flint, Mich., and Lansing, Mich., serving no intermediate points. CENTRAL TRANSPORT, INC., is authorized to operate as a *common carrier* in Michigan, and under a certificate of registration within the State of Michigan. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10221. Authority sought for merger into B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, Ohio 43055, of the operating rights and property of CRAIG TRUCKING, INC., 140 Everett Avenue, Newark, Ohio 43055, and for acquisition by THE CAPITOL CORPORATION, and, in turn, by H. E. LeFevre, both also of Newark, Ohio, of control of such rights and property through the transaction. Applicants' attorney: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Operating rights sought to be merged: *Foodstuffs and food preparations*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over irregular routes, from, to, and between specific points in the States of Indiana, Michigan, Kentucky, West Virginia, Missouri, Pennsylvania, Illinois, Ohio, Iowa, and Wisconsin, with certain restrictions, as more specifically described in Docket No. MC-55811 and subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. B & L MOTOR FREIGHT, INC. is authorized to operate as a *common carrier* in Ohio, Indiana, New York, Pennsylvania, Maryland, West Virginia, Kentucky, and Michigan, and as a *contract carrier* in Ohio, Pennsylvania, West Virginia, Kentucky, New York, Indiana, Illinois, Michigan, Wisconsin, Missouri, Kansas, Delaware, Maryland, New Jersey, Connecticut, Massachusetts, Rhode Island, Alabama, Florida, Georgia, Maine, Mississippi, North Carolina, New Hampshire, South Carolina, Tennessee, Vermont, Virginia, Minnesota, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: B & L MOTOR FREIGHT, INC., controls CRAIG TRUCKING, INC., through ownership of capital stock pursuant to authority granted in Docket No. MC-F-9056, effective February 11, 1966, and consummated February 24, 1966.

No. MC-F-10222. Authority sought for control by NOVO INDUSTRIAL CORPORATION, 219 East 42d Street, New York, N.Y. 10017, of BOSS-LINCO LINES, INC., 450 Genesee Building, 1 West Genesee Street, Buffalo, N.Y. 14240. Applicants' attorney: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities, in bulk, as a *common carrier*, over regular routes, between Rochester, N.Y., and Syracuse, N.Y., between Buffalo, N.Y., and Syracuse and Rochester, N.Y., between certain specified points in New York, serving all intermediate points, between Watertown, N.Y., and Vestal and Elmira, N.Y., serving all intermediate points and certain off-route points, between Syracuse, N.Y., and Elmira, N.Y., serving no intermediate points and serving the off-route point of Odessa, N.Y., between Elmira, N.Y., and Vestal, N.Y., serving the intermediate point of Owego, N.Y., between Owego, N.Y., and Endicott, N.Y., serving no intermediate points, between Kennedy, N.Y., and Bradford, Pa., between Corydon, Pa., and Sugar Run, Pa., serving all intermediate points, between Kinzua, Pa., and Kane, Pa., serving all intermediate points, and the off-route points of Sergeant and Westline, Pa., between Portville, N.Y., and Wellsville, N.Y., between Cuba, N.Y. and Wellsville, N.Y., serving all intermediate points, and certain off-route points, between Wellsville, N.Y., and Coudersport, Pa., serving all intermediate points, between Port Allegany, Pa., and Ridgway, Pa., between Smethport, Pa., and Ridgway, Pa., serving certain intermediate points, and the off-route point of Duke Center, Pa.

Between Elmira, N.Y., and Wellsville, N.Y., serving all intermediate points, between Corning, N.Y., and Dansville, N.Y., serving all intermediate points, and the off-route point of Naples, N.Y., between Nunda, N.Y., and Bellvidere, N.Y., between Nunda, N.Y., and Dansville, N.Y., between Dansville, N.Y., and Jasper, N.Y., between Hornell, N.Y., and Andover, N.Y., between Alfred Station, N.Y., and Belmont, N.Y., between Cuba, N.Y., and Belfast, N.Y., between Gold, Pa., and Lawrenceville, Pa., between Gold, Pa., and junction Pennsylvania Highway 449 and U.S. Highway 6, between Emporium, Pa., and Smethport, Pa., between Johnsonburg, Pa., and Saint Marys, Pa., between Coudersport, Pa., and Canton, Pa., between Ceres, N.Y., and Genesee, Pa., between Olean, N.Y., and Foster Brook, Pa., between Mansfield, Pa., and Corning, N.Y., serving intermediate points, between Perth Amboy, N.J., and Syracuse, N.Y., between New York, N.Y., and Syracuse, N.Y., between New York, N.Y., and Staten Island, N.Y., serving certain intermediate points, with and without restrictions, and certain off-route points with restriction, between New York, N.Y., and Richmond, Va., serving certain intermediate and off-route points, between Baltimore, Md., and Buffalo, N.Y., serving the intermediate point of Rochester, N.Y., and the intermediate and off-route points in New York within 30 miles of Buffalo, between Baltimore, Md., and junction U.S. Highway 15 and Interstate Highway 83 (formerly portion U.S. Highway 111), near Harrisburg, Pa., serving the intermediate point of Hampstead, Md., with service at Hampstead restricted to traffic originating at, destined to, or interchanged at Rochester and Buffalo, N.Y., or points within 30 miles of Buffalo, and with service at junction U.S. Highway 15 and Interstate Highway 83 for purposes of joinder only; over numerous alternate routes for operating convenience only;

General commodities, except coal, sand, livestock, brick, liquids in bulk, classes A and B explosives, and household goods as defined by the Commission, between Buffalo, N.Y., and Bradford, Pa., between Bradford, Pa., and Custer City, Pa., between Bradford, Pa., and Duke Center, Pa., between Buffalo, N.Y., and Hornell, N.Y., between Tuscarora, N.Y., and Buffalo, N.Y., between Buffalo, N.Y., and Jamestown, N.Y., between Jamestown, N.Y., and Dayton, N.Y., between Jamestown, N.Y., and Westfield, N.Y., between Jamestown, N.Y., and Red House, N.Y., between Jamestown, N.Y., and Sheffield, Pa., between Olean, N.Y., and Buffalo, N.Y., between Olean, N.Y., and Emporium, Pa., between Olean, N.Y., and St. Marys, Pa., between Olean, N.Y., and Rushford, N.Y., between Buffalo, N.Y., and Clearfield, Pa., serving all intermediate points, between Port Allegany, Pa., and Austin, Pa., serving all intermediate points, and the off-route point of Shinglehouse, Pa., from Buffalo, N.Y., to certain specified points in New York, between Bradford, Pa., and junction U.S.

Highways 219 and 6, serving all intermediate points, between certain specified points in New York, serving all intermediate points, and certain off-route points; over numerous alternate routes for operating convenience only; *general commodities*, excepting, among others, household goods, but not excepting commodities in bulk, between Warren, Pa., and Custer City, Pa., between Kane, Pa., and Lewis Run, Pa., serving all intermediate points;

General commodities, except those of unusual value, classes A and B explosives, fertilizers, fresh fruits, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Philadelphia, Pa., and junction U.S. Highway 1 and New Jersey Highway 35 (formerly U.S. Highway 9) and U.S. Highway 9, serving all intermediate points, and certain off-route points, between Little Falls, N.Y., and junction New York Highways 167 and 5S, serving all intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between points within 5 miles of Buffalo, N.Y., including Buffalo; *general commodities*, except those of unusual value, classes A and B explosives, fertilizers, fresh fruits, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between certain specified points in New York, and points in New York within 15 miles of the points immediately above, on the one hand, and, on the other, Wilmington, Del., and Baltimore, Md.; *cork rods*, in bulk, from Baltimore, Md., to Buffalo, N.Y.; and *silver bullion*, from Baltimore, Md., to Rochester, N.Y. NOVO INDUSTRIAL CORPORATION, is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10223. Authority sought for purchase by TRI-STATE MOTOR TRANSIT CO., Post Office Box 113, Interstate Business Route 1–44, Joplin, Mo. 64802, of a portion of the operating rights of C. J. VAN BEEKUM, INC., Post Office Box 1311, 2223 Seventh Street, Lubbock, Tex. 79408. Applicants' attorney: Max G. Morgan, 450 American National Building, Oklahoma City, Okla. 73102. Operating rights sought to be transferred: *Explosives* and *blasting supplies, as a contract carrier*, over irregular routes, from Lubbock and Marnel's Spur, Tex., to the Atlas Powder Company's magazines, located within 5.5 miles of Lubbock, Tex.; *classes A and B explosives, and blasting supplies*, between site of Atlas Powder Company's magazine located approximately 5 miles north of Lubbock, Tex., and points in New Mexico; *classes A, B, and C explosives, and blasting supplies, materials, and agents*, between the sites of magazines of Atlas Powder Co. at or within 10 miles of each of the following: Baxter Springs and Pittsburg, Kans., and Atlas and Webb City, Mo., on the one hand, and, on the other, points in Arizona, New Mexico, and Texas; with restriction; *ammonium nitrate* (other than for use as a fertilizer), from Neosho, Mo., to points in Louisiana and Texas (except Houston, Tex., and points within 50 miles of Houston, Tex.); and *ammonium nitrate* (other than for use as a fertilizer) except in bulk, from Neosho, Mo., to points in Arizona, New Mexico, and Oklahoma, and Houston, Tex., and points within 50 miles of Houston; with restrictions. Vendee is authorized to operate as a *common carrier* in all States (except Hawaii) and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: MC–109397 Sub-160 is a matter directly related.

No. MC–F–10224. Authority sought for merger into NELSON FREIGHTWAYS, INC., 47 East Street, Rockville, Conn. 06066, of the operating rights and property of P. D. COAKLEY MOTOR TRANSPORTATION, INC., 47 East Street, Rockville, Conn. 06066, and for acquisition by CHARLES G. CHILBERG, 33 Reed Street, Rockville, Conn., KENNETH A. H. NELSON, 32 Earl Street, Manchester, Conn., and CLIFFORD J. O. NELSON, 9 Old Farm Road, Dover, Mass., of control of such rights and property through the transaction. Applicants' attorney: Vernon V. Baker, 1411 K Street NW., Washington, D.C. 20005. Operating rights sought to be merged: *General commodities*, except those of unusual value, and except livestock, dangerous explosives, fresh fish (including shell fish), household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over irregular routes, between points in Massachusetts within 15 miles of Boston, Mass., on the one hand, and, on the other, points in Maine and New Hampshire; and *general commodities*, excepting, among others, commodities in bulk, but not excepting, household goods, between Boston, Mass., on the one hand, and, on the other, points in Maine and New Hampshire. NELSON FREIGHTWAYS, INC. is authorized to operate as a *common carrier* in New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, Connecticut, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, West Virginia, and the District of Columbia, and as a *contract carrier* in Pennsylvania, Maryland, New Jersey, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: NELSON FREIGHTWAYS, INC., controls P. D. COAKLEY MOTOR TRANSPORTATION, INC., through ownership of capital stock pursuant to authority granted in Docket No. MC–F–9137, effective April 4, 1967, and consummated July 24, 1967. See also MC–F–9385 (DRAKE MOTOR LINES, INC.—Purchase (Portion)—P. D. COAKLEY MOTOR TRANSPORTATION, INC.), published in the April 6, 1966, issue of the FEDERAL REGISTER, on page 5466, granted May 22, 1968, and not consummated, yet.

No. MC–F–10225. Authority sought for purchase by CLYDE'S CHARTER BUS SERVICE, INC., 301 Furnace Branch Road East, Glen Burnie, Md. 21061, of a portion of the operating rights of GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, and for acquisition by CLYDE B. DIDLAKE, also of Glen Burnie, Md., of control of such rights through the purchase. Applicants' attorneys: S. Harrison Kahn, 733 Investment Building, Washington, D.C. 20005, and Barrett Elkins, 1400 West Third Street, Cleveland, Ohio 44113. Operating rights sought to be transferred: (This authority was granted pursuant to the report and order by Finance Board No. 1, dated Oct. 25, 1963, in MC–F–8531, and consummated Dec. 31, 1963. The certificate has not yet been issued.) Passengers and their baggage, and express, newspapers, and mail in the same vehicle with passengers, as a *common carrier*, over regular routes, between Baltimore, Md., and Gettysburg, Pa., over U.S. Highway 140. Vendee is authorized to operate as a *common carrier* in Maryland and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10226. Authority sought for control by McBRIDE TRANSPORTATION, INC., 289 West Main Street, Goshen, N.Y. 10924, of A. R. GUNDRY, INC., 85 Stanton Street, Rochester, N.Y. 14611, and for acquisition by H. LEON McBRIDE, SR., 9 Wisner Terrace, Goshen, N.Y., FRANK H. McBRIDE, SR., 20 Parkway, Goshen, N.Y., and H. LEON McBRIDE, JR., Hilltop Drive, Goshen, N.Y., of control of A. R. GUNDRY, INC., through the acquisition by McBRIDE TRANSPORTATION, INC. Applicants' attorney: Robert V. Gianniny, 900 Midtown Tower, Rochester, N.Y. 14604. Operating rights sought to be controlled: *Liquid petroleum products*, in bulk, in tank trucks, as a *common carrier*, over irregular routes, from certain specified points in Pennsylvania, to certain specified points in New York, from Harriet, N.Y., to Erie and Meadville, Pa., from Lackawanna, N.Y., to Erie, Pa., from Schenectady, N.Y., to Pittsfield, Mass., from certain specified points in Pennsylvania, to certain specified points in New York, from points in Cattaraugus and Schuyler Counties, N.Y., to certain specified points in Pennsylvania, from points in Chemung and Allegany Counties, N.Y., to points in Venango County, Pa., from certain specified points in New York, to certain specified points in Pennsylvania, from certain specified points in New York, to certain specified points in Pennsylvania, from certain specified points in New York, to certain specified points in Pennsylvania, except from Harriet, N.Y., to Erie and Meadville, Pa., and except from Lackawanna, N.Y., to Erie, Pa.; *crude petroleum oil*, in bulk, in tank trucks, from Scio, N.Y., to Duke Center, Pa.; *gasoline, kerosene, and light fuel oil*, from certain specified points in New York, to Bennington, Vt.;

Petroleum and petroleum products, in bulk, in tank vehicles, from the site of the plant of the Hartol Petroleum Corp. near Fort Ann, N.Y., to all points in that part of Vermont bounded on the north by U.S. Highway 2 from Burlington, Vt., to its junction with U.S. Highway 302 and the latter highway from its junction with U.S. Highway 302 to its junction with U.S. Highway 5, and on the east by U.S. Highway 5 from its junction with U.S. Highway 302 to the Vermont-Massachusetts State line, including all points and places on the named highways; *liquefied petroleum gas (propane)*, in pressurized tank vehicles, from Warren, Pa., to certain specified points in New York; *benzol, toluol, and xylol*, when derived from coal tar, in bulk, in tank vehicles, from Lackawanna, N.Y., to certain specified points in Pennsylvania; and *liquefied petroleum gas*, in bulk, in tank vehicles, from pipeline outlets on the Texas Eastern Transmission Corp. (Little Big Inch Division) pipeline in New York, to points in Connecticut, Massachusetts (except Plymouth, Barnstable, and Bristol Counties), New Hampshire, New Jersey, Pennsylvania, Rhode Island, and Vermont (except Essex County). McBRIDE TRANSPORTATION, INC., is authorized to operate as a *common carrier* in New York, Pennsylvania, Connecticut, Ohio, Maryland, Massachusetts, Vermont, New Jersey, Maine, New Hampshire, Rhode Island, Michigan, Delaware, Virginia, Illinois, Indiana, Kentucky, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10227. Authority sought for purchase by CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232, of a portion of the operating rights of BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale, Springfield, Mo., and for acquisition by OLIVER ANDERSON, also of Caseyville, Ill., and LOYED CAVINS, 114 East Adams, O'Fallon, Ill., of control of such rights through the purchase. Applicant's attorney: R. H. Burroughs, 115 East Main, Collinsville, Ill. 62234. Operating rights sought to be transferred: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and pelts, and commodities in bulk, as a *common carrier*, over irregular routes, from the plantsites and warehouse facilities of Swift & Co. and Krey Packing Co., located within the St. Louis Mo.-East St. Louis, Ill., commercial zone as defined by the Commission, to Altoona, Pa., points in that part of Pennsylvania on and west of U.S. Highway 219; points in Indiana (except Indianapolis, Terre Haute, and those within the Louisville, Ky., commercial zone as defined by the Commission), Ohio (except those in the Cincinnati, Ohio, commercial zone as defined by the Commission, including Cincinnati); and West Virginia (except Berkeley, Bluefield, Charleston, Hinton, Huntington, Parkersburg, and Williamson), with restriction. Vendee is authorized to operate as a *common carrier* in all points in the United States (except Maine, Hawaii, and Alaska). Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10228. Authority sought for purchase by TRI-STATE MOTOR TRANSIT CO., Post Office Box 113, Interstate Business Route 44, Joplin, Mo. 64802, of a portion of the operating rights of GOTTULA TRUCKING AND TRANSPORTATION, INC., Post Office Box 112, 530 East Fourth Street, Pueblo, Colo. 81001. Applicants' attorney and representative: Max G. Morgan, 450 American National Building, Oklahoma City, Okla. 73102, and Walter J. Predovich, Thatcher Building, Pueblo, Colo. 81003. Operating rights sought to be transferred: TRI-STATE MOTOR TRANSIT CO. proposes to purchase authority of GOTTULA TRUCKING AND TRANSPORTATION, INC., to transport, as a common carrier, within intrastate commerce, explosives, blasting agents, blasting materials, and blasting supplies, being a proposed division of transferor's rights, under a certificate of registration, in Docket No. MC–98170 Sub 1, to transport general freight between Pueblo and Boone, Colo. Vendee is authorized to operate as a *common carrier* in all States in the United States (except Hawaii) and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: No. MC–109397 Sub 161 is a matter directly related.

No. MC–F–10229. Authority sought for purchase by SOUTHERN BULK HAULERS, INC., Post Office Box 278, Harleyville, S.C. 29448 of the operating rights of W. NEIL NORRIS, doing business as NORRIS CO., Post Office Box 594, Holly Hill, S.C., and for acquisition by CALHOUN LEMON, Post Office Box 385, Barnwell, S.C., of control of such rights through the purchase. Applicants' attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. Operating rights sought to be transferred: *Lumber*, except plywood and veneer, as a *common carrier*, over irregular routes, from Four Holes (Four Hole Station), S.C., to Charleston, S.C. Vendee is authorized to operate as a *common carrier* in South Carolina, Georgia, and North Carolina. Application has not been filed for temporary authority under section 210a(b).

No. MC–10230. Authority sought for control and merger by PLAINFIELD TRANSPORTATION CO., INC., Federal Road, Danbury, Conn., of the operating rights and property of P. & D. QUICK DELIVERY, INC., Route 5–A, Windsor Locks, Conn., and for acquisition by DAVID SMERIGLIO, also of Danbury, Conn., of control of such rights and property through the transaction. Applicants' attorney: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. Operating rights sought to be controlled and merged: Under a certificate of registration, in No. MC–120861 Sub-1, covering the transportation of general commodities, as a common carrier, in intrastate commerce within the State of Connecticut. PLAINFIELD TRANSPORTATION CO., INC., is authorized to operate as a *common carrier* in New York, New Jersey, Connecticut, and Massachusetts. Application has been filed for temporary authority under section 210a(b). NOTE: MC–105925 Sub-1 is a matter directly related.

No. MC–F–10231. Authority sought for control by SANTEE CEMENT CARRIERS, INC., Post Office Box 597, Holly Hill, S.C. 29059, of CUSTOM TRANSPORT, INC., Lincolnton, N.C., and for acquisition by T. W. WESTBURY, also of Holly Hill, S.C., and X. O. BUNCH, JR., Post Office Box 10207, Charleston, S.C. 29441, of control of CUSTOM TRANSPORT, INC., through the acquisition by SANTEE CEMENT CARRIERS, INC. Applicants' attorney: Frank B. Hand, Jr., 12000 Leesburg Pike, Herndon, Va. 22070. Operating rights sought to be controlled: *Textile waste materials and used bagging, and textile waste materials and cotton* which are within the exemption of section 203(b)(6) of the Interstate Commerce Act, when transported in the same vehicle with the commodities specified herein, as a *common carrier*, over irregular routes, between points in North Carolina, Virginia, Tennessee, South Carolina, Georgia, Alabama, Arkansas, and Mississippi. SANTEE CEMENT CARRIERS, INC. is authorized to operate as a *common carrier* in Georgia, North Carolina, Tennessee, South Carolina, Florida, and Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10232. Authority sought for purchase by SERVICE TRUCK LINE, INC., Post Office Box 447, Waskom, Tex., of the operating rights of PAPA TRUCK LINE, INC., Shongaloo, La., and for acquisition by H. B. CORBETT, Post Office Box 728, Waskom, Tex., and C. WADE SHEMWELL, Post Office Box 961, Shreveport, La., of control of such rights through the purchase. Applicants' attorney: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. 78701. Operating rights sought to be transferred: *Fertilizer*, as a *common carrier*, over irregular routes, between Shreveport and Monroe, La., and Texarkana, Ark., and Texarkana, Tex., on the one hand, and, on the other, points in that part of Arkansas, Louisiana, and Texas within 205 miles of Shreveport; *fertilizer and fertilizer materials*, dry, in bags and in bulk, from Shreveport, La., to certain specified points in Texas, with restriction; and *fertilizer and fertilizer materials*, in bags, from Harvey, La., to points in Arkansas. Vendee is authorized to operate as a *common carrier* in Louisiana, Arkansas, Alabama, Mississippi, Missouri, Oklahoma, Tennessee, and Texas. Application has been filed for temporary authority under section 210a(b).

TRANSFER APPLICATION UNDER SECTION 212(b) WHICH HAVE BEEN DESIGNATED FOR ORAL HEARING

MC-FC 67338. JOHNSON COUNTY SUBURBAN LINES, INC.,—Purchase—Portion of MIDWEST BUSLINES, INC.

MC-126782, JOHNSON COUNTY SUBURBAN LINES, INC., DALLAS, TEXAS (Application for Revocation of Certificate). Transferee's and Applicant's address, 315 Continental Avenue, Dallas, Tex. 75207. Pursuant to the above-entitled purchase application filed September 4, 1964, by order effective May 18, 1965, the Commission approved the transfer of the operating rights set forth in Docket No. MC-61616 (Sub-No. 60) in its entirety, and portions of operating rights set forth in Dockets No. MC-61616 and MC-61616 (Sub-No. 36) from Midwest Buslines, Inc., to Johnson County Surburban Lines, Inc. The authorities involved in said transfers were issued to transferee in certificate No. MC-126782 dated October 11, 1965. The Commission, Division 3, by order dated July 11, 1968, ordered that the above-entitled purchase proceeding be reopened and assigned for hearing on a consolidated record with the proceeding in No. MC-126782, Johnson County Surburban Lines, Inc. (Application for Revocation of Certificate). The consolidated oral hearings in the above-entitled proceedings are for the purposes of determining whether Johnson County Surburban Lines, Inc., transferee therein, intended to operate under the authority granted under certificate No. MC-126782, and issuing such orders and tacking such other and further action as the facts and circumstances may appear to warrant. Interested parties have 30 days from the date of this publication in which to file petitions for leave to intervene. Such petitions should state the reason or reasons for the intervention, where petitioner wishes the hearing held, the number of witnesses it expects to present, and the estimated time required for presentation of its evidence.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-10396; Filed, Aug. 27, 1968; 8:49 a.m.]

[Notice 677]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 23, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 19945 (Sub-No. 28 TA), filed August 21, 1968. Applicant: BEHNKEN TRUCK SERVICE, INC., Route No. 13, New Athens, Ill. 62264. Applicant's representative: Ernest A. Brooks, 1301-02 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stove castings*, in dump vehicles, from New Athens, Ill., to Bristol, Wis., for 150 days. Supporting shipper: Wirco Castings, Inc., New Athens, Ill. Send protests to: District Supervisor Harold C. Jolliff, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 43654 (Sub-No. 74 TA) (Correction), filed July 25, 1968, published FEDERAL REGISTER August 1, 1968, and republished as corrected this issue. Applicant: DIXIE OHIO EXPRESS, INC., Post Office Box 750, 237 Fountain Street, Akron, Ohio 44309. Applicant's representative: R. E. Gifford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the Ford Motor Co. plantsite near the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with carrier's regular-route operations, for 180 days. NOTE: Applicant intends joining this authority to its presently held regular route authority as described in MC 43645 and subs thereto, and also intends to interline with other carriers at Nashville and Chattanooga, Tenn.; Cincinnati, Dayton, Columbus, Mansfield, Akron, and Cleveland, Ohio; Erie, Pa.; Buffalo, N.Y.; Rome, and Atlanta, Ga.; Birmingham, Decatur, and Gadsden, Ala.; to effect joint-line service to and from Canada, New York, Pennsylvania, Ohio, Michigan, Indiana, West Virginia, Georgia, Florida, Alabama, Mississippi, Louisiana, North Carolina, and South Carolina. Supporting shipper: Ford Motor Co., The American Road, Dearborn, Mich. Send protests to: District Supervisor G. J. Baccei, Interstate Commerce Commission, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199. NOTE: The purpose of this republication is to include the tacking and interlining.

No. MC 107496 (Sub-No. 678 TA), filed August 21, 1968. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, 50309, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Alexandria, Mo., to points in Iowa and Illinois, for 150 days. Supporting shipper: The Morgan Oil Co., Alexandria, Mo. 63440. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 677 Federal Building, Des Moines, Iowa 50309.

No. MC 113646 (Sub-No. 8 TA), filed August 20, 1968. Applicant: JEFFERSON TRUCKING COMPANY, South National City Road, Post Office Box 17, National City, Mich. 48748. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, Kaiser Building, East Detroit, Mich. 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from the plantsite of the National Gypsum Co. at or near Shoals, Ind., to St. Louis, Mo., and points in Illinois; Kentucky; Ohio; Tennessee; West Virginia, and those in Audrain; Bollinger; Boone; Butler; Callaway; Cape Giradeau; Carter; Clark; Cole; Crawford; Dent; Dunklin; Franklin; Gascondade; Iron; Jefferson; Lewis; Lincoln; Madison; Maries; Marion; Mississippi; Monroe; Montgomery; New Madrid; Osage; Pemiscot; Perry; Phelps; Pike; Ralls; Reynolds; Ripley; St. Charles; St. Francois; Ste. Genevieve; St. Louis; Scott; Shannon; Shelby; Stoddard; Warren, Washington, and Wayne Counties, Mo., and those in the Lower Peninsula of Michigan, for 180 days. Supporting shipper: National Gypsum Co., 325 Delaware Avenue, Buffalo, N.Y. 14202. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich. 48933.

No. MC 119654 (Sub-No. 9 TA), filed August 20, 1968. Applicant: HI-WAY DISPATCH, INC., 26th Street and By-Pass, Marion, Ind. 46952. Applicant's representative: Frank Bove (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard, chipboard, or corrugated covers, discs, fillers, partitions, platform or wrappers* for packing or interior forms, flat or folded flat, from Milwaukee, Wis., to points in Indiana on and north of U.S. Highway 40, for 180 days. Supporting shipper: Cleveland Partition Corp., 1640 West Silver Spring Drive, Milwaukee, Wis. 53209. Send protests to: District Supervisor, J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 124078 (Sub-No. 340 TA), filed August 21, 1968. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire clay*, in bulk, from Latrobe, Pa., to Niagara Falls, N.Y., for 150 days. Supporting shipper: Union Mining Co., Inc., 10th Floor Benedum-Trees Building, Pittsburgh, Pa. 15222. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 125708 (Sub-No. 96 TA), filed August 20, 1968. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water well casing, and pipe*, from Clarksville, Ohio, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, District of Columbia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Valley Steel Products Co., Post Office Box 503, St. Louis, Mo. 63166. Send protests to: District Supervisor Harold C. Jolliff, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 127844 (Sub-No. 2 TA), filed August 21, 1968. Applicant: L. B. BARNHILL AND I. S. JOHNSON, JR., doing business as B & J TRANSPORTATION, Route 4, Box 48 X-A, Sumter, S.C. 29150. Applicant's representative: Henry P. Willimon, Post Office Box 1075, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used furniture*, from Boston, Mass., to Atlanta, Ga., for 150 days. Supporting shipper: Atlanta Auction Gallery, 1405 Spring Street NW., Atlanta, Ga. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 601A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 129016 (Sub-No. 2 TA), filed August 20, 1968. Applicant: JOH-LAR TRANSPORTATION, INC., 1201 South Macedonia Avenue, Post Office Box 2097, Muncie, Ind. 47302. Applicant's representative: Leonard M. Jackson (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (with usual exceptions), restricted to traffic having a prior or subsequent movement by rail, between Muncie, Ind., and Albany, Alexandria, Elwood, Hartford City, New Castle, Portland, Red Key, and Yorktown, Ind., for 180 days. Supporting shipper: Norfolk and Western Railway Co., TOFC-COFC Highway Service Department, Terminal Tower, Public Square, Cleveland, Ohio 44101. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 133097 (Sub-No. 1 TA), filed August 21, 1968. Applicant: P. N. WERKING, INC., 10900 Bond Road, Adelphi, Md. 20783. Applicant's representative: Charles E. Creager, 5507 Sarril Road, Baltimore, Md. 21206. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper tissues, sheets, and wax paper*, from Napanoch, N.Y., to points in California, Oregon, and Washington, for 150 days. Supporting shipper: Rondout Corp., Napanoch, N.Y. 12458. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1220, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 133100 TA, filed August 21, 1968. Applicant: SUPERIOR CARRIERS, 25 Berkshire Valley Road, Post Office Box K, Kenvil, N.J. 07847. Applicant's representative: Edward Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal, vegetable, fish, or sea animal oils, fatty acids* of oils, *glycerine, tallow, liquid soaps and liquid soap products, textile softeners, plasticizers, vegetable oil shortening, castor oil, liquid cleaning compounds, defoaming compound, rust preventing compound, stearic acid, chemicals, lubricants* other than petroleum, *fatty acids*, synthetic and blends and derivatives of the foregoing products, in bulk, in tank vehicles, between Boonton, Guttenberg, Jersey City, and Weehawken, N.J., on the one hand, and, on the other, points and places in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and the District of Columbia. Restriction: The operations authorized herein are limited to a transportation service to be performed for the account of Drew Chemical Corp., Boonton, N.J., for 180 days. Supporting shipper: Drew Chemical Corp., 416 Division Street, Boonton, N.J. 07005. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-10397; Filed, Aug. 27, 1968; 8:49 a.m.]

[Notice 198]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 23, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70618. By order of August 16, 1968, the Transfer Board approved the transfer to The Kelley Transit Co., Inc., Torrington, Conn., of the operating rights in certificates Nos. MC-2832, MC-2832 (Sub-No. 2), and MC-2832 (Sub-No. 4) issued March 21, 1942, September 10, 1965, and June 16, 1966, to The E. J. Kelley Co., a corporation, doing business as Litchfield Hills Line, Torrington, Conn., E. J. Kelley Co., a corporation, doing business as Litchfield Hills Line, Torrington, Conn., and E. J. Kelley Co., doing business as Litchfield Hills Lines, Torrington, Conn., respectively, authorizing the transportation of passengers and their baggage, and express, newspapers, and mail in the same vehicle with passengers, over a regular route, between Torrington, Conn., and Brewster, N.Y., with service authorized to and from all intermediate points; passengers and their baggage, in special operations, over irregular routes, beginning and ending at Waterbury, Thomaston, Torrington, Winsted, Norfolk, and Canaan, Conn., and extending to Pownal, Vt.; and passengers and their baggage, in special operations, in round-trip service, over irregular routes, beginning and ending at points in Litchfield County, Conn., and extending to the Borough of Manhattan, N.Y., and the sites of Shea Stadium and Yankee Stadium, New York, N.Y. John R. Sims, Jr., 1700 Pennsylvania Avenue NW., Washington, D.C. 20006, attorney for applicants.

No. MC-FC-70702. By order of August 16, 1968, the Transfer Board approved the transfer to Samuel E. Davis and Janet Davis, a partnership, doing business as Black Mountain Truck Lines, Parker, Ariz., of certificate No. MC-58022 (Sub-No. 1), issued December 2, 1964, to Frank J. Mitchell, doing business as Black Mountain Truck Lines, Parker, Ariz., authorizing the transportation of: General commodities, except household goods, commodities of unusual value, liquid commodities in bulk, and those requiring special equipment between points in Arizona, within 25 miles of Parker, Ariz., including Parker, and points in San Bernardino County, Calif., within 59 miles of Earp, Calif., including Earp. Barnett E. Marks, Title and Trust Building, 114 West Adams Street, Phoenix, Ariz. 85003, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-10398; Filed, Aug. 27, 1968; 8:49 a.m.]

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AMERICAN EDUCATION WEEK, 1968

By the President of the United States of America

A Proclamation

Education—universal, equal, and excellent—is a goal which we have cherished since our country's birth.

In the last decade, however, we have sought to fulfill this goal with greater zeal, greater commitment, and greater success than at any period in our history.

We began with new laws, creating the legal authority to translate our vision of educational opportunity into reality. This year we celebrate the 10th anniversary of the first great new Federal education law, the National Defense Education Act.

This historic law—and dozens which have followed it—has already had a profound effect on American life, and has increased immeasurably our most precious resource: the knowledge and understanding of our people.

To encourage and strengthen America's national fervor for education and to broaden support for America's schools and colleges, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the period of November 10 through November 16, 1968, as American Education Week.

It is my deep conviction that our noblest national task is to lead each citizen to fulfill his own potential. In the belief that our national strength derives from the strength of individual citizens, I call upon every American to work toward an even better educational system in America—a system which will truly deepen and enrich American thought, and truly ennoble life for every man.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of August in the year of our Lord nineteen hundred and sixty-eight and of the Independence of the United States of America the one hundred and ninety-third.

Lyndon B. Johnson

[F.R. Doc. 68-10538; Filed, Aug. 28, 1968; 10:00 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 18—EQUAL EMPLOYMENT OPPORTUNITY IN THE STATE COOPERATIVE EXTENSION SERVICES

Notice was given at 33 F.R. 7455 (May 18, 1968) that the Secretary of Agriculture planned the addition of a new Part 18 to Title 7, Subtitle A, of the Code of Federal Regulations.

Interested persons were invited to submit suggestions for improvement of the proposed new part for consideration prior to its issuance. All suggestions received having been considered, and certain changes made, Part 18 of Title 7, Subtitle A, is hereby issued, reading as follows:

Sec.
18.1 Definitions.
18.2 Purpose, applicability, and coverage.
18.3 Development and adoption of equal employment opportunity programs.
18.4 Elements of program.
18.5 Formal complaint procedure.
18.6 Review and decision.
18.7 Reports.
18.8 Noncompliance.
18.9 Sanctions.

AUTHORITY. The provisions of this Part 18 issued under 5 U.S.C. 301, and Sec. 1–10, 38 Stat. 372, as amended, 7 U.S.C. 341–349.

§ 18.1 Definitions.

For the purpose of this part:

(a) "Secretary" means the Secretary of Agriculture of the United States or his designee.

(b) "Cooperative Extension Service" means the Cooperative Extension Service of each Land-Grant University.

(c) "President" means the President or chief executive of each Land-Grant University or his designee.

(d) "Discrimination" includes discrimination on the basis of race, color, national origin, sex, or religion.

(e) "Employment" includes hiring, assignment, transfer, promotion, compensation, discipline, and discharge and all other conditions, terms and privileges of employment.

(f) "Program" means a comprehensive Equal Employment Opportunity plan submitted by a President in satisfaction of the requirements of § 18.3.

§ 18.2 Purpose, applicability and coverage.

(a) *Purpose.* This part provides a cooperative procedure involving the President and Secretary to assure that the Cooperative Extension Service provides equal opportunity in employment to each individual without regard to race, color, national origin, sex, or religion.

(b) *Applicability.* The regulations in this part apply to every Land-Grant University operating a Cooperative Extension Service.

(c) *Coverage.* This part applies to all positions in all units of the Cooperative Extension Service, and to employees provided by county and other political subdivisions in support of Cooperative Extension Service programs.

§ 18.3 Development and adoption of equal employment opportunity programs.

(a) *Submission.* Within 90 days after the effective date of this part, the President shall furnish to the Secretary a positive continuing program to assure that employment is provided without discrimination.

(b) *Development.* The President and the Secretary may consult with each other at any time regarding the development and evaluation of the program in order to better effectuate the purpose of this part. The program may be a part of a general program establishing employment procedures for employees of the university and may cover other rights and privileges of employees.

(c) *Concurrence.* The Secretary may concur with the program proposed by the President. If the Secretary does not concur with the proposed program, he shall inform the President and make suggestions for improvement. The President will have 30 days thereafter to furnish a satisfactory proposal.

(d) *Amendment.* After concurrence has been obtained on the program, the President may make recommendations to amend the program to improve its effectiveness and furnish them to the Secretary for concurrence. If the Secretary, at any time finds that a program, as implemented, does not achieve the purposes described in § 18.2, he shall confer with the President concerning needed improvements and changes. The President will furnish a satisfactory amendment to the Secretary within 30 days for concurrence.

(e) *Effective date.* The program or amendments to it shall be made effective by the President not later than 30 days from the date of concurrence.

§ 18.4 Elements of program.

A satisfactory program shall include:

(a) A statement of policy prohibiting discrimination in employment;

(b) An administrative procedure enforcing that policy;

(c) A positive affirmative action plan designed to assure equal opportunity in employment;

(d) A procedure for identifying and eliminating employment practices tending to create or continue discrimination in employment;

(e) A procedure for evaluating the success of the program;

(f) Adequate provision for publicizing the program including dissemination of information to all those covered by these regulations;

(g) A procedure for prompt processing of complaints assuring no less than minimum rights prescribed in § 18.5;

(h) Adequate provisions for the protection of complainants, employees, witnesses, and representatives from interference, harassment, intimidation and reprisal;

(i) A procedure for the informal resolution of complaints; and,

(j) A procedure for recording receipt and disposition of all complaints. A report of the receipt and a report of the disposition of all formal complaints will be sent promptly to the Secretary.

§ 18.5 Formal complaint procedure.

A procedure shall be provided for the filing of a formal written complaint if a complainant is not satisfied with the result of informal procedure or if the complainant does not desire to follow the informal procedure. A complaint procedure shall contain the following minimum provisions for the processing of formal complaints.

(a) *Elements of the formal complaint.* The formal complaint shall be in writing and state the name and address of the complainant; the basis of the claim; and indicate whether the alleged discrimination was based on race, color, national origin, sex, or religion.

(b) *Time limits for processing.* The procedure will include time limits for the orderly processing of complaints.

(c) *Who may file.* A complaint may be filed by an employee, a former employee, or an applicant for employment who believes that discrimination in employment has been practiced against him or that an employment practice in the Cooperative Extension Service has or will result in discrimination in employment against him. An employee, a former employee, or an applicant for employment, or an organization may file a complaint of general discriminatory practices: *Provided, however,* That upon request of the President, the complainant shall furnish to him names of individuals who are adversely affected by those practices.

(d) *Right of representation.* A complainant may designate in writing, an individual or an organization to represent him in the processing of his complaint, and is entitled to the advice of counsel at his expense at all stages of the proceeding. If the representative designated by the complainant is an employee of the U.S. Department of Agriculture, or of a Cooperative Extension Service, such employee, as well as an employee-complainant, shall have a reasonable amount of official time with pay, if he is in a pay status, for the purpose of appearing at any hearing on the complaint or conciliation effort. The rights and privileges set forth in this paragraph shall also be

available to any person whose alleged conduct is the cause of the complaint.

(e) *Where filed.* The procedure shall clearly state the persons, and their locations, with whom complaints may be filed. It shall also state that complaints may be filed with the Secretary. Complaints filed with the Secretary shall be promptly forwarded to the President or his designee for processing.

(f) *When filed.* A complaint shall be submitted within 90 days of the conduct giving rise to the complaint. The President or the Secretary may extend the prescribed time limit for good cause shown by the complainant.

(g) *Hearing.* A complainant or the President may request a hearing which shall be transcribed or recorded. The hearing shall be conducted promptly during regular working hours in the county where the alleged discrimination occurred or at a time and place agreed to by the President and the complainant. The President, the complainant and any person whose alleged conduct is the cause of the complaint shall have the right to call and cross-examine witnesses under oath. The hearing shall be provided by the President, and shall be conducted by an impartial board or hearing officer who shall promptly submit a proposed decision including findings of fact, conclusions, and recommendations for action to the President.

(h) *Decision by the President.* The President shall review the entire file on the complaint, including the record of the hearing if a hearing was held, and shall promptly:

(1) Remand to the hearing board or officer for further action; or

(2) Make a decision on the complaint; or

(3) Otherwise dispose of the complaint.

The President shall notify the complainant of his decision or disposition and of his right to request in writing a review by the Secretary and the time limit in which such request for review must be made.

§ 18.6 Review and decision.

(a) *Review.* The complainant may request a review of his complaint by the Secretary:

(1) Within 30 days of notification of disposition of his complaint by the President;

(2) Within 30 days of notification of refusal by the President to accept his complaint; or

(3) Upon failure of the President to act on the complaint in accordance with the program.

The Secretary may extend the prescribed time limit for good cause.

Any request shall be in writing. The President upon request by the Secretary, shall furnish to the Secretary the complete file, including the transcript of any hearing together with whatever other information the Secretary requests. The Secretary may request supplemental information from the President, order further investigation by the Office of the Inspector General, U.S. Department of Agriculture, remand the complaint to the President for further action, and if circumstances warrant, hold a hearing under such procedure and on such issues as he determines appropriate to obtain information which would assist him in making a decision as provided under § 18.6(b).

(b) *Decision.* After the Secretary completes his review of the President's disposition of the complaint, he shall make a decision as to whether the President's decision or disposition of the complaint is proper. The decision of the Secretary shall be in writing and shall be sent to the President for appropriate action. A copy of the decision shall also be furnished to the complainant.

§ 18.7 Reports.

Within 6 months of the program going into effect and thereafter at least annually, the President shall submit a summary report to the Secretary on implementation and operation of the program. The Secretary may request additional reports as he deems advisable.

§ 18.8 Noncompliance.

A university conducting a Cooperative Extension Service will be in violation of this part:

(a) If the President fails to file a program in which the Secretary concurs under § 18.3, or fails to file an appropriate amendment in accordance with § 18.3 (d);

(b) If after concurrence in the President's program the Secretary finds that a university has failed to administer such program according to its terms;

(c) If the university or the President does not take appropriate action on the decision under § 18.6(b) which is satisfactory to the Secretary; or

(d) If the Secretary finds that any officer of the university has intimidated, coerced, or improperly pressured a complainant, employee, representative, or witness exercising the rights given him by this part or any program adopted pursuant thereto, and that corrective action has not been taken.

§ 18.9 Sanctions.

(a) When the Secretary finds that any noncompliance with this part has occurred, he may initiate action to refuse to authorize payment of funds for the Cooperative Extension Service, or take other appropriate action provided by law.

(b) The remedies available to the Secretary under this part, and remedies made available to any person under a program adopted pursuant to this part do not exclude any others which may be available under law.

Effective date. These regulations shall be effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of August, 1968.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 68-10439; Filed, Aug. 28, 1968; 8:48 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 876.20]

PART 876—SUGARCANE: HAWAII

Fair and Reasonable Prices for 1968 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and due consideration of the evidence obtained at the public hearing held in Hilo, Hawaii, on May 10, 1968, the following determination is hereby issued:

§ 876.20 Fair and reasonable prices for the 1968 crop of Hawaiian sugarcane.

A producer of sugarcane in Hawaii who is also a processor of sugarcane, to which this section applies as provided in paragraph (f) of this section (herein referred to as "processor") shall have paid, or contracted to pay, for sugarcane of the 1968 crop grown by other producers and processed by him, or shall have processed sugarcane of other producers under a toll agreement, in accordance with the following requirements:

(a) *Toll agreements.* (1) The rate for processing sugarcane under a toll agreement at Olokele Sugar Co., Ltd., and Kekaha Sugar Co., Ltd., shall be not more than the rate provided in the agreement between the producer and the processing applicable to the prior crop.

(2) (i) The rate for processing sugarcane delivered by a producer under a toll agreement to those processors listed below shall be not more than that established for each such processor.

Processor	Rate for Processing (Percentage of gross proceeds from sugar and molasses)	Delivery point for sugarcane
Puna Sugar Co., Ltd.	34	Mill.
Kohala Sugar Co.	34	Do.
Laupahoehoe Sugar Co.	45	Loaded in trucks.
Mauna Kea Sugar Co., Inc.	45	Do.
Pepeekeo Sugar Co.	45	Do.
Paauhau Sugar Co., Ltd.	45	Do.
Hawaiian Agricultural Co.	45	Do.
Hutchinson Sugar Co., Ltd.	45	Do.

(ii) The gross proceeds from sugar and molasses shall be determined in accordance with the Standard Sugar Marketing Contract and the Standard Molasses Marketing Contract entered into by the producer, or his agent, with the California and Hawaiian Sugar Co. (a cooperative agricultural marketing association herein referred to as C & H): *Provided*, That the gross proceeds so determined to be applicable to the sugar and molasses recovered from the sugarcane of the producer shall be converted to dollars per hundredweight of sugar, raw value basis, for the purpose of applying the rates for processing.

(iii) The applicable rate for processing established in this subparagraph for sugarcane of the producer shall cover (*a*) all transporting, handling, and processing costs applicable to the producers' sugarcane from the delivery point specified herein until the raw sugar and molasses recovered therefrom leaves the bulk sugar bin or the molasses tank of the processor, except those costs incurred for insuring such raw sugar and molasses while stored therein; (*b*) the cost of insuring such sugarcane against loss by fire to the same extent that sugarcane of the processor is insured; (*c*) the costs of weighing, sampling, and taring such sugarcane; (*d*) the cost of general weed and rodent control other than in sugarcane fields of producers and alongside the roads adjacent thereto; and (*e*) the cost of all research and experimental work applicable to the production and processing of such sugarcane.

(iv) The sugarcane received from producers shall be handled and processed by the processor in a manner which is no less favorable than the handling and processing of the sugarcane of the processor. The processor, in acting as agent for the producer, shall handle and deliver to C&H the raw sugar and molasses recovered from the sugarcane of the producer in a manner which is no less favorable than the handling and delivery to C&H of the raw sugar and molasses recovered from the sugarcane of the processor. The processor shall promptly transmit to the producer the amount of gross proceeds received for the sugar and molasses recovered from the sugarcane of the producer, less the applicable processing rate, and less the expenses paid by the processor, as agent for the producer, pursuant to the toll agreement. Handling and delivery expenses shall be limited to those direct expenses paid by the processor as agent for the producer, but shall not include overhead charges of the processor.

(b) *Purchase agreements.* (1) The price for sugarcane under adherent planter agreements shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop.

(2) The price for the producers' share of sugarcane under cultivation contracts at Laupahoehoe Sugar Co. shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop.

(3) The price for sugarcane under independent grower purchase agreements shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop: *Provided*, That the items of expense which may be deducted in computing net returns for the 1968 crop shall be limited to the same items as for the 1967 crop, except that if the processor incurs handling and delivery expenses otherwise allowable under the agreement and which are incurred under abnormal conditions which the "State Executive Director" (i.e., the person employed to be responsible for the day-to-day operations of the Hawaiian Agricultural Stabilization and Conservation Service State Office, or any employee in such office acting on behalf of such person), determines justify the incurrence of such expenses, such expenses also may be deducted.

(c) *Sugarcane weight and quality determination.* The determination of the net weight and quality of the sugarcane received from the producer, and the allocation of sugar and molasses recoveries to the producer shall be made in accordance with the methods customarily used by the processor; methods which have been approved by the Experiment Station of the Hawaiian Sugar Planters' Association; or methods agreed upon between the processor and the producer, which will reflect the true weight and quality of sugarcane and the quantities of sugar and molasses recovered from the sugarcane of the producer.

(d) *Overhead charges for services furnished to producers.* If the processor, at the producer's request, furnishes labor, materials, or services used in producing, harvesting, or transporting the producer's sugarcane, or transports the producer's sugar or molasses from the mill to the port in the processor's own equipment, the processor may charge in addition to the direct costs of such labor, materials, or services, the applicable overhead expenses. If equipment is charged at standard or budgeted rates which include repair and maintenance charges, and such rates are applied equally to both the processors' and producers' producing, harvesting, and transporting operation, and if the standard or budgeted rates are adjusted periodically to reflect current conditions, such rates shall be considered as the direct costs for use of equipment. Charges for applicable overhead expenses shall be based on estimated current budgets and adjusted after the end of the calendar year so as not to exceed the actual costs for such year. In addition, the processor may also charge a profit not to exceed 5 percent of the sum of the direct and overhead charges for such labor, materials, or services. Overhead expenses shall be limited to those which are properly apportionable under generally accepted accounting principles, as approved by the "State Executive Director."

(e) *Reporting requirements.* The processor shall submit to the "State Executive Director" a certified statement of the gross proceeds and handling and delivery expenses paid under (1) purchase agreements providing for payment for sugarcane based upon net returns from sugar and molasses, and (2) toll and agency agreements providing for the deduction of handling and delivery expenses on sugar and molasses from the gross proceeds obtained therefrom.

(f) *Applicability.* The requirements of this section are applicable to all sugarcane grown by a producer and processed under either a purchase or toll agreement by a processor who also produces sugarcane (a processor-producer is defined in § 821.1 of this chapter).

(g) *Subterfuge.* The processor shall not reduce returns to the producer below those determined in accordance with the requirements herein through any subterfuge or device whatsoever.

(h) *Procedures for checking compliance.* The procedures to be followed by the ASCS State office in checking compliance with the requirements of this section are set forth under the heading Part 6—Fair Price Determination in Handbook 6-SU, issued by the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service. Handbook 6-SU may be inspected at the State ASCS office and copies may be obtained from the Hawaii ASCS State Office, 1833 Kalakaua Avenue, Honolulu, Hawaii 96815.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the fair and reasonable rate requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1968 crop grown by other producers.

(b) *Requirements of the act.* Section 301(c)(2) of the act provides, as a condition for payment, that the producer on the farm who is also, directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *Public hearing—C. Brewer and Co. (representing Mauna Kea, Pepeekeo Paauhau, Hawaiian Agricultural, and Hutchinson Sugar Companies).* The representative of these sugar companies recommended a processing rate of 48 percent for the 1968 crop, and continuation of the profit charge on services furnished producers. He said no changes are planned in the method of calculating these charges. The witness submitted producing and processing cost data for the 5-year period 1963–67, and also for 1967, that indicated processing rates of 48.23 and 48.07 percent, respectively. The witness stated that last year the Department of Interior started a 5-year research program at the Wildlife Damage Research Station in Hilo on new methods of controlling rats in the fields and that the Hawaiian Sugar Planter's Association and the University of Hawaii Extension Service are cooperating in a borer control study on the Island of Kauai, and that Hawaii's sugar industry loses an estimated $4.5 million annually due to rat damage. He said that the crop year 1967 was good on cane tonnage and poor on cane quality due to factors beyond their control. The witness testified that relations with independent growers and their associations were excellent and that technical assistance is made available to growers.

A producer representative recommended a processing rate of 40 percent and elimination of the 5 percent profit charge on services furnished growers by the processor. Growers' data were sub-

mitted which indicated a loss of $10 per ton of sugar for the 1967 crop. In a supplemental brief it was recommended that the ASCS State Office in Hawaii mediate to settle any disagreement between the company and cane producers concerning the harvesting schedule.

Kohala Sugar Co. The representative of Kohala stated that the current rate of 34 percent was inadequate to properly compensate the company. The witness submitted cost and production data for 1967 and for the 5-year period 1963–67 indicating processing rates of 47.26 and 43.34 percent, respectively. The representative recommended the continuation of the other provisions of the 1967 determination.

A representative of producers stated that the tolling rate of 34 percent is already too high, and that many growers are quitting sugarcane farming because of the high production costs.

Laupahoehoe Sugar Co. The representative of this company recommended a processing rate of 50 percent for the 1968 crop, and the continuation of the profit charge on services furnished producers. He also requested the approval to allocate sugar and molasses credits on a monthly basis without giving effect to a weekly preliminary allocation. The witness stated that direct factory costs before depreciation and other overhead items averaged $23.71 per ton of sugar processed in 1967; and that depreciation and interest on the invested capital for the new factory of Ookala are important factors in the final cost and that they will remain substantial items for the next several years. A supplemental statement submitted by the company concerning the cost of transporting cane, including road cost, indicates a cost range per ton of cane before allocation of overhead items other than supervision of $1.17 for 1964 as against $1.64 for 1967.

Puna Sugar Co. The representative of this company recommended a processing rate of 36 percent and a 10 percent fee for services rendered to producers. The witness stated that provisions concerning the delivery point should be continued for the 1968 determination. Supplemental data submitted indicated that a change in the delivery point from "mill" to "loaded in trucks" would require a processing rate of 60.35 percent. The representative submitted cost data for the years 1963 through 1967, and 5-year rolling averages for the period 1962–66 and 1963–67. He stated that grower yields increased from a low of 7.32 tons of sugar per acre in 1960, to a high of 8.56 tons for 1967, and that costs for harvesting and hauling were higher in 1967 mainly because of poor weather conditions and that increases in the cost of processing between the crop years 1966 and 1967 were primarily due to increased costs in the fire room and boiler repairs.

The representative of independent producers recommended the disallowance of the 5 percent fee for services rendered to producers by the company, and a change in the delivery point from "mill" to "loaded in trucks" with a processing fee of 45 percent. In a supplemental brief, statements from each grower section, signed by all of the growers, with the exception of two, contained the following: "We, the undersigned, who are independent cane planters, cultivating cane in the Puna Sugar Co., Ltd., plantation area, do hereby consent and urge that the delivery point in the contract for processing of cane by Puna Sugar Co., Ltd., be changed from 'at the mill' to 'in trucks' beginning with the 1968 crop. Costs between growers shall be pooled." Producers stated they are against the company's proposal to use 5-year average costs as the basis for the processing rate.

(d) *1968 price determination.* This determination continues the provisions of the 1967 determination without change.

Consideration has been given to the recommendations and information submitted in connection with the hearing; to the returns, costs, and profits of producing and processing sugarcane obtained by a recent field study and recast in terms of prospective price and production conditions for the 1968 crop; and to other pertinent factors.

The recommendations of producers and processors for changes in the processing rates applicable to several of the companies have been considered. In determining processing rates the Department has considered the costs of previous crops projected to the present on the basis of normal crop conditions. This analysis indicates that changes in the relationship of producing and processing costs have not been sufficient to warrant an adjustment in processing rates and none is made in this determination.

The recommendations for changes in the profit charge on services furnished to producers by processors have again been reviewed. It is believed that the applicable provisions of the 1967 price determination continue to be equitable under prevailing circumstances and therefore the recommendations have not been adopted.

One processor proposed a change to allocate sugar and molasses credits on a monthly basis without giving effect to a weekly preliminary allocation. This method may be used in 1968 if approved by the Experiment Station of the Hawaiian Sugar Planters' Association, or if agreed upon between the processor and producers.

Producers delivering sugarcane to one plantation recommended that the delivery point for sugarcane be changed from "at the mill" to "loaded in trucks," and that the processing rate therefore be changed from 34 percent to 45 percent to offset the change. Action on this request has been deferred for the present. A statement submitted to the Department, signed by all but two of the producers concerned, indicated that producers have agreed to "pool" their expenses in the event their recommendation is adopted. However, details are lacking and the Department has insufficient information at this time upon which to base a decision that will protect adequately the interests of all concerned. Moreover, considerable differences exist between the recommendations of producers and the processor concerning the processing rate. Preliminary examination of this matter seems to indicate that a processing rate somewhat in excess of the 45 percent recommended by producers would be required to compensate for the change in delivery point.

After consideration of all pertinent factors this determination is considered to be fair and reasonable. Accordingly, I hereby find and conclude that the foregoing determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Supp. 1153, sec. 301, 61 Stat. 929, as amended; 7 U.S.C. Supp. 1131)

Effective date. This determination shall become effective when published in the FEDERAL REGISTER and is applicable to the 1968 crop of Hawaiian sugarcane.

Signed at Washington, D.C., August 26, 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-10455; Filed, Aug. 28, 1968; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 254]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.554 Valencia Orange Regulation 254.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 27, 1968.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period August 30, 1968, through September 5, 1968, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 400,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 28, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-10549; Filed, Aug. 28, 1968; 11:25 a.m.]

[Pear Reg. 7, Amdt. 1]

PART 927—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Regulation by Grades, Quality, and Sizes

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 927, as amended (7 CFR Part 927), regulating the handling of the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Control Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Beurre Bosc pears.

Order, as amended. The provisions of paragraph (a)(1)(i) of § 927.307 (Pear Regulation 7; 33 F.R. 11059) are hereby amended to read as follows:

§ 927.307 Pear Regulation 7.

(a) *Order.* (1) * * *

(i) Beurre D'Anjou pears shall be of a size not smaller than 195 size and shall grade at least U.S. No. 2: *Provided,* That pears of such varieties which fail to meet the U.S. No. 2 grade requirements only because of serious damage, but not very serious damage, caused by frost injury, healed hail marks, russeting or being seriously misshapen may be shipped if they are of a size not smaller than the 180 size, and: *Provided further,* That pears of such varieties which bear unhealed broken skin punctures not exceeding three-sixteenths (3/16) of an inch in diameter or depth, as the case may be, may be shipped if such pears otherwise grade at least U.S. No. 1 and are of a size not smaller than the 150 size;

* * * * *

Effective time. The provisions of this amendment shall become effective August 26, 1968.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 26, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-10437; Filed, Aug. 28, 1968; 8:48 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 67]

PART 1067—MILK IN OZARKS MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Ozarks marketing area (7 CFR Part 1067), it is hereby found and determined that:

(a) The following provisions of the order do not tend to effectuate the declared policy of the Act for the month of August 1968:

(1) In § 1067.7(b) the phrase "during any of the months of February through July, or to the extent of not more than 10 days' production during any of the months of August through January."

(2) In § 1067.11(b) all of the language and the table except the following: "A supply plant from which a quantity of milk * * * is shipped to a plant described in paragraph (a) of this section * * * unless such plant requests nonpool designation by means of a * * * written application to the market administrator."

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) A notice of proposed suspension of the diversion limitation and the supply plant percentage shipping requirement, both for August 1968, was issued August 12, 1968 (33 F.R. 11600). A cooperative association representing a very large percentage of the producers on the Ozarks market submitted views favoring the suspension of both provisions. Another cooperative association submitted views opposing suspension of the supply plant shipping requirements in the manner proposed which would result in the pooling of its plant which currently is regulated under the North Central Iowa Federal order.

(4) This suspension action was requested by Mid-America Dairymen to facilitate the efficient handling of reserve milk of the market. The association indicates that during August it will be necessary to move a large volume of producer milk to manufacturing plants. The association also states that because of the merging of three cooperative associations, additional time is needed to consolidate producer milk deliveries to plants in a manner to most efficiently handle reserve milk and meet diversion limitations.

(5) This suspension action is necessary to provide for the efficient handling of reserve milk of the market during the month of August 1968. The cooperative association requesting the suspension is the principal agency in the market responsible for the handling of reserve milk. Due to the large volume of milk which must be moved to manufacturing plants during August, and the temporary difficulties in consolidating the milk delivery operations, it is necessary that the diversion limitation be removed and that the supply plant percentage shipping requirement be suspended. Certain language in § 1067.11(b) in addition to that proposed in the notice issued August 12, 1968, is hereby suspended. The suspension of the additional language will serve to meet the objection of the cooperative association which opposed suspension of the pooling requirement in that such plant will be permitted to retain its nonpool status upon its request. The plant is currently regulated under another order. Hence, it is not necessary that such plant be regulated under this order to achieve orderly marketing.

For the reasons cited herein, good cause exists for making this order effective August 1, 1968.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the month of August 1968.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: August 1, 1968.

Signed at Washington, D.C., on August 23, 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68–10438; Filed, Aug. 28, 1968; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8154, Amdt. 39–643]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 18 Airplanes

Amendment 39–419 (32 F.R. 7205), AD 67–16–1, as amended by Amendment 39–430 (32 F.R. 8024), requires repetitive inspection at four locations of the elliptical front spar lower cap of the wing center section of certain Beech model airplanes. Subsequent to the issuance thereof, Beech Models 3N, 3MN, and 3TM airplanes were type certificated by the Federal Aviation Administration in January 1968. The elliptical front spar lower cap in these airplanes is identical to those presently covered by AD 67–16–1. Consequently, it is necessary to amend the applicability statement of the AD to include these model airplanes.

Since immediate action is required in the interest of safety, compliance with the notice and public procedures provisions of the Administrative Procedure Act is not practical and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–419 (32 F.R. 7205), AD 67–16–1, as amended by Amendment 39–430 (32 F.R. 8024), is amended as follows.

The applicability statement is amended to read as follows:

BEECH MODELS C18S, AT–11, C–45, C–45A, UC–45B, UC–45F, AT–7, AT–7A, AT–7B, AT–7C, JRB–1, JRB–2, JRB–3, JRB–4, SNB–1, SNB–2, SNB–2C, D18S, D18C, C–45G, TC–45G, C–45H, TC–45H, TC–45J (SNB–5), JRB–6, E18S, E18S–9700, G18S, H18 (Aircraft Serial Nos. BA–580, BA–818 through BA–730), 3N, 3NM, and 3TM airplanes and to aircraft of the above models subsequently redesignated under a supplemental type certificate, except those modified under STC SA 1192 WE.

This amendment becomes effective August 30, 1968.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Kansas City, Mo., on Aug. 20, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 68–10432; Filed, Aug. 28, 1968; 8:47 a.m.]

[Airspace Docket No. 68–SW–36]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On June 6, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 8393) stating that the Federal Aviation Administration was considering amending Part 71 of the Federal Aviation Regulations to alter the McAllen, Tex., control zone.

Interested persons were given 30 days in which to submit written data, views, or arguments.

No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., September 19, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on July 12, 1968.

A. L. COULTER,
Acting Director, Southwest Region.

In § 71.171 (33 F.R. 2102) the McAllen, Tex., control zone is amended, in part, by deleting "• • • lat. 26°12'20" N., long. 98°16'05" W. • • • lat. 26°12'20" N., long. 98°16'05" W. • • • 319° • • •" and substituting therefor, "• • • lat. 26°12'29" N., long. 98°16'15" W. • • • lat. 26°12'29" N., long. 98°16'15" W. • • • 309° • • •."

[F.R. Doc. 68–10425; Filed, Aug. 28, 1968; 8:46 a.m.]

[Airspace Docket No. 68–SO–66]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones and Transition Areas

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter the Augusta, Ga.; Brunswick, Ga. (Malcolm-McKinnon Airport), and Gulfport, Miss., control zones, and the Augusta, Ga.; Gulfport, Miss., Muscle Shoals, Ala., and Myrtle Beach, S.C., transition areas.

The above control zones are described in § 71.171 (33 F.R. 2058) and amended as follows, by the referenced citations:

Augusta, Ga. (33 F.R. 11449).
Brunswick, Ga. (Malcolm-McKinnon Airport) (33 F.R. 10563).
Gulfport, Miss. (33 F.R. 9599).

The above transition areas are described in § 71.181 (33 F.R. 2137) and amended as follows, where appropriate, by the referenced citations:

Augusta, Ga. (33 F.R. 11449).
Gulfport, Miss. (33 F.R. 9599).
Muscle Shoals, Ala. (33 F.R. 5351).
Myrtle Beach, S.C.

In the Augusta control zone description, reference is made to the Augusta VOR.

In the Brunswick control zone description, reference is made to the Brunswick VOR.

In the Gulfport control zone and transition area descriptions, reference is made to the Gulfport VOR.

In the Augusta transition area description, reference is made to the Augusta VOR and Greenwood, S.C., VOR.

In the Muscle Shoals transition area description, reference is made to the Muscle Shoals VOR.

In the Myrtle Beach transition area description, reference is made to Grannis Field, Fayetteville, N.C.

Since the VORs referenced in the above descriptions have been converted to VORTACs, and the name of Grannis Field, Fayetteville, N.C., has been changed to Fayetteville Municipal Airport (Grannis Field), it is necessary to alter the descriptions accordingly.

Since these amendments are editorial in nature, notice and public procedure hereon are unnecessary, and action is taken herein to alter the descriptions accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (33 F.R. 2058), the following control zones are amended as hereinafter set forth:

AUGUSTA, GA. (33 F.R. 11449), BRUNSWICK, GA. (MALCOLM-MCKINNON AIRPORT) (33 F.R. 10563), AND GULFPORT, MISS. (33 F.R. 9599)

"• • • VOR • • •" is deleted and "• • • VORTAC • • •" is substituted therefor, wherever it appears.

In § 71.181 (33 F.R. 2137), the following transition areas are amended as hereinafter set forth:

AUGUSTA, GA. (33 F.R. 11449), GULFPORT, MISS. (33 F.R. 9599), AND MUSCLE SHOALS, ALA. (33 F.R. 5351)

"• • • VOR • • •" is deleted and "• • • VORTAC • • •" is substituted therefor, wherever it appears.

MYRTLE BEACH, S.C.

"• • • Grannis Field, Fayetteville, N.C. • • •" is deleted and "• • • Fayetteville Municipal Airport (Grannis Field) • • •" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on August 22, 1968.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 68–10426; Filed, Aug. 28, 1968; 8:46 a.m.]

[Airspace Docket No. 68–SO–68]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Areas

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter the Knoxville, Tenn., control zone, and the Chattanooga, Tenn., and Jackson, Miss., transition areas.

The Knoxville control zone is described in § 71.171 (33 F.R. 2058).

In the description, reference is made to the Knoxville RBN. Since the name of this RBN will be changed to "Singleton RBN," effective November 14, 1968, it is necessary to amend the description accordingly.

The Chattanooga transition area is described in § 71.181 (33 F.R. 2137 and 9333).

In the description, reference is made to the North Chattanooga, Tenn., RBN. Since the name of this RBN will be changed to "Daisy RBN," effective November 14, 1968, it is necessary to alter the description accordingly.

The Jackson transition area is described in § 71.181 (33 F.R. 2137 and 5350).

In the description, reference is made to the Jackson RBN. Since the name of this RBN will be changed to "Hawkins RBN," effective November 14, 1968, it is necessary to amend the description accordingly.

Since these amendments are editorial in nature, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit processing and publication, these amendments will become more effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 14, 1968, as hereinafter set forth.

In § 71.171 (33 F.R. 2058), the Knoxville, Tenn., control zone is amended as follows:

"• • • Knoxville RBN • • •" is deleted and "• • • Singleton RBN • • •" is substituted therefor.

In § 71.181 (33 F.R. 2137), the Chattanooga, Tenn., transition area (33 F.R. 9333) and the Jackson, Miss., transition area (33 F.R. 5350) are amended as follows:

CHATTANOOGA, TENN.

"• • • North Chattanooga, Tenn., RBN • • •" is deleted and "• • • Daisy RBN • • •" is substituted therefor.

JACKSON, MISS.

"• • • Jackson RBN • • •" is deleted and "• • • Hawkins RBN • • •" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on August 22, 1968.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 68–10427; Filed, Aug. 28, 1968; 8:47 a.m.]

[Airspace Docket No. 68–SW–33]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On June 14, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 8744) stating that the Federal Aviation Administration was considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Bastrop, La.

Interested persons were given 30 days in which to submit written data, views, or arguments.

No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., September 19, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on July 19, 1968.

HENRY L. NEWMAN,
Director, Southwest Region.

In § 71.181 (33 F.R. 2137), the following transition area is added:

BASTROP, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Morehouse Airport (lat. 32°45'30" N., long. 91°53'00" W.), and within 2 miles each side of the Monroe VORTAC 030° radial extending from the 5-mile radius area to 19 miles northeast of the VORTAC.

[F.R. Doc. 68–10428; Filed, Aug. 28, 1968; 8:47 a.m.]

[Airspace Docket No. 68–SW–42]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On June 14, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 8745) stating that the Federal Aviation Administration was considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Siloam Springs, Ark.

Interested persons were given 30 days in which to submit written data, views or arguments.

No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., September 19, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on July 19, 1968.

HENRY L. NEWMAN,
Director, Southwest Region.

In § 71.181 (33 F.R. 2137), the following transition area is added:

SILOAM SPRINGS, ARK.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Smith Airport (lat. 36°11'21" N., long. 94°29'18" W.), and within 2 miles each side of the Fayetteville VORTAC 260° radial extending from the 5-mile radius area to 12.5 miles west of the VORTAC, excluding the portion within the Decatur, Ark., transition area.

[F.R. Doc. 68–10429; Filed, Aug. 28, 1968; 8:47 a.m.]

[Airspace Docket No. 68–SW–45]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On June 28, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 9508) stating that the Federal Aviation Administration was considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Camden, Ark.

Interested persons were given 30 days in which to submit written data, views, or arguments.

No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., October 17, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on August 7, 1968.

A. L. COULTER,
Acting Director, Southwest Region.

In § 71.181 (33 FR 2137), the following transition area is added:

CAMDEN, ARK.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Harrell Airport (lat. 33°37'00" N., long. 92°45'45" W.), and within 2 miles each side of the 012° bearing from the Camden RBN (lat. 33°37'15" N., long. 92°45'45" W.) extending from the 5-mile radius area to 8 miles north of the RBN.

[F.R. Doc. 68-10430; Filed, Aug. 28, 1968; 8:47 a.m.]

[Airspace Docket No. 68-SW-46]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On June 28, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 9508) stating that the Federal Aviation Administration was considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Palestine, Tex.

Interested persons were given 30 days in which to submit written data, views or arguments.

No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., October 17, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on August 7, 1968.

A. L. COULTER,
Acting Director, Southwest Region.

In § 71.181 (33 FR 2137), the following transition area is added:

PALESTINE, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Palestine Municipal Airport (lat. 31°47'00" N., long. 95°42'10" W.), and within 2 miles each side of the 206° bearing from the Palestine RBN (lat. 31°48'48" N., long. 95°42'03" W.) extending from the 5-mile radius area to 8 miles southwest of the RBN.

[F.R. Doc. 68-10431; Filed, Aug. 28, 1968; 8:47 a.m.]

[Docket No. 7947, Amdt. 91-57]

PART 91—GENERAL OPERATION AND FLIGHT RULES

Altitude Alerting System or Device

The purpose of this amendment to Part 91 of the Federal Aviation Regulations is to establish a requirement for an altitude alerting system or device in all U.S. registered turbojet civil airplanes.

These amendments are based on a notice of proposed rule making published in the FEDERAL REGISTER on December 20, 1967 (Notice 67-53, 32 F.R. 19190). Interested persons have been afforded an opportunity to participate in the rule making through submission of written comments. Due consideration has been given to all relevant matter presented.

The proposal for an altitude warning device was first issued by the FAA on February 6, 1967 as an advance notice of proposed rule making (Notice 67-2, 32 F.R. 2860) which requested public comment on several specific questions relating to these devices. Based on the comments received, the FAA issued Notice 67-53 containing a proposed rule with specific requirements for such a device. A majority of the comments on Notice 67-53 were in favor of requiring an altitude warning device.

The comments against the proposal are substantially the same as the negative responses to ANPRM 67-2 which have been discussed in Notice 67-53. There the FAA stated that, while some of the points raised had merit, there was sufficient justification to proceed with regulatory action. The latest comments support that determination.

Several individual operators and the Aircraft Industries Association strongly recommended that the rule specify the objective rather than specific parameters and other detailed requirements. This group stated that certain sophisticated systems and devices that will have altitude alerting capability as well as other desirable features are in an advanced stage of development. Some operators are now committed to install this equipment in connection with modernization programs. Assuming these systems will in fact accomplish the objective, the FAA does not wish to inhibit or restrict their development by overly specific requirements or insufficient lead time.

Consequently, the rule will allow the industry to accomplish the altitude alerting objective by any appropriate system or device. Safety will not be adversely affected by eliminating some of the detailed requirements of the proposed rule and may well be enhanced by encouraging the earlier development of systems that will include additional safety features. In addition, the effective date has been extended to 30 months after adoption in order to provide time for development of these more sophisticated systems. However, this is not to suggest that a more sophisticated system or device will be necessary to meet the purpose of this amendment. A device which will provide the required indications will suffice.

Some operators expressed the fear that the proposed amendment would require the altitude alerting system or device to be used in connection with terminal letdown and instrument approach procedures and thus preclude reliance on radio altimeters or other devices which are capable of more precise obstacle clearance and ground avoidance information. This is a misconception that probably resulted from a lack of clarity in the notices as to the primary purpose of the proposed altitude alerting requirement. The revised language of the amendment has been clarified in this respect by using the term "system or device" which will permit the use of either one device or a system of more than one device. There was some objection to the phrase "altitude warning" due to its emergency connotation. Therefore the term "altitude alerting" is used since this is more appropriate to the purpose of this amendment.

There was considerable opposition to the proposal which permits a flight to be continued only if a failure or malfunction occurs after the airplane has taken off. The FAA has determined that the language would in fact create an unreasonable economic burden which is not justified in the interests of safety and the rule is revised accordingly.

In consideration of the foregoing, Part 91 of the Federal Aviation Regulations is amended, effective September 28, 1968, by adding a new § 91.51 to read as follows:

§ 91.51 Altitude alerting system or device; turbojet powered civil airplanes.

(a) No person may operate a turbojet powered U.S. registered civil airplane after February 28, 1971, unless that airplane is equipped with an approved altitude alerting system or device that is in operable condition and meets the requirements of paragraph (b) of this section.

(b) Each altitude alerting system or device required by paragraph (a) of this section must be able to—

(1) Alert the pilot, upon approaching a preselected altitude in either ascent or descent, by a sequence of both aural and visual signals in sufficient time to establish level flight at that preselected altitude;

(2) Provide the required signals from sea level to the highest operating altitude approved for the airplane in which it is installed;

(3) Preselect altitudes in increments that are commensurate with the altitudes at which the aircraft is operated;

(4) Be tested without special equipment to determine proper operation of the alerting signals; and

(5) Accept necessary barometric pressure settings if the system or device operates on barometric pressure.

However, for operations below 3,000 feet AGL, the system or device need only provide one signal, either visual or aural, to comply with this paragraph.

(c) Each operator to which this section applies must establish and assign procedures for the use of the altitude alerting system or device and each flight crewmember must comply with those procedures assigned to him.

(d) Notwithstanding any other provision of this section to the contrary, a person may—

(1) Ferry a newly acquired airplane from the place where possession of it was taken to a place where the altitude alerting system or device is to be installed;

(2) Continue a flight as planned to a place where repair or replacement can be made in the event that the altitude alerting system or device malfunctions or becomes inoperative;

(3) Ferry an airplane with an inoperative altitude alerting system or device from a place where repair or replacement cannot be made to a place where they can be made; or

(4) Conduct an airworthiness flight test, during which the altitude alerting system or device is turned off, to test it or to test an altimeter or other equipment in the airplane.

(Secs. 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on August 22, 1968.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 68-10433; Filed, Aug. 28, 1968; 8:47 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[11th Gen. Rev. of Export Regs., Admt. 7]

PART 378—DISTRIBUTION LICENSE

Part 378 of the Code of Federal Regulations is added to read as set forth below.

Effective date: August 22, 1968.

RAUER H. MEYER,
Director, Office of Export Control.

Purpose and effect. The Office of Export Control has established a new validated license designated as the Distribution License.[1] This is a new "bulk-type" licensing procedure designed to facilitate the export of certain commodities under an international marketing program to previously approved consignees. All commodities for which a validated license is required (with a few exceptions set forth specifically in the regulations) may be exported under this procedure. The countries to which shipments may be made under a Distribution License are Australia, Belgium, Denmark, France, Greece, Italy, Japan, Luxembourg, Netherlands, Norway, United Kingdom, and West Germany.

The consignee, under a Distribution License, must be approved in advance by the Office of Export Control as an eligible distributor or user. To be eligible for this approval, the consignee must be (a) a subsidiary, affiliate, or branch of the U.S. exporter; (b) any other person or firm serving as distributor for the U.S. exporter, or its wholly owned foreign subsidiary, under a written agreement that provides effective means of assuring compliance with U.S. Export Regulations; or (c) an end-user importing commodities for its own end-use or for use in the production or manufacture of other commodities. Except in the case of a subsidiary, affiliate, or branch of the exporter, there must generally have been a minimum of a 2-year continuous business relationship between the foreign consignee and the U.S. exporter. Each consignee requesting approval under a Distribution License shall complete, and submit through the U.S. exporter, three copies of Form FC-1143, Distribution License Consignee Statement. This form conveys certain pertinent information regarding the consignee and provides certain necessary assurance and undertakings by the consignee.

To qualify for a Distribution License, a U.S. exporter must have exported during the calendar year immediately preceding the date of his application commodities covered by the application to the named consignees in a grand total value of not less than $100,000 for the entire list of consignees. Further, he must have a reasonable expectation of a continued business volume for the next year of not less than $100,000 in value; and, in addition, he must have a reasonable expectation that the Distribution License, if granted, will replace not less than 40 individual validated export licenses that would otherwise have been required.

An application for a Distribution License need not identify each specific commodity to be exported in the same detail required on an individual license application. However, the exporter is required to file a monthly report covering all exports made during the previous month under the Distribution License.

Each Customs Office will be notified of the approval of a Distribution License and exports may be made from any port. Presentation of the license to Customs prior to export is not required, but Shipper's Export Declarations shall be presented as usual bearing a full description of the commodities and the validated Distribution License number.

Although aproved consignees may reexport commodities received under a Distribution License to other approved consignees under the same license, no other reexport may be made under a Distribution License without prior written authorization by the U.S. Government.

Accordingly, a new Part 378 is added to the Export Regulations to read as follows:

Sec.

378.1 Distribution License.
378.2 Commodities subject to the Distribution License.
378.3 Countries of destination.
378.4 Qualification of U.S. exporter and foreign consignee.
378.5 Application for export license.
378.6 Action of Office of Export Control on license applications.
378.7 Export clearance.
378.8 Reexports.
378.9 Direct shipment to distributor's customer.
378.10 Amendment of license.
378.11 Records.
378.12 Reports.
378.13 Exceptions.
378.14 Effect of other provisions.
Supplement No. 1 to Part 378—Commodities Excluded From Distribution Licensing Procedure.

AUTHORITY: The provisions of this Part 378 issued under Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4467, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.

§ 378.1 Distribution License.

This part establishes a procedure for obtaining a Distribution License, which authorizes exports, during a period of 1 year, of certain commodities under an international marketing program to consignees that have been approved in advance as foreign distributors or users.

§ 378.2 Commodities subject to the Distribution License.

Any commodities requiring a validated license for export to the countries listed in § 378.3, i.e., commodities not identified by the symbol "B" in the last column of the Commodity Control List (see § 399.1), may be exported under the Distribution Licensing procedure; except:

(a) Commodities related to nuclear weapons, nuclear explosive devices, or nuclear testing, as described in § 373.7(b) of this chapter; and

(b) Commodities listed in Supplement No. 1 to this Part 378.

§ 378.3 Countries of destination.

Exports under the provisions of a Distribution License may be made from the United States to approved consignees in the following countries of destination only:

Australia.	Italy.
Belgium.	Japan.
Denmark.	Luxembourg.
The Federal Republic of Germany.	The Netherlands.
France.	Norway.
Greece.	The United Kingdom.

§ 378.4 Qualification of U.S. exporter and foreign consignee.

(a) *Applicant-consignee relationship.* The ultimate consignee of a Distribution License must be:

(1) A subsidiary, affiliate, or branch of the U.S. exporter serving as the distributor of the commodities to be exported under this license. This subsidiary, affiliate, or branch must be under the full and active control of the exporter and a majority of any voting stock in the subsidiary, affiliate, or branch must be owned by the exporter; or

(2) An agent, representative, or any other person or firm serving as the distributor of the commodities to be exported under this license pursuant to a written agreement with the U.S. exporter or its wholly owned subsidiary that provides for effective means for assuring compliance with U.S. export control regulations, including the provisions set forth in § 378.11; or

(3) An end-user importing the commodities for its own use or for use in the production or manufacture of commodities.

(b) *Activity of relationship.* (1) The U.S. exporter shall have exported to the distributor(s) and end-user(s) commodities covered by the application in a grand total value of not less than $100,000, for the entire list of consignees in all the eligible countries of destination (§ 378.3), within the calendar year immediately preceding the date of filing of the application for a Distribution

[1] The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

License. In addition, the exporter shall have a reasonable expectation of a continued business volume for the next year of not less than $100,000 in value.

(2) The exporter shall further have a reasonable expectation that the Distribution License, if granted, will replace not less than 40 individual validated export licenses that would otherwise be required.

(c) *Duration of relationship.* The U.S. exporter generally shall have had a continuous business relationship for a period of not less than 2 years immediately preceding the date of filing of the application for a Distribution License with each ultimate consignee named in his application for a Distribution License; except that this restriction does not apply to an ultimate consignee that is a subsidiary, affiliate, or branch described in paragraph (a)(1) of this section.

(d) *Evidence of relationship.* An applicant for a Distribution License shall have in his possession, at the time the application is filed, documentary evidence of the existence of the relationship with each ultimate consignee, as described above. These documents and records shall be kept and made available for inspection in accordance with the provisions of § 381.11. (The Export Regulations contain further recordkeeping requirements. See § 381.11 of this chapter.)

(e) *Order requirement.* An applicant for a Distribution License need not hold an order as defined in § 372.4(f)(2) of this chapter from the ultimate consignee(s) for the commodities subject to this procedure at the time he applies for the license.

§ 378.5 Application for export license.

(a) *Documents required.* Each application for a Distribution License shall include the following documents:

(1) Form FC–420, Application Processing Card;

(2) Form FC–419, Application for Export License;

(3) Form FC–1143,[3] Distribution License Consignee Statement (See Supplement S–6 for facsimile of form.); and

(4) Comprehensive narrative statement by the exporter.

An application for a Distribution License need not be supported by the Import Certificate or Consignee Statement otherwise required under § 373.2 or § 373.65 of this chapter.

(b) *Preparation of documents*—(1) *Form FC–420.* The applicant shall prepare Form FC–420, Application Processing Card, in accordance with the provisions of § 372.5(a)(5) of this chapter except as follows:

(i) "Distribution License" shall be entered in the Export Control Commodity Number space;

(ii) The Processing Number space shall not be completed; and

(iii) The applicant shall enter the word "various" in the commodity description space on the Form FC–420.

(2) *Form FC–419.* The applicant shall prepare and submit Form FC–419, Application for Export License, in accordance with the provisions of § 372.5 of this chapter, with the following specific modifications:

(i) The words "Distribution License" shall be entered in the space entitled, "Date of Application," in addition to entering the date in the same space.

(ii) Where there is more than one ultimate consignee, the words "see attached list" shall be inserted in the space entitled "Ultimate Consignee in Foreign Country." Attach to the application a duplicate list, in alphabetical order, of the country(ies) of ultimate destination followed by the name(s) of the ultimate consignee(s) in each country, also in alphabetical order.

(iii) All commodities identified by the symbol "A" in the last column of the Commodity Control List (see § 399.1) shall be either listed separately on the application or on an attachment thereto, or, if feasible, described in related product groups. Examples of acceptable product groups are "Semi-conductors, A type"; "electronic testing instruments, A type"; etc. All commodities not identified by either the symbol "A" or the symbol "B" on the Commodity Control List having Export Control Numbers with the same first two digits may be combined into a single entry. The commodity description for each such entry shall be in terms of broad descriptive categories corresponding with the commodity sections and subheadings that appear on the Commodity Control List (§ 399.1).

(iv) The estimated total value of each "A" commodity or "A" product group and of each group of non-"A" commodities to be exported during the 1 year validity period of the Distribution License shall be shown in the space provided for the total selling price, and a grand total shall be computed for all of the commodities.

(v) The following statement shall be entered at the bottom of the space provided for the commodity description on the application:

> No commodity excluded from the Distribution License procedure under the Export Regulations will be exported to any consignee in any destination under this Distribution License if this application is approved.

(vi) The spaces entitled "Export Control Commodity No. and Proceessing No.," "Unit Price," and "Quantity To Be Shipped" shall be left blank.

(3) *Form FC–1143.* Three copies of Form FC–1143 shall be manually signed by the consignee or by a responsible official of the consignee who is authorized to bind the consignee to all of the terms, undertakings, and commitments set forth on the form. All copies shall be cosigned by the applicant and submitted with the application to the Office of Export Control.

(4) *Comprehensive narrative statement.* A comprehensive narrative statement shall be submitted by the applicant in support of his application for a Distribution License. This statement shall set forth the scope of the applicant's marketing program pertinent to the application and shall detail the nature and duration of the business relationship existing between the applicant and each consignee. The statement shall explain the distributorship agreement (i.e., the form of ownership or other control existing between the U.S. exporter and his distributor), or for other consignees, the sales relationship. In addition, the statement shall show clearly that the activity of relationship meets the qualifications set forth in paragraph (b) of this section and shall include, for each consignee, the volume of business conducted in the commodities involved for the preceding year. In this statement, the commodities shall be shown in the same detail as on the license application.

> NOTE: The preparation of an initial application for a Distribution License entails a substantial amount of work on the part of the exporter. Therefore, a prospective applicant may wish to consult with the Office of Export Control in advance of preparation of his application to obtain a preliminary determination as to the applicability of the Distribution License procedure and to obtain advice as to any special information that may be required in support of the application.

§ 378.6 Action by Office of Export Control on license applications.

(a) *Approved license application*—(1) *Issuance of license.* When an application for a Distribution License is approved, a Form FC–628, Export License, will be issued authorizing, subject to the provisions of the Export Regulations and to the terms and provisions of the license, the export of commodities covered during a validity period of 1 year. The Distribution License will be similar to a validated license described in § 372.11 of this chapter, with the following exceptions:

(i) *Validation.* The license will be validated in the license number space with a stamp which includes a facsimile of the U.S. Department of Commerce seal, the letter "H" and a series of numbers to indicate the year, month, and day on which the license was validated. An explanation of the coded dates shown on the license is set forth in the note following § 372.11.

(ii) *Distribution license number.* Immediately below the validation stamp, the Distribution License number assigned to the license will be indicated. This license number will be a four-digit number prefixed by the letter "V", and suffixed by a one-letter code indicating the Office of Export Control licensing division to which the license was assigned (that is: "C" for Capital Goods Division; "P" for Production Materials and Consumer Products Division; and "S" for Scientific and Electronic Equipment Division).

(iii) *Table of Denial and Probation Orders.* The licensee under a Distribution License is responsible for furnishing promptly to all of his ultimate consignees current reprints of the "Table of Denial and Probation Orders Currently in Effect" and each addendum thereto. Copies of these reprints, issued April 1 and October 1, may be obtained without charge from the Office of Export Control.

(iv) *Special conditions.* If any other special conditions are imposed with respect to the use of a specific Distribution License more restrictive than the general conditions set forth in the Export Regulations, these conditions will be set forth on the license document at the time of issuance, or the licensee will be advised by other means.

(2) *Notification to Customs Offices.* The Office of Export Control will notify all Customs Offices of the issuance of the Distribution License.

(b) *Approved Form FC–1143.* Concurrently with the approval of a Distribution License application, two validated copies of each approved Form FC–1143 will be sent to the U.S. exporter. One copy shall be retained by the exporter, and one copy shall be sent by the exporter to the approved consignee. The letter of transmittal to the approved consignee shall (1) notify the consignee that he will be receiving reprints of the U.S. Department of Commerce "Table of Denial and Probation Orders Currently in Effect" and addendum thereto listing individuals and firms to whom the consignee may not sell or otherwise dispose of the U.S. commodities received under the Distribution License, and (2) advise the consignee that, in addition to the other requirements set forth in this procedure, he may not sell or otherwise dispose of any such U.S.-origin commodities when he has reason to believe the commodities will be used in designing, developing, or fabricating nuclear weapons or nuclear explosive devices, or in devising, carrying out, or evaluating nuclear weapons tests or nuclear explosions. If a consignee is not approved, the form will be returned to the U.S. exporter with a rider stating the reason for rejection.

(c) *Applications returned without action.* When a Distribution License application is returned without action, the application together with related documents will be returned to the applicant with the Form FC–204–B, Advise on Application Returned Without Action. This form will state the reason for return of the license application and will explain the corrections and additional information required if the application is to be resubmitted for further consideration by the Office of Export Control.

(d) *Rejected applications.* When an application for a Distribution License is rejected, the applicant will be notified by Form FC–204–A, Notice of Rejection. This notice will explain the reason for rejection. The applicant may apply for an individual or other appropriate type of validated license for transactions covered by the rejected Distribution License application.

§ 378.7 Export clearance.

(a) *General.* Generally, the Office of Export Control will notify all Customs Offices of the approval of a Distribution License within 15 days after dispatch of the license to the licensee. Therefore, an exporter should not plan to clear an export at an earlier date unless he has verified that notification has reached the Customs Office at the intended port of exit.

(b) *Presentation of license or other approval action.* When clearing shipments for export under a Distribution License, the licensee shall, on demand, show to the Customs Officer or Postmaster either the original or a photocopy of the license or amendment. The license or amendment however is not required to be filed with the Customs Office or Post Office. When exporting by mail, the Distribution License number shall be entered on the address side of the wrapper on the package.

(c) *Limitation on amount shipped.* Exports under a Distribution License of any commodity identified in the last column of the Commodity Control List by the symbol "A" are limited for each entry, during the entire validity period of the license, to the amount shown on the license for that entry. This limitation does not apply to commodities not identified by the symbol "A". Exports of an entry not identified by the symbol "A" may exceed the amount shown for that particular entry provided the total amount of all such shipments does not exceed the grand total of the amounts authorized for all of the commodities not identified by the symbol "A" shown on the license.

(d) *Shipper's Export Declaration.* As set forth in the standard instructions for preparing Shipper's Export Declarations, the validated license number must be shown on the Declaration. In the case of a Distribution License the license number is prefixed by the letter "V" (see § 378.6(a)(1)(ii)).

> NOTE: Although the Distribution License describes the commodities in broad descriptive terms, commodity descriptions on the Declaration shall be specific. The description of a commodity shall (1) conform to the applicable Commodity Control List description, and (2) incorporate any additional information where required by Schedule B; for example, the type, size, or name of specific commodity.

(e) *Destination Control Statement.* The following Destination Control Statement shall be entered on the Shipper's Export Declaration and other relevant documents as prescribed in § 379.10 of this chapter covering exports made under a Distribution License:

> These commodities licensed by the United States for ultimate destination (name of country). Diversion contrary to U.S. law prohibited.

> NOTE: Use of the above-cited statement does not preclude the consignee from reexporting to any of the exporter's other approved consignees or to other countries for whom specific prior approval has been received from the Office of Export Control. In such instances, diversion (i.e., reexport) is not contrary to U.S. law and hence is not prohibited.

§ 378.8 Reexports.

(a) *Distributor.* A distributor who is an approved consignee under a Distribution License may not reexport any commodity received under a Distribution License to any consignee in any other country of destination without the specific prior authorization of the U.S. Government, except that reexports of these commodities may be made to any of the exporter's other consignees who have been approved under the Distribution License procedure.

(b) *End-user.* An end-user who is an approved consignee under a Distribution License is not precluded from exporting manufactured products incorporating U.S. commodities received under a Distribution License to any destination he has listed on the Form FC–1143 that has been approved by the U.S. Government. Reexport of the U.S.-origin commodity in the form received is prohibited, unless specifically authorized in writing by the U.S. Government.

§ 378.9 Direct shipment to distributor's customer.

If a distributor requests that commodities be delivered directly to his customer in the same country of destination or in another country to which reexport is authorized in accordance with § 378.8, the U.S. exporter may do so under his Distribution License by showing on the Shipper's Export Declaration, the name and address of the customer as ultimate consignee followed by a footnote. The footnote shall read, "by order of (name of distributor and his address)," and shall appear below the commodity description. Unless the name of the distributor appears in this manner on the Declaration, direct shipment may not be made to the distributor's customer under the Distribution License.

§ 378.10 Amendment of license.

If the exporter desires to add new consignees to this license or if the amount licensed under a Distribution License proves insufficient to meet his requirements, he may file new Forms FC–1143 and/or request an increase in the value authorized for export under the license at any time during the validity period of the license. Requests for amendment shall be submitted on Form IA–763, Request for and Notice of Amendment Action (see Supplement S–4 for facsimile of form), in accordance with the provisions of § 380.2 of this chapter. An amendment request for the addition of a new consignee shall be supported by Forms FC–1143, prepared as required by the provisions of § 378.5(b). Amendment of a Distribution License to extend the validity period will not be granted. A new license application with supporting Forms FC–1143 shall be filed for such purpose.

§ 378.11 Records.

(a) The U.S. exporter shall retain one copy of each validated or rejected Form FC–1143 for a period of 3 years from the date of a validation or rejection.

(b) All other forms, documents, correspondence, memoranda, books, and other records relating to any export from the United States under a Distribution License shall be kept and made available for inspection in accordance with the recordkeeping requirements of § 381.11 of this chapter.

[3] Form FC–1143 may be obtained at all U.S. Department of Commerce Field Offices and from the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230.

(c) All records regarding a sale or reexport by a distributor who is an approved consignee under a Distribution License shall be retained by the distributor for a period of 3 years from the date of sale or reexport. As a minimum, these records shall contain for each sale or reexport the following:

(1) Full name and address of individual or firm to whom sale or reexport was made;

(2) Full description of each commodity sold or reexported;

(3) Units of quantity or value of each commodity sold or reexported; and

(4) Date of sale or reexport.

(d) All of the above-mentioned records shall be made available for inspection, upon request, by the U.S. Department of Commerce, by a U.S. Foreign Service Post, or by any other accredited representative of the U.S. Government. (The Export Regulations contain further recordkeeping requirements. See § 381.11 of this chapter.)

§ 378.12 Reports.

The exporter shall prepare and submit, on a monthly basis, a report on all exports made during the preceding month under the Distribution License. The report shall cite the license number indicated on the export license and, as a minimum, show, for each consignee, a separate aggregate value for each commodity category as shown on his license (i.e., for each "A" commodity or "A" product group, and for each non-"A" commodity category). The report shall be submitted in original only and transmitted to the Office of Export Control, (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230.

§ 378.13 Exceptions.

In the event that a U.S. exporter is unable to meet any of the requirements of this Distribution License procedure, but believes that unusual circumstances warrant a waiver or an exception to one or more of these requirements, he may consult with or write to the Office of Export Control explaining the circumstances in full and requesting a waiver or exception.

§ 378.14 Effect of other provisions.

Insofar as consistent with the provisions of this part, all of the provisions of the Export Regulations shall apply equally to applications for licenses and licenses issued under this part.

Supplement No. 1

COMMODITIES EXCLUDED FROM DISTRIBUTION LICENSING PROCEDURE

Export Control Commodity Number and Commodity Description

23120 Carboxyl terminated polybutadiene.
23130 Hydroxyl terminated polybutadiene.
28311 Copper ores and concentrates.
28312 Copper matte.
28396 Beryllium ores and concentrates.
28398 Rhenium concentrates (salts).
28401 Copper bearing ash and residues.
28402 Copper or copper-base alloy waste and scrap.
33250 Lubricating oil wholly made of fluorocarbon polymers or copolymers (damping fluids).
51209 Dibromotetrafluoroethane.
51209 Polybromotrifluoroethylene.
51209 Guanidine nitrate.
51209 3 Nitraza 1,5 pentane diisocyanates.
51209 Tetrazene.
51209 Bis (2,2' dinitropropyl) formal and acetal.
51209 2 cyanoacetamide.
51209 Diethyl methyl phosphonite.
51209 Di-isopropyl amino ethyl chloride hydrochloride.
51209 Di-isopropyl carbodiimide.
51209 2 di-isopropyl aminoethanol.
51209 Di-methyl hydrogen phosphite.
51209 2,2' dinitropropanel.
51209 Lead styphnate.
51209 Lysergic acid di ethyl amine.
51209 Malononitrile.
51209 Methyl dichlor phosphine.
51209 Methyl isonicotenate.
51209 Methyl phosphonyl dichloride.
51209 N, N-diethyl ethylene diamine.
51209 Trichlorotrifluoroethane (e.g., Freon 113 ®; and Freon-TF Solvent ®); and dichlorotetrafluoroethane (e.g., Freon-114 ®).
51209 Trifluoromonochloroethylene.
51329 Lithium metal.
51329 Boron metal.
51329 Calcium metal.
51340 Chlorine trifluoride.
51369 Beryllium oxides, hydroxides, peroxides, and compounds.
51369 Monocrystalline gallium compounds.
51369 Hafnium oxides containing more than 15 percent hafnium by weight.
51369 Hafnium oxides containing 15 percent or less hafnium by weight.
51369 Zirconium oxide containing less than one part hafnium to 500 parts zirconium.
51369 Other zirconium oxide, purity 97 percent or higher, or stabilized with lime and/or magnesia.
51470 Beryllium compounds, including, but not limited to, beryllium nitrate, beryllium sulfate, beryllium carbonate, zinc beryllium silicate.
51470 Hafnium compounds.
51470 Master alloys of copper containing 8 percent or more phosphor.
51470 Hydrides in which lithium is compounded with hydrogen or complexed with other metals or aluminum hydride.
51470 Zirconium compounds containing less than one part hafnium to 500 parts zirconium.
51500 Radioisotopes, cyclotron-produced or naturally occurring, having an atomic number 3 through 83, and compounds and preparations thereof; and radium, radium salts and compounds.
51500 Other radioisotopes, cyclotron-produced or naturally occurring, and compounds and preparations thereof.
51500 Deuterium and compounds, mixtures, and solutions containing deuterium, including heavy water and heavy paraffin, in which the ratio of deuterium atoms to hydrogen atoms exceeds 1:5000 by number.
51500 Other deuterium and compounds, mixtures, and solutions containing deuterium, including heavy water and heavy paraffin.
51500 Polonium metal.
51500 Polonium-bearing salts and compounds.
51500 Lithium as follows: (a) Lithium 6 and 7 isotopes, (b) hydrides in which lithium enriched in the 6 isotope is compounded with hydrogen or its isotopes, or complexed with other metals or aluminum hydride, (c) alloys containing any quantity of lithium enriched in the 6 isotope, or (d) any other material containing lithium enriched in the 6 isotope, including compounds, mixtures and concentrates.
51500 Compounds enriched in lithium 7 isotopes.
58110 Resin (plastic) composites, unfinished or semifinished (including molding compounds, laminates and molded shapes), containing silica, quartz, carbon or graphite fibers in any form.
59970 Artificial graphite.
65180 Continuous yarns and rovings.
66230 High temperature refractory cements or bonding mortars, brick and similar shapes, and other refractory construction materials, n.e.c., containing 97 percent or more by weight of magnesium oxide, beryllium oxide, or zirconium oxide, or containing zirconium oxide, stabilized with lime and/or magnesium oxide.
66363 Artificial graphite products, n.e.c., in block, brick, plate, or rod form, smallest dimension 2 inches or over and having a boron content of one part per million or less, the total thermal neutron absorption cross section being less than, or equal to, 5 millibarns per atom.
66363 Carbon or graphite fibers.
66363 Artificial graphite products, n.e.c., whether or not containing other materials to give improved performance at high temperatures, having an apparent relative density of 1.90 or greater, except nonpyrolytic graphite of density between 1.90 and 1.95 when compared to water at 60° F. (15.5° C.).
66370 Refractory products wholly made of boron carbide or boron nitride.
66370 Crucibles containing 97 percent or more by weight of magnesium oxide, beryllium oxide, or zirconium oxide, or containing zirconium oxide stabilized with lime and/or magnesium oxide.
66370 Refractory products other than refractory construction materials, n.e.c., containing 97 percent or more by weight of magnesium oxide, beryllium oxide, or zirconium oxide, or containing zirconium oxide stabilized with lime and/or magnesium oxide.
66370 Crucibles and other refractories made of artificial graphite, whether or not containing other materials to give improved performance at high temperatures, having an apparent relative density of 1.90 or greater, except nonpyrolytic graphite of density between 1.90 and 1.95 when compared to water at 60° F. (15.5° C.).
66370 Artificial graphite refractory products, n.e.c., in block, brick, plate, or rod form, smallest dimension 2 inches or over and having a boron content of one part per million or less, the total thermal neutron absorption cross section being less than, or equal to, 5 millibarns per atom.
67160 Ferrozirconium containing more than 50 percent zirconium in which the ratio of hafnium content to zirconium content is less than one part to 500 parts by weight.

® Trademark registered in Patent Office of the United States.

67850 Pressure tube and pipe fittings having a tube or pipe size connection of 8 inches or more inside diameter, for tube or pipe having a wall thickness of 8 percent or more of the inside diameter and made of (a) stainless steel, or (b) other alloy steel containing 10 percent or more nickel and/or chromium.
67860 Seamless pressure tube and pipe of 8 inches or more inside diameter, having a wall thickness of 8 percent or more of the inside diameter and made of (a) stainless steel, or (b) other alloy steel containing 10 percent or more nickel and/or chromium.
68211 Blister copper and other unrefined copper.
68212 Refined copper, including remelted, in cathodes, billets, ingots, except copper-base alloy ingots, wire bars, and other crude forms.
68212 Copper-base alloy ingots.
68213 Master alloys of copper.
68221 Bars, rods, angles, shapes, sections, and wire of copper or copper-base alloy.
68222 Plates, sheets, and strips (including perforated) of copper or copper-base alloy.
68223 Copper or copper alloy foil, including paper-backed.
68224 Copper or copper alloy powders and flakes.
68225 Pressure tube and pipe, copper-nickel alloy, of 8 inches or more inside diameter and having a wall thickness of 8 percent or more of the inside diameter.
68225 Other tubes, pipes, and blanks therefor, and hollow bars of copper or copper-base alloy.
68226 Pressure tube fittings and pipe fittings, copper-nickel alloy, having a tube or pipe size connection of 8 inches or more inside diameter, for tube or pipe having a wall thickness of 8 percent or more of the inside diameter.
68321 Bars, rods, angles, shapes, and sections of porous nickel having a purity of 99 percent or more.
68321 Other bars, rods, angles, shapes, sections, and wire of nickel alloy containing 32 percent or more nickel, except nickel-copper alloys containing not more than 6 percent of other alloying elements.
68322 Nickel powders with a particle size less than 200 microns.
68322 Plates, sheets, strips, and foil of porous nickel having a purity of 99 percent or more.
68323 Tubes, pipes, blanks and fittings therefor, and hollow bars of porous nickel having a purity of 99 percent or more.
68323 Pressure tube and pipe fittings containing 32 percent or more nickel, having a tube or pipe size connection of 8 inches or more inside diameter, for tube or pipe having a wall thickness or 8 percent or more of the inside diameter.
68933 Beryllium metal or beryllium alloys containing more than 50 percent beryllium, wrought and unwrought, and waste and scrap.
68950 Hafnium metal and alloys containing more than 15 percent hafnium by weight.
68950 Rhenium metal and rhenium metal alloys, wrought or unwrought.
68950 Zirconium metal and zirconium alloys containing more than 50 percent zirconium in which the ratio of hafnium content to zirconium content is less than one part to 500 parts by weight, wrought and unwrought, and waste and scrap.
69892 Copper or copper-base alloy castings and forgings.
69899 Beryllium or beryllium alloy castings and forgings containing more than 50 percent beryllium.
69899 Hafnium metal and hafnium alloy castings and forgings containing more than 15 percent hafnium by weight.
69899 Polonium metal castings and forgings.
69899 Rhenium or rhenium alloy castings and forgings.
69899 Zirconium or zirconium alloy castings and forgings containing more than 50 percent zirconium in which the ratio of hafnium content to zirconium content is less than one part to 500 parts by weight.
69899 Other articles wholly made of zirconium or zirconium alloys containing more than 50 percent zirconium in which the ratio of hafnium content to zirconium content is less than one part to 500 parts by weight.
69899 Other articles wholly made of zirconium or zirconium alloys.
69899 Articles wholly made of beryllium.
69899 Wire mesh, all types, including electroformed, containing 95 percent or more nickel, with 60 or more wires per linear centimeter or the equivalent thereof.
71120 Heat exchangers and heat-exchanger type condensers specially designed for nuclear reactors; and specially designed parts and accessories, n.e.c.
71120 Tubular type heat exchangers designed to operate at pressures of 1,500 p.s.i. and above and with all flow contact surfaces made of or lined with 10 percent or more nickel and/or chromium; and specially designed parts and accessories, n.e.c.
71120 Heat exchangers and heat-exchanger type condensers, tubular designed for use in steam power generation and to operate at pressures of 300 p.s.i. and over and with all flow contact surfaces made of any of the following materials: aluminum, nickel, titanium, zirconium, or alloys containing 60 percent or more nickel, either separately or combined, and specially designed parts and accessories, n.e.c.
71130 Steam turbines designed for use of saturated steam for an output of 2,000 horsepower (1,500 kilowatts) up to and including 100,000 horsepower (75,000 kilowatts); and parts and accessories, n.e.c.
71170 Parts and accessories, n.e.c., specially fabricated for nuclear reactors, including mechanical devices designed to control or shutdown a nuclear reactor.
71420 Advanced electronic computers, i.e., those with a bus rate of 50,000,000 bits per second or more.
71911 Electrolytic cells for the production of fluorine, with a production capacity greater than 250 grams of fluorine per hour.
71911 Other electrolytic cells, n.e.c., and specially designed parts.
71919 Equipment specially designed for the production and/or concentration of deuterium oxide; and specially designed parts.
71921 Industrial pumps having all flow-contact surfaces made of any of the following materials: (a) 90 percent or more tantalum, titanium, or zirconium, either separately or combined, (b) 50 percent or more cobalt or molydbenum, either separately or combined, (c) polytetrafluoroethylene, or (d) polychlorotrifluoroethylene; and parts and attachment, n.e.c.
71921 Vertically shafted centrifugal pumps, glandless, hermetically sealed (canned) type or mechanical pressurized sealed type, having all flow contact surfaces made of or lined with 10 percent or more nickel and/or chromium and rated at 50 kilowatts or more; and parts and attachments, n.e.c.
71921 Other centrifugal pumps, glandless, hermetically sealed (canned) type, having all flow-contact surfaces made of 10 percent or more chromium or nickel, either separately or combined; and parts and attachments, n.e.c.
71921 Pumps designed to move molten metals by electromagnetic forces; and parts and attachments, n.e.c.
71922 Compressors and blowers (turbo, centrifugal, and axial flow types) having a designed capacity of 60 c.f.m. or more and all flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel; and specially designed parts and attachments.
71923 Countercurrent solvent extractors specially designed for the extraction of radioactive substances (for example, pulsed columns and mixer-settlers made of stainless steel); and specially designed parts.
71923 Equipment for filtering, purifying, separating or treating radioactive impurities from nuclear reactor coolant; and specially designed parts.
71923 Gas centrifuges capable of the enrichment or separation of isotopes; and specially designed parts.
71923 Other centrifuges, power-driven, bowl type, with all product contact surfaces of aluminum, nickel, or alloy containing 60 percent or more nickel; and parts.
71923 Centrifuge bowls, wholly made of or lined with aluminum, nickel, or alloy containing 60 percent or more nickel; and parts.
71980 Nuclear reactor fuel chopping, disassembling or dejacketing machines; and specially designed parts and accessories, n.e.c.
71980 Hot or cold isostatic presses, as follows: (a) capable of achieving a maximum working pressure of 20,000 p.s.i. or greater and possessing a chamber cavity with an inside diameter in excess of 16 inches, or (b) capable of achieving a maximum working pressure of 5,000 p.s.i. or greater and having a controlled thermal environment within the closed cavity, except those possessing a chamber cavity with an inside diameter of less than 5 inches and which are also capable of achieving and maintaining a controlled thermal environment only between plus 176° F. (plus 80° C.) and minus 30° F. (minus 35° C.); and specially designed parts and accessories, n.e.c.

71992 Pipe valves having all of the following characteristics: a pipe size connection of 8 inches or more inside diameter, all flow contact surfaces made of or lined with alloys of 10 percent or more nickel and/or chromium and rated at 1,500 p.s.i. or more; and specially designed parts, n.e.c.

71992 Valves, 1 inch or more in diameter, fitted with bellows seal, and wholly made of or lined with aluminum, nickel, or alloy containing 60 percent or more nickel, except those having metal to metal seats; and specially designed parts.

71992 Valves, cocks, or pressure regulators with all flow contact surfaces made of or lined with polytetrafluoroethylene or polychlorotrifluoroethylene; and specially designed parts.

71992 Other valves fitted with bellows seal, and wholly made of or lined with aluminum, nickel, or alloys containing 60 percent or more nickel; and specially designed parts.

72210 Generators and turbine-generator sets specially designed for use with nuclear reactors; and specially designed parts and accessories, n.e.c.

72210 Other turbine-generator sets specially designed for use of saturated steam; and parts and accessories, n.e.c.

72310 Wire and cable coated with or insulated with polyvinyl fluoride.

72310 Wire and cable coated with or insulated with other fluorocarbon polymers or copolymers.

72310 Coaxial-type communications cable as follows: (a) Containing fluorocarbon polymers or copolymers, (b) using a mineral insulator dielectric, (c) using a dielectric aired by discs, beads, spiral, screw, or any other means, (d) designed for gas pressurization for the purpose of withstanding external overpressure or for raising the maximum voltage rating of the cable, or (e) intended for submarine laying.

72310 Other coaxial cable.

72310 Communications cable containing more than one pair of conductors as follows: (a) Submarine cable, or (b) cable containing fluorocarbon polymers or copolymers.

72310 Other communications cable containing more than one pair of conductors and containing any conductor, single or stranded, exceeding 0.9 mm. in diameter.

72310 Insulated nickel or nickel alloy wire as follows: (a) Insulated thermocouple nickel chrome wire containing less than 95 percent nickel and within a diameter range of 0.2 mm. to 5 mm. both inclusive, or (b) other insulated nickel or nickel alloy wire containing 32 percent or more nickel, except nickel copper alloy wire containing not more than 6 percent of other alloying elements.

72310 Other copper or copper-base alloy insulated wire and cable.

72620 Flash discharge type X-ray tubes; and specially designed parts and accessories, n.e.c.

72620 X-ray machines having any of the following characteristics: (a) Peak power exceeding 500 megawatts, (b) output voltage exceeding 500 kilovolts, or (c) output current exceeding 2,000 amperes with pulse width of 0.2 microseconds or less; and specially designed parts and accessories, n.e.c.

72911 Electrochemical and radioactive devices for the conversion of chemical energy to electrical energy, having any of the following characteristics: (a) Fuel cells, including regenerative cells, (i.e., cells for generating electric power, to which all the consumable components are supplied from outside the cells), (b) primary cells possessing a means of activation and having an open circuit storage life in the unactivated condition, at a temperature of 70° F. (21° C.), of 10 years or more, (c) primary cells capable of operating at temperatures from below minus 13° F. (minus 25° C.) to above plus 131° F. (plus 55° C.), including cells and cell assemblies (other than dry cells) possessing self-contained heaters, or (d) power sources other than nuclear reactors based on radioactive materials systems, except those having a power output of less than 0.5 watts in which the ratio of output (in watts) to weight (in pounds) is less than 1 to 2; and specialized parts, components, and subassemblies therefor.

72930 Image converter tubes specially designed for light shutter applications and having shutter speeds of less than 100 nanoseconds.

72930 Cold cathode tubes and switches, as follows: (a) Triggered spark-gaps, having an anode delay time of 15 microseconds or less and rated for a peak current of 3,000 amperes or more; or (b) cold cathode tubes, whether gas filled or not, operating in a manner similar to a spark gap, containing three or more electrodes and having all of the following characteristics: (i) Rated for an anode peak voltage of 2,500 volts or more, (ii) rated for peak currents of 300 amperes or more, (iii) an anode delay time of 10 microseconds or less, and (iv) an envelope diameter of less than 1 inch (25.4 mm.).

72930 Other cold cathode tubes operating in a manner similar to a spark gap, containing three or more electrodes and rated for a peak anode current of 30 amperes or more.

72952 Nuclear radiation detection and measuring instruments designed to measure neutron flux in connection with the determination of the power level of an operating nuclear reactor.

72952 Other nuclear radiation dosimeters capable of measuring dosages above 5 roentgens in one exposure.

72952 Vibration testing equipment capable of providing a thrust greater than 2,000 pounds.

72952 Vibration testing equipment capable of providing a thrust of 2,000 pounds or less.

72952 Control equipment specially designed for hot or cold isostatic presses (No. 71980) which are subject to the Import Certificate/Delivery Verification procedure.

72952 Control equipment specially designed for hot or cold isostatic presses (No. 71980) requiring a validated license to all Country Groups but not subject to the Import Certificate/Delivery Verification procedure.

72952 Mass spectographs and mass spectrometers, as follows: (a) All multifocus types (including double focus, tandem and cycloidal); or (b) single focus types possessing a radius of curvature of 5 inches or more.

72952 Other mass spectographs and mass spectrometers, except mass spectrometer type leak detectors.

72970 Neutron generators employing the electrostatic acceleration of ions; and specially designed parts.

72970 Accelerators, as follows: (a) Betatrons, synchrotrons, cyclotrons, synchrocyclotrons and linear accelerators, (b) electron accelerators capable of imparting energies in excess of 500,000 electron volts, and (c) other electronuclear machines capable of imparting energies in excess of 1,000,000 electron volts to a nuclear particle or ion; and specially designed parts.

72970 Neutron generator tubes designed for operation without external vacuum system, and utilizing electrostatic acceleration to induce a tritium deuterium nuclear reaction; and specially designed parts.

72991 Magnets specially designed for electronuclear machines capable of imparting energies in excess of 1,000,000 electron volts to a nuclear particle or ion.

72992 Electric cold crucible vacuum induction furnaces designed to operate at pressures lower than 0.1 millimeter of mercury and at temperatures higher than 2,012° F. (1,100° C.).

72996 Electrical carbons, except carbon brushes, artificial graphite, whether or not containing other materials to give improved performance at high temperatures, having an apparent relative density of 1.90 and greater, except nonpyrolytic graphite of density between 1.90 and 1.95 when compared to water at 60° F. (15.5° C.).

72996 Electrical carbons, except carbon brushes, artificial graphite, smallest dimension 2 inches or over and having a boron content of one part per million or less, the total thermal neutron absorption cross section being less than, or equal to, 5 millibarns per atom.

72996 Other electrical carbons, except carbon brushes, artificial graphite, smallest dimension 2 inches or over.

73410 Nonmilitary helicopters as follows: (a) Over 10,000 pounds empty weight, or (b) 10,000 pounds or less empty weight of types which have been in or (b) 10,000 pounds or less empty weight of types which have been in normal civil use for 1 year or less, except piston engine powered.

73410 Nonmilitary aircraft, heavier-than-air, of types which have been in normal civil use for 1 year or less except piston engine powered.

73410 Nonmilitary ground effects machines (GEMS), including surface effect machines and other air cushion vehicles, which have been in normal civil use for 1 year or less, except piston engine powered.

73410 Other nonmilitary ground effects machine (GEMS), including other surface effect machines and air cushion vehicles.

86140 Streak cameras having writing speeds of 8 mm./microsecond and above, capable of recording events which are not initiated by the camera mechanism; and specially designed parts and accessories, n.e.c.

86140 Streak cameras having writing speeds of less than 8 mm./microsecond, capable of recording events which are not initiated by the camera mechanism; and specially designed parts and accessories, n.e.c.

66140 High-speed cameras having any of the following characteristics: (a) Using film widths 35 mm. or narrower and capable of recording at rates in excess of 3,000 frames per second when using a steady light flow as the lighting source, and 10,000 frames per second when using flash equipment connected to the unwinding system as the lighting source, (b) using film widths greater than 35 mm. and capable of recording in excess of 64 frames per second, or (c) capable of recording in excess of 250,000 frames per second; and specially designed parts and accessories, n.e.c.

66150 High-speed motion picture cameras having any of the following characteristics: (a) Using film widths 35 mm. or narrower and capable of recording at rates in excess of 3,000 frames per second when using a steady light flow as the lighting source, and 10,000 frames per second when using flash equipment connected to the unwinding system as the lighting source, (b) using film width greater than 35 mm. and capable of recording in excess of 64 frames per second, or (c) capable of recording in excess of 250,000 frames per second; and specially designed parts and accessories, n.e.c.

86198 Mass spectrographs and mass spectrometers, as follows: (a) All multifocus types (including double focus, tandem, and cycloidal), or (b) single focus types possessing a radius of curvature of 5 inches or more; and specially designed parts, n.e.c.

86198 Other mass spectrographs and mass spectrometers, except mass spectrometer type leak detectors; and specially designed parts, n.e.c.

86199 Parts (including positive ion sources), assemblies, components, and accessories, n.e.c., specially designed for mass spectrographs and mass spectrometers under No. 72952 which are subject to the Import Certificate/Delivery Verification procedure.

86199 Parts and accessories, n.e.c., for other mass spectrographs and mass spectrometers.

86199 Parts and accessories, n.e.c., for nuclear radiation dosimeters.

69927 Wire cloth sieves, all types, including electroformed, containing 95 percent or more nickel, with 60 or more sieves per linear centimeter or the equivalent thereof.

[F.R. Doc. 68-10416; Filed, Aug. 26, 1968; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 68-215]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Sugar Content of Certain Articles From Australia

Net amount of bounty declared for the month of July 1968 for products of Australia subject to the countervailing duty order published in T.D. 54582. Section 16.24(f), Customs Regulations, amended.

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the month of July 1968, of approved fruit products and other approved products containing sugar amounts to Australian $116.70 per 2,240 pounds of sugar content.

The net amount of bounties or grants on the above-described commodities which are manufactured or produced in Australia is hereby ascertained, determined, and declared to be Australian $116.70 per 2,240 pounds of sugar content. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 F.R. 9595), whether imported directly or indirectly from that country, equal to the net amount of the bounty shown above shall be assessed and collected.

The table in § 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury decision in the column headed "Treasury Decision" and the words "New rate" in the column headed "Action." The table in § 16.24(f) is further amended by deleting therefrom under "Australia—Sugar content of certain articles" the number 68-131 in the column headed "Treasury Decision" and the words "New rate" appearing opposite such number in the column headed "Action."

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: August 21, 1968.

JOSEPH M. BOWMAN,
Assistant Secretary of the Treasury.

[F.R. Doc. 68-10456; Filed, Aug. 28, 1968; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

O,O-diethyl O-3-chloro-4-methyl-2-oxo-2H-1-benzopyran-7-yl phosphorothioate

A petition (PP 1F0306) was filed with the Food and Drug Administration by the Chemagro Corp., Post Office Box 4913, Hawthorn Road, Kansas City, Mo. 64120, proposing the establishment of a tolerance of 0.1 part per million for residues of the insecticide *O,O*-diethyl *O*-3-chloro-4-methyl-2-oxo-2H-1-benzopyran-7-yl phosphorothioate in the raw agricultural commodity milk from use on dairy cows.

The petition was found to be deficient; however the petitioner requested that it be filed as submitted as provided for in § 120.7(d). Subsequently, the petition was amended to request a tolerance of 0.02 part per million for residues of the insecticide in milk. As the insecticide concentrates in the fat of milk, this is the equivalent of 0.5 part per million on a milk-fat basis, assuming that the milk contains 4 percent of fat.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerance is being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerance established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner (21 CFR 2.120) § 120.189 is revised to read as follows to establish the subject tolerance:

§ 120.189 *O,O*-diethyl *O*-3-chloro-4-methyl-2-oxo-2H-1-benzopyran-7-yl phosphorothioate; tolerances for residues.

Tolerances are established for residues of the insecticide *O,O*-diethyl *O*-3-chloro-4-methyl-2-oxo-2H-1-benzopyran-7-yl phosphorothioate in or on raw agricultural commodities as follows:

1 part per million in or on meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep.

0.5 part per million in milk-fat reflecting negligible residues in milk.

Zero in eggs.

(See also § 121.304 of this chapter.)

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 406(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: August 21, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10445; Filed, Aug. 28, 1968; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

MISCELLANEOUS AMENDMENTS

In § 200.57 paragraph (d) is amended to read as follows:

§ 200.57 Assistant Commissioner for Multifamily Housing and Deputy.

* * * * *

(d) To approve the sale and terms of sale of mortgages taken as security in selling property acquired in connection with Federal Housing Administration insurance claims; to approve the modification in the terms of project mortgages insured by the FHA, excepting approval or disapproval following initial endorsement of increases in project mortgage amounts; and to approve the modification of or authorize the foreclosure of any project mortgage acquired and held as a result of assignment under terms of the insurance contract or taken back and held in connection with the sale of an acquired property.

* * * * *

In § 200.59 paragraph (c) is amended to read as follows:

§ 200.59 Director of the Project Mortgage Servicing Division and Deputy.

* * * * *

(c) To approve modification in the terms of project mortgages insured by the Federal Housing Administration, excepting approval or disapproval following initial endorsement of increases in project mortgage amounts; and to approve the modification of or authorize the foreclosure of any project acquired and held as a result of assignment under the terms of the insurance contract or taken back and held in connection with the sale of an acquired property.

* * * * *

In § 200.109 a new paragraph (d) is added to read as follows:

§ 200.109 HUD Regional Administrators (except Regional Administrator, Region VII) and Assistant Regional Administrators for FHA.

* * * * *

(d) To approve or disapprove, following initial endorsement, increases in project mortgage amounts recommended or referred by FHA field offices.

(Sec. 2, 48 Stat. 1246, as amended; Sec. 211, 52 Stat. 23, as amended; Sec. 607, 55 Stat. 61, as amended; Sec. 712, 62 Stat. 1281, as amended; Sec. 907, 65 Stat. 301, as amended; Sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., August 19, 1968.

[SEAL] PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 68-10441; Filed, Aug. 28, 1968; 8:48 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 0—STANDARDS OF CONDUCT

Outside Employment and Other Outside Activities and Engagements To Speak, Write, or Teach

In order to make 31 CFR Part 0 conform with the regulation of the Civil Service Commission, 5 CFR 735.203, as amended by the publication in the FEDERAL REGISTER on May 4, 1968, 33 F.R. 6809, Part 0 is amended by revising § 0.735-38 and § 0.735-39 as follows:

§ 0.735-38 Outside employment and other outside activities.

Employees shall not engage in any outside employment or other outside activities, with or without compensation, which (a) interfere with the efficient performance of official duties, (b) might bring discredit on or cause unfavorable and justifiable criticism of the Government or (c) might reasonably result in a conflict of interest, or an apparent conflict of interest, with official duties and responsibilities. Bureau heads will establish appropriate instructions to meet their peculiar needs in regard to outside employment and other outside activities of their employees. These instructions will require employees to obtain written permission from appropriate approving officials. To simplify administration of this rule, bureaus may include in their instructions criteria not inconsistent with the regulations in the subpart concerning outside activities which are clearly permissible and would normally not require written permission.

§ 0.735-39 Engagements to speak, write, or teach.

Employees may teach, lecture, or write providing such action is not prohibited by law, Executive Order 11222, or the regulations in this part. The requirements prescribed in § 0.735-38 also apply to engagements to speak, write and teach. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service, that depends on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when an appropriate approving official gives written authorization for use of nonpublic information on the basis that the use is in the public interest. In any of these activities the appropriate approving official in the bureau will determine whether the activity may be undertaken, and if so, whether as official duty, or whether in a private capacity. If it is undertaken as official duty, expenses will be borne by the Treasury Department, and the employee may not accept compensation or permit his expenses to be paid for by the person or group under whose auspices the activity is being performed, except as authorized by law. If it is determined that the activity shall be undertaken in a private capacity, the employee may not use duty hours or Government facilities, but he may accept compensation, and he may use his official title provided he makes it clear that he does not represent the Treasury Department. Treasury employees are prohibited from official attendance at segregated meetings. They should not participate in conferences or speak before audiences where any racial group has been segregated or excluded from the meeting, from any of the facilities, or the conferences or from membership in the group. (Administrative Circular 109 and supplements thereto). Finally, before an employee delivers a formal speech or releases an article relating to matters connected with Treasury Department business, he must submit it for review to the appropriate approving official.

Effective date. These amendments shall be effective upon publication in the FEDERAL REGISTER.

Dated: August 23, 1968.

[SEAL] A. E. WEATHERBEE,
Assistant Secretary for Administration.

[F.R. Doc. 68-10436; Filed, Aug. 28, 1968; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 521—STAR ROUTE SERVICE

PART 535—TRANSPORTATION OF MAIL BY AIR TAXI OPERATORS

Contracts and Operations

The regulations of the Post Office Department are amended as follows:

I. In the list of surety companies under § 521.3 *Contracts* make the following changes to update the list of names of companies that are acceptable on bonds and contracts:

A. Insert in proper alphabetical order the following companies in the list of surety companies:

Allied Insurance Co., Los Angeles, Calif.
American International Insurance Co., New York, N.Y.
Guarantee Co. of North America, New York, N.Y.
International Insurance Co., New York, N.Y.
Millers Casualty Insurance Co. of Texas, Fort Worth, Tex.
Protective Insurance Co., Indianapolis, Ind.

B. Delete the following companies from the list of surety companies:

Farmers Elevator Mutual Insurance Co., Des Moines, Iowa.
Fidelity-Phenix Insurance Co., New York, N.Y.
North Star Reinsurance Corp., New York, N.Y.
Ranger Insurance Co., Houston, Tex.
St. Paul Mercury Insurance Co., St. Paul, Minn.
Security Mutual Casualty Co., Chicago, Ill.
State Fire and Casualty Co., Miami, Fla.

NOTE: The corresponding Postal Manual section is 521.33c(7).

II. In § 535.4 *Operations*, paragraph (d)(6)(ii) is revised to prescribe new flight and duty time limitations of air taxi pilots to conform with those limitations authorized by the Federal Aviation Agency.

§ 535.4 Operations.

* * * * *

(d) *Safety.* * * *

(6) *Flight and duty time limitations.* * * *

(ii) No pilot may be scheduled to fly more than:

(a) 30 hours in any 7 days;

(b) 100 hours in any 30 consecutive days;

(c) 1,000 hours during any calendar year;

* * * * *

NOTE: The corresponding Postal Manual section is 535.446b.

As the foregoing amendments relate to a proprietary function of the Government and do not accept substantive rights, advance notice, public rule making procedures, or a delayed effective date are unnecessary.

(5 U.S.C. 301; 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

AUGUST 26, 1968.

[F.R. Doc. 68-10447; Filed, Aug. 28, 1968; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Holla Bend National Wildlife Refuge, Ark.

On page 11546 of the FEDERAL REGISTER of August 14, 1968, there was published a notice of a proposed amendment to § 32.11 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide public hunting of migratory game birds on the Holla Bend National Wildlife Refuge, Ark., as legislatively permitted.

Interested persons were given 10 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 10, 45 Stat. 1224, 16 U.S.C. 715i, as amended; sec. 4, 80 Stat. 927, 16 U.S.C. 668dd)

1. Section 32.11 is amended by the following addition:

§ 32.11 List of open areas; migratory game birds.

* * * * *

ARKANSAS

HOLLA BEND NATIONAL WILDLIFE REFUGE

* * * * *

ABRAM V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 26, 1968.

[F.R. Doc. 68-10417; Filed, Aug. 28, 1968; 8:46 a.m.]

PART 32—HUNTING

Holla Bend National Wildlife Refuge, Ark.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ARKANSAS

HOLLA BEND NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Holla Bend National Wildlife Refuge, Ark., is permitted only on the areas designated by signs as open to hunting. This open area, comprising approximately 500 acres, is delineated on a map available at Refuge headquarters, Russellville, Ark. 72801; and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of mourning doves, subject to the following special conditions:

(1) Hunting dates: September 2, 7, 11, 14, 1968.

(2) Retrievers used by hunters will be kept under control at all times.

(3) All firearms must be enclosed and/or unloaded when outside designated hunting areas.

(4) Crows may also be taken during this hunt.

(5) Hunters may not enter the refuge earlier than 12 a.m. daily.

The provisions of this special regulation supplement the regulations which govern hunting on Wildlife refuge areas generally which set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 14, 1968.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 26, 1968.

[F.R. Doc. 68-10418; Filed, Aug. 28, 1968; 8:46 a.m.]

PART 32—HUNTING

Certain Wildlife Refuges in Montana

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER. These regulations apply to public hunting on portions of certain National Wildlife Refuges in Montana.

General Conditions: Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. No vehicle travel is permitted except on maintained roads and trails. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

§ 32.12 Special regulations; migratory game birds; for individual refuge areas.

Migratory game birds may be hunted on the following refuges:

Benton Lake National Wildlife Refuge, Great Falls, Mont. 59401.
Bowdoin National Wildlife Refuge, Malta, Mont. 59538.
Charles M. Russell National Wildlife Range, Lewistown, Mont. 59457.
Medicine Lake National Wildlife Refuge, Medicine Lake, Mont. 59247.
Ravalli National Wildlife Refuge, No. 5, Third Street, Stevensville, Mont. 59870.
Red Rock Lakes National Wildlife Refuge, Monida, Mont. 59744.

§ 32.22 Special regulations; upland game; for individual wildlife areas.

Upland game birds may be hunted on the following areas:

Bowdoin National Wildlife Refuge, Malta, Mont. 59538.

Special condition: Only pheasants may be hunted.

Charles M. Russell National Wildlife Range, Lewistown, Mont. 59457.
Ravalli National Wildlife Refuge, No. 5, Third Street, Stevensville, Mont. 59870.

§ 32.32 Special regulations; big game; for individual wildlife areas.

Big game animals may be hunted on the following refuge areas:

Charles M. Russell National Wildlife Range, Post Office Box 110, Lewistown, Mont. 59457.

Medicine Lake National Wildlife Refuge, Medicine Lake, Mont. 59247.
Ravalli National Wildlife Refuge, No. 5, Third Street, Stevensville, Mont. 59870.
Red Rock Lakes National Wildlife Refuge, Monida, Mont. 59744.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1969.

TRAVIS S. ROBERTS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 19, 1968.

[F.R. Doc. 68-10412; Filed, Aug. 28, 1968; 8:45 a.m.]

PART 32—HUNTING

Certain Refuges in Arkansas and South Carolina

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER. These regulations apply to public hunting on the Wapanocca and Big Lake National Wildlife Refuges, Ark., and Cape Romain National Wildlife Refuge, S.C.

General conditions—Hunting shall be in accordance with applicable State regulations. Portions of the refuges which are open to hunting are designated by signs and/or delineated on maps. Maps are available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323.

§ 32.22 Special regulations. Upland game for individual refuge areas.

ARKANSAS

WAPANOCCA REFUGE

Squirrels, bobcats, rabbits, and raccoons may be hunted in accordance with the following special conditions:

(1) Squirrels, bobcats, and rabbits may be hunted October 1 through October 19, 1968.

(2) Raccoons may be hunted February 1 through March 15, 1969.

(3) Dogs are permitted during the raccoon hunts and are prohibited during the other hunts.

(4) Raccoon hunting permitted only from sunset until midnight.

(5) Cutting or burning of trees, fires, camping, and littering are prohibited.

(6) Shotguns and .22 caliber rifles are permitted.

BIG LAKE REFUGE

Squirrels and raccoons may be hunted during the prescribed State seasons and in accordance with the following special conditions.

(1) Hunting of raccoons is permitted only from sunset to midnight.

(2) Dogs are permitted during the raccoon hunt but are prohibited during the squirrel hunt.

(3) Fires and cutting of trees are not permitted.

(4) Shotguns only may be used to hunt squirrels. Shotguns or rifles not larger than .22 caliber may be used to hunt raccoons.

(5) Persons are prohibited from possessing while on the refuge, either on their person or in their vehicles, game for which there is not an open season on the refuge.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective to June 30, 1969.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

SOUTH CAROLINA

CAPE ROMAIN NATIONAL WILDLIFE REFUGE

Public hunting of rails on the Cape Romain National Wildlife Refuge, S.C., is permitted only on the area designated by signs as open to hunting. This open area, comprising 11,638 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of rails subject to the following special conditions:

(1) Open season: October 19 through November 25, 1968.

(2) Guns must be encased or otherwise rendered incapable of firing except when in the designated hunting area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 25, 1968.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 21, 1968.

[F.R. Doc. 68-10410; Filed, Aug. 28, 1968; 8:45 a.m.]

PART 32—HUNTING

De Soto National Wildlife Refuge, Iowa

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

IOWA

DE SOTO NATIONAL WILDLIFE REFUGE

Public hunting of deer on the De Soto National Wildlife Refuge, Iowa, is permitted only on the area designated by signs as open to hunting. This open area comprising 660 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all State Regulations governing the hunting of deer with bow and arrow and shall be permitted only during the regular Iowa archery deer season, September 28, 1968, to November 28, 1968, both dates inclusive.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 28, 1968.

KERMIT D. DYBSETTER,
Refuge Manager, De Soto National Wildlife Refuge, Missouri Valley, Iowa.

AUGUST 22, 1968.

[F.R. Doc. 68-10411; Filed, Aug. 28, 1968; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 68-AL-17]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the transition area at Sitka, Alaska.

The following transition area is presently designated at Sitka, Alaska:

That airspace extending upward from 700 feet above the surface within 3 miles northwest and 2 miles southeast of the Sitka RR southwest course, extending from the RR to 8 miles southwest of the RR; within 2 miles each side of the Biorka Island VORTAC 148° radial, extending from the VORTAC to 8 miles southeast of the VORTAC; within 2 miles each side of the Sitka RR southeast course, extending from the RR to 8 miles southeast of the RR; and within 2 miles each side of the Biorka Island VORTAC 006° radial, extending from 18 miles north to 23 miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 9 miles northwest and 6 miles southeast of the Biorka Island VORTAC 027° and 207° radials, extending from 8 miles northeast to 19 miles southwest of the VORTAC; within 9 miles southwest and 6 miles northeast of the Biorka Island VORTAC 308° radial, extending from the VORTAC to 33 miles northwest of the VORTAC, and within 8 miles southwest and 5 miles northeast of the LDA northwest course, extending from 5 miles to 18 miles northwest of the LDA.

The transition area does not designate sufficient controlled airspace to provide protection for aircraft conducting the LDA/DME instrument approach procedure now being processed. Therefore, to provide protected airspace for aircraft conducting the proposed Sitka LDA/DME instrument approach procedure, the following action which involves domestic airspace is proposed:

Alter the Sitka, Alaska, transition area by redesignating it to comprise that airspace extending upward from 700 feet above the surface within 3 miles northwest and 2 miles southeast of the Sitka RR southwest course, extending from the RR to 8 miles southwest of the RR; within 2 miles each side of the Biorka Island VORTAC 148°T (120°M) radial, extending from the VOTAC to 8 miles southeast of the VORTAC; within 2 miles each side of the Sitka RR southeast course, extending from the RR to 8 miles southeast of the RR; and within 2 miles each side of the LDA northwest course, extending from 10 miles northwest to 22 miles northwest of the LDA; and that airspace extending upward from 1,200 feet above the surface within 9 miles southwest and 22 miles northeast of the Biorka Island VORTAC 308°T (280°M) radial, extending from the VORTAC to 33 miles northwest of the VORTAC, and within 9 miles northwest and 6 miles southeast of the Biorka Island VORTAC 027°T (359°M) and 207°T (179°M) radials, extending from 8 miles northeast to 19 miles southwest of the VORTAC.

The action proposed herein would alter the Sitka, Alaska, transition area by deleting the 700-foot portion from 18 to 23 miles north of the VORTAC, adding a 700-foot portion from 10 to 22 miles northwest of the LDA, and redescribing the 1,200-foot portion to include the additional airspace required to encompass the terminal routes authorized in the proposed LDA/DME instrument approach procedure.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Alaskan Region, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before final action is taken on this proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conference with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conference must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons at the office of the Regional Counsel, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Anchorage, Alaska, on August 21, 1968.

LYLE K. BROWN,
Director, Alaskan Region.

[F.R. Doc. 68-10434; Filed, Aug. 28, 1968; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Ch. II]

[Economic Regs., Docket No. 19901; EDR-143]

AIR FREIGHT INDUSTRY

Uniform Credit, Billing and Collection Practices

AUGUST 23, 1968.

Notice is hereby given that the Civil Aeronautics Board has under consideration rule making action to amend the economic regulations of the Board to establish uniform credit, billing and collection practices within the domestic and international air freight industry.

This advance notice of proposed rule making is being issued to invite public participation in the formulation of the Board's tentative conclusions as to the need for regulations in this area, and in the identification of the rule making problems involved. If, in the Board's view comments received indicate that further action is warranted, a supplemental notice of rule making with proposed rules will then be issued.

Interested persons may participate in this rule making proceeding through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before October 14, 1968, will be considered by the Board before taking action on this proposal. Copies of such communications will be available for examination by interested persons in the Docket Section, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

Explanatory statement. By Order E-25488, August 3, 1967, and Order E-25340, June 23, 1967, the Board authorized direct air carriers and air freight forwarders to discuss through their respective associations air freight credit, billing and collection practices. In doing so, the Board recognized that problems may exist with respect to shipper delinquency in paying freight charges and therefore uniformity of credit practices might be desirable.

Twenty-seven air freight forwarders have petitioned the Board to adopt a regulation establishing uniform credit practices within the freight forwarding industry, and have submitted contemporaneously with the petition, copies of a Uniform Credit Billing and Collection Practices Agreement executed by petitioners which would not become effective until Board action, by rule or otherwise, makes it applicable to all Board authorized forwarders.

The agreement (see attached appendix)[1] provides that charges are payable in cash at the time shipments are accepted or collect shipments delivered except that credit may be extended for a period of 10 calendar days by advance arrangement. Billing will be made within 10 days after acceptance on prepaid shipments or after delivery of collect shipments, the 10-day credit period to run from date of such billing till day of payment mailed, according to postmark. If payment is not received, the air freight forwarder will use his own internal procedures for collection of delinquent accounts during the next 10-day period. Thereafter, and if the aggregate delinquent balance due exceeds $250 and is not collected, the air freight forwarder shall, between the 21st and 25th day after date of billing, forward to the customer by certified mail, return receipt requested, a final notice stating that if the amount is not paid within the next 10 calendar days, the customer will be placed on a cash basis. If payment is not received within such 10-day period, the customer must be placed on a cash basis which may not be removed until full payment. However, a customer need not be placed on a cash basis when he has paid in full the uncontested portion of his bill and explained the difference in writing to the air freight forwarder.

Petitioners request that no Board regulation become effective earlier than 180 days after final adoption, that tariff filing procedures of the Board be amended so that the grace period for billing not be shown in the tariff of the air freight forwarders, and that the Board provide for appropriate reporting requirements for policing such regulation through the Bureau of Enforcement.

Although the Board is submitting petitioners' proposal for public comment by this advance notice of proposed rule making, it has not reached any tentative conclusions as to the merits of the requested regulation. However, the Board considers that the petition may have general merit, and invites comments and data on the proposal.[2] It is requested that such comments and data primarily focus on whether there is a need for such a regulation, and consider the following preliminary questions:

(1) Should such regulation be applicable only to domestic and international air freight forwarders, or also extend to all direct air carriers and foreign air carriers?

(2) Should such regulation include a maximum billing period, within which bills shall be presented for payment?

(3) Should such regulation include a maximum credit period for payment of bills, beyond which the account would be deemed past due and delinquent?

(4) Should such regulation include detailed followup and tracing procedures to insure that customers receive proper notice of delinquent bills?

(5) Should such regulation include a requirement that carriers shall not continue to extend credit to any account whose delinquencies exceed a stated amount?

(6) Should such regulation include a requirement that the names of delinquent accounts whose credit has been withdrawn shall be made available to any other air carrier desiring such information?

Action on the forwarder agreement (CAB No. 20303) will, of course, be deferred pending conclusion of the rule making proceeding.

[F.R. Doc. 68-10444; Filed, Aug. 28, 1968; 8:48 a.m.]

[1] Filed as part of the original document.

[2] The Board is also directing its staff to develop appropriate factual data as to the status of the carriers' freight receivable, in order that a determination may be made as to the magnitude of delinquent air freight billings, and whether the imposition of an additional regulation would improve the carriers' collection record to such an extent as to result in ultimate benefit to the shipping public.

Notices

FEDERAL MARITIME COMMISSION

MARYLAND PORT AUTHORITY AND BALTIMORE STEVEDORING CO., INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Philip G. Kraemer, Director of Transportation, Maryland Port Authority, Pier 2, Pratt Street, Baltimore, Md. 21202.

Agreement No. T-2205 between the Maryland Port Authority (MPA) and Baltimore Stevedoring Co., Inc. (Company), provides for a 1 year lease to Company of certain property at Locust Point, Baltimore, to be used as a marine terminal. The amount of rental is based on the tonnage handled over the facility, computed pursuant to a schedule set forth in the agreement. Company agrees to file its tariffs with the Federal Maritime Commission. The agreement is subject to all the terms and conditions of Agreement No. T-32 between MPA and the Baltimore and Ohio Railroad.

Dated: August 26, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-10458; Filed, Aug. 28, 1968; 8:48 a.m.]

MARYLAND PORT AUTHORITY AND STOCKARD SHIPPING AND TERMINAL CORP.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Philip G. Kraemer, Director of Transportation, Maryland Port Authority, Pier 2, Pratt Street, Baltimore, Md. 21202.

Agreement No. T-2201 between the Maryland Port Authority (MPA) and Stockard Shipping and Terminal Corp. (Stockard) provides for a 1-year lease to Stockard of certain property at Locust Point, Baltimore, to be used as a marine terminal. The amount of rental is based on the tonnage handled over the facility, computed pursuant to a schedule set forth in the agreement. Stockard agrees to file its tariffs with the Federal Maritime Commission. The agreement is subject to all the terms and conditions of Agreeement No. T-32 between MPA and the Baltimore and Ohio Railroad.

Dated: August 26, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-10459; Filed, Aug. 28, 1968; 8:48 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs. Temporary Reg. F-19]

SECRETARY OF DEFENSE

Delegation of Authority Regarding Electric Service Rate

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in electric service rate proceedings.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the Oklahoma Corporation Commission in proceedings to make changes in the rates and charges of the Oklahoma Gas and Electric Co. for electric service.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Adminstration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

AUGUST 23, 1968.

[F.R. Doc. 68-10405; Filed, Aug. 28, 1968; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-5574, etc.]

FRANCIS FRIESTAD ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

AUGUST 20, 1968.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 16, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI67-1740 ..... E 8-2-68	Inter-American Petroleum Corp. et al (successor to Rodney P. Calvin (Operator) et al.), 609 East Speer Blvd., Denver, Colo. 80203.	El Paso Natural Gas Co., South Blanco (Pictured Cliffs) Field, Rio Arriba County, N. Mex.	12.0	15.025
CI68-999 ..... A 2-9-68	Continental Oil Co. (successor to Fuhrman Petroleum Corp.), Post Office Box 2197, Houston, Tex. 77001.	Phillips Petroleum Co., Fuhrman Mascho Field, Andrews County, Tex.	[9] 10.0	14.65
CI68-1380 ..... A 6-18-68 [3] 8-2-68 [4]	J. Harry Henderson, Jr., Post Office Box 1907, Alexandria, La. 71301.	Southern Natural Gas Co., South Barataria Field, Jefferson Parish, La.	[5] 15.5	15.025
CI69-133 ..... A 8-8-68	Blak Oil Co., 203 Park Ave., Oklahoma City, Okla. 73102.	Northern Natural Gas Co., Northeast Buffalo Field, Harper County, Okla.	17.0	14.65
CI69-134 ..... A 8-8-68	Pennzoil United, Inc., Post Office Drawer 1868, Parkersburg, W. Va. 26101.	United Fuel Gas Co., Washington District, Kanawha County, W. Va.	25.0	15.325
CI69-135 ..... A 8-8-68	Lock & Oil, Coal & Dock Co. et al., 413 Porter Bldg., Pittsburgh, Pa. 15219.	Cumberland and Allegheny Gas Co., Union District, Barbour County, W. Va.	25.0	15.325
CI69-138 ..... B 8-9-68	Adams & Stump Oil & Gas Co., c/o Calhoun County Bank, agent, Grantsville, W. Va. 26147.	Consolidated Gas Supply Corp., Freemans Creek District, Calhoun County, W. Va.	Uneconomical.	.....
CI69-137 ..... C 8-9-68	Sohio Petroleum Co. (successor to Conroy, Inc. (Operator) et al.) 970 First National Office Bldg., Oklahoma City, Okla. 73102.	Kansas-Nebraska Natural Gas Co., Inc., Surveyor Creek Field, Washington County, Colo.	[10] 10.0	16.4
CI69-138 ..... (CI67-636) F 8-2-68	Sohio Petroleum Co. (successor to Conroy, Inc. (Operator) et al.).	Kansas-Nebraska Natural Gas Co., Inc., North Shore Field, Logan County, Colo.	[1] 10.0	16.4
CI69-139 ..... B 8-12-68	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77002.	Texas Eastern Transmission Corp., South Bird Island, Kleberg County, Tex.	Depleted	.....
CI69-140 ..... B 8-12-68	J. F. Ruffin, Jr., trustee, 608 West Pine St., Hattiesburg, Miss. 39401.	United Gas Pipe Line Co., Maxie-Pistol Ridge Field, Pearl River County, Miss.	Depleted	.....
CI69-141 ..... (G-3894) F 8-9-68	Calvin Investments, Inc. (successor to Atlantic Richfield Co.), c/o Bucks, Cook & Parker, Box 51101, Shreveport, La. 71101.	United Gas Pipe Line Co., Sibley Field, Webster Parish, La.	12.8008	15.025
CI69-142 ..... A 8-12-68	George Jackson, agent, Post Office Box 351, Clarksburg, W. Va. 26301.	Carnegie Natural Gas Co., New Milton District, Doddridge County, W. Va.	[2] 25.0-28.0	15.325
CI69-143 ..... A 8-9-68	Mobil Oil Corp.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., East Cameron Block 64 Field, Offshore Cameron, La.	20.0	15.025
CI69-144 ..... A 8-12-68	Carl Parkish, Route No. 3, Pennsboro, W. Va. 26415.	Equitable Gas Co., McElroy District, Tyler County, W. Va.	23.0	15.325
CI69-145 ..... A 8-12-68	W. M. Gallaway, c/o Floyd J. Ray, 4112 Beckland Dr., Farmington, N. Mex. 87401.	El Paso Natural Gas Co., South Blanco Pictured Cliffs Field, Rio Arriba County, N. Mex.	12.0	15.025
CI69-146 ..... A 8-12-68	Texaco, Inc.	Oak Gathering Corp., Bayou des Glaises Field, St. Martin Parish, La.	21.25	15.025
CI69-147 ..... A 8-12-68	Humble Oil & Refining Co.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., East Cameron Block 64 Field, Offshore Louisiana.	21.25	15.025
CI69-148 ..... B 8-12-68	J. Ray McDermott & Co., Inc., c/o Kenneth Wells, attorney, Vinson, Elkins, Weems & Searls, First City National Bank Bldg., Houston, Tex. 77002.	Kansas-Nebraska Natural Gas Co., Inc., Yenter Field, Logan County, Colo.	Depleted	.....
CI69-149 ..... B 8-12-68	J. Ray McDermott & Co., Inc.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Red Fish Reef, and Bay Marchand Fields, Lafourche and Jefferson Counties, Tex.	Depleted	.....
CI69-150 ..... A 8-12-68	Michel T. Halbouty, 5111 Westheimer Rd., Houston, Tex. 77027.	Natural Gas Pipeline Co. of America, East Holly Beach Field, Cameron Parish, La.	21.5	15.025
CI69-151 ..... B 8-13-68	Tribune Oil Corp., 230 Park Ave., New York, N.Y. 10017.	Texas Gas Transmission Corp., Egan Field, Acadia Parish, La.	Depleted	.....
CI69-152 ..... A 8-13-68	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	Trunkline Gas Co., Shell Island Pass Field Area, St. Mary Parish, La.	22.0	15.025

notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-3574 ..... E 8-9-68	Francis Friestad (successor to Glenn Tompkins et al.), 1016 Lexington Way, Rockford, Ill. 61106.	Consolidated Gas Supply Corp., Union District, Clay County, W. Va.	20.0	15.325
G-11018 ..... D 8-9-68 [1]	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001.	United Gas Pipe Line Co., Iowa Field, Calcasieu and Jefferson Davis Parishes, La.	Assigned	.....
CI60-548 ..... E 8-9-68	Bradley H. Keyes (successor to Dresser Industries, Inc.), Box 842, Aztec, N. Mex. 87410.	El Paso Natural Gas Co., West Kutz Pictured Cliffs Field, San Juan County, N. Mex.	12.0	15.025
CI61-901 ..... C 8-8-68	Freeda M. Davison, Vadis, W. Va. 26445.	Consolidated Gas Supply Corp., Freemans Creek District, Lewis County, W. Va.	25.0	15.325
CI62-1251 ..... C 8-9-68	Joseph E. Segram & Sons, Inc., c/o Texas Pacific Oil Co. (Operator) et al., Post Office Box 747, Dallas, Tex. 75221.	Arkansas Louisiana Gas Co., Cameron Field, La Flore County, Okla.	15.0	14.65
CI63-20 ..... C 8-8-68	Humble Oil & Refining Co. (Operator) et al., Post Office Box 2180, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Arkoma Area, Latimer and Le Flore Counties, Okla.	15.01556	14.65
CI63-1453 ..... C 8-12-68	do	Natural Gas Pipeline Co. of America, South Lundell Field Area, Duval County, Tex.	15.0	14.65
CI64-622 ..... E 8-2-68	James F. Smith (successor to Atlantic Richfield Co.), c/o Mason C. Courtney, attorney, Post Office Box 189, Amarillo, Tex. 79105.	Kansas-Nebraska Natural Gas Co., Inc., Southeast Dombey Field, Beaver County, Okla.	15.0	14.65
CI65-1145 ..... C 8-9-68	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	Arkansas Louisiana Gas Co., Cameron Field, La Flore County, Okla.	15.0	14.65
CI65-1077 ..... C 8-9-68	John C. Orley et al., 800-A Enterprise Bldg., Tulsa, Okla. 74103.	Arkansas Louisiana Gas Co., Cameron Field, Le Flore County, Ashland Field, Pittsburg County, and Kinta Field, Haskell County, Okla.	15.0	14.65
CI67-66 ..... C 8-8-68	Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102.	Panhandle Eastern Pipe Line Co., South Peak Field, Ellis County, Okla.	[3] 18.015	14.65
CI67-1619 ..... C 8-8-68	Hays & Co., agent for D. A. Dorward, 41 North Chesterfield Rd., Columbus, Ohio 43209.	Equitable Gas Co., Court House District, Lewis County, W. Va.	15.325	15.325

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI69-153 ..... (CI63-1299) F 8-12-68	Humble Oil & Refining Co. (successor to Mobil Oil Corp.).	Natural Gas Pipeline Co. of America, South Lundell Area, Duval County, Tex.	16.0	14.65
CI69-154 ..... A 8-14-68	Lora Oil & Gas Co., 600 Eastlawn Ave., Parkersburg, W. Va.	Cabot Corp., acreage in Calhoun County, W. Va.	17.5	15.325
CI69-155 ..... B 8-14-68	Chief Drilling, Inc. et al., c/o Robert E. Wright, attorney, Box 20, Sistersville, W. Va. 26175.	Consolidated Gas Supply Corp., Clay District, Ritchie County, W. Va.	Uneconomical	.....
CI69-156 ..... B 8-14-68	H. H. Smith Gas Co., c/o Glenn L. Haught, agent, Smithville, W. Va. 73105.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	Uneconomical	.....
CI69-157 ..... B 8-15-68	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., Lacassine Refuge Field, Cameron Parish, La.	Depleted	.....
CI69-158 ..... A 8-15-68	Sarkeys, Inc., 4400 North Lincoln Blvd., Oklahoma City, Okla.	Arkansas Louisiana Gas Co., Southeast Sugler Area, Haskell County, Okla.	15.0	14.65
CI69-159 ..... A 8-15-68	Sohio Petroleum Co.	Northern Natural Gas Co., Northwest Camrick Pool, Texas County, Okla.	[9] 18.75	14.65
CI69-160 ..... A 8-14-68	Phillips Petroleum Co., Bartlesville, Okla. 74003.	Natural Gas Pipeline Co. of America, Panhandle Area, Beaver County, Okla., and Moore County, Tex.	[10]	14.65

[1] Deletes acreage assigned to Energy Corp. of America, Inc., et al.
[2] Presently effective rate under Amerada's FPC GRS No. 138.
[3] Fuhrman Petroleum Corp. never made certificate filing to cover subject acreage.
[4] Less 0.3 cent treating cost.
[5] Application previously noticed June 27, 1968, in Docket No. G-3193 et al. at a total initial rate of 14 cents per Mcf.
[6] Amendment to application filed to reflect a total initial rate of 15.5 cents per Mcf in lieu of 14 cents.
[7] Buyer retains 7 cents per Mcf to amortize cost of gathering lines and facilities.
[8] Price determined by volume of gas sold.
[9] Includes 1.75 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[10] Exchange of gas on a volume weighted average B.t.u. basis.

[F.R. Doc. 68–10316; Filed, Aug. 28, 1968; 8:45 a.m.]

[Docket No. CP69–36]

VILLAGE OF PITTSBURG, ILL., AND TRUNKLINE GAS CO.

Notice of Application

AUGUST 22, 1968.

Take notice that on August 19, 1968, the village of Pittsburg, Williamson County, Ill. (Applicant), c/o William C. Iwert, 134 South La Salle Street, Chicago, Ill. 60603, filed in Docket No. CP69–36 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Trunkline Gas Co. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be established by Applicant and to sell and deliver to the latter its natural gas requirements, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to interconnect a lateral line with Trunkline's pipeline and from this point of interconnection construct a 3-inch high pressure lateral 500 feet eastward to the town border station which is located at the east corporate limits of the village of Pittsburg. Further Applicant proposes to construct complete distribution facilities to serve all prospective customers in the village and vicinity.

The application states that at present, the residents of the village and environs have no natural gas service.

The estimated third year peak day and annual requirements of Applicant are 251 Mcf and 23,419 Mcf, respectively.

Total estimated cost of the new construction is $110,000, which cost will be financed by the issuance of gas revenue certificates.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 20, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68–10421; Filed, Aug. 28, 1968; 8:46 a.m.]

[Docket No. CP68–164]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Petition To Amend

AUGUST 22, 1968.

Take notice that on August 19, 1968, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP68–164 a petition to amend the order issued in said docket on May 3, 1968, by authorizing a reallocation of a portion of the storage withdrawal capacity allocated therein, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued May 3, 1968, in the instant docket, Petitioner was authorized to construct and operate certain natural gas facilities increasing Petitioner's storage withdrawal capacity by 156,000 Mcf. Said order also approved the allocation of this additional withdrawal capacity among certain of Petitioner's customers.

By the instant filing, Petitioner requests that the storage withdrawal capacity allocated by said order to Mississippi River Transmission Corp., which has refused this offer of storage, be reallocated to certain of its other customers, effective September 1, 1968. The allocation resulting from this reoffer is as follows:

Customer	*Additional maximum withdrawal quantities in Mcf at 1,000 B.t.u. per cubic foot and 14.65 p.s.i.a. at 60° F.*
Associated Natural Gas Co	5
Commonwealth Edison Co	168
Illinois Power Co	122
Iowa Electric Light & Power Co	78
Iowa-Illinois Gas & Electric Co	404
Iowa Power & Light Co	31
Iowa Southern Utilities Co	13
Nebraska City, Nebr., City of	6
North Shore Gas Co	159
Northern Illinois Gas Co	1,444
Northern Indiana Public Service Co	497
The Peoples Gas Light & Coke Co	1,122
Sullivan, Illinois, City of	4
Wisconsin Southern Gas Co., Inc	42
Total	4,093

Petitioner states that no additional facilities are required to effectuate this proposed allocation of storage withdrawal quantities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 19, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68–10422; Filed, Aug. 28, 1968; 8:46 a.m.]

[Docket Nos. RI69–55, etc.]

WILLIAM E. SNEE ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

AUGUST 22, 1968.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

[1] Does not consolidate for hearing or dispose of the several matters herein.

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 2, 1968.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI69-55...	William E. Snee et al., Post Office Box 2023, Uniontown, Pa. 15401.	4	3	Arkansas Louisiana Gas Co. (Wilburton and Milton Fields, Latimer and Le Flore Counties, Okla.) (Oklahoma "Other" Area).	$680	7-30-68	[2] 9-1-68	2-1-69	[3] 15.0	[3] [4] [5] [6] 16.015	
	do	5	6	Arkansas Louisiana Gas Co. (Red Oak, Bokoshe, and Spiro Fields, Latimer and Le Flore Counties, Okla.) (Oklahoma "Other" Area).	3,045	7-30-68	[2] 9-1-68	2-1-69	[3] 15.0	[3] [4] [6] 16.015	
RI69-56...	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	192	1	Panhandle Eastern Pipe Line Co. (Southwest Lenora Field, Dewey County, Okla.) (Oklahoma "Other" Area).	6,093	7-26-68	[2] 8-26-68	1-26-69	[6] 15.45	[4] [7] [8] 18.437	
	do	189	5	Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla.) (Panhandle Area).	410	7-31-68	[2] 8-31-68	1-31-69	[10] [11] 15.255	[4] [4] [10] [11] 17.304	
RI69-57...	Mobil Oil Corp. (Operator) et al., Post Office Box 2444, Houston, Tex. 77001.	333	22	Arkansas Louisiana Gas Co. (Red Oak Area, Latimer et al. counties, Okla. (Oklahoma "Other" Area).	47,118	7-29-68	[2] 9-1-68	2-1-69	[3] 15.0	[3] [4] [6] 16.015	
RI69-58...	Texaco, Inc. (Operator) et al., Post Office Box 2420, Tulsa, Okla. 74102.	351	1	Panhandle Eastern Pipe Line Co. (Putnam Field, Dewey County, Okla.) (Oklahoma "Other" Area).	403	7-31-68	[2] 10-1-68	3-1-69	[10] [12] 16.297	[4] [4] [10] [12] 17.460	
RI69-59...	Stephens Production Co., Post Office Box 248, Fort Smith, Ark. 72901.	2	2	Arkansas Louisiana Gas Co. (Backbone Area, Le Flore County, Okla.) (Oklahoma "Other" Area).	183	7-29-68	[2] 9-1-68	2-1-69	15.0	[3] [4] [6] 16.015	
RI69-60...	Pauley Petroleum Inc., 10000 Santa Monica Blvd., Los Angeles, Calif. 90067, Attn: L. E. Scott, Vice president.	7	3	El Paso Natural Gas Co. (Cotton Draw Unit Area, Lea and Eddy Counties, N. Mex.) (Permian Basin Area).	22,000 1,900	7-26-68	[2] 8-26-68	1-26-69	[13] 16.95 [14] 15.90	[3] [4] [13] 17.95 [3] [4] [14] 16.90	
RI69-61...	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001, Attention: Mr. H. H. Beeson.	216	[15] 7	El Paso Natural Gas Co. (Piceance Creek Field, Rio Blanco County, Colo.)	29,707	7-31-68	[2] 9-27-68	2-27-69	12.78	[3] [16] 13.78	
	do	307	[15] 9	do	5,249	7-31-68	[2] 9-27-68	2-27-69	12.78	[3] [16] 13.78	
	do	311	[15] 7	do	69	7-31-68	[2] 9-27-68	2-27-69	12.78	[3] [16] 13.78	
	do				400	7-30-68	[2] 8-30-68	1-30-69	[17] 14.3733	[3] [4] [17] 14.8733	RI63-310.
RI69-62...	Harkins & Co. (Operator) et al., Post Office Box 1490, Alice, Tex. 78332, Attn: Mr. A. O. Holzapeel.	2	4	Texas Eastern Transmission Corp. (North Agneckeville Field, De Witt County, Tex.) (RR. District No. 2).	1,960	8-5-68	[2] 11-1-68	4-1-69	[17] 15.6	[3] [4] [17] 16.6	RI65-139.
RI69-63...	American Petrofina Co. of Texas, Post Office Box 2159, Dallas, Tex. 75221, Attn: Walker W. Smith, Esq.	38	4	Texas Eastern Transmission Corp. (Midway East Field, San Patricio County, Tex.) (RR. District No. 4).							

[2] The stated effective date is the effective date requested by Respondent.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to compression charge of 0.75 cent (one stage) or 1.5 cents (two stages) to be deducted by buyer if buyer is required to compress the gas.
[6] Includes 0.015-cent tax reimbursement.
[7] "Fractured" rate increase. Ashland filing from conditioned permanent certificated initial rate to 17.9 cent base rate. Initial contract base rate is 18 cents per Mcf.
[8] Includes base rate of 15 cents plus upward B.t.u. adjustment before increase and 17.9 cent base rate plus upward B.t.u. adjustment after increase (1,030) B.t.u. gas. Base rate subject to upward and downward B.t.u. adjustment.
[9] Renegotiated rate increase.
[10] Base rate subject to upward and downward B.t.u. adjustment.
[11] Includes base rate of 15 cents plus 0.255 cent upward B.t.u. adjustment (1017 B.t.u. gas) before increase and base rate of 17 cents plus 0.289 cent upward B.t.u. adjustment plus 0.015-cent tax reimbursement after increase.
[12] Includes base rate of 14 cents plus 2.282 cents upward B.t.u. adjustment plus 0.015-cent tax reimbursement before increase and 15 cents plus 2.445 cents upward B.t.u. adjustment (1,163 B.t.u. gas) plus 0.015-cent tax reimbursement after increase.
[13] Non-Devonian gas.
[14] Devonian gas.
[15] Does not include excess reserves of recoverable gas added by Supplement Nos. 6 (Rate Schedule No. 216), 8 (Rate Schedule No. 307), and 6 (Rate Schedule No. 311).
[16] Pressure base is 15.025 p.s.i.a.
[17] Subject to a downward B.t.u. adjustment.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended [18 CFR Ch. I, Part 2, § 2.56].

[F.R. Doc. 68-10423; Filed, Aug. 28, 1968; 8:45 a.m.]

[Docket No. CP69-30]

WESTERN GAS INTERSTATE CO.

Notice of Application

AUGUST 22, 1968.

Take notice that on August 14, 1968, Western Gas Interstate Co. (Applicant), 1500 Fidelity Union Tower, Dallas, Tex. 75201, filed in Docket No. CP69-30 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of taps and minor related gas sales facilities and the sale and delivery of gas to its parent and only customer, Southern Union Gas Co. (Southern Union) for distribution and resale primarily to residential and irrigation customers, in Cimerron, Texas, and Beaver Counties, Okla., and Dallam, Sherman, and Moore Counties, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

By this application, Applicant seeks authorization (1) to the extent that such authorization may be required, for the sale of up to 400,000 Mcf of gas per year to Southern Union and the installation and operation of gas sales facilities to deliver such gas, namely, 129 taps and minor related gas sales facilities which had been installed and operated by Applicant's predecessor but which may not have been authorized by the Commission's December 11, 1967, order in Docket No. CP68-43; (2) for the sale and delivery of up to 44,000 Mcf per year to Southern Union and for the installation and operation of four taps and minor gas sales facilities installed by Applicant during 1968 to enable Southern Union to initiate the distribution and resale of such volumes to certain of its customers; and (3) permitting Applicant to install and operate up to 20 additional taps and minor related gas sales facilities over the 12-month period following issuance of such certificates and to sell and deliver through such facilities gas required by Southern Union for distribution and resale to new customers.

Applicant states that the cost of the four taps and minor related gas sales facilities installed during 1968 was $2,800 and estimates that the total cost of the 20 taps proposed for installation in the year following certificate issuance will be $14,000. These facilities were and will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 19, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 68-10424; Filed, Aug. 28, 1968; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S 1632]

CALIFORNIA

Notice of Proposed Classification of Public Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–18) and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify for multiple-use management, the public lands described in paragraph 3. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Publication of this notice has the effect of segregating all public lands described below from appropriation only under the agricultural land laws (43 U.S.C. Chapters 7 and 9; 25 U.S.C. S. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws.

3. The public lands proposed to be classified are within Lassen County. The lands are shown on maps and described in documents available for inspection at the Susanville District Office, Fifth and Cedar Streets (Post Office Box 1090) Susanville, Calif. 96130. The descriptions of the lands are as follows:

MOUNT DIABLO MERIDIAN, CALIFORNIA

HAYDEN HILL AREA S1632

Lassen County

All public lands in:

T. 35 N., R. 8 E.,
Secs. 24 to 28, inclusive.
T. 38 N., R. 9 E.,
Sec. 24.

The public lands proposed to be classified aggregate approximately 1,360 acres.

4. For a period of 60 days from the publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Susanville District Manager, Bureau of Land Management, Post Office Box 1090, Susanville, Calif. 96130.

For the State Director.

REX J. MORGAN, *District Manager.*

AUGUST 14, 1968.

[F.R. Doc. 68-10440; Filed, Aug. 28, 1968; 8:48 a.m.]

CALIFORNIA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

AUGUST 23, 1968.

Notice of the Forest Service, U.S. Department of Agriculture application, Serial No. Los Angeles 0155815, for withdrawal of national forest lands from appropriation under the general mining laws in aid of programs of the Forest Service, was published as F.R. Doc. 62-9876 on pages 9778–9779 of the issue for October 2, 1962, as amended by F.R. Doc. 65-2645 on page 3459 of the issue of March 16, 1965, and further amended to correct by F.R. Doc. 65-3458 on page 4434 of the issue of April 5, 1965. The applicant agency has canceled its application as to the lands described below:

SAN BERNARDINO NATIONAL FOREST

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 1 N., R. 1 E.,
Sec. 19, lots 1 and 2, NE¼, E½NW¼;
Sec. 20, N½, N½S½;
Sec. 21, N½, N½S½, S½SE¼;
Sec. 22;
Sec. 26, N½NW¼;
Sec. 28, NW¼NE¼.
T. 5 S., R. 3 E.,
Sec. 9, SW¼SW¼NW¼NE¼, NW¼NW¼SW¼NE¼, SE¼SE¼NE¼NW¼, NE¼NE¼SE¼NW¼.

The areas described aggregate approximately 2,130 acres of land in the San Bernardino National Forest in Riverside and San Bernardino Counties, Calif.

Therefore, pursuant to the regulations contained in 43 CFR, Part 2311, such lands at 10 a.m. on October 21, 1968, will be relieved of the segregative effect of the above-mentioned application.

WALTER F. HOLMES, *Assistant Land Office Manager.*

[F.R. Doc. 68-10406; Filed, Aug. 28, 1968; 8:45 a.m.]

MONTANA

Notice of Change of Project Office Address

The new address for the Bureau of Land Management project office at Belle Fourche, S. Dak., is:

Bureau of Land Management, 310 Round Up Street, Post Office Box 190, Belle Fourche, S. Dak. 57717.

EUGENE H. NEWELL, *Acting State Director.*

[F.R. Doc. 68-10407; Filed, Aug. 28, 1968; 8:45 a.m.]

MONTANA

Notice of Malta District Office Closure for Moving

AUGUST 22, 1968.

The Malta District Office, Bureau of Land Management, 550 South Second

Street East, Malta, Mont., will be closed for moving on Friday, September 27, 1968.

The District Office will reopen for business at 8 a.m., Monday, September 30, 1968, at 501 South Second Street East, Malta, Mont.

Grazing applications to lease, filings, or payments due on September 27, 1968, will be accepted as timely if received on September 30, 1968.

DANTE SOLARI,
District Manager.

[F.R. Doc. 68-10408; Filed, Aug. 28, 1968; 8:45 a.m.]

OREGON

Modification of District Boundaries, Baker and Prineville Districts

AUGUST 23, 1968.

Notice is hereby given that effective September 1, 1968, the area of responsibility of the Baker District is reduced by eliminating all of Gilliam County. The area eliminated is hereby added to the area of responsibility of the Prineville District.

Applications for grazing purposes involving the vacant, unappropriated public domain lands in Gilliam County shall be filled in the Bureau of Land Management Office, Post Office Box 550, Prineville, Oreg. Applications for other use, entry, or disposal, or inquiries relating thereto, shall be filed in the office of the Manager, Land Office, Bureau of Land Management, Post Office 2965, Portland, Oreg.

ARCHIE D. CRAFT,
State Director.

[F.R. Doc. 68-10409; Filed, Aug. 28, 1968; 8:45 a.m.]

National Park Service

YOSEMITE NATIONAL PARK, CALIF.

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Best's Studio, Inc., authorizing it to continue to provide accommodations, facilities, and services for the public at Yosemite National Park for a period of fifteen (15) years from January 1, 1969, through December 31, 1983.

The foregoing concessioner has performed its obligations under the present contract to the satisfaction of the National Park Service and, therefore, pursuant to the act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: August 21, 1968.

LESLIE P. ARBERGER,
Acting Assistant Director, National Park Service.

[F.R. Doc. 68-10413; Filed, Aug. 28, 1968; 8:45 a.m.]

Office of the Secretary

CORNELIUS R. MACHEN

Report of Appointment and Statement of Financial Interests

AUGUST 23, 1968.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee. Cornelius R. Machen.

Name of employing agency. Department of the Interior.

The title of the appointee's position. Director, DEPA Area 16.

The name of the appointee's private employer or employers. Pacific Gas & Electric Co.

The statement of "financial interests" for the above appointee is enclosed.

DAVID S. BLACK,
Acting Secretary of the Interior.

AUGUST 13, 1968.

STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on August 13, 1968, as Director, DEPA Area 16, Defense Electric Power Administration, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

American Tobacco Co.
Pacific Gas & Electric Co.
Standard Oil of New Jersey.
Tenneco, Inc.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

C. R. MACHEN.

AUGUST 20, 1968.

[F.R. Doc. 68-10446; Filed, Aug. 28, 1968; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

LICENSED DEALERS UNDER LABORATORY ANIMAL WELFARE ACT

List of Persons

Pursuant to § 2.127 of the regulations (9 CFR 2.127) under the Act of August 24, 1966 (80 Stat. 350; 7 U.S.C. 2131 et seq.), commonly known as the Laboratory Animal Welfare Act, notice is hereby given that, as of July 30, 1968, the following persons were licensed as dealers under said Act and regulations as indicated below:

ALABAMA

G. R. Floyd and E. A. Marchand, partners, Route 1, Box 235D, McDonald Road, Irvington 36544.

ARKANSAS

George J. E. Holzwarth, doing business as George J. E. Holzwarth Co., Post Office Box 186, Fayetteville 72701.

Pel-Freez Bio-Animals, Inc., Post Office Box 68, Rogers 72756.

CALIFORNIA

AZO Research Associates, 1205 San Pablo Avenue, Berkeley 94710.

The Hine Laboratories, doing business as The Lazy H. Animal Ranch, 1195 Mee Lane, St. Helena 94574.

Henry K. Knudsen, doing business as Knudsen's Biological Supplies, J 12488 South, Highway 50, Lathrop 95330.

Charles V. Means, Jr., doing business as California Caviary, 10830 Prairie Avenue, Inglewood 90303.

DELAWARE

J. Merrel Shockley, Route 1, Delmar 19940.

DISTRICT OF COLUMBIA

George Mazur Enterprises, Inc., 77 Eye Street SE., Washington 20003.

FLORIDA

Dawson Research Corp., 114 West Grant Avenue, Orlando 32806.

Olin D. Tisdale Farm, Route 1, Century 32535.

IDAHO

Nez Perce Humane Society, Inc., Post Office Box 568, Lewiston 83501.

ILLINOIS

John C. Akers, doing business as Sailfin Pet Shop, 104 North Sixth Street, Champaign 61820.

Ani-Lab Corp., 196th Street and Route 54, Homewood 60430.

Oscar V. Calanca, doing business as Calanca's Beagles, Rural Route 1, Box 175, Grayslake 60030.

Don A. Carlson and Carl S. Carlson, partners, doing business as Viking Kennels, 238 Sanders Road, Deerfield 60015.

Dr. Lawrence G. Clark and Edwin W. Short, partners, doing business as Roseland Research, Route 1, Box 15, Crete 60417.

CWC, Inc., Beecher 60401.

General Foods Corp., c/o Gaines Research Kennels, Rural Route 3, St. Anne 60964.

George Lomax, Opdyke 62872.

Robert R. Motsinger, doing business as Robert Motsinger Kennel, Rural Route 2, St. Joseph 61873.

National Dairy Products Corp., 801 Waukegan Road, Glenview 60025.

Omis Corp., 504 North Parkside Avenue, Chicago 60644.

Southern Illinois Farms, Valmeyer 62295.

Lewis N. Warren, Box 125, Pana 62557.

INDIANA

Atlantic Kennels, Inc., Rural Route 1, Box 167, Zionsville 46077.

Robert A. Everett, doing business as Oakdale Farm and Kennel, Rural Route 5, Decatur 46733.

Robert R. Metcalf, doing business as Indiana Beagles, Rural Route 1, Box 88, Auburn 46706.

David W. Wilson, doing business as Wilson Small Animal Farm, Rural Route 3, Box 91, Vincennes 47591.

Alton S. Windsor, Sr., doing business as Windsor Biology Gardens, Box 1210, Bloomington 47401.

Harry K. Zook, doing business as Maple Hill Kennel, Rural Route 5, Martinville 46151.

IOWA

Dewey Adams, 514 North Kent Street, Knoxville 50138.

Henry F. Bockenstedt, R.F.D. 1, Earlville 52041.

Coralea Hull, Rural Route 1, Weldon 50264.

Dave Irving, Route 1, Chariton 50049.

Robert R. Lauer, doing business as Lauer's Kennels, 1210 Home Park Boulevard, Waterloo 50701.

Elmer B. Scherbring, doing business as Clearview Kennels, Box 106, Earlville 52041.

KANSAS

Charles M. Brink, Route 2, Box 13, Paola 66071.

Omer and Catharine Hasler, partners, Rural Route 2, Valley Falls 66088.

Dale Sappington, doing business as Sappington Research Animal Supply, 6021 Gibbs Road, Kansas City 66106.

Theracon, Inc., Box 1493, Topeka 66801.

KENTUCKY

Earl Feeback, doing business as Bourbon County Dog Pound, County Farm, Ruddles Mills Road, Route 3, Paris 40361.

William A. Newman, Star Route, Beech Creek 42321.

M. E. Northcutt, doing business as Goodwill Kennels, Rural Route 5, Cynthiana 41031.

J. W. Toombs, Moreland 40454.

MAINE

The Jackson Laboratory, Otter Creek Road, Bar Harbor 04609.

MARYLAND

Animal Resources, Inc., Post Office Box 67, Woodsboro 21798.

Commando K-9 Detectives, Inc., 7501 Sheriff Road, Landover 20786.

W. L. Eckert, Harney Road, Taneytown 21787.

Flow Laboratories, Inc., Rockville 20850.

Dr. C. D. Hobart, doing business as Pulaski Veterinary Clinic, 9707 Pulaski Highway, Baltimore 21220.

Edgar E. Walls, Sr., Route 1, Box 57A, Centreville 21617.

MASSACHUSETTS

Dr. Thomas Boria, doing business as Scientific Breeding Laboratory, 1108 Main Street, Worcester 01603.

John Czepiel, 26 Paderewski Avenue, Chicopee 01013.

Dr. Orville H. Drumm, doing business as O'Malley Animal Hospital, 100 Boylston Street, Clinton 01510.

Alvin C. Finch, doing business as Pineland Farm Kennels, Leonard Street, Raynham 02767.

Vincent R. Malone, 42 Oakland Street, Medway 02053.

Northeast Primates, Inc., Route 114, North Main Street, Middleton 01949.

Roma Kennels, Inc., Main Street, Dunstable 01827.

MICHIGAN

Evelyn S. Armstrong, doing business as Oak Shadows Farm, 5933 South Ninth Street, Kalamazoo 49001.

Heric Fehrenbach, doing business as H-Bar-B Research Beagles, 201 Main Street, Essexville 48732.

Grant Hodgins, doing business as Hodgins Kennels, 6110 Lange Road, Howell 48843.

Laboratory Research Enterprises, 5040 Meredith Road, Kalamazoo 49002.

Edward Radzilowski, doing business as Meadow Brook Farms and Co., 10533 Gratiot, Richmond 48062.

Tri-Co Research Projects, Inc., 314 South Sherwood Avenue, Plainwell 49080.

MINNESOTA

Delores N. Beise, Route 4, Hastings 55033.

Melvin Beise, Jordan 55352.

James Goebel, Janesville 56048.

Earland Guetzkow, New Germany 55367.

Donald Hippert, Kasson 55944.

Ben M. Kruger, Hayfield 55940.

Allen W. LaFave, 402 Third Street SE., East Grand Forks 56721.

Norman L. Larson, doing business as Wayside Kennels, Route 2, Box 449, Long Lake 55336.

Nick Reiland, Mazeppa 55956.

Bill Ryan, Millville 55957.

Math Serger, Watkins 55389.

M. J. Wachlin, Sargeant 55973.

MISSISSIPPI

Holley Vanlandingham, Post Office Box 133, Vardaman 38878.

MISSOURI

Bill Adams, doing business as Adams Kennels, 602 North Allen, Marshall 65340.

Wanda Barnfield, doing business as Bar-Wan Rabbitry and Kennel, Route 1, Box 60, Crocker 65452.

Larry W. Faulkner, Box 566, Platte City 64079.

Wilbert Gruenefeld, Route 1, Jonesburg 63351.

Elmer G. Hines, doing business as Sho-Me Kennels, Rural Route 1, Grain Valley 64029.

Woodrow W. Huffstutler, Vienna 65582.

Harold Miller, Granger 63442.

Dick Palmer, doing business as Palmer's Livestock Farm, Rural Route 2, Box 186, Liberal 64762.

Charles E. Sharp, D. O., and Roy Woods, partners, doing business as Calleo Animal Welfare, Box D, Calleo 63534.

Charles J. Strader and Sonja J. Strader, partners, doing business as Lone Star Kennels, Rural Route 1, Harrisonville 64701.

Wilburn B. Wilhelm, Route 4, Lamar 64579.

MONTANA

Earl M. Pruyn, doing business as Pruyn Veterinary Hospital, 1515 Livingston, Missoula 59801.

NEBRASKA

Harold Hansen and Viola Hansen, partners, Route 2, Hooper 68031.

Mrs. Sylvia Meisinger, Rural Route 1, Ashland 68003.

Don and Donna Merten, partners, Albion 68620.

Mrs. William Packer, Route 2, Wood River 68883.

NEW HAMPSHIRE

John B. Simpson, Pike 03780.

NEW JERSEY

Affiliated Medical Enterprises, Inc., Post Office Box 57, Princeton 08540.

James Joseph Barton and Edward D. Barton, partners, doing business as Barton's West End Farms, Rural Delivery 1, Box 45, Hackettstown 07840.

Henry Christ, Box 217, Marlboro Road, Old Bridge 08857.

George Clauss, 18-19 Saddle River Road, Fairlawn 07410.

John W. Jaeger, doing business as John W. Jaeger Enterprises, Post Office Box 345, Rural Delivery 1, Sussex 07461.

K-G Farms, Inc., 3651 Hill Road, Parsippany 07054.

Ernest Parker and Walter H. Daniels, partners, doing business as West Jersey Kennels, Lindenwold 08021.

Price Laboratories, Inc., 2367 Lakewood Road, Toms River 08753.

Valley Farms, Post Office Box 585, West Paterson 07424.

James E. Williams, doing business as Hilldale Farms, Box 728, Dutchmill Road, Franklinville 08322.

NEW YORK

Ronald M. Barlow, doing business as Barlow Research Animals, Ridge Road, Pompey 13138.

Mrs. Eugenia K. Bean, Rural Route 3, Iowa Road, Moravia 13118.

Claude Benjamin, doing business as Lake Brook Kennel, Hobart 13788.

Cornell Dog Farm, 37 Sapsucker Woods Road, Ithaca 14850.

Dr. Thomas M. Flanagan, doing business as Grouse Ridge Kennel's, Manley Road, Norwich 13815.

Food and Drug Research Laboratories, Inc., Maurice Avenue at 58th Street, Maspeth 11378.

Patrick Grella, doing business as New Windsor Farms, Forrester Road, Rock Tavern 12575.

George K. Holbert, Box 27, Sugar Loaf 10981.

Arthur F. Kelcher, 948 South French Road, Cheektowaga 14225.

William H. Lasher, Rural Delivery 1, Catskill 12414.

Marshall Research Animals, Inc., North Rose 14516.

Steven Molnar, 231 Union Street, Box 182, Hudson 12534.

Clarence Morey, Rural Delivery 2, Waverly 14892.

J. J. Nowak, doing business as J. J. Nowak Kennels, 4347 Broadway, Depew 14043.

Michael Partisky, Route 52, Holmes 12531.

Robert W. Steedman, North Road, Leroy 14482.

Donald L. Stumbo, doing business as Stumbo Farms, Reed Road, Lima 14485.

Eugene E. Wells, Box 174, Springfield Center 13468.

Warren H. Wilson, Shay Road, Middlesex 14507.

NORTH CAROLINA

Warren E. Bowes, Route 4, Box 20, Roxboro 27573.

OHIO

Paul Anthony, Route 1, Trestle Road, St. Paris 43072.

Carrol Blue, doing business as Blue's Animal Farm, Route 1, Plain City 43064.

James C. Cotrell and George F. Cotrell, partners, doing business as Cotrell Farm and Kennel, Route 1, Fort Laramie 45845.

Romeo Marchetti and Quintino Marchetti, partners, doing business as Roe-Quinn Kennels, 16728 Route 700, Burton 44021.

Frank H. Maxfield, doing business as Maxfield Animal Supply, Box 44004, 3192 Little Dry Run Road, Cincinnati 45244.

A. W. Sterrett, doing business as A. W. Sterrett Laboratory Animals, 2223 Savoy Avenue, Akron 44305.

OKLAHOMA

Charles Alexander, doing business as Alexander's Kennels, Route 1, Wayne 73095.

Professional Biological Supply, Inc., Box 351, Pocola 74902.

Carl Walden, doing business as Circle Mountain Kennels, Route 1, Ochelata 74051.

OREGON

James Dennis, 332 A Street, Vernonia 97064.
Robert Shoemake, doing business as R. G. Kennels, 17225 Southeast McLoughlin Boulevard, Milwaukee 97222.
Beulah White, doing business as Forest Creek Kennels, Highway 238, Jacksonville 97530.

PENNSYLVANIA

The Buckshire Corp., Ridge Road, Route 1, Perkasie 18944.
Dierolf Farms, Inc., Post Office Box 26, Rural Delivery 2, Boyertown 19512.
Sam Esposito, Box 137, Rural Delivery 1, Quakertown 18951.
W. J. Haas, doing business as Three Springs Kennels, 146 Bascom Street, Pittsburgh 15214.
Haycock Kennels, Inc., Rural Delivery 4, Quakertown 18951.
Charles Hazzard, doing business as North Creek Breeding Colony, Rural Delivery 2, Honey Brook 19344.
Russell B. Hutton, St. Thomas 17252.
M. L. Kredovski, doing business as Lone Trail Kennels, Post Office Box 46, Friedensburg 17933.
William R. Miller, doing business as Broken Arrow Kennels, Box 111, McConnelsburg 17233.
Janet Neamand, doing business as White Eagle Farms, 2015 Lower State Road, Rural Delivery 3, Doylestown 18901.
George F. Pierce, doing business as Pleasant View Kennel, Box 131, Rural Delivery 3, Hummelstown 17036.
Marlin U. Zartman, Rural Delivery 2, Douglassville 19518.

RHODE ISLAND

James Leo Burke, doing business as Shangri-La Kennels, 750 Greenville Avenue, Johnston 02919.

TENNESSEE

Barney, Inc., 4119 Hillsboro Road, Nashville 37215.
Terrell Fisher, Route 1, Greenbrier 37073.
William L. Hargrove, Jr., West Avenue, Medina 38355.
James B. Wampler, doing business as Rocky Mountain Kennels, Post Office Box 991, Cleveland 37311.
Dr. James O. Brick, doing business as Laboratory Animal Consulting Service and Supply, 1407 Fifth Street NE., Knoxville 37921.

TEXAS

Baylor University College of Medicine, 1200 Moursund Avenue, Houston 77025.
Dr. Lavell T. Davis, doing business as Davis Biotic Supply, 2500 West Morton, Denison 75020.
Carmon Nichols, doing business as Carmon Nichols Kennels, 100 South Elm Street, Bonham 75418.
Dr. James E. Teague, doing business as Dublin Veterinary Clinic, Post Office Box 206, Dublin 76446.

UTAH

Thomas F. Imlay, doing business as Dogs for Research, 4996 South Redwood Road, Murray 84107.

VERMONT

Richard Frank Lahue, doing business as Shady Maples Animal Farm, Box 132, East Berkshire 05447.

VIRGINIA

ANTEC Corp., 1162 Daleview Drive, McLean 22101.
Tom R. Bright, Box 575, Coeburn 24230.
Sidney J. Edwards, 2014 West Norfolk Road, Chesapeake 23703.
Hazelton-Saunders, Inc., Post Office Box 8, Midlothian 23113.
Leslie H. Judd and Ronnie Judd, partners, doing business as Rockey Lane Kennels, Route 1, Edinburg 22824.
Graham E. Kestner, Box 792, Saltville 24370.
Noel E. Leach, doing business as Leach Kennels, Route 3, Chase City 23924.
Jack T. Musick, 2333 Shakeville Road, Bristol 24201.
Earl Saunders, doing business as Myers Creek Kennel and Supply Co., Route 2, Box 666, Lancaster 22503.
John F. Thompson, R.F.D. 2, Box 63, Saltville 24370.

WASHINGTON

H. D. Cowan, 18015 140th Avenue SE., Renton 98055.
Robert L. Dry and Margot F. Dry, partners, doing business as Berliner Zwinger Kennels, Route 1, Box 302, Colbert 99005.
Charles C. Kruger, D.V.M., doing business as Schaferhaus Kennels, 33707 30th Avenue South, Auburn 98002.
Mrs. Janet R. Wilcox, doing business as Jareaux Kennels, 26607 Pacific Highway South, Kent 98031.

WEST VIRGINIA

Irvin H. Catlett, doing business as The "Show Me" Farm, Route 4, Box 195B, Martinsburg 25401.
Mrs. Ella Jane Custer, doing business as Custer's Boarding Kennels, Dallas Pike, Triadelphia 26059.
R. H. Kester, doing business as Ro-Lyn Kennels, Route 4, Box 249, Martinsburg 25401.

WISCONSIN

Fred J. Barr, doing business as Barr Beagle Kennels, Route 2, Greenwood 54437.
John W. Evans, doing business as Merry Hill Kennel, Route 1, Box 177, Sun Prairie 53590.
Walter Feuschel, 13101 North Wauwatosa Road, 75 West, Mequon 53092.
Ridglan Farms, Inc., 301 West Main Street, Mount Horeb 53572.
Leonard Tauber, Route 1, Waldo 53093.
Wedge's Creek Research Farm, Neillsville 54456.

Done at Washington, D.C., this 26th day of August 1968.

G. H. WISE,
Acting Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 68-10454; Filed, Aug. 28, 1968; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

GEORGETOWN UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00034-33-46040. Applicant: Georgetown University, 37th and O Streets NW., Washington, D.C. 20007. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used for research studies of fine structural changes in inflammatory, immunologic, and degenerative diseases of the nervous system. Application received by Commissioner of Customs: July 12, 1968.

Docket No. 69-00039-33-46040. Applicant: University of Maryland, School of Dentistry, 618 West Lombard Street, Baltimore, Md. 21201. Article: Electron microscope, Model EM6B. Manufacturer: G.E.C.—A.E.I. Electronics Ltd., United Kingdom. Intended use of article: The article will be used for studies seeking the following objectives, which involve elucidation of mechanisms contained in:

a. The interrelationships of the enamel organ and dental sac connective tissue.

b. The disorganization and reorganization of the functional complexes and their possible relationship to glycocalyx.

c. The formation and disappearance of the glycocalyx.

d. The interrelationship of the endoplasmic reticulum, vesicles, vacuoles, mitochondria, and glycogen accumulations.

The investigations seek elucidation of these interrelationships and interactions via histochemical, cytochemical, and radioautographic techniques. Application received by Commissioner of Customs: July 15, 1968.

Docket No. 69-00043-33-46040. Applicant: Michigan State University, Department of Zoology, 220 Natural Science Building, East Lansing, Mich. 48823. Article: Electron microscope, Model HU-11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used to study the division times of cystocytes under conditions where temperature is maintained at 25° centigrade in a hanging drop. Subsequently to study the effect of temperature shocks and various chemicals which retard the formation of mitotic apparatus on mitosis; the further development of ovaries grown in vitro and vivo, using phase contrast microscopy, electron microscopy and histochemistry as applied to electron microscopy. Application received by Commissioner of Customs: July 18, 1968.

Docket No. 69-00045-33-46040. Applicant: St. Vincent Hospital, 25 Winthrop Street, Worcester, Mass. 01604. Article: Electron microscope, EM9A. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used for the following projects:

1. A study to consider the ultra-structural changes in capillaries which might account for bleeding in thrombo-cytopenic purpura.

2. The correlation of cell ultra-structure in liver with biochemical changes produced by dietary manipulation.

3. Electron microscopic studies of mammalian respiratory cilia in oxygen toxicity.

4. Electron microscopic studies of morphologic changes in alveolar macrophages in correlation with migration of cells in experimental pulmonary infection.

5. Comparison of study of sections from renal biopsies by both light microscope and electron microscope for its teaching value to physicians and to help evaluate in which diseases electron microscopy will be specifically helpful.

Application received by Commissioner of Customs: July 18, 1968.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-10419; Filed, Aug. 28, 1968; 8:46 a.m.]

RESEARCH FOUNDATION OF STATE UNIVERSITY OF NEW YORK ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00007-33-46040. Applicant: Research Foundation of State University of New York at Albany, Department of Biological Sciences, Suny at Albany, Albany, N.Y. 12203. Article: Electron microscope, Model EM-300, and accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for the following:

1. Biophysical and morphological investigation of the molecular architecture of fibrinogen, which is a protein highly significant in the process of blood clotting and wound healing.

2. Ultrastructural investigations of aspects of the major program on cell movements.

3. Ultrastructural studies of selected microbiological agents including bacteria and viruses.

4. Molecular analysis of problems arising through the interdisciplinary activities of the Neurobiology Program in studying chemical communication within the nervous system.

Application received by Commissioner of Customs: July 1, 1968.

Docket No. 69-00014-33-46040. Applicant: The University of Rochester, Purchasing Department, River Campus Station, Rochester, N.Y. 14620. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used for research on the structure of macromolecular constituents of cells and particularly of protein molecules and their subunits. These include: (1) the proteins ferritin and apoferritin, actin, myosin, several phosphorylases and antibody molecules; (2) constituents of isolated cell particles such as mitochondria and chromosomes; (3) inorganic compounds of iron such as hydrous ferric oxides, located in cells or tissues; (4) structural components of viruses and bacteria. Application received by Commissioner of Customs: July 8, 1968.

Docket No. 69-00019-33-46040. Applicant: National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014. Article: Electron microscope, Model EM-300. Manufacturer: N. V. Philips Gloeilampenfabrieken, The Netherlands. Intended use of article: The article will be used in connection with many of the research developmental and production projects which are carried on by the Viral Leukemia and Lymphoma Branch, Viral Biology Branch, and Special Virus-Leukemia Program. These projects require information gained only by electron microscopy. However, it is the interdisciplinary approach, which meshes the contributions of the biochemist, the virologist, and the molecular biologist with changes in ultrastructure, that the most meaningful understanding of carcinogenesis will be achieved. Application received by Commissioner of Customs: July 9, 1968.

Docket No. 69-00020-33-46040. Applicant: National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014. Article: Electron microscope, Model EM-300. Manufacturer: N. V. Philips Gloeilampenfabrieken, The Netherlands. Intended use of article: The article will be used in connection with many of the research developmental and production projects which are carried on by the Viral Leukemia and Lymphoma Branch, Viral Biology Branch, and Special Virus-Leukemia Program. These projects require information gained only by electron microscopy. However, it is the interdisciplinary approach, which meshes the contributions of the biochemist, the virologist, and the molecular biologist with changes in ultrastructure, that the most meaningful understanding of carcinogenesis will be achieved. Application received by Commissioner of Customs: July 9, 1968.

Docket No. 69-00023-33-46040. Applicant: Union College, Center for Science and Engineering, Schenectady, N.Y. 12308. Article: Electron microscope, HU-11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for both research and teaching purposes. Research programs already in progress are as follow:

1. Fine structure and cytochemistry of fertilization in coenocytic marine algae. Changes in membrane ultrastructure during fertilization will be studied as a possible block to polyspermy which has not been observed in this organism.

2. Identification of the causative agent producing mammary tumors in mice, and an ultrastructural study of the virus-like B-particle which is intimately associated with the oncogenic process.

Application received by Commissioner of Customs: July 10, 1968.

Docket No. 69-00033-33-46040. Applicant: St. John's Mercy Hospital, 614 South New Ballas Road, St. Louis, Mo. 63141. Article: Electron microscope, Model HU-11E and 70-mm. camera. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used in the following research projects:

1. The immuno-pathology of the kidney with emphasis on the ultrastructural changes in the glomerular basement membrane.

2. Kidney pathology as related to disease processes.

3. Ultrastructural changes in the kidney related to drug reactions.

4. Ultrastructural study of developing blood supply and the effect on this of various drugs and antimetabolites.

5. Ultrastructure of the periosteum of normal bone of the rat as well as one bone and periosteum of the rat that is suffering from disease process osteolathyrism.

6. The cell membrane of mycoplasma pneumoniae is being studied in relation to drug and chemical produced alterations or modifications.

Application received by Commissioner of Customs: July 12, 1968.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-10420; Filed, Aug. 28, 1968; 8:46 a.m.]

Maritime Administration

C4 TROOPSHIPS

Notice of Availability for Conversion and Restoration for Commercial Operation

Pursuant to the Ship Exchange Act (section 510(i) of the Merchant Marine Act, 1936), as added by Public Law 86-575 and amended by Public Law 89-254, 46 U.S.C. 1160(i), two C4 troopships owned by the United States of America, represented by the Secretary of Commerce, acting by and through the Maritime Administrator, are available to nonsubsidized American steamship operators in exchange for their older and less efficient ships in accordance with the terms herein stated. Other disposition: This Notice of Availability of the ships for exchange under the Ship Exchange Act shall not preclude the Maritime Administrator from pursuing such other disposition of the ships as he may deem to be in the best interest of the United States. As required by the Ship Exchange Act, approval of the Defense Department has been received for trade-out of these ships.

(a) *Basis for assignment.* Exchange of these ships will be made in accordance with the provisions of the Ship Exchange Act and of General Order 92 (46 CFR Part 375) as published in the FEDERAL REGISTER issue of March 1, 1962 (27 F.R. 2011). However, for the purpose of making assignment of the ships, applications will be closely evaluated to determine the type of conversion and resulting efficiency of the ships, including suitability of the ship for military or national defense use and the extent of upgrading of the American Merchant Marine; the applicant's operating ability; the applicant's financial responsibility; and other factors having a bearing on the intent of the Ship Exchange Act.

(b) *Valuation.* The basis for valuation of the traded-in and traded-out vessels will be the same as previously used in the case of the C4 troopships as announced in the FEDERAL REGISTER issues of February 1, 1964 (29 F.R. 1665, 1667), April 14, 1964 (29 F.R. 5092), June 11, 1964 (29 F.R. 7520), August 3, 1966 (31 F.R. 10425), November 17, 1967 (32 F.R. 15848), December 30, 1967 (32 F.R. 21043), March 7, 1968 (33 F.R. 4277), and May 21, 1968 (33 F.R. 7500).

(c) *Applications.* Applications for the exchange of ships shall be submitted to the Chief, Office of Ship Operations, Maritime Administration, Washington, D.C. 20235, on Form MA-182. To assist the Maritime Administration in arriving at a proper determination of the ship assignments, applicants shall furnish with their applications the following information in the order listed:

(1) A statement of the applicant's ship operating ability and experience, including the number and types of American-flag ships presently owned and operated by the applicant and the trades in which operated.

(2) Names, official numbers, and types of ships to be traded-in.

(3) Financial resources available to the applicant and proposed method of financing.

(4) Outline plans and description of the proposed ship conversions and, in the case of a containership, the dimensions of the containers to be used and the number to be carried. There shall also be included a description of the ship's cargo handling capability.

(5) Bale cubic and deadweight capacity after conversion.

(6) Estimated speed in knots after conversion.

(7) Proposed manning schedule.

(8) Estimated costs of proposed conversion and restoration for commercial operation.

(9) Description of proposed commercial trade of traded-out ship.

(10) Pro forma statement of anticipated operating results for operation in proposed commercial trade, on an annual basis.

Applications must be received on or before September 17, 1968.

(d) *Ships available.* The C4's available for assignment are:

Name	Type	Reserve fleet
General Leroy Eltinge	C4-S-A1	Suisun Bay, Calif.
General R. M. Blatchford	C4-S-A1	Do.

The principal characteristics of the C4 troopships are:

Length overall—522' 10";
Beam—71' 6";
Speed—17 knots;
Deadweight tonnage—approximately 15,000.

Dated: August 23, 1968.

By order of the Acting Maritime Administrator.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 68-10435; Filed, Aug. 28, 1968; 8:47 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT SECRETARY AND DEPUTY ASSISTANT SECRETARY FOR MODEL CITIES AND GOVERNMENTAL RELATIONS

Delegations of Authority

SECTION A. *Authority delegated with respect to specific programs and matters.* The Assistant Secretary for Model Cities and Governmental Relations and the Deputy Assistant Secretary for Model Cities and Governmental Relations each is hereby authorized to exercise the powers and authorities of the Secretary of Housing and Urban Development with respect to the programs and matters listed below:

1. Establishment of technical advisory services to assist municipalities and others in relation to community facilities under section 207 of the Housing Amendments of 1955, as amended (42 U.S.C. 1407), except the powers and authorities under subsection 402(a) of the Housing Act of 1950, as amended (12 U.S.C. 1749a(a)).

2. Studies relative to State and local housing and building laws, standards, codes, and regulations; State and local zoning and land use laws, codes, and regulations; and Federal, State, and local tax policies; under subsection 301(a) of the Housing and Urban Development Act of 1965 (42 U.S.C. 1456 note).

SEC. B. *Additional authority delegated.* 1. The Assistant Secretary for Model Cities and Governmental Relations is further authorized to make such rules and regulations as may be necessary to carry out the powers and authorities delegated in section A.

2. The Assistant Secretary for Model Cities and Governmental Relations and the Deputy Assistant Secretary for Model Cities and Governmental Relations each is further authorized to redelegate to any employee under his jurisdiction any of the powers and authorities delegated in section A.

3. The Assistant Secretary for Model Cities and Governmental Relations is further authorized, with respect to employees or positions under his jurisdiction, to:

a. Designate one or more employees to serve as Acting Assistant Secretary for Model Cities and Governmental Relations during the absence of such Assistant Secretary, or to serve in an acting capacity in any other position during the absence of the appointee to the position or during a vacancy in the position.

b. Authorize the head of an organizational unit to designate one or more subordinate employees to serve as acting head of such unit during the absence of the head of the unit, or to serve in an acting capacity in any other position in the unit during the absence of the appointee to the position or during a vacancy in the position.

SEC. C. *Delegations of authority superseded.* These delegations of authority supersede the delegations published at 31 F.R. 9752 (July 19, 1966), as amended at 32 F.R. 9325 (June 30, 1967), and 32 F.R. 13466 (Sept. 26, 1967).

(Sec. 7(d) of Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. These delegations of authority and supersedures shall be effective as of August 29, 1968.

ROBERT C. WEAVER,
Secretary of Housing and Urban Development.

[F.R. Doc. 68-10443; Filed, Aug. 28, 1968; 8:48 a.m.]

ASSISTANT SECRETARY AND DEPUTY ASSISTANT SECRETARY FOR METROPOLITAN DEVELOPMENT

Delegations of Authority

The Secretary's delegations of authority to the Assistant Secretary for Metropolitan Development and the Deputy Assistant Secretary for Metropolitan Development (31 F.R. 7358, May 20, 1966, as amended at 31 F.R. 8969, June 29, 1966; 31 F.R. 13148, Oct. 11, 1966; and at 33 F.R. 11099, Aug. 3, 1968) are hereby amended under section A by adding new paragraphs 13, 14, 15, and 16 to read:

SECTION A. *Authority delegated with respect to specific programs.* * * *

13. Urban Information and Technical Assistance Program under Title IX of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3351-3356).

14. Community Development Training Programs under Part 1 of Title VIII of the Housing Act of 1964, as amended (20 U.S.C. 801-805), including technical assistance and studies under section 804.

15. Program of Fellowships for City Planning and Urban Studies under Part 2 of Title VIII of the Housing Act of 1964, as amended (20 U.S.C. 811).

16. Clearinghouse Service under section 3(b) of the Department of Housing and Urban Development Act (42 U.S.C. 3532(b)) and pursuant to E.O. 11297 of August 11, 1966 (31 F.R. 10765, Aug. 13, 1966).

(Sec. 7(d) of Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Effective date. These amendments of delegations of authority are effective as of April 29, 1968.

ROBERT C. WEAVER,
Secretary of Housing and Urban Development.

[F.R. Doc. 68-10442; Filed, Aug. 28, 1968; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 402]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

AUGUST 26, 1968.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) Within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

935-C2-P-69—South Central Bell Telephone Co.; (KIC344); C.P. to change the location of the 152.51 MHz facilities from location No. 1: Sears Roebuck Bldg., North Watkins St., Memphis, Tenn., to location No. 2: 201 Court Ave., Memphis, Tenn., replace transmitter and change antenna system for same. Also add test frequencies 157.77, 157.89, and 157.98, MHz. at location No. 2.

936-C2-P-69—American Mobile Radio, Inc.; (KMA249); C.P. to add an additional base channel to operate on frequency 454.225 MHz at location No. 2: 9 Mustang Rd., Palos Verdes, Calif., also add 454.225 MHz at a new site to be identified as location No. 3: lot No. 15, Signal Hill Tract, 2339 Raymond Ave., Long Beach, Calif.

937-C2-P-69—Mobile Radio Dispatch Service, Inc.; (KEA256); C.P. to add a base channel to operate on 454.025 MHz at a new site to be identified as location No. 3: 400' north of Grandview Ave., at New Jersey Turnpike, Edison, N.J.

941-C2-P-69—New York Telephone Co.; (KEA763); C.P. to relocate the 454.45, 454.55, and 454.65 MHz facilities at location No. 1 from: 32 Avenue of the Americas, New York, N.Y., to a new site to be identified as location No. 3: 237 East 37th St., New York, N.Y.; delete standby transmitters operating on same frequencies and replace transmitters also at location No. 3; add (3) three base channel and a standby transmitter to operate on frequencies 454.375, 454.525, and 454.625 MHz and change antenna system.

942-C2-P-69—General Telephone Company of Illinois; (New); C.P. for a new two-way station, base frequency 152.81 MHz. Location: North of State Route No. 13, near Harrisburg, Ill.

943-C2-P-69—Madera Radio Dispatch; (KMD350); C.P. to add a second base channel to operate on frequency 454.325 MHz at location No. 1: Ranch of J. B. Pell, Coarsegold, Calif.

944-C2-P-69—Ace Answering Service; (KFJ889); C.P. to change antenna system operating on base frequency: 152.03 MHz at station located 0.25 mile southeast of Del Rio, Tex.

953-C2-ML-69—Auto-Phone Co.; (KLF482); Modification of license to change repeater frequency from 72.22 MHz to: 72.34 MHz at location No. 1: Approximately 15 miles north-northeast of Chico, Mount Cohassett, Calif.

954-C2-P-69—National Communications System, Inc.; (KMM703); C.P. to relocate facilities from southeast of Bijou, Calif. to: 1.3 miles south of Bijou, Calif., operating on frequency 454.10 MHz.

955-C2-P-69—James W. Bayne and John Sullivan doing business as Suburban Electronics Service; (New); C.P. for a new two-way station. Base frequency: 454.125 MHz. Location: ½ mile north Mill Ridge School, 0.5 mile west of Danbury, Conn.

992-C2-P-69—Clyde McCord doing business as Anniston Communications Service; (KIY532); C.P. to replace the transmitter and change antenna system operating on base frequency 152.21 MHz at its station located Blue Mountain, 0.75 mile northeast of Anniston, Ala.

204-C2-R-69—The Pacific Telephone & Telegraph Co.; (KA4329); Renewal of Developmental license expiring Oct. 10, 1968. Term: Oct. 10, 1968 to Oct. 10, 1969. Mobile: (43 Units) operating in any location within the territory of the grantee.

997-C2-P-69—Auto-Phone Co.; (KLF482); C.P. to add a second base channel to operate on frequency 454.05 MHz at location No. 1: Approximately 15 miles north-northeast of Chico, Mount Cohassett, Calif., and add 75.94 MHz. Control, at location No. 2: 725 Oleander Ave., Chico, Calif., and add 72.30 MHz for repeater frequency at location No. 1.

998-C2-P-69—Auto-Phone Co.; (KME439); C.P. to add an additional base channel to operate on frequency 454.15 MHz at location No. 1: Pilot Peak, Calif., and add 75.86 MHz for control at location No. 3: 16th and Grand St., Oroville, Calif.

999-C2-P-69—Answer Iowa, Inc.; (KAL879); C.P. to change antenna location from 1100 Keosauqua St., Des Moines, Iowa, to: Ninth and Pleasant, Des Moines, Iowa, and replace transmitter for base frequency: 152.210 MHz.

1000-C2-P-69; AAA Anserphone, Inc.—Jackson; (KKV692); C.P. to add a base channel to operate on frequency 152.06 MHz at a new site to be identified as location No. 2: 1151 North State St., Jackson, Miss.

CORRECTIONS

828-C2-MP-69—The Medical-Dental Bureau, Inc.; (KLF512); Correct call sign to read KLF512 not KLF612. All other particulars remain the same as reported in public notice dated Aug. 19, 1968, report No. 401, page 2.

6412.2 MHz to 6112.2 MHz toward Hall, Tex., at its station located on Highway No. 377 West, near Greenleaf Cemetery, Brownwood, Tex.

948-C1-P-69—General Telephone Company of the Southwest; (KLT62); C.P. to change antenna system operating on frequencies 6204.7 and 6382.6 MHz, and replace transmitters at station located corner of First and Brown Sts., San Saba, Tex.

951-C1-P-69—American Telephone & Telegraph Co.; (KKK61); C.P. to add 4130 MHz toward Ysleta, Tex., at station located 510 Texas St., El Paso, Tex.

952-C1-P-69—American Telephone & Telegraph Co.; (KLT32); C.P. to add 4170 MHz toward Rim Rock Mountain, Tex., at station located 4.5 miles northeast of Ysleta, Tex.

986-C1-P-69—South Central Bell Telephone Co.; (KJJ60); C.P. to add 10705 and 11035 MHz toward Glasgow, Ky., and change antenna system at station located approximately 2.5 miles northeast of Horse Cave, Ky.

987-C1-P-69—South Central Bell Telephone Co.; (KLG21); C.P. to add 3850 and 3980 MHz toward McLaurin, Miss., at its station located at 100 Brunle St., Hattiesburg, Miss.

988-C1-P-69—South Central Bell Telephone Co.; (KKA74); C.P. to add 4050 and 4130 MHz toward Hattiesburg, Miss., and 3810 and 3890 MHz toward Wiggins, Miss., at its station located 2.5 miles southwest of McLaurin, Miss.

989-C1-P-69—South Central Bell Telephone Co.; (KKA75); C.P. to add 4090 and 4170 MHz toward McLaurin, Miss., and 3850 and 3930 MHz toward Saucier, Miss., at station located 4 miles northeast of Wiggins, Miss.

990-C1-P-69—South Central Bell Telephone Co.; (KKA77); C.P. to add 4050 and 4130 MHz toward Wiggins, Miss., and 3810 and 3890 MHz toward Biloxi, Miss., at station located 1 mile southwest of Saucier, Miss.

991-C1-P-69—South Central Bell Telephone Co.; (New); C.P. for a new fixed station. Frequencies: 4090 and 4170 MHz. Location: 1056 West Howard Ave., Biloxi, Miss.

INFORMATIVE: PENNSYLVANIA AND NEW JERSEY

Radio Broadcasting Co.—File number should read 5757-C2-P-68 not 5757-C2-P-69.

Radio Dispatch Co.—File number should read 5042-C2-P-68 not 5042-C2-P-69 and call sign should read: KGB674.

All other particulars remain the same as reported in public notice dated Aug. 19, 1968, report No. 401, page 5.

INFORMATIVE

The Alaska Communication System; 550 Federal Office Bldg., Seattle, Wash.; has submitted a request for the following frequencies to provide a public toll telephone service at the locations noted.

454.65 MHz; 60F9; 20 watts; Shell Oil Platform C, Cook Inlet, Alaska (60°44'26" N.–151°31'00" W.) to Shell Oil Platform A, Cook Inlet, Alaska (60°47'45" N.–151°29'44" W.).

459.95 MHz; 60F9; 20 watts; Shell Oil Platform A, Cook Inlet, Alaska (60°47'45" N.–151°29'44" W.) to Shell Oil Platform C, Cook Inlet, Alaska (60°44'26" N.–151°31'00" W.).

454.45 MHz; 60F9; 20 watts; Pan American Granite Point Site (Cook Inlet) (60°58'38" N.–151°18'46" W.) to Cook Inlet, Alaska (60°59'57" N.–151°17'52" W.).

459.45 MHz; 60F9; 20 watts; Reverse path of above.

The above proposal has been received in the Frequency Registration and Notification Branch of the Frequency Allocation and Treaty Division.

RURAL RADIO SERVICE

930-C1-P/ML-69—The Mountain States Telephone & Telegraph Co.; (KPT89); C.P. and Modification license to replace transmitter operating on 157.86 MHz, location: Subscriber: Continental Material Corp., 7.1 miles south of Jaffrey City, Wyo.

932-C1-P/ML-69—The Mountain States Telephone & Telegraph Co.; (KZA96); C.P. and Modification license to replace transmitter operating on 158.07 MHz at station located 13.8 miles north of Hanna, Wyo.

931-C1-P/ML-69—The Mountain States Telephone & Telegraph Co.; (KPG75); C.P. and Modification license to replace transmitter operating on 157.86 MHz at station located 30.1 miles south of Riverton, Wyo.

934-C1-P/L-69—The Mountain States Telephone & Telegraph Co.; (New); C.P. and license for a new rural subscriber fixed station. Frequency: 157.77 MHz. Subscriber and location: Kerr McGee Corp., 22.8 miles west-southwest of Bill, Wyo.

938-C1-P/L-69—The Mountain States Telephone & Telegraph Co.; (New); C.P. and license for a new rural subscriber fixed station to be located at 34.3 miles north-northwest of Bill, Wyo. Frequency: 157.77 MHz. Subscriber: Union Pacific Railroad Co.

984-C1-P-69—Golden West Telephone Co.; (New); C.P. for a new rural subscriber station to be located 9 miles north of Hoopa, Weitchpec, Calif., to operate on 157.86 MHz.

1001-C1-ML-69—The Mountain States Telephone & Telegraph Co.; (KPQ30); Modification of license to add the "Kerr McGee Corporation" and "Union Pacific Railroad Company" as points of communication at station located 7.5 miles south of Casper, Wyo.

996-C1-P-69—The Mountain States Telephone & Telegraph Co.; (KZS59); C.P. to change antenna location near Camp Verde, 14.7 miles east-southeast of Camp Verde, Ariz., to 15.4 miles north-northeast of Pine, Ariz., operating on 158.01 MHz. Subscriber: Kiewit Construction Site.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)

945-C1-P-69—General Telephone Company of the Southwest; (KLG23); C.P. to change frequency from 6189.1 MHz to 6249.1 MHz toward Hall, Tex.; replace transmitters and relocate facilities from 1.1 miles on Old Mason Highway South, Brady, Tex. to on the Old Mason Highway, 0.6 mile east from intersection of Highway No. 357 and Old Mason Highway, Brady, Tex.

946-C1-P-69—General Telephone Company of the Southwest; (KLG24); C.P. to change frequency from 6160.2 MHz to 6100.9 MHz toward Brownwood, Tex.; change frequency from 6180.5 MHz to 6071.2 MHz toward San Saba, Tex.; replace existing transmitters and change antenna location from: 2.8 miles north-northwest of Hall, Tex., to 2.5 miles northwest of Hall, Tex., and change antenna system.

947-C1-P-69—General Telephone Company of the Southwest; (KLG25); C.P. to replace transmitters operating on 6411.2 MHz and 6234.3 MHz, and change frequency from

995-C1-P-69—Frank K. Spain, doing business as Microwave Service Co.; (KLV77); C.P. to add point of communication on frequency 6315.9 MHz toward Lubbock, Tex., on azimuth 114°00'. (Informative: Applicant proposes to provide ABC network programing to television station KSEL–TV in Lubbock, Tex.)

INFORMATIVE

It appears that the following sets of applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations by reason of economic competition:

CALIFORNIA

Microwave Service Co.; (KNK45); File No. 993–C1–P–69.
American Television Relay, Inc.; (KNK67); File No. 994–C1–P–69.

[F.R. Doc. 68–10457; Filed, Aug. 28, 1968; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

ALCAR INSTRUMENTS, INC.

Order Suspending Order

AUGUST 23, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Alcar Instruments, Inc., 225 East 57th Street, New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 25, 1968, through September 3, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68–10448; Filed, Aug. 28, 1968; 8:48 a.m.]

[70–4662]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Issue and Sale of Debentures at Competitive Bidding

AUGUST 22, 1968.

Notice is hereby given that the Columbia Gas System, Inc. ("Columbia"), 120 East 41st Street, New York, N.Y. 10017, a registered holding company, has filed a declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Columbia proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $40 million principal amount of ------ percent debentures, series due October 1993. The interest rate of the debentures (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Columbia (which will be not less than 98½ percent nor more than 101½ percent of the principle amount thereof) will be determined by the competitive bidding. The debentures will be issued under an indenture between Columbia and Morgan Guaranty Trust Company of New York, trustee, dated as of June 1, 1961, as heretofore supplemented by various indentures and as to be further supplemented by a 12th supplemental indenture to be dated October 1, 1968.

The net proceeds from the sale of the debentures will be added to the general funds of Columbia and together with funds presently available and funds to be generated from operations, will be used by Columbia to finance, in part, the cost of its subsidiary companies' 1968 construction program, estimated at $173 million.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. A statement of the fees, commissions, and expenses related to the proposed transaction is to be filed by amendment.

Notice is further given that any interested person may, not later than September 13, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68–10414; Filed, Aug. 28, 1968; 8:45 a.m.]

[File No. 1–3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

AUGUST 23, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 25, 1968, through September 3, 1968, both dates inclusive.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68–10449; Filed, Aug. 28, 1968; 8:48 a.m.]

GOLDEN AGE MINES, LTD.

Order Suspending Trading

AUGUST 23, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Golden Age Mines, Ltd., 250 University Avenue, Toronto, Ontario, Canada, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 24, 1968, through September 2, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68–10450; Filed, Aug. 28, 1968; 8:48 a.m.]

MASTER-CRAFT ELECTRONICS CORP.

Order Suspending Trading

AUGUST 23, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Master-Craft Electronics Corp.,

115 Broadway, New York, N.Y. 10010, and all other securities of Master-Craft Electronics Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 25, 1968, through September 3, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-10451; Filed, Aug. 28, 1968; 8:48 a.m.]

[File No. 7-2947]

WEAN UNITED, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 22, 1968.

In the matter of application of the Pittsburgh Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Wean United, Inc., Common Stock, $1 Par Value, File No. 7-2947.

Upon receipt of a request, on or before September 6, 1968, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-10415; Filed, Aug. 28, 1968; 8:46 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

AUGUST 23, 1968.

The common stock, 10-cent par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 25, 1968, through September 3, 1968, both dates inclusive.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-10453; Filed, Aug. 28, 1968; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1213]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

AUGUST 23, 1968.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 263 (Sub-No. 183), filed August 9, 1968. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, Idaho 83201. Applicant's representative: Maurice H. Greene, 334 First Security Bank Building, Boise, Idaho 83702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Infusorial or diatomaceous earth, asbestos, chemicals, and cleaning compounds, and sulfite woodpulp*, in bags or containers, from the plantsites of Eagle-Picher Industries, Inc., at or near Clark or Colado, Nev., to points in California south of the southern boundaries of Monterey, Kings, Tulare, and Inyo Counties, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Reno, Nev., or San Francisco, Calif.

No. MC 531 (Sub-No. 242), filed August 12, 1968. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14287, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid and phosphatic fertilizer solution* in bulk, in tank vehicles, from the plantsite of Freeport Chemical Co., division of Freeport Sulphur Co., at or near Uncle Sam, St. James Parish, La., to points in Alabama, Arkansas, Florida, Georgia, Illinois on and south of U.S. Highway 50, including East St. Louis, Kentucky, Louisiana, Mississippi, Missouri on and south of the Missouri River, Oklahoma, Tennessee, and Texas. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant did not specify location.

No. MC 2253 (Sub-No. 36), filed August 9, 1968. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, Highway 150, Cherryville, N.C. 28021. Applicant's representative: W. C. Mauldin, Post Office Box 697, Cherryville, N.C. 28021. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Asheville, N.C., and junction U.S. Highway 25 and U.S. Highway 29 at Greenville, S.C.: From Asheville over U.S. Highway 25 to junction U.S. Highway 29 at Greenville, and return over the same route, serving Greenville and points in South Carolina, Georgia, and Florida, in connection with carriers authorized regular routes. NOTE: Applicant states that this authority is not subject to the Clover, S.C., gateway restriction. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Washington, D.C.

No. MC 2594 (Sub-No. 2), filed August 13, 1968. Applicant: MICHAEL'S TRUCK RENTAL SERVICE, INC., 97 Summit Road, Port Washington, N.Y. 11050. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is usually dealt in by retail supermarkets and retail chain grocery houses, between New York, N.Y., on the one hand, and on the other, points in Bergen, Essex, Hudson, Middlesex, Monmouth, Passaic, and Union Counties, N.J., under contract with Brillo Manufacturing Co., a division of Purex Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 2900 (Sub-No. 161), filed August 12, 1968. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: Larry D. Knox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Ford Motor Co. plantsite at the intersection Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with Ryder's regular route to serve Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 5470 (Sub-No. 42), filed August 15, 1968. Applicant: TAJON, INC., Rural Delivery No. 5, Mercer, Pa. 16137. Applicant's representative: Theodore Polydoroff, 917 Munsey Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in dump vehicles, from Buffalo, N.Y., to points in Connecticut, Delaware, Illinois, Indiana, Massachusetts, Maryland, Michigan, New Hampshire, Rhode Island, Virginia, and Vermont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

No. MC 16903 (Sub-No. 29), filed August 12, 1968. Applicant: MOON FREIGHT LINES, INC., 120 West Grimes Lane, Bloomington, Ind. 47402. Applicant's representative: Ferdinand Born and Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone, marble, granite, and slate* (including crushed in bulk); from points in Vermont and Washington County, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia; (2) *laminated panels* faced with stone, marble, granite, or slate; from points in Vermont to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia; (3) *stone, marble, granite, and slate* (including crushed in bulk) and *laminated panels* faced with stone, marble, granite, or slate; from points in Maine and New Hampshire to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and, (4) *slate* and *stone;* from points in North Hampton, Wyo., and Monroe and Lehigh Counties, Pa., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 22167 (Sub-No. 24), filed August 5, 1968. Applicant: CONSOLIDATED COPPERSTATE LINES, a corporation, 1220 West Washington Boulevard, Montebello, Calif. 90641. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk and commodities requiring special equipment, between Houston, Tex., and New Orleans, La.; (1) from New Orleans, over Interstate Highway 10 and U.S. Highway 61 to Baton Rouge, La., thence over U.S. Highway 190 to Kinder, La., thence over U.S. Highway 165 to junction Interstate Highway 10 and U.S. Highway 90 near Iowa, La., thence over U.S. Highway 90 to Lake Charles, La., and to the Louisiana-Texas State line, thence over U.S. Highway 90 and Interstate Highway 10 to Houston, Tex., and return over the same route, serving all intermediate points; and, (2) from Houston over U.S. Highway 90 (via Beaumont, Tex.) to junction Interstate Highway 10, thence over Interstate Highway 10 and U.S. Highway 90 to Lake Charles, La., thence over Interstate Highway 10 and U.S. Highway 90 to New Orleans, La., and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Los Angeles, Calif.

No. MC 29079 (Sub-No. 47), filed August 12, 1968. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union, Post Office Box 935, Kokomo, Ind. 46901. Applicant's representative: Virgil H. Schwartz (same address

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Telephone directories, telephone directory pages* (signatures), from the plantsite of R. R. Donnelley & Sons Co. at or near Dwight, Ill., to points in Ohio, Michigan, and Indiana, and St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 35890 (Sub-No. 36), filed August 12, 1968. Applicant: BLODGETT UNCRATED FURNITURE SERVICE, INC., 845 Chestnut Street SW., Grand Rapids, Mich. 49502. Applicant's representative: Charles H. Trayford, 137 East 36th Street, New York, N.Y. 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture*, from points in Maryland and York County, Pa., to points in Ohio, Michigan, Indiana, and Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 37896 (Sub-No. 22), filed August 9, 1968. Applicant: YOUNGBLOOD TRUCK LINES, INC., Fletcher, N.C. 28732. Applicant's representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's present regular routes covering service to and from Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 41432 (Sub-No. 103), filed August 15, 1968. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, Post Office Box 10125, Dallas, Tex. 75207. Applicant's representative: Rollo E. Kidwell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Birmingham, Ala., and Shreveport, La., from Birmingham over U.S. Highway 11 to junction Interstate Highway 20 near Woodstock, Ala., thence over Interstate Highway 20 to junction U.S. Highway 11 near Cottondale, Ala., thence over U.S. Highway 11 to junction U.S. Highway 80 at or near Cuba, Ala., thence over U.S. Highway 80 to junction Interstate Highway 20 at or near Toomsuba, Miss., thence over Interstate Highway 20 to Newton, Miss., thence over U.S. Highway 80 to junction Interstate Highway 20 at or near Edwards, Miss., thence over Interstate Highway 20 to Vicksburg, Miss., thence over U.S. Highway 80 to Monroe, La., thence over Interstate Highway 20 to Doyline, La., thence over U.S. Highway 80 to Shreveport, and return over the same route (using also other segments of Interstate Highway 20 between Birmingham and Shreveport, as completed), serving the intermediate points of Monroe and West Monroe, La., the site of Louisiana Army Ammunition Plant at or near Doyline, La., and Jackson, Meridian, and Vicksburg, Miss., and the off-route points of the plantsite of American Manufacturing and Research Corp. at or near Bastrop, La., the plantsites of International Paper Co. at or near Bastrop, La., the plantsites of International Paper Co. at or near Springhill, La., the plantsites of Commercial Solvents Corp. and of R. T. Vanderbilt Co., Inc., at or near Sterlington, La., the plantsite of Westinghouse Electric Corp. at or near Cedars, Miss., and the plantsite of R. G. Le Tourneau, Inc., on or near U.S. Highway 61 approximately 7½ miles south of Vicksburg, Miss.; and also serving the junction of U.S. Highway 11 and U.S. Highway 80 at or near Cuba, Ala., for purpose of joinder only with Route 2, below, the junction of Interstate Highway 20 and Mississippi Highway 35 and the intermediate point of Forest, Miss., for purpose of joinder with Route 5, below only, and the junction of Interstate Highway 20 and U.S. Highway 167 only for the purpose of joinder with Route 3, below, (2) between Atlanta, Ga., and junction of U.S. Highway 80 and U.S. Highway 11 at or near Cuba, Ala., from Atlanta over U.S. Highway 29 to junction Interstate Highway 85 at or near the Alabama-Georgia State line.

Thence over Interstate Highway 85 to junction U.S. Highway 80 at or near Montgomery, Ala., thence over U.S. Highway 80 to junction U.S. Highway 11 at or near Cuba, Ala., and return over the same route (using also other segments of Interstate Highway 85 between Atlanta and Montgomery, as completed), serving no intermediate points and serving the junction of U.S. Highways 80 and 11 for purpose of joinder only with Route 1, above, (3) between Little Rock, Ark., and junction of U.S. Highway 167 and Interstate Highway 20 at or near Ruston, La., over U.S. Highway 167, serving no intermediate points and serving the junction of U.S. Highway 167 and Interstate Highway 20 for purpose of joinder only with Route 1, above, (4) between Memphis, Tenn., and Jackson, Miss., from Memphis over Interstate Highway 55 to junction U.S. Highway 51 at or near Grenada, Miss., thence over U.S. Highway 51 to Canton, Miss., thence (via access road at Canton) over Interstate Highway 55 to junction U.S. Highway 51 at or near Tougaloo, Miss.

Thence over U.S. Highway 51 to Jackson, and return over the same route (using other segments of Interstate Highway 55 between Memphis and Jackson, as completed), serving no intermediate points, and serving junction of Interstate Highway 55 and Mississippi Highway 35 and Valden, Miss., for purpose of joinder only with Route 5, (5) between junction Interstate Highway 55 and Mississippi Highway 35 at or near Valden, Miss., and junction Mississippi Highway 35 and Interstate Highway 20 at or near Forest, Miss., over Mississippi Highway 35, serving the junction of Interstate Highway 55 and Mississippi Highway 35 and the intermediate point of Valden, Miss., for purpose of joinder only with Route 4, above, and serving the junction of Mississippi Highway 35 and Interstate Highway 20 and the intermediate point of Forest, Miss., for purpose of joinder only with Route 1, above. NOTE: Applicant holds authority under MC 41432 (Sub-No. 99) to operate over alternate routes between Atlanta, Ga., and Birmingham, Ala., on the one hand, and, on the other, Shreveport, La., serving no intermediate points over the highways that are described in Nos. (1) and (2) above. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 43654 (Sub-No. 75), filed August 8, 1968. Applicant: DIXIE OHIO EXPRESS, INC., 237 Fountain Street, Akron, Ohio 44304. Applicant's representative: R. E. Gifford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except perishables, livestock, petroleum, and its products, in tank trucks, coal, sand, gravel, grain, household goods, as defined by the Commission, classes A and B explosives, and those requiring special equipment, serving the plantsite of the Ford Motor Co., near the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 44639 (Sub-No. 25), filed August 19, 1968. Applicant: SAM MAITA AND IRVING LEVIN, a partnership, doing business as L. & M. EXPRESS CO., 220 Ridge Road, Lyndhurst, N.J. 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel* and *materials and supplies* used in the manufacture of wearing apparel, between Crewe, Va., and Wilson, N.C. NOTE: Applicant states it desires to tack the above sought authority with its presently held authority wherein it is authorized to conduct operations in the States of Virginia, New York, New Jersey, Maryland, and North Carolina. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 59367 (Sub-No. 60), filed July 26, 1968. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, Fort Dodge, Iowa 50501. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except meats and packinghouse products) as defined by the Commission, from storage facilities used by National Processors, Inc., and Lamb-Weston, Inc., at Fort Dodge, Iowa, to points in Wisconsin and Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., Des Moines, Iowa, or Chicago, Ill.

No. MC 60087 (Sub-No. 10) (Correction), filed July 9, 1968, published FEDERAL REGISTER issue of August 15, 1968, and republished in part, as corrected, this issue. Applicant: CURRY MOTOR FREIGHT LINES, INC., 700 Northeast Third Street, Amarillo, Tex. 79105. Applicant's representative: Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. 79101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, * * * (8) (a) between junction U.S. Highways 83 and 87 at or near Eden, Tex., and Robert Lee, Tex., from Eden over U.S. Highway 87 to San Angelo, thence over Texas Highway 208 to Robert Lee, and (b) between San Angelo and Barnhart, Tex., over U.S. Highway 67, and return over the same routes, as alternate routes, serving no intermediate or off-route points which are not presently authorized to be served by applicant, in connection with (8) (a) and (b) above. NOTE: The purpose of this partial republication is to redescribe the routes involved in Item (8), a portion of which was inadvertently omitted therefrom in the previous publication. The rest of the application remains as previously published.

No. MC 61440 (Sub-No. 114), filed August 15, 1968. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. 73108. Applicant's representative: Richard H. Champlin, 3000 West Reno, Post Office Box 82488, Oklahoma City, Okla. 73108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including classes A and B explosives* (except commodities in bulk, household goods as defined by the Commission, and those commodities requiring special equipment), when moving (1) on Government Bills of Lading, and (2) on commercial bills of lading containing endorsements approved in interpretation of Government Rate Tariff-Eastern Central 332 ICC 161, 164, 165, between points in Kentucky, Indiana, Illinois, Missouri, Arkansas, Louisiana, Texas, Oklahoma, and Kansas, to provide a service to and from points in Ohio, Pennsylvania, West Virginia, and New York, set forth in its presently held authority in MC 61440 (Sub 89). Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61592 (Sub-No. 122), filed August 12, 1968. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Engines, including engine parts and attachments*, from points in Clinton County, Iowa, to points in the United States (except Hawaii); and (2) *materials, equipment, and supplies* used in the manufacture of item (1), from points in the United States (except Hawaii), to points in Clinton County, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 63215 (Sub-No. 1), filed February 15, 1968. Applicant: MITCHELL A. KIZIOR AND ADELINE P. KIZIOR, a partnership, doing business as LA BUDA CARTAGE, 2635 West Cermak Road, Chicago, Ill. 60608. Applicant's representative: Themis N. Anastos, 120 West Madison Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hospital, medical and dental supplies, and related articles, and materials and supplies* used in the manufacture and packaging thereof, between Argo Argonne Industrial District, DuPage Township, Will County, Ill., and points in Cook County, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 64932 (Sub-No. 454), filed August 19, 1968. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite of Central Farmers Fertilizer Co. at or near Palmyra, Marion County, Mo., to points in Illinois and Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 65475 (Sub-No. 8), filed August 7, 1968. Applicant: JETCO, INC., 2780 Jefferson Davis Highway, Arlington, Va. 22202. Applicant's representative: W. T. Croft, 1815 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between the plantsite of the West Virginia Pulp and Paper Co. at or near Wickliffe, Ky., on the one hand, and, on the other, points in North Carolina, Virginia, West Virginia, Maryland, Pennsylvania, Delaware, New Jersey, New York, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 71516 (Sub-No. 88), filed August 12, 1968. Applicant: ALABAMA HIGHWAY EXPRESS, INC., 3300 Fifth Avenue South, Birmingham, Ala. 35203. Applicant's representative: Robert E. Tate, 2025 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the commission and liquid commodities in bulk), between the plantsite of the Ford Motor Co. located at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky.; on the one hand, and, on the other, points in Alabama. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Birmingham, Ala.

No. MC 72545 (Sub-No. 7), filed August 15, 1968. Applicant: FRANK P. MANNER, doing business as MANNER TRUCKING SERVICE, Post Office Box 637, Orland, Calif. 95963. Applicant's representative: Pete H. Dawson, 4453 East Piccadilly Road, Phoenix, Ariz. 85018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fire retardants*, in bags, and/or in bulk, in hopper-type trucks, from Orland, Calif., to points in Arizona, Colorado, New Mexico, South Dakota, Utah, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or San Francisco, Calif.

No. MC 76264 (Sub-No. 22), filed August 12, 1968. Applicant: WEBB TRANSFER LINE, INC., Box 231, Shelbyville, Ky. 40065. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets, boxes, and component parts of boxes*, on flat bed trailers, from Rocky Mount, N.C., to points in Illinois, Indiana, Michigan, and Ohio. NOTE: Applicant holds contract carrier authority under MC 117606, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 84739 (Sub-No. 22), filed August 7, 1968. Applicant: SEVERSON TRANSPORT, INC., Route No. 1, Box 163, Edgerton, Wis. 53534. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities such as canned goods*, from Watertown, Hillsboro, and Lomira, Wis., and points within 3 miles thereof, to points in Ohio, Pennsylvania, and West Virginia, and (2) *sugarine*, from Clyman, Wis., and points within 3 miles thereof, to points in Ohio, Pennsylvania, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 93944 (Sub-No. 7), filed August 15, 1968. Applicant: DANELLA BROS., INC., 250 Diamond Avenue, Norristown, Pa. 19401. Applicant's representative: Theodore Polydoroff, Suite 930, 1120 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ores*, in dump vehicles, from points in Essex County, N.J., to points in Bucks and Montgomery Counties, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 94350 (Sub-No. 192), filed August 1, 1968. Applicant: TRANSIT HOMES INC., Haywood Road, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr.

(same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles in initial movements*, from points in Mecklenburg County, N.C., to points in that part of the United States east of the Mississippi River including Louisiana and Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 100666 (Sub-No. 121), filed August 12, 1968. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and building board and materials and accessories* used in the installation thereof, from points in Chippewa County, Wis., to points in Mississippi, Arkansas, Oklahoma, Texas, New Mexico, and Louisiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.; Shreveport, La., or Little Rock, Ark.

No. MC 103721 (Sub-No. 17), filed August 15, 1968. Applicant: RAYMOND B. LONG, INC., Ridge Road, Tylersport, Pa. 18971. Applicant's representative: Theodore Polydoroff, Suite 930, 1120 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ores*, in dump vehicles, from points in Essex County, N.J., to points in Bucks and Montgomery Counties, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 106398 (Sub-No. 369), filed August 5, 1968. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, and *buildings*, in sections, equipped with hitchball connector, from points in Cleveland County, N.C., to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 107295 (Sub-No. 127), filed August 14, 1968. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement, cement products, prestressed concrete, and materials* necessary to the erection and construction thereof, from plantsite of Texas Industries, Inc., Dallas, Tex., to points in Arkansas, Kansas, Louisiana, Mississippi, and Oklahoma and *damaged, rejected, or repossessed materials* on return. NOTE: Applicant states it would tack at Arkansas to enable service to points in the United States in and east of Alabama, Tennessee, Missouri, Iowa, and Minnesota. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 107295 (Sub-No. 129), filed August 16, 1968. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ornamental iron, and plastic articles, and parts thereof, lamps, lamp and mail box posts, and fittings thereof, gates*, and when shipped with any aforegoing, *cement compound and promotional materials*, between Lodi, Ohio, Mount Carroll, Ill., and Tifton, Ga., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Applicant indicates tacking at Lodi, Ohio, or Mount Carroll, Ill., with presently held authority originating at points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 107496 (Sub-No. 673), filed August 16, 1968. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Sugar*, from Memphis, Tenn., to points in Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Des Moines, Iowa.

No. MC 107515 (Sub-No. 620), filed August 8, 1968. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared food*, from Monroe City, Mo., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis). NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 107515 (Sub-No. 621), filed August 8, 1968. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representatives: G. L. Gundlach (same address as above), also Paul M. Daniell, First Federal Building, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper articles, and paper products*, from Reigelwood, N.C., Catawba, S.C., Franklin, Va., and Savannah, Ga., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kansas, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Raleigh, N.C.

No. MC 107743 (Sub-No. 9), filed August 8, 1968. Applicant: SYSTEM TRANSPORT, INC., East 6523 Broadway, Spokane, Wash. 99206. Applicant's representative: George LaBissoniers, 920 Logan Building, Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Washington east of the Cascade Mountain Range, Idaho, and Montana, on and west of U.S. Highway 89 to points in Colorado and Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane or Seattle, Wash.

No. MC 107934 (Sub-No. 19), filed August 13, 1968. Applicant: BYRD MOTOR LINE, INCORPORATED, Post Office Box 787, Lexington, N.C. 27292. Applicant's representative: John R. Simms, Jr., 1700 Pennsylvania Avenue NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Juices, beverages, beverage preparations, drinks* (nonalcoholic), *fruits and fruit products* not requiring refrigeration, and (2) *fruit juice powder or crystals, and citrus*, from points in Florida; and Waycross, Ga., to points in Georgia, South Carolina, North Carolina, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa or Orlando, Fla.

No. MC 108460 (Sub-No. 35), filed August 12, 1968. Applicant: PETROLEUM CARRIERS COMPANY, a corporation, 5104 West 14th Street, Post Office Box 762, Sioux Falls, S. Dak. 57101. Applicant's representative: Richard Hopewell, 511 Northwestern National Bank Building, Sioux Falls, S. Dak. 57101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles, angles, bars, beams, iron and steel, piling, pipe coating material, plates floor, plates structural reinforcement, rods coiled, rods guy anchor, steel sheet, steel structural, strip coiled, tees* and (2) *pipe coating material* when moving with shipments of pipe, from Omaha, Nebr., and Council Bluffs and Sioux City, Iowa, to Hull, Iowa, and points in South Dakota, restricted to (1) traffic having an immediately prior movement by water; and (2) to traffic destined to the named destination points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak., Sioux City, Iowa, or Omaha, Nebr.

No. MC 109294 (Sub-No. 11), filed August 12, 1968. Applicant: COMMERCIAL

TRUCK CO. LTD., 230 Brunette Street, New Westminster, British Columbia, Canada. Applicant's representative: Joseph O. Earp, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between points in Okanogan County, Wash., on the one hand, and, on the other, the port of entry on the international boundary line between the United States and Canada, at or near Oroville, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 110420 (Sub-No. 569), filed August 12, 1968. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst, Post Office Box 339, Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcined clay residue*, dry, in bulk, from Owensville, Mo., to Venice Ill. NOTE: If a hearing is deemed necessary applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 110420 (Sub-No. 570), filed August 12, 1968. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst, Post Office Box 339, Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid adhesives*, in bulk, from Palatine, Ill., to points in Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Kentucky, Ohio, Missouri, Pennsylvania, and Wisconsin. NOTE: Applicant states this application is filed to eliminate various gateway operations via interline through Chicago, Carpentersville, and Mapleton, Ill. If a hearing is deemed necessary, applicant requests it be held at Chicago Ill.

No. MC 111302 (Sub-No. 49), filed August 14, 1968. Applicant: HIGHWAY TRANSPORT, INC., Post Office Box 79, Powell, Tenn. 37849. Applicant's representative: Paul E. Weaver, 1120 West Griffin Road, Lakeland, Fla. 33801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Robertson County, Tenn., to points in Alabama, Florida, Georgia, South Carolina, North Carolina, Kentucky, Virginia, Indiana, Illinois, Missouri, Ohio, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 111302 (Sub-No. 50), filed August 14, 1968. Applicant: HIGHWAY TRANPORT, INC., Post Office Box 79, Powell, Tenn. 37849. Applicant's representative: Paul E. Weaver, 1120 West Griffin Road, Lakeland, Fla. 33801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid plastics*, from Bartow, Fla., to points in Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami or Tampa, Fla.

No. MC 111545 (Sub-No. 108), filed August 12, 1968. Applicant: HOME TRANSPORTATION COMPANY, INC., Post Office Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born, 1425 Franklin Road SE., Marietta, Ga. 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, iron and steel mill products, pipe, pipe fittings, and commodities requiring the use of special equipment*, between points in Alabama and Chattanooga, Tenn., on the one hand, and, on the other, points in Arkansas, Louisiana, Oklahoma, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 111651 (Sub-No. 12), filed August 4, 1968. Applicant: MIDDLEWEST FREIGHTWAYS, INC., 6810 Prescott Avenue, St. Louis, Mo. 63147. Applicant's representative: Robert H. Kinker, Box 464, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives (except small-arms ammunition and fireworks), livestock, used or uncrated furniture, and commodities injurious or contaminating to other lading, serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an offroute point in connection with applicant's authority to and from Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 112590 (Sub-No. 10), filed August 7, 1968. Applicant: UNITED MOTOR FREIGHT, INC., 2008 North East Street, Lansing, Mich. 48906. Applicant's representative: Ronald R. Pentecost, 1018–46 Michigan National Tower, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities, in bulk, and those requiring special equipment), between points within the counties of Eaton, Ionia, and Clinton, Mich., on the one hand, and, on the other, Willow Run Airport, and Detroit Metropolitan Airport, Wayne County, Mich., and Capitol City Airport, Lansing, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing or Ionia, Mich.

No. MC 112617 (Sub-No. 251), filed August 8, 1968. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville, Ky. 40205. Applicant's representative: L. A. Jaskiewicz, 600 Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Tilton, Ill., to points in Indiana, Kentucky, Michigan, Ohio, and Wisconsin. NOTE: Applicant indicates tacking possibilities. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 113267 (Sub-No. 201), filed August 12, 1968. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, meats*, fresh, frozen, and cured, and *prepared foods*, from points in Wisconsin to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 113678 (Sub-No. 323), filed August 15, 1968. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie, and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68505. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with temperature control devices, from (1) points in Washington and Idaho, to points in Arizona, California, and Oregon, and (2) from points in Oregon, to points in Arizona, California, Washington, and Idaho. NOTE: If a hearing is deemed necessary, applicant requests it commence at Portland, Oreg., and terminate at San Francisco, Calif.

No. MC 113855 (Sub-No. 180) (Amendment), filed April 24, 1968, published in FEDERAL REGISTER issue of May 9, 1968, and republished as amended this issue. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55902. Applicant's representative: Van Osdel, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemically extracted and digested marine protein*, from Cape Flattery and Neah Bay, Wash., to points in Oregon, California, Idaho, Nevada, Utah, Montana, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Massachusetts, New York, Delaware, Maryland, New Jersey, and the District of Columbia. NOTE: The purpose of this republication is to include the additional States of Massachusetts, New York, Delaware, Maryland, New Jersey, and the District of Columbia to the destination territory, thereby broadening the scope of the application. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 114004 (Sub-No. 66), filed August 8, 1968. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in secondary movements, by truckaway service, between points in the United States, including Alaska (except Hawaii, Newport, Ark., and points within 10 miles thereof, and Jacksonville, Ark.). NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 114019 (Sub-No. 191), filed August 7, 1968. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the agricultural, water treatment, food processing, wholesale grocery and institutional supply industry, when shipped in mixed loads with salt and salt products (otherwise authorized), (1) from the plantsites of Morton Salt Co. at or near Manistee and Marysville, Mich., to points in Illinois, Indiana, Ohio, Michigan, Wisconsin, points in that part of Pennsylvania on and west of U.S. Highway 219, points in that part of New York on and west of New York Highway 14, Covington, Newport, and Louisville, Ky., and St. Louis, Mo.; (2) from the plantsites of Morton Salt Co. at or near Fairport, Ohio, to St. Louis, Mo., and points in Illinois, Indiana, Kentucky, Maryland, Michigan, New York, Pennsylvania, Virginia, and West Virginia; (3) from the plantsites of Morton Salt Co. at or near Rittman, Ohio, to points in Illinois, Indiana, Michigan, New York, Pennsylvania, West Virginia, and points in New Jersey within the Philadelphia, Pa., commercial zone as defined by the Commission, St. Louis, Mo., Covington, Newport, and Louisville, Ky., and (4) from the plantsites of Morton Salt Co. at or near Silver Springs, N.Y., to points in Pennsylvania, West Virginia, that part of New York on and south of U.S. Highway 6, points in New Jersey within the New York, N.Y., and Philadelphia, Pa., commercial zones as defined by the Commission, Illinois, Indiana, and Ohio. NOTE: Applicant is presently authorized to transport salt from and to abovenamed points under MC-114019 Sub-No. 38. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114533 (Sub-No. 166), filed August 15, 1968. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Warren W. Wallin, 330 South Jefferson Street, Chicago, Ill. 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and prints, complimentary replacement film, and incidental dealer handling supplies* (except motion picture films and materials and supplies used in connection with commercial and television motion pictures), between Chicago, and Mount Vernon, Ill., on the one hand, and, on the other, St. Louis, Mo.; (2) *eyeglasses, frames, lenses, and parts thereof*, between Chicago, Ill., on the one hand, and, on the other, St. Louis, Mo. NOTE: Applicant is authorized to conduct operations as a contract carrier under MC 128618, therefore, dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 114890 (Sub-No. 37), filed August 14, 1968. Applicant: C. E. REYNOLDS TRANSPORT, INC., 2209 Range Line, Joplin, Mo. 64802. Applicant's representative: J. David Harden, Jr., 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid*, in bulk, in tank vehicles, from Atlas, Mo., to points in Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Memphis, Tenn.

No. MC 115022 (Sub-No. 15), filed August 7, 1968. Applicant: CHAMBERLAIN MOBILEHOME TRANSPORT, INC., 64 East Main Street, Thomaston, Conn. 06787. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, designed to be drawn by passenger automobiles, in initial movement, from points in Hartford County, Conn., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., Boston, Mass., New York, N.Y., or Washington, D.C.

No. MC 115554 (Sub-No. 11), filed August 8, 1968. Applicant: SCOTT'S TRANSPORTATION SERVICE, INC., Post Office Box 1136, Cedar Rapids, Iowa 52406. Applicant's representative: William A. Landau, 1415 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wire cases*, from Cedar Rapids, Iowa, to points in Alabama, Arizona, Colorado, Florida, Georgia, Illinois (except points in the Chicago, Ill., commercial zone), Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota (except points in the Minneapolis-St. Paul commercial zone), Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Utah, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cedar Rapids or Des Moines, Iowa.

No. MC 115876 (Sub-No. 17) (Amendment), filed May 14, 1968, published in FEDERAL REGISTER issue of May 30, 1968, and republished as amended, this issue. Applicant: ERWIN HURNER, 2605 South Riverside Drive, Moorhead, Minn. 56560. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and articles* dealt in by wholesale malt beverage distributors, (1) from St. Louis, Mo., to Portland, N. Dak., Moorhead and Perham, Minn., (2) from Moorhead, Minn., to Portland, N. Dak., and Perham, Minn., (3) from Minneapolis and Shakopee, Minn., to Portland, N. Dak., and Perham, Minn., under contract with D-S Beverages, Inc. NOTE: Applicant holds common carrier authority in MC 117148, therefore dual operations may be involved. The purpose of this republication is to add Perham, Minn., as a destination point. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or Minneapolis, Minn.

No. MC 116544 (Sub-No. 96), filed August 12, 1968. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Street, Post Office Box 636, Carthage, Mo. 64836. Applicant's representative: Robert Wilson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* (except hides and commodities in bulk in tank vehicles), from Pratt, Kans., to points in Florida, Georgia, Alabama, South Carolina, North Carolina, Tennessee, Mississippi, Louisiana, Texas, Arkansas, Oklahoma, Missouri, Nebraska, Iowa, Illinois, Indiana, Kentucky, Minnesota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Kansas City, Mo., or Oklahoma City, Okla.

No. MC 117615 (Sub-No. 6), filed August 9, 1968. Applicant: BOYER VALLEY COMPANY, a corporation, Post Office Box 100, Charter Oak, Iowa 51439. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal blood*, in liquid form, in bulk, in tank vehicles, from Omaha, Nebr., to Sioux City, Iowa, under a continuing contract with Pacific Adhesive Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.; Des Moines or Sioux City, Iowa.

No. MC 118282 (Sub-No. 17), filed August 7, 1968. Applicant: JOHNNY BROWN'S, INC., 6801 Northwest 74th Ave., Miami, Fla. 33166. Applicant's representatives: Archie B. Culbreth and Guy H. Postell, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass and plastic products*, (1) between Wooster, Ohio, on the one hand, and, on the other, points in Frederick County, Va., and (2) from points in Frederick County, Va., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa,

Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to service to or from the plantsites of Rubbermaid Commercial Products, Inc., at Wooster, Ohio, or in Frederick County, Va., in connection with (1) and (2) above. NOTE: Applicant holds contract carrier authority under Docket No. MC 125811 and (Sub-No. 5), therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119654 (Sub-No. 8), filed August 14, 1968. Applicant: HI-WAY DISPATCH, INC., 26th Street and Bypass, Marion, Ind. 46952. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard, chipboard, or corrugated covers, discs, fillers, partitions, platform or wrappers* for packing or interior forms, flat or folded flat, from Milwaukee, Wis., to points in Indiana on and north of U.S. Highway 40. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 213), filed August 5, 1968. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst, Post Office Box 339, Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in packages, from points in Pulaski County, Ill., to points in Nebraska, Indiana, Michigan, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119777 (Sub-No. 113), filed August 8, 1968. Applicant: LIGON SPECIALIZED HAULER, INC., Box L, Madisonville, Ky. 42431. Applicant's representative: Fred F. Bradley, 213 St. Clair Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* (except those commodities, which because of size or weight require special equipment), (a) from Evansville, Ind., to the plantsite of George L. Mesker Steel Corp. located in Union County, Miss., and (b) from the plantsite of George L. Mesker Steel Corp. located in Union County, Miss., to points in Oklahoma. NOTE: The authority sought herein shall not be tacked or otherwise joined for purpose of providing a through service. Applicant holds contract carrier authority under MC 126970 (Sub-No. 1) and (Sub-No. 2 TA), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville or Frankfort, Ky., or Evansville, Ind.

No. MC 119927 (Sub-No. 2), filed August 2, 1968. Applicant: PENN DISPATCH, INC., 368 Whitehall Street, Allentown, Pa. 18102. Applicant's representative: Harry J. Liederbach, 539 Street Road, Southampton, Pa. 18966. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, soap, cosmetics, and related advertising material*, from Allentown, Pa., to points in Berks, Bucks, Carbon, Lehigh, Montgomery, and Northampton Counties, Pa., and *damaged and returned merchandise*, on return, under contract with Avon Products. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 120543 (Sub-No. 57), filed August 12, 1968. Applicant: FLORIDA REFRIGERATED SERVICE, INC., U.S. Highway 301 North, Post Office Box 1297, Dade City, Fla. 33525. Applicant's representative: Lawrence D. Fay, 1205 Universal Marion Building, Post Office Box 1086, Jacksonville, Fla. 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus extracts, pulp and citrus concentrates*, from points in Arizona to points in Florida and Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa or Miami, Fla.

No. MC 124796 (Sub-No. 40), filed August 7, 1968. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 7236 East Slauson, Los Angeles, Calif. 90022. Applicant's representative: J. Max Harding, 300 NSEA Building, 605 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sweetening compounds*, from Carol Stream, Ill., to points in Alabama, Arizona, California, Georgia, Idaho, Mississippi, Nevada, New Mexico, Oregon, Utah, and Washington; and, (2) *rejected, outdated or returned shipments, and raw materials and ingredients used in the manufacture of sweetening compounds*, on return. Restriction: All service restricted against the transportation of bulk commodities and further restricted to traffic originating or terminating at the plantsite or warehouse facilities of Alberto-Culver at Carol Stream, Ill., under continuing contract with Alberto-Culver Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124813 (Sub-No. 56) (Amendment), filed July 31, 1968, published FEDERAL REGISTER issue of August 15, 1968, amended, and republished as amended this issue. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, (1) between points in Wisconsin, on the one hand, and, on the other, points in Minnesota and Iowa, and (2) between points in Minnesota, on the one hand, and, on the other, points in Iowa. NOTE: Applicant holds contract carrier authority under Docket No. MC 118468 (Sub-No. 16) and subs, therefore, dual operations may be involved. The purpose of this republication is to reflect the broadening of the territorial authority sought. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Des Moines, Iowa.

No. MC 125708 (Sub-No. 94), filed August 12, 1968. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Centralia, Sparta, Irvington, and Flora, Ill., Louisiana, Mo., and Clarksville, Ohio, to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 125708 (Sub-No. 95), filed August 12, 1968. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements, farm machinery, farm equipment, and agricultural implement parts and attachments, farm machinery parts and attachments, farm equipment parts and attachments*, from Bethany, Mo., to points in the United States (except Alaska and Hawaii) and (2) *materials, supplies, and equipment used in the manufacture of and processing of agricultural implements, farm machinery and farm equipment*, from points in the United States (except Alaska and Hawaii), to Bethany, Mo: NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Joseph, Mo.

No. MC 127042 (Sub-No. 25), filed August 15, 1968. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Sioux City, Iowa 51108. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Albert Lea, Minn., to points in Iowa and Nebraska restricted to the transportation of traffic originating at the plantsite and warehouses of Wilson & Co., Inc., at Albert Lea, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127406 (Sub-No. 3), filed August 13, 1968. Applicant: KINGSWAY LUMBER CARRIERS, INC., Industrial Park, New Rochelle, N.Y. 10803. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Lumber and lumber products*, from Maybrook, N.Y., to points in Fairfield, Litchfield, and New Haven Counties, Conn.; points in New Jersey on and north of New Jersey Highway 33, and points in Albany, Columbia, Delaware, Dutchess, Greene, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester Counties, N.Y., and Pike and Wayne Counties, Pa., and *returned shipments of lumber and lumber products*, on return. NOTE: Applicant states the authority herein could be joined with a portion of the operating authority applicant now holds in certificate MC 127406 Sub-No. 1, from New Rochelle, N.Y., to New York City, N.Y., and Suffolk Counties, N.Y. If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y.

No. MC 129423 (Sub-No. 2) filed August 15, 1968. Applicant: ADBY CONSTRUCTION & TRANSPORTATION CO., LTD., 7204 118th Avenue, Edmonton, Alberta, Canada. Applicant's representative: Howard C. Burton, 504 Strain Building, Great Falls, Mont. 59401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lime*, in bags, from ports of entry on the international boundary line between the United States and Canada, at or near Roosville, Mont.; Eastport and Porthill, Idaho; and Crawford Cave, Nelway, and Laurier, Wash., to points in Washington, Idaho, and Montana, for the account of Summit Lime Works, Ltd.; (2) *lumber*, from points in Flathead and Lincoln Counties, Mont., to the port of entry on the international boundary line between the United States and Canada, located at or near Roosville, Mont., and *returned shipments*, on return for the account of Cooper-Widham, Limited. NOTE: If a hearing is deemed necessary, applicant requests it be held at Great Falls or Kalispell, Mont.

No. MC 129715 (Sub-No. 2), filed August 8, 1968. Applicant: J. P. STEVENS, doing business as J. P. STEVENS TRUCKING, 1608 South Date Street, Plainview, Tex. 79072. Applicant's representative: Sam Dawkins, Jr., 1306 First City National Bank Building, Houston, Tex. 77002. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ammoniated rice hulls*, in bulk, from Houston, Tex., to points in New Mexico, Colorado, Oklahoma, and Kansas, under contract with Delta Industries, Inc., Houston, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 129904 (Sub-No. 2), filed August 12, 1968. Applicant: HAMILTON'S TRANSPORTS, INC., 139 West Hall, Oberlin, Kans. 67749. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Seldon, Kans., to points in Perkins, Chase, Lincoln, Hays, Hitchcock, Frontier, Dawson, Red Willow, Furnas, Harlan, Gosper, Phelps, and Dundy Counties, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 129909 (Sub-No. 1), filed August 7, 1968. Applicant: COR-NEL CONTRACTING CORPORATION, R.F.D. No. 3, Box 421–D, Como Drive, Somerset, N.Y. 08873. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude iron oxide* in bulk, in dump vehicles, from ports of entry on the international boundary line between the United States and Canada located at or near Buffalo, Niagara Falls, and Lewiston, N.Y., to Edison Township, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 129931 (Sub-No. 1), filed August 12, 1968. Applicant: RATLIFF & RATLIFF, INC., Route 5, Lexington, N.C. 27292. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Structural glazed tile brick*, in trailers equipped with loading and unloading devices, from Charlotte, N.C., to points in North Carolina and South Carolina, under contract with Ralph O. Johnson Co. NOTE: Applicant holds common carrier authority under MC 107409 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Washington, D.C.

No. MC 129977 (Sub-No. 1), filed August 13, 1968. Applicant: HERMAN MANESS, doing business as HERMAN MANESS AUTO TRANSPORTERS, 1340 Highway 45 South, Jackson, Tenn. 38301. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, from Baton Rouge, La., to points in Arkansas, Alabama, Mississippi, Missouri, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 133000 (Sub-No. 1), filed August 5, 1968. Applicant: DIAMOND SAND & STONE CO., a corporation, 744 Riverside Avenue, Jacksonville, Fla. 32204. Applicant's representative: Richard B. Austin, 1946 Gulf Life Tower, Jacksonville, Fla. 32204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building and construction aggregates* in bulk only, between points in Alabama, south of the southern boundaries of Chambers, Tallapoosa, Coosa, Chilton, Perry, Hale, and Sumter Counties, Ala.; points in Georgia, south of the southern boundaries of Harris Talbot, Crawford, Biss, Wilkinson, Johnson, Emanuel, Jenkins, and Screven Counties, Ga.; and points in Florida, north of the northern boundaries of Pasco, Sumter, Lake, Seminole, and Brevard Counties, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tallahassee, Fla.; Dothan, Ala.; or Albany, Ga.

No. MC 133007, filed June 26, 1968. Applicant: CAPE FEAR MOTOR LINES, INC., Post Office Box 84, Whiteville, N.C. 28472. Applicant's representative: Gene O. Hill (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baskets, basket materials, crates, crate material, and agricultural commodity containers, wooden boxes, box material, crate material, pallets, and pallet boxes, pallets and pallet material*, (1) from Murfreesboro and points in Hertsford and Northampton Counties, N.C., to points in Florida, Georgia, and South Carolina and (2) from points in Clarke County, Va., to points in North Carolina, South Carolina, Georgia, and Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh or Whiteville, N.C.

No. MC 133080, filed August 9, 1968. Applicant: PHOENIX TRUCKING CORP., 53 Gilchrist Street, Jersey City, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, (1) between Jersey City, N.J., on the one hand, and, on the other, points in Connecticut and New York, and those in Pennsylvania on and east of U.S. Highway 15; and, (2) between New York, N.Y., on the one hand, and, on the other, points in New Jersey and those in Pennsylvania on and east of U.S. Highway 15, under contract with Schiavone-Bonomo Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133081, filed August 12, 1968. Applicant: CLAUDE J. STEVENS AND WARREN WILSON, a partnership, doing business as STEVENS-WILSON, Stover, Mo. 65708. Applicant's representative: Frank J. Iuen, 101 East High Street, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sisal products, jute products, plastic products, cotton products, and other related cordage items*, from New Orleans, La., Mobile, Ala., Houston, Tex., Chicago, Ill., and Milwaukee, Wis., to points in Missouri, Kansas, Iowa, Illinois, Nebraska, Arkansas, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City, or St. Louis, Mo.

No. MC 133082, filed August 6, 1968. Applicant: JAMES E. MOORE, doing business as MOORE'S HAULING, Broad Street and Sumneytown Pike, Lansdale Montgomery, Pa. 19446. Applicant's representative: Raymond A. Thistle, Jr., Suite 1710, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper bags, paper rolls, cello products, cello rolls, plastic bags, and plastic film other than cellulose*, between the plantsite of Paramount Packaging Corp. in the Borough of Chalfont, Bucks County, Pa., on the one hand, and, on the other, points in New York, New Jersey, Maryland, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 133085, filed August 13, 1968. Applicant: TRENCO, INC., Post Office Box 697, 1422 Shiffler Avenue, Williamsport, Pa. 17701. Applicant's representative: Robert H. Griswold, Post Office Box 432, 100 Pine Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yarn, fabric, materials, and supplies used in the processing, manufacturing, packaging, and transportation of yarns and fabric, and textile machinery which does not, because of size or weight, require the use of special equipment*, between the plantsites of Milton Yarn Corp. at Milton, Pa., H. W. S. Silk Corp. at Montoursville, Pa., and Essex Yarn Corp., Tidewater Weaving Corp. and Virginia Elastic Corp. at Tappahannock, Va., on the one hand, and, on the other, points in Delaware, Massachusetts, New Jersey (except Camden and Trenton), New York, North Carolina, Pennsylvania, South Carolina, Tennessee, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 133093, filed August 13, 1968. Applicant: CLIFFORD JONES, doing business as JONES TRUCK LINES, 9909 Suez, El Paso, Tex. 79925. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products;* (1) from El Paso, Tex., to points in Kansas, Missouri, Illinois, Wisconsin, Minnesota, South Dakota, and North Dakota; (2) from points in Iowa, Missouri, Nebraska, and Kansas, to points in Arizona and California; (3) from Dallas and El Paso, Tex., to points in New Mexico, Arizona, California, Nevada, Oregon, Washington, Colorado, Kansas, Nebraska, Iowa, Louisiana, Mississippi, Alabama, Georgia, Oklahoma, Arkansas, Tennessee, Missouri, Illinois, Indiana, Ohio, Florida, and Texas; (4) from points in New Mexico, Arizona, California, Nevada, Oregon, Washington, Colorado, Kansas,, Nebraska, Iowa, Louisiana, Mississippi, Alabama, Georgia, Oklahoma, Arkansas, Tennessee, Missouri, Illinois, Indiana, Ohio, Florida, and Texas, to Dallas, El Paso, Laredo, and Brownsville, Tex.; and (5) Between Los Angeles, Calif., on the one hand, and, on the other, points in Kentucky, Texas, Oklahoma, Georgia, Alabama, Mississippi, Arkansas, Louisiana, Tennessee, Oregon, and Washington, under contract with International Meat & Food Products Co., Dallas, Tex., Kal-Kan Foods, Inc., Los Angeles, Calif., and Arthur Nalick Wholesale Meat, St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

MOTOR CARRIERS OF PASSENGERS

No. MC 101746 (Sub-No. 4), filed August 7, 1968. Applicant: CLARENCE CAMPBELL CRISER, MARY ELIZABETH CRISER, AND THOMAS MONTGOMERY CRISER, a partnership, doing business as INDEPENDENT LIVERY, Hot Springs, Va. 24445. Applicant's representative: Erwin S. Solomon, Box R, Hot Springs, Va. 24445. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage* in the same vehicle with passengers, between Hot Springs, Va., on the one hand, and, on the other, points in the District of Columbia, Maryland, Pennsylvania, Delaware, New Jersey, New York, West Virginia, Ohio, Kentucky, North Carolina, South Carolina, Connecticut, Massachusetts, Indiana, Rhode Island, Georgia, Florida, Illinois, and Tennessee; (2) *passengers and their baggage* in the same vehicle with passengers having an immediately prior movement by aircraft, from Ingalls Field (approximately 3 air miles), southeast of Hot Springs, Va., to points in the District of Columbia, Maryland, Pennsylvania, Delaware, New Jersey, New York, West Virginia, Ohio, Kentucky, North Carolina, South Carolina, Connecticut, Massachusetts, Indiana, Rhode Island, Georgia, Florida, Illinois, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Roanoke or Richmond, Va.

No. MC 129969 (Sub-No. 1), filed August 12, 1968. Applicant: LAKELAND BUS LINES, INC., East Blackwell Street, Dover, N.J. 07801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, between the Port of Authority Bus Terminal, located at New York, N.Y., and the plantsite of Clay-Adams, Inc., located at Parsippany, N.J., under contract with Clay-Adams, Inc. NOTE: Applicant holds common carrier authority under MC 109806 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

APPLICATION FOR BROKERAGE LICENSES

No. MC 130065, filed August 5, 1968. Applicant: NASHVILLE TRAFFIC SERVICE, INC., 1807 Eighth Avenue South, Nashville, Tenn. 37203. Applicant's representative: Walter Harwood, 515 Nashville Bank & Trust Building, Nashville, Tenn. 37201. For a license (BMC 4) to engage in operations as a *broker* at Nashville, Tenn., in arranging for transportation in interstate or foreign commerce of *general commodities*, except household goods as defined by the Commission, and classes A and B explosives, between Nashville, Tenn., on the one hand, and, on the other points in the United States including Alaska and Hawaii.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 2860 (Sub-No. 31), filed August 2, 1968. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: James W. Lawson, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) serving the junction of Pennsylvania Turnpike and U.S. Highway 1, and (2) serving the junction of Pennsylvania Turnpike and U.S. Highway 130 northeast of Philadelphia, Pa., for purpose of joinder only as additional radial base points in connection with carrier's authority between points in Camden County, N.J., on the one hand, and, on the other, points in Pennsylvania, except that no shipments shall be transported to or from points in Bucks, Berks, Chester, Delaware, Lehigh, Montgomery, Northhampton, and Philadelphia Counties, Pa., over the proposed irregular routes. NOTE: Applicant states it holds regular-route authority on general commodities with the usual exceptions between Philadelphia, Pa., and New York, N.Y., via New Brunswick, N.J., over U.S. Highway 1, and via Camden, N.J., over U.S. Highway 130, serving all intermediate points and off-route points in New Jersey within 15 miles of Secaucus, N.J., including Secaucus (No. MC 75185, Sub-No. 224, May 5, 1960, issued to and acquired from Service Trucking Co., Inc., pursuant to the authority granted in No. MC–F–9472). A second authority over the same routes, with service at additional off-route points, but with differing commodity exceptions is also held (No. MC 84665, May 6, 1964, issued and acquired from the Millar Transport Co., Inc., pursuant to authority granted in MC–F 9848). Applicant holds irregular-route authority for general commodities with the usual exceptions between points in Camden County, N.J. (among other counties not here pertinent), and points in Pennsylvania (among other States also unrelated to this operation) MC 2860, National Freight, Inc., September 14, 1965. Applicant uses that authority in combination with the above-described routes to provide nonscheduled service between the Pennsylvania points included in this application and New York, N.Y., and related authorized intermediate and off-route points in northern New Jersey. Use of the additional gateway to those in Camden County, N.J., is sought to avoid the present need to traverse the congested Philadelphia-Camden area in that operation.

No. MC 65115 (Sub-No. 7), filed August 15, 1968. Applicant: WILLIAM C. BRANAM and JOE E. SUTTON, a partnership, doing business as J & B TRUCKING CO., 5601 Boyle Avenue, Vernon, Calif. 90058. Applicant's representative: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. 90212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value,

classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, those injurious or contaminating to other lading, and automobiles, (1) between points in Los Angeles, San Bernardino, Riverside, Orange, and San Diego Counties, Calif.; and (2) between points in Los Angeles, San Bernardino, Riverside, Orange, and San Diego Counties, Calif., on the one hand, and, on the other, points in Hawaii.

No. MC 107064 (Sub-No. 68), filed August 15, 1968. Applicant: STEERE TANK LINES, INC., 2808 Fairmount Street, Post Office Box 2998, Dallas, Tex. 75221. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur and sulphur products*, between points in New Mexico and those in Texas on and west of U.S. Highway 83.

No. MC 129713 (Sub-No. 2), filed August 15, 1968. Applicant: CHESTERFIELD STEEDE AND EDWIN STEEDE, a partnership, doing business as STEEDE TRUCKING, 194–55 111th Road, Hollis, N.Y. 11412. Applicant's representative: William J. Hanlon, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hospital, dental, and laboratory equipment, and supplies*, between Carlstadt, N.J., on the one hand, and, on the other, New York, N.Y., and points in Nassau County, N.Y., under contract with IPCO Hospital Supply Corp. and its division Standard Scientific.

No. MC 129762 (Sub-No. 2), filed July 29, 1968. Applicant: BRADY SAND TRANSPORTS, INC., 707 West 12th Street, Brady, Tex. 76825. Applicant's representative: Hughes T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from points in McCullough County, Tex., to points in Utah, Arizona, Colorado, New Mexico, Kansas, Oklahoma, Arkansas, Louisiana, and Mississippi, for the account of Texas Mining Corp.

No. MC 133094, filed August 14, 1968. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. 94604. Applicant's representative: Alfred G. Krebs (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice show paraphernalia*, between points in the United States (except Alaska and Hawaii), under a continuing contract with Shipstads & Johnson Ice Follies. NOTE: Applicant is authorized to operate as a common carrier under MC 730 and subs thereunder, therefore, dual operations may be involved.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 68-10399; Filed, Aug. 28, 1968; 8:45 a.m.]

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PART 213—EXCEPTED SERVICE

Miscellaneous Amendments

1. Section 213.3105 is amended to clarify the limitation on employment as 130 working days a year instead of 130 calendar days for Customs Inspectors and Port Directors at GS–9 and below in Alaska who serve on a part-time, intermittent, or temporary basis. Effective on publication in the FEDERAL REGISTER, subparagraph (3) of paragraph (b) of § 213.3105 is amended as set out below.

§ 213.3105 Treasury Department.

* * * * * * *

(b) *Bureau of Customs.* * * *

(3) Positions of part-time, intermittent, or temporary Customs Inspectors and Port Directors in Alaska paid at a rate not above GS–9 and for not more than 130 working days in a service year.

* * * * * * *

2. Section 213.3110 is amended to clarify the limitation on the temporary or intermittent employment of GS–9—14 Field Representatives in the Community Relations Service as 130 working days a year instead of 130 calendar days. Effective on publication in the FEDERAL REGISTER, subparagraph (5) of paragraph (a) of § 213.3110 is amended as set out below.

§ 213.3110 Department of Justice.

(a) *General.* * * *

(5) Thirty positions of Field Representative, GS–9 through GS–14, in the Community Relations Service for temporary or intermittent employment for not to exceed 130 working days a year.

* * * * * * *

3. Section 213.3112 is amended to clarify the limitation on employment under Schedule A of appraisers and examiners who work on a temporary, intermittent, or part-time basis where a knowledge of local values or conditions is required. Effective on publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (g) of § 213.3112 is amended as set out below.

§ 213.3112 Department of the Interior.

* * * * * * *

(g) *Bureau of Reclamation.* (1) Appraisers and examiners employed on a temporary, intermittent, or part-time basis on special valuation or prospective-entrymen-review projects where knowledge of local values or conditions or other specialized qualifications not possessed by regular Bureau employees are required for successful results. Employment under this provision shall not exceed 130 working days a year in any individual case: *Provided*, That such employment may, with prior approval of the Commission, be extended for not to exceed an additional 50 working days in any single year.

* * * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68–10485; Filed, Aug. 29, 1968; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

U.S. Tariff Commission

Section 213.3339 is amended to show that the title of six positions listed under Schedule C as Private Secretary has been changed to Confidential Assistant. Effective on publication in the FEDERAL REGISTER, paragraph (a) of § 213.3339 is amended as set out below.

§ 213.3339 U.S. Tariff Commission.

(a) One Confidential Assistant to each Commissioner.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68–10484; Filed, Aug. 29, 1968; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

National Labor Relations Board

Section 213.3341 is amended to show that the position of Special Assistant to the Chairman is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (1) is added to § 213.3341 as set out below.

§ 213.3341 National Labor Relations Board.

* * * * * * *

(1) One Special Assistant to the Chairman.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68–10483; Filed, Aug. 29, 1968; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Witchweed

REGULATED AREAS; CORRECTION

In F.R. Doc. 68–9855, Vol. 33, No. 160, for Friday, August 16, 1968, the following corrections are made in § 301.80–2a:

1. Page 11633, under Lenoir County, first paragraph, line 17, should read as follows: "Secondary Road 1336, thence southeast along".

2. Page 11634, under Pender County, first paragraph, line 10, should read as follows: "ondary Road 1201, thence east along said".

3. Page 11636, under Darlington County, the entry for the Pickett, Liston J., farm should read as follows:

The Pickett, Liston J., farm located on the west side of a dirt road and 0.2 mile north of its unction with State Secondary Highway 179, said junction being 1 mile southeast of the junction of said highway and State Secondary Highway 35.

Dated: August 26, 1968.

D. R. SHEPHERD,
Director,
Plant Pest Control Division.

[F.R. Doc. 68–10472; Filed, Aug. 29, 1968; 8:46 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Peach Reg. 6, Amdt. 1]

PART 919—PEACHES GROWN IN MESA COUNTY, COLO.

Regulation by Grades and Sizes

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of peaches grown in the county of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule

making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 31, 1968. Shipments of such peaches are currently regulated pursuant to Peach Regulation 6 (33 F.R. 10388) and unless sooner terminated, will continue to be so regulated through September 28, 1968; determinations as to the need for, and extent of, continued regulation of such peach shipments must await the development of the crop and other available information. On the basis of other available information for regulation of peach shipments subsequent to August 31, 1968, in the manner herein provided it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective as hereinafter set forth; information concerning the provisions of this amendment has been disseminated among handlers of such peaches and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. The provisions of paragraph (a) (1) (i) of § 919.307 (Peach Regulation 6; 33 F.R. 10388) are hereby amended to read as follows:

§ 919.307 Peach Regulation 6.

(a) *Order.* (1) • • •

(i) Any peaches of any variety which do not grade at least U.S. No. 1 grade;

• • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, August 27, 1968, to become effective August 31, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-10548; Filed, Aug. 29, 1968; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[Amdt. 7]

PART 1464—TOBACCO

Subpart—Tobacco Loan Program

MISCELLANEOUS AMENDMENTS

The regulations issued by Commodity Credit Corporation, published in 31 F.R. 9679; 32 F.R. 10249, 11416, 14203; 33 F.R. 136, 910 and 9759, with respect to the tobacco price support loan program are herein amended as follows:

1. In § 1461.1758, paragraph (d) (2) and (3) is amended to provide price support on Flue-cured tobacco of the 1968 and subsequent crops which is security for a farm storage loan obtained pursuant to Part 1421 of this chapter and which is delivered directly to the association. The amended subparagraphs read as follows:

§ 1464.1756 Availability of price support.

• • • • •

(d) Price support to eligible producers will be made available on eligible tobacco in the following manner:

• • • • •

(2) *Upon direct delivery to the Association.* Eligible producers in nonauction market areas may deliver eligible tobacco to central receiving points designated by the appropriate association. Flue-cured producers who, after the close of all Flue-cured auction markets, including clean-up sales, have Flue-cured tobacco which is security for a farm storage loan obtained pursuant to Part 1421 of this chapter, may deliver such tobacco to the central receiving points designation by the appropriate association. After the tobacco has been graded by USDA inspectors, the producer will receive the price support advance directly from the association for any tobacco to be pledged as security for loans.

(3) *Period of price support.* Price support will be available to eligible producers on eligible tobacco only during each year's normal marketing season for each kind of tobacco for which support is provided. For the purpose of this subpart, the normal marketing season for Flue-cured tobacco delivered directly to the association will include the date on which the producer is directed, pursuant to Part 1421 of this chapter, to so deliver the tobacco. Such date will be soon after the close of all Flue-cured markets, including clean-up sales.

2. In § 1464.1758, paragraph (c) is amended to provide for collection of 1968 and subsequent crop Flue-cured tobacco farm storage loans by deductions from price support advances. The amended paragraph is as follows:

§ 1464.1758 Deductions from advances.

• • • • •

(c) If any producer of 1968 and subsequent crops of Flue-cured tobacco is indebted to the United States for a farm storage loan obtained pursuant to Part 1421 of this chapter, the principal amount of such loan will be deducted from the price support advance paid the producer by the association and will be applied to repayment of the farm storage loan.

3. Section 1464.1763 is amended to include in the definition of eligible tobacco, Flue-cured tobacco which is delivered directly to the association. The amended section reads as follows:

§ 1464.1763 Eligible tobacco.

Eligible tobacco shall be United States and Puerto Rican Tobacco (as defined in the Agricultural Adjustment Act of 1938, as amended) which (a) is of a kind and crop for which price support is available; (b) if marketing quotas are in effect, has been properly identified in accordance with applicable tobacco Marketing Quota Regulations by (1) a Within Quota Marketing Card, if other than Flue-cured or burley tobacco, or (2) a Marketing Card which does not bear the words "No Price Support," if Flue-cured or burley tobacco; (c) if Flue-cured tobacco, (1) is offered for marketing on a Tobacco Sale Bill which is not marked "No Price Support", and is for a number of pounds which, when added to the pounds of Flue-cured tobacco previously marketed, does not exceed 110 percent of the applicable farm marketing quota, or (2) is delivered directly to the association and is a quantity which, when added to the previous marketings, does not exceed 110 percent of the applicable farm marketing quota; (d) has been delivered to the association by the producer, either directly or through an auction warehouse, prior to sale to any other person; (e) has been delivered to the association by the producer, either directly or through an auction warehouse, in lots identified by not more than one marketing card for each lot; (f) is in sound and merchantable condition; (g) was not produced on land owned by the Federal Government in violation of the provisions of a lease restricting the production of tobacco; and (h) has been graded by USDA official tobacco inspectors in a grade for which price support is available.

(Sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, sec. 125, 70 Stat. 198, 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423, 7 U.S.C. 1813, 15 U.S.C. 714b, 714c)

Effective date: Date of filing with Office of the Federal Register.

Signed at Washington, D.C., on August 26, 1968.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 68-10473; Filed, Aug. 29, 1968; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8563, Amdt. No. 25-18]

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

Fuel Jettisoning Systems

The purpose of this amendment to § 25.1001 of Part 25 of the Federal Aviation Regulations is to revise the criteria for fuel jettisoning systems on airplanes.

This action was issued as a notice of proposed rule making (Notice No. 67-51) and published in the FEDERAL REGISTER on December 6, 1967 (32 F.R. 17487). The comments received in response to the notice are discussed hereinafter.

Several comments expressed concern about the relationship between an airplane's established landing distance and the corresponding runway length that would be required for landing at the airport of departure under the proposed regulation. The comments indicate that under certain conditions, the runway length for landing at the airport of departure might be more critical than the landing and approach climb requirements. In this connection, it was recommended that specific engineering data be examined for all anticipated cases where weight to meet the go-around climb gradients and weight to land and stop may be in conflict. One of the commentators stated that if the weight specified in the Notice is the most restrictive for all cases and can be proved by test-substantiated engineering data, then its concern is alleviated. This matter was considered at the time the notice was being formulated. A review of the type certification test data concerning relative takeoff and landing distances of four representative types of airplanes that varied in size and in the number and type of engines, indicated that for the critical range of takeoff weights, the runway required for takeoff would always provide an adequate margin for landings at the airport of departure. Moreover, it was shown that the runway length margin for landing increases with increases in the ratio of the takeoff to landing weight.

In a related comment the opinion was also expressed that under certain conditions, maximum brake energy capacity may be more limiting than the landing and approach climb requirement. It was suggested that the proposed rule should include language to the effect that the aircraft must be capable of stopping within the confines of the available runway at the airport of departure. The FAA does not consider that such a revision to the proposal is necessary. There has been no adverse service experience with airplanes certificated under Part 25 involved in overweight landings. Moreover, the acclerate-stop demonstration used in showing compliance with the takeoff performance requirements at takeoff weight also provides assurance of the ability to stop an airplane with takeoff weight within the confines of the available runway at the airport of departure.

A comment was also received recommending that the proposed rule be changed to permit compliance with the performance requirements specified in paragraph (c) of the proposal to be shown at a weight that is 95 percent of the takeoff weight as an alternative to the proposed requirement. The commentator stated that this is appropriate since at least two transport airplanes have been granted FAA exemptions based on meeting the performance requirements at 95 percent of the takeoff weight. The commentator further advised that, in some cases, the 15-minute fuel burn-off as provided in the proposal could amount to a weight reduction greater than 5 percent of the maximum takeoff weight if certain emergency procedures were established by the applicant for the 15-minute go-around. In this connection, the commentator also recommended that the regulation provide that the 15-minute takeoff, go-around and landing operation be conducted in accordance with emergency procedures (such as gear and flaps down and the use of augmented thrust) for operation in service.

Under the proposal, compliance with the climb requirements specified in paragraph (c) would have to be determined at a weight equivalent to the maximum takeoff weight less the weight of the fuel that would be consumed during a 15-minute flight in which the airplane is involved in a takeoff, go-around, and landing at the airport of departure. In the Notice, it was proposed that this flight be conducted in accordance with the procedures established by the applicant for operation in service, in other words, the procedures (and the resulting airplane configurations) used by the manufacturer in meeting the present performance requirements under Part 25 for takeoff and go-around operation (i.e., takeoff, balked landing, and missed approaches). In this connection, one of the commentators stated that the airplane configurations assumed in establishing the weight at the end of 15 minutes (from the point of view of aerodynamic drag) should be compatible with the approach and landing configuration assumed for compliance with the climb requirements. The FAA agrees that it would not be appropriate in the interest of safety to permit the use of special procedures designed to provide the maximum burn-off rate for the sole purpose of meeting this requirement. As indicated above, it is those procedures used by the applicant in meeting the performance requirements of Part 25 that must be used in conducting the takeoff, go-around, and landing. The proposal has been revised to make this clear. This does not mean, however, that the procedures established in accordance with the current performance requirements of Part 25 are not emergency procedures, and such procedures might, in fact, result in the configurations suggested by the commentator, provided the airplane meets the appropriate climb requirements for each stage of flight.

With respect to the commentators' recommendation concerning the incorporation into the regulation of an alternative means for determining the weight at which the climb performance requirements must be met, the FAA does not consider that such a change is appropriate. The proposal was intended to provide a regulation that can be uniformly applied on a rational rather than an arbitrary basis. Moreover, the recommendation does not provide an acceptable alternative since the burn-off rate for current aircraft designs is such that a weight established on the basis of fuel burn-off during a 15-minute go-around using the procedures for operation in service would generally be higher than the weight based on the arbitrary figure of 95 percent of the takeoff weight. Thus, incorporation of the commentators' recommendation would result in the general application of the 95 percent criteria. While previous FAA exemptions from the current requirement of § 25.1001 were based on the fact that the aircraft had been shown to meet the approach and landing climb requirements of Part 25 at a weight equal to 95 percent of the takeoff weight, these exemptions were all limited to aircraft in which the ratio of takeoff weight to landing weight was not more than 115 percent. The commentator did not recommend the incorporation of the 115 percent limitation and the FAA does not consider that such a limitation would be appropriate in a rule of general applicability.

Another comment inferred that the 15-minute period provided for in the proposal must be assumed to start at the maximum (structural) certificated weight. The commentator also assumed that for high altitude and temperature, it is permissible to take credit for the fact that the maximum takeoff weight may be limited by these conditions and suggested that the rule be clarified. The term "maximum takeoff weight" used in the rule refers to maximum weight as specified in § 25.25. This is the highest weight at which compliance with each applicable requirement of Part 25 is shown, including any limitations necessary to meet the performance requirements at altitude or at high temperatures. As stated in § 25.25 the term "design maximum weight" is the highest weight at which compliance is shown with the structural requirement. The commentator is, however, correct in his assumption that for the high altitude and temperature, the maximum take-off weight is the weight as limited by the applicable altitude and temperature at the airport of departure. This is clearly indicated in the proposal.

One of the comments recommended that the rule should be changed to require that the applicable approach and landing climb requirements be met at the maximum weight. This comment, however, does not take into consideration the fact that fuel will be consumed during the necessary takeoff, go-around, and landing at the airport of departure and, therefore, represents an unrealistic requirement.

Another commentator thought that turbine powered airplanes should be exempt from the fueling jettisoning requirement because they comply with more stringent performance regulations and because rationalization of en route terrain clearance and drift down regulations result in greater en route protection. The commentator also pointed out that while the airplane may be landing at maximum weight, it obviously has a reasonable climb capability because the airplane has already satisfied the takeoff climb regulations, and that fuel jettisoning systems impair safety if they malfunction.

This proposal takes into consideration the fact that there are high performance airplanes for which a fuel-jettisoning system may not be required. However, the FAA is not aware that all turbine engine powered airplanes have the required performance capability and the performance capability listed by the commentator does not establish a basis for exempting such airplanes.

There were comments questioning whether or not the proposed regulations could be applied to currently certificated airplanes. In response to these comments, it should be pointed out that while all operators may take advantage of the regulation, since the regulation would be the basis for increasing the takeoff weight of an airplane, they must apply to the FAA under Part 21 for approval of a change to the maximum takeoff weight.

Another comment suggestd that the rule should specifically require that the fuel jettisoning system be constructed to meet the requirements of the regulation. In this connection, it was suggested that the rule should specifically refer to the "design and construction" of the jettisoning system. The FAA does not consider that such a change is necessary since proper construction is assured through the requirement that the fuel jettisoning system must be demonstrated by flight tests. However, upon further consideration, the FAA does believe that the proposal should be changed to avoid any implication that the FAA proposes design limits on the performance of the fuel jettisoning system. The final rule, therefore, incorporates the language of the present regulation and requires that the jettisoning system must be "able" to jettison the specified amounts of fuel rather than that it be designed so that it will jettison the specified amounts of fuel.

Finally, in the light of some of the comments received in response to Notice 67–51, it should be made clear that under the current regulations an investigation of the flight characteristics of an airplane would be required at the weight existing at the end of the specified 15-minute go-around. Section 25.21 provides that the flight requirements of Part 25 must be met at each combination of weight and center of gravity within the range of loading conditions for which certification is requested. The weight existing at the end of the 15-minute go-around operation referred to in this regulation will be within the range of loading conditions for which certification is requested. In addition, § 25.143 specifically requires that an airplane must be safely controllable and maneuverable during takeoff, climb, level flight, descent, and landing. Moreover, it must be determined that it is possible to make a smooth transition from one flight condition to another without exceptional piloting skill, alertness or strength under any probable operating condition.

A nonsubstantive change has been made in § 25.343(a) to correct the reference to paragraph (c) of § 25.1001 since former paragraph (c) is now incorporated in paragraphs (h) and (i).

In consideration of the foregoing, §§ 25.343 and 25.1001 of Part 25 of the Federal Aviation Regulations are amended effective September 29, 1968, as follows:

1. Section 25.343(a) is amended by striking out the reference "§ 25.1001(c)" and inserting the reference "§ 25.1001 (h) and (i), as applicable," in place thereof.

2. Section 25.1001 is amended by deleting present paragraphs (a) through (d), by redesignating present paragraphs (e), (f) and (g), as paragraphs (j), (k), and (l), respectively, and by adding new paragraphs (a) through (i) to read as follows:

§ 25.1001 Fuel jettisoning system.

(a) A reciprocating engine powered airplane must have a fuel jettisoning system installed that meets the requirements of this section unless it is shown that the airplane meets the climb requirements of §§ 25.65(b) and 25.67(e) at the weight specified in paragraph (c) of this section.

(b) A turbine engine powered airplane must have a fuel jettisoning system installed that meets the requirements of this section unless it is shown that the airplane meets the climb requirements of §§ 25.119 and 25.121(d) at the weight specified in paragraph (c) of this section.

(c) Compliance with the climb performance requirements of paragraph (a) or (b) of this section must be shown at a weight equal to the maximum takeoff weight less the actual or computed weight of the fuel that would be consumed by the engines during a 15-minute flight in which the airplane is involved in a takeoff, go-around, and landing at the airport of departure, with the airplane's configuration, speed, power, and thrust the same as that used in meeting the applicable takeoff, approach and landing climb performance requirements of this part.

(d) For a reciprocating engine powered airplane, the fuel jettisoning system must be able to jettison enough fuel within 15 minutes to bring the weight specified in paragraph (c) of this section down to the weight at which the airplane will meet the climb requirements of §§ 25.65(b) and 25.67(e) assuming that the fuel is jettisoned under the condition found least favorable during the flight test prescribed in paragraph (f) of this section.

(e) For a turbine engine powered airplane, the fuel jettisoning system must be able to jettison enough fuel within 15 minutes to bring the weight specified in paragraph (c) of this section down to the weight at which the airplane will meet the climb requirements of §§ 25.119 and 25.121(d) assuming that the fuel is jettisoned under the condition found least favorable during the flight test prescribed in paragraph (f) of this section.

(f) Fuel jettisoning must be demonstrated beginning at maximum takeoff weight with flaps and landing gear up and in—

(1) A power-off glide at $1.4V_{s_1}$;

(2) A climb at the one-engine inoperative best rate-of-climb speed, with the critical engine inoperative and the remaining engines at maximum continuous power; and

(3) Level flight at $1.4V_{s_1}$, if the results of the tests in the condition specified in subparagraphs (1) and (2) of this paragraph show that this condition could be critical.

(g) During the flight tests prescribed in paragraph (f) of this section, it must be shown that—

(1) The fuel jettisoning system and its operation are free from fire hazard;

(2) The fuel discharges clear of any part of the airplane;

(3) Fuel or fumes do not enter any parts of the airplane;

(4) The jettisoning operation does not adversely affect the controllability of the airplane.

(h) For reciprocating engine powered airplanes, means must be provided to prevent jettisoning the fuel in the tanks used for takeoff and landing below the level allowing 45 minutes flight at 75 percent maximum continuous power. However, if there is an auxiliary control independent of the main jettisoning control, the system may be designed to jettison the remaining fuel by means of the auxiliary jettisoning control.

(i) For turbine engine powered airplanes, means must be provided to prevent jettisoning the fuel in the tanks used for takeoff and landing below the level allowing climb from sea level to 10,000 feet and thereafter allowing 45 minutes cruise at a speed for maximum range. However, if there is an auxiliary control independent of the main jettisoning control, the system may be designed to jettison the remaining fuel by means of the auxiliary jettisoning control.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 23, 1968.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 68–10513; Filed, Aug. 29, 1968; 8:49 a.m.]

[Docket No. 68–WE–17–AD, Amdt. 39–645]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

Amendment 39–625 (33 F.R. 10644), AD 68–15–4, requires the installation of a flame barrier on the lower inboard side of the R.H. rack support assembly adjacent to the battery charger on Boeing Model 727 Series Airplanes.

After issuing AD 68–15–4, the Federal Aviation Administration determined that it would be in the public interest to increase the compliance time of this AD. Therefore, the AD is being amended to provide a compliance time of 1,200 hours time in service after the effective date of this AD.

Since this amendment relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective immediately upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–625 (33 F.R. 10644) AD 68–15–4 is amended as follows:

Amend the compliance requirement to read:

Compliance required within the next 1,200 hours time in service after the effective date of this AD, unless already accomplished.

The amendment becomes effective on September 5, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Los Angeles, Calif., on August 22, 1968.

LEE E. WARREN,
Acting Regional Director,
FAA Western Region.

[F.R. Doc. 68–10512; Filed, Aug. 29, 1968; 8:49 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER C—AGE DISCRIMINATION IN EMPLOYMENT

PART 860—INTERPRETATIONS

Miscellaneous Amendments

Pursuant to the Age Discrimination in Employment Act of 1967 (81 Stat. 602; 29 U.S.C. 620) and Secretary's Orders No. 10–68 (33 F.R. 9729) and No. 11–68 (33 F.R. 9690), 29 CFR Part 860 is hereby amended by adding thereto new §§ 860.50, 860.95, 860.105, and 860.110, to read as set forth below.

As these new sections contain only interpretative rules and are not substantive, subsections (b), (c), and (d) of 5 U.S.C. 553 do not apply. I do not believe that either general notice of proposed rule making and public participation therein or delay in effective date would serve a useful purpose here. Accordingly, these rules shall be effective immediately.

1. The new § 860.50 reads as follows:

§ 860.50 "Compensation, terms, conditions, or privileges of employment * * *".

(a) Section 4(a)(1) of the Act specifies that it is unlawful for an employer "to fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age;"

(b) The term "compensation" includes all types and methods of remuneration paid to or on behalf of or received by an employee for his employment.

(c) The phrase "terms, conditions, or privileges of employment" encompasses a wide and varied range of job-related factors including, but not limited to, job security, advancement, status, and benefits. The following are examples of some of the more common terms, conditions, or privileges of employment: The many and varied employee advantages generally regarded as being within the phrase "fringe benefits," promotion, demotion or other disciplinary action, hours of work (including overtime), leave policy (including sick leave, vacation, holidays), career development programs, and seniority or merit systems (which govern such conditions as transfer, assignment, job retention, layoff and recall). An employer will be deemed to have violated the Act if he discriminates against any individual within its protection because of age with respect to any terms, conditions, or privileges of employment, such as the above, unless a statutory exception applies.

2. The new § 860.95 reads as follows:

§ 860.95 Job applications.

The term "job applications", within the meaning of the recordkeeping regulations under the Act (Part 850 of this chapter), refers to all inquiries about employment or applications for employment or promotion including, but not limited to, résumés or other summaries of the applicant's background. It relates not only to preemployment inquiries but to inquiries by employees concerning terms, conditions, or privileges of employment as specified in section 4 of the statute. As in the case with help wanted notices or advertisements (see § 860.92), a request on the part of an employer, employment agency, or labor organization for information such as "Date of Birth" or "State Age" on an employment application form is not, in itself, a violation of the Age Discrimination in Employment Act of 1967. But because the request that an applicant state his age may tend to deter older applicants or otherwise indicate a discrimination based on age, employment application forms which request such information in the above, or any similar phrase, will be closely scrutinized to assure that the request is for a permissible purpose and not for purposes proscribed by the statute. That the purpose is not one proscribed by the statute should be made known to the applicant, as by a reference on the application form to the statutory prohibition in language to the following effect: "The Age Discrimination in Employment Act of 1967 prohibits discrimination on the basis of age with respect to individuals who are at least 40 but less than 65 years of age."

3. The new § 860.105 reads as follows:

§ 860.105 Bona fide seniority systems.

Section 4(f)(2) of the Act provides that "It shall not be unlawful for an employer, employment agency, or labor organization * * * to observe the terms of a bona fide seniority system * * * which is not a subterfuge to evade the purposes of this Act * * *."

(a) Though a seniority system may be qualified by such factors as merit, capacity, or ability, any bona fide seniority system must be based on length of service as the primary criterion for the equitable allocation of available employment opportunities and prerogatives among younger and older workers. In this regard it should be noted that a bona fide seniority system may operate, for example, on an occupational, departmental, plant, or company wide unit basis.

(b) Seniority systems not only distinguish between employees on the basis of their length of service, they normally afford greater rights to those who have the longer service. Therefore, adoption of a purported seniority system which gives those with longer service lesser rights, and results in discharge or less favored treatment to those within the protection of the Act, may, depending upon the circumstances, be a "subterfuge to evade the purposes" of the Act. Furthermore, a seniority system which has the effect of perpetuating discrimination which may have existed on the basis of age prior to the effective date of the Act will not be recognized as "bona fide."

(c) Unless the essential terms and conditions of an alleged seniority system have been communicated to the affected employees and can be shown to be applied uniformly to all of those affected, regardless of age, it will also be regarded as lacking the necessary bona fides to qualify for the exception.

(d) It should be noted that seniority systems which segregate, classify, or otherwise discriminate against individuals on the basis of race, color, religion, sex, or national origin, are prohibited under Title VII of the Civil Rights Act of 1964, where that Act otherwise applies. Neither will such systems be regarded as "bona fide" within the meaning of section 4(f)(2) of the Age Discrimination in Employment Act of 1967.

4. The new § 860.110 reads as follows:

§ 860.110 Involuntary retirement before age 65.

Section 4(f)(2) of the Act provides that "It shall not be unlawful for an employer, employment agency, or labor organization * * * to observe the terms of * * * any bona fide employee benefit plan such as a retirement, pension, or insurance plan, which is not a subterfuge to evade the purposes of this Act, except that no such employee benefit plan shall excuse the failure to hire any individual * * *." Thus, the Act authorizes involuntary retirement irrespective of age, provided that such retirement is pursuant to the terms of a retirement or pension plan meeting the requirements of section 4(f)(2). It should, however, be noted in this connection that section 5 of the Act directs the Secretary of Labor to undertake an appropriate study of institutional and other arrangements giving rise to involuntary retirement, and report his findings and any appropriate

legislative recommendations to the President and to the Congress.

(81 Stat. 602; 29 U.S.C. 620. Secretary's Order No. 10-68, 33 F.R. 9729; Secretary's Order No. 11-68, 33 F.R. 9690)

Signed at Washington, D.C., this 27th day of August 1968.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 68-10519; Filed, Aug. 29, 1968; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER P—RECORDS

PART 290—AVAILABILITY TO THE PUBLIC OF DEFENSE CONTRACT AUDIT AGENCY INFORMATION

Exemptions From Public Disclosure

Section 290.10 has been amended to delete subparagraph (3) of paragraph (a).

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Administration).

[F.R. Doc. 68-10490; Filed, Aug. 29, 1968; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Toppenish National Wildlife Refuge, Wash.

The following regulation is issued and is effective on date of publication in the FEDERAL REGISTER

§ 32.12 Special regulations; migratory birds; for individual wildlife refuge areas.

WASHINGTON

TOPPENISH NATIONAL WILDLIFE REFUGE

The public hunting of mourning doves on Toppenish National Wildlife Refuge is permitted on the area designated by signs and/or delineated on maps—special conditions applying are listed on the reverse side of the refuge hunting map. Maps are available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208. Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1968.

JOHN D. FINDLAY,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 22, 1968.

[F.R. Doc. 68-10471; Filed, Aug. 29, 1968; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart D—Listing of Color Additives for Food Use Exempt From Certification

DIOCTYL SODIUM SULFOSUCCINATE AS DILUENT IN COLOR ADDITIVE MIXTURES; CONFIRMATION OF EFFECTIVE DATE

In the matter of amending § 8.300 to provide for the safe use under prescribed conditions of dioctyl sodium sulfosuccinate as a diluent in color additive mixtures for food use exempt from certification:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c)(2), (d), 74 Stat. 399-403; 21 U.S.C. 376 (b), (c)(2), (d)) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of July 11, 1968 (33 F.R. 9952). Accordingly, the amendment promulgated by that order will become effective September 9, 1968.

Dated: August 21, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10496; Filed, Aug. 29, 1968; 8:48 a.m.]

PART 8—COLOR ADDITIVES

Synthetic Iron Oxide; Confirmation of Effective Date

In the matter of listing and exempting from certification the color additive synthetic iron oxide (21 CFR 8.325) for use in dog and cat foods under prescribed conditions:

1. Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c)(2), (d), 74 Stat. 399-403; 21 U.S.C. 376 (b), (c)(2), (d)) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of July 11, 1968 (33 F.R. 9953). Accordingly, the regulation (§ 8.325) promulgated by that order will become effective September 9, 1968.

2. Effective September 9, 1968, § 8.501 *Provisional lists of color additives* (33 F.R. 982, 10844) is amended by deleting from paragraph (e) the item "Iron oxide."

Dated: August 21, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10497; Filed, Aug. 29, 1968; 8:48 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

O,O-diethyl O-[p-(Methylsulfinyl) phenyl] Phosphorothioate

A notice was published in the FEDERAL REGISTER of July 2, 1968 (33 F.R. 9619), proposing that a tolerance of 0.02 part per million be established for residues of the insecticide *O,O*-diethyl *O*-[*p*-(methylsulfinyl) phenyl] phosphorothioate in or on bananas.

In response to the proposal, a comment was received from the United Fruit Co., Pier 3, North River, New York, N.Y. 10006, suggesting that the portion of the preamble of said notice reading "around each cluster of the carrying plant" should have read "around each bearing or potentially productive plant and all of the adjacent suckers or followers." The Food and Drug Administration accepts the suggestion and the preamble of the proposal is accordingly considered changed.

No requests were received for referral of the proposal to an advisory committee pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)) and delegated to the Commissioner (21 CFR 2.120), § 120.234 is amended by inserting the following tolerance after the tolerance "0.1 part per million * * *":

§ 120.234 *O,O*-diethyl *O*-[*p*-(methylsulfinyl)phenyl] phosphorothioate; tolerances for residues.

* * * * *

0.02 part per million (negligible residue) in or on bananas.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: August 21, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10498; Filed, Aug. 29, 1968; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

DIETHYL PYROCARBONATE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 7H2082) filed by Metachem, Inc., 425 Park Avenue, New York, N.Y. 10022, and other relevant material, has concluded that § 121.1117 should be amended (1) to provide for the safe use of diethyl pyrocarbonate in noncarbonated soft drinks and fruit-based beverages as set forth below and (2) to make editorial changes in paragraph (b) (1) and (2). Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1117(b) is revised to read as follows:

§ 121.1117 Diethyl pyrocarbonate.

* * * * *

(b) It is used or intended for use as a fermentation inhibitor:

(1) In still wines to be added before or during bottling at a level not exceeding 200 parts per million, of which none shall remain when the wine is tested 5 days or more after the date of bottling.

(2) In fermented malt beverages to be added before or during packaging at a level not exceeding 150 parts per million. The treated fermented malt beverage shall not contain more than 5 parts per million of diethyl carbonate when tested 24 hours or more after the time of packaging.

(3) In noncarbonated soft drinks and fruit-based beverages to be added before or during packaging at a level not exceeding 300 parts per million, except beverages or fruit juices for which standards of identity have been established pursuant to section 401 of the act. The treated beverages shall not contain more than 5 parts per million of diethyl carbonate when tested 24 hours or more after the time of packaging.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 23, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10499; Filed, Aug. 29, 1968; 8:48 a.m.]

SUBCHAPTER C—DRUGS

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Tests Regarding Certification of Antibiotic Drugs

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the following new sections containing specified tests are added to Part 141:

§ 141.501 Loss on drying.

Use the method specified in the individual section for each antibiotic.

(a) *Method 1.* In an atmosphere of about 10 percent relative humidity, grind the sample, if necessary, to obtain a fine powder. When tablets, troches, or capsules are to be tested, use four tablets, troches, or capsules in preparing the sample. Transfer about 100 milligrams of the sample to a tared weighing bottle equipped with a ground-glass stopper. Weigh the bottle and place it in a vacuum oven, tilting the stopper on its side so that there is no closure during the drying period. Dry at a temperature of 60° C. and a pressure of 5 millimeters of mercury or less for 3 hours, At the end of the drying period, fill the vacuum oven with air dried by passing it through a drying agent such as sulfuric acid or silica gel. Replace the stopper and place the weighing bottle in a desiccator over a desiccating agent, such as phosphorous pentoxide or silica gel, allow to cool to room temperature, and reweigh. Calculate the percent of loss.

(b) *Method 2.* Proceed as directed in paragraph (a) of this section, except use a tared weighing bottle or weighing tube equipped with a capillary-tube stopper, the capillary having an inside diameter of 0.20–0.25 millimeter, and place it in a vacuum oven without removing the stopper.

(c) *Method 3.* Proceed as directed in paragraph (a) of this section, except dry the sample at a temperature of 110° C. and a pressure of 5 millimeters of mercury or less for 3 hours.

(d) *Method 4.* Proceed as directed in paragraph (a) of this section, except dry the sample at a temperature of 40° C. and a pressure of 5 millimeters of mercury or less for 2 hours.

(e) *Method 5.* Proceed as directed in paragraph (a) of this section, except dry the sample at a temperature of 100° C. and a pressure of 5 millimeters of mercury or less for 4 hours.

(f) *Method 6.* Proceed as directed in paragraph (a) of this section, except dry the sample at a temperature of 40° C. and a pressure of 5 millimeters of mercury or less for 3 hours.

§ 141.503 pH.

(a) *Apparatus.* Use a suitable pH meter equipped with a glass and a calomel electrode.

(b) *Standardization.* Standardize the pH meter with two buffer solutions that differ by at least 2 pH units and of which one is within 2 pH units of the expected pH value of the sample.

(c) *Sample preparation.* If necessary, dilute the sample with carbon dioxide-free distilled water to the concentration specified in the individual section for each antibiotic.

(d) *Test procedure.* Determine the pH of the sample at 25°±2° C.

§ 141.504 Crystallinity.

Use the method specified in the individual section for each antibiotic.

(a) *Method 1.* To prepare the sample for examination, mount a few particles in mineral oil on a clean glass slide. Examine the sample by means of a polarizing microscope. The particles reveal the phenomena of birefringence and extinction positions on revolving the microscope stage.

(b) *Method 2.* Proceed as directed in paragraph (a) of this section, except to prepare the sample for examination mount a few particles in mineral oil, add 1 drop of ethyl alcohol, and allow to react for about 30 seconds.

§ 141.510 Residue on ignition.

Use the method specified in the individual section for each antibiotic.

(a) *Method 1.* Place approximately 1 gram of the sample, accurately weighed, in a tared porcelain crucible and carefully ignite at a low temperature until thoroughly charred. The crucible may be loosely covered with a porcelain lid during the charring. Add 2 milliliters of nitric acid and 5 drops of sulfuric acid to the contents of the crucible and cautiously heat until white fumes are evolved, then ignite, preferably in a muffle furnace, at 500° C. to 600° C. until

the carbon is all burned off. Cool the crucible in a desiccator and weigh. From the weight of residue obtained, calculate the sulfated ash content.

(b) *Method 2.* Proceed as directed in paragraph (a) of this section, except use 2 milliliters of sulfuric acid and do not use the nitric acid.

§ 141.511 Heavy metals determination.

(a) *Reagents*—(1) *Ammonia solution.* Prepare an aqueous solution containing not less than 9 grams and not more than 10 grams of ammonia (NH_3) per 100 milliliters.

(2) *6 percent acetic acid.* Dilute 60 milliliters of glacial acetic acid with sufficient water to give a solution of 1,000 milliliters.

(3) *Hydrogen sulfide solution.* Prepare a saturated solution of hydrogen sulfide by passing hydrogen sulfide into cold water for a sufficient time. It is suitable if it produces an immediate copious precipitate when added to an equal volume of 1*N* ferric chloride. Prepare a fresh hydrogen sulfide solution each time a heavy metals test is to be performed.

(4) *Lead nitrate stock solution.* Dissolve 159.8 milligrams of lead nitrate with 100 milliliters of 0.15*N* nitric acid, and dilute with water to a volume of 1,000 milliliters. Prepare and store this solution in glass containers free from soluble lead salts.

(5) *Standard lead solution.* Dilute a 10-milliliter aliquot of the lead nitrate stock solution to 100 milliliters with water. This solution must be freshly prepared each time a heavy metals test is performed. One milliliter of this standard lead solution represents a lead level of 10 parts per million in a 1.0-gram sample or 20 parts per million in a 0.5-gram sample.

(b) *Preparation of the sample.* Use the sulfated ash obtained as described in § 141.510(a). If the heavy metal limit is greater than 30 parts per million, the sulfated ash may be obtained from a 0.5-gram sample. Add 2 milliliters of hydrochloric acid to the sulfated ash and slowly evaporate to dryness on a steam bath. Moisten the residue with 1 drop of hydrochloric acid, add 10 milliliters of hot water, and digest by heating on the steam bath for 2 minutes. After cooling to room temperature, add amonia solution dropwise until a pH of 7.2 is reached, then add 2 milliliters of 6 percent acetic acid. Filter the solution, if necessary, and wash the crucible and the filter with about 10 milliliters of water. Combine the washings with the filtrate and dilute to exactly 25 milliliters with water.

(c) *Procedure.* Prepare a series of five standard lead solutions, in increments of 10 parts per million, in which the solution of lowest concentration contains 20 parts of lead per million less than the maximum limit of heavy metals permitted for the sample. Transfer the necessary quantities of standard lead solution described in paragraph (a)(5) of this section directly into metal-free 50-milliliter Nessler tubes of uniform diameter, add 2 milliliters of 6 percent acetic acid to each, and adjust each to a final volume of 25 milliliters with water. Transfer the 25-milliliter solution of the sample described in paragraph (b) of this section to another Nessler tube. Add 10 milliliters of hydrogen sulfide solution to each standard and sample solution, mix well, and allow to stand for 10 minutes. View downward over a white surface; the color of the solution of the sample should be no darker than the standard that contains the lead equivalent of the heavy metals limit of the test.

§ 141.515 Melting range or temperature.

(a) *Apparatus.* Melting range apparatus consists of a glass container for a bath of colorless fluid, a suitable stirring device, an accurate thermometer, and a controlled source of heat. Any apparatus or method of equal accuracy may be used. The accuracy should be checked periodically by use of melting point standards, preferably those that melt near the expected melting range of the product to be tested. The bath fluid is selected with a view to the temperature required, but light paraffin is used generally and certain liquid silicones are well adapted to the higher temperature ranges. The fluid is deep enough to permit immersion of the thermometer to its specified immersion depth so that the bulb is still 2 centimeters above the bottom of the bath.

(b) *Sample preparation.* If necessary, reduce the sample to a fine powder and store it in a desiccator over sulfuric acid for 24 hours. If a method for loss on drying is included in the section for the antibiotic to be tested, a sample dried by that method may be used.

(c) *Test procedure.* Use a capillary glass tube about 10 centimeters long and 0.8 to 1.2 millimeters in internal diameter with the wall 0.2 to 0.3 millimeter in thickness. Charge the tube with a sufficient amount of the dry powder to form a column 2.5 to 3.5 millimeters high from the sealed end when packed down as closely as possible by moderate tapping on a solid surface. Heat the bath until a temperature 10°±1° C. below the expected melting range is reached, then introduce the charged tube, and heat at a rate of rise of 3°±0.5° C. per minute until melting is completed. The temperature at which the column of the sample is observed to collapse definitely against the side of the tube at any point is defined as the beginning of melting, and the temperature at which the sample becomes liquid throughout is defined as the end of melting.

§ 141.520 Specific rotation.

(a) *Test procedure.* The appropriate solvent, test concentration, and polarimeter tube length are specified in the section for each antibiotic to be tested. Accurately weigh the sample to be tested in a glass-stoppered volumetric flask, dissolve in the appropriate solvent, and dilute to the specified test concentration at 25° C. Maintain the solution at 25° C. and transfer to the appropriate polarimeter tube. Determine the angular rotation of both solvent and sample solution in a suitable polarimeter, using a sodium light source or a white light source with a 589.3-millimicron filter. The zero correction is the average of the blank readings and is subtracted from the average observed rotation of the sample solution if the two figures are of the same sign, or is added if they are opposite in sign, to give the corrected angular rotation of the sample solution. The determination must be completed within one-half hour from the time the solution is prepared.

(b) *Calculations.* Determine the specific rotation, $[\alpha]$, by the following formula:

$$[\alpha]^t = \frac{100a}{lc}$$

where:

a = The corrected angular rotation of the sample solution in degrees at temperature t using a light source of a wavelength of x millimicrons;
l = The length of the polarimeter tube in decimeters;
c = The concentration of the solution expressed as number of grams of substance in 100 milliliters of solution.

This order, setting forth certain tests in Part 141 of the antibiotic drug regulations, is nonrestrictive and noncontroversial in nature; therefore, notice and public procedure and delayed effective date are not preprequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: August 23, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10500; Filed, Aug. 29, 1968; 8:48 a.m.]

PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

Dicloxacillin Sensitivity Discs

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 147 is amended as follows to provide for the certification of sensitivity discs containing dicloxacillin:

1. Section 147.1 *Antibiotic sensitivity discs; tests and methods of assay; potency* is amended:

a. In paragraphs (c)(3) and (d) by alphabetically inserting in the tables new items, as follows:

§ 147.1 Antibiotic sensitivity discs; tests and methods of assay; potency.

* * * * * * *

(c) * * *
(3) * * *

Antibiotic	Volume of suspension added to each 100 ml. of seed agar used for test	Suspension number	Medium: Base layer	Medium: Seed layer
* * *	*Ml.*			
Dicloxacillin	2.5	3	E	A
* * *				

(d) * * *

Antibiotic	Solvent	Standard curve (antibiotic concentration per disc)
* * *	* * *	* * *
Dicloxacillin	Water	0.64, 0.8, 1.00, 1.25, 1.56 μg.
* * *	* * *	* * *

* * * * * * *

2. Section 147.2(a) is amended by adding thereto the following new subparagraph:

§ 147.2 Antibiotic sensitivity discs; certification procedure.

(a) * * *

(32) Dicloxacillin: 1μg.

* * * * * * *

Data supplied by the manufacturer concerning the subject sensitivity discs have been evaluated. Since the conditions prerequisite to providing for certification of the discs have been complied with and since it is in the public interest not to delay in so providing, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: August 21, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10501; Filed, Aug. 29, 1968; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 14]

APPRAISEMENT OF IMPORTED MERCHANDISE

Exports From Japan

On September 27, 1967, a notice of a proposed ruling regarding certain changes in the methods of obtaining information concerning the selling practices of manufacturers and sellers in Japan was published in the FEDERAL REGISTER (32 F.R. 13514).

Information presently before the Bureau of Customs warrants the withdrawal of this proposal. Accordingly, the notice of September 27, 1967, is hereby rescinded.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: August 22, 1968.

JOSEPH M. BOWMAN,
Assistant Secretary of the Treasury.

[F.R. Doc. 68-10514; Filed, Aug. 29, 1968; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1060, 1068]

MILK IN MINNESOTA-NORTH DAKOTA AND MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREAS

Notice of Proposed Suspension of Certain Provisions

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the orders regulating the handling of milk in the Minnesota-North Dakota and Minneapolis-St. Paul, Minn., marketing areas is being considered for an indefinite period.

The provisions proposed to be suspended are:

(1) In § 1060.61(a) of the order regulating the handling of milk in the Minnesota-North Dakota marketing area, the words "distributing" and "on routes" as they appear in the sentence preceding the proviso. As suspended, such sentence preceding the proviso would read, in part, as follows: "A plant from which the Secretary determines a greater proportion of fluid milk products is disposed of in another marketing area * * *:"

(2) In the introductory text preceding paragraph (a) of § 1068.62 of the order regulating the handling of milk in the Minneapolis-St. Paul marketing area, the paragraph designation "(a)" in the section reference § 1068.9(a), as it appears in the sentence preceding the proviso. As suspended, such sentence preceding the proviso would read, in part, as follows: "Milk received at a plant qualified as a pool plant under § 1068.9 shall be exempt from the provisions of this order if * * *:"

The provisions proposed to be suspended in Parts 1060 and 1068 relate to certain exemptions for plants and milk, respectively, which may be subject to more than one Federal order.

This suspension has been requested by the Land O'Lakes Creameries, Inc., representing a substantial number of producers on the Minnesota-North Dakota and the Minneapolis-St. Paul markets.

The petitioner requests this suspension action for an indefinite period so as to extend to supply plants the present provisions of both orders (now applicable to distributing plants) which provide for the determination as to which order a plant shall be fully regulated under when it meets the pooling standards of more than one order.

The volumes of disposition of fluid milk into both the Minnesota-North Dakota and Minneapolis-St. Paul markets from two of the proponent's supply plants (normally associated with and qualified under Order 68) are such that it is entirely possible for either plant to meet the qualifications of a fully regulated supply plant under both orders during a particular month. The suspension would result in such plant being regulated in the market in which the greater volume of milk was delivered to distributing plants during the month.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quintuplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on August 26, 1968.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 68-10474; Filed, Aug. 29, 1968; 8:46 a.m.]

[7 CFR Parts 1062, 1067, 1102]

[Docket Nos. AO-10-A37, AO-10-A39, AO-222-A23, AO-237-A15-R03]

MILK IN ST. LOUIS, MO., OZARKS AND FORT SMITH MARKETING AREAS

Notice of Revised Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this revised recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the St. Louis-Ozarks marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

PRELIMINARY STATEMENT

The hearings on the records of which the proposed amendments as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, were conducted at St. Louis, Mo., January 24, 1967, pursuant to notice issued January 13, 1967 (32 F.R. 613), and February 28, 1967, through March 3, 1967, pursuant to notice issued January 24, 1967 (32 F.R. 1042). The hearing commencing February 28, 1967, also reopened the joint hearing on the Fort Smith, Ark., and Ozarks milk orders held November 2, 1966, at Fayetteville, Ark. (Docket No. AO-237-A15); such reopening was for the limited purpose of further consideration of including Baxter, Carroll, Fulton, Izard, Madison, Newton, Searcy, and Stone Counties, Ark., in the proposed merged Ozarks-St. Louis marketing area.

The material issues on the record of the hearing relate to:

1. Merging of the Ozarks and St. Louis marketing areas, and expansion of territory now regulated by the two orders to include additional territory to be added to either the Ozarks or St. Louis marketing areas or to the merged marketing area.
2. Milk to be priced and pooled.
3. Classification and allocation.
4. Class I price and location adjustments.
   (a) Differentials over basic formula price.
   (b) Supply-demand adjustor.
   (c) Location adjustments.
5. Miscellaneous and administrative changes.

The hearing commencing on February 28, 1967, with respect to the St. Louis milk order (Docket No. AO-10-A39) and the Ozarks milk order (Docket No. AO-222-A23) has been reopened on three separate occasions as follows:

(1) At a hearing concerning filled milk held February 19, 1968, at Memphis, Tenn.;

(2) At a hearing concerning Class I prices held February 23, 1968, at Memphis, Tenn.; and

(3) At a hearing on a proposal to increase the Class I price by 24 cents by removing references to the Chicago supply-demand adjustor. This hearing was held June 25, 1968, at Minneapolis, Minn.

The issues of the hearing begun at Memphis on February 19, 1968, are reserved for another decision. The issues of the record of February 23, 1968, were dealt with in a decision issued April 15, 1968 (33 F.R. 6016). The issues of the hearing held June 25, 1968, were dealt with in a decision issued July 24, 1968 (33 F.R. 10744).

A recommended decision on the record of the hearings held January 24, 1967, and February 28 through March 3, 1967, except the issue of supply-demand adjustor, was issued by the Deputy Administrator March 18, 1968 (33 F.R. 4808). The issue of the supply-demand adjustor was dealt with in a decision issued April 16, 1968 (33 F.R. 6106).

Exceptions to the recommended decision of March 18, 1968, were filed by a number of parties. In light of the exceptions, changes have been made in the findings and conclusions and in the proposed order provisions. Because of the nature of the changes, the new findings and conclusions and proposed order are presented in a revised recommended decision with opportunity for interested parties to file exceptions.

The material issues, findings and conclusions, rulings, and general findings of the prior recommended decision (33 F.R. 4808; F.R. Doc. 68-3426) are hereby approved and adopted and are set forth in full herein subject to the following revisions:

1. In the findings on issue No. 1, *Marketing area*, the ninth paragraph is deleted, part of the 11th paragraph is deleted, and a new paragraph is inserted after the 34th paragraph. Following the foregoing inserted language the fourth and fifth paragraphs are revised, the seventh paragraph deleted, and part of next paragraph deleted.

2. In the findings on issue No. 2, *Milk to be priced and pooled*, part of the seventh paragraph is deleted and six new paragraphs inserted. The 14th through 19th paragraphs after the foregoing inserted material are modified, and the following findings with respect to definitions of producer-handler, route disposition, and handler are modified:

3. In the findings on issue No. 3, *Classification and allocation*, the first and second paragraphs are modified, and the language in the fifth through the ninth paragraphs is deleted and is followed by the two new paragraphs. The third and fourth paragraphs following the new paragraphs are deleted and two new paragraphs inserted. Following this insertion, the second paragraph thereafter is modified by inserting the word "written" as applicable to notice given the market administrator.

4. Under the subtitle *Receipts from handler pool markets*, two new paragraphs are inserted after the second paragraph. The fourth paragraph after such inserted material is modified, and just following a new paragraph inserted. Following such new paragraph the next paragraph is modified, and the fifth and sixth paragraphs are deleted, and a new paragraph inserted relating to incentive to make sales in other markets. The last paragraph under this subtitle is modified and four new paragraphs are added.

5. Under issue No. 4(a) *Differentials over basic formula price*, all material is revised except the last five paragraphs.

6. Under issue No. 4(b) *Supply demand adjustor*, the entire statement is revised.

7. Under issue no. 4(c) *Location adjustments*, changes are made throughout the findings.

8. Under issue No. 5, *Miscellaneous and administrative changes*, four new paragraphs are added.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearings and the records thereof.

1. *Marketing area.* Order No. 62 regulating the handling of milk in the St. Louis, Mo., marketing area and order No. 67 regulating the handling of milk in the Ozarks marketing area should be merged into a single regulation. St. Charles and Warren Counties, Mo., plus the two marketing areas as presently constituted, should be included in the merged marketing area. The order thus created should be designated as the St. Louis-Ozarks marketing area.

Two kinds of marketing area proposals were made: (1) A proposal to merge the St. Louis marketing area with the Missouri part of the Ozarks marketing area; and (2) proposals to add presently unregulated areas to either the existing marketing area or to the areas as proposed to be merged.

The proposal to merge the St. Louis and Ozarks marketing areas was made by three cooperative associations, each of which has membership on both markets. Their proposal would also add territory not now regulated, Texas and Phelps Counties in Missouri and that part of Pulaski County, Mo., not now in the Ozarks marketing area. The proposal did not include the four Arkansas counties of Benton, Boone, Marion, and Washington which are now part of the Ozarks marketing area.

Other parties proposed extensive additions to the presently regulated areas, including areas adjoining the northern and southern limits of the present St. Louis marketing area as well as areas between the St. Louis and Ozarks areas, and counties in northern Arkansas. All of the proposals dealing with a merged marketing area involved a continuous geographic area extending from St. Clair County, Ill., to southwest Missouri and in some proposals into Arkansas.

In the area adopted in these findings and conclusions, however, the marketing area would not be geographically continuous. There would be unregulated territory located between the present St. Louis and Ozarks marketing areas. Although sales areas of handlers under the two orders are contiguous or to some degree overlap in intervening areas, there is not sufficient basis in the record for extending regulation to such territory.

The merging of the two marketing areas under one regulation is desirable to foster efficient and orderly marketing of the milk of producers under both orders. A very high proportion of the producer milk now regulated under the two orders is marketed by a single marketing agency of producers. The Sioma Marketing Agency, Inc., consisting of three cooperatives, Producers Creamery Co., Sanitary Milk Producers, and Square Deal Milk Producers, is the principal marketing agency in both markets. The membership of these three cooperatives comprises approximately 90 percent of the producers on the St. Louis and Ozarks markets.

Producers in the two separate markets have common marketing problems. In several production areas, producers of both markets are intermingled and the milk of dairy farmers in such common production areas may be directed into one market or the other, depending on needs and economic handling of milk. Shifting of groups of producers from one market to another, or between plants in the same market is arranged by the three cooperative associations.

There is a need for the cooperative associations to coordinate their marketing activities in the two markets. For this purpose, operation under a single order will facilitate their marketing activities, and improve the economic handling of producers' milk. The cooperative organizations also operate a number of supply plants in both markets, or arrange for the marketing of milk of plants of proprietary operators under marketing contracts. From time to time, the cooperative marketing associations have shifted one or more plants from one regulation to the other depending upon the needs of the two markets. The merging of the two orders will also facilitate the handling of reserve milk of these markets, particularly where the reserve milk of the separate markets has been handled in the same facilities.

The combined marketing area thus constitutes a practical marketing area which will serve to promote the orderly marketing of producer milk now priced under the two orders.

The merging of present marketing areas would not result in regulation of any additional milk or handlers.

The cooperatives proposing a merger of the two orders omitted in their proposal the four Arkansas counties which are now part of the Ozarks marketing area, but did not give reasons for such omission. The findings and conclusions with respect to these four counties are included with those relating to other counties in Arkansas.

A number of proposals were made, however, to increase the regulated territory. While all of the proposed new territory generally includes extension of route sales by presently regulated handlers, most new areas proposed also include sales areas of handlers presently not regulated. In instances where new handlers would be brought under regulation if the area were expanded, the evidence does not justify the application of regulation to such additional areas.

One of these proposals was that of the cooperative associations which was designed to join the two existing marketing areas by including the intervening counties of Pulaski, Phelps, and Texas. Part of Pulaski County already is in the Ozarks marketing area which includes Fort Leonard Wood Military Reservation. A very large part of the distribution of the additional area in these counties is by Ozarks handlers; for the three counties together about 80 percent. The remainder of the sales are divided between St. Louis handlers and an unregulated handler with a plant located at Jefferson City, Mo.

It is very likely that the handler at Jefferson City would be regulated by inclusion of both Phelps and Pulaski Counties, which contain the principal population concentration in the three-county area. The presence of unregulated milk sold in these counties is not now a significant factor detracting from orderly marketing conditions. Sales by this handler were reported to amount to about 6 percent of total sales in Phelps County and 5 percent of total sales in Pulaski County outside the military reservation. Proponent cooperative associations did not claim that such sales constitute a disturbing factor. They based their request for including the counties instead on the desirability of a continuous marketing area, and overlapping of sales of St. Louis and Ozarks handlers. Neither of these reasons is compelling, and thus cannot be sufficient for bringing about regulation of a handler not now regulated. Other areas where this handler has sales likewise are not included in the marketing area as adopted herein.

The only reason given for including Texas County was to accommodate the pricing of producer milk diverted from a pool plant at Cabool, in that county. This has no direct relation to Class I disposition in the county and is not a sufficient basis for regulation. The objective as to pricing diverted milk can be accomplished by other means.

The proposal to regulate Texas, Phelps, and Pulaski Counties, therefore, is denied, except that Fort Leonard Wood, presently part of the Ozarks marketing area, should be included under the merged order.

Another proposal made by a handler would have included other additional area not now regulated. Besides Pulaski, Phelps, and Texas Counties, the handler included in his proposal the 16 Missouri counties of Audrain, Boone, Callaway, Camden, Cole, Cooper, Gasconade, Howard, Maries, Miller, Moniteau, Montgomery, Morgan, Osage, St. Charles, and Warren.

The only counties of this group which should be included in the marketing area are St. Charles and Warren Counties. In other areas proposed, there is not sufficient basis for bringing under regulation presently unregulated handlers.

The principal unregulated handler in this proposed territory operates a milk plant at Jefferson City in Cole County. Four other unregulated handlers, each having a single plant, are located at Jefferson City, Columbia, Fulton, and Moberly, Mo. The larger of the two unregulated handlers located at Jefferson City has sales in 14 of the 16 counties.

Unregulated handlers have the majority of Class I sales in Cole, Miller, and Osage Counties and the largest proportion of Class I sales in Callaway County. Kansas City handlers have the majority of the sales in Howard, Cooper, Morgan, and Moniteau Counties. A handler regulated by the Des Moines, Iowa, order has the largest proportion of the Class I sales in Boone County.

St. Louis and Ozarks handlers have the majority of Class I sales in only seven of the 16 counties: Audrain, Camden, Maries, Gasconade, Montgomery, St. Charles, and Warren. Whether such sales represent a significant part of such handlers' business was not shown. St. Louis-Ozarks handlers have no Class I sales in Boone, Cooper, Howard, and Moniteau Counties.

In the five of the seven counties where St. Louis and Ozarks regulated handlers have a majority of the Class I sales, the principal unregulated handler located at Jefferson City in Cole County sells approximately 17½ percent of his total Class I sales. Thus if these five counties were added to the marketing area this unregulated handler at Jefferson City would definitely come under regulation of the order.

The handler making the proposal to add the 16 Missouri counties, as well as Phelps, Pulaski, and Texas Counties, argued that the handlers presently unregulated in the 16-county area have an advantage over regulated handlers in that they are not required to pay for milk according to class utilization. The proponent handler asserted that the principal unregulated handler in this area pays farmers a price approximating the St. Louis uniform price at his Jefferson City location. This was verified by the unregulated handler in a statement that his pay prices are 24 cents under the St. Louis City uniform price for October through April, and 28 cents under in other months. Such prices are paid without regard to utilization.

The principal supply for the unregulated handler is furnished by one of the cooperative associations who was a proponent of the merged order. The cooperative association did not state any position as to whether the handler in question should be regulated. The association is receiving for its milk delivered to this handler approximately the same returns as if the handler were regulated.

It is concluded the record evidence is not sufficient to sustain regulation of the handlers in the proposed new area. Particularly in view of failure of proponent handlers to provide complete data as to interests of presently regulated handlers in the proposed area, regulation based on this record would not be justified.

For these reasons all counties proposed by the handler for regulation are denied, except St. Charles and Warren counties. These two counties are entirely served by St. Louis or Ozarks handlers and thus do not involve handlers not now regulated. These two counties should be added to the regulated territory in the interest of including, insofar as justifiable, areas depending primarily on regulated handlers for fluid milk supplies. This will serve to stabilize and preserve orderly marketing conditions for producer milk.

Another proposal by a St. Louis handler would add other counties in northeast Missouri. Besides the counties already considered, the handler proposed Lewis, Marion, Monroe, Ralls, Pike, and Lincoln. The information presented by proponent as to sales by regulated or unregulated handlers in these counties was not sufficiently definitive to judge whether regulation should apply. Sales by regulated handlers in the counties, as presented do not allow any analysis as to source, since there is no breakdown as to sales of individual handlers or as to what extent milk sold there is regulated under various orders. Further, there are unregulated handlers in the proposed counties, who presumably would become regulated if the counties were included in the marketing area. Certain other unregulated handlers may have fringe distribution in the area, but the information provided does not specify the extent of their sales in the proposed territory, and thus no determination as to whether they would be regulated can be made. In view of the lack of evidence in these respects, and as to the number of farmers who might supply handlers in the proposed area, there is insufficient basis for extending regulation to these counties. The proposal therefore is denied.

Other counties in southeast Missouri were proposed by the same St. Louis handler. These were Butler, Carter, Madison, Ripley, Stoddard, and Wayne Counties. In this case also the data presented by the proponent handler does not allow analysis of the source of milk sold in these counties. The data merely present

an estimated division on a percentage basis between regulated and unregulated sales in each county. The sales of regulated milk in each county were assigned by proponent to a group of 14 St. Louis, Ozarks, and other handlers without any distinction as to which of these handlers had sales in a particular county: The presumed sales of the unregulated handlers also made no distinction as to which of nine different handlers had sales in each county.

The data presented by the proponent handler as to unregulated milk sold in these counties is in direct conflict with other evidence in the record to the effect that none of the unregulated handlers listed by proponent have sales in southeast Missouri. These counties are well beyond the range of sales areas of the unregulated handlers listed by proponent. The plants of two of such unregulated handlers are located in Jefferson City and the others at points more distant from southeast Missouri. It is concluded that the information provided by proponent is not sufficient basis for regulation of the area he proposed. Certain of these counties, however, were also included in the proposal of the principal unregulated handler whose plant is at Jefferson City.

The unregulated handler at Jefferson City proposed the inclusion of the Missouri counties of Carter, Dent, Iron, Madison, Reynolds, Shannon, Texas, and Wayne. The unregulated handler's sole purpose in making this proposal was to suggest a geographical connection between the St. Louis and Ozarks marketing areas, which did not include any of this unregulated handler's sales. His explanation of this proposed area was that if a geographical connection were needed to accomplish the merger that this could be done through counties that did not include any of his sales. The information provided by proponent, however, does not give any basis for regulation in these proposed counties. He did not claim that disorderly marketing conditions exist in the area he proposed. He acknowledged that he knew of no sales by unregulated handlers in the proposed counties.

It is concluded that the evidence does not justify the regulation of any of the counties in southeast Missouri requested by these two proponents.

Another proposal concerned the four Arkansas counties which are now part of the Ozarks marketing area and eight other Arkansas counties proposed to be added to the proposed merged area of the Ozarks and St. Louis orders. This proposal was made by an Ozarks handler whose plant is at Springfield, Mo. Sales are made by this handler in all of the proposed Arkansas counties including those now in the marketing area. Another Springfield, Mo., handler also has sales in all of the four Arkansas counties now in the marketing area and in six of the other counties proposed to be added.

Presently, the Ozarks marketing area includes the Arkansas counties of Benton, Boone, Marion, and Washington. The handler proposed to add the counties of Baxter, Carroll, Fulton, Izard, Madison, Newton, Searcy, and Stone.

The four counties, Benton, Boone, Marion, and Washington presently in the Ozarks marketing area, should be a part of the merged marketing area.

The data furnished by proponents give a breakdown of the source of the milk sales in each county. In the four Arkansas counties now in the marketing area, the two Springfield, Mo., handlers have about 78 percent of Class I sales in Benton County, 50 percent in Boone County, 85 percent in Marion County, and 60 percent in Washington County. It must be concluded, therefore, that these counties are substantially supplied by handlers who would be regulated by the proposed merged order.

A minority of the Class I sales in these counties is supplied by handlers regulated under the Central Arkansas milk order, Central Arkansas handlers have no sales in Benton County, but have about 25 percent of the sales in Boone County, 15 percent of the sales in Marion County, and a minor percentage in Washington County.

There is a handler located in Rogers, Benton County with sales only in this county and there are also two handlers located at Fayetteville, Ark., in Washington County which have sales in Benton, Boone, and Washington Counties. Their sales constitute 20 percent of the sales in Benton, 5 percent of the sales in Boone, and 36 percent of the sales in Washington County. In one of these counties, Boone County, a producer-handler located at Harrison in Boone County provides 20 percent of the county's sales.

From the preceding information it is apparent that the four counties of Benton, Boone, Marion, and Washington are more substantially associated with milk handling in the present Ozarks marketing area than with the handling of milk under any other order. This situation supports continuing these four counties in the Ozarks or the merged marketing area, although these counties were omitted in the proposal made by the three cooperative associations to merge the St. Louis and Ozark orders. The three cooperative associations did not offer any evidence, however, that would support the deletion of these four counties and agreed that they should be included if they were served predominantly by Ozarks handlers. If these counties were deleted from the marketing area, at least two handlers there would not be regulated. Thus, deletion of the counties would expand the area of competition of regulated handlers and unregulated handlers. This condition could result in inequitable situations for regulated handlers as compared to unregulated handlers with sales in the same areas and potentially could lead to disorderly marketing conditions. These counties, therefore, should continue to be part of the regulated area.

The other Arkansas counties proposed for inclusion in the marketing area should not be included at this time. Five of these counties, Baxter, Carroll, Madison, Newton, and Searcy, were recommended for inclusion in the recommended decision. After consideration of evidence in the light of exceptions it is concluded that inclusion, at this time, is not justified.

Milk Producers, Inc., representing dairy farmers in the Central Arkansas and Fort Smith markets, claim in their exceptions that these counties are substantially associated with the Arkansas markets. The association asked that no action be taken on these counties until there is opportunity for a further hearing to consider whether these counties should be included under the one or other of the Arkansas markets. Inasmuch as practically all the milk sold in these counties is presently regulated under either the Ozarks order or the Central Arkansas order, the consideration of these counties does not involve the question of regulation of any additional handler.

With respect to the three other Arkansas counties, Fulton, Izard, and Stone, the proponent handler qualified his support, stating that he did not intend that any marketing area expansion should bring under regulation a presently unregulated handler at Batesville, Ark. Inasmuch as the handler at Batesville, sells in each of these three counties, he would be likely to become regulated if any of them were included. The handler at Batesville does not have sales in any of the other proposed counties. In view of qualifications stated by the proponent and the record evidence, it is concluded that these three counties should not be brought under regulation at this time.

A proposal was contained in the notice for the hearing held at Fayetteville, Ark., November 2, 1966, which would have deleted Benton, Boone, Marion, and Washington Counties, Ark., from the Ozarks marketing area and transferred Benton, Boone, and Washington Counties to the Fort Smith marketing area. This proposal was not supported at that hearing and, accordingly, in a decision issued June 28, 1967 (32 F.R. 9693) the proposal was not adopted. In view of the preceding findings in this decision, deletion of the four counties from the Ozarks marketing area would not be in the interest of orderly marketing.

It is concluded that all of the milk and milk products disposed of in the defined marketing area (to be designated the St. Louis-Ozarks marketing area) is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk and its products. The marketing area is comprised of portions of three states. Milk produced in Iowa, Wisconsin, and Illinois, is marketed in portions of the marketing area in Missouri, and milk produced in Missouri is marketed in portions of the marketing area in Arkansas.

The recommended order adopts in principle many of the provisions of the present St. Louis Order No. 62. Substantive changes from the St. Louis order provisions are explained in the findings and conclusions herein.

To accomplish the merger effectively and equitably, the assets in the custody of the market administrator in the administrative, marketing service, and

producer-settlement funds established under the present orders No. 62 and 67 should be combined when the merger of the two orders is effective. Liabilities of such funds under the individual orders should be paid from the newly combined funds and obligations due to such funds under the separate orders should be paid to the combined funds under the merged order. To distribute the funds under either or both orders and accumulate the necessary reserve would entail unnecessary administrative expense with no advantage to either handlers or producers. Administrative efficiency and equity among handlers and producers can best be served by merging the funds of the two orders.

When the merger is effective, Part 1067 will be superseded by such action.

2. *Milk to be priced and pooled.* The milk to be priced and pooled under the proposed order is milk eligible for fluid consumption from sources which constitute the regular and dependable supply for the market.

The sanitary requirements relative to the production processing and sale of fluid milk are substantially the same throughout the proposed marketing area. Throughout the area, fluid milk products sold under a Grade A label must be approved by health authorities who are governed by the health ordinances and practices patterned after those prescribed by the U.S. Public Health Service Ordinance and Code. While the health ordinance of the city of St. Louis, Mo., requires additional standards, there is reciprocity of approval between the St. Louis health department and the Springfield, Mo., health department. Thus, between these two major cities of the marketing areas to be combined, a relationship of health approval exists so that the milk is interchangeable. From time to time milk supplies are shifted from the Ozarks to the St. Louis market without impediment. Further, the extensive movement of milk both in the form of packaged and bulk fluid milk products within the present marketing areas and from these areas into areas proposed to be added demonstrates the general acceptability throughout the proposed St. Louis-Ozarks marketing area of milk under the various sanitary jurisdictions.

From time to time a handler regulated under this order may receive milk from sources outside of the area under the jurisdiction of health authorities in the marketing area. Accordingly, it should be provided that milk approved as Grade A by any duly constituted health authority shall be eligible to be received as producer milk.

Certain definitions are needed in the order to identify the milk to be priced and pooled. The definitions contained in the proposed merged order follow the usual pattern of Federal orders, including definitions of "producer," "handler," and the various types of plants handling milk in the market.

There are two principal types of plant operations involved in the handling of the milk supply for the market, the first being the type of plant which processes, packages, and from which distribution is made on routes, and the second type being a supply plant which primarily serves to assemble milk for shipment to distributing plants or to handle the reserve milk for the market.

The definition of "distributing plant," applicable to plants with route disposition in the marketing area, would be essentially the same in application as the terms "city plant" and "approved plant" in the St. Louis and Ozarks order, respectively. Such plants would be approved by a duly constituted health authority for the processing or packaging of Grade A milk. A distributing plant would be either regulated or unregulated, depending upon whether it meets the requirements for pool distributing plants.

The pooling requirements for distributing plants would be much the same as in the present orders. Inasmuch as the new order would regulate the same plants as are now regulated under the two orders, and it is not anticipated that additional distributing plants would be brought under regulation, the existing pool requirements would be generally appropriate. These requirements are primarily that route disposition of the plant equal at least 50 percent of receipts of Grade A fluid milk products from various sources, with route disposition in the marketing area equal to at least 10 percent of such receipts or 7,000 pounds per day.

One change, however, would include, for meeting the 50 percent requirement, disposition of packaged fluid milk products to other pool distributing plants. Since such interplant transfer would be part of the basis for pooling the transferor plant, the quantity of packaged fluid products would not be credited in the transferee plant towards meeting the 50 percent requirement. The pooling requirement with respect to disposition in the marketing area, however, should be in terms of deliveries to retail or wholesale outlets, not to plants, since there is no certainty as to whether a packaged transfer is disposed of by the second plant in the markting area. For the latter reason the definition of route is modified from the recommended decision to exclude disposition to another plant. The credit for disposition of packaged fluid milk products to another pool distributing plant is included in the terms of the pool plant definition.

The existing provision of the St. Louis order that a distributing plant which qualifies as a pool plant by performance during one month would continue to be pooled during the subsequent month is retained to allow the plant operator this much notice that his plant may become unregulated. The order should further specify that milk diverted from the plant by the plant operator is included in the receipts for purposes of determination of pool plant status.

Cooperative associations, in exceptions, requested that no fluid milk product packaged in an other order plant be counted towards pool qualification of a plant distributing these packaged products in this marketing area. This is not adopted inasmuch as the effects of such a provision are not covered in the record.

It was also requested in exceptions that the definition of pool distributing plant include a plant receiving all of its milk supply from a plant regulated under another order. Such plant, then, would be a pool plant if it met the stated percentages or quantity requirements with respect to total route disposition and disposition in the marketing area.

No modification of the pool distributing plant definition is necessary. The definition includes receipts from "supply plants" and the latter term includes a shipping plant even if regulated under another order.

Thus, the purpose of the cooperative associations would be met. A distributing plant receiving its entire supply from a plant regulated under another order would be pooled if the distributing plant had at least 50 percent of such receipts disposed of as route disposition, and at least 10 percent of such receipts, or 7,000 pounds per day, as route disposition in the marketing area.

Although some of the route disposition of handlers to be regulated will extend beyond the boundaries of the counties proposed for regulation, it is neither practical nor reasonable to stretch the regulated area to cover all areas where a handler has or might develop some route disposition. Nor is it necessary to do so to accomplish effective regulation under the order. The marketing area herein proposed is a practicable one in that it will encompass the great bulk of the fluid milk sales of handlers to be regulated. All producer milk received at regulated plants must be made subject to classified pricing under the order, however, regardless of whether it is disposed of within or outside the marketing area. Otherwise the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in-area" sales were subject to classification, pricing and pooling, a regulated handler with Class I sales both inside and outside the marketing area could assign any value he chose to his outside sales. He thereby could reduce the average cost of all his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area.

Unless all milk of such a handler were fully regulated under the order, he in effect would not be subject to effective price regulation. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and could lead to a complete breakdown of the order. If a pool handler were free to value a portion of his milk at any price he chooses, it would be impossible to enforce uniform prices to all fully regulated handlers or a uniform basis of payment to the producers who supply the market. It is essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition.

The definition of the supply plant also would be essentially similar to the definitions in the current orders (called a "country plant" in the St. Louis order) which apply to plants shipping to distributing plants. The new definition would be more specific with respect to receipt of milk from such plant at distributing plants. The term would include also any plant operated by a cooperative association or under contract to such association, which qualifies for pooling on the basis of deliveries of member milk to distributing plants either directly from the farm or through the cooperative plant. Other supply plants would be regulated or unregulated, depending upon whether they meet the requirements for pool plants.

The pooling requirements for supply plants in the proposed merged order would be somewhat different from the requirements in either of the existing orders. The present St. Louis and Ozarks orders establish shipping requirements in terms of a percentage of the Grade A milk received from dairy farmers at a plant. The St. Louis order also allows a cooperative to qualify a plant without meeting specific shipping requirements if 50 percent of the milk deliveries of member producers during the preceding 12 months have been shipped from farms to pool distributing plants to pool supply plants of other handlers, or transferred from the cooperative's plant to city distributing plants.

Most of the supply plants currently pooled under the two orders are operated by cooperative associations or are under contract to cooperative associations. Under modified provisions applicable to plants operated by cooperative associations described in subsequent findings, all of these plants are expected to qualify for pooling on a basis that does not require a specified quantity of shipments from such plants to distributing plants. Thus, percentage shipping requirements are not expected to be relevant to pooling the existing supply plants.

The order should contain shipping requirements, however, which would apply to any other supply plant which supplies milk to the market. The requirement in the proposed order would be that any supply plant may qualify as a pool plant during any month, by shipping at least 50 percent of its receipts from dairy farmers to plants which qualify as pool distributing plants. Only plants at locations beyond the distance from which direct delivery from farms to distributing plants is practical would be expected to qualify on the basis of shipments from the plant. At lesser distances, qualification by shipments is impractical. With respect, however, to plants for which shipments are the only practical method of supplying the market, the 50 percent shipping requirement is reasonable and commonly used in Federal orders. It is necessary that such standard be established for plants which are to be pooled, for otherwise the returns from Class I sales in the market could be dissipated to sources which do not represent a regular supply for the market. It is reasonable to require that at least half of the milk receipts of a plant be used to supply the market if the plant is to be accorded pool plant status. Such a requirement compares with the 50 percent requirement cooperatives are expected to meet with respect to the milk of their members. It is concluded that the 50 percent shipping requirement is an appropriate standard for this purpose.

It is recognized that the pool supply plant handles a reserve supply for the market which would not be drawn upon as much during higher production months as during months of low production. It is therefore provided (as in the present St. Louis order) that such plant could continue to qualify during the months of March through August without shipments if it had qualified in each of the prior months of September through February on the basis of actual shipments. The Ozarks order contains a similar provision.

Higher supply plant shipping requirements were requested by the cooperative associations who asked for the merged order. Their proposal was that shipments of 60 percent of the Grade A receipts of the plant during the month of October, 70 percent in November, and lesser percentages in other months to distributing plants would be required.

The proposed higher requirements in October and November are not related to any prior experience under either of the orders, nor is it known whether they would be suitable to the operation of any plants on which the market might depend for a regular supply of milk. Such requirements would mean that the entire receipts from such a plant would be unregulated and ineligible to participate in pool returns although more than half of the milk from such plant was used to supply distributing plants. In the absence of any specific data relating the proposed percentages to the operations of particular plants or to needs of the market, the proposal seems inconsistent with the principle of pricing and pooling milk which is primarily associated with the market. The proposed higher requirements for these months therefore are not adopted.

The order should allow a cooperative association to pool a supply plant without specific shipping requirements if the major function of the cooperative is to supply milk to pool distributing plants. It shall be provided that such a plant qualify for pooling if 50 percent or more of the total producer milk of member producers is delivered to pool distributing plants either directly from farms or through association plants. Qualification as a pool plant would be allowed if the association met this percentage in either the current month or on the basis of total shipments during the 12-month period ending with the current month. A similar provision was supported by cooperative associations requesting the merger of the two orders, although their proposal required delivery of 60 percent of member milk for 12 months. Their proposal would also count deliveries to supply plants as well as to distributing plants as a basis for qualification.

The proposal by the cooperatives, except for requiring 60 percent deliveries, is the same as the provision of the St. Louis order which qualifies the plant of cooperative association if during the prior 12 months 50 percent of member producer milk is delivered to pool distributing plants, either directly or through the association plant or is delivered from farms to supply plants.

The provision for pooling a cooperative association reserve plant recognizes that most producers of the market have converted to farm bulk tanks, and therefore large quantities of milk may be moved long distances from farms to city distributing plants without moving through a supply plant. In many cases, therefore, it would be inefficient to require that the milk move through a supply plant in order for the plant to be pooled. The plants operated by the cooperative associations, nevertheless, do handle the reserve milk of the market when it is not needed at the distributing plants. Therefore, they serve a purpose similar to that of plants qualifying for pooling on a shipping basis.

While direct shipment from farms to distributing plants may ordinarily be the most efficient method of handling, some milk may move through the reserve plant to distributing plants. The pool qualifications of the cooperative plant, therefore, should be based on the combined deliveries to distributing pool plants whether through the plant or direct from members producers' farms.

An exception would need to be made if such plant qualified for pooling under another order on the basis of shipments to plants regulated under the other order. In such case, to avoid conflict with other order regulations, the plant should not be pooled under this order.

Provision that a cooperative may meet the qualification requirements either on a single-month or 12-month basis will afford flexibility to different types of operations in meeting the pooling standards. In some instances it will be possible for a cooperative to meet the requirement on a 12-month basis although in a few of the months member deliveries may fall below the required percentage. On the other hand, the single-month basis for qualification will allow a cooperative to pool a reserve plant on the first month in which it meets the percentage requirement.

A plant which qualifies for pooling on this basis in 1 month should automatically have pool status in the following month. This will, in most instances, eliminate administrative problems described in cooperatives' exceptions with respect to determination based on the current month.

The higher percentage for deliveries (60 percent) proposed by cooperative associations should not be adopted. The requirement now in the order is 50 percent. This requirement is preferable to a higher percentage for reasons similar to those relating to supply plants.

The cooperative association also proposed that a plant operated by or under contract to a cooperative association be

able to qualify as a pool plant if the cooperative delivers 60 percent of the total producer milk received during the month at all pool distributing plants.

Furnishing 60 percent of the supply of all distributing plants represents a substantial supply function and identification with the market. There is a difficulty in such a pooling provision, however, since there would be no limit as to additional quantities of milk which could be pooled. If some limit applied to the quantity of reserve milk which could be associated with the plant (as suggested in cooperatives' exceptions) such limit must be essentially the same as the previously discussed pooling requirement based on delivery of 50 percent of member-producer milk to distributing plants. Thus the additional proposed pooling provision based on a combination of percentages, a percentage of distributing plants' receipts and a percentage of cooperative member milk so delivered, is not needed.

The proponents for the merged order asserted that a plant operated by or under contract to a cooperative association should be allowed to qualify as a pool plant only after meeting the requirements during every month of the preceding 12-month period. Although this provision is now in the St. Louis order it is not adopted in the proposed merged order. Such a provision would mean that while a high proportion of a cooperative's member milk is delivered to pool distributing plants during an initial 12-month period, the cooperative would nevertheless be denied the use of its plant as a reserve pool plant. It is not clear what would be accomplished in terms of orderly marketing under such restriction on a new cooperative association. It would, in fact, during the 12-month period, deny the cooperative association a reserve pool plant while current performance might well be greater than that of other cooperative associations who under such a provision are allowed reserve pool plant status for their plants. It is not necessary to limit the pooling of a reserve plant on the basis proposed. The provisions, with respect to supply plants adopted herein, would provide sufficient identification of the plant with the market to justify pooling such plants.

Cooperative associations in the market pointed out that they are in the process of merging and consolidation. The order provision for pooling a cooperative plant should give credit for deliveries from members of the individual cooperatives prior to consolidation as well as deliveries of members of the consolidated organization which is the successor in marketing function for the individual cooperatives. Also, where months prior to effective time of the merged order are involved credit should be given for deliveries by member producers in such months.

A special provision should be made for any plant which qualifies as a pool plant under the proposed order and at the same time qualifies under another order as a fully regulated plant. The present provisions of the Ozarks and St. Louis orders, with respect to such plants, should be modified to allow a distributing plant to remain a pool plant under the proposed order until the third consecutive month in which the plant makes greater Class I disposition in the other marketing area. This will afford the handler reasonable notice that the regulation of his plant will shift from one order to another unless he adjusts his operations to prevent such a shift. To avoid possible conflict of two orders, however, the effect of this provision should be limited in case the other order does not release the plant from regulation during the first 2 months of the period in which the plant makes greater disposition in such other marketing area.

Inasmuch as other orders may have similar provisions, it is provided in this proposed order to exempt a distributing plant from full regulation until the third month in which it has greater disposition in this marketing area than in another Federal order marketing area where it also qualifies as a fully regulated plant.

The order should also exempt a supply plant which meets the pooling requirements under both this and another order if greater qualifying shipments from such plant are made during the month to plants regulated under another order than are made to plants regulated under this order. Such exemption should not apply, however, if the operator of such plant chooses to retain automatic pooling status under the St. Louis order during the months of March through August. Since in these months the plant is qualified under this order without making any shipments currently, there is not an appropriate basis for deciding the applicable regulation only by comparing shipments to both markets.

The definition of producer-handler should be amplified to reflect modern dairy marketing practices and to make clear that the entire operation represents the personal enterprise and risk of the producer-handler.

A producer-handler may be allowed to receive supplemental milk from pool plants. The classification provisions of the order would assure that the value of such milk as Class I would be fully reflected in the market pool. The producer-handler should be able to supplement his own production with receipts of packaged milk from any plant regulated under another order. This receipt would be classified and priced under the other order. Thus, there would be assurance that such a source of milk for the producer-handler would not tend to undermine the pricing under this order.

A producer-handler may be allowed to receive nonfluid milk products, only to fortify fluid milk products for route disposition. The privilege to use nonfluid milk products would not extend to reconstitution of fluid milk products for Class I disposition. It would not be feasible to allow the producer-handler exemption to apply to a plant operation which thus uses other source milk items as a supply for Class I disposition, since this could result in a significant cost advantage compared to regulated handlers. Any plant disposing of reconstituted fluid milk products in the marketing area should be subject to the applicable order provisions relating to fully regulated or partially regulated plants. Similar consideration would apply if the plant operator reconstituted the skim milk portion of a milk substitute.

Producer-handlers should not receive milk from a cooperative association as a bulk tank handler. Other handlers are subject to full regulation with respect to such receipts, and are not given exemption if they have some own-farm production. This kind of receipt if allowed to a producer-handler is essentially a receipt of producer milk in a manner which accommodates the precise day-to-day Class I needs of the producer-handler. The associated reserve milk, however, remains in the market pool. This is a departure from the concept of a producer-handler as an independent operator responsible for producing his own supply and carrying his own reserve except for relatively minor supplemental purchases.

The definition of "route disposition" should be modified from the corresponding provision of the St. Louis order to put it in terms of disposition of fluid milk products.

The handler definition of the St. Louis and Ozarks orders are in most respects the same. The merged order, however, would modify the definition of a cooperative association as a handler on bulk tank milk delivered to pool plants. Both cooperative proponents and a principal handler requested that the plant operator receiving the milk be allowed to be the handler if the cooperative and the plant operator agree on such an arrangement.

The provision now in the order recognizes that a cooperative association which operates tank truck pickup routes, of which contracts for such farm pickup, would ordinarily be the only agency having direct access to the information as to individual producer milk weights and butterfat tests. The St. Louis and Ozarks orders, therefore, provide for the cooperative association to be the responsible handler to account for the receipt of such milk from producers.

Much of the milk received by plant operators, however, is under agreement with the cooperative association that payment will be on the basis of farm bulk tank measurements taken by the cooperative or its agent, and for butterfat based on samples taken from the farm bulk tank. The proposal of the cooperatives would be based on this method of payment.

In exceptions, cooperatives requested that the order provide that the plant operator normally be the handler, and no notification be required unless the plant operator decides to purchase the milk from the cooperative on scale weights. In the latter instance the cooperative would become the handler receiving the milk from producers.

The revised provision allows the cooperatives and plant operators to work under the mutual agreements as described. It requires the plant operator to be the handler receiving milk from the producers unless he notifies the cooperative and market administrator that he intends to purchase milk of the cooperative's members on a basis of weights and butterfat tests other than as determined from farm tank measurements and farm tank samples.

The definition of producer milk would be similar to the present provision in the St. Louis order. The limitation with respect to diversion, however, would require a greater proportion of a producer's deliveries to be made to pool plants. Diversion of a producer's milk to nonpool plants not regulated by another order would be allowable on any day in the months of March through August, and in other months for not more days of production of each producer than the number of days of his production physically received during the month at pool plants. On this basis the milk of a producer could be diverted in any month of the September-February period for about half of the month, providing the producer's milk was physically received during the month at least the same number of days at pool plants. Milk of a producer diverted beyond such limitation would not be producer milk.

This will provide a better identification of the producer as part of the reliable supply for the market than current St. Louis order provisions which allow diversion to an unregulated plant on any day during the months of March through August and in any other month for as much as 16 days. The present provision does not require in the September–February period any specific amount of deliveries to a pool plant during the same month in which a producer's milk is diverted.

Also the current provision with respect to diversion to other order plants allows up to 16 days' production to be diverted without any specific requirement as to the amount to be delivered from the same producer during the month to pool plants. This provision also is modified to require delivery to pool plants for a number of days of production equal to the number of days of production diverted.

The cooperatives, in supporting their proposal, claimed that existing provisions have been abused by a practice of identifying a producer's milk with a pool plant through a few days delivery, and then diverting the producer's milk to the maximum extent to a nonpool plant.

The revised provisions are expected to eliminate the incentive to continue this type of diversion. The revised provisions will allow, however, for orderly handling of market reserve milk.

3. *Classification and allocation.* The expanded St. Louis-Ozarks order should provide for two classes of milk as do the present orders. Class I milk would be principally that disposed of as route disposition of fluid milk products. Class II milk would be principally the skim milk and butterfat used to produce manufactured dairy products, milk products dumped, milk products disposed of to commercial food establishments, and shrinkage of skim milk and butterfat. This classification is for the most part similar to that in the present orders.

The modifications of the classification provisions (compared to the present orders) are relatively limited and are primarily concerned with the classification of yogurt, sour cream, dips, and sterilized products in hermetically sealed containers.

Sour cream disposed of under a Grade A label should continue to be classified as Class I milk. Under sanitary regulations in the marketing area, sour cream is required to be made from Grade A milk and the finished product must be labeled Grade A. In the present St. Louis order, sour cream products to which cheese or any food substance other than a milk product has been added and which contains not more than 15 percent butterfat is distinguished as a product type separate from regular sour cream. The order classifies such a product as Class II milk. Such sour cream mixtures, often referred to as "dips", need not be labeled Grade A. Accordingly, for purposes of classification, it is preferable to make the distinction between these products and unmodified sour cream on the basis of whether the finished product is labeled Grade A rather than on the basis of the percent of butterfat content. The present Ozarks order classifies sour cream mixtures on this basis, and the cooperative associations proposed this method of classification for the St. Louis-Ozarks order.

Sterilized products hermetically sealed in metal or glass containers, sterilized either before or after sealing so as to prevent microbial spoilage should be classified as Class II milk. Sterile products so packaged may be distributed regionally from central locations. Grade A requirements for supplies used in the preparation of the products have not been generally established. In these circumstances the product sources are not readily identifiable as related to the Grade A supply requirement of the market.

Ending inventory of fluid milk products should be classified as Class II milk. This will continue the same manner of handling inventory as now applies under the St. Louis and Ozarks orders. Both handlers and producers objected that classifying packaged inventory as Class I is inconvenient under their bookkeeping procedures. Either method provides the same net returns to producers over a period of time.

Ending inventory classified as Class II may be used as Class I in the following month. Proper adjustment of the handler's obligation is accomplished, first, by allocating beginning inventory of fluid milk products against the handler's disposition, and secondly, by charging the handler the difference between the Class II price for the preceding month and the Class I price for the current month for the quantity of beginning inventory allocated to Class I.

Determination of shrinkage is part of the classification procedure. The proposed order would require plant shrinkage to be computed for each plant of basis for all plants of a handler. Since separate reports would be required for each plant covering its receipts and utilization, the shrinkage computation for each plant would be part of this reporting procedure. Separate reports and shrinkage for each pool plant will preclude a handler operating two or more plants from offsetting shrinkage in one plant against overage in another. This requirement should apply whether or not there are transfers between the plants of the handler.

If milk products are transferred between pool plants of the same handler, the same care should be given to recording the weights and tests of milk so transferred as is given to transfers to pool plants of other handlers. Separate shrinkage computations for each plant are necessary to make the accounting requirements for the multiple pool plant operator similar to the accounting required of the operator of an individual plant.

The language of the shrinkage provision is revised to conform with the revised definition of handler. The plant operator would be allowed two percent as maximum shrinkage in Class II on producer milk for which he is the handler receiving the milk from producers' farms. This conforms to the usual situation in which there is mutual agreement between a handler and a cooperative that purchases are at farm weights and tests. The same arrangement would apply in the case of purchases from nonmembers.

If, however, the plant operator is receiving milk in tank trucks operated by or under contract to a cooperative association and decides to purchase milk from the cooperative on a basis other than farm weights and tests, he would be allowed 1½ percent shrinkage in Class II on such receipts. In the latter case the cooperative would be the first handler and would be allowed one-half percent shrinkage in Class II. The handler definition provides that a plant operator must file notice with the cooperative and the market administrator prior to delivery of the milk that he intends to receive the milk on a basis other than farm weights and tests.

It is commonly recognized that some shrinkage may occur between pickup at the farm in tank trucks and delivery to pool plants. An allowance of one-half percent is commonly allowed for such shrinkage. The new shrinkage provision would similarly allow one-half of 1 percent on milk diverted to milk plants if the plant operator does not purchase the milk on the basis of farm weights and butterfat tests.

The proposed transfer provisions are generally the same as in the present orders with few modifications. The classification of skim milk and butterfat transferred or diverted to a nonpool plant located more than 350 miles from the St. Louis city hall, however, is based on shortest highway distance, rather than on airline mileage as in the present orders. This change was proposed by the cooperative associations to conform with the manner in which milk is moved and which is recognized as the practical

measurement for distances under milk orders. The 350 mile limit from St. Louis encompasses all the manufacturing facilities now used by handlers under either order for disposal of excess supplies of milk. It should also be noted that cream transferred to a nonpool plant may be classified as Class II milk if prior written notice is given to the market administrator and each container is labeled by the shipping handler as "non-Grade A" cream for manufacturing use only. This change from the present term in the orders of "Grade C" merely updates the order language to meet current trade practices.

Allocation. After the classification has been determined for all milk and milk product disposition, or use, at each plant, the class uses so determined would be allocated to plant receipts. The allocation provisions of the merged order conform closely to provisions of the St. Louis and Ozarks orders with modifications as explained herein.

In the case of a multiple plant handler, it is provided that this allocation is on an individual plant basis unless the handler has receipts of other source fluid milk products assigned to Class I under such allocation. In the latter case, it is required that allocation be made on a system basis including milk receipts and disposition at all of the handlers' plants. System allocation is necessary under the circumstances to avoid a disproportionate assignment of producer milk to the Class II milk in the handler's system. Such unfavorable allocation of producer milk to Class II would occur if the handler's receipts of the other source milk were at a plant with a higher Class I utilization than the average in his system. The system allocation will assure that receipts of other source milk to be prorated to Class I and Class II utilization will receive classification based on class use in the handler's system.

Receipts from handler pool markets. Milk received from an individual handler pool market should be allocated separately from other receipts and the receiving handler should be obligated to the producer-settlement fund for the class use value of such milk in excess of the weighted average price.

Transfers of milk from a handler pool Federal order market have been received frequently in this market during the past several years, and at times in substantial quantity. Although this milk is priced under another Federal order, it nevertheless has been a disturbing factor in the market. This is due to the certain characteristics of marketing under a handler pool order and privileges of cooperative associations in marketing and paying membership.

The attractiveness to cooperative associations to make interorder shipments, in such circumstances, depends on the Class I utilization thus obtainable. The situation here complained of by proponents relates to a higher than market average Class I utilization being assigned to the milk from the handler pool market.

The rules of assignment under the St. Louis order, for such receipts, are similar to corresponding provisions in other orders. The class use assignment is pro rata to either the marketwide percentage of Class II of all handlers (at the same stage of allocation procedure) or the receiving handler's percentage of Class II, whichever percentage of Class II is the larger. The quantity to be thus assigned to Class II shall not exceed the Class II in the handler's system, the remainder of the receipt to be assigned to Class I. Thus, if the receiving handler's Class II utilization is small, the assignment to Class I for the intermarket shipment may well be above market average.

The particular incentives for a cooperative association in a handler pool market to make Class I sales into other markets having market pools, does encourage the use of handling practices and pricing practices which, in many circumstances, tend to undermine the pricing structure of the receiving market. The proposal considered here is intended to neutralize the particular incentives and advantages associated with the transferring of milk from a handler pool market to this market to the extent that such advantages depend on circumstances other than a difference in Class I prices under the two orders. The proposal would not prevent intermarket transfers.

The proposal made by the cooperative associations in this market is that in the case of milk received at a pool plant from a handler pool market the handler should pay into the producer-settlement fund any amount by which the class use value of such milk exceeds the uniform or weighted average price. It is concluded herein that under circumstances in this market, such a payment would be a proper method of neutralizing the special advantages and incentives associated with such transfers.

The interorder transfers are arranged by a cooperative association in the handler pool market, which acts as a marketing agent for this milk whether the milk originates from members or from other farmers who qualify as producers under that order. The milk transferred is identified, however, with a plant regulated under that order, and accordingly priced under the North Central Iowa order at that location.

An essential element of the problem is that the cooperative association is able to offer the milk to handlers in the St. Louis-Ozarks market under circumstances that do not require it to recover all handling costs as well as the class prices for such milk under the North Central Iowa order. Proponents gave data showing that the price paid to the farmers supplying the milk was less than the handler uniform price calculated under the North Central Iowa order for the cooperative handler. During 1966 the average price received by those dairy farmers was about 21 cents less per hundredweight than the order blend price for the cooperative handlers. The inference is that whatever portion of the cost is not recovered by the cooperative is absorbed by members by accepting a price for their milk which is less than the handlers' order blend price.

Certain cooperative associations in the North Central Iowa market, in exceptions, claimed that the milk was transferred at higher than North Central Iowa order prices. They claimed, further, that payments made to their producers at less than order blend prices were due to blending with lower returns for sales in another Iowa market. On the record, these exceptors did not testify, nor are there data substantiating these claims. Exceptors did not controvert that the transferred milk has the advantage of higher than market average utilization.

There is a particular incentive for a cooperative in a handler pool market to dispose of milk in other markets, because there is a direct relationship between the association's Class I disposition in all markets and the returns to its member producers. None of the returns from such Class I disposition need be shared with other producers in the market as in the case of market pooling. Thus, each Class I disposition in the cooperative handler can make in another market may provide a direct reward to members in the form of a higher blend price.

There may be greater incentive for such association to increase Class I sales in other markets rather than its home market. The opportunity for increasing Class I sales in the home market may be very limited, particularly if the association is already furnishing most of the supplies in the market. Further, there may be reluctance to disturb the competitive situation in the home market.

In addition, the objective of a handler under an individual handler pool order (whether or not a cooperative association) disposing of milk in another market may be principally to dispose of reserve supply. In this manner he avoids the depressing effect on his blend if such milk were used for manufacturing purposes. On the other hand, such sales to a market pool market depress the uniform price to producers in the market pool.

Under an order with a market pool, such incentives do not exist to the same degree for a cooperative association as a handler to dispose of reserve milk in another market. To the extent that the returns for such sales must be shared in the market pool with producers who are not members of the association, the benefits are diminished.

There is incentive to make Class I sales in other markets even if all costs of handling are not recovered. The gain from higher Class I use can exceed the loss of handling charges not recovered. Such opportunity to gain higher returns for members even while absorbing losses on handling is a particular characteristic of a handler pool market, since the returns from all sales may go directly to members and need not be shared with other producers.

The proposed provision applicable to the quantity of handler pool milk received would require payment into the producer-settlement fund of any excess of utilization value over the weighted average price. This would serve to neutralize the special advantages, as described, which would otherwise accrue to the pool handler so obtaining a supply for fluid use and the supplier(s) in the handler pool market. Such special advantages to receiver and supplier would be likely only when the receiving handler has a utilization higher than the normal Class I utilization level in the St. Louis-Ozarks market. If the receiving handler's utilization were the same as the market average, the transfer would not likely provide a means for the supplier in the handler pool market to improve his utilization, and thus such special advantages to the receiver and supplier(s) would be voided by this circumstance. In no case should a reverse equalization payment apply if the classification of the intermarket transfer represents a value less than the weighted average price, since any payment out of the pool would be a depletion of the funds in a manner tending to support procurement for surplus use.

The proposed provision would require that the receiving handler pay into the producer-settlement fund part of the class use value of the milk he received from the handler pool. The remaining money value would not be a money obligation against the handler under the St. Louis-Ozarks order.

The classification of milk received from other order markets would be reported by the market administrator in this market to the market administrator of the shipping market. Such a system of intermarket information is commonly provided in all orders and provides the basis in the shipping market for establishing the shipping handler's obligation.

In this case, the market administrator would report a classification of the milk from the handler pool market. This classification would be Class I and Class II in the same percentages as the average utilization in the St. Louis-Ozarks pool. If the market average utilization is not available at the time the report is to be made the order provides (as now provided in the St. Louis and Ozarks orders) for the market administrator to make an estimate of the market utilization.

The market average utilization is appropriate as a basis for classifying the receipt from the handler pool market, inasmuch as the payment required of the receiving handler reflects the difference of the classification of the milk in his plant as compared to average utilization in the market.

The method of determining the classification here provided is more direct than the method provided in the recommended decision.

4(a) *Differentials over basic formula price.* The price for Class I milk should be established for two price zones in the marketing area, and should be subject to location differentials outside the marketing area. A specific differential of 27 cents should apply to supply plants in the area of southwest Missouri which has served as a supply area for St. Louis.

The Zone Class I price should be as follows:

(1) In Zone I of the marketing area (all of the marketing area except the Missouri counties of Bollinger, Cape Girardeau, St. Francois, Perry, and Ste. Genevieve): the basic formula price of the preceding month plus $1.40 and for the period through April 1969 plus an additional 20 cents.

(2) In Zone II (the Missouri counties of Bollinger, Cape Girardeau, St. Francois, Perry, and Ste. Genevieve): the Zone I price plus 15 cents.

The Zone I price is the Class I price made effective under the St. Louis order by amendments effective May 1, 1968 (33 F.R. 6519), and August 1, 1968 (33 F.R. 10938). This price level also applies now under the Ozarks order to plants in the Arkansas portion of the marketing area. The Zone II price also is already effective for all plants in that zone regulated by the St. Louis order.

The Class I price to apply at supply plants in southwest Missouri approximates the level which applies currently to such plants in this area under the two orders. The principal change in the Class I price within the area to be regulated, therefore, is an increase of 25 cents applicable to pool distributing plants in southwest Missouri. There are two such plants located at Springfield, Mo.

The merging of the two marketing areas provides a basis for a broader area within which a single price level may apply. Presently the pricing under the two orders results in a Class I price 25 cents lower in a part of the proposed marketing area (southwest Missouri) which intervenes between two parts of the marketing area where the price is higher. A single class I price for all pool distributing plants throughout this large part of the marketing area is desirable to provide the same cost of Class I milk supplies to the handlers located here. Other pricing provisions relating to supply plants would aid in developing full use of supplies in this area.

The price of Class I milk within the marketing area then would conform also with the regional price relationships. The presently lower price intervening between the higher prices at St. Louis and in Arkansas is opposite to the regional pattern of graduated increases from lower price levels in surplus areas to the north of this market, to higher prices in less intense milk production areas to the south.

The only two pool plants which would be affected by the price increase have extensive distribution into Arkansas in the direction of higher priced markets. The Class I price which would apply at the plants of these two handlers would, nevertheless, be 34 cents less than the price at Little Rock, Ark., under the Central Arkansas order and 35 cents less than the Class I price at Fort Smith, Ark., under the Fort Smith order. The increase in the price level for southwest Missouri, therefore, would not be a hinderance to reasonable intermarket relationships in the southerly direction.

The Class I price at supply plants in southwest Missouri should continue to be closely similar to present prices based on distance from St. Louis. All of these plants which have been supply plants on either the St. Louis or Ozarks market should be included in a southwest Missouri zone to provide for such differential pricing of Class I milk. A minus differential of 27 cents applicable to supply plants in this zone would approximate an average of the differentials which have applied in this area. Supply plants in this zone represent a reserve supply for St. Louis and differential pricing must be provided because of the cost of shipment to St. Louis.

The minus 27-cent differential is the same as proposed by cooperative associations to apply to Class I milk shipped from these plants to St. Louis. In the provisions adopted herein, however, the differential would apply to any Class I milk at these plants, subject to the limitations of assignment of shipments to Class I in the transferee plant. The zone to be designated as Zone A for location pricing purposes would include the Missouri counties of Barry, Christian, Douglas, Green, Howell, Laclede, Lawrence, Ozark, Stone, Taney, Texas, Webster, and Wright.

This system of differential pricing is based on the customary differentials for this area in relation to St. Louis and to accommodate the customary method of marketing milk from this area for Class I uses.

The producer proposal to apply a Class I price in southwest Missouri 31 cents higher than at St. Louis is not adopted. The principal basis for the proposal was the desire to provide a better price relationship with the Arkansas markets and other markets to the south.

The Class I prices adopted herein provide more appropriate relationship with the markets to the south than the price level proposed by producers. A higher price level than here adopted would be contrary to the relative supply conditions of this area compared to Arkansas markets. Supplies for Class I use are relatively more ample in southwest Missouri than in the Arkansas markets.

Under the provisions adopted herein all Class I milk in each plant would have the same price irrespective of its ultimate use at some other location. The producer proposal to have several prices for milk in the same plant is impractical and would prevent formulation of a consistent method of location pricing. On the other hand, the method of pricing adopted herein provides uniformity among handlers distributing milk in the area while yet allowing opportunity for supplies in excess of local needs to move to other areas.

The pricing system adopted herein differs from that in the recommended decision which would have maintained the existing minus 25-cent differential at Springfield, Mo., as compared to St. Louis. The single price level at these two locations here adopted is favored for the reasons previously cited. Producer groups in their exceptions stressed that a lower price at Springfield than at St. Louis under the same order would result in extreme difficulty in maintaining mar-

keting relationships with handlers under this order as well as with producer groups in other surrounding markets.

The amount of price differences compared with markets to the south of the market were reduced by the removal, August 1, 1968, of the effect of the minus 24-cent factor representing the old Chicago order supply-demand adjustor. The pricing modifications adopted here further reduce intermarket differences.

No change would be made in the basic formula price from that now effective under the St. Louis order. The basic formula price is the price for manufacturing grade milk in Minnesota and Wisconsin adjusted to 3.5 percent butterfat test. It is provided, however, that through April 1969, for the purpose of computing the Class I price the minimum basic formula shall be $4.33.

It was proposed that the Class I butterfat differential be reduced to the level of the Class II butterfat differential. This proposal should not be adopted.

The present Class I butterfat differentials in the two orders are identical. They are determined for each month by multiplying the Chicago 92-score butter price by 0.12. The Class II butterfat differentials, also identical in both orders, are determined by multiplying the Chicago butter price by 0.115. The resulting butterfat differentials apply to each one-tenth of a percent of butterfat above or below 3.5 percent.

Producers contended that lower butterfat differentials for Class I milk would encourage use of more butterfat in fluid milk disposition and would increase sales of cream. This was intended to bring about a closer balance between butterfat content of producer milk and utilization of butterfat in Class I milk.

It was not clear from testimony whether proponents expected that the adoption of their proposal would materially affect returns to producers. It is apparent, of course, that reducing the Class I butterfat differential would to some extent increase skim milk values. Proponent cooperatives did not offer specific testimony to justify such increase.

When the Class I value of butterfat is the same as the Class II value no essential monetary gain for producers is made if handlers shift a proportion of their butterfat use from Class II to Class I. There is no basis here to conclude that higher butterfat content of Class I milk products would stimulate sales. In some respects consumers have shown increasing preference in recent years for fluid products with lower average butterfat content. Since the evidence is inadequate to make a determination that any benefits would result from the producers' proposal, and it could reduce returns, the proposal is not adopted.

(b) *Supply-demand adjustor.* A decision in this matter was issued April 16, 1968 (33 F.R. 6106), and the St. Louis order was amended effective May 1, 1968 (33 F.R. 6527), eliminating the supply-demand adjustor.

(c) *Location adjustments.* The location differential system would be modified from existing order provisions. The mileage used would be shortest highway mileage as determined by the market administrator rather than airline miles. This change was proposed by a cooperative association to conform with the manner in which the milk is moved and in recognition that this is the normal method in which distances are measured under milk orders. The location adjustments at pool plants outside the marketing area would be based on such mileage distance from the city hall in St. Louis, Mo., or the city hall in Springfield, Mo., whichever is nearer. With the extension of the St. Louis City price level to southwest Missouri, it is necessary to have a location basing point at Springfield as well as at St. Louis. It would not be appropriate to calculate a location adjustment from St. Louis for a pool plant outside the marketing area and shipping to the Springfield area if the shipping plant were substantially closer to Springfield. The rate of location adjustment outside the marketing area and more than 30 miles from such basing point would be 1.5 cents for each 10 miles or fraction thereof of distance. At pool plants in the marketing area, location adjustments to handlers are provided by establishing differential Class I prices for designated zones. One of the differential zones would include Texas County, Mo., which is outside the marketing area so that the prices at the Cabool plant would be the same as for other supply plants in southwest Missouri.

All of the location price adjustments, whether based on the distance from St. Louis city hall, Springfield city hall, or the location of the plant within the zone, would apply to the handler's obligation for Class I milk. The same adjustments would apply to the uniform price paid to producers except that no adjustment would apply to the milk delivered to supply plants in the southwest Missouri zone where the minus 27-cent differential applies to handler's obligations. Producers delivering to these plants are intermingled with producers delivering to pool distributing plants where no differential applies. Producers delivering to both types of plant should receive the same uniform price. A differential price for milk delivered to the supply plants would discourage deliveries to these plants, and be disruptive of orderly movement of milk to the several plants to most effectively furnish the requirements of handlers and dispose of reserve milk.

The proposed system of location adjustments reduces the amount of adjustment at points more than 30 and less than 40 miles distant from the St. Louis city hall from 16 cents to 6 cents. There is no basis for a greater rate of adjustment at such location than for more distant locations. Distributing plants serving the main metropolitan area are located in the marketing area less than 30 miles from the city hall. It is public knowledge that the one small operation within the 30–40-mile zone in Missouri has discontinued operations. As under the present St. Louis order, no location adjustment should apply to plants located within 30 miles of the St. Louis city hall. In the nearby areas in Illinois, the St. Louis order provides a location adjustment of minus 10 cents for those locations in Madison, Monroe, and St. Clair Counties, and in Looking Glass, St. Rose, Breese, or Germantown Township in Clinton County, which are more than 30 miles from the city hall in St. Louis. All of this area is within a radius of 40 miles from St. Louis, Mo., and thus the revised location differentials would provide lesser deductions within this area, depending on the distance from St. Louis. This would result in a better coordination of pricing with the Southern Illinois order at all known plant locations.

No change should be made in the application of location adjustments to milk received at plants in Cape Girardeau, Perry, or St. Genevieve Counties, Mo. (Zone II). Producer associations proposed that the uniform price at such plants reflect the plus 15 cents over the St. Louis location only in the same proportion as producer milk received at such plants is used as Class I. This, however, would be inconsistent with the relative values of producer milk as delivered at the various locations of regulated plants. Testimony of proponent producer groups supported a differential of at least 15 cents between Cape Girardeau and St. Louis with respect to Class I prices. A like differential should apply to producer uniform prices to be consistent with such differential value and thus assure delivery of adequate supplies according to fluid needs.

Location adjustments to handlers apply only to Class I milk. Thus, at a plant where the order specifies a minus location adjustment, the Class I price for route disposition from such plant is reduced at the indicated rate per hundredweight. When a supply plant, at which a minus location adjustment applies, ships milk to another plant the question arises as to what part of such transfer should be subject to location adjustment credit. Still another problem arises in the case of a multiple-plant handler when the order requires that the allocation of his class uses be on a system basis rather than on individual plant basis.

Location adjustments in the case of transfers of fluid milk products between pool plants should apply to the extent that such transferred quantities are needed to supply the Class I requirements of the transferee plant.

The St. Louis order provision now assigns the Class I milk of the transferee plant (excluding Class I assigned to receipts from nonpool plants) first to direct receipts from producer's farms (up to 95 percent of such receipts) and then assigns remaining Class I to the transfers from pool plants with least minus location. This is for the purpose of preventing deductions for location allowance on shipments not needed for Class I.

At the hearing, producer cooperative associations proposed a different method of assigning location differentials to transfers between plants. They would continue the assignment to shipments from nearest plants, but would include in this determination the shipments from nonpool plants as well as pool plants.

The difficulty with the proposed assignment is that the amount of location allowance, which is in fact deducted from the value of the market pool, would reflect Class I quantities assigned to nonpool sources. This method thus would be inconsistent with the allocation of class use to pool and nonpool receipts, and would not serve the essential purpose of limiting location allowance on pooled milk to the quantity needed to be transferred for Class I requirements. In the provision adopted, therefore, the quantities of Class I milk allocated to other source milk are excluded from the computation of location differentials applicable to transfers between pool plants.

The provision adopted is virtually the same as the present St. Louis order provision which has provided adequate incentive for interplant movements. In the adopted provision, assignment of location differentials to milk transferred between pool plants is based on the quantity of Class I milk remaining in the transferee plant after excluding Class I assigned to other source milk and after deducting from Class I the quantity of milk received directly from producers (up to 95 percent of such receipts).

There are circumstances involving the operator of two or more plants which require that the allocation provisions of the order apply to such a handler on a "system basis" rather than on an individual plant basis. A method is therefore provided in the order to assign Class I milk of the handler's system to individual plants for the purpose of location adjustments.

Minus location differentials to handlers on Class I milk are credited from pool funds and are deductible from Class I values computed at the f.o.b. market Class I value in Zone I (St. Louis area). Such credit should be held to the minimum which will accommodate only the movement of milk needed to fulfill the requirements of the Class I market. Any greater deductions for transportation would unnecessarily lower returns to producers.

It was proposed by producer cooperative associations that milk diverted to distant nonpool plants be priced at the location of the nonpool plant. Their proposal would apply to milk diverted more than 120 miles from St. Louis. At any lesser distance from St. Louis, the milk would be priced at the location of the plant from which diverted. For milk diverted to the plant at Eldorado Springs, Mo., they requested that the price be the same as at other plants in southwest Missouri.

The proposed order will price milk diverted to nonpool plants more than 120 miles from the city halls of St. Louis, Mo., or Springfield, Mo., whichever is nearer, at the location of the plant to which diverted. At lesser distances the pricing would be at the plant from which diverted. A basing point at Springfield as well as St. Louis should be used in view of the extension of the St. Louis price level to southwest Missouri. The distance of 120 miles would encompass Eldorado Springs.

Without such a provision, a relatively distant producer could be diverted much of the time to a plant near the producer while yet receiving the marketing area uniform price, based on diversion from a marketing area plant.

The higher uniform price established for milk delivered to marketing area plants than for milk at distant pool plants provides the necessary incentive for deliveries to the marketing area when milk is needed there. The purpose of this incentive would be defeated, therefore, if a producer were paid at the marketing area price for milk delivered, not to the marketing area, but to distant plants.

Milk diverted from a pool plant to another pool plant should in each case be priced to handlers and producers at the location of the plant to which diverted. There is no essential difference in the physical handling between milk received by a plant operator at his plant from his producers and milk received as diverted from other pool plants. Identical pricing for both types of receipts is therefore appropriate, and will prevent any advantage to a handler on milk received as diverted from a plant with a lower Class I price.

Milk diverted to another order plant does not involve a problem of location adjustment of class prices to the diverting handler since such diversions are limited to Class II milk.

5. *Miscellaneous and administrative changes.* In general the present St. Louis order has been used to construct the provisions of the order for the merger of the St. Louis and Ozarks orders. However, certain parts in addition to those specifically referred to herein have been revised to make all provisions more compatible with present marketing conditions in the handling of milk in the proposed area. The provisions referred to here do not change substantially the effect of the provisions of the order but merely serve to update the order language.

The present St. Louis order under the subject heading of "Reports of Receipts and Utilization" requires that a handler report, in addition to the information specifically required, such other information with respect to receipts and utilization of skim milk and butterfat as the market administrator may prescribe. This provision is included in the order recommended herein. A handler objected to this provision on the basis that it gave the market administrator too broad authority. However, this handler could not cite any instances where he thought such authority had been abused. This provision is used in most all Federal milk orders as a means of providing the market administrator an opportunity to seek all necessary information to verify handlers' reports of receipts and utilization and should be adopted as proposed herein.

Several miscellaneous changes from order language in the recommended decision are needed to assure the effectiveness of the various order provisions.

Cream transferred for Class II use to points beyond 350 miles from St. Louis city hall should be conditioned on prior written notice to the market administrator.

In making payments out of the producer-settlement fund it is provided that the market administrator shall offset any payment due any handler against payments due from such handlers. It should be specified that the offsets may be against payments due from the handler with respect to amounts due the producer-settlement fund, amounts due because of errors in payment, and amounts due for marketing services and expense of administration.

When verification by the market administrator discloses an error in payment by a handler to the producer-settlement fund, it is provided that the market administrator promptly bill the handler for any deficiency. Payment should be required within 30 days of such billing.

(a) *Exempt plants.* A milk plant operated by a governmental agency should be exempt from all provisions of this order. The record indicates there are several colleges and state institutions which maintain dairy herds and/or processing plants. These herds are kept in connection with the research and educational functions or for other reasons. Milk produced by the dairy herds at these governmental institutions is primarily for use at such institutions. These operations are relatively self-contained, with only small quantities of milk interchanged with other parties in the market.

Regulation of such an operation could be disruptive to the purposes of such agency's dairy operations and would not serve any useful purpose in effective order regulation for the market. It is provided, however, that any fluid milk products transferred or diverted from pool plants to an exempt plant operated by a governmental agency be classified as Class I milk. It is reasonable to assume that purchases by such agencies in the form of fluid milk products would be needed and used for Class I purposes. It is further provided that milk received at a pool plant from an exempt governmental agency be assigned first to Class II milk in the pool plant. Milk sold from a governmental agency to a pool plant clearly represents surplus to the institutions production, processing and consumption operations and moreover does not represent a reliable supply for the market and thus should be classified as Class II milk.

(b) *Payments to producers.* Certain dates with respect to announcement of payments to various funds and to producers should be adopted as proposed by proponents at the hearing. The dates as adopted herein would require each handler to make payment on or before the 17th day after the end of the month, during which the milk was received, to each producer for whom payment is not made to a cooperative association. Partial payments to producers and to cooperative associations in payment for milk received during the first 15 days of the month should be made on or before the last day of each month. It is provided that the responsibility for classification of producer milk received from a cooperative association in its capacity as a handler

of bulk tank milk is that of the operator of the pool plant. Such producer milk is assigned to the plant operator's utilization at the plant where received. The value of the milk as provided herein is included in the plant operator's net pool obligation at class prices. In turn the pool plant operator is required to pay the applicable market uniform price to the cooperative association for such milk. The plant operator is also responsible for paying the administrative assessment applicable to such milk. The procedures herein provided make for specific accountability on the part of cooperative associations and the operators of pool plants with respect to bulk tank milk under the control of cooperative associations. With operators of pool plants responsible for equalization in the marketwide pool with respect to such receipts from cooperative associations, classification and auditing procedures are simplified in the administration of the order.

(c) *Market services.* A marketing service deduction of 6 cents per hundredweight should be provided in the merged St. Louis-Ozarks order.

The present orders provide a maximum deduction of 5 cents per hundredweight for marketing services to be used by the market administrator to verify weights, samples and tests of milk received from producers and to provide them with market information.

There are approximately 100 producers at the present time not members of a cooperative association, equal to less than 3 percent of the total number of producers in the combined St. Louis-Ozarks markets. These producers deliver milk to 11 different pool plants scattered throughout the merged marketing area.

For the most part, the market administrator presently employs cooperative associations to check the butterfat tests of producers who are not members of cooperative associations. These associations, however, have informed the market administrator that they cannot continue the check testing of butterfat at the rate now paid by the market administrator. Estimated costs of check testing these butterfat samples from a central laboratory exceed the present 5 cents per hundredweight rate. In this estimated cost no allowance was made for checking the accuracy of weights obtained at the farm from bulk tanks. The testimony also showed that for the most part there are no laboratories for employment to render such services.

Since the present number of producers that are not members of a cooperative association are few and scattered throughout the marketing area, it is reasonable to permit a maximum deduction for marketing services at 6 cents per hundredweight. It should be noted, however, that both the present and the proposed order provide that the Secretary may prescribed a lesser rate should the 6-cent rate produce more money than needed for the intended purposes.

(d) *Administrative expense.* The present rate of deduction for expense of administration should be 2.5 cents per hundredweight or such lesser amount as prescribed by the Secretary.

The maximum rate now provided in the Ozarks order for administrative expense is 5 cents per hundredweight but through administrative action only 1.5 cents per hundredweight is currently being assessed for the administration of the order. The maximum assessment now provided in the St. Louis order is 2.5 cents per hundredweight with 2 cents per hundredweight being the current assessment.

The rate of 2.5 cents per hundredweight should be adequate for the combined and expanded new order. The assessment as now, should apply to each handler's receipts of producer milk including his own production, receipts from a cooperative association in its capacity as a handler of bulk tank milk and the quantity of unregulated other source milk allocated to Class I milk.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Orders

The following order amending the orders, as amended, regulating the handling of milk in the St. Louis, Mo., and Ozarks marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended.

The provisions of the proposed marketing agreement and order contained in the recommended decision issued by the Deputy Administrator on March 18, 1968, and published in the FEDERAL REGISTER on March 21, 1968 (33 F.R. 4808; F.R. Doc. 68-3426), shall be and are the terms and provisions of the proposed marketing agreement and order, and are set forth in full herein subject to the following revisions:

1. Section 1062.6 is revised.
2. Section 1062.7 is revised.
3. Section 1062.8(d) is revised.
4. In § 1062.12 paragraphs (a)(1), (b) (1), (3), and paragraph (d) are revised.
5. Section 1062.14 is revised.
6. Section 1062.16 is revised.
7. In § 1062.22, paragraph (m) is revised.
8. In § 1062.30 paragraph (a)(3) is revised.
9. In § 1062.41, paragraph (a)(2) is deleted, subparagraph (3) is renumbered as (2), and paragraphs (b) (8), (9), and (10) are revised.
10. In § 1062.44 paragraphs (a) (1), (2), and (3), paragraph (c) and paragraph (e)(2) are revised.
11. In § 1062.45 paragraphs (c) and (d) are revised.
12. In § 1062.46, paragraph (a)(3) is deleted and subsequent subparagraphs renumbered. A new subdivision (iii) is added to paragraph (a)(4) as renumbered. Paragraph (a)(9) as renumbered is revised.
13. Section 1062.50 is revised.
14. Section 1062.51 is revised.
15. Section 1062.53 is revised.
16. In § 1062.70 paragraph (d) is deleted and the subsequent paragraphs redesignated.
17. Section 1062.82 is revised.
18. Section 1062.84 is revised.
19. Section 1062.85 is revised.
20. Section 1062.86 is revised.
21. Section 1062.88 is revised.

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Definitions

§ 1062.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1062.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1062.3 Department.

"Department" means the U.S. Department of Agriculture.

§ 1062.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1062.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To be engaged in making collective sales, or marketing milk or its products for its members.

§ 1062.6 St. Louis-Ozarks marketing area.

"St. Louis-Ozarks marketing area", hereinafter called the marketing area, means all the territory within the designated military reservations, the corporate limits of the cities and the counties enumerated below:

Zone I

(Missouri counties)

Barry.	Ozark.
Christian.	St. Charles.
Crawford.	St. Louis.
Douglas.	Stone.
Franklin.	Taney.
Greene.	Warren.
Howell.	Webster.
Jefferson.	Washington.
Laclede.	Wright.
Lawrence.	

and the city of St. Louis, Mo., Fort Leonard Wood Military Reservation in Missouri, and the territory within Scott Military Reservation, East St. Louis, Centerville, Canteen, and Stites Townships, and the city of Belleville, all in St. Clair County, Ill.

(Arkansas counties)

Benton.	Marion.
Boone.	Washington.

Zone II

(Missouri counties)

Cape Girardeau.	Perry.
Bollinger.	Ste. Genevieve.
St. Francois.	

§ 1062.7 Producer.

"Producer" means any person (other than a producer-handler as defined in any order including this part issued pursuant to the Act, or a person who is a producer under the terms of another order issued pursuant to the Act) who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority and whose milk is:

(a) Received at a pool plant (excluding milk received as a diversion from another order plant which is allocated to Class II pursuant to § 1062.46(a)(4)(iii)); or

(b) Diverted as producer milk pursuant to § 1062.14.

§ 1062.8 Handler.

"Handler" means:

(a) Any person who operates a pool plant;

(b) Any person who operates a partially regulated distributing plant;

(c) Any cooperative association with respect to milk of its member producers which is diverted from a pool plant of another handler to a nonpool plant for the account of such association;

(d) Any cooperative association with respect to producer milk transferred from the producer's farm tank to a tank truck owned and operated by or under contract to such association for delivery to a pool plant if prior to delivery the operator of the pool plant gives notice in writing to both the market administrator and the association of his intention to purchase such milk on a basis of weights and butterfat tests other than as determined from farm tank measurements and farm tank samples;

(e) A producer-handler, or any person who operates an other order plant described in § 1062.61.

§ 1062.9 Producer-handler.

"Producer-handler" means any person who is both a dairy farmer and the operator of a distributing plant, and who meets the qualifications specified in paragraphs (a) and (b) of this section:

(a) Receipts of fluid milk products at his plant are solely milk of his own production, fluid milk products from pool plants of other handlers, packaged fluid milk products from other order plants; and receipts of nonfluid milk products are used only to fortify fluid milk products; and

(b) The maintenance, care and management of the dairy animals and other resources necessary to produce the milk and the processing, packaging and distribution of the milk are the personal enterprise and the personal risk of such person.

§ 1062.10 Distributing plant.

"Distributing plant" means a plant which is approved by a duly constituted health authority for the processing or packaging of Grade A milk and from which during the month route disposition is made in the marketing area.

§ 1062.11 Supply plant.

"Supply plant" means a plant which qualifies as a pool plant pursuant to § 1062.12(c) or from which fluid milk products, acceptable to a duly constituted health authority for distribution under a Grade A label, are shipped during the month to and physically received at a distributing plant.

§ 1062.12 Pool plant.

"Pool plant" means:

(a) Any distributing plant, other than that of a producer-handler or one described in § 1062.61, which:

(1) Has disposition during the month of fluid milk products on routes and in packaged form to pool distributing plants, which, after subtraction of the quantity of packaged fluid milk products received from other pool plants, is equal to at least 50 percent of such plant's total receipts of Grade A fluid milk products from dairy farmers (including milk diverted by the plant operator), supply plants, cooperative associations as handlers pursuant to § 1062.8(d), exclusive of packaged fluid milk products received from other pool plants, and has route disposition in the marketing area in an amount equal to 10 percent or more of such receipts or an average of not less than 7,000 pounds per day, whichever is less; or

(2) Qualified as a pool plant in the immediately preceding month on the basis of the performance standards described in subparagraph (1) of this paragraph;

(b) Any supply plant from which during the month 50 percent or more of the Grade A milk received from dairy farmers and cooperative associations in their capacity as a handler pursuant to § 1062.8(d) is shipped to a plant(s) described in paragraph (a) of this section. Any supply plant which has shipped to a plant(s) described in paragraph (a) of this section the required percentages of its receipts (or held pool supply plant status under the St. Louis or Ozarks orders) during each of the months of September through February shall be designated a pool plant in each of the following months of March through August unless the plant operator requests the market administrator in writing that such plant not be a pool plant. Such nonpool plant status shall be effective the first month following such notice and thereafter until the plant again qualifies as a pool plant on the basis of shipments;

(c) Any plant which is operated by or under contract to a cooperative association, or a federation of cooperatives, if:

(1) The operator of such plant(s) requests, and 50 percent or more of all the Grade A milk from farms of the member producers of such cooperative or federation including milk delivered by the cooperative as a handler pursuant to § 1062.8(d) has been shipped to and physically received at pool distributing plants during the current month or the previous 12-month period ending with the current month, either directly from producer member farms or by transfer from such association plant(s) (For this purpose the shipments of producer members in preceding months shall be considered to include shipments of producer members under the Ozarks and St. Louis orders if such producers were members of the same cooperative or of a cooperative merged with the cooperative currently operating the plant.); and

(2) Such a plant does not qualify during the month as a "pool plant" under another market pool order issued pursuant to the Act by making shipments of milk to plants which qualify as "pool plants" under such other order; and

(3) Such plant meets the requirements of subparagraph (2) of this paragraph and met the requirements of subparagraph (1) of this paragraph in the preceding month; and

(d) Any plant which qualified as a pool plant under the Ozarks order or St. Louis order during the month preceding the effective date of this order shall continue as a pool plant under this part for the first month this order is effective unless the operator requests that it be a nonpool plant and it fails to qualify pursuant to paragraph (a), (b), and (c) of this section.

§ 1062.13 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act;

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant which has route disposition of fluid milk products labeled Grade A in consumer-type packages or dispenser units in the marketing area during the month; and

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

§ 1062.14 Producer milk.

"Producer milk" means milk produced by producers which is received and accounted for as follows:

(a) By the operator of a pool plant (including a cooperative association) with respect to milk:

(1) Received at the pool plant from producers or from a cooperative association as a handler pursuant to § 1062.8(d), but excluding milk received as a diversion from another order plant which is allocated to Class II pursuant to § 1062.46(a)(4)(iii);

(2) Diverted by the operator of the pool plant to another pool plant or to a nonpool plant subject to the conditions of paragraph (c) of this section;

(b) By a cooperative association with respect to milk:

(1) Which it receives from producers as a handler diverting the milk pursuant to § 1062.8(c), subject to the conditions of paragraph (c) of this section; and

(2) Which it receives from producers as a handler pursuant to § 1062.8(d) and which:

(i) Is delivered to a pool plant of another handler; or

(ii) Is not so delivered and constitutes shrinkage pursuant to § 1062.41(b)(10) of Class I shrinkage.

(c) Milk may be diverted by the operator of a pool plant or by a cooperative association pursuant to the following conditions with respect to each producer:

(1) By the operator of a pool plant to another pool plant(s) for not more days of production of producer milk than is physically received at the pool plant from which diverted;

(2) By the operator of a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1062.8(c) to a nonpool plant(s) at which the handling of milk is not fully subject to the pricing and pooling provisions of another order issued pursuant to the Act on any day during each of the months of March through August and for not more days of production of producer milk than is physically received at pool plants (less the number of days production diverted pursuant to subparagraph (3) of this paragraph) during each of the months of September through February.

(3) By the operator of a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1062.8(c) as Class II milk to a nonpool plant(s) at which the handling of milk is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act for not more days of production of producer milk than is physically received at pool plants less the number of days production diverted pursuant to subparagraph (2) of this paragraph, if such milk is not fully subject to the pricing and pooling provisions of such other order;

(4) For pricing purposes, milk diverted pursuant to subparagraphs (2) and (3) of this paragraph to a plant located more than 120 miles from the city hall in St. Louis or the city hall in Springfield, Mo., whichever is nearer (by the shortest highway distance as determined by the market administrator using the most current issue of the Household Carriers Guide) or milk diverted pursuant to subparagraph (1) of this paragraph, shall be deemed to be received by the diverting handler at the location of the plant to which diverted.

(5) For pricing purposes, milk diverted pursuant to subparagraph (2) or (3) of this paragraph to a plant located 120 miles or less from St. Louis or the city hall in Springfield, Mo., whichever is nearer (by the shortest highway distance as determined by the market administrator using the most current issue of the Household Carriers Guide), shall be deemed to be received at the location of the plant from which diverted.

§ 1062.15 Other source milk.

"Other source milk" means all the skim milk and butterfat contained in:

(a) Receipts of fluid milk products during the month except:

(1) Fluid milk products received from pool plants;

(2) Producer milk;

(3) Inventory of fluid milk products on hand at the beginning of the month; and

(b) Products, other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month and any disappearance of nonfluid milk products not otherwise accounted for.

§ 1062.16 Fluid milk products.

"Fluid milk product" means milk, skim milk, concentrated milk, buttermilk, flavored milk, milk drinks (plain or flavored), fortified milk or skim milk (including "dietary milk products"), reconstituted milk or skim milk, sour cream and sour cream mixtures labeled Grade A, cream or any mixture in fluid form of milk or skim milk and cream (except frozen or aerated cream, ice cream or frozen dessert mixes, eggnog, sour cream or sour cream mixtures not labeled Grade A, dips not labeled Grade A, and sterilized milk and milk products hermetically sealed in metal or glass containers and so processed either before or after sealing so as to prevent microbial spoilage).

§ 1062.17 Route disposition.

"Route disposition" or "disposed of on routes" means any delivery of a fluid milk product from a distributing plant to a retail or wholesale outlet (including any delivery through a vendor, or a sale in packaged form from a plant or plant store) except a delivery to another plant or to commercial food establishments pursuant to § 1062.41(b)(4).

§ 1062.18 Chicago butter price.

"Chicago butter price" means the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1062.20 Designation.

The agency for the administration of this part shall be a market administrator, appointed by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

§ 1062.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend to the Secretary amendments thereto.

§ 1062.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date upon which he enters upon his duties execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in the amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 1062.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1062.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor or to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate the name of any person who within 10 days after the date upon which he is required to perform such acts, has not:

(1) Made reports, pursuant to §§ 1062.30 through 1062.32; or

(2) Made payments pursuant to §§ 1062.80 through 1062.88;

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate and mail to each handler at his last known address the prices determined for each month as follows:

(1) On or before the fifth day of each month the minimum price for Class I milk computed pursuant to § 1062.51(a) and the Class I butterfat differential pursuant to § 1062.52(a), both for the current month; and the minimum price for Class II milk computed pursuant to § 1062.51(b) and the Class II butterfat differential pursuant to § 1062.52(b), both for the previous month; and

(2) On or before the 10th day of each month the uniform price computed pursuant to § 1062.71 and the butterfat differential computed pursuant to § 1062.81, both for the previous month;

(j) Prepare and make available for the benefit of producers, consumers, and handlers such general statistics and such information concerning the operations hereof as are appropriate to the purpose and functioning of this part and which do not reveal confidential information;

(k) On or before the 10th day of each month report to each cooperative association, which so requests, the percentage utilization of milk received from producers or from a cooperative association in its capacity as a handler pursuant to § 1062.8(d) in each class by each handler who in the previous month received milk from members of such cooperative association;

(l) Whenever required for purpose of allocation of receipts from other order plants pursuant to § 1062.46(a)(9) and the corresponding step of § 1062.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are assigned and thereafter any change in such classification required to correct errors disclosed in verification of such report. In the case of milk received from an other order market pool plant the classification of such milk shall be the quantities assigned to Class I milk and Class II milk pursuant to § 1062.46. In the case of milk received from an other order handler pool plant, the market administrator shall report the allocation of skim milk and butterfat in the same percentage as the market-wide estimate for all handlers pursuant to paragraph (l) of this section.

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS, AND FACILITIES

§ 1062.30 Reports of receipts and utilization.

On or before the seventh day after the end of each month reports for such month shall be made to the market administrator in the detail and on forms prescribed by the market administrator:

(a) Each handler described in § 1062.8(a) shall report with respect to each of his pool plants as follows:

(1) Receipts of skim milk and butterfat in:

(i) Producer milk received both from producers and from cooperative associations acting as handlers pursuant to § 1062.8(d);

(ii) Fluid milk products received from other pool plants; and

(iii) Other source milk, with the identity of each source;

(2) Opening inventories of fluid milk products;

(3) The utilization or disposition of all quantities required to be reported, including separate statements of quantities;

(i) Of fluid milk products on hand at the end of the month;

(ii) Of route disposition of fluid milk products in the marketing area; and

(4) Such other information with respect to receipts and utilization as the market administrator may request;

(b) Each handler described in § 1062.8(b) shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of those of producer milk; and

(c) Each cooperative association shall report with respect to milk for which it is a handler pursuant to § 1062.8 (c) and (d), as follows:

(1) Receipts of skim milk and butterfat in producer milk;

(2) Utilization of milk for which it is the handler pursuant to § 1062.8(c);

(3) The quantities of skim milk and butterfat delivered to each pool plant of another handler pursuant to § 1062.8(d); and

(4) Such other information as the market administrator may require.

§ 1062.31 Payroll reports.

On or before the 20th day after the end of the month each handler described in § 1062.8(a), for each of his pool plants, and each cooperative association with respect to milk for which it is the handler pursuant to § 1062.8 (c) and (d) shall submit to the market administrator the producer payroll and each handler making payments pursuant to § 1062.62(a) his payroll for dairy farmers delivering Grade A milk, which shall show for each producer or dairy farmer:

(a) The name and address;

(b) The total pounds of milk received and the average butterfat content thereof;

(c) The total pounds of milk diverted and the location of the plant to which diverted; and

(d) The price, amount and date of payment with the nature and amount of any deductions.

§ 1062.32 Other reports.

(a) Each producer-handler and each handler exempt from regulation pursuant to § 1062.61 shall make reports to the market administrator at such time and in such manner as the market administrator may request; and

(b) Each handler who receives milk from producers, payment for which is to be made to a cooperative association pursuant to § 1062.80(c) shall report to such cooperative association with respect to each such producer, on forms approved by the market administrator, as follows:

(1) On or before the 25th of the month, the total pounds of milk received during the first 15 days of the month;

(2) On or before the seventh day after the end of the month:

(i) The total pounds of milk and the average butterfat test of milk received from such producer during the month;

(ii) The amount or rate and nature of any deductions; and

(iii) The amount of any payments due such producer pursuant to § 1062.86 (c) and (d).

§ 1062.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts of producer milk and other source milk and the utilization of such receipts;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all fluid milk products on hand at the beginning and end of each month.

§ 1062.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act, or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1062.40 Skim milk and butterfat to be classified.

All skim milk and butterfat required to be reported pursuant to § 1062.30 shall be classified by the market administrator pursuant to the provisions of §§ 1062.41 through 1062.46. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1062.41 Classes of utilization.

Subject to the conditions set forth in §§ 1062.43 through 1062.46 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product (including those reconstituted) except:

(i) Any fluid milk product fortified with added solids shall be Class I milk in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content; and

(ii) Any fluid milk product classified pursuant to subparagraphs (2), (3), and (4) of paragraph (b) of this section; and

(2) Not specifically accounted for as Class II milk; and

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) In fluid milk products disposed of for livestock feed;

(3) In fluid milk products dumped after notification to and opportunity for verification as may be requested by the market administrator;

(4) Disposed of in fluid milk products in bulk form to any commercial food processing establishment for use in food products prepared for consumption off the premises;

(5) Used to produce frozen cream;

(6) In inventory of fluid milk products on hand at the end of the month;

(7) In that portion of "fortified" fluid milk products not classified as Class I milk pursuant to paragraph (a)(1)(i) of this section;

(8) In shrinkage of skim milk and butterfat, respectively, assigned at each pool plant pursuant to § 1062.42(b)(1), but not to exceed the following:

(i) Two percent of producer milk excluding milk received from a cooperative as a handler pursuant to § 1062.8(d); plus

(ii) One and a half percent of receipts of milk in bulk tank lots from other pool plants; plus

(iii) One and a half percent of milk received from a cooperative association which is a handler for such milk pursuant to § 1062.8(d); plus

(iv) One and a half percent of receipts of fluid milk products in bulk tank lots from an other order plant, exclusive of the quantity for which Class II milk utilization was requested by the operator of such plant and the handler; plus

(v) One and a half percent of receipts of fluid milk products in bulk tank lots from unregulated supply plants, exclusive of the quantity for which Class II milk utilization was requested by the handler; less

(vi) One and a half percent of milk disposed of in bulk tank lots to other milk plants, except, in the case of milk diverted by the pool plant operator to a nonpool plant, if the operator of the plant to which the milk is diverted purchases such milk on the basis of farm weights and butterfat tests from samples taken at the farm, the applicable percentages shall be 2 percent;

(9) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1062.42(b)(2); and

(10) In shrinkage of skim milk and butterfat, respectively, of milk for which a cooperative association is the handler pursuant to § 1062.8 (c) or (d), but not in excess of one-half percent of such receipts, exclusive of receipts for which farm weights and butterfat samples are used as the basis of receipt at the plant to which delivered.

§ 1062.42 Assignment of shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler at each plant; and

(b) If the pool plant has receipts of other source milk, shrinkage shall be prorated between:

(1) Skim milk and butterfat, respectively, in the receipts included in § 1062.41(b)(8); and

(2) Skim milk and butterfat in other source milk in the form of fluid milk products exclusive of that specified in § 1062.41(b)(8).

§ 1062.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise;

(b) For the purposes of §§ 1062.41 through 1062.46, §§ 1062.50 through 1062.54, and §§ 1062.70 through 1062.72, milk delivered by a cooperative association in its capacity as a handler pursuant to § 1062.8(d) shall be classified and allocated as producer milk according to the use or disposition by the receiving handler and the value thereof at class prices shall be included in the receiving handler's net pool obligation pursuant to § 1062.70. For purposes of location adjustment pursuant to § 1062.53 and administrative expense pursuant to § 1062.88, such milk shall be treated as producer milk of the receiving handler; and

(c) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1062.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants in their reports pursuant to § 1062.30, otherwise as Class I milk, if transferred or diverted from a pool plant to another pool plant, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1062.46(a)(8) and the corresponding step of § 1062.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1062.46(a)(3) and the corresponding step of § 1062.46(b), the skim milk and butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the handler transferring to the pool plant of another handler received during the month other source milk to be allocated pursuant to § 1062.46(a)(7) and (8) and the corresponding steps of § 1062.46(b), the skim milk and butterfat so transferred or diverted up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler under this or any other order or transferred or diverted to a plant exempt pursuant to § 1062.60(b);

(c) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 350 miles, by the shortest highway distance as determined by the market administrator, from the City Hall, St. Louis, Mo., except that cream so transferred may be classified as Class II milk if prior written notice is given to the market administrator and each container is labeled by the transferor as "non-Grade A" cream for manufacturing only;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 350 miles, by the shortest highway distance as determined by the market administrator, from the City Hall, St. Louis, Mo., unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1062.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I milk utilization, disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I milk utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I milk utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I milk utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I milk utilization is not so assigned to it, the skim milk and butterfat so transferred or diverted shall be classified as Class II milk; and

(v) If any skim milk or butterfat is transferred to a second plant under this paragraph the same conditions of audit, classification, and allocation shall apply; and

(e) As follows, if transferred or diverted to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred or diverted in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II milk to the extent of the Class II milk utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I milk subject to adjustment when such information is available;

(5) For purposes of this paragraph (e), if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid products shall be classified as Class I milk, and milk allocated to another class shall be classified as Class II milk; and

(6) If the form in which any fluid milk products is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1062.41.

§ 1062.45 Computation of skim milk and butterfat in each class.

(a) For each month the market administrator shall correct for mathematical and other obvious errors the reports of receipts and utilization submitted pursuant to § 1062.30 for each pool plant of each handler;

(b) Compute the pounds of skim milk and butterfat in each class:

(1) At each pool plant of each handler;

(2) In milk diverted from another handler's plant to a nonpool plant by a cooperative association pursuant to § 1062.8(c); and

(3) In milk accounted for by a cooperative association as shrinkage of milk handled by the association pursuant to § 1062.8(d); and

(c) In the case of the operator of more than one plant, allocation of producer milk to Class I and Class II milk pursuant to §1062.46 (a) and (b) shall be on an individual plant basis unless pursuant to such allocation fluid milk products are assigned pursuant to § 1062.46(a) (7) or (8), and the corresponding steps of § 1062.46(b), in which case allocation pursuant to § 1062.46 shall be based upon the combined receipts and utilization (less transfers between pool plants of the same handler) at all plants of the handler (i.e., on a system basis); and

(d) Compute for each cooperative association reporting pursuant to § 1062.30 (c) the total pounds of skim milk and butterfat, respectively, in producer milk pursuant to § 1062.14(b) (1) and (2) (ii) in each class. The amount so determined shall be those used for computation pursuant to § 1062.46(c).

§ 1062.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1062.45, the market administrator shall determine the classification of producer milk for each handler (or pool plant, if applicable) as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk classified as Class II milk pursuant to § 1062.41(b) (8);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order or from a plant exempt pursuant to § 1062.60(b);

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II milk but not in excess of such quantity:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant;

(a) For which the handler requests Class II milk utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and substracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class II milk utilization was requested by the operator of such plant and the handler;

(iii) The pounds of skim milk in receipts of milk by diversion from an other order plant for which Class II utilization was requested by the receiving handler and by the diverting handler under the other order, but not in excess of the pounds of skim milk remaining in Class II milk;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (4) (i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (4) (ii) of this paragraph:

(i) In series beginning with Class II milk, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II milk utilization of skim milk announced for the month by the market administrator pursuant to § 1062.22(1) or the percentage that Class II milk utilization remaining is of the total remaining utilization of skim milk of the handler;

(ii) From Class I milk, the remaining pounds of such receipts; and

(iii) The quantity of skim milk, if any, subtracted pursuant to subdivision (ii) of this subparagraph shall be assigned pro rata to the receipts from other order plants under market pool orders and under handler pool orders which were assigned pursuant to subdivisions (i) and (ii) of this subparagraph;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products transferred or diverted from pool plants of other handlers (or other pool plants, if applicable) according to the classification assigned pursuant to § 1062.44(a); and

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II milk. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section and § 1062.45(d) for each class and determine the weighted average butterfat content of producer milk in each class.

Minimum Prices

§ 1062.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent. For the purpose of computing Class I prices through April 1969, the basic formula price shall not be less than $4.33.

§ 1062.51 Class prices.

Subject to the provisions of §§ 1062.52 and 1062.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I price.* The Class I price at plants located in Zone I shall be the basic formula price for the preceding month plus $1.40, and plus 20 cents through April 1969.

(b) *Class II milk price.* The Class II price shall be the basic formula price for the month.

§ 1062.52 Handler butterfat differentials.

If the average butterfat test of Class I or Class II milk as calculated pursuant to § 1062.46 is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization for each one-tenth of 1 percent that such average butterfat test is above or below 3.5 percent, a butterfat differential computed by multiplying the Chicago butter price by the applicable factor listed below, and rounding to the nearest one-tenth cent;

(a) *Class I milk.* Multiply such price for the preceding month by 0.12; and

(b) *Class II milk.* Multiply such price for the current month by 0.115.

§ 1062.53 Location differentials to handlers.

For milk received from producers or from a cooperative association pursuant to § 1062.8(d) at a pool plant and which is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraphs (e) and (f) of this section or for other source milk to which a location adjustment is applicable, the price at such pool plant located:

(a) In Zone I of the marketing area, shall be the price computed pursuant to § 1062.51(a) except as provided in paragraph (c) of this section.

(b) In Zone II of the marketing area, shall be the zone I price plus a location adjustment of 15 cents;

(c) In Zone A (the Missouri counties of Barry, Christian, Douglas, Green, Howell, Laclede, Lawrence, Ozark, Stone, Taney, Webster, Wright, and Texas), for any plant which does not dispose of fluid milk products in consumer type packages and which is qualified as a pool plant pursuant to § 1062.12 (b) or (c) or a supply plant which qualifies pursuant to § 1062.12(d) shall be the price pursuant to § 1062.51(a) less 27 cents.

(d) Outside the marketing area and Texas County, Mo., and more than 30 miles from the City Hall, St. Louis, Mo., or the city hall in Springfield, Mo., whichever is nearer shall be the Class I price applicable in Zone I, less a location adjustment of 1.5 cents for each 10 miles or fraction thereof that such plant is located from the City Hall, St. Louis, Mo., or the city hall in Springfield, Mo., whichever is nearer (the distance to be by shortest hard-surfaced highway as determined by the market administrator);

(e) In the case of transfers between plants, location adjustment shall apply at the transferor plant with respect to a quantity of the transfer calculated as follows: From total Class I milk utilization at the transferee plant subtract Class I milk assigned to receipts from other order plants and unregulated supply plants, and 95 percent of the receipts from producers and from cooperative associations as handlers pursuant to § 1062.8(d); and assign the remaining Class I milk to receipts from other pool plants beginning with receipts from plants with plus location adjustment, then to receipts from plants with no location adjustment, and then in sequence to receipts from plants at which the smallest minus adjustments apply.

(f) For purposes of calculations pursuant to this section, the following assignments of Class I utilization to pool plants will apply when allocation pursuant to § 1062.46 is performed on a system basis:

(1) Allocations to Class I pursuant to each of the following subparagraphs of § 1062.46 (a) and (b), will be assigned to the plant(s) at which any milk of the respective category was received or was in inventory, pro rata in each case to the respective quantities of such milk at each of such plants: § 1062.46 (a) and (b) (2), (3), (5), (7), and (8); and

(2) If Class I utilization pursuant to § 1062.45(b) (1) remaining at a pool plant after subtraction of the quantities assigned pursuant to subparagraph (1) of this paragraph is greater than receipts from producers and cooperative associations as handlers pursuant to § 1062.8(d) and other pool plants, Class I utilization equal to the amount of the excess will be assigned to the pool plant(s) of the handler at which an equivalent amount of producer milk (including milk from a cooperative association pursuant to § 1062.8(d)) is not otherwise assigned to Class I, and at which the rate of location adjustment most nearly corresponds to that of the plant with such excess Class I utilization. The amount so assigned to another pool plant shall be added to Class I utilization pursuant to § 1062.45(b) (1) in computing the assignment of location adjustments to receipts at such plant pursuant to paragraph (e) of this section.

§ 1062.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

Application of Provisions

§ 1062.60 Exemptions.

(a) *Producer-handler.* Sections 1062.40 through 1062.46, §§ 1062.50 through 1062.54, §§ 1062.61, 1062.62, 1062.70 through 1062.72, and §§ 1062.80 through 1062.89 shall not apply to a producer-handler; and

(b) *Governmental agency.* None of the provisions of this part except §§ 1062.13, 1062.44(b), and 1062.46(a) (3) (iii) shall apply to a plant operated by a governmental agency.

§ 1062.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except that the operator shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) A distributing plant which meets the pooling requirements of another Federal order and from which route disposition during the month in such other Federal order marketing area is greater than was so disposed of in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order;

(b) A distributing plant which meets the pooling requirements of another Federal order and from which route disposition during the month in this marketing area is greater than was so disposed of in such other Federal order marketing area but which plant is, nevertheless, fully regulated under such other Federal order; and

(c) A supply plant meeting the requirements of § 1062.12(b) which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months of March through August if such plant retains automatic pooling status under this part.

§ 1062.62 Obligations of handlers operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1062.30 and 1062.31 the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1062.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or any other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1062.70(e) and a credit in the amount specified in § 1062.84(b) (2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1062.30 and 1062.31 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1062.12(b) with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for

the partially regulated distributing plant;

(2) From this obligation there will be deducted the sum of:

(i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph; and

(ii) Any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant; and

(b) An amount computed as follows:

(1) Determine the respective amounts of route disposition (other than to pool plants) of skim milk and butterfat disposed of in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I milk price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II milk price).

Determination of Uniform Price to Producers

§ 1062.70 Computation of the net pool obligation of each pool handler.

The net pool obligation at each pool plant (or of each pool handler if allocation is on a system basis) and of each cooperative association as a handler pursuant to § 1062.8 (c) and (d) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1062.46(c), by the applicable class prices (adjusted pursuant to §§ 1062.52 and 1062.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1062.46(a)(10) and the corresponding step of § 1062.46(b) by the applicable class prices;

(c) Add the amount obtained by multiplying the difference between the Class II milk price for the preceding month and the Class I milk price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1062.46(a)(5) and the corresponding step of § 1062.46(b);

(d) Add an amount equal to the difference between the value at the Class I milk price applicable at the pool plant and the value at the Class II milk price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1062.46(a)(3) and the corresponding step of § 1062.46(b);

(e) Add an amount equal to the value at the Class I price adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1062.46(a)(7) and the corresponding step of § 1062.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from a handler pool other order plant subtracted from each class pursuant to § 1062.46(a)(8)(iii), and the corresponding step of § 1062.46(b), at the applicable class prices pursuant to this part adjusted for location of the plant from which received.

§ 1062.71 Computation of uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1062.70 for all handlers who filed the reports prescribed by § 1062.30 for the month and who made the payments pursuant to §§ 1062.80 and 1062.84 for the preceding month;

(b) Deduct the amount of the plus differentials and add the amount of the minus differentials, which are applicable pursuant to § 1062.82;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1062.81 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1062.70 (e) and (f);

(f) Subtract not less than four cents nor more than 5 cents per hundredweight. The result shall be the "weighted average price", and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (e)(2) of this section by the weighted average price;

(h) From the remainder subtract during each of the months of March and July an amount equal to 15 cents per hundredweight and during each of the months of April, May, and June an amount equal to 25 cents per hundredweight of the total amount of producer milk included in these computations. This amount shall be retained in the producer-settlement fund and disbursed according to the provisions of paragraph (i) of this section;

(i) Add during each of the months of September and December 20 percent and during each of the months of October and November 30 percent of the total amount subtracted pursuant to paragraph (h) of this section;

(j) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(k) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

§ 1062.72 Notification of handlers.

On or before the 10th day of each month the market administrator shall notify each handler of:

(a) The quantity and value of his milk in each class computed pursuant to §§ 1062.46 and 1062.70 and the totals of such quantities and values;

(b) The uniform price computed pursuant to § 1062.71;

(c) The amount, if any, due such handler from the producer-settlement fund;

(d) The total amounts to be paid by such handler pursuant to §§ 1062.80 and 1062.84; and

(e) The amount to be paid by such handler pursuant to §§ 1062.87 and 1062.88.

§ 1062.73 Overdue accounts.

Any unpaid obligation of a handler pursuant to § 1062.84, § 1062.86(a), or § 1062.88 shall be increased one-half of one percent on the first day of the month following after the date such obligation is due and on the first day of each succeeding month until such obligation is paid. Any remittance received by the market administrator postmarked prior to the first of the month shall be considered to have been received when postmarked.

Payments

§ 1062.80 Time and method of payment.

Each handler shall make payment as follows:

(a) On or before the 17th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price computed pursuant to § 1062.71 for such producer's deliveries of milk, adjusted by the butterfat and location differentials computed pursuant to §§ 1062.81 and 1062.82, and less the amount of the payment made pursuant to paragraph (b) of this section. If by such date such handler has not received full payment pursuant to § 1062.85, he may reduce his total payments uniformly to all producers by not more than the amount of the reduction in payment by the market administrator. He shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator;

(b) On or before the last day of each month, to each producer:

(1) To whom payment is not made pursuant to paragraph (c) of this section; and

(2) Who is still delivering Grade A milk to such handler, a partial payment with respect to milk received from him during the first 15 days of such month computed at not less than the Class II price for 3.5 percent milk for the preceding month, without deduction for hauling;

(c) On or before the 14th day after the end of each month and on or before the 25th day of each month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section, to a cooperative association which so requests, for milk which is received from members, and for which such association is determined by the market administrator to be authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers; and

(d) Each handler who receives milk for which a cooperative association is the handler pursuant to § 1062.8(d), shall, on or before the second day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) A partial payment for milk received during the first 15 days of the month at not less than the amount prescribed in paragraph (b)(2) of this section; and

(2) In making final settlement, the value of such milk at the applicable uniform price, less payment made pursuant to subparagraph (1) of this paragraph.

(e) On or before the 14th day after the end of each month, each handler shall pay to each cooperative association for milk the handler receives from a pool plant(s) operated by such association, not less than the minimum prices for milk in each class, subject to the applicable location and butterfat differentials.

§ 1062.81 Butterfat differentials to producers.

In making payments pursuant to § 1062.80(a), the uniform prices per hundredweight shall be adjusted by adding or subtracting for each one-tenth of 1 percent that the average butterfat content is above or below 3.5 percent a butterfat differential equal to the average of the butterfat differentials determined pursuant to § 1062.52 weighted by the pounds of butterfat in producer milk in each class, the result being rounded to the nearest one-tenth of a cent.

§ 1062.82 Location differentials to producers and on nonpool milk.

(a) For producer milk received at pool plants located outside Zone I and more than 30 miles from St. Louis city hall or the city hall in Springfield, Mo., whichever is nearer, there shall be added or deducted, as the case may be, an adjustment for each such plant for all milk at the rates specified in § 1062.53 (b) and (d); and

(b) For purposes of computations pursuant to §§ 1062.84(b)(2) and 1062.85, the "weighted average price" shall be adjusted at the rates set forth in § 1062.53 (b) and (d), applicable at the location of the nonpool plant(s) from which the milk was received.

§ 1062.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1062.62, 1062.84, and 1062.86, and out of which he shall make all payments to handlers pursuant to §§ 1062.85 and 1062.86. The market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1062.84 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts (for each pool plant, if applicable) specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The net pool obligation computed pursuant to § 1062.70 for such handler;

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1062.80 excluding in the case of a cooperative association as a handler pursuant to § 1062.8(d) milk it delivered to a pool plant; and

(2) The value at the "weighted average" price(s) applicable at the location of the plant(s) from which received (not to be less than the value at the Class II milk price) with respect to other source milk for which a value is computed pursuant to § 1062.70 (e) and (f) except that in the case of milk received from a handler pool market the value applicable pursuant to this subparagraph shall not exceed the value for such quantity calculated pursuant to § 1062.70(f).

§ 1062.85 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any (for each pool plant, if applicable), by which the amount computed pursuant to § 1062.84(b) exceeds the amount computed pursuant to § 1062.84(a). The market administrator shall offset any payment due any handler against payments due from such handler pursuant to §§ 1062.84, 1062.86, 1062.87, and 1062.88. If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 1062.86 Adjustment of errors in payments.

(a) Whenever verification by the market administrator of reports or payments of any handler discloses error in payments to the producer-settlement fund made pursuant to § 1062.84, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall within 30 days of the date of such billing, make payment to the market administrator of the amount so billed;

(b) Whenever verification discloses that payment is due from the market administrator to any handler pursuant to § 1062.85, the market administrator shall promptly make payment to such handler;

(c) Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this part, the handler shall make up such payment to the producer not later than the time of making payment to producers next following the disclosure; and

(d) Whenever verification by the market administrator of the payment by a handler to any producer discloses that solely through error in computation, payment to such producer was in an amount more than was required to be paid pursuant to § 1062.80, no handler shall be deemed to be in violation of § 1062.80 if he reduces his next payment to such producer following discovery of such error by not more than such overpayment.

§ 1062.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe, from the payments made to each producer other than himself pursuant to § 1062.80(a) with respect to all milk of such producer received by such handler during the month and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such money shall be used by the market administrator to verify weights, samples and tests of milk received from, and to provide market information to such producers. The market administrator may contract with a cooperative association or cooperative associations for the furnishing of the whole or any part of such services; and

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make such deductions from the payments to be made directly to producers pursuant to § 1062.80(a) as are authorized by such producers, and on or before the 15th day after the end of each month, pay over such deductions to the association of which such producers are members. When requested by the cooperative association a statement shall be supplied the

cooperative association showing for each producer for whom such deduction is made the amount of such deduction, the total delivery of milk, and, unless otherwise previously provided, the butterfat test.

§ 1062.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 2.5 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including that received from a cooperative association as a handler, pursuant to § 1062.8(d)) and the handler's own production; and

(b) Other source milk allocated to Class I pursuant to § 1062.46(a) (3) and (7) and the corresponding steps of § 1062.46(b); and

(c) Class I milk disposed of from partially regulated distributing plants with route disposition in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

§ 1062.89 Termination of obligation.

The provisions of this section shall apply to any obligation under this part for the payment of money:

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producer, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 1062.90 Effective time.

The provisions of this part or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 1062.91.

§ 1062.91 Suspension or termination.

Any or all of the provisions of this part, or any amendment to this part, may be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary shall give and shall, in any event, terminate whenever the provisions of the Act cease to be in effect.

§ 1062.92 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all provisions of this part there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate;

(b) The market administrator or such other persons as the Secretary may designate, shall:

(1) Continue in such capacity until removed;

(2) From time to time account for all receipts and disbursement and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and

(3) If so directed by the Secretary, execute assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 1062.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of the part the market administrator, or such person as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 1062.94 Agents.

The Secretary may by designation, in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1062.95 Separability of provisions.

If any provisions of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Signed at Washington, D.C., on August 27, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68-10518; Filed, Aug. 29, 1968; 8:50 a.m.]

[7 CFR Part 1138]

[Docket No. AO-335-A13]

MILK IN RIO GRANDE VALLEY MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Albuquerque, N. Mex., on June 3-4, 1968, pursuant to notice thereof issued on May 22, 1968 (33 F.R. 7761).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Regulatory Programs, on August 6, 1968 (33 F.R. 11409; F.R. Doc. 68-9556) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings, and conclusions, rulings, and general findings of the recommended decision (33 F.R. 11409; F.R. Doc. 68-9556) are hereby approved, adopted and are set forth in full herein:

The material issues on the record of the hearing relate to:

(1) Continuation of credits for specified Class II uses beyond August 1968;

(2) Point of pricing diverted milk;

(3) Pooling provisions for cooperative association "standby plants";

(4) Deletion or modification of the supply-demand adjustor to the Class I price;

(5) Changing marketwide pooling provisions to individual-handler pooling;

(6) Changing the assignment with respect to receipts of packaged milk at a pool plant from a producer-handler; and

(7) Deletion of the present exemption from pricing and pooling for larger producer-handlers.

Consideration of issues 6 and 7 is reserved for later decision. The period for filing briefs and proposed findings and conclusions with respect to issue No. 7 extends through July 20, 1968. Issue No. 6 can best be considered at the same time.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Extension of special Class II credits.* Temporary order provisions which reduce cost to handlers with respect to certain uses of Class II milk, now scheduled to expire August 31, 1968, should be extended through August 1969, with modification of the rate applicable to movements to nonpool plants outside the marketing area (or use in condensed skim milk) to provide credit at approximately the 1967 level.

Since April 1966, special pricing provisions have resulted in no charge to handlers for Class II producer skim milk disposed of for livestock feed or dumped. For Class II producer skim milk used to produce condensed skim milk, and for milk or skim milk transferred from pool plants or diverted from farms in the marketing area to nonpool plants outside the marketing area, a nominal charge of approximately 15 cents per hundredweight of skim milk results under these provisions. In effect these provisions pro-ride separate classification and pricing for the uses specified. In view of their temporary nature, the purposes of classification are accomplished by means of credits.

As set forth in detail in the decisions (31 F.R. 4732; 32 F.R. 3298) in which such provisions were first included in the order for the April 1966-February 1967 period, and later extended through August 1968, these provisions are designed to (1) encourage handlers to receive and separate milk for which they have economic use only for the resulting cream, and (2) to share among all producers the substantial costs of moving to distant nonpool manufacturing plants milk produced in the marketing area in excess of that which handlers receive at their pool plants.

The basic elements of the problem for which these provisions were designed remain in the market. There are still no facilities in the marketing area in which the skim milk component of milk can be converted into manufactured dairy products, either of a storable nature or in a form suitable to provide nonfat solids for ice cream use. Milk must still be moved substantial distances (up to 800 miles) to nonpool manufacturing plants.

Increased volumes of milk are presently subject to these special pricing provisions. For the January-April 1968 period approximately 18.3 million pounds of milk were priced under them, contrasted with 10.2 million pounds in the corresponding months of 1967. The average effect on the uniform price of the order increased from about 9.5 cents per hundredweight to about 15 cents.

While total producer receipts for the January-April period increased 12.5 percent in 1968 over those of 1967, milk produced in the marketing area increased only 4.2 percent, or 3.9 million pounds, while milk produced outside the area increased 66 percent, or 9.7 million pounds. The percentage of producer receipts from farms in the marketing area dropped from 86.7 percent to 80 percent.

Total Class I sales for the January-April period declined 3.2 percent (3.1 million pounds) from 1967 to 1968, but the producer milk classified as Class I increased by 4.9 million pounds or 5.2 percent. Class I milk assigned to other source receipts was reduced substantially, from 14.0 million pounds to 6.5 million pounds.

During the period from January 1967 through April 1968, producer milk from outside the marketing area has been received from the States of Arizona, Kansas, Oklahoma, and Utah. As of January 1967, Kansas supplied 2.5 percent of all producer milk, Arizona 4.0 percent, and Oklahoma 0.2 percent. No producer milk supplies have been received from Kansas since April 1967, when the handler supplied with Kansas milk ceased operations. In April 1968, Arizona supplied 17.0 percent of total producer milk and Utah 0.85 percent. One Texas producer whose farm is outside the marketing area has supplied the market regularly for several years.

The majority of the milk moved to distant manufacturing plants has been handled by a cooperative association, Dairy Farmers Association. During the past year this association has merged with Milk Producers, Inc., a cooperative which now represents most of the producers in Federal order markets in Texas, Oklahoma, Arkansas, and southern Kansas. Milk Producers, Inc., proposed extension of the special pricing provisions through August 1969.

The other cooperative association representing producers with farms in the marketing area, New Mexico Milk Producers Association, opposed continuation of these provisions. Heretofore, it has supported their use in the order. Before they were incorporated in the order NMMPA shared with DFA some cost of movement of milk to distant plants. NMMPA has also moved some milk under the provisions since they became effective. No position was taken at the hearing by cooperative associations which represent Arizona and Utah producers.

In opposing continuation of special pricing provisions, NMMPA attributes the increased volumes of surplus milk to be handled to what it describes as MPI failuer to market milk to certain handlers at "the going price". Following the merger of DFA into MPI, the latter association attempted to negotiate with the dealers it supplied the same 50-cent premium above the Class I order price as it had earlier made effective in the other Federal order markets it supplies. With a majority of these handlers it was successful. However, two large dairies at El Paso negotiated for an Arizona supply of producer milk at a 35-cent premium.

Basically, however, NMMPA no longer wishes to share the substantial cost of handling reserve milk in the Rio Grande Valley market. It hopes to keep its relatively smaller supply of producer milk placed with local handlers, and to allow others to dispose of the reserve milk that handlers do not receive without NMMPA sharing the costs involved. While premium negotiations may be the occasion for increased surplus at this time, the record does not indicate that the problems which the provisions were designed to meet would have disappeared from the market had there been no dispute over premiums.

It is concluded that Class II credits which result in special pricing for the uses presently specified should be continued through August 1969. The method of computing the rates of credit for skim milk used for condensing and for milk or skim milk transferred or diverted to nonpool plants outside the marketing area should be revised to maintain the rate of credit at about the average rate prevailing in 1967. This can be accomplished by changing the 15-cent factor to 40 cents.

The rate of credit on all uses is computed from the value of skim milk in Class II milk. For Class II producer skim milk disposed of for livestock feed or dumped the entire value of such skim milk is credited. For that transferred or diverted as milk or skim milk to nonpool manufacturing plants the rate of credit is reduced 15 cents, resulting in a net charge of 15 cents per hundredweight.

Presently Class II prices exceed those of comparable months of 1967 by approximately 25 cents per hundredweight, but the Class II butterfat differential is the same as a year earlier. Official notice is hereby taken of announcements of minimum class prices released by the Market Administrator for May 1968 on June 5, 1968, and for June 1968 on July 5, 1968. The 25-cent increase is therefore reflected entirely in the value of skim milk. Official notice is hereby taken of the Dairy Price Support Announcement issued March 20, 1968, in which prices for nonfat dry milk to be purchased for price support were increased as of April 1, 1968, but butter prices were

continued at the 1967 level. The market prices of nonfat dry milk and butter used to compute the Rio Grande Valley order Class II price and Class II butterfat differential are influenced to a substantial degree by the support price program. Hence, the present relationships may be expected to continue for some time.

The net effect under the present computation of increased Class II skim values is to increase the amount of credit. For skim milk dumped or disposed of for livestock feed, this is appropriate. There is no basis to conclude that the economic value of these uses has changed. With respect to skim milk disposed of to manufacturing plants the economic value to such plants has increased, since the market prices at which products made from it can be sold have increased.

It is concluded that, for the period for which credits are to be continued, the recent increase in Class II skim milk value should be reflected in the net charge made for milk moved to outside nonpool plants rather than in the credit allowed the responsible handler. The same conclusion applies to skim milk used to produce condensed skim milk at in-area plants, should any such use occur. If the credit is computed by reducing the Class II skim milk value by 40 cents, the 1967 average rate of credit will be maintained. The provision should specify 40 cents rather than 15 cents in § 1138.55(b).

2. *Point of pricing diverted milk.* No change should be made with respect to provisions which determine the point at which milk diverted to nonpool plants is priced.

The Rio Grande Valley order presently prices milk produced on farms in the marketing area at the location of the pool plant from which diverted when such milk is diverted to a nonpool plant. Milk produced on farms outside the marketing area is priced at the location of the nonpool plant to which it may be diverted from a pool plant.

The New Mexico Milk Producers Association proposed that all diverted milk be priced at the location of the nonpool plant to which diverted.

The present provisions became effective in May 1965. They recognize the fact that nonpool plants to which milk produced in the marketing area may be diverted for manufacturing use are located substantially greater distances from the farms on which such milk is produced than are the pool plants to which it is normally delivered. On the other hand, the farms of Rio Grande Valley producers located outside the marketing area are much closer to nonpool plants to which their milk may be diverted than to the pool plants (all of which are in the marketing area) to which their milk is regularly delivered. This results in substantial increases in transportation costs when milk produced in the marketing area is diverted, and substantial savings in costs when milk produced outside the area is diverted.

In support of their proposed amendment, the proponent offered no evidence of change in the relative transportation costs of diversion, as between in-area producers and other producers. It merely indicated that it considered this proposal an alternative to its proposed deletion of the provisions discussed under issue No. 1. The proponent cooperative association represents only producers whose farms are located in the marketing area. It apparently does not expect its members to incur any costs of surplus removal associated with diversion to distant nonpool plants.

The provisions with respect to point of pricing diverted milk are designed to provide equity between in-area producers and other producers in the returns they receive with respect to diverted milk. This record indicates no economic reason for change. The proposal to price all such milk at the nonpool plant to which diverted should be denied.

3. *Pooling cooperative association "standby plants".* The provision for pooling a "standby" plant operated by a cooperative association should be retained in the order. Such a plant, if located in the marketing area, may be pooled if 50 percent or more of the milk delivered during the month by producer members of the cooperative association is delivered to pool plants of other handlers, either directly from farms or through its plant.

The New Mexico Milk Producers Association proposed deletion of this provision. The provision was placed in the order effective March 1967 on the record of a public hearing held January 19, 1967, at which the provision was proposed jointly by NMMPA and DFA.

NMMPA now believes this provision to be in conflict with the provisions which limit diversions by cooperative associations to either 15 or 25 percent, depending upon the month, of its member-producer milk received at all pool plants during the month. MPI operates such a "standby" plant at El Paso, equipped with storage facilities in which milk may be held for needs of pool plants of other handlers or may be assembled for transfer to distant manufacturing plants. In view of the current loss of sales to certain El Paso handlers, more milk is now transferred from the plant for manufacturing than is delivered from it to pool plants of other handlers. The opportunity to use the plant for supplemental supply to pool plants is, however, essential to servicing pool plants the association may supply in the El Paso portion of the marketing area.

There is no limitation as such upon the quantity of milk that may be transferred to nonpool plants by the operators of distributing or supply plants that qualify as pool plants under the Rio Grande Valley order. There are practical limitations, however, in that to qualify as pool plants they must use specified portions of their receipts in other designated ways. A distributing plant must dispose of 50 percent or more of its receipts as Class I milk on routes, and a supply plant must ship 50 percent or more of its receipts to pool distributing plants. Likewise, the cooperative association must deliver 50 percent or more of its member-producer milk to pool plants of other handlers if its standby plant is to be pooled. The cooperative association, therefore, has the same limitation of 50 percent of its supply that applies to other operators of pool plants with respect to milk that must be used for purposes other than transfer to nonpool plants.

Similar provisions for pooling cooperative association plants are contained in many orders without specific correlation with the diversion provisions of such orders. Any milk diverted is, of course, included in the member milk supply of which half must be delivered to pool plants of other handlers.

The provision for pooling cooperative standby plants should not be deleted from the Rio Grande Valley order on the basis of this record.

4. The supply-demand adjustor to the Class I price should be deleted from the order.

The Rio Grande Valley order provides for a supply-demand adjustment of its Class I price equal to the simple average of the supply-demand adjustments effective for the same month in the Wichita, Oklahoma Metropolitan, north Texas, central Arizona, Great Basin, and eastern Colorado orders. The supply-demand adjustors of the Wichita, Oklahoma Metropolitan, and north Texas orders have been deleted from these orders as a result of amendments effective April 1, 1968. Prior to that time they had been inoperative for substantial periods due to suspension during the pendency of amendment proceedings. The central Arizona adjustor has been suspended effective June 1, 1968, pending a public hearing proceeding to consider Class I price provisions of the order.

The New Mexico Milk Producers Association proposed deletion of the Rio Grande Valley order provisions. A handler proposed that in computation of the simple average, those orders in which supply-demand provisions were suspended or deleted should be excluded from the computation.

The present supply-demand adjustor does not measure Rio Grande Valley milk supplies in relation to sales in the market. Rather, it attempted to effect changes in the Rio Grande price in relation to changes in prices in nearby orders resulting from changes in supplies and sales in the markets regulated by such orders. The orders used represent actual or potential alternative sources of supply for the Rio Grande Valley market or provide sales competition with milk priced under the Rio Grande Valley order. Four of the six orders used for this purpose no longer have supply-demand adjustors. The influences upon marketing conditions in the Rio Grande Valley area of the eastern Colorado and Great Basin prices, which still are affected by supply-demand adjustors, are not sufficient to allow these orders alone to determine changes in the Rio Grande Valley Class I price.

At the present time the supply-demand adjustor of the Rio Grande Valley order is ineffective in modifying producer returns and handler costs in relation to marketing conditions. As set forth elsewhere in this decision, prices paid by regulated handlers for Class I milk exceed order prices by from 35 to 50 cents per hundredweight. Supply-demand adjustments computed for the months of January through April 1968 have ranged from minus 1 cent to minus 3 cents. For 1967 the maximum adjustment computed was minus 9 cents. Premiums have thus negated any effect of the adjustors. While the effect of premium prices on milk supplies and fluid sales of the Rio Grande Valley market are not reflected in the present adjustor, nevertheless the effect of the adjustor upon Rio Grande Valley prices is negated by the premium pricing.

Under these circumstances it is concluded that the present supply-demand adjustment provisions should be deleted from the order.

5. *Proposal for handler pooling.* The order should continue to return to producers proceeds from the sale of their milk by means of a marketwide type of pool.

A handler proposed that the present marketwide pool should be replaced by handler pools. This handler operates a large milk production unit. His proposal was supported by another handler who produces part of his needs for fluid use. New Mexico Milk Producers Association also supported the proposal, as did another handler without own farm production who uses considerable Class II milk for his ice cream production. The proposal was vigorously opposed by MPI, the cooperative association which takes responsibility for handling reserve milk supplies, and for assuring its members a market for their milk.

In support of his proposal the proponent handler claimed that it would:

1. Put the business of regulating milk supplies back in the hands of the milk processor who better than anyone else can project his sales requirements;

2. Stop the present wasteful practice of milk from outside the area being imported when local milk is being exported for surplus removal;

3. Stabilize the number of producers in other order areas that become Rio Grande Valley producers;

4. Remove incentive for handlers with own production to become producer-handlers;

5. Give milk producers a higher uniform price; and

6. Eliminate need for Class I premiums which increase prices to producers.

It was clear from the proponent's testimony that he expected that under handler pooling milk supplies for the market would be reduced and that this reduction would be principally in deliveries of milk from producers whose farms are outside the marketing area. Handler pooling might reduce the volume of milk priced under the order and the number of producers supplying milk to the market. This would be because handlers without facilities for processing milk in excess of fluid needs would continue to restrict their receipts to their needs for fluid use. As a consequence, producers whole milk was not accepted by pool plants with fluid distribution would receive no share of the Class I sales of the market and might no longer have producer status on the market.

It does not follow, however, that most such producers would be those whose farms are at substantial distance outside the marketing area. Various groups of such producers have supplied the market in the past, and under varying conditions. In 1964, when 83 percent of producer milk was used in Class I, 9.8 percent of it was from outside-area producers; for 1965, the comparable percentages were 81 percent in Class I and nine percent from outside area; for 1966, 80 percent and 11.9 percent; for 1967, 77 percent and 9.8 percent; and for January–April 1968, 73 percent in Class I and 19.8 percent from outside the area.

Invariably these outside producers have been members of cooperative associations which have as their primary function supplying the needs of some other Federal order market, and which also operate surplus disposal facilities in such other market. Supplies in the other markets have been such that milk was available for Rio Grande Valley handlers. These cooperative associations have thus been in position to supply the Rio Grande Valley handlers with milk as needed for fluid use while they could manufacture reserve supplies without delivery costs.

Sale of producer milk under the Rio Grande Valley market is attractive to such organizations when the blend price (plus Class I premium, if any) exceeds the manufacturing value of such milk by more than transportation costs. Under a handler pooling system the handlers who have found distant milk a satisfactory source of producer milk supply may be expected to have higher than average blend prices. They are handlers with higher than average utilization. Consequently, the market will continue to be attractive to such supplies.

Presently, producer milk from distant sources shares through the marketwide blend price of the order any surplus that it may cause in supplies for the market. Under handler pooling, it could replace local supplies in additional pool plants without affecting the blend prices it would receive. Except for the predicted elimination of premium pricing, no basis was shown why handlers who now get distant supplies would prefer local supplies under handler pooling. Two such Rio Grande Valley pool plants are operated by cooperative associations which are primarily engaged in supplying milk under other orders.

It is difficult to see how handler pools would provide a satisfactory result in the market. Handlers have no facilities for using reserve milk supplies beyond their needs for cottage cheese and ice cream. They can be assured of dependable supplies of local milk to meet their varying needs for Class I use only if there is some organization in position to supply such milk as it is needed, and to provide the means for disposal of daily and seasonal reserve milk not currently used by the handler. No local producer organization can provide these services without sharing fully the Class I utilization of the market. Otherwise, the utilization of its members' milk could be reduced substantially below the market average. The blend prices the cooperative association performing such services would return to its members would be less than those paid other producers who did not provide such services. The proposal for handler pools should be denied.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively,

"Marketing Agreement Regulating the Handling of Milk in the Rio Grande Valley Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Rio Grande Valley Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of June 1968 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Rio Grande Valley marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on August 26, 1968.

JOHN A. BAKER,
Acting Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Rio Grande Valley Marketing Area

§ 1138.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Rio Grande Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Rio Grande Valley marketing area shall be in conformity to an in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Acting Deputy Administrator, Regulatory Programs, on August 6, 1968, and published in the FEDERAL REGISTER on August 10, 1968 (33 F.R. 11409; F.R. Doc. 68-9556), shall be and are the terms and provisions of this order, and are set forth in full herein:

1. In § 1138.51, paragraph (a) is revised to read as follows:

§ 1138.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price at plants located in Zone I (comprising all the counties in the marketing area except those specified in § 1138.52 as comprising Zones II and III) shall be the basic formula price for the preceding month plus $2.15 and plus 20 cents through April 1969.

* * * * *

2. In § 1138.55 the introductory text preceding paragraph (a) and paragraph (b) are revised to read as follows:

§ 1138.55 Credit for specified Class II uses.

From the effective date hereof through August 1969, producer milk classified as Class II milk in the following utilizations shall be subject to a credit at the respective rates specified:

* * * * *

(b) For skim milk in producer milk used to produce condensed skim milk, and for milk or skim milk transferred or diverted as Class II milk to a nonpool plant located outside the marketing area from a pool plant or from farms located within the marketing area, at the rate specified in paragraph (a) of this section, less 40 cents.

* * * * *

[F.R. Doc. 68-10475; Filed, Aug. 29, 1968; 8:46 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[9 CFR Part 318]

MEAT INSPECTION REGULATIONS

Reinspection of Products; Frozen Products

Notice is hereby given in accordance with administrative procedure provisions in 5 U.S.C. 553 that the Department of Agriculture, pursuant to the authority conferred by the Federal Meat Inspection Act (34 Stat. 1260, 21 U.S.C. 71-91, as amended by Public Law 90-201), proposes to amend § 318.1 of the Meat Inspection Regulations (9 CFR 318.1) to provide for utilization of Statistical Sampling Plans, similar in principle and operation to those in 7 CFR, Part 43, for the reinspection of meat, meat food products and meat byproducts at federally inspected establishments, as follows:

§ 318.1 Reinspection of products; frozen products.

(a) All products, whether fresh, cured, or otherwise prepared, even though previously inspected and passed, shall be reinspected by Division employees as often as may be necessary in order to ascertain whether they are sound, healthful, wholesome, and fit for human food at the time they leave official establishments. This reinspection procedure may be accomplished through the use of statistically sound sampling plans that assure a high level of confidence. Meat Inspection supervisors shall designate the type of plan and the inspector shall select the specific plan to be used.[1] If upon reinspection, any article is found to have become adulterated, all official inspection legends thereon shall be removed or defaced and the article shall be condemned and destroyed for human food purposes in accordance with the Federal Meat Inspection Act.

(b) Care shall be taken to see that product is in good condition when placed in freezers at official establishments and, also, when it is removed from freezers at official establishments for transportation or storage elsewhere. If there is doubt as to the soundness of any frozen product, the inspector will require the defrosting and reinspection of a sufficient quantity thereof to determine its actual condition. The reinspection may be accomplished through utilization of statistical sampling plans.

Statement of considerations. Maintaining a clean, safe, and wholesome meat supply remains a prime function of the consumer protection services of the Department of Agriculture.

The present regulation provides for reinspection of all products as often as may be necessary in order to ascertain whether they are sound, healthful, wholesome, and fit for human food but no specified, uniform reinspection method has been adopted for program-wide application. This amendment would apply a consistent type and standard of reinspection throughout the Meat Inspection Program. A uniform system of reinspection would be advantageous to the meat packing industry.

Modern mechanized packing house industry operations have resulted in much faster slaughtering operations and greater volumes of product. These greater volumes of product and mechanized handling methods necessitate the utilization of statistical sampling plans to assure the American consumer of a clean, wholesome meat supply because one hundred percent reinspection is not practical nor economical.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so, by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 27th day of August 1968.

R. K. SOMERS,
Deputy Administrator, Consumer Protection.

[F.R. Doc. 68-10516; Filed, Aug. 29, 1968; 8:50 a.m.]

[1] Further information concerning sampling plans which have been adopted for specific products may be obtained from the Officers in Charge of Meat Inspection Program Circuits.

[9 CFR Part 327]

INSPECTION OF IMPORTED MEAT PRODUCTS

Fresh, Chilled, or Frozen, Boneless Manufacturing Meat

Notice is hereby given, in accordance with the provisions of 5 U.S.C. 553, that the Consumer and Marketing Service proposes to amend Part 327 of the Meat Inspection Regulation (9 CFR Part 327), relating to imported meat products, pursuant to the authority conferred by the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), as indicated below.

Statement of considerations. The purpose of the proposed amendments is to provide a more efficient procedure for inspection of fresh chilled or frozen, boneless, manufacturing meat of cattle, sheep, swine, goats, and equines offered for importation.

Section 327.8(m) of the regulations provides that all lots of imported frozen boneless manufacturing meat shall be sampled and that the samples shall be completely defrosted and given a thorough examination. The inspection standards for foreign frozen meat are the same as those used for domestic frozen meat. Under the regulations it has been the practice to permit an importer whose lot has been refused entry to sort out identifiable portions of the lot which contain the defects, reexport or render these portions unfit for human food, and resubmit the balance of the lot for reinspection (including resampling) for acceptance for entry. This procedure is costly to the Meat Inspection Program.

Equal protection would be afforded to consumers of meat products, and unnecessary inspection costs would be avoided if procedures as outlined below were adopted when a portion of the lot is identified as consisting of a different type of meat or as having been prepared in a different production run than the remainder of the lot. In such cases an evaluation of the inspection findings for each portion separately would result in a more valid disposition of the product in each portion. It also appears that the procedures could be adopted in case of prolonged delay in unloading from ships any large lot of product consisting of several such portions. Further it appears that greater consumer protection would be attained if the procedures were applied to portions of the lots which otherwise qualify for entry upon the initial evaluation of inspection findings.

Therefore it is proposed to amend the regulations in Part 327 as follows:

1. Section 327.8(m) would be amended to read as follows:

§ 327.8 Import meat or meat food products; program inspection; arrival, time and place; movement from port of entry.

* * * * *

(m) A sufficient sampling inspection shall be made of each lot of foreign fresh chilled or frozen fresh meat, including defrosting if necessary, to determine its condition (see § 327.22).

* * * * *

2. A new § 327.22 would be added to Part 327 to read:

§ 327.22 Special inspection procedures for fresh chilled or frozen, boneless, manufacturing meat.

(a) *Definitions: sampling; standards.* (1) All lots of imported frozen, boneless, manufacturing meat will be sampled and such samples defrosted for inspection in accordance with this paragraph. The inspector will select from each lot the appropriate number of cartons specified by the table of sampling plans contained in the current U.S. Department of Agriculture Manual of Meat Inspection Procedures.[1] The total sample for inspection will consist of the necessary number of 12-pound units drawn from these cartons. The 12-pound units selected will be completely defrosted and subjected to a thorough examination. Inspection standards for foreign frozen meat shall be the same as those used for domestic frozen meat, subject to the provisions of this section.

(2) Frozen, boneless, manufacturing meat is meat from cattle, sheep, swine, goats, horses, mules, and other equines that has all bone removed and is cut into pieces or trimmings, frozen into a compact block of any shape and suitable for slicing or chopping in the manufacturing of meat food products. Individual pieces or trimmings must not be smaller than a 2-inch cube or a piece comparable in size. As used in this section the term "frozen" includes "fresh chilled," and "lot" means any amount of frozen, boneless, manufacturing meat of one species, similarly packaged, shipped from one establishment, and offered for import inspection under one or more foreign inspection certificates.

(b) *Lots refused entry.* Reinspection (including resampling) will be provided for any lot of frozen, boneless, manufacturing meat which was refused entry under this section of the basis of the original evaluation of the sample thereof only if there is reason to question the judgment of the inspector in making the evaluation. If, in other cases, any portion of any lot refused entry is identified by markings as consisting of any particular type of meat (e.g. as made from beef trimmings or from chucks or rounds) which differs from all other types of meat in the lot or is identified by a production date or shift mark which distinguishes it from all other meat in the lot, the eligibility of each such portion of the lot for importation will be evaluated upon the basis of the original inspection findings and in accordance with standards specified for this purpose in instructions issued to the inspectors.[2] Portions of the lot so found eligible for entry will be admitted and the remainder of the lot will be refused entry.

(c) *Certain lots found to qualify as lots for entry.* If it is found upon initial evaluation of the sample of any lot of frozen, boneless manufacturing meat that the lot as a whole meets the inspection standard for entry but such lot includes any portion identified by markings as consisting of any particular type of meat different than all other types of meat in the lot or identified by a different production date or shift mark than the remainder of the lot, the eligibility for importation of such portion of the lot shall be evaluated, upon the basis of the original inspection findings and in accordance with standards specified for this purpose in instructions issued to the inpectors.[2] Any portion of the lot found ineligible for entry upon such evaluation will be refused entry and the remainder of the lot will be admitted.

(d) *Lots for which unloading is delayed.* If a portion of a lot is unloaded from a ship on any day and the unloading of the remainder of the lot is being delayed beyond the following day, the eligibility for importation of each portion which is identified by markings as consisting of any particular type of meat different than all other types of meat in the lot or identified by a different production date or shift mark than the remainder of the lot, may be evaluated at the importer's request separately in accordance with standards specified for

[1] Copies of such table are available, upon request, from Processed Meat Inspection Division, C&MS, USDA, Washington, D.C. 20250.

[2] Copies of such instructions are available, upon request, from Processed Meat Inspection Division, USDA, C&MS, Washington, D.C. 20250.

this purpose in instructions issued to the inspectors.[2]

To implement the changes in the regulations if the above amendments are adopted, it is proposed to revise the instructions to the inspectors which appear in the Manual of Meat Inspection Procedures, with respect to the inspection of imported, frozen boneless, manufacturing meat.[2]

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments and procedure may do so by filing them with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, in duplicate, within 60 days after date of publication hereof in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

Done at Washington, D.C., this 27th day of August 1968.

R. K. SOMERS,
Deputy Administrator,
Consumer Protection.

[F.R. Doc. 68-10517; Filed, Aug. 29, 1968; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 81]

AIR QUALITY CONTROL REGIONS

Notice of Proposed Designation of New Jersey-New York-Connecticut Interstate Air Quality Control Region; Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate the New Jersey-New York-Connecticut Interstate Air Quality Control Region as set forth in the following new § 81.13 which would be added to Part 81 of Title 42, Code of Federal Regulations. (This new part has been proposed in 33 F.R. 10882.) It is proposed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of New Jersey, New York, and Connecticut and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at the U.S. Mission to the United Nations, 799 United Nations Plaza (45th Street at 1st Avenue), New York City, N.Y., beginning at 10 a.m., September 30, 1968.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203, of such intention by September 16, 1968.

A report prepared for the consultation, entitled "Report for Consultation on the Air Quality Control Region for the New Jersey-New York-Connecticut Interstate Area," is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.13 is proposed to be added to read as follows:

§ 81.13 New Jersey-New York-Connecticut Interstate Air Quality Control Region.

The New Jersey-New York-Connecticut Interstate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited);

In the State of Connecticut:
Greenwich Township.
Stamford Township.
Darien Township.
New Cannan Township.
Norwalk Township.
Wilton Township.
Weston Township.
Westport Township.
Fairfield Township.
Easton Township.
Bridgeport Township.
Stratford Township.
Trumbull Township.
Monroe Township.
Ridgefield Township.
Redding Township.
Newtown Township.
Bethel Township.
Danbury Township.
Brookfield Township.
New Fairfield Township.

In the State of New York:
Kings County.
Bronx County.
Nassau County.
New York County.
Queens County.
Richmond County.
Westchester County.
Rockland County.

In the State of New Jersey:
Bergen County.
Essex County.
Hudson County.
Middlesex County.
Monmouth County.
Morris County.
Passsaic County.
Somerset County.
Union County.

This amendment is proposed under the authority of sections 107(a) and 301(a) of the Clean Air Act, section 2, Public Law 90-148, 81 Stat. 490, 504, 42 U.S.C. 1857c-2(a), 1857g(a).

Dated: August 27, 1968.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 68-10508; Filed, Aug. 29, 1968; 8:49 a.m.]

[2] See footnote on p. 12259.
[2] Proposed revision of instructions filed as part of the original document.

Notices

DEPARTMENT OF STATE

[Public Notice 297]

CERTAIN NONIMMIGRANT VISAS

Validity

Public Notice 261 of April 6, 1967 authorized consular officers to issue, in their discretion, nonimmigrant visas under section 101(a)(15)(B) of the Immigration and Nationality Act valid for an indefinite period of time to otherwise eligible nationals of certain countries which offer reciprocal or more liberal treatment to nationals of the United States who are in a similar class. Singapore is being added to the list of countries contained in that notice.

This notice amends Public Notice 261 of April 6, 1967 (32 F.R. 5643).

Dated: August 27, 1968.

FREDERICK SMITH, Jr.
Acting Administrator, Bureau of Security and Consular Affairs.

[F.R. Doc. 68-10515; Filed, Aug. 29, 1968; 8:50 a.m.]

DEPARTMENT OF COMMERCE

National Bureau of Standards

GEOALERTS BROADCAST BY NBS RADIO STATIONS

Notice of Change in Coding

Beginning October 1, 1968, the coding system for GEOALERTS[1] instituted on January 1, 1968, for broadcasts by NBS radio stations will be modified slightly. The new system makes possible the dissemination of larger quantities of information resulting from improved techniques in observation and prediction of solar and geophysical events. All previous codes are superseded.

Decisions are made each day at 0400 G.m.t.[2] at the IUWDS World Warning Agency, ESSA. GEOALERTS for a given day are first broadcast at 0418 G.m.t. on station WWV, Fort Collins, Colo., then at 0448 G.m.t. on station WWVH, Maui, Hawaii, and these broadcasts are repeated at hourly intervals until the new alert is issued. (In case of delay in receipt of the daily message, WWV or WWVH will be silent at 18 or 48 minutes after the hour G.m.t. until the new message is received.) Each message begins with the letters GEO in Morse code followed by the coded information. The coding permits three types of information at each broadcast—each in the form of a group of three letters repeated three times in slow International Morse Code.

The first set concerns either forecasts of the solar or geophysical event, or the observation of a stratospheric warming (STRATWARM), together with the forecast of a solar or geophysical event when appropriate. Letters which may occur in the first set and their meaning are as follows:

1st letter—
- EEE (.) No forecast (or STRATWARM observation) statement.
- III (. .) FLARES expected.
- SSS (. . .) PROTON FLARE expected.
- TTT (—) MAGSTORM expected.
- UUU (. . —) FLARES AND MAGSTORM expected.
- VVV (. . . —) PROTON FLARE and MAGSTORM expected.
- HHH (. . . .) STRATWARM observed.
- DDD (— . .) STRATWARM observed and FLARES expected.
- BBB (— . . .) STRATWARM observed and PROTON FLARE expected.
- MMM (— —) STRATWARM observed and MAGSTORM expected.

The second and third sets of letters pertain to the approximate time of occurrence of an observed solar or geophysical event. The coding for the beginning time and type of event is shown in the table given below:

	Day before that of issue (hours G.m.t.)				Day of issue	IN PROGRESS	NIL
	00-06	06-12	12-18	18-24	00-04		
2d letter set: PROTON EVENT	MMM (— —)	TTT (—)	HHH (. . . .)	SSS (. . .)	III (. .)	GGG (— — —)	EEE (.)
3d letter set: GEOMAGNETIC STORM	UUU (. . —)	AAA (. —)	BBB (— . . .)	DDD (— . .)	NNN (— .)	PPP (. — — .)	EEE (.)

For example, the following message (in International Morse Code)

"GEO SSS EEE DDD"

signifies:

"GEO=Solar geophysical message.
SSS = PROTON FLARE expected.
EEE=No PROTON EVENT between 0000 G.m.t. yesterday and 0400 G.m.t. today.
DDD=GEOMAGNETIC STORM began between 1800–2400 G.m.t. yesterday."

A. V. ASTIN,
Director.

AUGUST 20, 1968.

[F.R. Doc. 68-10468; Filed, Aug. 29, 1968; 8:45 a.m.]

[1] International Ursigram and World Days Service, Circular Letter RWC-104, July 12, 1968 (Copy of letter may be obtained by writing to J. V. Lincoln, Deputy Secretary, IUWDS, ESSA, R43.7, Boulder, Colo. 80302).
[2] Greenwich mean time, also called Universal Time (UT).

NATIONAL BUREAU OF STANDARDS RADIO STATIONS

Notice of Standard Frequency and Time Broadcasts

In accordance with National Bureau of Standards policy of giving notice regarding changes in broadcast schedules of its radio stations, notice is hereby given that from 1500 hours UT (Universal Time), October 2, until 1800 hours UT, October 3, 1968, normal service will be interrupted and the broadcast of station WWVL, Fort Collins, Colo., will consist of the single frequency of 19.9 kHz C.W. On October 8, 1968, at the end of the normal maintenance period, the broadcast of WWVL will resume with the frequency of 19.9 kHz replaced by the frequency of 20.5 kHz. At 1500 hours UT October 9 until 1800 hours UT October 10, 1968, normal service will be interrupted and the broadcast of WWVL will consist of the single frequency 20.5 kHz C.W. At 1500 hours UT October 16 until 1800 hours UT October 17, 1968, normal service will be interrupted and the broadcast of WWVL will consist of the single frequency 20.0 kHz C.W. From November 27 until December 3, 1968, broadcasts will be suspended during installation of new control equipment. On December 3, 1968, the broadcasts will change to include the three frequencies of 19.9, 20.0, and 20.5 kHz each day on a schedule which is not yet determined. Further announcements will follow. Inquiries or comments on this program are invited and should be directed to the Frequency and Time Broadcast Services Section, National Bureau of Standards, Boulder, Colo. 80302.

A. V. ASTIN,
Director.

AUGUST 21, 1968.

[F.R. Doc. 68-10469; Filed, Aug. 29, 1968; 8:45 a.m.]

NATIONAL BUREAU OF STANDARDS RADIO STATIONS

Notice of Standard Frequency and Time Broadcasts

In accordance with National Bureau of Standards policy of giving monthly notices regarding changes of phases in seconds pulses, notice is hereby given that

there will be no adjustment in the phase of seconds pulses emitted from radio station WWVB, Fort Collins, Colo., on October 1, 1968. The carrier frequency of WWVB is 60 kHz and is broadcast without offset. These emissions are made following the stepped atomic time (SAT) system as coordinated by the Bureau International de l'Heure (BIH).

Notice is also hereby given that there will be no adjustments in the phases of time pulses emitted from radio stations WWVB, Fort Collins, Colo., and WWVH, Maui, Hawaii, on October 1, 1968. These pulses at present occur at intervals which are longer than one second by 300 parts in 10^{10}. This is due to the offset maintained in the carrier frequencies of these stations following the universal time (UTC) system as coordinated by the BIH.

A. V. ASTIN,
Director.

AUGUST 21, 1968.

[F.R. Doc. 68-10470; Filed, Aug. 29, 1968; 8:45 a.m.]

Office of the Secretary

[Dept. Order 90-B, Amdt. 1]

NATIONAL BUREAU OF STANDARDS

Organization and Functions

This material amends the material appearing at 33 F.R. 7770 of May 28, 1968.

Department Order 90-B of May 15, 1968, is hereby amended as follows:

1. In section 4 *Special staff units*, a new paragraph .06 is added to read:

.06 The *Special Assistant for Program Planning* assists the Director in developing guidelines for bureau programs and in reviewing plans submitted by bureau program managers.

2. In section 5 *Office of Program Development and Evaluation*, is "deleted" and shall be so identified.

3. In section 9 *Institute for Basic Standards*:

a. A new paragraph .04 is added to read:

.04 The *Office of Measurement Services* coordinates the bureau's measurement services program, including development and dissemination of uniform policies on bureau calibration practices.

b. The current paragarph ".04" is renumbered ".05."

4. In section 11 *Institute for Applied Technology*:

a. The division title in paragraph .09 is changed to read "Electronic Technology Division."

b. Paragraph .12 is "deleted" and shall be so identified.

Effective date: July 29, 1968.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 68-10460; Filed, Aug. 29, 1968; 8:45 a.m.]

[Dept. Order 172-B]

UNITED STATES TRAVEL SERVICE

Organization and Functions

The following order was issued by the Secretary of Commerce on August 1, 1968. This material supersedes the material appearing at 32 F.R. 6375 of April 22, 1967.

SECTION 1. *Purpose.* The purpose of this order is to prescribe the organization and assignment of functions within the U.S. Travel Service.

SEC. 2. *Organization structure.* The principal organization structure and line of authority of the U.S. Travel Service shall be as depicted in the attached organization chart.

SEC. 3. *Office of the Director.* .01 The Director determines policy, directs the programs and is responsible for all activities of the U.S. Travel Service.

.02 The Deputy Director shall be the principal assistant to the Director and shall perform the duties of the Director during the latter's absence.

SEC. 4. *Staff Offices.* .01 The Office of Administration shall arrange for and facilitate the provision of administrative services from the Office of the Secretary as needed by the headquarters of the U.S. Travel Service, develop and maintain the internal administrative management system of the Service, perform evaluative, analytic, and developmental work to assist the Director in assuring that the best management practices are utilized, both in the headquarters and in the field, and perform specific administrative tasks as directed by the Director.

.02 The Office of Research and Analysis shall assist in planning long-range travel promotion programs and servicing private business with travel data useful in marketing international travel by improved qualitative analysis of travel statistics and development of information on travel markets. Specifically, the Office shall study the patterns of international travel and the economic effects of tourism; develop statistical data on the travel account in the balance of payments; conduct and interpret market research to measure results of the promotional program; evaluate the effect of legislation and regulatory decisions on international travel; and prepare and coordinate position papers for intergovernmental and international travel meetings.

.03 The Office of Public Information shall plan and conduct an information program for the U.S. Travel Service which presents the organization's accomplishments and activities to the public; create an awareness of the U.S. Travel Service role and contributions to the travel industry and coordinate public information activities within the organization and maintain close contact with communication media. The Office shall advise the Director and other U.S. Travel Service officials on publications, motion pictures and information policies and shall provide publicity to insure proper public understanding of activities and objectives of the VISIT USA program. The Office shall develop articles, pictorial material and publications about travel in the United States for response to inquiries from the general public, visitors, editors and radio, television and film producers to support the public relations programs of the U.S. Travel Service offices abroad.

SEC. 5. *Marketing Division.* The Marketing Division shall develop and implement programs of travel advertising, publicity, travel promotion materials and projects, and coordinate all other promotional activities abroad. The Office shall maintain close professional contact with the travel industry in the United States, to provide current data for the use of U.S. Travel Service offices abroad, such as cost, price, and travel information. The Office shall assist and advise the travel industry on the design and content of promotion materials for the world's principal travel markets; provide useful sales promotion tools and materials in foreign language to U.S. Travel Service regional offices and U.S. Government missions abroad in order to help the travel trade and the prospective traveler favorably compare the United States with other destinations; and develop and place advertising in trade and other communication media abroad to stimulate travel to the United States.

SEC. 6. *Visitor Services Division.* The Visitor Services Division shall develop programs to assure a friendly welcome in the United States for international visitors and to generally improve the Nation's host services. The Office shall have primary responsibility for the U.S. Travel Service relationship with States and cities; carry campaigns in the United States to stimulate interest in the visitor from abroad; make Americans aware of the importance of visitors and of extending a friendly and cordial welcome to our guests; and assist communities in attracting more international visitors and in adapting their facilities to meet the needs of overseas visitors; cooperate with the travel industry—hotels, motels, restaurants, sightseeing, and transportation companies, and airports and terminals—in bolstering their services for visitors from other nations. The Office shall work to lessen travel barriers, including cooperation with Federal agencies at our ports of entry to expedite the entrance formalities for our overseas guests and help make the Nation's reception of our visitors more pleasant and gracious.

SEC. 7. *Regional offices.* The regional offices, which shall be located in the strategic cities abroad as shown in the organization chart, shall serve as the point of contacts with the major potential markets for increased tourism to the United States. More particularly, the offices shall work directly with international carriers, travel agents and tour operators on all aspects of travel to the United States; carry the VISIT USA message to the general public through mass media advertising, special promotional projects with the travel industry, and publicity in the local media; and distribute to foreign travel sales outlets materials in the language of the country supporting the United States as a satisfying travel experience and a good travel value.

Effective date: August 1, 1968.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 68-10461; Filed, Aug. 29, 1968; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

FARMLAND INDUSTRIES, INC.

Notice of Filing of Petition for Food Additive Polyethylene

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Farmland Industries, Inc., Post Office Box 7305, Kansas City, Mo. 64116, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of polyethylene pellets as a partial roughage replacement in ruminant feeds.

Dated: August 23, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10503; Filed, Aug. 29, 1968; 8:48 a.m.]

GENERAL ELECTRIC CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9B2322) has been filed by General Electric Co., 1 Plastics Avenue, Pittsfield, Mass. 01201, proposing that § 121.2559 *Xylene-formaldehyde resins condensed with 4,4'-isopropylidenediphenol-epichlorohydrin epoxy resins* (21 CFR 121.2559) be amended (1) to provide for the safe use of resins produced by the condensation of allyl ether of mono-, di-, or tri-methylol phenol and capryl alcohol as optional adjuvants and (2) to expand the regulation to provide for use of its subject resins in food-contact articles that are hot-filled or are pasteurized after filling.

Dated: August 23, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10504; Filed, Aug. 29, 1968; 8:49 a.m.]

METACHEM, INC.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Metachem, Inc., 425 Park Avenue, New York, N.Y. 10022, on behalf of Farbenfabriken Bayer, A.G., Leverkusen, Federal Republic of Germany, has withdrawn its petition (FAP 8B2226), notice of which was published in the FEDERAL REGISTER of October 25, 1967 (32 F.R. 14791), proposing an amendment to § 121.2566 *Antioxidants and/or stabilizers for polymers* to provide for the safe use of a 2-phenyl indole as a stabilizer in polymers used in the manufacture of articles intended for food-contact use.

Dated: August 21, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10505; Filed, Aug. 29, 1968; 8:49 a.m.]

SCHERING CORP.

Notice of Withdrawal of Petition for Food Additives Amprolium, Dienestrol Diacetate, Chlortetracycline, Zinc Bacitracin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Schering Corp., Bloomfield, N.J. 07003, has withdrawn its petition, notice of which was published in the FEDERAL REGISTER of July 9, 1966 (31 F.R. 9425), proposing the amendment of certain food additive regulations in Subpart C of Part 121 (21 CFR Part 121) to provide for the safe use of the combination of dienestrol diacetate and chlortetracycline or zinc bacitracin at growth promotant and therapeutic levels alone or in combination with amprolium in chicken feed.

Dated: August 23, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10506; Filed, Aug. 29, 1968; 8:49 a.m.]

WYANDOTTE CHEMICALS CORP.

Notice of Filing of Petition for Food Additives Sanitizing Solutions

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9H2324) has been filed by Wyandotte Chemicals Corp., 1609 Biddle Avenue, Wyandotte, Mich. 48192, proposing an amendment to § 121.2547 *Sanitizing solutions* to provide for the safe use of an aqueous solution containing the sodium salt of sulfonated oleic acid, polyoxyethylene-polyoxypropylene block polymers (having an average molecular weight of 2,000, and 27-31 moles of polyoxyethylen), and components generally recognized as safe, as a sanitizing solution for food-processing equipment and utensils and on glass bottles and other glass containers intended for holding milk.

Dated: August 23, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10507; Filed, Aug. 29, 1968; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20096; Order 68-8-107]

AIR TIME, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority August 26, 1968.

The Postmaster General filed a notice of intent August 12, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 52.9 cents per great circle aircraft mile for the transportation of mail by aircraft between Kinston, N.C., and Charlotte, N.C., via Fayetteville, N.C.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with twin-engine Beechcraft, Model D-18-S aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

1. The fair and reasonable final service mail rate to be paid to Air Time, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Kinston, N.C., and Charlotte, N.C., via Fayetteville, N.C., shall be 52.9 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f):

It is ordered, That:

1. Air Time, Inc., the Postmaster General, and Piedmont Aviation, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Air Time, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Air Time, Inc., the Postmaster General, and Piedmont Aviation, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 68-10480; Filed, Aug. 29, 1968; 8:46 a.m.]

[Docket No. 20100; Order 68-8-110]

AIRCREWS AND MAINTENANCE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority August 26, 1968.

The Postmaster General filed a notice of intent August 12, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 30.45 cents per great circle aircraft mile for the transportation of mail by aircraft between Waycross, Ga., and Atlanta, Ga., via Macon, Ga.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft Conrad Model D-18-S, twin-engine aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Aircrews and Maintenance, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Waycross, Ga., and Atlanta, Ga., via Macon, Ga., shall be 30.45 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f):

It is ordered, That:

1. Aircrews and Maintenance, Inc., the Postmaster General, Eastern Air Lines, Inc., and Delta Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Aircrews and Maintenance, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Aircrews and Maintenance, Inc., the Postmaster General, Eastern Air Lines, Inc., and Delta Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 68-10481; Filed, Aug. 29, 1968; 8:47 a.m.]

[Docket No. 18922]

ST. LOUIS LIMITED SUPPLEMENTAL AIR SERVICE INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled investigation is assigned to be held on September 11, 1968, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., August 26, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 68-10482; Filed, Aug. 29, 1968; 8:47 a.m.]

CIVIL SERVICE COMMISSION

SOCIAL INSURANCE OFFICER

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found that there is a manpower shortage for the single position of Social Insurance Officer GS-101-15 (Director, Community Planning Staff), Social Security Administration, Baltimore, Md. This finding terminates when the position is filled.

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

The appointee to this position may be paid for the expenses of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-10486; Filed, Aug. 29, 1968; 8:47 a.m.]

CLAIMS EXAMINER

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on August 13, 1968, for positions of Claims Examiner (Unemployment) GS-994-5. The authority is limited to Chicago, Ill., and a radius of 35 miles.

Assuming other legal requirements are met, appointees to these positions may be paid for the expenses of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-10487; Filed, Aug. 29, 1968; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18302; FCC 68-862]

LAND MOBILE RADIO SERVICES

Notice of Inquiry Into Requirement for Car Locator Systems

In the matter of inquiry into the requirement for car locator systems in the land mobile radio services governed by Parts 89, 91, and 93 of the Commission's rules, Docket No. 18302.

1. The Federal Communications Commission has become aware that several electronic equipment companies are developing communication systems for automatic radiodetermination of the locations of moving land vehicles. The aim of these systems is to enable dispatchers to locate any or all cars in their fleet automatically so as to control their use more effectively. Some of the systems under design would not only transmit information about the location of a vehicle, but also include an additional frequency channel to be used to transmit emergency assistance messages from each vehicle.

2. The President's Commission on Law Enforcement and Administration of Justice studied the possibility of incorporating car locating systems in police operations and made these recommendations for their testing and development:

An experimental program to develop a computer-assisted command-and-control system should be established with Federal support.

A great deal of analysis and experimentation should precede and accompany the implementation of this proposal. Many possible equipment combinations will have to be weighed, basic organizational and procedural questions will be examined. The following programs should be undertaken to implement the system:

Two or three large cities should be funded for a detailed study of their patrol operations in order to determine how they would use a computer-assisted command-and-control system.

As part of the effort, an extensive reexamination of the communications systems should be undertaken to insure that channels are available, and to assess the utility of car locators and mobile teletype.

Based on the results of the studies, one of the cities should be selected for installation of a prototype system.

As the new system is developed, it should first be used in simulated operation in parallel with the manual system, then with a manual backup, and finally, take over control.

The development process will need continual modification and testing and should be guided by an organization experienced in the development of large computer-based systems.

See the Commission's Report: The Challenge of Crime in a Free Society, p. 252.

3. That Commission discussed automatic car locator techniques in more detail in its Task Force Report on Science and Technology. It described the following four possible locator systems:

a. A system of patrol car emitters and call box sensors.

b. A modified radar transponder system.

c. A medium frequency radio-direction-finder system.

d. A car-borne position computation and reporting system.

In its report, it concluded:

All four of the basic car locator techniques that have been discussed appear to be technically feasible. On the basis of the limited investigation possible here, the patrol car emitter-call box sensor system and the modified radar transponder system appear to offer the most promise.

See Task Force Report: Science and Technology, pp. 149–156.

4. Possible use of car locator systems, however, is not confined to the police. Municipal bus systems, railroads, taxicabs, among others, have been mentioned as potential users. In fact, we understand that plans are underway to test such a system in the bus operations of the city of Chicago with funds provided by the Federal Government.

5. In our rules governing the Public Safety, Industrial, and Land Transportation Radio Services (Parts 89, 91, and 93, respectively), frequencies are available for private radiolocation systems. The car locator systems described above come within the scope of the radiolocation service. Frequencies available for that purpose are in bands above 2400 Mc/s, except for certain frequencies lower in the spectrum which are available in the Industrial Radiolocation Service. A number of equipment manufacturers, however, are designing car locator systems to be operated on frequencies in the 450–470 Mc/s band which are, of course, allocated for two-way voice communications. In addition, tests to evaluate the possibility of operating car locator systems on frequencies above 1,000 Mc/s have been authorized. It appears to be possible for the "call box sensor" system, discussed by the President's Crime Commission, to be operated without using radio frequencies.

6. Although car locator radio systems are now in the development stage, we believe that this technological development should be examined at the outset in a public proceeding to explore its frequency and operational requirements. Accordingly, this inquiry is being instituted and comments are invited on the following points:

a. Information on existing car locator systems and techniques and those under development.

b. Information concerning the feasibility of transmitting location data simultaneously with two-way voice, particularly on a frequency now allocated for land mobile use.

c. Is there a need or a compelling desirability to standardize vehicular locator systems?

d. In a single metropolitan area should a multiplicity of locator systems be permitted or should service to all users be provided by a single system? What will be the impact on spectrum usage resulting from a policy permitting multiple systems, in a single locality?

e. If a single system is utilized, what type of operating entity should be authorized e.g., common carrier, a number of users jointly, a user cooperative, or some other entity.

f. Can an effective technical system be designed for operation on frequencies currently available to the Radiolocation Service? Since these frequencies are shared with the Radionavigation Service, would shared use result in a potential electromagnetic compatibility problem?

g. If radiolocation frequencies are not suitable for car locator systems, where in the frequency spectrum should such systems be permitted?

h. Should a frequency be made available to be used commonly by many users to summon assistance in an emergency?

i. What information is available concerning the type and potential number of users of each car locator system?

j. What are the capacities and frequency requirements of various vehicle location systems in terms of, e.g., vehicles per kHz of bandwidth?

k. The extent and kind of standards required to insure adequate station identification.

7. Many of the system designs that are under study and evaluation will require a period of actual operation in a land mobile environment before several of the questions we have raised can be answered. It is part of the intent of this notice to provide for and encourage such operation on a temporary basis. The license term of such developmental authorizations will extend for a period of 6 months and will be issued for the specific purpose of obtaining data and information relating to the performance of various systems under actual operational conditions. We caution users, however, against premature attempts to estab-

lish operations on a permanent basis and against the integration of vehicle locating systems into their operations in a manner that cannot be terminated when the data and information gathering program has been completed. We expect to issue a limited number of developmental authorizations, but a sufficient number to permit testing of various systems under actual conditions of operation in a mobile environment. Applicants for developmental authorizations will be required to present a clearly defined program for evaluation of problems, exploration of possibilities, and acquisition of operational and technical data requiring actual on-the-air operation. Periodic progress reports will be required with a complete report to follow the conclusion of the test.

8. The action taken here is of a preliminary nature that will look toward a later proceeding to modify the rules governing the Public Safety, Industrial, and the Land Transportation Radio Services to provide for the licensing of vehicle locator systems.

9. This action is taken pursuant to section 403 of the Communications Act of 1934, as amended. Interested parties responding to this inquiry shall furnish comments on or before February 28, 1969. An original and 14 copies of each response must be filed as required by § 1.419 of the Commission's rules.

Adopted: August 21, 1968.

Released: August 27, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-10488; Filed, Aug. 29, 1968; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

HAWAII/ORIENT RATE AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. A. L. Hotlen, Hawaii/Orient Rate Agreement, States Steamship Co., 320 California Street, San Francisco, Calif. 94104.

Agreement 8290-3, between member lines of the Hawaii/Orient Rate Agreement, expands the geographic scope covered by the basic agreement to include ports in Okinawa.

Dated: August 27, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-10491; Filed, Aug. 29, 1968; 8:47 a.m.]

PACIFIC COAST-AUSTRALASIAN TARIFF BUREAU

Notice of Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762; 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application to modify an approved dual rate contract filed by:

Mr. J. R. Harper, Secretary, Pacific Coast-Australasian Tariff Bureau, 635 Sacramento Streeet, San Francisco, California 94111.

The Pacific Coast-Autralasian Tariff Bureau, Agreement 50-1, as amended, has filed with the Commission an application to modify its approved form of exclusive patronage contract under section 14b of the Shipping Act, 1916. The proposed modification would include "currency devaluations by governmental action" as a force majeure circumstance warranting suspension of the system pursuant to Article 13(a) of the contract; or an appropriate increase in rates in lieu of suspension pursuant to Article 13(b) subject to the terms and conditions enumerated therein.

Dated: August 27, 1968.

By order of the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-10492; Filed, Aug. 29, 1968; 8:47 a.m.]

ROYAL MAIL LINES, LTD., AND HOLLAND-AMERICA LINE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Ronald A. Capone, Esq., Kirlin, Campbell and Keating, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.

Agreement 7765-4 between Royal Mail Lines, Ltd., and Holland-America Line modifies the existing rate, sailing and pooling agreement between the parties by adding Furness, Withy & Co., Ltd. as a party thereto.

Dated: August 27, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-10493; Filed, Aug. 29, 1968; 8:48 a.m.]

STATES MARINE LINES, INC., ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Galland, Kharasch, Calkins and Lippman, 1824 R Street NW., Washington, D.C. 20009.

Agreement No. 9641-2, between States Marine Lines, Inc., Global Bulk Transport, Inc., as one party, and Isthmian Lines, Inc., modifies Article III of the basic joint service agreement to provide that the parties may participate in other agreements either collectively as one party only or individually so long as they are all parties to the same agreement. Accordingly, withdrawal of one party will require the withdrawal of all the parties.

Dated: August 27, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-10494; Filed, Aug. 29, 1968; 8:48 a.m.]

UNITED STATES LINES, INC., AND PACIFIC FAR EAST LINES, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. William A. Gannon, United States Lines, Inc., 1000 Connecticut Avenue NW., Washington, D.C. 20036.

Agreement 9279-1, between United States Lines, Inc., and Pacific Far East Lines, Inc., amends the basic transshipment Agreement 9279 by (1) expanding the geographic scope to include ports in South Vietnam and Thailand and, (2) identifying all of the current applicable tariffs in which the through rates are named under the agreement.

Dated: August 27, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-10495; Filed, Aug. 29, 1968; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

ALSCOPE CONSOLIDATED, LTD.

Order Suspending Trading

AUGUST 26, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Alscope Consolidated, Ltd., Passaic, N.J., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 27, 1968, through September 2, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-10464; Filed, Aug. 29, 1968; 8:45 a.m.]

[70-4666]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Proposed Issue and Sale of Notes to Banks

AUGUST 26, 1968.

Notice is hereby given that Michigan Wisconsin Pipe Line Co. ("Michigan Wisconsin"), 1 Woodward Avenue, Detroit, Mich. 48226, a nonutility subsidiary company of American Natural Gas Co., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Michigan Wisconsin proposes to issue and sell to a group of banks, from time to time commencing in September 1968 up to an aggregate of $71 million face amount of promissory notes to be outstanding at any one time. The notes will be dated as of the date of issuance and will mature March 31, 1970. They will be issued in varying amounts and at various dates as funds are required by the company. Each note will bear interest at the prime rate of First National City Bank, New York, in effect on the date of each issuance and the interest rate will be adjusted to the prime rate in effect at that bank at the beginning of each 90-day period subsequent to the date of the first borrowing. There is no commitment fee, and the notes may be prepaid at any time without penalty.

The proposed notes will be issued to the banks and in the maximum respective amounts shown below:

First National City Bank, New York, N.Y.	$25,000,000
Manufacturers Hanover Trust Co., New York, N.Y.	20,000,000
National Bank of Detroit, Mich.	10,000,000
Detroit Bank & Trust, Detroit, Mich	5,000,000
Marshall & Ilsley Bank, Milwaukee, Wis	4,000,000
Manufacturers National Bank of Detroit, Mich	2,500,000
First Wisconsin National Bank of Milwaukee, Wis	2,500,000
Marine National Exchange Bank, Milwaukee, Wis	2,000,000
	71,000,000

Michigan Wisconsin proposes to use the proceeds to finance construction in 1968 and 1969 and reimburse its treasury for amounts previously expended for such purposes. It is estimated that construction expenditures in 1968 will be $95,900,000.

The application states that the expenses to be incurred in connection with the proposed issuance of notes are estimated at $1,000, including a legal fee of $500. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 17, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any

[1] Commissioner Wadsworth absent.

time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-10465; Filed, Aug. 29, 1968; 8:45 a.m.]

[File No. 2-16600 (22-2817)]

MILES LABORATORIES, INC.

Notice of Application and Opportunity for Hearing

AUGUST 26, 1968.

Notice is hereby given that Miles Laboratories, Inc. (the "Company"), has filed an application under Clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Commission that the trusteeship of First National City Bank ("First National") under an indenture dated July 1, 1960 (the "1960 Indenture"), heretofore qualified under the Act, and under a new indenture dated June 15, 1968 (the "New Indenture"), not qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify First National from acting as Trustee under such indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in such Section), it shall within 90 days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same obligor are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the same obligor are outstanding, if the obligor shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Company alleges that:

(1) As of July 31, 1968, there were outstanding $2,251,900 principal amount of 4¾ percent convertible subordinated debentures due 1980 which were issued by the company under the 1960 Indenture.

(2) Its wholly owned subsidiary, Miles International Inc. ("International"), has issued and sold under the New Indenture among the Company, International and First National $15 million principal amount of its 4¾ percent Subordinated Guaranteed Convertible Debentures due 1993 (the "New Debentures"), guaranteed by the Company. The New Debentures were not registered under the Securities Act of 1933 and the New Indenture was not qualified under the Act. The underwriters who purchased the New Debentures have agreed not to offer any of the New Debentures in the United States or to nationals or residents thereof;

(3) The 1960 Indenture and the New Indenture are wholly unsecured. All debentures issued under the 1960 Indenture rank equally with the guarantee by the Company of the New Debentures. The indentures differ as to the issuance of coupon debentures, qualification under the Act, redemption provisions, maturity dates, conversion features, provision relating to sinking fund, conversion and other matters. Such differences as exist between the 1960 Indenture and the New Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify First National from acting as trustee under either of said indentures.

The Company has waived notice of hearing and has waived a hearing.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C. 20549.

Notice is further given that any interested person may, not later than September 23, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-10466; Filed, Aug. 29, 1968; 8:45 a.m.]

ZIMOCO PETROLEUM CORP.

Order Suspending Trading

AUGUST 26, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zimoco Petroleum Corp., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 27, 1968, through September 2, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-10467; Filed, Aug. 29, 1968; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-6 (Southwestern Area), Disaster 676]

MANAGER, DISASTER BRANCH OFFICE, EL PASO, TEX.

Delegation of Authority Relating to Financial Assistance Functions

Notice is hereby given that Delegation of Authority No. 30-6, Disaster No. 676, 33 F.R. 11611, dated August 15, 1968, is hereby rescinded in its entirety.

Effective date: August 16, 1968.

ROBERT E. WEST, *Area Administrator, Southwestern Area Office, Small Business Administration, Dallas, Tex.*

[F.R. Doc. 68-10462; Filed, Aug. 29, 1968; 8:45 a.m.]

[Delegation of Authority 30-6 (Rev. 4), Southwestern Area, Amdt. 1]

AREA ADMINISTRATORS

Delegation of Authority To Conduct Program Activities in Southwestern Area

Pursuant to the authority delegated to the Area Administrators by Delegation of Authority No. 30 (Revision 12) 32 F.R. 179, dated January 7, 1967, Amendment 1, 32 F.R. 8113, dated June 6, 1967, and Amendment 2, 33 F.R. 8793, dated June 15, 1968, Delegation of Authority No. 30-6 (Revision 4), Southwestern Area, 33 F.R. 10539, dated July 24, 1968, is hereby amended by adding to paragraphs I.E. 1.; II. D.; II. F. 2.; II. G. 12; III.C. and III. E. 12, the following:

No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

Effective date: August 13, 1968.

ROBERT E. WEST, *Area Administrator, Southwestern Area.*

[F.R. Doc. 68-10463; Filed, Aug. 29, 1968; 8:45 a.m.]

ARCATA INVESTMENT CO.

Notice of Issuance of Small Business Investment Company License

On August 6, 1968, a notice of application for a license as a small business investment company was published in the FEDERAL REGISTER (33 F.R. 11126) stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations Governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) for a license as a small business investment company by Arcata Investment Co., 770 Welch Road, Palo Alto, Calif. 94301.

Interested parties were given to the close of business August 12, 1968, to submit their written comments to SBA. No comments were received.

Notice is hereby given that pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended (the Act), after having considered the application and all other pertinent information and facts with regard thereto, SBA has issued license No. 12/12-0146 to Arcata Investment Co. to operate as a small business investment company.

The license was issued in Washington, D.C., on August 13, 1968.

GLENN R. BROWN, *Associate Administrator for Investment.*

[F.R. Doc. 68-10509; Filed, Aug. 29, 1968; 8:49 a.m.]

BROADWAY CAPITAL CORP.

Approval of Application for Transfer of Control of Licensed Small Business Investment Company

On July 23, 1968, a notice of application for transfer of control was published in the FEDERAL REGISTER (33 F.R. 10477) stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing small business investment companies (13 CFR Part 107; 33 F.R. 326) for transfer of control of Broadway Capital Corp., 80 Pine Street, New York, N.Y. 10005, a Federal Licensee under the Small Business Investment Act of 1958, as amended; License No. 02/02-0024.

Interested persons were given until August 2, 1968, to send their written comments to SBA. No comments were received.

Having considered the application and all other pertinent information and facts with regard thereto, SBA hereby approves the application for transfer of control of Broadway Capital Corp.

Dated: August 23, 1968.

GLENN R. BROWN, *Associate Administrator for Investment.*

[F.R. Doc. 68-10510; Filed, Aug. 29, 1968; 8:49 a.m.]

REGENT INVESTMENT CORP.

Approval of Application for Transfer of Control of Licensed Small Business Investment Company

On July 19, 1968, a notice of application for transfer of control was published in the FEDERAL REGISTER (33 F.R. 10373) stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing small business investment companies (13 CFR, Part 107, 33 F.R. 326) for transfer of control of Regent Investment Corp., 1615 Bonaza Street, Walnut Creek, Calif. 94596, a Federal Licensee under the Small Business Investment Act of 1958, as amended ("the Act"), License No. 12/12-0113.

Interested persons were given 15 days to submit to SBA their written comments. No unfavorable comments were received.

SBA, having considered the application and all other pertinent information and facts with regard thereto, hereby approves the application for transfer of control of Regent Investment Corp.

Issued in Washington, D.C., on August 15, 1968.

GLENN R. BROWN, *Associate Administrator for Investment.*

[F.R. Doc. 68-10511; Filed, Aug. 29, 1968; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 676]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 26, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1936 (Sub-No. 31 TA), filed August 21, 1968. Applicant: B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa. 15224. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrought steel conduit pipe and wrought steel conduit pipe fittings* which are unloaded by carrier's mechanical unloading devices, from the plantsite of Cyclops Corp., Sawhill Tubular Division, Sharon, Pa., to points in Illinois, Indiana, and Kentucky, for 180 days. Supporting shipper: Cyclops Corp., Sawhill Tubular Division, Box 11, Sharon, Pa. 16146. Send protests to: John J. England, District Supervisor, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 35320 (Sub-No. 103 TA), filed August 21, 1968. Applicant: T.I.M.E. FREIGHT, INC., 2598 74th Street, Lubbock, Tex. 79408. Applicant's representative: W. D. Benson, Jr., Citizens Tower, Lubbock, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Explosives and/or component parts*, between Memphis, Tenn., and Nashville, Tenn., serving the intermediate point of Milan Army Ammunition Depot. From Memphis over U.S. Highway 70, alternate 70 and 70 to Nashville and return over the same route. NOTE: Carrier does intend to tack the authority here applied for to other authority held by it, for 180 days. Supporting shipper: George W. Baude, Acting Chief, Operations Division, Directorate of Freight Traffic, Military Traffic Management and Terminal Service, Washington, D.C. 20315. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 52704 (Sub-No. 64 TA), filed August 21, 1968. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Post Office Box 495, LaFayette, Ala. 36862. Applicant's representative: John W. Cooper, 1301 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles and glass containers*, from plantsite of Laurens Glass, Inc., at or near Simsboro, La., to points in Illinois, Indiana, Kentucky, and West Virginia; with *Cullett* (scrap glass) on return, from named States to said plantsite, for 150 days. Supporting shipper: Laurens Glass, Inc., Drawer 9,

Laurens, S.C. 29360. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 823, 2121 Building, 2121 Eighth Avenue North, Birmingham, Ala. 35203.

No. MC 103435 (Sub-No. 205 TA), filed August 21, 1968. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, INC., 5773 South Prince, Post Office Box 192, Littleton, Colo. 80120. Applicant's representative: George R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *Class A and B explosives*, moving on Government bills of lading, over regular routes: (1) Between Army ammunition, ordnance, or supply locations at or near Joliet, Seneca, and Rockdale, Ill., and Omaha, Nebr.: Over U.S. Highway 64 and Interstate Highway 80 to Omaha and return, serving Omaha for purposes of joinder only; (2) Between the Corn Husker Ordnance Plant at or near Grand Island, Nebr., and Chadron, Nebr.: Over Interstate Highway 80 to its junction with U.S. Highway 385, thence over U.S. Highway 385 to Chadron and return, serving Chadron for purposes of joinder only; (3) Between Billings, Mont., and Missoula, Mont.; from Billings, over Interstate Highway 90 to Missoula, and return over the same route serving Billings and Missoula for purposes of joinder only. Over irregular routes: Between Spokane, Wash., on the one hand, and military installations in Washington, on the other hand. All traffic moving over the above-described highways restricted to traffic moving to or from U.S. Military installations on U.S. Government bills of lading only. Carrier does intend to tack the authority here applied for to other authority held by it, for 180 days. Supporting shipper: Department of the Army, Military Traffic Management and Terminal Service. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 123048 (Sub-No. 139 TA), filed August 21, 1968. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue 53403, Racine, Wis. 53401, Post Office Box A. Applicant's representative: Leo L. Berg (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Snowmobiles*, from the plantsite of Badger Northland, Inc., a wholly owned subsidiary of Massey-Ferguson, Inc., at Algoma, Wis., to points in Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming, for 180 days. Supporting shipper: Massey-Ferguson, Inc., 1901 Bell Avenue, Des Moines, Iowa 50315 (Leonard J. Child, General Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124221 (Sub-No. 18 TA), filed August 21, 1968. Applicant: HOWARD BAER, 821 East Dunne Street, Post Office Box 127, Morton, Ill. 61550. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Puddings*, from the plantsite and facilities of Sealtest Foods, Division of National Diary Products Corp., Peoria, Ill., to points in the Minneapolis-St. Paul, Minn., commercial zone and Sioux Falls, S. Dak., for 180 days. Supporting shipper: Sealtest Foods Division, National Diary Products Corp., 455 East Grand Avenue, Chicago, Ill. 60611. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse, Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 133102 TA, filed August 21, 1968. Applicant: ALLEN TRUCKING COMPANY, INC., Route No. 2, Box 51, Keithville, La. 71047. Applicant's representative: Paul Caplinger, Post Office Box 7066, Shreveport, La. 71107. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Sawdust*, between Shreveport, La., on the one hand, and points in Harrison County, Tex., on the other, for 180 days. Supporting shippers: (1) Acme Sawdust Co., Post Office Box 9282, San Antonio, Tex. 78204, (2) Love Wood Products, Post Office Drawer O, Diboll, Tex. 75941. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 133103 TA, filed August 21, 1968. Applicant: LOUIS T. BENTON, III, doing business as L. T. BENTON TRANSPORT, 122 Derby Avenue, Orange, Conn. 06477. Applicant's representative: William J. Meuser, 101 River Street, Milford, Conn. 06460. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Games or toys, athletic or sporting goods*, between West Haven, Conn., and Utica, N.Y., and Binghamton, N.Y.; Taylor, Wilkes-Barre, and Kingston, Pa.; and Baltimore, Md., for 180 days. Supporting shipper: Herbert Distributors, Inc., 529 Orange Avenue, West Haven, Conn. 06516. Send protests to: District Supervisor David J. Kiernan, Bureau of Operations, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

No. MC 133104 TA, filed August 21, 1968. Applicant: GEORGE D. CONROY, 1923 Court Street, Redding, Calif. 96001. Applicant's representative: George D. Conroy, 1923 Court Street, Redding, Calif. 96001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, and inoperative motor vehicles, including buses, trailers* (except mobile homes or house trailers designed to be drawn by passenger vehicles) *and replacements thereof*, in tow-away service by wrecker equipment only, from points in California, Nevada, and Oregon, to points in California, Nevada, and Oregon, for 180 days. Supporting shippers: Griffin's Repair, Redding, Calif.; Bystle's Truck & Parts, Redding, Calif.; Hammon Trucking, Inc., Redding, Calif.; Redding Kenworth Co., Redding, Calif.; Watson & Meehan, San Francisco, Calif.; Peterbilt and GMC Shasta Truck & Equipment, Inc., Redding, Calif.; Western Greyhound Lines, San Francisco, Calif. Send protests to: District Superivsor, William E. Murphy, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 133105 TA, filed August 21, 1968. Applicant: ROBERT A. JONES AND JOHN W. JONES, a partnership, doing business as J. and J. TRANSFER, Post Office Box 2201, 600 Lumpkin Boulevard, Columbus, Ga. 31902. Applicant's representative: C. E. Walker, 306 First National Bank Building, Columbus, Ga. 31902. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food products, such as flour, grain, cereal, and soups*, from Atlanta and Columbus, Ga., to points in Georgia; Opelika, Ala.; and Quincy and Tallahassee, Fla., and the commerical zones thereof. This is a piggyback arrangement under Plan Two and One-half from Chicago, Ill., to Atlanta and/or Columbus, Ga. This application is to provide service from ramp to destinations herein, for 180 days. Supporting shipper: General Mills, Inc., 900 Wayzata Boulevard, Minneapolis, Minn. 55440. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 133054 (Correction), filed July 31, 1968, published in the FEDERAL REGISTER issue of August 7, 1968, and republished as corrected this issue. Applicant: CLEMENT E. COUILLARD, doing business as RELIABLE TRANSPORT SERVICE, 600 Spear Street, South Burlington, Vt. 05401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coins, currency, receipts, coin boxes* (empty or with coin), (1) from points in Vermont to Boston, Mass., and (2) from Boston, Mass., to points of origin in Vermont, for 180 days. Supporting shipper: R. B. Billings, 260 College Street, Burlington, Vt. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602. NOTE: The purpose of this republication is to add (2) above, which was omitted from the previous publication.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 68-10476; Filed, Aug. 29, 1968; 8:46 a.m.]

[Notice 199]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 26, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70723. By order of August 16, 1968, the Transfer Board approved the transfer to Pawhuska Motor Freight, Inc., Tulsa, Okla., of a portion of certificate of registration No. MC-121277 (Sub-No. 5), issued April 1, 1964, to National Cartage Co., a corporation, Tulsa, Okla., evidencing a right to engage in transportation in interstate or foreign commerce pursuant to certificate of public convenience and necessity No. A-995, issued December 22, 1961, by the Corporation Commission of Oklahoma. Charles D. Dudley, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102, attorney for applicants.

No. MC-FC-70724. By order of August 16, 1968, the Transfer Board approved the transfer to Claremore Freight Line, Inc., Tulsa, Okla., of a portion of certificate of registration No. MC-121277 (Sub-No. 5), issued April 1, 1964, to National Cartage Co., a corporation, Tulsa, Okla., evidencing a right to engage in transportation in interstate or foreign commerce pursuant to certificate of public convenience and necessity No. A-996, issued December 22, 1961, by the Corporation Commission of Oklahoma. Charles D. Dudley, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102, attorney for applicants.

No. MC-FC-70725. By order of August 16, 1968, the Transfer Board approved the transfer to Bartlesville Motor Freight, Inc., Tulsa, Okla., of a portion of certificate of registration No. MC-121277 (Sub-No. 5), issued April 1, 1964, to National Cartage Co., a corporation, Tulsa, Okla., evidencing a right to engage in transportation in interstate or foreign commerce pursuant to certificate of public convenience and necessity No. A-990, issued August 22, 1961, by the Corporation Commission of Oklahoma. Charles D. Dudley, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102, attorney for applicants.

No. MC-FC-70728. By order of August 16, 1968, the Transfer Board approved the transfer to Okmulgee Express, Inc., Tulsa, Okla., of a portion of certificate of registration No. MC-121277 (Sub-No. 5), issued April 1, 1964, to National Cartage Co., a corporation, Tulsa, Okla., evidencing a right to engage in transportation in interstate or foreign commerce pursuant to certificate of public convenience and necessity No. A-977, issued March 8, 1961, by the Corporation Commission of Oklahoma. Charles D. Dudley, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 68-10477; Filed, Aug. 29, 1968; 8:46 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 27, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41421—*Phosphate rock from Occidental, Fla.* Filed by O. W. South, Jr., agent (No. A6044), for interested rail carriers. Rates on phosphate rock, crude, other than ground phosphate rock, in bulk in covered hopper cars, in carloads, from Occidental, Fla., to Beloeil, Buckingham, and Varennes, Quebec, Canada.

Grounds for relief—Market competition.

Tariff—Supplement 63 to Southern Freight Association, agent, tariff ICC S-658.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 68-10478; Filed, Aug. 29, 1968; 8:46 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—AUGUST

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Agencies in this issue—

Agricultural Research Service
Atomic Energy Commission
Civil Aeronautics Board
Consumer and Marketing Service
Customs Bureau
Defense Department
Federal Aviation Administration
Federal Communications Commission
Federal National Mortgage Association
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
General Accounting Office
Interior Department
Interstate Commerce Commission
Maritime Administration
Packers and Stockyards Administration
Post Office Department
Securities and Exchange Commission
Treasury Department
Veterans Administration

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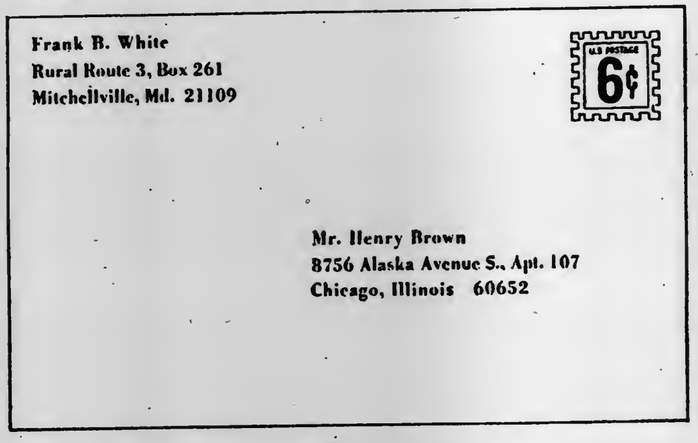
In the daily issue of January 3, 1968 (33 F.R. 26–28) the Post Office Department published a notice prescribing new postal rates which became effective on January 7, 1968, pursuant to Public Law 90–206. It was stated in that document that the Department's regulations would be amended as soon as practicable. The following changes are made to Title 39, Code of Federal Regulations to reflect the above-mentioned provisions required by law.

PART 123—ADDRESSES

I. In § 123.2, paragraph (a) is revised to update the illustration.

§ 123.2 Arrangement of address.

(a) The proper place for the address is in the lower right portion of the address area; postage (stamps or meter stamps or permit imprints) in the upper right corner; and return address of sender in the upper left corner.



NOTE: The corresponding Postal Manual section is 123.21.

PART 131—FIRST CLASS

II. In Part 131, make the following changes:

A. Sections 131.1 and 131.2(a) are revised to reflect new postage rates applicable for first-class mail.

§ 131.1 Rates.

Kind of mail	*Rate*
All first-class mail weighing 13 ounces or less except postal and post cards. See 136.1(b) for rates on first-class mail weighing more than 13 ounces.	6¢ per ounce or fraction of an ounce.
Single postal cards sold by the post office (see § 141.2(b)(1) of this chapter).	5¢ each.
Double postal cards sold by the post office (see § 141.2(b)(2) of this chapter).	10¢ (5¢ each portion).
Single post cards (see § 131.2(b)(2) of this chapter)	5¢ each.
Double post cards (see § 131.2(b)(2) of this chapter) (reply portion of double post card does not have to bear postage when originally mailed).	10¢ (5¢ each portion).
Business reply mail (see § 131.2(c) of this chapter):	
Cards	7¢ each.
Other than cards:	
Weight not over 2 ounces	6¢ per ounce or fraction of an ounce plus 2¢ per piece.
Weight over 2 ounces	6¢ per ounce or fraction of an ounce plus 5¢ per piece. Over 13 ounces air parcel post rates plus 5¢ per piece.
Airmail	See § 136.1 of this chapter.

§ 131.2 Classification.

(a) *Description.* (1) First-class mail consists of mailable:

(i) Postal cards.

(ii) Post cards.

(iii) Matter wholly or partially in writing or typewriting, except authorized additions to second-, third-, and fourth-class mail.

(iv) Matter closed against postal inspection.

(v) Bills and statements of account.

(2) Written matter includes:

(i) Handwritten or typewritten matter (including identical copies prepared by automatic typewriter) and manifold or carbon copies of such matter.

(ii) Imitations or reproductions of handwritten or typewritten matter, unless mailed at a point designated by the postmaster in a minimum quantity of 20 identical copies.

(iii) Manuscript or typewritten copy. See §§ 135.2(a)(4)(vi) and 135.2(a)(5)(i)(*g*) of this chapter) for certain manuscripts.

(iv) Autograph albums containing writing.

(v) Notebooks or blank books containing written or typewritten entries or stenographic or shorthand notes.

(vi) Blank printed forms filled out in writing or with amounts due, signatures, or other writing such as notices, certificates, receipts, and checks either canceled or uncanceled.

(vii) Printed price lists containing written figures changing individual items.

(viii) Printed cards or letters bearing a written date, where the date is not the date of the card but gives information as to when something will occur or has occurred.

(ix) Printed cards or coupons that, by having a signature attached, are converted into personal communications, such as receipts and orders. (This does not apply to Christmas or similar printed greeting cards.)

(x) Identical communications entirely in print, except the name of the sender, sent by several persons to the same addressee.

(3) The term letters includes all letters whether they are old or have previously passed through the mail, sent singly or in packages. Exception: Packages of letters, bills, and statements prepared at a central office of a concern that provides service at some other place, each bearing proper postage at the first-class rate and mailed to the post office at that place for local delivery, and packages of letters remailed unopened to the same addressee, may be sent at other than the first-class rate of postage.

(4) Two or more persons or firms, or a person acting as the agent of two or more persons or firms, may not mail in one envelope to a mutual customer the bills, statements of account, or other let-

ters of the persons or firms. No two firms that are distinct entities may send their letters in one envelope even though they are affiliated or jointly owned.

(5) Applications for automobile, drivers', and other licenses are letters when sent for the purpose of obtaining a license. The application of each individual or company constitutes a separate letter. Applications of various persons may not be mailed in one package by a compensated representative of the applicants unless the package is endorsed on the outside to show the number of applications enclosed and enough postage is paid to cover the first-class rate on each application. Agents of the licensing authority may receive applications and forward them to any other office in a package with postage paid at the first-class rate computed on the bulk weight of the package.

(6) Sealed matter includes mail of any class so wrapped as not to be easily examined, except second-, third-, or fourth-class matter sealed subject to postal inspection. (See §§ 126.2, 134.8, and 135.7.)

• • • • •

NOTE: The corresponding Postal Manual sections are 131.1 and 131.21 respectively.

B. Section 131.3 is revised to reflect new instructions applicable to first-class mail.

§ 131.3 Weight and size limits.

(a) *Weight.* Each piece may weigh not more than 70 pounds.

(b) *Size.* Each piece may measure not to exceed 100 inches in length and girth combined. See § 135.3(b) of this chapter for instructions on how to measure.

(c) *Shape, ratio, and sealing for envelopes, cards, and self-mailers.* The following standards apply to envelopes, cards, and self-mailers having postage paid thereon at the first-class postage rate:

(1) Pieces less than 3 inches in width (height) or 4¼ inches in length are nonmailable.

(2) Pieces having shapes other than rectangular are nonmailable.

(3) Pieces having a ratio of width (height) to length of less than 1 to 1.414 (1 to the square root of 2) are not recommended.

(4) Pieces which are not sealed or secured on all four edges so that they may be handled by machines are not recommended.

(5) Cards having a thickness of less than 0.006 of an inch are nonmailable.

NOTE: The corresponding Postal Manual section is 131.3.

PART 132—SECOND CLASS

III. In Part 132 make the following changes:

A. Section 132.1 is revised to reflect new rates and instructions applicable to second-class mail:

§ 132.1 Rates.

(a) *Within the county of publication—*(1) *All publications, except those chargeable at per copy rates: (See subparagraph (2) of this paragraph).*

	Beginning		
	Jan. 7, 1968	Jan. 1, 1969	Jan. 1, 1970
	Cents	*Cents*	*Cents*
(i) Rate per pound or fraction of a pound	1.3	1.4	1.5
(ii) Minimum charge per price	.2	.2	.2

(2) *Per copy rates applicable only at office of original entry.* Copies for delivery at office of mailing by city or village letter carrier service (and for delivery at publisher's headquarters office except when second-class zone rates are higher):

Newspapers issued more often than weekly: 1 cent per copy.

Periodicals (all publications issued less frequently than weekly):

Copies weighing 2 ounces or less: 1 cent per copy.

Copies weighing over 2 ounces, any weight: 2 cents per copy.

(3) *Independent cities.* Each publication having original entry at an incorporated city which is situated entirely within a county or which is situated contiguous to one or more counties in the same State, but which is politically independent of such county or counties, shall be considered to be within and a part of the county with which it is principally contiguous and copies mailed into that county are chargeable with postage at the rates in subparagraph (1) of this paragraph. Where more than one county is involved, the publisher shall select the principal county and notify the postmaster.

(b) *Outside the county of publication—*(1) *All publications, except those accepted at the special rate, classroom rate, or science of agriculture rate.* (i) Rate per pound or fraction of a pound.

	Rates in cents per pound, beginning—		
	Jan. 7, 1968	Jan. 1, 1969	Jan. 1, 1970
Nonadvertising portion	3.0	3.2	3.4
Advertising portion:			
Zones 1 and 2	4.6	4.9	5.2
Zone 3	5.7	6.0	6.4
Zone 4	7.8	8.3	8.8
Zone 5	9.9	10.5	11.1
Zone 6	12.0	12.8	13.6
Zone 7	12.8	13.7	14.5
Zone 8	15.0	16.0	17.0
(ii) Minimum charge per piece:			
(a) All publications except those provided for in (b) below	1.1	1.2	1.3
(b) Publications mailing less than 5,000 copies per issue outside the county of publication	.6	.7	.8

(2) *Special rate publications.* (i) Rate per pound or fraction of a pound:

	Rates in cents per pound, beginning—					
	Jan. 7, 1968	Jan. 1, 1969	Jan. 1, 1970	Jan. 1, 1971	Jan. 1, 1972	Jan. 1, 1973
Nonadvertising portion	1.9	2.0	2.1	2.1	2.1	2.1
Advertising portion:						
Zones 1 and 2	2.35	2.9	3.45	4.0	4.55	5.1
Zone 3	2.55	3.3	4.05	4.8	5.55	6.3
Zone 4	2.95	4.1	5.25	6.4	7.55	8.7
Zone 5	3.35	4.9	6.45	8.0	9.55	11.1
Zone 6	3.5	5.2	6.9	8.6	10.3	12.0
Zone 7	3.5	5.2	6.9	8.6	10.3	12.0
Zone 8	3.5	5.2	6.9	8.6	10.3	12.0
Minimum charge per piece	.13	.15	.2	.2	.2	.2

(ii) The zone rates in subparagraph (2) (i) of this paragraph are applicable to issues in which the advertising portion exceeds ten percent. Issues containing 10 percent or less advertising shall be computed at the nonadvertising rate in subparagraph (2) (i) of this paragraph or the minimum charge per piece, whichever is greater.

(iii) The rates in subparagraph (2) (i) of this paragraph apply only to publications issued by and in the interest of the following organizations and associations not organized for profit and none of the net income of which benefits any private stockholder or individual, when specially authorized by the Department: (See § 132–3(c) (1).)

(a) Religious.
(b) Educational.
(c) Scientific.
(d) Philanthropic.
(e) Agricultural.
(f) Labor.
(g) Veterans.
(h) Fraternal.
(i) Associations of rural electric cooperatives.
(j) The official highway or development agency of a State (Limited to one publication that meets all the requirements of § 132.2(b) and that contains no advertising).

(k) Program announcements or guides published by an educational radio or television agency of a State or political subdivision thereof or by a nonprofit educational radio or television station.

(3) *Classroom publications.* Publications which are devoted to promoting the science of agriculture and when the total number of copies of the publication furnished during any 12-month period to subscribers residing in rural areas consists of at least 70 per centum of the total number of copies distributed by any means for any purpose: Zones 1 and 2 4.2 cents per pound on the advertising portion. Rates in subparagraph (1) of this paragraph apply for nonadvertising portions and for advertising in copies to other zones.

(c) *Transient rate.*

Copies mailed by public.	5 cents for first 2 ounces; 1 cent for each additional ounce or fraction thereof, or the fourth-class rate, whichever is lower.
Sample copies in excess of 10 percent allowance.	
Copies to persons not included in list of subscribers.	

(d) *Second-class rates to other countries.* See § 222.4(a) (1) (iii) of this chapter.

(e) *Computation of postage charges.* The pound rates for both within (paragraph (a) (1) (i) of this section) and outside (paragraph (b) (1) (i) of this section) the county of publication are computed on the bulk weight of a mailing. The minimum charges per piece for both within (paragraph (a) (1) (ii) of this section) and outside (paragraph (b) (1) (ii) of this section) the county of publication are computed on individually addressed pieces consisting either of single copies or packages containing unaddressed copies. When two or more unaddressed copies are mailed in a package, the package is considered as one piece. If the total postage computed at the pound rates for within or outside the county of publication does not equal or exceed the total postage computed at the applicable minimum charge per piece for within or outside the county of publication respectively, postage must be collected at the minimum charge per piece. Packages of unaddressed copies which by reason of their heavy weight are not subject to the minimum charges per piece should not be declared on the same Form 3542, Statement Showing Number of Copies of Second-Class or Controlled Circulation Publication Mailed, with individually addressed single copies which are subject to the minimum charges per piece; such packages should be declared on a separate Form 3542.

(f) *Weight limits.* There is no limit of weight for second-class mail to domestic destinations. See § 222.4(b) of this chapter for weight limits to other countries.

(g) *Who pays.* Postage at the transient rate must be paid on all copies mailed by the general public. Only publishers and registered news agents may mail at the other second-class rates.

NOTE: The corresponding Postal Manual section 132.1.

B. In § 132.2, paragraph (c) (1) is revised to reflect the new rates and instructions applicable to second-class mail.

§ 132.2 Qualifications for second-class privileges.

• • • • •

(c) *Publications of institutions and societies.* (1) Publications that do not have subscribers and that are issued as follows may contain only the publishers' own advertising and not under any conditions the advertising of other persons, institutions, or concerns: By a regularly incorporated institution of learning, by a regularly established State institution of learning supported in whole or in part by public taxation, including bulletins issued by State boards of health, State industrial development agencies, State conservation and fish and game agencies or departments, and State boards or departments of public charities and corrections, and by a public or nonprofit private elementary or secondary institution of learning or its administrative or governing body and program announcements or guides published by an educational radio or television agency of a State or political subdivision thereof or by a nonprofit educational radio or television station.

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NOTE: The corresponding Postal Manual section is 132.231.

C. In § 132.3 paragraph (c) is revised to reflect the new rates and instructions applicable to second-class mail.

§ 132.3 Applications for second-class privileges.

• • • • •

(c) *Applications for publications that have second-class privileges.* After a publication has obtained second-class mail privileges, applications may be filed for the following additional privileges:

(1) Publishers of newspapers or periodicals of those nonprofit organizations and associations listed in § 132.1(b) (2) may file applications by letter to the postmaster for the special rate. They must submit evidence to establish their nonprofit status and to show that they come within one of the categories stated.

(2) Publishers of religious, educational, or scientific publications designed for use in school classrooms or in religious instruction classes may file applications by letter to the postmaster for the special rates for such publications. See § 132.1 (b) (3). They must also submit evidence showing that their publications are of the character and for the uses stated.

(3) Publishers of publications designed to promote the science of agriculture may file applications by letter to the postmaster for the special zones 1 and 2 advertising rate of 4.2 cents per pound. See § 132.11(b) (4). They must submit evidence that their publications are of the character and for the use stated and that more than 70 per centum of the copies distributed by any means for any purpose during any 12-month period are to subscribers residing in rural areas.

(4) A publisher may apply for permission to mail at additional entry post offices any copies except those which are for delivery at the post office where the publication has been granted original second-class entry and mail privileges. A written application for an additional entry must be filed by the publisher at the post office where the publication has original second-class entry. A form is not provided for this kind of application. See paragraph (e) of this section for fees required. The application must include the following information:

(i) Name of publication.

(ii) Frequency of issue.

(iii) Name of place where the publication is printed.

(iv) Name of the additional entry post office.

(v) Approximate number and weight of copies to be mailed at the additional entry office.

(vi) Specific geographical area to be served from the additional entry office (the geographical area served by the additional entry office must include the entire local delivery area of the additional entry office).

An additional entry will be authorized at a post office located in the same county in which the office of original entry is located only when the publication is entirely or partly produced or prepared for mailing at the additional entry office (see subparagraph (5) of this paragraph for available exceptional dispatch privileges). An additional entry will be authorized only at a post office served by transportation facilities which will enable the mailings to be effectively and economically handled in the postal transportation patterns.

(5) An application to deliver copies of a second-class publication at the publishers' expense and risk from the post office of original entry or an additional entry post office to other post offices or elsewhere may be filed by the publisher at the office of original or additional entry where the postage is paid on the copies which will be transported. A form is not provided for this kind of application. See § 126.3(d) of this chapter.

• • • • • •

NOTE: The corresponding Postal Manual section is 132.33.

§ 132.4 [Amended]

D. In § 132.4, *What may be mailed at second-class rate,* make the following changes:

1. Paragraph (g) (1) is revised for clarification.

(g) *Enclosures, additions, and novelty pages—*(1) *Enclosures.* Receipts, and orders for subscriptions may be enclosed either loose or bound in. No other enclosures are permitted. They may be prepared in the following ways:

(i) Printed or written.

(ii) Printed on cards and envelopes including business replies.

(iii) Arranged to include coin receptacles.

(iv) Arranged as combination forms for two or more second-class publications issued by the same publisher.

NOTE: The corresponding Postal Manual section is 132.471.

2. A new subparagraph (2) (xii) is added to paragraph (g) for clarification.

(g) *Enclosure, additions, and novelty pages.*

• • • • • •

(2) *Additions.* • • •

(xii) Messages and notices of a civic or public-service nature provided no charge is made by the publisher for placing them on the envelopes, wrappers, or covers in which the publication is mailed.

NOTE: The corresponding Postal Manual section is 132.472.

§ 132.6 [Amended]

E. In § 132.6 *Ownership, management, and circulation statement*, make the following changes:

1. Paragraph (a) (1) (iv) is revised for clarification.

(a) *Requirements as contained in 39 U.S.C. 4369.*

(1) • • •

(iv) The extent and nature of the circulation of the publication, including, but not limited to, the number of copies distributed, the methods of distribution, and the extent to which such circulation is paid in whole or in part; and

NOTE: The corresponding Postal Manual section is 136.611d.

2. Paragraph (b) (2) is revised for clarification.

(b) *Procedures.* • • •

(2) Publishers who file a statement under the provisions of paragraph (a) (1) of this section shall publish the complete statement in the second issue thereafter of the publication to which it relates. Publishers who file a statement under the provisions of paragraph (a) (2) of this section are not required to publish the statement. Publishers of foreign publications accepted at the second-class postage rates under the provisions of § 132.2(d) are not required to publish the statement.

NOTE: The corresponding Postal Manual section is 136.622.

PART 133—CONTROLLED CIRCULATION PUBLICATIONS

IV. Section 133.1 is revised to show new rates for controlled circulation publications.

§ 133.1 Rates.

	Rates in cents, beginning—		
	Jan. 7, 1968	Jan. 1, 1969	Jan. 1, 1970
Per pound or fraction of a pound	14.0	14.5	15.0
Minimum charge per piece	1.9	2.9	3.8

NOTE: The corresponding Postal Manual section is 133.1.

PART 134—THIRD CLASS

V. In Part 134 make the following changes:

A. Sections 134.1 and 134.2(a) are revised to update rates and instructions applicable to third-class mail.

§ 134.1 Rates.

(a) *Single piece rate.* All matter not in the first or second class (see § 134.3(a) for weight limit) except mailings made under paragraphs (a) and (b) of this section: 6 cents first 2 ounces or fraction of 2 ounces plus 2 cents for each additional ounce or fraction of an ounce.

(b) *Bulk rates.* (See §§ 134.2(b) (2) and 134.4(b).)

	Authorized nonprofit orgainzations only (See §134.5)	All other mailers
(1) Books and catalogs having 24 or more bound pages with at least 22 printed, seeds, cuttings, bulbs, roots, scions, and plants (see § 134.3(a) for weight limits).	8 cents per pound or fraction.	16 cents per pound or fraction.
Minimum rate per piece beginning:		
Jan. 7, 1968	1.4 cents	3.6 cents.
July 1, 1969	1.6 cents	4.0 cents.[1]
(2) All matter, except the items in subparagraph (2) of this paragraph, not included in the first or second class (see §134.3(a) for weight limits).	11 cents per pound or fraction.	22 cents per pound or fraction.
Minimum rate per piece beginning:		
Jan. 7, 1968	1.4 cents	3.6 cents.
July 1, 1969	1.6 cents	4.0 cents.[1]

[1] Effective July 1, 1969, the rate will be 3.8 cents per piece on the first 250,000 pieces mailed during a calendar year.

(3) If the total postage computed at the pound rates does not amount to the minimum rate per piece or more, postage must be computed at the minimum charge per piece. (See § 134.2(b) (2) (i).)

(c) *Keys, identification cards, identification tags, or similar identification devices.* Keys, identification cards, identification tags, or similar identification devices that are without cover and that bear, contain, or have securely attached the name and complete post office address of a person, organization, or concern with instructions to return to such address and a statement guaranteeing the payment of the postage due on delivery: 14 cents for the first 2 ounces and 7 cents for each additional 2 ounces or fraction thereof.

§ 134.2 Classification.

(a) *Definition, as contained in 39 U.S.C. 4451.* (1) Third-class mail consists of mailable matter which is—

(i) Not mailed or required to be mailed as first-class mail;

(ii) Not entered as second-class mail; and

(iii) Less than 16 ounces in weight.

(2) Circulars, including printed letters which according to internal evidence are being sent in identical terms to several persons are third-class mail. A circular does not lose its character as such when the date and name of the addressee and of the sender are written therein, nor by the correction in writing of mere typographical errors.

(3) Printed matter within the limit of weight set forth in subparagraph (1) of this paragraph is third-class mail. For the purpose of this section, printed matter is paper on which words, letters, characters, figures, or images, or any combination thereof, not having the character of actual or personal correspondence, have been reproduced by any process other than handwriting or typewriting.

• • • • •

NOTE: The corresponding Postal Manual sections are 134.1 and 134.21 respectively.

PART 135—FOURTH CLASS

VI. In Part 135 make the following changes:

§ 135.1 [Amended]

A. In § 135.1 *Rates* make the following changes:

1. In paragraph (b) (2) (vi) change the figure "8 cents" to "10 cents" wherever it appears to reflect the new rate.

NOTE: The corresponding Postal Manual section is 135.122f.

2. Paragraphs (c) and (d) are revised to reflect new postage rates applicable to fourth-class mail.

(c) *Special fourth-class rate.*

Kind of Mail (Rate restricted to items specifically named)	Rate (without regard to zone)	
	First pound or fraction of a pound	Each additional pound or fraction
Books; 16-millimeter or narrower width films and catalogs of such films (rate applies for films and catalogs except when mailed to or from commercial theaters); printed music, printed objective test materials, sound recordings, playscripts and manuscripts for books, periodicals and music; printed educational reference charts permanently processed for preservation; looseleaf pages, and binders therefor, consisting of medical information for distribution to doctors, hospitals, medical schools, and medical students. See § 135.2(a)(4).	12 cents	6 cents.

(d) *Library rate.*

Kind of mail (Rate restricted to items specifically named mailed by or to organizations mentioned in 135.2(a)(5)	Rate (Without regard to zone)	
	First pound or fraction of a pound	Each additional pound or fraction
Books; printed music; bound volumes of academic theses; sound recordings; periodicals; other library materials; museum and herbarium materials; 16-millimeter or narrower width films, filmstrips, transparencies, slides, microfilms; scientific or mathematical kits, instruments, or other devices; also, catalogs, guides or scripts for some of these materials. (See § 135.2(a)(5).)	5 cents	2 cents.

NOTE: The corresponding Postal Manual sections are 135.13 and 135.14 respectively.

B. In § 135.2 paragraphs (a) (4) and (a) (5) are revised to reflect new postage rates for fourth-class mail.

§ 135.2 Classification.

(a) *Description.* • • •

(4) Only the following specifically described articles may be mailed at the special fourth-class rate provided by § 135.1(c):

(i) Books, including books issued to supplement other books, of 24 pages or more, at least 22 of which are printed, consisting wholly of reading matter or scholarly bibliography or reading matter with incidental blank spaces for notations and containing no advertising matter other than incidental announcements of books. Advertising includes paid advertising and publisher's own advertising. Advertising may be in display, classified, or editorial style. The identification statement "Special Fourth-Class-Rate-Books" must be placed conspicuously on the address side of each package.

(ii) 16-millimeter films, or narrower width films which must be positive prints in final form for viewing, and catalogs of such films and film catalogs sent to or from commercial theaters. The identification statement "Special Fourth-Class Rate—16 mm. or Narrower Film Catalog" must be placed conspicuously on the address side of each package.

(iii) Printed music whether in bound form or in sheet form. The identification statement "Special Fourth-Class Rate—Printed Music" must be placed conspicuously on the address side of each package.

(iv) Printed objective test materials and accessories thereto used by or in behalf of educational institutions for testing ability, aptitude, achievement, interests, and other mental and personal qualities with or without answers, test scores, or identifying information recorded thereon in writing or by mark. The identification statement "Special Fourth-Class Rate—Objective Test Materials" must be placed conspicuously on the address side of each package.

(v) Sound recordings, including incidental announcements of recordings and guides or scripts prepared solely for use with such recordings. Player piano rolls are classified as sound recordings. Miscellaneous advertisements, including trademarks, of persons or concerns other than the record manufacturer, are not permissible on title labels, protective sleeves, jackets, cartons, and wrappers, and such advertisements may not be mailed as enclosures. The identification statement "Special Fourth-Class Rates—Sound Recordings" must be placed conspicuously on the address side of each package.

(vi) Playscripts and manuscripts for books, periodicals, and music. The identification statement "Special Fourth-Class Rate—Manuscript" must be placed conspicuously on the address side of each package.

(vii) Printed educational reference charts, permanently processed for preservation. The identification statement "Special Fourth-Class Rate—Educational Reference Charts" must be placed conspicuously on the address side of each package.

(viii) Looseleaf pages, and binders therefor, consisting of medical information for distribution to doctors, hospitals, medical schools, and medical students. The identification statement "Special Fourth-Class Rate—Medical Information" must be placed conspicuously on the address side of each package.

NOTE: When two or more articles described in this section are mailed in the package, the appropriate descriptive terms shall be combined in the identification statement placed on the address side. Example: Special Fourth-Class Rate—Books and Sound Recordings.

(5) Only the articles specifically described in this section may be mailed at the fourth-class library rate provided by § 135.1(d). The identification statement "Library Rate" must be placed conspicuously on the address side of each package. Each package must show in the address or return address the name of a school, college, university, public library, or name of a nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans, or fraternal organization or association. No permit is required.

(i) The following specific items when loaned or exchanged between schools, colleges, or universities and public libraries, museums and herbaria, nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans, or fraternal organizations or associations; or when cooperatively processed by libraries; or loaned or exchanged between libraries, organizations, or associations, and their members, readers, or borrowers, may be mailed at the library rate:

(*a*) Books, consisting wholly of reading matter, scholarly bibliography, or matter with incidental blank spaces for notations and containing no advertising other than incidental announcements of books.

(*b*) Printed music, whether in bound form or in sheet form.

(*c*) Bound volumes of academic theses in typewritten or duplicated form.

(*d*) Periodicals, whether bound or unbound.

(*e*) Sound recordings. (See also subparagraph (5) (ii) (*b*) of this paragraph.)

(*f*) Other library materials in printed, duplicated, or photographic form or in the form of unpublished manuscripts.

(*g*) Museum materials, specimens, collections, teaching aids, printed matter, and interpretative materials intended to inform and to further the educational work and interests of museums and herbaria.

(ii) The following specific items when sent or from schools, colleges, universities, public libraries, museums, and herbaria and to or from nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans, or fraternal organizations or associations, may be mailed at the library rate:

(*a*) 16-millimeter or narrower width films; filmstrips; transparencies; slides; microfilms; all of which must be positive prints in final form for viewing.

(*b*) Sound recordings.

(*c*) Museum materials, specimens, collections, teaching aids, printed matter, and interpretative materials intended to inform and to further the educational work and interests of museums and herbaria.

(*d*) Scientific or mathematical kits, instruments, or other devices.

(*e*) Catalogs of the materials in paragraphs (b) (ii) (*a*), (*b*), (*c*), and (*d*) of this section having 24 or more pages, at least 22 of which are printed, and guides or scripts prepared solely for use with such materials.

• • • • •

C. In § 135.5 paragraph (b) (2) is revised to provide new postage rates and instructions for fourth-class mail.

§ 135.5 Additions.

• • • • •

(b) *Permissible.* • • •

(2) An invoice whether or not also serving as a bill relating solely to the matter with which it is enclosed, may be enclosed or placed in an envelope (marked Invoice Enclosed) attached to the outside, showing any or all of the following:

(i) Names and addresses of sender and addressee.

(ii) Names and quantities of articles enclosed.

(iii) Description of articles enclosed, including price, tax, style, stock number, size, and quality; and if defective, nature of defect.

(iv) Order or file number, date of order, date and manner of shipment, shipping weight, and postage paid.

(v) Initials or name of packer or checker.

NOTE: The corresponding Postal Manual section is 135.522.

PART 136—AIRMAIL

VII. In Part 136 make the following changes:

A. Section 136.1 is revised to reflect new postage rates applicable to airmail.

§ 136.1 Rates.

(a) *Air mail.*

Weight	Kind of mail	Rate
7 ounces or less	Air postal or post cards	8 cents each.
	Letters and packages	10 cents an ounce.
	Business reply (See § 131.2(c)):	
	Air cards	10 cents each.
	Airmail other than cards:	
	Weight not over 2 ounces	10 cents an ounce, plus 2 cents per piece.
	Weight over 2 ounces	10 cents an ounce, plus 5 cents per piece. Over 7 ounces air parcel post rates plus 5 cents per piece.

(b) *Priority mail* (heavy pieces).

Weight over 7 ounces and not exceeding—	Rate					
	Local, zones 1, 2, and 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
1 pound	$0.80	$0.80	$0.80	$0.80	$0.80	$0.80
1½ pounds	.98	1.02	1.07	1.14	1.18	1.24
2 pounds	1.16	1.23	1.34	1.47	1.55	1.68
2½ pounds	1.40	1.48	1.62	1.79	1.91	2.08
3 pounds	1.64	1.73	1.90	2.11	2.27	2.48
3½ pounds	1.88	1.98	2.18	2.43	2.63	2.88
4 pounds	2.12	2.23	2.46	2.75	2.99	3.28
4½ pounds	2.36	2.48	2.74	3.07	3.35	3.68
5 pounds	2.60	2.73	3.02	3.39	3.71	4.08
6 pounds	3.08	3.23	3.58	4.03	4.43	4.88
7 pounds	3.56	3.73	4.14	4.67	5.15	5.68
8 pounds	4.04	4.23	4.70	5.31	5.87	6.48
9 pounds	4.52	4.73	5.26	5.95	6.59	7.28
10 pounds	5.00	5.23	5.82	6.59	7.31	8.08
11 pounds	5.48	5.73	6.38	7.23	8.03	8.88
12 pounds	5.96	6.23	6.94	7.87	8.75	9.68
13 pounds	6.44	6.73	7.50	8.51	9.47	10.48
14 pounds	6.92	7.23	8.06	9.15	10.19	11.28
15 pounds	7.40	7.73	8.62	9.79	10.91	12.08
16 pounds	7.88	8.23	9.18	10.43	11.63	12.88
17 pounds	8.36	8.73	9.74	11.07	12.35	13.68
18 pounds	8.84	9.23	10.30	11.71	13.07	14.48
19 pounds	9.32	9.73	10.86	12.35	13.79	15.28
20 pounds	9.80	10.23	11.42	12.99	14.51	16.08
21 pounds	10.28	10.73	11.98	13.63	15.23	16.88
22 pounds	10.76	11.23	12.54	14.27	15.95	17.68
23 pounds	11.24	11.73	13.10	14.91	16.67	18.48
24 pounds	11.72	12.23	13.66	15.55	17.39	19.28
25 pounds	12.20	12.73	14.22	16.19	18.11	20.08
26 pounds	12.68	13.23	14.78	16.83	18.83	20.88
27 pounds	13.16	13.73	15.34	17.47	19.55	21.68
28 pounds	13.64	14.23	15.90	18.11	20.27	22.48
29 pounds	14.12	14.73	16.46	18.75	20.99	23.28
30 pounds	14.60	15.23	17.02	19.39	21.71	24.08
31 pounds	15.08	15.73	17.58	20.03	22.43	24.88
32 pounds	15.56	16.23	18.14	20.67	23.15	25.68
33 pounds	16.04	16.73	18.70	21.31	23.87	26.48
34 pounds	16.52	17.23	19.26	21.95	24.59	27.28
35 pounds	17.00	17.73	19.82	22.59	25.31	28.08
36 pounds	17.48	18.23	20.38	23.23	26.03	28.88
37 pounds	17.96	18.73	20.94	23.87	26.75	29.68
38 pounds	18.44	19.23	21.50	24.51	27.47	30.48
39 pounds	18.92	19.73	22.06	25.15	28.19	31.28
40 pounds	19.40	20.23	22.62	25.79	28.91	32.08
41 pounds	19.88	20.73	23.18	26.43	29.63	32.38
42 pounds	20.36	21.23	23.74	27.07	30.35	33.68
43 pounds	20.84	21.73	24.30	27.71	31.07	34.48
44 pounds	21.32	22.23	24.86	28.35	31.79	35.28
45 pounds	21.80	22.73	25.42	28.99	32.51	36.08
46 pounds	22.28	23.23	25.98	29.63	33.23	36.88
47 pounds	22.76	23.73	26.54	30.27	33.95	37.68
48 pounds	23.24	24.23	27.10	30.91	34.67	38.48
49 pounds	23.72	24.73	27.66	31.55	35.39	39.28
50 pounds	24.20	25.23	28.22	32.19	36.11	40.08
51 pounds	24.68	25.73	28.78	32.83	36.83	40.88
52 pounds	25.16	26.23	29.34	33.47	37.55	41.68
53 pounds	25.64	26.73	29.90	34.11	38.27	42.48
54 pounds	26.12	27.23	30.46	34.75	38.99	43.28
55 pounds	26.60	27.73	31.02	35.39	39.71	44.08
56 pounds	27.08	28.23	31.58	36.03	40.43	44.88
57 pounds	27.56	28.73	32.14	36.67	41.15	45.68
58 pounds	28.04	29.23	32.70	37.31	41.87	46.48
59 pounds	28.52	29.73	33.26	37.95	42.59	47.28
60 pounds	29.00	30.23	33.82	38.59	43.31	48.08
61 pounds	29.48	30.73	34.38	39.23	44.03	48.88
62 pounds	29.96	31.23	34.94	39.87	44.75	49.68
63 pounds	30.44	31.73	35.50	40.51	45.47	50.48
64 pounds	30.92	32.23	36.06	41.15	46.19	51.28
65 pounds	31.40	32.73	36.62	41.79	46.91	52.08
66 pounds	31.88	33.23	37.18	42.43	47.63	52.88
67 pounds	32.36	33.73	37.74	43.07	48.35	53.68
68 pounds	32.84	34.23	38.30	43.71	49.07	54.48
69 pounds	33.32	34.73	38.86	44.35	49.79	55.28
70 pounds	33.80	35.23	39.42	44.99	50.51	56.08

EXCEPTION: Parcels weighing less than 10 pounds, measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 10-pound parcel for the zone to which addressed.

NOTE: The corresponding Postal Manual section is 136.1.

B. In § 136.2 paragraph (c) is revised to reflect new postage rates and instructions applicable to fourth-class mail and airmail.

§ 136.2 Classification.

* * * * *

(c) *Application of rates.* (1) Postage is charged on airmail (except postal and post cards) according to weight at the rates in § 136.1 regardless of the class of mail.

(2) Air post cards must conform to the size and conditions prescribed for post cards. (See § 131.2(b)(2) of this chapter.)

(3) Each portion of a double air post card must be prepaid at the air card rate when originally mailed, except when the reply portion is prepared as a business reply air card. See § 131.2(c) for information regarding business reply mail.

(4) Air parcel post articles addressed to military post offices overseas (Army, Air Force, and Fleet post offices, and Naval vessels) require postage at the airmail zone rate applicable between the mailing post office and the post office shown in the address.

(5) Eighth zone airmail rates:

(i) The eighth zone airmail rates apply to articles mailed between:

(*a*) The United States, and—

(*1*) Its possessions,

(*2*) The Canal Zone, and

(*3*) The islands of the Trust Territory of the Pacific;

(*b*) The possessions of the United States, and

(*1*) The Canal Zone, and

(*2*) The islands of the Trust Territory of the Pacific; and

(*c*) The Commonwealth of Puerto Rico, and

(*1*) The possessions of the United States,

(*2*) The Canal Zone, and

(*3*) The islands of the Trust Territory of the Pacific.

(ii) The airmail rates according to zone apply to articles mailed between:

(*a*) The United States, and

(*1*) The Commonwealth of Puerto Rico, and

(*2*) The Virgin Islands, and

(*b*) Between the Commonwealth of Puerto Rico and the Virgin Islands.

NOTE: The corresponding Postal Manual section is 136.23.

C. Sections 136.5 and 136.6 are revised to reflect new postage rates and instructions applicable to airmail.

§ 136.5 Additions and enclosures.

There are no special restrictions with respect to written additions and enclosures in airmail.

§ 136.6 Marking, sealing, and depositing.

(a) Place the word "Airmail" prominently on the address side of flat mail preferably below the stamps and above the address, and on the top, bottom, and sides of parcels. Adhesive Label 19, available without charge at the local post office, may be used. The return address of the sender must be shown on the address side of each air parcel mailed at zone rates of postage.

(b) Airmail may be sealed or left unsealed without affecting the air rate.

(c) Deposit airmail weighing 7 ounces or less at the post office or in a special airmail letter box or drop, if available, to insure fastest dispatch, or in any collection box. Airmail weighing over 7 ounces must be deposited at the post office, branch, or station, or handed to a rural or star route carrier.

(d) Use envelopes printed with special airmail design for airmail only. Their use for mail not intended for air transmission is not permissible.

NOTE: The corresponding Postal Manual sections are 136.5 and 136.6 respectively.

PART 138—FOR THE BLIND

VIII. Part 138 is completely revised and now reads as follows:

§ 138.1 Conditions.

The following conditions are applicable to articles mailable free of postage under this section:

(a) Except as provided in § 138.2(a) the matter is for the use of the blind or other persons who cannot use or read conventionally printed material because of a physical impairment who are certified by competent authority as unable to read normal reading material;

(b) No charge, or rental, subscription, or other fee, is required for such matter or a charge, or rental, subscription, or other fee is required for such matter not in excess of the cost thereof;

(c) The matter may be opened for postal inspection;

(d) The matter contains no advertising.

§ 138.2 Items mailable free.

(a) Unsealed letters sent by a blind person or a person having a physical impairment as described in § 138.1(a) is raised characters or sight-saving type or in the form of sound recordings;

(b) Reading matter and musical scores;

(c) Sound reproductions;

(d) Paper, records, tapes, and other material for the production of reading matter, musical scores, or sound reproductions;

(e) Reproducers or parts thereof for sound reproductions; and

(f) Braille writers, typewriters, educational or other materials or devices, or parts thereof, used for writing by, or specifically designed or adapted for use of, a blind person or a person having a physical impairment as described in § 138.1(a).

§ 138.3 Markings.

All matter mailed under the provisions of this Part 138 shall show the words "Free Matter for the Blind or Handicapped" in the upper right corner of the address side.

§ 138.4 Weight and size limits.

The weight and size limitations in § 135.3(a) of this chapter are applicable to mailings made under this part.

NOTE: The corresponding Postal Manual section is Part 138.

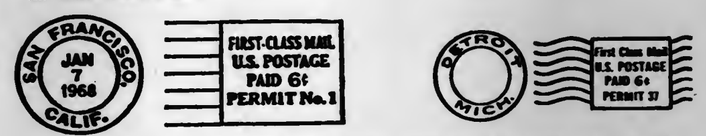
PART 144—PERMIT IMPRINTS

IX. Section 144.4 is revised to show the new rates for permit imprints.

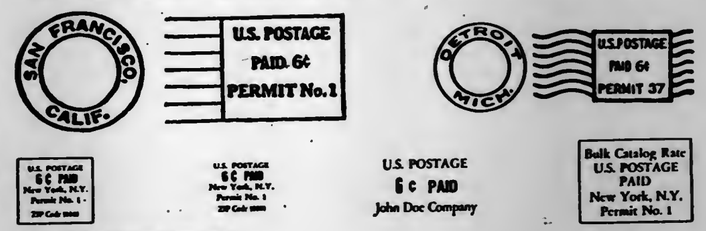
§ 144.4 Form of permit imprints.

Permit imprints must be prepared in one of the forms illustrated. The addition of extraneous matter is not permitted.

(a) First-class mail:



(b) Second-, third-, and fourth-class mail (date and first-class mail omitted):



(c) Bulk third-class mail:



(d) Authorized Nonprofit Organization Mailings only: See § 134.4(b)(3) of this chapter.



PART 157—FORWARDING MAIL

X. In Part 157 make the following changes:

A. In § 157.1, paragraphs (a)(2) and (a)(3) are revised to state that all third- and fourth-class mail which the sender has guaranteed to pay forwarding postage will be forwarded.

§ 157.1 Order to change address.

(a) *Ordinary mail.* * * *

(2) *Forwardable mail.* Mail received at the old address will be handled as follows:

(i) All first-class mail, all official mail described in Part 137 of this chapter, and all third- and fourth-class mail of obvious value will be forwarded.

(ii) Second-class, and other third- and fourth-class mail will be forwarded when specifically requested by the order.

(iii) Mail addressed to "Occupant" or "Postal Patron" (see § 123.4 of this chapter) will not be forwarded.

(iv) All third- and fourth-class mail for which the sender has guaranteed to pay the forwarding postage will be forwarded. (See §§ 158.2(d)(2) and 158.2(e) of this chapter.).

(v) Mail bearing specific instructions of the sender "Do not forward" will not be forwarded.

(3) *Pledge to pay forwarding postage.* The order to forward mail constitutes the pledge of the addressee to pay forwarding postage. See § 157.3 of this chapter. When an addressee who has pledged to pay forwarding postage refuses to pay the postage due, the postmaster must send Form 3546, Notice to Change Forwarding Order, to the postmaster at the old address requesting him to discontinue forwarding mail of the class refused.

* * * * *

NOTE: The corresponding Postal Manual sections are 157.112 and 157.113 respectively.

B. In § 157.3, paragraph (b) is revised to provide that when first-class mail bearing the words "Address Correction Requested" is forwarded to a new address, the sender will be notified on Form 3547 of the new address of the addressee and a charge of 10 cents will be collected upon delivery of the form.

§ 157.3 Postage for forwarding.

* * * * *

(b) *Change to another post office.* Mail forwarded to another post office is subject to additional postage as follows, to be computed the same as if the piece were originally mailed at the office from which it is forwarded:

(1) First-class mail: No charge is made for forwarding first-class mail, including postal and post cards, when postage has been fully prepaid by the sender. No additional charge is made for forwarding first-class mail that is not fully prepaid, but any amount shortpaid at the time of original mailing will be collected on delivery.

(2) Second-class publications are subject to additional postage for forwarding at the second-class transient rate computed on each individually addressed copy or package of unaddressed copies. (See § 132.1(c) of this chapter.)

(3) Controlled circulation publications (see part 133 of this chapter) are subject to additional postage for forwarding at the single-piece third- or fourth-class rate according to weight.

(4) Third-class mail is subject to collection of additional postage at the single-piece rate, when forwarded. (See § 134.1(a) of this chapter.)

(5) Fourth-class mail is subject to the collection of additional postage for forwarding at the applicable rate of postage. (See § 135.1 of this chapter.)

(6) Airmail: No additional charge is made for forwarding airmail articles weighing 7 ounces or less. These articles are sent by air when air service to the new address is available. First-class mail of this weight may also be forwarded by air on prepayment of the difference between the surface and air rates. Airmail weighing over 7 ounces is forwarded by air at the applicable air zone rate to be collected on delivery except when the article bears the sender's specific instructions to forward it by surface mail. When forwarded by surface mail, forwarding postage at the applicable rate according to class of mail is collected on delivery. (See § 136.1 of this chapter.)

(7) Registered, certified, insured, COD, and special handling mail is forwarded without the payment of additional fees, but the ordinary forwarding postage charges, if any, must be paid. Such mail will not be forwarded to a foreign country. See § 157.1(b)(2) of this chapter concerning registered mail forwarded to the Canal Zone, and § 166.4(g) of this chapter for forwarding special delivery mail.

NOTE: The corresponding Postal Manual section is 157.32.

C. Section 157.6 is revised to provide that each time second-class mail, third-class mail of obvious value, or fourth-class mail, and airmail weighing over 7 ounces, is reforwarded, it is charged additional postage at the appropriate rate.

§ 157.6 Reforwarding.

The address (but not the name) may be changed and the mail reforwarded as many times as necessary to reach the addressee. Each time second-class mail, third-class mail of obvious value, or fourth-class mail, and airmail weighing over 7 ounces, is reforwarded, it is charged additional postage at the appropriate rate.

NOTE: The corresponding Postal Manual section is 157.6.

PART 158—UNDELIVERABLE MAIL

XI. In Part 158 make the following changes:

A. Section 158.2 is revised to give new instructions governing the rating and the disposition of undeliverable mail.

§ 158.2 Treatment by classes.

(a) *First-class mail.* First-class mail, except postal and post cards, is returned to the sender, if known, without additional charge. Only postal and post cards that bear the sender's address and request for return, are returned, and postage at the card rate is collected on delivery to the sender. Any postage due because of failure to fully prepay postage at the time of mailing will be collected from the sender when the undeliverable mail is returned. When first-class mail bearing the words "Address Correction Requested" is forwarded to a new address, the sender will be notified on Form 3547 of the new address of the addressee and a charge of 10 cents will be collected upon delivery of the form.

(b) *Second-class mail*—(1) *Change in local address*—(i) *Delivery for 3 months.* When there has been any kind of a change in the local address, the copies of second-class publications bearing the old local address shall be delivered to the new local address without charge for a period of 3 months even though the copies bear the request of the sender for return. The words "local address" as used in this paragraph mean any address served by the city, rural, or star carriers of any specific post office or a post office box or general delivery address at the post office. Form 3578, Change of Address Notice to Publishers, shall be furnished to the addressee at the new local address, and he shall be requested to use it promptly for furnishing the new local address to the sender. Form 3578 shall not be inserted in the copies but shall be delivered to the addressee separately from the copies.

(ii) *Procedure after 3 months.* When copies bearing the old local address are received after the period of 3 months has expired, the carrier or clerk serving the old address shall write the new local address, including ZIP Code number, on Form 3579, Undeliverable Second Class Matter, which shall then be affixed to the copies, envelopes, or wrappers, near but not over the old address. The copies shall then be delivered to the inquiry section or to the clerk designated by the postmaster to receive them. The portion of the page, envelope, or wrapper which bears both the old address, including ZIP Code number, if any, and Form 3579 shall then be cut or torn from the copies, envelopes, or wrappers, placed in an envelope, and mailed directly to the publisher, news agent, or other sender. The address on the envelope shall always include the name of the publication. Any number of notices may be returned in one envelope. Each envelope shall be rated with postage due at the rate of 10 cents for each notice contained in the envelope. Copies bearing the old address which are received after the mailing of the notice shall be disposed of as waste. When the copies bear the request of the sender for return, the portion of the page, envelope, or wrapper, shall not be detached, and after expiration of the 3 months' period each complete copy shall be returned to the sender rated with postage due at the transient rate (see § 132.1(c) of this chapter) on each individually addressed copy or package of unaddressed copies and 10 cents for the notice on Form 3579 affixed thereto.

(2) *Undeliverable for any reason other than change in local address.* When copies of second-class publications are undeliverable as addressed for any reason other than a change in the local address (see § 132.1(c) of this chapter), the carrier or clerk serving the old address shall prepare Form 3579 and affix it to the first undeliverable copy, or its envelope or wrapper, near but not over the old address, and then deliver the copy to the inquiry section or to the designated clerk. If a new address has been entered on the form, the ZIP Code number for that address must be shown. If the copies do not bear the request of sender for return, the notice shall be mailed to the sender in the manner prescribed by subparagraph (1)(ii) of this paragraph. Copies bearing the old address which are received after the mailing of the notice shall be disposed of as waste. When the copies bear the request of the sender for return, each complete copy, beginning with the first one undeliverable as addressed, shall be returned to the sender rated with postage due at the transient rate (see § 132.1(c) of this chapter) on each individually addressed copy or package of unaddressed copies and 10 cents for the notice on Form 3579 as provided by subparagraph (1)(ii) of this paragraph.

(3) *Pledge of addressee to pay forwarding postage.* When a change of address is other than a change of local address (see subparagraph (1)(i) of this paragraph), and the addressee has filed a written guarantee either on Form 3575 or otherwise to pay forwarding postage, the copies of second-class publications bearing the old address shall be forwarded to the new address for a period of 3 months rated with postage due at the transient rate (see § 132.1(c) of this chapter), computed on each individually addressed copy or package of unaddressed copies. Form 3578 shall be furnished to the addressee at the new address in the manner prescribed by subparagraph (1)(i) of this paragraph). If the addressee refuses to pay the postage due, the postmaster at the old address shall be requested by the postmaster at the new address to immediately discontinue forwarding the copies. When copies bearing the old address, but not the request of the sender for return, are received after the period of 3 months has expired, a notice shall be prepared and mailed to the sender in the manner prescribed by subparagraph (1)(ii) of this paragraph. Copies bearing the old address which are received after the mailing of the notice shall be disposed of as waste. When the copies bear the request of the sender for return, each complete copy beginning with the first one bearing the old address received after the period of 3 months has expired, shall be returned to the sender rated with postage due at the transient rate (see § 132.1(c) of this chapter) on each individually addressed copy or package of unaddressed copies and 10 cents for the notice on Form 3579 as provided in subparagraph (1)(ii) of this paragraph.

(4) *Manner in which the request of the sender shall be shown.* The words "Return Postage Guaranteed" shall be printed on the envelopes or wrappers or on one of the outside covers of unwrapped copies, and shall be immediately preceded by the sender's name and address, including ZIP Code number.

(5) *Failure to follow procedure.* When postmasters do not comply with the instructions in this paragraph their noncompliance should be brought directly to their attention by any postmaster who observes the noncompliance. In all cases where a change of address is not made by the sender within 3 months after the notice is sent on Form 3579, the postmaster at the office of mailing shall be requested on Form 3538, Irregular Handling of Undeliverable Second-Class or Controlled Circulation Publication, to instruct the sender to make the change.

(6) *Canadian publications.* The procedure prescribed by subparagraphs (1) through (3) of this paragraph shall be followed when copies of Canadian second-class publications are undeliverable as addressed.

(7) *Special circumstances.* See § 157.4 and § 157.5 of this chapter for instructions as to forwarding publications under the special circumstances described therein.

(c) *Controlled circulation publications.* Undeliverable copies mailed by a publisher will be treated as described in subparagraphs (1) through (4) of this paragraph. The single piece third-class rate or the fourth-class rate according to the weight of each individually addressed copy or package of unaddressed copies is applicable, in addition to the 10-cent fee for Form 3579, to each individually addressed copy or package of unaddressed copies bearing the sender's pledge "Return Postage Guaranteed."

(d) *Third-class mail*—(1) *Return of mail.* Undeliverable third-class mail bearing the words "Return Postage Guaranteed" will be returned to the sender and postage at the single-piece third-class rate will be collected on delivery. The piece will be marked "undeliverable as addressed." The reason why the piece is undeliverable as addressed or the addressee's new address will not be endorsed on the piece.

(2) *Forwarding and return of mail.* Undeliverable third-class mail bearing the words "Forwarding and Return Postage Guaranteed" will be forwarded when the new address is known, and postage at the single-piece third-class rate will be collected from the addressee. If the addressee refuses to pay the forwarding postage, the piece will be returned to the sender who must pay postage at the single-piece third-class rate for its forwarding plus postage at the single-piece third-class rate for its return. If the piece cannot be forwarded because the new address is not known, it will be given the "Return Postage Guaranteed" service provided for by subparagraph (1) of this paragraph.

(3) *Address correction service.* The addressee's new address, or the reason why a third-class mailing piece is undeliverable if the new address is not known, may be obtained by the sender either independently of, or in combination with the return and forwarding services provided by subparagraphs (1) and (2) of this paragraph. To obtain these services, the mailing piece must bear the words: "Address Correction Requested," or "Address Correction Requested Return Postage Guaranteed," or "Address Correction Requested Forwarding and Return Postage Guaranteed," according to the service desired. The following conditions govern these services:

(i) A piece weighing 4 ounces or less bearing the words "Address Correction Requested" will be returned to the sender for a fee of 10 cents with the new address or reason endorsed on the piece.

(ii) When a piece weighing more than 4 ounces bears the words "Address Correction Requested," Form 3579 will be used to notify the sender for a fee of 10 cents. Form 3579 and the old address portion of the mailing piece will be prepared for mailing to the sender in an envelope, in the same manner the form is prepared for mailing to second-class and controlled circulation publications (see paragraph (b)(1)(ii) of this section).

(iii) When a piece weighing more than 4 ounces and bearing the words "Address Correction Requested Return Postage Guaranteed," or "Address Correction Requested Forwarding and Return Postage Guaranteed" must be returned to the sender by the post office or original address because the piece cannot be forwarded, Form 3579 will be affixed to the piece, and it will be returned to the sender for a fee of 10 cents for the Form 3579 plus the single piece third-class postage for the piece.

(iv) When a piece of any weight bearing the words "Address Correction Requested," "Address Correction Requested Return Postage Guaranteed," or "Address Correction Requested Forwarding and Return Postage Guaranteed," is forwarded to the addressee in compliance with either the sender's or addressee's (see § 157.1(a)(3) of this chapter) guarantee to pay forwarding postage, Form 3547 will be used by the forwarding post office to furnish the sender the new address for a fee of 10 cents.

(e) *Fourth-class mail.* Undeliverable fourth-class mail will be handled according to the instructions in paragraph (d) of this section for handling third-class mail weighing more than 4 ounces, except that fourth-class rates apply in all instances where third-class rates are mentioned. The address correction and the return and forwarding services provided for third-class mail may be used for fourth-class mail.

(f) *Airmail.* Airmail weighing 7 ounces or less will be returned by the same transportation as first-class mail at no additional charge. Airmail weighing more than 7 ounces will be returned by surface transportation at the appropriate rate according to class of mail; except that, when the mail bears instructions of the sender to return by airmail, it will be returned at the airmail rate to be collected on delivery to the sender.

(g) *Registered, certified, insured, and COD.* When mail is undeliverable as addressed and cannot be forwarded, a notice is sent to the mailer on Form 3858, Notice of Undeliverable or Abandoned Mail, showing the reason. By completing the form and returning it immediately in an envelope bearing first-class postage, the mailer may tell the postmaster what to do with the mail. Mail will be returned to the mailer if there is no response. The postage charge, if any, for returning the mail (but not registration, insurance, certified or COD fees) will be collected from the mailer. Exception: When registered, certified, insured, and COD mail is addressed to a person who has moved and left no forwarding address, Form 3858 will not be sent, and the mail will be returned immediately to the mailer. Registered, certified, insured, and COD nixie mail shall be returned immediately to sender.

(h) *Disposal of perishable mail, drugs, and cosmetics.*—(1) *Perishable mail.* Undeliverable parcels containing perishable items that cannot be forwarded or returned before spoiling, and parcels of day-old poultry that cannot be delivered or returned within 60 hours after hatching, if salable will be disposed of by the postmaster through competitive bidding.

NOTE: The corresponding Postal Manual section is 158.2.

B. Section 158.8 is revised to give new instructions on Obvious Value Mail.

§ 158.8 Obvious value mail.

(a) *Identified as to obvious value.* The sender of third- and fourth-class mail may identify pieces which are considered to be of obvious value and assure their delivery or return by using the "Return Postage Guaranteed or the Forwarding

and Return Postage Guaranteed" services provided by §§ 158.2(d)(1), 158.2(d)(2), and 158.2(e).

(b) *Unidentified as to obvious value.* When an undeliverable piece does not bear the sender's guarantee to pay forwarding or return postage, its value must be appraised before it is disposed of. Packages containing merchandise or personal property such as photographs, jewelry, or clothing are examples of matter having obvious value. Miscellaneous printed matter such as circulars and articles unsolicited by the addressee such as samples of merchandise are examples of matter which is not of obvious value.

(c) *Disposition.* When a piece not indorsed as shown in paragraph (a) of this section is determined to be of obvious value, it must not be disposed of as waste, and it must not be sent to dead letter or dead parcel branches if it can be forwarded to the addressee or returned to the sender. If the addressee has guaranteed to pay forwarding postage for matter of obvious value (see § 157.1(a)(2) of this chapter), the piece will be forwarded. If the piece cannot be forwarded, it will be returned to the sender at the applicable postage rates.

NOTE: The corresponding Postal Manual section is 158.8.

PART 167—SPECIAL HANDLING

XII. Sections 167.1 and 167.2 are revised to update instructions on special handling.

§ 167.1 Description of special handling.

Special-handling service is available for third- and fourth-class mail only, including that which is insured or sent COD. It provides the most expeditious handling, dispatch, and transportation available, but does not provide special delivery. Special-handling parcels are delivered as parcel post and is ordinarily delivered on regular scheduled trips. The special-handling fee (or special-delivery fee) must be paid on all parcels that must be given special attention in handling, transportation, and delivery, such as parcels containing baby chicks or other baby poultry, package bees carried outside mail bags, baby alligators, etc.

§ 167.2 Special-handling fees.

Weight	*Fee (cents)*
Not more than 2 pounds	25
More than 2 pounds but not more than 10 pounds	35
More than 10 pounds	50

The special-handling fee is in addition to regular fourth-class postage and may be prepaid by ordinary postage stamps or by meter stamps.

NOTE: The corresponding Postal Manual sections are 167.1 and 167.2 respectively.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

AUGUST 22, 1968.

[F.R. Doc. 68-10389; Filed, Aug. 30, 1968; 8:45 a.m.]

Title 4—ACCOUNTS

Chapter I—General Accounting Office

SUBCHAPTER A—GENERAL PROCEDURES

PART 20—BID PROTESTS

Part 20, Procedures governing bid protests, is revised in its entirety as follows:

Sec.
20.1 Procedure for protest.
20.2 Notice of protest.
20.3 Furnishing of information on protests.

AUTHORITY: The provisions of this Part 20 issued under sec. 311, 42 Stat. 25, as amended, 31 U.S.C. 52. Interpret or apply sec. 305, 42 Stat. 24, 31 U.S.C. 71; sec. 304, 42 Stat. 24, as amended, 31 U.S.C. 74.

§ 20.1 Procedure for protest.

An interested party wishing to protest the proposed award of a contract, or the award of a contract, by an agency of the Federal Government whose accounts are subject to settlement by the U.S. General Accounting Office may do so by addressing a telegram or letter to the Comptroller General of the United States, U.S. General Accounting Office, Washington, D.C. 20548, identifying the procurement or sale and the agency concerned and stating the specific grounds upon which the protest is based. To assist in expediting resolution of the protest the protester is requested to provide simultaneously to the contracting officer of the agency involved in the protest a copy of the telegram or letter addressed to the Comptroller General.

§ 20.2 Notice of protest.

When it appears, upon initial consideration, that the protest may require action by the General Accounting Office which would adversely affect the interests of (a) the contractor, or of (b) any bidders or offerors who, in the opinion of the General Accounting Office, appear to have a substantial and reasonable prospect of receiving the award, notice and a reasonable opportunity to present views will be given to such contractor or bidders (offerors) prior to reaching a decision on the protest unless the Comptroller General or the Assistant Comptroller General certifies that time and circumstances do not permit. The party filing a protest, and those parties entitled to the above notice, may request a conference with the General Accounting Office attorney who has been assigned primary responsibility for handling the protest.

§ 20.3 Furnishing of information on protests.

The General Accounting Office will, upon request, furnish to any party mentioned in the preceding paragraph any information relating to the protest submitted by any party or Government agency except to the extent that disclosure of such information would be inconsistent with the regulations set forth in 4 CFR 81.6.

[SEAL] FRANK H. WEITZEL,
Acting Comptroller General of the United States.

[F.R. Doc. 68-10537; Filed, Aug. 30, 1968; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—U.S. Standards for Grades of Radishes

U.S. NO. 1 AND U.S. COMMERCIAL; CORRECTION

In F.R. Doc. 68-10066 appearing in the issue of Wednesday, August 21, 1968 (33 F.R. 11809), the words "one-half" appearing in line 4 of § 51.2397(b)(4) in column 3 of page 11809, and in line 4 of § 51.2398(a)(4) in column 1 of page 11810 are corrected to read "three-eighths."

Dated: August 27, 1968.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 68-10550; Filed, Aug. 30, 1968; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 253, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 908.553 (Valencia Orange Reg. 253, 33 F.R. 11896) are hereby amended to read as follows:

§ 908.553 Valencia Orange Regulation 253.

* * * * * * *

(b) *Order.* (1) * * *

(ii) District 2: 400,000 cartons;

* * * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 28, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-10576; Filed, Aug. 30, 1968; 8:50 a.m.]

[Lemon Reg. 336]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.636 Lemon Regulation 336.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulations; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessery, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 27, 1968.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period September 1, 1968, through September 7, 1968, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 213,900 cartons;

(iii) District 3: 15,811 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 29, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-10601; Filed, Aug. 30, 1968; 8:50 a.m.]

[948.358; Area 2]

PART 948—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the Area No. 2 Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments regulation, hereinafter set forth, will tend to effectuate the declared policy of the act and thereby maintain orderly marketing conditions and tend to increase returns to producers of such potatoes.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1968 crop potatoes grown in Area No. 2 will begin on or about the effective date specified herein; (2) to maximize benefits to producers, this regulation should apply to all such shipments; (3) the time intervening between the date of the committee's recommendation and the date when this section must become effective in order to effectuate the policy of the act is insufficient; (4) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date; and (5) information regarding the committee's recommendation of these regulations has been disseminated to producers and handlers in the production area.

§ 948.358 Limitation of shipments.

During the period September 9, 1968, through June 30, 1969, no person shall handle any lot of potatoes grown in Area No. 2 unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), (f), and (g) of this section. The maturity requirements specified in paragraph (b) shall terminate October 15, 1968, at 11:59 p.m. m.d.t.

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter or 4 ounces minimum weight.

(3) *All varieties.* Size B, if U.S. No. 1 or better grade, and if handled in accordance with the reporting requirements of paragraph (g) of this section.

(b) *Maturity (skinning) requirements*—(1) *Russet Burbank and Red McClure varieties.* For U.S. No. 2 grade not more than "moderately skinned" and for other grades not more than "slightly skinned."

(2) *All other varieties.* Not more than "moderately skinned."

(c) *Special purpose shipments*—(1) *Chipping stock.* Potatoes may be handled for chipping if they meet the requirements of 1½ inches minimum diameter, and if U.S. No. 2, or better grade, except

for (i) scab, and (ii) the maturity requirements of paragraph (b) of this section, if such potatoes are handled in accordance with paragraph (d) of this section.

(2) *Other special purposes.* (i) The quality and maturity requirements of paragraphs (a) and (b) of this section and the inspection and assessment requirements of this part shall not be applicable to shipments of potatoes for livestock feed, relief, or charity.

(ii) The quality and maturity requirements of paragraphs (a) and (b) of this section shall not be applicable to the handling of potatoes for seed pursuant to § 948.6; but any lot of potatoes handled for seed shall be subject to assessments.

(d) *Safeguards.* Each handler of potatoes which do not meet the quality and maturity requirements of paragraphs (a) and (b) of this section and which are handled pursuant to paragraph (c) of this section for any of the special purposes set forth therein shall,

(1) Prior to handling, apply for and obtain a Certificate of Privilege from the committee,

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes, and

(3) Bill each shipment directly to the applicable processor or receiver.

(e) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes without regard to inspection and the requirements of paragraphs (a) and (b) of this section, but this exception shall not apply to any portion of a shipment which exceeds 1,000 pounds of potatoes.

(f) *Inspection.* (1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to paragraph (d) of § 948.40, that each inspection certificate shall be valid for a period not to exceed 5 days following the date of inspection as shown on the inspection certificate, except that inspection certificates issued on potatoes for use as potato chips handled pursuant to paragraph (c) (1) of this section shall be exempt from this 5-day requirement.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by, and made available for examination at any time upon request, a copy of the inspection certificate applicable thereto.

(g) *Reports.* Pursuant to § 948.80, no handler may ship size B potatoes from area No. 2 unless he reports to the committee in a manner prescribed by it the quantities handled and the destinations of such potatoes.

(h) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "slightly skinned," "moderately skinned," and "scab" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(i) *Applicability to imports.* Pursuant to section 608e–1 of the act and § 980.1, *Import regulations* (7 CFR 980.1 of this chapter), red skinned round type potatoes, except certified seed potatoes, imported into the United States during the period September 9, 1968, through June 30, 1969, shall meet the grade, size, quality, and maturity requirements specified in paragraphs (a) and (b) of this section.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 28, 1968, to become effective September 9, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68–10575; Filed, Aug. 30, 1968; 8:50 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 9]

PART 1009—MILK IN THE CLARKSBURG, W. VA., MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Clarksburg, W.Va., marketing area (7 CFR Part 1009), it is hereby found and determined that:

(a) The following provisions of the order will not tend to effectuate the declared policy of the Act beginning September 1, 1968:

1. Sections 1009.19, 1009.20, 1009.31 (b) (1), 1009.72, 1009.75(b), 1009.80(d) (2) (ii), 1009.90, 1009.91, and 1009.92 in their entirety.

2. In §§ 1009.27(k) (2), 1009.75(c), and 1009.82(b) (1), "and 1009.72".

3. In § 1009.31(b) (2) (ii), "including for the months of April through July, the pounds of base milk".

4. In the introductory text of § 1009.71, "for each of the months of August through March".

5. In § 1009.71(f), "during each of the months of August through March".

6. In § 1009.74(a), "and the uniform price to be paid for base milk".

7. In § 1009.80(a) (2), "or base milk and excess milk".

8. The center head "Determination of Base" immediately preceding § 1009.90.

(b) Thirty days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This action suspends the base-excess plan provisions for paying producers. Under the plan, producers establish daily bases during September through December. In the following April through July, producers are paid a base price for their deliveries that are not in excess of their base and a lower price for any additional milk delivered. It is contemplated that this suspension will continue until such time as a review of the base-excess plan may be completed through the hearing procedure.

This suspension was requested by the Dairymen's Cooperative Sales Association, which represents more than 80 percent of the producers in the Clarksburg market. The cooperative claimed that the base-excess plan is no longer necessary in this market to encourage even production throughout the year. Additionally, the cooperative claimed that because of an expected plant closing a significant number of producers in the Clarksburg market will probably be shifting to another market. Thus, such producers, although earning bases during the September–December 1968 period, probably would not be participating in the base-excess plan during the 1969 base-paying months.

There is no indication that the suspension of the base-excess plan will jeopardize the supply of milk for the market. Moreover, this suspension will tend to assure equity among producers in the market in view of the anticipated producer shifts.

Since a base-excess plan is concerned only with distributing to producers the total monies paid by handlers for producer milk, handlers' obligations under the order will not be affected by this action.

(4) Interested parties were afforded opportunity to file written data, views, or arguments concerning this suspension (33 F.R. 11908). None were filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective September 1, 1968.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended beginning September 1, 1968.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: September 1, 1968.

Signed at Washington, D.C., on August 28, 1968.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 68–10577; Filed, Aug. 30, 1968; 8:50 a.m.]

[Milk Order 121]

PART 1121—MILK IN THE SOUTH TEXAS MARKETING AREA

Order Regulating the Handling of Milk

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AUTHORITY: The provisions of this Part 1121 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1121.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the South Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to:

(i) Producer milk (including that pursuant to § 1121.14(a) (2) and such handler's own production);

(ii) Other source milk allocated to Class I pursuant to § 1121.46(a) (4) and (8) and the corresponding steps of § 1121.46(b); and

(iii) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

(b) *Additional findings.* It is necessary in the public interest to make this order partially effective not later than September 1, 1968, and fully effective not later than October 1, 1968. Any delay beyond these dates would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, Consumer and Marketing Service, was issued June 13, 1968, and the decision of the Under Secretary containing all the provisions of this order was issued August 8, 1968. In view of the foregoing, it is hereby found and determined that good cause exists for making this order partially effective September 1, 1968, and fully effective October 1, 1968, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the South Texas marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

DEFINITIONS

§ 1121.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1121.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise

the powers and to perform the duties of the Secretary of Agriculture.

§ 1121.3 Department.

"Department" means the U.S. Department of Agriculture.

§ 1121.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1121.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 1121.6 South Texas marketing area.

"South Texas marketing area", hereinafter called the "marketing area", means all territory, including all piers, docks, and wharves connected therewith, and all craft moored thereat, and territory occupied by Goverment (municipal, State or Federal) reservations, installations, institutions, or other similar establishments, within the boundaries of the following counties, all in the State of Texas:

Angelina.	Liberty.
Austin.	Madison.
Brazoria.	Matagorda.
Brazos.	Montgomery.
Chambers.	Nacogdoches.
Colorado.	Newton.
Fort Bend.	Orange.
Galveston.	Polk.
Grimes.	San Jacinto.
Hardin.	Trinity.
Harris.	Tyler.
Houston.	Walker.
Jackson.	Waller.
Jasper.	Washington.
Jefferson.	Wharton.

§ 1121.7 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products are received, processed and/or packaged. Separate facilities used only as a reload point for transferring bulk milk from one tank truck to another shall not be a plant under this definition if the milk transferred at such facilities can be identified as receipts from specific farmers until the milk is received at a plant. Facilities used only as a distribution point for storing fluid milk products in transit on routes shall not be a plant under this definition.

§ 1121.8 Distributing plant.

"Distributing plant" means a plant approved by any duly constituted State or municipal health authority, or acceptable to any agency of the State or Federal Government for the disposition of Grade A fluid milk products in the marketing area, at which milk products are received, processed and/or packaged, and from which fluid milk products are disposed of on routes in the marketing area.

§ 1121.9 Supply plant.

"Supply plant" means any plant approved by an appropriate health authority to supply fluid milk for distribution as Grade A milk in the marketing area and from which milk is moved to a distributing plant.

§ 1121.10 Pool plant.

"Pool plant" means:

(a) Any distributing plant, except a producer-handler plant or an other order plant, from which during the month:

(1) The disposition of fluid milk products on routes within the marketing area is 10 percent or more of the receipts of Grade A milk at such plant; and

(2) The total disposition of fluid milk products on routes is 50 percent or more of the receipts of Grade A milk at such plant;

(b) A supply plant:

(1) During any month in which 50 percent or more of the receipts of Grade A milk from dairy farmers and handlers pursuant to § 1121.12(d) at such plant is moved as fluid milk products in bulk to pool distributing plants; or

(2) During each of the months of January through August, if such plant was a pool plant pursuant to subparagraph (1) of this paragraph during each of the immediately preceding months of September through December, unless the operator of such plant has filed with the market administrator before the first day of any month written request that such plant not be a pool plant for each month through August during which it does not otherwise qualify as a pool plant; or

(c) Any plant operated by a cooperative association which has been approved by any duly constituted State or municipal health authority and at which milk is received from dairy farmers holding permits or authorization from such health authority, and at least 50 percent or more of the producer milk of members of such cooperative association is physically received during the month at pool plants of other handlers described in paragraph (a) of this section or is transferred to such pool plants from a plant of the cooperative association.

§ 1121.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another Federal order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Unregulated supply plant" means a nonpool plant from which fluid milk products eligible for distribution as Grade A milk in the marketing area are moved to a pool plant during the month but which is neither an other order plant nor a producer-handler plant.

(d) "Partially regulated distributing plant" means a nonpool plant that is neither another order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes (other than to pool plants) in the marketing area during the month.

§ 1121.12 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

(c) Any cooperative association with respect to producer milk which it causes to be diverted from a pool plant of another handler to a nonpool plant for the account of such cooperative association;

(d) Any cooperative association with respect to milk of its producer members which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association;

(e) Any person in his capacity as the operator of an other order plant from which route disposition of fluid milk products is made in the marketing area; or

(f) A producer-handler.

§ 1121.13 Producer.

(a) "Producer" means any person, except a governmental agency which operates a plant exempt pursuant to § 1121.62, or a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk approved for consumption as Grade A milk by any duly constituted State or municipal health authority, which is:

(1) Received at a pool plant; or

(2) Diverted by a handler for his account from a pool plant to a nonpool plant, subject to the provisions of § 1121.14.

(b) "Producer" shall not include:

(1) Any person with respect to milk produced by him which is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and the handler under the other order diverting such milk and the operator of the pool plant each have requested Class II classification of such milk in the reports of receipts and utilization filed with their respective market administrators; and

(2) Any person with respect to milk produced by him which is diverted to an other order plant if such person is designated as a producer under the other order with respect to such milk.

§ 1121.14 Producer milk.

"Producer milk" means skim milk and butterfat for each handler's account in milk from producers as follows:

(a) With respect to operations of a pool plant:

(1) Received directly from such producers;

(2) Received from a cooperative association handler pursuant to § 1121.12(d); and

(3) Diverted by the operator of such pool plant to a nonpoool plant for his account, subject to the conditions of paragraph (c) of this section.

(b) With respect to additional receipts by a cooperative association handler:

(1) Diverted by such cooperative association from the pool plant of another handler to a nonpool plant for the account of such cooperative association, subject to the conditions of paragraph (c) of this section; and

(2) Received by such cooperative association from producers' farms as a handler pursuant to § 1121.12(d) in excess of the quantity delivered to pool plants pursuant to paragraph (a)(2) of this section.

(c) With respect to diversions to nonpool plants:

(1) A cooperative association may divert for its account a total quantity of milk not in excess of one-third of the total producer milk of its members received at all pool plants during the month. Diversions in excess of such quantity shall not be producer milk and the diverting cooperative shall specify the dairy farmers whose diverted milk is ineligible as producer milk. If the cooperative association fails to designate such producers, producer milk status shall be forfeited with respect to all milk diverted by such cooperative association;

(2) A handler operating a pool plant may divert for his account milk of producers other than members of a cooperative association diverting milk pursuant to subparagraph (1) of this paragraph, in a total quantity not in excess of one-third of the milk at such pool plant during the month from producers who are not members of such a cooperative association. Milk diverted in excess of such quantity shall not be producer milk and the diverting handler shall specify the dairy farmers whose diverted milk is ineligible as producer milk. If a handler fails to designate such producers, producer milk status shall be forfeited with respect to all milk diverted by such handler and;

(3) For the purposes of location adjustments pursuant to §§ 1121.53 and 1121.82, diverted milk shall be priced at the location of the nonpool plant to which diverted.

§ 1121.15 Producer-handler.

"Producer-handler" means any person who:

(a) Produces milk and operates a distributing plant;

(b) Receives no milk from other dairy farmers;

(c) Disposes of no other source milk (except that represented by nonfat solids used in the fortification of fluid milk products) as Class I milk;

(d) Receives from pool plants not more than a total of 5,000 pounds of milk during the month or 5 percent of his Class I disposition, whichever is less; and,

(e) Furnishes satisfactory proof to the market administrator that the maintenance, care and management of all dairy animals and other resources necessary to produce the entire amount of fluid milk handled (excluding transfers from pool plants) and the operation of the plant are each the personal enterprise of and at the personal risk of such person.

§ 1121.16 Fluid milk products.

"Fluid milk products" mean milk, skim milk, buttermilk, flavored milk, flavored milk drinks; sweet cream, cultured sour cream and sour cream products labeled Grade A; any mixture in fluid form of milk or skim milk and cream; concentrated milk or skim milk. Eggnog, frozen dessert mixes, yogurt, aerated cream products, evaporated milk, condensed milk or skim milk and sterilized products in hermetically sealed metal or glass containers shall not be fluid milk products pursuant to this section.

§ 1121.17 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts at a pool plant during the month of fluid milk products except (1) fluid milk products received from other pool plants, (2) producer milk; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month, and any disappearance of products other than fluid milk products which are in a form in which they may be converted into fluid milk products or used to make Class II products and which are not otherwise accounted for pursuant to § 1121.33.

§ 1121.18 Route disposition.

"Route disposition", or "disposed of on routes", means any delivery (including any delivery by a vendor or disposition at a plant store) of fluid milk products, other than a delivery to a milk plant.

§ 1121.19 Butter price.

"Butter price" means the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month.

MARKET ADMINISTRATOR

§ 1121.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 1121.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend to the Secretary amendments to this part.

§ 1121.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties or such lesser period as may be described by the Secretary execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with satisfactory surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1121.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1121.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler by audit of such handler's records and the records of any other handler or person upon whose disposition of milk such handler claims classification of skim milk and butterfat and by such investigation as the market administrator deems necessary;

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1121.30 to 1121.32, has not maintained adequate records and facilities pursuant to § 1121.33, or made payments pursuant to §§ 1121.80, 1121.84, 1121.86, and 1121.88;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate and notify each handler in writing:

(1) On or before the fifth day of each month, the minimum price for Class I milk computed pursuant to § 1121.51(a), and the Class I milk butterfat differential computed pursuant to § 1121.52(a) both for the current month, and the minimum price for Class II milk computed pursuant to § 1121.51(b) and the butterfat differential for Class II milk computed pursuant to § 1121.52(b), both for the previous month; and

(2) On or before the 12th day after the end of each month the uniform price computed pursuant to § 1121.72; and the butterfat differential computed pursuant to § 1121.81;

(j) On or before the 12th day after the end of each month, mail to each handler at his last known address, a statement showing for such handler the amount and value of producer milk in each class and the totals thereof; and

(k) Prepare and make available for the benefit of producers, consumers and handlers such general statistics and such information concerning the operations hereof as are necessary and essential to the proper functioning of this part.

(l) On or before the 12th day after the end of each month report to each cooperative association, upon request by such association, the percentage of producer milk caused to be delivered by such association which was used in each class by each handler receiving such milk; for the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class.

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classifications to which such receipts are allocated pursuant to § 1121.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler who operates a pool plant (including a cooperative association in its capacity as a handler pursuant to § 1121.12(c)) and who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and as necessary, any changes in such classification arising in the verification of such report.

(o) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1121.46(a)(9) and the corresponding step of § 1121.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

Reports, Records and Facilities

§ 1121.30 Reports of receipts and utilization.

On or before the seventh day after the end of each month, reports of receipts and utilization for such month shall be made to the market administrator as follows in the detail and on forms prescribed by the market administrator:

(a) Each handler operating a pool plant shall report for each of his pool plants:

(1) Receipts of skim milk and butterfat in or represented by:

(i) Producer milk, showing separately receipts from producers and from each cooperative association bulk tank handler;

(ii) Receipts of fluid milk products from other pool plants; and

(iii) Other source milk, with the identity of each source.

(2) Inventories of fluid milk products at the beginning and end of the month:

(i) In packaged form; and

(ii) In bulk form.

(3) The utilization or disposition of all quantities required to be reported, showing separately:

(i) Total route disposition;

(ii) Route disposition in the marketing area;

(iii) Transfers to other pool plants;

(iv) Transfers to other order plants;

(v) Transfers to nonpool plants; and

(vi) Diversion to nonpool plants.

(4) Such other information with respect to receipts and utilization as the market administrator may request;

(b) Each cooperative association shall report with respect to milk for which it is the handler pursuant to § 1121.12 (c) or (d):

(1) Receipts of skim milk and butterfat from producers;

(2) The quantities delivered to each pool plant and to each nonpool plant;

(3) The utilization of all such milk not delivered to a pool plant; and

(4) Such other information as the market administrator may require.

(c) Each handler operating a partially regulated distributing plant shall report as required in paragraph (a) of this section except that receipts of Grade A milk from dairy farmers shall be reported in lieu of receipts of producer milk. Such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area.

§ 1121.31 Payroll reports.

On or before the 20th day of each month, each handler operating a pool plant(s), each cooperative association which is a handler pursuant to § 1121.12 (c) or (d), and each handler operating a partially regulated distributing plant and making payments pursuant to § 1121.61(a), shall submit to the market administrator his producer payroll (or in the latter case, his payroll for dairy farmers delivering Grade A milk) for deliveries made in the preceding month which shall show:

(a) The total pounds and the average butterfat test of milk received from each producer and cooperative association, the number of days, if less than the entire month for which milk was received from such producer;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 1121.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler operating an other order plant with route disposition in the marketing area shall report such disposition to the market administrator on or before the seventh day after the end of the month.

(c) Each handler who causes milk to be diverted for his account directly from producers' farms to a nonpool plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 1121.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in fluid milk products on hand at the beginning and end of each month.

§ 1121.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records, pertain: *Provided*, That, if within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records or of specified books and records is necessary in connection with a proceeding under section 8c-(15)(A) of the Act or a court action specified in such notice the handler shall retain such books and records, or specified books, and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly,

upon the termination of the litigation or when the records are no longer necessary in connection therewith.

Classification

§ 1121.40 Basis of classification.

The skim milk and butterfat which are required to be reported pursuant to § 1121.30 shall be classified by the market administrator, subject to the provisions of §§ 1121.41 through 1121.46, inclusive. If any of the water contained in the milk from which a product is made has been removed, before it is utilized or disposed of by the handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids, contained in such product, plus all the water originally associated with such solids.

§ 1121.41 Classes of utilization.

Subject to the conditions set forth in §§ 1121.43 and 1121.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in the form of a fluid milk product except as provided in subparagraphs (2), (3), (4), (5), or (6) of paragraph (b) of this section, subject to the following:

(i) Any such product in fluid form fortified with added milk solids shall be Class I milk in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content; and

(ii) Any such product in concentrated form shall be Class I only when disposed of for fluid consumption in consumer packages and in an amount equal to the skim milk and butterfat used to produce the quantity so disposed of.

(2) In inventory of fluid milk products in packaged form on hand at the end of the month; and

(3) Not specifically accounted for as Class II utilization.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Contained in any fluid milk product which has been fortified with additional milk solids not fat which is in excess of the pounds classified as Class I milk pursuant to paragraph (a)(1) of this section;

(3) In frozen cream stored in a public warehouse and not moved within 30 days after date of storage;

(4) In fluid milk products disposed of for livestock feed;

(5) In fluid milk products dumped by a handler after notification to and opportunity for verification by the market administrator;

(6) In bulk milk, skim milk or cream disposed of to commercial food processing establishments (other than milk plants) and used at such establishments in food products composed principally of nondairy ingredients prepared for consumption off the premises;

(7) In inventory of bulk fluid milk products on hand at the end of the month;

(8) In actual shrinkage at each plant but not in excess of the following limitations:

(i) Two percent of receipts directly from producers; plus

(ii) 1.5 percent of receipts from a cooperative association handler pursuant to § 1121.12(d), except that if the handler operating the pool plant files notice with the market administrator that he is accounting for such milk on the basis of farm weights determined by the cooperative association, the applicable percentage shall be two percent; plus

(iii) 1.5 percent of bulk fluid milk products (except cream) received from other pool plants; plus

(iv) 1.5 percent of bulk fluid milk products received from other order plants, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; plus

(v) 1.5 percent of bulk fluid milk products received from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) 1.5 percent of bulk fluid milk products (except cream) disposed of to other milk plants, except, in the case of milk diverted to a nonpool plant, if the operator of the plant to which the milk is diverted accounts for such milk on the basis of farm weights, the applicable percentage shall be 2 percent.

(9) In shrinkage of skim milk and butterfat, respectively, in other source milk assigned pursuant to § 1121.42(b); and

(10) In shrinkage of skim milk and butterfat, respectively, resulting from milk for which a cooperative association is the handler pursuant to § 1121.12 (c) or (d) not being delivered to pool plants and nonpool plants, but not in excess of one-half percent of the quantity received from producers, exclusive of receipts for which farm weights are used as the basis of receipt at the plant to which delivered.

§ 1121.42 Assignment of shrinkage.

The market administrator shall prorate the total shrinkage of skim milk and butterfat, respectively, computed at each pool plant between the following:

(a) Skim milk and butterfat in amounts, respectively, equal to 50 times the maximum quantities that may be computed pursuant to § 1121.41(b)(8); and

(b) The skim milk and butterfat, respectively, in other source milk received as bulk fluid milk products, exclusive of the other source milk specified in § 1121.41(b)(8).

§ 1121.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified otherwise. With respect to milk received for delivery to a pool plant by a cooperative association handler pursuant to § 1121.12(d), the operator of the pool plant shall have the burden of proving the classification of the skim milk and butterfat defined in § 1121.14(a)(2);

(b) Milk received by a handler operating a pool plant from a cooperative association handler pursuant to § 1121.12 (d) shall be classified according to use or disposition at the receiving plant and the value thereof at class prices shall be included in the receiving handler's net obligation pursuant to § 1121.70; and

(c) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses the original classification was incorrect.

§ 1121.44 Transfers.

Skim milk or butterfat shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred in the form of fluid milk products from a pool plant to another pool plant subject to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1121.46(a)(9) and the corresponding step of § 1121.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1121.46(a)(4) and the corresponding step of § 1121.46 (b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1121.46(a)(8) or (9) and the corresponding steps of § 1121.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of other source milk received at the transferee plant;

(b) As Class I milk, if transferred in the form of bulk fluid milk products from a pool plant to a producer-handler or a plant exempt pursuant to § 1121.62;

(c) As Class I milk, if transferred or diverted in the form of bulk milk, skim milk, or cream to a nonpool plant that is not an other order plant, producer-handler plant, or a plant exempt pursuant to § 1121.62, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph;

(1) The transferring handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1121.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plants;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk.

(d) On the basis of the conditions and the allocation procedure described in paragraph (c) of this section at a second nonpool plant, that is neither an other order plant, nor a producer-handler plant, when transferred or diverted from the pool plant as milk or skim milk in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, and from which all receipts of milk or skim milk are moved in bulk to such second nonpool plant for further processing;

(e) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the transferor handler and the operator of the other order plant so request in their report of receipts and utilization filed with their respective market administrators, transfers and diversions in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under the other order) available for such assignment pursuant to the allocation provisions of the other order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1121.41.

§ 1121.45 Computation of the skim milk and butterfat in each class.

(a) For each month the market administrator shall correct for mathematical and other obvious errors the reports of receipts and utilization submitted pursuant to § 1121.30 for each pool plant of each handler, and compute the pounds of skim milk and butterfat in each class for such plant;

(b) If no fluid milk products to be assigned pursuant to § 1121.46(a) (8) or (9) were received at any of his pool plants, allocations pursuant to § 1121.46 and computation of obligations pursuant to § 1121.70 shall be made separately for each pool plant of a handler with two or more pool plants;

(c) Unless the conditions specified in paragraph (b) of this section apply, the market administrator shall combine the receipts and utilization (exclusive of utilization based upon movements between such plants) at all pool plants of such handler for purposes of allocation pursuant to § 1121.46 and computation of obligation pursuant to § 1121.70; and

(d) The market administrator shall determine the classification, allocation and pool obligation with respect to producer milk for which a cooperative association is accountable pursuant to § 1121.12 (c) and (d) separately from the operations of any pool plant operated by such cooperative association. The pounds of skim milk and butterfat so determined in each class shall be used for computation pursuant to § 1162.46 (c).

§ 1121.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1121.45, the market administrator shall determine the classification of producer milk for each handler (or pool plant, if applicable) as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk classified as Class II milk pursuant to § 1121.41(b)(8);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class in series beginning with Class II milk, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order or from a plant exempt pursuant to § 1121.62;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II milk but not in excess of such quantity:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant;

(a) For which the handler requests Class II milk utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class II milk utilization was requested by the operator of such plant and the handler;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (5)(i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (5)(ii) of this paragraph:

(i) In series beginning with Class II milk, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II milk utilization of skim milk announced for the month by the market administrator pursuant to § 1121.22(o) or the percentage that Class II milk utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I milk, the remaining pounds of such receipts;

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other handlers (or other pool plants, if applicable) according to the classification assigned pursuant to § 1121.44(a); and

(11) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II milk. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section and § 1121.45(d) for each class and determine the weighted average butterfat content of producer milk in each class.

Minimum Prices

§ 1121.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential, rounded to the nearest one-tenth cent, computed at 0.12 times the butter price for the month. The basic formula price shall be rounded to the nearest full cent. For the purpose of computing Class I prices from the effective date hereof through April 1969, the basic formula price shall not be less than $4.33.

§ 1121.51 Class prices.

Subject to the provisions of §§ 1121.52 and 1121.53, the minimum prices per hundredweight to be paid by each handler for milk received at his pool plant from producers during the month shall be as follows:

(a) *Class I price.* For the 18-month period from the effective date of this order the Class I milk price applicable to Zone I plants shall be the basic formula price for the preceding month plus $2.48, and plus 20 cents through April 1969.

(b) *Class II price.* The Class II milk price shall be the basic formula price for the month, but not to exceed by more than 10 cents the sum of the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the butter price for the month, subtract 3 cents and multiply by 4.2;

(2) From the weighted average of the carlot prices per pound of spray process, nonfat dry milk solids, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

§ 1121.52 Butterfat differentials to handlers.

If the average butterfat content of the milk of any handler allocated to any class pursuant to § 1121.46 is more or less than 3.5 percent, there shall be added to the respective class price, computed pursuant to § 1121.51, for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 3.5 percent an amount equal to the butterfat differential computed by multiplying the butter price for the appropriate month by the applicable factor listed below and rounding to the nearest one-tenth cent:

(a) *Class I milk.* Multiply such price for the preceding month by 0.125; and

(b) *Class II milk.* Multiply such price for the current month by 0.115.

§ 1121.53 Location differential to handlers.

(a) For that milk which is received from producers at a pool plant located north of U.S. Highway 90 or in Fayette County, Tex., and outside Zone I and which is transferred to another pool plant in the form of fluid milk products and assigned Class I disposition at the transferee plant pursuant to paragraph (c) of this section, or which is otherwise classified as Class I milk, and for other source milk for which Class I location adjustment credit is applicable, the price specified in § 1121.51(a) shall be reduced at the rate specified below for the applicable distance that such plant is locafed from the Houston city hall by shortest hard-surfaced highway distance, as determined by the market administrator:

Miles from city hall in Houston, Tex.	Rate per hundredweight (cents)
60 miles but less than 100 miles	12
100 miles but less than 140 miles	18
140 miles but less than 180 miles	22
180 miles but less than 225 miles	26

For plants located beyond the 225 miles distance from the city hall in Houston, Tex., the rate of adjustment will be increased 1.5 cents for each 10 miles or fraction thereof that such plant is located more than 225 miles from the city hall in Houston, Tex., by shortest hard-surfaced highway distance, as determined by the market administrator:

(b) For that milk which is received from producers at a pool plant located south of U.S. Highway 90 and outside of Zone I or Fayette County, Tex., and which is transferred to another pool plant in the form of fluid milk products and assigned Class I disposition at the transferee plant pursuant to paragraph (c) of this section, or which is otherwise classified as Class I milk and for other source milk for which a Class I location adjustment credit is applicable, the price specified in § 1121.51(a) shall be increased at the rate specified below for the applicable distance that such plant is located from the Houston city hall by the shortest highway distance, as determined by the market administrator.

Miles from city hall in Houston, Tex.	Rate per hundredweight (cents)
60 miles but less than 100 miles	12
100 miles but less than 140 miles	18

For plants located beyond the 140 miles distance from the city hall in Houston, Tex., the rate of adjustment will be increased at the rate of 1.5 cents for each 10 miles or fraction thereof that such plant is located more than 140 miles from the city hall in Houston, Tex., by the shortest hard-surfaced highway distance, as determined by the market administrator;

(c) For purposes of calculating such location adjustments transfers between pool plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of 95 percent of receipts at such plant from producers and cooperative associations pursuant to § 1121.12(d), plus the pounds assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor plants having the same Class I price, next to transferor plants having a higher Class I price and then in sequence to plants having a lower Class I price, beginning with the plant at which the highest Class I price would apply.

§ 1121.54 Pricing zone.

Zone I will consist of all the territory located within 60 miles of the nearer of the city halls in Beaumont and Houston, Tex.

§ 1121.55 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

Application of Provisions

§ 1121.60 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except that the operator shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) A plant meeting the requirements of § 1121.10(a) which also meets the pooling requirements of another Federal order and from which, the Secretary

determines, a greater quantity of Class I milk is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order.

(b) A plant meeting the requirements of § 1121.10(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which the Secretary determines a greater quantity of Class I milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order.

(c) A plant meeting the requirements of § 1121.10(b) which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months of January through August, if such plant retains automatic pooling status under this part.

§ 1121.61 Obligation of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1121.30 and 1121.31 the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1121.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfer from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1121.70(e) and a credit computed at the uniform price with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1121.30 and 1121.31 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1121.9, with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price).

§ 1121.62 Governmental agencies.

A plant owned and operated by a governmental agency or establishment which processes or packages milk distributed in the marketing area, shall be exempt from all provisions of this part. Fluid milk products received at a pool plant from such agencies shall be treated on the same basis as though received from a producer-handler. Fluid milk products disposed of by a handler to such agencies shall be classified on the same basis as though disposed of to a producer-handler.

§ 1121.63 Producer-handler.

Sections 1121.40 through 1121.46, 1121.50 through 1121.55, 1121.70 through 1121.72, and 1121.80 through 1121.89 shall not apply to a producer-handler.

Determination of Uniform Price

§ 1121.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler (at each pool plant, if applicable) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1121.46(c), by the applicable class prices (adjusted pursuant to §§ 1121.52 and 1121.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1121.46(a)(11) and the corresponding step of § 1121.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1121.46(a)(6) and the corresponding step of § 1121.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1121.46(a)(4) and the corresponding step of § 1121.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received with respect to skim milk and butterfat subtracted from Class I pursuant to § 1121.46(a)(8) and the corresponding step of § 1121.46(b); and

(f) Add an amount determined by multiplying the difference between the Class I price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1121.46(a)(3) and the corresponding step of § 1121.46(b). If the Class I price for the current month is less than the Class I price for the preceding month, the result shall be a minus amount.

§ 1121.71 Computation of aggregate value used to determine uniform price.

For each month the market administrator shall compute an aggregate value from which to determine the uniform price per hundredweight for milk of 3.5 percent butterfat content as follows:

(a) Combine into one total the values computed pursuant to § 1121.70 for all handlers who made the reports prescribed in § 1121.30 and who made the payments pursuant to § 1121.80 for the preceding months;

(b) Add not less than one-fourth of the unobligated cash balance on hand in the producer-settlement fund;

(c) Subtract, if the average butterfat content of the milk specified in § 1121.72(a) is greater than 3.5 percent or add, if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1121.81 and multiplying the resulting figure by the total hundredweight of such milk; and

(d) Add the aggregate of the values of the minus location differentials pursuant to § 1121.82, and subtract the aggregate of the value of the plus location differentials pursuant to § 1121.82.

§ 1121.72 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight applicable for milk of 3.5 percent butterfat content at pool plants at which no location differential applies as follows:

(a) Divide the aggregate value computed pursuant to § 1121.71 by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1121.70(e); and

(b) Subtract not less than 4 cents nor more than 5 cents.

Payments

§ 1121.80 Time and method of payment.

Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the uniform price for such month computed pursuant to § 1126.72, adjusted by the butterfat differential computed pursuant to § 1121.81 and the location differential computed pursuant to § 1121.82 and less the amount of payment made pursuant to paragraph (b) of this section. If by such date such handler has not received full payment for such month pursuant to § 1121.85, he may reduce his total payments to all producers uniformly by not more than the amount of reduction in payments from the market administrator. He shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the 25th day of each month, to each producer (1) for whom payment is not made pursuant to paragraph (c) of this section, and (2) who has not discontinued delivery of milk to such handler, a partial payment for milk received from such producer during the first 15 days of such month computed at not less than the Class II price for 3.5 percent milk of the preceding month, without deduction for hauling.

(c) On or before the 13th and 23d days of each month, in lieu of payments pursuant to paragraphs (a) and (b) of this section respectively, to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payments, an amount equal to the sum of the individual payments otherwise payable to such producers. Such payment shall be accompanied by a statement showing for each producer the items required to be reported pursuant to § 1121.31.

(d) As follows, to each cooperative association for milk for which it is the handler pursuant to § 1121.12(d):

(1) On or before the 23d day of the month, a partial payment for milk received during the first 15 days of such month, at not less than the amount specified in paragraph (b) of this section; and

(2) On or before the 13th day of the following month, in final settlement, the value of such milk received during the month, at the applicable uniform price, less the amount of payment made pursuant to subparagraph (1) of this paragraph.

(e) On or before the 13th day after the end of the month, for milk received from the pool plant of a cooperative association, to such cooperative association not less than the value of such milk at the applicable price(s) for the class(es) at which transferred pursuant to § 1121.44(a).

§ 1121.81 Butterfat differentials to producers.

In making payments to producers pursuant to § 1121.80, the uniform price shall be increased or decreased for each one-tenth of 1 percent which the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the total pounds of butterfat in the producer milk allocated to Class I and Class II milk during the month pursuant to § 1121.46 by the respective butterfat differentials in each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 1121.82 Location adjustments to producers.

In making payments pursuant to § 1121.80, the uniform price computed pursuant to § 1121.72 to be paid for such milk received at a pool plant at which a location differential pursuant to § 1121.53 (a) or (b) applies will be subject to a location differential (plus or minus) equal to that specified in such section.

§ 1121.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", into which he shall deposit all payments made by handlers pursuant to §§ 1121.61, 1121.84, and 1121.86, and out of which he shall make all payments to handlers pursuant to §§ 1121.85 and 1121.86.

§ 1121.84 Payments to the producer-settlement fund.

On or before the 13th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1121.70 for such handler;

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform price computed pursuant to § 1121.72, and

(2) The value at the uniform price applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1121.70(e).

§ 1121.85 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1121.84(b) exceeds the amount computed pursuant to § 1121.84(a). If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. Any amount due a handler pursuant to this section may be reduced by the amount of any unpaid balances due the market administrator from such handler, pursuant to § 1121.84, § 1121.86, § 1121.87, or § 1121.88.

§ 1121.86 Adjustment of accounts.

(a) *Payments.* Whenever verification by the market administrator of any handler's reports, books, records, accounts, or payments discloses errors resulting in money due:

(1) The market administrator from such handler;

(2) Such handler from the market administrator; or

(3) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

(b) *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1121.84, 1121.85, 1121.87, 1121.88, or paragraph (a) (1) and (2) of this section shall be increased one-half of one percent on the first day of the calendar month next following the due date of such obligation and, on the first day of each calendar month thereafter until such obligation is paid.

§ 1121.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 1121.80, shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hun-

dredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such monies shall be used by the market administrator to sample, test, and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of such month pay such deductions to the cooperative association rendering such services, accompanied by a statement showing the quantity of milk for which deduction was computed for each such producer.

§ 1121.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 13th day after the end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including that pursuant to § 1121.14(a)(2) and such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1121.46(a) (4) and (8) and the corresponding steps of § 1121.46(b); and

(c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

§ 1121.89 Termination of obligation.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1121.90 Effective time.

The provisions of this part or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1121.91.

§ 1121.91 Suspension or termination.

The Secretary may suspend or terminate this subpart or any provision of this part whenever he finds this part or any provision hereof obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 1121.92 Actions after suspension or termination.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1121.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market adminstrator shall be transferred promptly to such liquidating agent. If, upon such litigation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1121.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1121.101 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and the remaining provisions of this part to other persons or circumstances, shall not be affected thereby.

Sections 1121.0 through 1121.46 and §§ 1121.90 through 1121.101 shall be effective on and after September 1, 1968, and all of the remaining provisions shall be effective on and after October 1, 1968.

Signed at Washington, D.C., on August 28, 1968.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 68-10581; Filed, Aug. 30, 1968; 8:50 a.m.]

[Milk Order 126]

PART 1126—MILK IN THE NORTH TEXAS MARKETING AREA

Order Amending Order

§ 1126.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to:

(i) Receipts from producers (including such handler's own production);

(ii) Receipts from cooperative associations in their capacity as a handler pursuant to § 1126.12 (c) and (d);

(iii) Other source milk allocated to Class I pursuant to § 1126.46(a) (3) and (7) and the corresponding steps of § 1126.46(b); and

(iv) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

(b) *Determination.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

1. Section 1126.6 is revised to read as follows:

§ 1126.6 North Texas marketing area.

"North Texas marketing area", hereinafter called the marketing area, means all territory, including all municipal corporations, Federal military reservations, facilities, and State institutions, within the following counties, all in the State of Texas:

Anderson.	Kaufman.
Bosque.	Lamar.
Camp.	Limestone.
Cherokee.	Marion.
Cooke.	Morris.
Collin.	Navarro.
Dallas.	Panola.
Delta.	Parker.
Denton.	Rains.
Ellis.	Red River.
Erath.	Rockwall.
Fannin.	Rusk.
Franklin.	Rusk:
Freestone.	Sabine.
Grayson.	San Augustine.
Gregg.	Shelby.
Harrison.	Smith.
Henderson.	Somervelll.
Hill.	Tarrant.
Hood.	Titus.
Hopkins.	Upshur.
Hunt.	Van Zandt.
Johnson.	Wood.

2. The introductory text of § 1126.51 is revised to read as follows:

§ 1126.51 Class prices.

Subject to the provisions of §§ 1126.52, 1126.53, and 1126.55, the minimum prices per hundredweight to be paid by each handler for milk received from producers during the month shall be as follows:

* * * * * *

3. Section 1126.53(a) is revised to read as follows:

§ 1126.53 Location differentials to handlers.

(a) For that milk which is received from producers at a pool plant outside the marketing area or Bowie or Cass Counties, Tex., or the city of Texarkana, Ark., and 110 miles or more from the city hall in Dallas, Tex., and which is transferred to another pool plant in the form of fluid milk products and classified as Class I milk, or which is otherwise classified as Class I milk and for other source milk for which a Class I location adjustment credit is applicable, the price specified in § 1126.51(a) shall be reduced at the rate of 1.5 cents for each 10 miles or fraction thereof that such plant is located from the Dallas city hall by shortest hard-surfaced highway distance, as determined by the market administrator; and

* * * * * *

4. A new § 1126.55 is added as follows:

§ 1126.55 Pricing zones.

(a) *Zone I.* Zone I shall include all territory within the following Texas counties in the marketing area:

Bosque.	Hood.
Cooke.	Hopkins.
Collin.	Hunt.
Dallas.	Johnson.
Delta.	Kaufman.
Denton.	Lamar.
Ellis.	Limestone.
Erath.	Navarro.
Fannin.	Parker.
Freestone.	Rockwall.
Grayson.	Somervell.
Hill.	Tarrant.

The price applicable to milk received at plants located in Zone I and classified as Class I milk shall be the price specified in § 1126.51(a).

(b) *Zone II.* Zone II shall include all territory in the marketing area outside of Zone I and all territory in Bowie and Cass Counties, Tex., and the city of Texarkana, Ark. The price applicable to milk received at plants located in Zone II and classified as Class I milk shall be the price specified in § 1126.51(a) plus 10 cents per hundredweight.

5. Section 1126.71(d) is revised to read as follows:

§ 1126.71 Computation of aggregate value used to determine uniform price.

* * * * * *

(d) Add the aggregate of the values of minus location adjustments and subtract the aggregate of all plus location adjustments pursuant to § 1126.91(b).

6. Section 1126.91(b) is revised to read as follows:

§ 1126.91 Butterfat and location differentials to producers.

* * * * * *

(b) *Location adjustments.* (1) In making payments to producers pursuant to § 1126.90 (a) or (c) the applicable uniform price computed pursuant to § 1126.72 to be paid for producer milk received at a pool plant should be adjusted according to the location of the pool plant at the rate set forth in § 1126.53 or § 1126.55.

(2) For purposes of computation pursuant to §§ 1126.93 and 1126.94 the uniform prices should be adjusted at the rates set forth in §§ 1126.53 and 1126.55 applicable at the location of the nonpool plant from which the milk was received.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: October 1, 1968.

Signed at Washington, D.C., on August 28, 1968.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc, 68-10582; Filed, Aug. 30, 1968; 8:50 a.m.]

[Milk Order 138]

PART 1138—MILK IN THE RIO GRANDE VALLEY MARKETING AREA

Order Amending Order

§ 1138.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultral Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Rio Grande Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 1, 1968. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Acting Deputy Administrator, Regulatory Programs, was issued August 6, 1968, and the decision of the Acting Secretary containing all amendment provisions of this order was issued August 26, 1968. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1968, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Rio Grande Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1138.51, paragraph (a) is revised to read as follows:

§ 1138.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price at plants located in Zone I (comprising all the counties in the marketing area except those specified in § 1138.52 as comprising Zones II and III) shall be the basic formula price for the preceding month plus $2.15 and plus 20 cents through April 1969.

* * * * *

2. In § 1138.55 the introductory text preceding paragraph (a) and paragraph (b) are revised to read as follows:

§ 1138.55 Credit for specified Class II uses.

From the effective date hereof through August 1969, producer milk classified as Class II milk in the following utilizations shall be subject to a credit at the respective rates specified:

* * * * *

(b) For skim milk in producer milk used to produce condensed skim milk, and for milk or skim milk transferred or diverted as Class II milk to a nonpool plant located outside the marketing area from a pool plant or from farms located within the marketing area, at the rate specified in paragraph (a) of this section, less 40 cents.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: September 1, 1968.

Signed at Washington, D. C., on August 28, 1968.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 68–10578; Filed, Aug. 30, 1968; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

Dealers' Reserve and Differential Accounts

Section 204.106 is revised to read as follows:

§ 204.106 Member bank reserve requirements for dealers' reserves and differential accounts.

(a) The Board of Governors has reviewed its interpretations on the "deposit" status of so-called "dealers' reserves" and "differential accounts" (especially 1942 Federal Reserve Bulletin 302 and 1960 Federal Reserve Bulletin 265) and has concluded that the distinctions previously drawn between such accounts are not warranted and should be abandoned.

(b) A dealer's reserve or differential account usually arises when a merchant ("dealer") enters into an arrangement with a bank under which the bank furnishes the dealer with financing of his installment accounts receivable on the basis of a sale of such receivables to the bank. Despite language to the contrary in many of the sale agreements, the proceeds of the credit that the dealer receives upon the purchase of contracts by the bank is only a portion (such as 90 percent) of the amount due on such contracts. Depending on the results of collections on the contracts purchased, some (or all) of the remainder may be realized by the dealer later.

(c) The establishment of a dealer's reserve account or differential account does not arise from the receipt of funds by the bank but rather from a bookkeeping entry to reflect a contingent obligation of the bank to make funds available to the dealer in the future, in specified circumstances. (Typical accounting entries by the bank are a debit to "Loans and discounts" for the principal due on the contracts purchased, a credit to the dealer's checking account for 90 percent of such amount, and a credit to a "Dealer's reserve" or "Differential account" for the remainder.) As installment payments are made on the contracts purchased, the funds received reduce the amount due on the contracts (a credit to "Loans and discounts") and may, at a time or times specified in the bank-dealer agreement and in amounts calculated in accordance therewith, result in the bank making additional credit available to the dealer (a debit to the "Dealer's reserve" or "Differential account" and credit to the dealer's checking account). Until such time, ownership of the funds is in the bank, as in the case of any other funds received in repayment of an obligation owned by the bank. If collections are made by the dealer on behalf of the bank, the dealer may, in accordance with the terms of the agreement, remit to the bank less than the full amount collected, retaining an amount equal to the additional credit that the bank would be obliged to make available to the dealer if collections were made by the bank itself.

(d) In 1966, the Board reversed a long-standing position that member banks must maintain reserves against payments received by a bank from a borrower on an instalment loan that are not immediately used to reduce the amount due on the loan but are held by the bank until the sum of such payments equals the entire amount of principal and interest (so-called "hypothecated deposits"). In holding that such payments are not deposits against which reserves must be maintained (1966 Federal Reserve Bulletin 808; § 204.111), the Board concluded that "where the agreement between the bank and the borrower is such that instalment payments on loans are irrevocably assigned to the bank and can not be reached by the borrower or his creditors, such payments are not 'deposits' regardless of the terms used * * * in the bank's books and records".

(e) The Board believes that, with respect to "deposit" status, the considerations relating to dealers' reserves and differential accounts are similar to those relating to hypothecated deposits. As in the case of hypothecated deposits, a customer of the bank (the dealer) may not make withdrawals from credit to his name (in a dealer's reserve or differential account). Nor does the dealer have access to the funds received by the bank in payment on the instalment contracts purchased from the dealer, unless and until, pursuant to the provisions of the bank-dealer agreement, the bank becomes liable to the dealer for an amount representing a portion thereof.

(f) For the purposes of section 19 of the Federal Reserve Act (12 U.S.C. 461) and Federal Reserve Regulation D (12 CFR Part 204), the Board considers that a deposit liability exists only when there is an indebtedness on the part of a bank with respect to either funds received or credit extended by the bank, and that "indebtedness" for this purpose does not include a contingent liability of the kind represented by a dealer's reserve or differential account. A similar contingent liability that does not constitute such an indebtedness arises in connection with a commitment to make a loan.

(g) Accordingly, the Board has concluded that, when a member bank furnishes a dealer with financing of his instalment accounts receivable on the basis of a "sale" of such receivables to the bank, no deposit liability arises as a result of an account created as a margin of security for the bank, whether described as a "dealer's reserve", "differential account", or otherwise, unless and until, and then only to the extent that, the bank becomes actually (as distinguished from contingently) obligated to make credit or funds available to the dealer. Stated in another way, such credit or funds constitute a deposit liability for the purposes of section 19 and Regulation D only to the extent that they could be reached immediately by the dealer's creditors in the event of his insolvency.

(h) This ruling supersedes all previous rulings of the Board relating to the "deposit" status of dealers' reserve accounts and differential accounts.

(Interprets and applies 12 U.S.C. 461)

Dated at Washington, D.C., the 12th day of August 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68–10522; Filed, Aug. 30, 1968; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 68–WE–2–AD, Amdt. 39–646]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707 and 720 Series Airplanes

Amendment 39–403 (32 F.R. 6185), AD 67–13–1, applicable to Boeing Model 720 and 720B airplanes with more than 8,000 hours' time in service, required inspections and repair of wing center section upper forward skin panels. Amendment 39–403 was issued to furnish instructions after an AD was adopted on April 13, 1967, and made effective immediately, by telegram, to all known operators of Boeing 720 and 720B airplanes with more than 8,000 hours' time in service.

Since the issuance of Amendment 39–403, reports of structural cracks in 707 Series aircraft have been received. Cracks in these panels lead to loss of the structural integrity of the center section wing box. Since this condition is likely to exist or develop in other airplanes of the same design, a new airworthiness directive is being issued to supersede Amendment 39–403, expanding the applicability of the inspections and repair to both 707 and 720 Series airplanes listed in Boeing Service Bulletin 2590, Revision 6, or later FAA approved revisions, and providing for a repetitive inspection requirement.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING: 707 and 720 airplanes. Applies to all 707/720 aircraft listed in Boeing Service Bulletin 2590, Revision 6, or later FAA approved revisions.

Compliance required as indicated:

To detect cracking and prevent failure of the wing center section upper forward skin panels, accomplish the following:

(a) For airplanes which have not had the bulb angle stiffeners added to the upper forward center section wing skins in accordance with Part III of Boeing Service Bulletin 2590, inspect the forward upper center section wing skin panels for cracks as noted in and at the times specified in (c) or (d) as appropriate, and, if cracks are found, repair in accordance with (i) prior to further flight.

(b) Inspect the upper wing skin center section for cracks in accordance with (h) at the intervals specified therein, on aircraft which have had the bulb angle stiffeners added in accordance with Part III of Boeing Service Bulletin 2590 to the forward upper center section wing skins with more than:

4,000 flight hours (for 720/720B aircraft).
7,500 flight hours (for 707–100/200/300B/300C aircraft).
10,000 flight hours (for 707–300/400 aircraft).

after the effective date of this AD.

(c) For aircraft having less than:

8,000 hours (for 720/720B aircraft).
12,000 hours (for 707–300/400/300B/300C aircraft).
14,000 hours (for 707–100/200 aircraft).

time in service on the effective date of this AD, prior to the accumulation of:

8,500 hours (for 720/720B aircraft).
12,500 hours (for 707/300/400/300B/300C aircraft).
14,500 hours for (707–100/200 aircraft).

time in service, accomplish the initial inspection in accordance with (e). Within 500 hours time in service after accomplishment of the initial inspection, initiate the inspection program described in (f) for 707 Series aircraft and described in (g) for the 720 Series aircraft.

(d) For aircraft having:

8,000 or more hours (for 720/720B aircraft).
12,000 or more hours (for 707–300/400/300B/300C aircraft).
14,000 or more hours (for 707–100/200 aircraft).

time in service upon the effective date of this AD, accomplish one of the following as appropriate:

(i) Conduct an initial inspection in accordance with (e) within 500 hours time in service after the effective date of this AD. Within 500 hours time in service after the initial inspection of (e), initiate the inspection program described in (f) for 707 Series aircraft and described in (g) for 720 Series aircraft.

(ii) If an initial inspection in accordance with (e) has already been conducted prior to the effective date of this AD, within 500 hours time in service after the effective date of this AD, initiate the inspection program described in (f) for 707 Series aircraft and described in (g) for 720 Series aircraft.

(e) Inspect the forward upper center section wing skin for cracks in accordance with Part I, paragraphs b and c of Boeing Service Bulletin 2590 (revision 6 or later FAA ap-

proved by the Chief, Aircraft Engineering Division, FAA Western Region.

(f) Inspect the forward upper center section wing skin for cracks as specified below, or an equivalent inspection approved by the Chief, Aircraft Engineering Division, FAA Western Region;

(i) Inspect the area noted in Part I, paragraph 1(1) of Boeing Service Bulletin 2590 (Revision 6 or later FAA approved revisions) using either visual or dye penetrant inspection techniques.

If visual inspection techniques are followed, repeat inspections at intervals not to exceed 500 hours time in service, or if dye penetrant inspection techniques are followed, repeat inspections at intervals not to exceed 1000 hours time in service.

(ii) Inspect the area noted in Part I, paragraph (b) of Boeing Service Bulletin 2590 (Revision 6 or later FAA approved revisions) by use of dye penetrant inspection techniques and repeat these inspections at intervals not to exceed 2,000 hours time in service.

(g) Inspect the areas of the upper center section wing skin noted in Part I Paragraph b of Boeing Service Bulletin 2590 (Revision 6 or later FAA approved revisions) by use of dye penetrant inspection techniques. Repeat inspections are to be conducted at intervals not to exceed 1,000 hours time in service.

(h) Visually inspect the areas defined in Part I paragraph b of Boeing Service Bulletin 2590 (Revision 6 or later FAA approved revisions)

(i) at intervals not to exceed 3,500 hours time in service after accomplishment of the bulb angle modification, or

(ii) within 500 hours time in service after the effective date of the AD, and at intervals thereafter not to exceed 3,500 hours time in service if the bulb angle modification was accomplished prior to 3,000 hours time in service after the effective date of this AD.

If cracks are found, repair in accordance with (1)(ii), (1)(iii) or (1)(iv).

(i) Repair cracks in accordance with (1), (ii), (iii) or (iv) below.

(i) Boeing Drawing 65-65658 and inspect in accordance with (f) for 707 Series aircraft and (g) for 720 Series aircraft at intervals specified in the respective paragraphs.

(ii) Boeing Drawing 65-65658 and Part III of Boeing Service Bulletin 2590 (Revision 6 or later FAA approved revisions). Repeat inspections are to be conducted in accordance with (h) at the times specified therein.

(iii) Replace the upper forward center section wing skins and add bulb angles in accordance with the paragraph titled "Termination Modification Data" of Boeing Service Bulletin 2590 (Revision 6 or later FAA approved revisions).

(iv) A method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(j) Upon accomplishment of the "terminating modification" as specified in Boeing Service Bulletin 2590 (Revision 6 or later FAA approved revisions) or a method approved by the Chief, Aircraft Engineering Division, FAA Western Region, the inspections required by this AD may be discontinued.

(k) Airplanes having cracks which require rework under this AD may be flown in accordance with FAR 21.197 with the concurrence of Chief, Aircraft Engineering Division, FAA Western Region, to a base where the rework can be accomplished.

(l) Upon request of an operator, an FAA Maintenance Inspector, subject to prior approval of Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This supersedes Amendment 39-403 (32 F.R. 6165), AD 67-13-1.

This amendment becomes effective on October 5, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Los Angeles, Calif., on August 22, 1968.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[F.R. Doc. 68-10535; Filed, Aug. 30, 1968; 8:46 a.m.]

[Docket No. 68-CE-13-AD, Amdt. 39-647]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Model 177 Aircraft

There have been failures of the oil pressure gauge line on Cessna Model 177 aircraft that results in loss of engine oil supply and subsequent engine seizure.

Since this condition is likely to exist or develop in other airplanes of the same design, an airworthiness directive is being issued requiring replacement of the oil pressure gauge line between the engine crankcase and aircraft firewall on Cessna Model 177 aircraft.

Since immediate adoption is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is not practical and good cause exists for making this rule effective in less than thirty (30) days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

CESSNA. Applies to Model 177, Serial Nos. 661, and 17700001 and 17700003 through 17701164 airplanes.

Compliance: Required within the next 10 hours' time-in-service after the effective date of this airworthiness directive, unless already accomplished.

To prevent failure of the oil pressure gauge line between the engine crankcase and aircraft firewall, accomplish the following:

(A) Replace the copper oil pressure gauge line assembly between the engine crankcase and aircraft firewall with a flexible hose assembly in accordance with Cessna Service Letter No. SE68-14, Supplement No. 1, dated August 23, 1968, or any equivalent modification approved by the Chief, Engineering and Manufacturing Branch, Central Region.

This amendment becomes effective September 5, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Kansas City, Mo., on August 23, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 68-10536; Filed, Aug. 13, 1968; 8:46 a.m.]

[Airspace Docket No. 67-CE-148]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

Correction

In F.R. Doc. 68-2479 appearing at page 3508 of the issue for Thursday, February 29, 1968, in the transition area appearing under amendatory paragraph 2 (§ 71.181), line 13, "220°" should read "229°".

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1375]

PART 13—PROHIBITED TRADE PRACTICES

Kingsley Coats, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-35 Fur Products Labeling Act; 13.1053-80 Textile Fiber Products Identification Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-40 Federal Trade Commission Act; 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: §13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; §13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act; 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act; 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717, 719, as amended, 72 Stat. 1717, sec. 8, 65 Stat. 179, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 70 69f, 68) [Cease and desist order, Kingsley Coats, Inc., et al., New York, N.Y., Docket C-1375, July 12, 1968]

In the Matter of Kingsley Coats, Inc., a Corporation, Doing Business Under Its Own Name and as Kingsley-Parkmoor, and Charles Goldberg, Individually and as an Officer of the Aforesaid Corporation, and Frank De Vito Individually and as Factory Manager of the Aforesaid Corporation, and Parkmoor, Inc., a Corporation, Doing Business Under Its Own Name and as Kingsley-Parkmoor

Consent order requiring two affiliated manufacturers of ladies' wool and fur trimmed coats and suits to cease misbranding, improperly invoicing, and falsely guaranteeing their wool, fur, and textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Kingsley Coats, Inc., a corporation, doing business as Kingsley-Parkmoor or under any other name, and its officers, and Charles Goldberg, individually and as an officer of said corporation, and Frank De Vito individually and as factory manager of the aforesaid corporation and Parkmoor, Inc., a corporation, doing business as Kingsley-Parkmoor and under any other name, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment, or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by:

A. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying any such wool product as to the character or amount of constituent fibers included therein.

B. Failing to securely affix to, or place on, each such wool product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

C. Failing to affix labels to samples, swatches, or specimens of wool products used to promote or effect the sale of wool products, showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(a)(2) of the Wool Products Labeling Act of 1939:

It is further ordered, That respondents Kingsley Coats, Inc., a corporation, doing business as Kingsley-Parkmoor or under any other name, and its officers, and Charles Goldberg, individually and as an officer of said corporation and Frank De Vito individually and as factory manager of said corporation, and Parkmoor, Inc., a corporation, doing business as Kingsley-Parkmoor and under any other name, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or the manufacture for introduction, into commerce, or the sale, advertising, or offering for sale in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution, of any fur products which are made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing any such fur product by failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the said Act.

It is further ordered, That respondents Kingsley Coats, Inc., a corporation, doing business as Kingsley-Parkmoor or under any other name, and its officers, and Charles Goldberg, individually and as an officer of said corporation, and Frank De Vito, individually and as factory manager of said corporation and Parkmoor, Inc., a corporation, doing business as Kingsley-Parkmoor and under any other name, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced, or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That respondents Kingsley Coats, Inc., a corporation, doing business as Kingsley-Parkmoor or under any other name, and its officers, and Charles Goldberg, individually and as an officer of said corporation, and Frank De Vito, individually and as factory manager of said corporation, and Parkmoor, Inc., a corporation, doing business as Kingsley-Parkmoor and under any other name, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any textile fiber product is not misbranded or falsely invoiced under the provisions of the Textile Fiber Products Identification Act.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 12, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-10526; Filed, Aug. 30, 1968; 8:45 a.m.]

[Docket No. C-1374]

PART 13—PROHIBITED TRADE PRACTICES

Madison News Agency et al.

Subpart—Coercing and Intimidating: § 13.370 *Suppliers and sellers.* Subpart—Combining or conspiring: § 13.397 *To cut off competitor's supplies.* Subpart—Cutting off supplies or service: § 13.617 *Inducing suppliers to refuse to sell to competitors.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Madison News Agency et al., Madison, Wis., Docket C-1374, July 12, 1968]

In the Matter of Madison News Agency, a Corporation; Seidler News Agency, Inc., a Corporation; and Harry J. Tobias, Individually, and as an Officer of Each of the Above Corporations

Consent order requiring dominate wholesalers of books and magazines located at Madison, Wis., and Rockford, Ill., to cease illegally restraining competition by threatening and coercing their supplier publishers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Madison News Agency and Seidler News Agency, Inc., corporations, and their officers, and Harry J. Tobias, both individually and as an officer of said corporations, respondents' agents, employees, or representatives, directly or through any corporate or other device, in connection with the purchase, distribution, offering for sale, or resale of books, magazines, or other publications in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from engaging in the following acts or practices:

1. Reducing the quantity of publications ordered from or threatening to refuse to deal with any publisher or vendor for the purpose of inducing said publisher or vendor to refuse to sell his products to a potential or existing wholesale competitor in the distribution of such publications.

2. Agreeing, combining, or conspiring with any competitor or other distributor of books, magazines, or other publications for the purpose or with the effect of allocating, dividing, or assigning exclusive sales territories, customers, or potential customers among or to any distributor of said publications.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 12, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-10527; Filed, Aug. 30, 1968; 8:45 a.m.]

[Docket No. C–1376]

PART 13—PROHIBITED TRADE PRACTICES

Joseph Schulman

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–30 Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–10 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Joseph Schulman, Dallas, Tex., Docket C–1376, July 12, 1968]

Consent order requiring a Dallas, Tex., salesman of fur products to cease falsely invoicing and deceptively advertising his fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Joseph Schulman, an individual, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b) (1) of the Fur Products Labeling Act.

2. Setting forth on an invoice pertaining to any fur product any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Representing, directly or by implication on an invoice, that any price whether accompanied or not by descriptive terminology is the former retail price of such fur product when such price is in excess of the price at which such fur product has been sold or offered for sale in good faith at retail in the recent regular course of business, or otherwise misrepresenting the retail price at which such fur product had been sold or offered for sale.

4. Falsely or deceptively representing, that savings are afforded to the purchaser of any such fur product or misrepresenting in any manner the amount of savings afforded to the purchaser of such fur product.

5. Misrepresenting in any manner that the price of any such fur product is reduced.

6. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

7. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

B. Falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale of any such fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Falsely or deceptively identifies any fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

3. Represents, directly or by implication, that any price whether accompanied or not by descriptive terminology is the former retail price of such fur product when such price is in excess of the price at which such fur product has been sold or offered for sale in good faith at retail in the recent regular course of business, or otherwise misrepresents the retail price at which such fur product had been sold or offered for sale.

4. Falsely or deceptively represents, that savings are afforded to the purchaser of any such fur product or misrepresents in any manner the amount of savings afforded to the purchaser of such fur product.

5. Falsely or deceptively represents in any manner that the price of any such fur product is reduced.

6. Sets forth information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

7. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

C. Failing to maintain full and adequate records disclosing the facts upon which pricing claims and representations of the types described in subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act are based.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: July 12, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 10528; Filed, Aug. 30, 1968; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Foreign Origin—Container Disclosure for Contents of Multiple Foreign Origin

§ 15.283 Foreign origin—Container disclosure for contents of multiple foreign origin.

(a) The Commission advised a requesting party regarding information as to origin which should be set forth on a kit containing three domestic and eight foreign components from four different foreign countries.

(b) Although the individual components are separately marked as to origin, this information is not readily available to a prospective purchaser at the time of purchase.

(c) The Commission stated that a clear and conspicuous disclosure should be made on the container in the following terms, or in substantially equivalent terms:

"Some of the enclosed items are made in [countries] W, X, Y, and Z."

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: August 29, 1968.

By direction of the Commission.[1]

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68–10551; Filed, Aug. 30, 1968; 8:47 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Location of Foreign Origin Disclosure

§ 15.284 Location of foreign origin disclosure.

(a) In response to a request for an advisory opinion, the Commission announced it would be necessary to disclose the foreign country of origin of imported stainless steel flatware on the outer portion of the cover of the container.

(b) Under the facts presented to it, the flatware will be properly marked as to its foreign country of origin on the underside of the handle when it is imported. Because of the manner in which the flatware will be repackaged in the United States, the foreign origin marking will not be seen by prospective purchasers through the cover of the container. Moreover, each container will be sealed with a plastic film wrapper thus making it virtually impossible to inspect the merchandise prior to the purchase thereof.

(c) The specific question ruled upon by the Commission was whether it would be necessary to disclose the foreign origin on the outer portion of the container, in view of the fact that the disclosure on the flatware cannot be seen prior to the purchase of the merchandise.

(d) In ruling that a meaningful disclosure would be required, the Commission said: "Whenever an affirmative disclosure of the foreign country of origin is required in order to prevent deception, the general rule is that the marking must be clear and conspicuous. This means that the disclosure must be placed in a location at the point of sale where it would be readily observed by prospective purchasers making a casual inspection of the merchandise prior to, not after, the purchase thereof. Under the facts described in your letter, the container normally would not be opened until after the purchase has been consummated. Since the disclosure of origin on the underside of the flatware cannot be seen through the cover of the container, the Commission is of the opinion that the disclosure will have to be made on the outer portion of the cover of the container in order to inform prospective purchasers of a material fact bearing upon their selection."

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: August 29, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68–10554; Filed, Aug. 30, 1968; 8:48 a.m.]

[1] Commissioner Elman did not concur.

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Formation of Common Marketing Association by Agricultural Cooperatives

§ 15.285 Formation of common marketing association by agricultural cooperatives.

(a) The Commission rendered an advisory opinion to the effect that it could see no objection to the formation by three agricultural cooperatives of a nonprofit marketing association.

(b) While the marketing association was to be formed by the three cooperatives under State law, it was contemplated that any other producer of the same products could become a member. At the time, there were several other corporations which were not marketing cooperatives but which were engaged in the production of the same products.

(c) It was stated that the association would have no capital stock, would be a nonprofit cooperative organized for the mutual benefit of its members, membership would be restricted to producers who patronize the association, voting rights were to be equal and no member was to have more than one vote. Property rights were to be unequal and in proportion to the patronage of each member to the total patronage of all members with the association. It was further provided that the association would not market the products of nonmembers.

(d) The proposed contract with the producers provided that the association would be the exclusive sales agent of the producers for the purpose of marketing their products. The Association could, under the contract, market or direct the marketing of all products produced by the producers in such manner and under such prices as it deems best. The association could designate authorized handlers to market the products of the members and the producers must market through these handlers. The producers themselves could execute a Handler's Contract and become authorized handlers.

(e) The Handler's Contract between the association and all authorized handlers provided that the handler was to act as the hired sales agent for the association and was to be governed by the rules, regulations, orders and prices issued by the association. The handler agreed therein not to sell for less than the prices recommended by the association. The handlers could, under the contract, market other products for the producers and could handle products for nonmembers.

(f) The opinion pointed out that the purpose of the Capper-Volstead Act (7 U.S.C. 291, 292) is to permit persons engaged in agricultural pursuits to associate in the collective marketing of their products. Under its provisions cooperative associations may make contracts or agreements as will effect such purpose and may have marketing agents in common. It has been construed as a grant of immunity from the antitrust laws insofar as collaboration among members of the cooperative associations are concerned. This immunity ends, however, at the point where they act, either by themselves or with other persons or entities not in this category, to restrain trade or otherwise eliminate competition at successive stages in the marketing process.

(g) The opinion further advised that the Commission had considered the proposal and was of the opinion that formation of the proposed marketing association by the three cooperatives would not result in violation of Commission administered statutes if implemented in the manner outlined. The Commission cautioned, however, that the opinion was limited to the formation of the proposed marketing association and was not to be construed as approval for any practice which may be predatory in nature, may result in unlawful monopolization, may restrain commerce to the extent that prices are unduly enhanced thereby, nor to conspiracies or combinations between the association and persons or entities not in this category.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: August 29, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68–10553; Filed, Aug. 30, 1968; 8:48 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Foreign Origin—Labeling Requirements for Tennis Shoes Made in Virgin Islands With Foreign Component

§ 15.286 Foreign origin—Labeling requirements for tennis shoes made in Virgin Islands with foreign component.

(a) The Commission advised a requesting party that no disclosure need be made as to the presence of foreign made uppers used in the manufacture of tennis shoes in the Virgin Islands.

(b) The uppers account for less than 30 percent of the total product value of the shoes and the other components are of domestic origin.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: August 29, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68–10552; Filed, Aug. 30, 1968; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 68–216]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Tonnage Tax; Dual Tonnage Vessels

Tonnage tax; collection of an applicable net tonnage for vesels with tonnage marks and dual tonnages—§ 4.20, Customs Regulations, amended.

Public Law 89–219 (46 U.S.C. 83–83k; T.D. 56509) and regulations issued thereunder (T.D. 66–57) provide for implementation by the United States of the "Recommendations on the Treatment of Shelter-Deck and Other 'Open' Spaces" of the Inter-Governmental Maritime Consultative Organization (IMCO) under which certain spaces in a vessel's 'tween deck are exempted from tonnage if a tonnage mark on the vessel's side, placed below the second deck, is not submerged.

Consistent with the intent of Public Law 89–219 that a vessel with a tonnage mark and dual tonnages shall have the benefit of the lower tonnages wherever possible, instructions have previously been issued to customs officers that tonnage tax is to be collected on the lower of the net tonnages assigned if the tonnage mark is not submerged at the time of arrival of the vessel and on the higher net tonnage if the tonnage mark is submerged.

To incorporate these instructions in the regulations, § 4.20(f), Customs Regulations, is amended by adding the following at the end thereof:

§ 4.20 Tonnage taxes.

• • • • • •

(f) • • • For the purpose of computing tonnage tax on a vessel with a tonnage mark and dual tonnages, the higher of the net tonnages stated in the vessel's marine document or tonnage certificate shall be used unless the customs officer concernd is satisfied by report of the boarding officer, statement or certificate of the master, or otherwise that the tonnage mark was not submerged at the time of arrival.

• • • • • •

(80 Stat. 379, sec. 3, 23 Stat. 119, as amended, 79 Stat. 891, R.S. 4219, as amended, 4225, as amended; 5 U.S.C. 301; 46 U.S.C. 3, 83–83k, 121, 128)

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: August 23, 1968.

JOSEPH M. BOWMAN,
Assistant Secretary of the Treasury.

[F.R. Doc. 68–10558; Filed, Aug. 30, 1968; 8:48 a.m.]

[T.D. 68–217]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Requirements for Clearance

Section 4.61(b), Customs Regulations, requires the district director of customs to verify compliance with certain matters before vessel clearance is granted. Section 4.14(b) of the regulations requires that entry shall be made covering equipment, repair parts, or material acquired, or expense for repairs incurred in a foreign country. Furthermore, before a vessel may be allowed clearance, in most cases, estimated duties are required to be deposited or a bond is required to be given to cover the duties on these costs. It has been decided that the Customs Regulations should be amended to include a statement of this requirement among those which are applicable at the time of clearance.

Accordingly, § 4.61(b) is amended by adding a new item (21), reading as follows:

§ 4.61 Requirements for clearance.

• • • • • •

(b) • • •

• • • • • •

(21) Estimated duties deposited or a bond given to cover duties on foreign repairs and equipment for vessels of the United States (sec. 4.14).

• • • • • •

(80 Stat. 379, R.S. 251; 5 U.S.C. 301, 19 U.S.C. 66)

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: August 23, 1968.

JOSEPH M. BOWMAN,
Assistant Secretary of the Treasury.

[F.R. Doc. 68–10559; Filed, Aug. 30, 1968; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Confirmation of Effective Date of Order Exempting Wheat Flour From Certain Labeling Requirements

In the matter of exempting wheat flour from certain labeling requirements of the regulations (21 CFR Part 1) for the enforcement of the Fair Packaging and Labeling Act:

Pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of July 17, 1968 (33 F.R. 10206). Accordingly, the amendment promulgated by that order will become effective September 16, 1968.

Dated: August 26, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–10569; Filed, Aug. 30, 1968; 8:49 a.m.]

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Confirmation of Effective Date or Order Exempting Milk and Milk Products From Certain Labeling Requirements

In the matter of exempting milk and milk products from certain labeling requirements of the regulations (21 CFR Part 1) for the enforcement of the Fair Packaging and Labeling Act:

Pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of July 20, 1968 (33 F.R. 10391). Accordingly, the amendment promulgated by that order will become effective September 18, 1968.

Dated: August 26, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–10570; Filed, Aug. 30, 1968; 8:49 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in petitions (FAP 8B2267, 8B2268) filed by Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105, and other relevant material, has concluded that the food additive regulations should be amended to provide for use of an additional substance, as set forth below, as a component of paper and paperboard in contact with dry food and as a component of food-packaging adhesives. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended:

1. In § 121.2520(c)(5) by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2520 Adhesives.

• • • • • •

(c) • • •

(5) • • •

Substances	Limitations
• • •	• • •
α - [p - (1,1,3,3 - Tetramethylbutyl)phenyl] - *omega* - hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters and their sodium, potassium, and ammonium salts having a poly (oxyethylene) content averaging 6–9 or 40 moles.	----------
• • •	• • •

2. In § 121.2571(b)(2) by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2571 Components of paper and paperboard in contact with dry food.

• • • • • •

(b) • • •

(2) • • •

List of substances	Limitations
• • •	• • •
α - [p - (1,1,3,3 - Tetramethylbutyl)phenyl] - *omega* - hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters and their sodium, potassium, and ammonium salts having a poly (oxyethylene) content averaging 6–9 or 40 moles.	----------
• • •	• • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 23, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–10571; Filed, Aug. 30, 1968; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

OLEFIN POLYMERS

The Commission of Food and Drugs, having evaluated the data in a petition (FAP 7B2057) filed by Esso Research & Engineering Co., Post Office Box 111, Linden, N.J. 07036, and other relevant material, has concluded that the food additive regulations should be amended to provide for the additional safe use of (1) olefin copolymers and elastomers manufactured by copolymerization of ethylene and propylene and (2) olefin copolymers and elastomers manufactured by copolymerization of ethylene and propylene containing as modifiers one or more of the monomers 5-methylene-2-norbornene and 5-ethylidine-2-norbornene, when such olefin copolymers and elastomers are used as articles or components of articles intended for food-contact use.

It is also concluded that such olefin copolymers should not be regulated for use with certain antioxidants and/or stabilizers listed in § 121.2566.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended in the following respects:

§ 121.2501 [Amended]

1. Section 12.2501 *Olefin polymers* is amended:

a. In paragraph (a)(3) by changing subdivision (ii) and by adding a new subdivision (iii), as follows:

(ii) 4-Methylpentene-1 and 1-alkenes having 6 to 10 carbon atoms. Such olefin basic copolymers shall contain not less than 95 molar percent of polymer units derived from 4-methylpentene-1; or

(iii) Ethylene and propylene that may contain as modifiers not more than 5 weight-percent of total polymer units derived by copolymerization with one or more of the following monomers:

5-Ethylidine-2-norbornene.
5-Methylene-2-norbornene.

b. In paragraph (c) by adding to the table a new item 3.4, as follows:

Olefin polymers	Density	Melting point (MP) or softening point (SP)	Maximum extractable fraction (expressed as percent by weight of polymer) in n-hexane at specified temperatures	Maximum soluble fraction (expressed as percent by weight of polymer) in xylene at specified temperatures
• • •	• • •	• • •	• • •	• • •
3.4 Olefin copolymers, primarily noncrystalline, described in paragraph (a)(3)(iii) of this section provided that such olefin polymers have a minimum viscosity average molecular weight of 120,000 as determined by the method described in paragraph (d)(5) of this section and a minimum Mooney viscosity of 35 as determined by the method described in paragraph (d)(6) of this section, and further provided that such olefin copolymers contact food only of the types identified in § 121.2526(c), table 1, under types I, II, III, IV–B, VI, VII, VIII, and IX.	0.85–0.90			
• • •	• • •	• • •	• • •	• • •

c. By adding to paragraph (d) new subparagraphs (5) and (6), as follows:

(5) *Viscosity average molecular weight—olefin copolymers described in paragraph (a)(3)(iii) of this section.* The viscosity average molecular weight shall be determined from the kinematic viscosity (ASTM Method D 445) of a solution of the copolymer in decahydronaphthalene.

(6) *Mooney viscosity—olefin copolymers described in paragraph (a)(3)(iii) of this section.* Mooney viscosity is determined by ASTM Method D–1646–63, using the large rotor at a temperature of 212° F., for the olefin copolymers described in paragraph (a)(3)(iii) of this section containing only polymer units derived from ethylene and propylene and at 260° F. for all other olefin copolymers described in paragraph (a)(3)(iii) of this section. The apparatus containing the sample is warmed for 1 minute, run for 8 minutes, and viscosity measurements are then made.

2. Section 121.2550(b)(5) is amended by alphabetically inserting a new item in table 1, as follows:

§ 121.2550 Closures with sealing gaskets for food containers.

• • • • • •

(b) • • •

(5) • • •

TABLE 1

List of substances	Limitations (expressed as percent by weight of closure-sealing gasket composition)
• • •	• • •
Ethylene-propylene modified copolymer elastomers produced when ethylene and propylene are copolymerized with 5-methylene-2-norbornene and/or 5-ethylidine-2-norbornene. The finished copolymer elastomers so produced shall contain not more than 5 weight-percent of total polymer units derived from 5-methylene-2-norbornene and/or 5-ethylidine-2-norbornene, and shall have a minimum viscosity average molecular weight of 120,000 as determined by the method described in § 121.2501(d)(5), and a minimum Mooney viscosity of 35 as determined by the method described in § 121.2501(d)(6).	
• • •	• • •

3. Section 121.2562(c)(4)(i) is amended by alphabetically inserting a new item in the list of elastomers, as follows:

§ 121.2562 Rubber articles intended for repeated use.

* * *

(c) * * *

(4) * * *

(i) * * *

* * *

(b) * * *

* * *

2,6-Bis(1-methylheptadecyl)-p-cresol.	For use only at levels not to exceed 0.3 percent by weight of polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, and 4: *Provided*, That the finished polymers contact food only of the types identified in § 121.2526(c), table 1, under categories I, II, IV–B, VI, and VIII.
Butylated, styrenated cresols	For use only: 1. As provided in §§ 121.2520 and 121.2562. 2. At levels not to exceed 0.5 percent by weight of polystyrene, rubber-modified polystyrene, or olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, and 4 or complying with other sections in this Subpart F used in articles that contact food only under the conditions described in § 121.2526(c), table 2, under conditions of use C through G.
* * *	* * *
4,4'-Cyclohexylidene-bis(2-cyclohexylphenol).	For use only at levels not to exceed 0.1 percent by weight of olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, and 4: *Provided*, That the finished polymers contact food only of the types identified in § 121.2526(c), table 1, under categories I, II, IV–B, VI, VII–B, and VIII.
* * *	* * *
	Limitations
2-Hydroxy-4-*n*-octoxybenzophenone.	For use only at levels not to exceed 0.5 percent by weight of olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, and 4: *Provided*, That the finished polymer contacts food only of the types identified in § 121.2526(c), table 1, under categories I, IV–B, VII–B, and VIII, and under the conditions of use B through H described in table 2 of § 121.2526(c).
* * *	* * *
Octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate.	For use only at levels not to exceed 0.25 percent by weight of olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, and 4 and used for packaging food of the types identified in § 121.2526(c), table 1, under types I, II, IV–B, VI, VII–B, and VIII.
* * *	* * *
Tetrakis[methylene(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)] methane.	For use only at levels not to exceed 0.5 percent by weight of olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, and 4.
* * *	* * *
Tris(2-methyl-4-hydroxy-5-*tert*-butylphenyl) butane.	For use only: 1. At levels not to exceed 0.25 percent by weight of polymers used as provided in § 121.2571. 2. At levels not to exceed 0.25 percent by weight of olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, and 4 or complying with other sections in this Subpart F and/or vinyl chloride polymers used in articles that contact food of the types identified in § 121.2526(c), table 1, under types I, II, IV–B, VI–B, VII–B, and VIII. 3. At levels not to exceed 0.1 percent by weight of olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, and 4 or complying with other sections in this Subpart F and/or vinyl chloride polymers used in articles that contact food of the types identified in § 121.2526(c), table 1, under types III, IV–A, V, VI–A, VI–C, VII–A, and IX.
* * *	* * *

Ethylene-propylene copolymer elastomers which may contain not more than 5 weight-percent of total polymer units derived from 5-methylene-2-norbornene and/or 5-ethylidine-2-norbornene.

* * * * *

4. Section 121.2566(b) is amended in the list of substances by changing the limitations for the following items:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * *

Limitations

* * *

For use only at levels not to exceed 0.3 percent by weight of polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, and 4: *Provided*, That the finished polymers contact food only of the types identified in § 121.2526(c), table 1, under categories I, II, IV–B, VI, and VIII.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 21, 1968.

J. K. KIRK,
Asscciate Commissioner for Compliance.

[F.R. Doc. 68-10502; Filed, Aug. 30, 1968; 8:45 a.m.]

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

PART 144—ANTIBIOTIC DRUGS; EXEMPTIONS FROM LABELING AND CERTIFICATION REQUIREMENTS

PART 146—ANTIBIOTIC DRUGS; PROCEDURAL REGULATIONS

Revised Form Regarding New-Drug Applications for Medicated Feeds

A revised form (FD 1800—6/68) for submitting new-drug applications for medicated feeds has been developed to assure submission of all necessary information by the applicant and to provide for more expeditious review thereof by the Bureau of Veterinary Medicine. The new drug and antibiotic drug regulations are amended as follows to provide for use of the new form.

Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 507, 701(a), 52 Stat. 1052–53, as amended, 1055, 59 Stat. 463, as amended; 21 U.S.C. 355, 357, 371(a)) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Parts 130, 144, and 146 are amended as follows:

1. Section 130.4 is amended by revising the introduction of paragraph (c) and by adding to that paragraph a new subparagraph (3), as follows:

§ 130.4 Applications.

* * * * *

(c) Applications for drugs for human use shall be assembled and submitted in the manner prescribed by paragraph (e) of this section. Applications for human and veterinary drugs shall be submitted in one of the following appropriate forms as indicated in the title thereof, except that applications for medicated feeds relying for evidence of safety and effectiveness on information submitted by the supplier of the drug or drugs employed must be submitted in the form specified in subparagraph (3) of this paragraph.

* * * * *

(3) For medicated feeds use Form FD–1800—Revised, obtainable on request from the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204. NOTE: This application must be signed by the applicant or an authorized attorney, agent, or official.

2. In § 144.26(b), subparagraphs (18) (i), (19)(i), (21)(i), (22)(i), (26)(i), (32)(i), (35), (36), (37), (38), (39), (42), (44), (45), (49), (50), (52), (54), (56), (58), (59), (60), and (61) are revised to read as follows:

§ 144.26 Animal feed containing certifiable antibiotic drugs.

* * * * *

(b) * * *

(18) (i) It is intended for use solely in the prevention of outbreaks of coccidiosis in poultry flocks, and it contains nicarbazin (4,4'-dinitrocarbanilide complex with 2-hydroxy-4,6-dimethylpyrimidine) in a quantity, by weight of feed, of not less than 0.01 percent and not more than 0.02 percent, or arsenosobenzene in a quantity, by weight of feed, of 0.002 percent, or 2,4-diamino-5-(*p*-chlorophenyl)-6-ethylpyrimidine in a quantity, by weight of feed, of 0.00075 percent and sulfaquinoxaline in a quantity, by weight of feed, of 0.0075 percent; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug, unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter.

* * * * *

(19) (i) It is intended for use solely in the prevention or control of outbreaks of histomoniasis (blackhead) in turkey flocks, and it contains 2-acetylamino-5-nitrothiazole in a quantity, by weight of feed, of 0.015 percent if intended for the prevention of the disease, or 0.05 percent if intended for the control of the disease, and there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter.

* * * * *

(21) (i) It is intended for promoting distribution of fat in chickens and turkeys; its labeling bears adequate directions and warnings for such use, including a warning against its use in laying hens and a warning that its use must be discontinued 48 hours before the treated chickens or turkeys are slaughtered for human consumption; and it contains dienestrol diacetate in a quantity, by weight of feed, of not less than 0.0023 percent and not more than 0.007 percent; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter.

* * * * *

(22) (i) It is intended for use solely in the control of outbreaks of coccidiosis in poultry flocks and it contains in a quantity, by weight of feed, not less than 0.003 percent and not more than 0.006 percent of 2,4-diamino-5-(*p*-chlorophenyl)-6-ethylpyrimidine and not less than 0.01 percent and not more than 0.02 percent of sulfaquinoxaline, and there has been submitted to the Commissioner, in triplicate, the information required for Form FD–1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter.

* * * * *

(26) (i) It is intended for use solely for accelerating weight gains in beef cattle, and it contains a quantity of diethylstilbestrol adequate to provide not more than 10 milligrams per head per day when fed in accordance with the directions for use that accompany the feed, and there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter.

* * * * *

(32) (i) It is intended for use as an aid in the control of infestation of large roundworms (*Ascaris suis*), nodular worm (*Oesophagostemum dentatum*), and whipworm (*Trichuris suis*) in swine; its labeling bears adequate directions and warnings for such use, including a warning that its use must be discontinued 48 hours before the treated swine are slaughtered for human consumption. If it is a complete feed it contains 6,000 units (6 milligrams) of hygromycin B (produced by the growth of *Streptomyces hygroscopicus*) per pound, or if it is a hygromycin B feed supplement or premix it contains not more than 8,000,000 units (8 grams) of hygromycin B per pound. It contains less than 50 grams of antibiotics per ton of finished feed. If it is a hygromycin B feed supplement or premix and it contains more than 8,000,000 units of hygromycin B per pound, it shall be exempt from certification only if there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter. When intended for the uses specified in this subparagraph, it may also contain, in the amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section. If it contains one of the arsenic compounds prescribed in such paragraph, its labeling must bear a warning that it must be discontinued 5 days (in lieu of 48 hours as required in this subparagraph) before the treated swine are slaughtered for human consumption.

* * * * *

(35) It is a medicated chicken feed containing antibiotics, sulfanitran (acetyl-(*p*-nitrophenyl)-sulfanilamide), and 3,5-dinitrobenzamide, with or without 3-nitro-4-hydroxyphenylarsonic acid in the amounts and for the purposes indicated in § 121.264 of this chapter; or containing antibiotics, sulfanitran (acetyl-(*p*-nitrophenyl)-sulfanilamide), and aklomide (2-chloro-4-nitrobenzamide), in the amounts and for the purposes indicated in §§ 121.264 and 121.269 of this chapter; its labeling bears adequate directions and warnings for such use; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter.

(36) It is intended for use solely as an aid in stimulating growth in chickens and turkeys and as an aid in the prevention of outbreaks of histomoniasis (blackhead) in chickens and turkeys and hexamitiasis in turkeys; its labeling bears adequate directions and warnings for such use, including a warning against its use in laying hens and a warning that its use must be discontinued 24 hours before the treated chickens or turkeys are slaughtered for human consumption; and it contains nithiazide (1-ethyl-3-(5-nitro-2-thiazolyl) urea) in a quantity, by weight of feed, of not less than 0.0125 percent and not more than 0.04 percent; it contains less than 50 grams of antibiotics per ton of feed; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter. When intended for the uses specified in this subparagraph, it may also contain, in the amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section. If it contains one of the arsenic compounds prescribed in paragraph (a) of this section, its labeling must bear a warning that it must be discontinued 5 days (instead of 24 hours as required in this subparagraph) before the treated chickens or turkeys are slaughtered for human consumption.

(37) It is intended for use solely in the prevention of outbreaks of coccidiosis and as an aid in stimulating growth in chicken flocks; its labeling bears adequate directions and warnings for such use, including a warning against its use in laying hens and a warning that its use must be discontinued 4 days before the treated chickens are slaughtered for human consumption; and it contains glycarbylamide (4,5-imidazole-dicarboxamide) in a quantity, by weight of feed, of not less than 0.002 percent and not more than 0.006 percent; it contains less than 50 grams of antibiotics per ton of feed; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter. When intended for the uses specified in this subparagraph, it may also contain, in the amount specified, one, but one one, of the ingredients prescribed by paragraph (a) of this section. If it contains one of the arsenic compounds prescribed in such paragraph, its labeling shall bear a warning that it must be discontinued 5 days (in lieu of 4 days as required in this subparagraph) before the treated chickens are slaughtered for human consumption.

(38) It is intended for use solely for accelerating weight gains in sheep; its labeling bears adequate directions and warnings for such use, including a warning that its use must be discontinued 48 hours before the treated animals are slaughtered for human consumption; it contains a quantity of diethylstilbestrol adequate to provide not more than 2 milligrams per head per day when fed in accordance with the directions for use that accompany the feed; it contains less than 50 grams of antibiotics per ton of feed; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter.

(39) It is intended for use solely as an aid in the prevention or treatment of fowl typhoid, paratyphoid, and pullorum disease and as an aid in stimulating growth in poultry flocks; its labeling bears adequate directions and warnings for such use, including a warning against its use in laying hens and a warning that its use must be discontinued 48 hours before the treated animals are slaughtered for human consumption; and it contains 3,5-dinitrobenzamide in a quantity, by weight of feed, of not less than 0.075 percent and not more than 0.15 percent; it contains less than 50 grams of antibiotics per ton of feed; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter. When intended for the uses specified in this subparagraph, it may also contain, in the amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section. If it contains one of the arsenic compounds prescribed in paragraph (a) of this section, its labeling must bear a warning that it must be discontinued 5 days (in lieu of 48 hours as required in this subparagraph) before the treated chickens or turkeys are slaughtered for human consumption.

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(42) It is a medicated chicken, turkey, and swine feed containing certifiable antibiotics and nystatin in the amounts and for the purposes indicated in § 121.220 of this chapter; its labeling bears adequate directions and warnings for such use; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter.

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(44) It is a medicated chicken or turkey feed containing antibiotics and amprolium, with or without arsanilic acid, in the amounts and for the purposes indicated in § 121.210 of this chapter, and its labeling bears adequate directions and warnings for such use: *Provided, however,* That such medicated complete feed has been prepared from a concentrated amprolium-antibiotic medicated feed that contained not more than 0.05 percent amprolium. If the complete medicated feed is prepared from a product of amprolium that contains more than 0.05 percent of the drug, it is exempt from certification only under the condition that there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter. Both concentrates and complete poultry feed containing amprolium must comply with all the requirements of § 121.210 of this chapter, including labeling.

(45) It is a medicated chicken or turkey feed containing antibiotics and zoalene, with or without arsanilic acid, or 3-nitro-4-hydroxyphenylarsonic acid, in the amounts and for the purposes indicated in § 121.207 of this chapter; *Provided, however,* That such medicated complete feed has been prepared from a concentrated zoalene-antibiotic medicated feed that contained not more than 0.0375 percent zoalene. If the complete medicated feed is prepared from a product of zoalene that contains more than 0.0375 percent zoalene, it is exempt from certification only under the condition that there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter. Both concentrates and complete poultry feed containing zoalene must comply with all the requirements of § 121.207 of this chapter, including labeling.

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(49) It is a medicated chicken or turkey feed containing antibiotics and reserpine in the amounts and for the purposes indicated in § 121.205 of this chapter; its labeling bears adequate directions and warnings for such use; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter.

(50) It is a medicated chicken feed containing antibiotics and hygromycin B in the amounts and for the purposes indicated in § 121.213 of this chapter, and its labeling bears adequate directions and warnings for such use: *Provided, however,* That such medicated complete feed has been prepared from a feed additive concentrate that contains not more than 32 grams of hygromycin B per ton. If the medicated feed is prepared from a feed additive concentrate containing more than 32 grams of hygromycin B per ton, it is exempt from certification only under the condition that there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approval supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter.

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(52) It is a cattle feed containing zinc bacitracin, with or without diethylstilbestrol, in the amounts and for the purposes indicated in § 121.225 or § 121.241 of this chapter, and its labeling bears adequate directions and warnings for such use; *Provided, however,* That if such feed contains diethylstilbestrol it is exempt from certification only under the condition that there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter.

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(54) It is a medicated feed for growing broiler and replacement chickens; it contains amprolium, ethopabate (methyl-4-acetamido-2-ethoxy benzoate), and antibiotics, with or without arsanilic acid or 3-nitro-4-hydroxyphenylarsonic acid, in the amounts and for the purposes indicated in § 121.210 of this chapter; and its labeling bears adequate directions and warnings for such use; *Provided, however,* That such medicated complete feed has been prepared from a concentrated medicated feed that contained not more than 0.05 percent amprolium and not more than 0.0016 percent ethopabate. If the medicated feed is prepared from a product that contains more than 0.05 percent amprolium and more than 0.0016 percent ethopabate, it is exempt from certification only under the condition that there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter. Both concentrates and finished poultry feed containing amprolium and ethopabate must comply with all the requirements of § 121.210 of this chapter, including labeling.

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(56) It is a medicated feed for chickens containing a combination of procaine penicillin and tylosin phosphate in the amounts and for the purposes indicated in § 121.225 of this chapter, and its labeling bears adequate directions and warnings for such use; *Provided, however,* That such medicated complete feed has been prepared from a concentrated medicated feed that contained not more than 200 grams of tylosin phosphate per ton. If the medicated feed is prepared from a concentrated medicated feed containing more than 200 grams of tylosin phosphate per ton, it is exempt from certification only under the condition that there has been submitted to the Commissioner in triplicate, adequate information of the kind required for Form FD–1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter.

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(58) It is a medicated feed for swine containing a combination of streptomycin and tylosin phosphate in the amounts and for the purposes indicated in § 121.217 of this chapter, and its labeling bears adequate directions and warnings for such use; *Provided, however,* That such medicated complete feed has been prepared from a feed additive premix or feed additive concentrate that contains streptomycin and not more than 500 grams of tylosin phosphate per ton. If the medicated feed is prepared from a feed additive premix or feed additive concentrate containing streptomycin and more than 500 grams of tylosin phosphate per ton, it is exempt from certification only under the condition that there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter.

(59) It is a medicated feed for chickens containing penicillin, tylosin phosphate, and either amprolium, or zoalene, or hygromycin B, or hygromycin B and zoalene, or hygromycin B and amprolium in the amounts and for the purposes indicated in § 121.207, § 121.210, or § 121.213 of this chapter, and its labeling bears adequate directions and warnings for such use: *Provided, however,* That such medicated complete feed has been prepared from a concentrated penicillin-tylosin phosphate-amprolium, or penicillin-tylosin phosphate-zoalene, or penicillin-tylosin phosphate-hygromycin B or penicillin-tylosin phosphate-zoalene-hygromycin B, or penicillin-tylosin phosphate-hygromycin B-amprolium medicated feed containing per ton of feed, not more than 200 grams of tylosin and either not more than 0.05 percent amprolium or not more than 0.0375 percent zoalene, or not more than 32 grams per ton of hygromycin B, or not more than 0.0375 percent zoalene and not more than 32 grams per ton of hygromycin B, or not more than 0.05 percent amprolium and not more than 32 grams per ton of hygromycin B. If the medicated feed is prepared from a product that contains more than any of the specified quantities, it is exempt from certification only under the condition that there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides

for the change or the change is made in conformance with other provisions of § 130.9 of this chapter.

(60) It is a medicated chicken feed containing antibiotics and nihydrazone in the amounts and for the purposes indicated in § 121.237 of this chapter; its labeling bears adequate directions and warnings for such use; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD-1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter.

(61) It is a medicated chicken feed containing antibiotics and buquinolate in the amounts and for the purposes indicated in § 121.291 of this chapter; its labeling bears adequate directions and warnings for such use; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD-1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter.

3. Section 146.13 is amended by revising the Form 10 item to read as follows:

§ 146.13 Forms for certification or exemption of antibiotic drugs.

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Form	
* * * * *	
10	Application for exemption for antibiotics mixed in animal feeds (Form FD-1800—Revised must be used when applications for medicated feeds rely for evidence of safety and effectiveness on information submitted by the supplier of the drug or drugs employed).

This order provides for the use of a revised form to facilitate more expeditious submission and review of medicated feed new-drug applications and is nonrestrictive and noncontroversial in nature; therefore, notice and public procedure are not prerequisites to this promulgation.

Effective date. This order shall become effective 30 days after its date of publication in the FEDERAL REGISTER.

(Secs. 505, 507, 701(a), 52 Stat. 1052–53 as amended, 1055, 59 Stat. 463, as amended; 21 U.S.C. 355, 357, 371(a))

Dated: August 27, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-10572; Filed, Aug. 30, 1968; 8:49 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter IV—Federal National Mortgage Association, Department of Housing and Urban Development

REVOCATION OF CHAPTER

Chapter IV in Subtitle B of Title 24 is revoked. This revocation shall be effective September 1, 1968.

(Sec. 309, 68 Stat. 620; 12 U.S.C. 1723a)

Issued at Washington, D.C., August 26, 1968.

FEDERAL NATIONAL MORTGAGE ASSOCIATION,
RAYMOND H. LAPIN,
President.

[F.R. Doc. 68-10529; Filed, Aug. 30, 1968; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER F—TRANSPORTATION

PART 177—EMERGENCY REQUIREMENTS, ALLOCATIONS, PRIORITIES AND PERMITS FOR DOD USE OF DOMESTIC CIVIL TRANSPORTATION

The Deputy Secretary of Defense approved the following:

Sec.
177.1 Purpose.
177.2 Applicability and scope.
177.3 Concept.
177.4 Policy.
177.5 Responsibilities.
177.6 Effective date.
177.7 Implementation.

AUTHORITY: The provisions of this Part are issued under 5 U.S.C. 301.

§ 177.1 Purpose.

This part establishes Department of Defense policy and guidance concerning emergency requirements, allocations, priorities, and permits governing DoD use of civil transportation within the Continental United States (CONUS) except for that (a) provided by the Civil Reserve Air Fleet (CRAF), (b) involving the Office of Civil Defense, or (c) for civil works projects performed by the Corps of Engineers.

§ 177.2 Applicability and scope.

The provisions of this part apply to all DoD components and cover peacetime emergency planning as well as transportation operations during periods of national emergency.

§ 177.3 Concept.

The Department of Transportation provides national emergency civil transportation policies, plans, and procedures. The Department of Defense receives emergency guidance on the use of civil transportation from (a) the Secretary of Transportation in time of national control and (b) the Department of Transportation (Office of Emergency Transportation) Regional Offices in case of regional isolation.

§ 177.4 Policy.

(a) DoD transportation plans and operations for national emergencies will conform to national policies and guidance. They will be carried out by DoD organizational elements existing at the time of an emergency rather than by a new organizational structure created specifically for that purpose.

(b) DoD policy control of transportation and traffic management will remain at the national level (see § 177.5(a)) unless conditions of isolation require independent regional action. In the latter case regional authorities will assume the responsibility detailed in § 177.5(b), and will act in conformance with approved plans (see § 177.7) implementing this part.

§ 177.5 Responsibilities.

(a) *National control*—(1) The Assistant Secretary of Defense (Installations and Logistics) will:

(i) Establish in coordination with the Assistant Secretary of Defense (Systems Analysis) relative urgencies within the DoD in conformance with national program priorities, coordinating with the Joint Chiefs of Staff (JCS) with respect to military requirements.

(ii) Analyze and approve DoD short-term requirements for civil transportation received from the JCS. He will coordinate with the ASD(SA) on any such requirements which affect DoD strategic mobility requirements and capabilities.

(iii) Forward all DoD requirements for civil transportation to and receive capability allocations from the Department of Transportation.

(iv) Forward allocations for both short-term and long-term use of civil transportation to the JCS with appropriate comments concerning policy and procurement. A copy of such allocations will be forwarded to the ASD(SA).

(2) The Assistant Secretary of Defense (Systems Analysis) will:

(i) Analyze and approve DoD long-term requirements for civil transportation and present them to the ASD(I&L) for forwarding to the Department of Transportation.

(ii) Work closely with the Department of Transportation, the ASD(I&L), the JCS, and the Military Departments in determining data requirements and developing methods of analysis to accurately determine overall DoD long-term commercial transportation requirements.

(3) The Joint Chiefs of Staff will call for and review DoD transportation requirements (as submitted by the DoD components and consolidated and evaluated from the standpoint of traffic management by the Military Traffic Management and Terminal Service (MTMTS) and forward them with appropriate recommendation to the ASD (I&L) or the ASD(SA) as appropriate. Upon receipt of allocations from the ASD(I&L), the JCS will determine the relative urgency of the requirements submitted by the DoD claimants and suballocate among them in accordance with such determinations.

(4) The Military Departments and other DoD components will:

(i) Develop and submit to MTMTS their requirements for all CONUS movements to be accomplished by civil transportation resources.

(ii) Prescribe their priorities of movement within guidance provided by the ASD(I&L) in coordination with the JCS.

(5) The Military Traffic Management and Terminal Service will:

(i) In accordance with its charter contained in DoD Directive 5160.53 (32 F.R. 6295) manage the movement of persons and things consistent with established national and DoD component movement priorities.

(ii) Consolidate, collate, and evaluate submitted requirements from a traffic management standpoint and submit the consolidated transportation requirements with analyses indicating shortages of capability and recommended courses of action to the JCS. After suballocation to the DoD components by the JCS, MTMTS will manage the movement of the traffic in conformance with established movement priorities in coordination with the DoD components.

(iii) Administer permits when required for the movement of persons and things, in accordance with national policies and guidance.

(b) *Regional isolation.* In the event of regional isolation during a national emergency:

(1) Regional Representatives of DoD components will develop and submit their transportation requirements to the MTMTS area commander, with information as to the relative urgency of movement.

(2) The Military Traffic Management and Terminal Service area commanders will:

(i) Consolidate, collate, and evaluate submitted requirements from a traffic management standpoint and submit such requirements, with a request for allocation, to the Department of Transportation (OET Regional Office).

(ii) Manage the movement of persons and things in accordance with established allocations and DoD component movement priorities.

(iii) Inform the Army area commander of any deficit in allocations to meet requirements.

(3) The Army Area Commander, as principal DoD representative to the Office of Emergency Planning Regional Preparedness Committee, will establish relative priorities of movement and resolve matters of major policy impact, as required.

§ 177.6 Effective date.

This part is effective immediately for planning purposes. Actual operations under its provisions will be effected in the event of an emergency.

§ 177.7 Implementation.

Two (2) copies of implementing instructions shall be forwarded to the Assistant Secretary of Defense (Installations and Logistics) for approval within sixty (60) days.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 68-10521; Filed, Aug. 30, 1968; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 17—MEDICAL

Miscellaneous Amendments

1. In § 17.115, that portion preceding paragraph (a) is amended to read as follows:

§ 17.115 Prosthetic and similar appliances.

Artificial limbs, braces, orthopedic shoes, hearing aids, wheelchairs, medical accessories, similar appliances including invalid lifts and therapeutic and rehabilitative devices, and special clothing made necessary by the wearing of such appliances, may be purchased, made or repaired for any veteran upon a determination of feasibility and medical need, provided:

* * * * *

2. Sections 17.115b and 17.115c are revised to read as follows:

§ 17.115b Invalid lifts for recipients of aid and attendance allowance or special monthly compensation.

When any requirement for an invalid lift cannot be met as part of, and in the course of, Veterans Administration treatment or care, as provided for in § 17.115, the invalid lift may be furnished if:

(a) The applicant is a veteran who is receiving (1) special monthly compensation (including special monthly compensation based on the need for aid and attendance) under the provisions of 38 U.S.C. 314(1)–(p), or (2) comparable compensation benefits at the rates prescribed under 38 U.S.C. 334, or (3) increased pension based on the need for aid and attendance or a greater compensation benefit rather than aid and attendance pension to which he has been adjudicated to be presently eligible; and

(b) The veteran has loss, or loss of use, of both lower extremities and at least one upper extremity (loss of use may result from paralysis or other impairment to muscle power and includes all cases in which the veteran cannot use his extremities or is medically prohibited from doing so because of a serious disease or disability); and

(c) The veteran has been medically determined incapable of moving himself from his bed to a wheelchair, or from his wheelchair to his bed, without the aid of an attendant, because of the disability involving the use of his extremities; and

(d) An invalid lift would be a feasible means by which the veteran could accomplish the necessary maneuvers between bed and wheelchair, and is medically determined necessary.

§ 17.115c Therapeutic and rehabilitative devices for recipients of aid and attendance allowance or special monthly compensation.

When any requirement for therapeutic and rehabilitative devices, including medical equipment and supplies, cannot be met as part of, and in the course of, Veterans Administration hospital treatment or care, as provided for in § 17.115, the needed items (excluding medicines) may be furnished, if:

(a) The applicant is a veteran who is receiving special monthly compensation (including special monthly compensation based on the need for aid and attendance) under the provisions of 38 U.S.C. 314(1)–(p), or (2) comparable compensation benefits at the rates prescribed under 38 U.S.C. 334, or (3) increased pension based on the need for aid and attendance or a greater compensation benefit rather than aid and attendance pension to which he has been adjudicated to be presently eligible, and

(b) Any device, equipment, or item supplied is medically determined necessary and is of a type or category of devices or supplies determined to be available under this section.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective August 19, 1968.

Approved: August 27, 1968.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 68-10557; Filed, Aug. 30, 1968; 8:48 a.m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart A—Vocational Rehabilitation Under 38 U.S.C. Chapter 31

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

MISCELLANEOUS AMENDMENTS

1. In § 21.20, paragraph (b) is amended to read as follows:

§ 21.20 Vocational rehabilitation.

* * * * *

(b) *Four-year limitation.* No full-time course of vocational rehabilitation may exceed 4 years unless it is determined that a longer period is required under the circumstances outlined in § 21.206. For a veteran in part-time institutional

training, references to the 4-year limitation contained in this subpart will mean the equivalent in part-time training of 48 months in full-time training. (38 U.S.C. 1502(b))

* * * * *

2. In § 21.132, paragraph (1) is added to read as follows:

§ 21.132 Reduction or discontinuance.

* * * * *

(1) *Reduction in rate of pursuit of course.* End of month in which reduction occurred.

3. Section 21.133 is revised to read as follows:

§ 21.133 Rates.

Type of training	Monthly rate of subsistence allowance			
	No dependent	One dependent	Two dependents	For each additional dependent [1]
Institutional:				
Full time	$110.00	$150.00	$175.00	$5.00
¾ time [2]	80.00	110.00	130.00	None
½ time [2]	55.00	75.00	85.00	None
Institutional on-farm (IOF) apprentice or other on-job (OJT) (full time only)	95.00	125.00	150.00	5.00
Combination (Institutional and OJT) (full time only):				
Institutional ½ time or more	110.00	150.00	175.00	5.00
Institutional less than ½ time	95.00	125.00	150.00	5.00
Cooperative (full time only):				
Institutional full time	110.00	150.00	175.00	5.00
Business industry full time	95.00	125.00	150.00	5.00

[1] $5.00 will be added for each dependent over 2, except for the veteran with a disability rating of 50 percent or more.

[2] For on-job training, subsistence allowance may not exceed the difference between the monthly training wage, exclusive of overtime, and the entrance journeyman wage for the veteran's objective.

[3] Effective July 26, 1968 (Public Law 90-431, 82 Stat. 447).

NOTE: The rate of subsistence allowance for any veteran who was pursuing a course of vocational rehabilitation on Aug. 26, 1965, shall not be reduced solely by reason of the enactment of Public Law 89-137, 79 Stat. 576. Protection does not apply to payments commencing after Aug. 26, 1965. (Sec. 1(c), Public Law 89-137.)

4. Section 21.134 is revised to read as follows:

§ 21.134 Postrehabilitation pay.

Upon being rehabilitated, except under conditions stated in § 21.281 (b) and (c), a lump-sum payment of 2 months' postrehabilitation pay will be authorized as follows, based upon the rate of subsistence allowance the veteran was entitled to at the time his employability is determined:

(a) *Institutional full-time.* The lump-sum payment will be twice the full-time monthly rate, including any additional amounts for dependents. For cooperative training, the postrehabilitation pay will be computed at the institutional rate.

(b) *Institutional part-time.* The lump-sum payment will be twice the three-quarter or half-time monthly rate, whichever is applicable.

(c) *Institutional on-farm, apprentice, or other on-job.* The lump-sum payment will be twice the full-time monthly rate authorized for this kind of training, including any additional amounts for dependents. The full-time rate will be the basis for payment without regard to the fact that the veteran may have been authorized less than the maximum subsistence allowance payable because of wages earned while pursuing on-the-job training.

(d) *Subsequent payments.* Where, following a determination of employability and payment of the 2 months' postrehabilitation pay, a veteran is reinducted for additional training, payment of the 2 months' postrehabilitation pay will again be authorized upon a subsequent determination of employability.

5. In § 21.201, paragraph (e) and those portions of paragraphs (g), (h), and (i) preceding subparagraph (1) are amended to read as follows:

§ 21.201 Types of courses.

* * * * *

(e) *Sheltered workshop course.* A full-time course of training on the job or combination of training on the job and supplemental related instruction. The disabled veteran is provided vocational training in a specific employment objective in a place where he is relatively sheltered from competition with the able bodied. He is not required to meet production standards which in ordinary on-the-job training situations would interfere with the restoration of employability. The course is provided through a charitable, religious, educational, governmental, or philanthropic organization which is not operated for profit but primarily to provide vocational training, rehabilitation, and employment to the physically and mentally handicapped. A sheltered workshop course is a vocational course of training. It will be strictly differentiated from a course of specialized restorative training offered in a workshop for the purpose of work adjustment or personal adjustment. A sheltered workshop course will be prescribed only in those cases in which the veteran's employability cannot be restored through pursuit of the usual course of vocational training in a school or in a training on-the-job establishment. Training under sheltered workshop conditions should give good promise of needed results not otherwise obtainable in the particular case.

* * * * *

(g) *Training in the home.* A full-time course which a veteran pursues in his home with an individual instructor or instructors when:

* * * * *

(h) *Independent instructor course.* A full-time course which is pursued with an individual instructor, who, independently of a training institution or a training on-the-job establishment, furnishes and conducts the course at a suitable place of training.

* * * * *

(i) *Institutional on-farm course.* A full-time course designed to restore employability by training a veteran to operate a farm over which he has control or to manage a farm as the employee of another. Such course shall be carefully planned and developed by the Veterans Administration in collaboration with the instructor to suit the needs of the individual veteran. Full consideration should be given to the size and character of the farm on which the veteran is to receive the on-farm part of his course. He must become proficient in the type of farming for which he is training—in planning, producing, marketing, farm mechanics, conservation of farm resources, conservation of food, farm financing, farm management, and the keeping of farm and home accounts. Instruction will satisfy the requirements of subparagraph (1) or (2) of this paragraph.

* * * * *

6. In § 21.202, paragraph (a) is amended to read as follows:

§ 21.202 Full-time vocational rehabilitation training.

(a) Full-time vocational rehabilitation training for disabled veterans having a normal work tolerance will be:

(1) Institutional-assessed in accordance with §§ 21.4270 through 21.4275 unless training is being pursued in a special school, such as those for persons having speech or hearing defects, and it is the established policy of the school to consider enrollment for fewer semester, credit or clock hours as full-time enrollment.

(2) On-the-job—assessed on the basis of the number of hours in the prevailing workweek for the locality and in the occupation for which the veteran is training.

(3) Institutional on-farm—assessed in accordance with § 21.201(i).

* * * * *

7. In § 21.203, paragraph (c) is added to read as follows:

§ 21.203 Less than full-time vocational rehabilitation training.

* * * * *

(c) Institutional training which does not meet the requirements of § 21.202 as full-time training may be authorized on a three-quarter or one-half time basis. Training on a three-quarter or one-half time basis will be measured and assessed in accordance with §§ 21.4270 through 21.4275. (38 U.S.C. 1504, as amended by Public Law 90-431, 82 Stat. 447)

8. In § 21.209(a), subparagraph (5) is amended to read as follows:

§ 21.209 Status "training declined."

(a) * * *

(5) He commences or continues to pursue education or training under Chapter 34 or 35.

* * * * *

9. In § 21.212, paragraph (b) is amended to read as follows:

§ 21.212 Preparation and content.

* * * * *

(b) For professional objectives other than physician, physician, osteopathic, and dentist, successful completion of the professional curriculum at an approved professional school ordinarily qualifies an individual to practice the profession for which the school has trained him, subject, in some instances, to State licensure requirements. Accordingly, the professions physician, physician, osteopathic, and dentist, are the only ones where internship may be included in the training program. Where the graduate of a professional school is required to have experience in the practice of his profession as a prerequisite to licensure, as, for example, in pharmacy, the period is sometimes referred to as an internship or an apprenticeship, but actually the situation is one of employment, and may not be included in the veteran's training program.

10. In § 21.4022, paragraph (d) is added to read as follows:

§ 21.4022 Nonduplication; 38 U.S.C. chapters 31, 34, and 35.

* * * * *

(d) *Reelection, Public Law 90-431, 82 Stat. 447.* An election of chapter 34 or 35 benefits prior to July 26, 1968 to pursue a part-time course will not bar a subsequent election of chapter 31 benefits.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective July 26, 1968.

Approved: August 27, 1968.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 68-10568; Filed, Aug. 30, 1968; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 68-859; Docket No. 18023]

PART 73—RADIO BROADCAST SERVICES

Presunrise Service Authority; First Report and Order

In the matter of amendment of § 73.99 of the Commission's rules (Presunrise Service Authority) to specify 6 a.m. "local time." By the Commission: Commissioner Cox concurring as to the change to local time but abstaining from voting on the balance of the matters covered; Commissioner Wadsworth absent; Commissioner Johnson concurring in the result.

1. The proceeding concerns amendment of § 73.99, the "presunrise" rule, to specify "6 a.m. local time" instead of "6 a.m. local standard time" as the starting time for presunrise operations conducted under Presunrise Service Authority (PSA).[1] Canada has concurred in a corresponding change in the language of the Canada-United States presunrise agreement of 1967 (TIAS 6268). The change would reflect the fact that "advanced" or "daylight-saving" time has become almost universal in the conterminous United States following enactment of the Uniform Time Act of 1966, and therefore during the months from late April until late October 6 a.m. "standard time" (using that term in its traditional sense, as for our purposes it must be) means 7 a.m. "local time." Since stations can use their licensed daytime facilities after local sunrise, this is not a great problem in May, June and July, when sunrise is often 5 a.m. standard time or earlier; but it becomes a substantial problem in August and September and, for the great majority of daytime-only stations, it delays sign-on until 7 a.m. for most of October. We recognized this as a problem in the memorandum opinion and order issued on reconsideration in the presunrise proceeding last October (Docket 14419, FCC 67-1143; 10 F.C.C. 2d 283, 11 R.R. 2d 1571) and in the notice of proposed rule making herein we expressed the tentative view that an adjustment should be made, to provide a uniform 6 a.m. sign-on in terms of the time standard actually observed in the community.

2. As developed in the record herein, there are substantial differences between the circumstances pertaining to the regional and I-B channels, on the one hand, and the U.S. I-A channels on the other. The present document deals only with Class III stations on the regional channels and Class II stations on I-B channels. The decision with respect to Class II stations on U.S. I-A channels will be issued at a later date.

Comments concerning stations on the regional and I-B channels.[2]

3. *Supporting comments:* formal comments supporting the proposal were filed on behalf of 101 stations on these channels, including eight daytime-only Class II stations, 24 full-time regional stations, and 69 daytime-only regional stations.[3] Most of these are quite brief, and many stations filed in joint comments, so that the comments number about 35. There were no reply comments concerning these channels. These stations, along with other commenting parties, are listed in Appendix A hereto. Daytime Broadcasters Association (DBA) also filed a comment supporting the proposal.

4. Of the comments of the daytime-only stations, most endorsed our tentative view that a 6 a.m. "local time" sign-on should be adopted and sometimes noted with approval our statement in the Docket 14419 decision that a 7 a.m. "local time" sign-on, which nearly all daytimers would be limited to under the present rule in October, is simply not early enough in terms of the life of the community to meet the need for local informational service which the record in Docket 14419 established.[4] Numerous stations in these and other comments assert the need for and desirability of a uniform sign-on time, reasonably early in the day and geared to the life of the community, which—particularly after enactment of the Uniform Time Act of 1966—is generally based on daylight-saving or "advanced" time from late April until late October. It is asserted that the rule change is necessary to be consistent with the Uniform Time Act (which adopted daylight-saving time for other purposes) and to bring standard broadcasting into conformity with community life. The present rule, it is said, leads to an illogical situation, since people live by the clock, not the sun, in our increasingly urban society. Some stations urge that the change is necessary to correct what they regard as a somewhat anomalous development of recent years, i.e., while in Docket 14419 the Commission was trying to make provision for a reasonable amount of presunrise local broadcasting starting at 6 a.m., the Uniform Time Act was in effect negating that effort by making 6 a.m. "local time" the same as 5 a.m. "sun time" during half the year. It is also asserted that the change would only restore the possibility of having a desirably early and uniform sign-on time which most daytimers enjoyed under former section 73.87.

5. A number of stations point to the absence of any interference complaint against their earlier and more extensive presunrise operations as reason for the change. It is urged by some parties that,

[1] The term "presunrise operation" where used herein means use of daytime or critical-hours facilities before local sunrise. It does not refer to use of licensed nighttime facilities during these hours, or to sign-on at local sunrise when that is before 6 a.m.

[2] As to the I-B channels, the points advanced by the eight Class II stations filing are the same as those of regional daytime stations, without reference to any special aspect of the situation on these channels. The same is true of the comments of Association on Broadcasting Standards, Inc. (ABS), opposing the proposal, some of whose members are full-time Class II stations. CBS, expressing doubt as to the merit of the proposal, is the licensee of one I-B station; but its comments did not deal with problems on specific channels.

[3] There were also a number of letters and informal comments supporting the proposal. One Class IV station (La Grange, Ga.) urged that some relief be given to Class IV stations with respect to presunrise operation, stating that it is difficult for them to compete with daytime-only stations; and another (Auburn, N.Y.) expressed the view that the proposal is a further deviation from sound engineering standards designed to impose a reasonable limit on interference. This station is in the same community with a daytime-only station.

[4] 8 F.C.C. 2d 698, 715; 10 R.R. 2d 1580, 1605.

while the change would result in some additional interference to full-time service (as we recognized), the fulltimers affected have benefitted from the general reduction in interference resulting from the new restrictions contained in section 73.99 (presunrise operation limited to no more than 500 watts power and 6 a.m. and after, compared to full day facilities and as early as 4 a.m. under the former rule), and that the benefits from the additional service definitely outweigh any detriment from additional interference caused. Attention is called to the statement in the notice that the interference level resulting during the daylight saving months (when 6 a.m. local time would be 5 a.m. "sun time") would be less than that prevailing under the present rule in January; and it is asserted that if we (correctly) viewed the latter as being of less significance than the benefits accruing from presunrise service, we should certainly take the same view as to the daylight-saving portion of the year.

6. Many daytime stations urge the importance of the hours involved here in terms of informational service to their communities and areas, providing such material at a time when it is needed and when the audience is available to receive it (before school children leave for schools or buses, before farmers and factory workers leave for work, etc.). It is asserted by a number of stations that the audience at this time is larger than it is at other times of the day, and it would be a definite public disservice to deprive them of this valuable broadcasting. Audience reliance on this service is asserted by several stations. Among the types of material said to be important for presentation during these hours are farm information, weather, local and general news, information about school closings and changes in school bus schedules, road and traffic conditions, announcements of community activities, school lunch information, and similar material. Stations WAEW (Crossville, Tenn.) and WXXX (Hattiesburg, Miss.) attached supporting letters to their comments from civic, school and agricultural officials, urging the importance of service at 6 a.m. local time for some of these purposes.

7. Daytime stations pointing to the need for presentation of their farm programing at an early hour (it is stated that farmers are in the fields well before 7 a.m.)[1] include KATR, KEST, KGRN, KXXX (in an earlier petition incorporated herein), WAEW, WALY, WBKN, WILE, WJOT, WMUU, WNCC, WOTT, WTCR, and WXXX. Specific points urged include: Importance of early weather and other information for the farming and timber industries (KATR, Eugene, Oreg.) and numerous fruit growers in the area (WCCW, Traverse City, Mich.); the importance of early farm information from the only AM stations in communities in agricultural areas (KGRN and WILE); value of market information at 6:25 a.m. so farmers can take their livestock to appropriate city markets (WAEW, Crossville, Tenn., indicated in a supporting letter); need for farm information to reach farmers listening between 5:30 and 6:30 (WXXX, in a supporting letter from the county agent); need to reach the farm audience with information before 7 a.m. since it must do its work on "sun time" (WJOT); the need for early a.m. service to bring part of a long-standing 5:30–6:30 farm program to those many rural listeners without FM sets (WGSA); need for pre-7 a.m. broadcasting to present Clemson University and southeastern market information to wide-area rural audiences, as well as country and western music (WGUS) or religious programing (WMUU); need to provide weather and farm information to the 60 percent of the 500,000 people served which is nonurban (WTCR, Ashland, Ky.); the undesirability of the present restriction in cases where stations are already hampered in reaching wide-area farm audiences by the new presunrise time and power restrictions (WOTT); and need to present early morning programing (all of the first half-hour of the day) of local and national agricultural information to the areas of substantial farm audience (KEST). The extensive showing of Station KXXX, Colby, Kans., in its filings in Docket 14419 has been discussed before and need not be further mentioned here (see report and order in Docket 14419 (Appendix A), and memorandum opinion and order in the same proceeding, 8 F.C.C. 2d 708, 713; 10 R.R. 2d 1595, 1602; 10 F.C.C. 2d 290–291, 11 R.R. 2d 1581–1582). A Class II station on a I–A channel (WRFD) asserts that early market reports are particularly important during August and September, the harvest months.

8. Several stations mention the need for presenting significant material to audiences before they leave for work. Station WHUT (Anderson, Ind.) mentions its long-standing "Factory Whistle" 6 to 7 a.m. program, designed to reach workers starting their shifts at 7. Similar claims are made by WGTA (Summerville, Ga.), WDYX (Buford, Ga., mentioning the fact that most of the work force there must leave for work in other places), WHIE (Griffin, Ga.), and WHIP (Mooresville, N.C.). The need for reaching workers with work schedule changes is mentioned. Stations WAEW and WXXX, in comments and supporting letters, mention the need to reach workers, public employees, etc., beginning work at 7; WTCR makes a similar claim. Stations WENN (Birmingham) and KCOH (Houston), which have long signed on well before 6 a.m. and feature Negro programing, assert the importance of providing significant material of various types to that segment of the population, which goes to work early; WTMP, Tampa, makes a similar claim.

9. Numerous stations mention the need for school closing and school bus cancellation announcements. Usually it does not appear how much of a problem this is during the months involved here (letters supporting WAEW's comments refer to the particular need in times of ice and snow); but WGTA refers to area schools starting in August, "producing daily bus route schedule changes." Transmissions necessitated by severe weather conditions may be undertaken irrespective of presunrise limitations provided the emergency operation complies with the provisions of section 73.98 of the rules. See in this connection the petition for reconsideration of Station KXXX and the previous discussion thereof (see paragraph 7).

10. Various stations assert other particular needs for early morning informational material. These include: Early weather and fishing information in recreational areas (WCCW and WDYX, the former pointing out that this is an important industry in Michigan with the trout season beginning at the end of April); the same with respect to commercial as well as recreational fishing, at the height of the season from August to October (KLEB, Golden Meadow, La.); information about windstorms, electrical storms and hurricanes (WGTA and Florida stations WCWR and WELE); the need to bring wire and network news to audiences when they are available, with less than half of the audience subscribing to daily newspapers (WTCR); the importance of the only AM station in a county as an informational medium (WLEM, Emporium, Pa., WDXE, Lawrenceburg, Tenn., and WTPR, Paris, Tenn.); early weather information for building contractors as well as farmers (KJEF, Jennings, La.); and the need to continue a 6–6:30 Portugese-language program unique in the area, said not to be suitable for effective presentation on FM (KGEN, Tulare, Calif.).

11. A number of daytime stations refer to the economic effect of being confined to a 6 a.m. "standard time" sign-on. Stations KATR, KEST, KGEN, and WENN (and to a lesser extent others) emphasize the extent to which their operations have already been curtailed under the new presunrise rule (all previously began operating at 5 or 5:30 a.m. with full daytime facilities) and assert the loss of revenue involved; KGEN, which has a companion FM station, asserts that it has been able to absorb some of the billing losses on FM, but that there are practical limits on the extent to which FM can perform this function. WENN asserts that its previously high ratings have already declined. KATR, KEST, KBER (San Antonio), and WOTT (Watertown, N.Y.) assert the need for the additional time to help them compete with full-time stations in their communities (WOTT calls attention to the fact that its competitor is both full-time and newspaper-owned). KBER, KGRN, WBRJ (Marietta, Ohio), WILE, and WOTT assert that a uniform sign-on time is necessary to build up consistent listening to agricultural and other public-service programing. WOTT, KBER, and WBRJ assert the need for reaching the "commuter audience" during "drive-time" which would be adversely affected if a 7 a.m. sign-on is required. Three of these stations, which feature country-and-western formats, assert that they appeal to an adult audience, of which the "commuter audience" is an important segment. WBRJ (which did not operate presunrise until the Docket 14419 decision because it was conditioned

against it) asserts the importance of a uniform sign-on time in attracting clock-radio listeners.

12. As described by WENN and some other stations (including KATR, WJOT, WMUU, WTMP, and WAVO, Decatur, Ga.) the limitation to a sign-on later than 6 a.m. local time will have various adverse effects from the station's standpoint. The time involved is said to be very valuable, and its loss represents loss of needed revenue. Some advertisers buy time during these periods or not at all, and will be lost to the station (WAVO asserts that it would lose a long-standing 6:45 a.m. sponsor). Others will continue, but their commercial material will have to be run during other times of the day, resulting in an undesirable spacing of commercials during such other times or turning into commercial time periods which are now devoted to nonrevenue public service activities. It is said that the loss of revenue involved will, or at least might, affect the station's ability to present desirable public-service material. KGEN asserts that successful commercial operation is necessary to the maintenance of well-balanced, localized programing and a high-quality staff. In its earlier petition for reconsideration KXXX asserted the extreme importance of early hours to advertisers interested in the farm audience, and asserted that the total effect of the presunrise rules (meaning sharp reduction in both power and hours) would jeopardize the 25 percent of its revenue which comes from "farm" accounts.

13. To a degree, some of the comments are misleading in that they imply that the existing restriction would be to 7 a.m. local time during the entire daylight-saving portion of the year. This is the case with very few stations in the United States and only one filing here (KIZZ, El Paso, Tex.) where sunrise is 6 a.m. central standard time in June and later during all other months; the station points out the extreme effect of the rules on it. With respect to the 68 daytime regional stations filing (besides KHAT), the limiting effect of a 6 a.m. "standard time" presunrise sign-on is as follows:[5] All but four (stations in Tennessee, Alabama, and Florida, which can sign on at local sunrise at 6:45 a.m., c.d.s.t.) would be limited to 7 a.m. local time in most of October. In September, 35 would be limited to 7 a.m., 16 could sign on at 6:45, 16 at 6:30, and one (Crossville, Tenn.) at 6:15. In August, 12 would be limited to 7 a.m., 16 could sign on at 6:45, 10 at 6:30, 12 at 6:15, and 18 at 6 (or in some cases earlier). All but two would be affected for the last days in April. In May (and usually in July) KIZZ would be limited to 7 a.m., five stations to 6:45, 11 to 6:30, 16 to 6:15, and 35 could sign on at 6 or earlier local time. In June KIZZ would be limited to 7 a.m., nine others to 6:30, seven to 6:15, and the remainder (51) could sign on at 6 or earlier.[6]

14. As to the stations specifically mentioned in paragraphs 7 through 12 above (aside from WRFD), all would be required under the present rule to sign on after 6 a.m. local time in the last few days of April, and, of course, they would not be so limited during the last few days in October after daylight saving time ends.[7] Aside from the effect in April, and counting October as a full month, these stations under the present rule would lose broadcast time after 6 a.m. local time as follows (the figures are the number of post-6 a.m. minutes per day unavailable in the respective months set forth immediately preceding the station or stations mentioned): Of the 17 stations mentioned in paragraph 7 as emphasizing agricultural programing, four would be limited only in September and October (KXXX 30 and 60, WAEW 15 and 45, and WALY and WOTT 45 and 60 minutes).[8] Six would be limited in 3 months, August, September, and October (KATR, KGRN, WBKN, WGSA, and WXXX, 15, 45, and 60, and WNCC, 30, 60, and 60). Five would be limited in 5 months, May, July, August, September, and October (KEST, WCCW, WJOT, and WTCR, 15, 15, 45, 60, and 60, and WILE, 15, 15, 30, 60, and 60). Two would be limited for 6 months, May through October (WGUS and WMUU, 30, 15, 30, 45, 60, and 60). Of the stations mentioned in paragraph 8 (other than WAEW, WTCR, and WXXX just mentioned), one would be limited in 3 months, August, September, and October (WENN, 15, 30, and 45); one would be limited during 5 months: May, July, August, September, and October (WHIP, 15, 15, 45, 60, and 60); and six would be limited during 6 months, May through October (WTMP, WHIE, and WGTA, 45, 30, 45, 60, 60, and 60; WHUT, 30, 15, 30, 60, 60, 60; KCOH, 30, 15, 30, 45, 60, and 60; and WDYX, 30, 30, 30, 60, 60, and 60). Of the stations mentioned in paragraph 10 as urging various other needs (and not just mentioned above), four would be limtied for 3 months, August, September, and October (KGEN and WLEM, 15, 45, and 60, and WDXE and WTPR, 15, 30, and 60); one would be limited for 5 months, May, July, August, September, and October (KLEB, 15, 15, 30, 45, and 60); and three would be limited for 6 months, May through October (WCWR, 45, 30, 45, 60, 60, and 60, WELE, 30, 30, 30, 45, 60, and 60, and KJEF, 15, 15, 15, 30, 60, and 60). Of the three stations mentioned in paragraphs 11 and 12 concerning economic impact (and not covered above), one would be limited during 5 months, May, July, August, September, and October (WBRJ, 15, 15, 30, 60, and 60); and two would be limited for the 6 months from May through October (WAVO, 30, 30, 30, 60, 60, and 60; and KBER, 45, 30, 45, 60, 60, and 60).[9]

15. Supporting comments by full-time regional stations: Section 73.99 of the rules permits full-time Class III and some full-time Class II stations to obtain PSA's for presunrise use of their daytime modes of operation from 6 a.m. standard time with up to 500 watts power (there are certain other restrictions on Class II stations). In addition, following a "stay" order issued by the U.S. Court of Appeals for the Second Circuit (New York) in October 1967, full-time stations have been able to obtain temporary authority to use their daytime modes during the same hours with whatever power above 500 watts (up to full daytime power) could be used consistent with foreign protection requirements (and in the case of Class II stations, certain protection requirements as to cochannel U.S. Class I stations). This "stay" order was issued because of the pending appeals of various parties from our "presunrise" decision; these appeals were denied and the Commission affirmed on May 10, 1968 (WBEN, Inc., et al. v. U.S. and FCC, C.A. 2, Docket Nos. 31688 et al.). These operations, with more than 500 watts power, are permitted to continue pending further judicial review which has been sought; but (unless such review requires continuation) they will be terminated in the near future, so that presunrise operation by fulltimers, as well as daytimers, will be only pursuant to PSA and with no more than 500 watts. Use of daytime modes of operation is, of course, not necessary for these stations to operate before sunrise, since they have regularly licensed nighttime facilities; but these are usually considerably more restrictive than the facilities authorized for daytime use (lesser power, directional compared to nondirectional, etc.), and numerous fulltimers have applied for and received PSA's and temporary authoriza-

[5] This discussion is based on average times shown in Commission records for the locations of these stations, and assuming that all of the coterminous United States (where all of these stations are located) observes "advanced" time from the last Sunday in April until the last Sunday in October, except Arizona.

Station KHAT, Phoenix, has not been included in these figures or the discussion in paragraphs 11 and 14, because Arizona has elected not to observe daylight-saving time during 1968, according to our information. This station thus is not limited to sign-on after 6 a.m. at any time and would not be affected by the proposed rule change.

[6] Of the eight Class II stations on I–B channels filing comments, the rule change would give four 1 additional hour in October (the other four would not gain); in September it would give 1 hour to two, 45 minutes to one, 30 minutes to four, and 15 minutes to one; in August it would give 1 hour to one, 45 minutes to one, 30 minutes to three, and 15 minutes to three; all would gain time during the last few days of April; in May two would gain 15 minutes and two, 30 minutes; one would gain 15 minutes in June; and in July one would gain 30 minutes and three, 15 minutes. The lesser effect in four cases (e.g., no gain in October) results from the fact that these stations (all in the Eastern time zone) are limited by sunrise at the Class I–B station to the east, at New York City, Philadelphia, or Schenectady.

[7] In 1969, 1970, and 1971, respectively, daylight saving time begins on April 27, 26, and 25, and the last day is Saturday, October 25, 24, and 30.

[8] In its petition for reconsideration KXXX made the argument that, with most of its audience located in the Central Time Zone although Colby is in the Mountain Time Zone, 6 a.m., m.s.t. for it is 8 a.m. "local time" for many of its listeners.

[9] Thus, WAVO could not present its 6:45 program, specifically mentioned, during 3 months of the year, late April, August, September, and most of October.

tions. However, even with the availability of temporary authority for presunrise power in excess of 500 watts, only a minority of fulltime stations have elected to use their adjusted daytime facilities rather than their licensed nighttime facilities, and this number probably will decline when all such operation is limited to 500 watts or less.[10] The remainder will use authorized nighttime facilities during the presunrise period.

16. Of the 24 full-time stations supporting the proposal—all on regional channels and all holding PSA's or temporary authority (or both)—a number filed general comments, either jointly with daytime stations without discussion of the full-time station's situation or blanket assertions that use of daytime facilities gives better service than the more restrictive nighttime directional patterns with considerable "null" areas. Some of the comments (e.g., KTIL, KAGO, and KGMS) are essentially a plea for use of full daytime facilities from 6 a.m. local time; but others assert the importance of using daytime modes of operation even with less than 500 watts. Station KPEL, Lafayette, La. (250 watts) asserts that even so limited its early morning service contours will encompass more people with needs and interests tied to the principal community than would operation with licensed nighttime facilities; and KLVL (Pasadena, Tex.), likewise limited to less than 500 watts, stresses the need to reach the large Spanish-speaking audience (said to have no other Spanish-language medium available at this hour) with informational material before it leaves for work shifts starting at 6 or 7. Station KVOL, Lafayette, La. (temporary authority for 850 watts) urges the need to bring farm and market news to a large rural area, asserting that such information is not available from other stations (the economy resulting from not having to employ a first-class operator for directional operation during the presunrise period is also noted).

17. *Opposing comments.* Aside from the general CBS comments (footnote 2 above), three parties opposed the extension of presunrise operation on these channels, because of the additional interference involved. These were Association on Broadcasting Standards, Inc. (ABS), and the licensees of full-time Class III stations KXOK, St. Louis (630 kc/s) and WBEN, Buffalo (930 kc/s). ABS and WBEN participated in the basic presunrise proceeding, opposing operation as there proposed and decided on, and their later appeals from the decision in Docket 14419 were recently denied as noted above. The record in that proceeding also contained information as to KXOK, although it did not file comments.

18. KXOK and WBEN both claim (on the basis of engineering showings discussed below) that the additional interference to them resulting from a presunrise starting time of 5 a.m. "sun time" (6 a.m. local time) would be excessive (disputing the statement in the notice herein that it would not be). On the basis of conventional nighttime interference computations, it is stated that the R.S.S. limit to KXOK at 4 a.m., c.s.t. in October would be 5.19 mv/m, when four cochannel Eastern time zone stations could commence operation under the proposal (5 a.m., e.s.t.), rising to 8.67 mv/m at 5 a.m., c.s.t. when six other Central time zone stations could begin operating, compared to a normal nighttime limit of 2.18 mv/m and normally protected contour of 2.5 mv/m (the limit includes two mountain time zone stations after 6 a.m., c.s.t. (5 a.m., m.s.t.)). In the case of WBEN, a similar engineering exhibit portrays the interference from 13 Eastern zone cochannel stations to be 14.9 mv/m at 5 a.m., e.s.t. in October, rising to 15.4 mv/m at 6 a.m., e.s.t. when six cochannel Central zone stations would begin operation, compared to a normal nighttime limit of 2.08 mv/m and a normally protected nighttime contour of 2.5 mv/m. A considerable "loss" area lies between these contours in both cases.

19. Various arguments are urged against the proposal by these parties. KXOK asserts that the Docket 14419 decision—including limiting presunrise operation to 6 a.m. standard time—was an appropriate balance and, in view of the lesser need for presunrise operation during summer months, the availability of FM to many daytime stations and the possibility of other operation outside of licensed hours during emergencies, the further erosion through interference from the proposed extension of presunrise hours is not warranted.[11] WBEN asserts that we cannot permit additional presunrise operation by the stations mentioned by it without information as to the interference impact on it versus the service area gained, the availability of other service during these hours to the respective areas and the programing to be gained and lost—information which we do not have and could not expect to get in the short time allowed for comments. ABS opposes the proposal "unless it is modified to curb interference to existing AM broadcast services", and labels it a "proposal to extend further the presunrise operating privilege in derogation of sound engineering principles," without the justification claimed to exist for presunrise operation generally (e.g., there is no need for school cancellation announcements during these months). It is claimed that our basic presunrise decision was arbitrary and capricious, made without the findings required by sections 303(f) and 307(b) concerning the quantum of service to the public to be gained and lost; that we apparently view that decision as dispositive of the present question; and have in fact decided this matter and are only giving "lip service" to administrative requirements of due process; and that we have underestimated the interference actually involved here. ABS asserts here, as it did in its unsuccessful court appeal, that the Commission has adopted a "qualitative" approach to evaluating service and interference, without explanation or giving criteria used in applying such a concept. (It is said that we do not know, or apparently intend to determine, the service loss which will result from the presunrise extension.) ABS does not accept our view expressed in the notice that the value of the service rendered will exceed the loss through interference.

20. ABS, and to a lesser extent WBEN and CBS in the general comments noted above, object to the manner in which this proceeding has been conducted, the short dates for comments, and apparent hurry to reach a decision, which, it is said, indicates that we have already reached a conclusion. ABS asserts that the proceeding is thus not designed to elicit data on which a "qualitative" determination can be based; and that, especially here where a very short time for comments was allowed, there is a heavy burden on the Commission to establish the factual basis for a change in the rule and it is not the duty of the public, in such a short time, to overcome a fixed idea by detailed factual showings. WBEN states that if the time for comments is appropriately extended it will file additional material.[12] It is also asserted that a quick decision is not necessary since presunrise starting time is not a factor until August; and that we should not decide this proceeding until judicial review of the basic presunrise decision has been completed.

21. WBEN refers specifically to the 6 a.m.–7 a.m. (e.d.t.) period when it claims interference would be increased as described in its engineering showing. It mentions nine communities (including Hamburg and East Aurora) lying between its normally protected nighttime contour (2.5 mv/m) and the 14.5 mv/m contour resulting from presunrise interference and without local broadcast stations; it is stated that these will lose its service during this period, including a 6 a.m. newscast largely devoted to local and regional news, including news of this area and these communities. It is asked whether the Commission can conclude, on the information before it, that additional presunrise operation should be permitted for Station WIZR, Johnstown, N.Y., when the licensee thereof is an FM permittee and there is a full-time station in adjacent Gloversville, N.Y.[13]

22. The three parties in their engineering showings study the amount of additional presunrise hours of operation involved in the proposed change. The KXOK and WBEN showings (both prepared by the engineering firm of A. Earl Cullum, Jr., and Associates) show the additional hours each of the 31 stations on 630 kc/s and 930 kc/s listed as interference sources would operate during October assuming 27 days of daylight saving time (in all but two cases where 45 minutes of presunrise operation is involved, the additional time is an hour a day or 27 hours in the month, and total presunrise operation for the stations would range from 20¼ hours (in the two cases) to 47¼ hours). The ABS showing related to October and other months involved and was based on locations at various latitudes in the United States (30°, 34°, 38°, 42°, and 46°); it showed the amount of presunrise operation under the present rule and the proposed rule and the amount and percentage of increase. At the 30° location the time would be increased annually from 98 to 174¾ hours, or more than 78 percent; at 46° it would rise from 174¼ to 227¾, or nearly 31 percent, with intermediate values at the other latitudes.[14]

23. The engineering showings of KXOK and WBEN list the daytime-only and full-time stations considered to be sources of presunrise interference (12 for KXOK, 19 for WBEN), the individual limit from each determined by nighttime standards assuming use of daytime facilities with 500 watts or (in three cases) the lesser values necessitated by foreign protection requirements, and the R.S.S. limitation from these individual limits including all of the stations listed, mentioned above. In the notice herein it was stated that the impact of presunrise interference would be limited (inter alia) by time differentials between the interfering stations and the affected station; it is asserted that this is true in the case of KXOK (with the interfering stations lying in three time zones) but that it is not a substantial factor in the case of WBEN, where the addition of Central zone stations at 6 a.m., e.s.t. (6 a.m., c.d.t.) would only slightly increase the limit to WBEN already existing from Eastern zone stations.

24. In evaluating these showings, certain things should be borne in mind. First, the R.S.S. limits to KXOK and WBEN were computed including the individual limits from all of the listed stations, without applying the "50-% exclusion principle" used in R.S.S. calculations, under which signals of less than a certain value in relation to larger signals are not included. If that principle had been applied the R.S.S. value would be somewhat less.[15] Second, as we have often pointed out, the hours involved here are during the transitional period, when full nighttime propagation and interference conditions do not obtain. This would also minimize the potential interference received. Third, in both cases a number of full-time stations are listed as among the sources of interference using daytime facilities with 500 watts (or in two cases less). These include four on 630 kc/s and 10 on 930 kc/s. It is far from certain which of these stations will elect to operate on this basis before sunrise; as noted above only a minority of full-time regional stations have done so up to now even though, temporarily, some could use more than 500 watts power. On 630 kc/s, only one of the full-time stations listed (at Ironwood, Mich.) has sought presunrise authority; on 930 kc/s, only three of the 10 stations listed have so applied (KWOC, WITN, and WKCT). The situation on 930 kc/s may change when the special restrictions on presunrise operations on that frequency (limited by court order to those which will protect WBEN by nighttime standards) can be removed; but here as elsewhere it is far from certain that all or most full-time stations will elect to use daytime facilities before sunrise; and thus the interference actually would be considerably less than that shown, even on the other assumptions used.

25. It should also be borne in mind as to 630 kc/s (though not 930 kc/s) that by and large presunrise interference is something which has existed before, and in greater amount when stations could use full facilities beginning as early as 4 a.m. local standard time. This is discussed more fully in the conclusions.

26. ABS incorporates by reference a good deal of material filed by it in Docket 14419 and in its court appeal from that decision. Most of this, which has been considered either by us or the court in affirming the Commission, need not be discussed at length here; pertinent matters are dealt with in the conclusions herein and the material is summarized in Appendix B hereto. We do discuss at this point engineering material filed in Docket 14419 long after the record therein was closed, based on skywave measurement data and analysis, which was noted in the presunrise decision but not fully considered because it was late filed for that proceeding but not, of course, for this one. ABS refers to it in support of its argument that we underestimate the amount of presunrise interference.

27. The July 1966 ABS filing was based on skywave measurements taken from November 1, 1964, to February 28, 1965, at Seattle on Station KEX, Portland, Oreg., a path of 147 miles. The sunrise and sunset measurements were analyzed to obtain upper decile (10%) values and median (50%) values; the former were then used to derive a diurnal curve and factor applicable to various times before sunrise, similar to that proposed in Docket 14419 but showing considerably higher values (at 1¾ hours before midpoint sunrise, the KEX-derived factor would be 1.58 of second-hour-after-sunset values, compared to 0.94 under the Docket 14419 factor; at 15 minutes before sunrise the respective values would be 1.12 and 0.35). Applying these values to a specific hypothetical situation on 1150 kc/s (interference to Station KAYO, Seattle, from two Washington State daytime-only stations operating with 500 watts), the R.S.S. limit for the various times before sunrise was determined under both standards, and the values obtained by using the KEX-derived curve were of course much higher; e.g., 11.6 mv/m compared to 7.2 mv/m at 6 a.m. in December, and 9.1 mv/m compared to 3.5 mv/m at 7:15 in December. It was concluded that skywave interference values steadily increase after the second hour after sunset until the second hour before sunrise (being 30 percent higher), and do not attenuate appreciably until sunrise at the midpoint. It was stated that this raises a substantial question as to the accuracy of the Docket 14419 curve, and it was urged that Docket 14419 not be decided until study of the applicable physical phenomena was completed; appointment of a Government-

[10] Of approximately 830 full-time Class III regional stations in the conterminous 48 States, 201 hold PSA's; 78 of these also hold temporary authority for use of more than 500 watts; and 107 hold temporary authorizations for such higher power but have not applied for PSA's, a total of 308 authorized presunrise operations. This compares with approximately 1,050 out of 1,225 daytimers on regional channels which have PSA's. On the I–B channels, very few fulltimers (only nine) have presunrise authority, and the percentage of daytimers with PSA's is also smaller.

In the remainder of the United States (Alaska, Hawaii, Puerto Rico, the Virgin Islands, and Guam) nearly all stations are authorized for full-time operation, usually with the same facilities day and night; there is only one authorized presunrise operation (a daytimer in Alaska on 630 kc/s).

[11] KXOK essentially repeats language from the decision on reconsideration in Docket 14419 (par. 4, 10 F.C.C. 2d 284–285, 11 R.R. 2d 1575) concerning the relative value of presunrise operation during daylight saving time months as compared to winter months. However, our statement was advanced as a possibility rather than an absolute fact and followed by a recognition of the values of a uniform 6 a.m. sign on.

[12] The notice of proposed rule making was adopted herein on Feb. 14, 1968, public notice of its issuance was given on that date, the text of the notice was released on February 16, and it was published in the FEDERAL REGISTER on February 21. In the notice we noted the desirability of resolving this matter before the advent of daylight saving time on April 28, observed that the considerations are much the same as those concerning the presunrise question generally and much of the material submitted would probably be similar to the voluminous filings in Docket 14419, and urged parties to incorporate by reference material filed there and in Docket 17562. The dates for comments and reply comments were specified as March 15 and April 1; WBEN filed on March 15. No party requested an extension of time.

[13] The individual limit from this station to WBEN, using conventional nighttime computations, is shown to be 4.69 mv/m, the fourth highest of the limits from the stations listed on 930 kc/s.

[14] Insofar as it purports to depict the hours of presunrise operation by stations in the United States at various latitudes the ABS showing is an oversimplification, since sunrise time, and the amount of presunrise operation involved, varies with longitude as well as with latitude. The exhibit does not state what locations were used in the calculations; from examination it appears that it was based on locations at or near the latitudes mentioned and the 90th meridan. The exhibit shows no presunrise operation in May, June, or July except in the extreme southern location (30°, July only); but, as shown in the material discussed above, this is by no means true of the United States generally, and the statements by ABS and WBEN to the effect that little or no presunrise operation takes place between April and August are therefore somewhat misleading.

[15] See the decision concerning a petition by WSAI, Cincinnati, Ohio (1360 kc/s), against 37 PSA's on that channel, filed in November 1967 and denied in December 1967 (Memorandum Opinion and Order adopted Dec. 20, 1967, FCC 67–1363, 11 F.C.C. 2d 89, footnote 2). In that decision we considered an interference showing (by the same firm) also prepared including all listed stations without the 50-% exclusion principle. We pointed out the different result which would be obtained if that principle were applied, and noted that material filed by that firm in Docket 14419 had used this principle.

industry committee for this purpose was urged.

28. The February 1967 filing contained in its first part an analysis of generally similar measurements made on WBZ, Boston, in New York City, and on WHAM, Rochester, in Philadelphia (path lengths of 175 and 245 miles respectively) from November 1, 1965, to February 28, 1966. The same type of conclusion was reached, with particular attention to the higher values close to sunrise than those close to sunset (analysis of the upper decile (10 percent) data showed values during the 15 minutes before midpoint sunrise which were 68 percent of the second-hour-after-sunset values on one path and 76 percent on the other compared to values during the 15 minutes immediately after midpoint sunset which were 31 percent and 45 percent respectively of second-hour values). The second part of this study consisted of a derivation of the "Secant Law" for the purpose of analyzing vertical-incidence measurements taken in a CCIR-sponsored measurement project in South Africa in 1961, and applying the result to oblique transmissions in the standard broadcast band in the United States. A similar result was obtained, generally correlating with the U.S. measurements mentioned. It was concluded generally that there is roughly a half-hour difference between sunrise and sunset transitional conditions, so that conditions at sunset are roughly the same as those a half hour after sunrise. It was again stated that sufficient data exists so that a method of predicting skywave interference can be arrived at, and further study was urged. ABS expressed again its opposition to the Docket 14419 presunrise proposal on the ground of excessive interference.

29. *Other data.* KXOK and WBEN mention the availability of full-time AM and/or FM service as minimizing the need for further presunrise operation. Of 17 daytime stations mentioned as interference sources, five are in communities with full-time AM stations, in five other cases there is full-time AM service from a community nearby or in the same county (or both); and in seven cases there is no local, nearby, or in-county full-time AM service (none of these are in urbanized areas). Of the five cases where there is no local but nearby full-time AM service, in two cases the AM station has an FM affiliate (Lovington, N. Mex., and Johnstown, N.Y.); in Auburndale, Wis., the AM station is associated with an educational FM network; and Milford, Del., and Holyoke, Mass., have FM service available from nearby or in the same county but not locally (Milford has a vacant FM channel assigned; there is none available at Holyoke). Of the seven cases where there is no local or nearby full-time AM service, in four there is an affiliated FM station (Albertville, Ala., Toccoa, Ga., Thibodaux, La., and Sevierville, Tenn.); in Thomasville, Ala., there is an unoccupied FM channel assigned and an FM station in the same county but over 25 miles away; in Magnolia, Ark., there is nonaffiliated local FM service but no additional channel assigned; and in Aitkin, Minn., there is an FM channel assigned but no local, in-county, or nearby service. All of the KXOK nighttime service area receives full-time and presunrise St. Louis AM service (including I–A Station KMOX), as does all or nearly all of the WBEN service area in the United States from Buffalo stations (including I–B Station WKBW). KXOK is not an FM licensee and there are no channels available. WBEN is the licensee of a wide-coverage FM station.[16]

30. Appendix A shows the same information with respect to the 69 daytime stations filing herein; as shown there, 40 are in places with no full-time AM outlet, in 19 of these cases there is no nearby or in-county full-time AM service, and in five cases there is no local, nearby, or in-county full-time AM or FM service or FM channel assigned. A study of stations on 1590 and 1600 kc/s, selected because these have a large number of stations, shows generally the same picture.[17]

CONCLUSIONS: THE REGIONAL CHANNELS

31. As to the regional channels, on careful consideration of the record herein we conclude that the tentative view expressed in the notice herein is correct, and that section 73.99 of the rules should be amended to read "6 a.m. local time" instead of "6 a.m. local standard time", as the starting time for operations conducted under PSA's, which will permit a reasonably early uniform sign-on time by most Class III daytimers throughout the year geared to the "local clock time" of the listener. In the October 1967 memorandum opinion and order in Docket 14419 we expressed the idea that the months of the year involved here—the daylight-saving time months from late April until late October—are perhaps not those when presunrise operation is of the most significance to the station or its audience, for example as valuable as winter months of adverse weather conditions and the high commercial activity of the pre-Christmas period. Two parties opposing the change (ABS and KXOK) express the view that this is the case, and the increase in presunrise operation and resulting interference entailed is therefore not warranted. However, we conclude that there is a substantial need for presunrise informational service of local origin during these months, also, as shown by the material discussed in paragraphs 7 through 10, above. These are not, to be sure, the months when bad-weather conditions make necessary frequent announcements concerning school and schoolbus cancellations (one of the most frequently urged considerations in support of presunrise operating privileges); and when severe weather conditions create real emergency situations, the emergency operating rule (section 73.98) permits operation on a very specific basis. But aside from these matters there appears from the above-discussed material to be a substantial need for provision of other kinds of information, such as agricultural material, news, road and traffic conditions, etc., and to supply informational announcements to members of the audience before they leave for work or school. The facts set forth (paragraphs 29–30) support the conclusion we reached in Docket 14419 that presunrise operation should be provided for, on a limited basis, in the interest of bringing needed service where it is otherwise lacking. The needs demonstrated for the additional service during the "advanced time" months make it clear that the benefits from the relaxation of the rule outweigh the detriment from interference.

32. The restrictive effect of the present rule has been noted above (see paragraphs 13–14). The same is true with respect to the stations on 630 kc/s and 930 kc/s mentioned by KXOK and WBEN, and the daytime stations on 1590 and 1600 kc/s also referred to in paragraph 30, above.[18]

33. We are aware, as ABS and KXOK point out, that the adjustment proposed and decided on herein represents, to a degree, a departure from the proposal contained in the 1962 further notice in Docket 14419, as well as the decision reached in that proceeding, both of which provided for presunrise operation starting at 6 a.m. local standard time. In connection with the decision to make this change, it is appropriate to discuss briefly the background of "daylight saving time" and the presunrise proceeding.

34. "Daylight saving" or "advanced" time has been part of American life for half a century, or since 1918, and overall has prevailed in an increasing portion of the country during the years between then and the Uniform Time Act of 1966. However, except for wartime years it was always a matter of State or local option, not in effect in substantial part of the United States—perhaps particularly those less thickly settled States of the South, Southwest, and West where listeners must rely on daytime-only stations for local AM service—subject to change from year to year, and, equally important, where in effect prevailing for varying period of the year, such as May 1 to September 1 or late April to late September. Under these circumstances, it would have been difficult, perhaps impossible, to devise a practicable presunrise rule in terms of a particular starting time expressed in "local time". The difficulty would have been even greater in basing the necessary international agreement on such a concept. Therefore the 1962 further notice, and the proposal to Canada and tentative agreement reached at the administrative level in October 1965, were in terms of 6 a.m. "local standard time".

35. The enactment of the Uniform Time Act of 1966, effective April 1, 1967, of course, changed this situation, by adopting "advanced time" from the last Sunday in April until the last Sunday in October as a matter of national policy except where a State elects to remain on nonadvanced time all year; and in 1967 and 1968 the advancement has generally prevailed throughout the continental United States. However, the Canadian agreement was negotiated and formalized in terms of 6 a.m. "local standard time", and our domestic rules therefore could not have been adopted on another basis. The parenthetical statement in the Docket 14419 decision mentioned by KXOK, that we believe presunrise operation should be confined to 6 a.m. local standard time and after was consistent with this agreement. What we had in mind was the assertion by a number of stations in that proceeding that use of daytime facilities at an earlier time than 6 a.m. (e.g., 5 or 5:30 a.m.) should be permitted, a view which we rejected for reasons which that statement and the following language were designed to express. The matter of operation at 6 a.m. "local time" instead of 6 a.m. "standard time" was not in fact raised in the proceeding, no commenting party discussing this point even though some urged the importance of operation earlier than 6 a.m. generally (for the most part, the material in that proceeding related to the winter months, and, as mentioned, daylight saving time was less prevalent in 1963 when the record in that proceeding was made).

36. This particular point was raised in a number of petitions for reconsideration, was recognized in the memorandum opinion and order on reconsideration, and later specifically proposed as a change in the rules in the notice in the present proceeding, after it appeared from conversations with Canadian representatives that the necessary change in the Canadian presunrise agreement was a possibility. We expressed in the notice herein the tentative view that the adjustment should be made if it were internationally possible. After carefully considering the record herein, we are of the same view. We conclude that the benefits from the provision of early morning service on a uniform "local clock time" basis, which the change will make possible, outweigh the losses from the resulting interference.

37. *Interference considerations.* As to the interference which would result from the proposed change, we note the showings of ABS and the two individual stations mentioned. There will be some additional interference, although (for reasons mentioned in paragraph 24) this would not appear to be as great as these showings indicate. Two other facts should be borne in mind: First, as mentioned in the notice it does not appear that, overall, the interference level would be higher during the daylight saving months than the standard time months under the present rule, and may well be less in some cases; and second (noted in paragraph 25), usually this would be pre-existing interference, not a new condition. Also, as mentioned in the notice, the effect of any additional interference is lessened by time differentials between stations.

38. As to the first point, presunrise interference between stations at particular locations varies with the extent to which such operation takes place before sunrise at the pertinent locations: The earlier and further from sunrise, the greater the interference; the later and closer to sunrise, the less the interference. January is the month of latest average sunrise during the entire year and October is the month of latest average sunrise during the daylight saving time period, and a comparison of interference levels under the proposal in January and October can be made by comparing 6 a.m. (local time and standard time) in January with 6 a.m. "local time" (5 a.m. standard time) in October. Since the difference between 5 a.m. and 6 a.m. is 1 hour, the area of inquiry is whether average sunrise in January is less than 1 hour, 1 hour, or more than 1 hour later than that in October. In general, and for the groups of stations previously discussed herein, it is slightly more than 1 hour later in January, and therefore, interference levels in January would, overall, be slightly higher.[19]

39. With respect to the 6 a.m. (local time)—sunrise interval during the year generally, it is of course less in some standard time months than in October or January; but likewise it is less during other daylight saving time months. At St. Louis, the average interval between 6 a.m. local time (5 a.m. standard time) and average sunrise is 45 minutes during the three daylight saving time months when presunrise operation is generally prevalent (August to October), compared to an average of 54 minutes between 6 a.m. (standard time) and average sunrise during the five standard time months when presunrise operation generally prevails (November through March). At Buffalo the respective averages are: August–October, 55 minutes; November–March, 75 minutes. Of the 12 stations mentioned by KXOK on 630 kc/s as interference sources, the August–October average is less than the November–March average in at least half of the cases. Of the 19 stations on 930 kc/s mentioned by WBEN the August–October average is less in the great majority of the cases.

40. As to the second point, we have noted in previous decisions that presunrise operation (and interference) is, in general, not a new phenomenon, since the majority of regional stations engaged in it under the former rule; and, since it was with full daytime facilities (usually greater than 500 watts) and could start at 4 a.m. standard time, interference under the restrictions adopted in 1967 would be expected to be, overall, less than that existing earlier. This was of course not true on 930 kc/s, and perhaps a few other frequencies where stations were active in "policing" their channels against presunrise interference (and in other individual situations where stations were precluded); but it was true overall.[20]

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[16] In late-filed comments in Docket 14419 WBEN showed alleged loss of service to it but did not claim any "loss" area not served presunrise by other Buffalo stations. In addition to WKBW, full-time Class III Buffalo Stations WGR and WEBR serve portions of the WBEN nighttime area.

[17] Of the 88 daytime stations on 1590 and 1600 kc/s now holding PSA's, 65 are in places with no full-time AM outlets, including the following where there is no local, nearby, or in-county full-time AM or FM service or FM channel assigned: Lafayette, Nashville, and Thomaston, Ga.; Mount Vernon, Ind.; Eminence and Lebanon, Ky.; Wayne, Nebr.; Bryson City and West Jefferson, N.C.; St. Helens, Oreg.; and Carthage, Tex.

[18] Of the 17 daytime stations mentioned by KXOK and WBEN, three would be limited to sign-on after 6 a.m. local time in 6 months (late April to late October), two in 5 months, one in 4 months, six in 3 months, and five in 2 months. Fifteen would be limited to 7 a.m. in most of October, five in September also, and one in August as well. Of 87 daytime stations on 1590 and 1600 kc/s holding PSA's, 32 would be limited to sign-on after 6 a.m. during 6 months, 12 during 5 months, five during 4 months, 24 during 3 months, and 14 in 2 months (excluding late April and counting October as a full month). Eighty-five would be limited to 7 a.m. sign-on during most of October, 55 also in September, 20 during August as well, and one in all of the daylight saving time months. These figures do not include a station at Tucson, Ariz., not affected by the standard time problem (see footnote 5).

[19] "Average sunrise" as used herein means average sunrise time as defined in our rules (section 73.79) and specified in Commission authorizations: Actual sunrise on the 15th day of the month, rounded off to the nearest quarter hour.

At a fairly large number of locations in the southern part of the country, where annual variations in sunrise and sunset times are relatively small, average sunrise in January is only 45 minutes later than that in October (it is never less). At many locations in the country—perhaps half—it is 1 hour later, so that the January and October difference is the same. At a large number of locations in the northern part of the nation (including all of the States along the northern border except Ohio and Pennsylvania, and including more locations than those in the first group mentioned) sunrise in January is 1¼ or 1½ hours later than that in October. Thus, overall, the difference is slightly greater than 1 hour.

As to the 93 regional stations filing herein, average sunrise is 45 minutes earlier in October for eight, 1 hour earlier for 39, 1¼ hours earlier for 43 and 1½ hours earlier for three. Of the 12 stations on 630 kc/s mentioned by KXOK, it is 45 minutes earlier for one, 1 hour earlier for nine, 1¼ hours earlier for one and 1½ hours earlier for one; of the 19 such stations on 930 kc/s mentioned by WBEN it is 1 hour earlier at 10, 1¼ hours earlier at eight, and 1½ hours earlier at one (the difference is 1 hour at St. Louis and 1¼ hours at Buffalo). Of the 101 stations on 1590 and 1600 kc/s now holding PSA's, it is 45 minutes earlier at four, 1 hour earlier at 47, 1¼ hours earlier at 46, and 1½ hours at four.

[20] Of the regional stations filing herein, stations on 1600 kc/s now holding PSA's, and the 12 on 630 kc/s mentioned by KXOK, only 15 were precluded from presunrise operation either as new authorizations or because of complaint (none of the 12 on 630 kc/s). One of those filing was reduced to 500 watts presunrise after complaint (WDXE), and complaints against four were pending at the time of the presunrise decision and dismissed (WBOB, WGTA, WLEM, WRAA). Of the daytimers included in those groups mentioned, during 1967 and years immediately preceding, 20 could use 5 kw presunrise, 65 could use 1 kw, and 30, 500 watts (these take into

41. The same is true with respect to the time period involved here as far as a comparison with 1967 conditions is concerned, since "advanced" time prevailed nationally during that year and previous presunrise operations were permitted to continue as before until it ended on October 28.[24] It cannot be determined exactly how interference under the proposal would compare with that during earlier years, since the Commission did not require specific information concerning presunrise operation under former section 73.87 and also, with daylight saving time not then in effect in a substantial part of the nation, stations interested only in a 6 a.m. (local time) sign-on and located there would not have operated during this time period. However, it appears that a fairly large number of regional daytime-only stations have operated before 6 a.m. local time (sometimes as early as 4 a.m.), and of course, daylight saving time was fairly prevalent in the United States in the years before 1967, and for stations in these areas the nationwide adoption of daylight saving time did not involve a change in operating hours.[25] In both situations, of course, operation was usually with full daytime facilities, greater than 500 watts. Thus, in this respect also, it appears that the sources of the interference which would result from the proposed rule existed in the past, and overall interference is probably considerably less than in earlier years, due to present restrictions on presunrise hours and operating power.

42. Since the operations which would result in interference have thus largely been in existence under the permissive provision of former section 73.87 of the rules, the proposed change would merely continue that service, which, as noted above, appears to be one of significance.

43. In the notice herein, we observed that the number of stations affected by the additional interference which would be created under the proposed rule, and the degree thereof, is limited by time differentials between the stations involved. While WBEN states that this is not significant in its case, overall, it is a significant consideration, as mentioned, especially if the term "time differentials" is used (as we meant it in the notice) to mean not only actual differences in permissible sign-on time resulting from location in different time zones, but also differentials in sunrise times between stations in the same zone, and taking into account the transitional character of the period involved with respect to the intensity of skywave transmission. For example, it means that interference from a station located far to the west of a cochannel station would be of relatively little significance on the latter; 5 to 6 a.m., m.s.t., would be 7 to 8 a.m., e.s.t., which is usually well after sunrise at the latter location even in October, even though well before sunrise at the western station's location. In the converse situation, where the potentially interfering station is located far to the east, the interference to the western station would more closely approach full nighttime conditions, since darkness prevails over the entire path; but 5 to 6 a.m., e.s.t., is 3 to 4 a.m., m.s.t., or 4 to 5 a.m., m.d.s.t., and it is likely that the earlier hour involved is one of less significance to the station affected and its audience, if indeed it is operating at all at that time. The time zone differential also means that, as to the important 6 a.m. to 7 a.m. local time period (5 a.m. to 6 a.m. standard time) stations would be affected by the proposed rule change only as to stations located within their time zones, since stations in zones to the east can already operate presunrise under the present rule, and stations in zones to the west could not operate presunrise until the end of this period. Operation during the preceding hour (5 a.m. to 6 a.m. local time, 4 a.m. to 5 a.m. standard time) would be affected only by operations in the time zone immediately to the east; operation during the hour from 7 to 8 a.m. local time (6 to 7 a.m. standard time) would be affected only by operations in the time zone immediately to the west, the impact of which is relatively small in the case of both KXOK and WBEN compared to that from stations in the same zone which can operate during this time under the present rule, or, after their own local sunrise, with full daytime facilities.

44. *Individual consideration.* It is apparent from the foregoing that, overall, the change should be adopted in the public interest since the service benefits will outweigh the interference detriments. WBEN and KXOK call attention to facts of their specific situations; but, as we mentioned in the Docket 14419 decision (report and order, paragraph 19, and Appendix A thereto, paragraph 30) it is simply not possible to take into account the facts of individual stations in adopting and applying rules in this area. This was true in the basic presunrise proceeding, and is equally true here, where the same vast numbers of stations are involved. The facts of these situations illustrate the impossibility of such an approach. For example, on 930 kc/s, we would have to consider vis-a-vis WBEN the facts of numerous daytime stations—area gained or lost, other services, etc.—in order to determine what presunrise operation (or its extension to 6 a.m. "local time") should be permitted and where it should not. Moreover, since other fulltimers on the channel would be entitled to protection consideration on the same basis—e.g., the 10 others in the eastern half of the United States mentioned by WBEN—it would be necessary to consider all of these and whatever other daytimers might affect them. Such a consideration would obviously be extremely complex, burdensome and time-consuming, well beyond the value which any additional information gained might have. On the majority of regional channels, with more stations, the problem would be even greater. As we stated in the Docket 14419 decision (Appendix A, paragraph 30):

> We do not conceive that a more particularized approach, either by hearing or otherwise, would throw significantly more light on the appropriate course of action in a given situation, anything like enough to warrant the burden involved.[26]

45. Even if individual consideration were possible, the result in these two situations would not necessarily be clear. In the case of KXOK an important factor might be the extent of FM availability for daytimers on its channel since it does not have an associated FM station; but, as we stated in the presunrise decision (report and order in Docket 14419, Appendix A, paragraph 21) at the present time this does not appear to be a complete answer to the provision of needed presunrise service, perhaps particularly in outlying areas. The discussion in that document is still apposite and need not be repeated here. Another factor which would probably have to be taken into account is the fact that the interference complained of is not new (none of the stations was precluded from operating) but may well be less than that previously existing when stations operated presunrise with full power. As to WBEN, the interference will, for the

account cases where stations were required to operate with less than authorized daytime facilities either because of complaint or where greater daytime facilities were authorized after January 1962 and presunrise operation was with former lesser facilities). On 930 kc/s presunrise operation was usually precluded in that part of the country where is would affect WBEN, but even so some of the stations mentioned by WBEN indicated in their PSA requests of late 1967 that they had been using full day facilities before sunrise starting at 4 or 5 a.m. (WJBY and KWOC). On 1590 kc/s it was also precluded for numerous stations (usually because of complaint by Station WAKR, Akron), but numerous others were not precluded, including 5 kw operations at Atmore, Ala., and Lafayette, Ga.

See the WSAI decision of December 1967 (footnote 15, above) for a study of comparative interference levels under former section 73.87 and the present presunrise rule, on a channel where there was a substantial amount of presunrise complaint activity.

[24] To the extent stations able to operate presunrise did not start at 5 a.m. standard time during the daylight saving time months of 1967, it was because they were not interested in such operation. Presumably such lack of interest, which was probably true in relatively few cases, would still prevail so that they would not operate during this additional time now.

[25] As of 1965, daylight saving time was in statewide effect in 15 States, in 16 States it was a matter of local option, and in 19 States it was not observed at all. See World Almanac (1966), p. 536.

Of the regional stations filing herein, eight indicated (either in their present comments or earlier petitions for reconsideration in Docket 14419), that they have signed on at 4:30, 5, or 5:30 a.m. local time (KATR, KEST, KGEN, KMA, KXXX, WENN, WGSA, and WHUT). Numerous others indicated long-standing sign-on times of 6 a.m. local time and earlier.

[26] The burden of individual consideration would be even greater if programing is included, as WBEN apparently requests. The doubtful validity of any case-by-case consideration of presunrise program content was recognized by the Second Circuit U.S. Court of Appeals in affirming the basic presunrise decision. WBEN, supra, Slip Opinion pp. 2247–48.

most part, be occurring for the first time; but WBEN is an FM licensee of long standing. In neither of these cases can it clearly be determined that the presunrise operations complained of would not be permitted to extend to 6 a.m. "local time" if individual consideration were possible and were afforded in these situations.[27] This illustrates the small value of individual inquiry, in relation to the burden involved, mentioned above.

46. Conceivably, a rule could be adopted limiting eligibility for the additional time in one or more of various respects, such as only to stations which would have been "eligible" under the proposal in Docket 14419 (those in communities with no full-time station and not in urbanized areas), only to those in communities without existing (or existing or potential) local FM service or not where the AM station itself is affiliated with a local FM station, or only to stations which have operated presunrise in earlier years, or only to 250 watts power. However, all of these were considered in connection with the basic presunrise decision and rejected; see the discussion in the report and order in Docket 14419, paragraph 19; Appendix A (paragraphs 20–21, 24–25, 28). We see no more reason to adopt any or all of these approaches in the present case. The interference involved will, overall, be no more than, and may well be less than, that involved at other times of the year in presunrise operation under the present rule.

47. *Full-time regional stations.* The conclusions above have dealt chiefly with daytime-only regional stations, leaving the question as to whether the same additional operation should be provided for unlimited-time regional stations, where, of course, it is not necessary for their operation during the period involved. A number of such stations supported the proposal (see paragraphs 15–16). None of the opponents of the additional presunrise time made a distinction between daytime and full-time stations.

48. We are of the view that in these cases also the rule should be changed to read 6 a.m. "local time". We note in this connection the service benefits mentioned by stations such as KPEL and KLVL (paragraph 16), and, also, the desirability of giving fulltimers a measure of protection against daytimer interference during the additional period, if they choose to use it, and of avoiding discrimination against full-time stations in this respect as in the basic presunrise arrangement. The discussion in the Docket 14419 report and order (paragraph 19 and Appendix A, paragraph 29) covers this subject and need not be repeated. Taking into account that only a minority of full-time regional stations are likely to engage in PSA operation rather than using nighttime facilities (see paragraph 15 above), we are of the view that the additional interference will not outweigh the benefits.

49. *Other general arguments.* The earlier ABS material incorporated here by reference contains a number of arguments, most of which have been discussed and disposed of either by us or the U.S. Court of Appeals (C.A. 2) which considered its appeal and affirmed the Commission. These discussions need not be repeated here. One argument made on appeal was that we failed to attach appropriate weight to the value of fulltimer service as shown in the Docket 14419 material; the showing was evaluated in the presunrise decision (report and order, Appendix A, paragraphs 6 and 17) and the Court found our treatment appropriate. In any event, ABS did not submit any such material in the present proceeding. As to the difference between a "quantitative" and "qualitative" approach,[28] the basis of our decision in the presunrise matter was made clear enough, as the Court of Appeals found; it means, to use the language of the Commission's brief, the provision of service where there is a greater need for it. The parties interested in commenting herein were certainly in a position to be aware of the basis of decision in the presunrise proceeding, whatever conceptual adjective may be used to describe it. With respect to the earlier contention that there is no support for our belief that presunrise interference will be no greater than that previously existing (here as with presunrise operation generally) the material set forth above, as well as the analysis of certain presunrise operations on 1360 kc/s undertaken late in 1967 (see footnote 15 above), supports this conclusion, and the Court has agreed.

50. As to the level of interference which might be expected to result from the additional presunrise operation permitted, we have considered the ABS and other material and do not find it persuasive. As to the skywave measurement data (paragraphs 27–28 above), we pointed out in the Docket 14419 decision that individual skywave measurements are not appropriate as a basis for determining skywave service or interference (Appendix A, footnote 17), citing the decision in the Skywave Measurement proceeding of 1954.[29] We adhere to the views set forth in the latter document. Especially, in view of the limited and fragmentary nature of this data (measurements on three fairly short paths, taken over a period of four late fall and winter months and during only 2 years) we do not find them of probative significance so as to justify withholding the additional operating time involved here. This is particularly true in light of the fact that during the period involved interference levels would be expected to be no greater than, and likely less than, those prevailing during winter months. In other words, whether or not the interference level is higher generally than other methods of calculation such as the proposed diurnal curve in Docket 14419 would indicate, it is at any rate no higher during the period involved here than during other months. ABS' other specific material, the showing as to the additional hours of operation involved, does little more than state the obvious: That the change to 6 a.m. "local time" will mean substantially more presunrise operating hours for many stations.[30]

51. Therefore the specific relief asked by ABS—that the rule not be adopted unless it is modified to curb interference to existing services—is not appropriate. To the extent that ABS would have us consider here the specific relief urged in its Docket 14419 material—study of transitional conditions and, meanwhile maintenance of former section 73.87—we do not believe it appropriate to return to the former "permissive" or "complaint" system, for reasons detailed in the previous decision, even for this limited purpose.

52. ABS, WBEN, and CBS express, in various ways, displeasure at the "urgency" with which this proceeding was conducted, and the fact that we expressed our tentative view in the notice that the proposal should be adopted. These arguments are without substance. The reason for the short time for comments and reply comments was so that, if obtaining formal Canadian concurrence in a revision of the Canada-United States agreement made it possible, this proceeding—representing a change which appeared to us desirable—could be removed before daylight saving time began on April 28 and the restrictive effect of the "standard time" language in the rule came into operation. As it turned out, this was not possible, and, as indicated above, a large number of stations are restricted at the moment to sign-on after 6 a.m. local time. But this does not mean that the restriction should not be removed as quickly as it can be, if—as we tentatively believed earlier and have now concluded after careful consideration—it is an undesirable one. While the time

[27] WBEN raises the question of individual consideration in the context of one specific situation, interference to it as against additional presunrise time for daytime Station WIZR, Johnstown, N.Y. Even here, the result is not necessarily clear, since the fulltime station in a nearby community is a Class IV and may not serve presunrise the same area (in other directions from Johnstown) that WIZR would serve. This illustrates the rather dubious value of such inquiry in relation to the burden involved. We recognized in the presunrise decision that "new zones of interference" would be created in some cases. As noted, WBEN is a long-standing FM licensee, which has sometimes attempted to protect its wide-area coverage by seeking changes in the FM Table of Assignments to remove the possibility of interference to it. The FM station can present the AM programing during the limited number of hours involved here, and it may be that FM is of more significance in the case of long-established stations such as this than with a newer facility such as WIZR-FM.

[28] The word "qualitative" is one originating with ABS in its reply brief on appeal.

[29] Amendment of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations (Skywave Measurements), Docket No. 10492 (1954), 10 R.R. 1562.

[30] We have also considered the engineering material submitted by ABS in its Docket 14419 comments, including the interference effect on two full-time stations, summarized in Appendix B. This is generally similar to many other such showings in that proceeding, and all were considered. As stated above, we do not find in any particular situation called to our attention reason not to adopt the general rule as proposed, with respect to the regional channels.

for comments was short, the subject matter had been explored fairly recently in Docket 14419 and, in part, just previously in Docket 17562. The interested parties, their counsel and engineering consultants should have been—and in the case of the objecting parties, obviously were—thoroughly familiar with this general area and the considerations and approaches, and were encouraged to (and in the case of ABS did) incorporate earlier material by reference. As noted above, no one requested an extension of time. Nor did the fact that we set forth a tentative view mean that we had definitely decided to adopt the proposal. Rather, it was believed that it would be helpful to commenting parties to formulate our view so that they could comment effectively on it, particularly with the short time for filing comments which was necessary if desirable early resolution of this matter was to be achieved. ABS' argument concerning the need for providing factual justification for a new rule, and not relying on parties opposed to rebut it in the relatively short time given them, need not be discussed. The record herein, and our own consideration of other pertinent data set forth above, fully supports adoption of the proposal.

53. *Class II stations on U.S. I–B channels.* As noted in paragraph 2, above, the present decision does not cover Class II stations on U.S. I–A channels, because of other considerations relating to these channels which appear from the record herein and in Dockets 17562 and 18036. One of these is the question of adequate protection to the wide-area service of Class I–A stations. It could conceivably be urged that the same different considerations apply to I–B channels, and therefore as to Class II stations on these channels the approach adopted herein for Class III stations should not be taken. However, there is nothing in the record to support such a distinction. Except for the very brief and general comments by CBS (the licensee of one I–B station which is not affected by the present proposal since all presunrise operations on its channel must afford it full nighttime protection), no I–B station commented. As far as impact on full-time Class II service is concerned (some ABS members are in this category), the situation is the same as that on the regional channels. The same need for additional service by Class II stations appears to exist as in the case of Class III stations,[28] and in other repects, such as the presence of numerous presunrise operations on some channels which would have to be considered together, the situation is more like the regional channels than the I–A channels. Therefore, we are adopting for Class II stations on I–B channels the same decision as for the regional stations: 6 a.m. for presunrise operations means 6 a.m. "local time". The locations and protection requirements of dominant I–B assignments will, of course, in many instances, preclude a 6 a.m. "local time" sign-on by Class II stations.[29]

[28] Of the eight daytime Class II stations on I–B channels filing herein, five are in places with no local, in-county, or nearby full-time AM service; three of these (at Blue Earth, Minn., Coshocton, Ohio, and Paris, Tenn.) are associated with FM stations; in one case (Butler, Pa.) there is local FM service but no available FM channel, and in the other (Bolivar, Tenn.) there is no local, nearby, or in-county FM service or available channel.

Disposition

54. September is a month in which, as already indicated, local sunrise at all stations occurs later than 6 a.m. "local time" (5 a.m. standard time). Unless the rule change proposed and adopted herein is effective by September 1, the approximately 1,500 stations affected and the communities they serve will not benefit from the adjustment which we have found would serve the public interest. Canadian concurrence in the necessary revision of the Canada-United States presunrise agreement has been obtained, and a corresponding change in the rule is therefore possible.[30] Accordingly, we are making the amended rule effective September 1, 1968. Since this change relaxes an existing restriction, it may be made effective without regard to the waiting period and prior publication provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553).

55. In view of the foregoing: *It is ordered,* Pursuant to authority found in sections 4(i), 303 (c) and (r), and 307(b) of the Communications Act of 1934, as amended, that section 73.99 of the Commission's rules is amended, effective September 1, 1968, to delete the word "standard" from wherever it appears in paragraph (b) thereof: *Provided, however,* That the note following § 73.99(b) (1) of the rules pertaining to Class II operations on U.S. I–A channels shall continue to read "6 a.m. local standard time" pending final resolution of matters at issue in Docket Nos. 17562 and 18036.[31]

56. *It is further ordered,* That pursuant to the November 13, 1967, stay order issued by the U.S. Second Circuit Court of Appeals, full-time stations holding temporary operating authority for presunrise powers in excess of 500 watts may continue at authorized power levels (but with sign-on times adjusted as herein provided) pending resolution of matters in which review has been sought in the Supreme Court in ABS et al. v. FCC (Nos. 368, 369, and 390).

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: August 21, 1968.

Released: August 30, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[29] In any event Class I–B clear channel stations will continue to be protected out to their 0.5 mv/m 50 percent skywave contours and Class II stations will continue to regulate their sign-on practices by the actual (nonadvanced) sunrise times at dominant stations.

[30] Adoption of this first report and order, and the rule amendment contained herein, on Aug. 21, 1968, is subject to entry into effect and issuance only when Canadian concurrence in the corresponding change in the language of the Canada-United States presunrise agreement of 1967 (TIAS 6268) is obtained.

[31] Therefore, as to Class II stations on U.S. I–A clear channels covered by that note the presunrise starting time remains 6 a.m. local standard time for the time being; a decision concerning this question will be issued in the very near future, in light of the matters of record in this proceeding and Dockets 17562 and 18036. See paragraph 2, above.

Appendix A

LIST OF PARTIES FILING FORMAL COMMENTS AND/OR REPLY COMMENTS

Comments herein were filed by Association on Broadcasting Standards, Inc., Clear Channel Broadcasting Service, Inc., Daytime Broadcasters Association, Inc. (respectively associations of full-time Class II and III, I–A and daytime stations); Columbia Broadcasting System, Inc.; the licensees of I–A Stations KFI and WCCO; the licensees of full-time Class III Stations KXOK, St. Louis, Mo., and WBEN, Buffalo, N.Y.; and the licensees of the stations listed below (many filing joint comments). The stations listed below are divided into Class II stations on I–A clear channels; daytime-only Class II stations on I–B channels; unlimited-time Class III stations; and daytime-only Class III stations. As indicated in the text, information is set forth as to the daytime-only Class III stations, with respect to the availability of local or nearby AM or FM service (or FM channel assignments) in their communities. Within each category stations are grouped alphabetically by State and city.[1]

CLASS II STATIONS ON I–A CLEAR CHANNELS

Location	Call
San Francisco, Calif.	KFAX
Chicago, Ill.	WJJD
Ames, Iowa (reply comments)	WOI
Grand Island, Nebr.	KMMJ
Omaha, Nebr.	KOZN
Akron, Ohio (reply comments)	WHLO
Columbus, Ohio	WRFD
Portland, Oreg.	KXL
Fort Worth, Tex.	KJIM
Seattle, Wash.	KXA

DAYTIME-ONLY CLASS II STATIONS ON I–B CLEAR CHANNELS

Location	Call
Indianapolis, Ind.	WATI
Benton Harbor, Mich.	WHFB
Blue Earth, Minn.	KBEW
Coshocton, Ohio	WTNS
Toledo, Ohio	WTOD
Butler, Pa.	WISR
Bolivar, Tenn.	WBOL
Paris, Tenn.	WTPR

UNLIMITED-TIME CLASS III STATIONS

Location	Call
Sierra Vista, Ariz.	KHFH
Sacramento, Calif.	KGMS
New Haven, Conn.	WAVZ
Dover, Del.	WDOV
Boise, Idaho	KIDO
La Grange, Ill.	WTAQ
Bloomington, Ind.	WTTS
Shenandoah, Iowa	KMA
Lafayette, La.	KPEL
Lafayette, La.	KVOL
Lake Charles, La.	KPLC

[1] The comments of I–A stations and Class II stations on I–A channels are not covered in the first report and order since no decision is reached as to these channels. See paragraph 2.

Location	Call
Annapolis, Md.	WNAV
Crookston, Minn.	KROX
Springfield, Mo.	KWTO
Asheville, N.C.	WLOS
Toledo, Ohio	WOHO
Klamath Falls, Oreg.	KAGO
Tillamook, Oreg.	KTIL
Harrisburg, Pa.	WHP
Charleston, S.C.	WCSC
Columbia, S.C.	WOIC
Jackson, Tenn.	WDXI
Pasadena, Tex.	KLVL
Wisconsin Rapids, Wis.	WFHR

DAYTIME-ONLY CLASS III STATIONS

Available local or nearby AM service, and FM service or available channel, is indicated under the "AM" and "FM" columns, for each station as follows:

AM:

• Indicates full-time station in community.

•• Indicates no full-time station in community but in nearby community or in-county (or both). No indication means no local, nearby or in-county full-time outlet.

FM:

X—Indicates AM station is associated with local or nearby FM station or unopposed applicant.

S—Indicates local non-associated FM service; except in two cases where "VC" also appears, there is no unoccupied channel assigned to this city.

VC—Indicates vacant channel; except where it appears with "S" or "••" there is no existing local or nearby FM service.

•• Indicates no local FM service but nearby service; "VC" following indicates vacant channel assigned to the city.

No indication indicates no local, in-county, or nearby FM service or channel.

Location	Call	AM	FM
Birmingham, Ala.	WENN	•	X
Huntsville, Ala.	WEUP	•	S
Phoenix, Ariz.	KHAT	•	S
Tulare, Calif.	KGEN	•	X
Westport, Conn.	WMMM	••	X
Newark, Del.	WNRK	••	••
DeLand, Fla.	WOOO	•	X
Dunedin, Fla.	WCWR	••	••
Fort Walton Beach, Fla.	WFTW	•	X
South Daytona, Fla.	WELE	••	••
Tampa, Fla.	WTMP	•	S
Buford, Ga.[1]	WDYX		
Decatur, Ga.	WAVO	••	X
Griffin, Ga.	WHIE	•	S
Summerville, Ga.	WGTA		
Boise, Idaho	KEST	•	S
Chicago Heights, Ill.	WCGO	••	X
Chicago Heights, Ill.	WMPP	••	••
East Moline, Ill.	WDLM		VC
Lincoln, Ill.	WPRC	•	S
Anderson, Ind.	WHUT		X
Brazil, Ind.	WWCM	••	••-VC
Indianapolis, Ind.	WGEE	•	X
Clinton, Iowa	KCLN	•	S
Grinnell, Iowa	KGRN		VC
Colby, Kans.	KXXX	•	X
Ashland, Ky.	WTCR		
Mt. Vernon, Ky.	WRVK		X
Golden Meadow, La.	KLEB		X
Jennings, La.	KJEF	•	S
Shreveport, La.	KCIJ	•	S
Brockton, Mass.	WOKW		X
Big Rapids, Mich.	WBRN		X
Charlotte, Mich.	WCER	••	S
Monroe, Mich.	WQTE	•	X
Traverse City, Mich.	WCCW	•	S
Hattiesburg, Miss.	WXXX		X
Newton, Miss.	WBKN		
Waynesville, Mo.	KJPW	••	••-VC
Herkimer, N.Y.	WALY	•	X
Kingston, N.Y.	WGHQ	••	X
Mt. Kisco, N.Y.	WVIP	••	X
New Rochelle, N.Y.	WVOX		VC
Watertown, N.Y.	WOTT	•	S
Mooresville, N.C.	WHIP	••	X
Plymouth, N.C.	WPNC		
Wilson, N.C.	WLLY	•	X
Cambridge, Ohio	WILE		
Marietta, Ohio	WBRJ	•	S
Eugene, Oreg.	KATR	•	S
Barnesboro, Pa.	WNCC	••	••
Emporium, Pa.	WLEM		VC
Ephrata, Pa.	WGSA	••	X
Warwick, R.I.	WARV	••	••
Cheraw, S.C.	WCRE	••	••
Greenville, S.C.	WMUU	•	X
Lake City, S.C.	WJOT	••	••
North Augusta, S.C.	WGUS	••	X
Crossville, Tenn.	WAEW		X
Lawrenceburg, Tenn.	WDXE		X
El Paso, Tex.	KIZZ	•	S-VC
Houston, Tex.	KCOH	•	S
San Antonio, Tex.	KBER	•	X
Galax, Va.	WBOB		X
Luray, Va.	WRAA		VC
Martinsville, Va.	WHEE	•	S
Huntington, W. Va.	WWHY	•	S-VC
Superior, Wis.	WAKX	•	S
Two Rivers, Wis.	WQTC	••	X

[1] There is a pending rule-making proposal (Docket 18269) to assign a Class A FM channel to Buford, Ga.

Appendix B

Summary of comments and reply comments timely filed by Association on Broadcasting Standards, Inc. (ABS) in Docket 14419, and the ABS brief and reply brief on appeal from that decision (a large portion of the earlier ABS material has been rendered moot or immaterial, by the decision of the U.S. Court of Appeals (2d Circuit) affirming our "presunrise" decision or by the passage of time. These matters are not included herein. Also, of course, its material relates more to the basic question of presunrise operation rather than the limited extension of it involved here. However, it does relate to the latter to some extent, and has been considered in our decision. A summary of this material follows).

I. *Comments in Docket 14419.*

1. The core of ABS' position (expressed in a comment 98 pages long exclusive of engineering and other exhibits) was that section 73.87 should be maintained for the present, and that a joint Government-industry propagation committee should be activated to study transmission conditions during the presunrise transition period (our proposed diurnal curve was strongly attacked). It also urged strongly that—at least with the limited amount of information then at hand—a "case-by-case" approach to presunrise operation is indispensable if the public interest is to be served, rather than the overall, somewhat sweeping treatment envisaged by our proposal.[1]

2. ABS also noted some of our earlier observations about the nature of daytime-only stations and their efforts to obtain non-daytime hours. It referred to our statement in the Docket 12274 decision (1958) that authorization of daytimers was specifically intended to permit utilization of spectrum space which "after accommodating other stations (i.e., clear channel and fulltime regional stations) was available during the day but not at night"—i.e., sunrise to sunset. Thus, asserted ABS, daytime service is supplementary service. It also quoted paragraph 5 of the further notice herein, in which we pointed out the illogicality of daytimers' efforts to secure extended hours of operation as a matter of right, when they applied for and were authorized facilities for strictly daytime use, their proposals being evaluated strictly on the basis of daytime service and interference, and now they seek additional hours as to which no specific assessment of interference has been made at all. ABS asserted that many daytimers could have applied for fulltime operation (on the same or another frequency), if they were willing to go to the expense of directional operation, as fulltimers were willing to. The question was also asked why in Docket 14419 the Commission proposed to put nonengineering factors ("local needs" such as schoolbus information in wintertime) ahead of engineering considerations, when in the overall AM study it proposed to consider whether nontechnical factors should be considered at all (see the "freeze" order, FCC 62–516). It was also asserted that the Commission's proposal would benefit the private interests of certain daytimers, but at the expense of the public interest and the private interest of existing fulltimers.

3. ABS asserted that only on a case-by-case approach—taking into account interference caused and whatever gains would result—can the Commission discharge its responsibilities. The public interest, it was said, is not "susceptible to generalization"; a question of "need" for service is not resolved by presumption but only by consideration in each situation of the many variables involved and ABS believes that probably in the majority of cases the daytimers would lose. ABS referred to certain specific factors and situations which, it says, obviously make such an approach necessary: (1) The specific sunrise times at the stations involved; (2) the extent to which service during presunrise hours is available from nearby full-time stations (see the discussion of Jansky and Bally engineering, below); and (3) under what circumstances the public interest requires cessation of presunrise use of daytime facilities by fulltimers. (ABS' lengthy and vigorous objections to this prohibition was in part met by the decision and decision on reconsideration in Docket 14419. It is not relevant in Docket 18023, since the question is not what facilities should be permitted for presunrise operation by daytime and full-time stations, but the time involved.)

4. Attacking the daytimers' argument that only they can supply needed local information and service, ABS made the oft-repeated observation that their service areas are highly limited because of interference during the presunrise hours—precluding any real "rural" service—and also made a showing concerning the role of wide-area fulltimers in serving the needs of communities outside of their own cities.

5. ABS also called attention to what it considered "anomalies" in the Docket 14419 proposal. For example, what about communities having two regional daytimers and no fulltimer—how will the Commission decide which daytimer will be authorized presunrise, or, if both are to be, does this not discriminate against daytimers whose communities have one full-time service? Also, what about a daytimer eligible and authorized under the proposal, when a fulltimer is later authorized in the community—will the Commission then start action looking toward cessation of the daytimer's presunrise operation, or let it continue in total disregard of the criterion on which the proposal was based? (These "anomalies" were one reason for not adopting, in the Docket 14419 proceeding, the restriction of presunrise operation to daytimers in places without fulltime stations.) In several connections (e.g., use of directional antennas by daytimers for presunrise operation) ABS suggested application of computer techniques.

6. A number of showings were submitted by ABS on behalf of member full-time stations, asserting the importance of their wide-area coverage during the presunrise hours, which, it was claimed, should be fully protected. These included WOW, Omaha; KING,

[1] Another ABS argument was that Docket 14419 could properly be decided separately from a number of basic allocation matters (AM and FM) which were then pending. Of these, the only one now outstanding is certain aspects of the Clear Channel proceeding, the use of the remaining 12 I–A channels. This has little or no relation to this proceeding as far as other channels are concerned.

Seattle; KREM, Spokane; KGW, Portland; WTMJ, Milwaukee; KCMO, Kansas City; and WBEN, Buffalo. Aside from stressing the value of large-scale news operations (which, it was asserted, only a large radio station such as these can provide), the matters emphasized included wide-area news coverage (e.g., 38 "stringers" in communities up to 100 miles and more from Omaha); agricultural information (e.g., 6:00 broadcasters of Omaha livestock receipts, and extensive farm programing by WTMJ between 5 and 6:30 a.m.); wide-area weather news [2] such as five-or-six State conditions and forecasts, and school and schoolbus information (up to 50 miles in the case of KING, and about the same distance in the case of WTMJ and WBEN, the latter including all or part of eight counties). (These stations are all affiliated with wide-coverage Class B or C FM stations.)

7. The ABS comments also included a large amount of engineering material, including a study of the interference effects from presunrise operation on two particular fulltime regional stations (WGST, Atlanta, and WIOU, Kokomo, Ind.). These were in large part substantially similar to others submitted in Docket 14419 and those referred to herein, showing the high interference limit (computed using the proposed diurnal curves) imposed on these stations by presunrise operation with 500 watts (WGST at 6 a.m. in January would be limited to 9.25 mv/m compared to a normal nighttime limit of 2.29 mv/m, a difference of 357,000 in population served; the figures for WIOU were 9.59 and 5.15 mv/m). The limited extent of service from daytimers during these hours was also portrayed (interference-free contours only 2 to 4 miles from the transmitter site). In the case of the WGST study, ABS showed the lesser effect of daytimer presunrise operation with lesser power (190 watts), which in the case of one daytimers would also give it equal coverage because interference from other daytimers would be less.[3]

8. The ABS engineering also included a study of regional channel utilization and the number of "eligible" daytimers (those in communities without a full-time station and not in urbanized areas, some 61 percent of all regional daytimers) and studies of FM availability, and the availability of full-time service from "nearby" communities though not from the community itself.[4] Other engineering material included a quick method for making a rough determination of presunrise (500-watt) interference from a given number of stations at given distances, a study of the number of operations which would be affected by having to observe international obligations with respect to Canada, and a lengthy submission in opposition to the proposed diurnal curve (it was urged that presunrise transitional conditions are not a "mirror image" of postsunset conditions on which the curve was based, but full or nearly full night-time conditions prevail until quite close to sunrise).

II. ABS Reply Comments in Docket 14419.

9. The ABS reply comments in Docket 14419 noted that nearly all of the commenting parties opposed the proposal therein, and another solution was required; it repeated its assertion that an industry-government committee should be formed to study transitional conditions, using among other things the data which is available, and urged further opportunity for all to present data, continuing section 73.87 in the meantime. The need for fulltimer presunrise use of daytime facilities, to provide improved service as well as protection from daytimer operation, was again urged. The position of Daytime Broadcasters Association (essentially, that all daytimer presunrise operations should be grandfathered, and such operations terminated on complaint only after a lengthy procedure) was opposed. It was also urged that various counterproposals urged in comments should be considered, at a minimum, to reduce interference, such as 250 watts instead of 500 watts and starting at 7 a.m. instead of 6, and that FM as a possible replacement for daytime operations generally should be considered.

III. ABS Brief in its appeal case (Association on Broadcasting Standards, Inc. v. U.S. and FCC, C.A. 2, 1968).[5]

10. After a discussion of technical considerations (nighttime-daytime AM propagation differences, classes of stations and allocations objectives) and a history of presunrise operation, the ABS brief in its summary of argument characterized the new rules as follows: an "invalid attempt • • • to settle a longstanding issue of a technical nature on the basis of political and administrative expediency, rather than on the basis of a factual determination that the public interest, convenience and necessity would be served by the rules adopted." The rules, it was said, permit operations without regard to massive interference to many stations and despite large net loss in service to the public, and are in excess of the Commission's authority both as to results and as to methods used, and arbitrary and capricious because not based on valid findings of fact and in fact ignoring earlier specific findings on the same general subject.

11. It was said that the rule adopted is arbitrary and capricious in that it discriminates against full-time stations in favor of daytime-only stations and in favor of urban populations (those who will receive presunrise service under the rule) and against rural populations (who will lose the service of full-time stations because of interference), as well as in favor of foreign stations and against domestic stations; and in that it completely, and almost entirely without explanation, disregards the holdings in prior decisions and pronouncements on this and related subjects which were often based on specific and detailed findings as to the amount of interference, and reaches a different result without findings or adoption of a new standard for evaluating interference (the proceedings mentioned are Dockets 12274 and 12729, the "5 to 7" and "6 to 6" proceedings of 1958 and 1959, and the imposition of the AM "freeze" in 1962 and subsequent proceedings concerning revision of the AM rules (Docket 15084, decided in 1964) in which avoidance of interference was stressed). The recitals in the presunrise decision, it was said, are speculative ("may well be", "we believe", etc.), rather than the specific findings required by law. Various procedural inconsistencies in the decision were alleged, said to amount to discrimination as mentioned above. It was asserted that the Commission improperly questioned the validity of its own nighttime interference standards without adopting, or waiting for the adoption of, new ones. The new rule, it was said, amounted to failure to use the Commission's expertise, and improper failure to adopt rules limiting interference between stations (section 303(f) of the Act). It was urged that our assumption that presunrise interference would not be a new phenomenon but previously existed on a large scale is unsupported and made without any attempt to determine the actual facts; that the absence of complaint did not show absence of interference since interference is a statistical matter and can occur without the injured station being aware of it; and affected stations are deprived of the privilege they formerly had of getting objectionable operations terminated by complaining against them. It was argued that, in (allegedly) abandoning existing interference standards for this purpose without adopting new ones, we failed to come to grips with the question of interference and need to limit it in the public interest, but avoided it and the facts of scientific reality. Our conclusions, in Docket 12729 that extended hours of operation with reduced power (e.g. 500 watts) afforded only very limited potential for alleviating interference, and in Docket 12274 that the "loss" area would often be close to rather than distant from the affected station, were referred to (with reference in the latter connection to the case of WGST, Atlanta, mentioned in the summary of the ABS comments, above, where the interference (determined using the diurnal curve proposed in Docket 14419) would be as close as about 6 miles to the transmitter, said to be a typical situation).[6]

12. Reduction in the time and power of long-standing fulltimer presunrise operations was complained of, said to be erroneous because not necessary to protect services of greater value but on an arbitrary basis. It was said that the findings necessary to support a "307(b)" determination were not made, but that the record in Docket 14419, as well as decisions in the prior proceedings, show that the service gained is mostly in or near cities often with multiple local AM or FM full-time services, whereas the loss is to millions in rural "white areas", so that in fact the "307(b)" mandate is not met. It was also said that even if valid a general determination here cannot support individual grants of PSA's; individual public-interest findings in connection with each grant—specifically not contemplated under the rule—are required.

IV. ABS Reply Brief.

13. The ABS brief in reply to the Commission's brief in general repeated the same lines of argument just detailed. It was asserted that the Commission's brief indicates that the Commission has shifted in service-interference decisions, from a "quantitative" to a "qualitative" standard—allegedly providing service where it is most needed—apparently a flight from objectivity to subjectivity and supported not by findings on the point but merely conclusions as to the alleged qualitative superiority of the presunrise service thus provided for. It is said that this is contrary to the Docket 12729 conclusion that there are no local needs incapable of fulfillment under present rules so great as to warrant the disruption of radio service relied on by millions, without any statement of the basis for the reversal. Attention is again called to the "close-in" interference said to result in the Atlanta situation, and to the "white area" which would lose the service of WREC, Memphis, through interference from presunrise operation by daytimers under the new rule (noted in the Docket 14419 Report and Order). In short, it is said that the decision is an abandonment of this agency's rule as an expert technical agency in favor of an "arbitrary and convenient" solution.

As stated in the report and order in the present proceeding (Docket 18023), these various arguments and data were carefully considered in the presunrise decision (June 1967) and decision on reconsideration (October 1967), and/or by the U.S. Court of Appeals for the Second Circuit, which affirmed the new rule in its May 10, 1968, opinion. They have carefully been considered again insofar as they are pertinent to the more limited "6 a.m. local time" question involved here, but in view of the lengthy previous discussions which we incorporate herein, by us and by the Court, no more discussion is required than that contained in the present report and order.

[F.R. Doc. 68-10611; Filed, Aug. 30, 1968; 8:50 a.m.]

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[2] ABS, arguing that the "weather" service rendered by local daytimers presunrise is not of unique character, asserted that the only reliable weather service is that of the Weather Bureau, and that—regardless of the locality where the weather broadcast originates—there are only 315 local U.S. Weather Bureau stations in the United States, mostly in larger communities, and every radio station, local or not, gets its information from these weather stations.

[3] WGST is not an FM licensee and there are no available FM channels; Atlanta of course has multiple fulltime AM and FM services including a I–A clear channel station. WIOU has a Class A (limited-coverage) FM associate; it is the only AM station in Kokomo or vicinity. Of the 10 daytime stations on 920 and 1350 kc/s listed as interference sources, all were, and are, in places with no local fulltime AM outlet and usually (though not always) with no such station in the county or nearby. Three of the 10 are associated with FM stations and in a fourth case there is an unoccupied FM channel assigned to the community.

[4] Of 231 daytimers on 10 regional channels studied, 210 were either in places with existing FM stations (36), places with an available channel in the FM table or available under the "25-mile rule" (135), or places within the 1 mv/m contour of an existing station assuming maximum facilities (39). Of 39 stations studied on two channels, 14 were in communities with "nearby" full-time AM service (i.e., within the interference-free night-time contour of an AM station).

[5] Strictly legal arguments, such as detailed recital of the various legal consequences alleged to flow from the character of the decisions, the matter of "316 hearing rights", and the significance of the Canada-United States presunrise agreement of 1967, are not set forth herein, since they were all considered by the U.S. Court of Appeals in deciding the case and affirming the Commission.

[6] As the cited passage in the Docket 12729 decision (18 R.R. 1689, 1695) makes clear, the reference was primarily to the disruption of skywave service, that by Class I stations, which is unaffected by the presunrise decision. See the Docket 14419 decision, report and order, paragraphs 7, 16. With respect to the Atlanta situation, all of that city and surrounding area receive groundwave service from Class I–A Station WSB, extending far beyond the WGST nighttime service area, as well as from other full-time AM and FM Atlanta stations.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

UTAH

BEAR RIVER MIGRATORY BIRD REFUGE

Public hunting of pheasants on the Bear River Migratory Bird Refuge, Utah, is permitted from November 2 through November 24, 1968, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 9,495 acres, is delineated on maps and shown as Area A which are available at refuge headquarters, Brigham City, Utah, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants subject to the following special conditions:

(1) No hunting is permitted from roadways or within 100 yards of roadways.

(2) Checking in and out—Each hunter who enters Area A is required to register at the checking station and check out before leaving the refuge.

(3) Parking—Hunters may park cars only at designated area within refuge.

(4) To reach open hunting area, travel is permitted on foot or bicycle from refuge checking station over roads between Units 1 and 2 and Units 2 and 3.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 24, 1968.

LLOYD F. GUNTHER,
Refuge Manager, Bear River Migratory Bird Refuge, Brigham City, Utah.

AUGUST 22, 1968.

[F.R. Doc. 68-10532; Filed, Aug. 30, 1968; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Bear River Migratory Bird Refuge, Utah

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

The public hunting of Ruffed and Sharp-tailed Grouse, Snowshoe Hare, Gray and Black Squirrels, Coyote, Fox, Porcupine, Raccoon, Skunk and Crow on the Seney National Wildlife Refuge is permitted only on the area designated as open to hunting. This open area, comprising 85,200 acres, is delineated on maps available at refuge headquarters, Seney, Michigan and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

Hunting shall be in accordance with all applicable State regulations governing the hunting of these species subject to the following special conditions:

(1) The designated open area east of the Walsh Ditch is closed to all hunting until November 15.

(2) Foxes and raccoons may not be taken at night.

(3) All motorized conveyances are prohibited from traveling on dikes or off established roads and trails. Motorized bikes and snow sleds are not permitted on the refuge.

The provisions of this special regulation supplements the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 31, 1969.

JOHN E. WILBRECHT,
Refuge Manager, Seney National Wildlife Refuge, Seney, Mich.

AUGUST 23, 1968.

[F.R. Doc. 68-10531; Filed, Aug. 30, 1968; 8:46 a.m.]

PART 32—HUNTING

Tamarac National Wildlife Refuge, Minn.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; big game; for individual wildlife refuge areas.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Tamarac National Wildlife Refuge, Minn., is permitted on the area designated by signs as open to hunting. This open area, comprising 45,000 acres, is delineated on maps available at refuge headquarters, Rochert, Minn., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer and black bear. Subject to the following conditions.

(1) The open season for hunting dear and black bear, with legal firearms, is from November 9, 1968, through November 13, 1968, inclusive.

(2) In addition, an open season for hunting deer and black bear with legal bow and arrow is permitted from September 28 through October 31, 1968, on the area designated by signs as open to hunting. This open area, comprising 12,000 acres, is delineated on maps available at refuge headquarters.

(3) A Federal permit is not required to enter the public hunting area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50,

PART 32—HUNTING

Seney National Wildlife Refuge, Mich.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

Code of Federal Regulations, Part 32, and are effective through November 13, 1968.

NELIUS B. NELSON,
Refuge Manager, Tamarac National Wildlife Refuge, Rochert, Minn.

AUGUST 26, 1968.

[F.R. Doc. 68-10533; Filed, Aug. 30, 1968; 8:46 a.m.]

PART 32—HUNTING

Tamarac National Wildlife Refuge, Minn.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of pheasants, ruffed grouse, Hungarian partridge, gray and fox squirrels, cottontail, jack and snowshoe rabbits on the Tamarac National Wildlife Refuge, Minn., is permitted only in the area designated by signs as open to hunting. This open area comprising 12,000 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn.

Hunting shall be in accordance with all applicable State regulations during the seasons specified below. The hunting of upland game species as may be otherwise authorized by Minnesota State regulations is prohibited.

Open seasons: Pheasants—12:00 noon October 26, 1968, through November 17, 1968. Ruffed grouse—Sunrise September 28, 1968, through November 3, 1968. Second season runs from November 20, 1968, through November 30, 1968. Gray and fox squirrels—September 28 through December 31, 1968. Cottontail, jack and snowshoe rabbits—September 28, 1968, through March 1, 1969.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 1, 1969.

NELIUS B. NELSON,
Refuge Manager, Tamarac National Wildlife Refuge, Rochert, Minn.

AUGUST 26, 1968.

[F.R. Doc. 68-10534; Filed, Aug. 30, 1968; 8:46 a.m.]

PART 32—HUNTING

Seney National Wildlife Refuge, Mich.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

Public hunting of deer and bear on the Seney National Wildlife Refuge is permitted only on the area designated as open to hunting. The open area, comprising 85,200 acres, is delineated on a map available at the refuge headquarters, Seney, Mich., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer and bear subject to the following special conditions:

(1) Bow and arrow hunting is permitted only on 29,720 acres lying west of the Walsh Ditch (excluding the East ½ Section 3, T. 45 N., R. 15 W.; West Walsh Farm), from October 1 through November 14; and on the 85,200 acre area open to gun hunting, from December 1 through December 31.

(2) Bear may be taken by archers only from October 1 through November 14 and by gun hunters only from November 15 through November 30. Bear may not be taken with aid of dogs.

(3) Camping is permitted only west of the Driggs River during the gun season. A Federal permit, obtainable at refuge headquarters and a State Camp Registration obtainable at refuge headquarters or any State Conservation Field Office are required for camping.

(4) All motorized conveyances are prohibited from traveling on dikes or off established roads and trails. Motorized bikes and snow sleds are not permitted on the refuge.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through December 31, 1968.

JOHN E. WILBRECHT,
Refuge Manager, Seney National Wildlife Refuge, Seney, Mich.

AUGUST 23, 1968.

[F.R. Doc. 68-10530; Filed, Aug. 30, 1968; 8:46 a.m.]

PART 32—HUNTING

Slade National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

SLADE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Slade National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,840 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12 noon to sunset November 8, 1968, and from sunrise to sunset November 9, 1968, through November 17, 1968.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 17, 1968.

MARVIN MANSFIELD,
Refuge Manager, Slade National Wildlife Refuge, Dawson, N. Dak.

AUGUST 26, 1968.

[F.R. Doc. 68-10580; Filed, Aug. 30, 1968; 8:50 a.m.]

PART 32—HUNTING

Long Lake National Wildlife Refuge, N. Dak.

The following special regulations is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

LONG LAKE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Long Lake National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 21,000 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12 noon to sunset November 8, 1968, and from sunrise to sunset November 9, 1968, through November 17, 1968.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 17, 1968.

MARVIN MANSFIELD,
Refuge Manager, Long Lake National Wildlife Refuge, Moffit, N. Dak.

AUGUST 26, 1968.

[F.R. Doc. 68-10563; Filed, Aug. 30, 1968; 8:48 a.m.]

PART 32—HUNTING

Baskett Slough National Wildlife Refuge, Oregon; Correction

In F.R. Doc. 68-10353, appearing on page 12141 of the issue for Wednesday, August 28, 1968, paragraph 4 under § 32.12 should read as follows: Mourning doves and band-tailed pigeons may be hunted on the Baskett Slough National Wildlife Refuge, Route 2, Box 208, Corvallis, Oreg. 97330.

JOHN D. FINDLAY,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 22, 1968.

[F.R. Doc. 68-10598; Filed, Aug. 30, 1968; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 11]

COUNTRY OF ORIGIN MARKING

Proposed Marking To Avoid Misleading or Deceiving the Ultimate Purchaser of Imported Articles

Notice is hereby given that under the authority of section 304 of the Tariff Act of 1930, as amended (19 U.S.C. 1304), it is proposed to amend §§ 11.8 and 11.10 of the Customs Regulations.

The purpose of the proposed amendment is to incorporate into the regulations the specific requirement now contained only in administrative rulings and instructions to district directors of customs for additional marking to avoid the possibility of misleading or deceiving the ultimate purchaser as to the origin of imported articles when the article or its container bears any inscription which could reasonably be construed to imply that the article was manufactured or produced in the United States or in a foreign country other than the country of manufacture or production. In addition it would provide that the exception from the country of origin marking requirement within any specification in section 304(a)(3) of the Tariff Act of 1930, as amended, shall not apply to any article bearing any inscription which could reasonably be construed to imply that the article was manufactured or produced in the United States or in a foreign country other than the country of manufacture or production.

On February 11, 1967, a notice of proposed rule making on this subject was published in the FEDERAL REGISTER (32 F.R. 2819). The proposal was adopted effective August 24, 1967 (T.D. 67–165) (32 F.R. 10845). Upon request, the Bureau of Customs subsequently suspended effectiveness of the amendment to permit additional comments to be submitted.

After further consideration of this matter, it has been decided to terminate the amendment of § 11.8(a) promulgated as T.D. 67–165 (32 F.R. 10845), the effectiveness of which was suspended by T.D. 67–230 (32 F.R. 13863). It is now proposed to amend §§ 11.8 and 11.10 in tentative form, as follows:

Section 11.8 is amended by redesignating paragraph (a) as paragraph (a)(1) and adding subparagraphs (2) and (3) as follows:

§ 11.8 Marking of articles and containers to indicate name of country of origin.

(a)(1) • • •

(2) In any case in which the words "United States" or "American," the letters "U.S.A.," any variation of such words or letters, or the name of any place, country, or locality other than that in which the article was manufactured or produced appear on an imported article or its retail container in a manner which could be construed as indicating the place of origin of the article, the name of the country of origin preceded by "Made in," "Product of," or other words of similar import shall appear legibly, conspicuously, and permanently in proximity to such words, letters, or name.

(3) Articles such as souvenirs which bear the name of a location in the United States, or articles on which words such as "United States" or "America" appear as part of a trademark or trade name, shall not be deemed to be marked in violation of this section if they are legibly, conspicuously, and permanently marked to indicate the name of the country of origin, preceded by "Made in," "Product of," or other similar words, in some other conspicuous location.

• • • • • •

Section 11.10 is amended by adding the following sentence at the end of paragraph (a):

§ 11.10 Exceptions to marking requirements.

(a) • • • An exception from marking shall not apply to any article or retail container bearing any words, letters, or names described in section 11.8(a)(2) which imply that an article was made or produced in a country other than the actual country of origin.

• • • • • •

Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, within 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: August 22, 1968.

JOSEPH M. BOWMAN,
Assistant Secretary of the Treasury.

[F.R. Doc. 68–10560; Filed, Aug. 30, 1968; 8:48 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 246]

PROPOSED GUIDES FOR THE TOY INDUSTRY RELATING TO DISCRIMINATORY PRACTICES

Extension of Time for Comments

Pursuant to numerous requests received indicating a need for additional time in which to submit comments and views on the Commission's Proposed Guides for the Toy Industry Relating to Discriminatory Practices, the Commission has extended the time for filing written comment to and including September 30, 1968.

Approved: August 27, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68–10613; Filed, Aug. 30, 1968; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 906]

ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Terms and Conditions Governing Use by Handlers of Identifying Marks Utilized by Committee in Promotional and Advertising Projects

Consideration is being given to the following proposals, as hereinafter set forth, of the handlers' use of identifying marks, "Texasweet" and "Sweeter by Nature", utilized by the committee in promotional and advertising projects (Subpart—Rules and Regulations), which were recommended by the Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with these proposals should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are to amend § 906.137 (7 CFR 906.137; 32 F.R. 14372) of Subpart—Rules and Regulations, to read as follows:

§ 906.137 Handlers use of identifying marks utilized by the committee in promotional and advertising projects.

(a) On and after September 15, 1968, the identifying marks "Texasweet" and "Sweeter by Nature" shall be available to handlers only under the following terms and conditions:

(1) The identifying marks "Texasweet" and "Sweeter by Nature" may severally or jointly be affixed only to containers of grapefruit or to individual grapefruit comprising a lot which grades at least U.S. No. 1 Bronze;

(2) The identifying marks "Texasweet" and "Sweeter by Nature" may severally or jointly be affixed only to containers of oranges or to individual oranges comprising a lot which grades at least U.S. Combination, with not less than 60 percent, by count, of the oranges in each container thereof grading at least U.S. No. 1 and the remainder U.S. No. 2.

(b) When used herein, terms relating to grade shall have the same meaning as is given to the respective term in the United States Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (§§ 51.620–51.685 of this title) and in the United States Standards for Oranges (Texas and States other than Florida, California, and Arizona) (§§ 51.680–51.712 of this title).

Dated: August 28, 1968.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68–10602; Filed, Aug. 30, 1968; 8:50 a.m.]

[7 CFR Part 906]

ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Handling

Consideration is being given to the following proposal, as hereinafter set forth, which would limit the handling of grapefruit by establishing minimum grades and sizes, pursuant to § 906.40 *Issuance of regulations*, which were recommended by the Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Such proposal reads as follows:

§ 906.341 Grapefruit Regulation 20.

(a) *Order.* (1) During the period September 15, 1968, through September 14, 1969, no handler shall handle:

(i) Any grapefruit of any variety, grown in the production area, unless such grapefruit grade U.S. Fancy; U.S. No. 1 Bright; U.S. No. 1; U.S. No. 1 Bronze; or U.S. No. 2;

(ii) Any grapefruit of any variety, grown in the production area, which are of a size smaller than 3$^{9}/_{16}$ inches in diameter, except that not more than 10 percent, by count, of such grapefruit in any lot of containers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot, may be of a size smaller than 3$^{9}/_{16}$ inches in diameter; or

(iii) Any grapefruit of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

All grapefruit of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(2) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (§§ 51.620–51.685 of this title).

Dated: August 28, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68–10603; Filed, Aug. 30, 1968; 8:50 a.m.]

[7 CFR Part 906]

ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Notice of Proposed Amendment of Container and Pack Regulation

Consideration is being given to the following proposal, as hereinafter set forth, of container and pack regulations (Subpart—Container and Pack Requirements), which were recommended by the Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is to authorize the use beginning on September 15, 1968, of another container in addition to those now authorized under § 906.340 *Container and pack regulations* (33 F.R. 11542). Such container is a 1⅔ bushel closed wirebound wooden box with inside dimensions of 24$^{5}/_{16}$ x 11⅝ x 11⅜ inches, described in Freight Tariff 2G as container No. 3680.

Dated: August 28, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68–10604; Filed, Aug. 30, 1968; 8:50 a.m.]

[7 CFR Part 906]

ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Handling

Consideration is being given to the following proposal, as hereinafter set forth, which would limit the handling of oranges by establishing minimum grades and sizes, pursuant to § 906.40 *Issuance of regulations*, which were recommended by the Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Such proposal reads as follows:

§ 906.342 Orange Regulation 19.

(a) *Order.* (1) During the period September 15, 1968, through September 14, 1969, no handler shall handle:

(i) Early and midseason oranges, grown in the production area, unless such oranges grade U.S. No. 2; U.S. Combination, with not less than 60 percent, by

count, of the oranges in each container thereof grading at least U.S. No. 1 grade and the remainder grading U.S. No. 2; or any higher grade.

(ii) Early and midseason oranges, grown as aforesaid, which are of a size smaller than 2⁹⁄₁₆ inches in diameter, except that not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in any individual container in such lot may be of a size smaller than 2⁹⁄₁₆ inches in diameter; or

(iii) Early and midseason oranges, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

Early and midseason oranges, grown as aforesaid, handled during the period specified in this section are subject to all applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(2) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, have the same meaning as is given to the respective term in the U.S. Standards for Oranges (Texas and States other than Florida, California, and Arizona) (§§ 51.680–51.712 of this title).

Dated: August 28, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68–10605; Filed, Aug. 30, 1968; 8:50 a.m.]

[7 CFR Part 944]

ORANGES

Import Regulations

Consideration is being given to the following proposals, as hereinafter set forth, which would limit the importation of any oranges into the United States, pursuant to Part 944—Fruits; Import Regulations (7 CFR Part 944). This proposed amendment of the import regulation is designed to prescribe a grade and size regulation which would be the same as the proposed domestic grade and size regulation for oranges grown in the State of Texas, which is also to become effective September 15, 1968. This import regulation is effective pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are to amend paragraphs (a) and (j) of § 944.307 Orange Regulation 8 (7 CFR Part 944) to read as follows:

§ 944.307 Orange Regulation 8.

(a) On and after September 15, 1968, the importation into the United States of any oranges is prohibited unless such oranges are inspected and grade U.S. No. 2; U.S. Combination, with not less than 60 percent, by count, of the oranges in each container thereof grading at least U.S. No. 1 and the remainder grading U.S. No. 2; or any higher grades; and are of a size not smaller than 2⁹⁄₁₆ inches in diameter: *Provided*, That not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in individual containers in such lot, may be of a size smaller than 2⁹⁄₁₆ inches in diameter.

* * * * *

(j) The terms "U.S. No. 2," "U.S. No. 1," "U.S. Combination," and "diameter" shall have the same meaning as when used in the U.S. Standards for Oranges (Texas and States other than Florida, California, and Arizona) (7 CFR 51.680–51.712). "Importation" means release from custody of the U.S. Bureau of Customs.

* * * * *

Dated: August 29, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68–10692; Filed, Aug. 30, 1968; 11:25 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

BETA-OXY-NAPHTHOIC ACID FROM WEST GERMANY

Notice of Tentative Negative Determination

Information was received on August 21, 1967, that Beta-oxy-Naphthoic acid from West Germany, manufactured by Farbwerke Hoechst A.G. was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of December 12, 1967, on page 17676.

I hereby make a tentative determination that Beta-oxy-Naphthoic acid from West Germany, manufactured by Farbwerke Hoechst A.G. is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based:

It was determined that the approximate comparison for fair value purposes is between exporters sales price and home market value.

Exporters sales price was based on the delivered price to United States customers with appropriate deductions for selling expenses, ocean freight and insurance, inland charges in Germany and the United States, and United States duty. Additions were made as required by the statute for rebate and remission of certain taxes applied in the home market but not on exportation.

Home market price was based on the ex-works home market price converted to U.S. dollars.

Exporters sales price was not lower than home market price.

In accordance with § 53.33(b), Customs Regulations (19 CFR 53.33(b)) interested parties may present written views or arguments, or request in writing, that the Secretary of the Treasury afford an opportunity to present oral views.

Any such written views, arguments, or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by this office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to section 53.33 of the Customs Regulations (19 CFR 53.33).

Approved: August 23, 1968.

[SEAL] JOSEPH M. BOWMAN,
Assistant Secretary of the Treasury.

[F.R. Doc. 68–10561; Filed, Aug. 30, 1968; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. Sub–B–62]

BOSTON FISH MARKET CORP.

Notice of Hearing

AUGUST 27, 1968.

Boston Fish Market Corp., 253 Northern Avenue, Boston, Mass. 02110, has applied for a fishing vessel construction differential subsidy to aid in the construction of a 132-foot length overall steel vessel to engage in the fishery for groundfish (cod, cusk, haddock, hake, ocean perch and pollock) and flounder.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act (P.L. 88–498) and Notice and Hearing on Subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on October 21, 1968, at 10 a.m., e.d.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257, at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change, along with the new location.

RUSSELL T. NORRIS,
Acting Director, Bureau of Commercial Fisheries.

[F.R. Doc. 68–10555; Filed, Aug. 30, 1968; 8:48 a.m.]

[Docket No. G–412]

JAMES D. ARMSTRONG

Notice of Loan Application

James D. Armstrong, 1928 Fifth Street, Brunswick, Ga. 31520, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 42.9-foot registered length wood vessel to engage in the fishery for shrimp, blue crab and flounder.

Notice is hereby given pursuant to the provisions of Public Law 89–85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

RUSSELL T. NORRIS,
Acting Director.

[F.R. Doc. 68–10556; Filed, Aug. 30, 1968; 8:48 a.m.]

Office of the Secretary

WILTON I. MARTIN

Report of Appointment and Statement of Financial Interests

AUGUST 26, 1968.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Wilton I. Martin.

Name of employing agency: Office of Oil and Gas, U.S. Department of the Interior.

The title of the appointee's position: Regional Administrator, Emergency Petroleum and Gas Administration, Region 8.

The name of the appointee's private employer or employees: Union Oil Co. of California.

The statement of "financial interests" for the above appointee is enclosed.

DAVID S. BLACK,
Acting Secretary of the Interior.

AUGUST 13, 1968.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on August 22, 1968, as Regional Administrator, Region 8, Emergency Petroleum and Gas Administration an officer or director:

Pacific Coast Hemphill Oil Co., president and director.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Union Oil Co. of California, division sales manager, salary and bonus.
Union Oil Co. of California, stock.
American Life & Casualty Insurance Co., stock.
Canadian Superior Oil Co., stock.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

W. I. MARTIN.

AUGUST 22, 1968.

[F.R. Doc. 68–10542; Filed, Aug. 30, 1968; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

REGISTERED RESEARCH FACILITIES UNDER THE LABORATORY ANIMAL WELFARE ACT

List of Research Facilities

Pursuant to § 2.127 of the regulations (9 CFR 2.127) under the Act of August 24, 1966 (80 Stat. 350; 7 U.S.C. 2131 et seq.), commonly known as the Laboratory Animal Welfare Act, notice is hereby given that, as of August 15, 1968, the following research facilities were registered under said Act and regulations as indicated below:

ALABAMA

Auburn University, Auburn 36830.
Mobile General Hospital, 2451 Fillingim Street, Mobile 36617.
Southern Research Institute, 2000 Ninth Avenue South, Birmingham 35205.
Tuskegee Institute, Tuskegee Institute 36088.
University of Alabama Medical Center, 1919 Seventh Avenue South, Birmingham 35233.

ARIZONA

Animal Resource Center, Arizona State University, Room 236, Tempe 85281.
Barrow Neurological Institute of St. Joseph's Hospital, 350 West Thomas Road, Phoenix 85013.
University of Arizona, Tucson 85721.

ARKANSAS

Animal Behavior Enterprises, Inc., Hot Springs 71901.
University of Arkansas, Fayetteville 72701.
University of Arkansas Medical Center, 4301 West Markham, Little Rock 72205.

CALIFORNIA

Attending Staff Association, Los Angeles County Harbor General Hospital, 1000 West Carson Street, Torrance 90509.
Attending Staff Association of the Rancho Los Amigos Hospital, Inc., 12826 Hawthorne Street, Downey 90242.
Bruce Lyon Memorial Research Laboratory, Children's Hospital Medical Center of North California, 51st and Grove Streets, Oakland 94609.
California Institute of Technology, Division of Biology, 1201 East California, Pasadena 91109.
Cedars-Sinai Medical Center, Cedars-Sinai Medical Research Institute, 4833 Fountain Avenue, Los Angeles 90029.

CALIFORNIA

Children's Hospital of Los Angeles, 4650 Sunset Boulevard, Los Angeles 90027.
City of Hope Medical Center, 1500 East Duarte Road, Duarte 91010.
Cutter Laboratories, Inc., Fourth and Parker Streets, Berkeley 94710.
Epoxylite Research and Development Center, The Epoxylite Corp., 1428 North Tyler Avenue, South El Monte 91733.
Experimental Surgery, St. Mary's Hospital Medical Center, 2200 Hayes Street, San Francisco 94117.
Experimental Surgical Laboratory, Children's Hospital & Adult Medical Center of San Francisco, 3700 California Street, San Francisco 94119.
Institute for Medical Research of Santa Clara County, 751 South Bascom Avenue, San Jose 95126.
Institute of Medical Sciences, 2361 Clay Street, San Francisco 94115.
Lockheed Missiles & Space Co., a group division of Lockheed Aircraft Corp., Biotechnology Department 55/60, Biological Sciences Research Laboratories, 3251 Hanover Street, Palo Alto 94304.
Loma Linda University, Loma Linda 92354.
Memorial Hospital of Long Beach, 2801 Atlantic Avenue, Long Beach 90806.
Morse Laboratories, 316 16th Street, Sacramento 95814.
Mount Zion Hospital & Medical Center, 1600 Divisadero Street, San Francisco 94115.
National Institute of Scientific Research, 12330 Santa Monica Boulevard, Los Angeles 90025.
North American Aviation, Inc., Autonetics Division, 805 North Lapham Street, El Segundo 90245.
Olive View Hospital, Olive View 91330.
Palo Alto Medical Research Foundation, 860 Bryant Street, Palo Alto 94301.
Pasadena Foundation for Medical Research, 99 North El Molino Avenue, Pasadena 19901.
Pasadena Hospital Association, Ltd., Operating the Institute of Medical Research, 734 Fairmount Avenue, Pasadena 91105.
Research & Education Foundation Medical Center, Attending Staff of Orange County, 101 Manchester Avenue, Orange 92668.
Research Foundation at Saint Joseph Hospital in Burbank, Buena Vista at Alameda, Burbank 91503.
Sansum Clinic Research Foundation, 2219 Bath Street, Santa Barbara 93102.
Scripps Clinic & Research Foundation, 476 Prospect Street, La Jolla 92037.
Shell Development Co., AR Division, Post Office Box 3011, Modesto 95353.
Sonoma State Hospital, Eldridge 95431.
Stanford Research Institute, 333 Ravenswood Avenue, Menlo Park 94025.
Stanford University School of Medicine, 300 Pasteur Drive, Palo Alto 94304.
State of California Department of Public Health, 2151 Berkeley Way, Berkeley 94704.
Stauffer Chemical Co., 1200 South 47th Street, Richmond 94804.
Surgical Research Laboratory, White Memorial Medical Center, 1720 Brooklyn Avenue, Los Angeles 90033.
Sutter Community Hospital of Sacramento, 2820 L Street, Sacramento 95816.
Syntex Corporation Research Division, 3401 Hillview Avenue, Palo Alto 94304.
The California State Colleges, Office of the Chancellor, 5670 Wilshire Boulevard, Los Angeles 90036.
The Hine Laboratories, Inc., 1099 Folsom Street, San Francisco 94103.
The Regents of the University of California, University Hall, Berkeley 94720.
United States Laboratories, Inc., 2900 Glascock Street, Oakland 94601.
University of Southern California, Department of Vivaria, 2025 Zonal Avenue, Los Angeles 90033.
Valley Veterinary Hospital, 554 Ygnacio Valley Road, Walnut Creek 94596.

COLORADO

Colorado State University, Fort Collins 80521.
National Jewish Hospital, Division of Research, 3800 East Colfax Avenue, Denver 80206.
University of Colorado Medical Center, Animal Headquarters, 4200 East Ninth Street, Denver 80220.
University of Colorado School of Pharmacy, Boulder 80302.

CONNECTICUT

Connecticut College, Department of Psychology, New London 06320.
Hamilton Standard Division of United Aircraft Corp., Biomedical Systems Department, Attn.: Mr. Earl K. Moore, Windsor Locks 06096.
Hartford Hospital, 80 Seymour Street, Hartford 06115.
Saint Francis Hospital Research Laboratory, 114 Woodland Street, Hartford 06105.
Saint Vincent's Hospital, 2820 Main Street, Bridgeport 06606.
The Hospital of St. Raphael, 1450 Chapel Street, New Haven 06511.
The John B. Pierce Foundation of Connecticut, Inc., 290 Congress Avenue, New Haven 06519.
The University of Connecticut, Storrs 06268.
Yale University School of Medicine, 333 Cedar Street, New Haven 06510.

DELAWARE

Atlas Chemical Industries, Inc., Bio-Medical Research Department, Concord Pike and New Murphy Road, Wilmington 19899.
Delaware Poultry Laboratories, Inc., DuPont Highway, Millsboro 19966.
E. I. Du Pont De Nemours & Co., Haskell Laboratory for Toxicology & Industrial Medicine, Elkton Road, Newark 19711.
Stine Laboratory, E. I. Du Pont De Nemours & Co., Post Office Box 30, Newark 19711.

DISTRICT OF COLUMBIA

Children's Hospital of the District of Columbia, Research Foundation, 2125 13th Street NW., Washington, 20009.
Georgetown University, Animal Care Facility, 3900 Reservoir Road NW., Washington, 20007.
George Washington University, Washington, 20006.
Jackson Laboratories, 2612 28th Street NE., Washington, 20018.
National Canners Association, Research Laboratory, 1133 20th Street NW., Washington 20036.
Washington Hospital Center, George Hyman Memorial Research Building, 110 Irving Street NW., Washington, 20010.

FLORIDA

Bigger's Small Animal Hospital, 2833 South Fourth Street, Fort Pierce 33450.
Dawson Research Corp., 114 West Grant Avenue, Orlando 32806.
Florida State University, Tallahassee 32306.
Institute of Food and Agriculture Sciences, University of Florida, Gainesville 32601.
J. Hillis Miller Health Center and College of Medicine, Gainesville 32601.
Mount Sinai Hospital Research Laboratory, 4300 Alton Road, Miami Beach 33140.
University of Florida, Office of the President, Gainesville 32601.
University of Miami, Coral Gables 33124.

GEORGIA

Emory University School of Medicine, Atlanta 30322.
The Ferst Research Center, Piedmont Hospital, 1968 Peachtree Road NW., Atlanta 30309.
Medical College at Georgia, Augusta 30902.
Mercer University, Southern School of Pharmacy, 223 Walton Street NW., Atlanta 30303.
University of Georgia, Athens 30601.

HAWAII

The Zaret Foundation, Inc., Hawaiian Division, Room 206, 205 South Vineyard Street, Honolulu 96813.

IDAHO

Idaho State University, Pocatello 83201.

ILLINOIS

Abbott Laboratories, 1400 Sheridan Road, North Chicago 60064.
Argonne National Laboratory, 9700 South Cass Avenue, Argonne 60439.
Armour Pharmaceutical Co., Post Office Box 511, Kankakee 60901.

Arnar-Stone Laboratories, 601 East Kensington Road, Mount Prospect 60056.
Chicago College of Osteopathy, 1122 East 53d Street, Chicago 60615.
The Chicago Medical School, 710 South Wolcott Avenue, Chicago 60612.
Children's Memorial Hospital, 2300 Children's Plaza, Chicago 60614.
Cook County Graduate School of Medicine, 707 South Wood Street, Chicago 60612.
Edgewater Hospital, Research Laboratory, 5700 North Ashland, Chicago 60626.
Evanston Hospital, Research Laboratories, 2650 Ridge Avenue, Evanston 60201.
Galesburg State Research Hospital, Galesburg 61401.
General Foods Corp., c/o Gaines Research Kennels, Rural Route 3, St. Anne 60964.
George Williams College, division of Natural Science, 555 31st Street, Downers Grove 60515.
John A. Hartford Foundation, Hyperbaric Oxygen Unit, Lutheran General Hospital, 1775 Dempster, Park Ridge 60068.
Hektoen Institute for Medical Research of the Cook County Hospital, 627 South Wood Street, Chicago 60612.
IIT Research Institute, 10 West 35th Street, Chicago 60616.
Illinois Institute of Technology, 3300 South Federal Street, Chicago 60616.
Illinois State University, Normal 61761.
Industrial Bio-Test Laboratories, Inc., 1810 Frontage Road, Northbrook 60062.
Institute for Bio-Medical Research, American Medical Association, 535 North Dearborn Street, Chicago 60610.
Interscience Research Institute, Post Office Box 2580, Station A, Interstate Research Park, Champaign 61824.
Kendall Research Center, 411 Lake Zurich Road, Barrington 60010.
Lifestream Laboratories, Inc., Post Office Box 524, Libertyville 60048.
Loyola University, Stritch School of Medicine, Animal Care Department, 706 South Wolcott Avenue, Chicago 60612.
Michael Reese Hospital and Medical Center, 29th and Ellis, Chicago 60616.
Mount Sinai Hospital Medical Center, California Avenue at 15th Street, Chicago 60608.
National Dairy Products Corp., Research Farm, Box 143, Danville 61832.
Neisler Laboratories, Inc., Toxicology-Biochemistry Division, 1800 East Pershing, Decatur 62525.
Northwestern University, 619 Clark Street, Evanston 60201.
Nelson M. Percy Medical Research Foundation, Augustana Hospital, 411 West Dickens, Chicago 60614.
Presbyterian-St. Luke's Hospital, Animal Research Facility, 1753 West Congress Parkway, Chicago 60612.
Rosner-Hixson Laboratories, Division of Artnell Co., Inc., 7737 South Chicago Avenue, Chicago 60619.
St. Francis Hospital, Surgical Research Department, 355 Ridge Avenue, Evanston 60202.
St. John's Hospital Research Laboratories, 1111 North Lincoln Street, Springfield 62702.
G. D. Searle & Co., Box 5110, Chicago 60680.
Southern Illinois University, Carbondale 62901.
The Suburban Cook County Tuberculosis Sanitarium District, 55th and County Line Road, Hinsdale 60521.
Thompson Research Foundation, Route 1, Box 97, Monee 60449.
Travenol Laboratories, Inc., 6301 Lincoln Avenue, Morton Grove 60053.
The University of Chicago, 950 East 59th Street, Chicago 60637.
University of Illinois, Urbana 61801.
University of Illinois at Chicago Circle, 2833 University Hall, Chicago 60680.
University of Illinois at the Medical Center, 833 South Wood Street, Chicago 60612.
Wilson & Co., Inc., Research & Technical Division, 4200 South Marshfield Avenue, Chicago 60609.
Wilson Laboratories, division of Wilson, Pharmaceutical & Chemical Corp., 4221 South Western Boulevard, Chicago 60609.

INDIANA

Central Soya Co., Inc., Research, Feed Division, Decatur 46733.
Earlham College, Richmond 47374.
Eli Lilly & Co., 740 South Alabama, Indianapolis 46206.
Indiana University, Bloomington 47401.
Mead Johnson & Co., Mead Johnson Research Center, 2404 Pennsylvania Avenue, Evansville 47721.
Miles Laboratories, Inc., Therapeutics Research Laboratory, Elkhart 46514.
Purdue University, Purdue Research Foundation, Lafayette 47907.

IOWA

College of Osteopathic Medicine & Surgery, 720 Sixth Avenue, Des Moines 50309.
Diamond Laboratories, Inc., Post Office Box 863, Des Moines 50304.
Drake University, Des Moines 50311.
Iowa Methodist Hospital, Raymond Blank Memorial Hospital for Children, Younker Memorial Rehabilitation Center, 1200 Pleasant Street, Des Moines 50308.
Iowa State University, Ames 50010.
University of Iowa, Iowa City 52240.

KANSAS

Chemagro Corp., Post Office Box 4913, Hawthorn Road, Kansas City 64120.
Haver-Lockhart Laboratories, Post Office Box 390, Shawnee Mission 66201.
Jensen-Salsbery Laboratories, 520 West 21st Street, Kansas City 64141.
Laboratory Animal Care Committee, Kansas State University, Manhattan 66502.
National Laboratories, 1722 Main Street, Kansas City 64108.
The University of Kansas, Lawrence 66044.
University of Kansas Medical Center and School of Medicine, Rainbow Boulevard at 39th Street, Kansas City 66103.

KENTUCKY

University of Kentucky, Lexington 40506
University of Louisville, School of Medicine, 101 West Chestnut, Louisville 40202

LOUISIANA

Alton Ochsner Medical Foundation, Division of Research, 1520 Jefferson Highway, New Orleans 70121.
Gulf South Research Institute, Post Office Box 1177, New Iberia 70560.
Louisana State University System, Baton Rouge 70803.
Loyola School of Dentistry, Pharmacology Department, 6363 St. Charles Avenue, New Orleans 70118.
Touro Research Institute, 1400 Foucher Street, New Orleans 70115.
Tulane University, New Orleans 70116.

MAINE

The Jackson Laboratory, Bar Harbor 04609.
Maine Medical Center, 22 Bramhall Street, Portland 04102.

MARYLAND

Baltimore City Hospitals, Surgical Research Laboratories, 4940 Eastern Avenue, Baltimore 21224.
Eastawal Research Laboratory, 234 East 25th Street, Baltimore 21218.
Eye Research Foundation of Bethesda, 8710 Old Georgetown Road, Bethesda 20014.
Flow Laboratories, Inc., 12601 Twinbrook Parkway, Rockville 20852.
Hittman Associates, Inc., Post Office Box 810, Columbia 21043.
Huntington Research Center, Box 6857, Baltimore 21204.
The Johns Hopkins University, 34th and Charles Street, Baltimore 21218.
Mercy Hospital, Inc., Department of Surgery, 301 St. Paul Place, Baltimore 21201.
Microbiological Associates, Inc., 4733 Bethesda Avenue, Bethesda 20014.
Sacred Heart Hospital, 900 Seton Drive, Cumberland 21502.
St. Joseph Hospital, Research Laboratory, 7620 York Road, Baltimore 21204.
Sinai Hospital of Baltimore, Inc., Belvedere Avenue at Greenspring, Baltimore 21215.
University of Maryland, Baltimore City Campus, Baltimore 21201.
University of Maryland, College Park 20742.

MASSACHUSETTS

Astra Pharmaceutical Products, Inc., 7½ Neponset Street, Worcester 01606.
Avco Everett Research Laboratory, 2385 Revere Beach Parkway, Everett 02149.
Beth Israel Hospital Animal Unit, 330 Brookline Avenue, Boston 02215.
Boston University, 705 Commonwealth Avenue, Boston 02215.
Carney Hospital Research Laboratory, 2100 Dorchester Avenue, Boston 02124.
Children's Cancer Research Foundation, 35 Binney Street, Boston 02115.
Children's Hospital Medical Center, 300 Longwood Avenue, Boston 02115.
Clark University, 950 Main Street, Worcester 01610.
Harvard University, Cambridge 02138.
Howe Laboratory of Opthalmology, Harvard University Medical School, Massachusetts Eye and Ear Infirmary, 243 Charles Street, Boston 02114.
Lahey Clinic Foundation, 605 Commonwealth Avenue, Boston 02215.
Lemuel Shattuck Hospital, Department of Research, 170 Morton Street, Jamaica Plain 02130.
Arthur D. Little, Inc., 25 Acorn Park, Cambridge 02140.
Mason Research Institute, Inc., 21 Harvard Street, Worcester 01608.
Massachusetts College of Pharmacy, 179 Longwood Avenue, Boston 02115.
Masachusetts Eye and Ear Infirmary, 243 Charles Street, Boston 02114.
Massachusetts General Hospital, Boston 02114.
Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge 02139.
The Memorial Hospital Research Laboratory, 119 Belmont Street, Worcester 01605.
NEN Biomedical Assay Laboratories, 615 Albany Street, Boston 02118.
New England Medical Center Hospitals, 171 Harrison Avenue, Boston 02111.
Northeastern University, 360 Huntington Avenue, Boston 02115.
Peter Bent Brigham Hospital, 721 Huntington Avenue, Boston 02115.
Retina Foundation, Institute of Biological and Medical Sciences, 20 Staniford Street, Boston 02114.
St. Elizabeth's Hospital, Department of Research, 736 Cambridge Street, Brighton 02135.
St. Vincent Hospital, 25 Winthrop Street, Worcester 01610.
Sears Surgical Laboratory, Boston City Hospital, 818 Harrison Avenue, Boston 02118.
Thermo Electron Corp., 85 First Avenue, Waltham 02154.
Tufts University School of Medicine, 136 Harrison Avenue, Boston 02111.
Worcester Foundation for Experimental Biology, 222 Maple Avenue, Shrewsbury 01545.

MICHIGAN

Albion College, Albion 49224.
Animal Care Facility, Wayne State University, Detroit 48202.
Blodget Memorial Hospital, 1840 Wealthy SE., Grand Rapids 49506.
Bureau of Laboratories, Michigan Department of Public Health, 3500 North Logan, Lansing 48914.
Butterworth Hospital, 100 Michigan NE., Grand Rapids 49503.
Detroit Memorial Hospital, Unit of Det. Macomb Hospital Association, 1420 St. Antoine, Detroit 48226.
Detroit Osteopathic Hospital, 12523 Third Avenue, Detroit 48203.
The Dow Chemical Co., Midland 48640.
Ferris State College, Big Rapids 49307.
Flint Osteopathic Hospital, Department of Pathology, 3921 Beecher Road, Flint 48502.
W. D. Fryfogle Medical Research Laboratory, 715 Northland, Mile Medical Building, 15901 West 9 Mile Road, Southfield 48075.
Henry Ford Hospital and Edsel B. Ford Institute for Medical Research, 2799 West Grand Boulevard, Detroit 48202.
Hurley Hospital Research Facilities, Sixth Avenue and Begole, Flint 48502.
Ingham Medical Hospital, 401 West Greenlawn, Lansing 48910.
International Research & Development Corp., 900 Main Street, Mattawan 49071.
Lafayette Clinic, 951 East Lafayette, Detroit 48207.
Michigan State University, 1270 Giltner Hall, East Lansing 48823.
Mount Carmel Mercy Hospital, Animal Research Laboratory, 6071 West Outer Drive, Detroit 48235.
Northern Michigan University, Marquette 49855.
Parke, Davis & Co., G.P.O. Box 118, Detroit 48232.
Pontiac Medical Science Laboratories, Inc., 140 Elizabeth Lake Road, Pontiac 48053.
Providence Hospital, 16001 Nine Mile Road, Southfield 48075.
Riverside Osteopathic Hospital, 150 Truax Street, Trenton 48183.
St. Joseph Mercy Hospital, Research Laboratory, 326 North Ingalls, Ann Arbor 48104.
Sinai Hospital of Detroit, division of Research, 6767 West Outer Drive, Detroit 48235.
Space/Defense Corp., 1600 North Woodward, Birmingham 48011.
University of Detroit, School of Dentistry, 2985 East Jefferson, Detroit 48207.
University of Michigan, Ann Arbor 48104.
The Upjohn Co., 301 Henrietta Street, Kalamazoo 49001.
Wayne County General Hospital, Eloise 48132.

MINNESOTA

Kallestad Laboratories, Inc., 4005 Vernon Avenue, Minneapolis 55416.
Mayo Foundation, 200 First Street SW., Rochester 55901.
Minneapolis Medical Research Foundation, Inc., Hennepin County General Hospital, 619 South Fifth Street, Minneapolis 55415.
Minnesota Mining & Manufacturing Co., Central Research Laboratories, 2301 Hudson Road, St. Paul 55101.
Mount Sinai Hospital, 22d and Chicago Avenue, Minneapolis 55404.
North Star Research & Development Institute, 3100 38th Avenue South, Minneapolis 55406.
St. Joseph's Research Laboratory, 69 West Exchange Street, St. Paul 55102.
St. Mary's Hospital, Research Laboratory, 2414 South Seventh Street, Minneapolis 55406.
St. Paul-Ramsey Hospital, 640 Jackson Street, Saint Paul 55101.
University of Minnesota, Minneapolis 55455.

MISSISSIPPI

University of Mississippi Medical Center, 2500 North State Street, Jackson 39216.

MISSOURI

The Children's Mercy Hospital, 1710 Independence Avenue, Kansas City 64106.
The Curators of the University of Missouri, Columbia 65201.
Institute of Medical Education and Research, 1605 South 14th Street, St. Louis 63104.
The Jewish Hospital of St. Louis, 216 South Kingshighway Boulevard, St. Louis 63110.
Kansas City General Hospital & Medical Center, Research Animal Care Unit, 24th and Cherry Streets, Kansas City 64108.
Kirksville College of Osteopathy and Surgery, Kirksville 63501.
Mallinckrodt Chemical Works, Second and Mallinckrodt Streets, St. Louis 63160.
Midwest Research Institute, 425 Volker Boulevard, Kansas City 64114.
Missouri Institute of Psychiatry, 5400 Arsenal Street, St. Louis 63139.
Philips Roxane, Inc., 2621 North Belt Highway, St. Joseph 64502.
Ralston Purina Co., 835 South Sixth Street, St. Louis 63199.
Saint John's Mercy Hospital, Research Laboratory, 621 South New Ballas Road, St. Louis 63141.
Saint Louis College of Pharmacy, 4588 Parkview Place, St. Louis 63110.
Saint Louis University, 1402 South Grand Avenue, St. Louis 63104.
Scientific Associates, Inc., 6200 South Lindbergh, St. Louis 63123.
Washington University, Lindell and Skinker Boulevards, St. Louis 63130

MONTANA

University of Montana, Missoula 59801.

NEBRASKA

The Creighton University, School of Medicine, 657 North 27th Street, Omaha 68131.
Dellen, Inc., 2704 North 84th Street, Omaha 68134.
Elanco Products Co., 1124 Harney Street, Omaha 68102.
Harris Laboratories, Inc., 624 Peach Street, Post Office Box 427, Lincoln 68501.
University of Nebraska, 14th and R Streets, Lincoln 68508.

NEW HAMPSHIRE

Animal Research Facilities, Dartmouth Medical School, Medical Science Building, Hanover 03755.

NEW JERSEY

AME Associates, Post Office Box 57, Princeton 08540
Bio/dynamics, Inc., Post Office Box 43, East Millstone 08873.
Biological Science Laboratories, Foster D. Snell, Inc., 800 Dowd Avenue, Elizabeth 07021.
Bristol-Meyers Products, 225 Long Avenue, Hillside 07205.
Campbell Soup Co., Research Institute, 375 Memorial Avenue, Camden 08101.
CIBA Pharmaceutical Co., Division of CIBA Corp., 556 Morris Avenue, Summit 07901.
Colgate-Palmolive Co., 909 River Road, Piscataway 08854.
Cyanamid Foundation for Agricultural Development, Post Office Box 400, Princeton 08540.
Division of Laboratories, New Jersey Department of Health, Box 1540, Trenton 08625.
Ethicon Research Foundation, U.S. Highway 22, Somerville 08876.
Fairleigh Dickinson University, Dental Research Building, 1000 River Road, Teaneck 07666.
Hackensack Hospital, Cardio Pulmonary, Animal Laboratory, Hospital Place, Hackensack 07601.
Hoffman-LaRoche, Inc., 340 Kingsland Street, Nutley 07110.
Hospital Center at Orange, Cardiac Research Laboratory, 188 South Essex Avenue, Orange 07051.
Johnson & Johnson Research Foundation, Route 1, New Brunswick 08903.
K–G Laboratories, Inc., 3651 Hill Road, Parsippany 07054.
Leberco Laboratories, 123 Hawthorne Street, Rosell Park 07204.
Merck & Co., Inc., 126 East Lincoln Avenue, Rahway 07065.
Middlesex General Hospital, 180 Somerset Street, New Brunswick 08901.
Monmouth Medical Center, Department of Physiology & Clinical Research, 3d and Pavilion Avenues, Long Branch 07740.
Newark Beth Israel Hospital, 201 Lyons Avenue, Newark 07112.
New Jersey College of Medicine and Dentistry, 24 Baldwin Avenue, Jersey City 07306.
New Jersey Mental Health Research & Development Fund, Post Office Box 25, Skillman 08558.
Ortho Research Institute, U.S. Highway 202, Raritan 08869.
Passaic General Hospital, Research Laboratory, 350 Boulevard, Passaic 07055.
Rutgers, The State University, New Brunswick 08903.
St. Barnabas Medical Center, Old Short Hills Road, Livingston 07039.
St. Michael Hospital, Research Laboratory, 306 High Street, Newark 07102.
Sandoz Pharmaceuticals, division of Sandoz, Inc., Research Department, Hanover 07936.
Schering Corp., 60 Orange Street, Bloomfield 07003.
Smith, Miller & Patch, 401 Joyce Kilmer Avenue, New Brunswick 08902.
South Mountain Laboratories, Inc., 487 Valley Street, Maplewood 07040.
E. R. Squibb & Sons, Inc., 745 Fifth Avenue, New York 10022, and New Brunswick, N.J. 08903.
The Trustees of Princeton University, Office of Research & Project Administration, New South Building, Princeton 08540.
Warner-Lambert Research Institute, 170 Tabor Road, Morris Plains 07950.
Wells Laboratories, Inc., 25–27 Lewis Avenue, Jersey City 07306.

NEW MEXICO

Los Alamos Scientific Laboratory, Post Office Box 1663, Los Alamos 87544.
The Lovelace Foundation for Medical Education and Research, 5200 Gibson Boulevard SE., Albuquerque 87108.
The University of New Mexico, Albuquerque 87106.

NEW YORK

Agway Research Laboratory, 777 Warren Road, Ithaca 14850.
Albany Medical College, 47 New Scotland Avenue, Albany 12206.
American Cyanimid Co., Lederle Laboratories Division, North Middletown Road, Pearl River 10965.
Beth Israel Medical Center, 10 Nathan D. Perlman Place, New York 10003.
Biochemex Laboratories, Inc., 1271 Hempstead Turnpike, Elmont, N.Y. 11003.
Booth Memorial Hospital, Main Street at Booth Memorial Avenue, Flushing 11355.
Bristol Laboratories, Division of Bristol-Myers Co., Post Office Box 657, Syracuse 13201.
Brooklyn College of Pharmacy, 600 Lafayette Avenue, Brooklyn 11216.

Burroughs Wellcome & Co. (USA), Inc., Wellcome Research Laboratories, 1 Scarsdale Road, Tuckahoe 10707.
Carter-Wallace, Inc., 2 Park Avenue, New York 10016.
Chas. Pfizer & Co., Inc., 235 East 42d Street, New York 10017.
Cornell University, Ithaca 14850.
Cornell University Medical College, 1300 York Avenue, New York 10021.
E. J. Meyer Memorial Hospital, 462 Grider Street, Buffalo 14215.
Endo Laboratories, 1000 Stewart Avenue, Garden City 11533.
Food & Drug Research Laboratories, Inc., Maurice Avenue at 58th Street, Maspeth 11378.
Geigy Chemical Corp., Geigy Research Division, Ardsley 10502.
Grasslands Hospital, Valhalla 10595.
Health Research, Inc., 84 Holland Avenue, Albany 12208
Heart Lung Laboratory at Wilson Memorial Hospital, Johnson City 13790.
Institute for Muscle Disease, Inc., 515 East 71st Street, New York 10021.
Isaac Albert Research Institute, Jewish Chronic Disease Hospital, 86 East 49th Street, Brooklyn 11203.
Jewish Hospital and Medical Center of Brooklyn, 555 Prospect Place, Brooklyn 11238.
Lenox Hill Hospital, 100 East 77th Street, New York 10021.
Maimonides Medical Center, 4802 10th Avenue, Brooklyn 11219.
Manhattan Eye, Ear, and Throat Hospital, 210 East 64th Street, New York 10021.
Masonic Medical Research Laboratory, Bleecker Street, Utica 13501.
Millard Fillmore Hospital, 3 Gates Circle, Buffalo, 14209.
Misericordia Hospital, 600 East 233d Street, Bronx 10466.
Montefiore Hospital & Medical Center, 111 East 210 Street, Bronx 10467.
Nassau Hospital, First Street, Mineola 11501.
Neisler Laboratories, Inc., Sterling Forest Research Center, Post Office Box 433, Tuxedo 10987.
New York Medical College, Fifth Avenue at 106th Street, New York 10029.
New York State Department of Mental Hygiene, Office of Research, 44 Holland Avenue, Albany 12208.
New York State Health Department, division of Laboratories and Research, New Scotland Avenue, Albany 12201.
North Shore Hospital, Valley Road, Manhasset, Long Island 11030.
Queens Hospital Center, 82–68 164th Street, Jamaica 11432.
Rensselaer Polytechnic Institute, Troy 12181.
Research Institute for Skeletomuscular Disease of the Hospital for Joint Disease & Medical Center, 1919 Madison Avenue, New York 10035.
Revlon Research Center, Inc., 945 Zerega Avenue, Bronx 10473.
Richardson-Merrell, Inc., 122 East 42d Street, New York 10017.
St. Barnabas Hospital, 183d Street and Third Avenue, Bronx 10457.
St. Luke's Hospital Center, Amsterdam Avenue at West 114th Street, New York 10025.
St. Vincent's Hospital and Medical Center of New York, 153 West 11th Street, New York 10011.
Sisters of Charity Hospital, 2157 Main Street, Buffalo 14214.
Sloan-Kettering Institute for Cancer Research, 410 East 68th Street, New York 10021.
South Shore Analytical & Research Laboratories, Inc., 148 Islip Avenue, Islip 11751.
Sterling-Winthrop Research Institute, division of Sterling Drug, Inc., Columbia Turnpike, Rensselaer 12144.
Strasenburgh Laboratories, 755 Jefferson Road, Rochester 14623.
Syracuse University, 261 Marshall Street, Syracuse 13210.
The American Museum of Natural History, Central Avenue West at 79th Street, New York 10024.
The Animal Medical Center, 510 East 62d Street, New York 10021.
The Bronx-Lebanon Hospital Center, 1276 Fulton Avenue, Bronx 10456.
The Brookdale Hospital Center, Brookdale Plaza, Brooklyn 11212.
The Brooklyn Hospital, 121 DeKalb Avenue, Brooklyn 11201.
The Buffalo General Hospital, 100 High Street, Buffalo 14203.
The L. G. H. Laboratory, Mercy Hospital Association, 1000 North Village Avenue, Rockville Centre 11570.
The Long Island College Hospital, 340 Henry Street, Brooklyn 11201.
The Mary Imogene Bassett Hospital, Atwell Road, Cooperstown 13326.
The Medical Foundation of Buffalo, 73 High Street, Buffalo 14203.
The Norwich Pharmacal Co., Post Office Box 191, Norwich 13815.
The Rockefeller University, York Avenue at 66th Street, New York 10021.
The Roosevelt Hospital, 428 West 59th Street, New York 10019.
The Trustees of Columbia University in the City of New York, Box 20, Lowe Memorial Library, New York 10027.
University of Rochester, River Boulevard, Rochester 14627.
USV Pharmaceutical Corp., division of Pharmacology, 26 Vark Street, Yonkers 10701.
Waldemar Medical Research Foundation, Sunnyside Boulevard, Woodbury 11797.
Yeshiva University, 55 Fifth Avenue, New York 10003.

NORTH CAROLINA

Behavior Systems, Inc., 2008 Hillsboro Street, Raleigh 27607.
Duke University, Durham 27706.
North Carolina State University at Raleigh, Raleigh 27607.
Research Triangle Institute, Post Office Box 12194, Research Triangle Park 27709.
University of North Carolina, Chapel Hill 27514.
University of North Carolina at Charlotte, Department of Biology, Charlotte 28205.
Wake Forest University, Winston-Salem 27109.

NORTH DAKOTA

North Dakota State University of Agriculture and Applied Science, Fargo 58102.
University of North Dakota, Grand Forks 58201.

OHIO

Akron City Hospital, 525 East Market Street, Akron 44309.
Battelle Memorial Institute, Columbus Laboratories, 505 King Avenue, Columbus 43201.
Bio/Toxicological Research Associates, Division of Acres, Inc., 553 North Broadway Street, Spencerville 45887.
Bowling Green State University, Bowling Green 43402.
Case Western Reserve University, University Circle, Cleveland 44106.
The Children's Hospital Research Foundation, Elland Avenue and Bethesda, Cincinnati 45229.
Children's Hospital Research Foundation, 561 South 17th Street, Columbus 43205.
The Cleveland Clinic Foundation, 2020 East 93d Street, Cleveland 44120.
Cleveland Metropolitan General Hospital, 3395 Scranton Road, Cleveland 44109.
Cleveland Psychiatric Institute, 1708 Aiken Avenue, Cleveland 44109.
Cox Coronary Heart Institute, 3525 Southern Boulevard, Kettering 45429.
Fairview General Hospital, 18101 Lorain Avenue, Cleveland 44111.
Fels Research Institute, Yellow Springs 45387.
Good Samaritan Hospital, Animal Research Laboratory, 3217 Clifton Avenue, Cincinnati 45220.
Highland View Hospital, 3901 Ireland Drive, Cleveland 44122.
Hill Top Research, Inc., Miamiville 45147.
Hoechst Pharmaceutical Co., division of American Hoechst Corp., 1385 Tennessee Avenue, Cincinnati 45229.
Institute of the Medical Research of the Toledo Hospital, 2805 Oatis Avenue, Toledo 43606.
Kent State University, Kent 44240.
Miami University, Office of the President, Oxford 45056.
Mt. Sinai Hospital, University Circle, Cleveland 44106.
Oberlin College, Department of Psychology, Oberlin 44074.
The Ohio State University, 190 North Oval Drive, Columbus 43210.
Proctor & Gamble Co., Post Office Box 39175, Cincinnati 45239.
Riverside Methodist Hospital, Medical Research Foundation, 3535 Olentangy River Road, Columbus 43214.
St. Joseph's Hospital, Research Laboratory, West 20th Street and Broadway, Lorain 44052.
St. Luke's Hospital Association of Cleveland of the Methodist Church, 11311 Shaker Boulevard, Cleveland 44104.
St. Vincent Charity Hospital, Research Division, 2351 East 22d Street, Cleveland 44115.
The University of Akron, Akron 44304.
University of Cincinnati, Clifton Avenue, Cincinnati 45221.

OKLAHOMA

Oklahoma City University, 2501 North Blackwelder, Oklahoma City 73106.
Oklahoma Medical Research Foundation, 825 Northeast 13th Street, Oklahoma City 73104.
Oklahoma State University of Agriculture and Applied Science, Stillwater 74074.
Southwestern State College, Weatherford 73096.
University of Oklahoma Medical Center, University of Oklahoma Medical School, 800 Northeast 13th Street, Oklahoma City 73104.

OREGON

E. Laboratories, 1954 Northwest Pettygrove, Portland 97209.
Neurophysiology Research Laboratory, 1015 Northwest 22d Avenue, Portland 97210.
Optometry Department, Pacific University, Forest Grove 97116.
Oregon State University, Corvallis 97331.
Portland State College, Post Office Box 751, Portland 97207.
University of Oregon Dental School, 611 Southwest Campus Drive, Portland 97201.
University of Oregon Medical School, 3181 Southwest Sam Jackson Park Road, Portland 97201.

PENNSYLVANIA

Albert Einstein Medical Center, York and Tabor Roads, Philadelphia 19141.
Allegheny General Hospital, 320 East North Avenue, Pittsburgh 15212.
American Electronic Laboratories, Inc., Post Office Box 552, Lansdale 19446.
Carnegie-Mellon University, 4400 Fifth Avenue, Pittsburgh 15213.
The Children's Hospital of Philadelphia, 1740 Bainbridge Street, Philadelphia 19146.
The Contributors to the Pennsylvania Hospital, Eighth and Spruce Streets, Philadelphia 19107.

Donald Guthrie Foundation for Medical Research, 200 South Wilbur Avenue, Sayre 18840.
Drexel Institute of Technology, 32d and Chestnut Streets, Philadelphia 19104.
Duquesne University of the Holy Ghost, Pittsburgh 15219.
Eastern Pennsylvania Psychiatric Institution, Henry Avenue and Abbotsford, Philadelphia 19129.
The Hahnemann Medical College and Hospital of Philadelphia, 230 North Broad Street, Philadelphia 19102.
Institute for Medical Education and Research, The Geisinger Medical Center, Danville 17821.
The Jefferson Medical College of Philadelphia, 1025 Walnut Street, Philadelphia 19107.
Lankenau Hospital, division of Research, Lancaster and City Line Avenues, Philadelphia 19151.
LaWall & Harrison Research Laboratories, Inc., 1921 Walnut Street, Philadelphia 19103.
McNeil Laboratories, Inc., Camp Hill Road, Fort Washington 19034.
Mercy Hospital of Pittsburgh, 1400 Locust Street, Pittsburgh 15219.
Montefiore Hospital, 3459 Fifth Avenue, Pittsburgh 15213.
The Pennsylvania State University, 207 Old Main, University Park 16802.
Philadelphia College of Osteopathic Medicine, 48th and Spruce Streets, Philadelphia 19139.
Philadelphia College of Pharmacy & Science, 43d Street and Kingsessing Avenue, Philadelphia 19104.
Philadelphia General Hospital, 34th Street and Civic Center Boulevard, Philadelphia 19104.
Presbyterian-University of Pennsylvania Medical Center, 51 North 39th Street, Philadelphia 19104.
William H. Rorer, Inc., Research Division, 500 Virginia Drive, Fort Washington 19034.
Sacred Heart Hospital, Fourth and Chew Streets, Allentown 18102.
Smith, Kline & French Laboratories, 1500 Spring Garden Street, Philadelphia 19101.
Temple University of the Commonwealth System of Higher Education, Broad and Montgomery Streets, Philadelphia 19122.
University Health Center of Pittsburgh, Scaife Hall of the Health Professions, Terrace and DeSoto Street, Pittsburgh 15213.
University of Pennsylvania, 101 College Hall, Philadelphia 19104.
The Western Pennsylvania Hospital, 4800 Friendship Avenue, Pittsburgh 15224.
Westinghouse Electric Corp., Research & Development Center, Beulah Road, Churchill Borough, Pittsburgh 15235.
Women's Medical College of Pennsylvania, 3300 Henry Avenue, Philadelphia 19129.
Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia 19101.

PUERTO RICO

Department of Experimental Surgery, School of Medicine, University District Hospital, Caparra Heights 00935.
University of Puerto Rico, School of Medicine and Dentistry, School of Tropical Medicine, San Juan 00904.

RHODE ISLAND

Brown University, Brown Station, 79 Waterman Street, Providence 02912.
The Miriam Hospital, 164 Summit Avenue, Providence 02906.
Our Lady of Fatima Hospital, High Service Avenue, North Providence 02908.
Rhode Island Hospital, 593 Eddy Street, Providence 02903.
University of Rhode Island, Kingston 02881.

SOUTH CAROLINA

Medical College of South Carolina, 80 Barre Street, Charleston 29401.

SOUTH DAKOTA

South Dakota State University, Brookings 57006.
The University of South Dakota, Vermillion 57069.

TENNESSEE

Division of Animal Care, Vanderbilt University, School of Medicine, Station 17, Nashville 37203.
The S. E. Massengill Co., 501 Fifth Street, Bristol 37620.
Meharry Medical College, 1005 18th Avenue, Nashville 37208.
Oak Ridge Associated University, Medical Division, Post Office Box 117, Oak Ridge 37830.
The University of Tennessee, Knoxville 37916.

TEXAS

Alcon Laboratories, Inc., Post Office Box 1959, Fort Worth 76101.
Bandy Laboratories, Inc., Post Office Box 727, Temple 76501.
Baylor University College of Medicine, Texas Medical Center, 1200 Moursund Avenue, Houston 77025.
Baylor University Medical Center, 3500 Gaston Avenue, Dallas 75246.
Callier Hearing & Speech Center, 1966 Inwood Road, Dallas 75235.
College of Veterinary Medicine, Texas A. & M. University, College Station 77843.
Hermann Hospital, Texas Medical Center, Houston 77023.
Pico-Laboratories, Inc., 8222 Broadway, San Antonio 78209.
Psychology Department, University of Texas at Arlington, Arlington 76010.
St. Anthony's Hospital, 735 North Polk Street, Amarillo 79102.
St. Joseph's Hospital, Surgical Research Laboratory, 1919 LaBranch, Houston 77002.
St. Paul Hospital, 5909 Harry Hines, Dallas 75235.
Scott & White Memorial Hospital and Scott, Sherwood, and Brindley Foundation, 2401 South 31st Street, Temple 76501.
Southwest Foundation for Research and Education, Post Office Box 2296, 10000 West Commerce, San Antonio 78206.
Southwest Research Institute, 8500 Culebra Road, San Antonio 78206.
Technology, Inc., Life Sciences Division, 8531 North New Braunfels Avenue, San Antonio 78217.
Texas Research Institute of Mental Sciences, Texas Medical Center, 1300 Moursund, Houston 77025.
Trinity University, 715 Stadium Drive, San Antonio 78212.
University of Houston, 3801 Cullen Boulevard, Houston 77004.
University of Texas, M. D. Anderson Tumor Institute, 6723 Bertner Avenue, Houston 77025.
University of Texas at Austin, Austin 78712.
University of Texas Dental Branch, Post Office Box 20068, Houston 77025.
University of Texas Medical Branch, Galveston 77550.
University of Texas Medical School at San Antonio, 715 Stadium Drive, San Antonio 78212.
University of Texas Southwestern Medical School at Dallas, 5323 Harry Hines Boulevard, Dallas 75235.
Martin J. Wagner, Ph. D., Baylor University College of Dentistry, 800 Hall Street, Dallas 75226.

UTAH

University of Utah, University Avenue at Second Street, Salt Lake City 84112.
Utah State University, Logan 84321.
College of Biological & Agricultural Sciences, Brigham Young University, 106 Heber J. Grant Building, Provo 84601.

VERMONT

University of Vermont & State Agricultural College, Burlington 05401.

VIRGINIA

Bionetics Research Laboratories, Inc., 101 West Jefferson Street, Falls Church 22046.
Hazelton Laboratories, Inc., Post Office Box 30, Falls Church 22046.
Medical College of Virginia, Animal Research Division, 12th and Broad Streets, Richmond 23219.
Melpar, Inc., 7700 Arlington Boulevard, Falls Church 22046.
A. H. Robins Co., Inc., Research Laboratories, 1211 Sherwood Avenue, Richmond 23220.
University of Virginia, Charlottesville 22903.
Virginia Polytechnic Institute, Blacksburg 24061.
Woodard Research Corp., 12310 Pinecrest Road, Post Office Box 405, Herndon 22070.

WASHINGTON

Enzomedic Laboratories, Inc., 126 Southwest 157th, Seattle 981 6.
Pacific Northwest Laboratories, division of Battelle Memorial Institute, Post Office Box 999, Richland 99352.
Pacific Northwest Research Foundation, 1102 Columbia Street, Seattle 98104.
Providence Hospital Research Center, 528 18th Avenue, Seattle 98122.
Virginia Mason Research Center, 1202 Terry Avenue, Seattle 98101.
Vivarium Facility, University of Washington, East 610 Health Sciences Building, Seattle 98105.
Washington State University, Laboratory Animal Units, Pullman 99163.

WEST VIRGINIA

West Virginia University, Morgantown 26506.

WISCONSIN

Allen-Bradley Medical Science Laboratory, 8700 West Wisconsin Avenue, Milwaukee 53226.
Central Wisconsin Colony & Training School, 317 Knutson Drive, Madison 53704.
Colgate-Palmolive Co., Lakeside Laboratories Division, 1707 East North Avenue, Milwaukee 53201.
Marquette University, School of Medicine, 561 North 15th Street, Milwaukee 53233.
The Regents of the University of Wisconsin, 750 University Avenue, Madison 53706.
Wisconsin Alumni Research Foundation, 506 North Walnut, Post Office Box 2037, Madison 53701.

Done at Washington, D.C., this 26th day of August 1968.

E. E. SAULMON,
Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 68-10573; Filed, Aug. 30, 1968; 8:49 a.m.]

Packers and Stockyards Administration

CATTLEMEN'S LIVESTOCK MARKET ET AL.

Proposed Posting of Stockyards

The Acting Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

Cattlemen's Livestock Market, Galt, Calif.
Dukes Brothers Stockyard, Eden, Md.
Riverside Stockyards, Inc., Monticello, Miss.
Condon's Auction Market, Cherry Creek, N.Y.
Oconee County Livestock Auction, Westminster, S.C.
North Houston Livestock Auction, Houston, Tex.
Palestine Livestock Commission Company, Palestine, Tex.

Notice is hereby given, therefore, that the said Acting Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Acting Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after publication in the FEDERAL REGISTER.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 27th day of August 1968.

G. H. HOPPER,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 68-10579; Filed, Aug. 30, 1968; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

AMERICAN PRESIDENT LINES, LTD.

Notice of Application for Approval of Certain Cruises

Notice is hereby given that American President Lines, Ltd., has applied for approval pursuant to section 613 of the Merchant Marine Act, 1936, as amended, of the following cruises:

Ship	Cruise dates 1969	Itinerary
President Cleveland	Jan. 10-Mar. 14	San Francisco, Los Angeles, Honolulu, Papeete, Pago Pago, Suva, Aukland, Sydney, Port Moresby, Bali, Singapore, Hong Kong, Manila, Guam, Honolulu, San Francisco.
President Roosevelt	June 9-June 25	Los Angeles, San Francisco, Seattle, Vancouver, Ketchikan, Juneau, Victoria, Los Angeles, San Francisco.
Do	June 26-June 29	San Francisco to sea and return to San Francisco.
Do	June 30-July 8	San Francisco, Seattle, Vancouver, Victoria, San Francisco.
Do	Aug. 22-Sept. 1	Los Angeles, San Francisco, Seattle, Vancouver, Victoria, San Francisco.
Do	Oct. 17-Jan. 14, 1970	San Francisco, Los Angeles, Acapulco, Balboa, Cristobal, Kingston, Port Everglades, Bermuda, Ponta Delgada, Lisbon, Casablanca, Dakar, Capetown, Durban, Mombassa, Port Victoria (Seychelles), Bombay, Colombo, Singapore, Hong Kong, Kobe, Yokohama, Honolulu, San Francisco.
President Cleveland	Dec. 20-Feb. 21, 1970	San Francisco, Los Angeles, Honolulu, Papeete, Pago Pago, Suva, Aukland, Sydney, Port Moresby, Bali, Singapore, Hong Kong, Manila, Guam, Honolulu, San Francisco.
President Wilson	Dec. 23-Jan. 4, 1970	San Francisco, Los Angeles, Acapulco, Los Angeles, San Francisco.
	Cruise dates 1970	
President Roosevelt	Jan. 17-Apr. 20	San Francisco, Los Angeles, Honolulu, Yokohama, Kobe, Hong Kong, Singapore, Colombo, Bombay, Port Victoria (Seychelles), Mombasa, Durban, Capetown, Dakar, Casablanca, Lisbon, London, Bermuda, Port Everglades, Kingston, Cristobal, Balboa, Acapulco, Los Angeles, San Francisco.
Do	Apr. 23-May 5	San Francisco, Los Angeles, Acapulco, Los Angeles, San Francisco.

Any person, firm or corporation having any interest, within the meaning of section 613 of the Merchant Marine Act, 1936, as amended, in the foregoing who desires to offer data, views, or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20235, by the close of business on September 18, 1968.

In the event an opportunity to present oral argument is also desired, specific reason for such request should be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

By order of the Maritime Subsidy Board.

Dated: August 28, 1968.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 68-10583; Filed, Aug. 30, 1968; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

AGREEMENT BETWEEN ATOMIC ENERGY COMMISSION AND STATE OF IDAHO

Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State

Notice is hereby given that Wilfred E. Johnson, Commissioner, on behalf of the Atomic Energy Commission, and the Honorable Don Samuelson, Governor of the State of Idaho, have signed the Agreement below for discontinuance of certain Commission regulatory authority. The Agreement is published in accordance with the requirements of Public Law 86-373 (Section 274 of the Atomic Energy Act of 1954, as amended). The exemptions from the licensing requirements of Chapters 6, 7, and 8 of the Atomic Energy Act are contained in Part 150 of the Commission's regulations (10 CFR Part 150) which was published in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; September 22, 1965, 30 F.R. 12069; and March 19, 1966, 31 F.R. 4668.

Dated at Washington, D.C., this 28th day of August 1968.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary.

AGREEMENT BETWEEN THE U.S. ATOMIC ENERGY COMMISSION AND THE STATE OF IDAHO FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, The U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, The Governor of the State of Idaho is authorized under sections 39-3001 through 39-3019, Idaho Code (as passed by the Legislature in 1967) to enter into this Agreement with the Commission; and

Whereas, The Governor of the State of Idaho certified on May 28, 1968, that the State of Idaho (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, The Commission found on July 24, 1968, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, The State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, The Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas, This Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended:

Now, therefore, It is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

Article I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

Article II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

Article III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article IV. This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issues rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

Article V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

Article VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

Article VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

Article VIII. This Agreement shall become effective on October 1, 1968, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

Done at Boise, State of Idaho, in triplicate, this 15th day of August 1968.

For the U.S. Atomic Energy Commission.

[SEAL] WILFRID E. JOHNSON,
Commissioner.

For the State of Idaho.

[SEAL] DON SAMUELSON,
Governor.

[F.R. Doc. 68-10539; Filed, Aug. 30, 1968; 8:46 a.m.]

[Docket No. 50-293]

BOSTON EDISON CO.

Notice of Issuance of Provisional Construction Permit

Notice is hereby given that, pursuant to the Initial Decision of the Atomic Safety and Licensing Board, dated August 26, 1968, the Director of the Division of Reactor Licensing has issued Provisional Construction Permit No. CPPR-49 to Boston Edison Co. for the construction of a single cycle, forced circulation, boiling water nuclear reactor, designated as the Pilgrim Nuclear Power Station, on the applicant's site in the town of Plymouth, Plymouth County, Mass. The reactor is designed for initial operation at approximately 1,912 megawatts (thermal).

A copy of the Initial Decision is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 26th day of August 1968.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 68-10540; Filed, Aug. 30, 1968; 8:46 a.m.]

[Docket No. 50-130]

NORTHERN STATES POWER CO.

Order Extending License Expiration Date

By Application Amendment No. 44, dated August 6, 1968, Northern States Power Co. requested an extension of the expiration date of Facility License No. DPR-11. The license authorizies the applicant to possess and operate the Pathfinder Atomic Plant located in Sioux Falls, S. Dak.

Good cause having been shown for extension of said date pursuant to § 50.57 (d) of 10 CFR Part 50 of the Commission's regulations, it is hereby ordered that the expiration date of Provisional Operating License No. DPR-11 is extended to March 12, 1970.

Date of issuance: August 16, 1968.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 68-10541; Filed, Aug. 30, 1968; 8:47 a.m.]

[Docket No. 50-73]

GENERAL ELECTRIC CO.

Nuclear Test Reactor; Notice of Issuance of Facility License Amendment

The Atomic Energy Commission has issued Amendment No. 8, effective as of the date of issuance and as set forth below, to Facility License No. R-33. Facility License No. R-33 authorizes General Electric Co. ("the licensee") to operate its Nuclear Test Reactor (the "NTR") located at its Vallecitos Nuclear Center (VNC) in Alameda County, Calif.

This amendment authorizes General Electric to receive, possess, and use in the Experimental Cell of the NTR the materials authorized by Special Nuclear Material License No. SNM-960 in accordance with an application dated May 8, 1968. The amendment also adds a revised § 8.0 to the Technical Specifications of Facility License No. R-33.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amendment may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's "Rules of Practice", 10 CFR, Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this amendment, see (1) the application dated May 8, 1968, and (2) the related Safety Evaluation prepared by the Division of Reactor Licensing, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 20th day of August 1968.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

FACILITY LICENSE AMENDMENT

[License No. R-33 Amdt. No. 8]

The Atomic Energy Commission having found that:

a. The application for license amendment dated May 8, 1968, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

b. There is reasonable assurance that the activities authorized by this license, as amended, can be conducted at the designated location without endangering the health and safety of the public;

c. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and

d. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

Facility License No. R-33, as amended, is hereby further amended in the following manner:

1. Revise item (8) of subparagraph 2.B. to read: "100 grams of plutonium in experimental devices".

2. Add a new subparagraph 2.F. as follows:

Pursuant to the Act and Title 10, Chapter 1, CFR, Part 70, "Special Nuclear Material", to receive, possess and use in the Experimental Cell of the NTR the materials authorized by Special Nuclear Material License No. SNM-960, as amended (Docket No. 70-754). The use of these materials in the Experimental Cell shall be subject to the conditions contained in License No. SNM-960 and the attached [1] revised section 8.0 of the Technical Specifications (Appendix A) to Facility License No. R-33.

This amendment is effective as of the date of issuance.

For the Atomic Energy Commission.

Date of issuance: August 20, 1968.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 68-10520; Filed, Aug. 30, 1968; 8:45 a.m.]

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

CIVIL AERONAUTICS BOARD

[Docket 20098; Order 68-8-109]

ALBANY AIR SERVICE, INC.

Order To Show Cause

AUGUST 26, 1968.

Issued under delegated authority.

The Postmaster General filed a notice of intent August 12, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 43.5 cents per great circle aircraft mile for the transportation of mail by aircraft between Valdosta and Atlanta via Albany, Ga.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft Model 18 twin-engine aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Albany Air Service, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Valdosta and Atlanta via Albany, Ga., shall be 43.5 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14 (f),

It is ordered, That:

1. Albany Air Service, Inc., the Postmaster General, Eastern Air Lines, Inc., and Southern Airways, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Albany Air Service, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Albany Air Service, Inc., the Postmaster General, Eastern Air Lines, Inc., and Southern Airways, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 68-10564; Filed, Aug. 30, 1968; 8:49 a.m.]

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in section 385.14(g).

[Docket 19967; Order 68-8-114]

FRONTIER AIRLINES, INC.

Application for Amendment of Its Certificate of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of August 1968.

On June 19, 1968, Frontier Airlines, Inc., filed an application pursuant to Subpart M of the Rules of Practice for removal or modification of condition 6(a) of its certificate for route 73 so as to permit nonstop service between Denver, Colo., and Salt Lake City, Utah.[1] United Air Lines, Inc., and Western Air Lines, Inc., filed answers opposing Frontier's application. Frontier has filed a consolidated reply controverting each answer.

Upon consideration of the foregoing pleadings and all the relevant facts, the Board has determined that there is sufficient basis for setting Frontier's application for hearing.

Accordingly, it is ordered, That:

The application of Frontier Airlines, Inc., in Docket 19967, be and it hereby is set down for hearing before an examiner of the Board at a time and place hereafter designated.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 68-10565; Filed, Aug. 30, 1968; 8:49 a.m.]

[1] The Board did not take action to summarily dismiss the application within the 10-day period prescribed in § 302.1305(a) and consequently the provisions of Subpart M became automatically applicable.

[Docket 19570 etc.]

MARTIN'S LUCHTVERVOER MAATSCHAPPIJ N. V.

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 18, 1968, at 10 a.m., e.d.s.t., Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., August 27, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 68-10566; Filed, Aug. 30, 1968; 8:49 a.m.]

[Docket 20097; Order 68-8-108]

SOUTHEAST AIRLINES, INC.

Order To Show Cause

AUGUST 26, 1968.

Issued under delegated authority.

The Postmaster General filed a notice of intent August 12, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 53 cents per great circle aircraft mile for the transportation of mail by aircraft between Rocky Mount, N.C., and Charlotte, N.C., via Raleigh, N.C.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft, Model D-18 twin-engine aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Southeast Airlines, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Rocky Mount, N.C., and Charlotte, N.C., via Raleigh, N.C., shall be 53 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f); *It is ordered*, That:

1. Southeast Airlines, Inc., the Postmaster General, United Air Lines, Inc., Eastern Air Lines, Inc., and Piedmont Aviation, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Southeast Airlines, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Southeast Airlines, Inc., the Postmaster General, United Air Lines, Inc., Eastern Air Lines, Inc., and Piedmont Aviation, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 68-10567; Filed, Aug. 30, 1968; 8:49 a.m.]

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Authorization for System Foreign Currency Operations

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below paragraph 1B(3) of the Committee's Authorization for System Foreign Currency Operations, as amended at its meeting on May 28, 1968.

1. The Federal Open Market Committee authorizes and directs the Federal Reserve Bank of New York, for System Open Market Account, to the extent necessary to carry out the Committee's foreign currency directive:

* * * * *

B. To hold foreign currencies listed in paragraph A above, up to the following limits:

* * * * *

(3) Sterling purchased on a covered or guaranteed basis in terms of the dollar, under agreement with the Bank of England, up to $300 million equivalent.

NOTE: For remainder of paragraph 1 of the authorization, see 33 F.R. 3665; for paragraph 2, see 33 F.R. 9045; for paragraph 3, see 33 F.R. 8470; and for paragraphs 4 through 10, see 32 F.R. 9583.

Dated at Washington, D.C., the 23d day of August 1968.

By order of the Federal Open Market Committee.

ARTHUR L. BROIDA,
Assistant Secretary.

[F.R. Doc. 68-10523; Filed, Aug. 30, 1968; 8:45 a.m.]

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive of May 28, 1968

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on May 28, 1968.[1]

The information reviewed at this meeting indicates that the very rapid increase in overall economic activity is being accompanied by persisting inflationary pressures. There has been little or no growth on average in bank credit and time and savings deposits over the past 2 months, although the money supply has expanded considerably as U.S. Government deposits have declined. In recent weeks both short- and long-term interest rates have risen sharply on balance from their earlier advanced levels, partly in reaction to shifting expectations with regard to the likelihood of fiscal restraint. There has been some revival of speculative activity in the private gold market and in foreign exchange markets. The U.S. foreign trade balance and overall payments position continue to be a matter of serious concern. In this situation, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to resistance of inflationary pressures and attainment of reasonable equilibrium in the country's balance of payments, while taking account of the potential for severe pressures in financial markets if fiscal restraint is not forthcoming.

To implement this policy, System open market operations until the next meeting of the Committee shall be conducted with a view to maintaining firm conditions in the money market: *Provided, however,* That operations shall be modified if bank credit appears to be deviating significantly from current projections or if unusual pressures should develop in financial markets.

Dated at Washington, D.C., the 23d day of August 1968.

By order of the Federal Open Market Committee.

ARTHUR L. BROIDA,
Assistant Secretary.

[F.R. Doc. 68-10524; Filed, Aug. 30, 1968; 8:45 a.m.]

FEDERAL OPEN MARKET COMMITTEE

Foreign Currency Directive

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below paragraph 4 of the Committee's Foreign Currency Directive, as amended at its meeting on May 28, 1968.

4. Unless otherwise expressly authorized by the Committee, transactions in forward exchange, either outright or in conjunction with spot transactions, may be undertaken only (i) to prevent forward premiums or discounts from giving rise to disequilibrating movements of short-term funds; (ii) to minimize speculative disturbances; (iii) to supplement existing market supplies of forward cover, directly or indirectly, as a means of encouraging the retention or accumulation of dollar holdings by private foreign holders; (iv) to allow greater flexibility in covering System or Treasury commitments, including commitments under swap arrangements, and to facilitate operations of the Stabilization Fund; (v) to facilitate the use of one currency for the settlement of System or Treasury commitments denominated in other currencies; and (vi) to provide cover for System holdings of foreign currencies.

NOTE: For remainder of Directive see 32 F.R. 9583.

Dated at Washington, D.C., the 23d day of August 1968.

By order of the Federal Open Market Committee.

ARTHUR L. BROIDA,
Assistant Secretary.

[F.R. Doc. 68-10525; Filed, Aug. 30, 1968; 8:45 a.m.]

[1] The Record of Policy Actions of the Committee for the meeting of May 28, 1968, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 402-1]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

AUGUST 28, 1968.

Pursuant to §§ 1.227(b)(3) and 21.26 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., Applicant, Call Sign, and Nature of Application

5809-C2-P-68—The Ohio Bell Telephone Co.; (New); C.P. for a new one-way-signaling station. Frequency: 152.84 MHz. Locations: Location No. 1—739 South Broadway Avenue, Bedford, Ohio. Location No. 2—20-22 West Bagley Road, Berea, Ohio. Location No. 3—7411 Chippewa Road, Brecksville, Ohio. Location No. 4—13630 Lorain Avenue, Cleveland, Ohio. Location No. 5—16351 Brookpark Road, Brookpark, Ohio. Location No. 6—1424 Argonne Road, South Euclid, Ohio. Location No. 7—12223 St. Clair Avenue, Cleveland, Ohio. Location No. 8—7207 Valley View Road, Independence, Ohio. Location No. 9—3445 Richmond Road, Beachwood, Ohio. Location No. 10—750 Huron Road, Cleveland, Ohio. Location No. 11—7225 Broadway Avenue, Cleveland, Ohio. Location No. 12—14090 Ridge Road, North Royalton, Ohio. Location No. 13—25900 Lakeland Boulevard, Euclid, Ohio. Location No. 14—4314 State Road, Cleveland, Ohio. Location No. 15—14001 Pearl Road, Strongsville, Ohio. Location No. 16—24150 Lorain Road, North Olmstead, Ohio. Location No. 17—7205 Southington Drive, Parma, Ohio. Location No. 18—15715 Chagrin Boulevard, Shaker Heights, Ohio.

5810-C2-P-68—Blue Circle Radio Pocket Paging Corp.; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 59 Maiden Lane, New York, N.Y.

5811-C2-P-68—Blue Circle Radio Pocket Paging Corp.; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 277 Park Avenue, New York, N.Y.

5812-C2-P-68—Rhinelander Telephone Co.; (New); C.P. for a new one-way-signaling station. Frequency: 152.84 MHz. Location: 45 North Stevens, Rhinelander, Wis.

5813-C2-P-68—New Jersey Bell Telephone Co.; (New); C.P. for a new one-way-signaling station. Frequency: 158.10 MHz. Locations: Location No. 1—75 Passaic Street, Rochelle Park, N.J. Location No. 2—1253 Inwood Terrace, Fort Lee, N.J. Location No. 3—Paterson-Hamburg Turnpike, W/O Benwell Avenue, Wayne Township, N.J. Location No. 4—330 State Highway No. 10, Whippany, N.J. Location No. 5—490 Prospect Avenue, West Orange, N.J. Location No. 6—63 Bloomfield Avenue, Newark, N.J. Location No. 7—773 Summit Avenue, Jersey City, N.J. Location No. 8—1196 East Grand Street, Elizabeth, N.J. Location No. 9—544 Springfield Avenue, Summit, N.J. Location No. 10—0.85 mile west of Iselin, N.J.

5814-C2-P-68—The Lincoln Telephone and Telegraph Co.; (KAA589); C.P. to add frequency 152.84 MHz to provide tone-only radio paging service at its station location No. 1: 1440 M Street, Lincoln, Nebr.

5815-C2-P-68—Redwood Radiotelephone Corp.; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: Round Top Peak, near Oakland, Calif.

5816-C2-MP-68—Anserphone, Inc.; (KQK714); Modification of C.P. to change frequency from 35.22 MHz to 152.24 MHz at its station Central Tower Building, Market and East Federal Streets, Youngstown, Ohio.

5817-C2-MP-68 Anserphone, Inc.; (KQK722); Modification of C.P. to change frequency from 35.22 MHz to 152.24 MHz at its station 106 East Market Street, Warren, Ohio.

5818-C2-P-68—Allen C. Moore, doing business as Moore's Service; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 2600 Cass Street, Fort Wayne, Ind.

6040-C2-P-68—The Ohio Bell Telephone Co.; (New); C.P. for a new one-way-signaling station. Frequency: 152.84 MHz. Locations: Location No. 1—121 Huron Street, Toledo, Ohio. Location No. 2—Approximately ¾ mile north of intersection of Route 23 and Eckel Road, Perrysburg, Ohio. Location No. 3—2406 Glendale, Toledo, Ohio. Location No. 4—2142 North Cove, Toledo, Ohio. (Toledo City Hospital.) Location No. 5—Approximately ¼ mile east of intersection of Stickney Avenue and Matzinger Road, Toledo, Ohio. Location No. 6—Approximately ⅛ mile southwest of the intersection of Lee Street and Jessie Court, Toledo, Ohio.

6041-C2-P-68—The Chesapeake and Potomac Telephone Company of Virginia; (New); C.P. for a new one-way-signaling station. Frequency: 158.10 MHz. Location: 703 East Grace Street, Richmond, Va.

6042-C2-P-68—The Chesapeake and Potomac Telephone Company of Virginia; (New); C.P. for a new one-way-signaling station. Frequency: 158.10 MHz. Location: 120 West Bute Street, Norfolk, Va.

6043-C2-P-68—The Southern New England Telephone Co.; (New); C.P. for a new one-way-signaling station. Frequency: 158.10 MHz. Location: 55 Trumbull Street, Hartford, Conn.

6044-C2-P-68—Pattersonville Telephone Co.; (New); C.P. for a new one-way-signaling station. Frequency: 152.84 MHz. Location: Approximately 1 mile southwest of Rotterdam Junction, N.Y.

6140-C2-P-68—Joseph N. Thomason; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 3126 West Hood Avenue, Kennewick, Wash.

6385–C2–P–68—Mobile Communications Service, Inc.: (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 431 Greenleaf Road, Portland, Oreg.
6454–C2–P–68—Anserfone, Inc.; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 417 Gardenia Street, West Palm Beach, Fla.
6495–C2–P–68—Billie White; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: Vermillion at Jefferson Streets, Lafayette, La.
6500–C2–P–68—Area-Wide Paging System, Inc.; (KQK593); C.P. to add 152.24 MHz one-way-signaling channel at its station Terminal Tower Building, Cleveland, Ohio.
6510–C2–P–68—All City Telephone Answering Service, Inc.; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 606 West Wisconsin Avenue, Milwaukee, Wis.
6555–C2–P–68—L. Frank Stewart, doing business as Stewart Electronics; (KSJ811); C.P. to change antenna system; replace base transmitter (one-way-signaling) and change frequency from 35.22 MHz to: 152.24 MHz at its station 2424 West Skyline Drive, Champaign, Ill.
46–C2–P–69—Jack Loperena; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 3 miles east of Auberry, Calif. Also requests authority for a standby transmitter at this site. Control frequency 75.76 MHz to be located at location No. 2: 235 North Fresno Street, Fresno, Calif.
47–C2–P–69—Mobile Radio Systems Ltd.; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 500 East Monroe Street, Springfield, Ill.
101–C2–P–69—Ratel Communications Co.; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 813 Eighth Street, Wichita Falls, Tex.
182–C2–P–69—Electronic Engineering Co.; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 1100 Keosauqua Street, Des Moines, Iowa.
183–C2–P–69—Business Communications, Inc.; (New); C.P. for a new one-way-signaling station. Frequency: 158.70 MHz. Location: 4446 West Pine Boulevard, St. Louis, Mo., also requests authority to install standby transmitter.
252–C2–P–69—Dr. Peter A. Bakal; (KED364); C.P. to change antenna, replace transmitter and change frequency 35.22 MHz to 152.24 MHz at its one-way-signaling station on Crawford Road, 5 miles northwest of Schenectady, N.Y.
253–C2–P–69—Robert F. Ryder, doing business as Radio Paging Service; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 0.9 mile east-southeast of State Penitentiary, Table Rock, Idaho.
254–C2–P–69—American Radio-Telephone Service, Inc.; (New); C.P. for a new one-way-signaling station. Frequency: 158.70 MHz. Location No. 1: Corner of Charles and Fayette Streets, Baltimore, Md., and Location No. 2: 1 Investment Place, Towson, Md.
494–C2–P–69—The Redco Corp. and Roy M. Teel and Lowry McKee, doing business as Mobilfone; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: Lookout Mountain, 4 miles southwest of Tulsa, Okla.
495–C2–P–69—The Redco Corp. and Roy M. Teel and Lowry McKee, doing business as Mobilfone; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 1030 Southeast 64th Street, Oklahoma City, Okla.
496–C2–P–69—Edward H. Jackson, Jr., doing business as Ark-La-Tex Mobile Radio Service; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 416 Travis Street, Shreveport, La.
801–C2–P–69—Instant Communications, Inc.; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 424 Book Building, 1249 Washington Boulevard, Detroit, Mich.
783–C2–P–69—Instant Communications, Inc.; (KQD303); C.P. to replace 35.22 MHz facilities with 158.70 MHz at its station located 424 Book Building, 1249 Washington, Boulevard, Detroit, Mich. (1-way-signaling).
766–C2–P–69—Mobile Radio Communications, Inc.; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 901–923 Main Street, Kansas City, Mo.
767–C2–P–69—Mobile Radio Communications, Inc.; (New); C.P. for a new one-way-signaling station. Frequency: 158.70 MHz. Location: 922 Linwood Street, Kansas City, Mo.
849–C2–P–69—Rockford Communications Co., Inc.; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 321 West State Street, Rockford, Ill.
860–C2–P–69—Redwood Radiotelephone Corp.-Marin; (KMM090); C.P. to add 158.70 MHz at its one-way-signaling station northeast slope of San Rafael Hill, 10 feet east of Robert Dollar Road, San Rafael, Calif.

6179–C2–P–68—American Radio-Telephone Service, Inc.; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 711 14th Street NW., Washington, D.C.
6180–C2–P–68—American Radio-Telephone Service, Inc.; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 5302 River Road, Bethesda, Md.
6190–C2–P–68—Certified Telephone Answering Service; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: Chase Park Plaza, 220 North Kings Highway, St. Louis, Mo.
6191–C2–P–68—The Chesapeake and Potomac Telephone Company of Maryland; (New); C.P. for a new one-way-signaling station. Frequency: 158.10 MHz. Locations: Location No. 1—10 Light Street, Baltimore, Md. Location No. 2—3913 Cold Spring Lane, Baltimore, Md. Location No. 3—3711 York Road, Baltimore, Md. Location No. 4—5005 Frankford Avenue, Baltimore, Md. Location No. 5—6736 Holabird Avenue, Baltimore, Md. Location No. 6—2177 Albemarle Road, Brooklyn, N.Y. Location No. 7—4505 Leeds Avenue, Baltimore, Md. Location No. 8—100 York Road, Baltimore, Md.
6193–C2–P–68—New York Telephone Co.; (New); C.P. for a new one-way-signaling station. Frequency: 152.84 MHz. Locations: Location No. 1—140 West Street, New York, N.Y. Location No. 2—350 Fifth Avenue, New York N.Y. Location No. 3—193 Manhattan Avenue, New York, N.Y. Location No. 4—260 Audubon Avenue, New York, N.Y. Location No. 5—1106 Hoe Avenue, Bronx, N.Y. Location No. 6—3060 Cruger Avenue, Bronx, N.Y. Location No. 7—101 Willoughby Street, Brooklyn, N.Y. Location No. 8—2177 Albemarle Road, Brooklyn, N.Y. Location No. 9—82–23 Broadway, Elmhurst, N.Y. Location No. 10—125–10 Queens Boulevard, Kew Gardens, N.Y. Location No. 11—Northeast corner of Bogert and Browning Avenue, Staten Island, N.Y.
6183–C2–P–68—Joseph N. Thomason; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: On Bally Hill seven-eighths of a mile north-northwest of Felts Field, Spokane Municipal Airport, Spokane, Wash.
6262–C2–P–68—Waco Communications, Inc.; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 1200 block of North 46th Street, Waco, Tex.
6263–C2–P–68—M. O. Bobes, doing business as Mobile Telephone Service of Wheeling, W. Va.; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: Rural Delivery No. 1, Sunset Heights, Bridgeport, Ohio.
6284–C2–P–68—Cincinnati Radio Telephone Systems, Inc.; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: Eighth and Matson Avenues. (WJBI-FM), Cincinnati, Ohio.
6376–C2–P–68—Edward C. Smith, doing business as Answerite Professional Telephone Service; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: Park Plaza Hotel, 431 East Central Boulevard, Orlando, Fla.
6377–C2–P–68—The Bell Telephone Company of Pennsylvania; (New); C.P. for a new one-way-signaling station. Frequency: 152.84 MHz. Locations: Location No. 1—4224 Mount Troy Road, Pittsburgh, Pa. Location No. 2—2607 Skyline Drive West Mifflin, Pa. Location No. 3—416 Seventh Avenue, Pittsburgh, Pa. Location No. 4—University Drive, Pittsburgh, Pa. Location No. 5—Penn Avenue and Brinker Street, Wilkinburg, Pa. Location No. 6—McRoberts Road, Castle Shannon, Pa. Location No. 7—Route 60 at Campbells Run Road, Robinson Township, Pa. Location No. 8—Logan's Ferry Road, Plum Township, Pa. Location No. 9—Fox Chapel Road, Indiana Township, Pa. Location No. 10—Saunders Station Road (LR–02188), Monroeville, Pa.
6378–C2–P–68—Lad Radio Systems, Inc.; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: South Clinton Avenue at Midtown Towers, Rochester, N.Y.
6383–C2–P–68—The Bell Telephone Company of Pennsylvania; (New); C.P. for a new one-way-signaling station. Frequency: 152.84 MHz. Locations: Location No. 1—PSFS, 12th and Market Streets, Philadelphia, Pa. Location No. 2—Chestnut Hill 8318 Germantown Avenue, Philadelphia, Pa. Location No. 3—Orchard, 2210 Lott Street, Philadelphia, Pa. Location No. 4—Jefferson, 4608 Leiper Street, Philadelphia, Pa. Location No. 5—Willow Grove, 239 York Road, Willow Grove, Pa. Location No. 6—7200 Chestnut Street, Upper Darby, Pa. Location No. 7—28 South Chester Park, Glenolden, Pa.
6384–C2–P–68—The Bell Telephone Company of Pennsylvania: (New); C.P. for a new one-way signaling station. Frequency: 152.84 MHz. Locations: Location No. 1—210 Pine Street, Harrisburg, Pa. Location No. 2—3.5 miles northwest of Enola, Pa. Location No. 3—Hilton Street, 1.7 miles west of center of Hummelstown and 285' north of U.S. Route 422, Hummelstown, Pa.

895–C2–P–69—William Garrett Driskell; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: WKLS–FM Tower, Barnes Mill Road, Marietta, Ga.
939–C2–P–69—The Redco Corp. and Roy M. Teel, and Lowry McKee, doing business as Mobilfone; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 1108 J Street, Lawton, Okla.
940–C2–P–69—The Redco Corp. and Roy M. Teel, and Lowry McKee, doing business as Mobilfone; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 1.3 miles south-southwest of Junction U.S. Highway 271 and State Highway 9 South, Fort Smith, Ark.
1021–C2–P–69—Telephone Secretarial Service; (New); C.P. for a new one-way-signaling station. Frequency: 158.70 MHz. Location: 1180 Raymond Boulevard, Newark, N.J.

[F.R. Doc. 68–10489; Filed, Aug. 30, 1968; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3909]

BSF CO.

Order Suspending Trading

AUGUST 27, 1968.

The capital stock (66⅔ cents par value) and the 5¾ percent convertible subordinated debentures due 1969 of BSF Co. being listed and registered on the American Stock Exchange, and such capital stock being listed and registered on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the said capital stock on such exchanges and in the debenture on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 28, 1968, through September 8, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68–10543; Filed, Aug. 30, 1968; 8:47 a.m.]

[70–4665]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Proposed Acquisition of Securities Issued by Nonassociate

AUGUST 27, 1968.

Notice is hereby given that Consolidated Gas Supply Corp. ("Consolidated Gas") 445 West Main Street, Clarksburg, W. Va. 26301, a wholly owned subsidiary company of Consolidated Natural Gas Co., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 9(c)(3) thereof as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Consolidated Gas proposes to acquire promissory notes to be issued by Town & Country Villages of Bridgeport, Inc. ("Town & Country"), a nonassociate and nonutility company. The total amount of the notes to be acquired will be $51,000 in face amount, with interest at 8 percent per annum, to be executed by Town & Country, and two of its stockholders, Lenard Gottieb and David J. Harmer. The notes will be payable to Consolidated Gas 2 years after the date of issue, which is proposed to be September 16, 1968. It is stated that the proposed transaction does not meet all the exemption requirements of Rule 40(a)(2) and therefore an order pursuant to section 9(c)(3) is requested.

Consolidated Gas owns and operates natural gas distribution properties in central and northern West Virginia, including Harrison County, wherein Bridgeport is located. Consolidated Gas, as of June 30, 1968, had net utility plant assets of approximately $369,400,000, operating revenue from gas sales of approximately $287 million, and net income of approximately $16,145,000.

Town & Country was incorporated in West Virginia on April 26, 1968, for the purpose of acquiring a 53-acre tract of land located in Harrison County and developing the land as a residential area. Town & Country holds an option to purchase the land on or before November 2, 1968 for $150,000, to be financed by secured purchase-money notes issued to the present owner. Town & Country intends to construct, for sale, 200 rental housing units over a period of 4 years, which will be constructed according to standards established by The Federal Housing Administration and has arranged with Federal National Mortgage Association for funds to finance the construction of the homes. It is stated that additional funds are needed to finance construction of the streets, sewers and water systems and that Town & Country proposes to finance such construction by the sale to Consolidated Gas of its promissory notes in the face amount $51,000.

Consolidated Gas desires to assist in the development of Harrison County and represents that the housing development will stimulate the economy of Harrison County. Consolidated Gas will extend its existing gas pipeline system into the 53-acre tract and expects to acquire a substantial number of new customers.

The expenses to be incurred in connection with the proposed transactions are estimated at $500 consisting of travel and related expenses of house counsel for Consolidated Gas. The filing states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 18, 1968, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68–10544; Filed, Aug. 30, 1968; 8:47 a.m.]

[70–4667]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Principal Amount of First Mortgage Bonds

AUGUST 27, 1968.

Notice is hereby given that Jersey Central Power & Light Co. ("Jersey Central") Madison Avenue at Punch Bowl Road, Morristown, N.J. 07960, an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application,

which is summarized below, for a complete statement of the proposed transaction.

Jersey Central proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $26 million principal amount of first mortgage bonds, ___ percent series due 1998. The interest rate (which will be a multiple of one-eighth of 1 percent and the price, exclusive of accrued interest (which will be not less than 100 percent) nor more than 102.75 percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under an indenture dated as of March 1, 1946, between Jersey Central and First National City Bank, successor trustee, as heretofore supplemented and as to be further supplemented by a 15th supplemental indenture to be dated as of October 1, 1968.

The proceeds from the sale of the bonds will be employed for the purpose of financing Jersey Central's business as a public utility, including the reimbursement of its treasury for construction expenditures prior to January 1, 1968, and the payment of a portion of its short-term bank loans outstanding at the date of sale of the bonds, estimated to be $29,500,000. At August 14, 1968, outstanding short-term bank loans amounted to $24,300,000. The company's 1968 construction program is estimated at approximately $57 million.

The fees and expenses to be paid by Jersey Central in connection with the issue and sale of the bonds are estimated at $78,000, including counsel fees of $21,000 and accountants' fees of $5,200. Fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

It is stated that the Board of Public Utility Commissioners of New Jersey has jurisdiction over the proposed issue and sale of bonds by Jersey Central and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 17, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F.R. Doc. 68-10545; Filed, Aug. 30, 1968; 8:47 a.m.]

[70-4447]

MILLSTONE POINT CO. AND NORTHEAST UTILITIES

Notice of Posteffective Amendment Regarding Proposed Performance of Supplemental Plant Operating Agreement for Associate Companies by Subsidiary Company

AUGUST 27, 1968

Notice is hereby given that Northeast Utilities ("Northeast"), 70 Federal Street, Boston, Mass. 02110, a registered holding company, and its wholly owned subsidiary company, the Millstone Point Co. ("Millstone"), Post Office Box 270, Hartford, Conn. 06101 have filed with this Commission, pursuant to the provisions of section 13(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 86, 87(a)(2) and (a)(3), and 88 promulgated thereunder, a posteffective amendment to the joint application-declaration in this matter. All interested persons are referred to the said application-declaration, which is summarized below, for a complete statement of the proposed transactions.

The Connecticut Light and Power Co., the Hartford Electric Light Co., and Western Massachusetts Electric Co., all of which are electric-utility subsidiary companies of Northeast, have contracted for the design and construction of a nuclear electric generating unit with initial net capability of 550,000 kilowatts on a site in Waterford, Conn. ("first unit"), which the three utility companies ("Owners") will own jointly as tenants in common, with undivided interests of 53 percent, 28 percent, and 19 percent, respectively ("ownership percentages"), and be entitled to amounts of its net electric capability which correspond to their respective ownership percentages.

By order dated March 20, 1967 (Holding Company Act Release No. 15691), this Commission authorized Millstone to enter into an operating agreement dated June 30, 1966, with the Owners ("initial agreement"), pursuant to the terms of which, the Owners appointed Millstone as their agent with authority, among other things, to act for them in all matters respecting the design, construction, procurement of fuel, operation, and maintenance of the first unit.

The Owners have scheduled construction of a second nuclear generating unit ("second unit") at the Waterford site having a net electric capability of approximately 800,000 kilowatts and scheduled for commercial operation in 1974. The percentages of ownership of the Owners in the second unit are the same, respectively, as in the first unit.

In accordance with the aforesaid posteffective amendment, the Owners and Millstone have entered into a supplement to the operating agreement dated as of December 1, 1967, ("supplemental agreement") which provides that Millstone will act as agent for the Owners with respect to the second unit in the same manner as with the first unit and that the terms of the initial agreement, to the extent appropriate, will be applicable in all respects to the second unit and the rights and obligations of the parties with respect thereto. The term of the supplemental agreement, with certain exceptions, continues for the useful life of the second unit, and Millstone's activities with respect thereto are not expected to increase its capital requirements.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $250, and it is represented that no consent or approval of any State Commission or Federal commission, other than this Commission, is required in respect of the proposed transactions.

The applicants-declarants request that the said joint application-declaration, as heretofore amended and as amended by the said post-effective amendment, be granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule 24 promulgated under the Act and the following additional term and condition to which the applicants-declarants have expressly consented:

No change not specifically contemplated by the application-declaration, as amended, in the organization of Millstone, the type and character of the companies for which it performs services, the method of allocating costs to associate companies, or in the scope or character of services rendered, shall be made unless and until Millstone shall first have given the Commission written notice of such proposed change not less than 60 days prior to the proposed effectiveness of any such change. If, upon the receipt of any such notice, the Commission within the 60-day period shall notify Millstone that a question exists as to whether the aforesaid proposed change is consistent with the provisions of section 13 of the Act, or of any rule, regulation or order thereunder, the proposed change shall not become effective unless and until Millstone shall have filed with the Commission an appropriate declaration with respect to such proposed change, and the Commission shall have permitted such declaration to become effective.

Notice is further given that any interested person may, not later than September 13, 1968, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service thereof (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application-declaration, as filed and amended or as it may be further amended, may be granted and permitted to become effective in the manner provided by Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F.R. Doc. 68-10547; Filed, Aug. 30, 1968; 8:47 a.m.]

LEEDS SHOES, INC.

Order Suspending Trading

AUGUST 27, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Leeds Shoes, Inc., Tampa, Fla., and all other securities of Leeds Shoes, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 28, 1968, through September 6, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F.R. Doc. 68-10546; Filed, Aug. 30, 1968; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 679]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 27, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 44639 (Sub-No. 26 TA), filed August 22, 1968. Applicant: SAM MAITA AND IRVING LEVIN, a partnership, doing business as L. & M. Express Co., 220 Ridge Road, Lyndhurst, N.J. 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between Crewe, Va., on the one hand, and, on the other, Wilson, N.C. NOTE: Applicant states the authority sought therein is to be tacked and combined with all authorized operations in MC 44639, for 150 days. Supporting shipper: Fun "n" Fads, Inc., 1359 Broadway, New York, N.Y. 10018. Send protests to: District Supervisor, Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 78786 (Sub-No. 273 TA), filed August 22, 1968. Applicant: PACIFIC MOTOR TRUCKING COMPANY, a corporation, 9 Main Street, San Francisco, Calif. 94105. Applicant's representative: R. K. Booth (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Casa Grande, Ariz., and junction Florence Road and Arizona Highway 86, over Florence Road, serving all intermediate and off-route points within an area of 10 miles on each side of the above-described route. NOTE: Applicant states it intends to interline with other carriers and to tack with its present authority at Casa Grande, Ariz., for 180 days. Supporting shippers: The Trane Co., Post Office Box 18456, 5200 West 4700 South, Salt Lake City, Utah 84110; Dunham-Bush, Inc., 3057 West Fairmont Avenue, Phoenix, Ariz. 85017; Authorized Supply of Arizona, Inc., Post Office Box 6027, 1734 North 22d Avenue, Phoenix, Ariz. 85005; Reynolds Electrical & Engineering Co., Inc., 2970 East Aviation, Tucson, Ariz. 85713; Graybar Electric Co., Inc., Graybar Building, 1700 North 22d Avenue, Phoenix, Ariz. 85009. Send protests to: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 113784 (Sub-No. 31 TA), filed August 23, 1968. Applicant: CANAL CARTAGE (1968) LIMITED, 36 James Street South, Hamilton, Ontario, Canada. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ilmenite*, in bulk, from the port of entry on the Niagara River at Buffalo, N.Y., on the international boundary line between the United States and Canada, to Marcus Hook, Pa., for 150 days. Supporting shipper: Oceanic Process Corp., 120 Wall Street, New York, N.Y. 10005. Send protests to: George M. Parker, Interstate Commerce Commissioner, Bureau of Operations, District Supervisor, 121 Ellicott Street, Room 518, Buffalo, N.Y. 14203.

No. MC 114533 (Sub-No. 167 TA), filed August 23, 1968. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Proofs, cuts, copy, and other graphic arts material*, between Evanston, Ill., on the one hand, and, on the other, Hannibal, Mo., and Racine, Wis., for 150 days. Supporting shipper: Harper & Row, Publishers, School Department, Evanston, Ill. 60201. Send protests to: Mr. Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 115181 (Sub-No. 11 TA), filed August 23, 1968. Applicant: HAROLD M. FELTY, INC., Rural Delivery No. 1, Pine Grove, Pa. 17963. Applicant representative: Jack A. Linton, 541 Penn Street, Reading, Pa. 19601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete masonry units, including glazed concrete masonry units*, on vehicles equipped with mechanical unloading devices, from the Borough of Media, Delaware County, Pa., to points in New York, Connecticut, New Jersey, Delaware, Maryland, Massachusetts,

Rhode Island, Virginia, and the District of Columbia, and *damaged or refused shipments* of same on return, for 180 days. Supporting shipper: Samson Industries, Inc., Media, Pa. 19063. Send protests to: Paul J. Kenworthy, District Supervisor, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 115876 (Sub-No. 20 TA), filed August 22, 1968. Applicant: ERWIN HURNER, 2605 South Rivershore Drive, Moorhead, Minn. 56560. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, frozen foods, and beverages*, in shipper-owned trailers, from Fargo, N. Dak., to Aberdeen, S. Dak., for 180 days. Supporting shipper: Cass-Clay Creamery, Inc., 200 North 20th Street, Fargo, N. Dak. 58102. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1621 South University Drive, Room 213, Fargo, N. Dak. 58102.

No. MC 117765 (Sub-No. 66 TA), filed August 23, 1968. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Salt and Salt Products*, in bag or bulk, from Oklahoma City, Okla., to points in Oklahoma, having prior out of State movement by rail, for 180 days. Supporting shipper: Morton Salt Co., 6175 The Pasdo, Kansas City, Mo. 84110. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 118816 (Sub-No. 3 TA) (Correction), filed August 14, 1968, published FEDERAL REGISTER issue August 22, 1968 and republished as corrected, this issue. Applicant: MATERIALS TRANSPORT SERVICE, INC., Box 98 Whitehall, Pa. 18052. Applicant's representative: E. E. Taylor (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from Elizabeth, N.J., to points in New York, New Jersey, and Connecticut, for 180 days. NOTE: Applicant intends to tack with MC 118816. The purpose of this republication is to reflect the correct docket number as MC 118816—Sub 3 TA, in lieu of MC 118816 Sub 2 TA, as shown in previous publication. Supporting shipper: Martin Marietta, 277 Park Avenue, New York, N.Y. 10017. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 128247 (Sub-No. 8 TA), filed August 23, 1968. Applicant: BURSAL TRANSPORT, INC., Rural Route 1, Bunker Hill, Ind. 46914. Applicant's representative: Warren C. Moberly, 1212 Fletcher Trust Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured and processed clay*, from Paris, Tenn.; Olmstead, Ill.; Ripley, Miss.; Cairo, Ga.; and Quincy, Fla., to points in Kentucky, Ohio, Indiana, Illinois, Michigan, Missouri, Pennsylvania, Wisconsin, Iowa, Oklahoma, West Virginia, Virginia, and Tennessee, and *equipment, materials and supplies* used in processing or manufacturing clay on return, for 180 days. Supporting shippers: Oil-Dri Corporation of America, 520 North Michigan Avenue, Chicago, Ill. 60611, Southern Clay, Inc., Cassopolis, Michigan. Send protests to: District Supervisor, J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 Wayne Street, Fort Wayne, Ind. 46802.

No. MC 129455 (Sub-No. 1 TA), filed August 22, 1968. Applicant: CARRETTA TRUCKING INC., 70 Canal Street, Jersey City, N.J. 07302. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Swimming pools, swimming pool parts, accessories, and supplies, and garden sheds, and radiator enclosures*, for the account of Quaker City Industries, of Carlstadt, N.J., from Carlstadt and Paterson, N.J., to points in Georgia, Florida, South Carolina, North Carolina, Maryland, Delaware, Connecticut, Rhode Island, Massachusetts, Arlington, and Fairfax Counties, Va., the District of Columbia, and those points in that part of Pennsylvania east of the Susquehanna River; (2) *Materials used in the manufacture of garden sheds*, from McKeesport, Pa., to Paterson, N.J., for 180 days. Supporting shippers: Quaker City Industries, Inc., 99 Kero Road, Carlstadt, N.J. 07072. Send protests to: District Supervisor, W. J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 129522 (Sub-No. 4 TA), filed August 22, 1968. Applicant: QUALITY CARRIERS OF INDIANA, INC., 100 South Calumet Street, Post Office Box 339, Burlington, Wis. 53105. Applicant's representative: Fred H. Figge (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonalcoholic beverages*, (1) from Munster, Ind., to Davenport and Dubuque, Iowa; and (2) from Kenosha, Wis., to Davenport and Dubuque, Iowa; Bowling Green, Elizabethtown, and Owensboro, Ky., and Bryan and Cincinnati, Ohio, for 180 days. Supporting shippers: Pepsi-Cola General Bottlers, Inc., 1745 North Kolmar Avenue, Chicago, Ill., 60639 (A. J. Croce, Purchasing Agent). Send protest to: District Supervisor, Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 129522 (Sub-No. 5 TA), filed August 22, 1968. Applicant: QUALITY CARRIERS OF INDIANA, INC., 100 South Calumet Street, Post Office Box 339, Burlington, Wis. 53105. Applicant's representative: Fred H. Figge (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonalcoholic beverages*, from Munster, Ind., to Alton, Bloomington, Champaign, Decatur, East St. Louis, Jacksonville, Joliet, Matoon, Milan, Moline, Peoria, Robinson, Rockford, Rock Island, Springfield, and Taylorville, Ill., St. Louis, Mo., and Bryan and Cincinnati, Ohio, for 180 days. Supporting shipper: Pepsi-Cola General Bottlers, Inc., 1745 North Kolmar Avenue, Chicago, Ill. 60639 (A. J. Croce, Purchasing Agent). Send protests to: District Supervisor, Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 129974 (Sub-No. 1 TA), filed August 22, 1968. Applicant: THOMPSON BROS., INC., Toronto, S. Dak. 57268. Applicant's representative: Eugene Thompson, Pres. (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used electrical supplies, such as used transformers, used regulators and used miscellaneous electrical supplies*, from Chicago, Ill., Indianapolis, Ind., Cincinnati, Ohio, Minneapolis, Minn., Louisville, Ky., St. Louis, Mo., Kansas City, Kans., Jacksonville, Ark., Houston, Tex., Des Moines and Council Bluffs, Iowa, Omaha, Nebr., and Los Angeles, Calif., to Colman, S. Dak., for 180 days. Supporting shipper: James R. Thompson, T & R Electric Supply Co., Inc., Box 180, Colman, S. Dak. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 68-10479; Filed, Aug. 29, 1968; 8:46 a.m.]

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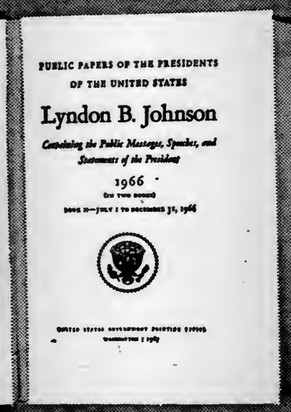
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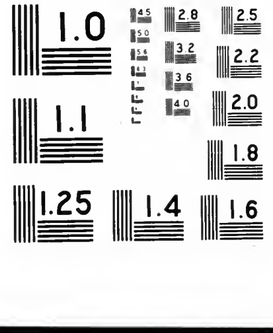
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RESOLUTION CHART



100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and 100/20 = 5.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and 7.9 x 5 = 39.5 lines per millimeter recorded satisfactorily. 10.0 x 5 = 50 lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.